

**Re:**

Appeal brought against the judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 10 April 2008 in Case T-271/03 *Deutsche Telekom v Commission*, by which the Court of First Instance dismissed the application for annulment of Commission Decision 2003/707/EC of 21 May 2003 relating to a proceeding under Article 82 EC (Case COMP/C-1/37.451, 37.578, 37.579 — *Deutsche Telekom AG*) (OJ 2003 L 263, p. 9), and, in the alternative, reduction of the fine imposed on the applicant — Abuse of a dominant position — Charges for access to the fixed-line telecommunications network in Germany — Abusive nature of pricing practices of a dominant undertaking charging its competitors tariffs for wholesale access to the local loop that are higher than the prices it charges for retail access to the local network

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders *Deutsche Telekom AG* to pay the costs.

(<sup>1</sup>) OJ C 223, 30.8.2008.

**Judgment of the Court (First Chamber) of 28 October 2010**  
**— European Commission v Republic of Lithuania**

(Case C-350/08) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — 2003 Act of Accession — Obligations of the accession States — Acquis communautaire — Directives 2001/83/EC and 2003/63/EC — Regulation (EEC) No 2309/93 and Regulation (EC) No 726/2004 — Medicinal products for human use — Similar biological medicinal products from biotechnical processes — National marketing authorisation granted before accession)*

(2010/C 346/07)

Language of the case: Lithuanian

**Parties**

*Applicant:* European Commission (represented by: A. Steiblytė and M. Šimerdová, acting as Agents)

*Defendant:* Republic of Lithuania (represented by: D. Kriauciūnas and R. Mackevičienė, acting as Agents)

**Re:**

Failure of a Member State to fulfil obligations — Breach of Article 6(1) of and Section 4 of Part II of Annex I to Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67), as amended by Directive 2003/63/EC, and of Article 3(1) of Council Regulation (EEC) No 2309/93 of 22 July 1993 laying

down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (OJ 1993 L 214, p. 1) and Article 3(1) of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004 L 136, p. 1) — Maintenance of the national marketing authorisation for the similar biological medicinal product 'Grasalva'

**Operative part of the judgment**

The Court:

1. Declares that, by maintaining in force the national marketing authorisation for the medicinal product *Grasalva*, the Republic of Lithuania has failed to fulfil its obligations under Article 6(1) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, as amended by Commission Directive 2003/63/EC of 25 June 2003, under Article 3(1) of Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products, and under Article 3(1) of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency;
2. Orders the Republic of Lithuania to pay the costs.

(<sup>1</sup>) OJ C 247, 27.9.2008.

**Judgment of the Court (Third Chamber) of 21 October 2010** (reference for a preliminary ruling from the *Audiencia Provincial de Barcelona — Spain*) — *PADAWAN SL v Sociedad General de Autores y Editores (SGAE)*

(Case C-467/08) (<sup>1</sup>)

*(Approximation of laws — Copyright and related rights — Directive 2001/29/EC — Reproduction right — Exceptions and limitations — Private copying exception — Definition of 'fair compensation' — Uniform interpretation — Implementation by the Member States — Criteria — Limits — Private copying levy applied to digital reproduction equipment, devices and media)*

(2010/C 346/08)

Language of the case: Spanish

**Referring court**

Audiencia Provincial de Barcelona