

Re:

Reference for a preliminary ruling — Bundesverwaltungsgericht — Interpretation of Article 1(2) of 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), as amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ 2004 L 136, p. 34) — Definition of medicinal product — Product containing a substance having a therapeutic effect in high doses, while capable of being harmful in lower doses, like the dose recommended by the manufacturer — Boswellia extract

Operative part of the judgment

Article 1(2) of 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, as amended by Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004, must be interpreted as meaning that a product which includes in its composition a substance which has a physiological effect when used in a particular dosage is not a medicinal product by function where, having regard to its content in active substances and under normal conditions of use, it constitutes a risk to health without, however, being capable of restoring, correcting or modifying physiological functions in human beings.

⁽¹⁾ OJ C 92, 12.4.2008.

Judgment of the Court (First Chamber) of 14 May 2009
(reference for a preliminary ruling from the Tribunale ordinario di Padova (Italy)) — Azienda Agricola Disarò Antonio and Others v Cooperativa Milka 2000 Soc. coop. arl

(Case C-34/08) ⁽¹⁾

(Agriculture — Common organisation of the markets — Milk quotas — Levy — Validity of Regulation (EC) No 1788/2003 — Objectives of the common agricultural policy — Principles of non-discrimination and proportionality — Determination of the national reference quantity — Criteria — Relevance of the criterion of a Member State's milk production deficit)

(2009/C 153/21)

Language of the case: Italian

Referring court

Tribunale ordinario di Padova

Parties to the main proceedings

Applicant: Azienda Agricola Disarò Antonio and Others

Defendant: Cooperativa Milka 2000 Soc. coop. arl

Re:

Reference for a preliminary ruling — Tribunale ordinario di Padova — Interpretation and validity of Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector (OJ 2003 L 270, p.123) — Regulation under which (i) no account is taken of the periodic updating for each country of the reference quantities exempt from the levy and (ii) the additional levy is applied in an identical manner to producers with surplus milk production and to those in deficit — Incompatibility with Articles 5, 32, 33 et 34 EC

Operative part of the judgment

1. The fact that Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector does not take into account, for the purposes of determining the national reference quantity, the fact that the Member State concerned has a milk production deficit is not capable of affecting the compatibility of that regulation with the objectives laid down, in particular, in Article 33(1)(a) and (b) EC.
2. The analysis of Regulation No 1788/2003 in the light of the principle of non-discrimination has not disclosed any factor which might affect the validity of that regulation.
3. The analysis of Regulation No 1788/2003 in the light of the principle of proportionality has not disclosed any factor which might affect the validity of that regulation.

⁽¹⁾ OJ C 92, 12.4.2008.

Judgment of the Court (Second Chamber) of 30 April 2009
(reference for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom)) — The Queen on the application of Christopher Mellor v Secretary of State for Communities and Local Government

(Case C-75/08) ⁽¹⁾

(Directive 85/337/EEC — Assessment of the effects of projects on the environment — Obligation to make public the reasons for a determination not to make a project subject to an assessment)

(2009/C 153/22)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: The Queen on the application of Christopher Mellor

Defendant: Secretary of State for Communities and Local Government