



Institut suisse de droit comparé  
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# EU News: Click & Read

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European Documentation Centre

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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

**Affaire C-467/16: ARRÊT DE LA COUR (deuxième chambre) du 20 décembre 2017 - rigitte Schlömp contre Landratsamt Schwäbisch Hall** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Amtsgericht Stuttgart (tribunal de district de Stuttgart, Allemagne) - Renvoi préjudiciel - Espace de liberté, de sécurité et de justice - **Coopération judiciaire en matière civile - Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale - Convention de Lugano II - Litispendance - Notion de "jurisdiction" - Autorité de conciliation de droit suisse, en charge de la procédure de conciliation préalable à toute procédure au fond**  
[CURIA - Arrêt de la Cour de Justice dans l'affaire C-467/16 du 20 décembre 2017](#)

**Case C-372/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Soha Sahyouni v Raja Mamisch** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht München (Higher Regional Court, Munich, Germany) - Reference for a preliminary ruling - Area of freedom, security and justice - Regulation (EU) No 1259/2010 - **Enhanced cooperation in the area of the law applicable to divorce and legal separation - Recognition of a private divorce obtained before a religious court in a third country - Scope of that regulation**  
[CURIA - Judgment of the Court of Justice in Case C-372/16 of 20 December 2017](#)

**Case C-434/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Peter Nowak v Data Protection Commissioner** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling - **Protection of individuals with regard to the processing of personal data** - Directive 95/46/EC - Article 2(a) - **Concept of 'personal data' - Written answers submitted by a candidate in a professional examination - Examiner's comments with respect to those answers** - Article 12(a) and (b) - **Extent of the data subject's rights to access and rectification**  
[CURIA - Judgment of the Court of Justice in Case C-434/16 of 20 December 2017](#)

**Case C-649/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Peter Valach, Alena Valachová, SC Europa ZV II a.s., SC Europa LV a.s., VAV Parking a.s., SC Europa BB a.s. and Byty A s.r.o. v Waldviertler Sparkasse Bank AG, Československá obchodná banka a.s. and Mesto Banská Bystrica** - 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 (EU) No 1215/2012 - Scope - **Action for liability in tort against the members of a committee of creditors which rejected a restructuring plan in insolvency proceedings**  
[CURIA - Judgment of the Court of Justice in Case C-649/16 of 20 December 2017](#)

**Case C-434/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Asociación Profesional Élite Taxi v Uber Systems Spain SL** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3, Barcelona, Spain) - Reference for a preliminary ruling - Article 56 TFEU - Article 58(1) TFEU - **Services in the field of transport** - Directive 2006/123/EC - **Services in the internal market** - Directive 2000/31/EC - Directive 98/34/EC - **Information society services - Intermediation service to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys** - Requirement for authorisation  
[CURIA - Judgment of the Court of Justice in Case C-434/15 of 20 December 2017](#)

## 1. EU-Swiss Relations

### International Agreements

**DECISION No 1/2017 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 29 November 2017 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2017/2465]

[OJ of the EU, L 348/46 of 29 December 2017](#)

### Community Legislation

**COMMISSION IMPLEMENTING DECISION (EU) 2017/2441** of 21 December 2017 on the **equivalence of the legal and supervisory framework applicable to stock exchanges in Switzerland** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 344/52 of 23 December 2017](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2017/2390** of 15 December 2017 on the **compliance of the unit rate for the charging zone of Switzerland for 2017** under Article 17 of Implementing Regulation (EU) No 391/2013 (notified under document C(2017) 8498) (Only the German, French and Italian texts are authentic)

[OJ of the EU, L 340/51 of 20 December 2017](#)

### Case Law

**Affaire C-467/16: ARRÊT DE LA COUR (deuxième chambre) du 20 décembre 2017 - rigitte Schlömp contre Landratsamt Schwäbisch Hall** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Amtsgericht Stuttgart (tribunal de district de Stuttgart, Allemagne) - Renvoi préjudiciel – Espace de liberté, de sécurité et de justice – **Coopération judiciaire en matière civile – Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Convention de Lugano II – Litispendance** – Notion de "jurisdiction" – **Autorité de conciliation de droit suisse, en charge de la procédure de conciliation préalable à toute procédure au fond**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-467/16 du 20 décembre 2017](#)

## 2. External Relations / Foreign Policy

### International Agreements

**COUNCIL DECISION (EU) 2018/61 of 21 March 2017** on the **signing**, on behalf of the European Union, and **provisional application of an amendment to the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety**

[OJ of the EU, L 11/1 of 16 January 2018](#)

**AMENDMENT 1** to the **Agreement on cooperation in the regulation of civil aviation safety between the European Community and the United States of America**

[OJ of the EU, L 11/3 of 16 January 2018](#)

**DECISION No 1/2017 OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT** of 5 December 2017 **amending the Convention of 20 May 1987 on a common transit procedure** [2018/29]

[OJ of the EU, L 8/1 of 12 January 2018](#)

**DECISION No 1/2017 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 29 November 2017 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2017/2465]  
[OJ of the EU, L 348/46 of 29 December 2017](#)

## Community Legislation

**COMMISSION RECOMMENDATION (EU) 2017/2338** of 16 November 2017 **establishing a common 'Return Handbook' to be used by Member States' competent authorities when carrying out return-related tasks**  
[OJ of the EU, L 339/83 of 19 December 2017](#)

## Case Law

**Case C-240/17: JUDGMENT OF THE COURT (Fifth Chamber) of 16 January 2018 - E - REQUEST** for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Third-country national staying illegally in a Member State — Threat to public order and national security** — Directive 2008/115/EC — Article 6(2) — **Return decision — Ban on entry to the territory of the Member States — Alert for the purposes of refusing admission to the Schengen Area** — Third-country national holding a valid residence permit issued by another Member State — Convention implementing the Schengen Agreement — Article 25(2) — **Consultation procedure between the Member State issuing the alert and the Member State which issued the residence permit — Time limit — Failure of the Contracting State consulted to adopt a position — Consequences for the enforcement of return decisions and entry ban**

[CURIA – Judgment of the Court of Justice in Case C-240/17 of 16 January 2018](#)

**Case C-266/16: OPINION OF ADVOCATE GENERAL WATHELET of 10 January 2018 - Western Sahara Campaign UK and The Queen v Commissioners for Her Majesty's Revenue and Customs and Secretary of State for Environment, Food and Rural Affairs** - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court), United Kingdom - Reference for a preliminary ruling — **Partnership Agreement between the European Community and the Kingdom of Morocco in the fisheries sector** — Protocol setting out the fishing opportunities provided for by the agreement — Acts approving the conclusion of the agreement and of the protocol — **Regulations allocating among the Member States the fishing opportunities set out by the protocol — Validity in the light of Article 3 TEU and of international law — Application to Western Sahara and the waters adjacent thereto**

[CURIA – Opinion of Advocate General in Case C-266/16 of 10 January 2018](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-433/15: JUDGMENT OF THE COURT (Fourth Chamber) of 24 January 2018 - European Commission v Italian Republic** - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations — Milk and milk products — Additional levy on milk — Tax years 1995/1996 to 2008/2009** — Regulation (EC) No 1234/2007 — Articles 79, 80 and 83 — Regulation (EC) No 595/2004 — Articles 15 and 17 — **Infringement — Lack of effective payment of the levy within the time limits prescribed — Failure of recovery in the event of non-payment of the levy**

[CURIA – Judgment of the Court of Justice in Case C-433/15 of 24 January 2018](#)

**Case C-267/16: JUDGMENT OF THE COURT (Grand Chamber) of 23 January 2018 - The Queen on the application of Albert Buhagiar and Others v Minister for Justice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of Gibraltar - Reference for a preliminary ruling — **Territorial scope of EU law** — Article 355(3) TFEU — **Act concerning the Conditions of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and the Adjustments to the Treaties** — Article 29 — Point 4 of Section I of Annex I — **Exclusion of Gibraltar from the customs territory of the European Union** — Implications — Directive 91/477/EEC — Article 1(4) — Article 12(2) — Annex II — **European firearms pass — Hunting and target shooting activities — Applicability to the territory of Gibraltar — Obligation to transpose — No such obligation — Validity**

CURIA – Judgment of the Court of Justice in Case C-267/16 of 23 January 2018

**Case C-528/16: OPINION OF ADVOCATE GENERAL BOBEK of 18 January 2018 - Confédération paysanne, Réseau Semences Paysannes, Les Amis de la Terre France, Collectif vigilance OGM et Pesticides 16, Vigilance OGM2M, CSFV 49, OGM dangers, Vigilance OGM 33 and Fédération Nature & Progrès v Premier ministre and Ministre de l’agriculture, de l’agroalimentaire et de la forêt** - Request for a preliminary ruling from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — **Environment — Agriculture** — Directives 2001/18/EC and 2002/53/EC — **Interpretation and assessment of validity — Notion of ‘genetically modified organism’** — Common catalogue of varieties of agricultural plant species — **New techniques of mutagenesis implementing genetic engineering processes — Random and directed mutagenesis — Scope of the exemption — Degree of harmonisation — Precautionary principle**

CURIA – Opinion of Advocate General in Case C-528/16 of 18 January 2018

**Case C-266/16: OPINION OF ADVOCATE GENERAL WATHELET of 10 January 2018 - Western Sahara Campaign UK and The Queen v Commissioners for Her Majesty’s Revenue and Customs and Secretary of State for Environment, Food and Rural Affairs** - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen’s Bench Division (Administrative Court), United Kingdom - Reference for a preliminary ruling — **Partnership Agreement between the European Community and the Kingdom of Morocco in the fisheries sector** — Protocol setting out the fishing opportunities provided for by the agreement — Acts approving the conclusion of the agreement and of the protocol — **Regulations allocating among the Member States the fishing opportunities set out by the protocol — Validity in the light of Article 3 TEU and of international law — Application to Western Sahara and the waters adjacent thereto**

CURIA – Opinion of Advocate General in Case C-266/16 of 10 January 2018

**Case C-268/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Binca Seafoods GmbH, established in Munich (Germany) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 834/2007 — **Production and labelling of organic products** — Regulation (EC) No 889/2008 — Implementing Regulation (EU) No 1358/2014 — **Interest in bringing proceedings — Notion of ‘personal benefit’**

