



Institut suisse de droit comparé  
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Swiss Institute of Comparative Law

# 50

## Highlights

**DIRECTIVE 2011/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2011 on the application of patients' rights in cross-border healthcare**  
[OJ of the EU, L 88/45 of 4 April 2011 - FR](#)

**Affaires C-509/09 et C-161/10 : Conclusions de l'Avocat Général Villalón du 29 mars 2011 - eDate Advertising GmbH contre X (C-509/09) et Olivier Martinez & Robert Martinez contre Société MGN Limited (C-161/10) - Compétence judiciaire en matière civile et commerciale - Règlement (CE) n° 44/2001 - Compétence 'en matière délictuelle ou quasi délictuelle' - Violation de droits de la personnalité susceptible d'avoir été commise au moyen de la publication d'informations sur Internet**  
[CURIA - Arrêt dans les affaires C-509/09 et C-161/10 de la Cour de Justice du 29 mars 2011 \(FR seulement\)](#)

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April – May 2011

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## Table of contents

1. EU-Swiss Relations .....	2
2. External Relations / Foreign Policy .....	2
3. Agriculture and Fisheries / Maritime Affairs .....	3
4. Audiovisual and Media and Information Society .....	4
5. Competition .....	4
6. Customs .....	6
7. Economic and Monetary Affairs, Taxation, Enterprise .....	6
9. Employment and Social Affairs .....	8
10. Energy and Environment .....	9
11. Food Safety, Public Health and Consumers .....	11
12. Human Rights .....	12
13. Internal Market and Single Market .....	13
14. Intellectual Property .....	17
15. Justice, Freedom and Security (incl. Judicial Cooperation) .....	19
16. Transport .....	21
17. Community Institutions, Principles and the Community's own resources .....	21

This two months 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

Information concerning **the date of entry into force of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed in Lugano on 30 October 2007**

[OJ of the EU, C 138/1 of 26 May 2011 - FR](#)

### Community Legislation

**REGULATION (EU) No 493/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 5 April 2011 **amending** Council Regulation (EC) No 377/2004 on the **creation of an immigration liaison officers network**

[OJ of the EU, C 141/13 of 27 May 2011 - FR](#)

**DECISION** No 1/2011 OF THE **JOINT COMMITTEE ON AGRICULTURE** SET UP BY THE AGREEMENT BETWEEN THE **EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS** of 31 March 2011 concerning the amendment of Annex 3 to the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products** (2011/216/EU)

[OJ of the EU, L 90/53 of 6 April 2011 - FR](#)

## 2. External Relations / Foreign Policy

### International Agreements

The **Agreement between the Kingdom of Norway and the European Union** on a Norwegian **Financial Mechanism for the period 2009-2014** (1), signed in Brussels on 28 July 2010, **is provisionally applicable**, by virtue of Article 9, third paragraph of the Agreement, since 1 January 2011.

[OJ of the EU, C 140/1 of 27 May 2011 - FR](#)

### Community Legislation

**REGULATION (EU) No 493/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 5 April 2011 **amending** Council Regulation (EC) No 377/2004 on the **creation of an immigration liaison officers network**

[OJ of the EU, C 141/13 of 27 May 2011 - FR](#)

**DIRECTIVE 2011/51/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2011 **amending** Council Directive 2003/109/EC **to extend its scope to beneficiaries of international protection** (Text with EEA relevance)

[OJ of the EU, L 32/1 of 19 May 2011 - FR](#)

### Case Law

**Affaire C-371/08 : Conclusions de l'Avocat Général Bot du 14 avril 2011 (1) - Nural Ziebell contre Land Baden-Württemberg - Accord d'association CEE-Turquie – Décision n° 1/80 du conseil d'association – Article 7, premier alinéa** – Ressortissant turc ayant séjourné les dix années précédant la décision d'éloignement sur le territoire de l'État membre d'accueil – Condamnations pénales – Extension du champ d'application de l'article 28, paragraphe 3, sous a), de la directive 2004/38/CE – Éloignement uniquement pour des raisons impérieuses de sécurité publique

[CURIA – Conclusions de l'Avocat Général C-371/08 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Case C-186/10: Opinion of Advocate General Kokott of 14 April 2011 - Tural Oguz v Secretary of State for the Home Department - EEC-Turkey Association Agreement – Article 41(1) of the Additional Protocol – Standstill clause – Scope** – Prohibition on Member States introducing new restrictions regarding the admission of Turkish nationals to their territory for the purpose of the exercise of freedom of establishment – Abuse of rights

[CURIA – Opinion of Advocate General C-186/10 of the Court of Justice of 14 April 2011 - FR](#)

**Case C-485/07: Judgment of the Court (First Chamber) of 26 May 2011 - Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen v H. Akdas and Others - EEC-Turkey Association – Social security for migrant workers – Waiving of residence clauses – Scope** – Supplement to the invalidity pension paid by the host Member State in order to ensure a minimum standard of living for the recipients – Amendment of national legislation – Withdrawal of that supplement when the recipient resides outside the territory of the Member State concerned

[CURIA – Judgment in Case C-485/07 of the Court of Justice of 26 May 2011 - FR](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Community Legislation

**COMMISSION IMPLEMENTING DECISION** of 4 April 2011 implementing Council Directive 97/78/EC as regards **transshipment at the border inspection post of introduction of consignments of products intended for import into the Union or for third countries** (notified under document C(2011) 2067) (Text with EEA relevance) (2011/215/EU)

[OJ of the EU, L 90/50 of 6 April 2011 - FR](#)

**DECISION** No 1/2011 OF THE **JOINT COMMITTEE ON AGRICULTURE** SET UP BY THE AGREEMENT BETWEEN THE **EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON TRADE IN AGRICULTURAL PRODUCTS** of 31 March 2011 concerning the amendment of Annex 3 to the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products** (2011/216/EU)

[OJ of the EU, L 90/53 of 6 April 2011 - FR](#)

#### Case Law

**L'affaire C-321/09 P : Arrêt de la Cour (cinquième chambre) of 7 avril 2011 - République hellénique contre Commission européenne - Pourvoi – FEOGA – Dépenses exclues du financement communautaire pour non-conformité aux règles communautaires** – Dépenses effectuées par la République hellénique

[CURIA – Arrêt dans l'affaire C-321/09 P de la Cour de Justice du 7 avril 2011 \(FR seulement\)](#)

**Joined Cases C-42/10, C-45/10 and C-57/10: Judgment of the Court (Third Chamber) of 14 April 2011 - Vlaamse Dierenartsenvereniging VZW, Marc Janssens (C-42/10 and C-45/10) and Vlaamse Dierenartsenvereniging VZW (C-57/10) v Belgische Staat - Veterinary and zootechnical sector – Regulation (EC) No 998/2003** – Animal health conditions applicable to non-commercial movement of pet animals – Decision 2003/803/EC – Model passport for the intra-Community movements of dogs, cats and ferrets

[CURIA – Judgment in Joined Cases C-42/10, C-45/10 and C-57/10 of the Court of Justice of 14 April 2011 - FR](#)

**Joined Cases C-230/09 and C-231/09: Judgment of the Court (First Chamber) of 5 May 2011 - Hauptzollamt Koblenz (C-230/09) v Kurt Etling und Thomas Etling in GbR and Hauptzollamt Oldenburg (C-231/09) v Theodor Aissen, Hermann Rohaan - Agriculture – Milk and dairy sector – Regulation (EC) No 1788/2003 – Levy in the milk and dairy sector – Regulation (EC) No 1782/2003 – Direct support schemes under the common agricultural policy** – Transfer of individual reference quantities – Repercussions on the calculation of the levy – Repercussions on the calculation of the dairy premium

[CURIA – Judgment in joined Cases C-230/09 and C-231/09 of the Court of Justice of 3 May 2011 - FR](#)

## 4. Audiovisual and Media and Information Society

### Case Law

**Affaires Jointes C-244/10 et C-245/10 : Conclusions de l'Avocat Général Bot du 5 mai 2011 - Mesopotamia Broadcast A/S METV et Roj TV A/S contre Bundesrepublik Deutschland - Coordination de certaines dispositions législatives, réglementaires et administratives des États membres relatives à l'exercice d'activités de radiodiffusion télévisuelle** – Possibilité pour un État membre d'interdire sur son territoire l'activité d'un organisme de radiodiffusion télévisuelle établi dans un autre État membre au motif d'une atteinte à l'entente entre les peuples

[CURIA – Conclusions de l'Avocat Général C-244/10 et C-245/10 de la Cour de Justice du 5 mai 2011 \(FR seulement\)](#)

**Affaire C-70/10 : Conclusions de l'Avocat Général Villalón du 14 avril 2011 - Scarlet Extended SA contre Société belge des auteurs compositeurs et éditeurs (Sabam) - Société de l'information – Droits de propriété intellectuelle – Directive 2004/48/CE – Droit d'auteur et droits voisins – Directive 2001/29/CE – Téléchargement illégal sur Internet – Échanges de fichiers au moyen de logiciels 'peer-to-peer'** – Système de filtrage des communications électroniques – Mécanisme de blocage des fichiers échangés en violation de droits de propriété intellectuelle – Droit au respect de la vie privée – Protection des données personnelles – Articles 7 et 8 de la charte – Article 8 de la CEDH – Directive 95/46/CE – Directive 2002/58/CE – Confidentialité des communications – Droit à la liberté d'expression – Article 11 de la charte – Article 10 de la CEDH – Responsabilité des prestataires intermédiaires de services – Obligation générale de surveillance des informations – Directive 2000/31/CE – État de droit – Limitation des droits et libertés 'prévues par la loi' – Qualité de la loi – Prééminence du droit

[CURIA – Conclusions de l'Avocat Général C-70/10 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Affaires C-509/09 et C-161/10 : Conclusions de l'Avocat Général Villalón du 29 mars 2011 - eDate Advertising GmbH contre X (C-509/09) et Olivier Martinez & Robert Martinez contre Société MGN Limited (C-161/10) - Compétence judiciaire en matière civile et commerciale – Règlement (CE) n° 44/2001 – Compétence 'en matière délictuelle ou quasi délictuelle' – Violation de droits de la personnalité susceptible d'avoir été commise au moyen de la publication d'informations sur Internet** – Article 5, point 3 – Définition du 'lieu où le fait dommageable s'est produit ou risque de se produire' – Applicabilité de la jurisprudence Shevill de la Cour de justice – Directive 2000/31/CE – Article 3, paragraphes 1 et 2 – Détermination de l'existence d'une règle de conflit en matière de droits de la personnalité

