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Highlights

DIRECTIVE 2011/99/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the **European protection order**
[OJ of the EU, L 338/9 of 21 December 2011 - FR](#)

Case C-257/10: Judgment of the Court (Third Chamber) of 15 December 2011 - Försäkringskassan v Elisabeth Bergström - Migrant workers – Social security – Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Regulation (EEC) No 1408/71 – National of a Member State who has been pursuing a professional activity in Switzerland – Return to country of origin

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EU News: Click & Read

January 2012

European Documentation Centre

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This monthly newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses with information about the latest legal developments in the European Union. Written in English and French, the newsletter offers links to documents in both languages.

We hope you will find this issue both useful and a pleasure to read.

1. EU-Swiss Relations

International Agreements

COUNCIL DECISION of 16 December 2011 on the position to be taken by the European Union in the Joint Committee established under the **Agreement between the European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, **on the free movement of persons** as regards the replacement of Annex II to that Agreement on the **co-ordination of social security schemes** (2011/863/EU)
[OJ of the EU, L 341/1 of 22 December 2011 - FR](#)

DECISION No 2/2011 OF THE JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 25 November 2011 **replacing** the Annex to the **Agreement between the European Community and the Swiss Confederation on Air Transport** (2011/2/EU)
[OJ of the EU, L 338/70 of 21 December 2011 - FR](#)

Case Law

Case C-257/10: Judgment of the Court (Third Chamber) of 15 December 2011 - Försäkringskassan v Elisabeth Bergström - Migrant workers – Social security – Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Regulation (EEC) No 1408/71 – National of a Member State who has been pursuing a professional activity in Switzerland – Return to country of origin
[CURIA – Judgment in Case C-257/10 of the Court of Justice of 15 December 2011](#)

2. External Relations / Foreign Policy

Community Legislation

COUNCIL DECISION of 13 December 2011 on the **full application of the provisions of the Schengen acquis in the Principality of Liechtenstein** (2011/842/EU)
[OJ of the EU, L 334/27 of 16 December 2011 - FR](#)

Case Law

Case C-72/11: Judgment of the Court (Third Chamber) of 21 December 2011 - Criminal proceedings against Mohsen Afrasiabi, Behzad Sahabi, Heinz Ulrich Kessel - Common foreign and security policy – **Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation – Regulation (EC) No 423/2007 – Article 7(3) and (4) – Supply and installation of a sintering furnace in Iran** – Concept of ‘indirectly making available’ an ‘economic resource’ to persons, entities and bodies listed in Annexes IV and V to that regulation – Concept of ‘circumvention’ of the prohibition on making that resource available
[CURIA – Judgment in Case C-72/11 of the Court of Justice of 21 December 2011](#)

Case C-27/09 P: Judgment of the Court (Grand Chamber) of 21 December 2011 - French Republic v People’s Mojahedin Organization of Iran - Appeal – Common foreign and security policy – **Restrictive measures directed against certain persons and entities with a view to combating terrorism – Common Position 2001/931/CFSC – Regulation (EC) No 2580/2001** – Freezing of funds applicable to a group included in a list drawn up, revised and amended by the Council of the European Union – Rights of the defence
[CURIA – Judgment in Case C-27/09 P of the Court of Justice of 21 December 2011](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION DECISION of 7 December 2011 concerning a guide on **EU corporate registration, third country and global registration under Regulation** (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (*notified under document C(2011) 8896*) (Text with EEA relevance) (2011/832/EU)
[OJ of the EU, L 330/25 of 14 December 2011 - FR](#)

Case Law

Case C-316/10: Judgment of the Court (Third Chamber) of 21 December 2011 - Danske Svineproducenter v Justitsministeriet - Second paragraph of Article 288 TFEU – Regulation (EC) No 1/2005 – Protection of animals during transport – Transport by road of domestic animals of the porcine species – Minimum height of compartments – Inspection during a journey – Loading density – Right of Member States to adopt detailed standards
[CURIA – Judgment in Case C-316/10 of the Court of Justice of 21 December 2011](#)

