



Institut suisse de droit comparé
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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-393/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 17 October 2018 - UD v XB - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales), Family Division - Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in civil matters** — Regulation (EC) No 2201/2003 — Article 8(1) — **Jurisdiction in matters of parental responsibility — Concept of 'habitual residence of the child' — Requirement of physical presence** — Detention of the mother and child in a third country against the will of the mother — **Infringement of the fundamental rights of the mother and child**
[CURIA – Judgment of the Court of Justice in Case C-393/18 of 17 October 2018](#)

Affaire C-662/17: ARRÊT DE LA COUR (septième chambre) du 18 octobre 2018 - E. G. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Système européen commun d'asile** – Directive 2013/32/UE – Article 46, paragraphe 2 – **Recours contre une décision refusant l'octroi du statut de réfugié, mais accordant le statut conféré par la protection subsidiaire** – Recevabilité – Absence d'intérêt suffisant lorsque le statut de protection subsidiaire accordé par un État membre offre les mêmes droits et avantages que ceux offerts par le statut de réfugié au titre du droit de l'Union et du droit national – Pertinence, aux fins de l'examen de l'identité desdits droits et avantages, de la situation individuelle du demandeur
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-662/17 du 18 octobre 2018](#)

Case C-234/17: JUDGMENT OF THE COURT (Grand Chamber) of 24 October 2018 - XC, YB and ZA v Generalprokuratur - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Principles of EU law — Sincere cooperation — Procedural autonomy — Principles of equivalence and effectiveness** — National legislation laying down a remedy allowing criminal proceedings to be reheard in the event of infringement of the European Convention for the Protection of Human Rights and Fundamental Freedoms — No obligation to extend that procedure to cases of alleged infringement of the fundamental rights enshrined in EU law
[CURIA – Judgment of the Court of Justice in Case C-234/17 of 24 October 2018](#)

DIRECTIVE (EU) 2018/1673 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on **combating money laundering by criminal law**
[OJ of the EU, L 284/22 of 12 November 2018](#)

Case C-296/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 November 2018 - Wiemer & Trachte GmbH, in liquidation v Zhan Oved Tadzher - REQUEST for a preliminary ruling under Article 267 TFEU from the Varhoven kasatsionen sad (Supreme Court of Cassation, Bulgaria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 3(1) — **International jurisdiction — Action to set a transaction aside — Exclusive jurisdiction of the courts of the Member State within the territory of which insolvency proceedings have been opened**
[CURIA – Judgment of the Court of Justice in Case C-296/17 of 14 November 2018](#)

REGULATION (EU) 2018/1807 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on a **framework for the free flow of non-personal data in the European Union** (Text with EEA relevance)
[OJ of the EU, L 303/59 of 28 November 2018](#)

1. EU-Swiss Relations

Case Law

Affaire C-581/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 27 septembre 2018 - Martin Wächtler contre Finanzamt Konstanz - demande de décision préjudicielle formée par le Finanzgericht Baden-Württemberg (tribunal des finances du Bade-Wurtemberg, Allemagne) - Renvoi préjudiciel – **Fiscalité – Accord entre la Communauté européenne et ses États membres, d'une part, et la Confédération suisse, d'autre part, sur la libre circulation des personnes – Transfert du domicile fiscal vers la Suisse** – Réglementation d'un État membre prévoyant dans un tel cas une imposition des plus-values latentes sur des parts d'une société
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-581/17 du 27 septembre 2018](#)

2. External Relations / Foreign Policy

Community Legislation

REGULATION (EU) 2018/1806 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 **listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement** (codification)
[OJ of the EU, L 303/39 of 28 November 2018](#)

Case Law

Joined Cases C-582/17 and C-583/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 29 November 2018 - Staatssecretaris van Veiligheid en Justitie v H. (C-582/17) and R. (C-583/17) - Request for a preliminary ruling from the Raad van State (Council of State) (Netherlands) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national — Successive applications lodged in two Member States** — Take back request — **Application of the criteria for determining the Member State responsible by the requesting Member State** — Article 27 — **Whether the scope of judicial review covers misapplication of the Chapter III criteria by the requesting Member State**
[CURIA – Opinion of Advocate General in Case C-582/17 of 29 November 2018](#)

Affaire C-635/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 29 novembre 2018 - E. contre Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats Haarlem (tribunal de La Haye, siégeant à Haarlem, Pays-Bas) - Renvoi préjudiciel – **Contrôles aux frontières, asile et immigration – Politique d'immigration – Droit au regroupement familial** – Directive 2003/86/CE – **Regroupement familial pour les bénéficiaires d'une protection internationale** – Article 11, paragraphe 2 – Charge et niveau de preuve requis aux fins de la démonstration des liens familiaux – Absence des pièces justificatives officielles – **Règle de procédure nationale permettant de rejeter la demande de regroupement familial lorsque le regroupant n'explique pas d'une manière plausible l'absence desdites pièces – Admissibilité**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-635/17 du 29 novembre 2018](#)

Case C-207/17: JUDGMENT OF THE COURT (First Chamber) of 18 October 2018 - Rotho Blaas Srl v Agenzia delle Dogane e dei Monopoli - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione tributaria di primo grado di Bolzano (Tax Court of First Instance, Bolzano, Italy) - Reference for a preliminary ruling — **Common commercial policy — Definitive anti-dumping duty on imports of certain goods originating in the People's Republic of China — Anti-dumping duty held to be incompatible with the General Agreement on Tariffs and Trade by the Dispute Settlement Body of the World Trade Organisation (WTO)**
[CURIA – Judgment of the Court of Justice in Case C-207/17 of 18 October 2018](#)

Case C-145/17 P: JUDGMENT OF THE COURT (First Chamber) of 18 October 2018 - Internacional de Productos Metálicos SA, established in Vitoria-Gasteiz (Spain) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Imports of certain iron or steel fasteners originating in the People’s Republic of China or consigned from Malaysia — Infringement of the Anti-Dumping Agreement concluded in the World Trade Organisation (WTO) — Repeal of definitive anti-dumping duties already collected — Non-retroactive effect — Fourth paragraph of Article 263 TFEU — Person individually concerned — Regulatory act that does not entail implementing measures**

[CURIA – Judgment of the Court of Justice in Case C-145/17 of 18 October 2018](#)

Case C-100/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 18 October 2018 - Gul Ahmed Textile Mills Ltd, established in Karachi (Pakistan) v Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Regulation (EC) No 397/2004 — **Imports of cotton-type bed linen originating in Pakistan — Continuing interest in bringing proceedings****

[CURIA – Judgment of the Court of Justice in Case C-100/17 of 18 October 2018](#)

Affaire C-557/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 4 octobre 2018 - Y.Z., Z.Z. and Y.Y. v Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le Raad van State (Conseil d’État, Pays-Bas) - Renvoi préjudiciel – Directive 2003/86/CE – **Droit au regroupement familial – Directive 2003/109/CE – **Statut des ressortissants de pays tiers résidents de longue durée – Retrait du titre de séjour ou perte du statut pour cause de fraude** – Absence de connaissance**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-557/17 du 4 octobre 2018](#)

Affaire C-168/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 3 octobre 2018 – SH contre TG et UF - Demande de décision préjudicielle déférée par la Kúria (Cour suprême, Hongrie) - **Politique étrangère et de sécurité commune – Mesures restrictives en raison de la situation en Libye – Règlement no 204/2011 – Article 5, paragraphe 2 – **Interdiction de mettre des fonds à la disposition des personnes énumérées à l’annexe III du règlement** – Article 12 – **Clause relative à la non-satisfaction des demandes** – Article 9 – Paiements dérogeant à l’interdiction figurant à l’article 5, paragraphe 2 – **Chaîne de contrats conclus dans le but d’émettre une garantie bancaire au profit d’une entité inscrite sur la liste figurant à l’annexe III du règlement****

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-168/17 du 3 octobre 2018](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1882 of 3 December 2018 on the **application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases** (Text with EEA relevance)

[OJ of the EU, L 308/21 of 4 December 2018](#)

Case Law

Affaire C-341/17 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 5 décembre 2018 - République hellénique contre Commission européenne - Pourvoi – FEOGA, FEAGA et Feader – **Dépenses exclues du financement de l’Union européenne – Dépenses engagées par la République hellénique – Règlement (CE) no 1782/2003 – Règlement (CE) no 796/2004 – **Régime d’aides à la surface – Notion de “pâturages permanents” – Correction financière forfaitaire****

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-341/17 du 5 décembre 2018](#)

Affaire C-235/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 29 novembre 2018 - Commission européenne contre Hongrie - Manquement d'État – Article 63 TFUE – Libre circulation des capitaux – Droits d'usufruit sur des terres agricoles – Réglementation nationale supprimant, sans prévoir d'indemnisation, les droits antérieurement constitués au profit de personnes morales ou de personnes physiques ne pouvant justifier d'un lien de proche parenté avec le propriétaire des terres – Compétence de la Cour pour constater, de manière autonome, une violation de l'article 17 de la charte des droits fondamentaux de l'Union européenne

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-235/17 du 29 novembre 2018](#)

Case C-347/17: OPINION OF ADVOCATE GENERAL BOBEK of 29 November 2018 – A, B, C, D, E, F and G v Staatssecretaris van Economische Zaken - Request for a preliminary ruling from the Rechtbank Rotterdam (District Court, Rotterdam, Netherlands) - Reference for a preliminary ruling — Regulation (EC) No 853/2004 — Regulation (EC) No 854/2004 — Hygiene of food of animal origin — Poultry — Obligations on slaughterhouses after evisceration — Nature and content — Cleaning of carcasses — Notion of 'contamination' — Visible or invisible contamination on a carcass — Contamination by faeces, bile, and crop contents — Controls — Powers of officials

[CURIA – Opinion of Advocate General in Case C-347/17 of 29 November 2018](#)

Affaire C-679/17: ARRÊT DE LA COUR (première chambre) du 22 novembre 2018 - Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Begroting, Financiën en Energie et Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Omgeving, Natuur en Landbouw contre Johannes Huijbrechts - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le hof van beroep te Antwerpen (cour d'appel d'Anvers, Belgique) - Renvoi préjudiciel – Liberté de circulation des capitaux – Restrictions – Législation fiscale – Impôt sur les successions – Bois gérés de façon durable – Exonération – Protection de la superficie forestière

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-679/17 du 22 novembre 2018](#)

Joined Cases C-626/15 and C-659/16: JUDGMENT OF THE COURT (Grand Chamber) of 20 November 2018 - European Commission v Council of the European Union, Federal Republic of Germany, Hellenic Republic, Kingdom of Spain, French Republic, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-626/15) - European Commission v Council of the European Union, Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Grand Duchy of Luxembourg, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-659/16) - ACTIONS for annulment under Article 263 TFEU, brought on 23 November 2015 (C-626/15) and 20 December 2016 (C-659/16) - Actions for annulment — Decision of the Permanent Representatives Committee (Coreper) — Decision approving the submission of a reflection paper to an international body — Admissibility — Challengeable act — Exclusive, shared or complementary competence of the European Union — Action of the European Union alone in an international body or participation of the Member States alongside it — Conservation of marine biological resources — Fisheries — Protection of the environment — Research — Marine protected areas (MPAs) — Antarctic Treaty — Convention on the Conservation of Antarctic Marine Living Resources — Weddell Sea and Ross Sea

[CURIA – Judgment of the Court of Justice in Case C-626/15 of 20 November 2018](#)

Affaire C-334/17 P: ARRÊT DE LA COUR (neuvième chambre) du 15 novembre 2018 - République d'Estonie contre Commission européenne et République de Lettonie - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Organisation commune des marchés – Montant à débiter pour les quantités excédentaires de sucre non éliminées – Décision 2006/776/CE – Demande de modification d'une décision définitive de la Commission européenne – Lettre de rejet – Recours contre cette lettre – Recevabilité

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-334/17 du 15 novembre 2018](#)

Case C-670/17 P: OPINION OF ADVOCATE GENERAL BOBEK of 8 November 2018 - Hellenic Republic v European Commission - Appeal — EAGGF Guidance Section — Operational programme CCI No 2000GR061PO021 (Greece — Objective 1 — Rural reconstruction) — Financial corrections — Legal basis — Transitional provisions — Legitimate expectations — Legal certainty

[CURIA – Opinion of Advocate General in Case C-670/17 of 8 November 2018](#)

Affaire C-462/17: ARRÊT DE LA COUR (neuvième chambre) du 25 octobre 2018 - Tänzer & Trasper GmbH contre Altenweddinger Geflügelhof KG - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Landgericht Hamburg (tribunal régional de Hambourg, Allemagne) - Renvoi préjudiciel – **Rapprochement des législations** – Règlement (CE) n° 110/2008 – **Boissons spiritueuses – Définition, désignation, présentation, étiquetage et protection des indications géographiques** – Annexe II, point 41 – Liqueur à base d'œuf – **Définition – Caractère exhaustif des ingrédients autorisés**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-462/17 du 25 octobre 2018](#)

Case C-587/17 P: OPINION OF ADVOCATE GENERAL WAHL of 4 October 2018 - Kingdom of Belgium v European Commission - Appeal — **Common agricultural policy** — Regulation (EC) No 1290/2005 — **Financing of the common agricultural policy** — European Agricultural Guarantee Fund (EAGF) — Articles 9 and 32 — **Obligations of Member States — Expenses excluded from financing by the European Union — Restitution of unduly paid export refunds** — Need to exhaust all domestic remedies — No request for a preliminary ruling — **Negligence attributable to a Member State — Criteria of assessment**

[CURIA – Opinion of Advocate General in Case C-587/17 of 4 October 2018](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1979 of 13 December 2018 **setting the weighted average of maximum mobile termination rates across the Union** and repealing Implementing Regulation (EU) 2017/2311 (Text with EEA relevance)

[OJ of the EU, L 317/10 of 14 December 2018](#)

COMMISSION DECISION (EU) 2018/1962 of 11 December 2018 **laying down internal rules** concerning the **processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to data subjects and the restriction of certain of their rights** in accordance with Article 25 of Regulation (EU) 2018/1725 of the European Parliament and of the Council

[OJ of the EU, L 315/41 of 12 December 2018](#)

COMMISSION DECISION (EU) 2018/1961 of 11 December 2018 **laying down internal rules** concerning the provision of **information to data subjects and the restriction of certain of their rights in the context of the processing of personal data for the purpose of internal audit activities**

[OJ of the EU, L 315/35 of 12 December 2018](#)

COMMISSION DECISION (EU) 2018/1927 of 5 December 2018 **laying down internal rules concerning the processing of personal data by the European Commission in the field of competition in relation to the provision of information to data subjects and the restriction of certain rights**

[OJ of the EU, L 313/39 of 10 December 2018](#)

DIRECTIVE (EU) 2018/1808 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 **amending** Directive 2010/13/EU on the **coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services** (Audiovisual Media Services Directive) in view of **changing market realities**

[OJ of the EU, L 303/69 of 28 November 2018](#)

REGULATION (EU) 2018/1807 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on a **framework for the free flow of non-personal data in the European Union** (Text with EEA relevance)

[OJ of the EU, L 303/59 of 28 November 2018](#)

REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the **protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data**, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance)

[OJ of the EU, L 295/39 of 21 November 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/1716 of 13 November 2018 **amending** Implementing Decision 2013/776/EU **establishing the Education, Audiovisual and Culture Executive Agency**
[OJ of the EU, L 286/33 of 14 November 2018](#)

COUNCIL REGULATION (EU) 2018/1488 of 28 September 2018 **establishing the European High Performance Computing Joint Undertaking**
[OJ of the EU, L 252/1 of 8 October 2018](#)

Case Law

Case C-298/17: JUDGMENT OF THE COURT (Fourth Chamber) of 13 December 2018 - France Télévisions SA v Playmédia, Conseil supérieur de l'audiovisuel (CSA) and Ministry of Culture and Communication - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — Directive 2002/22/EC — **Electronic communications networks and services — Universal service and users' rights — Undertaking providing an electronic communications network used for the distribution of radio or television broadcasts to the public** — Undertaking offering the live streaming of television programmes online — 'Must carry' obligation
[CURIA – Judgment of the Court of Justice in Case C-298/17 of 13 December 2018](#)

Case C-492/17: JUDGMENT OF THE COURT (Fourth Chamber) of 13 December 2018 - Südwestrundfunk v Tilo Rittinger, Patrick Wolter, Harald Zastera, Dagmar Fahner, Layla Sofan and Marc Schulte - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Tübingen (Regional Court, Tübingen, Germany) - Reference for a preliminary ruling — **State aid** — Article 107(1) TFEU — Article 108(3) TFEU — **Public broadcasting institutions — Financing — Legislation of a Member State under which all adults possessing a dwelling within the country are required to pay a contribution to public broadcasters**
[CURIA – Judgment of the Court of Justice in Case C-492/17 of 13 December 2018](#)

Case C-33/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Čepelnik d.o.o. v Michael Vavti - REQUEST for a preliminary ruling under Article 267 TFEU from the Bezirksgericht Bleiburg/Okrajno Sodišče Pliberk (District Court, Bleiburg, Austria) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Restrictions — Services in the internal market** — Directive 2006/123/EC — **Labour law — Posting of workers in order to carry out construction works — Reporting of workers** — Retention and translation of payslips — **Suspension of payments — Payment of a security by the recipient of the services — Surety for a possible fine to be imposed on the service provider**
[CURIA – Judgment of the Court of Justice in Case C-33/17 of 13 November 2018](#)

Case C-299/17: OPINION OF ADVOCATE GENERAL HOGAN of 13 December 2018 - VG Media Gesellschaft zur Verwertung der Urheber- und Leistungsschutzrechte von Medienunternehmen mbH v Google LLC, successor in law to Google Inc. - Request for a preliminary ruling from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling — Approximation of laws — Directive 98/34/EC — **Procedure for the provision of information in the field of technical regulations and of rules on Information Society Services — Obligation on Member States to notify the European Commission of all draft technical regulations** — Inapplicability of rules classifiable as technical regulations not notified to the Commission — National rule which prohibits commercial operators of search engines and commercial service providers which edit content from making press products available to the public, a rule which is not specifically aimed at the services defined in that point — **Technical regulation — Rule which is not specifically aimed at Information Society services**
[CURIA – Opinion of Advocate General in Case C-299/17 of 13 December 2018](#)

Affaire C-572/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 3 octobre 2018 – Riksåklagaren contre Imran Syed - demande de décision préjudicielle formée par le Högsta domstolen (Cour suprême, Suède) - Renvoi préjudiciel – **Droit d'auteur et droits voisins – Société de l'information – Droit de distribution – Violation – Vêtements portant des signes identiques ou similaires à certaines marques enregistrées de l'Union** – Entreposage à des fins commerciales – Entrepôt séparé du magasin
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-572/17 du 3 octobre 2018](#)

Case C-207/16: JUDGMENT OF THE COURT (Grand Chamber) of 2 October 2018 - Ministerio Fiscal - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Tarragona (Provincial Court, Tarragona, Spain) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data** — Directive 2002/58/EC — Articles 1 and 3 — Scope — **Confidentiality of electronic communications** — Protection — Article 5 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7 and 8 — **Data processed in connection with the provision of electronic communications services — Access of national authorities to the data for the purposes of an investigation** — Threshold of seriousness of an offence capable of justifying access to the data

[CURIA – Judgment of the Court of Justice in Case C-207/16 of 2 October 2018](#)

Affaire C-492/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 26 septembre 2018 – Südwestrundfunk contre Tilo Rittinger, Patric Wolter, Harald Zastera, Dagmar Fahner, Layla Sofan and Marc Schulte - demande de décision préjudicielle formée par le Landgericht Tübingen (tribunal régional de Tübingen, Allemagne) - Recours préjudiciel – **Aides d'État – Législation d'un État membre qui oblige tous les adultes détenant un logement sur le territoire national à verser une contribution aux entreprises de radiodiffusion publiques**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-492/17 du 26 septembre 2018](#)

5. Competition

Community Legislation

COMMISSION DECISION (EU) 2018/1927 of 5 December 2018 **laying down internal rules concerning the processing of personal data by the European Commission in the field of competition in relation to the provision of information to data subjects and the restriction of certain rights**

[OJ of the EU, L 313/39 of 10 December 2018](#)

COMMISSION REGULATION (EU) 2018/1923 of 7 December 2018 **amending** Regulation (EU) No 360/2012 as **regards its period of application** (Text with EEA relevance)

[OJ of the EU, L 313/2 of 10 December 2018](#)

COUNCIL REGULATION (EU) 2018/1911 of 26 November 2018 **amending** Regulation (EU) 2015/1588 on the application of Articles 107 and 108 of the **Treaty on the Functioning of the European Union to certain categories of horizontal State aid** (Text with EEA relevance)

[OJ of the EU, L 311/8 of 7 December 2018](#)

Case Law

Case C-492/17: JUDGMENT OF THE COURT (Fourth Chamber) of 13 December 2018 - Südwestrundfunk v Tilo Rittinger, Patrick Wolter, Harald Zastera, Dagmar Fahner, Layla Sofan and Marc Schulte - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Tübingen (Regional Court, Tübingen, Germany) - Reference for a preliminary ruling — **State aid** — Article 107(1) TFEU — Article 108(3) TFEU — **Public broadcasting institutions — Financing — Legislation of a Member State under which all adults possessing a dwelling within the country are required to pay a contribution to public broadcasters**

[CURIA – Judgment of the Court of Justice in Case C-492/17 of 13 December 2018](#)

Case C-617/17: OPINION OF ADVOCATE GENERAL WAHL of 29 November 2018 - Powszechny Zakład Ubezpieczeń na Życie S.A. w Warszawie v Prezes Urzędu Ochrony Konkurencji i Konsumentów, Edward Detka and Others - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - Preliminary ruling — **Principle of ne bis in idem** — **Scope** — **Competition** — **Abuse of a dominant position** — Decision taken by a national competition authority — **Fine imposed on the basis of national competition law and EU competition law**

[CURIA – Opinion of Advocate General in Case C-617/17 of 29 November 2018](#)

Affaire C-93/17: ARRÊT DE LA COUR (première chambre) du 14 novembre 2018 - Commission européenne contre République hellénique - ayant pour objet un recours en manquement au titre de l'article 260, paragraphe 2, TFUE - **Manquement d'État – Aides d'État – Aides déclarées illégales et incompatibles avec le marché intérieur – Obligation de récupération** – Arrêt de la Cour constatant le manquement – Entreprise qui exerce à la fois des activités civiles et militaires – **Inexécution – Intérêts essentiels de la sécurité d'un État membre** – Article 346, paragraphe 1, sous b), TFUE – **Sanctions financières – Astreinte – Somme forfaitaire – Capacité de paiement** – Facteur "n" – Facteurs qui sont à la base de l'évaluation de la capacité de paiement – Produit intérieur brut – **Pondération des voix de l'État membre au Conseil de l'Union européenne – Nouvelle règle de vote au Conseil**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-93/17 du 14 novembre 2018

Case C-544/17 P: JUDGMENT OF THE COURT (First Chamber) of 7 November 2018 - BPC Lux 2 Sàrl, established in Senningerberg (Luxembourg), and the other appellants whose names are set out in the annex to the appeal v European Commission and Portuguese Republic - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Action for annulment — Admissibility — Aid granted by the Portuguese authorities for the resolution of the financial institution Banco Espírito Santo SA — Creation and capitalisation of a Bridge Bank** — Decision of the European Commission declaring the aid compatible with the internal market — **Interest in bringing proceedings — Action before the national courts seeking annulment of the decision to put Banco Espírito Santo into resolution**

CURIA – Judgment of the Court of Justice in Case C-544/17 of 7 November 2018

Joined Cases C-622/16 P to C-624/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Scuola Elementare Maria Montessori Srl, established in Rome (Italy) v European Commission and Italian Republic, (C-622/16 P) - European Commission v Scuola Elementare Maria Montessori Srl, established in Rome and Italian Republic, (C-623/16 P) - European Commission v Pietro Ferracci, residing in San Cesareo (Italy) and Italian Republic, (C-624/16 P) - THREE APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Decision declaring the recovery of State aid incompatible with the internal market to be impossible — Decision finding that there is no State aid — Actions for annulment brought by competitors of beneficiaries of State aid — Admissibility — Regulatory act not entailing implementing measures — Direct concern — **Concept of 'absolute impossibility' of recovery of State aid incompatible with the internal market — Concept of 'State aid'** — Concepts of 'undertaking' and 'economic activity'**

