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Highlights

Case C-660/13: JUDGMENT OF THE COURT (Grand Chamber) of 28 July 2016 - Council of the European Union, Czech Republic, Federal Republic of Germany, Hellenic Republic, French Republic, Republic of Lithuania, Hungary, Kingdom of the Netherlands, Republic of Poland, Republic of Finland and United Kingdom of Great Britain and Northern Ireland v European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — **The European Union's external relations — Access by the Swiss Confederation to the internal market — The Swiss Confederation's financial contribution to economic and social cohesion in an enlarged Union — Memorandum of Understanding on a financial contribution by the Swiss Confederation to the Member States which acceded to the Union as a result of the 2004 enlargement — Enlargement of the Union to include the Republic of Croatia — Addendum to the Memorandum of Understanding concerning a financial contribution by the Swiss Confederation for the Republic of Croatia — Addendum signed by the European Commission on behalf of the European Union without the prior approval of the Council of the European Union — Powers — Article 13(2), Article 16(1) and (6) and Article 17(1) TEU — Principles of allocation of powers, institutional balance and sincere cooperation**

[CURIA – Judgment of the Court of Justice in Case C-660/13 of 28 July 2016](#)

COUNCIL DIRECTIVE (EU) 2016/1164 of 12 July 2016 laying down **rules against tax avoidance practices that directly affect the functioning of the internal market**

[OJ of the EU, L 193/1 of 19 July 2016](#)

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EU News: Click & Read

July 2016

European Documentation Centre

Editor: **Alfredo Santos** Legal Adviser

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 or French, the newsletter offers links to documents in one of those languages. In this edition one document is only available in Italian.

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

1. EU-Swiss Relations

Community Legislation

DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 10 June 2016 concerning the **charging system applicable to vehicles in Switzerland as from 1 January 2017** [2016/1118]

[OJ of the EU, L 186/36 of 9 July 2016](#)

DECISION No 2/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 10 June 2016 **amending** Annex 1 to the **Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road** [2016/1119]

[OJ of the EU, L 186/38 of 9 July 2016](#)

Case Law

Case C-660/13: JUDGMENT OF THE COURT (Grand Chamber) of 28 July 2016 - Council of the European Union, Czech Republic, Federal Republic of Germany, Hellenic Republic, French Republic, Republic of Lithuania, Hungary, Kingdom of the Netherlands, Republic of Poland, Republic of Finland and United Kingdom of Great Britain and Northern Ireland v European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — **The European Union's external relations — Access by the Swiss Confederation to the internal market — The Swiss Confederation's financial contribution to economic and social cohesion in an enlarged Union — Memorandum of Understanding on a financial contribution by the Swiss Confederation to the Member States which acceded to the Union as a result of the 2004 enlargement — Enlargement of the Union to include the Republic of Croatia — Addendum to the Memorandum of Understanding concerning a financial contribution by the Swiss Confederation for the Republic of Croatia — Addendum signed by the European Commission on behalf of the European Union without the prior approval of the Council of the European Union — Powers — Article 13(2), Article 16(1) and (6) and Article 17(1) TEU — Principles of allocation of powers, institutional balance and sincere cooperation**

[CURIA – Judgment of the Court of Justice in Case C-660/13 of 28 July 2016](#)

Case C-272/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 July 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading within the Union — Decision No 377/2013/EU — Validity — Temporary derogation from the obligation to monitor and report emissions and to surrender emission allowances in respect of flights between Member States of the EEA and most third countries — Exclusion of flights between Member States of the EEA and Switzerland — Different treatment of third countries — General principle of equal treatment — Not applicable**

[CURIA – Opinion of Advocate General in Case C-272/15 of 19 July 2016](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2016/1177 of 12 July 2016 on the **signing**, on behalf of the European Union, and **provisional application**, of the **Amending Protocol to the Agreement between the European Community and the Principality of Monaco providing for measures equivalent to those laid down in Council Directive 2003/48/EC**

[OJ of the EU, L 195/1 of 20 July 2016](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1209 of 12 July 2016 **replacing** the Annex to Commission **Implementing** Decision 2013/115/EU on the **SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II)** (notified under document C(2016) 4283)
[OJ of the EU, L 203/35 of 28 July 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1073 of 1 July 2016 on the **equivalence of designated contract markets in the United States of America** in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 178/24 of 2 July 2016](#)

Case Law

Case C-330/15 P: JUDGMENT OF THE COURT (First Chamber) of 28 July 2016 - Johannes Tomana and Others v Council of the European Union, European Commission and United Kingdom of Great Britain and Northern Ireland - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures imposed on certain persons and entities forming part of the Government of Zimbabwe or linked to it — List of persons, groups and entities covered by the freezing of funds and economic resources — Inclusion of the appellants' names**
[CURIA – Judgment of the Court of Justice in Case C-330/15 of 28 July 2016](#)

Case C-455/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 19 July 2016 - H v Council of the European Union, European Commission and European Union Police Mission (EUPM) in Bosnia and Herzegovina - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy (CFSP) — Decision 2009/906/CFSP — European Union Police Mission (EUPM) in Bosnia and Herzegovina — National staff member on secondment — Redeployment in a regional office of that mission — Final sentence of the second subparagraph of Article 24(1) TEU — First paragraph of Article 275 TFEU — Actions for annulment and compensation — Jurisdiction of the EU judicature — Article 263 TFEU, Article 268 TFEU and the second paragraph of Article 340 TFEU**
[CURIA – Judgment of the Court of Justice in Case C-455/14 of 19 July 2016](#)

Case C-416/15: JUDGMENT OF THE COURT (Ninth Chamber) of 30 June 2016 - Selena România SRL v Direcția Generală Regională a Finanțelor Publice (DGRFP) București - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Bucharest Court of Appeal, Romania) - Reference for a preliminary ruling — **Commercial policy — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Council Implementing Regulation (EU) No 791/2011 — Open mesh fabrics of glass fibres originating in the People's Republic of China — Anti-dumping duties — Council Implementing Regulation (EU) No 437/2012 — Consignment from Taiwan — Initiation of an investigation — Implementing Regulation (EU) No 21/2013 — Extension of the anti-dumping duty — Temporal scope — Principle of non-retroactivity — Community Customs Code — Post-clearance recovery of import or export duties**
[CURIA – Judgment of the Court of Justice in Case C-416/15 of 30 June 2016](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COUNCIL REGULATION (EU) 2016/1050 of 24 June 2016 **amending** Regulation (EU) No 1388/2013 **opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**
[OJ of the EU, L 173/1 of 30 June 2016](#)

COUNCIL REGULATION (EU) 2016/1051 of 24 June 2016 **amending** Regulation (EU) No 1387/2013 **suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products**
[OJ of the EU, L 173/5 of 30 June 2016](#)

Case Law

Case C-469/14: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Masterrind GmbH v Hauptzollamt Hamburg-Jonas - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 1/2005 — **Protection of animals during transport** — Long journeys — Annex I, Chapter V, point 1.4(d) — **Journey times and animal resting periods during transport** — **Transport of cattle** — **Concept of ‘rest period of at least one hour’** — **Possibility of interrupting the transport several times** — Article 22 — **Delays during transport** — Regulation (EC) No 1234/2007 and Regulation (EU) No 817/2010 — Export refunds — **Requirements of the welfare of live bovine animals during transport** — Regulation No 817/2010 — Article 2(2) to (4) of Regulation No 817/2010 — **Official veterinarian at the exit point** — **Report and entry on the document evidencing the exit of the animals from the customs territory of the European Union regarding compliance or non-compliance with the relevant provisions of Regulation No 1/2005** — **Unsatisfactory result of the checks carried out** — Article 5(1)(c) of Regulation No 817/2010 — Whether or not that entry is binding on the national authority competent for the export refund

[CURIA – Judgment of the Court of Justice in Case C-469/14 of 28 July 2016](#)

Case C-128/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 July 2016 - Kingdom of Spain v Council of the European Union - Actions for annulment — **Fisheries** — Regulation (EU) No 1367/2014 fixing the fishing opportunities for certain deep-sea fish stocks — **Roundnose grenadier and roughhead grenadier** — **Risk of misreporting** — **Fishing opportunities covering two species** — **Allocation formula** — **National quotas** — **Validity** — Regulation (EU) No 1380/2013 on the Common Fisheries Policy — Article 2, paragraph 2 — Precautionary approach — Article 16, paragraph 1, first sentence — **Principle of relative stability of fishing activities** — **Infringement**

[CURIA – Opinion of Advocate General in Case C-128/15 of 21 July 2016](#)

Case C-111/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 July 2016 - Občina Gorje v Republika Slovenija - REQUEST for a preliminary ruling under Article 267 TFEU from the Upravno sodišče (Administrative Court, Slovenia) - Reference for a preliminary ruling — **Common agricultural policy** — Regulation (EC) No 1698/2005 — Regulation (EU) No 65/2011 — **Financing by the EAFRD** — **Support for rural development** — **Rules on eligibility of operations and expenditure** — **Temporal condition** — **Complete exclusion** — Reduction of the aid

[CURIA – Judgment of the Court of Justice in Case C-111/15 of 7 July 2016](#)

Affaire C-210/15 P: ARRÊT DE LA COUR (huitième chambre) du 7 juillet 2016 - République de Pologne contre Commission européenne - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi – FEOGA et Feader – **Dépenses exclues du financement de l’Union** – Règlements (CE) n° 1257/1999 et n° 1698/2005 – **Retraite anticipée des agriculteurs** – **Cessation définitive de toute activité agricole commerciale**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-210/15 du 7 juillet 2016 \(FR seulement\)](#)

Case C-134/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of the Land of Saxony, Germany) - Reference for a preliminary ruling — Regulation (EC) No 543/2008 — **Agriculture** — **Common organisation of the markets** — **Marketing standards** — **Fresh pre-packaged poultrymeat** — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto — **Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business** — Proportionality — Second subparagraph of Article 40(2) TFEU — **Non-discrimination**

[CURIA – Judgment of the Court of Justice in Case C-134/15 of 30 June 2016](#)

Case C-270/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - Kingdom of Belgium v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Aid granted by the Belgian authorities to finance screening tests of transmissible spongiform encephalopathies in bovine animals** — **Selective advantage** — **Decision declaring that aid incompatible in part with the internal market**

[CURIA – Judgment of the Court of Justice in Case C-270/15 of 30 June 2016](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-191/15: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Verein für Konsumenteninformation v Amazon EU Sàrl - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulations (EC) No 864/2007 and (EC) No 593/2008 — **Consumer protection** — Directive 93/13/EEC — **Data protection** — Directive 95/46/EC — **Online sales contracts concluded with consumers resident in other Member States — Unfair terms — General terms and conditions containing a choice-of-law term applying the law of the Member State in which the company is established — Determination of the applicable law for assessing the unfairness of terms in those general terms and conditions in an action for an injunction** — Determination of the law governing the processing of personal data of consumers
[CURIA – Judgment of the Court of Justice in Case C-191/15 of 28 July 2016](#)

Affaire C-240/15: ARRÊT DE LA COUR (deuxième chambre) du 28 juillet 2016 - Autorità per le Garanzie nelle Comunicazioni contre Istituto Nazionale di Statistica – ISTAT, Presidenza del Consiglio dei Ministri et Ministero dell’Economia e delle Finanze - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – **Réseaux et services de communications électroniques** – Directive 2002/21/CE – Article 3 – **Impartialité et indépendance des autorités réglementaires nationales** – Directive 2002/20/CE – Article 12 – **Taxes administratives – Soumission d’une autorité réglementaire nationale aux dispositions applicables en matière de finances publiques ainsi qu’à des dispositions de limitation et de rationalisation des dépenses des administrations publiques**
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-240/15 du 28 juillet 2016 \(FR seulement\)](#)

Joined Cases C-203/15 and C-698/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 July 2016 - Tele2 Sverige AB v Post- och telestyrelsen (C-203/15) - Secretary of State for the Home Department v Tom Watson, Peter Brice, Geoffrey Lewis (C-698/15), Open Rights Group, Privacy International and The Law Society of England and Wales - Requests for a preliminary ruling from the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm, Sweden) and the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2002/58/EC — **Processing of personal data and the protection of privacy in the electronic communications sector — National legislation imposing a general obligation to retain data relating to electronic communications** — Article 15(1) — **Charter of Fundamental Rights of the European Union** — Article 7 — **Right to respect for private life** — Article 8 — **Right to the protection of personal data — Serious interference — Justification** — Article 52(1) — **Conditions — Legitimate objective of fighting serious crime — Requirement for a legal basis in national law — Requirement of strict necessity — Requirement of proportionality in a democratic society**
[CURIA – Opinion of Advocate General in Case C-203/15 of 19 July 2016](#)

Affaire C-424/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 30 juin 2016 - Xabier Ormaetxea Garai et Bernardo Lorenzo Almendros contre Administración del Estado - demande de décision préjudicielle formée par le Tribunal Supremo (Cour suprême, Espagne) - Renvoi préjudiciel – Directive 2002/21/CE – **Secteur des télécommunications – Réseaux et services de communications électroniques – Autorités réglementaires nationales – Exigence d’indépendance – Autonomie institutionnelle des États membres**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-424/15 du 30 juin 2016 \(FR seulement\)](#)

5. Competition

Community Legislation

REGULATION (EU) 2016/1035 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 on protection against injurious pricing of vessels (codification)
[OJ of the EU, L 176/1 of 30 June 2016](#)

REGULATION (EU) 2016/1036 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 on **protection against dumped imports from countries not members of the European Union** (codification)
[OJ of the EU, L 176/21 of 30 June 2016](#)

REGULATION (EU) 2016/1037 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 on **protection against subsidised imports from countries not members of the European Union** (codification)
[OJ of the EU, L 176/55 of 30 June 2016](#)

Case Law

Joined Cases C-20/15 P and C-21/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 28 July 2016 - **European Commission v World Duty Free Group, formerly Autogrill España SA (C-20/15 P), Banco Santander SA and Santusa Holding SL (C-21/15 P)** - Appeal — Article 107(1) TFEU — **Spanish provisions concerning corporate tax allowing undertakings which are tax resident in Spain to amortise the goodwill resulting from the acquisition of shareholdings in undertakings which are tax resident abroad** — Commission Decision 2011/5/EU and Commission Decision 2011/282/EU — **Decisions classifying that scheme as State aid, declaring that aid incompatible with the internal market and ordering its recovery** — **Concept of State aid** — **Selective nature** — **Identification of a category of undertakings as being the only ones favoured by the measure derogating from the common regime**
[CURIA – Opinion of Advocate General in Case C-20/15 of 28 July 2016](#)

Case C-102/15: JUDGMENT OF THE COURT (Second Chamber) of 28 July 2016 - **Gazdasági Versenyhivatal v Siemens Aktiengesellschaft Österreich** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Ítéletábla (Regional Court of Appeal, Budapest, Hungary) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters** — **Scope ratione materiae** — **Recovery of sum not due** — **Unjust enrichment** — **Debt arising from the unjustified repayment of a fine for infringement of competition law**
[CURIA – Judgment of the Court of Justice in Case C-102/15 of 28 July 2016](#)

