



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

# 43

## Highlights

**ARRANGEMENT** between the **European Community**, of the one part, and the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders** of the Member States of the European Union  
[OJ of the EU, L 243/4 of 16 September 2010 - FR](#)

**Case E-7/09: Judgment of the EFTA Court - EFTA Surveillance Authority v The Principality of Liechtenstein - Failure by a Contracting Party to fulfil its obligations** - Directive 2005/56/EC of the European Parliament and of the Council on **cross-border mergers of limited liability companies** (2010/C 256/08)  
[Judgment of the EFTA Court of 1 December 2009 C 256/8 of 23 September 2010 - FR](#)

## Table of contents

1. EU-Swiss Relations .....	2
2. External Relations / Foreign Policy .....	2
3. Agriculture and Fisheries / Maritime Affairs .....	2
5. Competition .....	3
7. Economic and Monetary Affairs, Taxation, Enterprise .....	4
8. Education, Training, Youth, Culture, Research and Innovation .....	4
9. Employment and Social Affairs .....	5
10. Energy and Environment .....	5
11. Food Safety, Public Health and Consumers .....	6
13. Internal Market and Single Market .....	6
14. Intellectual Property .....	8
15. Justice, Freedom and Security (incl. Judicial Cooperation) .....	9

# EU News: Click & Read

## September 2010

European Documentation Centre

Editors:

Anne Marit Mann & Alfredo Santos, Staff Legal Advisers

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

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

## 1. EU-Swiss Relations

### International Agreements

**COUNCIL DECISION** of 26 July 2010 concerning the conclusion of an **Agreement between the European Community and the Swiss Confederation** in the **audiovisual field**, establishing the terms and conditions for the **participation of the Swiss Confederation in the Community programme MEDIA 2007**, and a Final Act (2010/478/EU)

[OJ of the EU, L 234/1 of 4 September 2010 - FR](#)

**COUNCIL DECISION** of 26 July 2010 on the conclusion, on behalf of the Union, of the **Arrangement between the European Community, of the one part, and the Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders** of the Member States of the European Union (2010/490/EU)

[OJ of the EU, L 243/2 of 16 September 2010 - FR](#)

**ARRANGEMENT** between the **European Community**, of the one part, and the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders** of the Member States of the European Union

[OJ of the EU, L 243/4 of 16 September 2010 - FR](#)

## 2. External Relations / Foreign Policy

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**COMMISSION RECOMMENDATION** of 20 September 2010 on **regulated access to Next Generation Access Networks (NGA)** (Text with EEA relevance) (2010/572/EU)

[OJ of the EU, L 251/35 of 25 September 2010 - FR](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-453/08: Judgment of the Court (Second Chamber) of 2 September 2010 - Panagiotis I. Karanikolas and Others v Ipourgos Agrotikis Anaptixis kai Trofimon, Nomarkhiaki Aftodioikisi Dramas, Kavalas, Xanthis** - Common fisheries policy – Fisheries in the Mediterranean – **Regulation (EC) No 1626/94 – Article 1(2) and (3) – Prohibition of the use of certain types of fishing net** – Measures supplementary to or going beyond the minimum requirements of that regulation which were adopted before its entry into force – Conditions of validity

[CURIA – Judgment in Case C-453/08 of the Court of Justice of 2 September 2010 - FR](#)

**Case C-153/09: Opinion of the Advocate General Mazák of 2 September 2010 - Agrargut Bäbelin GmbH & Co. KG v Amt für Landwirtschaft Bützow** - Common agricultural policy – **Regulation (EC) No 1782/2003 – Regulation (EC) No 796/2004 – Agricultural aid** – Obligation imposed on the farmer, for the purposes of preventing over-declaration, to claim set-aside entitlements before any other entitlement – Infringement of that obligation where, after the setting aside of an area, the farmer does not have any arable land – Sanctions

[CURIA – Opinion of Advocate General C-153/09 of the Court of Justice of 2 September 2010 - FR](#)