CURIA – Judgment of the Court of Justice in Case C-622/16 of 6 November 2018

Affaires jointes C-350/17 et C-351/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 25 octobre 2018 - Mobit Soc. cons. Arl contre Regione Toscana (C-350/17), Autolinee Toscane SpA et Régie autonome des transports parisiens (RATP) - Autolinee Toscane SpA contre Mobit Soc. cons. arl (C-351/17), Regione Toscana et Régie autonome des transports parisiens (RATP) - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d'État, Italie) - Renvoi préjudiciel – Règlement (CE) n° 1370/2007 – **Services publics de transport de voyageurs par chemin de fer et par route** – Article 5 – **Attribution de contrats de services publics** – Article 8, paragraphe 2 – Régime transitoire – Inapplicabilité de l'article 5 aux attributions réalisées entre le 3 décembre 2009 et le 2 décembre 2019 – Article 8, paragraphe 3 – Régime transitoire – Inapplicabilité de l'article 5 aux attributions réalisées avant le 3 décembre 2009 – Article 5, paragraphe 2 – **Attribution directe – Exigence de cantonnement des activités de l'opérateur interne – Non-respect – Absence d'incidence sur une procédure d'attribution par voie de mise en concurrence – Notions d'"autorité compétente et d'opérateur interne"**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-350/17 du 25 octobre 2018

Case C-207/17: JUDGMENT OF THE COURT (First Chamber) of 18 October 2018 - Rotho Blaas Srl v Agenzia delle Dogane e dei Monopoli - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione tributaria di primo grado di Bolzano (Tax Court of First Instance, Bolzano, Italy) - Reference for a preliminary ruling — **Common commercial policy — Definitive anti-dumping duty on imports of certain goods originating in the People's Republic of China — Anti-dumping duty held to be incompatible with the General Agreement on Tariffs and Trade by the Dispute Settlement Body of the World Trade Organisation (WTO)**

CURIA – Judgment of the Court of Justice in Case C-207/17 of 18 October 2018

Case C-145/17 P: JUDGMENT OF THE COURT (First Chamber) of 18 October 2018 - Internacional de Productos Metálicos SA, established in Vitoria-Gasteiz (Spain) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Imports of certain iron or steel fasteners originating in the People's Republic of China or consigned from Malaysia — Infringement of the Anti-Dumping Agreement concluded in the World Trade Organisation (WTO)** — Repeal of definitive anti-dumping duties already collected — Non-retroactive effect — Fourth paragraph of Article 263 TFEU — Person individually concerned — Regulatory act that does not entail implementing measures

[CURIA – Judgment of the Court of Justice in Case C-145/17 of 18 October 2018](#)

Case C-100/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 18 October 2018 - Gul Ahmed Textile Mills Ltd, established in Karachi (Pakistan) v Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping** — Regulation (EC) No 397/2004 — **Imports of cotton-type bed linen originating in Pakistan — Continuing interest in bringing proceedings**

[CURIA – Judgment of the Court of Justice in Case C-100/17 of 18 October 2018](#)

Affaire C-599/17: ARRÊT DE LA COUR (septième chambre) du 4 octobre 2018 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – Directive d'exécution (UE) 2015/2392 – **Signalement aux autorités compétentes des violations potentielles ou réelles du règlement relatif aux abus de marché** – Absence de communication ou non-transposition dans le délai prescrit

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-599/17 du 4 octobre 2018](#)

Case C-236/17 P: OPINION OF ADVOCATE GENERAL TANCHEV of 3 October 2018 - Canadian Solar Emea GmbH, Canadian Solar Manufacturing (Changshu), Inc., Canadian Solar Manufacturing (Luoyang), Inc., CSI Cells Co. Ltd and CSI Solar Power (China), Inc. v Council of the European Union - Appeal — **Dumping — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China** — Definitive duties — Regulation (EU) No 1168/2012 — Immediate application — Causal link — Other known factors — **Level of the anti-dumping duty**

[CURIA – Opinion of Advocate General in Case C-236/17 of 3 October 2018](#)

Case C-466/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 3 October 2018 - Council of the European Union v Marquis Energy LLC - Appeal — **Dumping — Imports of bioethanol originating in the United States of America — Definitive anti-dumping duty** — Implementing Regulation (EU) No 157/2013 — Regulation (EC) No 1225/2009 — **Standing to bring proceedings of a non-exporting producer — Direct concern**

[CURIA – Opinion of Advocate General in Case C-466/16 of 3 October 2018](#)

Case C-465/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 3 October 2018 - Council of the European Union v Growth Energy and Renewable Fuels Association - Appeal — **Dumping — Imports of bioethanol originating in the United States of America — Definitive anti-dumping duty — Regulation (EC) No 1225/2009 — Standing to bring proceedings of associations representing non-exporting producers** — Direct concern — Article 9(5) — **Impossibility of imposing an anti-dumping duty on each supplier — Imposition of an anti-dumping duty at the level of the supplying country** — Articles 6.10 and 9.2 of the World Trade Organisation (WTO) Anti-Dumping Agreement — Consistent interpretation

[CURIA – Opinion of Advocate General in Case C-465/16 of 3 October 2018](#)

Case C-99/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 26 September 2018 - Infineon Technologies AG, established in Neubiberg (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — European market for smart card chips — **Network of bilateral contacts — Exchanges of commercially sensitive information — Challenge of the authenticity of the evidence — Rights of the defence — Restriction of competition 'by object'** — Single and continuous infringement — Judicial review — Unlimited jurisdiction — Scope — Calculation of the amount of the fine

[CURIA – Judgment of the Court of Justice in Case C-99/17 of 26 September 2018](#)

Case C-98/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 26 September 2018 - Koninklijke Philips NV, established in Eindhoven (Netherlands) and Philips France, established in Suresnes (France) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices — European market for smart card chips — **Network of bilateral contacts** — **Exchanges of commercially sensitive information** — **Restriction of competition ‘by object’** — Single and continuous infringement — Participation in the infringement and awareness, by a participant in some of the bilateral contacts, of the other bilateral contacts — Judicial review**

CURIA – Judgment of the Court of Justice in Case C-98/17 of 26 September 2018

Affaire C-492/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 26 septembre 2018 – Südwestrundfunk contre Tilo Rittinger, Patric Wolter, Harald Zastera, Dagmar Fahner, Layla Sofan and Marc Schulte - demande de décision préjudicielle formée par le Landgericht Tübingen (tribunal régional de Tübingen, Allemagne) - Recours préjudiciel – **Aides d’État – Législation d’un État membre qui oblige tous les adultes détenant un logement sur le territoire national à verser une contribution aux entreprises de radiodiffusion publiques**

CURIA – Conclusions de l’Avocat Général dans l’affaire C-492/17 du 26 septembre 2018

Affaire C-349/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 25 septembre 2018 - Eesti Pagar AS contre Ettevõtlike Arendamise Sihtasutus and Majandus- ja Kommunikatsiooniministeerium - demande de décision préjudicielle formée par la Tallinna Ringkonnakohus (cour d’appel de Tallinn, Estonie) - Renvoi préjudiciel – **Aides d’État – Règlement (CE) n° 800/2008 – Aides ayant un effet incitatif – Présentation d’une demande d’aide avant le début de la réalisation du projet – Appréciation de cette condition – Compétences des autorités nationales – Article 108, paragraphe 3, TFUE – **Obligation incombant ou non aux autorités nationales de récupérer une aide considérée illégale – Principe général du droit de l’Union de confiance légitime – Prescription – Absence de décision de la Commission européenne ou d’une juridiction nationale** – Identification du délai applicable à la récupération d’une aide illégale par une autorité nationale – Base juridique – Intérêts – Obligation ou non de réclamer des intérêts – Base juridique – Modalités d’application**

CURIA – Conclusions de l’Avocat Général dans l’affaire C-349/17 du 25 septembre 2018

6. Customs

Case Law

Affaire C-305/17: ARRÊT DE LA COUR (quatrième chambre) du 6 décembre 2018 - FENS spol. s r. o. contre Slovenská republika – Úrad pre reguláciu sieťových odvetví - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par l’Okresný súd Bratislava II (tribunal de district de Bratislava II, Slovaquie) - Renvoi préjudiciel – **Libre circulation des marchandises – Droits de douane – Taxes d’effet équivalent – Prélèvement sur le transport d’électricité produite sur le territoire national et destinée à l’exportation – Compatibilité d’une telle réglementation avec le principe de la libre circulation des marchandises**

CURIA – Arrêt de la Cour de Justice dans l’affaire C-305/17 du 6 décembre 2018

Case C-592/17: JUDGMENT OF THE COURT (Ninth Chamber) of 15 November 2018 - Skatteministeriet v Baby Dan A/S - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (High Court of Western Denmark) - Reference for a preliminary ruling — **Common Customs Tariff — Combined Nomenclature — Tariff classification — Headings and subheadings 4421, 7326, 7318 15 90, 7318 19 00 and 9403 90 10 — **Article specially designed to mount child safety gates — Dumping** — Validity of Regulation (EC) No 91/2009 — **Imports of certain iron or steel fasteners originating in China — World Trade Organisation (WTO) Anti-Dumping Agreement** — Regulation (EC) No 384/96 — Article 3(2) and Article 4(1) — **Definition of Community industry****

CURIA – Judgment of the Court of Justice in Case C-592/17 of 15 November 2018

Affaire C-496/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 17 octobre 2018 - Deutsche Post AG contre Hauptzollamt Köln - Demande de décision préjudicielle formée par le Finanzgericht Düsseldorf (tribunal des finances de Düsseldorf, Allemagne) - Renvoi préjudiciel – **Droits et obligations des personnes au regard de la législation douanière – Statut d'opérateur économique agréé – Questionnaire – Protection des données à caractère personnel – Numéro d'identification fiscale – Centre des impôts compétent pour la liquidation de l'impôt sur le revenu – Traitement des données nécessaire au respect d'une obligation légale** – Principe de limitation des finalités du traitement des données à caractère personnel
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-496/17 du 17 octobre 2018](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COMMISSION NOTICE Measures considered equally effective to Article 4 of the Anti-Tax Avoidance Directive (2018/C 441/01)

[OJ of the EU, C 441/1 of 7 December 2018](#)

COUNCIL IMPLEMENTING REGULATION (EU) 2018/1912 of 4 December 2018 **amending** Implementing Regulation (EU) No 282/2011 as regards **certain exemptions for intra-Community transactions**

[OJ of the EU, L 311/10 of 7 December 2018](#)

COUNCIL DIRECTIVE (EU) 2018/1910 of 4 December 2018 **amending** Directive 2006/112/EC as regards the **harmonisation and simplification of certain rules in the value added tax system for the taxation of trade between Member States**

[OJ of the EU, L 311/3 of 7 December 2018](#)

COUNCIL REGULATION (EU) 2018/1909 of 4 December 2018 **amending** Regulation (EU) No 904/2010 as regards the **exchange of information for the purpose of monitoring the correct application of call-off stock arrangements**

[OJ of the EU, L 311/1 of 7 December 2018](#)

COUNCIL DIRECTIVE (EU) 2018/1713 of 6 November 2018 **amending** Directive 2006/112/EC as regards **rates of value added tax applied to books, newspapers and periodicals**

[OJ of the EU, L 286/20 of 14 November 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1699 of 9 November 2018 **laying down technical information for the calculation of technical provisions and basic own funds** for reporting with reference dates from 30 September 2018 until 30 December 2018 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the **taking-up and pursuit of the business of Insurance and Reinsurance** (Text with EEA relevance)

[OJ of the EU, L 285/1 of 13 November 2018](#)

COUNCIL DIRECTIVE (EU) 2018/1695 of 6 November 2018 **amending** Directive 2006/112/EC on the **common system of value added tax** as regards the **period of application of the optional reverse charge mechanism** in relation to supplies of **certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud**

[OJ of the EU, L 282/5 of 12 November 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1627 of 9 October 2018 **amending** Implementing Regulation (EU) No 680/2014 as regards **prudent valuation for supervisory reporting** (Text with EEA relevance)

[OJ of the EU, L 281/1 of 9 November 2018](#)

DECISION (EU) 2018/1625 OF THE EUROPEAN CENTRAL BANK of 8 October 2018 **amending** Decision ECB/2007/7 concerning the **terms and conditions of TARGET2-ECB** (ECB/2018/24)

[OJ of the EU, L 280/1 of 9 November 2018](#)

GUIDELINE (EU) 2018/1626 OF THE EUROPEAN CENTRAL BANK of 3 August 2018 **amending** Guideline ECB/2012/27 on a **Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)** (ECB/2018/20)

[OJ of the EU, L 280/40 of 9 November 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1624 of 23 October 2018 **laying down implementing technical standards with regard to procedures and standard forms and templates for the provision of information for the purposes of resolution plans for credit institutions and investment firms** pursuant to Directive 2014/59/EU of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) 2016/1066 (Text with EEA relevance)

[OJ of the EU, L 277/1 of 7 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1637 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards for the procedures and characteristics of the oversight function** (Text with EEA relevance)

[OJ of the EU, L 274/1 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1638 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further how to ensure that input data is appropriate and verifiable, and the internal oversight and verification** procedures of a contributor that the administrator of a critical or **significant benchmark has to ensure are in place where the input data is contributed from a front office function** (Text with EEA relevance)

[OJ of the EU, L 274/6 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1639 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further the elements of the code of conduct** to be developed by **administrators of benchmarks that are based on input data from contributors** (Text with EEA relevance)

[OJ of the EU, L 274/11 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1640 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further the governance and control requirements for supervised contributors** (Text with EEA relevance)

[OJ of the EU, L 274/16 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1641 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further the information to be provided by administrators of critical or significant benchmarks on the methodology** used to determine the benchmark, the **internal review and approval of the methodology and on the procedures for making material changes in the methodology** (Text with EEA relevance)

[OJ of the EU, L 274/21 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1642 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further the criteria to be taken into account by competent authorities** when assessing whether administrators of **significant benchmarks should apply certain requirements** (Text with EEA relevance)

[OJ of the EU, L 274/25 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1643 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards specifying further the contents of, and cases where updates are required to, the benchmark statement to be published by the administrator of a benchmark** (Text with EEA relevance)

[OJ of the EU, L 274/29 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1644 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards determining the minimum content of cooperation arrangements with competent authorities of third countries** whose legal framework and supervisory practices have been recognised as equivalent (Text with EEA relevance)
[OJ of the EU, L 274/33 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1645 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards for the form and content of the application for recognition with the competent authority of the Member State of reference** and of the presentation of information in the **notification to European Securities and Markets Authority (ESMA)** (Text with EEA relevance)
[OJ of the EU, L 274/36 of 5 November 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1646 of 13 July 2018 **supplementing** Regulation (EU) 2016/1011 of the European Parliament and of the Council with regard to **regulatory technical standards for the information to be provided in an application for authorisation and in an application for registration** (Text with EEA relevance)
[OJ of the EU, L 274/43 of 5 November 2018](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2018/1636 of 23 October 2018 **renewing and amending the temporary restriction** in Decision (EU) 2018/796 on the **marketing, distribution or sale of contracts for differences to retail clients**
[OJ of the EU, L 272/62 of 31 October 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1620 of 13 July 2018 **amending** Delegated Regulation (EU) 2015/61 to supplement Regulation (EU) No 575/2013 of the European Parliament and the Council with regard to **liquidity coverage requirement for credit institutions** (Text with EEA relevance)
[OJ of the EU, L 271/10 of 30 October 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1618 of 12 July 2018 **amending** Delegated Regulation (EU) No 231/2013 as regards **safe-keeping duties of depositaries** (Text with EEA relevance)
[OJ of the EU, L 271/1 of 30 October 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/1619 of 12 July 2018 **amending** Delegated Regulation (EU) 2016/438 as regards **safe-keeping duties of depositaries** (Text with EEA relevance)
[OJ of the EU, L 271/6 of 30 October 2018](#)

COMMISSION REGULATION (EU) 2018/1595 of 23 October 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 Interpretation 23 of the International Financial Reporting Interpretations Committee** (Text with EEA relevance)
[OJ of the EU, L 265/3 of 24 October 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1557 of 17 October 2018 **amending** Implementing Regulation (EU) 2016/1368 **establishing a list of critical benchmarks used in financial markets** pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 261/10 of 18 October 2018](#)

COUNCIL REGULATION (EU) 2018/1541 of 2 October 2018 **amending** Regulations (EU) No 904/2010 and (EU) 2017/2454 as regards **measures to strengthen administrative cooperation in the field of value added tax**
[OJ of the EU, L 259/1 of 16 October 2018](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2018/1466 of 21 September 2018 **renewing and amending the temporary prohibition** in Decision (EU) 2018/795 on the **marketing, distribution or sale of binary options to retail clients**
[OJ of the EU, L 245/17 of 1 October 2018](#)

Case Law

Case C-493/17: JUDGMENT OF THE COURT (Grand Chamber) of 11 December 2018 - Heinrich Weiss and Others, Bernd Lucke and Others, Peter Gauweiler, Johann Heinrich von Stein and Others v Bundesregierung, Bundestag and Deutsche Bundesbank - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverfassungsgericht (Federal Constitutional Court, Germany) - Reference for a preliminary ruling — **Economic and monetary policy** — Decision (EU) 2015/774 of the European Central Bank — **Validity — Secondary markets public sector asset purchase programme** — Articles 119 and 127 TFEU — **Powers of the ECB and the European System of Central Banks — Maintenance of price stability — Proportionality** — Article 123 TFEU — **Prohibition of monetary financing of Member States in the euro area**

[CURIA – Judgment of the Court of Justice in Case C-493/17 of 11 December 2018](#)

Case C-672/17: JUDGMENT OF THE COURT (Sixth Chamber) of 6 December 2018 - Tratave — Tratamento de Águas Residuais do Ave 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 — **Value added tax (VAT) — Taxable amount — Reduction — Principle of fiscal neutrality**

[CURIA – Judgment of the Court of Justice in Case C-672/17 of 6 December 2018](#)

Affaire C-480/17: ARRÊT DE LA COUR (dixième chambre) du 6 décembre 2018 - Frank Montag contre Finanzamt Köln-Mitte - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Finanzgericht Köln (tribunal des finances de Cologne, Allemagne) - Renvoi préjudiciel — **Liberté d'établissement — Fiscalité directe — Impôt sur le revenu — Déductibilité des cotisations versées à un organisme professionnel de prévoyance et à une assurance retraite privée** — Exclusion pour les non-résidents

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-480/17 du 6 décembre 2018](#)

Case C-566/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 6 December 2018 - Związek Gmin Zagłębia Miedziowego w Polkowicach v Szef Krajowej Administracji Skarbowej - Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu (Regional Administrative Court, Wrocław, Poland) - Reference for a preliminary ruling — **Common system of value added tax — Right to deduct input tax incurred on supplies of goods and services used indissociably for the purpose of economic and non-economic activities** — Determination of the deductible share of input tax — Principle of fiscal neutrality — Whether and to what extent calculation of input tax must be provided for by law — **Absence of national rules on methods determining apportionment of input tax for goods and services used indissociably for the purpose of economic and non-economic activities**

[CURIA – Opinion of Advocate General in Case C-566/17 of 6 December 2018](#)

Affaire C-596/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 6 décembre 2018 - Japan Tobacco International SA et Japan Tobacco International France SAS contre Premier ministre, Ministre de l'Action et des Comptes publics et Ministre des Solidarités et de la Santé - demande de décision préjudicielle formée par le Conseil d'État (France) - Renvoi préjudiciel — Directive 2011/64/UE — **Accises applicables aux tabacs manufacturés** — Article 15, paragraphe 1 — **Libre détermination des prix maximaux de vente au détail — Réglementation nationale imposant aux fabricants et importateurs de fixer un prix unique de vente au détail exprimé aux 1 000 unités ou aux 1 000 grammes pour chaque produit du tabac sans possibilité de moduler ce prix en fonction de la contenance des unités de conditionnement**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-596/17 du 6 décembre 2018](#)

Case C-450/17 P: OPINION OF ADVOCATE GENERAL HOGAN of 5 December 2018 - Landeskreditbank Baden-Württemberg — Förderbank v European Central Bank (ECB) - Appeal — **Economic and monetary policy — Prudential supervision of credit institutions** — Regulation (EU) No 1024/2013 — Article 6(4) — Regulation (EU) No 468/2014 — Article 70(1) — **Single supervisory mechanism (SSM) — Competences of the European Central Bank (ECB) — Decentralised exercise by the national authorities** — Classification of an institution as a significant entity — **Direct supervision by the ECB — Exception — Existence of particular circumstances — Classification of a supervised entity as significant inappropriate**

[CURIA – Opinion of Advocate General in Case C-450/17 of 5 December 2018](#)

Affaire C-567/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 28 novembre 2018 - UAB « Bene Factum » contre Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - demande de décision préjudicielle formée par le Lietuvos vyriausiasis administracinis teismas (Cour administrative suprême, Lituanie) - Renvoi préjudiciel – **Droits d'accise – Alcool partiellement dénaturé – Exonérations – Produits non destinés à la consommation humaine** – Destination formelle des produits – **Consommation réelle – Pouvoir de l'État de réception de retirer l'exonération reconnue dans un autre État membre – Risque sérieux de fraude, d'évasion ou d'abus** – Procédure de retrait de l'exonération
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-567/17 du 28 novembre 2018](#)

Affaire C-295/17: ARRÊT DE LA COUR (cinquième chambre) du 22 novembre 2018 - MEO – Serviços de Comunicações e Multimédia SA contre Autoridade Tributária e Aduaneira - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa) [tribunal arbitral en matière fiscale (centre d'arbitrage administratif), Portugal] - Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Champ d'application – Opérations imposables – Prestation à titre onéreux – Distinction entre des dommages et intérêts non imposables et des prestations de services imposables fournies moyennant le paiement d'une "indemnité"**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-295/17 du 22 novembre 2018](#)

Case C-575/17: JUDGMENT OF THE COURT (Fifth Chamber) of 22 November 2018 - Sofina SA, Rebelco SA and Sidro SA v Ministre de l'Action et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Free movement of capital — Withholding tax on the gross amount of nationally sourced dividends paid to non-resident companies — Deferral of taxation of dividends paid to a resident company in the event of a loss-making year — Difference in treatment — Justification — Comparability — Balanced distribution of the powers of taxation between the Member States — Effective collection of tax — Proportionality — Discrimination**
[CURIA – Judgment of the Court of Justice in Case C-575/17 of 22 November 2018](#)

Affaire C-679/17: ARRÊT DE LA COUR (première chambre) du 22 novembre 2018 - Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Begroting, Financiën en Energie et Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Omgeving, Natuur en Landbouw contre Johannes Huijbrechts - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le hof van beroep te Antwerpen (cour d'appel d'Anvers, Belgique) - Renvoi préjudiciel – **Liberté de circulation des capitaux – Restrictions – Législation fiscale – Impôt sur les successions – Bois gérés de façon durable – Exonération – Protection de la superficie forestière**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-679/17 du 22 novembre 2018](#)

Case C-664/16: JUDGMENT OF THE COURT (Fourth Chamber) of 21 November 2018 - Lucrețiu Hadrian Vădan v Agenția Națională de Administrare Fiscală — Direcția Generală de Soluționare a Contestațiilor and Direcția Generală Regională a Finanțelor Publice Brașov — Administrația Județeană a Finanțelor Publice Alba - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Alba Iulia (Court of Appeal, Alba Iulia, Romania) - Reference for a preliminary ruling — **Common system of value added tax — Directive 2006/112/EC — Articles 167, 168, 178 and 273 — Scope of the right of deduction — Absence of invoices — Recourse to a court-commissioned expert report — Burden of proof of the right of deduction — Principles of fiscal neutrality and proportionality**
[CURIA – Judgment of the Court of Justice in Case C-664/16 of 21 November 2018](#)

Case C-695/17: OPINION OF ADVOCATE GENERAL BOBEK of 22 November 2018 - Metirato Oy, in liquidation v Suomen valtio/Verohallinto and Eesti Vabariik/Maksu- ja Tolliamet - Request for a preliminary ruling from the Helsingin käräjäoikeus (District Court, Helsinki, Finland) - Reference for a preliminary ruling — **Mutual assistance for the recovery of claims relating to taxes, duties and other measures — Disputes concerning enforcement measures taken in the requested Member State** — Determination of the defendant
[CURIA – Opinion of Advocate General in Case C-695/17 of 22 November 2018](#)

