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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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Case C-2/17: JUDGMENT OF THE COURT (Tenth Chamber) of 28 June 2018 - Instituto Nacional de la Seguridad Social (INSS) v Jesús Crespo Rey and Tesorería General de la Seguridad Social - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - Reference for a preliminary ruling — **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Social security for migrant workers** — Regulation (EC) No 883/2004 — Paragraph 2 of the section 'Spain' in Annex XI — **Retirement pension — Method of calculation — Theoretical amount** — Relevant contribution basis — **Special agreement — Choice of contribution basis** — National legislation requiring the worker to make contributions in accordance with the minimum contribution basis
[CURIA – Judgment of the Court of Justice in Case C-2/17 of 28 June 2018](#)

Case C-25/17: JUDGMENT OF THE COURT (Grand Chamber) of 10 July 2018 - Tietosuojaalvautuettu v Jehovan todistajat — uskonnollinen yhdyskunta - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — **Scope of the directive** — Article 3 — **Data collected and processed by the members of a religious community in the course of their door-to-door preaching** — Article 2(c) — **Definition of a 'personal data filing system'** — Article 2(d) — **Definition of a 'controller' of the processing of personal data** — **Article 10(1) of the Charter of Fundamental Rights of the European Union**
[CURIA – Judgment of the Court of Justice in Case C-25/17 of 10 July 2018](#)

Case C-15/17: JUDGMENT OF THE COURT (Third Chamber) of 11 July 2018 - Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **Montego Bay Convention** — Article 220(6) — **Enforcement by the coastal State — Jurisdiction of the Court to interpret provisions of international law** — Directive 2005/35/EC — **Ship-source pollution** — Article 7(2) — **Marpol Convention 73/78 — Oil spill in the exclusive economic zone from a foreign vessel in transit — Circumstances in which a coastal State may instigate proceedings against a foreign vessel — Freedom of navigation — Protection of the marine environment** — Major damage or threat of major damage to the coastline, related interests or any resources in the territorial sea or exclusive economic zone — **Clear objective evidence**
[CURIA – Judgment of the Court of Justice in Case C-15/17 of 11 July 2018](#)

1. EU-Swiss Relations

International Agreements

DECISION No 1/2018 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 12 June 2018 **amending** Annex 1 to the **Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road** [2018/944]
[OJ of the EU, L 166/20 of 3 July 2018](#)

COUNCIL DECISION (EU) 2018/929 of 25 June 2018 on the **conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules** in relation to the **instrument for financial support for external borders and visa, as part of the Internal Security Fund**, for the period 2014 to 2020
[OJ of the EU, L 165/1 of 2 July 2018](#)

AGREEMENT between the **European Union and the Swiss Confederation on supplementary rules** in relation to the **instrument for financial support for external borders and visa, as part of the Internal Security Fund**, for the period 2014 to 2020
[OJ of the EU, L 165/3 of 2 July 2018](#)

Community Legislation

Case Law

Case C-2/17: JUDGMENT OF THE COURT (Tenth Chamber) of 28 June 2018 - Instituto Nacional de la Seguridad Social (INSS) v Jesús Crespo Rey and Tesorería General de la Seguridad Social - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - Reference for a preliminary ruling — **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Social security for migrant workers** — Regulation (EC) No 883/2004 — Paragraph 2 of the section ‘Spain’ in Annex XI — **Retirement pension — Method of calculation — Theoretical amount** — Relevant contribution basis — **Special agreement — Choice of contribution basis** — National legislation requiring the worker to make contributions in accordance with the minimum contribution basis
[CURIA – Judgment of the Court of Justice in Case C-2/17 of 28 June 2018](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2018/948 of 25 June 2018 on the **conclusion** on behalf of the European Union of the **Agreement between the European Union and Iceland on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund**, for the period 2014 to 2020
[OJ of the EU, L 167/1 of 4 July 2018](#)

AGREEMENT between the **European Union and the Swiss Confederation on supplementary rules** in relation to the **instrument for financial support for external borders and visa, as part of the Internal Security Fund**, for the period 2014 to 2020
[OJ of the EU, L 165/3 of 2 July 2018](#)

Case Law

Case C-629/16: JUDGMENT OF THE COURT (Second Chamber) of 11 July 2018 - CX v Bezirkshauptmannschaft Schärding - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — **International road transport — Agreement establishing an Association between the European Economic Community and Turkey** — Article 9 — Additional Protocol — Articles 41 and 42 — Freedom to provide services — Standstill clause — Decision No 1/95 of the EC-Turkey Association Council — Articles 5 and 7 — **Free movement of goods — National legislation restricting the right of road haulage undertakings with their seat in Turkey to operate their vehicles in the territory of the Member State concerned** — Obligation to obtain an authorisation issued within the limits of a quota determined on the basis of a bilateral agreement concluded between that Member State and Turkey or a permit granted for a single transport of substantial public interest

[CURIA – Judgment of the Court of Justice in Case C-629/16 of 11 July 2018](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION REGULATION (EU) 2018/969 of 9 July 2018 **amending** Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the **requirements for the removal of specified risk materials from small ruminants** (Text with EEA relevance)

[OJ of the EU, L 174/12 of 10 July 2018](#)

COMMISSION REGULATION (EU) 2018/960 of 5 July 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 lambda-cyhalothrin in or on certain products** (Text with EEA relevance)

[OJ of the EU, L 169/27 of 6 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/920 of 28 June 2018 **amending** Implementing Regulation (EU) No 180/2014 as regards **certain provisions on checks, notifications and annual reporting and on amendments to the POSEI programmes**

[OJ of the EU, L 164/5 of 29 June 2018](#)

Case Law

Case C-540/16: JUDGMENT OF THE COURT (Fifth Chamber) of 12 July 2018 - ‘Spika’ UAB, ‘Senoji Baltija’ AB, ‘Stekutis’ UAB and ‘Prekybos namai Aistra’ UAB v Žuvininkystės tarnyba prie Lietuvos Respublikos žemės ūkio ministerijos and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausioji administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Common fisheries policy** — Regulation (EU) No 1380/2013 — Article 16(6) and Article 17 — **Allocation of fishing opportunities — National legislation laying down a method based on objective and transparent criteria — Inequalities in the conditions of competition between operators in the sector — Charter of Fundamental Rights of the European Union** — Articles 16 and 20 — **Freedom to conduct a business — Equal treatment — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-540/16 of 12 July 2018](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-192/17: JUDGMENT OF THE COURT (Ninth Chamber) of 11 July 2018 - COBRA SpA v Ministero dello Sviluppo economico - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 1999/5/EC — **Mutual recognition of the conformity of radio equipment and telecommunications terminal equipment — Existence of harmonised standards** — Need for the manufacturer to consult a notified body — Affixing of the identification number of a notified body

[CURIA – Judgment of the Court of Justice in Case C-192/17 of 11 July 2018](#)

Case C-25/17: JUDGMENT OF THE COURT (Grand Chamber) of 10 July 2018 - Tietosuojavaltuutettu v Jehovan todistajat — uskonnollinen yhdyskunta - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — **Scope of the directive** — Article 3 — **Data collected and processed by the members of a religious community in the course of their door-to-door preaching** — Article 2(c) — **Definition of a ‘personal data filing system’** — Article 2(d) — **Definition of a ‘controller’ of the processing of personal data** — **Article 10(1) of the Charter of Fundamental Rights of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-25/17 of 10 July 2018](#)

Affaire C-298/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 5 juillet 2018 - France Télévisions SA contre Playmédia, Conseil supérieur de l’audiovisuel (CSA) et Ministre de la Culture et de la Communication - demande de décision préjudicielle formée par le Conseil d’État (France) - Renvoi préjudiciel — Directive 2002/22/CE — **Réseaux et services de communications électroniques – Service universel et droits des utilisateurs – Notion d’entreprise exploitant un réseau de communications électroniques utilisé pour la diffusion publique d’émissions de radio ou de télévision** – Entreprise qui propose le visionnage de programmes de télévision en flux continu et en direct sur Internet – **Obligation de diffusion (must carry)**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-298/17 du 5 juillet 2018](#)

5. Competition

Case Law

Case C-339/17: JUDGMENT OF THE COURT (Fifth Chamber) of 5 July 2018 - Verein für lauterer Wettbewerb eV v Princesport GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Textile fibre names and related labelling and marking requirements** — Regulation (EU) No 1007/2011 — Articles 7 and 9 — **Pure textile products — Multi-fibre textile products — Labelling or marking methods**