**Case C-230/09: Opinion of the Advocate General Mazák of 14 September 2010 - Hauptzollamt Koblenz v Kurt and Thomas Etling - Agriculture – Common organisation of the market in milk and milk products –** Reversion of the milk reference quantity in the course of the reference period following termination of an agricultural lease – Determination of the reference quantity

[CURIA – Opinion of Advocate General C-230/09 of the Court of Justice of 14 September 2010 - FR](#)

**Case C-231/09: Opinion of the Advocate General Mazák of 14 September 2010 - Hauptzollamt Oldenburg v Theodor Aissen and Hermann Rohaan - Agriculture – Common organisation of the market in milk and milk products – Transfer of a dairy holding in the course of the reference period –** Determination of the reference quantity

[CURIA – Opinion of Advocate General C-231/09 of the Court of Justice of 14 September 2010 - FR](#)

**Case C-120/08: Opinion of the Advocate General Mazák of 16 September 2010 - Bayerischer Brauerbund eV v Bavaria NV -** Interpretation of Article 13(1)(b) and Article 14(1) and (2) of Council Regulation (EC) No 510/2006 and of Article 17 of Council Regulation (EEC) No 2081/92 – **Conflict between a protected geographical indication, registered in accordance with the simplified procedure under Article 17 of Regulation No 2081/92 and an international mark**

[CURIA – Opinion of Advocate General C-120/08 of the Court of Justice of 16 September 2010 - FR](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**EUROPEAN COMMISSION CALL FOR PROPOSALS — EACEA/20/10 Media 2007 — Development, distribution, promotion and training Support for television broadcasting of European audiovisual works (2010/C 248/04)**

[OJ of the EU, C 248/3 of 15 September 2010 - FR](#)

## 5. Competition

### Case Law

**Case E-7/09: Judgment of the EFTA Court - EFTA Surveillance Authority v The Principality of Liechtenstein - Failure by a Contracting Party to fulfil its obligations -** Directive 2005/56/EC of the European Parliament and of the Council on **cross-border mergers of limited liability companies** (2010/C 256/08)

[Judgment of the EFTA Court of 1 December 2009 C 256/8 of 23 September 2010 - FR](#)

**Case C-52/09: Opinion of the Advocate General Mazák of 2 September 2010 - Konkursverket v TeliaSonera AB –** Competition – **Article 102 TFEU (formerly Article 82 EC) – Margin squeeze – Regulatory obligation to supply input** – Indispensability of input

[CURIA – Opinion of Advocate General C-52/09 of the Court of Justice of 2 September 2010 - FR](#)

**Case C-90/09 P: Opinion of the Advocate General Mazák of 14 September 2010 - General Química and Others v European Commission -** Appeal – Competition – **Cartel in sector of chemical products for the treatment of rubber – Exchange of confidential information and price-fixing** – Attribution of responsibility to the parent company at head of group – Single economic entity – Joint and several liability – Fines

[CURIA – Opinion of Advocate General C-90/09 P of the Court of Justice of 14 September 2010 - FR](#)

**Case C-550/07 P: Judgment of the Court (Grand Chamber) of 14 September 2010 - Akzo Nobel Chemicals Ltd and Akros Chemicals Ltd v European Commission -** Appeal – Competition – **Measures of inquiry – Commission's powers of investigation – Legal professional privilege** – Employment relationship between a lawyer and an undertaking – Exchanges of e-mails

[CURIA – Judgment in Case C-550/07 P of the Court of Justice of 2 September 2010 - FR](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Community Legislation

**DECISION OF THE EUROPEAN CENTRAL BANK** of 27 July 2010 amending Decision ECB/2007/5 laying down the **Rules on Procurement** (ECB/2010/8) (2010/483/EU)  
[OJ of the EU, L 238/14 of 9 September 2010 - FR](#)

### Case Law

**Case C-270/09: Opinion of the Advocate General Trstenjak of 7 September 2010 - Macdonald Resorts Limited v The Commissioners for Her Majesty's Revenue & Customs** - Tax legislation – Harmonisation – **Turnover taxes – Interpretation of Articles 9(2) and 13B(b) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes** – Common system of value added tax: uniform basis of assessment – Definition of the exemption applicable to the leasing or letting of immovable property – Exceptions – Sale through a holiday club of Points Rights which grant entitlement to use timeshare holiday accommodation in a specific year

