



Institut suisse de droit comparé
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Highlights

Proposal for a **COUNCIL REGULATION** on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

[COM\(2011\) 126/2 of 16 March 2011 - FR](#)

Case C-240/09: Judgment of the Court (Grand Chamber) of 8 March 2011 - Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky - **Environment – Aarhus Convention** – Public participation in the decision-making process and access to justice in environmental matters – Direct effect

[CURIA – Judgment in Case C-240/09 of the Court of Justice of 08 March 2011 - FR](#)

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EU News: Click & Read

March 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

DECISION No 1/2011 OF THE EU-SWISS JOINT COMMITTEE of 18 January 2011 on the **authentication in the Bulgarian and Romanian languages** of the **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation**, of the other, on the **free movement of persons**, including the Final Act thereto, and the 2004 Enlargement Protocol (2011/159/EU)
[OJ of the EU, L 72/1 of 18 March 2011 - FR](#)

2. External Relations / Foreign Policy

Case Law

Affaire C-101/10 : Conclusions de l'Avocat Général Mengozzi du 17 mars 2011 - Gentcho Pavlov & Gregor Famira contre Ausschuss der Rechtsanwaltskammer Wien - Relations extérieures – **Accords d'association – Effet direct** – Réglementation nationale excluant, avant l'adhésion de la République de Bulgarie à l'Union européenne, les ressortissants bulgares de l'inscription au tableau des avocats stagiaires – Interdiction de toute discrimination fondée sur la nationalité – Notion de conditions de travail – Compatibilité
[CURIA – Conclusions de l'Avocat Général C-101/10 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-221/09: Judgment of the Court (Second Chamber) of 17 March 2011 - AJD Tuna Ltd v Direttur tal-Agricoltura u s-Sajd, Avukat Generali - Regulation (EC) No 530/2008 – Validity – Common fisheries policy – Conservation of resources – Recovery of bluefin tuna in the Eastern Atlantic and the Mediterranean
[CURIA – Judgment in Case C-221/09 of the Court of Justice of 17 March 2011 - FR](#)

Affaire C-150/10 : Conclusions de l'Avocat Général Bot du 17 mars 2011 - Bureau d'intervention et de restitution belge (BIRB) contre Beneo-Orafti SA - Agriculture – **Organisation commune des marchés – Sucre – Nature et portée des quotas transitoires attribués à une entreprise productrice de sucre** – Possibilité pour une entreprise bénéficiant d'une aide à la restructuration pour la campagne de commercialisation 2006/2007 de faire usage du quota transitoire attribué à celle-ci – Calcul du montant du recouvrement et de la sanction applicable en cas de non-respect des engagements dans le cadre du plan de restructuration
[CURIA – Conclusions de l'Avocat Général C-150/10 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

Case C-21/10: Opinion of Advocate General Mazák of 24 March 2011 - Károly Nagy v Mezőgazdasági és Vidékfejlesztési Hivatal - Common agricultural policy – Regulation (EC) No 1257/1999 – Regulation (EC) No 817/2004 – Application of the integrated system to agri-environmental aid which, albeit not for animals, is dependent on a certain density of livestock
[CURIA – Opinion of Advocate General C-21/10 of the Court of Justice of 24 March 2011 - FR](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-85/10: Judgment of the Court (Third Chamber) of 10 March 2011 - Telefónica Móviles España SA v Administración del Estado, Secretaría de Estado de Telecomunicaciones - Telecommunication services – Directive 97/13/EC – General authorisations and individual licences – Fees and charges applicable to undertakings holding individual licences – Article 11(2) – Interpretation – National legislation which does not allocate any special use to a fee – Increase in the fee for digital systems, but no change in the fee for first generation analogue systems – Compatibility

[CURIA – Judgment in Case C-85/10 of the Court of Justice of 10 March 2011 - FR](#)

5. Competition

Case Law

Case C-439/09: Opinion of Advocate General Mazák of 3 March 2011 - Pierre Fabre Dermo-Cosmétique SAS v Président de l’Autorité de la Concurrence and Ministre de l’Économie, de l’Industrie et de l’Emploi - Article 81(1) EC – Competition – Selective distribution – General and absolute ban on selling cosmetics and personal care products to end-users via the internet – Restriction of competition by object – Regulation (EC) No 2790/1999 – Article 4(c) – Restriction of active and passive sales – Hardcore restriction – Individual exemption – Article 81(3) EC

[CURIA – Opinion of Advocate General C-439/09 of the Court of Justice of 03 March 2011 - FR](#)

Case C-437/09: Judgment of the Court (First Chamber) of 3 March 2011 - AG2R Prévoyance v Beaudout Père et Fils SARL - Competition – Articles 101 TFEU, 102 TFEU and 106 TFEU – Scheme for supplementary reimbursement of healthcare costs – Collective agreement – Compulsory affiliation to a specific insuring body – Express exclusion of any possibility of exemption from affiliation – Concept of an undertaking

