Questions referred

1. Must Article 21(1) of Directive 2014/104 ([1]) and general principles of EU law be interpreted such that Directive 2014/104, in particular Article 10 thereof, will apply, directly or indirectly, to the present dispute seeking compensation in respect of all harm caused by a breach of Article 102 TFEU, which commenced before the date on which Directive 2014/104 entered into force and ended after the expiry of the transposition period for its implementation, in a situation when the action seeking compensation in respect of harm was also lodged after the expiry of the transposition period, or such that Article 10 of Directive 2014/104 will apply only to the part of the conduct (and the ensuing part of harm) occurring after the date on which Directive 2014/104 entered into force or, as the case may be, after the expiry of the deadline for its transposition?

2. Do the meaning and purpose of Directive 2014/104 and/or Article 102 TFEU and the principle of effectiveness require Article 22(2) of Directive 2014/104 to be interpreted such that the 'national measures adopted pursuant to Article 21, other than those referred to in [Article 22,] paragraph 1' are those provisions of national legislation through which Article 10 of Directive 2014/104 was implemented, in other words, do Article 10 of Directive 2014/104 and the rules on limitation fall within the first or the second paragraph of Article 22 of Directive 2014/104?

3. Is national legislation and its interpretation in line with Article 10(2) of Directive 2014/104 and/or with Article 102 TFEU and with the principle of effectiveness if it links 'knowledge of the fact that harm was caused' — relevant to the commencement of the subjective limitation period — to the awareness of the injured party 'of individual partial [occurrences of] harm', which occur over time in the course of continuous or continuing anticompetitive conduct (as case-law is based on the assumption that the claim in question for compensation in respect of harm is, in its entirety, divisible) and in relation to which separate subjective limitation periods start to run regardless of the knowledge of the injured party of the full extent of the harm caused by the entire infringement of Article 102 TFEU, that is, national legislation and its interpretation that allow the limitation period for a claim for compensation in respect of harm caused by anti-competitive conduct to begin to run before the point at which ceased that conduct consisting of more favourable placement and display of one's own price comparison engine in breach of Article 102 TFEU?

4. Do Article 10(2), (3), and (4) of Directive 2014/104 and/or Article 102 TFEU and the principle of effectiveness preclude national legislation that provides that a subjective limitation period, in the case of actions seeking compensation in respect of harm, is three years and starts to run on the day when the injured party learned or could have learned of partial harm and of the person obliged to compensate for it, but does not take into account (i) the point at which the infringement ceased; (ii) the knowledge of the injured party that the conduct constitutes an infringement of the competition rules and that, at the same time (iii) does not suspend or interrupt the three-year limitation period during the proceedings before the Commission concerning the ongoing infringement of Article 102 TFEU; and (iv) does not contain the rule that the suspension of the limitation period will end no earlier than one year after the decision concerning the infringement has become final?

([1]) Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (OJ 2014 L 349, p. 1).

Request for a preliminary ruling from the Cour d'appel de Paris (France) lodged on 30 September 2021 — Doctipharma SAS v Union des Groupements de pharmaciens d'officine (UDGPO), Pictime SAS operating under the name 'Coreyre'

(Case C-606/21)

(2021/C 513/33)

Language of the case: French

Referring court

Cour d'appel de Paris

Parties to the main proceedings

Applicant: Doctipharma SAS

Defendants: Union des Groupements de pharmaciens d'officine (UDGPO), Pictime SAS operating under the name 'Coreyre'

Questions referred

— Is Doctipharma's activity which is conducted on and from its website *www.doctipharma.fr*, to be regarded as an 'information society service' within the meaning of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998? ([1])

— If so, does Doctipharma's activity, which is conducted on and from its website *www.doctipharma.fr*, fall within the scope of Article 85c of the European Directive of 6 November 2011, ([2]) as amended by the Directive of 8 June 2011?

— Is Article 85c of the Directive of 6 November 2001, as amended by the Directive of 8 June 2011, to be interpreted as meaning that the prohibition, based on an interpretation of Articles L. 5125-25 and L. 5125-26 of the Public Health Code, of Doctipharma's activity, which is conducted on and from its website *www.doctipharma.fr*, constitutes a restriction justified by public health protection?

— If not, is Article 85c of the Directive of 6 November 2011, as amended by the Directive of 8 June 2011, to be interpreted as meaning that it allows Doctipharma's activity, which is conducted on and from its website *www.doctipharma.fr*?

— In that situation, is the prohibition of Doctipharma's activity, based on the interpretation by the Cour de cassation (Court of Cassation) of Articles L. 5125-25 and L. 5125-26 of the Public Health Code, justified by public health protection within the meaning of Article 85c of the Directive of 6 November 2001, as amended by the Directive of 8 June 2011?

— If not, is Article 85c of the Directive of 6 November 2001, as amended by the Directive of 8 June 2011, to be interpreted as allowing the activity of an 'information society service' offered by Doctipharma?

([1]) Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37).

([2]) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

Action brought on 14 October 2021 — European Commission v Hellenic Republic

(Case C-633/21)

(2021/C 513/34)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Konstantinidis and M. Noll-Ehlers)

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

(A) Declare that the Hellenic Republic:

— first, by systematically and consistently exceeding the yearly limit values for nitrogen dioxide with regard to the agglomeration of Athens (EL0003) since 2010, has failed to fulfil its obligations under Article 13 of Directive 2008/50/EC, ([1]) read in conjunction with Annex XI to the directive,

— second, by failing to adopt, from 11 June 2010, appropriate measures to ensure compliance with the yearly limit value for NO_2 in the agglomeration of Athens (EL0003), the Hellenic Republic has failed to fulfil its obligations under Article 23(1) of Directive 2008/50/EC (in conjunction with Section A of Annex XV to that directive), and in particular the obligation, laid down in the second subparagraph of Article 23(1) of that directive, to take the necessary measures so that that the duration of the exceedance of limit values is as short as possible.