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## Highlights

**DIRECTIVE 2011/83/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 25 October 2011 on **consumer rights**, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 304/64 of 22 November 2011 - FR](#)

**COUNCIL DIRECTIVE** 2011/85/EU of 8 November 2011 on requirements for **budgetary frameworks** of the **Member States** [OJ of the EU, L 306/41 of 23 November 2011 - FR](#)

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## EU News: Click & Read December 2011

European Documentation Centre

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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.

The 55<sup>th</sup> issue of the EU News: Click and Read will be the last for the year 2011. 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** on the **protection of designations of origin and geographical indications for agricultural products and foodstuffs**, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

[OJ of the EU, L 302/1 of 19 November 2011 - FR](#)

**AGREEMENT** between the **European Union** and the **Swiss Confederation** on the **protection of designations of origin and geographical indications for agricultural products and foodstuffs**, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

[OJ of the EU, L 297/3 of 16 November 2011 - FR](#)

**Notice** concerning the entry into force of the Agreement between the **European Union**, the **Swiss Confederation** and the **Principality of Liechtenstein** amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products**

[OJ of the EU, L 302/2 of 19 November 2011 - FR](#)

**AGREEMENT** between the **European Union**, the **Swiss Confederation** and the **Principality of Liechtenstein** amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products**

[OJ of the EU, L 297/49 of 16 November 2011 - FR](#)

### Community Legislation

**REGULATION (EU) No 1168/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a **European Agency for the Management of Operational Cooperation at the External Borders** of the Member States of the European Union

[OJ of the EU, L 304/1 of 22 November 2011 - FR](#)

**DECISION** No 1105/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the list of **travel documents** which entitle the holder to **cross the external borders** and which **may be endorsed with a visa** and on setting up a mechanism for establishing this list

[OJ of the EU, L 287/9 of 4 November 2011 - FR](#)

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

**PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY EUROPEAN COMMISSION** Prior notification of a **concentration** (Case COMP/M.6409 — **Gazprom Schweiz/Promgas**) Candidate case for simplified procedure (Text with EEA relevance) (2011/C 335/13)

[OJ of the EU, C 335/26 of 16 November 2011 - FR](#)

## 2. External Relations / Foreign Policy

### Case Law

**Affaire C-72/11 : Conclusions de l'Avocat Général Bot du 16 novembre 2011 - Generalbundesanwalt beim Bundesgerichtshof contre Mohsen Afrasiabi e.a. - Politique étrangère et de sécurité commune – Mesures restrictives prises à l'encontre de la République islamique d'Iran afin d'empêcher la prolifération nucléaire – Règlement (CE) n° 423/2007 – Article 7, paragraphes 3 et 4 –** Livraison à un tiers d'un four de vitrification destiné à la fabrication de revêtements de composants de missiles nucléaires au profit d'une entité citée aux annexes IV et V dudit règlement – Gel des fonds et des ressources économiques – Interdiction de 'mise à disposition indirecte' d'une 'ressource économique' – Interdiction de participer 'sciemment' et 'volontairement' à une activité ayant pour objet ou pour effet de 'contourner' ladite interdiction  
[CURIA – Arrêt dans l'affaire C-72/11 de la Cour de Justice du 16 novembre 2011 \(FR seulement\)](#)

**Case C-548/09 P: Judgment of the Court (Grand Chamber) of 16 November 2011 - Bank Melli Iran v Council of the European Union - Appeals – Common foreign and security policy – Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation –** Freezing of the funds of a bank – Failure to notify the decision – Legal basis – Rights of the defence

[CURIA – Judgment in Case C-548/09 P of the Court of Justice of 15 November 2011 - FR](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### International Agreements

**Notice** concerning the entry into force of the **Agreement** between the **European Union** and the **Swiss Confederation** on the **protection of designations of origin and geographical indications for agricultural products and foodstuffs**, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

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[OJ of the EU, L 297/3 of 16 November 2011 - FR](#)

**Notice** concerning the entry into force of the Agreement between the **European Union**, the **Swiss Confederation** and the **Principality of Liechtenstein** amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products**

[OJ of the EU, L 302/2 of 19 November 2011 - FR](#)

**AGREEMENT** between the **European Union**, the **Swiss Confederation** and the **Principality of Liechtenstein** amending the Additional Agreement between the European Community, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein the Agreement between the European Community and the Swiss Confederation on **trade in agricultural products**

[OJ of the EU, L 297/49 of 16 November 2011 - FR](#)

### Community Legislation

**COMMISSION DECISION** of 14 November 2011 amending Decisions 2006/799/EC, 2007/64/EC, 2007/506/EC, 2007/742/EC, 2009/543/EC and 2009/544/EC in order to **prolong the validity of the ecological criteria for the award of the EU Ecolabel** to certain products (*notified under document C(2011) 8041*) (Text with EEA relevance) (2011/740/EU)

[OJ of the EU, L 297/64 of 16 November 2011 - FR](#)

## Case Law

**Case C-402/10: Judgment of the Court (Fifth Chamber) of 27 October 2011 - Société Groupe Limagrain Holding v Établissement national des produits de l'agriculture et de la mer - Agriculture – Regulations (EEC) No 3665/87 and No 565/80 – Export refunds – Refund paid in advance** – Placing of goods under the customs warehousing procedure – Absence of stock records – Proof that the goods were exported – Acquisition of all or part of the refund relating to that exportation – Obligation to repay the amount unduly received – Application of a surcharge to the amount to be repaid

[CURIA – Judgment in Case C-402/10 of the Court of Justice of 27 October 2011 - FR](#)

**Joined Cases C-113/10, C-147/10 and C-234/10: Opinion of Advocate General Sharpston of 27 October 2011 - Zuckerfabrik Jülich AG v Hauptzollamt Aachen; British Sugar plc v Rural Payments Agency and Tereos v Directeur général des douanes et droits indirects - Sugar – Determination of production levies – Export refunds** – Calculation of average loss per tonne – Inclusion of notional amount of refunds for quantities exported without refunds – Repayment of amounts levied under regulations declared invalid – Applicable exchange rate – Award of interest

