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EU News: Click & Read

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

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

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[CURIA – Judgment of the Court of Justice in Case C-16/16 of 20 February 2018](#)

COUNCIL DECISION (EU) 2018/219 of 23 January 2018 on the **conclusion of the Agreement** between the **European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**
[OJ of the EU, L 43/1 of 16 February 2018](#)

Case C-25/17: OPINION OF ADVOCATE GENERAL MENGGOZZI of 1 February 2018 – **Tietosuoja- ja valtuutettu v Jehovan todistajat** — **uskonnollinen yhdyskunta** - Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — **Scope — Definition of purely personal or household activity — Data collected and processed by the members of a religious community in the context of their door-to-door proselytising — Freedom of religion** — Article 10(1) of the Charter of Fundamental Rights of the European Union — Definition of filing system — **Definition of controller of the processing of personal data**
[CURIA – Opinion of Advocate General in Case C-25/17 of 1 February 2018](#)

Case C-106/17: JUDGMENT OF THE COURT (Eighth Chamber) of 31 January 2018 - Paweł Hofsoe v LVM Landwirtschaftlicher Versicherungsverein Münster AG - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Szczecinie (Szczecin Regional Court, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 11(1)(b) and Article 13(2) — **Jurisdiction in insurance matters — Scope ratione personae — Concept of 'injured party' — Professional in the insurance sector** — Not included
[CURIA – Judgment of the Court of Justice in Case C-106/17 of 31 January 2018](#)

1. EU-Swiss Relations

International Agreements

COUNCIL DECISION (EU) 2018/219 of 23 January 2018 on the **conclusion of the Agreement** between the **European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**
[OJ of the EU, L 43/1 of 16 February 2018](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2018/254 of 15 February 2018 on the **conclusion** on behalf of the **European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled**
[OJ of the EU, L 48/1 of 21 February 2018](#)

MARRAKESH TREATY to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled
[OJ of the EU, L 48/3 of 21 February 2018](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2018/209 of 8 February 2018 **granting a derogation requested by Ireland** pursuant to Council Directive 91/676/EEC **concerning the protection of waters against pollution caused by nitrates from agricultural sources** (notified under document C(2018) 624) (Only the English text is authentic)
[OJ of the EU, L 39/5 of 13 February 2018](#)

Case Law

Case C-59/17: OPINION OF ADVOCATE GENERAL BOBEK of 22 February 2018 - SCI Château du Grand Bois v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer) - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — Agriculture — Regulation (EC) No 555/2008 — **Restructuring and conversion of vineyards — Support to vine growers — Grubbing-up premium — Unannounced on-the-spot checks — Requirement of permission to enter land — Enclosed or open land — Inviolability of the home — Right to property**
[CURIA – Opinion of Advocate General in Case C-59/17 of 22 February 2018](#)

Case C-44/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 February 2018 - The Scotch Whisky Association, The Registered Office v Michael Klotz - Request for a preliminary ruling from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Approximation of laws — Protection of geographical indications of spirit drinks** — Regulation (EC) No 110/2008 — Article 16(a), (b) and (c) — Annex III — **Registered geographical indication 'Scotch Whisky' — Whisky produced in Germany and marketed under the designation 'Glen Buchenbach' — Concept of 'indirect use' of a registered geographical indication — Concept of 'evocation' of a registered geographical indication — Concept of 'false or misleading indication' — Requirement for identity with the indication, phonetic and/or visual similarity, or some kind of association of ideas in the mind of the relevant consumer — Taking account of the context in which the designation at issue is embedded**
[CURIA – Opinion of Advocate General in Case C-44/17 of 22 February 2018](#)

Affaire C-667/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 21 février 2018 - M.N.J.P.W. Nooren, ayant droit de M.N.F.M. Nooren et J.M.F.D.C. Nooren, ayant droit de M.N.F.M. Nooren contre Staatssecretaris van Economische Zaken - demande de décision préjudicielle formée par le College van Beroep voor het bedrijfsleven (cour d'appel du contentieux administratif en matière économique, Pays-Bas) - Renvoi préjudiciel – **Politique agricole commune – Paiements directs** – Règlement (CE) n° 73/2009 – Articles 23 et 24 – Règlement (CE) n° 1122/2009 – Articles 70 à 72 – **Non-respect des règles de la conditionnalité – Réductions et exclusions – Addition des réductions**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-667/16 du 21 février 2018](#)

Affaire C-325/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 1^{er} février 2018 - Industrias Químicas del Vallés SA contre Administración General del Estado et Sapec Agro SA - demande de décision préjudicielle formée par le Tribunal Supremo (Cour suprême, Espagne) - Renvoi préjudiciel – **Agriculture – Rapprochement des législations** – Directive 91/414/CEE – Directive 2010/28/UE – **Mise sur le marché des produits phytopharmaceutiques – Procédure de réévaluation, par les États membres, des produits phytopharmaceutiques autorisés** – Délai – Prorogation

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-325/16 du 1^{er} février 2018](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/151 of 30 January 2018 **laying down rules** for application of Directive (EU) 2016/1148 of the European Parliament and of the Council as regards further **specification of the elements to be taken into account by digital service providers for managing the risks posed to the security of network** and information systems and of the parameters for determining whether an incident has a substantial impact

[OJ of the EU, L 26/48 of 31 January 2018](#)

Case Law

Case C-132/17: JUDGMENT OF THE COURT (Ninth Chamber) of 21 February 2018 - Peugeot Deutschland GmbH v Deutsche Umwelthilfe eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling – **Freedom to provide services** – Directive 2010/13/EU – **Definitions – Concept of 'audiovisual media service' – Scope – Channel available on YouTube for videos promoting new passenger cars**

[CURIA – Judgment of the Court of Justice in Case C-132/17 of 21 February 2018](#)

Case C-123/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 21 February 2018 - Orange Polska S.A. v European Commission - Appeal – **Competition** – Abuse of a dominant position – **Polish telecommunications market** – Legitimate interest in finding that an infringement has been committed in the past when a fine is imposed – **Calculation of the fine – Gravity** – Taking into account the effects of the infringement – Mitigating circumstances

[CURIA – Opinion of Advocate General in Case C-123/16 of 21 February 2018](#)

Case C-304/16: JUDGMENT OF THE COURT (First Chamber) of 7 February 2018 - The Queen, on the application of: American Express Company v The Lords Commissioners of Her Majesty's Treasury, Diners Club International Limited and MasterCard Europe SA - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling – Regulation (EU) 2015/751 – **Interchange fees for card-based payment transactions** – Article 1(5) – **Three party payment card scheme treated as equivalent to a four party payment card scheme** – Conditions – **Issuance by a three party payment card scheme of card-based payment instruments 'with a co-branding partner or through an agent'** – Article 2(18) – **Concept of 'three party payment card scheme'** – Validity

