



54

Highlights

DECISION No 2/2011 OF THE EU-SWISS JOINT COMMITTEE ESTABLISHED BY ARTICLE 14 OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE **FREE MOVEMENT OF PERSONS** of 30 September 2011 replacing Annex III (**Mutual recognition of professional qualifications**) thereto (2011/702/EU)
[OJ of the EU, L 277/20 of 22 October 2011 - FR](#)

Case C-34/10: Judgment of the Court (Grand Chamber) of 18 October 2011 - Oliver Brüstle v Greenpeace e.V. - Directive 98/44/EC – Article 6(2)(c) – Legal protection of biotechnological inventions – Extraction of precursor cells from human embryonic stem cells – Patentability – Exclusion of ‘uses of human embryos for industrial or commercial purposes’ – Concepts of ‘human embryo’ and ‘use for industrial or commercial purposes’
[CURIA – Judgment in Case C-34/10 of the Court of Justice of 18 October 2011 - FR](#)

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	2
5. Competition	3
6. Customs.....	3
7. Economic and Monetary Affairs, Taxation, Enterprise.....	4
8. Education, Training, Youth, Culture, Research and Innovation	4
9. Employment and Social Affairs	5
10. Energy and Environment	5
11. Food Safety, Public Health and Consumers ..	6
13. Internal Market and Single Market	7
14. Intellectual Property	9
15. Justice, Freedom and Security (incl. Judicial Cooperation).....	10
16. Transport	10

EU News: Click & Read October 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.

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

1. EU-Swiss Relations

Community Legislation

DECISION No 2/2011 OF THE EU-SWISS JOINT COMMITTEE ESTABLISHED BY ARTICLE 14 OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE **FREE MOVEMENT OF PERSONS** of 30 September 2011 replacing Annex III (**Mutual recognition of professional qualifications**) thereto (2011/702/EU)

[OJ of the EU, L 277/20 of 22 October 2011 - FR](#)

COMMISSION REGULATION (EU) No 977/2011 of 3 October 2011 **amending Regulation (EC) No 810/2009** of the European Parliament and of the Council **establishing a Community Code on Visas** (Visa Code)

[OJ of the EU, L 258/9 of 4 October 2011 - FR](#)

Case Law

Case C-506/10: Judgment of the Court (Third Chamber) of 6 October 2011 - Rico Graf, Rudolf Engel v Landratsamt Waldshut - Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Equal treatment – Self-employed frontier workers – Agricultural lease – Agricultural structure– Legislation of a Member State enabling an objection to be made to the contract if the goods produced in national territory by the self-employed Swiss frontier farmers are intended to be exported, free of duty, to Switzerland

[CURIA – Judgment in Case C-506/10 of the Court of Justice of 6 October 2011 - FR](#)

2. External Relations / Foreign Policy

Case Law

Case C-187/10: Judgment of the Court (Second Chamber) of 29 September 2011 - Baris Unal v Staatssecretaris van Justitie - EEC-Turkey Association Agreement – Decision No 1/80 of the Association Council – Article 6(1), first indent – Turkish national – **Residence permit – Family reunification** – Separation of the partners – Withdrawal of the residence permit – Retroactive effect

[CURIA – Judgment in Case C-187/10 of the Court of Justice of 29 September 2011 - FR](#)

Joined Cases C-7/10 and C-9/10: Opinion of Advocate General Sharpston of 20 October 2011 - Staatssecretaris van Justitie v Tayfun Kahveci (C-7/10), Staatssecretaris van Justitie v Osman Inan (C-9/10) - EEC-Turkey Association Agreement – Right of residence – Family members of a Turkish worker who has acquired the nationality of the host Member State – Date of naturalisation

[CURIA – Opinion of Advocate General in Joined Cases C-7/10 and C-9/10 of the Court of Justice of 20 October 2011 - FR](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-549/09 : Arrêt de la Cour (sixième chambre) du 20 octobre 2011 - Commission européenne contre République française - Manquement d'État – Aides d'État – Aides accordées en faveur des aquaculteurs et des pêcheurs – Décision déclarant ces aides incompatibles avec le marché commun – Obligation de récupérer sans délai les aides déclarées illégales et incompatibles ainsi que d'en informer la Commission – Inexécution – Impossibilité absolue d'exécution