[CURIA – Judgment in Joined Cases C-113/10, C-147/10 and C-234/10 of the Court of Justice of 27 October 2011 - FR](#)

**Joined Cases C-323/10 to C-326/10: Judgment of the Court (Eighth Chamber) of 24 November 2011 - Gebr. Stolle GmbH & Co. KG (C-323/10, C-324/10 and C-326/10), Doux Geflügel GmbH (C-325/10) v Hauptzollamt Hamburg-Jonas - Regulation (EEC) No 3846/87 – Agriculture – Export refunds** – Poultrymeat – Fowls of the species *Gallus domesticus*, drawn and plucked

[CURIA – Judgment in Joined Cases C-323/10 to C-326/10 of the Court of Justice of 27 October 2011 - FR](#)

## 6. Customs

### Case Law

**Case C-559/10: Judgment of the Court (Eighth Chamber) of 27 October 2011 - Deli Ostrich NV v Belgische Staat - Common Customs Tariff – Combined Nomenclature – Tariff classification** – Frozen camel meat not from farm-raised animals – Classification under subheading 0208 90 40 (other game meat) or 0208 90 95 (other)

[CURIA – Judgment in Case C-559/10 of the Court of Justice of 27 October 2011 - FR](#)

**Case C-511/09 P: Judgment of the Court (Third Chamber) of 27 October 2011 - Dongguan Nanzha Leco Stationery Mfg. Co., Ltd v Council of the European Union - Appeal – Dumping – Imports of lever arch mechanisms originating in China – Regulation (EC) No 1136/2006** – Determination of the dumping margin – Comparison between the normal value and the export price – Regulation (EC) No 384/96 – Article 2(7)(a) and 2(10)

[CURIA – Judgment in Case C-511/09 P of the Court of Justice of 27 October 2011 - FR](#)

**Affaires jointes C-319/10 et C-320/10 : Arrêt de la Cour (quatrième chambre) du 10 novembre 2011 - X (C-319/10) contre Inspecteur van de Belastingdienst/Y et X BV (C-320/10) contre Inspecteur van de Belastingdienst P - Tarif douanier commun – Nomenclature combinée – Classement tarifaire – Viande de poulet désossée, congelée et imprégnée de sel – Validité et interprétation des règlements (CE) nos 535/94, 1832/2002, 1871/2003, 2344/2003 et 1810/2004** – Note complémentaire 7 du chapitre 2 de la nomenclature combinée – Décision de l'organe de règlement des différends de l'OMC – Effets juridiques

[CURIA – Arrêt dans les affaires jointes C-319/10 et C-320/10 de la Cour de Justice du 10 novembre 2011 \(FR seulement\)](#)

**Case C-454/10: Judgment of the Court (Second Chamber) of 17 November 2011 - Oliver Jestel v Hauptzollamt Aachen - Community Customs Code – Second indent of Article 202(3) – Customs debt incurred through unlawful introduction of goods – Meaning of ‘debtor’** – Participation in unlawful introduction – Person acting as intermediary in conclusion of contracts of sale relating to goods introduced unlawfully

[CURIA – Judgment in Case C-454/10 of the Court of Justice of 17 November 2011 - FR](#)

**Joined Cases C-446/09 and C-495/09: Judgment of the Court (First Chamber) of 1 December 2011 - Koninklijke Philips Electronics NV (C-446/09) v Lucheng Meijing Industrial Company Ltd and Others and Nokia Corporation (C-495/09) v Her Majesty’s Commissioners of Revenue and Customs - Common commercial policy – Combating the entry into the European Union of counterfeit and pirated goods – Regulations (EC) No 3295/94 and No 1383/2003** – Customs warehousing and external transit of goods from non-member States which constitute imitations or copies of goods protected in the European Union by intellectual property rights – Action by the authorities of the Member States – Conditions

[CURIA – Judgment in Joined Cases C-446/09 and C-495/09 of the Court of Justice of 1 December 2011 - FR](#)

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

### Community Legislation

**COUNCIL DIRECTIVE 2011/85/EU** of 8 November 2011 on requirements for **budgetary frameworks** of the **Member States**

[OJ of the EU, L 306/41 of 23 November 2011 - FR](#)

**COMMISSION IMPLEMENTING REGULATION (EU) No 1189/2011** of 18 November 2011 laying down **detailed rules** in relation to certain provisions of Council Directive 2010/24/EU concerning **mutual assistance** for the **recovery of claims relating to taxes, duties and other measures**

[OJ of the EU, L 302/1 of 19 November 2011 - FR](#)

### Case Law

**Case C-93/10: Judgment of the Court (Third Chamber) of 27 October 2011 - Finanzamt Essen-NordOst v GFKL Financial Services AG - Sixth VAT Directive – Articles 2(1) and 4 – Scope – Concepts of ‘supply of services effected for consideration’ and ‘economic activity’ – Sale of defaulted debts** – Sale price lower than the face value of those debts – Assumption of responsibility by the purchaser for the recovery of those debts and for the risk of defaulting debtors

[CURIA – Judgment in Case C-93/10 of the Court of Justice of 27 October 2011 - FR](#)

**Case C-530/09: Judgment of the Court (First Chamber) of 27 October 2011 - Inter-Mark Group sp. z o.o. sp. komandytowa v Minister Finansów - VAT – Directive 2006/112/EC – Articles 52(a) and 56(1)(b) and (g) – Place of taxable transactions – Place of supply for tax purposes** – Design, hiring out and assembly of fair stands

[CURIA – Judgment in Case C-530/09 of the Court of Justice of 27 October 2011 - FR](#)

**Case C-504/10: Judgment of the Court (Seventh Chamber) of 27 October 2011 - Tanoarch s.r.o. v Daňové riaditeľstvo Slovenskej republiky - Taxation – VAT – Right of deduction** – Assignment of a share in the rights relating to an invention, held by a number of undertakings, to an undertaking which has the right to use that invention in its entirety – Abusive practice