[CURIA – Judgment of the Court of Justice in Case C-304/16 of 7 February 2018](#)

Case C-643/16: JUDGMENT OF THE COURT (First Chamber) of 7 February 2018 - The Queen, on the application of: American Express Company v The Lords Commissioners of Her Majesty's Treasury, Diners Club International Limited and MasterCard Europe SA - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — Directive (EU) 2015/2366 — **Payment services in the internal market** — Article 35(1) — **Obligation to provide authorised or registered payment service providers with access to payment systems** — Point (b) of the first subparagraph of Article 35(2) — Inapplicability of that obligation to payment systems composed exclusively of payment service providers belonging to a group — **Applicability of that obligation to three party payment card schemes that have entered into co-branding or agency arrangements** — **Validity**
[CURIA – Judgment of the Court of Justice in Case C-643/16 of 7 February 2018](#)

Case C-25/17: OPINION OF ADVOCATE GENERAL MENGOLZI of 1 February 2018 – Tietosuojavaltuutettu v Jehovan todistajat – uskonnollinen yhdyskunta - Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — **Scope – Definition of purely personal or household activity – Data collected and processed by the members of a religious community in the context of their door-to-door proselytising – Freedom of religion** — Article 10(1) of the Charter of Fundamental Rights of the European Union — Definition of filing system — **Definition of controller of the processing of personal data**
[CURIA – Opinion of Advocate General in Case C-25/17 of 1 February 2018](#)

Joined Cases C-360/15 and C-31/16: JUDGMENT OF THE COURT (Grand Chamber) of 30 January 2018 - College van Burgemeester en Wethouders van de gemeente Amersfoort v X BV (C-360/15) and Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam (C-31/16) - REQUESTS for a preliminary ruling under Article 267 TFEU, made by the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) (C-360/15) and by the Raad van State (Council of State, Netherlands) (C-31/16) - Reference for a preliminary ruling — **Services in the internal market** — Directive 2006/123/EC — **Scope** — Article 2(2)(c) — **Exclusion of electronic communications services and networks** — Article 4(1) — **Concept of 'service' – Retail trade in goods** — Chapter III — **Freedom of establishment of service providers – Applicability in purely internal situations** — Article 15 — Requirements to be evaluated — **Territorial restriction – Zoning plan prohibiting the activity of retail trade in goods other than bulky goods in geographical zones situated outside the city centre – Protection of the urban environment** — Authorisation of electronic communications services and networks — Directive 2002/20/EC — Financial payments attached to rights to install facilities for a public electronic communications network
[CURIA – Judgment of the Court of Justice in Case C-360/16 of 30 January 2018](#)

5. Competition

Case Law

Case C-123/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 21 February 2018 - Orange Polska S.A. v European Commission - Appeal — **Competition** — Abuse of a dominant position — **Polish telecommunications market** — Legitimate interest in finding that an infringement has been committed in the past when a fine is imposed — **Calculation of the fine – Gravity** — Taking into account the effects of the infringement — Mitigating circumstances
[CURIA – Opinion of Advocate General in Case C-123/16 of 21 February 2018](#)

Case C-144/17: JUDGMENT OF THE COURT (Sixth Chamber) of 8 February 2018 - Lloyd's of London v Agenzia Regionale per la Protezione dell'Ambiente della Calabria - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Calabria (Regional Administrative Court, Calabria, Italy) - Reference for a preliminary ruling — **Public procurement** — Articles 49 and 56 TFEU — Directive 2004/18/EC — **Reasons for exclusion from a tendering procedure** — Insurance services — Participation of several Lloyd's of London syndicates in the same tendering procedure — Signature of tenders by the Lloyd's of London General Representative for the country concerned — **Principles of transparency, equal treatment and non-discrimination – Proportionality**
[CURIA – Judgment of the Court of Justice in Case C-144/17 of 8 February 2018](#)

Affaire C-261/16 P: ARRÊT DE LA COUR (sixième chambre) du 1^{er} février 2018 - Kühne + Nagel International AG, établie à Feusisberg (Suisse), Kühne + Nagel Management AG, établie à Feusisberg, Kühne + Nagel Ltd, établie à Uxbridge (Royaume-Uni), Kühne + Nagel Ltd, établie à Shanghai (Chine) et Kühne + Nagel Ltd, établie à Hong-Kong (Chine) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Concurrence – Ententes** – Article 101 TFUE – **Fixation de prix – Services de transit aérien international – Accord de tarification ayant une incidence sur le prix final des services**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-261/16 du 1^{er} février 2018](#)

Case C-271/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 1 February 2018 - Panalpina World Transport (Holding) Ltd, established in Basle (Switzerland), Panalpina Management AG, established in Basle and Panalpina China Ltd, established in Hong Kong (China) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices** — Article 101 TFEU — Price fixing — **International air freight forwarding services — Tariff agreement affecting the final price of services**

[CURIA – Judgment of the Court of Justice in Case C-271/16 of 1 February 2018](#)

Case C-264/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 1 February 2018 - Deutsche Bahn AG, established in Berlin (Germany), Schenker AG, established in Essen (Germany), Schenker China Ltd, established in Shanghai (China) and Schenker International (H.K.) Ltd, established in Hong Kong (China) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices** — Article 101 TFEU — Price fixing — **International air freight forwarding services — Pricing agreement affecting the final price of the services**

[CURIA – Judgment of the Court of Justice in Case C-264/16 of 1 February 2018](#)

Case C-263/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 1 February 2018 - Schenker Ltd, established in Feltham (United Kingdom) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices** — Article 101 TFEU — Price fixing — **International air freight forwarding services — Pricing agreement affecting the final price of the services**

[CURIA – Judgment of the Court of Justice in Case C-263/16 of 1 February 2018](#)

6. Customs

Case Law

Case C—545/16: JUDGMENT OF THE COURT (Sixth Chamber) of 22 February 2018 - Kubota (UK) Ltd and EP Barrus Ltd v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) (United Kingdom) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff headings — Motor vehicles for the transport of goods** — Subheadings 8704 10 10 and 8704 21 91 — Regulation (EU) 2015/221 — **Validity**

[CURIA – Judgment of the Court of Justice in Case C-545/16 of 22 February 2018](#)

Case C-185/17: JUDGMENT OF THE COURT (Tenth Chamber) of 22 February 2018 - Mitnitsa Varna v SAKSA OOD and Okrazhna prokuratura — Varna - REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad — Varna (Varna Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Common Customs Tariff — Classification of goods** — Harmonised European standard EN 590:2013 — Subheading 2710 19 43 of the Combined Nomenclature — **Relevant criteria for the classification of goods as gas oil**

