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Schweizerisches Institut für Rechtsvergleichung  
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# EU News: Click & Read

140 - February 2020

European Documentation Centre

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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

**Judgment of the Court (Second Chamber) of 30 January 2020 - I.G.I. Srl v Maria Grazia Cicienia and Others** - Request for a preliminary ruling from the Corte di appello di Napoli - Reference for a preliminary ruling — Directive 82/891/EEC — Articles 12 and 19 — **Division of limited liability companies — Protection of the interests of the creditors of the company being divided** — Nullity of the division — **Actio pauliana**  
[Case C-394/18 - ECLI identifier: ECLI:EU:C:2020:56](#)

**Judgment of the Court (Grand Chamber) of 28 January 2020 - European Commission v Italian Republic** - Failure of a Member State to fulfil obligations — Directive 2011/7/EU — **Combating late payment in commercial transactions** — Commercial transactions where the debtor is a public authority — **Obligation of Member States to ensure that the period for payment imposed on public authorities does not exceed 30 or 60 days** — **Obligation to achieve a specified result**  
[Case C-122/18 - ECLI identifier: ECLI:EU:C:2020:41](#)

**Arrêt de la Cour (sixième chambre) du 27 février 2020 - AAS „BALTA“ contre UAB „GRIFS AG“** - Renvoi préjudiciel — **Coopération judiciaire en matière civile** — Règlement (UE) no 1215/2012 — Article 15, point 5, et article 16, point 5 — Assurance de “grands risques” — **Clause attributive de juridiction conclue entre le preneur d’assurance et l’assureur** — **Opposabilité de cette clause à la personne assurée**  
[Affaire C-803/18 - ECLI identifier: ECLI:EU:C:2020:123](#)

**Arrêt de la Cour (grande chambre) du 31 janvier 2020 - République de Slovénie contre République de Croatie** - Manquement d’État — Article 259 TFUE — **Compétence de la Cour — Détermination de la frontière commune entre deux États membres** — Différend frontalier entre la République de Croatie et la République de Slovénie — Convention d’arbitrage — Procédure d’arbitrage — Notification par la République de Croatie de sa décision de mettre fin à la convention en raison d’une irrégularité qu’elle reproche à un membre du tribunal arbitral d’avoir commise — Sentence arbitrale rendue par le tribunal arbitral — **Prétendue méconnaissance par la République de Croatie de la convention d’arbitrage et de la frontière fixée par la sentence arbitrale** — **Principe de coopération loyale** — **Demande de retrait d’un document du dossier** — **Protection des avis juridiques**  
[Affaire C-457/18 - ECLI identifier: ECLI:EU:C:2020:65](#)

**Decision of the Court of Justice of the European Union of 26 November 2019 concerning public access to documents held by the Court of Justice of the European Union in the exercise of its administrative functions**  
[OJ of the EU, C 45/2 of 10 February 2020](#)

## 1. EU-Swiss Relations

### International Agreements

**COUNCIL DECISION (EU) 2020/142** of 21 January 2020 on the **conclusion of the Protocol between the European Union, the Swiss Confederation and the Principality of Liechtenstein** to the Agreement between the European Community and the Swiss Confederation concerning the **criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland regarding access to Eurodac for law enforcement purposes**

[OJ of the EU, L 32/1 of 4 February 2020](#)

**PROTOCOL** Between the **European Union, the Swiss Confederation and the Principality of Liechtenstein to the Agreement Between the European Community and the Swiss Confederation** Concerning the **Criteria and Mechanisms** for Establishing the **State Responsible for Examining a Request for Asylum** Lodged in a Member State or in Switzerland Regarding **Access to Eurodac for law Enforcement Purposes**

[OJ of the EU, L 32/3 of 4 February 2020](#)

## 2. External Relations / Foreign Policy

### Case Law

**Judgment of the Court (Fifth Chamber) of 27 February 2020 - Subdelegación del Gobierno en Ciudad Real v RH** - Reference for a preliminary ruling — Article 20 TFEU — **European Union citizens — Union citizen who has never exercised the freedom of movement — Application for a temporary residence permit for the spouse, who is a third-country national — Rejection** — Obligation to support the spouse — **Union citizen having insufficient resources — Obligation of the spouses to live together** — National legislation and practice — **Effective enjoyment of the substance of the rights conferred on Union citizens — Deprived**

[Case C-836/18 - ECLI identifier: ECLI:EU:C:2020:119](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR** présentées le 27 février 2020 - **Ryanair Designated Activity Company contre Országos Rendőr-főkapitányság** - demande de décision préjudicielle formée par le Fővárosi Közigazgatási és Munkaügyi Bíróság (tribunal administratif et du travail de Budapest, Hongrie) - Renvoi préjudiciel – **Citoyenneté de l'Union** – Directive 2004/38/CE – Articles 5, 10 et 20 – **Droit d'entrée sur le territoire d'un État membre d'un ressortissant d'un État tiers, membre de la famille d'un citoyen de l'Union** – Dispense de visa – **Carte de séjour de membre de la famille – Carte de séjour permanent – Convention d'application de l'accord de Schengen** – Article 26 – **Obligation faite aux transporteurs de s'assurer que leurs passagers possèdent les documents de voyage requis pour entrer dans l'État membre de destination**

[Affaire C-754/18 - ECLI identifier: ECLI:EU:C:2020:131](#)

**OPINION OF ADVOCATE GENERAL PIKAMÄE** delivered on 27 February 2020 - **WM v Stadt Frankfurt am Main** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals** — Article 16(1) — **Detention for the purpose of removal** — Detention in prison accommodation — Third-country national representing a serious threat to public policy or public security — **Principles of effectiveness and proportionality — Minimum safeguards — Possibility of detention in prison accommodation with persons held on remand** — Article 15 — **Judicial review — Charter of Fundamental Rights of the European Union** — Articles 1 to 4, 6 and 47

[Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:130](#)

**Judgment of the Court (Fifth Chamber) of 5 February 2020 - Staatssecretaris van Justitie en Veiligheid v J. e.a** - Request for a preliminary ruling from the Raad van State - Reference for a preliminary ruling — Regulation (EU) 2016/399 — **Schengen Borders Code — Control at the external borders — Third-country nationals** — Article 11(1) — **Affixing of stamps on travel documents — Exit stamp — Determination of the time of exit from the Schengen area** — Signing-on of seamen with ships that are in long-term mooring in a sea port  
[Case C-341/18 - ECLI identifier: ECLI:EU:C:2020:76](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Arrêt de la Cour (neuvième chambre) du 27 février 2020 - République de Lituanie contre Commission européenne** - Pourvoi – FEOGA, FEAGA et Feader – **Dépenses exclues du financement de l’Union européenne – Dépenses effectuées par la République de Lituanie – Aide à la retraite anticipée** – Règlement (CE) no 1257/1999 – Article 33 quinquies, paragraphe 1 – Dénaturation des éléments de preuve  
[Affaire C-79/19 P - ECLI identifier: ECLI:EU:C:2020:129](#)

**Arrêt de la Cour (neuvième chambre) du 13 février 2020 - République hellénique contre Commission européenne** - Pourvoi – **Fonds européen d’orientation et de garantie agricole (FEOGA), section “Garantie”, Fonds européen agricole de garantie (FEAGA) et Fonds européen agricole pour le développement rural (Feader)** – Dépenses exclues du financement de l’Union européenne – Dépenses effectuées par la République hellénique – Règlement (CE) no 1782/2003 – Règlement (CE) no 796/2004 – **Régime d’aides à la surface – Notion de “pâturages permanents” – Corrections financières forfaitaires**  
[Affaire C-252/18 P - ECLI identifier: ECLI:EU:C:2020:95](#)