[CURIA – Opinion of Advocate General C-270/09 et al. of the Court of Justice of 7 September 2010 - FR](#)

**Case C-568/08: Opinion of the Advocate General Villalón of 14 September 2010 - Combinatie Spijker Infrabouw/De Jonge Konstruktie, van Spijker Infrabouw BV, de Jonge Konstruktie BV v Provincie Drenthe** - **Public Markets – Review procedures in matters of public procurement concerning public works and supply contracts – Protective measures** – Claims for damages resulting from the violation of European Union law – Criteria for accountability of responsibilities and the quantification of damages

[CURIA – Opinion of Advocate General C-568/08 of the Court of Justice of 14 September 2010 \(Only in FR\)](#)

**Case C-24/10: Judgment of the Court (Sixth Chamber) of 23 September 2010 - European Commission v Hellenic Republic** - Failure of a Member State to fulfil obligations – **Directive 2006/46/EC – Company law – Annual accounts and consolidated accounts of companies** – Failure to transpose within the prescribed time-limit

[CURIA – Judgment in Case C-24/10 of the Court of Justice of 23 September 2010 \(Only in FR\)](#)

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**Taxation trends in the European Union – Data for the EU Members States, Iceland and Norway 2010 Edition** – FR (French version is not available)

**OPINION OF THE EUROPEAN CENTRAL BANK** of 9 August 2010 on a **proposal for a Commission regulation** laying down detailed **rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the quality of HICP** weightings and repealing Commission Regulation (EC) No 2454/97 (CON/2010/67) (2010/C 252/01)

[OJ of the EU, C 252/1 of 18 September 2010 - FR](#)

**OPINION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE** on the 'Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: **Promoting Good Governance in Tax Matters**' COM(2009) 201 final (2010/C 255/11)

[OJ of the EU, C 255/61 of 22 September 2010 - FR](#)

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

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**EUROPEAN COMMISSION CALL FOR PROPOSALS** — EACEA/29/10 MEDIA 2007 — Support for the **Transnational Distribution of European Films** — the 'Selective' scheme 2011 (2010/C 259/06)

[OJ of the EU, C 259/1 of 25 September 2010 - FR](#)

## 9. Employment and Social Affairs

### Case Law

**Joined cases C-250/09 and C-268/09: Opinion of the Advocate General Bot of 2 September 2010 - Vasil Ivanov Georgiev v Tehnicheski universitet – Sofia, filial Plovdiv - Social Policy – Equality of treatment in employment and occupation – Fixed-term employment contract for university professors having reached the age of 65** – Fixing of a strict age limit for the retirement of university professors at the age of 68 – Justification of differences in treatment based on age

[CURIA – Opinion of Advocate General C-250/09 of the Court of Justice of 2 September 2010 \(Only in FR\)](#)

**Case C-232/09: Opinion of the Advocate General Bot of 2 September 2010 - Dita Danosa v LKB Līzings SIA - Directive 92/85/EEC – Scope – Member of the management committee of a corporate entity – Employee – Existence of subordination relationship – Legislation authorising the dismissal of a member of the management committee of a corporate entity without restrictions taking into account her pregnancy** – Equal treatment of men and women

[CURIA – Opinion of Advocate General C-232/09 of the Court of Justice of 2 September 2010 \(Only in FR\)](#)

**Case C-356/09: Opinion of the Advocate General Kokott of 16 September 2010 - Pensionsversicherungsanstalt v Dr. Christine Kleist - Social Policy – Equal treatment of men and women – Different legal age for retirement for men and women** – Disappearance of the specific conventional protection against dismissal, since the legal age for retirement has been reached – Dismissal of an employee having reached the legal age for retirement – Discrimination based on gender concerning the conditions for dismissal – Directive 76/207/EEC – Directive 2002/73/EC

[CURIA – Opinion of Advocate General C-356/09 of the Court of Justice of 16 September 2010 \(Only in FR\)](#)

