



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

EUROPEAN DOCUMENTATION CENTRE

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. Written in English, the newsletter offers links to documents in both French and English.

The Institute offers a series of lectures on current legal issues entitled “*Conférences de jeudi à l’ISDC*” which take place once a month on a Thursday at the SICL.

On **July 24** at 5 pm, Dr. Sami Aldeeb, Legal Adviser of the SICL will present a conference on the theme of “*Testaments et successions en droits musulman et arabe*”.

On **August 14** at 5 pm, Dr. Sami Aldeeb, Legal Adviser of the SICL will present a conference on the theme of “*Mariage temporaire et coutumier en droits musulman et arabe*”.

Admission is free for members of the AiSDC, students, university teachers and the media; admission for all others is 20 CHF per person. Tickets are available at the door. For more information visit www.isdc.ch; or contact [Elodie Arnaud](#).

On **August 29**, SICL will present a colloquium on the theme of “Legal Engineering” in celebration of the 25th anniversary of the creation of the Institute. The program will be posted on www.isdc.ch. Please note that the number of participants is limited.

The next issue of EU News: Click & Read, number 25, covering two months, will be published in September.

We hope you will find this issue both useful and a pleasure to read, and wish you a lovely summer!

Highlights

Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) - FR

Case C-306/06: Judgment of the Court (First Chamber) of 3 April 2008 (reference for a preliminary ruling from the Oberlandesgericht Köln, Germany) – 01051 Telecom GmbH v Deutsche Telekom AG - Directive 2000/35/EC – Combating of late payment in commercial transactions – Article 3(1) (c) (ii) – Late payment – Bank transfer – Date on which payment is to be regarded as having been made - FR

France takes over the Presidency of the Council of the European Union from 1 July to 31 December 2008 - FR

Council Decision in Civil Law Matters of 5 June 2008: Council Adopts Regulation harmonising conflict of law rules concerning contractual obligations, maintenance obligations, applicable law in matrimonial matters, protection of children (the Hague Convention), recognition and enforcement of judgements in civil and commercial matters (replacement of the Lugano Convention) and the external dimension of civil law - [No French version available]

IP/08/1003 of 25 June 2008: The European Commission European Commission unveiled the Small Business Act for Europe (SBA), based on ten guiding principles and proposes policy actions to be undertaken by both the Commission and Member States issues - FR

MEMO/08/458 of 25 June 2008: Proposed Council Regulation for on the Statute for a European private company - FR

IP/08/1056 Information of 30 June 2008: The European Commission has introduced a settlement procedure for cartels which will allow the Commission to settle cartel cases through a simplified procedure - FR

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Subheadings

International Agreements

Community Legislation

Case Law

Preparatory Acts, Reports, Calls, Memos, Common Positions

1. EU-Swiss Relations

Community Legislation

Council Decision of 5 June 2008 on the application of the provisions of the Schengen acquis relating to the **Schengen Information System in the Swiss Confederation** (2008/421/EC)

[OJ of the EU, L 149/74 of 7 June 2008 - FR](#)

Decision No 586/2008/EC of the European Parliament and of the Council of 17 June 2008 amending Decision No 896/2006/EC establishing a simplified regime for the **control of persons at the external borders** based on the **unilateral recognition by the Member States of certain residence permits** issued by Switzerland and Liechtenstein for the purpose of transit through their territory

[OJ of the EU, L 162/27 of 21 June 2008 - FR](#)

2. External Relations / Foreign Policy

Community Legislation

Commission Regulation (EC) No 488/2008 of 2 June 2008 imposing a provisional **anti-dumping duty on imports of citric acid originating in the People's Republic of China**

[OJ of the EU, L 143/13 of 3 June 2008 - FR](#)

Commission Regulation (EC) No 601/2008 of 25 June 2008 on **protective measures** applying to certain **fishery products imported from Gabon** and intended for human consumption (Text with EEA relevance)

[OJ of the EU, L 165/3 of 26 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Agreement between the European Community and the Government of Australia on **certain aspects of air services**

[OJ of the EU, L 149/65 of 7 June 2008 - FR](#)

Proposal of 25 June 2008 for a Directive of the European Parliament and of the Council on **common standards and procedures** in Member States for returning **illegally staying third-country nationals**
Council Proposal 10737/08 - [No French version available]

