



Institut suisse de droit comparé  
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# 51

## Highlights

**Affaire C-257/10 : Conclusions de l'Avocat Général Mazák du 21 juin 2011 - Försäkringskassan contre Elisabeth Bergström - Libre circulation des personnes — Accord entre la Communauté européenne et ses États membres, d'une part, et la Confédération suisse, d'autre part, sur la libre circulation des personnes — Sécurité sociale — Prestations familiales — Règlement (CEE) n° 1408/71 — Articles 3, paragraphe 1, et 72**

[CURIA – Conclusions de l'Avocat Général C-257/10 de la Cour de Justice du 21 juin 2011 \(FR seulement\)](#)

**Communication from the Commission — Notification of evidence of formal qualifications — Directive 2005/36/EC on recognition of professional qualifications (Annex V) (Text with EEA relevance) (2011/C 183/01)**  
[OJ of the EU, C 183/1 of 24 June 2011 - FR](#)

**REGULATION (EU) No 513/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2011 amending Regulation (EC) No 1060/2009 on credit rating agencies (Text with EEA relevance)**  
[OJ of the EU, L 145/30 of 31 May 2011 - FR](#)

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## EU News: Click & Read

June 2011

European Documentation Centre

Editors:

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This monthly newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses with information about the latest legal developments in the European Union. Written in English and French, the newsletter offers links to documents in both languages.

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

## 1. EU-Swiss Relations

### International Agreements

**COUNCIL DECISION** of 7 March 2011 on the conclusion on behalf of the **European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the **Schengen acquis**, relating in particular to **judicial cooperation in criminal matters and police cooperation** (2011/349/EU)

[OJ of the EU, L 160/1 of 18 June 2011 - FR](#)

**PROTOCOL** between the European Union, the **European Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the **Schengen acquis**

[OJ of the EU, L 160/3 of 18 June 2011 - FR](#)

**COUNCIL DECISION** of 7 March 2011 on the conclusion, on behalf of the **European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the **Schengen acquis**, relating to the **abolition of checks at internal borders and movement of persons** (2011/350/EU)

[OJ of the EU, L 160/19 of 18 June 2011 - FR](#)

**PROTOCOL** between the European Union, the **European Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the **Schengen acquis**

[OJ of the EU, L 160/21 of 18 June 2011 - FR](#)

**COUNCIL DECISION** of 7 March 2011 on the **conclusion of a Protocol** between the **European Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for **examining a request for asylum lodged in a Member State or in Switzerland** (2011/351/EU)

[OJ of the EU, L 160/37 of 18 June 2011 - FR](#)

**PROTOCOL** between the European **Community, the Swiss Confederation and the Principality of Liechtenstein** on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for **establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland**

[OJ of the EU, L 160/39 of 18 June 2011 - FR](#)

### Case Law

**Affaire C-257/10 : Conclusions de l'Avocat Général Mazák du 21 juin 2011 - Försäkringskassan contre Elisabeth Bergström - Libre circulation des personnes — Accord entre la Communauté européenne et ses États membres, d'une part, et la Confédération suisse, d'autre part, sur la libre circulation des personnes — Sécurité sociale — Prestations familiales — Règlement (CEE) n° 1408/71 — Articles 3, paragraphe 1, et 72**  
[CURIA – Conclusions de l'Avocat Général C-257/10 de la Cour de Justice du 21 juin 2011 \(FR seulement\)](#)

## 2. External Relations / Foreign Policy

### International Agreements

**REGULATION (EU) No 581/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 8 June 2011 amending Council Regulation (EC) No 55/2008 introducing **autonomous trade preferences for the Republic of Moldova**

[OJ of the EU, L 165/5 of 24 June 2011 - FR](#)

**COUNCIL DECISION** of 9 June 2011 on the application of the **provisions of the Schengen acquis** relating to the **Schengen Information System in the Principality of Liechtenstein** (2011/352/EU)

[OJ of the EU, L 160/84 of 18 June 2011 - FR](#)

