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## Highlights

**REGULATION (EU) No 1211/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 December 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 339/6 of 22 December 2010 - FR](#)

**Case C-303/08: Judgment of the Court (First Chamber) of 22 December 2010 - Land Baden-Württemberg v Metin Bozkurt - EEC-Turkey Association Agreement – Family reunification – Article 7, first paragraph, of Decision No 1/80 of the Association Council** – Spouse of a Turkish worker who has cohabited with her for more than five years – Continuing existence of the right of residence after divorce – Conviction of the person concerned for violence towards his ex-wife – Abuse of rights. [CURIA – Judgment in Case C-303/08 of the Court of Justice of 22 December 2010 - FR](#)

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# EU News: Click & Read

## January 2011

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

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

## 1. EU-Swiss Relations

### Community Legislation

**DECISION** No 2/2010 OF THE **JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE** SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 26 November 2010 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** (2010/816/EU)

[OJ of the EU, L 347/54 of 31 December 2010 - FR](#)

**REGULATION (EU) No 1211/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 December 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 339/6 of 22 December 2010 - FR](#)

**DECISION** No 1/2010 OF THE **JOINT VETERINARY COMMITTEE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS** of 1 December 2010 regarding the amendment of Appendices 1, 2, 5, 6, 10 and 11 to Annex 11 to the Agreement (2010/797/EU)

[OJ of the EU, L 338/50 of 22 December 2010 - FR](#)

## 2. External Relations / Foreign Policy

### International Agreements

**Information** concerning the **date of entry into force of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters**

[OJ of the EU, L 343/1 of 29 December 2010 - FR](#)

### Community Legislation

**REGULATION (EU) No 1231/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 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**

[OJ of the EU, L 344/1 of 29 December 2010 - FR](#)

### Case Law

**Case C-303/08: Judgment of the Court (First Chamber) of 22 December 2010 - Land Baden-Württemberg v Metin Bozkurt - EEC-Turkey Association Agreement – Family reunification – Article 7, first paragraph, of Decision No 1/80 of the Association Council** – Spouse of a Turkish worker who has cohabited with her for more than five years – Continuing existence of the right of residence after divorce – Conviction of the person concerned for violence towards his ex-wife – Abuse of rights

[CURIA – Judgment in Case C-303/08 of the Court of Justice of 22 December 2010 - FR](#)

### 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 amending Council Regulation** (EC) No 2007/2004 establishing a European Agency for the Management of Operational **Cooperation at the External Borders of the Member States of the European Union** (FRONTEX) (2010/C 357/01)

[OJ of the EU, C 357/1 of 30 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **Communication from the Commission** on the global approach to **transfers of Passenger Name Record (PNR) data to third countries** (2010/C 357/02)  
[OJ of the EU, C 357/7 of 30 December 2010 - FR](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Community Legislation

**COMMISSION REGULATION** (EU) No 1266/2010 of 22 December 2010 **amending Directive 2007/68/EC** as regards **labelling requirements for wines** (Text with EEA relevance)  
[OJ of the EU, L 347/27 of 31 December 2010 - FR](#)

**DECISION** No 1/2010 OF THE **JOINT VETERINARY COMMITTEE SET UP BY THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS** of 1 December 2010 regarding the amendment of Appendices 1, 2, 5, 6, 10 and 11 to Annex 11 to the Agreement (2010/797/EU)  
[OJ of the EU, L 338/50 of 22 December 2010 - FR](#)

#### Case Law

**Case C-120/08: Judgment of the Court (Third Chamber) of 22 December 2010 - Bavaria NV v Bayerischer Brauerbund eV** - Reference for a preliminary ruling – **Regulations (EEC) No 2081/92 and (EC) No 510/2006 – Temporal application – Article 14** – Registration in accordance with the simplified procedure – **Relations between trademarks and protected geographical indications**  
[CURIA – Judgment in Case C-120/08 of the Court of Justice of 22 December 2010 - FR](#)

### 5. Competition

#### Case Law

**Case C-360/09: Opinion of the Advocate General Mazák of 16 December 2010 - Pfeleiderer AG v Bundeskartellamt** - Competition – Cartel – **Civil action for damages – Request for access to leniency application and related information and documents voluntarily provided by a leniency applicant to a national competition authority** – Possible negative effects on the functioning of the European Competition Network (ECN) and the public enforcement of competition law  
[CURIA – Judgment in Case C-360/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-90/09 P: Judgment of the Court (First Chamber) of 20 January 2011 - General Química and Others v Commission** - Appeal – Competition – **Agreements, decisions and concerted practices** – Rubber chemicals sector – **Decision finding an infringement of Article 81 EC** – Group of undertakings – **Joint and several liability of a parent company for infringements of the competition rules committed by its subsidiaries** – Attribution of liability to the parent company at the head of a group  
[CURIA – Judgment in Case C-90/09 P of the Court of Justice of 20 January 2011 - FR](#)

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

**COMMUNICATION FROM THE COMMISSION Guidelines** on the applicability of Article 101 of the Treaty on the Functioning of the **European Union to horizontal co-operation agreements** (Text with EEA relevance) (2011/C 11/01)  
[OJ of the EU, C 11/1 of 14 January 2011 - FR](#)

## 6. Customs

### Case Law

**Affaire C-78/10 : Conclusions de l'Avocat Général Trstenjak de 16 décembre 2010 - Me Marc Bérel e.a. - Union douanière – Remise des droits à l'importation – Représentation – Solidarité** – Possibilité d'invoquer la remise d'une dette douanière accordée à un codébiteur solidaire