[CURIA – Judgment in Case C-437/09 of the Court of Justice of 03 March 2011 - FR](#)

6. Customs

Case Law

Affaire C-23/10 : Arrêt de la Cour (septième chambre) of 17 mars 2011 - Commission européenne contre République portugaise - Manquement d’État – Introduction en libre pratique de bananes fraîches – Poids déclaré ne correspondant pas au poids réel – Obligation des autorités douanières de contrôler le poids déclaré – Code des douanes communautaire – Règlement (CEE) n° 2913/92 – Articles 68 et suivants – Règlement (CEE) n° 2454/93 – Article 290 bis – Annexe 38 ter – Système des ressources propres – Perte des recettes – Règlement (CEE, Euratom) n° 1552/89 – Règlement (CE, Euratom) n° 1150/2000 – Articles 2, 6, 9, 10 et 11

[CURIA – Arrêt dans l’affaire C-23/10 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION of 7 March 2011 on the **conclusion of an Agreement** between the **European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014**, an Agreement between the **European Union and Norway on a Norwegian Financial Mechanism for the period 2009-2014**, an Additional Protocol to the Agreement between the European Economic Community and Iceland, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014, and an Additional Protocol to the Agreement between the European Economic Community and Norway, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014
(2011/160/EU)

[OJ of the EU, L 69/1 of 16 March 2011 - FR](#)

Community Legislation

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES No 5/2010/SC of 9 December 2010 **amending** Decision of the Standing Committee No 4/2004/SC **establishing a Financial Mechanism Committee**

[OJ of the EU, L 78/57 of 24 March 2011 - FR](#)

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES No 6/2010/SC of 9 December 2010 **extending** the **tasks of the Office for the EEA Financial Mechanism and the Norwegian Financial Mechanism**

[OJ of the EU, L 78/58 of 24 March 2011 - FR](#)

COUNCIL IMPLEMENTING REGULATION (EU) No 282/2011 of 15 March 2011 **laying down implementing measures for Directive 2006/112/EC on the common system of value added tax** (recast)

[OJ of the EU, L 77/1 of 23 March 2011 - FR](#)

COUNCIL DIRECTIVE 2011/16/EU of 15 February 2011 on **administrative cooperation in the field of taxation** and repealing Directive 77/799/EEC

[OJ of the EU, L 64/1 of 11 March 2011 - FR](#)

Case Law

Case C-41/09: Judgment of the Court (First Chamber) of 3 March 2011 - European Commission v Kingdom of the Netherlands - Failure of a Member State to fulfil obligations – **Value added tax – Sixth VAT Directive – Directive 2006/112/EC – Application of a reduced rate** – Live animals normally intended for use in the preparation of foodstuffs for human and animal consumption – Supply, importation and acquisition of horses

[CURIA – Judgment in Case C-41/09 of the Court of Justice of 03 March 2011 - FR](#)

Case C-203/10: Judgment of the Court (Third Chamber) of 3 March 2011 - Direksia 'Obzhalvane i upravlenie na izpalnenieto' – Varna v Auto Nikolovi OOD - **Directive 2006/112/EC – Value-added tax – Second-hand parts for motor vehicles** – Importation into the European Union by a taxable dealer – Margin scheme or normal VAT scheme – Origin of the right of deduction – Direct effect

[CURIA – Judgment in Case C-203/10 of the Court of Justice of 03 March 2011 - FR](#)

Case C-540/09: Judgment of the Court (Fourth Chamber) of 10 March 2011 - Skandinaviska Enskilda Banken AB Momsgrupp v Skatteverket - **Reference for a preliminary ruling – Sixth VAT Directive – Article 13B(d)(5) – Exemptions** – Underwriting guarantee provided against payment of a commission by credit institutions to the issuing companies in respect of a share issue on the capital markets – Transactions in securities

[CURIA – Judgment in Case C-540/09 of the Court of Justice of 10 March 2011 - FR](#)

Joined Cases C-497/09, C-499/09, C-501/09 and C-502/09: Judgment of the Court (Third Chamber) of 10 March 2011 - Finanzamt Burgdorf (C-497/09) v Manfred Bog; CinemaxX Entertainment GmbH & Co. KG, formerly Hans-Joachim Flebbe Filmtheater GmbH & Co. KG, (C-499/09) v Finanzamt Hamburg-Barmbek-Uhlenhorst; Lothar Lohmeyer (C-501/09) v Finanzamt Minden; Fleischerei Nier GmbH & Co. KG (C-502/09) v Finanzamt Detmold - Taxation – VAT – Sixth Directive 77/388/EEC – Articles 5 and 6 – Classification of a commercial activity as a ‘supply of goods’ or a ‘supply of services’ – Supply of food or meals for immediate consumption from snack stalls or mobile snack bars – Supply in a cinema of popcorn and tortilla chips (nachos) for immediate consumption – Party catering service – Annex H, category 1 – Interpretation of the term ‘foodstuffs’