### Case Law

**Case C-484/07: Judgment of the Court (First Chamber) of 16 June 2011 - Fatma Pehlivan v Staatssecretaris van Justitie - EEC-Turkey Association Agreement – Family reunification – First indent of the first paragraph of Article 7 of Decision No 1/80 of the Association Council** – Child of a Turkish worker who lived together with that worker for more than three years, but married before the expiry of the three-year period laid down in that provision – National law calling into question, on that ground, the residence permit of the person concerned

[CURIA – Judgment in Case C-484/07 of the Court of Justice of 16 June 2011 - FR](#)

**Affaire C-548/09 P : Conclusions de l'Avocat Général Mengozzi du 28 juin 2011 - Bank Melli Iran contre Conseil de l'Union européenne - Pourvoi – Mesures restrictives prises à l'encontre de la République islamique d'Iran dans le but d'empêcher la prolifération nucléaire – Liste des personnes et des entités auxquelles s'applique le gel des fonds imposé par la législation communautaire** – Régime de sanctions économiques et financières adopté pour lutter contre une politique menée par un État tiers – Inclusion du nom de la requérante – Violation des formes substantielles – Absence de notification individuelle – Conséquences – Défaut de base juridique – Violation du droit de propriété – Violation des droits de la défense et des principes d'une protection juridictionnelle effective et de proportionnalité

[CURIA – Conclusions de l'Avocat Général C-548/09 P de la Cour de Justice du 28 juin 2011 \(FR seulement\)](#)

**Case C-380/09 P: Opinion of Advocate General Mengozzi of 28 June 2011 - Melli Bank plc v Council of the European Union - Appeal – Restrictive measures against Iran aimed at preventing nuclear proliferation – Extension of restrictive measures to entities 'owned or controlled' by persons or entities identified as being engaged in, directly associated with, or providing support to, Iran's nuclear activities** – Wholly-owned subsidiary – Council's discretion for inclusion in the lists – Reasons for inclusion – Proportionality – Duty to state reasons

[CURIA – Opinion of Advocate General C-380/09 P of the Court of Justice of 28 June 2011 - FR](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### International Agreements

**REGULATION (EU) No 581/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 8 June 2011 amending Council Regulation (EC) No 55/2008 introducing **autonomous trade preferences for the Republic of Moldova**

[OJ of the EU, L 165/5 of 24 June 2011 - FR](#)

## Community Legislation

**COMMISSION IMPLEMENTING REGULATION** (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of **the fruit and vegetables** and processed fruit and vegetables sector

[OJ of the EU, L 157/1 of 15 June 2011 - FR](#)

### Case Law

**Case C-115/10: Judgment of the Court (First Chamber) of 9 June 2011 - Bábolna Mezőgazdasági Termelő, Fejlesztő és Kereskedelmi Zrt. v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve - Common agricultural policy – Regulation (EC) No 1782/2003** – Complementary direct national aid – Conditions for grant  
[CURIA – Judgment in Case C-115/10 of the Court of Justice of 9 June 2011 - FR](#)

**Case C-536/09: Judgment of the Court (Seventh Chamber) of 16 June 2011 - Marija Omejc v Republika Slovenija - Common agricultural policy – Community aid schemes – Integrated administration and control system – Regulation (EC) No 796/2004** – Fact of preventing an on-the-spot check from being carried out – Definition – Farmer not living on the holding – Farmer's representative – Definition

[CURIA – Judgment in Case C-536/09 of the Court of Justice of 16 June 2011 - FR](#)

**Case C-346/09: Judgment of the Court (Second Chamber) of 22 June 2011 - Staat der Nederlanden v Denavit Nederland BV and Others - Agriculture – Animal health – Directive 90/425/EEC – National temporary regulation intended to combat the spread of bovine spongiform encephalopathy by prohibiting the production of and trading in processed animal proteins for feeding to farmed animals** – Application of that regulation before the entry into force of Decision 2000/766/EC requiring such prohibition – Application of that regulation to two products eligible for exemption from the prohibition required by that decision – Compatibility with Directive 90/425/EEC and Decisions 94/381/EC and 2000/766/EC

[CURIA – Judgment in Case C-346/09 of the Court of Justice of 22 June 2011 - FR](#)

