



Institut suisse de droit comparé  
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# 46

## Highlights

**DIRECTIVE 2010/73/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **amending** Directives 2003/71/EC on the **prospectus to be published when securities are offered to the public or admitted to trading** and 2004/109/EC on the **harmonisation of transparency requirements** in relation to information about issuers whose securities are **admitted to trading on a regulated market** (Text with EEA relevance)

[OJ of the EU, L 327/1 of 11 December 2010 - FR](#)

**COMMISSION DECISION of 26 November 2010** on the position of the **European Union on the amendment to Annex 6 to the Agreement between the European Community and the Swiss Confederation** on trade in **agricultural products** (2010/724/EU)

[OJ of the EU, L 312/31 of 27 November 2010 - FR](#)

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## EU News: Click & Read December 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.



**Warmest thoughts and best wishes for a wonderful Holiday  
and a Happy New Year**

## 1. EU-Swiss Relations

### International Agreements

**Notice** concerning the **provisional application** of the **Agreement between the European Union and the Swiss Confederation** establishing the terms and conditions for the **participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning** (2007 to 2013)

[OJ of the EU, L 322/1 of 8 December 2010 - FR](#)

### Community Legislation

**COMMISSION DECISION of 26 November 2010** on the position of the **European Union on the amendment to Annex 6 to the Agreement between the European Community and the Swiss Confederation** on trade in **agricultural products** (2010/724/EU)

[OJ of the EU, L 312/31 of 27 November 2010 - FR](#)

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

**EUROPEAN COMMISSION Call** for proposal EAC/57/10 — **Youth in Action Programme 2007-2013** (2010/C 333/09)

[OJ of the EU, C 333/12 of 10 December 2010 - FR](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**REGULATION (EU) No 1091/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **amending Council Regulation (EC) No 539/2001** listing the **third countries whose nationals must be in possession of visas** when crossing the **external borders and those whose nationals are exempt** from that requirement

[OJ of the EU, L 329/1 of 14 December 2010 - FR](#)

**EUROPEAN COUNCIL DECISION** of 29 October 2010 amending the **status with regard to the European Union of the island of Saint-Barthélemy** (2010/718/EU)

[OJ of the EU, L 325/4 of 9 December 2010 - FR](#)

### Case Law

**Joined Cases C-300/09 and C-301/09: Judgment of the Court (Second Chamber) of 9 December 2010 - Staatssecretaris van Justitie v F. Toprak (C-300/09), I. Oguz (C-301/09) - EEC-Turkey Association Agreement – Freedom of movement for workers** – Standstill rule in Article 13 of Decision No 1/80 of the Association Council – Prohibition for Member States to introduce new restrictions on access to the labour market

[CURIA – Judgment in Joined Cases C-300/09 and C-301/09 of the Court of Justice of 9 December 2010 - FR](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Community Legislation

**COMMISSION DECISION of 26 November 2010** on the position of the **European Union on the amendment to Annex 6 to the Agreement between the European Community and the Swiss Confederation** on trade in **agricultural products** (2010/724/EU)

[OJ of the EU, L 312/31 of 27 November 2010 - FR](#)

## Case Law

**Case C-464/09 P: Judgment of the Court (Fourth Chamber) of 2 December 2010 - Holland Malt BV, established in Lieshout (Netherlands) v European Commission - Appeal – State aid – Guidelines for aid in the agriculture sector** – Point 4.2.5 – Malt market – No normal market outlets – Aid measure declared incompatible with the common market

[CURIA – Judgment in Case C-464/09 P of the Court of Justice of 2 December 2010 - FR](#)

**Case C-153/09: Judgment of the Court (First Chamber) of 2 December 2010 - Agrargut Bäbelin GmbH & Co. KG v Amt für Landwirtschaft Bützow - Common agricultural policy – Integrated administration and control system for certain aid schemes – Regulation (EC) No 1782/2003** – Single payment scheme – Set-aside entitlements – Article 54(6) – Regulation (EC) No 796/2004 – Article 50(4) – Declaration of entire area available for the purposes of activating set-aside entitlements – Article 51(1) – Sanction