[CURIA – Arrêt dans les affaires C-509/09 et C-161/10 de la Cour de Justice du 29 mars 2011 \(FR seulement\)](#)

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

**EUROPEAN COMMISSION CALL FOR PROPOSALS** — EACEA/14/11 MEDIA 2007 — **Promotion/Access to markets** (2011/C 123/09)

[OJ of the EU, C 123/13 of 21 April 2011 - FR](#)

## 5. Competition

### Case Law

**Case C-352/09 P: Judgment of the Court (Grand Chamber) of 29 March 2011 - ThyssenKrupp Nirosta GmbH, formerly ThyssenKrupp Stainless AG v European Commission - Appeals – Competition – Agreements, decisions and concerted practices – Community market in stainless steel flat products** – Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 – Powers of the Commission – Principles of nulla poena sine lege and res judicata – Rights of the defence – Attributability of the unlawful conduct – Transfer of liability by means of a statement – Limitation period – Cooperation during the administrative procedure

[CURIA – Judgment in Case C-352/09 P of the Court of Justice of 29 March 2011 - FR](#)

**Joined Cases C-201/09 P and C-216/09 P: Judgment of the Court (Grand Chamber) of 29 March 2011 - ArcelorMittal Luxembourg SA, formerly Arcelor Luxembourg SA (C-201/09 P) v European Commission and European Commission (C-216/09 P) v ArcelorMittal Luxembourg SA, formerly Arcelor Luxembourg SA, ArcelorMittal Belval & Differdange SA, formerly Arcelor Profil Luxembourg SA, ArcelorMittal International SA, formerly Arcelor International SA - Appeals – Competition – Agreements, decisions and concerted practices – Community market in steel beams – Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 – Powers of the Commission – Attributability of the unlawful conduct – Res judicata – Rights of the defence – Limitation period – Suspension of the limitation period – Effect erga omnes or inter partes – No statement of reasons**

[CURIA – Judgment in Joined Cases C-201/09 P and C-216/09 P of the Court of Justice of 29 March 2011 - FR](#)

**Joined Cases C-106/09 P and C-107/09 P: Opinion of Advocate General Jääskinen of 7 April 2011 - European Commission (C-106/09 P), Kingdom of Spain (C-107/09 P) v Government of Gibraltar and United Kingdom - Appeals – Scheme of State aid – Reform of Gibraltar corporate tax – Powers of the Member States in the field of direct taxation – Concept of advantage – Regional and material selectivity – Tax haven – Offshore companies**

[CURIA – Opinion of Advocate General in joined cases C-106/09 P and C-107/09 P of the Court of Justice of 7 April 2011 - FR](#)

**Case C-331/09: Judgment of the Court (First Chamber) of 14 April 2011 - European Commission v Republic of Poland - Failure of a Member State to fulfil obligations – State aid – Aid granted by the Republic of Poland to Technologie Buczek Group – Commission decision declaring that aid to be incompatible with the common market and ordering its recovery – Failure to implement within the prescribed period**

[CURIA – Judgment in Case C-331/09 of the Court of Justice of 14 April 2011 - FR](#)

**Affaire C-110/10 P : Conclusions de l'Avocat Général Kokott du 14 avril 2011 - Solvay SA contre Commission européenne - Pourvoi – Concurrence – Entente (article 81 CE) – Droits de la défense – Droit d'accès au dossier – Perte d'éléments du dossier – Droit d'être entendu – Principe du délai raisonnable – Durée excessive de la procédure – Marché européen de la soude**

[CURIA – Conclusions de l'Avocat Général C-110/10 P de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Case C-109/10 P: Opinion of Advocate General Kokott of 14 April 2011 - Solvay SA v European Commission - Appeals – Competition – Abuse of a dominant position (Article 82 EC) – Fidelity rebate – Discrimination against business partners – Rights of the defence – Access to the file – Loss of documents in the administrative procedure – Right to a hearing – Prohibition on the use of evidence (Article 20(1) of Regulation No 17) – Right to have a matter adjudicated upon within a reasonable time – Excessive length of the proceedings – European market for soda ash**

[CURIA – Opinion of Advocate General C-109/10 P of the Court of Justice of 14 April 2011 - FR](#)

**Case C-375/09: Judgment of the Court (Grand Chamber) of 3 May 2011 - Prezes Urzędu Ochrony Konkurencji i Konsumentów v Tele2 Polska sp. z o.o., now Netia SA - Competition – Regulation (EC) No 1/2003 – Article 5 – Abuse of a dominant position – Powers of the competition authorities of the Member States to find that there has been no breach of Article 102 TFEU**

[CURIA – Judgment in Case C-375/09 of the Court of Justice of 3 May 2011 - FR](#)

**Affaire C-209/10 : Conclusions de l'Avocat Général Mengozzi du 24 mai 2011 - Post Danmark A/S contre Konkurrenserådet - Article 102 TFUE – Marché danois du publipostage – Abus de position dominante – Réduction sélective des prix de distribution de courrier non adressé – Prix inférieurs aux coûts totaux moyens – Prix supérieurs aux coûts incrémentaux moyens – Éviction d'un concurrent – Intention – Effet – Pratique de prix discriminatoires – Prix prédateurs**

[CURIA – Conclusions de l'Avocat Général C-209/10 de la Cour de Justice du 24 mai 2011 \(FR seulement\)](#)

## 6. Customs

### Community Legislation

**COMMISSION DECISION** of 29 March 2011 pursuant to Regulation (EC) No 45/2001 of the European Parliament and of the Council on the **adequate level of protection provided by Japan for personal data transferred from the European Union in the specific cases** of transfer by the European Commission to Japanese customs authorities under Decision No 1/2010 of the Joint Customs Cooperation Committee pursuant to Article 21 of the Agreement between the **European Community and the Government of Japan on cooperation and mutual administrative assistance in customs matters regarding mutual recognition of authorised economic operator programmes** in the European Union and in Japan and for the exclusive and specific purposes of Decision No 1/2010 of the Joint Customs Cooperation Committee (2011/197/EU)

[OJ of the EU, L 85/8 of 31 March 2011 - FR](#)

### Case Law

**Case C-546/09: Judgment of the Court (Fifth Chamber) of 31 March 2011 - Aurubis Bulgaria AD v Nachalnik na Mitnitsa Stolichna, formerly Nachalnik na Mitnitsa Sofia - Customs Code – Customs duties – Customs debt on importation** – Interest on arrears – Period for the collection of interest on arrears – Compensatory interest

[CURIA – Judgment in Case C-546/09 of the Court of Justice of 31 March 2011 - FR](#)

**Case C-153/10: Judgment of the Court (Sixth Chamber) of 7 April 2011 - Staatssecretaris van Financiën v Sony Supply Chain Solutions (Europe) BV, formerly Sony Logistics Europe BV - Regulation (EEC) No 2913/92 – Community Customs Code – Articles 12(2) and (5), 217(1) and 243 – Regulation (EEC) No 2454/93 – Implementing provisions of Regulation No 2913/92 – Articles 10 and 11 – Classification of goods** – Binding tariff information – Invocation by a trader other than the holder with respect to the same goods – Legitimate expectation

[CURIA – Judgment in Case C-153/10 of the Court of Justice of 7 April 2011 - FR](#)

**Joined Cases C-288/09 and C-289/09: Judgment of the Court (Second Chamber) of 14 April 2011 - British Sky Broadcasting Group plc (C-288/09) and Pace plc (C-289/09) v The Commissioners for Her Majesty's Revenue & Customs - Common Customs Tariff – Tariff classification – Combined Nomenclature** – Digital satellite television receivers and decoders with a recording function – Community Customs Code – Article 12(5)(a)(i) and (6) – Period of validity of a binding tariff information

[CURIA – Judgment in Joined Cases C-288/09 and C-289/09 of the Court of Justice of 14 April 2011 - FR](#)

**Case C-423/10: Judgment of the Court (Eighth Chamber) of 18 May 2011 - Delphi Deutschland GmbH v Hauptzollamt Düsseldorf - Common Customs Tariff – Combined Nomenclature – Classification for customs purposes – Electrical connectors** – Subheading 8536 69 – Plugs and sockets

[CURIA – Judgment in Case C-423/10 of the Court of Justice of 18 May 2011 - FR](#)

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

### Community Legislation

**COMMISSION DECISION** of 12 January 2011 on the **tax amortisation of financial goodwill** for **foreign shareholding acquisitions** No C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (*notified under document C(2010) 9566*) (Only the Spanish text is authentic) (Text with EEA relevance) (2011/282/EU)

[OJ of the EU, L 135/1 of 21 May 2011 - FR](#)

**DIRECTIVE 2011/35/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 5 April 2011 concerning **mergers of public limited liability companies** (codification) (Text with EEA relevance)

[OJ of the EU, L 110/1 of 29 April 2011 - FR](#)

## Case Law

**Case C-450/09: Judgment of the Court (Second Chamber) of 31 March 2011 - Ulrich Schröder v Finanzamt Hameln - Free movement of capital – Direct taxation – Taxation of income from the letting of immovable property** – Deductibility of annuities paid to a relative in the context of an anticipated succession inter vivos – Condition of being subject to unlimited tax liability in the Member State at issue  
[CURIA – Judgment in Case C-450/09 of the Court of Justice of 31 March 2011 - FR](#)

**Case C-402/09: Judgment of the Court (First Chamber) of 7 April 2011 - Ioan Tatu v Statul român prin Ministerul Finanțelor și Economiei and Others - Internal taxation – Article 110 TFEU – Pollution tax charged on first registration of motor vehicles** – Neutrality of tax between imported second-hand motor vehicles and similar vehicles already on the domestic market  
[CURIA – Judgment in Case C-402/09 of the Court of Justice of 7 April 2011 - FR](#)

