



C/2023/640

13.11.2023

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 10 August
2023 — Apothekerkammer Nordrhein v DocMorris NV**

(Case C-517/23, Apothekerkammer Nordrhein)

(C/2023/640)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Defendant and appellant in the appeal on a point of law: Apothekerkammer Nordrhein

Applicant and respondent in the appeal on a point of law: DocMorris NV

Questions referred

1. Does advertising for the purchase of prescription medicinal products from the entire range of products of a pharmacy fall within the scope of the rules on the advertising of medicinal products in Directive 2001/83⁽¹⁾ (Titles VIII and VIIIa, Articles 86 to 100)?

2. If Question 1 is to be answered in the affirmative:

Is it consistent with the provisions of Title VIII of Directive 2001/83, in particular Article 87(3), if a national rule (here: letter (a) of the first clause of point 2 of the second half of the first sentence of Paragraph 7(1) of the HWG) is interpreted as prohibiting the advertising of the entire range of prescription medicinal products of a mail-order pharmacy established in another Member State using promotional gifts in the form of vouchers for a monetary amount or a percentage discount for subsequent purchases of other products?

3. Furthermore, if Question 1 is to be answered in the affirmative:

Is it consistent with the provisions of Title VIII of Directive 2001/83, in particular Article 87(3), if a national rule (here: letter (a) of the first clause of point 2 of the second half of the first sentence of Paragraph 7(1) of the HWG) is interpreted as permitting the advertising of the entire range of prescription medicinal products of a mail-order pharmacy established in another Member State using promotional gifts in the form of immediately effective price reductions and payments?

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).