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CENTRE DE DOCUMENTATION EUROPÉENNE

EU News: Click & Read

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This monthly newsletter contains a selection of recent official documents from the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trade and financial businesses with information about the latest legal developments in the European Union.

Highlights of the month:

[EU relations with Switzerland, an overview from the European Commission, External Relations updated in April 2006.](#)

[Report for the Hearing of the Court of First Instance of the European Communities, 24-28 April in Case T-201/01, Microsoft v. Commission of the European Communities. \(Competition, Abuse of a dominant position\)](#)

[Supplement on Interventions in Case T-201/04, Microsoft v. Commission of the European Communities. \(Competition, abuse of a dominant position\).](#)

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1. International Agreements
2. Acts of Joint Committees
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4. Preparatory Acts, Reports, Calls
5. Case Law*
6. Competition Proceedings (only under chapter 7)

*For cases which have not yet been translated into English, we refer to the French version!

1. External Relations of the EU

1.1 International Agreements

Information concerning the entry into force of the **Protocol to the Agreement** between the **European Community** and the **Republic of Iceland** and the **Kingdom of Norway** concerning the criteria and mechanisms for establishing the **State responsible** for **examining a request for asylum** lodged in a **Member State** or in **Iceland** or **Norway**.

[O.J. of the EU, L 112/12, 26.04.2006](#)

Protocol to the Agreement between the EU-and Norway and Iceland, request for asylum

Protocol to the Agreement between the **European Community** and the **Republic of Iceland** and the **Kingdom of Norway** concerning the criteria and mechanisms for establishing the **State responsible** for **examining a request for asylum** lodged in a **Member State** or in **Iceland** or **Norway**.

[O.J. of the EU, L 57/16, 28.02.2006](#)

Text of the Protocol to the Agreement between the EU-and Norway and Iceland, request for asylum

1.2 Acts of Joint Committees

1.3 Community Legislation

Decision of the EFTA Surveillance Authority No 319/05/COL of 14 December 2005 on amendments to College Decision No 195/04/COL on the **implementing provisions** referred to under Article 27 in Part II of Protocol 3 to the Agreement between the **EFTA States** on the Establishment of a **Surveillance Authority** and a **Court of Justice**.

[O.J. of the EU, L 113/24, 27.04.2006](#)

Agreement, EFTA States, Establishment of a Surveillance Authority and a Court of Justice

Recommendation of the EFTA Surveillance Authority No 194/04/COL of 14 July 2004 on relevant product and service markets within the **electronic communications sector** susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a **common regulatory framework for electronic communication networks and services**, as **incorporated** into the **Agreement on the European Economic Area**.

[O.J. of the EU, L 113/18, 27.04.2006](#)

Common regulatory framework for electronic communications networks and services

Recommendation of the EFTA Surveillance Authority No 193/04/COL of 14 July 2004 on **notifications, time limits and consultations** provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a **common regulatory framework for electronic communications networks and services**.

Notifications, time limits and consultations, common regulatory framework, electronic communications networks and services

[O.J. of the EU, L 113/10, 27.04.2006](#)

Commission Regulation (EC) No 612/2006 of 19 April 2006 determining to what extent applications lodged in April 2006 for the **right to import bulls, cows and heifers** other than for **slaughter of certain Alpine and mountain breeds** can be met.

Right to import, certain Alpine and mountain breeds

[O.J. of the EU, L 107/37, 20.04.2006](#)

Commission Regulation (EC) No 590/2006 of 12 April 2006 amending Annex II to Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the list of **countries and territories**.
(Text with EEA relevance).

Amendment, list of countries, non commercial movements of pet animals

[O.J. of the EU, L 104/08, 13.04.2006](#)

Decision of the Standing Committee of the EFTA States No 3/2005/SC of 9 June 2005 on **public access to EFTA documents** and repealing Decision No 2/2002/SC of the Standing Committee of the EFTA States of 30 May 2002.

EFTA, public access to EFTA documents

[O.J. of the EU, L 98/80, 06.04.2006](#)

Decision of the Standing Committee of the EFTA States No 2/2002/SC of 30 May 2002 on **public access to EFTA documents**.

EFTA, public access to EFTA documents

[O.J. of the EU, L 98/76, 06.04.2006](#)

1.4 Preparatory Acts, Reports, Calls

EFTA Surveillance Authority guidelines of 14 July 2004 on market analysis and the assessment of **significant market power** under the **regulatory framework for electronic communications networks and services** referred to in Annex XI of the Agreement on the European Economic Area.

EFTA, market analysis, electronic communications networks and services

[O.J. of the EU, C 101/01, 27.04.2006](#)

Authorisation of State aid pursuant to Article 61 of the EEA Agreement and Article 1(3) in Part I of Protocol 3 to the **Surveillance and Court Agreement**.

EFTA Surveillance Authority decision not to raise objections.

EFTA Surveillance Authority, Norway, aid research and development concerning gas technologies

[O.J. of the EU, C 100/02, 27.04.2006](#)

Proposal for a Council Decision on the signature of the **Agreement** between the **European Community** and the **United States of America** renewing the co-operation programme in the field of **higher education** and **vocational education** and **training**.

