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

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

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	3
4. Audiovisual and Media and Information Society	3
5. Competition	4
6. Customs	4
7. Economic and Monetary Affairs, Taxation, Enterprise	4
8. Education, Training, Youth, Culture, Research and Innovation	7
9. Employment and Social Affairs	7
10. Energy and Environment	8
11. Food Safety, Public Health and Consumers	10
12. Human Rights	11
13. Internal Market and Single Market	13
14. Intellectual Property	14
15. Justice, Freedom and Security (incl. Judicial Cooperation)	14
16. Transport	18
17. Community Institutions, Principles and the Communities' own resources	19

Highlights

Judgment of the Court (Sixth Chamber) of 7 November 2019. K.H.K. v B.A.C. and E.E.K. Request for a preliminary ruling from the Sofijski rayonen sad. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 655/2014 — **European Account Preservation Order** — Article 5(a) — Obtention procedure — Article 4(8) to (10) — **Definition of 'judgment', 'court settlement' and 'authentic instrument'** — **National order for payment against which an objection may be lodged** — Article 18(1) — **Time limits** — Article 45 — **Exceptional circumstances** — **Definition.**

[Case C-555/18 - ECLI identifier: ECLI:EU:C:2019:937](#)

Judgment of the Court (Grand Chamber) of 12 November 2019. Organisation juive européenne and Vignoble Psagot Ltd v Ministre de l'Économie et des Finances. Request for a preliminary ruling from the Conseil d'État. Reference for a preliminary ruling — Regulation (EU) No 1169/2011 — **Provision of food information to consumers** — **Mandatory indication of the country of origin or place of provenance of a foodstuff where failure to indicate this might mislead the consumer** — Requirement that foodstuffs originating in territories occupied by Israel bear the indication of their territory of origin, accompanied, where those foodstuffs come from an Israeli settlement within that territory, by the indication of that provenance.

[Case C-363/18 - ECLI identifier: ECLI:EU:C:2019:954](#)

Judgment of the Court (Fourth Chamber) of 21 November 2019. CeDe Group AB v KAN Sp. z o.o. in bankruptcy. Request for a preliminary ruling from the Högsta domstolen. Reference for a preliminary ruling — Regulation (EC) No 1346/2000 — Articles 4 and 6 — **Insolvency proceedings** — **Applicable law** — European order for payment procedure — **Failure to pay a contractual claim before bankruptcy** — **Exception of set-off based on a contractual claim arising prior to bankruptcy.**

[Case C-198/18 - ECLI identifier: ECLI:EU:C:2019:1001](#)

Judgment of the Court (First Chamber) of 7 November 2019. Profi Credit Polska S.A. v Bogumiła Włostowska and Others and Profi Credit Polska S.A. v OH. Requests for a preliminary ruling from the Sąd Rejonowy dla Warszawy Pragi-Południe w Warszawie and Sąd Okręgowy w Opolu, II Wydział Cywilny Odwoławczy. References for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC — Article 3(1) — Article 6(1) — Article 7(1) — Directive 2008/48/EC — Article 10(2) — **Credit agreements for consumers** — **Lawfulness of securing the debt arising under the agreement by means of a blank promissory note** — Demand for payment of the debt owed under the promissory note — **Scope of the court's powers and obligations.**

[Joined Cases C-419/18 and C-483/18 - ECLI identifier: ECLI:EU:C:2019:930](#)

1. EU-Swiss Relations

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

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2019/1875 of 8 November 2019 on the **conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore**
[OJ of the EU, L 294/1 of 14 November 2019](#)

Free Trade Agreement between the **European Union and the Republic of Singapore**
[OJ of the EU, L 294/3 of 14 November 2019](#)

Case Law

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 21 novembre 2019. D.Z. contre Blue Air – Airline Management Solutions SRL e.a. Demande de décision préjudicielle formée par l'Εparchiako Dikastirio Larnakas (tribunal de district de Larnaka, Chypre). Renvoi préjudiciel – **Contrôles aux frontières, asile et immigration – Franchissement des frontières extérieures des États membres** – Décision no 565/2014/UE – **Effet direct** – Règlement (CE) no 261/2004 – **Refus d'embarquement – Notion – Erreur d'appréciation du caractère adéquat des documents de voyage – Clauses limitant la responsabilité du transporteur aérien**
[Affaire C-584/18 - Identifiant ECLI: ECLI:EU:C:2019:1003](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 21 novembre 2019. Subdelegación del Gobierno en Ciudad Real contre RH. Demande de décision préjudicielle formée par le Tribunal Superior de Justicia de Castilla-La Mancha (Cour supérieure de justice de Castille-La Manche, Espagne). Renvoi préjudiciel – **Citoyenneté de l'Union européenne** – Article 20 TFUE – **Droit de séjour, dans un État membre, d'un ressortissant de pays tiers, conjoint d'un citoyen de l'Union n'ayant jamais exercé sa liberté de circulation** – Législation nationale subordonnant l'octroi du titre de séjour à la condition que le citoyen de l'Union dispose de ressources financières suffisantes pour subvenir aux besoins du conjoint – **Refus fondé sur l'absence de ressources suffisantes – Modalités d'appréciation de la relation de dépendance existant entre le ressortissant de pays tiers et le citoyen de l'Union.**
[Affaire C-836/18 - Identifiant ECLI: ECLI:EU:C:2019:1004](#)

Judgment of the Court (Grand Chamber) of 12 November 2019. Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers. Request for a preliminary ruling from the Arbeidshof te Brussel. Reference for a preliminary ruling – **Applicants for international protection** – Directive 2013/33/EU – Article 20(4) and (5) – **Serious breaches of the rules of the accommodation centres as well as seriously violent behaviour – Scope of the Member States' right to determine the sanctions applicable – Unaccompanied minor** – Reduction or withdrawal of material reception conditions.
[Case C-233/18 - ECLI identifier: ECLI:EU:C:2019:956](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION DECISION (EU) 2019/1862 of 6 November 2019 laying down internal **rules** in relation to the provision of **information to data subjects and the restrictions** of certain of their **rights** in the context of the **processing of personal data** by the Commission in the **Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

[OJ of the EU, L 286/17 of 7 November 2019](#)

Case Law

Arrêt de la Cour (neuvième chambre) du 20 novembre 2019. République portugaise contre Commission européenne. Pourvoi – **Fonds européen agricole de garantie (FEAGA) – Fonds européen agricole pour le développement rural (Feader) – Dépenses exclues du financement de l'Union européenne** – Dépenses effectuées par la République portugaise.

[Affaire C-737/18 P - Identifiant ECLI: ECLI:EU:C:2019:991](#)

Judgment of the Court (First Chamber) of 14 November 2019. Vaselife International BV and Chrysal International BV v College voor de toelating van gewasbeschermingsmiddelen en biociden. Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven. Reference for a preliminary ruling — Regulation (EC) No 1107/2009 — **Placing of plant protection products on the market — Parallel trade** — Modification of the period of validity of the parallel trade permit — **Identity of the plant protection product and the reference product — Conditions.**

[Case C-445/18 - ECLI identifier: ECLI:EU:C:2019:968](#)

Judgment of the Court (Second Chamber) of 13 November 2019. Lietuvos Respublikos Seimo narių grupė. Request for a preliminary ruling from the Lietuvos Respublikos Konstitucinis Teismas. Reference for a preliminary ruling — **Common agricultural policy — Common organisation of the markets** — Milk and milk products — Regulation (EC) No 1308/2013 — Article 148(4) — **Contract for the delivery of raw milk — Free negotiation of price — Combating unfair commercial practices** — Prohibition of payment of different prices to producers of raw milk belonging to a group that is formed according to the daily quantity sold, and of a reduction in price without justification.

[Case C-2/18 - ECLI identifier: ECLI:EU:C:2019:962](#)

4. Audiovisual and Media and Information Society

Community Legislation

Commission Regulation (EU) 2019/1910 of 7 November 2019 **implementing** Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning **Community statistics on the information society for reference year 2020** (Text with EEA relevance)

[OJ of the EU, L 296/1 of 15 November 2019](#)

5. Competition

Case Law

Judgment of the Court (Seventh Chamber) of 14 November 2019. Silec Cable and General Cable Corp. v European Commission. Appeal — **Competition — Agreements, decisions and concerted practices — European market for underground and submarine power cables** — Market allocation in connection with projects — **Proof of the infringement** — Presumption of innocence — **Distortion of the evidence** — Public distancing — **Subjective perception of other cartel participants** — Infringement committed by several undertakings constituting a single economic entity — **Gravity of the infringement committed by one of these undertakings — Determination — ‘Fringe player’ or ‘moderate player’ in the cartel** — Determination — Principle of equal treatment.