Case C-131/15 P: OPINION OF ADVOCATE GENERAL WAHL of 28 July 2016 - **Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE, Kazino Aigaiou AE v European Commission** - Appeal — **State aid** — **Extension of exclusive rights for the operation of 13 games of chance** — **Grant by the Hellenic Republic of an exclusive license to operate Video Lottery Terminals** — Article 108(2) and (3) TFEU — Preliminary examination — **Conditions for initiating the formal investigation procedure** — **Decision finding no State aid** — **Serious difficulties** — **Statement of reasons** — **Joint assessment of the notified measures**
[CURIA – Opinion of Advocate General in Case C-131/15 of 28 July 2016](#)

Affaire C-411/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 28 juillet 2016 – **P - Timab Industries et Cie financière et de participations Roullier (CFPR) contre Commission européenne** - Pourvoi – **Ententes** – **Marché européen des phosphates pour l'alimentation animale** – Retrait des requérantes de la procédure de transaction – Procédure administrative ordinaire – Absence d'application de la fourchette probable d'amendes communiquée lors de la procédure de transaction – **Étendue du pouvoir de pleine juridiction reconnu au Tribunal de l'Union européenne** – **Respect des principes de protection de la confiance légitime et de l'égalité de traitement**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-411/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-162/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 21 July 2016 - **Evonik Degussa GmbH v Commission** - Appeal — Implementation of Articles 101 TFEU and 102 TFEU—Regulation (EC) No 1/2003—Publication of Commission decisions — Article 30 — **Terms of reference of the hearing officer in competition proceedings** — Decision 2011/695/EU — Article 8 — **Protection of professional secrecy** — Article 339 TFEU — **Concept of 'business secrets or other confidential information'** — **Information originating in the statement made by an undertaking with a view to obtaining leniency** — **Rejection of request for confidential treatment** — Legitimate expectations
[CURIA – Opinion of Advocate General in Case C-162/15 of 21 July 2016](#)

Case C-351/15 P: OPINION OF ADVOCATE GENERAL WAHL of 21 July 2016 - European Commission v Total SA and Elf Aquitaine SA - Appeal — **Competition — Agreements, decisions and concerted practices** — Methacrylates market — Fines — **Joint and several liability of parent companies and their subsidiary for the latter's unlawful conduct** — Immediate payment of the fine in full by the subsidiary — Reduction of the subsidiary's fine following a judgment of the General Court of the European Union — Letters from the European Commission's accounting officer demanding payment by the parent companies of the amount repaid by the Commission to the subsidiary, together with default interest — **Actions for annulment — Challengeable acts — Effective judicial protection**

[CURIA – Opinion of Advocate General in Case C-351/15 of 21 July 2016](#)

Case C-493/14: JUDGMENT OF THE COURT (First Chamber) 21 July 2016 - Dilly's Wellnesshotel GmbH v Finanzamt Linz - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzgericht (Federal Finance Court, Austria) - Request for a preliminary ruling — **State aid — Aid scheme in the form of reductions in environmental taxes** — Regulation (EC) No 800/2008 — **Categories of aid which may be regarded as compatible with the internal market and exempt from the obligation to notify** — Mandatory nature of the conditions for exemption — Article 3(1) — Express reference to that regulation in the aid scheme

[CURIA – Judgment of the Court of Justice in Case C-493/14 of 21 July 2016](#)

Case C-542/14: JUDGMENT OF THE COURT (Fourth Chamber) of 21 July 2016 - SIA 'VM Remonts', formerly SIA 'DIV UN KO' and SIA 'Ausma grupa' v Konkurences padome - Konkurences padome v SIA 'Pārtikas kompānija' - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā Tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Competition** — Article 101(1) TFEU — **Purely internal situation** — Application of analogous national rules — Jurisdiction of the Court — **Concerted practice — Liability of an undertaking for the acts of a service provider — Conditions**

[CURIA – Judgment of the Court of Justice in Case C-542/14 of 21 July 2016](#)

Case C-526/14: JUDGMENT OF THE COURT (Grand Chamber) of 19 July 2016 - Tadej Kotnik and Others, Jože Sedonja and Others, Fondazione cassa di risparmio di Imola, Andrej Pipuš and Others, Tomaž Štrukelj, Luka Jukič, Angel Jaromil, Franc Marušič and Others, Stajka Skrbinšek, Janez Forte and Others, Državni svet Republike Slovenije, Varuh človekovih pravic Republike Slovenije, Igor Karlovšek, Marija Karlovšek and Janez Gosar v Državni zbor Republike Slovenije, Vlada Republike Slovenije, Banka Slovenije and Okrožno sodišče v Ljubljani - REQUEST for a preliminary ruling under Article 267 TFEU from the Ustavno sodišče (Constitutional Court, Slovenia) - Reference for a preliminary ruling — **Validity and interpretation of the Banking Communication from the Commission** — Interpretation of Directives 2001/24/EC and 2012/30/EU — **State aid to banks in the context of the financial crisis** — Burden-sharing — Writing off equity capital, hybrid capital and subordinated debt — Principle of protection of legitimate expectations — **Right to property — Protection of the interests of shareholders and others — Reorganisation and winding up of credit institutions**

[CURIA – Judgment of the Court of Justice in Case C-526/14 of 19 July 2016](#)

Case C-567/14: JUDGMENT OF THE COURT (First Chamber) of 7 July 2016 - Genentech Inc. V Hoechst GmbH and Sanofi-Aventis Deutschland GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Paris (France) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Non-exclusive licence agreement — Patent — No infringement — Obligation to pay royalties**

[CURIA – Judgment of the Court of Justice in Case C-567/14 of 7 July 2016](#)

Case C-449/14 P: OPINION OF ADVOCATE GENERAL BOT of 7 July 2016 - DTS Distribuidora de Televisión Digital SA v European Commission - Appeal — **State aid — Aid scheme implemented for RTVE** — Modification of the existing aid scheme — **Fiscal measures imposed on radio and television operators constituting the new method of financing the aid — Hypothecation of the fiscal measures to the aid** — Scope of the criterion based on the direct impact of the revenue from the tax on the amount of the aid — **Commission decision declaring the new funding scheme compatible with the common market** — Challenge to the lawfulness of the decision — Dismissal by the General Court of the action for annulment

[CURIA – Opinion of Advocate General in Case C-449/14 of 7 July 2016](#)

Joined Cases C-164/15 P and C-165/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 5 July 2016 - European Commission v Aer Lingus and Ryanair - Appeal — State aid — Irish tax on air passengers — Application of differentiated rates — Reduced rate for flights to destinations no more than 300 km from Dublin — Advantage — Selective nature — Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services — Recovery — Excise duties — Passing the advantage on to the beneficiary undertaking's customers

CURIA – Opinion of Advocate General in Case C-164/15 of 30 June 2016

Case C-270/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - Kingdom of Belgium v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Aid granted by the Belgian authorities to finance screening tests of transmissible spongiform encephalopathies in bovine animals — Selective advantage — Decision declaring that aid incompatible in part with the internal market

CURIA – Judgment of the Court of Justice in Case C-270/15 of 30 June 2016

Case C-416/15: JUDGMENT OF THE COURT (Ninth Chamber) of 30 June 2016 - Selena România SRL v Direcția Generală Regională a Finanțelor Publice (DGRFP) București - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Bucharest Court of Appeal, Romania) - Reference for a preliminary ruling — Commercial policy — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Council Implementing Regulation (EU) No 791/2011 — Open mesh fabrics of glass fibres originating in the People's Republic of China — Anti-dumping duties — Council Implementing Regulation (EU) No 437/2012 — Consignment from Taiwan — Initiation of an investigation — Implementing Regulation (EU) No 21/2013 — Extension of the anti-dumping duty — Temporal scope — Principle of non-retroactivity — Community Customs Code — Post-clearance recovery of import or export duties

CURIA – Judgment of the Court of Justice in Case C-416/15 of 30 June 2016

Preparatory Acts, Reports, Calls, Memos, Common Positions

Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01)

OJ of the EU, C 262/2 of 19 July 2016

6. Customs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1047 of 28 June 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

OJ of the EU, L 170/36 of 29 June 2016

Case Law

Affaire C-173/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 28 juillet 2016 - GE Healthcare GmbH contre Hauptzollamt Düsseldorf - demande de décision préjudicielle formée par le Finanzgericht Düsseldorf (tribunal des finances de Düsseldorf, Allemagne) - Renvoi préjudiciel – Union douanière – Code des douanes communautaire – Règlement (CEE) n° 2913/92 – Règlement (CEE) n° 2454/93 – Valeur en douane – Inclusion dans la valeur en douane des redevances ou des droits de licence de marque – Paiement des redevances ou des droits de licence de marque au profit d'une société liée au vendeur et à l'acheteur des marchandises – Redevances ou droits de licence au titre de la vente des marchandises ainsi qu'au titre de prestations de service et de l'utilisation d'un nom protégé – Répartition appropriée sur la base de données objectives et quantifiables

CURIA – Conclusions de l'Avocat Général dans l'affaire C-173/15 du 28 juillet 2016 (FR seulement)

Case C-469/14: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Masterrind GmbH v Hauptzollamt Hamburg-Jonas - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 1/2005 — **Protection of animals during transport** — Long journeys — Annex I, Chapter V, point 1.4(d) — **Journey times and animal resting periods during transport** — **Transport of cattle** — **Concept of ‘rest period of at least one hour’** — **Possibility of interrupting the transport several times** — Article 22 — **Delays during transport** — Regulation (EC) No 1234/2007 and Regulation (EU) No 817/2010 — Export refunds — **Requirements of the welfare of live bovine animals during transport** — Regulation No 817/2010 — Article 2(2) to (4) of Regulation No 817/2010 — **Official veterinarian at the exit point** — **Report and entry on the document evidencing the exit of the animals from the customs territory of the European Union regarding compliance or non-compliance with the relevant provisions of Regulation No 1/2005** — **Unsatisfactory result of the checks carried out** — Article 5(1)(c) of Regulation No 817/2010 — Whether or not that entry is binding on the national authority competent for the export refund

[CURIA – Judgment of the Court of Justice in Case C-469/14 of 28 July 2016](#)

Affaire C-80/15: ARRÊT DE LA COUR (dixième chambre) du 28 juillet 2016 - Robert Fuchs AG contre Hauptzollamt Lörrach - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Finanzgericht Baden-Württemberg (tribunal des finances du Bade-Wurtemberg, Allemagne) - Renvoi préjudiciel – **Union douanière – Tarif douanier commun – Régime de l'admission temporaire en exonération des droits** – Règlement (CEE) n° 2454/93 – **Conditions fixées pour l'exonération totale des droits à l'importation** – Moyens de transport affectés à la navigation aérienne, immatriculés en dehors du territoire douanier de l'Union et utilisés par une personne établie en dehors de ce territoire – Article 555, paragraphe 1, sous a) – **Usage commercial – Notion – Utilisation d'hélicoptères par une école d'aviation pour des vols de formation payants, pilotés par un instructeur et un élève – Exclusion**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-80/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-4/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 July 2016 - Staatssecretaris van Financiën v Argos Supply Trading BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Customs union** — **Common Customs Tariff** — **Customs procedures with economic impact** — Outward processing — Regulation (EEC) No 2913/92 — Article 148(c) — Issue of authorisation — Economic conditions — **Absence of serious harm to the essential interests of Community processors** — **Concept of ‘Community processors’**

[CURIA – Judgment of the Court of Justice in Case C-4/15 of 21 July 2016](#)

Case C-97/15: JUDGMENT OF THE COURT (Ninth Chamber) of 14 July 2016 - Sprengen/Pakweg Douane BV v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Common Customs Tariff** — **Combined Nomenclature** — Headings 8471 and 8521 — Explanatory notes — **Agreement on trade in information technology products** — **‘Screenplays’**

[CURIA – Judgment of the Court of Justice in Case C-97/15 of 14 July 2016](#)

Case C-547/15: OPINION OF ADVOCATE GENERAL BOT of 14 July 2016 - Interservice d.o.o. Koper v Sándor Horváth - Request for a preliminary ruling from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Community Customs Code** – Regulation (EEC) No 2913/92 — Article 96(2) — **Obligation to produce goods intact at the customs office of destination with due observance of the measures to ensure identification** — Persons concerned — Transport subcontractor

[CURIA – Opinion of Advocate General in Case C-547/15 of 14 July 2016](#)

Case C-416/15: JUDGMENT OF THE COURT (Ninth Chamber) of 30 June 2016 - Selena România SRL v Direcția Generală Regională a Finanțelor Publice (DGRFP) București - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Bucharest Court of Appeal, Romania) - Reference for a preliminary ruling — **Commercial policy** — Regulation (EC) No 1225/2009 — Article 13 — **Circumvention** — Council Implementing Regulation (EU) No 791/2011 — **Open mesh fabrics of glass fibres originating in the People's Republic of China** — **Anti-dumping duties** — Council Implementing Regulation (EU) No 437/2012 — **Consignment from Taiwan** — Initiation of an investigation — Implementing Regulation (EU) No 21/2013 — **Extension of the anti-dumping duty** — **Temporal scope** — **Principle of non-retroactivity** — **Community Customs Code** — **Post-clearance recovery of import or export duties**

[CURIA – Judgment of the Court of Justice in Case C-416/15 of 30 June 2016](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1223 of 25 July 2016 **amending** Decision 2011/30/EU on the **equivalence of certain third country public oversight, quality assurance, investigation and penalty systems for auditors and audit entities** and a **transitional period for audit activities** of certain third country auditors and audit entities in the European Union (notified under document C(2016) 4637) (Text with EEA relevance)

[OJ of the EU, L 201/23 of 27 July 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1212 of 25 July 2016 laying down **implementing technical standards with regard to standard procedures and forms for submitting information** in accordance with Directive 2009/65/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 196/6 of 26 July 2016](#)

Corrigendum to Commission Delegated Regulation (EU) 2016/1178 of 10 June 2016 **supplementing** Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to **regulatory technical standards on the clearing obligation**

[OJ of the EU, L 196/56 of 21 July 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1178 of 10 June 2016 **supplementing** Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to **regulatory technical standards on the clearing obligation** (Text with EEA relevance)

[OJ of the EU, L 195/3 of 20 July 2016](#)

COUNCIL DIRECTIVE (EU) 2016/1164 of 12 July 2016 laying down **rules against tax avoidance practices that directly affect the functioning of the internal market**

[OJ of the EU, L 193/1 of 19 July 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1157 of 11 July 2016 **amending** Implementing Regulation (EU) No 964/2014 as regards **standard terms and conditions for financial instruments for a co-investment facility and for an urban development fund**

[OJ of the EU, L 192/1 of 16 July 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1155 of 14 July 2016 on the **equivalence of the public oversight, quality assurance, investigation and penalty systems for auditors and audit entities of the United States of America** pursuant to Directive 2006/43/EC of the European Parliament and the Council (notified under document C(2016) 4363) (Text with EEA relevance)

[OJ of the EU, L 190/80 of 15 July 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1156 of 14 July 2016 on the **adequacy of the competent authorities of the United States of America** pursuant to Directive 2006/43/EC of the European Parliament and of the Council (notified under document C(2016) 4364) (Text with EEA relevance)

