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Highlights

DIRECTIVE 2010/63/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 on the **protection of animals used for scientific purposes** (Text with EEA relevance)
[OJ of the EU, L 276/33 of 20 October 2010 - FR](#)

Case C-400/10 PPU: Judgment of the Court (Third Chamber) of 5 October 2010 - J. McB. v L. E. - Judicial cooperation in civil matters – Matrimonial matters and matters of parental responsibility – The Hague Convention of 25 October 1980 on the civil aspects of international child abduction – Regulation (EC) No 2201/2003 – Children whose parents are not married – Father's rights of custody – Interpretation of 'rights of custody' – General principles of law and Charter of Fundamental Rights of the European Union
[CURIA – Judgment in Case C-400/10 PPU of the Court of Justice of 5 October 2010 - FR](#)

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EU News: Click & Read

October 2010

European Documentation Centre

Editors:

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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, 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.

Rencontres Informelles :

Anne Marit Mann, Staff legal adviser at the Swiss Institute of Comparative Law, will give a lecture on the topic:

Recent Case Law of the ECJ on Gambling
Tuesday, 23 November 2010, 12h00, at the SICL (1st floor)

Admission is free. For the next lectures, please visit www.isdc.ch or contact **Marie Papeil**

1. EU-Swiss Relations

Community Legislation

DECISION No 3/2010 OF THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE of 1 October 2010 **amending Annex B** to the Agreement between the European Community and the Swiss Confederation on **cooperation in the field of statistics**

[OJ of the EU, L 277/31 of 21 October 2010 - FR](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION of 7 October 2010 on the signing, on behalf of the European Union, of the Agreement between the **European Union** and the Federative Republic of **Brazil** on **short-stay visa waiver for holders of diplomatic, service or official passports**

[OJ of the EU, L 275/3 of 20 October 2010 - FR](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-133/09: Judgment of the Court (Fourth Chamber) of 30 September 2010 - József Uzonyi v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve - Agriculture – Common agricultural policy – **Support schemes – Regulation (EC) No 1782/2003 – Article 143ba** – Separate sugar payment – Grant – Decision of the new Member States – Conditions – Objective and non-discriminatory criteria

[CURIA – Judgment in Case C-133/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-61/09: Judgment of the Court (First Chamber) of 14 October 2010 - Landkreis Bad Dürkheim v Aufsichts- und Dienstleistungsdirektion - Common agricultural policy – **Integrated administration and control system for certain aid schemes – Regulation (EC) No 1782/2003 – Single payment scheme – Common rules for direct support schemes** – Concept of ‘eligible hectare’ – Non-agricultural activities – Conditions for allocation of an agricultural area to a holding

[CURIA – Judgment in Case C-61/09 of the Court of Justice of 14 October 2010 - FR](#)

4. Audiovisual and Media and Information Society

Community Legislation

REGULATION (EU) No 912/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 **setting up the European GNSS Agency**, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European **satellite radio navigation** programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council

[OJ of the EU, L 276/11 of 20 October 2010 - FR](#)

COMMISSION DECISION of 19 October 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Andorra (*notified under document C(2010) 7084*) (Text with EEA relevance)

[OJ of the EU, L 277/27 of 21 October 2010 - FR](#)

Case Law

Case C-389/08: Judgment of the Court (Fourth Chamber) of 6 October 2010 - Base NV and Others v Ministerraad - Electronic communications – Directive 2002/21/EC ('Framework' Directive) – Articles 2(g), 3 and 4 – National regulatory authority – National legislature acting as national regulatory authority – Directive 2002/22/EC ('Universal Service' Directive) – Networks and services – Article 12 – Costing of universal service obligations – Social component of universal service – Article 13 – Financing of universal service obligations – Determination of whether an 'unfair burden' exists

[CURIA – Judgment in Case C-389/08 of the Court of Justice of 6 October 2010 - FR](#)

Case C-222/08: Judgment of the Court (Fourth Chamber) of 6 October 2010 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil obligations – Directive 2002/22/EC ('Universal Service' Directive) – Electronic communications – Networks and services – Article 12 – Costing of universal service obligations – Social component of universal service – Article 13 – Financing of universal service obligations – Determination of whether an 'unfair burden' exists