**Affaires jointes C-180/10 et C-181/10 : Conclusions de l'Avocat Général Mazák du 12 avril 2011 - Jarosław Staby contre Minister Finansów (C-180/10) et Emilian Kuć & Halina Jeziorska-Kuć contre Dyrektor Izby Skarbowej w Warszawie (C-181/10) - Taxe sur la valeur ajoutée – Assujetti – Activité économique** – Vente d'un terrain acquis comme terrain agricole et transformé ensuite en terrain à bâtir  
[CURIA – Arrêt dans les affaires C-180/10 et C-181/10 de la Cour de Justice du 12 avril 2011 \(FR seulement\)](#)

**Affaire C-390/10 : Arrêt de la Cour (huitième chambre) du 14 avril 2011 - Commission européenne contre Grand-Duché de Luxembourg - 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-390/10 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Affaire C-453/09 : Arrêt de la Cour (septième chambre) du 12 mai 2011 - Commission européenne contre République fédérale d'Allemagne - Manquement d'État – Taxe sur la valeur ajoutée – Directive 2006/112/CE – Application d'un taux réduit** – Animaux vivants normalement destinés à être utilisés dans la préparation des denrées alimentaires pour la consommation humaine et animale – Livraisons, importations et acquisitions de certains animaux vivants, notamment des chevaux  
[CURIA – Arrêt dans l'affaire C-453/09 de la Cour de Justice du 12 mai 2011 \(FR seulement\)](#)

**Affaire C-441/09 : Arrêt de la Cour (septième chambre) du 12 mai 2011 - Commission européenne contre République d'Autriche - Manquement d'État – Taxe sur la valeur ajoutée – Directive 2006/112/CE – Application d'un taux réduit** – Animaux vivants normalement destinés à être utilisés dans la préparation des denrées alimentaires pour la consommation humaine et animale – Livraisons, importations et acquisitions de certains animaux vivants, notamment des chevaux  
[CURIA – Arrêt dans l'affaire C-441/09 de la Cour de Justice du 12 mai 2011 \(FR seulement\)](#)

**Case C-397/09: Opinion of the Advocate General Sharpston of 12 May 2011 - Scheuten Solar Technology GmbH v Finanzamt Gelsenkirchen-Süd - Taxation – Interest payments between associated companies of different Member States** – Deductibility of payments when determining the basis of taxation of the company making interest payments  
[CURIA – Judgment in Case C-397/09 of the Court of Justice of 12 May 2011 - FR](#)

**Case C-107/10: Judgment of the Court (Third Chamber) of 12 May 2011 - Enel Maritsa Iztok 3 AD v Direktor 'Obzhalvane i upravljenie na izpalnenieto' NAP - Reference for a preliminary ruling – VAT – Directives 77/388/EEC and 2006/112/EC – Refund – Time-limit – Interest – Set-off** – Principles of fiscal neutrality and proportionality – Protection of legitimate expectations  
[CURIA – Judgment in Case C-107/10 of the Court of Justice of 12 May 2011 - FR](#)

**Affaire C-274/10 : Conclusions de l'Avocat Général Bot du 26 mai 2011 - Commission européenne contre République de Hongrie - Manquement d'État – Fiscalité – Taxe sur la valeur ajoutée** – Réglementation nationale ne permettant le remboursement de l'excédent de TVA que dans la mesure où celui-ci excède le montant de la taxe résultant des opérations non encore payées – Principe de neutralité fiscale  
[CURIA – Arrêt dans l'affaire C-274/10 de la Cour de Justice du 26 mai 2011 \(FR seulement\)](#)

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

**OPINION OF THE EUROPEAN CENTRAL BANK** of 4 May 2011 on a **proposal for a directive** of the European Parliament and of the Council **amending Directives 2003/71/EC and 2009/138/EC** in respect of the **powers of the European Insurance and Occupational Pensions Authority** and the **European Securities and Markets Authority** (CON/2011/42)

[OJ of the EU, C 159/10 of 28 May 2011 - FR](#)

**OPINION OF THE EUROPEAN CENTRAL BANK** of 7 April 2011 on a **proposal for a Regulation** establishing **technical requirements for credit transfers and direct debits in euro** (CON/2011/32) (2011/C 155/01)

[OJ of the EU, C 155/1 of 25 May 2011 - FR](#)

**OPINION OF THE EUROPEAN CENTRAL BANK** of 17 March 2011 on a **draft European Council Decision amending Article 136 of the Treaty on the Functioning of the European Union** with regard to a **stability mechanism for Member States whose currency is the euro** (CON/2011/24) (2011/C 140/05)

[OJ of the EU, C 140/5 of 11 May 2011 - FR](#)

**OPINION OF THE EUROPEAN CENTRAL BANK** of 16 February 2011 on a **proposal for a directive** of the European Parliament and of the Council on **deposit guarantee schemes** (recast) and on a proposal for a directive amending Directive 97/9/EC of the European Parliament and of the Council on **investor-compensation schemes** (CON/2011/12) (2011/C 99/01)

[OJ of the EU, C 99/1 of 31 March 2011 - FR](#)

## 9. Employment and Social Affairs

### Community Legislation

**REGULATION (EU) No 492/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 5 April 2011 on **freedom of movement for workers** within the Union (codification) (Text with EEA relevance)

[OJ of the EU, L 141/1 of 27 May 2011 - FR](#)

### Case Law

**Affaire C-108/10 : Conclusions de l'Avocat Général Bot du 5 avril 2011 - Ivana Scattolon contre Ministero dell'Istruzione, dell'Università e della Ricerca - Politique sociale – Directive 77/187/CEE – Maintien des droits des travailleurs en cas de transferts d'entreprises – Transfert du personnel d'une personne publique vers une autre personne publique** – Reconnaissance par la législation d'un État membre, telle qu'interprétée par la juridiction suprême dudit État, de l'ancienneté acquise avant ledit transfert en tant que droit à maintenir – Adoption d'une loi rétroactive écartant cette interprétation – Interdiction pour les États membres d'interférer, par l'adoption de lois rétroactives, avec des actions judiciaires en cours – Principe de protection juridictionnelle effective – Charte des droits fondamentaux de l'Union européenne – Article 47

[CURIA – Arrêt dans l'affaire C-108/10 de la Cour de Justice du 5 avril 2011 \(FR seulement\)](#)

**Affaire C-305/10 : Arrêt de la Cour (cinquième chambre) du 7 avril 2011 - Commission européenne contre Grand-Duché de Luxembourg** - Manquement d'État – **Transport ferroviaire – Directive 2005/47/CE** – Conditions d'utilisation des travailleurs mobiles effectuant des services d'interopérabilité transfrontalière dans le secteur ferroviaire – Accord des partenaires sociaux sectoriels au niveau européen – Défaut de transposition dans le délai prescrit

[CURIA – Arrêt dans l'affaire C-305/10 de la Cour de Justice du 7 avril 2011 \(FR seulement\)](#)

**Case C-537/09: Judgment of the Court (Fourth Chamber) of 5 May 2011 - Ralph James Bartlett, Natalio Gonzalez Ramos, Jason Michael Taylor v Secretary of State for Work and Pensions** - Reference for a preliminary ruling – **Regulation (EEC) No 1408/71 – Mobility component of Disability Living Allowance** – Separate benefit – Special non-contributory benefit – Non-exportability

[CURIA – Judgment in Case C-537/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-206/10: Judgment of the Court (Fifth Chamber) of 5 May 2011 - European Commission v Federal Republic of Germany** - Failure of a Member State to fulfil obligations – **Regulation (EEC) No 1408/71 – Article 4(1)(a) – Regulation (EEC) No 1612/68 – Article 7(2)** – German Länder benefits for the blind, the deaf and the disabled – Residence qualification

[CURIA – Judgment in Case C-206/10 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-147/08: Judgment of the Court (Grand Chamber) of 10 May 2011 - Jürgen Römer v Freie und Hansestadt Hamburg** - **Equal treatment in employment and occupation – General principles of European Union law – Article 157 TFEU – Directive 2000/78/EC – Scope – Concept of ‘pay’ – Exclusions** – Occupational pension scheme in the form of a supplementary retirement pension for former employees of a local authority and their survivors – Method of calculating that pension favouring married recipients over those living in a registered life partnership – Discrimination based on sexual orientation

[CURIA – Judgment in Case C-147/08 of the Court of Justice of 10 May 2011 - FR](#)

**Case C-177/10: Opinion of Advocate General Sharpston of 12 May 2011 - Francisco Javier Rosado Santana v Consejería de Justicia y Administración Pública de la Junta de Andalucía** - **Social policy – Fixed-term work – Civil service – Principle of non-discrimination** – Temporary staff

[CURIA – Opinion of Advocate General C-177/10 of the Court of Justice of 12 May 2011 - FR](#)

**Affaire C-447/09 : Conclusions de l’Avocat Général Villalón du 19 mai 2011 - Reinhard Prigge, Michael Fromm, Volker Lambach contre Deutsche Lufthansa AG** - **Égalité de traitement en matière d’emploi et de travail – Directive 2000/78/CE – Interdiction de la discrimination fondée sur l’âge – Article 2, paragraphe 5 – Article 4, paragraphe 1 – Article 6, paragraphe 1 – Articles 21 et 28 de la charte des droits fondamentaux** – Convention collective prévoyant la cessation à soixante ans de la relation de travail (‘retraite forcée’) des pilotes d’une compagnie aérienne – Sécurité aérienne – Autonomie de la négociation collective – Exigences professionnelles substantielles et déterminantes – Politique sociale – Proportionnalité

[CURIA – Conclusions de l’Avocat Général C-447/09 de la Cour de Justice du 19 mai 2011 \(FR seulement\)](#)

**Joined Cases C-256/10 and C-261/10: Judgment of the Court (Seventh Chamber) of 19 May 2011 - David Barcenilla Fernández (C-256/10), Pedro Antonio Macedo Lozano (C-261/10) v Gerardo García SL** - **Directive 2003/10/EC – Exposure values – Noise** – Hearing protection – Effectiveness