[CURIA – Judgment in Joined Cases C-497/09, C-499/09, C-501/09 and C-502/09 of the Court of Justice of 10 March 2011 - FR](#)

Affaire C-94/10 : Conclusions de l’Avocat Général Kokott du 24 mars 2011- Danfoss A/S, Sauer-Danfoss ApS contre Skatteministeriet - Impôts indirects – Droit d’accise national prélevé en méconnaissance du droit de l’Union – Répercussion de la taxe par le contribuable sur ses clients – Demandes de restitution et/ou de dommages et intérêts exercées contre l’État par la personne assumant la charge économique

[CURIA – Conclusions de l’Avocat Général C-94/10 de la Cour de Justice du 24 mars 2011 \(FR seulement\)](#)

Affaire C-375/10 : Arrêt de la Cour (cinquième chambre) du 24 mars 2011 - Commission européenne contre Royaume d’Espagne - Manquement d’État – Directive 2007/36/CE – Exercice de certains droits des actionnaires de sociétés cotées – Défaut de transposition dans le délai prescrit

[CURIA – Arrêt dans l’affaire C-375/10 de la Cour de Justice du 24 mars 2011 \(FR seulement\)](#)

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 of the Council on Short Selling and certain aspects of Credit Default Swaps COM(2010) 482 final – 2010/0251 (COD) (2011/C 84/07)

[OJ of the EU, C 84 /34 of 17 March 2011 - FR](#)

Opinion of the European Economic and Social Committee on the Green Paper – Corporate governance in financial institutions and remuneration policies COM(2010) 284 final (2011/C 84/03)

[OJ of the EU, C 84 /13 of 17 March 2011 - FR](#)

European Parliament legislative resolution of 5 May 2010 on the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regard

[OJ of the EU, C 81 E/156 of 15 March 2011 - FR](#)

9. Employment and Social Affairs

Case Law

Case C-440/09: Judgment of the Court (Fifth Chamber) of 3 March 2011 - Zakład Ubezpieczeń Społecznych Oddział w Nowym Sączu v Stanisława Tomaszewska - Social security for migrant workers – Article 45(1) of Regulation (EEC) No 1408/71 – Minimum period required by national law for acquisition of entitlement to a retirement pension – Account to be taken of the period of contribution completed in another Member State – Aggregation – Rules for calculation

[CURIA – Judgment in Case C-440/09 of the Court of Justice of 03 March 2011 - FR](#)

Affaire C-399/09 : Conclusions de l’Avocat Général Villalón du 3 mars 2011 - Marie Landtová contre Česká správa sociálního zabezpečení - Libre circulation des travailleurs – Sécurité sociale – Règlement n° 1408/71 - Convention en matière de sécurité sociale conclue entre deux États membres avant leur adhésion à l’Union européenne – Prestation de vieillesse – État membre compétent pour évaluer les périodes de cotisation accomplies – Double prise en compte d’une même période de cotisation – Article 39 CE – Non-discrimination en raison de la nationalité et de la résidence – Réparation de la discrimination

[CURIA – Conclusions de l’Avocat Général C-399/09 de la Cour de Justice du 3 mars 2011 \(FR seulement\)](#)

Joined Cases C-235/10 to C-239/10: Judgment of the Court (Third Chamber) of 3 March 2011 - David Claes (C-235/10), Sophie Jeanjean (C-236/10), Miguel Rémy (C-237/10), Volker Schneider (C-238/10) and Xuan-Mai Tran (C-239/10) v Landsbanki Luxembourg SA, in liquidation - References for a preliminary ruling – Social policy – **Directive 98/59/EC – Collective redundancies – Immediate termination of employment contracts following a judicial decision ordering the dissolution and winding up of a legal person** – No consultation of employees’ representatives – Equivalence of employer and liquidator

[CURIA – Judgment in Joined Cases C-235/10 to C-239/10 of the Court of Justice of 03 March 2011 - FR](#)

Case C-516/09: Judgment of the Court (Eighth Chamber) of 10 March 2011 - Tanja Borger v Tiroler Gebietskrankenkasse - **Social security for workers – Regulation (EEC) No 1408/71 – Scope ratione personae** – Interpretation of the term ‘employed person’ – Benefits for a dependent child – Extension of unpaid leave

[CURIA – Judgment in Case C-516/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-477/09: Judgment of the Court (Third Chamber) of 10 March 2011 - Charles Defossez v Christian Wiart, in his capacity as liquidator of Sotimon Sarl, Office national de l’emploi - fonds de fermeture d’entreprises, Centre de gestion et d’études de l’Association pour la gestion du régime de garantie des créances des salariés de Lille (CGEA) - **Preliminary ruling – Directives 80/987/EEC and 2002/74/EC – Insolvency of the employer – Protection of employees** – Payment of outstanding workers’ claims – Determination of the competent guarantee institution – More favourable guarantee under national law – Possibility of relying on that law