[CURIA – Judgment in Case C-222/08 of the Court of Justice of 6 October 2010 - FR](#)

Case C-154/09: Judgment of the Court (Third Chamber) of 7 October 2010 - European Commission v Portuguese Republic - Failure of a Member State to fulfil its obligations – Directive 2002/22/EC – Electronic communications – Networks and services – Articles 3, Para. 2, and 8, Para. 2 – Designation of enterprises in charge of universal service obligations – Incorrect transposition

[CURIA – Judgment in Case C-154/09 of the Court of Justice of 7 October 2010 \(Only in FR\)](#)

5. Competition

Case Law

Case C-280/08 P: Judgment of the Court (Second Chamber) of 14 October 2010 - Deutsche Telekom AG v European Commission - Appeal – Competition – Article 82 EC – Markets for telecommunications services – Access to the fixed network of the incumbent operator – Wholesale charges for local loop access services to competitors – Retail charges for access services to end-users – Pricing practices of a dominant undertaking – Margin squeeze – Charges approved by the national regulatory authority – Leeway of the dominant undertaking – Attributability of the infringement – Meaning of 'abuse' – As-efficient-competitor test – Calculation of the margin squeeze – Effects of the abuse – Amount of the fine

[CURIA – Judgment in Case C-280/08 P of the Court of Justice of 6 October 2010 - FR](#)

Case C-338/09: Opinion of the Advocate General Villalón of 20 September 2010 - Yellow Cab Verkehrsbetriebs-GmbH - Freedom to provide transport services – Right of establishment – Competition – Operation of urban public transport serving fixed stops for tourist purposes – Requirement of an establishment as a condition for granting a concession

[CURIA – Opinion of Advocate General C-338/09 of the Court of Justice of 30 September 2010 \(Only in FR\)](#)

6. Customs

Case Law

Case C-382/09: Judgment of the Court (Fifth Chamber) of 7 October 2010 - Stils Met SIA v Valsts ieņēmumu dienests - Common Customs Tariff – Tariff classification – Combined Nomenclature – Chapter 73 – Steel strands, ropes and cables – Heading 7312 – TARIC code – Error in the tariff classification – Release of goods for free circulation – Regulation (EC) No 384/96 – Anti-dumping duties – Fine of an amount equal to the total anti-dumping duties

[CURIA – Judgment in Case C-382/09 of the Court of Justice of 7 October 2010 - FR](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COUNCIL DIRECTIVE 2010/66/EU of 14 October 2010 amending Directive 2008/9/EC laying down detailed rules for the **refund of value added tax**, provided for in Directive 2006/112/EC, to **taxable persons not established in the Member State of refund but established in another Member State**

[OJ of the EU, L 275/1 of 20 October 2010 - FR](#)

Case Law

Case C-581/08: Judgment of the Court (Third Chamber) of 30 September 2010 - EMI Group Ltd v The Commissioners for Her Majesty's Revenue and Customs - Sixth VAT Directive – Second sentence of Article 5(6) – **Concept of 'samples' – Concept of 'gifts of small value'** – Recorded music – Distribution free of charge for promotional purposes

[CURIA – Judgment in Case C-581/08 of the Court of Justice of 30 September 2010 - FR](#)

Case C-395/09: Judgment of the Court (Seventh Chamber) of 30 September 2010 - Oasis East sp. z o.o. v Minister Finansów - Sixth VAT Directive – Directive 2006/112/EC – Accession of a new Member State – Right to deduct input tax – **National legislation excluding the right to deduct tax on the provision of certain services – Commercial partners established in a territory classified as a 'tax haven'** – Option for Member States to retain rules excluding the right to deduct at the time when the Sixth VAT Directive entered into force

[CURIA – Judgment in Case C-395/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-392/09: Judgment of the Court (Third Chamber) of 30 September 2010 - Uszodaépítő kft v APEH Központi Hivatal Hatósági Főosztály - Sixth VAT Directive – Directive 2006/112/EC – Right to deduct input tax – New national legislation – Requirements as to the content of an invoice – Retroactive application – Loss of the right to deduct