Case C-599/18 P - ECLI identifier: ECLI:EU:C:2019:966

Judgment of the Court (Fifth Chamber) of 14 November 2019. Proceedings brought by Finanzamt Linz and Finanzamt Kirchdorf Perg Steyr. Request for a preliminary ruling from the Verwaltungsgerichtshof. Reference for a preliminary ruling — **State aid — Alteration of an authorised aid scheme** — Article 108(3) TFEU — Notification requirement — **Standstill obligation subject to approval from the European Commission** — Regulation (EU) No 651/2014 — **Exemption** — Article 58(1) — **Temporal scope of the regulation** — Article 44(3) — **Scope — National legislation laying down a formula for calculating a partial rebate of energy taxes.**

Case C-585/17 - ECLI identifier: ECLI:EU:C:2019:969

Judgment of the Court (Fifth Chamber) of 7 November 2019. Aanbestedingskalender BV and Others v European Commission. Appeal — **State aid — Aid granted by the Netherlands authorities for the creation and introduction of the TenderNed electronic procurement platform** — Decision that the measure does not constitute State aid, within the meaning of Article 107(1) TFEU.

Case C-687/17 P - ECLI identifier: ECLI:EU:C:2019:932

Judgment of the Court (Fifth Chamber) of 7 November 2019. Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado. Requests for a preliminary ruling from the Tribunal Supremo. Reference for a preliminary ruling — **Polluter pays principle** — Directive 2000/60/EC — Article 9(1) — **Recovery of the costs of water services — Common rules for the internal market in electricity** — Directive 2009/72/EC — Article 3(1) — **Principle of non-discrimination** — Article 107(1) TFEU — **State aid — Tax on the use of inland waters for the production of electricity** — Tax imposed only on hydroelectricity producers operating on inter-communities river basins.

Joined Cases C-105/18 to C-113/18 - ECLI identifier: ECLI:EU:C:2019:935

6. Customs

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

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION (EU) 2019/1875 of 8 November 2019 on the **conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore**

OJ of the EU, L 294/1 of 14 November 2019

Free Trade Agreement between the **European Union and the Republic of Singapore**

OJ of the EU, L 294/3 of 14 November 2019

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1902 of 7 November 2019 laying down **technical information for the calculation of technical provisions and basic own funds for reporting** with reference dates from 30 September 2019 until 30 December 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 293/5 of 14 November 2019](#)

COMMISSION DELEGATED REGULATION (EU) 2019/1851 of 28 May 2019 **supplementing** Regulation (EU) 2017/2402 of the European Parliament and of the Council with regard to **regulatory technical standards on the homogeneity of the underlying exposures in securitisation** (Text with EEA relevance)

[OJ of the EU, L 285/1 of 6 November 2019](#)

GUIDELINE (EU) 2019/1849 OF THE EUROPEAN CENTRAL BANK of 4 October 2019 **amending** Guideline ECB/2012/27 on a **Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)** (ECB/2019/30)

[OJ of the EU, L 283/64 of 5 November 2019](#)

Case Law

Arrêt de la Cour (deuxième chambre) du 20 novembre 2019. Infohos contre Belgische Staat. Demande de décision préjudicielle, introduite par le Hof van Cassatie. Renvoi préjudiciel – **Fiscalité – Taxe sur la valeur ajoutée (TVA)** – Sixième directive 77/388/CEE – Article 13, A, paragraphe 1, sous f) – **Exonérations – Prestations de services effectuées par des groupements autonomes de personnes – Services fournis aux membres et aux non-membres.**

[Affaire C-400/18 - ECLI identifier: ECLI:EU:C:2019:992](#)

Judgment of the Court (Fifth Chamber) of 14 November 2019. Proceedings brought by Finanzamt Linz and Finanzamt Kirchdorf Perg Steyr. Request for a preliminary ruling from the Verwaltungsgerichtshof. Reference for a preliminary ruling — **State aid — Alteration of an authorised aid scheme** — Article 108(3) TFEU — Notification requirement — **Standstill obligation subject to approval from the European Commission** — Regulation (EU) No 651/2014 — **Exemption** — Article 58(1) — **Temporal scope of the regulation** — Article 44(3) — **Scope — National legislation laying down a formula for calculating a partial rebate of energy taxes.**

[Case C-585/17 - ECLI identifier: ECLI:EU:C:2019:969](#)

Judgment of the Court (First Chamber) of 14 November 2019. State Street Bank International GmbH v Banca d'Italia. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio. Reference for a preliminary ruling — Directive 2014/59/EU — **Recovery and resolution of credit institutions — National financing arrangement — Resolution authority — National fund** — Articles 103 and 104 — **Obligation to contribute — Ex ante contributions and extraordinary ex post contributions** — Calculation — **Late transposition of the directive** — Delegated Regulation (EU) 2015/63 — Articles 12 and 14 — **Concept of ‘change of status’ — Impact on the obligation to contribute.**

[Case C-255/18 - ECLI identifier: ECLI:EU:C:2019:967](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 14 November 2019. Dong Yang Electronics Sp. z o.o. v Dyrektor Izby Administracji Skarbowej we Wrocławiu. Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu (Regional Administrative Court, Wrocław, Poland). Request for a preliminary ruling — **Tax law — VAT — Services — Place of supply of services — Concept of ‘fixed establishment’ within the meaning of Article 44 of the VAT Directive 2006/112/EC** — Subsidiary (established in a Member State) of a parent company established in a third country

[Case C-547/18 - ECLI identifier: ECLI:EU:C:2019:976](#)

Arrêt de la Cour (deuxième chambre) du 13 novembre 2019. College Pension Plan of British Columbia contre Finanzamt München Abteilung III. Demande de décision préjudicielle, introduite par le Finanzgericht München. Renvoi préjudiciel – **Libre circulation des capitaux – Imposition des fonds de pension** – Différence de traitement entre les fonds de pension résidents et les fonds de pension non-résidents – **Réglementation d'un État membre permettant aux fonds de pension résidents de réduire leur bénéfice imposable en déduisant les réserves destinées à payer des pensions et d'imputer l'impôt prélevé sur les dividendes sur l'impôt sur les sociétés** – Comparabilité des situations – Justification.

[Affaire C-641/17 - ECLI identifier: ECLI:EU:C:2019:960](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. SC Petrotel-Lukoil SA v Agenția Națională de Administrare Fiscală - Direcția Generală de Administrare a Marilor Contribuabili and Agenția Națională de Administrare Fiscală – Direcția Generală de Soluționare a Contestațiilor. Request for a preliminary ruling from the Curtea de Apel București. Reference for a preliminary ruling – **Taxation of energy products and electricity** – Directive 2003/96/EC – Article 21(3) – **No chargeable event giving rise to taxation – Consumption of energy products on a site that produces such products** – Article 2(3) – **Obligation to obtain a classification for energy products in order to determine the level of excise duty** – Tax rate applicable to those products – Principle of proportionality.

[Case C-68/18 - ECLI identifier: ECLI:EU:C:2019:933](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado and Others. Requests for a preliminary ruling from the Tribunal Supremo. Reference for a preliminary ruling – **Polluter-pays principle – Common rules for the internal market in electricity** – Directive 2009/72/EC – Article 3(1) and (2) – **Principle of non-discrimination – Financing the tariff deficit – Taxes applying only to undertakings which use nuclear energy to produce electricity.**

[Joined Cases C-80/18 to C-83/18. - ECLI identifier: ECLI:EU:C:2019:934](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado. Requests for a preliminary ruling from the Tribunal Supremo. Reference for a preliminary ruling – **Polluter pays principle** – Directive 2000/60/EC – Article 9(1) – **Recovery of the costs of water services – Common rules for the internal market in electricity** – Directive 2009/72/EC – Article 3(1) – **Principle of non-discrimination** – Article 107(1) TFEU – **State aid – Tax on the use of inland waters for the production of electricity** – Tax imposed only on hydroelectricity producers operating on inter-communities river basins.

