



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

EU News: Click & Read

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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.

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	3
4. Audiovisual and Media and Information Society	4
5. Competition	4
6. Customs	5
7. Economic and Monetary Affairs, Taxation, Enterprise	6
8. Education, Training, Youth, Culture, Research and Innovation	9
9. Employment and Social Affairs	9
10. Energy and Environment	10
11. Food Safety, Public Health and Consumers	11
12. Human Rights	13
13. Internal Market and Single Market	14
14. Intellectual Property	15
15. Justice, Freedom and Security (incl. Judicial Cooperation)	16
16. Transport	17
17. Community Institutions, Principles and the Communities' own resources	18

Highlights

Case C-66/17: JUDGMENT OF THE COURT (Seventh Chamber) of 14 December 2017 - Grzegorz Chudaś and Irena Chudaś v DA Deutsche Allgemeine Versicherung Aktiengesellschaft - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Rejonowy Poznań-Grunwald i Jeżyce w Poznaniu (District Court, Poznań-Grunwald and Jeżyce, sitting in Poznań, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 805/2004 — **Scope** — **European Enforcement Order for uncontested claims** — **Enforcement orders capable of being certified as European Enforcement Orders** — **Decision on the amount of costs related to the court proceedings in a judgment not concerning an uncontested claim** — Excluded
[CURIA – Judgment of the Court of Justice in Case C-66/17 of 14 December 2017](#)

Case C-403/16: JUDGMENT OF THE COURT (First Chamber) of 13 December 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 810/2009 — Article 32(3) — **Community Visa Code** — **Decision to refuse a visa** — **Right of the applicant to bring an appeal against that decision** — **Obligation of a Member State to guarantee the right to a judicial appeal**
[CURIA – Judgment of the Court of Justice in Case C-403/16 of 13 December 2017](#)



*Season's Greetings and a Happy New Year
from all of us
at the Swiss Institute of Comparative Law*

1. EU-Swiss Relations

International Agreements

REGULATION (EU) 2017/2225 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2017 **amending** Regulation (EU) 2016/399 as regards the **use of the Entry/Exit System**

[OJ of the EU, L 327/1 of 9 December 2017](#)

REGULATION (EU) 2017/2226 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2017 **establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States** and **determining the conditions for access to the EES for law enforcement purposes**, and **amending** the Convention implementing the **Schengen Agreement** and Regulations (EC) No 767/2008 and (EU) No 1077/2011

[OJ of the EU, L 327/20 of 9 December 2017](#)

COUNCIL DECISION (EU) 2017/2240 of 10 November 2017 on the **signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**

[OJ of the EU, L 322/1 of 7 December 2017](#)

AGREEMENT between the **European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**

[OJ of the EU, L 322/3 of 7 December 2017](#)

Community Legislation

DECISION No 1/2017 OF THE COMMITTEE ESTABLISHED UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT of 28 July 2017 on the **amendment** of Chapter 4 on **medical devices**, Chapter 6 on **pressure vessels**, Chapter 7 on **radio equipment and telecommunication terminal equipment**, Chapter 8 on **equipment and protective systems intended for use in potentially explosive atmosphere**, Chapter 9 on **electrical equipment and electromagnetic compatibility**, Chapter 11 on **measuring instruments**, Chapter 15 on **medicinal products, GMP inspection and batch certification**, Chapter 17 on **lifts**, and Chapter 20 on **explosives for civil use**, and the update of legal references listed in Annex 1 [2017/2118]

[OJ of the EU, L 323/51 of 7 December 2017](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (CFSP) 2017/2322 of 29 May 2017 concerning the **signing and conclusion of the Agreement between Canada and the European Union on security procedures for exchanging and protecting classified information**

[OJ of the EU, L 333/1 of 15 December 2017](#)

AGREEMENT between **Canada and the European Union on security procedures for exchanging and protecting classified information**

[OJ of the EU, L 333/2 of 15 December 2017](#)

Community Legislation

REGULATION (EU) 2017/2225 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2017 **amending** Regulation (EU) 2016/399 as regards the **use of the Entry/Exit System**

[OJ of the EU, L 327/1 of 9 December 2017](#)

REGULATION (EU) 2017/2226 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2017 **establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes**, and **amending** the Convention implementing the **Schengen Agreement** and Regulations (EC) No 767/2008 and (EU) No 1077/2011

[OJ of the EU, L 327/20 of 9 December 2017](#)

Case Law

Case C-240/17: OPINION OF ADVOCATE GENERAL KOKOTT of 13 December 2017 – E - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Request for a preliminary ruling — **Area of freedom, security and justice — Schengen area — Return decision and entry ban against a third-country national — Alert for the purposes of refusing entry in the Schengen Information System — Third-country national convicted of criminal offences** — Third-country national with a valid residence permit in another Member State within the Schengen area — **Obligation to consult — Effects of ongoing consultations on enforcement of the return decision and the coming into force of the entry ban** — Article 25(2) of the Convention implementing the Schengen Agreement — Directive 2008/115/EC

[CURIA – Opinion of Advocate General in Case C-240/17 of 13 December 2017](#)

Case C-403/16: JUDGMENT OF THE COURT (First Chamber) of 13 December 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 810/2009 — Article 32(3) — **Community Visa Code — Decision to refuse a visa — Right of the applicant to bring an appeal against that decision — Obligation of a Member State to guarantee the right to a judicial appeal**

[CURIA – Judgment of the Court of Justice in Case C-403/16 of 13 December 2017](#)

Case C-636/16: JUDGMENT OF THE COURT (Eighth Chamber) of 7 December 2017 - Wilber López Pastuzano v Delegación del Gobierno en Navarra - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Contencioso-Administrativo No 1 de Pamplona (Administrative Court No 1, Pamplona, Spain) - Reference for a preliminary ruling — **Status of third-country nationals who are long-term residents** — Directive 2003/109/EC — Article 12 — **Adoption of a decision to expel a long-term resident — Matters to be taken into consideration — National legislation — Failure to take those matters into consideration** — Whether compatible

[CURIA – Judgment of the Court of Justice in Case C-636/16 of 7 December 2017](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-9/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 13 décembre 2017 - Maria Tirkkonen en présence de Maaseutuvirasto - Demande de décision préjudicielle formée par le Korkein hallinto-oikeus (Cour administrative suprême, Finlande) - Question préjudicielle — Directive 2004/18/CE — **Procédure de passation de marchés publics de services de conseil agricole — Existence ou non d'un marché public — Système d'acquisition de services par le biais de contrats régis par un accord-cadre et ouvert à tout opérateur économique satisfaisant aux conditions préalablement fixées** — Système non ouvert par la suite à d'autres opérateurs économiques

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-9/17 du 13 décembre 2017](#)

Case C-554/16: OPINION OF ADVOCATE GENERAL KOKOTT of 7 December 2017 - EP Agrarhandel GmbH v Bundesminister für Land-, Forst-, Umwelt und Wasserwirtschaft - Request for a preliminary ruling from the Verwaltungsgerichtshof (Administrative Court, Austria) - Request for a preliminary ruling — **Agriculture** — Article 117 of Regulation (EC) No 73/2009 — Commission Decision 2001/672/EC, as amended by Decision 2010/300/EU — **Suckler cow premium — Movements of bovine animals from different holdings to pastures located in mountain areas — Time limit for reporting information subject to a notification obligation — Effect of failure to comply with the time limit on eligibility for a premium**

