



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

EU News: Click & Read

131 - March 2019

European Documentation Centre

Editor: **Alfredo Santos** Legal Adviser

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	5
6. Customs	6
7. Economic and Monetary Affairs, Taxation, Enterprise	7
8. Education, Training, Youth, Culture, Research and Innovation	11
9. Employment and Social Affairs	11
10. Energy and Environment	12
11. Food Safety, Public Health and Consumers	14
12. Human Rights	15
13. Internal Market and Single Market	17
14. Intellectual Property	19
15. Justice, Freedom and Security (incl. Judicial Cooperation)	19
16. Transport	21
17. Community Institutions, Principles and the Communities' own resources	22

Highlights

COUNCIL DECISION (EU) 2019/393 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes
[OJ of the EU, L 71/5 of 13 March 2019](#)

COUNCIL DIRECTIVE (EU) 2019/475 of 18 February 2019 **amending** Directives 2006/112/EC and 2008/118/EC as regards the **inclusion of the Italian municipality of Campione d'Italia and the Italian waters of Lake Lugano in the customs territory of the Union** and in the territorial application of Directive 2008/118/EC
[OJ of the EU, L 83/42 of 25 March 2019](#)

Case C-372/18: JUDGMENT OF THE COURT (Seventh Chamber) of 14 March 2019 - *Ministre de l'Action et des Comptes publics v Mr and Mrs Raymond Dreyer* - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative d'appel de Nancy (Administrative Court of Appeal, Nancy, France) - Reference for a preliminary ruling — **Social security — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** — Regulation (EC) No 883/2004 — Article 3 — Matters covered — **Levies on income from assets charged to a French resident insured under the Swiss social security scheme** — Levies apportioned for the funding of two benefits administered by the French National Solidarity Fund for Independent Living — Direct and sufficiently relevant link with certain branches of social security — **Definition of 'social security benefit' — Individual assessment of an applicant's personal needs — Taking into account the applicant's resources in calculating the amount of the benefits**
[CURIA – Judgment of the Court of Justice in Case C-372/18 of 14 March 2019](#)

Case C-118/17: JUDGMENT OF THE COURT (Third Chamber) of 14 March 2019 - *Zsuzsanna Dunai v ERSTE Bank Hungary Zrt* - REQUEST for a preliminary ruling under Article 267 TFEU from the Budai Központi Kerületi Bíróság (Central District Court, Buda, Hungary) - Reference for a preliminary ruling — **Consumer protection — Unfair terms in consumer contracts — Directive 93/13/EEC — Article 1(2) — Article 6(1) — Loan contract denominated in a foreign currency — Exchange difference** — Substitution of a legislative provision for an unfair term declared void — **Exchange rate risk — Continued existence of the contract after the unfair term has been deleted — National system for a uniform interpretation of law**
[CURIA – Judgment of the Court of Justice in Case C-118/17 of 14 March 2019](#)

1. EU-Swiss Relations

International Agreements

COUNCIL DECISION (EU) 2019/393 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes

[OJ of the EU, L 71/5 of 13 March 2019](#)

Community Legislation

COUNCIL DIRECTIVE (EU) 2019/475 of 18 February 2019 **amending** Directives 2006/112/EC and 2008/118/EC as regards the **inclusion of the Italian municipality of Campione d'Italia and the Italian waters of Lake Lugano in the customs territory of the Union** and in the territorial application of Directive 2008/118/EC

[OJ of the EU, L 83/42 of 25 March 2019](#)

Case Law

Case C-372/18: JUDGMENT OF THE COURT (Seventh Chamber) of 14 March 2019 - Ministre de l'Action et des Comptes publics v Mr and Mrs Raymond Dreyer - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative d'appel de Nancy (Administrative Court of Appeal, Nancy, France) - Reference for a preliminary ruling — **Social security — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** — Regulation (EC) No 883/2004 — Article 3 — Matters covered — **Levies on income from assets charged to a French resident insured under the Swiss social security scheme** — Levies apportioned for the funding of two benefits administered by the French National Solidarity Fund for Independent Living — Direct and sufficiently relevant link with certain branches of social security — **Definition of 'social security benefit' — Individual assessment of an applicant's personal needs — Taking into account the applicant's resources in calculating the amount of the benefits**

[CURIA – Judgment of the Court of Justice in Case C-372/18 of 14 March 2019](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2019/393 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes

[OJ of the EU, L 71/5 of 13 March 2019](#)

COUNCIL DECISION (EU) 2019/394 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Iceland or Norway regarding access to Eurodac for law enforcement purposes

[OJ of the EU, L 71/7 of 13 March 2019](#)

COUNCIL DECISION (EU) 2019/395 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes
[OJ of the EU, L 71/9 of 13 March 2019](#)

Community Legislation

EUROPEAN COUNCIL DECISION (EU) 2019/476 taken in **agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3) TEU**
[OJ of the EU, L 80/1 of 22 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/386 of 11 March 2019 laying down **rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union** and with regard to import licences issued and import rights allocated under those tariff rate quotas
[OJ of the EU, L 70/4 of 12 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/370 of 7 March 2019 **amending** Regulation (EC) No 1635/2006 laying down detailed **rules for the application of Council Regulation (EEC) No 737/90, by reason of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union** (Text with EEA relevance) THE EUROPEAN COMMISSION,
[OJ of the EU, L 68/1 of 8 March 2019](#)

COUNCIL DECISION (EU) 2019/349 of 22 February 2019 **establishing the position** to be taken on behalf of the **European Union within the Committee on Government Procurement of the World Trade Organisation** on the accession of the **United Kingdom of Great Britain and Northern Ireland to the Revised Agreement on Government Procurement in the context of its withdrawal from the European Union**
[OJ of the EU, L 63/12 of 4 March 2019](#)

Case Law

Case C-444/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Préfet des Pyrénées-Orientales v Abdelaziz Arib, Procureur de la République près le tribunal de grande instance de Montpellier and Procureur général près la cour d’appel de Montpellier - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Area of freedom, security and justice — Border control, asylum and immigration** — Regulation (EU) 2016/399 — Article 32 — **Temporary reintroduction of border control by a Member State at its internal borders — Illegal entry of a third-country national — Equation of internal borders with external borders** — Directive 2008/115/EC — Scope — Article 2(2)(a)
[CURIA – Judgment of the Court of Justice in Case C-444/17 of 19 March 2019](#)

Case C-557/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 March 2019 - Staatssecretaris van Veiligheid en Justitie v Y.Z., Z.Z. and Y.Y. - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Right to family reunification** — Directive 2003/86/EC — Article 16(2)(a) — Article 17 — **Withdrawal of the residence permit of a member of the family of a third-country national — Status of third-country nationals who are long-term residents** — Directive 2003/109/EC — Article 9(1)(a) — **Loss of that status — Fraud — Lack of knowledge of the fraud**
[CURIA – Judgment of the Court of Justice in Case C-557/17 of 14 March 2019](#)

Affaire C-89/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 14 mars 2019 – A contre Udlændinge- og Integrationsministeriet - demande de décision préjudicielle formée par l'Østre Landsret (cour d'appel de la région Est, Danemark) - Renvoi préjudiciel – **Accord d'association CEE/Turquie – Réglementation nationale durcissant les conditions de la première admission sur le territoire de l'État membre concerné des conjoints de ressortissants d'États tiers résidant dans cet État membre en qualité de travailleurs – Regroupement familial** – Exigence de liens de rattachement plus forts avec l'État membre d'accueil qu'avec l'État tiers d'origine – Article 13 de la décision n° 1/80 – **Clause de "standstill"** – **Nouvelle restriction – Raison impérieuse d'intérêt général – Objectif d'une intégration réussie** – Caractère nécessaire et proportionné de la nouvelle restriction

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-89/18 du 14 mars 2019](#)

Affaire C-123/18 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 5 mars 2019 - HTTS Hanseatic Trade Trust & Shipping GmbH contre Conseil de l'Union européenne - Pourvoi – **Recours en indemnité – Mesures restrictives prises à l'encontre de l'Iran – Réparation du préjudice prétendument subi par la requérante à la suite de l'inclusion de son nom sur la liste des personnes et entités auxquelles s'applique le gel de fonds et de ressources économiques** – Notion de "violation suffisamment caractérisée du droit de l'Union" – Obligation de motivation – **Protection juridictionnelle effective**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-123/18 du 5 mars 2019](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

OPINION OF THE EUROPEAN CENTRAL BANK of 13 February 2019 on a proposal for a Council Decision on the **conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community** (CON/2019/6) (2019/C 84/01)

[OJ of the EU, C 84/1 of 6 March 2019](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2019/386 of 11 March 2019 laying down **rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union** and with regard to import licences issued and import rights allocated under those tariff rate quotas

[OJ of the EU, L 70/4 of 12 March 2019](#)

Case Law

Case C-46/18: OPINION OF ADVOCATE GENERAL BOBEK of 14 March 2019 - **Caseificio Sociale San Rocco Soc. coop. Arl, S.s. Franco e Maurizio Artuso, Sebastiano Bolzon, Claudio Matteazzi and Roberto Tellatin v Agenzia per le Erogazioni in Agricoltura (AGEA) and Regione Veneto** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - **Milk – Quotas – Additional levy** – Article 2 of Regulation (EEC) No 3950/92 – Article 11(3) of Regulation (EC) No 1788/2003 – **Obligation on purchasers to deduct the levy from the price of milk** – Article 9 of Regulation (EC) No 1392/2001 – **Redistribution of excess levy – Priority categories – Reallocation of unused quotas**

