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EU News: Click & Read

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

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

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	4
4. Audiovisual and Media and Information Society	5
5. Competition	6
6. Customs	6
7. Economic and Monetary Affairs, Taxation, Enterprise	7
8. Education, Training, Youth, Culture, Research and Innovation	9
9. Employment and Social Affairs	9
10. Energy and Environment	11
11. Food Safety, Public Health and Consumers	12
12. Human Rights	13
13. Internal Market and Single Market	14
14. Intellectual Property	16
15. Justice, Freedom and Security (incl. Judicial Cooperation)	16
16. Transport	18
17. Community Institutions, Principles and the Communities' own resources	20

Highlights

REGULATION (EU) 2019/125 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 concerning **trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment** (codification)
[OJ of the EU, L 30/1 of 31 January 2019](#)

Case C-149/18: JUDGMENT OF THE COURT (Sixth Chamber) of 31 January 2019 - Agostinho da Silva Martins v Dekra Claims Services Portugal SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Lisboa (Court of Appeal, Lisbon, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Law applicable to non-contractual obligations** — Regulation (EC) No 864/2007 (Rome II) — Articles 16 and 27 — **Overriding mandatory provisions** — Directive 2009/103/EC — **Civil liability insurance for motor vehicles** — Article 28
[CURIA – Judgment of the Court of Justice in Case C-149/18 of 31 January 2019](#)

COMMISSION RECOMMENDATION (EU) 2019/243 of 6 February 2019 on a **European Electronic Health Record exchange format** (Text with EEA relevance)
[OJ of the EU, L 39/18 of 11 February 2019](#)

Case C-497/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Œuvre d'assistance aux bêtes d'abattoirs (OABA) v Ministre de l'Agriculture et de l'Alimentation, Bionoor SARL, Ecocert France SAS and Institut national de l'origine et de la qualité (INAO) - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative d'appel de Versailles (Administrative Court of Appeal, Versailles, France) - Reference for a preliminary ruling — Article 13 TFEU — **Animal welfare** — Regulation (EC) No 1099/2009 — **Protection of animals at the time of killing — Particular methods of slaughter prescribed by religious rites** — Regulation (EC) No 834/2007 — Articles 3 and 14(1)(b)(viii) — **Compatibility with organic production** — Regulation (EC) No 889/2008 — First paragraph of Article 57 — **Organic production logo of the European Union**
[CURIA – Judgment of the Court of Justice in Case C-497/17 of 26 February 2019](#)

Case C-581/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Martin Wächtler v Finanzamt Konstanz - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Agreement between the European Community and the Swiss Confederation on the free movement of persons — Transfer by a natural person of his domicile from a Member State to Switzerland — Taxation of unrealised capital gains with respect to shares in a company — Direct taxation** — Freedom of movement of self-employed persons — Equal treatment
[CURIA – Judgment of the Court of Justice in Case C-581/17 of 26 February 2019](#)

1. EU-Swiss Relations

International Agreements

DECISION No 1/2019 OF THE EU-SWITZERLAND JOINT COMMITTEE of 29 January 2019 **amending** Tables III and IV of Protocol 2 to the **Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972**, as amended [2019/258]
[OJ of the EU, L 43/36 of 14 February 2019](#)

EFTA SURVEILLANCE AUTHORITY DECISION No 83/18/COL of 26 September 2018 on **state guarantees granted to Landsvirkjun for derivative contracts** (Iceland) [2019/156]
[OJ of the EU, L 27/42 of 31 January 2019](#)

COUNCIL DECISION (EU) 2019/131 of 15 October 2018 on the **conclusion of an Agreement** in the form of an Exchange of Letters between the **European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences**
[OJ of the EU, L 25/1 of 29 January 2019](#)

AGREEMENT in the form of an **Exchange of Letters** between the **European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences**
[OJ of the EU, L 25/3 of 29 January 2019](#)

Case Law

Case C-581/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Martin Wächtler v Finanzamt Konstanz - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Agreement between the European Community and the Swiss Confederation on the free movement of persons — Transfer by a natural person of his domicile from a Member State to Switzerland — Taxation of unrealised capital gains with respect to shares in a company — Direct taxation** — Freedom of movement of self-employed persons — Equal treatment
[CURIA – Judgment of the Court of Justice in Case C-581/17 of 26 February 2019](#)

2. External Relations / Foreign Policy

International Agreements

DECISION No 1/2019 OF THE EU-SWITZERLAND JOINT COMMITTEE of 29 January 2019 **amending** Tables III and IV of Protocol 2 to the **Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972**, as amended [2019/258]
[OJ of the EU, L 43/36 of 14 February 2019](#)

COUNCIL DECISION (EU) 2019/131 of 15 October 2018 on the **conclusion of an Agreement** in the form of an Exchange of Letters between the **European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences**
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AGREEMENT in the form of an **Exchange of Letters** between the **European Union and the Swiss Confederation on the cumulation of origin between the European Union, the Swiss Confederation, the Kingdom of Norway and the Republic of Turkey in the framework of the Generalised System of Preferences**
[OJ of the EU, L 25/3 of 29 January 2019](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2019/326 of 25 February 2019 **laying down measures for entering the data in the Entry/Exit System (EES)**

[OJ of the EU, L 57/5 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/327 of 25 February 2019 **laying down measures for accessing the data in the Entry/Exit System (EES)**

[OJ of the EU, L 57/10 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/328 of 25 February 2019 **laying down measures for keeping and accessing the logs in the Entry/Exit System (EES)**

[OJ of the EU, L 57/14 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/329 of 25 February 2019 **laying down the specifications for the quality, resolution and use of fingerprints and facial image for biometric verification and identification in the Entry/Exit System (EES)**

[OJ of the EU, L 57/18 of 26 February 2019](#)

COUNCIL DECISION (EU) 2019/304 of 18 February 2019 concerning the **notification by the United Kingdom of Great Britain and Northern Ireland of its wish no longer to take part in some of the provisions of the Schengen *acquis*** which are contained in Council Regulation (EC) No 377/2004 on the **creation of an immigration liaison officers network**

[OJ of the EU, L 51/7 of 22 February 2019](#)

REGULATION (EU) 2019/216 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 January 2019 on the **apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union**, and amending Council Regulation (EC) No 32/2000

[OJ of the EU, L 38/1 of 8 February 2019](#)

Case Law

Case C-129/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 26 February 2019 – **SM v Entry Clearance Officer, UK Visa Section** - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Right of Union citizens and their family members to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — **Concept of direct descendant of a Union citizen** — **Family reunification** — **Child in legal guardianship under the Algerian kafala system** — **Right to family life** — **Protection of the child's best interests**

[CURIA – Opinion of Advocate General in Case C-128/18 of 26 February 2019](#)

Joined Cases C-183/17 P and C-184/17 P JUDGMENT OF THE COURT (Third Chamber) of 31 January 2019 - **International Management Group, established in Brussels (Belgium) v European Commission** - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Development cooperation** — **EU budget implementation by indirect management** — **Action for annulment** — Admissibility — Challengeable acts — **Decision to entrust a budget implementation task to an entity other than the entity initially chosen** — Decision not to entrust any new budget implementation tasks to the entity initially chosen — Regulation (EC, Euratom) No 2342/2002 — Article 43 — Delegated Regulation (EU) No 1268/2012 — Article 43 — **Definition of 'international organisation'** — **Conditions** — **Claim for damages**

[CURIA – Judgment of the Court of Justice in Case C-183/17 of 31 January 2019](#)

Case C-225/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 31 January 2019 - Islamic Republic of Iran Shipping Lines, established in Tehran (Iran), Hafize Darya Shipping Lines (HDSL), established in Tehran, Khazar Shipping Lines, established in Anzali Free Zone (Iran), IRISL Europe GmbH, established in Hamburg (Germany), Qeshm Marine Services & Engineering Co., formerly IRISL Marine Services and Engineering Co., established in Qeshm (Iran), Irano Misr Shipping Co., established in Alexandria (Egypt), Safiran Payam Darya Shipping Lines, established in Tehran, Marine Information Technology Development Co., formerly Shipping Computer Services Co., established in Tehran, Rahbaran Omid Darya Ship Management Co., alias Soroush Sarzamin Asatir, established in Tehran, Hoopad Darya Shipping Agency, formerly South Way Shipping Agency Co. Ltd, established in Tehran and Valfajr 8th Shipping Line Co., established in Tehran 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 — **Common foreign and security policy — Restrictive measures taken against the Islamic Republic of Iran — Freezing of funds and economic resources — Annulment of a listing by the General Court of the European Union — Amendment of the criteria governing inclusion on a list of persons and entities whose assets are to be frozen — Re-listing — Evidence dating from before the first listing — Facts known before the first listing — **Force of res judicata — Scope — Legal certainty — Protection of legitimate expectations — Principle Non bis in idem — Effective judicial protection****

