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# EU News: Click & Read

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European Documentation Centre

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

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

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## Highlights

**Case C-389/17: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019 - 'Paysera LT' UAB, formerly 'EVP International' UAB v Lietuvos bankas** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausios administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — **Taking up of the business of electronic money institutions** — Directive 2009/110/EC — Article 5(2) and (3) — **Rules on own funds** — **Own funds required for the pursuit of activities linked to the issuance of electronic money** — **Definition of 'activity linked to the issuance of electronic money'** — Issuance, for the benefit of the seller, of electronic money at par value of the funds received  
[CURIA – Judgment of the Court of Justice in Case C-389/17 of 16 January 2019](#)

**Case C-386/17: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019 - Stefano Liberato v Luminita Luisa Grigorescu** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction and recognition and enforcement of judgments on maintenance obligations** — Regulation (EC) No 44/2001 — Article 5(2) — Article 27 — Article 35(3) — **Jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 19 — **Lis pendens** — Article 22(a) — Article 23(a) — **Non-recognition where the decisions are manifestly contrary to public policy** — Article 24 — **Prohibition of review of jurisdiction of the court of origin** — **Ground for the non-recognition based on a breach of the rules of lis pendens** — **Absence**  
[CURIA – Judgment of the Court of Justice in Case C-386/17 of 16 January 2019](#)

**Case C-102/18: JUDGMENT OF THE COURT (Sixth Chamber) of 17 January 2019 - Klaus Manuel Maria Brisch** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Köln (Higher Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 650/2012 — Article 65(2) — **European Certificate of Succession** — **Application for a certificate** — Implementing Regulation (EU) No 1329/2014 — **Mandatory or optional nature of the form established by Article 1(4) of Implementing Regulation No 1329/2014**  
[CURIA – Judgment of the Court of Justice in Case C-102/18 of 17 January 2019](#)

**Case C-310/16: JUDGMENT OF THE COURT (Fourth Chamber) of 17 January 2019 - Petar Dzivev, Galina Angelova, Georgi Dimov and Milko Velkov** - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Value added tax (VAT) — **Protection of the European Union's financial interests** — Article 325(1) TFEU — **Convention on the protection of the European Communities' financial interests** — **Criminal proceedings concerning VAT offences** — Principle of effectiveness — Taking of evidence — **Interception of telecommunications** — **Authorisation granted by a court that lacks jurisdiction** — **Taking those interceptions into consideration as evidence** — Provisions of national law — **Prohibition**  
[CURIA – Judgment of the Court of Justice in Case C-310/16 of 17 January 2019](#)

## 1. EU-Swiss Relations

### International Agreements

**DECISION No 1/2018 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 12 December 2018 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2018/2065]

[OJ of the EU, L 329/30 of 27 December 2018](#)

### Community Legislation

**COMMISSION IMPLEMENTING DECISION (EU) 2018/2047** of 20 December 2018 on the **equivalence of the legal and supervisory framework applicable to stock exchanges in Switzerland** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 327/77 of 21 December 2018](#)

## 2. External Relations / Foreign Policy

### International Agreements

**COUNCIL DECISION (EU) 2018/2059** of 29 November 2018 on the **position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex IX (Financial Services) to the EEA Agreement** (Text with EEA relevance)

[OJ of the EU, L 329/13 of 27 December 2018](#)

### Case Law

**Case C-313/17 P: JUDGMENT OF THE COURT (First Chamber) of 24 January 2019 - George Haswani, residing in Yabroud (Syria) 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** — Article 86 of the Rules of Procedure of the General Court — **Admissibility — Procedure for modifying the application — Need to modify the pleas in law and arguments — Restrictive measures adopted against the Syrian Arab Republic — List of persons subject to the freezing of funds and economic resources — Inclusion of the applicant's name**

[CURIA – Judgment of the Court of Justice in Case C-313/17 of 24 January 2019](#)

**Case C-168/17: JUDGMENT OF THE COURT (Third Chamber) of 17 January 2019 - SH v TG and UF** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Common foreign and security policy — Restrictive measures adopted in view of the situation in Libya — A chain of contracts concluded with the aim of issuing a bank guarantee for the benefit of an entity on a list of entities whose funds are to be frozen — Payment of costs arising under counter guarantee agreements** — Regulation (EU) No 204/2011 — Article 5 — **Definition of 'funds made available to an entity referred to in Annex III to Regulation No 204/2011'** — Article 12(1)(c) — **Definition of 'a claim under a guarantee' — Definition of a 'person or entity acting on behalf of a person referred to in Article 12(1)(a) or (b)'**

[CURIA – Judgment of the Court of Justice in Case C-168/17 of 17 January 2019](#)

**Case C-530/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Mykola Yanovych Azarov, residing in Kiev (Ukraine) v Council of the European Union** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures taken in view of the situation in Ukraine — Freezing of funds and economic resources — List of persons, entities and bodies covered by the freezing of funds and economic resources — Inclusion of the appellant's name** — Decision by an authority of a third State — **Council's obligation to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-530/17 of 19 December 2018](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Community Legislation

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/114** of 24 January 2019 **amending** Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the **characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species** (Text with EEA relevance)

[OJ of the EU, L 23/35 of 25 January 2019](#)

#### Case Law

**Affaire C-634/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 24 janvier 2019 - ReFood GmbH & Co. KG contre Landwirtschaftskammer Niedersachsen** - demande de décision préjudicielle formée par le Verwaltungsgericht Oldenburg (tribunal administratif d'Oldenbourg, Allemagne) - Renvoi préjudiciel – **Environnement – Transferts de déchets à l'intérieur de l'Union** – Champ d'application du règlement (CE) n° 1013/2006 – Article 1er, paragraphe 3, sous d) – Champ d'application du règlement (CE) n° 1069/2009 – **Transferts de sous-produits animaux**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-634/17 du 24 janvier 2019](#)

**Affaire C-614/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 10 janvier 2019 - Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego contre Industrial Quesera Cuquerella SL et Juan Ramón Cuquerella Montagud** - demande de décision préjudicielle introduite par le Tribunal Supremo [cour suprême] (Espagne) - Renvoi préjudiciel – **Protection des indications géographiques et des appellations d'origine des produits agricoles et alimentaires** – AOP "Queso Manchego" – **Utilisation de signes susceptibles d'évoquer la région à laquelle l'AOP est liée** – Notion de consommateur moyen normalement informé et raisonnablement attentif et avisé

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-614/17 du 10 janvier 2019](#)

**Case C-367/17: JUDGMENT OF THE COURT (First Chamber) of 19 December 2018 - S v EA, EB and EC** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundespatentgericht (Federal Patent Court, Germany) - Reference for a preliminary ruling – Agriculture – Regulation (EC) No 510/2006 – Article 4(2)(e) – Regulation (EU) No 1151/2012 – Article 7(1)(e) – **Protection of geographical indications and designations of origin – Application to amend the product specification – Ham originating from the Black Forest, Germany ('Schwarzwälder Schinken') – Requirements to package in the area of production** – Applicability of Regulation (EC) No 510/2006 or of Regulation (EU) No 1151/2012

[CURIA – Judgment of the Court of Justice in Case C-367/17 of 19 December 2018](#)

### 4. Audiovisual and Media and Information Society

#### Community Legislation

**REGULATION (EU) 2018/1971 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 **establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office)**, amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009 (Text with EEA relevance)

[OJ of the EU, L 321/1 of 17 December 2018](#)

**DIRECTIVE (EU) 2018/1972 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 **establishing the European Electronic Communications Code** (Recast) (Text with EEA relevance)

[OJ of the EU, L 321/36 of 17 December 2018](#)

## Case Law

**Case C-430/17: JUDGMENT OF THE COURT (Third Chamber) of 23 January 2019 - Walbusch Walter Busch GmbH & Co. KG v Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Consumer protection** — Directive 2011/83/EU — **Distance contracts** — Article 6(1)(h) — **Obligation to provide information on the right of withdrawal** — Article 8(4) — **Contract concluded through a means of distance communication which allows limited space or time to display the information — Meaning of ‘limited space or time to display the information’** — Brochure inserted in a periodical — **Mail order coupon containing a hyperlink referring to information on the right of withdrawal**  
[CURIA – Judgment of the Court of Justice in Case C-430/17 of 23 January 2019](#)

**Case C-496/17: JUDGMENT OF THE COURT (Third Chamber) of 16 January 2019 - Deutsche Post AG v Hauptzollamt Köln** - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Customs union — The Union Customs Code** — Article 39 — **Status of authorised economic operator** — Implementing Regulation (EU) 2015/2447 — The second subparagraph of Article 24(1) — **Applicant not a natural person — Questionnaire — Collection of personal data** — Directive 95/46/EC — Articles 6 and 7 — Regulation (EU) 2016/679 — Articles 5 and 6 — **Processing of personal data**  
[CURIA – Judgment of the Court of Justice in Case C-496/17 of 16 January 2019](#)

**Affaire C-507/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 10 janvier 2019 - Google LLC, venant aux droits de Google Inc. contre Commission nationale de l’informatique et des libertés (CNIL), Wikimedia Foundation Inc., Fondation pour la liberté de la presse, Microsoft Corp., Reporters Committee for Freedom of the Press e.a., Article 19 e.a., Internet Freedom Foundation e.a. et Défenseur des droits** - demande de décision préjudicielle formée par le Conseil d’État (France) - Renvoi préjudiciel – **Données à caractère personnel – Portée du droit au déréférencement** – Arrêt du 13 mai 2014, Google Spain et Google, C-131/12 – **Déréférencement sur l’extension du nom du domaine correspondant à l’État membre de la demande ou sur les extensions du nom de domaine du moteur de recherche correspondant aux extensions nationales de ce moteur pour l’ensemble des États membres**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-507/17 du 10 janvier 2019](#)