[CURIA – Opinion of Advocate General in Case C-554/16 of 7 December 2017](#)

Case C-426/16: OPINION OF ADVOCATE GENERAL WAHL of 30 November 2017 - Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen, VZW and Others v Vlaams Gewest - Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — **Protection of animals at the time of killing — Particular methods of slaughter — Islamic Feast of the Sacrifice** — Regulation (EC) No 1099/2009 — Article 4(4) — **Obligation for ritual slaughtering without stunning to be carried out in approved slaughterhouses** — Regulation (EC) No 835/2004 — **Conditions for the approval of slaughterhouses — Validity** — Article 13 TFEU — **Respect for national customs with regard to religious rites — Article 10 of the Charter of Fundamental Rights of the European Union — Freedom of religion — Limitation — Justification**

[CURIA – Opinion of Advocate General in Case C-426/16 of 30 November 2017](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2311 of 13 December 2017 **setting the weighted average of maximum mobile termination rates across the Union** and repealing Implementing Regulation (EU) 2016/2292 (Text with EEA relevance)

[OJ of the EU, L 331/39 of 14 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2288 of 11 December 2017 on the **identification of ICT Technical Specifications for referencing in public procurement** (Text with EEA relevance)

[OJ of the EU, L 328/123 of 12 December 2017](#)

5. Competition

Case Law

Case C-61/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2017 - European Bicycle Manufacturers Association (EBMA), established in Brussels (Belgium) v Giant (China) Co.Ltd, established in Kunshan (China), Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping** — Regulation (EU) No 502/2013 — **Imports of bicycles originating in China** — Regulation (EC) No 1225/2009 — Article 18(1) — **Cooperation — Definition of ‘necessary information’** — Article 9(5) — **Request for individual treatment — Risk of circumvention**

[CURIA – Judgment of the Court of Justice in Case C-61/16 of 14 December 2017](#)

Affaire C-487/16 P: ARRÊT DE LA COUR (sixième chambre) du 13 décembre 2017 - Telefónica SA, établie à Madrid (Espagne) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Ententes** — Marchés portugais et espagnol des télécommunications — **Clause de non-concurrence contenue dans un accord conclu entre deux sociétés — Restriction par objet — Droits de la défense — Refus d'audition de témoins — Amendes — Gravité de l'infraction — Circonstances atténuantes**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-487/16 du 13 décembre 2017](#)

Affaire C-438/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 décembre 2017 - Commission européenne contre République française and IFP Énergies nouvelles - Pourvoi – Aides d'État – Régime d'aides mis à exécution par la France – Garantie illimitée de l'État, conférée à l'Institut français du pétrole (IFP) par l'octroi du statut d'établissement public à caractère industriel et commercial (EPIC) – Notion de "régime d'aides" – Présomption d'avantage découlant d'une garantie étatique – Charge et niveau de la preuve
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-438/16 du 7 décembre 2017](#)

Case C-230/16: JUDGMENT OF THE COURT (First Chamber) of 6 December 2017 - Coty Germany GmbH v Parfümerie Akzente GmbH - REQUEST for a preliminary ruling under Article 267 TFEU 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 of luxury cosmetics products — Clause prohibiting distributors from making use of a non-authorised third party in the context of internet sales — Regulation (EU) No 330/2010 — Article 4(b) and (c)
[CURIA – Judgment of the Court of Justice in Case C-230/16 of 6 December 2017](#)

Case C-301/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 5 December 2017 - European Commission v Xinyi PV Products (Anhui) Holdings Ltd - Appeal — Dumping — Imports of solar glass originating in China — Regulation (EC) No 1225/2009 — Third indent of Article 2(7)(c) — Market Economy Treatment (MET) — Concept of 'significant distortions carried over from the former non-market-economy system' — Tax incentives — Obligation to state reasons — Procedural irregularities
[CURIA – Opinion of Advocate General in Case C-301/16 of 5 December 2017](#)

Case C-510/16: OPINION OF ADVOCATE GENERAL WAHL of 30 November 2017 - Carrefour Hypermarchés SAS Fnac Paris, Fnac Direct, Relais Fnac, Codirep and Fnac Périphérie v Ministre des finances et des comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - State aid — Article 108(3) TFEU — Regulation (EC) No 659/1999 — Article 1(c) — Concept of 'new aid' — Regulation (EC) No 794/2004 — Article 4 — Notified aid schemes declared compatible with the internal market — Aid scheme for the film and audio-visual sectors — Significant rise in the revenue generated by a parafiscal tax financing an aid scheme as compared to the estimates notified to the Commission — Concept of 'increase in the budget of an authorised aid scheme exceeding 20%' — Relationship with duty of prior notification
[CURIA – Opinion of Advocate General in Case C-510/16 of 30 November 2017](#)

Affaire C-518/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 29 novembre 2017 - « ZPT » AD contre Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad and Natsionalna agentsia za prihodite - demande de décision préjudicielle formée par le Sofijski gradski sad (tribunal de la ville de Sofia, Bulgarie) - Renvoi préjudiciel – Aides d'État – Règlement (CE) no 1998/2006 – Aides de minimis – Article 1er, paragraphe 1, sous d) – Aide sous la forme d'un avantage fiscal – Investissement dans la fabrication de produits destinés à l'exportation – Législation nationale excluant du bénéfice de l'avantage fiscal l'investissement dans la fabrication de produits destinés à l'exportation – Article 35 TFUE
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-518/16 du 29 novembre 2017](#)

Case C-579/16 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 28 November 2017 - European Commission v FIH Holding A/S and FIH Erhvervsbank A/S - Appeal — State aid — Banking sector — Aid granted to Danish bank FIH in the form of a transfer of its impaired assets to a new subsidiary and the subsequent purchase thereof by the Danish Financial Stability Company — Definition of State aid — Market economy operator test — Application of the market economy creditor test in a situation where the beneficiary has already received State aid
[CURIA – Opinion of Advocate General in Case C-579/16 of 28 November 2017](#)

6. Customs

No legislative or judicial activity was reported in this section for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

GUIDELINE (EU) 2017/2335 OF THE EUROPEAN CENTRAL BANK of 23 November 2017 on the **procedures for the collection of granular credit and credit risk data** (ECB/2017/38)

[OJ of the EU, L 333/66 of 15 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2320 of 13 December 2017 on the **equivalence of the legal and supervisory framework of the United States of America for national securities exchanges and alternative trading systems** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 331/94 of 14 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2318 of 13 December 2017 on the **equivalence of the legal and supervisory framework in Australia applicable to financial markets** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 331/81 of 14 December 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/2295 of 4 September 2017 **supplementing** Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to **regulatory technical standards for disclosure of encumbered and unencumbered assets** (Text with EEA relevance)

[OJ of the EU, L 329/6 of 13 December 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/2294 of 28 August 2017 **amending** Delegated Regulation (EU) 2017/565 as regards the **specification of the definition of systematic internalisers** for the purposes of Directive 2014/65/EU (Text with EEA relevance)

