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## Highlights

Case C-236/09: Judgment of the Court (Grand Chamber) of 1 March 2011 - Association belge des Consommateurs Test-Achats ASBL, Yann van Vugt, Charles Basselier v Conseil des ministres - Reference for a preliminary ruling – **Fundamental rights – Combating 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 – Directive 2004/113/EC – Article 5(2) – Derogation not subject to any temporal limitation – Charter of Fundamental Rights of the European Union – Articles 21 and 23 – Invalidity

[CURIA – Judgment in Case C-236/09 of the Court of Justice of 1 March 2011 - FR](#)

**DIRECTIVE 2011/7/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 16 February 2011 on **combating late payment in commercial transactions** (recast) (Text with EEA relevance)  
[OJ of the EU, L 48/1 of 23 February 2011 - FR](#)

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## EU News: Click & Read February 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

### International Agreements

**COUNCIL DECISION** of 13 September 2010 on the position to be taken by the European Union in the EU-Switzerland Joint Committee established in the Agreement between the European Community and the Swiss Confederation in the audiovisual field, **establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007**, as regards a Joint Committee decision updating Article 1 of Annex I to the Agreement (2011/129/EU)

[OJ of the EU, L 53/1 of 26 February 2011 - FR](#)

**COUNCIL DECISION** of 18 January 2011 on the signing of the **Agreement** between the European Union and the Swiss Confederation on the **protection of designations of origin and geographical indications for agricultural products and foodstuffs**, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (2011/51/EU)

[OJ of the EU, L 25/3 of 28 January 2011 - FR](#)

**COUNCIL DECISION** of 18 January 2011 on the signing, on behalf of the European Union, of the **Agreement between the European Union, the Swiss Confederation and the Principality of Liechtenstein** amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein **extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on trade in agricultural products** (2011/52/EU)

[OJ of the EU, L 25/4 of 28 January 2011 - FR](#)

**COUNCIL DECISION** of 18 January 2011 on the **position to be taken by the European Union within the Joint Committee on Agriculture** set up by the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products**, as regards the adaptation of Annex 3 to the Agreement (2011/53/EU)

[OJ of the EU, L 25/5 of 28 January 2011 - FR](#)

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

**Opinion of the European Economic and Social Committee** on the '**Proposal for a Regulation of the European Parliament and 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)**' *COM(2010) 61 final — 2010/0039 (COD)* (2011/C 44/28)

[OJ of the EU, C 44/162 of 11 February 2011 - FR](#)

## 2. External Relations / Foreign Policy

### International Agreements

**AGREEMENT** between the **European Union and Georgia on the facilitation of the issuance of visas**

[OJ of the EU, L 52/34 of 25 February 2011 - FR](#)

**AGREEMENT** between the **European Union and Georgia on the readmission of persons residing without authorisation**

[OJ of the EU, L 52/47 of 25 February 2011 - FR](#)

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

**EUROPEAN COMMISSION** **Guidance on the preparation of an application for authorisation** (2011/C 28/01)

[OJ of the EU, C 28/1 of 28 January 2011 - FR](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Case C-115/10: Opinion of the Advocate General Mazák of 10 February 2011 - Bábolna Mezőgazdasági Termelő, Fejlesztő és Kereskedelmi Zrt. v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve** - Common agricultural policy – **Regulation (EEC) No 3508/92 – Regulation (EC) No 1259/1999 – Regulation (EC) No 1782/2003 – National legislation excluding producers engaged in a liquidation procedure from complementary national aid linked to the single area payment scheme** – Whether Member States may lay down conditions for eligibility for complementary national aid which do not apply to the grant of EU aid in question

[CURIA – Opinion of Advocate General C-115/10 of the Court of Justice of 10 February 2011 - FR](#)

### 4. Audiovisual and Media and Information Society

#### Case Law

**Case C-16/10: Judgment of the Court (Third Chamber) of 17 February 2011 - The Number Ltd, Conduit Enterprises Ltd v Office of Communications, British Telecommunications plc** - Approximation of laws – **Telecommunications – Networks and services – Directive 2002/22/EC** – Designation of undertakings to provide universal service – Specific obligations imposed on the designated undertaking – Directory enquiry services and directories

