

On a proper construction of Article 4(5) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, the protective measures prescribed in Article 6(2), (3) and (4) of that directive are required only as regards sites which, in accordance with the third subparagraph of Article 4(2) of the directive, are on the list of sites selected as sites of Community importance adopted by the Commission of the European Communities in accordance with the procedure laid down in Article 21 of the directive.

In the case of sites eligible for identification as sites of Community importance which are included in the national lists transmitted to the Commission and, in particular, sites hosting priority habitat types or priority species, the Member States are, by virtue of Directive 92/43, required to take protective measures that are appropriate, from the point of view of the directive's conservation objective, for the purpose of safeguarding the relevant ecological interest which those sites have at national level.

(¹) OJ C 146 of 21.06.2003.

JUDGMENT OF THE COURT

(Second Chamber)

of 20 January 2005

in Case C-245/03 (reference for a preliminary ruling by the Conseil d'État): *Merck, Sharp & Dohme BV v État belge* (¹)

(Directive 89/105/EEC — Medicinal products for human use — Application for entry on a positive list — Nature of the time-limit for responding — Mandatory nature — Consequences of exceeding the time-limit)

(2005/C 57/14)

(Language of the case: French)

In Case C-245/03: reference for a preliminary ruling under Article 234 EC from the Conseil d'État (Belgium), by decision of 9 May 2003, received at the Court on 10 June 2003, in the proceedings, between Merck, Sharp & Dohme BV and État belge — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, R. Silva de Lapuerta (Rapporteur), C. Gulmann, R. Schintgen and G. Arestis, Judges; A. Tizzano, Advocate General; M. Múgica Arzamendi, Principal Administrator, for the Registrar, has given a judgment on 20 January 2005, in which it has ruled:

1. The time-limit laid down in the first subparagraph of Article 6(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 is a mandatory time-limit which the national authorities are not entitled to exceed.

2. The first subparagraph of Article 6(1) of Directive 89/105 does not impose the automatic entry of a medicinal product on the list of proprietary medicinal products covered by the sickness insurance system where the time-limit laid down in that article is exceeded.

(¹) OJ C 213 of 06.09.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 13 January 2005

in Case C-254/03 P *Eduardo Vieira SA v Commission of the European Communities* (¹)

(Appeal — Fisheries — Fisheries agreement with Argentina — Community financial aid — Reduction)

(2005/C 57/15)

(Language of the case: Spanish)

In Case C-254/03 P: appeal under Article 56 of the Statute of the Court of Justice brought on 13 June 2003 by Eduardo Vieira SA (lawyers: J.-R. García-Gallardo Gil-Fournier and D. Domínguez Pérez), the other party to the proceedings being: Commission of the European Communities (Agents: S. Pardo Quintillán, and J. Rivas-Andres and J. Gutiérrez Gisbert) — the Court (First Chamber), composed of P. Jann, President of the Chamber, N. Colneric (Rapporteur), J.N. Cunha Rodrigues, M. Ilešič and E. Levits, Judges; A. Tizzano, Advocate General; R. Grass, Registrar, has given a judgment on 13 January 2005, in which it:

1. Dismisses the appeal;

2. Orders Eduardo Vieira SA to pay the costs.

(¹) OJ C 184, 2.8.2003.