

**Question referred**

Are the provisions of Article 1 of the Third Motor Insurance Directive <sup>(1)</sup> to be interpreted as meaning that, in the event of a road-traffic accident ... Portuguese civil law — and in particular Articles 503(1), 504, 505 and 570 of the Civil Code — may not exclude or limit the right to compensation of a child, himself a victim of the accident, on the sole ground that that child was partly, or even exclusively, responsible for the loss caused?

<sup>(1)</sup> Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1990 L 129, p. 33)

**Reference for a preliminary ruling from Court of Appeal (Civil Division) (England and Wales) made on 28 October 2009 — Generics (UK) Ltd v Synaptech Inc**

(Case C-427/09)

(2010/C 11/29)

*Language of the case: English*

**Referring court**

Court of Appeal (Civil Division) (England and Wales)

**Parties to the main proceedings**

*Applicant:* Generics (UK) Ltd

*Defendant:* Synaptech Inc

**Questions referred**

1. For the purposes of Article 13(1) of Council Regulation (EEC) No 1768/92 <sup>(1)</sup>, is the 'first authorisation to place the product on the market in the Community' the first authorisation to place the product on the market in the Community which was issued in accordance with Council Directive 65/65/EEC <sup>(2)</sup> (now replaced with Directive 2001/83/EC <sup>(3)</sup>) or will any authorisation that enables the product to be placed on the market in the Community or EEA suffice?
2. If, for the purposes of Article 13(1) of Council Regulation (EEC) No 1768/92, an 'authorisation to place the product on the market in the Community' must have been issued in

accordance with Directive 65/65/EEC (now replaced with Directive 2001/83/EC), is an authorisation that was granted in 1963 in Austria in accordance with the national legislation in force at that time (which did not comply with the requirements of Directive 65/65/EEC) and that was never amended to comply with Directive 65/65/EEC and was ultimately withdrawn in 2001 to be treated as an authorisation granted in accordance with Directive 65/65/EEC for that purpose?

- <sup>(1)</sup> Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products  
OJ L 182, p. 1
- <sup>(2)</sup> Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by Law, Regulation or Administrative Action relating to proprietary medicinal products  
OJ 22, p. 369
- <sup>(3)</sup> Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use  
OJ L 311, p. 67

**Reference for a preliminary ruling from Supreme Court of the United Kingdom made on 5 November 2009 — Shirley McCarthy v Secretary of State for the Home Department**

(Case C-434/09)

(2010/C 11/30)

*Language of the case: English*

**Referring court**

Supreme Court of the United Kingdom

**Parties to the main proceedings**

*Applicant:* Shirley McCarthy

*Defendant:* Secretary of State for the Home Department

**Questions referred**

1. Is a person of dual Irish and United Kingdom nationality who has resided in the United Kingdom for her entire life a 'beneficiary' within the meaning of Article 3 of Directive 2004/38/EC <sup>(1)</sup> of the European Parliament and of the Council ('the Directive')?