CURIA – Judgment of the Court of Justice in Case C-268/16 of 20 December 2017

**Case C-393/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Comité Interprofessionnel du Vin de Champagne v Aldi Süd Dienstleistungs-GmbH & Co. OHG, represented by Aldi Süd Dienstleistungs-GmbH, formerly Aldi Einkauf GmbH & Co. OHG Süd and Galana NV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Common organisation of the markets in agricultural products — Protection of protected designations of origin (PDOs)** — Regulation (EC) No 1234/2007 — Article 118m(2)(a)(ii), (b) and (c) — Regulation (EU) No 1308/2013 — Article 103(2)(a)(ii), (b) and (c) — Scope — **Exploitation of the reputation of a PDO — Misuse, imitation or evocation of a PDO — False or misleading indication — PDO ‘Champagne’ used in the name of a foodstuff — The name ‘Champagner Sorbet’** — Foodstuff containing champagne as an ingredient — Ingredient conferring on the foodstuff an essential characteristic

CURIA – Judgment of the Court of Justice in Case C-393/16 of 20 December 2017

**Case C-516/16: JUDGMENT OF THE COURT (Seventh Chamber) of 20 December 2017 - Erzeugerorganisation Tiefkühlgemüse eGen v Agrarmarkt Austria** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Austria) - Reference for a preliminary ruling — **Agriculture — Common organisation of the markets — Operational programme in the fruit and vegetables sector** — Regulation (EC) No 1234/2007, as amended by Regulation (EC) No 361/2008 — Articles 103b, 103d and 103g — **EU financial aid** — Regulation (EU) No 543/2011 — Article 60 and point 23 of Annex IX — **Investments on the holdings and/or premises of the producer organisations — Concept — Legitimate expectations — Legal certainty**

[CURIA – Judgment of the Court of Justice in Case C-516/16 of 20 December 2017](#)

#### 4. Audiovisual and Media and Information Society

##### Case Law

**Case C-434/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Asociación Profesional Élite Taxi v Uber Systems Spain SL** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3, Barcelona, Spain) - Reference for a preliminary ruling — Article 56 TFEU — Article 58(1) TFEU — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 2000/31/EC — Directive 98/34/EC — **Information society services — Intermediation service to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys** — Requirement for authorisation

[CURIA – Judgment of the Court of Justice in Case C-434/15 of 20 December 2017](#)

**Case C-677/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - European Union Intellectual Property Office (EUIPO) v European Dynamics Luxembourg SA, established in Luxembourg (Luxembourg), Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE, established in Athens (Greece) and European Dynamics Belgium SA, established in Brussels (Belgium)** -- APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Public services contracts — Provision of external services for programme and project management and technical consultancy in the field of information technologies — Cascade procedure** — Weighting of sub-criteria within the award criteria — Principles of equal opportunity and transparency — **Manifest errors of assessment — Failure to state reasons — Loss of opportunity — Non-contractual liability of the European Union — Claim for damages**

[CURIA – Judgment of the Court of Justice in Case C-677/15 of 20 December 2017](#)

**Case C-81/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Kingdom of Spain v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of ‘State aid’ — Advantage** — Service of general economic interest — Definition — **Discretion of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-81/16 of 20 December 2017](#)

**Case C-70/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Comunidad Autónoma de Galicia and Redes de Telecomunicación Galegas Retegal SA (Retegal), established in Santiago de Compostela (Spain) v European Commission and SES Astra SA** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of ‘State aid’ — Advantage** — Service of general economic interest — Definition — **Discretion of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-70/16 of 20 December 2017](#)

**Joined Cases C-66/16 P to C-69/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Comunidad Autónoma del País Vasco, Itelazpi SA, established in Zamudio (Spain) (C-66/16 P), Comunidad Autónoma de Cataluña, Centre de Telecomunicacions i Tecnologies de la Informació de la Generalitat de Catalunya (CTTI), established in Hospitalet de Llobregat (Spain) (C-67/16 P), Navarra de Servicios y Tecnologías SA, established in Pamplona (Spain) (C-68/16 P), Cellnex Telecom SA, formerly Abertis Telecom SA, established in Barcelona (Spain) and Retevisión I SA, established in Barcelona (Spain) (C-69/16 P) v European Commission and SES Astra SA - FOUR APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of ‘State aid’ — Advantage** — Service of general economic interest — Definition — **Discretion of the Member States****

CURIA – Judgment of the Court of Justice in Case C-66/16 of 20 December 2017

**Case C-434/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Peter Nowak v Data Protection Commissioner** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — Article 2(a) — **Concept of ‘personal data’ — Written answers submitted by a candidate in a professional examination — Examiner’s comments with respect to those answers** — Article 12(a) and (b) — **Extent of the data subject’s rights to access and rectification**

CURIA – Judgment of the Court of Justice in Case C-434/16 of 20 December 2017

**Case C-277/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Polkomtel sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej and Krajowa Izba Gospodarcza Elektroniki i Telekomunikacji** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — **Common regulatory framework for electronic communications networks and services** — Directive 2002/21/EC — Articles 8 and 16 — Directive 2002/19/EC — Articles 8 and 13 — **Operator designated as having significant market power — Price control — Obligations imposed by national regulatory authorities — Obligation to ensure cost orientation of prices** — Prices set below the costs incurred by the operator concerned for the provision of voice call termination services on mobile networks — **Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business** — Proportionality

CURIA – Judgment of the Court of Justice in Case C-277/16 of 20 December 2017

**Affaire C-525/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 20 décembre 2017 - MEO – Serviços de Comunicações e Multimédia SA contre Autoridade da Concorrência** - demande de décision préjudicielle formée par le Tribunal da Concorrência, Regulação e Supervisão (tribunal de la concurrence, de la régulation et de la supervision, Portugal) - Renvoi préjudiciel — **Position dominante – Concurrence – Abus de position dominante** – Article 102, second alinéa, sous c), TFUE – **Notion de “désavantage dans la concurrence” – Prix discriminatoires sur le marché en aval – Gestion des droits connexes aux droits d’auteur – Télévision payante**

CURIA – Conclusions de l’Avocat Général dans l’affaire C-525/16 du 20 décembre 2017

## 5. Competition

### Community Legislation

**REGULATION (EU) 2017/2321 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2017 amending Regulation (EU) 2016/1036 on **protection against dumped imports from countries not members of the European Union** and Regulation (EU) 2016/1037 on **protection against subsidised imports from countries not members of the European Union****

OJ of the EU, L 338/1 of 19 December 2017

## Case Law

**Case C-179/16: JUDGMENT OF THE COURT (Grand Chamber) of 23 January 2018 - F. Hoffmann-La Roche Ltd, Roche SpA, Novartis AG, and Novartis Farma SpA v Autorità Garante della Concorrenza e del Mercato, Associazione Italiana delle Unità Dedicare Autonome Private di Day Surgery e dei Centri di Chirurgia Ambulatoriale (Aiudapds), Società Oftalmologica Italiana (SOI) — Associazione Medici Oculisti Italiani (AMOI), Regione Emilia-Romagna, Altroconsumo, Regione Lombardia, Coordinamento delle associazioni per la tutela dell'ambiente e dei diritti degli utenti e consumatori (Codacons) and Agenzia Italiana del Farmaco (AIFA) - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Agreements, decisions and concerted practices — Medicinal products** — Directive 2001/83/EC — Regulation (EC) No 726/2004 — **Allegations of risks associated with the use of a medicinal product for a treatment not covered by its marketing authorisation (off-label) — Definition of relevant market** — Ancillary restriction — **Restriction of competition by object — Exemption****

[CURIA – Judgment of the Court of Justice in Case C-179/16 of 23 January 2018](#)

**Case C-633/16: OPINION OF ADVOCATE GENERAL WAHL of 18 January 2018 - Ernst & Young P/S v Konkurrencerådet** - Request for a preliminary ruling from the Søg- og Handelsretten (Maritime and Commercial Court, Denmark) - **Competition — Control of concentrations between undertakings** — Article 7(1) of Regulation (EC) No 139/2004 — **Duty to suspend the implementation of a concentration until it has been declared compatible with the common market — Termination of a cooperation agreement by one of the merging undertakings**

[CURIA – Judgment of the Court of Justice in Case C-633/16 of 18 January 2018](#)

**Case C-363/16: JUDGMENT OF THE COURT (First Chamber) of 17 January 2018 - European Commission v Hellenic Republic** - 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 — Aid declared unlawful and incompatible with the internal market — Obligation to recover** — Second subparagraph of Article 108(2) TFEU — Regulation (EC) No 659/1999 — Article 14(3) — **Undertaking benefiting from the aid declared insolvent — Insolvency proceedings — Registration of the liabilities in the schedule of liabilities — Cessation of activities — Suspension of insolvency proceedings for the purposes of examining the prospect of relaunching the business** — Obligation to provide information — Failure to perform

[CURIA – Judgment of the Court of Justice in Case C-363/16 of 17 January 2018](#)

**Case C-81/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Kingdom of Spain v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of 'State aid'** — Advantage — Service of general economic interest — Definition — **Discretion of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-81/16 of 20 December 2017](#)

**Affaire C-525/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 20 décembre 2017 - MEO – Serviços de Comunicações e Multimédia SA contre Autoridade da Concorrência** - demande de décision préjudicielle formée par le Tribunal da Concorrência, Regulação e Supervisão (tribunal de la concurrence, de la régulation et de la supervision, Portugal) - Renvoi préjudiciel — **Position dominante – Concurrence – Abus de position dominante** – Article 102, second alinéa, sous c), TFUE – **Notion de “désavantage dans la concurrence” – Prix discriminatoires sur le marché en aval – Gestion des droits connexes aux droits d’auteur – Télévision payante**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-525/16 du 20 décembre 2017](#)

**Case C-203/16 P: OPINION OF ADVOCATE GENERAL WAHL of 20 December 2017 - Dirk Andres (administrator of Heitkamp BauHolding GmbH), previously Heitkamp BauHolding GmbH v European Commission - Appeal — State aid — German tax legislation concerning the possibility of carrying losses forward to future tax years — Decision declaring aid incompatible with the internal market — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — Individual concern — Concept of State aid — Selectivity — Reference system — Comparison — Justification**

[CURIA – Opinion of Advocate General in Case C-203/16 of 20 December 2017](#)