[CURIA – Conclusions de l'Avocat Général C-78/10 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-339/09: Judgment of the Court (First Chamber) of 16 December 2010 - Skoma-Lux s. r. o. v Celní ředitelství Olomouc - Common Customs Tariff – Tariff classification – Combined Nomenclature – Headings 2204 and 2206 – Beverage fermented on the basis of fresh grapes** – Alcohol content of 15.8% to 16.1% by volume – Addition of corn alcohol and beet sugar during the course of production

[CURIA – Judgment in Case C-339/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-488/09: Judgment of the Court (First Chamber) of 22 December 2010 - Asociación de Transporte Internacional por Carretera (ASTIC) v Administración General del Estado - TIR Convention – Community Customs Code – Transport carried out under cover of a TIR carnet** – Guaranteeing association – Irregular unloading – Determination of the place of the offence – Recovery of import duties

[CURIA – Judgment in Case C-488/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-273/09: Judgment of the Court (Third Chamber) of 22 December 2010 - Premis Medical BV v Inspecteur van de Belastingdienst/Douane Rotterdam, Kantoor Laan op Zuid - Regulation (EC) No 729/2004 – Classification of the product 'walker-rollator' in the Combined Nomenclature** – Heading 9021 – Heading 8716 – Corrigendum – Validity

[CURIA – Judgment in Case C-273/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-12/10: Judgment of the Court (Seventh Chamber) of 22 December 2010 - Lecson Elektromobile GmbH v Hauptzollamt Dortmund - Common Customs Tariff – Tariff classification – Combined Nomenclature – Section XVII – Transport equipment** – Chapter 87 – 'Vehicles other than railway or tramway rolling stock, and parts and accessories thereof' – Headings 8703 and 8713 – Three or four-wheeled electric vehicles designed for the transport of one person, reaching a maximum speed of 6 to 15 km/h and having a separate, adjustable steering column, known as 'electric mobility scooters'

[CURIA – Judgment in Case C-12/10 of the Court of Justice of 22 December 2010 - FR](#)

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

### Community Legislation

**COMMISSION DECISION** of 28 October 2009 on the **tax amortisation of financial goodwill for foreign shareholding acquisitions** C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (*notified under document C(2009) 8107*) (Only the Spanish text is authentic) (Text with EEA relevance) (2011/5/EC)

[OJ of the EU, L 7/48 of 11 January 2011 - FR](#)

**DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 on **industrial emissions** (integrated pollution prevention and control) (Recast)(Text with EEA relevance)

[OJ of the EU, L 334/17 of 17 December 2010 - FR](#)

**DIRECTIVE 2010/78/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC** in respect of the **powers** of the **European Supervisory Authority** (European **Banking Authority**), the **European Supervisory Authority** (European **Insurance and Occupational Pensions Authority**) and the **European Supervisory Authority** (European **Securities and Markets Authority**)(Text with EEA relevance)

[OJ of the EU, L 331/120 of 15 December 2010 - FR](#)

**REGULATION (EU) No 1092/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 on European Union **macro-prudential oversight of the financial system** and **establishing a European Systemic Risk Board**

[OJ of the EU, L 331/1 of 15 December 2010 - FR](#)

**REGULATION (EU) No 1093/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **establishing a European Supervisory Authority (European Banking Authority)**, **amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC**

[OJ of the EU, L 331/12 of 15 December 2010 - FR](#)

**REGULATION (EU) No 1094/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority)**, **amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC**

[OJ of the EU, L 331/48 of 15 December 2010 - FR](#)

**REGULATION (EU) No 1095/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 **establishing a European Supervisory Authority (European Securities and Markets Authority)**, **amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC**

[OJ of the EU, L 331/84 of 15 December 2010 - FR](#)

**DECISION OF THE EUROPEAN CENTRAL BANK** of 25 November 2010 on the quality **accreditation procedure** for **manufacturers of euro banknotes** (ECB/2010/22) (2010/773/EU)

[OJ of the EU, L 330/14 of 15 December 2010 - FR](#)

## Case Law

**Case C-540/09: Opinion of the Advocate General Jääskinen** of 16 December 2010 - Skandinaviska Enskilda Banken AB Momsgrupp v Skatteverket - **Sixth VAT Directive – Directive 77/388/EEC – Exemptions – Insurance – Credit guarantees – Transactions in securities** - Article 13B – Underwriting guarantee services for the issuing of shares for a fee

[CURIA – Opinion of Advocate General C-540/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-430/09: Judgment of the Court (Second Chamber) of 16 December 2010** - Euro Tyre Holding BV v Staatssecretaris van Financiën - **Sixth VAT Directive – Article 8(1)(a) and (b), Article 28a(1)(a), Article 28b(A)(1) and the first subparagraph of Article 28c(A)(a)** – Exemption of supplies of goods dispatched or transported within the European Union – Successive supplies of the same goods giving rise to a single intra-Community dispatch or transport

[CURIA – Judgment in Case C-430/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-270/09: Judgment of the Court (First Chamber) of 16 December 2010** - MacDonald Resorts Ltd v The Commissioners for Her Majesty's Revenue & Customs - **VAT – Sixth Directive 77/388/EEC – Exemptions** – Article 13(B)(b) – Letting of immovable property – Sale of contractual rights convertible into usage rights for timeshare holiday accommodation

[CURIA – Judgment in Case C-270/09 of the Court of Justice of 16 December 2010 - FR](#)

**Affaire C-233/10 : Arrêt de la Cour (septième chambre) du 16 décembre 2010** - Commission européenne v Royaume des Pays-Bas - **Manquement d'État – Directive 2007/44/CE** – Évaluation prudentielle des acquisitions et des augmentations de participation dans des entités du secteur financier – Règles de procédure et critères d'évaluation