[CURIA – Judgment of the Court of Justice in Case C-339/17 of 5 July 2018](#)

Affaire C-219/16 P: ARRÊT DE LA COUR (deuxième chambre) du 28 juin 2018 - Lowell Financial Services GmbH, anciennement GFKL Financial Services AG, établie à Essen (Allemagne) contre Commission européenne et République fédérale d’Allemagne - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi — **Aides d’État – Législation fiscale allemande concernant certains reports de pertes sur les années fiscales futures (“clause d’assainissement”)** – **Décision déclarant le régime d’aide incompatible avec le marché intérieur** – Recours en annulation – Recevabilité – Article 263, quatrième alinéa, TFUE – Personne individuellement concernée – Article 107, paragraphe 1, TFUE — **Notion d’“aide d’État” – Condition relative à la sélectivité – Détermination du cadre de référence – Qualification juridique des faits**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-219/16 du 28 juin 2018](#)

Affaire C-209/16 P: ARRÊT DE LA COUR (deuxième chambre) du 28 juin 2018 - République fédérale d'Allemagne contre Lowell Financial Services GmbH, anciennement GFKL Financial Services AG, établie à Essen (Allemagne) et 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 – **Aides d'État – Législation fiscale allemande concernant certains reports de pertes sur les années fiscales futures ("clause d'assainissement") – Décision déclarant le régime d'aide incompatible avec le marché intérieur** – Recours en annulation – Recevabilité – Article 263, quatrième alinéa, TFUE – Personne individuellement concernée – Article 107, paragraphe 1, TFUE – **Notion d'"aide d'État" – Condition relative à la sélectivité – Détermination du cadre de référence – Qualification juridique des faits**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-209/16 du 28 juin 2018](#)

Affaire C-208/16 P: ARRÊT DE LA COUR (deuxième chambre) du 28 juin 2018 - République fédérale d'Allemagne contre Dirk Andres, agissant en qualité de curateur à la faillite de Heitkamp BauHolding GmbH, demeurant à Düsseldorf (Allemagne) et 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 – **Aides d'État – Législation fiscale allemande concernant certains reports de pertes sur les années fiscales futures ("clause d'assainissement") – Décision déclarant le régime d'aide incompatible avec le marché intérieur** – Recours en annulation – Recevabilité – Article 263, quatrième alinéa, TFUE – Personne individuellement concernée – Article 107, paragraphe 1, TFUE – **Notion d'"aide d'État" – Condition relative à la sélectivité – Détermination du cadre de référence – Qualification juridique des faits**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-208/16 du 28 juin 2018](#)

Case C-203/16 P: JUDGMENT OF THE COURT (Second Chamber) of 28 June 2018 - Dirk Andres, acting as liquidator in the insolvency of Heitkamp BauHolding GmbH, residing in Düsseldorf (Germany) v European Commission and Federal Republic of Germany - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — German tax legislation concerning the possibility of carrying certain losses forward to future tax years ('restructuring clause') — Decision declaring the aid scheme incompatible with the internal market** — Actions for annulment — Admissibility — Article 263, fourth paragraph, TFEU — Person individually concerned — Article 107(1) TFEU — **Concept of 'State aid' — Condition relating to selectivity — Determination of the reference framework — Legal classification of the facts**
[CURIA – Judgment of the Court of Justice in Case C-203/16 of 28 June 2018](#)

6. Customs

Case Law

Joined Cases C-397/17 and C-398/17: JUDGMENT OF THE COURT (Tenth Chamber) of 12 July 2018 - Profit Europe NV v Belgische Staat - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg te Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — **Customs Union and Common Customs Tariff — Tariff classification — Combined Nomenclature** — Subheadings 7307 11 10, 7307 19 10 and 7307 19 90 — Cast tube or pipe fittings, of spheroidal graphite cast iron
[CURIA – Judgment of the Court of Justice in Case C-397/17 of 12 July 2018](#)

Case C-305/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 5 July 2018 - FENS spol. s r.o. v Slovenská republika — Úrad pre reguláciu sieťových odvetví - Request for a preliminary ruling from the Okresný súd Bratislava II (District Court Bratislava II, Slovakia) - **Free movement of goods — Customs duties on exports — Charges having equivalent effect to customs duties — Internal taxation — Charge for network services for the transmission of electricity**
[CURIA – Opinion of Advocate General in Case C-305/17 of 5 July 2018](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION (EU) 2018/952 of 26 June 2018 on the **position to be adopted, on behalf of the European Union, within the EEA Joint Committee** concerning the **amendment** of Protocol 31 to the EEA Agreement, on **cooperation in specific fields outside the four freedoms** (budget line 33 02 03 01: ‘Company Law’) (Text with EEA relevance)

[OJ of the EU, L 168/1 of 5 July 2018](#)

COUNCIL DECISION (EU) 2018/953 of 26 June 2018 on the **position to be adopted, on behalf of the European Union, within the EEA Joint Committee**, concerning the **amendment** of Protocol 30 to the EEA Agreement, on **specific provisions on the organization of cooperation in the field of statistics** (Text with EEA relevance)

[OJ of the EU, L 168/4 of 5 July 2018](#)

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2018/990 of 10 April 2018 **amending and supplementing** Regulation (EU) 2017/1131 of the European Parliament and of the Council with regard to **simple, transparent and standardised (STS) securitisations and asset-backed commercial papers (ABCPs), requirements for assets received as part of reverse repurchase agreements and credit quality assessment methodologies** (Text with EEA relevance)

[OJ of the EU, L 177/1 of 13 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/959 of 14 March 2018 **supplementing** Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to **regulatory technical standards of the specification of the assessment methodology** under which **competent authorities permit institutions to use Advanced Measurement Approaches for operational risk** (Text with EEA relevance)

[OJ of the EU, L 169/1 of 6 July 2018](#)

COUNCIL DIRECTIVE (EU) 2018/912 of 22 June 2018 **amending** Directive 2006/112/EC on the **common system of value added tax as regards the obligation to respect a minimum standard rate**

[OJ of the EU, L 162/1 of 27 June 2018](#)

Case Law

Case C-154/17: JUDGMENT OF THE COURT (Tenth Chamber) of 11 July 2018 - SIA ‘E LATS’ v Valsts ieņēmumu dienests - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Taxation — Value added tax — Directive 2006/112/EC — Article 311(1)(1) — Special arrangements for second-hand goods — Definition of ‘second-hand goods’** — Goods containing precious metals or precious stones resold by a trader — Processing of those goods after sale — Recovery of the precious metals or precious stones — **Concept of ‘precious metals or precious stones’**

[CURIA – Judgment of the Court of Justice in Case C-154/17 of 11 July 2018](#)

Affaire C-272/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 11 juillet 2018 - K. et M. Mme Zyla contre Staatssecretaris van Financiën - Demande de décision préjudicielle présentée par le Hoge Raad der Nederlanden (Cour suprême, Pays-Bas) - Question préjudicielle – **Libre circulation des travailleurs – Égalité de traitement – Impôts sur le revenu – Cotisations aux assurances sociales – Réduction d’impôts et de cotisations** – Travailleur ayant déménagé au cours de l’année civile – Réduction au prorata de la période assurée

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-272/17 du 11 juillet 2018](#)

Case C-544/16: JUDGMENT OF THE COURT (Fifth Chamber) of 5 July 2018 - Marcandi Ltd, trading as 'Madbid' v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 2(1)(c) — **Issuing of 'credits' that can be used to place bids in online auctions** — Supply of services for consideration — Preliminary transaction — Article 73 — **Taxable amount**

[CURIA – Judgment of the Court of Justice in Case C-544/16 of 5 July 2018](#)

Case C-320/17: JUDGMENT OF THE COURT (Seventh Chamber) of 5 July 2018 - Marle Participations SARL v Ministre de l'Économie et des Finances - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Articles 2, 9 and 168 — **Economic activity — Direct or indirect involvement of a holding company in the management of its subsidiaries** — Letting of a building by a holding company to its subsidiary — Deduction of input tax — **VAT paid by a holding company on expenditure incurred in acquiring shares in other companies**

[CURIA – Judgment of the Court of Justice in Case C-320/17 of 5 July 2018](#)