[CURIA – Judgment of the Court of Justice in Case C-225/17 of 31 January 2019](#)

Opinion 1/17: OPINION OF ADVOCATE GENERAL BOT of 29 January 2019 - Request for an opinion by the Kingdom of Belgium - Opinion pursuant to Article 218(11) TFEU — **Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part (CETA) — Resolution of disputes between investors and States (ISDS) — Establishment of a Tribunal and an Appellate Tribunal** — Compatibility with primary EU law — **Requirement to respect the autonomy of the EU legal order and of the judicial system of the European Union — Applicability of the Charter of Fundamental Rights of the European Union to the exercise, by the European Union, of its competence to conclude an international agreement** — Articles 20 and 21 of the Charter — Principle of equal treatment — Article 47 of the Charter — Right of access to an independent and impartial tribunal

[CURIA – Opinion of Advocate General in Case C-1/17 of 29 January 2019](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION REGULATION (EU) 2019/316 of 21 February 2019 **amending** Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the **Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector**

[OJ of the EU, L 51/1 of 22 February 2019](#)

COMMISSION REGULATION (EU) 2019/289 of 19 February 2019 **amending** Regulation (EU) No 702/2014 declaring certain **categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market** in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (Text with EEA relevance)

[OJ of the EU, L 48/1 of 20 February 2019](#)

Case Law

Case C-670/17 P: JUDGMENT OF THE COURT (First Chamber) of 27 February 2019 - Hellenic Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **European Agricultural Guidance and Guarantee Fund (EAGGF) — Guidance Section — Reduction of financial assistance** — Regulation (EC) No 1260/1999 — Operational programme — **Financial corrections** — Article 39 — Legal basis — Transitional provisions

[CURIA – Judgment of the Court of Justice in Case C-670/17 of 27 February 2019](#)

Case C-497/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Œuvre d'assistance aux bêtes d'abattoirs (OABA) v Ministre de l'Agriculture et de l'Alimentation, Bionoor SARL, Ecocert France SAS and Institut national de l'origine et de la qualité (INAO) - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative d'appel de Versailles (Administrative Court of Appeal, Versailles, France) - Reference for a preliminary ruling — Article 13 TFEU — **Animal welfare** — Regulation (EC) No 1099/2009 — **Protection of animals at the time of killing — Particular methods of slaughter prescribed by religious rites** — Regulation (EC) No 834/2007 — Articles 3 and 14(1)(b)(viii) — **Compatibility with organic production** — Regulation (EC) No 889/2008 — First paragraph of Article 57 — **Organic production logo of the European Union**
[CURIA – Judgment of the Court of Justice in Case C-497/17 of 26 February 2019](#)

Affaire C-6/18 P: ARRÊT DE LA COUR (huitième chambre) du 31 janvier 2019 - République hellénique contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Fonds européen agricole de garantie (FEAGA) – Fonds européen agricole pour le développement rural (Feader)** – Règlement (CE) no 1290/2005 – **Financement de la politique agricole commune – Dépenses exclues – Dépenses effectuées par la République hellénique**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-6/18 du 31 janvier 2019](#)

Case C-587/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 30 January 2019 - Kingdom of Belgium v European Commission - APPEAL under Article 256(1) TFEU and Article 56 of the Statute of the Court of Justice of the European Union - Appeal — European Agricultural Guarantee Fund (EAGF) — Regulation (EC) No 1290/2005 — Regulation (EU) No 1306/2013 — **Expenses excluded from financing by the European Union — Unduly paid export refunds — Recovery — Not all judicial remedies were exhausted — No appeal on a point of law following the negative opinion of a lawyer authorised to act before the Cour de cassation (Belgium)** — Article 267 TFEU — No reference for a preliminary ruling to the Court of Justice — **Negligence on the part of a Member State**

[CURIA – Judgment of the Court of Justice in Case C-587/17 of 30 January 2019](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2019/320 of 12 December 2018 **supplementing** of Directive 2014/53/EU of the European Parliament and of the Council with regard to the application of the **essential requirements** referred to in Article 3(3)(g) of that Directive in order to **ensure caller location in emergency communications from mobile devices**

[OJ of the EU, L 55/1 of 25 February 2019](#)

COMMISSION DECISION (EU) 2019/236 of 7 February 2019 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 by the European Commission for the purposes of internal security of the Union institutions**

[OJ of the EU, L 37/144 of 8 February 2019](#)

COMMISSION DECISION (EU) 2019/165 of 1 February 2019 **laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the Commission in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings**

[OJ of the EU, L 32/9 of 4 February 2019](#)

5. Competition

Case Law

Affaire C-585/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 14 février 2019 - Finanzamt Linz et Finanzamt Kirchdorf Perg Steyr contre Dilly's Wellnesshotel GmbH - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Aides d'État – Régime d'aides sous forme de réductions de taxes environnementales** – Directive 2003/96/CE – **Taxation des produits énergétiques et de l'électricité** – Article 17, paragraphe 1, sous a) – **Entreprises grandes consommatrices d'énergie** – Règlement (UE) n° 651/2014 – Article 44, paragraphes 1 à 3 – **Sélection des bénéficiaires sur la base de critères transparents et objectifs** – Versement d'un montant fixe de compensation – Article 58, paragraphe 1 – Dispositions transitoires – Article 5, paragraphe 2, sous d) – **Transparence des aides – Aides sous forme d'avantages fiscaux**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-585/17 du 14 février 2019](#)

Case C-724/17: OPINION OF ADVOCATE GENERAL WAHL of 6 February 2019 - Vantaan kaupunki v Skanska Industrial Solutions Oy, NCC Industry Oy and Asphaltmix Oy - Request for a preliminary ruling from the korkein oikeus (Supreme Court, Finland) - Request for a preliminary ruling — Article 101 TFEU — **Private enforcement of competition law — Private liability — Action for damages — Compensation for harm caused by conduct contrary to EU competition law** — Prerequisites for compensation — **Persons liable to pay compensation — Concept of undertaking — Principle of economic continuity**

[CURIA – Opinion of Advocate General in Case C-724/17 of 6 February 2019](#)

6. Customs

Case Law

Case C-589/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 7 February 2019 - Prenatal S.A. - Request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña (High Court of Justice, Catalonia, Spain) - Preliminary reference — **Import of textile products declared as originating from Jamaica — Reimbursement of customs duties** — Comparable dossier pending before the Commission — **Restrictive character of the Commission's communication — Competence of national authorities**

[CURIA – Opinion of Advocate General in Case C-589/17 of 7 February 2019](#)

Case C-395/17: OPINION OF ADVOCATE GENERAL BOBEK of 6 February 2019 - European Commission v Kingdom of the Netherlands - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — Decision 2001/822/EC — **Association of the Overseas Countries and Territories with the European Union** — Importations of milk powder and rice from Curaçao and meal groats from Aruba — EUR.1 certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — **Uncollected customs duties by the Member States of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-395/17 of 6 February 2019](#)

Case C-391/17: OPINION OF ADVOCATE GENERAL BOBEK OF 6 February 2019 - European Commission v United Kingdom of Great Britain and Northern Ireland - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — **Association of the Overseas Countries and Territories with the European Union** — Importations of aluminium from Anguilla — Trans-shipment — **EXP certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — Uncollected customs duties by the Member State of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-391/17 of 6 February 2019](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

EFTA SURVEILLANCE AUTHORITY DECISION No 83/18/COL of 26 September 2018 on **state guarantees granted to Landsvirkjun for derivative contracts** (Iceland) [2019/156]

[OJ of the EU, L 27/42 of 31 January 2019](#)

Community Legislation

DECISION (EU) 2019/322 OF THE EUROPEAN CENTRAL BANK of 31 January 2019 on **delegation of the power to adopt decisions regarding supervisory powers granted under national law** (ECB/2019/4)

[OJ of the EU, L 55/7 of 25 February 2019](#)

