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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.

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### **Highlights of the month:**

[Decision n° 1/2006 of the EU-Swiss Joint Committee of 6 July 2006 amending Annex II \(Social Security\) to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other part, on the Free Movement of Persons.](#)

[List of legislative proposals adopted by the Commission.](#)

[List of COM documents other than legislative proposals adopted by the Commission.](#)

[Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 \(2\) of the EC Treaty concerning the common position of the Council on the adoption of a Decision establishing the Culture 2007 programme \(2007-2013\).](#)

## Table of contents

1.	External Relations of the EU .....	3
2.	UE-Swiss Relations.....	5
3.	External borders, Immigration, Asylum, Security and Defence Policy.....	5
4.	Judicial Cooperation in Civil Matters (Lugano/Brussels Conventions).....	8
5.	Police and Judicial Cooperation in Criminal Matters .....	8
6.	Internal Market (Free Movement of Goods/Customs Union/Persons/Services/Capital).....	9
7.	Competition, Commerce, Commercial Enterprises, Banks.....	12
8.	Public Procurement.....	17
9.	Economic and Financial Affairs, Taxation.....	17
10.	Industrial and Intellectual Property .....	19
11.	Human rights, Data Protection, Consumer Affairs.....	20
12.	Telecommunications, Education, Research and Technology.....	21
13.	Transport, Environment, Energy and Health .....	23

## Subheadings

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

## 1. External Relations of the EU

### 1.2 Acts of Joint Committees

**Decisions** of the **European Economic Area Joint Committees**.

[O.J. of the EU, L 245, 07.09.2006](#)

List of decisions concerning notably the financial- and telecommunication services

### 1.3 Community Legislation

Commission Decision of 1 September 2006 amending **Decisions** 94/360/EC and 2001/812/EC as regards **veterinary checks on products from third countries**. (Text with EEA relevance).

[O.J. of the EU, L 240/11, 02.09.2006](#)

Veterinary checks on products from third countries

### 1.4 Preparatory Acts, Reports

List of **marketing authorisations** granted by the **EEA EFTA States** between 2003 and 2005.

[O.J. of the EU, C 233, 28.09.2006](#)

List of marketing authorisations granted by the EEA EFTA States

Communication from the Commission to the European Parliament and the Council on the **International Health Regulation**.

[COM\(2006\) 552 final, 26.09.2006](#)

International Health Regulation

**EFTA Surveillance Authority Notice on cooperation within the EFTA Network of Competition Authorities**.

[O.J. of the EU, C 227/10, 21.09.2006](#)

Cooperation within the EFTA Network of competition authorities

Proposal for a Council Regulation on the **export of cultural goods**.

[COM\(2006\) 513 final, 20.09.2006](#)

Export of cultural goods

EFTA Surveillance Authority Decision No 41/04/COL of 17 March 2004 **amending** for the fortyfourth time the **procedural and substantive rules** in the **field of state aid** by introducing a new chapter 24b: framework on state aid to shipbuilding. (Text with EEA relevance).

[O.J. of the EU, C 221/10, 14.09.2006](#)

EFTA Surveillance Authority, amending the rules of state aid

**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.

Date of application of the protocols on rules of origin between the EC and the third countries notably Switzerland and Liechtenstein

[O.J. of the EU, C 220/05, 13.09.2006](#)

**Notice** concerning the **denunciation** of the **Agreement** between the **European Community** and the **United States of America** on the **processing and transfer** of **PNR data** by **air carriers** to the **United States Department of Homeland Security, Bureau of Customs and Border Protection**.

Notice concerning the denunciation of the Agreement UE-USA, transfer of PNR data by air carriers

[O.J. of the EU, C 219/01, 12.09.2006](#)

## 1.6 Case Law

Case C-168/04, Commission of the European Communities / Austria. Failure of a Member State to fulfil obligations – Article 49 EC – **Freedom to provide services** – **Undertaking employing workers who are not nationals of a Member State** – Undertaking providing services in another Member State – ‘**EU Posting Confirmation**’.

Freedom to provide services, workers who are not nationals of a Member State

[Curia, Case C-168/04, 21.09.2006](#)

Case T-226/01, CAS Succhi di Frutta / Commission of the European Communities. **Non-contractual liability** – **Tendering procedure** – **Payment in kind** – Damage suffered on the market in question due to the payment in kind – Causal link.

External relations, non-contractual liability

[Curia, Case T-226/01, 13.09.2006](#)

Cases C-123/04 and C-124/04, Industrias Nucleares do Brasil et Siemens. **EAEC Treaty** – **Supplies** – **Property ownership** – **Enrichment of uranium** on the **territory** of the **Community** by a **national** of a **third State**.

EAEC, enrichment of uranium on the territory of the Community by a national of a third country

[Curia, Cases C-123/04 and C-124/04, 12.09.2006](#)

Case C-131/03 P, Reynolds Tobacco and Others / Commission of the European Communities. Appeal – Commission’s decision to bring **proceedings** before a **court of a non-Member State** – Action for annulment – Inadmissible.

[Curia, Case C-131/03 P, 12.09.2006](#)

Law governing the institutions, Commission’s decision to bring proceedings before a court of a non-Member State (USA) (Philip Morris International)

Case C-353/04, Nowaco Germany. Regulations (EEC) Nos 1538/91 and 3665/87 – **Community Customs Code – Export refunds** – Conditions for granting – Sound and fair marketable quality – Customs procedure – Export declaration – Physical check – Sample – Tolerated number of defective units – Uniform quality – Rights and obligations of the exporter and of the customs authority – Poultrymeat.