[CURIA – Arrêt dans l'affaire C-549/09 de la Cour de Justice du 20 octobre 2011 \(FR seulement\)](#)

5. Competition

Case Law

Affaire C-521/09 P : Arrêt de la Cour (deuxième chambre) du 29 septembre 2011 - Elf Aquitaine SA contre Commission européenne - Pourvoi – Ententes – Articles 81 CE et 53 de l'accord EEE – Marché de l'acide monochloracétique – Règles relatives à l'imputabilité des pratiques anticoncurrentielles d'une filiale à sa société mère – Présomption de l'exercice effectif d'une influence déterminante – Droits de la défense – Obligation de motivation

[CURIA – Arrêt dans l'affaire C-521/09 P de la Cour de Justice du 29 septembre 2011 \(FR seulement\)](#)

Case C-520/09 P: Judgment of the Court (Second Chamber) of 29 September 2011 - Arkema SA v European Commission - Appeal – Agreements, decisions and concerted practices – Article 81 EC and Article 53 of the EEA Agreement – European market for monochloroacetic acid – Rules on imputing a subsidiary's anti-competitive practices to its parent company – Presumption of the actual exercise of a decisive influence – Obligation to state reasons

[CURIA – Judgment in Case C-520/09 P of the Court of Justice of 29 September 2011 - FR](#)

Case C-439/09: Judgment of the Court (Third Chamber) of 13 October 2011 - Pierre Fabre Dermo-Cosmétique SAS v Président de l'Autorité de la concurrence - Article 101(1) and (3) TFEU – Regulation (EC) No 2790/1999 – Articles 2 to 4 – Competition – Restrictive practice – Selective distribution network – Cosmetics and personal care products – General and absolute ban on internet sales – Ban imposed by the supplier on authorised distributors

[CURIA – Judgment in Case C-439/09 of the Court of Justice of 13 October 2011 - FR](#)

Case C-110/10 P: Judgment of the Court (Grand Chamber) of 25 October 2011 - Solvay SA v European Commission - Appeal – Competition – Market in soda ash in the Community – Concerted practice – Infringement of the rights of the defence – Access to the file – Hearing of the undertaking

[CURIA – Judgment in Case C-110/10 P of the Court of Justice of 25 October 2011 - FR](#)

Case C-109/10 P: Judgment of the Court (Grand Chamber) of 25 October 2011 - Solvay SA v European Commission - Appeal – Competition – Market in soda ash in the Community – Abuse of dominant position – Infringement of the rights of the defence – Access to the file – Hearing of the undertaking

[CURIA – Judgment in Case C-109/10 P of the Court of Justice of 25 October 2011 - FR](#)

6. Customs

Case Law

Affaire C-338/10 : Conclusions de l'Avocat Général Bot du 6 octobre 2011 - Grünwald Logistik Service GmbH (GLS) contre Hauptzollamt Hamburg-Stadt - Règlement instituant un droit antidumping sur les importations de certains agrumes préparés ou conservés originaires de Chine – Validité – Détermination de la valeur normale – Pays exportateur ne pratiquant pas une économie de marché – Obligation de la Commission de faire preuve de diligence afin de déterminer la valeur normale sur la base du prix d'un produit similaire dans un pays tiers à économie de marché

[CURIA – Conclusions de l'Avocat Général C-338/10 de la Cour de Justice du 6 octobre 2011 \(FR seulement\)](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-82/10: Judgment of the Court (Fourth Chamber) of 29 September 2011 - European Commission v Ireland - Failure of a Member State to fulfil obligations – Directive 73/239/EEC – Articles 6, 8, 9, 13 and 15 to 17 – Directive 92/49/EEC – Articles 22 and 23 – Direct insurance other than life assurance – Amendment of statutes of an insurance body as regards its capacity – Non-application of the European Union insurance legislation in respect of insurance other than life assurance

[CURIA – Judgment in Case C-82/10 of the Court of Justice of 29 September 2011 - FR](#)

Case C-421/10: Judgment of the Court (Fifth Chamber) of 6 October 2011 - Finanzamt Deggendorf v Markus Stoppelkamp, acting in his capacity as insolvency administrator of the estate of Harald Raab - VAT – Sixth Directive – Article 21(1)(b) – Determination of the place of reference for tax purposes – Services provided by a supplier residing in the same country as the customer but having established the seat of his economic activities in another country – Concept of ‘taxable person established abroad’