[CURIA – Opinion of Advocate General in Case C-46/18 of 14 March 2019](#)

Case C-616/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 12 March 2019 - **Procureur de la République v Mathieu Blaise and others** - (Request for a preliminary ruling from the Tribunal correctionnel de Foix (Criminal Court, Foix, France) - Preliminary reference – **Environment – Placing on the market of plant protection products – Validity of Regulation (EC) No 1107/2009 with regard to the precautionary principle – Reliability and impartiality of the assessment procedure** – Cumulative effect of active substances – **Pesticides – Glyphosate**

[CURIA – Opinion of Advocate General in Case C-616/17 of 12 March 2019](#)

Case C-2/18: OPINION OF ADVOCATE GENERAL BOBEK of 7 March 2019 - Lietuvos Respublikos Seimo narių grupė v Lietuvos Respublikos Seimas - Request for a preliminary ruling from the Lietuvos Respublikos Konstitucinis Teismas (Constitutional Court of the Republic of Lithuania) - Reference for a preliminary ruling — **Agriculture — Common organisation of the market — Milk and milk products — Regulation (EU) No 1308/2013 — Article 148(4) — Contractual provisions — Free negotiation of prices — National legislation obliging purchasers of raw milk to offer the same prices to groups of producers and prohibiting the lowering of prices without justification**

[CURIA – Opinion of Advocate General in Case C-2/18 of 7 March 2019](#)

4. Audiovisual and Media and Information Society

International Agreements

COMMISSION IMPLEMENTING DECISION (EU) 2019/419 of 23 January 2019 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the **adequate protection of personal data by Japan under the Act on the Protection of Personal Information** (notified under document C(2019) 304) (Text with EEA relevance)

[OJ of the EU, L 76/1 of 19 March 2019](#)

Community Legislation

COMMISSION REGULATION (EU) 2019/424 of 15 March 2019 laying down **ecodesign requirements for servers and data storage products** pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 617/2013 (Text with EEA relevance)

[OJ of the EU, L 74/46 of 18 March 2019](#)

Case Law

Case C-673/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 21 March 2019 - Planet49 GmbH v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V. - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Preliminary reference — Directive 95/46/EC — Directive 2002/58/EC — Regulation (EU) 2016/679 — **Processing of personal data and protection of privacy in the electronic communications sector — Cookies — Concept of consent of the data subject — Declaration of consent by means of a pre-selected checkbox**

[CURIA – Opinion of Advocate General in Case C-673/17 of 21 March 2019](#)

5. Competition

Case Law

Case C-312/18 P: JUDGMENT OF THE COURT (Eighth Chamber) of 21 March 2019 - Eco-Bat Technologies Ltd, established in Matlock (United Kingdom), Berzelius Metall GmbH, established in Braubach (Germany), Société traitements chimiques des métaux (STCM), established in Bazoches-les-Gallerandes (France) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices — Market for car battery recycling — Decision finding an infringement of Article 101 TFEU and imposing fines — Correcting decision adding the value of purchases of the addressees which were not included in the initial decision — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility -**

[CURIA – Judgment of the Court of Justice in Case C-312/18 of 21 March 2019](#)

Case C-724/17: JUDGMENT OF THE COURT (Second Chamber) of 14 March 2019 - Vantaan kaupunki v Skanska Industrial Solutions Oy, NCC Industry Oy and Asfaltmix Oy - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **Competition** — Article 101 TFEU — **Compensation for the damage caused by a cartel prohibited by that article** — **Determination of the undertakings liable to provide compensation** — **Succession of legal entities** — **Concept of ‘undertaking’** — Economic continuity test

[CURIA – Judgment of the Court of Justice in Case C-724/17 of 14 March 2019](#)

Case C-349/17: JUDGMENT OF THE COURT (Grand Chamber) of 5 March 2019- Eesti Pagar AS v Ettevõtluse Arendamise Sihtasutus and Majandus- ja Kommunikatsiooniministeerium - REQUEST for a preliminary ruling under Article 267 TFEU from the Tallinna Ringkonnakohus (Court of Appeal, Tallinn, Estonia) - Reference for a preliminary ruling — **State aid** — Regulation (EC) No 800/2008 (General block exemption regulation) — Article 8(2) — **Aid with an incentive effect** — **Concept of ‘start of work on the project’** — **Powers of the national authorities** — **Unlawful aid** — **No decision of the European Commission or of a national court** — **Obligation on the national authorities to recover unlawful aid on their own initiative** — **Legal basis** — Article 108(3) TFEU — General principle of EU law of protection of legitimate expectations — Decision of the competent national authority granting aid under Regulation No 800/2008 — Knowledge of circumstances excluding the eligibility of the aid application — Creation of a legitimate expectation — None — Limitation — **Aid co-financed from a structural fund** — **Applicable legislation** — Regulation (EC, Euratom) No 2988/95 — National legislation — Interest — **Obligation to claim interest** — Legal basis — Article 108(3) TFEU — Applicable legislation — National rules — Principle of effectiveness

[CURIA – Judgment of the Court of Justice in Case C-349/17 of 5 March 2019](#)

6. Customs

Community Legislation

COUNCIL DIRECTIVE (EU) 2019/475 of 18 February 2019 **amending** Directives 2006/112/EC and 2008/118/EC as regards the **inclusion of the Italian municipality of Campione d'Italia and the Italian waters of Lake Lugano in the customs territory of the Union** and in the territorial application of Directive 2008/118/EC

[OJ of the EU, L 83/42 of 25 March 2019](#)

REGULATION (EU) 2019/474 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 March 2019 **amending** Regulation (EU) No 952/2013 laying down the **Union Customs Code**

[OJ of the EU, L 83/38 of 25 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/444 of 19 March 2019 **amending** Implementing Regulation (EU) 2015/2447 as regards the **forms for guarantor's undertakings and the inclusion of air transport costs in the customs value in view of the withdrawal of the United Kingdom from the Union**

[OJ of the EU, L 77/61 of 20 March 2019](#)

Case Law

Case C-226/18: OPINION OF ADVOCATE GENERAL HOGAN of 14 March 2019 - Krohn & Schröder GmbH v Hauptzollamt Hamburg-Hafen - Request for a preliminary ruling from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Request for a preliminary ruling — **Customs Union** — **Import and export procedures** — **Custom debt** — Council Regulation (EEC) No 2913/92 — Article 212a — Council Implementing Regulation (EU) No 1238/2013 imposing a definitive anti-dumping duty — Council Implementing Regulation (EU) No 1239/2013 imposing a definitive countervailing duty — Exemptions

[CURIA – Opinion of Advocate General in Case C-226/18 of 14 March 2019](#)

Case C-643/17: JUDGMENT OF THE COURT (Sixth Chamber) of 7 March 2019 - Suez II Water Technologies & Solutions Portugal Unipessoal Lda, formerly GE Power Controls Portugal, Material Eléctrico Lda, then GE Power Controls Portugal Unipessoal Lda v Fazenda Pública - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — **Customs union** — Regulation (EEC) No 2913/92 — Article 37 — **Community Customs Code** — Regulation (EEC) No 2454/93 — Article 313 — **Customs status of goods** — **Presumption of the Community status of goods**

[CURIA – Judgment of the Court of Justice in Case C-643/17 of 7 March 2019](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION (EU) 2019/483 of 19 March 2019 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** (Capital Requirements Regulation (EU) No 575/2013 (CRR) and Directive 2013/36/EU (CRD IV)) (Text with EEA relevance)

[OJ of the EU, L 82/29 of 25 March 2019](#)

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2019/482 of 22 March 2019 **amending** Commission Implementing Regulation (EU) 2016/1368 establishing a **list of critical benchmarks used in financial markets** pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 82/26 of 25 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/356 of 13 December 2018 **supplementing** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to **regulatory technical standards specifying the details of securities financing transactions (SFTs) to be reported to trade repositories** (Text with EEA relevance)

[OJ of the EU, L 81/1 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/357 of 13 December 2018 **supplementing** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to **regulatory technical standards on access to details of securities financing transactions (SFTs) held in trade repositories** (Text with EEA relevance)

[OJ of the EU, L 81/22 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/358 of 13 December 2018 **supplementing** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to **regulatory technical standards on the collection, verification, aggregation, comparison and publication of data on securities financing transactions (SFTs) by trade repositories** (Text with EEA relevance)

[OJ of the EU, L 81/30 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/359 of 13 December 2018 **supplementing** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to **regulatory technical standards specifying the details of the application for registration and extension of registration as a trade repository** (Text with EEA relevance)

[OJ of the EU, L 81/45 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/360 of 13 December 2018 **supplementing** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to **fees charged by the European Securities and Markets Authority to trade repositories** (Text with EEA relevance)