IP/08/1059 of 30 June 2008: **Europe and US sign aviation agreement to improve safety and cut costs**

[IP/08/1059 Information - FR](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Council Regulation (EC) No 485/2008 of 26 May 2008 on scrutiny by Member States of transactions forming part of the **system of financing by the European Agricultural Guarantee Fund** (Codified version)

[OJ of the EU, L 143/1 of 3 June 2008 - FR](#)

Commission Regulation (EC) No 501/2008 of 5 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 3/2008 on **information provision and promotion measures for agricultural products** on the internal market and in third countries

[OJ of the EU, L 147/3 of 6 June 2008 - FR](#)

Council Regulation (EC) No 479/2008 of 29 April 2008 on **the common organisation of the market in wine**, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999

[OJ of the EU, L 148/1 of 6 June 2008 - FR](#)

Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards **methods for the identification of equidae** (Text with EEA relevance)

[OJ of the EU, L 149/3 of 7 June 2008 - FR](#)

Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the **common organisation of the markets in flax and hemp grown for fibre** (Codified version)

[OJ of the EU, L 149/38 of 7 June 2008 - FR](#)

Commission Regulation (EC) No 514/2008 of 9 June 2008 amending Regulation (EC) No 376/2008 laying down common detailed rules for the application of the **system of import and export licences and advance fixing certificates for agricultural products**, as well as Regulations (EC) No 1439/95, (EC) No 245/2001, (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 951/2006, (EC) No 1918/2006, (EC) No 341/2007 (EC) No 1002/2007, (EC) No 1580/2007 and (EC) No 382/2008 and repealing Regulation (EEC) No 1119/79

[OJ of the EU, L 150/7 of 10 June 2008 - FR](#)

Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain **harmful organisms, plants, plant products and other objects** listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for **trial or scientific purposes and for work on varietal selections** (Codified version)

[OJ of the EU, L 158/41 of 18 June 2008 - FR](#)

Commission Regulation (EC) No 571/2008 of 19 June 2008 amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the **criteria for revision of the annual monitoring programmes concerning BSE** (Text with EEA relevance)

[OJ of the EU, L 161/4 of 20 June 2008 - FR](#)

Commission Directive 2008/62/EC of 20 June 2008 providing for certain **derogations for acceptance of agricultural landraces and varieties** which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (Text with EEA relevance)

[OJ of the EU, L 162/13 of 21 June 2008 - FR](#)

Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards **marketing standards for eggs**

[OJ of the EU, L 163/6 of 24 June 2008 - FR](#)

Commission Regulation (EC) No 601/2008 of 25 June 2008 on **protective measures** applying to certain **fishery products imported from Gabon** and intended for human consumption (Text with EEA relevance)

[OJ of the EU, L 165/3 of 26 June 2008 - FR](#)

Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards **marketing standards for eggs for hatching and farmyard poultry chicks**

[OJ of the EU, L 168/5 of 28 June 2008 - FR](#)

4. Audiovisual and Media and Information Society

Community Legislation

Commission Decision of 21 May 2008 on the harmonisation of the 3400-3800 MHz **frequency band for terrestrial systems capable of providing electronic communications services** in the Community (notified under document number C(2008) 1873) (Text with EEA relevance)(2008/411/EC)

[OJ of the EU, L 144/77 of 4 June 2008 - FR](#)

Commission Decision of 23 May 2008 amending Decision 2006/771/EC on **harmonisation of the radio spectrum for use by short-range devices** (notified under document number C(2008) 1937) (Text with EEA relevance) (2008/432/EC)

[OJ of the EU, L 151/49 of 11 June 2008 - FR](#)

Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in **telecommunications terminal equipment** (Codified version) (Text with EEA relevance)

[OJ of the EU, L 162/20 of 21 June 2008 - FR](#)

Case Law

Case T-442/03: Judgment of the Court of First Instance (Fifth Chamber) of 26 June 2008 – SIC - Sociedade Independente de Comunicação, SA v Commission of the European Communities – State aid – Measures taken by the Portuguese Republic for the **public service broadcaster** RTP in order to finance its public service remit – Decision declaring that certain measures do not constitute State aid and that the others are compatible with the common market – **Classification as State aid** – Compatibility with the common market – Obligation to undertake a diligent and impartial investigation

[CURIA – Judgment in Case T-442/03 of the Court of First Instance of 26 June 2008 - FR](#)

