

The third plea alleges complete failure to state reasons, since the Council simply stated that the qualified majority necessary for the adoption of the Commission's proposal in accordance with Article 3 of Annex XI was not reached, without explaining why it had disregarded the proposal. This plea is directed at both the adjustment of remuneration and pensions and the adoption of new correction coefficients.

2. If the reply to the first question should be affirmative, on a proper construction of Articles 10 and 10a of the Directive, may a medicinal product registered in accordance with Article 10a of the Directive as a medicinal product in well-established medicinal use be used as a reference medicinal product for the purpose of Article 10(2)(a)?

Request for a preliminary ruling from the Augstākās tiesas Senāts (Latvia) lodged on 4 March 2013 — AS 'Olainfarm' v Latvijas Republikas Veselības ministrija, Zāļu valsts aģentūra

(Case C-104/13)

(2013/C 123/20)

Language of the case: Latvian

Referring court

Augstākās tiesas Senāts

Parties to the main proceedings

Applicant: AS 'Olainfarm'

Defendants: Latvijas Republikas Veselības ministrija, Zāļu valsts aģentūra

Intervener: AS 'Grindeks'

Questions referred

1. On a proper construction of Article 10 or of any other provision of Directive 2001/83/EC⁽¹⁾ of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, has the manufacturer of a reference medicinal product an individual right to bring an action challenging the decision of a competent authority by which a generic medicinal product of another manufacturer of medicinal products was registered, using as the reference medicinal product the product registered by the manufacturer of the reference medicinal product? In other words, does that Directive confer on the manufacturer of the reference medicinal product the right to a judicial remedy, the object of which is to determine whether the manufacturer of the generic medicinal product made lawful, well-founded reference to the product registered by the manufacturer of the reference medicinal product, relying on Article 10 of the Directive?

⁽¹⁾ OJ 2001 L 311, p. 67.

Action brought on 6 March 2013 — European Commission v Republic of Finland

(Case C-109/13)

(2013/C 123/21)

Language of the case: Finnish

Parties

Applicant: European Commission (represented by: P. Hetsch, O. Beynet and I. Koskinen acting as Agents)

Defendant: Republic of Finland

Form of order sought

- declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to transpose Article 2(1), (2), (5), (7), (8), (9), (11), (13), (14), (17), (18), (19), (21), (22), (24), (28) — (35); Article 3(5)(a) and (9)(c); Article 9(1), (2), (3), (7), (9), (10) and (12); Articles 10 and 11; Article 12(d) and (h); Articles 13 and 14; the second and third sentences of Article 16(1), (2) and (3); Articles 17 to 23; Article 25(1); the third and fourth sentences of Article 26(2)(c), the second and fourth sentences of Article 26(2)(d) and (3); Article 29; Article 35(4) and (5); Article 36(a) — (e), (g) and (j); Article 37(1)(b) to (u), (3), (4)(b) and (d), (5) and (9); Article 38(1); Article 39(1), (4) and (8); Article 40(1), (2), (3), (6) and (7); and points 6 and 8 in Annex I(1)(a), (d), (f) and (j) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC into national law, both with respect to mainland Finland and the province of Åland, or, in any event, by failing to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under Article 49(1) of that directive;

— impose on the Republic of Finland, pursuant to Article 260(3) TFEU, a daily penalty payment of EUR 32 140,00 which is to be applied from the day on which the judgment is delivered in the present case;

— order Republic of Finland to pay the costs.

Pleas in law and main arguments

The period for transposing the directive expired on 3 March 2011.

Action brought on 7 March 2013 — European Commission v Republic of Finland

(Case C-111/13)

(2013/C 123/22)

Language of the case: Finnish

Parties

Applicant: European Commission (represented by: P. Hetsch, O. Beynet and I. Koskinen, acting as Agents)

Defendant: Republic of Finland

Form of order sought

— declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to transpose Article 2(1), (2), (4) — (18), (20), (22) — (36); the first, second and third sentences of Article 3(3), Article 3(6)(b); Article 12; Article 13(1), (2) and (5); Article 15(1) and (2); the second sentence of Article 16(1) and Article 16(2) and (3); Article 25(1); Article 33; the second and fourth subparagraphs of Article 36(4) and Article 36(6), (8) and the third subparagraph of Article 36(9); Article 39(4)(a) and (b), points (a) and (b) of the first subparagraph of Article 39(5) and the second subparagraph thereof; Article 40(a) — (e), (g) and (h); Article 41(1)(b), (c) — (f), (h) — (q) and (s) — (u), (4)(b) and (d), (6)(a), (7), (9), (10), (11) and (12); Article 42(1); Article 43(1), (4) and (8); Article 44(1), (2), (3), (6) and

(7) and Annex I(1)(a), sixth and eighth indents, (b), (d), (f) and (h) and Annex I(2) of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC ⁽¹⁾ into national law in mainland Finland and the Province of Åland or, in any event by failing to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under Article 54(1) of that directive;

— impose on the Republic of Finland, pursuant to Article 260(3) of the TFEU, a daily penalty payment of EUR 28 589,60, which is to be applied from the day on which the judgment is delivered in the present case;

— order the Republic of Finland to pay the costs.

Pleas in law and main arguments

The period for transposing the directive expired on 3 March 2011.

⁽¹⁾ OJ 2009 L 211, p. 94.

Request for an opinion submitted by the Commission of the European Communities pursuant to Article 218(11) TFEU

(Opinion 1/12)

(2013/C 123/23)

Language of the case: all the official languages

Applicant

Commission of the European Communities (represented by: C. Hermes and H. Krämer, Agents)

The President of the Court has ordered that Opinion 1/12 be removed from the register.