

Parties to the main proceedings

Prosecutor: Staatsanwaltschaft b.d. LG Gießen

Defendant: Guido Weber

Question referred

Is the second sentence of Article 7(1) of Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs ⁽¹⁾ to be interpreted, with regard to the expression 'those subject to inspection', as applying not only to the manufacturer of the foodstuff but also to the person marketing it, to the extent that the latter is to be held responsible by the prosecuting authorities for the condition and labelling of the foodstuff in proceedings relating to the imposition of criminal penalties or administrative fines?

⁽¹⁾ OJ 1989 L 186, p. 23.

Reference for a preliminary ruling from the Hof van Cassatie van België lodged on 21 April 2008 — Draka NK Cables Ltd, AB Sandvik International, VO Sembodja BV and Parc Healthcare International Limited v Omnipol Ltd

(Case C-167/08)

(2008/C 183/22)

Language of the case: Dutch

Referring court

Hof van Cassatie van België

Parties to the main proceedings

Applicant: Draka NK Cables Ltd, AB Sandvik International, VO Sembodja BV and Parc Healthcare International Limited

Defendant: Omnipol Ltd

Question referred

Is a creditor who pursues a claim in the name and for the account of his debtor a party within the meaning of Article 43(1) of Regulation No 44/2001 ⁽¹⁾, that is, a party who can lodge an appeal against a decision on the request for declaration of enforceability, even if he has not formally appeared as a party in the proceedings in which another creditor of that debtor applied for that declaration?

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Reference for a preliminary ruling from the Commissione Tributaria Provinciale di Roma (Italy) lodged on 25 April 2008 — Pontina Ambiente Srl v Regione Lazio

(Case C-172/08)

(2008/C 183/23)

Language of the case: Italian

Referring court

Commissione Tributaria Provinciale di Roma

Parties to the main proceedings

Applicant: Pontina Ambiente Srl

Defendant: Regione Lazio

Question referred

Is Article 3(26) and (31) of Law No 549/95 incompatible with Articles 12, 14, 43 and 46 of the EEC Treaty and with Directives 35/2000/EC ⁽¹⁾ and 31/1999/EC ⁽²⁾, with reference in particular to the principles laid down in the preamble to Directive 35/2000/EC and Article 10 of Directive 31/1999/EC, according to which, in particular, the Member States are required to prevent situations of inequality throughout the Community market by adopting provisions to combat late payments in order to prohibit abuse of freedom of contract to the disadvantage of the creditor where the principal purpose of a contract is to procure the debtor additional liquidity at the expense of the creditor and by making provision for compensation for the loss suffered by the creditor in the event of late payment by the debtor?

⁽¹⁾ OJ 2000 L 200, p. 35.

⁽²⁾ OJ 1999 L 182, p. 1.

Reference for a preliminary ruling from the Gerechtshof te Amsterdam (The Netherlands) lodged on 25 April 2008 — Kloosterboer Services B.V. v Inspecteur van de Belastingdienst/Douane Rotterdam, kantoor Laan op Zuid

(Case C-173/08)

(2008/C 183/24)

Language of the case: Dutch

Referring court

Gerechtshof te Amsterdam (The Netherlands)