[CURIA – Judgment of the Court of Justice in Case C-185/17 of 22 February 2018](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

REGULATION (EU) 2018/231 OF THE EUROPEAN CENTRAL BANK of 26 January 2018 on **statistical reporting requirements for pension funds** (ECB/2018/2)

[OJ of the EU, L 45/3 of 17 February 2018](#)

COMMISSION REGULATION (EU) 2018/182 of 7 February 2018 **amending** Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards **International Accounting Standard 28 and International Financial Reporting Standards 1 and 12** (Text with EEA relevance)

[OJ of the EU, L 34/1 of 8 February 2018](#)

Case Law

Case C-396/16: JUDGMENT OF THE COURT (First Chamber) of 22 February 2018 - T-2, družba za ustvarjanje, razvoj in trženje elektronskih komunikacij in opreme, d.o.o., in insolvency v Republika Slovenija - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče Republike Slovenije (Supreme Court of the Republic of Slovenia) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Articles 184 and 185 — **Adjustment of the deduction of input tax paid** — **Change in the factors used to determine the amount to be deducted** — Notion of ‘transactions remaining totally or partially unpaid’ — **Effect of a decision approving an arrangement with creditors having the force of res judicata**
[CURIA – Judgment of the Court of Justice in Case C-396/16 of 22 February 2018](#)

Joined Cases C-398/16 and C-399/16: JUDGMENT OF THE COURT (First Chamber) of 22 February 2018 - X BV (C-398/16) and X NV (C-399/16) v Staatssecretaris van Financiën - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — Articles 49 and 54 TFEU — **Freedom of establishment** — **Tax legislation** — **Corporation tax** — Advantages linked to the formation of a single tax entity — **Exclusion of cross-border groups**
[CURIA – Judgment of the Court of Justice in Case C-398/16 of 22 February 2018](#)

Case C-182/17: JUDGMENT OF THE COURT (Seventh Chamber) of 22 February 2018 - Nagyszénás Településszolgáltató Nonprofit Kft. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 2(1)(c), Article 9 and Article 13(1) — **Treatment as a non-taxable person** — **Definition of ‘body governed by public law’** — **Commercial company 100% owned by a municipality and responsible for performing certain public tasks incumbent on that municipality** — Those tasks and their remuneration determined in a contract between the company and the municipality
[CURIA – Judgment of the Court of Justice in Case C-182/17 of 22 February 2018](#)

Case C-665/16: OPINION OF ADVOCATE GENERAL BOBEK of 22 February 2018 - Minister Finansów v Gmina Wrocław - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — **Taxable transactions** — Article 2(1)(a) — **Supply of goods for consideration** — Article 14(2)(b) — **Transfer of the ownership of property for compensation by order of a public authority** — **Expropriation of municipal immovable property**
[CURIA – Opinion of Advocate General in Case C-665/16 of 22 February 2018](#)

Case C-31/17: OPINION OF ADVOCATE GENERAL TANCHEV of 22 February 2018 - Cristal Union, the legal successor to Sucrerie de Toury SA v Ministre de l'Économie et des Finances - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(a) — **Compulsory exemption from taxation of energy products used to produce electricity** — Article 15(1)(c) — **Power of Member States to apply total or partial exemptions or reductions in the level of taxation to energy products used for combined heat and power generation** — Joint application of Article 14(1)(a) and Article 15(1)(c)

[CURIA – Opinion of Advocate General in Case C-31/17 of 22 February 2018](#)

Affaire C-49/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 février 2018 - Koppers Denmark ApS contre Skatteministeriet - demande de décision préjudicielle formée par l'Østre Landsret (cour d'appel de la région Est, Danemark) - Renvoi préjudiciel – **Taxation des produits énergétiques et de l'électricité** – Directive 2003/96/CE – Article 21, paragraphe 3 – **Consommation de produits énergétiques dans l'enceinte d'un établissement fabriquant des produits énergétiques** – Produits énergétiques destinés à des usages autres que ceux de carburant ou de combustible – **Consommation de solvant comme combustible dans une installation de distillation du goudron**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-49/17 du 22 février 2018](#)

Affaire C-28/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 21 février 2018 - NN A/S contre Skatteministeriet - demande de décision préjudicielle formée par l'Østre Landsret (cour d'appel de la région Est, Danemark) - Renvoi préjudiciel – **Impôt sur les sociétés** – Liberté d'établissement – Règlementation nationale soumettant le droit d'une **société appartenant à un groupe fiscal de déduire les pertes subies par un établissement stable appartenant à une société non résidente du même groupe** à la condition que la société non résidente ne puisse pas déduire ces pertes de l'assiette de l'impôt sur les sociétés dans son pays de résidence – **Prévention de la double déduction**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-28/17 du 21 février 2018](#)

Case C-628/16: JUDGMENT OF THE COURT (Ninth Chamber) of 21 February 2018 - Kreuzmayr GmbH v Finanzamt Linz - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzgericht (Federal Finance Court, Austria) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Successive supplies relating to the same goods — Place of the second supply** — Information provided by the first supplier — VAT identification number — **Right to deduct** — Legitimate expectation on the part of the taxable person regarding the existence of the conditions giving rise to the right to deduct

[CURIA – Judgment of the Court of Justice in Case C-628/16 of 21 February 2018](#)

Affaire C-380/16: ARRÊT DE LA COUR (sixième chambre) du 8 février 2018 - Commission européenne contre République fédérale d'Allemagne and Royaume des Pays-Bas - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Fiscalité – Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 73 – Base d'imposition – Articles 306 à 310 – Régime particulier des agences de voyages – Exclusion de ce régime des ventes aux entreprises assujetties – **Détermination globale de la base d'imposition pour une période donnée – Incompatibilité**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-380/16 du 8 février 2018](#)

Case C-590/16: JUDGMENT OF THE COURT (Sixth Chamber) of 8 February 2018 - European Commission v Hellenic Republic - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Directive 2008/118/EC — Article 7 — **General arrangements for excise duty** — Supply of petroleum products, without charging excise duty — Filling stations at the border of the Hellenic Republic with third countries — **Chargeability of excise duty — Concept of 'release for consumption' of excise goods — Concept of 'departure from a duty suspension arrangement'**

[CURIA – Judgment of the Court of Justice in Case C-590/16 of 8 February 2018](#)

Case C-304/16: JUDGMENT OF THE COURT (First Chamber) of 7 February 2018 - The Queen, on the application of: American Express Company v The Lords Commissioners of Her Majesty's Treasury, Diners Club International Limited and MasterCard Europe SA - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — Regulation (EU) 2015/751 — **Interchange fees for card-based payment transactions** — Article 1(5) — **Three party payment card scheme treated as equivalent to a four party payment card scheme** — Conditions — **Issuance by a three party payment card scheme of card-based payment instruments 'with a co-branding partner or through an agent'** — Article 2(18) — **Concept of 'three party payment card scheme'** — **Validity**