[CURIA – Judgment in Joined Cases C-256/10 and C-261/10 of the Court of Justice of 19 May 2011 - FR](#)

**Case C-485/07: Judgment of the Court (First Chamber) of 26 May 2011 - Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen v H. Akdas and Others** - **EEC-Turkey Association – Social security for migrant workers – Waiving of residence clauses – Scope** – Supplement to the invalidity pension paid by the host Member State in order to ensure a minimum standard of living for the recipients – Amendment of national legislation – Withdrawal of that supplement when the recipient resides outside the territory of the Member State concerned

[CURIA – Judgment in Case C-485/07 of the Court of Justice of 26 May 2011 - FR](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION DECISION** of 27 April 2011 **determining transitional Union-wide rules** for harmonised free **allocation of emission allowances** pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (*notified under document C(2011) 2772*) (2011/278/EU)

[OJ of the EU, L 130/1 of 17 May 2011 - FR](#)

### Case Law

**Affaire C-50/10 : Arrêt de la Cour (septième chambre) du 31 mars 2011 - Commission européenne contre République italienne** - Manquement d’État – **Environnement – Directive 2008/1/CE** – Prévention et réduction intégrées de la pollution – Conditions d’autorisation des installations existantes

[CURIA – Arrêt dans l’affaire C-50/10 de la Cour de Justice du 31 mars 2011 \(FR seulement\)](#)

**Case C-53/10: Opinion of Advocate General Sharpston of 14 April 2011 - Land Hessen v Franz Mücksch OHG - Environment – Control of major-accident hazards involving dangerous substances** – Appropriate distances between establishments where dangerous substances are present and buildings and areas of public use  
[CURIA – Opinion of Advocate General C-53/10 of the Court of Justice of 14 April 2011 - FR](#)

**Case C-522/09: Judgment of the Court (Fourth Chamber) of 14 April 2011 - European Commission v Romania - Failure of a Member State to fulfil obligations – Directive 79/409/EEC – Conservation of wild birds – Special protection areas** – Areas designated insufficient in number and size – Irregularity of the pre-litigation procedure – Inadmissibility of the action  
[CURIA – Judgment in Case C-522/09 of the Court of Justice of 14 April 2011 - FR](#)

**Affaire C-343/10 : Arrêt de la Cour (huitième chambre) du 14 avril 2011 - Commission européenne contre Royaume d'Espagne** - Manquement d'État – **Directive 91/271/CEE – Pollutions et nuisances** – Traitement des eaux urbaines résiduaires – Articles 3 et 4  
[CURIA – Arrêt dans l'affaire C-343/10 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Case C-2/10: Opinion of Advocate General Mazák of 14 April 2011 - Azienda Agro-Zootecnica Franchini sarl and Eolica di Altamura Srl v Regione Puglia - Environment – Directive 92/43/EEC – Conservation of natural habitats and of wild fauna and flora – Directive 79/409/EEC – Conservation of wild birds – Natura 2000 – Directive 2001/77/EC – Renewable energy sources** – National rules – Prohibition of location of wind turbines not intended for self-consumption in sites forming part of the ecological network Natura 2000 – No assessment of implications of project for site  
[CURIA – Opinion of Advocate General C-2/10 of the Court of Justice of 14 April 2011 - FR](#)

**Affaire C-265/10 : Arrêt de la Cour (huitième chambre) du 5 mai 2011 - Commission européenne contre Royaume de Belgique** - Manquement d'État – **Règlement (CE) n° 1907/2006 – Substances chimiques – Enregistrement, évaluation, autorisation de ces substances et restrictions applicables à celles-ci – Règlement REACH – Article 126** – Régime des sanctions en cas de violation de dispositions du règlement REACH – Absence de mise en œuvre dans le délai prescrit  
[CURIA – Arrêt dans l'affaire C-265/10 de la Cour de Justice du 5 mai 2011 \(FR seulement\)](#)

**Affaire C-479/10 : Arrêt de la Cour (cinquième chambre) du 10 mai 2011 - Commission européenne contre Royaume de Suède** - Manquement d'État – **Environnement – Directive 1999/30/CE – Contrôle de la pollution** – Valeurs limites pour les concentrations de PM10 dans l'air ambiant  
[CURIA – Arrêt dans l'affaire C-479/10 de la Cour de Justice du 10 mai 2011 \(FR seulement\)](#)

**Case C-115/09: Judgment of the Court (Fourth Chamber) of 12 May 2011 - Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg - Directive 85/337/EEC – Environmental impact assessment – Aarhus Convention – Directive 2003/35/EC – Access to justice** – Non-governmental organisations for the protection of the environment  
[CURIA – Judgment in Case C-115/09 of the Court of Justice of 12 May 2011 - FR](#)

**Case C-376/09: Judgment of the Court (Second Chamber) of 19 May 2011 - European Commission v Republic of Malta** - Failure of a Member State to fulfil obligations – **Regulation (EC) No 2037/2000 – Article 4(4)(v) and Article 16** – Requirement to decommission fire protection systems and fire extinguishers containing halons for non-critical uses on board ships – Exceptions – Critical uses of halons 1301 and 2402  
[CURIA – Judgment in Case C-376/09 of the Court of Justice of 19 May 2011 - FR](#)

Joined Cases C-128/09 to C-131/09, C-134/09 and C-135/09: Opinion of the Advocate General Sharpston of 19 May 2011 - Antoine Boxus and Willy Roua (Case C-128/09); Guido Durllet and Others (Case C-129/09); Paul Fastrez and Henriette Fastrez (Case C-130/09); Philippe Daras and Bernard Croiselet (Case C-131/09); Association des Riverains et Habitants des Communes Proches de l'Aéroport B.S.C.A. (Brussels South Charleroi Airport) ASBL - A.R.A.Ch and Bernard Page (Case C-134/09) and Association des Riverains et Habitants des Communes Proches de l'Aéroport B.S.C.A. (Brussels South Charleroi Airport) ASBL - A.R.A.Ch, Léon L'Hoir and Nadine Dartois (Case C-135/09) v Région wallonne - **Environmental impact assessment – Concept of 'specific national legislative act'** – Access to justice in environmental matters – Extent of right to judicial remedy

[CURIA – Judgment in Joined Cases C-128/09 to C-131/09, C-134/09 and C-135/09 of the Court of Justice of 19 May 2011 - FR](#)

Case C-538/09: Judgment of the Court (First Chamber) of 26 May 2011 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil obligations – **Environment – Directive 92/43/EEC – Article 6(3) – Special areas of conservation** – Appropriate assessment of the implications of a plan or project which is likely to have a significant effect on a protected site – Exemption from assessment of plans or projects which are subject to a declaratory scheme – Incorrect transposition

[CURIA – Judgment in Case C-538/09 of the Court of Justice of 26 May 2011 - FR](#)

Joined Cases C-165/09 to C-167/09: Judgment of the Court (First Chamber) of 26 May 2011 - Stichting Natuur en Milieu (C-165/09) and Others v College van Gedeputeerde Staten van Groningen; Stichting Natuur en Milieu (C-166/09) and Others v College van Gedeputeerde Staten van Zuid-Holland and Stichting Natuur en Milieu (C-167/09) and Others v College van Gedeputeerde Staten van Zuid-Holland - **Environment – Directive 2008/1/EC – Permit for the construction and operation of a power station – Directive 2001/81/EC – National emission ceilings for certain atmospheric pollutants** – Power of the Member States during the transitional period – Direct effect

[CURIA – Judgment in Joined Cases C-165/09 to C-167/09 of the Court of Justice of 26 May 2011 - FR](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

COMMISSION REGULATION (EU) No 440/2011 of 6 May 2011 on the **authorisation and refusal of authorisation of certain health claims made on foods and referring to children's development and health** (Text with EEA relevance)

[OJ of the EU, L 119/4 of 7 May 2011 - FR](#)

DECISION OF THE EEA JOINT COMMITTEE No 4/2011 of 11 February 2011 **amending Protocol 4 (Rules of origin) to the EEA Agreement**

[OJ of the EU, L 117/1 of 5 May 2011 - FR](#)

COMMISSION REGULATION (EU) No 432/2011 of 4 May 2011 **refusing to authorise certain health claims** made on foods, other than those **referring to the reduction of disease risk and to children's development and health** (Text with EEA relevance)

[OJ of the EU, L 115/1 of 5 May 2011 - FR](#)

COMMISSION REGULATION (EU) No 328/2011 of 5 April 2011 **implementing Regulation (EC) No 1338/2008** of the European Parliament and of the Council on **Community statistics on public health and health and safety at work, as regards statistics on causes of death** (Text with EEA relevance)

[OJ of the EU, L 90/22 of 6 April 2011 - FR](#)

DIRECTIVE 2011/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2011 on the **application of patients' rights in cross-border healthcare**

[OJ of the EU, L 88/45 of 4 April 2011 - FR](#)

**COMMISSION IMPLEMENTING REGULATION (EU) No 321/2011 of 1 April 2011 amending Regulation (EU) No 10/2011 as regards the restriction of use of Bisphenol A in plastic infant feeding bottles** (Text with EEA relevance)

[OJ of the EU, L 87/1 of 2 April 2011 - FR](#)

## Case Law

**Case C-427/09: Opinion of Advocate General Mengozzi of 31 March 2011 - Generics (UK) Ltd v Synaptech Inc - Regulation (EEC) No 1768/92 – Supplementary protection certificate** – Conditions for its grant – Concept of first marketing authorization

[CURIA – Opinion of Advocate General C-427/09 of the Court of Justice of 31 March 2011 - FR](#)

**Case C-195/09: Opinion of Advocate General Mengozzi of 31 March 2011 - Synthon BV v Merz Pharma GmbH & Co KG - Regulation No 1768/92 – Supplementary protection certificate** – Conditions for its grant – Concept of first marketing authorization

[CURIA – Opinion of Advocate General C-195/09 of the Court of Justice of 31 March 2011 - FR](#)

**Case C-53/10: Opinion of Advocate General Sharpston of 14 April 2011 - Land Hessen v Franz Mücksch OHG - Environment – Control of major-accident hazards involving dangerous substances** – Appropriate distances between establishments where dangerous substances are present and buildings and areas of public use