Case C-392/10: Judgment of the Court (Fifth Chamber) of 19 January 2012 - Suiker Unie GmbH – Zuckerfabrik Anklam v Hauptzollamt Hamburg-Jonas - Regulation (EC) No 800/1999 – Article 15(1) and (3) – Agricultural products – System of export refunds – Differentiated export refund – Conditions for granting – Import of the product into the third country of destination – Payment of import duties
[CURIA – Judgment in Case C-392/10 of the Court of Justice of 19 January 2012](#)

4. Audiovisual and Media and Information Society

International Agreements

COUNCIL DECISION of 29 November 2011 on the signing, on behalf of the Union, of the **European Convention on the legal protection of services based on, or consisting of, conditional access** (2011/853/EU)
[OJ of the EU, L 336/1 of 20 December 2011 - FR](#)

EUROPEAN CONVENTION ON THE LEGAL PROTECTION OF SERVICES BASED ON, OR CONSISTING OF, CONDITIONAL ACCESS
[OJ of the EU, L 336/2 of 20 December 2011 - FR](#)

5. Competition

Case Law

Case C-389/10 P: Judgment of the Court (Second Chamber) of 8 December 2011 - KME Germany AG, KME France SAS and KME Italy SpA v European Commission - Appeal – Competition – Agreements, decisions and concerted practices – Market for copper plumbing tubes – Fines – Size of the market, duration of the infringement and cooperation capable of being taken into consideration – Effective judicial remedy
[CURIA – Judgment in Case C-389/10 P of the Court of Justice of 8 December 2011](#)

Case C-386/10 P: Judgment of the Court (Second Chamber) of 8 December 2011 - Chalkor AE Epexergias Metallon v European Commission - Appeal – Competition – Agreements, decisions and concerted practices – Market for copper plumbing tubes – Fines – Size of the market, duration of the infringement and cooperation capable of being taken into consideration – Effective judicial remedy
[CURIA – Judgment in Case C-386/10 P of the Court of Justice of 8 December 2011](#)

Case C-272/09 P: Judgment of the Court (Second Chamber) of 8 December 2011 - KME Germany AG and Others v European Commission - Appeal – Competition – **Agreements, decisions and concerted practices – Market for copper industrial tubes** – Fines – Size of the market, duration of the infringement and cooperation capable of being taken into consideration – Effective judicial remedy
[CURIA – Judgment in Case C-272/09 P of the Court of Justice of 8 December 2011](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

GUIDELINE OF THE EUROPEAN CENTRAL BANK of 21 December 2011 amending Guideline ECB/2010/20 on the legal framework for **accounting and financial reporting in the European System of Central Banks (ECB/2011/27)** (2012/38/EU)

[OJ of the EU, L 19/37 of 24 January 2012 - FR](#)

EUROPEAN COMMISSION Guidelines on the **application of Council Directive 2004/113/EC to insurance**, in the **light of the judgment of the Court of Justice of the European Union in Case C-236/09 (Test-Achats)** (Text with EEA relevance) (2012/C 11/01)

[OJ of the EU, L 335/1 of 17 December 2011 - FR](#)

COUNCIL DIRECTIVE 2011/96/EU of 30 November 2011 on the **common system of taxation** applicable in the case of **parent companies and subsidiaries of different Member States** (recast)

[OJ of the EU, L 345/11 of 29 December 2011 - FR](#)

EUROPEAN COMMISSION MONETARY AGREEMENT between the **European Union** and the **Principality of Andorra** (2011/C 369/01)

[OJ of the EU, C 369/1 of 17 December 2011 - FR](#)

COMMISSION DECISION of 5 April 2011 on the **measures** C 11/09 (ex NN 53b/08, NN 2/10 and N 19/10) **implemented by the Dutch State for ABN AMRO Group NV** (created following the merger between Fortis Bank Nederland and ABN AMRO N) (*notified under document C(2011) 2114*) (Only the English text is authentic) (Text with EEA relevance) (2011/823/EU)

[OJ of the EU, L 333/1 of 15 December 2011](#)

DIRECTIVE 2011/89/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC as regards the supplementary **supervision of financial entities in a financial conglomerate** (Text with EEA relevance)

[OJ of the EU, L 326/113 of 8 December 2011 - FR](#)

