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EU News: Click & Read

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

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

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Case C-694/17: JUDGMENT OF THE COURT (Third Chamber) of 2 May 2019 - Pillar Securitisation Sàrl v Hildur Arnadóttir - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, Luxembourg) - Reference for a preliminary ruling — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention — Article 15 — Contract concluded by a consumer — Relationship with Directive 2008/48/EC — Consumer credit agreements — Articles 2 and 3 — Concepts of ‘consumer’ and of ‘transactions covered by the directive’ — Maximum amount of credit — Irrelevant for the purposes of Article 15 of the Lugano II Convention**
[CURIA – Judgment of the Court of Justice in Case C-694/17 of 2 May 2019](#)

DIRECTIVE (EU) 2019/713 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on **combating fraud and counterfeiting of non-cash means of payment** and replacing Council Framework Decision 2001/413/JHA
[OJ of the EU, L 123/18 of 10 May 2019](#)

DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on **copyright and related rights in the Digital Single Market** and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance)
[OJ of the EU, L 130/92 of 17 May 2019](#)

Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on **certain aspects concerning contracts for the supply of digital content and digital services** (Text with EEA relevance.)
[OJ of the EU, L 136/1 of 22 May 2019](#)

Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on **certain aspects concerning contracts for the sale of goods**, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Text with EEA relevance.)
[OJ of the EU, L 136/28 of 22 May 2019](#)

Case C-658/17: JUDGMENT OF THE COURT (First Chamber) of 23 May 2019 - WB v Przemysława Bac, acting in her capacity as notary - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Gorzowie Wielkopolskim (Regional Court, Gorzów Wielkopolski, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Regulation (EU) No 650/2012 — Article 3(1)(g) and (i) — Definition of a ‘decision’ in a matter of succession — Definition of an ‘authentic instrument’ in a matter of succession — Legal classification of the national deed of certification of succession — Article 3(2) — Definition of a ‘court’ — Failure by the Member State to notify the European Commission of notaries as non-judicial authorities exercising judicial functions like courts**
[CURIA – Judgment of the Court of Justice in Case C-658/17 of 23 May 2019](#)

1. EU-Swiss Relations

International Agreements

COUNCIL DECISION (EU) 2019/837 of 14 May 2019 on the **conclusion**, on behalf of the Union, of the Arrangement between the **European Union**, of the one part, and the Kingdom of Norway, the Republic of Iceland, the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**

[OJ of the EU, L 138/9 of 24 May 2019](#)

ARRANGEMENT between the **European Union**, of the one part, and the Kingdom of Norway, the Republic of Iceland, the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **participation by those states in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**

[OJ of the EU, L 138/11 of 24 May 2019](#)

2. External Relations / Foreign Policy

International Agreements

Notice concerning the **entry into force of the Agreement establishing the EU-LAC International Foundation**

[OJ of the EU, L 112/1 of 26 April 2019](#)

Community Legislation

REGULATION (EU) 2019/816 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 **establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons** (ECRIS-TCN) to supplement the European **Criminal Records Information System** and amending Regulation (EU) 2018/1726

[OJ of the EU, L 135/1 of 22 May 2019](#)

REGULATION (EU) 2019/817 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019 on **establishing a framework for interoperability between EU information systems in the field of borders and visa** and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA

[OJ of the EU, L 135/27 of 22 May 2019](#)

REGULATION (EU) 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019 on **establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration** and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816

[OJ of the EU, L 135/85 of 22 May 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/684 of 25 April 2019 on the **recognition of the legal, supervisory and enforcement arrangements of Japan for derivatives transactions supervised by the Japan Financial Services Agency as equivalent to the valuation, dispute resolution and margin requirements** of Article 11 of Regulation (EU) No 648/2012 of the European Parliament and Council on **OTC derivatives, central counterparties and trade repositories** (Text with EEA relevance)

[OJ of the EU, L 115/11 of 2 May 2019](#)

Case Law

Case C-94/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 21 May 2019 - Nalini Chenchooliah v Minister for Justice and Equality - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — **Citizenship of the Union** — Directive 2004/38/EC — **Right of citizens of the Union and their family members to move and reside freely within the territory of a Member State** — Beneficiaries — **Third-country national who is the spouse of a Union citizen who has exercised his freedom of movement and then returned to the Member State of which he is a national where he is serving a prison sentence** — Applicability of Directive 2004/38 to the expulsion of that third-country national — Scope of Article 15 and of Chapter VI
[CURIA – Opinion of Advocate General in Case C-94/18 of 21 May 2019](#)

Case C-677/17: JUDGMENT OF THE COURT (First Chamber) of 15 May 2019 - M. Çoban v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Additional Protocol** — Article 59 — Decision No 3/80 — **Social security for migrant workers — Waiver of residence clauses** — Article 6 — **Invalidity benefit — Withdrawal** — Regulation (EC) No 883/2004 — **Special non-contributory cash benefits — Residence condition** — Directive 2003/109/EC — **Long-term resident status**
[CURIA – Judgment of the Court of Justice in Case C-677/17 of 15 May 2019](#)

Case C-70/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 2 May 2019 - Staatssecretaris van Justitie en Veiligheid v A, B and P - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Free movement of persons — Workers** — Standstill rules — Decision No 1/80 — Article 13 — **New restrictions — Prohibition — Biometric data of Turkish nationals — Provision of those data to third parties** — Overriding reason in the public interest — **Preventing and combating identity fraud and document fraud** — Necessity and proportionality — **Prevention, detection and investigation of criminal offences — Uncertain and indirect effect**
[CURIA – Opinion of Advocate General in Case C-70/18 of 2 May 2019](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION DIRECTIVE (EU) 2019/782 of 15 May 2019 **amending** Directive 2009/128/EC of the European Parliament and of the Council as regards the **establishment of harmonised risk indicators** (Text with EEA relevance)
[OJ of the EU, L 127/4 of 16 May 2019](#)

Case Law

Case C-634/17: JUDGMENT OF THE COURT (Fifth Chamber) of 23 May 2019 - ReFood GmbH & Co. KG v Landwirtschaftskammer Niedersachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Oldenburg (Administrative Court of Oldenburg, Germany) - Reference for a preliminary ruling — **Environment — Shipments of waste within the European Union** — Regulation (EC) No 1013/2006 — Article 1(3)(d) — **Scope** — Regulation (EC) No 1069/2009 — **Shipments of animal by-products**
[CURIA – Judgment of the Court of Justice in Case C-634/17 of 23 May 2019](#)

Case C-239/18: OPINION OF ADVOCATE GENERAL BOBEK of 23 May 2019 - Saatgut-Treuhandverwaltungs GmbH v Freistaat Thüringen - Request for a preliminary ruling from the Thüringer Oberlandesgericht (Higher Regional Court of Thuringia, Germany) - Reference for a preliminary ruling — **Plant varieties — System of protection** — Article 14(3) of Regulation (EC) No 2100/94 and Article 11 of Regulation (EC) No 1768/95 — **Use by farmers of the product of the harvest — Official bodies involved in the monitoring of agricultural production — Concept — Obligation to provide information to the holder of the Community right — Scope — Content of the request for information** — Species or varieties — Exceptions to the duty to provide information — Additional burden or costs entailed in retrieving information from a database

[CURIA – Opinion of Advocate General in Case C-239/18 of 23 May 2019](#)

Case C-235/17: JUDGMENT OF THE COURT (Grand Chamber) of 21 May 2019 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 63 TFEU — **Free movement of capital — Article 17 of the Charter of Fundamental Rights of the European Union — Right to property** — National legislation extinguishing, without compensation, the **rights of usufruct over agricultural and forestry land acquired by legal persons or by natural persons** who cannot demonstrate a close family tie with the owner of the land

[CURIA – Judgment of the Court of Justice in Case C-235/17 of 21 May 2019](#)

Case C-341/17 P: JUDGMENT OF THE COURT (Eighth Chamber) of 15 May 2019 - Hellenic Republic v Kingdom of Spain and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), European Agricultural Guarantee Fund (EAGF) and European Agricultural Fund for Rural Development (EAFRD) — Expenditure excluded from EU financing** — Expenditure incurred by the Hellenic Republic — Regulation (EC) No 1782/2003 — Regulation (EC) No 796/2004 — **Area-related aid scheme — Concept of ‘permanent pasture’** — Flat-rate financial corrections — Deduction of earlier correction

[CURIA – Judgment of the Court of Justice in Case C-341/17 of 15 May 2019](#)

Case C-378/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 15 May 2019 - Landwirtschaftskammer Niedersachsen v Reinhard Westphal - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Common agricultural policy — Community aid schemes — Area payments — Recovery of undue payments — Penalties** — Limitation — Start of the limitation period — **Possible application of the rules on protection of the EU’s financial interests**

[CURIA – Opinion of Advocate General in Case C-378/18 of 15 May 2019](#)

Case C-580/17: JUDGMENT OF THE COURT (Tenth Chamber) of 8 May 2019 - Mittetulundusühing Järvelaev v Põllumajanduse Registre ja Informatsiooni Amet (PRIA) - REQUEST for a preliminary ruling under Article 267 TFEU from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling — **Common agricultural policy — Support for rural development by the European Agricultural Fund for Rural Development (EAFRD) — Regulation (EC) No 1698/2005 — Applicability ratione temporis — Article 72 — Durability of investment operations — Substantial modification to a co-financed investment operation** — Asset acquired by means of an investment operation co-financed by the EAFRD and leased by the beneficiary of the funding to another — Financing, management and monitoring of the common agricultural policy — Regulation (EC) No 1306/2013 — Articles 54 and 56 — **Obligation of the Member States to recover sums unduly paid as a result of irregularity or negligence — Concept of ‘irregularity’ — Initiation of recovery proceedings**

[CURIA – Judgment of the Court of Justice in Case C-580/17 of 8 May 2019](#)

Case C-614/17: JUDGMENT OF THE COURT (Fourth Chamber) of 2 May 2019 - Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego v Industrial Quesera Cuquerella SL and Juan Ramón Cuquerella Montagud - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 510/2006 — Article 13(1)(b) — **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** — Manchego cheese (‘queso manchego’) — **Use of signs capable of evoking the region with which a protected designation of origin (PDO) is associated — Concept of the ‘average consumer who is reasonably well informed and reasonably observant and circumspect’** — European consumers or consumers of the Member State in which the product covered by the PDO is made and mainly consumed

[CURIA – Judgment of the Court of Justice in Case C-614/17 of 2 May 2019](#)

Case C-611/17: JUDGMENT OF THE COURT (Grand Chamber) of 30 April 2019 - Italian Republic v Council of the European Union, Kingdom of Spain and European Commission - ACTION for annulment under Article 263 TFEU - Actions for annulment — **Common fisheries policy — Conservation of resources — International Convention for the Conservation of Atlantic Tunas — Total allowable catch (TAC) for Mediterranean swordfish — Regulation (EU) 2017/1398 — Fixing of fishing opportunities for 2017 — **Exclusive competence of the European Union** — Determination of the reference period — Reliability of the basic facts — Scope of judicial review — Article 17 TEU — **Management of the EU's interests within international bodies** — Principle of relative stability — Conditions under which applicable — **Principles of non-retroactivity, legal certainty, legitimate expectation and non-discrimination****

[CURIA – Judgment of the Court of Justice in Case C-611/17 of 30 April 2019](#)

4. Audiovisual and Media and Information Society

Community Legislation

Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on **certain aspects concerning contracts for the supply of digital content and digital services** (Text with EEA relevance.)

[OJ of the EU, L 136/1 of 22 May 2019](#)

COUNCIL REGULATION (EU) 2019/796 of 17 May 2019 concerning **restrictive measures against cyber-attacks threatening the Union or its Member States**

[OJ of the EU, LI 129/1 of 17 May 2019](#)

COUNCIL DECISION (CFSP) 2019/797 of 17 May 2019 concerning **restrictive measures against cyber-attacks threatening the Union or its Member States**

[OJ of the EU, LI 129/13 of 17 May 2019](#)

DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on **copyright and related rights in the Digital Single Market** and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance)

[OJ of the EU, L 130/92 of 17 May 2019](#)

DIRECTIVE (EU) 2019/789 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 laying down **rules on the exercise of copyright and related rights** applicable to certain **online transmissions of broadcasting organisations and retransmissions of television and radio programmes**, and amending Council Directive 93/83/EEC (Text with EEA relevance)

[OJ of the EU, L 130/82 of 17 May 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/784 of 14 May 2019 on **harmonisation** of the 24,25-27,5 GHz **frequency band for terrestrial systems capable of providing wireless broadband electronic communications services** in the Union (notified under document C(2019) 3450) (Text with EEA relevance)

[OJ of the EU, L 127/13 of 16 May 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/785 of 14 May 2019 on the **harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union** and repealing Decision 2007/131/EC (notified under document C(2019) 3461) (Text with EEA relevance)

[OJ of the EU, L 127/23 of 16 May 2019](#)

COUNCIL DECISION (EU) 2019/682 of 9 April 2019 **authorising Member States to ratify**, in the interest of the European Union, the **Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**

[OJ of the EU, L 115/7 of 2 May 2019](#)

Case Law

Case C-484/18: OPINION OF ADVOCATE GENERAL HOGAN of 16 May 2019 - Société de perception et de distribution des droits des artistes-interprètes de la musique et de la danse (Spedidam), PG and GF v Institut national de l'audiovisuel, Syndicat indépendant des artistes-interprètes (SIA-UNSA) and Syndicat français des artistes-interprètes (CGT) - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Copyright and related rights** — Directive 2001/29/EC — Articles 2(b) and 3(2) — **Exclusive rights of the performers** — National legislation providing for the benefit of the French National Audiovisual Institute (INA), a special regime in favour of the exploitation of audiovisual archives not provided by Article 5(2) and (3) of Directive 2001/29 — **Benefit from the rights of exploitation of audiovisual archives without the need to prove the authorisation given by the performer** — **Legal presumption of the performers' consent**

