



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

# EU News: Click & Read

138 – December 2019

European Documentation Centre

Editor: **Alfredo Santos** Legal Adviser

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

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

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## Highlights

**DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 October 2019 on the **protection of persons who report breaches of Union law**  
[OJ of the EU, L 305/17 of 26 November 2019](#)

**DIRECTIVE (EU) 2019/2034 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on the **prudential supervision of investment firms** and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (Text with EEA relevance)  
[OJ of the EU, L 314/64 of 5 December 2019](#)

**Judgment of the Court (Ninth Chamber) of 4 December 2019. B and Others v WZ, en qualité de liquidateur judiciaire ou syndic de UB and Banque patrimoine et immobilier SA.** Request for a preliminary ruling from the Cour de cassation. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings — Regulation (EC) No 1346/2000 — Article 3(1) — Actions which derive directly from insolvency proceedings and which are closely connected with such proceedings — Sale of immovable property and creation of a mortgage — Action brought by the trustee in bankruptcy seeking a declaration that the transactions concerned are ineffective — Article 25(1) — Exclusive jurisdiction of the courts of the Member State in which the insolvency proceedings were opened.**  
[Case C-493/18 - ECLI identifier: ECLI:EU:C:2019:1046](#)

**DIRECTIVE (EU) 2019/2121 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Directive (EU) 2017/1132 as regards **cross-border conversions, mergers and divisions** (Text with EEA relevance)  
[OJ of the EU, L 321/1 of 12 December 2019](#)



*Season's Greetings and a  
Happy New Year from all of us at the  
Swiss Institute of Comparative Law*

## 1. EU-Swiss Relations

### International Agreements

**COUNCIL DECISION (EU) 2019/2106** of 21 November 2019 on the **position to be taken**, on behalf of the **European Union, within the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**, as regards the amendment of Annexes I and II to the Agreement

[OJ of the EU, L 318/96 of 12 December 2019](#)

### Case Law

**Judgment of the Court (Grand Chamber) of 3 December 2019. Czech Republic v European Parliament and Council of the European Union.** Action for annulment — Approximation of laws — Directive (EU) 2017/853 — **Control of the acquisition and possession of weapons — Validity — Legal basis** — Article 114 TFEU — Amendment of an existing directive — **Principle of proportionality — Absence of impact assessment — Interference with the right to property** — Proportionality of the measures adopted — **Measures creating barriers in the internal market** — Principle of legal certainty — **Principle of the protection of legitimate expectations — Measures obliging Member States to adopt legislation with retroactive effect** — Principle of non-discrimination — **Derogation for the Swiss Confederation** — Discrimination affecting Member States of the European Union or Member States of the European Free Trade Association (EFTA) other than that State.

[Case C-482/17 - ECLI identifier: ECLI:EU:C:2019:1035](#)

## 2. External Relations / Foreign Policy

### Case Law

**Judgment of the Court (First Chamber) of 12 December 2019.** Request for a preliminary ruling from the Raad van State. Reference for a preliminary ruling — **Border controls, asylum and immigration** — Regulation (EU) 2016/399 — **Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)** — Article 6 — **Entry conditions for third-country nationals — Concept of ‘threat to public policy’ — Return decision issued to an illegally staying third-country national.**

[Case C-380/18 - ECLI identifier: ECLI:EU:C:2019:1071](#)

**Judgment of the Court (First Chamber) of 12 December 2019. G.S. v Staatssecretaris van Justitie en Veiligheid.** References for a preliminary ruling — Border controls, asylum and immigration — **Immigration policy** — Directive 2003/86/EC — **Right to family reunification — Requirements for the exercise of the right to family reunification — Concept of ‘grounds of public policy’** — Rejection of an application for entry and residence of a family member — **Withdrawal of or refusal to renew a residence permit of a family member.**

[Case C-381/18 - ECLI identifier: ECLI:EU:C:2019:1072](#)

**Judgment of the Court (Fifth Chamber) of 12 December 2019. TB v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság. Reference for a preliminary ruling — **Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 10(2) — Optional provision — **Prerequisites for exercising the right to family reunification — Member of a refugee’s family not referred to in Article 4 — Concept of a ‘dependant’.**

[Case C-519/18 - ECLI identifier: ECLI:EU:C:2019:1070](#)

**Judgment of the Court (Fifth Chamber) of 4 December 2019. H v Council of the European Union.** Appeal — **Common Foreign and Security Policy (CFSP) — Composition of the Chamber of the General Court of the European Union** — Regularity — Decision 2009/906/CFSP — **European Union Police Mission in Bosnia and Herzegovina (EUPM)** — National staff member on secondment — **Redeployment to a regional office of that mission — Powers of the Head of Mission — Misuse of powers — Claim for damages — Principle of audi alteram partem.**

Case C-413/18 P - ECLI identifier: ECLI:EU:C:2019:1044

### 3. Agriculture and Fisheries / Maritime Affairs

#### Community Legislation

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/1985** of 28 November 2019 **amending** Directives 2003/90/EC and 2003/91/EC **setting out implementing measures** for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the **characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species** (Text with EEA relevance)

OJ of the EU, L 308/86 of 29 November 2019

#### Case Law

**Judgment of the Court (Fifth Chamber) of 4 December 2019. Consorzio Tutela Aceto Balsamico di Modena v Balema GmbH.** Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling — **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** — Regulations (EC) No 510/2006 and (EU) No 1151/2012 — Article 13(1) — Regulation (EC) No 583/2009 — Article 1 — **Registration of the name ‘Aceto Balsamico di Modena (PGI)’ — Protection of the non-geographical components of that name — Scope.**

Case C-432/18 - ECLI identifier: ECLI:EU:C:2019:1045

### 4. Audiovisual and Media and Information Society

#### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2116** of 28 November 2019 **setting the weighted average of maximum mobile termination rates across the Union** and repealing Implementing Regulation (EU) 2018/1979 (Text with EEA relevance)

OJ of the EU, L 320/11 of 11 December 2019

#### Case Law

**Judgment of the Court (Third Chamber) of 11 December 2019. TK v Asociația de Proprietari bloc M5A-ScaraA.** Request for a preliminary ruling from the Tribunalul București. Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data — Charter of Fundamental Rights of the European Union** — Articles 7 and 8 — Directive 95/46/EC — Article 6(1)(c) and Article 7(f) — **Making the processing of personal data legitimate — National legislation allowing video surveillance for the purposes of ensuring the safety and protection of individuals, property and valuables and for the pursuit of legitimate interests, without the data subject’s consent** — Installation of a video surveillance system in the common parts of a residential building.

Case C-708/18 - ECLI identifier: ECLI:EU:C:2019:1064

**Judgment of the Court (Ninth Chamber) of 11 December 2019. TV Play Baltic AS v Lietuvos radijo ir televizijos komisija.** Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas. Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/21/EC (Framework Directive) — Article 2(m) — **Provision of an electronic communications network — Concept** — Directive 2002/22/EC (Universal Service Directive) — Article 31(1) — **‘Must carry’ obligation to broadcast specified radio and television channels — Operator offering a package of channels via satellite — Reasonable ‘must carry’ obligations — Conditions** — Article 56 TFEU — Proportionality.

