

Question(s) referred

The Commissione Tributaria provinciale di Roma (Provincial Tax Court Rome) has referred the following question to the Court of Justice for a preliminary ruling:

Must Article 33 of Directive 77/388/EEC ⁽¹⁾ (as amended by Directive 91/680/EEC ⁽²⁾) be interpreted as meaning that net output value arising from regular engagement in independent activities involving the production or exchange of goods or the rendering of services cannot be made liable to IRAP (Imposta Regionale sulle Attività Produttive — Regional tax on businesses)?

⁽¹⁾ OJ L 145, 13/06/1977, p. 1.

⁽²⁾ OJ L 376, 31/12/1991, p. 1.

Action brought on 15 March 2006 — Commission of the European Communities v Kingdom of Spain

(Case C-141/06)

(2006/C 121/10)

Language of the case: Spanish

Parties

Applicant: Commission of the European Communities (represented by: A. Aresu and J.R. Vidal Puig, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

— declare that, having failed to adopt, in relation to financial services other than private insurance, the laws, regulations and administrative provisions necessary to comply with Directive 2002/65/EC ⁽¹⁾ of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC ⁽²⁾ and Directives 97/7/EC ⁽³⁾ and 98/27/EC ⁽⁴⁾, and, in any event, by having failed to inform the Commission of them, the Kingdom of Spain has failed to fulfil its obligations under that directive;

— order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition of Directive 2002/65/EC into national law expired on 9 October 2004.

⁽¹⁾ OJ L 271, p. 16

⁽²⁾ OJ L 330, p. 50

⁽³⁾ OJ L 144, p. 19

⁽⁴⁾ OJ L 166, p. 51

Reference for a preliminary ruling from the Landgericht Hamburg lodged on 17 March 2006 — Ludwigs-Apotheke München Internationale Apotheke v Juers Pharma Import-Export GmbH

(Case C-143/06)

(2006/C 121/11)

Language of the case: German

Referring court

Landgericht Hamburg

Parties to the main proceedings

Applicant: Ludwigs-Apotheke München Internationale Apotheke

Defendant: Juers Pharma Import-Export GmbH

Questions referred

1. Is the rule in the third indent of Article 86(2) of Directive 2001/83/EC ⁽¹⁾ to be interpreted as precluding a national rule prohibiting as prohibited advertising the dispatch of price lists for medicinal products to pharmacists if and to the extent that the medicinal products included on those lists are not approved in the relevant Member State but may be imported in isolated cases from other Member States of the European Union and other States?
2. What is the purpose of the rule according to which the title on advertising does not cover trade catalogues and price lists provided they include no product claims, if the scope of application of national provisions on advertising of medicinal products is not thereby exhaustively defined?

⁽¹⁾ OJ L 311, 28.11.2001, p. 67.