[CURIA – Opinion of Advocate General in Case C-484/18 of 16 May 2019](#)

5. Competition

Case Law

Case C-226/18: JUDGMENT OF THE COURT (Fourth Chamber) of 22 May 2019 - Krohn & Schröder GmbH v Hauptzollamt Hamburg-Hafen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Customs union** — Regulation (EEC) No 2913/92 — Article 212a — **Import procedures** — **Customs debt** — **Exemption** — **Dumping** — **Subsidies** — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China — **Implementing Regulations (EU) No 1238/2013 and (EU) No 1239/2013 imposing an anti-dumping duty and a countervailing duty** — **Exemptions**

[CURIA – Judgment of the Court of Justice in Case C-226/18 of 22 May 2019](#)

Case C-706/17: JUDGMENT OF THE COURT (Fourth Chamber) of 15 May 2019 - AB 'Achema', AB 'Orlen Lietuva' and AB 'Lifosa' v Valstybinė kainų ir energetikos kontrolės komisija (VKEKK), Lietuvos Respublikos energetikos ministerija and UAB 'Baltpool' - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **State aid** — **Concept of 'aid granted by a Member State or through State resources'** — **Measures intended to compensate providers of public interest services in the electricity sector** — Concept of aid 'affecting trade between Member States' and 'distorting or threatening to distort competition' — **Concept of 'selective advantage'** — Service of general economic interest — **Offsetting of costs involved in the discharging of public service obligations**

[CURIA – Judgment of the Court of Justice in Case C-706/17 of 15 May 2019](#)

Joined Cases C-80/18 to C-83/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-80/18) and Endesa Generación, SA (C-82/18) v Administración General del Estado and Iberdrola Generación Nuclear SAU (C-80/18 and C-82/18) - Endesa Generación, SA (C-81/18) and Iberdrola Generación Nuclear SAU (C-83/18) v Administración General del Estado (C-81/18 and C-83/18) - (Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Request for a preliminary ruling — Article 191 TFEU — **Polluter-pays principle** — Directive 2009/72/EC — **Common rules for the internal market in electricity** — Articles 3(1) and (2) — Non-discrimination principle — Directive 2005/89/EC — **Financing the tariff deficit** — **Taxes levied only on companies that use nuclear energy to produce electricity**

[CURIA – Opinion of Advocate General in Case C-80/18 of 8 May 2019](#)

Joined Cases C-105/18 to C-113/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-105/18), Energía de Galicia (Engasa) SA (C-106/18), Duerocanto SL (C-107/18), Corporación Acciona Hidráulica (Acciona) SLU (C-108/18), Associació de Productors i Usuaris d'Energia Elèctrica (C-109/18), José Manuel Burgos Pérez, María del Amor Guinea Bueno (C-110/18), Endesa Generación SA (C-111/18), Asociación de Empresas de Energías Renovables (APPA) (C-112/18), Parc del Segre, S.A., Electra Irache, S.L., Genhidro Generación Hidroeléctrica, S.L., Hicenor, S.L., Hidroeléctrica Carrascosa, S.L., Hidroeléctrica del Carrión, S.L., Hidroeléctrica del Pisuerga, S.L., Hidroeléctrica Santa Marta, S.L., Hyanor, S.L. and Promotora del Rec dels Quatre Pobles, S.A. (C-113/18) v Administración General del Estado, Iberdrola Generación SAU and Hidroeléctrica del Cantábrico, SA - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Preliminary ruling - Polluter pays principle - **Recovery of the costs of services linked to water use - Common rules for the internal market in electricity** - Charge on the use of inland waters for the production of electricity - **Tax imposed only on hydroelectric power producers operating on inter-communities hydrographic boundaries - Prohibited State aid**

[CURIA – Opinion of Advocate General in Case C-105/18 of 8 May 2019](#)

Case C-598/17: JUDGMENT OF THE COURT (First Chamber) of 2 May 2019 - A-Fonds v Inspecteur van de Belastingdienst - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof 's-Hertogenbosch (Court of Appeal, 's-Hertogenbosch, Netherlands) - Reference for a preliminary ruling — **Existing aid and new aid — Concept of new aid — Refund of dividend tax** — Scheme widened to companies established outside the Member State concerned — **Free movement of capital — Obligations of national courts**

[CURIA – Judgment of the Court of Justice in Case C-598/17 of 2 May 2019](#)

Case C-39/18 P: OPINION OF ADVOCATE GENERAL TANCHEV of 2 May 2019 - European Commission v NEX International Limited (formerly Icap plc, Icap Management Services Ltd and Icap New Zealand Ltd) - Appeal — **Competition — Agreements, decisions and concerted practices — Yen Interest Rate Derivatives sector** — Fines — **Obligation to state reasons**

[CURIA – Opinion of Advocate General in Case C-39/18 of 2 May 2019](#)

6. Customs

Case Law

Case C-226/18: JUDGMENT OF THE COURT (Fourth Chamber) of 22 May 2019 - Krohn & Schröder GmbH v Hauptzollamt Hamburg-Hafen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Customs union** — Regulation (EEC) No 2913/92 — Article 212a — **Import procedures — Customs debt — Exemption — Dumping — Subsidies** — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China — **Implementing Regulations (EU) No 1238/2013 and (EU) No 1239/2013 imposing an anti-dumping duty and a countervailing duty — Exemptions**

[CURIA – Judgment of the Court of Justice in Case C-226/18 of 22 May 2019](#)

Case C-138/18: JUDGMENT OF THE COURT (Sixth Chamber) of 16 May 2019 - Skatteministeriet v Estron A/S - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (High Court of Western Denmark, Denmark) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification** — Hearing aid connectors — **Parts and accessories — Combined Nomenclature** — Subheadings 8544 42 90, 9021 40 00 and 9021 90 10

[CURIA – Judgment of the Court of Justice in Case C-138/18 of 16 May 2019](#)

Case C-306/18: JUDGMENT OF THE COURT (Eighth Chamber) of 15 May 2019 - KORADO a.s. v Generální ředitelství cel - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajský soud v Ostravě — pobočka v Olomouci (Ostrava Regional Court, sitting in Olomouc, Czech Republic) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature** — Welded steel parts — Radiators for central heating, not electrically heated — Headings 7307 and 7322 — **Concepts of radiator 'parts' and 'tube or pipe fittings'** — Implementing Regulation (EU) 2015/23 — Validity

[CURIA – Judgment of the Court of Justice in Case C-306/18 of 15 May 2019](#)

Affaire C-268/18: ARRÊT DE LA COUR (dixième chambre) du 2 mai 2019 - SC Onlineshop SRL contre Agenția Națională de Administrare Fiscală (ANAF) – Direcția Generală a Vămilor - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par la Curtea de Apel Bacău (cour d'appel de Bacău, Roumanie) - Renvoi préjudiciel – **Tarif douanier commun** – Classement tarifaire – **Nomenclature combinée** – Sous-positions 8526 91 20 et 8528 59 00 – **Système de navigation GPS ayant plusieurs fonctions**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-268/18 du 2 mai 2019](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on **certain aspects concerning contracts for the sale of goods**, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Text with EEA relevance.)

[OJ of the EU, L 136/28 of 22 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/819 of 1 February 2019 **supplementing** Regulation (EU) No 346/2013 of the European Parliament and of the Council with regard to **conflicts of interest, social impact measurement and information to investors in the area of European social entrepreneurship funds** (Text with EEA relevance)

[OJ of the EU, L 134/1 of 22 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/820 of 4 February 2019 **supplementing** Regulation (EU) No 345/2013 of the European Parliament and of the Council with regard to **conflicts of interest in the area of European venture capital funds** (Text with EEA relevance)

[OJ of the EU, L 134/8 of 22 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/758 of 31 January 2019 **supplementing** Directive (EU) 2015/849 of the European Parliament and of the Council with regard to **regulatory technical standards for the minimum action** and the type of **additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries** (Text with EEA relevance)

[OJ of the EU, L 125/4 of 14 May 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/699 of 6 May 2019 laying down **technical information** for the **calculation of technical provisions and basic own funds** for reporting with reference dates from 31 March 2019 until 29 June 2019 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the **taking-up and pursuit of the business of Insurance and Reinsurance** (Text with EEA relevance)

[OJ of the EU, L 119/70 of 7 May 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/684 of 25 April 2019 on the **recognition of the legal, supervisory and enforcement arrangements of Japan for derivatives transactions supervised by the Japan Financial Services Agency as equivalent to the valuation, dispute resolution and margin requirements** of Article 11 of Regulation (EU) No 648/2012 of the European Parliament and Council on **OTC derivatives, central counterparties and trade repositories** (Text with EEA relevance)

[OJ of the EU, L 115/11 of 2 May 2019](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2019/679 of 17 April 2019 **renewing the temporary restriction on the marketing, distribution or sale of contracts for differences to retail clients**

[OJ of the EU, L 114/22 of 30 April 2019](#)

DECISION (EU) 2019/669 OF THE EUROPEAN CENTRAL BANK of 4 April 2019 **amending** Decision ECB/2013/10 on the **denominations, specifications, reproduction, exchange and withdrawal of euro banknotes** (ECB/2019/9)

[OJ of the EU, L 113/6 of 29 April 2019](#)

DECISION (EU) 2019/670 OF THE EUROPEAN CENTRAL BANK of 9 April 2019 **amending** Decision ECB/2014/8 on the **prohibition of monetary financing and the remuneration of government deposits by national central banks** (ECB/2019/8)

[OJ of the EU, L 113/9 of 29 April 2019](#)

GUIDELINE (EU) 2019/671 OF THE EUROPEAN CENTRAL BANK of 9 April 2019 on **domestic asset and liability management operations by the national central banks** (recast) (ECB/2019/7)

[OJ of the EU, L 113/11 of 29 April 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/667 of 19 December 2018 **amending** Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 to extend the **dates of deferred application of the clearing obligation for certain OTC derivative contracts** (Text with EEA relevance)

[OJ of the EU, L 113/1 of 29 April 2019](#)

Case Law

Case C-270/18: OPINION OF ADVOCATE GENERAL SHARPSTON of 23 May 2019 - UPM France v Premier ministre and Ministre de l'Action et des Comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — **Exemption of small producers of electricity, subject to taxation of the electricity produced** — Absence, during the transitional period accorded, of an internal tax on final electricity consumption
[CURIA – Opinion of Advocate General in Case C-270/18 of 23 May 2019](#)

Case C-329/18: OPINION OF ADVOCATE GENERAL BOBEK of 22 May 2019 - Valsts ieņēmumu dienests v SIA Altic - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Right to deduct VAT — Refusal — Supply by co-contractors involved in tax fraud — Duty of care of the taxable person** — Relevance of compliance by the taxable person with sectorial obligations — Regulation (EC) No 178/2002 — **Obligation of traceability** — Regulation (EC) No 852/2004 — Regulation (EC) No 882/2004 — **Registration of food business operators**

[CURIA – Opinion of Advocate General in Case C-329/18 of 22 May 2019](#)

Affaire C-68/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 16 mai 2019 - SC Petrotel-Lukoil SA contre Agenția Națională de Administrare Fiscală – Direcția Generală de Administrare a Marilor Contribuabili et Agenția Națională de Administrare Fiscală – Direcția Generală de Soluționare a Contestațiilor - demande de décision préjudicielle formée par la Curtea de Apel București (cour d'appel de Bucarest, Roumanie) - Renvoi préjudiciel – Directive 2003/96/CE – **Taxation des produits énergétiques et de l'électricité – Exonérations – Consommation des produits énergétiques dans l'enceinte d'un établissement produisant de tels produits** – Obligation d'obtenir le classement des produits énergétiques aux fins de la fixation des droits d'accises – **Taux d'imposition applicable à ces produits**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-68/18 du 16 mai 2019](#)

Case C-235/18: JUDGMENT OF THE COURT (Eighth Chamber) of 15 May 2019 - Vega International Car Transport and Logistic — Trading GmbH v Dyrektor Izby Skarbowej w Warszawie - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — Article 135(1)(b) — **Supply of goods — Exemptions for other activities — Granting and negotiation of credit — Fuel cards**

[CURIA – Judgment of the Court of Justice in Case C-235/18 of 15 May 2019](#)

Affaire C-450/17 P: ARRÊT DE LA COUR (première chambre) du 8 mai 2019 - Landescreditbank Baden-Württemberg – Förderbank, établie à Karlsruhe (Allemagne) contre Banque centrale européenne (BCE) et Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Politique économique et monétaire** – Règlement (UE) n° 1024/2013 – Article 6, paragraphe 4 – Règlement (UE) n° 468/2014 – Article 70, paragraphe 1 – **Surveillance prudentielle des établissements de crédit – Missions confiées à la Banque centrale européenne (BCE) – Mécanisme de surveillance unique** – Exercice de ces missions par les autorités compétentes nationales – **Établissement de crédit “moins important” – “Circonstances particulières” justifiant de considérer un établissement de crédit comme étant “moins important”**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-450/17 du 8 mai 2019

Affaire C-566/17: ARRÊT DE LA COUR (deuxième chambre) du 8 mai 2019 - Związek Gmin Zagłębia Miedziowego w Polkowicach contre Szef Krajowej Administracji Skarbowej - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Wojewódzki Sąd Administracyjny we Wrocławiu (tribunal administratif de voïvodie de Wrocław, Pologne) - Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Article 168, sous a) – Déduction de la taxe payée en amont – Principe de neutralité de la TVA** – Assujetti exerçant à la fois des activités économiques et non économiques – **Biens et services acquis aux fins de la réalisation à la fois d'opérations soumises à la TVA et d'opérations non soumises à la TVA** – Absence de critères de répartition dans la réglementation nationale – **Principe de légalité de l'impôt**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-566/17 du 8 mai 2019