[Joined Cases C-105/18 to C-113/18 - ECLI identifier: ECLI:EU:C:2019:935](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 7 novembre 2019. AS «PrivatBank», partie intervenante: Finanšu un kapitāla tirgus komisija. Demande de décision préjudicielle formée par l'Augstākā tiesa (Cour suprême, Lettonie). Renvoi préjudiciel – **Services de paiement dans le marché intérieur** – Directive 2007/64/CE – Articles 2, 20, 21, 51, 75 et 80 à 83 – Champ d'application de la directive 2007/64/CE – **Services de paiement fournis dans une autre devise que l'euro ou la devise d'un État membre en dehors de la zone euro – Autorités compétentes – Contrôle prudentiel – Procédures de réclamation et de recours extrajudiciaire** – Inexécution ou mauvaise exécution d'un ordre de paiement

[Affaire C-480/18 - ECLI identifier: ECLI:EU:C:2019:943](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 7 November 2019. Finanzamt Kaufbeuren mit Außenstelle Füssen v Golfclub Schloss Igling e. V. Request for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany). Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – **Exemptions** – Article 132(1)(m) – **Supply of services closely linked to sport – Direct effect – Extent of Member States' margin of appreciation – Principle of fiscal neutrality** – Principle of equal treatment – Notion of non-profit organisations

[Case C-488/18 - ECLI identifier: ECLI:EU:C:2019:942](#)

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

Case Law

Arrêt de la Cour (sixième chambre) du 7 novembre 2019. Rose Vision SL contre Commission européenne. Pourvoi – **Projets financés par l’Union européenne dans le domaine de la recherche** – Septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013) – **Conventions de subvention relatives aux projets FIRST, FutureNEM, sISI, 4NEM et SFERA – Audits constatant des irrégularités dans la mise en œuvre de certains projets – Décisions de la Commission européenne de suspendre le paiement des montants à verser dans le cadre d’autres projets** – Recours en responsabilité et en annulation.

[Affaire C-346/18 P - ECLI identifier: ECLI:EU:C:2019:939](#)

9. Employment and Social Affairs

Case Law

Judgment of the Court (Third Chamber) of 21 November 2019. Deutsche Post AG and Klaus Leymann v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen. Reference for a preliminary ruling — Regulation (EC) No 561/2006 — **Road transport — Social legislation — Vehicles used to deliver items as part of the universal postal service — Exceptions** — Vehicles partly used for such delivery — Directive 97/67/EC — Article 3(1) — **‘Universal service’** — Concept.

[Case C-203/18 - ECLI identifier: ECLI:EU:C:2019:999](#)

Judgment of the Court (Grand Chamber) of 19 November 2019. Terveys- ja sosiaalialan neuvottelujärjestö (TSN) ry v Hyvinvointialan liitto ry and Auto- ja Kuljetusalan Työntekijäliitto AKT ry v Satamaoperaattorit ry. Requests for a preliminary ruling from the Työtuomioistuin. Reference for a preliminary ruling — **Social policy** — Article 153 TFEU — **Minimum safety and health requirements for the organisation of working time** — Directive 2003/88/EC — Article 7 — **Right to paid annual leave of at least 4 weeks** — Article 15 — **Provisions of national legislation and collective agreements more favourable to the protection of the safety and health of workers** — Workers incapable of working during a period of paid annual leave due to illness — Refusal to carry over that leave where not carrying over that leave does not reduce the actual duration of the paid annual leave below 4 weeks — **Article 31(2) of the Charter of Fundamental Rights of the European Union — Inapplicable where there is no implementation of EU law for the purposes of Article 51(1) of the Charter of Fundamental Rights.**

[Joined Cases C-609/17 and C-610/17 - ECLI identifier: ECLI:EU:C:2019:981](#)

Judgment of the Court (Grand Chamber) of 19 November 2019. A. K. and Others v Sąd Najwyższy. Requests for a preliminary ruling from the Sąd Najwyższy. Reference for a preliminary ruling — Directive 2000/78/EC — **Equal treatment in employment and occupation — Non-discrimination on the ground of age — Lowering of the retirement age of judges of the Sąd Najwyższy (Supreme Court, Poland)** — Article 9(1) — Right to a remedy — Article 47 of the Charter of Fundamental Rights of the European Union — **Effective judicial protection — Principle of judicial independence** — Creation of a new chamber of the Sąd Najwyższy (Supreme Court) with jurisdiction inter alia for cases of retiring the judges of that court — **Chamber formed by judges newly appointed by the President of the Republic of Poland on a proposal of the National Council of the Judiciary — Independence of that council** — Power to disapply national legislation not in conformity with EU law — Primacy of EU law.

[Joined Cases C-585/18, C-624/18 and C-625/18 - ECLI identifier: ECLI:EU:C:2019:982](#)

Arrêt de la Cour (première chambre) du 7 novembre 2019. Gennaro Cafaro contre DQ. Demande de décision préjudicielle, introduite par la Corte suprema di cassazione. Renvoi préjudiciel – **Transports aériens** – Règlement (UE) n° 1178/2011 – Annexe I, point FCL.065 – **Champ d’application ratione temporis** – Directive 2000/78/CE – **Égalité de traitement en matière d’emploi et de travail – Discrimination fondée sur l’âge** – Article 2, paragraphe 5 – Article 4, paragraphe 1 – **Réglementation nationale prévoyant la cessation automatique de la relation de travail à l’âge de 60 ans** – Pilotes d’aéronefs – **Protection de la sécurité nationale.**

[Affaire C-396/18 - ECLI identifier: ECLI:EU:C:2019:929](#)

Judgment of the Court (Grand Chamber) of 5 November 2019. European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — **Rule of law — Effective judicial protection in the fields covered by EU law — Principles of the irremovability of judges and judicial independence** — Lowering of the retirement age of judges of the ordinary Polish courts — Possibility of continuing to carry out the duties of judge beyond the newly set age, by authorisation of the Minister for Justice — Article 157 TFEU — Directive 2006/54/EC — Articles 5(a) and 9(1)(f) — **Prohibition of discrimination based on sex in matters of pay, employment and occupation** — Establishment of different retirement ages for men and women holding the position of judge of the ordinary Polish courts or of the Sąd Najwyższy (Supreme Court, Poland) or that of public prosecutor in Poland.

[Case C-192/18 - ECLI identifier: ECLI:EU:C:2019:924](#)

10. Energy and Environment

Community Legislation

Commission Regulation (EU) 2019/1939 of 7 November 2019 amending Regulation (EU) No 582/2011 as regards **Auxiliary Emission Strategies (AES)**, access to **vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods** and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles (Text with EEA relevance)

[OJ of the EU, L 303/1 of 25 November 2019](#)

COMMISSION DECISION (EU) 2019/1862 of 6 November 2019 laying down internal **rules** in relation to the provision of **information to data subjects and the restrictions** of certain of their **rights** in the context of the **processing of personal data** by the Commission in the **Union system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

[OJ of the EU, L 286/17 of 7 November 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1859 of 6 November 2019 laying down **rules** for the application of Article 10 of Regulation (EU) 2019/1242 of the European Parliament and of the Council as regards the **collection of certain data** (Text with EEA relevance)

[OJ of the EU, L 286/10 of 7 November 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1842 of 31 October 2019 laying down **rules** for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards further **arrangements for the adjustments to free allocation of emission allowances due to activity level changes**

[OJ of the EU, L 282/20 of 4 November 2019](#)

Case Law

Judgment of the Court (Fifth Chamber) of 14 November 2019. Proceedings brought by Finanzamt Linz and Finanzamt Kirchdorf Perg Steyr. Request for a preliminary ruling from the Verwaltungsgerichtshof. Reference for a preliminary ruling — **State aid — Alteration of an authorised aid scheme** — Article 108(3) TFEU — Notification requirement — **Standstill obligation subject to approval from the European Commission** — Regulation (EU) No 651/2014 — **Exemption** — Article 58(1) — **Temporal scope of the regulation** — Article 44(3) — **Scope — National legislation laying down a formula for calculating a partial rebate of energy taxes.**

[Case C-585/17 - ECLI identifier: ECLI:EU:C:2019:969](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 14 November 2019. Baltic Cable AB v Energimarknadsinspektionen. Request for a preliminary ruling from the Förvaltningsrätten i Linköping (Administrative Court, Linköping, Sweden). **Cross border exchanges in electricity** — Regulation (EC) No 714/2009 — **Undertaking which merely operates an interconnector — Notion of transmission system operator** — Use of the revenues resulting from the allocation of interconnection

[Case C-454/18 - ECLI identifier: ECLI:EU:C:2019:973](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 14 November 2019. Deutsche Umwelthilfe eV v Freistaat Bayern. Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof (Higher Administrative Court of Bavaria, Germany). Reference for a preliminary ruling — **Environment — Atmospheric pollution — Directive 2008/50/EC — Air quality plan — Limit values for nitrogen dioxide — Effectiveness of EU law — Obligation of the national courts to take all necessary measures to ensure the implementation of a directive** — Non-compliance by the administration with judicial decisions — Orders and financial penalties ineffective — **Article 47 of the Charter of Fundamental Rights of the European Union — Right to an effective judicial remedy** — Committal to prison of public officials — Need for compliance with Article 6 of the Charter of Fundamental Rights — **Right to liberty of the person**
[Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:972](#)