DECISION (EU) 2019/323 OF THE EUROPEAN CENTRAL BANK of 12 February 2019 **nominating heads of work units to adopt delegated decisions regarding supervisory powers granted under national law** (ECB/2019/5)

[OJ of the EU, L 55/16 of 25 February 2019](#)

COMMISSION REGULATION (EU) 2019/237 of 8 February 2019 **amending** Regulation (EC) No 1126/2008 adopting **certain international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council **as regards International Accounting Standard 28** (Text with EEA relevance)

[OJ of the EU, L 39/1 of 11 February 2019](#)

REGULATION (EU) 2019/216 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 January 2019 on the **apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union**, and amending Council Regulation (EC) No 32/2000

[OJ of the EU, L 38/1 of 8 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/228 of 7 February 2019 laying down **technical information for the calculation of technical provisions and basic own funds for reporting** with reference dates from 31 December 2018 until 30 March 2019 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the **business of Insurance and Reinsurance** (Text with EEA relevance)

[OJ of the EU, L 37/22 of 8 February 2019](#)

Case Law

Affaire C-26/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 27 février 2019 - **Federal Express Corporation Deutsche Niederlassung contre Hauptzollamt Frankfurt am Main** - Demande de décision préjudicielle formée par l'Hessisches Finanzgericht (Tribunal des Finances de Hesse, Allemagne) - Question préjudicielle – **Dette douanière** – Règlement (CEE) no 2913/92 – **Système commun de la Taxe sur la Valeur Ajoutée (TVA)** – Directive 2006/112/CE – **Domaine d'application** – **Notion d'importation** – **Exigence d'entrée du bien dans le circuit économique de l'Union** – **Présomption**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-26/18 du 27 février 2019](#)

Joined Cases C-116/16 and C-117/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Skatteministeriet v T Danmark (C-116/16) and Y Denmark Aps (C-117/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark, Denmark) - Reference for a preliminary ruling — **Approximation of laws — Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States** — Directive 90/435/EEC — **Exemption of the profits distributed by companies of a Member State to companies of other Member States** — **Beneficial owner of the distributed profits** — Abuse of rights — **Company established in a Member State and paying to an associated company established in another Member State dividends all or almost all of which are then transferred outside the European Union** — Subsidiary subject to an obligation to withhold tax on the profits at source
[CURIA – Judgment of the Court of Justice in Case C-116/16 of 26 February 2019](#)

Joined Cases C-115/16, C-118/16, C-119/16 and C-299/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - N Luxembourg 1 (C-115/16), X Denmark A/S (C-118/16), C Danmark I (C-119/16) and Z Danmark ApS (C-299/16) v Skatteministeriet - REQUESTS for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark, Denmark) (C-115/16, C-118/16 and C-119/16) and from the Vestre Landsret (High Court of Eastern Denmark, Denmark) (C-299/16) - Reference for a preliminary ruling — **Approximation of laws — Common system of taxation applicable to interest and royalty payments made between associated companies of different Member States** — Directive 2003/49/EC — **Beneficial owner of the interest and royalties** — Article 5 — Abuse of rights — **Company established in a Member State and paying to an associated company established in another Member State interest all or almost all of which is then transferred outside the European Union** — Subsidiary subject to an obligation to withhold tax on the interest at source
[CURIA – Judgment of the Court of Justice in Case C-115/16 of 26 February 2019](#)

Case C-581/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Martin Wächtler v Finanzamt Konstanz - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Agreement between the European Community and the Swiss Confederation on the free movement of persons — Transfer by a natural person of his domicile from a Member State to Switzerland — Taxation of unrealised capital gains with respect to shares in a company — Direct taxation** — Freedom of movement of self-employed persons — Equal treatment
[CURIA – Judgment of the Court of Justice in Case C-581/17 of 26 February 2019](#)

Case C-135/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - X GmbH v Finanzamt Stuttgart — Körperschaften - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Free movement of capital — Movement of capital between Member States and third countries — Standstill clause — National legislation of a Member State regarding controlled companies established in third countries** — Amendment of that legislation, followed by the reintroduction of the earlier legislation — **Income of a company established in a third country derived from the holding of debts owed by a company established in a Member State — Incorporation of that income into the tax base of a taxable person resident for tax purposes in a Member State — Restriction on the free movement of capital** — Justification
[CURIA – Judgment of the Court of Justice in Case C-135/17 of 26 February 2019](#)

Affaire C-585/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 14 février 2019 - Finanzamt Linz et Finanzamt Kirchdorf Perg Steyr contre Dilly's Wellnesshotel GmbH - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel — **Aides d'État – Régime d'aides sous forme de réductions de taxes environnementales** – Directive 2003/96/CE – **Taxation des produits énergétiques et de l'électricité** – Article 17, paragraphe 1, sous a) – **Entreprises grandes consommatrices d'énergie** – Règlement (UE) n° 651/2014 – Article 44, paragraphes 1 à 3 – **Sélection des bénéficiaires sur la base de critères transparents et objectifs** – Versement d'un montant fixe de compensation – Article 58, paragraphe 1 – Dispositions transitoires – Article 5, paragraphe 2, sous d) – **Transparence des aides – Aides sous forme d'avantages fiscaux**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-585/17 du 14 février 2019](#)

Case C-434/17: JUDGMENT OF THE COURT (Tenth Chamber) of 13 February 2019 - Human Operator Zrt. V Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU from the Zalaegerszegi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Zalaegerszeg, Hungary) - Reference for a preliminary ruling — **Harmonisation of fiscal legislation — Common system of value added tax (VAT) — Directive 2006/112/EC — Deduction of VAT — Determination of the taxable person liable for VAT — Retroactive application of a derogating measure — Principle of legal certainty**
[CURIA – Judgment of the Court of Justice in Case C-434/17 of 13 February 2019](#)

Affaire C-568/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 12 février 2019 - Staatssecretaris van Financiën contre L. W. Geelen - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - **Taxes – Système commun de taxe sur la valeur ajoutée – Directive 77/388/CEE – Article 9, paragraphe 2, sous c) et e) – Directive 2006/112/CE – Article 52, sous a) – Article 56, paragraphe 1, sous k) – Prestation de services – Lieu des opérations imposables – Critère de détermination de la compétence fiscale – Sessions webcam érotiques interactives en direct – Lieu où la prestation est matériellement exécutée**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-568/17 du 12 février 2019](#)

Case C-591/17: OPINION OF ADVOCATE GENERAL WAHL of 6 February 2019 - Republic of Austria v Federal Republic of Germany - Failure of a Member State to fulfil obligations — Article 259 TFEU — Articles 18, 34, 56 and 92 TFEU — Directive 1999/62/EC — **Use of motorways — Infrastructure charge for vehicles of less than 3.5 tonnes — Tax relief on the motor vehicle tax** — Indirect discrimination — Measures having equivalent effect — **Restrictions to the freedom to provide services — Common transport policy — Standstill clause**
[CURIA – Opinion of Advocate General in Case C-591/17 of 6 February 2019](#)

Case C-676/17: OPINION OF ADVOCATE GENERAL BOBEK of 5 February 2019 - Oana Mădălina Călin v Direcția Regională a Finanțelor Publice Ploiești — Administrația Județeană a Finanțelor Publice Dâmbovița, Statul Român — Ministerul Finanțelor Publice and Administrația Fondului pentru Mediu - Request for a preliminary ruling from the Curtea de Apel Ploiești (Court of Appeal, Ploiești, Romania) - Reference for a preliminary ruling — **Principles of sincere cooperation, legal certainty, equivalence and effectiveness — Repayment of a tax levied in breach of EU law — Request for revision of a final judicial decision rejecting repayment of such a tax** — Deadline for submitting the request for revision — Initial date of that deadline
[CURIA – Opinion of Advocate General in Case C-676/17 of 5 February 2019](#)

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

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

9. Employment and Social Affairs

Community Legislation

COMMISSION DECISION (EU) 2019/165 of 1 February 2019 **laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the Commission in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings**
[OJ of the EU, L 32/9 of 4 February 2019](#)

DIRECTIVE (EU) 2019/130 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 **amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work** (Text with EEA relevance)
[OJ of the EU, L 30/112 of 31 January 2019](#)

REGULATION (EU) 2019/128 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 **establishing a European Centre for the Development of Vocational Training** (Cedefop) and repealing Council Regulation (EEC) No 337/75
[OJ of the EU, L 30/90 of 31 January 2019](#)