[CURIA – Judgment in Case C-477/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-379/09: Judgment of the Court (Third Chamber) of 10 March 2011 - Maurits Casteels v British Airways plc - **Freedom of movement for workers – Articles 45 TFEU and 48 TFEU – Social security for migrant workers** – Protection of supplementary pension rights – Inaction on the part of the Council – Worker employed successively by the same employer in several Member States

[CURIA – Judgment in Case C-379/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-109/09: Judgment of the Court (Second Chamber) of 10 March 2011 - Deutsche Lufthansa AG v Gertraud Kumpan - Fixed-term employment contract – **Directive 1999/70/EC – Equal treatment in employment and occupation** – Role of the national court

[CURIA – Judgment in Case C-109/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-503/09: Opinion of the Advocate General Villalón of 17 March 2011 - Lucy Stewart v Secretary of State for Work and Pensions - **Social security – Regulation (EEC) No 1408/71 – Sickness benefits – Invalidity benefits – Special non-contributory benefits** – Definitions – Short-term incapacity benefit in youth – Conditions for granting – Conditions of residence and presence in the territory of the Member State – Lawfulness – Article 10 of Regulation (EEC) No 1408/71 – Articles 19 and 28 of Regulation (EEC) No 1408/71

[CURIA – Opinion of Advocate General C-503/09 of the Court of Justice of 17 March 2011 - FR](#)

Affaire C-326/09 : Arrêt de la Cour (cinquième chambre) du 17 mars 2011 - Commission européenne contre République de Pologne - Manquement d’État – **Directive 2004/113/CE – Politique sociale – Égalité de traitement entre les femmes et les hommes** – Accès à des biens et services et fourniture de biens et services – Non-transposition dans le délai prescrit

[CURIA – Arrêt dans l’affaire C-326/09 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

Affaire C-101/10 : Conclusions de l’Avocat Général Mengozzi du 17 mars 2011 - Gentcho Pavlov & Gregor Famira contre Ausschuss der Rechtsanwaltskammer Wien - Relations extérieures – **Accords d’association – Effet direct** – Réglementation nationale excluant, avant l’adhésion de la République de Bulgarie à l’Union européenne, les ressortissants bulgares de l’inscription au tableau des avocats stagiaires – Interdiction de toute discrimination fondée sur la nationalité – Notion de conditions de travail – Compatibilité

[CURIA – Conclusions de l’Avocat Général C-101/10 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Opinion of the European Economic and Social Committee on the **Green Paper — Towards adequate, sustainable and safe European pension systems** COM(2010) 365 final (2011/C 84/08)
[OJ of the EU, C 84 /38 of 17 March 2011 - FR](#)

10. Energy and Environment

Case Law

Affaire C-508/09 : Arrêt de la Cour (huitième chambre) du 3 mars 2011 - Commission européenne contre République italienne - Manquement d'État – Conservation des oiseaux sauvages – Directive 79/409/CEE – Dérogations au régime de protection des oiseaux sauvages
[CURIA – Arrêt dans l'affaire C-508/09 de la Cour de Justice du 3 mars 2011 \(FR seulement\)](#)

Case C-50/09: Judgment of the Court (First Chamber) of 3 March 2011 - European Commission v Ireland - Failure of a Member State to fulfil obligations – Directive 85/337/EEC – Obligation of the competent environmental authority to carry out an assessment of the effects of certain projects on the environment – More than one competent authority – Need to ensure an assessment of the interaction between factors likely to be directly or indirectly affected – Application of the directive to demolition works
[CURIA – Judgment in Case C-50/09 of the Court of Justice of 03 March 2011 - FR](#)

Case C-240/09: Judgment of the Court (Grand Chamber) of 8 March 2011 - Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky - Environment – Aarhus Convention – Public participation in the decision-making process and access to justice in environmental matters – Direct effect
[CURIA – Judgment in Case C-240/09 of the Court of Justice of 08 March 2011 - FR](#)

Case C-71/10: Opinion of Advocate General Kokott of 10 March 2011 - Office of Communications v The Information Commissioner - Directive 2003/4/EC – Access to environmental information – Exceptions – Public interest in disclosure – Interest served by refusal – Balancing exercise – Cumulation of interests
[CURIA – Opinion of Advocate General C-71/10 of the Court of Justice of 10 March 2011 - FR](#)

Case C-264/09: Opinion of Advocate General Jääskinen of 15 March 2011 - European Commission v Republic of Slovakia - Failure of a Member State to fulfil obligations – Internal market in electricity – Directive 2003/54/EC – Priority Access – Non-discriminatory access to transmission and distribution systems – Investment contract concluded prior to accession to the European Union – Energy Charter Treaty – Bilateral Investment Protection Agreement – Article 307 EC – Fair and equitable treatment – Expropriation
[CURIA – Opinion of Advocate General C-264/09 of the Court of Justice of 15 March 2011 - FR](#)

