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This 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.

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

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Highlights

DIRECTIVE (EU) 2017/1564 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society
[OJ of the EU, L 242/6 of 20 September 2017](#)

Case C-290/16: JUDGMENT OF THE COURT (Fourth Chamber) of 6 July 2017 - Air Berlin plc & Co. Luftverkehrs KG v Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling - **Transport - Common rules for the operation of air services in the European Union** - Regulation (EC) No 1008/2008 - Provisions on pricing - Article 22(1) - Article 23(1) - **Information required on presentation of fares and rates available to the general public - Obligation to indicate the actual sum of taxes, charges, surcharges or fees** - Pricing freedom - Invoicing of handling fees in the event of cancellation of a flight booking by a passenger or failure to present for boarding - **Consumer protection**
[CURIA - Judgment of the Court of Justice in Case C-290/16 of 6 July 2017](#)

Case C-171/16: JUDGMENT OF THE COURT (Fifth Chamber) of 21 September 2017 - Trayan Beshkov v Sofiyska rayonna prokuratura - REQUEST for a preliminary ruling under Article 267 TFEU from the Sofiyski Rayonen sad (Sofia District Court, Bulgaria) - Reference for a preliminary ruling - **Area of freedom, security and justice** - Framework Decision 2008/675/JHA - **Scope - Taking into account, in the course of new criminal proceedings, a previous conviction handed down in another Member State, in order to impose an overall sentence** - National procedure for prior recognition of that conviction - **Altering the arrangements for enforcing the sentence imposed in the other Member State**
[CURIA - Judgment of the Court of Justice in Case C-171/16 of 21 September 2017](#)

Joined Cases C-168/16 and C-169/16: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - Sandra Nogueira, Victor Perez-Ortega, Virginie Manguit, Maria Sanchez-Odogherty and José Sanchez-Navarro v Crewlink Ireland Ltd (C-168/16) - Miguel José Moreno Osacar v Ryanair Designated Activity Company, formerly Ryanair Ltd (C-169/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the cour du travail de Mons (Mons Higher Labour Court, Belgium) - Reference for a preliminary ruling - **Judicial cooperation in civil matters - Jurisdiction - Jurisdiction over individual contracts of employment** - Regulation (EC) No 44/2001 - Article 19(2)(a) - **Concept of 'place in which the employee habitually carries out his work'** - Airline sector - Airline crew - Regulation (EEC) No 3922/91 - **Concept of 'home base'**
[CURIA - Judgment of the Court of Justice in Case C-168/16 of 14 September 2017](#)

1. EU-Swiss Relations

Case Law

Case C-355/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 26 July 2017 - Christian Picart v Ministre des Finances et des Comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State) (France) - Reference for a preliminary ruling — **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** — Right of establishment — Self-employed person — Articles 12 and 15 of Annex I to the agreement — **Fiscal legislation — Taxation of unrealised gains on securities — Transfer of tax residence from the Member State concerned**
[CURIA – Opinion of Advocate General in Case C-355/16 of 26 July 2017](#)

2. External Relations / Foreign Policy

Community Legislation

REGULATION (EU) 2017/1370 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2017 amending Council Regulation (EC) No 1683/95 laying down a **uniform format for visas**
[OJ of the EU, L 198/24 of 28 July 2017](#)

Case Law

Case C-403/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice — Visa Code — Right to appeal — Refusal of a consul to issue a Schengen visa** — Appeal before the same administrative authority — **Article 47 of the Charter — Nature of the right to appeal — Administrative or judicial**
[CURIA – Opinion of Advocate General in Case C-403/16 of 7 September 2017](#)

Case C-599/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Council of the European Union and French Republic v Liberation Tigers of Tamil Eelam (LTTE), Kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Fight against terrorism — Restrictive measures against certain persons and entities — Freezing of funds** — Common Position 2001/931/CFSP — Article 1(4) and (6) — Regulation (EC) No 2580/2001 — Article 2(3) — **Retention of an organisation on the list of persons, groups and entities involved in terrorist acts — Conditions** — Factual basis of the decisions to freeze funds — **Decision taken by a competent authority — Obligation to state reasons**
[CURIA – Judgment of the Court of Justice in Case C-599/14 of 26 July 2017](#)

Case C-79/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Council of the European Union and French Republic v Hamas, established in Doha (Qatar) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Fight against terrorism — Restrictive measures against certain persons and entities — Freezing of funds** — Common Position 2001/931/CFSP — Article 1(4) and (6) — Regulation (EC) No 2580/2001 — Article 2(3) — **Retention of an organisation on the list of persons, groups and entities involved in terrorist acts — Conditions** — Factual basis of the decisions to freeze funds — **Decision taken by a competent authority — Obligation to state reasons**
[CURIA – Judgment of the Court of Justice in Case C-79/15 of 26 July 2017](#)

Case C-225/16: JUDGMENT OF THE COURT (Second Chamber) of 26 July 2017 - Mossa Ouhrami - 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 — **Area of freedom, security and justice — Return of illegally staying third-country nationals** — Directive 2008/115/EC — Article 11(2) — **Decision to impose an entry ban taken before that directive entered into force and relating to a longer period than that provided for by the directive** — Time from which the period of the entry ban starts to run

[CURIA – Judgment of the Court of Justice in Case C-225/16 of 26 July 2017](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-183/16 P: JUDGMENT OF THE COURT (First Chamber) of 20 September 2017 - Tilly-SabcoSAS, established in Guerlesquin (France) v European Commission and Doux SA, established in Châteaulin (France) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agriculture — Poultrymeat — Frozen chickens — Export refunds** — Implementing Regulation (EU) No 689/2013 fixing the refund at EUR 0 — **Legality** — Regulation (EC) No 1234/2007 — Articles 162 and 164 — **Subject matter and nature of the refunds — Criteria for fixing the amount — Powers of the Director-General of the Directorate-General (DG) for Agriculture and Rural Development to sign the contested regulation — Misuse of powers — ‘Comitology’** — Regulation (EU) No 182/2011 — Article 3(3) — Consultation with the Committee for the Common Organisation of the Agricultural Markets — Presentation of the draft implementing regulation during the meeting of that committee — **Compliance with time limits — Infringement of essential procedural requirements — Annulment with maintenance of the effects**

[CURIA – Judgment of the Court of Justice in Case C-183/16 of 20 September 2017](#)

Case C-111/16: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - Giorgio Fidenato, Leandro Taboga and Luciano Taboga - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Udine (District Court, Udine, Italy) - Reference for a preliminary ruling — **Agriculture — Genetically modified food and feed — Emergency measures — National measure seeking to prohibit the cultivation of genetically modified maize MON 810 — Maintenance or renewal of the measure** — Regulation (EC) No 1829/2003 — Article 34 — Regulation (EC) No 178/2002 — Articles 53 and 54 — Conditions of application — **Precautionary principle**

[CURIA – Judgment of the Court of Justice in Case C-111/16 of 13 September 2017](#)

Case C-350/16 P: JUDGMENT OF THE COURT (Fifth Chamber) of 13 September 2017 - Salvatore Aniello Pappalardo, residing in Cetara (Italy) and others v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common fisheries policy — Non-contractual liability of the European Union — Claim for compensation** — Regulation (EC) No 530/2008 — **Emergency measures adopted by the European Commission — Sufficiently serious breach of a rule of law** — Whether possible to rely on that breach — **Principle of non-discrimination — Res judicata**

[CURIA – Judgment of the Court of Justice in Case C-350/16 of 13 September 2017](#)

Affaire C-244/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 6 septembre 2017 - Industrias Químicas del Vallés SA contre Commission européenne - Pourvoi – Recours en annulation partielle – Article 263, quatrième alinéa, TFUE — **Acte réglementaire qui ne comporte pas de mesures d’exécution — Affectation individuelle — Exception d’illégalité partielle — Produits phytopharmaceutiques** – Règlement (CE) n° 1107/2009 – Règlement d’exécution (UE) no 540/2011 – Règlement d’exécution (UE) 2015/408 – **Mise sur le marché des produits phytopharmaceutiques et établissement d’une liste de substances dont on envisage la substitution** – Métalaxyl

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-244/16 du 6 septembre 2017](#)

Affaire C-393/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 20 juillet 2017 - Comité Interprofessionnel du Vin de Champagne contre Aldi Süd Dienstleistungs-GmbH & Co. OHG, représenté par Aldi Süd Dienstleistungs-GmbH, anciennement Aldi Einkauf GmbH & Co. OHG Süd et Galana NV - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne,) - Question préjudicielle — **Organisation commune des marchés de produits agricoles — Protection des appellations d'origine protégées** — Notion d'exploitation de la réputation d'une appellation d'origine, d'usurpation, d'imitation ou d'évocation et d'indications fausses ou fallacieuses — **Denrée alimentaire dont l'appellation correspond aux habitudes du public visé — Possibilité d'induire en erreur le public visé en ce qui concerne l'origine géographique d'un produit**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-393/16 du 20 juillet 2017

Case C-433/15: OPINION OF ADVOCATE GENERAL Sharpston of 13 July 2017 - European Commission v Italian Republic - Failure of a Member State to fulfil its obligations — **Milk and milk products — Additional levy on milk** — 1995/1996 to 2008/2009 marketing years — Failure in particular to comply with Articles 79, 80 and 83 of Regulation (EC) No 1234/2007 and Articles 15 and 17 of Regulation (EC) No 595/2004 — **Failure to ensure the proper allocation of the additional levy on milk between producers who contributed to the reference quantities being exceeded** — Failure to ensure that the levy was paid within the prescribed periods — **Failure to recover in cases of non-payment of the levy**

CURIA – Opinion of Advocate General in Case C-433/15 of 13 July 2017

4. Audiovisual and Media and Information Society

Case Law

Case C-687/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 7 September 2017 - European Commission v Council of the European Union - Action for annulment — External action of the European Union — Article 218(9) TFEU — **Establishment of the positions to be adopted on the European Union's behalf in a body set up by an international agreement — External competence of the European Union** — Inappropriate legal form of the act establishing the positions to be adopted on the European Union's behalf — **Council Conclusions on the World Radiocommunication Conference 2015 of the International Telecommunication Union**

CURIA – Opinion of Advocate General in Case C-687/15 of 7 September 2017

Case C-277/16: OPINION OF ADVOCATE GENERAL TANCHEV of 26 July 2017 - Polkomtel sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - **Electronic communications networks** — Directive 2002/21/EC (Framework Directive) — Directive 2002/19/EC (Access Directive) — **Provision of wholesale voice call termination services on mobile networks — Obligation for cost orientation of prices** — Prices set below the costs incurred by the operator concerned for the provision of the termination service — **Market analysis**

CURIA – Opinion of Advocate General in Case C-277/16 of 26 July 2017

Case C-560/15: JUDGMENT OF THE COURT (Fourth Chamber) of 26 July 2017 - Europa Way Srl and Persidera SpA v Autorità per le Garanzie nelle Comunicazioni and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Electronic communications networks and services — Telecommunication services** — Directives 2002/20/EC, 2002/21/EC and 2002/77/EC — **Allocation of the rights to use digital terrestrial broadcasting radio frequencies for radio and television — Annulment of a free of charge on-going selection procedure ('beauty contest') and substitution of a fee-based auction for that procedure** — Intervention of the national legislature — Independence of the national regulatory authorities — Prior consultation — **Award criteria — Legitimate expectations**

CURIA – Judgment of the Court of Justice in Case C-560/15 of 26 July 2017

Case C-112/16: JUDGMENT OF THE COURT (Fourth Chamber) of 26 July 2017 - Persidera SpA v Autorità per le Garanzie nelle Comunicazioni and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Electronic communications — Telecommunication services** — Directives 2002/20/EC, 2002/21/EC and 2002/77/EC — **Equal treatment — Determination of the number of digital radio frequencies to be granted to each operator which already has analogue radio frequencies** — Taking into consideration analogue radio frequencies used unlawfully — Correspondence between the number of analogue radio frequencies held and the number of digital radio frequencies obtained

[CURIA – Judgment of the Court of Justice in Case C-112/16 of 26 July 2017](#)

Case C-434/16: OPINION OF ADVOCATE GENERAL KOKOTT of 20 July 2017 - Peter Nowak v Data Protection Commissioner - Request for a preliminary ruling from the Supreme Court (Ireland) - Request for a preliminary ruling — Directive 95/46/EC — **Processing of personal data — Concept of personal data — Access to one’s own examination script — Examiner’s corrections**

[CURIA – Opinion of Advocate General in Case C-434/16 of 20 July 2017](#)

5. Competition

Case Law

Case C-179/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 September 2017 - F. Hoffmann-La Roche Ltd and Others v Autorità Garante della Concorrenza e del Mercato (AGCM) - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Medicines for the treatment of ocular vascular pathologies — Definition of the relevant product market — Interchangeability of medicinal products** — Regulation (EC) No 726/2004 — Marketing authorisation — **Prescribing and marketing of medicines for ‘off-label’ use — Legality — Licensing agreement — Undertakings not in competition — Concept of ‘ancillary restriction’** — Concept of ‘restriction of competition by object’ — Allegations of the lesser safety of one medicinal product compared to another — Whether or not misleading — **Protection of public health — Pharmacovigilance obligations — Counterfactual hypothesis**

[CURIA – Opinion of Advocate General in Case C-179/16 of 21 September 2017](#)

Case C-89/15 P: JUDGMENT OF THE COURT (Ninth Chamber) of 21 September 2017 - Riva Fire SpA, in liquidation, established in Milan (Italy) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union, - Appeal — **Agreements, decisions and concerted practices** — Italian producers of reinforcing bars — **Fixing of prices and limiting and controlling output and sales** — Infringement of Article 65 CS — **Annulment of the initial decision by the General Court of the European Union** — Decision re-adopted on the basis of Regulation (EC) No 1/2003 — **Failure to issue a new statement of objections — Lack of a hearing following the annulment of the initial decision** — Time taken in the proceedings before the General Court

[CURIA – Judgment of the Court of Justice in Case C-89/15 of 21 September 2017](#)

Case C-88/15 P: JUDGMENT OF THE COURT (Ninth Chamber) of 21 September 2017 - Ferriere Nord SpA, established in Osoppo (Italy) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — Italian producers of reinforcing bars — **Fixing of prices and limiting and controlling output and sales** — Infringement of Article 65 CS — **Annulment of the initial decision by the General Court of the European Union** — Decision re-adopted on the basis of Regulation (EC) No 1/2003 — **Failure to issue a new statement of objections — Lack of a hearing following the annulment of the initial decision**

[CURIA – Judgment of the Court of Justice in Case C-88/15 of 21 September 2017](#)

Joined Cases C-86/15 P and C-87/15 P: JUDGMENT OF THE COURT (Ninth Chamber) of 21 September 2017 - Ferriera Valsabbia SpA, established in Odolo (Italy) (C-86/15 P), Valsabbia Investimenti SpA, established in Odolo (C-86/15 P) and Alfa Acciai SpA, established in Brescia (Italy) (C-87/15 P) v European Commission - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — Italian producers of reinforcing bars — **Fixing of prices and limiting and controlling output and sales** — Infringement of Article 65 CS — **Annulment of the initial decision by the General Court of the European Union** — Decision re-adopted on the basis of Regulation (EC) No 1/2003 — **Failure to issue a new statement of objections** — **Lack of a hearing following the annulment of the initial decision** — Time taken in the proceedings before the General Court

[CURIA – Judgment of the Court of Justice in Case C-86/15 of 21 September 2017](#)

Case C-85/15 P: JUDGMENT OF THE COURT (Ninth Chamber) of 21 September 2017 - Feralpi Holding SpA, established in Brescia (Italy) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — Italian producers of reinforcing bars — **Fixing of prices and limiting and controlling output and sales** — Infringement of Article 65 CS — **Annulment of the initial decision by the General Court of the European Union** — Decision re-adopted on the basis of Regulation (EC) No 1/2003 — **Failure to issue a new statement of objections** — **Lack of a hearing following the annulment of the initial decision** — Time taken in the proceedings before the General Court

[CURIA – Judgment of the Court of Justice in Case C-85/15 of 21 September 2017](#)

Case C-300/16 P: JUDGMENT OF THE COURT (First Chamber) of 20 September 2017 - European Commission v Frucona Košice a.s., established in Košice (Slovakia) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid** — **Concept of ‘aid’** — **Concept of ‘economic advantage’** — Private creditor test — Conditions of applicability — Application — **Investigation obligations on the European Commission**

[CURIA – Judgment of the Court of Justice in Case C-300/16 of 20 September 2017](#)

Case C-547/16: OPINION OF ADVOCATE GENERAL KOKOTT of 14 September 2017 - Gasorba SL and Others - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - **Competition** — Article 101 TFEU (formerly Article 81 EC) — **Agreements between undertakings** — **Service station agreements in Spain** — Business relationships between service station operators and oil and gas companies — **Long-term exclusive purchasing agreement for fuel** — **European Commission decision declaring an undertaking’s commitments to be binding (‘commitment decision’)** — Extent to which national courts are bound by a commitment decision adopted by the Commission — Articles 9(1) and 16(1) of Regulation (EC) No 1/2003

[CURIA – Opinion of Advocate General in Case C-547/16 of 14 September 2017](#)

Joined Cases C-588/15 P and C-622/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 14 September 2017 - LG Electronics Inc., established in Seoul (South Korea) and Koninklijke Philips Electronics NV, established in Eindhoven (Netherlands) v European Commission - TWO APPEALS pursuant to Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — Global market for cathode ray tubes for television sets and computer monitors — **Agreements and concerted practices relating to prices, markets sharing, customer allocation and production limitation** — Rights of the defence — Sending of the statement of objections only to the parent companies of a joint venture and not to the joint venture itself — Fine — **2006 Guidelines on the method of setting fines** — Point 13 — Determining the value of sales relating to an infringement — Intragroup sales of the relevant product outside the European Economic Area (EEA) — Account to be taken of the sales within the EEA of final products in which the relevant product has been installed — Equal treatment

[CURIA – Judgment of the Court of Justice in Case C-588/15 of 14 September 2017](#)

Case C-177/16: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - Autortiesību un komunikēšanās konsultāciju aģentūra / Latvijas Autoru apvienība v Konkurences padome - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa, Administratīvo lietu departaments (Supreme Court, Administrative Cases Division, Latvia) - Reference for a preliminary ruling — **Competition** — Article 102 TFEU — **Abuse of a dominant position** — **Concept of ‘unfair price’** — Fees collected by a copyright management organisation — **Comparison with rates charged in other Member States** — **Choice of reference Member States** — **Assessment criteria for prices** — **Calculation of the fine**

[CURIA – Judgment of the Court of Justice in Case C-177/16 of 14 September 2017](#)

Case C-591/14: JUDGMENT OF THE COURT (Fourth Chamber) of 13 September 2017 - European Commission v Kingdom of Belgium - ACTION for failure to fulfil obligations under the second subparagraph of Article 108(2) TFEU - Failure of a Member State to fulfil obligations — **State aid** — Decision 2011/678/EU — **State aid for financing screening of transmissible spongiform encephalopathies (TSE) in bovine animals** — **Aid incompatible with the internal market** — Obligation of recovery — Non-performance

[CURIA – Judgment of the Court of Justice in Case C-591/14 of 13 September 2017](#)

Case C-329/15: JUDGMENT OF THE COURT (Fifth Chamber) of 13 September 2017 - ENEA S.A. v Prezes Urzędu Regulacji Energetyki - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — **State aid** — **Concept of ‘aid granted by a Member State or through State resources’** — Obligation on a limited liability company in the energy sector, wholly owned by the State, to purchase energy produced by cogeneration with the production of heat

[CURIA – Judgment of the Court of Justice in Case C-329/15 of 13 September 2017](#)