[CURIA – Judgment in Case C-153/09 of the Court of Justice of 2 December 2010 - FR](#)

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

**COMMUNICATION FROM THE COMMISSION** establishing formal **recognition that a certain number of acts of Union law in the field of agriculture have become obsolete** (*Objective four of the Communication from the Commission of 11 February 2003 on updating and simplifying the Union acquis [COM(2003) 71 final]*) (2010/C 336/01)

[OJ of the EU, C 336/1 of 11 December 2010 - FR](#)

## 5. Competition

### Case Law

**Case C-439/08: Judgment of the Court (Grand Chamber) of 7 December 2010 - Vlaamse federatie van verenigingen van Brood- en Banketbakkers, Ijsbereiders en Chocoladebewerkers (VEBIC) VZW - Competition policy – National proceedings – National competition authorities participating in judicial proceedings** – Hybrid national competition authority being judicial and administrative in nature – Appeal against the decision of such an authority – Regulation (EC) No 1/2003

[CURIA – Judgment in Case C-439/08 of the Court of Justice of 7 December 2010 - FR](#)

**Case C-375/09: Opinion of Advocate General Mazák of 7 December 2010 - Prezes Urzędu Ochrony Konkurencji i Konsumentów v Tele2 Polska sp. zoo, now Netia SA w Warszawie - Competition – Regulation (EC) No 1/2003 – Finding of inapplicability – Procedural autonomy of the Member States** – Whether national competition authorities have the power to take a decision stating that Article 102 TFEU is not applicable to the practices of an undertaking

[CURIA – Opinion of Advocate General C-375/09 of the Court of Justice of 7 December 2010 - FR](#)

## 6. Customs

### Case Law

**Case C-213/09: Judgment of the Court (Third Chamber) of 25 November 2010 - Barsoum Chabo v Hauptzollamt Hamburg-Hafen - Customs union – Regulation (EC) No 1719/2005 – Common Customs Tariff – Recovery of import customs duties** – Imports of processed foodstuffs – Preserved mushrooms – CN subheading 2003 10 30 – Levy of an additional amount – Principle of proportionality

[CURIA – Judgment in Case C-213/09 of the Court of Justice of 25 November 2010 - FR](#)

**Case C-199/09: Judgment of the Court (Third Chamber) of 2 December 2010 - Schenker SIA v Valsts ieņēmumu dienests - Regulation (EEC) No 2454/93 – Provisions for the implementation of the Community Customs Code – Article 6(2) – Application for binding tariff information – Meaning of ‘one type of goods’**

[CURIA – Judgment in Case C-199/09 of the Court of Justice of 2 December 2010 - FR](#)

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

### Community Legislation

**DIRECTIVE 2010/76/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies** (Text with EEA relevance)

[OJ of the EU, L 329/3 of 14 December 2010 - FR](#)

**DIRECTIVE 2010/73/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonisation of transparency requirements** in relation to information about issuers whose securities are **admitted to trading on a regulated market** (Text with EEA relevance)

[OJ of the EU, L 327/1 of 11 December 2010 - FR](#)

**COUNCIL DIRECTIVE 2010/88/EU** of 7 December 2010 **amending Directive 2006/112/EC on the common system of value added tax**, with regard to the duration of the obligation to respect a minimum standard rate

[OJ of the EU, L 326/1 of 10 December 2010 - FR](#)

**COMMISSION REGULATION (EU) No 1152/2010** of 8 December 2010 **amending**, for the purpose of its adaptation to technical progress, Regulation (EC) No 440/2008 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)** (Text with EEA relevance)

[OJ of the EU, L 324/13 of 9 December 2010 - FR](#)

**CONSOLIDATED VERSION OF THE RULES OF PROCEDURE OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

[OJ of the EU, L 324/52 of 9 December 2010 - FR](#)