[Curia, Case C-353/04, 07.09.2006](#)

Agriculture, Export, Community Customs Code, export refunds

## 2. UE-Swiss Relations

### 2.2 Acts of Joint Committees

Decision n° 1/2006 of the **EU-Swiss Joint Committee** of 6 July 2006 amending Annex II (Social Security) to the Agreement between the European Community and its Member States, of the one part, and the **Swiss Confederation**, of the other part, on the **Free Movement of Persons**.

[O.J. of the EU, C 270/67, 29.09.2006](#)

EU-CH, amending the agreement on the free movement of persons

### 2.4 Preparatory Acts, Reports

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

Only in French.

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

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

### 3.3 Community Legislation

Commission Decision of 22 September 2006 laying down the **technical specifications** on the **standards** for **biometric features** related to the **development** of the **Visa Information System**.

[O.J. of the EU, L 267/41, 27.09.2006](#)

Technical specifications on the standards for biometric features, Visa

Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the **Protocol Against the Smuggling of Migrants by Land, Sea and Air**, supplementing the **United Nations Convention Against Transnational Organised Crime** concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community.

**Smuggling of Migrants by land, sea and air, United Nations Convention**

[O.J. of the EU, L 262/34, 22.09.2006](#)

Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the **Protocol Against the Smuggling of Migrants by Land, Sea and Air**, supplementing the **United Nations Convention Against Transnational Organised Crime** concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community.

**Smuggling of Migrants by Land, Sea and Air, United Nations Convention**

[O.J. of the EU, L 262/24, 22.09.2006](#)

Council Decision of 24 July 2006 on the **conclusion**, on behalf of the **European Community**, of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children**, supplementing the United Nations Convention Against **Transnational Organised Crime** concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community.

**Transnational organised crime, prevent, suppress and punish trafficking in persons, United Nations Convention**

[O.J. of the EU, L 262/51, 22.09.2006](#)

Council Decision of 24 July 2006 on the **conclusion**, on behalf of the **European Community**, of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children**, supplementing the United Nations Convention Against **Transnational Organised Crime** concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community.

**Transnational organised crime, prevent, suppress and punish trafficking in persons, United Nations Convention**

[O.J. of the EU, L 262/44, 22.09.2006](#)

**Political and Security Committee Decision Darfur/3/2006** of 25 July 2006 appointing a Military Advisor to the European Union Special Representative for **Sudan**.

**Appointing a military advisor for Sudan**

[O.J. of the EU, L 258/13, 21.09.2006](#)

Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the **introduction** of some **new functions** for the **Schengen Information System**, including in the **fight against terrorism**.

**Introduction of some new functions for the Schengen Information System, concerning Switzerland**

[O.J. of the EU, L 256/18, 20.09.2006](#)

Council Decision of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation (EC) No 871/2004 concerning the **introduction** of some **new functions** for the **Schengen Information System**, including in the **fight against terrorism**.

**Introduction of some new functions for the Schengen Information System, concerning Switzerland**

[O.J. of the EU, L 256/15, 20.09.2006](#)

Commission Regulation (EC) No 1377/2006 of 18 September 2006 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for **capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**.

**Trade in goods used for capital punishment**

[O.J. of the EU, L 255/03, 19.09.2006](#)

Council Common Position 2006/625/PESC of 15 September 2006 concerning a **prohibition** on the **sale or supply of arms and related materiel** and on the **provision of related services to entities or individuals in Lebanon** in accordance with UNSC Resolution 1701 (2006).

**Prohibition on the sale of arms to individuals and entities in Lebanon**

[O.J. of the EU, L 253/36, 16.09.2006](#)

Council Joint Action 2006/607/CFSP of 7 September 2006 amending and extending Joint Action 2005/643/CFSP on the **European Union Monitoring Mission in Aceh** (Indonesia) (**Aceh Monitoring Mission – AMM**).

**Monitoring Mission in Aceh (Indonesia)**

[O.J. of the EU, L 246/16, 08.09.2006](#)

### 3.4 Preparatory Acts, Reports

Proposal for a Council Regulation concerning certain **restrictive measures** in respect of **Lebanon**.

**Restrictive measures,  
Lebanon**

[COM\(2006\) 488 final, 05.09.2006](#)

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

### 4.4 Preparatory Acts, Reports

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a Regulation of the European Parliament and of the Council on the **law applicable to non-contractual obligations ("Rome II")**

**Law applicable to non-contractual obligations ("Rome II")**

[COM\(2006\) 566 final, 27.09.2006](#)

## 5. Police and Judicial Cooperation in Criminal Matters

### 5.4 Preparatory Acts, Reports

Amended Proposal for a Regulation of the European Parliament and the Council on **mutual administrative assistance** for the **protection** of the **financial interests** of the European Community **against fraud** and any other **illegal activities**.

**Mutual assistance against international fraud, cooperation (OLAF, CEPD)**

[COM\(2006\) 473 final, 14.09.2006](#)

Green Paper on **detection technologies** in the **work** of **law enforcement, customs** and other **security authorities**.

**Detection technologies in the work of law enforcement**

[COM\(2006\) 474 final, 01.09.2006](#)

### 5.6 Case Law

Case C-150/05, Van Straaten. **Convention implementing the Schengen Agreement – Ne bis in idem principle** – Meaning of ‘the same acts’ and of ‘trial disposed of’ – Exporting in one State and importing in another State – Acquittal of the accused.

**Police and judicial cooperation in criminal matters**

[Curia, Case C-150/05, 28.09.2006](#)

Case C-467/04, Gasparini and Others. **Convention implementing the Schengen Agreement – Article 54 – Ne bis in idem principle** – Scope – Acquittal of the accused because their prosecution for the offence is time-barred.

