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Highlights

Affaire C-282/10: Conclusions de l'Avocat Général Trstenjak du 8 septembre 2011 - Maribel Dominguez contre Centre informatique du Centre Ouest Atlantique contre Préfet de la région Centre - Article 31, paragraphe 2, de la Charte – Droits sociaux fondamentaux – Principes généraux du droit – Effet horizontal des directives – Article 7 de la directive 2003/88/CE – Conditions de travail – Aménagement du temps de travail – Droit au congé annuel payé – Naissance du droit au congé indépendamment de la nature de l'absence du travailleur et de sa durée – Réglementation nationale subordonnant l'octroi de ce congé à un travail effectif minimum de dix jours – Obligation pour la juridiction nationale d'écarter l'application de dispositions nationales contraires au droit de l'Union [CURIA – Conclusions de l'Avocat Général C-282/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

COMMISSION DECISION of 11 August 2011 **authorising Spain to temporarily suspend** the application of Articles 1 to 6 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on **freedom of movement for workers** within the Union with regard to **Romanian workers** (2011/503/EU) [OJ of the EU, L 207/22 of 12 August 2011 - FR](#)

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EU News: Click & Read

August – September 2011

European Documentation Centre

Editors:

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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

Notice concerning the **entry into force of the Agreement** between the **European Union and the Swiss Confederation** establishing the terms and conditions for the **participation** of the Swiss Confederation in the **'Youth in Action' programme and in the action programme in the field of lifelong learning** (2007 to 2013)

The procedures necessary for the entry into force of the Agreement between the European Union and the Swiss Confederation establishing the terms and conditions for the participation of the Swiss Confederation in the 'Youth in Action' programme and in the action programme in the field of lifelong learning (2007 to 2013) (1), signed in Brussels on 15 February 2010, having been completed on 31 January 2011, the Agreement has entered into force on 1 March 2011, in accordance with its Article 5.

[OJ of the EU, L 234/1 of 10 September 2011 - FR](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION of 21 September 2011 determining the **date from which the Visa Information System (VIS) is to start** operations in a first region (2011/636/EU)

[OJ of the EU, L 249/19 of 27 September 2011 - FR](#)

2. External Relations / Foreign Policy

Community Legislation

COMMISSION IMPLEMENTING DECISION of 21 September 2011 determining the **date from which the Visa Information System (VIS) is to start** operations in a first region (2011/636/EU)

[OJ of the EU, L 249/19 of 27 September 2011 - FR](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-309/10: Judgment of the Court (Eighth Chamber) of 28 July 2011 - Agrana Zucker GmbH v Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft - Sugar – Temporary scheme for the restructuring of the sugar industry in the European Community – Regulation (EC) No 320/2006 – Article 11 – Revenue surplus in the restructuring fund – Assignment to the EAGF – Principle of conferral and principle of proportionality – Obligation to state reasons – Unjust enrichment

[CURIA – Judgment in Case C-309/10 of the Court of Justice of 28 July 2011 - FR](#)

Joined Cases C-58/10 to C-68/10: Judgment of the Court (Fourth Chamber) of 8 September 2011 – Monsanto SAS (C-58/10 and C-59/10), Monsanto Agriculture France SAS (C-58/10 and C-59/10), Monsanto International SARL (C-58/10 and C-59/10), Monsanto Technology LLC (C-58/10 and C-59/10), Monsanto Europe SA (C-59/10), Association générale des producteurs de maïs (AGPM) (C-60/10), Malaprade SCEA and Others (C-61/10), Pioneer Génétique SARL (C-62/10), Pioneer Semences SAS (C-62/10), Union française des semenciers (UFS), formerly Syndicat des établissements de semences agréés pour les semences de maïs (Seproma) (C-63/10), Caussade Semences SA (C-64/10), Limagrain Europe SA, formerly Limagrain Verneuil Holding SA (C-65/10), Maïsadour Semences SA (C-66/10), Ragt Semences SA (C-67/10), Euralis Semences SAS (C-68/10), Euralis Coop (C-68/10) v Ministre de l'Agriculture et de la Pêche - Agriculture – Genetically modified animal feed – Emergency measures – Measure adopted by a Member State – Provisional suspension of an authorisation granted pursuant to Directive 90/220/EEC – Legal basis – Directive 2001/18/EC – Article 12 – Sectoral legislation – Article 23 – Safeguard clause – Regulation (EC) No 1829/2003 – Article 20 – Existing products – Article 34 – Regulation (EC) No 178/2002 – Articles 53 and 54 – Conditions of application

[CURIA – Judgment in Joined Cases C-58/10 to C-68/10 of the Court of Justice of 8 September 2011 - FR](#)

Case C-197/10: Judgment of the Court (First Chamber) of 15 September 2011 - Unió de Pagesos de Catalunya v Administración del Estado - Common agricultural policy – Regulation (EC) No 1782/2003 – Single payment scheme – Entitlements to payments from the national reserve – Conditions for granting – Farmers commencing an agricultural activity – Hypothetical nature of the question referred – Inadmissibility
[CURIA – Judgment in Case C-197/10 of the Court of Justice of 15 September 2011 - FR](#)

4. Audiovisual and Media and Information Society

Preparatory Acts, Reports, Calls, Memos, Common Positions

MEDIA 2007 — DEVELOPMENT, DISTRIBUTION, PROMOTION AND TRAINING Call for proposals — EACEA/21/11 Support for the development of production projects — Animation, creative documentaries and drama — Single Projects, Slate Funding and Slate Funding second stage (2011/C 279/07)
[OJ of the EU, C 279/30 of 23 August 2011 - FR](#)

MEDIA 2007 — DEVELOPMENT, DISTRIBUTION, PROMOTION AND TRAINING Call for proposals — EACEA/22/11 Support for the development of on- and off-line interactive works (2011/C 279/08)
[OJ of the EU, C 279/33 of 23 August 2011 - FR](#)