Affaires jointes C-66/16 P à C-69/16 P et affaires C-70/16 P et C-81/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 septembre 2017 - Comunidad Autónoma del País Vasco, Itelazpi SA (C-66/16 P), Comunidad Autónoma de Cataluña, Centre de Telecomunicacions i Tecnologies de la Informació de la Generalitat de Catalunya (CTTI) (C-67/16 P), Navarra de Servicios y Tecnologías SA (C-68/16 P), Cellnex Telecom SA, anciennement Abertis Telecom SA et Retevisión I SA (C-69/16 P) contre Commission européenne - Comunidad Autónoma de Galicia et Redes de Telecomunicación Galegas Retegal SA (C-70/16 P) contre Commission européenne - Royaume d’Espagne (C-81/16 P) contre Commission européenne - Pourvoi – **Aides d’État – Télévision numérique – Aide au déploiement de la télévision numérique terrestre dans les zones éloignées et moins urbanisées – **Subvention en faveur des opérateurs de plates-formes de télévision numérique terrestre – Décision déclarant partiellement les mesures d’aides incompatibles avec le marché intérieur – Notion d’aide d’État** – Avantage – **Service d’intérêt économique général – Définition – Marge d’appréciation des États membres****

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-70/16 du 7 septembre 2017](#)

Case C-248/16: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2017 - Austria Asphalt GmbH & Co OG v Bundeskartellanwalt - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Competition** — **Concentrations between undertakings** — Regulation (EC) No 139/2004 — Article 3(1)(b) and (4) — **Scope** — **Definition of ‘concentration’** — Change in the form of control of an existing undertaking which, previously exclusive, becomes joint — **Creation of a joint venture performing on a lasting basis all the functions of an autonomous economic entity**

[CURIA – Judgment of the Court of Justice in Case C-248/16 of 7 September 2017](#)

Case C-413/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 6 September 2017 - Intel Corporation Inc., established in Wilmington (United States) v European Commission, Association for Competitive Technology Inc., established in Washington (United States), Union fédérale des consommateurs — Que choisir (UFC — Que choisir) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal— Article 102 TFEU — **Abuse of a dominant position — **Loyalty rebates** — **Commission’s jurisdiction** — Regulation (EC) No 1/2003 — Article 19**

[CURIA – Judgment of the Court of Justice in Case C-413/14 of 6 September 2017](#)

Case C-230/16: OPINION OF ADVOCATE GENERAL WAHL of 26 July 2017 - Coty Germany GmbH v Parfümerie Akzente GmbH - Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Higher Regional Court, Frankfurt am Main, Germany) - Reference for a preliminary ruling — **Competition — Agreements, decisions and concerted practices** — Article 101(1) TFEU — **Selective distribution — Clause prohibiting retailers from making use of a non-authorised third party in the context of internet sales** — Benefit of the block exemption provided for in Regulation (EU) No 330/2010 — Article 4(b) and (c)
[CURIA – Opinion of Advocate General in Case C-230/16 of 26 July 2017](#)

Case C-517/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 26 July 2017 - AGC Glass Europe SA, established in Brussels (Belgium) and others v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition** — Articles 101 and 102 TFEU — Regulation (EC) No 1/2003 — Article 30 — **Decision of the European Commission finding an unlawful cartel on the European market for automotive glass — Publication of a non-confidential version of that decision — Rejection of a request for confidential treatment of certain information** — Terms of reference of the hearing officer — Decision 2011/695/EU — Article 8 — **Confidentiality** — Information from a leniency application — Partial rejection of the request for confidential treatment — Legitimate expectations — Equal treatment
[CURIA – Judgment of the Court of Justice in Case C-517/15 of 26 July 2017](#)

Case C-61/16 P: OPINION OF ADVOCATE GENERAL MENGOCZI of 26 July 2017 - European Bicycle Manufacturers Association (EBMA) v Giant (China) Co. Ltd - Appeal — **Dumping** — Regulation (EU) No 502/2013 — **Imports of bicycles originating in the People’s Republic of China** — Regulation (EC) No 1225/2009 — Article 18(1) — **Cooperation — Concept of ‘necessary information’ — Claim for individual treatment** — Risk of circumvention
[CURIA – Opinion of Advocate General in Case C-61/16 of 26 July 2017](#)

Affaire C-127/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOCZI du 20 juillet 2017 - SNCF Mobilités, anciennement Société nationale des chemins de fer français (SNCF) contre Commission européenne - Pourvoi — **Aides mises à exécution par la République française en faveur de Sernam – Aide à la restructuration et recapitalisation, garanties et abandon de créances par la SNCF envers Sernam** – Vente d’actifs en bloc – **Critère de l’investisseur privé** – Applicabilité – **Mesures compensatoires**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-127/16 du 20 juillet 2017](#)

Case C-256/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 20 July 2017 - Deichmann SE v Hauptzollamt Duisburg - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Dumping — Application for the refund of import duties paid on the basis of a regulation declared invalid** — Implementing Regulation (EU) 2016/223 — **Regulation adopted in implementation of a judgment of the Court — Validity**
[CURIA – Opinion of Advocate General in Case C-256/16 of 20 July 2017](#)

Case C-245/16: JUDGMENT OF THE COURT (Third Chamber) of 6 July 2017 - Nerea SpA v Regione Marche and Banca del Mezzogiorno — MedioCredito Centrale SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per le Marche (Regional Administrative Court for Le Marche, Italy) - Reference for a preliminary ruling — **State aid** — Regulation (EC) No 800/2008 — **General exemption by category — Scope** — Article 1(6)(c) — Article 1(7)(c) — **Concept of ‘undertaking in difficulty’ — Concept of ‘collective insolvency proceedings’** — Company granted State aid under a regional operational programme of the European Regional Development Fund (ERDF) subsequently admitted to an arrangement with creditors as a going concern — **Withdrawal of the aid — Obligation to reimburse the advance paid**
[CURIA – Judgment of the Court of Justice in Case C-245/16 of 6 July 2017](#)

Case C-180/16 P: JUDGMENT OF THE COURT (Seventh Chamber) of 6 July 2017 - Toshiba Corp., established in Tokyo (Japan) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Text rectified by order of 12 July 2017 - Appeal — **Competition — Agreements, decisions and concerted practices** — Market in gas insulated switchgear projects — **Decision taken by the European Commission following annulment in part of the initial decision by the General Court of the European Union** — Amendment of fines — Rights of the defence — **No adoption of a new statement of objections** — Equal treatment — Joint venture — Calculation of the starting amount — **Extent of contribution to the infringement — Res judicata**

[CURIA – Judgment of the Court of Justice in Case C-180/16 of 6 July 2017](#)

6. Customs

Case Law

Case C-267/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 12 September 2017 - Albert Buhagiar and others v The Hon. Gilbert Licudi QC MP Minister for Justice - Request for a preliminary ruling from the Supreme Court of Gibraltar (United Kingdom) - Reference for a preliminary ruling — **Jurisdiction — Concept of ‘court or tribunal of a Member State’ — Gibraltar** — Article 29 of the Act concerning the Conditions of Accession of the United Kingdom — **Customs union — Directive on control of the acquisition and possession of weapons** — Directive 91/477 — **Interpretation of the provisions concerning hunters and marksmen — European firearms pass — Free movement of goods — Freedom to provide services — Freedom of movement of persons**

[CURIA – Opinion of Advocate General in Case C-267/16 of 12 September 2017](#)

Case C-224/16: OPINION OF ADVOCATE GENERAL BOBEK of 5 July 2017 - Asotsiatsia na balgarskite predpriyatia za mezhduнародni prevozi i patishtata (AEBTRI) v Nachalnik na Mitnitsa Burgas - Request for a preliminary ruling from the Varhoven administrativen sad (Supreme Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Customs Union — External transit — TIR Convention — Transport carried out under cover of a TIR carnet — TIR operation not discharged — Liability of the guaranteeing association — Joint and several liability** — Duty of the competent authorities to require payment so far as possible from the person or persons directly liable before making a claim against the guaranteeing association — Articles 203 and 213 of the Community Customs Code — **Determination of the debtors of the customs debt — Persons who acquired or held the goods and who were aware or should reasonably have been aware that they had been removed from customs supervision**

[CURIA – Opinion of Advocate General in Case C-224/16 of 5 July 2017](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

REGULATION (EU) 2017/1538 OF THE EUROPEAN CENTRAL BANK of 25 August 2017 **amending** Regulation (EU) 2015/534 on **reporting of supervisory financial information** (ECB/2017/25)

[OJ of the EU, L 240/1 of 19 September 2017](#)

REGULATION (EU) 2017/1539 OF THE EUROPEAN CENTRAL BANK of 25 August 2017 **laying down the date of application** of Regulation (EU) 2017/1538 amending Regulation (EU) 2015/534 on **reporting of supervisory financial information** (ECB/2017/25) to **less significant supervised entities which are subject to national accounting frameworks** (ECB/2017/26)

[OJ of the EU, L 240/212 of 19 September 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/1542 of 8 June 2017 **amending** Delegated Regulation (EU) 2015/35 concerning the **calculation of regulatory capital requirements for certain categories of assets held by insurance and reinsurance undertakings** (infrastructure corporates) (Text with EEA relevance)

[OJ of the EU, L 236/14 of 14 September 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1486 of 10 July 2017 **amending** Implementing Regulation (EU) 2016/2070 as regards **benchmarking portfolios and reporting instructions** (Text with EEA relevance)

[OJ of the EU, L 225/1 of 31 August 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1443 of 29 June 2017 **amending** Implementing Regulation (EU) No 680/2014 laying down implementing **technical standards with regards to supervisory reporting of institutions** according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 213/1 of 17 August 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1469 of 11 August 2017 **laying down a standardised presentation format for the insurance product information document** (Text with EEA relevance)

[OJ of the EU, L 209/19 of 12 August 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1421 of 2 August 2017 **laying down technical information for the calculation of technical provisions and basic own funds** for reporting with reference dates from 30 June until 29 September 2017 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the **business of Insurance and Reinsurance** (Text with EEA relevance)

[OJ of the EU, L 204/7 of 7 August 2017](#)

DECISION (EU) 2017/1359 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision (EU) 2016/948 on the **implementation of the corporate sector purchase programme** (ECB/2017/13)

[OJ of the EU, L 190/20 of 21 July 2017](#)

DECISION (EU) 2017/1360 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision ECB/2014/40 on the **implementation of the third covered bond purchase programme** (ECB/2017/14)

[OJ of the EU, L 190/22 of 21 July 2017](#)

DECISION (EU) 2017/1361 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision (EU) 2015/5 on the **implementation of the asset-backed securities purchase programme** (ECB/2017/15)

[OJ of the EU, L 190/24 of 21 July 2017](#)

GUIDELINE (EU) 2017/1362 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Guideline (EU) 2015/510 on the **implementation of the Eurosystem monetary policy framework** (ECB/2017/12)

[OJ of the EU, L 190/26 of 21 July 2017](#)

Case Law

Case C-326/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 September 2017 - 'DNB BANKA' AS v Valsts ienemumu dienests - REQUEST for a preliminary ruling under Article 267 TFEU from the Administratīvā apgabaltiesa (Regional Administrative Court, Latvia) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Article 132(1)(f) — **Exemptions for certain activities in the public interest — Exemption for the supply of services by independent groups of persons for their members** — Applicability to financial services

[CURIA – Judgment of the Court of Justice in Case C-326/15 of 21 September 2017](#)

Case C-616/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 September 2017 - European Commission v Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Taxation — Value added tax** — Directive 2006/112/EC — Article 132(1)(f) — **Exemption for services supplied to their members by independent groups of persons** — Restriction to independent groups whose members exercise a limited number of professions

[CURIA – Judgment of the Court of Justice in Case C-616/15 of 21 September 2017](#)

Case C-605/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 September 2017 - Minister Finansów v Aviva Towarzystwo Ubezpieczeń na Życie S.A. w Warszawie - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Article 132(1)(f) — **Exemptions for certain activities in the public interest** — Exemption for the supply of services by independent groups of persons for their members — Applicability to insurance

[CURIA – Judgment of the Court of Justice in Case C-605/15 of 21 September 2017](#)

Case C-441/16: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2017 - SMS group GmbH v Direcția Generală Regională a Finanțelor Publice București - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania) - Reference for a preliminary ruling — **Value added tax (VAT)** — Eighth Directive 79/1072/EEC — Directive 2006/112/EC — **Taxable person residing in another Member State — Refund of VAT charged on imported goods** — Conditions — Objective elements confirming the intention of the taxable person to use the imported goods in the course of his economic activities — **Serious risk of non-completion of the transaction that justified the importation**

[CURIA – Judgment of the Court of Justice in Case C-441/16 of 21 September 2017](#)

Joined Cases C-215/16, C-216/16, C-220/16 and C-221/16: JUDGMENT OF THE COURT (First Chamber) of 20 September 2017 - Elecdey Carcelen SA (C-215/16), Energías Eólicas de Cuenca SA (C-216/16), Ibernova Promociones SAU (C-220/16) and Iberdrola Renovables Castilla La Mancha SA (C-221/16) v Comunidad Autónoma de Castilla-La Mancha - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castilla-La Mancha, Spain) - References for a preliminary ruling — **Environment — Electricity generated by wind power** — Directive 2009/28/EC — **Promotion of the use of energy from renewable sources** — Subparagraph (k) of the second subparagraph of Article 2 — Aid scheme — Subparagraph (e) of the second subparagraph of Article 13(1) — Administrative charges — Directive 2008/118/EC — **General arrangements for excise duty** — Article 1(2) — **Other indirect taxes for specific purposes** — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 4 — **Minimum rate of taxation on energy — Levy imposed on turbines designed to produce electricity**

[CURIA – Judgment of the Court of Justice in Case C-215/16 of 20 September 2017](#)

Case C-552/15: JUDGMENT OF THE COURT (Grand Chamber) of 19 September 2017 - European Commission v Ireland - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Freedom to provide services — Motor vehicles — Rental or leasing of a motor vehicle by a resident of one Member State from a supplier established in another Member State — Registration tax** — Payment of the full amount of tax at the time of registration — **Conditions for refunding tax** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-552/15 of 19 September 2017](#)

Case C-132/16: JUDGMENT OF THE COURT (First Chamber) of 14 September 2017 - Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' — Sofia v 'Iberdrola Inmobiliaria Real Estate Investments' EOOD - REQUEST for a preliminary ruling under Article 267 TFEU from the Varhoven administrativen sad (Supreme Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Taxation — Common system of value added tax** — Directive 2006/112/EC — Article 26(1)(b) and Articles 168 and 176 — **Deduction of input tax — Services relating to construction or improvement of a property belonging to a third party — Use of services by the third party and by the taxable person** — Service supplied free of charge to the third party — Entry of costs incurred for services carried out in the accounts as part of the taxable person's general costs — **Determination of the existence of a direct and immediate link with the economic activity of the third party or the economic activity of the taxable person**

[CURIA – Judgment of the Court of Justice in Case C-132/16 of 14 September 2017](#)

Case C-503/16: JUDGMENT OF THE COURT (Sixth Chamber) of 14 September 2017 - Luís Isidro Delgado Mendes v Crédito Agrícola Seguros — Companhia de Seguros de Ramos Reais SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Évora (Court of Appeal of Evora, Portugal) - Reference for a preliminary ruling — **Compulsory insurance against civil liability in respect of the use of motor vehicles** — Directives 72/166/EEC, 84/5/EEC, 90/232/EEC and 2009/103/EC — **Theft of a vehicle — Motor vehicle accident — Personal injuries and property damage sustained by the insured owner of the vehicle, as a pedestrian — Civil liability** — Compensation — **Compulsory insurance cover — Exclusion clauses — National legislation excluding the insured owner of the vehicle from compensation from the insurers** — Compatibility with those directives — **Concept of ‘third parties who have been victims’**

[CURIA – Judgment of the Court of Justice in Case C-503/16 of 14 September 2017](#)

Case C-646/15: JUDGMENT OF THE COURT (First Chamber) of 14 September 2017 - Trustees of the P Panayi Accumulation & Maintenance Settlements v Commissioners for Her Majesty’s Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Freedom to provide services — Free movement of capital — Trust — Trustees — Other legal persons — Meaning — Tax on gains in value of assets held in trust by reason of the trustees’ place of residence for tax purposes being transferred to another Member State**— Determination of the amount of tax due at the time of that transfer — Tax payable immediately — Justification — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-646/15 of 14 September 2017](#)

Case C-628/15: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - The Trustees of the BT Pension Scheme v Commissioners for Her Majesty’s Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU, from the Court of Appeal (England & Wales) (Civil Division) - Reference for a preliminary ruling — **Free movement of capital** — Article 63 TFEU — **Scope — Tax legislation of a Member State — Corporation tax — Tax credit — Pension funds — Refusal to grant the tax credit to shareholders not subject to tax on investment income for dividends arising from foreign income** — Interpretation of the judgment of 12 December 2006, Test Claimants in the FII Group Litigation (C-446/04, EU:C:2006:774) — **Tax credit unlawfully withheld — Remedies**

[CURIA – Judgment of the Court of Justice in Case C-628/15 of 14 September 2017](#)

Case C-648/15: JUDGMENT OF THE COURT (Grand Chamber) of 12 September 2017 - Republic of Austria v Federal Republic of Germany - APPLICATION pursuant to Article 273 TFEU - Article 273 TFEU — **Dispute between Member States submitted to the Court under a special agreement between the parties — Taxation — Bilateral convention for the avoidance of double taxation** — Taxation of interest from financial instruments — **Definition of ‘debt-claims with participation in profits’**

[CURIA – Judgment of the Court of Justice in Case C-648/15 of 12 September 2017](#)

Case C-6/16: JUDGMENT OF THE COURT (Sixth Chamber) of 7 September 2017 - Egiom SAS, formerly Holcim France SAS and Enka SA v Ministre des Finances et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Free movement of capital — Withholding tax** — Directive 90/435/EEC — Article 1(2) — Article 5(1) — **Exemption — Dividends distributed by a resident subsidiary to a non-resident parent company controlled directly or indirectly by one or more residents of third States** — Presumption — **Fraud, tax evasion and abuse**

[CURIA – Judgment of the Court of Justice in Case C-6/16 of 7 September 2017](#)

Case C-465/15: JUDGMENT OF THE COURT (Ninth Chamber) of 7 September 2017 - Hüttenwerke Krupp Mannesmann GmbH v Hauptzollamt Duisburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Taxation — Taxation of energy products and electricity** — Directive 2003/96/EC — **Scope** — Article 2(4)(b) — **Electricity used principally for the purposes of chemical reduction — Concept**

[CURIA – Judgment of the Court of Justice in Case C-465/15 of 7 September 2017](#)

Case C-251/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Edward Cussens, John Jennings, and Vincent Kingston v T.G. Brosnan - Request for a preliminary ruling from the Supreme Court (Ireland) - **VAT — Tax avoidance — Direct applicability of the principle of prohibition of abuse of rights recognised in Halifax and Others (C-255/02)**

[CURIA – Opinion of Advocate General in Case C-251/16 of 7 September 2017](#)

Case C-307/16: OPINION OF ADVOCATE GENERAL BOT of 7 September 2017 - Stanisław Pieńkowski v Dyrektor Izby Skarbowej w Lublinie - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Export exemptions** — Legislation of a Member State making the benefit of the exemption subject to the attainment of a certain turnover or the conclusion of an agreement with a person authorised to make VAT refunds to travellers — **Principles of fiscal neutrality and proportionality**

[CURIA – Opinion of Advocate General in Case C-307/16 of 7 September 2017](#)

Case C-305/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Avon Cosmetics Ltd v The Commissioners for Her Majesty's Revenue and Customs - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber), United Kingdom) - **VAT — Derogation — Sales through intermediaries not subject to VAT — Taking into account notional input tax**