[CURIA – Arrêt dans l'affaire C-233/10 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-438/09: Judgment of the Court (Third Chamber) of 22 December 2010** - Bogusław Juliusz Dankowski v Dyrektor Izby Skarbowej w Łodzi - **Sixth VAT Directive – Right to deduct input VAT – Services provided – Taxable person not registered for VAT** – Details required on the VAT invoice – National tax legislation – Exclusion of right to deduct under Article 17(6) of the Sixth VAT Directive

[CURIA – Judgment in Case C-438/09 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-433/09 : Arrêt de la Cour (troisième chambre) du 22 décembre 2010 - Commission européenne v République d'Autriche - Manquement d'État – Fiscalité – Directive 2006/112/CE – TVA – Base d'imposition –** Taxe frappant la livraison de véhicules non encore immatriculés dans l'État membre concerné, en fonction de leur valeur et de leur consommation moyenne – 'Normverbrauchsabgabe'

[CURIA – Arrêt dans l'affaire C-433/09 de la Cour de Justice du 22 décembre 2010 \(FR seulement\)](#)

**Case C-277/09: Judgment of the Court (Third Chamber) of 22 December 2010 - The Commissioners for Her Majesty's Revenue and Customs v RBS Deutschland Holdings GmbH - Sixth VAT Directive – Right to deduction – Purchase of vehicles and use for leasing transactions –** Differences between the tax regimes of two Member States – Prohibition of abusive practices

[CURIA – Judgment in Case C-277/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-215/09: Judgment of the Court (Third Chamber) of 22 December 2010 - Mehiläinen Oy, Terveystalo Healthcare Oy, formerly Suomen Terveystalo Oyj v Oulun kaupunki - Public service contracts – Directive 2004/18/EC – Mixed contract – Contract concluded between a contracting authority and a private company independent of it –** Establishment, on an equal basis, of a joint venture to provide health care services – Undertaking by the partners to purchase health care services for their staff from the joint venture for a transitional period of four years

[CURIA – Judgment in Case C-215/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-116/10: Judgment of the Court (Third Chamber) of 22 December 2010 - État du Grand-Duché de Luxembourg, Administration de l'enregistrement et des domaines v Pierre Feltgen, in his capacity as administrator in the bankruptcy of Bacino Charter Company SA, Bacino Charter Company SA - Sixth VAT Directive – Exemptions –** Article 15(4)(a) and 15(5) – Exemption for the hiring of sea-going vessels – Scope

[CURIA – Judgment in Case C-116/10 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-103/09: Judgment of the Court (Third Chamber) of 22 December 2010 - The Commissioners for Her Majesty's Revenue and Customs v Weald Leasing Ltd - Sixth VAT Directive – Concept of 'abusive practice' –** Leasing transactions effected by a group of undertakings to spread the payment of non-deductible VAT

[CURIA – Judgment in Case C-103/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-131/10: Judgment of the Court (Fourth Chamber) of 22 December 2010 - Corman SA v Bureau d'intervention et de restitution belge (BIRB) - Protection of the European Union's financial interests – Regulation (EC, Euratom) No 2988/95 – Article 3 – Limitation period for bringing proceedings – Time-limit –** Sectoral rules – Regulation (EC) No 2571/97 – Different application of the limitation rules in the case of an irregularity committed by the recipient of a subsidy or by the persons with whom the recipient has entered into contracts

[CURIA – Judgment in Case C-131/10 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-530/09 : Conclusions de l'Avocat Général Bot du 13 janvier 2011 - Inter-Mark Group sp. z o.o., sp. komandytowa w Poznaniu contre Minister Finansów - Directive 2006/112/CE – TVA – Prestations de services –** Détermination du lieu de rattachement fiscal – Service de fourniture temporaire de stands de foire

[CURIA – Conclusions de l'Avocat Général C-530/09 de la Cour de Justice du 13 janvier 2011 \(FR seulement\)](#)

## 9. Employment and Social Affairs

### Community Legislation

**REGULATION (EU) No 1231/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 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**

[OJ of the EU, L 344/1 of 29 December 2010 - FR](#)

## Case Law

**Joined Cases C-444/09 and C-456/09: Judgment of the Court (Second Chamber) of 22 December 2010 - Rosa María Gavieiro Gavieiro (C-444/09) and Ana María Iglesias Torres (C-456/09) v Consellería de Educación e Ordenación Universitaria de la Xunta de Galicia - Social Policy – Directive 1999/70/EC – Clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Principle of non-discrimination** – Application of the framework agreement to the interim staff of an Autonomous Community – National rules establishing different treatment in respect of the award of a length-of-service increment on the basis of the temporary nature of the employment relationship – Obligation to recognise, with retrospective effect, the right to the length-of-service increment

[CURIA – Judgment in Cases C-444/09 and C-456/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-463/09: Judgment of the Court (Third Chamber) of 20 January 2011 - CLECE SA v María Socorro Martín Valor and Ayuntamiento de Cobisa - Social policy – Directive 2001/23/EC – Transfers of undertakings – Safeguarding of employees' rights** – Concept of 'transfer' – Cleaning – Cleaning carried out directly by a municipal authority with recruitment of new staff

[CURIA – Judgment in Case C-463/09 of the Court of Justice of 20 January 2011 - FR](#)

## 10. Energy and Environment

### Community Legislation

**DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 24 November 2010 on **industrial emissions** (integrated pollution prevention and control) (Recast)(Text with EEA relevance)

[OJ of the EU, L 334/17 of 17 December 2010 - FR](#)