Affaire C-568/17: ARRÊT DE LA COUR (première chambre) du 8 mai 2019 - Staatssecretaris van Financiën contre L. W. Geelen - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA) – Sixième directive 77/388/CEE – Article 9, paragraphe 2, sous c) et e) – Directive 2006/112/CE – Article 52, sous a) – Article 56, paragraphe 1, sous k) – Prestations de services – Lieu des opérations imposables – Rattachement fiscal** – Sessions interactives à caractère érotique filmées et diffusées en direct par Internet – **Activité de divertissement – Notion – Lieu où les prestations sont matériellement exécutées**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-568/17 du 8 mai 2019

Case C-712/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - EN.SA. Srl v Agenzia delle Entrate — Direzione Regionale Lombardia Ufficio Contenzioso - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione tributaria regionale di Lombardia (Regional Tax Court, Lombardy, Italy) - Reference for a preliminary ruling — **Value added tax (VAT) — Fictitious transactions — Impossibility of deducting the tax** — Obligation on the issuer of an invoice to pay the VAT indicated thereon — **Fine in an amount equal to the amount of the improperly deducted VAT — Whether compatible with the principles of VAT neutrality and proportionality**

CURIA – Judgment of the Court of Justice in Case C-712/17 of 8 May 2019

Case C-53/18: JUDGMENT OF THE COURT (Second Chamber) of 8 May 2019 - Antonio Pasquale Mastromartino v Commissione Nazionale per le Società e la Borsa (Consob) - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court for Lazio, Italy) - Reference for a preliminary ruling — **Markets in financial instruments** — Directive 2004/39/EC — Articles 8, 23, 50 and 51 — **Scope — Financial adviser authorised to provide offsite services — Staff member who has become a defendant in criminal proceedings** — National legislation providing for the possibility of temporarily prohibiting the exercise of the activity — **Fundamental freedoms — Purely internal situation** — Not applicable

CURIA – Judgment of the Court of Justice in Case C-53/18 of 8 May 2019

Case C-127/18: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - A-PACK CZ s. r. o. v Odvolací finanční ředitelství - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling — **Common system of value added tax (VAT) — Directive 2006/112/EC — Articles 90 and 273 — Total or partial non-payment, by the debtor, of a sum due to the taxable person in respect of a transaction subject to VAT** — Taxable amount — Reduction — **Principles of fiscal neutrality and proportionality**

CURIA – Judgment of the Court of Justice in Case C-127/18 of 8 May 2019

Joined Cases C-80/18 to C-83/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-80/18) and Endesa Generación, SA (C-82/18) v Administración General del Estado and Iberdrola Generación Nuclear SAU (C-80/18 and C-82/18) - Endesa Generación, SA (C-81/18) and Iberdrola Generación Nuclear SAU (C-83/18) v Administración General del Estado (C-81/18 and C-83/18) - (Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Request for a preliminary ruling — Article 191 TFEU — **Polluter-pays principle** — Directive 2009/72/EC — **Common rules for the internal market in electricity** — Articles 3(1) and (2) — Non-discrimination principle — Directive 2005/89/EC — **Financing the tariff deficit** — **Taxes levied only on companies that use nuclear energy to produce electricity**
[CURIA – Opinion of Advocate General in Case C-80/18 of 8 May 2019](#)

Joined Cases C-105/18 to C-113/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-105/18), Energía de Galicia (Engasa) SA (C-106/18), Duerocanto SL (C-107/18), Corporación Acciona Hidráulica (Acciona) SLU (C-108/18), Associació de Productors i Usuaris d'Energia Elèctrica (C-109/18), José Manuel Burgos Pérez, María del Amor Guinea Bueno (C-110/18), Endesa Generación SA (C-111/18), Asociación de Empresas de Energías Renovables (APPA) (C-112/18), Parc del Segre, S.A., Electra Irache, S.L., Genhidro Generación Hidroeléctrica, S.L., Hicenor, S.L., Hidroeléctrica Carrascosa, S.L., Hidroeléctrica del Carrión, S.L., Hidroeléctrica del Pisuerga, S.L., Hidroeléctrica Santa Marta, S.L., Hyanor, S.L. and Promotora del Rec dels Quatre Pobles, S.A. (C-113/18) v Administración General del Estado, Iberdrola Generación SAU and Hidroeléctrica del Cantábrico, SA - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Preliminary ruling - Polluter pays principle - **Recovery of the costs of services linked to water use** - **Common rules for the internal market in electricity** - Charge on the use of inland waters for the production of electricity - **Tax imposed only on hydroelectric power producers operating on inter-communities hydrographic boundaries** - **Prohibited State aid**
[CURIA – Opinion of Advocate General in Case C-105/18 of 8 May 2019](#)

Case C-598/17: JUDGMENT OF THE COURT (First Chamber) of 2 May 2019 - A-Fonds v Inspecteur van de Belastingdienst - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof 's-Hertogenbosch (Court of Appeal, 's-Hertogenbosch, Netherlands) - Reference for a preliminary ruling — **Existing aid and new aid** — **Concept of new aid** — **Refund of dividend tax** — Scheme widened to companies established outside the Member State concerned — **Free movement of capital** — **Obligations of national courts**
[CURIA – Judgment of the Court of Justice in Case C-598/17 of 2 May 2019](#)

Affaire C-133/18: ARRÊT DE LA COUR (troisième chambre) du 2 mai 2019 - Sea Chefs Cruise Services GmbH contre Ministre de l'Action et des Comptes publics - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le tribunal administratif de Montreuil (France) - Renvoi préjudiciel — **Taxe sur la valeur ajoutée (TVA)** — **Remboursement de la TVA** — Directive 2008/9/CE — Article 20 — **Demande d'informations complémentaires formulée par l'État membre du remboursement** — Informations devant être fournies dans un délai d'un mois à compter de la réception de la demande par le destinataire — **Nature juridique de ce délai et conséquences du non-respect de celui-ci**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-133/18 du 2 mai 2019](#)

Case C-224/18: JUDGMENT OF THE COURT (Seventh Chamber) of 2 May 2019 - Budimex S.A. v Minister Finansów - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 66 — **Chargeable event and chargeability of the tax** — **Time of the supply of the services** — Construction and installation work — **Taking into account the time of the acceptance of the work stipulated in the contract for the supply of services**
[CURIA – Judgment of the Court of Justice in Case C-224/18 of 2 May 2019](#)

Case C-225/18: JUDGMENT OF THE COURT (Eighth Chamber) of 2 May 2019 - Grupa Lotos S.A. v Minister Finansów - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation** — **Value added tax (VAT)** — **Deduction of input tax** — Sixth Directive 77/388/EEC — Article 17(2) and (6) — Directive 2006/112/EC — Articles 168 and 176 — **Exclusion from the right to deduct** — **Purchase of overnight accommodation and catering services** — **Standstill clause** — **Accession to the European Union**
[CURIA – Judgment of the Court of Justice in Case C-225/18 of 2 May 2019](#)

Affaire C-265/18: ARRÊT DE LA COUR (dixième chambre) du 2 mai 2019 - Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos contre Akvilė Jarmušienė et Vilniaus apskrities valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Lietuvos vyriausiasis administracinis teismas (Cour administrative suprême de Lituanie) - Renvoi préjudiciel – **Harmonisation des législations fiscales – Système commun de taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Régime particulier des petites entreprises – Articles 282 à 292 – Franchise de TVA au profit des petites entreprises dont le chiffre d'affaires annuel est inférieur au seuil fixé – Livraison simultanée de deux biens immobiliers par une seule opération – Dépassement de la limite annuelle du chiffre d'affaires compte tenu du prix de vente de l'un des deux biens – Obligation d'acquitter la taxe sur la valeur totale de l'opération**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-265/18 du 2 mai 2019

Affaire C-692/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 2 mai 2019 - Paulo Nascimento Consulting – Mediação Imobiliária Lda contre Autoridade Tributária e Aduaneira - demande de décision préjudicielle formée par le Supremo Tribunal Administrativo (Cour administrative suprême, Portugal) - Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Exonérations – Article 135, paragraphe 1, sous b) et d) – Opérations relatives à l'octroi et la négociation de crédits ainsi que la gestion de crédits – Opérations concernant les créances, à l'exception du recouvrement de créances – Cession à titre onéreux, au profit d'un tiers, d'une position dans une procédure en recouvrement forcé d'une créance reconnue judiciairement**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-692/17 du 2 mai 2019

Case C-28/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 2 May 2019 - Verein für Konsumenteninformation v Deutsche Bahn AG - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Request for a preliminary ruling — Regulation (EU) No 260/2012 — Article 9(2) — **Technical and commercial requirements for credit transfers and direct debits in euro — Accessibility of payments — Payment by SEPA (single euro payments area) direct debit — General conditions requiring the payer to have a residence in the same Member State as the payee**

CURIA – Opinion of Advocate General in Case C-28/18 of 2 May 2019

Case C-42/18: OPINION OF ADVOCATE GENERAL BOT of 2 May 2019 - Finanzamt Trier v Cardpoint GmbH, successor in law to Moneybox Deutschland GmbH - Request for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Sixth Directive 77/388/EEC — Exemptions — Article 13B(d)(3) — Payments — Transactions concerning payments — Concepts — Cash withdrawal from an automated teller machine (ATM) — Service supplied by an undertaking to a bank in circumstances in which the operation of ATMs has been outsourced**

CURIA – Opinion of Advocate General in Case C-42/18 of 2 May 2019

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

Case Law

Case C-703/17: OPINION OF ADVOCATE GENERAL BOBEK of 23 May 2019 - Adelheid Krahn v Universität Wien - (Request for a preliminary ruling from the Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria) - Reference for a preliminary ruling — **Free movement of workers — Postdoctoral senior lecturers — Limit of four years on the recognition, upon recruitment, of previous relevant work-related experience — Seniority-based system of remuneration — Seniority accrued with the same employer only — Concept of obstacle to free movement — Justification — Proportionality**

CURIA – Opinion of Advocate General in Case C-703/17 of 23 May 2019

Case C-431/17: JUDGMENT OF THE COURT (Grand Chamber) of 7 May 2019 - Monachos Eirinaios, kata kosmon Antonios Giakoumakis tou Emmanouil v Dikigorikos Syllogos Athinon - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — Directive 98/5/EC — **Access to the profession of lawyer — Monk who has obtained the professional qualification of lawyer in a Member State other than the host Member State** — Article 3(2) — **Condition requiring registration with the competent authority of the host Member State** — Certificate attesting to registration with the competent authority of the home Member State — **Refusal to register** — Rules of professional conduct — **Incompatibility of the status of monk with practice of the profession of lawyer**
[CURIA – Judgment of the Court of Justice in Case C-431/17 of 7 May 2019](#)

9. Employment and Social Affairs

Community Legislation

COUNCIL DECISION (EU) 2019/683 of 9 April 2019 **authorising Member States to become parties**, in the interest of the European Union, to the Council of Europe **Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events** (CETS No 218)
[OJ of the EU, L 115/9 of 2 May 2019](#)

EUROPEAN INVESTMENT BANK DECISION of 26 February 2019 laying down **internal rules** concerning the **processing of personal data by the Personnel Directorate 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 112/1 of 26 April 2019](#)

Case Law

Case C-703/17: OPINION OF ADVOCATE GENERAL BOBEK of 23 May 2019 - Adelheid Krah v Universität Wien - (Request for a preliminary ruling from the Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria) - Reference for a preliminary ruling — **Free movement of workers — Postdoctoral senior lecturers — Limit of four years on the recognition, upon recruitment, of previous relevant work-related experience — Seniority-based system of remuneration** — Seniority accrued with the same employer only — **Concept of obstacle to free movement — Justification — Proportionality**
[CURIA – Opinion of Advocate General in Case C-703/17 of 23 May 2019](#)

Case C-509/17: JUDGMENT OF THE COURT (Third Chamber) of 16 May 2019 - Christa Plessers v Prefaco NV and Belgische Staat - REQUEST for a preliminary ruling under Article 267 TFEU from the arbeidshof te Antwerpen, afdeling Hasselt (Antwerp Labour Court, Hasselt Section, Belgium) - Reference for a preliminary ruling — **Transfers of undertakings** — Directive 2001/23/EC — Articles 3 to 5 — **Safeguarding of employees' rights — Exceptions — Insolvency proceedings — Proceedings for judicial restructuring by transfer under judicial supervision** — Total or partial safeguard of the undertaking — **National legislation authorising the transferee, after the transfer, to choose which employees to keep on**
[CURIA – Judgment of the Court of Justice in Case C-509/17 of 16 May 2019](#)

Case C-677/17: JUDGMENT OF THE COURT (First Chamber) of 15 May 2019 - M. Çoban v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Additional Protocol** — Article 59 — Decision No 3/80 — **Social security for migrant workers — Waiver of residence clauses** — Article 6 — **Invalidity benefit — Withdrawal** — Regulation (EC) No 883/2004 — **Special non-contributory cash benefits — Residence condition** — Directive 2003/109/EC — **Long-term resident status**
[CURIA – Judgment of the Court of Justice in Case C-677/17 of 15 May 2019](#)

Case C-132/18 P: JUDGMENT OF THE COURT (Eighth Chamber) of 15 May 2019 - European Commission v Sabine Tuerck, residing in Woluwe-Saint-Pierre (Belgium) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Civil service — Pensions — Transfer of pension rights acquired in a national pension scheme to the European Union pension scheme — Deduction of the appreciation between the date of the application for a transfer and the actual date of the transfer

[CURIA – Judgment of the Court of Justice in Case C-132/18 of 15 May 2019](#)

Case C-170/18 P: JUDGMENT OF THE COURT (First Chamber) of 15 May 2019 - CJ, residing in Agios Stefanos (Greece) v European Centre for Disease Prevention and Control (ECDC) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Civil service — Contract staff — European Centre for Disease Prevention and Control — Fixed-term contract — Termination of the contract — Compliance with a judgment of the European Union Civil Service Tribunal — Res judicata by means of a judgment annulling a decision — Limits

[CURIA – Judgment of the Court of Justice in Case C-170/18 of 15 May 2019](#)