Case C-339/17: JUDGMENT OF THE COURT (Fifth Chamber) of 5 July 2018 - Verein für lauterer Wettbewerb eV v Princesport GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Textile fibre names and related labelling and marking requirements** — Regulation (EU) No 1007/2011 — Articles 7 and 9 — **Pure textile products — Multi-fibre textile products — Labelling or marking methods**

[CURIA – Judgment of the Court of Justice in Case C-339/17 of 5 July 2018](#)

Case C-28/17: JUDGMENT OF THE COURT (First Chamber) of 4 July 2018 - NN A/S v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark) - Reference for a preliminary ruling — Article 49 TFEU — **Corporation tax — National tax legislation making the transfer of the losses sustained by a permanent establishment, situated on national territory, of a company established in another Member State, to a resident company belonging to the same group**, subject to a condition as to the impossibility of using such losses for the purpose of a foreign tax

[CURIA – Judgment of the Court of Justice in Case C-28/17 of 4 July 2018](#)

Case C-90/17: JUDGMENT OF THE COURT (First Chamber) of 27 June 2018 - Turbogás — Produtora Energética SA v Autoridade Tributária e Aduaneira - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Third subparagraph of Article 21(5) — **Entity producing electricity for its own use — Small producers of electricity** — Article 14(1)(a) — **Energy products used for the production of electricity — Obligation to exempt**

[CURIA – Judgment of the Court of Justice in Case C-90/17 of 27 June 2018](#)

Joined Cases C-459/17 and C-460/17: JUDGMENT OF THE COURT (Sixth Chamber) of 27 June 2018 - SGI (C-459/17) and Valériane SNC (C-460/17) v Ministre de l'Action et des Comptes publics - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - References for a preliminary ruling — **Common system of value added tax (VAT) — Right to deduct input tax — Material conditions governing the right to deduct** — Actual delivery of the goods

[CURIA – Judgment of the Court of Justice in Case C-459/17 of 27 June 2018](#)

Case C-364/17: JUDGMENT OF THE COURT (Sixth Chamber) of 27 June 2018 - 'Varna Holideis' EOOD v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika'– Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite - REQUEST for a preliminary ruling under Article 267 TFEU from Administrativen sad — Varna (Administrative Court, Varna, Bulgaria) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Supply of immovable property effected prior to the accession of the Republic of Bulgaria to the European Union — Nullity of the contract of sale coming to light after the accession** — Obligation to adjust the initial deduction — Interpretation — **Jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-364/17 of 27 June 2018](#)

Affaire C-219/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 27 juin 2018 - Silvio Berlusconi et Finanziaria d'investimento Fininvest SpA (Fininvest) contre Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS), Ministero dell'Economia e delle Finanze, Banca Mediolanum SpA, Holding Italiana Quarta SpA, Fin. Prog. Italia di E. Doris & C. s.a.p.a., Sirefid SpA et Ennio Doris - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d'État, Italie) - Question préjudicielle – **Surveillance prudentielle des établissements de crédit – Mécanisme de surveillance unique – Acquisition d'une participation qualifiée dans un établissement de crédit – Procédures administratives complexes de l'Union – Contrôle juridictionnel des procédures administratives complexes – **Juridiction compétente pour examiner un recours dirigé contre des actes adoptés par une autorité nationale – Principe de la force de chose jugée**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-219/17 du 27 juin 2018](#)**

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

Community Legislation

DIRECTIVE (EU) 2018/957 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 June 2018 **amending** Directive 96/71/EC concerning the **posting of workers in the framework of the provision of services** (Text with EEA relevance)

[OJ of the EU, L 173/16 of 9 July 2018](#)

DIRECTIVE (EU) 2018/958 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 June 2018 on a **proportionality test before adoption of new regulation of professions**

[OJ of the EU, L 173/25 of 9 July 2018](#)

9. Employment and Social Affairs

Community Legislation

DIRECTIVE (EU) 2018/958 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 June 2018 on a **proportionality test before adoption of new regulation of professions**

[OJ of the EU, L 173/25 of 9 July 2018](#)

Case Law

Case C-60/17: JUDGMENT OF THE COURT (Tenth Chamber) of 11 July 2018 - Ángel Somoza Hermo and Ilunión Seguridad SA v Esabe Vigilancia SA and Fondo de Garantía Salarial (Fogasa) - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfer of an undertaking** — Article 3(1) — **Safeguarding of employees' rights — Taking over of employment contracts in accordance with the terms of a collective agreement** — Collective agreement excluding the obligation, for the transferor and transferee of the undertaking, to assume joint and several liability in respect of the obligations, including those relating to wages, which arose from employment contracts before that undertaking was transferred

[CURIA – Judgment of the Court of Justice in Case C-60/17 of 11 July 2018](#)

Case C-356/15: JUDGMENT OF THE COURT (Fifth Chamber) of 11 July 2018 - European Commission and Ireland v Kingdom of Belgium - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Social security** — Regulation (EC) No 883/2004 — Articles 11 and 12 and Article 76(6) — Regulation (EC) No 987/2009 — Article 5 — **Posting of workers — Affiliation to a social security scheme — Combating fraud** — A1 Certificate — **Refusal of recognition by the Member State where the professional activity is carried out in the event of fraud or abuse**

[CURIA – Judgment of the Court of Justice in Case C-356/15 of 11 July 2018](#)

Affaire C-272/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 11 juillet 2018 - K. et M. Mme Zyla contre Staatssecretaris van Financiën - Demande de décision préjudicielle présentée par le Hoge Raad der Nederlanden (Cour suprême, Pays-Bas) - Question préjudicielle – **Libre circulation des travailleurs – Égalité de traitement – Impôts sur le revenu – Cotisations aux assurances sociales – Réduction d'impôts et de cotisations** – Travailleur ayant déménagé au cours de l'année civile – Réduction au prorata de la période assurée

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-272/17 du 11 juillet 2018](#)

Case C-43/17 P: JUDGMENT OF THE COURT (First Chamber) of 5 July 2018 - Liam Jenkinson, residing in Killarney (Ireland) v Council of the European Union, European Commission, European External Action Service (EEAS) and Eulex Kosovo, established in Pristina (Kosovo) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Arbitration clause — Staff of international missions of the European Union — Jurisdiction to rule on disputes concerning employment contracts — Consecutive fixed-term contracts** — Arbitration clauses conferring jurisdiction, in the final contract, on the Courts of the European Union, and, in the previous contracts, on the Brussels (Belgium) courts — **Decision not to renew the final contract — Claim that all the contractual relationships should be recategorised as a 'contract of indefinite duration'** — Claims for compensation for unfair dismissal — Contractual relationships prior to the final contract to be taken into account — **Jurisdiction of the General Court of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-43/17 of 5 July 2018](#)

Case C-2/17: JUDGMENT OF THE COURT (Tenth Chamber) of 28 June 2018 - Instituto Nacional de la Seguridad Social (INSS) v Jesús Crespo Rey and Tesorería General de la Seguridad Social - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - Reference for a preliminary ruling — **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Social security for migrant workers** — Regulation (EC) No 883/2004 — Paragraph 2 of the section 'Spain' in Annex XI — **Retirement pension — Method of calculation — Theoretical amount** — Relevant contribution basis — **Special agreement — Choice of contribution basis** — National legislation requiring the worker to make contributions in accordance with the minimum contribution basis

[CURIA – Judgment of the Court of Justice in Case C-2/17 of 28 June 2018](#)

Case C-57/17: JUDGMENT OF THE COURT (Seventh Chamber) of 28 June 2018 - Eva Soraya Checa Honrado v Fondo de Garantía Salarial - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de la Comunidad Valenciana (High Court of Justice of the Community of Valencia, Spain) - Reference for a preliminary ruling — **Social policy — Protection of employees in the event of the insolvency of their employer** — Directive 2008/94/EC — Article 3, first paragraph — **Payment guaranteed by the guarantee institution — Severance pay on termination of employment relationships — Transfer of workplace obliging the worker to change residence** — Change to a fundamental element of the contract of employment — Termination of the contract of employment by the worker — **Principle of equality and non-discrimination**

[CURIA – Judgment of the Court of Justice in Case C-57/17 of 28 June 2018](#)

Case C-147/17: OPINION OF ADVOCATE GENERAL WAHL of 28 June 2018 - Sindicatul Familia Constanța, Ustiniu Cvas, Silvica Jianu, Dumitra Bocu, Cader Aziz, Georgeta Crângașu and Sema Cutlacai v Direcția Generală de Asistență Socială și Protecția Copilului Constanța - Request for a preliminary ruling from the Curtea de Apel Constanța (Court of Appeal, Constanța, Romania) - Request for a preliminary ruling — Directive 2003/88/EC — **Working time — Scope — Concept of worker — Foster parents — Exclusion**