[OJ of the EU, L 190/83 of 15 July 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1075 of 23 March 2016 **supplementing** Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory **technical standards specifying the content of recovery plans, resolution plans and group resolution plans**, the minimum criteria that the competent authority is to assess as regards recovery plans and group recovery plans, the **conditions for group financial support, the requirements for independent valuers, the contractual recognition of write-down and conversion powers, the procedures and contents of notification requirements and of notice of suspension and the operational functioning of the resolution colleges** (Text with EEA relevance)

[OJ of the EU, L 184/1 of 8 July 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1066 of 17 June 2016 laying down **implementing technical standards with regard to procedures, standard forms and templates for the provision of information for the purpose of resolution plans for credit institutions and investment firms** pursuant to Directive 2014/59/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 181/1 of 6 July 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1073 of 1 July 2016 on the **equivalence of designated contract markets in the United States of America** in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 178/24 of 2 July 2016](#)

COUNCIL DIRECTIVE (EU) 2016/1065 of 27 June 2016 **amending** Directive 2006/112/EC as regards the **treatment of vouchers**

[OJ of the EU, L 177/9 of 1 July 2016](#)

DIRECTIVE (EU) 2016/1034 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 June 2016 **amending** Directive 2014/65/EU on **markets in financial instruments** (Text with EEA relevance)

[OJ of the EU, L 175/8 of 30 June 2016](#)

REGULATION (EU) 2016/1033 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 June 2016 **amending** Regulation (EU) No 600/2014 on **markets in financial instruments**, Regulation (EU) No 596/2014 on **market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories** (Text with EEA relevance)

[OJ of the EU, L 175/1 of 30 June 2016](#)

GUIDELINE (EU) 2016/1061 OF THE EUROPEAN CENTRAL BANK of 26 May 2016 **amending** Guideline ECB/2008/8 on **data collection regarding the euro and the operation of the Currency Information System 2** (ECB/2016/15)

[OJ of the EU, L 173/102 of 30 June 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1055 of 29 June 2016 laying down **implementing technical standards with regard to the technical means for appropriate public disclosure of inside information and for delaying the public disclosure of inside information in accordance** with Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 173/47 of 30 June 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1052 of 8 March 2016 **supplementing** Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to **regulatory technical standards for the conditions applicable to buy-back programmes and stabilisation measures** (Text with EEA relevance)

[OJ of the EU, L 173/34 of 30 June 2016](#)

REGULATION (EU) 2016/1011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 on **indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds** and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (Text with EEA relevance)

[OJ of the EU, L 171/1 of 29 June 2016](#)

REGULATION (EU) 2016/1013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 **amending** Regulation (EC) No 184/2005 on **Community statistics concerning balance of payments, international trade in services and foreign direct investment** (Text with EEA relevance)
[OJ of the EU, L 171/144 of 29 June 2016](#)

REGULATION (EU) 2016/1014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2016 **amending** Regulation (EU) No 575/2013 as regards **exemptions for commodity dealers** (Text with EEA relevance)
[OJ of the EU, L 171/153 of 29 June 2016](#)

Case Law

Joined Cases C-20/15 P and C-21/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 28 July 2016 - **European Commission v World Duty Free Group, formerly Autogrill España SA (C-20/15 P), Banco Santander SA and Santusa Holding SL (C-21/15 P)** - Appeal — Article 107(1) TFEU — **Spanish provisions concerning corporate tax allowing undertakings which are tax resident in Spain to amortise the goodwill resulting from the acquisition of shareholdings in undertakings which are tax resident abroad** — Commission Decision 2011/5/EU and Commission Decision 2011/282/EU — **Decisions classifying that scheme as State aid, declaring that aid incompatible with the internal market and ordering its recovery** — **Concept of State aid** — **Selective nature** — **Identification of a category of undertakings as being the only ones favoured by the measure derogating from the common regime**
[CURIA – Opinion of Advocate General in Case C-20/15 of 28 July 2016](#)

Case C-543/14: JUDGMENT OF THE COURT (Fourth Chamber) of 28 July 2016 - **Ordre des barreaux francophones et germanophone and Others, Jimmy Tessens and Others, Orde van Vlaamse Balies, Ordre des avocats du barreau d’Arlon and Others v Conseil des ministres, Association Syndicale des Magistrats ASBL and Council of Bars and Law Societies of Europe** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour constitutionnelle (Belgium) - **VAT** — Directive 2006/112/EC — **Validity and interpretation of the directive** — **Services provided by lawyers** — **Liability to VAT** — **Right to an effective remedy** — **Equality of arms** — **Legal aid**
[CURIA – Judgment of the Court of Justice in Case C-543/14 of 28 July 2016](#)

Affaire C-240/15: ARRÊT DE LA COUR (deuxième chambre) du 28 juillet 2016 - **Autorità per le Garanzie nelle Comunicazioni contre Istituto Nazionale di Statistica – ISTAT, Presidenza del Consiglio dei Ministri et Ministero dell’Economia e delle Finanze** - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – **Réseaux et services de communications électroniques** – Directive 2002/21/CE – Article 3 – **Impartialité et indépendance des autorités réglementaires nationales** – Directive 2002/20/CE – Article 12 – **Taxes administratives** – **Soumission d’une autorité réglementaire nationale aux dispositions applicables en matière de finances publiques ainsi qu’à des dispositions de limitation et de rationalisation des dépenses des administrations publiques**
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-240/15 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-332/15: ARRÊT DE LA COUR (septième chambre) du 28 juillet 2016 - **Giuseppe Astone** - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Tribunale di Treviso (tribunal de Trévise, Italie) - Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée** – Directive 2006/112/CE – Articles 167, 168, 178 à 182, 193, 206, 242, 244, 250, 252 et 273 – **Droit à déduction de la TVA** – **Exigences de fond** – **Exigences formelles** – **Délai de forclusion** – **Dispositions nationales excluant le droit à déduction en cas de non-respect de la plupart des exigences formelles** – **Fraude fiscale**
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-332/15 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-256/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MICHAL BOBEK du 28 juillet 2016 - **Drago Nemec contre Republika Slovenija** - demande de décision préjudicielle formée par le Vrhvno sodišče Republike Slovenije (Cour suprême de la République de Slovénie) - **Droit de l’Union** – **Applicabilité ratione temporis** – Directive 2000/35 – **Retard de paiement dans les transactions commerciales** – **Notion de transaction commerciale** – **Notion d’entreprise** – **Disposition nationale limitant le montant maximal des intérêts de retard**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-256/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-156/15: OPINION OF ADVOCATE GENERAL SZPUNAR 21 July 2016 - Private Equity Insurance Group SIA v Swedbank AS - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Approximation of laws — **Integration of financial markets — Financial collateral arrangements** — Directive 2002/47/EC — Scope — **Concepts of ‘financial collateral arrangement’ and ‘relevant financial obligations’** — Article 2(1)(a) and (f) — **Provision of financial collateral — Concepts of ‘possession’ or ‘control’ of the financial collateral** — Article 2(2) — **Certain insolvency provisions disapplied** — Articles 4 and 8 — **Current bank account contract containing a financial collateral clause in favour of the bank**

[CURIA – Opinion of Advocate General in Case C-156/15 of 21 July 2016](#)

Case C-526/14: JUDGMENT OF THE COURT (Grand Chamber) of 19 July 2016 - Tadej Kotnik and Others, Jože Sedonja and Others, Fondazione cassa di risparmio di Imola, Andrej Pipuš and Others, Tomaž Štrukelj, Luka Jukič, Angel Jaromil, Franc Marušič and Others, Stajka Skrbinšek, Janez Forte and Others, Državni svet Republike Slovenije, Varuh človekovih pravic Republike Slovenije, Igor Karlovšek, Marija Karlovšek and Janez Gosar v Državni zbor Republike Slovenije, Vlada Republike Slovenije, Banka Slovenije and Okrožno sodišče v Ljubljani - REQUEST for a preliminary ruling under Article 267 TFEU from the Ustavno sodišče (Constitutional Court, Slovenia) - Reference for a preliminary ruling — **Validity and interpretation of the Banking Communication from the Commission** — Interpretation of Directives 2001/24/EC and 2012/30/EU — **State aid to banks in the context of the financial crisis** — Burden-sharing — Writing off equity capital, hybrid capital and subordinated debt — Principle of protection of legitimate expectations — **Right to property — Protection of the interests of shareholders and others — Reorganisation and winding up of credit institutions**

[CURIA – Judgment of the Court of Justice in Case C-526/14 of 19 July 2016](#)

Case C-18/15: JUDGMENT OF THE COURT (Fifth Chamber) of 13 July 2016 - Brisal — Auto Estradas do Litoral SA and KBC Finance Ireland v Fazenda Pública - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Restrictions — Tax legislation — Taxation of interest received — Difference in treatment between resident financial institutions and non-resident financial institutions**

[CURIA – Judgment of the Court of Justice in Case C-18/15 of 13 July 2016](#)

Joined Cases C-154/15, C-307/15 and C-308/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 13 July 2016 - Francisco Gutiérrez Naranjo v Cajasur Banco S.A.U. (C-154/15) - Ana María Palacios Martínez v Banco Bilbao Vizcaya Argentaria SA (BBVA) (C-307/15) - Banco Popular Español SA v Emilio Irlés López and Teresa Torres Andreu (C-308/15) - Requests for a preliminary ruling from the Juzgado de lo Mercantil No 1 de Granada (Commercial Court No 1, Granada, Spain) (Case C-154/15) and from the Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) (Cases C-307/15 and C-308/15) - Reference for a preliminary ruling — **Consumer contracts — Unfair terms — Powers of the national court — Declaration of invalidity — Effects — Obligation to refund amounts received on the basis of a clause regarded as unfair — Non-retroactivity** — Compliance with Article 6(1) of Directive 93/13/EEC

[CURIA – Opinion of Advocate General in Case C-154/15 of 13 July 2016](#)

Case C-449/14 P: OPINION OF ADVOCATE GENERAL BOT of 7 July 2016 - DTS Distribuidora de Televisión Digital SA v European Commission - Appeal — **State aid — Aid scheme implemented for RTVE** — Modification of the existing aid scheme — **Fiscal measures imposed on radio and television operators constituting the new method of financing the aid — Hypothecation of the fiscal measures to the aid** — Scope of the criterion based on the direct impact of the revenue from the tax on the amount of the aid — **Commission decision declaring the new funding scheme compatible with the common market** — Challenge to the lawfulness of the decision — Dismissal by the General Court of the action for annulment

[CURIA – Opinion of Advocate General in Case C-449/14 of 7 July 2016](#)

Case C-303/15: OPINION OF ADVOCATE GENERAL BOBEK of 7 July 2016 - Naczelnik Urzędu Celnego I w Ł. v G.M. and M.S. - Request for a preliminary ruling from the Sąd Okręgowy w Łodzi (Regional Court of Łódź, Poland) - **Notification procedure for technical regulations — Technical regulations in the gambling sector — Obligation for Member States to notify draft technical regulations to the Commission** — Consequences of failure to notify

[CURIA – Opinion of Advocate General in Case C-303/15 of 7 July 2016](#)

Joined Cases C-164/15 P and C-165/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 5 July 2016 - European Commission v Aer Lingus and Ryanair - Appeal — State aid — Irish tax on air passengers — Application of differentiated rates — Reduced rate for flights to destinations no more than 300 km from Dublin — Advantage — Selective nature — **Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services** — Recovery — Excise duties — **Passing the advantage on to the beneficiary undertaking's customers**

[CURIA – Opinion of Advocate General in Case C-164/15 of 30 June 2016](#)

Case C-200/14: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Silvia Georgiana Câmpean v Administrația Finanțelor Publice a Municipiului Mediaș, now Serviciul Fiscal Municipal Mediaș and Administrația Fondului pentru Mediu - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunalul Sibiu (Regional Court, Sibiu, Romania) - Reference for a preliminary ruling — **Principle of sincere cooperation — Principles of equivalence and effectiveness — National legislation laying down the detailed rules for the repayment of taxes improperly levied with interest** — Enforcement of judicial decisions relating to such rights to repayment stemming from the legal order of the Union — **Refund payable over a period of five years** — Repayment contingent on the existence of funds received from a tax — **No possibility of enforcement**

[CURIA – Judgment of the Court of Justice in Case C-200/14 of 30 June 2016](#)

Affaire C-288/14: ARRÊT DE LA COUR (deuxième chambre) du 30 juin 2016 - Silvia Ciup contre Administrația Județeană a Finanțelor Publice Timiș – Direcția Generală Regională a Finanțelor Publice Timișoara - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunalul Timiș (tribunal de grande instance de Timiș, Roumanie) - Renvoi préjudiciel — **Principe de coopération loyale – Principes d'équivalence et d'effectivité – Réglementation nationale fixant les modalités de remboursement des taxes indûment perçues avec intérêts** – Exécution des décisions juridictionnelles portant sur de tels droits à remboursement tirés de l'ordre juridique de l'Union — **Remboursement échelonné sur cinq ans** – Conditionnement du remboursement par l'existence de fonds perçus au titre d'une taxe – **Absence de possibilité d'exécution forcée**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-288/14 du 30 juin 2016 \(FR seulement\)](#)

Case C-123/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Max-Heinz Feilen v Finanzamt Fulda - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation — Free movement of capital — Inheritance tax — Legislation of a Member State providing for a reduction in inheritance tax applicable to estates containing assets which have already formed part of an inheritance giving rise to the imposition of inheritance tax in that Member State** — Restriction — Justification — **Coherence of the tax system**

[CURIA – Judgment of the Court of Justice in Case C-123/15 of 30 June 2016](#)

Case C-176/15: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - Guy Riskin and Geneviève Timmermans v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Belgium) - Reference for a preliminary ruling — **Free movement of capital** — Articles 63 and 65 TFEU — Article 4 TEU — **Direct taxation — Taxation of dividends — Bilateral convention for the avoidance of double taxation — Third State — Scope**

[CURIA – Judgment of the Court of Justice in Case C-176/15 of 30 June 2016](#)

Case C-464/15: JUDGMENT OF THE COURT (Seventh Chamber) of 30 June 2016 - Admiral Casinos & Entertainment AG v Balmatic Handelsgesellschaft mbH, Robert Schnitzer, Suayip Polat KG, Ülkü Polat, Attila Juhas and Milazim Rexha - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesgericht Wiener Neustadt (Wiener Neustadt Regional Court, Austria) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Games of chance — Legislation of a Member State prohibiting, on pain of criminal penalties, the operation of low-prize gaming machines ('kleines Glücksspiel') where no licence has been granted by the competent authority** — Restriction — Justification — Proportionality — **Assessment of proportionality on the basis of both the objective of the legislation at the time of its adoption and its effects when implemented** — **Effects empirically and definitely determined**

[CURIA – Judgment of the Court of Justice in Case C-464/15 of 30 June 2016](#)

Case C-340/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 30 June 2016 - Christine Nigl, Gisela Nigl sen., Gisela Nigl jun., Josef Nigl and Martin Nigl v Finanzamt Waldviertel - Request for a preliminary ruling from the Bundesfinanzgericht (Federal Finance Court, Austria) - Reference for a preliminary ruling — **Taxation — Value-added tax** — Sixth Directive — Article 4(1) and (4) and Article 25 — Directive 2006/112/EC — Articles 9 to 11 and 296 — **Concept of taxable person — Economic activity conducted independently — Civil-law partnerships supplying goods under a joint trading name and through a trading company** — Refusal to regard as taxable persons — **Common flat-rate scheme for farmers — Exclusion from flat-rate scheme**
[CURIA – Opinion of Advocate General in Case C-340/15 of 30 June 2016](#)