[CURIA – Judgment in Case C-392/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-277/09: Opinion of the Advocate General Mazák of 30 September 2010 - Commissioners for Her Majesty's Revenue and Customs v RBS Deutschland Holdings GmbH - Interpretation of Article 17(3)(a) of the Sixth VAT Directive – Transactions carried out with the sole aim of obtaining a tax advantage – Provision of vehicle leasing services in the United Kingdom by the German subsidiary of a bank established in the United Kingdom

[CURIA – Opinion of Advocate General C-277/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-41/09: Opinion of the Advocate General Bot of 5 October 2010 - European Commission v Kingdom of the Netherlands - VAT – Reduced rate – Shipment, import and purchase of certain kinds of live animals (horses), which are not intended for human or animal consumption

[CURIA – Opinion of Advocate General C-41/09 of the Court of Justice of 5 October 2010 \(Only in FR\)](#)

Joined Cases C-53/09 and C-55/09: Judgment of the Court (Second Chamber) of 7 October 2010 - Commissioners for Her Majesty's Revenue and Customs v Loyalty Management UK Ltd (C-53/09), Baxi Group Ltd (C-55/09) - Sixth VAT Directive – Taxable amount – Sales promotion scheme – Loyalty rewards scheme allowing customers to earn points from traders and to redeem them for loyalty rewards – Payments made by the operator of the scheme to redeemers supplying the loyalty rewards – Payments made by the trader to the operator of the scheme supplying the loyalty rewards

[CURIA – Judgment in Joined Cases C-53/09 and C-55/09 of the Court of Justice of 7 October 2010 - FR](#)

Case C-222/09: Judgment of the Court (First Chamber) of 7 October 2010 - Kronospan Mielec sp. z o.o. v Dyrektor Izby Skarbowej w Rzeszowie - Sixth VAT Directive – Article 9(2)(c) and (e) – Research and development work carried out by engineers – Determination of the place where services are supplied

[CURIA – Judgment in Case C-222/09 of the Court of Justice of 7 October 2010 - FR](#)

Case C-81/09: Judgment of the Court (Second Chamber) of 21 October 2010 - Idrima Tipou AE v Ipourgos Tipou kai Meson Mazikis Enimerosis - Freedom of establishment – Free movement of capital – Company law – First Directive 68/151/EEC – Public limited company in the press and television sector – Company and shareholder holding more than 2.5% of the shares – Administrative fine imposed jointly and severally
[CURIA – Judgment in Case C-81/09 of the Court of Justice of 21 October 2010 - FR](#)

Case C-570/08: Judgment of the Court (Third Chamber) of 21 October 2010 - Simvoulio Apokhetefseon Lefkosias v Anatheoritiki Arkhi Prosforon - Public contracts – Directive 89/665/EEC – Article 2(8) – Body responsible for review procedures that is not judicial in character – Annulment of the contracting authority's decision to accept a tender – Possibility for the contracting authority to appeal against that annulment before a judicial body
[CURIA – Judgment in Case C-570/08 of the Court of Justice of 21 October 2010 - FR](#)

Case C-385/09: Judgment of the Court (Third Chamber) of 21 October 2010 - Nidera Handelscompagnie BV v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - Directive 2006/112/EC – Right of deduction of input VAT – National legislation excluding the right of deduction in respect of goods sold on before identification of the taxable person for VAT purposes
[CURIA – Judgment in Case C-385/09 of the Court of Justice of 21 October 2010 - FR](#)

Case C-242/09: Judgment of the Court (Third Chamber) of 21 October 2010 - Albron Catering BV v FNV Bondgenoten, John Roest - Social policy – Transfers of undertakings – Directive 2001/23/EC – Safeguarding of employees' rights – Group of companies in which staff employed by an 'employer' company and assigned on a permanent basis to an 'operating' company – Transfer of an operating company
[CURIA – Judgment in Case C-242/09 of the Court of Justice of 21 October 2010 - FR](#)

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

Community Legislation

DIRECTIVE 2010/63/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 on the **protection of animals used for scientific purposes** (Text with EEA relevance)
[OJ of the EU, L 276/33 of 20 October 2010 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

