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# EU News: Click & Read

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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

**Case C-551/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017 - Pula Parking d.o.o. v Sven Klaus Tederahn** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Puli-Pola (Municipal Court of Pula, Croatia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — **Temporal and material scope— Civil and commercial matters — Enforcement proceedings relating to the recovery of an unpaid public parking debt** — Included — **Concept of 'court' — Notary who has issued a writ of execution based on an 'authentic document'**

[CURIA – Judgment of the Court of Justice in Case C-551/15 of 9 March 2017](#)

**Case C-528/15: JUDGMENT OF THE COURT (Second Chamber) of 15 March 2017 - Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v Salah Al Chodor, Ajlin Al Chodor and Ajvar Al Chodor** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling — **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** — Regulation (EU) No 604/2013 (Dublin III) — Article 28(2) — **Detention for the purpose of transfer** — Article 2(n) — **Significant risk of absconding — Objective criteria — Absence of a legal definition**

[CURIA – Judgment of the Court of Justice in Case C-528/15 of 15 March 2017](#)

**COMMISSION DECISION (EU) 2017/599** of 22 March 2017 on the **proposed citizens' initiative entitled 'EU Citizenship for Europeans: United in Diversity in Spite of jus soli and jus sanguinis'** (notified under document C(2017) 2001) (Only the English text is authentic)

[OJ of the EU, L 81/18 of 28 March 2017](#)

**AMENDMENTS TO THE ANNEXES OF THE LUGANO CONVENTION**, 30 OCTOBER 2007

[OJ of the EU, L 57/63 of 3 March 2017](#)

## 1. EU-Swiss Relations

### Community Legislation

**COMMISSION REGULATION (EU) 2017/492** of 21 March 2017 **amending** Regulation (EC) No 883/2004 of the European Parliament and of the Council on the **coordination of social security systems** and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (Text with relevance for the EEA and Switzerland)

[OJ of the EU, L 76/13 of 22 March 2017](#)

**REGULATION (EU) 2017/371 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 1 March 2017 **amending** Council Regulation (EC) No 539/2001 **listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement** (revision of the suspension mechanism)

[OJ of the EU, L 61/1 of 8 March 2017](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**COMMISSION RECOMMENDATION (EU) 2017/432** of 7 March 2017 on **making returns more effective** when implementing the Directive 2008/115/EC of the European Parliament and of the Council

[OJ of the EU, L 66/1 of 11 March 2017](#)

**REGULATION (EU) 2017/371 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 1 March 2017 **amending** Council Regulation (EC) No 539/2001 **listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement** (revision of the suspension mechanism)

[OJ of the EU, L 61/1 of 8 March 2017](#)

**REGULATION (EU) 2017/372 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 1 March 2017 **amending** Regulation (EC) No 539/2001 **listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Georgia)**

[OJ of the EU, L 61/7 of 8 March 2017](#)

### Case Law

**Case C-158/14: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017 - A, B, C and D v Minister van Buitenlandse Zaken** - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Common Foreign and Security Policy (CFSP) — Specific restrictive measures directed against certain persons and entities with a view to combating terrorism** — Common Position 2001/931/CFSP — Framework Decision 2002/475/JHA — Regulation (EC) No 2580/2001 — Article 2(3) — **Inclusion of the ‘Liberation Tigers of Tamil Eelam (LTTE)’ on the list of persons, groups and entities involved in terrorist acts** — Question referred for a preliminary ruling concerning the validity of that inclusion — **Compliance with international humanitarian law** — **Concept of ‘terrorist act’** — Actions by armed forces during periods of armed conflict

[CURIA – Judgment of the Court of Justice in Case C-158/14 of 14 March 2017](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Affaire C-105/16 P: ARRÊT DE LA COUR (huitième chambre) du 9 mars 2017 - République de Pologne contre Commission européenne** - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **FEOGA et Feader – Dépenses exclues du financement de l'Union européenne – Développement rural** – Règlement (CE) no 1257/1999 – Article 33 ter – **Soutien aux exploitations de semi-subsistance soumises à une restructuration – Obligation de consacrer au moins 50 % du soutien à des opérations de restructuration**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-105/16 du 9 mars 2017](#)

**Case C-141/15: JUDGMENT OF THE COURT (Fourth Chamber) of 9 March 2017 - Doux SA, in administration v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer)** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif de Rennes (Administrative Court, Rennes, France) - Reference for a preliminary ruling — Regulation (EC) No 543/2008 — Article 15(1) — Article 16 — **Frozen or quick-frozen chickens — Maximum limit for water content — Obsolescence of that limit — Practical measures for checks** — Counter-analysis — Regulation No 612/2009 — Article 28 — **Export refunds on agricultural products — Conditions for granting — Sound and fair marketable quality — Products marketable in normal conditions**

[CURIA – Judgment of the Court of Justice in Case C-141/15 of 9 March 2017](#)

### 4. Audiovisual and Media and Information Society

#### Case Law

**Case C-536/15: JUDGMENT OF THE COURT (Second Chamber) of 15 March 2017 - Tele2 (Netherlands) BV, Ziggo BV and Vodafone Libertel BV v Autoriteit Consument en Markt (ACM) and European Directory Assistance NV** - REQUEST for a preliminary ruling under Article 267 TFEU from the College van Beroep voor het bedrijfsleven (Administrative Court of Appeal for Trade and Industry, Netherlands) - Reference for a preliminary ruling – **Electronic communications networks and services** – Directive 2002/22/EC – Article 25(2) – **Directory enquiry services and directories** – Directive 2002/58/EC – Article 12 – **Directories of subscribers – Making available personal data concerning subscribers for the purposes of the provision of publicly available directory enquiry services and directories – Subscriber's consent** – Distinction on the basis of the Member State in which publicly available directory enquiry services and directories are provided – **Principle of non-discrimination**

[CURIA – Judgment of the Court of Justice in Case C-536/15 of 15 March 2017](#)

**Case C-398/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017 - Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce v Salvatore Manni** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of Cassation, Italy) - Reference for a preliminary ruling — **Personal data — Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — Article 6(1)(e) — **Data subject to disclosure in the companies register** — First Directive 68/151/EEC — Article 3 — **Winding-up of the company concerned — Restriction of access to that data by third parties**

[CURIA – Judgment of the Court of Justice in Case C-398/15 of 9 March 2017](#)

**Case C-275/15: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2017 - ITV Broadcasting Limited, ITV2 Limited, ITV Digital Channels Limited, Channel Four Television Corporation, 4 Ventures Limited, Channel 5 Broadcasting Limited and ITV Studios Limited v TVCatchup Limited (in administration), TVCatchup (UK) Limited, Media Resources Limited and The Secretary of State for Business, Innovation and Skills** - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights in the information society** — Article 9 — **Access to cable of broadcasting services — Concept of ‘cable’ — Retransmission of broadcasts of commercial television broadcasters by a third party via the internet — ‘Live streaming’**

[CURIA – Judgment of the Court of Justice in Case C-275/15 of 1 March 2017](#)

## 5. Competition

### Case Law

**Case C-329/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 March 2017 - ENEA SA w Poznaniu v Prezes Urzędu Regulacji Energetyki** - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — Article 107(1) TFEU — **State aid — Supply obligation regarding electricity produced by cogeneration — Electricity providers whose share capital is State-owned — Concept of advantage** — Increase in demand — Whether attributable to the State — Legislative measure — No use of State resources — Article 108(3) TFEU — **Unlawful implementation of State aid — Direct effect — Whether that may be relied upon by electricity providers subject to the supply obligation — Financial penalty in the event of failure to fulfil the supply obligation — Exclusion in the event of unlawful implementation of State aid**

[CURIA – Opinion of Advocate General in Case C-329/15 of 22 March 2017](#)

**Case C-415/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Stichting Woonpunt, established in Maastricht (Netherlands), Woningstichting Haag Wonen, established in The Hague (Netherlands) and Stichting Woonbedrijf SWS.Hhvl, established in Eindhoven (Netherlands) v European Commission, Kingdom of Belgium and Vereniging van Institutionele Beleggers in Vastgoed, Nederland (IVBN), established in Voorburg (Netherlands)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Existing aid** — Article 108(1) TFEU — **Aid schemes in favour of social housing corporations** — Regulation (EC) No 659/1999 — Articles 17, 18 and 19 — **Assessment by the Commission of the compatibility with the internal market of an existing aid scheme** — Proposal of appropriate measures — **Commitments given by the national authorities in order to comply with EU law — Compatibility decision — Scope of judicial review — Legal effects**

[CURIA – Judgment of the Court of Justice in Case C-415/15 of 15 March 2017](#)