Affaire C-378/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 29 juin 2016 - Mercedes Benz Italia SpA contre Agenzia delle Entrate Direzione Provinciale Roma 3 - demande de décision préjudicielle formée par la Commissione tributaria regionale di Roma (commission fiscale régionale de Rome, Italie) - Renvoi préjudiciel – **Fiscalité – Taxe sur la valeur ajoutée** – Sixième directive 77/388/CEE – Article 17, paragraphe 5, troisième alinéa – **Déduction de la taxe payée en amont – Déduction au prorata – Calcul**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-378/15 du 29 juin 2016 \(FR seulement\)](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

OPINION OF THE EUROPEAN CENTRAL BANK of 20 April 2016 on a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 806/2014 in order to establish a European Deposit Insurance Scheme (CON/2016/26) (2016/C 252/01)
[OJ of the EU, C 252/1 of 12 July 2016](#)

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

Case Law

Affaire C-80/15: ARRÊT DE LA COUR (dixième chambre) du 28 juillet 2016 - Robert Fuchs AG contre Hauptzollamt Lörrach - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Finanzgericht Baden-Württemberg (tribunal des finances du Bade-Wurtemberg, Allemagne) - Renvoi préjudiciel – **Union douanière – Tarif douanier commun – Régime de l'admission temporaire en exonération des droits** – Règlement (CEE) n° 2454/93 – **Conditions fixées pour l'exonération totale des droits à l'importation** – Moyens de transport affectés à la navigation aérienne, immatriculés en dehors du territoire douanier de l'Union et utilisés par une personne établie en dehors de ce territoire – Article 555, paragraphe 1, sous a) – **Usage commercial – Notion – Utilisation d'hélicoptères par une école d'aviation pour des vols de formation payants, pilotés par un instructeur et un élève – Exclusion**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-80/15 du 28 juillet 2016 \(FR seulement\)](#)

9. Employment and Social Affairs

Case Law

Case C-543/14: JUDGMENT OF THE COURT (Fourth Chamber) of 28 July 2016 - Ordre des barreaux francophones et germanophone and Others, Jimmy Tessens and Others, Orde van Vlaamse Balies, Ordre des avocats du barreau d'Arlon and Others v Conseil des ministres, Association Syndicale des Magistrats ASBL and Council of Bars and Law Societies of Europe - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour constitutionnelle (Belgium) - **VAT** — Directive 2006/112/EC — **Validity and interpretation of the directive — Services provided by lawyers — Liability to VAT — Right to an effective remedy — Equality of arms — Legal aid**
[CURIA – Judgment of the Court of Justice in Case C-543/14 of 28 July 2016](#)

Affaire C-423/15: ARRÊT DE LA COUR (première chambre) du 28 juillet 2016 - Nils-Johannes Kratzer contre R+V Allgemeine Versicherung AG - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Bundesarbeitsgericht (Cour fédérale du travail, Allemagne) - **Renvoi préjudiciel – Politique sociale** – Directive 2000/78/CE – **Égalité de traitement en matière d'emploi et de travail** – Article 3, paragraphe 1, sous a) – Directive 2006/54/CE – **Égalité des chances et égalité de traitement entre hommes et femmes en matière d'emploi et de travail** – Article 14, paragraphe 1, sous a) – **Champ d'application – Notion d'“accès à l'emploi, aux activités non salariées ou au travail”** – **Présentation d'une candidature à un emploi visant à obtenir le statut formel de candidat uniquement afin de demander une indemnisation pour discrimination – Abus de droit**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-423/15 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-258/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO Mengozzi du 21 juillet 2016 - Gorka Salaberria Sorondo contre Academia Vasca de Policía y Emergencias - demande de décision préjudicielle formée par le Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco (cour supérieure de justice de la Communauté autonome du Pays basque, Espagne) - Renvoi préjudiciel – **Égalité de traitement en matière d'emploi et de travail – Discrimination fondée sur l'âge** – Directive 2000/78/CE - **Limite d'âge de 35 ans pour la participation à un concours en vue du recrutement dans le corps de la police autonome du Pays basque – Capacités physiques – Exigence professionnelle essentielle et déterminante** – Objectif d'assurer le caractère opérationnel et le bon fonctionnement des services de police – **Objectif d'assurer une période d'emploi raisonnable avant la retraite – Objectif lié à l'exigence de formation – Proportionnalité**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-258/15 du 21 juillet 2016 \(FR seulement\)](#)

Case C-341/15: JUDGMENT OF THE COURT (Tenth Chamber) of 20 July 2016 - Hans Maschek v Magistratsdirektion der Stadt Wien — Personalstelle Wiener Stadtwerke - - Reference for a preliminary ruling — **Social policy** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave — Retirement at the request of the party concerned — Worker failing to use up all his entitlement to annual paid leave before the termination of his work relations — National legislation excluding allowance in lieu of paid annual leave not taken** — Sick leave — Public servants

[CURIA – Judgment of the Court of Justice in Case C-341/15 of 20 July 2016](#)

Case C-335/15: JUDGMENT OF THE COURT (Eighth Chamber) of 14 July 2016 - Maria Cristina Elisabetta Ornano v Ministero della Giustizia, Direzione Generale dei Magistrati del Ministero - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Social policy** — Article 119 of the EC Treaty (subsequently Article 141 EC) — Directive 75/117/EEC — **Equal pay for men and women** — Article 1 — Directive 92/85/EEC — **Measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding** — Article 11(2)(b) and Article 11(3) — **National law providing for an allowance for ordinary magistrates in respect of expenses which they incur in the performance of their professional functions — No entitlement for an ordinary magistrate to that allowance in the case of compulsory maternity leave taken prior to 1 January 2005**

[CURIA – Judgment of the Court of Justice in Case C-335/15 of 14 July 2016](#)

Case C-188/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 13 July 2016 - Asma Bougnaoui and Association de défense des droits de l'homme (ADDH) v Micropole SA - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - Social policy — **Equal treatment in employment and occupation** — Directive 2000/78/EC — **Discrimination based on religion or belief — Genuine and determining occupational requirement — Meaning — Direct and indirect discrimination — Wearing of the Islamic headscarf**

[CURIA – Opinion of Advocate General in Case C-188/15 of 13 July 2016](#)

Case C-187/15: JUDGMENT OF THE COURT (First Chamber) of 13 July 2016 - Joachim Pöpperl v Land Nordrhein-Westfalen - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Düsseldorf (Administrative Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Article 45 TFEU — **Freedom of movement for workers — Civil servant of a Member State who has left the public service in order to be employed in another Member State — National legislation providing in that case for loss of the retirement pension rights acquired in the civil service and for retrospective insurance under the general old-age insurance scheme**

[CURIA – Judgment of the Court of Justice in Case C-187/15 of 13 July 2016](#)

Affaire C-210/15 P: ARRÊT DE LA COUR (huitième chambre) du 7 juillet 2016 - République de Pologne contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – FEOGA et Feader – **Dépenses exclues du financement de l'Union** – Règlements (CE) n° 1257/1999 et n° 1698/2005 – **Retraite anticipée des agriculteurs** – **Cessation définitive de toute activité agricole commerciale**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-210/15 du 7 juillet 2016 \(FR seulement\)](#)

Case C-216/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 6 July 2016 - Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH - Reference for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Request for a preliminary ruling — **Social policy** — **Temporary agency work** — Directive 2008/104/EC — Scope — Article 1(1) and (2) — **Concept of worker** — **Concept of economic activity** — **Member of a not-for-profit association, paid by the latter and assigned to a third party in order to perform work under that party's instructions** — Compensation for the personnel costs and administrative charges paid to the association by the third party

[CURIA – Opinion of Advocate General in Case C-216/15 of 6 July 2016](#)

Case C-443/15: OPINION OF ADVOCATE GENERAL KOKOTT of 30 June 2016 - Dr David L. Parris v Trinity College Dublin and Others - Request for a preliminary ruling from the Labour Court, Ireland - **Fundamental rights** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — **Discrimination based on age and sexual orientation** — **Multiple discrimination** — **Same-sex civil partnership** — **Occupational pension** — **Survivor's pension** — Eligibility of the surviving spouse or civil partner — **Requirement to enter into a marriage or civil partnership before reaching the age of 60** — **Preclusive obstacles in national law**

[CURIA – Opinion of Advocate General in Case C-443/15 of 30 June 2016](#)

Case C-178/15: JUDGMENT OF THE COURT (Tenth Chamber) of 30 June 2016 - Alicja Sobczyszyn v Szkoła Podstawowa w Rzeplinie - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Rejonowy dla Wrocławia-Śródmieścia we Wrocławiu X Wydział Pracy i Ubezpieczeń Społecznych (District Court for Wrocław City Centre, Division No 10 for Labour and Social Security, Poland) - Reference for a preliminary ruling — **Organisation of working time** — Directive 2003/88/EC — **Right to paid annual leave** — **Teachers** — **Convalescence leave** — Annual leave coinciding with convalescence leave — **Right to take the annual leave in another period**

[CURIA – Judgment of the Court of Justice in Case C-178/15 of 30 June 2016](#)

10. Energy and Environment

Community Legislation

COMMISSION REGULATION (EU) 2016/1179 of 19 July 2016 **amending, for the purposes of its adaptation to technical and scientific progress**, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on **classification, labelling and packaging of substances and mixtures** (Text with EEA relevance)

[OJ of the EU, L 195/11 of 20 July 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1115 of 7 July 2016 **establishing a format for the submission** by the European Chemicals Agency of information **concerning the operation of the procedures** pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the **export and import of hazardous chemicals** (notified under document C(2016) 4141)

[OJ of the EU, L 186/13 of 9 July 2016](#)

Case Law

Case C-147/15: JUDGMENT OF THE COURT (Fourth Chamber) of 28 July 2016 - Città Metropolitana di Bari, formerly Provincia di Bari v Edilizia Mastrodonato srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Protection of the environment — Waste management** — Directive 2006/21/EC — Article 10(2) — **Backfilling of excavation voids using waste other than extractive waste — Landfill or recovery of such waste**
[CURIA – Judgment of the Court of Justice in Case C-147/15 of 28 July 2016](#)

Case C-379/15: JUDGMENT OF THE COURT (First Chamber) of 28 July 2016 - Association France Nature Environnement v Premier ministre and Ministère de l'Écologie, du Développement durable et de l'Énergie - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — Directive 2001/42/EC — **Assessment of the effects of certain plans and programmes on the environment — National measure incompatible with EU law — Legal consequences** — Power of the national court to maintain certain effects of that measure provisionally — Third paragraph of Article 267 TFEU — Obligation to make a reference to the Court for a preliminary ruling
[CURIA – Judgment of the Court of Justice in Case C-379/15 of 28 July 2016](#)

Case C-457/15: JUDGMENT OF THE COURT (Sixth Chamber) of 28 July 2016 - Vattenfall Europe Generation AG v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Scheme for greenhouse gas emission allowance trading within the European Union** — Directive 2003/87/EC — **Temporal scope — Time when the emissions trading obligation arises** — Article 3 — Annexe I — **Concept of 'installation'** — Combustion of fuels in installations with a total rated thermal input exceeding 20 MW
[CURIA – Judgment of the Court of Justice in Case C-475/15 of 28 July 2016](#)

Affaire C-104/15: ARRÊT DE LA COUR (neuvième chambre) du 21 juillet 2016 - Commission européenne contre Roumanie - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Protection de l'environnement** – Directive 2006/21/CE – **Gestion des déchets – Extraction minière – Bassins de décantation – Émission de poussière – Particules fines de poussière en suspension dans l'air – Pollution – Santé des personnes – Mesures de prévention obligatoires** – Articles 4 et 13 – Constat de l'existence d'un manquement
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-104/15 du 21 juillet 2016 \(FR seulement\)](#)

Joined Cases C-387/15 and C-388/15: JUDGMENT OF THE COURT (Seventh Chamber) of 21 July 2016 - Hilde Orleans, Rudi Van Buel and Marina Apers (C-387/15) - Denis Malcorps, Myriam Rijssens and Guido Van De Walle (C-388/15) v Vlaams Gewest and Gemeentelijk Havenbedrijf Antwerpen - REQUESTS for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Belgium) - Reference for a preliminary ruling — **Environment** — Directive 92/43/EEC — **Conservation of natural habitats — Special areas of conservation** — Natura 2000 site 'Scheldt and Durme estuary from the Dutch border to Ghent' — Development of a port area — **Assessment of the implications of a plan or project for a protected site — Occurrence of adverse effects** — Prior but not yet completed development of an area of an equivalent type to the part destroyed — Completion subsequent to the assessment — Article 6(3) and (4)
[CURIA – Judgment of the Court of Justice in Case C-387/15 of 21 July 2016](#)

Case C-272/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 July 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Environment** — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading within the Union** — Decision No 377/2013/EU — Validity — **Temporary derogation from the obligation to monitor and report emissions and to surrender emission allowances in respect of flights between Member States of the EEA and most third countries — Exclusion of flights between Member States of the EEA and Switzerland — Different treatment of third countries — General principle of equal treatment — Not applicable**
[CURIA – Opinion of Advocate General in Case C-272/15 of 19 July 2016](#)

Case C-290/15: OPINION OF ADVOCATE GENERAL OKOTT of 14 July 2016 - Patrice D’Oultremont and Others v Région wallonne - Request for a preliminary ruling from the Conseil d’État (Council of State, Belgium) - **Environment** — Directive 2001/42/EC — **Plan and programme** — **Definition** — **Construction of wind power installations**

[CURIA – Opinion of Advocate General in Case C-290/15 of 14 July 2016](#)

Affaires C-313/15 et C-530/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. M. CAMPOS SÁNCHEZ-BORDONA du 13 juillet 2016 - Eco-Emballages SA contre Sphère France, Schweitzer SAS, Carrefour Import SAS, Tissue France SCA, SCA Hygiène Products SAS, WEPA Troyes SAS, Industrie Cartarie Tronchetti SpA, Industrie Cartarie Tronchetti Ibérica, SL, Kimberly-Clark SAS, Gopack SAS, Delipapier, CMC France SARL, Paul Hartmann SA, Wepa Lille SAS, Industrie Cartarie Tronchetti France SAS, Melitta France SAS, Cofresco Frischhalteprodukte GmbH & Co. KG, Scamark SAS et Système U Centrale Nationale SAS - demande de décision préjudicielle formée par le Tribunal de commerce de Paris (France) - Melitta France SAS, Cofresco Frischhalteprodukte GmbH & Co. KG, Délipapier, Gopack SAS, Industrie Cartarie Tronchetti SpA, Industrie Cartarie Tronchetti Ibérica, SL, Kimberly-Clark SAS, Lucart France, Paul Hartmann AG, SCA Hygiène Products, SCA Tissue France et Group’Hygiène syndicat professionnel contre Ministre de l’Écologie, du Développement durable et de l’Énergie - demande de décision préjudicielle formée par le Conseil d’État (France) - **Environnement** – Directive 94/62/CE – **Emballages et déchets d’emballages** – **Notion d’emballage** – **Mandrins (rouleaux, tubes, cylindres)** – Directive d’exécution 2013/2/UE – Modification des exemples d’emballages – Compétence d’exécution de la Commission – Question en appréciation de validité