[CURIA – Opinion of Advocate General C-53/10 of the Court of Justice of 14 April 2011 - FR](#)

**Case C-316/09: Judgment of the Court (Third Chamber) of 5 May 2011 - MSD Sharp & Dohme GmbH v Merckle GmbH - Medicinal products for human use – Directive 2001/83/EC – Prohibition on the advertising to the general public of medicinal products available only on prescription** – Definition of ‘advertising’ – Information communicated to the competent authority – Information accessible on the internet

[CURIA – Judgment in Case C-316/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-249/09: Judgment of the Court (Third Chamber) of 5 May 2011 - Novo Nordisk AS v Ravimiamet - Medicinal products for human use – Directive 2001/83/EC – Advertising** – Medical journal – Information not included in the summary of product characteristics

[CURIA – Judgment in Case C-249/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-122/10: Judgment of the Court (Second Chamber) of 12 May 2011 - Konsumentombudsmannen v Ving Sverige AB - Reference for a preliminary ruling – Directive 2005/29/EC – Articles 2(i) and 7(4) – Commercial communication published in a newspaper** – Meaning of invitation to purchase – Entry-level price – Information which an invitation to purchase has to contain

[CURIA – Judgment in Case C-122/10 of the Court of Justice of 12 May 2011 - FR](#)

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

**POSITION (EU) No 7/2011 OF THE COUNCIL AT FIRST READING** with a view to the adoption of a Regulation of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC, 2008/5/EC and Regulation (EC) No 608/2004 Adopted by the Council on 21 February 2011 (Text with EEA relevance) (2011/C 102 E/01)

[OJ of the EU, C 102 E/1 of 2 April 2011 - FR](#)

## 12. Human Rights

### Community Legislation

**DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims**, and replacing Council Framework Decision 2002/629/JHA

[OJ of the EU, L 101/1 of 15 April 2011 - FR](#)

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

**Opinion of the European Data Protection Supervisor** on the **proposal for a Regulation** on the **marketing and use of explosives precursors** (2011/C 101/01)

[OJ of the EU, C 101/1 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the Communication from the Commission to the European Parliament and the Council — ‘**EU Internal Security Strategy in Action: Five steps towards a more secure Europe**’ (2011/C 101/02)

[OJ of the EU, C 101/6 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **Amended proposal for a Regulation** of the European Parliament and of the Council on the **establishment of ‘Eurodac’ for the comparison of fingerprints** for the effective application of Regulation (EC) No (.../...) (**establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person**) (2011/C 101/03)

[OJ of the EU, C 101/14 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **proposal for a Regulation** of the European Parliament and of the Council concerning the **European Network and Information Security Agency** (ENISA) (2011/C 101/04)

[OJ of the EU, C 101/20 of 1 April 2011 - FR](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-565/08: Judgment of the Court (Grand Chamber) of 29 March 2011 - European Commission v Italian Republic** - Failure of a Member State to fulfil obligations – **Articles 43 EC and 49 EC – Lawyers** – Obligation to comply with maximum fee tariffs – Obstacle to market access – No obstacle

[CURIA – Judgment in Case C-565/08 of the Court of Justice of 29 March 2011 - FR](#)

**Case C-450/09: Judgment of the Court (Second Chamber) of 31 March 2011 - Ulrich Schröder v Finanzamt Hameln** - **Free movement of capital – Direct taxation – Taxation of income from the letting of immovable property** – Deductibility of annuities paid to a relative in the context of an anticipated succession inter vivos – Condition of being subject to unlimited tax liability in the Member State at issue

[CURIA – Judgment in Case C-450/09 of the Court of Justice of 31 March 2011 - FR](#)

**Affaire C-347/09 : Conclusions de l’Avocat Général Bot du 31 mars 2011 - Staatsanwaltschaft Linz contre Jochen Dickinger et Franz Ömer** - **Libre prestation des services – Réglementation nationale prévoyant un monopole pour l’exploitation de loteries par Internet** – Possibilité d’obtenir ce monopole réservée aux seules sociétés de capitaux ayant leur siège social sur le territoire national – Interdiction pour le titulaire du monopole de créer une succursale à l’étranger

[CURIA – Conclusions de l’Avocat Général C-347/09 de la Cour de Justice du 31 mars 2011 \(FR seulement\)](#)

**Case C-184/10: Opinion of Advocate General Bot of 31 March 2011 - Mathilde Grasser v Freistaat Bayern** - **Directive 91/439/EEC – Mutual recognition of driving licences** – Driving licence issued by a Member State in disregard of the requirement for residence – Recognition refused by the host Member State solely on the ground of the breach of the residence requirement)

[CURIA – Opinion of Advocate General C-184/10 of the Court of Justice of 31 March 2011 - FR](#)

**Case C-424/09, Judgment of the Court (Grand Chamber) of 5 April 2011 - Christina Ioanni Toki v Ipourgios Ethnikis Pediais kai Thriskevmaton** - **Directive 89/48/EEC – Points (a) and (b) of the first subparagraph of Article 3 – Recognition of higher education diplomas – Environmental engineer** – Activity deemed to be a regulated professional activity – Applicable mechanism of recognition – Meaning of ‘professional experience’

[CURIA – Judgment in Case C-424/09 of the Court of Justice of 5 April 2011 - FR](#)

**Case C-119/09: Judgment of the Court (Grand Chamber) of 5 April 2011 - Société fiduciaire nationale d'expertise comptable v Ministre du Budget, des Comptes publics et de la Fonction publique - Freedom to provide services – Directive 2006/123/EC – Article 24** – Prohibition of total prohibitions on commercial communications by the regulated professions – Profession of qualified accountant – Prohibition on canvassing  
[CURIA – Judgment in Case C-119/09 of the Court of Justice of 5 April 2011 - FR](#)

**Case C-402/09: Judgment of the Court (First Chamber) of 7 April 2011 - Ioan Tatu v Statul român prin Ministerul Finanțelor și Economiei and Others - Internal taxation – Article 110 TFEU – Pollution tax charged on first registration of motor vehicles** – Neutrality of tax between imported second-hand motor vehicles and similar vehicles already on the domestic market  
[CURIA – Judgment in Case C-402/09 of the Court of Justice of 7 April 2011 - FR](#)

**Case C-291/09: Judgment of the Court (First Chamber) of 7 April 2011 - Francesco Guarnieri & Cie v Vandevelde Eddy VOF - Free movement of goods – Article 34 TFEU – Cautio judicatum solvi** – Company governed by Monegasque law – First paragraph of Article 18 TFEU  
[CURIA – Judgment in Case C-291/09 of the Court of Justice of 7 April 2011 - FR](#)

**Affaire C-281/09 : Conclusions de l'Avocat Général Bot du 7 avril 2011 - Commission européenne contre Royaume d'Espagne** - Radiodiffusion télévisuelle – Spots publicitaires – Temps de transmission  
[CURIA – Conclusions de l'Avocat Général C-281/09 de la Cour de Justice du 7 avril 2011 \(FR seulement\)](#)

**Case C-20/09: Judgment of the Court (Second Chamber) of 7 April 2011 - European Commission v Portuguese Republic** - Failure of a Member State to fulfil obligations – Admissibility of the action – Free movement of capital – Article 56 EC – Article 40 of the EEA Agreement – Public debt securities – Preferential tax treatment – Justification – Combating of tax evasion – Combating of tax avoidance  
[CURIA – Judgment in Case C-20/09 of the Court of Justice of 7 April 2011 - FR](#)

**Joined Cases C-106/09 P and C-107/09 P: Opinion of Advocate General Jääskinen of 7 April 2011 - European Commission (C-106/09 P), Kingdom of Spain (C-107/09 P) v Government of Gibraltar and United Kingdom** - Appeals – Scheme of State aid – Reform of Gibraltar corporate tax – Powers of the Member States in the field of direct taxation – Concept of advantage – Regional and material selectivity – Tax haven – Offshore companies  
[CURIA – Opinion of Advocate General in Joined Cases C-106/09 P and C-107/09 P of the Court of Justice of 7 April 2011 - FR](#)

**Case C-331/09: Judgment of the Court (First Chamber) of 14 April 2011 - European Commission v Republic of Poland** - Failure of a Member State to fulfil obligations – State aid – Aid granted by the Republic of Poland to Technologie Buczek Group – Commission decision declaring that aid to be incompatible with the common market and ordering its recovery – Failure to implement within the prescribed period  
[CURIA – Judgment in Case C-331/09 of the Court of Justice of 14 April 2011 - FR](#)

**Affaire C-271/09 : Conclusions de l'Avocat Général Jääskinen du 14 avril 2011 - Commission européenne contre République de Pologne** - Manquement d'État – Article 56 CE – Libre circulation des capitaux – Fonds de pension faisant partie d'un mécanisme national d'affiliation obligatoire et basés sur un système par capitalisation – Réglementation nationale limitant et défavorisant le placement de capitaux à l'étranger par ces fonds  
[CURIA – Conclusions de l'Avocat Général C-271/09 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Affaire C-255/09 : Conclusions de l'Avocat Général Trstenjak du 14 avril 2011 - Commission européenne contre République portugaise** - Article 226 CE – Manquement d'un État membre – Article 49 CE - Restriction injustifiée à la libre prestation des services – Systèmes nationaux de sécurité sociale – Prestations médicales fournies dans un autre État membre – Fourniture de soins non hospitaliers - Remboursement des frais médicaux engagés à l'étranger – Exigence d'une autorisation préalable – Conditions restrictives pour l'octroi d'une telle autorisation  
[CURIA – Conclusions de l'Avocat Général C-255/09 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Joined Cases C-191/09 P and C-200/09 P: Opinion of Advocate General Mengozzi of 14 April 2011 - Council of the European Union (C-191/09 P), European Commission (C-200/09 P) v Interpipe Niko Tube, Interpipe NTRP - Appeal – Common commercial policy – Dumping – Regulation (EC) No 384/96 – Articles 2(10), 3(2), 18(3) and 19(3) – Comparison of the normal value and the export price – Adjustment – Rights of the defence – Imports of certain seamless tubes and pipes, of iron or steel, originating in Croatia, Romania, Russia and Ukraine – Regulation (EC) No 954/2006 – Cooperation by the European Union industry – Use of confidential information**