**Case C-162/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017 - Evonik Degussa GmbH, established in Essen (Germany) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition** — Articles 101 TFEU and 102 TFEU — Regulation (EC) No 1/2003 — Article 30 — **Commission decision finding an illegal cartel on the European hydrogen peroxide and perborate market — Publication of an extended non-confidential version of that decision — Rejection of a request for confidential treatment of certain information — Terms of reference of the hearing officer** — Decision 2011/695/EU — Article 8 — Confidentiality — Protection of professional secrecy — Article 339 TFEU — **Concept of ‘business secrets or other confidential information’ — Information from a request for leniency — Rejection of the request for confidential treatment — Legitimate expectations**

[CURIA – Judgment of the Court of Justice in Case C-162/15 of 14 March 2017](#)

**Case C-615/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 9 March 2017 - Samsung SDI Co. Ltd, established in Gyeonggi-do (Republic of Korea) and Samsung SDI (Malaysia) Bhd, established in Negeri Sembilan Darul Khusus (Malaysia) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices — Global market for cathode ray tubes for television sets and computer monitors — Agreements and concerted practices on pricing, market sharing, customer allocation and output limitation** — Fines — Guidelines on the method of setting fines (2006) — Point 13 — Determination of the value of sales relating to the infringement**

[CURIA – Judgment of the Court of Justice in Case C-615/15 of 9 March 2017](#)

**Case C-100/16 P: JUDGMENT OF THE COURT (Tenth Chamber) of 9 March 2017 - Ellinikos Chrysos AE Metalleion kai Viomichanias Chrysou and Hellenic Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Transfer of mines at a price below real market value — Exemption from taxes on the transfer transaction** — Assessment of the amount of the advantage granted**

[CURIA – Judgment of the Court of Justice in Case C-100/16 of 9 March 2017](#)

**Case C-660/15P: JUDGMENT OF THE COURT (First Chamber) of 8 March 2017 - Viasat Broadcasting UK Ltd, established in London (United Kingdom) v European Commission, Kingdom of Denmark and TV2/Danmark A/S, established in Odense (Denmark) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Article 107(1) TFEU — Article 106(2) TFEU — Measures taken by the Danish authorities in favour of the Danish public service broadcaster TV2/Danmark — Compensation for the costs involved in the performance of public service obligations — Decision declaring the aid compatible with the internal market****

[CURIA – Judgment of the Court of Justice in Case C-660/15 of 8 March 2017](#)

**Case C-605/15: OPINION OF ADVOCATE GENERAL KOKOTT of 1 March 2017 - Minister Finansów v Aviva Towarzystwo Ubezpieczeń na Życie S.A. w Warszawie - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Request for a preliminary ruling — **Tax legislation — VAT legislation** — Exemption of an independent group of persons pursuant to Article 132(1)(f) of the VAT Directive — **Application to insurance services — Application to cross-border groups — Assessment of the absence of a distortion of competition — Obligation on the Member States to expand upon a directly-effective provision of a directive****

[CURIA – Opinion of Advocate General in Case C-605/15 of 1 March 2017](#)

## 6. Customs

### Case Law

**Joined Cases C-435/15 and C-666/15: JUDGMENT OF THE COURT (Ninth Chamber) of 22 March 2017 - GROFA GmbH v Hauptzollamt Hannover (C-435/15) – X and GoPro Coöperatief UA v Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond (C-666/15) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) (C-435/15) and the Rechtbank Noord-Holland (District Court, North Holland, Netherlands) (C-666/15) - References for a preliminary ruling — **Common Customs Tariff — Tariff headings — Classification of goods** — Video Camera Recorders — **Combined Nomenclature** — Subheadings 8525 80 30, 8525 80 91 and 8525 80 99 — **Explanatory notes — Interpretation** — Implementing Regulations (EU) Nos 1249/2011 and 876/2014 — Interpretation — Validity**

[CURIA – Judgment of the Court of Justice in Case C-435/15 of 22 March 2017](#)

**Case C-47/16: JUDGMENT OF THE COURT (Sixth Chamber) of 16 March 2017 - Valsts ieņēmumu dienests v «Veloserviss» SIA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas Administratīvo lietu departaments (Administrative Chamber of the Supreme Court, Latvia) - Reference for a preliminary ruling — **Customs union — Community Customs Code — Article 220(2)(b) — Post-clearance recovery of import duties — Legitimate expectations — Conditions under which applicable — Error of the customs authorities — Obligation imposed on the importer to act in good faith and to verify the circumstances of the issue of the Form A certificate of origin — Means of proof — Report of the European Anti-Fraud Office (OLAF)**

[CURIA – Judgment of the Court of Justice in Case C-47/16 of 16 March 2017](#)

**Case C-173/15: JUDGMENT OF THE COURT (Fifth Chamber) of 9 March 2017 - GE Healthcare GmbH v Hauptzollamt Düsseldorf** - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Customs Union — Community Customs Code — Article 32(1)(c) — Determination of the customs value — Royalties or licence fees in respect of the goods being valued — Meaning — Regulation (EEC) No 2454/93 — Article 160 — ‘Condition of sale’ of the goods being valued — Payment of royalties or licence fees to an undertaking related to both the seller and the buyer of the goods — Article 158(3) — Adjustment and apportionment measures**

[CURIA – Judgment of the Court of Justice in Case C-173/15 of 9 March 2017](#)

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

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/461** of 16 March 2017 laying down **implementing technical standards** with regard to **common procedures, forms and templates for the consultation process** between the **relevant competent authorities for proposed acquisitions of qualifying holdings in credit institutions** as referred to in Article 24 of Directive 2013/36/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 72/57 of 17 March 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/389** of 11 November 2016 **supplementing** Regulation (EU) No 909/2014 of the European Parliament and of the Council as regards the **parameters for the calculation of cash penalties for settlement fails and the operations of CSDs in host Member States** (Text with EEA relevance)

[OJ of the EU, L 65/1 of 10 March 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/390** of 11 November 2016 **supplementing** Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to **regulatory technical standards on certain prudential requirements for central securities depositories and designated credit institutions offering banking-type ancillary services** (Text with EEA relevance)

[OJ of the EU, L 65/9 of 10 March 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/391** of 11 November 2016 **supplementing** Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to **regulatory technical standards further specifying the content of the reporting on internalised settlements** (Text with EEA relevance)

[OJ of the EU, L 65/44 of 10 March 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/392** of 11 November 2016 **supplementing** Regulation (EU) No 909/2014 of the European Parliament and of the Council with regard to **regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories** (Text with EEA relevance)

[OJ of the EU, L 65/48 of 10 March 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/393** of 11 November 2016 laying down **implementing technical standards with regard to the templates and procedures for the reporting and transmission of information on internalised settlements** in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 65/116 of 10 March 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/394** of 11 November 2016 laying down **implementing technical standards with regard to standard forms, templates and procedures for authorisation, review and evaluation of central securities depositories**, for the cooperation between authorities of the home Member State and the host Member State, for the consultation of authorities involved in the authorisation to provide banking-type ancillary services, for access involving central securities depositories, and with regard to the format of the records to be maintained by central securities depositories in accordance with Regulation (EU) No 909/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 65/145 of 10 March 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/309** of 23 February 2017 **laying down technical information** for the **calculation of technical provisions and basic own funds for reporting with reference dates** from 31 December 2016 until 30 March 2017 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 53/1 of 28 February 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/323** of 20 January 2017 **correcting** Delegated Regulation (EU) 2016/2251 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on **OTC derivatives, central counterparties and trade repositories** with regard to regulatory **technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty** (Text with EEA relevance)

[OJ of the EU, L 49/1 of 25 February 2017](#)

## Case Law

**Joined Cases C-497/15 and C-498/15: JUDGMENT OF THE COURT (Tenth Chamber) of 22 March 2017 - Euro-Team Kft. (Case C-497/15) and Spirál-Gép Kft. (Case C-498/15) v Budapest Rendőrfőkapitánya** - REQUESTS for a preliminary ruling under Article 267 TFEU, brought by the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Approximation of laws — Road transport — Tax provisions — Directive 1999/62/EC — Charging of heavy goods vehicles for the use of certain infrastructures — Toll — Member States' obligation to establish effective, proportionate and dissuasive penalties — Flat-rate fine — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-497/15 of 22 March 2017](#)

**Case C-493/15: JUDGMENT OF THE COURT (Seventh Chamber) of 16 March 2017 - Agenzia delle Entrate v Marci Identi** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Court of cassation, Italy) - Reference for a preliminary ruling — **Taxation — Value added tax — Article 4(3) TEU — Sixth Directive — State aid — Procedure discharging bankrupt natural persons from debts (esdebitazione) — Ineligibility of VAT debts**

[CURIA – Judgment of the Court of Justice in Case C-493/15 of 16 March 2017](#)