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-313/15 du 13 juillet 2016 \(FR seulement\)](#)

Case C-321/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 5 July 2016 - ArcelorMittal Rodange et Schifflange SA v Grand Duchy of Luxembourg - Request for a preliminary ruling from the Cour constitutionnelle (Constitutional Court, Luxembourg) - **Environment** — **Scheme for greenhouse gas emissions allowance trading** — Directive 2003/87 — Articles 3(a), 11 and 12 — **Cessation of activities of an installation** — **Breach of duty to notify changes to an installation** — **Erroneous allocation** — Removal from the register — **Surrender of unused allowances** — **Lack of compensation** — **Expropriation**

[CURIA – Opinion of Advocate General in Case C-321/15 of 5 July 2016](#)

Case C-648/13: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - European Commission v Republic of Poland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — **Environment** — **European Union water policy** — Directive 2000/60/EC — **Monitoring of the ecological status and the chemical status of surface waters** — **River basin management plans**

[CURIA – Judgment of the Court of Justice in Case C-648/13 of 30 June 2016](#)

Case C-243/15: OPINION OF ADVOCATE GENERAL KOKOTT of 30 June 2016 - Lesoochránárske zoskupenie VLK v Obvodný úrad Trenčín - Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - **Environment** — **Aarhus Convention** — **Administrative proceedings for authorisation of a project** — Application by an environmental protection association for recognition as a party to the proceedings — **Conclusion of the authorisation proceedings prior to the decision on the application** — **Legal remedy against the decision** — **Effective judicial protection**

[CURIA – Opinion of Advocate General in Case C-243/15 of 30 June 2016](#)

Case C-304/15: OPINION OF ADVOCATE GENERAL BOBEK of 28 June 2016 - European Commission v United Kingdom of Great Britain and Northern Ireland - **Failure to fulfil obligations** — Directive 2001/80/EC on the **limitation of emissions of certain pollutants into the air from large combustion plants** — Article 4(3) — Annex VI, Part A, Footnote (3) — **Scope of the derogation** — **Aberthaw power station** — **Eligibility**

[CURIA – Opinion of Advocate General in Case C-304/15 of 28 June 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION NOTICE Commission **guidance document on streamlining environmental assessments conducted** under Article 2(3) of the **Environmental Impact Assessment** Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) (2016/C 273/01)

[OJ of the EU, C 273/1 of 27 July 2016](#)

Opinion of the European Committee of the Regions — Cost-effective emission reductions and low-carbon investments (2016/C 240/10)
[OJ of the EU, C 240/62 of 1 July 2016](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DIRECTIVE (EU) 2016/1214 of 25 July 2016 **amending** Directive 2005/62/EC as regards **quality system standards and specifications for blood establishments** (Text with EEA relevance)
[OJ of the EU, L 199/14 of 26 July 2016](#)

COMMISSION REGULATION (EU) 2016/1179 of 19 July 2016 **amending, for the purposes of its adaptation to technical and scientific progress**, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on **classification, labelling and packaging of substances and mixtures** (Text with EEA relevance)
[OJ of the EU, L 195/11 of 20 July 2016](#)

COMMISSION RECOMMENDATION (EU) 2016/1110 of 28 June 2016 on the **monitoring of the presence of nickel in feed** (Text with EEA relevance)
[OJ of the EU, L 183/68 of 8 July 2016](#)

COMMISSION RECOMMENDATION (EU) 2016/1111 of 6 July 2016 on the **monitoring of nickel in food** (Text with EEA relevance)
[OJ of the EU, L 183/70 of 8 July 2016](#)

Case Law

Affaire C-168/15: ARRÊT DE LA COUR (première chambre) du 28 juillet 2016 - Milena Tomášová contre Slovenská republika – Ministerstvo spravodlivosti SR, Pohotovosť s. r. o. et Združenie na ochranu občana spotrebiteľa HOOS - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Okresný súd Prešov (tribunal de district de Prešov, Slovaquie) - Renvoi préjudiciel – **Protection des consommateurs – Directive 93/13/CEE – Clauses abusives dans les contrats conclus avec les consommateurs – Contrat de crédit contenant une clause abusive – Exécution forcée d'une sentence arbitrale rendue en application de cette clause – Responsabilité d'un État membre pour des dommages causés aux particuliers par des violations du droit de l'Union imputables à une juridiction nationale – Conditions d'engagement – Existence d'une violation suffisamment caractérisée du droit de l'Union**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-168/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-191/15: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Verein für Konsumenteninformation v Amazon EU Sàrl - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulations (EC) No 864/2007 and (EC) No 593/2008 — **Consumer protection** — Directive 93/13/EEC — **Data protection** — Directive 95/46/EC — **Online sales contracts concluded with consumers resident in other Member States — Unfair terms — General terms and conditions containing a choice-of-law term applying the law of the Member State in which the company is established — Determination of the applicable law for assessing the unfairness of terms in those general terms and conditions in an action for an injunction** — Determination of the law governing the processing of personal data of consumers
[CURIA – Judgment of the Court of Justice in Case C-191/15 of 28 July 2016](#)

Case C-127/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 21 July 2016 - Verein für Konsumenteninformation v INKO, Inkasso GmbH - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - **Consumer Protection — Consumer credit agreements** — Directive 2008/48/EC — Interpretation of Article 3(f) — **The expression ‘credit intermediary’** — Whether instalment agreements arranged by a debt recovery agency acting on behalf of lenders constitute ‘credit agreements which relate to the deferred payment, free of charge, of an existing debt’ within Article 2(2)(j)

[CURIA – Opinion of Advocate General in Case C-127/15 of 21 July 2016](#)

Case C-282/15: OPINION OF ADVOCATE GENERAL BOBEK of 21 July 2016 - Queisser Pharma GmbH & Co. KG v Bundesrepublik Deutschland - Request for a preliminary ruling from the Verwaltungsgericht Braunschweig (Administrative Court of Brunswick, Germany) - **Food safety — Member State legislation prohibiting the manufacture and sale of food supplements containing amino acids — Possibility of discretionary derogation**

[CURIA – Opinion of Advocate General in Case C-282/15 of 21 July 2016](#)

Case C-19/15: JUDGMENT OF THE COURT (Third Chamber) of 14 July 2016 - Verband Sozialer Wettbewerb eV v Innova Vital GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht München I (Regional Court, Munich I, Germany) - Reference for a preliminary ruling — **Consumer protection** — Regulation (EC) No 1924/2006 — **Nutrition and health claims made on foods** — Article 1(2) — Scope — **Foods to be delivered as such to the final consumer — Claims made in a commercial communication addressed exclusively to health professionals**

[CURIA – Judgment of the Court of Justice in Case C-19/15 of 14 July 2016](#)

Joined Cases C-154/15, C-307/15 and C-308/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 13 July 2016 - Francisco Gutiérrez Naranjo v Cajasur Banco S.A.U. (C-154/15) - Ana María Palacios Martínez v Banco Bilbao Vizcaya Argentaria SA (BBVA) (C-307/15) - Banco Popular Español SA v Emilio Irlés López and Teresa Torres Andreu (C-308/15) - Requests for a preliminary ruling from the Juzgado de lo Mercantil No 1 de Granada (Commercial Court No 1, Granada, Spain) (Case C-154/15) and from the Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) (Cases C-307/15 and C-308/15) - Reference for a preliminary ruling — **Consumer contracts — Unfair terms — Powers of the national court — Declaration of invalidity — Effects — Obligation to refund amounts received on the basis of a clause regarded as unfair — Non-retroactivity** — Compliance with Article 6(1) of Directive 93/13/EEC

[CURIA – Opinion of Advocate General in Case C-154/15 of 13 July 2016](#)

Case C-476/14: JUDGMENT OF THE COURT (Fourth Chamber) of 7 July 2016 - Citroën Commerce GmbH v Zentralvereinigung des Kraftfahrzeuggewerbes zur Aufrechterhaltung lauterer Wettbewerbs e.V. (ZLW) - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Directives 98/6/EC and 2005/29/EC — **Consumer protection — Advertisement containing an indication of price — Concepts of ‘offer’ and ‘price inclusive of taxes’** — Obligation to include in the price of a motor vehicle the additional costs necessarily incurred in connection with the transfer of the vehicle

[CURIA – Judgment of the Court of Justice in Case C-476/14 of 7 July 2016](#)

Case C-276/15: OPINION OF ADVOCATE GENERAL Szpunar of 30 June 2016 - Hecht-Pharma GmbH v Hohenzollern Apotheke, owned by Winfried Ertelt - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - **Medicinal products for human use** – Directive 2001/83/EC – Scope – Articles 2(1) and 3, points 1 and 2 – **Medicinal products prepared industrially or manufactured by a method involving an industrial process – Exceptions – Medicinal products prepared in a pharmacy in accordance with the prescriptions of a pharmacopoeia**

[CURIA – Opinion of Advocate General in Case C-276/15 of 30 June 2016](#)

12. Human Rights

Case Law

Affaire C-294/16 PPU: ARRÊT DE LA COUR (quatrième chambre) du 28 juillet 2016 - JZ contre Prokuratura Rejonowa Łódź – Śródmieście - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Sąd Rejonowy dla Łodzi –Śródmieścia w Łodzi (tribunal d'arrondissement de Łódź – centre-ville de Łódź, Pologne) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – Article 26, paragraphe 1 – **Mandat d'arrêt européen – Effets de la remise – Déduction de la période de détention subie dans l'État membre d'exécution – Notion de "détention"** – Mesures restrictives de liberté autres qu'un emprisonnement – **Assignation à résidence assortie du port d'un bracelet électronique – Charte des droits fondamentaux de l'Union européenne** – Articles 6 et 49

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-294/16 du 28 juillet 2016 \(FR seulement\)](#)

Joined Cases C-203/15 and C-698/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 July 2016 - Tele2 Sverige AB v Post- och telestyrelsen (C-203/15) - Secretary of State for the Home Department v Tom Watson, Peter Brice, Geoffrey Lewis (C-698/15), Open Rights Group, Privacy International and The Law Society of England and Wales - Requests for a preliminary ruling from the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm, Sweden) and the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2002/58/EC — **Processing of personal data and the protection of privacy in the electronic communications sector — National legislation imposing a general obligation to retain data relating to electronic communications** — Article 15(1) — **Charter of Fundamental Rights of the European Union** — Article 7 — **Right to respect for private life** — Article 8 — **Right to the protection of personal data** — **Serious interference** — **Justification** — Article 52(1) — **Conditions** — **Legitimate objective of fighting serious crime** — **Requirement for a legal basis in national law** — **Requirement of strict necessity** — **Requirement of proportionality in a democratic society**

[CURIA – Opinion of Advocate General in Case C-203/15 of 19 July 2016](#)

Affaire C-294/16 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. M. CAMPOS SÁNCHEZ-BORDONA du 19 juillet 2016 – Z. - demande de décision préjudicielle formée par le Sąd Rejonowy dla Łodzi –Śródmieścia w Łodzi (tribunal d'arrondissement de Łódź, Pologne) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen et procédures de remise entre États membres – Effets de la remise – Déduction de la période de détention subie dans l'État membre d'exécution** – Article 26 – **Détention résultant de l'exécution d'un mandat d'arrêt européen – Notion** – **Assignation à résidence avec surveillance électronique – Inclusion – Droits fondamentaux** – Article 6 et article 49, paragraphe 3, de la charte des droits fondamentaux de l'Union européenne

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-294/16 du 19 juillet 2016 \(FR seulement\)](#)

Case C-614/14: JUDGMENT OF THE COURT (Grand Chamber) of 5 July 2016 - Atanas Ognyanov v Sofiyska gradska prokuratura - EQUEST for a preliminary ruling under Article 267 TFEU from the Sofiyski gradski sad (Sofia City Court, Bulgaria) - Reference for a preliminary ruling — Article 267 TFEU — Article 94 of the Rules of Procedure of the Court — Content of a request for a preliminary ruling — **National rule providing that the national court is to be disqualified because it stated a provisional opinion in the request for a preliminary ruling when setting out the factual and legal context** — **Charter of Fundamental Rights of the European Union** — Second paragraph of Article 47 and Article 48(1)

[CURIA – Opinion of Advocate General in Case C-614/14 of 5 July 2016](#)

Case C-429/15: OPINION OF ADVOCATE GENERAL BOT of 29 June 2016 - Evelyn Danqua v The Minister for Justice and Equality, Ireland and Attorney General - Request for a preliminary ruling from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/83/EC — **Minimum standards for granting refugee status or subsidiary protection status** — Directive 2005/85/EC — **Minimum standards on procedures in Member States for granting and withdrawing refugee status** — National procedural rule limiting to 15 working days the period within which an application for subsidiary protection must be made following the rejection of the application for refugee status — **Lawfulness** — **Procedural autonomy of the Member States** — **Principles of equivalence and effectiveness**
[CURIA – Opinion of Advocate General in Case C-429/15 of 29 June 2016](#)

Case C-443/15: OPINION OF ADVOCATE GENERAL KOKOTT of 30 June 2016 - Dr David L. Parris v Trinity College Dublin and Others - Request for a preliminary ruling from the Labour Court, Ireland - **Fundamental rights** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — **Discrimination based on age and sexual orientation** — **Multiple discrimination** — **Same-sex civil partnership** — **Occupational pension** — **Survivor's pension** — Eligibility of the surviving spouse or civil partner — **Requirement to enter into a marriage or civil partnership before reaching the age of 60** — **Preclusive obstacles in national law**
[CURIA – Opinion of Advocate General in Case C-443/15 of 30 June 2016](#)

Case C-115/15: JUDGMENT OF THE COURT (First Chamber) of 30 June 2016 - Secretary of State for the Home Department v NA and Aire Centre - REQUEST for a preliminary ruling under Article 267 TFEU, from the Court of Appeal (England & Wales) (Civil Division) - Reference for a preliminary ruling — Articles 20 and 21 TFEU — Directive 2004/38/EC — Article 13(2)(c) — Regulation (EEC) No 1612/68 — Article 12 — **Right of residence of family members of a Union citizen** — **Marriage of a Union citizen and a third country national** — **Domestic violence** — Divorce after the departure of the Union citizen — **Retention of right of residence of a third country national with custody of children who are Union citizens**
[CURIA – Judgment of the Court of Justice in Case C-115/15 of 30 June 2016](#)

Case C-134/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of the Land of Saxony, Germany) - Reference for a preliminary ruling — Regulation (EC) No 543/2008 — **Agriculture** — **Common organisation of the markets** — **Marketing standards** — **Fresh pre-packaged poultrymeat** — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto — **Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business** — Proportionality — Second subparagraph of Article 40(2) TFEU — **Non-discrimination**
[CURIA – Judgment of the Court of Justice in Case C-134/15 of 30 June 2016](#)

Case C-205/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Direcția Generală Regională a Finanțelor Publice Brașov v Vasile Toma and Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci - REQUEST for a preliminary ruling under Article 267 TFEU from the Judecătoria Sibiu (Sibiu District Court, Romania) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right of access to a court** — **Principle of equality of arms** — **Principles of equivalence and effectiveness** — **Proceedings for the enforcement of a judicial decision ordering the repayment of a tax levied in breach of EU law** — Exemption of public authorities from certain legal costs — **Jurisdiction of the Court**
[CURIA – Judgment of the Court of Justice in Case C-205/15 of 30 June 2016](#)