### Case Law

**Case C-266/09: Judgment of the Court (Fourth Chamber) of 16 December 2010 - Stichting Natuur en Milieu, Vereniging Milieudefensie, Vereniging Goede Waar & Co. v College voor de toelating van gewasbeschermingsmiddelen en biociden - Environment – Plant protection products – Directive 91/414/EEC – Public access to information** – Directives 90/313/EEC and 2003/4/EC – Temporal application – Concept of environmental information – Confidentiality of commercial and industrial information

[CURIA – Judgment in Case C-266/09 of the Court of Justice of 16 December 2010 - FR](#)

**Affaires jointes C-165/09, C-166/09 et C-167/09 : Conclusions de l'Avocat Général Kokott du 16 décembre 2010 - Stichting Natuur en Milieu e.a. contre Gedeputeerde Staten van Zuid-Holland - Directive 2001/81/CE – Pollution atmosphérique – Plafonds d'émission nationaux pour certains polluants atmosphériques – Fixation de mesures par les États membres** – Directive 2008/1/CE – Prévention et réduction intégrées de la pollution – Autorisation environnementale – Centrale électrique

[CURIA – Conclusions de l'Avocat Général C-165/09, C-166/09 and C-167/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-115/09: Opinion of the Advocate General Sharpston of 16 December 2010 - Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg - Public participation in certain plans and programmes related to the environment** – Extent of right to bring an appeal against decisions authorising projects likely to have a notable impact on the environment

[CURIA – Opinion of Advocate General C-115/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-77/09: Judgment of the Court (Second Chamber) of 22 December 2010 - Gowan Comércio Internacional e Serviços Lda v Ministero della Salute - Plant protection products – Directive 2006/134/EC** – Validity – Restrictions on the use of fenarimol as an active substance

[CURIA – Judgment in Case C-77/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-524/09: Judgment of the Court (Fourth Chamber) of 22 December 2010 - Ville de Lyon v Caisse des dépôts et consignations** - Preliminary rulings – Aarhus Convention – Directive 2003/4/EC – Public access to information in environmental matters – Directive 2003/87/EC – Scheme for greenhouse gas emission allowance trading – Regulation (EC) No 2216/2004 – Standardised, secured system of registries – Access to data on greenhouse gas emission allowance trading – Refusal to report – Central administrator – Administrators of national registries – Confidential nature of the data held in the registries – Exceptions  
[CURIA – Judgment in Case C-524/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-351/09: Judgment of the Court (First Chamber) of 22 December 2010 - European Commission v Republic of Malta** - Failure of a Member State to fulfil obligations – Environment – Directive 2000/60/EC – Articles 8 and 15 – Status of inland surface water – Establishment and making operational of monitoring programmes – Failure – Submission of summary reports on those monitoring programmes – Failure  
[CURIA – Judgment in Case C-351/09 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-276/10 : Arrêt de la Cour (huitième chambre) du 22 décembre 2010 - Commission européenne v République tchèque** - Manquement d'État – Environnement – Directive 2006/118/CE – Protection des eaux souterraines contre la pollution et la détérioration – Défaut de transposition dans le délai prescrit  
[CURIA – Arrêt dans l'affaire C-276/10 de la Cour de Justice du 22 décembre 2010 \(FR seulement\)](#)

**Affaire C-383/09 : Conclusions de l'Avocat Général Kokott du 20 janvier 2011 - Commission européenne contre République française** - Directive 92/43/CEE – Protection des espèces – Cricetus cricetus (Grand Hamster) – Insuffisance des mesures de protection – Détérioration des habitats  
[CURIA – Conclusions de l'Avocat Général C-383/09 de la Cour de Justice du 20 janvier 2011 \(FR seulement\)](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION DIRECTIVE 2011/3/EU** of 17 January 2011 amending Directive 2008/128/EC laying down specific purity criteria on colours for use in foodstuffs (Text with EEA relevance)  
[OJ of the EU, L 13/59 of 18 January 2011 - FR](#)

**COMMISSION REGULATION (EU) No 10/2011** of 14 January 2011 on plastic materials and articles intended to come into contact with food (Text with EEA relevance)  
[OJ of the EU, L 12/1 of 15 January 2011 - FR](#)

**DIRECTIVE 2010/84/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 December 2010 amending, as regards pharmacovigilance, Directive 2001/83/EC on the Community code relating to medicinal products for human use (Text with EEA relevance)  
[OJ of the EU, L 348/74 of 31 December 2010 - FR](#)

**REGULATION (EU) No 1235/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 December 2010 amending, as regards pharmacovigilance of medicinal products for human use, Regulation (EC) No 726/2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, and Regulation (EC) No 1394/2007 on advanced therapy medicinal products (Text with EEA relevance)  
[OJ of the EU, L 348/1 of 31 December 2010 - FR](#)

**REGULATION (EU) No 1238/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 December 2010 amending Annex I to Council Regulation (EEC) No 2658/87 as regards the provision of duty-free treatment for specified pharmaceutical active ingredients bearing an 'international non-proprietary name' (INN) from the World Health Organization and specified products used for the manufacture of finished pharmaceuticals  
[OJ of the EU, L 348/36 of 31 December 2010 - FR](#)

## Case Law

**Affaire C-385/08 : Arrêt de la Cour (quatrième chambre) du 22 décembre 2010 - Commission européenne contre République de Pologne - **Manquement d'État – Adhésion de nouveaux États** – Autorisations de mise sur le marché de médicaments génériques correspondant au produit de référence Plavix – Décisions conditionnelles d'autorisation de mise sur le marché de produits pharmaceutiques – Violation de l'acquis CURIA – Arrêt dans l'affaire C-385/08 de la Cour de Justice du 22 décembre 2010 (FR seulement)**