5. Competition

Case Law

Case C-17/10: Opinion of Advocate General Kokott of 8 September 2011 - Toshiba Corporation and Others - Competition – International cartel affecting the territories of the EU, the EEA and the Member States which acceded on 1 May 2004 – Article 81 EC and Article 53 of the EEA Agreement – Prosecution and punishment of the infringement in relation to the periods before and after the date of accession – Fines – Delimitation of the respective competences of the Commission and the national competition authorities – ‘Ne bis in idem’ principle – Article 3(1) and Article 11(6) of Regulation (EC) No 1/2003 – Consequences of the accession of a new Member State to the European Union

[CURIA – Opinion of Advocate General C-17/10 of the Court of Justice of 8 September 2011 - FR](#)

6. Customs

Case Law

Case C-215/10: Judgment of the Court (Seventh Chamber) of 28 July 2011 - Pacific World Limited, FDD International Limited v The Commissioners for Her Majesty's Revenue and Customs - Common Customs Tariff – Tariff classification – Combined Nomenclature – Moulded plastic false nail sets – Validity of Regulation (EC) No 1417/2007 – Other articles of plastics (heading 3926) – Manicure or pedicure preparations (heading 3304) – Manicure or pedicure sets and instruments (heading 8214)

[CURIA – Judgment in Case C-215/10 of the Court of Justice of 28 July 2011 - FR](#)

Case C-409/10: Opinion of Advocate General Mazák of 15 September 2011 - Hauptzollamt Hamburg-Hafen v Afasia Knits Deutschland GmbH - Common commercial policy – ACP/EU Cotonou Partnership Agreement – Preferential arrangements for products originating in ACP countries – Export of textiles originating in China from Jamaica to the European Union – Non-preferential origin of goods – Subsequent verification of movement certificates EUR.1 – Cooperation – European Anti-Fraud Office (OLAF) and Jamaican authorities – Post-clearance recovery of import duties – Article 220(2)(b) of Regulation (EEC) No 2913/92 – Community Customs Code – Burden of proof – Legitimate expectations

[CURIA – Opinion of Advocate General C-409/10 of the Court of Justice of 15 September 2011 - FR](#)

Case C-138/10: Judgment of the Court (First Chamber) of 15 September 2011 - DP grup EOOD v Direktor na Agentsia 'Mitnitsi' - Customs union – Customs declaration – Acceptance by the customs authorities of that declaration – Invalidation of a customs declaration which has already been accepted – Consequences for penal measures

[CURIA – Judgment in Case C-138/10 of the Court of Justice of 15 September 2011 - FR](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-350/10: Judgment of the Court (Fourth Chamber) of 28 July 2011 - Nordea Pankki Suomi Oyj - Reference for a preliminary ruling – Sixth VAT Directive – Article 13B(d)(3) and (5) – Exemptions – Transfers and payments – Transactions in securities – Electronic messaging services for financial institutions

[CURIA – Judgment in Case C-350/10 of the Court of Justice of 28 July 2011 - FR](#)

Case C-274/10: Judgment of the Court (Third Chamber) of 28 July 2011 - European Commission v Republic of Hungary - Failure of a Member State to fulfil obligations – Taxation – VAT – Directive 2006/112/EC – Right to deduct – Procedures for exercise – Article 183 – National legislation allowing the refund of VAT excess only if it exceeds the amount of input tax corresponding to transactions not yet paid for

[CURIA – Judgment in Case C-274/10 of the Court of Justice of 28 July 2011 - FR](#)

Affaire C-133/10 : Arrêt de la Cour (cinquième chambre) of 28 juillet 2011 – Commission européenne contre Royaume de Belgique - Manquement d'État – Directive 2005/81/CE – Transparence des relations financières entre les États membres et les entreprises publiques – Entreprise soumise à l'obligation de tenir des comptes séparés – Non-transposition dans le délai prescrit

[CURIA – Arrêt dans l'affaire C-133/10 de la Cour de Justice du 28 juillet 2011 \(FR seulement\)](#)

Case C-106/10: Judgment of the Court (Seventh Chamber) of 28 July 2011 - Lidl & Companhia v Fazenda Pública - Taxation – Directive 2006/112/EC – VAT – Taxable amount – Tax payable on the manufacture, assembly, admission or import of vehicles

[CURIA – Judgment in Case C-106/10 of the Court of Justice of 28 July 2011 - FR](#)

Case C-398/09: Judgment of the Court (Grand Chamber) of 6 September 2011 - Lady & Kid A/S and Others v Skatteministeriet - Refusal to reimburse a tax paid in error – Unjust enrichment arising from the link between the introduction of that tax and the abolition of other taxes

[CURIA – Judgment in Case C-398/09 of the Court of Justice of 6 September 2011 - FR](#)

Affaire C-427/10 : Conclusions de l'Avocat Général Mazák du 15 septembre 2011 - Banca Antoniana Popolare Veneta SpA, incorporante la Banca Nazionale dell'Agricoltura SpA, contre Ministero dell'Economia e delle Finanze, Agenzia delle Entrate Taxe sur la valeur ajoutée – Taxe indûment facturée et versée – Droit du prestataire du service de demander à l'administration fiscale le remboursement de la TVA indûment versée – Droit du preneur du service de demander au prestataire du service la restitution de l'indu objectif correspondant à la TVA indûment facturée – Modification de l'interprétation de la disposition du droit national prévoyant l'exonération de la TVA –Principes de sécurité juridique et de protection de la confiance légitime

[CURIA – Conclusions de l'Avocat Général C-427/10 de la Cour de Justice du 15 septembre 2011 \(FR seulement\)](#)

Affaire C-280/10 : Conclusions de l'Avocat Général Villalón du 15 septembre 2011 - Kopalnia Odkrywkowa Polski Trawertyn P. Granatowicz, M. Wąsiewicz, spółka jawna contre Dyrektor Izby Skarbowej w Poznaniu - Fiscalité – **Taxe sur la valeur ajoutée – Récupération de la taxe payée en amont pour des opérations effectuées en vue d'une activité économique future – Opération taxée avant la constitution d'une société en nom collectif qui réalisera l'activité économique – Émission de factures au nom de la future société en nom collectif et des 'futurs associés' – Achat de terrains à la charge des 'futurs associés' apportés en nature à la société en nom collectif au moment de sa constitution**