[CURIA – Judgment in Case C-504/10 of the Court of Justice of 27 October 2011 - FR](#)

**Affaire C-362/10 : Arrêt de la Cour (sixième chambre) du 27 octobre 2011 - Commission européenne contre République de Pologne** - Manquement d’État – **Directive 2003/98/CE – Réutilisation des informations du secteur public** – Transposition incorrecte ou non-transposition de certains articles dans le délai prescrit

[CURIA – Arrêt dans l’affaire C-362/10 de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

**Affaire C-311/10 : Arrêt de la Cour (sixième chambre) du 27 octobre 2011 - Commission européenne contre République de Pologne - Manquement d'État – Directive 2007/46/CE – Réception des véhicules à moteur, de leurs remorques et des systèmes, des composants et des entités techniques destinés à ces véhicules** – Non-transposition dans le délai prescrit – Transposition incomplète

[CURIA – Arrêt dans l'affaire C-311/10 de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

**Case C-505/10: Judgment of the Court (Third Chamber) of 10 November 2011 - Partrederiet Sea Fighter v Skatteministeriet - Directive 92/81/EEC – Excise duties on mineral oils – Exemption – Concept of 'navigation'** – Fuel used for an excavator affixed to a vessel and operating independently of the vessel's engine

[CURIA – Judgment in Case C-505/10 of the Court of Justice of 10 November 2011 - FR](#)

**In Case C-444/10: Judgment of the Court (Second Chamber) of 10 November 2011 - Finanzamt Lüdenscheid v Christel Schriever - VAT – Sixth Directive – Article 5(8) – Concept of a 'transfer of a totality of assets or part thereof'** – Transfer of the stock and fittings concomitant with the conclusion of a contract of lease of the business premises

[CURIA – Judgment in Case C-444/10 of the Court of Justice of 10 November 2011 - FR](#)

**Joined Cases C-259/10 and C-260/10: Judgment of the Court (Third Chamber) of 10 November 2011 – Commissioners for Her Majesty's Revenue and Customs v The Rank Group plc - Taxation – Sixth VAT Directive – Exemptions – Article 13B(f) – Betting, lotteries and other forms of gambling – Principle of fiscal neutrality** – Mechanised cash bingo – Slot machines – Administrative practice departing from the legislative provisions – 'Due diligence' defence

[CURIA – Judgment in Joined Cases C-259/10 and C-260/10 of the Court of Justice of 10 November 2011 - FR](#)

**Case C-126/10: Judgment of the Court (Fifth Chamber) of 10 November 2011 - Foggia – Sociedade Gestora de Participações Sociais SA v Secretário de Estado dos Assuntos Fiscais - Approximation of laws – Directive 90/434/EEC – Common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States – Article 11(1)(a)** – Valid commercial reasons – Restructuring or rationalisation of the activities of companies participating in operations – Definition

[CURIA – Judgment in Case C-126/10 of the Court of Justice of 10 November 2011 - FR](#)

**Case C-500/10: Opinion of Advocate General Sharpston of 17 November 2011 - Ufficio IVA di Piacenza v Belvedere Costruzioni Srl - Obligation of Member States to ensure effective collection of VAT – Articles 2 and 22 of the Sixth Directive** – Conclusion of judicial proceedings without a decision at third instance

[CURIA – Opinion of Advocate General C-500/10 of the Court of Justice of 17 November 2011 - FR](#)

**Affaire C-414/10 : Conclusions de l'Avocat Général Kokott du 17 novembre 2011 - Société Véléclair contre ministre du Budget, des Comptes publics et de la Réforme de l'État - Système commun de taxe sur la valeur ajoutée – Sixième directive – Taxe sur la valeur ajoutée à l'importation – Droit à déduction** – Réglementation nationale subordonnant le droit à déduction au paiement effectif de ladite taxe par le redevable

[CURIA – Arrêt dans l'affaire C-414/10 de la Cour de Justice du 17 novembre 2011 \(FR seulement\)](#)

**Case C-250/08: Judgment of the Court (First Chamber) of 1 December 2011 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil obligations – Free movement of persons – Purchase of immovable property intended as a new principal residence** – Calculation of a tax advantage – Registration duties – Cohesion of the tax system

[CURIA – Judgment in Case C-250/08 of the Court of Justice of 1 December 2011 - FR](#)

**Case C-79/10: Judgment of the Court (Fourth Chamber) of 1 December 2011 - Systeme Helmholtz GmbH v Hauptzollamt Nürnberg - Directive 2003/96/EC – Taxation of energy products and electricity – Article 14(1)(b)** – Exemption of energy products used as fuel for the purpose of air navigation – Use of an aircraft for other than commercial purposes – Scope

[CURIA – Judgment in Case C-79/10 of the Court of Justice of 1 December 2011 - FR](#)

**Case C-492/10: Judgment of the Court (First Chamber) of 1 December 2011 - Immobilien Linz GmbH & Co. KG v Finanzamt Freistadt Rohrbach Urfahr - Taxation – Directive 69/335/EEC – Indirect taxes – Raising of capital – Article 4(2)(b) – Transactions subject to capital duty** – Increase in the assets of a company – Contribution made by a member – Absorption of losses by virtue of an undertaking given before the losses were sustained  
[CURIA – Judgment in Case C-492/10 of the Court of Justice of 1 December 2011 - FR](#)

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

**PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY EUROPEAN COMMISSION** Prior notification of a **concentration** (Case COMP/M.6409 – **Gazprom Schweiz/Promgas**) Candidate case for simplified procedure (Text with EEA relevance) (2011/C 335/13)  
[OJ of the EU, C 335/26 of 16 November 2011 - FR](#)

