



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

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

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Highlights

DIRECTIVE (EU) 2019/2177 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2019 **amending** Directive 2009/138/EC on the **taking-up and pursuit of the business of Insurance and Reinsurance** (Solvency II), Directive 2014/65/EU on **markets in financial instruments** and Directive (EU) 2015/849 on the **prevention of the use of the financial system for the purposes of money-laundering or terrorist financing** (Text with EEA relevance)
[OJ of the EU, L 334/155 of 27 December 2019](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Deutsche Umwelthilfe eV v Freistaat Bayern - Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof - **Reference for a preliminary ruling — Environment — Article 6, the first paragraph of Article 47 and Article 52(1) of the Charter of Fundamental Rights of the European Union** — Directive 2008/50/EC — **Atmospheric pollution** — Ambient air quality — Air quality plan — **Limit values for nitrogen dioxide — Obligation to adopt appropriate measures to ensure that any exceedance period is very short** — Obligation on the national courts to take any necessary measure — Refusal of a regional government to comply with an injunction — **Coercive detention contemplated in respect of senior political representatives or senior officials of the region concerned — Effective judicial protection — Right to liberty of the person** — Legal basis — Proportionality.
[Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:1114](#)

Judgment of the Court (Third Chamber) of 19 December 2019 - Barbara Rust-Hackner and Others v Nürnberger Versicherung Aktiengesellschaft Österreich and Others - Requests for a preliminary ruling from the Landesgericht Salzburg and Bezirksgericht für Handelssachen Wien - **References for a preliminary ruling — Freedom to provide services — Direct life assurance** — Directives 90/619/EEC, 92/96/EEC, 2002/83/EC and 2009/138/EC — **Right of cancellation — Incorrect information concerning the detailed rules for exercising the right of cancellation** — Formal requirements for the declaration of cancellation — Effects on the obligations of the assurance undertaking — **Time limit — Lapse of the right of cancellation — Possibility to cancel a contract after it has been terminated — Repayment of the surrender value of the contract** — Reimbursement of premiums paid — **Right to remuneration interest** — Limitation
[Joined Cases C-355/18, C-356/18 and C-479/18 - ECLI identifier: ECLI:EU:C:2019:1123](#)

Judgment of the Court (Fourth Chamber) of 19 December 2019 - GN, représentée légalement par HM v ZU, en tant que liquidateur de Niki Luftfahrt GmbH - Request for a preliminary ruling from the Oberster Gerichtshof - **Reference for a preliminary ruling — Air transport — Montreal Convention** — Article 17(1) — **Air carrier liability in the event of accidents — Concept of 'accident' — Aircraft in flight** — Spillage of a cup of coffee placed on the tray table of a seat — **Bodily injuries caused to the passenger**
[Case C-532/18 - ECLI identifier: ECLI:EU:C:2019:1127](#)

1. EU-Swiss Relations

International Agreements

DECISION No 2/2019 OF THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE of 2 December 2019 replacing Annex A to the **Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics** [2020/51]
[OJ of the EU, L 17/7 of 22 January 2020](#)

DECISION No 2/2019 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 10 December 2019 replacing the **Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2020/6]
[OJ of the EU, L 3/1 of 7 January 2020](#)

Notice concerning the entry into force of the Agreement between the European Union and the Swiss Confederation on the linking of their **greenhouse gas emissions trading systems**
[OJ of the EU, L 330/1 of 20 December 2019](#)

Community Legislation

DECISION No 2/2019 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 13 December 2019 on **transitory measures to maintain smooth rail traffic between Switzerland and the European Union** [2020/40]
[OJ of the EU, L 13/43 of 17 January 2020](#)

2. External Relations / Foreign Policy

International Agreements

COMMISSION DECISION (EU) 2020/109 of 23 January 2020 amending the Annex to the **Monetary Agreement between the European Union and the Vatican City State**
[OJ of the EU, L 19/36 of 24 January 2020](#)

COMMISSION DECISION (EU) 2020/108 of 23 January 2020 amending the Annex to the **Monetary Agreement between the European Union and the Republic of San Marino**
[OJ of the EU, L 19/23 of 24 January 2020](#)

COMMISSION DECISION (EU) 2020/36 of 15 January 2020 amending the Annex to the **Monetary Agreement between the European Union and the Principality of Andorra**
[OJ of the EU, L 12/17 of 16 January 2020](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Judgment of the Court (Seventh Chamber) of 22 January 2020 - Ursa Major Services BV v Minister van Landbouw, Natuur en Voedselkwaliteit - Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven - **Reference for a preliminary ruling — Common fisheries policy — Regulation (EC) No 1198/2006 — Article 55(1) — Financial contribution by the European Fisheries Fund (EFF) — Eligibility of expenditure — Condition — Expenditure actually paid by the beneficiaries — Meaning**
[Case C-814/18 - ECLI identifier: ECLI:EU:C:2020:27](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Club de Variedades Vegetales Protegidas v Adolfo Juan Martínez Sanchís - Request for a preliminary ruling from the Tribunal Supremo - **Reference for a preliminary ruling — Community plant variety rights — Regulation (EC) No 2100/94 — Article 13(2) and (3) — Effects of community plant variety rights — Cumulative protection scheme — Planting of variety constituents and harvesting the fruit — Distinction between acts effected in respect of variety constituents and those concerning harvested material — Concept of ‘unauthorised use of variety constituents’ — Article 95 — Provisional protection**

Case C-176/18 - ECLI identifier: ECLI:EU:C:2019:1131

Judgment of the Court (Third Chamber) of 19 December 2019 - Cargill Deutschland GmbH v Hauptzollamt Krefeld - Request for a preliminary ruling from the Finanzgericht Düsseldorf - **Reference for a preliminary ruling — Regulation (EU) No 1360/2013 — Agriculture — Common organisation of the markets — Sugar sector — Production levy — Effectiveness — Right to reimbursement of sums unduly paid — Applicability of national rules on limitation periods — Principle of effectiveness**

Case C-360/18 - ECLI identifier: ECLI:EU:C:2019:1124

Judgment of the Court (Second Chamber) of 19 December 2019 - Coöperatieve Producentenorganisatie en Beheersgroep Texel UA v Minister van Landbouw, Natuur en Voedselkwaliteit - Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven - **Reference for a preliminary ruling — Common fisheries policy — Regulations (EU) Nos 1303/2013, 1379/2013 and 508/2014 — Fishery and aquaculture producer organisations — Production and marketing plans — Financial support for the preparation and implementation of those plans — Conditions of eligibility of costs — Discretion of the Member States — No possibility under national law to apply for financial support**

Case C-386/18 - ECLI identifier: ECLI:EU:C:2019:1122

Judgment of the Court (Fourth Chamber) of 19 December 2019 - Exportslachterij J. Gosschalk en Zn. BV and Others v Minister van Landbouw, Natuur en Voedselkwaliteit - Requests for a preliminary ruling from the College van Beroep voor het Bedrijfsleven - **Reference for a preliminary ruling — Regulation (EC) No 882/2004 — Article 27(1) and (4) — Points 1 and 2 of Annex VI — Official controls on feed and food — Financing — Fees payable in relation to official controls — Calculation — Definition of ‘staff involved in the official controls’ — Inclusion of administrative and support staff — Possibility of charging for quarter-hour periods requested by the slaughterhouse for the purposes of official controls but not worked — Conditions**

Joined Cases C-477/18 and C-478/18 - ECLI identifier: ECLI:EU:C:2019:1126

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2243 of 17 December 2019 **establishing a template for the contract summary to be used by providers of publicly available electronic communications services** pursuant to Directive (EU) 2018/1972 of the European Parliament and of the Council (Text with EEA relevance)
OJ of the EU, L 336/274 of 30 December 2019

Case Law

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 21 January 2020 - H.K. v Prokuratuur - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - **Reference for a preliminary ruling — The processing of personal data in the electronic communications sector — Confidentiality of the communications — Providers of electronic communications services — General and undifferentiated retention of traffic and location data — Criminal investigations — Access of investigating authorities to data retained for periods of up to one year — Authorisation given by the Public Prosecutor’s Office — Use of data in criminal proceedings as evidence — Directive 2002/58/EC — Article 1(3), Article 3 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7, 8, 11 and Article 52(1)**

Case C-746/18 - ECLI identifier: ECLI:EU:C:2020:18

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 15 January 2020 - Privacy International v Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for the Home Department, Government Communications Headquarters, Security Service and Secret Intelligence Service - Request for a preliminary ruling from the Investigatory Powers Tribunal (United Kingdom) - Reference for a preliminary ruling — Processing of personal data and the protection of privacy in the electronic communications sector — Directive 2002/58/EC — Scope of application — Article 1(3) — Article 15(3) — Charter of Fundamental Rights of the European Union — Articles 7, 8 and 51 and Article 52(1) — Article 4(2) TEU — General and indiscriminate transmission to the security services of connection data of users of an electronic communications service