Judgment of the Court (Grand Chamber) of 12 November 2019. European Commission v Ireland. Failure of a Member State to fulfil obligations — **Judgment of the Court establishing a failure to fulfil obligations — Non-compliance** — Directive 85/337/EEC — **Consent for, and construction of, a wind farm — Project likely to have significant effects on the environment — Absence of a prior environmental impact assessment** — Obligation to regularise — Article 260(2) TFEU — Application for an order to pay a penalty payment and a lump sum.
[Case C-261/18 - ECLI identifier: ECLI:EU:C:2019:955](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 12 November 2019. IL and others v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany). Reference for preliminary ruling — **Environment** — Directive 2011/92/EU — **Environmental impact assessment** — Directive 2000/60/EC — **EU action in the field of water policy — Right of appeal in the event of procedural errors** — National regulations limiting right of appeal in the event of procedural errors)
[Case C-535/18 - ECLI identifier: ECLI:EU:C:2019:957](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. SC Petrotel-Lukoil SA v Agenția Națională de Administrare Fiscală - Direcția Generală de Administrare a Marilor Contribuabili and Agenția Națională de Administrare Fiscală - Direcția Generală de Soluționare a Contestațiilor. Request for a preliminary ruling from the Curtea de Apel București. Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — Article 21(3) — **No chargeable event giving rise to taxation — Consumption of energy products on a site that produces such products** — Article 2(3) — **Obligation to obtain a classification for energy products in order to determine the level of excise duty** — Tax rate applicable to those products — Principle of proportionality.
[Case C-68/18 - ECLI identifier: ECLI:EU:C:2019:933](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado and Others. Requests for a preliminary ruling from the Tribunal Supremo. Reference for a preliminary ruling — **Polluter - pays principle — Common rules for the internal market in electricity** — Directive 2009/72/EC — Article 3(1) and (2) — **Principle of non-discrimination — Financing the tariff deficit — Taxes applying only to undertakings which use nuclear energy to produce electricity.**
[Joined Cases C-80/18 to C-83/18. - ECLI identifier: ECLI:EU:C:2019:934](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado. Requests for a preliminary ruling from the Tribunal Supremo. Reference for a preliminary ruling — **Polluter - pays principle** — Directive 2000/60/EC — Article 9(1) — **Recovery of the costs of water services — Common rules for the internal market in electricity** — Directive 2009/72/EC — Article 3(1) — **Principle of non-discrimination** — Article 107(1) TFEU — **State aid — Tax on the use of inland waters for the production of electricity** — Tax imposed only on hydroelectricity producers operating on inter-communities river basins.
[Joined Cases C-105/18 to C-113/18 - ECLI identifier: ECLI:EU:C:2019:935](#)

Judgment of the Court (First Chamber) of 7 November 2019. Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others. Request for a preliminary ruling from the Symvoulio tis Epikrateias. Reference for a preliminary ruling — **Environment — Assessment of the effects of certain projects on the environment — Public participation in decision-making and access to justice** — Date from which the time for bringing proceedings starts to run.

[Case C-280/18 - ECLI identifier: ECLI:EU:C:2019:928](#)

Judgment of the Court (Ninth Chamber) of 7 November 2019. Eni SpA and Shell Italia E & P SpA v Ministero dello Sviluppo Economico and Others. Requests for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia and Tribunale Amministrativo Regionale per la Lombardia. Reference for a preliminary ruling — Directive 94/22/EC — **Energy — Conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons — Royalties** — Methods of calculation — QE and PFOR indices — **Discriminatory nature.**

[Joined Cases C-364/18 and C-365/18 - ECLI identifier: ECLI:EU:C:2019:938](#)

11. Food Safety, Public Health and Consumers

Case Law

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 14 November 2019. Cofidis SA v YU and ZT. Request for a preliminary ruling from the Tribunal d'instance Épinal (District Court, Épinal, France). **OPR-Finance s.r.o. v GK.** (Request for a preliminary ruling from the Okresní soud v Ostravě (District Court, Ostrava, Czech Republic). Request for a preliminary ruling — **Consumer protection** — Directive 2008/48 — **Credit agreements for consumers — Pre-contractual check of the consumer's creditworthiness by the creditor — Creditor's obligations to provide information upon conclusion of the agreement** — Penalties in the event of failure to comply — **Application of the court's own motion** — National provision which prohibits national courts, on expiry of a limitation period or time bar, from finding and penalising, of their own motion or following an objection raised by the consumer, breaches of obligations'

[Case C-616/18 and Case C-679/18 - ECLI identifier: ECLI:EU:C:2019:975](#)

Judgment of the Court (Grand Chamber) of 12 November 2019. Organisation juive européenne and Vignoble Psagot Ltd v Ministre de l'Économie et des Finances. Request for a preliminary ruling from the Conseil d'État. Reference for a preliminary ruling — Regulation (EU) No 1169/2011 — **Provision of food information to consumers — Mandatory indication of the country of origin or place of provenance of a foodstuff where failure to indicate this might mislead the consumer** — Requirement that foodstuffs originating in territories occupied by Israel bear the indication of their territory of origin, accompanied, where those foodstuffs come from an Israeli settlement within that territory, by the indication of that provenance.

[Case C-363/18 - ECLI identifier: ECLI:EU:C:2019:954](#)

Judgment of the Court (First Chamber) of 7 November 2019. Adriano Guaitoli and Others v easyJet Airline Co. Ltd. Request for a preliminary ruling from the Tribunale ordinario di Roma. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 7(1)(a) — **Competent court in matters relating to a contract — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** — Regulation (EC) No 261/2004 — Articles 5, 7, 9 and 12 — **Montreal Convention — Jurisdiction** — Articles 19 and 33 — Application for compensation and compensation for damage resulting from the cancellation and delay of flights.

[Case C-213/18 - ECLI identifier: ECLI:EU:C:2019:927](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Nationale Maatschappij der Belgische Spoorwegen (NMBS) v Mbutuku Kanyebe and Others. Requests for a preliminary ruling from the Vredegerecht te Antwerpen. References for a preliminary ruling — Rail transport — Passengers' rights and obligations — Regulation (EC) No 1371/2007 — Article 3(8) — **Transport contract — Concept — Passenger without a ticket at the time of boarding a train — Unfair terms in consumer contracts** — Directive 93/13/EEC — Article 1(2) and Article 6(1) — **General conditions of carriage of a railway undertaking — Mandatory statutory or regulatory provisions — Penalty clause** — Powers of the national court.

[Joined Cases C-349/18 to C-351/18 - ECLI identifier: ECLI:EU:C:2019:936](#)

Judgment of the Court (First Chamber) of 7 November 2019. Profi Credit Polska S.A. v Bogumiła Włostowska and Others and Profi Credit Polska S.A. v OH. Requests for a preliminary ruling from the Sąd Rejonowy dla Warszawy Pragi-Południe w Warszawie and Sąd Okręgowy w Opolu, II Wydział Cywilny Odwoławczy. References for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC — Article 3(1) — Article 6(1) — Article 7(1) — Directive 2008/48/EC — Article 10(2) — **Credit agreements for consumers — Lawfulness of securing the debt arising under the agreement by means of a blank promissory note** — Demand for payment of the debt owed under the promissory note — **Scope of the court's powers and obligations.**

[Joined Cases C-419/18 and C-483/18 - ECLI identifier: ECLI:EU:C:2019:930](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 7 novembre 2019. Libuše Králová contre Primera Air Scandinavia - demande de décision préjudicielle formée par l'Obvodní soud pro Prahu 8 (tribunal d'arrondissement de Prague 8, République tchèque). Renvoi préjudiciel — **Compétence judiciaire en matière civile et commerciale** — Règlement (CE) no 44/2001 — Article 5, point 1 — **Compétence en matière contractuelle** — Section 4 du chapitre II — **Compétence en matière de contrats conclus par les consommateurs** — Champs d'application — Règlement (CE) no 261/2004 — Articles 6 et 7 — **Transport aérien — Indemnisation et assistance des passagers — Retard important d'un vol — Contrat de transport combiné à un hébergement conclu entre le passager et un organisateur de voyages** — Action en indemnisation dirigée contre le transporteur aérien non partie à ce contrat — Voyage à forfait — Directive 90/314/CEE

[Affaire C-215/18 - ECLI identifier: ECLI:EU:C:2019:931](#)

12. Human Rights

Case Law

Judgment of the Court (Sixth Chamber) of 20 November 2019. X v Belgische Staat. Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen. Reference for a preliminary ruling — **Area of freedom, security and justice — Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 5(4) — **Decision concerning the application for family reunification — Consequences of failure to comply with the time limit for taking a decision** — Automatic issue of a residence permit.