5. Competition

Case Law

IP/08/940 of 13 June 2008: Mergers: Commission approves proposed **acquisition of Scania** by Volkswagen

[IP/08/940 Information - FR](#)

Case T-410/03: Judgment of the Court of First Instance (Fifth Chamber) of 18 June 2008 – Hoechst GmbH v Commission of the European Communities – **Competition** – Agreements, decisions and concerted practices – **Market in sorbates** – Decision finding an infringement of Article 81 EC – Calculation of the amount of the fines – Obligation to state the reasons on which the decision is based – **Gravity and duration of the infringement** – Aggravating circumstances – Principle non bis in idem – Cooperation during the administrative procedure – Access to the file – Duration of the procedure

[CURIA – Judgment in Case T-410/03 of the Court of First Instance of 18 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

IP/08/1056 of 30 June 2008: The European Commission has introduced **a settlement procedure** for cartels which will allow the Commission to **settle cartel cases through a simplified procedure**.

[IP/08/1056 Information - FR](#)

For frequently asked questions see also: [MEMO/08/458 - \[No French version available\]](#)

6. Customs

Community Legislation

Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the **Community Customs Code** (Modernised Customs Code)
[OJ of the EU, L 145/1 of 4 June 2008 - FR](#)

Regulation (EC) No 454/2008 of the European Parliament and of the Council of 21 May 2008 amending Regulation (EC) No 998/2003 on the **animal health requirements applicable to the non-commercial movements of pet animals**, as regards the extension of the transitional period
[OJ of the EU, L 145/238 of 4 June 2008 - FR](#)

Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a **simplified regime for the control of persons at the external borders** based on the unilateral recognition by **Bulgaria, Cyprus and Romania** of certain documents as equivalent to their national visas for the purposes of transit through their territories
[OJ of the EU, L 161/30 of 20 June 2008 - FR](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a **new statistical classification of products by activity** (CPA) and repealing Council Regulation (EEC) No 3696/93 (Text with EEA relevance)
[OJ of the EU, L 145/65 of 4 June 2008 - FR](#)

Council Regulation (EC) No 521/2008 of 30 May 2008 setting up the **Fuel Cells and Hydrogen Joint Undertaking** (Text with EEA relevance)
[OJ of the EU, L 153/1 of 12 June 2008 - FR](#)

Case Law

Case C-188/07: Judgment of the Court (Grand Chamber) of 24 June 2008 – **Commune de Mesquer v Total France SA, Total International Ltd** – Directive 75/442/EEC – Waste management – Concept of waste – **'Polluter pays' principle** – Holder – Previous holders – Producer of the product from which the waste came – Hydrocarbons and heavy fuel oil – Shipwreck – **International Convention on Civil Liability for Oil Pollution Damage** – International Oil Pollution Compensation Fund
[CURIA – Judgment in Case C-188/07 of the Court of Justice of 24 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Commission Recommendation of 5 June 2008 concerning the limitation of the **civil liability of statutory auditors and audit firms** (notified under document number C (2008) 2274) (Text with EEA relevance) (2008/473/CE)
[OJ of the EU, L 162/39 of 21 June 2008 - FR](#)

IP/08/1003 of 25 June 2008: The European Commission European Commission unveiled the **Small Business Act for Europe (SBA), based on ten guiding principles** and proposes policy actions to be undertaken by both the Commission and Member States issues
[IP/08/1003 Information - FR](#)

MEMO/08/458 of 25 June 2008: Proposed Council Regulation for on the **Statute for a European private company**
[MEMO/08/458 - FR](#)

8. Education, Training, Youth, Culture, Research and Innovation

Community Legislation

Corrigendum to Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)** (OJ L 142, 31.5.2008) [OJ of the EU, L 143/55 of 3 June 2008 - \[No French version available\]](#)

Regulation (EC) No 452/2008 of the European Parliament and of the Council of 23 April 2008 concerning the production and development of **statistics on education and lifelong learning** (Text with EEA relevance) [OJ of the EU, L 145/227 of 4 June 2008 - FR](#)

Commission Regulation (EC) No 606/2008 of 26 June 2008 amending Regulation (EC) No 831/2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning **access to confidential data for scientific purposes** (Text with EEA relevance) [OJ of the EU, L 166/16 of 27 June 2008 - FR](#)