Case C-623/17 - ECLI identifier: ECLI:EU:C:2020:5

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 15 janvier 2020 - La Quadrature du Net, French Data Network, Fédération des fournisseurs d'accès à Internet associatifs et Iguan.net (C-511/18) contre Premier ministre, Garde des Sceaux, ministre de la Justice, Ministre de l'Intérieur et Ministre des Armées - Demande de décision préjudicielle formée par le Conseil d'État statuant au contentieux (France) - Renvoi préjudiciel — Traitement des données à caractère personnel et protection de la vie privée dans le secteur des communications électroniques — Sauvegarde de la sécurité nationale et lutte contre le terrorisme — Directive 2002/58/CE — Champ d'application — Article 1er, paragraphe 3 — Article 15, paragraphe 3 — Article 4, paragraphe 2, TUE — Charte des droits fondamentaux de l'Union européenne — Articles 6, 7, 8, 11, 47 et 52, paragraphe 1 — Conservation généralisée et indifférenciée des données de connexion et des données permettant d'identifier les créateurs de contenu — Recueil de données relatives au trafic et de données de localisation — Accès aux données

Affaires jointes C-511/18 et C-512/18 - ECLI identifier: ECLI:EU:C:2020:6

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 15 janvier 2020 - Ordre des barreaux francophones et germanophone, Académie Fiscale ASBL, UA, Liga voor Mensenrechten ASBL, Ligue des Droits de l'Homme ASBL, VZ, WY et XX contre Conseil des ministres, en présence de Child Focus - demande de décision préjudicielle formée par la Cour constitutionnelle (Belgique) - Renvoi préjudiciel – Traitement des données à caractère personnel et protection de la vie privée dans le secteur des communications électroniques – Directive 2002/58/CE – Champ d'application – Article 1er, paragraphe 3 – Article 15, paragraphe 1 – Article 4, paragraphe 2, TUE – Charte des droits fondamentaux de l'Union européenne – Articles 4, 6, 7, 8, 11 et 52, paragraphe 1 – Obligation de conservation généralisée et indifférenciée des données relatives au trafic et des données de localisation – Effectivité des enquêtes pénales et autres objectifs d'intérêt général

Affaire C-520/18 - ECLI identifier: ECLI:EU:C:2020:7

Judgment of the Court (Grand Chamber) of 19 December 2019 - Nederlands Uitgeversverbond and Groep Algemene Uitgevers v Tom Kabinet Internet BV and Others - Request for a preliminary ruling from the Rechtbank Den Haag - Reference for a preliminary ruling — Harmonisation of certain aspects of copyright and related rights in the information society — Directive 2001/29/EC — Article 3(1) — Right of communication to the public — Making available — Article 4 — Distribution right — Exhaustion — Electronic books (e-books) — Virtual market for 'second-hand' e-books

Case C-263/18 - ECLI identifier: ECLI:EU:C:2019:1111

Judgment of the Court (Grand Chamber) of 19 December 2019 - Criminal proceedings against X - Request for a preliminary ruling from the Juge d'instruction du tribunal de grande instance de Paris - Reference for a preliminary ruling — Directive 2000/31/EC — Information society services — Directive 2006/123/EC — Services — Connection of hosts, whether businesses or individuals, with accommodation to rent with persons seeking that type of accommodation — Qualification — National legislation imposing certain restrictions on the exercise of the profession of real estate agent — Directive 2000/31/EC — Article 3(4)(b), second indent — Obligation to give notification of measures restricting the freedom to provide information society services — Failure to give notification — Enforceability — Criminal proceedings with an ancillary civil action

Case C-390/18 - ECLI identifier: ECLI:EU:C:2019:1112

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 19 December 2019 - Data Protection Commissioner v Facebook Ireland Limited and Maximilian Schrems, interveners: The United States of America, Electronic Privacy Information Centre, BSA Business Software Alliance, Inc. and Digitaleurope - request for a preliminary ruling from the High Court, Ireland - **Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data** — Regulation (EU) 2016/679 — Article 2(2) — Scope — **Transfer of personal data for commercial purposes to the United States of America — Processing by the United States of America’s public authorities for national security purposes of the data transferred** — Article 45 — Assessment of the adequacy of the level of protection ensured in a third country — Article 46 — **Appropriate safeguards offered by the controller — Standard protection clauses** — Article 58(2) — Powers of the national supervisory authorities — Decision 2010/87/EU — Validity — Decision (EU) 2016/1250 — **‘EU-U.S. Privacy Shield — Validity — Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union**
[Case C-311/18 - ECLI identifier: ECLI:EU:C:2019:1145](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 18 décembre 2019 - Vivendi SA contre Autorità per le Garanzie nelle Comunicazioni en présence de Mediaset SpA - demande de décision préjudicielle formée par le Tribunale amministrativo regionale per il Lazio (tribunal administratif régional pour le Latium, Italie) - **Renvoi préjudiciel – Télécommunications – Liberté d’établissement – Libre circulation des capitaux** – Articles 49 TFUE et 63 TFUE – Directive 2002/21/CE – **Législation nationale visant à lutter contre les positions dominantes** – Calcul des recettes dans le secteur des communications électroniques et dans le système intégré des communications – **Limitation du secteur des communications électroniques aux marchés soumis à une régulation ex ante** – Prise en compte des recettes des sociétés liées – Seuil de recettes différencié entre les sociétés actives dans le secteur des communications électroniques et les autres opérateurs – Article 11 de la Charte – **Liberté et pluralisme des médias**
[Affaire C-719/18 - ECLI identifier: ECLI:EU:C:2019:1101](#)

5. Competition

Case Law

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 22 January 2020 - Generics (UK) Ltd and Others v Competition and Markets Authority - Request for a preliminary ruling from the Competition Appeal Tribunal (United Kingdom) - **Reference for a preliminary ruling — Competition — Agreements, decisions and concerted practices — Dominant position** — Abuse — **Pharmaceutical products — Agreements in settlement of patent disputes entered into by a patent-holding originator company and generic medicinal products manufacturers**
[Case C-307/18 - ECLI identifier: ECLI:EU:C:2020:28](#)

CONCLUSIONS DE L’AVOCATE GÉNÉRALE Mme JULIANE KOKOTT présentées le 16 janvier 2020 - Hongrie contre Commission européenne - Pourvoi – Aides d’État – Décision d’ouvrir la procédure prévue à l’article 108, paragraphe 2, TFUE – Règlement (CE) no 659/1999 – Article 11, paragraphe 1 – **Injonction de suspension – Possibilité de contester l’injonction de suspension** – Intérêt à agir malgré la caducité – **Usage par la Commission de sa marge d’appréciation lors de l’adoption d’une injonction de suspension – Proportionnalité** – Obligation de motivation
[Affaire C-456/18 P - ECLI identifier: ECLI:EU:C:2020:8](#)

Judgment of the Court (Second Chamber) of 19 December 2019 - Arriva Italia Srl and Others v Ministero delle Infrastrutture e dei Trasporti - Request for a preliminary ruling from the Consiglio di Stato - **Reference for a preliminary ruling — State aid — Notion** — Public railway undertaking in difficulties — **Aid measures — Allocation of financial aid — Aim** — Continued operation of the public railway undertaking — **Allocation to and shareholding in the capital of that public undertaking** — Transfer to the capital of another public undertaking — **Private investor test — Prior notification obligation for new aid**
[Case C-385/18 - ECLI identifier: ECLI:EU:C:2019:1121](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Fujikura 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 — 2006 Guidelines on the method of setting fines — **Determination of the relative weight of the European and non-European participants in the cartel — Participation of European undertakings at several levels of the cartel** — Principle of equal treatment

[Case C-590/18 P - ECLI identifier: ECLI:EU:C:2019:1135](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Furukawa Electric Co. 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 — **2006 Guidelines on the method of setting fines — Determination of the value of sales — Principle of equal treatment**

[Case C-589/18 P - ECLI identifier: ECLI:EU:C:2019:1134](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Viscas 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 — Fines — **2006 Guidelines on the method of setting fines — Determining the relative weight of the European and non-European members in the cartel — Participation of European undertakings in the cartel at several levels** — Principle of equal treatment

[Case C-582/18 P - ECLI identifier: ECLI:EU:C:2019:1133](#)

OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 19 December 2019 - European Commission v Dôvera zdravotná poisťovňa, a.s. (C-262/18 P) and Slovak Republic v Dôvera zdravotná poisťovňa, a.s. (C-271/18 P) - Appeal — State aid — Health insurance bodies — Concept of ‘undertaking’ — Complex economic assessments — Scope of the judicial review conducted by the General Court — **Concept of ‘economic activity’** — Other entities operating within the social security system seeking to make a profit — **Competition as to quality and as to the health insurance services offered**

[Joined Cases C-262/18 P and C-271/18 P - ECLI identifier: ECLI:EU:C:2019:1144](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 18 décembre 2019 - Vivendi SA contre Autorità per le Garanzie nelle Comunicazioni en présence de Mediaset SpA - demande de décision préjudicielle formée par le Tribunale amministrativo regionale per il Lazio (tribunal administratif régional pour le Latium, Italie) - Renvoi préjudiciel – Télécommunications – Liberté d’établissement – Libre circulation des capitaux – Articles 49 TFUE et 63 TFUE – Directive 2002/21/CE – **Législation nationale visant à lutter contre les positions dominantes** – Calcul des recettes dans le secteur des communications électroniques et dans le système intégré des communications – **Limitation du secteur des communications électroniques aux marchés soumis à une régulation ex ante** – Prise en compte des recettes des sociétés liées – Seuil de recettes différencié entre les sociétés actives dans le secteur des communications électroniques et les autres opérateurs – Article 11 de la Charte – **Liberté et pluralisme des médias**

[Affaire C-719/18 - ECLI identifier: ECLI:EU:C:2019:1101](#)