**Judgment of the Court (Fourth Chamber) of 29 January 2020 - GAEC Jeanningros v Institut national de l’origine et de la qualité (INAO) and Others** - Request for a preliminary ruling from the Conseil d’État (France) - Reference for a preliminary ruling — **Agriculture — Protection of geographical indications and designations of origin for agricultural products and foodstuffs — Protected designation of origin ‘Comté’** — Minor amendment to a product specification — Action before national courts contesting an application for an amendment — **Case-law of the national courts according to which the action becomes devoid of purpose when the European Commission has approved the amendment — Effective judicial protection — Obligation to rule on the action**  
[Case C-785/18 - ECLI identifier: ECLI:EU:C:2020:46](#)

### 4. Audiovisual and Media and Information Society

#### Case Law

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 27 février 2020 - A contre Daniel B, UD, AFP, B et L** - demande de décision préjudicielle formée par la cour d’appel de Paris (France) - Renvoi préjudiciel – **Médicaments à usage humain non soumis à prescription médicale obligatoire – Vente en ligne – Publicité pour le site Internet d’une officine de pharmacie – Limitations** – Obligation de faire remplir un questionnaire de santé par le patient avant la validation de sa première commande sur le site Internet d’une officine de pharmacie – **Libre circulation des marchandises** – Article 34 TFUE – **Modalités de vente – Entraves – Article 36 TFUE – Justification – Protection de la dignité de la profession de pharmacien – Prévention de la consommation abusive de médicaments – Protection de la santé publique** – Directive 2000/31/CE – Commerce électronique – Article 2, sous a) – **Service de la société de l’information** – Article 2, sous h) – Domaine coordonné – Article 3 – Principe du pays d’origine – Dérogations – Justification – **Protection de la santé publique – Obligation d’information et de notification** – Directive 2001/83/CE – Code communautaire relatif aux médicaments à usage humain – Article 85 quarter, paragraphe 2 – **Faculté, pour les États membres, d’imposer des conditions, justifiées par la protection de la santé publique, pour la délivrance au détail, sur leur territoire, de médicaments vendus en ligne**  
[Affaire C-649/18 - ECLI identifier: ECLI:EU:C:2020:134](#)

**OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 29 January 2020 - Informatikgesellschaft für Software-Entwicklung (ISE) mbH v Stadt Köln, interveners: Land Berlin** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — **Concept of contract for pecuniary interest** — **Horizontal cooperation between contracting authorities** — Making available of software for the coordination of fire-fighting operations — Cooperation agreement on updating and developing the software — Activity ancillary to the public service — **Prohibition on placing third parties in a position of advantage**

[Case C-796/18 - ECLI identifier: ECLI:EU:C:2020:47](#)

## 5. Competition

### Case Law

**Judgment of the Court (Fourth Chamber) of 30 January 2020 - Generics (UK) Ltd and Others v Competition and Markets Authority** - Request for a preliminary ruling from the Competition Appeal Tribunal - Reference for a preliminary ruling — **Competition** — **Pharmaceutical products** — **Barriers to the entry on the market of generic medicines arising from settlement agreements (relating to disputes concerning process patents) concluded by a manufacturer of originator medicines who is the holder of those patents and manufacturers of generic products** — Article 101 TFEU — **Potential competition** — Restriction by object — Characterisation — **Restriction by effect** — **Assessment of effects** — Article 102 TFEU — Relevant market — **Inclusion of generic medicines in the relevant market** — **Abuse of dominant position** — Characterisation — Justifications

[Case C-307/18 - ECLI identifier: ECLI:EU:C:2020:52](#)

**Arrêt de la Cour (huitième chambre) du 30 janvier 2020 - České dráhy a.s. contre Commission européenne** - Pourvoi — **Concurrence** — Règlement (CE) n° 1/2003 — Article 20, paragraphe 4 — **Décisions d'inspection** — **Obligation de motivation** — Indices suffisamment sérieux de l'existence d'une infraction aux règles de concurrence — **Éléments de preuve légalement recueillis** — **Inspection ordonnée sur le fondement d'éléments provenant d'une inspection antérieure**

[Affaires jointes C-538/18 P et C-539/18 P - ECLI identifier: ECLI:EU:C:2020:53](#)

## 6. Customs

### Community Legislation

**COUNCIL DECISION (EU) 2020/143** of 28 January 2020 on the **position to be taken on behalf of the European Union** within the Administrative Committee for the **Customs Convention on the international transport of goods under cover of TIR carnets** as regards the amendment of the Convention

[OJ of the EU, L 32/8 of 4 February 2020](#)

### Case Law

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 25 February 2020 - Pfeifer & Langen GmbH & Co. KG v Hauptzollamt Köln** - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Council Regulation (EEC) No 2913/92 — **Community Customs Code** — **Customs declaration** — Amendment of the declaration — **Amendment of the name of the declarant to replace it with the name of the person who has obtained import certificates** — Invalidation of the declaration — **Representation**

[Case C-97/19 - ECLI identifier: ECLI:EU:C:2020:108](#)

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

### Community Legislation

**COUNCIL DIRECTIVE (EU) 2020/262** of 19 December 2019 **laying down the general arrangements for excise duty** (recast)

[OJ of the EU, L 58/4 of 27 February 2020](#)

**COUNCIL REGULATION (EU) 2020/261** of 19 December 2019 **amending** Regulation (EU) No 389/2012 on **administrative cooperation in the field of excise duties as regards the content of electronic registers**

[OJ of the EU, L 58/1 of 27 February 2020](#)

**DECISION (EU) 2020/263 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 January 2020 on **computerising the movement and surveillance of excise goods** (recast)

[OJ of the EU, L 58/43 of 27 February 2020](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2020/194** of 12 February 2020 **laying down detailed rules for the application** of Council Regulation (EU) No 904/2010 as regards 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 40/114 of 13 February 2020](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2020/193** of 12 February 2020 **laying down technical information for the calculation of technical provisions and basic own funds for reporting with reference dates** from 31 December 2019 until 30 March 2020 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Text with EEA relevance)

[OJ of the EU, L 40/18 of 13 February 2020](#)

**DECISION (EU) 2020/187 OF THE EUROPEAN CENTRAL BANK** of 3 February 2020 on the **implementation of the third covered bond purchase programme** (ECB/2020/8) (recast)

[OJ of the EU, L 39/6 of 12 February 2020](#)

**DECISION (EU) 2020/188 OF THE EUROPEAN CENTRAL BANK** of 3 February 2020 on a **secondary markets public sector asset purchase programme** (ECB/2020/9) (recast)

[OJ of the EU, L 39/12 of 12 February 2020](#)

### Case Law

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - Reiner Grafe and Jürgen Pohle v Südbrandenburger Nahverkehrs GmbH and OSL Bus GmbH** - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfer of an undertaking — Safeguarding of employees' rights — Operation of bus routes — Re-employment of the staff** — Operating resources not taken over — Grounds

[Case C-298/18 - ECLI identifier: ECLI:EU:C:2020:121](#)

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - European Commission v Kingdom of Belgium** - Failure of a Member State to fulfil obligations — Article 49 TFEU — **Services in the internal market** — Directive 2006/123/EC — Article 25(1) and (2) — **Restrictions on multidisciplinary activities of accountants**

[Case C-384/18 - ECLI identifier: ECLI:EU:C:2020:124](#)

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - AURES Holdings a.s. v Odvolací finanční ředitelství** - Reference for a preliminary ruling — Article 49 TFEU — **Freedom of establishment — Tax legislation — Corporation tax — Transfer of a company's place of effective management to a Member State other than its registered seat** — Transfer of tax residency to that other Member State — **National legislation not allowing a tax loss incurred in the Member State of incorporation before the transfer of its seat to be claimed**

Case C-405/18 - ECLI identifier: ECLI:EU:C:2020:127

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 27 février 2020 - Staatssecretaris van Financiën contre X** - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - Renvoi préjudiciel — **Fiscalité – Taxe sur la valeur ajoutée** – Directive 2006/112/CE – Article 98 – **Taux réduits** – Annexe III, point 1 – **Denrées alimentaires destinées à la consommation humaine et produits normalement utilisés pour compléter ou remplacer des denrées alimentaires – Produits stimulant la libido**