[CURIA – Conclusions de l'Avocat Général C-280/10 de la Cour de Justice du 15 septembre 2011 \(FR seulement\)](#)

Joined Cases C-180/10 and C-181/10: Judgment of the Court (Second Chamber) of 15 September 2011 - Jarosław Słaby v Minister Finansów (C-180/10) and Emilian Kuć, Halina Jeziorska-Kuć v Dyrektor Izby Skarbowej w Warszawie (C-181/10) - Taxation – **Value added tax – Directive 2006/112/EC – Meaning of taxable person – Sale of building land – Articles 9, 12 and 16 – No deduction of input VAT**

[CURIA – Judgment in Joined Cases C-180/10 and C-181/10 of the Court of Justice of 15 September 2011 - FR](#)

Affaire C-505/10 : Conclusions de l'Avocat Général Bot du 20 septembre 2011 - Partrederiet Sea Fighter contre Skatteministeriet - **Directive 92/81/CEE – Droits d'accises sur les huiles minérales – Exonérations – Carburant utilisé par une excavatrice installée de façon permanente sur un navire et fonctionnant indépendamment du moteur de ce navire – Notion de 'navigation'**

[CURIA – Conclusions de l'Avocat Général C-505/10 de la Cour de Justice du 20 septembre 2011 \(FR seulement\)](#)

Affaire C-524/10 : Conclusions de l'Avocat Général Kokott du 22 septembre 2011 - Commission européenne contre République portugaise - **Système commun de taxe sur la valeur ajoutée – Directive 2006/112/CE – Taxe en amont – Régime commun forfaitaire des producteurs agricoles – Compensation forfaitaire substituant la déduction de la taxe en amont – Pourcentage nul – Conditions**

[CURIA – Conclusions de l'Avocat Général C-524/10 de la Cour de Justice du 22 septembre 2011 \(FR seulement\)](#)

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

Preparatory Acts, Reports, Calls, Memos, Common Positions

EUROPEAN COMMISSION Call for proposals 2012 – EAC/27/11 Lifelong Learning Programme (LLP) (2011/C 233/06)

[OJ of the EU, C 233/15 of 8 August 2011 - FR](#)

9. Employment and Social Affairs

Community Legislation

COMMISSION DECISION of 11 August 2011 **authorising Spain to temporarily suspend the application of Articles 1 to 6 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on **freedom of movement for workers** within the Union with regard to **Romanian workers** (2011/503/EU)**

[OJ of the EU, L 207/22 of 12 August 2011 - FR](#)

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS **Rates for conversion of currencies pursuant to Council Regulation (EEC) No 574/72 (2011/C 235/07)**

[OJ of the EU, C 235/5 of 11 August 2011 - FR](#)

Case Law

Case C-108/10: Judgment of the Court (Grand Chamber) of 6 September 2011 - Ivana Scattolon v Ministero dell'Istruzione, dell'Università e della Ricerca - Social policy – Directive 77/187/EEC – Maintenance of the rights of workers in the event of a transfer of an undertaking – Meaning of 'undertaking' and 'transfer' – Transferor and transferee governed by public law – Application, from the date of transfer, of the collective agreement in force with the transferee – Salary treatment – Whether length of service completed with the transferor to be taken into account

[CURIA – Judgment in Case C-108/10 of the Court of Justice of 6 September 2011 - FR](#)

Affaire C-347/10 : Conclusions de l'Avocat Général Villalón du 8 septembre 2011 - A. Salemink contre Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - Sécurité sociale de travailleurs migrants – Assurance obligatoire – Refus d'allocation d'incapacité de travail – Travailleurs employés sur des plateformes gazières situées sur le plateau continental adjacent à la mer territoriale d'un État membre

[CURIA – Conclusions de l'Avocat Général C-347/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Joined Cases C-297/10 and C-298/10: Judgment of the Court (Second Chamber) of 8 September 2011 - Sabine Hennigs (C-297/10) v Eisenbahn-Bundesamt and Land Berlin (C-298/10) v Alexander Mai - Directive 2000/78/EC – Articles 2(2) and 6(1) – Charter of Fundamental Rights of the European Union – Articles 21 and 28 – Collective agreement on pay for public sector contractual employees of a Member State – Pay determined by reference to age – Collective agreement abolishing the determination of pay by reference to age – Maintenance of established rights

[CURIA – Judgment in Joined Cases C-297/10 and C-298/10 of the Court of Justice of 8 September 2011 - FR](#)

Affaire C-282/10 : Conclusions de l'Avocat Général Trstenjak du 8 septembre 2011 - Maribel Dominguez contre Centre informatique du Centre Ouest Atlantique contre Préfet de la région Centre - Article 31 , paragraphe 2, de la Charte – Droits sociaux fondamentaux – Principes généraux du droit – Effet horizontal des directives – Article 7 de la directive 2003/88/CE – Conditions de travail – Aménagement du temps de travail – Droit au congé annuel payé – Naissance du droit au congé indépendamment de la nature de l'absence du travailleur et de sa durée – Réglementation nationale subordonnant l'octroi de ce congé à un travail effectif minimum de dix jours – Obligation pour la juridiction nationale d'écarter l'application de dispositions nationales contraires au droit de l'Union

[CURIA – Conclusions de l'Avocat Général C-282/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Case C-177/10: Judgment of the Court (Second Chamber) of 8 September 2011 - Francisco Javier Rosado Santana v Consejería de Justicia y Administración Pública de la Junta de Andalucía - Social policy – Directive 1999/70/EC – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clause 4 – Application of the framework agreement to the civil service – Principle of non-discrimination

[CURIA – Judgment in Case C-177/10 of the Court of Justice of 8 September 2011 - FR](#)

Case C-447/09: Judgment of the Court (Grand Chamber) of 13 September 2011 - Reinhard Prigge, Michael Fromm, Volker Lambach v Deutsche Lufthansa AG - Directive 2000/78/EC – Articles 2(5), 4(1) and 6(1) – Prohibition of discrimination on grounds of age – Airline pilots – Collective agreement – Clause automatically terminating employment contracts at age 60