**Affaire C-211/16: ARRÊT DE LA COUR (septième chambre) du 16 mars 2017 - Bimotor SpA contre Agenzia delle Entrate – Direzione Provinciale II di Torino** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par la Commissione tributaria provinciale di Torino (commission fiscale provinciale de Turin, Italie) - Renvoi préjudiciel – **Taxe sur la valeur ajoutée – Principe de neutralité fiscale** – Réglementation nationale prévoyant un plafond maximal fixe limitant le montant du remboursement ou de la compensation du crédit ou de l'excédent de taxe sur la valeur ajoutée

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-211/16 du 16 mars 2017](#)

**Case C-206/16: OPINION OF ADVOCATE GENERAL WAHL of 15 March 2017 - Marco Tronchetti Provera SpA and Others v Commissione Nazionale per le Società e la Borsa (Consob)** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Company law — Directive 2004/25/EC — **Protection of the interests of minority shareholders in relation to takeover bids** — Article 5(4) — **Concept of ‘clearly determined’** — National rules permitting the supervisory authority to adjust the price offered in the takeover bid — **Collusion between the offeror or the persons acting in concert with it and one or more sellers**  
[CURIA – Opinion of Advocate General in Case C-206/16 of 15 March 2017](#)

**Case C-162/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017 - Evonik Degussa GmbH, established in Essen (Germany) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition** — Articles 101 TFEU and 102 TFEU — Regulation (EC) No 1/2003 — Article 30 — **Commission decision finding an illegal cartel on the European hydrogen peroxide and perborate market** — **Publication of an extended non-confidential version of that decision** — **Rejection of a request for confidential treatment of certain information** — **Terms of reference of the hearing officer** — Decision 2011/695/EU — Article 8 — Confidentiality — Protection of professional secrecy — Article 339 TFEU — **Concept of ‘business secrets or other confidential information’** — **Information from a request for leniency** — **Rejection of the request for confidential treatment** — **Legitimate expectations**  
[CURIA – Judgment of the Court of Justice in Case C-162/15 of 14 March 2017](#)

**Case C-573/15: JUDGMENT OF THE COURT (Sixth Chamber) of 9 March 2017 - État belge v Oxycure Belgium SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d’appel de Liège (Court of Appeal, Liège, Belgium) - Reference for a preliminary ruling — **Value added tax** — Directive 2006/112/EC — Article 98(2) — Annex III, points 3 and 4 — **Principle of fiscal neutrality** — **Medical treatment using oxygen** — **Reduced VAT rate** — Oxygen cylinders — Standard rate of VAT — Oxygen concentrators  
[CURIA – Judgment of the Court of Justice in Case C-573/15 of 9 March 2017](#)

**Case C-448/15: JUDGMENT OF THE COURT (Fifth Chamber) of 8 March 2017 - Belgische Staat v Wereldhave Belgium Comm. VA, Wereldhave International NV and Wereldhave NV** - REQUEST for a preliminary ruling under Article 267 TFEU from the hof van beroep te Brussel (Court of Appeal, Brussels, Belgium) - Reference for a preliminary ruling — **Parent companies and subsidiaries established in different Member States** — **Common system of taxation applicable** — **Corporation tax** — Directive 90/435/EEC — Scope — Article 2(c) — **Company subject to tax without the possibility of an option or of being exempt** — **Taxation at a zero rate**  
[CURIA – Judgment of the Court of Justice in Case C-448/15 of 8 March 2017](#)

**Case C-14/16: JUDGMENT OF THE COURT (First Chamber) of 8 March 2017 - Euro Park Service, having assumed the rights and obligations of SCI Cairnbulg Nanteuil v Ministre des Finances et des Comptes publics** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d’État (Council of State, France) - Reference for a preliminary ruling — **Direct taxation** — **Companies of different Member States** — **Common system of taxation** — **Merger by acquisition** — **Prior approval of the tax authority** — Directive 90/434/EEC — Article 11(1)(a) — **Tax evasion or avoidance** — **Freedom of establishment**  
[CURIA – Judgment of the Court of Justice in Case C-14/16 of 8 March 2017](#)

**Case C-390/15: JUDGMENT OF THE COURT (Grand Chamber) of 7 March 2017 - Rzecznik Praw Obywatelskich (RPO) v Marszałek Sejmu Rzeczypospolitej Polskiej and Prokurator Generalny** - REQUEST for a preliminary ruling under Article 267 TFEU from the Trybunał Konstytucyjny (Constitutional Court, Poland) - Reference for a preliminary ruling — **Taxation** — **Value added tax (VAT)** — Directive 2006/112/EC — Point 6 of Annex III — Validity — Procedure — **Amendment of a proposal for a Council directive after the Parliament has given an opinion** — **No fresh consultation of the Parliament** — Article 98(2) — **Validity** — **Reduced rate of VAT precluded from being applied to the supply of digital books electronically** — **Principle of equal treatment** — **Comparability of two situations** — **Supply of digital books electronically and on all physical means of support**  
[CURIA – Judgment of the Court of Justice in Case C-390/15 of 7 March 2017](#)



**Case C-552/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 2 March 2017 - European Commission v Ireland** - Failure of a Member State to fulfil obligations — **Freedom to provide services — Motor vehicles — Rental or leasing of a motor vehicle by a person resident in one Member State from a supplier established in another Member State — Registration tax** — Payment of the full amount of tax at the time of registration — **Rules on the repayment of tax** — Proportionality

[CURIA – Opinion of Advocate General in Case C-552/15 of 2 March 2017](#)

**Case C-496/15: JUDGMENT OF THE COURT (Second Chamber) of 2 March 2017 - Alphonse Eschenbrenner v Bundesagentur für Arbeit** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landessozialgericht Rheinland-Pfalz, Mainz (Rhineland-Palatinate Higher Social Court, Mainz, Germany) - Reference for a preliminary ruling — **Freedom of movement for workers** — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7 — **Equal treatment — Frontier worker subject to income tax in the Member State of residence — Benefit paid by the Member State of employment in the event of the employer’s insolvency** — Detailed rules for the calculation of the insolvency benefit — **Notional taking into account of the income tax of the Member State of employment — Insolvency benefit lower than the previous net remuneration — Bilateral convention for the avoidance of double taxation**

[CURIA – Judgment of the Court of Justice in Case C-496/15 of 2 March 2017](#)

**Case C-38/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 2 March 2017 - Compass Contract Services Limited v Commissioners for Her Majesty’s Revenue & Customs** - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber), United Kingdom - **VAT — Tax paid but not due — Detailed rules on repayment — National legislation introducing a limitation period** — Difference in relation to the period laid down for repayment of deductions wrongly refused — **Principles of equal treatment, fiscal neutrality and effectiveness**

[CURIA – Opinion of Advocate General in Case C-38/16 of 2 March 2017](#)

**Case C-151/16: OPINION OF ADVOCATE GENERAL KOKOTT of 2 March 2017 - ‘Vakarų Baltijos laivų statykla’ UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos** - Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Request for a preliminary ruling — **Law on excise duty — Exemption for the supply of energy products — Use as fuel for the purposes of navigation** — Requirements laid down by Member States for the purpose of ensuring correct and straightforward application — Insufficient evidence — Proportionality — **Application of principles from VAT law**

[CURIA – Opinion of Advocate General in Case C-151/16 of 2 March 2017](#)

**Case C-605/15: OPINION OF ADVOCATE GENERAL KOKOTT of 1 March 2017 - Minister Finansów v Aviva Towarzystwo Ubezpieczeń na Życie S.A. w Warszawie** - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Request for a preliminary ruling — **Tax legislation — VAT legislation** — Exemption of an independent group of persons pursuant to Article 132(1)(f) of the VAT Directive — **Application to insurance services — Application to cross-border groups — Assessment of the absence of a distortion of competition — Obligation on the Member States to expand upon a directly-effective provision of a directive**

[CURIA – Opinion of Advocate General in Case C-605/15 of 1 March 2017](#)

**Case C-326/15: OPINION OF ADVOCATE GENERAL KOKOTT of 1 March 2017 - ‘DNB Banka’ AS** - Request for a preliminary ruling from the Administratīvā apgabaltiesa (Latvia) - **Taxation — VAT** — Article 132(1)(f) of Directive 2006/112/EC — **Exemption for the supply of services by independent groups for their members** — Direct effect of a directive — **Definition of an ‘independent group of persons’**

[CURIA – Opinion of Advocate General in Case C-326/15 of 1 March 2017](#)

## 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

### Community Legislation

**COMMISSION REGULATION (EU) 2017/492** of 21 March 2017 **amending** Regulation (EC) No 883/2004 of the European Parliament and of the Council on the **coordination of social security systems** and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 (Text with relevance for the EEA and Switzerland)

[OJ of the EU, L 76/13 of 22 March 2017](#)

