

## European Union

### “Deutsche Parkinson Vereinigung”

Decision of the European Court of Justice (First Chamber)

19 October 2016 – Case No. C-148/15

*Deutsche Parkinson Vereinigung eV v. Zentrale zur  
Bekämpfung unlauteren Wettbewerbs eV*

Treaty on the Functioning of the European Union,  
Arts. 34, 36

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**Keywords** Prescription-only medicinal products · Sale by pharmacies · Fixed prices · Quantitative restriction on imports · Measure having equivalent effect · Protection of the health and life of humans

1. Article 34 TFEU must be interpreted as meaning that national legislation, such as that at issue in the main proceedings, which provides for a system of fixed prices for the sale by pharmacies of prescription-only medicinal products for human use, constitutes a measure having equivalent effect to a quantitative restriction on imports, within the meaning of that article, since that legislation has a greater impact on the sale of prescription-only medicinal products by pharmacies established in other Member States than on the sale of the same medicinal products by pharmacies established within the national territory.
2. Article 36 TFEU must be interpreted as meaning that national legislation, such as that at issue in the main proceedings, which provides for a system of fixed prices for the sale by pharmacies of prescription-only medicinal products for human use, cannot be justified on grounds of the protection of health and life of humans, within the meaning of that article, inasmuch as that legislation is not appropriate for attaining the objectives pursued.