Case C-648/16: JUDGMENT OF THE COURT (Fourth Chamber) of 21 November 2018 - Fortunata Silvia Fontana v Agenzia delle Entrate — Direzione provinciale di Reggio Calabria - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione tributaria provinciale di Reggio Calabria (Provincial Tax Court, Reggio Calabria, Italy) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 273 — **Tax adjustment — Method of calculating the taxable amount by extrapolation — Right to deduct VAT** — Presumption — Principles of neutrality and proportionality — **National law basing the calculation of VAT on presumed turnover**

[CURIA – Judgment of the Court of Justice in Case C-648/16 of 21 November 2018](#)

Affaire C-118/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 15 novembre 2018 - Zsuzsanna Dunai contre ERSTE Bank Hungary Zrt. - demande de décision préjudicielle formée par le Budai Központi Kerületi Bíróság (tribunal central d'arrondissement de Buda, Hongrie) - Renvoi préjudiciel – Directive 93/13/CEE – **Clauses abusives dans les contrats conclus avec les consommateurs – Contrats de crédit libellés en devises étrangères – Clauses abusives déclarées nulles** – Législation nationale remédiant à la nullité par la modification du contenu des contrats en cause – **Maintien de la validité de ces contrats pour le surplus – Possibilité pour la Cour suprême de l'État membre concerné d'adopter des décisions visant à l'unification de la jurisprudence**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-118/17 du 15 novembre 2018](#)

Affaire C-215/17: ARRÊT DE LA COUR (quatrième chambre) du 14 novembre 2018 - Nova Kreditna Banka Maribor d.d. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – Rapprochement des législations – **Réutilisation des informations du secteur public** – Directive 2003/98/CE – Article 1er, paragraphe 2, sous c), troisième tiret – **Exigences prudentielles applicables aux établissements de crédit et aux entreprises d'investissement** – Règlement (UE) no 575/2013 – **Informations à publier par les établissements de crédit et les entreprises d'investissement** – Article 432, paragraphe 2 – **Exceptions à l'obligation de publication – Informations commerciales considérées comme sensibles ou confidentielles** – Applicabilité – Établissements de crédit détenus majoritairement par l'État – **Réglementation nationale prévoyant le caractère public de certaines informations commerciales détenues par lesdits établissements**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-215/17 du 14 novembre 2018](#)

Case C-630/17: OPINION OF ADVOCATE GENERAL TANCHEV of 14 November 2018 - Anica Milivojević v Raiffeisenbank St. Stefan-Jagerberg-Wolfsberg eGen - Request for a preliminary ruling from the Općinski sud u Rijeci (Municipal Court, Rijeka, Croatia) - **Free movement of services — Contracts for provision of credit concluded prior to Accession of Croatia to the European Union — Retroactive Member State law providing for nullity of such contracts when they feature international elements** — Admissibility

[CURIA – Opinion of Advocate General in Case C-630/17 of 14 November 2018](#)

Case C-502/17: JUDGMENT OF THE COURT (Sixth Chamber) of 8 November 2018 - C&D Foods Acquisition ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (High Court of Western Denmark) - Reference for a preliminary ruling — **Common system of value added tax (VAT) — Proposed sale of shares in a sub-subsidiary — Expenditure associated with the provision of services acquired for the purposes of that sale — Sale not carried out** — Request for a deduction of input tax — Scope of VAT

[CURIA – Judgment of the Court of Justice in Case C-502/17 of 8 November 2018](#)

Affaire C-495/17: ARRÊT DE LA COUR (septième chambre) du 8 novembre 2018 - Cartrans Spedition SRL contre Direcția Generală Regională a Finanțelor Publice Ploiești – Administrația Județeană a Finanțelor Publice Prahova et Direcția Regională a Finanțelor Publice București – Administrația Fiscală pentru Contribuabili Mijlocii - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunalul Prahova (tribunal de grande instance de Prahova, Roumanie) - Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – **Exonérations** – Article 146, paragraphe 1, sous e), et article 153 – **Opérations de transport routier directement liées à l'exportation de biens – Prestations effectuées par des intermédiaires intervenant dans de telles opérations – Régime de preuve afférent à l'exportation des biens – Déclaration en douane – Carnet TIR**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-495/17 du 8 novembre 2018](#)

Case C-171/17: JUDGMENT OF THE COURT (Fourth Chamber) of 7 November 2018 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — Directive 2006/123/EC — Articles 15 to 17 — Article 49 TFEU — **Freedom of establishment** — Article 56 TFEU — **Freedom to provide services — National mobile payment system — Monopoly**
[CURIA – Judgment of the Court of Justice in Case C-171/17 of 7 November 2018](#)

Case C-528/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - Milan Božičević Ježovnik v Republika Slovenija - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 143(1)(d) — **Exemption from import VAT — Importation followed by an intra-Community supply — Risk of tax evasion — Good faith of the taxable importer and supplier** — Assessment — Duty of care of the taxable importer and supplier
[CURIA – Judgment of the Court of Justice in Case C-528/17 of 25 October 2018](#)

Case C-602/17: JUDGMENT OF THE COURT (Sixth Chamber) of 24 October 2018 - Benoît Sauvage and Kristel Lejeune v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers — Income received in a Member State other than the Member State of residence — Bilateral convention for the avoidance of double taxation — Allocation of powers of taxation** — Member State of residence's power to tax — Connecting factors
[CURIA – Judgment of the Court of Justice in Case C-602/17 of 24 October 2018](#)

Case C-153/17: JUDGMENT OF THE COURT (Sixth Chamber) of 18 October 2018 - Commissioners for Her Majesty's Revenue and Customs v Volkswagen Financial Services (UK) Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Articles 168 and 173 — **Deduction of input tax — Vehicle hire purchase transactions — Goods and services used for both taxable transactions and exempt transactions** — Origin and scope of the right to deduct — Proportional deduction
[CURIA – Judgment of the Court of Justice in Case C-153/17 of 18 October 2018](#)

Case C-249/17: JUDGMENT OF THE COURT (First Chamber) of 17 October 2018 - Ryanair Ltd v The Revenue Commissioners - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Common system of value added tax (VAT) — Concept of taxable person — Holding company — Deduction of input tax** — Expenditure for consultancy services received for the purpose of the acquisition of another company's shares — **Acquiring company's intention to provide management services to the target company** — Those services not provided — **Right to deduct VAT charged on the services received**
[CURIA – Judgment of the Court of Justice in Case C-249/17 of 17 October 2018](#)

Case C-504/17: JUDGMENT OF THE COURT (Eighth Chamber) of 17 October 2018 - European Commission v Ireland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — **Taxation of energy products and electricity** — Directive 2003/96/EC — Articles 4 and 7 — **Application of the minimum levels of taxation applicable to motor fuels** — Directive 95/60/EC — **Fiscal marking of gas oils and kerosene — Refuelling of private pleasure craft**
[CURIA – Judgment of the Court of Justice in Case C-504/17 of 17 October 2018](#)

Case C-503/17: JUDGMENT OF THE COURT (Eighth Chamber) of 17 October 2018 - European Commission v United Kingdom of Great Britain and Northern Ireland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — Directive 95/60/EC — **Fiscal marking of gas oils and kerosene — Refuelling of private pleasure craft**
[CURIA – Judgment of the Court of Justice in Case C-503/17 of 17 October 2018](#)

Case C-571/16: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Nikolay Kantarev v Balgarska Narodna Banka 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 — **Deposit guarantee schemes** — Directive 94/19/EC — Article 1(3)(i) — Article 10(1) — **Definition of ‘unavailable deposit’** — **Liability of a Member State for harm caused to individuals by breaches of EU law** — **Sufficiently serious breach of EU law** — Procedural autonomy of the Member States — Principle of sincere cooperation — Article 4(3) TEU — Principles of equivalence and effectiveness
[CURIA – Judgment of the Court of Justice in Case C-571/16 of 4 October 2018](#)

Case C-384/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Dooel Uvoz-Izvoz Skopje Link Logistic N&N v Budapest Rendőrfőkapitánya - REQUEST for a preliminary ruling under Article 267 TFEU from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - Reference for a preliminary ruling — Approximation of laws — **Road transport — Tax provisions** — Directive 1999/62/EC — **Charging of heavy goods vehicles for the use of certain infrastructures** — **Toll** — **Obligation of the Member States to establish effective, proportionate and dissuasive penalties** — Flat-rate fine — Principle of proportionality — **Direct applicability of the directive**
[CURIA – Judgment of the Court of Justice in Case C-384/17 of 4 October 2018](#)

Case C-416/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - European Commission v French Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — Articles 49 and 63 TFEU and the third paragraph of Article 267 TFEU — **Series of charges to tax** — **Difference in treatment according to the Member State of residence of the sub-subsidiary** — Reimbursement of the advance payment of tax unduly paid — Requirements relating to the evidence establishing a right to such reimbursement — Capping of the right to reimbursement — Discrimination — **National court adjudicating at last instance** — **Obligation to make a reference for a preliminary ruling**
[CURIA – Judgment of the Court of Justice in Case C-416/17 of 4 October 2018](#)

Case C-191/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Bundeskammer für Arbeiter und Angestellte (Austria) v ING-DiBa Direktbank Austria Niederlassung der ING-DiBa AG - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Directive 2007/64/EC — **Payment services in the internal market** — **Concept of ‘payment account’** — **Potential inclusion of a savings account enabling its user to make payments and withdrawals by way of a current account opened in his name**
[CURIA – Judgment of the Court of Justice in Case C-191/17 of 4 October 2018](#)

Affaire C-389/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 4 octobre 2018 - Paysera LT UAB, anciennement EVP International UAB contre Lietuvos bankas - demande de décision préjudicielle formée par le Lietuvos vyriausiasis administracinis teismas (Cour administrative suprême de Lituanie) - Renvoi préjudiciel — **Établissements de monnaie électronique** — Directive 2009/110/CE — **Règles en matière de fonds propres** — **Fonds requis pour l’exercice d’activités liées à l’émission de monnaie électronique** — **Notion d’“activité liée à l’émission de monnaie électronique”** — Émission de la monnaie électronique au profit du vendeur à la valeur nominale des fonds reçus
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-389/17 du 4 octobre 2018](#)

Affaire C-165/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 3 octobre 2018 - Morgan Stanley & Co International plc contre Ministre de l’Économie et des Finances - demande de décision préjudicielle formée par le Conseil d’État (France) - Renvoi préjudiciel — **TVA** — Articles 17 et 19 de la directive 77/388/CEE Articles 168, 169 et 173 à 175 de la directive 2006/112/CE **Déduction de la taxe payée en amont** — **Détermination du prorata de déduction applicable** — **Succursale d’une société établie dans un autre État membre que celui de son siège** — Dépenses effectuées par la succursale, affectées exclusivement à la réalisation des opérations de son siège — **Dépenses effectuées par la succursale utilisées pour la réalisation tant de ses opérations que pour celles du siège**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-165/17 du 3 octobre 2018](#)

Affaire C-449/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 3 octobre 2018 - A & G Fahrschul-Akademie GmbH contre Finanzamt Wolfenbüttel - demande de décision préjudicielle formée par le Bundesfinanzhof (Cour fédérale des finances, Allemagne) - Renvoi préjudiciel – **Fiscalité et Taxes – Système commun de taxe sur la valeur ajoutée** – Directive 2006/112/CE – Article 132, paragraphe 1, sous i) et j) – **Exonération de l'enseignement scolaire ou universitaire – Notions d'enseignement scolaire ou universitaire, organismes reconnus comme ayant des fins comparables et leçons données, à titre personnel, par des enseignants** – Application de ces notions à l'enseignement de la conduite automobile en vue de l'acquisition des permis de conduire des classes B et C1 – **Société à responsabilité limitée exploitant un centre d'apprentissage de la conduite**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-449/17 du 3 octobre 2018](#)

Affaire C-581/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 27 septembre 2018 - Martin Wächtler contre Finanzamt Konstanz - demande de décision préjudicielle formée par le Finanzgericht Baden-Württemberg (tribunal des finances du Bade-Wurtemberg, Allemagne) - Renvoi préjudiciel – **Fiscalité – Accord entre la Communauté européenne et ses États membres, d'une part, et la Confédération suisse, d'autre part, sur la libre circulation des personnes – Transfert du domicile fiscal vers la Suisse** – Réglementation d'un État membre prévoyant dans un tel cas une imposition des plus-values latentes sur des parts d'une société

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-581/17 du 27 septembre 2018](#)

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

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2018/1716 of 13 November 2018 **amending** Implementing Decision 2013/776/EU **establishing the Education, Audiovisual and Culture Executive Agency**
[OJ of the EU, L 286/33 of 14 November 2018](#)

Case Law

Case C-675/17: JUDGMENT OF THE COURT (Third Chamber) 6 December 2018 - Ministero della Salute v Hannes Preindl - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Recognition of professional qualifications** — Directive 2005/36/EC — **Recognition of the evidence of formal qualifications obtained following periods of partially overlapping training — Host Member State's powers of investigation**

[CURIA – Judgment of the Court of Justice in Case C-675/17 of 6 December 2018](#)

Case C-393/17: OPINION OF ADVOCATE GENERAL BOBEK of 15 November 2018 - Openbaar Ministerie v Freddy Lucien Magdalena Kirschstein, Thierry Frans Adeline Kirschstein and Vlaamse Gemeenschap - Request for a preliminary ruling from the Hof van beroep Antwerpen (Court of Appeal of Antwerp, Belgium) - Reference for a preliminary ruling — **Internal market** — Directive 2006/123/EC — **Scope of application — Definition of services under EU law — Non-economic services of general interest — Privately funded higher education — Unfair Commercial Practices — Prohibition on non-accredited institutions issuing master's degrees** — Criminal sanctions

[CURIA – Opinion of Advocate General in Case C-393/17 of 15 November 2018](#)

Affaire C-449/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 3 octobre 2018 - A & G Fahrschul-Akademie GmbH contre Finanzamt Wolfenbüttel - demande de décision préjudicielle formée par le Bundesfinanzhof (Cour fédérale des finances, Allemagne) - Renvoi préjudiciel – **Fiscalité et Taxes – Système commun de taxe sur la valeur ajoutée** – Directive 2006/112/CE – Article 132, paragraphe 1, sous i) et j) – **Exonération de l'enseignement scolaire ou universitaire – Notions d'enseignement scolaire ou universitaire, organismes reconnus comme ayant des fins comparables et leçons données, à titre personnel, par des enseignants** – Application de ces notions à l'enseignement de la conduite automobile en vue de l'acquisition des permis de conduire des classes B et C1 – **Société à responsabilité limitée exploitant un centre d'apprentissage de la conduite**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-449/17 du 3 octobre 2018](#)

9. Employment and Social Affairs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1709 of 13 November 2018 **specifying the technical characteristics** of the 2020 **ad hoc module on accidents at work and other work-related health problems** as regards the **labour force sample survey** pursuant to Council Regulation (EC) No 577/98 (Text with EEA relevance)
[OJ of the EU, L 286/3 of 14 November 2018](#)

Case Law

Case C-385/17: JUDGMENT OF THE COURT (Fourth Chamber) of 13 December 2018 - Torsten Hein v Albert Holzkamm GmbH & Co. KG - REQUEST for a preliminary ruling under Article 267 TFEU from the Arbeitsgericht Verden (Labour Court, Verden, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — **Right to paid annual leave** — Article 7(1) — **Legislation of a Member State under which collective agreements may provide for account to be taken of periods of short-time working when calculating remuneration to be paid in respect of annual leave** — Temporal effects of judgments ruling on interpretation

[CURIA – Judgment of the Court of Justice in Case C-385/17 of 13 December 2018](#)

Affaire C-480/17: ARRÊT DE LA COUR (dixième chambre) du 6 décembre 2018 - Frank Montag contre Finanzamt Köln-Mitte - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Finanzgericht Köln (tribunal des finances de Cologne, Allemagne) - Renvoi préjudiciel – **Liberté d'établissement – Fiscalité directe – Impôt sur le revenu – Déductibilité des cotisations versées à un organisme professionnel de prévoyance et à une assurance retraite privée** – Exclusion pour les non-résidents

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-480/17 du 6 décembre 2018](#)

Affaire C-396/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 6 décembre 2018 - Martin Leitner contre Landespolizeidirektion Tirol - demande de décision préjudicielle formée par le Bundesverwaltungsgericht (tribunal administratif fédéral, Autriche) - Renvoi préjudiciel – **Politique sociale** – Directive 2000/78/CE – **Interdiction des discriminations fondées sur l'âge – Système national de rémunération et d'avancement des fonctionnaires – Réglementation d'un État membre jugée discriminatoire – Adoption d'une nouvelle réglementation en vue de remédier à cette discrimination – Modalités du transfert des personnes concernées vers le nouveau système** – Perpétuation de la différence de traitement – Justifications – Droit à une protection juridictionnelle effective – **Droit à réparation** – Principe de primauté

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-396/17 du 6 décembre 2018](#)

Affaire C-24/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du le 6 décembre 2018 - Österreichischer Gewerkschaftsbund, Gewerkschaft Öffentlicher Dienst contre Republik Österreich - demande de décision préjudicielle formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – **Politique sociale** – Directive 2000/78/CE – **Interdiction des discriminations fondées sur l'âge – Système national de rémunération et d'avancement des agents contractuels de la fonction publique – Réglementation d'un État membre jugée discriminatoire – Adoption d'une nouvelle réglementation en vue de remédier à cette discrimination – Modalités du transfert des personnes concernées vers le nouveau système** – Perpétuation de la différence de traitement – Justifications – **Droit à réparation** – Droit à une protection juridictionnelle effective – Article 45 TFUE – Règlement (UE) n° 492/2011 – **Libre circulation des travailleurs – Absence d'entrave**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-24/17 du 6 décembre 2018](#)

Affaire C-494/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 6 décembre 2018 - Ministero dell'Istruzione, dell'Università e della Ricerca – MIUR contre Fabio Rossato et Conservatorio di Musica F.A. Bonporti - demande de décision préjudicielle formée par la Corte d'appello di Trento (cour d'appel de Trente, Italie) - Renvoi préjudiciel – **Politique sociale – Travail à durée déterminée – Contrats conclus avec un employeur relevant du secteur public – Mesures visant à sanctionner le recours abusif aux contrats à durée déterminée** – Absence de droit à la réparation du dommage – Principe d'effectivité
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-494/17 du 6 décembre 2018](#)

Case C-378/17: JUDGMENT OF THE COURT (Grand Chamber) of 4 December 2018 - Minister for Justice and Equality and Commissioner of An Garda Síochána v Workplace Relations Commission and Ronald Boyle and Others - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Equal treatment in employment — Directive 2000/78/EC — Prohibition of discrimination on grounds of age — Recruitment of police officers — National body established by law in order to ensure enforcement of EU law in a particular area** — Power to disapply national legislation that conflicts with EU law — **Primacy of EU law**
[CURIA – Judgment of the Court of Justice in Case C-378/17 of 4 December 2018](#)

Case C-558/17 P: OPINION OF ADVOCATE GENERAL KOKOTT of 21 November 2018 – OZ v European Investment Bank (EIB) - Appeal — **Civil service — EIB staff — Sexual harassment — Complaint — Investigation carried out in the context of the 'Dignity at work' programme — Rejection of the complaint** — Application for annulment of the decision of the President of the EIB to reject the complaint — **Claim for compensation for the damage caused by the conduct of the EIB**
[CURIA – Opinion of Advocate General in Case C-558/17 of 21 November 2018](#)

Case C-452/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 November 2018 - Zako SPRL v Sanidel SA - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de commerce de Liège (Commercial Court, Liège, Belgium) - Reference for a preliminary ruling — **Self-employed commercial agents — Directive 86/653/EEC — Article 1(2) — Definition of 'commercial agent' — Self-employed intermediary performing his activities from the principal's business premises** — Performance of tasks other than those related to the negotiation of sales or the purchase of goods for the principal
[CURIA – Judgment of the Court of Justice in Case C-452/17 of 21 November 2018](#)

Case C-245/17: JUDGMENT OF THE COURT (First Chamber) of 21 November 2018 - Pedro Viejobueno Ibáñez and Emilia de la Vara González v Consejería de Educación de Castilla-La Mancha - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castile-La Mancha, Spain) - Reference for a preliminary ruling — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — National legislation which permits the termination of fixed-term employment contracts where the reason for recruitment ceases to apply — Teachers employed for the academic year** — Termination of the employment relationship at the end of the teaching period — **Organisation of working time** — Directive 2003/88/EC
[CURIA – Judgment of the Court of Justice in Case C-245/17 of 21 November 2018](#)

Affaire C-619/17: ARRÊT DE LA COUR (sixième chambre) du 21 novembre 2018 - Ministerio de Defensa contre Ana de Diego Porras - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunal Supremo (Cour suprême, Espagne) - Renvoi préjudiciel – **Politique sociale** – Directive 1999/70/CE – Accord-cadre CES, UNICE et CEEP sur le travail à durée déterminée – Clause 4 – **Principe de non-discrimination – Justification** – Clause 5 – **Mesures visant à prévenir les abus résultant de l'utilisation de contrats ou de relations de travail à durée déterminée successifs** – Indemnité en cas de résiliation d'un contrat de travail à durée indéterminée pour un motif objectif – **Absence d'indemnité à l'échéance d'un contrat de travail à durée déterminée d'interinidad**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-619/17 du 21 novembre 2018](#)

Case C-147/17: JUDGMENT OF THE COURT (Grand Chamber) of 20 November 2018 - Sindicatul Familia Constanța and Ustiniu Cvas and Others v Direcția Generală de Asistență Socială și Protecția Copilului Constanța - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Constanța (Court of Appeal, Constanța, Romania) - Reference for a preliminary ruling — **Protection of the safety and health of workers — Organisation of working time — Charter of Fundamental Rights of the European Union** — Article 31 — Directive 2003/88/EC — Scope — **Derogation** — Article 1(3) — Directive 89/391/EEC — Article 2(2) — **Work performed by foster parents**

CURIA – Judgment of the Court of Justice in Case C-147/17 of 20 November 2018

Affaire C-457/17: ARRÊT DE LA COUR (première chambre) du 15 novembre 2018 - Heiko Jonny Maniero contre Studienstiftung des deutschen Volkes eV - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - Renvoi préjudiciel — **Égalité de traitement entre les personnes sans distinction de race ou d'origine ethnique** – Directive 2000/43/CE – Article 3, paragraphe 1, sous g) – **Champ d'application – Notion d'“éducation” – Attribution par une fondation privée de bourses destinées à encourager des projets de recherche ou d'études à l'étranger** – Article 2, paragraphe 2, sous b) – **Discrimination indirecte** – Attribution de ces bourses conditionnée à l'obtention préalable en Allemagne du premier examen d'État de droit (Erste Juristische Staatsprüfung)

CURIA – Arrêt de la Cour de Justice dans l'affaire C-457/17 du 15 novembre 2018

Case C-590/17: OPINION OF ADVOCATE GENERAL BOBEK of 15 November 2018 - Henri Pouvin and Marie Dijoux v Electricité de France (EDF) - Request for a preliminary ruling from the Cour de cassation (France) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms in consumer contracts concluded between a seller or supplier and a consumer — Notion of 'seller or supplier' — Notion of 'consumer' — Loan agreement concluded between an employer and an employee and his spouse for the purchase of their home**

CURIA – Opinion of Advocate General in Case C-590/17 of 15 November 2018

Case C-483/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 15 November 2018 - Neculai Tarola v Minister for Social Protection - Request for a preliminary ruling from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Citizenship of the Union — Freedom of movement for persons** — Directive 2004/38/EC — **Right to move and reside freely within the territory of Member States** — Article 7(1)(a) — Workers — Article 7(3)(c) — **Right of residence for more than three months — National of a Member State who has been working in an employed capacity in another Member State for 15 days — Involuntary unemployment — Retaining the status of worker for no less than six months**