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

**European Parliament: **Clearer rules on seeking healthcare abroad****  
[Press release – 20110119IPR11941 - FR](#)

**European Parliament: **Call to act on Alzheimer's disease****  
[Press release – 20110119IPR11964 - 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 amending Council Regulation** (EC) No 2007/2004 establishing a European Agency for the Management of Operational **Cooperation at the External Borders of the Member States of the European Union** (FRONTEX) (2010/C 357/01)**

[OJ of the EU, C 357/1 of 30 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the **Communication from the Commission** on the global approach to **transfers of Passenger Name Record (PNR) data to third countries** (2010/C 357/02)**

[OJ of the EU, C 357/7 of 30 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Hungary, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden **for a Directive of the European Parliament and of the Council on the European Protection Order**, and on the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European **Investigation Order in criminal matters** (2010/C 355/01)**

[OJ of the EU, C 355/1 of 29 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the **proposal for a Council Decision on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data** from the European Union to the United States for purposes of the **Terrorist Finance Tracking Program** (TFTP II) (2010/C 355/02)**

[OJ of the EU, C 355/10 of 29 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the **communication from the Commission to the European Parliament and the Council – 'Overview of information management in the area of freedom, security and justice'** (2010/C 355/03)**

[OJ of the EU, C 355/16 of 29 December 2010 - FR](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-89/09: Judgment of the Court (Second Chamber) of 16 December 2010 - European Commission v French Republic - Failure of a Member State to fulfil obligations – Freedom of establishment – Article 43 EC – Public health – Operation of bio-medical analysis laboratories** – National legislation under which no more than 25% of own capital may be held by shareholders who are not professional biologists – Prohibition on holding shares in more than two companies operating jointly one or more biomedical analysis laboratories – Objective of ensuring the professional independence of biologists – Objective of maintaining diversity of supply in the biomedical field – Consistency – Proportionality

[CURIA – Judgment in Case C-89/09 of the Court of Justice of 16 December 2010 - FR](#)

**Affaires jointes C-71/09, C-73/09 et C-76/09 : Conclusions de l'Avocat Général Trstenjak de 16 décembre 2010 - Comitato «Venezia vuole vivere» contre Commission européenne, Hotel Cipriani Srl contre Commission européenne, Società Italiana per il gas SpA (Italgas) contre Commission européenne - Pourvoi – article 87 CE – régime d'aides multisectoriel – allègements de charges sociales en faveur des entreprises implantées sur le territoire de Venise et de Chioggia – décision déclarant l'aide incompatible avec le marché commun et ordonnant la récupération des aides versées – recevabilité – litispendance** – qualité pour agir – affectation individuelle – organisation regroupant des associations professionnelles – intérêt à agir – article 87, paragraphe 1, CE – notion d'aide d'État – avantage – mesure compensant des désavantages structurels – affectation du commerce intracommunautaire et incidence sur la concurrence – étendue du contrôle d'un régime d'aides multisectoriel – obligations procédurales – obligation de motivation – compatibilité avec le marché commun – article 87, paragraphe 3, sous c) – article 87, paragraphe 3, sous d) – règlement n° 659/1999 – article 14 – qualification de nouvelle aide ou d'aide existante – article 15 – principes de sécurité juridique, de protection de la confiance légitime, d'égalité de traitement et de proportionnalité

[CURIA – Conclusions de l'Avocat Général C-71/09, C-73/09 and C-76/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-537/08 P: Judgment of the Court (First Chamber) of 16 December 2010 - Kahla Thüringen Porzellan GmbH v European Commission - Appeal – State aid – Commission decision finding aid to be incompatible with the common market and ordering its recovery** – Principles of legal certainty and of the protection of legitimate expectations

[CURIA – Judgment in Case C-537/08 P of the Court of Justice of 16 December 2010 - FR](#)

**Case C-480/09 P: Judgment of the Court (Second Chamber) of 16 December 2010 - AceaElectrabel Produzione SpA v European Commission - Appeal – State aid – Aid declared compatible with the common market – Condition requiring prior repayment by the beneficiary of earlier aid declared unlawful** – Concept of 'economic unit' – Joint control by two separate parent companies – Distortion of the pleas in law relied on in the application – Errors and defective reasoning

[CURIA – Judgment in Case C-480/09 P of the Court of Justice of 16 December 2010 - FR](#)

**Case C-362/09 P: Judgment of the Court (Third Chamber) of 16 December 2010 - Athinaïki Techniki v European Commission - Appeal – State aid – Complaint – Decision to take no further action on the complaint** – Withdrawal of the decision to take no further action – Conditions governing the lawfulness of withdrawal – Regulation (EC) No 659/1999

[CURIA – Judgment in Case C-362/09 P of the Court of Justice of 16 December 2010 - FR](#)

**Affaire C-28/09 : Conclusions de l'Avocat Général Trstenjak du 16 décembre 2010 - Commission européenne contre République d'Autriche - Manquement d'État – Article 226 CE – Articles 28 CE à 30 CE - Transport transalpin de marchandises** – Interdiction sectorielle de circulation des camions de plus de 7,5 tonnes transportant certaines marchandises – Restriction à la libre circulation des marchandises – Justification – Qualité de l'air – Protection de la santé et de l'environnement – Principe de proportionnalité

[CURIA – Conclusions de l'Avocat Général C-28/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-239/09: Judgment of the Court (First Chamber) of 16 December 2010 - Seydaland Vereinigte Agrarbetriebe GmbH & Co. KG v BVVG Bodenverwertungs- und -verwaltungs GmbH - State aid – Aid granted by the Federal Republic of Germany for the acquisition of land** – Programme for land privatisation and restructuring of agriculture in the new Länder in Germany