[CURIA – Judgment of the Court of Justice in Case C-304/16 of 7 February 2018](#)

Case C-643/16: JUDGMENT OF THE COURT (First Chamber) of 7 February 2018 - The Queen, on the application of: American Express Company v The Lords Commissioners of Her Majesty's Treasury, Diners Club International Limited and MasterCard Europe SA - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — Directive (EU) 2015/2366 — **Payment services in the internal market** — Article 35(1) — **Obligation to provide authorised or registered payment service providers with access to payment systems** — Point (b) of the first subparagraph of Article 35(2) — Inapplicability of that obligation to payment systems composed exclusively of payment service providers belonging to a group — **Applicability of that obligation to three party payment card schemes that have entered into co-branding or agency arrangements** — **Validity**

[CURIA – Judgment of the Court of Justice in Case C-643/16 of 7 February 2018](#)

Affaire C-685/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 février 2018 – EV contre Finanzamt Lippstadt - demande de décision préjudicielle formée par le Finanzgericht Münster (tribunal des finances de Münster, Allemagne) - Renvoi préjudiciel – **Libre circulation des capitaux – Déduction de bénéfices imposables – Traitement différencié de dividendes provenant de filiales avec direction et siège dans un pays tiers**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-685/16 du 7 février 2018](#)

Affaire C-30/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 1^{er} février 2018 - Dyrektor Izby Celnej w Poznaniu contre Kompania Piwowarska S.A. w Poznaniu - demande de décision préjudicielle formée par le Naczelny Sąd Administracyjny (Cour suprême administrative, Pologne) - Renvoi préjudiciel – **Dispositions fiscales – Harmonisation des législations – Droits d'accises** – Directive 92/83/CEE – Article 3, paragraphe 1 – **Alcools et boissons alcoolisées – Bière – Bière aromatisée – Degré Plato – Mode de calcul**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-30/17 du 1^{er} février 2018](#)

Affaire C-39/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOLZI du 31 janvier 2018 - Lubrizol France SAS contre Caisse nationale du Régime social des indépendants (RSI) participations extérieures - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Libre circulation des marchandises** – Articles 28 et 30 TFUE – **Taxe d'effet équivalent** – Article 110 TFUE – **Imposition intérieure – Contribution sociale de solidarité des sociétés et contribution additionnelle** – Taxe ayant pour assiette le chiffre d'affaires annuel global des sociétés – **Inclusion dans le chiffre d'affaires de la valeur des biens transférés à destination d'un autre État membre**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-39/17 du 31 janvier 2018](#)

Joined Cases C-660/16 and C-661/16: OPINION OF ADVOCATE GENERAL WAHL of 30 January 2018 - Finanzamt Dachau v Achim Kollroß (C-660/16) and Finanzamt Göppingen v Erich Wirtl (C-661/16) - Requests for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany) - **Taxation – Common system of value added tax** — Directive 2006/112/EC — Article 65 — **Payment made on account – Deduction – Uncertainty regarding the chargeable event** — Articles 184 to 186 — Adjustment of deductions — Reimbursement of the VAT unduly paid — National procedures

[CURIA – Opinion of Advocate General in Case C-660/16 of 30 January 2018](#)

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

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

9. Employment and Social Affairs

International Agreements

COUNCIL DIRECTIVE (EU) 2018/131 of 23 January 2018 **implementing the Agreement** concluded by the **European Community Shipowners' Associations (ECSA)** and the **European Transport Workers' Federation (ETF)** to amend Directive 2009/13/EC in accordance with the **amendments of 2014 to the Maritime Labour Convention, 2006, as approved by the International Labour Conference on 11 June 2014** (Text with EEA relevance)

[OJ of the EU, L 22/28 of 26 January 2018](#)

Case Law

Case C-103/16: JUDGMENT OF THE COURT (Third Chamber) of 22 February 2018 - Jessica Porrás Guisado v Bankia SA, Sección Sindical de Bankia de CCOO, Sección Sindical de Bankia de UGT, Sección Sindical de Bankia de ACCAM, Sección Sindical de Bankia de SATE, Sección Sindical de Bankia de CSICA, Fondo de Garantía Salarial (Fogasa) and Ministerio Fiscal - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Cataluña (High Court of Justice of Catalonia, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 92/85/EEC — **Measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding** — Article 2(a) — Article 10(1) to (3) — **Prohibition of dismissal of a worker during the period from the beginning of her pregnancy to the end of her maternity leave** — **Scope** — **Exceptional cases not connected with the pregnant worker's condition** — Directive 98/59/EC — **Collective redundancies** — Article 1(1)(a) — Reasons not related to the individual workers concerned — **Pregnant worker dismissed in the context of a collective redundancy procedure** — **Reasons for the dismissal** — Priority for retention of the post of the pregnant worker — **Priority for redeployment**

[CURIA – Judgment of the Court of Justice in Case C-103/16 of 22 February 2018](#)

Case C-518/15: JUDGMENT OF THE COURT (Fifth Chamber) of 21 February 2018 - Ville de Nivelles v Rudy Matzak - REQUEST for a preliminary ruling under Article 267 TFEU from the cour du travail de Bruxelles (Higher Labour Court, Brussels, Belgium) - Reference for a preliminary ruling — Directive 2003/88/EC — **Protection of the safety and health of workers** — **Organisation of working time** — Article 2 — **Concepts of 'working time' and 'rest periods'** — Article 17 — Derogations — Firefighters — **Stand-by times** — **Stand-by times at home**

[CURIA – Judgment of the Court of Justice in Case C-518/15 of 21 February 2018](#)

Case C-359/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 February 2018 - Ömer Altun, Abubekir Altun, Sedrettin Maksutogullari, Yunus Altun, Absa NV, M. Sedat BVBA, Alnur BVBA v Openbaar Ministerie - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van Cassatie (Court of Cassation, Belgium) - Reference for a preliminary ruling — **Migrant workers** — **Social security** — Applicable legislation — Regulation (EEC) No 1408/71 — Article 14(1)(a) — **Posted workers** — Regulation (EEC) No 574/72 — Article 11(1)(a) — E 101 certificate — **Probative value** — **Certificate fraudulently obtained or relied on**

[CURIA – Judgment of the Court of Justice in Case C-359/16 of 6 February 2018](#)