**Police and judicial cooperation in criminal matters**

[Curia, Case C-467/04, 28.09.2006](#)

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

### 6.3 Community Legislation

Decision No 204 of 6 October 2005 on **model forms** necessary for the application of **Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 (E 200 series)**. (Text with EEA relevance and for the **EU/Switzerland Agreement**).

**Decision on model forms necessary, migrant workers, concerning Switzerland**

[O.J. of the EU, L 254/01, 16.09.2006](#)

### 6.4 Preparatory Acts, Reports

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a Decision establishing the “**Europe for citizens**” programme (2007-2013).

**Programme to promote the European citizenship**

[COM\(2006\) 542 final, 26.09.2006](#)

Proposal for a Council Directive amending Directive 92/84/EEC on the approximation of the **rates of excise duty on alcohol and alcoholic beverages**.

**Excise duty on alcohol and alcoholic beverages**

[COM\(2006\) 486 final, 08.09.2006](#)

Amended Proposal for a Decision of the European Parliament and of the Council concerning the **European Year of Intercultural Dialogue (2008)**.

**European Year of Intercultural Dialogue**

[COM\(2006\) 492 final, 05.09.2006](#)

## 6.6 Case Law

Arrêt C-434/04, Ahokainen and Leppik. **Free movement of goods** – Articles 28 EC and 30 EC – National legislation prohibiting, without prior authorisation, the importation of undenatured ethyl alcohol of an alcoholic strength of more than 80% – **Measure having equivalent effect to a quantitative restriction** – Justification on the grounds of protection of public health and public order.

**Free movement of goods, importation of undenatured ethyl alcohol**

[Curia, Case C-434/04, 28.09.2006](#)

Joined Cases C-158/04 and C-159/04, Alfa Vita Vassilopoulos. **Free movement of goods** – Article 28 EC – Quantitative restrictions – Measures having equivalent effect – Marketing of frozen ‘bake-off’ products.

**Free movement of goods**

[Curia, Cases C-158/04 and C-159/04, 14.09.2006](#)

Joined Cases C-282/04 and C-283/04, Commission of the European Communities / Netherlands. Failure of a Member State to fulfil obligations – Articles 56(1) EC and 43 EC – **Special shares** (‘golden shares’) of the **Netherlands State in the companies KPN and TPG** – Distinction between ‘controlling holding’, ‘direct investment’ and ‘portfolio investment’ in the context of fundamental freedoms – ‘State measure’ for the purposes of fundamental freedoms – **Guarantee of universal postal service**.

**Freedom of establishment, special shares of the Netherlands State in the companies KPN and TPG**

[Curia, Cases C-282/04 and C-283/04, 28.09.2006](#)

Case C-193/05, Commission of the European Communities / Luxembourg. **Failure of a Member State to fulfil obligations** – **Freedom of establishment** – Directive 98/5/EC – **Practice of the profession of lawyer on a permanent basis** in a Member State other than that in which the qualification was obtained – Prior examination of knowledge of the languages of the host Member State – Prohibition on being a person authorised to accept service (domiciliataire) on behalf of companies – Requirement to produce each year the certificate of registration with the competent authority of the home Member State.

**Freedom of establishment, profession of lawyer**

[Curia, Case C-193/05, 19.09.2006](#)

Case C-506/04, Wilson. **Freedom of establishment** – Directive 98/5/EC – **Practice of the profession of lawyer** on a **permanent basis** in a Member State other than that in which the qualification was obtained – Conditions for registration with the competent authority in the host Member State – Prior examination of knowledge of the languages of the host Member State – Remedy before a court or tribunal in accordance with domestic law.

**Freedom of establishment, profession of lawyer**

[Curia, Case C-506/04, 19.09.2006](#)

Case C-300/04, Eman and Sevinger. **European Parliament – Elections – Right to vote** – Requirements of residence in the Netherlands for Netherlands citizens of Aruba – **Citizenship of the Union**.

**European citizenship, right to vote**

[Curia, Case C-300/04, 12.09.2006](#)

Case C-196/04, Cadbury Schweppes and Cadbury Schweppes Overseas. **Freedom of establishment** – **Law on controlled foreign companies** – Inclusion of the profits of controlled foreign companies in the tax base of the parent company.

**Freedom of establishment, law on controlled foreign companies**

[Curia, Case C-196/04, 12.09.2006](#)

Case C-145/04, Spain / United Kingdom. **European Parliament – Elections – Right to vote – Commonwealth citizens residing in Gibraltar** and not having citizenship of the Union.

**Law governing the institutions, Commonwealth citizens residing in Gibraltar, right to vote**

[Curia, Case C-145/04, 12.09.2006](#)

Case C-149/05, Price. Directives 89/48/EEC and 92/51/EEC – **Workers – Recognition of professional education and training** – Requirement to undergo an aptitude test without the opportunity to choose an adaptation period – Voluntary sales of chattels by public auction.

**Free movement of persons, recognition of professional education and training**

[Curia, Case C-149/05, 07.09.2006](#)

Case C-470/04, N. **Freedom of movement for persons** – Article 18 EC – **Freedom of establishment** – Article 43 EC – **Direct taxation** – Taxation of notional increases in value of substantial shareholdings where tax residence transferred to another Member State.

Freedom of establishment, direct taxation

[Curia, Case C-470/04, 07.09.2006](#)

Joined Cases C-392/04 and C-422/04, i-21 Germany. **Telecommunication services** – Directive 97/13/EC – Article 11(1) – Fees and charges for individual licences – Article 10 EC – Primacy of Community law – Legal certainty – Final administrative decision.