Case Law

Case C-81/10 P: Judgment of the Court (Third Chamber) of 8 December 2011 - France Télécom SA v European Commission - Appeal – **State aid – France Télécom’s business tax regime – Concept of ‘aid’** – Legitimate expectations – Limitation period – Obligation to state reasons – Principle of legal certainty

[CURIA – Judgment in Case C-81/10 P of the Court of Justice of 8 December 2011](#)

Affaire C-624/10 : Arrêt de la Cour (huitième chambre) du 15 décembre 2011 - Commission européenne contre République française - Manquement d’État – **Fiscalité – Directive 2006/112/CE – Articles 168, 171, 193, 194, 204 et 214** – Réglementation d’un État membre prévoyant l’obligation pour le vendeur ou le prestataire établi en dehors du territoire national de désigner un répondant fiscal et de s’identifier à la TVA dans cet État membre – Réglementation permettant une compensation entre la TVA déductible supportée par le vendeur ou le prestataire établi en dehors du territoire national et celle collectée par lui au nom et pour le compte de ses clients

[CURIA – Arrêt dans l’affaire C-624/10 de la Cour de Justice du 15 décembre 2011](#)

Case C-427/10: Judgment of the Court (Third Chamber) of 15 December 2011 - Banca Antoniana Popolare Veneta SpA, incorporating Banca Nazionale dell'Agricoltura SpA v Ministero dell'Economia e delle Finanze, Agenzia delle Entrate - VAT – Recovery of VAT paid but not due – National legislation under which actions may be brought for the recovery of sums paid but not due, before different courts and subject to different time-limits, depending on whether the claimant is the recipient of the services or their supplier – Possibility for the recipient to claim a VAT refund from the supplier after the expiry of the time-limits within which the supplier is able to bring an action against the tax authority – Principle of effectiveness

[CURIA – Judgment in Case C-427/10 of the Court of Justice of 15 December 2011](#)

Case C-409/10: Judgment of the Court (First Chamber) of 15 December 2011 - Hauptzollamt Hamburg-Hafen v Afasia Knits Deutschland GmbH - Common commercial policy – Preferential regime for the importation of products originating in the African, Caribbean and Pacific (ACP) States – Irregularities detected during an investigation carried out by the European Anti-Fraud Office (OLAF) in the exporting ACP State – Post-clearance recovery of the import duties

[CURIA – Judgment in Case C-409/10 of the Court of Justice of 15 December 2011](#)

Case C-503/10: Judgment of the Court (Eighth Chamber) of 21 December 2011 - Evroetil AD v Direktor na Agentsia 'Mitnitsi' - Directive 2003/30/EC – Article 2(2)(a) – Concept of bioethanol – Product obtained from biomass, undenatured and with an ethyl alcohol content of over 98.5% – Relevance of actual use as a biofuel – Regulation (EEC) No 2658/87 – Combined Nomenclature – Tariff classification of bioethanol for the purpose of collecting excise duties – Directive 2003/96/EC – Energy products – Directive 92/83/EEC – First indent of Article 20 and Article 27(1)(a) and (b) – Concept of ethyl alcohol – Exemption from the harmonised duty – Denaturing

[CURIA – Judgment in Case C-503/10 of the Court of Justice of 21 December 2011](#)

Case C-499/10: Judgment of the Court (Seventh Chamber) of 21 December 2011 - Vlaamse Oliemaatschappij NV v FOD Financiën - Sixth VAT Directive – Persons liable to pay tax – Third party jointly and severally liable – Warehousing arrangements other than customs warehousing – Joint and several liability of the warehouse-keeper of the goods and the taxable person who owns the goods – Good faith or lack of fault or negligence of the warehouse-keeper

[CURIA – Judgment in Case C-499/10 of the Court of Justice of 21 December 2011](#)

Affaire C-250/10 : Arrêt de la Cour (quatrième chambre) du 21 décembre 2011 - Haltergemeinschaft LBL GbR contre Hauptzollamt Düsseldorf - Directive 2003/96/CE – Taxation des produits énergétiques et de l'électricité – Article 14, paragraphe 1, sous b) – Exonération des produits énergétiques utilisés comme carburant ou combustible pour la navigation aérienne – Carburant mis à disposition par le fréteur d'un avion utilisé par les affrêteurs de celui-ci pour leurs vols à des fins autres que la prestation d'un service aérien à titre onéreux