Case C-87/19 - ECLI identifier: ECLI:EU:C:2019:1063

## 5. Competition

### Case Law

**Judgment of the Court (Fifth Chamber) of 12 December 2019. Otis Gesellschaft m.b.H. and Others v Land Oberösterreich and Others.** Request for a preliminary ruling from the Oberster Gerichtshof. Reference for a preliminary ruling — Article 101 TFEU — **Compensation for loss caused by a cartel — Right to compensation of persons not operating as suppliers or customers on the market affected by the cartel** — Loss suffered by a public body which granted loans with favourable terms with a view to the acquisition of products covered by the cartel.

Case C-435/18 - ECLI identifier: ECLI:EU:C:2019:1069

**Judgment of the Court (Eighth Chamber) of 11 December 2019. Mytilinaios Anonymos Etairia – Omilos Epicheiriseon v European Commission.** Appeal — **State aid — Production of aluminium — Preferential electricity supply tariff granted by a contract — Decision declaring the aid compatible with the internal market — Termination of the contract** — Judicial suspension, as an interim measure, of the effects of termination — **Decision declaring the aid unlawful.**

Case C-332/18 P - ECLI identifier: ECLI:EU:C:2019:1065

**Arrêt de la Cour (septième chambre) du 28 novembre 2019. Brugg Kabel AG et Kabelwerke Brugg AG Holding contre Commission européenne.** Pourvoi — **Concurrence – Ententes** – Marché européen des câbles électriques souterrains et sous-marins – **Répartition du marché dans le cadre de projets – Amendes – Droits de la défense – Accès au dossier – Principe de la présomption d’innocence – Dénaturation des éléments de preuve.**

Affaire C-591/18 P - ECLI identifier: ECLI:EU:C:2019:1026

**Judgment of the Court (Seventh Chamber) of 28 November 2019. ABB Ltd and ABB AB v European Commission.** Appeal — **Competition — Agreements, decisions and concerted practices** — European market for underground and submarine power cables — **Market allocation in connection with projects — Burden of proof — Presumption of innocence — Principle of equal treatment.**

Case C-593/18 P - ECLI identifier: ECLI:EU:C:2019:1027

**Judgment of the Court (Seventh Chamber) of 28 November 2019. LS Cable & System Ltd v European Commission.** Appeal — **Competition — Agreements, decisions and concerted practices** — European market for underground and submarine power cables — **Market allocation in connection with projects — Fines — Burden of proof — Distortion of the evidence — Public distancing from the cartel.**

Case C-596/18 P - ECLI identifier: ECLI:EU:C:2019:1025

## 6. Customs

### Community Legislation

**Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code**

OJ of the EU, L 325/168 of 16 December 2019

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

### Community Legislation

**DIRECTIVE (EU) 2019/2162 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on the **issue of covered bonds and covered bond public supervision** and amending Directives 2009/65/EC and 2014/59/EU (Text with EEA relevance)

[OJ of the EU, L 328/29 of 18 December 2019](#)

**REGULATION (EU) 2019/2160 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Regulation (EU) No 575/2013 as regards **exposures in the form of covered bonds** (Text with EEA relevance)

[OJ of the EU, L 328/1 of 18 December 2019](#)

**REGULATION (EU) 2019/2152 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on **European business statistics, repealing 10 legal acts in the field of business statistics** (Text with EEA relevance)

[OJ of the EU, L 327/1 of 17 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2100** of 30 September 2019 **amending** Delegated Regulation (EU) 2019/815 with regard to **updates of the taxonomy to be used for the single electronic reporting format** (Text with EEA relevance)

[OJ of the EU, L 326/1 of 16 December 2019](#)

**REGULATION (EU) 2019/2099 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 October 2019 **amending** Regulation (EU) No 648/2012 as regards the **procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs**

[OJ of the EU, L 322/1 of 12 December 2019](#)

**DIRECTIVE (EU) 2019/2121 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Directive (EU) 2017/1132 as regards **cross-border conversions, mergers and divisions** (Text with EEA relevance)

[OJ of the EU, L 321/1 of 12 December 2019](#)

**REGULATION (EU) 2019/2115 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Directive 2014/65/EU and Regulations (EU) No 596/2014 and (EU) 2017/1129 as regards the **promotion of the use of SME growth markets** (Text with EEA relevance)

[OJ of the EU, L 320/1 of 11 December 2019](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2103** of 27 November 2019 **amending and correcting** Implementing Regulation (EU) 2015/2450 laying down implementing **technical standards with regard to the templates for the submission of information to the supervisory authorities** in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 318/13 of 10 December 2019](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2102** of 27 November 2019 **amending** Implementing Regulation (EU) 2015/2452 with regard to the **disclosure of information used in the calculation of the adjustment for the loss-absorbing capacity of deferred taxes** (Text with EEA relevance)

[OJ of the EU, L 318/6 of 10 December 2019](#)

**REGULATION (EU) 2019/2088 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on **sustainability-related disclosures in the financial services sector** (Text with EEA relevance)

[OJ of the EU, L 317/1 of 9 December 2019](#)

**DIRECTIVE (EU) 2019/2034 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on the **prudential supervision of investment firms** and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (Text with EEA relevance)

[OJ of the EU, L 314/64 of 5 December 2019](#)

**REGULATION (EU) 2019/2033 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 on the **prudential requirements of investment firms** and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (Text with EEA relevance)

[OJ of the EU, L 314/1 of 5 December 2019](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2028** of 29 November 2019 **amending** Implementing Regulation (EU) 2016/1799 as regards the **mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps** set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 313/34 of 4 December 2019](#)

**COUNCIL IMPLEMENTING REGULATION (EU) 2019/2026** of 21 November 2019 **amending** Implementing Regulation (EU) No 282/2011 as regards **supplies of goods or services facilitated by electronic interfaces and the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods**

[OJ of the EU, L 313/14 of 4 December 2019](#)

**COUNCIL DIRECTIVE (EU) 2019/1995** of 21 November 2019 **amending** Directive 2006/112/EC as regards **provisions relating to distance sales of goods and certain domestic supplies of goods**

[OJ of the EU, L 310/1 of 2 December 2019](#)

## Case Law

**Judgment of the Court (Grand Chamber) of 3 December 2019. Iccrea Banca SpA Istituto Centrale del Credito Cooperativo 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 — **Banking Union — Recovery and resolution of credit institutions and investment firms — Annual contributions — Calculation** — Regulation (EU) No 806/2014 — Implementing Regulation (EU) 2015/81 — **Uniform procedure for the resolution of credit institutions and investment firms** — Administrative procedure involving national authorities and an EU body — Exclusive decision-making power of the Single Resolution Board — **Procedure before the national courts — Failure to bring an action for annulment before the EU Courts in good time** — Delegated Regulation (EU) 2015/63 — **Exclusion of certain liabilities from the calculation of contributions — Interconnectedness of a number of banks.**

[Case C-414/18 - ECLI identifier: ECLI:EU:C:2019:1036](#)

**Judgment of the Court (Ninth Chamber) of 28 November 2019. KROL - Zakład Robót Wodno-Kanalizacyjnych Sp. z o.o., S.k. v Porr S.A.** Request for a preliminary ruling from the Sąd Okręgowy w Warszawie. Reference for a preliminary ruling — **Combating late payment in commercial transactions** — Directive 2000/35/EC — Article 1 and Article 6(3) — **Scope** — National legislation — **Commercial transactions financed by the EU Structural Funds and by the EU Cohesion Fund — Exclusion.**

[Case C-722/18 - ECLI identifier: ECLI:EU:C:2019:1028](#)