Case C-275/09: Judgment of the Court (First Chamber) of 17 March 2011 - Brussels Hoofdstedelijk Gewest and Others v Vlaams Gewest - Directive 85/337/EEC – Assessment of the effects of certain public and private projects on the environment – Airports with a runway length of 2 100 metres or more – Concept of 'construction' – Renewal of operating consent
[CURIA – Judgment in Case C-275/09 of the Court of Justice of 17 March 2011 - FR](#)

Affaire C-435/09 : Arrêt de la Cour (troisième chambre) du 24 mars 2011 - Commission européenne contre Royaume de Belgique - Manquement d'État – Directive 85/337/CEE – Évaluation des incidences de certains projets publics et privés sur l'environnement – Critères de sélection – Détermination de seuils – Dimension du projet
[CURIA – Arrêt dans l'affaire C-435/09 de la Cour de Justice du 24 mars 2011 \(FR seulement\)](#)

Affaire C-365/10 : Arrêt de la Cour (troisième chambre) du 24 mars 2011 - Commission européenne contre République de Slovénie - Manquement d'État – Contrôle de la pollution – Valeurs limites pour les concentrations de PM10 dans l'air ambiant
[CURIA – Arrêt dans l'affaire C-365/10 de la Cour de Justice du 24 mars 2011 \(FR seulement\)](#)

Case C-15/10: Opinion of Advocate General Bot of 24 March 2011 - Étimine SA v Secretary of State for Work and Pensions - Environment and protection of human health – Directive 67/548/EEC – Directive 2008/58/EC – Regulation (EC) No 1272/2008 – Regulation (EC) No 790/2009 – Adaptation to technical and scientific progress – Classification of borate substances as toxic to reproduction – Compliance with procedural rules – Legal basis – Rules governing consultation of the Committee for Adaptation to Technical Progress – Review of manifest error of assessment – Methods adopted for the purpose of evaluating the intrinsic properties of the substances at issue – Obligation to state reasons – Compliance with the principle of proportionality
[CURIA – Opinion of Advocate General C-15/10 of the Court of Justice of 24 March 2011 - FR](#)

Case C-14/10: Opinion of Advocate General Bot of 24 March 2011 - Nickel Institute v Secretary of State for Work and Pensions - Environment and protection of human health – Directive 67/548/EEC – Classifications of nickel substances as dangerous substances – Whether Directives 2008/58/EC and 2009/2/EC are valid in so far as they adapt those classifications to technical and scientific progress – Legal basis – Methods of assessing the intrinsic properties of the substances – Obligation to state reasons – Regulation (EC) No 1272/2008 – Whether Regulation (EC) No 790/2009 is valid in so far as it incorporates those classifications
[CURIA – Opinion of Advocate General C-14/10 of the Court of Justice of 24 March 2011 - FR](#)

11. Food Safety, Public Health and Consumers

Case Law

Affaires jointes C-58/10 à C-68/10 : Conclusions de l'Avocat Général Mengozzi du 22 mars 2011 - Monsanto SAS et autres - Denrées alimentaires et aliments pour animaux génétiquement modifiés – Mesures nationales interdisant ou suspendant l'utilisation et/ou la vente de ces produits après l'autorisation de mise sur le marché – Compétence des autorités nationales pour adopter ces mesures
[CURIA – Conclusions de l'Avocat Général affaires jointes C-58/10 à C-68/10 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

Case C-15/10: Opinion of Advocate General Bot of 24 March 2011 - Étimine SA v Secretary of State for Work and Pensions - Environment and protection of human health – Directive 67/548/EEC – Directive 2008/58/EC – Regulation (EC) No 1272/2008 – Regulation (EC) No 790/2009 – Adaptation to technical and scientific progress – Classification of borate substances as toxic to reproduction – Compliance with procedural rules – Legal basis – Rules governing consultation of the Committee for Adaptation to Technical Progress – Review of manifest error of assessment – Methods adopted for the purpose of evaluating the intrinsic properties of the substances at issue – Obligation to state reasons – Compliance with the principle of proportionality
[CURIA – Opinion of Advocate General C-15/10 of the Court of Justice of 24 March 2011 - FR](#)

Case C-14/10: Opinion of Advocate General Bot of 24 March 2011 - Nickel Institute v Secretary of State for Work and Pensions - Environment and protection of human health – Directive 67/548/EEC – Classifications of nickel substances as dangerous substances – Whether Directives 2008/58/EC and 2009/2/EC are valid in so far as they adapt those classifications to technical and scientific progress – Legal basis – Methods of assessing the intrinsic properties of the substances – Obligation to state reasons – Regulation (EC) No 1272/2008 – Whether Regulation (EC) No 790/2009 is valid in so far as it incorporates those classifications
[CURIA – Opinion of Advocate General C-14/10 of the Court of Justice of 24 March 2011 - FR](#)