[CURIA – Judgment in Case C-447/09 of the Court of Justice of 13 September 2011 - FR](#)

Affaire C-313/10 : Conclusions de l'Avocat Général Jääskinen du 15 septembre 2011 - Land Nordrhein-Westfalen contre Sylvia Jansen - Politique sociale – Directive 1999/70/CE – Accord-cadre sur le travail à durée déterminée – Clause 5, point 1 – Mesures visant à prévenir l'utilisation abusive de contrats à durée déterminée successifs – 'Raisons objectives' justifiant le renouvellement de tels contrats – Prise en compte du nombre ou de la durée cumulée des contrats à durée déterminée successifs – Justification réservée au secteur public – Justification basée sur des fonds budgétaires prévus pour des emplois à durée déterminée – Clause 8, point 3 – Régression du niveau général de protection des travailleurs – Interprétation conforme

[CURIA – Conclusions de l'Avocat Général C-313/10 de la Cour de Justice du 15 septembre 2011 \(FR seulement\)](#)

Case C-155/10: Judgment of the Court (First Chamber) of 15 September 2011 - Williams and Others v British Airways plc - Working conditions – Directive 2003/88/EC – Organisation of working time – Right to annual leave – Airline pilots

[CURIA – Judgment in Case C-155/10 of the Court of Justice of 15 September 2011 - FR](#)

10. Energy and Environment

Community Legislation

COUNCIL DIRECTIVE 2011/70/EURATOM of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste

[OJ of the EU, L 199/48 of 2 August 2011 - FR](#)

Case Law

Case C-71/10: Judgment of the Court (Third Chamber) of 28 July 2011 - Office of Communications v Information Commissioner - Public access to environmental information – Directive 2003/4/EC – Article 4 – Exceptions to the right of access – Request for access involving more than one of the interests protected under Article 4(2) of that directive

[CURIA – Judgment in Case C-71/10 of the Court of Justice of 28 July 2011 - FR](#)

Affaire C-548/10 : Arrêt de la Cour (septième chambre) du 28 juillet 2011- Commission européenne contre République d’Autriche - Manquement d’État – Directive 2007/2/CE – Politique de l’environnement – Infrastructure d’information géographique dans la Communauté européenne (INSPIRE) – Échange et mise à jour des données en format électronique – Transposition incomplète

[CURIA – Arrêt dans l’affaire C-548/10 de la Cour de Justice du 28 juillet 2011 \(FR seulement\)](#)

Affaire C-220/10 : Arrêt de la Cour (huitième chambre) du 8 septembre 2011 - Commission européenne contre République portugaise - Manquement d’État – Directive 91/271/CEE – Pollution et nuisances – Traitement des eaux urbaines résiduaires – Articles 3, 5 et 6 – Défaut d’identification des zones sensibles – Défaut de mise en œuvre d’un traitement plus rigoureux des rejets dans des zones sensibles

[CURIA – Arrêt dans l’affaire C-220/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Case C-53/10: Judgment of the Court (First Chamber) of 15 September 2011 - Land Hessen v Franz Mücksch OHG - Environment – Directive 96/82/EC – Control of major-accident hazards involving dangerous substances – Prevention – Appropriate distances between areas of public use and establishments where large quantities of dangerous substances are present

[CURIA – Judgment in Case C-53/10 of the Court of Justice of 15 September 2011 - FR](#)

Case C-264/09: Judgment of the Court (First Chamber) of 15 September 2011 - European Commission v Slovak Republic - Failure of a Member State to fulfil obligations – Energy – Internal market in electricity – Directive 2003/54/EC – Investment contract – Bilateral agreement on the protection of investments concluded prior to accession to the European Union – Article 307 EC

[CURIA – Judgment in Case C-264/09 of the Court of Justice of 15 September 2011 - FR](#)

Affaire C-90/10 : Arrêt de la Cour (quatrième chambre) du 22 septembre 2011 - Commission européenne contre Royaume d’Espagne - Manquement d’État – Directive ‘habitats’ – Conservation des habitats naturels – Faune et flore sauvages – Articles 4, paragraphe 4, et 6, paragraphes 1 et 2 – Établissement de priorités pour les zones spéciales de conservation ainsi que d’une protection adéquate de celles-ci – Absence de garantie d’une protection juridique adéquate des zones spéciales de conservation situées dans l’archipel des Canaries

[CURIA – Arrêt dans l’affaire C-90/10 de la Cour de Justice du 22 septembre 2011 \(FR seulement\)](#)

Case C-295/10: Judgment of the Court (Fourth Chamber) of 22 September 2011 - Genovaitė Valčiukienė and Others v Pakruojis rajono savivaldybė, Šiaulių visuomenės sveikatos centras, Šiaulių regiono aplinkos apsaugos departamentas - Directive 2001/42/EC – Assessment of the effects of certain plans and programmes on the environment – Plans which determine the use of small areas at local level – Article 3(3) – Documents relating to land planning at local level relating to only one subject of economic activity – Assessment under Directive 2001/42/EC precluded in national law – Member States’ discretion – Article 3(5) – Link with Directive 85/337/EEC – Article 11(1) and (2) of Directive 2001/42/EC

[CURIA – Judgment in Case C-295/10 of the Court of Justice of 122 September 2011 - FR](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-442/09: Judgment of the Court (Grand Chamber) of 6 September 2011 - Karl Heinz Bablok and Others v Freistaat Bayern - Genetically modified food for human consumption – Regulation (EC) No 1829/2003 – Articles 2 to 4 and 12 – Directive 2001/18/EC – Article 2 – Directive 2000/13/EC – Article 6 – Regulation (EC) No 178/2002 – Article 2 – Apicultural products – Presence of pollen from genetically modified plants – Consequences – Placing on the market – Definition of ‘organism’ and ‘food for human consumption containing ingredients produced from genetically modified organisms’

[CURIA – Judgment in Case C-442/09 of the Court of Justice of 6 September 2011 - FR](#)

12. Human Rights

Community Legislation

COMMISSION DECISION of 10 August 2011 on setting up the **Group of Experts on Trafficking in Human Beings** and repealing Decision 2007/675/EC (2011/502/EU)