[CURIA – Opinion of Advocate General in Case C-147/17 of 28 June 2018](#)

Case C-451/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 June 2018 - MB v Secretary of State for Work and Pensions - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — Directive 79/7/EEC — **Equal treatment for men and women in matters of social security — National State pension scheme — Conditions for recognition of change of gender** — National legislation under which such recognition is subject to the annulment of any marriage entered into before that change of gender — **Refusal to grant a person who has changed gender a State retirement pension as from the pensionable age for persons of the gender acquired — Direct discrimination on grounds of sex**

[CURIA – Judgment of the Court of Justice in Case C-451/16 of 26 June 2018](#)

10. Energy and Environment

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2018/985 of 12 February 2018 **supplementing** Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards **environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines** and repealing Commission Delegated Regulation (EU) 2015/96 (Text with EEA relevance)

[OJ of the EU, L 182/1 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/986 of 3 April 2018 **amending Implementing** Regulation (EU) 2015/504 as regards the **adaptation of the administrative provisions for the approval and market surveillance of agricultural and forestry vehicles** to Stage V emission limits (Text with EEA relevance)

[OJ of the EU, L 182/16 of 18 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/987 of 27 April 2018 **amending and correcting** Delegated Regulation (EU) 2017/655 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to **monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery** (Text with EEA relevance)

[OJ of the EU, L 182/40 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/988 of 27 April 2018 **amending and correcting** Implementing Regulation (EU) 2017/656 laying down the **administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery** in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 182/46 of 18 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/989 of 18 May 2018 **amending and correcting** Delegated Regulation (EU) 2017/654 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to **technical and general requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery** (Text with EEA relevance)

[OJ of the EU, L 182/61 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1002 of 16 July 2018 **amending Implementing** Regulation (EU) 2017/1153 to **clarify and simplify the correlation procedure and to adapt it to changes to Regulation (EU) 2017/1151** (Text with EEA relevance)

[OJ of the EU, L 180/10 of 17 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1003 of 16 July 2018 **amending Implementing** Regulation (EU) 2017/1152 to **clarify and simplify the correlation procedure and to adapt it to changes to Regulation (EU) 2017/1151** (Text with EEA relevance)

[OJ of the EU, L 180/16 of 17 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/968 of 30 April 2018 **supplementing** Regulation (EU) No 1143/2014 of the European Parliament and of the Council with regard to **risk assessments in relation to invasive alien species**

[OJ of the EU, L 174/5 of 10 July 2018](#)

REGULATION (EU) 2018/956 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 June 2018 on the **monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles** (Text with EEA relevance)

[OJ of the EU, L 173/1 of 9 July 2018](#)

COMMISSION REGULATION (EU) 2018/932 of 29 June 2018 **amending** Regulation (EU) No 582/2011 as regards the **provisions on testing by means of portable emission measurement systems (PEMS) and the requirements for universal fuel** range type-approval (Text with EEA relevance)

[OJ of the EU, L 165/32 of 2 July 2018](#)

Case Law

Case C-15/17: JUDGMENT OF THE COURT (Third Chamber) of 11 July 2018 - Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **Montego Bay Convention** — Article 220(6) — **Enforcement by the coastal State — Jurisdiction of the Court to interpret provisions of international law** — Directive 2005/35/EC — **Ship-source pollution** — Article 7(2) — **Marpol Convention 73/78 — Oil spill in the exclusive economic zone from a foreign vessel in transit — Circumstances in which a coastal State may instigate proceedings against a foreign vessel — Freedom of navigation — Protection of the marine environment** — Major damage or threat of major damage to the coastline, related interests or any resources in the territorial sea or exclusive economic zone — **Clear objective evidence**

[CURIA – Judgment of the Court of Justice in Case C-15/17 of 11 July 2018](#)

Case C-305/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 5 July 2018 - FENS spol. s r.o. v Slovenská republika — Úrad pre reguláciu sieťových odvetví - Request for a preliminary ruling from the Okresný súd Bratislava II (District Court Bratislava II, Slovakia) - **Free movement of goods — Customs duties on exports — Charges having equivalent effect to customs duties — Internal taxation — Charge for network services for the transmission of electricity**

[CURIA – Opinion of Advocate General in Case C-305/17 of 5 July 2018](#)

Case C-626/16: JUDGMENT OF THE COURT (Fourth Chamber) of 4 July 2018 - European Commission v Slovak Republic - ACTION for failure to fulfil obligations under Article 260(2) TFEU - **Failure of a Member State to fulfil obligations — Environment — Landfill of waste** — Directive 1999/31/EC — **Existing landfill sites** — Article 14 — **Definite decision on whether or not operations may continue** — Article 13 — Closure procedures — **Judgment of the Court declaring a failure to fulfil obligations** — Non-compliance — Article 260(2) TFEU — Pecuniary penalties — Penalty payment and lump sum

[CURIA – Judgment of the Court of Justice in Case C-626/16 of 4 July 2018](#)

Case C-90/17: JUDGMENT OF THE COURT (First Chamber) of 27 June 2018 - Turbogás — Produtora Energética SA v Autoridade Tributária e Aduaneira - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Third subparagraph of Article 21(5) — **Entity producing electricity for its own use — Small producers of electricity** — Article 14(1)(a) — **Energy products used for the production of electricity — Obligation to exempt**

[CURIA – Judgment of the Court of Justice in Case C-90/17 of 27 June 2018](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION REGULATION (EU) 2018/969 of 9 July 2018 **amending** Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the **requirements for the removal of specified risk materials from small ruminants** (Text with EEA relevance)

[OJ of the EU, L 174/12 of 10 July 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/945 of 22 June 2018 on the **communicable diseases and related special health issues to be covered by epidemiological surveillance as well as relevant case definitions** (Text with EEA relevance)

[OJ of the EU, L 170/1 of 6 July 2018](#)

COMMISSION REGULATION (EU) 2018/960 of 5 July 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 lambda-cyhalothrin in or on certain products** (Text with EEA relevance)

[OJ of the EU, L 169/27 of 6 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/941 of 2 July 2018 **amending** Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the **increased level of official controls on imports of certain feed and food of non-animal origin** and Commission Implementing Regulation (EU) No 885/2014 (Text with EEA relevance)

[OJ of the EU, L 166/7 of 3 July 2018](#)

Case Law

Case C-339/17: JUDGMENT OF THE COURT (Fifth Chamber) of 5 July 2018 - Verein für lautereren Wettbewerb eV v Princesport GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Textile fibre names and related labelling and marking requirements** — Regulation (EU) No 1007/2011 — Articles 7 and 9 — **Pure textile products — Multi-fibre textile products — Labelling or marking methods**

[CURIA – Judgment of the Court of Justice in Case C-339/17 of 5 July 2018](#)

Case C-220/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 4 July 2018 - Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG v Land Berlin - Request for a preliminary ruling from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — Approximation of laws — **Manufacture, presentation and sale of tobacco products** — Directive 2014/40/EU — Article 7(1) and (7) — **Prohibition on the placing on the market of tobacco products with characterising flavours** — Article 7(14) — **Transitional period for tobacco products with a characterising flavour whose European Union-wide sales volumes represent 3% or more in a particular product category — Assessment of validity — Principle of equal treatment** — Article 13(1)(c) — Interpretation — Prohibition on any element or feature that refers to taste, smell, flavourings or other additives or the absence thereof — **Application to tobacco products containing a characterising flavour whose sale is still permitted after 20 May 2016**

[CURIA – Opinion of Advocate General in Case C-220/17 of 4 July 2018](#)

Affaire C-419/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 26 juin 2018 Deza a.s. contre Agence européenne des produits chimiques - Pourvoi — **Établissement d'une liste des substances soumises à autorisation – Inscription sur la liste de substances identifiées en vue d'une inclusion à terme dans l'annexe XIV** – Mise à jour de l'inscription de la substance phtalate de bis(2-éthylhexyle) (DEHP) sur la liste — **Prétendues erreurs d'interprétation et d'application du règlement (CE) no 1907/2006 ainsi que du principe de sécurité juridique**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-419/17 du 26 juin 2018](#)