## 6. Customs

### Case Law

**Case C-276/16: JUDGMENT OF THE COURT (Seventh Chamber) of 20 December 2017 - Prequ' Italia Srl v Agenzia delle Dogane e dei Monopoli - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of Cassation, Italy) - Reference for a preliminary ruling — Principle of protection of the rights of the defence — Right to be heard — Regulation (EEC) No 2913/92 — Community Customs Code — Article 244 — Recovery of a customs debt — Lack of prior hearing of the addressee before the adoption of an amended tax assessment — Right of the addressee to obtain suspension of the implementation of the amended tax assessment — Lack of automatic suspension in the event of the bringing of administrative proceedings — Reference to the conditions provided for in Article 244 of the Customs Code**

[CURIA – Judgment of the Court of Justice in Case C-276/16 of 20 December 2017](#)

**Case C-529/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Hamamatsu Photonics Deutschland GmbH v Hauptzollamt München - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht München (Finance Court, Munich, Germany) - Reference for a preliminary ruling — Common Customs Tariff — Customs Code — Article 29 — Determination of the customs value — Cross-border transactions between related companies — Advance transfer pricing arrangement — Agreed transfer price composed of an amount initially invoiced and a flat-rate adjustment made after the end of the accounting period**

[CURIA – Judgment of the Court of Justice in Case C-529/16 of 20 December 2017](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### International Agreements

**COUNCIL DECISION (EU) 2017/2381 of 5 December 2017 on the signing, on behalf of the Union, of the Agreement between the European Union and the Kingdom of Norway on administrative cooperation, combating fraud and recovery of claims in the field of value added tax**

[OJ of the EU, L 340/4 of 20 December 2017](#)

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2018/72 of 4 October 2017 supplementing Regulation (EU) 2015/751 of the European Parliament and of the Council on interchange fees for card-based payment transactions with regard to regulatory technical standards establishing the requirements to be complied with by payment card schemes and processing entities to ensure the application of independence requirements in terms of accounting, organisation and decision-making process (Text with EEA relevance)**

[OJ of the EU, L 13/2 of 18 January 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/63 of 26 September 2017 amending Delegated Regulation (EU) 2017/571 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards on the authorisation, organisational requirements and the publication of transactions for data reporting services providers (Text with EEA relevance)**

[OJ of the EU, L 12/2 of 17 January 2018](#)



**COMMISSION DELEGATED REGULATION (EU) 2018/64** of 29 September 2017 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with **regard to specifying how the criteria** of Article 20(1)(c)(iii) are to be applied for **assessing whether certain events would result in significant and adverse impacts on market integrity, financial stability, consumers, the real economy or the financing of households and businesses in one or more Member States** (Text with EEA relevance)

[OJ of the EU, L 12/5 of 17 January 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/65** of 29 September 2017 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council **specifying technical elements of the definitions** laid down in paragraph 1 of Article 3 of the Regulation (Text with EEA relevance)

[OJ of the EU, L 12/9 of 17 January 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/66** of 29 September 2017 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council **specifying how the nominal amount of financial instruments other than derivatives, the notional amount of derivatives and the net asset value of investment funds are to be assessed** (Text with EEA relevance)

[OJ of the EU, L 12/11 of 17 January 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/67** of 3 October 2017 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with **regard to the establishment of the conditions to assess the impact resulting from the cessation of or change to existing benchmarks** (Text with EEA relevance)

[OJ of the EU, L 12/14 of 17 January 2018](#)

**COUNCIL IMPLEMENTING REGULATION (EU) 2017/2459** of 5 December 2017 **amending** Implementing Regulation (EU) No 282/2011 laying down implementing measures for Directive 2006/112/EC on the **common system of value added tax**

[OJ of the EU, L 348/32 of 29 December 2017](#)

**COUNCIL DIRECTIVE (EU) 2017/2455** of 5 December 2017 **amending** Directive 2006/112/EC and Directive 2009/132/EC as regards **certain value added tax obligations for supplies of services and distance sales of goods**

[OJ of the EU, L 348/7 of 29 December 2017](#)

**COUNCIL REGULATION (EU) 2017/2454** of 5 December 2017 **amending** Regulation (EU) No 904/2010 on **administrative cooperation and combating fraud in the field of value added tax**

[OJ of the EU, L 348/1 of 29 December 2017](#)

**REGULATION (EU) 2017/2401 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Regulation (EU) No 575/2013 on **prudential requirements for credit institutions and investment firms**

[OJ of the EU, L 347/1 of 28 December 2017](#)

**REGULATION (EU) 2017/2402 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation**, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012

[OJ of the EU, L 347/35 of 28 December 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2446** of 19 December 2017 **amending** Implementing Regulation (EU) 2016/1368 establishing a **list of critical benchmarks used in financial markets** pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 346/1 of 28 December 2017](#)

**DIRECTIVE (EU) 2017/2399 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Directive 2014/59/EU as regards the **ranking of unsecured debt instruments in insolvency hierarchy**

[OJ of the EU, L 345/96 of 27 December 2017](#)

**REGULATION (EU) 2017/2395 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Regulation (EU) No 575/2013 as regards **transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State** (Text with EEA relevance)

[OJ of the EU, L 345/27 of 27 December 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/2417** of 17 November 2017 **supplementing** Regulation (EU) No 600/2014 of the European Parliament and of the Council on **markets in financial instruments with regard to regulatory technical standards on the trading obligation for certain derivatives** (Text with EEA relevance)

[OJ of the EU, L 343/48 of 22 December 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/2358** of 21 September 2017 **supplementing** Directive (EU) 2016/97 of the European Parliament and of the Council with regard to **product oversight and governance requirements for insurance undertakings and insurance distributors** (Text with EEA relevance)

[OJ of the EU, L 341/1 of 20 December 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/2359** of 21 September 2017 **supplementing** Directive (EU) 2016/97 of the European Parliament and of the Council with regard to **information requirements and conduct of business rules applicable to the distribution of insurance-based investment products** (Text with EEA relevance)

[OJ of the EU, L 341/8 of 20 December 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/2382** of 14 December 2017 **laying down implementing technical standards with regard to standard forms, templates and procedures for the transmission of information** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 340/6 of 20 December 2017](#)

## Case Law

**Case C-433/15: JUDGMENT OF THE COURT (Fourth Chamber) of 24 January 2018 - European Commission v Italian Republic** - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations — Milk and milk products — Additional levy on milk — Tax years 1995/1996 to 2008/2009 — Regulation (EC) No 1234/2007 — Articles 79, 80 and 83 — Regulation (EC) No 595/2004 — Articles 15 and 17 — Infringement — Lack of effective payment of the levy within the time limits prescribed — Failure of recovery in the event of non-payment of the levy**

[CURIA – Judgment of the Court of Justice in Case C-433/15 of 24 January 2018](#)

**Case C-249/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2018 - Wind 1014 GmbH and Kurt Daell v Skatteministeriet** - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court of Appeal, Denmark) - References for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Restrictions — Motor vehicle leased by a resident of one Member State from a leasing company established in another Member State — Registration tax calculated proportionately to the duration of use of the vehicle — Requirement of approval from the national tax authorities before use — Justification — Prevention of circumvention of tax rules and fraud or abuse — Safeguarding States' powers of taxation — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-249/15 of 18 January 2018](#)

**Case C-463/16: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2018 - Stadion Amsterdam CV 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 — **Taxation — Value added tax (VAT) — Directive 77/388/EEC — Third subparagraph of Article 12(3)(a) — Reduced rate of VAT — Annex H, category 7 — Single supply comprised of two distinct elements — Selective application of a reduced rate of VAT to one of those elements — 'World of Ajax' tour — Visit to the AFC Ajax museum**

[CURIA – Judgment of the Court of Justice in Case C-463/16 of 18 January 2018](#)

**Case C-45/17: JUDGMENT OF THE COURT (Tenth Chamber) of 18 January 2018 - Frédéric Jahin v Ministre de l'Économie et des Finances 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 — Free movement of capital — Articles 63 TFEU and 65 TFEU — Regulation (EC) No 883/2004 — Article 11 — **Levies on income from assets contributing to the financing of the social security scheme of a Member State — Exemption for nationals of the European Union affiliated to a social security scheme of another Member State — Natural persons affiliated to a social security scheme of a third country** — Difference of treatment — Restriction — Justification  
[CURIA – Judgment of the Court of Justice in Case C-45/17 of 18 January 2018](#)

**Case C-363/16: JUDGMENT OF THE COURT (First Chamber) of 17 January 2018 - European Commission v Hellenic Republic** - 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 — Aid declared unlawful and incompatible with the internal market — Obligation to recover** — Second subparagraph of Article 108(2) TFEU — Regulation (EC) No 659/1999 — Article 14(3) — **Undertaking benefiting from the aid declared insolvent — Insolvency proceedings — Registration of the liabilities in the schedule of liabilities — Cessation of activities — Suspension of insolvency proceedings for the purposes of examining the prospect of relaunching the business** — Obligation to provide information — Failure to perform  
[CURIA – Judgment of the Court of Justice in Case C-363/16 of 17 January 2018](#)

**Case C-676/16: JUDGMENT OF THE COURT (First Chamber) of 17 January 2018 - CORPORATE COMPANIES s.r.o. v Ministerstvo financí ČR** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling — **Prevention of the use of the financial system for the purpose of money laundering and terrorist financing** — Directive 2005/60/EC — Scope — Article 2(1), point 3(c) and Article 3, point 7(a) — **Business activity of an undertaking consisting in the sale of companies already entered in the Register of Companies and formed solely for the purposes of sale — Sale by means of the transfer of the undertaking's holding in the ready-made company**  
[CURIA – Judgment of the Court of Justice in Case C-676/16 of 17 January 2018](#)

**Case C-650/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 17 January 2018 - A/S Bevola and Jens W. Trock ApS v Skatteministeriet** - Request for a preliminary ruling from the Østre Landsret (Eastern Regional Court, Denmark) - Preliminary-ruling proceedings — **Corporation tax — Freedom of establishment — Consolidated groups** — Tax legislation permitting a **resident company to deduct the losses of resident permanent establishments from its taxable income but excluding that possibility for non-resident permanent establishments**, unless the company has opted into the international joint taxation scheme  
[CURIA – Opinion of Advocate General in Case C-650/16 of 17 January 2018](#)

**Case C-462/16: JUDGMENT OF THE COURT (Fifth Chamber) of 20 December 2017 - Finanzamt Bingen-Alzey v Boehringer Ingelheim Pharma GmbH & Co. KG** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — Article 90(1) — **Reduction of the price under conditions determined by the Member States — Reduction of the taxable amount** — Principles laid down in the judgment of 24 October 1996, Elida Gibbs (C-317/94, EU:C:1996:400) — **Discounts granted to private medical insurance funds**  
[CURIA – Judgment of the Court of Justice in Case C-462/16 of 20 December 2017](#)