[CURIA – Arrêt dans l'affaire C-250/10 de la Cour de Justice du 21 décembre 2011](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION of 15 December 2011 regarding **relief for double taxation of inheritances** (2011/856/EU)

[OJ of the EU, L 336/81 of 20 December 2011 - FR](#)

9. Employment and Social Affairs

Community Legislation

DIRECTIVE 2011/98/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on a **single application procedure** for a **single permit for third-country nationals to reside and work in the territory of a Member State** and on a common set of rights for third-country workers legally residing in a Member State

[OJ of the EU, L 336/81 of 20 December 2011 - FR](#)

Case Law

Case C-384/10: Judgment of the Court (Fourth Chamber) of 15 December 2011 - Jan Voogsgeerd v Navimer SA - Rome Convention on the law applicable to contractual obligations – Contract of employment – Choice made by the parties – Mandatory rules of the law applicable in the absence of choice – Determination of that law – Employee carrying out his work in more than one Contracting State
[CURIA – Judgment in Case C-384/10 of the Court of Justice of 15 December 2011](#)

Case C-257/10: Judgment of the Court (Third Chamber) of 15 December 2011 - Försäkringskassan v Elisabeth Bergström - Migrant workers – Social security – Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Regulation (EEC) No 1408/71 – National of a Member State who has been pursuing a professional activity in Switzerland – Return to country of origin
[CURIA – Judgment in Case C-257/10 of the Court of Justice of 15 December 2011](#)

Case C-347/10: Judgment of the Court (Grand Chamber) of 17 January 2012 – A. Salemink v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - Social security for migrant workers – Regulation (EEC) No 1408/71 – Worker employed on gas-drilling platform on the continental shelf adjacent to the Netherlands – Compulsory insurance – Refusal to pay invalidity benefit
[CURIA – Judgment in Case C-347/10 of the Court of Justice of 17 January 2012](#)

Case C-282/10: Judgment of the Court (Grand Chamber) of 24 January 2012 - Maribel Dominguez v Centre informatique du Centre Ouest Atlantique, Préfet de la région Centre - Social policy – Directive 2003/88/EC – Article 7 – Right to paid annual leave – Precondition for entitlement imposed by national rules – Absence of the worker – Length of the leave entitlement based on the nature of the absence – National rules incompatible with Directive 2003/88 – Role of the national court
[CURIA – Judgment in Case C-282/10 of the Court of Justice of 24 January 2012](#)

10. Energy and Environment

Community Legislation

COUNCIL DIRECTIVE 2011/97/EU of 5 December 2011 amending Directive 1999/31/EC as regards **specific criteria for the storage of metallic mercury considered as waste**
[OJ of the EU, L 328/1 of 10 December 2011 - FR](#)

REGULATION (EU) No 1227/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on **wholesale energy market integrity and transparency** (Text with EEA relevance)
[OJ of the EU, L 326/1 of 8 December 2011 - FR](#)

Case Law

C-585/10: Judgment of the Court (Eighth Chamber) of 15 December 2011 - Niels Møller v Haderslev Kommune - Integrated pollution prevention and control – Directive 96/61/EC – Annex I, subheading 6.6(c) – Installations for the intensive rearing of pigs. with more than 750 places for sows – Inclusion or non-inclusion of places for gilts
[CURIA – Judgment in Case C-585/10 of the Court of Justice of 15 December 2011](#)

Affaire C-560/08 : Arrêt de la Cour (cinquième chambre) du 15 décembre 2011 - Commission européenne contre Royaume d'Espagne - Manquement d'État – **Directive 85/337/CEE – Évaluation des incidences de certains projets publics et privés sur l'environnement – Directive 92/43/CEE – Conservation des habitats naturels** – Projets de doublement et/ou d'aménagement de la route M-501 en Espagne – ZPS ES0000056 'Encinares del río Alberche y río Cofio' – SIC proposé ES3110005 'Cuenca del río Guadarrama' et SIC proposé ES3110007 'Cuencas de los ríos Alberche y Cofio'
[CURIA – Arrêt dans l'affaire C-560/08 de la Cour de Justice du 15 décembre 2011](#)