Agreement EU-USA, higher education and vocational education and training

Proposal for a Council Decision on the conclusion of the **Agreement** between the **European Community** and the **United States of America** renewing the co-operation programme in the field of **higher education** and **vocational education** and **training**.

[COM\(2006\)180 final, 27.04.2006](#)

Proposal for a Council Decision on the signature, on behalf of the European Community, of an **Arrangement** between the **European Community** and the Republic of **Iceland** and the Kingdom of **Norway** on the modalities of those states' **participation** in the **European Agency** for the **Management of Operational Cooperation** at the **External Borders** of the **Member States** of the **European Union**.

EU-Iceland and Norway, participation in the European Agency for the Management of Operational Cooperation at the External Borders

[COM\(2006\)178 final, 26.04.2006](#)

Commission notice concerning the **date of application** of the **protocols** on **rules of origin** providing for diagonal cumulation between the Community, Algeria, Bulgaria, Egypt, Faroe Islands, Iceland, Israel, Jordan, Lebanon, Morocco, Norway, Romania, **Switzerland** (including Liechtenstein), Syria, Tunisia, Turkey and West Bank and Gaza Strip.

Commission notice, the rules of origin, third countries, including Switzerland as well

[O.J. of the EU, C 87/08, 11.04.2006](#)

1.5 Case Law

Case C-27/05, Elfering Export. **Export refunds** – Material condition – Regulation (EC) No 800/1999 – **Beef and veal** – **Absence of proof** as to the **origin** of the **products** – Applicability of penalties.

Export, absence of proof as to the origin of the products, agriculture

[Curia, Case C-27/05, 27.04.2006](#)

Judgment of the Court of 17 January 2006 in Case E-4/05: **HOB-vín and The Icelandic State and Áfengis- og tóbaksverslun ríkisins (the State Alcohol and Tobacco Company of Iceland)**.

Court of Justice EFTA, HOB- vín v. Iceland

[O.J. of the EU, C 100/03, 27.04.2006](#)

2. UE-Swiss Relations

2.1 International Agreements

2.2 Acts of Joint Committees

2.3 Community Legislation

Commission Decision of 31 March 2006 concerning certain **protection measures** in relation to a suspicion of **highly pathogenic avian influenza** in **Switzerland**.
(Text with EEA relevance).

EU-Switzerland, protection measures, avian influenza

[O.J. of the EU, L 95/09, 04.04.2006](#)

2.4 Preparatory Acts, Reports, Calls

News from the **Integration Office DFA/DEA**.
(In French, German and Italian)

EU-CH, news DFA/DEA

[Integration Office DFA/DEA](#)

[News of the month of April from the Integration Office DFA/DEA](#)

EU-CH, news of the month, DFA/DEA

In French, German and Italian.

Overview, the EU relations with Switzerland.

EU-CH, overview on EUCH relations

[European Commission, External Relations](#)

2.5 Case Law

3 External borders, Immigration, Asylum, Security and Defence Policy

3.1 International Agreements

Agreement between the **International Criminal Court** and the **European Union** on **cooperation** and **assistance**.

Agreement, EU-
International Criminal
Court, cooperation and
assistance

[O.J. of the EU, L 115/50, 28.04.2006](#)

Council Decision of 10 April 2006 concerning the conclusion of the Agreement between the **International Criminal Court** and the **European Union** on **cooperation** and **assistance**.

Agreement, EU-
International Criminal
Court, cooperation and
assistance

[O.J. of the EU, L 115/49, 28.04.2006](#)

3.2 Acts of Joint Committees

3.3 Community Legislation

Commission Regulation (EC) No 674/2006 of 28 April 2006 amending for the 65th time Council Regulation (EC) No 881/2002 imposing certain **specific restrictive measures** directed against **certain persons** and **entities** associated with **Usama bin Laden**, the **Al-Qaida network** and the **Taliban**, and repealing Council Regulation (EC) No 467/2001

Restrictive measures,
Usama bin Laden, Al-
Qaida network, Taliban

[O.J. of the EU, L 116/58, 29.04.2006](#)

Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a **Community Code** on the rules governing the **movement of persons across borders** (**Schengen Borders Code**).

Community Code,
movement of persons
across borders (Schengen
Borders Code)

[O.J. of the EU, L 105/01, 13.04.2006](#)

3.4 Preparatory Acts, Reports, Calls

Opinion of the European Data Protection Supervisor on the Proposal for a Council Decision concerning access for consultation of the Visa Information System (VIS) by the authorities of Member States responsible for internal security and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

Opinion, access for consultation of the Visa Information System (VIS)

[O.J. of the EU, C 97/06, 25.04.2006](#)

Opinion of the European Data Protection Supervisor
 – on the Proposal for a Council Decision on the establishment, operation and use of the **Second Generation Schengen Information System (SIS II)** (COM(2005)230 final);
 – the Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the **Second Generation Schengen Information System (SIS II)** (COM(2005)236 final), and,
 – the Proposal for a Regulation of the European Parliament and of the Council regarding access to the **Second Generation Schengen Information System (SIS II)** by the services in the Member States responsible for issuing **vehicle registration certificates** (COM(2005)237 final)

Opinion of the European Data Protection Supervisor, Schengen Information System (SIS II)

[O.J. of the EU, C 91/38, 19.04.2006](#)

Opinion of the European Economic and Social Committee on the:
 – Proposal for a Decision of the European Parliament and of the Council **establishing the European Refugee Fund** for the period 2008-2013 as part of the General programme ‘**Solidarity and management of migration flows**’.
 – Proposal for a Decision of the European Parliament and of the Council **establishing the External Borders Fund** for the period 2007-2013 as part of the General programme ‘**Solidarity and management of migration flows**’.
 – Proposal for a Council Decision **establishing the European Fund for the Integration of Third country Nationals** for the period 2007-2013 as part of the General programme ‘Solidarity and management of migration flows’.

