

Judgment of the Court (Fifth Chamber) of 17 December 2009 — Commission of the European Communities v Kingdom of Belgium

(Case C-120/09) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 1999/31/EC — Landfilling of waste — Concept of ‘underground storage’, of ‘landfill gas’ and ‘eluate’ — Obligation to determine the trigger levels from which it can be considered that the location of the landfill has a significant adverse effect on groundwater quality — Failure to transpose within the prescribed time limit with regard to the Walloon Region)

(2010/C 51/18)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: M. van Beek and J.-B. Laignelot, Agents)

Defendant: Kingdom of Belgium (represented by T. Materne, Agent)

Re:

Failure of a Member State to fulfil obligations — Failure to transpose fully into Walloon law Article 2(f), (j) and (k) of, and point 4C of Annex III to, Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1) — Concept of ‘underground storage’, of ‘landfill gas’ and ‘eluate’- Obligation to determine the trigger levels from which it can be considered that the location of the landfill has a significant adverse effect on groundwater quality

Operative part of the judgment

1. By failing to ensure the transposition with regard to the Walloon Region of Article 2(f), (j) and (k) of, and point 4C of Annex III to, Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, the Kingdom of Belgium has failed to fulfil its obligations under that directive.
2. The Kingdom of Belgium shall bear the costs.

⁽¹⁾ OJ C 141 of 20.06.2009

Order of the Court (Seventh Chamber) of 9 November 2009 (References for a preliminary ruling from the Tribunale Amministrativo Regionale del Lazio (Italy)) — Roche SpA (C-450/07), Federazione nazionale unitaria dei Titolari di Farmacia italiani (Federfarma) (C-451/07) v Agenzia Italiana del Farmaco (AIFA), Ministero della Salute

(Joined Cases C-450/07 and C-451/07) ⁽¹⁾

(First subparagraph of Article 104(3) of the Rules of Procedure — Directive 89/105/EEC — Transparency of measures regulating the prices of medicinal products for human use — Article 4 — Price freeze — Price reduction)

(2010/C 51/19)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale del Lazio

Parties to the main proceedings

Applicant: Roche SpA

Defendants: Agenzia Italiana del Farmaco (AIFA), Ministero della Salute

Re:

Reference for a preliminary ruling — Tribunale Amministrativo Regionale del Lazio — Interpretation of Article 4(1) and (2) 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 (OJ 1989 L 40, p. 8) — Price freeze imposed on medicinal products — Procedures to follow in the case of a price reduction

Operative part

1. 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 is to be interpreted as meaning that, provided the requirements laid down by that provision are met, the competent authorities of a Member State may adopt general measures reducing the prices of all, or of certain categories of, medicinal products, even if the adoption of those measures is not preceded by a freeze on those prices.
2. Article 4(1) of Directive 89/105 is to be interpreted as meaning that, provided the requirements laid down by that provision are met, the adoption of measures reducing the prices of all, or of certain categories of, medicinal products is possible more than once a year and for several years.