

Action brought on 22 December 2006 — Commission of the European Communities v Italian Republic

(Case C-530/06)

(2007/C 42/33)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: E. Montaguti and N. Yerrell, acting as Agents)

Defendant: Italian Republic

Form of order sought

The applicant claims that the Court should:

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2003/41/EC⁽¹⁾ of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision, or, in any event, by not informing the Commission of such measures, the Italian Republic has failed to fulfil its obligations under that directive;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments

The period prescribed for the implementation of Directive 2003/41/EC expired on 23 September 2005.

⁽¹⁾ OJ L 235, p.10.

Action brought on 22 December 2006 — Commission of the European Communities v Italian Republic

(Case C-531/06)

(2007/C 42/34)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: E. Traversa, Agent, G. Giacomini and E. Boglione, avvocati)

Defendant: Italian Republic

Form of order sought

The applicant claims that the Court should:

— declare that,

(a) by keeping in force legislation which restricts the right to operate private pharmacies to natural persons who have graduated in pharmacy and to companies composed exclusively of members who are pharmacists; and

(b) by keeping in force legislative provisions which make it impossible for undertakings engaged in the distribution of pharmaceutical products to acquire shareholdings in the companies which manage municipal pharmacies,

the Italian Republic has failed to fulfil its obligations under Articles 43 and 56 of the EC Treaty;

— order the Italian Republic to pay the costs.

Pleas in law and main arguments

The prohibition on the acquisition of shareholdings in private pharmacies by natural persons who are not pharmacists or by undertakings which are not composed exclusively of pharmacists not only obstructs, but renders absolutely impossible for those categories of persons, the exercise of two fundamental freedoms guaranteed by the Treaty, namely free movement of capital and freedom of establishment.

The prohibition on the acquisition of shareholdings in companies which manage municipal and private pharmacies by undertakings engaged in pharmaceutical distribution can be inferred from several rules still in force in the Italian legal system and is very likely to be applied by the Italian courts. That prohibition constitutes an obstacle both to the free movement of capital and to the exercise of the right of establishment.

Reference for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 27 December 2006 — Industria Lavorazione Carni Ovine v Regione Lazio

(Case C-534/06)

(2007/C 42/35)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicant: Industria Lavorazione Carni Ovine

Defendant: Regione Lazio