EUROPEAN COMMISSION Calls for proposals under the 2011 work programme 'People' of the Seventh EC Framework Programme for Research, Technological Development and Demonstration Activities
[OJ of the EU, C 283/15 of 20 October 2010 - FR](#)

9. Employment and Social Affairs

Case Law

Case C-236/09: Opinion of the Advocate General Kokott of 30 September 2010 - Association Belge des Consommateurs Test-Achats ASBL and Others - Fundamental rights – Combating of discrimination – Equal treatment for men and women – Access to and supply of goods and services – Insurance premiums and benefits – Actuarial factors – Sex as a factor in the assessment of insurance risks – Private life assurance contracts – Article 5(2) of Directive 2004/113/EC
[CURIA – Opinion of Advocate General C-236/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-104/09: Judgment of the Court (Second Chamber) of 30 September 2010 - Pedro Manuel Roca Álvarez v Sesa Start España ETT SA - Social policy – Equal treatment for male and female workers – Directive 76/207/EEC – Articles 2 and 5 – Right to leave for employed mothers – Possible use by an employed mother or an employed father – Mother self-employed – Exclusion of the right to leave for an employed father
[CURIA – Judgment in Case C-104/09 of the Court of Justice of 30 September 2010 - FR](#)

Case C-224/09: Judgment of the Court (Fifth Chamber) of 7 October 2010 - Criminal proceedings against Martha Nussbaumer - Reference for a preliminary ruling – **Directive 92/57/EEC – Implementation of minimum safety and health requirements on temporary and mobile construction sites** – Article 3 – Requirement to appoint a coordinator for safety and health matters and draw up a safety and health plan
[CURIA – Judgment in Case C-224/09 of the Court of Justice of 7 October 2010 - FR](#)

Case C-499/08: Judgment of the Court (Grand Chamber) of 12 October 2010 - Ingeniørforeningen i Danmark, acting on behalf of Ole Andersen v Region Syddanmark - Directive 2000/78/EC – Equal treatment in employment and occupation – Prohibition of discrimination on grounds of age – Non-payment of a severance allowance to workers who are entitled to an old-age pension
[CURIA – Judgment in Case C-499/08 of the Court of Justice of 12 October 2010 - FR](#)

Case C-45/09: Judgment of the Court (Grand Chamber) of 12 October 2010 - Gisela Rosenblatt v Oellerking Gebäudereinigungsges. mbH - Directive 2000/78/EC – Discrimination on the grounds of age – Termination of employment contract on reaching retirement age
[CURIA – Judgment in Case C-45/09 of the Court of Justice of 12 October 2010 - FR](#)

Case C-428/09: Judgment of the Court (Second Chamber) of 14 October 2010 - Union syndicale Solidaires Isère v Premier ministre, Ministère du Travail, des Relations sociales, de la Famille, de la Solidarité et de la Ville, Ministère de la Santé et des Sports - Social policy – Protection of the safety and health of workers – Directive 2003/88/EC – Organisation of working time – Articles 1, 3 and 17 – Scope – Casual and seasonal activity of persons employed under an ‘educational commitment contract’ – Restriction on the working time of such staff in holiday and leisure centres to 80 days per annum – National legislation not providing, for such staff, a minimum daily rest period – Derogations from Article 17 – Conditions – Ensuring an equivalent period of compensatory rest or, in exceptional cases, appropriate protection
[CURIA – Judgment in Case C-428/09 of the Court of Justice of 14 October 2010 - FR](#)

Case C-345/09: Judgment of the Court (Second Chamber) of 14 October 2010 - J.A. van Delft and Others v College voor zorgverzekeringen - Social security – Regulation (EEC) No 1408/71 – Title III, Chapter 1 – Articles 28, 28a and 33 – Regulation (EEC) No 574/72 – Article 29 – Freedom of movement for persons – Articles 21 TFEU and 45 TFEU – Sick leave insurance benefits – Recipients of old-age pensions or pensions for incapacity for work – Residence in a Member State other than the State responsible for payment of the pension – Provision of benefits in kind in the State of residence with the cost borne by the State responsible for payment of the pension – No registration in the State of residence – Obligation to pay contributions in the State responsible for payment of the pension – Amendment to the national legislation of the State responsible for payment of the pension – Continuity of sickness insurance – Different treatment of residents and non-residents
[CURIA – Judgment in Case C-345/09 of the Court of Justice of 14 October 2010 - FR](#)