REGULATION (EU) 2019/127 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 **establishing the European Foundation for the improvement of living and working conditions** (Eurofound), and repealing Council Regulation (EEC) No 1365/75
[OJ of the EU, L 30/74 of 31 January 2019](#)

REGULATION (EU) 2019/126 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 **establishing the European Agency for Safety and Health at Work** (EU-OSHA), and repealing Council Regulation (EC) No 2062/94
[OJ of the EU, L 30/58 of 31 January 2019](#)

Case Law

Case C-581/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Martin Wächtler v Finanzamt Konstanz - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Agreement between the European Community and the Swiss Confederation on the free movement of persons — Transfer by a natural person of his domicile from a Member State to Switzerland — Taxation of unrealised capital gains with respect to shares in a company — Direct taxation** — Freedom of movement of self-employed persons — Equal treatment
[CURIA – Judgment of the Court of Justice in Case C-581/17 of 26 February 2019](#)

Affaire C-33/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 26 février 2019 - V contre Institut national d'assurances sociales pour travailleurs indépendants et Securex Integrity ASBL - demande de décision préjudicielle formée par la cour du travail de Liège (Belgique) - Renvoi préjudiciel – **Sécurité sociale des travailleurs migrants** – Règlement (CE) n° 883/2004 – Dispositions transitoires – Article 87, paragraphe 8 – Règlement (CEE) n° 1408/71 – Article 14 quater, sous b) – **Dérogations au principe d'unicité de la législation nationale applicable – Double affiliation – Introduction d'une demande en vue d'être soumis à la législation applicable en vertu du règlement n° 883/2004**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-33/18 du 26 février 2019](#)

Case C-179/18: JUDGMENT OF THE COURT (Tenth Chamber) of 13 February 2019 - Ronny Rohart v Federale Pensioendienst - REQUEST for a preliminary ruling under Article 267 TFEU, from the arbeidsrechtbank Gent (Gent Labour Court, Belgium) - Reference for a preliminary ruling — **Social security — Pension rights under the national pension scheme for employed persons — Refusal to take into account the period of compulsory military service completed by an official of the European Union after taking up his post** — Principle of sincere cooperation
[CURIA – Judgment of the Court of Justice in Case C-179/18 of 13 February 2019](#)

Case C-49/18: JUDGMENT OF THE COURT (Second Chamber) of 7 February 2019 - Carlos Escribano Vindel v Ministerio de Justicia - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Cataluña (High Court of Justice, Catalonia, Spain) - Reference for a preliminary ruling — **Budgetary austerity measures — Reduction of remuneration in the national civil service — Method — Differential impact — Social policy — Equal treatment in employment and occupation** — Directive 2000/78/EC — Article 2(1) and (2)(b) — **Charter of Fundamental Rights of the European Union** — Article 21 — **Judicial independence** — Second subparagraph of Article 19(1) TEU
[CURIA – Judgment of the Court of Justice in Case C-49/18 of 7 February 2019](#)

Case C-322/17: JUDGMENT OF THE COURT (Third Chamber) of 7 February 2019 - Eugen Bogatu v Minister for Social Protection - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Social security** — Regulation (EC) No 883/2004 — Article 67 — **Application for family benefits submitted by a person who has ceased to pursue an activity as an employed person in the competent Member State but continues to reside there** — Entitlement to family benefits for family members resident in another Member State — Eligibility conditions
[CURIA – Judgment of the Court of Justice in Case C-322/17 of 7 February 2019](#)

Affaire C-664/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 7 février 2019 - Ellinika Nafpigeia AE contre Panagiotis Anagnostopoulos e. a., Syllogos Ergazomenon Nafpigeion Skaramagka I Triaina, Panellinia Omospondia Ergatoypallilon Metallou (POEM) et Geniki Synomospondia Ergaton Ellados (GSEE) - demande de décision préjudicielle formée par l'Areios Pagos (Cour de cassation, Grèce) - Renvoi préjudiciel – **Politique sociale – Transfert d'une partie d'entreprise – Maintien des droits des travailleurs – Notion de "transfert" – Notion d'"entité économique"** – Cession d'une partie de l'activité économique d'une société mère à une filiale nouvellement créée – **Poursuite d'une activité économique – Décision de liquider l'activité du cessionnaire**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-664/17 du 7 février 2019

Case C-55/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 31 January 2019 - Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE, Federación Estatal de Servicios de la Unión General de Trabajadores (FES-UGT), Confederación General del Trabajo (CGT), Confederación Solidaridad de Trabajadores Vascos (ELA) and Confederación Intersindical Galega - Request for a preliminary ruling from the Audiencia Nacional (National High Court, Spain) - Reference for a preliminary ruling — **Social policy – Protection of the health and safety of workers – Organisation of working time – Directive 2003/88/EC – Daily rest – Weekly rest – Maximum weekly working time – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 89/391/EEC – Health and safety of workers in the workplace** — Obligation for undertakings to set up a system to measure daily working time

CURIA – Opinion of Advocate General in Case C-55/18 of 31 January 2019

Case C-243/18 P: OPINION OF ADVOCATE GENERAL BOBEK of 29 January 2019 - European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy Joint Undertaking) v Yosu Galocha - Appeal — **EU civil service – Contract staff – Selection procedure for the Fusion for Energy Joint Undertaking – Irregularity in the selection procedure – No written test – Annulment of subsequent acts relating to and favourable to third parties** — Annulment of a reserve list and effect on recruitment of persons from a reserve list — **Proportionality – Balance of interests – Legitimate expectations**

CURIA – Opinion of Advocate General in Case C-243/18 of 29 January 2019

10. Energy and Environment

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2019/331 of 19 December 2018 **determining transitional Union-wide rules for harmonised free allocation of emission allowances** pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance)

OJ of the EU, L 59/8 of 27 February 2019

COMMISSION REGULATION (EU) 2019/318 of 19 February 2019 **amending** Regulation (EU) 2017/2400 and Directive 2007/46/EC of the European Parliament and of the Council as regards the **determination of the CO₂ emissions and fuel consumption of heavy-duty vehicles** (Text with EEA relevance)

OJ of the EU, L 58/1 of 26 February 2019

COMMISSION IMPLEMENTING REGULATION (EU) 2019/290 of 19 February 2019 **establishing the format for registration and reporting of producers of electrical and electronic equipment to the register** (Text with EEA relevance)

OJ of the EU, L 48/6 of 20 February 2019

Case Law

Affaire C-585/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 14 février 2019 - Finanzamt Linz et Finanzamt Kirchdorf Perg Steyr contre Dilly's Wellnesshotel GmbH - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Aides d'État – Régime d'aides sous forme de réductions de taxes environnementales** – Directive 2003/96/CE – **Taxation des produits énergétiques et de l'électricité** – Article 17, paragraphe 1, sous a) – **Entreprises grandes consommatrices d'énergie** – Règlement (UE) n° 651/2014 – Article 44, paragraphes 1 à 3 – **Sélection des bénéficiaires sur la base de critères transparents et objectifs** – Versement d'un montant fixe de compensation – Article 58, paragraphe 1 – Dispositions transitoires – Article 5, paragraphe 2, sous d) – **Transparence des aides – Aides sous forme d'avantages fiscaux**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-585/17 du 14 février 2019

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2019/300 of 19 February 2019 **establishing a general plan for crisis management in the field of the safety of food and feed** (Text with EEA relevance)

OJ of the EU, L 50/55 of 21 February 2019

COMMISSION RECOMMENDATION (EU) 2019/243 of 6 February 2019 on a **European Electronic Health Record exchange format** (Text with EEA relevance)

OJ of the EU, L 39/18 of 11 February 2019

Case Law

Affaire C-58/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 14 février 2019 - Michel Schyns contre Belfius Banque SA - demande de décision préjudicielle formée par la Justice de Paix du canton de Visé (Belgique) - Recours préjudiciel – **Protection des consommateurs** – Directive 2008/48/EG – **Obligations précontractuelles – Obligation pour le prêteur de rechercher le type et le montant du crédit les mieux adaptés compte tenu de la situation financière du consommateur au moment de la conclusion du contrat et du but du crédit** – Obligation pour le prêteur de renoncer à conclure le contrat s'il doit raisonnablement présumer que le consommateur ne sera pas en mesure de faire face aux obligations qui lui incombent en vertu du contrat de crédit.

