

**Judgment of the Court (Third Chamber) of 23 November 2017 — Bionorica SE (C-596/15 P),
Diapharm GmbH & Co. KG (C-597/15 P) v European Commission**

(Joined Cases C-596/15 P and C-597/15 P) ⁽¹⁾

(Appeal — Public health — Consumer protection — Regulation (EC) No 1924/2006 — Health claims on foods — Article 13(3) — List of permitted health claims on foods — Botanical substances — Claims on hold — Action for failure to act — Article 265 TFEU — Defined position of the European Commission — Interest in bringing proceedings — Locus standi)

(2018/C 022/03)

Language of the case: German

Parties

Appellants: Bionorica SE (C-596/15 P), Diapharm GmbH & Co. KG (C-597/15 P) (represented by: M. Weidner, T. Gutttau and N. Hußmann, Rechtsanwälte)

Other party to the proceedings: European Commission (represented by: S. Grünheid and M. Wilderspin, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the order of the General Court of the European Union of 16 September 2015, *Bionorica v Commission* (T-619/14, not published, EU:T:2015:723);
2. Dismisses the action for failure to act lodged by Bionorica SE in Case T-619/14 as inadmissible;
3. Dismisses the appeal in Case C-597/15 P;
4. Orders Bionorica SE and the Commission each to bear their own costs incurred both at first instance in Case T-619/14 and on appeal in Case C-596/15 P;
5. Orders Diapharm GmbH & Co. KG to pay the costs incurred on appeal in Case C-597/15 P.

⁽¹⁾ OJ C 16, 18.1.2016.

**Judgment of the Court (Fourth Chamber) of 16 November 2017 (request for a preliminary ruling
from the College van Beroep voor het Bedrijfsleven — Netherlands) — Robeco Hollands Bezit NV
and Others v Stichting Autoriteit Financiële Markten (AFM)**

(Case C-658/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2004/39/EC — Markets in financial instruments — Article 4(1)(14) — Definition of ‘regulated market’ — Scope — System in which the participants are brokers representing investors and ‘open end’ investment fund agents required to execute orders relating to their funds)

(2018/C 022/04)

Language of the case: Dutch

Referring court

College van Beroep voor het Bedrijfsleven