13. Internal Market and Single Market

Case Law

Case C-440/09: Judgment of the Court (Fifth Chamber) of 3 March 2011 - Zakład Ubezpieczeń Społecznych Oddział w Nowym Sączu v Stanisława Tomaszewska - Social security for migrant workers – **Article 45(1) of Regulation (EEC) No 1408/71 – Minimum period required by national law for acquisition of entitlement to a retirement pension** – Account to be taken of the period of contribution completed in another Member State – Aggregation – Rules for calculation

[CURIA – Judgment in Case C-440/09 of the Court of Justice of 03 March 2011 - FR](#)

Affaire C-399/09 : Conclusions de l'Avocat Général Villalón du 3 mars 2011 - Marie Landtová contre Česká správa sociálního zabezpečení - Libre circulation des travailleurs – Sécurité sociale – Règlement n° 1408/71 - Convention en matière de sécurité sociale conclue entre deux États membres avant leur adhésion à l'Union européenne – Prestation de vieillesse – État membre compétent pour évaluer les périodes de cotisation accomplies – Double prise en compte d'une même période de cotisation – Article 39 CE – Non-discrimination en raison de la nationalité et de la résidence – Réparation de la discrimination

[CURIA – Conclusions de l'Avocat Général C-399/09 de la Cour de Justice du 3 mars 2011 \(FR seulement\)](#)

Case C-161/09: Judgment of the Court (First Chamber) of 3 March 2011 - Kakavetsos-Fragkopoulos AE Epexergasias kai Emporias Stafidas, formerly K. Fragkopoulos kai SIA OE v Nomarchiaki Aftodioikisi Korinthias - **Free movement of goods – Measures having an effect equivalent to quantitative restrictions** – Currants – National legislation aimed at protecting the quality of the product – Restrictions imposed on marketing according to different areas of production – Justification – Proportionality

[CURIA – Judgment in Case C-161/09 of the Court of Justice of 03 March 2011 - FR](#)

Case C-134/10: Judgment of the Court (Third Chamber) of 3 March 2011 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil obligations – **Directive 2002/22/EC – Article 31 – Criteria for awarding 'must-carry' status** – General interest objectives permitting the award of that status – Impact of the number of end-users of communications networks on the award of that status – Principle of proportionality

[CURIA – Judgment in Case C-134/10 of the Court of Justice of 03 March 2011 - FR](#)

Case C-34/09: Judgment of the Court (Grand Chamber) of 8 March 2011 - Gerardo Ruiz Zambrano v Office national de l'emploi (ONEm) - Citizenship of the Union – Article 20 TFEU – Grant of right of residence under European Union law to a minor child on the territory of the Member State of which that child is a national, irrespective of the previous exercise by him of his right of free movement in the territory of the Member States – Grant, in the same circumstances, of a derived right of residence, to an ascendant relative, a third country national, upon whom the minor child is dependent – Consequences of the right of residence of the minor child on the employment law requirements to be fulfilled by the third-country national ascendant relative of that minor

[CURIA – Judgment in Case C-34/09 of the Court of Justice of 08 March 2011 - FR](#)

Affaire C-10/10 : Conclusions de l'Avocat Général Trstenjak du 8 mars 2011 - Commission européenne contre République d'Autriche - Manquement d'État – **Article 258 TFUE – Article 56 CE – Article 40 de l'accord EEE – Libre circulation des capitaux – Avantages fiscaux résultant de dons aux organismes de formation, de recherche et d'enseignement** – Subordination de ces avantages à la condition que le bénéficiaire du don soit établi sur le territoire national – Caractère objectivement comparable des organismes – Justification tirée de motifs impérieux d'intérêt général – Promotion de l'Autriche en tant que pôle scientifique et de formation – Proportionnalité

[CURIA – Conclusions de l'Avocat Général C-10/10 de la Cour de Justice du 8 mars 2011 \(FR seulement\)](#)

Case C-85/10: Judgment of the Court (Third Chamber) of 10 March 2011 - Telefónica Móviles España SA v Administración del Estado, Secretaría de Estado de Telecomunicaciones - Telecommunication services – Directive 97/13/EC – General authorisations and individual licences – Fees and charges applicable to undertakings holding individual licences – Article 11(2) – Interpretation – National legislation which does not allocate any special use to a fee – Increase in the fee for digital systems, but no change in the fee for first generation analogue systems – Compatibility

[CURIA – Judgment in Case C-85/10 of the Court of Justice of 10 March 2011 - FR](#)

Case C-379/09: Judgment of the Court (Third Chamber) of 10 March 2011 - Maurits Casteels v British Airways plc - Freedom of movement for workers – Articles 45 TFEU and 48 TFEU – Social security for migrant workers – Protection of supplementary pension rights – Inaction on the part of the Council – Worker employed successively by the same employer in several Member States

[CURIA – Judgment in Case C-379/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-274/09: Judgment of the Court (Third Chamber) of 10 March 2011 - Privater Rettungsdienst und Krankentransport Stadler v Zweckverband für Rettungsdienst und Feuerwehralarmierung Passau - Public procurement – Directive 2004/18/EC – Public service concession – Rescue service – Distinction between ‘public service contract’ and ‘service concession’