Case C-55/18: JUDGMENT OF THE COURT (Grand Chamber) of 14 May 2019 - Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE, Federación Estatal de Servicios de la Unión General de Trabajadores (FES-UGT), Confederación General del Trabajo (CGT), Confederación Solidaridad de Trabajadores Vascos (ELA) and Confederación Intersindical Galega (CIG) - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Nacional (National High Court, Spain) - Reference for a preliminary ruling — Social policy — Protection of the safety and health of workers — Organisation of working time — Article 31(2) of the Charter of Fundamental Rights of the European Union — Directive 2003/88/EC — Articles 3 and 5 — Daily and weekly rest — Article 6 — Maximum weekly working time — Directive 89/391/EEC — Safety and health of workers at work — Requirement to set up a system enabling the duration of time worked each day by each worker to be measured

[CURIA – Judgment of the Court of Justice in Case C-55/18 of 14 May 2019](#)

Case C-24/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Österreichischer Gewerkschaftsbund, Gewerkschaft Öffentlicher Dienst v Republik Österreich - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Social policy — Prohibition of all discrimination on grounds of age — Directive 2000/78/EC — Exclusion of professional experience obtained before the age of 18 — New system of remuneration and advancement — Maintenance of the difference in treatment — Freedom of movement for workers — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7(1) — National legislation providing for account to be taken of a proportion of previous periods of service

[CURIA – Judgment of the Court of Justice in Case C-24/17 of 8 May 2019](#)

Case C-396/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Martin Leitner v Landespolizeidirektion Tirol - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Austria) - Reference for a preliminary ruling — Social policy — Prohibition of all discrimination on grounds of age — Directive 2000/78/EC — Exclusion of professional experience acquired before the age of 18 — New system of remuneration and advancement — Maintaining a difference in treatment — Right to an effective remedy — Article 47 of the Charter of Fundamental Rights of the European Union — Justifications

[CURIA – Judgment of the Court of Justice in Case C-396/17 of 8 May 2019](#)

Case C-494/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Ministero dell'Istruzione, dell'Università e della Ricerca — MIUR v Fabio Rossato and Conservatorio di Musica F.A. Bonporti - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte d'appello di Trento (Court of Appeal, Trento, Italy) - Reference for a preliminary ruling — Social policy — Fixed-term work — Contracts concluded with a public sector employer — Measures to penalise misuse of fixed-term employment contracts — Conversion of the employment relationship into a relationship of indefinite duration — Limitation on the retroactive effect of the conversion — No financial remedies

[CURIA – Judgment of the Court of Justice in Case C-494/17 of 8 May 2019](#)

Case C-631/17: JUDGMENT OF THE COURT (Third Chamber) of 8 May 2019 - SF v Inspecteur van de Belastingdienst - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Social security for migrant workers** — Regulation (EC) No 883/2004 — Article 11(3)(e) — **National of a Member State employed as a seaman on board a vessel flying the flag of a third State** — Employer established in a Member State other than the worker's State of residence — **Determination of the applicable legislation**
[CURIA – Judgment of the Court of Justice in Case C-631/17 of 8 May 2019](#)

Case C-161/18: JUDGMENT OF THE COURT (Third Chamber) of 8 May 2019 - Violeta Villar Láiz v Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS) - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Castilla y León (High Court of Justice of Castile and León, Spain) - Reference for a preliminary ruling — **Equal treatment for men and women in matters of social security** — Directive 79/7/EEC — Article 4 — **Prohibition of any discrimination on the ground of sex — Indirect discrimination** — Part-time work — **Calculation of retirement pension**
[CURIA – Judgment of the Court of Justice in Case C-161/18 of 8 May 2019](#)

Case C-194/18: JUDGMENT OF THE COURT (Ninth Chamber) of 8 May 2019 - Jadran Dodič v Banka Koper and Alta Invest - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — **Social policy — Transfers of undertakings** — Directive 2001/23/EC — Article 1(1) — **Scope — Criteria for assessment of the transfer — Transfer of clients — Transfer of all the financial services of a bank, excluding staff, to a stock brokering company**
[CURIA – Judgment of the Court of Justice in Case C-194/18 of 8 May 2019](#)

Affaire C-243/18 P: ARRÊT DE LA COUR (première chambre) du 8 mai 2019 - Entreprise commune européenne pour ITER et le développement de l'énergie de fusion contre Yosu Galocha - 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 — Fonctionnaires — Concours — Arrêt d'annulation — Étendue de l'annulation** — Mise en balance des intérêts en présence — Annulation des listes de réserve — **Annulation des décisions d'engager des lauréats figurant sur ces listes**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-243/18 du 8 mai 2019](#)

Case C-486/18: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - RE v Praxair MRC SAS - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — **Social policy** — Directive 96/34/EC — Framework agreement on parental leave — Clause 2.6 — **Worker employed full-time and for indefinite duration on part-time parental leave** — Dismissal — **Compensation payment for dismissal and redeployment leave allowance** — Method of calculation — Article 157 TFEU — **Equal pay for male and female workers — Part-time parental leave taken primarily by female workers** — Indirect discrimination — Objective factors unrelated to any sex discrimination — None
[CURIA – Judgment of the Court of Justice in Case C-486/18 of 8 May 2019](#)

Case C-168/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Pensions-Sicherungs-Verein VVaG v Günther Bauer - Request for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Protection of employees in the event of the insolvency of their employer** — Directive 2008/94/EC — Article 8 — **Supplementary pension schemes — Protection of entitlement to old-age benefits — Scope of application** — Offset of a previous pension reduction by the former employer — Minimum level of protection guaranteed — **Direct effect against a supplementary occupational pension institution**
[CURIA – Opinion of Advocate General in Case C-168/18 of 8 May 2019](#)

Case C-431/17: JUDGMENT OF THE COURT (Grand Chamber) of 7 May 2019 - Monachos Eirinaios, kata kosmon Antonios Giakoumakis tou Emmanouil v Dikigorikos Syllogos Athinon - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — Directive 98/5/EC — **Access to the profession of lawyer — Monk who has obtained the professional qualification of lawyer in a Member State other than the host Member State** — Article 3(2) — **Condition requiring registration with the competent authority of the host Member State** — Certificate attesting to registration with the competent authority of the home Member State — **Refusal to register** — Rules of professional conduct — **Incompatibility of the status of monk with practice of the profession of lawyer**
[CURIA – Judgment of the Court of Justice in Case C-431/17 of 7 May 2019](#)

Case C-70/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 2 May 2019 - Staatssecretaris van Justitie en Veiligheid v A, B and P - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Free movement of persons — Workers** — Standstill rules — Decision No 1/80 — Article 13 — **New restrictions — Prohibition — Biometric data of Turkish nationals — Provision of those data to third parties** — Overriding reason in the public interest — **Preventing and combating identity fraud and document fraud** — Necessity and proportionality — **Prevention, detection and investigation of criminal offences — Uncertain and indirect effect**
[CURIA – Opinion of Advocate General in Case C-70/18 of 2 May 2019](#)

Case C-390/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 30 April 2019 - YA, AIRBNB Ireland UC, Hotelière Turenne SAS, Association pour un hébergement et un tourisme professionnel (AHTOP) and Valhotel - Request for a preliminary ruling from the investigating judge of the Tribunal de grande instance de Paris (Regional Court, Paris) (France) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 2000/31/EC — **Connection of hosts, whether businesses or individuals, with accommodation available to rent with persons seeking that type of accommodation** — Additional provision of various other services — **National legislation laying down restrictive rules for the exercise of the profession of real estate agent**
[CURIA – Opinion of Advocate General in Case C-390/18 of 30 April 2019](#)

10. Energy and Environment

Community Legislation

COMMISSION DIRECTIVE (EU) 2019/782 of 15 May 2019 **amending** Directive 2009/128/EC of the European Parliament and of the Council as regards the **establishment of harmonised risk indicators** (Text with EEA relevance)
[OJ of the EU, L 127/4 of 16 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/715 of 18 December 2018 on the **framework financial regulation for the bodies set up under the TFEU and Euratom Treaty** and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council
[OJ of the EU, L 122/1 of 10 May 2019](#)

COMMISSION DELEGATED DECISION (EU) 2019/708 of 15 February 2019 **supplementing** Directive 2003/87/EC of the European Parliament and of the Council concerning the **determination of sectors and subsectors deemed at risk of carbon leakage for the period 2021 to 2030** (Text with EEA relevance)
[OJ of the EU, L 120/20 of 8 May 2019](#)

DIRECTIVE (EU) 2019/692 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 **amending** Directive 2009/73/EC concerning **common rules for the internal market in natural gas** (Text with EEA relevance)
[OJ of the EU, L 117/1 of 3 May 2019](#)

COUNCIL DECISION (EU) 2019/668 of 15 April 2019 on the **position to be taken on behalf of the European Union** at the ninth meeting of the **Conference of the Parties as regards the listing of certain chemicals** in Annex III to the Rotterdam **Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**
[OJ of the EU, L 113/4 of 29 April 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/665 of 17 April 2019 **amending** Decision 2005/270/EC **establishing the formats** relating to the **database system** pursuant to European Parliament and Council Directive 94/62/EC on **packaging and packaging waste** (notified under document C(2019) 2805) (Text with EEA relevance)
[OJ of the EU, L 112/26 of 26 April 2019](#)

Case Law

Case C-634/17: JUDGMENT OF THE COURT (Fifth Chamber) of 23 May 2019 - ReFood GmbH & Co. KG v Landwirtschaftskammer Niedersachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Oldenburg (Administrative Court of Oldenburg, Germany) - Reference for a preliminary ruling — **Environment — Shipments of waste within the European Union** — Regulation (EC) No 1013/2006 — Article 1(3)(d) — **Scope** — Regulation (EC) No 1069/2009 — **Shipments of animal by-products**
[CURIA – Judgment of the Court of Justice in Case C-634/17 of 23 May 2019](#)

Case C-270/18: OPINION OF ADVOCATE GENERAL SHARPSTON of 23 May 2019 - UPM France v Premier ministre and Ministre de l'Action et des Comptes publics - Request for a preliminary ruling from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — **Exemption of small producers of electricity, subject to taxation of the electricity produced** — Absence, during the transitional period accorded, of an internal tax on final electricity consumption
[CURIA – Opinion of Advocate General in Case C-270/18 of 23 May 2019](#)

Case C-280/18: OPINION OF ADVOCATE GENERAL KOKOTT of 23 May 2019 - Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others - Request for a preliminary ruling from the Symvoulio tis Epikrateias (Council of State, Greece) - Request for a preliminary ruling — **Environment** — Directive 2011/92/EU — **Assessment of the effects of certain public and private projects on the environment — Public participation in the decision-making process** — Announcement on the internet — **Access to justice** — Commencement of periods
[CURIA – Opinion of Advocate General in Case C-280/18 of 23 May 2019](#)

Case C-236/18: OPINION OF ADVOCATE GENERAL TANCHEV of 22 May 2019 - GRDF SA v Eni Gas & Power France SA, Direct énergie, Commission de régulation de l'énergie and Procureur général près la cour d'appel de Paris - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - **Directive 2009/73/EC concerning common rules for the internal market in natural gas** — Obligations of distribution system operators — Article 41 of Directive 2009/73 — **Effect in time of decisions of dispute settlement authorities — Principles of effectiveness and equivalence** — Legal certainty and legitimate expectations
[CURIA – Opinion of Advocate General in Case C-236/18 of 22 May 2019](#)

Case C-689/17: JUDGMENT OF THE COURT (Fifth Chamber) of 16 May 2019 - Conti 11. Container Schiffahrts-GmbH & Co. KG Ms 'MSC Flaminia' v Land Niedersachsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht München I (Regional Court, Munich I, Germany) - Reference for a preliminary ruling — **Environment — Shipment of waste** — Regulation (EC) No 1013/2006 — **Waste subject to the prior written notification and consent procedure — Shipments within the European Union** — Article 1(3)(b) — Exclusion from the regulation's scope — **Waste generated on board ships — Waste on board a ship following damage at sea**
[CURIA – Judgment of the Court of Justice in Case C-689/17 of 16 May 2019](#)

Affaire C-204/18 P: ARRÊT DE LA COUR (neuvième chambre) du 16 mai 2019 - Asociación de la pesca y acuicultura del entorno de Doñana y del Bajo Guadalquivir (Pebagua), établie à Isla Mayor (Espagne) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Environnement — Prévention et gestion de l'introduction et de la propagation des espèces exotiques envahissantes** — Règlement (UE) n° 1143/2014 — Règlement d'exécution (UE) 2016/1141 — **Adoption d'une liste des espèces exotiques envahissantes préoccupantes pour l'Union — Inclusion de l'espèce Procambarus clarkii**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-204/18 du 16 mai 2019](#)

Affaire C-31/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 16 mai 2019 - „Elektrorazpredelenie Yug“EAD contre Komisia za energiyno i vodno regulirane (KEVR) et „BMF Port Burgas“EAD - demande de décision préjudicielle formée par l'Administrativen sad Sofia-grad (tribunal administratif de Sofia, Bulgarie) - Renvoi préjudiciel – **Marché intérieur de l'électricité** – Directive 2009/72/CE – Article 2, points 3, 4, 5 et 6 – **Notions de réseau de transport et de réseau de distribution – Critères de distinction entre les réseaux – Niveau de tension – Propriété des installations – Libre accès des tiers** – Accès moyennant une installation à moyenne tension – Points d'interconnexion entre les réseaux
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-31/18 du 16 mai 2019](#)

Affaire C-68/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 16 mai 2019 - SC Petrotel-Lukoil SA contre Agenția Națională de Administrare Fiscală – Direcția Generală de Administrare a Marilor Contribuabili et Agenția Națională de Administrare Fiscală – Direcția Generală de Soluționare a Contestațiilor - demande de décision préjudicielle formée par la Curtea de Apel București (cour d'appel de Bucarest, Roumanie) - Renvoi préjudiciel – Directive 2003/96/CE – **Taxation des produits énergétiques et de l'électricité – Exonérations – Consommation des produits énergétiques dans l'enceinte d'un établissement produisant de tels produits** – Obligation d'obtenir le classement des produits énergétiques aux fins de la fixation des droits d'accises – **Taux d'imposition applicable à ces produits**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-68/18 du 16 mai 2019](#)

