

3. If question one is answered in the negative, is the then applicable provision in Chapter VII 48 point 7(a) of the annex to Directive 91/628/EEC to be understood as meaning that the journey time by sea on a regular and direct link between a geographical point of the Community and a geographical point in a third country by means of vehicles loaded on to vessels without unloading of the animals is immaterial provided that the animals are regularly fed and watered and, in such a case, does a further period of 29 hours of transport by road begin immediately after unloading the lorry at the port of destination?
4. If question three (point 2.3) is answered in the affirmative, is the first indent of Article 5A point 2(d)(ii) of Directive 91/628/EEC to be understood as meaning that the staff in charge of the transport are required to state in the route plan the times at which the animals transported were fed and watered during the ferry journey and that a pre-typed statement indicating that 'during the ferry journey, animals are fed and watered in the evenings and mornings, at midday, and in the evenings and mornings' does not meet the requirements of Directive 91/628/EEC, with the effect in law that the failure to take the measures actually taken to care for the animals leads to a loss of the right to an export refund in so far as the proof required cannot be provided by any other means?

⁽¹⁾ OJ 1998 L 82, p. 19.

⁽²⁾ OJ 1991 L 340, p. 17.

Reference for a preliminary ruling from the Oberverwaltungsgericht Berlin-Brandenburg lodged on 19 May 2006 — Mehmet Soysal, Cengiz Salkim, Ibrahim Savatli v Bundesrepublik Deutschland; Joined party: Bundesagentur für Arbeit

(Case C-228/06)

(2006/C 190/13)

Language of the case: German

Referring court

Oberverwaltungsgericht Berlin-Brandenburg

Parties to the main proceedings

Appellant: Mehmet Soysal, Cengiz Salkim, Ibrahim Savatli

Respondent: Bundesrepublik Deutschland (Federal Republic of Germany)

Joined party: Bundesagentur für Arbeit (Federal Republic of Germany)

Questions referred

1. Is Article 41(1) of the Additional Protocol of 23 November 1970 ⁽¹⁾ to the Agreement establishing an Association between the European Economic Community and Turkey to be interpreted in such a way that it constitutes a restriction on freedom to provide services if a Turkish national who works in international transport for a Turkish undertaking as a driver of a lorry registered in Germany has to be in possession of a Schengen visa to enter Germany under Paragraph 4(1) and Paragraph 6 of the Aufenthaltsgesetz (German law on residence) of 30 July 2004 and Article 1(1) of Regulation (EC) No 539/2001 ⁽²⁾ even though on the date on which the Additional Protocol entered into force he was permitted to enter the Federal Republic of Germany without a visa?
2. If the answer to the first question is in the affirmative, should Article 41(1) of the Additional Protocol be interpreted as meaning that the Turkish nationals mentioned in (1) do not require a visa to enter Germany?

⁽¹⁾ JO 1972 L 293, p.4.

⁽²⁾ OJ 2001 L 81, p.1.

Reference for a preliminary ruling from the Finanzgericht Hamburg (Germany), lodged on 22 May 2006 — Sunshine Deutschland Handelsgesellschaft mbH v Hauptzollamt Kiel

(Case C-229/06)

(2006/C 190/14)

Language of the case: German

Referring court

Finanzgericht Hamburg

Parties to the main proceedings

Applicant: Sunshine Deutschland Handelsgesellschaft mbH

Defendant: Hauptzollamt Kiel