### Case Law

**Case C-143/16: OPINION OF ADVOCATE GENERAL BOBEK of 23 March 2017 - Abercrombie & Fitch Italia Srl v Antonino Bordonaro** - Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Social policy — Principles of equal treatment and non-discrimination on grounds of age** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 6(1) — **National legislation providing for on-call working contracts with persons under the age of 25**  
[CURIA – Opinion of Advocate General in Case C-143/16 of 23 March 2017](#)

**Case C-190/16: OPINION OF ADVOCATE GENERAL BOBEK of 21 March 2017 - Werner Fries v Lufthansa CityLine GmbH** - Request for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - **Transport Policy — Air transport** — Commission Regulation No 1178/2011 — Validity of Point FCL.065(b) of Annex I to Regulation No 1178/2011 — **Article 15(1) and Article 21(1) of the Charter of Fundamental Rights of the European Union ('the Charter') — Freedom to choose an occupation and right to engage in work — Equal treatment on the basis of age — Age limit of 65 for pilots engaged in commercial air transport** — Aviation safety — Definition of 'commercial air transport' — Ferry flights and training and examination activities  
[CURIA – Opinion of Advocate General in Case C-190/16 of 21 March 2017](#)

**Case C-98/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 16 March 2017 - María Begoña Espadas Recio v Servicio Público de Empleo Estatal (SPEE)** - Request for a preliminary ruling from the Juzgado de lo Social No 33 de Barcelona (Social Court No 33 of Barcelona, Spain) - Directive 79/7/EEC — Article 4(1) — **Equal treatment of male and female workers** — Directive 97/81/EC — **Framework Agreement on part-time work — National legislation providing for calculation of the duration of unemployment benefit — Days not worked disregarded — Discrimination**  
[CURIA – Opinion of Advocate General in Case C-98/15 of 16 March 2017](#)

**Case C-188/15: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017 - Asma Bougnaoui and Association de défense des droits de l'homme (ADDH) v Micropole SA, formerly Micropole Univers SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment — Discrimination based on religion or belief — Genuine and determining occupational requirement — Meaning — Customer's wish not to have services provided by a worker wearing an Islamic headscarf**  
[CURIA – Judgment of the Court of Justice in Case C-188/15 of 14 March 2017](#)

**Case C-157/15: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017 - Samira Achbita, and Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van Cassatie (Court of Cassation, Belgium) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment** — **Discrimination based on religion or belief** — **Workplace regulations of an undertaking prohibiting workers from wearing visible political, philosophical or religious signs in the workplace** — Direct discrimination — None — Indirect discrimination — **Female worker prohibited from wearing an Islamic headscarf**

[CURIA – Judgment of the Court of Justice in Case C-157/15 of 14 March 2017](#)

**Case C-406/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017 - Petya Milkova v Izpalnitelen direktor na Agentsiata za privatizatsia i sledprivatizatsionen control and Varhovna administrativna prokuratura** - REQUEST for a preliminary ruling under Article 267 TFEU from the Varhoven administrativen sad (Supreme Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Social policy** — **Equal treatment in employment and occupation** — United Nations Convention on the Rights of Persons with Disabilities — Articles 5 and 27 — Directive 2000/78/EC — Article 7 — **Enhanced protection in the event of dismissal of employees with disabilities** — **No such protection for civil servants with disabilities** — **General principle of equal treatment**

[CURIA – Judgment of the Court of Justice in Case C-406/15 of 9 March 2017](#)

**Case C-570/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 8 March 2017 – X v Staatssecretaris van Financiën** - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling – Regulation (EEC) No 1408/71 – **Social security – Determination of the applicable legislation** – Articles 13(2)(a) and 14(2)(b)(i) – **Person normally employed in the territory of two Member States** – Person employed in one Member State and pursuing a part of his work activity in the Member State of his residence mostly by working from home

[CURIA – Opinion of Advocate General in Case C-570/15 of 8 March 2017](#)

**Case C-569/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 8 March 2017 – X v Staatssecretaris van Financiën** - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling – Regulation (EEC) No 1408/71 – **Social security – Determination of the applicable legislation** – Articles 13(2)(a) and 14(2)(b)(i) – **Person normally employed in the territory of two Member States – Employee on three-month’s unpaid leave pursuing an activity as an employed person in another Member State**

[CURIA – Opinion of Advocate General in Case C-569/15 of 8 March 2017](#)

**Case C-97/16: JUDGMENT OF THE COURT (Tenth Chamber) of 2 March 2017 - José María Pérez Retamero v TNT Express Worldwide Spain S.L., Last Mile Courier S.L., formerly Transportes Sapirod S.L. and Fondo de Garantía Salarial (Fogasa)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social No 3 de Barcelona (Labour Court, Barcelona, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 2002/15/EC — **Protection of the safety and health of workers** — **Organisation of working time** — **Road transport** — **Mobile worker** — **Self-employed driver** — **Concept** — **Inadmissibility**

[CURIA – Judgment of the Court of Justice in Case C-97/16 of 2 March 2017](#)

**Case C-496/15: JUDGMENT OF THE COURT (Second Chamber) of 2 March 2017 - Alphonse Eschenbrenner v Bundesagentur für Arbeit** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landessozialgericht Rheinland-Pfalz, Mainz (Rhineland-Palatinate Higher Social Court, Mainz, Germany) - Reference for a preliminary ruling — **Freedom of movement for workers** — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 7 — **Equal treatment** — **Frontier worker subject to income tax in the Member State of residence** — **Benefit paid by the Member State of employment in the event of the employer’s insolvency** — Detailed rules for the calculation of the insolvency benefit — **Notional taking into account of the income tax of the Member State of employment** — **Insolvency benefit lower than the previous net remuneration** — **Bilateral convention for the avoidance of double taxation**

[CURIA – Judgment of the Court of Justice in Case C-496/15 of 2 March 2017](#)

**Case C-245/15: JUDGMENT OF THE COURT (Tenth Chamber) of 2 March 2017 - SC Casa Noastră SA v Ministerul Transporturilor — Inspectoratul de Stat pentru Controlul în Transportul Rutier (ISCTR) - REQUEST for a preliminary ruling under Article 267 TFEU from the Judecătoria Balș — Județul Olt (Court of First Instance, Balș — Area of Olt, Romania) - Reference for a preliminary ruling — **Road transport — Social provisions — Exceptions — Regulation (EC) No 561/2006 — Article 3(a) — Regulation (EC) No 1073/2009 — Article 2(3) — Regular services providing for the carriage of passengers — Concept — Carriage free of charge organised by an economic operator for its employees, to and from work, in vehicles belonging to it and driven by one of its employees****

[CURIA – Judgment of the Court of Justice in Case C-245/15 of 2 March 2017](#)

## 10. Energy and Environment

### Case Law

**Case C-329/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 March 2017 - ENEA SA w Poznaniu v Prezes Urzędu Regulacji Energetyki - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — Article 107(1) TFEU — **State aid — Supply obligation regarding electricity produced by cogeneration — Electricity providers whose share capital is State-owned — Concept of advantage — Increase in demand — Whether attributable to the State — Legislative measure — No use of State resources — Article 108(3) TFEU — Unlawful implementation of State aid — Direct effect — Whether that may be relied upon by electricity providers subject to the supply obligation — Financial penalty in the event of failure to fulfil the supply obligation — Exclusion in the event of unlawful implementation of State aid****

[CURIA – Opinion of Advocate General in Case C-329/15 of 22 March 2017](#)

**Affaire C-563/15: ARRÊT DE LA COUR (dixième chambre) du 15 mars 2017 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Environnement — Directive 2008/98/CE – Articles 13 et 15 – Gestion des déchets – Protection de la santé humaine et de l'environnement – Responsabilité – Décharges****

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-563/15 du 15 mars 2017](#)

**Case C-323/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Polynt SpA, established in Scanzorosciate (Italy), New Japan Chemical, established in Osaka (Japan) and REACH ChemAdvice GmbH, established in Kelkheim (Germany) v Sitre Srl, established in Milan (Italy), European Chemicals Agency (ECHA), Kingdom of the Netherlands and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Article 57(f) — **Authorisation — Substances of very high concern — Identification — Equivalent level of concern — Cyclohexane-1,2-dicarboxylic anhydride, cis-cyclohexane-1,2-dicarboxylic anhydride and trans-cyclohexane-1,2-dicarboxylic anhydride****

[CURIA – Judgment of the Court of Justice in Case C-323/15 of 15 March 2017](#)