6. Customs

Case Law

Judgment of the Court (Tenth Chamber) of 19 December 2019 - Amoena Ltd v Commissioners for Her Majesty's Revenue and Customs - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber) - Reference for a preliminary ruling — Common Customs Tariff — Tariff classification — **Combined Nomenclature** — Headings 6212 and 9021 — Mastectomy bras — Implementing Regulation (EU) 2017/1167 — Validity — **Notion of ‘accessories’ — Sincere cooperation**

[Case C-677/18 - ECLI identifier: ECLI:EU:C:2019:1142](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COMMISSION DECISION (EU) 2020/109 of 23 January 2020 **amending** the Annex to the **Monetary Agreement between the European Union and the Vatican City State**

[OJ of the EU, L 19/36 of 24 January 2020](#)

COMMISSION DECISION (EU) 2020/108 of 23 January 2020 **amending** the Annex to the **Monetary Agreement between the European Union and the Republic of San Marino**

[OJ of the EU, L 19/23 of 24 January 2020](#)

COMMISSION DECISION (EU) 2020/36 of 15 January 2020 **amending** the Annex to the **Monetary Agreement between the European Union and the Principality of Andorra**

[OJ of the EU, L 12/17 of 16 January 2020](#)

Community Legislation

REGULATION (EU) 2019/2175 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2019 **amending** Regulation (EU) No 1093/2010 establishing a **European Supervisory Authority (European Banking Authority)**, Regulation (EU) No 1094/2010 establishing a European Supervisory Authority (**European Insurance and Occupational Pensions Authority**), Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (**European Securities and Markets Authority**), Regulation (EU) No 600/2014 on **markets in financial instruments**, Regulation (EU) 2016/1011 on **indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds**, and Regulation (EU) 2015/847 on **information accompanying transfers of funds** (Text with EEA relevance)

[OJ of the EU, L 334/1 of 27 December 2019](#)

REGULATION (EU) 2019/2176 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2019 **amending** Regulation (EU) No 1092/2010 on European Union **macro-prudential oversight of the financial system and establishing a European Systemic Risk Board** (Text with EEA relevance)

[OJ of the EU, L 334/146 of 27 December 2019](#)

DIRECTIVE (EU) 2019/2177 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2019 **amending** Directive 2009/138/EC on the **taking-up and pursuit of the business of Insurance and Reinsurance** (Solvency II), Directive 2014/65/EU on **markets in financial instruments** and Directive (EU) 2015/849 on the **prevention of the use of the financial system for the purposes of money-laundering or terrorist financing** (Text with EEA relevance)

[OJ of the EU, L 334/155 of 27 December 2019](#)

Case Law

OPINION OF ADVOCATE GENERAL HOGAN delivered on 14 January 2020 - État belge v Pantochim SA, in liquidation - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, Belgium) - **Reference for a preliminary ruling** — Directive 76/308/EEC Mutual assistance for the recovery of claims — — Directive 2008/55/EC — Articles 6 and 10 — Directive 2010/24/EU — Article 13(1) — **Set-off of tax claim recovered on behalf of requesting Member State against tax debt of requested Member State** — Status of recovered claim — **Interpretation of term ‘privilege’**

[Case C-19/19 - ECLI identifier: ECLI:EU:C:2020:2](#)

Judgment of the Court (Third Chamber) of 19 December 2019 - Barbara Rust-Hackner and Others v Nürnberger Versicherung Aktiengesellschaft Österreich and Others - Requests for a preliminary ruling from the Landesgericht Salzburg and Bezirksgericht für Handelssachen Wien - **References for a preliminary ruling — Freedom to provide services — Direct life assurance** — Directives 90/619/EEC, 92/96/EEC, 2002/83/EC and 2009/138/EC — **Right of cancellation — Incorrect information concerning the detailed rules for exercising the right of cancellation** — Formal requirements for the declaration of cancellation — Effects on the obligations of the assurance undertaking — **Time limit — Lapse of the right of cancellation — Possibility to cancel a contract after it has been terminated — Repayment of the surrender value of the contract** — Reimbursement of premiums paid — **Right to remuneration interest** — Limitation
[Joined Cases C-355/18, C-356/18 and C-479/18 - ECLI identifier: ECLI:EU:C:2019:1123](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Brussels Securities SA v État belge - Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles - **Reference for a preliminary ruling — Common system of taxation applicable in the case of parent companies and subsidiaries of different Member States** — Directive 90/435/EEC — **Prevention of double taxation** — First indent of Article 4(1) — **Prohibition on taxing profits received — Inclusion of the dividend distributed by the subsidiary in the parent company's tax base** — Deduction of the dividend distributed from the parent company's tax base and the indefinite carrying forward of the surplus to the following tax years — **The order in which tax deductions on profits are to be applied — Loss of a tax advantage**
[Case C-389/18 - ECLI identifier: ECLI:EU:C:2019:1132](#)

Judgment of the Court (Eighth Chamber) of 19 December 2019 - Amărăști Land Investment SRL v Direcția Generală Regională a Finanțelor Publice Timișoara and Administrația Județeană a Finanțelor Publice Timiș - Request for a preliminary ruling from the Tribunalul Timiș - **Reference for a preliminary ruling — Taxation — Common system of value added tax** — Directive 2006/112/EC — **Taxable transactions — Deduction of input tax** — Purchase of immovable property not registered in the national land register — First-registration costs incurred by the purchaser — **Recourse to specialist third companies — Participation in a supply of services or investment expenditure carried out for the purposes of an undertaking**
[Case C-707/18 - ECLI identifier: ECLI:EU:C:2019:1136](#)

Judgment of the Court (Eighth Chamber) of 19 December 2019 - Segler-Vereinigung Cuxhaven e.V. v Finanzamt Cuxhaven - Request for a preliminary ruling from the Bundesfinanzhof - **Reference for a preliminary ruling — Taxation — Value added tax (VAT)** — Directive 2006/112/EC — Article 98 — **Option for the Member States to apply a reduced rate of VAT to certain supplies of goods and services** — Point 12 of Annex III — Reduced rate of VAT applicable to the letting of places on camping or caravan sites — Question of whether that reduced rate is applicable to the letting of boat moorings in a marina — Comparison with the letting of premises and sites for the parking of vehicles — Equal treatment — **Principle of fiscal neutrality**
[Case C-715/18 - ECLI identifier: ECLI:EU:C:2019:1138](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 19 December 2019 - AGROBET CZ, s.r.o., other party: Finanční úřad pro Středočeský kraj - Request for a preliminary ruling from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - **Reference for a preliminary ruling — Taxation — Value added tax (VAT)** — Article 179 and Article 183 of Directive 2006/112/EC — **Deduction of input tax — Excess VAT — Retention of the total amount of excess VAT upon a tax inspection in respect of part of the transactions** — Partial refund of excess VAT claimed — **Principle of neutrality — Principle of proportionality**
[Case C-446/18 - ECLI identifier: ECLI:EU:C:2019:1137](#)

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 (Eighth Chamber) of 23 January 2020 - ZP v Bundesagentur für Arbeit - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundessozialgericht (Federal Social Court, Germany) - **Reference for a preliminary ruling — Social security — Migrant workers** — Regulation (EC) No 883/2004 — **Unemployment benefits** — Calculation — Failure to take account of the final salary received in the Member State of residence — Reference period not of sufficient duration — **Salary received following the employment relationship coming to an end — Person having previously been active as an employed person in Switzerland**
[Case C-29/19 - ECLI identifier: ECLI:EU:C:2020:36](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 23 January 2020 - UX v Governo della Repubblica italiana - Request for a preliminary ruling from the Giudice di pace di Bologna (Magistrates' Court, Bologna, Italy) - **Request for a preliminary ruling — Admissibility — External and internal independence of the courts — Social policy** — Directive 2003/88/EC — **Working time** — Article 7 — **Paid annual leave — Magistrates** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — **Prohibition on discrimination — Liability of the Member States for infringements of EU law**
[Case C-658/18 - ECLI identifier: ECLI:EU:C:2020:33](#)

Judgment of the Court (Second Chamber) of 22 January 2020 - Almudena Baldonado Martín v Ayuntamiento de Madrid - Request for a preliminary ruling from the Juzgado Contencioso-Administrativo de Madrid - **Reference for a preliminary ruling — Social policy** — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination** — Clause 5 — **Measures to prevent abuse arising from the use of successive fixed-term employment contracts or relationships** — Compensation if the employment relationship is terminated — Articles 151 and 153 TFEU — **Articles 20 and 21 of the Charter of Fundamental Rights of the European Union** — Applicability — Difference of treatment based on whether a public or private regime, within the meaning of national law, governs the employment relationship
[Case C-177/18 - ECLI identifier: ECLI:EU:C:2020:26](#)