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 28 November 2019. Société Générale S.A. v Agenzia delle Entrate** — Direzione Regionale Lombardia Ufficio Contenzioso. Request for a preliminary ruling from the Commissione Tributaria Regionale per la Lombardia (Regional Tax Court, Lombardy, Italy). Reference for a preliminary ruling — **Free movement of capital — Financial transaction tax — Shares or other financial instruments issued by companies resident in Italy**

[Case C-565/18 - ECLI identifier: ECLI:EU:C:2019:1029](#)



**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 27 novembre 2019. Wagram Invest SA contre État belge.** demande de décision préjudicielle formée par la cour d'appel de Mons (Belgique). Renvoi préjudiciel – Quatrième directive 78/660/CEE – **Comptes annuels de certaines formes de sociétés – Principe de l'image fidèle** – Article 2, paragraphes 3 à 5 – **Achat d'une immobilisation financière par une société anonyme** – Inscription aux charges du compte de résultat d'un escompte lié à une dette à plus d'un an, non productive d'intérêts, et inscription du prix d'acquisition de l'immobilisation à l'actif du bilan sous déduction de l'escompte – **Obligation de fournir des informations complémentaires – Dérogation à une disposition de la directive dans des "cas exceptionnels"**

Affaire C-640/18 - ECLI identifier: ECLI:EU:C:2019:1022

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD** of 26 September 2019 on **exchange and collection of information for macroprudential purposes on branches of credit institutions having their head office in another Member State or in a third country** (ESRB/2019/18) (2019/C 412/01)

OJ of the EU, C 412/1 of 9 December 2019

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

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

### 9. Employment and Social Affairs

## Case Law

**Judgment of the Court (First Chamber) of 12 December 2019. WA v Instituto Nacional de la Seguridad Social.** Request for a preliminary ruling from the Juzgado de lo Social de Gerona. Reference for a preliminary ruling — **Social policy** — Directive 79/7/EEC — **Equal treatment for men and women in matters of social security** — Article 4(1) and (2) — Article 7(1) — Calculation of benefits — Directive 2006/54/EC — **Equal treatment of men and women in matters of employment and occupation — National legislation granting a right to a pension supplement for women who have had at least two biological or adopted children, and who are in receipt of a contributory permanent incapacity pension** — Same right not granted to men in an identical situation — Comparable situation — **Direct discrimination on grounds of sex** — No exceptions.

Case C-450/18 - ECLI identifier: ECLI:EU:C:2019:1075

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 12 décembre 2019. Federación de Trabajadores Independientes de Comercio (Fetico), Federación Estatal de Servicios, Movilidad y Consumo de la Unión General de Trabajadores (FESMC-UGT) et Federación de Servicios de Comisiones Obreras (CCOO) contre Grupo de Empresas DIA SA et Twins Alimentación SA.** Demande de décision préjudicielle formée par l'Audiencia Nacional (Cour centrale, Espagne). Renvoi préjudiciel – Directive 2003/88/CE – Aménagement du temps de travail – Articles 5 et 7 – **Repos hebdomadaire – Congé annuel** – Autorisation d'absence – **Congé spécial rémunéré – Finalité du congé spécial distincte de celle du repos hebdomadaire et du congé annuel** – Coïncidence des congés spéciaux avec le repos hebdomadaire ou le congé annuel

Affaire C-588/18 - ECLI identifier: ECLI:EU:C:2019:1083

**Judgment of the Court (Eighth Chamber) of 5 December 2019. Antonio Bocero Torrico v Instituto Nacional de la Seguridad Social and Tesorería General de la Seguridad Social.** References for a preliminary ruling — **Social security for migrant workers** — Regulation (EC) No 883/2004 — **Early retirement pension – Eligibility** — Requirement for the pension to be received to be higher than the statutory minimum — Account taken only of pension acquired in the Member State concerned — **No account taken of the retirement pension acquired in another Member State – Difference in treatment of workers who have exercised their right to freedom of movement.**

Case C-398/18 - ECLI identifier: ECLI:EU:C:2019:1050

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR** présentées le 26 novembre 2019. **ISS Facility Services NV contre Sonia Govaerts and Atalian NV, anciennement Euroclean NV**. Demande de décision préjudicielle formée par l'arbeidshof te Gent (cour du travail de Gand, Belgique). Renvoi préjudiciel – Directive 2001/23/CE – Article 3, paragraphe 1 – **Transferts d'entreprises – Maintien des droits des travailleurs – Marché public concernant les services de nettoyage** – Attribution des lots du marché à deux nouveaux adjudicataires – Reprise d'un travailleur de l'ancien adjudicataire unique affecté à tous les lots du marché – **Conséquences du transfert d'une entité économique à deux cessionnaires**

[Affaire C-344/18 - ECLI identifier: ECLI:EU:C:2019:1009](#)

**OPINION OF ADVOCATE GENERAL PIKAMÄE** delivered on 26 November 2019. **AFMB Ltd and Others v Raad van bestuur van de Sociale verzekeringsbank**. Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands. Reference for a preliminary ruling — **Determination of the legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EC) No 883/2004 — Article 13(1)(b) — **International drivers in the road transport sector — Setting up of a company in another Member State — Definition of employer — Definition of abuse of law**

[Case C-610/18 - ECLI identifier: ECLI:EU:C:2019:1010](#)

## 10. Energy and Environment

### International Agreements

**COUNCIL DECISION (EU) 2019/2106** of 21 November 2019 on the **position to be taken**, on behalf of the **European Union, within the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**, as regards the amendment of Annexes I and II to the Agreement

[OJ of the EU, L 318/96 of 12 December 2019](#)

### Community Legislation

**Commission Regulation (EU) 2019/2146** of 26 November 2019 **amending** Regulation (EC) No 1099/2008 of the European Parliament and of the Council on energy statistics, as regards the **implementation of updates for the annual, monthly and short-term monthly energy statistics** (Text with EEA relevance)

[OJ of the EU, L 325/43 of 16 December 2019](#)

**Council Decision (EU) 2019/2135** of 21 November 2019 on the **position to be taken**, on behalf of the **European Union**, at the third **meeting of the Conference of the Parties to the Minamata Convention on Mercury**, as regards the **adoption of a Decision on the phasing-out of dental amalgam** and amending Annex A to that Convention

[OJ of the EU, L 323/17 of 13 December 2019](#)

**COUNCIL DECISION (EU) 2019/2119** of 21 November 2019 on the **position to be taken**, on behalf of the **European Union**, at the third **meeting of the Conference of the Parties to the Minamata Convention on Mercury**, as regards the **adoption of a Decision establishing thresholds for mercury waste**, as referred to in Article 11(2) of that Convention

[OJ of the EU, L 320/17 of 11 December 2019](#)

**REGULATION (EU) 2019/2089 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Regulation (EU) 2016/1011 as regards **EU Climate Transition Benchmarks, EU Paris-aligned Benchmarks and sustainability-related disclosures for benchmarks** (Text with EEA relevance)

[OJ of the EU, L 317/17 of 9 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2013** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of electronic displays** and repealing Commission Delegated Regulation (EU) No 1062/2010 (Text with EEA relevance)

[OJ of the EU, L 315/1 of 5 December 2019](#)



**COMMISSION DELEGATED REGULATION (EU) 2019/2014** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of household washing machines and household washer-dryers** and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC (Text with EEA relevance)

[OJ of the EU, L 315/29 of 5 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2015** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of light sources** and repealing Commission Delegated Regulation (EU) No 874/2012 (Text with EEA relevance)