[CURIA – Judgment in Case C-421/10 of the Court of Justice of 6 October 2011 - FR](#)

Case C-94/10: Judgment of the Court (First Chamber) of 20 October 2011 - Danfoss A/S, Sauer-Danfoss ApS v Skatteministeriet - Indirect taxes – Excise duties on mineral oils – Incompatibility with European Union law – Non-repayment of excise duty to purchasers of goods to whom the excise duty has been passed on

[CURIA – Judgment in Case C-94/10 of the Court of Justice of 20 October 2011 - FR](#)

EFTA COURT JUDGMENT OF THE COURT of 10 May 2011 in Joined Cases E-4/10, E-6/10 and E-7/10 **Principality of Liechtenstein**, Reassur Aktiengesellschaft and Swisscom RE Aktiengesellschaft v EFTA Surveillance Authority (*Action for annulment of a decision of the EFTA Surveillance Authority – State aid – Special tax rules applicable to captive insurance companies – Notion of undertaking – Selectivity – Existing aid and new aid – Distortion of competition and effect on trade – Recovery – Legitimate expectations – Legal certainty – Obligation to state reasons*) (2011/C 294/07)

[OJ of the EU, C 294/7 of 6 October 2011 - FR](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Proposal for a COUNCIL DIRECTIVE on a common **system of financial transaction tax** and amending Directive 2008/7/EC {SEC(2011) 1102} {SEC(2011) 1103}

[COM\(2011\) 594 final /28 September 2011 - FR](#)

Opinion of the European Data Protection Supervisor on the **proposal for a Regulation** of the European Parliament and of the Council establishing **technical requirements for credit transfers and direct debits in euros** and amending Regulation (EC) No 924/2009 (2011/C 284/01)

[OJ of the EU, C 248/1 of 29 September 2011 - FR](#)

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

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION of 18 October 2011 on the **definition of nanomaterial** (Text with EEA relevance)

(2011/696/EU)

[OJ of the EU, L 275/38 of 20 October 2011 - FR](#)

MEDIA 2007 — DEVELOPMENT, DISTRIBUTION, PROMOTION AND TRAINING Call for proposals — EACEA/23/11 Support for **television broadcasting of European audiovisual works** (2011/C 286/06)

[OJ of the EU, C 286/14 of 30 September 2011 - FR](#)

CALL FOR PROPOSALS — EACEA/30/11 MEDIA 2007 — Support for the **transnational distribution of European films** — the ‘Selective’ scheme 2012 (2011/C 285/13)
[OJ of the EU, C 285/20 of 29 September 2011 - FR](#)

CALL FOR PROPOSALS — EACEA/26/11 The Jean Monnet programme, key activity 3 — Support to **European Associations** active at European level in the field of **European Integration and Education and Training** Annual operating grants 2012 (2011/C 285/14)
[OJ of the EU, C 285/23 of 29 September 2011 - FR](#)

POSITION (EU) No 9/2011 OF THE COUNCIL AT FIRST READING with a view to the adoption of a Decision of the European Parliament and of the Council **establishing a European Union action for the European Heritage Label** Adopted by the Council on 19 July 2011 (2011/C 285 E/01)
[OJ of the EU, C 285 E/23 of 1 September 2011 - FR](#)

9. Employment and Social Affairs

Community Legislation

DECISION No 2/2011 OF THE EU-SWISS JOINT COMMITTEE ESTABLISHED BY ARTICLE 14 OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART, AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE **FREE MOVEMENT OF PERSONS** of 30 September 2011 replacing Annex III (**Mutual recognition of professional qualifications**) thereto (2011/702/EU)
[OJ of the EU, L 277/20 of 22 October 2011 - FR](#)

Case Law

Case C-225/10: Judgment of the Court (Second Chamber) of 20 October 2011 - Juan Perez Garcia and Others v Familienkasse Nürnberg - Social security – Regulation (EEC) No 1408/71 – Articles 77 and 78 – Pensioners entitled under the legislation of several Member States – Handicapped children – Family benefits for dependent children – Right to benefits in the former Member State of employment – Existence of a right to benefits in the Member State of residence – Failure to make a request – Choice of payment of an invalidity benefit incompatible with benefits for dependent children – Concept of ‘benefit for dependent children’ – Maintenance of rights acquired in the former Member State of employment
[CURIA – Judgment in Case C-225/10 of the Court of Justice of 20 October 2011 - FR](#)