Case C-429/15: OPINION OF ADVOCATE GENERAL BOT of 29 June 2016 - Evelyn Danqua v The Minister for Justice and Equality, Ireland and Attorney General - Request for a preliminary ruling from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/83/EC — **Minimum standards for granting refugee status or subsidiary protection status** — Directive 2005/85/EC — **Minimum standards on procedures in Member States for granting and withdrawing refugee status** — National procedural rule limiting to 15 working days the period within which an application for subsidiary protection must be made following the rejection of the application for refugee status — **Lawfulness** — **Procedural autonomy of the Member States** — **Principles of equivalence and effectiveness**
[CURIA – Opinion of Advocate General in Case C-429/15 of 29 June 2016](#)

Case C-486/14: JUDGMENT OF THE COURT (Grand Chamber) of 29 June 2016 - Piotr Kossowski v Generalstaatsanwaltschaft Hamburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Hanseatisches Oberlandesgericht Hamburg (Higher Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Convention Implementing the Schengen Agreement** — Articles 54 and 55(1)(a) — **Charter of Fundamental Rights of the European Union** — Article 50 — **Ne bis in idem principle** — **Whether an accused may be prosecuted in a Member State after criminal proceedings brought against him in another Member State have been terminated by the public prosecutor's office without a detailed investigation** — No examination of the merits of the case

[CURIA – Judgment of the Court of Justice in Case C-486/14 of 29 June 2016](#)

13. Internal Market and Single Market

Community Legislation

COUNCIL DIRECTIVE (EU) 2016/1164 of 12 July 2016 laying down **rules against tax avoidance practices that directly affect the functioning of the internal market**

[OJ of the EU, L 193/1 of 19 July 2016](#)

COUNCIL REGULATION (EU) 2016/1050 of 24 June 2016 **amending** Regulation (EU) No 1388/2013 **opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

[OJ of the EU, L 173/1 of 30 June 2016](#)

COUNCIL REGULATION (EU) 2016/1051 of 24 June 2016 **amending** Regulation (EU) No 1387/2013 **suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products**

[OJ of the EU, L 173/5 of 30 June 2016](#)

Case Law

Case C-660/13: JUDGMENT OF THE COURT (Grand Chamber) of 28 July 2016 - Council of the European Union, Czech Republic, Federal Republic of Germany, Hellenic Republic, French Republic, Republic of Lithuania, Hungary, Kingdom of the Netherlands, Republic of Poland, Republic of Finland and United Kingdom of Great Britain and Northern Ireland v European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — **The European Union's external relations** — **Access by the Swiss Confederation to the internal market** — **The Swiss Confederation's financial contribution to economic and social cohesion in an enlarged Union** — **Memorandum of Understanding on a financial contribution by the Swiss Confederation to the Member States which acceded to the Union as a result of the 2004 enlargement** — Enlargement of the Union to include the Republic of Croatia — **Addendum to the Memorandum of Understanding concerning a financial contribution by the Swiss Confederation for the Republic of Croatia** — **Addendum signed by the European Commission on behalf of the European Union without the prior approval of the Council of the European Union** — **Powers** — Article 13(2), Article 16(1) and (6) and Article 17(1) TEU — **Principles of allocation of powers, institutional balance and sincere cooperation**

[CURIA – Judgment of the Court of Justice in Case C-660/13 of 28 July 2016](#)

Case C-131/15 P: OPINION OF ADVOCATE GENERAL WAHL of 28 July 2016 - Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE, Kazino Aigaiou AE v European Commission - Appeal — **State aid** — **Extension of exclusive rights for the operation of 13 games of chance** — **Grant by the Hellenic Republic of an exclusive license to operate Video Lottery Terminals** — Article 108(2) and (3) TFEU — Preliminary examination — **Conditions for initiating the formal investigation procedure** — **Decision finding no State aid** — **Serious difficulties** — **Statement of reasons** — **Joint assessment of the notified measures**

[CURIA – Opinion of Advocate General in Case C-131/15 of 28 July 2016](#)

Case C-316/15: OPINION OF ADVOCATE GENERAL WATHELET of 28 July 2016 - Timothy Martin Hemming, trading as ‘Simply Pleasure Ltd’, James Alan Poulton, Harmony Ltd, Gatisle Ltd, trading as ‘Janus’, Winart Publications Ltd, Darker Enterprises Ltd, Swish Publications Ltd v Westminster City Council - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Freedom to provide services — Authorisation procedures — Concept of ‘charges which may be incurred’**
[CURIA – Opinion of Advocate General in Case C-316/15 of 28 July 2016](#)

Affaire C-411/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 28 juillet 2016 – P - Timab Industries et Cie financière et de participations Roullier (CFPR) contre Commission européenne - Pourvoi – **Ententes – Marché européen des phosphates pour l’alimentation animale** – Retrait des requérantes de la procédure de transaction – Procédure administrative ordinaire – Absence d’application de la fourchette probable d’amendes communiquée lors de la procédure de transaction – **Étendue du pouvoir de pleine juridiction reconnu au Tribunal de l’Union européenne – Respect des principes de protection de la confiance légitime et de l’égalité de traitement**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-411/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-493/14: JUDGMENT OF THE COURT (First Chamber) 21 July 2016 - Dilly’s Wellnesshotel GmbH v Finanzamt Linz - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzgericht (Federal Finance Court, Austria) - Request for a preliminary ruling — **State aid — Aid scheme in the form of reductions in environmental taxes** — Regulation (EC) No 800/2008 — **Categories of aid which may be regarded as compatible with the internal market and exempt from the obligation to notify** — Mandatory nature of the conditions for exemption — Article 3(1) — Express reference to that regulation in the aid scheme
[CURIA – Judgment of the Court of Justice in Case C-493/14 of 21 July 2016](#)

Case C-406/14: JUDGMENT OF THE COURT (Third Chamber) of 14 July 2016 - Wrocław — Miasto na prawach powiatu v Minister Infrastruktury i Rozwoju - REQUEST for a preliminary ruling under Article 267 TFEU from the Wojewódzki Sąd Administracyjny w Warszawie (Regional Administrative Court, Warsaw, Poland) - Reference for a preliminary ruling — Directive 2004/18/EC — **Public works contracts — Regularity of the obligation imposed on tenderers to perform a certain percentage of the contract without using subcontractors** — Regulation (EC) No 1083/2006 — General provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund — **Obligation for the Member States to carry out a financial correction in relation to the irregularities identified — Concept of ‘irregularity’ — Need for a financial correction in the event of infringement of EU law on public procurement**
[CURIA – Judgment of the Court of Justice in Case C-406/14 of 14 July 2016](#)

Joined Cases C-458/14 and C-67/15: JUDGMENT OF THE COURT (Fifth Chamber) of 14 July 2016 - Promoimpresa srl (Case C-458/14) v Consorzio dei comuni della Sponda Bresciana del Lago di Garda e del Lago di Idro and Regione Lombardia - Mario Melis and Others (C-67/15) v Comune di Loiri Porto San Paolo, Provincia di Olbia Tempio, Alessandro Piredda and Others - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Lombardia (Regional Administrative Court, Lombardy, Italy) and the Tribunale amministrativo regionale per la Sardegna (Regional Administrative Court, Sardinia, Italy) - Reference for a preliminary ruling — **Public contracts and freedom of establishment** — Article 49 TFEU — Directive 2006/123/EC — Article 12 — **Concessions of State-owned maritime, lakeside and waterway property of an economic interest — Automatic extension — Lack of tender procedure**
[CURIA – Judgment of the Court of Justice in Case C-458/14 of 14 July 2016](#)

Case C-6/15: JUDGMENT OF THE COURT (Fourth Chamber) of 14 July 2016 - TNS Dimarso NV v Vlaams Gewest - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Belgium) - Reference for a preliminary ruling — **Public supply contracts** — Directive 2004/18/EC — Article 53(2) — **Award criteria — Most economically advantageous tender — Method of evaluation — Weighting rules — Obligation for the contracting authority to specify in the call for tenders the weighting of the award criteria** — Scope of the obligation
[CURIA – Judgment of the Court of Justice in Case C-6/15 of 14 July 2016](#)

Case C-46/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 July 2016 - Ambisig — Ambiente e Sistemas de Informação Geográfica SA v AICP — Associação de Industriais do Concelho de Pombal and Índice — ICT & Management Lda - REQUEST for a preliminary ruling under Article 267 TFEU from Tribunal Central Administrativo Sul (Administrative Court of Appeal, South, Portugal) - References for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — Article 48(2)(a)(ii), second indent — **Technical abilities of economic operators** — **Direct effect** — **Means of evidence** — **Hierarchical relationship between the private purchaser's certification and the tenderer's unilateral declaration** — Principle of proportionality — **Prohibition on introducing substantive changes to the means of evidence provided for**
[CURIA – Judgment of the Court of Justice in Case C-46/15 of 7 July 2016](#)

Case C-220/15: OPINION OF ADVOCATE GENERAL BOBEK of 7 July 2016 - European Commission v Federal Republic of Germany - Failure of a Member State to fulfil obligations — **Free movement of goods** — Directive 2007/23/EC — **Placing on the market of pyrotechnic articles** — **Definition of 'placing on the market'** — Notification procedure before a national authority imposed on pyrotechnic articles bearing the CE marking — **Power of the national authority to check and, if necessary, to modify the instructions of use**
[CURIA – Opinion of Advocate General in Case C-220/15 of 7 July 2016](#)

Case C-449/14 P: OPINION OF ADVOCATE GENERAL BOT of 7 July 2016 - DTS Distribuidora de Televisión Digital SA v European Commission - Appeal — **State aid** — **Aid scheme implemented for RTVE** — Modification of the existing aid scheme — **Fiscal measures imposed on radio and television operators constituting the new method of financing the aid** — **Hypothecation of the fiscal measures to the aid** — Scope of the criterion based on the direct impact of the revenue from the tax on the amount of the aid — **Commission decision declaring the new funding scheme compatible with the common market** — Challenge to the lawfulness of the decision — Dismissal by the General Court of the action for annulment
[CURIA – Opinion of Advocate General in Case C-449/14 of 7 July 2016](#)

Joined Cases C-164/15 P and C-165/15 P: OPINION OF ADVOCATE GENERAL MENGGOZZI of 5 July 2016 - European Commission v Aer Lingus and Ryanair - Appeal — **State aid** — **Irish tax on air passengers** — **Application of differentiated rates** — Reduced rate for flights to destinations no more than 300 km from Dublin — Advantage — Selective nature — **Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services** — Recovery — Excise duties — **Passing the advantage on to the beneficiary undertaking's customers**
[CURIA – Opinion of Advocate General in Case C-164/15 of 30 June 2016](#)

Case C-51/15: OPINION OF ADVOCATE GENERAL MENGGOZZI of 30 June 2016 - Remondis GmbH & Co. KG Region Nord v Region Hannover - Request for a preliminary ruling from the Oberlandesgericht Celle (Higher Regional Court of Celle, Germany) - Reference for a preliminary ruling — Article 4(2) TEU — **Respect for the national identity of Member States inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government** — **Internal organisation of the Member States** — **Regional authorities** — **Legal instrument creating a new public-law entity and organising the transfer of powers and responsibilities for the performance of public tasks** — **Public procurement** — Directive 2004/18/EC — Article 1(2)(a) — **Concept of 'public contract'**
[CURIA – Opinion of Advocate General in Case C-51/15 of 30 June 2016](#)

Case C-171/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 30 June 2016 - Connexion Taxi Services BV v Staat der Nederlanden, Transvision BV, Rotterdamse Mobiliteit Centrale RMC BV and Zorgvervoercentrale Nederland BV - Reference for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - **Public procurement** — **Selection procedure** — **Criteria for qualitative selection** — **Optional grounds for exclusion** — **Grave professional misconduct** — Principle of proportionality — **Discretion which is not provided for in the descriptive document** — **Scope of judicial review**
[CURIA – Opinion of Advocate General in Case C-171/15 of 30 June 2016](#)

Case C-134/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of the Land of Saxony, Germany) - Reference for a preliminary ruling — Regulation (EC) No 543/2008 — **Agriculture — Common organisation of the markets — Marketing standards — Fresh pre-packaged poultrymeat** — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto — **Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business** — Proportionality — Second subparagraph of Article 40(2) TFEU — **Non-discrimination**
[CURIA – Judgment of the Court of Justice in Case C-134/15 of 30 June 2016](#)

Case C-270/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - Kingdom of Belgium v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Aid granted by the Belgian authorities to finance screening tests of transmissible spongiform encephalopathies in bovine animals — Selective advantage — Decision declaring that aid incompatible in part with the internal market**
[CURIA – Judgment of the Court of Justice in Case C-270/15 of 30 June 2016](#)

Case C-464/15: JUDGMENT OF THE COURT (Seventh Chamber) of 30 June 2016 - Admiral Casinos & Entertainment AG v Balmatic Handelsgesellschaft mbH, Robert Schnitzer, Suayip Polat KG, Ülkü Polat, Attila Juhas and Milazim Rexha - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesgericht Wiener Neustadt (Wiener Neustadt Regional Court, Austria) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Games of chance — Legislation of a Member State prohibiting, on pain of criminal penalties, the operation of low-prize gaming machines ('kleines Glücksspiel') where no licence has been granted by the competent authority — Restriction — Justification** — Proportionality — **Assessment of proportionality on the basis of both the objective of the legislation at the time of its adoption and its effects when implemented — Effects empirically and definitely determined**
[CURIA – Judgment of the Court of Justice in Case C-464/15 of 30 June 2016](#)

Case C-292/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 28 June 2016 - Hörmann Reisen GmbH v Stadt Augsburg and Landkreis Augsburg - Request for a preliminary ruling from the Vergabekammer Südbayern (Public Procurement Board of the Land of Southern Bavaria, Germany) - **Public procurement — Public passenger transport services by omnibus** — Regulation (EC) No 1370/2007 — Article 4(7) — **Subcontracting — Requirement for the public service operator to perform a major part of the public passenger transport services itself — Scope — Article 5(1) — Contract award procedure — Award of the public contract in accordance with Directive 2004/18/EC**
[CURIA – Opinion of Advocate General in Case C-292/15 of 28 June 2016](#)

14. Intellectual Property

Case Law

Case C-57/15: JUDGMENT OF THE COURT (Fifth Chamber) of 28 July 2016 - United Video Properties Inc. v Telenet NV - REQUEST for a preliminary ruling under Article 267 TFEU from the hof van beroep te Antwerpen (Court of Appeal, Antwerp, Belgium) - Reference for a preliminary ruling — **Intellectual property rights** — Directive 2004/48/EC — Article 14 — **Legal costs — Lawyers' fees — Flat-rate reimbursement — Maximum amounts — Costs of a technical adviser — Reimbursement — Condition of fault on the part of the unsuccessful party**
[CURIA – Judgment of the Court of Justice in Case C-57/15 of 28 July 2016](#)