**Case C-324/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Hitachi Chemical Europe GmbH, established in Düsseldorf (Germany), Polynt SpA, established in Scanzorosciate (Italy), REACH ChemAdvice GmbH, established in Kelkheim (Germany) and New Japan Chemical, established in Osaka (Japan) v Sitre Srl, established in Milan (Italy), European Chemicals Agency (ECHA), Kingdom of the Netherlands and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Article 57(f) — **Authorisation — Substances of very high concern — Identification — Equivalent level of concern — Hexahydromethylphthalic anhydride, hexahydro-4-methylphthalic anhydride, hexahydro-1-methylphthalic anhydride and hexahydro-3-methylphthalic anhydride****

[CURIA – Judgment of the Court of Justice in Case C-324/15 of 15 March 2017](#)

**Case C-80/16: OPINION OF ADVOCATE GENERAL WAHL of 9 March 2017 - ArcelorMittal Atlantique et Lorraine v Ministre de l'Écologie, du Développement durable et de l'Énergie** - Request for a preliminary ruling from the Tribunal administratif de Montreuil (Administrative Court, Montreuil, France) - **Environment — Greenhouse gas emission allowance trading scheme** — Directive 2003/87/EC — **Transitional rules** — Decision 2011/278/EU — **Validity — Method for allocating allowances free of charge** — Steel sector — Benchmarks for hot metal and sintered ore — Production of electricity from waste gases — **Use of most accurate and up-to-date data — Most efficient installations — Obligation to state reasons**

[CURIA – Opinion of Advocate General in Case C-80/16 of 9 March 2017](#)

**Case C-4/16: JUDGMENT OF THE COURT (Second Chamber) of 2 March 2017 - J. D. v Prezes Urzędu Regulacji Energetyki** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Warszawie Wydział Cywilny (Court of Appeal, Warsaw, Civil Division, Poland) - Reference for a preliminary ruling — **Environment** — Directive 2009/28/EC — The second subparagraph of Article 2(a) — **Energy from renewable sources — Hydropower — Meaning — Energy produced in a small-scale hydropower plant located at the point of discharge of industrial waste water from another plant**

[CURIA – Judgment of the Court of Justice in Case C-4/16 of 2 March 2017](#)

**Case C-321/15: JUDGMENT OF THE COURT (Fifth Chamber) of 8 March 2017 - ArcelorMittal Rodange et Schifflange SA v State of the Grand Duchy of Luxembourg** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour constitutionnelle (Luxembourg) - Reference for a preliminary ruling — **Environment — Scheme for greenhouse gas emissions allowance trading in the European Union** — Directive 2003/87/EC — Article 3(a) — Articles 11 and 12 — **Cessation of activities of an installation — Surrender of unused allowances** — Period from and including 2008 to 2012 — No compensation — **Broad logic of the greenhouse gas emissions allowance trading scheme**

[CURIA – Judgment of the Court of Justice in Case C-321/15 of 8 March 2017](#)

**Affaire C-160/16: ARRÊT DE LA COUR (neuvième chambre) du 2 mars 2017 - Commission européenne contre République hellénique** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Politique énergétique – Performance énergétique des bâtiments** – Directive 2010/31/UE – Article 5, paragraphe 2 – **Rapport sur les niveaux optimaux en fonction des coûts**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-160/16 du 2 mars 2017](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COUNCIL DECISION (EU) 2017/449** of 7 March 2017 on the **position to be adopted, on behalf of the European Union, in the 60th session of the Commission on Narcotic Drugs on the scheduling of substances under the Single Convention on Narcotic Drugs of 1954**, as amended by the 1972 Protocol, and the **Convention on Psychotropic Substances of 1971**

[OJ of the EU, L 69/25 of 15 March 2017](#)

### Case Law

**Case C-323/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Polynt SpA, established in Scanzorosciate (Italy), New Japan Chemical, established in Osaka (Japan) and REACH ChemAdvice GmbH, established in Kelkheim (Germany) v Sitre Srl, established in Milan (Italy), European Chemicals Agency (ECHA), Kingdom of the Netherlands and European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Article 57(f) — **Authorisation — Substances of very high concern — Identification — Equivalent level of concern** — Cyclohexane-1,2-dicarboxylic anhydride, cis-cyclohexane-1,2-dicarboxylic anhydride and trans-cyclohexane-1,2-dicarboxylic anhydride

[CURIA – Judgment of the Court of Justice in Case C-323/15 of 15 March 2017](#)

**Case C-324/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Hitachi Chemical Europe GmbH, established in Düsseldorf (Germany), Polynt SpA, established in Scanzorosciate (Italy), REACH ChemAdvice GmbH, established in Kelkheim (Germany) and New Japan Chemical, established in Osaka (Japan) v Sitre Srl, established in Milan (Italy), European Chemicals Agency (ECHA), Kingdom of the Netherlands and European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Article 57(f) — **Authorisation — Substances of very high concern — Identification — Equivalent level of concern** — Hexahydromethylphthalic anhydride, hexahydro-4-methylphthalic anhydride, hexahydro-1-methylphthalic anhydride and hexahydro-3-methylphthalic anhydride

[CURIA – Judgment of the Court of Justice in Case C-324/15 of 15 March 2017](#)

**Case C-141/15: JUDGMENT OF THE COURT (Fourth Chamber) of 9 March 2017 - Doux SA, in administration v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer)** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif de Rennes (Administrative Court, Rennes, France) - Reference for a preliminary ruling — Regulation (EC) No 543/2008 — Article 15(1) — Article 16 — **Frozen or quick-frozen chickens — Maximum limit for water content — Obsolescence of that limit — Practical measures for checks** — Counter-analysis — Regulation No 612/2009 — Article 28 — **Export refunds on agricultural products — Conditions for granting — Sound and fair marketable quality — Products marketable in normal conditions**

[CURIA – Judgment of the Court of Justice in Case C-141/15 of 9 March 2017](#)

**Case C-568/15: JUDGMENT OF THE COURT (Seventh Chamber) of 2 March 2017 - Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV v comtech GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Stuttgart (Regional Court, Stuttgart (Germany)) - Reference for a preliminary ruling — **Consumer protection** — Directive 2011/83/EU — Article 21 — **Communication by telephone — Operation of a telephone line by a trader to enable consumers to contact him in relation to a contract concluded — Prohibition on applying a rate higher than the basic rate — Concept of 'basic rate'**

[CURIA – Judgment of the Court of Justice in Case C-568/15 of 2 March 2017](#)

**Case C-621/15: OPINION OF ADVOCATE GENERAL Bobek of 7 March 2017 - - W, X and Y v Sanofi Pasteur MSD SNC, Caisse primaire d'assurance maladie des Hauts-de-Seine and Caisse Carpimko** - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - **Liability for defective products — Pharmaceutical laboratories — Vaccination against hepatitis B — Victim of multiple sclerosis** — Burden of proof — Proof of damage by fault of vaccination and causal link between fault and damage resting on the claimant — **Method of proof — System of presumptions — Lack of scientific consensus — Causal link**

[CURIA – Opinion of Advocate General in Case C-621/15 of 7 March 2017](#)

## 12. Human Rights

### Community Legislation

**COMMISSION RECOMMENDATION (EU) 2017/432** of 7 March 2017 on **making returns more effective** when implementing the Directive 2008/115/EC of the European Parliament and of the Council

[OJ of the EU, L 66/15 of 11 March 2017](#)

## Case Law

**Joined Cases C-124/16, C-188/16 and C-213/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2017** - *Ianos Tranca (C-124/16), Tanja Reiter (C-213/16) and Ionel Opria (C-188/16) v Staatsanwaltschaft München I* - REQUESTS for a preliminary ruling under Article 267 TFEU from the *Amtsgericht München (Local Court, Munich, Germany)* and *Landgericht München I (Regional Court, Munich I, Germany)* - References for a preliminary ruling — **Judicial cooperation in criminal matters** — Directive 2012/13/EU — **Right to information in criminal proceedings** — **Right to be informed about the charge** — **Service of a penalty order** — **Procedures** — **Mandatory appointment of person authorised to accept service** — **Non-resident accused person with no fixed place of residence** — **Period for lodging an objection running from service on the person authorised to accept service**

[CURIA – Judgment of the Court of Justice in Case C-124/16 of 22 March 2017](#)

**Case C-190/16: OPINION OF ADVOCATE GENERAL BOBEK of 21 March 2017** - *Werner Fries v Lufthansa CityLine GmbH* - Request for a preliminary ruling from the *Bundesarbeitsgericht (Federal Labour Court, Germany)* - **Transport Policy** — **Air transport** — Commission Regulation No 1178/2011 — Validity of Point FCL.065(b) of Annex I to Regulation No 1178/2011 — **Article 15(1) and Article 21(1) of the Charter of Fundamental Rights of the European Union ('the Charter')** — **Freedom to choose an occupation and right to engage in work** — **Equal treatment on the basis of age** — **Age limit of 65 for pilots engaged in commercial air transport** — Aviation safety — Definition of 'commercial air transport' — Ferry flights and training and examination activities