9. Employment and Social Affairs

Community Legislation

Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on **quarterly statistics on Community job vacancies** (Text with EEA relevance) [OJ of the EU, L 145/234 of 4 June 2008 - FR](#)

Case Law

Case C-164/07: Judgment of the Court (First Chamber) of 5 June 2008 – James Wood v Fonds de garantie des victimes des actes de terrorisme et d’autres infractions – Article 12 EC – Discrimination on grounds of nationality – Compensation awarded by the Fonds de garantie des victimes des actes de terrorisme et d’autres infractions – Not included [CURIA – Judgment in Case C-164/07 of the Court of Justice of 5 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

IP/08/892 of 5 June 2008: European Commission lodged proceedings against the **United Kingdom** for **failure to comply with European employment legislation relating to road transport activities** [IP/08/892 Information - FR](#)

10. Energy and Environment

Community Legislation

Corrigendum to Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)** (OJ L 142, 31.5.2008) [OJ of the EU, L 143/55 of 3 June 2008 - \[No French version available\]](#)

Commission Decision of 17 April 2008 on the allocation of quantities of **controlled substances allowed for essential uses in the Community in 2008** under Regulation (EC) No 2037/2000 of the European Parliament and of the Council (notified under document number C(2008) 1403) (Text with EEA relevance) (2008/409/EC) [OJ of the EU, L 144/55 of 4 June 2008 - FR](#)

Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on **ambient air quality and cleaner air for Europe**

[OJ of the EU, L 152/1 of 11 June 2008 - FR](#)

Council Regulation (EC) No 521/2008 of 30 May 2008 setting up the **Fuel Cells and Hydrogen Joint Undertaking** (Text with EEA relevance)

[OJ of the EU, L 153/1 of 12 June 2008 - FR](#)

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of **marine environmental policy** (**Marine Strategy Framework Directive**) (Text with EEA relevance)

[OJ of the EU, L 164/19 of 25 June 2008 - FR](#)

Case Law

Case C-308/06: Judgment of the Court (First Chamber) of 3 June 2008 – The Queen on the application of: International Association of Independent Tanker Owners (Intertanko), International Association of Dry Cargo Shipowners (Intercargo), Greek Shipping Co-operation Committee, Lloyd’s Register, International Salvage Union v Secretary of State for Transport – Maritime transport – **Ship-source pollution** – Directive 2005/35/EC – Validity – United Nations Convention on the Law of the Sea – Marpol 73/78 Convention – Legal effects of the Conventions – Ability to rely on them – Serious negligence – **Principle of legal certainty**

[CURIA – Judgment in Case C-308/06 of the Court of Justice of 3 June 2008 - FR](#)

Case C-219/07: Judgment of the Court (Third Chamber) of 19 June 2008 – Nationale Raad van Dierenkwekers en Liefhebbers VZW, Andibel VZW v Belgische Staat – **Article 30 EC** – Regulation (EC) No 338/97 – **Protection of species of wild fauna and flora** – Prohibition on holding mammals of certain species referred to by that regulation or not covered by it – Holding permitted in other Member States

[CURIA – Judgment in Case C-219/07 of the Court of Justice of 19 June 2008 - FR](#)

Case C-188/07: Judgment of the Court (Grand Chamber) of 24 June 2008 – Commune de Mesquer v Total France SA, Total International Ltd – Directive 75/442/EEC – Waste management – Concept of waste – **‘Polluter pays’ principle** – Holder – Previous holders – Producer of the product from which the waste came – Hydrocarbons and heavy fuel oil – Shipwreck – **International Convention on Civil Liability for Oil Pollution Damage** – International Oil Pollution Compensation Fund

[CURIA – Judgment in Case C-188/07 of the Court of Justice of 24 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Proposal of 2 June 2008 for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1228/2003 on conditions for **access to the network for cross-border exchanges in electricity**

[Council Proposal 9966/08 - FR](#)

Proposal of 2 June 2008 for a Directive of the EP and the Council amending Directive 2003/54/EC concerning **common rules for the internal market in electricity** and repealing Directive 96/92/EC

[Council Proposal 9963/08 - FR](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Commission Regulation (EC) No 492/2008 of 3 June 2008 imposing a provisional **anti-dumping duty on imports of monosodium glutamate originating in the People’s Republic of China**

[OJ of the EU, L 144/14 of 4 June 2008 - FR](#)