Judgment of the Court (Tenth Chamber) of 22 January 2020 - AT v Pensionsversicherungsanstalt - Request for a preliminary ruling from the Oberster Gerichtshof - **Reference for a preliminary ruling — Freedom of movement for persons — Citizenship of the Union** — Right to move and reside freely in the territory of the Member States — Directive 2004/38/EC — Article 17(1)(a) — **Right of permanent residence** — Acquisition before completion of a continuous period of five years of residence — **Workers who, at the time they stop working, have reached the age for entitlement to an old age pension**
[Case C-32/19 - ECLI identifier: ECLI:EU:C:2020:25](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 22 janvier 2020 - Commission européenne contre Danilo Di Bernardo - Pourvoi — **Fonction publique — Concours général — Non-inscription sur la liste de réserve** — Conditions relatives aux qualifications et à l'expérience professionnelle d'une durée minimale de trois ans — **Possibilité de compléter une motivation insuffisante devant le juge — Conditions — Recours en annulation**
[Affaire C-114/19 P - ECLI identifier: ECLI:EU:C:2020:22](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Michael Dobersberger v Magistrat der Stadt Wien - Request for a preliminary ruling from the Verwaltungsgerichtshof - **Reference for a preliminary ruling** — Articles 56 and 57 TFEU — **Freedom to provide services** — Directive 96/71/EC — Applicability — Article 1(3)(a) — **Posting of workers in the framework of the provision of services — Provision of services on board international trains** — National rules imposing administrative obligations in relation to the posting of workers
[Case C-16/18 - ECLI identifier: ECLI:EU:C:2019:1110](#)

Judgment of the Court (Fifth Chamber) of 19 December 2019 - Pensions-Sicherungs-Verein VVaG v Günther Bauer - Request for a preliminary ruling from the Bundesarbeitsgericht - **Reference for a preliminary ruling — Social policy — Protection of employees in the event of the insolvency of their employer** — Directive 2008/94/EC — Article 8 — **Supplementary pension schemes — Protection of entitlement to old-age benefits** — Minimum guaranteed level of protection — **Former employer's obligation to offset a reduction in an occupational pension scheme — External pension institution** — Direct effect
[Case C-168/18 - ECLI identifier: ECLI:EU:C:2019:1128](#)

Judgment of the Court (First Chamber) of 19 December 2019 - HK v European Commission - Appeal — Civil service — Staff Regulations of Officials of the European Union — Article 1d — First paragraph of Article 17 of Annex VIII — **Pension for the surviving spouse — Conditions for granting — Concept of 'surviving spouse' of a Union official — Marriage and non-marital partnership** — Cohabitation — **Principle of non-discrimination — Comparable situation** — None — Condition of duration of marriage — **Combating fraud — Justification**
[Case C-460/18 P - ECLI identifier: ECLI:EU:C:2019:1119](#)

OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 19 December 2019 - European Commission v RQ - Appeal — Articles 11(a) and 17 of Protocol (No 7) on the Privileges and Immunities of the European Union — EU Civil Service — Officials — Article 90(2) of Regulation No 31 (EEC), 11 (EAEC) — Director-General of OLAF — **Commission Decision waiving official's immunity** — Article 41(2)(a) of the Charter — **Right to be heard**
[Case C-831/18 P - ECLI identifier: ECLI:EU:C:2019:1143](#)

Judgment of the Court (Third Chamber) of 18 December 2019 - UB v Generálny riaditeľ Sociálnej poisťovne Bratislava - Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky - **Reference for a preliminary ruling — Social security — Coordination of social security systems** — Regulation (EC) No 883/2004 — Article 3 — **Matters covered — Old-age benefit — Freedom of movement for workers within the European Union** — Regulation (EU) No 492/2011 — Article 7 — **Equal treatment of national workers and migrant workers — Social advantages** — Legislation of a Member State restricting the grant of an 'additional benefit for sportspersons who have represented the State' to the citizens of that State
[Case C-447/18 - ECLI identifier: ECLI:EU:C:2019:1098](#)

10. Energy and Environment

International Agreements

Notice concerning the entry into force of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems
[OJ of the EU, L 330/1 of 20 December 2019](#)

Case Law

JUDGMENT OF THE COURT (Fifth Chamber) of 23 January 2020 - Energiavirasto, intervener: A and Caruna Oy - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - **Reference for a preliminary ruling — Internal market in electricity** — Directive 2009/72/EC — Article 3 — **Consumer protection** — Article 37 — Tasks and powers of the regulatory authority — **Out-of-court dispute settlement — Concept of 'party' — Right to appeal against a decision of the regulatory authority** — Complaint made by a household customer against an electricity distribution system operator
[Case C-578/18 - ECLI identifier: ECLI:EU:C:2020:35](#)

CONCLUSIONS DE L'AVOCATE GÉNÉRALE Mme JULIANE KOKOTT présentées le 16 janvier 2020 - A.m.a. - Azienda Municipale Ambiente SpA contre Consorzio Laziale Rifiuti – Co.La.Ri. - demande de décision préjudicielle formée par la Corte suprema di cassazione [Cour de cassation, Italie] - **Demande de décision préjudicielle – Environnement – Déchets – Directive 1999/31 – Décharges – Coût de la mise en décharge des déchets – Décharges existantes – Application ratione temporis de la directive – Modification des redevances d'élimination initialement prévues dans le contrat – Non-rétroactivité – Sécurité juridique – Protection de la confiance légitime – Proportionnalité**

Affaire C-15/19 - ECLI identifier: ECLI:EU:C:2020:10

Judgment of the Court (Second Chamber) of 19 December 2019 - GRDF SA v Eni Gas & Power France SA and Others - Request for a preliminary ruling from the Cour de cassation - **Reference for a preliminary ruling – Common rules for the internal market in natural gas – Directive 2009/73/EC – Article 41(11) – Settlement of disputes concerning the obligations imposed on the system operator – Temporal effects of decisions of the dispute settlement authority – Legal certainty – Legitimate expectations**

Case C-236/18 - ECLI identifier: ECLI:EU:C:2019:1120

Judgment of the Court (Fifth Chamber) of 19 December 2019 - Engie Cartagena S.L. v Ministerio para la Transición Ecológica - Request for a preliminary ruling from the Audiencia Nacional - **Reference for a preliminary ruling – Internal market in electricity – Common rules – Directive 2003/54/EC – Article 3(2) – Directive 2009/72/EC – Article 3(2) – Public service obligations – Meaning – National rules – Financing of energy efficiency plans – Designation of electricity generating undertakings – Mandatory contribution**

Case C-523/18 - ECLI identifier: ECLI:EU:C:2019:1129

Judgment of the Court (Grand Chamber) of 19 December 2019 - Deutsche Umwelthilfe eV v Freistaat Bayern - Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof - **Reference for a preliminary ruling – Environment – Article 6, the first paragraph of Article 47 and Article 52(1) of the Charter of Fundamental Rights of the European Union – Directive 2008/50/EC – Atmospheric pollution – Ambient air quality – Air quality plan – Limit values for nitrogen dioxide – Obligation to adopt appropriate measures to ensure that any exceedance period is very short – Obligation on the national courts to take any necessary measure – Refusal of a regional government to comply with an injunction – Coercive detention contemplated in respect of senior political representatives or senior officials of the region concerned – Effective judicial protection – Right to liberty of the person – Legal basis – Proportionality.**

Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:1114

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DELEGATED DIRECTIVE (EU) 2020/12 of 2 August 2019 **supplementing** Directive (EU) 2017/2397 of the European Parliament and of the Council as regards the **standards for competences and corresponding knowledge and skills, for the practical examinations, for the approval of simulators and for medical fitness** (Text with EEA relevance)

OJ of the EU, L 6/15 of 10 January 2020

COMMISSION DELEGATED REGULATION (EU) 2020/11 of 29 October 2019 **amending** Regulation (EC) No 1272/2008 of the European Parliament and of the Council on **classification, labelling and packaging of substances and mixtures as regards information relating to emergency health response** (Text with EEA relevance)

OJ of the EU, L 6/8 of 10 January 2020

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2243 of 17 December 2019 **establishing a template for the contract summary to be used by providers of publicly available electronic communications services** pursuant to Directive (EU) 2018/1972 of the European Parliament and of the Council (Text with EEA relevance)

OJ of the EU, L 336/274 of 30 December 2019

Case Law

JUDGMENT OF THE COURT (Fifth Chamber) of 23 January 2020 - Energiavirasto, intervener: A and Caruna Oy - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - **Reference for a preliminary ruling — Internal market in electricity** — Directive 2009/72/EC — Article 3 — **Consumer protection** — Article 37 — Tasks and powers of the regulatory authority — **Out-of-court dispute settlement — Concept of ‘party’ — Right to appeal against a decision of the regulatory authority** — Complaint made by a household customer against an electricity distribution system operator
[Case C-578/18 - ECLI identifier: ECLI:EU:C:2020:35](#)

Judgment of the Court (Fourth Chamber) of 22 January 2020 - PTC Therapeutics International Ltd v European Medicines Agency - **Appeal — Access to documents of EU institutions, bodies, offices or agencies** — Regulation (EC) No 1049/2001 — First indent of Article 4(2) — **Exception relating to the protection of commercial interests** — Article 4(3) — **Protection of the decision-making process — Documents submitted to the European Medicines Agency in the context of a marketing authorisation application for a medicinal product for human use** — Decision to grant a third party access to the documents — General presumption of confidentiality — **No obligation for an EU institution, body, office or agency to apply a general presumption of confidentiality**
[Case C-175/18 P - ECLI identifier: ECLI:EU:C:2020:23](#)