12. Human Rights

Case Law

Case C-540/16: JUDGMENT OF THE COURT (Fifth Chamber) of 12 July 2018 - 'Spika' UAB, 'Senoji Baltija' AB, 'Stekutis' UAB and 'Prekybos namai Aistra' UAB v Žuvininkystės tarnyba prie Lietuvos Respublikos žemės ūkio ministerijos and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Common fisheries policy** — Regulation (EU) No 1380/2013 — Article 16(6) and Article 17 — **Allocation of fishing opportunities — National legislation laying down a method based on objective and transparent criteria — Inequalities in the conditions of competition between operators in the sector — Charter of Fundamental Rights of the European Union** — Articles 16 and 20 — **Freedom to conduct a business — Equal treatment — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-540/16 of 12 July 2018](#)

Case C-89/17: JUDGMENT OF THE COURT (Fourth Chamber) of 12 July 2018 - Secretary of State for the Home Department v Rozanne Banger - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Immigration and Asylum Chamber) (United Kingdom) - Reference for a preliminary ruling — **Citizenship of the European Union** — Article 21 TFEU — **Right of Union citizens to move and reside freely within the territory of the European Union** — Directive 2004/38/EC — Point (b) of the first subparagraph of Article 3(2) — **Partner with whom the Union citizen has a duly-attested durable relationship** — **Return to the Member State of which the Union citizen is a national** — **Application for residence authorisation** — **Extensive examination of the applicant’s personal circumstances** — Articles 15 and 31 — **Effective judicial protection** — **Charter of Fundamental Rights of the European Union** — Article 47

[CURIA – Judgment of the Court of Justice in Case C-89/17 of 12 July 2018](#)

Case C-25/17: JUDGMENT OF THE COURT (Grand Chamber) of 10 July 2018 - Tietosuojavaltuutettu v Jehovan todistajat — uskonnollinen yhdyskunta - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — **Scope of the directive** — Article 3 — **Data collected and processed by the members of a religious community in the course of their door-to-door preaching** — Article 2(c) — **Definition of a ‘personal data filing system’** — Article 2(d) — **Definition of a ‘controller’ of the processing of personal data** — **Article 10(1) of the Charter of Fundamental Rights of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-25/17 of 10 July 2018](#)

Case C-213/17: JUDGMENT OF THE COURT (Third Chamber) of 5 July 2018 - X v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag, zittingsplaats Amsterdam (District Court, The Hague, sitting in Amsterdam, the Netherlands) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determining the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national** — Articles 17, 18, 23 and 24 — **Prior international protection procedure ongoing in one Member State** — **New application in another Member State** — **Take back request not made within the prescribed periods** — Surrender of the person concerned for criminal prosecution

[CURIA – Judgment of the Court of Justice in Case C-213/17 of 5 July 2018](#)

Affaire C-220/18 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 4 juillet 2018 – ML contre Generalstaatsanwaltschaft Bremen (ministère public de Brême, Allemagne) - demande de décision préjudicielle formée par le Hanseatisches Oberlandesgericht in Bremen (tribunal régional supérieur de Brême, Allemagne) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d’arrêt européen** – **Motifs de refus d’exécution** – **Charte des droits fondamentaux de l’Union européenne** – Article 4 – **Interdiction des traitements inhumains et dégradants** – **Conditions de détention dans l’État membre d’émission**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-220/18 du 4 juillet 2018](#)

Affaire C-652/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL PAOLO MENGGOZZI du 28 juin 2018 - Nigyar Rauf Kaza Ahmedbekova et Rauf Emin Oglu Ahmedbekov contre Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite - demande de décision préjudicielle formée par l’Administrativen sad Sofia-grad (tribunal administratif de Sofia, Bulgarie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – **Frontières, asile et immigration** – **Normes relatives à l’octroi du statut de réfugié** – Directives 2005/85 et 2011/95 – **Demandes de protection internationale des membres d’une famille d’une personne qui a demandé la reconnaissance du statut de réfugié** – Disposition nationale qui reconnaît le statut de réfugié aux membres de la famille d’un réfugié reconnu – Directive 2013/32 – **Droit à un recours effectif**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-652/16 du 28 juin 2018](#)

Case C-230/17: JUDGMENT OF THE COURT (Third Chamber) of 27 June 2018 - Erdem Deha Altiner and Isabel Hanna Ravn v Udlændingestyrelsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21(1) TFEU — Directive 2004/38/EC — **Right to move and reside freely within the territory of the Member States** — **Right of residence of a third-country national who is a family member of a Union citizen in the Member State of which that citizen is a national** — Entry by that family member into the territory of the Member State in question subsequent to the return of the Union citizen to that Member State)

[CURIA – Judgment of the Court of Justice in Case C-230/17 of 27 June 2018](#)

Affaire C-380/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 27 juin 2018 - Staatssecretaris van Veiligheid en Justitie, K, B contre H. Y. (2) et Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le Raad van State (Conseil d'État, Pays-Bas) - Renvoi préjudiciel – Exclusion du champ d'application de la directive 2003/86/CE – **Dispositions du droit de l'Union rendues applicables de manière directe et inconditionnelle par le droit national** – **Compétence de la Cour** – **Droit au regroupement familial** – **Régime plus favorable des réfugiés** – Article 12, paragraphe 1, troisième alinéa – **Rejet d'une demande** – **Non-respect du délai de trois mois suivant l'octroi du statut de protection subsidiaire** – Délai indicatif

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-380/17 du 27 juin 2018](#)

Case C-246/17: JUDGMENT OF THE COURT (First Chamber) of 27 June 2018 - Ibrahima Diallo v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — **Citizens of the European Union** — Directive 2004/38/EC — Article 10(1) — **Application for a residence card as a family member** — Issuance — Time limit — Adoption and notification of the decision — Consequences of non-compliance with the period — **Procedural autonomy of Member States** — **Principle of effectiveness**

[CURIA – Judgment of the Court of Justice in Case C-246/17 of 27 June 2018](#)

Affaire C-257/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 27 juin 2018 – C et A contre Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le Raad van State (Conseil d'État, Pays-Bas) - Renvoi préjudiciel – Exclusion du champ d'application de la directive 2003/86 – **Dispositions du droit de l'Union rendues applicables de manière directe et inconditionnelle par le droit national** – **Compétence de la Cour** – **Droit au regroupement familial** – Article 15, paragraphes 1 et 4 – **Refus d'octroi de titre de séjour autonome à un ressortissant de pays tiers après cinq ans de résidence dans l'État membre** – **Réglementation nationale prévoyant une obligation de réussir un examen d'intégration civique** – Condition procédurale – Date d'introduction d'une demande de séjour autonome comme étant la date de prise d'effet d'un titre de séjour autonome

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-257/17 du 27 juin 2018](#)

13. Internal Market and Single Market

Case Law

Case C-540/16: JUDGMENT OF THE COURT (Fifth Chamber) of 12 July 2018 - 'Spika' UAB, 'Senoji Baltija' AB, 'Stekutis' UAB and 'Prekybos namai Aistra' UAB v Žuvininkystės tarnyba prie Lietuvos Respublikos žemės ūkio ministerijos and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausioji administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Common fisheries policy** — Regulation (EU) No 1380/2013 — Article 16(6) and Article 17 — **Allocation of fishing opportunities** — **National legislation laying down a method based on objective and transparent criteria** — **Inequalities in the conditions of competition between operators in the sector** — **Charter of Fundamental Rights of the European Union** — Articles 16 and 20 — **Freedom to conduct a business** — **Equal treatment** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-540/16 of 12 July 2018](#)

Case C-14/17: JUDGMENT OF THE COURT (Fourth Chamber) of 12 July 2018 - VARSrl and Azienda Trasporti Milanesi SpA (ATM) v Iveco Orecchia 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 procurement** — Directive 2004/17/EC — Article 34 — **Supply of spare parts for buses and trolley-buses — Technical specifications — Equivalent products — Whether proof of equivalence may be provided after the contract has been awarded**
[CURIA – Judgment of the Court of Justice in Case C-14/17 of 12 July 2018](#)

Affaire C-272/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 11 juillet 2018 - K. et M. Mme Zyla contre Staatssecretaris van Financiën - Demande de décision préjudicielle présentée par le Hoge Raad der Nederlanden (Cour suprême, Pays-Bas) - Question préjudicielle – **Libre circulation des travailleurs – Égalité de traitement – Impôts sur le revenu – Cotisations aux assurances sociales – Réduction d'impôts et de cotisations** – Travailleur ayant déménagé au cours de l'année civile – Réduction au prorata de la période assurée
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-272/17 du 11 juillet 2018](#)

