

Re:

Failure of a Member State to fulfil its obligations — Failure to transpose Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16) in relation to the profession of pharmacist specialising in medical biology

Operative part of the judgment

The Court:

1. declares that, by failing to adopt the measures necessary to transpose Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as amended by Directive 2002/19/EC of the European Parliament and the Council of 14 May 2001, in relation to the profession of pharmacist specialising in medical biology, the Portuguese Republic has failed to fulfil its obligations under that directive;
2. orders the Portuguese Republic to pay the costs.

(¹) OJ C 199, of 25.8.2007.

**Judgment of the Court (Eighth Chamber) of 17 July 2008
— Commission of the European Communities v Republic
of Austria**

(Case C-311/07) (¹)

(Failure of a Member State to fulfil obligations — Directive 89/105/EEC — Inclusion of medicinal products for human use in the national health insurance system — Article 6(1) — List of medicinal products covered by the national health insurance system establishing three different categories of reimbursement subject to conditions — Time-limit for adopting a decision on an application for inclusion of a medicinal product in the categories of that list offering the most favourable reimbursement conditions)

(2008/C 223/25)

Language of the case: German

Parties

Applicant: Commission of the European Communities (represented by: B. Stromsky and B. Schima, acting as Agents)

Defendant: Republic of Austria (represented by: C. Pesendorfer, Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 6(1) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems (OJ 1989 L 40, p. 8) — National legislation on social security establishing a list of medicinal products covered by the health insurance system comprising three categories of medicinal products differing according to their conditions of reimbursement — Failure to have set a time-limit as required by Article 6(1) of Directive 89/105/EEC for decisions relating to the inclusion of medicinal products in the most favourable categories

Operative part of the judgment

The Court:

1. Declares that, by failing to lay down a time-limit, in accordance with Article 6(1) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems, for the adoption of decisions relating to applications for inclusion of medicinal products in the yellow or green categories of the medicinal products reimbursement code provided for by the general Law on social insurance (Allgemeines Sozialversicherungsgesetz), as amended by the Law of 2003 amending social insurance (Sozialversicherungs-Änderungsgesetz 2003), the Republic of Austria has failed to fulfil its obligations under that provision.
2. Order the Republic of Austria to pay the costs.

(¹) OJ C 211, 8.9.2007.

**Judgment of the Court (First Chamber) of 17 July 2008
(reference for a preliminary ruling from the Wojewódzki
Sąd Administracyjny w Białymstoku — Republic of
Poland) — Dariusz Krawczyński v Dyrektor Izby Celnej w
Białymstoku**

(Case C-426/07) (¹)

*(Internal taxation — Taxes on motor vehicles — Excise duty
— Second-hand vehicles — Importation)*

(2008/C 223/26)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Białymstoku