CURIA – Conclusions de l'Avocat Général dans l'affaire C-58/18 du 14 février 2019

Case C-194/17 P: JUDGMENT OF THE COURT (Third Chamber) of 31 January 2019 - Georgios Pandalis, residing in Glandorf (Germany) v European Union Intellectual Property Office (EUIPO) and LR Health & Beauty Systems GmbH, established in Ahlen (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal – **EU trade mark** – Regulation (EC) No 207/2009 – Article 51(1)(a) and (2) and Article 75 – **EU trade mark Cystus – Food supplements not for medical purposes** – Partial revocation – Lack of genuine use of the trade mark – **Perception of the word 'cystus' as a descriptive indication of the main ingredient of the goods concerned – Obligation to state reasons**

CURIA – Judgment of the Court of Justice in Case C-194/17 of 31 January 2019

Case C-220/17: JUDGMENT OF THE COURT (First Chamber) of 30 January 2019 - Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG v Land Berlin - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling – **Approximation of laws** – Validity of Directive 2014/40/EU – **Manufacture, presentation and sale of tobacco products – Regulation of 'ingredients' – Prohibition of flavoured tobacco products**

CURIA – Judgment of the Court of Justice in Case C-220/17 of 30 January 2019

Affaire C-628/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 30 janvier 2019 - Prezes Urzędu Ochrony Konkurencji i Konsumentów contre Orange Polska S.A. - demande de décision préjudicielle formée par le Sąd Najwyższy (Cour suprême, Pologne) - Renvoi préjudiciel – **Protection des consommateurs – Pratiques commerciales déloyales des entreprises vis-à-vis des consommateurs – Directive 2005/29/CE – Notion de pratique commerciale agressive – Mode de conclusion à distance de contrats de fourniture de services de télécommunications – Obligation des consommateurs de prendre une décision commerciale finale en présence du coursier qui lui remet le modèle de contrat »**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-628/17 du 30 janvier 2019](#)

12. Human Rights

Community Legislation

COMMISSION DECISION (EU) 2019/165 of 1 February 2019 **laying down internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights by the Commission in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings**

[OJ of the EU, L 32/9 of 4 February 2019](#)

REGULATION (EU) 2019/125 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 January 2019 concerning **trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment** (codification)

[OJ of the EU, L 30/1 of 31 January 2019](#)

Case Law

Case C-492/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 12 February 2019 - TC - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – European arrest warrant – Article 12 – Keeping a person in detention – Article 17 – Time limits for adoption of the decision to execute the European arrest warrant – National legislation providing for automatic suspension of detention 90 days after arrest – Interpretation in conformity with EU law – Suspension of time limits – Charter of Fundamental Rights of the European Union – Article 6 – Right to liberty and security – Differing interpretations of national legislation – Clarity and predictability**

[CURIA – Judgment of the Court of Justice in Case C-492/18 of 12 February 2019](#)

Case C-49/18: JUDGMENT OF THE COURT (Second Chamber) of 7 February 2019 - Carlos Escribano Vindel v Ministerio de Justicia - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Cataluña (High Court of Justice, Catalonia, Spain) - Reference for a preliminary ruling — **Budgetary austerity measures – Reduction of remuneration in the national civil service – Method – Differential impact – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – Article 2(1) and (2)(b) – Charter of Fundamental Rights of the European Union – Article 21 – Judicial independence – Second subparagraph of Article 19(1) TEU**

[CURIA – Judgment of the Court of Justice in Case C-49/18 of 7 February 2019](#)

Case C-55/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 31 January 2019 - Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE, Federación Estatal de Servicios de la Unión General de Trabajadores (FES-UGT), Confederación General del Trabajo (CGT), Confederación Solidaridad de Trabajadores Vascos (ELA) and Confederación Intersindical Galega - Request for a preliminary ruling from the Audiencia Nacional (National High Court, Spain) - Reference for a preliminary ruling — **Social policy – Protection of the health and safety of workers – Organisation of working time – Directive 2003/88/EC – Daily rest – Weekly rest – Maximum weekly working time – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 89/391/EEC – Health and safety of workers in the workplace – Obligation for undertakings to set up a system to measure daily working time**

[CURIA – Opinion of Advocate General in Case C-55/18 of 31 January 2019](#)

Case C-704/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 31 January 2019 - D. H. v Ministerstvo vnitra
 - Request for a preliminary ruling from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic)
 - Reference for a preliminary ruling — **Area of freedom, security and justice — Charter of Fundamental Rights of the European Union** — Articles 6 and 47 — **Common policy on asylum and subsidiary protection** — Directive 2013/33/EU — Article 9 — **Guarantees for applicants for international protection who are subject to administrative detention — Judicial review of such decisions** — Right to an effective remedy — National rules discontinuing process of judicial review upon release of applicants for international protection
[CURIA – Opinion of Advocate General in Case C-704/17 of 31 January 2019](#)

Opinion 1/17: OPINION OF ADVOCATE GENERAL BOT of 29 January 2019 - Request for an opinion by the Kingdom of Belgium - Opinion pursuant to Article 218(11) TFEU — **Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part (CETA) — Resolution of disputes between investors and States (ISDS) — Establishment of a Tribunal and an Appellate Tribunal** — Compatibility with primary EU law — **Requirement to respect the autonomy of the EU legal order and of the judicial system of the European Union — Applicability of the Charter of Fundamental Rights of the European Union to the exercise, by the European Union, of its competence to conclude an international agreement** — Articles 20 and 21 of the Charter — Principle of equal treatment — Article 47 of the Charter — Right of access to an independent and impartial tribunal
[CURIA – Opinion of Advocate General in Case C-1/17 of 29 January 2019](#)

13. Internal Market and Single Market

Community Legislation

COMMISSION REGULATION (EU) 2019/289 of 19 February 2019 **amending** Regulation (EU) No 702/2014 declaring certain **categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market** in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (Text with EEA relevance)
[OJ of the EU, L 48/1 of 20 February 2019](#)

Case Law

Case C-563/17: JUDGMENT OF THE COURT (Second Chamber) of 27 February 2019 - Associação Peço a Palavra, João Carlos Constantino Pereira Osório, Maria Clara Marques Pires Sarmiento Franco, Sofia da Silva Santos Arauz and Maria João Galhardas Fitas v Conselho de Ministros, Párpública — Participações Públicas SGPS SA and TAP — Transportes Aéreos Portugueses SGPS SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — **Freedom of establishment** — Regulation (EC) No 1008/2008 — **Air carrier company — Reprivatisation process — Sale of shares representing up to 61% of the share capital — Conditions — Requirement to keep the headquarters and effective management in a Member State** — Public service obligations — **Requirement to maintain and develop the existing national hub**
[CURIA – Judgment of the Court of Justice in Case C-563/17 of 27 February 2019](#)

Joined Cases C-116/16 and C-117/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Skatteministeriet v T Danmark (C-116/16) and Y Denmark Aps (C-117/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark, Denmark) - Reference for a preliminary ruling — **Approximation of laws — Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States** — Directive 90/435/EEC — **Exemption of the profits distributed by companies of a Member State to companies of other Member States — Beneficial owner of the distributed profits** — Abuse of rights — **Company established in a Member State and paying to an associated company established in another Member State dividends all or almost all of which are then transferred outside the European Union** — Subsidiary subject to an obligation to withhold tax on the profits at source
[CURIA – Judgment of the Court of Justice in Case C-116/16 of 26 February 2019](#)

Joined Cases C-115/16, C-118/16, C-119/16 and C-299/16: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - N Luxembourg 1 (C-115/16), X Denmark A/S (C-118/16), C Danmark I (C-119/16) and Z Denmark ApS (C-299/16) v Skatteministeriet - REQUESTS for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark, Denmark) (C-115/16, C-118/16 and C-119/16) and from the Vestre Landsret (High Court of Eastern Denmark, Denmark) (C-299/16) - Reference for a preliminary ruling — **Approximation of laws — Common system of taxation applicable to interest and royalty payments made between associated companies of different Member States** — Directive 2003/49/EC — **Beneficial owner of the interest and royalties** — Article 5 — Abuse of rights — **Company established in a Member State and paying to an associated company established in another Member State interest all or almost all of which is then transferred outside the European Union** — Subsidiary subject to an obligation to withhold tax on the interest at source

[CURIA – Judgment of the Court of Justice in Case C-115/16 of 26 February 2019](#)