[OJ of the EU, L 315/68 of 5 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2016** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of refrigerating appliances** and repealing Commission Delegated Regulation (EU) No 1060/2010 (Text with EEA relevance)

[OJ of the EU, L 315/102 of 5 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2017** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of household dishwashers** and repealing Commission Delegated Regulation (EU) No 1059/2010 (Text with EEA relevance)

[OJ of the EU, L 315/134 of 5 December 2019](#)

**COMMISSION DELEGATED REGULATION (EU) 2019/2018** of 11 March 2019 **supplementing** Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of refrigerating appliances** with a direct sales function (Text with EEA relevance)

[OJ of the EU, L 315/155 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2019** of 1 October 2019 laying down **ecodesign requirements for refrigerating appliances** pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EC) No 643/2009 (Text with EEA relevance)

[OJ of the EU, L 315/187 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2020** of 1 October 2019 laying down **ecodesign requirements for light sources and separate control gears** pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No 1194/2012 (Text with EEA relevance)

[OJ of the EU, L 315/209 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2021** of 1 October 2019 laying down **ecodesign requirements for electronic displays** pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009 (Text with EEA relevance)

[OJ of the EU, L 315/241 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2022** of 1 October 2019 laying down **ecodesign requirements for household dishwashers** pursuant to Directive 2009/125/EC of the European Parliament and of the Council amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1016/2010 (Text with EEA relevance)

[OJ of the EU, L 315/267 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2023** of 1 October 2019 laying down **ecodesign requirements for household washing machines and household washer-dryers** pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1015/2010 (Text with EEA relevance)

[OJ of the EU, L 315/285 of 5 December 2019](#)

**COMMISSION REGULATION (EU) 2019/2024** of 1 October 2019 laying down **ecodesign requirements for refrigerating appliances with a direct sales function** pursuant to Directive 2009/125/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 315/313 of 5 December 2019](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2019/2010** of 12 November 2019 **establishing the best available techniques** (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, **for waste incineration** (notified under document C(2019) 7987) (Text with EEA relevance)

[OJ of the EU, L 312/55 of 3 December 2019](#)

## Case Law

**Judgment of the Court (Fifth Chamber) of 12 December 2019. Slovenské elektrárne a.s. v Úrad pre vybrané hospodárske subjekty, anciennement Daňový úrad pre vybrané daňové subjekty.** Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky. Reference for a preliminary ruling — Admissibility — **Common rules for the internal market in electricity** — Directive 2009/72/EC — Scope — Article 3 — Objectives — **Principle of non-discrimination** — **Special levy on the revenue of entities that are holders of an authorisation to carry on activity in regulated sectors** — **Electricity sector.**

[Case C-376/18 - ECLI identifier: ECLI:EU:C:2019:1068](#)

**Judgment of the Court (Eighth Chamber) of 11 December 2019. Mytilinaios Anonymos Etairia – Omilos Epicheiriseon v European Commission.** Appeal — **State aid** — **Production of aluminium** — **Preferential electricity supply tariff granted by a contract** — **Decision declaring the aid compatible with the internal market** — **Termination of the contract** — Judicial suspension, as an interim measure, of the effects of termination — **Decision declaring the aid unlawful.**

[Case C-332/18 P - ECLI identifier: ECLI:EU:C:2019:1065](#)

**Judgment of the Court (Fourth Chamber) of 5 December 2019. „EVN Bulgaria Toplofikatsia“ EAD and „Toplofikatsia Sofia“ EAD v Nikolina Stefanova Dimitrova and Mitko Simeonov Dimitrov.** References for a preliminary ruling — **Consumer protection** — Directive 2011/83/EU — **Consumer law** — Article 2(1) — **Concept of ‘consumer’** — Article 3(1) — **Contract concluded between a trader and a consumer** — **Contract for the supply of district heating** — Article 27 — Inertia selling — Directive 2005/29/EC — **Unfair business-to-consumer commercial practices in the internal market** — Article 5 — **Prohibition of unfair commercial practices** — Annex I — **Unsolicited supply** — National law requiring each owner of a property in a building in co-ownership connected to a district heating network to contribute to the costs of thermal energy consumption by the common areas and internal installation of the building — **Energy efficiency** — Directive 2006/32/EC — Article 13(2) — Directive 2012/27/EU — Article 10(1) — **Billing information** — National law providing that, in a building in co-ownership, bills for the consumption of thermal energy by the internal installation are calculated, for each owner of an apartment in the building, in proportion to the heated volume of his or her apartment.

[Joined Cases C-708/17 and C-725/17 - ECLI identifier: ECLI:EU:C:2019:1049](#)

**Judgment of the Court (Eighth Chamber) of 5 December 2019. European Commission v Kingdom of Spain.** **Failure of a Member State to fulfil obligations** — Directive 2008/98/EC — Articles 30 and 33 — **Waste management plans** — Autonomous Communities of the Balearic Islands and the Canary Islands (Spain) — **Obligation to revise** — **Obligation to notify the Commission** — **No proper formal notice** — **Letter of formal notice sent prematurely** — **Inadmissibility.**

[Case C-642/18 - ECLI identifier: ECLI:EU:C:2019:1051](#)

**Arrêt de la Cour (cinquième chambre) du 4 décembre 2019. PGNiG Supply & Trading GmbH contre Commission européenne.** Pourvoi — **Marché intérieur du gaz naturel** — Directive 2009/73/CE — Article 32 — **Accès des tiers** — Article 41, paragraphes 6, 8 et 10 — **Règles tarifaires** — Article 36 — **Demande de dérogation** — Modalités d’exploitation du gazoduc OPAL — **Autorité de régulation nationale** — **Décision de dérogation** — **Demande de modification** — **Décision de la Commission européenne** — Recours en annulation — Article 263, quatrième alinéa, TFUE — Recevabilité — Décision ne concernant pas directement la requérante.

[Affaire C-117/18 P - ECLI identifier: ECLI:EU:C:2019:1042](#)

**Arrêt de la Cour (cinquième chambre) du 4 décembre 2019. Polskie Górnictwo Naftowe i Gazownictwo S.A. contre Commission européenne.** Pourvoi – **Marché intérieur du gaz naturel** – Directive 2009/73/CE – Article 32 – **Accès des tiers** – Article 41, paragraphes 6, 8 et 10 – **Règles tarifaires** – Article 36 – **Demande de dérogation** – Modalités d’exploitation du gazoduc OPAL – **Autorité de régulation nationale** – **Décision de dérogation** – **Demande de modification** – **Décision de la Commission européenne** – Recours en annulation – Article 263, quatrième alinéa, TFUE – Recevabilité – Décision ne concernant pas directement la requérante.