Case C-243/09: Judgment of the Court (Second Chamber) of 14 October 2010 - Günter Fuß v Stadt Halle - Social policy – Protection of the safety and health of workers – Directive 2003/88/EC – Organisation of working time – Fire fighters employed in the public sector – Operational service – Article 6(b) and Article 22(1)(b) – Maximum weekly working time – Refusal to work longer than that time – Compulsory transfer to another service – Direct effect – Consequence for national courts
[CURIA – Judgment in Case C-243/09 of the Court of Justice of 14 October 2010 - FR](#)

Case C-16/09: Judgment of the Court (Second Chamber) of 14 October 2010 - Gudrun Schwemmer v Agentur für Arbeit Villingen-Schwenningen – Familienkasse - Social security – Regulations (EEC) Nos 1408/71 and 574/72 – Family benefits – ‘Anti-overlap’ rules – Article 76(2) of Regulation No 1408/71 – Article 10(1)(a) of Regulation No 574/72 – Children residing in a Member State with their mother who fulfils the conditions for drawing family benefits there, and the father of whom, working in Switzerland and fulfilling, at first sight, the conditions for drawing family benefits of the same type under Swiss legislation, refrains from applying for the grant of those benefits

[CURIA – Judgment in Case C-16/09 of the Court of Justice of 14 October 2010 - FR](#)

Case C-242/09: Judgment of the Court (Third Chamber) of 21 October 2010 - Albron Catering BV v FNV Bondgenoten, John Roest - Social policy – Transfers of undertakings – Directive 2001/23/EC – Safeguarding of employees’ rights – Group of companies in which staff employed by an ‘employer’ company and assigned on a permanent basis to an ‘operating’ company – Transfer of an operating company

[CURIA – Judgment in Case C-242/09 of the Court of Justice of 21 October 2010 - FR](#)

Case C-227/09: Judgment of the Court (Second Chamber) of 21 October 2010 - Antonino Accardo and Others v Comune di Torino - Social policy – Protection of the safety and health of workers – Organisation of working time – Municipal police officers – Directive 93/104/EC – Directive 93/104/EC as amended by Directive 2000/34/EC – Directive 2003/88/EC – Articles 5, 17 and 18 – Maximum weekly working time – Collective agreements or agreements concluded between the two sides of industry at national or regional level – Derogations relating to deferred weekly rest periods and compensatory rest – Direct effect – Interpretation in conformity with European Union law

[CURIA – Judgment in Case C-227/09 of the Court of Justice of 21 October 2010 - FR](#)

10. Energy and Environment

Case Law

Case C-481/09: Judgment of the Court (Fifth Chamber) of 30 September 2010 - European Commission v Czech Republic - Failure of a Member State to fulfil its obligations— **Directive 2006/7/EC – Quality of bathing water** – Failure to transpose within the prescribed time-limit

[CURIA – Judgment in Case C-481/09 of the Court of Justice of 30 September 2010 \(Only in FR\)](#)

Case C-49/10 : Judgment of the Court (Fifth Chamber) of 7 October 2010 - European Commission v Republic of Slovenia - Failure of a Member State to fulfil obligations – **Environment – Directive 2008/1/EC – Integrated pollution prevention and control** – Conditions for authorisation of existing installations – Failure to transpose within the prescribed time-limit

[CURIA – Judgment in Case C-49/10 of the Court of Justice of 7 October 2010 \(Only in FR\)](#)

Case C-535/07: Judgment of the Court (Second Chamber) of 14 October 2010 - European Commission v Republic of Austria - Failure of a Member State to fulfil obligations – **Directives 79/409/EEC and 92/43/EEC – Conservation of wild birds** – Incorrect designation and inadequate legal protection of special protection areas