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

### Community Legislation

**DECISION No 1194/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 16 November 2011 **establishing** a European Union action for the **European Heritage Label**  
[OJ of the EU, L 303/1 of 22 November 2011 - FR](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-435/10: Judgment of the Court (Fourth Chamber) of 17 November 2011 - J. C. van Ardennen v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - Directive 80/987/EEC – Protection of employees in the event of the insolvency of their employer – Insolvency benefit** – Payment subject to registration as a job-seeker  
[CURIA – Judgment in Case C-435/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-393/10: Opinion of Advocate General Kokott of 17 November 2011 - Dermot Patrick O'Brien v Ministry of Justice (formerly the Department for Constitutional Affairs) - Directive 97/81/EC – Framework Agreement on part-time work** – Notion of part-time workers who have an employment contract or employment relationship – Part-time judges  
[CURIA – Opinion of Advocate General C-393/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-214/10: Judgment of the Court (Grand Chamber) of 22 November 2011 - KHS AG v Winfried Schulte - Organisation of working time – Directive 2003/88/EC – Right to paid annual leave** – Lapse of right to paid annual leave not taken because of illness on the expiry of a period laid down by national rules  
[CURIA – Judgment in Case C-214/10 of the Court of Justice of 22 November 2011 - FR](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION DECISION** of 18 November 2011 **establishing rules** and **calculation methods** for verifying **compliance with the targets set in Article 11(2) of Directive 2008/98/EC** of the European Parliament and of the Council (*notified under document C(2011) 8165*) (2011/753/EU)  
[OJ of the EU, L 310/11 of 25 November 2011 - FR](#)

## Case Law

**Case C-405/10: Judgment of the Court (Fourth Chamber) of 10 November 2011 - Criminal proceedings against Özlem Garenfeld - Protection of the environment – Regulations (EC) Nos 1013/2006 and 1418/2007 – Control of shipments of waste – Prohibition on the shipment of spent catalysts to Lebanon**

[CURIA – Judgment in Case C-405/10 of the Court of Justice of 10 November 2011 - FR](#)

**Affaire C-567/10 : Conclusions de l'Avocat Général Kokott du 17 novembre 2011 - Inter-Environnement Bruxelles ASBL, Pétitions-Patrimoine ASBL et Atelier de Recherche et d'Action Urbaines ASBL contre Gouvernement de la Région de Bruxelles-Capitale - Directive 2001/42/CE – Évaluation des incidences de certains plans et programmes sur l'environnement – Applicabilité de la directive à une procédure d'abrogation totale ou partielle d'un plan d'affectation du sol – Plans et programmes exigés par des dispositions législatives ou réglementaires**

[CURIA – Arrêt dans l'affaire C-567/10 de la Cour de Justice du 17 novembre 2011 \(FR seulement\)](#)

**Affaire C-505/09 P : Conclusions de l'Avocat Général Trstenjak du 17 novembre 2011 - Commission européenne contre République d'Estonie - Pourvoi – Environnement – Pollution atmosphérique – Directive 2003/87/CE – Système d'échange de quotas d'émission de gaz à effet de serre – Plan national d'allocation de quotas d'émission pour la République d'Estonie pour la période allant de 2008 à 2012 – Compétences des États membres et de la Commission – Article 9, paragraphes 1 et 3, et article 11, paragraphe 2, de la directive 2003/87**

[CURIA – Conclusions de l'Avocat Général C-505/09 P de la Cour de Justice du 17 novembre 2011 \(FR seulement\)](#)

**Affaire C-504/09 P : Conclusions de l'Avocat Général Trstenjak du 17 novembre 2011 - Commission européenne et Royaume-Uni de Grande-Bretagne et d'Irlande du Nord contre République de Pologne - Pourvoi – Environnement – Pollution atmosphérique – Directive 2003/87/CE – Système d'échange de quotas d'émission de gaz à effet de serre – Plan national d'allocation de quotas d'émission pour la République de Pologne pour la période allant de 2008 à 2012 – Compétences des États membres et de la Commission – Article 9, paragraphes 1 et 3, et article 11, paragraphe 2, de la directive 2003/87**

[CURIA – Conclusions de l'Avocat Général C-504/09 P de la Cour de Justice du 17 novembre 2011 \(FR seulement\)](#)

**Case C-404/09: Judgment of the Court (Fourth Chamber) of 24 November 2011 - European Commission v Kingdom of Spain - Failure of a Member State to fulfil obligations – Directive 85/337/EEC – Assessment of the effects of certain projects on the environment – Directive 92/43/EEC – Conservation of natural habitats – Wild fauna and flora – Open-cast coal mines – 'Alto Sil' site – Special protection area – Site of Community importance – Brown bear (*Ursus arctos*) – Capercaillie (*Tetrao urogallus*)**

[CURIA – Judgment in Case C-404/09 of the Court of Justice of 24 November 2011 - FR](#)

**Affaire C-515/10 : Arrêt de la Cour (huitième chambre) du 1er décembre 2011 - Commission européenne contre République française - Manquement d'État – Directive 1999/31/CE – Décision 2003/33/CE – Réglementation nationale – Décharge pour déchets inertes – Admission de déchets d'amiante-ciment**

[CURIA – Arrêt dans l'affaire C-515/10 de la Cour de Justice du 1er décembre 2011 \(FR seulement\)](#)

**Affaire C-420/10 : Conclusions de l'Avocat Général Jääskinen du 27 octobre 2011 - Söll GmbH contre Tetra GmbH - Mise sur le marché des produits biocides – Directive 98/8/CE – Article 2, paragraphe 1 – Notion de 'produits biocides' – Algicide – Produit provoquant la floculation des organismes nuisibles, sans les détruire, les repousser ou les rendre inoffensifs – Substance active hydroxychlorure d'aluminium – Notion d'action chimique ou biologique'**

[CURIA – Conclusions de l'Avocat Général C-420/10 de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Affaire C-495/10 : Conclusions de l'Avocat Général Mengozzi du 27 octobre 2011 - Centre hospitalier universitaire de Besançon contre Thomas Dutruex, Caisse primaire d'assurance maladie du Jura - Harmonisation des législations – Responsabilité des établissements publics de santé à l'égard de leurs patients du fait des produits défectueux** – Limitation de la responsabilité du prestataire de services  
[CURIA – Arrêt dans l'affaire C-505/09 P de la Cour de Justice du 10 novembre 2011 \(FR seulement\)](#)