Affaire C-679/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 31 janvier 2018 – A - demande de décision préjudicielle formée par le Korkein hallinto-oikeus (Cour administrative suprême, Finlande) - Renvoi préjudiciel – Articles 20 et 21 TFUE – **Citoyenneté de l'Union** – **Libre circulation des personnes** – **Sécurité sociale** – Règlement (CE) n° 883/2004 – **Assistance sociale** – **Prestations de maladie** – **Services aux personnes handicapées** – Obligation ou non d'une commune d'un État membre de fournir à l'un de ses résidents des aides individuelles prévues par la législation nationale pendant les études supérieures que celui-ci effectue dans un autre État membre

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-679/16 du 31 Janvier 2018](#)

Case C-527/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 31 January 2018 - Salzburger Gebietskrankenkasse, and Bundesminister für Arbeit, Soziales und Konsumentenschutz v Alpenrind GmbH, Martin-Meat Szolgáltató és Kereskedelmi Kft, Martimpex-Meat Kft, Pensionsversicherungsanstalt and Allgemeine Unfallversicherungsanstalt - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — **Migrant workers — Social security — Workers posted to a Member State other than that of the establishment of their employer** — Regulation (EC) No 987/2009 — Article 5(1) and Article 19(2) — Portable document A1 — Binding effect — **Decision of the Administrative Commission for the Coordination of Social Security Systems that the portable document A1 should be withdrawn — Retroactive effect of the portable document A1** — Portable document A1 issued after the worker became subject to the social security system of the host Member State — Regulation (EC) No 883/2004 — Article 12(1) — ‘Non-replacement condition’ applicable to the posted persons
[CURIA – Opinion of Advocate General in Case C-527/16 of 31 January 2018](#)

10. Energy and Environment

International Agreements

COUNCIL DECISION (EU) 2018/219 of 23 January 2018 on the **conclusion of the Agreement** between the **European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**
[OJ of the EU, L 43/1 of 16 February 2018](#)

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/258 of 21 February 2018 **amending Implementing Regulation (EU) No 725/2011** for the purpose of **adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification** (Text with EEA relevance)
[OJ of the EU, L 49/1 of 22 February 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/259 of 21 February 2018 **amending Implementing Regulation (EU) No 427/2014** for the purpose of **adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification** (Text with EEA relevance)
[OJ of the EU, L 49/9 of 22 February 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/209 of 8 February 2018 **granting a derogation requested by Ireland** pursuant to Council Directive 91/676/EEC **concerning the protection of waters against pollution caused by nitrates from agricultural sources** (notified under document C(2018) 624) (Only the English text is authentic)
[OJ of the EU, L 39/5 of 13 February 2018](#)

COMMISSION REGULATION (EU) 2018/208 of 12 February 2018 **amending** Regulation (EU) No 389/2013 **establishing a Union Registry** (Text with EEA relevance)
[OJ of the EU, L 39/3 of 13 February 2018](#)

Case Law

Case C-328/16: JUDGMENT OF THE COURT (Third Chamber) of 22 February 2018 - European Commission v Hellenic Republic - ACTION for failure to fulfil obligations under Article 260(2) TFEU - **Failure of a Member State to fulfil obligations** — Directive 91/271/EEC — **Urban waste-water treatment** — Judgment of the Court establishing a failure to fulfil obligations — **Non-implementation** — Article 260(2) TFEU — **Pecuniary penalties** — Lump sum — **Periodic penalty payment**
[CURIA – Judgment of the Court of Justice in Case C-328/16 of 22 February 2018](#)

Case C-336/16: JUDGMENT OF THE COURT (Third Chamber) of 22 February 2018 - European Commission v Republic of Poland - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Directive 2008/50/EC — **Ambient air quality** — Article 13(1) — Article 22(3) — Annex XI — **Concentration of particulate matter PM10 in ambient air** — **Exceedance of limit values in certain zones and agglomerations** — Article 23(1) — **Air quality plans** — **Exceedance period ‘as short as possible’** — **Absence of appropriate actions in ambient air quality protection programmes** — Incorrect transposition
[CURIA – Judgment of the Court of Justice in Case C-336/16 of 22 February 2018](#)

Case C-572/16: JUDGMENT OF THE COURT (First Chamber) of 22 February 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 — Decision 2011/278/EU — **Transitional rules for harmonised free allocation of emission allowances** — Period 2013-2020 — Allocation application — Incorrect data — Correction — **Mandatory time limit**
[CURIA – Judgment of the Court of Justice in Case C-572/16 of 22 February 2018](#)

Case C-185/17: JUDGMENT OF THE COURT (Tenth Chamber) of 22 February 2018 - Mitnitsa Varna v SAKSA OOD and Okrazhna prokuratura — Varna - REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad — Varna (Varna Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Common Customs Tariff** — **Classification of goods** — Harmonised European standard EN 590:2013 — Subheading 2710 19 43 of the Combined Nomenclature — **Relevant criteria for the classification of goods as gas oil**
[CURIA – Judgment of the Court of Justice in Case C-185/17 of 22 February 2018](#)

Affaire C-49/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 février 2018 - Koppers Denmark ApS contre Skatteministeriet - demande de décision préjudicielle formée par l’ Østre Landsret (cour d’appel de la région Est, Danemark) - Renvoi préjudiciel — **Taxation des produits énergétiques et de l’électricité** — Directive 2003/96/CE — Article 21, paragraphe 3 — **Consommation de produits énergétiques dans l’enceinte d’un établissement fabriquant des produits énergétiques** — Produits énergétiques destinés à des usages autres que ceux de carburant ou de combustible — **Consommation de solvant comme combustible dans une installation de distillation du goudron**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-49/17 du 22 février 2018](#)

Case C-632/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 February 2018 - Dyson Ltd and Dyson BV v BSH Home Appliances NV - Request for a preliminary ruling from the rechtbank van koophandel te Antwerpen (Commercial Court, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 2010/30/EU — Delegated Regulation (EU) No 665/2013 — **Sale of vacuum cleaners** — **Energy label** — **Reference to the conditions under which tests resulting in the vacuum cleaner’s energy classification were performed** — Prohibition on altering the format or content of the energy label — **Prohibition on using supplementary labels which reproduce or clarify the information on the energy label** — Directive 2005/29/EC — **Unfair commercial practices** — **Consumer protection** — Article 2(d) — Definition of commercial practice — Use of the energy label — Article 3(4) — EU rules governing specific aspects of unfair commercial practices — Definition of conflict — Existence of conflict — Inapplicability of the directive — Article 7 — **Misleading omission** — Material information — Absence of material information — Information not required to be provided under Regulation No 665/2013
[CURIA – Opinion of Advocate General in Case C-632/16 of 22 February 2018](#)