**Case C-500/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Caterpillar Financial Services sp. z o.o. and Dyrektor Izby Skarbowej 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 — Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 135(1)(a) — **Exemptions — Taxes levied in breach of EU law — Obstacles to the refund of an overpayment of VAT** — Article 4(3) TUE — **Principles of equivalence, effectiveness and sincere cooperation** — Rights conferred on individuals — **Expiry of the limitation period for the tax liability — Effects of a judgment of the Court — Principle of legal certainty**  
[CURIA – Judgment of the Court of Justice in Case C-500/16 of 20 December 2017](#)

**Joined Cases C-504/16 and C-613/16: JUDGMENT OF THE COURT (Sixth Chamber) of 20 December 2017 - Deister Holding AG, formerly Traxx Investments NV (C-504/16) and Juhler Holding A/S (C-613/16) v Bundeszentralamt für Steuern** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Finanzgericht Köln (Finance Court, Cologne, Germany) - References for a preliminary ruling — **Direct taxation — Freedom of establishment** — Directive 90/435/EEC — Article 1(2) — Article 5 — **Parent company — Holding company — Withholding tax on profits distributed to a non-resident parent holding company — Exemption — Fraud, tax evasion and abuse — Presumption**

[CURIA – Judgment of the Court of Justice in Case C-504/16 of 20 December 2017](#)

**Case C-532/16: OPINION OF ADVOCATE GENERAL BOBEK of 20 December 2017 - Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos and Akcinė bendrovė SEB bankas** - Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — **Value added tax (VAT) — Adjustment of deductions — Applicability — Supply incorrectly subjected to VAT — Modification of the invoice by the supplier**

[CURIA – Opinion of Advocate General in Case C-532/16 of 20 December 2017](#)

**Case C-480/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 20 December 2017 - Fidelity Funds v Skatteministeriet and NN (L) SICAV** - Request for a preliminary ruling from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling — **Freedom to provide services — Free movement of capital — Restrictions — Taxation of dividends paid to undertakings for collective investment in transferable securities (UCITS) — Dividends paid by companies resident in one Member State to undertakings resident in another Member State** — Comparability of situations — Safeguarding the coherence of the tax system

[CURIA – Opinion of Advocate General in Case C-480/16 of 20 December 2017](#)

**Case C-203/16 P: OPINION OF ADVOCATE GENERAL WAHL of 20 December 2017 - Dirk Andres (administrator of Heitkamp BauHolding GmbH), previously Heitkamp BauHolding GmbH v European Commission** - Appeal — **State aid — German tax legislation concerning the possibility of carrying losses forward to future tax years — Decision declaring aid incompatible with the internal market** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — **Individual concern — Concept of State aid** — Selectivity — Reference system — Comparison — Justification

[CURIA – Opinion of Advocate General in Case C-203/16 of 20 December 2017](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**COUNCIL CONCLUSIONS** on the **EU list of non-cooperative jurisdictions for tax purposes** (2017/C 438/04)  
[OJ of the EU, C 438/5 of 19 December 2017](#)

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

### Case Law

**Joined Cases C-616/16 and C-617/16: JUDGMENT OF THE COURT (Eighth Chamber) of 24 January 2018 - Presidenza del Consiglio dei Ministri and others v Gianni Pantuso and others (C-616/16) - Giovanna Castellano and others (C-617/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors** — Directives 75/363/EEC and 82/76/EEC — **Specialist medical training — Appropriate remuneration — Application of Directive 82/76/EEC to training begun before the prescribed deadline for the Member States to transpose it and completed after that date**

[CURIA – Judgment of the Court of Justice in Case C-616/16 of 24 January 2018](#)

**Case C-419/16: JUDGMENT OF THE COURT (Third Chamber) of 20 December 2017 - Sabine Simma Federspiel v Provincia Autonoma di Bolzano and Equitalia Nord SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Bolzano (District Court of Bolzano, Italy) - Reference for a preliminary ruling — **Freedom of establishment and freedom of movement for workers** — Articles 45 and 49 TFEU — **Mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine** — Directives 75/363/EEC and 93/16/EEC — **Remuneration of trainee specialist doctors**  
[CURIA – Judgment of the Court of Justice in Case C-419/16 of 20 December 2017](#)

## 9. Employment and Social Affairs

### Community Legislation

**DIRECTIVE (EU) 2017/2398 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Directive 2004/37/EC on the **protection of workers from the risks related to exposure to carcinogens or mutagens at work** (Text with EEA relevance)  
[OJ of the EU, L 345/87 of 27 December 2017](#)

### Case Law

**Case C-270/16: JUDGMENT OF THE COURT (Third Chamber) of 18 January 2018 - Carlos Enrique Ruiz Conejero v Ferroservicios Auxiliares SA and Ministerio Fiscal** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social No 1 de Cuenca (Social Court No 1, Cuenca, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 2(2)(b)(i) — **Prohibition of discrimination based on disability — National legislation permitting, subject to certain conditions, the dismissal of an employee by reason of intermittent absences, even where justified — Worker’s absences resulting from illnesses linked to his disability** — Difference in treatment based on disability — Indirect discrimination — Whether justified — **Combating absenteeism in the workplace** — Whether appropriate — Whether proportionate  
[CURIA – Judgment of the Court of Justice in Case C-270/16 of 18 January 2018](#)

**Case C-45/17: JUDGMENT OF THE COURT (Tenth Chamber) of 18 January 2018 - Frédéric Jahin v Ministre de l’Économie et des Finances 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 — Free movement of capital — Articles 63 TFEU and 65 TFEU — Regulation (EC) No 883/2004 — Article 11 — **Levies on income from assets contributing to the financing of the social security scheme of a Member State — Exemption for nationals of the European Union affiliated to a social security scheme of another Member State — Natural persons affiliated to a social security scheme of a third country** — Difference of treatment — Restriction — Justification  
[CURIA – Judgment of the Court of Justice in Case C-45/17 of 18 January 2018](#)

**Case C-158/16: JUDGMENT OF THE COURT (Tenth Chamber) of 20 December 2017 - Margarita Isabel Vega González v Consejería de Hacienda y Sector Público del Gobierno del Principado de Asturias** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Contencioso-Administrativo n. 1 de Oviedo (Administrative Court No 1, Oviedo, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — **Principle of non-discrimination — Concept of ‘employment conditions’ — Placement on the administrative status for special service leave — National legislation providing for special leave to be granted, in case of election to public office, only to established civil servants, to the exclusion of non-established civil servants**  
[CURIA – Judgment of the Court of Justice in Case C-158/16 of 20 December 2017](#)

**Case C-419/16: JUDGMENT OF THE COURT (Third Chamber) of 20 December 2017 - Sabine Simma Federspiel v Provincia Autonoma di Bolzano and Equitalia Nord SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Bolzano (District Court of Bolzano, Italy) - Reference for a preliminary ruling — **Freedom of establishment and freedom of movement for workers** — Articles 45 and 49 TFEU — **Mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine** — Directives 75/363/EEC and 93/16/EEC — **Remuneration of trainee specialist doctors**  
[CURIA – Judgment of the Court of Justice in Case C-419/16 of 20 December 2017](#)

**Case C-434/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Peter Nowak v Data Protection Commissioner** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — Article 2(a) — **Concept of ‘personal data’** — **Written answers submitted by a candidate in a professional examination** — **Examiner’s comments with respect to those answers** — Article 12(a) and (b) — **Extent of the data subject’s rights to access and rectification**  
[CURIA – Judgment of the Court of Justice in Case C-434/16 of 20 December 2017](#)

**Case C-442/16: JUDGMENT OF THE COURT (Fifth Chamber) of 20 December 2017 - Florea Gusa v Minister for Social Protection, Ireland and Attorney General** - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (Ireland) - Reference for a preliminary ruling — Directive 2004/38/EC — **Person no longer working in a self-employed capacity** — **Retention of the status of self-employed person** — Right of residence — **Legislation of a Member State restricting eligibility for a jobseeker’s allowance to persons who have a right of residence on the territory of that Member State**  
[CURIA – Judgment of the Court of Justice in Case C-442/16 of 20 December 2017](#)

**Case C-574/16: OPINION OF ADVOCATE GENERAL KOKOTT of 20 December 2017 - Grupo Norte Facility SA v Angel Manuel Moreira Gómez** - Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (Spain) - Reference for a preliminary ruling — **Social policy** — **Fixed-term employment** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — **Principle of non-discrimination against fixed-term workers** — **Entitlement of the worker to compensation on termination of the employment contract** — **Fixed-term employment contract in the form of a relief contract** — Difference in treatment in relation to permanent workers  
[CURIA – Opinion of Advocate General in Case C-574/16 of 20 December 2017](#)

**Case C-677/16: OPINION OF ADVOCATE GENERAL KOKOTT of 20 December 2017 - Lucía Montero Mateos v Agencia Madrileña de Atención Social de la Consejería de Políticas Sociales y Familia de la Comunidad Autónoma de Madrid** - Request for a preliminary ruling from the Juzgado de lo Social No 33 de Madrid (Spain) - Request for a preliminary ruling — **Social policy** — **Fixed-term employment** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — **Principle of non-discrimination against fixed-term workers** — **Entitlement of the worker to compensation for termination of the employment contract** — **Fixed-term employment contract in the form of a temporary replacement contract** — Difference in treatment in relation to permanent workers  
[CURIA – Opinion of Advocate General in Case C-677/16 of 20 December 2017](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION REGULATION (EU) 2017/2400** of 12 December 2017 **implementing** Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the **determination of the CO<sup>2</sup> emissions and fuel consumption of heavy-duty vehicles** and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (Text with EEA relevance)  
[OJ of the EU, L 349/1 of 29 December 2017](#)

## Case Law

**Case C-528/16: OPINION OF ADVOCATE GENERAL BOBEK of 18 January 2018 - Confédération paysanne, Réseau Semences Paysannes, Les Amis de la Terre France, Collectif vigilance OGM et Pesticides 16, Vigilance OG2M, CSFV 49, OGM dangers, Vigilance OGM 33 and Fédération Nature & Progrès v Premier ministre and Ministre de l’agriculture, de l’agroalimentaire et de la forêt** - Request for a preliminary ruling from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — **Environment — Agriculture** — Directives 2001/18/EC and 2002/53/EC — **Interpretation and assessment of validity — Notion of ‘genetically modified organism’** — Common catalogue of varieties of agricultural plant species — **New techniques of mutagenesis implementing genetic engineering processes — Random and directed mutagenesis — Scope of the exemption — Degree of harmonisation — Precautionary principle**

