

**Parties to the main proceedings**

*Applicant:* José Manuel Blanco Pérez, María del Pilar Chao Gómez

*Defendant:* Consejería de Salud y Servicios Sanitarios

**Questions referred**

1. Should Article 2 of Decree 72/2001 and the First Section of Chapter II of said Decree, pursuant to the provisions of Article 103 of Law 14/1986 (General Health) and of Article 88 of Law 25/1990 of 20 December (on medicinal products), be considered to be in breach of Article 43 of the Treaty establishing the European [Community]?
2. Should Annex III of the Resolution of the Department of Health and Health Care Services of the Government of the Principality of Asturias be considered to be in breach of Article 43 of the EC Treaty?

**Action brought on 13 February 2007 — Commission of the European Communities v Republic of Malta**

(Case C-79/07)

(2007/C 82/43)

*Language of the case: Maltese*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Condou Durande and K. Xuereb, Agents)

*Defendant:* Republic of Malta

**The applicant claims that the Court should:**

- declare that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air <sup>(1)</sup> or, in any event, by failing to notify such provisions to the Commission, the Republic of Malta has failed to fulfil its obligations under that Directive.
- order the Republic of Malta to pay the costs.

**Pleas in law and main arguments**

The period within which the directive had to be transposed expired on 6 December 2005.

<sup>(1)</sup> OJ L 321, p. 26.

**Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 15 February 2007 — Comisión del Mercado de las Telecomunicaciones v Administración del Estado**

(Case C-82/07)

(2007/C 82/44)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo (Spain)

**Parties to the main proceedings**

*Appellant:* Comisión del Mercado de las Telecomunicaciones

*Respondent:* Administración del Estado

**Questions referred**

1. Do Article 3(2) and Article 10(1) of Directive 2002/21/EC <sup>(1)</sup>, in conjunction with Recital 11, require Member States to allocate to separate authorities 'regulatory functions' on the one hand and 'operational' functions on the other, in relation to assigning national numbering resources and managing national numbering plans?
2. Where a Member State, on transposing Directive 2002/21/EC into its national law, has charged a specific authority with assigning national numbering resources and managing national numbering plans, may it at the same time reduce that authority's powers in that sphere, conferring them on other authorities or on its own State administration, with the result that management of those resources is in reality shared between various authorities?

<sup>(1)</sup> Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive).

**Action brought on 15 February 2007 — Commission of the European Communities v Italian Republic**

(Case C-86/07)

(2007/C 82/45)

*Language of the case: Italian*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Condou-Durande and E. De Persio, 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 Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air <sup>(1)</sup>, or by failing in any event to communicate those provisions to the Commission, 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 time-limit for transposition of Directive 2003/110/EC expired on 5 December 2005.

<sup>(1)</sup> OJ 2003 L 321, p. 26.

**Action brought on 15 February 2007 — Commission of the European Communities v Republic of Malta**

(Case C-87/07)

(2007/C 82/46)

*Language of the case: Maltese*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Condou Durande and K. Xuereb, Agents)

*Defendant:* Republic of Malta

**The applicant claims that the Court should:**

- declare that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification <sup>(1)</sup> or, in any event, by failing to notify such provisions to the Commission, the Republic of Malta has failed to fulfil its obligations under that Directive.
- order the Republic of Malta to pay the costs.

**Pleas in law and main arguments**

The period within which the directive had to be transposed expired on 3 December 2005.

<sup>(1)</sup> OJ L 251, p. 12.

**Action brought on 19 February 2007 — Commission of the European Communities v Italian Republic**

(Case C-91/07)

(2007/C 82/47)

*Language of the case: Italian*

**Parties**

*Applicant:* Commission of the European Communities (represented by: M. Condou-Durande and E. De Persio, 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 Council Directive 2003/86/EC <sup>(1)</sup> of 22 September 2003 on the right to family reunification, or at any rate by not informing the Commission thereof, 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 time for transposing Directive 2003/86/EC expired on 3 October 2005.

<sup>(1)</sup> OJ 2003 L 251, p. 12.