Affaire C-331/19 - ECLI identifier: ECLI:EU:C:2020:122

**Judgment of the Court (First Chamber) of 26 February 2020 - Stanleyparma Sas di Cantarelli Pietro & C. and Stanleybet Malta Ltd v Agenzia delle Dogane e dei Monopoli UM Emilia Romagna – SOT Parma** - Reference for a preliminary ruling — **Freedom to provide services** — Article 56 TFEU — **Games of chance — Taxation — Principle of non-discrimination — Single tax on betting**

Case C-788/18 - ECLI identifier: ECLI:EU:C:2020:110

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 11 February 2020 - OC and Others, Adusbef, Federconsumatori, PB and Others and QA and Others v Banca d'Italia, Presidenza del Consiglio dei Ministri, Ministero dell'Economia e delle Finanze, joined parties: Banca Popolare di Sondrio ScpA, Veneto Banca ScpA, Banco Popolare — Società Cooperativa, Banco BPM SpA, Ubi Banca SpA, Banca Popolare di Vicenza ScpA, Banca Popolare dell'Etruria e del Lazio SC, Unione di Banche Italiane SpA, Banca Popolare di Milano, Unione di Banche Italiane — Ubi Banca ScpA, Amber Capital Italia SGR SpA, Amber Capital UK LLP, Coordinamento delle associazioni per la tutela dell'ambiente e dei diritti degli utenti e consumatori (Codacons), RZ and Others** - Request for a preliminary ruling from the Consiglio di Stato (Italy) - Reference for a preliminary ruling — Regulation (EU) No 575/2013 — Article 29 — Delegated Regulation (EU) No 241/2014 — Article 10 — Regulation (EU) No 1024/2013 — Article 6(4) — **Articles 16, 17 and 52 of the Charter of Fundamental Rights of the European Union — Company law** — Articles 49 and 63 TFEU — **Asset threshold of EUR 8 billion above which a people's bank must be converted into a company limited by shares — Right of company to defer or limit, including for an indefinite period, redemption of the shares held by the withdrawing shareholder**

Case C-686/18 ECLI identifier: ECLI:EU:C:2020:90

**OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 6 February 2020 - KrakVet Marek Batko sp. K. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága** - Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administration and Labour Court, Hungary) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — Article 33 — **Determination of where taxable transactions are carried out — Goods dispatched or transported by or on behalf of the supplier — Abusive practice** — Regulation (EU) No 904/2010 — Articles 7, 13 and 28 to 30 — **Administrative cooperation — Double taxation**

Case C-276/18 - ECLI identifier: ECLI:EU:C:2020:81

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 6 February 2020 - RB v TÜV Rheinland LGA Products GmbH and Allianz IARD SA** - Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Higher Regional Court, Frankfurt am Main, Germany) - Reference for a preliminary ruling — **Medical devices — Defective breast implants — Insurance against civil liability for the use of medical devices** — Territorial limitation — **Purely internal situations** — Article 18 TFEU — **Applicability of EU law**

Case C-581/18 - ECLI identifier: ECLI:EU:C:2020:77

**OPINION OF ADVOCATE GENERAL KOKOTT delivered on 6 February 2020 - CT v Administrația Județeană a Finanțelor Publice Caraș-Severin — Serviciul Inspecție Persoane Fizice and Direcția Generală Regională a Finanțelor Publice Timișoara — Serviciul Soluționare Contestații 1** - Request for a preliminary ruling from the Curtea de Apel Timișoara (Court of Appeal, Timișoara, Romania) - Reference for a preliminary ruling — Directive 2006/112/EC — **Articles 287 and 288 of the VAT Directive — Special scheme for small enterprises — Exemption below certain turnover limits** — Calculation of that turnover exemption limit in the case of multiple economic activities — **Concept of ‘real estate transactions’ to be taken into account which are not ‘ancillary transactions’**  
[Case C-716/18 - ECLI identifier: ECLI:EU:C:2020:82](#)

**Judgment of the Court (Seventh Chamber) of 30 January 2020 - Köln-Aktienfonds Deka v Staatssecretaris van Financiën** - Request for a preliminary ruling from the Hoge Raad der Nederlanden - Reference for a preliminary ruling — **Free movement of capital and liberalisation of payments — Restrictions — Taxation of dividends received by undertakings for collective investment in transferable securities (UCITS)** — Refund of tax withheld on dividends — **Conditions — Objective differentiation criteria** — Criteria which are by nature or in fact favourable to resident taxpayers  
[Case C-156/17 - ECLI identifier: ECLI:EU:C:2020:51](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - I.G.I. Srl v Maria Grazia Cicenia and Others** - Request for a preliminary ruling from the Corte di appello di Napoli - Reference for a preliminary ruling — Directive 82/891/EEC — Articles 12 and 19 — **Division of limited liability companies — Protection of the interests of the creditors of the company being divided** — Nullity of the division — **Actio pauliana**  
[Case C-394/18 - ECLI identifier: ECLI:EU:C:2020:56](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - Autoservizi Giordano società cooperativa v Agenzia delle Dogane e dei Monopoli - Ufficio di Palermo** - Request for a preliminary ruling from the Commissione Tributaria Provinciale di Palermo - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — Article 7(2) and (3) — **Concept of ‘commercial gas oil used as propellant’** — National legislation levying a duty on commercial gas oil used as propellant for the regular carriage of passengers but not for the occasional carriage of passengers — Principle of equal treatment  
[Case C-513/18 - ECLI identifier: ECLI:EU:C:2020:59](#)

**Arrêt de la Cour (septième chambre) du 30 janvier 2020 - Anton van Zantbeek VOF contre Ministerraad** - Demande de décision préjudicielle, introduite par le Grondwettelijk Hof - Renvoi préjudiciel — Article 56 TFUE — **Article 36 de l’accord sur l’Espace économique européen – Libre prestation des services – Taxe sur les opérations de bourse conclues ou exécutées dans un État membre** – Différence de traitement au détriment de destinataires de services faisant appel à des intermédiaires professionnels non-résidents – **Restriction – Justification**  
[Affaire C-725/18- ECLI identifier: ECLI:EU:C:2020:54](#)

**Judgment of the Court (Grand Chamber) of 28 January 2020 - European Commission v Italian Republic** - Failure of a Member State to fulfil obligations — Directive 2011/7/EU — **Combating late payment in commercial transactions** — Commercial transactions where the debtor is a public authority — **Obligation of Member States to ensure that the period for payment imposed on public authorities does not exceed 30 or 60 days — Obligation to achieve a specified result**  
[Case C-122/18 - ECLI identifier: ECLI:EU:C:2020:41](#)

## 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 (Fourth Chamber) of 27 February 2020 - Reiner Grafe and Jürgen Pohle v Südbrandenburger Nahverkehrs GmbH and OSL Bus GmbH** - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfer of an undertaking — Safeguarding of employees' rights — Operation of bus routes — Re-employment of the staff** — Operating resources not taken over — Grounds

[Case C-298/18 - ECLI identifier: ECLI:EU:C:2020:121](#)

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - European Commission v Kingdom of Belgium** - Failure of a Member State to fulfil obligations — Article 49 TFEU — **Services in the internal market** — Directive 2006/123/EC — Article 25(1) and (2) — **Restrictions on multidisciplinary activities of accountants**

[Case C-384/18 - ECLI identifier: ECLI:EU:C:2020:124](#)

**Arrêt de la Cour (septième chambre) du 27 février 2020 - TK contre Land Sachsen-Anhalt** - Renvoi préjudiciel — **Politique sociale — Égalité de traitement en matière d'emploi et de travail** — Directive 2000/78/CE — Articles 2 et 6 — **Interdiction de toute discrimination fondée sur l'âge** — Rémunération des fonctionnaires — **Système de rémunération discriminatoire — Rappel de rémunération calculé sur la base d'un classement discriminatoire antérieur — Nouvelle discrimination** — Article 9 — Indemnisation du fait d'une législation discriminatoire — **Délai de forclusion pour introduire une demande d'indemnisation — Principes d'équivalence et d'effectivité**