[OJ of the EU, L 81/58 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/361 of 13 December 2018 **amending** Delegated Regulation (EU) No 151/2013 with regard to **access to the data held in trade repositories** (Text with EEA relevance)
[OJ of the EU, L 81/69 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/362 of 13 December 2018 **amending** Delegated Regulation (EU) No 150/2013 as regards **regulatory technical standards specifying the details of the application for registration as a trade repository** (Text with EEA relevance)
[OJ of the EU, L 81/74 of 22 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/363 of 13 December 2018 laying down **implementing technical standards with regard to the format and frequency of reports on the details of securities financing transactions (SFTs) to trade repositories** in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council and **amending** Commission Implementing Regulation (EU) No 1247/2012 with regard to the **use of reporting codes in the reporting of derivative contracts** (Text with EEA relevance)
[OJ of the EU, L 81/85 of 22 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/364 of 13 December 2018 laying down **implementing technical standards with regard to the format of applications for registration and extension of registration of trade repositories** in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 81/125 of 22 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/365 of 13 December 2018 laying down **implementing technical standards with regard to the procedures and forms for exchange of information on sanctions, measures and investigations** in accordance with Regulation (EU) 2015/2365 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 81/128 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/460 of 30 January 2019 **amending** Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the **list of exempted entities** (Text with EEA relevance)
[OJ of the EU, L 80/8 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/461 of 30 January 2019 **amending** Delegated Regulation (EU) 2016/522 as regards the **exemption of the Bank of England and the United Kingdom Debt Management Office** from the scope of Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 80/10 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/462 of 30 January 2019 **amending** Delegated Regulation (EU) 2017/1799 as regards the **exemption of the Bank of England from the pre- and post-trade transparency requirements** in Regulation (EU) No 600/2014 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 80/13 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/463 of 30 January 2019 **amending** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to the **list of exempted entities** (Text with EEA relevance)
[OJ of the EU, L 80/16 of 22 March 2019](#)

REGULATION (EU) 2019/452 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 March 2019 **establishing a framework for the screening of foreign direct investments into the Union**
[OJ of the EU, L 79/1 of 21 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/443 of 13 February 2019 **amending** Delegated Regulation (EU) 2017/588 as regards the **possibility to adjust the average daily number of transactions for a share where the trading venue with the highest turnover of that share is located outside the Union** (Text with EEA relevance)
[OJ of the EU, L 77/59 of 20 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/442 of 12 December 2018 **amending and correcting** Delegated Regulation (EU) 2017/587 to specify the **requirement for prices to reflect prevailing market conditions and to update and correct certain provisions** (Text with EEA relevance)
[OJ of the EU, L 77/56 of 20 March 2019](#)

COMMISSION REGULATION (EU) 2019/412 of 14 March 2019 on **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 Standards 12 and 23 and International Financial Reporting Standards 3 and 11** (Text with EEA relevance)
[OJ of the EU, L 73/93 of 15 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/410 of 29 November 2018 laying down **implementing technical standards with regard to the details and structure of the information to be notified, in the field of payment services, by competent authorities to the European Banking Authority** pursuant to Directive (EU) 2015/2366 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 73/20 of 15 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/411 of 29 November 2018 **supplementing** Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to **regulatory technical standards setting technical requirements on development, operation and maintenance of the electronic central register within the field of payment services and on access to the information** contained therein (Text with EEA relevance)
[OJ of the EU, L 73/84 of 15 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/396 of 19 December 2018 **amending** Delegated Regulation (EU) 2015/2205, Delegated Regulation (EU) 2016/592 and Delegated Regulation (EU) 2016/1178 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards **the date at which the clearing obligation takes effect for certain types of contracts** (Text with EEA relevance)
[OJ of the EU, L 71/11 of 13 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/397 of 19 December 2018 **amending** Delegated Regulation (EU) 2016/2251 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the **date until which counterparties may continue to apply their risk-management procedures for certain OTC derivative contracts not cleared by a CCP** (Text with EEA relevance)
[OJ of the EU, L 71/15 of 13 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/348 of 25 October 2018 **supplementing** Directive 2014/59/EU of the European Parliament and of the Council with regard to **regulatory technical standards specifying the criteria for assessing the impact of an institution's failure on financial markets, on other institutions and on funding conditions** (Text with EEA relevance)
[OJ of the EU, L 63/1 of 4 March 2019](#)

Case Law

Case C-590/17: JUDGMENT OF THE COURT (Third Chamber) of 21 March 2019 - Henri Pouvin and Marie Dijoux, the spouse of Henri Pouvin v Électricité de France (EDF) - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — Directive 93/13/EEC — Scope — Article 2(b) and (c) — **Concepts of ‘consumer’ and of ‘seller or supplier’ — Finance for the purchase of a home — Mortgage loan granted by an employer to its employee and to his spouse, the jointly and severally liable co-borrower**

[CURIA – Judgment of the Court of Justice in Case C-590/17 of 21 March 2019](#)

Case C-245/18: JUDGMENT OF THE COURT (Tenth Chamber) of 21 March 2019 - Tecnoservice Int. Srl, in liquidation v Poste Italiane SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Ordinario di Udine (District Court, Udine, Italy) - Reference for a preliminary ruling — **Payment services in the internal market** — Directive 2007/64/EC — Article 74(2) — **Payment order by credit transfer** — **Incorrect unique identifier provided by the payer** — **Execution of the payment transaction on the basis of the unique identifier** — **Liability of the payee's payment service provider**

CURIA – Judgment of the Court of Justice in Case C-245/18 of 21 March 2019

Case C-71/18: OPINION OF ADVOCATE GENERAL BOBEK of 19 March 2019 – Skatteministeriet v KPC Herning - Request for a preliminary ruling from the Vestre Landsret (High Court of Western Denmark, Denmark) - **Value added tax (VAT)** — **Supply of land occupied by a building to be partly demolished in place of which a new building is to be constructed** — Article 12 of Directive 2006/112/EC — Article 135(1)(j) and (k) of Directive 2006/112 — **VAT exemption** — **Intention of the parties** — **Objective assessment** — **Concept of a 'building'**

CURIA – Opinion of Advocate General in Case C-71/18 of 19 March 2019

Case C-449/17: JUDGMENT OF THE COURT (First Chamber) of 14 March 2019 - A & G Fahrschul-Akademie GmbH v Finanzamt Wolfenbüttel - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 132(1)(i) and (j) — **Exemption for certain activities in the public interest** — **School or university education** — **Concept** — Driving school tuition provided by a driving school

CURIA – Judgment of the Court of Justice in Case C-449/17 of 14 March 2019

Case C-695/17: JUDGMENT OF THE COURT (First Chamber) of 14 March 2019 - Metirato Oy, in liquidation v Suomen valtio/Verohallinto and Eesti Vabariik/Maksu- ja Tolliamet - REQUEST for a preliminary ruling under Article 267 TFEU from the Helsingin käräjäoikeus (Helsinki District Court, Finland) - Reference for a preliminary ruling — Directive 2010/24/EU — **Mutual assistance for the recovery of claims relating to taxes, duties and other measures** — Article 13(1) — Article 14(2) — **Enforced recovery, by the authorities of the requested Member State, of claims of the applicant Member State** — **Procedure relating to an application seeking the restitution of those claims to the insolvency estate of a company established in the requested Member State** — Defendant in those proceedings — Determination

CURIA – Judgment of the Court of Justice in Case C-695/17 of 14 March 2019

Case C-174/18: JUDGMENT OF THE COURT (Ninth Chamber) of 14 March 2019 - Jean Jacob and Dominique Lennertz v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers** — **Equal treatment** — **Income tax** — **Legislation for the avoidance of double taxation** — Pension received in a Member State other than that of residence — Method of calculating the exemption in the Member State of residence — **Loss of part of the benefit of certain tax advantages**

CURIA – Judgment of the Court of Justice in Case C-174/18 of 14 March 2019

Case C-647/17: JUDGMENT OF THE COURT (Fifth Chamber) of 13 March 2019 - Skatteverket v Srf konsulterna AB - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta förvaltningsdomstolen (Supreme Administrative Court, Sweden) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 53 — **Supply of services in respect of admission to educational events** — **Place of taxable transactions**

CURIA – Judgment of the Court of Justice in Case C-647/17 of 13 March 2019

Case C-195/18: JUDGMENT OF THE COURT (Tenth Chamber) of 13 March 2019 - B. S. v Prokuratura Okręgowa w Piotrkowie Trybunalskim, łódzki Urząd Celno-Skarbowy w Łodzi and Urząd Celno-Skarbowy w Piotrkowie Trybunalskim - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Piotrkowie Trybunalskim (Regional Court, Piotrków Trybunalski, Poland) - Reference for a preliminary ruling — **Taxation** — **Excise duties on alcohol and alcoholic beverages** — Directive 92/83/EEC — Article 2 — **Definition of 'beer'** — **Beverage produced from wort obtained from a mixture containing more glucose than malt** — Combined Nomenclature — Heading 2203 (beer made from malt) or 2206 (other fermented beverages)

CURIA – Judgment of the Court of Justice in Case C-195/18 of 13 March 2019

Affaire C-145/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 7 mars 2019 - Regards Photographiques SARL contre Ministre de l'Action et des Comptes publics - demande de décision préjudicielle formée par le Conseil d'État (France) - Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée – Régimes particuliers – **Objets d'art – Taux réduit de TVA – Photographies prises par l'artiste, tirées par lui ou sous son contrôle, signées et numérotées dans la limite de 30 exemplaires****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-145/18 du 7 mars 2019](#)