**Affaire C-136/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 10 janvier 2019 - G. C., A. F., B. H., E. D. contre Commission nationale de l’informatique et des libertés (CNIL), Premier ministre et Google Inc.** - demande de décision préjudicielle formée par le Conseil d’État (France) - Renvoi préjudiciel – **Données à caractère personnel – Traitement des données – Exploitant d’un moteur de recherche Internet – Demande de déréférencement – Portée de l’obligation – Traitement de données à caractère personnel effectué aux seules fins de journalisme ou d’expression artistique ou littéraire**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-136/17 du 10 janvier 2019](#)

**Case C-375/17: JUDGMENT OF THE COURT (Second Chamber) of 19 December 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 under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Articles 49 and 56 TFEU — **Freedom of establishment and freedom to provide services — Games of chance — Concession for management of the computerised Lotto and other fixed-odds numerical games according to the sole concessionaire model** — Restriction — Overriding reasons in the public interest — Proportionality  
[CURIA – Judgment of the Court of Justice in Case C-375/17 of 19 December 2018](#)

**Case C-40/17: OPINION OF ADVOCATE GENERAL BOBEK of 19 December 2018 - Fashion ID GmbH & Co. KG v Verbraucherzentrale NRW e.V., Facebook Ireland Limited and Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Directive 95/46/EC — **Protection of personal data of website users — Standing of a consumer protection association to bring a claim — Liability of a website operator — Transfer of personal data to a third party — Embedded plug-in — Facebook ‘Like’ button — Legitimate interests — Consent of the data subject — Duty to provide information**

[CURIA – Opinion of Advocate General in Case C-40/17 of 19 December 2018](#)

## 5. Competition

### Community Legislation

**DIRECTIVE (EU) 2019/1 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market** (Text with EEA relevance)

[OJ of the EU, L 11/3 of 14 January 2019](#)

### Case Law

**Case C-387/17: JUDGMENT OF THE COURT (First Chamber) of 23 January 2019 - Presidenza dei Consiglio dei Ministri v Fallimento Traghetti del Mediterraneo SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **State aid — Existing aid and new aid — Classification — Regulation (EC) No 659/1999 — Article 1(b)(iv) and (v) — Principles of legal certainty and protection of legitimate expectations — Applicability — Subsidies granted before the liberalisation of a market initially closed to competition — Action for damages against the Member State brought by a competitor of the beneficiary company**

[CURIA – Judgment of the Court of Justice in Case C-387/17 of 23 January 2019](#)

**Affaire C-637/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 17 janvier 2019 - Cogeco Communications Inc contre Sport TV Portugal, SA, Controlinveste-SGPS, SA et NOS-SGPS, SA** - demande de décision préjudicielle formée par le Tribunal Judicial da Comarca de Lisboa [Portugal] - Demande de décision préjudicielle – **Concurrence – Mise en œuvre privée – Directive 2014/104/UE – Actions en dommages et intérêts au titre du droit national pour infractions aux dispositions du droit de la concurrence des États membres et de l’Union européenne (“Réparation du préjudice causé par une entente”)** – Délais de prescription pour les actions en dommages et intérêts au titre du droit national – **Valeur probante d’une décision d’une autorité nationale de concurrence dans l’action en dommages et intérêts – Applicabilité ratione temporis d’une directive à des faits qui se sont déroulés avant son entrée en vigueur** – Délai de transposition de la directive

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-637/17 du 17 janvier 2019](#)

**Case C-706/17: OPINION OF ADVOCATE GENERAL WAHL of 17 January 2019 - Achema AB, Orlen Lietuva AB and AB ‘Lifosa’ v Valstybinė kainų ir energetikos kontrolės komisija (VKEKK), Lietuvos Respublikos energetikos ministerija and UAB, ‘BALTPPOOL’** - Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - **State aid — Concept of ‘State resources’ — Selectivity — Effects on trade — Distortion of competition** — Services of general economic interest in the electricity sector — Altmark conditions

[CURIA – Opinion of Advocate General in Case C-706/17 of 17 January 2019](#)

**Affaire C-598/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 19 décembre 2018 - A-Fonds contre Inspecteur van de Belastingdienst** - demande de décision préjudicielle formée par le Gerechtshof 's-Hertogenbosch (cour d'appel de Bois-le-Duc, Pays-Bas) - Renvoi préjudiciel – **Aides existantes et aides nouvelles – Notion d'“aide nouvelle” – Aide illégale – Restitution de l'impôt sur les dividendes** – Régime élargi aux sociétés établies en dehors du territoire de l'État membre concerné – **Libre circulation des capitaux – Rôle des juridictions nationales – Possibilité pour les juridictions nationales d'apprécier les modalités d'un régime d'aides au regard de dispositions du traité FUE autres que les articles 107 et 108 – Compétence exclusive de la Commission**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-598/17 du 19 décembre 2018](#)

**Case C-374/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 December 2018 - Finanzamt B v A-Brauerei and Bundesministerium der Finanzen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — State aid — Article 107(1) TFEU — **Real property transfer tax – Exemption — Transfers in ownership of a property occurring as a result of restructuring procedures carried out within certain groups of companies — Concept of 'State aid' — Condition relating to selectivity — Justification**

[CURIA – Judgment of the Court of Justice in Case C-374/17 of 19 December 2018](#)

## 6. Customs

### Community Legislation

**COUNCIL REGULATION (EU) 2018/2069** of 20 December 2018 **amending** Regulation (EU) No 1387/2013 **suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products**  
[OJ of the EU, L 331/4 of 28 December 2018](#)

**COUNCIL REGULATION (EU) 2018/2070** of 20 December 2018 **amending** Regulation (EU) No 1388/2013 **opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

[OJ of the EU, L 331/197 of 28 December 2018](#)

### Case Law

**Case C-1/18: OPINION OF ADVOCATE GENERAL WAHL of 24 January 2019 - SIA „Oribalt Rīga”, formerly SIA „Oriola Rīga” and Valsts ieņēmumu dienests** - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Regulation (EEC) No 2913/92 — **Community Customs Code — Customs value — Medicines** — Article 30(2)(b) — **Notion of 'similar goods' — Factors to be taken into account** — Article 30(2)(c) — **Deductive method based on unit price** — Time limit of 90 days — Discounts

[CURIA – Opinion of Advocate General in Case C-1/18 of 24 January 2019](#)

**Case C-496/17: JUDGMENT OF THE COURT (Third Chamber) of 16 January 2019 - Deutsche Post AG v Hauptzollamt Köln** - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Customs union — The Union Customs Code** — Article 39 — **Status of authorised economic operator** — Implementing Regulation (EU) 2015/2447 — The second subparagraph of Article 24(1) — **Applicant not a natural person — Questionnaire — Collection of personal data** — Directive 95/46/EC — Articles 6 and 7 — Regulation (EU) 2016/679 — Articles 5 and 6 — **Processing of personal data**

[CURIA – Judgment of the Court of Justice in Case C-496/17 of 16 January 2019](#)

**Case C-265/17 P: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019 - European Commission v United Parcel Service, Inc., established in Atlanta, Georgia (United States) and FedEx Corp., established in Memphis, Tennessee (United States) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Merger control — Acquisition of TNT Express by UPS — Commission Decision declaring a concentration to be incompatible with the internal market and the functioning of the EEA Agreement — Econometric model developed by the Commission — Failure to disclose amendments made to the econometric model — Infringement of the rights of the defence**

[CURIA – Judgment of the Court of Justice in Case C-265/17 of 16 January 2019](#)

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

### International Agreements

**COUNCIL DECISION (EU) 2018/2059** of 29 November 2018 on the **position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Annex IX (Financial Services) to the EEA Agreement** (Text with EEA relevance)

[OJ of the EU, L 329/13 of 27 December 2018](#)

### Community Legislation

**REGULATION (EU) 2019/113 OF THE EUROPEAN CENTRAL BANK** of 7 December 2018 **amending** Regulation (EU) No 1333/2014 concerning **statistics on the money markets** (ECB/2018/33)

[OJ of the EU, L 23/19 of 25 January 2019](#)

**DECISION (EU) 2019/43 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 on the **national central banks' percentage shares in the key for subscription to the European Central Bank's capital** and repealing Decision ECB/2013/28 (ECB/2018/27)

[OJ of the EU, L 9/178 of 11 January 2019](#)

**DECISION (EU) 2019/44 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 on the **paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro**, amending Decision ECB/2014/61 and repealing Decision ECB/2013/30 (ECB/2018/28)

[OJ of the EU, L 9/180 of 11 January 2019](#)

**DECISION (EU) 2019/45 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital** and repealing Decision ECB/2013/29 (ECB/2018/29)

[OJ of the EU, L 9/183 of 11 January 2019](#)

**DECISION (EU) 2019/46 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets** and repealing Decision ECB/2013/26 (ECB/2018/30)

[OJ of the EU, L 9/190 of 11 January 2019](#)

**DECISION (EU) 2019/47 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **amending** Decision ECB/2010/29 on the **issue of euro banknotes** (ECB/2018/31)

[OJ of the EU, L 9/194 of 11 January 2019](#)

**DECISION (EU) 2019/48 OF THE EUROPEAN CENTRAL BANK** of 30 November 2018 on the **paying-up of the European Central Bank's capital by the non-euro area national central banks** and repealing Decision ECB/2013/31 (ECB/2018/32)

[OJ of the EU, L 9/196 of 11 January 2019](#)

**COUNCIL DIRECTIVE (EU) 2018/2057** of 20 December 2018 **amending** Directive 2006/112/EC on the **common system of value added tax as regards the temporary application of a generalised reverse charge mechanism in relation to supplies of goods and services above a certain threshold**

[OJ of the EU, L 329/3 of 27 December 2018](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2018/2047** of 20 December 2018 on the **equivalence of the legal and supervisory framework applicable to stock exchanges in Switzerland** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 327/77 of 21 December 2018](#)

**COMMISSION DECISION (EU) 2018/1996** of 14 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 trade defence and trade policy investigations**

[OJ of the EU, L 320/40 of 17 December 2018](#)