Opinion, establishing:

- the European Refugee Fund,
- External Borders Fund
- European Fund for the Integration of Third country Nationals
- European Return Fund

– Proposal for a Decision of the European Parliament and of the Council **establishing the European Return Fund** for the period 2008-2013 as part of the **General programme ‘Solidarity and management of migration flows’**.

[O.J. of the EU, C 88/15, 11.04.2006](#)

Opinion of the Committee of the Regions on the Communications from the Commission to the Council and the European Parliament **Prevention, preparedness and response to terrorist attacks. Prevention of and the fight against terrorist financing through measures to improve the exchange of information, to strengthen transparency and enhance the traceability of financial transactions. Preparedness and consequence management in the fight against terrorism Critical infrastructure protection in the fight against terrorism.**

**Terrorist attacks
Prevention**

[O.J. of the EU, C 801/01, 04.04.2006](#)

3.5 Case Law

4. Judicial Cooperation in Civil Matters (Lugano/Brussels Conventions)

4.1 International Agreements

4.2 Acts of Joint Committees

4.3 Community Legislation

4.4 Preparatory Acts, Reports, Calls

Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on **service in the Member States of judicial and extrajudicial documents in civil or commercial matters.**

**Service, judicial and
extrajudicial documents
in civil or commercial
matters**

[O.J. of the EU, C 88/07, 11.04.2006](#)

4.5 Case Law

5. Police and Judicial Cooperation in Criminal Matters

5.1 International Agreements

5.2 Acts of Joint Committees

5.3 Community Legislation

Commission Decision of 19 April 2006 setting up a **group of experts** to provide **policy advice** to the Commission on **fighting violent radicalisation**.

Set up of a group of experts on fighting violent radicalisation within the societies, combating terrorism

[O.J. of the EU, L 111/09, 25.04.2006](#)

5.4 Preparatory Acts, Reports, Calls

Green Paper. The **Presumption of Innocence**.

Presumption of Innocence

[COM\(2006\)174 final, 26.04.2006](#)

Report from the Commission on the **operation Council Common Position 2005/69/JHA**.

Integrated system for the exchange of information on lost and stolen passports

[COM\(2006\)167 final, 21.04.2006](#)

5.5 Case Law

6. Internal Market (Free Movement of Goods/Customs Union/Persons/Services/Capital)

6.1 International Agreements

6.2 Acts of Joint Committees

6.3 Community Legislation

Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 2006 amending Council Regulation (EEC) No 1408/71 on the application of **social security schemes to employed persons, to self-employed persons** and to **members of their families** moving within the Community and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.
(Text with EEA relevance).

Social security, workers moving within the Community

[O.J. of the EU, L 114/01, 27.04.2006](#)

6.4 Preparatory Acts, Reports, Calls

Proposal for a Council Decision amending Regulation (EC) No 2505/96 opening and providing for the administration of **autonomous Community tariff quotas** for certain **agricultural and industrial products**.

Administration of autonomous Community tariff quotas, agricultural and industrial products

[COM\(2006\)176 final, 26.04.2006](#)

Uniform application of the **Combined Nomenclature (CN)** (Classification of goods). Explanatory notes adopted in accordance with the **procedure** defined in Article 10(1) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the **tariff and statistical nomenclature** and on the **Common Customs Tariff**.

Uniform application, Combined Nomenclature

[O.J. of the EU, C 98/02, 26.04.2006](#)

Communication from the Commission. Implementing the Community Lisbon programme: **Social services of general interest** in the **European Union**.

Social services of general interest

[COM\(2006\)177 final, 26.04.2006](#)

Third report from the Commission to the Council and the European Parliament on the application of Directives 93/96, 90/364, 90/365 on the **right of residence for students, economically inactive and retired Union citizens**.

Right of residence for students, economically inactive and retired citizens

[COM\(2006\)156 final, 05.04.2006](#)

Amended proposal for a Directive of the European Parliament and of the Council on **services** in the **internal market**.

Services, internal market

[COM\(2006\)160 final, 04.04.2006](#)

Communication from the Commission. Guidance on the **posting of workers** in the **framework** of the **provision of services**.

Posting of workers, provision of services

[COM\(2006\)159 final, 04.04.2006](#)

6.5 Case Law

Case C-15/05, Kawasaki Motors Europe. **Common Customs Tariff – Tariff headings – Classification of vehicles – Tractors** – Cars and vehicles principally designed for the transport of persons – Regulation (EC) No 2518/98 – Invalidity.