[CURIA – Opinion of Advocate General in Case C-528/16 of 18 January 2018](#)

**Case C-58/17: JUDGMENT OF THE COURT (Sixth Chamber) of 18 January 2018 - INEOS Köln GmbH v Bundesrepublik Deutschland** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Environment — Scheme for greenhouse gas emission allowance trading within the European Union** — Directive 2003/87/EC — Article 10a — **Transitional rules for harmonised free allocation of emission allowances** — Period 2013-2020 — Decision 2011/278/EU — Article 3(h) — **Concept of ‘process emissions sub-installation’ — Emissions stemming from the combustion of incompletely oxidised carbon — Liquid waste — Excluded**

[CURIA – Judgment of the Court of Justice in Case C-58/17 of 18 January 2018](#)

**Case C-626/16: OPINION OF ADVOCATE GENERAL KOKOTT of 11 January 2018 - European Commission v Slovak Republic** - Failure to fulfil obligations — Article 260 TFEU — **Failure to comply with the judgment of 25 April 2013, Commission v Slovakia (C-331/11, EU:C:2013:271) — Subject matter of the dispute** — Pre-litigation procedure — Request for observations — Directive 99/31/EC — **Landfill of waste** — Žilina–Považský Chlmec waste site

[CURIA – Opinion of Advocate General in Case C-626/16 of 11 January 2018](#)

**Case C-226/16: JUDGMENT OF THE COURT (Fifth Chamber) of 20 December 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 under Article 267 TFEU from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — **Energy — Gas industry — Security of gas supply** — Regulation (EU) No 994/2010 — **Obligation of natural gas undertakings to take measures to safeguard the supply of gas to protected customers** — Point 1 of the second paragraph of Article 2 — **Definition of ‘protected customers’** — Article 8(2) — Additional obligation — Article 8(5) — **Possibility for natural gas undertakings of fulfilling their obligation at regional level or at Union level** — National legislation imposing on gas suppliers an additional gas storage obligation, the scope of which includes customers who are not protected customers within the meaning of Regulation No 994/2010 — **Obligation to be fulfilled, as regards 80% of the gas stored, on the territory of the Member State concerned**

[CURIA – Judgment of the Court of Justice in Case C-226/16 of 20 December 2017](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION REGULATION (EU) 2018/79** of 18 January 2018 **amending** Regulation (EU) No 10/2011 on **plastic materials and articles intended to come into contact with food** (Text with EEA relevance)

[OJ of the EU, L 14/31 of 19 January 2018](#)

**COMMISSION REGULATION (EU) 2018/78** of 16 January 2018 **amending** Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards **maximum residue levels for 2-phenylphenol, bensulfuron-methyl, dimethachlor and lufenuron in or on certain products** (Text with EEA relevance)

[OJ of the EU, L 14/6 of 19 January 2018](#)

**COMMISSION REGULATION (EU) 2018/73** of 16 January 2018 **amending** Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards **maximum residue levels for mercury compounds in or on certain products** (Text with EEA relevance)

[OJ of the EU, L 13/8 of 18 January 2018](#)

**DIRECTIVE (EU) 2017/2398 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Directive 2004/37/EC on the **protection of workers from the risks related to exposure to carcinogens or mutagens at work** (Text with EEA relevance)

[OJ of the EU, L 345/87 of 27 December 2017](#)

**REGULATION (EU) 2017/2394 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 on **cooperation between national authorities responsible for the enforcement of consumer protection laws** and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance)

[OJ of the EU, L 345/1 of 27 December 2017](#)

## Case Law

**Affaire C-498/16: ARRÊT DE LA COUR (troisième chambre) du 25 janvier 2018 - Maximilian Schrems contre Facebook Ireland Limited** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – Règlement (CE) no 44/2001 – Articles 15 et 16 – **Compétence judiciaire en matière de contrats conclus par les consommateurs** – **Notion de "consommateur"** – **Cession entre consommateurs de droits à faire valoir à l'encontre d'un même professionnel**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-498/16 du 25 janvier 2018](#)

**Case C-483/16: OPINION OF ADVOCATE GENERAL WAHL of 16 January 2018 - Zsolt Sziber v ERSTE Bank Hungary Zrt** - Request for a preliminary ruling from the Fővárosi Törvényszék (Budapest High Court, Hungary) - **Consumer protection** — **Unfair terms in consumer contracts** — Credit agreements denominated in a foreign currency — **National legislation adding procedural requirements when the fairness of terms in consumer contracts is challenged**

[CURIA – Opinion of Advocate General in Case C-483/16 of 16 January 2018](#)

**Case C-226/16: JUDGMENT OF THE COURT (Fifth Chamber) of 20 December 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 under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Energy** — **Gas industry** — **Security of gas supply** — Regulation (EU) No 994/2010 — **Obligation of natural gas undertakings to take measures to safeguard the supply of gas to protected customers** — Point 1 of the second paragraph of Article 2 — **Definition of 'protected customers'** — Article 8(2) — Additional obligation — Article 8(5) — **Possibility for natural gas undertakings of fulfilling their obligation at regional level or at Union level** — National legislation imposing on gas suppliers an additional gas storage obligation, the scope of which includes customers who are not protected customers within the meaning of Regulation No 994/2010 — **Obligation to be fulfilled, as regards 80% of the gas stored, on the territory of the Member State concerned**

[CURIA – Judgment of the Court of Justice in Case C-226/16 of 20 December 2017](#)



## 12. Human Rights

### Case Law

**Affaire C-473/16: ARRÊT DE LA COUR (troisième chambre) 25 janvier 2018 - F contre Bevándorlási és Állampolgársági Hivatal** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Szegedi Közigazgatási és Munkaügyi Bíróság (tribunal administratif et du travail de Szeged, Hongrie) - Renvoi préjudiciel – **Charte des droits fondamentaux de l'Union européenne** – Article 7 – **Respect de la vie privée et familiale** – Directive 2011/95/UE – **Normes relatives aux conditions d'octroi du statut de réfugié ou du statut conféré par la protection subsidiaire** – **Crainte de persécution en raison de l'orientation sexuelle** – Article 4 – Évaluation des faits et des circonstances – **Recours à une expertise** – **Tests psychologiques**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-473/16 du 25 janvier 2018](#)

**Affaires C-175/17 et C-180/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 24 janvier 2018 – X contre Belastingdienst/Toeslagen et X et Y contre Staatssecretaris van Veiligheid en Justitie** - demandes de décision préjudicielle formées par l'Afdeling bestuursrechtspraak van de Raad van State (section du contentieux administratif du Conseil d'État, Pays-Bas) - Renvoi préjudiciel – **Politique commune en matière d'asile et de protection subsidiaire** – Directive 2005/85/CE – Article 39 – Directive 2008/115/CE – Article 13 – Directive 2013/32/UE – Article 46 – **Charte des droits fondamentaux de l'Union européenne** – Articles 4 et 18 ainsi qu'article 19, paragraphe 2, et article 47 – **Droit à un recours effectif** – **Principe de non-refoulement** – **Décision rejetant une demande d'asile et imposant une obligation de retour** – **Réglementation nationale prévoyant un second degré de juridiction en matière d'asile** – Effet suspensif automatique limité au recours en première instance – **Exception si les effets juridiques de la décision annulée en première instance sont maintenus**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-175/17 du 24 janvier 2018](#)

**Case C-673/16: OPINION OF ADVOCATE GENERAL WATHELET of 11 January 2018 - Relu Adrian Coman, Robert Clabourn Hamilton and Asociația Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne and Consiliul Național pentru Combaterea Discriminării** - Request for a preliminary ruling from the Curtea Constituțională a României (Constitutional Court, Romania) - Reference for a preliminary ruling – **Citizenship of the Union** – Directive 2004/38/EC – Article 2(2)(a) – **Concept of 'spouse'** – **Right of citizens of the Union to move and reside within the territory of the Union** – **Marriage between persons of the same sex** – **Marriage not recognised by the host State** – Article 3 – **Concept of '[other] family members'** – Article 7 – **Right of residence for more than three months** – **Articles 7 and 21 of the Charter of Fundamental Rights of the European Union**  
[CURIA – Opinion of Advocate General in Case C-673/16 of 11 January 2018](#)

**Case C-521/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Kingdom of Spain v Council of the European Union and European Commission** - ACTION for annulment under Article 263 TFEU - Action for annulment – Implementing Decision (EU) 2015/1289 – **Imposition of a fine on a Member State in the context of economic and budgetary surveillance of the euro area** – **Manipulation of statistical data relating to the deficit of the Member State concerned** – **Jurisdiction** – Regulation (EU) No 1173/2011 – Article 8(1) and (3) – Delegated Decision 2012/678/EU – Articles 2(1) and (3) and 14(2) – Regulation (EC) No 479/2009 – Articles 3(1), 8(1), 11 and 11a – **Rights of defence** – **Charter of Fundamental Rights of the European Union** – Article 41(1) – **Right to good administration** – Articles 121, 126 and 136 TFEU – **Protocol No 12 on the excessive deficit procedure** – **Existence of an infringement** – **Misrepresentations** – **Determination of the fine** – **Principle that penal provisions may not have retroactive effect**  
[CURIA – Judgment of the Court of Justice in Case C-521/15 of 20 December 2017](#)

**Case C-277/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Polkomtel sp. z o.o. v Prezes Urzędu Komunikacji Elektronicznej and Krajowa Izba Gospodarcza Elektroniki i Telekomunikacji** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — **Common regulatory framework for electronic communications networks and services** — Directive 2002/21/EC — Articles 8 and 16 — Directive 2002/19/EC — Articles 8 and 13 — **Operator designated as having significant market power — Price control — Obligations imposed by national regulatory authorities — Obligation to ensure cost orientation of prices** — Prices set below the costs incurred by the operator concerned for the provision of voice call termination services on mobile networks — **Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business** — Proportionality  
[CURIA – Judgment of the Court of Justice in Case C-277/16 of 20 December 2017](#)

**Case C-434/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Peter Nowak v Data Protection Commissioner** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — Article 2(a) — **Concept of ‘personal data’ — Written answers submitted by a candidate in a professional examination — Examiner’s comments with respect to those answers** — Article 12(a) and (b) — **Extent of the data subject’s rights to access and rectification**  
[CURIA – Judgment of the Court of Justice in Case C-434/16 of 20 December 2017](#)