[CURIA – Opinion of Advocate General in Case C-305/16 of 7 September 2017](#)

Case C-298/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Teodor Ispas and Anduța Ispas v Direcția Generală a Finanțelor Publice Cluj - Request for a preliminary ruling from the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) - Reference for a preliminary ruling — **Tax assessment notices establishing value added tax due — Procedural rights of taxpayers in the national procedure for collection of value added tax — Scope of application of EU fundamental rights — Rights of the defence** — Article 41 of the Charter of Fundamental Rights of the European Union — **Right to be heard — Access to the file — Right to have access to information and documents forming the basis of a decision**

[CURIA – Opinion of Advocate General in Case C-298/16 of 7 September 2017](#)

Case C-506/16: JUDGMENT OF THE COURT (Sixth Chamber) of 7 September 2017 - José Joaquim Neto de Sousa v Portuguese State - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação do Porto (Court of Appeal, Porto, Portugal) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Directive 84/5/EEC — Directive 90/232/EEC — **Driver responsible for the accident which caused the death of his spouse, a passenger in the vehicle — National legislation excluding compensation for material damage suffered by the driver responsible for the accident**

[CURIA – Judgment of the Court of Justice in Case C-506/16 of 7 September 2017](#)

Affaire C-243/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 26 juillet 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito Garcia et Juan Gregorio Benito Garcia contre Contimark SA et Jordi Socias Gispert - demande de décision préjudicielle formée par le Juzgado de lo Social nº 30 de Barcelona (tribunal du travail nº 30 de Barcelone, Espagne) - Renvoi préjudiciel – Directive 2012/30/UE – Articles 20 et 21 de la charte des droits fondamentaux de l'Union européenne – **Droit des sociétés – Recouvrement de créances salariales – Exercice simultané et cumulatif, devant la même juridiction, de l'action directe dirigée contre l'entreprise et contre l'administrateur de la société, en sa qualité de codébiteur solidaire des dettes de la société**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-243/16 du 26 juillet 2017](#)

Case C-255/16: OPINION OF ADVOCATE GENERAL BOBEK of 26 July 2017 – Anklagemyndigheden v Bent Falbert, Poul Madsen and JP/Politikens Hus A/S - Request for a preliminary ruling from the Københavns Byret (District Court, Copenhagen, Denmark) - **Notification procedure for technical regulations — Technical regulations in the gambling sector** — Obligation for Member States to notify draft technical regulations to the Commission — **National legislation sanctioning the offering of gaming, lotteries or betting not covered by a licence and the advertising of unlicensed gaming, lotteries or betting**

[CURIA – Opinion of Advocate General in Case C-255/16 of 26 July 2017](#)

Case C-355/16: OPINION OF ADVOCATE GENERAL MENGIOZZI of 26 July 2017 - Christian Picart v Ministre des Finances et des Comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State) (France) - Reference for a preliminary ruling — **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** — Right of establishment — Self-employed person — Articles 12 and 15 of Annex I to the agreement — **Fiscal legislation — Taxation of unrealised gains on securities — Transfer of tax residence from the Member State concerned**
[CURIA – Opinion of Advocate General in Case C-355/16 of 26 July 2017](#)

Case C-386/16: JUDGMENT OF THE COURT (Ninth Chamber) of 26 July 2017 - 'Toridas' UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos and Kauno apskrities valstybinė mokesčių inspekcija - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 138(1) — **Classification of a transaction as an intra-Community supply — Exemption of intra-Community supplies of goods** — Intention of the person acquiring the goods to resell them to a taxable person in another Member State before they are taken out of the first Member State — **Possible effect of some of the goods being processed before they are dispatched**
[CURIA – Judgment of the Court of Justice in Case C-386/16 of 26 July 2017](#)

Case C-519/16: JUDGMENT OF THE COURT (Ninth Chamber) of 26 July 2017 - Superfoz – Supermercados Lda v Fazenda Pública - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Administrativo e Fiscal de Coimbra (Coimbra Administrative and Tax Court, Portugal) - Reference for a preliminary ruling — Approximation of laws — Regulation (EC) No 882/2004 — **Official controls of feed and food — Funding of official controls** — Articles 26 and 27 — **General taxation — Fees or charges — Charge on retail food outlets**
[CURIA – Judgment of the Court of Justice in Case C-519/16 of 26 July 2017](#)

Case C-206/16: JUDGMENT OF THE COURT (Third Chamber) of 20 July 2017 - Marco Tronchetti Provera SpA, Antares European Fund Limited, Antares European Fund II Limited, Antares European Fund LP, Luca Orsini Baroni, UniCredit SpA and Camfin SpA v Commissione Nazionale per le Società e la Borsa (Consob), Camfin SpA, Generali Assicurazioni Generali SpA, Antares European Fund Limited, Antares European Fund II Limited, Antares European Fund LP, Luca Orsini Baroni and Marco Tronchetti Provera & C. SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Company law** — Directive 2004/25/EC — **Takeover bids** — Second subparagraph of Article 5(4) — **Possibility of changing the price of the offer in specific circumstances and according to clearly determined circumstances and criteria — National law providing an option for the supervisory authority to increase the price of a takeover bid in the event of collusion between the offeror or the persons acting in concert with it and one or more sellers**
[CURIA – Judgment of the Court of Justice in Case C-206/16 of 20 July 2017](#)

Case C-287/16: JUDGMENT OF THE COURT (Sixth Chamber) of 20 July 2017 - Fidelidade-Companhia de Seguros SA v Caisse Suisse de Compensation, Fundo de Garantia Automóvel, Sandra Cristina Crystello Pinto Moreira Pereira, Sandra Manuela Teixeira Gomes Seemann, Catarina Ferreira Seemann, José Batista Pereira and Teresa Rosa Teixeira - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Article 3(1) — Second Directive 84/5/EEC — Article 2(1) — **Insurance contract concluded on the basis of false statements concerning the ownership of the vehicle and the identity of its usual driver — Policyholder** — No economic interest in the conclusion of that contract — **Insurance contract null and void — Whether that nullity may be invoked against third-party victims**
[CURIA – Judgment of the Court of Justice in Case C-287/16 of 20 July 2017](#)

Case C-357/16: JUDGMENT OF THE COURT (Tenth Chamber) of 20 July 2017 - UAB 'Gelvora' v Valstybinė vartotojų teisių apsaugos tarnyba - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (the Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — Unfair commercial practices — Directive 2005/29/EC — Scope — **Debt collection agency — Consumer credit — Assignment of debt — Nature of the legal relationship between the agency and the debtor** — Article 2(c) — **Concept of 'product' — Recovery measures taken in parallel to the intervention of a bailiff**
[CURIA – Judgment of the Court of Justice in Case C-357/16 of 20 July 2017](#)

Case C-340/16: JUDGMENT OF THE COURT (Third Chamber) of 20 July 2017 - Landeskrankenanstalten-Betriebsgesellschaft — KABEG v Mutuelles du Mans assurances — MMA IARD SA - 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** — Regulation (EC) No 44/2001 — Article 9(1) — Article 11(2) — **Jurisdiction in matters relating to insurance — Direct action by the injured party against the insurer — Action brought by the employer, a public-law institution, statutory assignee of the rights of its employee, against the insurer of the vehicle involved** — Subrogation

[CURIA – Judgment of the Court of Justice in Case C-340/16 of 20 July 2017](#)

Case C-42/17: OPINION OF ADVOCATE GENERAL BOT of 18 July 2017 - Criminal proceedings against M.A.S. and M.B. -Request for a preliminary ruling from the Corte costituzionale (Constitutional Court, Italy) - Reference for a preliminary ruling — **Protection of the financial interests of the European Union** — Article 325 TFEU — **Criminal proceedings concerning value added tax (VAT) offences — Potential effect on the financial interests of the European Union** — National legislation providing for absolute limitation periods capable of entailing the impunity of the offences — Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Principles of equivalence and effectiveness — Unacceptability of the legislation at issue — **Obligation of the national court to disapply that legislation where it would prevent the imposition of effective and dissuasive penalties ‘in a significant number of cases of serious fraud’ affecting the financial interests of the Union** — Immediate application of that obligation to pending proceedings in application of the principle tempus regit actum — **Compatibility with the principle that offences and penalties must be defined by law** — Scope and rank of that principle in the legal order of the Member State concerned — Inclusion of the limitation rules in the scope of that principle — Substantive nature of those rules — Article 4(2) TEU — **Respect for the national identity of the Member States concerned — Charter of Fundamental Rights of the European Union** — Articles 49 and 53

[CURIA – Opinion of Advocate General in Case C-42/17 of 18 July 2017](#)

Case C-633/15: JUDGMENT OF THE COURT (Fourth Chamber) of 13 July 2017 - London Borough of Ealing v Commissioners for Her Majesty’s Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — **Exemptions of supplies of services closely linked to sport** — Article 133 — **Exclusion of the exemption in the event of a risk of distortion of competition to the disadvantage of commercial enterprises subject to VAT** — Services supplied by non-profit making organisations governed by public law

[CURIA – Judgment of the Court of Justice in Case C-633/15 of 13 July 2017](#)

Case C-574/15: OPINION OF ADVOCATE GENERAL BOBEK of 13 July 2017 - Mauro Scialdone - Request for a preliminary ruling from the Tribunale di Varese (District Court, Varese, Italy) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112 — Article 4(3) TEU — **Principle of sincere cooperation** — Article 325 TFEU — **Protection of the financial interests of the Union — Convention on the protection of the European Communities’ financial interests (PIF Convention)** — National law providing for criminal penalties relating to failure to pay withholding tax and VAT by the legal deadline — **Higher financial threshold applicable to VAT related offences — National law providing for the extinction of criminal liability if VAT is paid** — Member States’ obligation to establish effective, proportionate and dissuasive penalties — **Charter of Fundamental Rights of the European Union** — Article 49(1) of the Charter — **Principle of legality — Retroactive application of the more lenient penalty — Legal certainty**

[CURIA – Opinion of Advocate General in Case C-574/15 of 13 July 2017](#)

Case C-151/16: JUDGMENT OF THE COURT (First Chamber) of 13 July 2017 - ‘Vakarų Baltijos laivų statykla’ UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(c) — **Exemption of energy products used as fuel for the purpose of navigation within European Union waters and to produce electricity on board a craft — Fuel used by a ship to sail from the place where it was built to the port of another Member State for the purpose of taking on its first commercial cargo**

[CURIA – Judgment of the Court of Justice in Case C-151/16 of 13 July 2017](#)

Case C-368/16: JUDGMENT OF THE COURT (Eighth Chamber) of 13 July 2017 - Assens Havn v Navigators Management (UK) Limited - REQUEST for a preliminary ruling under Article 267 TFEU from the Højesteret (Supreme Court, Denmark) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction in insurance matters** — **National legislation providing, on certain conditions, for an injured person’s right to bring legal proceedings directly against the insurer of the person responsible for an accident** — **Agreement on jurisdiction concluded between the insurer and the party which caused the damage**

[CURIA – Judgment of the Court of Justice in Case C-368/16 of 13 July 2017](#)

Affaire C-292/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 13 juillet 2017 - A Oy - Veronsaajien oikeudenvallontayksikkö - demande de décision préjudicielle formée par le Helsingin hallinto-oikeus [tribunal administratif d’Helsinki, Finlande] - Demande de décision préjudicielle – **Législation fiscale – Imposition des entreprises – Directive fusion (directive 90/434/CEE) – Apport d’un établissement étranger d’une société nationale à une société étrangère – Imposition immédiate en cas d’apport transfrontalier par opposition à la non-imposition dans une situation nationale** – Appréciation du droit dérivé au regard des libertés fondamentales – Comparabilité avec l’imposition à la sortie – **Proportionnalité de l’imposition immédiate en cas de réduction de la charge fiscale**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-292/16 du 13 juillet 2017](#)

Case C-462/16: OPINION OF ADVOCATE GENERAL TANCHEV of 11 July 2017 - Finanzamt Bingen-Alzey v Boehringer Ingelheim Pharma GmbH & Co. KG - Request for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany) - **Value added tax – Supply of medicinal products by manufacturer to retailers via wholesalers** — Articles 73 and 90 of Council Directive 2006/112/EC on the common system of value added tax — **Taxable amount – Statutory obligation on manufacturer to provide a discount indexed to sale price – Member State tax authority treating discount as a reduction in price with respect to supplies made involving statutory (public) health insurance funds but not private health insurance funds – Principles elaborated in Case C-317/94, Elida Gibbs – Principle of equal treatment**

[CURIA – Opinion of Advocate General in Case C-462/16 of 11 July 2017](#)

Case C-254/16: JUDGMENT OF THE COURT (Seventh Chamber) of 6 July 2017 - Glencore Agriculture Hungary Kft., formerly Glencore Grain Hungary Kft., v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Budapest, Hungary) - Reference for a preliminary ruling — **Common system of value added tax (VAT) – Directive 2006/112/EC – Article 183 – Principle of fiscal neutrality – Deduction of input tax – Refund of overpaid VAT** — Investigation procedure — Fine imposed on the taxable person in the course of such a procedure — **Extension of the period within which the refund must be made – Exclusion of payment of default interest**

[CURIA – Judgment of the Court of Justice in Case C-254/16 of 6 July 2017](#)

Case C-392/16: JUDGMENT OF THE COURT (Ninth Chamber) of 6 July 2017 - Dumitru Marcu v Agenția Națională de Administrare Fiscală (ANAF) and Direcția Generală Regională a Finanțelor Publice București - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Reference for a preliminary ruling — **Value added tax (VAT) – Directive 2006/112/EC – Article 199(1)(c) – No VAT registration – Reverse charge – Hypothetical nature of the question referred – Inadmissibility of the question referred**

[CURIA – Judgment of the Court of Justice in Case C-392/16 of 6 July 2017](#)

Case C-245/16: JUDGMENT OF THE COURT (Third Chamber) of 6 July 2017 - Nerea SpA v Regione Marche and Banca del Mezzogiorno – MedioCredito Centrale SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per le Marche (Regional Administrative Court for Le Marche, Italy) - Reference for a preliminary ruling — **State aid – Regulation (EC) No 800/2008 – General exemption by category – Scope – Article 1(6)(c) – Article 1(7)(c) – Concept of ‘undertaking in difficulty’ – Concept of ‘collective insolvency proceedings’** — Company granted State aid under a regional operational programme of the European Regional Development Fund (ERDF) subsequently admitted to an arrangement with creditors as a going concern — **Withdrawal of the aid – Obligation to reimburse the advance paid**

[CURIA – Judgment of the Court of Justice in Case C-245/16 of 6 July 2017](#)

Case C-304/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 6 July 2017 - American Express Co. v The Lords Commissioners of Her Majesty's Treasury, Diners Club International Ltd and MasterCard Europe SA - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Regulation (EU) 2015/751 — **Card-based payment transactions — Interchange fees for card-based payment transactions — Four party payment card schemes** — Three party payment card schemes — **Definition of card issuer** — Three party payment card scheme with a co-branding partner — **Three party payment card scheme with an agent**
[CURIA – Opinion of Advocate General in Case C-304/16 of 6 July 2017](#)

Joined Cases C-374/16 and C-375/16: OPINION OF ADVOCATE GENERAL WAHL of 5 July 2017 - RGEX GmbH, in liquidation, represented by Rochus Geissel, liquidator v Finanzamt Neuss (C-374/16) and Finanzamt Bergisch Gladbach v Igor Butin (C-375/16) - Request for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany) - **Common system of value added tax** — Directive 2006/112/EC — Article 178(a) — **Right of deduction — Conditions of exercise** — Article 226(5) — **Details required on invoices** — Address of the taxable person — Good faith meeting the requirements for deduction of input tax — **Evasion of the law or abuse of rights — National procedures — Principle of effectiveness**
[CURIA – Opinion of Advocate General in Case C-374/16 of 5 July 2017](#)

Case C-308/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 4 July 2017 - Kozuba Premium Selection sp. z o.o. v Dyrektor Izby Skarbowej w Warszawie - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Common system of value added tax — Exemption for the supply of a building or parts thereof, and of the land on which it stands** — Directive 2006/112/EC — Article 135(1)(j) — Article 12(1)(a) and (2) — **Concept of 'first occupation' — Concept of 'conversion'**
[CURIA – Opinion of Advocate General in Case C-308/16 of 4 July 2017](#)

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

Case Law

Case C-125/16: JUDGMENT OF THE COURT (Third Chamber) of 21 September 2017 - Malta Dental Technologists Association and John Salomone Reynaud v Superintendent tas-Saħħa Pubblika and Kunsill tal-Professjonijiet Kumplimentari għall-Mediċina - REQUEST for a preliminary ruling under Article 267 TFEU from the Prim'Awla tal-Qorti Ċivili (First Hall of the Civil Court, Malta) - Reference for a preliminary ruling — Directive 2005/36/EC — **Recognition of professional qualifications — Dental technologists — Conditions governing the practice of the profession in the host Member State — Requirement for the compulsory intermediation of a dental practitioner** — Application of that requirement in the case of clinical dental technologists pursuing their profession in the home Member State — Article 49 TFEU — **Freedom of establishment — Restriction — Justification — Public interest objective of ensuring the protection of public health — Proportionality**
[CURIA – Judgment of the Court of Justice in Case C-125/16 of 21 September 2017](#)

Case C-297/16: OPINION OF ADVOCATE GENERAL WAHL of 21 September 2017 - Colegiul Medicilor Veterinari din România v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinar din România - Request for a preliminary ruling from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Article 49 TFEU — Directive 2001/82/EC — **Veterinary medicinal products** — Directive 2005/36/EC — **Training of veterinary practitioners** — Directive 2006/123/EC — **Services in the internal market — National rules limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners** — Requirement that the capital of veterinary pharmaceutical establishments be held entirely or mainly by veterinary practitioners — **Protection of health and life of humans and animals**
[CURIA – Opinion of Advocate General in Case C-297/16 of 21 September 2017](#)

Case C-419/16: OPINION OF ADVOCATE GENERAL WAHL of 13 September 2017 - Sabine Simma Federspiel v Provincia autonoma di Bolzano and Equitalia Nord SpA - Request for a preliminary ruling from the Tribunale di Bolzano / Landesgericht Bozen (District Court of Bolzano, Italy) - **Freedom of establishment — Freedom to provide services — Doctors — Directive 75/363/EEC — Mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine — Acquisition of the title of medical specialist — Remuneration during the period of training — Obligation to work in the public health service for a period of no less than 5 years within 10 years of obtaining the qualification — Articles 45 and 49 TFEU — Concept of restriction — Justification — Proportionality**

[CURIA – Opinion of Advocate General in Case C-419/16 of 13 September 2017](#)

9. Employment and Social Affairs

Case Law

Case C-429/16: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2017 - Małgorzata Ciupa and others v II Szpital Miejski im. L. Rydygiera w Łodzi, now Szpital Ginekologiczno-Położniczy im. dr L. Rydygiera sp. z o.o. w Łodzi - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Łodzi, VII Wydział Pracy i Ubezpieczeń Społecznych (Regional Court, Łódź, Labour and Social Insurance Division No VII, Poland) - Reference for a preliminary ruling — **Social policy — Collective redundancies — Directive 98/59/EC — Article 1(1) and Article 2 — Concept of ‘redundancies’ — Assimilation to redundancies of ‘terminations of an employment contract which occur on the employer’s initiative’ — Unilateral amendment by the employer of working and pay conditions — Determination of the employer’s ‘intention’ to effect redundancies**

[CURIA – Judgment of the Court of Justice in Case C-429/16 of 21 September 2017](#)