Case C-123/10: Judgment of the Court (Fourth Chamber) of 20 October 2011 - Waltraud Brachner v Pensionsversicherungsanstalt - Social policy – Equal treatment for men and women in matters of social security – Directive 79/7/EEC – Articles 3(1) and 4(1) – National scheme for annual pension adjustments – Exceptional increase in pensions for the year 2008 – Exclusion from that increase of pensions of an amount lower than the compensatory supplement standard rate – Exceptional increase in that standard rate for the year 2008 – Exclusion from entitlement to the compensatory supplement of pensioners whose income, including that of the spouse forming part of their household, exceeds that standard rate – Scope of application of the directive – Indirect discrimination against women – Justification – No justification
[CURIA – Judgment in Case C-123/10 of the Court of Justice of 20 October 2011 - FR](#)

10. Energy and Environment

Case Law

Case C-366/10: Opinion of Advocate General Kokott of 6 October 2011 - The Air Transport Association of America and Others - Environment – Greenhouse gases – Emission allowances – EU scheme for greenhouse gas emission allowance trading (‘EU emissions trading scheme’) – Inclusion of aviation activities – International aviation – Public international law – Compatibility of secondary European Union legislation with international agreements and customary international law – Directives 2003/87/EC and 2008/101/EC
[CURIA – Opinion of Advocate General C-366/10 of the Court of Justice of 6 October 2011 - FR](#)

Affaire C-43/10 : Conclusions de l'Avocat Général Kokott du 13 octobre 2011 - Nomarchiaki Aftodioikisi Aitoloakarnanias and Others - Protection de l'environnement – Directive 200/60/CE – Politique de l'Union dans le domaine de l'eau – Déviation du cours d'un fleuve – Notion de délai pour l'établissement des plans de gestion de district hydrographique – Effets anticipés – Participation du public – **Directive 2001/42/CE** – Évaluation des incidences de plans et programmes sur l'environnement – Application ratione temporis – **Directive 85/337/CEE** – Évaluation des incidences sur l'environnement – Possibilité d'utiliser des études antérieures – **Directive 92/43/CEE** – Conservation de la faune et la flore sauvage – Conservation des sites d'intérêt communautaire – **Directive 79/409/CEE** – Conservation des oiseaux – Conservation des zones spéciales de protection – Étude de compatibilité – Interdiction de régression – Justification de restrictions
[CURIA – Conclusions de l'Avocat Général C-43/10 de la Cour de Justice du 13 octobre 2011 \(FR seulement\)](#)

Joined Cases C-128/09 to C-131/09, C-134/09 and C-135/09: Judgment of the Court (Grand Chamber) of 18 October 2011 - Boxus and Roua - Assessment of the effects of projects on the environment – Directive 85/337/EEC – Scope – Concept of 'specific act of national legislation' – Aarhus Convention – Access to justice in environmental matters – Extent of the right to a review procedure in respect of a legislative act
[CURIA – Judgment in Joined Cases C-128/09 to C-131/09, C-134/09 and C-135/09 of the Court of Justice of 18 October 2011 - FR](#)

Case C-474/10: Judgment of the Court (Fourth Chamber) of 20 October 2011 - Department of the Environment for Northern Ireland v Seaport (NI) Ltd and Others - Reference for a preliminary ruling – Directive 2001/42/EC – Article 6 – Designation, for consultation purposes, of an authority likely to be concerned by the environmental effects of implementing plans and programmes – Possibility of authority to be consulted conceiving plans or programmes – Requirement to designate a separate authority – Arrangements for the information and consultation of the authorities and the public
[CURIA – Judgment in Case C-474/10 of the Court of Justice of 20 October 2011 - FR](#)

11. Food Safety, Public Health and Consumers

Community Legislation

REGULATION (EU) No 954/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2011 amending Regulation (EC) No 2006/2004 on **cooperation between national authorities** responsible for the enforcement of **consumer protection laws** (Text with EEA relevance)
[OJ of the EU, L 259/1 of 4 October 2011 - FR](#)