[Affaire C-342/18 P - ECLI identifier: ECLI:EU:C:2019:1043](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**DIRECTIVE (EU) 2019/2161 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 November 2019 **amending** Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the **better enforcement and modernisation of Union consumer protection rules** (Text with EEA relevance)

[OJ of the EU, L 328/17 of 18 December 2019](#)

**Council Decision (EU) 2019/2135** of 21 November 2019 on the **position to be taken**, on behalf of the **European Union**, at the third **meeting of the Conference of the Parties to the Minamata Convention on Mercury**, as regards the **adoption of a Decision on the phasing-out of dental amalgam** and amending Annex A to that Convention

[OJ of the EU, L 323/17 of 13 December 2019](#)

### Case Law

**Judgment of the Court (Fourth Chamber) of 5 December 2019.** „EVN Bulgaria Toplofikatsia“ EAD and „Toplofikatsia Sofia“ EAD v Nikolina Stefanova Dimitrova and Mitko Simeonov Dimitrov. References for a preliminary ruling – **Consumer protection** – Directive 2011/83/EU – **Consumer law** – Article 2(1) – **Concept of ‘consumer’** – Article 3(1) – **Contract concluded between a trader and a consumer** – **Contract for the supply of district heating** – Article 27 – Inertia selling – Directive 2005/29/EC – **Unfair business-to-consumer commercial practices in the internal market** – Article 5 – **Prohibition of unfair commercial practices** – Annex I – **Unsolicited supply** – National law requiring each owner of a property in a building in co-ownership connected to a district heating network to contribute to the costs of thermal energy consumption by the common areas and internal installation of the building – **Energy efficiency** – Directive 2006/32/EC – Article 13(2) – Directive 2012/27/EU – Article 10(1) – **Billing information** – National law providing that, in a building in co-ownership, bills for the consumption of thermal energy by the internal installation are calculated, for each owner of an apartment in the building, in proportion to the heated volume of his or her apartment.

[Joined Cases C-708/17 and C-725/17 - ECLI identifier: ECLI:EU:C:2019:1049](#)

## 12. Human Rights

### Case Law

**Judgment of the Court (First Chamber) of 12 December 2019.** Request for a preliminary ruling from the Raad van State. Reference for a preliminary ruling – **Border controls, asylum and immigration** – Regulation (EU) 2016/399 – **Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)** – Article 6 – **Entry conditions for third-country nationals** – **Concept of ‘threat to public policy’** – **Return decision issued to an illegally staying third-country national.**

[Case C-380/18 - ECLI identifier: ECLI:EU:C:2019:1071](#)

**Judgment of the Court (First Chamber) of 12 December 2019. G.S. v Staatssecretaris van Justitie en Veiligheid.** References for a preliminary ruling — Border controls, asylum and immigration — **Immigration policy** — Directive 2003/86/EC — **Right to family reunification** — **Requirements for the exercise of the right to family reunification** — **Concept of ‘grounds of public policy’** — Rejection of an application for entry and residence of a family member — **Withdrawal of or refusal to renew a residence permit of a family member.**

[Case C-381/18 - ECLI identifier: ECLI:EU:C:2019:1072](#)

**Judgment of the Court (Fifth Chamber) of 12 December 2019. TB v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság. Reference for a preliminary ruling — **Immigration policy** — **Right to family reunification** — Directive 2003/86/EC — Article 10(2) — Optional provision — **Prerequisites for exercising the right to family reunification** — **Member of a refugee’s family not referred to in Article 4** — **Concept of a ‘dependant’.**

[Case C-519/18 - ECLI identifier: ECLI:EU:C:2019:1070](#)

**Judgment of the Court (Third Chamber) of 11 December 2019. TK v Asociația de Proprietari bloc M5A-ScaraA.** Request for a preliminary ruling from the Tribunalul București. Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data** — **Charter of Fundamental Rights of the European Union** — Articles 7 and 8 — Directive 95/46/EC — Article 6(1)(c) and Article 7(f) — **Making the processing of personal data legitimate** — **National legislation allowing video surveillance for the purposes of ensuring the safety and protection of individuals, property and valuables and for the pursuit of legitimate interests, without the data subject’s consent** — Installation of a video surveillance system in the common parts of a residential building.

[Case C-708/18 - ECLI identifier: ECLI:EU:C:2019:1064](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 5 December 2019. PG v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary). Preliminary reference — **Common policy on asylum and subsidiary protection** — **Common procedures for granting international protection** — Directive 2013/32/EU — Article 46(3) — Article 47 of the Charter of Fundamental Rights of the European Union — **Right to an effective remedy** — **Extent of the powers of the first-instance court or tribunal** — No power to vary — **Time limit of 60 days for the court or tribunal to decide**

[Case C-406/18 - ECLI identifier: ECLI:EU:C:2019:1055](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 5 December 2019. LH v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary). Preliminary reference — **Common policy on asylum and subsidiary protection** — **Common procedures for granting international protection** — Directive 2013/32/EU — Article 33 — **Grounds for inadmissibility** — **Exhaustive nature** — Article 46(3) — Article 47 of the Charter of Fundamental Rights of the European Union — **Right to an effective remedy** — **Time limit of 8 days for the court or tribunal to decide**

[Case C-564/18 - ECLI identifier: ECLI:EU:C:2019:1056](#)

**Judgment of the Court (First Chamber) of 28 November 2019. Criminal proceedings against Spetsializirana prokuratura.** Request for a preliminary ruling from the Spetsializiran nakazatelen sad. Reference for a preliminary ruling — **Urgent preliminary ruling procedure** — **Judicial cooperation in criminal matters** — Directive (EU) 2016/343 — **Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings** — Article 6 — Burden of proof — **Continuation of the detention on remand pending trial of an accused person.**

[Case C-653/19 PPU - ECLI identifier: ECLI:EU:C:2019:1024](#)

## 13. Internal Market and Single Market

### Community Legislation

**COMMISSION DECISION (EU, Euratom) 2019/1961** of 17 October 2019 on **implementing rules** for handling **CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information**

[OJ of the EU, L 311/1 of 2 December 2019](#)

**COMMISSION DECISION (EU, Euratom) 2019/1962** of 17 October 2019 on **implementing rules** for handling **RESTREINT UE/EU RESTRICTED information**

[OJ of the EU, L 311/21 of 2 December 2019](#)

**COMMISSION DECISION (EU, Euratom) 2019/1963** of 17 October 2019 laying down **implementing rules on industrial security with regard to classified procurement contracts**

[OJ of the EU, L 311/37 of 2 December 2019](#)

### Case Law

**Judgment of the Court (Fifth Chamber) of 12 December 2019. Slovenské elektrárne a.s. v Úrad pre vybrané hospodárske subjekty, anciennement Daňový úrad pre vybrané daňové subjekty.** Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky. Reference for a preliminary ruling — Admissibility — **Common rules for the internal market in electricity** — Directive 2009/72/EC — Scope — Article 3 — Objectives — **Principle of non-discrimination** — **Special levy on the revenue of entities that are holders of an authorisation to carry on activity in regulated sectors** — **Electricity sector.**

[Case C-376/18 - ECLI identifier: ECLI:EU:C:2019:1068](#)

**Judgment of the Court (Eighth Chamber) of 11 December 2019. Mytilinaios Anonymos Etairia – Omilos Epicheiriseon v European Commission.** Appeal — **State aid** — **Production of aluminium** — **Preferential electricity supply tariff granted by a contract** — **Decision declaring the aid compatible with the internal market** — **Termination of the contract** — Judicial suspension, as an interim measure, of the effects of termination — **Decision declaring the aid unlawful.**

[Case C-332/18 P - ECLI identifier: ECLI:EU:C:2019:1065](#)

**Judgment of the Court (Ninth Chamber) of 4 December 2019. B and Others v WZ, en qualité de liquidateur judiciaire ou syndic de UB and Banque patrimoine et immobilier SA.** Request for a preliminary ruling from the Cour de cassation. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 3(1) — **Actions which derive directly from insolvency proceedings and which are closely connected with such proceedings** — **Sale of immovable property and creation of a mortgage** — Action brought by the trustee in bankruptcy seeking a declaration that the transactions concerned are ineffective — Article 25(1) — **Exclusive jurisdiction of the courts of the Member State in which the insolvency proceedings were opened.**