### Case Law

**Case C-276/09: Judgment of the Court (Third Chamber) of 2 December 2010 - Everything Everywhere Ltd, formerly T-Mobile (UK) Ltd v Commissioners for Her Majesty’s Revenue and Customs - Sixth VAT Directive – Exemption – Article 13B(d)(1) and (3) – Negotiation of credit – Transactions concerning payments and transfers – Existence of two separate supplies of services or of a single supply – Additional charges invoiced where certain methods of payment are used for mobile telephone services**

[CURIA – Judgment in Case C-276/09 of the Court of Justice of 2 December 2010 - FR](#)

**Case C-398/09: Opinion of the Advocate General Villalón of 7 December 2010 - Lady & Kid A/S, Direct Nyt ApS, A/S Harald Nyborg Isenkram- og Sportsforretning, KID-Holding A/S v Skatteministeriet - Taxes incompatible with Union law – Refund – Rejection – Passing on – Unjust enrichment – Compensation of illegal tax by suppression of other legal charges – Discriminatory national charges**

[CURIA – Opinion of Advocate General C-398/09 of the Court of Justice of 7 December 2010 \(Only in FR\)](#)

**Case C-285/09: Judgment of the Court (Grand Chamber) of 7 December 2010 - Criminal proceedings against R. - Sixth VAT Directive – Article 28c(A)(a) – Evasion of VAT – Refusal to grant an exemption of VAT on intra-community supplies of goods – Vendor’s active participation in the fraud – Powers of the Member States in connection with the prevention of potential tax evasion, avoidance and abuse**

[CURIA – Judgment in Case C-285/09 of the Court of Justice of 7 December 2010 - FR](#)

**Case C-568/08: Judgment of the Court (Second Chamber) of 0 December 2010 - Combinatie Spijker Infrabouw-De Jonge Konstruktie, Van Spijker Infrabouw BV, De Jonge Konstruktie BV v Provincie Drenthe** - Public markets – Review procedure within the framework of the award of public works contracts – Directive 89/665/EEC – Obligation of Member States to provide for review procedures – National provisions allowing the judge in the interim proceedings to approve a decision on the award of a contract, which the court of the main proceedings can later find incompatible with Union law – Compatibility with directive – Granting of damages to aggrieved bidder – Conditions

[CURIA – Judgment in Case C-568/08 of the Court of Justice of 9 December 2010 \(Only in FR\)](#)

**Case C-31/10: Judgment of the Court (First Chamber) of 9 December 2010 - Minerva Kulturreisen GmbH v Finanzamt Freital** - **Sixth VAT Directive – Article 26** – Special scheme for travel agents and tour operators – Scope – Sale of opera tickets without the provision of supplementary services

[CURIA – Judgment in Case C-31/10 of the Court of Justice of 9 December 2010 - FR](#)

**Case C-163/09: Judgment of the Court (Third Chamber) of 9 December 2010 - Repertoire Culinaire Ltd v The Commissioners for Her Majesty's Revenue and Customs** - **Directive 92/83/EEC – Harmonisation of the structures of excise duties on alcohol and alcoholic beverages** – Article 20, first indent, and Article 27(1)(e) and (f) – Cooking wine, cooking port and cooking cognac

[CURIA – Judgment in Case C-163/09 of the Court of Justice of 9 December 2010 - FR](#)

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

**OPINION OF THE EUROPEAN CENTRAL BANK** of 19 November 2010 on a **proposal for a regulation** of the European Parliament and of the Council **amending Regulation** (EC) No 1060/2009 **on credit rating agencies** (CON/2010/82) (2010/C 337/01)

[OJ of the EU, C 337/1 of 14 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **proposal for a Directive** of the European Parliament and of the Council on **Deposit Guarantee Schemes** (recast) (2010/C 323/03)

[OJ of the EU, C 323/6 of 31 November 2010 - FR](#)

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

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

**Communication from the Commission** — Notification of evidence of **formal qualifications** — Directive 2005/36/EC on **recognition of professional qualifications** (Annex V) (Text with EEA relevance) (2010/C 337/02)

[OJ of the EU, C 337/10 of 14 December 2010 - FR](#)