Case C-31/17: OPINION OF ADVOCATE GENERAL TANCHEV of 22 February 2018 - Cristal Union, the legal successor to Sucrerie de Toury SA v Ministre de l’Économie et des Finances - Request for a preliminary ruling from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(a) — **Compulsory exemption from taxation of energy products used to produce electricity** — Article 15(1)(c) — **Power of Member States to apply total or partial exemptions or reductions in the level of taxation to energy products used for combined heat and power generation** — Joint application of Article 14(1)(a) and Article 15(1)(c)
[CURIA – Opinion of Advocate General in Case C-31/17 of 22 February 2018](#)

Case C-441/17: OPINION OF ADVOCATE GENERAL BOT of 20 February 2018 - European Commission v Republic of Poland - Failure of a Member State to fulfil obligations — Environment — Directive 92/43/EEC — Article 6(1) and (3) — Article 12(1) — Conservation of natural habitats and of wild fauna and flora — Directive 2009/147/EC — Articles 4 and 5 — Conservation of wild birds — Amendment to a forest management plan — Natura 2000 Puszcza Białowieska site (Poland) — Special areas of conservation
[CURIA – Opinion of Advocate General in Case C-441/17 of 20 February 2018](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION REGULATION (EU) 2018/255 of 19 February 2018 **implementing** Regulation (EC) No 1338/2008 of the European Parliament and of the Council as regards **statistics based on the European Health Interview Survey (EHIS)** (Text with EEA relevance)
[OJ of the EU, L 48/12 of 21 February 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/257 of 19 February 2018 **granting derogations to certain Member States with respect to the transmission of statistics** pursuant to Regulation (EC) No 1338/2008 of the European Parliament and of the Council, as regards statistics **based on the European Health Interview Survey (EHIS)** (notified under document C(2018) 832) (Only the Dutch, English, Finnish, French, German, Maltese, Romanian and Swedish texts are authentic) (Text with EEA relevance)
[OJ of the EU, L 48/41 of 21 February 2018](#)

COMMISSION REGULATION (EU) 2018/213 of 12 February 2018 on the **use of bisphenol A in varnishes and coatings intended to come into contact with food** and amending Regulation (EU) No 10/2011 as regards the **use of that substance in plastic food contact materials** (Text with EEA relevance)
[OJ of the EU, L 41/6 of 14 February 2018](#)

Case Law

Case C-632/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 February 2018 - Dyson Ltd and Dyson BV v BSH Home Appliances NV - Request for a preliminary ruling from the rechtbank van koophandel te Antwerpen (Commercial Court, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 2010/30/EU — Delegated Regulation (EU) No 665/2013 — **Sale of vacuum cleaners — Energy label — Reference to the conditions under which tests resulting in the vacuum cleaner's energy classification were performed** — Prohibition on altering the format or content of the energy label — **Prohibition on using supplementary labels which reproduce or clarify the information on the energy label** — Directive 2005/29/EC — **Unfair commercial practices — Consumer protection** — Article 2(d) — Definition of commercial practice — Use of the energy label — Article 3(4) — EU rules governing specific aspects of unfair commercial practices — Definition of conflict — Existence of conflict — Inapplicability of the directive — Article 7 — **Misleading omission** — Material information — Absence of material information — Information not required to be provided under Regulation No 665/2013
[CURIA – Opinion of Advocate General in Case C-632/16 of 22 February 2018](#)

Case C-16/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 20 February 2018 - Kingdom of Belgium v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Consumer protection — Online gambling services — Protection of consumers and players and prevention of minors from gambling online** — Commission Recommendation 2014/478/EU — **EU act which is not legally binding** — Article 263 TFEU
[CURIA – Judgment of the Court of Justice in Case C-16/16 of 20 February 2018](#)

12. Human Rights

International Agreements

COUNCIL DECISION (EU) 2018/254 of 15 February 2018 on the **conclusion** on behalf of the **European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled**

[OJ of the EU, L 48/1 of 21 February 2018](#)

MARRAKESH TREATY to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled

[OJ of the EU, L 48/3 of 21 February 2018](#)

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2018/181 of 18 October 2017 **amending** Annex IIIb to Council Regulation (EC) No 1236/2005 **concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

[OJ of the EU, L 40/1 of 13 February 2018](#)

Case Law

Case C-59/17: OPINION OF ADVOCATE GENERAL BOBEK of 22 February 2018 - SCI Château du Grand Bois v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer) - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — Agriculture — Regulation (EC) No 555/2008 — **Restructuring and conversion of vineyards — Support to vine growers —** Grubbing-up premium — **Unannounced on-the-spot checks — Requirement of permission to enter land —** Enclosed or open land — **Inviolability of the home — Right to property**

[CURIA – Opinion of Advocate General in Case C-59/17 of 22 February 2018](#)

Case C-181/16: ADDITIONAL OPINION OF ADVOCATE GENERAL MENGZZI of 22 February 2018 - Sadikou Gnandi v État belge - Request for a preliminary ruling from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — Directive 2008/115/EC — **Return of illegally staying third-country nationals —** Order for removal from national territory — **Order issued after the rejection of the asylum application by the competent administrative authority — Reopening of the oral procedure**

[CURIA – Opinion of Advocate General in Case C-181/16 of 22 February 2018](#)

Case C-25/17: OPINION OF ADVOCATE GENERAL MENGZZI of 1 February 2018 – TietosuojaValtuutettu v Jehovan todistajat — uskonnollinen yhdyskunta - Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data —** Directive 95/46/EC — **Scope — Definition of purely personal or household activity — Data collected and processed by the members of a religious community in the context of their door-to-door proselytising — Freedom of religion —** Article 10(1) of the Charter of Fundamental Rights of the European Union — Definition of filing system — **Definition of controller of the processing of personal data**

[CURIA – Opinion of Advocate General in Case C-25/17 of 1 February 2018](#)

13. Internal Market and Single Market

Case Law

Joined Cases C-398/16 and C-399/16: JUDGMENT OF THE COURT (First Chamber) of 22 February 2018 - X BV (C-398/16) and X NV (C-399/16) v Staatssecretaris van Financiën - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — Articles 49 and 54 TFEU — **Freedom of establishment — Tax legislation — Corporation tax** — Advantages linked to the formation of a single tax entity— **Exclusion of cross-border groups**
[CURIA – Judgment of the Court of Justice in Case C-398/16 of 22 February 2018](#)

Case C-132/17: JUDGMENT OF THE COURT (Ninth Chamber) of 21 February 2018 - Peugeot Deutschland GmbH v Deutsche Umwelthilfe eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 2010/13/EU — **Definitions — Concept of ‘audiovisual media service’ — Scope — Channel available on YouTube for videos promoting new passenger cars**
[CURIA – Judgment of the Court of Justice in Case C-132/17 of 21 February 2018](#)