**Affaire C-647/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 20 décembre 2017 - Adil Hassan contre Préfet du Pas-de-Calais** - demande de décision préjudicielle formée par le tribunal administratif de Lille (France) - Renvoi préjudiciel — **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Demande de protection internationale** – Interprétation de l’article 26 du règlement (UE) n° 604/2013 – **Obligation, pour les autorités nationales ayant formulé une demande de prise en charge, de ne pas adopter de décision de transfert en l’attente de l’acceptation de la prise en charge par l’État requis**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-647/16 du 20 décembre 2017](#)

## 13. Internal Market and Single Market

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2017/2364** of 18 December 2017 **amending** Directive 2014/25/EU of the European Parliament and of the Council in respect of the **application thresholds for the procedures for the award of contracts** (Text with EEA relevance)  
[OJ of the EU, L 337/17 of 19 December 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/2365** of 18 December 2017 **amending** Directive 2014/24/EU of the European Parliament and of the Council in respect of the **application thresholds for the procedures for the award of contracts** (Text with EEA relevance)  
[OJ of the EU, L 337/19 of 19 December 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/2366** of 18 December 2017 **amending** Directive 2014/23/EU of the European Parliament and of the Council in respect of the **application thresholds for the procedures for the award of contracts** (Text with EEA relevance)  
[OJ of the EU, L 337/21 of 19 December 2017](#)

**COMMISSION REGULATION (EU) 2017/2367** of 18 December 2017 **amending** Directive 2009/81/EC of the European Parliament and of the Council in respect of the **application thresholds for the procedures for the award of contracts** (Text with EEA relevance)  
[OJ of the EU, L 337/22 of 19 December 2017](#)

## Case Law

**Case C-633/16: OPINION OF ADVOCATE GENERAL WAHL of 18 January 2018 - Ernst & Young P/S v Konkurrencerådet** - Request for a preliminary ruling from the Sø- og Handelsretten (Maritime and Commercial Court, Denmark) - **Competition — Control of concentrations between undertakings** — Article 7(1) of Regulation (EC) No 139/2004 — **Duty to suspend the implementation of a concentration until it has been declared compatible with the common market — Termination of a cooperation agreement by one of the merging undertakings**

[CURIA – Judgment of the Court of Justice in Case C-633/16 of 18 January 2018](#)

**Case C-249/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2018 - Wind 1014 GmbH and Kurt Daell v Skatteministeriet** - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court of Appeal, Denmark) - References for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Restrictions — Motor vehicle leased by a resident of one Member State from a leasing company established in another Member State — Registration tax calculated proportionately to the duration of use of the vehicle — Requirement of approval from the national tax authorities before use** — Justification — Prevention of circumvention of tax rules and fraud or abuse — **Safeguarding States' powers of taxation** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-249/15 of 18 January 2018](#)

**Case C-363/16: JUDGMENT OF THE COURT (First Chamber) of 17 January 2018 - European Commission v Hellenic Republic** - 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 — Aid declared unlawful and incompatible with the internal market — Obligation to recover** — Second subparagraph of Article 108(2) TFEU — Regulation (EC) No 659/1999 — Article 14(3) — **Undertaking benefiting from the aid declared insolvent — Insolvency proceedings — Registration of the liabilities in the schedule of liabilities — Cessation of activities — Suspension of insolvency proceedings for the purposes of examining the prospect of relaunching the business** — Obligation to provide information — Failure to perform

[CURIA – Judgment of the Court of Justice in Case C-363/16 of 17 January 2018](#)

**Case C-434/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Asociación Profesional Élite Taxi v Uber Systems Spain SL** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3, Barcelona, Spain) - Reference for a preliminary ruling — Article 56 TFEU — Article 58(1) TFEU — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 2000/31/EC — Directive 98/34/EC — **Information society services — Intermediation service to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys** — Requirement for authorisation

[CURIA – Judgment of the Court of Justice in Case C-434/15 of 20 December 2017](#)

**Case C-677/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - European Union Intellectual Property Office (EUIPO) v European Dynamics Luxembourg SA, established in Luxembourg (Luxembourg), Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE, established in Athens (Greece) and European Dynamics Belgium SA, established in Brussels (Belgium) -- APPEAL** under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Public services contracts — Provision of external services for programme and project management and technical consultancy in the field of information technologies — Cascade procedure** — Weighting of sub-criteria within the award criteria — Principles of equal opportunity and transparency — **Manifest errors of assessment — Failure to state reasons — Loss of opportunity — Non-contractual liability of the European Union — Claim for damages**

[CURIA – Judgment of the Court of Justice in Case C-677/15 of 20 December 2017](#)

**Case C-81/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Kingdom of Spain v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of ‘State aid’** — Advantage — Service of general economic interest — Definition — **Discretion of the Member States**  
[CURIA – Judgment of the Court of Justice in Case C-81/16 of 20 December 2017](#)

**Case C-70/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Comunidad Autónoma de Galicia and Redes de Telecomunicación Galegas Retegal SA (Retegal), established in Santiago de Compostela (Spain) v European Commission and SES Astra SA** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market** — Concept of ‘State aid’ — Advantage — Service of general economic interest — Definition — **Discretion of the Member States**  
[CURIA – Judgment of the Court of Justice in Case C-70/16 of 20 December 2017](#)

**Joined Cases C-66/16 P to C-69/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Comunidad Autónoma del País Vasco, Itelazpi SA, established in Zamudio (Spain) (C-66/16 P), Comunidad Autónoma de Cataluña, Centre de Telecomunicacions i Tecnologies de la Informació de la Generalitat de Catalunya (CTTI), established in Hospitalet de Llobregat (Spain) (C-67/16 P), Navarra de Servicios y Tecnologías SA, established in Pamplona (Spain) (C-68/16 P), Cellnex Telecom SA, formerly Abertis Telecom SA, established in Barcelona (Spain) and Retevisión I SA, established in Barcelona (Spain) (C-69/16 P) v European Commission and SES Astra SA** - FOUR APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Digital television — Aid for the deployment of digital terrestrial television in remote and less urbanised areas** — Subsidies granted to operators of digital terrestrial television platforms — **Decision declaring the aid incompatible in part with the internal market — Concept of ‘State aid’ — Advantage** — Service of general economic interest — Definition — **Discretion of the Member States**  
[CURIA – Judgment of the Court of Justice in Case C-66/16 of 20 December 2017](#)

**Case C-178/16: JUDGMENT OF THE COURT (Fourth Chamber) of 20 December 2017 - Impresa di Costruzioni Ing. E. Mantovani SpA and Guerrato SpA v Provincia autonoma di Bolzano, Agenzia per i procedimenti e la vigilanza in materia di contratti pubblici di lavori servizi e forniture (ACP), Autorità nazionale anticorruzione (ANAC), Società Italiana per Condotte d’Acqua SpA and Inso Sistemi per le Infrastrutture Sociali SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Public works contracts** — Directive 2004/18/EC — Article 45(2) and (3) — **Conditions for exclusion from participation in public procurement** — Declaration regarding the absence of convictions of former directors of the tendering company — Criminal conduct of a former director — Criminal conviction — Actual and complete dissociation between the tendering company and that director — Evidence — **Assessment by the contracting entity of the requirements relating to that obligation**  
[CURIA – Judgment of the Court of Justice in Case C-178/16 of 20 December 2017](#)

**Case C-255/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Bent Falbert, Poul Madsen and JP/Politikens Hus A/S** - REQUEST for a preliminary ruling under Article 267 TFEU from the Københavns byret (Copenhagen District Court, Denmark) - References for a preliminary ruling – **Information procedure in the field of technical rules and regulations – National legislation clarifying or introducing a prohibition on unauthorised offering of gaming, lotteries and betting and introducing a prohibition on unauthorised offering of advertising for gaming, lotteries and betting**  
[CURIA – Judgment of the Court of Justice in Case C-255/16 of 20 December 2017](#)

**Case C-322/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Global Starnet Ltd v Ministero dell'Economia e delle Finanze and Amministrazione Autonoma Monopoli di Stato** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Freedom to provide services, freedom of establishment, free movement of capital and freedom to conduct a business — Restrictions — Award of new licences for the online operation of gaming — Principles of legal certainty and protection of legitimate expectations — Judgment of the Constitutional Court — Whether or not the national court is obliged to refer a question to the Court of Justice for a preliminary ruling** [CURIA – Judgment of the Court of Justice in Case C-322/16 of 20 December 2017](#)

**Case C-203/16 P: OPINION OF ADVOCATE GENERAL WAHL of 20 December 2017 - Dirk Andres (administrator of Heitkamp BauHolding GmbH), previously Heitkamp BauHolding GmbH v European Commission** - Appeal — **State aid — German tax legislation concerning the possibility of carrying losses forward to future tax years — Decision declaring aid incompatible with the internal market** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — **Individual concern — Concept of State aid** — Selectivity — Reference system — Comparison — Justification [CURIA – Opinion of Advocate General in Case C-203/16 of 20 December 2017](#)

## 14. Intellectual Property

### Case Law

**Case C-634/16 P JUDGMENT OF THE COURT (First Chamber) of 24 January 2018 - European Union Intellectual Property Office (EUIPO) v European Food SA, established in Drăgănești (Romania) and Société des produits Nestlé SA, established in Vevey (Switzerland)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark — Invalidity proceedings — Word mark FITNESS — Dismissal of the application for a declaration of invalidity** [CURIA – Judgment of the Court of Justice in Case C-634/16 of 24 January 2018](#)

**Case C-488/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 11 January 2018 - Bundesverband Souvenir — Geschenke — Ehrenpreise eV v European Union Intellectual Property Office (EUIPO)** - Appeal — **EU trade mark — Invalidity proceedings** — Word mark NEUSCHWANSTEIN — **Rejection of application for declaration of invalidity — Absolute grounds for refusal** — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — **Descriptive character — Indication of geographical origin — Distinctive character** — Article 52(1)(b) of Regulation (EC) No 207/2009 — **Bad faith** [CURIA – Opinion of Advocate General in Case C-488/16 of 11 January 2018](#)