Common Customs Tariff

[Curia, Case C-15/05, 27.04.2006](#)

Case C-96/04, Standesamt Stadt Niebüll. Preliminary reference – **Determination of a child's surname** – Procedure to transfer that determination to one of the parents – Lack of jurisdiction of the Court.

European citizenship

[Curia, Case C-96/04, 27.04.2006](#)

Case C-441/02, Commission of the European Communities / Germany. Failure of a Member State to fulfil obligations – **Freedom of movement for nationals of Member States** – Public policy – **Right to respect for family life** – National legislation relating to the prohibition on residence and expulsion – Administrative practice – Criminal conviction – Expulsion.

Free movement of persons

[Curia, Case C-441/02, 27.04.2006](#)

7. Competition, Commerce, Commercial Enterprises, Banks

7.1 International Agreements

7.2 Acts of Joint Committees

7.3 Community Legislation

Guideline of the European Central Bank of 20 April 2006 amending Guideline ECB/2002/7 on the **statistical reporting requirements** of the **European Central Bank** in the field of **quarterly financial accounts**.

Statistical reporting requirements, quarterly financial accounts

[O.J. of the EU, L 115/46, 28.04.2006](#)

Council regulation (EC) No 640/2006 of 10 April 2006 repealing Regulations (EEC) No 3181/78 and (EEC) No 1736/79 concerning the **European Monetary System**.

European Monetary System

[O.J. of the EU, L 115/01, 28.04.2006](#)

Guideline of the European Central Bank of 7 April 2006 on the Eurosystem's provision of **reserve management services in euro to central banks and countries located outside the euro area** and to **international organisations**.

Guideline of ECB, reserve in euro, central banks of countries located outside the euro area

[O.J. of the EU, L 107/54, 20.04.2006](#)

7.4 Preparatory Acts, Reports, Calls

Communication from the Commission. Review of Directive 2002/65 of the European Parliament and of the Council of 23 September 2002 concerning the **distance marketing of consumer financial services** and amending Council Directive 90/619/EEC and Directive 97/7/EC and 98/27/EC.

Distance marketing of consumer financial services

[COM\(2006\)161 final, 06.04.2006](#)

7.5 Case Law

Report for the Hearing of the Court of First Instance of the European Communities, 24-28 April in Case T-201/01, **Microsoft v. Commission** of the European Communities. (Competition, abuse of a dominant position)

Competition, abuse of dominant position, report, case, Microsoft v. European Commission

[EDC, SICL](#)

Supplement on Interventions in Case T-201/04, **Microsoft v. Commission of the European Communities**. (Competition, abuse of a dominant position)

Competition, abuse of dominant position, supplement, case, Microsoft v. European Commission

[EDC, SICL](#)

Case C-410/04, ANAV. **Freedom to provide services – Local public transport service** – Award with no call for tenders – Award by a public authority to an undertaking of which it owns the share capital.

Competition, freedom to provide service

[Curia, Case C-410/04, 06.04.2006](#)

Case C-551/03 P, General Motors Nederland and Opel Nederland / Commission of the European Communities. **Appeals – Agreements, decisions and concerted practices** – Article 81 EC – Distribution of Opel motor vehicles – Partitioning of the market – **Restrictions on exports** – Restrictive bonus policy – Fine – Guidelines for the calculation of fines.

Competition

[Curia, Case C-551/03 P, 06.04.2006](#)

Case T-17/03, Schmitz-Gotha Fahrzeugwerke / Commission of the European Communities. **State aid – Guidelines on State aid for rescuing and restructuring firms in difficulty** – Necessity of the aid.

State aid, firms in difficulty

[Curia, Case T-17/03, 06.04.2006](#)

Case T-351/02, Deutsche Bahn / Commission of the European Communities. **State aid – Competitor's complaint** – Directive 92/81/EEC – Excise duties on mineral oils – Mineral oils used as fuel for the purpose of air navigation – Exemption from duty – Letter from the Commission to a complainant – Action for annulment – Admissibility – Challengeable act – Concept of aid – Imputability to the State – Equal treatment.

State aid, Competitor's complaint

[Curia, Case T-351/02, 05.04.2006](#)

7.6 Competition Proceedings (only under chapter 7)

Non-opposition to a notified concentration (Case COMP/M.4083 – ABN AMRO Capital France/L Capital/Sanutri).
(Text with EEA relevance).

Non-opposition, notified concentration (Novartis Group)

[O.J. of the EU, C 103/33, 29.04.2006](#)

Non-opposition to a notified concentration (Case COMP/M.4049 – Novartis/Chiron).
(Text with EEA relevance).

Non-opposition, notified concentration, (Novartis/Chiron)

[O.J. of the EU, C 103/30, 29.04.2006](#)

Prior notification of a concentration (Case COMP/M.4210 – Agravis/Baywa/Dr. Gräub). Candidate case for simplified procedure.
(Text with EEA relevance).

Prior notification to a concentration ("Dr Gräub", Switzerland)

[O.J. of the EU, C 103/27, 29.04.2006](#)

Non-opposition to a notified concentration (Case COMP/M.4172 – Barclays/Tuja).
(Text with EEA relevance).