[CURIA – Judgment in Case C-16/10 of the Court of Justice of 17 February 2011 - FR](#)

**Case C-52/09: Judgment of the Court (First Chamber) of 17 February 2011 - Konkursverket v TeliaSonera Sverige AB** - Preliminary ruling – **Article 102 TFEU – Abuse of dominant position** – Prices applied by telecommunications operator – ADSL input services – Broadband connection services to end users – Margin squeeze on competitors

[CURIA – Judgment in Case C-52/09 of the Court of Justice of 17 February 2011 - FR](#)

**Affaire C-543/09 : Conclusions de l'Avocat Général Trstenjak du 17 février 2011- Deutsche Telekom AG contre République fédérale d'Allemagne** - **Cadre juridique applicable aux communications électroniques –Directive 2002/22/CE** – Article 5 – Fourniture de services de renseignements téléphoniques et d'annuaires publics – Service universel – Article 17 – Compétences des autorités réglementaires nationales – Article 25 – Obligation de transmission des données concernant les abonnés – **Directive 2002/58/ CE** – Article 12 – Autorisation de l'abonné de faire figurer les données personnelles le concernant dans un annuaire public

[CURIA – Conclusions de l'Avocat Général C-543/09 de la Cour de Justice du 17 février 2011 \(FR seulement\)](#)

### 5. Competition

#### Case Law

**Case C-272/09 P: Opinion of Advocate General Sharpston of 10 February 2011 - KME Germany AG, formerly KM Europa Metal AG, KME France SAS, formerly Tréfimétaux SA, KME Italy SpA, formerly Europa Metalli SpA** - Appeal – **Competition – Price-fixing and market-sharing cartel** – Factors taken into account in fixing fines – Scope of jurisdiction of the General Court – Effective judicial review

[CURIA – Opinion of Advocate General C-272/09 P of the Court of Justice of 10 February 2011 - FR](#)

**Case C-260/09 P: Judgment of the Court (First Chamber) of 10 February 2011 - Activision Blizzard Germany GmbH, formerly CD-Contact Data GmbH** - Appeal – **Article 81 EC and Article 53 of the EEA Agreement – Market for Nintendo video games consoles and games cartridges – Limitation of parallel exports in that market** – Agreement between a manufacturer and an exclusive distributor – Distribution agreement allowing passive sales – Proof of a concurrence of wills in the absence of direct documentary evidence that passive sales were to be restricted – Standard of proof necessary to establish the existence of a vertical agreement

[CURIA – Judgment in Case C-260/09 P of the Court of Justice of 10 February 2011 - FR](#)

**Affaire C-521/09 P : Conclusions de l'Avocat Général Mengozzi du 17 février 2011 - Elf Aquitaine SA contre Commission européenne - Pourvoi – Ententes – Marché européen de l'acide monochloracétique – Règles relatives à l'imputabilité des pratiques anticoncurrentielles d'une filiale à sa société mère – Principes de présomption d'innocence et de personnalité des peines – Droits de la défense – Obligation de motivation**  
[CURIA – Conclusions de l'Avocat Général C-521/09 P de la Cour de Justice du 17 février 2011 \(FR seulement\)](#)

**Affaire C-520/09 P : Conclusions de l'Avocat Général Mengozzi du 17 février 2011 - Arkema SA contre Commission européenne - Pourvoi – Ententes – Marché européen de l'acide monochloracétique – Règles relatives à l'imputabilité des pratiques anticoncurrentielles d'une filiale à sa société mère – Principe d'égalité de traitement et droit à un procès équitable – Amendes**  
[CURIA – Conclusions de l'Avocat Général C-520/09 P de la Cour de Justice du 17 février 2011 \(FR seulement\)](#)

**Case C-52/09: Judgment of the Court (First Chamber) of 17 February 2011 - Konkurrentsverket v TeliaSonera Sverige AB - Preliminary ruling – Article 102 TFEU – Abuse of dominant position – Prices applied by telecommunications operator – ADSL input services – Broadband connection services to end users – Margin squeeze on competitors**  
[CURIA – Judgment in Case C-52/09 of the Court of Justice of 17 February 2011 - FR](#)