**Case C-149/10: Judgment of the Court (First Chamber) of 16 September 2010 - Zoi Chatzi v Ipourgos Ikonomikon - Social policy – Directive 96/34/EC – Framework agreement on parental leave – Interpretation of clause 2.1 of the framework agreement – Person granted the right to parental leave** – Parental leave in the event of the birth of twins – Meaning of 'birth' – Taking account of the number of children born – Principle of equal treatment

[CURIA – Judgment in Case C-149/10 of the Court of Justice of 16 September 2010 - FR](#)

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**POSITION (EU) No 13/2010 OF THE COUNCIL AT FIRST READING** with a view to the **adoption of a Regulation of the European Parliament and of the Council extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries** who are not already covered by these Regulations solely on the ground of their nationality Adopted by the Council on 26 July 2010 (2010/C 253 E/01)

[OJ of the EU, C 253 E/1 of 21 September 2010 - FR](#)

## 10. Energy and Environment

### Case Law

**Case C-266/09: Opinion of the Advocate General Kokott of 23 September 2010 - Stichting Natuur en Milieu, Vereniging Milieudefensie, Vereniging Goede Waar & Co. v College voor de toelating van gewasbeschermingsmiddelen en biociden - Directive 2003/4/EC – Access to information in environmental matters** – Information in environmental matters – Directive 91/414/EEC – Plant protection products – Authorisation procedure

[CURIA – Opinion of Advocate General C-266/09 of the Court of Justice of 23 September 2010 \(Only in FR\)](#)

**Case C-241/09 : Opinion of the Advocate General Trstenjak of 28 September 2010 - Fluxys SA v Commission de régulation de l'électricité et du gaz (CREG)** - Energy policy – Internal market for natural – **Directive 2003/55/EC – Regulation (EC) No 1775/2005 – Exceptions for long-term contracts – Principle of non-discriminatory access to the natural gas transmission networks** – International law establishing two different regimes, one for activities of dispatching and one for activities of transit – Comparable situations– Pertinent criteria that can justify differentiated treatment – Generalisation based on the distinction of dispatching and transit

[CURIA – Opinion of Advocate General C-241/09 of the Court of Justice of 28 September 2010 \(Only in FR\)](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-159/09: Opinion of the Advocate General Mengozzi of 7 September 2010 - Lidl SNC v Vierzon Distribution SA** - **Comparative advertising – Comparison of prices used by a competing chain of supermarkets** – Products answering the same needs or having the same objective

[CURIA – Opinion of Advocate General C-159/09 of the Court of Justice of 7 September 2010 \(Only in FR\)](#)

**Case C-266/09: Opinion of the Advocate General Kokott of 23 September 2010 - Stichting Natuur en Milieu, Vereniging Milieudefensie, Vereniging Goede Waar & Co. v College voor de toelating van gewasbeschermingsmiddelen en biociden** - **Directive 2003/4/EC – Access to information in environmental matters** – Information in environmental matters – **Directive 91/414/EEC – Plant protection products** – Authorisation procedure

[CURIA – Opinion of Advocate General C-266/09 of the Court of Justice of 23 September 2010 \(Only in FR\)](#)

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**Public Consultation** on the possible **revision of the Tobacco Products Directive** 2001/37/EC

[Released : 24.9.2010](#) – FR (French version is not available)

## 13. Internal Market and Single Market

### Community Legislation

**COMMISSION REGULATION** (EU) No 832/2010 of 17 September 2010 amending Regulation (EC) No 1828/2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down **general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund** and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund

[OJ of the EU, L 248/1 of 22 September 2010 - FR](#)

### Case Law

**Case C-382/08: Opinion of the Advocate General Mengozzi of 7 September 2010 - Michael Neukirchinger v Bezirkshauptmannschaft Grieskirchen** - **Air transportation** – Freedom to provide services – Regulation (EEC) No. 2407/92 – Articles 12 EC, 49 EC, 51 EC and 54 EC – **Licence for the organisation of commercial flights in hot air balloon – Conditions of residence or headquarters** – Administrative sanctions – Principle of non-discrimination on grounds of nationality