Affaire C-328/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 5 juillet 2018 - Amt Azienda Trasporti e Mobilità SpA, Atc Esercizio SpA, Atp Esercizio Srl, Riviera Trasporti SpA, et Tpl Linea Srl contre Atpl Liguria – Agenzia regionale per il trasporto pubblico locale SpA et Regione Liguria - Demande de décision préjudicielle formée par le Tribunale Amministrativo Regionale per la Liguria (tribunal administratif régional de Ligurie, Italie) - Renvoi préjudiciel – **Marchés publics – Recevabilité – Perte d'objet** – Directive 89/665/CEE – **Procédures de recours – Nécessité d'avoir participé à la procédure d'appel d'offres pour pouvoir former un recours – Qualité pour agir du soumissionnaire en cas de certitude absolue d'inéligibilité**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-328/17 du 5 juillet 2018](#)

Case C-305/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 5 July 2018 - FENS spol. s r.o. v Slovenská republika — Úrad pre reguláciu sieťových odvetví - Request for a preliminary ruling from the Okresný súd Bratislava II (District Court Bratislava II, Slovakia) - **Free movement of goods — Customs duties on exports — Charges having equivalent effect to customs duties — Internal taxation — Charge for network services for the transmission of electricity**
[CURIA – Opinion of Advocate General in Case C-305/17 of 5 July 2018](#)

Case C-635/16 P: JUDGMENT OF THE COURT (Tenth Chamber) of 28 June 2018 - pliethoff's Bevrachtingskantoor BV, established in Amsterdam (Netherlands) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Actions for annulment — Admissibility — **Determination of the subject-matter of the proceedings — Financial assistance in the field of Connecting Europe Facility (CEF) — Transport sector for the period 2014-2020 — Call for proposals — Innovation and Networks Executive Agency (INEA) — Email informing the appellant of the rejection of its proposal — Subsequent decision of the European Commission establishing the list of selected proposals — Effective judicial protection**
[CURIA – Judgment of the Court of Justice in Case C-635/16 of 28 June 2018](#)

Affaire C-546/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 26 juin 2018 - Montte SL contre Musikene - demande de décision préjudicielle formée par l'Órgano Administrativo de Recursos Contractuales de la Comunidad Autónoma de Euskadi (organe administratif de la Communauté autonome du Pays basque compétent en matière de recours dans le domaine des marchés publics, Espagne) - Renvoi préjudiciel – **Marchés publics – Procédure ouverte – Critères d'attribution – évaluation des offres par phases successives – Seuil de points minimum**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-546/16 du 26 juin 2018](#)

14. Intellectual Property

Case Law

Case C-217/17 P: JUDGMENT OF THE COURT (Ninth Chamber) of 5 July 2018 - Mast-Jägermeister SE, established in Wolfenbüttel (Germany) v European Union Intellectual Property Office (EUIPO) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Community design — Application for registration of designs representing beakers** — Regulation (EC) No 6/2002 — Article 36(1)(c) — **Graphic representation** — Articles 45 and 46 — **Attribution of a date of filing — Conditions** — Regulation (EC) No 2245/2002 — Article 4(1)(e) and Article 10(1) and (2)

[CURIA – Judgment of the Court of Justice in Case C-217/17 of 5 July 2018](#)

Case C-564/16 P: JUDGMENT OF THE COURT (Second Chamber) of 28 June 2018 - European Union Intellectual Property Office (EUIPO) v Puma SE, established in Herzogenaurach (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 8(5) — Article 76 — **Opposition proceedings — Relative grounds for refusal** — Regulation (EC) No 2868/95 — Rule 19 — Rule 50(1) — **Earlier decisions of the European Union Intellectual Property Office (EUIPO) recognising the reputation of the earlier trade mark — Principle of sound administration** — Taking account of those decisions in subsequent opposition proceedings — Obligation to state reasons — Procedural obligations of the Boards of Appeal of EUIPO

[CURIA – Judgment of the Court of Justice in Case C-564/16 of 28 June 2018](#)

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

Case Law

Case C-88/17: JUDGMENT OF THE COURT (Third Chamber) of 11 July 2018 - Zurich Insurance plc and Metso Minerals Oy v Abnormal Load Services (International) Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **Cooperation in civil and commercial matters** — Regulation (EC) No 44/2001 — **Jurisdiction** — Second indent of Article 5(1)(b) — **Jurisdiction of the courts for the place of performance of the obligation — Place of provision of services — Contract for the carriage of goods between two Member States** — Route consisting of several stages and involving a number of means of transport

[CURIA – Judgment of the Court of Justice in Case C-88/17 of 11 July 2018](#)

Affaire C-478/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 10 juillet 2018 – IQ contre JP - demande de décision préjudicielle formée par le Tribunalul Cluj (tribunal de grande instance de Cluj, Roumanie) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Compétence en matière de responsabilité parentale – Renvoi à une juridiction mieux placée pour connaître de l'affaire – Notion de "juridictions d'un État membre compétentes pour connaître du fond"**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-478/17 du 10 juillet 2018](#)

Case C-27/17: JUDGMENT OF THE COURT (Second Chamber) of 5 July 2018 - AB 'flyLAL-Lithuanian Airlines', in liquidation v 'Starptautiskā lidosta "Rīga" VAS, 'Air Baltic Corporation' AS, 'ŽIA Valda' AB, 'VA Reals' AB and Lietuvos Respublikos konkurencijos taryba - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos apeliacinis teismas (Court of Appeal, Lithuania) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Special jurisdiction** — Article 5(3) — **Tort, delict or quasi-delict — Place where the harmful event occurred — Place where the damage occurred and place of the event giving rise to the damage** — Claim for compensation for damage allegedly caused by anticompetitive conduct committed in various Member States — Article 5(5) — Operations of a branch — Meaning

[CURIA – Judgment of the Court of Justice in Case C-27/17 of 5 July 2018](#)

Case C-43/17 P: JUDGMENT OF THE COURT (First Chamber) of 5 July 2018 - Liam Jenkinson, residing in Killarney (Ireland) v Council of the European Union, European Commission, European External Action Service (EEAS) and Eulex Kosovo, established in Pristina (Kosovo) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Arbitration clause — Staff of international missions of the European Union — Jurisdiction to rule on disputes concerning employment contracts — Consecutive fixed-term contracts — Arbitration clauses conferring jurisdiction, in the final contract, on the Courts of the European Union, and, in the previous contracts, on the Brussels (Belgium) courts — Decision not to renew the final contract — Claim that all the contractual relationships should be recategorised as a ‘contract of indefinite duration’ — Claims for compensation for unfair dismissal — Contractual relationships prior to the final contract to be taken into account — Jurisdiction of the General Court of the European Union
[CURIA – Judgment of the Court of Justice in Case C-43/17 of 5 July 2018](#)

Case C-390/16: JUDGMENT OF THE COURT (Second Chamber) of 5 July 2018 - Dániel Bertold Lada - REQUEST for a preliminary ruling under Article 267 TFEU from the Szombathelyi Törvényszék (Szombathely Court, Hungary) - Reference for a preliminary ruling — Judicial cooperation in criminal matters — Framework Decision 2008/675/JHA — Taking account in new criminal proceedings of a previous conviction in another Member State — Special procedure for recognition of a conviction in another Member State — Review and legal reclassification of the earlier decision — Principle of mutual recognition — Article 82(1) TFEU
[CURIA – Judgment of the Court of Justice in Case C-390/16 of 5 July 2018](#)

Affaire C-595/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 5 juillet 2018 - Apple Sales International, Apple Inc. et Apple retail France EURL contre MJA, en qualité de mandataire liquidateur de eBizcuss.com (eBizcuss) - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel — Espace de liberté, de sécurité et de justice — Compétence judiciaire en matière civile et commerciale — Article 23 du règlement (CE) n° 44/2001 — Clause attributive de juridiction figurant dans un contrat de distribution — Action indemnitaire du distributeur fondée sur la violation de l’article 102 TFUE par le fournisseur
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-595/17 du 5 juillet 2018](#)