[CURIA – Opinion of Advocate General in Joined Cases C-191/09 P and C-200/09 P of the Court of Justice of 14 April 2011 - FR](#)

**Case C-543/09: Judgment of the Court (Third Chamber) of 5 May 2011 - Deutsche Telekom AG v Bundesrepublik Deutschland - Electronic communications – Directive 2002/22/EC – Article 25(2) – Directive 2002/58/EC – Article 12 – Provision of directory enquiry services and directories – Obligation placed on an undertaking assigning telephone numbers to pass to other undertakings data in its possession relating to the subscribers of third-party undertakings**

[CURIA – Judgment in Case C-543/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-434/09: Judgment of the Court (Third Chamber) of 5 May 2011 - Shirley McCarthy v Secretary of State for the Home Department - Freedom of movement for persons – Article 21 TFEU – Directive 2004/38/EC – ‘Beneficiary’ – Article 3(1) – National who has never made use of his right of free movement and has always resided in the Member State of his nationality – Effect of being a national of another Member State – Purely internal situation**

[CURIA – Judgment in Case C-434/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-384/09: Judgment of the Court (Third Chamber) of 5 May 2011 - Prunus SARL, Polonium SA v Directeur des services fiscaux - Direct taxation – Free movement of capital – Article 64 TFEU – Legal persons established in a non-Member State – Ownership of immovable property located in a Member State – Tax on the market value of that property – Refusal of exemption – Assessment with regard to overseas countries and territories – Combating tax evasion – Joint and several liability**

[CURIA – Judgment in Case C-384/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-305/09: Judgment of the Court (First Chamber) of 5 May 2011 - European Commission v Italian Republic - Failure of a Member State to fulfil obligations – State aid – Tax incentives in favour of companies taking part in trade fairs abroad – Recovery**

[CURIA – Judgment in Case C-305/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-267/09: Judgment of the Court (Fourth Chamber) of 5 May 2011 - European Commission v Portuguese Republic - Failure of a Member State to fulfil obligations – Free movement of capital – Articles 56 EC and 40 of the EEA Agreement – Restrictions – Direct taxation – Non-resident taxpayers – Obligation to appoint a tax representative**

[CURIA – Judgment in Case C-267/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-249/09: Judgment of the Court (Third Chamber) of 5 May 2011 - Novo Nordisk AS v Ravimiamet - Medicinal products for human use – Directive 2001/83/EC – Advertising – Medical journal – Information not included in the summary of product characteristics**

[CURIA – Judgment in Case C-249/09 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-391/09: Judgment of the Court (Second Chamber) of 12 May 2011 - Runevič-Vardyn and Wardyn - Citizenship of the Union – Freedom to move and reside in the Member States – Principle of non-discrimination on grounds of nationality – Articles 18 TFEU and 21 TFEU – Principle of equal treatment of persons irrespective of racial or ethnic origin – Directive 2000/43/EC – National rules requiring that the surnames and forenames of natural persons must be entered on certificates of civil status in a form which complies with the rules governing the spelling of the official national language)**

[CURIA – Judgment in Case C-391/09 of the Court of Justice of 12 May 2011 - FR](#)

**Case C-452/09: Judgment of the Court (First Chamber) of 19 May 2011 - Tonina Enza Iaia, Andrea Moggio, Ugo Vassalle v Ministero dell’Istruzione, dell’Università e della Ricerca, Ministero dell’Economia e delle Finanze, Università degli studi di Pisa - Directive 82/76/EEC – Freedom of establishment and freedom to**

**provide services – Doctors – Acquisition of the title of medical specialist** – Remuneration during the period of training – Five-year limitation period in respect of the right to payment of periodic remuneration

[CURIA – Judgment in Case C-452/09 of the Court of Justice of 19 May 2011 - FR](#)

**Case C-184/10: Judgment of the Court (Second Chamber) of 19 May 2011 - Mathilde Grasser v Freistaat Bayern - Directive 91/439/EEC – Mutual recognition of driving licences** – Driving licence issued by a Member State in disregard of the residence condition – Refusal of recognition by the host Member State based solely on disregard of the residence condition

[CURIA – Judgment in Case C-184/10 of the Court of Justice of 19 May 2011 - FR](#)

**Case C-61/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Hellenic Republic** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Notaries – Nationality requirement** – Article 45 EC – Connection with the exercise of official authority – Directive 89/48/EEC

[CURIA – Judgment in Case C-61/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-54/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Federal Republic of Germany** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Civil-law notaries – Nationality condition** – Article 45 EC – Connection with the exercise of official authority – Directives 89/48/EEC and 2005/36/EC

[CURIA – Judgment in Case C-54/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-53/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Republic of Austria** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Civil-law notaries – Nationality condition** – Article 45 EC – Connection with the exercise of official authority – Directives 89/48/EEC and 2005/36/EC

[CURIA – Judgment in Case C-53/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-52/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Portuguese Republic** - Failure of a Member State to fulfil obligations – **Notaries** – Directive 2005/36/EC

[CURIA – Judgment in Case C-52/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-51/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Grand Duchy of Luxembourg** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Civil-law notaries – Nationality condition** – Article 45 EC – Connection with the exercise of official authority – Directive 89/48/EEC

[CURIA – Judgment in Case C-51/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-50/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v French Republic** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Notaries – Nationality requirement** – Article 45 EC – Connection with the exercise of official authority

[CURIA – Judgment in Case C-50/08 of the Court of Justice of 24 May 2011 - FR](#)

**Case C-47/08: Judgment of the Court (Grand Chamber) of 24 May 2011 - European Commission v Kingdom of Belgium** - Failure of a Member State to fulfil obligations – **Article 43 EC – Freedom of establishment – Civil-law notaries – Nationality condition** – Article 45 EC – Connection with the exercise of official authority – Directive 89/48/EEC

[CURIA – Judgment in Case C-47/08 of the Court of Justice of 24 May 2011 - FR](#)

**Affaire C-493/09 : Conclusions de l'Avocat Général Mengozzi du 25 mai 2011 - Commission européenne contre République portugaise - Article 63 TFUE – Article 40 de l'accord EEE – Restrictions aux mouvements de capitaux – Investissements des fonds de retraite étrangers et nationaux** – Dividendes – Imposition – Différence de traitement – Cohérence du système fiscal – Efficacité des contrôles fiscaux

[CURIA – Arrêt dans l'affaire C-493/09 de la Cour de Justice du 25 mai 2011 \(FR seulement\)](#)

**Case C-306/08: Judgment of the Court (Third Chamber) of 26 May 2011 - European Commission v Kingdom of Spain** - Failure of a Member State to fulfil obligations – **Directives 93/37/EEC and 2004/18/EC – Procedures for the award of public works contracts** – Urban development legislation of the Autonomous Community of Valencia

[CURIA – Judgment in Case C-306/08 of the Court of Justice of 26 May 2011 - FR](#)

**Case C-293/10: Judgment of the Court (Fourth Chamber) of 26 May 2011 - Gebhard Stark v D.A.S. Österreichische Allgemeine Rechtsschutzversicherung AG - Legal expenses insurance – Directive 87/344/EEC – Article 4(1) – Freedom of the insured person to choose his lawyer** – Limitation of the reimbursement allowed in respect of the costs relating to representation of the insured person in judicial proceedings – Reimbursement limited to the amount corresponding to that claimed by a lawyer established in the judicial district of the court having jurisdiction at first instance

[CURIA – Judgment in Case C-293/10 of the Court of Justice of 26 May 2011 - FR](#)

**Affaire C-275/10 : Conclusions de l’Avocat Général Kokott du 26 mai 2011 - Residex Capital IV CV contre Gemeente Rotterdam - Concurrence – Aides d’État – Récupération d’une aide d’État contraire au droit de l’Union – Garantie donnée à un emprunt** – Nullité des actes en droit national en cas de violation de dispositions légales impératives – Pouvoirs du juge national – Article 108, paragraphe 3, troisième alinéa, TFUE

[CURIA – Arrêt dans l’affaire C-275/10 de la Cour de Justice du 26 mai 2011 \(FR seulement\)](#)

**Affaire C-240/10 : Conclusions de l’Avocat Général Mengozzi du 26 mai 2011 - Cathy Schulz-Delzers, Pascal Schulz contre Finanzamt Stuttgart III - Libre circulation des travailleurs – Imposition des indemnités de résidence – Exonération des indemnités accordées aux contribuables employés par une personne morale de droit public nationale** – Absence d’une telle exonération à l’égard des indemnités versées aux contribuables employés sur le territoire national par une personne morale de droit public d’un autre État membre – Conformité à l’article 45 TFUE – **Non-discrimination et absence d’entrave**

[CURIA – Arrêt dans l’affaire C-240/10 de la Cour de Justice du 26 mai 2011 \(FR seulement\)](#)

**Affaire C-148/10 : Conclusions de l’Avocat Général Jääskinen du 26 mai 2011 - Express Line NV contre Belgisch Instituut voor Postdiensten en Telecommunicatie** - Renvoi préjudiciel – **Compétence de la Cour – Désistement partiel du requérant au principal – Non-lieu à statuer – Services postaux** – Prestataires de services postaux non universels – Procédures externes de traitement des réclamations des utilisateurs – **Directive 97/67/CE – Article 19 – Portée – Article 49 TFUE – Liberté d’établissement – Article 56 TFUE** – Libre prestation de services

[CURIA – Arrêt dans l’affaire C-148/10 de la Cour de Justice du 26 mai 2011 \(FR seulement\)](#)

## 14. Intellectual Property

### Case Law

**Case C-96/09 P: Judgment of the Court (Grand Chamber) of 29 March 2011 - Anheuser-Busch Inc. v Budějovický Budvar** - Appeal – **Community trade mark – Regulation (EC) No 40/94 – Article 8(4) – Application for registration of the word and figurative mark BUD** – Opposition – Indication of geographical origin ‘bud’ – Protection under the Lisbon Agreement and bilateral treaties between two Member States – Use in the course of trade – Sign of more than mere local significance