[Affaire C-773/18 - ECLI identifier: ECLI:EU:C:2020:125](#)

**Arrêt de la Cour (neuvième chambre) du 27 février 2020 - Commission européenne contre République hellénique** - Manquement d'État — Directive 91/676/CEE — **Protection des eaux contre la pollution par les nitrates à partir de sources agricoles — Arrêt de la Cour constatant un manquement** — Inexécution — Article 260, paragraphe 2, TFUE — **Sanctions pécuniaires — Somme forfaitaire**

[Affaire C-298/19 - ECLI identifier: ECLI:EU:C:2020:133](#)

**Arrêt de la Cour (neuvième chambre) du 27 février 2020 - République de Lituanie contre Commission européenne** - Pourvoi — FEOGA, FEAGA et Feader — **Dépenses exclues du financement de l'Union européenne — Dépenses effectuées par la République de Lituanie — Aide à la retraite anticipée** — Règlement (CE) no 1257/1999 — Article 33 quinquies, paragraphe 1 — Dénaturation des éléments de preuve

[Affaire C-79/19 P - ECLI identifier: ECLI:EU:C:2020:129](#)

**Judgment of the Court (Tenth Chamber) of 26 February 2020 - European External Action Service v Ruben Alba Aguilera and Others** - Appeal — **Civil service — Officials and members of staff — European External Action Service (EEAS) — Remuneration** — Staff Regulations — Article 110 — **EU staff posted to a third country** — Annex X — Third subparagraph of Article 1 and Article 10 — **Allowance for living conditions — Annual revision and adjustment — Reduction for staff posted to Ethiopia — Requirement to adopt general implementing provisions beforehand** — Scope

[Case C-427/18 P - ECLI identifier: ECLI:EU:C:2020:109](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 13 février 2020 - XR contre Dopravní podnik hl. m. Prahy a.s.** - demande de décision préjudicielle formée par l'Obvodní soud pro Prahu 9 (tribunal d'arrondissement de Prague 9, République tchèque) - Renvoi préjudiciel — **Politique sociale** — Directive 2003/88/CE — **Aménagement du temps de travail — Notion de "temps de travail"** — Période de pause d'un travailleur, au cours de laquelle il est obligé d'être à la disposition de son employeur pour partir en intervention dans un délai de deux minutes — **Obligation de respecter les appréciations en droit d'une juridiction supérieure non conformes au droit de l'Union — Primauté du droit de l'Union**

[Affaire C-107/19 - Identifiant ECLI: ECLI:EU:C:2020:96](#)



**OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 29 January 2020 - HF v European Parliament** - Appeal — **Civil service — Member of the contract staff in the service of the Parliament** — Articles 12a and 24 of the Staff Regulations of Officials of the European Union — **Psychological harassment — Rejection of a request for assistance — Article 41 of the Charter of Fundamental Rights of the European Union — Right to be heard — Access to the records of witness hearings — Definition of ‘psychological harassment’** — Criteria for assessment — Consideration of the context — Cross-appeal — Admissibility  
[Case C-570/18 P - ECLI identifier: ECLI:EU:C:2020:44](#)

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 29 January 2020 - QH v Varhoven kasatsionen sad na Republika Bulgaria, joined party: Prokuratura na Republika Bulgaria** - Request for a preliminary ruling from the Rayonen sad Haskovo (Haskovo District Court, Bulgaria) - **CV v Iccrea Banca SpA Istituto Centrale del Credito Cooperativo** - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - References for a preliminary ruling — **Social policy** — Directive 2003/88/EC — Article 7 — **Article 31 of the Charter of Fundamental Rights of the European Union — Protection of the safety and health of workers — Worker unlawfully dismissed from his or her duties and reinstated by a court decision** — Exclusion of the right to paid annual leave not taken for the period from the dismissal until reinstatement — **Absence of the right to financial compensation for annual leave not taken for the same period in the event of a subsequent termination of the employment relationship**  
[Case C-762/18 and Case C-37/19 - ECLI identifier: ECLI:EU:C:2020:49](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION IMPLEMENTING DECISION (EU) 2020/248** of 21 February 2020 **laying down technical guidelines for inspections** in accordance with Article 17 of Directive 2006/21/EC of the European Parliament and of the Council (notified under document C(2020) 889) (Text with EEA relevance)  
[OJ of the EU, L 51/4 of 25 February 2020](#)

### Case Law

**OPINION OF ADVOCATE GENERAL KOKOTT delivered on 13 February 2020 - Asociația “Alianța pentru combaterea abuzurilor” v TM, UN and Asociația DMPA** - Request for a preliminary ruling from the Judecătoria Zărnești (Court of First Instance, Zărnești, Romania) - Reference for a preliminary ruling — Directive 92/43/EEC — **Conservation of natural habitats and of wild fauna and flora** — System of strict protection for the animal species listed in Annex IV(a) — **Natural range — Capture of specimens of those species in the wild** — Wolf (*Canis lupus*) — **Specimens that leave their natural habitat — Derogations — Public safety — Penalties**  
[Case C-88/19 - ECLI identifier: ECLI:EU:C:2020:93](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - Tim SpA - Direzione e coordinamento Vivendi SA v Consip SpA and Ministero dell'Economia e delle Finanze** - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio - Reference for a preliminary ruling — **Public procurement of supplies, works or services** — Directive 2014/24/EU — Article 18(2) — Article 57(4) — **Optional grounds for exclusion** — Ground for exclusion of a subcontractor mentioned in the economic operator’s tender — **Subcontractor’s failure to comply with environmental, social and labour law obligations — National legislation providing for automatic exclusion of the economic operator for such a failure**  
[Case C-395/18 - ECLI identifier: ECLI:EU:C:2020:58](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - Autoservizi Giordano società cooperativa v Agenzia delle Dogane e dei Monopoli - Ufficio di Palermo** - Request for a preliminary ruling from the Commissione Tributaria Provinciale di Palermo - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — Article 7(2) and (3) — **Concept of ‘commercial gas oil used as propellant’** — National legislation levying a duty on commercial gas oil used as propellant for the regular carriage of passengers but not for the occasional carriage of passengers — Principle of equal treatment  
[Case C-513/18 - ECLI identifier: ECLI:EU:C:2020:59](#)

**OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 30 January 2020 - Interseroh Dienstleistungs GmbH v SAA Sonderabfallagentur Baden-Württemberg GmbH** - Request for a preliminary ruling from the Verwaltungsgericht (Administrative Court, Stuttgart, Germany) - Request for a preliminary ruling — **Environment — Waste — Transport of waste within the European Union** — Regulation (EC) No 1013/2006 — **Classification of mixture of paper wastes — Basel Convention** — Control procedure applied to ‘Green’ listed waste — **Classification of mixture of paper wastes containing impurities**  
[Case C-654/18 - ECLI identifier: ECLI:EU:C:2020:55](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION IMPLEMENTING DIRECTIVE (EU) 2020/177** of 11 February 2020 **amending** Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards **pests of plants on seeds and other plant reproductive material** (Text with EEA relevance)  
[OJ of the EU, L 41/1 of 13 February 2020](#)