Affaire C-220/18 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 4 juillet 2018 – ML contre Generalstaatsanwaltschaft Bremen (ministère public de Brême, Allemagne) - demande de décision préjudicielle formée par le Hanseatisches Oberlandesgericht in Bremen (tribunal régional supérieur de Brême, Allemagne) - Renvoi préjudiciel — Coopération policière et judiciaire en matière pénale – Décision-cadre 2002/584/JAI – Mandat d’arrêt européen – Motifs de refus d’exécution – Charte des droits fondamentaux de l’Union européenne – Article 4 – Interdiction des traitements inhumains et dégradants – Conditions de détention dans l’État membre d’émission
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-220/18 du 4 juillet 2018](#)

Affaire C-308/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 4 juillet 2018 - Hellenische Republik contre Leo Kuhn - demande de décision préjudicielle formée par l’Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – Règlement (UE) n° 1215/2012 – Compétence judiciaire en matière civile et commerciale – Champ d’application – Article 1er, paragraphe 1 – Notion de “matière civile et commerciale” – Obligations émises par un État membre – Participation à la restructuration de la dette publique – Modification unilatérale et rétroactive des conditions de l’emprunt – Clauses d’action collective – Recours exercé contre l’État par des créanciers privés détenteurs de ces obligations en tant que personnes physiques – Responsabilité de l’État pour les acta jure imperii – Compétences spéciales – Article 7, point 1, sous a) – Compétence en matière contractuelle – Notion de “matière contractuelle” – Notion d’“engagement librement assumé d’une partie envers une autre” – Notion de “lieu d’exécution de l’obligation qui sert de base à la demande” – Conditions de souscription de l’emprunt obligataire d’État – Transferts successifs de la créance – Lieu effectif d’exécution de l’“obligation principale” – Paiement d’intérêts
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-308/17 du 4 juillet 2018](#)

Case C-512/17: JUDGMENT OF THE COURT (Fifth Chamber) of 28 June 2018 - HR v KO and Prokuratura Rejonowa Poznań Stare Miasto w Poznaniu - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Rejonowy Poznań-Stare Miasto w Poznaniu (District Court, Poznań-Old Town, Poznań, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of judgments in matrimonial matters and in the matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 8(1) — **Place of habitual residence of the child** — Infant — **Decisive circumstances for establishing that place of habitual residence**

[CURIA – Judgment of the Court of Justice in Case C-512/17 of 28 June 2018](#)

Affaire C-296/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 28 juin 2018 - Wiemer & Trachte GmbH, en liquidation contre Zhan Oved Tadzher - demande de décision préjudicielle formée par Varhoven kasatsionen sad (Bulgarie) (Bulgarie) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Procédures d'insolvabilité** – Règlement (CE) n° 1346/2000 – Article 3, paragraphe 1 – **Compétence internationale** – Article 21 – Mesures de publicité – Article 24 – **Absence d'ouverture de la procédure d'insolvabilité – Exécution au profit du débiteur – Présomption d'ignorance – Action révocatoire**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-296/17 du 28 juin 2018](#)

Affaire C-652/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL PAOLO MENGOZZI du 28 juin 2018 - Nigyar Rauf Kaza Ahmedbekova et Rauf Emin Ogla Ahmedbekov contre Zamestnik-predsdatel na Darzhavna agentsia za bezhantsite - demande de décision préjudicielle formée par l'Administrativen sad Sofia-grad (tribunal administratif de Sofia, Bulgarie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Normes relatives à l'octroi du statut de réfugié** – Directives 2005/85 et 2011/95 – **Demandes de protection internationale des membres d'une famille d'une personne qui a demandé la reconnaissance du statut de réfugié** – Disposition nationale qui reconnaît le statut de réfugié aux membres de la famille d'un réfugié reconnu – Directive 2013/32 – **Droit à un recours effectif**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-652/16 du 28 juin 2018](#)

Case C-216/18 PPU: OPINION OF ADVOCATE GENERAL TANCHEV of 28 June 2018 - Minister for Justice and Equality v LM - Deficiencies in the system of justice - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decision 2002/584/JHA — **European arrest warrant — Grounds for refusal to execute — Charter of Fundamental Rights of the European Union** — Article 47 — **Right to a fair trial — Rule of law** — Article 7 TEU — **Reasoned proposal of the Commission inviting the Council to determine that there is a clear risk of a serious breach by the Republic of Poland of a value referred to in Article 2 TEU**

[CURIA – Opinion of Advocate General in Case C-216/18 of 28 June 2018](#)

Case C-364/17: JUDGMENT OF THE COURT (Sixth Chamber) of 27 June 2018 - 'Varna Holideis' EOOD v Direktor na Direktsia 'Obzhvalvane i danachno-osiguritelna praktika'– Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite - REQUEST for a preliminary ruling under Article 267 TFEU from Administrativen sad — Varna (Administrative Court, Varna, Bulgaria) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Supply of immovable property effected prior to the accession of the Republic of Bulgaria to the European Union — Nullity of the contract of sale coming to light after the accession** — Obligation to adjust the initial deduction — Interpretation — **Jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-364/17 of 27 June 2018](#)

Affaire C-257/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 27 juin 2018 – C et A contre Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le Raad van State (Conseil d'État, Pays-Bas) - Renvoi préjudiciel – Exclusion du champ d'application de la directive 2003/86 – **Dispositions du droit de l'Union rendues applicables de manière directe et inconditionnelle par le droit national – Compétence de la Cour – Droit au regroupement familial** – Article 15, paragraphes 1 et 4 – **Refus d'octroi de titre de séjour autonome à un ressortissant de pays tiers après cinq ans de résidence dans l'État membre – Réglementation nationale prévoyant une obligation de réussir un examen d'intégration civique** – Condition procédurale – Date d'introduction d'une demande de séjour autonome comme étant la date de prise d'effet d'un titre de séjour autonome

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-257/17 du 27 juin 2018](#)

Affaire C-219/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 27 juin 2018 - Silvio Berlusconi et Finanziaria d'investimento Fininvest SpA (Fininvest) contre Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS), Ministero dell'Economia e delle Finanze, Banca Mediolanum SpA, Holding Italiana Quarta SpA, Fin. Prog. Italia di E. Doris & C. s.a.p.a., Sirefid SpA et Ennio Doris - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d'État, Italie) - Question préjudicielle – **Surveillance prudentielle des établissements de crédit – Mécanisme de surveillance unique – Acquisition d'une participation qualifiée dans un établissement de crédit – Procédures administratives complexes de l'Union – Contrôle juridictionnel des procédures administratives complexes – **Juridiction compétente pour examiner un recours dirigé contre des actes adoptés par une autorité nationale – Principe de la force de chose jugée**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-219/17 du 27 juin 2018](#)**

16. Transport

International Agreements

DECISION No 1/2018 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 12 June 2018 **amending** Annex 1 to the **Agreement between the European Community and the Swiss Confederation** on the **carriage of goods and passengers by rail and road** [2018/944]

[OJ of the EU, L 166/20 of 3 July 2018](#)

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2018/985 of 12 February 2018 **supplementing** Regulation (EU) No 167/2013 of the European Parliament and of the Council as regards **environmental and propulsion unit performance requirements for agricultural and forestry vehicles and their engines** and repealing Commission Delegated Regulation (EU) 2015/96 (Text with EEA relevance)

[OJ of the EU, L 182/1 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/986 of 3 April 2018 **amending** **Implementing** Regulation (EU) 2015/504 as regards the **adaptation of the administrative provisions for the approval and market surveillance of agricultural and forestry vehicles** to Stage V emission limits (Text with EEA relevance)

[OJ of the EU, L 182/16 of 18 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/987 of 27 April 2018 **amending and correcting** Delegated Regulation (EU) 2017/655 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to **monitoring of gaseous pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery** (Text with EEA relevance)

[OJ of the EU, L 182/40 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/988 of 27 April 2018 **amending and correcting** **Implementing** Regulation (EU) 2017/656 laying down the **administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery** in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 182/46 of 18 July 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/989 of 18 May 2018 **amending and correcting** Delegated Regulation (EU) 2017/654 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to **technical and general requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery** (Text with EEA relevance)

[OJ of the EU, L 182/61 of 18 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1002 of 16 July 2018 **amending** **Implementing** Regulation (EU) 2017/1153 to **clarify and simplify the correlation procedure and to adapt it to changes to Regulation (EU) 2017/1151** (Text with EEA relevance)

[OJ of the EU, L 180/10 of 17 July 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1003 of 16 July 2018 **amending Implementing Regulation (EU) 2017/1152 to clarify and simplify the correlation procedure and to adapt it to changes to Regulation (EU) 2017/1151** (Text with EEA relevance)
[OJ of the EU, L 180/16 of 17 July 2018](#)

