

**Action brought on 10 September 1981 by the Commission of the European Communities  
against the Federal Republic of Germany**

**(Case 247/81)**

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 10 September 1981 by the Commission of the European Communities represented by Dr Rolf Wägenbaur, Legal Adviser to the Commission of the European Communities, with an address for service in Luxembourg at the office of Oreste Montalto, a member of the Commission's Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

1. Declare that the Federal Republic of Germany has infringed Article 30 *et seq.*, of the EEC Treaty by reserving the marketing of medicinal preparations to such pharmaceutical undertakings as have their headquarters in the area of application of the Law;
2. Order the Federal Republic of Germany to pay the costs.

*Principal arguments and submissions relied upon*

The Gesetz zur Neuordnung des Arzneimittelrechts [Law revising the law on medicinal preparations] of 24 August 1976 makes the marketing of imported medicinal preparations on the domestic market dependent on the person responsible for the marketing having his headquarters in the Federal Republic of Germany. The activity of foreign pharmaceutical undertakings is thereby subjected to restrictions within the area of application of that Law which do not affect domestic undertakings. Although those restrictions may be overcome by the setting up of an appropriate sales organization in the Federal Republic of Germany, that represents considerable interference with the freedom of foreign undertakings to run their business as they choose and entails additional expense. That Law therefore constitutes an obstacle to trade which is incompatible with Article 30 of the EEC Treaty.

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**Action brought on 11 September 1981 by Halyvourgiki Inc., against the Commission of  
the European Communities**

**(Case 248/81)**

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 11 September 1981 by Halyvourgiki Inc., a company incorporated under Greek Law whose registered office is in Athens, assisted and represented by André Elvinger of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of André Elvinger 15 Côte d'Eich

The applicant claims that the Court should:

- annul the decision of 6 August 1981 whereby the Commission of the European Communities fixed steel production quotas for the applicant in respect of the third