## 5. Competition

### Case Law

**Case C-360/09: Judgment of the Court (Grand Chamber) of 14 June 2011 - Pfeleiderer AG v Bundeskartellamt - Competition – Administrative procedure – Documents and information provided under a national leniency programme** – Possible negative effects of third-party access to such documents on the effectiveness and proper functioning of cooperation between the authorities forming the European Competition Network

[CURIA – Judgment in Case C-360/09 of the Court of Justice of 14 June 2011 - FR](#)

## 6. Customs

### Case Law

**Affaire C-138/10 : Conclusions de l'Avocat Général Villalón du 9 juin 2011 - "DP grup" EOOD contre Direktor na Agentsia "Mitnitsi" - Union douanière – Règlement n° 2913/92 – Acceptation par l'autorité douanière de la déclaration en douane** – Portée de cette acceptation – Assimilation d'une telle acceptation à une décision administrative – Article 4 du règlement n° 2913/92 – Acceptation de la déclaration à titre provisoire jusqu'à la vérification ultérieure des données après examen des marchandises – Caractère attaquant de l'acceptation – Accès à la justice des tribunaux nationaux

[CURIA – Conclusions de l'Avocat Général C-138/10 de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Case C-351/10: Judgment of the Court (Fourth Chamber) of 16 June 2011 - Zollamt Linz Wels v Laki DOOEL - Community Customs Code – Regulation implementing the Customs Code – Articles 555(1)(c) and 558(1) – Vehicle which has entered the customs territory under the temporary importation procedure with total relief from import duties – Vehicle used for internal traffic – Unlawful use – Incurring of a customs debt – National authorities competent to levy customs duties**

[CURIA – Judgment in Case C-351/10 of the Court of Justice of 16 June 2011 - FR](#)

**Case C-152/10: Judgment of the Court (Seventh Chamber) of 16 June 2011 - Unomedical A/S v Skatteministeriet - Common Customs Tariff – Tariff classification – Combined Nomenclature – Plastic dialysis drainage bags intended exclusively for use with dialysers (artificial kidneys) – Plastic urine drainage bags intended exclusively for use with catheters – Headings 9018 and 3926 – ‘Parts’ and ‘accessories’ – Other articles of plastics**

[CURIA – Judgment in Case C-152/10 of the Court of Justice of 16 June 2011 - FR](#)

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

### Community Legislation

**REGULATION (EU) No 513/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2011 amending Regulation (EC) No 1060/2009 on **credit rating agencies** (Text with EEA relevance)

[OJ of the EU, L 145/30 of 31 May 2011 - FR](#)

### Case Law

**Case C-285/10: Judgment of the Court (Eighth Chamber) of 9 June 2011- Campsa Estaciones de Servicio SA v Administración del Estado - Sixth VAT Directive – Articles 11A(1) and 27 – Taxable amount – Extension of the rules on application for private use to transactions between connected parties where prices are patently lower than open market prices**

[CURIA – Judgment in Case C-285/10 of the Court of Justice of 9 June 2011 - FR](#)

**Case C-212/10: Judgment of the Court (Fourth Chamber) of 16 June 2011 - Logstor ROR Polska sp. z o.o. v Dyrektor Izby Skarbowej w Katowicach - Taxation – Capital duty – Directive 69/335/EEC – Indirect taxes on the raising of capital – Taxation of a loan taken up by a capital company from a person entitled to a percentage of the profits of the same company – Right of a Member State to reintroduce a tax which was no longer in force at the date of its accession to the European Union**

[CURIA – Judgment in Case C-212/10 of the Court of Justice of 16 June 2011 - FR](#)

**Case C-218/10: Opinion of Advocate General Mazák of 28 June 2011 - ADV Allround Vermittlungs AG, in liquidation v Finanzamt Hamburg-Bergedorf - Sixth VAT Directive – Interpretation of Article 9(2)(e) – Supply of staff – Supply of drivers not in the employ of the supplier – Place where the services are supplied – Refund**

[CURIA – Opinion of Advocate General C-218/10 of the Court of Justice of 28 June 2011 - FR](#)