## Case Law

**Case C-165/17: JUDGMENT OF THE COURT (Fourth Chamber) of 24 January 2019 - Morgan Stanley & Co International plc v Ministre de l'Économie et des Finances** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Sixth Council Directive 77/388/EEC — Directive 2006/112/EC — Deduction of input tax — Goods and services used for both taxable transactions and exempt transactions (mixed-use goods and services) — Determination of the applicable deductible proportion — Branch established in a Member State other than that of its principal establishment — Expenditure incurred by the branch used exclusively for the transactions of the principal establishment — General costs of the branch used for both its transactions and those of the principal establishment**

[CURIA – Judgment of the Court of Justice in Case C-165/17 of 24 January 2019](#)

**Case C-272/17: JUDGMENT OF THE COURT (Tenth Chamber) of 23 January 2019 - K.M. Zyla v Staatssecretaris van Financiën** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Free movement of workers — Equal treatment — Income tax — Social security contributions — Worker who left the Member State of her employment during the course of the calendar year — Application of the pro rata temporis rule to social security credit)**

[CURIA – Judgment of the Court of Justice in Case C-272/17 of 23 January 2019](#)

**Case C-430/17: JUDGMENT OF THE COURT (Third Chamber) of 23 January 2019 - Walbusch Walter Busch GmbH & Co. KG v Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Consumer protection — Directive 2011/83/EU — Distance contracts — Article 6(1)(h) — Obligation to provide information on the right of withdrawal — Article 8(4) — Contract concluded through a means of distance communication which allows limited space or time to display the information — Meaning of 'limited space or time to display the information' — Brochure inserted in a periodical — Mail order coupon containing a hyperlink referring to information on the right of withdrawal**

[CURIA – Judgment of the Court of Justice in Case C-430/17 of 23 January 2019](#)

**Affaire C-694/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 janvier 2019 - Pillar Securitisation Sàrl contre Hildur Arnadottir** - demande de décision préjudicielle formée par la Cour de cassation (Luxembourg) - Renvoi préjudiciel – **Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Convention de Lugano II – Directive 2008/48/CE – Contrat de crédit – Notions de “consommateur” et d’“usage étranger à l'activité professionnelle”**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-694/17 du 22 janvier 2019](#)



**Case C-639/17: JUDGMENT OF THE COURT (Fourth Chamber) of 17 January 2019 - SIA 'KPMG Baltics', acting as insolvency administrator of AS 'Latvijas Krājbanka' v SIA 'Kipars AI'** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Settlement finality in payment and securities settlement systems** — Directive 98/26/EC — **Scope — Concept of 'transfer order'** — Payment order sent by the holder of an ordinary current account to a credit institution subsequently declared insolvent

[CURIA – Judgment of the Court of Justice in Case C-639/17 of 17 January 2019](#)

**Affaire C-712/17: CONCLUSIONS DE L'AVOCATE GÉNÉRALE Mme JULIANE KOKOTT du 17 janvier 2019 - EN.SA. Srl contre Agenzia delle Entrate – Direzione Regionale Lombardia Ufficio Contenzioso** - demande de décision préjudicielle formée par la Commissione Tributaria Regionale per la Lombardia [Commission fiscale régionale de Lombardie, Italie] - Demande de décision préjudicielle – **Taxe sur la valeur ajoutée – opérations fictives – Rejet de la déduction de la taxe versée en amont – Naissance d'une dette fiscale par établissement d'une facture** – Sanction supplémentaire égale au montant de la déduction rejetée – **Conformité au principe de neutralité – Conformité au principe de proportionnalité**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-712/17 du 17 janvier 2019](#)

**Case C-74/18: JUDGMENT OF THE COURT (Sixth Chamber) of 17 January 2019 - A Ltd v Veronsaajien oikeudenvallontayksikkö** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — Directive 2009/138/EC — **Taking-up and pursuit of the business of insurance and reinsurance** — Article 13(13) — **Definition of 'Member State in which the risk is situated'** — Company established in one Member State, providing insurance services relating to contractual risks connected with company conversions in another Member State — Article 157 — **Member State levying tax on insurance premiums**

[CURIA – Judgment of the Court of Justice in Case C-74/18 of 17 January 2019](#)

**Case C-310/16: JUDGMENT OF THE COURT (Fourth Chamber) of 17 January 2019 - Petar Dzivev, Galina Angelova, Georgi Dimov and Milko Velkov** - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Value added tax (VAT) — **Protection of the European Union's financial interests** — Article 325(1) TFEU — **Convention on the protection of the European Communities' financial interests — Criminal proceedings concerning VAT offences** — Principle of effectiveness — Taking of evidence — **Interception of telecommunications — Authorisation granted by a court that lacks jurisdiction — Taking those interceptions into consideration as evidence** — Provisions of national law — **Prohibition**

[CURIA – Judgment of the Court of Justice in Case C-310/16 of 17 January 2019](#)

**Case C-389/17: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019 - 'Paysera LT' UAB, formerly 'EVP International' UAB v Lietuvos bankas** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — **Taking up of the business of electronic money institutions** — Directive 2009/110/EC — Article 5(2) and (3) — **Rules on own funds — Own funds required for the pursuit of activities linked to the issuance of electronic money — Definition of 'activity linked to the issuance of electronic money'** — Issuance, for the benefit of the seller, of electronic money at par value of the funds received

[CURIA – Judgment of the Court of Justice in Case C-389/17 of 16 January 2019](#)

**Case C-608/17: OPINION OF ADVOCATE GENERAL KOKOTT of 10 January 2019 – Skatteverket v Holmen AB** - Request for a preliminary ruling from the Högsta förvaltningsdomstol (Supreme Administrative Court, Sweden) - Request for a preliminary ruling — **National tax legislation — Freedom of establishment — Deduction of losses of a foreign subsidiary in the State of the parent company** — Justification of non-deductibility of 'final losses' — Proportionality of an absence of cross-border relief for losses — **Notion of 'final losses' — Requirement of direct participation by the parent company for the acceptance of a final loss** — Use of losses on the basis of a restriction on loss relief in the State of the sub-subsidiary — **Use of losses on the basis of an absence of group relief in the year of liquidation in the State of the sub-subsidiary**

[CURIA – Opinion of Advocate General in Case C-608/17 of 10 January 2019](#)

**Case C-607/17: OPINION OF ADVOCATE GENERAL KOKOTT of 10 January 2019 – Skatteverket v Memira Holding AB** - Request for a preliminary ruling from the Högsta förvaltningsdomstol (Supreme Administrative Court, Sweden) - Request for a preliminary ruling — **National tax legislation — Freedom of establishment — Deduction of losses of a foreign subsidiary in the State of the parent company in the context of a merger — Justification of non-deductibility of ‘final losses’** — Proportionality of an absence of cross-border relief for losses — **Notion of ‘final losses’**

[CURIA – Opinion of Advocate General in Case C-607/17 of 10 January 2019](#)

**Case C-410/17: JUDGMENT OF THE COURT (Ninth Chamber) of 10 January 2019 - A Oy v Veronsaajien oikeudenvallontayksikkö** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Value added tax (VAT) — Directive 2006/112/EC — Article 2(1)(a) and (c) — Article 14(1) — Article 24(1) — Transactions for consideration — Transactions for consideration constituted partly by services or goods — Demolition contract** — Purchase contract for dismantling

[CURIA – Judgment of the Court of Justice in Case C-410/17 of 10 January 2019](#)

**Case C-647/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 10 January 2019 – Skatteverket v Srf konsulterna AB** - Request for a preliminary ruling from the Högsta förvaltningsdomstolen (Supreme Administrative Court, Sweden) - Reference for a preliminary ruling — **Common system of value added tax — Place of taxable transactions — Services offered to taxable persons** — Supply of services in respect of admission to educational events — **Seminar taking place in a Member State where neither supplier nor participants are established — Seminar requiring advance registration and payment**

[CURIA – Opinion of Advocate General in Case C-647/17 of 10 January 2019](#)

**Affaire C-598/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 19 décembre 2018 - A-Fonds contre Inspecteur van de Belastingdienst** - demande de décision préjudicielle formée par le Gerechtshof 's-Hertogenbosch (cour d’appel de Bois-le-Duc, Pays-Bas) - Renvoi préjudiciel — **Aides existantes et aides nouvelles – Notion d’“aide nouvelle” – Aide illégale – Restitution de l’impôt sur les dividendes** – Régime élargi aux sociétés établies en dehors du territoire de l’État membre concerné — **Libre circulation des capitaux – Rôle des juridictions nationales – Possibilité pour les juridictions nationales d’apprécier les modalités d’un régime d’aides au regard de dispositions du traité FUE autres que les articles 107 et 108 – Compétence exclusive de la Commission**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-598/17 du 19 décembre 2018](#)

**Case C-219/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 December 2018 - Silvio Berlusconi and Finanziaria d’investimento Fininvest SpA (Fininvest) v Banca d’Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS), Ministero dell’Economia e delle Finanze, Banca Mediolanum SpA, Holding Italiana Quarta SpA, Fin.Prog. Italia di E. Doris & C. s.a.p.a., Sirefid SpA and Ennio Doris** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Approximation of laws — **Prudential supervision of credit institutions — Acquisition of a qualifying holding in a credit institution** — Procedure governed by Directive 2013/36/EU and by Regulations (EU) No 1024/2013 and No 468/2014 — **Composite administrative procedure — Exclusive decision-making power of the European Central Bank (ECB)** — Action brought against preparatory acts adopted by the national competent authority — **Claim that the force of res judicata attaching to a national decision has been disregarded**

[CURIA – Judgment of the Court of Justice in Case C-219/17 of 19 December 2018](#)

**Case C-374/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 December 2018 - Finanzamt B v A-Brauerei and Bundesministerium der Finanzen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — State aid — Article 107(1) TFEU — **Real property transfer tax – Exemption — Transfers in ownership of a property occurring as a result of restructuring procedures carried out within certain groups of companies — Concept of ‘State aid’** — Condition relating to selectivity — Justification

[CURIA – Judgment of the Court of Justice in Case C-374/17 of 19 December 2018](#)