Case C-135/17: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - X GmbH v Finanzamt Stuttgart — Körperschaften - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Free movement of capital — Movement of capital between Member States and third countries — Standstill clause — National legislation of a Member State regarding controlled companies established in third countries** — Amendment of that legislation, followed by the reintroduction of the earlier legislation — **Income of a company established in a third country derived from the holding of debts owed by a company established in a Member State — Incorporation of that income into the tax base of a taxable person resident for tax purposes in a Member State — Restriction on the free movement of capital** — Justification

[CURIA – Judgment of the Court of Justice in Case C-135/17 of 26 February 2019](#)

Case C-591/17: OPINION OF ADVOCATE GENERAL WAHL of 6 February 2019 - Republic of Austria v Federal Republic of Germany - Failure of a Member State to fulfil obligations — Article 259 TFEU — Articles 18, 34, 56 and 92 TFEU — Directive 1999/62/EC — **Use of motorways — Infrastructure charge for vehicles of less than 3.5 tonnes — Tax relief on the motor vehicle tax** — Indirect discrimination — Measures having equivalent effect — **Restrictions to the freedom to provide services — Common transport policy — Standstill clause**

[CURIA – Opinion of Advocate General in Case C-591/17 of 6 February 2019](#)

Case C-395/17: OPINION OF ADVOCATE GENERAL BOBEK of 6 February 2019 - European Commission v Kingdom of the Netherlands - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — Decision 2001/822/EC — **Association of the Overseas Countries and Territories with the European Union** — Importations of milk powder and rice from Curaçao and meal groats from Aruba — EUR.1 certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — **Uncollected customs duties by the Member States of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-395/17 of 6 February 2019](#)

Case C-391/17: OPINION OF ADVOCATE GENERAL BOBEK OF 6 February 2019 - European Commission v United Kingdom of Great Britain and Northern Ireland - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — **Association of the Overseas Countries and Territories with the European Union** — Importations of aluminium from Anguilla — Trans-shipment — **EXP certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — Uncollected customs duties by the Member State of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-391/17 of 6 February 2019](#)

Case C-220/17: JUDGMENT OF THE COURT (First Chamber) of 30 January 2019 - Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG v Land Berlin - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Approximation of laws** — Validity of Directive 2014/40/EU — **Manufacture, presentation and sale of tobacco products — Regulation of 'ingredients' — Prohibition of flavoured tobacco products**

[CURIA – Judgment of the Court of Justice in Case C-220/17 of 30 January 2019](#)

14. Intellectual Property

Case Law

Case C-194/17 P: JUDGMENT OF THE COURT (Third Chamber) of 31 January 2019 - Georgios Pandalis, residing in Glandorf (Germany) v European Union Intellectual Property Office (EUIPO) and LR Health & Beauty Systems GmbH, established in Ahlen (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Regulation (EC) No 207/2009 — Article 51(1)(a) and (2) and Article 75 — EU trade mark Cystus — Food supplements not for medical purposes — Partial revocation — Lack of genuine use of the trade mark — Perception of the word ‘cystus’ as a descriptive indication of the main ingredient of the goods concerned — Obligation to state reasons

[CURIA – Judgment of the Court of Justice in Case C-194/17 of 31 January 2019](#)

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

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2019/326 of 25 February 2019 **laying down measures for entering the data in the Entry/Exit System (EES)**

[OJ of the EU, L 57/5 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/327 of 25 February 2019 **laying down measures for accessing the data in the Entry/Exit System (EES)**

[OJ of the EU, L 57/10 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/328 of 25 February 2019 **laying down measures for keeping and accessing the logs in the Entry/Exit System (EES)**

[OJ of the EU, L 57/14 of 26 February 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/329 of 25 February 2019 **laying down the specifications for the quality, resolution and use of fingerprints and facial image for biometric verification and identification in the Entry/Exit System (EES)**

[OJ of the EU, L 57/18 of 26 February 2019](#)

COUNCIL DECISION (EU) 2019/304 of 18 February 2019 concerning the **notification by the United Kingdom of Great Britain and Northern Ireland of its wish no longer to take part in some of the provisions of the Schengen *acquis* which are contained in Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network**

[OJ of the EU, L 51/7 of 22 February 2019](#)

COMMISSION DECISION (EU) 2019/236 of 7 February 2019 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 by the European Commission for the purposes of internal security of the Union institutions**

[OJ of the EU, L 37/144 of 8 February 2019](#)

Case Law

Case C-129/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 26 February 2019 – **SM v Entry Clearance Officer, UK Visa Section** - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Right of Union citizens and their family members to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — **Concept of direct descendant of a Union citizen** — **Family reunification** — **Child in legal guardianship under the Algerian kafala system** — **Right to family life** — **Protection of the child’s best interests**

[CURIA – Opinion of Advocate General in Case C-128/18 of 26 February 2019](#)

Case C-492/18 PPU: JUDGMENT OF THE COURT (First Chamber) of 12 February 2019 - TC - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — **European arrest warrant** — Article 12 — **Keeping a person in detention** — Article 17 — **Time limits for adoption of the decision to execute the European arrest warrant** — **National legislation providing for automatic suspension of detention 90 days after arrest** — **Interpretation in conformity with EU law** — **Suspension of time limits** — Charter of Fundamental Rights of the European Union — Article 6 — Right to liberty and security — **Differing interpretations of national legislation** — Clarity and predictability**

[CURIA – Judgment of the Court of Justice in Case C-492/18 of 12 February 2019](#)

Case C-49/18: JUDGMENT OF THE COURT (Second Chamber) of 7 February 2019 - Carlos Escribano Vindel v Ministerio de Justicia - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Cataluña (High Court of Justice, Catalonia, Spain) - Reference for a preliminary ruling — **Budgetary austerity measures** — **Reduction of remuneration in the national civil service** — **Method** — **Differential impact** — **Social policy** — **Equal treatment in employment and occupation** — Directive 2000/78/EC — Article 2(1) and (2)(b) — **Charter of Fundamental Rights of the European Union** — Article 21 — **Judicial independence** — Second subparagraph of Article 19(1) TEU

[CURIA – Judgment of the Court of Justice in Case C-49/18 of 7 February 2019](#)

Case C-535/17: JUDGMENT OF THE COURT (First Chamber) of 6 February 2019 - NK, liquidator in the bankruptcies of PI Gerechtsdeurwaarderskantoor BV and of PI v BNP Paribas Fortis NV - 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 — **Judicial cooperation in civil matters** — **Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EC) No 44/2001 and Regulation (EC) No 1346/2000 — **Scope of those regulations** — **Bankruptcy of a bailiff** — **Action brought by the liquidator in charge of administering and liquidating the bankruptcy**

[CURIA – Judgment of the Court of Justice in Case C-535/17 of 6 February 2019](#)

Case C-149/18: JUDGMENT OF THE COURT (Sixth Chamber) of 31 January 2019 - Agostinho da Silva Martins v Dekra Claims Services Portugal SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Lisboa (Court of Appeal, Lisbon, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Law applicable to non-contractual obligations** — Regulation (EC) No 864/2007 (Rome II) — Articles 16 and 27 — **Overriding mandatory provisions** — Directive 2009/103/EC — **Civil liability insurance for motor vehicles** — Article 28

[CURIA – Judgment of the Court of Justice in Case C-149/18 of 31 January 2019](#)

Case C-646/17: OPINION OF ADVOCATE GENERAL BOBEK of 5 February 2019 - Criminal proceedings v Gianluca Moro - Request for a preliminary ruling from the Tribunale di Brindisi (District Court, Brindisi, Italy) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — **Right to information in criminal proceedings** — **Modification of the accusation in terms of classification of the act** — No possibility to apply for a negotiated settlement after the trial proceedings had begun

[CURIA – Opinion of Advocate General in Case C-646/17 of 5 February 2019](#)

Case C-225/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 31 January 2019 - Islamic Republic of Iran Shipping Lines, established in Tehran (Iran), Hafize Darya Shipping Lines (HDSL), established in Tehran, Khazar Shipping Lines, established in Anzali Free Zone (Iran), IRISL Europe GmbH, established in Hamburg (Germany), Qeshm Marine Services & Engineering Co., formerly IRISL Marine Services and Engineering Co., established in Qeshm (Iran), Irano Misr Shipping Co., established in Alexandria (Egypt), Safiran Payam Darya Shipping Lines, established in Tehran, Marine Information Technology Development Co., formerly Shipping Computer Services Co., established in Tehran, Rahbaran Omid Darya Ship Management Co., alias Soroush Sarzamin Asatir, established in Tehran, Hoopad Darya Shipping Agency, formerly South Way Shipping Agency Co. Ltd, established in Tehran and Valfajr 8th Shipping Line Co., established in Tehran 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 — **Common foreign and security policy — Restrictive measures taken against the Islamic Republic of Iran — Freezing of funds and economic resources — Annulment of a listing by the General Court of the European Union — Amendment of the criteria governing inclusion on a list of persons and entities whose assets are to be frozen — Re-listing — Evidence dating from before the first listing — Facts known before the first listing — **Force of res judicata — Scope — Legal certainty — Protection of legitimate expectations — Principle Non bis in idem — Effective judicial protection****