## 6. Customs

### Case Law

**Case C-511/09 P: Opinion of the Advocate General Bot of 27 January 2011 - Dongguan Nanzha Leco Stationery Mfg. Co. Ltd v Council of the European Union - Appeal – Dumping – Imports of lever arch mechanisms originating in the People's Republic of China – Imports from non-market economy States – Constructed normal value – Normal value established at ex-works level – Fair comparison – Adjustment of the export price**  
[CURIA – Opinion of Advocate General C-511/09 P of the Court of Justice of 27 January 2011 - FR](#)

**Joined Cases C-446/09 and C-495/09: Opinion of the Advocate General Villalón of 3 February 2011 - Koninklijke Philips Electronics NV v Lucheng Meijing Industrial Company Ltd, Far East Sourcing Ltd, Röhlig Hong Kong Ltd and Röhlig Belgium NV (Case C-446/09) and Nokia Corporation v Her Majesty's Commissioners of Revenue and Customs (Case C-495/09) - Goods placed under the external transit procedure – Intellectual property rights – Regulation (EC) No 3295/94 and Regulation (EC) No 1383/2003 – Treatment of goods in transit as if they were goods produced in the territory of the Union ('production fiction') – Conditions governing action by the customs authorities in cases where goods in transit are counterfeit or pirated – Suspected infringement of an intellectual property right**  
[CURIA – Opinion of Advocate General in joined Cases C-446/09 and C-495/09 of the Court of Justice of 3 February 2011 - FR](#)

**Case C-78/10: Judgment of the Court (Fourth Chamber) of 17 February 2011 - Berel and Others v Administration des douanes de Rouen, Receveur principal des douanes du Havre, Administration des douanes du Havre - Community Customs Code – Articles 213, 233 and 239 – Joint and several liability of several debtors for the same customs debt – Remission of import duties – Extinction of the customs debt – No possibility for a jointly and severally liable debtor to rely on a remission granted to another debtor**  
[CURIA – Judgment in Case C-78/10 of the Court of Justice of 17 February 2011 - FR](#)

**Case C-494/09: Judgment of the Court (Third Chamber) of 17 February 2011 - Bolton Alimentari SpA v Agenzia delle Dogane – Ufficio delle Dogane di Alessandria - Preliminary ruling – Admissibility – Customs duty – Tariff quota – Customs Code – Article 239 – Regulation (EEC) No 2454/93 – Articles 308a, 308b and 905 – Regulation (EC) No 975/2003 – Tuna – Exhaustion of quota – Date of opening – Sunday**  
[CURIA – Judgment in Case C-494/09 of the Court of Justice of 17 February 2011 - FR](#)

**Case C-11/10: Judgment of the Court (Fifth Chamber) of 17 February 2011 - Staatssecretaris van Financiën v Marshipping and Transport BV** - Reference for a preliminary ruling – **Regulation (EEC) No 2658/87 – Common Customs Tariff** – Customs duties – Relief – **Pharmaceutical substances** – Composition – Restrictions  
[CURIA – Judgment in Case C-11/10 of the Court of Justice of 17 February 2011 - FR](#)

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

**DIRECTIVE 2011/7/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 16 February 2011 on **combating late payment in commercial transactions** (recast) (Text with EEA relevance)  
[OJ of the EU, L 48/1 of 23 February 2011 - FR](#)

**GUIDELINE OF THE EUROPEAN CENTRAL BANK** of 11 November 2010 on the **legal framework for accounting and financial reporting in the European System of Central Banks** (recast) (ECB/2010/20) (2011/68/EU)  
[OJ of the EU, L 35/31 of 9 February 2011 - FR](#)

### Case Law

**Case C-489/09: Judgment of the Court (Second Chamber) of 27 January 2011 - Vandoorne NV v Belgische Staat - Sixth VAT Directive – Articles 11.C(1) and 27(1) and (5) – Taxable amount – Simplification measures** – Manufactured tobacco – Tax labels – Single charge of VAT at source – Intermediate supplier – Total or partial non-payment of the price – Refusal to refund VAT  
[CURIA – Judgment in Case C-489/09 of the Court of Justice of 27 January 2011 - FR](#)