CURIA – Opinion of Advocate General in Case C-483/17 of 15 November 2018

Affaire C-18/17: ARRÊT DE LA COUR (troisième chambre) du 14 novembre 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch et Alen Mihovic contre Regionale Geschäftsstelle Leoben des Arbeitsmarktservic - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel — **Adhésion des nouveaux États membres – République de Croatie – Mesures transitoires – Libre prestation des services** – Directive 96/71/CE – **Détachement de travailleurs – Détachement de ressortissants croates et d'États tiers en Autriche par l'intermédiaire d'une entreprise établie en Italie**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-18/17 du 14 octobre 2018

Case C-33/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Čepelnik d.o.o. v Michael Vavti - REQUEST for a preliminary ruling under Article 267 TFEU from the Bezirksgericht Bleiburg/Okrajno Sodišče Pliberk (District Court, Bleiburg, Austria) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Restrictions — Services in the internal market** — Directive 2006/123/EC — **Labour law — Posting of workers in order to carry out construction works — Reporting of workers** — Retention and translation of payslips — **Suspension of payments — Payment of a security by the recipient of the services — Surety for a possible fine to be imposed on the service provider**

CURIA – Judgment of the Court of Justice in Case C-33/17 of 12 November 2018

Case C-432/17: JUDGMENT OF THE COURT (First Chamber) of 7 November 2018 - Dermod Patrick O'Brien v Ministry of Justice, formerly the Department for Constitutional Affairs - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Social policy** — Directive 97/81/EC — Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC — Clause 4 — **Principle of non-discrimination — Part-time workers — Retirement pension — Calculation of the amount of the pension** — Account taken of years of service completed before expiry of the period for transposition of Directive 97/81/EC — **Immediate application to the future effects of a situation which arose under the old law**

[CURIA – Judgment of the Court of Justice in Case C-432/17 of 7 November 2018](#)

Case C-619/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Sebastian W. Kreuziger v Land Berlin - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberverwaltungsgericht Berlin-Brandenburg (Higher Administrative Court, Berlin-Brandenburg, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — Article 7 — Right to paid annual leave — **National legislation providing for the loss of annual leave not taken and of the payment in lieu thereof, where the worker did not submit a request for leave before the termination of the employment relationship**

[CURIA – Judgment of the Court of Justice in Case C-619/16 of 6 November 2018](#)

Case C-684/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. v Tetsuji Shimizu - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave — National legislation providing for the loss of annual leave not taken and of the allowance in lieu thereof where an application for leave has not been made by the worker prior to the termination of the employment relationship** — Directive 2003/88/EC — Article 7 — **Obligation to interpret national law in conformity with EU law — Charter of Fundamental Rights of the European Union** — Article 31(2) — Whether it may be relied upon in a dispute between individuals

[CURIA – Judgment of the Court of Justice in Case C-684/16 of 6 November 2018](#)

Joined Cases C-569/16 and C-570/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Stadt Wuppertal v Maria Elisabeth Bauer (C-569/16) - Volker Willmeroth, in his capacity as owner of TWI Technische Wartung und Instandsetzung Volker Willmeroth e.K. v Martina Broßonn (C-570/16) - REQUESTS for a preliminary ruling under Article 267 TFEU made by the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave — Employment relationship terminated by the death of the worker — National legislation preventing the payment of an allowance to the legal heirs of a worker in lieu of paid annual leave not taken by him — Obligation to interpret national law in conformity with EU law — Charter of Fundamental Rights of the European Union** — Article 31(2) — Whether it may be relied upon in a dispute between individuals)

[CURIA – Judgment of the Court of Justice in Case C-569/16 of 6 November 2018](#)

Affaire C-579/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 25 octobre 2018 - BUAK Bauarbeiter-Urlaubs- u. Abfertigungskasse contre Gradbeništvo Korana d.o.o. - demande de décision préjudicielle formée par l'Arbeits- und Sozialgericht Wien (tribunal du travail et des affaires sociales de Vienne, Autriche) - Renvoi préjudiciel — **Coopération judiciaire en matière civile et commerciale** — Règlement (UE) n° 1215/2012 — Article 53 — **Délivrance du certificat — Procédure administrative ou juridictionnelle**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-579/17 du 25 octobre 2018](#)

Case C-260/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - Anodiki Services EPE v GNA, O Evangelismos — Ophthalmiatreio Athinon — Polykliniki and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — Article 10(g) — Exclusions from its scope — **Employment contracts** — Definition — **Decisions of public hospitals to conclude fixed-term labour contracts for the purposes of catering, the provision of meals and cleaning** — Directive 89/665/EEC — Article 1 — Right to an effective remedy

[CURIA – Judgment of the Court of Justice in Case C-260/17 of 25 October 2018](#)

Case C-331/17: JUDGMENT OF THE COURT (Tenth Chamber) of 25 October 2018 - Martina Sciotto v Fondazione Teatro dell’Opera di Roma - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte d’appello di Roma (Court of Appeal, Rome, Italy) - Reference for a preliminary ruling — **Social policy** — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** — Clause 5 — **Measures to prevent the misuse of successive fixed-term employment contracts or relationships** — National legislation excluding the application of those measures in the sector of activity of operatic and orchestral foundations

[CURIA – Judgment of the Court of Justice in Case C-331/17 of 25 October 2018](#)

Case C-602/17: JUDGMENT OF THE COURT (Sixth Chamber) of 24 October 2018 - Benoît Sauvage and Kristel Lejeune v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers** — **Income received in a Member State other than the Member State of residence** — **Bilateral convention for the avoidance of double taxation** — **Allocation of powers of taxation** — Member State of residence’s power to tax — Connecting factors

[CURIA – Judgment of the Court of Justice in Case C-602/17 of 24 October 2018](#)

Case C-12/17: JUDGMENT OF THE COURT (Grand Chamber) of 4 October 2018 - Tribunalul Botoşani and Ministerul Justiţiei v Maria Dicu, Curtea de Apel Suceava and Consiliul Superior al Magistraturii - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) - Reference for a preliminary ruling — **Social policy** — **Organisation of working time** — Directive 2003/88/EC — **Right to paid annual leave** — Directive 2010/18/EU — **Revised Framework Agreement on parental leave** — **Parental leave not regarded as a period of actual work**

[CURIA – Judgment of the Court of Justice in Case C-12/17 of 4 October 2018](#)

Case C-322/17: OPINION OF ADVOCATE GENERAL MENGOZZI of 4 October 2018 - Eugen Bogatu v Minister for Social Protection - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — **Social security for migrant workers** — **Family benefits claimed by a national of a Member State who has lost his job and has members of his family residing in a Member State other than the Member State of employment** — Regulation (EC) No 883/2004 — Article 68 — Priority rules in the event of overlapping — **Concept of ‘activity as an employed person’**

[CURIA – Opinion of Advocate General in Case C-322/17 of 4 October 2018](#)

Case C-477/17: OPINION OF ADVOCATE GENERAL WAHL of 27 September 2018 - Raad van bestuur van de Sociale Verzekeringsbank v D. Balandin, I. Lukashenko and Holiday on Ice Services BV - Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Preliminary ruling — **Social security** — Regulation No 1231/2010 — **Extension of coordination of social security systems to citizens of third countries legally resident in the territory of a Member State** — **Right to move and reside in the European Union** — Abuse

[CURIA – Opinion of Advocate General in Case C-477/17 of 27 September 2018](#)

10. Energy and Environment

Community Legislation

COMMISSION DIRECTIVE (EU) 2018/1846 of 23 November 2018 **amending** the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods to take into account scientific and technical progress** (Text with EEA relevance)

[OJ of the EU, L 299/58 of 26 November 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/1790 of 16 November 2018 **repealing** Decision 2002/623/EC establishing **guidance notes on the environmental risk assessment of genetically modified organisms** (notified under document C(2018) 7513) (Text with EEA relevance)

[OJ of the EU, L 293/32 of 20 November 2018](#)

COUNCIL DECISION (EU) 2018/1730 of 12 November 2018 on the **position to be taken on behalf of the European Union at the second meeting of the Conference of the Parties to the Minamata Convention on Mercury** with regard to the **adoption of guidelines on the environmentally sound interim storage of mercury, other than waste mercury**, referred to in Article 10(2) and (3) of the Convention
[OJ of the EU, L 288/7 of 16 November 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1659 of 7 November 2018 **amending** Implementing Regulation (EU) No 844/2012 in view of the **scientific criteria for the determination of endocrine disrupting properties** introduced by Regulation (EU) 2018/605 (Text with EEA relevance)
[OJ of the EU, L 278/3 of 11 November 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1660 of 7 November 2018 **imposing special conditions governing the import of certain food of non-animal origin from certain third countries due to the risks of contamination with pesticides residues**, amending Regulation (EC) No 669/2009 and repealing Implementing Regulation (EU) No 885/2014 (Text with EEA relevance)
[OJ of the EU, L 278/7 of 11 November 2018](#)

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2018/1581 of 19 October 2018 **amending** Council Directive 2009/119/EC as regards the **methods for calculating stockholding obligations**
[OJ of the EU, L 263/57 of 22 October 2018](#)

Case Law

Affaire C-305/17: ARRÊT DE LA COUR (quatrième chambre) du 6 décembre 2018 - FENS spol. s r. o. contre Slovenská republika – Úrad pre reguláciu sieťových odvetví - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Okresný súd Bratislava II (tribunal de district de Bratislava II, Slovaquie) - Renvoi préjudiciel – **Libre circulation des marchandises – Droits de douane – Taxes d'effet équivalent – Prélèvement sur le transport d'électricité produite sur le territoire national et destinée à l'exportation** – Compatibilité d'une telle réglementation avec le principe de la libre circulation des marchandises
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-305/17 du 6 décembre 2018](#)

Joined Cases C-473/17 and C-546/17: OPINION OF ADVOCATE GENERAL TANCHEV of 5 December 2018 - Repsol Butano SA (C-473/17) and DISA Gas SAU (C-546/17) v Administración del Estado, Redexis Gas SL and Repsol Butano SA - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling – **Energy – Internal market in natural gas** – Directive 2009/73/EC – Judgment of 20 April 2010, Federutility and Others (C-265/08, EU:C:2010:205) – **Member State measure fixing maximum selling price for cylinders of bottled liquefied petroleum gas (LPG) – Compulsory home delivery – Services of general economic interest** – Principle of proportionality
[CURIA – Opinion of Advocate General in Case C-473/17 of 5 December 2018](#)

Case C-60/18: OPINION OF ADVOCATE GENERAL KOKOTT of 29 November 2018 - AS Tallinna Vesi v Keskkonnaamet and Keskkonnaministeerium - Request for a preliminary ruling from the Tallinna Ringkonnakohus (Court of Appeal, Tallinn, Estonia) - Directive 2008/98/EC – **Waste – End-of-waste status – Recovery – Specific end-of-waste criteria for sewage sludge – No criteria at European or national level**
[CURIA – Opinion of Advocate General in Case C-60/18 of 29 November 2018](#)

Case C-411/17: OPINION OF ADVOCATE GENERAL KOKOTT of 29 November 2018 - Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen vzw v Conseil des ministres and Electrabel SA - Request for a preliminary ruling from the Cour constitutionnelle (Constitutional Court, Belgium) - Request for a preliminary ruling – **Environment – Espoo Convention – Aarhus Convention** – Directive 2011/92/EU – Directive 92/43/EEC – Directive 2009/147/EC – **Phasing out of nuclear energy – Statutory extension by 10 years of the period of industrial production of electricity by certain nuclear power stations – No environmental impact assessment** – Definition of 'project' – Legislative act – Renewal of consent – **Direct effect of International Conventions** – Derogation from obligations – Overriding public interest – Security of supply
[CURIA – Opinion of Advocate General in Case C-411/17 of 29 November 2018](#)

Affaires jointes C-262/17, C-263/17 et C-273/17: ARRÊT DE LA COUR (première chambre) du 28 novembre 2018 - Solvay Chimica Italia SpA, Solvay Specialty Polymers Italy SpA, Solvay Chimica Bussi SpA, Ferrari f.lli Lunelli SpA, Fenice – Qualità Per L’ambiente SpA, Erg Power Srl, Erg Power Generation SpA, Eni SpA, Enipower SpA (C-262/17), Whirlpool Europe Srl, Fenice – Qualità Per L’ambiente SpA, FCA Italy SpA, FCA Group Purchasing Srl, FCA Melfi SpA, Barilla G. e R. Fratelli SpA, Versalis SpA (C-263/17) et Sol Gas Primari Srl (C-273/17) contre Autorità per l’energia elettrica, il gas e il sistema idrico, Nuova Solmine SpA, American Husky III, Inovyn Produzione Italia SpA, Sasol Italy SpA, Radici Chimica SpA, La Vecchia Soc. cons. arl, Zignago Power Srl, Santa Margherita e Kettmeir e Cantine Torresella SpA, Zignago Vetro SpA, Chemisol Italia Srl, Vinavil SpA, Italgas SpA, Arkema Srl, Yara Italia SpA, Ineos Manufacturing Italia SpA, ENEL Distribuzione SpA, Terna SpA, CSEA – Cassa per i servizi energetici e ambientali, Ministero dello Sviluppo economico (C-262/17), Terna SpA, CSEA – Cassa per i servizi energetici e ambientali, Ministero dello Sviluppo economico, ENEL Distribuzione SpA (C-263/17), Terna SpA et Ministero dello Sviluppo economico (C-273/17) - ayant pour objet des demandes de décision préjudicielle au titre de l’article 267 TFUE, introduites par le Tribunale amministrativo regionale per la Lombardia (tribunal administratif régional de Lombardie, Italie) - Renvoi préjudiciel – **Marché intérieur de l’électricité** – Directive 2009/72/CE – **Réseaux de distribution** – Article 28 – **Réseaux fermés de distribution** – **Notion** – **Exemptions** – **Limites** – Article 32, paragraphe 1 – **Accès des tiers** – Article 15, paragraphe 7, et article 37, paragraphe 6, sous b) – **Redevances dues au titre du service d’appel**
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-262/17 du 28 novembre 2018](#)

Affaire C-506/17: ARRÊT DE LA COUR (sixième chambre) du 28 novembre 2018 - Commission européenne contre République de Slovénie - ayant pour objet un recours en manquement au titre de l’article 258 TFUE - **Manquement d’État** – **Environnement** – **Mise en décharge des déchets** – Directive 1999/31/CE – Article 14, sous b) et c) – **Autorisation d’exploitation** – **Désaffectation des sites non autorisés** – **Autorisation des travaux nécessaires sur la base du plan d’aménagement du site approuvé** – Fixation d’une période transitoire pour l’exécution du plan
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-506/17 du 28 novembre 2018](#)

Joined Cases C-626/15 and C-659/16: JUDGMENT OF THE COURT (Grand Chamber) of 20 November 2018 - European Commission v Council of the European Union, Federal Republic of Germany, Hellenic Republic, Kingdom of Spain, French Republic, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-626/15) - European Commission v Council of the European Union, Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Grand Duchy of Luxembourg, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-659/16) - ACTIONS for annulment under Article 263 TFEU, brought on 23 November 2015 (C-626/15) and 20 December 2016 (C-659/16) - Actions for annulment — **Decision of the Permanent Representatives Committee (Coreper)** — **Decision approving the submission of a reflection paper to an international body** — **Admissibility** — **Challengeable act** — **Exclusive, shared or complementary competence of the European Union** — Action of the European Union alone in an international body or participation of the Member States alongside it — **Conservation of marine biological resources** — **Fisheries** — **Protection of the environment** — **Research** — **Marine protected areas (MPAs)** — **Antarctic Treaty** — **Convention on the Conservation of Antarctic Marine Living Resources** — **Weddell Sea and Ross Sea**
[CURIA – Judgment of the Court of Justice in Case C-626/15 of 20 November 2018](#)

Case C-399/17: OPINION OF ADVOCATE GENERAL WAHL of 15 November 2018 - European Commission v Czech Republic - Infringement — Article 258 TFEU — Regulation (EC) No 1013/2006 — **Shipments of waste** — Substance known as TPS-NOLO (Geobal) — **Take-back of an illegal shipment of waste** — **Classification issues** — Article 28 — **Substance to be treated as waste in case of disagreement on classification issues** — Admissibility
[CURIA – Opinion of Advocate General in Case C-399/17 of 15 November 2018](#)

Affaires jointes C-487/17 à C-489/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 15 novembre 2018 - Alfonso Verlezza, Riccardo Traversa, Irene Cocco, Francesco Rando, Carmelina Scaglione, Francesco Rizzi, Antonio Giuliano, Enrico Giuliano, Refecta Srl, E. Giovi Srl, Vetresco Srl, SE.IN Srl (C-487/17), Carmelina Scaglione (C-488/17) et MAD Srl (C-489/17) contre Procuratore della Repubblica del Tribunale di Roma et Procuratore generale della Repubblica presso la Corte Suprema di Cassazione - demandes de décision préjudicielle formées par la Corte suprema di cassazione (Cour de cassation, Italie) - Recours préjudiciel – **Environnement** – Directive 2008/98/CE – **Déchets** – Décision 2000/532/CE – **Liste européenne des déchets – Classification des déchets – Entrées miroirs – Déchets auxquels peuvent être attribués des codes correspondant à des déchets dangereux et à des déchets non dangereux** – Déchets provenant du traitement mécanique de déchets municipaux

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-487/17 du 15 novembre 2018](#)

Case C-238/17: JUDGMENT OF THE COURT (Third Chamber) of 14 November 2018 - UAB'Renerga' v AB 'Energijos skirstymo operatorius', AB 'Lietuvos energijos gamyba', UAB'BALTPOL', Lietuvos Respublikos Vyriausybė, Achema AB and Achemos Grupė UAB - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus miesto apylinkės teismas (District Court, City of Vilnius, Lithuania) - Reference for a preliminary ruling — Directive 2009/72/EC — Article 3(2), (6) and (15) and Article 36(f) — **Internal market in electricity — Hypothetical nature of the questions referred for a preliminary ruling — Inadmissibility of the request for a preliminary ruling**

[CURIA – Judgment of the Court of Justice in Case C-238/17 of 14 November 2018](#)

Case C-461/17: JUDGMENT OF THE COURT (Second Chamber) of 7 November 2018 - Brian Holohan, Richard Guilfoyle, Noric Guilfoyle and Liam Donegan v An Bord Pleanála and National Parks and Wildlife Service (NPWS) - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Environment** — Directive 92/43/EEC — **Conservation of natural habitats — Conservation of wild fauna and flora — Road construction project — Appropriate assessment of effects on the environment — Extent of the obligation to state reasons** — Directive 2011/92/EU — Assessment of the implications of certain projects — Annex IV, Point 3 — Article 5(3)(d) — **Meaning of the concept of 'main alternatives'**

[CURIA – Judgment of the Court of Justice in Case C-461/17 of 7 November 2018](#)

Joined Cases C-293/17 and C-294/17: JUDGMENT OF THE COURT (Second Chamber) of 7 November 2018 - Coöperatie Mobilisation for the Environment UA and Vereniging Leefmilieu v College van gedeputeerde staten van Limburg, College van gedeputeerde staten van Gelderland, G. H. Wildenbeest, Maatschap Smeets, Maatschap Lintzen-Crooijmans and W. A. H. Corstjens (C-293/17) - Stichting Werkgroep Behoud de Peel v College van gedeputeerde staten van Noord-Brabant, Maatschap Gebr. Lammers, Landbouwbedrijf Swinkels, Pluimveehouderij Van Diepen VOF, Vermeerderingsbedrijf Engelen, Varkenshouderij Limburglaan BV, Madou Agro Varkens CV (C-294/17) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — Directive 92/43/EEC — **Conservation of natural habitats and of wild fauna and flora — Special areas of conservation** — Article 6 — **Appropriate assessment of the implications of a plan or project for a site — National programmatic approach to tackling nitrogen deposition — Concepts of 'project' and 'appropriate assessment'** — Overall assessment prior to individual authorisations for farms which cause nitrogen deposition

[CURIA – Judgment of the Court of Justice in Case C-293/17 of 7 November 2018](#)

Affaire C-301/17: ARRÊT DE LA COUR (sixième chambre) du 18 octobre 2018 - Commission européenne contre Roumanie - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État** – Acte d'adhésion de 2005 – **Obligations des États adhérents – Environnement** – Directive 1999/31/CE – Article 14, sous b) – **Mise en décharge des déchets – Fermeture des sites n'ayant pas obtenu l'autorisation d'exploiter une décharge** – Procédure de désaffectation et de gestion après désaffectation

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-301/17 du 18 octobre 2018](#)

Case C-669/16: JUDGMENT OF THE COURT (Sixth Chamber) of 18 October 2018 - European Commission v United Kingdom of Great Britain and Northern Ireland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations – Environment** — Directive 92/43/EEC — **Conservation of natural habitats and of wild fauna and flora** — Article 4(1) — Annexes II and III — **Designation of special areas of conservation (SACs) — Harbour porpoise**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-669/16 du 18 octobre 2018](#)

Case C-167/17: JUDGMENT OF THE COURT (First Chamber) of 17 October 2018 - Volkmar Klohn v An Bord Pleanála, Sligo County Council, Maloney and Matthews Animal Collections Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Environment — Assessment of the effects of certain projects on the environment — Right to challenge a development consent decision — Requirement for a procedure which is not prohibitively expensive — Concept** — Temporal application — Direct effect — Effect on a national decision on the taxation of costs which has become final

[CURIA – Judgment of the Court of Justice in Case C-167/17 of 17 October 2018](#)

Case C-504/17: JUDGMENT OF THE COURT (Eighth Chamber) of 17 October 2018 - European Commission v Ireland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Taxation of energy products and electricity — Directive 2003/96/EC — Articles 4 and 7 — Application of the minimum levels of taxation applicable to motor fuels — Directive 95/60/EC — Fiscal marking of gas oils and kerosene — Refuelling of private pleasure craft**

[CURIA – Judgment of the Court of Justice in Case C-504/17 of 17 October 2018](#)

Case C-503/17: JUDGMENT OF THE COURT (Eighth Chamber) of 17 October 2018 - European Commission v United Kingdom of Great Britain and Northern Ireland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Directive 95/60/EC — Fiscal marking of gas oils and kerosene — Refuelling of private pleasure craft**

[CURIA – Judgment of the Court of Justice in Case C-503/17 of 17 October 2018](#)

Case C-82/17 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 17 October 2018 - TestBioTech eV, European Network of Scientists for Social and Environmental Responsibility eV and Sambucus eV v European Commission - Appeal — **Environment – Genetically modified products – Commission decision authorising the placing on the market of products containing genetically modified soya MON 87701 x MON 89788** – Regulation (EC) No 1367/2006 – Article 10 – **Request for internal review of an administrative act under environmental law – Burden of proof**

[CURIA – Opinion of Advocate General in Case C-82/17 of 17 October 2018](#)

Affaire C-242/17: ARRÊT DE LA COUR (deuxième chambre) du 4 octobre 2018 - Legatoria Editoriale Giovanni Olivotto (L.E.G.O.) SpA contre Gestore dei servizi energetici (GSE) SpA, Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero dello Sviluppo Economico, Ministero delle Politiche Agricole e Forestali, ED & F Man Liquid Products Italia Srl, Unigrà Srl et Movendi Srl - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE - Renvoi préjudiciel — **Environnement – Promotion de l’utilisation de l’énergie produite à partir de sources renouvelables – Bioliquides utilisés pour une installation thermoélectrique – Directive 2009/28/CE – Article 17– Critères de durabilité pour les bioliquides – Article 18– Systèmes nationaux de certification de la durabilité – Décision d’exécution 2011/438/UE – Systèmes volontaires de certification de la durabilité des biocarburants et des bioliquides approuvés par la Commission européenne – Réglementation nationale prévoyant l’obligation pour les opérateurs intermédiaires de présenter les certificats de durabilité** – Article 34 TFUE – Libre circulation des marchandises

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-242/17 du 4 octobre 2018](#)

Case C-668/16: JUDGMENT OF THE COURT (Second Chamber) of 4 October 2018 - European Commission v Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations — Directive 2006/40/EC — Emissions from air-conditioning systems in motor vehicles — Article 5(4) and (5) — Directive 2007/46/EC — Approval of motor vehicles — Articles 12, 29, 30 and 46 — Vehicles not conforming to technical requirements — Responsibility of the national authorities**

[CURIA – Judgment of the Court of Justice in Case C-668/16 of 4 October 2018](#)