Freedom to provide services, Telecommunication services

[Curia, Cases C-392/04 and C-422/04, 19.09.2006](#)

Case C-386/04, Centro di Musicologia Walter Stauffer. **Free movement of capital** – **Corporation tax** – Exemption of rental income – Residence qualification – Charitable foundation governed by private law.

Freedom of establishment, free movement of capital, corporation tax

[Curia, Case C-386/04, 14.09.2006](#)

## 7. Competition, Commerce, Commercial Enterprises, Banks

### 7.3 Community Legislation

Directive 2006/68/EC of the European Parliament and of the Council of 6 September 2006 amending Council Directive 77/91/EEC as regards the **formation of public limited liability companies** and the **maintenance and alteration of their capital**.  
(Text with EEA relevance).

Formation of public limited liability companies, the maintenance and alteration of their capital

[O.J. of the EU, L 264/32, 25.09.2006](#)

Winding-up proceedings. **Decision to open winding-up proceedings** in respect of **Ancora Versicherungs-Aktiengesellschaft**.

Decision to open winding-up proceedings in respect of Ancora Versicherungs-Aktiengesellschaft

[O.J. of the EU, C 225/05, 19.09.2006](#)

Commission Directive 2006/73/EC of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards **organisational requirements and operating conditions for investment firms and defined terms** for the purposes of that **Directive**

(Text with EEA relevance).

[O.J. of the EU, L 241/26, 02.09.2006](#)

**Organisational requirements and operating conditions for investment firms**

Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards **recordkeeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms** for the purposes of that **Directive**.

(Text with EEA relevance).

[O.J. of the EU, L 241/01, 02.09.2006](#)

**Recordkeeping obligations for investment firms, market transparency**

Commission Regulation (EC) No 1329/2006 of 8 September 2006 amending Regulation (EC) No 1725/2003 adopting **certain international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards the **International Financial Reporting Interpretations Committee's (IFRIC's) Interpretations 8 and 9**.

(Text with EEA relevance).

[O.J. of the EU, L 247/03, 09.09.2006](#)

**International accounting standards**

#### 7.4 Preparatory Acts, Reports

**Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003.**

(Text with EEA relevance).

[O.J. of the EU, C 210/02, 01.09.2006](#)

**Guidelines on the method of setting fines imposed on undertakings infringing Article 81 or 82 of the Treaty**

Proposal of a Directive of the European Parliament and of the Council amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards **procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of shareholdings in the financial sector**.

[COM\(2006\) 507 final, 12.09.2006](#)

**Improving the legal certainty, clarity and transparency of the supervisory approval process regarding acquisitions and increase of shareholders in the financial section.**

## 7.6 Case Law

Case T-153/04, Ferriere Nord / Commission of the European Communities. **Competition** – Fine – **Breach of Article 81 EC** – **Powers** of the **Commission** in respect of the **enforcement** of **sanctions** – Limitation period – Articles 4 and 6 of Regulation (EEC) No 2988/74 – Admissibility.

**Competition, breach of Article 81 EC**

[Curia, Case T-153/04, 27.09.2006](#)

Case T-59/02, Archer Daniels Midland / Commission of the European Communities. **Competition** – **Cartels** – Citric acid – Article 81 EC – Fine – Guidelines on the method of setting fines – Leniency Notice – Principles of legal certainty and non-retroactivity – Principle of proportionality – Equal treatment – Obligation to state reasons – **Rights** of the **defence**.

**Competition, cartels**

[Curia, Case T-59/02, 27.09.2006](#)

Case T-329/01, Archer Daniels Midland / Commission of the European Communities. **Competition** – **Cartels** – Sodium Gluconate – Article 81 EC – Fine – Guidelines on the method of setting fines – Leniency Notice – Principle of proportionality – Equal treatment – Non-retroactivity – Obligation to state reasons – **Rights** of the **defence**.

**Competition, cartels**

[Curia, Case T-329/01, 27.09.2006](#)

Case T-330/01, Akzo Nobel / Commission of the European Communities. **Competition** – **Agreements, decisions and concerted practices** – Sodium gluconate – Article 81 EC – Fine – Guidelines for the calculation of the amount of fines – **Principle** of **proportionality** – Obligation to state reasons.

**Competition, cartels**

[Curia, Case T-330/01, 27.09.2006](#)

Case T-314/01, Avebe / Commission of the European Communities. **Competition – Agreements, decisions and concerted practices** – Sodium gluconate – Article 81 EC – Fine – Liability of the parent company for the unlawful conduct of an association without its own legal personality – Rights of the defence – Exculpatory documents – **Principle of proportionality** – Obligation to state reasons.

**Competition, cartels**

[Curia, Case T-314/01, 27.09.2006](#)

Case T-168/01, GlaxoSmithKline Services / Commission of the European Communities. **Competition – Wholesale distribution of medicines – Parallel trade** – Differentiated prices – Article 81(1) EC – Agreement – Restriction of competition – Object – Relevant market – Effect – Article 81(3) EC – Contribution to the promotion of technical progress – No elimination of competition – Evidence – Statement of reasons – Subsidiarity.

**Competition, wholesale distribution of medicines**

[Curia, Case T-168/01, 27.09.2006](#)

Case C-167/04 P, JCB Service / Commission of the European Communities. Appeals – **Cartels** – Article 81 EC – Distribution agreements – Concerted practices – Notification – Form A/B – Application for exemption – Rejection...

**Competition, cartels**

[Curia, Case C-167/04 P, 21.09.2006](#)

Case C-105/04 P, Nederlandse Federatieve Vereniging voor de Groothandel op Elektrotechnisch Gebied / Commission of the European Communities. **Appeal – Cartels – Market in electrotechnical fittings in the Netherlands** – National wholesalers' association – Agreements and concerted practices having as their object a collective exclusive dealing arrangement and price-fixing – Fines.