Commission Regulation (EC) No 505/2008 of 6 June 2008 concerning the authorisation of a **new use of 3-phytase (Natuphos) as a feed additive** (Text with EEA relevance)

[OJ of the EU, L 149/33 of 7 June 2008 - FR](#)

Commission Regulation (EC) No 523/2008 of 11 June 2008 amending Annexes VIII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards **the import of blood products for the manufacture of technical products** (Text with EEA relevance)

[OJ of the EU, L 153/23 of 12 June 2008 - FR](#)

Commission Regulation (EC) No 542/2008 of 16 June 2008 amending Annexes I and II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum **residue limits of veterinary medicinal products in foodstuffs of animal origin**, as regards cyfluthrin and lectin extracted from red kidney beans (*Phaseolus vulgaris*) (Text with EEA relevance)

[OJ of the EU, L 157/43 of 17 June 2008 - FR](#)

Commission Decision of 10 June 2008 amending Decision 2008/155/EC as regards **certain embryo collection** and production teams in Australia, Canada and the United States (notified under document number C(2008) 2466) (Text with EEA relevance)(2008/449/EC)

[OJ of the EU, L 157/108 of 17 June 2008 - FR](#)

Commission Regulation (EC) No 553/2008 of 17 June 2008 amending Annex VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the **prevention, control and eradication of certain transmissible spongiform encephalopathies** (Text with EEA relevance)

[OJ of the EU, L 158/5 of 18 June 2008 - FR](#)

Commission Regulation (EC) No 554/2008 of 17 June 2008 concerning the authorisation of 6-phytase (Quantum Phytase) as a **feed additive** (Text with EEA relevance)

[OJ of the EU, L 158/14 of 18 June 2008 - FR](#)

Commission Directive 2008/60/EC of 17 June 2008 laying down specific purity criteria concerning **sweeteners for use in foodstuffs** (Codified version) (Text with EEA relevance)

[OJ of the EU, L 158/17 of 18 June 2008 - FR](#)

Commission Regulation (EC) No 565/2008 of 18 June 2008 amending Regulation (EC) No 1881/2006 setting maximum **levels for certain contaminants in foodstuffs** as regards the establishment of a maximum level for dioxins and PCBs in fish liver (Text with EEA relevance)

[OJ of the EU, L 160/20 of 19 June 2008 - FR](#)

Commission Regulation (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the **marketing of the meat of bovine animals aged 12 months or less**

[OJ of the EU, L 160/22 of 19 June 2008 - FR](#)

Commission Regulation (EC) No 571/2008 of 19 June 2008 amending Annex III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards **the criteria for revision of the annual monitoring programmes concerning BSE** (Text with EEA relevance)

[OJ of the EU, L 161/4 of 20 June 2008 - FR](#)

Corrigendum to Commission Regulation (EC) No 553/2008 of 17 June 2008 amending Annex VII to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the **prevention, control and eradication of certain transmissible spongiform encephalopathies** (OJ L 158, 18.6.2008)

[OJ of the EU, L 161/49 of 20 June 2008 - FR](#)

Commission Regulation (EC) No 584/2008 of 20 June 2008 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* **in turkeys** (Text with EEA relevance)

[OJ of the EU, L 162/3 of 21 June 2008 - FR](#)

Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for **export refunds concerning certain milk products**

[OJ of the EU, L 168/20 of 28 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Commission Decision of 2 June 2008 amending Decision 2004/432/EC on the approval of **residue monitoring plans submitted by third countries** in accordance with Council Directive 96/23/EC (notified under document number C(2008) 2297) (Text with EEA relevance) (2008/407/EC)

[OJ of the EU, L 143/49 of 3 June 2008 - FR](#)

Commission Decision of 10 June 2008 imposing special conditions governing the **import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil** (notified under document number C(2008) 2709) (Text with EEA relevance) (2008/433/EC)

[OJ of the EU, L 151/55 of 11 June 2008 - FR](#)

Commission Decision of 25 April 2008 laying down standard requirements for the submission by Member States of national programmes for the **eradication, control and monitoring of certain animal diseases and zoonoses for Community financing** (notified under document number C(2008) 1585) (Text with EEA relevance) (2008/425/EC)

[OJ of the EU, L 159/1 of 18 June 2008 - FR](#)