Case C-466/16 P: OPINION OF ADVOCATE GENERAL MENGGOZZI of 3 October 2018 - Council of the European Union v Marquis Energy LLC - Appeal — **Dumping — Imports of bioethanol originating in the United States of America — Definitive anti-dumping duty** — Implementing Regulation (EU) No 157/2013 — Regulation (EC) No 1225/2009 — **Standing to bring proceedings of a non-exporting producer — Direct concern**

[CURIA – Opinion of Advocate General in Case C-466/16 of 3 October 2018](#)

Case C-465/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 3 October 2018 - Council of the European Union v Growth Energy and Renewable Fuels Association - Appeal — Dumping — Imports of bioethanol originating in the United States of America — Definitive anti-dumping duty — Regulation (EC) No 1225/2009 — Standing to bring proceedings of associations representing non-exporting producers — Direct concern — Article 9(5) — Impossibility of imposing an anti-dumping duty on each supplier — Imposition of an anti-dumping duty at the level of the supplying country — Articles 6.10 and 9.2 of the World Trade Organisation (WTO) Anti-Dumping Agreement — Consistent interpretation
[CURIA – Opinion of Advocate General in Case C-465/16 of 3 October 2018](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases (Text with EEA relevance)
[OJ of the EU, L 308/21 of 4 December 2018](#)

REGULATION (EU) 2018/1718 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 amending Regulation (EC) No 726/2004 as regards the **location of the seat of the European Medicines Agency** (Text with EEA relevance)
[OJ of the EU, L 291/3 of 16 November 2018](#)

COMMISSION DECISION (EU) 2018/1701 of 7 November 2018 on the proposed citizens' initiative entitled 'Mandatory food labelling Non-Vegetarian/Vegetarian/Vegan' (notified under document C(2018) 7300) (Only the English text is authentic)
[OJ of the EU, L 285/80 of 13 November 2018](#)

Case Law

Case C-443/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 13 December 2018 - Abraxis Bioscience LLC v Comptroller General of Patents - Request for a preliminary ruling from the High Court of Justice (England & Wales), Chancery Division (Patents Court), United Kingdom - Reference for a preliminary ruling — Medicinal products — Supplementary protection certificate — Regulation (EC) No 469/2009 — Conditions for granting — Article 3(d) — Concept of 'first authorisation to place the product on the market as a medicinal product' — Marketing authorisation for a medicinal product constituting a new formulation, protected by a basic patent, of a previously authorised active ingredient — Non-compliance with the condition laid down in Article 3(d)
[CURIA – Opinion of Advocate General in Case C-443/17 of 13 December 2018](#)

Case C-347/17: OPINION OF ADVOCATE GENERAL BOBEK of 29 November 2018 – A, B, C, D, E, F and G v Staatssecretaris van Economische Zaken - Request for a preliminary ruling from the Rechtbank Rotterdam (District Court, Rotterdam, Netherlands) - Reference for a preliminary ruling — Regulation (EC) No 853/2004 — Regulation (EC) No 854/2004 — Hygiene of food of animal origin — Poultry — Obligations on slaughterhouses after evisceration — Nature and content — Cleaning of carcasses — Notion of 'contamination' — Visible or invisible contamination on a carcass — Contamination by faeces, bile, and crop contents — Controls — Powers of officials
[CURIA – Opinion of Advocate General in Case C-347/17 of 29 November 2018](#)

Case C-151/17: JUDGMENT OF THE COURT (First Chamber) of 22 November 2018 - Swedish Match AB v Secretary of State for Health and New Nicotine Alliance - 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 — **Approximation of laws — Manufacture, presentation and sale of tobacco products** — Directive 2014/40/EU — Article 1(c) and Article 17 — **Prohibition on the placing on the market of tobacco products for oral use — Validity**

[CURIA – Judgment of the Court of Justice in Case C-151/17 of 22 November 2018](#)

Case C-29/17: JUDGMENT OF THE COURT (First Chamber) of 21 November 2018 - Novartis Farma SpA v Agenzia Italiana del Farmaco (AIFA), Roche Italia SpA, Consiglio Superiore di Sanità, Ministero della Salute, Regione Veneto, Società Oftalmologica Italiana (SOI) — Associazione Medici Oculisti Italiani (AMOI) and Regione Emilia-Romagna - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Medicinal products for human use** — Directive 2001/83/EC — Article 3(1) — Article 6 — Directive 89/105/EEC — Regulation (EC) No 726/2004 — Articles 3, 25 and 26 — **Repackaging of a medicinal product for use as a treatment not covered by its marketing authorisation (off-label use) — Reimbursement by the national healthcare insurance system**

[CURIA – Judgment of the Court of Justice in Case C-29/17 of 21 November 2018](#)

Affaire C-118/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 15 novembre 2018 - Zsuzsanna Dunai contre ERSTE Bank Hungary Zrt. - demande de décision préjudicielle formée par le Budai Központi Kerületi Bíróság (tribunal central d’arrondissement de Buda, Hongrie) - Renvoi préjudiciel – Directive 93/13/CEE – **Clauses abusives dans les contrats conclus avec les consommateurs – Contrats de crédit libellés en devises étrangères – Clauses abusives déclarées nulles** – Législation nationale remédiant à la nullité par la modification du contenu des contrats en cause – **Maintien de la validité de ces contrats pour le surplus – Possibilité pour la Cour suprême de l’État membre concerné d’adopter des décisions visant à l’unification de la jurisprudence**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-118/17 du 15 novembre 2018](#)

Case C-413/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - ‘Roche Lietuva’ UAB v Kauno Dainavos poliklinika VšĮ - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court, Lithuania) - Reference for a preliminary ruling — **Public supply contract for medical diagnostic equipment and materials** — Directive 2014/24/EU — Article 42 — **Award — Margin of appreciation of the contracting authority — Detailed formulation of the technical specifications**

[CURIA – Judgment of the Court of Justice in Case C-413/17 of 25 October 2018](#)

Case C-590/17: OPINION OF ADVOCATE GENERAL BOBEK of 15 November 2018 - Henri Pouvin and Marie Dijoux v Electricité de France (EDF) - Request for a preliminary ruling from the Cour de cassation (France) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms in consumer contracts concluded between a seller or supplier and a consumer — Notion of ‘seller or supplier’ — Notion of ‘consumer’ — Loan agreement concluded between an employer and an employee and his spouse for the purchase of their home**

[CURIA – Opinion of Advocate General in Case C-590/17 of 15 November 2018](#)

Affaire C-465/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 14 novembre 2018 - Falck Rettungsdienste GmbH et Falck A/S contre Stadt Solingen, Arbeiter-Samariter-Bund Regionalverband Bergisch Land e.V., Malteser Hilfsdienst e.V. et Deutsches Rotes Kreuz, Kreisverband Solingen - Demande de décision préjudicielle formée par l’Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Procédure préjudicielle – **Marchés publics** – Directive 2014/24/UE – **Exclusions spécifiques relatives aux marchés de services – Services de défense civile, de protection civile et de prévention des risques** – Organisations ou associations à but non lucratif – **Services ambulanciers**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-465/17 du 14 octobre 2018](#)

Case C-527/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - Boston Scientific Ltd v Deutsches Patent- und Markenamt - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundespatentgericht (Federal Patents Court, Germany) - Reference for a preliminary ruling — **Intellectual and industrial property — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — **Scope — Medical device incorporating as an integral part a substance which, used separately, may be considered to be a medicinal product** — Directive 93/42/EEC — Article 1(4) — **Concept of ‘administrative authorisation procedure’**

[CURIA – Judgment of the Court of Justice in Case C-527/17 of 25 October 2018](#)

Case C-425/17: JUDGMENT OF THE COURT (Sixth Chamber) of 17 October 2018 - Günter Hartmann Tabakvertrieb GmbH & Co. KG v Stadt Kempten and Landesanstalt für Verbraucherschutz Bayern - REQUEST for a preliminary ruling under Article 267 TFEU from the Bayerischer Verwaltungsgerichtshof (Higher Administrative Court of Bavaria, Germany) - Reference for a preliminary ruling — **Approximation of laws — Manufacture, presentation and sale of tobacco products** — Directive 2014/40/EU — **Ban on placing tobacco for oral use on the market — Definitions of ‘chewing tobacco’ and ‘tobacco for oral use’** — Paste composed of finely ground tobacco (Thunder Chewing Tobacco) and porous cellulose sachet portions filled with finely ground tobacco (Thunder Frosted Chewing Bags)

[CURIA – Judgment of the Court of Justice in Case C-425/17 of 17 October 2018](#)

Case C-105/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Komisia za zashtita na potrebitelite v Evelina Kamenova and Okrazhna prokuratura — Varna - REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad — Varna (Administrative Court, Varna, Bulgaria) - Reference for a preliminary ruling — **Consumer protection** — Directive 2005/29/EC — Article 2(b) and (d) — Directive 2011/83/EU — Article 2(2) — **Concepts of ‘trader’ and ‘commercial practices’**

[CURIA – Judgment of the Court of Justice in Case C-105/17 of 4 October 2018](#)

Case C-423/17: OPINION OF ADVOCATE GENERAL KOKOTT of 4 October 2018 - Staat der Nederlanden v Warner-Lambert Company LLC - Request for a preliminary ruling from the Gerechtshof Den Haag (Court of Appeal, The Hague, Netherlands) - Request for a preliminary ruling — **Medicinal products for human use** — Directive 2001/83/EC — **Generic medicinal products — Summary of product characteristics — Carve-out for still patented indications of the reference medicinal product — Scope of the marketing authorisation for the generic medicinal product** — Publication of the summary of product characteristics

[CURIA – Opinion of Advocate General in Case C-423/17 of 4 October 2018](#)

Affaire C-680/16 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOLZI du 4 octobre 2018 - Dr. August Wolff GmbH & Co. KG Arzneimittel et Remedia d.o.o. contre Commission européenne - Pourvoi – Directive 2001/83/CE – **Médicaments à usage humain – Décision de la Commission ordonnant aux États membres le retrait et la modification des autorisations nationales de mise sur le marché des médicaments à usage topique contenant 0,01 % en poids d’estradiol** – Conditions de la saisine du comité pour les médicaments à usage humain – Impartialité objective – **Droit d’être entendu – Principe de proportionnalité – Principe d’égalité de traitement**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-680/16 du 4 octobre 2018](#)

12. Human Rights

Community Legislation

COMMISSION DECISION (EU) 2018/1962 of 11 December 2018 **laying down internal rules** concerning the **processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to data subjects and the restriction of certain of their rights** in accordance with Article 25 of Regulation (EU) 2018/1725 of the European Parliament and of the Council

[OJ of the EU, L 315/41 of 12 December 2018](#)

COMMISSION DECISION (EU) 2018/1961 of 11 December 2018 **laying down internal rules** concerning the provision of **information to data subjects and the restriction of certain of their rights in the context of the processing of personal data for the purpose of internal audit activities**

[OJ of the EU, L 315/35 of 12 December 2018](#)

REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the **protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies** and on the **free movement of such data**, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance)
[OJ of the EU, L 295/39 of 21 November 2018](#)

Case Law

Joined Cases C-582/17 and C-583/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 29 November 2018 - **Staatssecretaris van Veiligheid en Justitie v H. (C-582/17) and R. (C-583/17)** - Request for a preliminary ruling from the Raad van State (Council of State) (Netherlands) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national — Successive applications lodged in two Member States** — Take back request — **Application of the criteria for determining the Member State responsible by the requesting Member State** — Article 27 — **Whether the scope of judicial review covers misapplication of the Chapter III criteria by the requesting Member State**
[CURIA – Opinion of Advocate General in Case C-582/17 of 29 November 2018](#)

Affaire C-635/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 29 novembre 2018 - **E. contre Staatssecretaris van Veiligheid en Justitie** - demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats Haarlem (tribunal de La Haye, siégeant à Haarlem, Pays-Bas) - Renvoi préjudiciel – **Contrôles aux frontières, asile et immigration – Politique d'immigration – Droit au regroupement familial** – Directive 2003/86/CE – **Regroupement familial pour les bénéficiaires d'une protection internationale** – Article 11, paragraphe 2 – Charge et niveau de preuve requis aux fins de la démonstration des liens familiaux – Absence des pièces justificatives officielles – **Règle de procédure nationale permettant de rejeter la demande de regroupement familial lorsque le regroupant n'explique pas d'une manière plausible l'absence desdites pièces – Admissibilité**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-635/17 du 29 novembre 2018](#)

Affaire C-235/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 29 novembre 2018 - **Commission européenne contre Hongrie** - Manquement d'État – Article 63 TFUE – **Libre circulation des capitaux – Droits d'usufruit sur des terres agricoles** – Réglementation nationale supprimant, sans prévoir d'indemnisation, les droits antérieurement constitués au profit de personnes morales ou de personnes physiques ne pouvant justifier d'un lien de proche parenté avec le propriétaire des terres – **Compétence de la Cour pour constater, de manière autonome, une violation de l'article 17 de la charte des droits fondamentaux de l'Union européenne**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-235/17 du 29 novembre 2018](#)

Case C-713/17: JUDGMENT OF THE COURT (Third Chamber) of 21 November 2018 - Ahmad Shah Ayubi v Bezirkshauptmannschaft Linz-Land - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Oberösterreich (Regional Administrative Court, Upper Austria, Austria) - Reference for a preliminary ruling — Directive 2011/95/EU — **Rules relating to the content of international protection — Refugee status** — Article 29 — **Social protection — Different treatment — Refuges with temporary right of residence**
[CURIA – Judgment of the Court of Justice in Case C-713/17 of 21 November 2018](#)

Case C-147/17: JUDGMENT OF THE COURT (Grand Chamber) of 20 November 2018 - Sindicatul Familia Constanța and Ustina Cvas and Others v Direcția Generală de Asistență Socială și Protecția Copilului Constanța - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Constanța (Court of Appeal, Constanța, Romania) - Reference for a preliminary ruling — **Protection of the safety and health of workers — Organisation of working time — Charter of Fundamental Rights of the European Union** — Article 31 — Directive 2003/88/EC — Scope — **Derogation** — Article 1(3) — Directive 89/391/EEC — Article 2(2) — **Work performed by foster parents**
[CURIA – Judgment of the Court of Justice in Case C-147/17 of 20 November 2018](#)

Joined Cases C-47/17 and C-48/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - X (C-47/17) and X (C-48/17) v Staatssecretaris van Veiligheid en Justitie - REQUESTS for a preliminary ruling under Article 267 TFEU made by the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — Regulation (EC) No 1560/2003 — **Determination of the Member State responsible for examining an application for international protection — Criteria and mechanisms for determination — Request to take charge of or take back an asylum seeker** — Negative reply from the requested Member State — Re-examination request — Article 5(2) of Regulation No 1560/2003 — **Time limit for replying — Expiry — Effects**

[CURIA – Judgment of the Court of Justice in Case C-47/17 of 13 November 2018](#)

Case C-257/17: JUDGMENT OF THE COURT (Third Chamber) of 7 November 2018 - C and A v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Jurisdiction of the Court** — Directive 2003/86/EC — **Right to family reunification** — Article 15 — **Refusal to grant an autonomous residence permit — National legislation providing for a requirement to pass a civic integration examination**

[CURIA – Judgment of the Court of Justice in Case C-257/17 of 7 November 2018](#)

Case C-380/17: JUDGMENT OF THE COURT (Third Chamber) of 7 November 2018 - K and B v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Jurisdiction of the Court** — Directive 2003/86/EC — **Right to family reunification** — Article 12 — **Failure to comply with the time limit of three months following the grant of international protection — Beneficiary of subsidiary protection status** — Rejection of an application for a visa

[CURIA – Judgment of the Court of Justice in Case C-380/17 of 7 November 2018](#)

Case C-484/17: JUDGMENT OF THE COURT (Third Chamber) of 7 November 2018 - K v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — Directive 2003/86/EC — **Right to family reunification** — Article 15 — **Refusal to grant an autonomous residence permit — National legislation providing for a requirement to pass a civic integration examination**

[CURIA – Judgment of the Court of Justice in Case C-484/17 of 7 November 2018](#)

Case C-684/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. v Tetsuji Shimizu - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave — National legislation providing for the loss of annual leave not taken and of the allowance in lieu thereof where an application for leave has not been made by the worker prior to the termination of the employment relationship** — Directive 2003/88/EC — Article 7 — **Obligation to interpret national law in conformity with EU law — Charter of Fundamental Rights of the European Union** — Article 31(2) — Whether it may be relied upon in a dispute between individuals

[CURIA – Judgment of the Court of Justice in Case C-684/16 of 6 November 2018](#)

Joined Cases C-569/16 and C-570/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Stadt Wuppertal v Maria Elisabeth Bauer (C-569/16) - Volker Willmeroth, in his capacity as owner of TWI Technische Wartung und Instandsetzung Volker Willmeroth e.K. v Martina Broßonn (C-570/16) - REQUESTS for a preliminary ruling under Article 267 TFEU made by the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy — Organisation of working time** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave — Employment relationship terminated by the death of the worker — National legislation preventing the payment of an allowance to the legal heirs of a worker in lieu of paid annual leave not taken by him — Obligation to interpret national law in conformity with EU law — Charter of Fundamental Rights of the European Union** — Article 31(2) — Whether it may be relied upon in a dispute between individuals)

[CURIA – Judgment of the Court of Justice in Case C-569/16 of 6 November 2018](#)

Affaire C-492/18 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 6 novembre 2018 - Openbaar Ministerie contre TC - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d'Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen – Décision de remise** – Article 17 – **Droits de la personne recherchée – Charte des droits fondamentaux de l'Union européenne** – Article 6 – **Droit à la liberté**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-492/18 du 6 novembre 2018](#)

Case C-234/17: JUDGMENT OF THE COURT (Grand Chamber) of 24 October 2018 - XC, YB and ZA v Generalprokuratur - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Principles of EU law — Sincere cooperation — Procedural autonomy — Principles of equivalence and effectiveness — National legislation laying down a remedy allowing criminal proceedings to be reheard in the event of infringement of the European Convention for the Protection of Human Rights and Fundamental Freedoms** — No obligation to extend that procedure to cases of alleged infringement of the fundamental rights enshrined in EU law

[CURIA – Judgment of the Court of Justice in Case C-234/17 of 24 October 2018](#)

Affaire C-662/17: ARRÊT DE LA COUR (septième chambre) du 18 octobre 2018 - E. G. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Système européen commun d'asile** – Directive 2013/32/UE – Article 46, paragraphe 2 – **Recours contre une décision refusant l'octroi du statut de réfugié, mais accordant le statut conféré par la protection subsidiaire** – Recevabilité – **Absence d'intérêt suffisant lorsque le statut de protection subsidiaire accordé par un État membre offre les mêmes droits et avantages que ceux offerts par le statut de réfugié au titre du droit de l'Union et du droit national** – Pertinence, aux fins de l'examen de l'identité desdits droits et avantages, de la situation individuelle du demandeur

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-662/17 du 18 octobre 2018](#)

Case C-149/17: JUDGMENT OF THE COURT (Third Chamber) of 18 October 2018 - Bastei Lübbe GmbH & Co. KG v Michael Strotzer - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht München I (Regional Court, Munich I, Germany) - Reference for a preliminary ruling — **Copyright and related rights** — Directive 2001/29/EC — **Enforcement of intellectual property rights** — Directive 2004/48/EC — **Compensation in the event of file-sharing in breach of copyright — Internet connection accessible by members of the owner's family** — Exemption from liability of the owner without the need to specify the nature of the use of the connection by the family member — **Charter of Fundamental Rights of the European Union** — Article 7

[CURIA – Judgment of the Court of Justice in Case C-149/17 of 18 October 2018](#)

Case C-393/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 17 October 2018 - UD v XB - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales), Family Division - Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in civil matters** — Regulation (EC) No 2201/2003 — Article 8(1) — **Jurisdiction in matters of parental responsibility — Concept of 'habitual residence of the child' — Requirement of physical presence** — Detention of the mother and child in a third country against the will of the mother — **Infringement of the fundamental rights of the mother and child**

[CURIA – Judgment of the Court of Justice in Case C-393/18 of 17 October 2018](#)

Case C-652/16: JUDGMENT OF THE COURT (Second Chamber) of 4 October 2018 - Nigyar Rauf Kaza Ahmedbekova and Rauf Emin Oglu Ahmedbekov v Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite - REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad Sofia-grad (Sofia Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Common policy on asylum and subsidiary protection — Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection** — Directive 2011/95/EU — Articles 3, 4, 10 and 23 — **Applications for international protection lodged separately by family members — Individual assessment — Taking into account threats in respect of a family member in carrying out the individual assessment of the application for international protection of another family member** — More favourable standards capable of being retained or introduced by the Member States for the purpose of extending the refugee or subsidiary protection status of a beneficiary of international protection to family members — **Assessment of the reasons for persecution** — Involvement of an Azerbaijani national in bringing a complaint against her country before the European Court of Human Rights — Common procedural standards — Directive 2013/32/EU — Article 46 — **Right to an effective remedy — Full and *ex nunc* examination** — Reasons for persecution or evidence withheld from the determining authority but invoked in the course of an action against the decision taken by that authority
[CURIA – Judgment of the Court of Justice in Case C-652/16 of 4 October 2018](#)

Affaire C-56/17: ARRÊT DE LA COUR (deuxième chambre) du 4 octobre 2018 - Bahtiyar Fathi contre Predsedatel na Darzhavna agentsia za bezhantsite - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE introduite 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** – Règlement (UE) no 604/2013 – Article 3 – **Détermination de l'État membre responsable de l'examen d'une demande de protection internationale présentée dans l'un des États membres par un ressortissant d'un pays tiers** – Examen d'une demande de protection internationale sans décision explicite quant à la détermination de l'État membre responsable de l'examen – Directive 2011/95/UE – Articles 9 et 10 – **Motifs de persécution fondés sur la religion – Preuve – Législation iranienne sur l'apostasie** – Directive 2013/32/UE – Article 46, paragraphe 3 – Recours effectif
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-56/17 du 4 octobre 2018](#)

Affaire C-557/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 4 octobre 2018 - Y.Z., Z.Z. and Y.Y. v Staatssecretaris van Veiligheid en Justitie - demande de décision préjudicielle formée par le Raad van State (Conseil d'État, Pays-Bas) - Renvoi préjudiciel – Directive 2003/86/CE – **Droit au regroupement familial** – Directive 2003/109/CE – **Statut des ressortissants de pays tiers résidents de longue durée – Retrait du titre de séjour ou perte du statut pour cause de fraude** – Absence de connaissance
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-557/17 du 4 octobre 2018](#)

Affaire C-680/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 4 octobre 2018 - Dr. August Wolff GmbH & Co. KG Arzneimittel et Remedix d.o.o. contre Commission européenne - Pourvoi – Directive 2001/83/CE – **Médicaments à usage humain – Décision de la Commission ordonnant aux États membres le retrait et la modification des autorisations nationales de mise sur le marché des médicaments à usage topique contenant 0,01 % en poids d'estradiol** – Conditions de la saisine du comité pour les médicaments à usage humain – Impartialité objective – **Droit d'être entendu – Principe de proportionnalité – Principe d'égalité de traitement**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-680/16 du 4 octobre 2018](#)

Case C-207/16: JUDGMENT OF THE COURT (Grand Chamber) of 2 October 2018 - Ministerio Fiscal - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Tarragona (Provincial Court, Tarragona, Spain) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data** — Directive 2002/58/EC — Articles 1 and 3 — Scope — **Confidentiality of electronic communications** — Protection — Article 5 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7 and 8 — **Data processed in connection with the provision of electronic communications services — Access of national authorities to the data for the purposes of an investigation** — Threshold of seriousness of an offence capable of justifying access to the data
[CURIA – Judgment of the Court of Justice in Case C-207/16 of 2 October 2018](#)

Case C-345/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 27 September 2018 - Sergejs Buivids v Datu valsts inspekcija - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — Scope of application of Directive 95/46/EC — **Filming and publication on internet sites of a video recording of police officers carrying out their duties in a police station — Processing personal data and freedom of expression** — Article 9 of Directive 95/46

[CURIA – Opinion of Advocate General in Case C-345/17 of 27 September 2018](#)