[OJ of the EU, L 329/4 of 13 December 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2241 of 6 December 2017 on the **extension of the transitional periods** related to **own funds requirements for exposures to central counterparties** set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 322/27 of 7 December 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2114 of 9 November 2017 **amending** Implementing Regulation (EU) No 680/2014 as regards **templates and instructions** (Text with EEA relevance)

[OJ of the EU, L 321/1 of 6 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2238 of 5 December 2017 on the **equivalence of the legal and supervisory framework applicable to designated contract markets and swap execution facilities in the United States of America** in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 320/11 of 6 December 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/2194 of 14 August 2017 **supplementing** Regulation (EU) No 600/2014 of the European Parliament and of the Council on **markets in financial instruments with regard to package orders** (Text with EEA relevance)

[OJ of the EU, L 312/1 of 28 November 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/2188 of 11 August 2017 **amending** Regulation (EU) No 575/2013 of the European Parliament and of the Council as regards the **waiver on own funds requirements for certain covered bonds** (Text with EEA relevance)

[OJ of the EU, L 310/1 of 25 November 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2189 of 24 November 2017 **amending and correcting** Implementing Regulation (EU) 2015/2450 laying down implementing **technical standards with regard to the templates for the submission of information to the supervisory authorities** according to Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 310/3 of 25 November 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2190 of 24 November 2017 **amending and correcting** Implementing Regulation (EU) 2015/2452 laying down implementing **technical standards with regard to the procedures, formats and templates of the solvency and financial condition report** according to Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 310/30 of 25 November 2017](#)

GUIDELINE (EU) 2017/2193 OF THE EUROPEAN CENTRAL BANK of 27 October 2017 **amending Guideline (EU) 2015/280 on the establishment of the Eurosystem Production and Procurement System** (ECB/2017/31)
[OJ of the EU, L 310/49 of 25 November 2017](#)

Case Law

Case C-243/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito García and Juan Gregorio Benito García v Contimark SA and Jordi Socías Gispert - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social n.º 30 de Barcelona (Social Court No 30, Barcelona, Spain) - Reference for a preliminary ruling — **Company law** — Directive 2009/101/EC — Articles 2 and 6 to 8 — Directive 2012/30/EU — Articles 19 and 36 — **Charter of Fundamental Rights of the European Union** — Articles 20, 21 and 51 — **Recovery of claims arising under an employment contract — Right to bring, before the same court, an action against the company and its director, as a person having joint and several liability for the company's debts**
[CURIA – Judgment of the Court of Justice in Case C-243/16 of 14 December 2017](#)

Case C-305/16: JUDGMENT OF THE COURT (Third Chamber) of 14 December 2017 - Avon Cosmetics Ltd 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) (United Kingdom) - Reference for a preliminary ruling — **Value added tax (VAT)** — Sixth Directive 77/388/EEC — Article 11A(1)(a) — **Taxable amount** — Article 17 — **Right to deduct** — Article 27 — **Special derogating measures** — Decision 89/534/EEC — **Marketing structure based on the supply of goods through non-taxable persons — Taxation on the open market value of the goods as determined at the final stage of the marketing chain — Inclusion of the costs incurred by those persons**
[CURIA – Judgment of the Court of Justice in Case C-305/16 of 14 December 2017](#)

Case C-382/16: OPINION OF ADVOCATE GENERAL BOBEK of 14 December 2017 - Hornbach-Baumarkt AG v Finanzamt Landau - Request for a preliminary ruling from the Finanzgericht Rheinland-Pfalz (Germany) - Reference for a preliminary ruling — **Freedom of establishment — Direct taxation — Application of transfer pricing in relation to transactions between resident and non-resident companies**
[CURIA – Opinion of Advocate General in Case C-382/16 of 14 December 2017](#)

Case C-15/16: OPINION OF ADVOCATE GENERAL BOT of 12 December 2017 - Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Approximation of laws — **Markets in financial instruments — Access to information held by the financial markets supervisory authority concerning a supervised undertaking** — Directive 2004/39/EC — Article 54(1) — **Concepts of 'professional secrecy' and 'confidential information'**
[CURIA – Opinion of Advocate General in Case C-15/16 of 12 December 2017](#)

Case C-598/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 December 2017 - Banco Santander SA v Cristobalina Sánchez López - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia de Jerez de la Frontera (Court of first instance, Jerez de la Frontera, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Consumer contracts — Unfair terms — Powers of the national court — Effectiveness of the protection afforded to consumers — Mortgage loan agreement — Extrajudicial enforcement procedure — Simplified declaratory court procedure for recognition of the real rights of the successful bidder**

[CURIA – Judgment of the Court of Justice in Case C-598/16 of 7 December 2017](#)

Case C-42/17: JUDGMENT OF THE COURT (Grand Chamber) of 5 December 2017 - M.A.S. and M.B. v Presidente del Consiglio dei Ministri - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte costituzionale (Constitutional Court, Italy) - Reference for a preliminary ruling — Article 325 TFEU — **Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Criminal proceedings for infringements relating to value added tax (VAT) — National legislation laying down limitation periods liable to prevent the prosecution of infringements** — Activities affecting the financial interests of the EU — **Obligation to disapply any provisions of national law liable to have an adverse effect on the fulfilment of the Member States' obligations under EU law — Principle that offences and penalties must be defined by law**

[CURIA – Judgment of the Court of Justice in Case C-42/17 of 5 December 2017](#)

Case C-301/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 5 December 2017 - European Commission v Xinyi PV Products (Anhui) Holdings Ltd - Appeal — **Dumping — Imports of solar glass originating in China** — Regulation (EC) No 1225/2009 — Third indent of Article 2(7)(c) — **Market Economy Treatment (MET) — Concept of 'significant distortions carried over from the former non-market-economy system'** — **Tax incentives** — Obligation to state reasons — Procedural irregularities

[CURIA – Opinion of Advocate General in Case C-301/16 of 5 December 2017](#)

Affaire C-8/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 30 novembre 2017 - Biosafe - Indústria de Reciclagens SA contre Flexipiso - Pavimentos SA - demande de décision préjudicielle formée par le Supremo Tribunal de Justiça [Portugal] - Demande de décision préjudicielle – Recours préjudiciel – **TVA – Taxe sur la valeur ajoutée – Déduction de la taxe payée en amont – Limitation du droit à déduction – Naissance du droit à déduction**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-8/17 du 30 novembre 2017](#)

Affaire C-580/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 30 novembre 2017 - Firma Hans Bühler KG - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Fiscalité – Taxe sur la valeur ajoutée (TVA) – Livraison de biens expédiés ou transportés à l'intérieur de l'Union européenne – Exonération** – Livraison par un assujetti d'un État membre à un acquéreur dans un autre État membre – **Situation dans laquelle l'assujetti indique sur la facture son numéro d'identification à la TVA dans un troisième État membre**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-580/16 du 30 novembre 2017](#)