Commission Decision of 28 April 2008 amending Decision 2002/253/EC laying down case definitions for reporting **communicable diseases to the Community network under** Decision No 2119/98/EC of the European Parliament and of the Council (notified under document number C(2008) 1589) (Text with EEA relevance) (2008/426/EC)

[OJ of the EU, L 159/46 of 18 June 2008 - FR](#)

Commission Decision of 8 May 2008 amending Annexes I and II to Decision 2002/308/EC establishing lists of approved zones and approved farms with regard to one or more of the **fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN)** (notified under document number C(2008) 1719) (Text with EEA relevance) (2008/427/EC)

[OJ of the EU, L 159/91 of 18 June 2008 - FR](#)

12. Human Rights

Case Law

Case C-164/07: Judgment of the Court (First Chamber) of 5 June 2008 – James Wood v Fonds de garantie des victimes des actes de terrorisme et d’autres infractions – Article 12 EC – **Discrimination on grounds of nationality** – Compensation awarded by the Fonds de garantie des victimes des actes de terrorisme et d’autres infractions – Not included

[CURIA – Judgment in Case C-164/07 of the Court of Justice of 5 June 2008 - FR](#)

13. Internal Market and Single Market

[No entry]

14. Intellectual Property

Case Law

Case T-85/07: Judgment of the Court of First Instance (Second Chamber) of 10 June 2008 – Gabel Industria Tessile SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) – Community trade mark – Opposition proceedings – Application for the **Community word mark GABEL** – Earlier Community figurative mark GAREL – Partial refusal of registration – Scope of the examination to be carried out by the Board of Appeal – Obligation to rule on the entirety of the action – Article 62(1) of Regulation (EC) No 40/94

[CURIA – Judgment in Case T-85/07 of the Court of First Instance of 10 June 2008 - FR](#)

Case T-330/06: Judgment of the Court of First Instance (First Chamber) of 10 June 2008 – Novartis AG v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) – Community trade mark – Application for the **Community word mark BLUE SOFT** – Absolute grounds for refusal – Descriptive character – Absence of distinctive character – Article 7(1), b) and c) of Regulation (EC) No 40/94

[CURIA – Judgment in Case T-330/06 of the Court of First Instance of 10 June 2008 - \[English version not available\]](#)

Case C-533/06: Judgment of the Court (First Chamber) of 12 June 2008 – O2 Holdings Limited, O2 (UK) Limited v Hutchison 3G UK Limited – Trade marks – Directive 89/104/EEC – Article 5(1) – **Exclusive rights of the trade mark proprietor** – Use of a sign identical with, or similar to, a mark in a comparative advertisement – Limitation of the effects of a trade mark – Comparative advertising – Directives 84/450/EEC and 97/55/EC – Article 3a(1) – **Conditions under which comparative advertising is permitted** – Use of a competitor's trade mark or of a sign similar to that mark

[CURIA – Judgment in Case C-533/06 of the Court of Justice of 12 June 2008 - FR](#)

Case T-420/03: Judgment of the Court of First Instance (Fourth Chamber) of 17 June 2008 – El Corte Inglés, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and the other parties José Matías Abril Sánchez and Pedro Ricote Saugar – **Community trade mark** – Opposition proceedings – Application for registration of the **Community figurative mark BoomerangTV** – Earlier national and Community word and figurative marks BOOMERANG and Boomerang – Relative grounds for refusal – No likelihood of confusion – No well-known trade mark within the meaning of Article 6bis of the Paris Convention – **No damage to reputation** – Failure to produce evidence before the Opposition Division of the existence of certain earlier trade marks or translations thereof – Production of evidence for the first time before the Board of Appeal – Article 8(1)(b) and (2)(c), Article 8(5) and Article 74(2) of Regulation EC No 40/94 – Rule 16(2) and (3), Rule 17(2) and Rule 20(2) of Regulation (EC) No 2868/95

[CURIA – Judgment in Case T-420/03 of the Court of First Instance of 17 June 2008 - FR](#)

Case T-175/06: Judgment of the Court of First Instance (Third Chamber) of 18 June 2008 – The Coca-Cola Company v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) – Community trade mark – Opposition proceedings – Application for Community figurative trade mark MEZZOPANE – Earlier national word marks MEZZO and MEZZOMIX – Article 8(1)(b) of Regulation (EC) No 40/94 – **No likelihood of confusion**

[CURIA – Judgment in Case T-175/06 of the Court of First Instance of 18 June 2008 - FR](#)