[CURIA – Judgment in Case C-535/07 of the Court of Justice of 14 October 2010 - FR](#)

Case C-524/09: Opinion of the Advocate General Kokott of 14 October 2010 - Ville de Lyon v Caisse des dépôts et consignations - Environment – Directive 2003/87/EC – Greenhouse gas emission allowance trading – Regulation (EC) No. 2216/2004 –Community system of registries– Directive 2003/4/EC – Access to environmental information – Access to information on greenhouse gas emission allowance trading – Denial of such information – Competences of the central administrator and the national registry administrator – Confidentiality of the information contained in the registry and possible exceptions

[CURIA – Opinion of Advocate General C-524/09 of the Court of Justice of 14 October 2010 \(Only in FR\)](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DIRECTIVE 2010/67/EU of 20 October 2010 amending Directive 2008/84/EC laying down specific **purity criteria on food additives other than colours and sweeteners** (Text with EEA relevance)

[OJ of the EU, L 277/17 of 21 October 2010 - FR](#)

COMMISSION DIRECTIVE 2010/69/EU of 22 October 2010 **amending** the Annexes to European Parliament and Council Directive 95/2/EC **on food additives other than colours and sweeteners** (Text with EEA relevance)

[OJ of the EU, L 279/22 of 23 October 2010 - FR](#)

COMMISSION REGULATION (EU) No 955/2010 of 22 October 2010 amending Regulation (EC) No 798/2008 as regards the use of **vaccines against Newcastle disease** (Text with EEA relevance)

[OJ of the EU, L 279/3 of 23 October 2010 - FR](#)

COMMISSION DECISION of 22 October 2010 amending Decision 93/152/EEC laying down the **criteria for vaccines** to be used against **Newcastle disease in the context of routine vaccination programmes** (*notified under document C(2010) 7109*) (Text with EEA relevance)

[OJ of the EU, L 279/33 of 23 October 2010 - FR](#)

Case Law

Case C-36/10: Judgment of the Court (Seventh Chamber) of 30 September 2010 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil its obligations – **Directives 96/82/EC and 2003/105/EC – Mastering risks connected to major accidents involving dangerous substances** – Article 12, Para. 1, subpara. 2 – Incorrect transposal

[CURIA – Judgment in Case C-36/10 of the Court of Justice of 30 September 2010 \(Only in FR\)](#)

Case C-127/10: Judgment of the Court (Seventh Chamber) of 7 October 2010 - European Commission v Hellenic Republic - Failure of a Member State to fulfil its obligations – **Directive 2006/42/EC on machinery** – Failure to transpose within the prescribed time-limit

[CURIA – Judgment in Case C-127/10 of the Court of Justice of 7 October 2010 \(Only in FR\)](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

POSITION (EU) No 14/2010 OF THE COUNCIL AT FIRST READING with a view to the adoption of a Directive of the European Parliament and of the Council on the application of **patients' rights in cross-border healthcare** Adopted by the Council on 13 September 2010

[OJ of the EU, C 275 E/1 of 12 October 2010 - FR](#)

POSITION (EU) No 15/2010 OF THE COUNCIL AT FIRST READING with a view to the adoption of a Regulation of the European Parliament and of the Council laying down **harmonised conditions** for the **marketing of construction products** and repealing Council Directive 89/106/EEC Adopted by the Council on 13 September 2010 (Text with EEA relevance)

[OJ of the EU, C 282 E/1 of 19 October 2010 - FR](#)

13. Internal Market and Single Market

Case Law

Case C-338/09: Opinion of the Advocate General Villalón of 20 September 2010 - Yellow Cab Verkehrsbetriebs-GmbH - Freedom to provide transport services –Right of establishment – Competition – Operation of urban public transport serving fixed stops for tourist purposes – Requirement of an establishment as a condition for granting a concession

CURIA – Opinion of Advocate General C-338/09 of the Court of Justice of 30 September 2010 (Only in FR)

Case C-314/09: Judgment of the Court (Third Chamber) of 30 September 2010 - Stadt Graz v Strabag AG and Others - Directive 89/665/EEC – Public procurement – Review procedures – Actions for damages – Unlawful award – National rule on liability based on a presumption that the contracting authority is at fault