**Case C-414/17: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - AREX CZ a.s. v Odvolací finanční ředitelství** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — Article 2(1)(b)(i) and (iii) — Article 3(1) — **Intra-Community acquisitions of goods subject to excise duties** — Article 138(1) and (2)(b) — **Intra-Community supply of goods** — **Chain transactions with a single transport** — **Transaction to which the transport should be ascribed** — Transport under an excise duty suspension arrangement — **Impact on the classification of an intra-Community purchase**  
[CURIA – Judgment of the Court of Justice in Case C-414/17 of 19 December 2018](#)

**Case C-422/17: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Szeft Krajowej Administracji Skarbowej v Skarpa Travel sp. z o.o.** - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Harmonisation of tax legislation** — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Chargeable event** — **Special scheme for travel agents** — Articles 65 and 308 — **Margin obtained by a travel agent** — **Determination of the margin** — Payments on account made before the supply of travel services by the travel agent — **Actual cost borne by the travel agent**  
[CURIA – Judgment of the Court of Justice in Case C-422/17 of 19 December 2018](#)

**Case C-552/17: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Alpenchalets Resorts GmbH v Finanzamt München Abteilung Körperschaften** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation** — **Harmonisation of fiscal legislation** — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Special scheme for travel agents** — **Supply of a holiday residence rented from other taxable persons** — Additional services — Ancillary or principal services — **Reduced rate of tax** — **Accommodation supplied by a travel agent in his own name**  
[CURIA – Judgment of the Court of Justice in Case C-552/17 of 19 December 2018](#)

**Case C-667/17: JUDGMENT OF THE COURT (Tenth Chamber) of 19 December 2018 - Francesca Cadeddu v Agenzia delle Entrate — Direzione provinciale di Cagliari, Regione autonoma della Sardegna and Regione autonoma della Sardegna — Agenzia regionale per il lavoro** - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione Tributaria Provinciale di Cagliari (Provincial Tax Court, Cagliari, Italy) - Reference for a preliminary ruling — Regulation (EC) No 1083/2006 — Article 2(4) — **Concept of beneficiary** — Article 80 — **Prohibition on making a deduction or withholding sums paid** — Other specific charge or charge with equivalent effect — Concept — **Study grant co-financed by the European Social Fund** — **Treatment as income from employment** — **Retention on account of income tax increased by additional regional and municipal taxes**  
[CURIA – Judgment of the Court of Justice in Case C-667/17 of 19 December 2018](#)

**Case C-17/18: JUDGMENT OF THE COURT (Tenth Chamber) of 19 December 2018 - Virgil Mailat, Delia Elena Mailat and Apcom Select SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunalul Mureş (Regional Court, Mureş, Romania) - Reference for a preliminary ruling — **Taxation** — **Value added tax (VAT)** — Directive 2006/112/EC — Articles 19 and 29 and Article 135(1)(l) — **Transfer of a totality of assets or part thereof** — **Exemption for lettings of immovable property** — **Rental contract concerning an immovable property used for commercial purposes and the movable property necessary for that use** — Supply of services relating to that immovable property which gave rise to the deduction of VAT — **Adjustment**  
[CURIA – Judgment of the Court of Justice in Case C-17/18 of 19 December 2018](#)

**Case C-51/18: JUDGMENT OF THE COURT (Eighth Chamber) of 19 December 2018 - European Commission v Republic of Austria** - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Taxation** — **Value added tax (VAT)** — Directive 2006/112/EC — Article 2(1) — **Administrative practice of imposing VAT on the royalty payable to an author of an original work of art on the basis of the resale right**  
[CURIA – Judgment of the Court of Justice in Case C-51/18 of 19 December 2018](#)

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

### Case Law

**Case C-431/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 19 December 2018 - Monachos Eirinaios, kata kosmon Antonios Giakoumakis tou Emmanouil v Dikigorikos Syllogos Athinon** - Request for a preliminary ruling from the Symvoulio tis Epikrateias (Council of State, Greece) - Directive 98/5/EC — Article 3 — Article 6 — **Registration of a monk as a lawyer in a Member State other than that in which he obtained his professional qualification — National rules precluding registration**

[CURIA – Opinion of Advocate General in Case C-431/17 of 19 December 2018](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-477/17: JUDGMENT OF THE COURT (First Chamber) of 24 January 2019 - Raad van bestuur van de Sociale Verzekeringsbank v D. Balandin, I. Lukachenko and Holiday on Ice Services BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling — **Social security** — Regulation (EU) No 1231/2010 — **Applicable legislation** — A1 certificate — Article 1 — **Extension of coordination of social security systems to citizens of third countries residing legally in the territory of a Member State — Legal residence — Concept**

[CURIA – Judgment of the Court of Justice in Case C-477/17 of 24 January 2019](#)

**Case C-603/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 24 January 2019 - Peter Bosworth and Colin Hurley v Arcadia Petroleum Limited and Others** - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention** — Title II, Section 5 — **Jurisdiction in matters relating to individual contracts of employment — Claims for compensation made by several companies within the same group against former directors — Concepts of ‘individual contract of employment’ and of ‘employer’ — Claims resting on legal bases regarded as tortious in substantive law** — Conditions under which such claims are ‘matters’ relating to a contract and/or individual contracts of employment for the purposes of the Lugano II Convention

[CURIA – Opinion of Advocate General in Case C-603/17 of 24 January 2019](#)

**Case C-272/17: JUDGMENT OF THE COURT (Tenth Chamber) of 23 January 2019 - K.M. Zyla v Staatssecretaris van Financiën** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Free movement of workers — Equal treatment — Income tax — Social security contributions — Worker who left the Member State of her employment during the course of the calendar year** — Application of the pro rata temporis rule to social security credit)

[CURIA – Judgment of the Court of Justice in Case C-272/17 of 23 January 2019](#)

**Affaire C-509/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 23 janvier 2019 - Christa Plessers contre PREFACO NV et Belgische Staat** - demande de décision préjudicielle formée par l’arbeidshof te Antwerpen (cour du travail d’Anvers, Belgique) - Renvoi préjudiciel – Directive 2001/23/CE – Articles 3 à 5 – **Transferts d’entreprises – Maintien des droits des travailleurs – Exceptions – Procédure d’insolvabilité** – Procédure de réorganisation judiciaire par transfert sous autorité de justice – **Sauvegarde totale ou partielle de l’entreprise – Législation nationale autorisant le cessionnaire, après le transfert, à reprendre les travailleurs de son choix**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-509/17 du 23 janvier 2019](#)

**Case C-193/17: JUDGMENT OF THE COURT (Grand Chamber) of 22 January 2019 - Cresco Investigation GmbH v Markus Achatzi** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Article 21 — **Equal treatment in employment and occupation** — Directive 2000/78/EC — Article 2(2)(a) — **Direct discrimination on grounds of religion** — **National legislation granting certain employees a day's holiday on Good Friday** — **Justification** — Article 2(5) — Article 7(1) — **Obligations of private employers and national courts resulting from the incompatibility of national law with Directive 2000/78**

[CURIA – Judgment of the Court of Justice in Case C-193/17 of 22 January 2019](#)

**Case C-258/17: JUDGMENT OF THE COURT (Grand Chamber) of 15 January 2019 - E.B. v Versicherungsanstalt öffentlich Bediensteter BVA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Upper Administrative Court, Austria) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 2 — **Attempted act of same-sex indecency committed by a civil servant on male minors** — **Disciplinary sanction adopted in 1975** — **Compulsory early retirement accompanied by a reduction in the pension entitlement** — **Discrimination on grounds of sexual orientation** — Effects of the application of Directive 2000/78/EC on the disciplinary sanction — Calculation of the retirement pension paid

[CURIA – Judgment of the Court of Justice in Case C-258/17 of 15 January 2019](#)

**Affaire C-631/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 10 janvier 2019 – SF contre Inspecteur van de Belastingdienst** - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - Renvoi préjudiciel – **Sécurité sociale des travailleurs migrants** – Règlement (CE) no 883/2004 – Article 11, paragraphe 3, sous e) – **ressortissant d'un État membre employé comme marin à bord d'un navire battant pavillon d'un État tiers** – Employeur établi dans un État différent de l'État de résidence du travailleur – **Champ d'application personnel du règlement** – **Détermination de la législation applicable**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-631/17 du 10 janvier 2019](#)

**Case C-667/17: JUDGMENT OF THE COURT (Tenth Chamber) of 19 December 2018 - Francesca Cadeddu v Agenzia delle Entrate — Direzione provinciale di Cagliari, Regione autonoma della Sardegna and Regione autonoma della Sardegna — Agenzia regionale per il lavoro** - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione Tributaria Provinciale di Cagliari (Provincial Tax Court, Cagliari, Italy) - Reference for a preliminary ruling — Regulation (EC) No 1083/2006 — Article 2(4) — **Concept of beneficiary** — Article 80 — **Prohibition on making a deduction or withholding sums paid** — Other specific charge or charge with equivalent effect — Concept — **Study grant co-financed by the European Social Fund** — **Treatment as income from employment** — **Retention on account of income tax increased by additional regional and municipal taxes**

[CURIA – Judgment of the Court of Justice in Case C-667/17 of 19 December 2018](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION DECISION (EU) 2019/61** of 19 December 2018 on the **sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the public administration sector** under Regulation (EC) No 1221/2009 on the **voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)** (Text with EEA relevance)

[OJ of the EU, L 17/1 of 18 January 2019](#)

**COMMISSION DECISION (EU) 2019/62** of 19 December 2018 on the **sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the car manufacturing sector** under Regulation (EC) No 1221/2009 on the **voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)** (Text with EEA relevance)

[OJ of the EU, L 17/58 of 18 January 2019](#)

**COMMISSION DECISION (EU) 2019/63** of 19 December 2018 on the **sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the electrical and electronic equipment manufacturing sector** under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the **voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)** (Text with EEA relevance)

[OJ of the EU, L 17/94 of 18 January 2019](#)