Case Law

Case C-185/10: Opinion of Advocate General Jääskinen of 29 September 2011 - European Commission v Republic of Poland - Failure of a Member State to fulfil obligations – Directive 2001/83/EC – Article 6 – Marketing authorisation – Article 5 – Exclusion from provisions of directive for medicinal products ordered for special needs of individual patient – National legislation allowing importation and placing on the market of equivalent medicinal products based on an economic criterion without prior marketing authorisation – Medicinal products from other Member States and from third countries
[CURIA – Opinion of Advocate General C-185/10 of the Court of Justice of 29 September 2011 - FR](#)

Case C-382/10: Judgment of the Court (Eighth Chamber) of 6 October 2011 - Erich Albrecht and Others v Landeshauptmann von Wien - Industrial Policy – Food hygiene – Regulation (EC) No 852/2004 – Self-service retail of bread and bakery products
[CURIA – Judgment in Case C-382/10 of the Court of Justice of 6 October 2011 - FR](#)

Case C-381/10: Judgment of the Court (Eighth Chamber) of 6 October 2011 - Astrid Preissl KEG v Landeshauptmann von Wien - Industrial Policy – Food hygiene – Regulation (EC) No 852/2004 – Installation of a washbasin in the toilets of an establishment which sells food
[CURIA – Judgment in Case C-381/10 of the Court of Justice of 6 October 2011 - FR](#)

13. Internal Market and Single Market

Community Legislation

EUROPEAN CENTRE FOR THE DEVELOPMENT OF VOCATIONAL TRAINING (CEDEFOP) **DECISION ON CODE OF GOOD ADMINISTRATIVE BEHAVIOUR** (2011/C 285/03)

[OJ of the EU, C 285/3 of 29 September 2011 - FR](#)

Case Law

Affaire C-387/10 : Arrêt de la Cour (septième chambre) du 29 septembre 2011 - Commission européenne contre République d'Autriche - Manquement d'État – Libre prestation des services – Réglementation d'un État membre concernant les fonds d'investissement et les fonds d'investissement immobilier – Preuve relative aux revenus considérés comme distribués – Preuve fournie par l'intermédiaire d'un représentant fiscal – Établissements de crédit et fiduciaires économiques 'nationaux' ayant la qualité de représentant fiscal
[CURIA – Arrêt dans l'affaire C-387/10 de la Cour de Justice du 29 septembre 2011 \(FR seulement\)](#)

Affaire C-318/10 : Conclusions de l'Avocat Général Villalón du 29 septembre 2011 - SIAT SA contre État belge - Libre prestation de services – Article 49 CE – Fiscalité directe – Impôt sur le revenu – Régime de déduction des frais professionnels – Non-déductibilité de la rémunération des services fournis par des personnes établies dans les États membres imposant une fiscalité notablement plus avantageuse que celle de l'État membre d'imposition – Déductibilité soumise à la preuve du caractère réel et sincère des prestations et du caractère normal de la rémunération y afférente – Restriction à la libre prestation de services – Justifications – Lutte contre la fraude et l'évasion fiscale – Efficacité des contrôles fiscaux – Proportionnalité
[CURIA – Conclusions de l'Avocat Général C-318/10 de la Cour de Justice du 29 septembre 2011 \(FR seulement\)](#)

Joined Cases C-403/08 and C-429/08: Judgment of the Court (Grand Chamber) of 4 October 2011 - Football Association Premier League and Others - Satellite broadcasting – Broadcasting of football matches – Reception of the broadcast by means of satellite decoder cards – Satellite decoder cards lawfully placed on the market in one Member State and used in another Member State – Prohibition on marketing and use in a Member State – Visualisation of broadcasts in disregard of the exclusive rights granted – Copyright – Television broadcasting right – Exclusive licences to broadcast in a single Member State – Freedom to provide services – Article 56 TFEU – Competition – Article 101 TFEU – Restriction of competition by object – Protection of services based on conditional access – Illicit device – Directive 98/84/EC – Directive 2001/29/EC – Reproduction of works within the memory of a satellite decoder and on a television screen – Exception to the reproduction right – Communication of works to the public in public houses – Directive 93/83/EEC
[CURIA – Judgment in Joined Cases C-403/08 and C-429/08 of the Court of Justice of 4 October 2011 - FR](#)