**Case C-291/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Schweppes SA v Red Paralela SL, Red Paralela BCN SL, formerly Carbòniques Montaner SL, Orangina Schweppes Holding BV, Schweppes International Ltd and Exclusivas Ramírez SL** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil n° 8 de Barcelona (Commercial Court No 8, Barcelona, Spain) - Reference 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 European Economic Area (EEA)** — Commercial strategy deliberately promoting the image of a single global trade mark following that assignment — **Independent proprietors nonetheless maintaining close commercial and economic relations** [CURIA – Judgment of the Court of Justice in Case C-291/16 of 20 December 2017](#)

**Case C-393/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Comité Interprofessionnel du Vin de Champagne v Aldi Süd Dienstleistungs-GmbH & Co. OHG, represented by Aldi Süd Dienstleistungs-GmbH, formerly Aldi Einkauf GmbH & Co. OHG Süd and Galana NV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Common organisation of the markets in agricultural products — Protection of protected designations of origin (PDOs)** — Regulation (EC) No 1234/2007 — Article 118m(2)(a)(ii), (b) and (c) — Regulation (EU) No 1308/2013 — Article 103(2)(a)(ii), (b) and (c) — Scope — **Exploitation of the reputation of a PDO — Misuse, imitation or evocation of a PDO — False or misleading indication — PDO ‘Champagne’ used in the name of a foodstuff — The name ‘Champagner Sorbet’** — Foodstuff containing champagne as an ingredient — Ingredient conferring on the foodstuff an essential characteristic  
[CURIA – Judgment of the Court of Justice in Case C-393/16 of 20 December 2017](#)

**Joined Cases C-397/16 and C-435/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Acacia Srl v Pneusgarda Srl, in insolvency, Audi AG (C-397/16), Acacia Srl and Rolando D’Amato v Dr. Ing. h.c. F. Porsche AG (C-435/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Corte d’appello di Milano (Court of Appeal, Milan, Italy) and from the Bundesgerichtshof (Federal Court of Justice, Germany) - References for a preliminary ruling — Regulation (EC) No 6/2002 — **Community designs** — Article 110(1) — **No protection — ‘Repair’ clause — Concept of ‘component part of a complex product’ — Repair of the complex product so as to restore its original appearance** — Measures to be adopted by the user for the purposes of relying on the ‘repair’ clause — **Replica car wheel rim identical to the original wheel rim design**  
[CURIA – Judgment of the Court of Justice in Case C-397/16 of 20 December 2017](#)

**Case C-492/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Incyte Corporation v Szellemi Tulajdon Nemzeti Hivatala** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Törvényszék (Budapest High Court, Hungary) - Reference for a preliminary ruling — **Intellectual and industrial property — Patents — Medicinal products for human use** — Regulation (EC) No 469/2009 — Article 18 — **Plant-protection products** — Regulation (EC) No 1610/96 — Article 17(2) — **Supplementary protection certificate — Duration — Fixing the date of expiry** — Consequences of a judgment of the Court — **Possibility or requirement to rectify the date of expiry**  
[CURIA – Judgment of the Court of Justice in Case C-492/16 of 20 December 2017](#)

**Affaire C-525/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 20 décembre 2017 - MEO – Serviços de Comunicações e Multimédia SA contre Autoridade da Concorrência** - demande de décision préjudicielle formée par le Tribunal da Concorrência, Regulação e Supervisão (tribunal de la concurrence, de la régulation et de la supervision, Portugal) - Renvoi préjudiciel — **Position dominante – Concurrence – Abus de position dominante** – Article 102, second alinéa, sous c), TFUE – **Notion de “désavantage dans la concurrence” – Prix discriminatoires sur le marché en aval – Gestion des droits connexes aux droits d’auteur – Télévision payante**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-525/16 du 20 décembre 2017](#)

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

### Community Legislation

**COUNCIL DECISION (CFSP) 2017/2370** of 18 December 2017 in **support of The Hague Code of Conduct and ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**  
[OJ of the EU, L 337/28 of 19 December 2017](#)

## Case Law

**Affaire C-360/16: ARRÊT DE LA COUR (troisième chambre) du 25 janvier 2018 - Bundesrepublik Deutschland contre Aziz Hasan** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Bundesverwaltungsgericht (Cour administrative fédérale, Allemagne) - Renvoi préjudiciel – Règlement (UE) n° 604/2013 – **Détermination de l'État membre responsable de l'examen d'une demande de protection internationale présentée dans l'un des États membres par un ressortissant d'un pays tiers – Modalités et délais prévus pour la formulation d'une requête aux fins de reprise en charge** – Retour illégal d'un ressortissant de pays tiers dans un État membre ayant opéré un transfert – Article 24 – **Procédure de reprise en charge** – Article 27 – **Voie de recours – Étendue du contrôle juridictionnel – Circonstances postérieures au transfert**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-360/16 du 25 janvier 2018](#)

**Affaire C-498/16: ARRÊT DE LA COUR (troisième chambre) du 25 janvier 2018 - Maximilian Schrems contre Facebook Ireland Limited** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – Règlement (CE) no 44/2001 – Articles 15 et 16 – **Compétence judiciaire en matière de contrats conclus par les consommateurs – Notion de "consommateur" – Cession entre consommateurs de droits à faire valoir à l'encontre d'un même professionnel**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-498/16 du 25 janvier 2018](#)

**Case C-367/16: JUDGMENT OF THE COURT (Grand Chamber) of 23 January 2018 - Dawid Piotrowski** - REQUEST for a preliminary ruling under Article 267 TFEU from the hof van beroep te Brussel (Appeal Court, Brussels, Belgium) - Reference for a preliminary ruling – **Police and judicial cooperation in criminal matters** – Framework Decision 2002/584/JHA – **European arrest warrant – Surrender procedures between Member States – Grounds for mandatory non-execution** – Article 3(3) – **Minors** – Requirement to verify the minimum age at which a minor may be regarded as criminally responsible or assessment, in each individual case, of the additional conditions laid down by the law of the executing Member State in order specifically to prosecute or convict a minor

[CURIA – Judgment of the Court of Justice in Case C-367/16 of 23 January 2018](#)

**Case C-676/16: JUDGMENT OF THE COURT (First Chamber) of 17 January 2018 - CORPORATE COMPANIES s.r.o. v Ministerstvo financí ČR** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling – **Prevention of the use of the financial system for the purpose of money laundering and terrorist financing** – Directive 2005/60/EC – Scope – Article 2(1), point 3(c) and Article 3, point 7(a) – **Business activity of an undertaking consisting in the sale of companies already entered in the Register of Companies and formed solely for the purposes of sale – Sale by means of the transfer of the undertaking's holding in the ready-made company**

[CURIA – Judgment of the Court of Justice in Case C-676/16 of 17 January 2018](#)

**Case C-626/16: OPINION OF ADVOCATE GENERAL KOKOTT of 11 January 2018 - European Commission v Slovak Republic** - **Failure to fulfil obligations** – Article 260 TFEU – **Failure to comply with the judgment of 25 April 2013, Commission v Slovakia (C-331/11, EU:C:2013:271)** – Subject matter of the dispute – **Pre-litigation procedure** – Request for observations – Directive 99/31/EC – **Landfill of waste – Žilina–Považský Chlmec waste site**

[CURIA – Opinion of Advocate General in Case C-626/16 of 11 January 2018](#)

**Affaire C-571/17 PPU: ARRÊT DE LA COUR (cinquième chambre) du 22 décembre 2017 - Samet Ardic - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Rechtbank Amsterdam (tribunal d'Amsterdam, Pays-Bas) - Renvoi préjudiciel – Procédure préjudicielle d'urgence – Coopération policière et judiciaire en matière pénale – Mandat d'arrêt européen – Décision-cadre 2002/584/JAI – Procédures de remise entre États membres – Conditions d'exécution – Motifs de non-exécution facultative – Article 4 bis, paragraphe 1, issu de la décision-cadre 2009/299/JAI – Mandat délivré aux fins de l'exécution d'une peine privative de liberté – Notion de "procès qui a mené à la décision" – Portée – Personne ayant été définitivement condamnée à une peine privative de liberté à l'issue d'une procédure qui s'est déroulée en sa présence – Peine à l'exécution de laquelle il a ultérieurement été sursis pour partie et sous certaines conditions – Procédure subséquente ayant abouti à la révocation du sursis en raison du non-respect de ces conditions – Procédure de révocation s'étant déroulée en l'absence de l'intéressé**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-571/17 du 22 décembre 2017](#)

**Case C-521/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Kingdom of Spain v Council of the European Union and European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — Implementing Decision (EU) 2015/1289 — Imposition of a fine on a Member State in the context of economic and budgetary surveillance of the euro area — Manipulation of statistical data relating to the deficit of the Member State concerned — Jurisdiction — Regulation (EU) No 1173/2011 — Article 8(1) and (3) — Delegated Decision 2012/678/EU — Articles 2(1) and (3) and 14(2) — Regulation (EC) No 479/2009 — Articles 3(1), 8(1), 11 and 11a — Rights of defence — Charter of Fundamental Rights of the European Union — Article 41(1) — Right to good administration — Articles 121, 126 and 136 TFEU — Protocol No 12 on the excessive deficit procedure — Existence of an infringement — Misrepresentations — Determination of the fine — Principle that penal provisions may not have retroactive effect**  
[CURIA – Judgment of the Court of Justice in Case C-521/15 of 20 December 2017](#)

**Case C-276/16: JUDGMENT OF THE COURT (Seventh Chamber) of 20 December 2017 - Prequ' Italia Srl v Agenzia delle Dogane e dei Monopoli - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of Cassation, Italy) - Reference for a preliminary ruling — Principle of protection of the rights of the defence — Right to be heard — Regulation (EEC) No 2913/92 — Community Customs Code — Article 244 — Recovery of a customs debt — Lack of prior hearing of the addressee before the adoption of an amended tax assessment — Right of the addressee to obtain suspension of the implementation of the amended tax assessment — Lack of automatic suspension in the event of the bringing of administrative proceedings — Reference to the conditions provided for in Article 244 of the Customs Code**  
[CURIA – Judgment of the Court of Justice in Case C-276/16 of 20 December 2017](#)

**Case C-372/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Soha Sahyouni v Raja Mamisch - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht München (Higher Regional Court, Munich, Germany) - Reference for a preliminary ruling — Area of freedom, security and justice — Regulation (EU) No 1259/2010 — Enhanced cooperation in the area of the law applicable to divorce and legal separation — Recognition of a private divorce obtained before a religious court in a third country — Scope of that regulation**  
[CURIA – Judgment of the Court of Justice in Case C-372/16 of 20 December 2017](#)