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

**POSITION (EU) No 11/2011 OF THE COUNCIL AT FIRST READING** with a view to the **adoption of a Regulation** of the European Parliament and of the Council concerning the **making available on the market and use of biocidal products** Adopted by the Council on 21 June 2011 (Text with EEA relevance) (2011/C 320 E/01)  
[OJ of the EU, C 320 E/1 of 1 November 2011 - FR](#)

## 13. Internal Market and Single Market

### Community Legislation

**DIRECTIVE 2011/83/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 25 October 2011 on **consumer rights**, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 304/64 of 22 November 2011 - FR](#)

### Case Law

**Affaires jointes C-72/10 et C-77/10 : Conclusions de l'Avocat Général Villalón du 27 octobre 2011 - Procédure pénale contre Marcello Costa et Procédure pénale contre Ugo Cifone - Libre prestation de services – Liberté d'établissement – Activité de collecte de paris sportifs – Exigence d'une concession et d'une autorisation de police – Politique d'expansion contrôlée' dans le secteur des jeux – Lutte contre les jeux illégaux** – Distances minimales entre points de vente – Déchéance de la concession pour activité transfrontalière – Déchéance de la concession pour adoption de mesures conservatoires ou ouverture d'une procédure pénale  
[CURIA – Conclusions de l'Avocat Général C-72/10 et C-77/10 de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

**Affaire C-601/10 : Arrêt de la Cour (sixième chambre) du 27 octobre 2011 - Commission européenne contre République hellénique** - Manquement d'État – **Directives 92/50/CEE et 2004/18/CE – Marchés publics de services – Services complémentaires de cadastrage et d'aménagement urbain** – Procédure négociée sans publication préalable d'un avis de marché  
[CURIA – Arrêt dans l'affaire C-601/10 de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

**Case C-47/10 P: Judgment of the Court (Third Chamber) of 27 October 2011 - Republic of Austria, Scheucher-Fleisch GmbH and Others v European Commission** - Appeal – **State aid – Articles 87 EC and 88(2) and (3) EC – Regulation (EC) No 659/1999 – Decision not to raise any objections – Action for annulment – Pleas in law that may be relied upon in an action for annulment – Notion of 'interested party'** – Statement of reasons for judgments – Burden of proof – Measures of organisation of procedure before the General Court – Articles 64 and 81 of the Rules of Procedure of the General Court

[CURIA – Judgment in Case C-47/10 P of the Court of Justice of 27 October 2011 - FR](#)

**Case C-255/09: Judgment of the Court (Third Chamber) of 27 October 2011 - European Commission v Portuguese Republic** - Failure of a Member State to fulfil obligations – **Article 49 EC – Social security – Restriction of the freedom to provide services** – Non-hospital medical expenses incurred in another Member State – No reimbursement or reimbursement subject to prior authorisation

[CURIA – Judgment in Case C-255/09 of the Court of Justice of 27 October 2011 - FR](#)

**Case C-348/10: Judgment of the Court (Second Chamber) of 10 November 2011 - Norma-A SIA, Dekom SIA v Latgales plānošanas reģions** - **Public procurement – Directive 2004/17/EC – Article 1(3)(b) – Directive 92/13/EEC – Article 2d(1)(b) – Concept of ‘service concession’ – Provision of public bus services** – Right to operate the services and compensation of the service provider for losses – Risk associated with operation of the service limited by national law and the contract – Appeal procedures in the field of public contracts – Direct applicability of Article 2d(1)(b) of Directive 92/13/EEC to contracts concluded before the expiry of the time-limit for the transposition of Directive 2007/66/EC

[CURIA – Judgment in Case C-348/10 of the Court of Justice of 10 November 2011 - FR](#)

**Case C-212/09: Judgment of the Court (First Chamber) of 10 November 2011 - European Commission v Portuguese Republic** - Failure of a Member State to fulfil obligations – **Articles 43 EC and 56 EC – Free movement of capital – Golden shares held by the Portuguese State in GALP Energia SGPS SA** – Participation in the management of a privatised company

[CURIA – Judgment in Case C-212/09 of the Court of Justice of 10 November 2011 - FR](#)

**Case C-256/11: Judgment of the Court (Grand Chamber) of 15 November 2011 - Murat Dereci and others v Bundesministerium für Inneres** - **Citizenship of the Union – Right of residence of nationals of third countries who are family members of Union citizens – Refusal based on the citizen’s failure to exercise the right to freedom of movement** – Possible difference in treatment compared with EU citizens who have exercised their right to freedom of movement – EEC-Turkey Association Agreement – Article 13 of Decision No 1/80 of the Association Council – Article 41 of the Additional Protocol – ‘Standstill’ clauses

[CURIA – Judgment in Case C-256/11 of the Court of Justice of 15 November 2011 - FR](#)

**Joined Cases C-106/09 P and C-107/09 P: Judgment of the Court (Grand Chamber) of 15 November 2011 - European Commission v Government of Gibraltar and United Kingdom of Great Britain and Northern Ireland** - Appeal – **State aid – Material selectivity – Tax regime** – Gibraltar – Offshore companies

[CURIA – Judgment in Joined Cases C-106/09 P and C-107/09 P of the Court of Justice of 15 November 2011 - FR](#)

**Affaires jointes C-357/10, C-358/10 et C-359/10 : Conclusions de l’Avocat Général Villalon du 16 novembre 2011 - Duomo Gpa Srl contre Comune di Baranzate (C-357/10) ; Gestione Servizi Pubblici Srl contre Comune di Baranzate (C-358/10) et Irtel Srl contre Comune di Venegono Inferiore (C-359/10) - Services dans le marché intérieur – Liberté d’établissement – Libre prestation de services – Concession de services de liquidation, établissement et recouvrement de redevances** – Législation nationale exigeant un capital social minimum à la société concessionnaire – Applicabilité de la directive 2006/123 – Articles 15 et 16 de la directive 2006/123 – Proportionnalité