Non-opposition, notified concentration, Tuja (Tuja holding, Switzerland)

[O.J. of the EU, C 91/36, 19.04.2006](#)

Prior notification of a concentration (Case COMP/M.4146 – GE/Bayer/OSi Europe Business).
(Text with EEA relevance).

Notification,
concentration, GE
Speciality Materials
(Switzerland)

[O.J. of the EU, C 84/09, 07.04.2006](#)

8. Public Procurement

8.1 International Agreements

8.2 Acts of Joint Committees

8.3 Community Legislation

8.4 Preparatory Acts, Reports, Calls

8.5 Case Law

9. Economic and Financial Affairs, Taxation

9.1 International Agreements

9.2 Acts of Joint Committees

9.3 Community Legislation

Directive 2006/31/EC of the European Parliament and of the Council of 5 April 2006 amending directive 2004/39/EC on **markets in financial instruments**, as regards **certain deadlines**.

(Text with EEA relevance).

[O.J. of the EU, L 114/60, 27.04.2006](#)

Markets in financial
instruments as regards
certain deadlines

Commission Decision of 30 March 2006 **setting up a European Securities Markets Expert Group** to provide **legal and economic advice** on the **application** of the EU securities Directives.

Setting up a European
Securities Markets Expert
Group

[O.J. of the EU, L 106/14, 19.04.2006](#)

9.4 Preparatory Acts, Reports, Calls

Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. Implementing the Community Lisbon Programme: Progress to date and next steps towards a **Common Consolidated Corporate Tax Base (CCCTB)**.

Common Consolidated
Corporate Tax Base
(CCCTB)

[COM\(2006\)157 final, 05.04.2006](#)

Amended proposal for a Directive of the European Parliament and of the Council on **services** in the **internal market**.

Services, internal market

[COM\(2006\)160 final, 04.04.2006](#)

Opinion of the **European Central Bank** of 24 March 2006 concerning the **proposal** for a European Parliament and Council regulation establishing the **statistical classification of economic activities NACE Rev. 2** and amending Council Regulation (EEC) No 3037/90 and certain EC regulations on **specific statistical domains**.

Opinion ECB, specific statistical domains

[O.J. of the EU, C 79/31, 01.04.2006](#)

9.5 Case Law

Cases C-443/04 and C-444/04, Solleveld. **Sixth VAT Directive – Exemptions – Provision of medical care in the exercise of the medical and paramedical professions – Therapeutic treatments given by a physiotherapist and a psychotherapist – Definition by the Member State concerned of paramedical professions – Discretion – Limits.**

Taxation, VAT

[Curia, Cases C-443/04 and C-444/04, 27.04.2006](#)

Case C-245/04, EMAG Handel Eder. **Preliminary references – Sixth VAT Directive – Intra-Community dispatch or transport of goods – Supplies – Intra-Community acquisition of goods – Chain transactions – Place of transaction.**

Taxation, VAT

[Curia, Case C-245/04, 06.04.2006](#)

10. Industrial and Intellectual Property

10.1 International Agreements

10.2 Acts of Joint Committees

10.3 Community Legislation

10.4 Preparatory Acts, Reports, Calls

Proposal for a Council Decision accepting, on behalf of the European Community, of the Protocol amending the Agreement on **Trade-Related Aspects of Intellectual Property Rights (TRIPS)**, done at Geneva on 6 December 2005.

Intellectual Property Rights (TRIPS)

[COM\(2006\)175 final, 27.04.2006](#)

Amended proposal for a Directive of the European Parliament and of the Council on **criminal measures** aimed at **ensuring the enforcement of intellectual property rights**.

Enforcement of intellectual property rights, criminal measures

[COM\(2006\)168 final, 26.04.2006](#)

10.5 Case Law

Case C-145/05, Levi Strauss. **Trade marks** – Relevant time for assessing likelihood of confusion between a **trade mark** and a **similar sign** – Loss of distinctive character owing to conduct of the proprietor of the **trade mark** after use of the sign has commenced.

Intellectual property, trade mark, likelihood of confusion, approximation of law

[Curia, Case C-145/05, 27.04.2006](#)

Case T-286/03, Gillette / Office for Harmonisation in the Internal Market (OHMI) - Wilkinson Sword. **Community trade mark - Opposition proceedings** - Application for Community figurative mark RIGHT GUARD XTREME sport - Earlier national figurative mark WILKINSON SWORD XTREME III - Likelihood of confusion - Refusal of registration.

Intellectual property, Community trade mark

[Curia, Case T-286/03, 13.04.2006](#)

Case T-353/02, Duarte y Beltrán / Office for Harmonisation in the Internal Market (OHMI) – Mirato (INTESA). **Community trade mark** - Opposition proceedings - Application for Community word mark INTEA - **Earlier national word marks INTESA** - Refusal of registration - Relative ground for refusal.

Intellectual property, Community trade mark

[Curia, Case T-353/02, 13.04.2006](#)

Case T-202/04, Madaus / Office for Harmonisation in the Internal Market (OHMI) - Optima Healthcare (ECHINAID). **Community trade mark – Opposition proceedings** – Earlier international word mark ECHINACIN – Application for the Community word mark ECHINAID – Absolute ground for refusal.