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

**Call for proposals** — The European Investment Bank proposes three **new EIBURS sponsorships** within its **EIB-Universities Research Action** (2011/C 185/04)

[OJ of the EU, C 185/7 of 25 June 2011 - FR](#)

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

### Community Legislation

**Communication from the Commission** — Notification of **evidence of formal qualifications** — Directive 2005/36/EC on **recognition of professional qualifications** (Annex V) (Text with EEA relevance) (2011/C 183/01)  
[OJ of the EU, C 183/1 of 24 June 2011 - FR](#)

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

**GREEN PAPER** Modernising the **Professional Qualifications Directive** (Text with EEA relevance)  
[COM\(2011\) 367 final 26 June 2011 - FR](#)

## 9. Employment and Social Affairs

### Case Law

**Affaire C-225/10 : Conclusions de l'Avocat Général Mengozzi du 9 juin 2011 - Juan Pérez García et Autres contre Familienkasse Nürnberg - Règlement (CEE) n° 1408/71 – Allocations familiales – Prestations pour enfants handicapés à charge de titulaires de pensions ou de rentes dues au titre des législations de plusieurs États membres** – Prestations pour orphelins de travailleurs soumis aux législations de plusieurs États membres – Droit aux prestations dans l'ancien État d'emploi – Allocations familiales versées par l'État de résidence non compatibles avec une autre prestation en espèces pour laquelle l'intéressé a opté  
[CURIA – Conclusions de l'Avocat Général C-225/10 de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Case C-155/10: Opinion of the Advocate General Trstenjak of 16 June 2011 - Williams and Others v British Airways plc - Working conditions – Organisation of working time – Article 7 of Directive 2003/88/EC – Right to paid annual leave** – Extent of the obligations provided for by that directive in respect of the nature and level of paid annual leave – Discretion available to the Member States in laying down precise rules governing paid annual leave – **Directive 2000/79/EC** – Paid annual leave due to pilots employed by airlines  
[CURIA – Opinion of Advocate General C-155/10 of the Court of Justice of 16 June 2011 - FR](#)

**Affaire C-123/10 : Conclusions de l'Avocat Général Trstenjak du 16 juin 2011 - Waltraud Brachner contre Pensionsversicherungsanstalt - Politique sociale – Directive 79/7/CEE – Article 4 – Égalité de traitement des hommes et des femmes en matière de sécurité sociale – Péréquation annuelle des pensions** – Réglementation nationale prévoyant, pour une catégorie de personnes, majoritairement de sexe féminin, qui perçoivent une pension inférieure au revenu minimum social, un coefficient de péréquation inférieur au coefficient de péréquation applicable aux pensions d'un montant plus élevé  
[CURIA – Conclusions de l'Avocat Général C-123/10 de la Cour de Justice du 16 juin 2011 \(FR seulement\)](#)

**Case C-399/09: Judgment of the Court (Fourth Chamber) of 22 June 2011 - Marie Landtová v Česká správa sociálního zabezpečení - Freedom of movement for workers – Social security – Agreement on social security entered into by two Member States before accession to the European Union** – Member State competent to determine the value of completed periods of insurance – Old-age pension – Supplementary benefit paid solely to nationals and residents of a Member State  
[CURIA – Judgment in Case C-399/09 of the Court of Justice of 22 June 2011 - FR](#)

## 10. Energy and Environment

### Case Law

**Case C-383/09: Judgment of the Court (Fourth Chamber) of 9 June 2011 - European Commission v French Republic** - Failure of a Member State to fulfil obligations – **Habitats Directive** – Inadequacy of measures taken to protect the species *Cricetus cricetus* (European hamster) – **Deterioration of habitats**

[CURIA – Judgment in Case C-383/09 of the Court of Justice of 9 June 2011 - FR](#)

**Case C-204/09: Opinion of Advocate General Sharpston of 22 June 2011 - Flachglas Torgau GmbH v Bundesrepublik Deutschland** - **Access to environmental information held by public authorities – Aarhus Convention – Directive 2003/4/EC** – Bodies acting in a legislative capacity – Confidentiality of proceedings provided for by law