CURIA – Judgment in Case C-314/09 of the Court of Justice of 30 September 2010 - FR

Case C-512/08: Judgment of the Court (Grand Chamber) of 5 October 2010 - European Commission v French Republic - Failure of a Member State to fulfil obligations – **Article 49 EC – Social security – Medical treatment proposed in another Member State and requiring the use of major medical equipment – Requirement of prior authorisation – Planned treatment provided in another Member State** – Difference in the levels of cover in force in the Member State of affiliation and in the Member State of stay, respectively – Insured person's right to assistance by the competent institution to supplement that of the institution of the Member State of stay

CURIA – Judgment in Case C-412/08 of the Court of Justice of 14 October 2010 - FR

Case C-173/09: Judgment of the Court (Grand Chamber) of 5 October 2010 - Georgi Ivanov Elchinov v Natsionalna zdravnoosiguritelna kasa - Social security – Freedom to provide services – Sickness insurance – Hospital treatment provided in another Member State – Prior authorisation – Conditions of application of the second subparagraph of Article 22(2) of Regulation (EEC) No 1408/71 – Methods of reimbursement to the insured person of hospital expenses incurred in another Member State – Obligation on a lower court to comply with the directions of a higher court

CURIA – Judgment in Case C-173/09 of the Court of Justice of 5 October 2010 - FR

Case C-515/08: Judgment of the Court (Second Chamber) of 7 October 2010 - Criminal proceedings against Vítor Manuel dos Santos Palhota and Others - Freedom to provide services – Articles 56 TFEU and 57 TFEU – Posting of workers – Restrictions – Employers established in another Member State – Registration of prior declaration of posting – Social or labour documents – Equivalent to those provided for under the law of the host Member State – Copy – Keeping available to the national authorities

CURIA – Judgment in Case C-515/09 of the Court of Justice of 7 October 2010 - FR

Case C-400/08: Opinion of the Advocate General Sharpston of 7 October 2010 - European Commission v Kingdom of Spain - Freedom of establishment – Restrictions on setting up large retail establishments

CURIA – Opinion of Advocate General C-400/08 of the Court of Justice of 7 October 2010 - FR

Case C-249/09: Opinion of the Advocate General Jääskinen of 19 October 2010 - Novo Nordisk A/S v Ravimiamet - Medicinal products for human use – Directive 2001/83/EC – Advertising in a medical journal going beyond the summary of the characteristics of the medicinal product – Persons entitled to issue prescription

CURIA – Opinion of Advocate General C-249/09 of the Court of Justice of 19 October 2010 (Only in FR)

14. Intellectual Property

Case Law

Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeal – Community trade mark – Word mark DANELECTRO – Figurative mark QWIK TUNE – Request for renewal of registration of the trade mark – Application for restitutio in integrum – Failure to observe the time-limit for submitting the request for renewal of registration of the trade mark

CURIA – Judgment in Case C-479/09 P of the Court of Justice of 30 September 2010 - FR

Case C-235/09: Opinion of the Advocate General Villalón of 7 October 2010 - DHL Express (France) SAS v Chronopost SA - Intellectual property – Law on trademarks – Art. 98 of Regulation (EC) No. 40/94 – Territorial scope of a prohibition issued by a Community trade mark court – Prohibition under threat of fine – Validity of fines in the territory of a Member State other than the Member State of the Court which issued the threat

CURIA – Opinion of Advocate General C-235/09 of the Court of Justice of 7 October 2010 (Only in FR)

Case C-393/09: Opinion of the Advocate General Bot of 14 October 2010 - Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kultury - Intellectual property – Directive 91/250/EEC – Legal protection of computer programs – Notion ‘expression in any form of a computer program’ – Question whether the graphical user interface of a program falls under this notion – Copyright – Directive 2001/29/EC – Copyright and related rights in information society – Television broadcasting of graphical user interface – Communication of a work to the public

CURIA – Opinion of Advocate General C-393/09 of the Court of Justice of 14 October 2010 (Only in FR)