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

Case Law

Affaire C-728/17 P: ARRÊT DE LA COUR (première chambre) du 7 mars 2019 - Commission européenne contre Alain Laurent Brouillard, demeurant à Bruxelles (Belgique) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Fonction Publique – Recrutement – Concours – Conditions d'admission à concourir – Diplômes et niveau d'enseignement requis – Concours général EPSO/AD/306/15 – **Pré-sélection des candidats sur dossier** – Niveau d'enseignement correspondant à une formation juridique complète suivie dans un établissement d'enseignement supérieur belge, français ou luxembourgeois – **Diplôme de master 2 en droit, économie, gestion, mention droit privé, spécialité juriste-linguiste – Délivrance à la suite d'une "validation des acquis de l'expérience"** – **Rejet de la candidature****

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-728/17 du 7 mars 2019](#)

9. Employment and Social Affairs

Case Law

Case C-174/18: JUDGMENT OF THE COURT (Ninth Chamber) of 14 March 2019 - Jean Jacob and Dominique Lennertz v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers — Equal treatment — Income tax — Legislation for the avoidance of double taxation — Pension received in a Member State other than that of residence — Method of calculating the exemption in the Member State of residence — **Loss of part of the benefit of certain tax advantages****

[CURIA – Judgment of the Court of Justice in Case C-174/18 of 14 March 2019](#)

Case C-134/18: JUDGMENT OF THE COURT (Eighth Chamber) of 14 March 2019 - Maria Vester v Rijksinstituut voor ziekte- en invaliditeitsverzekering - REQUEST for a preliminary ruling under Article 267 TFEU from the arbeidsrechtbank Antwerpen (Labour Court, Antwerp, Belgium) - Reference for a preliminary ruling — **Social security systems — Invalidity benefits — Articles 45 and 48 TFEU — **Freedom of movement for workers** — Regulation (EC) No 883/2004 — Different benefit schemes in the Member States — **'Primary period of incapacity to work' — Duration — Benefits for incapacity for work — Disadvantages for migrant workers****

[CURIA – Judgment of the Court of Justice in Case C-134/18 of 14 March 2019](#)

Case C-372/18: JUDGMENT OF THE COURT (Seventh Chamber) of 14 March 2019 - Ministre de l'Action et des Comptes publics v Mr and Mrs Raymond Dreyer - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative d'appel de Nancy (Administrative Court of Appeal, Nancy, France) - Reference for a preliminary ruling — **Social security — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Regulation (EC) No 883/2004 — Article 3 — Matters covered — **Levies on income from assets charged to a French resident insured under the Swiss social security scheme** — Levies apportioned for the funding of two benefits administered by the French National Solidarity Fund for Independent Living — Direct and sufficiently relevant link with certain branches of social security — **Definition of 'social security benefit' — Individual assessment of an applicant's personal needs — Taking into account the applicant's resources in calculating the amount of the benefits****

[CURIA – Judgment of the Court of Justice in Case C-372/18 of 14 March 2019](#)

Case C-437/17: JUDGMENT OF THE COURT (Fifth Chamber) of 13 March 2019 - Gemeinsamer Betriebsrat EurothermenResort Bad Schallerbach GmbH v EurothermenResort Bad Schallerbach GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Free movement of workers** — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7(1) — **Prohibition of discrimination on grounds of nationality** — **Right to paid annual leave based on the seniority of the worker with the employer** — Account taken only in part of previous periods of service completed with other employers — **Social law** — **Disparity between the schemes and legislation of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-437/17 of 13 March 2019](#)

Case C-32/18: OPINION OF ADVOCATE GENERAL HOGAN of 7 March 2019 - Tiroler Gebietskrankenkasse v Michael Moser - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Request for a preliminary ruling — Regulation (EC) No 883/2004 — Article 5 — Regulation (EC) No 987/2009 — Article 60 — **Social security of migrants workers** — **Family benefit** — **Right to the difference between the parental allowance paid in the Member State having primary competence and the childcare allowance of the Member State having secondary competence**

[CURIA – Opinion of Advocate General in Case C-32/18 of 7 March 2019](#)

Affaire C-72/18: CONCLUSIONS DE L'AVOCATE GÉNÉRALE Mme JULIANE KOKOTT du 12 mars 2019 - Daniel Ustariz Aróstegui contre Departamento de Educación del Gobierno de Navarra - demande de décision préjudicielle formée par le Juzgado de lo Contencioso-Administrativo no 1 de Pamplona (tribunal administratif provincial de Pampelune, Espagne) - Demande de décision préjudicielle — **Politique sociale** — **Travail à durée déterminée** — Directive 1999/70/CE — Accord-cadre CES, UNICE et CEEP sur le travail à durée déterminée — **Principe de non-discrimination des travailleurs à durée déterminée** — **Agents contractuels de droit public** — **Octroi d'un complément de rémunération** — Rémunération de l'avancement et de la progression dans un régime d'évolution professionnelle — **Exclusion des agents contractuels** — **Comparabilité des situations** — **Justification** — **Notion de « raisons objectives**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-72/18 du 12 mars 2019](#)

Affaire C-728/17 P: ARRÊT DE LA COUR (première chambre) du 7 mars 2019 - Commission européenne contre Alain Laurent Brouillard, demeurant à Bruxelles (Belgique) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Fonction Publique** — **Recrutement** — **Concours** — **Conditions d'admission à concourir** — **Diplômes et niveau d'enseignement requis** — Concours général EPSO/AD/306/15 — **Pré-sélection des candidats sur dossier** — Niveau d'enseignement correspondant à une formation juridique complète suivie dans un établissement d'enseignement supérieur belge, français ou luxembourgeois — **Diplôme de master 2 en droit, économie, gestion, mention droit privé, spécialité juriste-linguiste** — **Délivrance à la suite d'une "validation des acquis de l'expérience"** — **Rejet de la candidature**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-728/17 du 7 mars 2019](#)

10. Energy and Environment

Community Legislation

DECISION (EU) 2019/420 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 March 2019 **amending** Decision No 1313/2013/EU on a **Union Civil Protection Mechanism**

[OJ of the EU, L 77/1 of 20 March 2019](#)

COMMISSION REGULATION (EU) 2019/424 of 15 March 2019 laying down **ecodesign requirements for servers and data storage products** pursuant to Directive 2009/125/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 617/2013 (Text with EEA relevance)

[OJ of the EU, L 74/46 of 18 March 2019](#)

COMMISSION DECISION (EU) 2019/418 of 13 March 2019 **amending Decisions (EU) 2017/1214, (EU) 2017/1215, (EU) 2017/1216, (EU) 2017/1217, (EU) 2017/1218 and (EU) 2017/1219** (notified under document C(2019) 1851) (Text with EEA relevance)

[OJ of the EU, L 73/188 of 15 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/401 of 19 December 2018 **amending** Regulation (EU) No 389/2013 **establishing a Union Registry** (Text with EEA relevance)
[OJ of the EU, L 72/4 of 14 March 2019](#)

Case Law

Case C-498/17: JUDGMENT OF THE COURT (Fifth Chamber) of 21 March 2019 - European Commission v Italian Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — Directive 1999/31/EC — Article 14(b) and (c) — **Landfill of waste — Existing landfill sites — Infringement**

[CURIA – Judgment of the Court of Justice in Case C-498/17 of 21 March 2019](#)

Affaire C-702/17: ARRÊT DE LA COUR (première chambre) du 21 mars 2019 - Unareti SpA contre Ministero dello Sviluppo Economico, Presidenza del Consiglio dei Ministri – Dipartimento per gli Affari Regionali, Autorità Garante per l’Energia Elettrica il Gas e il Sistema Idrico – Sede di Milano, Presidenza del Consiglio dei Ministri – Conferenza Stato Regioni ed Unificata, Ministero per gli affari regionali – Dipartimento per gli affari regionali e le autonomie, Conferenza Unificata Stato Regioni e Enti Locali et Lucia Sanfilippo - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – **Marché intérieur du gaz naturel – Concessions de service public de distribution – Cessation anticipée de concessions au terme d’une période de transition – Remboursement dû par le concessionnaire entrant au concessionnaire sortant** – Principe de sécurité juridique

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-702/17 du 21 mars 2019](#)

Case C-399/17: JUDGMENT OF THE COURT (First Chamber) of 14 March 2019 - European Commission v Czech Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — Regulation (EC) No 1013/2006 — **Shipment of waste — Refusal of the Czech Republic to ensure the take-back of the mixture TPS-NOLO (Geobal) shipped from that Member State to Poland** — Existence of waste — Burden of proof — Proof

[CURIA – Judgment of the Court of Justice in Case C-399/17 of 14 March 2019](#)

Affaire C-128/17: ARRÊT DE LA COUR (sixième chambre) du 13 mars 2019 - République de Pologne, Hongrie et Roumanie contre Parlement européen, Conseil de l’Union européenne et Commission européenne - ayant pour objet un recours en annulation au titre de l’article 263 TFUE - Recours en annulation – Directive (EU) 2016/2284 – **Réduction des émissions nationales de certains polluants atmosphériques – Adoption d’actes de droit de l’Union – Déroulement de la procédure législative** – Article 4, paragraphe 3, TUE – **Principe de coopération loyale – Exercice effectif du pouvoir d’appréciation du législateur de l’Union – Analyse d’impact – Évaluation suffisante des effets de l’acte attaqué** – Article 5, paragraphe 4, TUE – Principe de proportionnalité – Article 4, paragraphe 2, TUE – **Égalité des États membres devant les traités** – Article 191, paragraphe 2, TFUE – Politique de l’Union dans le domaine de l’environnement – **Prise en compte de la diversité des régions de l’Union européenne – Contrôle juridictionnel**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-128/17 du 13 mars 2019](#)