Case C-103/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 14 September 2017 - Jessica Porrás Guisado v Bankia SA and others - Request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña (High Court of Justice of Catalonia, Spain) - **Social policy — Directive 92/85/EEC — Safety and health of pregnant workers and workers who have recently given birth or are breastfeeding — Article 10(1) and (3) — Prohibition of dismissal — Exceptional cases not connected with the pregnant worker’s condition — Article 10(2) — Notice of dismissal — Directive 98/59/EC — Approximation of the laws of the Member States relating to collective redundancies — Article 1(1)(a) — Dismissal for reasons not related to the individual workers concerned**

[CURIA – Opinion of Advocate General in Case C-103/16 of 14 September 2017](#)

Case C-570/15: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - X 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 — **Application of social security schemes — Migrant workers — Determination of the applicable legislation — Regulation (EEC) No 1408/71 — Article 14(2)(b)(i) — Person normally employed in the territory of two or more Member States — Person employed in one Member State and who pursues part of his activities in the Member State of his residence**

[CURIA – Judgment of the Court of Justice in Case C-570/15 of 13 September 2017](#)

Case C-569/15: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - X 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 — **Application of social security schemes — Migrant workers — Determination of the applicable legislation — Regulation (EEC) No 1408/71 — Article 14(2)(b)(i) — Person normally employed in the territory of two or more Member States — Person employed in one Member State and engaged in paid employment on the territory of another Member State during a period of unpaid leave lasting three months**

[CURIA – Judgment of the Court of Justice in Case C-569/15 of 13 September 2017](#)

Case C-174/16: JUDGMENT OF THE COURT (Second Chamber) of 7 September 2017 - H. v Land Berlin - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Language of the case: German for a preliminary ruling — **Social policy** — Directive 2010/18/EU — **Revised Framework Agreement on parental leave** — Clause 5(1) and (2) — **Return from parental leave — Right to return to the same job or an equivalent or similar job** — Rights acquired or in the process of being acquired to be maintained as they stand — **Civil servant of a Land promoted to civil servant on probation in a managerial post** — Rules of that Land providing for the ending of the probationary period by operation of law and with no possibility of extension on expiry of a two-year period, even in the case of absence as a result of parental leave — **Incompatibility — Consequences**

[CURIA – Judgment of the Court of Justice in Case C-174/16 of 7 September 2017](#)

Case C-158/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 7 September 2017 - Margarita Isabel Vega González v Consejería de Hacienda y Sector Público del gobierno del Principado de Asturias - Request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 1 de Oviedo (Administrative Court No 1, Oviedo, Spain) - Directive 1999/70/EC — Framework agreement on fixed term work concluded by ETUC, UNICE and CEEP — Clause 4 — **Meaning of ‘employment conditions’ — Special service leave to take up public office — Principle of non-discrimination**

[CURIA – Opinion of Advocate General in Case C-158/16 of 7 September 2017](#)

Case C-518/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 July 2017 - Ville de Nivelles v Rudy Matzak - Request for a preliminary ruling from the cour du travail de Bruxelles (Higher Labour Court, Brussels, Belgium) - Reference for a preliminary ruling — **Protection of the safety and health of workers — Organisation of working time — Concepts of working time and rest periods** — Firefighters — **On-call time — Stand-by time**

[CURIA – Opinion of Advocate General in Case C-518/15 of 26 July 2017](#)

Affaire C-243/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 26 juillet 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito García et Juan Gregorio Benito García contre Contimark SA et Jordi Socias Gispert - demande de décision préjudicielle formée par le Juzgado de lo Social nº 30 de Barcelona (tribunal du travail nº 30 de Barcelone, Espagne) - Renvoi préjudiciel – Directive 2012/30/UE – Articles 20 et 21 de la charte des droits fondamentaux de l’Union européenne – **Droit des sociétés – Recouvrement de créances salariales – Exercice simultané et cumulatif, devant la même juridiction, de l’action directe dirigée contre l’entreprise et contre l’administrateur de la société, en sa qualité de codébiteur solidaire des dettes de la société**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-243/16 du 26 juillet 2017](#)

Case C-442/16: OPINION OF ADVOCATE GENERAL WATHELET of 26 July 2017 - Florea Gusa v Minister for Social Protection, Attorney General, Ireland - Request for a preliminary ruling from the Court of Appeal, Ireland - Reference for a preliminary ruling — Regulation (EC) No 883/2004 — **Special non-contributory cash benefits — Jobseeker’s allowance** — Directive 2004/38/EC — Article 7(3)(b) — **EU citizen who has lived and worked as a self-employed person in a host Member State — Cessation of the status of self-employed person**

[CURIA – Opinion of Advocate General in Case C-442/16 of 26 July 2017](#)

Case C-175/16: JUDGMENT OF THE COURT (Fourth Chamber) of 26 July 2017 - Hannele Hälvä, Sari Naukkarinen, Pirjo Paajanen and Satu Piik v SOS-Lapsikylä ry - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — Directive 2003/88/EC — Article 17 — **Protection of the safety and health of workers — Organisation of working time — Additional payments — Child protection association — ‘Children’s village parents’ — Temporary absence of ‘foster parents’ — Workers employed as ‘relief parents’ — Definition**

[CURIA – Judgment of the Court of Justice in Case C-175/16 of 26 July 2017](#)

Case C-416/16: JUDGMENT OF THE COURT (Eighth Chamber) of 20 July 2017 - Luís Manuel Piscarreta Ricardo v Portimão Urbis, E.M., SA, in liquidation, Município de Portimão and Emarp – Empresa Municipal de Águas e Resíduos de Portimão, EM, SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Judicial da Comarca de Faro (District Court, Faro, Portugal) - Reference for a preliminary ruling — Directive 2001/23 — Article 1(1)(b) — Article 2(1)(d) — **Transfer of undertakings — Safeguarding of employees’ rights — Scope — Concepts of ‘employees’ and ‘transfer of a business’**

[CURIA – Judgment of the Court of Justice in Case C-416/16 of 20 July 2017](#)

Case C-143/16: JUDGMENT OF THE COURT (First Chamber) of 19 July 2017 - Abercrombie & Fitch Italia Srl v Antonino Bordonaro - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 2(1) — Article 2(2)(a) — Article 6(1) — **Age discrimination** — **On-call employment contract which may be concluded with persons under 25 years of age** — **Automatic termination of the employment contract when the worker reaches 25 years of age**
[CURIA – Judgment of the Court of Justice in Case C-143/16 of 19 July 2017](#)

Case C-566/15: JUDGMENT OF THE COURT (Grand Chamber) of 18 July 2017 - Konrad Erzberger v TUI AG and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht (Berlin Higher Regional Court, Germany) - Reference for a preliminary ruling — **Free movement of workers** — **Principle of non-discrimination** — Election of workers' representatives to the supervisory board of a company — **National legislation restricting the right to vote and to stand as a candidate to employees of establishments located in the national territory**
[CURIA – Judgment of the Court of Justice in Case C-566/15 of 18 July 2017](#)

Case C-89/16: JUDGMENT OF THE COURT (Third Chamber) of 13 July 2017 - Radosław Szoja v Sociálna poisťovňa and WEBUNG, ebung s.r.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Application of social security schemes** — **Migrant workers** — **Person pursuing an activity as an employed person and an activity as a self-employed person in two different Member States** — Determination of the applicable legislation — Regulation (EC) No 883/2004 — Article 13(3) — Regulation (EC) No 987/2009 — Article 14(5b) — Article 16 — **Effects of the decisions of the Administrative Commission for the coordination of social security systems** — **Inadmissibility**
[CURIA – Judgment of the Court of Justice in Case C-89/16 of 13 July 2017](#)

Case C-354/16: JUDGMENT OF THE COURT (First Chamber) of 13 July 2017 - Ute Kleinsteuber v Mars GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Arbeitsgericht Verden (Labour Court, Verden, Germany) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — Articles 1, 2 and 6 — **Equal treatment** — **Prohibition of any discrimination on grounds of sex** — **Occupational pension** — Directive 97/81/EC — Framework Agreement on part-time work — Clause 4.1 and 4.2 — **Method for calculating acquired pension rights** — Legislation of a Member State — **Different treatment of part-time workers**
[CURIA – Judgment of the Court of Justice in Case C-354/16 of 13 July 2017](#)

Case C-190/16: JUDGMENT OF THE COURT (First Chamber) of 5 July 2017 - Werner Fries v Lufthansa CityLine GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Air transport** — Regulation (EU) No 1178/2011 — Annex I, point FCL.065(b) — **Holders of a pilot's licence who have attained the age of 65 prohibited from acting as pilots of aircraft engaged in commercial air transport** — Validity — **Charter of Fundamental Rights of the European Union** — Article 15 — **Freedom of occupation** — Article 21 — **Equal treatment** — **Discrimination on grounds of age** — **Commercial air transport** — **Concept**
[CURIA – Judgment of the Court of Justice in Case C-190/16 of 5 July 2017](#)

10. Energy and Environment

Community Legislation

COMMISSION REGULATION (EU) 2017/1485 of 2 August 2017 establishing a **guideline on electricity transmission system operation** (Text with EEA relevance)
[OJ of the EU, L 220/1 of 25 August 2017](#)

REGULATION (EU) 2017/1369 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2017 setting a **framework for energy labelling** and repealing Directive 2010/30/EU (Text with EEA relevance)
[OJ of the EU, L 198/1 of 28 July 2017](#)

Case Law

Case C-149/16: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2017 - Halina Socha, Dorota Olejnik and Anna Skomra v Szpital Specjalistyczny im. A. Falkiewicza we Wrocławiu - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Rejonowy dla Wrocławia-Śródmieścia we Wrocławiu (District Court for Wrocław City Centre, Poland) - Reference for a preliminary ruling — **Social policy — Collective redundancies** — Directive 98/59/EC — Article 1(1) — **Concept of ‘redundancies’ — Assimilation to redundancies of ‘terminations of an employment contract which occur on the employer’s initiative’** — Unilateral amendment by the employer of pay and working conditions

[CURIA – Judgment of the Court of Justice in Case C-149/16 of 21 September 2017](#)

Joined Cases C-215/16, C-216/16, C-220/16 and C-221/16: JUDGMENT OF THE COURT (First Chamber) of 20 September 2017 - Elecdey Carcelen SA (C-215/16), Energías Eólicas de Cuenca SA (C-216/16), Iberenova Promociones SAU (C-220/16) and Iberdrola Renovables Castilla La Mancha SA (C-221/16) v Comunidad Autónoma de Castilla-La Mancha - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castilla-La Mancha, Spain) - References for a preliminary ruling — **Environment — Electricity generated by wind power** — Directive 2009/28/EC — **Promotion of the use of energy from renewable sources** — Subparagraph (k) of the second subparagraph of Article 2 — Aid scheme — Subparagraph (e) of the second subparagraph of Article 13(1) — Administrative charges — Directive 2008/118/EC — **General arrangements for excise duty** — Article 1(2) — **Other indirect taxes for specific purposes** — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 4 — **Minimum rate of taxation on energy — Levy imposed on turbines designed to produce electricity**

[CURIA – Judgment of the Court of Justice in Case C-215/16 of 20 September 2017](#)

Case C-320/15: JUDGMENT OF THE COURT (Tenth Chamber) of 14 September 2017 - European Commission v Hellenic Republic and United Kingdom of Great Britain and Northern Ireland - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Directive 91/271/EEC — **Urban waste water treatment** — Article 4(1) and (3) — **Secondary or equivalent treatment**

[CURIA – Judgment of the Court of Justice in Case C-320/15 of 14 September 2017](#)

Joined Cases C-168/16 and C-169/16: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - Sandra Nogueira, Victor Perez-Ortega, Virginie Mauguit, Maria Sanchez-Odogherty and José Sanchez-Navarro v Crewlink Ireland Ltd (C-168/16) - Miguel José Moreno Osacar v Ryanair Designated Activity Company, formerly Ryanair Ltd (C-169/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the cour du travail de Mons (Mons Higher Labour Court, Belgium) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction — Jurisdiction over individual contracts of employment** — Regulation (EC) No 44/2001 — Article 19(2)(a) — **Concept of ‘place in which the employee habitually carries out his work’** — Airline sector — Airline crew — Regulation (EEC) No 3922/91 — **Concept of ‘home base’**

[CURIA – Judgment of the Court of Justice in Case C-168/16 of 14 September 2017](#)

Case C-691/15 P: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - European Commission v Bilbaína de Alquitranes, SA and others - Appeal — **Environment — Classification, labelling and packaging of certain substances and mixtures — Adaptation to technical progress** — Classification of pitch, coal tar, high-temperature as Aquatic Acute 1 (H400) and Aquatic Chronic 1 (H410)

[CURIA – Opinion of Advocate General in Case C-691/15 of 7 September 2017](#)

Case C-465/15: JUDGMENT OF THE COURT (Ninth Chamber) of 7 September 2017 - Hüttenwerke Krupp Mannesmann GmbH v Hauptzollamt Duisburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Taxation — Taxation of energy products and electricity** — Directive 2003/96/EC — **Scope** — Article 2(4)(b) — **Electricity used principally for the purposes of chemical reduction — Concept**

[CURIA – Judgment of the Court of Justice in Case C-465/15 of 7 September 2017](#)

Case C-557/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 July 2017 - European Commission v Republic of Malta - Failure of a Member State to fulfil obligations — **Conservation of wild birds** — Directive 2009/147/EC — **Derogation regime allowing the capture of certain species of songbirds**
[CURIA – Opinion of Advocate General in Case C-557/15 of 26 July 2017](#)

Case C-226/16: OPINION OF ADVOCATE GENERAL MENGOLZI of 26 July 2017 - Eni SpA, Eni Gas & Power France SA and Union professionnelle des industries privées du gaz (Uprigaz) v Premier ministre, Ministre de l’environnement, de l’énergie et de la mer, Storengy and Total Infrastructures Gaz France (TIGF) - Request for a preliminary ruling from the Conseil d’État (France) - Reference for a preliminary ruling — Regulation (EU) No 994/2010 — **Security of gas supply** — Point 1 of the second paragraph of Article 2 — **Concept of ‘protected customers’** — Article 8(2) — **Additional obligations imposed for reasons of security of supply** — Article 8(5) — **Obligation to locate gas stocks within the territory of a Member State**
[CURIA – Opinion of Advocate General in Case C-226/16 of 26 July 2017](#)

Case C-80/16: JUDGMENT OF THE COURT (First Chamber) of 26 July 2017 - ArcelorMittal Atlantique et Lorraine SASU v Ministre de l’Écologie, du Développement durable et de l’Énergie - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif de Montreuil (Administrative Court, Montreuil, France) - Reference for a preliminary ruling — **Environment** — Directive 2003/87/EC — Article 10a(1) — **EU greenhouse gas emission allowance trading scheme** — **Free allocation of allowances** — Decision 2011/278/EU — **Validity** — **Principle of sound administration** — **Determination of the product benchmark for hot metal** — Use of data in the ‘BREF’ for iron and steel production and guidelines for establishing benchmarks for hot metal — **Meaning of ‘similar products’** — **Reference installations** — **Obligation to state reasons**
[CURIA – Judgment of the Court of Justice in Case C-80/16 of 26 July 2017](#)

Joined Cases C-196/16 and C-197/16: JUDGMENT OF THE COURT (First Chamber) of 26 July 2017 - Comune di Corridonia (C-196/16), Comune di Loro Piceno (C-197/16) and others v Provincia di Macerata, Provincia di Macerata Settore 10 — Ambiente, VBIO1 Società Agricola Srl (C-196/16), Regione Marche, Agenzia Regionale per la Protezione Ambientale delle Marche — (ARPAM) — Dipartimento Provinciale di Macerata, ARPAM, VBIO2 Società Agricola Srl (C-197/16) and others - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per le Marche (Administrative Court for the Marche Region, Italy) - Reference for a preliminary ruling — **Environment** — Directive 85/337/EEC — Directive 2011/92/EU — **Possibility of carrying out, a posteriori, an environmental impact assessment of an operational plant for the production of energy from biogas with a view to obtaining a new consent**
[CURIA – Judgment of the Court of Justice in Case C-196/16 of 26 July 2017](#)

Case C-60/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 13 July 2017 - Saint-Gobain Glass Deutschland GmbH, established in Stolberg (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Right of access to documents held by European Union institutions** — Regulation (EC) No 1049/2001 — **Exceptions to the right of access** — Article 4(3), first subparagraph — **Protection of the decision-making process of those institutions** — **Environment** — **Aarhus Convention** — Regulation (EC) No 1367/2006 — Article 6(1) — **Public interest in the disclosure of environmental information** — Information communicated by the German authorities to the European Commission pertaining to installations situated on German territory and concerned by the Union legislation on the scheme for greenhouse gas emission allowance trading — **Partial refusal of access**
[CURIA – Judgment of the Court of Justice in Case C-60/15 of 13 July 2017](#)

Case C-129/16: JUDGMENT OF THE COURT (Second Chamber) of 13 July 2017 - Túrkevei Tejtermelő Kft. v Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség - REQUEST for a preliminary ruling under Article 267 TFEU from the Szolnoki Közigazgatási és Munkaügyi Bíróság (Administrative and Employment Law Court, Szolnok, Hungary) - Reference for a preliminary ruling — **Environment** — Articles 191 and 193 TFEU — Directive 2004/35/EC — **Applicability ratione materiae** — **Air pollution caused by illegal waste incineration** — **Polluter-pays principle** — National legislation establishing joint liability between the owner of the land on which the pollution occurred and the polluter
[CURIA – Judgment of the Court of Justice in Case C-129/16 of 13 July 2017](#)

Case C-151/16: JUDGMENT OF THE COURT (First Chamber) of 13 July 2017 - ‘Vakarų Baltijos laivų statykla’ UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(c) — **Exemption of energy products used as fuel for the purpose of navigation within European Union waters and to produce electricity on board a craft — Fuel used by a ship to sail from the place where it was built to the port of another Member State for the purpose of taking on its first commercial cargo**

[CURIA – Judgment of the Court of Justice in Case C-151/16 of 13 July 2017](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-297/16: OPINION OF ADVOCATE GENERAL WAHL of 21 September 2017 - Colegiul Medicilor Veterinari din România v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinar din România - Request for a preliminary ruling from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Article 49 TFEU — Directive 2001/82/EC — **Veterinary medicinal products** — Directive 2005/36/EC — **Training of veterinary practitioners** — Directive 2006/123/EC — **Services in the internal market — National rules limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners** — Requirement that the capital of veterinary pharmaceutical establishments be held entirely or mainly by veterinary practitioners — **Protection of health and life of humans and animals**

[CURIA – Opinion of Advocate General in Case C-297/16 of 21 September 2017](#)

Case C-179/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 September 2017 - F. Hoffmann-La Roche Ltd and Others v Autorità Garante della Concorrenza e del Mercato (AGCM) - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Medicines for the treatment of ocular vascular pathologies — Definition of the relevant product market — Interchangeability of medicinal products** — Regulation (EC) No 726/2004 — Marketing authorisation — **Prescribing and marketing of medicines for ‘off-label’ use — Legality — Licensing agreement — Undertakings not in competition — Concept of ‘ancillary restriction’** — Concept of ‘restriction of competition by object’ — Allegations of the lesser safety of one medicinal product compared to another — Whether or not misleading — **Protection of public health — Pharmacovigilance obligations — Counterfactual hypothesis**

[CURIA – Opinion of Advocate General in Case C-179/16 of 21 September 2017](#)

Case C-186/16: JUDGMENT OF THE COURT (Second Chamber) of 20 September 2017 - Ruxandra Paula Andriciuc and Others v Banca Românească SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Oradea (Court of Appeal, Oradea, Romania) - Reference for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC — **Unfair terms in consumer contracts** — Article 3(1) and Article 4(2) — **Assessment of the unfairness of contractual terms** — Loan agreement concluded in a foreign currency — **Exchange rate risk born entirely by the consumer** — Significant imbalance in the parties’ rights and obligations arising under the contract — **Time at which the imbalance must be assessed — Scope of the concept of terms drafted in ‘plain intelligible language’ — Level of information to be procured by the bank**