### Case Law

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 27 février 2020 - A contre Daniel B, UD, AFP, B et L** - demande de décision préjudicielle formée par la cour d’appel de Paris (France) - Renvoi préjudiciel — **Médicaments à usage humain non soumis à prescription médicale obligatoire – Vente en ligne – Publicité pour le site Internet d’une officine de pharmacie – Limitations** – Obligation de faire remplir un questionnaire de santé par le patient avant la validation de sa première commande sur le site Internet d’une officine de pharmacie — **Libre circulation des marchandises** – Article 34 TFUE — **Modalités de vente – Entraves – Article 36 TFUE – Justification – Protection de la dignité de la profession de pharmacien – Prévention de la consommation abusive de médicaments – Protection de la santé publique** – Directive 2000/31/CE – Commerce électronique – Article 2, sous a) — **Service de la société de l’information** – Article 2, sous h) – Domaine coordonné – Article 3 – Principe du pays d’origine – Dérogations – Justification — **Protection de la santé publique – Obligation d’information et de notification** – Directive 2001/83/CE – Code communautaire relatif aux médicaments à usage humain – Article 85 quarter, paragraphe 2 – **Faculté, pour les États membres, d’imposer des conditions, justifiées par la protection de la santé publique, pour la délivrance au détail, sur leur territoire, de médicaments vendus en ligne**  
[Affaire C-649/18 - ECLI identifier: ECLI:EU:C:2020:134](#)

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 27 février 2020 - Staatssecretaris van Financiën contre X** - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - Renvoi préjudiciel — **Fiscalité – Taxe sur la valeur ajoutée** – Directive 2006/112/CE – Article 98 — **Taux réduits** – Annexe III, point 1 — **Denrées alimentaires destinées à la consommation humaine et produits normalement utilisés pour compléter ou remplacer des denrées alimentaires – Produits stimulant la libido**  
[Affaire C-331/19 - ECLI identifier: ECLI:EU:C:2020:122](#)

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 27 février 2020 - Association française des usagers de banques contre Ministre de l’Économie et des Finances** - demande de décision préjudicielle formée par le Conseil d’État (France) - Renvoi préjudiciel — **Protection des consommateurs – Contrats de crédit aux consommateurs relatifs aux biens immobiliers à usage résidentiel** – Compte de paiement ou d’épargne — **Obligation pour l’emprunteur de domicilier ses revenus sur un compte de paiement pendant une durée fixée par le contrat de prêt** – Avantage individualisé – Directive 2007/64/CE – Article 45, paragraphe 2 – Directive (UE) 2015/2366 – Article 55, paragraphe 2 – Directive 2014/17/UE – Article 4, points 26 et 27 – Vente liée – Vente groupée – Article 12, paragraphe 1 – Article 12, paragraphe 2, sous a) – Article 12, paragraphe 3 – Directive 2014/92/UE  
[Affaire C-778/18 - ECLI identifier: ECLI:EU:C:2020:120](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 6 February 2020 - RB v TÜV Rheinland LGA Products GmbH and Allianz IARD SA** - Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main (Higher Regional Court, Frankfurt am Main, Germany) - Reference for a preliminary ruling — **Medical devices — Defective breast implants — Insurance against civil liability for the use of medical devices** — Territorial limitation — **Purely internal situations** — Article 18 TFEU — **Applicability of EU law**  
[Case C-581/18 - ECLI identifier: ECLI:EU:C:2020:77](#)

**Judgment of the Court (Fourth Chamber) of 30 January 2020 - Generics (UK) Ltd and Others v Competition and Markets Authority** - Request for a preliminary ruling from the Competition Appeal Tribunal - Reference for a preliminary ruling — **Competition — Pharmaceutical products — Barriers to the entry on the market of generic medicines arising from settlement agreements (relating to disputes concerning process patents) concluded by a manufacturer of originator medicines who is the holder of those patents and manufacturers of generic products** — Article 101 TFEU — **Potential competition** — Restriction by object — Characterisation — **Restriction by effect — Assessment of effects** — Article 102 TFEU — Relevant market — **Inclusion of generic medicines in the relevant market — Abuse of dominant position** — Characterisation — Justifications  
[Case C-307/18 - ECLI identifier: ECLI:EU:C:2020:52](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - Dr. Willmar Schwabe GmbH & Co. KG v Queisser Pharma GmbH & Co. KG** - Request for a preliminary ruling from the Bundesgerichtshof - Reference for a preliminary ruling — **Public health — Information and consumer protection** — Regulation (EC) No 1924/2006 — Implementing Decision 2013/63/EU — **Nutritional and health claims made on foods** — Article 10(3) — Reference to general, non-specific benefits — **Concept of ‘accompanying’ a specific health claim — Obligation to produce scientific evidence — Scope**  
[Case C-524/18 - ECLI identifier: ECLI:EU:C:2020:60](#)

**CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 30 janvier 2020 - XZ contre Ibercaja Banco SA** - demande de décision préjudicielle formée par le Juzgado de Primera Instancia e Instrucción nº 3 de Teruel (tribunal de première instance et d’instruction nº 3 de Teruel, Espagne) - Renvoi préjudiciel — **Clauses abusives dans les contrats conclus avec les consommateurs** — Directive 93/13/CEE — **Contrat de crédit hypothécaire — Clause de limitation de la variabilité du taux d’intérêt (clause “plancher”) — Défaut de transparence — Caractère abusif** — Conclusion par les parties d’un accord emportant novation de la clause “plancher”, confirmation de la validité du contrat de crédit hypothécaire et renonciation mutuelle à le contester en justice — Compatibilité avec la directive 93/13 — Conditions  
[Affaire C-452/18 - ECLI identifier: ECLI:EU:C:2020:61](#)

**OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 30 January 2020 - Ratiopharm GmbH v Novartis Consumer Health GmbH** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Protection of public health — Internal market — Medicinal products for human use — Advertising** — Distribution of free samples of medicinal products to persons qualified to prescribe them — **Pharmacists excluded from the distribution of free samples of medicinal products**  
[Case C-786/18 - ECLI identifier: ECLI:EU:C:2020:57](#)

## 12. Human Rights

### Case Law

**OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 27 February 2020 - WM v Stadt Frankfurt am Main** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals** — Article 16(1) — **Detention for the purpose of removal** — Detention in prison accommodation — Third-country national representing a serious threat to public policy or public security — **Principles of effectiveness and proportionality — Minimum safeguards — Possibility of detention in prison accommodation with persons held on remand** — Article 15 — **Judicial review — Charter of Fundamental Rights of the European Union** — Articles 1 to 4, 6 and 47  
[Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:130](#)

**OPINION OF ADVOCATE GENERAL TANCHEV delivered on 27 February 2020 - I.N., in the presence of: The Russian Federation** - Reference for a preliminary ruling from the Vrhovni sud (Supreme Court, Croatia) - **EEA Agreement and freedom to receive services — Mutual Trust and the Common European Asylum System — Dublin III Regulation and Schengen Associated States — Extradition request by a third state to an EU Member State with respect to an EFTA national** — Grant of asylum before acquisition of nationality by that EFTA state to EEA national subject to extradition request due to risk of exposure to inhuman and degrading treatment and unfair criminal proceedings in the event of refoulement to requesting third state — **Arrest and detention by an EU Member State with a view to extradition of the EEA national for prosecution for the same crimes considered in asylum proceedings in the EFTA state — Discrimination on the basis of nationality with respect to extradition** — International Agreement between Iceland, Norway and the EU on surrender procedures and judicial cooperation in criminal matters — Whether requested Member State obliged to inform the EEA state of the third state extradition request — **Whether EU Member State required to return EEA national to their home state rather than comply with third state extradition request** — Petruhhin ruling of the Court — Risk of impunity — **Articles 4, 19 and 47 of the Charter of Fundamental Rights**