[CURIA – Arrêt dans les affaires jointes C-357/10, C-358/10 et C-359/10 de la Cour de Justice du 16 novembre 2011 \(FR seulement\)](#)

**Case C-434/10: Judgment of the Court (Fourth Chamber) of 17 November 2011 - Petar Aladzhov v Zamestnik direktor na Stolichna direktsia na vatreshnite raboti kam Ministerstvo na vatreshnite raboti** - **Freedom of movement of a Union citizen – Directive 2004/38/EC – Prohibition on leaving national territory because of non-payment of a tax liability** – Whether measure can be justified on grounds of public policy

[CURIA – Judgment in Case C-434/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-430/10: Judgment of the Court (Fourth Chamber) of 17 November 2011 - Hristo Gaydarov v Direktor na Glavna direktsia ‘Ohranitelna politzia’ pri Ministerstvo na vatreshnite raboti** - **Freedom of movement of a Union citizen – Directive 2004/38/EC – Prohibition on leaving national territory due to a criminal conviction in another country** – Drug trafficking – Whether measure can be justified on grounds of public policy

[CURIA – Judgment in Case C-430/10 of the Court of Justice of 17 November 2011 - FR](#)

**Joined Cases C-468/10 and C-469/10: Judgment of the Court (Third Chamber) of 24 November 2011 - Asociación Nacional de Establecimientos Financieros de Crédito (ASNEF) (C-468/10), Federación de Comercio Electrónico y Marketing Directo (FECMD) (C-469/10) v Administración del Estado - **Processing of personal data – Directive 95/46/EC** – Article 7(f) – Direct effect**

[CURIA – Judgment in Joined Cases C-468/10 and C-469/10 of the Court of Justice of 24 November 2011 - FR](#)

**Affaire C-458/09 P : Arrêt de la Cour (cinquième chambre) du 24 novembre 2011 - République italienne contre Commission européenne - Pourvoi – **Aide accordée par les autorités italiennes aux entreprises nouvellement cotées en Bourse** – Législation prévoyant des avantages fiscaux**

[CURIA – Arrêt dans l'affaire C-458/09 P de la Cour de Justice du 24 novembre 2011 \(FR seulement\)](#)

**Affaire C-39/10 : Conclusions de l'Avocat Général Jääskinen du 24 novembre 2011 - Commission européenne contre République d'Estonie - Manquement d'État – **Exception d'irrecevabilité – Parties intervenantes – Libre circulation des travailleurs – Article 45 TFUE – Article 28 de l'accord EEE – Législation fiscale – Impôt sur le revenu – Pensions de retraite** – Abattement pour les revenus de faible montant – Discrimination entre contribuables résidents et contribuables non-résidents**

[CURIA – Conclusions de l'Avocat Général C-39/10 de la Cour de Justice du 24 novembre 2011 \(FR seulement\)](#)

**Case C-281/09: Judgment of the Court (First Chamber) of 24 November 2011 - European Commission v Kingdom of Spain - Failure of a Member State to fulfil obligations – **Directive 89/552/EEC – Television broadcasting – Advertising spots** – Transmission time**

[CURIA – Judgment in Case C-281/09 of the Court of Justice of 24 November 2011 - FR](#)

**Case C-371/10: Judgment of the Court (Grand Chamber) of 29 November 2011 - National Grid Indus BV v Inspecteur van de Belastingdienst Rijnmond / kantoor Rotterdam - **Transfer of a company's place of effective management to a Member State other than that in which it is incorporated – Freedom of establishment – Article 49 TFEU** – Taxation of unrealised capital gains relating to the assets of a company transferring its place of management between Member States – Determination of the amount of tax at the time of the transfer of the place of management – Immediate recovery of the tax – Proportionality**

[CURIA – Judgment in Case C-371/10 of the Court of Justice of 29 November 2011 - FR](#)

**Case C-250/08: Judgment of the Court (First Chamber) of 1 December 2011 - European Commission v Kingdom of Belgium - Failure of a Member State to fulfil obligations – **Free movement of persons – Purchase of immovable property intended as a new principal residence – Calculation of a tax advantage** – Registration duties – Cohesion of the tax system**

[CURIA – Judgment in Case C-250/08 of the Court of Justice of 1 December 2011 - FR](#)

**Affaire C-157/09 : Arrêt de la Cour (sixième chambre) du 1er décembre 2011 - Commission européenne contre Royaume des Pays-Bas - Manquement d'État – **Article 43 CE – Liberté d'établissement – Notaires – Condition de nationalité – Article 45 CE** – Participation à l'exercice de l'autorité publique**

[CURIA – Arrêt dans l'affaire C-157/09 de la Cour de Justice du 1er décembre 2011 \(FR seulement\)](#)

**Case C-253/09: Judgment of the Court (First Chamber) of 1 December 2011 - European Commission v Republic of Hungary - Failure of a Member State to fulfil obligations – **Freedom of movement for persons – Freedom of establishment – Purchase of property for use as a new principal residence – Establishing the basis of assessment for the tax levied on the purchase of real property** – Deduction of the value of the residence sold from the value of the residence purchased – Exclusion of that deduction if the property sold is not situated within the national territory**

[CURIA – Judgment in Case C-253/09 of the Court of Justice of 1 December 2011 - FR](#)

**Case C-442/10: Judgment of the Court (Fourth Chamber) of 1 December 2011 - Churchill Insurance Company Limited v Benjamin Wilkinson, and Tracy Evans v Equity Claims Limited - Compulsory insurance against civil liability in respect of the use of motor vehicles – Directive 84/5/EEC – Article 1(4) and Article 2(1) – Third parties victims of an accident – Express or implied authorisation to drive – Directive 90/232/EEC – First subparagraph of Article 1 – Directive 2009/103/EC – Articles 10, 12(1) and 13(1) – Victim of a road traffic accident who was a passenger in a vehicle in respect of which he was insured to drive – Vehicle driven by a person not insured under the insurance policy – Insured victim not deprived of insurance cover**