**Case C-467/16: JUDGMENT OF THE COURT (Second Chamber) of 20 December 2017 - Brigitte Schlömp v Landratsamt Schwäbisch Hall - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Stuttgart (District Court, Stuttgart, Germany) - Reference for a preliminary ruling — Area of Freedom, Security and Justice — Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention — Lis pendens — Concept of court — Arbitration authority under Swiss law, responsible for the conciliation procedure prior to all substantive proceedings**  
[CURIA – Judgment of the Court of Justice in Case C-467/16 of 20 December 2017](#)



**Case C-649/16: JUDGMENT OF THE COURT (First Chamber) of 20 December 2017 - Peter Valach, Alena Valachová, SC Europa ZV II a.s., SC Europa LV a.s., VAV Parking a.s., SC Europa BB a.s. and Byty A s.r.o. v Waldviertler Sparkasse Bank AG, Československá obchodná banka a.s. and Mesto Banská Bystrica - 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 (EU) No 1215/2012 — Scope — **Action for liability in tort against the members of a committee of creditors which rejected a restructuring plan in insolvency proceedings****

[CURIA – Judgment of the Court of Justice in Case C-649/16 of 20 December 2017](#)

**Affaire C-647/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 20 décembre 2017 - Adil Hassan contre Préfet du Pas-de-Calais - demande de décision préjudicielle formée par le tribunal administratif de Lille (France) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Demande de protection internationale** – Interprétation de l'article 26 du règlement (UE) n° 604/2013 – **Obligation, pour les autorités nationales ayant formulé une demande de prise en charge, de ne pas adopter de décision de transfert en l'attente de l'acceptation de la prise en charge par l'État requis****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-647/16 du 20 décembre 2017](#)

## 16. Transport

### International Agreements

**COUNCIL DECISION (EU) 2018/61 of 21 March 2017** on the **signing**, on behalf of the European Union, and **provisional application of an amendment to the Agreement between the United States of America and the European Community on cooperation in the regulation of civil aviation safety**

[OJ of the EU, L 11/1 of 16 January 2018](#)

**AMENDMENT 1** to the **Agreement on cooperation in the regulation of civil aviation safety between the European Community and the United States of America**

[OJ of the EU, L 11/3 of 16 January 2018](#)

**DECISION No 1/2017 OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT** of 5 December 2017 **amending the Convention of 20 May 1987 on a common transit procedure** [2018/29]

[OJ of the EU, L 8/1 of 12 January 2018](#)

**DECISION No 1/2017 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 29 November 2017 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2017/2465]

[OJ of the EU, L 348/46 of 29 December 2017](#)

### Community Legislation

**REGULATION (EU) 2017/2392 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 13 December 2017 **amending** Directive 2003/87/EC to **continue current limitations of scope for aviation activities and to prepare to implement a global market-based measure from 2021**

[OJ of the EU, L 350/7 of 29 December 2017](#)

**COMMISSION REGULATION (EU) 2017/2400** of 12 December 2017 **implementing** Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the **determination of the CO<sup>2</sup> emissions and fuel consumption of heavy-duty vehicles** and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (Text with EEA relevance)

[OJ of the EU, L 349/1 of 29 December 2017](#)

**DIRECTIVE (EU) 2017/2397 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 on the **recognition of professional qualifications in inland navigation** and repealing Council Directives 91/672/EEC and 96/50/EC (Text with EEA relevance)

[OJ of the EU, L 345/53 of 27 December 2017](#)

**DECISION (EU) 2017/2380 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 12 December 2017 **amending** Directive 2010/40/EU as regards the **period for adopting delegated acts** (Text with EEA relevance)

[OJ of the EU, L 340/1 of 20 December 2017](#)

## Case Law

**Affaire C-314/16: ARRÊT DE LA COUR (neuvième chambre) du 25 janvier 2018 - Commission européenne contre République tchèque** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Transports** – Directive 2006/126/CE – **Permis de conduire – Définitions des catégories C1 et C ainsi que D1**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-314/16 du 25 janvier 2018](#)

**Case C-530/16: OPINION OF ADVOCATE GENERAL BOBEK** of 23 January 2018 - **European Commission v Republic of Poland - Failure to fulfil obligations — Directive 2004/49/EC on safety on the Community's railway undertakings** — Article 21(1) — **Independence of the investigating body in its organisation, legal structure and decision-making** — Independence from any infrastructure manager, railway undertaking and any party whose interests could conflict with the tasks entrusted to the investigating body — **Independence from the Minister responsible for transport**

[CURIA – Opinion of Advocate General in Case C-530/16 of 23 January 2018](#)

**Case C-434/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Asociación Profesional Élite Taxi v Uber Systems Spain SL** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3, Barcelona, Spain) - Reference for a preliminary ruling — Article 56 TFEU — Article 58(1) TFEU — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 2000/31/EC — Directive 98/34/EC — **Information society services — Intermediation service to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys** — Requirement for authorisation

[CURIA – Judgment of the Court of Justice in Case C-434/15 of 20 December 2017](#)

**Case C-102/16: JUDGMENT OF THE COURT (Tenth Chamber) of 20 December 2017 - Vaditrans BVBA v Belgische Staat** - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Belgium) - Reference for a preliminary ruling — **Road transport — Driver's rest periods** — Regulation (EC) No 561/2006 — Article 8(6) and (8) — **Whether it is possible to take daily rest periods and reduced weekly rest periods away from base and in a vehicle — Exclusion of regular weekly rest periods**

[CURIA – Judgment of the Court of Justice in Case C-102/16 of 20 December 2017](#)

**Case C-334/16: JUDGMENT OF THE COURT (Sixth Chamber) of 20 December 2017 - José Luis Núñez Torreiro v AIG Europe Limited, Sucursal en España, formerly Chartis Europe Limited, Sucursal en España and Unión Española de Entidades Aseguradoras y Reaseguradoras (Unespa)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Albacete (Provincial Court of Albacete, Spain) - Reference for a preliminary ruling — **Compulsory insurance against civil liability in respect of the use of motor vehicles** — Directive 2009/103/EC — Article 3, first paragraph — **Concept of 'use of vehicles' — National legislation excluding the driving of motor vehicles on roads and terrain that are not 'suitable for use by motor vehicles', with the exception of those which, though not suitable, are nonetheless 'ordinarily so used'**

[CURIA – Judgment of the Court of Justice in Case C-334/16 of 20 December 2017](#)

**Case C-258/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 20 December 2017 - Finnair Oyj v Keskinäinen Vakuutusyhtiö Fennia** - Request for a preliminary ruling from the Korkein oikeus (Supreme Court, Finland) - **International carriage by air — Montreal Convention — Article 31 — Liability of the carrier for damage to checked baggage — Requirements as to the form and content of a written complaint made to the carrier — Certificate from an airline company regarding damage to a passenger’s baggage, drafted at the request of the passenger for use in a claim against the passenger’s insurance company**  
[CURIA – Opinion of Advocate General in Case C-258/16 of 20 December 2017](#)

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

### Community Legislation

**REGULATION (EU) 2017/2396 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2017 amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 as regards the extension of the duration of the European Fund for Strategic Investments as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub**  
[OJ of the EU, L 345/54 of 27 December 2017](#)

### Case Law

**Case C-635/16 P: OPINION OF ADVOCATE GENERAL KOKOTT of 23 January 2018 - Spliethoff’s Bevrachtingskantoor BV** - Appeal — **Action for annulment — Admissibility — Determination of the subject matter of the action — Innovation and Networks Executive Agency (INEA) — EU programme for the Connecting Europe Facility (CEF) — Being informed of a decision rejecting a proposal submitted in response to the call for proposals for the CEF — Effective judicial protection**  
[CURIA – Opinion of Advocate General in Case C-635/16 of 23 January 2018](#)

**Case C-267/16: JUDGMENT OF THE COURT (Grand Chamber) of 23 January 2018 - The Queen on the application of Albert Buhagiar and Others v Minister for Justice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of Gibraltar - Reference for a preliminary ruling — **Territorial scope of EU law — Article 355(3) TFEU — Act concerning the Conditions of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and the Adjustments to the Treaties — Article 29 — Point 4 of Section I of Annex I — Exclusion of Gibraltar from the customs territory of the European Union — Implications — Directive 91/477/EEC — Article 1(4) — Article 12(2) — Annex II — European firearms pass — Hunting and target shooting activities — Applicability to the territory of Gibraltar — Obligation to transpose — No such obligation — Validity**  
[CURIA – Judgment of the Court of Justice in Case C-267/16 of 23 January 2018](#)

**Case C-673/16: OPINION OF ADVOCATE GENERAL WATHELET of 11 January 2018 - Relu Adrian Coman, Robert Clabourn Hamilton and Asociația Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne and Consiliul Național pentru Combaterea Discriminării** - Request for a preliminary ruling from the Curtea Constituțională a României (Constitutional Court, Romania) - Reference for a preliminary ruling — **Citizenship of the Union — Directive 2004/38/EC — Article 2(2)(a) — Concept of ‘spouse’ — Right of citizens of the Union to move and reside within the territory of the Union — Marriage between persons of the same sex — Marriage not recognised by the host State — Article 3 — Concept of ‘[other] family members’ — Article 7 — Right of residence for more than three months — Articles 7 and 21 of the Charter of Fundamental Rights of the European Union**  
[CURIA – Opinion of Advocate General in Case C-673/16 of 11 January 2018](#)

**Case C-521/15: JUDGMENT OF THE COURT (Grand Chamber) of 20 December 2017 - Kingdom of Spain v Council of the European Union and European Commission** - ACTION for annulment under Article 263 TFEU - Action for annulment — Implementing Decision (EU) 2015/1289 — **Imposition of a fine on a Member State in the context of economic and budgetary surveillance of the euro area — Manipulation of statistical data relating to the deficit of the Member State concerned — Jurisdiction** — Regulation (EU) No 1173/2011 — Article 8(1) and (3) — Delegated Decision 2012/678/EU — Articles 2(1) and (3) and 14(2) — Regulation (EC) No 479/2009 — Articles 3(1), 8(1), 11 and 11a — **Rights of defence — Charter of Fundamental Rights of the European Union** — Article 41(1) — **Right to good administration** — Articles 121, 126 and 136 TFEU — **Protocol No 12 on the excessive deficit procedure — Existence of an infringement — Misrepresentations — Determination of the fine — Principle that penal provisions may not have retroactive effect**

[CURIA – Judgment of the Court of Justice in Case C-521/15 of 20 December 2017](#)