Case C-144/17: JUDGMENT OF THE COURT (Sixth Chamber) of 8 February 2018 - Lloyd’s of London v Agenzia Regionale per la Protezione dell’Ambiente della Calabria - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Calabria (Regional Administrative Court, Calabria, Italy) - Reference for a preliminary ruling — **Public procurement** — Articles 49 and 56 TFEU — Directive 2004/18/EC — **Reasons for exclusion from a tendering procedure** — Insurance services — Participation of several Lloyd’s of London syndicates in the same tendering procedure — Signature of tenders by the Lloyd’s of London General Representative for the country concerned — **Principles of transparency, equal treatment and non-discrimination — Proportionality**
[CURIA – Judgment of the Court of Justice in Case C-144/17 of 8 February 2018](#)

Affaire C-685/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 février 2018 – EV contre Finanzamt Lippstadt - demande de décision préjudicielle formée par le Finanzgericht Münster (tribunal des finances de Münster, Allemagne) - Renvoi préjudiciel – **Libre circulation des capitaux – Déduction de bénéfices imposables – Traitement différencié de dividendes provenant de filiales avec direction et siège dans un pays tiers**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-685/16 du 7 février 2018](#)

Affaire C-39/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 31 janvier 2018 - Lubrizol France SAS contre Caisse nationale du Régime social des indépendants (RSI) participations extérieures - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Libre circulation des marchandises** – Articles 28 et 30 TFUE – **Taxe d’effet équivalent** – Article 110 TFUE – **Imposition intérieure – Contribution sociale de solidarité des sociétés et contribution additionnelle** – Taxe ayant pour assiette le chiffre d’affaires annuel global des sociétés – **Inclusion dans le chiffre d’affaires de la valeur des biens transférés à destination d’un autre État membre**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-39/17 du 31 janvier 2018](#)

Affaire C-679/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 31 janvier 2018 – A - demande de décision préjudicielle formée par le Korkein hallinto-oikeus (Cour administrative suprême, Finlande) - Renvoi préjudiciel – Articles 20 et 21 TFUE – **Citoyenneté de l’Union – Libre circulation des personnes – Sécurité sociale** – Règlement (CE) n° 883/2004 – **Assistance sociale – Prestations de maladie – Services aux personnes handicapées** – Obligation ou non d’une commune d’un État membre de fournir à l’un de ses résidents des aides individuelles prévues par la législation nationale pendant les études supérieures que celui-ci effectue dans un autre État membre
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-679/16 du 31 Janvier 2018](#)

Joined Cases C-360/15 and C-31/16: JUDGMENT OF THE COURT (Grand Chamber) of 30 January 2018 - College van Burgemeester en Wethouders van de gemeente Amersfoort v X BV (C-360/15) and Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam (C-31/16) - REQUESTS for a preliminary ruling under Article 267 TFEU, made by the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) (C-360/15) and by the Raad van State (Council of State, Netherlands) (C-31/16) - Reference for a preliminary ruling — **Services in the internal market** — Directive 2006/123/EC — **Scope** — Article 2(2)(c) — **Exclusion of electronic communications services and networks** — Article 4(1) — **Concept of ‘service’** — **Retail trade in goods** — Chapter III — **Freedom of establishment of service providers** — **Applicability in purely internal situations** — Article 15 — Requirements to be evaluated — **Territorial restriction** — **Zoning plan prohibiting the activity of retail trade in goods other than bulky goods in geographical zones situated outside the city centre** — **Protection of the urban environment** — Authorisation of electronic communications services and networks — Directive 2002/20/EC — Financial payments attached to rights to install facilities for a public electronic communications network

[CURIA – Judgment of the Court of Justice in Case C-360/15 of 30 January 2018](#)

14. Intellectual Property

Case Law

Case C-217/17 P: OPINION OF ADVOCATE GENERAL KOKOTT of 22 February 2018 - Mast-Jägermeister SE v European Intellectual Property Office (EUIPO) - Appeal — Regulation (EC) No 6/2002 — **Community design** — Application for registration — **Refusal to accord a date of filing** — **Representation of the design** — **Clarity of the representation**

[CURIA – Opinion of Advocate General in Case C-217/17 of 22 February 2018](#)

Case C-44/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 February 2018 - The Scotch Whisky Association, The Registered Office v Michael Klotz - Request for a preliminary ruling from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Approximation of laws** — **Protection of geographical indications of spirit drinks** — Regulation (EC) No 110/2008 — Article 16(a), (b) and (c) — Annex III — **Registered geographical indication ‘Scotch Whisky’** — **Whisky produced in Germany and marketed under the designation ‘Glen Buchenbach’** — Concept of ‘indirect use’ of a registered geographical indication — **Concept of ‘evocation’ of a registered geographical indication** — **Concept of ‘false or misleading indication’** — Requirement for identity with the indication, phonetic and/or visual similarity, or some kind of association of ideas in the mind of the relevant consumer — **Taking account of the context in which the designation at issue is embedded**

[CURIA – Opinion of Advocate General in Case C-44/17 of 22 February 2018](#)

Case C-681/16: OPINION OF ADVOCATE GENERAL TANCHEV of 7 February 2018 - Pfizer Ireland Pharmaceuticals, Operations Support Group v Orifarm GmbH - Request for a preliminary ruling from the Landgericht Düsseldorf (Regional Court, Düsseldorf, Germany) - Preliminary ruling — **Accession of new Member States** — **Acts of Accession** — **Specific Mechanism** — **Patent law** — **Medicine protected by a supplementary protection certificate** — Regulation No 469/2009 — Paediatric prolongation of the protection — Regulation No 1901/2006 — **Product protected in an old Member State and marketed in a new Member State without protection by the holder of the patent** — **Parallel imports** — **Exhaustion of intellectual property rights**

[CURIA – Opinion of Advocate General in Case C-681/16 of 7 February 2018](#)

Case C-163/16: ADDITIONAL OPINION OF ADVOCATE GENERAL SZPUNAR of 6 February 2018 - Christian Louboutin and Christian Louboutin SAS v Van Haren Schoenen BV - Request for a preliminary ruling from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reopening of the oral procedure — Reference for a preliminary ruling — **Trade marks** — **Refusal of registration or invalidity** — **Shape** — **Concept** — **Three-dimensional properties of the goods** — **Colour**

[CURIA – Opinion of Advocate General in Case C-163/16 of 7 February 2018](#)

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

Case Law

Affaire C-20/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 février 2018 - Vincent Pierre Oberle - demande de décision préjudicielle formée par le Kammergericht Berlin (tribunal régional supérieur de Berlin, Allemagne) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Certificat successoral européen – Compétence générale d'une juridiction d'un État membre pour statuer sur l'ensemble d'une succession** – Réglementation d'un autre État membre prévoyant l'établissement d'un certificat successoral national utilisé à des fins similaires