[CURIA – Opinion of Advocate General C-204/09 of the Court of Justice of 22 June 2011 - FR](#)

**Affaire C-404/09 : Conclusions de l'Avocat Général Kokott du 28 juin 2011** - Commission européenne contre Royaume d'Espagne - Site 'Alto Sil' – Directive 85/337/CEE – Évaluation des incidences de certains projets sur l'environnement – Directive 92/43/CEE – Protection des habitats naturels et des espèces sauvages – Ours brun (*Ursus arctos*) – Grand tétras (*Tetrao urugallus*)

[CURIA – Conclusions de l'Avocat Général C-404/09 de la Cour de Justice du 28 juin 2011 \(FR seulement\)](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) No 543/2011 of 7 June 2011** laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of **the fruit and vegetables** and processed fruit and vegetables sector

[OJ of the EU, L 157/1 of 15 June 2011 - FR](#)

### Case Law

**Affaire C-458/10 : Arrêt de la Cour (huitième chambre) du 9 juin 2011 - Commission européenne contre Grand-Duché de Luxembourg** - Manquement d'État – **Directive 98/83/CE – Eaux destinées à la consommation humaine** – Transposition incomplète et incorrecte

[CURIA – Arrêt dans l'affaire C-458/10 de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Joined Cases C-65/09 and C-87/09: Judgment of the Court (First Chamber) of 16 June 2011 - Gebr. Weber GmbH (C-65/09) v Jürgen Wittmer and Ingrid Putz (C-87/09) v Medianess Electronics GmbH** - **Consumer protection – Sale of consumer goods and associated guarantees – Directive 1999/44/EC – Article 3(2) and (3)** – Replacement of defective goods as the only remedy – Defective goods already installed by the consumer – Obligation on the seller to remove the defective goods and install the replacement goods – Absolute lack of proportionality – Consequences

[CURIA – Judgment in joined Cases C-65/09 and C-87/09 of the Court of Justice of 16 June 2011 - FR](#)

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

**Consumer Rights: 10 ways the new EU Consumer Rights Directive will give people stronger rights when they shop online**

[Press releases RAPID 23 June 2011 - FR](#)

## 12. Human Rights

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

**Opinion of the European Data Protection Supervisor** on the Proposal for a Directive of the European Parliament and of the Council on the use **of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime** (2011/C 181/02)

[OJ of the EU, C 181/24 of 22 June 2011 - FR](#)

**Opinion of the European Data Protection Supervisor** on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions — **'A comprehensive approach on personal data protection in the European Union'** (2011/C 181/01)

[OJ of the EU, C 181/1 of 22 June 2011 - FR](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-401/09 P: Judgment of the Court (Third Chamber) of 9 June 2011 - Evropaïki Dynamiki v European Central Bank (ECB) - Appeal – Admissibility – Power of attorney – Consortium – Public contracts – Negotiated procedure – IT consultancy and IT development services – Rejection of the tender – Rules of Procedure of the General Court – Interest in bringing proceedings – Ground for exclusion – Permit required by national law – Obligation to state reasons**

[CURIA – Judgment in Case C-401/09 P of the Court of Justice of 9 June 2011 - FR](#)

**Joined Cases C-71/09 P, C-73/09 P and C-76/09 P: Judgment of the Court (Third Chamber) of 9 June 2011 - Comitato "Venezia vuole vivere" v Commission - Appeals – Actions for annulment – Admissibility – Locus standi – Interest in bringing an action – Objection of lis alibi pendens – State aid – Multisectoral aid scheme – Reductions in social security contributions – Decision 2000/394/EC – Compensatory nature – Whether intra-Community trade affected – Impact on competition – Extent of control – Burden of proof – Duty to state reasons – Article 87(2)(b) and (3)(b) to (d) EC – Regulation (EC) No 659/1999 – Articles 14 and 15**

[CURIA – Judgment in Joined Cases C-71/09 P, C-73/09 P and C-76/09 P of the Court of Justice of 9 June 2011 - FR](#)