Case C-706/17: JUDGMENT OF THE COURT (Fourth Chamber) of 15 May 2019 - AB 'Achema', AB 'Orlen Lietuva' and AB 'Lifosa' v Valstybinė kainų ir energetikos kontrolės komisija (VKEKK), Lietuvos Respublikos energetikos ministerija and UAB 'Baltpool' - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausioji administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling – **State aid – Concept of 'aid granted by a Member State or through State resources' – Measures intended to compensate providers of public interest services in the electricity sector** – Concept of aid 'affecting trade between Member States' and 'distorting or threatening to distort competition' – **Concept of 'selective advantage'** – Service of general economic interest – **Offsetting of costs involved in the discharging of public service obligations**
[CURIA – Judgment of the Court of Justice in Case C-706/17 of 15 May 2019](#)

Case C-305/18: JUDGMENT OF THE COURT (Sixth Chamber) of 8 May 2019 - Verdi Ambiente e Società (VAS) – Aps Onlus and Movimento Legge Rifiuti Zero per l'Economia Circolare Aps v Presidenza dei Consiglio dei Ministri, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Regione Lazio, Regione Toscana, Regione Lombardia, Associazione Mamme per la Salute e l'Ambiente Onlus and Comitato Donne 29 Agosto - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court, Lazio, Italy) - Reference for a preliminary ruling – **Environment** – Directive 2008/98/EC – **Disposal or recovery of waste – Establishment of an integrated waste management system guaranteeing national self-sufficiency** – Construction of incineration facilities or increase in capacity of existing facilities – **Classification of incineration facilities as 'strategic infrastructure and installations of major national importance'** – Compliance with the 'waste hierarchy' principle – Directive 2001/42/EC – **Need to carry out an 'environmental assessment'**
[CURIA – Judgment of the Court of Justice in Case C-305/18 of 2 May 2019](#)

Case C-674/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 8 May 2019 - Luonnonsuojeluyhdistys Tapiola Pohjois-Savo – Kainuu ry v Risto Mustonen, Kai Ruhanen and Suomen riistakeskus - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling – Directive 92/43/EEC ('the Habitats Directive') – **Conservation of natural habitats and of wild fauna and flora** – Article 12(1)(a) – **Prohibition on the deliberate killing of the species referred to in Annex IV (a)** – Species *Canis lupus* (wolf) – Article 16(1)(e) – **Derogation – Conditions – Practice of 'hunting for population management purposes'**
[CURIA – Opinion of Advocate General in Case C-674/17 of 8 May 2019](#)

Joined Cases C-80/18 to C-83/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-80/18) and Endesa Generación, SA (C-82/18) v Administración General del Estado and Iberdrola Generación Nuclear SAU (C-80/18 and C-82/18) - Endesa Generación, SA (C-81/18) and Iberdrola Generación Nuclear SAU (C-83/18) v Administración General del Estado (C-81/18 and C-83/18) - (Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Request for a preliminary ruling — Article 191 TFEU — **Polluter-pays principle** — Directive 2009/72/EC — **Common rules for the internal market in electricity** — Articles 3(1) and (2) — Non-discrimination principle — Directive 2005/89/EC — **Financing the tariff deficit** — **Taxes levied only on companies that use nuclear energy to produce electricity**
[CURIA – Opinion of Advocate General in Case C-80/18 of 8 May 2019](#)

Joined Cases C-105/18 to C-113/18: OPINION OF ADVOCATE GENERAL HOGAN of 8 May 2019 - Asociación Española de la Industria Eléctrica (UNESA) (C-105/18), Energía de Galicia (Engasa) SA (C-106/18), Duerocanto SL (C-107/18), Corporación Acciona Hidráulica (Acciona) SLU (C-108/18), Associació de Productors i Usuaris d'Energia Elèctrica (C-109/18), José Manuel Burgos Pérez, María del Amor Guinea Bueno (C-110/18), Endesa Generación SA (C-111/18), Asociación de Empresas de Energías Renovables (APPA) (C-112/18), Parc del Segre, S.A., Electra Irache, S.L., Genhidro Generación Hidroeléctrica, S.L., Hicenor, S.L., Hidroeléctrica Carrascosa, S.L., Hidroeléctrica del Carrión, S.L., Hidroeléctrica del Pisuerga, S.L., Hidroeléctrica Santa Marta, S.L., Hyanor, S.L. and Promotora del Rec dels Quatre Pobles, S.A. (C-113/18) v Administración General del Estado, Iberdrola Generación SAU and Hidroeléctrica del Cantábrico, SA - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) - Preliminary ruling - Polluter pays principle - **Recovery of the costs of services linked to water use** - **Common rules for the internal market in electricity** - Charge on the use of inland waters for the production of electricity - **Tax imposed only on hydroelectric power producers operating on inter-communities hydrographic boundaries** - **Prohibited State aid**
[CURIA – Opinion of Advocate General in Case C-105/18 of 8 May 2019](#)

Affaire C-250/18: ARRÊT DE LA COUR (huitième chambre) du 2 mai 2019 - Commission européenne contre République de Croatie - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – Directive 2008/98/CE – **Traitement des déchets** – Article 5, paragraphe 1 – **Granulats de pierre ne répondant pas à la notion de “sous-produit”** – Article 13 – **Obligation des États membres de veiller à la protection de la santé humaine et de l'environnement** – Article 15, paragraphe 1 – **Obligation de faire traiter les déchets par leur détenteur ou d'autres personnes désignées**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-250/18 du 2 mai 2019](#)

Case C-294/18: JUDGMENT OF THE COURT (Tenth Chamber) of 2 May 2019 - Oulun Sähkönyntti Oy - REQUEST for a preliminary ruling under Article 267 TFEU from the markkinaoikeus (Market Court, Finland) - Reference for a preliminary ruling — **Energy efficiency** — Directive 2012/27/EU — Article 11(1) — **Cost of access to metering and billing information** — **Right of final customers to receive all their bills and billing information relating to their energy consumption free of charge** — Electricity network charges — Discount on electricity network charges granted by an electricity retail sales company to customers who have chosen electronic billing
[CURIA – Judgment of the Court of Justice in Case C-294/18 of 2 May 2019](#)

Affaires jointes C-708/17 et C-725/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 30 avril 2019 - « EVN Bulgaria Toplofikatsia » EAD contre Nikolina Stefanova Dimitrova - demande de décision préjudicielle formée par le Rayonen sad Asenovgrad (tribunal d'arrondissement d'Asenovgrad, Bulgarie) - « Toplofikatsia Sofia » EAD contre Mitko Simeonov Dimitrov et« Termokomplekt » OOD - demande de décision préjudicielle formée par le Sofiyski rayonen sad (tribunal d'arrondissement de Sofia, Bulgarie) - Renvoi préjudiciel – **Chauffage urbain – Immeubles en copropriété alimentés par un réseau de chaleur – Protection des consommateurs** – Directive 2011/83/UE – Article 27 – **Fourniture non demandée – Réglementation nationale prévoyant que les copropriétaires sont tenus de contribuer aux frais de chauffage, même s'ils ne l'utilisent pas dans leur appartement** – **Efficacité énergétique** – Directive 2006/32/CE – Article 13, paragraphe 2 – Directive 2012/27/UE – Article 10, paragraphe 1 – **Facturation de l'énergie fondée sur la consommation réelle** – **Réglementation nationale prévoyant qu'une partie des frais de chauffage est répartie entre les copropriétaires selon le volume chauffé de leur appartement**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-708/17 du 30 avril 2019](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on **certain aspects concerning contracts for the sale of goods**, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Text with EEA relevance.)

[OJ of the EU, L 136/28 of 22 May 2019](#)

COMMISSION DIRECTIVE (EU) 2019/782 of 15 May 2019 **amending** Directive 2009/128/EC of the European Parliament and of the Council as regards the **establishment of harmonised risk indicators** (Text with EEA relevance)

[OJ of the EU, L 127/4 of 16 May 2019](#)

COMMISSION DECISION (EU) 2019/701 of 5 April 2019 establishing a **glossary of common ingredient names for use in the labelling of cosmetic products** (Text with EEA relevance)

[OJ of the EU, L 121/1 of 8 May 2019](#)

COMMISSION DECISION (EU) 2019/691 of 2 May 2019 **authorising**, in accordance with Article 4(5) of Commission Implementing Regulation (EU) 2018/574, **economic operators to use the services of another ID issuer** (Text with EEA relevance)

[OJ of the EU, L 116/80 of 3 May 2019](#)

Case Law

Case C-52/18: JUDGMENT OF THE COURT (First Chamber) of 23 May 2019 - Christian Füllä v Toolport GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Norderstedt (District Court, Norderstedt, Germany) - Reference for a preliminary ruling — **Consumer protection** — Directive 1999/44/EC — **Lack of conformity of the goods delivered** — Article 3 — **Right of the consumer to repair or replacement of the goods free of charge, within a reasonable time and without any significant inconvenience** — Determination of where the consumer must make goods acquired under a distance contract available to the seller to be brought into conformity — **Concept of bringing the goods into conformity ‘free of charge’** — **Right of the consumer to rescind the contract**

[CURIA – Judgment of the Court of Justice in Case C-52/18 of 23 May 2019](#)

Case C-383/18: OPINION OF ADVOCATE GENERAL HOGAN of 23 May 2019 - Lexitor Sp. z o.o v Spółdzielcza Kasa Oszczędnościowo — Kredytowa im. Franciszka Stefczyka z siedzibą w Gdyni, Santander Consumer Bank S.A. z siedzibą we Wrocławiu and mBank S.A. z siedzibą w Warszawie - Request for a preliminary ruling from the Sąd Rejonowy Lublin-Wschód w Lublinie z siedzibą w Świdniku (Lublin-Wschód District Court in Lublin with its seat in Świdnik, Poland) - Reference for a preliminary ruling — **Consumer protection** — Directive 2008/48/EC — Article 16(1) — **Credit agreements** — **Early repayment** — **Right of the consumer to a reduction in the total cost of the credit corresponding to the interest and costs due for the remaining term of the agreement**

[CURIA – Opinion of Advocate General in Case C-383/18 of 23 May 2019](#)

Case C-621/17: OPINION OF ADVOCATE GENERAL HOGAN of 15 May 2019 - Gyula Kiss and CIB Bank Zrt. v Emil Kiss and Gyuláné Kiss - Request for a preliminary ruling from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Consumer protection** — **Unfair terms** — Council Directive 93/13/EEC — Article 4(2) — **Requirement for terms related to the definition of the main subject-matter of the contract to be drafted in plain and intelligible language** — Article 5 — **Requirement for contract to be drafted in plain and intelligible language**

[CURIA – Opinion of Advocate General in Case C-621/17 of 15 May 2019](#)

Affaire C-260/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA du 14 mai 2019 - Kamil Dziubak et Justyna Dziubak contre Raiffeisen Bank International AG z siedziba w Wiedniu, prowadzący działalność w Polsce w formie oddziału pod nazwą Raiffeisen Bank International AG Oddział w Polsce, anciennement Raiffeisen Bank Polska SA z siedzibą w Warszawie - demande de décision préjudicielle présentée par le Sąd Okręgowy w Warszawie (tribunal régional de Varsovie, Pologne) - Renvoi préjudiciel – Directive 93/13/CEE – **Clauses abusives dans les contrats conclus avec les consommateurs – Contrats libellés dans une devise étrangère** – Clause concernant la détermination du taux de change entre les devises – Effets de la constatation du caractère abusif de cette clause – **Possibilité pour le juge de compléter le contrat en recourant à des dispositions nationales de caractère général – Appréciation de l'intérêt du consommateur – Maintien de la validité du contrat sans les clauses abusives**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-260/18 du 14 mai 2019

Case C-230/18: JUDGMENT OF THE COURT (Sixth Chamber) of 8 May 2019 - **PI v Landespolizeidirektion Tirol** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Tirol (Regional Administrative Court, Tyrol, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Article 15(2) and Article 16 of the Charter of Fundamental Rights of the European Union — **Freedom of establishment and freedom to provide services — Restriction — Decision to immediately close a commercial enterprise** — No statement of reasons — Overriding reasons in the public interest – **Prevention of criminal offences against persons engaged in prostitution — Protection of public health** — Proportionality of the restriction on the freedom of establishment — Articles 47 and 48 of the Charter of Fundamental Rights — **Effectiveness of judicial review — Rights of defence — General principle of the right to good administration**

CURIA – Judgment of the Court of Justice in Case C-230/18 of 8 May 2019

Case C-347/18: OPINION OF ADVOCATE GENERAL BOBEK of 7 May 2019 - **Alessandro Salvoni v Anna Maria Fiermonte** - Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy) - **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 53 — **Certificate certifying that the judgment delivered by the court of origin is enforceable** — Procedure — **Powers of the court of origin — Consumer protection — Article 47 of the Charter of Fundamental Rights of the European Union**

CURIA – Opinion of Advocate General in Case C-347/18 of 7 May 2019

Case C-614/17: JUDGMENT OF THE COURT (Fourth Chamber) of 2 May 2019 - **Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego v Industrial Quesera Cuquerella SL and Juan Ramón Cuquerella Montagud** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 510/2006 — Article 13(1)(b) — **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** — Manchego cheese ('queso manchego') — **Use of signs capable of evoking the region with which a protected designation of origin (PDO) is associated — Concept of the 'average consumer who is reasonably well informed and reasonably observant and circumspect'** — European consumers or consumers of the Member State in which the product covered by the PDO is made and mainly consumed