[CURIA – Opinion of Advocate General C-382/08 of the Court of Justice of 7 September 2010 \(Only in FR\)](#)

**Case C-46/08: Judgment of the Court (Grand Chamber) of 8 September 2010 - Carmen Media Group Ltd v Land Schleswig-Holstein, Innenminister des Landes Schleswig-Holstein** - Article 49 EC – **Freedom to provide services** – Holder of a licence issued in Gibraltar authorising the collection of bets on sporting competitions only abroad – **Organisation of bets on sporting competitions subject to a public monopoly at Land level – Objective of preventing incitement to squander money on gambling and combating gambling addiction – Proportionality** – Restrictive measure to be genuinely aimed at reducing opportunities for gambling and limiting gambling activities in a consistent and systematic manner – Other games of chance capable of being offered by private operators – Authorisation procedure – Discretion of the competent authority – Prohibition on offering games of chance via the internet – Transitional measures provisionally authorising such an offer by certain operators)

[CURIA – Judgment in Case C-46/08 of the Court of Justice of 8 September 2010 - FR](#)

**Joined Cases C-316/07, C-358/07 to C-360/07, C-409/07 and C-410/07: Judgment of the Court (Grand Chamber) of 8 September 2010 - Markus Stoß and Others v Wetteraukreis and Kulpa Automaten-Service Asperg GmbH and Others v Land Baden-Württemberg** - Articles 43 EC and 49 EC – **Freedom of establishment – Freedom to provide services – Organisation of bets on sporting competitions subject to a public monopoly at Land level** – Objective of preventing incitement to squander money on gambling and combating gambling addiction – **Proportionality** – Restrictive measure to be genuinely aimed at reducing opportunities for gambling and limiting gambling activities in a consistent and systematic manner – Advertising emanating from the holder of the monopoly and encouraging participation in lotteries – Other games of chance capable of being offered by private operators – Expansion of the supply of other games of chance – Licence issued in another Member State – No mutual recognition obligation

[CURIA – Judgment in Case C-316/07 of the Court of Justice of 8 September 2010 - FR](#)

**Case C-409/06: Judgment of the Court (Grand Chamber) of 8 September 2010 - Winner Wetten GmbH v Bürgermeisterin der Stadt Bergheim** - Articles 43 EC and 49 EC – **Freedom of establishment – Freedom to provide services – Organisation of bets on sporting competitions subject to a public monopoly at Land level** – Decision of the Bundesverfassungsgericht finding the legislation for such a monopoly incompatible with the German Basic Law, but maintaining the legislation in force during a transitional period designed to allow it to be brought into conformity with the Basic Law – Principle of the primacy of Union law – Admissibility of, and possible conditions for, a transitional period of that type where the national legislation concerned also infringes Articles 43 EC and 49 EC

[CURIA – Judgment in Case C-409/06 of the Court of Justice of 8 September 2010 - FR](#)

**Case C-64/08: Judgment of the Court (Fourth Chamber) of 9 September 2010 - Criminal proceedings against Ernst Engelmann** - **Freedom to provide services – Freedom of establishment – National rules establishing a system of concessions for the operation of games of chance in casinos** – Concessions obtainable solely by public limited companies established in national territory – All concessions granted without any competitive procedure

[CURIA – Judgment in Case C-64/08 of the Court of Justice of 9 September 2010 - FR](#)

**Joined Cases C-307/09 to C-309/09 : Opinion of the Advocate General Bot of 9 September 2010 - Vicoplus SC PUH et al v Minister van Sociale Zaken en Werkgelegenheid** - **Free movement of services – Posting of workers – Act of Accession of 2003 – Transitional measures concerning the access of Polish nationals to the labor market of States which are already members of the European Union** – Directive 96/71/EC – Article 1 – Requirement of a work permit for the hiring-out of workers

[CURIA – Opinion of Advocate General C-307/09 of the Court of Justice of 9 September 2010 \(Only in FR\)](#)

**Case C-274/09: Opinion of the Advocate General Mazák of 9 September 2010 - Privater Rettungsdienst und Krankentransport Stadler v Zweckverband für Rettungsdienst und Feuerwehralarmierung Passau** - **Emergency service – Criteria for the distinction between a service contract and a service concession** – Type of compensation – Transfer of the risk associated with the exploitation of services