[CURIA – Judgment in Case C-442/10 of the Court of Justice of 1 December 2011 - FR](#)

## 14. Intellectual Property

### Case Law

**Affaire C-488/10 : Conclusions de l'Avocat Général Mengozzi du 8 novembre 2011 - Celaya Empananza y Galdos Internacional SA contre Projectos Integrales de Balizamientos SL - Dessins ou modèles communautaires – Contrefaçon – Notion de 'tiers'**

[CURIA – Conclusions de l'Avocat Général C-488/10 de la Cour de Justice du 8 novembre 2011 \(FR seulement\)](#)

**Affaire C-88/11 P : Arrêt de la Cour (septième chambre) du 10 novembre 2011 - LG Electronics Inc. v Office de l'harmonisation dans le marché intérieur (marques, dessins et modèles) (OHMI) - Pourvoi – Marque communautaire – Signe verbal 'KOMPRESSOR PLUS' – Refus d'enregistrement – Règlement (CE) n° 40/94 – Article 7, paragraphe 1, sous c) – Caractère descriptif – Examen d'un moyen de preuve nouveau par le Tribunal – Dénaturation des faits et des éléments de preuve**

[CURIA – Arrêt dans l'affaire C-88/11 P de la Cour de Justice du 10 novembre 2011 \(FR seulement\)](#)

**Affaire C-461/10 : Conclusions de l'Avocat Général Jääskinen du 17 novembre 2011 - Bonnier Audio AB e.a. contre Perfect Communication Sweden AB («ePhone») - Droit d'auteur et droits voisins – Droit à une protection effective de la propriété intellectuelle – Directive 2004/48/CE – Article 8 – Protection des données à caractère personnel – Communications électroniques – Conservation de certaines données générées – Transmission de données à caractère personnel à des particuliers – Directive 2002/58/CE – Article 15 – Directive 2006/24/CE – Article 4 – Audiolivres – Partage de fichiers – Injonction judiciaire adressée à un fournisseur d'accès à Internet de divulguer le nom et l'adresse d'un utilisateur d'adresse IP**

[CURIA – Conclusions de l'Avocat Général C-461/10 de la Cour de Justice du 17 novembre 2011 \(FR seulement\)](#)

**Case C-70/10: Judgment of the Court (Third Chamber) of 24 November 2011 - Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM) - Information society – Copyright – Internet – 'Peer-to-peer' software – Internet service providers – Installation of a system for filtering electronic communications in order to prevent file sharing which infringes copyright – No general obligation to monitor information transmitted**

[CURIA – Judgment in Case C-70/10 of the Court of Justice of 24 November 2011 - FR](#)

**Case C-422/10: Judgment of the Court (Fourth Chamber) of 24 November 2011 - Georgetown University and Others v Comptroller General of Patents, Designs and Trade Marks - Medicinal products for human use – Supplementary protection certificate – Regulation (EC) No 469/2009 – Article 3 – Conditions for obtaining a certificate – Concept of a 'product protected by a basic patent in force' – Criteria – Existence of further or different criteria for a medicinal product comprising more than one active ingredient or for a vaccine against multiple diseases ('Multi-disease vaccine' or 'multivalent vaccine')**

[CURIA – Judgment in Case C-422/10 of the Court of Justice of 24 November 2011 - FR](#)

**Case C-322/10: Judgment of the Court (Fourth Chamber) of 24 November 2011 - Medeva BV v Comptroller General of Patents, Designs and Trade Marks - Medicinal products for human use – Supplementary protection certificate – Regulation (EC) No 469/2009 – Article 3 – Conditions for obtaining a certificate – Concept of a 'product protected by a basic patent in force' – Criteria – Existence of further or different criteria for a medicinal product comprising more than one active ingredient or for a vaccine against multiple diseases ('Multi-disease vaccine' or 'multivalent vaccine')**

[CURIA – Judgment in Case C-322/10 of the Court of Justice of 24 November 2011 - FR](#)

**Case C-283/10: Judgment of the Court (Third Chamber) of 24 November 2011 - Circul Globus București (Circ & Variete Globus București) v Uniunea Compozitorilor și Muzicologilor din România – Asociația pentru Drepturi de Autor (UCMR – ADA) - **Approximation of laws – Copyright and related rights – Directive 2001/29/EC – Article 3 – Concept of ‘communication of a work to a public present at the place where the communication originates’**– Dissemination of musical works in the presence of an audience without paying the collective management organisation the appropriate copyright fee – Entry into contracts, with the authors of the works, for copyright waiver – **Scope of Directive 2001/29****

[CURIA – Judgment in Case C-283/10 of the Court of Justice of 24 November 2011 - FR](#)

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

### Community Legislation

**REGULATION (EU) No 1168/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a **European Agency for the Management** of Operational **Cooperation at the External Borders** of the Member States of the European Union

[OJ of the EU, L 304/1 of 22 November 2011 - FR](#)

**DIRECTIVE 2011/82/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 25 October 2011 facilitating the **cross-border exchange of information on road safety related traffic offences**

[OJ of the EU, L 288/1 of 5 November 2011 - FR](#)

**DECISION** No 1105/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the list of **travel documents** which entitle the holder to **cross the external borders** and which **may be endorsed with a visa** and on setting up a mechanism for establishing this list

[OJ of the EU, L 287/9 of 4 November 2011 - FR](#)

### Case Law

**Case C-412/10: Judgment of the Court (Fourth Chamber) of 17 November 2011 - Deo Antoine Homawoo v GMF Assurances SA - **Judicial cooperation in civil matters – Law applicable to non-contractual obligations** – Regulation (EC) No 864/2007 – Scope ratione temporis**