**Case C-52/10: Judgment of the Court (Third Chamber) of 9 June 2011 - Konstantinos Giannikos v Ipourgios Tipou kai Meson Mazikis Enimerosis, Ethniko Simvoulío Radiotileorasis - Directive 89/552/EEC – Television broadcasting activities – Article 1(d) – 'Surreptitious advertising' – Intentional nature – Presentation of cosmetic dental treatment during a television broadcast**

[CURIA – Judgment in Case C-52/10 of the Court of Justice of 9 June 2011 - FR](#)

**Affaire C-47/10 P: Conclusions de l'Avocat Général Bot du 9 juin 2011 - République d'Autriche contre Scheucher-Fleisch GmbH e.a. - Pourvoi – Aides d'État accordées par la République d'Autriche dans le domaine de l'agriculture biologique – Décision de la Commission de ne pas soulever d'objections – Recours en annulation – Recevabilité – Droit des 'parties intéressées' – Conditions d'ouverture d'une procédure formelle d'examen – Notion de 'difficultés sérieuses' – Étendue du contrôle juridictionnel du Tribunal**

[CURIA – Conclusions de l'Avocat Général C-47/10 P de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Affaires jointes C-465/09 P à C-470/09 P : Arrêt de la Cour (troisième chambre) du 9 juin 2011 - Diputación Foral de Vizcaya v Commission** - Pourvoi – **Aides d’État – Recours en annulation – Décision d’ouverture de la procédure formelle d’examen prévue à l’article 88, paragraphe 2, CE** – Décisions finales subséquentes constatant l’incompatibilité avec le marché commun des régimes d’aides d’État mis à exécution par l’Espagne en 1993 en faveur de certaines entreprises nouvellement créées dans la province d’Álava, de Vizcaya et de Guipúzcoa – Exemption de l’impôt sur les sociétés – Litispendance – **Notion d’aide autorisée** – Confiance légitime – Respect d’un délai raisonnable – Absence de notification  
[CURIA – Arrêt dans les affaires jointes C-465/09 P à C-470/09 P de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Case C-361/10: Judgment of the Court (Seventh Chamber) of 9 June 2011 - Fédération de l’industrie et du gaz v Belgium** - **Internal market – Technical standards and regulations** – Procedure for the provision of information in the field of technical standards and regulations and rules on Information Society services – Minimum safety requirements for certain old electrical installations at places of work  
[CURIA – Judgment in Case C-361/10 of the Court of Justice of 9 June 2011 - FR](#)

**Case C-409/09: Judgment of the Court (Third Chamber) of 9 June 2011 - José Maria Ambrósio Lavrador et Maria Cândida Olival Ferreira Bonifácio v Companhia de Seguros Fidelidade-Mundial SA** - **Insurance against civil liability in respect of the use of motor vehicles – Directives 72/166/EEC, 84/5/EEC and 90/232/EEC – Right to compensation by means of compulsory insurance against civil liability in respect of the use of motor vehicles** – Conditions for limitation – Victim’s contribution to his own loss or injury – Liability for risk – Provisions applicable to a child third party who is the victim of an accident  
[CURIA – Judgment in Case C-409/09 of the Court of Justice of 9 June 2011 - FR](#)

**Case C-10/10: Judgment of the Court (Fourth Chamber) of 16 June 2011 - European Commission v Republic of Austria** - Failure of a Member State to fulfil obligations – **Free movement of capital – Deductibility of gifts to research and teaching institutions** – Deductibility limited to gifts to institutions established in national territory  
[CURIA – Judgment in Case C-10/10 of the Court of Justice of 16 June 2011 - FR](#)

**Affaire C-257/10 : Conclusions de l’Avocat Général Mazák du 21 juin 2011 - Försäkringskassan contre Elisabeth Bergström** - **Libre circulation des personnes – Accord entre la Communauté européenne et ses États membres, d’une part, et la Confédération suisse, d’autre part, sur la libre circulation des personnes** – Sécurité sociale – Prestations familiales – Règlement (CEE) n° 1408/71 – Articles 3, paragraphe 1, et 72  
[CURIA – Conclusions de l’Avocat Général C-257/10 de la Cour de Justice du 21 juin 2011 \(FR seulement\)](#)