[CURIA – Judgment of the Court of Justice in Case C-186/16 of 20 September 2017](#)

Case C-627/15: OPINION OF ADVOCATE GENERAL WAHL of 14 September 2017 - Dumitru Gavrilescu and Liana Gavrilescu v SC Banca Transilvania SA, formerly SC Volksbank România SA and SC Volksbank România SA – sucursala Câmpulung - Request for a preliminary ruling from the Judecătoria Câmpulung (Court of First Instance, Câmpulung, Romania) - **Jurisdiction of the Court of Justice — Existence of a dispute pending before the referring court — National provisions that permit the withdrawal of an action after a referral to the Court of Justice for a preliminary ruling** — National provisions that permit an appellate court to review an order staying the proceedings at first instance pending a decision from the Court of Justice in the matter referred to it — **Unfair terms in consumer contracts** — Article 4(2) of Directive 93/13/EEC — **Credit agreements denominated in a foreign currency — Terms exempt from assessment as to their fairness**
[CURIA – Opinion of Advocate General in Case C-627/15 of 14 September 2017](#)

Case C-111/16: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - Giorgio Fidenato, Leandro Taboga and Luciano Taboga - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Udine (District Court, Udine, Italy) - Reference for a preliminary ruling — **Agriculture — Genetically modified food and feed — Emergency measures — National measure seeking to prohibit the cultivation of genetically modified maize MON 810 — Maintenance or renewal of the measure** — Regulation (EC) No 1829/2003 — Article 34 — Regulation (EC) No 178/2002 — Articles 53 and 54 — Conditions of application — **Precautionary principle**
[CURIA – Judgment of the Court of Justice in Case C-111/16 of 13 September 2017](#)

Case C-247/16: JUDGMENT OF THE COURT (Tenth Chamber) of 7 September 2017 - Heike Schottelius v Falk Seifert - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Hannover (Hanover Regional Court, Germany) - Reference for a preliminary ruling — **Consumer protection** — Directive 1999/44/EC — **Sale of consumer goods and associated guarantees — Notion of ‘contract of sale’** — Inapplicability of that directive — **Lack of jurisdiction of the Court**
[CURIA – Judgment of the Court of Justice in Case C-247/16 of 7 September 2017](#)

Affaire C-244/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 6 septembre 2017 - Industrias Químicas del Vallés SA contre Commission européenne - Pourvoi – Recours en annulation partielle – Article 263, quatrième alinéa, TFUE — **Acte réglementaire qui ne comporte pas de mesures d’exécution – Affectation individuelle – Exception d’illégalité partielle – Produits phytopharmaceutiques** – Règlement (CE) n° 1107/2009 – Règlement d’exécution (UE) no 540/2011 – Règlement d’exécution (UE) 2015/408 – **Mise sur le marché des produits phytopharmaceutiques et établissement d’une liste de substances dont on envisage la substitution** – Métalaxyl
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-244/16 du 6 septembre 2017](#)

Case C-519/16: JUDGMENT OF THE COURT (Ninth Chamber) of 26 July 2017 - Superfoz – Supermercados Lda v Fazenda Pública - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Administrativo e Fiscal de Coimbra (Coimbra Administrative and Tax Court, Portugal) - Reference for a preliminary ruling — Approximation of laws — Regulation (EC) No 882/2004 — **Official controls of feed and food — Funding of official controls** — Articles 26 and 27 — **General taxation — Fees or charges — Charge on retail food outlets**
[CURIA – Judgment of the Court of Justice in Case C-519/16 of 26 July 2017](#)

Case C-357/16: JUDGMENT OF THE COURT (Tenth Chamber) of 20 July 2017 - UAB ‘Gelvora’ v Valstybinė vartotojų teisių apsaugos tarnyba - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (the Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — Unfair commercial practices — Directive 2005/29/EC — Scope — **Debt collection agency — Consumer credit — Assignment of debt — Nature of the legal relationship between the agency and the debtor** — Article 2(c) — **Concept of ‘product’ — Recovery measures taken in parallel to the intervention of a bailiff**
[CURIA – Judgment of the Court of Justice in Case C-357/16 of 20 July 2017](#)

Case C-651/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 13 July 2017 - Verein zur Wahrung von Einsatz und Nutzung von Chromtrioxid und anderen Chrom-VI-Verbindungen in der Oberflächentechnik eV (VECCO) and Others v European Commission, French Republic and European Chemicals Agency (ECHA), Assogalvanica and Others - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH) — Article 58(2) — **Authorisation — Substances of very high concern — Exemption** — Regulation amending Annex XIV to Regulation (EC) No 1907/2006 — **Inclusion of chromium trioxide in the list of substances subject to authorisation**

[CURIA – Judgment of the Court of Justice in Case C-651/15 of 13 July 2017](#)

Case C-133/16: JUDGMENT OF THE COURT (Fifth Chamber) of 13 July 2017 - Christian Ferenschild v JPC Motor SA - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Mons (Court of Appeal, Mons, Belgium) - Reference for a preliminary ruling — **Sale of consumer goods and associated guarantees** — Directive 1999/44/EC — Article 5(1) — **Period of liability of the seller** — Limitation period — Second subparagraph of Article 7(1) — **Second-hand goods — Contractual reduction of the seller's liability**

[CURIA – Judgment of the Court of Justice in Case C-133/16 of 13 July 2017](#)

Case C-650/15 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 6 July 2017 - Polyelectrolyte Producers Group GEIE (PPG) and SNF SAS v European Chemicals Agency - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — **Substances of very high concern** — Establishment of a list of substances identified for eventual inclusion in Annex XIV (list of substances subject to authorisation) — **Decision identifying acrylamide as a substance fulfilling the criteria for inclusion on the list** — Article 2(8)(b) — **Exemption — Concept of 'intermediate'** — **Duty to state reasons — Principle of proportionality**

[CURIA – Opinion of Advocate General in Case C-650/15 of 6 July 2017](#)

Case C-290/16: JUDGMENT OF THE COURT (Fourth Chamber) of 6 July 2017 - Air Berlin plc & Co. Luftverkehrs KG v Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Transport — Common rules for the operation of air services in the European Union** — Regulation (EC) No 1008/2008 — Provisions on pricing — Article 22(1) — Article 23(1) — **Information required on presentation of fares and rates available to the general public — Obligation to indicate the actual sum of taxes, charges, surcharges or fees** — Pricing freedom — Invoicing of handling fees in the event of cancellation of a flight booking by a passenger or failure to present for boarding — **Consumer protection**

[CURIA – Judgment of the Court of Justice in Case C-290/16 of 6 July 2017](#)

12. Human Rights

Community Legislation

DIRECTIVE (EU) 2017/1564 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2017 on certain **permitted uses of certain works and other subject matter protected by copyright** and related rights for the **benefit of persons who are blind, visually impaired or otherwise print-disabled** and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

[OJ of the EU, L 242/6 of 20 September 2017](#)

REGULATION (EU) 2017/1563 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2017 on the **cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled**

[OJ of the EU, L 242/1 of 20 September 2017](#)

Case Law

Case C-18/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 September 2017 - K. v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Den Haag zittingsplaats Haarlem (District Court, The Hague, sitting in Haarlem, Netherlands) - Reference for a preliminary ruling — **Standards for the reception of applicants for international protection** — Directive 2013/32/EU — Article 9 — **Right to remain in a Member State during the examination of the application** — Directive 2013/33/EU — First subparagraph of Article 8(3)(a) and (b) — **Detention — Verification of identity or nationality** — Determination of the elements on which the application for international protection is based — Validity — **Charter of Fundamental Rights of the European Union** — Articles 6 and 52 — **Restriction — Proportionality**
[CURIA – Judgment of the Court of Justice in Case C-18/16 of 14 September 2017](#)

Case C-60/16: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - Mohammad Khir Amayry v Migrationsverket - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammarrätten i Stockholm — Migrationsöverdomstolen (Administrative Court of Appeal for Immigration Matters, Stockholm, Sweden) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national** — Article 28 — **Detention for the purposes of transfer of an applicant for international protection to the Member State responsible — Deadline for carrying out the transfer — Maximum period of detention** — Calculation — Request to take charge accepted before the detention — **Suspension of the implementation of the transfer decision**
[CURIA – Judgment of the Court of Justice in Case C-60/16 of 13 September 2017](#)

Affaires jointes C-596/16 et C-597/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 12 septembre 2017 - Enzo Di Puma contre Commissione Nazionale per le Società e la Borsa (Consob) (C-596/16) et Commissione Nazionale per le Società e la Borsa (Consob) contre Antonio Zecca (C-597/16) - demande de décision préjudicielle formée par la Corte suprema di cassazione (Cour de cassation, Italie) - **Charte des droits fondamentaux de l'Union européenne** — Directive 2003/6/CE — **Transmission d'informations privilégiées — Législation nationale prévoyant une sanction administrative et une sanction pénale pour les mêmes faits — Jugement pénal de relaxe constatant que les faits constitutifs de l'infraction ne sont pas établis** — Article 50 de la Charte des droits fondamentaux de l'Union européenne — **Atteinte au principe non bis in idem**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-596/16 du 12 septembre 2017](#)

Case C-537/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 12 September 2017 - Garlsson Real Estate SA, in liquidation, Stefano Ricucci and Magiste International SA v Commissione Nazionale per le Società e la Borsa (Consob) - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - **Charter of Fundamental Rights of the European Union** — Directive 2003/6/EC — **Market manipulation — National law which provides for an administrative penalty and a criminal penalty for the same acts — Infringement of the principle ne bis in idem**
[CURIA – Opinion of Advocate General in Case C-537/16 of 12 September 2017](#)

Case C-403/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice — Visa Code — Right to appeal — Refusal of a consul to issue a Schengen visa** — Appeal before the same administrative authority — **Article 47 of the Charter — Nature of the right to appeal — Administrative or judicial**
[CURIA – Opinion of Advocate General in Case C-403/16 of 7 September 2017](#)

Case C-298/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Teodor Ispas and Anduța Ispas v Direcția Generală a Finanțelor Publice Cluj - Request for a preliminary ruling from the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) - Reference for a preliminary ruling — **Tax assessment notices establishing value added tax due — Procedural rights of taxpayers in the national procedure for collection of value added tax — Scope of application of EU fundamental rights — Rights of the defence** — Article 41 of the Charter of Fundamental Rights of the European Union — **Right to be heard — Access to the file — Right to have access to information and documents forming the basis of a decision**

[CURIA – Opinion of Advocate General in Case C-298/16 of 7 September 2017](#)

Case C-360/16: OPINION OF ADVOCATE GENERAL BOT of 7 September 2017 - Bundesrepublik Deutschland v Aziz Hasan - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Asylum policy — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national** — Detailed rules and time limits applicable to the transfer of a third-country national to the Member State where the first asylum application was made — **Starting point of the time limit for transferring an asylum applicant**

[CURIA – Opinion of Advocate General in Case C-360/16 of 7 September 2017](#)

Case C-367/16: OPINION OF ADVOCATE GENERAL BOT of 6 September 2017 - Criminal Proceedings v Dawid Piotrowski - Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal of Brussels, Belgium) - Framework Decision 2002/584/JHA — **European arrest warrant — Surrender procedures between the Member States — Grounds for mandatory non-execution of the European arrest warrant — Minor — Criminal responsibility** — Principle that education should be preferred to punishment — **Law relating to children — Article 24(2) of the Charter of Fundamental Rights of the European Union**

[CURIA – Opinion of Advocate General in Case C-367/16 of 6 September 2017](#)

Case C-348/16: JUDGMENT OF THE COURT (Second Chamber) of 26 July 2017 - Moussa Sacko v Commissione Territoriale per il riconoscimento della protezione internazionale di Milano - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Milano (District Court, Milan, Italy) - Reference for a preliminary ruling — **Asylum policy** — Directive 2013/32/EU — Articles 12, 14, 31 and 46 — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right to effective judicial protection — Appeal against a decision refusing an application for international protection — Whether it is possible for the court to adjudicate without hearing the applicant**

[CURIA – Judgment of the Court of Justice in Case C-348/16 of 26 July 2017](#)

Case C-490/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - A.S. v Republika Slovenija - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national — Arrival of an exceptionally large number of third-country nationals wishing to obtain international protection** — Organisation by the authorities of a Member State of the crossing of the border for the purpose of transit to another Member State — **Entry authorised by way of derogation for humanitarian reasons** — Article 13 — **Irregular crossing of an external border** — Period of 12 months from the crossing of the border — Article 27 — **Remedy — Scope of judicial review** — Article 29 — Period of six months for the purpose of effecting the transfer — **Running of the periods — Use of an appeal — Suspensory effect**

[CURIA – Judgment of the Court of Justice in Case C-490/16 of 26 July 2017](#)

Case C-646/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Khadija Jafari and Zainab Jafari v Bundesamt für Fremdenwesen und Asyl - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national — Arrival of an unusually large number of third-country nationals seeking international protection** — Organisation of border crossing by the authorities of one Member State for the purpose of transit to another Member State — **Entry authorised by way of derogation on humanitarian grounds** — Article 2(m) — Definition of a 'visa' — Article 12 — **Issuing of a visa** — Article 13 — **Irregular crossing of an external border**

[CURIA – Judgment of the Court of Justice in Case C-646/16 of 26 July 2017](#)

Case C-670/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Tsegezab Mengesteab v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Minden (Administrative Court, Minden, Germany) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national** — Article 20 — **Start of the determination process** — **Lodging an application for international protection** — Report prepared by the authorities that reached the competent authorities — Article 21(1) — **Time limits for making a take charge request** — **Transfer of responsibility to another Member State** — Article 27 — Remedy — **Scope of judicial review**

[CURIA – Judgment of the Court of Justice in Case C-670/16 of 26 July 2017](#)

Case C-434/16: OPINION OF ADVOCATE GENERAL KOKOTT of 20 July 2017 - Peter Nowak v Data Protection Commissioner - Request for a preliminary ruling from the Supreme Court (Ireland) - Request for a preliminary ruling — Directive 95/46/EC — **Processing of personal data** — **Concept of personal data** — **Access to one's own examination script** — **Examiner's corrections**

[CURIA – Opinion of Advocate General in Case C-434/16 of 20 July 2017](#)

Case C-201/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 20 July 2017 - Majid (also known as Madzhdi) Shiri and Bundesamt für Fremdenwesen und Asyl - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court) (Austria) - **Area of freedom, security and justice** — Interpretation of Regulation (EU) No 604/2013 — **Article 27(1) right to an effective remedy** — **Article 29 arrangements and time limits for the transfer of an individual from the requesting Member State to the requested Member State** — Point at which the time limit in Article 29(1) starts to run

[CURIA – Opinion of Advocate General in Case C-201/16 of 20 July 2017](#)

Case C-574/15: OPINION OF ADVOCATE GENERAL BOBEK of 13 July 2017 - Mauro Scialdone - Request for a preliminary ruling from the Tribunale di Varese (District Court, Varese, Italy) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112 — Article 4(3) TEU — **Principle of sincere cooperation** — Article 325 TFEU — **Protection of the financial interests of the Union** — **Convention on the protection of the European Communities' financial interests (PIF Convention)** — National law providing for criminal penalties relating to failure to pay withholding tax and VAT by the legal deadline — **Higher financial threshold applicable to VAT related offences** — **National law providing for the extinction of criminal liability if VAT is paid** — Member States' obligation to establish effective, proportionate and dissuasive penalties — **Charter of Fundamental Rights of the European Union** — Article 49(1) of the Charter — **Principle of legality** — **Retroactive application of the more lenient penalty** — **Legal certainty**

[CURIA – Opinion of Advocate General in Case C-574/15 of 13 July 2017](#)

Case C-76/16: JUDGMENT OF THE COURT (Second Chamber) of 13 July 2017 - Ingsteel spol. s r. o. and Metrostav a.s. v Úrad pre verejné obstarávanie and Slovenský futbalový zväz - REQUEST for a preliminary ruling under Article 267 TFEU from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — Article 47(1), (4) and (5) — **Economic and financial standing of the tenderer** — Directives 89/665/EEC and 2007/66/EC — **Judicial review of a decision to exclude a tenderer from a tendering procedure** — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right to an effective remedy**

[CURIA – Judgment of the Court of Justice in Case C-76/16 of 13 July 2017](#)

Case C-190/16: JUDGMENT OF THE COURT (First Chamber) of 5 July 2017 - Werner Fries v Lufthansa CityLine GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Air transport** — Regulation (EU) No 1178/2011 — Annex I, point FCL.065(b) — **Holders of a pilot's licence who have attained the age of 65 prohibited from acting as pilots of aircraft engaged in commercial air transport** — Validity — **Charter of Fundamental Rights of the European Union** — Article 15 — **Freedom of occupation** — Article 21 — **Equal treatment** — **Discrimination on grounds of age** — **Commercial air transport** — **Concept**

[CURIA – Judgment of the Court of Justice in Case C-190/16 of 5 July 2017](#)

13. Internal Market and Single Market

Case Law

Case C-125/16: JUDGMENT OF THE COURT (Third Chamber) of 21 September 2017 - Malta Dental Technologists Association and John Salomone Reynaud v Superintendent tas-Saħħa Pubblika and Kunsill tal-Professjonijiet Kumplimentari għall-Mediċina - REQUEST for a preliminary ruling under Article 267 TFEU from the Prim'Awla tal-Qorti Ċivili (First Hall of the Civil Court, Malta) - Reference for a preliminary ruling — Directive 2005/36/EC — **Recognition of professional qualifications — Dental technologists — Conditions governing the practice of the profession in the host Member State — Requirement for the compulsory intermediation of a dental practitioner** — Application of that requirement in the case of clinical dental technologists pursuing their profession in the home Member State — Article 49 TFEU — **Freedom of establishment — Restriction — Justification — Public interest objective of ensuring the protection of public health — Proportionality**
[CURIA – Judgment of the Court of Justice in Case C-125/16 of 21 September 2017](#)

Case C-297/16: OPINION OF ADVOCATE GENERAL WAHL of 21 September 2017 - Colegiul Medicilor Veterinari din România v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinar din România - Request for a preliminary ruling from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Article 49 TFEU — Directive 2001/82/EC — **Veterinary medicinal products** — Directive 2005/36/EC — **Training of veterinary practitioners** — Directive 2006/123/EC — **Services in the internal market — National rules limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners** — Requirement that the capital of veterinary pharmaceutical establishments be held entirely or mainly by veterinary practitioners — **Protection of health and life of humans and animals**
[CURIA – Opinion of Advocate General in Case C-297/16 of 21 September 2017](#)

Case C-552/15: JUDGMENT OF THE COURT (Grand Chamber) of 19 September 2017 - European Commission v Ireland - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Freedom to provide services — Motor vehicles — Rental or leasing of a motor vehicle by a resident of one Member State from a supplier established in another Member State — Registration tax** — Payment of the full amount of tax at the time of registration — **Conditions for refunding tax** — Proportionality
[CURIA – Judgment of the Court of Justice in Case C-552/15 of 19 September 2017](#)

Case C-646/15: JUDGMENT OF THE COURT (First Chamber) of 14 September 2017 - Trustees of the P Panayi Accumulation & Maintenance Settlements v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Freedom to provide services — Free movement of capital — Trust — Trustees — Other legal persons — Meaning — Tax on gains in value of assets held in trust by reason of the trustees' place of residence for tax purposes being transferred to another Member State**— Determination of the amount of tax due at the time of that transfer — Tax payable immediately — Justification — Proportionality
[CURIA – Judgment of the Court of Justice in Case C-646/15 of 14 September 2017](#)