[Case C-706/18 - ECLI identifier: ECLI:EU:C:2019:993](#)

CONCLUSIONI DELL'AVVOCATO GENERALE GIOVANNI PITRUZZELLA presentate il 19 novembre 2019. Procedimento penale a carico di DK con l'intervento di Spezializirana prokuratura. Domanda di pronuncia pregiudiziale proposta dallo Spetsializiran nakazatelen sad (Tribunale speciale per i procedimenti penali, Bulgaria). Rinvio pregiudiziale — **Cooperazione giudiziaria in materia penale** — Direttiva (UE) 2016/343 — **Presunzione d'innocenza — Onere della prova — Decisione sulla colpevolezza — Controllo giurisdizionale sul mantenimento in custodia cautelare**

[Causa C-653/19 \(PPU\) - Identificatore ECLI: ECLI:EU:C:2019:983](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 14 November 2019. Deutsche Umwelthilfe eV v Freistaat Bayern. Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof (Higher Administrative Court of Bavaria, Germany). Reference for a preliminary ruling — **Environment — Atmospheric pollution — Directive 2008/50/EC — Air quality plan — Limit values for nitrogen dioxide — Effectiveness of EU law — Obligation of the national courts to take all necessary measures to ensure the implementation of a directive** — Non-compliance by the administration with judicial decisions — Orders and financial penalties ineffective — **Article 47 of the Charter of Fundamental Rights of the European Union — Right to an effective judicial remedy** — Committal to prison of public officials — Need for compliance with Article 6 of the Charter of Fundamental Rights — **Right to liberty of the person**
[Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:972](#)

Judgment of the Court (Grand Chamber) of 12 November 2019. Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers. Request for a preliminary ruling from the Arbeidshof te Brussel. Reference for a preliminary ruling — **Applicants for international protection — Directive 2013/33/EU — Article 20(4) and (5) — Serious breaches of the rules of the accommodation centres as well as seriously violent behaviour — Scope of the Member States’ right to determine the sanctions applicable — Unaccompanied minor** — Reduction or withdrawal of material reception conditions.
[Case C-233/18 - ECLI identifier: ECLI:EU:C:2019:956](#)

CONCLUSIONES DEL ABOGADO GENERAL SR. MACIEJ SZPUNAR presentadas el 12 de noviembre de 2019. Proceso penal con intervención de: Oriol Junqueras Vies, Ministerio Fiscal, Abogacía del Estado y Partido político VOX. Petición de decisión prejudicial planteada por el Tribunal Supremo. **Procedimiento prejudicial — Nacional de un Estado miembro en prisión provisional, electo miembro del Parlamento Europeo durante el juicio oral de un proceso penal — Denegación al interesado de una autorización para cumplir una exigencia establecida por el Derecho nacional** — Protocolo (n.º 7) sobre los privilegios y las inmunidades de la Unión Europea — Artículo 9 — **Ámbito y alcance de la inmunidad parlamentaria — Conceptos de “electo” y de “miembro del Parlamento Europeo”** — Acta relativa a la elección de los diputados al Parlamento Europeo — Carta de los Derechos Fundamentales de la Unión Europea — Artículo 39 — **Derecho de sufragio pasivo**
[Asunto C-502/19 - Identificador Europeo de Jurisprudencia: ECLI:EU:C:2019:958](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 7 November 2019. VW. Request for a preliminary ruling from the Juzgado de Instrucción No 4 de Badalona (Court of Preliminary Investigation No 4, Badalona, Spain). **Judicial cooperation in criminal matters** — Directive 2013/48/EU — Article 2 — Scope — Article 3 — **Right of access to a lawyer — Failure to appear when summoned — National arrest warrant** — Temporary derogations — Article 8 — **Circumstances in which the assistance of a lawyer may be delayed**
[Case C-659/18 - ECLI identifier: ECLI:EU:C:2019:940](#)

Judgment of the Court (Grand Chamber) of 5 November 2019. European Central Bank (ECB) and Others v Trasta Komerčbanka and Others. Appeal — Admissibility — Representation of a party before the Court — Power of attorney given to the lawyer — **Power of attorney withdrawn by the liquidator of the appellant company — Further steps in the proceedings by the decision-making body of the appellant company — Charter of Fundamental Rights of the European Union — Article 47 — Right to an effective remedy** — Regulation (EU) No 1024/2013 — Prudential supervision of credit institutions — **Decision to withdraw a credit institution’s authorisation** — Action for annulment before the General Court of the European Union — Admissibility — **Whether the shareholders of the company whose authorisation has been withdrawn are directly concerned.**
[Joined Cases C-663/17 P, C-665/17 P and C-669/17 P - ECLI identifier: ECLI:EU:C:2019:923](#)

13. Internal Market and Single Market

Case Law

OPINION OF ADVOCATE GENERAL BOBEK delivered on 21 November 2019. HUNGEOD Közlekedésfejlesztési, Földmérési, Út- és Vasúttervezési Kft., SIXENSE Soldata, Budapesti Közlekedési Zrt. (C-496/18) and Budapesti Közlekedési Zrt. (C-497/18) v Közbeszerzési Hatóság Közbeszerzési Döntőbizottság. Request for a preliminary ruling from the Fővárosi Törvényszék (Budapest High Court, Hungary). Reference for a preliminary ruling — **Public procurement — Modifications of public contracts — Remedies Directives** — Review initiated ex officio by a public authority of an alleged infringement of public procurement rules — **Time limits for the initiation of a review — Expiry of time limits under the national legislation in force at the time of the alleged infringement — Ex officio review initiated under new legislation — Imposition of fines on the contracting authority and on the tenderers — Principles of legal certainty and non-retroactivity** — Article 83 of Directive 2014/24/EU and Article 99 of Directive 2014/25/EU — Protection of the financial interests of the Union
[Joined Cases C-496/18 and C-497/18 - ECLI identifier: ECLI:EU:C:2019:1002](#)

Judgment of the Court (Seventh Chamber) of 14 November 2019. Silec Cable and General Cable Corp. v European Commission. Appeal — **Competition — Agreements, decisions and concerted practices — European market for underground and submarine power cables** — Market allocation in connection with projects — **Proof of the infringement** — Presumption of innocence — **Distortion of the evidence** — Public distancing — **Subjective perception of other cartel participants** — Infringement committed by several undertakings constituting a single economic entity — **Gravity of the infringement committed by one of these undertakings — Determination — ‘Fringe player’ or ‘moderate player’ in the cartel** — Determination — Principle of equal treatment.
[Case C-599/18 P - ECLI identifier: ECLI:EU:C:2019:966](#)

Arrêt de la Cour (deuxième chambre) du 13 novembre 2019. College Pension Plan of British Columbia contre Finanzamt München Abteilung III. Demande de décision préjudicielle, introduite par le Finanzgericht München. Renvoi préjudiciel — **Libre circulation des capitaux – Imposition des fonds de pension** – Différence de traitement entre les fonds de pension résidents et les fonds de pension non-résidents – **Réglementation d’un État membre permettant aux fonds de pension résidents de réduire leur bénéfice imposable en déduisant les réserves destinées à payer des pensions et d’imputer l’impôt prélevé sur les dividendes sur l’impôt sur les sociétés** – Comparabilité des situations – Justification.
[Affaire C-641/17 - ECLI identifier: ECLI:EU:C:2019:960](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Aanbestedingskalender BV and Others v European Commission. Appeal — **State aid — Aid granted by the Netherlands authorities for the creation and introduction of the TenderNed electronic procurement platform** — Decision that the measure does not constitute State aid, within the meaning of Article 107(1) TFEU.
[Case C-687/17 P - ECLI identifier: ECLI:EU:C:2019:932](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 7 novembre 2019. AS «PrivatBank», partie intervenante: Finanšu un kapitāla tirgus komisija. Demande de décision préjudicielle formée par l’Augstākā tiesa (Cour suprême, Lettonie). Renvoi préjudiciel — **Services de paiement dans le marché intérieur** – Directive 2007/64/CE – Articles 2, 20, 21, 51, 75 et 80 à 83 – Champ d’application de la directive 2007/64/CE – **Services de paiement fournis dans une autre devise que l’euro ou la devise d’un État membre en dehors de la zone euro – Autorités compétentes – Contrôle prudentiel – Procédures de réclamation et de recours extrajudiciaire** – Inexécution ou mauvaise exécution d’un ordre de paiement
[Affaire C-480/18 - ECLI identifier: ECLI:EU:C:2019:943](#)

