

must be interpreted as precluding national legislation which provides for the imposition of stamp duty on, first, the remuneration received by a financial institution from a common fund management company for the supply of marketing services for the purposes of new capital contributions aimed at the subscription of newly issued shares in funds and, second, the amounts which that management company receives from common funds in so far as those amounts include the remuneration which that management company has paid to financial institutions in respect of those marketing services.

⁽¹⁾ OJ C 37, 24.1.2022.

Judgment of the Court (Seventh Chamber) of 22 December 2022 (request for a preliminary ruling from the Conseil d'État — France) — Syndicat Les Entreprises du médicament (LEEM) v Ministre des Solidarités et de la Santé

(Case C-20/22) ⁽¹⁾

(Reference for a preliminary ruling — Medicinal products for human use — Directive 89/105/EEC — Transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems — Article 4 — Price freeze imposed on all medicinal products or on certain categories of medicinal products — National measure concerning only certain medicinal products, on an individual basis — Setting a maximum price for sales to health establishments of certain medicinal products)

(2023/C 63/11)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Syndicat Les Entreprises du médicament (LEEM)

Defendant: Ministre des Solidarités et de la Santé

Operative part of the judgment

Article 4(1) of Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion in the scope of national health insurance systems

must be interpreted as meaning that the concept of a 'price freeze ... on all medicinal products or on certain categories of medicinal products' does not apply to a measure whose purpose is to control the prices of certain medicinal products, on an individual basis.

⁽¹⁾ OJ C 119, 14.3.2022.