[OJ of the EU, L 207/14 of 12 August 2011 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Opinion of the European Data Protection Supervisor on the Evaluation report from the Commission to the Council and the European Parliament on the **Data Retention Directive** (Directive 2006/24/EC) (2011/C 279/01)

[OJ of the EU, C 279/1 of 23 August 2011 - FR](#)

Opinion of the European Data Protection Supervisor on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 **concerning investigations conducted by the European Anti-Fraud Office** (OLAF) and repealing Regulation (Euratom) No 1074/1999 (2011/C 279/02)

[OJ of the EU, C 279/11 of 23 August 2011 - FR](#)

Opinion of the European Data Protection Supervisor on the proposal for a Regulation of the European Parliament and of the Council on **energy market integrity and transparency** (2011/C 279/03)

[OJ of the EU, C 279/20 of 23 August 2011 - FR](#)

13. Internal Market and Single Market

Case Law

Affaires jointes C-471/09 P à C-473/09 P : Arrêt de la Cour (troisième chambre) du 28 juillet 2011 - Territorio Histórico de Vizcaya – Diputación Foral de Vizcaya (C-471/09 P), Territorio Histórico de Álava – Diputación Foral de Álava (C-472/09 P) et Territorio Histórico de Guipúzcoa – Diputación Foral de Guipúzcoa (C-473/09 P) contre Commission européenne - Pourvoi – Aides d'État – Recours en annulation – Décisions de la Commission concernant les régimes d'aides d'État mis à exécution par l'Espagne en faveur des entreprises des provinces de Vizcaya, d'Álava et de Guipúzcoa – Crédit d'impôt de 45 % des investissements – Confiance légitime – Principe de proportionnalité – Principes de sécurité juridique et de bonne administration – Respect d'un délai raisonnable – Absence de notification

[CURIA – Arrêt dans les affaires jointes C-471/09 P à C-473/09 P de la Cour de Justice du 28 juillet 2011 \(FR seulement\)](#)

Affaires jointes C-474/09 P à C-476/09 P : Arrêt de la Cour (troisième chambre) du 28 juillet 2011 - Territorio Histórico de Vizcaya – Diputación Foral de Vizcaya (C-474/09 P), Territorio Histórico de Álava – Diputación Foral de Álava (C-475/09 P) et Territorio Histórico de Guipúzcoa – Diputación Foral de Guipúzcoa (C-476/09 P) contre Commission européenne - Pourvoi – Aides d'État – Recours en annulation – Décisions de la Commission concernant les régimes d'aides d'État mis à exécution par l'Espagne en faveur des entreprises des provinces de Vizcaya, d'Álava et de Guipúzcoa – Réductions de la base imposable pour certaines entreprises nouvellement créées – Confiance légitime – Principes de sécurité juridique et de bonne administration – Respect d'un délai raisonnable – Absence de notification

[CURIA – Arrêt dans les affaires jointes C-474/09 P à C-476/09 P de la Cour de Justice du 28 juillet 2011 \(FR seulement\)](#)

Case C-403/10 P: Judgment of the Court (Third Chamber) of 28 July 2011 - Mediaset SpA v European Commission - Appeal – Subsidies granted by the Italian Republic to promote the purchase of digital decoders – Non-inclusion of decoders for the reception solely of television programmes broadcast by satellite – Decision declaring the aid to be incompatible with the common market

[CURIA – Judgment in Case C-403/10 P of the Court of Justice of 28 July 2011 - FR](#)

Joined Cases C-400/09 and C-207/10: Judgment of the Court (First Chamber) of 28 July 2011 - Orifarm A/S and Others (C-400/09) and Paranova Danmark A/S, Paranova Pack A/S (C-207/10) v Merck Sharp & Dohme Corpand and Others - Trade marks – Directive 89/104/EEC – Article 7(2) – Pharmaceutical products – Parallel imports – Repackaging of the product bearing the trade mark – New packaging indicating as the repackager the holder of the marketing authorisation on whose instructions the product was repackaged – Physical repackaging carried out by a separate undertaking

[CURIA – Judgment in Joined Cases C-400/09 and C-207/10 of the Court of Justice of 28 July 2011 - FR](#)

Affaire C-434/10 : Conclusions de l'Avocat Général Mengozzi du 6 septembre 2011 - Petar Aladzhov contre Zamestnik director na Stolichna direktsia na vatreshnite raboti kam Ministerstvo na vatreshnite raboti - Restriction à l'exercice du droit à la libre circulation d'un citoyen de l'Union – Interdiction pour le représentant d'une société de quitter le territoire national en raison du non-recouvrement de créances publiques – Notion d'ordre public – Proportionnalité

[CURIA – Arrêt dans l'affaire C-434/10 de la Cour de Justice du 6 septembre 2011 \(FR seulement\)](#)

Case C-249/10 P: Opinion of Advocate General Mengozzi of 6 September 2011 - Brosmann Footwear (HK) Ltd and Others v Council of the European Union - Appeal – Common commercial policy – Dumping – Articles 2(7), 3(7), 5(4), 9(5) and (6), and 17(3) of Regulation (EC) No 384/96 – Imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam – Market economy treatment – Individual treatment – Sampling method – Cooperation on the part of the European Union industry)

[CURIA – Opinion of Advocate General C-249/10 P of the Court of Justice of 6 September 2011 - FR](#)

Affaire C-81/10 P : Conclusions de l'Avocat Général Jääskinen du 8 septembre 2011 - France Télécom SA v Commission - Pourvoi – Aides d'État en faveur de France Télécom – Notions d'«aide d'État» et d'«avantage» liées au régime d'imposition de France Télécom à la taxe professionnelle au titre des années 1994 à 2002 – Compensation – Principe de confiance légitime – Délai de prescription– Obligation de motivation et principe de sécurité juridique