Case T-79/07: Judgment of the Court of First Instance (Sixth Chamber) of 26 June 2008 – SHS Polar Sistemas Informáticos SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Polaris Software Lab Ltd – **Community trade mark** – Opposition proceedings – Application for the Community figurative mark POLARIS – Earlier Community word mark POLAR – Relative ground for refusal – **No likelihood of confusion** – Article 8(1)(b) of Regulation (EC) No 40/94

[CURIA – Judgment in Case T-79/07 of the Court of First Instance of 26 June 2008 - FR](#)

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

Community Legislation

Commission Regulation (EC) No 580/2008 of 18 June 2008 amending for the 96th 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**
[OJ of the EU, L 161/25 of 20 June 2008 - FR](#)

Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008 introducing a **simplified regime for the control of persons at the external borders** based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their **national visas for the purposes of transit through their territories**
[OJ of the EU, L 161/30 of 20 June 2008 - FR](#)

Case Law

Case C-308/06: Judgment of the Court (First Chamber) of 3 June 2008 – The Queen on the application of: International Association of Independent Tanker Owners (Intertanko), International Association of Dry Cargo Shipowners (Intercargo), Greek Shipping Co-operation Committee, Lloyd’s Register, International Salvage Union v Secretary of State for Transport – Maritime transport – Ship-source pollution – Directive 2005/35/EC – Validity – United Nations Convention on the Law of the Sea – Marpol 73/78 Convention – Legal effects of the Conventions – Ability to rely on them – Serious negligence – Principle of legal certainty
[CURIA – Judgment in Case C-308/06 of the Court of Justice of 3 June 2008 - FR](#)

Case C-319/06: Judgment of the Court (First Chamber) of 19 June 2008 – Commission of the European Communities v Grand Duchy of Luxembourg – Failure of a Member State to fulfil obligations – Posting of workers – Freedom to provide services – Directive 96/71/EC – Public policy provisions – Weekly rest days – Obligation to produce documents relating to a posting on demand by the national authorities – Obligation to designate an ad hoc agent residing in Luxembourg to retain all the documents necessary for monitoring purposes
[CURIA – Judgment in Case C-319/06 of the Court of Justice of 19 June 2008 - FR](#)

Joined Cases C-329/06 & C-343/06: Judgment of the Court (Third Chamber) of 26 June 2008 – Arthur Wiedemann (C-329/06) v Land Baden-Württemberg, and Peter Funk (C-343/06) v Stadt Chemnitz – Directive 91/439/EEC – Mutual recognition of driving licences – Withdrawal of a licence in one Member State for use of narcotic drugs or alcohol – New licence issued in another Member State – Refusal to recognise right to drive in the first Member State – Residence not in accordance with Directive 91/439/EEC
[CURIA – Judgment in Joined Cases C-329/06 & C-343/06 of the Court of Justice of 26 June 2008 - FR](#)

Joined Cases C-334/06 & C-336/06: Judgment of the Court (Third Chamber) of 26 June 2008 – Matthias Zerche (C-334/06), Manfred Seuke (C-336/06) v Landkreis Mittweida, and Steffen Schubert (C-335/06) v Landkreis Mittlerer Erzgebirgskreis – Directive 91/439/EEC – Mutual recognition of driving licences – Withdrawal of a licence in one Member State for use of narcotic drugs or alcohol – New licence issued in another Member State – Refusal to recognise right to drive in the first Member State – Residence not in accordance with Directive 91/439/EEC
[CURIA – Judgment in Joined Cases C-334/06 & C-336/06 of the Court of Justice of 26 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Initiative of 3 June 2008 of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany with a view to adopting a Council Framework Decision on the **enforcement of decisions rendered in absentia** and **amending Framework Decision 2002/584/JHA** on the **European arrest warrant** and the surrender procedures between Member States, **Framework Decision 2005/214/JHA** on the application of the principle of **mutual recognition to financial penalties**, **Framework Decision 2006/783/JHA** on the application of the principle of mutual recognition to **confiscation orders** and **Framework Decision 2008/.../JHA** on the application of the principle of mutual recognition to judgments in criminal matters imposing **custodial sentences or measures involving deprivation of liberty** for the purpose of their enforcement in the European Union

[Council Initiative 10160/08](#) - [No French version available]