**Council conclusions** on **European film heritage, including** the challenges of the **digital era** (2010/C 324/01)

[OJ of the EU, C 324/1 of 1 December 2010 - FR](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-429/09: Judgment of the Court (Second Chamber) of 25 November 2010 - Günter Fuß v Stadt Halle** - **Social policy – Protection of the safety and health of workers –Directives 93/104/EC and 2003/88/EC – Organisation of working time** – Fire-fighters employed in the public sector – Article 6(b) of Directive 2003/88/EC – Maximum weekly working time – Exceeded – Reparation for loss or damage caused by breach of European Union law – Conditions on which right to reparation depends – Procedural rules – Obligation to make a prior application to the employer – Form and extent of reparation – Additional time off in lieu or financial compensation – Principles of equivalence and effectiveness

[CURIA – Judgment in Case C-429/09 of the Court of Justice of 25 November 2010 - FR](#)

**Case C-296/09: Judgment of the Court (Fourth Chamber) of 9 December 2010 - Vlaamse Gemeenschap v Maurits Baesen** - Social security – **Regulation (EEC) No 1408/71 – Article 13(2)(d)** – Concept of ‘persons treated as’ civil servants – Employment contract with a public authority

[CURIA – Judgment in Case C-296/09 of the Court of Justice of 9 December 2010 - FR](#)

## 10. Energy and Environment

### Case Law

**Case C-534/09: Judgment of the Court (Eighth Chamber) of 2 December 2010 - European Commission v Hellenic Republic** - **Failure of Member State to fulfil obligations – Directive 2008/1/EC** – Prevention and reduction of pollution – Conditions for the authorization of existing installations

[CURIA – Judgment in Case C-534/09 of the Court of Justice of 2 December 2010 \(Only in FR\)](#)

**Case C-526/09: Judgment of the Court (Sixth Chamber) of 2 December 2010 - European Commission v Republic of Portugal** - **Failure of Member State to fulfil obligations – Environment – Directive 91/271/EEC – Treatment of urban waste water** – Article 11, para. 1 and 2 – Discharge of industrial waste water into collecting systems and urban waste water treatment plants – Subject to prior regulations and/or specific authorization – Absence of authorization

[CURIA – Judgment in Case C-534/09 of the Court of Justice of 2 December 2010 \(Only in FR\)](#)

**Case C-340/09: Judgment of the Court (Fifth Chamber) of 9 December 2010 - European Commission v Kingdom of Spain** - **Failure of Member State to fulfil obligations – Directive 1999/22/EC** – Article 4, para. 2 to 5 – Keeping of wild animals – Zoos

[CURIA – Judgment in Case C-340/09 of the Court of Justice of 9 December 2010 \(Only in FR\)](#)

**Case C-241/09: Judgment of the Court (Fourth Chamber) of 9 December 2010 - Fluxys SA v Commission de régulation de l'électricité et du gaz (CREG)** - Reference for a preliminary ruling – **Jurisdiction of the Court – Partial withdrawal by the applicant in the main proceedings** – Changed legal framework – Court's reply no longer necessary for the decision in the main proceedings – No need to adjudicate

[CURIA – Judgment in Case C-296/09 of the Court of Justice of 9 December 2010 - FR](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION DIRECTIVE 2010/91/EU** of 10 December 2010 **amending Council Directive 91/414/EEC to include metosulam as active substance** and amending Decision 2008/934/EC (Text with EEA relevance)

[OJ of the EU, L 327/40 of 11 December 2010 - FR](#)

**COMMISSION DECISION** of 30 November 2010 **amending Decisions** 2005/692/EC, 2005/734/EC, 2006/415/EC, 2007/25/EC and 2009/494/EC as regards **avian influenza** (*notified under document C(2010) 8282*) (Text with EEA relevance)

[OJ of the EU, L 326/20 of 1 December 2010 - FR](#)

### Case Law

**Case C-47/09: Judgment of the Court (First Chamber) of 25 November 2010 - European Commission v Republic of Italy** - **Approximation of laws – Cocoa and chocolate products – Labelling** – Addition of the word ‘pure’ or the phrase ‘pure chocolate’ to the labelling of certain products