Case C-597/14 P: JUDGMENT OF THE COURT (First Chamber) of 21 July 2016 - European Union Intellectual Property Office (EUIPO) v Xavier Grau Ferrer, Juan Cándido Rubio Ferrer, Alberto and Rubio Ferrer - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 76(2) — Regulation (EC) No 2868/95 — Rule 50(1), third subparagraph — **Figurative mark** — **Opposition by the proprietor of the earlier trade mark** — **Proof of the existence, validity and extent of the protection of the earlier trade mark** — Consideration by the Board of Appeal of evidence submitted out of time — Rejection of the opposition by the Board of Appeal

[CURIA – Judgment of the Court of Justice in Case C-597/14 of 21 July 2016](#)

Case C-577/14 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 19 July 2016 - Brandconcern BV v European Union Intellectual Property Office - Appeal — **European Union trade mark** — **Word mark ‘Lambretta’** — **Application for revocation filed by Brandconcern BV** — **Partial revocation**

[CURIA – Opinion of Advocate General in Case C-577/14 of 19 July 2016](#)

Case C-230/15: JUDGMENT OF THE COURT (Second Chamber) of 14 July 2016 - Brite Strike Technologies Inc. v Brite Strike Technologies SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 22(4) — **Jurisdiction in intellectual property disputes** — Article 71 — **Conventions concluded by the Member States on particular matters** — **Benelux Convention on Intellectual Property** — **Jurisdiction in disputes concerning Benelux trade marks and designs** — Article 350 TFEU

[CURIA – Judgment of the Court of Justice in Case C-230/15 of 14 July 2016](#)

Case C-567/14: JUDGMENT OF THE COURT (First Chamber) of 7 July 2016 - Genentech Inc. V Hoechst GmbH and Sanofi-Aventis Deutschland GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d’appel de Paris (France) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Non-exclusive licence agreement** — **Patent** — **No infringement** — **Obligation to pay royalties**

[CURIA – Judgment of the Court of Justice in Case C-567/14 of 7 July 2016](#)

Case C-494/15: JUDGMENT OF THE COURT (Second Chamber) of 7 July 2016 - Tommy Hilfiger Licensing LLC, Urban Trends Trading BV, Rado Uhren AG, Facton Kft., Lacoste SA and Burberry Ltd v Delta Center a.s. - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší soud (Supreme Court, Czech Republic) - Reference for a preliminary ruling — Approximation of laws — Directive 2004/48/EC — **Enforcement of intellectual property rights** — **Notion of ‘intermediary whose services are being used by a third party to infringe an intellectual property right’** — **Tenant of market halls subletting sales points** — Possibility of an injunction against that tenant — Article 11

[CURIA – Judgment of the Court of Justice in Case C-494/15 of 7 July 2016](#)

Case C-301/15: OPINION OF ADVOCATE GENERAL WATHELET of 7 July 2016 - Marc Soulier and Sara Doke v Ministre de la Culture et de la Communication and Premier minister - Request for a preliminary ruling from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — Directive 2001/29/EC — **Copyright and related rights** — **Exclusive right of reproduction** — Article 2 — **Right of communication to the public** — Article 3 — **Exceptions and limitations** — Article 5 — **National legislation giving a collecting society rights to exploit out-of-print books for commercial purposes** — **Right of opposition enjoyed by authors or their successors in title**

[CURIA – Opinion of Advocate General in Case C-301/15 of 7 July 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Opinion of the European Committee of the Regions — **Modernisation of the EU copyright rules** (2016/C 240/11)
[OJ of the EU, C 240/72 of 1 July 2016](#)

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

Community Legislation

REGULATION (EU) 2016/1191 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 on **promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union** and amending Regulation (EU) No 1024/2012
[OJ of the EU, L 200/1 of 26 July 2016](#)

DIRECTIVE (EU) 2016/1148 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 concerning **measures for a high common level of security of network and information systems across the Union**
[OJ of the EU, L 194/1 of 19 July 2016](#)

DECISION (EU) 2016/1162 OF THE EUROPEAN CENTRAL BANK of 30 June 2016 on **disclosure of confidential information in the context of criminal investigations** (ECB/2016/19)
[OJ of the EU, L 192/73 of 16 July 2016](#)

COUNCIL REGULATION (EU) 2016/1103 of 24 June 2016 **implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and [e]nforcement of decisions in matters of matrimonial property regimes**
[OJ of the EU, L 183/1 of 8 July 2016](#)

COUNCIL REGULATION (EU) 2016/1104 of 24 June 2016 **implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships**
[OJ of the EU, L 183/30 of 8 July 2016](#)

Case Law

Case C-289/15: OPINION OF ADVOCATE GENERAL BOBEK of 28 July 2016 – **Grundza** - Request for a preliminary ruling from the Krajský súd v Prešove (Regional Court, Prešov, Slovakia) - **Judicial cooperation in criminal matters** — Framework Decision 2008/909/JHA — **A national of the executing State sentenced in the issuing State for obstruction of implementation of an official decision — Condition of double criminality**
[CURIA – Opinion of Advocate General in Case C-289/15 of 28 July 2016](#)

Case C-102/15: JUDGMENT OF THE COURT (Second Chamber) of 28 July 2016 - **Gazdasági Versenyhivatal v Siemens Aktiengesellschaft Österreich** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Ítéltábla (Regional Court of Appeal, Budapest, Hungary) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Scope ratione materiae — Recovery of sum not due — Unjust enrichment — Debt arising from the unjustified repayment of a fine for infringement of competition law**
[CURIA – Judgment of the Court of Justice in Case C-102/15 of 28 July 2016](#)

Affaire C-168/15: ARRÊT DE LA COUR (première chambre) du 28 juillet 2016 - **Milena Tomášová contre Slovenská republika – Ministerstvo spravodlivosti SR, Pohotovosť s. r. o. et Združenie na ochranu občana spotrebiteľa HOOS** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Okresný súd Prešov (tribunal de district de Prešov, Slovaquie) - Renvoi préjudiciel – **Protection des consommateurs – Contrat de crédit contenant une clause abusive – Exécution forcée d'une sentence arbitrale rendue en application de cette clause** – Responsabilité d'un État membre pour des dommages causés aux particuliers par des violations du droit de l'Union imputables à une juridiction nationale – Conditions d'engagement – **Existence d'une violation suffisamment caractérisée du droit de l'Union**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-168/15 du 28 juillet 2016 \(FR seulement\)](#)

Case C-191/15: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Verein für Konsumenteninformation v Amazon EU Sàrl - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulations (EC) No 864/2007 and (EC) No 593/2008 — **Consumer protection** — Directive 93/13/EEC — **Data protection** — Directive 95/46/EC — **Online sales contracts concluded with consumers resident in other Member States** — **Unfair terms** — **General terms and conditions containing a choice-of-law term applying the law of the Member State in which the company is established** — **Determination of the applicable law for assessing the unfairness of terms in those general terms and conditions in an action for an injunction** — Determination of the law governing the processing of personal data of consumers
[CURIA – Judgment of the Court of Justice in Case C-191/15 of 28 July 2016](#)

Case C-330/15 P: JUDGMENT OF THE COURT (First Chamber) of 28 July 2016 - Johannes Tomana and Others v Council of the European Union, European Commission and United Kingdom of Great Britain and Northern Ireland - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures imposed on certain persons and entities forming part of the Government of Zimbabwe or linked to it** — **List of persons, groups and entities covered by the freezing of funds and economic resources** — **Inclusion of the appellants' names**
[CURIA – Judgment of the Court of Justice in Case C-330/15 of 28 July 2016](#)

Affaire C-294/16 PPU: ARRÊT DE LA COUR (quatrième chambre) du 28 juillet 2016 - JZ contre Prokuratura Rejonowa Łódź – Śródmieście - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Sąd Rejonowy dla Łodzi – Śródmieścia w Łodzi (tribunal d'arrondissement de Łódź – centre-ville de Łódź, Pologne) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – Article 26, paragraphe 1 – **Mandat d'arrêt européen** – **Effets de la remise** – **Déduction de la période de détention subie dans l'État membre d'exécution** – **Notion de "détention"** – Mesures restrictives de liberté autres qu'un emprisonnement – **Assignment à résidence assortie du port d'un bracelet électronique** – **Charte des droits fondamentaux de l'Union européenne** – Articles 6 et 49
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-294/16 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-256/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MICHAL BOBEK du 28 juillet 2016 - Drago Nemec contre Republika Slovenija - demande de décision préjudicielle formée par le Vrhvno sodišče Republike Slovenije (Cour suprême de la République de Slovénie) - **Droit de l'Union** – **Applicabilité ratione temporis** – Directive 2000/35 – **Retard de paiement dans les transactions commerciales** – **Notion de transaction commerciale** – **Notion d'entreprise** – **Disposition nationale limitant le montant maximal des intérêts de retard**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-256/15 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-411/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 28 juillet 2016 – P - Timab Industries et Cie financière et de participations Roullier (CFPR) contre Commission européenne - Pourvoi – **Ententes** – **Marché européen des phosphates pour l'alimentation animale** – Retrait des requérantes de la procédure de transaction – Procédure administrative ordinaire – Absence d'application de la fourchette probable d'amendes communiquée lors de la procédure de transaction – **Étendue du pouvoir de pleine juridiction reconnu au Tribunal de l'Union européenne** – **Respect des principes de protection de la confiance légitime et de l'égalité de traitement**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-411/15 du 28 juillet 2016 \(FR seulement\)](#)

Affaire C-294/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. M. CAMPOS SÁNCHEZ-BORDONA du 19 juillet 2016 – PPU - Z. - demande de décision préjudicielle formée par le Sąd Rejonowy dla Łodzi – Śródmieścia w Łodzi (tribunal d'arrondissement de Łódź, Pologne) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen et procédures de remise entre États membres** – **Effets de la remise** – **Déduction de la période de détention subie dans l'État membre d'exécution** – Article 26 – **Détention résultant de l'exécution d'un mandat d'arrêt européen** – **Notion** – **Assignment à résidence avec surveillance électronique** – **Inclusion** – **Droits fondamentaux** – Article 6 et article 49, paragraphe 3, de la charte des droits fondamentaux de l'Union européenne
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-294/16 du 19 juillet 2016 \(FR seulement\)](#)

Case C-455/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 19 July 2016 - H v Council of the European Union, European Commission and European Union Police Mission (EUPM) in Bosnia and Herzegovina - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy (CFSP)** — Decision 2009/906/CFSP — **European Union Police Mission (EUPM) in Bosnia and Herzegovina — National staff member on secondment — Redeployment in a regional office of that mission** — Final sentence of the second subparagraph of Article 24(1) TEU — First paragraph of Article 275 TFEU — **Actions for annulment and compensation — Jurisdiction of the EU judicature** — Article 263 TFEU, Article 268 TFEU and the second paragraph of Article 340 TFEU

[CURIA – Judgment of the Court of Justice in Case C-455/14 of 19 July 2016](#)

Case C-196/15: JUDGMENT OF THE COURT (Second Chamber) of 14 July 2016 - Granarolo SpA v Ambrosi Emmi France SA - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Paris (Court of Appeal, Paris, France) - Reference for a preliminary ruling — **Judicial cooperation in civil and commercial matters** — Regulation (EC) No 44/2001– Article 5(1) and (3) — **Court having jurisdiction — Concepts of ‘matters relating to a contract’ and ‘matters relating to tort or delict’ — Abrupt termination of a long-standing business relationship** — Action for damages — **Concepts of ‘sale of goods’ and ‘provision of services’**

[CURIA – Judgment of the Court of Justice in Case C-196/15 of 14 July 2016](#)

Case C-230/15: JUDGMENT OF THE COURT (Second Chamber) of 14 July 2016 - Brite Strike Technologies Inc. v Brite Strike Technologies SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 22(4) — **Jurisdiction in intellectual property disputes** — Article 71 — **Conventions concluded by the Member States on particular matters — Benelux Convention on Intellectual Property — Jurisdiction in disputes concerning Benelux trade marks and designs** — Article 350 TFEU

[CURIA – Judgment of the Court of Justice in Case C-230/15 of 14 July 2016](#)

Affaire C-271/15 P: ARRÊT DE LA COUR (neuvième chambre) du 14 juillet 2016 - Sea Handling SpA, en liquidation, établie à Somma Lombardo (Italie) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Droit d'accès du public aux documents des institutions de l'Union européenne** – Règlement (CE) n° 1049/2001 – Article 4, paragraphe 2, troisième tiret – **Exceptions au droit d'accès aux documents – Interprétation incorrecte – Obligation de motivation – Documents afférents à une procédure de contrôle des aides d'État – Protection des objectifs des activités d'inspection, d'enquête et d'audit** – Présomption générale d'application de l'exception au droit d'accès à l'ensemble des documents du dossier administratif – **Portée de la présomption de confidentialité – Demande d'accès à la plainte à l'origine d'une procédure d'enquête – Refus d'accès – Intérêt public supérieur**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-271/15 du 14 juillet 2016 \(FR seulement\)](#)

Case C-70/15: JUDGMENT OF THE COURT (Second Chamber) of 7 July 2016 - Emmanuel Lebek v Janusz Domino - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 34(2) — **Defendant not entering an appearance — Recognition and enforcement of judgments — Grounds for refusing enforcement — Document instituting proceedings not served on the defendant in sufficient time — Concept of ‘proceedings to challenge a judgment’** — Application for relief — Regulation (EC) No 1393/2007 — Article 19(4) — Service of judicial and extrajudicial documents — **Period within which an application for relief may be submitted**

[CURIA – Judgment of the Court of Justice in Case C-70/15 of 7 July 2016](#)

Case C-222/15: JUDGMENT OF THE COURT (Second Chamber) of 7 July 2016 - Hőszig Kft. v Alstom Power Thermal Services - REQUEST for a preliminary ruling under Article 267 TFEU from the Pécsi Törvényszék (Court of Pécs, Hungary) - Reference for a preliminary ruling — **Jurisdiction clause — Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EC) No 44/2001 — Article 23 — **Clause inserted in the general conditions — Consent of the parties to those conditions — Validity and precision of such a clause**

[CURIA – Judgment of the Court of Justice in Case C-222/15 of 7 July 2016](#)

Affaire C-417/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 7 juillet 2016 - Wolfgang Schmidt contre Christiane Schmidt - demande de décision préjudicielle formée par le Landesgericht für Zivilrechtssachen Wien (tribunal régional aux affaires civiles de Vienne) (Autriche) - Espace de liberté, de sécurité et de justice – **Compétence judiciaire en matière civile et commerciale** – Règlement (UE) n° 1215/2012 – **Champ d'application** – Article 1er, paragraphe 2, sous a) – **Compétence exclusive** – Article 24, point 1 – **Matière des droits réels immobiliers – Donation d'un immeuble – Annulation de la donation pour incapacité du donateur – Action en radiation de l'inscription dans les registres publics – Compétence juridictionnelle en cas de connexité** – Article 8, point 4

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-417/15 du 7 juillet 2016 \(FR seulement\)](#)

Case C-614/14: JUDGMENT OF THE COURT (Grand Chamber) of 5 July 2016 - Atanas Ognyanov v Sofiyska gradska prokuratura - REQUEST for a preliminary ruling under Article 267 TFEU from the Sofiyski gradski sad (Sofia City Court, Bulgaria) - Reference for a preliminary ruling — Article 267 TFEU — Article 94 of the Rules of Procedure of the Court — Content of a request for a preliminary ruling — **National rule providing that the national court is to be disqualified because it stated a provisional opinion in the request for a preliminary ruling when setting out the factual and legal context — Charter of Fundamental Rights of the European Union** — Second paragraph of Article 47 and Article 48(1)