Case C-506/10: Judgment of the Court (Third Chamber) of 6 October 2011 - Rico Graf, Rudolf Engel v Landratsamt Waldshut - Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Equal treatment – Self-employed frontier workers– Agricultural lease – Agricultural structure– Legislation of a Member State enabling an objection to be made to the contract if the goods produced in national territory by the self-employed Swiss frontier farmers are intended to be exported, free of duty, to Switzerland
[CURIA – Judgment in Case C-506/10 of the Court of Justice of 6 October 2011 - FR](#)

Case C-493/09: Judgment of the Court (First Chamber) of 6 October 2011 - European Commission v Portuguese Republic - Failure of a Member State to fulfil obligations – Article 63 TFEU and Article 40 of the EEA Agreement – Free movement of capital – Foreign and national pension funds – Corporation tax – Dividends – Exemption – Difference in treatment
[CURIA – Judgment in Case C-493/09 of the Court of Justice of 6 October 2011 - FR](#)

Case C-443/10: Judgment of the Court (Fifth Chamber) of 6 October 2011 - Philippe Bonnarde v Agence de Services et de Paiement - Free movement of goods – Quantitative restrictions – Measures having equivalent effect – Importation, by a person resident in a Member State, of a vehicle already registered in another Member State – Ecological subsidy – Conditions – Registration certificate attesting to the nature of the demonstration vehicle

[CURIA – Judgment in Case C-443/10 of the Court of Justice of 6 October 2011 - FR](#)

Affaire C-302/09 : Arrêt de la Cour (cinquième chambre) du 6 octobre 2011 - Commission européenne contre République italienne - Manquement d'État – Aides d'État – Aides accordées aux entreprises implantées sur les territoires de Venise et de Chioggia – Réductions de charges sociales – Récupération

[CURIA – Arrêt dans l'affaire C-302/09 de la Cour de Justice du 6 octobre 2011 \(FR seulement\)](#)

Case C-9/11: Judgment of the Court (Eighth Chamber) of 13 October 2011 - Waypoint Aviation SA v État belge - SPF Finances - Freedom to provide services – Tax legislation – Tax credit on income from loans granted for the acquisition of assets used on national territory – Exclusion of assets for which the right to use is transferred to a third party established in another Member State

[CURIA – Judgment in Case C-9/11 of the Court of Justice of 13 October 2011 - FR](#)

Joined Cases C-463/10 P and C-475/10: Judgment of the Court (Third Chamber) of 13 October 2011 - Deutsche Post AG and Federal Republic of Germany v European Commission - Appeals – State aid – Regulation (EC) No 659/1999 – Article 10(3) – Decision requiring the production of information – Act open to challenge for the purposes of Article 263 TFEU

[CURIA – Judgment in Joined Cases C-463/10 P and C-475/10 of the Court of Justice of 13 October 2011 - FR](#)

Affaire C-454/09 : Arrêt de la Cour (cinquième chambre) du 13 octobre 2011 - Commission européenne v République italienne - Manquement d'État – Aides d'État – Aide en faveur de New Interline SpA – Récupération

[CURIA – Arrêt dans l'affaire C-454/09 de la Cour de Justice du 13 octobre 2011 \(FR seulement\)](#)

Case C-224/10: Judgment of the Court (Second Chamber) of 13 October 2011 - Leo Apelt - Directive 91/439/EEC – Mutual recognition of driving licences – Withdrawal of the national driving licence issued by the Member State of residence and issue of a driving licence for vehicles in categories B and D by another Member State – Refusal of recognition by the Member State of residence – Obligation to hold a valid licence for vehicles in category B at the time of issue of the licence for vehicles in category D

[CURIA – Judgment in Case C-224/10 of the Court of Justice of 13 October 2011 - FR](#)

Case C-148/10: Judgment of the Court (Third Chamber) of 13 October 2011 - DHL International NV, formerly Express Line NV v Belgisch Instituut voor Postdiensten en Telecommunicatie - Postal services – External procedures for dealing with users' complaints – Directive 97/67/EC – Article 19 – Scope – Additional to means of redress available under national law and under European Union law – Freedom of action of Member States – Restrictions – Article 49 TFEU – Freedom of establishment