[CURIA – Judgment in Case C-241/09 of the Court of Justice of 9 December 2010 - FR](#)

## 12. Human Rights

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

**Opinion of the European Data Protection Supervisor on the [proposal for a Regulation of the European Parliament and of the Council on the citizens' initiative](#) (2010/C 323/01)**

[OJ of the EU, C 323/1 of 31 November 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the [proposal for a Directive](#) of the European Parliament and of the Council on [combating the sexual abuse, sexual exploitation of children and child pornography](#), repealing Framework Decision 2004/68/JHA (2010/C 323/02)**

[OJ of the EU, C 323/6 of 31 November 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the [proposal for a Directive](#) of the European Parliament and of the Council on [Deposit Guarantee Schemes](#) (recast) (2010/C 323/03)**

[OJ of the EU, C 323/6 of 31 November 2010 - FR](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-434/09: Opinion of the Advocate General Kokott of 25 November 2010 - Shirley McCarthy v Secretary of State for the Home Department - [Citizenship of the Union – Right of Union citizens to move and reside freely within the territory of the Member States](#) – Dual nationality – Article 21 TFEU – Directive 2004/38/EC – Beneficiary – Legal residence – Family unification – Discrimination against one's own nationals**

[CURIA – Opinion of Advocate General C-434/09 of the Court of Justice of 25 November 2010 - FR](#)

**Case C-83/09 P: Opinion of the Advocate General Jääskinen of 25 November 2010 - European Commission v Kronoply GmbH & Co. KG, Kronotex GmbH & Co. KG - Appeal – [State Aid – Action for nullification of a Commission decision according to Art. 88 para. 3 EC to raise no objections](#) – Conditions of admissibility – notion of 'parties concerned'**

[CURIA – Opinion of Advocate General C-83/09 P of the Court of Justice of 25 November 2010 \(Only in FR\)](#)

**Case C-424/09: Opinion of the Advocate General Mengozzi of 30 November 2010 - Christina Ioanni Toki v Ypourgos Ethnikis paideias kai Thriskevmaton - [Employee – Recognition of higher education diploma – Conditions for recognition applicable to a professional activity which is deemed to be a regulated professional activity or an activity which is not regulated in the State of vocational training](#) – Environmental engineer – Professional experience – Exercise of research activity in the area of the profession and effective exercise of the profession**

[CURIA – Opinion of Advocate General C-424/09 of the Court of Justice of 30 November 2010 \(Only in FR\)](#)

**Case C-464/09 P: Judgment of the Court (Fourth Chamber) of 2 December 2010 - Holland Malt BV, established in Lieshout (Netherlands) v European Commission - Appeal – [State aid – Guidelines for aid in the agriculture sector](#) – Point 4.2.5 – Malt market – No normal market outlets – Aid measure declared incompatible with the common market**

[CURIA – Judgment in Case C-464/09 P of the Court of Justice of 2 December 2010 - FR](#)

**Case C-153/09: Judgment of the Court (First Chamber) of 2 December 2010 - Agrargut Bäbelin GmbH & Co. KG v Amt für Landwirtschaft Bützow - [Common agricultural policy – Integrated administration and control system for certain aid schemes – Regulation \(EC\) No 1782/2003](#) – Single payment scheme – Set-aside entitlements – Article 54(6) – [Regulation \(EC\) No 796/2004 – Article 50\(4\)](#) – Declaration of entire area available for the purposes of activating set-aside entitlements – Article 51(1) – Sanction**

[CURIA – Judgment in Case C-153/09 of the Court of Justice of 2 December 2010 - FR](#)

**Case C-464/09 P: Judgment of the Court (Fourth Chamber) of 2 December 2010 - Holland Malt BV v European Commission** - Appeal – **State aid – Guidelines for aid in the agriculture sector** – Point 4.2.5 – Malt market – No normal market outlets – Aid measure declared incompatible with the common market

[CURIA – Judgment in Case C-464/09 P of the Court of Justice of 2 December 2010 - FR](#)