Case C-897/19 PPU - ECLI identifier: ECLI:EU:C:2020:128

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 11 February 2020 - OC and Others, Adusbef, Federconsumatori, PB and Others and QA and Others v Banca d'Italia, Presidenza del Consiglio dei Ministri, Ministero dell'Economia e delle Finanze, joined parties: Banca Popolare di Sondrio ScpA, Veneto Banca ScpA, Banco Popolare — Società Cooperativa, Banco BPM SpA, Ubi Banca SpA, Banca Popolare di Vicenza ScpA, Banca Popolare dell'Etruria e del Lazio SC, Unione di Banche Italiane SpA, Banca Popolare di Milano, Unione di Banche Italiane — Ubi Banca ScpA, Amber Capital Italia SGR SpA, Amber Capital UK LLP, Coordinamento delle associazioni per la tutela dell'ambiente e dei diritti degli utenti e consumatori (Codacons), RZ and Others** - Request for a preliminary ruling from the Consiglio di Stato (Italy) - Reference for a preliminary ruling — Regulation (EU) No 575/2013 — Article 29 — Delegated Regulation (EU) No 241/2014 — Article 10 — Regulation (EU) No 1024/2013 — Article 6(4) — **Articles 16, 17 and 52 of the Charter of Fundamental Rights of the European Union — Company law** — Articles 49 and 63 TFEU — **Asset threshold of EUR 8 billion above which a people's bank must be converted into a company limited by shares — Right of company to defer or limit, including for an indefinite period, redemption of the shares held by the withdrawing shareholder**

Case C-686/18 ECLI identifier: ECLI:EU:C:2020:90

**Judgment of the Court (Grand Chamber) of 4 February 2020 - Uniwersytet Wrocławski and Republic of Poland v Research Executive Agency** - Appeal — **Action for annulment** — Article 19 of the Statute of the Court of Justice of the European Union — Representation of parties in direct actions before the Courts of the European Union — **Lawyer representing the applicant as a third party — Article 47 of the Charter of Fundamental Rights of the European Union**

Joined Cases C-515/17 P and C-561/17 P - ECLI identifier: ECLI:EU:C:2020:73

**OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 29 January 2020 - HF v European Parliament** - Appeal — **Civil service — Member of the contract staff in the service of the Parliament** — Articles 12a and 24 of the Staff Regulations of Officials of the European Union — **Psychological harassment — Rejection of a request for assistance — Article 41 of the Charter of Fundamental Rights of the European Union — Right to be heard — Access to the records of witness hearings — Definition of 'psychological harassment'** — Criteria for assessment — Consideration of the context — Cross-appeal — Admissibility

Case C-570/18 P - ECLI identifier: ECLI:EU:C:2020:44

**OPINION OF ADVOCATE GENERAL HOGAN delivered on 29 January 2020 - QH v Varhoven kasatsionen sad na Republika Bulgaria, joined party: Prokuratura na Republika Bulgaria** - Request for a preliminary ruling from the Rayonen sad Haskovo (Haskovo District Court, Bulgaria) - **CV v Iccrea Banca SpA Istituto Centrale del Credito Cooperativo** - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - References for a preliminary ruling — **Social policy** — Directive 2003/88/EC — Article 7 — **Article 31 of the Charter of Fundamental Rights of the European Union — Protection of the safety and health of workers — Worker unlawfully dismissed from his or her duties and reinstated by a court decision** — Exclusion of the right to paid annual leave not taken for the period from the dismissal until reinstatement — **Absence of the right to financial compensation for annual leave not taken for the same period in the event of a subsequent termination of the employment relationship**

Case C-762/18 and Case C-37/19 - ECLI identifier: ECLI:EU:C:2020:49

## 13. Internal Market and Single Market

### Case Law

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - Reiner Grafe and Jürgen Pohle v Südbrandenburger Nahverkehrs GmbH and OSL Bus GmbH** - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfer of an undertaking — Safeguarding of employees' rights — Operation of bus routes — Re-employment of the staff** — Operating resources not taken over — Grounds  
[Case C-298/18 - ECLI identifier: ECLI:EU:C:2020:121](#)

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - European Commission v Kingdom of Belgium** - Failure of a Member State to fulfil obligations — Article 49 TFEU — **Services in the internal market** — Directive 2006/123/EC — Article 25(1) and (2) — **Restrictions on multidisciplinary activities of accountants**  
[Case C-384/18 - ECLI identifier: ECLI:EU:C:2020:124](#)

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - AURES Holdings a.s. v Odvolací finanční ředitelství** - Reference for a preliminary ruling — Article 49 TFEU — **Freedom of establishment — Tax legislation — Corporation tax — Transfer of a company's place of effective management to a Member State other than its registered seat** — Transfer of tax residency to that other Member State — **National legislation not allowing a tax loss incurred in the Member State of incorporation before the transfer of its seat to be claimed**  
[Case C-405/18 - ECLI identifier: ECLI:EU:C:2020:127](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 27 février 2020 - A contre Daniel B, UD, AFP, B et L** - demande de décision préjudicielle formée par la cour d'appel de Paris (France) - Renvoi préjudiciel – **Médicaments à usage humain non soumis à prescription médicale obligatoire – Vente en ligne – Publicité pour le site Internet d'une officine de pharmacie – Limitations** – Obligation de faire remplir un questionnaire de santé par le patient avant la validation de sa première commande sur le site Internet d'une officine de pharmacie – **Libre circulation des marchandises** – Article 34 TFUE – **Modalités de vente – Entraves – Article 36 TFUE – Justification – Protection de la dignité de la profession de pharmacien – Prévention de la consommation abusive de médicaments – Protection de la santé publique** – Directive 2000/31/CE – Commerce électronique – Article 2, sous a) – **Service de la société de l'information** – Article 2, sous h) – Domaine coordonné – Article 3 – Principe du pays d'origine – Dérogations – Justification – **Protection de la santé publique – Obligation d'information et de notification** – Directive 2001/83/CE – Code communautaire relatif aux médicaments à usage humain – Article 85 quarter, paragraphe 2 – **Faculté, pour les États membres, d'imposer des conditions, justifiées par la protection de la santé publique, pour la délivrance au détail, sur leur territoire, de médicaments vendus en ligne**  
[Affaire C-649/18 - ECLI identifier: ECLI:EU:C:2020:134](#)

**Judgment of the Court (First Chamber) of 26 February 2020 - Stanleyparma Sas di Cantarelli Pietro & C. and Stanleybet Malta Ltd v Agenzia delle Dogane e dei Monopoli UM Emilia Romagna** – SOT Parma - Reference for a preliminary ruling — **Freedom to provide services** — Article 56 TFEU — **Games of chance — Taxation — Principle of non-discrimination — Single tax on betting**  
[Case C-788/18 - ECLI identifier: ECLI:EU:C:2020:110](#)

**Judgment of the Court (Second Chamber) of 30 January 2020 - Tim SpA - Direzione e coordinamento Vivendi SA v Consip SpA and Ministero dell'Economia e delle Finanze** - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio - Reference for a preliminary ruling — **Public procurement of supplies, works or services** — Directive 2014/24/EU — Article 18(2) — Article 57(4) — **Optional grounds for exclusion** — Ground for exclusion of a subcontractor mentioned in the economic operator's tender — **Subcontractor's failure to comply with environmental, social and labour law obligations — National legislation providing for automatic exclusion of the economic operator for such a failure**  
[Case C-395/18 - ECLI identifier: ECLI:EU:C:2020:58](#)

**OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 30 January 2020 - Ratiopharm GmbH v Novartis Consumer Health GmbH** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Protection of public health — Internal market — Medicinal products for human use — Advertising** — Distribution of free samples of medicinal products to persons qualified to prescribe them — **Pharmacists excluded from the distribution of free samples of medicinal products**  
[Case C-786/18 - ECLI identifier: ECLI:EU:C:2020:57](#)

**OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 29 January 2020 - Informatikgesellschaft für Software-Entwicklung (ISE) mbH v Stadt Köln, intervener: Land Berlin** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — **Concept of contract for pecuniary interest — Horizontal cooperation between contracting authorities** — Making available of software for the coordination of fire-fighting operations — Cooperation agreement on updating and developing the software — Activity ancillary to the public service — **Prohibition on placing third parties in a position of advantage**  
[Case C-796/18 - ECLI identifier: ECLI:EU:C:2020:47](#)

## 14. Intellectual Property

### Case Law

**Judgment of the Court (Fifth Chamber) of 27 February 2020 - Constantin Film Produktion GmbH v European Union Intellectual Property Office** - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 7(1)(f) — **Absolute ground for refusal — Mark contrary to accepted principles of morality** — Word sign ‘Fack Ju Göhte’ — **Rejection of the application for registration**  
[Case C-240/18 P - ECLI identifier: ECLI:EU:C:2020:118](#)