**COMMISSION DECISION (EU) 2019/70** of 11 January 2019 **establishing the EU Ecolabel criteria for graphic paper** and the **EU Ecolabel criteria for tissue paper and tissue products** (notified under document C(2019) 3) (Text with EEA relevance)

[OJ of the EU, L 15/27 of 17 January 2019](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2018/2079** of 19 December 2018 on the **approval of the engine idle coasting function as an innovative technology for reducing CO2 emissions from passenger cars** pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 331/225 of 31 December 2018](#)

**DIRECTIVE (EU) 2018/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 on the **promotion of the use of energy from renewable sources** (recast) (Text with EEA relevance)

[OJ of the EU, L 328/82 of 21 December 2018](#)

**DIRECTIVE (EU) 2018/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 **amending** Directive 2012/27/EU on **energy efficiency** (Text with EEA relevance)

[OJ of the EU, L 328/210 of 21 December 2018](#)

## Case Law

**Case C-43/18 and Case C-321/18: OPINION OF ADVOCATE GENERAL KOKOTT of 24 January 2019 - Compagnie d'entreprises CFE SA v Région de Bruxelles-Capitale (Case C-43/18) - Terre wallonne ASBL v Région wallonne (Case C-321/18)** - Request for a preliminary ruling from the Conseil d'État (Council of State, Belgium) - Request for a preliminary ruling — **Environment** — Directive 2001/42/EC — **Assessment of the effects of certain plans and programmes on the environment** — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — **Measures for the management of areas of conservation** — Designation of a special area of conservation — **Notion of plans and programmes** — **Obligation to undertake an environmental assessment** — Establishment of conservation objectives for the Walloon Region

[CURIA – Opinion of Advocate General in Case C-43/18 of 24 January 2019](#)

**Affaire C-689/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 24 janvier 2019 - Conti 11. Container Schiffahrts-GmbH & Co. KG MS « MSC Flaminia » contre Land Niedersachsen** - demande de décision préjudicielle formée par le Landgericht München I (tribunal régional de Munich I, Allemagne) - Renvoi préjudiciel — **Environnement** — **Convention de Bâle** — Règlement (CE) n° 1013/2006 — **Transfert de déchets** — **Résidus dus à une avarie en haute mer** — Article 1er, paragraphe 3, sous b) — **Exclusion du champ d'application** — **Déchets produits à bord de navires**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-698/17 du 24 janvier 2019](#)

**Affaire C-634/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 24 janvier 2019 - ReFood GmbH & Co. KG contre Landwirtschaftskammer Niedersachsen** - demande de décision préjudicielle formée par le Verwaltungsgericht Oldenburg (tribunal administratif d'Oldenbourg, Allemagne) - Renvoi préjudiciel — **Environnement** — **Transferts de déchets à l'intérieur de l'Union** — Champ d'application du règlement (CE) n° 1013/2006 — Article 1er, paragraphe 3, sous d) — Champ d'application du règlement (CE) n° 1069/2009 — **Transferts de sous-produits animaux**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-634/17 du 24 janvier 2019](#)

**Case C-419/17 P: JUDGMENT OF THE COURT (First Chamber) of 23 January 2019 - Deza, a.s., established in Valašské Meziříčí (Czech Republic) v European Chemicals Agency (ECHA), Kingdom of Denmark, Kingdom of the Netherlands, Kingdom of Sweden and Kingdom of Norway - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Annex XIV — **Establishment of a list of substances subject to authorisation** — Inclusion in the list of substances identified for eventual inclusion in Annex XIV — Updating of the entry of the substance bis(2-ethylhexyl)phthalate (DEHP) in the list — **Misinterpretation and misapplication of the REACH Regulation and of the principle of legal certainty — Distortion of the facts and evidence — Scope of the review****

[CURIA – Judgment of the Court of Justice in Case C-419/17 of 23 January 2019](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-1/18: OPINION OF ADVOCATE GENERAL WAHL of 24 January 2019 - SIA „Oribalt Rīga”, formerly SIA „Oriola Rīga” and Valsts ieņēmumu dienests - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Regulation (EEC) No 2913/92 — **Community Customs Code — Customs value — Medicines** — Article 30(2)(b) — **Notion of ‘similar goods’ — Factors to be taken into account** — Article 30(2)(c) — **Deductive method based on unit price** — Time limit of 90 days — Discounts**

[CURIA – Opinion of Advocate General in Case C-1/18 of 24 January 2019](#)

**Case C-419/17 P: JUDGMENT OF THE COURT (First Chamber) of 23 January 2019 - Deza, a.s., established in Valašské Meziříčí (Czech Republic) v European Chemicals Agency (ECHA), Kingdom of Denmark, Kingdom of the Netherlands, Kingdom of Sweden and Kingdom of Norway - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Annex XIV — **Establishment of a list of substances subject to authorisation** — Inclusion in the list of substances identified for eventual inclusion in Annex XIV — Updating of the entry of the substance bis(2-ethylhexyl)phthalate (DEHP) in the list — **Misinterpretation and misapplication of the REACH Regulation and of the principle of legal certainty — Distortion of the facts and evidence — Scope of the review****

[CURIA – Judgment of the Court of Justice in Case C-419/17 of 23 January 2019](#)

**Case C-430/17: JUDGMENT OF THE COURT (Third Chamber) of 23 January 2019 - Walbusch Walter Busch GmbH & Co. KG v Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Consumer protection** — Directive 2011/83/EU — **Distance contracts** — Article 6(1)(h) — **Obligation to provide information on the right of withdrawal** — Article 8(4) — **Contract concluded through a means of distance communication which allows limited space or time to display the information — Meaning of ‘limited space or time to display the information’** — Brochure inserted in a periodical — **Mail order coupon containing a hyperlink referring to information on the right of withdrawal****

[CURIA – Judgment of the Court of Justice in Case C-430/17 of 23 January 2019](#)

**Affaire C-694/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 janvier 2019 - Pillar Securitisation Sàrl contre Hildur Arnadottir - demande de décision préjudicielle formée par la Cour de cassation (Luxembourg) - Renvoi préjudiciel — **Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale — Convention de Lugano II** — Directive 2008/48/CE — **Contrat de crédit — Notions de “consommateur” et d’“usage étranger à l’activité professionnelle”****

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-694/17 du 22 janvier 2019](#)

**Case C-52/18: OPINION OF ADVOCATE GENERAL WAHL of 15 January 2019 - Christian Fülle v Toolport GmbH - Request for a preliminary ruling from the Amtsgericht Norderstedt (Local Court, Norderstedt, Germany) - Request for a preliminary ruling — **Consumer protection** — Directive 1999/44/EC — **Sale of consumer goods — Rights of the consumer — Lack of conformity of the goods delivered — Subsequent bringing into conformity of the goods — Obligations of the seller** — Determination of the place where the goods have to be made available for repair or replacement (place of subsequent performance) — **Meaning of ‘significant inconvenience to the consumer’ — Meaning of ‘to repair free of charge’ — Right to have the contract rescinded****

[CURIA – Opinion of Advocate General in Case C-52/18 of 15 January 2019](#)

**Affaire C-614/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 10 janvier 2019 - Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego contre Industrial Quesera Cuquerella SL et Juan Ramón Cuquerella Montagud** - demande de décision préjudicielle introduite par le Tribunal Supremo [cour suprême] (Espagne) - Renvoi préjudiciel – **Protection des indications géographiques et des appellations d'origine des produits agricoles et alimentaires** – AOP “Queso Manchego” – **Utilisation de signes susceptibles d'évoquer la région à laquelle l'AOP est liée** – Notion de consommateur moyen normalement informé et raisonnablement attentif et avisé

CURIA – Conclusions de l'Avocat Général dans l'affaire C-614/17 du 10 janvier 2019

**Case C-40/17: OPINION OF ADVOCATE GENERAL BOBEK of 19 December 2018 - Fashion ID GmbH & Co. KG v Verbraucherzentrale NRW e.V., Facebook Ireland Limited and Landesbeauftragte für Datenschutz und Informationsfreiheit Nordrhein-Westfalen** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Directive 95/46/EC — **Protection of personal data of website users — Standing of a consumer protection association to bring a claim — Liability of a website operator** — Transfer of personal data to a third party — **Embedded plug-in — Facebook 'Like' button — Legitimate interests — Consent of the data subject — Duty to provide information**

CURIA – Opinion of Advocate General in Case C-40/17 of 19 December 2018

**Case C-681/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 December 2018 - slewo // schlafen leben wohnen GmbH v Sascha Ledowski** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Consumer protection** — Directive 2011/83/EU — Article 6(1)(k) and Article 16(e) — **Distance contract — Right of withdrawal — Exceptions** — Sealed goods which are not suitable for return due to health protection or hygiene reasons — Possible inclusion of a mattress which has been unsealed after delivery — Conditions to be met for goods to be considered sealed — **Scope of the obligation to inform the consumer of the loss of his right of withdrawal**

CURIA – Opinion of Advocate General in Case C-681/17 of 19 December 2018

## 12. Human Rights

### Community Legislation

**COMMISSION DECISION (EU) 2018/1996** of 14 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 trade defence and trade policy investigations**

OJ of the EU, L 320/40 of 17 December 2018

### Case Law

**Affaire C-720/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 24 janvier 2019 - Mohammed Bilali contre Bundesamt für Fremdenwesen und Asyl** - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – Directive 2011/95/UE – **Normes relatives aux conditions que doivent remplir les ressortissants des pays tiers ou les apatrides pour pouvoir bénéficier d'une protection internationale – Protection subsidiaire** – Article 19 – **Révocation du statut conféré par la protection subsidiaire – Portée des motifs** – Législation nationale prévoyant la révocation du statut en raison d'une erreur de l'administration concernant les circonstances de fait – Admissibilité – **Annulation de l'acte portant octroi du statut conféré par la protection subsidiaire – Autonomie procédurale des États membres – Principes d'équivalence et d'effectivité**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-720/17 du 24 janvier 2019



