

Parties to the main proceedings

Applicant: UAB 'Roche Lietuva'

Other party: VšĮ Kauno Dainavos poliklinika

Question referred

Should the provisions of Articles 2 and 23 of, and of Annex VI to, Directive 2004/18⁽¹⁾ (whether together or separately, but without limitation to those provisions), be interpreted and understood as meaning that, in the case where a contracting authority — a human health care institution — intends to acquire supplies (medical diagnostic equipment and materials) or specific rights thereto by way of a public procurement procedure in order to be able to carry out tests by itself, its discretion includes the right to lay down in the technical specifications only such requirements for those supplies as do not describe in isolation the individual operational (technical) and use-related (functional) characteristics of the equipment and/or materials but instead define the qualitative parameters of the tests to be carried out as well as the performance of the testing laboratory, the content of which must be separately described in the specifications of the public procurement procedure in question?

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114).

Request for a preliminary ruling from the Symvoulío tis Epikrateias (Greece) lodged on 17 July 2017 — Monachos Eirinaios (Brother Eirinaios), lay name Antonios Giakoumakis v Dikigorikos Syllogos Athinon

(Case C-431/17)

(2017/C 309/40)

Language of the case: Greece

Referring court

Symvoulío tis Epikrateias

Parties to the main proceedings

Applicant: Monachos Eirinaios (Brother Eirinaios), lay name Antonios Giakoumakis

Defendant: Dikigorikos Syllogos Athinon

Question referred

Is Article 3 of Directive 98/5/EC⁽¹⁾ to be interpreted as meaning that the registration of a monk of the Church of Greece as a lawyer, with the competent authority of a Member State other than that in which he obtained his professional qualification, in order for him to practise there under his home-country professional title, may be prohibited by the national legislature on the ground that monks of the Church of Greece cannot, under national law, be entered in the registers of bar associations since, on account of that status possessed by them, they do not provide certain guarantees necessary for practice as a lawyer?

⁽¹⁾ Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ 1998 L 77, p. 36).

Reference for a preliminary ruling from High Court of Justice (Chancery Division) (United Kingdom) made on 24 July 2017 — Abraxis Bioscience LLC v Comptroller General of Patents

(Case C-443/17)

(2017/C 309/41)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicant: Abraxis Bioscience LLC

Defendant: Comptroller General of Patents

Question referred

Is Article 3(d) of the SPC Regulation⁽¹⁾ to be interpreted as permitting the grant of an SPC where the marketing authorisation referred to in Article 3(b) is the first authorisation within the scope of the basic patent to place the product on the market as a medicinal product and where the product is a new formulation of an old active ingredient?

⁽¹⁾ Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ L 152, p. 1)

Appeal brought on 31 July 2017 by Rami Makhoul against the judgment of the General Court (Fifth Chamber) delivered on 18 May 2017 in Case T-410/16, *Rami Makhoul v Council of the European Union*

(Case C-458/17 P)

(2017/C 309/42)

Language of the case: French

Parties

Appellant: Rami Makhoul (represented by: E. Ruchat, avocat)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The appellant claims that the Court should:

— declare the present appeal to be admissible and well founded;

consequently,

— set aside the judgment of 18 May 2017 delivered by the General Court of the European Union in Case T-410/16, *Rami Makhoul v Council of the European Union*, ECLI:EU:T:2017:349;

and

adjudge the case afresh and accordingly:

— annul Decision (CFSP) 2016/850 of 27 May 2016⁽¹⁾ and the subsequent measures implementing that decision, in so far as they relate to the appellant; and

— order the Council of the European Union to pay the costs of the proceedings.

Grounds of appeal and main arguments

The first ground of appeal alleges an error of law in that the General Court infringed the appellant's right to be heard, enshrined in Article 41 of the Charter of Fundamental Rights, prior to the adoption of the new restrictive measures;

The second ground of appeal alleges an error of law consisting of a distortion of facts, in that the General Court disregarded the articles lodged by the appellant in support of his action for annulment and designed to demonstrate that he did not support the Syrian regime;