CURIA – Judgment of the Court of Justice in Case C-614/17 of 2 May 2019

Case C-694/17: JUDGMENT OF THE COURT (Third Chamber) of 2 May 2019 - **Pillar Securitisation Sàrl v Hildur Arnadottir** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, Luxembourg) - Reference for a preliminary ruling — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention** — Article 15 — **Contract concluded by a consumer** — Relationship with Directive 2008/48/EC — **Consumer credit agreements** — Articles 2 and 3 — **Concepts of 'consumer' and of 'transactions covered by the directive'** — **Maximum amount of credit — Irrelevant for the purposes of Article 15 of the Lugano II Convention**

CURIA – Judgment of the Court of Justice in Case C-694/17 of 2 May 2019

Case C-98/18: JUDGMENT OF THE COURT (Ninth Chamber) du 2 May 2019 - **T. Boer & Zonen BV v Staatssecretaris van Economische Zaken** - REQUEST for a preliminary ruling under Article 267 TFEU from the College van Beroep voor het bedrijfsleven (Administrative Court of Appeal for Trade and Industry, Netherlands) - Reference for a preliminary ruling — **Protection of health — Hygiene package** — Regulation (EC) No 853/2004 — **Hygiene of food of animal origin — Rules for food business operators** — Specific requirements — **Meat of domestic ungulates — Storage and transport — Requirements for the temperature of the meat**

CURIA – Judgment of the Court of Justice in Case C-98/18 of 2 May 2019

Affaire C-250/18: ARRÊT DE LA COUR (huitième chambre) du 2 mai 2019 - Commission européenne contre République de Croatie - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – Directive 2008/98/CE – **Traitement des déchets** – Article 5, paragraphe 1 – **Granulats de pierre ne répondant pas à la notion de "sous-produit"** – Article 13 – **Obligation des États membres de veiller à la protection de la santé humaine et de l'environnement** – Article 15, paragraphe 1 – **Obligation de faire traiter les déchets par leur détenteur ou d'autres personnes désignées**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-250/18 du 2 mai 2019](#)

Case C-294/18: JUDGMENT OF THE COURT (Tenth Chamber) of 2 May 2019 - Oulun Sähkönyyinti Oy - REQUEST for a preliminary ruling under Article 267 TFEU from the markkinaoikeus (Market Court, Finland) - Reference for a preliminary ruling – **Energy efficiency – Directive 2012/27/EU – Article 11(1) – **Cost of access to metering and billing information – Right of final customers to receive all their bills and billing information relating to their energy consumption free of charge** – Electricity network charges – Discount on electricity network charges granted by an electricity retail sales company to customers who have chosen electronic billing**

[CURIA – Judgment of the Court of Justice in Case C-294/18 of 2 May 2019](#)

Affaires jointes C-708/17 et C-725/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 30 avril 2019 - « EVN Bulgaria Toplofikatsia » EAD contre Nikolina Stefanova Dimitrova - demande de décision préjudicielle formée par le Rayonen sad Asenovgrad (tribunal d'arrondissement d'Asenovgrad, Bulgarie) - « **Toplofikatsia Sofia** » EAD contre **Mitko Simeonov Dimitrov et« Termokomplekt » OOD** - demande de décision préjudicielle formée par le Sofiyski rayonen sad (tribunal d'arrondissement de Sofia, Bulgarie) - Renvoi préjudiciel – **Chauffage urbain – Immeubles en copropriété alimentés par un réseau de chaleur – Protection des consommateurs** – Directive 2011/83/UE – Article 27 – **Fourniture non demandée – Réglementation nationale prévoyant que les copropriétaires sont tenus de contribuer aux frais de chauffage, même s'ils ne l'utilisent pas dans leur appartement – Efficacité énergétique** – Directive 2006/32/CE – Article 13, paragraphe 2 – Directive 2012/27/UE – Article 10, paragraphe 1 – **Facturation de l'énergie fondée sur la consommation réelle – Réglementation nationale prévoyant qu'une partie des frais de chauffage est répartie entre les copropriétaires selon le volume chauffé de leur appartement**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-708/17 du 30 avril 2019](#)

12. Human Rights

Community Legislation

REGULATION (EU) 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019 on **establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration** and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816

[OJ of the EU, L 135/85 of 22 May 2019](#)

DECISION OF THE BUREAU OF THE EUROPEAN PARLIAMENT of 3 April 2019 on the **implementing rules on the restriction of certain data subject rights** in relation to the **transfer of personal data by the European Parliament to national authorities in the context of criminal or financial investigations** (2019/C 163/01)

[OJ of the EU, C 163/1 of 13 May 2019](#)

COUNCIL DECISION (EU) 2019/682 of 9 April 2019 **authorising Member States to ratify**, in the interest of the European Union, the **Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data**

[OJ of the EU, L 115/7 of 2 May 2019](#)

EUROPEAN INVESTMENT BANK DECISION of 26 February 2019 laying down **internal rules** concerning the **processing of personal data by the Personnel Directorate 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 112/1 of 26 April 2019](#)

Case Law

Case C-720/17: JUDGMENT OF THE COURT (Fifth Chamber) of 23 May 2019 - Mohammed Bilali v Bundesamt für Fremdenwesen und Asyl - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — Subsidiary protection** — Directive 2011/95/EU — Article 19 — **Revocation of subsidiary protection status** — Error on the part of the administrative authorities with respect to the facts

[CURIA – Judgment of the Court of Justice in Case C-720/17 of 23 May 2019](#)

Case C-235/17: JUDGMENT OF THE COURT (Grand Chamber) of 21 May 2019 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 63 TFEU — **Free movement of capital — Article 17 of the Charter of Fundamental Rights of the European Union — Right to property** — National legislation extinguishing, without compensation, the **rights of usufruct over agricultural and forestry land acquired by legal persons or by natural persons** who cannot demonstrate a close family tie with the owner of the land

[CURIA – Judgment of the Court of Justice in Case C-235/17 of 21 May 2019](#)

Case C-314/18: OPINION OF ADVOCATE GENERAL PIKAMÄE of 16 May 2019 - Openbaar Ministerie v SF - Request for a preliminary ruling from the Rechtbank Amsterdam (District Court, Amsterdam, the Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decisions 2002/584/JHA and 2008/909/JHA — **Return of a requested person to the issuing Member State subject to a guarantee of return to the executing Member State in order to serve there a custodial sentence or a measure involving deprivation of liberty** — Moment of return — Penalty or additional measure

[CURIA – Opinion of Advocate General in Case C-314/18 of 16 May 2019](#)

Joined Cases C-391/16, C-77/17 and C-78/17: JUDGMENT OF THE COURT (Grand Chamber) of 14 May 2019 - M v Ministerstvo vnitra (C-391/16) - X (C-77/17) and X (C-78/17) v Commissaire général aux réfugiés et aux apatrides - THREE REQUESTS for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) in Case C-391/16 and from the Conseil du contentieux des étrangers (Council for asylum and immigration proceedings, Belgium) in Cases C-77/17 and C-78/17 - Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — International protection** — Directive 2011/95/EU — **Refugee status** — Article 14(4) to (6) — **Refusal to grant or revocation of refugee status in the event of danger to the security or the community of the host Member State — Validity — Article 18 of the Charter of Fundamental Rights of the European Union** — Article 78(1) TFEU — Article 6(3) TEU — Geneva Convention

[CURIA – Judgment of the Court of Justice in Case C-391/16 of 14 May 2019](#)

Case C-55/18: JUDGMENT OF THE COURT (Grand Chamber) of 14 May 2019 - Federación de Servicios de Comisiones Obreras (CCOO) v Deutsche Bank SAE, Federación Estatal de Servicios de la Unión General de Trabajadores (FES-UGT), Confederación General del Trabajo (CGT), Confederación Solidaridad de Trabajadores Vascos (ELA) and Confederación Intersindical Galega (CIG) - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Nacional (National High Court, Spain) - Reference for a preliminary ruling — **Social policy — Protection of the safety and health of workers** — Organisation of working time — **Article 31(2) of the Charter of Fundamental Rights of the European Union** — Directive 2003/88/EC — Articles 3 and 5 — **Daily and weekly rest** — Article 6 — **Maximum weekly working time** — Directive 89/391/EEC — **Safety and health of workers at work — Requirement to set up a system enabling the duration of time worked each day by each worker to be measured**

[CURIA – Judgment of the Court of Justice in Case C-55/18 of 14 May 2019](#)

Case C-24/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Österreichischer Gewerkschaftsbund, Gewerkschaft Öffentlicher Dienst v Republik Österreich - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Social policy — Prohibition of all discrimination on grounds of age — Directive 2000/78/EC — Exclusion of professional experience obtained before the age of 18 — New system of remuneration and advancement — Maintenance of the difference in treatment** — Freedom of movement for workers — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7(1) — **National legislation providing for account to be taken of a proportion of previous periods of service**

CURIA – Judgment of the Court of Justice in Case C-24/17 of 8 May 2019

Case C-396/17: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Martin Leitner v Landespolizeidirektion Tirol - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Austria) - Reference for a preliminary ruling — **Social policy — Prohibition of all discrimination on grounds of age — Directive 2000/78/EC — Exclusion of professional experience acquired before the age of 18 — New system of remuneration and advancement — Maintaining a difference in treatment** — Right to an effective remedy — **Article 47 of the Charter of Fundamental Rights of the European Union — Justifications**

CURIA – Judgment of the Court of Justice in Case C-396/17 of 8 May 2019

Case C-230/18: JUDGMENT OF THE COURT (Sixth Chamber) of 8 May 2019 - PI v Landespolizeidirektion Tirol - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Tirol (Regional Administrative Court, Tyrol, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Article 15(2) and Article 16 of the Charter of Fundamental Rights of the European Union — **Freedom of establishment and freedom to provide services — Restriction — Decision to immediately close a commercial enterprise** — No statement of reasons — Overriding reasons in the public interest — **Prevention of criminal offences against persons engaged in prostitution — Protection of public health** — Proportionality of the restriction on the freedom of establishment — Articles 47 and 48 of the Charter of Fundamental Rights — **Effectiveness of judicial review — Rights of defence — General principle of the right to good administration**

CURIA – Judgment of the Court of Justice in Case C-230/18 of 8 May 2019

Case C-347/18: OPINION OF ADVOCATE GENERAL BOBEK of 7 May 2019 - Alessandro Salvoni v Anna Maria Fiermonte - Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy) - **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 53 — **Certificate certifying that the judgment delivered by the court of origin is enforceable** — Procedure — **Powers of the court of origin — Consumer protection — Article 47 of the Charter of Fundamental Rights of the European Union**

CURIA – Opinion of Advocate General in Case C-347/18 of 7 May 2019

Case C-70/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 2 May 2019 - Staatssecretaris van Justitie en Veiligheid v A, B and P - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Free movement of persons — Workers** — Standstill rules — Decision No 1/80 — Article 13 — **New restrictions — Prohibition — Biometric data of Turkish nationals — Provision of those data to third parties** — Overriding reason in the public interest — **Preventing and combating identity fraud and document fraud** — Necessity and proportionality — **Prevention, detection and investigation of criminal offences — Uncertain and indirect effect**

CURIA – Opinion of Advocate General in Case C-70/18 of 2 May 2019

Case C-556/17: OPINION OF ADVOCATE GENERAL BOBEK of 30 April 2019 - Alekszj Torubarov v Bevándorlási és Menekültügyi Hivatal - Request for a preliminary ruling from the Pécsi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Pécs, Hungary) - Reference for a preliminary ruling — **Area of freedom, security and justice — Border control, asylum and immigration — Common procedures for granting and withdrawing international protection** — Judicial review of administrative decisions on application for international protection — **Right to an effective remedy — Jurisdiction of the national court limited to the power to annul**

CURIA – Opinion of Advocate General in Case C-556/17 of 30 April 2019

Case C-128/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 30 April 2019 - Dumitru-Tudor Dorobantu v Generalstaatsanwaltschaft Hamburg - Request for a preliminary ruling from the Hanseatisches Oberlandesgericht Hamburg (Higher Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Police and judicial cooperation in criminal matters — European arrest warrant** — Framework Decision 2002/584/JHA — Article 1(3) — **Charter of Fundamental Rights of the European Union** — Article 4 — **Prohibition of inhuman or degrading treatment — Obligation on the part of the executing judicial authorities to assess the conditions of detention in the issuing Member State** — Scope of the examination — Criteria
[CURIA – Opinion of Advocate General in Case C-128/18 of 30 April 2019](#)

13. Internal Market and Single Market

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2019/689 of 16 January 2019 on a **pilot project** to implement certain **administrative cooperation provisions** set out in Council Directive 91/477/EEC by means of the **Internal Market Information System** (Text with EEA relevance)
[OJ of the EU, L 116/75 of 3 May 2019](#)

Case Law

Case C-236/18: OPINION OF ADVOCATE GENERAL TANCHEV of 22 May 2019 - GRDF SA v Eni Gas & Power France SA, Direct énergie, Commission de régulation de l'énergie and Procureur général près la cour d'appel de Paris - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - **Directive 2009/73/EC concerning common rules for the internal market in natural gas** — Obligations of distribution system operators — Article 41 of Directive 2009/73 — **Effect in time of decisions of dispute settlement authorities — Principles of effectiveness and equivalence** — Legal certainty and legitimate expectations
[CURIA – Opinion of Advocate General in Case C-236/18 of 22 May 2019](#)

Case C-235/17: JUDGMENT OF THE COURT (Grand Chamber) of 21 May 2019 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 63 TFEU — **Free movement of capital — Article 17 of the Charter of Fundamental Rights of the European Union — Right to property** — National legislation extinguishing, without compensation, the **rights of usufruct over agricultural and forestry land acquired by legal persons or by natural persons** who cannot demonstrate a close family tie with the owner of the land
[CURIA – Judgment of the Court of Justice in Case C-235/17 of 21 May 2019](#)