[CURIA – Judgment in Case C-274/09 of the Court of Justice of 10 March 2011 - FR](#)

Case C-95/10: Judgment of the Court (Third Chamber) of 17 March 2011 - Strong Segurança SA v Município de Sintra - Public service contracts – Directive 2004/18/EC – Article 47(2) – Direct effect – Whether applicable to the services referred to in Annex II B to that directive

[CURIA – Judgment in Case C-95/10 of the Court of Justice of 17 March 2011 - FR](#)

Joined Cases C-372/09 and C-373/09: Judgment of the Court (Fourth Chamber) of 17 March 2011 - Josep Peñarroja Fa - Article 43 EC – Freedom of establishment – Article 49 EC – Freedom to provide services – Restrictions – Court experts who are professional translators – Exercise of official authority – National legislation reserving appointment as a court expert for persons enrolled in registers established by the national judicial authorities – Justification – Proportionality – Directive 2005/36/EC – Concept of ‘regulated profession’

[CURIA – Judgment in Joined Cases C-372/09 and C-373/09 of the Court of Justice of 17 March 2011 - FR](#)

Case C-400/08: Judgment of the Court (Second Chamber) of 24 March 2011 - European Commission v Kingdom of Spain - Failure of a Member State to fulfil obligations – Freedom of establishment – Article 43 EC – National legislation concerning the establishment of shopping centres in Catalonia – Restrictions – Justifications – Proportionality

[CURIA – Judgment in Case C-400/08 of the Court of Justice of 24 March 2011 - FR](#)

Case C-369/09 P: Judgment of the Court (First Chamber) of 24 March 2011 - ISD Polska sp. z o.o. and Others v European Commission - Appeals – State aid – Commission decision – Finding that aid is incompatible with the common market – Order for recovery of aid – Principles of legal certainty and non-retroactivity – Principle of the protection of legitimate expectations – Determination of the ‘appropriateness’ of the interest rate applicable to the recovery of aid

[CURIA – Judgment in Case C-369/09 P of the Court of Justice of 24 March 2011 - FR](#)

14. Intellectual Property

Case Law

Case C-51/10 P: Judgment of the Court (First Chamber) of 10 March 2011 - Agencja Wydawnicza Technopol sp. z o.o. v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeal – Community trade mark – Sign composed exclusively of numerals – Application for registration of the sign ‘1000’ as a mark in respect of brochures, periodicals and newspapers – Allegedly descriptive character of that sign – **Criteria for the application of Article 7(1)(c) of Regulation (EC) No 40/94** – Obligation on OHIM to take into account its previous decision-making practice

[CURIA – Judgment in Case C-51/10 P of the Court of Justice of 10 March 2011 - FR](#)

C-462/09: Opinion of Advocate General Jääskinen of 10 March 2011 - Stichting de ThuisKopie v Mijndert van der Lee, Hananja van der Lee & Opus Supplies Deutschland GmbH - Copyright – Directive 2001/29/EC – Article 5(2)(b) – Article 5(5) – Reproduction rights – Fair compensation – Distance selling

[CURIA – Opinion of Advocate General C-462/09 of the Court of Justice of 10 March 2011 - FR](#)

Affaire C-34/10 : Conclusions de l’Avocat Général Bot du 10 mars 2011 - Oliver Brüstle contre Greenpeace eV - Directive 98/44/CE – Protection juridique des inventions biotechnologiques – Obtention de cellules précurseurs à partir de cellules souches embryonnaires humaines – Brevetabilité – Exclusion des ‘utilisations d’embryons humains à des fins industrielles ou commerciales’ – Notions d’‘embryon humain’ et d’‘utilisation à des fins industrielles ou commerciales’ – Respect du principe de la dignité humaine

[CURIA – Conclusions de l’Avocat Général C-34/10 de la Cour de Justice du 10 mars 2011 \(FR seulement\)](#)

Affaires jointes C-431/09 et C-432/09 : Conclusions de l’Avocat Général Jääskinen du 17 mars 2011 - Airfield NV, Canal Digitaal BV contre Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (Sabam) et Airfield NV contre Agicoa Belgium BVBA - Rapprochement des législations – Droit d’auteur et droits voisins – Directive 93/83/CEE – Radiodiffusion par satellite – Droit exclusif de l’auteur d’autoriser la communication de ses œuvres – Acte de communication au public par satellite – Organisme de radiodiffusion – Fournisseur de bouquets de chaînes de télévision satellitaires

[CURIA – Conclusions de l’Avocat Général C-431/09 et C-432/09 de la Cour de Justice du 17 mars 2011 \(FR seulement\)](#)

Case C-552/09 P: Judgment of the Court (Fifth Chamber) of 24 March 2011 - Ferrero SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), Tirol Milch reg.Gen.mbH Innsbruck - Appeal – Community trade mark – Regulation (EC) No 40/94 – Community figurative mark TiMi KINDERJOGHURT – Earlier word mark KINDER – Invalidity proceedings – Article 52(1)(a) – Article 8(1)(b) and (5) – Assessment of the similarity of the signs – Family of marks