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-20/17 du 22 février 2018](#)

Case C-181/16: ADDITIONAL OPINION OF ADVOCATE GENERAL MENGOZZI of 22 February 2018 - Sadikou Gnandi v État belge - Request for a preliminary ruling from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — Directive 2008/115/EC — **Return of illegally staying third-country nationals** — Order for removal from national territory — **Order issued after the rejection of the asylum application by the competent administrative authority — Reopening of the oral procedure**

[CURIA – Opinion of Advocate General in Case C-181/16 of 22 February 2018](#)

Case C-390/16: OPINION OF ADVOCATE GENERAL BOT of 6 February 2018 - Criminal proceedings against Dániel Bertold Lada - Request for a preliminary ruling from the Szombathelyi Törvényszék (Szombathely Court, Hungary) - Reference for a preliminary ruling — Judicial cooperation in criminal matters — Article 82(1) TFEU — **Principle of mutual recognition of judgments and judicial decisions in criminal matters** — Framework Decision 2009/315/JHA and Decision 2009/316/JHA — **European Criminal Records Information System (ECRIS)** — Framework Decision 2008/675/JHA — **Taking into account, in the course of new criminal proceedings, of an earlier conviction handed down in another Member State** — National procedure for prior recognition of the conviction as a requirement for such taking into account — **Obligation of conforming interpretation — Principle of the primacy of EU law** — Obligation to refrain from applying national legislation contrary to a framework decision

[CURIA – Opinion of Advocate General in Case C-390/16 of 6 February 2018](#)

Case C-106/17: JUDGMENT OF THE COURT (Eighth Chamber) of 31 January 2018 - Paweł Hofsoe v LVM Landwirtschaftlicher Versicherungsverein Münster AG - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Szczecinie (Szczecin Regional Court, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 11(1)(b) and Article 13(2) — **Jurisdiction in insurance matters — Scope ratione personae — Concept of 'injured party' — Professional in the insurance sector** — Not included

[CURIA – Judgment of the Court of Justice in Case C-106/17 of 31 January 2018](#)

Affaire C-83/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 30 janvier 2018 - KP, représenté par sa mère contre LO - demande de décision préjudicielle formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Obligations alimentaires – Impossibilité d'obtenir des aliments du débiteur** – Changement de l'État de résidence habituelle du créancier – Application de la loi du for

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-83/17 du 30 janvier 2018](#)

16. Transport

International Agreements

COUNCIL DIRECTIVE (EU) 2018/131 of 23 January 2018 **implementing the Agreement** concluded by the **European Community Shipowners' Associations (ECSA)** and the **European Transport Workers' Federation (ETF)** to amend Directive 2009/13/EC in accordance with the **amendments of 2014 to the Maritime Labour Convention, 2006, as approved by the International Labour Conference on 11 June 2014** (Text with EEA relevance)

[OJ of the EU, L 22/28 of 26 January 2018](#)

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/258 of 21 February 2018 **amending Implementing Regulation (EU) No 725/2011** for the purpose of **adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification** (Text with EEA relevance)

[OJ of the EU, L 49/1 of 22 February 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/259 of 21 February 2018 **amending Implementing Regulation (EU) No 427/2014** for the purpose of **adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification** (Text with EEA relevance)

[OJ of the EU, L 49/9 of 22 February 2018](#)

COMMISSION DIRECTIVE (EU) 2018/217 of 31 January 2018 **amending** Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods** by adapting Section I.1 of its Annex I to **scientific and technical progress**

[OJ of the EU, L 42/52 of 15 February 2018](#)

Case Law

Case C—545/16: JUDGMENT OF THE COURT (Sixth Chamber) of 22 February 2018 - Kubota (UK) Ltd and EP Barrus Ltd v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) (United Kingdom) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff headings — Motor vehicles for the transport of goods** — Subheadings 8704 10 10 and 8704 21 91 — Regulation (EU) 2015/221 — **Validity**

[CURIA – Judgment of the Court of Justice in Case C-545/16 of 22 February 2018](#)

Affaire C-181/17: ARRÊT DE LA COUR (dixième chambre) du 8 février 2018 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Politique des transports** – Règlement (CE) no 1071/2009 – **Transporteur par route – Autorisation de transport public – Conditions d'octroi** – Article 3, paragraphes 1 et 2 – Article 5, sous b) – **Nombre de véhicules nécessaire – Réglementation nationale – Conditions d'octroi plus contraignantes** – Nombre de véhicules minimum plus élevé

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-181/17 du 8 février 2018](#)

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

Case Law

Case C-326/16 P: JUDGMENT OF THE COURT (Fifth Chamber) of 21 February 2018 - LL v European Parliament - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Action for annulment** — Sixth paragraph of Article 263 TFEU — **Admissibility — Time limit for instituting proceedings** — Calculation — Former Member of the European Parliament — **Decision relating to the recovery of parliamentary assistance allowances** — Implementing Measures for the Statute for Members of the European Parliament — Article 72 — **Complaint procedure within the European Parliament — Notification of the decision adversely affecting a Member of the European Parliament** — Registered letter not collected by its addressee
[CURIA – Judgment of the Court of Justice in Case C-326/16 of 21 February 2018](#)

Affaire C-667/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 21 février 2018 - M.N.J.P.W. Nooren, ayant droit de M.N.F.M. Nooren et J.M.F.D.C. Nooren, ayant droit de M.N.F.M. Nooren contre Staatssecretaris van Economische Zaken - demande de décision préjudicielle formée par le College van Beroep voor het bedrijfsleven (cour d'appel du contentieux administratif en matière économique, Pays-Bas) - Renvoi préjudiciel – **Politique agricole commune – Paiements directs** – Règlement (CE) n° 73/2009 – Articles 23 et 24 – Règlement (CE) n° 1122/2009 – Articles 70 à 72 – **Non-respect des règles de la conditionnalité – Réductions et exclusions – Addition des réductions**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-667/16 du 21 février 2018](#)

Case C-681/16: OPINION OF ADVOCATE GENERAL TANCHEV of 7 February 2018 - Pfizer Ireland Pharmaceuticals, Operations Support Group v Orifarm GmbH - Request for a preliminary ruling from the Landgericht Düsseldorf (Regional Court, Düsseldorf, Germany) - Preliminary ruling — **Accession of new Member States — Acts of Accession — Specific Mechanism — Patent law — Medicine protected by a supplementary protection certificate** — Regulation No 469/2009 — Paediatric prolongation of the protection — Regulation No 1901/2006 — **Product protected in an old Member State and marketed in a new Member State without protection by the holder of the patent — Parallel imports — Exhaustion of intellectual property rights**
[CURIA – Opinion of Advocate General in Case C-681/16 of 7 February 2018](#)