[CURIA – Judgment in Case C-148/10 of the Court of Justice of 13 October 2011 - FR](#)

Affaire C-549/09 : Arrêt de la Cour (sixième chambre) du 20 octobre 2011 - Commission européenne contre République française - Manquement d'État – Aides d'État – Aides accordées en faveur des aquaculteurs et des pêcheurs – Décision déclarant ces aides incompatibles avec le marché commun – Obligation de récupérer sans délai les aides déclarées illégales et incompatibles ainsi que d'en informer la Commission – Inexécution – Impossibilité absolue d'exécution

[CURIA – Arrêt dans l'affaire C-549/09 de la Cour de Justice du 20 octobre 2011 \(FR seulement\)](#)

Case C-284/09: Judgment of the Court (First Chamber) of 20 October 2011 - European Commission v Federal Republic of Germany - Failure of a Member State to fulfil obligations – Free movement of capital – Article 56 EC and Article 40 of the Agreement on the European Economic Area – Taxation of dividends – Dividends distributed to companies established in national territory and to companies established in another Member State or a State of the European Economic Area – Different treatment

[CURIA – Judgment in Case C-284/09 of the Court of Justice of 20 October 2011 - FR](#)

Case C-124/10 P: Opinion of Advocate General Mazák of 20 October 2011 - European Commission v Électricité de France (EDF) and Others - Appeal – State aid – Selective tax exemption linked to an increase in share capital during the recapitalisation of an undertaking – Market economy investor principle – State acting as shareholder and State wielding public power

[CURIA – Opinion of Advocate General C-124/10 P of the Court of Justice of 20 October 2011 - FR](#)

14. Intellectual Property

Community Legislation

DIRECTIVE 2011/77/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights
[OJ of the EU, L 265/1 of 11 October 2011 - FR](#)

Case Law

Joined Cases C-431/09 and C-432/09: Judgment of the Court (Third Chamber) of 13 October 2011 - Airfield NV, Canal Digitaal BV v Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (Sabam) (C-431/09) and Airfield NV v Agicoa Belgium BVBA (C-432/09) - Copyright – Satellite broadcasting – Directive 93/83/EEC – Articles 1(2)(a) and 2 – Communication to the public by satellite – Satellite package provider – Single communication to the public by satellite – Persons to whom that communication may be attributed – Authorisation from copyright holders for the communication

[CURIA – Judgment in Joined Cases C-431/09 and C-432/09 of the Court of Justice of 13 October 2011 - FR](#)

Case C-34/10: Judgment of the Court (Grand Chamber) of 18 October 2011 - Oliver Brüstle v Greenpeace e.V. - Directive 98/44/EC – Article 6(2)(c) – Legal protection of biotechnological inventions – Extraction of precursor cells from human embryonic stem cells – Patentability – Exclusion of ‘uses of human embryos for industrial or commercial purposes’ – Concepts of ‘human embryo’ and ‘use for industrial or commercial purposes’

[CURIA – Judgment in Case C-34/10 of the Court of Justice of 18 October 2011 - FR](#)

Joined Cases C-344/10 P and C-345/10 P: Judgment of the Court (Third Chamber) of 20 October 2011 - Freixenet SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeal – Applications for registration of Community trade marks representing a frosted white bottle and a frosted black matt bottle – Refusal to register – Lack of distinctive character

[CURIA – Judgment in Joined Cases C-344/10 P and C-345/10 P of the Court of Justice of 20 October 2011 - FR](#)

Case C-281/10 P: Judgment of the Court (Fourth Chamber) of 20 October 2011 - PepsiCo, Inc. v Grupo Promer Mon Graphic SA - Appeal – Regulation (EC) No 6/2002 – Articles 5, 6, 10 and 25(1)(d) – Community design – Registered Community design representing a circular promotional item – Prior Community design – Different overall impression – Degree of freedom of the designer – Informed user – Scope of review by the Courts – Distortion of the facts

[CURIA – Judgment in Case C-281/10 P of the Court of Justice of 20 October 2011 - FR](#)