Judgment of the Court (Fourth Chamber) of 22 January 2020 - MSD Animal Health Innovation GmbH and Intervet international BV v European Medicines Agency - **Appeal — Access to documents of EU institutions, bodies, offices or agencies** — Regulation (EC) No 1049/2001 — First indent of Article 4(2) — **Exception relating to the protection of commercial interests** — Article 4(3) — **Protection of the decision-making process — Documents submitted to the European Medicines Agency in the context of a marketing authorisation application for a veterinary medicinal product** — Decision to grant a third party access to the documents — General presumption of confidentiality — **No obligation for an EU institution, body, office or agency to apply a general presumption of confidentiality**
[Case C-178/18 P - ECLI identifier: ECLI:EU:C:2020:24](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 23 janvier 2020 - Santen SAS contre Directeur général de l’Institut national de la propriété industrielle - demande de décision préjudicielle formée par la cour d’appel de Paris (France) - **Renvoi préjudiciel – Spécialités pharmaceutiques – Certificat complémentaire de protection pour les médicaments – Droit de brevet** – Produits contenant un même principe actif, ayant obtenu des autorisations de mise sur le marché successives par des détenteurs distincts – Portée de l’arrêt Neurim Pharmaceuticals (1991) (C-130/11) – **Notions d’“application différente” et d’“application entrant dans le champ de la protection conférée par le brevet de base”**
[Affaire C-673/18 - ECLI identifier: ECLI:EU:C:2020:34](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 22 January 2020 - Generics (UK) Ltd and Others v Competition and Markets Authority - Request for a preliminary ruling from the Competition Appeal Tribunal (United Kingdom) - **Reference for a preliminary ruling — Competition — Agreements, decisions and concerted practices — Dominant position** — Abuse — **Pharmaceutical products — Agreements in settlement of patent disputes entered into by a patent-holding originator company and generic medicinal products manufacturers**
[Case C-307/18 - ECLI identifier: ECLI:EU:C:2020:28](#)

Judgment of the Court (First Chamber) of 19 December 2019 - Bondora AS v Carlos V. C. and XY - Requests for a preliminary ruling from the Juzgado de Primera Instancia Vigo and Juzgado de Primera Instancia de Barcelona. **Reference for a preliminary ruling — Judicial cooperation in civil matters — European order for payment procedure** — Regulation (EC) No 1896/2006 — **Provision of additional documents to support the claim — Unfair terms in consumer contracts** — Directive 93/13/EEC — **Review by the court seised in the context of an application for a European payment order**
[Joined Cases C-453/18 and C-494/18 - ECLI identifier: ECLI:EU:C:2019:1118](#)

Judgment of the Court (Ninth Chamber) of 19 December 2019 - Darie BV v Staatssecretaris van Infrastructuur en Milieu - Request for a preliminary ruling from the College van Beroep voor het Bedrijfsleven - **Reference for a preliminary ruling** — Regulation (EU) No 528/2012 — Article 3(1)(a) and (c) — **Concept of ‘biocidal product’** — **Concept of ‘active substance’** — **Bacterial product containing the bacterial species Bacillus ferment** — Mode of action other than mere physical or mechanical action — Indirect action — **Period within which effect takes place**

[Case C-592/18 - ECLI identifier: ECLI:EU:C:2019:1140](#)

Judgment of the Court (Fourth Chamber) of 19 December 2019 - AV and BU v Comune di Bernareggio - Request for a preliminary ruling from the Consiglio di Stato - **Reference for a preliminary ruling** — **Freedom of establishment** — **Sale of a pharmacy under a tendering procedure** — National legislation — **Right of pre-emption granted to employees of the pharmacy being sold**

[Case C-465/18 - ECLI identifier: ECLI:EU:C:2019:1125](#)

Judgment of the Court (Sixth Chamber) of 19 December 2019 - RN v Home Credit Slovakia a.s. - Request for a preliminary ruling from the Krajský súd v Trnave - **Reference for a preliminary ruling** — **Consumer protection** — Directive 2008/48/EC — **Consumer credit agreements** — Article 10(2) — **Information to be included in credit agreements** — Annual percentage rate of charge — Lack of indication of the exact percentage of that rate of charge — Rate of charge expressed as a range between 21.5% and 22.4%.

[Case C-290/19 - ECLI identifier: ECLI:EU:C:2019:1130](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 19 December 2019 - Györgyné Lintner v UniCredit Bank Hungary Zrt. - Request for a preliminary ruling from the Fővárosi Törvényszék (Budapest High Court, Hungary) - **Reference for a preliminary ruling** — **Consumer protection** — **Unfair terms** — Directive 93/13/EEC — Article 4(1) — **Contractual terms to be taken into account in the assessment of unfairness** — Articles 6(1) and 7(1) — **Scope of examination by the national court of its own motion whether terms contained in consumer contract are unfair**

[Case C-511/17 - ECLI identifier: ECLI:EU:C:2019:1141](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 19 December 2019 - Mikrokasa S.A. w Gdyni and Revenue Niestandaryzowany Sekurytyzacyjny Fundusz Inwestycyjny Zamknięty w Warszawie v XO - Request for a preliminary ruling from the Sąd Rejonowy w Siemianowicach Śląskich (District Court, Siemianowice Śląskie, Poland) - **Reference for a preliminary ruling** — **Consumer protection** — **Credit agreements for consumers** — Directive 2008/48/EC — **Extent of the harmonisation** — **Concept of total cost of the credit for the consumer** — Directive 93/13/EEC — **Unfair terms in consumer contracts** — Exclusion provided for contractual terms reflecting mandatory legislative or regulatory provisions)

[Case C-779/18 - ECLI identifier: ECLI:EU:C:2019:1146](#)

12. Human Rights

Case Law

Judgment of the Court (Second Chamber) of 22 January 2020 - Almudena Baldonado Martín v Ayuntamiento de Madrid - Request for a preliminary ruling from the Juzgado Contencioso-Administrativo de Madrid - **Reference for a preliminary ruling** — **Social policy** — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** — **Clause 4** — **Principle of non-discrimination** — **Clause 5** — **Measures to prevent abuse arising from the use of successive fixed-term employment contracts or relationships** — Compensation if the employment relationship is terminated — Articles 151 and 153 TFEU — **Articles 20 and 21 of the Charter of Fundamental Rights of the European Union** — Applicability — Difference of treatment based on whether a public or private regime, within the meaning of national law, governs the employment relationship

[Case C-177/18 - ECLI identifier: ECLI:EU:C:2020:26](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 21 January 2020 - H.K. v Prokuratuur - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - **Reference for a preliminary ruling — The processing of personal data in the electronic communications sector — Confidentiality of the communications — Providers of electronic communications services — General and undifferentiated retention of traffic and location data — Criminal investigations — Access of investigating authorities to data retained for periods of up to one year — Authorisation given by the Public Prosecutor’s Office** — Use of data in criminal proceedings as evidence — Directive 2002/58/EC — Article 1(3), Article 3 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8, 11 and Article 52(1)

Case C-746/18 - ECLI identifier: ECLI:EU:C:2020:18

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 21 January 2020 - H.K. v Prokuratuur - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - **Reference for a preliminary ruling — The processing of personal data in the electronic communications sector — Confidentiality of the communications — Providers of electronic communications services — General and undifferentiated retention of traffic and location data — Criminal investigations** — Access of investigating authorities to data retained for periods of up to one year — **Authorisation given by the Public Prosecutor’s Office — Use of data in criminal proceedings as evidence** — Directive 2002/58/EC — Article 1(3), Article 3 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8, 11 and Article 52(1)

Case C-746/18 - ECLI identifier: ECLI:EU:C:2020:18

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 15 January 2020 - Privacy International v Secretary of State for Foreign and Commonwealth Affairs, Secretary of State for the Home Department, Government Communications Headquarters, Security Service and Secret Intelligence Service - Request for a preliminary ruling from the Investigatory Powers Tribunal (United Kingdom) - **Reference for a preliminary ruling — Processing of personal data and the protection of privacy in the electronic communications sector** — Directive 2002/58/EC — Scope of application — Article 1(3) — Article 15(3) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 51 and Article 52(1) — Article 4(2) TEU — **General and indiscriminate transmission to the security services of connection data of users of an electronic communications service**

Case C-623/17 - ECLI identifier: ECLI:EU:C:2020:5

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 15 janvier 2020 - Ordre des barreaux francophones et germanophone, Académie Fiscale ASBL, UA, Liga voor Mensenrechten ASBL, Ligue des Droits de l’Homme ASBL, VZ, WY et XX contre Conseil des ministres, en présence de Child Focus - demande de décision préjudicielle formée par la Cour constitutionnelle (Belgique) - **Renvoi préjudiciel — Traitement des données à caractère personnel et protection de la vie privée dans le secteur des communications électroniques** — Directive 2002/58/CE — Champ d’application — Article 1er, paragraphe 3 — Article 15, paragraphe 1 — Article 4, paragraphe 2, TUE — **Charte des droits fondamentaux de l’Union européenne** — Articles 4, 6, 7, 8, 11 et 52, paragraphe 1 — **Obligation de conservation généralisée et indifférenciée des données relatives au trafic et des données de localisation** — Effectivité des enquêtes pénales et autres objectifs d’intérêt général

