

Judgment of the Court (Fifth Chamber) of 29 November 2007 — Commission of the European Communities v French Republic

(Case C-67/07) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 2004/24/EC — Traditional herbal medicinal products — Community code — Failure to transpose within the prescribed period)

(2008/C 22/28)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: B. Stromsky, acting as Agent)

Defendant: French Republic (represented by: G. de Bergues abd R. Loosli-Surrans, Agents)

Re:

Failure of a Member State to fulfil obligations — Failure to adopt within the prescribed period the provisions necessary to comply with Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use (OJ 2004 L 136, p. 85)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use, the French Republic has failed to fulfil its obligations under Article 2 of that directive;
2. Orders the French Republic to pay the costs.

⁽¹⁾ OJ C 95 of 28.4.2007.

Judgment of the Court (Third Chamber) of 29 November 2007 (reference for a preliminary ruling from the Högsta domstolen — Sweden) — Kerstin Sundelind Lopez v Miguel Enrique Lopez Lizazo

(Case C-68/07) ⁽¹⁾

(Regulation (EC) No 2201/2003 — Articles 3, 6 and 7 — Jurisdiction — Recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility — Jurisdiction in divorce proceedings — Respondent not a national or a resident of a Member State — National rules providing for exorbitant jurisdiction)

(2008/C 22/29)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Applicant: Kerstin Sundelind Lopez

Defendant: Miguel Enrique Lopez Lizazo

Re:

Reference for a preliminary ruling — Högsta domstolen — Interpretation of Articles 3, 6 and 7 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1) — Jurisdiction for divorce proceedings where the respondent is neither resident within a Member State nor a citizen of a Member State

Operative part of the judgment

Articles 6 and 7 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, as amended by Council Regulation (EC) No 2116/2004 of 2 December 2004, as regards treaties with the Holy See, are to be interpreted as meaning that where, in divorce proceedings, a respondent is not habitually resident in a Member State and is not a national of a Member State, the courts of a Member State cannot base their jurisdiction to hear the petition on their national law, if the courts of another Member State have jurisdiction under Article 3 of that regulation.

⁽¹⁾ OJ C 82, 14.4.2007.