[CURIA – Judgment in Case C-239/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-137/09: Judgment of the Court (Second Chamber) of 16 December 2010 - Marc Michel Josemans v Burgemeester van Maastricht - Freedom to provide services – Free movement of goods – Principle of non-discrimination – Measure adopted by a local public authority which restricts access to coffee-shops to Netherlands residents** – Marketing of ‘soft’ drugs – Marketing of non-alcoholic beverages and of food – Objective of combating drug tourism and the accompanying public nuisance – Public order – Protection of public health – Coherence – Proportionality

[CURIA – Judgment in Case C-137/09 of the Court of Justice of 16 December 2010 - FR](#)

**Case C-517/09: Judgment of the Court (Sixth Chamber) of 22 December 2010 - RTL Belgium SA, formerly TVi SA - Directive 89/552/EEC– Television broadcasting services** – Licensing and Control Authority of the Broadcasting Authority – Court or tribunal of a Member State for the purposes of Article 267 TFEU – Lack of jurisdiction of the Court

[CURIA – Judgment in Case C-517/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-507/08: Judgment of the Court (Fourth Chamber) of 22 December 2010 - European Commission v Slovak Republic - Failure of a Member State to fulfil obligations – State aid – Partial write-off of a company's tax liability as part of an arrangement with creditors** – Commission decision declaring that aid incompatible with the common market and ordering its recovery – Failure to execute

[CURIA – Judgment in Case C-507/08 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-338/09: Judgment of the Court (Third Chamber) of 22 December 2010 - Yellow Cab Verkehrsbetriebs GmbH v Landeshauptmann von Wien - Freedom to provide services – Freedom of establishment – Competition rules – Cabotage transport operations** – National transportation of persons by bus service – Application to operate a service – Licence – Authorisation – Conditions – Requirement of a seat or permanent establishment in the national territory – Reduction of income compromising the profitability of a service already licensed

[CURIA – Judgment in Case C-338/09 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-310/09 : Conclusions de l'Avocat Général Mengozzi du 22 décembre 2010 - Ministre du Budget, des Comptes publics et de la Fonction publique contre Accor - Libre circulation des capitaux – Liberté d'établissement – Réglementation nationale imposant de façon différenciée les dividendes provenant des filiales établies dans l'État de résidence de la société mère et de celles établies dans d'autres États membres** – Refus de restituer le précompte acquitté par la société mère – Enrichissement sans cause – Restitution des sommes acquittées par la société mère subordonnée à la production de preuves relatives à l'impôt acquitté par ses filiales dans un État membre autre que celui du siège social de la société mère – Charge de la preuve – Principes d'équivalence et d'effectivité

[CURIA – Arrêt dans l'affaire C-310/09 de la Cour de Justice du 22 décembre 2010 \(FR seulement\)](#)

**Case C-304/09: Judgment of the Court of 22 December 2010 - European Commission v Italian Republic - Failure of a Member State to fulfil obligations – State aid** – Aid for newly listed companies – Recovery

[CURIA – Judgment in Case C-304/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-287/10: Judgment of the Court (Third Chamber) of 22 December 2010 - Tankreederei I SA v Directeur de l'administration des contributions directes - Freedom to provide services – Free movement of capital – Tax credit for investments** – Grant linked to the physical use of the investments on national territory – Use of inland navigation vessels used in other Member States

[CURIA – Judgment in Case C-287/10 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-279/08 P : Conclusions de l'Avocat Général du 22 décembre 2010 - Commission européenne contre Royaume des Pays-Bas - Pourvoi – Recevabilité du recours en première instance – Recours d'un État membre contre la décision de la Commission déclarant que constitue une aide d'État compatible avec le marché commun une mesure nationale notifiée au titre de l'article 88 CE – Aides d'État – Notion – Sélectivité – Avantage financé au moyen de ressources d'État – Système d'échange de droits d'émission pour les oxydes d'azote**

[CURIA – Arrêt dans l'affaire C-279/08 P de la Cour de Justice du 22 décembre 2010 \(FR seulement\)](#)

**Case C-245/09: Judgment of the Court (First Chamber) of 22 December 2010 - Omalet NV v Rijksdienst voor Sociale Zekerheid - Freedom to provide services – Article 49 EC – Contractor established in a Member State – Recourse to contracting partners established in the same Member State – Purely internal situation – Inadmissibility of the reference for a preliminary ruling**

[CURIA – Judgment in Case C-245/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-208/09: Judgment of the Court (Second Chamber) of 22 December 2010 - Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien - European citizenship – Freedom to move and reside in the Member States – Law of a Member State with constitutional status abolishing the nobility in that State – Surname of an adult, a national of that State, obtained by adoption in another Member State, in which that adult resides – Title of nobility and nobiliary particle forming part of the surname – Registration by the authorities of the first Member State in the register of civil status – Correction of the entry by the authorities on their own initiative – Removal of the title of nobility and nobiliary particle**

[CURIA – Judgment in Case C-208/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-118/09: Judgment of the Court (Fourth Chamber) of 22 December 2010 - Robert Koller - 'Court or tribunal' within the meaning of Article 234 EC – Recognition of diplomas – Directive 89/48/EEC – Lawyer – Entry on the professional roll of a Member State other than that in which the diploma was recognised as equivalent**

[CURIA – Judgment in Case C-118/09 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-388/09 : Conclusions de l'Avocat Général Bot du 13 janvier 2011 - Joao Filipe da Silva Martins contre Bank Betriebskrankenkasse – Pflegekasse - Sécurité sociale – Règlement (CEE) n° 1408/71 – Prestations de maladie – Ancien travailleur migrant ayant acquis un droit, dans l'État d'emploi, à une allocation couvrant le risque de dépendance au titre d'une affiliation obligatoire – Retour dans l'État d'origine – Absence de couverture du risque de dépendance dans l'État d'origine – Possibilité de maintenir, à titre facultatif, l'affiliation au régime de l'assurance dépendance dans l'ancien État d'emploi et d'obtenir le versement de l'allocation de dépendance dans l'État d'origine**