[CURIA – Opinion of Advocate General C-274/09 of the Court of Justice of 9 September 2010 \(Only in FR\)](#)

Cases C-47/08, C-50/08, C-51/08, C-53/08, C-54/08, C-61/0: Opinion of the Advocate General Villalón of 14 September 2010 - European Commission v Kingdom of Belgium, French Republic, Grand Duchy of Luxembourg, Republic of Austria, Federal Republic of Germany and Hellenic Republic - Actions for failure to fulfil obligations – **Freedom of establishment – Direct discrimination on grounds of nationality – Profession of notary – Nationality condition** – Article 43 EC and the first paragraph of Article 45 EC – Activities connected with the exercise of official authority – Scope of the freedom of establishment – Principle of proportionality – European citizenship – Directive 2005/36 EC

[CURIA – Opinion of Advocate General C-47/08 et al. of the Court of Justice of 14 September 2010 - FR](#)

Case C-52/08: Opinion of the Advocate General Villalón of 14 September 2010 - European Commission v Portuguese Republic - Action for failure to fulfil obligations – **Freedom of establishment – Directive 2005/36/EC – Profession of notary – First paragraph of Article 45 EC** – Activities connected with the exercise of official authority

[CURIA – Opinion of Advocate General C-52/08 of the Court of Justice of 14 September 2010 - FR](#)

Case C-291/09: Opinion of the Advocate General Sharpston of 14 September 2010 - Francesco Guarneri & Cie v Vandeveld Eddy VOF - Free movement of goods – **Cautio judicatum solvi**

[CURIA – Opinion of Advocate General C-291/09 of the Court of Justice of 14 September 2010 - FR](#)

Case C-306/08: Opinion of the Advocate General Jääskinen of 16 September 2010 - European Commission v Kingdom of Spain - Infringement proceedings – Failure of a Member State to fulfil obligations – **Directive 93/37/EEC – Directive 2004/18/EC** – Public works contracts – Public service contracts – Public service concession – Public works concession – **Land development – Urban planning and development laws in the Valencia region**

[CURIA – Opinion of Advocate General C-306/08 of the Court of Justice of 16 September 2010 - FR](#)

Case C-161/09: Opinion of the Advocate General Mengozzi of 16 September 2010 - Kakavetsos-Frangopoulos AE Epexergasias kai Emporias Stafidas, formerly K. Frangopoulos kai SIA O.E. v Nomarchiaki Aftodioikisi Korinthias - Free movement of goods – **Quantitative restrictions on exports – Measure having equivalent effect – Transfer, processing and marketing of currants** – Prohibition on movement between different areas in a single Member State – Justification – Whether protection of quality as the sole ground of justification in the absence of a protected designation of origin is excluded

[CURIA – Opinion of Advocate General C-161/09 of the Court of Justice of 16 September 2010 - FR](#)

## 14. Intellectual Property

### Case Law

Case C-66/09: Judgment of the Court (Second Chamber) of 2 September 2010 - Kirin Amgen Inc. v Lietuvos Respublikos valstybinis patentų biuras - Patent law – **Proprietary medicinal products – Regulation (EEC) No 1768/92 – Articles 7, 19 and 19a(e) – Supplementary protection certificate for medicinal products** – Period for lodging the application for such a certificate

[CURIA – Judgment in Case C-66/09 of the Court of Justice of 2 September 2010 - FR](#)

Case C-254/09 P: Judgment of the Court (First Chamber) of 2 September 2010 - Calvin Klein Trademark Trust, established in Wilmington (United States) v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeals – **Community trade mark – Word mark CK CREACIONES KENNYA** – Opposition by the proprietor of inter alia the Community figurative mark CK Calvin Klein and national marks CK – Opposition rejected

[CURIA – Judgment in Case C-254/09 P of the Court of Justice of 2 September 2010 - FR](#)

