

JUDGMENT OF THE COURT

(Fifth Chamber)

of 8 May 2003

in Case C-438/00 (Reference for a preliminary ruling from the Oberlandesgericht Hamm): Deutscher Handballbund eV v Maros Kolpak⁽¹⁾

(External relations — Association Agreement between the Communities and Slovakia — Article 38(1) — Free movement of workers — Principle of non-discrimination — Handball — Limitation on the number of professional players having the nationality of non-member countries who may play on a team in the league of a sports federation)

(2003/C 146/07)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-438/00: Reference to the Court under Article 234 EC by the Oberlandesgericht Hamm (Germany) for a preliminary ruling in the proceedings pending before that court between Deutscher Handballbund eV and Maros Kolpak, on the interpretation of Article 38(1) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, approved on behalf of the Communities by Decision 94/909/ECSC, EEC, Euratom of the Council and the Commission of 19 December 1994 (OJ 1994 L 359, p. 1), the Court (Fifth Chamber), composed of: D. A. O. Edward, acting for the President of the Chamber, A. La Pergola (Rapporteur), P. Jann, S. von Bahr and A. Rosas, Judges; C. Stix-Hackl, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 8 May 2003, in which it has ruled:

The first indent of Article 38(1) of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, signed in Luxembourg on 4 October 1993 and approved on behalf of the Communities by Decision 94/909/ECSC, EEC, Euratom of the Council and the Commission of 19 December 1994, must be construed as precluding the application to a professional sportsman of Slovak nationality, who is lawfully employed by a club established in a Member State, of a rule drawn up by a sports federation in that State under which clubs are authorised to field, during league or cup matches, only a limited number of players from non-member countries that are not parties to the Agreement on the European Economic Area.

⁽¹⁾ OJ C 61 of 24.2.2001.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 8 May 2003

in Case C-15/01 (Reference for a preliminary ruling from the Regeringsrätten): Paranova Läkemedel AB and Others v Läkemedelsverket⁽¹⁾

(Interpretation of Article 28 EC and Article 30 EC — Medicinal products — Withdrawal of parallel import licence in consequence of waiver of the marketing authorisation for the medicinal product of reference by the holder of that authorisation)

(2003/C 146/08)

(Language of the case: Swedish)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-15/01: Reference to the Court under Article 234 EC by the Regeringsrätten (Sweden) for a preliminary ruling in the proceedings pending before that court between Paranova Läkemedel AB, Farmagon A/S, Medartuum AB, Net Pharma KG AB, Orifarm AB, Trans Euro Medical AB, Cross Pharma AB, MedImport Scandinavia AB and Läkemedelsverket on the interpretation of Article 28 EC and Article 30 EC, the Court (Sixth Chamber), composed of: J.-P. Puissochet, President of the Chamber, C. Gulmann (Rapporteur), F. Macken, N. Colneric and J. N. Cunha Rodrigues, Judges; F. G. Jacobs, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 8 May 2003, in which it has ruled:

Article 28 EC and Article 30 EC preclude national legislation under which the withdrawal, at the request of its holder, of the marketing authorisation of reference of itself entails the withdrawal of the parallel import licence granted for the medicinal product in question. However, those provisions do not preclude restrictions on parallel imports of the medicinal product in question if there is in fact a risk to the health of humans as a result of the continued existence of that medicinal product on the market of the importing Member State.

⁽¹⁾ OJ C 79 of 10.3.2001.