[CURIA – Conclusions de l'Avocat Général C-81/10 P de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Joined Cases C-78/08 to C-80/08: Judgment of the Court (First Chamber) of 8 September 2011 - Ministero dell'Economia e delle Finanze, Agenzia delle Entrate v Paint Graphos Soc. coop. arl (C-78/08), Adige Carni Soc. coop. arl, in liquidation, v Agenzia delle Entrate, Ministero dell'Economia e delle Finanze (C-79/08) and Ministero delle Finanze v Michele Franchetto (C-80/08) - Reference for a preliminary ruling – Admissibility – State aid – Tax advantages granted to cooperative societies – Categorisation as State aid within the meaning of Article 87 EC – Compatibility with the common market – Conditions

[CURIA – Judgment in Joined Cases C-78/08 to C-80/08 of the Court of Justice of 8 September 2011 - FR](#)

Affaire C-371/10 : Conclusions de l'Avocat Général Kokott du 8 septembre 2011 - National Grid Indus BV contre Inspecteur van de Belastingdienst Rijnmond/kantoor Rotterdam - Liberté d'établissement – Sociétés – Imposition à la sortie pour les sociétés qui transfèrent leur siège vers un autre État membre – Constatation et imposition de réserves latentes – Gains de change latents

[CURIA – Conclusions de l'Avocat Général C-371/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Case C-279/08 P: Judgment of the Court (Third Chamber) of 8 September 2011 - European Commission v Kingdom of the Netherlands - Appeal – State aid – Article 87(1) EC – Emission trading scheme for nitrogen oxides – Classification of the national measure as State aid – Decision declaring aid to be compatible with the common market – Concept of selectivity – Advantage financed through State resources – Protection of the environment – Obligation to state the reasons for decision – Admissibility

[CURIA – Judgment in Case C-279/08 P of the Court of Justice of 8 September 2011 - FR](#)

Affaires jointes C-424/10 et C-425/10 : Conclusions de l'Avocat Général Bot du 14 septembre 2011 - Tomasz Ziolkowski (C-424/10), Barbara Szeja, Maria-Magdalena Szeja, Marlon Szeja (C-425/10) contre Land Berlin - Droit des citoyens de l'Union de circuler et de séjourner librement sur le territoire des États membres – Conditions de l'acquisition d'un droit de séjour permanent – Notion de «séjour légal» – Détermination de la durée de séjour nécessaire

[CURIA – Conclusions de l'Avocat Général C-424/10 et C-425/10 de la Cour de Justice du 14 septembre 2011 \(FR seulement\)](#)

Affaire C-544/09 P : Arrêt de la Cour (sixième chambre) du 15 septembre 2011 - République fédérale d'Allemagne contre Commission européenne - Pourvoi – Aides d'État – Introduction de la télévision numérique terrestre dans la région de Berlin-Brandebourg – Article 87, paragraphe 3, sous c), CE – Défaillance du marché – Proportionnalité – Neutralité sur le plan technologique – Effet incitatif

[CURIA – Arrêt dans l'affaire C-544/09 P de la Cour de Justice du 15 septembre 2011 \(FR seulement\)](#)

Case C-347/09: Judgment of the Court (Fourth Chamber) of 15 September 2011 - Criminal proceedings against Jochen Dickinger and Franz Ömer - Freedom to provide services – Freedom of establishment – National legislation laying down a monopoly of the operation of internet casino games – Conditions under which permissible – Expansionist commercial policy – Checks on operators of games of chance carried out in other Member States – Monopoly awarded to a company governed by private law – Possibility of obtaining the monopoly reserved to capital companies established in national territory – Holder of the monopoly prohibited from setting up branches outside the Member State of establishment

[CURIA – Judgment in Case C-347/09 of the Court of Justice of 15 September 2011 - FR](#)

Case C-310/09: Judgment of the Court (First Chamber) of 15 September 2011 - Ministre du Budget, des Comptes publics et de la Fonction publique v Accor SA - Free movement of capital – Tax treatment of dividends – National rules conferring a tax credit in respect of dividends distributed by resident subsidiaries of parent companies – Refusal to grant a tax credit in respect of dividends distributed by non-resident subsidiaries – Redistribution of dividends by the parent company to its shareholders – Setting off the tax credit against the advance payment payable by the parent company at the time of redistribution – Refusal to reimburse the advance payment made by the parent company – Unjust enrichment – Evidence required regarding the taxation of non-resident subsidiaries

[CURIA – Judgment in Case C-310/09 of the Court of Justice of 15 September 2011 - FR](#)

Case C-240/10: Judgment of the Court (Fourth Chamber) of 15 September 2011 - Cathy Schulz-Delzers, Pascal Schulz v Finanzamt Stuttgart III - Free movement of persons – Non-discrimination and citizenship of the Union – Income tax – Taking into account expatriation allowances in calculating a tax rate applicable to other revenue applying a progressive tax scale – Taking into account allowances granted to civil servants of another Member State exercising their functions on national territory – Disregarding allowances granted to national civil servants exercising their functions outside national territory – Comparability

[CURIA – Judgment in Case C-240/10 of the Court of Justice of 15 September 2011 - FR](#)

Case C-132/10: Judgment of the Court (Second Chamber) of 15 September 2011 - Olivier Halley, Julie Halley, Marie Halley v Belgische Staat - Direct taxation – Free movement of capital – Article 63 TFEU – Inheritance tax on registered shares – Limitation period for the valuation of shares in non-resident companies longer than that applicable for resident companies – Restriction – Justification

[CURIA – Judgment in Case C-132/10 of the Court of Justice of 15 September 2011 - FR](#)

Joined Cases C-244/10 and C-245/10: Judgment of the Court (Third Chamber) of 22 September 2011 - Mesopotamia Broadcast A/S METV (C-244/10) and Roj TV A/S (C-245/10) v Bundesrepublik Deutschland - Directive 89/552/EEC – Television broadcasting activities – Possibility for a Member State to prohibit on its territory the activities of a television broadcaster established in another Member State – Ground based on infringement of the principles of international understanding

[CURIA – Judgment in Joined Cases C-244/10 and C-245/10 of the Court of Justice of 22 September 2011 - FR](#)

Case C-148/09 P: Judgment of the Court (First Chamber) of 22 September 2011 - Kingdom of Belgium/ Deutsche Post AG and Others - Appeal – Action for annulment – State aid – Article 88(3) EC – Regulation (EC) No 659/1999 – Commission decision not to raise objections – Concept of ‘doubts’ – Services of general economic interest