Case C-510/16: OPINION OF ADVOCATE GENERAL WAHL of 30 November 2017 - Carrefour Hypermarchés SAS Fnac Paris, Fnac Direct, Relais Fnac, Codirep and Fnac Périphérie v Ministre des finances et des comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - State aid — Article 108(3) TFEU — Regulation (EC) No 659/1999 — Article 1(c) — **Concept of 'new aid'** — Regulation (EC) No 794/2004 — Article 4 — **Notified aid schemes declared compatible with the internal market** — Aid scheme for the film and audio-visual sectors — **Significant rise in the revenue generated by a parafiscal tax financing an aid scheme as compared to the estimates notified to the Commission** — **Concept of 'increase in the budget of an authorised aid scheme exceeding 20%'** — **Relationship with duty of prior notification**

[CURIA – Opinion of Advocate General in Case C-510/16 of 30 November 2017](#)

Affaire C-518/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 29 novembre 2017 - « ZPT » AD contre Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad and Natsionalna agentsia za prihodite - demande de décision préjudicielle formée par le Sofiyski gradski sad (tribunal de la ville de Sofia, Bulgarie) - Renvoi préjudiciel – **Aides d'État** – Règlement (CE) no 1998/2006 – **Aides de minimis** – Article 1er, paragraphe 1, sous d) – **Aide sous la forme d'un avantage fiscal – Investissement dans la fabrication de produits destinés à l'exportation – Législation nationale excluant du bénéfice de l'avantage fiscal l'investissement dans la fabrication de produits destinés à l'exportation** – Article 35 TFUE
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-518/16 du 29 novembre 2017](#)

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

Community Legislation

COMMISSION DELEGATED DECISION (EU) 2017/2113 of 11 September 2017 **amending** Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards **evidence of formal qualifications and the titles of training courses** (notified under document C(2017) 6054) (Text with EEA relevance)
[OJ of the EU, L 317/119 of 1 December 2017](#)

9. Employment and Social Affairs

Case Law

Case C-243/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito García and Juan Gregorio Benito García v Contimark SA and Jordi Socías Gispert - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social n.º 30 de Barcelona (Social Court No 30, Barcelona, Spain) - Reference for a preliminary ruling — **Company law** — Directive 2009/101/EC — Articles 2 and 6 to 8 — Directive 2012/30/EU — Articles 19 and 36 — **Charter of Fundamental Rights of the European Union** — Articles 20, 21 and 51 — **Recovery of claims arising under an employment contract — Right to bring, before the same court, an action against the company and its director, as a person having joint and several liability for the company's debts**
[CURIA – Judgment of the Court of Justice in Case C-243/16 of 14 December 2017](#)

Case C-189/16: JUDGMENT OF THE COURT (Fifth Chamber) of 7 December 2017 - Boguslawa Zaniewicz-Dybeck v Pensionsmyndigheten - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta förvaltningsdomstolen (Supreme Administrative Court, Sweden) - Reference for a preliminary ruling — **Social security for migrant workers** — Regulation (EEC) No 1408/71 — Article 46(2) — Article 47(1)(d) — Article 50 — **Guaranteed pension — Minimum benefit — Calculation of pension entitlement**
[CURIA – Judgment of the Court of Justice in Case C-189/16 of 7 December 2017](#)

Case C-472/16: OPINION OF ADVOCATE GENERAL TANCHEV of 6 December 2017 - Jorge Luís Colino Sigüenza v Ayuntamiento de Valladolid, IN-PULSO MUSICAL Sociedad Cooperativa, Administrador Concursal de Músicos y Escuela S.L., Músicos y Escuela S.L. and FOGASA - Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla y León (High Court of Justice, Castilla y León, Spain) - Reference for a preliminary ruling — **Transfer of an undertaking — Prohibition of dismissal by reason of transfer — Dismissal for economic reasons** – Directive 2001/23/EC – **Expiring concession to run a music school – Loss of a service contract to a competitor** – Economic entity – Economic entity which retains its identity – **Collective dismissal – Right to an effective remedy – Article 47 of the Charter on Fundamental Rights of the EU**
[CURIA – Opinion of Advocate General in Case C-472/16 of 6 December 2017](#)

Case C-451/16: OPINION OF ADVOCATE GENERAL BOBEK of 5 December 2017 - MB, I v Secretary of State for Work and Pensions - Request for a preliminary ruling from the Supreme Court of the United Kingdom (United Kingdom) - Reference for a preliminary ruling — **Equal treatment for men and women in matters of social security** — Directive 79/7/EEC — **Refusal to award a State retirement pension at the age of 60 to a transgender person who has undergone male-to-female gender reassignment surgery** — **Conditions for recognition of gender reassignment** — Condition related to the obligation to annul a previous marriage
[CURIA – Opinion of Advocate General in Case C-451/16 of 5 December 2017](#)

Case C-551/16: OPINION OF ADVOCATE GENERAL MENGOLZI of 29 November 2017 - J. Klein Schiphorst v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling — **EC-Switzerland Agreement on the free movement of persons** — **Freedom of movement for workers** — Regulation (EC) No 883/2004 — Articles 7, 63 and 64 — **Migrant workers** — **Unemployment benefits** — **Jobseeker travelling to another Member State** — **Retention of the right to unemployment benefits** — **Duration** — **Option**
[CURIA – Opinion of Advocate General in Case C-551/16 of 29 November 2017](#)

Case C-214/16: JUDGMENT OF THE COURT (Fifth Chamber) of 29 November 2017 - Conley King v The Sash Window Workshop Ltd and Richard Dollar - REQUEST for a preliminary ruling under Article 267 TFEU, from the Court of Appeal (England & Wales) (Civil Division) - Reference for a preliminary ruling — **Protection of the safety and health of workers** — Directive 2003/88/EC — **Organisation of working time** — Article 7 — **Allowance in lieu of annual leave paid on termination of the employment relationship** — **National legislation requiring a worker to take his annual leave without the remuneration in respect of that leave being established**
[CURIA – Judgment of the Court of Justice in Case C-214/16 of 29 November 2017](#)

10. Energy and Environment

International Agreements

COUNCIL DECISION (EU) 2017/2240 of 10 November 2017 on the **signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**
[OJ of the EU, L 322/1 of 7 December 2017](#)

AGREEMENT between the **European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**
[OJ of the EU, L 322/3 of 7 December 2017](#)

Community Legislation

COMMISSION DECISION (EU) 2017/2285 of 6 December 2017 **Amending the user's guide setting out the steps needed to participate in EMAS**, under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the **voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)** (notified under document C(2017) 8072) (Text with EEA relevance)
[OJ of the EU, L 328/38 of 12 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2286 of 6 December 2017 on the **recognition of the requirements of the Eco-Lighthouse environmental management system as complying with the corresponding requirements of the eco-management and audit scheme (EMAS)** in accordance with Article 45 of Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the **voluntary participation by organisations in a Community eco-management and audit scheme** (notified under document C(2017) 8082) (Text with EEA relevance)
[OJ of the EU, L 328/87 of 12 December 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/2287 of 8 December 2017 **specifying the forms** to be used in relation to the **import of mercury and of certain mixtures of mercury** pursuant to Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury (notified under document C(2017) 8190) (Text with EEA relevance)

[OJ of the EU, L 328/118 of 12 December 2017](#)

REGULATION (EU) 2017/2107 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 November 2017 **laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT)**, and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007