**Competition, cartels**

[Curia, Case C-105/04 P, 21.09.2006](#)

Case T-117/04, Werkgroep Commerciële Jachthavens Zuidelijke Randmeren and Others / Commission of the European Communities. **State aid** – Aid awarded by the Netherlands authorities to non-profit-making marinas – Action for annulment – Admissibility.

**State aid**

[Curia, Case T-117/04, 27.09.2006](#)

Case T-210/02, British Aggregates / Commission of the European Communities. **State aid – Environmental tax on aggregates in the United Kingdom** – Commission Decision not to raise objections – Action for annulment – Admissibility – Person individually concerned – Selective character – Obligation to state adequate reasons – Diligent and impartial examination

**State aid**

[Curia, Case T-210/02, 13.09.2006](#)

Case C-526/04, Laboratoires Boiron. **State aid – Articles 87 and 88(3) CE – Tax on direct sales of medicines** – Applicable to pharmaceutical laboratories rather than wholesale distributors – Prohibition on implementing a non-notified aid measure – Possibility of pleading that an aid measure is unlawful in order to obtain reimbursement of a charge...

**State aid, tax on direct sales of medicines**

[Curia, Case C-526/04, 07.09.2006](#)

Case C-88/03, Portugal / Commission of the European Communities. Action for annulment – State aid – Decision 2003/442/EC – **Tax measures adopted by a regional or local authority** – Reductions on the rate of income tax for natural and legal persons having their tax residence in the Azores – Classification as State aid – Selective nature – Justification by the nature and overall structure of the tax system – Obligation to state reasons – Compatibility with the common market.

**State aid**

[Curia, Case C-88/03, 06.09.2006](#)

Case C-125/05, Vulcan Silkeborg. **Competition – Distribution agreement relating to motor vehicles** – Block exemption – Regulation (EC) No 1475/95 – Termination by the supplier – Entry into force of Regulation (EC) No 1400/2002 – Requirement to reorganise the distribution network – Period of notice – Statement of reasons – Burden of proof.

**Competition, distribution agreement relating to motor vehicles**

[Curia, Case C-125/05, 07.09.2006](#)

## 7.7 Competition Proceedings (only under chapter 7)

**Prior notification of a concentration** (Case COMP/M.4405 – **Walter Frey Holding**/Mitsubishi Motors Europe).  
Candidate case for simplified procedure.  
(Text with EEA relevance).

**Notification of a concentration, Walter Frey Holding (WFH, Switzerland)**

[O.J. of the EU, C 230/05, 23.09.2006](#)

Commission Decision of 21 December 2005 declaring a **concentration compatible** with the **common market** and the functioning of the **EEA Agreement** (Case COMP/M.3696 – **E.ON/MOL**).  
(Text with EEA relevance).

**Declaration of a concentration compatible with the common market and the EEA Agreement, E.ON/MOL (petrol and gas)**

[O.J. of the EU, L 253/20, 16.09.2006](#)

Opinion of the **Advisory Committee on concentrations** given at its 135th meeting on 6 December 2005 concerning a draft decision relating to case COMP/M.3696 – **E.ON/MOL**.  
(Text with EEA relevance).

**Opinion, concentration E.ON/MOL (petrol and gas)**

[O.J. of the EU, C 223/14, 16.09.2006](#)

**Final report** of the hearing officer in case COMP/ M.3696 – **E.ON/MOL**.  
(Text with EEA relevance).

**Final report of the hearing officer, E.ON/MOL (petrol and gas)**

[O.J. of the EU, C 223/12, 16.09.2006](#)

## 8. Public Procurement

## 9. Economic and Financial Affairs, Taxation

### 9.4 Preparatory Acts, Reports

Proposal for a Council Decision **authorising the United Kingdom to introduce a special measure** derogating from Article 21(1)(a) of Directive 77/388/EEC on the harmonisation of the laws of the Member States **relating to turnover taxes** (presented by the Commission)

**The United Kingdom is authorised to introduce a special measure relating to turnover taxes**

[COM\(2006\) 555 final, 28.09.2006](#)

## 9.6 Case Law

Case C-128/05, Commission of the European Communities / Austria. Failure of a Member State to fulfil obligations – **Sixth VAT Directive** – International transport undertakings established in another Member State – Annual turnover in Austria EUR 22 000 or less – Simplified procedures for charging and collecting the VAT.

Taxation, sixth VAT directive

[Curia, Case C-128/05, 28.09.2006](#)

Case C-228/05, Stradasfalti. **Sixth VAT Directive** – Right to **deduct input VAT**.

Taxation, VAT

[Curia, Case C-228/05, 14.09.2006](#)

Case C-72/05, Wollny. **Sixth VAT Directive** – Use of property forming part of the assets of a business for private purposes by a taxable person – Treatment of that use as a supply of services for consideration – Determination of the taxable amount – Definition of full cost to the taxable person of providing those services.

Taxation, VAT

[Curia, Case C-72/05, 14.09.2006](#)

Joined Cases C-181/04 and C-183/04, Elmeka. **Sixth VAT Directive** – Exemptions – Exemption for the chartering of sea-going vessels – Scope.

Taxation, VAT

[Curia, Cases C-181/04 and C-183/04, 14.09.2006](#)

Case C-166/05, Heger. **Sixth VAT Directive** – **Place of supply for tax purposes** – Article 9 – Supply of services connected with immovable property – Transmission of the fishing rights over a particular part of a stretch of water.

Taxation, VAT

[Curia, Case C-166/05, 07.09.2006](#)

Case C-193/04, Organon Portuguesa. **Indirect taxes on the raising of capital** – Directive 69/335/EEC – **Disposal of shares of a limited company**.