**Case C-401/09 P: Opinion of the Advocate General Mengozzi of 27 January 2011 - Evropaïki Dynamiki - Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE v European Central Bank** - Appeal – **Public service contracts – European Central Bank – Groupings** – Standing of individual members of a consortium to bring proceedings – Review by the Court of the application of national law by European Union bodies  
[CURIA – Opinion of Advocate General C-401/09 P of the Court of Justice of 27 January 2011 - FR](#)

**Case C-25/10: Judgment of the Court (Second Chamber) of 10 February 2011 - Missionswerk Werner Heukelbach eV v État belge - Direct taxation – Free movement of capital – Inheritance tax – Legacies in favour of non-profit-making bodies** – Refusal to apply a reduced rate where those bodies have their centre of operations in a Member State other than that in which the deceased had actually lived or worked – Restriction – Justification  
[CURIA – Judgment in Case C-25/10 of the Court of Justice of 10 February 2011 - FR](#)

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

**OPINION OF THE EUROPEAN CENTRAL BANK** of 28 January 2011 on a **proposal for a directive** of the European Parliament and of the Council **amending Directives 98/78/EC, 2002/87/EC and 2006/48/EC as regards the supplementary supervision of financial entities in a financial conglomerate**  
[OJ of the EU, C 62/1 of 26 February 2011 - FR](#)

**OPINION OF THE EUROPEAN CENTRAL BANK** of 13 January 2011 on a **proposal for a regulation** of the European Parliament and of the Council on **OTC derivatives, central counterparties and trade repositories** (CON/2011/1)  
[OJ of the EU, C 57/1 of 23 February 2011 - FR](#)

**Proposal** for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** on **OTC derivatives, central counterparties and trade repositories**  
[COM\(2010\) 484 final - FR](#)

**Opinion of the European Economic and Social Committee** on the ‘**Proposal for a Council directive** 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**’ COM(2010) 331 final – 2010/0179 (CNS) (2011/C 51/13)  
[OJ of the EU, C 51/67 of 17 February 2011 - FR](#)

**Opinion of the European Economic and Social Committee** on the '**Proposal for a Council Directive** 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**' COM(2010) 381 final — 2010/0205 (CNS) (2011/C 48/31)  
[OJ of the EU, C 48/167 of 15 February 2011 - FR](#)

**Proposal for a COUNCIL DIRECTIVE** 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**  
[COM\(2010\) 381 final - FR](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-30/10: Judgment of the Court (Eighth Chamber) of 10 February 2011 - Lotta Andersson v Staten genom Kronofogdemyndigheten i Jönköping, Tillsynsmyndigheten** - Reference for a preliminary ruling – **Directive 80/987/EEC – Article 10(c) – National provision – Guarantee of payment of employees' outstanding claims** – Exclusion of persons who, more recently than six months before the lodgement of the application for the declaration of insolvency of the company which employed them, were owners of an essential part of that company and had considerable influence on it

[CURIA – Judgment in Case C-30/10 of the Court of Justice of 19 February 2011 - FR](#)

**Case C-236/09: Judgment of the Court (Grand Chamber) of 1 March 2011 - Association belge des Consommateurs Test-Achats ASBL, Yann van Vugt, Charles Basselier v Conseil des ministres** - Reference for a preliminary ruling – **Fundamental rights – Combating 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 – Directive 2004/113/EC – Article 5(2) – Derogation not subject to any temporal limitation – Charter of Fundamental Rights of the European Union – Articles 21 and 23 – Invalidity

[CURIA – Judgment in Case C-236/09 of the Court of Justice of 1 March 2011 - FR](#)

## 10. Energy and Environment

### Case Law

**Case C-120/10: Opinion of the Advocate General Villalón of 17 February 2011 - European Air Transport SA v Collège d'Environnement de la Région de Bruxelles-Capitale, Région de Bruxelles-Capitale - Air transport – Directive 2002/30/EC – Definition of 'operating restrictions'** – Noise limits at source which must be observed when overflying built-up areas near an airport – Possibility of adopting national rules based on noise levels measured on the ground – **Relationship with Directive 2002/49/EC – Convention on International Civil Aviation – Fundamental rights** – Articles 7, 37 and 53 of the Charter of Fundamental Rights of the European Union – Case-law of the European Court of Human Rights and of the Member States concerning protection from noise pollution