Case C-467/08: Judgment of the Court (Third Chamber) of 21 October 2010 - Padawan SL v Sociedad General de Autores y Editores de España (SGAE) - Approximation of laws – Copyright and related rights – Directive 2001/29/EC – Reproduction right – Exceptions and limitations – Private copying exception – Definition of ‘fair compensation’ – Uniform interpretation – Implementation by the Member States – Criteria – Limits – Private copying levy applied to digital reproduction equipment, devices and media

CURIA – Judgment in Case C-467/08 of the Court of Justice of 30 September 2010 - FR

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

Case Law

Case C-34/09: Opinion of the Advocate General Sharpston of 30 September 2010 - Gerardo Ruiz Zambrano v Office national de l’emploi (ONEM) - Articles 18, 20 and 21 TFEU – Fundamental rights as general principles of European Union law – Article 7 of the Charter of Fundamental Rights of the European Union – European citizenship – Unemployment benefits – Child with the nationality of a Member State – Right of residence of parents who are third country nationals – Hindering effects of national measures – Reverse discrimination – Relationship between the European Convention of Human Rights and the Court of Justice of the European Union – Standards of fundamental rights protection

CURIA – Opinion of Advocate General C-34/09 of the Court of Justice of 30 September 2010 - FR

Case C-400/10 PPU: Judgment of the Court (Third Chamber) of 5 October 2010 - J. McB. v L. E. - Judicial cooperation in civil matters – Matrimonial matters and matters of parental responsibility – The Hague Convention of 25 October 1980 on the civil aspects of international child abduction – Regulation (EC) No 2201/2003 – Children whose parents are not married – Father’s rights of custody – Interpretation of ‘rights of custody’ – General principles of law and Charter of Fundamental Rights of the European Union

CURIA – Judgment in Case C-400/10 PPU of the Court of Justice of 5 October 2010 - FR

Case C-162/09: Judgment of the Court (Third Chamber) of 7 October 2010 - Secretary of State for Work and Pensions v Taous Lassal - Reference for preliminary ruling – **Freedom of movement for persons – Directive 2004/38/EC – Article 16 – Right of permanent residence** – Temporal application – Periods completed before the date of transposition

[CURIA – Judgment in Case C-162/09 of the Court of Justice of 5 October 2010 - FR](#)

Case C-208/09: Opinion of the Advocate General Sharpston of 14 October 2010 - Ilonka Sayn-Wittgenstein - European citizenship – Freedom to move and reside within the Member States – Refusal by a Member State having abolished the nobility to register one of its nationals under a surname, acquired in another Member State, containing a title of nobility

[CURIA – Judgment in Case C-208/09 of the Court of Justice of 14 October 2010 - FR](#)

Case C-306/09: Judgment of the Court (Fourth Chamber) of 21 October 2010 - Proceedings concerning the execution of a European arrest warrant issued against I.B. - Police and judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – European arrest warrant and the surrender procedures between Member States – Article 4 – Grounds for optional non-execution – Article 4(6) – Arrest warrant issued for the purposes of execution of a sentence – Article 5 – Guarantees to be provided by the issuing Member State – Article 5(1) – Sentence imposed in absentia – Article 5(3) – Arrest warrant issued for the purposes of criminal prosecution – Surrender subject to the condition that the requested person be returned to the Member State of execution – Joint application of Article 5(1) and Article 5(3) – Compatibility

[CURIA – Judgment in Case C-306/09 of the Court of Justice of 21 October 2010 - FR](#)

Case C-205/09: Judgment of the Court (Second Chamber) of 21 October 2010 - Criminal proceedings against Emil Eredics and Mária Vassné Sápi - Police and judicial cooperation in criminal matters – Framework Decision 2001/220/JHA – Standing of victims in criminal proceedings – Meaning of ‘victim’ – Legal persons – Mediation in criminal proceedings – Detailed rules of application

[CURIA – Judgment in Case C-205/09 of the Court of Justice of 21 October 2010 - FR](#)

16. Transport

Community Legislation

REGULATION (EU) No 913/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 September 2010 concerning a European **rail network for competitive freight** (Text with EEA relevance)

[OJ of the EU, L 276/22 of 20 October 2010 - FR](#)