[OJ of the EU, L 315/1 of 30 November 2017](#)

COMMISSION REGULATION (EU) 2017/2195 of 23 November 2017 **establishing a guideline on electricity balancing** (Text with EEA relevance)

[OJ of the EU, L 312/6 of 28 November 2017](#)

COMMISSION REGULATION (EU) 2017/2196 of 24 November 2017 **establishing a network code on electricity emergency and restoration** (Text with EEA relevance)

[OJ of the EU, L 312/54 of 28 November 2017](#)

Case Law

Case C-577/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 14 December 2017 - **Trinseo Deutschland Anlagengesellschaft mbH v Bundesrepublik Deutschland** - Request for a preliminary ruling from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — Directive 2003/87/EC — **Environment — Scheme for greenhouse gas emission allowance trading within the European Union** — Article 2(1) — **Scope — Indirect emissions arising from the production of heat acquired from a third-party installation — The fact that they are not taken into account** — Annex I - Chemical sector — **Concept of production of bulk organic chemicals by cracking, reforming, partial or full oxidation or by similar processes** — Production of polymers, in particular polycarbonate — Inclusion — Article 10a — Decision 2011/278/EU — **Free allocation of emission allowances** — Lack of direct effect

[CURIA – Opinion of Advocate General in Case C-577/16 of 14 December 2017](#)

Case C-5/16: OPINION OF ADVOCATE GENERAL MENGOCZI of 30 November 2017 - **Republic of Poland v European Parliament and Council of the European Union** - Action for annulment — Decision (EU) 2015/1814 — Determination of legal basis — Taking into account the effects of the measure — Article 192(1) TFEU — Article 192(2)(c) TFEU — **Notion of ‘significant effect’ on a Member State’s choice between different energy sources — Notion of ‘significant effect’ on the general structure of a Member State’s energy supply — Principle of sincere cooperation** — Article 15 TEU — **Powers of the European Council — Principles of legal certainty and protection of legitimate expectations** — Principle of proportionality — Impact assessment

[CURIA – Opinion of Advocate General in Case C-5/16 of 30 November 2017](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DELEGATED DECISION (EU) 2017/2113 of 11 September 2017 **amending** Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards **evidence of formal qualifications and the titles of training courses** (notified under document C(2017) 6054) (Text with EEA relevance)

[OJ of the EU, L 317/119 of 1 December 2017](#)

Case Law

Case C-13/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 14 December 2017 - Fédération des entreprises de la beauté v Ministre des Affaires sociales, de la Santé et des Droits des femmes, Ministre de l'Éducation nationale, de l'Enseignement supérieur et de la Recherche and Ministre de l'Économie et des Finances, formerly Ministre de l'Économie, de l'Industrie et du Numérique - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - References for a preliminary ruling — Approximation of laws — **Cosmetic products** — Regulation (EC) No 1223/2009 — Article 10(2) — **Assessment of the safety of cosmetic products** — **Qualifications of the safety assessor** — **Recognition of equivalent training courses** — **Types of courses concerned** — **Possible reference solely to courses given in third countries** — **Disciplines similar to pharmacy, toxicology or medicine** — **Member States' discretion** — **Criteria for identification**
[CURIA – Opinion of Advocate General in Case C-13/17 of 14 December 2017](#)

Case C-16/16 P: OPINION OF ADVOCATE GENERAL BOBEK of 12 December 2017 - Kingdom of Belgium v European Commission - Appeal — **Protection of consumers** — **Online gambling services** — **Protection of consumers and players of online gambling services and prevention of minors from gambling online** — Recommendation of the Commission — Article 263 TFEU — Actionable act — **Judicial review of soft law instruments** — **Non-binding acts producing legal effects** — **Acts that can reasonably be perceived as inducing compliance**
[CURIA – Opinion of Advocate General in Case C-16/16 of 12 December 2017](#)

Case C-557/16: OPINION OF ADVOCATE GENERAL BOBEK of 7 December 2017 - Astellas Pharma GmbH, Helm AG and Lääkealan turvallisuus- ja kehittämiskeskus (FIMEA) - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Medicinal products for human use** — **Marketing authorisation issued for a generic of a reference medicinal product** — Decentralised procedure — **Powers of the competent authority of the concerned Member State** — **Judicial review** — **Determination of the data exclusivity period**
[CURIA – Opinion of Advocate General in Case C-557/16 of 7 December 2017](#)

Case C-567/16: JUDGMENT OF THE COURT (Seventh Chamber) of 7 December 2017 - Merck Sharp & Dohme Corporation v Comptroller General of Patents, Designs and Trade Marks - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales) - Reference for a preliminary ruling — **Industrial and commercial property** — **Patent law** — **Medicinal products for human use** — Regulation (EC) No 469/2009 — Article (3)(b) — **Supplementary protection certificate** — **Conditions for obtaining** — Article 10(3) — **Granting of the certificate or rejection of the application for a certificate** — Directive 2001/83/EC — Article 28(4) — **Decentralised procedure**
[CURIA – Judgment of the Court of Justice in Case C-567/16 of 7 December 2017](#)

Case C-598/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 December 2017 - Banco Santander SA v Cristobalina Sánchez López - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia de Jerez de la Frontera (Court of first instance, Jerez de la Frontera, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Consumer contracts** — **Unfair terms** — **Powers of the national court** — **Effectiveness of the protection afforded to consumers** — **Mortgage loan agreement** — **Extrajudicial enforcement procedure** — **Simplified declaratory court procedure for recognition of the real rights of the successful bidder**
[CURIA – Judgment of the Court of Justice in Case C-598/15 of 7 December 2017](#)

Case C-329/16: JUDGMENT OF THE COURT (Fourth Chamber) of 7 December 2017 - Syndicat national de l'industrie des technologies médicales (Snitem) and Philips France v Premier minister and Ministre des Affaires sociales et de la Santé - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — **Medical devices** — Directive 93/42/EEC — Scope — **'Medical device'** — **CE marking** — **National legislation making drug prescription assistance software subject to a certification procedure laid down by a national authority**
[CURIA – Judgment of the Court of Justice in Case C-329/16 of 7 December 2017](#)

Case C-147/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 30 November 2017 - Karel de Grote – Hogeschool Katholieke Hogeschool Antwerpen VZW v Susan Romy Jozef Kuijpers - Request for a preliminary ruling from the Vrederegerecht te Antwerpen (Magistrates' Court, Antwerp, Belgium) - Directive 93/13/EEC – **Unfair terms in consumer contracts – Examination by the national court, of its own motion, whether a contract falls within the scope of Directive 93/13 – Article 2(c) – Concept of ‘seller or supplier’**
[CURIA – Opinion of Advocate General in Case C-147/16 of 30 November 2017](#)

12. Human Rights

Community Legislation

COUNCIL DECISION (EU) 2017/2269 of 7 December 2017 **establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2018–2022**
[OJ of the EU, L 326/1 of 9 December 2017](#)