Case C-223/16: JUDGMENT OF THE COURT (First Chamber) of 14 September 2017 - Casertana Costruzioni Srl v Ministero delle Infrastrutture e dei Trasporti — Provveditorato Interregionale per le opere pubbliche della Campania e del Molise and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 2004/18/EC — Articles 47(2) and 48(3) — **Tenderer relying on the capacities of other entities to meet the requirements of the contracting authority — Loss by those entities of the capacities required** — National legislation providing for the exclusion of the tenderer from the call for tenders and for the award of the contract to a competitor
[CURIA – Judgment of the Court of Justice in Case C-223/16 of 14 September 2017](#)

Case C-419/16: OPINION OF ADVOCATE GENERAL WAHL of 13 September 2017 - Sabine Simma Federspiel v Provincia autonoma di Bolzano and Equitalia Nord SpA - Request for a preliminary ruling from the Tribunale di Bolzano / Landesgericht Bozen (District Court of Bolzano, Italy) - **Freedom of establishment — Freedom to provide services — Doctors — Directive 75/363/EEC — Mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine — Acquisition of the title of medical specialist — Remuneration during the period of training — Obligation to work in the public health service for a period of no less than 5 years within 10 years of obtaining the qualification — Articles 45 and 49 TFEU — Concept of restriction — Justification — Proportionality**

[CURIA – Opinion of Advocate General in Case C-419/16 of 13 September 2017](#)

Case C-537/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 12 September 2017 - Garlsson Real Estate SA, in liquidation, Stefano Ricucci and Magiste International SA v Commissione Nazionale per le Società e la Borsa (Consob) - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - **Charter of Fundamental Rights of the European Union — Directive 2003/6/EC — Market manipulation — National law which provides for an administrative penalty and a criminal penalty for the same acts — Infringement of the principle ne bis in idem**

[CURIA – Opinion of Advocate General in Case C-537/16 of 12 September 2017](#)

Case C-267/16: OPINION OF ADVOCATE GENERAL MENGOSZI of 12 September 2017 - Albert Buhagiar and others v The Hon. Gilbert Licudi QC MP Minister for Justice - Request for a preliminary ruling from the Supreme Court of Gibraltar (United Kingdom) - Reference for a preliminary ruling — **Jurisdiction — Concept of ‘court or tribunal of a Member State’ — Gibraltar — Article 29 of the Act concerning the Conditions of Accession of the United Kingdom — Customs union — Directive on control of the acquisition and possession of weapons — Directive 91/477 — Interpretation of the provisions concerning hunters and marksmen — European firearms pass — Free movement of goods — Freedom to provide services — Freedom of movement of persons**

[CURIA – Opinion of Advocate General in Case C-267/16 of 12 September 2017](#)

Case C-6/16: JUDGMENT OF THE COURT (Sixth Chamber) of 7 September 2017 - Eqiom SAS, formerly Holcim France SAS and Enka SA v Ministre des Finances et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Free movement of capital — Withholding tax — Directive 90/435/EEC — Article 1(2) — Article 5(1) — Exemption — Dividends distributed by a resident subsidiary to a non-resident parent company controlled directly or indirectly by one or more residents of third States — Presumption — Fraud, tax evasion and abuse**

[CURIA – Judgment of the Court of Justice in Case C-6/16 of 7 September 2017](#)

Case C-384/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 6 September 2017 - European Union Copper Task Force v European Commission - Appeal — Action for partial annulment — Fourth paragraph of Article 263 TFEU — **Regulatory act which does not entail implementing measures — Individual concern — Plea of partial illegality — Plant protection products — Regulation (EC) No 1107/2009 — Implementing Regulation (EU) No 540/2011 — Implementing Regulation (EU) 2015/408 — Placing of plant protection products on the market and establishing a list of candidates for substitution — Copper compounds**

[CURIA – Opinion of Advocate General in Case C-384/16 of 6 September 2017](#)

Case C-187/16: OPINION OF ADVOCATE GENERAL KOKOTT of 20 July 2017 - European Commission v Republic of Austria - Failure of a Member State to fulfil obligations — Public service contracts — Directives 92/50/EEC, 2004/18/EC and 2009/81/EC — Article 346 TFEU — **Need for special security measures — Protection of the State's essential security interests — Manufacture of identity documents and other official documents — Award of a contract to Österreichische Staatsdruckerei without first conducting a procurement procedure**

[CURIA – Opinion of Advocate General in Case C-187/16 of 20 July 2017](#)

Affaire C-393/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 20 juillet 2017 - Comité Interprofessionnel du Vin de Champagne contre Aldi Süd Dienstleistungs-GmbH & Co. OHG, représenté par Aldi Süd Dienstleistungs-GmbH, anciennement Aldi Einkauf GmbH & Co. OHG Süd et Galana NV - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne,) - Question préjudicielle — **Organisation commune des marchés de produits agricoles — Protection des appellations d'origine protégées — Notion d'exploitation de la réputation d'une appellation d'origine, d'usurpation, d'imitation ou d'évocation et d'indications fausses ou fallacieuses — **Denrée alimentaire dont l'appellation correspond aux habitudes du public visé — Possibilité d'induire en erreur le public visé en ce qui concerne l'origine géographique d'un produit****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-393/16 du 20 juillet 2017](#)

Case C-566/15: JUDGMENT OF THE COURT (Grand Chamber) of 18 July 2017 - Konrad Erzberger v TUI AG and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht (Berlin Higher Regional Court, Germany) - Reference for a preliminary ruling — **Free movement of workers — Principle of non-discrimination — Election of workers' representatives to the supervisory board of a company — **National legislation restricting the right to vote and to stand as a candidate to employees of establishments located in the national territory****

[CURIA – Judgment of the Court of Justice in Case C-566/15 of 18 July 2017](#)

Case C-701/15: JUDGMENT OF THE COURT (Ninth Chamber) of 13 July 2017 - Malpensa Logistica Europa SpA v Società Esercizi Aeroportuali SpA (SEA) and Beta-Trans SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Lombardia (Regional Administrative Court, Lombardy, Italy) - Reference for a preliminary ruling — **Public procurement — Transport — Definition of "exploitation of a geographical area for the purpose of the provisions of airports or other terminal facilities to carriers by air" — Directives 2004/17/EC and 96/67/EC — National legislation which does not require a tendering procedure to be conducted prior to the allocation of areas within an airport**

[CURIA – Judgment of the Court of Justice in Case C-701/15 of 13 July 2017](#)

Case C-76/16: JUDGMENT OF THE COURT (Second Chamber) of 13 July 2017 - Ingsteel spol. s r. o. and Metrostav a.s. v Úrad pre verejné obstarávanie and Slovenský futbalový zväz - REQUEST for a preliminary ruling under Article 267 TFEU from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Public procurement — Directive 2004/18/EC — Article 47(1), (4) and (5) — **Economic and financial standing of the tenderer** — Directives 89/665/EEC and 2007/66/EC — **Judicial review of a decision to exclude a tenderer from a tendering procedure — Charter of Fundamental Rights of the European Union** — Article 47 — **Right to an effective remedy****

[CURIA – Judgment of the Court of Justice in Case C-76/16 of 13 July 2017](#)

14. Intellectual Property

Community Legislation

DIRECTIVE (EU) 2017/1564 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2017 on certain **permitted uses of certain works and other subject matter protected by copyright** and related rights for the **benefit of persons who are blind, visually impaired or otherwise print-disabled** and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

[OJ of the EU, L 242/6 of 20 September 2017](#)

REGULATION (EU) 2017/1563 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 September 2017 on the **cross-border exchange between the Union and third countries of accessible format copies of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled**

[OJ of the EU, L 242/1 of 20 September 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1431 of 18 May 2017 **laying down detailed rules** for implementing **certain provisions** of Council Regulation (EC) No 207/2009 on the **European Union trade mark**
[OJ of the EU, L 205/39 of 8 August 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/1430 of 18 May 2017 **supplementing Council Regulation** (EC) No 207/2009 on the **European Union trade mark and repealing Commission Regulations** (EC) No 2868/95 and (EC) No 216/96

[OJ of the EU, L 205/1 of 8 August 2017](#)

Case Law

Joined Cases C-361/15 P and C-405/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 21 September 2017 - **Easy Sanitary Solutions BV**, established in Oldenzaal (Netherlands) (C-361/15 P), **European Union Intellectual Property Office (EUIPO)** (C-405/15 P) and **United Kingdom of Great Britain and Northern Ireland** (C-405/15 P) **v Group Nivelles NV**, established in Gingelom (Belgium) - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Intellectual property — Community designs** — Regulation (EC) No 6/2002 — Article 5 — Novelty — Article 6 — Individual character — Article 7 — Disclosure to the public — Article 63 — **Powers of the European Union Intellectual Property Office (EUIPO) in the taking of evidence** — Burden of proof on the applicant for a declaration of invalidity — Requirements relating to the reproduction of an earlier design — Design for a shower drainage channel — **Dismissal of an application for a declaration of invalidity by the Board of Appeal**

[CURIA – Judgment of the Court of Justice in Case C-361/15 of 21 September 2017](#)

Joined Cases C-673/15 P to C-676/15 P: JUDGMENT OF THE COURT (Second Chamber) of 20 September 2017 - **The Tea Board**, established in Calcutta (India) **v European Union Intellectual Property Office (EUIPO)** and **Delta Lingerie**, established in Cachan (France) - FOUR APPEALS 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 8(1)(b) — **Word marks and figurative marks including the word element ‘darjeeling’ or ‘darjeeling collection de lingerie’** — Opposition by the proprietor of EU collective marks — **Collective marks consisting of the geographical indication ‘Darjeeling’** — Article 66(2) — Essential function — **Conflict with applications for registration of individual trade marks — Likelihood of confusion** — Definition — Similarity of goods and services — **Criteria for assessment** — Article 8(5)

[CURIA – Judgment of the Court of Justice in Case C-673/15 of 20 September 2017](#)

Case C-56/16 P: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - **European Union Intellectual Property Office (EUIPO)** and **European Commission v Instituto dos Vinhos do Douro e do Porto IP**, established in Peso da Régua (Portugal), Portuguese Republic and **Bruichladdich Distillery Co.Ltd**, established in Argyll (United Kingdom) - 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 8(4) and Article 53(1)(c) and (2)(d) — **EU word mark PORT CHARLOTTE — Application for a declaration of invalidity of that mark — Protection conferred on the earlier designations of origin ‘Porto’ and ‘Port’ under Regulation (EC) No 1234/2007 and under national law** — Exhaustive nature of the protection conferred on those designations of origin — Article 118m of Regulation (EC) No 1234/2007 — **Concepts of ‘use’ and ‘evocation’ of a protected designation of origin**

[CURIA – Judgment of the Court of Justice in Case C-56/16 of 14 September 2017](#)

Case C-291/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 12 September 2017 - **Schweppes SA v Red Paralela SL, Red Paralela BCN SL, formerly Carbóniques Montaner SL, Orangina Schweppes Holding BV, Schweppes International Ltd and Exclusivas Ramírez SL** - Request for a preliminary ruling from the Juzgado de lo Mercantil No 8 de Barcelona (Commercial Court No 8, Barcelona, Spain) - References for a preliminary ruling — Approximation of laws — **Trade marks** — Directive 2008/95/EC — Article 7(1) — **Exhaustion of the rights conferred by a trade mark — Parallel trade marks** — Assignment of trade marks in respect of part of the territory of the European Economic Area (EEA)

[CURIA – Opinion of Advocate General in Case C-291/16 of 12 September 2017](#)

Case C-265/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 7 September 2017 - VCAST Limited v RTI SpA - Request for a preliminary ruling from the Tribunale di Torino (District Court, Turin, Italy) - Reference for a preliminary ruling — Intellectual and industrial property — Copyright and related rights — Reproduction right — Exception — Reproduction for private use — Provision of a remote video recording (cloud computing) service for reproductions of television programmes for private use without the copyright holders' consent — Intervention of the service provider in the recording — Making available of those programmes
[CURIA – Opinion of Advocate General in Case C-265/16 of 7 September 2017](#)

Case C-389/15: OPINION OF ADVOCATE GENERAL BOT of 26 July 2017 - European Commission v Council of the European Union - Actions for annulment — Council decision authorising the opening of negotiations for a revised Lisbon agreement on appellations of origin and geographical indications — Exclusive competence of the European Union — Article 3(1) TFEU — Article 207 TFEU — Common commercial policy — Commercial aspects of intellectual property
[CURIA – Opinion of Advocate General in Case C-389/15 of 26 July 2017](#)

Case C-84/16 P: JUDGMENT OF THE COURT (Fifth Chamber) of 26 July 2017 - Continental Reifen Deutschland GmbH, established in Hanover (Germany) v Compagnie générale des établissements Michelin, established in Clermont-Ferrand (France) and European Union Intellectual Property Office (EUIPO) - 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 8(1)(b) — Figurative mark including the word element 'XKING' — Opposition by the proprietor of national marks and an international registration including the word element 'X' — Rejection of opposition by the Board of Appeal — Likelihood of confusion — Distortion of the evidence
[CURIA – Judgment of the Court of Justice in Case C-84/16 of 26 July 2017](#)

Case C-182/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 26 July 2017 - Meica Ammerländische Fleischwarenfabrik Fritz Meinen GmbH & Co. KG, established in Edewecht (Germany) v European Union Intellectual Property Office (EUIPO) and Salumificio Fratelli Beretta SpA, established in Barzanò (Italy) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Figurative trade mark containing the word element 'STICK MiniMINI Beretta' — Opposition by the proprietor of the EU word mark Mini Wini — Rejection of the opposition by the Board of Appeal of the European Union Intellectual Property Office (EUIPO) — Regulation (EC) No 207/2009 — Article 8(1)(b) — Likelihood of confusion — Level of attention of the relevant public — Independent distinctive role — Dominance — Criteria for assessing visual similarity — Obligation to state reasons
[CURIA – Judgment of the Court of Justice in Case C-182/16 of 26 July 2017](#)

Affaire C-471/16 P: ARRÊT DE LA COUR (sixième chambre) du 26 juillet 2017 - Staatliche Porzellan-Manufaktur Meissen GmbH, établie à Meißen (Allemagne) contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) et Meissen Keramik GmbH, établie à Meißen (Allemagne) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — Marque de l'Union européenne — Procédure d'opposition — Demande d'enregistrement de la marque figurative comportant l'élément verbal "meissen" — Rejet de l'opposition — Éléments de preuve présentés pour la première fois — Dénaturation — Usage sérieux des marques antérieures — Règlement (CE) n° 207/2009 — Article 7, paragraphe 3 — Article 8, paragraphe 5 — Lien entre les marques à comparer
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-471/16 du 26 juillet 2017](#)

Case C-93/16: JUDGMENT OF THE COURT (Second Chamber) of 20 July 2017 - Ornu Co-operative Ltd, formerly The Irish Dairy Board Co-operative Ltd v Tindale & Stanton Ltd España SL - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) - Reference for a preliminary ruling — Intellectual property — EU trade mark — Unitary character — Regulation (EC) No 207/2009 — Article 9(1)(b) and (c) — Uniform protection of the right conferred by an EU trade mark against the likelihood of confusion and detriment to reputation — Peaceful coexistence of that mark with a national mark used by a third party in part of the European Union — Absence of peaceful coexistence elsewhere in the European Union — Perception of the average consumer — Differences of perception may exist in different parts of the European Union
[CURIA – Judgment of the Court of Justice in Case C-93/16 of 20 July 2017](#)

Case C-433/16: JUDGMENT OF THE COURT (Second Chamber) of 13 July 2017 - Bayerische Motoren Werke AG v Acacia Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of Cassation, Italy) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — **Intellectual property — Community designs** — Regulation (EC) No 6/2002 — Articles 81 and 82 — **Action for a declaration of non-infringement — Jurisdiction of Community design courts of the Member State where the defendant is domiciled**

[CURIA – Judgment of the Court of Justice in Case C-433/16 of 13 July 2017](#)

Case C-341/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 13 July 2017 - Hanssen Beleggingen BV v Tanja Prast-Knippling - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court of Düsseldorf, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and enforcement of judgments** — Regulation (EC) No 44/2001 — Article (2)(1) — **Jurisdiction of the place where the defendant is domiciled** — Article 22(4) — **Exclusive jurisdiction in proceedings concerned with the registration or validity of trade marks** — Proceedings concerned with the identity of the proprietor of a Benelux mark — **Action against the formal proprietor of a Benelux mark seeking waiver of the rights to the mark as proprietor**

[CURIA – Opinion of Advocate General in Case C-341/16 of 13 July 2017](#)

Case C-139/16: JUDGMENT OF THE COURT (Tenth Chamber) of 6 July 2017 - Juan Moreno Marín, María Almudena Benavente Cárdbaba and Rodrigo Moreno Benavente v Abadía RetuertaSA - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Burgos (Provincial Court, Burgos, Spain) - Reference for a preliminary ruling — **Trade marks** — Directive 2008/95/EC — Article 3(1)(c) — National word mark La Milla de Oro — **Grounds for refusal of registration or invalidity — Signs indicating geographical origin**

[CURIA – Judgment of the Court of Justice in Case C-139/16 of 6 July 2017](#)

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

Community Legislation

DIRECTIVE (EU) 2017/1371 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2017 on the **fight against fraud to the Union's financial interests by means of criminal law**

[OJ of the EU, L 198/29 of 28 July 2017](#)

Case Law

Case C-171/16: JUDGMENT OF THE COURT (Fifth Chamber) of 21 September 2017 - Trayan Beshkov v Sofiyska rayonna prokuratura - REQUEST for a preliminary ruling under Article 267 TFEU from the Sofiyski Rayonen sad (Sofia District Court, Bulgaria) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Framework Decision 2008/675/JHA — **Scope — Taking into account, in the course of new criminal proceedings, a previous conviction handed down in another Member State, in order to impose an overall sentence** — National procedure for prior recognition of that conviction — **Altering the arrangements for enforcing the sentence imposed in the other Member State**

[CURIA – Judgment of the Court of Justice in Case C-171/16 of 21 September 2017](#)

Case C-627/15: OPINION OF ADVOCATE GENERAL WAHL of 14 September 2017 - Dumitru Gavrilesco and Liana Gavrilesco v SC Banca Transilvania SA, formerly SC Volksbank România SA and SC Volksbank România SA – **sucursala Câmpulung** - Request for a preliminary ruling from the Judecătoria Câmpulung (Court of First Instance, Câmpulung, Romania) - **Jurisdiction of the Court of Justice — Existence of a dispute pending before the referring court — National provisions that permit the withdrawal of an action after a referral to the Court of Justice for a preliminary ruling** — National provisions that permit an appellate court to review an order staying the proceedings at first instance pending a decision from the Court of Justice in the matter referred to it — **Unfair terms in consumer contracts** — Article 4(2) of Directive 93/13/EEC — **Credit agreements denominated in a foreign currency — Terms exempt from assessment as to their fairness**

[CURIA – Opinion of Advocate General in Case C-627/15 of 14 September 2017](#)

Joined Cases C-168/16 and C-169/16: JUDGMENT OF THE COURT (Second Chamber) of 14 September 2017 - Sandra Nogueira, Victor Perez-Ortega, Virginie Manguit, Maria Sanchez-Odogherty and José Sanchez-Navarro v Crewlink Ireland Ltd (C-168/16) - Miguel José Moreno Osacar v Ryanair Designated Activity Company, formerly Ryanair Ltd (C-169/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the cour du travail de Mons (Mons Higher Labour Court, Belgium) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction — Jurisdiction over individual contracts of employment** — Regulation (EC) No 44/2001 — Article 19(2)(a) — **Concept of ‘place in which the employee habitually carries out his work’** — Airline sector — Airline crew — Regulation (EEC) No 3922/91 — **Concept of ‘home base’**
[CURIA – Judgment of the Court of Justice in Case C-168/16 of 14 September 2017](#)