Taxation, indirect taxes on the raising of capital

[Curia, Case C-193/04, 07.09.2006](#)

## 10. Industrial and Intellectual Property

### 10.6 Case Law

Case T-191/04, MIP Metro / Office for Harmonisation in the Internal Market (OHIM) – Tesco Stores (METRO).

**Community trade mark** – Opposition proceedings – Application for a figurative mark consisting of the word mark METRO – Earlier national word mark METRO – Expiry of protection of earlier national trade mark.

Intellectual property,  
Community trade mark

[Curia, Case T-191/04, 13.09.2006](#)

Case C-479/04, Laserdisken. Directive 2001/29/EC – **Harmonisation of certain aspects of copyright and related rights in the information society** – Article 4 – Distribution rights – Rule of exhaustion – Legal basis – International agreements – Competition policy – Principle of proportionality – Freedom of expression – Principle of equal treatment – Articles 151 EC and 153 EC.

Approximation of laws,  
harmonisation of certain  
aspects of copyright and  
related rights in the  
information society

[Curia, Case C-479/04, 12.09.2006](#)

Case T-133/05, Meric / Office for Harmonisation in the Internal Market (OHIM) - Arbora & Ausonia (PAM-PIM'S BABY-PROP). **Community trade mark** – Opposition proceedings – Earlier national figurative and word marks PAM-PAM – Application for Community word mark PAM-PIM'S BABY-PROP – Relative ground for refusal ...

Intellectual property,  
Community trade mark

[Curia, Case T-133/05, 07.09.2006](#)

Case C-108/05, Bovemij Verzekeringen. **Trade Marks** – Directive 89/104/EEC – Article 3(3) – **Distinctive character** – **Acquisition through use** – Taking into account all or a substantial part of the Benelux territory – Taking into account the linguistic regions of Benelux – Word mark EUROPOLIS.

Approximation of laws,  
trade mark, distinctive  
character

[Curia, Case C-108/05, 07.09.2006](#)

Case T-168/04, L & D / Office for Harmonisation in the Internal Market (OHIM) - Sämann (Aire Limpio).  
Community trade mark – Opposition proceedings – Earlier figurative marks representing a fir tree including, in certain cases, verbal elements – Application for figurative mark containing the verbal element ‘Aire Limpio’ – Likelihood of confusion ...

**Intellectual property,  
Community trade mark  
(Sämann (Aire Limpio),  
Zug Switzerland)**

[Curia, Case T-168/04, 07.09.2006](#)

Case T-6/05, DEF-TEC Defense Technology / Office for Harmonisation in the Internal Market (OHIM).  
**Community trade mark** – Opposition proceedings – Application for figurative mark FIRST DEFENSE AEROSOL PEPPER PROJECTOR – Relative ground for refusal – Existence of trade mark proprietor’s consent.

**Intellectual property,  
Community trade mark**

[Curia, Case T-6/05, 06.09.2006](#)

## 11. Human rights, Data Protection, Consumer Affairs

### 11.4 Preparatory Acts, Reports

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251(2) of the EC Treaty on the common position adopted by the Council with a view to adopting a Regulation of the European Parliament and of the Council setting up a **European Institute for Gender Equality**.

**European Institute for  
Gender Equality**

[COM\(2006\) 501 final, 21.09.2006](#)

Proposal for a Regulation (Euratom, CE) of the European Parliament and of the Council on the transmission of **data subject to statistical confidentiality** to the Statistical Office of the European Communities.

**Data subject to statistical  
confidentiality**

[COM\(2006\) 477 final, 04.09.2006](#)

Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee.

**Liability for defective products**

Third report on the application of Council Directive on the approximation of laws, regulations and administrative provisions of the Member States concerning **liability for defective products** (85/374/EEC of 25 July 1985, amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999).

[COM\(2006\) 496 final, 14.09.2006](#)

## 11.6 Case Law

Case C-356/04, Lidl Belgium. Directives 84/450/EEC and 97/55/EC – **Misleading advertising – Comparative advertising** – Conditions under which comparative advertising is permitted – Comparison of the general level of the prices charged by chains of stores – Comparison of the prices of a selection of products.

**Approximation of laws, misleading advertising**

[Curia, Case C-356/04, 19.09.2006](#)

## 12. Telecommunications, Education, Research and Technology

### 12.3 Community Legislation

Commission Decision of 4 September 2006 establishing the **classes of external fire performance** for certain **construction products** as regards **double skin metal faced sandwich panels for roofs**.  
(Text with EEA relevance).

**Classes of external fire performance for certain construction products**

[O.J. of the EU, L 244/24, 07.09.2006](#)

### 12.4 Preparatory Acts, Reports

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the **adoption of a Recommendation** of the European Parliament and of the Council on the **protection of minors and human dignity** and on the **right of reply in relation to the competitiveness of the European audiovisual and online information services industry**.

**Protection of minors and human dignity, competitiveness of the European audiovisual and online information services industry**

[COM\(2006\) 546 final, 21.09.2006](#)

Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions.

**Putting knowledge into practice: A broad-based innovation strategy for the EU.**

[COM\(2006\) 502 final, 13.09.2006](#)

**Broad-based innovation strategy for the EU**

Communication from the Commission to the Council and to the European Parliament. **Efficiency and equity in European education and training systems.**

[COM\(2006\) 481 final, 08.09.2006](#)

**Efficiency and equity in European education and training systems**

Implementing the Community Lisbon Programme Proposal for a Recommendation of the European Parliament and of the Council on the establishment of the **European Qualifications Framework for lifelong learning.**

[COM\(2006\) 479 final, 05.09.2006](#)

**European qualifications framework for lifelong learning**

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a Decision of the European Parliament and of the Council concerning the **7th Framework Programme** of the European Community for **research, technological development and demonstration activities** (2007-2013).