[CURIA – Conclusions de l'Avocat Général C-388/09 de la Cour de Justice du 13 janvier 2011 \(FR seulement\)](#)

**Affaire C-262/09 : Conclusions de l'Avocat Général Trstenjak du présentées le 13 janvier 2011 - Wienand Meilicke, Heidi Christa Weyde, Marina Stöffler contre Finanzamt Bonn-Innenstadt - Libre circulation des capitaux – Prévention de la double imposition de dividendes – Impôt sur le revenu – Impôt sur les sociétés – Attestation de l'impôt sur les sociétés versé en amont – Autonomie procédurale des États membres – Principe d'équivalence – Principe d'effectivité**

[CURIA – Conclusions de l'Avocat Général C-262/09 de la Cour de Justice du 13 janvier 2011 \(FR seulement\)](#)

**Case C-155/09: Judgment of the Court (First Chamber) of 20 January 2011 - European Commission v Hellenic Republic - Failure of a Member State to fulfil obligations – Articles 12 EC, 18 EC, 39 EC and 43 EC – Articles 4, 28 and 31 of the Agreement on the European Economic Area – Tax legislation – Conditions for exemption from transfer tax on the first purchase of immovable property – Exemption granted solely to persons residing in Greece and to persons of Greek origin not residing in Greece at the date of purchase**

[CURIA – Judgment in Case C-155/09 of the Court of Justice of 20 January 2011 - FR](#)

## 14. Intellectual Property

### Case Law

**Case C-393/09: Judgment of the Court (Third Chamber) of 22 December 2010 - Bezpečnostní softwarová asociace – Svaz softwarové ochrany v Ministerstvo kultury - Intellectual property – Directive 91/250/EEC – Legal protection of computer programs – Notion of ‘expression in any form of a computer program’ – Inclusion or non-inclusion of a program’s graphic user interface – Copyright – Directive 2001/29/EC – Copyrights and related rights in the information society – Television broadcasting of a graphic user interface – Communication of a work to the public**

[CURIA – Judgment in Case C-393/09 of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-92/10 P : Arrêt de la Cour (cinquième chambre) du 13 janvier 2011 - Media-Saturn-Holding GmbH v Office de l’harmonisation dans le marché intérieur (marques, dessins et modèles) (OHMI) - Pourvoi – Marque communautaire – Motif absolu de refus – Absence de caractère distinctif – Marque constituée d’un slogan publicitaire et composée d’éléments dépourvus isolément de caractère distinctif – Signe figuratif ‘BEST BUY’**

[CURIA – Arrêt dans l’affaire C-92/10 P de la Cour de Justice du 13 janvier 2011 \(FR seulement\)](#)

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

### International Agreements

**Information concerning the date of entry into force of the Agreement between the European Union and Japan on mutual legal assistance in criminal matters**

[OJ of the EU, L 343/1 of 29 December 2010 - FR](#)

### Community Legislation

**COUNCIL REGULATION (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation**

[OJ of the EU, L 343/10 of 29 December 2010 - FR](#)

**REGULATION (EU) No 1211/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 December 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 339/6 of 22 December 2010 - FR](#)

**COUNCIL DECISION of 14 December 2010 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (2010/779/EU)**

[OJ of the EU, L 333/58 of 17 December 2010 - FR](#)

### Case Law

**Affaire C-407/09 : Conclusions de l’Avocat Général Mazák du 16 décembre 2010 - Commission européenne contre République hellénique - Non-exécution d’un arrêt de la Cour – Sanctions pécuniaires – Imposition d’une somme forfaitaire**

[CURIA – Conclusions de l’Avocat Général C-407/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Affaire C-391/09 : Conclusions de l'Avocat Général Jääskinen du 16 décembre 2010 - Malgožata Runevič-Vardyn, Łukasz Wardyn contre Vilniaus miesto savivaldybės administracija, Lietuvos Respublikos teisingumo ministerija, Valstybinė lietuvių kalbos komisija, Vilniaus miesto savivaldybės administracijos Teisės departamento Civilinės metrikacijos skyrius - Citoyenneté de l'Union – Principe de non-discrimination en raison de la nationalité – Libertés de circulation et de séjour – Articles 12 CE et 18 CE – Principe de l'égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique – Directive 2000/43 – Réglementation d'un État membre imposant la transcription des prénoms et noms de famille des personnes avec utilisation exclusive des caractères de la langue officielle dudit État dans les actes d'état civil dressés par ce dernier – Transcription des prénoms et des noms de famille de personnes originaires d'un autre État membre**

[CURIA – Conclusions de l'Avocat Général C-391/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Affaire C-29/10 : Conclusions de l'Avocat Général Trstenjak du 16 décembre 2010 - Heiko Koelzsch contre Grand-Duché de Luxembourg - Convention de Rome du 18 juin 1980 sur la loi applicable aux obligations contractuelles – Article 6 – Contrats de travail – Dispositions impératives relatives à la protection des travailleurs – Pays dans lequel le travailleur accomplit habituellement son travail – Travailleur qui exerce son activité dans plusieurs pays – Jurisprudence relative à l'article 5, paragraphe 1, de la convention de Bruxelles – Pays où ou à partir duquel le travailleur s'acquitte de l'essentiel de ses obligations à l'égard de son employeur – Premier protocole concernant l'interprétation de la convention de Rome**