14. Intellectual Property

Case Law

Judgment of the Court (Fourth Chamber) of 21 November 2019. Reference for a preliminary ruling — **Designs** — Regulation (EC) No 6/2002 — Article 90(1) — **Provisional and protective measures — Jurisdiction of national courts of first instance — Exclusive jurisdiction of the courts designated in that provision.**

[Case C-678/18 - ECLI identifier: ECLI:EU:C:2019:998](#)

Judgment of the Court (First Chamber) of 14 November 2019. **Vaselife International BV and Chrysal International BV v College voor de toelating van gewasbeschermingsmiddelen en biociden.** Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven. Reference for a preliminary ruling — Regulation (EC) No 1107/2009 — **Placing of plant protection products on the market — Parallel trade — Modification of the period of validity of the parallel trade permit — Identity of the plant protection product and the reference product — Conditions.**

[Case C-445/18 - ECLI identifier: ECLI:EU:C:2019:968](#)

Judgment of the Court (Fifth Chamber) of 14 November 2019. **Société de perception et de distribution des droits des artistes-interprètes de la musique et de la danse (Spedidam) and Others v Institut national de l'audiovisuel.** Request for a preliminary ruling from the Cour de cassation. Reference for a preliminary ruling — **Copyright and related rights** — Directive 2001/29/EC — **Exclusive rights of performers** — Article 2(b) — **Reproduction right** — Article 3(2)(a) — **Making available to the public — Authorisation — Presumption** — National scheme exempting a public institution responsible for the conservation and promotion of the national audiovisual heritage from the requirement to obtain the performer's written consent for the exploitation of archives containing fixations of that performer's performances.

[Case C-484/18 - ECLI identifier: ECLI:EU:C:2019:970](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 14 November 2019. **European Union Intellectual Property Office (EUIPO) v Equivalenza Manufactory SL.** Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Application for the figurative mark BLACK LABEL BY EQUIVALENZA — Opposition proceedings — Earlier figurative mark LABELL** — Article 8(1)(b) — **Likelihood of confusion — Similarity of the signs — Method for comparing signs** — Finding that the signs at issue have an average degree of aural similarity — **Obligation to carry out a global assessment of the likelihood of confusion**

[Case C-328/18 P - ECLI identifier: ECLI:EU:C:2019:974](#)

Judgment of the Court (Tenth Chamber) of 13 November 2019. **Outsource Professional Services Ltd v European Union Intellectual Property Office.** Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Absolute grounds for invalidity** — Article 52(1)(b) — **Bad faith at the time that an application for a trade mark is filed.**

[Case C-528/18 P - ECLI identifier: ECLI:EU:C:2019:961](#)

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

Case Law

Judgment of the Court (Fourth Chamber) of 21 November 2019. **CeDe Group AB v KAN Sp. z o.o. in bankruptcy.** Request for a preliminary ruling from the Högsta domstolen. Reference for a preliminary ruling — Regulation (EC) No 1346/2000 — Articles 4 and 6 — **Insolvency proceedings — Applicable law** — European order for payment procedure — **Failure to pay a contractual claim before bankruptcy — Exception of set-off based on a contractual claim arising prior to bankruptcy.**

[Case C-198/18 - ECLI identifier: ECLI:EU:C:2019:1001](#)

Judgment of the Court (Fourth Chamber) of 21 November 2019. Deutsche Lufthansa AG v Land Berlin. Request for a preliminary ruling from the Bundesverwaltungsgericht. Reference for a preliminary ruling — Air transport — Directive 2009/12/EC — Articles 3 and 6 — Article 11(1) and (7) — **Airport charges — Protection of airport users' rights** — Whether it is possible for the airport managing body to agree charges lower than those approved by the independent supervisory authority — **Remedies available to an airport user — Collateral challenge before a civil court giving judgment on the basis of equitable criteria.**

Case C-379/18 - ECLI identifier: ECLI:EU:C:2019:1000

Judgment of the Court (Fourth Chamber) of 21 November 2019. Reference for a preliminary ruling — **Designs** — Regulation (EC) No 6/2002 — Article 90(1) — **Provisional and protective measures — Jurisdiction of national courts of first instance — Exclusive jurisdiction of the courts designated in that provision.**

Case C-678/18 - ECLI identifier: ECLI:EU:C:2019:998

Judgment of the Court (Sixth Chamber) of 20 November 2019. X v Belgische Staat. Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen. Reference for a preliminary ruling — **Area of freedom, security and justice — Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 5(4) — **Decision concerning the application for family reunification — Consequences of failure to comply with the time limit for taking a decision** — Automatic issue of a residence permit.

Case C-706/18 - ECLI identifier: ECLI:EU:C:2019:993

Judgment of the Court (Grand Chamber) of 19 November 2019. A. K. and Others v Sąd Najwyższy. Requests for a preliminary ruling from the Sąd Najwyższy. Reference for a preliminary ruling — Directive 2000/78/EC — **Equal treatment in employment and occupation — Non-discrimination on the ground of age — Lowering of the retirement age of judges of the Sąd Najwyższy (Supreme Court, Poland)** — Article 9(1) — Right to a remedy — Article 47 of the Charter of Fundamental Rights of the European Union — **Effective judicial protection — Principle of judicial independence** — Creation of a new chamber of the Sąd Najwyższy (Supreme Court) with jurisdiction inter alia for cases of retiring the judges of that court — **Chamber formed by judges newly appointed by the President of the Republic of Poland on a proposal of the National Council of the Judiciary — Independence of that council** — Power to disapply national legislation not in conformity with EU law — Primacy of EU law.

Joined Cases C-585/18, C-624/18 and C-625/18 - ECLI identifier: ECLI:EU:C:2019:982

CONCLUSIONI DELL'AVVOCATO GENERALE GIOVANNI PITRUZZELLA presentate il 19 novembre 2019. Procedimento penale a carico di DK con l'intervento di Spezializirana prokuratura. Domanda di pronuncia pregiudiziale proposta dallo Spetsializiran nakazatelen sad (Tribunale speciale per i procedimenti penali, Bulgaria). Rinvio pregiudiziale — **Cooperazione giudiziaria in materia penale** — Direttiva (UE) 2016/343 — **Presunzione d'innocenza — Onere della prova — Decisione sulla colpevolezza — Controllo giurisdizionale sul mantenimento in custodia cautelare**

Causa C-653/19 (PPU) - Identificatore ECLI: ECLI:EU:C:2019:983

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 14 November 2019. Deutsche Umwelthilfe eV v Freistaat Bayern. Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof (Higher Administrative Court of Bavaria, Germany). Reference for a preliminary ruling — **Environment — Atmospheric pollution** — Directive 2008/50/EC — **Air quality plan — Limit values for nitrogen dioxide — Effectiveness of EU law — Obligation of the national courts to take all necessary measures to ensure the implementation of a directive** — Non-compliance by the administration with judicial decisions — Orders and financial penalties ineffective — **Article 47 of the Charter of Fundamental Rights of the European Union — Right to an effective judicial remedy** — Commitment to prison of public officials — Need for compliance with Article 6 of the Charter of Fundamental Rights — **Right to liberty of the person**

Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:972

Judgment of the Court (Grand Chamber) of 12 November 2019. Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers. Request for a preliminary ruling from the Arbeidshof te Brussel. Reference for a preliminary ruling — **Applicants for international protection** — Directive 2013/33/EU — Article 20(4) and (5) — **Serious breaches of the rules of the accommodation centres as well as seriously violent behaviour** — **Scope of the Member States' right to determine the sanctions applicable** — **Unaccompanied minor** — Reduction or withdrawal of material reception conditions.

