

- the diploma shows post-secondary training of more than three years, since in order to obtain the diploma of Hospital Pharmacist it is necessary to be in possession of the university diploma of Licenciado en Farmacia, to have completed the training in the corresponding specialisation and to have passed an examination;
  - the diploma shows that the holder has the necessary qualifications to follow the profession of hospital pharmacist in Spain.
2. In the same way, the profession of hospital pharmacist is a 'regulated profession' in Spain within the meaning of Directive 89/48/EEC.
  3. Council Directive 85/433/EEC <sup>(2)</sup> of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the right of establishment relating to certain activities in the field of pharmacy, is not applicable to the profession of hospital pharmacist.
  4. Consequently, the Kingdom of Spain was required to transpose Directive 89/48/EEC in connection with the profession of hospital pharmacist. By not adopting the necessary measures in that regard, the Kingdom of Spain has failed to fulfil its obligations under that directive.

<sup>(1)</sup> OJ L 19, p. 16.

<sup>(2)</sup> OJ L 253, p. 37.

**Action brought on 1 February 2007 — Commission of the European Communities v Italian Republic**

(Case C-40/07)

(2007/C 82/34)

*Language of the case: Italian*

**Parties**

*Applicant:* Commission of the European Communities (represented by: D. Recchia, J.-B. Laignelot, Agents)

*Defendant:* Italian Republic

**Forms of order sought**

- Declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2001/42/EC of the European Parliament and of the Council

of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment <sup>(1)</sup>, the Italian Republic has failed to fulfil its obligations under Article 13(1) of that directive;

- order the Italian Republic to pay the costs.

**Pleas in law and main arguments**

The time-limit for transposition of Directive 2001/42/EC expired on 21 July 2004.

<sup>(1)</sup> OJ 2001 L 197, p. 30.

**Action brought on 2 February 2007 — Commission of the European Communities v Hellenic Republic**

(Case C-45/07)

(2007/C 82/35)

*Language of the case: Greek*

**Parties**

*Applicant:* Commission of the European Communities (represented by: K. Simonsson, M. Konstantinidis and F. Hoffmeister)

*Defendant:* Hellenic Republic

**Form of order sought**

- declare that, by submitting to the International Maritime Organisation (IMO) on 18 March 2005 a proposal for 'Monitoring the compliance of ships and port facilities with the requirements of Chapter XI-2 of SOLAS and the ISPS Code', the Hellenic Republic has failed to fulfil its obligations under Articles 10, 71 and 80(2) of the Treaty establishing the European Community;

- order the Hellenic Republic to pay the costs.

**Pleas in law and main arguments**

According to the Commission, the submission by the Hellenic Republic to the International Maritime Organisation of a proposal in respect of a matter covered by Regulation (EC) No 725/2004 <sup>(1)</sup> on enhancing ship and port facility security, without being authorised so to do by the Community, constitutes a breach of its obligations under Articles 10, 71 and 80(2) of the Treaty establishing the European Community.