[COM\(2006\) 548 final, 26.09.2006](#)

**7<sup>th</sup> Framework Programme, research, technological development and demonstration activities**

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

[O.J. of the EU, C 232/04, 27.09.2006](#)

**Technical rules, information procedure**

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

[O.J. of the EU, C 226/08, 20.09.2006](#)

**Technical rules, information procedure**

**Information procedure — Technical rules.**

(Text with EEA relevance).

Technical rules,  
information procedure

[O.J. of the EU, C 220/13, 13.09.2006](#)

**12.5 Calls**

Call for proposals — ref: GP/D/ReferNet2/002/06.  
ReferNet — **European Network of Reference and Expertise in VET.**

Call for proposals,  
European Network of  
Reference and Expertise  
in VET

[O.J. of the EU, C 211/12, 02.09.2006](#)

**13. Transport, Environment, Energy and Health****13.3 Community Legislation**

Council Regulation (EC) No 1419/2006 of 25 September 2006 repealing Regulation (EEC) No 4056/86 laying down detailed rules for the application of Articles 85 and 86 of the **Treaty to maritime transport**, and amending Regulation (EC) No 1/2003 as regards the extension of its **scope to include cabotage and international tramp services.**

(Text with EEA relevance).

Treaty to maritime  
transport

[O.J. of the EU, L 269/01, 28.09.2006](#)

Commission Decision of 15 February 2006 pursuant to Article 83 of the Treaty establishing the **European Atomic Energy Community**. A summary of the key provisions of the Decision are set out below, without prejudice to the full effect of the Decision itself.

(Text with EEA relevance).

European Atomic Energy  
Community

[O.J. of the EU, L 255/05, 19.09.2006](#)

Directive 2006/66/CE of the European Parliament and of the Council of 6 September 2006 on **batteries and accumulators and waste batteries and accumulators** and repealing Directive 91/157/EEC.

(Text with EEA relevance).

Waste batteries and  
accumulators

[O.J. of the EU, L 266/01, 26.09.2006](#)

Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on **Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters** to Community institutions and bodies.

**Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

[O.J. of the EU, L 264/13, 25.09.2006](#)

Regulation (EC) No 1366/2006 of the European Parliament and of the Council of 6 September 2006 amending Regulation (EC) No 2037/2000 as regards the base year for the allocation of **quotas of hydrochlorofluorocarbons** with respect to the **Member States** that acceded to the European Union on 1 May 2004.

**Quotas of hydrochlorofluorocarbons with respect to the Member States**

[O.J. of the EU, L 264/12, 25.09.2006](#)

Commission Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the **list of sites of Community importance for the Mediterranean biogeographical region.**

**The list of sites of Community importance for the Mediterranean biogeographical region**

[O.J. of the EU, L 259/01, 21.09.2006](#)

Commission Recommendation of 22 September 2006 on the **efficacy of sunscreen products** and the **claims** made **relating thereto.**  
(Text with EEA relevance).

**Efficacy of sunscreen products**

[O.J. of the EU, L 265/39, 26.09.2006](#)

Commission Decision of 6 September 2006 on certain **protection measures** in relation to intra-Community trade in **poultry** intended for restocking of **wild game supplies.**  
(Text with EEA relevance).

**Protection measures, intra-Community trade in poultry**

[O.J. of the EU, L 246/12, 08.09.2006](#)

Commission Directive 2006/76/EC of 22 September 2006 amending Council Directive 91/414/EEC as regards the specification of the **active substance chlorothalonil.**  
(Text with EEA relevance).

**Placing of plant-protection on the market**

[O.J. of the EU, L 263/09, 23.09.2006](#)

Commission Directive 2006/75/EC of 11 September 2006 amending Council Directive 91/414/EEC to include **dimoxystrobin** as **active substance**.  
(Text with EEA relevance).

**Placing of plant-protection on the market**

[O.J. of the EU, L 248/03, 12.09.2006](#)

Commission Decision of 31 August 2006 recognising in principle the completeness of the dossiers submitted for **detailed examination** in view of the **possible inclusion** of **aviglycine HCl**, **mandipropamid** and **meptyldinocap** in Annex I to Council Directive 91/414/EEC.  
(Text with EEA relevance)

**Placing of plant-protection on the market**

[O.J. of the EU, L 240/09, 02.09.2006](#)

#### 13.4 Preparatory Acts, Reports

Proposal for a Directive of the European Parliament and of the Council on the **identification of controls, tell-tales and indicators for two- or three-wheel motor vehicles**

**Identification of controls, tell-tales and indicators for two- or three-wheel motor vehicles**

[COM\(2006\) 556 final, 28.09.2006](#)

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251(2) of the EC Treaty concerning the common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on **driving licences (Recast)**.

**Driving licences (recast)**

[COM\(2006\) 547 final, 21.09.2006](#)

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position of the Council on the adoption of a regulation of the European Parliament and of the Council on **international rail passengers' rights and obligations**.

**International rail passengers' rights and obligations**

[COM\(2006\) 517 final, 18.09.2006](#)

Communication from the Commission to the European Parliament pursuant to the second subparagraph of Article 251 (2) of the EC Treaty concerning the common position adopted by the Council with a view to the adoption of a directive of the European Parliament and of the Council on the **certification of train drivers operating locomotives and trains** on the Community's **rail network**.

[COM\(2006\) 515 final, 18.09.2006](#)

**Certification of train drivers operating locomotives and trains**

Commission communication in the framework of the implementation of the Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, **regulations** and administrative provisions of the Member States relating to **recreational craft**.