[CURIA – Judgment in Case C-552/09 P of the Court of Justice of 24 March 2011 - FR](#)

Case C-323/09: Opinion of Advocate General Jääskinen of 24 March 2011 - Interflora Inc, Interflora British Unit v Marks & Spencer plc, Flowers Direct Online Limited - Trade marks – Keyword advertising corresponding to the trade mark of a competitor of the advertiser – Trade marks with a reputation – Blurring – Tarnishment – Free-riding – Directive 89/104 – Article 5(2) – Regulation No 40/94 – Article 9(1)(c)

[CURIA – Opinion of Advocate General C-323/09 of the Court of Justice of 24 March 2011 - FR](#)

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

Community Legislation

REGULATION (EU) No 211/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 February 2011 on the citizens’ initiative

[OJ of the EU, L 65/1 of 11 March 2011 - FR](#)

Case Law

Affaire C-87/10 : Conclusions de l'Avocat Général Kokott du 3 mars 2011 - Electrosteel Europe sa contre Edil Centro SpA - Règlement (CE) n° 44/2001 du Conseil – Compétence judiciaire et exécution des décisions en matière civile et commerciale – Article 5, point 1, sous b), du règlement (CE) n° 44/2001 – Notion de lieu où, en vertu du contrat, les marchandises ont été ou auraient dû être livrées – Clauses commerciales

[CURIA – Conclusions de l'Avocat Général C-87/10 de la Cour de Justice du 3 mars 2011 \(FR seulement\)](#)

Affaire C-396/09 : Conclusions de l'Avocat Général Kokott du 10 mars 2011 - Interdil Srl, en liquidation contre Fallimento Interdil Srl, Intesa Gestione Crediti SpA - Demande de décision préjudicielle – Règlement (CE) n° 1346/2000 – Procédures d'insolvabilité – Compétence internationale – Article 3, paragraphe 1, du règlement n° 1346/2000 – Centre des intérêts principaux du débiteur – Présomption en faveur du lieu du siège statutaire – Transfert du siège statutaire dans un autre État membre – Article 3, paragraphe 2, sous h), du règlement n° 1346/2000 – Notion d'«établissement» – Pouvoir d'une juridiction nationale ne statuant pas en dernière instance de s'adresser à la Cour

[CURIA – Conclusions de l'Avocat Général C-396/09 de la Cour de Justice du 10 mars 2011 \(FR seulement\)](#)

Case C-29/10: Judgment of the Court (Grand Chamber) of 15 March 2011 - Heiko Koelzsch v État du Grand-Duché de Luxembourg - Rome Convention on the law applicable to contractual obligations – Contract of employment – Choice made by the parties – Mandatory rules of the law applicable in the absence of choice – Determination of that law – Notion of the country in which the employee 'habitually carries out his work' – Employee carrying out his work in more than one Contracting State

[CURIA – Judgment in Case C-29/10 of the Court of Justice of 15 March 2011 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Proposal for a COUNCIL REGULATION on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes

[COM\(2011\) 126/2 of 16 March 2011 - FR](#)

Proposal for a COUNCIL REGULATION on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships

[COM\(2011\) 127/2 of 16 March 2011 - FR](#)

Opinion of the European Economic and Social Committee on the Green Paper from the Commission on policy options for progress towards a European contract law for consumers and businesses COM(2010) 348 final (2011/C 84/01)

[OJ of the EU, C 84/1 of 17 March 2011 - FR](#)

16. Transport

Case Law

Joined Cases C-128/10 and C-129/10: Judgment of the Court (Eighth Chamber) of 17 March 2011 - Navtiliaki Etairia Thasou AE (C-128/10), Amalthia I Navtiki Etairia (C-129/10) v Ipourgos Emborikis Navtilías - Reference for a preliminary ruling – Freedom to provide services – Maritime cabotage – Regulation (EEC) No 3577/92 – Articles 1 and 4 – Prior administrative authorisation for cabotage services – Review of conditions relating to the safety of ships – Maintenance of order in ports – Public service obligations – Absence of precise criteria known in advance

[CURIA – Judgment in Joined Cases C-128/10 and C-129/10 of the Court of Justice of 17 March 2011 - FR](#)

17. Community Institutions and Principles

Case Law

Case C-506/08 P: Opinion of Advocate General Kokott of 3 March 2011 - Kingdom of Sweden v European Commission - Appeal – **Access to documents – Regulation (EC) No 1049/2001 – Refusal of access** – Exception relating to the protection of the decision-making process – Exception relating to the protection of court proceedings and legal advice – Overriding public interest in disclosure – Documents relating to Commission decisions on concentrations – Acquisition of First Choice plc by Airtours plc

[CURIA – Opinion of Advocate General C-506/08 P of the Court of Justice of 03 March 2011 - FR](#)