Case C-616/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 12 March 2019 - Procureur de la République v Mathieu Blaise and others - (Request for a preliminary ruling from the Tribunal correctionnel de Foix (Criminal Court, Foix, France) - Preliminary reference — **Environment — Placing on the market of plant protection products — Validity of Regulation (EC) No 1107/2009 with regard to the precautionary principle — Reliability and impartiality of the assessment procedure** — Cumulative effect of active substances — **Pesticides — Glyphosate**

[CURIA – Opinion of Advocate General in Case C-616/17 of 12 March 2019](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

OPINION OF THE EUROPEAN CENTRAL BANK of 13 February 2019 on a proposal for a Council Decision on the **conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community** (CON/2019/6) (2019/C 84/01)

[OJ of the EU, C 84/1 of 6 March 2019](#)

COMMUNICATION FROM THE COMMISSION **Guidance** for the development of **National Air Pollution Control Programmes** under Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants (2019/C 77/01)

[OJ of the EU, C 77/1 of 1 March 2019](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2019/417 of 8 November 2018 laying down **guidelines for the management of the European Union Rapid Information System ‘RAPEX’** established under Article 12 of Directive 2001/95/EC on **general product safety and its notification system** (*notified under document C(2018) 7334*)

[OJ of the EU, L 73/121 of 15 March 2019](#)

Case Law

Case C-443/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 March 2019 - Abraxis Bioscience LLC v Comptroller General of Patents - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Chancery Division (Patents Court) - Reference for a preliminary ruling — **Medicinal product for human use — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — Article 3(d) — **Conditions for granting — Grant of first authorisation to place the product on the market as a medicinal product** — Authorisation covering a product as a medicinal product constituting a new formulation of a known active ingredient

[CURIA – Judgment of the Court of Justice in Case C-443/17 of 21 March 2019](#)

Case C-590/17: JUDGMENT OF THE COURT (Third Chamber) of 21 March 2019 - Henri Pouvin and Marie Dijoux, the spouse of Henri Pouvin v Électricité de France (EDF) - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — Directive 93/13/EEC — Scope — Article 2(b) and (c) — **Concepts of ‘consumer’ and of ‘seller or supplier’ — Finance for the purchase of a home — Mortgage loan granted by an employer to its employee and to his spouse, the jointly and severally liable co-borrower**

[CURIA – Judgment of the Court of Justice in Case C-590/17 of 21 March 2019](#)

Case C-34/18: OPINION OF ADVOCATE GENERAL HOGAN of 21 March 2019 - Ottília Lovasné Tóth v ERSTE Bank Hungary Zrt. - Request for a preliminary ruling from the Fővárosi Ítéltábla (Budapest Regional Court of Appeal, Hungary) - Reference for a preliminary ruling — **Consumer protection — Unfair terms** — Directive 93/13/EEC — Scope — **Clause reflecting the law** — Annex— **Legal weight** — Article 3(1) — Assessment of the unfairness of a term — **Impression conveyed by a clause to the average consumer — Intelligibility of terms — Existence of conflicting national judgments**

[CURIA – Opinion of Advocate General in Case C-34/18 of 21 March 2019](#)

Case C-118/17: JUDGMENT OF THE COURT (Third Chamber) of 14 March 2019 - Zsuzsanna Dunai v ERSTE Bank Hungary Zrt - REQUEST for a preliminary ruling under Article 267 TFEU from the Budai Központi Kerületi Bíróság (Central District Court, Buda, Hungary) - Reference for a preliminary ruling — **Consumer protection — Unfair terms in consumer contracts — Directive 93/13/EEC — Article 1(2) — Article 6(1) — Loan contract denominated in a foreign currency — Exchange difference** — Substitution of a legislative provision for an unfair term declared void — **Exchange rate risk — Continued existence of the contract after the unfair term has been deleted — National system for a uniform interpretation of law**

[CURIA – Judgment of the Court of Justice in Case C-118/17 of 14 March 2019](#)

12. Human Rights

Community Legislation

COUNCIL DECISION (EU) 2019/393 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes
[OJ of the EU, L 71/5 of 13 March 2019](#)

COUNCIL DECISION (EU) 2019/394 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol between the European Union, Iceland and the Kingdom of Norway to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in a Member State or in Iceland or Norway regarding access to Eurodac for law enforcement purposes
[OJ of the EU, L 71/7 of 13 March 2019](#)

COUNCIL DECISION (EU) 2019/395 of 7 March 2019 on the **signing**, on behalf of the **European Union**, of the **Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum** lodged in Denmark or any other Member State of the European Union and ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes
[OJ of the EU, L 71/9 of 13 March 2019](#)

EUROPEAN INVESTMENT BANK DECISION of 6 February 2019 laying down **internal rules concerning the processing of personal data by the Fraud Investigations Division within the Inspectorate General and the Office of the Chief Compliance Officer of the European Investment Bank** in relation to the provision of information to **data subjects and the restriction of certain of their rights**
[OJ of the EU, L 65/1 of 6 March 2019](#)

Case Law

Case C-673/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 21 March 2019 - Planet49 GmbH v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V. - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Preliminary reference — Directive 95/46/EC — Directive 2002/58/EC — Regulation (EU) 2016/679 — **Processing of personal data and protection of privacy in the electronic communications sector — Cookies — Concept of consent of the data subject — Declaration of consent by means of a pre-selected checkbox**
[CURIA – Opinion of Advocate General in Case C-673/17 of 21 March 2019](#)

Case C-163/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Abubacarr Jawo v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Dublin system** — Regulation (EU) No 604/2013 — **Transfer of the asylum seeker to the Member State responsible for examining the application for international protection — Concept of ‘absconding’ — Modalities of extending the time limit for transfer — Article 4 of the Charter of Fundamental Rights of the European Union** — Substantial risk of inhuman or degrading treatment on completion of the asylum procedure — **Living conditions of beneficiaries of international protection in that Member State**
[CURIA – Judgment of the Court of Justice in Case C-163/17 of 19 March 2019](#)

Joined Cases C-297/17, C-318/17, C-319/17 and C-438/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Bashar Ibrahim (C-297/17), Mahmud Ibrahim, Fadwa Ibrahim, Bushra Ibrahim, Mohammad Ibrahim, Ahmad Ibrahim (C-318/17), Nisreen Sharqawi, Yazan Fattayrji and Hosam Fattayrji (C-319/17) v Bundesrepublik Deutschland - Bundesrepublik Deutschland v Taus Magamadov (C-438/17) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Common procedures for granting and withdrawing international protection** — Directive 2013/32/EU — Article 33(2)(a) — **Rejection by the authorities of a Member State of an application for asylum as being inadmissible because of the prior granting of subsidiary protection in another Member State** — Article 52 — **Scope ratione temporis of that directive — Articles 4 and 18 of the Charter of Fundamental Rights of the European Union — Systemic flaws in the asylum procedure in that other Member State — Systematic rejection of applications for asylum** — Substantial risk of suffering inhuman or degrading treatment — Living conditions of those granted subsidiary protection in that other State

[CURIA – Judgment of the Court of Justice in Case C-297/17 of 19 March 2019](#)

Case C-444/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Préfet des Pyrénées-Orientales v Abdelaziz Arrib, Procureur de la République près le tribunal de grande instance de Montpellier and Procureur général près la cour d'appel de Montpellier - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Area of freedom, security and justice — Border control, asylum and immigration** — Regulation (EU) 2016/399 — Article 32 — **Temporary reintroduction of border control by a Member State at its internal borders — Illegal entry of a third-country national — Equation of internal borders with external borders** — Directive 2008/115/EC — Scope — Article 2(2)(a)

[CURIA – Judgment of the Court of Justice in Case C-444/17 of 19 March 2019](#)

Case C-557/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 March 2019 - Staatssecretaris van Veiligheid en Justitie v Y.Z., Z.Z. and Y.Y. - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Right to family reunification** — Directive 2003/86/EC — Article 16(2)(a) — Article 17 — **Withdrawal of the residence permit of a member of the family of a third-country national — Status of third-country nationals who are long-term residents** — Directive 2003/109/EC — Article 9(1)(a) — **Loss of that status — Fraud — Lack of knowledge of the fraud**

[CURIA – Judgment of the Court of Justice in Case C-557/17 of 14 March 2019](#)