Case C-53/18: JUDGMENT OF THE COURT (Second Chamber) of 8 May 2019 - Antonio Pasquale Mastromartino v Commissione Nazionale per le Società e la Borsa (Consob) - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court for Lazio, Italy) - Reference for a preliminary ruling — **Markets in financial instruments** — Directive 2004/39/EC — Articles 8, 23, 50 and 51 — **Scope — Financial adviser authorised to provide offsite services — Staff member who has become a defendant in criminal proceedings** — National legislation providing for the possibility of temporarily prohibiting the exercise of the activity — **Fundamental freedoms — Purely internal situation** — Not applicable
[CURIA – Judgment of the Court of Justice in Case C-53/18 of 8 May 2019](#)

Affaire C-267/18: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 8 mai 2019 - Delta Antrepriză de Construcții si Montaj 93 SA contre Compania Națională de Administrare a Infrastructurii Rutiere SA - Demande de décision préjudicielle formée par le Curtea de Apel București (Cour d'appel de Bucarest, Roumanie) - Recours préjudiciel – Directive 2014/24/UE – **Passation de marchés publics – Motifs facultatifs d'exclusion** – Exclusion d'un opérateur économique de la participation à une procédure d'appel d'offres en raison de la résiliation d'un marché antérieur pour cause de non communication au pouvoir adjudicateur d'une sous-traitance – **Notion de défaillances importantes ou persistantes – Rétention d'informations relatives à la résiliation d'un marché antérieur** – Informations relatives à la participation de sous-traitants à l'exécution du marché – Objectifs et finalités – **Gravité de la rétention d'informations**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-267/18 du 8 mai 2019](#)

Case C-431/17: JUDGMENT OF THE COURT (Grand Chamber) of 7 May 2019 - Monachos Eirinaios, kata kosmon Antonios Giakoumakis tou Emmanouil v Dikigorikos Syllogos Athinon - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — Directive 98/5/EC — **Access to the profession of lawyer — Monk who has obtained the professional qualification of lawyer in a Member State other than the host Member State** — Article 3(2) — **Condition requiring registration with the competent authority of the host Member State** — Certificate attesting to registration with the competent authority of the home Member State — **Refusal to register** — Rules of professional conduct — **Incompatibility of the status of monk with practice of the profession of lawyer**
[CURIA – Judgment of the Court of Justice in Case C-431/17 of 7 May 2019](#)

Case C-285/18: OPINION OF ADVOCATE GENERAL HOGAN of 7 May 2019 - Kauno miesto savivaldybė, Kauno miesto savivaldybės administracija, UAB Irgita and UAB Kauno švara - Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — **Scope ratione temporis** — Directive 2014/24/EU — **'In-house transactions'** — **Additional conditions for an 'in-house transaction' under national law**
[CURIA – Opinion of Advocate General in Case C-285/18 of 7 May 2019](#)

Case C-598/17: JUDGMENT OF THE COURT (First Chamber) of 2 May 2019 - A-Fonds v Inspecteur van de Belastingdienst - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof 's-Hertogenbosch (Court of Appeal, 's-Hertogenbosch, Netherlands) - Reference for a preliminary ruling — **Existing aid and new aid** — **Concept of new aid** — **Refund of dividend tax** — Scheme widened to companies established outside the Member State concerned — **Free movement of capital** — **Obligations of national courts**
[CURIA – Judgment of the Court of Justice in Case C-598/17 of 2 May 2019](#)

Case C-259/18: JUDGMENT OF THE COURT (Eighth Chamber) of 2 May 2019 - Sociedad Estatal Correos y Telégrafos SA v Asendia Spain SLU - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil no 3 de Madrid (Commercial Court No 3, Madrid, Spain) - Reference for a preliminary ruling — Directive 97/67/EC — **Common rules for the development of the internal market in postal services** — **Provision of the universal postal service** — **Exclusive rights of the designated operator** — Issue of means of payment for postage other than postage stamps
[CURIA – Judgment of the Court of Justice in Case C-259/18 of 2 May 2019](#)

Affaire C-309/18: ARRÊT DE LA COUR (neuvième chambre) du 2 mai 2019 - Lavorgna Srl contre Comune di Montelanico, Comune di Supino, Comune di Sgurgola, Comune di Trivigliano and Gea Srl - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunale amministrativo regionale per il Lazio (tribunal administratif régional pour le Latium, Italie) - Renvoi préjudiciel – **Passation des marchés publics** – Directive 2014/24/UE – **Coûts de main-d'œuvre** – **Exclusion automatique du soumissionnaire n'ayant pas indiqué de façon distincte dans l'offre lesdits coûts** – Principe de proportionnalité
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-309/18 du 2 mai 2019](#)

Case C-620/17: OPINION OF ADVOCATE GENERAL BOBEK of 30 April 2019 - Hochtief Solutions AG Magyarországi Fióktelepe v Fővárosi Törvényszék - Request for a preliminary ruling from the Székesfehérvári Törvényszék (Székesfehérvár High Court, Hungary) - Reference for a preliminary ruling — **Public procurement — Review procedures — Binding force of preliminary rulings** — Member State procedural autonomy — **Motion for retrial — Equivalence and effectiveness** — Member State liability for breaches of EU law arising from decisions of national courts — Failure to refer under the third paragraph of Article 267 TFEU
[CURIA – Opinion of Advocate General in Case C-620/17 of 30 April 2019](#)

Case C-390/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 30 April 2019 - YA, AIRBNB Ireland UC, Hotelière Turenne SAS, Association pour un hébergement et un tourisme professionnel (AHTOP) and Valhotel - Request for a preliminary ruling from the investigating judge of the Tribunal de grande instance de Paris (Regional Court, Paris) (France) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 2000/31/EC — **Connection of hosts, whether businesses or individuals, with accommodation available to rent with persons seeking that type of accommodation** — Additional provision of various other services — **National legislation laying down restrictive rules for the exercise of the profession of real estate agent**
[CURIA – Opinion of Advocate General in Case C-390/18 of 30 April 2019](#)

14. Intellectual Property

Community Legislation

DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (Text with EEA relevance)
[OJ of the EU, L 130/92 of 17 May 2019](#)

DIRECTIVE (EU) 2019/789 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain **online transmissions of broadcasting organisations and retransmissions of television and radio programmes**, and amending Council Directive 93/83/EEC (Text with EEA relevance)
[OJ of the EU, L 130/82 of 17 May 2019](#)

Case Law

Case C-281/18 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 16 May 2019 - Repower AG v European Union Intellectual Property Office (EUIPO) - Appeal — **EU trade mark** — Invalidity proceedings — **Revocation of the Board of Appeal's original decision partially refusing the application for a declaration of invalidity of the EU word mark REPOWER**
[CURIA – Opinion of Advocate General in Case C-281/18 of 16 May 2019](#)

Case C-484/18: OPINION OF ADVOCATE GENERAL HOGAN of 16 May 2019 - Société de perception et de distribution des droits des artistes-interprètes de la musique et de la danse (Spedidam), PG and GF v Institut national de l'audiovisuel, Syndicat indépendant des artistes-interprètes (SIA-UNSA) and Syndicat français des artistes-interprètes (CGT) - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Copyright and related rights** — Directive 2001/29/EC — Articles 2(b) and 3(2) — **Exclusive rights of the performers** — National legislation providing for the benefit of the French National Audiovisual Institute (INA), a special regime in favour of the exploitation of audiovisual archives not provided by Article 5(2) and (3) of Directive 2001/29 — **Benefit from the rights of exploitation of audiovisual archives without the need to prove the authorisation given by the performer** — **Legal presumption of the performers' consent**
[CURIA – Opinion of Advocate General in Case C-484/18 of 16 May 2019](#)

Case C-653/17 P: JUDGMENT OF THE COURT (Fifth Chamber) of 15 May 2019 - VM Vermögens-Management GmbH, established in Düsseldorf (Germany) v European Union Intellectual Property Office (EUIPO) and DAT Vermögensmanagement GmbH, established in Baldham (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Regulation (EU) 2015/2424 — **Invalidity proceedings — Word mark Vermögensmanufaktur — Declaration of invalidity** — Right to a fair hearing — Examination of the facts by EUIPO of its own motion — Retrospectivity — **Jurisdiction of the General Court — Statement of reasons for judgments**
[CURIA – Judgment of the Court of Justice in Case C-653/17 of 15 May 2019](#)

Case C-614/17: JUDGMENT OF THE COURT (Fourth Chamber) of 2 May 2019 - Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego v Industrial Quesera Cuquerella SL and Juan Ramón Cuquerella Montagud - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Agriculture** — Regulation (EC) No 510/2006 — Article 13(1)(b) — **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** — Manchego cheese (‘queso manchego’) — **Use of signs capable of evoking the region with which a protected designation of origin (PDO) is associated — Concept of the ‘average consumer who is reasonably well informed and reasonably observant and circumspect’** — European consumers or consumers of the Member State in which the product covered by the PDO is made and mainly consumed
[CURIA – Judgment of the Court of Justice in Case C-614/17 of 2 May 2019](#)

Affaire C-683/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 2 mai 2019 - Cofemel – Sociedade de Vestuário SA contre G-Star Raw CV - demande de décision préjudicielle formée par le Supremo Tribunal de Justiça (Cour suprême, Portugal) - Renvoi préjudiciel – **Droit d’auteur et droits voisins – Protection juridique des dessins et modèles – Droit de reproduction** – Vêtements
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-683/17 du 2 mai 2019](#)

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

International Agreements

COUNCIL DECISION (EU) 2019/837 of 14 May 2019 on the **conclusion**, on behalf of the Union, of the Arrangement between the **European Union**, of the one part, and the Kingdom of Norway, the Republic of Iceland, the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**
[OJ of the EU, L 138/9 of 24 May 2019](#)

ARRANGEMENT between the **European Union**, of the one part, and the Kingdom of Norway, the Republic of Iceland, the **Swiss Confederation and the Principality of Liechtenstein**, of the other part, on the **participation by those states in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**
[OJ of the EU, L 138/11 of 24 May 2019](#)

Community Legislation

REGULATION (EU) 2019/816 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 **establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons** (ECRIS-TCN) to supplement the European **Criminal Records Information System** and amending Regulation (EU) 2018/1726
[OJ of the EU, L 135/1 of 22 May 2019](#)

REGULATION (EU) 2019/817 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019 on **establishing a framework for interoperability between EU information systems in the field of borders and visa** and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA

[OJ of the EU, L 135/27 of 22 May 2019](#)

REGULATION (EU) 2019/818 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019 on **establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration** and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816

[OJ of the EU, L 135/85 of 22 May 2019](#)

COUNCIL REGULATION (EU) 2019/796 of 17 May 2019 concerning **restrictive measures against cyber-attacks threatening the Union or its Member States**

[OJ of the EU, L 129/1 of 17 May 2019](#)

COUNCIL DECISION (CFSP) 2019/797 of 17 May 2019 concerning **restrictive measures against cyber-attacks threatening the Union or its Member States**

[OJ of the EU, L 129/13 of 17 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/758 of 31 January 2019 **supplementing** Directive (EU) 2015/849 of the European Parliament and of the Council with regard to **regulatory technical standards for the minimum action** and the type of **additional measures credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries** (Text with EEA relevance)

[OJ of the EU, L 125/4 of 14 May 2019](#)

DECISION OF THE BUREAU OF THE EUROPEAN PARLIAMENT of 3 April 2019 on the **implementing rules on the restriction of certain data subject rights** in relation to the **transfer of personal data by the European Parliament to national authorities in the context of criminal or financial investigations** (2019/C 163/01)

[OJ of the EU, C 163/1 of 13 May 2019](#)

DIRECTIVE (EU) 2019/713 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on **combating fraud and counterfeiting of non-cash means of payment** and replacing Council Framework Decision 2001/413/JHA

[OJ of the EU, L 123/18 of 10 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/686 of 16 January 2019 laying down the **detailed arrangements** under Council Directive 91/477/EEC for the **systematic exchange, by electronic means, of information relating to the transfer of firearms within the Union** (Text with EEA relevance)

[OJ of the EU, L 116/1 of 3 May 2019](#)

Case Law

Case C-658/17: JUDGMENT OF THE COURT (First Chamber) of 23 May 2019 - WB v Przemysława Bac, acting in her capacity as notary - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Gorzowie Wielkopolskim (Regional Court, Gorzów Wielkopolski, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 650/2012 — Article 3(1)(g) and (i) — **Definition of a ‘decision’ in a matter of succession — Definition of an ‘authentic instrument’ in a matter of succession — Legal classification of the national deed of certification of succession** — Article 3(2) — **Definition of a ‘court’** — Failure by the Member State to notify the European Commission of notaries as non-judicial authorities exercising judicial functions like courts

[CURIA – Judgment of the Court of Justice in Case C-658/17 of 23 May 2019](#)

Case C-720/17: JUDGMENT OF THE COURT (Fifth Chamber) of 23 May 2019 - Mohammed Bilali v Bundesamt für Fremdenwesen und Asyl - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — Subsidiary protection** — Directive 2011/95/EU — Article 19 — **Revocation of subsidiary protection status** — Error on the part of the administrative authorities with respect to the facts

[CURIA – Judgment of the Court of Justice in Case C-720/17 of 23 May 2019](#)

Case C-280/18: OPINION OF ADVOCATE GENERAL KOKOTT of 23 May 2019 - Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others - Request for a preliminary ruling from the Symvoulio tis Epikrateias (Council of State, Greece) - Request for a preliminary ruling — **Environment** — Directive 2011/92/EU — **Assessment of the effects of certain public and private projects on the environment — Public participation in the decision-making process** — Announcement on the internet — **Access to justice** — Commencement of periods

[CURIA – Opinion of Advocate General in Case C-280/18 of 23 May 2019](#)