[Case C-233/18 - ECLI identifier: ECLI:EU:C:2019:956](#)

OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 12 November 2019. Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v Bank BGŻ BNP Paribas S.A. w Gdańsku, intervenier: Prokuratura Rejonowa Gdańsk-Śródmieście w Gdańsku. (Request for a preliminary ruling from the Sąd Rejonowy Gdańsk-Południe w Gdańsku (District Court for Gdańsk-South, Gdańsk, Poland). Reference for a preliminary ruling — **Area of freedom, security and justice** — **Judicial cooperation in criminal matters** — Framework Decision 2005/214/JHA — **Recognition and enforcement of financial penalties imposed on legal persons** — **Obligation to interpret national law in conformity with EU law** — **Scope** — **Concept of 'legal person'** — Financial penalty imposed on an entity with no legal personality

[Case C-183/18 - ECLI identifier: ECLI:EU:C:2019:959](#)

CONCLUSIONES DEL ABOGADO GENERAL SR. MACIEJ SZPUNAR presentadas el 12 de noviembre de 2019. Proceso penal con intervención de: Oriol Junqueras Vies, Ministerio Fiscal, Abogacía del Estado y Partido político VOX. Petición de decisión prejudicial planteada por el Tribunal Supremo. **Procedimiento prejudicial — Nacional de un Estado miembro en prisión provisional, electo miembro del Parlamento Europeo durante el juicio oral de un proceso penal** — **Denegación al interesado de una autorización para cumplir una exigencia establecida por el Derecho nacional** — Protocolo (n.º 7) sobre los privilegios y las inmunidades de la Unión Europea — Artículo 9 — **Ámbito y alcance de la inmunidad parlamentaria** — **Conceptos de "electo" y de "miembro del Parlamento Europeo"** — Acta relativa a la elección de los diputados al Parlamento Europeo — Carta de los Derechos Fundamentales de la Unión Europea — Artículo 39 — **Derecho de sufragio pasivo**

[Asunto C-502/19. Identificador Europeo de Jurisprudencia: ECLI:EU:C:2019:958](#)

Judgment of the Court (First Chamber) of 7 November 2019. Adriano Guitoli and Others v easyJet Airline Co. Ltd. Request for a preliminary ruling from the Tribunale ordinario di Roma. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction, recognition and enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 7(1)(a) — **Competent court in matters relating to a contract** — **Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** — Regulation (EC) No 261/2004 — Articles 5, 7, 9 and 12 — **Montreal Convention** — **Jurisdiction** — Articles 19 and 33 — Application for compensation and compensation for damage resulting from the cancellation and delay of flights.

[Case C-213/18 - ECLI identifier: ECLI:EU:C:2019:927](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Nationale Maatschappij der Belgische Spoorwegen (NMBS) v Mbutuku Kanyebe and Others. Requests for a preliminary ruling from the Vrederegrecht te Antwerpen. References for a preliminary ruling — Rail transport — Passengers' rights and obligations — Regulation (EC) No 1371/2007 — Article 3(8) — **Transport contract** — **Concept** — **Passenger without a ticket at the time of boarding a train** — **Unfair terms in consumer contracts** — Directive 93/13/EEC — Article 1(2) and Article 6(1) — **General conditions of carriage of a railway undertaking** — **Mandatory statutory or regulatory provisions** — **Penalty clause** — Powers of the national court.

[Joined Cases C-349/18 to C-351/18 - ECLI identifier: ECLI:EU:C:2019:936](#)

Judgment of the Court (First Chamber) of 7 November 2019. Profi Credit Polska S.A. v Bogumiła Włostowska and Others and Profi Credit Polska S.A. v OH. Requests for a preliminary ruling from the Sąd Rejonowy dla Warszawy Pragi-Południe w Warszawie and Sąd Okręgowy w Opolu, II Wydział Cywilny Odwoławczy. References for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC — Article 3(1) — Article 6(1) — Article 7(1) — Directive 2008/48/EC — Article 10(2) — **Credit agreements for consumers** — **Lawfulness of securing the debt arising under the agreement by means of a blank promissory note** — Demand for payment of the debt owed under the promissory note — **Scope of the court's powers and obligations.**

[Joined Cases C-419/18 and C-483/18 - ECLI identifier: ECLI:EU:C:2019:930](#)

Judgment of the Court (Sixth Chamber) of 7 November 2019. K.H.K. v B.A.C. and E.E.K. Request for a preliminary ruling from the Sofiyski rayonen sad. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 655/2014 — **European Account Preservation Order** — Article 5(a) — Obtention procedure — Article 4(8) to (10) — **Definition of ‘judgment’, ‘court settlement’ and ‘authentic instrument’** — **National order for payment against which an objection may be lodged** — Article 18(1) — **Time limits** — Article 45 — **Exceptional circumstances** — **Definition**.

[Case C-555/18 - ECLI identifier: ECLI:EU:C:2019:937](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 7 November 2019. ADR Center SpA v European Commission. Appeal — Grant agreements between the Commission and beneficiaries of subsidies — **Adoption of a decision which is enforceable within the meaning of Article 299 TFEU (enforcement decision) to recover subsidies awarded under a contract** — **Power of the Commission to adopt unilateral decisions to recover debts arising under a contract** — **Judicial review** — Jurisdiction and power of review of the EU Courts

[Case C-584/17 P - ECLI identifier: ECLI:EU:C:2019:941](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 7 novembre 2019. Libuše Králová contre Primera Air Scandinavia - demande de décision préjudicielle formée par l’Obvodní soud pro Prahu 8 (tribunal d’arrondissement de Prague 8, République tchèque). Renvoi préjudiciel — **Compétence judiciaire en matière civile et commerciale** — Règlement (CE) no 44/2001 — Article 5, point 1 — **Compétence en matière contractuelle** — Section 4 du chapitre II — **Compétence en matière de contrats conclus par les consommateurs** — Champs d’application — Règlement (CE) no 261/2004 — Articles 6 et 7 — **Transport aérien – Indemnisation et assistance des passagers – Retard important d’un vol – Contrat de transport combiné à un hébergement conclu entre le passager et un organisateur de voyages** – Action en indemnisation dirigée contre le transporteur aérien non partie à ce contrat – Voyage à forfait – Directive 90/314/CEE

[Affaire C-215/18 - ECLI identifier: ECLI:EU:C:2019:931](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 7 novembre 2019. AS «PrivatBank», partie intervenante: Finanšu un kapitāla tirgus komisija. Demande de décision préjudicielle formée par l’Augstākā tiesa (Cour suprême, Lettonie). Renvoi préjudiciel — **Services de paiement dans le marché intérieur** — Directive 2007/64/CE — Articles 2, 20, 21, 51, 75 et 80 à 83 — Champ d’application de la directive 2007/64/CE — **Services de paiement fournis dans une autre devise que l’euro ou la devise d’un État membre en dehors de la zone euro – Autorités compétentes – Contrôle prudentiel – Procédures de réclamation et de recours extrajudiciaire** — Inexécution ou mauvaise exécution d’un ordre de paiement

[Affaire C-480/18 - ECLI identifier: ECLI:EU:C:2019:943](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 7 November 2019. VW. Request for a preliminary ruling from the Juzgado de Instrucción No 4 de Badalona (Court of Preliminary Investigation No 4, Badalona, Spain). **Judicial cooperation in criminal matters** — Directive 2013/48/EU — Article 2 — Scope — Article 3 — **Right of access to a lawyer** — **Failure to appear when summoned** — **National arrest warrant** — Temporary derogations — Article 8 — **Circumstances in which the assistance of a lawyer may be delayed**

[Case C-659/18 - ECLI identifier: ECLI:EU:C:2019:940](#)

Judgment of the Court (Grand Chamber) of 5 November 2019. European Central Bank (ECB) and Others v Trasta Komerbanka and Others. Appeal — Admissibility — Representation of a party before the Court — Power of attorney given to the lawyer — **Power of attorney withdrawn by the liquidator of the appellant company** — **Further steps in the proceedings by the decision-making body of the appellant company** — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right to an effective remedy** — Regulation (EU) No 1024/2013 — Prudential supervision of credit institutions — **Decision to withdraw a credit institution’s authorisation** — Action for annulment before the General Court of the European Union — Admissibility — **Whether the shareholders of the company whose authorisation has been withdrawn are directly concerned**.

[Joined Cases C-663/17 P, C-665/17 P and C-669/17 P - ECLI identifier: ECLI:EU:C:2019:923](#)

Judgment of the Court (Grand Chamber) of 5 November 2019. European Commission v Republic of Poland. Failure of a Member State to fulfil obligations — Second subparagraph of Article 19(1) TEU — **Rule of law — Effective judicial protection in the fields covered by EU law — Principles of the irremovability of judges and judicial independence** — Lowering of the retirement age of judges of the ordinary Polish courts — Possibility of continuing to carry out the duties of judge beyond the newly set age, by authorisation of the Minister for Justice — Article 157 TFEU — Directive 2006/54/EC — Articles 5(a) and 9(1)(f) — **Prohibition of discrimination based on sex in matters of pay, employment and occupation** — Establishment of different retirement ages for men and women holding the position of judge of the ordinary Polish courts or of the Sąd Najwyższy (Supreme Court, Poland) or that of public prosecutor in Poland.