Affaire C-38/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 14 mars 2019 - Massimo Gambino et Shpetim Hyka contre Procura della Repubblica presso il Tribunale di Bari, Ernesto Lappostato et Banca Carige SpA - Cassa di Risparmio di Genova e Imperia - demande de décision préjudicielle formée par le Tribunale di Bari (tribunal de Bari, Italie) - Renvoi préjudiciel — **Coopération judiciaire en matière pénale** – Directive 2012/29/UE — **Protection des victimes de la criminalité** – Article 16 – **Droit d'obtenir à ce qu'il soit statué sur l'indemnisation dans un délai raisonnable** – Article 18 – **Mesures de protection au cours de l'audition – Changement dans la composition de la formation de jugement devant laquelle la victime a été entendue en qualité de témoin** – Législation nationale permettant à la personne poursuivie de s'opposer à la lecture du procès-verbal de l'audition et d'exiger la réitération de celle-ci devant la nouvelle formation de jugement – Compatibilité – Charte des droits fondamentaux de l'Union européenne – Articles 47 et 48 – **Convention de sauvegarde des droits de l'homme et des libertés fondamentales** – Article 6, paragraphe 1, et paragraphe 3, sous d) – **Modalités d'application du droit à un procès équitable en cas de modification de la composition de la formation de jugement – Principes d'oralité et d'immutabilité du juge – Principe d'immédiateté**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-38/18 du 14 mars 2019](#)

Case C-221/17: JUDGMENT OF THE COURT (Grand Chamber) of 12 March 2019 - M.G. Tjebbes, G.J.M. Koopman, E. Saleh Abady and L. Duboux v Minister van Buitenlandse Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Citizenship of the European Union** — Article 20 TFEU — **Articles 7 and 24 of the Charter of Fundamental Rights of the European Union — Nationalities of a Member State and of a third country — Loss of the nationality of a Member State and of citizenship of the Union by operation of law** — Consequences — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-221/17 of 12 March 2019](#)

Case C-635/17: JUDGMENT OF THE COURT (Second Chamber) of 13 March 2019 - E. v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Den Haag zittingsplaats Haarlem (District Court, The Hague, sitting in Haarlem, Netherlands) - Reference for a preliminary ruling — **Area of freedom, security and justice — Immigration policy — Right to family reunification** — Directive 2003/86/EC — **Exclusions from the scope of the directive** — Article 3(2)(c) — **Exclusion of persons benefiting from subsidiary protection — Extension of the right to family reunification to those persons under national law — Jurisdiction of the Court** — Article 11(2) — **Lack of official documentary evidence of the family relationship — Explanations regarded as insufficiently plausible** — Obligations on the authorities of the Member States to take additional steps — Limits

[CURIA – Judgment of the Court of Justice in Case C-635/17 of 13 March 2019](#)

Affaire C-123/18 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 5 mars 2019 - HTTS Hanseatic Trade Trust & Shipping GmbH contre Conseil de l’Union européenne - Pourvoi – **Recours en indemnité – Mesures restrictives prises à l’encontre de l’Iran – Réparation du préjudice prétendument subi par la requérante à la suite de l’inclusion de son nom sur la liste des personnes et entités auxquelles s’applique le gel de fonds et de ressources économiques** – Notion de “violation suffisamment caractérisée du droit de l’Union” – Obligation de motivation – **Protection juridictionnelle effective**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-123/18 du 5 mars 2019](#)

13. Internal Market and Single Market

Case Law

Case C-526/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 21 March 2019 - European Commission v Italian Republic - **Failure of a Member State to fulfil obligations — Directive 2004/18/EC on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts — Public works concession** — Extension of an existing concession for the construction and management of a motorway without publication of a tender notice

[CURIA – Opinion of Advocate General in Case C-526/17 of 21 March 2019](#)

Case C-465/17: JUDGMENT OF THE COURT (Third Chamber) of 21 March 2019 - Falck Rettungsdienste GmbH and Falck A/S v Stadt Solingen, Arbeiter-Samariter-Bund Regionalverband Bergisch Land eV, Malteser Hilfsdienst eV and Deutsches Rotes Kreuz, Kreisverband Solingen - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — Article 10(h) — **Specific exclusions for service contracts — Civil defence, civil protection and danger prevention services — Non-profit organisations or associations — Patient transport ambulance services** — Transport by qualified ambulance

[CURIA – Judgment of the Court of Justice in Case C-465/17 of 21 March 2019](#)

Affaire C-702/17: ARRÊT DE LA COUR (première chambre) du 21 mars 2019 - Unareti SpA contre Ministero dello Sviluppo Economico, Presidenza del Consiglio dei Ministri – Dipartimento per gli Affari Regionali, Autorità Garante per l’Energia Elettrica il Gas e il Sistema Idrico – Sede di Milano, Presidenza del Consiglio dei Ministri – Conferenza Stato Regioni ed Unificata, Ministero per gli affari regionali – Dipartimento per gli affari regionali e le autonomie, Conferenza Unificata Stato Regioni e Enti Locali et Lucia Sanfilippo - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel – **Marché intérieur du gaz naturel – Concessions de service public de distribution – Cessation anticipée de concessions au terme d’une période de transition – Remboursement dû par le concessionnaire entrant au concessionnaire sortant** – Principe de sécurité juridique

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-702/17 du 21 mars 2019](#)

Case C-245/18: JUDGMENT OF THE COURT (Tenth Chamber) of 21 March 2019 - Tecnoservice Int. Srl, in liquidation v Poste Italiane SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Ordinario di Udine (District Court, Udine, Italy) - Reference for a preliminary ruling — **Payment services in the internal market** — Directive 2007/64/EC — Article 74(2) — **Payment order by credit transfer** — **Incorrect unique identifier provided by the payer** — **Execution of the payment transaction on the basis of the unique identifier** — **Liability of the payee's payment service provider**

[CURIA – Judgment of the Court of Justice in Case C-245/18 of 21 March 2019](#)

Case C-174/18: JUDGMENT OF THE COURT (Ninth Chamber) of 14 March 2019 - Jean Jacob and Dominique Lennertz v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance de Liège (Court of First Instance, Liège, Belgium) - Reference for a preliminary ruling — **Freedom of movement for workers** — **Equal treatment** — **Income tax** — **Legislation for the avoidance of double taxation** — Pension received in a Member State other than that of residence — Method of calculating the exemption in the Member State of residence — **Loss of part of the benefit of certain tax advantages**

[CURIA – Judgment of the Court of Justice in Case C-174/18 of 14 March 2019](#)

Case C-134/18: JUDGMENT OF THE COURT (Eighth Chamber) of 14 March 2019 - Maria Vester v Rijksinstituut voor ziekte- en invaliditeitsverzekering - REQUEST for a preliminary ruling under Article 267 TFEU from the arbeidsrechtbank Antwerpen (Labour Court, Antwerp, Belgium) - Reference for a preliminary ruling — **Social security systems** — **Invalidity benefits** — Articles 45 and 48 TFEU — **Freedom of movement for workers** — Regulation (EC) No 883/2004 — Different benefit schemes in the Member States — **'Primary period of incapacity to work'** — **Duration** — **Benefits for incapacity for work** — **Disadvantages for migrant workers**

[CURIA – Judgment of the Court of Justice in Case C-134/18 of 14 March 2019](#)

Case C-437/17: JUDGMENT OF THE COURT (Fifth Chamber) of 13 March 2019 - Gemeinsamer Betriebsrat EurothermenResort Bad Schallerbach GmbH v EurothermenResort Bad Schallerbach GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Free movement of workers** — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7(1) — **Prohibition of discrimination on grounds of nationality** — **Right to paid annual leave based on the seniority of the worker with the employer** — Account taken only in part of previous periods of service completed with other employers — **Social law** — **Disparity between the schemes and legislation of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-437/17 of 13 March 2019](#)

Affaire C-41/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 7 mars 2019 - Meca Srl contre Comune di Napoli et Sirio Srl - demande de décision préjudicielle formée par le Tribunale Amministrativo Regionale della Campania (tribunal administratif régional pour la Campanie, Italie) - Renvoi préjudiciel — **Marchés publics** — **Motifs d'exclusion facultatifs** — Recevabilité — **Adjudication définitive du marché acceptée par la partie requérante** — **Disparition de l'objet de la procédure préjudicielle** — **Faute professionnelle grave** — Résiliation d'un contrat antérieur en raisons de manquements lors de son exécution — **Recours juridictionnel empêchant le pouvoir adjudicateur d'apprécier le manquement contractuel jusqu'à la fin de la procédure judiciaire**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-41/18 du 7 mars 2019](#)

14. Intellectual Property

Case Law

Case C-443/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 March 2019 - Abraxis Bioscience LLC v Comptroller General of Patents - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Chancery Division (Patents Court) - Reference for a preliminary ruling — **Medicinal product for human use — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — Article 3(d) — **Conditions for granting — Grant of first authorisation to place the product on the market as a medicinal product** — Authorisation covering a product as a medicinal product constituting a new formulation of a known active ingredient

[CURIA – Judgment of the Court of Justice in Case C-443/17 of 21 March 2019](#)

Case C-21/18: JUDGMENT OF THE COURT (Fifth Chamber) of 14 March 2019 - Textilis Ltd and Ozgur Keskin v Svenskt Tenn AB - REQUEST for a preliminary ruling under Article 267 TFEU from the Svea hovrätt, Patent- och marknadsöverdomstolen (Svea Court of Appeal, Patents and Market Court of Appeal, Stockholm, Sweden) - Reference for a preliminary ruling — **EU trade mark — Concept of ‘shape’ — Shape giving substantial value to the goods — Two-dimensional mark — Figurative mark also constituting a work for the purpose of copyright** — Regulation (EC) No 207/2009 — Article 7(1)(e)(iii) — Regulation (EU) 2015/2424