[CURIA – Judgment of the Court of Justice in Case C-225/17 of 31 January 2019](#)

Case C-25/18: OPINION OF ADVOCATE GENERAL KOKOTT of 31 January 2019 - Brian Andrew Kerr v Pavlo Postnov and Natalia Postnova - Request for a preliminary ruling from the Okrazhen sad — Blagoevgrad (Blagoevgrad Regional Court, Bulgaria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — **Jurisdiction, recognition and enforcement of judgments in civil and commercial matters** — First subparagraph of Article 24(1) — **Exclusive jurisdiction in proceedings which have as their object rights in rem in immovable property** — Article 24(2) — **Exclusive jurisdiction in proceedings which have as their object the validity of decisions of organs of companies or other legal persons or associations of natural or legal persons** — Article 7(1)(a) — **Special jurisdiction in matters relating to a contract** — Action for payment of a contribution for the maintenance of a property on the basis of a resolution of an association of property owners without legal personality — **Applicable law** — Applicability of Regulation (EC) No 593/2008

[CURIA – Opinion of Advocate General in Case C-25/18 of 31 January 2019](#)

Case C-587/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 30 January 2019 - Kingdom of Belgium v European Commission - APPEAL under Article 256(1) TFEU and Article 56 of the Statute of the Court of Justice of the European Union - Appeal — European Agricultural Guarantee Fund (EAGF) — Regulation (EC) No 1290/2005 — Regulation (EU) No 1306/2013 — **Expenses excluded from financing by the European Union — Unduly paid export refunds — Recovery — Not all judicial remedies were exhausted — No appeal on a point of law following the negative opinion of a lawyer authorised to act before the Cour de cassation (Belgium)** — Article 267 TFEU — No reference for a preliminary ruling to the Court of Justice — **Negligence on the part of a Member State**

[CURIA – Judgment of the Court of Justice in Case C-587/17 of 30 January 2019](#)

16. Transport

Community Legislation

COMMISSION REGULATION (EU) 2019/318 of 19 February 2019 **amending** Regulation (EU) 2017/2400 and Directive 2007/46/EC of the European Parliament and of the Council as regards the **determination of the CO₂ emissions and fuel consumption of heavy-duty vehicles** (Text with EEA relevance)

[OJ of the EU, L 58/1 of 26 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/317 of 11 February 2019 **laying down a performance and charging scheme in the single European sky** and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (Text with EEA relevance)

[OJ of the EU, L 56/1 of 25 February 2019](#)

COUNCIL DECISION (EU) 2019/299 of 12 February 2019 on the **position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards certain personnel matters in relation to the implementation of the Treaty establishing the Transport Community**
[OJ of the EU, L 50/23 of 21 February 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/254 of 9 November 2018 on the **adaptation** of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on **Union guidelines for the development of the trans-European transport network** (Text with EEA relevance)
[OJ of the EU, L 43/1 of 14 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/250 of 12 February 2019 on the **templates for ‘EC’ declarations and certificates for railway interoperability constituents and subsystems**, on the model of declaration of conformity to an **authorised railway vehicle type and on the ‘EC’ verification procedures for subsystems** in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (Text with EEA relevance)
[OJ of the EU, L 42/9 of 13 February 2019](#)

COMMISSION REGULATION (EU) 2019/225 of 6 February 2019 **amending** Regulation (EC) No 748/2009 as regards the **aircraft operators for which the United Kingdom is specified as administering Member State** (Text with EEA relevance)
[OJ of the EU, L 41/1 of 12 February 2019](#)

COMMISSION REGULATION (EU) 2019/226 of 6 February 2019 **amending** Regulation (EC) No 748/2009 on the **list of aircraft operators which performed an aviation activity** listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 specifying the **administering Member State for each aircraft operator** (Text with EEA relevance)
[OJ of the EU, L 41/100 of 12 February 2019](#)

COUNCIL DECISION (EU) 2019/232 of 16 July 2018 establishing the **position to be adopted on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards the adoption of the rules of procedure of that committee**
[OJ of the EU, L 37/112 of 8 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/123 of 24 January 2019 laying down **detailed rules for the implementation of air traffic management (ATM) network functions** and repealing Commission Regulation (EU) No 677/2011 (Text with EEA relevance)
[OJ of the EU, L 28/1 of 31 January 2019](#)

Case Law

Case C-563/17: JUDGMENT OF THE COURT (Second Chamber) of 27 February 2019 - Associação Peço a Palavra, João Carlos Constantino Pereira Osório, Maria Clara Marques Pires Sarmento Franco, Sofia da Silva Santos Arauz and Maria João Galhardas Fitas v Conselho de Ministros, Párpública — Participações Públicas SGPS SA and TAP — Transportes Aéreos Portugueses SGPS SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — **Freedom of establishment** — Regulation (EC) No 1008/2008 — **Air carrier company — Reprivatisation process — Sale of shares representing up to 61% of the share capital — Conditions — Requirement to keep the headquarters and effective management in a Member State** — Public service obligations — **Requirement to maintain and develop the existing national hub**
[CURIA – Judgment of the Court of Justice in Case C-563/17 of 27 February 2019](#)

Case C-231/18: JUDGMENT OF THE COURT (Eighth Chamber) of 7 February 2019 - NK v Staatsanwaltschaft Oldenburg and Staatliches Gewerbeaufsichtsamt Oldenburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Oldenburg (Higher Regional Court, Oldenburg, Germany) - Reference for a preliminary ruling — **Transport — Road transport** — Regulation (EC) No 561/2006 — Regulation (EU) No 165/2014 — **Obligation to use a tachograph — Exception for vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses**
[CURIA – Judgment of the Court of Justice in Case C-231/18 of 7 February 2019](#)

Case C-591/17: OPINION OF ADVOCATE GENERAL WAHL of 6 February 2019 - Republic of Austria v Federal Republic of Germany - Failure of a Member State to fulfil obligations — Article 259 TFEU — Articles 18, 34, 56 and 92 TFEU — Directive 1999/62/EC — **Use of motorways — Infrastructure charge for vehicles of less than 3.5 tonnes — Tax relief on the motor vehicle tax** — Indirect discrimination — Measures having equivalent effect — **Restrictions to the freedom to provide services — Common transport policy — Standstill clause**
[CURIA – Opinion of Advocate General in Case C-591/17 of 6 February 2019](#)

Case C-149/18: JUDGMENT OF THE COURT (Sixth Chamber) of 31 January 2019 - Agostinho da Silva Martins v Dekra Claims Services Portugal SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Lisboa (Court of Appeal, Lisbon, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Law applicable to non-contractual obligations** — Regulation (EC) No 864/2007 (Rome II) — Articles 16 and 27 — **Overriding mandatory provisions** — Directive 2009/103/EC — **Civil liability insurance for motor vehicles** — Article 28
[CURIA – Judgment of the Court of Justice in Case C-149/18 of 31 January 2019](#)

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

Community Legislation

DECISION (EU) 2019/322 OF THE EUROPEAN CENTRAL BANK of 31 January 2019 on **delegation of the power to adopt decisions regarding supervisory powers granted under national law** (ECB/2019/4)
[OJ of the EU, L 55/7 of 25 February 2019](#)

DECISION (EU) 2019/323 OF THE EUROPEAN CENTRAL BANK of 12 February 2019 **nominating heads of work units to adopt delegated decisions regarding supervisory powers granted under national law** (ECB/2019/5)
[OJ of the EU, L 55/16 of 25 February 2019](#)

COMMISSION REGULATION (EU) 2019/316 of 21 February 2019 **amending** Regulation (EU) No 1408/2013 on the application of Articles 107 and 108 of the **Treaty on the Functioning of the European Union to de minimis aid in the agriculture sector**
[OJ of the EU, L 51/1 of 22 February 2019](#)

