

Recent Trends in the Case Law of the European Courts: What Directions for the Future?

Luxembourg, 2-3 December 2010



European Institute of Public Administration
European Centre for Judges and Lawyers

Conference Venue
Chambre des Métiers Building,
salle des fêtes

Introduction

Target Group

This annual conference is addressed to legal professionals within the public and private sector, judicial professionals, law enforcement officers, national civil servants and persons working on these European Union Law issues, academics, and others who are active or interested in EU legal issues in general, and in the main rulings delivered by the European Courts in particular.

Description and objectives

The overall objective of this annual conference is to provide participants with an overview of the current case law of the three

European Union Courts with particular emphasis on bench mark decisions. By looking at general trends and also at specific cases stemming from different areas of EU Law, we will endeavour to depict the main directions for the future

Method

Experts, mainly officials from the Court of Justice of the European Union and the European Commission, as well as private practicing lawyers, will give presentations on topics of particular interest and engage discussions with participants.

Programme

THURSDAY 2 DECEMBER 2010

08.30 Registration

09.00 Welcome of participants and opening of the conference

Peter GOLDSCHMIDT, Director, European Centre for Judges and Lawyers, EIPA Luxembourg
Chairman of the conference: *Juan Diego RAMIREZ-CARDENAS DIAZ*, Senior Lecturer, European Centre for Judges and Lawyers, EIPA Luxembourg

General Principles of EU Law

09.30 The Court reaffirms the existence of the principle of non-discrimination based on age and gives guidance on the role of the national judge in its application

• *Seda Küçükdeveci v. Swedex GmbH & Co. KG*, Case C-555/07, 19 January 2010

Dr Wolfgang LIPINSKI, Equity Partner, Beiten Burkhardt (invited)

10.00 Questions and Answers

Citizenship

10.15 Towards a definition of the legal links between EU Citizenship and Member State nationality: the significance of the Rottmann case

• *Janko Rottmann v. Freistaat Bayern*, Case C-135/08, 2 March 2010

Dr Jeremy HEYMANN, Lecturer, University Panthéon-Sorbonne (Paris 1)

10.45 Questions and Answers

11.00 Coffee Break

Access to documents

11.30 The battleground between privacy and accountability. To what extent, if any, has the transparency pendulum swung back at the Court? Recent rulings on access to documents

• *Commission v. Bavarian Lager*, Case C-28/08 P, 29 June 2010

• *Commission v. Technische Glaswerke Ilmenau GmbH*, Republic of Finland, Kingdom of Sweden, Case 139/07 P, 29 June 2010

• *Sweden, API and Commission*, Case C-514/07 P, 21 September 2010

Foad HOSEINIAN, Legal Secretary, Cabinet of Judge Wahl, General Court, Court of Justice of the European Union

12.00 Questions and Answers

12.15 Lunch

Case law relating to the European Civil Service

13.45 Review of landmark judgments handed down by the European Union Civil Service Tribunal over the last year
Harissios TAGARAS, President of Chamber, Civil Service Tribunal, Court of Justice of the European Union

14.15 Questions and answers

Judicial Cooperation in Civil Matters

14.30 Recent decisions on the interpretation and application of the Brussels II bis Regulation

• *Jasna Detiček v. Maurizio Sgueglia*, Case C-403/09 PPU, 23 December 2009

• *Doris Povse v. Mauro Alpago*, Case 211/10 PPU, 1 July 2010

• *Bianca Purrucker v. Guillermo Vallés Pérez*, Case C-256/09, 15 July 2010

Caroline NAOME, Legal Secretary, Chambers of Judge Allan Rosas, Court of Justice of the European Union

15.00 Questions and Answers

15.15 Coffee Break

Environment

15.45 Hunting wild birds in Malta: under which conditions can derogations to the birds' protection system be allowed?

• *Commission of the European Communities v. Republic of Malta*, C-76/08, 10 September 2009

Representative from the European Commission

16.15 Questions and Answers

Police and Judicial Cooperation in Criminal Matters

16.30 Schengen Agreement and police identity checks

• *Aziz Melki v. France & Sélim Abdeli v. France*, Joined Cases C-188/10 and C-189/10, 22 June 2010

Bernard CHEVALIER, Legal Secretary, Chambers of Judge Yves Bot, Court of Justice of the European Union

17.00 Questions and answers

Visas, Asylum and Immigration

17.15 Qualification and status of refugees

• *Meki Elgafaji and Noor Elgafaji v. Staatssecretaris van Justitie*, Case C-465/07, 17 February 2009

• *Aydin Salahadin Abdulla...v. Bundesrepublik Deutschland*, Joined cases C-175/08, C-176/08, C-178/08 and C-179/08, 2 March 2010

• *Nawras Bolbol v. Bevandorlasi es Allampolgarsagi Hivatal*, Case C-31/09, 17 June 2010