Case Law

Case C-243/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito García and Juan Gregorio Benito García v Contimark SA and Jordi Socías Gispert - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social n.º 30 de Barcelona (Social Court No 30, Barcelona, Spain) - Reference for a preliminary ruling — **Company law** — Directive 2009/101/EC — Articles 2 and 6 to 8 — Directive 2012/30/EU — Articles 19 and 36 — **Charter of Fundamental Rights of the European Union** — Articles 20, 21 and 51 — **Recovery of claims arising under an employment contract — Right to bring, before the same court, an action against the company and its director, as a person having joint and several liability for the company’s debts**
[CURIA – Judgment of the Court of Justice in Case C-243/16 of 14 December 2017](#)

Joined Cases C-331/16 and C-366/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 14 December 2017 - K. v Staatssecretaris van Veiligheid en Justitie - Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Middelburg (District Court of The Hague, sitting in Middelburg, Netherlands) - **H. F. v Belgische Staat** - Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen (Council for asylum and immigration proceedings, Belgium) - Reference for a preliminary ruling — **Citizenship of the Union** — Directive 2004/38/EC — Article 27(2) — **Restriction on the freedom of movement and residence on grounds of public policy or public security — Genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — Person excluded from refugee status on the grounds laid down in Article 1(F)(a) of the Geneva Convention and Article 12(2)(a) of Directive 2011/95/EU** — Proportionality — Article 28(1) and (3)(a) of Directive 2004/38/EC — **Article 7 of the Charter of Fundamental Rights of the European Union — Right to respect for private and family life**
[CURIA – Opinion of Advocate General in Case C-331/16 of 14 December 2017](#)

Case C-472/16: OPINION OF ADVOCATE GENERAL TANCHEV of 6 December 2017 - Jorge Luís Colino Sigüenza v Ayuntamiento de Valladolid, IN-PULSO MUSICAL Sociedad Cooperativa, Administrador Concursal de Músicos y Escuela S.L., Músicos y Escuela S.L. and FOGASA - Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla y León (High Court of Justice, Castilla y León, Spain) - Reference for a preliminary ruling — **Transfer of an undertaking — Prohibition of dismissal by reason of transfer — Dismissal for economic reasons** – Directive 2001/23/EC – **Expiring concession to run a music school – Loss of a service contract to a competitor – Economic entity – Economic entity which retains its identity – Collective dismissal – Right to an effective remedy – Article 47 of the Charter on Fundamental Rights of the EU**
[CURIA – Opinion of Advocate General in Case C-472/16 of 6 December 2017](#)

Case C-451/16: OPINION OF ADVOCATE GENERAL BOBEK of 5 December 2017 - MB, I v Secretary of State for Work and Pensions - Request for a preliminary ruling from the Supreme Court of the United Kingdom (United Kingdom) - Reference for a preliminary ruling — **Equal treatment for men and women in matters of social security** — Directive 79/7/EEC — **Refusal to award a State retirement pension at the age of 60 to a transgender person who has undergone male-to-female gender reassignment surgery** — **Conditions for recognition of gender reassignment** — Condition related to the obligation to annul a previous marriage
[CURIA – Opinion of Advocate General in Case C-451/16 of 5 December 2017](#)

Case C-426/16: OPINION OF ADVOCATE GENERAL WAHL of 30 November 2017 - Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen, VZW and Others v Vlaams Gewest - Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — **Protection of animals at the time of killing** — **Particular methods of slaughter** — **Islamic Feast of the Sacrifice** — Regulation (EC) No 1099/2009 — Article 4(4) — **Obligation for ritual slaughtering without stunning to be carried out in approved slaughterhouses** — Regulation (EC) No 835/2004 — **Conditions for the approval of slaughterhouses** — **Validity** — Article 13 TFEU — **Respect for national customs with regard to religious rites** — **Article 10 of the Charter of Fundamental Rights of the European Union** — **Freedom of religion** — **Limitation** — **Justification**
[CURIA – Opinion of Advocate General in Case C-426/16 of 30 November 2017](#)

13. Internal Market and Single Market

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2017/2288 of 11 December 2017 on the **identification of ICT Technical Specifications for referencing in public procurement** (Text with EEA relevance)
[OJ of the EU, L 328/123 of 12 December 2017](#)

Case Law

Case C-630/16: JUDGMENT OF THE COURT (Eighth Chamber) of 14 December 2017 - Anstar Oy v Turvallisuus- ja kemikaalivirasto (Tukes) - REQUEST for a preliminary ruling under Article 267 TFEU from the Helsingin hallinto-oikeus (Administrative Court, Helsinki, Finland) - Reference for a preliminary ruling — **Harmonised conditions for the marketing of construction products** — Harmonised standard EN 1090-1:2009+A1:2011 — **Criteria for determining the scope of a standard adopted by the European Committee for Standardisation (CEN) in accordance with a mandate of the European Commission** — Anchors to be fixed into concrete before it sets and used for fastening facade elements and masonry supports to the building frame
[CURIA – Judgment of the Court of Justice in Case C-630/16 of 14 December 2017](#)

Affaire C-9/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 13 décembre 2017 - Maria Tirkkonen en présence de Maaseutuvirasto - Demande de décision préjudicielle formée par le Korkein hallinto-oikeus (Cour administrative suprême, Finlande) - Question préjudicielle — Directive 2004/18/CE — **Procédure de passation de marchés publics de services de conseil agricole** — **Existence ou non d'un marché public** — **Système d'acquisition de services par le biais de contrats régis par un accord-cadre et ouvert à tout opérateur économique satisfaisant aux conditions préalablement fixées** — Système non ouvert par la suite à d'autres opérateurs économiques
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-9/17 du 13 décembre 2017](#)

Case C-15/16: OPINION OF ADVOCATE GENERAL BOT of 12 December 2017 - Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Approximation of laws — **Markets in financial instruments** — **Access to information held by the financial markets supervisory authority concerning a supervised undertaking** — Directive 2004/39/EC — Article 54(1) — **Concepts of 'professional secrecy' and 'confidential information'**
[CURIA – Opinion of Advocate General in Case C-15/16 of 12 December 2017](#)

Case C-408/16: JUDGMENT OF THE COURT (Eighth Chamber) of 6 December 2017 - Compania Națională de Administrare a Infrastructurii Rutiere SA, formerly Compania Națională de Autostrăzi și Drumuri Naționale din România SA v Ministerul Fondurilor Europene — Direcția Generală Managementul Fondurilor Externe - 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 — **Public procurement** — Directive 2004/18/EC — Scope — Regulation (EC) No 1083/2006 — **European Regional Development Fund, European Social Fund and Cohesion Fund** — Finance agreement for the construction of a motorway concluded with the European Investment Bank before the accession of the Member State to the European Union — **Concept of ‘irregularity’** within the meaning of Regulation No 1083/2006

[CURIA – Judgment of the Court of Justice in Case C-408/16 of 6 December 2017](#)