[CURIA – Opinion of Advocate General C-120/10 of the Court of Justice of 17 February 2011 - FR](#)

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

**Opinion of the European Economic and Social Committee** on the '**Green Paper on Forest Protection and Information** in the EU: **Preparing for Climate Change**' COM(2010) 66 final (2011/C 48/27)  
[OJ of the EU, C 48/155 of 15 February 2011 - FR](#)

**GREEN PAPER** on **Forest Protection and Information** in the EU: **Preparing forests for climate change**  
[COM\(2010\) 66 final - FR](#)

Opinion of the European Economic and Social Committee on the '**Proposal for a Regulation of the European Parliament and of the Council** setting **emission performance standards** for **new light commercial vehicles** as part of the Community's **integrated approach to reduce CO 2 emissions** from light-duty vehicles' *COM(2009) 593 final — 2009/0173 (COD) (2011/C 44/27)*  
[OJ of the EU, C 44/157 of 11 February 2011 - FR](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION REGULATION** (EU) No 144/2011 of 17 February 2011 amending Regulation (EU) No 206/2010 **laying down lists of third countries**, territories or parts thereof **authorised for the introduction into the European Union of certain animals and fresh meat** and the **veterinary certification requirements** (Text with EEA relevance)

[OJ of the EU, L 44/7 of 18 February 2011 - FR](#)

### Case Law

**Affaire C-122/10 : Conclusions de l'Avocat Général Mengozzi du 3 février 2011 - Konsumentombudsmannen KO contre Ving Sverige AB - Protection des consommateurs – Pratiques commerciales déloyales – Directive 2005/29/CE – Notion d'invitation à l'achat** – Exigence d'une information liée au produit commercialisé et à son prix permettant au consommateur de faire un achat – Notion de caractéristiques du produit – Indication d'un prix de départ dans une communication commerciale publiée dans la presse – Omissions trompeuses  
[CURIA – Conclusions de l'Avocat Général C-122/10 de la Cour de Justice du 3 février 2011 \(FR seulement\)](#)

**Affaire C-442/09 : Conclusions de l'Avocat Général Bot du 9 février 2011 - Karl Heinz Bablok et autres contre Freistaat Bayern - Denrées alimentaires génétiquement modifiées – Règlement (CE) n° 1829/2003 – Produits apicoles** – Présence de pollens issus de plantes génétiquement modifiées – Conséquences – Mise sur le marché – Notions d'organisme génétiquement modifié et de 'produit à partir d'OGM'  
[CURIA – Conclusions de l'Avocat Général C-442/09 de la Cour de Justice du 9 février 2011 \(FR seulement\)](#)

## 12. Human Rights

### Community Legislation

**COMMISSION DIRECTIVE** 2011/8/EU of 28 January 2011 amending Directive 2002/72/EC as regards the **restriction of use of Bisphenol A in plastic infant feeding bottles** (Text with EEA relevance)

[OJ of the EU, L 26/11 of 29 January 2011 - FR](#)

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

Opinion of the European Economic and Social Committee on the '**Proposal for a directive of the European Parliament and of the Council** on **preventing and combating trafficking in human beings**, and **protecting victims**, repealing Framework Decision 2002/629/JHA' *COM(2010) 95 final — 2010/0065 (COD) (2011/C 51/10)*  
[OJ of the EU, C 51/50 of 17 February 2011 - FR](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-382/08: Judgment of the Court (Grand Chamber) of 25 January 2011 - Michael Neukirchinger v Bezirkshauptmannschaft Grieskirchen - Air transport – Licence for the organisation of commercial balloon flights** – Article 12 EC – Condition of residence or company seat – Administrative sanctions

[CURIA – Judgment in Case C-382/08 of the Court of Justice of 25 January 2011 - FR](#)