Case C-140/10: Judgment of the Court (First Chamber) of 20 October 2011 - Greenstar-Kanzi Europe NV v Jean Hustin, Jo Goossens - Regulation (EC) No 2100/94, as amended by Regulation (EC) No 873/2004 – Interpretation of Articles 11(1), 13(1) to (3), 16, 27, 94 and 104 – Principle of exhaustion of Community plant variety rights – Licensing contract – Action for infringement against a third party – Infringement of the licensing contract by the person enjoying the right of exploitation in his contractual relationship with the third party

[CURIA – Judgment in Case C-140/10 of the Court of Justice of 20 October 2011 - FR](#)

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

Community Legislation

COMMISSION REGULATION (EU) No 977/2011 of 3 October 2011 **amending** Regulation (EC) No 810/2009 of the European Parliament and of the Council **establishing a Community Code on Visas** (Visa Code)
[OJ of the EU, L 258/9 of 4 October 2011 - FR](#)

Case Law

Case C-139/10: Judgment of the Court (Fourth Chamber) of 13 October 2011 - Prism Investments BV v Jaap Anne van der Meer - Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – Enforcement – Grounds for refusing enforcement – Compliance, in the State in which it was delivered, with the judgment in respect of which the declaration of enforceability is sought
[CURIA – Judgment in Case C-139/10 of the Court of Justice of 13 October 2011 - FR](#)

Case C-406/09: Judgment of the Court (Grand Chamber) of 18 October 2011 - Realchemie Nederland BV v Bayer CropScience AG - Regulation (EC) No 44/2001 – Jurisdiction and recognition and enforcement of judgments – Definition of ‘civil and commercial matters’ – Recognition and enforcement of an order imposing a fine – **Directive 2004/48/EC – Intellectual property rights** – Infringement of those rights – Measures, procedures and remedies – Sentence – Exequatur procedure – Related legal costs
[CURIA – Judgment in Case C-406/09 of the Court of Justice of 18 October 2011 - FR](#)

Affaire C-507/10 : Conclusions de l’Avocat Général Villalón du 20 octobre 2011 - X contre Y - Coopération policière et judiciaire en matière pénale – Décision cadre 2001/220/JAI - Statut des victimes dans le cadre des procédures pénales– Audition de mineurs en qualité de témoins – Incident probatoire – Refus du Ministère Public de demander au juge d’instruction de procéder à une audition dans le cadre d’une procédure incidente d’administration de la preuve dite «incident probatoire» – Droit de recours contre les décisions du Ministère public
[CURIA – Conclusions de l’Avocat Général C-507/10 de la Cour de Justice du 20 octobre 2011 \(FR seulement\)](#)

Case C-396/09: Judgment of the Court (First Chamber) of 20 October 2011 - Interedil Srl, in liquidation v Fallimento Interedil Srl, Intesa Gestione Crediti SpA - Reference for a preliminary ruling – **Whether a lower court has the power to refer a question to the Court for a preliminary ruling – Regulation (EC) No 1346/2000** – Insolvency proceedings – International jurisdiction – The centre of a debtor’s main interests – Transfer of a registered office to another Member State – Concept of establishment
[CURIA – Judgment in Case C-396/09 of the Court of Justice of 20 October 2011 - FR](#)

Joined Cases C-509/09 and C-161/10: Judgment of the Court (Grand Chamber) of 25 October 2010 - eDate Advertising GmbH v X and Olivier Martinez, Robert Martinez v MGN Limited - Regulation (EC) No 44/2001 – Jurisdiction and the enforcement of judgments in civil and commercial matters – Jurisdiction ‘in matters relating to tort, delict or quasi-delict’ – Directive 2000/31/EC – Publication of information on the internet – Adverse effect on personality rights – Place where the harmful event occurred or may occur – Law applicable to information society services.
[CURIA – Judgment in Joined Cases C-509/09 and C-161/10 of the Court of Justice of 25 October 2011 - FR](#)

16. Transport

Case Law

Case C-83/10: Judgment of the Court (Third Chamber) of 13 October 2011 - Aurora Sousa Rodríguez and Others v Air France SA - Reference for a preliminary ruling – **Air transport – Regulation (EC) No 261/2004 – Article 2(I)** – Compensation for passengers in the event of cancellation of a flight – Meaning of ‘cancellation’ – **Article 12** – Meaning of ‘further compensation’ – Compensation under national law
[CURIA – Judgment in Case C-83/10 of the Court of Justice of 13 October 2011 - FR](#)