[CURIA – Judgment in Case C-96/09 P of the Court of Justice of 29 March 2011 - FR](#)

**Affaire C-190/10 : Conclusions de l’Avocat Général Jääskinen du 31 mars 2011 - Génesis Seguros Generales Sociedad Anónima de Seguros y Reaseguros (GENESIS) contre Boys Toys SA et Administración del Estado - Marque communautaire – Modalités de dépôt – Article 27 du règlement (CE) n° 40/94** – Dépôt électronique de la demande – Prise en compte de la date, de l’heure et de la minute de dépôt

[CURIA – Conclusions de l’Avocat Général C-190/10 de la Cour de Justice du 31 mars 2011 \(FR seulement\)](#)

**Affaire C-46/10 : Conclusions de l'Avocat Général Kokott du 7 avril 2011 - Viking Gas A/S contre Kosan Gas A/S, anciennement BP Gas A/S - Directive 89/104 – Droit des marques – Bouteille de gaz enregistrée en tant que marque tridimensionnelle constituée par l'emballage** – Remplissage et vente de ces bouteilles par un concurrent du licencié exclusif

[CURIA – Conclusions de l'Avocat Général C-46/10 de la Cour de Justice du 7 avril 2011 \(FR seulement\)](#)

**Case C-235/09: Judgment of the Court (Grand Chamber) of 12 April 2011 - DHL Express France SAS, formerly DHL International SA v Chronopost SA Intellectual property – Community trade mark – Regulation (EC) No 40/94 – Article 98(1) – Prohibition against infringement, issued by a Community trade mark court** – Territorial scope – Coercive measures attached to such a prohibition – Effect in the territory of Member States other than the Member State of the court seized

[CURIA – Judgment in Case C-235/09 of the Court of Justice of 12 April 2011 - FR](#)

**Affaire C-70/10 : Conclusions de l'Avocat Général Villalón du 14 avril 2011 - Scarlet Extended SA contre Société belge des auteurs compositeurs et éditeurs (Sabam) - Société de l'information – Droits de propriété intellectuelle – Directive 2004/48/CE – Droit d'auteur et droits voisins – Directive 2001/29/CE – Téléchargement illégal sur Internet – Échanges de fichiers au moyen de logiciels 'peer-to-peer'** – Système de filtrage des communications électroniques – Mécanisme de blocage des fichiers échangés en violation de droits de propriété intellectuelle – Droit au respect de la vie privée – Protection des données personnelles – Articles 7 et 8 de la charte – Article 8 de la CEDH – Directive 95/46/CE – Directive 2002/58/CE – Confidentialité des communications – Droit à la liberté d'expression – Article 11 de la charte – Article 10 de la CEDH – Responsabilité des prestataires intermédiaires de services – Obligation générale de surveillance des informations – Directive 2000/31/CE – État de droit – Limitation des droits et libertés 'prévues par la loi' – Qualité de la loi – Prééminence du droit

[CURIA – Conclusions de l'Avocat Général C-70/10 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Affaire C-119/10 : Conclusions de l'Avocat Général Kokott du 14 avril 2011 - Frisdranken Industrie Winters BV contre Red Bull GmbH - Directive 89/104/CEE – Droit de marque – Droit pour le titulaire d'une marque enregistrée de s'opposer à l'usage illicite de sa marque** – Usage d'un signe – Notion – Remplissage de canettes pour le compte d'un tiers – Produits d'exportation – Risque de confusion – Public à prendre en considération

[CURIA – Conclusions de l'Avocat Général C-119/10 de la Cour de Justice du 14 avril 2011 \(FR seulement\)](#)

**Case C-281/10 P: Opinion of Advocate General Mengozzi of 12 May 2011 - PepsiCo, Inc. - Appeal – Community designs – Scope of the review of the legality of OHIM decisions relating to designs** – The degree of freedom of the designer – Concept of 'informed user'

[CURIA – Opinion of Advocate General C-281/10 P of the Court of Justice of 12 May 2011 - FR](#)

**Affaires Jointes C-400/09 et C-207/10 : Conclusions de l'Avocat Général Bot du 12 mai 2011 - Orifarm A/S et autres (C-400/09) contre Merck & Co. Inc. et autres et Paranova Danmark A/S, Paranova Pack A/S (C-207/10) contre Merck Sharp & Dohme Corp. et autres - Marques – Directive 89/104/CEE – Article 7, paragraphe 2** – Reconditionnement d'un produit pharmaceutique faisant l'objet d'une importation parallèle – Critères pertinents aux fins de l'appréciation des atteintes à un droit de marque

[CURIA – Conclusions de l'Avocat Général C-400/09 et C-207/10 de la Cour de Justice du 12 mai 2011 \(FR seulement\)](#)

**Affaire C-308/10 P : Arrêt de la Cour (huitième chambre) du 19 mai 2011 - Union Investment Privatfonds GmbH v Office de l'harmonisation dans le marché intérieur (marques, dessins et modèles) (OHMI) - Pourvoi – Marque communautaire – Procédure d'opposition – Règlement (CE) n° 40/94 – Article 74, paragraphe 2** – Preuves non présentées à l'appui de l'opposition dans le délai imparti à cet effet – Non-prise en compte – Pouvoir d'appréciation de la chambre de recours

[CURIA – Arrêt dans l'affaire C-308/10 P de la Cour de Justice du 19 mai 2011 \(FR seulement\)](#)

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

### International Agreements

Information concerning **the date of entry into force of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed in Lugano on 30 October 2007**

[OJ of the EU, C 138/1 of 26 May 2011 - FR](#)

### Community Legislation

**REGULATION (EU) No 492/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 5 April 2011 on **freedom of movement for workers** within the Union (codification) (Text with EEA relevance)

[OJ of the EU, L 141/1 of 27 May 2011 - FR](#)

**COUNCIL DECISION** of 31 March 2011 on the **signing, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance** (2011/220/EU)

[OJ of the EU, L 93/9 of 7 April 2011 - FR](#)

### Case Law

**Affaires C-509/09 et C-161/10 : Conclusions de l'Avocat Général Villalón du 29 mars 2011 - eDate Advertising GmbH contre X (C-509/09) et Olivier Martinez & Robert Martinez contre Société MGN Limited (C-161/10) - Compétence judiciaire en matière civile et commerciale – Règlement (CE) n° 44/2001 – Compétence 'en matière délictuelle ou quasi délictuelle' – Violation de droits de la personnalité susceptible d'avoir été commise au moyen de la publication d'informations sur Internet** – Article 5, point 3 – Définition du 'lieu où le fait dommageable s'est produit ou risque de se produire' – Applicabilité de la jurisprudence Shevill de la Cour de justice – Directive 2000/31/CE – Article 3, paragraphes 1 et 2 – Détermination de l'existence d'une règle de conflit en matière de droits de la personnalité

[CURIA – Arrêt dans les affaires C-509/09 et C-161/10 de la Cour de Justice du 29 mars 2011 \(FR seulement\)](#)

**Case C-407/09: Judgment of the Court (First Chamber) of 31 March 2011 - European Commission v Hellenic Republic** - Failure of a Member State to fulfil obligations – **Breach of the obligation to comply with a judgment of the Court** – Financial penalties – Imposition of a lump sum payment

[CURIA – Judgment in Case C-407/09 of the Court of Justice of 31 March 2011 - FR](#)

**Affaire C-406/09 : Conclusions de l'Avocat Général Mengozzi du 5 avril 2011 - Realchemie Nederland BV contre Bayer CropScience AG - Compétence judiciaire et exécution des décisions – Notion de 'matière civile et commerciale' – Reconnaissance et exécution d'une décision infligeant une 'amende civile' – Directive 2004/48/CE** – Droits de propriété intellectuelle – Mesures, procédures et réparations en cas d'atteinte à un tel droit – Condamnation aux dépens dans le cadre d'une procédure d'exequatur visant à faire reconnaître et exécuter des décisions visant à préserver un droit de propriété intellectuelle

[CURIA – Conclusions de l'Avocat Général C-406/09 de la Cour de Justice du 5 avril 2011 \(FR seulement\)](#)

**Case C-431/10: Judgment of the Court (Seventh Chamber) of 7 April 2011 - European Commission v Ireland** - Failure of a Member State to fulfil obligations – **Directive 2005/85/EC – Right of asylum – Procedure for granting and withdrawing refugee status** – Minimum standards – Failure to transpose provisions fully within the prescribed period

[CURIA – Judgment in Case C-431/10 of the Court of Justice of 7 April 2011 - FR](#)

**Case C-145/10: Opinion of Advocate General Trstenjak of 12 April 2011 - Eva-Maria Painer v Standard VerlagsGmbH and Others - Regulation No 44/2001 – Article 6(1) – Jurisdiction for related actions – Directives 93/98/EEC and 2006/116/EC – Article 6 – Eligibility for protection of photos – Directive 2001/29 – Article 2 – Reproduction** – Use of a portrait photo as a template for the production of a photo-fit – Article 5(3)(d) – Exceptions and limitations for quotations – Article 5(3)(e) – Exceptions and limitations for the purposes of public security

[CURIA – Opinion of Advocate General C-145/10 of the Court of Justice of 12 April 2011 - FR](#)

**Case C-61/11 PPU: Judgment of the Court (First Chamber) of 28 April 2011 - Criminal proceedings against Hassen El Dridi alias Soufi Karim - Area of freedom, security and justice – Directive 2008/115/EC – Return of illegally staying third-country nationals – Articles 15 and 16** – National legislation providing for a prison sentence for illegally staying third-country nationals in the event of refusal to obey an order to leave the territory of a Member State – Compatibility

[CURIA – Judgment in Case C-61/11 PPU of the Court of Justice of 28 April 2011 - FR](#)

**Case C-144/10: Judgment of the Court (Third Chamber) of 12 May 2011 - Berliner Verkehrsbetriebe (BVG), Anstalt des öffentlichen Rechts v JPMorgan Chase Bank NA, Frankfurt Branch - Jurisdiction in civil matters – Articles 22(2) and 27 of Regulation (EC) No 44/2001 – Exclusive jurisdiction of the courts of the State in which a company has its seat to adjudicate upon disputes relating to the validity of decisions of the company's organs – Scope** – Action brought by a legal person governed by public law for a declaration that a contract is void on account of alleged invalidity of the decisions of its organs relating to the conclusion of the contract – Lis pendens – Obligation on any court other than the court first seised to stay proceedings – Scope