**Intellectual property,
Community trade mark**

[Curia, Case T-202/04, 05.04.2006](#)

Case T-344/03, Saiwa / Office for Harmonisation in the Internal Market (OHMI) - Barilla Alimentare. **Community trade mark** – Application for a figurative mark including the word element 'SELEZIONE ORO Barilla' – Opposition – Earlier word marks ORO and ORO SAIWA – Likelihood of confusion...

**Intellectual property,
Community trade mark**

[Curia, Case T-344/03, 05.04.2006](#)

11. Human rights, Data Protection, Consumer Affairs

11.1 International Agreements

11.2 Acts of Joint Committees

11.3 Community Legislation

11.4 Preparatory Acts, Reports, Calls

Opinion of the European Economic and Social Committee on the **Representation of women in the decision-making bodies of economic and social interest groups** in the European Union.

**Representation of women
in the decision-making
bodies of economic and
social interest groups**

[O.J. of the EU, C 88/32, 11.04.2006](#)

Opinion of the Committee of the Regions on **Women and Poverty in the European Union**.

**Women and Poverty in
the EU**

[O.J. of the EU, C 81/37, 04.04.2006](#)

Amended proposal for a Directive of the European Parliament and of the Council laying down rules on **nominal quantities for pre-packed products**, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC.

**Nominal quantities, pre-
packed products**

[COM\(2006\)171 final, 12.04.2006](#)

11.5 Case Law

Case T-2/03, Verein für Konsumenteninformation / Commission of the European Communities. **Access to documents** – Regulation (EC) No 1049/2001 – Request relating to a very large number of documents – Total refusal of access – Obligation to carry out a concrete, individual examination – Exceptions.

Consumers, access to official documents

[Curia, Case T-2/03, 13.04.2006](#)

12. Telecommunications, Education, Research and Technology

12.1 International Agreements

12.2 Acts of Joint Committees

12.3 Community Legislation

Commission Decision of 7 April 2006 on the **re-use of Commission information**.

Public sector information, exploitation of information “eEurope”

[O.J. of the EU, L 107/38, 20.04.2006](#)

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the **retention of data generated or processed in connection with the provision of publicly available electronic communications services** or of **public communications networks** and amending Directive 2002/58/EC.

Publicly available electronic communications services

[O.J. of the EU, L 105/54, 13.04.2006](#)

Commission Regulation (EC) No 565/2006 of 6 April 2006 **imposing testing and information requirements on the importers or manufacturers of certain priority substances** in accordance with Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances.
(Text with EEA relevance).

Imposition of testing and information requirements on the importers or manufacturers of priority substances

[O.J. of the EU, L 99/03, 07.04.2006](#)

12.4 Preparatory Acts, Reports, Calls

Media Plus (2001-2005). Implementation of the programme to encourage the development, distribution and promotion of European audiovisual works.

[O.J. of the EU, C 100/05, 27.04.2006](#)

Communication from the Commission to the Council, the European Economic and Social Committee and the Committee of the Regions. **Towards a Global Partnership in the Information Society: Follow-up to the Tunis Phase of the World Summit on the Information Society (WSIS).**

[COM\(2006\)181 final, 27.04.2006](#)

Communication from the Commission to the Council, the European Parliament, European Economic and Social Committee and the Committee of the Regions. **i2010 eGovernment Action Plan: Accelerating eGovernment in Europe for the Benefit of All.**

[COM\(2006\)173 final, 25.04.2006](#)

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Report regarding the outcome of the **Review of the Scope of Universal Service** in accordance with Article 15(2) of Directive 2002/22/EC.

[COM\(2006\)163 final, 07.04.2006](#)

Special report No 1/2006 on the contribution of the European Social Fund in **combating early school leaving**, together with the **Commission's replies.**

[O.J. of the EU, C 99/01, 26.04.2006](#)

Opinion of the European Economic and Social Committee on the Proposal for a Recommendation of the European Parliament and of the Council on **Transnational mobility for education and training purposes: European Quality Charter for Mobility.**

[O.J. of the EU, C 88/20, 11.04.2006](#)

Media Plus, programme to encourage the development, distribution and promotion of European audiovisual works

Global Partnership, Information Society

eGovernment, i2010

Universal Service, general review of the regulatory framework for electronic communications in 2006.

Combating early school leaving

Transnational mobility for education and training

Opinion of the Committee of the Regions on the Communication from the Commission: **Mobilising the brainpower of Europe: enabling universities to make their full contribution to the Lisbon Strategy.**

Enabling universities to make their full contribution to the Lisbon strategy

[O.J. of the EU, C 81/16, 04.04.2006](#)

Modernising education and training: a vital contribution to prosperity and social cohesion in Europe — 2006 Joint Interim Report of the Council and of the Commission on progress under the ‘**Education & Training 2010**’ work programme.

Modernising education and training

[O.J. of the EU, C 79/01, 01.04.2006](#)

Information procedure — Technical rules.
(Text with EEA relevance).

Technical rules, information procedure

[O.J. of the EU, C 90/40, 13.04.2006](#)

12.5 Case Law

13. Transport, Environment, Energy and Health

13.1 International Agreements

13.2 Acts of Joint Committees

13.3 Community Legislation

Directive 2006/23/EC of the European Parliament and of the Council of 5 April 2006 on a **Community air traffic controller licence.**
(Text with EEA relevance).