REGULATION (EU) 2018/974 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2018 on **statistics of goods transport by inland waterways** (codification)
[OJ of the EU, L 179/14 of 16 July 2018](#)

COMMISSION DELEGATED DIRECTIVE (EU) 2018/970 of 18 April 2018 **amending** Annexes II, III and V to Directive (EU) 2016/1629 of the European Parliament and of the Council laying down **technical requirements for inland waterway vessels**
[OJ of the EU, L 174/15 of 10 July 2018](#)

REGULATION (EU) 2018/956 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 June 2018 on the **monitoring and reporting of CO2 emissions from and fuel consumption of new heavy-duty vehicles** (Text with EEA relevance)
[OJ of the EU, L 173/1 of 9 July 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/936 of 29 June 2018 **authorising Member States to adopt certain derogations** pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods** (notified under document C(2018) 4003)
[OJ of the EU, L 165/42 of 2 July 2018](#)

COMMISSION DIRECTIVE (EU) 2018/933 of 29 June 2018 **correcting the German language version** of Directive 2006/126/EC of the European Parliament and of the Council on **driving licences** (Text with EEA relevance)
[OJ of the EU, L 165/35 of 2 July 2018](#)

COMMISSION REGULATION (EU) 2018/932 of 29 June 2018 **amending** Regulation (EU) No 582/2011 as regards the **provisions on testing by means of portable emission measurement systems (PEMS) and the requirements for universal fuel** range type-approval (Text with EEA relevance)
[OJ of the EU, L 165/32 of 2 July 2018](#)

Case Law

Case C-629/16: JUDGMENT OF THE COURT (Second Chamber) of 11 July 2018 - CX v Bezirkshauptmannschaft Schärding - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — **International road transport — Agreement establishing an Association between the European Economic Community and Turkey** — Article 9 — Additional Protocol — Articles 41 and 42 — Freedom to provide services — Standstill clause — Decision No 1/95 of the EC-Turkey Association Council — Articles 5 and 7 — **Free movement of goods — National legislation restricting the right of road haulage undertakings with their seat in Turkey to operate their vehicles in the territory of the Member State concerned** — Obligation to obtain an authorisation issued within the limits of a quota determined on the basis of a bilateral agreement concluded between that Member State and Turkey or a permit granted for a single transport of substantial public interest
[CURIA – Judgment of the Court of Justice in Case C-629/16 of 11 July 2018](#)

Case C-532/17: JUDGMENT OF THE COURT (Third Chamber) of 4 July 2018 - Wolfgang Wirth, Theodor Mülder, Ruth Mülder and Gisela Wirth v Thomson Airways Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Transport** — Regulation (EC) No 261/2004 — Article 2(b) — Scope — **Definition of ‘operating air carrier’ — Lease of aircraft including crew ‘Wet lease’**
[CURIA – Judgment of the Court of Justice in Case C-532/17 of 7 July 2018](#)

Case C-635/16 P: JUDGMENT OF THE COURT (Tenth Chamber) of 28 June 2018 - pliethoff's Bevrachtungskantoor BV, established in Amsterdam (Netherlands) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Actions for annulment — Admissibility — **Determination of the subject-matter of the proceedings — Financial assistance in the field of Connecting Europe Facility (CEF) — Transport sector for the period 2014-2020 — Call for proposals — Innovation and Networks Executive Agency (INEA) — Email informing the appellant of the rejection of its proposal — Subsequent decision of the European Commission establishing the list of selected proposals — Effective judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-635/16 of 28 June 2018](#)

Affaire C-330/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 28 juin 2018 - Verbraucherzentrale Baden-Württemberg eV contre Germanwings GmbH - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - Renvoi préjudiciel – **Transport – Règlement (CE) n° 1008/2008 – Règles communes pour l'exploitation de services aériens dans l'Union – Article 2, point 18, et article 23, paragraphe 1 – Information – Nécessité d'indiquer les tarifs des passagers "en euro ou en monnaie nationale" – Obligation éventuelle de mentionner ces tarifs dans une monnaie nationale déterminée – **Critères pertinents, le cas échéant, aux fins d'identifier cette monnaie****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-330/17 du 28 juin 2018](#)

Case C-384/17: OPINION OF ADVOCATE GENERAL BOBEK of 26 June 2018 - Doel Uvoz-Izvoz Skopje Link Logistik N&N v Budapest Rendőrfőkapitánya - Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - Reference for a preliminary ruling — **Transportation by road — Charging of heavy goods vehicles for the use of certain infrastructures — Directive 1999/62/EC — Article 9a — **Requirement of proportionality of sanctions — Conform interpretation — Direct effect — Consequences for national courts and administrative authorities** — Power to impose a milder sanction pending legislative intervention**

[CURIA – Opinion of Advocate General in Case C-384/17 of 26 June 2018](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

List of **competent authorities** which are **authorised to search directly the data contained in the second generation Schengen Information System** pursuant to Article 31(8) of Regulation (EC) No 1987/2006 of the European Parliament and of the Council and Article 46(8) of Council Decision 2007/533/JHA on the **establishment, operation and use of the second generation Schengen Information System** (2018/C 226/01)

[OJ of the EU, C 226/1 of 28 June 2018](#)

List of **N.SIS II Offices and the national Sirene Bureaux** (2018/C 226/02)

[OJ of the EU, C 226/170 of 28 June 2018](#)

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

Case Law

Case C-89/17: JUDGMENT OF THE COURT (Fourth Chamber) of 12 July 2018 - Secretary of State for the Home Department v Rozanne Banger - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Immigration and Asylum Chamber) (United Kingdom) - Reference for a preliminary ruling — **Citizenship of the European Union — Article 21 TFEU — **Right of Union citizens to move and reside freely within the territory of the European Union** — Directive 2004/38/EC — Point (b) of the first subparagraph of Article 3(2) — **Partner with whom the Union citizen has a duly-attested durable relationship — Return to the Member State of which the Union citizen is a national — Application for residence authorisation — Extensive examination of the applicant's personal circumstances** — Articles 15 and 31 — **Effective judicial protection — Charter of Fundamental Rights of the European Union** — Article 47**

[CURIA – Judgment of the Court of Justice in Case C-89/17 of 12 July 2018](#)

Case C-43/17 P: JUDGMENT OF THE COURT (First Chamber) of 5 July 2018 - Liam Jenkinson, residing in Killarney (Ireland) v Council of the European Union, European Commission, European External Action Service (EEAS) and Eulex Kosovo, established in Pristina (Kosovo) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Arbitration clause — Staff of international missions of the European Union — Jurisdiction to rule on disputes concerning employment contracts — Consecutive fixed-term contracts — Arbitration clauses conferring jurisdiction, in the final contract, on the Courts of the European Union, and, in the previous contracts, on the Brussels (Belgium) courts — Decision not to renew the final contract — Claim that all the contractual relationships should be recategorised as a ‘contract of indefinite duration’ — Claims for compensation for unfair dismissal — Contractual relationships prior to the final contract to be taken into account — Jurisdiction of the General Court of the European Union
CURIA – Judgment of the Court of Justice in Case C-43/17 of 5 July 2018

Case C-230/17: JUDGMENT OF THE COURT (Third Chamber) of 27 June 2018 - Erdem Deha Altiner and Isabel Hanna Ravn v Udlændingestyrelsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark) - Reference for a preliminary ruling — Citizenship of the Union — Article 21(1) TFEU — Directive 2004/38/EC — Right to move and reside freely within the territory of the Member States — Right of residence of a third-country national who is a family member of a Union citizen in the Member State of which that citizen is a national — Entry by that family member into the territory of the Member State in question subsequent to the return of the Union citizen to that Member State)
CURIA – Judgment of the Court of Justice in Case C-230/17 of 27 June 2018

Case C-246/17: JUDGMENT OF THE COURT (First Chamber) of 27 June 2018 - Ibrahima Diallo v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d’État (Council of State, Belgium) - Reference for a preliminary ruling — Citizens of the European Union — Directive 2004/38/EC — Article 10(1) — Application for a residence card as a family member — Issuance — Time limit — Adoption and notification of the decision — Consequences of non-compliance with the period — Procedural autonomy of Member States — Principle of effectiveness
CURIA – Judgment of the Court of Justice in Case C-246/17 of 27 June 2018