Case C-366/10: Judgment of the Court (Grand Chamber) of 21 December 2011 - Air Transport Association of America and Others v Secretary of State for Energy and Climate Change - Reference for a preliminary ruling – **Directive 2003/87/EC – Scheme for greenhouse gas emission allowance trading – Directive 2008/101/EC – Inclusion of aviation activities in that scheme – Validity – Chicago Convention – Kyoto Protocol – EU-United States Air Transport Agreement** – Principles of customary international law – Legal effects thereof – Whether they may be relied upon – Extraterritoriality of European Union law – Meaning of ‘charges’, ‘fees’ and ‘taxes’
[CURIA – Judgment in Case C-366/10 of the Court of Justice of 21 December 2011](#)

Case C-242/10: Judgment of the Court (Second Chamber) of 21 December 2011 - Enel Produzione SpA v Autorità per l'energia elettrica e il gas - **Directive 2003/54/EC – Internal market in electricity – Electricity generating installations essential to the operation of the electricity system** – Obligation to submit tenders on the national electricity exchange market in accordance with the limits and criteria laid down by the electricity transmission and distribution system operator – Dispatching and balancing service – Public service obligations
[CURIA – Judgment in Case C-242/10 of the Court of Justice of 21 December 2011](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DIRECTIVE 2011/100/EU of 20 December 2011 amending Directive 98/79/EC of the European Parliament and of the Council on **in-vitro diagnostic medical devices** (Text with EEA relevance)
[OJ of the EU, L 341/50 of 22 December 2011 - FR](#)

COMMISSION DECISION of 20 December 2011 amending Decision 2002/364/EC on common **technical specifications for in vitro diagnostic medical devices** (*notified under document C(2011) 9398*) (Text with EEA relevance) (2011/869/EU)
[OJ of the EU, L 341/63 of 22 December 2011 - FR](#)

DIRECTIVE 2011/91/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on **indications or marks identifying the lot to which a foodstuff belongs** (codification) (Text with EEA relevance)
[OJ of the EU, L 334/1 of 16 December 2011 - FR](#)

Case Law

Case C-495/10: Judgment of the Court (Grand Chamber) of 21 December 2011 – Centre hospitalier universitaire de Besançon v Thomas Dutrueux, Caisse primaire d'assurance maladie du Jura - **Directive 85/374/EEC – Liability for defective products – Scope** – National rules requiring public healthcare establishments to pay compensation, even when they are not at fault, for damage sustained by a patient as a result of the failure of equipment or products used in the course of treatment
[CURIA – Judgment in Case C-495/10 of the Court of Justice of 21 December 2011](#)

Case C-482/10: Judgment of the Court (Third Chamber) of 21 December 2011 - Teresa Cicala v Regione Siciliana - **National administrative procedure – Administrative acts – Obligation to state reasons** – Possibility of failure to state reasons being remedied during legal proceedings against an administrative act – Interpretation of the second paragraph of Article 296 TFEU and Article 41(2)(c) of the Charter of Fundamental Rights of the European Union – Lack of jurisdiction of the Court
[CURIA – Judgment in Case C-482/10 of the Court of Justice of 21 December 2011](#)

12. Human Rights

Community Legislation

EUROPEAN COMMISSION Guidelines on the **application of Council Directive 2004/113/EC to insurance**, in the **light of the judgment of the Court of Justice of the European Union in Case C-236/09 (Test-Achats)** (Text with EEA relevance) (2012/C 11/01)

[OJ of the EU, L 335/1 of 17 December 2011 - FR](#)

COMMISSION IMPLEMENTING REGULATION (EU) No 1352/2011 of 20 December 2011 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**

[OJ of the EU, L 338/31 of 21 December 2011 - FR](#)

DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on **standards for the qualification of third-country nationals or stateless persons** as beneficiaries of **international protection**, for a **uniform status for refugees** or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)

[OJ of the EU, L 337/9 of 20 December 2011 - FR](#)

CORRIGENDA Corrigendum to **Directive 2011/92/EU** of the European Parliament and of the Council of 13 December 2011 on **combating the sexual abuse and sexual exploitation of children** and **child pornography**, and replacing Council Framework Decision 2004/68/JHA (*Official Journal of the European Union L 335 of 17 December 2011*)

