Re:

Reference for a preliminary ruling — Audiencia Provincial de Oviedo — Interpretation of Article 3(2)(d) of Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises (OJ 1985 L 372, p. 31) — Contract, concluded away from business premises, under which life assurance is offered in return for payment of a monthly premium invested in various products of the company itself.

Operative part

The reference for a preliminary ruling made by the Audiencia Provincial de Oviedo by decision of 22 June 2010 is manifestly inadmissible.

Judgment of the Court (Seventh Chamber) of 16 December 2010 — Commission v Netherlands

(Case C-233/10)

(Failure of a Member State to fulfil obligations — Directive 2007/44/EC — Prudential assessment of acquisitions and increase of holdings in the financial sector — Procedural rules and evaluation criteria)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU; European Parliament and Council Directive 2007/44) (see paras 9-10, 13)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 11)*

Re:

Failure of a Member State to fulfil obligations — Failure to adopt, within the period prescribed, the provisions necessary to comply with Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector (OJ 2007 L 247, p. 1).

Operative part

The Court:

1. Declares that, by failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector, the Kingdom of the Netherlands has failed to fulfil its obligations under that directive;

2. Orders the Kingdom of the Netherlands to pay the costs.

Order of the President of the Court of 16 December 2010 — Almamet v Commission

(Case C-373/10 P(R)

(Appeal — Interim measures — Competition — Payment of a fine — Bank guarantee — Dismissal of an application for suspension of operation of a measure — Urgency)