**Joined Cases C-422/09, C-425/09 and C-426/09: Judgment of the Court (Eighth Chamber) of 2 December 2010 - Vassiliki Stylianou Vandorou (C-422/09), Vassilios Alexandrou Giankoulis (C-425/09), Ioannis Georgiou Askoxilakis (C-426/09) v Ipourgos Ethnikis Pedias kai Thriskevmaton** - **Articles 39 EC and 43 EC – Directive 89/48/EC** – Recognition of diplomas – ‘Professional experience’

[CURIA – Judgment in Joined Cases C-422/09, C-425/09 and C-426/09 of the Court of Justice of 2 December 2010 - FR](#)

**Case C-225/09: Judgment of the Court (Fifth Chamber) of 2 December 2010 - Edyta Joanna Jakubowska v Alessandro Maneggia** - **European Union rules on the practice of the profession of lawyer – Directive 98/5/EC** – Article 8 – Prevention of conflicts of interest – National rules prohibiting the practice of the profession of lawyer concurrently with employment as a part-time public employee – Removal from the register of lawyers

[CURIA – Judgment in Case C-225/09 of the Court of Justice of 2 December 2010 - FR](#)

**Case C-148/09 P: Opinion of the Advocate General Jääskinen of 2 December 2010 - Kingdom of Belgium v Deutsche Post, DHL International** - Appeal – **Action for nullification – State Aid – Decision of the Commission according to Art. 88 para. 3 EC to raise no objections** – Redetermination of the subject matter of the dispute – notion of ‘serious difficulties’

[CURIA – Opinion of Advocate General C-148/09 P of the Court of Justice of 2 December 2010 \(Only in FR\)](#)

**Case C-108/09: Judgment of the Court (Third Chamber) of 2 December 2010 - Ker-Optika bt v ÁNTSZ Dél-dunántúli Regionális Intézete** - **Free movement of goods – Public health – Selling of contact lenses via the Internet** – National legislation authorising the sale of contact lenses solely in medical supply shops – Directive 2000/31/EC – Information society – Electronic commerce

[CURIA – Judgment in Case C-108/09 of the Court of Justice of 2 December 2010 - FR](#)

**Case C-450/09: Opinion of the Advocate General Bot of 9 December 2010 - Ulrich Schröder v Finanzamt Hameln** - **Free movement of capital – Income tax – Transfer of pieces of land by anticipated inheritance – Payment of a pension to the donor** – Taxation of the income from rent and agricultural lease of the pieces of land – Deductibility from the pension paid to donor – Unlimited tax liability in the concerned Member State as precondition – Unjustified restriction to the free movement of capital

[CURIA – Opinion of Advocate General C-450/09 of the Court of Justice of 9 December 2010 \(Only in FR\)](#)

**Case C-421/09: Judgment of the Court (First Chamber) of 9 December 2010 - Humanplasma GmbH v Republik Österreich** - **Articles 28 EC and 30 EC** – National rules prohibiting the importation of blood products provided from donations which were not entirely unpaid

[CURIA – Judgment in Case C-421/09 of the Court of Justice of 9 December 2010 - FR](#)

**Case C-384/09: Opinion of the Advocate General Villalón of 9 December 2010 - Prunus SARL v Directeur des services fiscaux** - **Free movement of capital – Direct taxation – Tax on the ownership of immovable property situated in a Member State** – Immovable property belonging to a legal person – Rules governing exemption from the tax which differentiate according to whether a company has its effective seat in a Member State or in a third country – Application of the principle of free movement of capital to overseas countries and territories – Interpretation of Decisions 91/482/EEC and 2001/822/EC

[CURIA – Opinion of Advocate General C-384/09 of the Court of Justice of 9 December 2010 - FR](#)

**Case C-253/09: Opinion of the Advocate General Mazák of 9 December 2010 - European Commission v Republic of Hungary - Failure of a Member State to fulfil obligations – Infringement of Articles 18 EC, 39 EC and 43 EC and Articles 28 and 31 of the EEA Agreement** – Tax on transfers of property for consideration – Residential property – Tax legislation of a Member State granting the purchaser of real property for residential use, for the purpose of calculating the basis of assessment, the possibility of deducting the market value of another residential property sold within one year before or after the purchase, if that property is situated in the territory of that Member State – No discrimination