**Case C-399/09: Judgment of the Court (Fourth Chamber) of 22 June 2011 - Marie Landtová v Česká správa sociálního zabezpečení** - **Freedom of movement for workers – Social security – Agreement on social security entered into by two Member States before accession to the European Union** – Member State competent to determine the value of completed periods of insurance – Old-age pension – Supplementary benefit paid solely to nationals and residents of a Member State  
[CURIA – Judgment in Case C-399/09 of the Court of Justice of 22 June 2011 - FR](#)

## 14. Intellectual Property

### Case Law

**Affaire C-125/10 : Conclusions de l’Avocat Général Bot du 9 juin 2011 - Merck Sharp & Dohme Corp., anciennement Merck & Co. contre Deutsches Patent- und Markenamt** - **Propriété intellectuelle et industrielle – Brevets – Règlement (CEE) n° 1768/92 – Article 13, paragraphe 1 – Certificat complémentaire de protection pour les médicaments – Conditions de délivrance – Règlement (CE) n° 1901/2006 – Article 36** – Prorogation de la durée du certificat complémentaire de protection – Possibilité de délivrer ce certificat dans le cas où la période écoulée entre la date du dépôt de la demande de brevet de base et la date de la première autorisation de mise sur le marché dans la Communauté est inférieure à cinq ans  
[CURIA – Conclusions de l’Avocat Général C-125/10 de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Case C-462/09: Judgment of the Court (Third Chamber) of 16 June 2011 - Stichting de Thuiskopie v Opus Supplies Deutschland GmbH, Mijndert van der Lee and Hananja van der Lee** - Approximation of laws – **Copyright and related rights – Directive 2001/29/EC – Reproduction right – Exceptions and limitations – Exception of copying for private use – Article 5(2)(b) and (5)** – Fair compensation – Person responsible for paying the levy earmarked for financing of that compensation – Distance selling between two persons resident in different Member States

[CURIA – Judgment in Case C-462/09 of the Court of Justice of 16 June 2011 - FR](#)

**Case C-317/10 P: Judgment of the Court (Fourth Chamber) of 16 June 2011 - Union Investment Privatfonds v UniCredito Italiano and OHIM** - Appeals – **Community trade mark – Regulation (EC) No 40/94– Article 8(1)(b) – Word marks UNIWEB and UniCredit Wealth Management** – Opposition by the proprietor of the national word marks UNIFONDS and UNIRAK and of the national figurative mark UNIZINS – Assessment of the likelihood of confusion – Likelihood of association – Series or family of trade marks

[CURIA – Judgment in Case C-317/10 P of the Court of Justice of 16 June 2011 - FR](#)

**Case C-162/10: Opinion of Advocate General Trstenjak of 29 June 2011 - Phonographic Performance (Ireland) Ltd v Ireland and Others** - **Copyright and related rights – Directives 92/100/EEC and 2006/115/EC – Rights of performers and phonogram producers – Article 8(2) – Communication to the public** – Indirect communication to the public of phonograms in broadcasts received using radios or televisions in hotel bedrooms – Communication to the public through the provision of players and phonograms in hotel bedrooms – Users – Equitable remuneration – Article 10(1)(a) – Limitation to rights – Private use

[CURIA – Opinion of Advocate General C-162/10 of the Court of Justice of 29 June 2011 - FR](#)

**Affaire C-135/10 : Conclusions de l’Avocat Général Trstenjak du 29 juin 2011 - SCF Consorzio Fonografici contre Marco Del Corso** - **Droits d’auteur et droits voisins – Directives 92/100/CEE et 2006/115/CE – Droits des artistes interprètes ou exécutants et des producteurs de phonogrammes – Article 8, paragraphe 2** – Communication au public – Communication indirecte de phonogrammes dans le cadre d’émissions de radio communiquées dans la salle d’attente d’un cabinet dentaire – Nécessité d’un but lucratif – Rémunération équitable

[CURIA – Conclusions de l’Avocat Général C-135/10 de la Cour de Justice du 29 juin 2011 \(FR seulement\)](#)

