

Judgment of the Court (Grand Chamber) of 15 November 2016 (request for a preliminary ruling from the Cour d'appel de Bruxelles — Belgium) — Fernand Ullens de Schooten v État belge

(Case C-268/15) ⁽¹⁾

(Reference for a preliminary ruling — Fundamental freedoms — Articles 49, 56 and 63 TFEU — Situation confined in all respects within a single Member State — Non-contractual liability of a Member State for damage caused to individuals by breaches of EU law for which the national legislature and courts are to be held responsible)

(2017/C 014/11)

Language of the case: French

Referring court

Cour d'appel de Bruxelles

Parties to the main proceedings

Applicant: Fernand Ullens de Schooten

Defendant: État belge

Operative part of the judgment

European Union law must be interpreted as meaning that the system of non-contractual liability of a Member State for damage caused by a breach of that law does not apply in the case of damage allegedly caused to an individual as a result of an alleged breach of a fundamental freedom laid down in Article 49, 56 or 63 TFEU by national legislation that is applicable without distinction to the State's own nationals and those of other Member States, where, in a situation which is confined in all respects within a single Member State, there is no link between the subject or circumstances of the dispute in the main proceedings and those articles.

⁽¹⁾ OJ C 279, 24.8.2015.

Judgment of the Court (Fifth Chamber) of 10 November 2016 (request for a preliminary ruling from the Sø- og Handelsretten — Denmark) — Ferring Lægemidler A/S, acting on behalf of Ferring BV v Orifarm A/S

(Case C-297/15) ⁽¹⁾

(Reference for a preliminary ruling — Trade marks — Directive 2008/95/EC — Article 7(2) — Medicinal products — Parallel import — Partitioning of the markets — Need for the repackaging of the product bearing the mark — Medicinal product placed on the exporting market and importing market by the trade mark proprietor with the same kind of packaging)

(2017/C 014/12)

Language of the case: Danish

Referring court

Sø- og Handelsretten

Parties to the main proceedings

Applicant: Ferring Lægemidler A/S, acting on behalf of Ferring BV

Defendant: Orifarm A/S