[CURIA – Conclusions de l'Avocat Général C-29/10 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Case C-497/10 PPU: Judgment of the Court (First Chamber) of 22 December 2010 - Barbara Mercredi v Richard Chaffe - Judicial cooperation in civil matters – Regulation (EC) No 2201/2003 – Matrimonial matters and parental responsibility – Child whose parents are not married – Concept of 'habitual residence' of an infant – Concept of 'rights of custody'**

[CURIA – Judgment in Case C-497/10 PPU of the Court of Justice of 22 December 2010 - FR](#)

**Affaire C-491/10 PPU : Arrêt de la Cour (première chambre) du 22 décembre 2010 - Joseba Andoni Aguirre Zarraga contre Simone Pelz - Coopération judiciaire en matière civile – Règlement (CE) n° 2201/2003 – Compétence, reconnaissance et exécution des décisions en matière matrimoniale et en matière de responsabilité parentale – Responsabilité parentale – Droit de garde – Enlèvement d'enfant – Article 42 – Exécution d'une décision certifiée ordonnant le retour d'un enfant rendue par une juridiction compétente (espagnole) – Compétence de la juridiction requise (allemande) pour refuser l'exécution de ladite décision en cas de violation grave des droits de l'enfant**

[CURIA – Arrêt dans l'affaire C-491/10 PPU de la Cour de Justice du 22 décembre 2010 \(FR seulement\)](#)

## 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 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) (2010/C 357/01)**

[OJ of the EU, C 357/1 of 30 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the Communication from the Commission on the global approach to transfers of Passenger Name Record (PNR) data to third countries (2010/C 357/02)**

[OJ of the EU, C 357/7 of 30 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor on the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Hungary, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden for a Directive of the European Parliament and of the Council on the European Protection Order, and on the initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (2010/C 355/01)**

[OJ of the EU, C 355/1 of 29 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **proposal for a Council Decision on the conclusion of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data** from the European Union to the United States for purposes of the **Terrorist Finance Tracking Program (TFTP II)** (2010/C 355/02)  
[OJ of the EU, C 355/10 of 29 December 2010 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **communication from the Commission to the European Parliament and the Council – ‘Overview of information management in the area of freedom, security and justice’** (2010/C 355/03)  
[OJ of the EU, C 355/16 of 29 December 2010 - FR](#)

**TWELFTH ANNUAL REPORT** ACCORDING TO ARTICLE 8(2) OF COUNCIL COMMON POSITION 2008/944/CFSP DEFINING **COMMON RULES GOVERNING CONTROL OF EXPORTS OF MILITARY TECHNOLOGY AND EQUIPMENT** (2011/C 9/01)  
[OJ of the EU, C 9/1 of 13 January 2011 - FR](#)

## 16. Transport

### Community Legislation

**DECISION** No 2/2010 OF THE **JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE** SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 26 November 2010 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** (2010/816/EU)  
[OJ of the EU, L 347/54 of 31 December 2010 - FR](#)

### Case Law

**Affaire C-176/09 : Conclusions de l’Avocat Général Mengozzi du 16 décembre 2010 - Grand-Duché de Luxembourg contre Parlement européen et Conseil de l’Union européenne - Recours en annulation – Transports – Directive 2009/12/CE – Champ d’application – Aéroports enregistrant le plus grand nombre de mouvements de passagers dans chaque État membre – Violation des principes d’égalité de traitement, de subsidiarité et de proportionnalité**  
[CURIA – Conclusions de l’Avocat Général C-176/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

**Affaire C-28/09 : Conclusions de l’Avocat Général Trstenjak du 16 décembre 2010 - Commission européenne contre République d’Autriche - Manquement d’État – Article 226 CE – Articles 28 CE à 30 CE - Transport transalpin de marchandises – Interdiction sectorielle de circulation des camions de plus de 7,5 tonnes transportant certaines marchandises – Restriction à la libre circulation des marchandises – Justification – Qualité de l’air – Protection de la santé et de l’environnement – Principe de proportionnalité**  
[CURIA – Conclusions de l’Avocat Général C-28/09 de la Cour de Justice du 16 décembre 2010 \(FR seulement\)](#)

## 17. Community Institutions and Principles

### Case Law

**Case C-279/09: Judgment of the Court (Second Chamber) of 22 December 2010 - DEB Deutsche Energiehandels- und Beratungsgesellschaft mbH v Bundesrepublik Deutschland - Effective judicial protection of rights derived from European Union law – Right of access to a court – Legal aid – National legislation refusing legal aid to legal persons in the absence of ‘public interest’**  
[CURIA – Judgment in Case C-279/09 of the Court of Justice of 22 December 2010 - FR](#)

**Case C-137/10: Opinion of the Advocate General Villalón of 13 January 2011 - European Communities v Région de Bruxelles-Capitale - Law governing the institutions – Functioning – Conditions governing the delegation by the Commission to another institution of authority to represent the European Union in legal proceedings** – Validity of the authority in the absence of appointment by name of a natural person empowered to represent the delegating institution – Jurisdiction of the national court to decide on the matter – Validity of the authority of the Deputy Secretary-General of the Council to represent the Council in legal proceedings

[CURIA – Opinion of Advocate General C-137/10 of the Court of Justice of 13 January 2011 - FR](#)

**Case C-196/09: Opinion of the Advocate General Sharpston of 16 December 2010 - Paul Miles and Others, Robert Watson MacDonald v European Schools - Definition of ‘national jurisdiction’ for the purposes of Article 267 TFEU – Complaints Board of the European Schools** – Principles of equal treatment and freedom of movement for workers – System of remuneration of teachers seconded to the European Schools

[CURIA – Opinion of Advocate General C-196/09 of the Court of Justice of 16 December 2010 - FR](#)