**OPINION OF ADVOCATE GENERAL M. CAMPOS SÁNCHEZ-BORDONA delivered on 6 February 2020 – SI and Brompton Bicycle Ltd. v Chedech / Get2Get** - Request for a preliminary ruling from the Tribunal de l’entreprise de Liège (Companies Court, Liège, Belgium) - Reference for a preliminary ruling — **Intellectual and industrial property — Patent law — Designs** — Regulation (EC) No 6/2002 — **Harmonisation of certain aspects of copyright and related rights** — Directive 2001/29/EC — **Scope — Cumulation of rights — Utilitarian and functional object — Concept of ‘work’** — Appearance dictated by the technical function of the object — **National court’s assessment criteria — Conflicting interests** — Proportionality — Folding bicycle  
[Case C-833/18 - ECLI identifier: ECLI:EU:C:2020:79](#)

**Judgment of the Court (Fourth Chamber) of 29 January 2020 - Sky plc and Others v Skykick UK Limited and Skykick Inc** - Request for a preliminary ruling from the High Court of Justice (Chancery Division) - Reference for a preliminary ruling — **Approximation of laws — Community trade mark** — Regulation (EC) No 40/94 — Articles 7 and 51 — First Directive 89/104/EEC — Articles 3 and 13 — **Identification of the goods or services covered by the registration — Failure to comply with the requirements of clarity and precision** — Bad faith of the applicant — No intention to use the trade mark for the goods or services covered by the registration — **Total or partial invalidity of the trade mark — National legislation requiring the applicant to state that he or she intends to use the trade mark applied for**  
[Case C-371/18 - ECLI identifier: ECLI:EU:C:2020:45](#)

**Judgment of the Court (Fourth Chamber) of 29 January 2020 - GAEC Jeanningros v Institut national de l’origine et de la qualité (INAO) and Others** - Request for a preliminary ruling from the Conseil d’État (France) - Reference for a preliminary ruling — **Agriculture — Protection of geographical indications and designations of origin for agricultural products and foodstuffs — Protected designation of origin ‘Comté’** — Minor amendment to a product specification — Action before national courts contesting an application for an amendment — **Case-law of the national courts according to which the action becomes devoid of purpose when the European Commission has approved the amendment — Effective judicial protection — Obligation to rule on the action**  
[Case C-785/18 - ECLI identifier: ECLI:EU:C:2020:46](#)

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

### Community Legislation

**PRACTICE DIRECTIONS TO PARTIES CONCERNING CASES BROUGHT BEFORE THE COURT**  
OJ of the EU, L1 42/114 of 14 February 2020

### Case Law

**Arrêt de la Cour (sixième chambre) du 27 février 2020 - AAS „BALTA“ contre UAB „GRIFS AG“** - Renvoi préjudiciel – **Coopération judiciaire en matière civile** – Règlement (UE) no 1215/2012 – Article 15, point 5, et article 16, point 5 – Assurance de “grands risques” – **Clause attributive de juridiction conclue entre le preneur d’assurance et l’assureur – Opposabilité de cette clause à la personne assurée**  
Affaire C-803/18 - ECLI identifier: ECLI:EU:C:2020:123

**Judgment of the Court (Eighth Chamber) of 27 February 2020 - Corporis Sp. z o.o. w Bielsku Białej v Gefion Insurance A/S w Kopenhagde** - Reference for a preliminary ruling — Directive 2009/138/EC — **Representation of a non-life insurance undertaking** — Representative permanently resident in national territory — **Service of documents — Receipt of the document initiating proceedings** — Regulation (EC) No 1393/2007 — Non-applicability  
Case C-25/19 - ECLI identifier: ECLI:EU:C:2020:126

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 27 February 2020 - FX v GZ, represented by her mother** - Request for a preliminary ruling from the Amtsgericht Köln (District Court, Cologne, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction in matters relating to maintenance obligations** — Regulation (EC) No 4/2009 — **Jurisdiction to rule on an application opposing enforcement of a maintenance decision**  
Case C-41/19 - ECLI identifier: ECLI:EU:C:2020:132

**OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 27 February 2020 - WM v Stadt Frankfurt am Main** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals** — Article 16(1) — **Detention for the purpose of removal** — Detention in prison accommodation — Third-country national representing a serious threat to public policy or public security — **Principles of effectiveness and proportionality — Minimum safeguards — Possibility of detention in prison accommodation with persons held on remand** — Article 15 — **Judicial review — Charter of Fundamental Rights of the European Union** — Articles 1 to 4, 6 and 47  
Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:130

**Judgment of the Court (Sixth Chamber) of 13 February 2020 - Criminal proceedings against TX and UW** - Request for a preliminary ruling from the Spetsializiran nakazatelen sad - Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Directive (EU) 2016/343 — **Presumption of innocence and right to be present at the trial in criminal proceedings** — Article 8(1) and (2) — **Conditions laid down by national law in order to hold a trial in absentia** — Non-appearance of accused persons at certain hearings for reasons either within or beyond their control — **Right to fair legal process**  
Case C-688/18 - ECLI identifier: ECLI:EU:C:2020:94

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 13 février 2020 - XR contre Dopravní podnik hl. m. Prahy a.s.** - demande de décision préjudicielle formée par l'Obvodní soud pro Prahu 9 (tribunal d'arrondissement de Prague 9, République tchèque) - Renvoi préjudiciel – **Politique sociale** – Directive 2003/88/CE – **Aménagement du temps de travail – Notion de "temps de travail"** – Période de pause d'un travailleur, au cours de laquelle il est obligé d'être à la disposition de son employeur pour partir en intervention dans un délai de deux minutes – **Obligation de respecter les appréciations en droit d'une juridiction supérieure non conformes au droit de l'Union – Primauté du droit de l'Union**

[Affaire C-107/19 - Identifiant ECLI: ECLI:EU:C:2020:96](#)

**Judgment of the Court (Fifth Chamber) of 12 February 2020 - Criminal proceedings against Nikolay Boykov Kolev and Others** - Request for a preliminary ruling from the Spetsializiran nakazatelen sad - Reference for a preliminary ruling — Article 267 TFEU — **Implementation of a preliminary ruling of the Court — Power of a higher court to impose an injunction relating to the detailed rules for implementation — Procedural autonomy of the Member States** — Principle of effectiveness — **Observance of the rights of the defence**

[Case C-704/18 - ECLI identifier: ECLI:EU:C:2020:92](#)

**OPINION OF ADVOCATE GENERAL BOBEK delivered on 6 February 2020 - A. P. v Riigiprokuratuur** - Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia) - Preliminary reference — Framework Decision 2008/947/JHA — **Supervision of probation and alternative sanctions — Recognition and supervision of a judgment imposing a suspended sentence but not imposing any probation measure**

[Case C-2/19 - ECLI identifier: ECLI:EU:C:2020:80](#)

**Judgment of the Court (Grand Chamber) of 4 February 2020 - Uniwersytet Wrocławski and Republic of Poland v Research Executive Agency** - Appeal — **Action for annulment** — Article 19 of the Statute of the Court of Justice of the European Union — Representation of parties in direct actions before the Courts of the European Union — **Lawyer representing the applicant as a third party — Article 47 of the Charter of Fundamental Rights of the European Union**

[Joined Cases C-515/17 P and C-561/17 P - ECLI identifier: ECLI:EU:C:2020:73](#)