Kris POLLET, Senior Advocacy Officer, European Council on Refugees and Exiles

17.45 Questions and Answers

18.00 Summary of the day's proceedings and announcement of the program for the following day

18.15 Cocktail / Reception

Programme

FRIDAY 3 DECEMBER 2010

Free Movement of Workers

09.00 **Free movement of sportsmen and woman. How to achieve the objective of training young football players in the post-Bosman era?**
• *Olympique Lyonnais SASP v. Olivier Bernard*, Newcastle United FC, Case C-325/08, 16 March 2010
Stefaan VAN DEN BOGAERT, Professor, Director of the Europa Institute at Leiden Law School, University of Leiden

09.30 **Questions and answers**

Free Movement of Services

09.45 **Towards a better understanding of what is permissible in national gambling regulation**
• *Liga Portuguesa de Futebol Profissional (CA/LPFP)*, Bwin International Ltd, formerly Baw International Ltd v. Departamento de Jogos da Santa Casa da Misericórdia de Lisboa, Case C-42/07, 8 September 2009
• *Commission of the European Communities v Kingdom of Spain*, Case C-153/08, 6 October 2009
• *The Sporting Exchange Ltd*, trading as Betfair v Minister van Justitie, Case C-203/08, 3 June 2010
• *Ladbrokes Betting & Gaming Ltd and Ladbrokes International Ltd v Stichting de Nationale Sporttotalisator*, Case C-258/08, 3 June 2010
• *Criminal proceedings against Otto Sjöberg (C-447/08) and Anders Gerdin (C-448/08)*, Joined Cases C-447/08 and C-448/08, 8 July 2010
Ann Marit MANN, German Law Department, Swiss Institute of Comparative Law, University of Lausanne

10.15 **Questions and answers**

10.30 **Coffee Break**

Transport & Consumer Protection

11.00 **The interpretation of the concepts of "flight delay" and "cancellation" in Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights**
• *Christopher Sturgeon, Gabriel Sturgeon, Alana Sturgeon, (C-402/07), Stefan Böck, Cornelia Lepuschitz (C-432/07) v Condor Flugdienst GmbH (C-402/07), Air France SA (C-432/07)*, Joined Cases C-402/07 and C-432/07, 19 November 2009
Ludovic BERNARDEAU, Associated Senior Lecturer, Faculty of Law, University of Nancy

11.30 **Questions and Answers**

State Aid

11.45 **Business tax regimes and state aid: The concept of advantage**
• *France v Commission*, Joined Cases T-427/04 & T-17/05, 30 November 2009
Dr Michael SCHÜTTE, Attorney, Berlin and Brussels, Chairman of Berlin Round Table for EU State Aid Law

12.15 **Questions and answers**

12.30 **Lunch**

Police and Judicial Cooperation in Criminal Matters

13.45 **Coffee shops selling cannabis in Maastricht**
• *Marc Michel Josemans v. Burgemeester van Maastricht*, Case C-137/09, Conclusions of Advocate General Yves Bot, 15 July 2010
Thomas CASSUTO, Vice-President and Prosecutor at the Court of First Instance, Nanterre

14.15 **Questions and Answers**

Intellectual Property

14.30 **Trade Marks and Pay-Per-Click Advertisements: The Court decides on the legitimacy of Google AdWords**
• *Google France, Google, Inc. v Louis Vuitton Malletier (C-236/08), Viaticum SA, Luteciel SARL (C-237/08), Centre national de recherche en relations humaines (CNRRH) SARL, Pierre-Alexis Thonet, Bruno Raboin, Tiger SARL (C-238/08)*, Joined Cases C-236/08 to C-238/08, 23 March 2010
Nikolay LIVADKIN, Legal Directorate, LVMH (invited)

15.00 **Questions and answers**

15.15 **Coffee Break**

15.45 **The interpretation of key provisions of Regulation (EC) No 6/2002 of the Council of 12 December 2001 on Community designs**
• *Grupo Promer Mon Graphic, SA v. Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)*, Case T-9/07, 18 March 2010
N.N.

16.15 **Questions and Answers**

16.30 **End of the Conference**

General Information

Hotel reservations

The European Institute of Public Administration has made optional room reservations at the below-mentioned hotels. All rates are including breakfast and tourist tax.

- **Hotel Novotel Kirchberg******, Centre européen, Plateau de Kirchberg at the rate of €145 (<http://businesstravel.accorhotels.com/fr/reservation/bookings.shtml> Code client: SC000002048 – Contract No 308506). The hotel is located outside the city centre, within walking distance of the European Institutions and within 5 minutes by bus from the Chambre des Métiers building where EIPA's premises are located. (Tel.: 43 77 68 51; Fax: 43 91 95; Email: H1930-RE2@accor.com or H1930-RE3@accor.com)
- **Hotel Parc Plaza****** at the rate of €138 (Reservation code: PL246730)
Hotel Parc Bellevue***, at the rate of €95 (Reservation code: BV246714) 5, avenue Marie-Thérèse, city center, 10 minutes from "Centre Aldringen" (Tel.: 45 61 41-1; Fax: 45 61 41 222; Email: reservation@goeres-group.com; www.hpb.lu)
- **Hotel Français*****, Place d'Armes, right in the city centre, 2 minutes from "Centre Aldringen", at the rate of €110. (Reservation code: G.6701) (Tel.: 47 45 34; Fax: 46 42 74; Email: info@hotelfrancais.lu; www.hotelfrancais.lu)
- **Hotel Simoncini******, 6 rue Notre Dame, right in the city centre, 5 minutes from "Centre Aldringen", at the rate of €125. (Reservation code: G.6704) (Tel.: 22 28 44; Fax: 26 26 29 00; Email: info@hotelsimoncini.lu; www.hotelsimoncini.lu)
- **Hotel Melia*******, 1 Park Dräi Eechelen (10 Rue Fort Thuengen) at a rate of €135 (Reservation code EIPA) (Tel.: +352 27333-1; Fax: +35227333; Email: reservations.melia.luxembourg@solmelia.com)