COUNCIL DECISION (EU) 2019/304 of 18 February 2019 concerning the **notification by the United Kingdom of Great Britain and Northern Ireland of its wish no longer to take part in some of the provisions of the Schengen acquis** which are contained in Council Regulation (EC) No 377/2004 on the **creation of an immigration liaison officers network**
[OJ of the EU, L 51/7 of 22 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/255 of 13 February 2019 **amending** Implementing Regulation (EU) No 821/2014 laying down **rules** for the application of Regulation (EU) No 1303/2013 of the European Parliament and of the Council as regards detailed **arrangements for the transfer and management of programme contributions, the reporting on financial instruments, technical characteristics of information and communication measures for operations and the system to record and store data**
[OJ of the EU, L 43/15 of 14 February 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/256 of 13 February 2019 **amending** Implementing Regulation (EU) 2015/207 with regard to **changes to the models for submission of the information on a major project, for the joint action plan, for the implementation reports for the Investment for growth and jobs goal and for the European territorial cooperation** goal and correcting that Regulation with regard to **data for the purpose of the performance review and performance framework**

[OJ of the EU, L 43/20 of 14 February 2019](#)

REGULATION (EU) 2019/216 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 January 2019 on the **apportionment of tariff rate quotas included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union**, and amending Council Regulation (EC) No 32/2000

[OJ of the EU, L 38/1 of 8 February 2019](#)

COMMISSION DECISION (EU) 2019/236 of 7 February 2019 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 by the European Commission for the purposes of internal security of the Union institutions**

[OJ of the EU, L 37/144 of 8 February 2019](#)

DECISION (EU) 2019/137 OF THE EUROPEAN CENTRAL BANK of 23 January 2019 on the **selection of Eurosystem Single Market Infrastructure Gateway (ESMIG) network service providers** (ECB/2019/2)

[OJ of the EU, L 25/34 of 29 January 2019](#)

Case Law

Joined Cases C-202/18 and C-238/18: JUDGMENT OF THE COURT (Grand Chamber) of 26 February 2019 - Ilmārs Rimšēvičs (C-202/18) and European Central Bank (ECB) (C-238/18) v Republic of Latvia - TWO ACTIONS under the second subparagraph of Article 14.2 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank - European System of Central Banks — **Action based on infringement of the second subparagraph of Article 14.2 of the Statute of the European System of Central Banks and of the European Central Bank** — Decision of a national authority suspending the governor of the national central bank from office

[CURIA – Judgment of the Court of Justice in Case C-202/18 of 26 February 2019](#)

Case C-129/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 26 February 2019 – SM v Entry Clearance Officer, UK Visa Section - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Right of Union citizens and their family members to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — **Concept of direct descendant of a Union citizen** — Family reunification — Child in legal guardianship under the Algerian kafala system — **Right to family life** — **Protection of the child's best interests**

[CURIA – Opinion of Advocate General in Case C-128/18 of 26 February 2019](#)

Case C-179/18: JUDGMENT OF THE COURT (Tenth Chamber) of 13 February 2019 - Ronny Rohart v Federale Pensioendienst - REQUEST for a preliminary ruling under Article 267 TFEU, from the arbeidsrechtbank Gent (Gent Labour Court, Belgium) - Reference for a preliminary ruling — **Social security** — **Pension rights under the national pension scheme for employed persons** — **Refusal to take into account the period of compulsory military service completed by an official of the European Union after taking up his post** — Principle of sincere cooperation

[CURIA – Judgment of the Court of Justice in Case C-179/18 of 13 February 2019](#)

Case C-589/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 7 February 2019 - Prenatal S.A. - Request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña (High Court of Justice, Catalonia, Spain) - Preliminary reference — **Import of textile products declared as originating from Jamaica** — **Reimbursement of customs duties** — Comparable dossier pending before the Commission — **Restrictive character of the Commission's communication** — **Competence of national authorities**

[CURIA – Opinion of Advocate General in Case C-589/17 of 7 February 2019](#)

Case C-395/17: OPINION OF ADVOCATE GENERAL BOBEK of 6 February 2019 - European Commission v Kingdom of the Netherlands - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — Decision 2001/822/EC — **Association of the Overseas Countries and Territories with the European Union** — Importations of milk powder and rice from Curaçao and meal groats from Aruba — EUR.1 certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — **Uncollected customs duties by the Member States of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-395/17 of 6 February 2019](#)

Case C-391/17: OPINION OF ADVOCATE GENERAL BOBEK OF 6 February 2019 - European Commission v United Kingdom of Great Britain and Northern Ireland - Failure of a Member State to fulfil its obligations — Own resources — Decision 91/482/EEC — **Association of the Overseas Countries and Territories with the European Union** — Importations of aluminium from Anguilla — Trans-shipment — **EXP certificates incorrectly issued by the customs authorities of an Overseas Country or Territory — Uncollected customs duties by the Member State of importation — Financial liability of the Member State with which an OCT has a special relationship — Compensation for loss to the EU's own resources incurred in another Member State**

[CURIA – Opinion of Advocate General in Case C-391/17 of 6 February 2019](#)

Joined Cases C-183/17 P and C-184/17 P JUDGMENT OF THE COURT (Third Chamber) of 31 January 2019 - International Management Group, established in Brussels (Belgium) v European Commission - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Development cooperation — EU budget implementation by indirect management — Action for annulment** — Admissibility — Challengeable acts — **Decision to entrust a budget implementation task to an entity other than the entity initially chosen** — Decision not to entrust any new budget implementation tasks to the entity initially chosen — Regulation (EC, Euratom) No 2342/2002 — Article 43 — Delegated Regulation (EU) No 1268/2012 — Article 43 — **Definition of 'international organisation' — Conditions — Claim for damages**

[CURIA – Judgment of the Court of Justice in Case C-183/17 of 31 January 2019](#)

Affaire C-6/18 P: ARRÊT DE LA COUR (huitième chambre) du 31 janvier 2019 - République hellénique contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Fonds européen agricole de garantie (FEAGA) – Fonds européen agricole pour le développement rural (Feader) – Règlement (CE) no 1290/2005 – Financement de la politique agricole commune – Dépenses exclues – Dépenses effectuées par la République hellénique**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-6/18 du 31 janvier 2019](#)

Case C-587/17 P: JUDGMENT OF THE COURT (Fourth Chamber) of 30 January 2019 - Kingdom of Belgium v European Commission - APPEAL under Article 256(1) TFEU and Article 56 of the Statute of the Court of Justice of the European Union - Appeal — European Agricultural Guarantee Fund (EAGF) — Regulation (EC) No 1290/2005 — Regulation (EU) No 1306/2013 — **Expenses excluded from financing by the European Union — Unduly paid export refunds — Recovery — Not all judicial remedies were exhausted — No appeal on a point of law following the negative opinion of a lawyer authorised to act before the Cour de cassation (Belgium) — Article 267 TFEU — No reference for a preliminary ruling to the Court of Justice — Negligence on the part of a Member State**

[CURIA – Judgment of the Court of Justice in Case C-587/17 of 30 January 2019](#)

Case C-243/18 P: OPINION OF ADVOCATE GENERAL BOBEK of 29 January 2019 - European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy Joint Undertaking) v Yosu Galocha - Appeal — **EU civil service — Contract staff — Selection procedure for the Fusion for Energy Joint Undertaking — Irregularity in the selection procedure — No written test — Annulment of subsequent acts relating to and favourable to third parties** — Annulment of a reserve list and effect on recruitment of persons from a reserve list — **Proportionality — Balance of interests — Legitimate expectations**

[CURIA – Opinion of Advocate General in Case C-243/18 of 29 January 2019](#)

Opinion 1/17: OPINION OF ADVOCATE GENERAL BOT of 29 January 2019 - Request for an opinion by the Kingdom of Belgium - Opinion pursuant to Article 218(11) TFEU — Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part (CETA) — Resolution of disputes between investors and States (ISDS) — Establishment of a Tribunal and an Appellate Tribunal — Compatibility with primary EU law — Requirement to respect the autonomy of the EU legal order and of the judicial system of the European Union — Applicability of the Charter of Fundamental Rights of the European Union to the exercise, by the European Union, of its competence to conclude an international agreement — Articles 20 and 21 of the Charter — Principle of equal treatment — Article 47 of the Charter — Right of access to an independent and impartial tribunal
[CURIA – Opinion of Advocate General in Case C-1/17 of 29 January 2019](#)