Joined Cases C-259/16 and C-260/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 28 November 2017 - Confederazione Generale Italiana dei Trasporti e della Logistica (Confetra), Associazione Nazionale Imprese Trasporti Automobilistici, Società Fercam SpA, Associazione non Riconosciuta Alsea, Associazione Fedit, Società Carioni Spedizioni Internazionali Srl, Federazione Nazionale delle Imprese di Spedizioni Internazionali — Fedespedi, Società Tnt Global Express SpA (C-259/16) - Associazione Italiana dei Corrieri Aerei Internazionali (AICAI), DHL Express (Italy) Srl, Federal Express Europe Inc. and United Parcel Service Italia Ups Srl (C-260/16) – v Autorità per le Garanzie nelle Comunicazioni, Ministero dello Sviluppo Economico and Poste Italiane SpA - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Regional Administrative Court, Lazio, Italy) - Reference for a preliminary ruling — **Freedom to provide services — Postal services in the European Union — Companies operating in the goods delivery, road haulage and express parcel delivery sector — Authorisations for the provision of public postal services** — Contribution to the cost of the universal service

[CURIA – Opinion of Advocate General in Case C-259/16 of 28 November 2017](#)

14. Intellectual Property

Case Law

Joined Cases C-85/16 P and C-86/16 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 7 December 2017 - Kenzo Tsujimoto v European Union Intellectual Property Office (EUIPO) - Appeals — **Application to register a European Union trade mark — ‘KENZO ESTATE’ — Earlier European Union trade mark ‘KENZO’ — Relative grounds for refusal** — Article 8(5) of Regulation (EC) No 207/2009 — **Interpretation of the expression ‘where the use without due cause of the trade mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark’** — Whether the use of a person’s forename constitutes use with due cause

[CURIA – Opinion of Advocate General in Case C-85/16 of 7 December 2017](#)

Case C-567/16: JUDGMENT OF THE COURT (Seventh Chamber) of 7 December 2017 - Merck Sharp & Dohme Corporation v Comptroller General of Patents, Designs and Trade Marks - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales) - Reference for a preliminary ruling — **Industrial and commercial property — Patent law — Medicinal products for human use** — Regulation (EC) No 469/2009 — Article (3)(b) — **Supplementary protection certificate — Conditions for obtaining** — Article 10(3) — **Granting of the certificate or rejection of the application for a certificate** — Directive 2001/83/EC — Article 28(4) — **Decentralised procedure**

[CURIA – Judgment of the Court of Justice in Case C-567/16 of 7 December 2017](#)

Affaire C-478/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 5 décembre 2017 - Office de l’Union européenne pour la propriété intellectuelle (EUIPO) contre Group OOD - Pourvoi — **Marque de l’Union européenne — Définition et acquisition de la marque de l’Union européenne — Motifs relatifs de refus — Opposition par le titulaire d’une marque non enregistrée ou d’un autre signe utilisé dans la vie des affaires** — Examen par la chambre de recours — Preuves nouvelles ou supplémentaires — Violation de l’article 8, paragraphe 4, et de l’article 76, paragraphe 2, du règlement no 207/2009 »

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-478/16 du 5 décembre 2017](#)

Case C-265/16: JUDGMENT OF THE COURT (Third Chamber) of 29 November 2017 - VCAST Limited v RTI SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Torino (District Court, Turin, Italy) - Reference for a preliminary ruling — Approximation of laws — **Copyright and related rights — Directive 2001/29/EC — Article 5(2)(b) — **Private copying exception** — Article 3(1) — **Communication to the public — Specific technical means** — Provision of a cloud computing service for the remote video recording of copies of works protected by copyright, without the consent of the author concerned — **Active involvement of the service provider in the recording****

[CURIA – Judgment of the Court of Justice in Case C-265/16 of 29 November 2017](#)

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

Community Legislation

REGULATION (EU) 2017/2306 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2017 **amending** Regulation (EU) No 230/2014 establishing an **instrument contributing to stability and peace**
[OJ of the EU, L 335/6 of 15 December 2017](#)

COUNCIL DECISION (CFSP) 2017/2283 of 11 December 2017 in **support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade** ('iTrace III')

[OJ of the EU, L 328/20 of 12 December 2017](#)

COMMISSION DIRECTIVE (EU) 2017/2054 of 8 November 2017 **amending** Directive 2009/43/EC of the European Parliament and of the Council as regards the **list of defence-related products** (Text with EEA relevance)

[OJ of the EU, L 311/1 of 25 November 2017](#)

Case Law

Case C-243/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2017 - Antonio Miravittles Ciurana, Alberto Marina Lorente, Jorge Benito García and Juan Gregorio Benito García v Contimark SA and Jordi Socías Gispert - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social n.º 30 de Barcelona (Social Court No 30, Barcelona, Spain) - Reference for a preliminary ruling — **Company law** — Directive 2009/101/EC — Articles 2 and 6 to 8 — Directive 2012/30/EU — Articles 19 and 36 — **Charter of Fundamental Rights of the European Union** — Articles 20, 21 and 51 — **Recovery of claims arising under an employment contract — Right to bring, before the same court, an action against the company and its director, as a person having joint and several liability for the company's debts**

[CURIA – Judgment of the Court of Justice in Case C-243/16 of 14 December 2017](#)

Case C-66/17: JUDGMENT OF THE COURT (Seventh Chamber) of 14 December 2017 - Grzegorz Chudaś and Irena Chudaś v DA Deutsche Allgemeine Versicherung Aktiengesellschaft - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Rejonowy Poznań-Grunwald i Jeżyce w Poznaniu (District Court, Poznań-Grunwald and Jeżyce, sitting in Poznań, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 805/2004 — **Scope — European Enforcement Order for uncontested claims — Enforcement orders capable of being certified as European Enforcement Orders — Decision on the amount of costs related to the court proceedings in a judgment not concerning an uncontested claim** — Excluded

[CURIA – Judgment of the Court of Justice in Case C-66/17 of 14 December 2017](#)

Affaire C-558/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 13 décembre 2017 - Doris Margret Lisette Mahnkopf en présence de Sven Mahnkopf - demande de décision préjudicielle formée par le Kammergericht Berlin (tribunal régional supérieur de Berlin, Allemagne) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Certificat successoral européen – Champ d'application – Possibilité de faire figurer la part du conjoint survivant dans le certificat successoral européen**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-558/16 du 13 décembre 2017](#)

Case C-240/17: OPINION OF ADVOCATE GENERAL KOKOTT of 13 December 2017 – E - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Request for a preliminary ruling — **Area of freedom, security and justice — Schengen area — Return decision and entry ban against a third-country national — Alert for the purposes of refusing entry in the Schengen Information System — Third-country national convicted of criminal offences** — Third-country national with a valid residence permit in another Member State within the Schengen area — **Obligation to consult — Effects of ongoing consultations on enforcement of the return decision and the coming into force of the entry ban** — Article 25(2) of the Convention implementing the Schengen Agreement — Directive 2008/115/EC
[CURIA – Opinion of Advocate General in Case C-240/17 of 13 December 2017](#)

Affaire C-487/16 P: ARRÊT DE LA COUR (sixième chambre) du 13 décembre 2017 - Telefónica SA, établie à Madrid (Espagne) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Ententes** – Marchés portugais et espagnol des télécommunications – **Clause de non-concurrence contenue dans un accord conclu entre deux sociétés – Restriction par objet – Droits de la défense – Refus d'audition de témoins – Amendes – Gravité de l'infraction – Circonstances atténuantes**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-487/16 du 13 décembre 2017](#)