Affaire C-520/18 - ECLI identifier: ECLI:EU:C:2020:7

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 15 janvier 2020 - La Quadrature du Net, French Data Network, Fédération des fournisseurs d’accès à Internet associatifs et Igwant.net (C-511/18) contre Premier ministre, Garde des Sceaux, ministre de la Justice, Ministre de l’Intérieur et Ministre des Armées - Demande de décision préjudicielle formée par le Conseil d’État statuant au contentieux (France) - **Renvoi préjudiciel — Traitement des données à caractère personnel et protection de la vie privée dans le secteur des communications électroniques — Sauvegarde de la sécurité nationale et lutte contre le terrorisme** — Directive 2002/58/CE — Champ d’application — Article 1er, paragraphe 3 — Article 15, paragraphe 3 — Article 4, paragraphe 2, TUE — **Charte des droits fondamentaux de l’Union européenne** — Articles 6, 7, 8, 11, 47 et 52, paragraphe 1 — **Conservation généralisée et indifférenciée des données de connexion et des données permettant d’identifier les créateurs de contenu** — Recueil de données relatives au trafic et de données de localisation — **Accès aux données**

Affaires jointes C-511/18 et C-512/18 - ECLI identifier: ECLI:EU:C:2020:6

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 14 January 2020 - European Commission v Hungary (Transparency of associations) - Action for failure to fulfil obligations — Free movement of capital — Articles 63 TFEU and 65 TFEU — Respect for private life — Protection of personal data — Freedom of association — Transparency — Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union — Foreign donations to non-governmental organisations which carry on their activity in a Member State — National legislation imposing on non-governmental organisations in receipt of support from abroad legally binding obligations of registration, declaration and transparency which can be enforced

[Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:1](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Deutsche Umwelthilfe eV v Freistaat Bayern - Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof - Reference for a preliminary ruling — Environment — Article 6, the first paragraph of Article 47 and Article 52(1) of the Charter of Fundamental Rights of the European Union — Directive 2008/50/EC — Atmospheric pollution — Ambient air quality — Air quality plan — Limit values for nitrogen dioxide — Obligation to adopt appropriate measures to ensure that any exceedance period is very short — Obligation on the national courts to take any necessary measure — Refusal of a regional government to comply with an injunction — Coercive detention contemplated in respect of senior political representatives or senior officials of the region concerned — Effective judicial protection — Right to liberty of the person — Legal basis — Proportionality.

[Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:1114](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 19 December 2019 - Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems, interveners: The United States of America, Electronic Privacy Information Centre, BSA Business Software Alliance, Inc. and Digitaleurope - request for a preliminary ruling from the High Court, Ireland - Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data — Regulation (EU) 2016/679 — Article 2(2) — Scope — Transfer of personal data for commercial purposes to the United States of America — Processing by the United States of America’s public authorities for national security purposes of the data transferred — Article 45 — Assessment of the adequacy of the level of protection ensured in a third country — Article 46 — Appropriate safeguards offered by the controller — Standard protection clauses — Article 58(2) — Powers of the national supervisory authorities — Decision 2010/87/EU — Validity — Decision (EU) 2016/1250 — ‘EU-U.S. Privacy Shield — Validity — Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union

[Case C-311/18 - ECLI identifier: ECLI:EU:C:2019:1145](#)

OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 19 December 2019 - European Commission v RQ - Appeal — Articles 11(a) and 17 of Protocol (No 7) on the Privileges and Immunities of the European Union — EU Civil Service — Officials — Article 90(2) of Regulation No 31 (EEC), 11 (EAEC) — Director-General of OLAF — Commission Decision waiving official’s immunity — Article 41(2)(a) of the Charter — Right to be heard

[Case C-831/18 P - ECLI identifier: ECLI:EU:C:2019:1143](#)

13. Internal Market and Single Market

Case Law

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 14 January 2020 - European Commission v Hungary (Transparency of associations) - Action for failure to fulfil obligations — Free movement of capital — Articles 63 TFEU and 65 TFEU — Respect for private life — Protection of personal data — Freedom of association — Transparency — Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union — Foreign donations to non-governmental organisations which carry on their activity in a Member State — National legislation imposing on non-governmental organisations in receipt of support from abroad legally binding obligations of registration, declaration and transparency which can be enforced

[Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:1](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Michael Dobersberger v Magistrat der Stadt Wien - Request for a preliminary ruling from the Verwaltungsgerichtshof - **Reference for a preliminary ruling** — Articles 56 and 57 TFEU — **Freedom to provide services** — Directive 96/71/EC — Applicability — Article 1(3)(a) — **Posting of workers in the framework of the provision of services** — **Provision of services on board international trains** — National rules imposing administrative obligations in relation to the posting of workers
[Case C-16/18 - ECLI identifier: ECLI:EU:C:2019:1110](#)

Judgment of the Court (Second Chamber) of 19 December 2019 - GRDF SA v Eni Gas & Power France SA and Others - Request for a preliminary ruling from the Cour de cassation - **Reference for a preliminary ruling** — **Common rules for the internal market in natural gas** — Directive 2009/73/EC — Article 41(11) — **Settlement of disputes concerning the obligations imposed on the system operator** — Temporal effects of decisions of the dispute settlement authority — **Legal certainty** — Legitimate expectations
[Case C-236/18 - ECLI identifier: ECLI:EU:C:2019:1120](#)

Judgment of the Court (Third Chamber) of 19 December 2019 - Barbara Rust-Hackner and Others v Nürnberger Versicherung Aktiengesellschaft Österreich and Others - Requests for a preliminary ruling from the Landesgericht Salzburg and Bezirksgericht für Handelssachen Wien - **References for a preliminary ruling** — **Freedom to provide services** — **Direct life assurance** — Directives 90/619/EEC, 92/96/EEC, 2002/83/EC and 2009/138/EC — **Right of cancellation** — **Incorrect information concerning the detailed rules for exercising the right of cancellation** — Formal requirements for the declaration of cancellation — Effects on the obligations of the assurance undertaking — **Time limit** — **Lapse of the right of cancellation** — **Possibility to cancel a contract after it has been terminated** — **Repayment of the surrender value of the contract** — Reimbursement of premiums paid — **Right to remuneration interest** — Limitation
[Joined Cases C-355/18, C-356/18 and C-479/18 - ECLI identifier: ECLI:EU:C:2019:1123](#)

Judgment of the Court (Third Chamber) of 19 December 2019 - Cargill Deutschland GmbH v Hauptzollamt Krefeld - Request for a preliminary ruling from the Finanzgericht Düsseldorf - **Reference for a preliminary ruling** — Regulation (EU) No 1360/2013 — **Agriculture** — **Common organisation of the markets** — Sugar sector — **Production levy** — **Effectiveness** — **Right to reimbursement of sums unduly paid** — Applicability of national rules on limitation periods — Principle of effectiveness
[Case C-360/18 - ECLI identifier: ECLI:EU:C:2019:1124](#)

Judgment of the Court (Fifth Chamber) of 19 December 2019 - Engie Cartagena S.L. v Ministerio para la Transición Ecológica - Request for a preliminary ruling from the Audiencia Nacional - **Reference for a preliminary ruling** — **Internal market in electricity** — **Common rules** — Directive 2003/54/EC — Article 3(2) — Directive 2009/72/EC — Article 3(2) — **Public service obligations** — **Meaning** — National rules — **Financing of energy efficiency plans** — **Designation of electricity generating undertakings** — **Mandatory contribution**
[Case C-523/18 - ECLI identifier: ECLI:EU:C:2019:1129](#)

Judgment of the Court (Fourth Chamber) of 19 December 2019 - AV and BU v Comune di Bernareggio - Request for a preliminary ruling from the Consiglio di Stato - **Reference for a preliminary ruling** — **Freedom of establishment** — **Sale of a pharmacy under a tendering procedure** — National legislation — **Right of pre-emption granted to employees of the pharmacy being sold**
[Case C-465/18 - ECLI identifier: ECLI:EU:C:2019:1125](#)

Judgment of the Court (Third Chamber) of 18 December 2019 - UB v Generálny riaditeľ Sociálnej poisťovne Bratislava - Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky - **Reference for a preliminary ruling** — **Social security** — **Coordination of social security systems** — Regulation (EC) No 883/2004 — Article 3 — **Matters covered** — **Old-age benefit** — **Freedom of movement for workers within the European Union** — Regulation (EU) No 492/2011 — Article 7 — **Equal treatment of national workers and migrant workers** — **Social advantages** — Legislation of a Member State restricting the grant of an 'additional benefit for sportspersons who have represented the State' to the citizens of that State
[Case C-447/18 - ECLI identifier: ECLI:EU:C:2019:1098](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 18 décembre 2019 - Vivendi SA contre Autorità per le Garanzie nelle Comunicazioni en présence de Mediaset SpA - demande de décision préjudicielle formée par le Tribunale amministrativo regionale per il Lazio (tribunal administratif régional pour le Latium, Italie) - **Renvoi préjudiciel – Télécommunications – Liberté d'établissement – Libre circulation des capitaux** – Articles 49 TFUE et 63 TFUE – Directive 2002/21/CE – **Législation nationale visant à lutter contre les positions dominantes** – Calcul des recettes dans le secteur des communications électroniques et dans le système intégré des communications – **Limitation du secteur des communications électroniques aux marchés soumis à une régulation ex ante** – Prise en compte des recettes des sociétés liées – Seuil de recettes différencié entre les sociétés actives dans le secteur des communications électroniques et les autres opérateurs – Article 11 de la Charte – **Liberté et pluralisme des médias**
 Affaire C-719/18 - ECLI identifiant: [ECLI:EU:C:2019:1101](#)

