

Re:

Request for a preliminary ruling — Landgericht Hamburg — Interpretation of the Annex to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004 L 136, p. 1) — Meaning of 'hergestellt' ('developed' in the English version) in point 1 of that Annex — Whether that term covers the drawing off of liquid medicinal products from the original containers and the transfer into ready-to-use syringes

Operative part of the judgment

Activities such as those at issue in the main proceedings, provided that they do not result in a modification of the medicinal product concerned and are carried out solely on the basis of individual prescriptions calling for processes of such a kind — a matter which falls to be determined by the referring court —, do not require a marketing authorisation under Article 3(1) of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, but remain, in any event, subject to 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, as amended by Directive 2010/84/EU of the European Parliament and of the Council of 15 December 2010.

(¹) OJ C 13, 14.1.2012.

Judgment of the Court (Ninth Chamber) of 21 March 2013
— **European Commission v Italian Republic**

(Case C-613/11) (¹)

(Failure of a Member State to fulfil obligations — State aid — Aid granted by the Italian Republic to the Sardinian shipping sector — Commission Decision 2008/92/EC declaring that aid incompatible with the common market and ordering its recovery from the beneficiaries — Failure to implement within the prescribed period)

(2013/C 156/14)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: B. Stromsky and D. Grespan, agents)

Defendant: Italian Republic (represented by: G. Palmieri, agent, and S. Fiorentino, lawyer)

Re:

Failure of a Member State to fulfil obligations — State aid — Failure to adopt, within the prescribed period, all the provisions

necessary to comply with Articles 2 and 5 of Commission Decision 2008/92/EC of 10 July 2007 concerning an Italian State aid scheme to the Sardinian shipping (OJ 2008 L 29, p. 24) — Requirement for immediate and effective enforcement of Commission decisions — Inadequacy of the recovery procedure for the unlawful aid at issue

Operative part of the judgment

The Court:

1. Declares that, by failing to take, within the prescribed period, all the measures necessary to recover from the beneficiaries the State aid considered unlawful and incompatible with the internal market by Article 1 of Commission Decision 2008/92/EC of 10 July 2007 concerning an Italian State aid scheme to the Sardinian shipping, the Italian Republic has failed to fulfil its obligations under Articles 2 and 5 of that decision;
2. Orders the Italian Republic to pay the costs.

(¹) OJ C 32, 4.2.2012.

Judgment of the Court (Fourth Chamber) of 11 April 2013
(request for a preliminary ruling from the Landgericht München I — Germany) — Karl Berger v Freistaat Bayern

(Case C-636/11) (¹)

(Regulation (EC) No 178/2002 — Consumer protection — Food safety — Public information — Placing on the market of food unfit for human consumption, but not constituting a health risk)

(2013/C 156/15)

Language of the case: German

Referring court

Landgericht München I

Parties to the main proceedings

Applicant: Karl Berger

Defendant: Freistaat Bayern

Re:

Request for a preliminary ruling — Landgericht München I — Interpretation of Article 10 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ 2002 L 31, p. 1) — Scope *ratione temporis* — Rules of national law under which the public may be informed in cases where a foodstuff which is unfit for consumption and nauseating in appearance, but which does not constitute a specific risk to health, is placed on the market