Case C-180/17: JUDGMENT OF THE COURT (Fourth Chamber) of 26 September 2018 - X and Y v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Common policy on asylum and subsidiary protection** — Directive 2013/32/EU — Article 46 — Directive 2008/115/EC — Article 13 — **Charter of Fundamental Rights of the European Union** — Article 18, Article 19(2) and Article 47 — **Right to an effective remedy — Principle of non-refoulement** — Decision rejecting an application for international protection and imposing an obligation to return — **National legislation providing for a second level of jurisdiction — Automatic suspensory effect limited to the action at first instance**

[CURIA – Judgment of the Court of Justice in Case C-180/17 of 26 September 2018](#)

Case C-175/17: JUDGMENT OF THE COURT (Fourth Chamber) of 26 September 2018 - X v Belastingdienst/Toeslagen - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Common policy on asylum and subsidiary protection** — Directive 2005/85/EC — Article 39 — Directive 2008/115/EC — Article 13 — **Charter of Fundamental Rights of the European Union** — Article 18, Article 19(2) and Article 47 — **Right to an effective remedy — Principle of non-refoulement** — Decision rejecting an application for asylum and imposing an obligation to return — **National legislation providing for a second level of jurisdiction — Automatic suspensory effect limited to the action at first instance**

[CURIA – Judgment of the Court of Justice in Case C-175/17 of 26 September 2018](#)

13. Internal Market and Single Market

Community Legislation

DIRECTIVE (EU) 2018/1808 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 **amending** Directive 2010/13/EU on the **coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services** (Audiovisual Media Services Directive) in view of **changing market realities**

[OJ of the EU, L 303/69 of 28 November 2018](#)

Case Law

Joined Cases C-412/17 and C-474/17: JUDGMENT OF THE COURT (Second Chamber) of 13 December 2018 - Bundesrepublik Deutschland v Touring Tours und Travel GmbH (C-412/17) and Sociedad de Transportes SA (C-474/17) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 562/2006 — **Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)** — Articles 20 and 21 — **Abolition of internal border controls in the Schengen area** — Checks within the territory of a Member State — Measures having an effect equivalent to border checks — **Rules of a Member State requiring a coach travel operator on routes crossing the internal borders of the Schengen area to check passengers' passports and residence permits — Penalty — Threat to impose a recurring fine**

[CURIA – Judgment of the Court of Justice in Case C-412/17 of 13 December 2018](#)

Affaire C-305/17: ARRÊT DE LA COUR (quatrième chambre) du 6 décembre 2018 - FENS spol. s r. o. contre Slovenská republika – Úrad pre reguláciu sieťových odvetví - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par l'Okresný súd Bratislava II (tribunal de district de Bratislava II, Slovaquie) - Renvoi préjudiciel – **Libre circulation des marchandises – Droits de douane – Taxes d'effet équivalent – Prélèvement sur le transport d'électricité produite sur le territoire national et destinée à l'exportation** – Compatibilité d'une telle réglementation avec le principe de la libre circulation des marchandises
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-305/17 du 6 décembre 2018](#)

Affaire C-480/17: ARRÊT DE LA COUR (dixième chambre) du 6 décembre 2018 - Frank Montag contre Finanzamt Köln-Mitte - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Finanzgericht Köln (tribunal des finances de Cologne, Allemagne) - Renvoi préjudiciel – **Liberté d'établissement – Fiscalité directe – Impôt sur le revenu – Déductibilité des cotisations versées à un organisme professionnel de prévoyance et à une assurance retraite privée** – Exclusion pour les non-résidents
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-480/17 du 6 décembre 2018](#)

Joined Cases C-473/17 and C-546/17: OPINION OF ADVOCATE GENERAL TANCHEV of 5 December 2018 - Repsol Butano SA (C-473/17) and DISA Gas SAU (C-546/17) v Administración del Estado, Redexis Gas SL and Repsol Butano SA - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling – **Energy – Internal market in natural gas** – Directive 2009/73/EC – Judgment of 20 April 2010, Federutility and Others (C-265/08, EU:C:2010:205) – **Member State measure fixing maximum selling price for cylinders of bottled liquefied petroleum gas (LPG) – Compulsory home delivery – Services of general economic interest** – Principle of proportionality
[CURIA – Opinion of Advocate General in Case C-473/17 of 5 December 2018](#)

Affaire C-235/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 29 novembre 2018 - Commission européenne contre Hongrie - Manquement d'État – Article 63 TFUE – **Libre circulation des capitaux – Droits d'usufruit sur des terres agricoles** – Réglementation nationale supprimant, sans prévoir d'indemnisation, les droits antérieurement constitués au profit de personnes morales ou de personnes physiques ne pouvant justifier d'un lien de proche parenté avec le propriétaire des terres – **Compétence de la Cour pour constater, de manière autonome, une violation de l'article 17 de la charte des droits fondamentaux de l'Union européenne**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-235/17 du 29 novembre 2018](#)

Affaires jointes C-262/17, C-263/17 et C-273/17: ARRÊT DE LA COUR (première chambre) du 28 novembre 2018 - Solvay Chimica Italia SpA, Solvay Specialty Polymers Italy SpA, Solvay Chimica Bussi SpA, Ferrari f.lli Lunelli SpA, Fenice – Qualità Per L'ambiente SpA, Erg Power Srl, Erg Power Generation SpA, Eni SpA, Enipower SpA (C-262/17), Whirlpool Europe Srl, Fenice – Qualità Per L'ambiente SpA, FCA Italy SpA, FCA Group Purchasing Srl, FCA Melfi SpA, Barilla G. e R. Fratelli SpA, Versalis SpA (C-263/17) et Sol Gas Primari Srl (C-273/17) contre Autorità per l'energia elettrica, il gas e il sistema idrico, Nuova Solmine SpA, American Husky III, Inovyn Produzione Italia SpA, Sasol Italy SpA, Radici Chimica SpA, La Vecchia Soc. cons. arl, Zignago Power Srl, Santa Margherita e Kettmeir e Cantine Torresella SpA, Zignago Vetro SpA, Chemisol Italia Srl, Vinavil SpA, Italgen SpA, Arkema Srl, Yara Italia SpA, Ineos Manufacturing Italia SpA, ENEL Distribuzione SpA, Terna SpA, CSEA – Cassa per i servizi energetici e ambientali, Ministero dello Sviluppo economico (C-262/17), Terna SpA, CSEA – Cassa per i servizi energetici e ambientali, Ministero dello Sviluppo economico, ENEL Distribuzione SpA (C-263/17), Terna SpA et Ministero dello Sviluppo economico (C-273/17) - ayant pour objet des demandes de décision préjudicielle au titre de l'article 267 TFUE, introduites par le Tribunale amministrativo regionale per la Lombardia (tribunal administratif régional de Lombardie, Italie) - Renvoi préjudiciel – **Marché intérieur de l'électricité** – Directive 2009/72/CE – **Réseaux de distribution** – Article 28 – **Réseaux fermés de distribution – Notion – Exemptions – Limites** – Article 32, paragraphe 1 – **Accès des tiers** – Article 15, paragraphe 7, et article 37, paragraphe 6, sous b) – **Redevances dues au titre du service d'appel**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-262/17 du 28 novembre 2018](#)

Case C-328/17: JUDGMENT OF THE COURT (Third Chamber) of 28 November 2018 - Amt Azienda Trasporti e Mobilità SpA, Atc Esercizio SpA, Atp Esercizio Srl, Riviera Trasporti SpA and Tpl Linea Srl v Atpl Liguria — Agenzia regionale per il trasporto pubblico locale SpA and Regione Liguria - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per la Liguria (Regional Administrative Court, Liguria, Italy) - Reference for a preliminary ruling — **Public procurement — Review procedures** — Directive 89/665/EEC — Article 1(3) — Directive 92/13/EEC — Article 1(3) — **Right to bring proceedings subject to the condition that a tender was submitted in a procurement procedure**

CURIA – Judgment of the Court of Justice in Case C-328/17 of 28 November 2018

Affaire C-545/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 27 novembre 2018 - Mariusz Pawlak contre Prezes Kasy Rolniczego Ubezpieczenia Społecznego - demande de décision préjudicielle formée par le Sąd Najwyższy (Cour suprême, Pologne) - Recours préjudiciel – **Libre prestation de services – Développement du marché unique des services postaux de l'Union et amélioration de la qualité du service** – Envoi d'actes de procédure dans le cadre d'une procédure civile – **Règlementation d'un État membre qui ne prévoit d'effets procéduraux qu'en cas d'envoi par le bureau de poste d'un opérateur désigné**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-545/17 du 27 novembre 2018

Case C-575/17: JUDGMENT OF THE COURT (Fifth Chamber) of 22 November 2018 - Sofina SA, Rebelco SA and Sidro SA v Ministre de l'Action et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Free movement of capital — Withholding tax on the gross amount of nationally sourced dividends paid to non-resident companies** — Deferral of taxation of dividends paid to a resident company in the event of a loss-making year — **Difference in treatment — Justification** — Comparability — Balanced distribution of the powers of taxation between the Member States — **Effective collection of tax — Proportionality — Discrimination**

CURIA – Judgment of the Court of Justice in Case C-575/17 of 22 November 2018

Affaire C-679/17: ARRÊT DE LA COUR (première chambre) du 22 novembre 2018 - Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Begroting, Financiën en Energie et Vlaams Gewest, représenté par le Vlaamse regering dans la personne du Vlaamse Minister van Omgeving, Natuur en Landbouw contre Johannes Huijbrechts - yant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le hof van beroep te Antwerpen (cour d'appel d'Anvers, Belgique) - Renvoi préjudiciel – **Liberté de circulation des capitaux – Restrictions – Législation fiscale – Impôt sur les successions – Bois gérés de façon durable – Exonération – Protection de la superficie forestière**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-679/17 du 22 novembre 2018

Case C-625/17: JUDGMENT OF THE COURT (First Chamber) of 22 November 2018 - Vorarlberger Landes- und Hypothekenbank AG v Finanzamt Feldkirch - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — Articles 56 and 63 TFEU — **Freedom to provide services and free movement of capital — Credit institutions — Stability charge and the special contribution for that charge determined according to the unconsolidated balance sheet total of credit institutions established in Austria** — Inclusion of cross-border banking transactions — **Exclusion of subsidiaries' transactions in another Member State — Difference in treatment** — Restriction — Justification

CURIA – Judgment of the Court of Justice in Case C-625/17 of 22 November 2018

Case C-563/17: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 21 November 2018 - Associação Peço a Palavra, João Carlos Constantino Pereira Osório, Maria Clara Marques Pires Sarmento Franco, Sofia da Silva Santos Arauz and Maria João Galhardas Fitas v Conselho de Ministros, PARPÚBLICA — Participações Públicas, SGPS, SA and TAP, SGPS, SA - Request for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — **Freedom of establishment — Air carrier — Reprivatisation procedure — Conditions — Requirement to maintain the headquarters and effective management** — Public service obligations — **Requirement to maintain the national hub**

CURIA – Opinion of Advocate General in Case C-563/17 of 21 November 2018

Affaire C-334/17 P: ARRÊT DE LA COUR (neuvième chambre) du 15 novembre 2018 - République d'Estonie contre Commission européenne et République de Lettonie - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Organisation commune des marchés – Montant à débiter pour les quantités excédentaires de sucre non éliminées** – Décision 2006/776/CE – **Demande de modification d'une décision définitive de la Commission européenne – Lettre de rejet – Recours contre cette lettre – Recevabilité**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-334/17 du 15 novembre 2018

Case C-393/17: OPINION OF ADVOCATE GENERAL BOBEK of 15 November 2018 - Openbaar Ministerie v Freddy Lucien Magdalena Kirschstein, Thierry Frans Adeline Kirschstein and Vlaamse Gemeenschap - Request for a preliminary ruling from the Hof van beroep Antwerpen (Court of Appeal of Antwerp, Belgium) - Reference for a preliminary ruling — **Internal market** — Directive 2006/123/EC — **Scope of application — Definition of services under EU law — Non-economic services of general interest — Privately funded higher education — Unfair Commercial Practices — Prohibition on non-accredited institutions issuing master's degrees** — Criminal sanctions

CURIA – Opinion of Advocate General in Case C-393/17 of 15 November 2018

Case C-483/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 15 November 2018 - Neculai Tarola v Minister for Social Protection - Request for a preliminary ruling from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Citizenship of the Union — Freedom of movement for persons** — Directive 2004/38/EC — **Right to move and reside freely within the territory of Member States** — Article 7(1)(a) — Workers — Article 7(3)(c) — **Right of residence for more than three months — National of a Member State who has been working in an employed capacity in another Member State for 15 days — Involuntary unemployment — Retaining the status of worker for no less than six months**

CURIA – Opinion of Advocate General in Case C-483/17 of 15 November 2018

Affaire C-465/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 14 novembre 2018 - Falck Rettungsdienste GmbH et Falck A/S contre Stadt Solingen, Arbeiter-Samariter-Bund Regionalverband Bergisch Land e.V., Malteser Hilfsdienst e.V. et Deutsches Rotes Kreuz, Kreisverband Solingen - Demande de décision préjudicielle formée par l'Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Procédure préjudicielle – **Marchés publics** – Directive 2014/24/UE – **Exclusions spécifiques relatives aux marchés de services – Services de défense civile, de protection civile et de prévention des risques** – Organisations ou associations à but non lucratif – **Services ambulanciers**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-465/17 du 14 octobre 2018

Affaire C-18/17: ARRÊT DE LA COUR (troisième chambre) du 14 novembre 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch et Alen Mihovic contre Regionale Geschäftsstelle Leoben des Arbeitsmarktservic - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Adhésion des nouveaux États membres – République de Croatie – Mesures transitoires – Libre prestation des services** – Directive 96/71/CE – **Détachement de travailleurs – Détachement de ressortissants croates et d'États tiers en Autriche par l'intermédiaire d'une entreprise établie en Italie**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-18/17 du 14 octobre 2018

Case C-238/17: JUDGMENT OF THE COURT (Third Chamber) of 14 November 2018 - UAB'Renerga' v AB 'Energijs skirstymo operatorius', AB 'Lietuvos energijos gamyba', UAB'BALTPPOOL', Lietuvos Respublikos Vyriausybė, Achema AB and Achemos Grupė UAB - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus miesto apylinkės teismas (District Court, City of Vilnius, Lithuania) - Reference for a preliminary ruling — Directive 2009/72/EC — Article 3(2), (6) and (15) and Article 36(f) — **Internal market in electricity — Hypothetical nature of the questions referred for a preliminary ruling — Inadmissibility of the request for a preliminary ruling**

CURIA – Judgment of the Court of Justice in Case C-238/17 of 14 November 2018

Case C-247/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Denis Raugevicius - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **European Union Citizenship — Articles 18 and 21 TFEU — **Request to a Member State by a third country seeking extradition of an EU citizen who is a national of another Member State and who has exercised his right to free movement in the first Member State** — Request made for the purpose of enforcing a custodial sentence and not for the purpose of prosecution — **Prohibition on extradition applied only to own nationals** — **Restriction on free movement** — **Justification based on the prevention of impunity** — **Proportionality****

CURIA – Judgment of the Court of Justice in Case C-247/17 of 13 November 2018

Case C-33/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Čepelnik d.o.o. v Michael Vavti - REQUEST for a preliminary ruling under Article 267 TFEU from the Bezirksgericht Bleiburg/Okrajno Sodišče Pliberk (District Court, Bleiburg, Austria) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — **Restrictions** — **Services in the internal market** — Directive 2006/123/EC — **Labour law** — **Posting of workers in order to carry out construction works** — **Reporting of workers** — Retention and translation of payslips — **Suspension of payments** — **Payment of a security by the recipient of the services** — **Surety for a possible fine to be imposed on the service provider****

CURIA – Judgment of the Court of Justice in Case C-33/17 of 12 November 2018

Case C-171/17: JUDGMENT OF THE COURT (Fourth Chamber) of 7 November 2018 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Directive 2006/123/EC — Articles 15 to 17 — Article 49 TFEU — **Freedom of establishment** — Article 56 TFEU — **Freedom to provide services** — **National mobile payment system** — **Monopoly****

CURIA – Judgment of the Court of Justice in Case C-171/17 of 7 November 2018

Joined Cases C-622/16 P to C-624/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 6 November 2018 - Scuola Elementare Maria Montessori Srl, established in Rome (Italy) v European Commission and Italian Republic, (C-622/16 P) - European Commission v Scuola Elementare Maria Montessori Srl, established in Rome and Italian Republic, (C-623/16 P) - European Commission v Pietro Ferracci, residing in San Cesareo (Italy) and Italian Republic, (C-624/16 P) - THREE APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — **Decision declaring the recovery of State aid incompatible with the internal market to be impossible** — **Decision finding that there is no State aid** — **Actions for annulment brought by competitors of beneficiaries of State aid** — Admissibility — Regulatory act not entailing implementing measures — Direct concern — **Concept of ‘absolute impossibility’ of recovery of State aid incompatible with the internal market** — **Concept of ‘State aid’** — Concepts of ‘undertaking’ and ‘economic activity’**

CURIA – Judgment of the Court of Justice in Case C-622/16 of 6 November 2018

Affaires jointes C-350/17 et C-351/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 25 octobre 2018 - Mobit Soc. cons. Arl contre Regione Toscana (C-350/17), Autolinee Toscane SpA et Régie autonome des transports parisiens (RATP) - Autolinee Toscane SpA contre Mobit Soc. cons. arl (C-351/17), Regione Toscana et Régie autonome des transports parisiens (RATP) - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – Règlement (CE) n° 1370/2007 – **Services publics de transport de voyageurs par chemin de fer et par route – Article 5 – **Attribution de contrats de services publics** – Article 8, paragraphe 2 – Régime transitoire – Inapplicabilité de l’article 5 aux attributions réalisées entre le 3 décembre 2009 et le 2 décembre 2019 – Article 8, paragraphe 3 – Régime transitoire – Inapplicabilité de l’article 5 aux attributions réalisées avant le 3 décembre 2009 – Article 5, paragraphe 2 – **Attribution directe** – **Exigence de cantonnement des activités de l’opérateur interne** – **Non-respect** – **Absence d’incidence sur une procédure d’attribution par voie de mise en concurrence** – **Notions d’“autorité compétente et d’opérateur interne”****

CURIA – Conclusions de l’Avocat Général dans l’affaire C-350/17 du 25 octobre 2018

Case C-260/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - Anodiki Services EPE v GNA, O Evangelismos — Ofthalmiatreio Athinon — Polykliniki and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — Article 10(g) — Exclusions from its scope — **Employment contracts** — Definition — **Decisions of public hospitals to conclude fixed-term labour contracts for the purposes of catering, the provision of meals and cleaning** — Directive 89/665/EEC — Article 1 — Right to an effective remedy

[CURIA – Judgment of the Court of Justice in Case C-260/17 of 25 October 2018](#)

Case C-124/17: JUDGMENT OF THE COURT (Fourth Chamber) of 24 October 2018 - Vossloh Laeis GmbH v Stadtwerke München GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Vergabekammer Südbayern (Public Procurement Board for Southern Bavaria, Germany) - Reference for a preliminary ruling — Directive 2014/24/EU — Article 57 — Directive 2014/25/EU — Article 80 — **Public procurement — Procedure — Exclusion grounds** — Maximum duration of the exclusion period — **Obligation for the economic operator to collaborate with the contracting authority in order to demonstrate its reliability**

[CURIA – Judgment of the Court of Justice in Case C-124/17 of 24 October 2018](#)

Case C-602/17: JUDGMENT OF THE COURT (Sixth Chamber) of 24 October 2018 - Benoît Sauvage and Kristel Lejeune v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers — Income received in a Member State other than the Member State of residence — Bilateral convention for the avoidance of double taxation — Allocation of powers of taxation** — Member State of residence's power to tax — Connecting factors

[CURIA – Judgment of the Court of Justice in Case C-602/17 of 24 October 2018](#)

Case C-606/17: JUDGMENT OF THE COURT (Eighth Chamber) of 18 October 2018 - IBA Molecular Italy Srl v Azienda ULSS No 3, Regione Veneto, Ministero della Salute, Ospedale dell'Angelo di Mestre, Istituto Sacro Cuore - Don Calabria di Negrar and Azienda ULSS No 22 - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Public supply contracts** — Directive 2004/18/EC — Article 1(2)(a) — **Contract awarded outside a public procurement procedure — Definition of 'contracts for pecuniary interest' — Definition of 'public entity'**

[CURIA – Judgment of the Court of Justice in Case C-606/17 of 18 October 2018](#)

Case C-425/17: JUDGMENT OF THE COURT (Sixth Chamber) of 17 October 2018 - Günter Hartmann Tabakvertrieb GmbH & Co. KG v Stadt Kempten and Landesanstalt für Ernährung und Landwirtschaft Bayern - REQUEST for a preliminary ruling under Article 267 TFEU from the Bayerischer Verwaltungsgerichtshof (Higher Administrative Court of Bavaria, Germany) - Reference for a preliminary ruling — **Approximation of laws — Manufacture, presentation and sale of tobacco products** — Directive 2014/40/EU — **Ban on placing tobacco for oral use on the market — Definitions of 'chewing tobacco' and 'tobacco for oral use'** — Paste composed of finely ground tobacco (Thunder Chewing Tobacco) and porous cellulose sachet portions filled with finely ground tobacco (Thunder Frosted Chewing Bags)

[CURIA – Judgment of the Court of Justice in Case C-425/17 of 17 October 2018](#)

Affaire C-242/17: ARRÊT DE LA COUR (deuxième chambre) du 4 octobre 2018 - Legatoria Editoriale Giovanni Olivotto (L.E.G.O.) SpA contre Gestore dei servizi energetici (GSE) SpA, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero dello Sviluppo Economico, Ministero delle Politiche Agricole e Forestali, ED & F Man Liquid Products Italia Srl, Unigrà Srl et Movendi Srl - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE - Renvoi préjudiciel — **Environnement — Promotion de l'utilisation de l'énergie produite à partir de sources renouvelables — Bioliquides utilisés pour une installation thermoélectrique** — Directive 2009/28/CE — Article 17 — **Critères de durabilité pour les bioliquides** — Article 18 — **Systèmes nationaux de certification de la durabilité** — Décision d'exécution 2011/438/UE — Systèmes volontaires de certification de la durabilité des biocarburants et des bioliquides approuvés par la Commission européenne — **Réglementation nationale prévoyant l'obligation pour les opérateurs intermédiaires de présenter les certificats de durabilité** — Article 34 TFUE — Libre circulation des marchandises

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-242/17 du 4 octobre 2018](#)

Case C-191/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Bundeskammer für Arbeiter und Angestellte (Austria) v ING-DiBa Direktbank Austria Niederlassung der ING-DiBa AG - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Directive 2007/64/EC — **Payment services in the internal market — Concept of ‘payment account’ — Potential inclusion of a savings account enabling its user to make payments and withdrawals by way of a current account opened in his name**

[CURIA – Judgment of the Court of Justice in Case C-191/17 of 4 October 2018](#)

Affaire C-216/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 3 octobre 2018 - Autorità Garante della Concorrenza e del Mercato – Antitrust et Coopservice Soc. coop. arl contre Azienda Socio-Sanitaria Territoriale della Valcamonica – Sebino (ASST), Azienda Socio-Sanitaria Territoriale del Garda (ASST), Azienda Socio-Sanitaria Territoriale della Valcamonica (ASST), Markas Srl, ATI – Zanetti Arturo & C. Srl e in proprio et Regione Lombardia - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – **Marchés publics de travaux, de fournitures et de services** – Directive 2004/18 – **Accords-cadres – Clause d’extension**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-216/17 du 3 octobre 2018](#)

Case C-375/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 27 September 2018 - Stanley International Betting Ltd and Stanleybet Malta Ltd v Ministero dell’Economia e delle Finanze, Agenzia delle Dogane e dei Monopoli, Lottomatica SpA and Lottoitalia Srl - Request for a preliminary ruling from the Consiglio di Stato (Council of State) (Italy) - Reference for a preliminary ruling — **Freedom of establishment, freedom to provide services and general principles of EU law — Concession for the management of the game of Lotto — Choice of the national legislature to award the concession to a sole operator** — Calculation of contract value — Withdrawal clause

[CURIA – Opinion of Advocate General in Case C-375/17 of 27 September 2018](#)