Case C-403/16: JUDGMENT OF THE COURT (First Chamber) of 13 December 2017 - Soufiane El Hassani v Minister Spraw Zagranicznych - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 810/2009 — Article 32(3) — **Community Visa Code — Decision to refuse a visa — Right of the applicant to bring an appeal against that decision — Obligation of a Member State to guarantee the right to a judicial appeal**
[CURIA – Judgment of the Court of Justice in Case C-403/16 of 13 December 2017](#)

Case C-565/16: OPINION OF ADVOCATE GENERAL TANCHEV of 6 December 2017 - Alessandro Saponaro and Kalliopi-Chloi Xylina - Request for a preliminary ruling from the Eirinodikeio Lerou (Small Claims Court of Leros, Greece) - **Judicial cooperation in civil matters** — Regulation (EC) No 2201/2003 — **Brussels IIbis Regulation — 'Acceptance' of jurisdiction under Article 12(3) — International jurisdiction in matters of parental responsibility — Jurisdiction of a court of a Member State before which a request for a judicial authorisation of a renunciation of inheritance on behalf of a minor child was brought — Prorogation of jurisdiction** — Article 1(2)(b) of Regulation (EU) No 650/2012
[CURIA – Opinion of Advocate General in Case C-565/16 of 6 December 2017](#)

Case C-42/17: JUDGMENT OF THE COURT (Grand Chamber) of 5 December 2017 - M.A.S. and M.B. v Presidente del Consiglio dei Ministri - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte costituzionale (Constitutional Court, Italy) - Reference for a preliminary ruling — Article 325 TFEU — **Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Criminal proceedings for infringements relating to value added tax (VAT) — National legislation laying down limitation periods liable to prevent the prosecution of infringements** — Activities affecting the financial interests of the EU — **Obligation to disapply any provisions of national law liable to have an adverse effect on the fulfilment of the Member States' obligations under EU law — Principle that offences and penalties must be defined by law**
[CURIA – Judgment of the Court of Justice in Case C-42/17 of 5 December 2017](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2215 of 30 November 2017 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers which are banned from operating or are subject to operational restrictions within the Union** (Text with EEA relevance)
[OJ of the EU, L 318/1 of 2 December 2017](#)

DIRECTIVE (EU) 2017/2108 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 November 2017 **amending** Directive 2009/45/EC on **safety rules and standards for passenger ships** (Text with EEA relevance)
[OJ of the EU, L 315/40 of 30 November 2017](#)

DIRECTIVE (EU) 2017/2109 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 November 2017 **amending** Council Directive 98/41/EC on the **registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community** and Directive 2010/65/EU of the European Parliament and of the Council on **reporting formalities for ships arriving in and/or departing from ports of the Member States**
[OJ of the EU, L 315/52 of 30 November 2017](#)

DIRECTIVE (EU) 2017/2110 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 November 2017 on a **system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service** and amending Directive 2009/16/EC and repealing Council Directive 1999/35/EC (Text with EEA relevance)
[OJ of the EU, L 315/61 of 30 November 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2205 of 29 November 2017 on **detailed rules concerning the procedures for the notification of commercial vehicles with major or dangerous deficiencies identified during a technical roadside inspection** (Text with EEA relevance)
[OJ of the EU, L 314/3 of 30 November 2017](#)

Case Law

Case C-600/14: JUDGMENT OF THE COURT (Grand Chamber) of 5 December 2017 - Federal Republic of Germany, and French Republic and United Kingdom of Great Britain and Northern Ireland v Council of the European Union and European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — **External action of the European Union** — Article 216(1) TFEU — Article 218(9) TFEU — **Establishment of the position to be adopted on behalf of the European Union in a body set up by an international agreement** — Revision Committee of the Intergovernmental Organisation for International Carriage by Rail (OTIF) — **Amendment of the Convention concerning International Carriage by Rail (COTIF) and the Appendices thereto** — **Competence shared between the European Union and its Member States** — **External competence of the European Union in an area where the Union has not yet adopted common rules** — Validity of Decision 2014/699/EU — **Obligation to state reasons** — **Principle of sincere cooperation**
[CURIA – Judgment of the Court of Justice in Case C-600/14 of 5 December 2017](#)

Case C-514/16: JUDGMENT OF THE COURT (Grand Chamber) of 28 November 2017 - Isabel Maria Pinheiro Vieira Rodrigues de Andrade and Fausto da Silva Rodrigues de Andrade v José Manuel Proença Salvador, Crédito Agrícola Seguros, Companhia de Seguros de Ramos Reais SA and Jorge Oliveira Pinto - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Guimarães (Court of Appeal, Guimarães, Portugal) - Reference for a preliminary ruling — **Compulsory insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Article 3(1) — **Concept of ‘use of vehicles’** — **Accident on a farm** — **Accident involving an agricultural tractor that was stationary but with the engine running in order to drive a spray pump for applying herbicide**
[CURIA – Judgment of the Court of Justice in Case C-514/16 of 28 November 2017](#)

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

Community Legislation

GUIDELINE (EU) 2017/2335 OF THE EUROPEAN CENTRAL BANK of 23 November 2017 on the **procedures for the collection of granular credit and credit risk data** (ECB/2017/38)
[OJ of the EU, L 333/66 of 15 December 2017](#)

DECISION (EU) 2017/2199 OF THE EUROPEAN CENTRAL BANK of 20 November 2017 **amending** Decision ECB/2014/40 on the implementation of the **third covered bond purchase programme** (ECB/2017/37)
[OJ of the EU, L 312/92 of 28 November 2017](#)

GUIDELINE (EU) 2017/2193 OF THE EUROPEAN CENTRAL BANK of 27 October 2017 **amending Guideline (EU) 2015/280 on the establishment of the Eurosystem Production and Procurement System** (ECB/2017/31)
[OJ of the EU, L 310/49 of 25 November 2017](#)

Case Law

Joined Cases C-331/16 and C-366/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 14 December 2017 - K. v Staatssecretaris van Veiligheid en Justitie - Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Middelburg (District Court of The Hague, sitting in Middelburg, Netherlands) - **H. F. v Belgische Staat** - Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen (Council for asylum and immigration proceedings, Belgium) - Reference for a preliminary ruling — **Citizenship of the Union** — Directive 2004/38/EC — Article 27(2) — **Restriction on the freedom of movement and residence on grounds of public policy or public security — Genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — Person excluded from refugee status on the grounds laid down in Article 1(F)(a) of the Geneva Convention and Article 12(2)(a) of Directive 2011/95/EU** — Proportionality — Article 28(1) and (3)(a) of Directive 2004/38/EC — **Article 7 of the Charter of Fundamental Rights of the European Union — Right to respect for private and family life**
[CURIA – Opinion of Advocate General in Case C-331/16 of 14 December 2017](#)

Case C-57/16 P: OPINION OF ADVOCATE GENERAL BOT of 28 November 2017 – ClientEarth v European Commission - Appeal — **Access to documents of the institutions** — Regulation (EC) No 1049/2001 — **Request for access to a draft impact assessment report, impact assessment report and opinion of the impact assessment board — General presumption of confidentiality — Refusal to grant access — Legislative documents**
[CURIA – Opinion of Advocate General in Case C-57/16 of 28 November 2017](#)