**Case C-661/17: JUDGMENT OF THE COURT (First Chamber) of 23 January 2019 - M.A., S.A. and A.Z. v International Protection Appeals Tribunal, Minister for Justice and Equality, Attorney General and Ireland** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Asylum policy — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** — Regulation (EU) No 604/2013 — **Discretionary clauses — Assessment criteria**

[CURIA – Judgment of the Court of Justice in Case C-661/17 of 23 January 2019](#)

**Case C-193/17: JUDGMENT OF THE COURT (Grand Chamber) of 22 January 2019 - Cresco Investigation GmbH v Markus Achatzi** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Article 21 — **Equal treatment in employment and occupation** — Directive 2000/78/EC — Article 2(2)(a) — **Direct discrimination on grounds of religion — National legislation granting certain employees a day's holiday on Good Friday — Justification** — Article 2(5) — Article 7(1) — **Obligations of private employers and national courts resulting from the incompatibility of national law with Directive 2000/78**

[CURIA – Judgment of the Court of Justice in Case C-193/17 of 22 January 2019](#)

**Case C-496/17: JUDGMENT OF THE COURT (Third Chamber) of 16 January 2019 - Deutsche Post AG v Hauptzollamt Köln** - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Customs union — The Union Customs Code** — Article 39 — **Status of authorised economic operator** — Implementing Regulation (EU) 2015/2447 — The second subparagraph of Article 24(1) — **Applicant not a natural person — Questionnaire — Collection of personal data** — Directive 95/46/EC — Articles 6 and 7 — Regulation (EU) 2016/679 — Articles 5 and 6 — **Processing of personal data**

[CURIA – Judgment of the Court of Justice in Case C-496/17 of 16 January 2019](#)

**Case C-530/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Mykola Yanovych Azarov, residing in Kiev (Ukraine) v Council of the European Union** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures taken in view of the situation in Ukraine — Freezing of funds and economic resources — List of persons, entities and bodies covered by the freezing of funds and economic resources — Inclusion of the appellant's name** — Decision by an authority of a third State — **Council's obligation to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-530/17 of 19 December 2018](#)

## 13. Internal Market and Single Market

### Community Legislation

**DIRECTIVE (EU) 2019/1 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 to **empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market** (Text with EEA relevance)

[OJ of the EU, L 11/3 of 14 January 2019](#)

### Case Law

**Case C-272/17: JUDGMENT OF THE COURT (Tenth Chamber) of 23 January 2019 - K.M. Zyla v Staatssecretaris van Financiën** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Free movement of workers — Equal treatment — Income tax — Social security contributions — Worker who left the Member State of her employment during the course of the calendar year** — Application of the pro rata temporis rule to social security credit)

[CURIA – Judgment of the Court of Justice in Case C-272/17 of 23 January 2019](#)

**Case C-387/17: JUDGMENT OF THE COURT (First Chamber) of 23 January 2019 - Presidenza dei Consiglio dei Ministri v Fallimento Traghetti del Mediterraneo SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **State aid — Existing aid and new aid — Classification** — Regulation (EC) No 659/1999 — Article 1(b)(iv) and (v) — **Principles of legal certainty and protection of legitimate expectations** — Applicability — Subsidies granted before the liberalisation of a market initially closed to competition — **Action for damages against the Member State brought by a competitor of the beneficiary company**

[CURIA – Judgment of the Court of Justice in Case C-387/17 of 23 January 2019](#)

**Affaire C-697/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 23 janvier 2019 - Telecom Italia SpA contre Ministero dello Sviluppo Economico, Infrastrutture e telecomunicazioni per l'Italia SpA (Infratel Italia SpA) et Open Fiber SpA** - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d'État, Italie) - Renvoi préjudiciel – **Marchés publics** – Directive 2014/24/UE – **Procédure restreinte – Opérateurs économiques autorisés à présenter une offre – Procédure de fusion par absorption ayant eu lieu au cours de la procédure de passation de marché – Exigence de maintenir la même identité juridique entre la phase de présélection et la présentation de l'offre**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-697/17 du 23 janvier 2019](#)

**Case C-608/17: OPINION OF ADVOCATE GENERAL KOKOTT of 10 January 2019 – Skatteverket v Holmen AB** - Request for a preliminary ruling from the Högsta förvaltningsdomstol (Supreme Administrative Court, Sweden) - Request for a preliminary ruling — **National tax legislation — Freedom of establishment — Deduction of losses of a foreign subsidiary in the State of the parent company** — Justification of non-deductibility of 'final losses' — Proportionality of an absence of cross-border relief for losses — **Notion of 'final losses' — Requirement of direct participation by the parent company for the acceptance of a final loss** — Use of losses on the basis of a restriction on loss relief in the State of the sub-subsidiary — **Use of losses on the basis of an absence of group relief in the year of liquidation in the State of the sub-subsidiary**

[CURIA – Opinion of Advocate General in Case C-608/17 of 10 January 2019](#)

**Case C-607/17: OPINION OF ADVOCATE GENERAL KOKOTT of 10 January 2019 – Skatteverket v Memira Holding AB** - Request for a preliminary ruling from the Högsta förvaltningsdomstol (Supreme Administrative Court, Sweden) - Request for a preliminary ruling — **National tax legislation — Freedom of establishment — Deduction of losses of a foreign subsidiary in the State of the parent company in the context of a merger — Justification of non-deductibility of 'final losses'** — Proportionality of an absence of cross-border relief for losses — **Notion of 'final losses'**

[CURIA – Opinion of Advocate General in Case C-607/17 of 10 January 2019](#)

**Case C-216/17: JUDGMENT OF THE COURT (Eighth Chamber) of 19 December 2018 - Autorità Garante della Concorrenza e del Mercato — Antitrust and Coopservice Soc. coop. arl v Azienda Socio-Sanitaria Territoriale della Vallecamonica — Sebino (ASST), Azienda Socio-Sanitaria Territoriale del Garda (ASST), Azienda Socio-Sanitaria Territoriale della Valcamonica (ASST), ATI - Zanetti Arturo & C. Srl e in proprio and Regione Lombardia** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 2004/18/EC — Article 1(5) — Article 32(2) — **Award of public works contracts, public supply contracts and public service contracts — Framework agreements** — Clause extending the framework agreement to other contracting authorities — **Principles of transparency and equal treatment of economic operators — No determination of the quantity covered by subsequent public procurement contracts or determination by reference to the usual requirements of the contracting authorities that are not signatories to the framework agreement** — Prohibition

[CURIA – Judgment of the Court of Justice in Case C-216/17 of 19 December 2018](#)

**Affaire C-598/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 19 décembre 2018 - A-Fonds contre Inspecteur van de Belastingdienst - demande de décision préjudicielle formée par le Gerechtshof 's-Hertogenbosch (cour d'appel de Bois-le-Duc, Pays-Bas) - Renvoi préjudiciel – Aides existantes et aides nouvelles – Notion d'“aide nouvelle” – Aide illégale – Restitution de l'impôt sur les dividendes – Régime élargi aux sociétés établies en dehors du territoire de l'État membre concerné – Libre circulation des capitaux – Rôle des juridictions nationales – Possibilité pour les juridictions nationales d'apprécier les modalités d'un régime d'aides au regard de dispositions du traité FUE autres que les articles 107 et 108 – Compétence exclusive de la Commission**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-598/17 du 19 décembre 2018](#)

**Case C-375/17: JUDGMENT OF THE COURT (Second Chamber) of 19 December 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 Lottitalia Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Articles 49 and 56 TFEU — Freedom of establishment and freedom to provide services — Games of chance — Concession for management of the computerised Lotto and other fixed-odds numerical games according to the sole concessionaire model — Restriction — Overriding reasons in the public interest — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-375/17 of 19 December 2018](#)

## 14. Intellectual Property

### Case Law

**Affaire C-698/17 P: ARRÊT DE LA COUR (troisième chambre) du 23 janvier 2019 - Toni Klement, demeurant à Dippoldiswalde (Allemagne) contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Marque de l'Union européenne – Règlement (CE) no 207/2009 – Article 15, paragraphe 1 – Demande en déchéance d'une marque – Marque tridimensionnelle représentant la forme d'un four – Usage sérieux de la marque – Motivation**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-698/17 du 23 janvier 2019](#)

**Affaire C-690/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 17 janvier 2019 - ÖKO-Test Verlag GmbH contre Dr. Rudolf Liebe Nachf. GmbH & Co.KG - demande de décision préjudicielle formée par l'Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Question préjudicielle – Marque de l'Union européenne – Droits conférés par la marque – Droit de s'opposer à l'usage par un tiers d'un signe identique ou similaire – Apposition non autorisée d'une marque en tant que label de test sur un produit**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-690/17 du 17 janvier 2019](#)

**Case C-162/17 P: JUDGMENT OF THE COURT (Eighth Chamber) of 16 January 2019 - Republic of Poland v Stock Polska sp. z o.o., established in Warsaw (Poland), European Union Intellectual Property Office (EUIPO) and Lass & Steffen GmbH Wein- und Spirituosen-Import, established in Lübeck (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Opposition proceedings — Regulation (EC) No 207/2009 — Article 8(1) — Application for registration of the figurative mark including the word element LUBELSKA — Dominant and distinctive element**

[CURIA – Judgment of the Court of Justice in Case C-162/17 of 16 January 2019](#)

**Affaire C-516/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 10 janvier 2019 - Spiegel Online GmbH contre Volker Beck - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - Renvoi préjudiciel – Droit d'auteur et droits voisins – Droits exclusifs de reproduction et de communication au public – Flexibilité lors de la mise en œuvre dans le droit national – Exception liée à l'objectif de rendre compte d'événements d'actualité – Possibilité raisonnable de requérir une autorisation avant la publication – Références accessibles par un hyperlien mis à disposition à côté du texte – Œuvre publiée sous sa forme particulière avec l'autorisation de l'auteur**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-516/17 du 10 janvier 2019](#)

**Affaire C-668/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 9 janvier 2019 - Viridis Pharmaceutical Ltd contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) - Pourvoi – Marque de l'Union européenne – Procédure de déchéance – Marque verbale Boswelan – Déclaration de déchéance – Usage d'une marque dans le cadre d'un essai clinique**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-668/17 du 9 janvier 2019](#)