[Case C-493/18 - ECLI identifier: ECLI:EU:C:2019:1046](#)

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 28 November 2019. Société Générale S.A. v Agenzia delle Entrate** – Direzione Regionale Lombardia Ufficio Contenzioso. Request for a preliminary ruling from the Commissione Tributaria Regionale per la Lombardia (Regional Tax Court, Lombardy, Italy). Reference for a preliminary ruling — **Free movement of capital** — **Financial transaction tax** — **Shares or other financial instruments issued by companies resident in Italy**

[Case C-565/18 - ECLI identifier: ECLI:EU:C:2019:1029](#)

**Arrêt de la Cour (cinquième chambre) du 27 novembre 2019. Tedeschi Srl et Consorzio Stabile Istant Service contre C.M. Service Srl et Università degli Studi di Roma La Sapienza.** Demande de décision préjudicielle, introduite par le Consiglio di Stato. Renvoi préjudiciel – Articles 49 et 56 TFUE – **Passation des marchés publics** – Directive 2004/18/CE – Article 25 – Sous-traitance – **Réglementation nationale limitant la possibilité de sous-traiter à 30 % du montant total du marché public et interdisant que les prix applicables aux prestations sous-traitées soient réduits de plus de 20 % par rapport aux prix résultant de l’adjudication.**

[Affaire C-402/18 - ECLI identifier: ECLI:EU:C:2019:1023](#)

## 14. Intellectual Property

### Case Law

**Arrêt de la Cour (dixième chambre) du 12 décembre 2019. Office de l’Union européenne pour la propriété intellectuelle contre Wajos GmbH.** Pourvoi – **Marque de l’Union européenne** – Règlement (CE) n° 207/2009 – Article 7, paragraphe 1, sous b) – **Motif absolu de refus – Marques dépourvues de caractère distinctif** – Marques tridimensionnelles constituées par la forme du produit – **Critères d’appréciation du caractère distinctif – Obligation de motivation – Forme d’un contenant – Amphore.**

[Affaire C-783/18 P - ECLI identifier: ECLI:EU:C:2019:1073](#)

**Judgment of the Court (Fifth Chamber) of 12 December 2019. Der Grüne Punkt - Duales System Deutschland GmbH v European Union Intellectual Property Office.** Appeal – **EU trade mark** – Regulation (EC) No 207/2009 – Articles 15 and 66 – **Genuine use of an EU collective trade mark – Mark concerning a system of collection and recovery of packaging waste** – Affixing to the packaging of goods for which the mark is registered.

[Case C-143/19 P - ECLI identifier: ECLI:EU:C:2019:1076](#)

**Judgment of the Court (Fifth Chamber) of 4 December 2019. Consorzio Tutela Aceto Balsamico di Modena v Balema GmbH.** Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling – **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** – Regulations (EC) No 510/2006 and (EU) No 1151/2012 – Article 13(1) – Regulation (EC) No 583/2009 – Article 1 – **Registration of the name ‘Aceto Balsamico di Modena (PGI)’ – Protection of the non-geographical components of that name – Scope.**

[Case C-432/18 - ECLI identifier: ECLI:EU:C:2019:1045](#)

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 28 novembre 2019. Coty Germany GmbH contre Amazon Services Europe Sàrl, Amazon FC Graben GmbH, Amazon Europe Core Sàrl and Amazon EU Sàrl.** Demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne). Recours préjudiciel – **Marque de l’Union européenne – Effets de la marque de l’Union européenne – Droits conférés par la marque – Droit d’interdire à tout tiers de détenir des produits aux fins de les offrir ou de les mettre sur le marché** – Stockage des produits pour un tiers en méconnaissance d’une violation du droit des marques

[Affaire C-567/18 - ECLI identifier: ECLI:EU:C:2019:1031](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 28 November 2019. Przedsiębiorstwo Produkcyjno-Handlowe „Primart” Marek Łukasiewicz v European Union Intellectual Property Office (EUIPO).** Appeal – **EU trade mark** – Regulation (EC) No 207/2009 – **Application for EU figurative mark PRIMART Marek Łukasiewicz – Earlier national trade marks PRIMA** – Article 8(1)(b) – **Relative ground for refusal – Likelihood of confusion** – Article 76(1) – **Scope of review by the General Court**

[Case C-702/18 P - ECLI identifier: ECLI:EU:C:2019:1030](#)



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

### Community Legislation

**COMMISSION DECISION (EU, Euratom) 2019/1961** of 17 October 2019 on **implementing rules** for handling **CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information**

[OJ of the EU, L 311/1 of 2 December 2019](#)

**COMMISSION DECISION (EU, Euratom) 2019/1962** of 17 October 2019 on **implementing rules** for handling **RESTREINT UE/EU RESTRICTED information**

[OJ of the EU, L 311/21 of 2 December 2019](#)

**COMMISSION DECISION (EU, Euratom) 2019/1963** of 17 October 2019 laying down **implementing rules on industrial security with regard to classified procurement contracts**

[OJ of the EU, L 311/37 of 2 December 2019](#)

**DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 October 2019 on the **protection of persons who report breaches of Union law**

[OJ of the EU, L 305/17 of 26 November 2019](#)

### Case Law

**Judgment of the Court (First Chamber) of 12 December 2019. ML v Aktiva Finants OÜ.** Request for a preliminary ruling from the Korkein oikeus. Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Requirement for adversarial proceedings and an effective remedy** — Decision of a national court declaring enforceable a judgment delivered by a court of another Member State — **National procedure granting leave for further consideration of an appeal.**

[Case C-433/18 - ECLI identifier: ECLI:EU:C:2019:1074](#)

**Arrêt de la Cour (première chambre) du 12 décembre 2019. Parquet général du Grand-Duché de Luxembourg et Openbaar Ministerie contre JR et YC.** Demandes de décision préjudicielle, introduites par Cour d'appel et Rechtbank Amsterdam. Renvoi préjudiciel – Procédure préjudicielle d'urgence – **Coopération policière et judiciaire en matière pénale – Mandat d'arrêt européen** – Décision-cadre 2002/584/JAI – Article 6, paragraphe 1 – **Notion d'“autorité judiciaire d'émission” – Critères – Mandat d'arrêt européen émis par le parquet d'un État membre aux fins de poursuites pénales.**

[Affaires jointes C-566/19 PPU et C-626/19 PPU - ECLI identifier: ECLI:EU:C:2019:1077](#)

**Arrêt de la Cour (première chambre) du 12 décembre 2019. Openbaar Ministerie contre XD.** Demande de décision préjudicielle, introduite par Rechtbank Amsterdam. Renvoi préjudiciel – Procédure préjudicielle d'urgence – **Coopération policière et judiciaire en matière pénale – Mandat d'arrêt européen** – Décision-cadre 2002/584/JAI – Article 6, paragraphe 1 – **Notion d'“autorité judiciaire d'émission” – Critères – Mandat d'arrêt européen émis par le parquet d'un État membre aux fins de poursuites pénales.**

[Affaire C-625/19 PPU - ECLI identifier: ECLI:EU:C:2019:1078](#)