14. Intellectual Property

Case Law

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 23 janvier 2020 - Santen SAS contre Directeur général de l'Institut national de la propriété industrielle - demande de décision préjudicielle formée par la cour d'appel de Paris (France) - **Renvoi préjudiciel – Spécialités pharmaceutiques – Certificat complémentaire de protection pour les médicaments – Droit de brevet** – Produits contenant un même principe actif, ayant obtenu des autorisations de mise sur le marché successives par des détenteurs distincts – Portée de l'arrêt Neurim Pharmaceuticals (1991) (C-130/11) – **Notions d'“application différente” et d'“application entrant dans le champ de la protection conférée par le brevet de base”**
 Affaire C-673/18 - ECLI identifiant: [ECLI:EU:C:2020:34](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 15 janvier 2020 - Föreningen Svenska Tonsättarens Internationella Musikbyrå u.p.a. (Stim) et Svenska artisters och musikers intresseorganisation ek. för. (SAMI) contre Fleetmanager Sweden AB et Nordisk Biluthyrning AB - demande de décision préjudicielle formée par le Högsta domstolen (Cour suprême, Suède) - **Renvoi préjudiciel – Propriété intellectuelle – Droit d'auteur et droits voisins** – Directive 2001/29/CE – Article 3, paragraphe 1 – Directive 2006/115/CE – Article 8, paragraphe 2 – **Notion de “communication au public” – Société de location de voitures ayant chacune une radio comme équipement standard**
 Affaire C-753/18 - ECLI identifiant: [ECLI:EU:C:2020:4](#)

Judgment of the Court (Seventh Chamber) of 19 December 2019 - Club de Variedades Vegetales Protegidas v Adolfo Juan Martínez Sanchís - Request for a preliminary ruling from the Tribunal Supremo - **Reference for a preliminary ruling – Community plant variety rights** – Regulation (EC) No 2100/94 – Article 13(2) and (3) – **Effects of community plant variety rights – Cumulative protection scheme** – Planting of variety constituents and harvesting the fruit – Distinction between acts effected in respect of variety constituents and those concerning harvested material – **Concept of ‘unauthorised use of variety constituents’** – Article 95 – **Provisional protection**
 Case C-176/18 - ECLI identifiant: [ECLI:EU:C:2019:1131](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Nederlands Uitgeversverbond and Groep Algemene Uitgevers v Tom Kabinet Internet BV and Others - Request for a preliminary ruling from the Rechtbank Den Haag - **Reference for a preliminary ruling – Harmonisation of certain aspects of copyright and related rights in the information society** – Directive 2001/29/EC – Article 3(1) – **Right of communication to the public – Making available** – Article 4 – **Distribution right – Exhaustion – Electronic books (e-books) – Virtual market for ‘second-hand’ e-books**
 Case C-263/18 - ECLI identifiant: [ECLI:EU:C:2019:1111](#)

CONCLUSIONS DE L'AVOCATE GÉNÉRALE MME ELEANOR SHARPSTON présentées le 19 décembre 2019 - ACTC GmbH contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) - Pourvoi – Marque de l'Union européenne – Règlement (CE) no 207/2009 – Demande d'enregistrement de la marque verbale de l'Union européenne tigha – Opposition formée par le titulaire de la marque antérieure de l'Union européenne TAIGA – Rejet partiel de la demande d'enregistrement – Article 8, paragraphe 1, sous b) – Appréciation du risque de confusion – Appréciation de la similitude sur le plan conceptuel des signes en conflit – Article 42, paragraphe 2 – Preuve de l'usage sérieux de la marque antérieure – Preuve de l'usage "pour une partie des produits ou des services" – Détermination d'une sous-catégorie autonome de produits
[Affaire C-714/18 P - ECLI identifiant: ECLI:EU:C:2019:1139](#)

Judgment of the Court (Fifth Chamber) of 18 December 2019 - IT Development SAS v Free Mobile SAS - Request for a preliminary ruling from the Cour d'appel de Paris - Reference for a preliminary ruling – Intellectual property – Enforcement of intellectual property rights – Directive 2004/48/EC – Legal protection of computer programs – Directive 2009/24/EC – Software licence agreement – Unauthorised modification of the source code of a computer program by a licensee in breach of the licence agreement – Action for infringement brought by the author of the program against the licensee – Nature of the applicable liability regime
[Case C-666/18 - ECLI identifiant: ECLI:EU:C:2019:1099](#)

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

Case Law

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 23 January 2020 - UX v Governo della Repubblica italiana - Request for a preliminary ruling from the Giudice di pace di Bologna (Magistrates' Court, Bologna, Italy) - Request for a preliminary ruling – Admissibility – External and internal independence of the courts – Social policy – Directive 2003/88/EC – Working time – Article 7 – Paid annual leave – Magistrates – Directive 1999/70/EC – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clause 4 – Prohibition on discrimination – Liability of the Member States for infringements of EU law
[Case C-658/18 - ECLI identifiant: ECLI:EU:C:2020:33](#)

OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 22 January 2020 - Prokuratura Rejonowa w Słupsku v JI - Request for a preliminary ruling from the Sąd Rejonowy w Słupsku (Poland) - Reference for a preliminary ruling – Judicial cooperation in criminal matters – Framework Decision 2004/757/JHA – Minimum provisions on the constituent elements of criminal acts and penalties involving illicit drug trafficking – Scope – Article 2(1)(c) and Article 4(2)(a) – Personal consumption – Large quantities of drugs – Principle of legality of criminal offences and penalties
[Case C-634/18 - ECLI identifiant: ECLI:EU:C:2020:29](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 21 January 2020 - H.K. v Prokuratuur - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling – The processing of personal data in the electronic communications sector – Confidentiality of the communications – Providers of electronic communications services – General and undifferentiated retention of traffic and location data – Criminal investigations – Access of investigating authorities to data retained for periods of up to one year – Authorisation given by the Public Prosecutor's Office – Use of data in criminal proceedings as evidence – Directive 2002/58/EC – Article 1(3), Article 3 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8, 11 and Article 52(1)
[Case C-746/18 - ECLI identifiant: ECLI:EU:C:2020:18](#)

Judgment of the Court (Grand Chamber) of 21 January 2020 - Request for a preliminary ruling from the Tribunal Económico Administrativo Central - Reference for a preliminary ruling – Article 267 TFEU – Definition of 'court or tribunal of a Member State' – Criteria – Independence of the national body concerned – Irremovability of the members – Inadmissibility of the request for a preliminary ruling
[Case C-274/14 - ECLI identifiant: ECLI:EU:C:2020:17](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 21 January 2020 - H.K. v Prokuratuur - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - **Reference for a preliminary ruling — The processing of personal data in the electronic communications sector — Confidentiality of the communications — Providers of electronic communications services — General and undifferentiated retention of traffic and location data — Criminal investigations — Access of investigating authorities to data retained for periods of up to one year — Authorisation given by the Public Prosecutor’s Office — Use of data in criminal proceedings as evidence — Directive 2002/58/EC — Article 1(3), Article 3 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7, 8, 11 and Article 52(1)**

Case C-746/18 - ECLI identifier: ECLI:EU:C:2020:18

OPINION OF ADVOCATE GENERAL BOBEK delivered on 16 January 2020 – UY, Joined parties: Staatsanwaltschaft Offenburg - Request for a preliminary ruling from the Amtsgericht Kehl (Local Court, Kehl, Germany) - **Reference for a preliminary ruling — Judicial cooperation in criminal matters — Directive 2012/13/EU — Right to information in criminal proceedings — Right to be informed of a charge — Suspension of driving licence — Mandatory appointment of a person authorised to accept service — Negligence of the defendant**

Case C-615/18 - ECLI identifier: ECLI:EU:C:2020:9

OPINION OF ADVOCATE GENERAL SZPUNAR delivered on 14 January 2020 - LG v Rina SpA and Ente Registro Italiano Navale - Request for a preliminary ruling from the Tribunale di Genova (District Court, Genoa, Italy) - **References for a preliminary ruling — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Scope ratione materiae of Regulation (EC) No 44/2001 — Immunity from jurisdiction — Activities of ship classification and certification societies**

Case C-641/18 - ECLI identifier: ECLI:EU:C:2020:3

Judgment of the Court (Third Chamber) of 19 December 2019 - Barbara Rust-Hackner and Others v Nürnberger Versicherung Aktiengesellschaft Österreich and Others - Requests for a preliminary ruling from the Landesgericht Salzburg and Bezirksgericht für Handelssachen Wien - **References for a preliminary ruling — Freedom to provide services — Direct life assurance — Directives 90/619/EEC, 92/96/EEC, 2002/83/EC and 2009/138/EC — Right of cancellation — Incorrect information concerning the detailed rules for exercising the right of cancellation — Formal requirements for the declaration of cancellation — Effects on the obligations of the assurance undertaking — Time limit — Lapse of the right of cancellation — Possibility to cancel a contract after it has been terminated — Repayment of the surrender value of the contract — Reimbursement of premiums paid — Right to remuneration interest — Limitation**

Joined Cases C-355/18, C-356/18 and C-479/18 - ECLI identifier: ECLI:EU:C:2019:1123

Judgment of the Court (First Chamber) of 19 December 2019 - Bondora AS v Carlos V. C. and XY - Requests for a preliminary ruling from the Juzgado de Primera Instancia Vigo and Juzgado de Primera Instancia de Barcelona. **Reference for a preliminary ruling — Judicial cooperation in civil matters — European order for payment procedure — Regulation (EC) No 1896/2006 — Provision of additional documents to support the claim — Unfair terms in consumer contracts — Directive 93/13/EEC — Review by the court seised in the context of an application for a European payment order**

