

Operative part of the judgment

Article 2(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 Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011, must be interpreted as meaning that a medicinal product for human use, such as that at issue in the main proceedings, which, under national legislation, does not require a marketing authorisation by reason of the proven frequency with which it is the subject of medical and dental prescriptions, the essential manufacturing steps for such products are carried out in a pharmacy as part of the normal pharmacy business producing in the course of one day up to 100 packages ready for dispensation and intended for supply under the existing pharmacy operating licence, cannot be regarded as having been prepared industrially or manufactured by a method involving an industrial process, within the meaning of that provision, and consequently does not come within the scope of that directive, subject to the findings of fact which it is for the referring court to make.

However, should those findings lead the referring court to take the view that the medicinal product at issue in the main proceedings has been prepared industrially or manufactured by a method involving an industrial process, the answer must also be that point 2 of Article 3 of Directive 2001/83, as amended by Directive 2011/62, must be interpreted as meaning that it does not preclude provisions such as those laid down in Paragraph 21(2), point 1, of the Law on the marketing of medicinal products, read in conjunction with Paragraph 6 (1) of the Regulation on the operation of pharmacies, in so far as those provisions, in essence, require pharmacists to comply with the pharmacopoeia when manufacturing officinal formulae. It is, however, for the referring court to determine whether, on the facts of the case before it, the medicinal product at issue in the main proceedings has been prepared in accordance with the prescriptions of a pharmacopoeia.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the Court (Second Chamber) of 27 October 2016 (request for a preliminary ruling from the Conseil d'État — Belgium) — Patrice D'Oultremont and Others v Région wallonne

(Case C-290/15) ⁽¹⁾

(Reference for a preliminary ruling — Assessment of the effects of certain plans and programmes on the environment — Directive 2001/42/EC — Articles 2(a) and 3(2)(a) — Definition of 'plans and programmes' — Conditions concerning the installation of wind turbines laid down by a regulatory order — Provisions concerning, inter alia, safety, inspection, site restoration and financial collateral and permitted noise levels set having regard to area use)

(2017/C 006/23)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Patrice D'Oultremont, Henri Tumelaire, François Boitte, Éoliennes à tout prix? ASBL

Defendant: Région wallonne

Intervening parties: Fédération de l'Énergie d'origine renouvelable et alternative ASBL (EDORA)

Operative part of the judgment

Articles 2(a) and 3(2)(a) of 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 must be interpreted as meaning that a regulatory order, such as that at issue in the main proceedings, containing various provisions on the installation of wind turbines which must be complied with when administrative consent is granted for the installation and operation of such installations comes within the notion of 'plans and programmes', within the meaning of that directive.

⁽¹⁾ OJ C 279, 24.8.2015.

Judgment of the Court (Fourth Chamber) of 27 October 2016 (request for a preliminary ruling from the Vergabekammer Südbayern — Germany) — Hörmann Reisen GmbH v Stadt Augsburg, Landkreis Augsburg

(Case C-292/15) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Public passenger transport services by bus — Regulation (EC) No 1370/2007 — Article 4(7) — Subcontracting — Requirement that the operator perform a major part of the public passenger transport services itself — Scope — Article 5(1) — Contract-award procedure — Award of the contract in accordance with Directive 2004/18/EC)

(2017/C 006/24)

Language of the case: German

Referring court

Vergabekammer Südbayern

Parties to the main proceedings

Applicant: Hörmann Reisen GmbH

Defendant: Stadt Augsburg, Landkreis Augsburg

Operative part of the judgment

1. Article 5(1) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 must be interpreted as meaning that, in a contract award procedure for public passenger transport services by bus, Article 4(7) of that regulation remains applicable to that contract;
2. Article 4(7) of Regulation No 1370/2007 must be interpreted as meaning that it does not preclude the contracting authority from setting at 70 % the proportion of self-provision by the operator responsible for the administration and performance of a contract for public passenger transport by bus, such as that at issue in the main proceedings.

⁽¹⁾ OJ C 294, 7.9.2015.