[CURIA – Judgment in Case C-412/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-327/10: Judgment of the Court (First Chamber) of 17 November 2011 - Hypoteční banka a.s. v Udo Mike Lindner - **Jurisdiction and the enforcement of judgments in civil and commercial matters – Mortgage loan contract concluded by a consumer who is a national of one Member State with a bank established in another Member State** – Legislation of a Member State making it possible, in the case where the exact domicile of the consumer is unknown, to bring an action against the latter before a court of that State**

[CURIA – Judgment in Case C-327/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-112/10: Judgment of the Court (First Chamber) of 17 November 2011 - Procureur-generaal bij het hof van beroep te Antwerpen v Zaza Retail BV - **Regulation (EC) No 1346/2000 – Insolvency proceedings – Opening of territorial insolvency proceedings** – Conditions laid down by the applicable national law preventing the opening of main insolvency proceedings – Creditor empowered to request the opening of territorial insolvency proceedings**

[CURIA – Judgment in Case C-112/10 of the Court of Justice of 17 November 2011 - FR](#)

**Case C-145/10: Judgment of the Court (Third Chamber) of 1 December 2011 - Eva-Maria Painer v Standard VerlagsGmbH and Others - **Jurisdiction in civil matters – Regulation (EC) No 44/2001 – Article 6(1) – More than one defendant – Directive 93/98/EEC – Article 6 – Protection of photographs – Directive 2001/29/EC – Article 2 – Reproduction** – Use of a portrait photograph as a template to establish a photo-fit – Article 5(3)(d) – Exceptions and limitations as regards quotations – Article 5(3)(e) – Exceptions and limitations for the purposes of public security – Article 5(5)**

[CURIA – Judgment in Case C-145/10 of the Court of Justice of 1 December 2011 - FR](#)

## 16. Transport

### International Agreements

**AGREEMENT** between the **United States of America** and the **European Community** on cooperation in the regulation of **civil aviation safety**

[OJ of the EU, L 291/3 of 9 November 2011 - FR](#)

### Community Legislation

**COMMISSION IMPLEMENTING DECISION** of 22 November 2011 on the application of Directive 2009/103/EC of the European Parliament and of the Council with regard to **checks on insurance against civil liability** in respect of the use of **motor vehicles** (*notified under document C(2011) 8289*) (Text with EEA relevance) (2011/754/EU)

[OJ of the EU, L 310/11 of 25 November 2011 - FR](#)

**COMMISSION REGULATION** (EU) No 1149/2011 of 21 October 2011 amending Regulation (EC) No 2042/2003 on the continuing **airworthiness of aircraft** and **aeronautical products**, parts and appliances, and on the approval of **organisations and personnel involved in these tasks** (Text with EEA relevance)

[OJ of the EU, L 298/1 of 16 November 2011 - FR](#)

**COMMISSION IMPLEMENTING REGULATION** (EU) No 1147/2011 of 11 November 2011 amending Regulation (EU) No 185/2010 implementing the **common basic standards on civil aviation** security as regards the **use of security scanners at EU airports** (Text with EEA relevance)

[OJ of the EU, L 294/7 of 12 November 2011 - FR](#)

### Case Law

**Affaire C-419/10 : Conclusions de l'Avocat Général Bot du 10 novembre 2011 - Wolfgang Hofmann contre Freistaat Bayern - Directive 2006/126/CE – Reconnaissance mutuelle des permis de conduire** – Refus d'un État membre de reconnaître, à une personne dont le permis de conduire a fait l'objet d'un retrait sur son territoire, la validité d'un permis de conduire délivré par un autre État membre

[CURIA – Conclusions de l'Avocat Général C-419/10 de la Cour de Justice du 10 novembre 2011 \(FR seulement\)](#)

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

**Case C-539/09: Judgment of the Court (Grand Chamber) of 15 November 2011 - European Commission v Federal Republic of Germany - Failure of a Member State to fulfil obligations – Court of Auditors' declared intention to carry out audits in a Member State – Member State's objection – Powers of the Court of Auditors** – Article 248 EC – Audit of the cooperation of the national administrative authorities in the field of value added tax – Regulation (EC) No 1798/2003 – Community revenue – Own resources accruing from value added tax

[CURIA – Judgment in Case C-539/09 of the Court of Justice of 15 November 2011 - FR](#)

**Case C-496/09: Judgment of the Court (Third Chamber) of 17 November 2011 - European Commission v Italian Republic - Failure of a Member State to fulfil obligations – Judgment of the Court establishing a failure to fulfil obligations – Failure to comply with the judgment** – Article 228 EC – Financial penalties

[CURIA – Judgment in Case C-496/09 of the Court of Justice of 17 November 2011 - FR](#)

**Affaire C-221/10 P : Conclusions de l'Avocat Général Bot du 17 novembre 2011 - Artegoda GmbH contre Commission européenne et République fédérale d'Allemagne - Pourvoi – Article 288, deuxième alinéa, CE – Responsabilité non contractuelle de l'Union – Conditions – Violation suffisamment caractérisée d'une règle de droit conférant des droits aux particuliers** – Règles de compétence – Autorité de la chose jugée – Décision concernant le retrait des autorisations de mise sur le marché des médicaments à usage humain contenant de l'amfépramone

[CURIA – Conclusions de l'Avocat Général C-221/10 P de la Cour de Justice du 27 octobre 2011 \(FR seulement\)](#)

**Affaire C-379/10 : Arrêt de la Cour (troisième chambre) du 24 novembre 2011 - Commission européenne contre République italienne - Manquement d'État – Principe général de responsabilité des États membres pour violation du droit de l'Union par l'une de leurs juridictions statuant en dernier ressort** – Exclusion de toute responsabilité de l'État du fait d'une interprétation des règles de droit ou d'une appréciation des éléments de fait et de preuve effectuée par une juridiction statuant en dernier ressort – Limitation, par le législateur national, de la responsabilité de l'État aux cas du dol ou de la faute grave commis par une telle juridiction

[CURIA – Arrêt dans l'affaire C-379/10 de la Cour de Justice du 24 novembre 2011 \(FR seulement\)](#)