**Arrêt de la Cour (grande chambre) du 31 janvier 2020 - République de Slovénie contre République de Croatie** - Manquement d'État – Article 259 TFUE – **Compétence de la Cour – Détermination de la frontière commune entre deux États membres** – Différend frontalier entre la République de Croatie et la République de Slovénie – Convention d'arbitrage – Procédure d'arbitrage – Notification par la République de Croatie de sa décision de mettre fin à la convention en raison d'une irrégularité qu'elle reproche à un membre du tribunal arbitral d'avoir commise – Sentence arbitrale rendue par le tribunal arbitral – **Prétendue méconnaissance par la République de Croatie de la convention d'arbitrage et de la frontière fixée par la sentence arbitrale – Principe de coopération loyale – Demande de retrait d'un document du dossier – Protection des avis juridiques**

[Affaire C-457/18 - ECLI identifier: ECLI:EU:C:2020:65](#)

**Judgment of the Court (Fourth Chamber) of 29 January 2020 - GAEC Jeanningros v Institut national de l'origine et de la qualité (INAO) and Others** - Request for a preliminary ruling from the Conseil d'État (France) - Reference for a preliminary ruling — **Agriculture — Protection of geographical indications and designations of origin for agricultural products and foodstuffs — Protected designation of origin 'Comté'** — Minor amendment to a product specification — Action before national courts contesting an application for an amendment — **Case-law of the national courts according to which the action becomes devoid of purpose when the European Commission has approved the amendment — Effective judicial protection — Obligation to rule on the action**

[Case C-785/18 - ECLI identifier: ECLI:EU:C:2020:46](#)



## 16. Transport

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2020/270** of 25 February 2020 **amending** Regulation (EU) No 1321/2014 as regards **transitional measures for organisations involved in the continuing airworthiness for general aviation** and continuing airworthiness management and correcting that Regulation (Text with EEA relevance)

[OJ of the EU, L 56/20 of 27 February 2020](#)

**COUNCIL DECISION (EU) 2020/143** of 28 January 2020 on the **position to be taken on behalf of the European Union** within the Administrative Committee for the **Customs Convention on the international transport of goods under cover of TIR carnets** as regards the amendment of the Convention

[OJ of the EU, L 32/8 of 4 February 2020](#)

### Case Law

**Judgment of the Court (Fourth Chamber) of 27 February 2020 - Reiner Grafe and Jürgen Pohle v Südbrandenburger Nahverkehrs GmbH and OSL Bus GmbH** - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfer of an undertaking — Safeguarding of employees' rights — Operation of bus routes — Re-employment of the staff** — Operating resources not taken over — Grounds

[Case C-298/18 - ECLI identifier: ECLI:EU:C:2020:121](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 27 février 2020 - Ryanair Designated Activity Company contre Országos Rendőr-főkapitányság** - demande de décision préjudicielle formée par le Fővárosi Közigazgatási és Munkaügyi Bíróság (tribunal administratif et du travail de Budapest, Hongrie) - Renvoi préjudiciel – **Citoyenneté de l'Union** – Directive 2004/38/CE – Articles 5, 10 et 20 – **Droit d'entrée sur le territoire d'un État membre d'un ressortissant d'un État tiers, membre de la famille d'un citoyen de l'Union** – Dispense de visa – **Carte de séjour de membre de la famille – Carte de séjour permanent – Convention d'application de l'accord de Schengen** – Article 26 – **Obligation faite aux transporteurs de s'assurer que leurs passagers possèdent les documents de voyage requis pour entrer dans l'État membre de destination**

[Affaire C-754/18 - ECLI identifier: ECLI:EU:C:2020:131](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 27 février 2020 - LE contre Transportes Aéreos Portugueses SA** - demande de décision préjudicielle formée par le Tribunal Judicial da Comarca de Lisboa – Juízo Local Cível de Lisboa – Juiz 18 (tribunal d'arrondissement de Lisbonne - division civile de Lisbonne - juge 18, Portugal) - Renvoi préjudiciel – **Transport aérien – Règles communes en matière d'indemnisation et d'assistance des passagers en cas de refus d'embarquement et d'annulation ou de retard important d'un vol** – Règlement (CE) n° 261/2004 – Article 5, paragraphe 3 – Article 7, paragraphe 1 – **Droit à indemnisation – Exonération – Notion de "circonstances extraordinaires"** – Comportement perturbateur d'un passager – **Notion de "mesures raisonnables" pour obvier à une circonstance extraordinaire ou aux conséquences d'une telle circonstance**

[Affaire C-74/19 - ECLI identifier: ECLI:EU:C:2020:135](#)

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

### International Agreements

**AGREEMENT** on the **withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community**

[OJ of the EU, L 27/7 of 31 January 2020](#)

## Community Legislation

### PRACTICE DIRECTIONS TO PARTIES CONCERNING **CASES BROUGHT BEFORE THE COURT**

[OJ of the EU, L 42/114 of 14 February 2020](#)

**DECISION (EU) 2020/187 OF THE EUROPEAN CENTRAL BANK** of 3 February 2020 on the **implementation of the third covered bond purchase programme** (ECB/2020/8) (recast)

[OJ of the EU, L 39/6 of 12 February 2020](#)

**DECISION (EU) 2020/188 OF THE EUROPEAN CENTRAL BANK** of 3 February 2020 on a **secondary markets public sector asset purchase programme** (ECB/2020/9) (recast)

[OJ of the EU, L 39/12 of 12 February 2020](#)

## Case Law

**Judgment of the Court (Fifth Chamber) of 27 February 2020 - Subdelegación del Gobierno en Ciudad Real v RH** - Reference for a preliminary ruling — Article 20 TFEU — **European Union citizens — Union citizen who has never exercised the freedom of movement — Application for a temporary residence permit for the spouse, who is a third-country national — Rejection** — Obligation to support the spouse — **Union citizen having insufficient resources — Obligation of the spouses to live together** — National legislation and practice — **Effective enjoyment of the substance of the rights conferred on Union citizens — Deprived**

[Case C-836/18 - ECLI identifier: ECLI:EU:C:2020:119](#)

**CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 27 février 2020 - Ryanair Designated Activity Company contre Országos Rendőr-főkapitányság** - demande de décision préjudicielle formée par le Fővárosi Közigazgatási és Munkaügyi Bíróság (tribunal administratif et du travail de Budapest, Hongrie) - Renvoi préjudiciel – **Citoyenneté de l'Union** – Directive 2004/38/CE – Articles 5, 10 et 20 – **Droit d'entrée sur le territoire d'un État membre d'un ressortissant d'un État tiers, membre de la famille d'un citoyen de l'Union** – Dispense de visa – **Carte de séjour de membre de la famille – Carte de séjour permanent – Convention d'application de l'accord de Schengen** – Article 26 – **Obligation faite aux transporteurs de s'assurer que leurs passagers possèdent les documents de voyage requis pour entrer dans l'État membre de destination**

[Affaire C-754/18 - ECLI identifier: ECLI:EU:C:2020:131](#)

**Arrêt de la Cour (grande chambre) du 31 janvier 2020 - République de Slovénie contre République de Croatie** - Manquement d'État – Article 259 TFUE – **Compétence de la Cour – Détermination de la frontière commune entre deux États membres** – Différend frontalier entre la République de Croatie et la République de Slovénie – Convention d'arbitrage – Procédure d'arbitrage – Notification par la République de Croatie de sa décision de mettre fin à la convention en raison d'une irrégularité qu'elle reproche à un membre du tribunal arbitral d'avoir commise – Sentence arbitrale rendue par le tribunal arbitral – **Prétendue méconnaissance par la République de Croatie de la convention d'arbitrage et de la frontière fixée par la sentence arbitrale** – **Principe de coopération loyale** – **Demande de retrait d'un document du dossier** – **Protection des avis juridiques**

[Affaire C-457/18 - ECLI identifier: ECLI:EU:C:2020:65](#)

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

**Decision of the Court of Justice of the European Union** of 26 November 2019 **concerning public access to documents held by the Court of Justice** of the European Union in the **exercise of its administrative functions**

[OJ of the EU, C 45/2 of 10 February 2020](#)

**Political declaration** setting out the framework for the **future relationship between the European Union and the United Kingdom** (2020/C 34/01)

[OJ of the EU, C 34/1 of 31 January 2020](#)