[CURIA – Opinion of Advocate General C-253/09 of the Court of Justice of 9 December 2010 - FR](#)

## 14. Intellectual Property

### Case Law

**Case C-324/09: Opinion of the Advocate General Jääskinen of 9 December 2010 - L'Oréal SA, Lancôme parfums et beauté & Cie, Laboratoire Garnier & Cie, L'Oréal (UK) Limited v eBay International AG, eBay Europe SARL, eBay (UK) Limited - Information society – Search engine – Keyword advertising – Operator of electronic marketplace – Keywords corresponding to trade marks** – Directive 89/104/EEC ('Trade Mark directive') – Articles 5 and 7 – Regulation (EC) No 40/94 ('Community Trade mark regulation') – Articles 9 and 13 – Liability of an operator of electronic marketplace for the information it hosts – Directive 2000/31/EC ('Directive on electronic commerce') – Article 14 – Member States' duty to ensure that rightholders are in a position to apply for injunctions against intermediary providers of services used by third parties to infringe those rights – Directive 2004/48/EC ('Directive on the enforcement of intellectual property rights') – Article 11 – Freedom of expression – Freedom of Commerce – Directive 76/768 ('Cosmetics directive')

[CURIA – Opinion of Advocate General C-324/09 of the Court of Justice of 9 December 2010 - FR](#)

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

### Community Legislation

**COMMISSION REGULATION (EU) No 1151/2010 of 8 December 2010 implementing Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses, as regards the modalities and structure of the quality reports and the technical format for data transmission** (Text with EEA relevance)

[OJ of the EU, L 324/1 of 9 December 2010 - FR](#)

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL of 25 February 2010 determining the seat of the European Asylum Support Office** (2010/762/EU)

[OJ of the EU, L 324/47 of 9 December 2010 - FR](#)

### Case Law

**Case C-83/09 P: Opinion of the Advocate General Jääskinen of 25 November 2010 - European Commission v Kronoply GmbH & Co. KG, Kronotex GmbH & Co. KG - Appeal – State Aid – Action for nullification of a Commission decision according to Art. 88 para. 3 EC to raise no objections** – Conditions of admissibility – notion of 'parties concerned'

[CURIA – Opinion of Advocate General C-83/09 P of the Court of Justice of 25 November 2010 \(Only in FR\)](#)

**Joined Cases C-585/08 and C-144/09: Judgment of the Court (Grand Chamber) of 7 December 2010 - Peter Pammer v Reederei Karl Schlüter GmbH & Co KG (C-585/08), and Hotel Alpenhof GesmbH v Oliver Heller (C-144/09) - Jurisdiction in civil and commercial matters – Regulation (EC) No 44/2001 – Article 15(1)(c) and (3) – Jurisdiction over consumer contracts** – Contract for a voyage by freighter – Concept of 'package travel' – Contract for a hotel stay – Presentation of the voyage and the hotel on a website – Concept of activity 'directed to' the Member State of the consumer's domicile – Criteria – Accessibility of the website

[CURIA – Judgment in Joined Cases C-585/08 and C-144/09 of the Court of Justice of 7 December 2010 - FR](#)

**Case C-484/09: Opinion of the Advocate General Trstenjak of 7 December 2010 - Manuel Carvalho Ferreira Santos v Companhia Europeia de Seguros, SA - Directives 72/166/EEC, 84/5/EEC und 90/232/EEC – Motor vehicle liability insurance – Regulation of liability for damages resulting from traffic accidents involving motor vehicles** – Restriction of claims for compensation by compulsory insurance due to contribution of one of the drivers responsible for the accident to the damage – Impossibility to determine the contribution to the cause of the accident of both drivers – strict liability

CURIA – Opinion of Advocate General C-484/09 of the Court of Justice of 7 December 2010 (Only in FR)