[OJ of the EU, L 18/7 of 21 January 2012 - FR](#)

DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on **combating the sexual abuse** and **sexual exploitation of children** and **child pornography**, and replacing Council Framework Decision 2004/68/JHA

[OJ of the EU, L 335/1 of 17 December 2011 - FR](#)

Case Law

Joined Cases C-411/10 and C-493/10: Judgment of the Court (Grand Chamber) of 21 December 2011 - N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner, Minister for Justice, Equality and Law Reform - European Union law – Principles – Fundamental rights – Implementation of European Union law – Prohibition of inhuman or degrading treatment – Common European Asylum System – Regulation (EC) No 343/2003 – Concept of ‘safe countries’ – Transfer of an asylum seeker to the Member State responsible – Obligation – Rebuttable presumption of compliance, by that Member State, with fundamental rights

[CURIA – Judgment in Joined Cases C-411/10 and C-493/10 of the Court of Justice of 21 December 2011](#)

13. Internal Market and Single Market

Case Law

Case C-275/10: Judgment of the Court (First Chamber) of 8 December 2011 Residex Capital IV CV v Gemeente Rotterdam - Article 88(3) EC – State aid – Aid granted in the form of a guarantee to a lender for the purpose of enabling the latter to grant a loan to a borrower – Infringement of procedural rules – Obligation to recover – Nullity – Powers of the national court

[CURIA – Judgment in Case C-275/10 of the Court of Justice of 8 December 2011](#)

Case C-157/10: Judgment of the Court (First Chamber) of 8 December 2011 - Banco Bilbao Vizcaya Argentaria SA v Administración General del Estado - Free movement of capital – Corporation tax – Convention for the avoidance of double taxation – Prohibition of deducting tax due but not recovered in another Member State

[CURIA – Judgment in Case C-157/10 of the Court of Justice of 8 December 2011](#)

Case C-371/08: Judgment of the Court (First Chamber) of 8 December 2011 - Nural Ziebell v Land Baden-Württemberg - EEC-Turkey Association Agreement – Freedom of movement for workers – Second indent of first paragraph of Article 7 and Article 14(1) of Decision No 1/80 of the Association Council – Directives 64/221/EEC, 2003/109/EC and 2004/38/EC – Right of residence of a Turkish national born in the territory of a Member State and having resided there for more than 10 years without interruption as the child of a Turkish worker – Convictions for criminal offences – Lawfulness of an expulsion decision – Conditions
[CURIA – Judgment in Case C-371/08 of the Court of Justice of 8 December 2011](#)

Case C-242/10: Judgment of the Court (Second Chamber) of 21 December 2011 - Enel Produzione SpA v Autorità per l'energia elettrica e il gas - Directive 2003/54/EC – Internal market in electricity – Electricity generating installations essential to the operation of the electricity system – Obligation to submit tenders on the national electricity exchange market in accordance with the limits and criteria laid down by the electricity transmission and distribution system operator – Dispatching and balancing service – Public service obligations
[CURIA – Judgment in Case C-242/10 of the Court of Justice of 21 December 2011](#)

Affaire C-329/09 P : Arrêt de la Cour (sixième chambre) du 21 décembre 2011 - Iride SpA, anciennement Azienda Mediterranea Gas e Acqua SpA contre Commission européenne - Pourvoi – Aides d'État – Régime d'aides accordées à des entreprises de services publics – Exonérations fiscales – Décision déclarant le régime d'aides incompatible avec le marché commun – Recours en annulation – Recevabilité – Qualité pour agir – Intérêt à agir
[CURIA – Arrêt dans l'affaire C-329/09 P de la Cour de Justice du 21 décembre 2011](#)