[CURIA – Opinion of Advocate General in Case C-190/16 of 21 March 2017](#)

**Case C-528/15: JUDGMENT OF THE COURT (Second Chamber) of 15 March 2017** - *Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v Salah Al Chodor, Ajlin Al Chodor and Ajvar Al Chodor* - REQUEST for a preliminary ruling under Article 267 TFEU from the *Nejvyšší správní soud (Supreme Administrative Court, Czech Republic)* - Reference for a preliminary ruling — **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** — Regulation (EU) No 604/2013 (Dublin III) — Article 28(2) — **Detention for the purpose of transfer** — Article 2(n) — **Significant risk of absconding** — **Objective criteria** — **Absence of a legal definition**

[CURIA – Judgment of the Court of Justice in Case C-528/15 of 15 March 2017](#)

**Case C-188/15: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017** - *Asma Bougnaoui and Association de défense des droits de l'homme (ADDH) v Micropole SA, formerly Micropole Univers SA* - REQUEST for a preliminary ruling under Article 267 TFEU from the *Cour de cassation (Court of Cassation, France)* - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment** — **Discrimination based on religion or belief** — **Genuine and determining occupational requirement** — **Meaning** — **Customer's wish not to have services provided by a worker wearing an Islamic headscarf**

[CURIA – Judgment of the Court of Justice in Case C-188/15 of 14 March 2017](#)

**Case C-157/15: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017** - *Samira Achbita, and Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV* - REQUEST for a preliminary ruling under Article 267 TFEU from the *Hof van Cassatie (Court of Cassation, Belgium)* - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment** — **Discrimination based on religion or belief** — **Workplace regulations of an undertaking prohibiting workers from wearing visible political, philosophical or religious signs in the workplace** — Direct discrimination — None — Indirect discrimination — **Female worker prohibited from wearing an Islamic headscarf**

[CURIA – Judgment of the Court of Justice in Case C-157/15 of 14 March 2017](#)

**Case C-398/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017** - *Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce v Salvatore Manni* - REQUEST for a preliminary ruling under Article 267 TFEU from the *Corte suprema di cassazione (Court of Cassation, Italy)* - Reference for a preliminary ruling — **Personal data** — **Protection of individuals with regard to the processing of personal data** — Directive 95/46/EC — Article 6(1)(e) — **Data subject to disclosure in the companies register** — First Directive 68/151/EEC — Article 3 — **Winding-up of the company concerned** — **Restriction of access to that data by third parties**

[CURIA – Judgment of the Court of Justice in Case C-398/15 of 9 March 2017](#)

**Case C-685/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 9 March 2017 - Online Games Handels GmbH, Frank Breuer, Nicole Enter and Astrid Walden v Landespolizeidirektion Oberösterreich** - Request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich (Upper Austria Regional Administrative Court, Austria) - Articles 49 and 56 TFEU – **Games of chance – Gaming monopoly in a Member State – Infringement – National legislation providing for the court to examine the facts ex officio (Amtswegigkeitsgrundsatz) – European Convention for the Protection of Human Rights and Fundamental Freedoms** – Article 6 – Charter of Fundamental Rights of the European Union – Article 47  
[CURIA – Opinion of Advocate General in Case C-685/15 of 9 March 2017](#)

**Case C-638/16 PPU: JUDGMENT OF THE COURT (Grand Chamber) of 7 March 2017 - X and X v État belge** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil du Contentieux des Étrangers (Council for asylum and immigration proceedings, Belgium) - Reference for a preliminary ruling — Regulation (EC) No 810/2009 — Article 25(1)(a) — **Visa with limited territorial validity — Issuing of a visa on humanitarian grounds or because of international obligations — Concept of ‘international obligations’ — Charter of Fundamental Rights of the European Union** — European Convention for the Protection of Human Rights and Fundamental Freedoms — **Geneva Convention — Issuing of a visa where a risk of infringement of Article 4 and/or Article 18 of the Charter of Fundamental Rights is established — No obligation**  
[CURIA – Judgment of the Court of Justice in Case C-638/16 of 7 March 2017](#)

**Case C-60/16: OPINION OF ADVOCATE GENERAL BOT of 1 March 2017 - Mohammad Khir Amayry v Migrationsverket** - Request for a preliminary ruling from the Kammarrätten i Stockholm – Migrationsöverdomstolen (Administrative Court of Appeal for Immigration Matters, Stockholm, Sweden) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national** — Article 28 of the regulation — **Detention of the person concerned for the purpose of his transfer to the Member State responsible** — Period within which the transfer must be carried out — Calculation of the period — **National legislation authorising the person’s detention and the extension of that detention for a period longer than two months — Lawfulness**  
[CURIA – Opinion of Advocate General in Case C-60/16 of 1 March 2017](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-329/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 22 March 2017 - ENEA SA w Poznaniu v Prezes Urzędu Regulacji Energetyki** - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — Article 107(1) TFEU — **State aid — Supply obligation regarding electricity produced by cogeneration — Electricity providers whose share capital is State-owned — Concept of advantage** — Increase in demand — Whether attributable to the State — Legislative measure — No use of State resources — Article 108(3) TFEU — **Unlawful implementation of State aid — Direct effect — Whether that may be relied upon by electricity providers subject to the supply obligation — Financial penalty in the event of failure to fulfil the supply obligation — Exclusion in the event of unlawful implementation of State aid**  
[CURIA – Opinion of Advocate General in Case C-329/15 of 22 March 2017](#)

**Case C-76/16: OPINION OF ADVOCATE GENERAL M. Campos Sánchez-Bordona of 21 March 2017 - INGSTEEL spol. s r.o. and Metrostav, as v Úrad pre verejné obstarávanie** - Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic - **Public procurement — Qualitative selection criteria** — Proof of an economic operator’s economic and financial standing — **Judicial review of a decision to exclude an economic operator from a tendering procedure**  
[CURIA – Opinion of Advocate General in Case C-76/16 of 21 March 2017](#)



**Case C-414/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Stichting Woonlinie, established in Woudrichem (Netherlands), Woningstichting Volksbelang, established in Wijk bij Duurstede (Netherlands) and Stichting Woonstede, established in Ede (Netherlands) v European Commission, Kingdom of Belgium and Vereniging van Institutionele Beleggers in Vastgoed, Nederland (IVBN), established in Voorburg (Netherlands) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Existing aid — Article 108(1) TFEU — Aid schemes in favour of social housing corporations — Regulation (EC) No 659/1999 — Articles 17, 18 and 19 — Assessment by the Commission of the compatibility with the internal market of an existing aid scheme — Proposal of appropriate measures — Commitments given by the national authorities in order to comply with EU law — Compatibility decision — Scope of judicial review — Legal effects****

[CURIA – Judgment of the Court of Justice in Case C-414/15 of 15 March 2017](#)

**Case C-415/15 P: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017 - Stichting Woonpunt, established in Maastricht (Netherlands), Woningstichting Haag Wonen, established in The Hague (Netherlands) and Stichting Woonbedrijf SWS.Hhvl, established in Eindhoven (Netherlands) v European Commission, Kingdom of Belgium and Vereniging van Institutionele Beleggers in Vastgoed, Nederland (IVBN), established in Voorburg (Netherlands) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Existing aid — Article 108(1) TFEU — Aid schemes in favour of social housing corporations — Regulation (EC) No 659/1999 — Articles 17, 18 and 19 — Assessment by the Commission of the compatibility with the internal market of an existing aid scheme — Proposal of appropriate measures — Commitments given by the national authorities in order to comply with EU law — Compatibility decision — Scope of judicial review — Legal effects****

[CURIA – Judgment of the Court of Justice in Case C-415/15 of 15 March 2017](#)

**Case C-342/15: JUDGMENT OF THE COURT (Fifth Chamber) of 9 March 2017 - Leopoldine Gertraud Piringer - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Freedom of lawyers to provide services — Possibility for Member States to reserve to prescribed categories of lawyers the drafting of formal documents for creating or transferring interests in land — Legislation of a Member State requiring that the authenticity of the signature on a request for entry in the land register be certified by a notary****

[CURIA – Judgment of the Court of Justice in Case C-342/15 of 9 March 2017](#)

**Case C-685/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 9 March 2017 - Online Games Handels GmbH, Frank Breuer, Nicole Enter and Astrid Walden v Landespolizeidirektion Oberösterreich - Request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich (Upper Austria Regional Administrative Court, Austria) - Articles 49 and 56 TFEU – **Games of chance – Gaming monopoly in a Member State – Infringement – National legislation providing for the court to examine the facts ex officio (Amtswegigkeitsgrundsatz) – European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Charter of Fundamental Rights of the European Union – Article 47****