[Case C-192/18 - ECLI identifier: ECLI:EU:C:2019:924](#)

16. Transport

Community Legislation

Commission Regulation (EU) 2019/1939 of 7 November 2019 amending Regulation (EU) No 582/2011 as regards **Auxiliary Emission Strategies (AES)**, access to **vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods** and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles (Text with EEA relevance)

[OJ of the EU, L 303/1 of 25 November 2019](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1859 of 6 November 2019 laying down **rules** for the application of Article 10 of Regulation (EU) 2019/1242 of the European Parliament and of the Council as regards the **collection of certain data** (Text with EEA relevance)

[OJ of the EU, L 286/10 of 7 November 2019](#)

Case Law

Judgment of the Court (Third Chamber) of 21 November 2019. Deutsche Post AG and Klaus Leymann v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen. Reference for a preliminary ruling — Regulation (EC) No 561/2006 — **Road transport — Social legislation — Vehicles used to deliver items as part of the universal postal service — Exceptions** — Vehicles partly used for such delivery — Directive 97/67/EC — Article 3(1) — **‘Universal service’** — Concept.

[Case C-203/18 - ECLI identifier: ECLI:EU:C:2019:999](#)

Judgment of the Court (Fourth Chamber) of 21 November 2019. Deutsche Lufthansa AG v Land Berlin. Request for a preliminary ruling from the Bundesverwaltungsgericht. Reference for a preliminary ruling — Air transport — Directive 2009/12/EC — Articles 3 and 6 — Article 11(1) and (7) — **Airport charges — Protection of airport users’ rights** — Whether it is possible for the airport managing body to agree charges lower than those approved by the independent supervisory authority — **Remedies available to an airport user — Collateral challenge before a civil court giving judgment on the basis of equitable criteria.**

[Case C-379/18 - ECLI identifier: ECLI:EU:C:2019:1000](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 21 novembre 2019. D.Z. contre Blue Air – Airline Management Solutions SRL e.a. Demande de décision préjudicielle formée par l’Eparchiako Dikastirio Larnakas (tribunal de district de Larnaka, Chypre). Renvoi préjudiciel – **Contrôles aux frontières, asile et immigration – Franchissement des frontières extérieures des États membres** – Décision no 565/2014/UE – **Effet direct** – Règlement (CE) no 261/2004 – **Refus d’embarquement – Notion – Erreur d’appréciation du caractère adéquat des documents de voyage – Clauses limitant la responsabilité du transporteur aérien**

[Affaire C-584/18 - Identifiant ECLI: ECLI:EU:C:2019:1003](#)

Judgment of the Court (First Chamber) of 7 November 2019. Adriano Guaitoli and Others v easyJet Airline Co. Ltd. Request for a preliminary ruling from the Tribunale ordinario di Roma. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 7(1)(a) — **Competent court in matters relating to a contract — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** — Regulation (EC) No 261/2004 — Articles 5, 7, 9 and 12 — **Montreal Convention — Jurisdiction** — Articles 19 and 33 — Application for compensation and compensation for damage resulting from the cancellation and delay of flights.

[Case C-213/18 - ECLI identifier: ECLI:EU:C:2019:927](#)

Judgment of the Court (Fifth Chamber) of 7 November 2019. Nationale Maatschappij der Belgische Spoorwegen (NMBS) v Mbutuku Kanyebe and Others. Requests for a preliminary ruling from the Vredegerecht te Antwerpen. References for a preliminary ruling — Rail transport — Passengers' rights and obligations — Regulation (EC) No 1371/2007 — Article 3(8) — **Transport contract — Concept — Passenger without a ticket at the time of boarding a train — Unfair terms in consumer contracts** — Directive 93/13/EEC — Article 1(2) and Article 6(1) — **General conditions of carriage of a railway undertaking — Mandatory statutory or regulatory provisions — Penalty clause** — Powers of the national court.

[Joined Cases C-349/18 to C-351/18 - ECLI identifier: ECLI:EU:C:2019:936](#)

Arrêt de la Cour (première chambre) du 7 novembre 2019. Gennaro Cafaro contre DQ. Demande de décision préjudicielle, introduite par la Corte suprema di cassazione. Renvoi préjudiciel — **Transports aériens** — Règlement (UE) n° 1178/2011 — Annexe I, point FCL.065 — **Champ d'application ratione temporis** — Directive 2000/78/CE — **Égalité de traitement en matière d'emploi et de travail — Discrimination fondée sur l'âge** — Article 2, paragraphe 5 — Article 4, paragraphe 1 — **Réglementation nationale prévoyant la cessation automatique de la relation de travail à l'âge de 60 ans** — Pilotes d'aéronefs — **Protection de la sécurité nationale.**

[Affaire C-396/18 - ECLI identifier: ECLI:EU:C:2019:929](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 7 novembre 2019. Libuše Králová contre Primera Air Scandinavia - demande de décision préjudicielle formée par l'Obvodní soud pro Prahu 8 (tribunal d'arrondissement de Prague 8, République tchèque). Renvoi préjudiciel — **Compétence judiciaire en matière civile et commerciale** — Règlement (CE) no 44/2001 — Article 5, point 1 — **Compétence en matière contractuelle** — Section 4 du chapitre II — **Compétence en matière de contrats conclus par les consommateurs** — Champs d'application — Règlement (CE) no 261/2004 — Articles 6 et 7 — **Transport aérien — Indemnisation et assistance des passagers — Retard important d'un vol — Contrat de transport combiné à un hébergement conclu entre le passager et un organisateur de voyages** — Action en indemnisation dirigée contre le transporteur aérien non partie à ce contrat — Voyage à forfait — Directive 90/314/CEE

[Affaire C-215/18 - ECLI identifier: ECLI:EU:C:2019:931](#)

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

Community Legislation

GUIDELINE (EU) 2019/1849 OF THE EUROPEAN CENTRAL BANK of 4 October 2019 **amending** Guideline ECB/2012/27 on a **Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)** (ECB/2019/30)

[OJ of the EU, L 283/64 of 5 November 2019](#)

Case Law

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 21 novembre 2019. Subdelegación del Gobierno en Ciudad Real contre RH. Demande de décision préjudicielle formée par le Tribunal Superior de Justicia de Castilla-La Mancha (Cour supérieure de justice de Castille-La Manche, Espagne). Renvoi préjudiciel – **Citoyenneté de l'Union européenne** – Article 20 TFUE – **Droit de séjour, dans un État membre, d'un ressortissant de pays tiers, conjoint d'un citoyen de l'Union n'ayant jamais exercé sa liberté de circulation** – Législation nationale subordonnant l'octroi du titre de séjour à la condition que le citoyen de l'Union dispose de ressources financières suffisantes pour subvenir aux besoins du conjoint – **Refus fondé sur l'absence de ressources suffisantes – Modalités d'appréciation de la relation de dépendance existant entre le ressortissant de pays tiers et le citoyen de l'Union.**

[Affaire C-836/18 - Identifiant ECLI: ECLI:EU:C:2019:1004](#)

Arrêt de la Cour (deuxième chambre) du 13 novembre 2019. College Pension Plan of British Columbia contre Finanzamt München Abteilung III. Demande de décision préjudicielle, introduite par le Finanzgericht München. Renvoi préjudiciel – **Libre circulation des capitaux – Imposition des fonds de pension** – Différence de traitement entre les fonds de pension résidents et les fonds de pension non-résidents – **Réglementation d'un État membre permettant aux fonds de pension résidents de réduire leur bénéfice imposable en déduisant les réserves destinées à payer des pensions et d'imputer l'impôt prélevé sur les dividendes sur l'impôt sur les sociétés** – Comparabilité des situations – Justification.

[Affaire C-641/17 - ECLI identifier: ECLI:EU:C:2019:960](#)

Arrêt de la Cour (sixième chambre) du 7 novembre 2019. Rose Vision SL contre Commission européenne. Pourvoi – **Projets financés par l'Union européenne dans le domaine de la recherche** – Septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013) – **Conventions de subvention relatives aux projets FIRST, FutureNEM, sISI, 4NEM et SFERA – Audits constatant des irrégularités dans la mise en œuvre de certains projets – Décisions de la Commission européenne de suspendre le paiement des montants à verser dans le cadre d'autres projets** – Recours en responsabilité et en annulation.

[Affaire C-346/18 P - ECLI identifier: ECLI:EU:C:2019:939](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 7 November 2019. ADR Center SpA v European Commission. Appeal – Grant agreements between the Commission and beneficiaries of subsidies – **Adoption of a decision which is enforceable within the meaning of Article 299 TFEU (enforcement decision) to recover subsidies awarded under a contract – Power of the Commission to adopt unilateral decisions to recover debts arising under a contract – Judicial review** – Jurisdiction and power of review of the EU Courts

[Case C-584/17 P - ECLI identifier: ECLI:EU:C:2019:941](#)