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

### Community Legislation

**COUNCIL DECISION** of 9 June 2011 on the application of the **provisions of the Schengen acquis** relating to the **Schengen Information System in the Principality of Liechtenstein** (2011/352/EU)

[OJ of the EU, L 160/84 of 18 June 2011 - FR](#)

**Declaration by the Republic of Poland** on Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of **mutual recognition to judgments in criminal matters** imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union

[OJ of the EU, L 146/21 of 1 June 2011 - FR](#)

### Case Law

**Case C-87/10: Judgment of the Court (Third Chamber) of 9 June 2011 - Electrosteel Europe SA v Edil Centro SpA** - **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Regulation (EC) No 44/2001– Special jurisdiction – Article 5(1)( b), first indent** – Court of the place of performance of the contractual obligation on which the application is based – Sale of goods – Place of delivery – Contract containing the clause ‘Delivered Ex Works’

[CURIA – Judgment in Case C-87/10 of the Court of Justice of 9 June 2011 - FR](#)

**Affaire C-139/10 : Conclusions de l'Avocat Général Kokott du 16 juin 2011 - Prism Investments BV contre J.A. Van der Meer - Règlement (CE) n° 44/2001 – Reconnaissance et exécution de décisions judiciaires** – Motifs de refus – Moyens de défense au fond concernant le droit constaté par un titre  
[CURIA – Conclusions de l'Avocat Général C-139/10 de la Cour de Justice du 16 juin 2011 \(FR seulement\)](#)

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

**RESOLUTION OF THE COUNCIL of 10 June 2011 on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings** (2011/C 187/01)  
[OJ of the EU, C 187/1 of 28 June 2011 - FR](#)

## 16. Transport

### Case Law

**Case C-83/10: Opinion of the Advocate General Sharpston of 28 June 2011 - Aurora Sousa Rodríguez and Others v Air France - Air transport – Assistance, care and compensation for passengers** – Meaning of 'cancellation' and 'further compensation'  
[CURIA – Opinion of Advocate General C-83/10 of the Court of Justice of 28 June 2011 - FR](#)

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

**Opinion of the European Data Protection Supervisor on the Proposal for a Directive of the European Parliament and of the Council on the use of Passenger Name Record data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime** (2011/C 181/02)  
[OJ of the EU, C 181/24 of 22 June 2011 - FR](#)

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

### Case Law

**Affaire C-426/10 P : Conclusions de l'Avocat Général Sharpston du 9 juin 2011 - Bell & Ross BV contre Office de l'harmonisation dans le marché intérieur (OHMI) - Pourvoi – Original signé de la requête déposé hors délai – Rejet comme manifestement irrecevable** – Vice régularisable – Notions d'erreur excusable et de cas fortuit – Principes de confiance légitime et de proportionnalité  
[CURIA – Arrêt dans l'affaire C-426/10 P de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Affaire C-163/10 : Conclusions de l'Avocat Général Jälskinen du 9 juin 2011 - Aldo Patriciello - Membre du Parlement européen – Article 8 du protocole sur les privilèges et immunités – Portée de la notion d'opinion exprimée dans l'exercice des fonctions parlementaires'** – Procédure pénale pour le délit de dénonciation calomnieuse – Immunité matérielle – Comportement d'un membre du Parlement européen en dehors de l'enceinte du Parlement européen – Lien organique  
[CURIA – Conclusions de l'Avocat Général C-163/10 de la Cour de Justice du 9 juin 2011 \(FR seulement\)](#)

**Case C-196/09: Judgment of the Court (Grand Chamber) of 14 June 2011 - Paul Miles and Others v European Schools** - Reference for a preliminary ruling – Concept of 'court or tribunal of a Member State' within the meaning of Article 267 TFEU – Complaints Board of the European Schools – System of remuneration of teachers seconded to the European Schools – No adjustment of remuneration following depreciation in sterling – Compatibility with Articles 18 TFEU and 45 TFEU  
[CURIA – Judgment in Case C-196/09 of the Court of Justice of 14 June 2011 - FR](#)