

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

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.

**Order of the Court (Sixth Chamber) of 11 July 2008 —
Criminal proceedings against Babanov**

(Case C-207/08)

(Article 104(3) of the Rules of Procedure, first
subparagraph — Agriculture — Free movement of goods — National
legislation prohibiting the cultivation of any type of hemp)

1. *Agriculture — Common organisation of the markets — Flax and hemp (Council Regulation No 1782/2003, recital 27 and Art. 52) (see paras 24-32, operative part 1)*

2. *Community law — Direct effect — Primacy — Community legislation governing the cultivation of hemp grown for fibre (Art. 10 EC) (see paras 34-36, operative part 2)*

Re:

Reference for a preliminary ruling — Panevėžio apygardos teismas — Compatibility with the law of the European Union of national legislation providing for criminal liability for cultivating any type of hemp — Power of a court to apply national legislation when the hemp content of active substances does not exceed a certain threshold.

Operative part

1. Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 must be interpreted as meaning that it precludes national legislation which has the effect of prohibiting the cultivation and possession of hemp grown for fibre covered by that regulation.
2. Community law precludes the court of a Member State from applying national legislation which, contrary to Regulation No 1782/2003, has the effect of prohibiting the cultivation and possession of hemp grown for fibre covered by that regulation.