**Affaire C-490/09 : Arrêt de la Cour (deuxième chambre) du 27 janvier 2011 - Commission européenne v Grand-Duché de Luxembourg** - Manquement d'État – **Article 49 CE – Libre prestation des services – Non-remboursement des frais afférents aux analyses et aux examens de laboratoire effectués dans des États membres autres que le Grand-Duché de Luxembourg** – Réglementation nationale ne prévoyant pas leur prise en charge sous la forme d'un remboursement des frais avancés pour de tels analyses et examens – Réglementation nationale subordonnant la prise en charge des prestations de soins de santé au respect des conditions prévues par cette réglementation

[CURIA – Arrêt dans l'affaire C-490/09 de la Cour de Justice du 27 janvier 2011 \(FR seulement\)](#)

**Case C-402/09: Opinion of the Advocate General Sharpston of 27 January 2011 - Ioan Tatu v Statul român prin Ministerul Finanțelor și Economiei and Others** - **Free movement of goods – Pollution tax imposed on the first registration of imported second-hand vehicles** – Compatibility with Article 110 TFEU

[CURIA – Opinion of Advocate General C-402/09 of the Court of Justice of 27 January 2011 - FR](#)

**Joined Cases C-403/08 and C-429/08: Opinion of Advocate General Kokott of 3 February 2011 - Football Association Premier League Ltd and Others v QC Leisure and Others and Karen Murphy v Media Protection Services Ltd** - **Satellite transmission of football matches** – Marketing of decoder cards which have been lawfully placed on the market in other Member States – **Directive 98/84/EC** – Legal protection of services based on conditional access – Illicit access device – **Directive 2001/29/EC** – Harmonisation of certain aspects of copyright and related rights in the information society – Reproduction right – Communication to the public – **Directive 93/83/EEC** – Coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable transmission – Free movement of goods – Freedom to provide services – Competition – **Article 101(1) TFEU** – Concerted practices – Practice having the object of preventing, restricting or distorting competition – Criteria for assessing the anti-competitive object of a practice

[CURIA – Opinion of Advocate General in joined Cases C-403/08 and C-429/08 of the Court of Justice of 3 February 2011 - FR](#)

**Case C-359/09: Judgment of the Court (Fourth Chamber) of 3 February 2011 - Donat Cornelius Ebert v Budapesti Ügyvédi Kamara** - **Lawyers – Directive 89/48/EEC – Recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration – Directive 98/5/EC** – Practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained – Use of the professional title of the host Member State – Conditions – Registration with the Bar Association of the host Member State

[CURIA – Judgment in Case C-359/09 of the Court of Justice of 3 February 2011 - FR](#)

**Joined Cases C-436/08 and C-437/08: Judgment of the Court (Third Chamber) of 10 February 2011 - Haribo Lakritzen Hans Riegel Betriebs GmbH (C-436/08), Österreichische Salinen AG (C-437/08) v Finanzamt Linz** - **Free movement of capital – Corporation tax – Exemption of nationally-sourced dividends** – Exemption of foreign-sourced dividends only if certain conditions are complied with – Application of an imputation system to non-exempt foreign-sourced dividends – Proof required as to the foreign tax creditable

[CURIA – Judgement in joined Cases C-436/08 and C-437/08 of the Court of Justice of 10 February 2011 - FR](#)

**Joined Cases C-307/09 to C-309/09: Judgment of the Court (Second Chamber) of 10 February 2011 - Vicoplus SC PUH (C-307/09), BAM Vermeer Contracting sp. zoo (C-308/09), Olbek Industrial Services sp. zoo (C-309/09) v Minister van Sociale Zaken en Werkgelegenheid** - **Freedom to provide services – Posting of workers – 2003 Act of Accession – Transitional measures** – Access of Polish nationals to the labour market of States which were already Member States of the European Union at the time of the accession of the Republic of Poland – Requirement of a work permit for the making available of labour – Directive 96/71/EC – Article 1(3)

[CURIA – Judgement in joined Cases C-307/09 to C-309/09 of the Court of Justice of 10 February 2011 - FR](#)

**Affaire C-543/09 : Conclusions de l'Avocat Général Trstenjak du 17 février 2011- Deutsche Telekom AG contre République fédérale d'Allemagne** - **Cadre juridique applicable aux communications électroniques –Directive 2002/22/CE** – Article 5 – Fourniture de services de renseignements téléphoniques et d'annuaires publics – Service universel – Article 17 – Compétences des autorités réglementaires nationales – Article 25 – Obligation de transmission des données concernant les abonnés – **Directive 2002/58/ CE** – Article 12 – Autorisation de l'abonné de faire figurer les données personnelles le concernant dans un annuaire public