[CURIA – Opinion of Advocate General in Case C-685/15 of 9 March 2017](#)

**Case C-552/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 2 March 2017 - European Commission v Ireland - Failure of a Member State to fulfil obligations — **Freedom to provide services — Motor vehicles — Rental or leasing of a motor vehicle by a person resident in one Member State from a supplier established in another Member State — Registration tax — Payment of the full amount of tax at the time of registration — Rules on the repayment of tax — Proportionality****

[CURIA – Opinion of Advocate General in Case C-552/15 of 2 March 2017](#)

## 14. Intellectual Property

### Case Law

**Case C-138/16: JUDGMENT OF THE COURT (Eighth Chamber) of 16 March 2017 - Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger registrierte Genossenschaft mbH (AKM) v Zürs.net Betriebs GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Handelsgericht Wien (Commercial Court, Vienna, Austria) - Reference for a preliminary ruling — **Intellectual property — Copyright and related rights in the information society** — Directive 2001/29/EC — **Right of communication of works to the public** — Article 3(1) — **Exceptions and limitations** — Article 5(3)(o) — **Broadcast of television programmes through a local cable network** — National law laying down exceptions for installations allowing access to a maximum of 500 subscribers and for the retransmission of broadcasts of the public broadcaster in national territory

[CURIA – Judgment of the Court of Justice in Case C-138/16 of 16 March 2017](#)

**Affaire C-655/15 P: ARRÊT DE LA COUR (huitième chambre) du 2 mars 2017 - Panrico SA, établie à Esplugues de Llobregat (Espagne) v Office de l'Union européenne pour la propriété intellectuelle (EUIPO) and HDN Development Corp., établie à Frankfort (États-Unis)** - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Marque de l'Union européenne** — Règlement (CE) n° 40/94 — Article 52 — Article 8, paragraphe 1, sous b), et paragraphe 5 — **Marque figurative comportant les éléments verbaux "krispy kreme doughnuts"** — **Marques verbales et figuratives, nationales et internationales, comportant les éléments "donut", "donuts" et "doughnuts"** — **Demande en nullité – Rejet**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-655/15 du 2 mars 2017](#)

**Case C-275/15: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2017 - ITV Broadcasting Limited, ITV2 Limited, ITV Digital Channels Limited, Channel Four Television Corporation, 4 Ventures Limited, Channel 5 Broadcasting Limited and ITV Studios Limited v TVCatchup Limited (in administration), TVCatchup (UK) Limited, Media Resources Limited and The Secretary of State for Business, Innovation and Skills** - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights in the information society** — Article 9 — **Access to cable of broadcasting services — Concept of 'cable' — Retransmission of broadcasts of commercial television broadcasters by a third party via the internet — 'Live streaming'**

[CURIA – Judgment of the Court of Justice in Case C-275/15 of 1 March 2017](#)

**Joined Cases C-24/16 and C-25/16: OPINION OF ADVOCATE GENERAL BOT of 1 March 2017 - Nintendo Co. Ltd v BigBen Interactive GmbH and BigBen Interactive SA** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction and enforcement of judgments** — Regulation (EC) No 6/2002 — **Protection of Community designs** — Regulation (EC) No 864/2007 — **Applicable law — Territorial scope of decisions concerning claims supplementary to an action for infringement — Concepts of 'other sanctions' and 'acts of reproduction for the purpose of making citations'**

[CURIA – Opinion of Advocate General in Case C-24/16 of 1 March 2017](#)

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

### International Agreements

**COMMISSION DECISION (EU) 2017/388** of 6 March 2017 **confirming the participation of the United Kingdom of Great Britain and Northern Ireland** in Regulation (EU) 2016/794 of the European Parliament and of the Council on the **European Union Agency for Law Enforcement Cooperation** (Europol)  
[OJ of the EU, L 59/39 of 7 March 2017](#)

**AMENDMENTS TO THE ANNEXES OF THE LUGANO CONVENTION**, 30 OCTOBER 2007  
[OJ of the EU, L 57/63 of 3 March 2017](#)

### Community Legislation

**REGULATION (EU) 2017/458 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 March 2017 **amending** Regulation (EU) 2016/399 as regards the **reinforcement of checks against relevant databases at external borders**  
[OJ of the EU, L 74/1 of 18 March 2017](#)

### Case Law

**Joined Cases C-124/16, C-188/16 and C-213/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2017** - Ianos Tranca (C-124/16), Tanja Reiter (C-213/16) and Ionel Opria (C-188/16) v Staatsanwaltschaft München I - REQUESTS for a preliminary ruling under Article 267 TFEU from the Amtsgericht München (Local Court, Munich, Germany) and Landgericht München I (Regional Court, Munich I, Germany) - References for a preliminary ruling — **Judicial cooperation in criminal matters** — Directive 2012/13/EU — **Right to information in criminal proceedings** — **Right to be informed about the charge** — **Service of a penalty order** — **Procedures** — **Mandatory appointment of person authorised to accept service** — **Non-resident accused person with no fixed place of residence** — **Period for lodging an objection running from service on the person authorised to accept service**  
[CURIA – Judgment of the Court of Justice in Case C-124/16 of 22 March 2017](#)

**Case C-3/16: JUDGMENT OF THE COURT (First Chamber) of 15 March 2017** - Lucio Cesare Aquino v Belgische Staat - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium) - Reference for a preliminary ruling — **EU law** — **Rights conferred on individuals** — **Infringement by a court** — **Questions referred for a preliminary ruling** — **Reference to the Court** — **National court of last instance**  
[CURIA – Judgment of the Court of Justice in Case C-3/16 of 15 March 2017](#)

**Case C-158/14: JUDGMENT OF THE COURT (Grand Chamber) of 14 March 2017** - A, B, C and D v Minister van Buitenlandse Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — **Common Foreign and Security Policy (CFSP)** — **Specific restrictive measures directed against certain persons and entities with a view to combating terrorism** — Common Position 2001/931/CFSP — Framework Decision 2002/475/JHA — Regulation (EC) No 2580/2001 — Article 2(3) — **Inclusion of the ‘Liberation Tigers of Tamil Eelam (LTTE)’ on the list of persons, groups and entities involved in terrorist acts** — **Question referred for a preliminary ruling concerning the validity of that inclusion** — **Compliance with international humanitarian law** — **Concept of ‘terrorist act’** — Actions by armed forces during periods of armed conflict  
[CURIA – Judgment of the Court of Justice in Case C-158/14 of 14 March 2017](#)

**Case C-484/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017 - Ibrica Zulfikarpašić v Slaven Gajer** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Novom Zagrebu — Stalna služba u Samoboru (Municipal Court of New Zagreb — Samobor Permanent Service, Croatia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 805/2004 — **European Enforcement Order for uncontested claims** — **Requirements for certification as a European Enforcement Order** — **Concept of ‘court’** — **Notary who has issued a writ of execution based on an ‘authentic document’** — **Authentic instrument**

[CURIA – Judgment of the Court of Justice in Case C-484/15 of 9 March 2017](#)

**Case C-342/15: JUDGMENT OF THE COURT (Fifth Chamber) of 9 March 2017 - Leopoldine Gertraud Piringer** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Freedom of lawyers to provide services** — **Possibility for Member States to reserve to prescribed categories of lawyers the drafting of formal documents for creating or transferring interests in land** — **Legislation of a Member State requiring that the authenticity of the signature on a request for entry in the land register be certified by a notary**

[CURIA – Judgment of the Court of Justice in Case C-342/15 of 9 March 2017](#)

**Case C-551/15: JUDGMENT OF THE COURT (Second Chamber) of 9 March 2017 - Pula Parking d.o.o. v Sven Klaus Tederahn** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Puli-Pola (Municipal Court of Pula, Croatia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — **Temporal and material scope— Civil and commercial matters** — **Enforcement proceedings relating to the recovery of an unpaid public parking debt** — **Included** — **Concept of ‘court’** — **Notary who has issued a writ of execution based on an ‘authentic document’**

[CURIA – Judgment of the Court of Justice in Case C-551/15 of 9 March 2017](#)

**Case C-354/15: JUDGMENT OF THE COURT (Tenth Chamber) of 2 March 2017 - Andrew Marcus Henderson v Novo Banco SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação de Évora (Court of Appeal of Évora, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil and commercial matters** — **Service of judicial and extrajudicial documents** — Regulation No 1393/2007 — Articles 8, 14 and 19 — **Postal service of a document instituting the proceedings** — **Failure to provide a translation of the document** — Annex II — Standard form — None — **Consequences** — **Service by registered letter with acknowledgement of receipt** — **Failure to return acknowledgement of receipt** — **Receipt of document by a third party** — **Conditions of validity of the proceedings**

[CURIA – Judgment of the Court of Justice in Case C-354/15 of 2 March 2017](#)