Case C-265/09 P: Judgment of the Court (First Chamber) of 9 September 2010 - Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) v BORCO-Marken-Import Matthiesen GmbH & Co. KG, established in Hamburg (Germany) - Appeal – **Community trade mark** – Application for registration of the figurative sign 'α' – Absolute grounds for refusal – **Distinctive character – Mark consisting of a single letter**

[CURIA – Judgment in Case C-265/09 P of the Court of Justice of 9 September 2010 - FR](#)

**Case C-96/09 P: Opinion of the Advocate General Villalón of 14 September 2010 - Anheuser-Busch, Inc. v Budějovický Budvar** - Appeal – **Community trade mark – Article 8(4) of Regulation No 40/94 – Opposition by the proprietor of the appellation of origin Bud** – Use in the course of trade – Sign of more than mere local significance

[CURIA – Opinion of Advocate General C-96/09 P of the Court of Justice of 14 September 2010 - FR](#)

**Case C-48/09 P: Judgment of the Court (Grand Chamber) of 14 September 2010 - Lego Juris A/S v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)** - Appeal – **Regulation (EC) No 40/94 – Community trade mark – Suitability of a shape of goods for registration as a trade mark** – Registration of a three-dimensional sign consisting of the upper surface and two sides of a Lego brick – Declaration of invalidity of that registration on application by an undertaking marketing toy bricks having the same shape and dimensions – Article 7(1)(e)(ii) of that regulation – Sign which consists exclusively of the shape of goods which is necessary to obtain a technical result

[CURIA – Judgment in Case C-48/09 P of the Court of Justice of 14 September 2010 - FR](#)

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

### Case Law

**C-283/09: Opinion of the Advocate General Kokott of 2 September 2010 - Artur Weryński v Mediatel 4B Spółka** - Judicial cooperation between Member States in matters of taking of evidence – Regulation (EC) No. 1206/2001 – **Cross-border taking of evidence – Hearing of a witness by the requested court at the request of the requesting court – Compensation paid to witnesses** – Obligation to make an advance payment

[CURIA – Opinion of Advocate General C-283/09 of the Court of Justice of 2 September 2010 \(Only in FR\)](#)

**Case C-261/09: Opinion of the Advocate General Bot of 7 September 2010 - Criminal proceedings against Gaetano Mantello - Judicial Cooperation in criminal matters** – Framework decision 2002/584/JHA – **European arrest warrant – Grounds for mandatory non-execution – Principal of ne bis in idem** – Fundamental rights – Application if the final judgment has been given in the issuing Member State – Notion of ‘same acts’ – Autonomous concept – Scope

[CURIA – Opinion of Advocate General C-261/09 of the Court of Justice of 2 September 2010 \(Only in FR\)](#)

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**OPINION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE** on the ‘**Green Paper on the review** of Council Regulation (EC) No 44/2001 on **jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**’ COM(2009) 175 final (2010/C 255/08)

[OJ of the EU, C 255/48 of 22 September 2010 - FR](#)

## 16. Transport

### Community Legislation

**COMMISSION REGULATION (EU) No 791/2010** of 6 September 2010 amending Regulation (EC) No 474/2006 establishing the **Community list of air carriers which are subject to an operating ban** within the Community (Text with EEA relevance)

[OJ of the EU, L 237/10 of 8 September 2010 - FR](#)

**COMMISSION REGULATION (EU) No 801/2010** of 13 September 2010 **implementing Article 10(3) of Directive 2009/16/EC** of the European Parliament and of the Council as **regards the flag State criteria** (Text with EEA relevance)

[OJ of the EU, L 241/1 of 14 September 2010 - FR](#)

**COUNCIL DECISION** of 13 September 2010 on the launch of **automated data exchange** with regard to **Vehicle Registration Data (VRD) in Finland** (2010/559/EU)  
OJ of the EU, L 245/34 of 17 September 2010 - FR

### **Preparatory Acts, Reports, Calls, Memos, Common Positions**

**EUROPEAN COMMISSION Call for proposals** under the 2011 work programme of the **7th framework programme for Research, technological development and demonstration activities** (2010/C 247/03)  
OJ of the EU, C 247/1 of 14 September 2010 - FR