**Arrêt de la Cour (première chambre) du 12 décembre 2019. Openbaar Ministerie contre ZB.** Demande de décision préjudicielle, introduite par Rechtbank Amsterdam. Renvoi préjudiciel – Procédure préjudicielle d'urgence – **Coopération policière et judiciaire en matière pénale – Mandat d'arrêt européen** – Décision-cadre 2002/584/JAI – Article 6, paragraphe 1 – **Notion d'“autorité judiciaire d'émission” – Critères – Mandat d'arrêt européen émis par le parquet d'un État membre aux fins de l'exécution d'une peine.**

[Affaire C-627/19 PPU - ECLI identifier: ECLI:EU:C:2019:1079](#)

**OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 12 December 2019. Nelson Antunes da Cunha, Lda v Instituto de Financiamento da Agricultura e Pescas IP (IFAP).** Request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Coimbra (Coimbra Administrative and Tax Court, Portugal). Reference for a preliminary ruling — **Recovery of unlawful aid — Limitation period for recovery — Limitation period of 10 years** — Interest — **Limitation period of a lesser duration provided for in national legislation** — Legal certainty — Regulation (EU) 2015/1589 — Article 17(1) — Article 16(2) — Article 16(3) — **Principle of effectiveness**

[Case C-627/18 - ECLI identifier: ECLI:EU:C:2019:1084](#)

**OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 11 December 2019. Orde van Vlaamse Balies and Ordre des barreaux francophones et germanophone v Ministerraad.** Request for a preliminary ruling from the Grondwettelijk Hof (Constitutional Court, Belgium). Reference for a preliminary ruling — Directive 2009/138/EC — **Legal expenses insurance — Freedom of the insured person to choose a lawyer or representative** — Inquiry or proceedings — Definition — **Judicial or extrajudicial mediation**

[Case C-667/18 - ECLI identifier: ECLI:EU:C:2019:1066](#)

**Judgment of the Court (First Chamber) of 5 December 2019. Ordre des avocats du barreau de Dinant v JN.** Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — **Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters** — Article 7(1)(a) — **Special jurisdiction in matters relating to a contract** — Concept of ‘matters relating to a contract’ — **Claim for payment of annual fees payable by a lawyer to a bar association.**

[Case C-421/18 - ECLI identifier: ECLI:EU:C:2019:1053](#)

**Judgment of the Court (First Chamber) of 5 December 2019. Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v Z.P. and Prokuratura Rejonowa w Chełmnie.** Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in criminal matters — Mutual recognition — Financial penalties — Grounds for non-recognition and non-execution** — Framework Decision 2005/214/JHA — **Decision by an authority of the issuing Member State based on vehicle registration data — Notification of the penalties and the appeal procedures to the person concerned** — Right to effective judicial protection.

[Case C-671/18 - ECLI identifier: ECLI:EU:C:2019:1054](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 5 December 2019. PG v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary). Preliminary reference — **Common policy on asylum and subsidiary protection — Common procedures for granting international protection** — Directive 2013/32/EU — Article 46(3) — Article 47 of the Charter of Fundamental Rights of the European Union — **Right to an effective remedy — Extent of the powers of the first-instance court or tribunal** — No power to vary — **Time limit of 60 days for the court or tribunal to decide**

[Case C-406/18 - ECLI identifier: ECLI:EU:C:2019:1055](#)

**OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 5 December 2019. Izba Gospodarcza Producentów i Operatorów Urządzeń Rozrywkowych v European Commission.** Appeal — Access to documents of the EU institutions — Regulation (EC) No 1049/2001 — **Documents relating to an ongoing infringement procedure** — Detailed opinions delivered in the course of a notification procedure under Directive 98/34/EC — **Refusal to grant access** — Exception provided for under the third indent of Article 4(2) — **Disclosure of the requested documents in the course of proceedings before the General Court** — Order that there is no need to adjudicate — **Continuing interest in bringing proceedings**

[Case C-560/18 P - ECLI identifier: ECLI:EU:C:2019:1052](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 5 December 2019. LH v Bevándorlási és Menekültügyi Hivatal.** Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary). Preliminary reference — **Common policy on asylum and subsidiary protection — Common procedures for granting international protection** — Directive 2013/32/EU — Article 33 — **Grounds for inadmissibility — Exhaustive nature** — Article 46(3) — Article 47 of the Charter of Fundamental Rights of the European Union — **Right to an effective remedy — Time limit of 8 days for the court or tribunal to decide**

[Case C-564/18 - ECLI identifier: ECLI:EU:C:2019:1056](#)

**Judgment of the Court (Ninth Chamber) of 4 December 2019. B and Others v WZ, en qualité de liquidateur judiciaire ou syndic de UB and Banque patrimoine et immobilier SA.** Request for a preliminary ruling from the Cour de cassation. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 3(1) — **Actions which derive directly from insolvency proceedings and which are closely connected with such proceedings — Sale of immovable property and creation of a mortgage** — Action brought by the trustee in bankruptcy seeking a declaration that the transactions concerned are ineffective — Article 25(1) — **Exclusive jurisdiction of the courts of the Member State in which the insolvency proceedings were opened.**

Case C-493/18 - ECLI identifier: ECLI:EU:C:2019:1046

**Judgment of the Court (Grand Chamber) of 3 December 2019. Czech Republic v European Parliament and Council of the European Union.** Action for annulment — Approximation of laws — Directive (EU) 2017/853 — **Control of the acquisition and possession of weapons — Validity — Legal basis** — Article 114 TFEU — Amendment of an existing directive — **Principle of proportionality — Absence of impact assessment — Interference with the right to property** — Proportionality of the measures adopted — **Measures creating barriers in the internal market** — Principle of legal certainty — **Principle of the protection of legitimate expectations — Measures obliging Member States to adopt legislation with retroactive effect** — Principle of non-discrimination — **Derogation for the Swiss Confederation** — Discrimination affecting Member States of the European Union or Member States of the European Free Trade Association (EFTA) other than that State.

Case C-482/17 - ECLI identifier: ECLI:EU:C:2019:1035

**Judgment of the Court (Grand Chamber) of 3 December 2019. Iccrea Banca SpA Istituto Centrale del Credito Cooperativo 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 — **Banking Union — Recovery and resolution of credit institutions and investment firms — Annual contributions — Calculation** — Regulation (EU) No 806/2014/014 — Implementing Regulation (EU) 2015/81 — **Uniform procedure for the resolution of credit institutions and investment firms** — Administrative procedure involving national authorities and an EU body — Exclusive decision-making power of the Single Resolution Board — **Procedure before the national courts — Failure to bring an action for annulment before the EU Courts in good time** — Delegated Regulation (EU) 2015/63 — **Exclusion of certain liabilities from the calculation of contributions — Interconnectedness of a number of banks.**

Case C-414/18 - ECLI identifier: ECLI:EU:C:2019:1036

**Judgment of the Court (First Chamber) of 28 November 2019. Criminal proceedings against Spetsializirana prokuratura.** Request for a preliminary ruling from the Spetsializiran nakazatelen sad. Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in criminal matters** — Directive (EU) 2016/343 — **Strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings** — Article 6 — Burden of proof — **Continuation of the detention on remand pending trial of an accused person.**

Case C-653/19 PPU - ECLI identifier: ECLI:EU:C:2019:1024

**OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 26 November 2019. AFMB Ltd and Others v Raad van bestuur van de Sociale verzekeringsbank.** Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands). Reference for a preliminary ruling — **Determination of the legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EC) No 883/2004 — Article 13(1)(b) — **International drivers in the road transport sector — Setting up of a company in another Member State — Definition of employer — Definition of abuse of law**