Should you wish to make use of this possibility, please phone or fax the reservation department of the hotel at one of the above-mentioned numbers and mention the before-mentioned reservation code. Payment is to be made directly and personally to the hotel on checking out. Please note that any optional bookings not confirmed one month before the seminar dates will automatically be cancelled by the hotels.

Luxembourg City has two main bus stations: one in the city centre called "Centre Aldringen" and one next to the railway station called "Air Terminus". All buses, wherever their destinations, pass through these two stations. Bus no. 18, direction "Kirchberg", departs every ten minutes, and stops right in front of Hotel Novotel, as well as just around the corner from the *Chambre des Métiers* where the EIPA premises are located.

Meals

Should you require a special menu (e.g. vegetarian, diabetic), please inform the Programme Organiser in due time so that this can be arranged.

Participation

The fee applicable to each activity is clearly indicated on the registration form. Unless stated differently on the registration form, the fee includes participation in the activity, lunches and beverages during the activity, documentation and participation in the reception/cocktail.

Travel and accommodation costs are at the expense of the participant or his/her administration.

Pre-payment of the fee is a condition for participation in an activity. Prior to the activity each participant will receive an invoice which can be paid by bank transfer or by credit card.

Registration

You may register through our website www.eipa.eu using the online registration form or by faxing or mailing the attached registration form duly completed.

Discounts

EIPA's Civil Servants Special Discount

EIPA offers its members a **discount of 10%** of the registration fee for certain seminars and training courses. This discount is available to all civil servants working for one of EIPA's member countries¹ and for civil servants working for an EU institution or agency.

If you are an official in the public administration (central or sub-national level) in one of **EIPA's member countries** or an **EU institution or agency**, please tick the relevant box in the registration form when registering for a seminar or training course. You will then automatically receive an invoice for payment of the fee with the 10% discount applied.

Other discounts

For this seminar, EIPA Luxembourg offers a **€50 discount** for all registrations received and paid before 21 October 2010.

Please note that discounts cannot be accumulated. It is clearly stated on EIPA's website for which seminars and training courses the reductions are offered. Full fees apply to all other seminars and training courses

For more information, please visit EIPA's website: www.eipa.eu (FAQ – special discounts).

Confirmation

Confirmation of registration will be forwarded to participants on receipt of the completed registration form.

Cancellation policy

EIPA reserves the right to cancel the seminar up to two weeks before the seminar starting date. In that case, registration fees received will be fully reimbursed. EIPA accepts no responsibility for any costs incurred (travel, accommodation, etc...).

For administrative reasons, a fee of €150 will be charged for cancellations received after 1st October 2010. There is no charge for qualified substitute participants.

The mention of a speaker's name in the programme does not commit EIPA. In the event that an announced speaker does not appear, EIPA will do its utmost to find a suitable replacement.

¹ EIPA's member countries are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom.

Registration Form

Recent Trends in the Case Law of the European: What Directions for the Future? Luxembourg, 2-3 December 2010

Surname: Title: M/F
First name:
Current position:
Organisation:
Department:
Work address:
Postal code & town: Country:
Tel. no: Fax no:
E-mail address:

Preferred language for documentation: English French
Do you need interpretation: No English French

Payment -1050201

The participation fee includes participation in the conference, documentation, 2 lunches, 1 reception/cocktail and beverages. **€ 875**

Discount of 10% (conditions, please see on page General information, or check our website at www.eipa.eu (FAQ-special discounts)

For this seminar, there will be discount of € 50 for all participants who have registered and who's payment has been received before October, 21th 2010 **€ 825**

Method of payment

Bank transfer
The participants or their administration will receive an invoice for the payment of the registration fee.
Invoice address (if different from the abovementioned address):

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E-mail:

Credit card

American Express Card Eurocard/Mastercard Visa Card

Card no: Expiry date: /

Name Card holder: (in case this differs from above)

Address Card holder: (in case this differs from above)

Postal code: Country: (in case this differs from above)

Card Validation Code: (the last three digits on the BACK of your card)

Meals

Lunch day 1: will attend will not attend Lunch day 2: will attend will not attend

Reception: will attend will not attend

Vegetarian: yes Fish allowed: yes no Other dietary requirements:

Please return the completed registration form to:

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Please tick if you do not want to be included in our mailing database.