Community air traffic controller licence

[O.J. of the EU, L 114/22, 27.04.2006](#)

Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning **social legislation** relating to **road transport activities** and repealing Council Directive 88/599/EEC.
(Text with EEA relevance).

Road transport, social legislation

[O.J. of the EU, L 102/35, 11.04.2006](#)

Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain **social legislation** relating to **road transport** and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85.

(Text with EEA relevance).

[O.J. of the EU, L 102/01, 11.04.2006](#)

Harmonisation, road transport

Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on **energy end-use efficiency** and **energy services** and repealing Council Directive 93/76/EEC.

(Text with EEA relevance).

[O.J. of the EU, L 114/64, 27.04.2006](#)

Energy end-use efficiency and energy services

Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on **waste**.

(Text with EEA relevance).

[O.J. of the EU, L 114/09, 27.04.2006](#)

Waste

Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of **waste** from **extractive industries** and amending Directive 2004/35/EC.

[O.J. of the EU, L 102/15, 11.04.2006](#)

Waste from extractive industries

Commission Decision of 25 April 2006 concerning the **non-inclusion** of **methabenzthiazuron** in Annex I to Council Directive 91/414/EEC and the **withdrawal** of **authorisations** for **plant protection products** containing this **active substance**.

(Text with EEA relevance).

[O.J. of the EU, L 112/15, 26.04.2006](#)

Authorisations for plant protection products

Commission Decision of 12 April 2006 amending Commission Decision 2006/135/EC as regarding the establishment of **areas A** and **B** in certain Member States **due to outbreaks** of **highly pathogenic avian influenza**.

(Text with EEA relevance).

[O.J. of the EU, L 107/44, 20.04.2006](#)

Pathogenic avian influenza, establishment of areas A and B in certain Member States

Commission Decision of 7 April 2006 amending Decision 2006/115/EC concerning certain **protection measures** in relation to **highly pathogenic avian influenza in wild birds** in the Community.
(Text with EEA relevance).

**Protection measures,
avian influenza in wild
birds**

[O.J. of the EU, L 103/29, 12.04.2006](#)

Commission Decision of 3 April 2006 concerning certain **protection measures** in relation to **highly pathogenic avian influenza in Israel** and repealing Decision 2006/227/EC.
(Text with EEA relevance).

**Protection measures,
avian influenza in Israel**

[O.J. of the EU, L 96/10, 05.04.2006](#)

Commission **Recommendation** of 11 April 2006 **on risk reduction** measures for the **substances: Dibutylphthalate; 3,4-Dichloroaniline; Di-isodecyl phthalate; 1,2-Benzenedicarboxylic acid, di-C₉₋₁₁-branched alkyl esters, C₁₀-rich; Di-isononyl phthalate; 1,2-Benzenedicarboxylic acid, di-C₈₋₁₀-branched alkyl esters, C₉-rich; Ethylenediaminetetraacetate; Methyl acetate; Monochloroacetic acid; n-Pentane; Tetrasodium ethylenediaminetetraacetate.**
(Text with EEA relevance).

**Risk Reduction for the
substances
Dibutylphthalate etc.**

[O.J. of the EU, L 104/45, 13.04.2006](#)

Commission Directive 2006/39/EC of 12 April 2006 amending Council Directive 91/414/EEC to **include clodinafop, pirimicarb, rimsulfuron, tolclofosmethyl and triticonazole as active substances.**
(Text with EEA relevance).

**Placing plant protection
products on the market**

[O.J. of the EU, L 104/30, 13.04.2006](#)

Commission Decision of 10 April 2006 amending Decision 95/320/EC setting up a **Scientific Committee for Occupational Exposure Limits to Chemical Agents.**

**Scientific Committee,
Occupational Exposure
Limits to Chemical
Agents**

[O.J. of the EU, L 101/04, 11.04.2006](#)

Commission Decision of 9 February 2006 amending Decision 96/335/EC establishing an inventory and a **common nomenclature of ingredients employed in cosmetic products**.

(Text with EEA relevance).

[O.J. of the EU, L 97/01, 05.04.2006](#)

Common nomenclature of ingredients employed in cosmetic products

Commission Directive 2006/37/EC of 30 March 2006 amending Annex II to Directive 2002/46/EC of the European Parliament and of the Council as regards the inclusion of **certain substances**.

(Text with EEA relevance).

[O.J. of the EU, L 94/32, 01.04.2006](#)

Food supplements, certain substances

Commission Regulation (EC) No 546/2006 of 31 March 2006 implementing Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards **national scrapie control programmes and additional guarantees** and derogating from certain requirements of Decision 2003/100/EC and repealing Regulation (EC) No 1874/2003.

[O.J. of the EU, L 94/28, 01.04.2006](#)

National scrapie control programmes and additional guarantees

13.4 Preparatory Acts, Reports, Calls

Report from the Commission. **Quality of petrol and diesel fuel used for road transport** in the European Union: Third annual report.

[COM\(2006\)186 final, 28.04.2006](#)

Quality of petrol and diesel fuel, road transport

Special report No 6/2005 on the **trans-European network for transport (TEN-T)** together with the Commission's replies.

