

Judgment of the Court (Fifth Chamber) of 3 July 2019 (request for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Warszawie — Poland) — Delfarma sp. z o.o. v Prezes Urzędu Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych

(Case C-387/18) ⁽¹⁾

(Reference for a preliminary ruling — Articles 34 and 36 TFEU — Free movement of goods — Measure having equivalent effect to a quantitative restriction — Protection of health and life of humans — Parallel import of medicinal products — Reference medicinal products and generic medicinal products — Requirement that the imported medicinal product and that which has been granted a marketing authorisation in the Member State of importation are both reference medicinal products or are both generic medicinal products)

(2019/C 305/28)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny w Warszawie

Parties to the main proceedings

Applicant: Delfarma sp. z o.o.

Defendant: Prezes Urzędu Rejestracji Produktów Leczniczych, Wyrobów Medycznych i Produktów Biobójczych

Operative part of the judgment

Articles 34 and 36 TFEU must be interpreted as precluding the legislation of a Member State, such as that at issue in the main proceedings, which requires, for the issue of a parallel import licence for a medicinal product, that that medicinal product and the medicinal product which has been granted a marketing authorisation in that Member State are both reference medicinal products or both generic medicinal products and which, therefore, prohibits the issue of any parallel import licence for a medicinal product where it is a generic medicinal product whereas the medicinal product previously authorised in that Member State is a reference medicinal product.

⁽¹⁾ OJ C 294, 20.8.2018.

Judgment of the Court (First Chamber) of 10 July 2019 (request for a preliminary ruling from the Tribunal administratif — Luxembourg) — Nicolas Aubriet v Ministre de l'Enseignement supérieur et de la Recherche

(Case C-410/18) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of movement for persons — Equal treatment — Social advantages — Regulation (EU) No 492/2011 — Article 7(2) — Financial aid for higher education studies — Non-resident students — Condition connected with the period of their parents' working time on national territory — Minimum period of five years — Reference period of seven years — Method of calculation of the reference period — Date of the application for financial aid — Indirect discrimination — Justification — Proportionality)

(2019/C 305/29)

Language of the case: French

Referring court

Tribunal administratif

Parties to the main proceedings

Applicant: Nicolas Aubriet

Defendant: Ministre de l'Enseignement supérieur et de la Recherche

Operative part of the judgment

Article 45 TFEU and Article 7(2) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which makes the grant of financial aid for higher education studies to non-resident students subject to the condition that, at the date of the application for financial aid, one of the parents of the student has been employed or carried on an activity in that Member State for a period of at least five years in the course of a reference period of seven years calculated retroactively from the date of that application for financial aid, in so far as it does not permit the existence of any connection with the labour market of that Member State to be understood in a sufficiently broad manner.

⁽¹⁾ OJ C 301, 27.8.2018.

Judgment of the Court (Seventh Chamber) of 11 July 2019 — Mykola Yanovych Azarov v Council of the European Union

(Case C-416/18 P) ⁽¹⁾

(Appeal — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds and economic resources — List of persons, entities and bodies covered by the freezing of funds and economic resources — Maintenance of the applicant's name — Decision by an authority of a third State — Council's obligation to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection)

(2019/C 305/30)

Language of the case: German

Parties

Appellant: Mykola Yanovych Azarov (represented by: A. Egger and G. Lansky, Rechtsanwälte)

Other party to the proceedings: Council of the European Union (represented by: J.-P. Hix and J. Bauerschmidt, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 26 April 2018, Azarov v Council (T-190/16, not published, EU:T:2018:232);