[CURIA – Judgment in Case C-148/09 P of the Court of Justice of 22 September 2011 - FR](#)

14. Intellectual Property

Case Law

Case C-427/09: Judgment of the Court (Second Chamber) of 28 July 2011 - Generics (UK) Ltd v Synaptech Inc. - Patent law – Medicinal products – Supplementary protection certificate for medicinal products – Regulation (EEC) No 1768/92 – Article 2 – Scope

[CURIA – Judgment in Case C-427/09 of the Court of Justice of 28 July 2011 - FR](#)

Case C-195/09: Judgment of the Court (Second Chamber) of 28 July 2011 - Synthon BV v Merz Pharma GmbH & Co. KGaA - Patent law – Medicinal products – Supplementary protection certificate for medicinal products – Regulation (EEC) No 1768/92 – Article 2 – Scope – Safety and efficacy testing laid down by Directive 65/65/EEC – Absence – Invalidity of the certificate

[CURIA – Judgment in Case C-195/09 of the Court of Justice of 28 July 2011 - FR](#)

Affaire C-277/10 : Conclusions de l'Avocat Général Trstenjak du 6 septembre 2011 - Martin Luksan contre Petrus van der Let - **Directive 93/83/CEE – Directive 2006/116/CE – Directive 2001/29/CE – Directive 2005/115/CE – Droit d'auteur du réalisateur principal sur une œuvre cinématographique** – Attribution des droits d'exploitation exclusif au producteur du film – Conditions – Article 14bis de la convention de Berne – Article 17 de la Charte des droits fondamentaux de l'Union européenne – Rémunération équitable de l'auteur – Article 5, paragraphe 2, sous b), de la directive 2001/29/CE – Droits à rémunération pour des copies pour un usage privé – Compensation équitable
[CURIA – Conclusions de l'Avocat Général C-277/10 de la Cour de Justice du 6 septembre 2011 \(FR seulement\)](#)

Case C-482/09: Judgment of the Court (First Chamber) of 22 September 2011 - Budějovický Budvar, národní podnik v Anheuser-Busch Inc. - **Trade marks – Directive 89/104/EEC – Article 9(1) – Concept of acquiescence – Limitation in consequence of acquiescence** – Starting point for limitation period – Prerequisites for the limitation period to run – Article 4(1)(a) – Registration of two identical marks designating identical goods – Functions of the trade mark – Honest concurrent use
[CURIA – Judgment in Case C-482/09 of the Court of Justice of 22 September 2011 - FR](#)

Case C-323/09: Judgment of the Court (First Chamber) of 22 September 2011 - Interflora Inc., Interflora British Unit v Marks & Spencer plc, Flowers Direct Online Ltd - **Trade marks – Keyword advertising on the internet – Selection by the advertiser of a keyword corresponding to a competitor's trade mark with a reputation** – Directive 89/104/EEC – Article 5(1)(a) and (2) – Regulation (EC) No 40/94 – Article 9(1)(a) and (c) – Condition that one of the trade mark's functions be adversely affected – Detriment to the distinctive character of a trade mark with a reputation ('dilution') – Unfair advantage taken of the distinctive character or repute of that trade mark ('free-riding')
[CURIA – Judgment in Case C-323/09 of the Court of Justice of 22 September 2011 - FR](#)

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

Community Legislation

COMMISSION DECISION of 11 August 2011 **authorising Spain to temporarily suspend** the application of Articles 1 to 6 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on **freedom of movement for workers** within the Union with regard to **Romanian workers** (2011/503/EU)
[OJ of the EU, L 207/22 of 12 August 2011 - FR](#)

Case Law

Case C-69/10: Judgment of the Court (Second Chamber) of 28 July 2011 - Brahim Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration - **Directive 2005/85/EC – Minimum standards on procedures in Member States for granting and withdrawing refugee status – 'Decision taken on [the] application for asylum' within the meaning of Article 39 of Directive 2005/85** – Application by a third country national for refugee status – Failure to provide reasons justifying the grant of international protection – Application rejected under an accelerated procedure – No remedy against the decision to deal with the application under an accelerated procedure – Right to effective judicial review
[CURIA – Judgment in Case C-69/10 of the Court of Justice of 28 July 2011 - FR](#)

Case C-412/10: Opinion of Advocate General Mengozzi of 6 September 2011 - Deo Antoine Homawoo v GMF Assurances SA - **Judicial cooperation in civil matters – Law applicable to non-contractual obligations ('Rome II')** – Scope ratione temporis
[CURIA – Opinion of Advocate General C-412/10 of the Court of Justice of 6 September 2011 - FR](#)

Affaire C-384/10 : Conclusions de l'Avocat Général Trstenjak du présentées le 8 septembre 2011 - Jan Voogsgeerd contre Navimer SA - **Convention de Rome sur la loi applicable aux obligations contractuelles – Article 6, paragraphe 2, sous b) – Choix des parties** – Dispositions impératives de la loi applicable à défaut de choix – Contrat de travail – Travailleur n'accomplissant pas habituellement son travail dans un même pays
[CURIA – Conclusions de l'Avocat Général C-384/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Affaire C-327/10 : Conclusions de l'Avocat Général Trstenjak du 8 septembre 2011 - Hypoteční banka, a.s. contre Udo Mike Lindner - Règlement (CE) n° 44/2001 – Désignation d'un tuteur pour un consommateur dont le domicile n'est pas connu – Règles relatives à la compétence internationale – Applicabilité – Article 24 du règlement n° 44/2001 – Comparution du tuteur désigné sans l'accord et à l'insu du défendeur – Article 17, point 3), du règlement n° 44/2001 – Convention attributive de compétence territoriale qui contient une convention implicite attributive de juridiction internationale– Article 3, paragraphe 1, et article 6 de la directive 93/13/CEE – Effets du caractère abusif d'une convention attributive de compétence territoriale sur la convention implicite attributive de juridiction internationale– Article 16, paragraphe 2, du règlement n° 44/2001 – Examen de la question de savoir si un consommateur a son domicile dans un État membre – Article 4 du règlement n° 44/2001 – Compétence lorsque le défendeur n'a pas de domicile sur le territoire d'un État membre – Droits de la défense du défendeur – Article 26, paragraphe 2, du règlement n° 44/2001 – Article 47, paragraphe 2, de la charte des libertés fondamentales