[CURIA – Conclusions de l'Avocat Général C-543/09 de la Cour de Justice du 17 février 2011 \(FR seulement\)](#)

**Case C-325/09: Opinion of the Advocate General Trstenjak of 17 February 2011 - Secretary of State for the Home Department v Maria Dias - Free movement of persons – Directive 2004/38/EC – Article 16 – Right of permanent residence** – Taking into account periods of residence which ended before the transposition period for the directive expired on 30 April 2006 – Whether period of residence was lawful – Effects of a period of residence which does not constitute legal residence within the meaning of Article 16(1) of Directive 2004/38 and which follows a period of legal residence within the meaning of that provision

[CURIA – Opinion of Advocate General in Case C-325/09 of the Court of Justice of 17 February 2011 - FR](#)

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

**EUROPEAN COMMISSION Guidance on the preparation of an application for authorisation** (2011/C 28/01)

[OJ of the EU, C 28/1 of 28 January 2011 - FR](#)

**Opinion of the European Economic and Social Committee on the ‘Green Paper on the Interconnection of business registers’** COM(2009) 614 final (2011/C 48/21)

[OJ of the EU, C 48/120 of 15 February 2011 - FR](#)

**GREEN PAPER** The **interconnection of business registers** (Text with EEA relevance)

[COM\(2009\) 617 final - FR](#)

## 14. Intellectual Property

### Case Law

**Case C-263/09 P: Opinion of the Advocate General Kokott of 27 January 2011 - Edwin Co. Ltd v v OHIM - Appeal – Community trade mark – Word mark ‘ELIO FIORUCCI’ – Right to a name** – Application for a declaration of invalidity lodged by the bearer of the patronymic included in the mark – Article 52(2)(a) of Regulation (EC) No 40/94 – Rejection of that application by the Board of Appeal – Review by the General Court and Court of Justice of the application of national law

[CURIA – Opinion of Advocate General C-263/09 P of the Court of Justice of 27 January 2011 - FR](#)

**Case C-168/09: Judgment of the Court (Second Chamber) of 27 January 2011 - Flos SpA v Semeraro Casa e Famiglia SpA - Industrial and commercial property – Directive 98/71/EC – Legal protection of designs – Article 17** – Obligation concerning the cumulation of design protection with copyright protection – National law precluding copyright protection or rendering it unenforceable for a certain period in the case of designs which entered the public domain before the entry into force of the law – Principle of the protection of legitimate expectations

[CURIA – Judgment in Case C-168/09 of the Court of Justice of 27 January 2011 - FR](#)

**Case C-482/09: Opinion of the Advocate General Trstenjak of 3 February 2011 - Budějovický Budvar, národní podnik v Anheuser-Busch, Inc. - Directive 89/104/EEC – Approximation of the laws of the Member States on trademarks – Articles 4(1)(a) and 9(1)** – Limitation in consequence of acquiescence – Concept of acquiescence – European Union law concept – Possibility of having recourse to national trade mark law, including provisions on the honest concurrent use of two identical marks

[CURIA – Opinion of Advocate General C-482/09 of the Court of Justice of 3 February 2011 - FR](#)

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

### Community Legislation

**COUNCIL DECISION** 2011/70/CFSP of 31 January 2011 **updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism**

[OJ of the EU, L 28/57 of 2 February 2011 - FR](#)

**COMMISSION DECISION** of 31 January 2011 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the **adequate protection of personal data by the State of Israel with regard to automated processing of personal data** (notified under document C(2011) 332) (Text with EEA relevance) (2011/61/EU) [OJ of the EU, L 27/39 of 1 February 2011 - FR](#)

## Case Law

**Case C-283/09: Judgment of the Court (First Chamber) of 17 February 2011 - Artur Weryński v Mediatel 4B spółka z o.o. - Judicial cooperation in civil matters – Taking of evidence** – Examination of a witness by the requested court upon application by the requesting court – Payment of witness expenses