Case C-137/17: JUDGMENT OF THE COURT (Fifth Chamber) of 26 September 2018 - Van Gennip BVBA, Antonius Johannes Maria ten Velde, Original BVBA and Antonius Cornelius Ignatius Maria van der Schoot - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank van eerste aanleg te Antwerpen (Court of First Instance, Antwerp, Belgium) - Reference for a preliminary ruling — Directives 2006/123/EC, 2007/23/EC and 2013/29/EU — **Placing on the market of pyrotechnic articles — Free movement of pyrotechnic articles compliant with the requirements of those directives — National legislation laying down restrictions on the storage and sale of those articles** — Criminal penalties — Twofold authorisation scheme — Directive 98/34/EC — Concept of ‘technical regulation’

[CURIA – Judgment of the Court of Justice in Case C-137/17 of 26 September 2018](#)

14. Intellectual Property

Case Law

Case C-443/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 13 December 2018 - Abraxis Bioscience LLC v Comptroller General of Patents - Request for a preliminary ruling from the High Court of Justice (England & Wales), Chancery Division (Patents Court), United Kingdom - Reference for a preliminary ruling — **Medicinal products — Supplementary protection certificate** — Regulation (EC) No 469/2009 — **Conditions for granting — Article 3(d) — Concept of ‘first authorisation to place the product on the market as a medicinal product’ — Marketing authorisation for a medicinal product constituting a new formulation, protected by a basic patent, of a previously authorised active ingredient** — Non-compliance with the condition laid down in Article 3(d)

[CURIA – Opinion of Advocate General in Case C-443/17 of 13 December 2018](#)

Case C-629/17: JUDGMENT OF THE COURT (Fourth Chamber) of 6 December 2018 - J. Portugal Ramos Vinhos SA v Adega Cooperativa de Borba CRL - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Intellectual property — Trade mark law** — Directive 2008/95/EC — Article 3(1)(c) — **Grounds for invalidity — Word marks which consist exclusively of signs or indications which may serve in trade to designate the characteristics of goods or services** — Other characteristics of goods or services — Production facility for a product — **Word mark composed of a sign designating wine products and of a geographical name, constituting a word element of the trade mark proprietor’s business name**

[CURIA – Judgment of the Court of Justice in Case C-629/17 of 6 December 2018](#)

Affaire C-578/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 22 novembre 2018 - Oy Hartwall Ab contre Patentti- ja rekisterihallitus - demande de décision préjudicielle formée par le Korkein hallinto-oikeus (Cour administrative suprême, Finlande) - Renvoi préjudiciel – **Marques** – Directive 2008/95/CE – Article 2 – Article 3, paragraphe 1, sous b), et paragraphe 3 – **Motifs de refus ou de nullité – Caractère distinctif – Caractère distinctif acquis par l’usage – Caractère distinctif intrinsèque – Représentation graphique – Marque de couleur ou marque figurative** – Marque de couleur présentée comme une marque figurative – Conditions d’enregistrement – **Catégories de marques – Types de marque – Contradictions dans la demande de marque**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-578/17 du 22 novembre 2018](#)

Case C-310/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Levola Hengelo BV v Smilde Foods BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof Arnhem-Leeuwarden (Regional Court of Appeal, Arnhem-Leeuwarden, Netherlands) - Reference for a preliminary ruling — **Intellectual property — Harmonisation of certain aspects of copyright and related rights in the information society** — Directive 2001/29/EC — Scope — Article 2 — **Reproduction rights — Concept of ‘work’ — Taste of a food product**

[CURIA – Judgment of the Court of Justice in Case C-310/17 of 13 November 2018](#)

Case C-469/17: OPINION OF ADVOCATE GENERAL SZPUNAR of delivered on 25 October 2018 - Funke Medien NRW GmbH v Federal Republic of Germany - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Copyright and related rights — Reproduction right — Right of communication to the public of works and right of making available to the public other subject matter — Exceptions and limitations** — Procedure for transposition by Member States — Assessment in the light of fundamental rights — Exhaustive nature

[CURIA – Opinion of Advocate General in Case C-469/17 of 25 October 2018](#)

Case C-433/17 P: JUDGMENT OF THE COURT (Sixth Chamber) of 25 October 2018 - Enercon GmbH, established in Aurich (Germany) v European Union Intellectual Property Office (EUIPO) and Gamesa Eólica, SL, established in Sarriguren (Spain) - 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 7(1)(b) — **Invalidity proceedings** — Article 53 — **EU colour mark consisting of blended shades of green — Partial declaration of invalidity — Remittal of the case to the Cancellation Division**

[CURIA – Judgment of the Court of Justice in Case C-433/17 of 25 October 2018](#)

Affaire C-462/17: ARRÊT DE LA COUR (neuvième chambre) du 25 octobre 2018 - Tänzer & Trasper GmbH contre Altenweddinger Geflügelhof KG - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Landgericht Hamburg (tribunal régional de Hambourg, Allemagne) - Renvoi préjudiciel – **Rapprochement des législations** – Règlement (CE) n° 110/2008 – **Boissons spiritueuses – Définition, désignation, présentation, étiquetage et protection des indications géographiques** – Annexe II, point 41 – Liqueur à base d’œuf – **Définition – Caractère exhaustif des ingrédients autorisés**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-462/17 du 25 octobre 2018](#)

Case C-527/17: JUDGMENT OF THE COURT (Ninth Chamber) of 25 October 2018 - Boston Scientific Ltd v Deutsches Patent- und Markenamt - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundespatentgericht (Federal Patents Court, Germany) - Reference for a preliminary ruling — **Intellectual and industrial property — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — **Scope — Medical device incorporating as an integral part a substance which, used separately, may be considered to be a medicinal product** — Directive 93/42/EEC — Article 1(4) — **Concept of ‘administrative authorisation procedure’**

[CURIA – Judgment of the Court of Justice in Case C-527/17 of 25 October 2018](#)

Case C-149/17: JUDGMENT OF THE COURT (Third Chamber) of 18 October 2018 - Bastei Lübbe GmbH & Co. KG v Michael Strotzer - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht München I (Regional Court, Munich I, Germany) - Reference for a preliminary ruling — **Copyright and related rights** — Directive 2001/29/EC — **Enforcement of intellectual property rights** — Directive 2004/48/EC — **Compensation in the event of file-sharing in breach of copyright — Internet connection accessible by members of the owner’s family** — Exemption from liability of the owner without the need to specify the nature of the use of the connection by the family member — **Charter of Fundamental Rights of the European Union** — Article 7

[CURIA – Judgment of the Court of Justice in Case C-149/17 of 18 October 2018](#)

Affaire C-572/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 3 octobre 2018 – Riksåklagaren contre Imran Syed - demande de décision préjudicielle formée par le Högsta domstolen (Cour suprême, Suède) - Renvoi préjudiciel — **Droit d’auteur et droits voisins – Société de l’information – Droit de distribution – Violation – Vêtements portant des signes identiques ou similaires à certaines marques enregistrées de l’Union** – Entreposage à des fins commerciales – Entrepôt séparé du magasin

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-572/17 du 3 octobre 2018](#)

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

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1937 of 10 December 2018 **replacing Annex X** to Council Regulation (EC) No 4/2009 on **jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations**

[OJ of the EU, L 314/36 of 11 December 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1935 of 7 December 2018 **establishing the forms** referred to in Council Regulation (EU) 2016/1103 **implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes**

[OJ of the EU, L 314/14 of 11 December 2018](#)

REGULATION (EU) 2018/1860 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 November 2018 on the **use of the Schengen Information System for the return of illegally staying third-country nationals**

[OJ of the EU, L 312/1 of 7 December 2018](#)

REGULATION (EU) 2018/1861 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 November 2018 on the **establishment, operation and use of the Schengen Information System (SIS) in the field of border checks**, and **amending the Convention implementing the Schengen Agreement**, and amending and repealing Regulation (EC) No 1987/2006

[OJ of the EU, L 312/14 of 7 December 2018](#)

REGULATION (EU) 2018/1862 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 November 2018 on the **establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters**, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU

[OJ of the EU, L 312/56 of 7 December 2018](#)

REGULATION (EU) 2018/1805 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the **mutual recognition of freezing orders and confiscation orders**
[OJ of the EU, L 303/1 of 28 November 2018](#)

REGULATION (EU) 2018/1726 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the **European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice** (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011
[OJ of the EU, L 295/99 of 21 November 2018](#)

REGULATION (EU) 2018/1727 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the **European Union Agency for Criminal Justice Cooperation (Eurojust)**, and replacing and repealing Council Decision 2002/187/JHA
[OJ of the EU, L 295/138 of 21 November 2018](#)

DIRECTIVE (EU) 2018/1673 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on **combating money laundering by criminal law**
[OJ of the EU, L 284/22 of 12 November 2018](#)

COUNCIL REGULATION (EU) 2018/1542 of 15 October 2018 concerning **restrictive measures against the proliferation and use of chemical weapons**
[OJ of the EU, L 259/12 of 16 October 2018](#)

COUNCIL DECISION (CFSP) 2018/1544 of 15 October 2018 concerning **restrictive measures against the proliferation and use of chemical weapons**
[OJ of the EU, L 259/25 of 16 October 2018](#)

Case Law

Joined Cases C-138/17 P and C-146/17 P: JUDGMENT OF THE COURT (First Chamber) of 13 December 2018 - European Union, represented by the Court of Justice of the European Union v Gascogne Sack Deutschland GmbH, formerly Sachsa Verpackung GmbH, established in Wieda (Germany), Gascogne SA, established in Saint-Paul-lès-Dax (France) and European Commission - Gascogne Sack Deutschland GmbH, established in Wieda and Gascogne SA, established in Saint-Paul-lès-Dax v European Union, represented by the Court of Justice of the European Union and European Commission - TWO APPEALS pursuant to Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Actions for damages** — Second paragraph of Article 340 TFEU — **Excessive duration of the proceedings in two cases before the General Court of the European Union — Damage allegedly suffered by the applicants — Material damage — Bank guarantee charges** — Causal link — Default interest — Non-material damage
[CURIA – Judgment of the Court of Justice in Case C-138/17 of 13 December 2018](#)

Case C-150/17 P: JUDGMENT OF THE COURT (First Chamber) of 13 December 2018 - European Union, represented by the Court of Justice of the European Union v Kendrion NV, established in Zeist (Netherlands) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Actions for damages** — Second paragraph of Article 340 TFEU — **Excessive duration of the proceedings in a case before the General Court of the European Union — Compensation for damage allegedly suffered by the applicant — Material damage — Bank guarantee charges** — Causal link — Default interest — Non-material damage
[CURIA – Judgment of the Court of Justice in Case C-150/17 of 13 December 2018](#)

Joined Cases C-174/17 P and C-222/17 P: JUDGMENT OF THE COURT (First Chamber) of 13 December 2018 - European Union, represented by the Court of Justice of the European Union (C-174/17 P) v Plásticos Españoles SA (ASPLA), established in Torrelavega (Spain), Armando Álvarez SA, established in Madrid (Spain) and European Commission - Plásticos Españoles SA (ASPLA), established in Torrelavega and Armando Álvarez SA, established in Madrid (C-222/17 P) v European Union, represented by the Court of Justice of the European Union and European Commission - TWO APPEALS pursuant to Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Actions for damages — Second paragraph of Article 340 TFEU — **Excessive duration of the proceedings in two cases before the General Court of the European Union — Compensation for damage allegedly suffered by the applicants — Material damage — Bank guarantee charges** — Causal link — Default interest**

CURIA – Judgment of the Court of Justice in Case C-174/17 of 13 December 2018

Joined Cases C-412/17 and C-474/17: JUDGMENT OF THE COURT (Second Chamber) of 13 December 2018 - Bundesrepublik Deutschland v Touring Tours und Travel GmbH (C-412/17) and Sociedad de Transportes SA (C-474/17) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Regulation (EC) No 562/2006 — **Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)** — Articles 20 and 21 — **Abolition of internal border controls in the Schengen area** — Checks within the territory of a Member State — Measures having an effect equivalent to border checks — **Rules of a Member State requiring a coach travel operator on routes crossing the internal borders of the Schengen area to check passengers' passports and residence permits** — Penalty — Threat to impose a recurring fine**

CURIA – Judgment of the Court of Justice in Case C-412/17 of 13 December 2018

Case C-514/17: JUDGMENT OF THE COURT (First Chamber) of 13 December 2018 - Marin-Simion Sut - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Liège (Court of Appeal, Liège, Belgium) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — **European arrest warrant** — Article 4(6) — **Grounds for optional non-execution of the European arrest warrant — Offence underlying the imposition of a custodial sentence in the issuing Member State being punishable in the executing Member State by fine only****

CURIA – Judgment of the Court of Justice in Case C-514/17 of 13 December 2018

Case C-551/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 6 December 2018 - IK - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van Cassatie (Court of Cassation, Belgium) - Reference for a preliminary ruling — Urgent preliminary ruling procedure — **Police and judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — **European arrest warrant and the surrender procedures between Member States — European arrest warrant issued for the purposes of enforcing a custodial sentence** — Substance and form — Article 8(1)(f) — **Failure to refer to an additional sentence — Validity — Consequences — Effect on detention****

CURIA – Judgment of the Court of Justice in Case C-551/18 of 6 December 2018

Case C-573/17: OPINION OF ADVOCATE GENERAL SÁNCHEZ-BORDONA of 27 November 2018 - Openbaar Ministerie v Daniel Adam Popławski - Request for a preliminary ruling from the rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — **Application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union** — Framework Decision 2008/909/JHA — **Declaration by a Member State allowing it to continue to apply earlier legal instruments — Withdrawal of the declaration by the executing State — Late declaration by the issuing State** — Lack of direct effect of framework decisions — **Primacy of EU law — Consequences****

CURIA – Opinion of Advocate General in Case C-573/17 of 27 November 2018

Case C-627/17: JUDGMENT OF THE COURT (Tenth Chamber) of 22 November 2018 - ZSE Energia, a.s. v RG and ZSE Energia CZ, s.r.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Okresný súd Dunajská Streda (District Court, Dunajská Streda, Slovak Republic) - Reference for a preliminary ruling — Regulation (EC) No 861/2007 — **European Small Claims Procedure** — Articles 2(1) and 3(1) — **Scope — Concept of ‘parties’ — Cross-border disputes**

[CURIA – Judgment of the Court of Justice in Case C-627/17 of 22 November 2018](#)

Case C-308/17: JUDGMENT OF THE COURT (First Chamber) of 15 November 2018 - Hellenische Republik v Leo Kuhn - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Regulation (EU) No 1215/2012 — **Jurisdiction in civil and commercial matters** — Scope — Article 1(1) — **Concept of ‘civil and commercial matters’ — Bonds issued by a Member State — Involvement of the private sector in the restructuring of public debt of that State — Unilateral and retroactive adjustment of the borrowing terms — Collective action clauses** — Action brought against the State by private creditors who hold those bonds as natural persons — **Liability of the State for acts and omissions in the exercise of State authority**

[CURIA – Judgment of the Court of Justice in Case C-308/17 of 15 November 2018](#)

Case C-296/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 November 2018 - Wiemer & Trachte GmbH, in liquidation v Zhan Oved Tadzher - REQUEST for a preliminary ruling under Article 267 TFEU from the Varhoven kasatsionen sad (Supreme Court of Cassation, Bulgaria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 3(1) — **International jurisdiction — Action to set a transaction aside — Exclusive jurisdiction of the courts of the Member State within the territory of which insolvency proceedings have been opened**

[CURIA – Judgment of the Court of Justice in Case C-296/17 of 14 November 2018](#)

Case C-342/17: JUDGMENT OF THE COURT (Third Chamber) of 14 November 2018 - Memoria Srl and Antonia Dall’Antonia v Comune di Padova and Alessandra Calore - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Veneto (Regional Administrative Court for the Veneto Region, Italy) - Reference for a preliminary ruling — **Restrictions on freedom of establishment — Jurisdiction of the Court — Admissibility of the request for a preliminary ruling — Purely domestic situation** — National legislation prohibiting any profit-making activity relating to the safekeeping of cinerary urns — Proportionality test — **Coherence of national rules**

[CURIA – Judgment of the Court of Justice in Case C-342/17 of 14 November 2018](#)

Case C-247/17: JUDGMENT OF THE COURT (Grand Chamber) of 13 November 2018 - Denis Raugevicius - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **European Union Citizenship** — Articles 18 and 21 TFEU — **Request to a Member State by a third country seeking extradition of an EU citizen who is a national of another Member State and who has exercised his right to free movement in the first Member State** — Request made for the purpose of enforcing a custodial sentence and not for the purpose of prosecution — **Prohibition on extradition applied only to own nationals — Restriction on free movement — Justification based on the prevention of impunity — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-247/17 of 13 November 2018](#)

Affaire C-551/18 PPU: CONCLUSIONS DE L’AVOCATE GÉNÉRALE MME ELEANOR SHARPSTON du 8 novembre 2018 – IK - demande de décision préjudicielle formée par le Hof van Cassatie (Cour de cassation, Belgique) - Renvoi préjudiciel – **Coopération judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d’arrêt européen – Contenu** – Article 8, paragraphe 1, sous f) – **Mandat d’arrêt européen ne mentionnant pas une peine complémentaire prononcée à l’encontre de la personne recherchée – Remise en vertu d’un tel mandat – Conséquences**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-551/18 du 8 novembre 2018](#)

Case C-257/17: JUDGMENT OF THE COURT (Third Chamber) of 7 November 2018 - C and A v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Jurisdiction of the Court** — Directive 2003/86/EC — **Right to family reunification** — Article 15 — **Refusal to grant an autonomous residence permit** — **National legislation providing for a requirement to pass a civic integration examination**
[CURIA – Judgment of the Court of Justice in Case C-257/17 of 7 November 2018](#)

Affaire C-492/18 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 6 novembre 2018 - Openbaar Ministerie contre TC - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d'Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen** – **Décision de remise** – Article 17 – **Droits de la personne recherchée** – **Charte des droits fondamentaux de l'Union européenne** – Article 6 – **Droit à la liberté**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-492/18 du 6 novembre 2018](#)

Affaire C-579/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 25 octobre 2018 - BUAK Bauarbeiter-Urlaubs- u. Abfertigungskasse contre Gradbeništvo Korana d.o.o. - demande de décision préjudicielle formée par l'Arbeits- und Sozialgericht Wien (tribunal du travail et des affaires sociales de Vienne, Autriche) - Renvoi préjudiciel – **Coopération judiciaire en matière civile et commerciale** – Règlement (UE) n° 1215/2012 – Article 53 – **Délivrance du certificat** – **Procédure administrative ou juridictionnelle**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-579/17 du 25 octobre 2018](#)

Case C-234/17: JUDGMENT OF THE COURT (Grand Chamber) of 24 October 2018 - XC, YB and ZA v Generalprokuratur - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Principles of EU law** — **Sincere cooperation** — **Procedural autonomy** — **Principles of equivalence and effectiveness** — **National legislation laying down a remedy allowing criminal proceedings to be reheard in the event of infringement of the European Convention for the Protection of Human Rights and Fundamental Freedoms** — No obligation to extend that procedure to cases of alleged infringement of the fundamental rights enshrined in EU law
[CURIA – Judgment of the Court of Justice in Case C-234/17 of 24 October 2018](#)

Case C-595/17: JUDGMENT OF THE COURT (Third Chamber) of 24 October 2018 - Apple Sales International, Apple Inc. and Apple retail France EURL v MJA, acting as liquidator of eBizcuss.com - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Area of freedom, security and justice** — **Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — Article 23 — **Jurisdiction clause in a distribution contract** — **Action for damages by the distributor based on the infringement of Article 102 TFEU by the supplier**
[CURIA – Judgment of the Court of Justice in Case C-595/17 of 24 October 2018](#)

Case C-535/17: OPINION OF ADVOCATE GENERAL BOBEK of 18 October 2018 - NK, liquidator in the bankruptcies of PI Gerechtsdeurwaarderskantoor BV and PI v BNP Paribas Fortis NV - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - (Reference for a preliminary ruling — **Area of freedom, security and justice** — **Judicial cooperation in civil matters** — **Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — **Insolvency proceedings** — Regulation (EC) No 1346/2000 — **Scope of application** — Regulation (EC) No 864/2007 — **Scope ratione temporis** — **Damages claim brought by a liquidator against a third party having acted wrongfully towards the creditors**
[CURIA – Opinion of Advocate General in Case C-535/17 of 18 October 2018](#)

Case C-393/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 17 October 2018 - UD v XB - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales), Family Division - Reference for a preliminary ruling — **Urgent preliminary ruling procedure** — **Judicial cooperation in civil matters** — Regulation (EC) No 2201/2003 — Article 8(1) — **Jurisdiction in matters of parental responsibility** — **Concept of 'habitual residence of the child'** — **Requirement of physical presence** — Detention of the mother and child in a third country against the will of the mother — **Infringement of the fundamental rights of the mother and child**
[CURIA – Judgment of the Court of Justice in Case C-393/18 of 17 October 2018](#)

Affaire C-444/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 17 octobre 2018 - Préfet des Pyrénées-Orientales contre Abdelaziz Arib, Procureur de la République et Procureur général près la cour d'appel de Montpellier - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Code frontières Schengen** – Article 32 – **Contrôle aux frontières intérieures** – Directive 2008/115/CE – Champ d'application – Article 2, paragraphe 2, sous a) – **Entrée irrégulière d'un ressortissant d'un pays tiers – Exclusion de l'assimilation des frontières intérieures aux frontières extérieures**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-444/17 du 17 octobre 2018](#)

Case C-337/17: JUDGMENT OF THE COURT (Second Chamber) of 4 October 2018 - Feniks sp. z o.o. v Azteca Products & Services SL - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Szczecinie (Szczecin Regional Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EU) No 1215/2012 — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Special jurisdiction** — Article 7(1)(a) — **Concept of 'matters relating to a contract' — Actio pauliana**

[CURIA – Judgment of the Court of Justice in Case C-337/17 of 4 October 2018](#)

Case C-379/17: JUDGMENT OF THE COURT (Second Chamber) of 4 October 2018 - Società Immobiliare Al Bosco Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Judicial co-operation in civil matters** — Regulation (EC) No 44/2001 — **Recognition and enforcement of decisions in civil and commercial matters — Time limit laid down in the law of the Member State addressed for enforcing a preventive attachment order** — Applicability of that time limit to a preventive attachment instrument obtained in another Member State and declared enforceable in the Member State in which enforcement is sought

[CURIA – Judgment of the Court of Justice in Case C-379/17 of 4 October 2018](#)

Case C-478/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - IQ v JP - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunalul Cluj (Regional Court, Cluj, Romania) - Reference for a preliminary ruling — **Judicial cooperation in civil matters – Jurisdiction in matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 15 — **Transfer to a court better placed to hear the case** — Scope — Article 19 — **Lis pendens**

[CURIA – Judgment of the Court of Justice in Case C-478/17 of 4 October 2018](#)

Affaire C-45/18 P: ARRÊT DE LA COUR (septième chambre) du 4 octobre 2018 - Claire Staelen, demeurant à Bridel (Luxembourg) contre Médiateur européen - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Demande en révision – Conditions de recevabilité**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-45/18 du 4 octobre 2018](#)

Affaire C-168/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 3 octobre 2018 – SH contre TG et UF - Demande de décision préjudicielle déférée par la Kúria (Cour suprême, Hongrie) - **Politique étrangère et de sécurité commune – Mesures restrictives en raison de la situation en Libye** – Règlement no 204/2011 – Article 5, paragraphe 2 – **Interdiction de mettre des fonds à la disposition des personnes énumérées à l'annexe III du règlement** – Article 12 – **Clause relative à la non-satisfaction des demandes** – Article 9 – Paiements dérogeant à l'interdiction figurant à l'article 5, paragraphe 2 – **Chaîne de contrats conclus dans le but d'émettre une garantie bancaire au profit d'une entité inscrite sur la liste figurant à l'annexe III du règlement**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-168/17 du 3 octobre 2018](#)

16. Transport

Community Legislation

Regulation No 79 of the Economic Commission for Europe of the United Nations (UN/ECE) – Uniform provisions concerning the approval of vehicles with regard to steering equipment [2018/1947]

[OJ of the EU, L 318/1 of 14 December 2018](#)