[CURIA – Conclusions de l'Avocat Général C-327/10 de la Cour de Justice du 8 septembre 2011 \(FR seulement\)](#)

Joined Cases C-483/09 and C-1/10: Judgment of the Court (Fourth Chamber) of 15 September 2011 - Criminal proceedings against Magatte Gueye (C-483/09) and Valentín Salmerón Sánchez (C-1/10) - Police and judicial cooperation in criminal matters – Framework Decision 2001/220/JHA – Standing of victims in criminal proceedings – Domestic crimes – Obligation to impose as an ancillary penalty an injunction prohibiting the offender from approaching the victim of the offence – Choice of forms of penalty and level of penalty – Compatibility with Articles 2, 3 and 8 of the Framework Decision – Provision of national law excluding mediation in criminal cases – Compatibility with Article 10 of the Framework Decision

[CURIA – Judgment in Joined Cases C-483/09 and C-1/10 of the Court of Justice of 15 September 2011 - FR](#)

16. Transport

Case Law

Case C-554/09: Judgment of the Court (First Chamber) of 28 July 2011 - Criminal proceedings against Andreas Michael Seeger - Road transport – Obligation to use recording equipment – Derogations for vehicles transporting materials – Meaning of 'materials' – Carriage of empty bottles in the vehicle of a wine and drinks merchant

[CURIA – Judgment in Case C-554/09 of the Court of Justice of 28 July 2011 - FR](#)

Case C-442/10: Opinion of Advocate General Mengozzi of 6 September 2011 -Churchill Insurance Company Limited v Benjamin Wilkinson and Tracy Evans v Equity Claims Limited - Insurance against civil liability in respect of the use of motor vehicles – Victim of a road traffic accident who was a passenger in a vehicle in respect of which he was insured as an authorised driver – Vehicle driven by an uninsured person)

[CURIA – Opinion of Advocate General C-442/10 of the Court of Justice of 6 September 2011 - FR](#)

Case C-120/10: Judgment of the Court (First Chamber) of 8 September 2011 - European Air Transport SA v Collège d'environnement de la Région de Bruxelles-Capitale, Région de Bruxelles-Capitale - Air transport – Directive 2002/30/EC – Noise-related operating restrictions at Community airports – Noise level limits that must be observed when overflying built-up areas near an airport

[CURIA – Judgment in Case C-120/10 of the Court of Justice of 8 September 2011 - FR](#)

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

Case C-270/10: Judgment of the Court (Fifth Chamber) of 28 July 2011 - Lotta Gistö - Protocol on the Privileges and Immunities of the European Communities – Article 14, first paragraph – Determination of the domicile for tax purposes of the spouse of a European Union official – National legislation under which a person who has lived abroad for three years is no longer regarded as resident in the country and thus no longer subject to general tax liability

[CURIA – Judgment in Case C-270/10 of the Court of Justice of 28 July 2011 - FR](#)

Case C-163/10: Judgment of the Court (Grand Chamber) of 6 September 2011 - Criminal proceedings against Aldo Patriciello - Member of the European Parliament – Protocol on Privileges and Immunities – Article 8 – Criminal proceedings for the offence of making false accusations – Statements made outside the precincts of the Parliament – Definition of opinion expressed in the performance of parliamentary duties – Immunity – Conditions

[CURIA – Judgment in Case C-163/10 of the Court of Justice of 6 September 2011 - FR](#)

Joined Cases C-89/10 and C-96/10: Judgment of the Court (Fourth Chamber) of 8 September 2011 - Q-Beef NV (C-89/10) v Belgian State and Frans Bosschaert (C-96/10) v Belgian State, Vleesgroothandel Georges Goossens en Zonen NV, Slachthuizen Goossens NV - National charges incompatible with EU law – Charges paid under a financial support scheme and levies declared contrary to EU law – Scheme replaced by another scheme found to be compatible – Recovery of charges improperly levied – Principles of equivalence and effectiveness – Duration of the limitation period – Day on which the time-limit starts to run – Claims to recover from the State and from individuals – Different time-limits

[CURIA – Judgment in joined Cases C-89/10 and C-96/10 of the Court of Justice of 6 September 2011 - FR](#)

Case C-465/10: Opinion of Advocate General Sharpston of 15 September 2011 - Ministre de l'Intérieur, de l'Outre-mer et des Collectivités territoriales v Chambre de commerce et d'industrie de l'Indre - Protection of the financial interests of the European Union – Subsidies awarded under the European Regional Development Fund – Failure of the recipient to comply with public procurement procedures – Obligation to recover subsidies in the case of an irregularity – Limitation periods

[CURIA – Opinion of Advocate General C-465/10 of the Court of Justice of 15 September 2011 - FR](#)

Case C-411/10: Opinion of Advocate General Trstenjak of 22 September 2011 - N. S. v Secretary of State for the Home Department - Regulation (EC) No 343/2003 – Transfer of asylum seekers to the Member State responsible for examining the asylum application – Obligation on the transferring Member State to exercise the right to assume responsibility for the examination itself under Article 3(2) of Regulation No 343/2003 – Compatibility of the transfer of an asylum seeker with the Charter of Fundamental Rights, the ECHR and the Geneva Convention relating to the Status of Refugees – Field of application of the Charter of Fundamental Rights – Relationship between the Charter of Fundamental Rights, the Geneva Convention relating to the Status of Refugees and the ECHR – Right to an effective remedy – Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom

[CURIA – Opinion of Advocate General C-411/10 of the Court of Justice of 22 September 2011 - FR](#)

Case C-426/10 P: Judgment of the Court (Second Chamber) of 22 September 2011 - Bell & Ross BV v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeal – Signed original application lodged out of time – Regularisable defect

[CURIA – Judgment in Case C-426/10 P of the Court of Justice of 22 September 2011 - FR](#)