Case C-314/18: OPINION OF ADVOCATE GENERAL PIKAMÄE of 16 May 2019 - Openbaar Ministerie v SF - Request for a preliminary ruling from the Rechtbank Amsterdam (District Court, Amsterdam, the Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decisions 2002/584/JHA and 2008/909/JHA — **Return of a requested person to the issuing Member State subject to a guarantee of return to the executing Member State in order to serve there a custodial sentence or a measure involving deprivation of liberty** — Moment of return — Penalty or additional measure

[CURIA – Opinion of Advocate General in Case C-314/18 of 16 May 2019](#)

Case C-170/18 P: JUDGMENT OF THE COURT (First Chamber) of 15 May 2019 - CJ, residing in Agios Stefanos (Greece) v European Centre for Disease Prevention and Control (ECDC) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Civil service — Contract staff — European Centre for Disease Prevention and Control — Fixed-term contract** — Termination of the contract — **Compliance with a judgment of the European Union Civil Service Tribunal — Res judicata by means of a judgment annulling a decision** — Limits

[CURIA – Judgment of the Court of Justice in Case C-170/18 of 15 May 2019](#)

Case C-653/17 P: JUDGMENT OF THE COURT (Fifth Chamber) of 15 May 2019 - VM Vermögens-Management GmbH, established in Düsseldorf (Germany) v European Union Intellectual Property Office (EUIPO) and DAT Vermögensmanagement GmbH, established in Baldham (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Regulation (EU) 2015/2424 — **Invalidity proceedings — Word mark Vermögensmanufaktur — Declaration of invalidity** — Right to a fair hearing — Examination of the facts by EUIPO of its own motion — Retrospectivity — **Jurisdiction of the General Court — Statement of reasons for judgments**

[CURIA – Judgment of the Court of Justice in Case C-653/17 of 15 May 2019](#)

Joined Cases C-391/16, C-77/17 and C-78/17: JUDGMENT OF THE COURT (Grand Chamber) of 14 May 2019 - M v Ministerstvo vnitra (C-391/16) - X (C-77/17) and X (C-78/17) v Commissaire général aux réfugiés et aux apatrides - THREE REQUESTS for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) in Case C-391/16 and from the Conseil du contentieux des étrangers (Council for asylum and immigration proceedings, Belgium) in Cases C-77/17 and C-78/17 - Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — International protection** — Directive 2011/95/EU — **Refugee status** — Article 14(4) to (6) — **Refusal to grant or revocation of refugee status in the event of danger to the security or the community of the host Member State — Validity — Article 18 of the Charter of Fundamental Rights of the European Union** — Article 78(1) TFEU — Article 6(3) TEU — Geneva Convention

[CURIA – Judgment of the Court of Justice in Case C-391/16 of 14 May 2019](#)

Case C-25/18: JUDGMENT OF THE COURT (First Chamber) of 8 May 2019 - Bryan Andrew Kerr v Pavlo Postnov and Natalia Postnova - REQUEST for a preliminary ruling under Article 267 TFEU from the Okrazhen sad — Blagoevgrad (Regional Court of Blagoevgrad, Bulgaria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 7(1)(a) — Special jurisdiction in matters relating to contract — **Concept of ‘matters relating to a contract’ — Decision of the general meeting of the owners of property in a building — Obligation of the owners to pay annual financial contributions to the budget of the association of property owners as determined by that decision** — Legal action seeking enforcement of that decision — Law applicable to contractual obligations — Regulation (EC) No 593/2008 — Article 4(1)(b) and (c) — **Concepts of ‘contract for the provision of services’ and ‘a contract relating to a right in rem in immovable property’** — Decision of the general meeting of the owners of property in a building relating to maintenance costs for communal areas

[CURIA – Judgment of the Court of Justice in Case C-25/18 of 8 May 2019](#)

Case C-230/18: JUDGMENT OF THE COURT (Sixth Chamber) of 8 May 2019 - PI v Landespolizeidirektion Tirol - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Tirol (Regional Administrative Court, Tyrol, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Article 15(2) and Article 16 of the Charter of Fundamental Rights of the European Union — **Freedom of establishment and freedom to provide services — Restriction — Decision to immediately close a commercial enterprise** — No statement of reasons — Overriding reasons in the public interest — **Prevention of criminal offences against persons engaged in prostitution — Protection of public health** — Proportionality of the restriction on the freedom of establishment — Articles 47 and 48 of the Charter of Fundamental Rights — **Effectiveness of judicial review — Rights of defence — General principle of the right to good administration**

[CURIA – Judgment of the Court of Justice in Case C-230/18 of 8 May 2019](#)

Case C-347/18: OPINION OF ADVOCATE GENERAL BOBEK of 7 May 2019 - Alessandro Salvoni v Anna Maria Fiermonte - Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy) - **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 53 — **Certificate certifying that the judgment delivered by the court of origin is enforceable** — Procedure — **Powers of the court of origin — Consumer protection — Article 47 of the Charter of Fundamental Rights of the European Union**

[CURIA – Opinion of Advocate General in Case C-347/18 of 7 May 2019](#)

Case C-694/17: JUDGMENT OF THE COURT (Third Chamber) of 2 May 2019 - Pillar Securitisation Sàrl v Hildur Arnadottir - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, Luxembourg) - Reference for a preliminary ruling — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Lugano II Convention** — Article 15 — **Contract concluded by a consumer** — Relationship with Directive 2008/48/EC — **Consumer credit agreements** — Articles 2 and 3 — **Concepts of ‘consumer’ and of ‘transactions covered by the directive’ — Maximum amount of credit — Irrelevant for the purposes of Article 15 of the Lugano II Convention**

[CURIA – Judgment of the Court of Justice in Case C-694/17 of 2 May 2019](#)

Case C-70/18: OPINION OF ADVOCATE GENERAL PITRUZZELLA of 2 May 2019 - Staatssecretaris van Justitie en Veiligheid v A, B and P - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement — Free movement of persons — Workers** — Standstill rules — Decision No 1/80 — Article 13 — **New restrictions — Prohibition — Biometric data of Turkish nationals — Provision of those data to third parties** — Overriding reason in the public interest — **Preventing and combating identity fraud and document fraud** — Necessity and proportionality — **Prevention, detection and investigation of criminal offences — Uncertain and indirect effect**

[CURIA – Opinion of Advocate General in Case C-70/18 of 2 May 2019](#)

Case C-556/17: OPINION OF ADVOCATE GENERAL BOBEK of 30 April 2019 - Alekszj Torubarov v Bevándorlási és Menekültügyi Hivatal - Request for a preliminary ruling from the Pécsi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Pécs, Hungary) - Reference for a preliminary ruling — **Area of freedom, security and justice — Border control, asylum and immigration — Common procedures for granting and withdrawing international protection** — Judicial review of administrative decisions on application for international protection — **Right to an effective remedy — Jurisdiction of the national court limited to the power to annul**

[CURIA – Opinion of Advocate General in Case C-556/17 of 30 April 2019](#)

Case C-128/18: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 30 April 2019 - Dumitru-Tudor Dorobantu v Generalstaatsanwaltschaft Hamburg - Request for a preliminary ruling from the Hanseatisches Oberlandesgericht Hamburg (Higher Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Police and judicial cooperation in criminal matters — European arrest warrant** — Framework Decision 2002/584/JHA — Article 1(3) — **Charter of Fundamental Rights of the European Union** — Article 4 — **Prohibition of inhuman or degrading treatment — Obligation on the part of the executing judicial authorities to assess the conditions of detention in the issuing Member State** — Scope of the examination — Criteria

[CURIA – Opinion of Advocate General in Case C-128/18 of 30 April 2019](#)

Case C-198/18: OPINION OF ADVOCATE GENERAL BOBEK of 30 April 2019 - CeDe Group AB v KAN Sp. z o.o. (in insolvency) - Request for a preliminary ruling from the Högsta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 4 — **Applicable law — Set-off**

[CURIA – Opinion of Advocate General in Case C-198/18 of 30 April 2019](#)

Joined Cases C-508/18 and C-82/19 PPU: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 30 April 2019 - Minister for Justice and Equality v O.G. and P.I. - Requests for a preliminary ruling from the Supreme Court (Ireland) and the High Court (Ireland) - Reference for a preliminary ruling — **Police and judicial cooperation in criminal matters** — Framework Decision 2002/584/JHA — Article 6(1) — **European arrest warrant — Concept of ‘judicial authority’** — Public Prosecutor’s Office — **Independence from the executive**

[CURIA – Opinion of Advocate General in Case C-82/19 of 30 April 2019](#)

16. Transport

Community Legislation

REGULATION (EU) 2019/712 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004

[OJ of the EU, L 123/4 of 10 May 2019](#)

Case Law

Affaire C-253/18: ARRÊT DE LA COUR (dixième chambre) du 8 mai 2019 - Stadt Euskirchen contre Rhenus Veniro GmbH & Co. KG, SVE Stadtverkehr Euskirchen GmbH et RVK Regionalverkehr Köln GmbH - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par l’Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Renvoi préjudiciel — **Transports – Services publics de transport de voyageurs par chemin de fer et par route** – Règlement (CE) no 1370/2007 – Article 5, paragraphes 1 et 2 – **Attribution directe – Contrats de services publics de transport de voyageurs par autobus et par tramway – Conditions** – Directive 2014/24/UE – Article 12 – Directive 2014/25/UE – Article 28

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-253/18 du 8 mai 2019](#)

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

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2019/819 of 1 February 2019 **supplementing** Regulation (EU) No 346/2013 of the European Parliament and of the Council with regard to **conflicts of interest, social impact measurement and information to investors in the area of European social entrepreneurship funds** (Text with EEA relevance)

[OJ of the EU, L 134/1 of 22 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/820 of 4 February 2019 **supplementing** Regulation (EU) No 345/2013 of the European Parliament and of the Council with regard to **conflicts of interest in the area of European venture capital funds** (Text with EEA relevance)

[OJ of the EU, L 134/8 of 22 May 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/715 of 18 December 2018 on the **framework financial regulation for the bodies set up under the TFEU and Euratom Treaty** and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council

[OJ of the EU, L 122/1 of 10 May 2019](#)

COMMISSION IMPLEMENTING DECISION (EU) 2019/689 of 16 January 2019 on a **pilot project** to implement certain **administrative cooperation provisions** set out in Council Directive 91/477/EEC by means of the **Internal Market Information System** (Text with EEA relevance)

[OJ of the EU, L 116/75 of 3 May 2019](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2019/679 of 17 April 2019 **renewing the temporary restriction on the marketing, distribution or sale of contracts for differences to retail clients**

[OJ of the EU, L 114/22 of 30 April 2019](#)

DECISION (EU) 2019/669 OF THE EUROPEAN CENTRAL BANK of 4 April 2019 **amending** Decision ECB/2013/10 on the **denominations, specifications, reproduction, exchange and withdrawal of euro banknotes** (ECB/2019/9)

[OJ of the EU, L 113/6 of 29 April 2019](#)

DECISION (EU) 2019/670 OF THE EUROPEAN CENTRAL BANK of 9 April 2019 **amending** Decision ECB/2014/8 on the **prohibition of monetary financing and the remuneration of government deposits by national central banks** (ECB/2019/8)

[OJ of the EU, L 113/9 of 29 April 2019](#)

GUIDELINE (EU) 2019/671 OF THE EUROPEAN CENTRAL BANK of 9 April 2019 on **domestic asset and liability management operations by the national central banks** (recast) (ECB/2019/7)

[OJ of the EU, L 113/11 of 29 April 2019](#)

EUROPEAN INVESTMENT BANK DECISION of 26 February 2019 laying down **internal rules** concerning the **processing of personal data by the Personnel Directorate 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 112/1 of 26 April 2019](#)

Case Law

Case C-94/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 21 May 2019 - Nalini Chenchooliah v Minister for Justice and Equality - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — **Citizenship of the Union** — Directive 2004/38/EC — **Right of citizens of the Union and their family members to move and reside freely within the territory of a Member State** — Beneficiaries — **Third-country national who is the spouse of a Union citizen who has exercised his freedom of movement and then returned to the Member State of which he is a national where he is serving a prison sentence** — Applicability of Directive 2004/38 to the expulsion of that third-country national — Scope of Article 15 and of Chapter VI
[CURIA – Opinion of Advocate General in Case C-94/18 of 21 May 2019](#)

Affaire C-450/17 P: ARRÊT DE LA COUR (première chambre) du 8 mai 2019 - Landeskreditbank Baden-Württemberg – Förderbank, établie à Karlsruhe (Allemagne) contre Banque centrale européenne (BCE) et Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Politique économique et monétaire** – Règlement (UE) n° 1024/2013 – Article 6, paragraphe 4 – Règlement (UE) n° 468/2014 – Article 70, paragraphe 1 – **Surveillance prudentielle des établissements de crédit – Missions confiées à la Banque centrale européenne (BCE) – Mécanisme de surveillance unique** – Exercice de ces missions par les autorités compétentes nationales – **Établissement de crédit “moins important” – “Circonstances particulières” justifiant de considérer un établissement de crédit comme étant “moins important”**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-450/17 du 8 mai 2019](#)

Affaire C-243/18 P: ARRÊT DE LA COUR (première chambre) du 8 mai 2019 - Entreprise commune européenne pour ITER et le développement de l'énergie de fusion contre Yosu Galocha - 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 – Fonctionnaires – Concours – Arrêt d'annulation – Étendue de l'annulation** – Mise en balance des intérêts en présence – Annulation des listes de réserve – **Annulation des décisions d'engager des lauréats figurant sur ces listes**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-243/18 du 8 mai 2019](#)

Case C-28/18: OPINION OF ADVOCATE GENERAL SZPUNAR of 2 May 2019 - Verein für Konsumenteninformation v Deutsche Bahn AG - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Request for a preliminary ruling — Regulation (EU) No 260/2012 — Article 9(2) — **Technical and commercial requirements for credit transfers and direct debits in euro** — Accessibility of payments — **Payment by SEPA (single euro payments area) direct debit** — **General conditions requiring the payer to have a residence in the same Member State as the payee**
[CURIA – Opinion of Advocate General in Case C-28/18 of 2 May 2019](#)