[CURIA – Judgment of the Court of Justice in Case C-21/18 of 14 March 2019](#)

Case C-693/17 P: JUDGMENT OF THE COURT (Tenth Chamber) of 6 March 2019 - BMB sp. z o.o., established in Grójec (Poland) v European Union Intellectual Property Office (EUIPO) and Ferrero SpA, established in Alba (Italy) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Community design** — Regulation (EC) No 6/2002 — Article 25(1)(e) — **Invalidity proceedings — Design representing comfit boxes for sweets — Declaration of invalidity**

[CURIA – Judgment of the Court of Justice in Case C-693/17 of 6 March 2019](#)

Case C-705/17: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 6 March 2019 - Patent- och registreringsverket v Mats Hansson - Request for a preliminary ruling from the Svea hovrätt (Svea Court of Appeal, Stockholm, Sweden) - Reference for a preliminary ruling — **Trade marks — Grounds for refusal or invalidity — Conflicts with earlier rights — Earlier mark containing a geographical name — Name excluded from protection by a disclaimer** — Global assessment

[CURIA – Opinion of Advocate General in Case C-705/17 of 6 March 2019](#)

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

International Agreements

DECISION No 1/2019 OF THE JOINT COUNCIL established under the **economic partnership agreement between the European Union and its Member States, of the one part, and the SADC EPA states**, of the other part of 19 February 2019 on the adoption of the **rules of procedure of the Joint Council and of the Trade and Development Committee** [2019/437]

[OJ of the EU, L 75/120 of 19 March 2019](#)

DECISION No 2/2019 OF THE JOINT COUNCIL established under the **Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States**, of the other part, of 19 February 2019 on the **adoption of the Rules of Procedure for dispute avoidance and settlement and the Code of Conduct for arbitrators and mediators** [2019/438]

[OJ of the EU, L 75/128 of 19 March 2019](#)

Case Law

Case C-163/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Abubacarr Jawo v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Dublin system — Regulation (EU) No 604/2013 — Transfer of the asylum seeker to the Member State responsible for examining the application for international protection — Concept of ‘absconding’ — Modalities of extending the time limit for transfer — Article 4 of the Charter of Fundamental Rights of the European Union** — Substantial risk of inhuman or degrading treatment on completion of the asylum procedure — **Living conditions of beneficiaries of international protection in that Member State**

CURIA – Judgment of the Court of Justice in Case C-163/17 of 19 March 2019

Joined Cases C-297/17, C-318/17, C-319/17 and C-438/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Bashar Ibrahim (C-297/17), Mahmud Ibrahim, Fadwa Ibrahim, Bushra Ibrahim, Mohammad Ibrahim, Ahmad Ibrahim (C-318/17), Nisreen Sharqawi, Yazan Fattayrji and Hosam Fattayrji (C-319/17) v Bundesrepublik Deutschland - Bundesrepublik Deutschland v Taus Magamadov (C-438/17) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Common procedures for granting and withdrawing international protection — Directive 2013/32/EU — Article 33(2)(a) — Rejection by the authorities of a Member State of an application for asylum as being inadmissible because of the prior granting of subsidiary protection in another Member State — Article 52 — Scope ratione temporis of that directive — Articles 4 and 18 of the Charter of Fundamental Rights of the European Union — Systemic flaws in the asylum procedure in that other Member State — Systematic rejection of applications for asylum** — Substantial risk of suffering inhuman or degrading treatment — Living conditions of those granted subsidiary protection in that other State

CURIA – Judgment of the Court of Justice in Case C-297/17 of 19 March 2019

Case C-444/17: JUDGMENT OF THE COURT (Grand Chamber) of 19 March 2019 - Préfet des Pyrénées-Orientales v Abdelaziz Arib, Procureur de la République près le tribunal de grande instance de Montpellier and Procureur général près la cour d’appel de Montpellier - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Area of freedom, security and justice — Border control, asylum and immigration — Regulation (EU) 2016/399 — Article 32 — Temporary reintroduction of border control by a Member State at its internal borders — Illegal entry of a third-country national — Equation of internal borders with external borders** — Directive 2008/115/EC — Scope — Article 2(2)(a)

CURIA – Judgment of the Court of Justice in Case C-444/17 of 19 March 2019

Affaire C-38/18: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 14 mars 2019 - Massimo Gambino et Shpetim Hyka contre Procura della Repubblica presso il Tribunale di Bari, Ernesto Lappostato et Banca Carige SpA - Cassa di Risparmio di Genova e Imperia - demande de décision préjudicielle formée par le Tribunale di Bari (tribunal de Bari, Italie) - Renvoi préjudiciel — **Coopération judiciaire en matière pénale** — Directive 2012/29/UE — **Protection des victimes de la criminalité** — Article 16 — **Droit d’obtenir à ce qu’il soit statué sur l’indemnisation dans un délai raisonnable** — Article 18 — **Mesures de protection au cours de l’audition** — **Changement dans la composition de la formation de jugement devant laquelle la victime a été entendue en qualité de témoin** — Législation nationale permettant à la personne poursuivie de s’opposer à la lecture du procès-verbal de l’audition et d’exiger la réitération de celle-ci devant la nouvelle formation de jugement — Compatibilité — Charte des droits fondamentaux de l’Union européenne — Articles 47 et 48 — **Convention de sauvegarde des droits de l’homme et des libertés fondamentales** — Article 6, paragraphe 1, et paragraphe 3, sous d) — **Modalités d’application du droit à un procès équitable en cas de modification de la composition de la formation de jugement** — **Principes d’oralité et d’immuabilité du juge** — **Principe d’immédiateté**

CURIA – Conclusions de l’Avocat Général dans l’affaire C-38/18 du 14 mars 2019

Case C-635/17: JUDGMENT OF THE COURT (Second Chamber) of 13 March 2019 - E. v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Den Haag zittingsplaats Haarlem (District Court, The Hague, sitting in Haarlem, Netherlands) - Reference for a preliminary ruling — **Area of freedom, security and justice — Immigration policy — Right to family reunification** — Directive 2003/86/EC — **Exclusions from the scope of the directive** — Article 3(2)(c) — **Exclusion of persons benefiting from subsidiary protection — Extension of the right to family reunification to those persons under national law — Jurisdiction of the Court** — Article 11(2) — Lack of official documentary evidence of the family relationship — Explanations regarded as insufficiently plausible — Obligations on the authorities of the Member States to take additional steps — Limits

[CURIA – Judgment of the Court of Justice in Case C-635/17 of 13 March 2019](#)

Case C-22/18: OPINION OF ADVOCATE GENERAL TANCHEV of 7 March 2019 - TopFit e.V. and Daniele Biffi v Deutscher Leichtathletikverband e.V. - Request for a preliminary ruling from the Amtsgericht Darmstadt (Local Court, Darmstadt, Germany) - **Freedom of establishment — Citizenship** — Articles 18, 21, 49 and 165 TFEU — **Discrimination on the basis of nationality — Rule withdrawing from an EU citizen established in a host Member State the right to compete in national amateur athletics championships in the age group of over 35 years on an equal footing with nationals of that Member State** — Facility for participation ‘without classification’ precluding placement ranking of non-nationals and across all age categories — **Absence of a transitional period for EU citizens established in that Member State at the time of rule change — Horizontal effect of freedom of establishment — Restriction — Justification — Proportionality**

[CURIA – Opinion of Advocate General in Case C-22/18 of 7 March 2019](#)

Affaire C-41/18: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 7 mars 2019 - Meca Srl contre Comune di Napoli et Sirio Srl - demande de décision préjudicielle formée par le Tribunale Amministrativo Regionale della Campania (tribunal administratif régional pour la Campanie, Italie) - Renvoi préjudiciel — **Marchés publics – Motifs d’exclusion facultatifs – Recevabilité – Adjudication définitive du marché acceptée par la partie requérante – Disparition de l’objet de la procédure préjudicielle – Faute professionnelle grave** – Résiliation d’un contrat antérieur en raisons de manquements lors de son exécution – **Recours juridictionnel empêchant le pouvoir adjudicateur d’apprécier le manquement contractuel jusqu’à la fin de la procédure judiciaire**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-41/18 du 7 mars 2019](#)

Affaire C-123/18 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 5 mars 2019 - HTTS Hanseatic Trade Trust & Shipping GmbH contre Conseil de l’Union européenne - Pourvoi — **Recours en indemnité – Mesures restrictives prises à l’encontre de l’Iran – Réparation du préjudice prétendument subi par la requérante à la suite de l’inclusion de son nom sur la liste des personnes et entités auxquelles s’applique le gel de fonds et de ressources économiques** – Notion de “violation suffisamment caractérisée du droit de l’Union” – Obligation de motivation — **Protection juridictionnelle effective**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-123/18 du 5 mars 2019](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2019/444 of 19 March 2019 **amending** Implementing Regulation (EU) 2015/2447 as regards the **forms for guarantor's undertakings and the inclusion of air transport costs in the customs value in view of the withdrawal of the United Kingdom from the Union**

[OJ of the EU, L 77/61 of 20 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/430 of 18 March 2019 **amending** Regulation (EU) No 1178/2011 as regards the **exercise of limited privileges without supervision before the issuance of a light aircraft pilot licence** (Text with EEA relevance)