(Text with EEA relevance).

[O.J. of the EU, C 223/02, 16.09.2006](#)

**Harmonisation of laws, recreational craft**

Communication from the Commission. Annual report by the six European coordinators on the **progress** of certain **trans-European transport network projects**.

[COM\(2006\) 490 final, 13.09.2006](#)

**Trans-European transport network**

Proposal for a Directive of the European Parliament and of the Council relating to the **space** for **mounting the rear registration plate** of two or **three-wheel motor vehicles**.

[COM\(2006\) 478 final, 05.09.2006](#)

**Mounting the rear registration plate of two or three-wheel motor vehicles**

Notification pursuant to Article 95, paragraph 4 of the EC Treaty — Authorisation to maintain **national measures being more stringent** than provisions of an **EC harmonisation measure**.

(Text with EEA relevance).

[O.J. of the EU, C 228/04, 22.09.2006](#)

**Maintain national measures being more stringent than provisions of EU pursuant of certain greenhouse gas**

Communication from the Commission to the Council and the European Parliament Development of **agri-environmental indicators** for monitoring the **integration** of **environmental concerns** into the **common agricultural policy**.

[COM\(2006\) 508 final, 15.09.2006](#)

**Development of agri-environmental indicators**

Proposal for a Council Decision relating to a proposal for an amendment to Annex I to the **UNECE Convention on the Transboundary Effects of Industrial Accidents**.

**UNECE Convention on Transboundary Effects on Industrial Accidents**

[COM\(2006\) 493 final, 13.09.2006](#)

Opinion of the Commission pursuant to Article 251 (2) third sub-paragraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's Common Position regarding the **proposal** for a Directive of the European Parliament and of the Council **establishing an infrastructure for spatial information in the European Community (INSPIRE)**.

**Infrastructure for spatial information (INSPIRE)**

[COM\(2006\) 484 final, 13.09.2006](#)

Commission communication in the framework of the implementation of the Council Directive 93/15/EEC of 5 April 1993 on the **harmonisation of the provisions** relating to the **placing on the market and supervision of explosives for civil uses**.  
(Text with EEA relevance)

**Harmonisation of the provisions, placing on the market and supervision of explosives for civil uses**

[O.J. of the EU, C 221/02, 14.09.2006](#)

Report from the Commission on **food irradiation** for the year **2004**.

**Food irradiation**

[O.J. of the EU, C 230/28, 23.09.2006](#)

Report from the Commission on **food irradiation** for the year **2003**.

**Food irradiation**

[O.J. of the EU, C 230/12, 23.09.2006](#)

Communication from the Commission to the Council and the European Parliament. Better training for **safer food**.

**Safer food**

[COM\(2006\) 519 final, 20.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include carbendazim as active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 541 final, 14.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include procymidone as active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 540 final, 14.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include dinocap as active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 539 final, 14.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include fenarimol as active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 538 final, 14.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include methamidophos as an active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 537 final, 14.09.2006](#)

Proposal for a Council Directive amending Council Directive 91/414/EEC to **include flusilazole as active substance**.

**Including, active substance, plant protection products**

[COM\(2006\) 536 final, 14.09.2006](#)

**Summary of Community decisions on marketing authorizations** in respect of **medicinal products** from 1 August 2006 to 31 August 2006.

**Medicinal products, marketing authorizations**

[O.J. of the EU, C 236/07, 30.09.2006](#)

**Summary of Community decisions on marketing authorizations** in respect of **medicinal products** from 1 August 2006 to 31 August 2006.

**Medicinal products, marketing authorizations**

[O.J. of the EU, C 236/02, 30.09.2006](#)

**Summary of Community decisions on marketing authorizations** in respect of **medicinal products** from 1.7.2006 to 31.7.2006.

**Medicinal products, marketing authorizations**

[O.J. of the EU, C 217/13, 08.09.2006](#)

**Summary of Community decisions on marketing authorizations** in respect of **medicinal products** from 1.7.2006 to 31.7.2006.

**Medicinal products,  
marketing authorizations**

[O.J. of the EU, C 217/05, 08.09.2006](#)

Commission Communication in the framework of the implementation of the Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on **in vitro diagnostic medical devices**.  
(Text with EEA relevance).

**In vitro diagnostic  
medical devices,  
references of harmonised  
standards**

[O.J. of the EU, C 216/21, 07.09.2006](#)

Commission Communication in the framework of the implementation of the Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to **active implantable medical devices**.  
(Text with EEA relevance).

**Active implantable  
medical devices,  
references of harmonised  
standards**

[O.J. of the EU, C 216/17, 07.09.2006](#)

Commission Communication in the framework of the implementation of the Council Directive 93/42/EEC of 14 June 1993 **concerning medical devices**.  
(Text with EEA relevance).

**Medical devices,  
references of harmonised  
standards**

[O.J. of the EU, C 216/01, 07.09.2006](#)

### 13.6 Case Law

Case T-166/01, Lucchini / Commission of the European Communities. **ECSC – State aid – Environmental aid – Aid by Italy in favour of the Lucchini steel company – Refusal to authorise the proposed aid – Applicable legal framework – Eligibility of the notified investments as aid for environmental protection – Conditions governing the compatibility of aid with the common market – Statement of reasons.**

**ECSC, State aid**

[Curia, Case T-166/01, 19.09.2006](#)

Case C-244/05, Bund Naturschutz in Bayern and Others.  
**Conservation of natural habitats** and of **wild fauna** and **flora** – Directive 92/43/EEC – Protection regime before the inclusion of a habitat in the list of sites of Community importance.

**Environment,  
conservation of natural  
habitats**

[Curia, Case C-244/05, 14.09.2006](#)