[O.J. of the EU, C 94/01, 21.04.2006](#)

Report, trans-European network for transport (TEN-T)

Proposal for a Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the signature and provisional application of the **Air Transport Agreement** between the **European Community** and its Member States, on the one hand, and the **United States of America**, on the other hand.

Air Transport Agreement between the EU and the USA

Proposal for a Decision of the Council and the Representatives of the Governments of the Member States of the European Union, meeting within the Council, on the conclusion of the **Air Transport Agreement** between the **European Community** and its Member States, on the one hand, and the **United States of America**, on the other hand.

[COM\(2006\)169 final, 21.04.2006](#)

Proposal for a Council Decision on the position of the European Community regarding the **adaptation to technical progress** of Regulation 51 of the **United Nations Economic Commission for Europe**.

Technical progress regarding motor vehicles, United Nations Economic Commission for Europe

[COM\(2006\)150 final, 05.04.2006](#)

Publication of decisions by Member States to grant or revoke **operating licenses** pursuant to Article 13(4) of Council Regulation (EC) No 2407/92 on licensing of **air carriers**.

Operating licenses of air carriers

(Text with EEA relevance).

[O.J. of the EU, C 80/08, 04.04.2006](#)

Draft, **inter-institutional agreement on inter-institutional co-operation** in the **framework** of international Conventions to which the **European Atomic Energy Community** and its Member States are parties.

International Conventions, European Atomic Energy Community

[COM\(2006\)179 final, 28.04.2006](#)

Common position (EC) No 1/2006 adopted by the Council on 1 December 2005 with a view to adopting Decision No .../2006/EC of the European Parliament and of the Council of ... laying down **guidelines** for **trans-European energy networks** and repealing Decision 96/391/EC and Decision No 1229/2003/EC

Common Position, trans-European energy networks

[O.J. of the EU, C 80 E/01, 04.04.2006](#)

Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Protocol on **Mountain Farming** attached to the **Alpine Convention**.

Mountain Farming, Alpine Convention (contracting parties notably Switzerland and Liechtenstein)

[COM\(2006\)170 final, 25.04.2006](#)

Report from the Commission on the implementation of Directive 79/409/EEC on the **conservation of wild birds**. Part I Composite Report on Overall Progress Achieved Update for 1999-2001.

Conservation of wild birds

[COM\(2006\)164 final, 12.04.2006](#)

Commission communication in the framework of the implementation of Council Directive 86/594/EEC of 1 December 1986 on **airborne noise** emitted by **household appliances**.

Airborne noise, household appliances

(Text with EEA relevance).

[O.J. of the EU, C 85/07, 08.04.2006](#)

Opinion of the Committee of the Regions on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: **Winning the Battle Against Global Climate Change**.

Winning the Battle Against Global Climate Change

[O.J. of the EU, C 81/26, 04.04.2006](#)

Call for **proposals** in the field of **environmental protection**.

Call for proposals, environmental protection

[O.J. of the EU, C 80/12, 04.04.2006](#)

Summary of **Community decisions on marketing authorizations** in respect of **medicinal products** from 1.3.2006 to 31.3.2006.

Marketing authorizations, medicinal products

[O.J. of the EU, C 102/02, 28.04.2006](#)

Commission communication in the framework of the implementation of Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to **personal protective equipment**. (Text with EEA relevance).

Approximation of the laws, personal protective equipment

[O.J. of the EU, C 91/03, 19.04.2006](#)

Commission Communication on the results of the **risk evaluation** and the **risk reduction strategies** for the **substances: Dibutylphthalate**; 3,4-Dichloroaniline; Di-'isodecyl' phthalate; 1,2-Benzenedicarboxylic acid, di-C9-11-branched alkyl esters, C10-rich; Di-'isononyl' phthalate; 1,2-Benzenedicarboxylic acid, di-C8-10-branched alkyl esters, C9-rich; Ethylenediaminetetraacetate; Methyl acetate; Monochloroacetic acid; n-Pentane; Tetrasodium ethylenediaminetetraacetate.

Risk evaluation for certain substances, Dibutylphthalate etc.

[O.J. of the EU, C 90/04, 13.04.2006](#)

Opinion of the European Economic and Social Committee on the Proposal for a Decision of the European Parliament and of the Council establishing a **Programme** of Community **action** in the **field** of **health** and **consumer protection** 2007-2013.

Programme , health and consumer protection

[O.J. of the EU, C 88/01, 11.04.2006](#)

Common position (EC) No 3/2006 adopted by the Council on 8 December 2005 with a view to adopting Regulation (EC) No .../2006 of the European Parliament and of the Council of ...on **nutrition** and **health claims** made on **foods**

Nutrition and health claims made on foods

[O.J. of the EU, C 80 E/43, 04.04.2006](#)

Common position (EC) No 2/2006 adopted by the Council on 8 December 2005 with a view to adopting Regulation (EC) No .../2006 of the European Parliament and of the Council of ... on the **addition** of **vitamins** and **minerals** and of certain other **substances to foods**.

Common position, addition of vitamins, minerals...

[O.J. of the EU, C 80 E/27, 04.04.2006](#)

13.5 Case Law