Affaire C-320/09 P : Arrêt de la Cour (sixième chambre) du 21 décembre 2011 - A2A SpA, anciennement AEM SpA contre Commission européenne - Pourvoi – Aides d'État – Régime d'aides accordées à des entreprises de services publics – Exonérations fiscales – Décision déclarant le régime d'aides incompatible avec le marché commun – Recours en annulation – Recevabilité – Qualité pour agir – Intérêt à agir – Article 87 CE – Notion d'aide' – Article 88 CE – Notion d'aide nouvelle' – Article 10 CE – Obligation de coopération loyale – Règlement (CE) n° 659/1999 – Articles 1er et 14 – Légalité d'un ordre de récupération – Principe de sécurité juridique – Obligation de motivation
[CURIA – Arrêt dans l'affaire C-320/09 P de la Cour de Justice du 21 décembre 2011](#)

Affaire C-319/09 P : Arrêt de la Cour (sixième chambre) du 21 décembre 2001 - ACEA SpA contre Commission européenne - Pourvoi – Aides d'État – Régime d'aides accordées à des entreprises de services publics – Exonérations fiscales – Décision déclarant le régime d'aides incompatible avec le marché commun – Recours en annulation – Recevabilité – Qualité pour agir – Intérêt à agir – Article 87 CE – Notion d'aide' – Article 88 CE – Notion d'aide nouvelle' – Règlement (CE) n° 659/1999 – Articles 1er et 14 – Légalité d'un ordre de récupération – Obligation de motivation
[CURIA – Arrêt dans l'affaire C-319/09 P de la Cour de Justice du 21 décembre 2011](#)

Affaire C-318/09 P : Arrêt de la Cour (sixième chambre) du 21 décembre 2011 A2A SpA contre Commission européenne - Pourvoi – Aides d'État – Régime d'aides accordées à des entreprises de services publics – Exonérations fiscales – Décision déclarant le régime d'aides incompatible avec le marché commun – Recours en annulation – Recevabilité – Qualité pour agir – Intérêt à agir – Article 87 CE – Notion d'aide' – Article 88 CE – Notion d'aide nouvelle' – Article 10 CE – Obligation de coopération loyale – Règlement (CE) n° 659/1999 – Articles 1er et 14 – Légalité d'un ordre de récupération – Principe de sécurité juridique – Obligation de motivation
[CURIA – Arrêt dans l'affaire C-318/09 P de la Cour de Justice du 21 décembre 2011](#)

Case C-271/09: Judgment of the Court (Third Chamber) of 21 December 2011 - European Commission v Republic of Poland - Failure of a Member State to fulfil obligations – Free movement of capital – Scope – Open pension funds – Limitation on the investment of capital assets outside the Member State concerned – Proportionality
[CURIA – Judgment in Case C-271/09 of the Court of Justice of 21 December 2011](#)

Case C-28/09: Judgment of the Court (Grand Chamber) of 21 December 2011 - Commission of the European Communities v Republic of Austria - Failure of a Member State to fulfil obligations – **Articles 28 EC and 29 EC – Free movement of goods – Measures having equivalent effect to quantitative restrictions on imports and exports – Transport – Directives 96/62/EC and 1999/30/EC** – Sectoral traffic prohibition for lorries of over 7.5 tonnes carrying certain goods – Air quality – Protection of health and the environment – Principle of proportionality – Consistency

[CURIA – Judgment in Case C-28/09 of the Court of Justice of 21 December 2011](#)

Case C-81/10 P: Judgment of the Court (Third Chamber) of 8 December 2011 - France Télécom SA v European Commission - Appeal – **State aid – France Télécom’s business tax regime – Concept of ‘aid’** – Legitimate expectations – Limitation period – Obligation to state reasons – Principle of legal certainty

[CURIA – Judgment in Case C-81/10 P of the Court of Justice of 8 December 2011](#)

14. Intellectual Property

Case Law

Case C-125/10: Judgment of the Court (Second Chamber) of 8 December 2011 - Merck Sharp & Dohme Corp., formerly Merck & Co. Inc. v Deutsches Patent- und Markenamt - **Intellectual and industrial property – Patents – Regulation (EEC) No 1768/92 – Article 13 – Supplementary protection certificate for medicinal products** – Possibility of granting that certificate where the period that has elapsed between the date of the lodging of the basic patent application and the first marketing authorisation in the European Union is less than five years – Regulation (EC) No 1901/2006 – Article 36 – Extension of the duration of the supplementary protection certificate

[CURIA – Judgment in Case C-125/10 of the Court of Justice of 8 December 2011](#)

