

Judgment of the Court (Fourth Chamber) of 20 November 2014 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Novo Nordisk Pharma GmbH v S.

(Case C-310/13) ⁽¹⁾

(Reference for a preliminary ruling — Directive 85/374/EEC — Consumer protection — Liability for defective products — Material scope of the directive — Special liability system existing on the date of notification of that directive — Permissibility of a national liability system enabling information on the adverse effects of pharmaceutical products to be obtained)

(2015/C 026/05)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Novo Nordisk Pharma GmbH

Defendant: S.

Operative part of the judgment

Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, as amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999, must be interpreted as not precluding national legislation — such as that at issue in the main proceedings, establishing a special liability system for the purposes of Article 13 of that directive — under which, in consequence of an amendment to that legislation made after the directive had been notified to the Member State concerned, the consumer has the right to require the manufacturer of the medicinal product to provide him with information on the adverse effects of that product.

⁽¹⁾ OJ C 260, 7.9.2013.

Judgment of the Court (Ninth Chamber) of 20 November 2014 — European Commission v Poland

(Case C-356/13) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 91/676/EEC — Protection of waters against pollution caused by nitrates from agricultural sources — Inadequate definition of waters which are polluted or are vulnerable to pollution — Inadequate classification of vulnerable zones — Action programmes — Deficient measures)

(2015/C 026/06)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: E. Manhaeve and K. Herrmann, acting as Agents)

Defendant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, in having inadequately defined the waters which are vulnerable to pollution by nitrates from agricultural sources, in having inadequately classified vulnerable zones and in having adopted action programmes, as provided for under Article 5 of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, which include measures which are incompatible with the directive, the Republic of Poland has failed to fulfil its obligations under Article 3 of Directive 91/676, read in conjunction with Annex I thereto, and under Article 5 of that directive, read in conjunction with Annexes II A(2) and III(1)(1) thereto.