**Case C-367/17: JUDGMENT OF THE COURT (First Chamber) of 19 December 2018 - S v EA, EB and EC - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundespatentgericht (Federal Patent Court, Germany) - Reference for a preliminary ruling — Agriculture — Regulation (EC) No 510/2006 — Article 4(2)(e) — Regulation (EU) No 1151/2012 — Article 7(1)(e) — Protection of geographical indications and designations of origin — Application to amend the product specification — Ham originating from the Black Forest, Germany ('Schwarzwälder Schinken') — Requirements to package in the area of production — Applicability of Regulation (EC) No 510/2006 or of Regulation (EU) No 1151/2012**  
[CURIA – Judgment of the Court of Justice in Case C-367/17 of 19 December 2018](#)

**Case C-572/17: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Imran Syed - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — Copyright and related rights — Directive 2001/29/EC — Article 4(1) — Distribution right — Infringement — Goods bearing a copyrighted motif intended for sale — Storage for commercial purposes — Storage facility separate from place of sale**  
[CURIA – Judgment of the Court of Justice in Case C-572/17 of 19 December 2018](#)

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

### Community Legislation

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/68** of 16 January 2019 establishing **technical specifications** for the marking of **firearms and their essential components** under Council Directive 91/477/EEC on **control of the acquisition and possession of weapons** (Text with EEA relevance)  
[OJ of the EU, L 15/18 of 17 January 2019](#)

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/69** of 16 January 2019 laying down **technical specifications for alarm and signal weapons** under Council Directive 91/477/EEC on **control of the acquisition and possession of weapons** (Text with EEA relevance)  
[OJ of the EU, L 15/22 of 17 January 2019](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/1990** of 11 December 2018 **establishing the forms** referred to in Council Regulation (EU) 2016/1104 **implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships**  
[OJ of the EU, L 320/1 of 17 December 2018](#)

### Case Law

**Case C-313/17 P: JUDGMENT OF THE COURT (First Chamber) of 24 January 2019 - George Haswani, residing in Yabroud (Syria) 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** — Article 86 of the Rules of Procedure of the General Court — **Admissibility — Procedure for modifying the application — Need to modify the pleas in law and arguments — Restrictive measures adopted against the Syrian Arab Republic — List of persons subject to the freezing of funds and economic resources — Inclusion of the applicant's name**  
[CURIA – Judgment of the Court of Justice in Case C-313/17 of 24 January 2019](#)

**Affaire C-720/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 24 janvier 2019 - Mohammed Bilali contre Bundesamt für Fremdenwesen und Asyl** - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – Directive 2011/95/UE – **Normes relatives aux conditions que doivent remplir les ressortissants des pays tiers ou les apatrides pour pouvoir bénéficier d'une protection internationale – Protection subsidiaire** – Article 19 – **Révocation du statut conféré par la protection subsidiaire – Portée des motifs** – Législation nationale prévoyant la révocation du statut en raison d'une erreur de l'administration concernant les circonstances de fait – Admissibilité – **Annulation de l'acte portant octroi du statut conféré par la protection subsidiaire – Autonomie procédurale des États membres – Principes d'équivalence et d'effectivité**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-720/17 du 24 janvier 2019](#)

**Case C-603/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 24 January 2019 - Peter Bosworth and Colin Hurley v Arcadia Petroleum Limited and Others** - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention** — Title II, Section 5 — **Jurisdiction in matters relating to individual contracts of employment — Claims for compensation made by several companies within the same group against former directors — Concepts of 'individual contract of employment' and of 'employer' — Claims resting on legal bases regarded as tortious in substantive law** — Conditions under which such claims are 'matters' relating to a contract and/or individual contracts of employment for the purposes of the Lugano II Convention  
[CURIA – Opinion of Advocate General in Case C-603/17 of 24 January 2019](#)

**Case C-660/17 P: OPINION OF ADVOCATE GENERAL WAHL of 24 January 2019 – RF v European Commission** - Appeal — **Failure to comply with the time limit for lodging an application before the General Court — Defence — Unusual delay in postal shipping** — Article 45 of the Statute of the Court of Justice of the European Union — **Existence of unforeseeable circumstances or of force majeure — Criteria of assessment**  
[CURIA – Opinion of Advocate General in Case C-660/17 of 24 January 2019](#)

**Case C-458/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 24 January 2019 - Staatsanwaltschaft Saarbrücken v K. P.** - Request for a preliminary ruling from the Landgericht Saarbrücken (Regional Court, Saarbrücken, Germany) - Reference for a preliminary ruling — **Common Foreign and Security Policy — Restrictive measures taken against certain persons and entities with a view to combating terrorism — Freezing of funds** — Common Position 2001/931/CFSP — Article 1(4) and (6) — **Maintaining individuals, groups and entities on the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 — Validity**  
[CURIA – Opinion of Advocate General in Case C-458/15 of 24 January 2019](#)

**Affaire C-694/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 22 janvier 2019 - Pillar Securitisation Sàrl contre Hildur Arnadottir** - demande de décision préjudicielle formée par la Cour de cassation (Luxembourg) - Renvoi préjudiciel – **Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Convention de Lugano II** – Directive 2008/48/CE – **Contrat de crédit – Notions de "consommateur" et d'"usage étranger à l'activité professionnelle"**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-694/17 du 22 janvier 2019](#)

**Case C-168/17: JUDGMENT OF THE COURT (Third Chamber) of 17 January 2019 - SH v TG and UF** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Common foreign and security policy — Restrictive measures adopted in view of the situation in Libya — A chain of contracts concluded with the aim of issuing a bank guarantee for the benefit of an entity on a list of entities whose funds are to be frozen — Payment of costs arising under counter guarantee agreements** — Regulation (EU) No 204/2011 — Article 5 — **Definition of 'funds made available to an entity referred to in Annex III to Regulation No 204/2011'** — Article 12(1)(c) — **Definition of 'a claim under a guarantee' — Definition of a 'person or entity acting on behalf of a person referred to in Article 12(1)(a) or (b)'**  
[CURIA – Judgment of the Court of Justice in Case C-168/17 of 17 January 2019](#)

**Case C-102/18: JUDGMENT OF THE COURT (Sixth Chamber) of 17 January 2019** - Klaus Manuel Maria Brisch - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Köln (Higher Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 650/2012 — Article 65(2) — **European Certificate of Succession** — **Application for a certificate** — Implementing Regulation (EU) No 1329/2014 — **Mandatory or optional nature of the form established by Article 1(4) of Implementing Regulation No 1329/2014**

[CURIA – Judgment of the Court of Justice in Case C-102/18 of 17 January 2019](#)

**Case C-310/16: JUDGMENT OF THE COURT (Fourth Chamber) of 17 January 2019** - Petar Dzivev, Galina Angelova, Georgi Dimov and Milko Velkov - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Value added tax (VAT) — **Protection of the European Union’s financial interests** — Article 325(1) TFEU — **Convention on the protection of the European Communities’ financial interests** — **Criminal proceedings concerning VAT offences** — Principle of effectiveness — Taking of evidence — **Interception of telecommunications** — **Authorisation granted by a court that lacks jurisdiction** — **Taking those interceptions into consideration as evidence** — Provisions of national law — **Prohibition**

[CURIA – Judgment of the Court of Justice in Case C-310/16 of 17 January 2019](#)

**Case C-386/17: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019** - Stefano Liberato v Luminita Luisa Grigorescu - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction and recognition and enforcement of judgments on maintenance obligations** — Regulation (EC) No 44/2001 — Article 5(2) — Article 27 — Article 35(3) — **Jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 19 — **Lis pendens** — Article 22(a) — Article 23(a) — **Non-recognition where the decisions are manifestly contrary to public policy** — Article 24 — **Prohibition of review of jurisdiction of the court of origin** — **Ground for the non-recognition based on a breach of the rules of lis pendens** — **Absence**

[CURIA – Judgment of the Court of Justice in Case C-386/17 of 16 January 2019](#)

**Case C-265/17 P: JUDGMENT OF THE COURT (First Chamber) of 16 January 2019** - European Commission v United Parcel Service, Inc., established in Atlanta, Georgia (United States) and FedEx Corp., established in Memphis, Tennessee (United States) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Merger control** — Acquisition of TNT Express by UPS — **Commission Decision declaring a concentration to be incompatible with the internal market and the functioning of the EEA Agreement** — **Econometric model developed by the Commission** — **Failure to disclose amendments made to the econometric model** — **Infringement of the rights of the defence**

[CURIA – Judgment of the Court of Justice in Case C-265/17 of 16 January 2019](#)

**Case C-97/18: JUDGMENT OF THE COURT (First Chamber) of 10 January 2019** - ET - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Noord-Nederland (District Court, Northern Region, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — **Principle of mutual recognition of confiscation orders** — Framework Decision 2006/783/JHA — Article 12(1) and (4) — **Law governing the execution** — **Law of the executing State authorising recourse to imprisonment for the non-execution of the confiscation order** — Conformity — **Law of the issuing State also authorising recourse to a term of imprisonment** — **Lack of effect**

[CURIA – Judgment of the Court of Justice in Case C-97/18 of 10 January 2019](#)

**Affaire C-598/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 19 décembre 2018** - **A-Fonds contre Inspecteur van de Belastingdienst** - demande de décision préjudicielle formée par le Gerechtshof 's-Hertogenbosch (cour d’appel de Bois-le-Duc, Pays-Bas) - Renvoi préjudiciel — **Aides existantes et aides nouvelles** — **Notion d’“aide nouvelle”** — **Aide illégale** — **Restitution de l’impôt sur les dividendes** — Régime élargi aux sociétés établies en dehors du territoire de l’État membre concerné — **Libre circulation des capitaux** — **Rôle des juridictions nationales** — **Possibilité pour les juridictions nationales d’apprécier les modalités d’un régime d’aides au regard de dispositions du traité FUE autres que les articles 107 et 108** — **Compétence exclusive de la Commission**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-598/17 du 19 décembre 2019](#)