Case C-119/10: Judgment of the Court (First Chamber) of 15 December 2011 - Frisdranken Industrie Winters BV v Red Bull GmbH - **Trade marks – Directive 89/104/EEC – Article 5(1)(b) – Filling of cans already bearing a sign similar to a trade mark** – Service provided under an order from and on the instructions of another person – Action taken by trade-mark proprietor against the service provider

[CURIA – Judgment in Case C-119/10 of the Court of Justice of 15 December 2011](#)

Case C-53/11 P: Judgment of the Court (Second Chamber) of 19 January 2012 - Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) v Nike International Ltd - Appeal – **Community trade mark – Regulation (EC) No 40/94 – Article 58 – Regulation (EC) No 2868/95 – Rules 49 and 50** – Word mark R10 – Opposition – Assignment – Admissibility of an appeal – Concept of ‘person entitled to appeal’ – Applicability of the OHIM Guidelines

[CURIA – Judgment in Case C-53/11 P of the Court of Justice of 19 January 2012](#)

15. Justice, Freedom and Security (incl. Judicial Cooperation)

International Agreements

COUNCIL DECISION of 16 December 2011 on the position to be taken by the European Union in the Joint Committee established under the **Agreement between the European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, **on the free movement of persons** as regards the replacement of Annex II to that Agreement on the **co-ordination of social security schemes** (2011/863/EU)

[OJ of the EU, L 341/1 of 22 December 2011 - FR](#)

Community Legislation

DIRECTIVE 2011/99/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the European protection order
[OJ of the EU, L 338/9 of 21 December 2011 - FR](#)

Case Law

Case C-329/11: Judgment of the Court (Grand Chamber) of 6 December 2011 - Alexandre Achughbabian v Préfet du Val-de-Marne - Area of freedom, security and justice – Directive 2008/115/EC – Common standards and procedures for returning illegally staying third-country nationals – National legislation making provision, in the event of illegal staying, for a sentence of imprisonment and a fine
[CURIA – Judgment in Case C-329/11 of the Court of Justice of 6 December 2011](#)

Case C-191/10: Judgment of the Court (First Chamber) of 15 December 2011 - Rastelli Davide e C. Snc v Jean-Charles Hidoux - Regulation (EC) No 1346/2000 – Insolvency proceedings – International jurisdiction – Extension of insolvency proceedings opened in respect of a company established in one Member State to a company whose registered office is in another Member State because the property of the two companies has been intermixed
[CURIA – Judgment in Case C-191/10 of the Court of Justice of 15 December 2011](#)

Case C-507/10: Judgment of the Court (Second Chamber) of 21 December 2011 - Criminal proceedings against X - Police and judicial cooperation in criminal matters – Framework Decision 2001/220/JHA – Standing of victims in criminal proceedings – Protection of vulnerable persons – Hearing of minors as witnesses – Special measure for early taking of evidence – Refusal by the Public Prosecutor to request the judge in charge of preliminary investigations to hear a witness
[CURIA – Judgment in Case C-507/10 of the Court of Justice of 21 December 2011](#)

16. Transport

International Agreements

DECISION No 2/2011 OF THE JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 25 November 2011 replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport (2011/2/EU)
[OJ of the EU, L 338/70 of 21 December 2011 - FR](#)

17. Community Institutions, Principles and the Communities' own resources

Case C-465/10: Judgment of the Court (Fourth Chamber) of 21 December 2011 – Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration v Chambre de commerce et d'industrie de l'Indre - Reference for a preliminary ruling – Protection of the European Union's financial interests – Regulation (EC, Euratom) No 2988/95 – Article 3 – Structural Funds – Regulation (EEC) No 2052/88 – Regulation (EEC) No 4253/88 – Contracting authority in receipt of a subsidy from the Structural Funds – Failure to comply with public procurement rules by the recipient of an ERDF subsidy – Basis for the obligation to recover European Union subsidies in the case of an irregularity – Concept of 'irregularity' – Concept of 'continuous irregularity' – Conditions for recovery – Limitation period – Longer national limitation periods – Principle of proportionality
[CURIA – Judgment in Case C-465/10 of the Court of Justice of 21 December 2011](#)