[CURIA – Judgment in Case C-144/10 of the Court of Justice of 12 May 2011 - FR](#)

**Affaires Jointes C-483/09 et C-1/10 : Conclusions de l'Avocat Général Kokott du 12 mai 2011 - Magatte Gueye et Valentín Salmerón Sánchez - Décision-cadre 2001/220/JAI – Statut des victimes dans le cadre de procédures pénales – Protection des victimes** – Fixation de la peine – Obligation de prononcer une peine accessoire d'éloignement interdisant au condamné de s'approcher de sa victime – Prise en compte de la volonté de la victime – Médiation dans le cadre de la procédure pénale

[CURIA – Conclusions de l'Avocat Général C-483/09 et C-1/10 de la Cour de Justice du 12 mai 2011 \(FR seulement\)](#)

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

**POSITION (EU) No 8/2011 OF THE COUNCIL AT FIRST READING** with a view to the **adoption of a Directive** of the European Parliament and of the Council **facilitating the cross-border exchange of information on road safety related traffic offences** Adopted by the Council on 17 March 2011 (2011/C 136 E/01)

[OJ of the EU, C 136 E/1 of 6 May 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **proposal for a Regulation** on the **marketing and use of explosives precursors** (2011/C 101/01)

[OJ of the EU, C 101/1 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the Communication from the Commission to the European Parliament and the Council — **'EU Internal Security Strategy in Action: Five steps towards a more secure Europe'** (2011/C 101/02)

[OJ of the EU, C 101/6 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **Amended proposal for a Regulation** of the European Parliament and of the Council on the **establishment of 'Eurodac' for the comparison of fingerprints** for the effective application of Regulation (EC) No (.../...) (**establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person**) (2011/C 101/03)

[OJ of the EU, C 101/14 of 1 April 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the **proposal for a Regulation** of the European Parliament and of the Council concerning the **European Network and Information Security Agency (ENISA)** (2011/C 101/04)

[OJ of the EU, C 101/20 of 1 April 2011 - FR](#)

## 16. Transport

### Community Legislation

**COMMISSION DECISION** of 26 April 2011 concerning a **technical specification for interoperability** relating to the **'infrastructure' subsystem of the trans-European conventional rail system** (*notified under document C(2011) 2741*) (Text with EEA relevance) (2011/275/EU)

[OJ of the EU, L 126/53 of 14 May 2011 - FR](#)

**COMMISSION DECISION** of 26 April 2011 concerning a **technical specification for interoperability** relating to the **'energy' subsystem of the trans-European conventional rail system** (*notified under document C(2011) 2740*) (Text with EEA relevance) (2011/274/EU)

[OJ of the EU, L 126/1 of 14 May 2011 - FR](#)

**COMMISSION REGULATION** (EU) No 454/2011 of 5 May 2011 on the **technical specification for interoperability** relating to the **subsystem 'telematics applications for passenger services'** of the **trans-European rail system** (Text with EEA relevance)

[OJ of the EU, L 123/11 of 12 May 2011 - FR](#)

**COMMISSION REGULATION** (EU) No 445/2011 of 10 May 2011 on a **system of certification of entities** in charge of **maintenance for freight wagons** and amending Regulation (EC) No 653/2007 (Text with EEA relevance)

[OJ of the EU, L 122/22 of 11 May 2011 - FR](#)

**COMMISSION IMPLEMENTING REGULATION** (EU) No 390/2011 of 19 April 2011 **amending Regulation** (EC) No 474/2006 **establishing the Community list of air carriers which are subject to an operating ban within the Community** (Text with EEA relevance)

[OJ of the EU, L 104/10 of 20 April 2011 - FR](#)

## 17. Community Institutions, Principles and the Community's own resources

### Case Law

**Case C-327/09: Judgment of the Court (Third Chamber) of 14 April 2011 - Mensch und Natur AG v Freistaat Bayern - Fourth paragraph of Article 249 EC – Measures adopted by the institutions – Commission decision addressed to a particular person – Regulation (EC) No 258/97 – Novel food or novel food ingredient – Decision 2000/196/EC – 'Stevia rebaudiana Bertoni: plants and dried leaves' – Refusal to authorise placing on the market – Effects in relation to a person other than the addressee**

[CURIA – Judgment in Case C-327/09 of the Court of Justice of 14 April 2011 - FR](#)

**Affaire C-405/09 : Arrêt de la Cour (cinquième chambre) of 7 avril 2011 - Commission européenne contre République de Finlande - Manquement d'État – Ressources propres de l'Union – Procédures visant à la perception des droits à l'importation ou à l'exportation – Retard dans la constatation des ressources propres afférentes à ces droits**

[CURIA – Arrêt dans l'affaire C-405/09 de la Cour de Justice du 7 avril 2011 \(FR seulement\)](#)

**Case C-294/10: Judgment of the Court (Third Chamber) of 12 May 2011 - Andrejs Eglītis and Edvards Ratnieks v Latvijas Republikas Ekonomikas ministrija - Air transport – Regulation (EC) No 261/2004 – Article 5(3) – Compensation of passengers in the event of cancellation of a flight – Exemption from the obligation to pay compensation in the event of extraordinary circumstances – Implementation, by the air carrier, of all reasonable measures to avoid extraordinary circumstances – Organisation of resources in good time to be able to ensure the operation of the flight after such circumstances have ended**

[CURIA – Judgment in Case C-294/10 of the Court of Justice of 12 May 2011 - FR](#)

**Case C-176/09: Judgment of the Court (Third Chamber) of 12 May 2011 - Grand Duchy of Luxembourg v European Parliament & Council of the European Union - Action for annulment – Directive 2009/12/EC – Airport charges – Scope – Airports whose annual traffic is over 5 million passenger movements per year and those with the highest passenger movements in each Member State – Validity – Principles of equal treatment, proportionality and subsidiarity**

[CURIA – Judgment in Case C-176/09 of the Court of Justice of 12 May 2011 - FR](#)

**Joined Cases C-201/10 and C-202/10: Judgment of the Court (Fourth Chamber) of 5 May 2011 - Ze Fu Fleischhandel GmbH (C-201/10), Vion Trading GmbH (C-202/10) v Hauptzollamt Hamburg-Jonas - Regulation (EC, Euratom) No 2988/95 – Protection of the European Union’s financial interests – Article 3 – Recovery of an export refund – 30-year limitation period – Limitation rule forming part of the general civil law of a Member State – Application ‘by analogy’ – Principle of legal certainty – Principle of the protection of legitimate expectations – Principle of proportionality**

[CURIA – Judgment in joined Cases C-201/10 and C-202/10 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-200/10 P: Judgment of the Court (Eighth Chamber) of 5 May 2011 - Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE v European Commission - Appeal – Arbitration clause – Contract relating to Community support for a project in the context of the ‘eContent’ programme – Termination of the contract by the Commission – Reimbursement of eligible costs – Grounds of the judgment of the General Court**

[CURIA – Judgment in Case C-200/10 P of the Court of Justice of 5 May 2011 - FR](#)

**Case C-137/10: Judgment of the Court (Third Chamber) of 5 May 2011 - European Communities v Région de Bruxelles-Capitale - Articles 207(2) EC and 282 EC – Representation of the European Communities before the national courts – Powers conferred on the Commission – Delegation of the power of representation to other Community institutions – Conditions**

[CURIA – Judgment in Case C-137/10 of the Court of Justice of 5 May 2011 - FR](#)

**Case C-410/09: Judgment of the Court (Second Chamber) of 12 May 2011 - Polska Telefonia Cyfrowa sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej - Act concerning the conditions of accession to the European Union – Article 58 – Directive 2002/21/EC – Commission guidelines – No publication in the Official Journal of the European Union in the language of a Member State – Enforceability**

[CURIA – Judgment in Case C-410/09 of the Court of Justice of 12 May 2011 - FR](#)

**Case C-83/09 P: Judgment of the Court (Grand Chamber) of 24 May 2011 - Commission of the European Communities v Kronoplý and Kronotex - Appeal – State aid – Article 88(2) and (3) EC – Regulation (EC) No 659/1999 – Decision not to raise any objections – Action for annulment – Conditions for admissibility – Pleas in law that may be relied upon in an action for annulment – Notion of ‘interested party’ – Competitive link – Assignment – Market for supply**

[CURIA – Judgment in Case C-83/09 P of the Court of Justice of 24 May 2011 - FR](#)

**Case C-539/09: Opinion of Advocate General Trstenjak of 25 May 2011 - European Commission v Federal Republic of Germany - Failure of a Member State to fulfil obligations – Article 258 TFEU – Audit powers of the European Court of Auditors – Article 248 EC – Regulation No 1605/2002 – Review of administrative cooperation in the field of value added tax – Regulation No 1798/2003 – Own resources accruing from VAT – Decision No 2000/597 – Principle of proportionality – Principle of subsidiarity**

[CURIA – Opinion of Advocate General C-539/09 of the Court of Justice of 25 May 2011 - FR](#)

**Affaires Jointes C-89/10 et C-96/10 : Conclusions de l’Avocat Général Jääskinen du 26 mai 2011 - Q-Beef NV contre Belgische Staat et Frans Bosschaert contre Belgische Staat et autres - Taxes incompatibles avec le droit de l’Union – Demande de restitution – Principes d’équivalence et d’effectivité – Durée du délai de prescription – Point de départ du délai de prescription – Intermédiaires – Délais différents**

[CURIA – Conclusions de l’Avocat Général C-89/10 et C-96/10 de la Cour de Justice du 26 mai 2011 \(FR seulement\)](#)

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

**OPINION OF THE EUROPEAN CENTRAL BANK** of 16 February 2011 on **economic governance reform in the European Union** (CON/2011/13)(2011/C 150/01)  
[OJ of the EU, C 150/1 of 20 May 2011 - FR](#)