COMMISSION REGULATION (EU) 2018/1832 of 5 November 2018 amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) 2017/1151 for the **purpose of improving the emission type approval tests and procedures for light passenger and commercial vehicles**, including those for **in-service conformity and real-driving emissions and introducing devices for monitoring the consumption of fuel and electric energy** (Text with EEA relevance)

[OJ of the EU, L 301/1 of 27 November 2018](#)

COMMISSION DIRECTIVE (EU) 2018/1846 of 23 November 2018 **amending** the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods to take into account scientific and technical progress** (Text with EEA relevance)

[OJ of the EU, L 299/58 of 26 November 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/1723 of 26 October 2018 on the **Rail Baltica cross-border project on the North Sea-Baltic Core Network Corridor** (notified under document C(2018) 6969) (Only the Estonian, Finnish, Latvian, Lithuanian, Polish and Swedish texts are authentic)

[OJ of the EU, L 287/32 of 15 November 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/1614 of 25 October 2018 **laying down specifications for the vehicle registers** referred to in Article 47 of Directive (EU) 2016/797 of the European Parliament and of the Council and amending and repealing Commission Decision 2007/756/EC (Text with EEA relevance)

[OJ of the EU, L 268/53 of 26 October 2018](#)

Case Law

Case C-501/17: OPINION OF ADVOCATE GENERAL TANCHEV of 22 November 2018 - Germanwings GmbH v Wolfgang Pauels - Request for a preliminary ruling from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Air transport** — Regulation (EC) No 261/2004 — **Compensation to passengers in the event of denied boarding and of cancellation or long delay of flights** — **Right to compensation** — **Exemption** — **Notion of ‘extraordinary circumstances’** — Foreign object damage (FOD) — **Damage to an aircraft tyre caused by a screw lying on the take-off or landing runway**

[CURIA – Opinion of Advocate General in Case C-501/17 of 22 November 2018](#)

Case C-563/17: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 21 November 2018 - Associação Peço a Palavra, João Carlos Constantino Pereira Osório, Maria Clara Marques Pires Sarmento Franco, Sofia da Silva Santos Arauz and Maria João Galhardas Fitas v Conselho de Ministros, PARPÚBLICA — Participações Públicas, SGPS, SA and TAP, SGPS, SA - Request for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — **Freedom of establishment** — **Air carrier** — **Reprivatisation procedure** — **Conditions** — **Requirement to maintain the headquarters and effective management** — Public service obligations — **Requirement to maintain the national hub**

[CURIA – Opinion of Advocate General in Case C-563/17 of 21 November 2018](#)

Case C-330/17: JUDGMENT OF THE COURT (Fifth Chamber) of 15 November 2018 - Verbraucherzentrale Baden-Württemberg eV v Germanwings GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Regulation (EC) No 1008/2008 — Article 2(18) — Article 23(1) — **Transport** — **Common rules for the operation of air services in the European Union** — **Information** — **Indication of the final price to be paid** — Inclusion of the air fare in the final price to be paid — **Obligation to indicate air fares in euros or local currency** — **Choice of the relevant local currency** — **Connecting factors**

[CURIA – Judgment of the Court of Justice in Case C-330/17 of 15 November 2018](#)

Case C-648/17: JUDGMENT OF THE COURT (Sixth Chamber) of 15 November 2018 - ‘BTA Baltic Insurance Company’ AS, formerly ‘Balcia Insurance’ SE v ‘Baltijas Apdrošināšanas Nams’ AS - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Compulsory insurance against civil liability in respect of the use of motor vehicles** — Directive 72/166/EEC — Article 3(1) — **Concept of ‘use of vehicles’ — Accident involving two vehicles parked in a car park — Material damage to a vehicle caused by a passenger from a neighbouring vehicle opening the vehicle door**
[CURIA – Judgment of the Court of Justice in Case C-648/17 of 15 November 2018](#)

Affaire C-495/17: ARRÊT DE LA COUR (septième chambre) du 8 novembre 2018 - Cartrans Spedition SRL contre Direcția Generală Regională a Finanțelor Publice Ploiești – Administrația Județeană a Finanțelor Publice Prahova et Direcția Regională a Finanțelor Publice București – Administrația Fiscală pentru Contribuabili Mijlocii - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Tribunalul Prahova (tribunal de grande instance de Prahova, Roumanie) - Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Exonérations – Article 146, paragraphe 1, sous e), et article 153 – Opérations de transport routier directement liées à l’exportation de biens – Prestations effectuées par des intermédiaires intervenant dans de telles opérations – Régime de preuve afférent à l’exportation des biens – Déclaration en douane – Carnet TIR**
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-495/17 du 8 novembre 2018](#)

Affaires jointes C-350/17 et C-351/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 25 octobre 2018 - Mobit Soc. cons. Arl contre Regione Toscana (C-350/17), Autolinee Toscane SpA et Régie autonome des transports parisiens (RATP) - Autolinee Toscane SpA contre Mobit Soc. cons. arl (C-351/17), Regione Toscana et Régie autonome des transports parisiens (RATP) - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – Règlement (CE) n° 1370/2007 – **Services publics de transport de voyageurs par chemin de fer et par route** – Article 5 – **Attribution de contrats de services publics** – Article 8, paragraphe 2 – Régime transitoire – Inapplicabilité de l’article 5 aux attributions réalisées entre le 3 décembre 2009 et le 2 décembre 2019 – Article 8, paragraphe 3 – Régime transitoire – Inapplicabilité de l’article 5 aux attributions réalisées avant le 3 décembre 2009 – Article 5, paragraphe 2 – **Attribution directe – Exigence de cantonnement des activités de l’opérateur interne – Non-respect – Absence d’incidence sur une procédure d’attribution par voie de mise en concurrence – Notions d’“autorité compétente et d’opérateur interne”**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-350/17 du 25 octobre 2018](#)

Case C-384/17: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Dooel Uvoz-Izvoz Skopje Link Logistic N&N v Budapest Rendőrfőkapitánya - REQUEST for a preliminary ruling under Article 267 TFEU from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - Reference for a preliminary ruling — Approximation of laws — **Road transport — Tax provisions** — Directive 1999/62/EC — **Charging of heavy goods vehicles for the use of certain infrastructures — Toll — Obligation of the Member States to establish effective, proportionate and dissuasive penalties** — Flat-rate fine — Principle of proportionality — **Direct applicability of the directive**
[CURIA – Judgment of the Court of Justice in Case C-384/17 of 4 October 2018](#)

Case C-668/16: JUDGMENT OF THE COURT (Second Chamber) of 4 October 2018 - European Commission v Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Directive 2006/40/EC — **Emissions from air-conditioning systems in motor vehicles** — Article 5(4) and (5) — Directive 2007/46/EC — **Approval of motor vehicles** — Articles 12, 29, 30 and 46 — **Vehicles not conforming to technical requirements — Responsibility of the national authorities**
[CURIA – Judgment of the Court of Justice in Case C-668/16 of 4 October 2018](#)

Case C-513/17: JUDGMENT OF THE COURT (Seventh Chamber) of 26 September 2018 - Josef Baumgartner v Bundesamt für Güterverkehr and Staatsanwaltschaft Köln - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Köln (Local Court, Cologne, Germany) - Reference for a preliminary ruling — **Transport — Road transport** — Regulation (EC) No 561/2006 — Article 19(2), first subparagraph — **Administrative penalty for an infringement committed in the Member State of the seat of an undertaking imposed by the competent authorities of another Member State in which the infringement was detected**
[CURIA – Judgment of the Court of Justice in Case C-513/17 of 26 September 2018](#)

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

Community Legislation

COMMISSION DECISION (EU) 2018/1962 of 11 December 2018 **laying down internal rules** concerning the **processing of personal data by the European Anti-Fraud Office (OLAF) in relation to the provision of information to data subjects and the restriction of certain of their rights** in accordance with Article 25 of Regulation (EU) 2018/1725 of the European Parliament and of the Council

[OJ of the EU, L 315/41 of 12 December 2018](#)

COMMISSION DECISION (EU) 2018/1961 of 11 December 2018 **laying down internal rules** concerning the provision of **information to data subjects and the restriction of certain of their rights in the context of the processing of personal data for the purpose of internal audit activities**

[OJ of the EU, L 315/35 of 12 December 2018](#)

COMMISSION REGULATION (EU) 2018/1923 of 7 December 2018 **amending** Regulation (EU) No 360/2012 as **regards its period of application** (Text with EEA relevance)

[OJ of the EU, L 313/2 of 10 December 2018](#)

COUNCIL REGULATION (EU) 2018/1911 of 26 November 2018 **amending** Regulation (EU) 2015/1588 on the application of Articles 107 and 108 of the **Treaty on the Functioning of the European Union to certain categories of horizontal State aid** (Text with EEA relevance)

[OJ of the EU, L 311/8 of 7 December 2018](#)

REGULATION (EU) 2018/1807 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on a **framework for the free flow of non-personal data in the European Union** (Text with EEA relevance)

[OJ of the EU, L 303/59 of 28 November 2018](#)

REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the **protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies** and on the **free movement of such data**, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (Text with EEA relevance)

[OJ of the EU, L 295/39 of 21 November 2018](#)

REGULATION (EU) 2018/1726 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the **European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice** (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011

[OJ of the EU, L 295/99 of 21 November 2018](#)

REGULATION (EU) 2018/1727 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 on the **European Union Agency for Criminal Justice Cooperation (Eurojust)**, and replacing and repealing Council Decision 2002/187/JHA

[OJ of the EU, L 295/138 of 21 November 2018](#)

REGULATION (EU) 2018/1724 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 2 October 2018 **establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services** and amending Regulation (EU) No 1024/2012 (Text with EEA relevance)

[OJ of the EU, L 295/36 of 21 November 2018](#)

DECISION OF THE COURT OF JUSTICE of 16 October 2018 on the **lodging and service of procedural documents by means of e-Curia**

[OJ of the EU, L 293/36 of 20 November 2018](#)

REGULATION (EU) 2018/1718 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 **amending** Regulation (EC) No 726/2004 as regards the **location of the seat of the European Medicines Agency** (Text with EEA relevance)

[OJ of the EU, L 291/3 of 16 November 2018](#)

REGULATION (EU) 2018/1717 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 November 2018 **amending** Regulation (EU) No 1093/2010 as regards the **location of the seat of the European Banking Authority** (Text with EEA relevance)

[OJ of the EU, L 291/1 of 16 November 2018](#)

COUNCIL IMPLEMENTING DECISION (EU) 2018/1696 of 13 July 2018 on the **operating rules of the selection panel** provided for in Article 14(3) of Regulation (EU) 2017/1939 **implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO')**

[OJ of the EU, L 282/8 of 12 November 2018](#)

DECISION (EU) 2018/1625 OF THE EUROPEAN CENTRAL BANK of 8 October 2018 **amending** Decision ECB/2007/7 concerning the **terms and conditions of TARGET2-ECB** (ECB/2018/24)

[OJ of the EU, L 280/1 of 9 November 2018](#)

GUIDELINE (EU) 2018/1626 OF THE EUROPEAN CENTRAL BANK of 3 August 2018 **amending** Guideline ECB/2012/27 on a **Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)** (ECB/2018/20)

[OJ of the EU, L 280/40 of 9 November 2018](#)

Case Law

Joined Cases C-412/17 and C-474/17: JUDGMENT OF THE COURT (Second Chamber) of 13 December 2018 - Bundesrepublik Deutschland v Touring Tours und Travel GmbH (C-412/17) and Sociedad de Transportes SA (C-474/17) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 562/2006 — **Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)** — Articles 20 and 21 — **Abolition of internal border controls in the Schengen area** — Checks within the territory of a Member State — Measures having an effect equivalent to border checks — **Rules of a Member State requiring a coach travel operator on routes crossing the internal borders of the Schengen area to check passengers' passports and residence permits** — **Penalty** — **Threat to impose a recurring fine**

[CURIA – Judgment of the Court of Justice in Case C-412/17 of 13 December 2018](#)

Case C-493/17: JUDGMENT OF THE COURT (Grand Chamber) of 11 December 2018 - Heinrich Weiss and Others, Bernd Lucke and Others, Peter Gauweiler, Johann Heinrich von Stein and Others v Bundesregierung, Bundestag and Deutsche Bundesbank - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverfassungsgericht (Federal Constitutional Court, Germany) - Reference for a preliminary ruling — **Economic and monetary policy** — Decision (EU) 2015/774 of the European Central Bank — **Validity** — **Secondary markets public sector asset purchase programme** — Articles 119 and 127 TFEU — **Powers of the ECB and the European System of Central Banks** — **Maintenance of price stability** — **Proportionality** — Article 123 TFEU — **Prohibition of monetary financing of Member States in the euro area**

[CURIA – Judgment of the Court of Justice in Case C-493/17 of 11 December 2018](#)

Case C-621/18: JUDGMENT OF THE COURT (Full Court) of 10 December 2018 - Andy Wightman, Ross Greer, Alyn Smith, David Martin, Catherine Stihler, Jolyon Maugham and Joanna Cherry v Secretary of State for Exiting the European Union, Chris Leslie and Tom Brake - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Session, Inner House, First Division (Scotland, United Kingdom) - **Reference for a preliminary ruling** — Article 50 TEU — **Notification by a Member State of its intention to withdraw from the European Union** — **Consequences of the notification** — **Right of unilateral revocation of the notification** — **Conditions**

[CURIA – Judgment of the Court of Justice in Case C-621/18 of 10 December 2018](#)

Affaire C-24/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du le 6 décembre 2018 - Österreichischer Gewerkschaftsbund, Gewerkschaft Öffentlicher Dienst contre Republik Österreich - demande de décision préjudicielle formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – Politique sociale – Directive 2000/78/CE – Interdiction des discriminations fondées sur l'âge – Système national de rémunération et d'avancement des agents contractuels de la fonction publique – Réglementation d'un État membre jugée discriminatoire – Adoption d'une nouvelle réglementation en vue de remédier à cette discrimination – Modalités du transfert des personnes concernées vers le nouveau système – Perpétuation de la différence de traitement – Justifications – Droit à réparation – Droit à une protection juridictionnelle effective – Article 45 TFUE – Règlement (UE) n° 492/2011 – Libre circulation des travailleurs – Absence d'entrave

CURIA – Conclusions de l'Avocat Général dans l'affaire C-24/17 du 6 décembre 2018

Case C-450/17 P: OPINION OF ADVOCATE GENERAL HOGAN of 5 December 2018 - Landeskreditbank Baden-Württemberg — Förderbank v European Central Bank (ECB) - Appeal — Economic and monetary policy — Prudential supervision of credit institutions — Regulation (EU) No 1024/2013 — Article 6(4) — Regulation (EU) No 468/2014 — Article 70(1) — Single supervisory mechanism (SSM) — Competences of the European Central Bank (ECB) — Decentralised exercise by the national authorities — Classification of an institution as a significant entity — Direct supervision by the ECB — Exception — Existence of particular circumstances — Classification of a supervised entity as significant inappropriate

CURIA – Opinion of Advocate General in Case C-450/17 of 5 December 2018

Affaire C-341/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 5 décembre 2018 - République hellénique contre Commission européenne - Pourvoi – FEOGA, FEAGA et Feader – Dépenses exclues du financement de l'Union européenne – Dépenses engagées par la République hellénique – Règlement (CE) no 1782/2003 – Règlement (CE) no 796/2004 – Régime d'aides à la surface – Notion de "pâturages permanents" – Correction financière forfaitaire

CURIA – Conclusions de l'Avocat Général dans l'affaire C-341/17 du 5 décembre 2018

Case C-621/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 4 December 2018 - Andy Wightman, Ross Greer, Alyn Smith, David Martin, Catherine Stihler, Jolyon Maugham and Joanna Cherry v Secretary of State for Exiting the European Union, Chris Leslie and Tom Brake - Request for a preliminary ruling from the Court of Session, Inner House, First Division (Scotland) (United Kingdom) - Question referred for a preliminary ruling — Admissibility — Article 50 TEU — Right of withdrawal from the European Union — Notification of the intention to withdraw — Withdrawal of the United Kingdom (Brexit) — Revocability of the notification of the intention to withdraw — Unilateral revocation — Conditions for unilateral revocation — Agreed revocation

CURIA – Opinion of Advocate General in Case C-621/18 of 4 December 2018

Case C-558/17 P: OPINION OF ADVOCATE GENERAL KOKOTT of 21 November 2018 – OZ v European Investment Bank (EIB) - Appeal — Civil service — EIB staff — Sexual harassment — Complaint — Investigation carried out in the context of the 'Dignity at work' programme — Rejection of the complaint — Application for annulment of the decision of the President of the EIB to reject the complaint — Claim for compensation for the damage caused by the conduct of the EIB

CURIA – Opinion of Advocate General in Case C-558/17 of 21 November 2018

Joined Cases C-626/15 and C-659/16: JUDGMENT OF THE COURT (Grand Chamber) of 20 November 2018 - European Commission v Council of the European Union, Federal Republic of Germany, Hellenic Republic, Kingdom of Spain, French Republic, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-626/15) - European Commission v Council of the European Union, Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Grand Duchy of Luxembourg, Kingdom of the Netherlands, Portuguese Republic, Republic of Finland, Kingdom of Sweden and United Kingdom of Great Britain and Northern Ireland, (C-659/16) - ACTIONS for annulment under Article 263 TFEU, brought on 23 November 2015 (C-626/15) and 20 December 2016 (C-659/16) - Actions for annulment — **Decision of the Permanent Representatives Committee (Coreper) — Decision approving the submission of a reflection paper to an international body — Admissibility — Challengeable act — Exclusive, shared or complementary competence of the European Union — Action of the European Union alone in an international body or participation of the Member States alongside it — **Conservation of marine biological resources — Fisheries — Protection of the environment — Research — Marine protected areas (MPAs) — Antarctic Treaty — Convention on the Conservation of Antarctic Marine Living Resources — Weddell Sea and Ross Sea****

[CURIA – Judgment of the Court of Justice in Case C-626/15 of 20 November 2018](#)

Case C-483/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 15 November 2018 - Neculai Tarola v Minister for Social Protection - Request for a preliminary ruling from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Citizenship of the Union — Freedom of movement for persons** — Directive 2004/38/EC — **Right to move and reside freely within the territory of Member States** — Article 7(1)(a) — Workers — Article 7(3)(c) — **Right of residence for more than three months — National of a Member State who has been working in an employed capacity in another Member State for 15 days — Involuntary unemployment — Retaining the status of worker for no less than six months**

[CURIA – Opinion of Advocate General in Case C-483/17 of 15 November 2018](#)

Affaire C-18/17: ARRÊT DE LA COUR (troisième chambre) du 14 novembre 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch et Alen Mihovic contre Regionale Geschäftsstelle Leoben des Arbeitsmarktservic - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel — **Adhésion des nouveaux États membres – République de Croatie – Mesures transitoires – Libre prestation des services** – Directive 96/71/CE – **Détachement de travailleurs – Détachement de ressortissants croates et d'États tiers en Autriche par l'intermédiaire d'une entreprise établie en Italie**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-18/17 du 14 octobre 2018](#)

Case C-630/17: OPINION OF ADVOCATE GENERAL TANCHEV of 14 November 2018 - Anica Milivojević v Raiffeisenbank St. Stefan-Jagerberg-Wolfsberg eGen - Request for a preliminary ruling from the Općinski sud u Rijeci (Municipal Court, Rijeka, Croatia) - **Free movement of services — Contracts for provision of credit concluded prior to Accession of Croatia to the European Union — Retroactive Member State law providing for nullity of such contracts when they feature international elements** — Admissibility

[CURIA – Opinion of Advocate General in Case C-630/17 of 14 November 2018](#)

Case C-595/17: JUDGMENT OF THE COURT (Third Chamber) of 24 October 2018 - Apple Sales International, Apple Inc. and Apple retail France EURL v MJA, acting as liquidator of eBizcuss.com - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Area of freedom, security and justice — Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — Article 23 — **Jurisdiction clause in a distribution contract — Action for damages by the distributor based on the infringement of Article 102 TFEU by the supplier**

[CURIA – Judgment of the Court of Justice in Case C-595/17 of 24 October 2018](#)

Case C-602/17: JUDGMENT OF THE COURT (Sixth Chamber) of 24 October 2018 - Benoît Sauvage and Kristel Lejeune v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers — Income received in a Member State other than the Member State of residence — Bilateral convention for the avoidance of double taxation — Allocation of powers of taxation** — Member State of residence's power to tax — Connecting factors

[CURIA – Judgment of the Court of Justice in Case C-602/17 of 24 October 2018](#)

Affaire C-444/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 17 octobre 2018 - Préfet des Pyrénées-Orientales contre Abdelaziz Arib, Procureur de la République et Procureur général près la cour d'appel de Montpellier - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Code frontières Schengen** – Article 32 – **Contrôle aux frontières intérieures** – Directive 2008/115/CE – Champ d'application – Article 2, paragraphe 2, sous a) – **Entrée irrégulière d'un ressortissant d'un pays tiers – Exclusion de l'assimilation des frontières intérieures aux frontières extérieures**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-444/17 du 17 octobre 2018](#)

Case C-571/16: JUDGMENT OF THE COURT (Fifth Chamber) of 4 October 2018 - Nikolay Kantarev v Balgarska Narodna Banka 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 – **Deposit guarantee schemes** – Directive 94/19/EC – Article 1(3)(i) – Article 10(1) – **Definition of 'unavailable deposit' – Liability of a Member State for harm caused to individuals by breaches of EU law – Sufficiently serious breach of EU law** – Procedural autonomy of the Member States – Principle of sincere cooperation – Article 4(3) TEU – Principles of equivalence and effectiveness

[CURIA – Judgment of the Court of Justice in Case C-571/16 of 4 October 2018](#)

Case C-493/17: OPINION OF ADVOCATE GENERAL WATHELET of 4 October 2018 - Heinrich Weiss and others - Request for a preliminary ruling from the Bundesverfassungsgericht (Federal Constitutional Court, Germany) - Reference for a preliminary ruling – **Economic and monetary policy – Decision (EU) 2015/774 of the European Central Bank (ECB) – Secondary markets public sector asset purchase programme – Validity** – Articles 119 and 127 TFEU – **Powers conferred on the ECB and the European System of Central Banks** – Maintenance of price stability – Proportionality – Article 123 TFEU – **Prohibition of monetary financing of the euro area Member States**

[CURIA – Opinion of Advocate General in Case C-493/17 of 4 October 2018](#)

Affaire C-420/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 4 octobre 2018 - Balázs-Árpád Izsák et Attila Dabis contre Commission européenne - Pourvoi – **Initiative citoyenne "Politique de cohésion pour l'égalité des régions et le maintien des cultures régionales"** invitant la Commission à soumettre une proposition législative intégrant les régions à minorité nationale dans la politique de cohésion de l'Union – Demande d'enregistrement – Rejet par la Commission – Article 4, paragraphe 2, sous b), du règlement (UE) n° 211/2011 – **Manifestement en dehors du cadre des attributions de la Commission – Caractère manifeste – Charge de la preuve** – Article 174 TFUE – Article 167 TFUE – Article 19, paragraphe 1, TFUE

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-420/16 du 4 octobre 2018](#)

Affaire C-73/17: ARRÊT DE LA COUR (grande chambre) du 2 octobre 2018 - République française et Grand-Duché de Luxembourg contre Parlement européen - ayant pour objet un recours en annulation au titre de l'article 263 TFUE - Recours en annulation – **Droit institutionnel – Protocole sur la fixation des sièges des institutions et de certains organes, organismes et services de l'Union européenne** – Parlement européen – **Notion de "session budgétaire" se tenant à Strasbourg (France) – Article 314 TFUE – Exercice du pouvoir budgétaire au cours d'une période de session plénière additionnelle à Bruxelles (Belgique)**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-73/17 du 2 octobre 2018](#)

Joined Cases C-183/17 P and C-184/17 P: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 27 September 2018 - International Management Group v European Commission - Appeal – **Development cooperation – EU budget implementation by indirect management – Budget implementation task entrusted to an entity – Replacement by another entity of the entity chosen – Action for annulment – Admissibility** – Challengeable acts – Doubts regarding the status as an international organisation of the entity which had been initially chosen – Exercise of the rights of defence before the adoption of the acts adversely affecting the person concerned – **Confidentiality of OLAF investigations**

[CURIA – Opinion of Advocate General in Case C-183/17 of 27 September 2018](#)