**Case C-219/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 December 2018 - Silvio Berlusconi and Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS), Ministero dell'Economia e delle Finanze, Banca Mediolanum SpA, Holding Italiana Quarta SpA, Fin.Prog. Italia di E. Doris & C. s.a.p.a., Sirefid SpA and Ennio Doris - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Approximation of laws — **Prudential supervision of credit institutions — Acquisition of a qualifying holding in a credit institution** — Procedure governed by Directive 2013/36/EU and by Regulations (EU) No 1024/2013 and No 468/2014 — **Composite administrative procedure — Exclusive decision-making power of the European Central Bank (ECB)** — Action brought against preparatory acts adopted by the national competent authority — **Claim that the force of res judicata attaching to a national decision has been disregarded**  
[CURIA – Judgment of the Court of Justice in Case C-219/17 of 19 December 2018](#)**

**Case C-530/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 19 December 2018 - Mykola Yanovych Azarov, residing in Kiev (Ukraine) v Council of the European Union - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures taken in view of the situation in Ukraine — Freezing of funds and economic resources — List of persons, entities and bodies covered by the freezing of funds and economic resources — Inclusion of the appellant's name** — Decision by an authority of a third State — **Council's obligation to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection**  
[CURIA – Judgment of the Court of Justice in Case C-530/17 of 19 December 2018](#)**

## 16. Transport

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/103** of 23 January 2019 **amending** Implementing Regulation (EU) 2015/1998 as regards **clarification, harmonisation and simplification as well as strengthening of certain specific aviation security measures** (Text with EEA relevance)  
[OJ of the EU, L 21/13 of 24 January 2019](#)

**REGULATION (EU) 2019/2 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 December 2018 **amending** Regulation (EC) No 1008/2008 on **common rules for the operation of air services in the Community**  
[OJ of the EU, L 11/1 of 14 January 2019](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/27** of 19 December 2018 **amending** Regulation (EU) No 1178/2011 laying down **technical requirements and administrative procedures related to civil aviation aircrew** pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 8/1 of 10 January 2019](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2018/2079** of 19 December 2018 on the **approval of the engine idle coasting function as an innovative technology for reducing CO2 emissions from passenger cars** pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 331/225 of 31 December 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/1974** of 14 December 2018 **amending** Regulation (EU) No 1178/2011 laying down **technical requirements and administrative procedures related to civil aviation aircrew** pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 326/1 of 20 December 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/1975** of 14 December 2018 **amending** Regulation (EU) No 965/2012 as regards **air operations requirements for sailplanes and electronic flight bags**  
[OJ of the EU, L 326/53 of 20 December 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/1976** of 14 December 2018 laying down **detailed rules for the operation of sailplanes** pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council

[OJ of the EU, L 326/64 of 20 December 2018](#)

## Case Law

**Case C-326/17: JUDGMENT OF THE COURT (Fourth Chamber) of 24 January 2019 - Directie van de Dienst Wegverkeer (RDW) v X and Y – X and Y v Directie van de Dienst Wegverkeer (RDW) - Directie van de Dienst Wegverkeer (RDW) v Z** - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — Directive 1999/37/EC — **Registration documents for vehicles — Omissions in the registration certificates — Mutual recognition** — Directive 2007/46/EC — **Vehicles manufactured prior to EU harmonisation of technical requirements — Alterations having an impact on the technical characteristics of the vehicle**

[CURIA – Judgment of the Court of Justice in Case C-326/17 of 24 January 2019](#)

**Case C-620/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 9 January 2019 - European Commission v Federal Republic of Germany - Infringement** — Article 258 TFEU — Council Decision 2014/699/EU — **Principle of sincere cooperation** — Article 4(3) TEU — **Admissibility — Past conduct — Refusal by the Federal Republic of Germany to vote, at the 25th session of the OTIF Revision Committee, in accordance with Council decision**

[CURIA – Opinion of Advocate General in Case C-620/16 of 9 January 2019](#)

**Case C-159/18: OPINION OF ADVOCATE GENERAL TANCHEV of 19 December 2018 - André Moens v Ryanair Ltd** - Request for a preliminary ruling from the Justice de paix du troisième canton de Charleroi (Magistrate’s Court for the Third Canton of Charleroi, Belgium) - 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’** — Closure of a runway due to a spillage of fuel

[CURIA – Opinion of Advocate General in Case C-159/18 of 19 December 2018](#)

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

### International Agreements

**DECISION No 1/2018 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 12 December 2018 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2018/2065]

[OJ of the EU, L 329/30 of 27 December 2018](#)

### Community Legislation

**REGULATION (EU) 2019/113 OF THE EUROPEAN CENTRAL BANK** of 7 December 2018 **amending** Regulation (EU) No 1333/2014 concerning **statistics on the money markets** (ECB/2018/33)

[OJ of the EU, L 23/19 of 25 January 2019](#)

**Corrigendum to Regulation (EU) 2019/26 of the European Parliament and of the Council** of 8 January 2019 **complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union** (*Official Journal of the European Union L 8 I of 10 January 2019*)

[OJ of the EU, L 11/34 of 14 January 2019](#)

**DECISION (EU) 2019/43 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 on the **national central banks’ percentage shares in the key for subscription to the European Central Bank’s capital** and repealing Decision ECB/2013/28 (ECB/2018/27)

[OJ of the EU, L 9/178 of 11 January 2019](#)



**DECISION (EU) 2019/44 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 on the **paying-up of the European Central Bank's capital by the national central banks of Member States whose currency is the euro**, amending Decision ECB/2014/61 and repealing Decision ECB/2013/30 (ECB/2018/28)  
[OJ of the EU, L 9/180 of 11 January 2019](#)

**DECISION (EU) 2019/45 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **laying down the terms and conditions for transfers of the European Central Bank's capital shares between the national central banks and for the adjustment of the paid-up capital** and repealing Decision ECB/2013/29 (ECB/2018/29)  
[OJ of the EU, L 9/183 of 11 January 2019](#)

**DECISION (EU) 2019/46 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets** and repealing Decision ECB/2013/26 (ECB/2018/30)  
[OJ of the EU, L 9/190 of 11 January 2019](#)

**DECISION (EU) 2019/47 OF THE EUROPEAN CENTRAL BANK** of 29 November 2018 **amending** Decision ECB/2010/29 on the **issue of euro banknotes** (ECB/2018/31)  
[OJ of the EU, L 9/194 of 11 January 2019](#)

**DECISION (EU) 2019/48 OF THE EUROPEAN CENTRAL BANK** of 30 November 2018 on the **paying-up of the European Central Bank's capital by the non-euro area national central banks** and repealing Decision ECB/2013/31 (ECB/2018/32)  
[OJ of the EU, L 9/196 of 11 January 2019](#)

**REGULATION (EU) 2019/26 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 8 January 2019 **complementing Union type-approval legislation with regard to the withdrawal of the United Kingdom from the Union** (Text with EEA relevance)  
[OJ of the EU, L 8/1 of 10 January 2019](#)

**COUNCIL REGULATION (EU) 2018/2056** of 6 December 2018 **amending** Regulation (EU) No 216/2013 on the **electronic publication of the Official Journal of the European Union**  
[OJ of the EU, L 329/1 of 27 December 2018](#)

## Case Law

**Case C-620/16: OPINION OF ADVOCATE GENERAL SZPUNAR** of 9 January 2019 - **European Commission v Federal Republic of Germany - Infringement** — Article 258 TFEU — Council Decision 2014/699/EU — **Principle of sincere cooperation** — Article 4(3) TEU — **Admissibility — Past conduct — Refusal by the Federal Republic of Germany to vote, at the 25th session of the OTIF Revision Committee, in accordance with Council decision CURIA – Opinion of Advocate General in Case C-620/16 of 9 January 2019**

**Affaire C-202/18 et Affaire C-238/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT** du 19 décembre 2018 - **Ilmārs Rimšēvičs contre République de Lettonie (Affaire C-202/18) - Banque centrale européenne contre République de Lettonie (Affaire C-238/18)** - Recours fondé sur la violation de l'article 14.2, second alinéa, des **statuts du Système européen de Banques centrales et de la Banque centrale européenne – Décision d'une autorité nationale de suspendre le gouverneur de la banque centrale nationale de ses fonctions**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-202/18 du 19 décembre 2018](#)

**Case C-219/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 December 2018 - Silvio Berlusconi and Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS), Ministero dell'Economia e delle Finanze, Banca Mediolanum SpA, Holding Italiana Quarta SpA, Fin.Prog. Italia di E. Doris & C. s.a.p.a., Sirefid SpA and Ennio Doris** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Approximation of laws — **Prudential supervision of credit institutions — Acquisition of a qualifying holding in a credit institution** — Procedure governed by Directive 2013/36/EU and by Regulations (EU) No 1024/2013 and No 468/2014 — **Composite administrative procedure — Exclusive decision-making power of the European Central Bank (ECB)** — Action brought against preparatory acts adopted by the national competent authority — **Claim that the force of res judicata attaching to a national decision has been disregarded**  
CURIA – Judgment of the Court of Justice in Case C-219/17 of 19 December 2018

**Case C-667/17: JUDGMENT OF THE COURT (Tenth Chamber) of 19 December 2018 - Francesca Cadeddu v Agenzia delle Entrate — Direzione provinciale di Cagliari, Regione autonoma della Sardegna and Regione autonoma della Sardegna — Agenzia regionale per il lavoro** - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione Tributaria Provinciale di Cagliari (Provincial Tax Court, Cagliari, Italy) - Reference for a preliminary ruling — Regulation (EC) No 1083/2006 — Article 2(4) — **Concept of beneficiary** — Article 80 — **Prohibition on making a deduction or withholding sums paid** — Other specific charge or charge with equivalent effect — Concept — **Study grant co-financed by the European Social Fund — Treatment as income from employment — Retention on account of income tax increased by additional regional and municipal taxes**  
CURIA – Judgment of the Court of Justice in Case C-667/17 of 19 December 2018