Affaire C-372/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 14 septembre 2017 (1) - Soha Sahyouni contre Raja Mamisch - demande de décision préjudicielle formée par l’Oberlandesgericht München (tribunal régional supérieur de Munich, Allemagne)- Renvoi préjudiciel – Compétence de la Cour – Règlement (UE) n° 1259/2010 – **Coopération renforcée dans le domaine de la loi applicable au divorce et à la séparation de corps – Champ d’application** – Article 1er – **Reconnaissance d’un divorce de nature privée enregistré par une instance religieuse dans un État tiers** – Article 10 – **Éviction de la loi étrangère applicable – Accès au divorce discriminatoire en fonction de l’appartenance des époux à l’un ou l’autre sexe – Examen in abstracto du caractère discriminatoire – Absence d’incidence du consentement éventuel de l’époux discriminé**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-372/16 du 14 septembre 2017](#)

Case C-60/16: JUDGMENT OF THE COURT (Third Chamber) of 13 September 2017 - Mohammad Khir Amayry v Migrationsverket - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammarrätten i Stockholm — Migrationsöverdomstolen (Administrative Court of Appeal for Immigration Matters, Stockholm, Sweden) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national** — Article 28 — **Detention for the purposes of transfer of an applicant for international protection to the Member State responsible — Deadline for carrying out the transfer — Maximum period of detention** — Calculation — Request to take charge accepted before the detention — **Suspension of the implementation of the transfer decision**
[CURIA – Judgment of the Court of Justice in Case C-60/16 of 13 September 2017](#)

Affaires jointes C-596/16 et C-597/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 12 septembre 2017 - Enzo Di Puma contre Commissione Nazionale per le Società e la Borsa (Consob) (C-596/16) et Commissione Nazionale per le Società e la Borsa (Consob) contre Antonio Zecca (C-597/16) - demande de décision préjudicielle formée par la Corte suprema di cassazione (Cour de cassation, Italie) - **Charte des droits fondamentaux de l’Union européenne** — Directive 2003/6/CE — **Transmission d’informations privilégiées — Législation nationale prévoyant une sanction administrative et une sanction pénale pour les mêmes faits — Jugement pénal de relaxe constatant que les faits constitutifs de l’infraction ne sont pas établis** — Article 50 de la Charte des droits fondamentaux de l’Union européenne — **Atteinte au principe non bis in idem**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-596/16 du 12 septembre 2017](#)

Case C-537/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 12 September 2017 - Garlsson Real Estate SA, in liquidation, Stefano Ricucci and Magiste International SA v Commissione Nazionale per le Società e la Borsa (Consob) - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - **Charter of Fundamental Rights of the European Union** — Directive 2003/6/EC — **Market manipulation — National law which provides for an administrative penalty and a criminal penalty for the same acts — Infringement of the principle ne bis in idem**
[CURIA – Opinion of Advocate General in Case C-537/16 of 12 September 2017](#)

Case C-267/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 12 September 2017 - Albert Buhagiar and others v The Hon. Gilbert Licudi QC MP Minister for Justice - Request for a preliminary ruling from the Supreme Court of Gibraltar (United Kingdom) - Reference for a preliminary ruling — **Jurisdiction — Concept of ‘court or tribunal of a Member State’ — Gibraltar** — Article 29 of the Act concerning the Conditions of Accession of the United Kingdom — **Customs union — Directive on control of the acquisition and possession of weapons — Directive 91/477 — Interpretation of the provisions concerning hunters and marksmen — European firearms pass — Free movement of goods — Freedom to provide services — Freedom of movement of persons**
[CURIA – Opinion of Advocate General in Case C-267/16 of 12 September 2017](#)

Case C-403/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 September 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice — Visa Code — Right to appeal — Refusal of a consul to issue a Schengen visa** — Appeal before the same administrative authority — **Article 47 of the Charter — Nature of the right to appeal — Administrative or judicial**
[CURIA – Opinion of Advocate General in Case C-403/16 of 7 September 2017](#)

Case C-367/16: OPINION OF ADVOCATE GENERAL BOT of 6 September 2017 - Criminal Proceedings v Dawid Piotrowski - Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal of Brussels, Belgium) - Framework Decision 2002/584/JHA — **European arrest warrant — Surrender procedures between the Member States — Grounds for mandatory non-execution of the European arrest warrant — Minor — Criminal responsibility** — Principle that education should be preferred to punishment — **Law relating to children — Article 24(2) of the Charter of Fundamental Rights of the European Union**
[CURIA – Opinion of Advocate General in Case C-367/16 of 6 September 2017](#)

Case C-384/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 6 September 2017 - European Union Copper Task Force v European Commission - Appeal — Action for partial annulment — Fourth paragraph of Article 263 TFEU — **Regulatory act which does not entail implementing measures — Individual concern — Plea of partial illegality — Plant protection products** — Regulation (EC) No 1107/2009 — Implementing Regulation (EU) No 540/2011 — Implementing Regulation (EU) 2015/408 — **Placing of plant protection products on the market and establishing a list of candidates for substitution** — Copper compounds
[CURIA – Opinion of Advocate General in Case C-384/16 of 6 September 2017](#)

Case C-271/17 PPU: JUDGMENT OF THE COURT (Fifth Chamber) of 10 August 2017 - Sławomir Andrzej Zdziasek - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — Urgent preliminary ruling procedure — **Police and judicial cooperation in criminal matters — European arrest warrant** — Framework Decision 2002/584/JHA — **Surrender procedures between Member States — Conditions for execution — Grounds for optional non-execution** — Article 4a(1) of Framework Decision 2009/299/JHA — Arrest warrant issued for the purpose of executing a custodial sentence or a detention order — **‘Trial resulting in the decision’** — Legal proceedings amending or combining a sentence passed previously — Decision handing down a cumulative sentence — **Decision handed down without the person concerned having appeared in person — Person convicted not having appeared in person at the trial in the context of his initial conviction, either at first instance or on appeal** — Person represented by a legal counsellor in the appeal proceedings — Arrest warrant not providing any information in that regard — **Consequences for the executing judicial authority**
[CURIA – Judgment of the Court of Justice in Case C-271/17 of 10 August 2017](#)

Case C-270/17 PPU: JUDGMENT OF THE COURT (Fifth Chamber) of 10 August 2017 - Tadas Tupikas - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — Urgent preliminary ruling procedure — **Police and judicial cooperation in criminal matters — European arrest warrant** — Framework Decision 2002/584/JHA — **Surrender procedures between Member States — Conditions for execution — Reasons for optional non-execution** — Article 4a(1) introduced by Framework Decision 2009/299/JHA — Arrest warrant issued for the purpose of executing a custodial sentence or a detention order — **‘Trial resulting in the decision’ — Person concerned having appeared in person at first instance — Appeal proceedings involving a re-examination of the substance of the case** — Arrest warrant providing no information making it possible to check whether the rights of the defence of the person convicted were upheld during the appeal proceedings
[CURIA – Judgment of the Court of Justice in Case C-270/17 of 10 August 2017](#)

Affaire C-243/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 26 juillet 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito Garcia et Juan Gregorio Benito Garcia contre Contimark SA et Jordi Socías Gispert - demande de décision préjudicielle formée par le Juzgado de lo Social n° 30 de Barcelona (tribunal du travail n° 30 de Barcelone, Espagne) - Renvoi préjudiciel – Directive 2012/30/UE – Articles 20 et 21 de la charte des droits fondamentaux de l’Union européenne – **Droit des sociétés – Recouvrement de créances salariales – Exercice simultané et cumulatif, devant la même juridiction, de l’action directe dirigée contre l’entreprise et contre l’administrateur de la société, en sa qualité de codébiteur solidaire des dettes de la société**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-243/16 du 26 juillet 2017](#)

Case C-358/16: OPINION OF ADVOCATE GENERAL KOKOTT of 26 July 2017 - UBS (Luxembourg) SA and Others - Request for a preliminary ruling from the Cour administrative (Administrative Court of Appeal, Luxembourg) - Reference for a preliminary ruling — Directive 2004/39/EC — Article 54(1) and (3) — **Access to information in judicial proceedings against a decision of the national financial supervisory authority — Professional secrecy — Exception for cases covered by criminal law** — Right to good administration — **Right to effective judicial protection**

[CURIA – Opinion of Advocate General in Case C-358/16 of 26 July 2017](#)

Affaire C-271/17 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MICHAL BOBEK du 26 juillet 2017 - Openbaar Ministerie contre Sławomir Andrzej Zdziaszek - demande de décision préjudicielle formée par le Rechtbank Amsterdam (tribunal d’Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Mandat d’arrêt européen – Motifs de non-exécution facultative** – Mandat délivré aux fins de l’exécution d’une peine privative de liberté – **Notion de “procès qui a mené à la décision” – Procédure concernant une peine globale – Procédure en appel**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-271/17 du 26 juillet 2017](#)

Affaire C-270/17 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MICHAL BOBEK du 26 juillet 2017 - Openbaar Ministerie contre Tadas Tupikas - demande de décision préjudicielle formée par le Rechtbank Amsterdam (tribunal d’Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Mandat d’arrêt européen – Motifs de non-exécution facultative** – Mandat délivré aux fins de l’exécution d’une peine privative de liberté – **Notion de “procès qui a mené à la décision” – Procédure en appel**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-270/17 du 26 juillet 2017](#)

Case C-599/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Council of the European Union and French Republic v Liberation Tigers of Tamil Eelam (LTTE), Kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Fight against terrorism — Restrictive measures against certain persons and entities — Freezing of funds** — Common Position 2001/931/CFSP — Article 1(4) and (6) — Regulation (EC) No 2580/2001 — Article 2(3) — **Retention of an organisation on the list of persons, groups and entities involved in terrorist acts — Conditions** — Factual basis of the decisions to freeze funds — **Decision taken by a competent authority — Obligation to state reasons**

[CURIA – Judgment of the Court of Justice in Case C-599/14 of 26 July 2017](#)

Case C-79/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 26 July 2017 - Council of the European Union and French Republic v Hamas, established in Doha (Qatar) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Fight against terrorism — Restrictive measures against certain persons and entities — Freezing of funds — Common Position 2001/931/CFSP — Article 1(4) and (6) — Regulation (EC) No 2580/2001 — Article 2(3) — Retention of an organisation on the list of persons, groups and entities involved in terrorist acts — Conditions — Factual basis of the decisions to freeze funds — Decision taken by a competent authority — Obligation to state reasons**

[CURIA – Judgment of the Court of Justice in Case C-79/15 of 26 July 2017](#)

Case C-670/15: JUDGMENT OF THE COURT (Fifth Chamber) of 26 July 2017 - Jan Šalplachta - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Access to justice in cross-border disputes — Directive 2003/8/EC — Minimum common rules relating to legal aid granted for such disputes — Scope — Legislation of a Member State providing that the costs of translation of the supporting documents necessary for the processing of a legal aid application are not reimbursable**

[CURIA – Judgment of the Court of Justice in Case C-670/15 of 26 July 2017](#)

Case C-348/16: JUDGMENT OF THE COURT (Second Chamber) of 26 July 2017 - Moussa Sacko v Commissione Territoriale per il riconoscimento della protezione internazionale di Milano - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Milano (District Court, Milan, Italy) - Reference for a preliminary ruling — **Asylum policy — Directive 2013/32/EU — Articles 12, 14, 31 and 46 — Charter of Fundamental Rights of the European Union — Article 47 — Right to effective judicial protection — Appeal against a decision refusing an application for international protection — Whether it is possible for the court to adjudicate without hearing the applicant**

[CURIA – Judgment of the Court of Justice in Case C-348/16 of 26 July 2017](#)

Case C-225/16: JUDGMENT OF THE COURT (Second Chamber) of 26 July 2017 - Mossa Ouhrami - 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 — **Area of freedom, security and justice — Return of illegally staying third-country nationals — Directive 2008/115/EC — Article 11(2) — Decision to impose an entry ban taken before that directive entered into force and relating to a longer period than that provided for by the directive — Time from which the period of the entry ban starts to run**

[CURIA – Judgment of the Court of Justice in Case C-225/16 of 26 July 2017](#)

Case C-201/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 20 July 2017 - Majid (also known as Madzhdi) Shiri and Bundesamt für Fremdenwesen und Asyl - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court) (Austria) - **Area of freedom, security and justice — Interpretation of Regulation (EU) No 604/2013 — Article 27(1) right to an effective remedy — Article 29 arrangements and time limits for the transfer of an individual from the requesting Member State to the requested Member State — Point at which the time limit in Article 29(1) starts to run**

[CURIA – Opinion of Advocate General in Case C-201/16 of 20 July 2017](#)

Case C-340/16: JUDGMENT OF THE COURT (Third Chamber) of 20 July 2017 - Landeskrankenanstalten-Betriebsgesellschaft — KABEG v Mutuelles du Mans assurances — MMA IARD SA - 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 — Regulation (EC) No 44/2001 — Article 9(1) — Article 11(2) — Jurisdiction in matters relating to insurance — Direct action by the injured party against the insurer — Action brought by the employer, a public-law institution, statutory assignee of the rights of its employee, against the insurer of the vehicle involved — Subrogation**

[CURIA – Judgment of the Court of Justice in Case C-340/16 of 20 July 2017](#)

Case C-42/17: OPINION OF ADVOCATE GENERAL BOT of 18 July 2017 - Criminal proceedings against M.A.S. and M.B. - Request for a preliminary ruling from the Corte costituzionale (Constitutional Court, Italy) - Reference for a preliminary ruling — **Protection of the financial interests of the European Union** — Article 325 TFEU — **Criminal proceedings concerning value added tax (VAT) offences** — **Potential effect on the financial interests of the European Union** — National legislation providing for absolute limitation periods capable of entailing the impunity of the offences — Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Principles of equivalence and effectiveness — Unacceptability of the legislation at issue — **Obligation of the national court to disapply that legislation where it would prevent the imposition of effective and dissuasive penalties ‘in a significant number of cases of serious fraud’ affecting the financial interests of the Union** — Immediate application of that obligation to pending proceedings in application of the principle tempus regit actum — **Compatibility with the principle that offences and penalties must be defined by law** — Scope and rank of that principle in the legal order of the Member State concerned — Inclusion of the limitation rules in the scope of that principle — Substantive nature of those rules — Article 4(2) TEU — **Respect for the national identity of the Member States concerned** — **Charter of Fundamental Rights of the European Union** — Articles 49 and 53

CURIA – Opinion of Advocate General in Case C-42/17 of 18 July 2017

Case C-213/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 18 July 2017 - European Commission, Kingdom of Spain and French Republic v Patrick Breyer, Republic of Finland and Kingdom of Sweden - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Access to documents of the institutions** — Article 15(3) TFEU — Regulation (EC) No 1049/2001 — **Scope** — **Application for access to written submissions filed by the Republic of Austria in the case in which judgment was given on 29 July 2010, Commission v Austria (C-189/09, not published, EU:C:2010:455)** — Documents in the possession of the European Commission — **Protection of court proceedings**

CURIA – Judgment of the Court of Justice in Case C-213/15 of 18 July 2017

Case C-194/16: OPINION OF ADVOCATE GENERAL BOBEK of 13 July 2017 - Bolagsupplysningen OÜ and Ingrid Ilsjan v Svensk Handel AB - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - Regulation No 1215/2012 — **Jurisdiction in matters relating to tort, delict or quasi-delict** — **Publication of information on the internet** — Personality rights of legal persons — Centre of interests — **Injunction to have information deleted and corrected in a different Member State** — **Claim for damages**

CURIA – Opinion of Advocate General in Case C-194/16 of 13 July 2017

Case C-341/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 13 July 2017 - Hanssen Beleggingen BV v Tanja Prast-Knippling - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court of Düsseldorf, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction and enforcement of judgments** — Regulation (EC) No 44/2001 — Article (2)(1) — **Jurisdiction of the place where the defendant is domiciled** — Article 22(4) — **Exclusive jurisdiction in proceedings concerned with the registration or validity of trade marks** — Proceedings concerned with the identity of the proprietor of a Benelux mark — **Action against the formal proprietor of a Benelux mark seeking waiver of the rights to the mark as proprietor**

CURIA – Opinion of Advocate General in Case C-341/16 of 13 July 2017

Case C-433/16: JUDGMENT OF THE COURT (Second Chamber) of 13 July 2017 - Bayerische Motoren Werke AG v Acacia Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of Cassation, Italy) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — **Intellectual property** — **Community designs** — Regulation (EC) No 6/2002 — Articles 81 and 82 — **Action for a declaration of non-infringement** — **Jurisdiction of Community design courts of the Member State where the defendant is domiciled**

CURIA – Judgment of the Court of Justice in Case C-433/16 of 13 July 2017

Case C-193/16: JUDGMENT OF THE COURT (Third Chamber) of 13 July 2017 - E v Subdelegación del Gobierno en Álava - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia del País Vasco (High Court of Justice of the Basque Country, Spain) - Reference for a preliminary ruling — **Citizenship of the Union — Right to move and reside freely in the territory of the Member States** — Directive 2004/38/EC — The second subparagraph of Article 27(2) — **Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health** — Expulsion from the territory for reasons of public policy or public security — **Conduct representing a sufficiently serious present and genuine threat for a fundamental interest of society** — Present and genuine threat — Concept — **Union citizen residing in the host Member State where he is serving a prison sentence for repeated child sexual abuse offences**
[CURIA – Judgment of the Court of Justice in Case C-193/16 of 13 July 2017](#)

Case C-368/16: JUDGMENT OF THE COURT (Eighth Chamber) of 13 July 2017 - Assens Havn v Navigators Management (UK) Limited - REQUEST for a preliminary ruling under Article 267 TFEU from the Højesteret (Supreme Court, Denmark) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction in insurance matters — National legislation providing, on certain conditions, for an injured person's right to bring legal proceedings directly against the insurer of the person responsible for an accident — Agreement on jurisdiction concluded between the insurer and the party which caused the damage**
[CURIA – Judgment of the Court of Justice in Case C-368/16 of 13 July 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

List of competent authorities which are **authorised to search directly the data contained in the second generation Schengen Information System** pursuant to Article 31(8) of Regulation (EC) No 1987/2006 of the European Parliament and of the Council and Article 46(8) of Council Decision 2007/533/JHA on the **establishment, operation and use of the second generation Schengen Information System** (2017/C 228/01)
[OJ of the EU, C 228/1 of 14 July 2017](#)

List of N.SIS II Offices and the **national Sirene Bureaux** (2017/C 228/02)
[OJ of the EU, C 228/166 of 14 July 2017](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1503 of 25 August 2017 **amending** Implementing Regulation (EU) 2016/68 on **common procedures and specifications necessary for the interconnection of electronic registers of driver cards** (Text with EEA relevance)
[OJ of the EU, L 221/10 of 26 August 2017](#)

COMMISSION DELEGATED DECISION (EU) 2017/1474 of 8 June 2017 **supplementing** Directive (EU) 2016/797 of the European Parliament and of the Council with regard to **specific objectives for the drafting, adoption and review of technical specifications for interoperability** (notified under document C(2017) 3800) (Text with EEA relevance)
[OJ of the EU, L 210/5 of 15 August 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1440 of 8 August 2017 **amending** Implementing Regulation (EU) 2016/480 establishing **common rules concerning the interconnection of national electronic registers on road transport undertakings** (Text with EEA relevance)
[OJ of the EU, L 206/3 of 9 August 2017](#)

