

non-life insurance Directive) (OJ 1992 L 228, p. 1) — Calculation of insurance premiums — Obligations imposed on insurers whose head office is in another Member State

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Commission of the European Communities, the Italian Republic and the Republic of Finland to bear their own costs.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the Court (Grand Chamber) of 19 May 2009 — Commission of the European Communities v Italian Republic

(Case C-531/06) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Freedom of establishment — Free movement of capital — Articles 43 EC and 56 EC — Public health — Pharmacies — Provisions restricting the right to operate a pharmacy to pharmacists alone — Justification — Reliability and quality of the provision of medicinal products to the public — Professional independence of pharmacists — Undertakings engaged in the distribution of pharmaceutical products — Municipal pharmacies)

(2009/C 153/09)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: E. Traversa and H. Krämer, Agents, assisted by G. Giacomini and E. Boglione, avvocati)

Defendant: Italian Republic (represented by: I.M. Braguglia, Agent, assisted by G. Fiengo, Agents, avvocato dello Stato)

Interveners in support of the defendant: Hellenic Republic (represented by: E. Skandalou, Agent), Kingdom of Spain (represented by: J. Rodríguez Cárcano and F. Díez Moreno, Agents), French Republic (represented by: G. de Bergues and B. Messmer, Agents), Republic of Latvia (represented by: E. Balode-Buraka and L. Ostrovskā, Agents), Republic of Austria (represented by: C. Pesendorfer and T. Kröll, Agents)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 43 EC and 56 EC — Rules governing ownership of pharmacies

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Commission of the European Communities, the Italian Republic, the Hellenic Republic, the Kingdom of Spain, the French

Republic, the Republic of Latvia and the Republic of Austria to bear their own costs.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the Court (Grand Chamber) of 19 May 2009 (references for a preliminary ruling from the Verwaltungsgericht des Saarlandes — Germany) — Apothekerkammer des Saarlandes, Marion Schneider, Michael Holzapfel, Fritz Trennheuser, Deutscher Apothekerverband eV (C-171/07) and Helga Neumann-Seiwert (C-172/07) v Saarland and Ministerium für Justiz, Gesundheit und Soziales

(Joined Cases C-171/07 and C-172/07) ⁽¹⁾

(Freedom of establishment — Article 43 EC — Public health — Pharmacies — Provisions restricting the right to operate a pharmacy to pharmacists alone — Justification — Reliability and quality of the provision of medicinal products to the public — Professional independence of pharmacists)

(2009/C 153/10)

Language of the case: German

Referring court

Verwaltungsgericht des Saarlandes

Parties to the main proceedings

Claimants: Apothekerkammer des Saarlandes, Marion Schneider, Michael Holzapfel, Fritz Trennheuser, Deutscher Apothekerverband eV (C-171/07) and Helga Neumann-Seiwert (C-172/07)

Defendants: Saarland and Ministerium für Justiz, Gesundheit und Soziales

Joined party: DocMorris NV

Re:

Reference for a preliminary ruling — Verwaltungsgericht des Saarlandes — Interpretation of Articles 10 EC, 43 EC and 48 EC — Authorisation to operate pharmacies restricted, under national legislation, to pharmacists who personally manage the pharmacy — Authorisation given by the national authorities to a legal person in view of the direct effect of Community law — Conditions under which national law should be disappplied

Operative part of the judgment

Articles 43 EC and 48 EC do not preclude national legislation, such as that at issue in the main actions, which prevents persons not having the status of pharmacist from owning and operating pharmacies.

⁽¹⁾ OJ C 140, 23.6.2007.