Council Decision in Civil Law Matters of 5 June 2008: Council Adopts Regulation **harmonising conflict of law rules** concerning contractual obligations, maintenance obligations, applicable law in matrimonial matters, protection of children (the Hague Convention), recognition and enforcement of judgements in civil and commercial matters (replacement of the Lugano Convention) and the external dimension of civil law

[EU Council Factsheet on Decisions in Civil Law Matters of 6 June 2008](#) – [No French version available]

See also [MEMO/08/429](#) - [No English version available]

European Parliament legislative resolution of 18 June 2008 on the proposal for a directive of the European Parliament and of the Council on **common standards and procedures in Member States for returning illegally staying third-country nationals** (COM(2005)0391 – C6-0266/2005 – 2005/0167(COD)) (P6_TA-PROV(2008)0293)

[Resolution of the European Parliament \(P6_TA-PROV\(2008\)0293\)](#) - FR

Council Joint Action 2008/487/CFSP of 23 June 2008 in support of the universalisation and implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, **in the framework of the European Security Strategy**

[OJ of the EU, L 165/41 of 26 June 2008](#) - FR

16. Transport

Community Legislation

Council Regulation (EC) No 569/2008 of 12 June 2008 amending Regulation No 11 concerning the **abolition of discrimination in transport rates and conditions**, in implementation of Article 79(3) of the Treaty establishing the European Economic Community

[OJ of the EU, L 161/1 of 20 June 2008](#) - FR

Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 amending Council Directive 95/50/EC on uniform procedures for checks on the **transport of dangerous goods by road**, as regards the implementing powers conferred on the Commission

[OJ of the EU, L 162/11 of 21 June 2008](#) - FR

Commission Directive 2008/65/EC of 27 June 2008 amending Directive 91/439/EEC on **driving licences**

[OJ of the EU, L 168/36 of 28 June 2008](#) - FR

Case Law

Joined Cases C-329/06 & C-343/06: Judgment of the Court (Third Chamber) of 26 June 2008 – Arthur Wiedemann (C-329/06) v Land Baden-Württemberg, and Peter Funk (C-343/06) v Stadt Chemnitz – Directive 91/439/EEC – Mutual recognition of driving licences – Withdrawal of a licence in one Member State for use of narcotic drugs or alcohol – New licence issued in another Member State – Refusal to recognise right to drive in the first Member State – Residence not in accordance with Directive 91/439/EEC

[CURIA – Judgment in Joined Cases C-329/06 & C-343/06 of the Court of Justice of 26 June 2008 - FR](#)

Joined Cases C-334/06 & C-336/06: Judgment of the Court (Third Chamber) of 26 June 2008 – Matthias Zerche (C-334/06), Manfred Seuke (C-336/06) v Landkreis Mittweida, and Steffen Schubert (C-335/06) v Landkreis Mittlerer Erzgebirgskreis – Directive 91/439/EEC – Mutual recognition of driving licences – Withdrawal of a licence in one Member State for use of narcotic drugs or alcohol – New licence issued in another Member State – Refusal to recognise right to drive in the first Member State – Residence not in accordance with Directive 91/439/EEC

[CURIA – Judgment in Joined Cases C-334/06 & C-336/06 of the Court of Justice of 26 June 2008 - FR](#)

Case T-268/06: Judgment of the Court of First Instance (Eighth Chamber) of 25 June 2008 – Olympiaki Aeroporia Ypiresies AE v Commission of the European Communities – State aid – Aid for airlines on account of losses caused by the terrorist attacks of 11 September 2001 – Decision declaring the aid scheme incompatible, in part, with the common market and ordering recovery of aid paid – Article 87(2)(b) EC – Communication from the Commission of 10 October 2001 on the repercussions of the terrorist attacks of 11 September – Causal connection between the exceptional occurrence and the damage – Obligation to state the reasons on which the decision is based

[CURIA – Judgment in Case T-268/06 of the Court of First Instance of 25 June 2008 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

IP/08/892 of 5 June 2008: European Commission lodged proceedings against the United Kingdom for failure to comply with European employment legislation relating to road transport activities

[IP/08/892 Information - FR](#)

Regulation No 12 of the Economic Commission for Europe of the United Nations (UN/ECE) – Uniform provisions concerning the approval of vehicles with regard to the protection of the driver against the steering mechanism in the event of impact

[OJ of the EU, L 165/11 of 26 June 2008 - FR](#)