Joined Cases C-453/18 and C-494/18 - ECLI identifier: ECLI:EU:C:2019:1118

Judgment of the Court (Grand Chamber) of 19 December 2019 - Deutsche Umwelthilfe eV v Freistaat Bayern - Request for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof - **Reference for a preliminary ruling — Environment — Article 6, the first paragraph of Article 47 and Article 52(1) of the Charter of Fundamental Rights of the European Union — Directive 2008/50/EC — Atmospheric pollution — Ambient air quality — Air quality plan — Limit values for nitrogen dioxide — Obligation to adopt appropriate measures to ensure that any exceedance period is very short — Obligation on the national courts to take any necessary measure — Refusal of a regional government to comply with an injunction — Coercive detention contemplated in respect of senior political representatives or senior officials of the region concerned — Effective judicial protection — Right to liberty of the person — Legal basis — Proportionality.**

Case C-752/18 - ECLI identifier: ECLI:EU:C:2019:1114

ARRÊT DE LA COUR (grande chambre) du 19 décembre 2019 - Oriol Junqueras Vies, en présence de :Ministerio Fiscal, Abogacía del Estado et Partido político VOX - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunal Supremo (Cour suprême, Espagne) - **Renvoi préjudiciel – Procédure accélérée – Droit institutionnel – Citoyen de l'Union européenne élu au Parlement européen alors qu'il est placé en détention provisoire dans le cadre d'une procédure pénale** – Article 14 TUE – **Notion de "membre du Parlement européen"** – Article 343 TFUE – **Immunités nécessaires à l'accomplissement de la mission de l'Union** – Protocole (no 7) sur les privilèges et immunités de l'Union européenne – Article 9 – Immunités bénéficiant aux membres du Parlement européen – Immunité de trajet – Immunités de session – Champs d'application personnel, temporel et matériel de ces différentes immunités – Levée d'immunité par le Parlement européen – **Demande de levée d'immunité par une juridiction nationale – Acte portant élection des membres du Parlement européen au suffrage universel direct** – Article 5 – Mandat – Article 8 – **Procédure électorale** – Article 12 – Vérification des pouvoirs des membres du Parlement européen à la suite de la proclamation officielle des résultats électoraux – Charte des droits fondamentaux de l'Union européenne – Article 39, paragraphe 2 – **Élection des membres du Parlement européen au suffrage universel direct, libre et secret – Droit d'éligibilité**

[Affaire C-502/19 - ECLI identifiant: ECLI:EU:C:2019:1115](#)

16. Transport

International Agreements

DECISION No 2/2019 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 10 December 2019 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2020/6]

[OJ of the EU, L 3/1 of 7 January 2020](#)

Community Legislation

DECISION No 2/2019 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 13 December 2019 on **transitory measures to maintain smooth rail traffic between Switzerland and the European Union** [2020/40]

[OJ of the EU, L 13/43 of 17 January 2020](#)

Case Law

Judgment of the Court (Grand Chamber) of 19 December 2019 - Michael Dobersberger v Magistrat der Stadt Wien - Request for a preliminary ruling from the Verwaltungsgerichtshof - **Reference for a preliminary ruling** — Articles 56 and 57 TFEU — **Freedom to provide services** — Directive 96/71/EC — Applicability — Article 1(3)(a) — **Posting of workers in the framework of the provision of services — Provision of services on board international trains** — National rules imposing administrative obligations in relation to the posting of workers

[Case C-16/18 - ECLI identifiant: ECLI:EU:C:2019:1110](#)

Judgment of the Court (Fourth Chamber) of 19 December 2019 - GN, représentée légalement par HM v ZU, en tant que liquidateur de Niki Luftfahrt GmbH - Request for a preliminary ruling from the Oberster Gerichtshof - **Reference for a preliminary ruling — Air transport — Montreal Convention** — Article 17(1) — **Air carrier liability in the event of accidents — Concept of 'accident' — Aircraft in flight** — Spillage of a cup of coffee placed on the tray table of a seat — **Bodily injuries caused to the passenger**

[Case C-532/18 - ECLI identifiant: ECLI:EU:C:2019:1127](#)

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

Case Law

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 23 January 2020 - UX v Governo della Repubblica italiana - Request for a preliminary ruling from the Giudice di pace di Bologna (Magistrates' Court, Bologna, Italy) - **Request for a preliminary ruling — Admissibility — External and internal independence of the courts — Social policy** — Directive 2003/88/EC — **Working time** — Article 7 — **Paid annual leave — Magistrates** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — **Prohibition on discrimination — Liability of the Member States for infringements of EU law**
[Case C-658/18 - ECLI identifier: ECLI:EU:C:2020:33](#)

Judgment of the Court (Fourth Chamber) of 22 January 2020 - PTC Therapeutics International Ltd v European Medicines Agency - **Appeal — Access to documents of EU institutions, bodies, offices or agencies** — Regulation (EC) No 1049/2001 — First indent of Article 4(2) — **Exception relating to the protection of commercial interests** — Article 4(3) — **Protection of the decision-making process — Documents submitted to the European Medicines Agency in the context of a marketing authorisation application for a medicinal product for human use** — Decision to grant a third party access to the documents — General presumption of confidentiality — **No obligation for an EU institution, body, office or agency to apply a general presumption of confidentiality**
[Case C-175/18 P - ECLI identifier: ECLI:EU:C:2020:23](#)

Judgment of the Court (Fourth Chamber) of 22 January 2020 - MSD Animal Health Innovation GmbH and Intervet international BV v European Medicines Agency - **Appeal — Access to documents of EU institutions, bodies, offices or agencies** — Regulation (EC) No 1049/2001 — First indent of Article 4(2) — **Exception relating to the protection of commercial interests** — Article 4(3) — **Protection of the decision-making process — Documents submitted to the European Medicines Agency in the context of a marketing authorisation application for a veterinary medicinal product** — Decision to grant a third party access to the documents — General presumption of confidentiality — **No obligation for an EU institution, body, office or agency to apply a general presumption of confidentiality**
[Case C-178/18 P - ECLI identifier: ECLI:EU:C:2020:24](#)

Judgment of the Court (Tenth Chamber) of 22 January 2020 - AT v Pensionsversicherungsanstalt - Request for a preliminary ruling from the Oberster Gerichtshof - **Reference for a preliminary ruling — Freedom of movement for persons — Citizenship of the Union** — Right to move and reside freely in the territory of the Member States — Directive 2004/38/EC — Article 17(1)(a) — **Right of permanent residence** — Acquisition before completion of a continuous period of five years of residence — **Workers who, at the time they stop working, have reached the age for entitlement to an old age pension**
[Case C-32/19 - ECLI identifier: ECLI:EU:C:2020:25](#)

Judgment of the Court (Grand Chamber) of 19 December 2019 - Patrick Grégor Puppinck and Others v European Commission - **Appeal — Institutional law — Citizens' initiative 'One of us'** — Communication from the European Commission setting out its conclusions and the reasons for not taking the action requested in the citizens' initiative
[Case C-418/18 P - ECLI identifier: ECLI:EU:C:2019:1113](#)

Judgment of the Court (First Chamber) of 19 December 2019 - European Central Bank v Espírito Santo Financial (Portugal), SGPS, SA - **Appeal — Refusal to grant access to decisions of the Governing Council of the European Central Bank (ECB) — Protocol on the Statute of the European System of Central Banks and of the ECB** — Article 10.4 — **Confidentiality of the proceedings of meetings** — Outcome of deliberations — Possibility of disclosure — Decision 2004/258/EC — **Access to ECB documents** — Article 4(1)(a) — Confidentiality of proceedings — **Undermining of the protection of the public interest**
[Case C-442/18 P - ECLI identifier: ECLI:EU:C:2019:1117](#)

ARRÊT DE LA COUR (grande chambre) du 19 décembre 2019 - Oriol Junqueras Vies, en présence de :Ministerio Fiscal, Abogacía del Estado et Partido político VOX - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Tribunal Supremo (Cour suprême, Espagne) - **Renvoi préjudiciel – Procédure accélérée – Droit institutionnel – Citoyen de l'Union européenne élu au Parlement européen alors qu'il est placé en détention provisoire dans le cadre d'une procédure pénale** – Article 14 TUE – **Notion de "membre du Parlement européen"** – Article 343 TFUE – **Immunités nécessaires à l'accomplissement de la mission de l'Union** – Protocole (no 7) sur les privilèges et immunités de l'Union européenne – Article 9 – Immunités bénéficiant aux membres du Parlement européen – Immunité de trajet – Immunités de session – Champs d'application personnel, temporel et matériel de ces différentes immunités – Levée d'immunité par le Parlement européen – **Demande de levée d'immunité par une juridiction nationale – Acte portant élection des membres du Parlement européen au suffrage universel direct** – Article 5 – Mandat – Article 8 – **Procédure électorale** – Article 12 – Vérification des pouvoirs des membres du Parlement européen à la suite de la proclamation officielle des résultats électoraux – Charte des droits fondamentaux de l'Union européenne – Article 39, paragraphe 2 – **Élection des membres du Parlement européen au suffrage universel direct, libre et secret – Droit d'éligibilité**

[Affaire C-502/19 - ECLI identifiant: ECLI:EU:C:2019:1115](#)