Case Law

Case C-503/16: JUDGMENT OF THE COURT (Sixth Chamber) of 14 September 2017 - Luís Isidro Delgado Mendes v Crédito Agrícola Seguros — Companhia de Seguros de Ramos Reais SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Évora (Court of Appeal of Evora, Portugal) - Reference for a preliminary ruling — **Compulsory insurance against civil liability in respect of the use of motor vehicles** — Directives 72/166/EEC, 84/5/EEC, 90/232/EEC and 2009/103/EC — **Theft of a vehicle — Motor vehicle accident — Personal injuries and property damage sustained by the insured owner of the vehicle, as a pedestrian — Civil liability** — Compensation — **Compulsory insurance cover — Exclusion clauses — National legislation excluding the insured owner of the vehicle from compensation from the insurers** — Compatibility with those directives — **Concept of ‘third parties who have been victims’**

[CURIA – Judgment of the Court of Justice in Case C-503/16 of 14 September 2017](#)

Case C-506/16: JUDGMENT OF THE COURT (Sixth Chamber) of 7 September 2017 - José Joaquim Neto de Sousa v Portuguese State - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação do Porto (Court of Appeal, Porto, Portugal) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Directive 84/5/EEC — Directive 90/232/EEC — **Driver responsible for the accident which caused the death of his spouse, a passenger in the vehicle — National legislation excluding compensation for material damage suffered by the driver responsible for the accident**

[CURIA – Judgment of the Court of Justice in Case C-506/16 of 7 September 2017](#)

Case C-559/16: JUDGMENT OF THE COURT (Eighth Chamber) of 7 September 2017 - Birgit Bossen, Anja Bossen and Gudula Gräßmann v Brussels Airlines SA/NV - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Hamburg (Hamburg Local Court, Germany) - Reference for a preliminary ruling — **Transport — Regulation (EC) No 261/2004 — Article 7(1) — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights — Flight consisting of several legs — Concept of ‘distance’ to be taken into account**

[CURIA – Judgment of the Court of Justice in Case C-559/16 of 7 September 2017](#)

Case C-314/16: OPINION OF ADVOCATE GENERAL BOT of 7 September 2017 - European Commission v Czech Republic - Failure of a Member State to fulfil obligations — Directive 2006/126/EC — **Transport — Driving licences — Scope of the definitions of categories C1 and C and the restriction on the definition of category D1**

[CURIA – Opinion of Advocate General in Case C-314/16 of 7 September 2017](#)

Case C-696/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 26 July 2017 - Czech Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Transport — Directive 2010/40/EU — Deployment of Intelligent Transport Systems in the field of road transport — Article 7 — Delegation of power to the European Commission — Limits** — Delegated Regulation (EU) No 885/2013 — Provision of information services for safe and secure parking places for trucks and commercial vehicles — Delegated Regulation (EU) No 886/2013 — **Data and procedures for the provision of road safety-related minimum universal traffic information free of charge to users** — Article 290 TFEU — Explicit definition of the objectives, content, scope and duration of the delegation of power — **Essential element of the matter in question — Establishment of a supervisory body**

[CURIA – Judgment of the Court of Justice in Case C-696/15 of 26 July 2017](#)

Case C-287/16: JUDGMENT OF THE COURT (Sixth Chamber) of 20 July 2017 - Fidelidade-Companhia de Seguros SA v Caisse Suisse de Compensation, Fundo de Garantia Automóvel, Sandra Cristina Crystello Pinto Moreira Pereira, Sandra Manuela Teixeira Gomes Seemann, Catarina Ferreira Seemann, José Batista Pereira and Teresa Rosa Teixeira - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Article 3(1) — Second Directive 84/5/EEC — Article 2(1) — **Insurance contract concluded on the basis of false statements concerning the ownership of the vehicle and the identity of its usual driver — Policyholder** — No economic interest in the conclusion of that contract — **Insurance contract null and void — Whether that nullity may be invoked against third-party victims**

[CURIA – Judgment of the Court of Justice in Case C-287/16 of 20 July 2017](#)

Case C-151/16: JUDGMENT OF THE COURT (First Chamber) of 13 July 2017 - ‘Vakarų Baltijos laivų statykla’ UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(c) — **Exemption of energy products used as fuel for the purpose of navigation within European Union waters and to produce electricity on board a craft — Fuel used by a ship to sail from the place where it was built to the port of another Member State for the purpose of taking on its first commercial cargo**

[CURIA – Judgment of the Court of Justice in Case C-151/16 of 13 July 2017](#)

Case C-701/15: JUDGMENT OF THE COURT (Ninth Chamber) of 13 July 2017 - Malpensa Logistica Europa SpA v Società Esercizi Aeroportuali SpA (SEA) and Beta-Trans SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Lombardia (Regional Administrative Court, Lombardy, Italy) - Reference for a preliminary ruling — **Public procurement — Transport — Definition of “exploitation of a geographical area for the purpose of the provisions of airports or other terminal facilities to carriers by air”** — Directives 2004/17/EC and 96/67/EC — National legislation which does not require a tendering procedure to be conducted prior to the allocation of areas within an airport

[CURIA – Judgment of the Court of Justice in Case C-701/15 of 13 July 2017](#)

Case C-290/16: JUDGMENT OF THE COURT (Fourth Chamber) of 6 July 2017 - Air Berlin plc & Co. Luftverkehrs KG v Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Transport — Common rules for the operation of air services in the European Union** — Regulation (EC) No 1008/2008 — Provisions on pricing — Article 22(1) — Article 23(1) — **Information required on presentation of fares and rates available to the general public — Obligation to indicate the actual sum of taxes, charges, surcharges or fees** — Pricing freedom — Invoicing of handling fees in the event of cancellation of a flight booking by a passenger or failure to present for boarding — **Consumer protection**

[CURIA – Judgment of the Court of Justice in Case C-290/16 of 6 July 2017](#)

Case C-190/16: JUDGMENT OF THE COURT (First Chamber) of 5 July 2017 - Werner Fries v Lufthansa CityLine GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Air transport** — Regulation (EU) No 1178/2011 — Annex I, point FCL.065(b) — **Holders of a pilot’s licence who have attained the age of 65 prohibited from acting as pilots of aircraft engaged in commercial air transport** — Validity — **Charter of Fundamental Rights of the European Union** — Article 15 — **Freedom of occupation** — Article 21 — **Equal treatment — Discrimination on grounds of age — Commercial air transport — Concept**

[CURIA – Judgment of the Court of Justice in Case C-190/16 of 5 July 2017](#)

Case C-320/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 4 July 2017 - Uber France SAS - Request for a preliminary ruling from the tribunal de grande instance de Lille (Regional Court, Lille, France) - Reference for a preliminary ruling — **Technical regulation — Definition — Obligation to notify — Penalty — Unenforceable against individuals — System for putting customers in touch with non-professional drivers** — UberPop application — Directive 2006/123/EC — **Scope — Exclusion as a service in the field of transport**

[CURIA – Opinion of Advocate General in Case C-320/16 of 4 July 2017](#)

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

Community Legislation

REGULATION (EU) 2017/1538 OF THE EUROPEAN CENTRAL BANK of 25 August 2017 **amending** Regulation (EU) 2015/534 on **reporting of supervisory financial information** (ECB/2017/25)

[OJ of the EU, L 240/1 of 19 September 2017](#)

REGULATION (EU) 2017/1539 OF THE EUROPEAN CENTRAL BANK of 25 August 2017 **laying down the date of application** of Regulation (EU) 2017/1538 amending Regulation (EU) 2015/534 on **reporting of supervisory financial information** (ECB/2017/25) to **less significant supervised entities which are subject to national accounting frameworks** (ECB/2017/26)

[OJ of the EU, L 240/212 of 19 September 2017](#)

DECISION (EU) 2017/1493 OF THE EUROPEAN CENTRAL BANK of 3 August 2017 **amending** Decision ECB/2014/29 on the **provision to the European Central Bank of supervisory data reported to the national competent authorities by the supervised entities** pursuant to Commission Implementing Regulation (EU) No 680/2014 (ECB/2017/23)

[OJ of the EU, L 216/23 of 22 August 2017](#)

DECISION (EU) 2017/1359 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision (EU) 2016/948 on the **implementation of the corporate sector purchase programme** (ECB/2017/13)

[OJ of the EU, L 190/20 of 21 July 2017](#)

DECISION (EU) 2017/1360 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision ECB/2014/40 on the **implementation of the third covered bond purchase programme** (ECB/2017/14)

[OJ of the EU, L 190/22 of 21 July 2017](#)

DECISION (EU) 2017/1361 OF THE EUROPEAN CENTRAL BANK of 18 May 2017 **amending** Decision (EU) 2015/5 on the **implementation of the asset-backed securities purchase programme** (ECB/2017/15)

[OJ of the EU, L 190/24 of 21 July 2017](#)

Case Law

Case C-284/16: OPINION OF ADVOCATE GENERAL WATHELET of 19 September 2017 - Slovakische Republik v Achmea BV - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Principles of EU law** — Bilateral investment treaty concluded in 1991 between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic and still applicable between the Kingdom of the Netherlands and the Slovak Republic — **Compatibility of investor-State dispute settlement mechanism established by an intra-European Union bilateral investment treaty with Articles 18(1) TFEU, 267 TFEU and 344 TFEU**

[CURIA – Opinion of Advocate General in Case C-284/16 of 19 September 2017](#)

Case C-184/16: JUDGMENT OF THE COURT (First Chamber) of 14 September 2017 - Ovidiu-Mihăiță Petrea v Ypourgos Esoterikon kai Dioikitikis Anasygrotisis - REQUEST for a preliminary ruling under Article 267 TFEU from the Dioikitiko Protodikeio Thessalonikis (Administrative Court of First Instance of Thessalonica, Greece) - Reference for a preliminary ruling – Directive 2004/38/EC – Directive 2008/115/EC – **Right to move and reside freely in the territory of the Member States** – Residence of a national of a Member State within the territory of another Member State despite a prohibition on entering that State – **Lawfulness of a decision to withdraw a registration certificate and a further expulsion decision – Possibility to rely, exceptionally, on the unlawfulness of an earlier decision – Translation obligation**

[CURIA – Judgment of the Court of Justice in Case C-184/16 of 14 September 2017](#)

Case C-589/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 12 September 2017 - Alexios Anagnostakis, residing in Athens (Greece) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Institutional law** — **Citizens' initiative inviting the European Commission to submit a legislative proposal relating to the writing off of public debt for Member States in a state of necessity** — Application for registration — Refusal by the Commission — **Manifest lack of powers of the Commission** — Regulation (EU) No 211/2011 — Article 4(2)(b) — **Obligation to state reasons** — Article 122 TFEU — Article 136 TFEU — **Infringement**

[CURIA – Judgment of the Court of Justice in Case C-589/15 of 12 September 2017](#)

Case C-331/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 7 September 2017 - French Republic and Czech Republic v Carl Schlyter, European Commission, Republic of Finland and Kingdom of Sweden - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Right of public access to documents of the EU institutions** — Regulation (EC) No 1049/2001 — Article 4(2), third indent — **Exceptions to the right of access to documents** — **Protection of the purpose of investigations** — Directive 98/34/EC — Articles 8 and 9 — **Detailed opinion of the European Commission concerning a draft technical regulation — Refusal to grant access**

[CURIA – Judgment of the Court of Justice in Case C-331/15 of 7 September 2017](#)

Case C-687/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 7 September 2017 - European Commission v Council of the European Union - Action for annulment — External action of the European Union — Article 218(9) TFEU — **Establishment of the positions to be adopted on the European Union's behalf in a body set up by an international agreement** — **External competence of the European Union** — Inappropriate legal form of the act establishing the positions to be adopted on the European Union's behalf — **Council Conclusions on the World Radiocommunication Conference 2015 of the International Telecommunication Union**

[CURIA – Opinion of Advocate General in Case C-687/15 of 7 September 2017](#)

Joined Cases C-643/15 and C-647/15: JUDGMENT OF THE COURT (Grand Chamber) of 6 September 2017 - Slovak Republic (C-643/15), Hungary (C-647/15) and Republic of Poland v Council of the European Union, Kingdom of Belgium, Federal Republic of Germany (C-647/15), Hellenic Republic, French Republic, Italian Republic, Grand Duchy of Luxembourg, Kingdom of Sweden and European Commission (C-647/15) (C-643/15) - ACTIONS for annulment under Article 263 TFEU - Actions for annulment — Decision (EU) 2015/1601 — **Provisional measures in the area of international protection for the benefit of the Hellenic Republic and the Italian Republic** — **Emergency situation characterised by a sudden inflow of nationals of third countries into certain Member States** — Relocation of those nationals to other Member States — **Relocation quotas** — Article 78(3) TFEU — **Legal basis** — **Conditions under which applicable** — **Concept of 'legislative act'** — Article 289(3) TFEU — Whether conclusions adopted by the European Council are binding on the Council of the European Union — Article 15(1) TEU and Article 68 TFEU — **Essential procedural requirements** — **Amendment of the European Commission's proposal** — Requirements for a further consultation of the European Parliament and a unanimous vote within the Council of the European Union — Article 293 TFEU — **Principles of legal certainty and of proportionality**

[CURIA – Judgment of the Court of Justice in Case C-643/15 of 6 September 2017](#)

Case C-389/15: OPINION OF ADVOCATE GENERAL BOT of 26 July 2017 - European Commission v Council of the European Union - Actions for annulment — **Council decision authorising the opening of negotiations for a revised Lisbon agreement on appellations of origin and geographical indications** — **Exclusive competence of the European Union** — Article 3(1) TFEU — Article 207 TFEU — **Common commercial policy** — **Commercial aspects of intellectual property**

[CURIA – Opinion of Advocate General in Case C-389/15 of 26 July 2017](#)

Cases C-643/15 and C-647/15: OPINION OF ADVOCATE GENERAL BOT of 26 July 2017 - Slovak Republic and Hungary v Council of the European Union - Actions for annulment — Decision (EU) 2015/1601 — **Provisional measures in the area of international protection for the benefit of the Italian Republic and the Hellenic Republic** — **Emergency situation characterised by a sudden inflow of nationals of third countries to certain Member States** — **Relocation of those nationals to other Member States** — **Relocation quotas** — Article 80 TFEU — Principle of solidarity and of fair sharing of responsibility between Member States — Article 78(3) TFEU — **Legal basis** — **Concept of 'legislative act'** — Article 289(3) TFEU — Whether conclusions adopted by the European Council are binding on the Council of the European Union — Article 15(1) TEU and Article 68 TFEU — **Breach of essential procedural requirements** — **Amendment of the European Commission's proposal** — **Requirements for a new consultation of the European Parliament and a unanimous vote within the Council** — Article 293 TFEU — **Principles of legal certainty and of proportionality**

[CURIA – Opinion of Advocate General in Case C-643/15 of 26 July 2017](#)

Case C-326/16 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 26 July 2017 - LL v European Parliament - Appeal — Action for annulment — Former Member of the European Parliament — Decision to recover allowances relating to the performance of parliamentary duties — Action for annulment — Admissibility — Procedure for complaining to the bodies of the European Parliament — Article 72 of the Implementing Measures for the Statute for Members of the European Parliament — Notification of the decision adversely affecting a Member of the European Parliament — Registered letter not collected by its addressee — Time limit for instituting proceedings — Sixth paragraph of Article 263 TFEU

[CURIA – Opinion of Advocate General in Case C-326/16 of 26 July 2017](#)

Affaire C-370/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 26 juillet 2017 - Bruno Dell'Acqua contre Eurocom Srl, Regione Lombardia and Renato Quattrocchi e. a. - demande de décision préjudicielle formée par le Tribunale di Novara [Italie] - Demande de décision préjudicielle – Article 343 TFUE – Article 1er, troisième phrase, du Protocole sur les privilèges et immunités de l'Union européenne – Saisie-arrêt entre les mains d'un tiers auprès d'une autorité nationale portant sur des montants octroyés à un bénéficiaire dans le cadre d'un programme d'aide du Fonds social européen – Question de la nécessité d'une autorisation préalable de la Cour de justice

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-370/16 du 26 juillet 2017](#)

Case C-213/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 18 July 2017 - European Commission, Kingdom of Spain and French Republic v Patrick Breyer, Republic of Finland and Kingdom of Sweden - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Access to documents of the institutions — Article 15(3) TFEU — Regulation (EC) No 1049/2001 — Scope — Application for access to written submissions filed by the Republic of Austria in the case in which judgment was given on 29 July 2010, Commission v Austria (C-189/09, not published, EU:C:2010:455) — Documents in the possession of the European Commission — Protection of court proceedings

[CURIA – Judgment of the Court of Justice in Case C-213/15 of 18 July 2017](#)

Case C-42/17: OPINION OF ADVOCATE GENERAL BOT of 18 July 2017 - Criminal proceedings against M.A.S. and M.B. -Request for a preliminary ruling from the Corte costituzionale (Constitutional Court, Italy) - Reference for a preliminary ruling — Protection of the financial interests of the European Union — Article 325 TFEU — Criminal proceedings concerning value added tax (VAT) offences — Potential effect on the financial interests of the European Union — National legislation providing for absolute limitation periods capable of entailing the impunity of the offences — Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Principles of equivalence and effectiveness — Unacceptability of the legislation at issue — Obligation of the national court to disapply that legislation where it would prevent the imposition of effective and dissuasive penalties 'in a significant number of cases of serious fraud' affecting the financial interests of the Union — Immediate application of that obligation to pending proceedings in application of the principle tempus regit actum — Compatibility with the principle that offences and penalties must be defined by law — Scope and rank of that principle in the legal order of the Member State concerned — Inclusion of the limitation rules in the scope of that principle — Substantive nature of those rules — Article 4(2) TEU — Respect for the national identity of the Member States concerned — Charter of Fundamental Rights of the European Union — Articles 49 and 53

[CURIA – Opinion of Advocate General in Case C-42/17 of 18 July 2017](#)

Case C-60/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 13 July 2017 - Saint-Gobain Glass Deutschland GmbH, established in Stolberg (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Right of access to documents held by European Union institutions — Regulation (EC) No 1049/2001 — Exceptions to the right of access — Article 4(3), first subparagraph — Protection of the decision-making process of those institutions — Environment — Aarhus Convention — Regulation (EC) No 1367/2006 — Article 6(1) — Public interest in the disclosure of environmental information — Information communicated by the German authorities to the European Commission pertaining to installations situated on German territory and concerned by the Union legislation on the scheme for greenhouse gas emission allowance trading — Partial refusal of access

[CURIA – Judgment of the Court of Justice in Case C-60/15 of 13 July 2017](#)

Affaire C-388/16: ARRÊT DE LA COUR (dixième chambre) du 13 juillet 2017 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 260, paragraphe 2, TFUE - Manquement d'État – **Arrêt de la Cour constatant un manquement – Inexécution** – Article 260, paragraphe 2, TFUE – **Sanctions pécuniaires – Somme forfaitaire**

CURIA – Judgment of the Court of Justice in Case C-388/16 of 13 July 2017

Case C-193/16: JUDGMENT OF THE COURT (Third Chamber) of 13 July 2017 - E v Subdelegación del Gobierno en Álava - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia del País Vasco (High Court of Justice of the Basque Country, Spain) - Reference for a preliminary ruling — **Citizenship of the Union — Right to move and reside freely in the territory of the Member States** — Directive 2004/38/EC — The second subparagraph of Article 27(2) — **Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health** — Expulsion from the territory for reasons of public policy or public security — **Conduct representing a sufficiently serious present and genuine threat for a fundamental interest of society** — Present and genuine threat — Concept — **Union citizen residing in the host Member State where he is serving a prison sentence for repeated child sexual abuse offences**

CURIA – Judgment of the Court of Justice in Case C-193/16 of 13 July 2017