Case C-610/18 - ECLI identifier: ECLI:EU:C:2019:1010

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 26 November 2019. Procureur-generaal, Joined parties: X.** Request for a preliminary ruling from the Hof van Beroep te Gent (Court of Appeal of Ghent, Belgium). Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Council Framework Decision 2002/584/JHA — **European arrest warrant** — Article 2(2) — **Removal of verification of double criminality — Conditions — Offences punishable in the issuing Member State by a maximum penalty of at least 3 years** — Assessment of the length of the penalty by reference to the law of the issuing Member State applicable to the facts or to the law in force at the time of issuing the EAW — **Principles of legality and legal certainty**

Case C-717/18 - ECLI identifier: ECLI:EU:C:2019:1011

**OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 26 November 2019. Parquet général du Grand-Duché de Luxembourg v JR.** Request for a preliminary ruling from the Cour d’appel (Chambre du conseil) (Court of Appeal (Investigation Chamber), Luxembourg) and **Openbaar Ministerie v YC.** Request for a preliminary ruling from the Rechtbank Amsterdam (District Court, Amsterdam, Netherlands). Reference for a preliminary ruling — **Police and judicial cooperation in criminal matters** — Framework Decision 2002/584/JHA — **European arrest warrant — Issuing judicial authority — Independence of the public prosecutor’s office** — European arrest warrant issued by a French public prosecutor — **Public prosecutor’s office responsible both for conducting a criminal prosecution and for reviewing the conditions of issue and proportionality of a European arrest warrant** — Condition as to the existence of an effective judicial remedy against the decision to issue a European arrest warrant granted by a public prosecutor

Joined Cases C-566/19 PPU and C-626/19 PPU - ECLI identifier: ECLI:EU:C:2019:1012

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 26 novembre 2019. Openbaar Ministerie contre ZB.** Demande de décision préjudicielle formée par le Rechtbank Amsterdam (Tribunal de première instance d’Amsterdam, Pays-Bas)- Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** - Décision cadre 2002/584/JAI - **Mandat d’arrêt européen – Notion d’“autorité judiciaire d’émission”** – Mandat d’arrêt européen émis par un procureur belge – **Condition de l’existence d’un recours juridictionnel effectif à l’encontre de la décision d’émission d’un mandat d’arrêt européen**

Affaire C-627/19 PPU - ECLI identifier: ECLI:EU:C:2019:1014

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 26 novembre 2019. Openbaar Ministerie contre XD.** Demande de décision préjudicielle formée par le Rechtbank Amsterdam (Tribunal d’Amsterdam, Pays-Bas). Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision cadre 2002/584/JAI – **Mandat d’arrêt européen – Notion d’“autorité judiciaire d’émission”** – Mandat d’arrêt européen émis par un procureur suédois – **Condition de l’existence d’un recours juridictionnel effectif à l’encontre de la décision d’émission d’un mandat d’arrêt européen**

Affaire C-625/19 PPU - ECLI identifier: ECLI:EU:C:2019:1013

## 16. Transport

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2153** of 16 December 2019 on the **fees and charges levied by the European Union Aviation Safety Agency**, and repealing Regulation (EU) No 319/2014

OJ of the EU, L 327/36 of 17 December 2019

**COMMISSION IMPLEMENTING REGULATION (EU) 2019/2105** of 9 December 2019 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers which are banned from operating or are subject to operational restrictions within the Union** (Text with EEA relevance)

OJ of the EU, L 318/79 of 10 December 2019

**COMMISSION DECISION (EU, Euratom) 2019/1961** of 17 October 2019 on **implementing rules** for handling **CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET information**

OJ of the EU, L 311/1 of 2 December 2019

**COMMISSION DECISION (EU, Euratom) 2019/1962** of 17 October 2019 on **implementing rules** for handling **RESTREINT UE/EU RESTRICTED information**

OJ of the EU, L 311/21 of 2 December 2019

**COMMISSION DECISION (EU, Euratom) 2019/1963** of 17 October 2019 laying down **implementing rules on industrial security with regard to classified procurement contracts**

OJ of the EU, L 311/37 of 2 December 2019

**DIRECTIVE (EU) 2019/1936 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 October 2019 **amending** Directive 2008/96/EC on **road infrastructure safety management**

OJ of the EU, L 305/1 of 26 November 2019

## Case Law

**Judgment of the Court (First Chamber) of 5 December 2019. Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v Z.P. and Prokuratura Rejonowa w Chełmnie.** Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in criminal matters — Mutual recognition — Financial penalties — Grounds for non-recognition and non-execution** — Framework Decision 2005/214/JHA — **Decision by an authority of the issuing Member State based on vehicle registration data — Notification of the penalties and the appeal procedures to the person concerned** — Right to effective judicial protection.  
[Case C-671/18 - ECLI identifier: ECLI:EU:C:2019:1054](#)

**OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 26 November 2019. AFMB Ltd and Others v Raad van bestuur van de Sociale verzekeringsbank.** Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands. Reference for a preliminary ruling — **Determination of the legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EC) No 883/2004 — Article 13(1)(b) — **International drivers in the road transport sector — Setting up of a company in another Member State — Definition of employer — Definition of abuse of law**  
[Case C-610/18 - ECLI identifier: ECLI:EU:C:2019:1010](#)

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

### Community Legislation

**DIRECTIVE (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 October 2019 on the **protection of persons who report breaches of Union law**  
[OJ of the EU, L 305/17 of 26 November 2019](#)

### Case Law

**Judgment of the Court (Fifth Chamber) of 4 December 2019. H v Council of the European Union.** Appeal — **Common Foreign and Security Policy (CFSP) — Composition of the Chamber of the General Court of the European Union** — Regularity — Decision 2009/906/CFSP — **European Union Police Mission in Bosnia and Herzegovina (EUPM)** — National staff member on secondment — **Redeployment to a regional office of that mission — Powers of the Head of Mission — Misuse of powers — Claim for damages — Principle of audi alteram partem.**  
[Case C-413/18 P - ECLI identifier: ECLI:EU:C:2019:1044](#)

**Judgment of the Court (Grand Chamber) of 3 December 2019. Iccrea Banca SpA Istituto Centrale del Credito Cooperativo 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 — **Banking Union — Recovery and resolution of credit institutions and investment firms — Annual contributions — Calculation** — Regulation (EU) No 806/2014/014 — Implementing Regulation (EU) 2015/81 — **Uniform procedure for the resolution of credit institutions and investment firms** — Administrative procedure involving national authorities and an EU body — Exclusive decision-making power of the Single Resolution Board — **Procedure before the national courts — Failure to bring an action for annulment before the EU Courts in good time** — Delegated Regulation (EU) 2015/63 — **Exclusion of certain liabilities from the calculation of contributions — Interconnectedness of a number of banks.**  
[Case C-414/18 - ECLI identifier: ECLI:EU:C:2019:1036](#)

**Judgment of the Court (Ninth Chamber) of 28 November 2019. KROL - Zakład Robót Wodno-Kanalizacyjnych Sp. z o.o., S.k. v Porr S.A.** Request for a preliminary ruling from the Sąd Okręgowy w Warszawie. Reference for a preliminary ruling — **Combating late payment in commercial transactions** — Directive 2000/35/EC — Article 1 and Article 6(3) — **Scope** — National legislation — **Commercial transactions financed by the EU Structural Funds and by the EU Cohesion Fund — Exclusion.**  
[Case C-722/18 - ECLI identifier: ECLI:EU:C:2019:1028](#)