

Questions referred

1. Is the review of macro-economic conditions referred to in Article 4(1) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems ⁽¹⁾ to be understood as meaning only review as to whether healthcare expenditure is manageable, or must it also extend to macro-economic conditions in the pharmaceutical industry sector whose products are liable to be made subject to a price freeze?
2. May the review of macro-economic conditions referred to in Article 4(1) of Council Directive 89/105/EEC of 21 December 1988, cited above, be based on a general trend or trends, such as, for example, ensuring balance in healthcare, or must it be based on more specific criteria?

⁽¹⁾ OJ L 40 of 11.2.1989, p. 8.

Reference for a preliminary ruling from the Conseil d'État (Belgium) lodged on 24 October 2007 — Association Générale de l'Industrie du Médicament ASBL, Bayer SA, Pfizer SA, Servier Benelux SA, Sanofi-Aventis Belgium SA v Belgian State

(Case C-472/07)

(2008/C 22/41)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Association Générale de l'Industrie du Médicament ASBL, Bayer SA, Pfizer SA, Servier Benelux SA, Sanofi-Aventis Belgium SA

Defendant: Belgian State

Questions referred

1. Since the period for transposition of Council Directive of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems (89/105/EEC) ⁽¹⁾ expired on 31 December 1989,

must Article 4(1) of that directive be considered to be directly applicable in the domestic legal systems of the Member States?

2. May Article 4(1) of Directive 89/105/EEC of 21 December 1988 be interpreted as meaning that the resumption for one year, after an absence of 18 months, of a general price freeze in respect of refundable medicinal products which had lasted eight years exempts the Member State from carrying out a review, when the freeze is resumed, of the macro-economic conditions affected by that freeze?
3. Is the review of macro-economic conditions referred to in Article 4(1) of Council Directive 89/105/EEC of 21 December 1988, cited above, to be understood as meaning only review as to whether healthcare expenditure is manageable, or must it also extend to macro-economic conditions in the pharmaceutical industry sector whose products are liable to be made subject to a price freeze?
4. May the review of macro-economic conditions referred to in Article 4(1) of Council Directive 89/105/EEC of 21 December 1988, cited above, be based on a general trend or trends, such as, for example, ensuring balance in healthcare, or must it be based on more specific criteria?

⁽¹⁾ OJ L 40 of 11.2.1989, p. 8.

Reference for a preliminary ruling from the Conseil d'Etat (France) lodged on 25 October 2007 — Association Nationale pour la Protection des Eaux et Rivières — TOS, Association OABA v Ministère de l'écologie, du développement et de l'aménagement durables — Intervener: Association France Nature Environnement

(Case C-473/07)

(2008/C 22/42)

Language of the case: French

Referring court

Conseil d'Etat

Parties to the main proceedings

Applicants: Association Nationale pour la Protection des Eaux et Rivières — TOS, Association OABA

Defendant: Ministère de l'écologie, du développement et de l'aménagement durables

Questions referred

Must paragraph 6.6(a) of Annex I to Directive 96/61/EC ⁽¹⁾, which applies to installations for the intensive rearing of poultry with more than 40 000 places, be interpreted:

1. as including within its scope quails, partridges and pigeons; and, if so,
2. as authorising a mechanism for calculating authorisation thresholds on the basis of a system of 'animal-equivalents', which gives weighting to the number of animals per place according to species so that account may be taken of the amount of nitrogen actually excreted by the various species?

⁽¹⁾ Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ 1996 L 257, p. 26).

Action brought on 25 October 2007 — Commission of the European Communities v Republic of Poland

(Case C-475/07)

(2008/C 22/43)

Language of the case: Polish

Parties

Applicant: Commission of the European Communities (represented by W. Mölls and K. Herrmann, acting as Agents)

Defendant: Republic of Poland

Form of order sought

— declare that, by reason of the failure to adapt by 1 January 2006 its system of taxation of electricity to the requirements of Article 21(5) of Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, the Republic of Poland has failed to fulfil its obligations under that directive;

— order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The transitional period accorded to the Republic of Poland for implementing the directive expired on 1 January 2006.

⁽¹⁾ OJ L 283 of 3.10.2003, p. 51.

Reference for a preliminary ruling from the Landgericht Berlin (Germany) lodged on 29 October 2007 — M.C.O. Congres v suxess GmbH

(Case C-476/07)

(2008/C 22/44)

Language of the case: German

Referring court

Landgericht Berlin

Parties to the main proceedings

Applicant: M.C.O. Congres

Defendant: suxess GmbH

Question referred

Is Article 9(2)(e) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes ⁽¹⁾, last amended by Directive 1999/85/EC of 22 October 1999 (OJ 1999 L 277, p. 34), to be interpreted as meaning that if services are supplied in connection with sports and cultural services under Article 259 A 4(a) of the Code Général des Impôts (General Tax Code) in the form of the grant to the person to whom the services are supplied of permission to advertise on surfaces, in premises where events take place and on t-shirts, then they are **advertising services within the meaning of Article 9(2) of Sixth Council Directive 77/388/EEC of 17 May 1977** with the result that the services are deemed to have been supplied at the place where the person to whom the services have been supplied has his place of business?

⁽¹⁾ OJ 1977 L 145, p. 1.