**Affaire C-54/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 2 mars 2017 - Vinyls Italia SpA, en faillite contre Mediterranea di Navigazione SpA** - demande de décision préjudicielle formée par le Tribunale Ordinario di Venezia (tribunal ordinaire de Venise, Italie) - Renvoi préjudiciel – **Coopération judiciaire en matière civile** – **Procédures d’insolvabilité** – **Actes préjudiciables à la masse des créanciers** – **Conditions dans lesquelles l’acte en cause peut être attaqué** – Règlement (CE) n° 593/2008 (Rome I) – **Choix de la loi applicable aux obligations contractuelles** – Choix de la loi applicable dans les conditions décrites à l’article 3, paragraphe 3, du règlement Rome I

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-54/16 du 2 mars 2016](#)

**Case C-60/16: OPINION OF ADVOCATE GENERAL BOT of 1 March 2017 - Mohammad Khir Amayry v Migrationsverket** - Request for a preliminary ruling from the Kammarrätten i Stockholm – Migrationsöverdomstolen (Administrative Court of Appeal for Immigration Matters, Stockholm, Sweden) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national** — Article 28 of the regulation — **Detention of the person concerned for the purpose of his transfer to the Member State responsible** — Period within which the transfer must be carried out — Calculation of the period — **National legislation authorising the person’s detention and the extension of that detention for a period longer than two months** — **Lawfulness**

[CURIA – Opinion of Advocate General in Case C-60/16 of 1 March 2017](#)

**Joined Cases C-24/16 and C-25/16: OPINION OF ADVOCATE GENERAL BOT of 1 March 2017 - Nintendo Co. Ltd v BigBen Interactive GmbH and BigBen Interactive SA** - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction and enforcement of judgments** — Regulation (EC) No 6/2002 — **Protection of Community designs** — Regulation (EC) No 864/2007 — **Applicable law** — **Territorial scope of decisions concerning claims supplementary to an action for infringement** — **Concepts of ‘other sanctions’ and ‘acts of reproduction for the purpose of making citations’**

[CURIA – Opinion of Advocate General in Case C-24/16 of 1 March 2017](#)

## 16. Transport

### Case Law

**Case C-587/15: OPINION OF ADVOCATE GENERAL BOBEK of 23 March 2017 - Lietuvos Respublikos transporto priemonių draudikų biuras v Gintaras Dockeyvičius and Jurgita Dockeyvičienė** - Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Supreme Court, Lithuania) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles** — **Accident between vehicles normally based in different Member States** — **Reimbursement of compensation paid by a national insurers’ bureau** — Recourse action against persons responsible for the accident — Procedural safeguards

[CURIA – Opinion of Advocate General in Case C-587/15 of 23 March 2017](#)

**Joined Cases C-497/15 and C-498/15: JUDGMENT OF THE COURT (Tenth Chamber) of 22 March 2017 - Euro-Team Kft. (Case C-497/15) and Spirál-Gép Kft. (Case C-498/15) v Budapest Rendőrfőkapitánya** - REQUESTS for a preliminary ruling under Article 267 TFEU, brought by the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Approximation of laws** — **Road transport** — **Tax provisions** — Directive 1999/62/EC — **Charging of heavy goods vehicles for the use of certain infrastructures** — **Toll** — **Member States’ obligation to establish effective, proportionate and dissuasive penalties** — **Flat-rate fine** — **Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-497/15 of 22 March 2017](#)

**Affaire C-665/15: ARRÊT DE LA COUR (neuvième chambre) du 22 mars 2017 - Commission européenne contre République portugaise** - ayant pour objet un recours en manquement au titre de l’article 258 TFUE - **Manquement d’État** — **Transports** — **Permis de conduire** — **Réseau des permis de conduire de l’Union européenne** — Utilisation et liaison au réseau de l’Union

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-665/15 du 22 mars 2017](#)

**Case C-190/16: OPINION OF ADVOCATE GENERAL BOBEK of 21 March 2017 - Werner Fries v Lufthansa CityLine GmbH** - Request for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - **Transport Policy** — **Air transport** — Commission Regulation No 1178/2011 — Validity of Point FCL.065(b) of Annex I to Regulation No 1178/2011 — **Article 15(1) and Article 21(1) of the Charter of Fundamental Rights of the European Union (‘the Charter’)** — **Freedom to choose an occupation and right to engage in work** — **Equal treatment on the basis of age** — **Age limit of 65 for pilots engaged in commercial air transport** — Aviation safety — Definition of ‘commercial air transport’ — Ferry flights and training and examination activities

[CURIA – Opinion of Advocate General in Case C-190/16 of 21 March 2017](#)

**Case C-245/15: JUDGMENT OF THE COURT (Tenth Chamber) of 2 March 2017 - SC Casa Noastră SA v Ministerul Transporturilor — Inspectoratul de Stat pentru Controlul în Transportul Rutier (ISCTR)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Judecătoria Balș — Județul Olt (Court of First Instance, Balș — Area of Olt, Romania) - Reference for a preliminary ruling — **Road transport** — **Social provisions** — **Exceptions** — Regulation (EC) No 561/2006 — Article 3(a) — Regulation (EC) No 1073/2009 — Article 2(3) — **Regular services providing for the carriage of passengers** — **Concept** — **Carriage free of charge organised by an economic operator for its employees, to and from work, in vehicles belonging to it and driven by one of its employees**

[CURIA – Judgment of the Court of Justice in Case C-245/15 of 2 March 2017](#)

**Case C-552/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 2 March 2017 - European Commission v Ireland** - Failure of a Member State to fulfil obligations — **Freedom to provide services — Motor vehicles — Rental or leasing of a motor vehicle by a person resident in one Member State from a supplier established in another Member State — Registration tax** — Payment of the full amount of tax at the time of registration — **Rules on the repayment of tax** — Proportionality

[CURIA – Opinion of Advocate General in Case C-552/15 of 2 March 2017](#)

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

### Community Legislation

**COMMISSION DECISION (EU) 2017/599** of 22 March 2017 on the **proposed citizens' initiative entitled 'EU Citizenship for Europeans: United in Diversity in Spite of *jus soli* and *jus sanguinis*'** (notified under document C(2017) 2001) (Only the English text is authentic)

[OJ of the EU, L 81/18 of 28 March 2017](#)

**DECISION (EU) 2017/468 OF THE EUROPEAN CENTRAL BANK** of 26 January 2017 **amending** Decision ECB/2010/10 on **non-compliance with statistical reporting requirements** (ECB/2017/5)

[OJ of the EU, L 77/1 of 22 March 2017](#)

**GUIDELINE (EU) 2017/469 OF THE EUROPEAN CENTRAL BANK** of 7 February 2017 **amending** Guideline ECB/2008/8 on **data collection regarding the euro and the operation of the Currency Information System 2** (ECB/2017/7)

[OJ of the EU, L 77/4 of 22 March 2017](#)

### Case Law

**Case C-253/16: JUDGMENT OF THE COURT (Third Chamber) of 15 March 2017 - FlibTravel International SA and Léonard Travel International SA v AAL Renting SA and others** - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Bruxelles (Court of Appeal, Brussels, Belgium) - Reference for a preliminary ruling — Article 96 TFEU — Applicability — **National legislation prohibiting taxi services from offering individual seats — National legislation prohibiting taxi services from predetermining their destination — National legislation prohibiting taxi services from touting for custom**

[CURIA – Judgment of the Court of Justice in Case C-253/16 of 15 March 2017](#)

**Case C-589/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 7 March 2017 - Alexios Anagnostakis v European Commission** - Appeal — **Citizens' initiative 'One million signatures for "a Europe of solidarity"' inviting the European Commission to submit a legislative proposal establishing the principle of the state of necessity** — Application for registration — **Rejection by the Commission — Obligation to state reasons** — Article 122 TFEU — Article 136 TFEU

[CURIA – Opinion of Advocate General in Case C-589/15 of 7 March 2017](#)

**Case C-584/15: JUDGMENT OF THE COURT (Fourth Chamber) of 2 March 2017 - Glencore Céréales France v Établissement national des produits de l'agriculture et de la mer (FranceAgriMer)** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif de Melun (Administrative Court, Melun, France) - Reference for a preliminary ruling — Regulation (EC, Euratom) No 2988/95 — **Protection of the European Union's financial interests** — Article 3 — Regulation (EEC) No 3665/87 — Article 11 — **Recovery of an export refund unduly granted** — Regulation (EEC) No 3002/92 — Article 5a — **Security wrongly released — Interest due — Limitation period — Point from which time begins to run — Interruption of the period — Maximum limit** — Longer period — Whether applicable

[CURIA – Judgment of the Court of Justice in Case C-584/15 of 2 March 2017](#)