[OJ of the EU, L 75/66 of 19 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/413 of 14 March 2019 **amending Implementing Regulation (EU) 2015/1998** as regards **third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security** (Text with EEA relevance)

OJ of the EU, L 73/98 of 15 March 2019

Case Law

Case C-127/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 March 2019 - European Commission v Republic of Poland - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Transport — Directive 96/53/EC — International traffic — Vehicles complying with the limit values for weights and dimensions laid down in that directive — Use of such vehicles, which were registered or put into circulation in one Member State, on the territory of another Member State** — Special permit regime — Articles 3 and 7 — 2003 Act of Accession — Transitional arrangements — Point 8.3 of Annex XII **CURIA – Judgment of the Court of Justice in Case C-127/17 of 21 March 2019**

Joined Cases C-266/17 and C-267/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 March 2019 - Rhein-Sieg-Kreis v Verkehrsbetrieb Hüttebräucker GmbH, BVR Busverkehr Rheinland GmbH and Regionalverkehr Köln GmbH (C-266/17) - Rhenus Veniro GmbH & Co. KG v Kreis Heinsberg and WestVerkehr GmbH (C-267/17) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Transport — Public passenger transport services by rail and by road** — Regulation (EC) No 1370/2007 — Article 5(1) and (2) — **Direct award — Contracts for public passenger transport services by bus and tram — Conditions** — Directive 2004/17/EC — Directive 2004/18/EC

CURIA – Judgment of the Court of Justice in Case C-266/17 of 21 March 2019

Joined Cases C-350/17 and C-351/17: JUDGMENT OF THE COURT (Fourth Chamber) of 21 March 2019 - Mobit Soc. cons. Arl v Regione Toscana, Autolinee Toscane SpA and Régie Autonome des Transports Parisiens (RATP) (C-350/17) - Autolinee Toscane SpA v Mobit Soc. cons. arl, Regione Toscana and Régie Autonome des Transports Parisiens (RATP) (C-351/17) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Regulation (EC) No 1370/2007 — **Public passenger transport services by rail and by road** — Article 5 — **Award of public service contracts** — Article 5(2) — **Direct award — Concept of ‘internal operator’ — Authority exercising similar control** — Article 8(2) — **Transitional arrangements — Deadline for the expiry of the direct award**

CURIA – Judgment of the Court of Justice in Case C-350/17 of 21 March 2019

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

Community Legislation

EUROPEAN COUNCIL DECISION (EU) 2019/476 taken in **agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3) TEU**

OJ of the EU, L 80/1 of 22 March 2019

COMMISSION DELEGATED REGULATION (EU) 2019/460 of 30 January 2019 **amending** Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to the **list of exempted entities** (Text with EEA relevance)

OJ of the EU, L 80/8 of 22 March 2019

COMMISSION DELEGATED REGULATION (EU) 2019/461 of 30 January 2019 **amending** Delegated Regulation (EU) 2016/522 as regards the **exemption of the Bank of England and the United Kingdom Debt Management Office** from the scope of Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)

OJ of the EU, L 80/10 of 22 March 2019

COMMISSION DELEGATED REGULATION (EU) 2019/462 of 30 January 2019 **amending** Delegated Regulation (EU) 2017/1799 as regards the **exemption of the Bank of England from the pre- and post-trade transparency requirements** in Regulation (EU) No 600/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 80/13 of 22 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/463 of 30 January 2019 **amending** Regulation (EU) 2015/2365 of the European Parliament and of the Council with regard to the **list of exempted entities** (Text with EEA relevance)

[OJ of the EU, L 80/16 of 22 March 2019](#)

REGULATION (EU) 2019/452 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 March 2019 **establishing a framework for the screening of foreign direct investments into the Union**

[OJ of the EU, LI 79/1 of 21 March 2019](#)

DECISION (EU) 2019/420 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 March 2019 **amending** Decision No 1313/2013/EU on a **Union Civil Protection Mechanism**

[OJ of the EU, LI 77/1 of 20 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/410 of 29 November 2018 laying down **implementing technical standards with regard to the details and structure of the information to be notified, in the field of payment services, by competent authorities to the European Banking Authority** pursuant to Directive (EU) 2015/2366 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 73/20 of 15 March 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/411 of 29 November 2018 **supplementing** Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to **regulatory technical standards setting technical requirements on development, operation and maintenance of the electronic central register within the field of payment services and on access to the information** contained therein (Text with EEA relevance)

[OJ of the EU, L 73/84 of 15 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/386 of 11 March 2019 laying down **rules with regard to the apportionment of tariff rate quotas for certain agricultural products included in the WTO schedule of the Union following the withdrawal of the United Kingdom from the Union** and with regard to import licences issued and import rights allocated under those tariff rate quotas

[OJ of the EU, L 70/4 of 12 March 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/370 of 7 March 2019 **amending** Regulation (EC) No 1635/2006 laying down detailed **rules for the application of Council Regulation (EEC) No 737/90, by reason of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union** (Text with EEA relevance) THE EUROPEAN COMMISSION,

[OJ of the EU, L 68/1 of 8 March 2019](#)

EUROPEAN INVESTMENT BANK DECISION of 6 February 2019 laying down **internal rules concerning the processing of personal data by the Fraud Investigations Division within the Inspectorate General and the Office of the Chief Compliance Officer of the European Investment Bank** in relation to the provision of information to **data subjects and the restriction of certain of their rights**

[OJ of the EU, LI 65/1 of 6 March 2019](#)

COUNCIL DECISION (EU) 2019/349 of 22 February 2019 **establishing the position** to be taken on behalf of the **European Union within the Committee on Government Procurement of the World Trade Organisation** on the accession of the **United Kingdom of Great Britain and Northern Ireland to the Revised Agreement on Government Procurement in the context of its withdrawal from the European Union**

[OJ of the EU, L 63/12 of 4 March 2019](#)

Case Law

Case C-221/17: JUDGMENT OF THE COURT (Grand Chamber) of 12 March 2019 - M.G. Tjebbes, G.J.M. Koopman, E. Saleh Abady and L. Duboux v Minister van Buitenlandse Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Citizenship of the European Union** — Article 20 TFEU — **Articles 7 and 24 of the Charter of Fundamental Rights of the European Union** — **Nationalities of a Member State and of a third country** — **Loss of the nationality of a Member State and of citizenship of the Union by operation of law** — Consequences — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-221/17 of 12 March 2019](#)

Case C-22/18: OPINION OF ADVOCATE GENERAL TANCHEV of 7 March 2019 - TopFit e.V. and Daniele Biffi v Deutscher Leichtathletikverband e.V. - Request for a preliminary ruling from the Amtsgericht Darmstadt (Local Court, Darmstadt, Germany) - **Freedom of establishment** — **Citizenship** — Articles 18, 21, 49 and 165 TFEU — **Discrimination on the basis of nationality** — **Rule withdrawing from an EU citizen established in a host Member State the right to compete in national amateur athletics championships in the age group of over 35 years on an equal footing with nationals of that Member State** — Facility for participation ‘without classification’ precluding placement ranking of non-nationals and across all age categories — **Absence of a transitional period for EU citizens established in that Member State at the time of rule change** — **Horizontal effect of freedom of establishment** — **Restriction** — **Justification** — **Proportionality**

[CURIA – Opinion of Advocate General in Case C-22/18 of 7 March 2019](#)

Case C-420/16 P: JUDGMENT OF THE COURT (First Chamber) of 7 March 2019 - Balázs-Árpád Izsák, residing in Târgu Mureş (Romania) and Attila Dabis, residing in Budapest (Hungary) v European Commission, Hungary, Hellenic Republic, Romania and Slovak Republic - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union -Appeal — **Law governing the institutions** — **Citizens’ initiative** — Regulation (EU) No 211/2011 — **Registration of the proposed citizens’ initiative** — Article 4(2)(b) — **Condition that the proposed initiative does not manifestly fall outside the framework of the European Commission’s powers to submit a proposal for a legal act for the purpose of implementing the Treaties** — Burden of proof — Economic, social and territorial cohesion — Article 174 TFEU — **Citizens’ initiative ‘Cohesion policy for the equality of the regions and sustainability of the regional cultures’** — **Application for registration** — **Refusal by the Commission**

[CURIA – Judgment of the Court of Justice in Case C-420/16 of 7 March 2019](#)

Affaire C-728/17 P: ARRÊT DE LA COUR (première chambre) du 7 mars 2019 - Commission européenne contre Alain Laurent Brouillard, demeurant à Bruxelles (Belgique) - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi — **Fonction Publique – Recrutement – Concours** — **Conditions d’admission à concourir** — **Diplômes et niveau d’enseignement requis** – Concours général EPSO/AD/306/15 – **Pré-sélection des candidats sur dossier** – Niveau d’enseignement correspondant à une formation juridique complète suivie dans un établissement d’enseignement supérieur belge, français ou luxembourgeois – **Diplôme de master 2 en droit, économie, gestion, mention droit privé, spécialité juriste-linguiste** – **Délivrance à la suite d’une “validation des acquis de l’expérience”** – **Rejet de la candidature**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-728/17 du 7 mars 2019](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

OPINION OF THE EUROPEAN CENTRAL BANK of 13 February 2019 on a proposal for a Council Decision on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (CON/2019/6) (2019/C 84/01)

[OJ of the EU, C 84/1 of 6 March 2019](#)