[CURIA – Judgment of the Court of Justice in Case C-614/14 of 5 July 2016](#)

Case C-200/14: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Silvia Georgiana Câmpean v Administrația Finanțelor Publice a Municipiului Mediaș, now Serviciul Fiscal Municipal Mediaș and Administrația Fondului pentru Mediu - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunalul Sibiu (Regional Court, Sibiu, Romania) - Reference for a preliminary ruling — **Principle of sincere cooperation — Principles of equivalence and effectiveness — National legislation laying down the detailed rules for the repayment of taxes improperly levied with interest** — Enforcement of judicial decisions relating to such rights to repayment stemming from the legal order of the Union — **Refund payable over a period of five years** — Repayment contingent on the existence of funds received from a tax — **No possibility of enforcement**

[CURIA – Judgment of the Court of Justice in Case C-200/14 of 30 June 2016](#)

Affaire C-288/14: ARRÊT DE LA COUR (deuxième chambre) du 30 juin 2016 - Silvia Ciup contre Administrația Județeană a Finanțelor Publice Timiș – Direcția Generală Regională a Finanțelor Publice Timișoara - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunalul Timiș (tribunal de grande instance de Timiș, Roumanie) - Renvoi préjudiciel – **Principe de coopération loyale – Principes d'équivalence et d'effectivité – Réglementation nationale fixant les modalités de remboursement des taxes indûment perçues avec intérêts** – Exécution des décisions juridictionnelles portant sur de tels droits à remboursement tirés de l'ordre juridique de l'Union – **Remboursement échelonné sur cinq ans** – Conditionnement du remboursement par l'existence de fonds perçus au titre d'une taxe – **Absence de possibilité d'exécution forcée**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-288/14 du 30 juin 2016 \(FR seulement\)](#)

Case C-205/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Direcția Generală Regională a Finanțelor Publice Brașov v Vasile Toma and Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci - REQUEST for a preliminary ruling under Article 267 TFEU from the Judecătoria Sibiu (Sibiu District Court, Romania) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right of access to a court — Principle of equality of arms — Principles of equivalence and effectiveness — Proceedings for the enforcement of a judicial decision ordering the repayment of a tax levied in breach of EU law** — Exemption of public authorities from certain legal costs — **Jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-205/15 of 30 June 2016](#)

Case C-486/14: JUDGMENT OF THE COURT (Grand Chamber) of 29 June 2016 - Piotr Kossowski v Generalstaatsanwaltschaft Hamburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Hanseatisches Oberlandesgericht Hamburg (Higher Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Convention Implementing the Schengen Agreement** — Articles 54 and 55(1)(a) — **Charter of Fundamental Rights of the European Union** — Article 50 — **Ne bis in idem principle** — **Whether an accused may be prosecuted in a Member State after criminal proceedings brought against him in another Member State have been terminated by the public prosecutor's office without a detailed investigation** — No examination of the merits of the case

[CURIA – Judgment of the Court of Justice in Case C-486/14 of 29 June 2016](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1185 of 20 July 2016 **amending** Implementing Regulation (EU) No 923/2012 as regards the **update and completion of the common rules of the air and operational provisions regarding services and procedures in air navigation** (SERA Part C) and repealing Regulation (EC) No 730/2006 (Text with EEA relevance)

[OJ of the EU, L 196/3 of 21 July 2016](#)

COMMISSION REGULATION (EU) 2016/1158 of 15 July 2016 **amending Regulation** (EU) No 452/2014 as regards the **deletion of templates for the authorisations issued to third country operators and for the associated specifications** (Text with EEA relevance)

[OJ of the EU, L 192/21 of 16 July 2016](#)

COUNCIL DECISION (EU) 2016/1146 of 27 June 2016 on the **position to be adopted, on behalf of the European Union**, within the Joint Committee established **under the Agreement on the international occasional carriage of passengers by coach and bus** (Interbus Agreement), as regards draft Decision No 1/2016 of that Committee (Text with EEA relevance)

[OJ of the EU, L 189/48 of 14 July 2016](#)

DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 10 June 2016 concerning the **charging system applicable to vehicles in Switzerland as from 1 January 2017** [2016/1118]

[OJ of the EU, L 186/36 of 9 July 2016](#)

DECISION No 2/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 10 June 2016 **amending** Annex 1 to the **Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road** [2016/1119]

[OJ of the EU, L 186/38 of 9 July 2016](#)

COMMISSION DIRECTIVE (EU) 2016/1106 of 7 July 2016 **amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences** (Text with EEA relevance)

[OJ of the EU, L 183/59 of 8 July 2016](#)

Case Law

Causa C-315/15: CONCLUSIONI DELL'AVVOCATO GENERALE YVES BOT dal 28 luglio 2016 - Marcela Pešková e Jiří Peška contro Travel Service a.s. - domanda di pronuncia pregiudiziale presentata dal Obvodní soud pro Prahu 6 (tribunale distrettuale di Praga 6, Repubblica ceca) - Rinvio pregiudiziale – **Trasporti aerei – Compensazione pecuniaria dei passeggeri in caso di cancellazione o di ritardo prolungato di un volo – Portata** – Esonero dall'obbligo di compensazione pecuniaria – **Collisione di un volatile con un aeromobile – Nozione di "evento", ai sensi della giurisprudenza della Corte e di "circostanza eccezionale", ai sensi del regolamento (CE) n. 261/2004 – Nozione di "misura del caso" – Evento inerente al normale esercizio dell'attività del vettore aereo**
[CURIA – Conclusioni dell'Avvocato Generale nella causa C-315/15 del 28 giugno 2016 \(IT solo\)](#)

Case C-469/14: JUDGMENT OF THE COURT (Third Chamber) of 28 July 2016 - Masterrind GmbH v Hauptzollamt Hamburg-Jonas - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 1/2005 — **Protection of animals during transport** — Long journeys — Annex I, Chapter V, point 1.4(d) — **Journey times and animal resting periods during transport** — **Transport of cattle** — **Concept of ‘rest period of at least one hour’** — **Possibility of interrupting the transport several times** — Article 22 — **Delays during transport** — Regulation (EC) No 1234/2007 and Regulation (EU) No 817/2010 — Export refunds — **Requirements of the welfare of live bovine animals during transport** — Regulation No 817/2010 — Article 2(2) to (4) of Regulation No 817/2010 — **Official veterinarian at the exit point** — **Report and entry on the document evidencing the exit of the animals from the customs territory of the European Union regarding compliance or non-compliance with the relevant provisions of Regulation No 1/2005** — **Unsatisfactory result of the checks carried out** — Article 5(1)(c) of Regulation No 817/2010 — Whether or not that entry is binding on the national authority competent for the export refund

[CURIA – Judgment of the Court of Justice in Case C-469/14 of 28 July 2016](#)

Case C-272/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 July 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Environment** — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading within the Union** — Decision No 377/2013/EU — Validity — **Temporary derogation from the obligation to monitor and report emissions and to surrender emission allowances in respect of flights between Member States of the EEA and most third countries** — **Exclusion of flights between Member States of the EEA and Switzerland** — **Different treatment of third countries** — **General principle of equal treatment** — **Not applicable**

[CURIA – Opinion of Advocate General in Case C-272/15 of 19 July 2016](#)

Case C-447/15: JUDGMENT OF THE COURT (Eighth Chamber) of 7 July 2016 - Ivo Muladi v Krajský úřad Moravskoslezského kraje - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajský soud v Ostravě (Regional Court, Ostrava, Czech Republic) - Reference for a preliminary ruling — Transport — Directive 2003/59/EC — **Obligation to obtain an initial qualification** — Article 4 — Acquired rights — **Holders of driving licences issued before the dates laid down in Article 4** — **Exemption from the obligation to obtain an initial qualification** — National legislation setting an additional requirement for periodic training of 35 hours duration in order to benefit from that exemption

[CURIA – Judgment of the Court of Justice in Case C-447/15 of 7 July 2016](#)

Case C-292/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 28 June 2016 - Hörmann Reisen GmbH v Stadt Augsburg and Landkreis Augsburg - Request for a preliminary ruling from the Vergabekammer Südbayern (Public Procurement Board of the Land of Southern Bavaria, Germany) - **Public procurement** — **Public passenger transport services by omnibus** — Regulation (EC) No 1370/2007 — Article 4(7) — **Subcontracting** — **Requirement for the public service operator to perform a major part of the public passenger transport services itself** — Scope — Article 5(1) — **Contract award procedure** — **Award of the public contract in accordance with Directive 2004/18/EC**

[CURIA – Opinion of Advocate General in Case C-292/15 of 28 June 2016](#)

17. Community Institutions, Principles and the Communities’ own resources

Community Legislation

REGULATION (EU) 2016/1191 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

[OJ of the EU, L 200/1 of 26 July 2016](#)

DECISION (EU) 2016/1162 OF THE EUROPEAN CENTRAL BANK of 30 June 2016 on disclosure of confidential information in the context of criminal investigations (ECB/2016/19)

[OJ of the EU, L 192/73 of 16 July 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1157 of 11 July 2016 **amending Implementing Regulation (EU) No 964/2014** as regards **standard terms and conditions for financial instruments for a co-investment facility and for an urban development fund**

[OJ of the EU, L 191/1 of 16 July 2016](#)

GUIDELINE (EU) 2016/1061 OF THE EUROPEAN CENTRAL BANK of 26 May 2016 **amending** Guideline ECB/2008/8 on **data collection regarding the euro and the operation of the Currency Information System 2** (ECB/2016/15)

[OJ of the EU, L 173/102 of 30 June 2016](#)

Case Law

Case C-660/13: JUDGMENT OF THE COURT (Grand Chamber) of 28 July 2016 - Council of the European Union, Czech Republic, Federal Republic of Germany, Hellenic Republic, French Republic, Republic of Lithuania, Hungary, Kingdom of the Netherlands, Republic of Poland, Republic of Finland and United Kingdom of Great Britain and Northern Ireland v European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — **The European Union’s external relations — Access by the Swiss Confederation to the internal market — The Swiss Confederation’s financial contribution to economic and social cohesion in an enlarged Union — Memorandum of Understanding on a financial contribution by the Swiss Confederation to the Member States which acceded to the Union as a result of the 2004 enlargement — Enlargement of the Union to include the Republic of Croatia — Addendum to the Memorandum of Understanding concerning a financial contribution by the Swiss Confederation for the Republic of Croatia — Addendum signed by the European Commission on behalf of the European Union without the prior approval of the Council of the European Union — Powers — Article 13(2), Article 16(1) and (6) and Article 17(1) TEU — Principles of allocation of powers, institutional balance and sincere cooperation**

[CURIA – Judgment of the Court of Justice in Case C-660/13 of 28 July 2016](#)

Case C-493/14: JUDGMENT OF THE COURT (First Chamber) 21 July 2016 - Dilly’s Wellnesshotel GmbH v Finanzamt Linz - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzgericht (Federal Finance Court, Austria) - Request for a preliminary ruling — **State aid — Aid scheme in the form of reductions in environmental taxes — Regulation (EC) No 800/2008 — Categories of aid which may be regarded as compatible with the internal market and exempt from the obligation to notify — Mandatory nature of the conditions for exemption — Article 3(1) — Express reference to that regulation in the aid scheme**

[CURIA – Judgment of the Court of Justice in Case C-493/14 of 21 July 2016](#)

Case C-526/14: JUDGMENT OF THE COURT (Grand Chamber) of 19 July 2016 - Tadej Kotnik and Others, Jože Sedonja and Others, Fondazione cassa di risparmio di Imola, Andrej Pipuš and Others, Tomaž Štrukelj, Luka Jukič, Angel Jaromil, Franc Marušič and Others, Stajka Skrbinšek, Janez Forte and Others, Državni svet Republike Slovenije, Varuh človekovih pravic Republike Slovenije, Igor Karlovšek, Marija Karlovšek and Janez Gosar v Državni zbor Republike Slovenije, Vlada Republike Slovenije, Banka Slovenije and Okrožno sodišče v Ljubljani - REQUEST for a preliminary ruling under Article 267 TFEU from the Ustavno sodišče (Constitutional Court, Slovenia) - Reference for a preliminary ruling — **Validity and interpretation of the Banking Communication from the Commission — Interpretation of Directives 2001/24/EC and 2012/30/EU — State aid to banks in the context of the financial crisis — Burden-sharing — Writing off equity capital, hybrid capital and subordinated debt — Principle of protection of legitimate expectations — Right to property — Protection of the interests of shareholders and others — Reorganisation and winding up of credit institutions**

[CURIA – Judgment of the Court of Justice in Case C-526/14 of 19 July 2016](#)

Affaire C-271/15 P: ARRÊT DE LA COUR (neuvième chambre) du 14 juillet 2016 - Sea Handling SpA, en liquidation, établie à Somma Lombardo (Italie) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Droit d'accès du public aux documents des institutions de l'Union européenne** – Règlement (CE) n° 1049/2001 – Article 4, paragraphe 2, troisième tiret – **Exceptions au droit d'accès aux documents – Interprétation incorrecte – Obligation de motivation – Documents afférents à une procédure de contrôle des aides d'État – Protection des objectifs des activités d'inspection, d'enquête et d'audit** – Présomption générale d'application de l'exception au droit d'accès à l'ensemble des documents du dossier administratif – **Portée de la présomption de confidentialité – Demande d'accès à la plainte à l'origine d'une procédure d'enquête – Refus d'accès – Intérêt public supérieur**
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Affaire C-210/15 P: ARRÊT DE LA COUR (huitième chambre) du 7 juillet 2016 - République de Pologne contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – FEOGA et Feader – **Dépenses exclues du financement de l'Union** – Règlements (CE) n° 1257/1999 et n° 1698/2005 – **Retraite anticipée des agriculteurs – Cessation définitive de toute activité agricole commerciale**
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Case C-123/15: JUDGMENT OF THE COURT (Second Chamber) of 30 June 2016 - Max-Heinz Feilen v Finanzamt Fulda - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation — Free movement of capital — Inheritance tax — Legislation of a Member State providing for a reduction in inheritance tax applicable to estates containing assets which have already formed part of an inheritance giving rise to the imposition of inheritance tax in that Member State** — Restriction — Justification — **Coherence of the tax system**
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Case C-176/15: JUDGMENT OF THE COURT (Sixth Chamber) of 30 June 2016 - Guy Riskin and Geneviève Timmermans v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Belgium) - Reference for a preliminary ruling — **Free movement of capital** — Articles 63 and 65 TFEU — Article 4 TEU — **Direct taxation — Taxation of dividends — Bilateral convention for the avoidance of double taxation — Third State — Scope**
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Preparatory Acts, Reports, Calls, Memos, Common Positions

OPINION OF THE EUROPEAN CENTRAL BANK of 20 April 2016 on a **proposal for a Regulation** of the European Parliament and of the Council amending Regulation (EU) No 806/2014 in **order to establish a European Deposit Insurance Scheme** (CON/2016/26) (2016/C 252/01)
[OJ of the EU, C 252/1 of 12 July 2016](#)