[CURIA – Judgment in Case C-283/09 of the Court of Justice of 17 February 2011 - FR](#)

**Affaire C-69/10 : Conclusions de l'Avocat Général Villalón du 1er mars 2011 - Brahim Samba Diouf contre Ministre du Travail, de l'Emploi et de l'Immigration - Demande d'un ressortissant d'un pays tiers visant à obtenir le statut de réfugié** – Rejet de cette demande, dans le cadre d'une procédure nationale accélérée, en l'absence de motifs justifiant l'octroi d'une protection internationale – Absence de recours contre la décision de soumettre la demande à une procédure accélérée – **Droit à un contrôle juridictionnel effectif**

[CURIA – Conclusions de l'Avocat Général C-69/10 de la Cour de Justice du 1<sup>er</sup> mars 2011 \(FR seulement\)](#)

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

**Opinion of the European Economic and Social Committee on the 'Proposal for a Directive** of the European Parliament and of the Council on the **right to information in criminal proceedings**' COM(2010) 392 final – 2010/0215 (COD) (2011/C 54/15)

[OJ of the EU, C 54/162 of 19 February 2011 - FR](#)

**Proposal** for a **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** on the **right to information in criminal proceedings**

[COM\(2010\) 392 final - FR](#)

**Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and 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)**' COM(2010) 61 final – 2010/0039 (COD) (2011/C 44/28)

[OJ of the EU, C 44/162 of 11 February 2011 - FR](#)

**Opinion of the European Economic and Social Committee 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' COM(2010) 94 final – 2010/0064 (COD) (2011/C 48/24)

[OJ of the EU, C 48/138 of 15 February 2011 - FR](#)

**Opinion of the European Economic and Social Committee on the 'Proposal for a regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession'** COM(2009) 154 final – 2009/0157 (COD) (2011/C 44/25)

[OJ of the EU, C 44/148 of 11 February 2011 - FR](#)

**Opinion of the European Economic and Social Committee on the 'Proposal for a Council regulation implementing enhanced cooperation in the area of the law applicable to divorce and legal separation'** COM(2010) 105 final/2 – 2010/0067 (CNS) (2011/C 44/29)

[OJ of the EU, C 44/167 of 11 February 2011 - FR](#)

**Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council on the Citizens' Initiative'** COM(2010) 119 final – 2010/0074 (COD) (2011/C 44/34)

[OJ of the EU, C 44/182 of 11 February 2011 - FR](#)

## 16. Transport

### Community Legislation

**COMMISSION REGULATION** (EU) No 115/2011 of 2 February 2011 **amending Regulation** (EC) No 748/2009 on the **list of aircraft operators which performed an aviation** activity listed in Annex I to Directive 2003/87/EC of the European Parliament and of the Council on or after 1 January 2006 **specifying the administering Member State for each aircraft operator** (Text with EEA relevance)

[OJ of the EU, L 39/1 of 12 February 2011 - FR](#)

### Case Law

**Case C-382/08: Judgment of the Court (Grand Chamber) of 25 January 2011 - Michael Neukirchinger v Bezirkshauptmannschaft Grieskirchen - Air transport – Licence for the organisation of commercial balloon flights** – Article 12 EC – Condition of residence or company seat – Administrative sanctions

[CURIA – Judgment in Case C-382/08 of the Court of Justice of 25 January 2011 - FR](#)

**Case C-120/10: Opinion of the Advocate General Villalón of 17 February 2011 - European Air Transport SA v Collège d’Environnement de la Région de Bruxelles-Capitale, Région de Bruxelles-Capitale - Air transport – Directive 2002/30/EC – Definition of ‘operating restrictions’** – Noise limits at source which must be observed when overflying built-up areas near an airport – Possibility of adopting national rules based on noise levels measured on the ground – **Relationship with Directive 2002/49/EC – Convention on International Civil Aviation – Fundamental rights** – Articles 7, 37 and 53 of the Charter of Fundamental Rights of the European Union – Case-law of the European Court of Human Rights and of the Member States concerning protection from noise pollution

[CURIA – Opinion of Advocate General C-120/10 of the Court of Justice of 17 February 2011 - FR](#)