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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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**Case C-620/15: JUDGMENT OF THE COURT (First Chamber) of 27 April 2017 - A-Rosa Flussschiff GmbH v Union de recouvrement des cotisations de sécurité sociale et d'allocations familiales (Urssaf) d'Alsace, successor in law to the Urssaf du Bas-Rhin and Sozialversicherungsanstalt des Kantons Graubünden - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — **Migrant workers — Social security — Legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EEC) No 574/72 — Article 12a(1a) — **Agreement between the European Community and the Swiss Confederation — Travelling personnel — Workers posted to another Member State — Swiss branch — E 101 certificate — Probative value**  
[CURIA – Judgment of the Court of Justice in Case C-620/15 27 of April 2017](#)**

**Case C-544/15: JUDGMENT OF THE COURT (Grand Chamber) of 4 April 2017 - Sahar Fahimian v Bundesrepublik Deutschland and Stadt Darmstadt - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/114/EC — Article 6(1)(d) — **Conditions of admission of third country nationals — Refusal of admission — Concept of 'threat to public security' — Margin of discretion**  
[CURIA – Judgment of the Court of Justice in Case C-544/15 of 4 April 2017](#)**

**Case C-668/15: JUDGMENT OF THE COURT (First Chamber) of 6 April 2017 - Jyske Finans A/S v Ligebehandlingsnævnet, acting on behalf of Ismar Huskic - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (High Court of Western Denmark) - Reference for a preliminary ruling — **Equal treatment between persons irrespective of racial or ethnic origin** — Directive 2000/43/EC — Article 2(2)(a) and (b) — **Credit institution requiring persons applying for a loan to purchase a car who have produced a driving licence indicating a country of birth other than a Member State of the European Union or of the European Free Trade Association as a form of identification to provide additional proof of identity in the form of a copy of a passport or residence permit**  
[CURIA – Judgment of the Court of Justice in Case C-668/15 of 6 April 2017](#)**

**DIRECTIVE (EU) 2017/541 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA**  
[OJ of the EU, L 88/6 of 31 March 2017](#)

## 1. EU-Swiss Relations

**Case C-620/15: JUDGMENT OF THE COURT (First Chamber) of 27 April 2017 - A-Rosa Flussschiff GmbH v Union de recouvrement des cotisations de sécurité sociale et d'allocations familiales (Urssaf) d'Alsace, successor in law to the Urssaf du Bas-Rhin and Sozialversicherungsanstalt des Kantons Graubünden** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — **Migrant workers — Social security — Legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EEC) No 574/72 — Article 12a(1a) — **Agreement between the European Community and the Swiss Confederation — Travelling personnel — Workers posted to another Member State — Swiss branch — E 101 certificate — Probative value**

[CURIA – Judgment of the Court of Justice in Case C-620/15 of 27 April 2017](#)

## 2. External Relations / Foreign Policy

### Case Law

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[CURIA – Opinion of Advocate General in Case C-600/14 of 24 April 2017](#)

**Case C-65/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 6 April 2017 - Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság** - Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Szeged Administrative and Labour Court, Hungary) - Reference for a preliminary ruling — **International road haulage — Agreement establishing an Association between the European Economic Community and Turkey** — Article 9 — Decision No 1/95 of the EC-Turkey Association Council — Articles 4, 5 and 7 — **Free movement of goods — Motor vehicle tax — Tax levied on heavy goods vehicles registered in Turkey crossing Hungary in transit — Bilateral agreement concluded by a Member State with Turkey** — Article 3(2) TFEU — Regulation (EC) No 1072/2009 — Article 1

[CURIA – Opinion of Advocate General in Case C-65/16 of 6 April 2017](#)

**Case C-544/15: JUDGMENT OF THE COURT (Grand Chamber) of 4 April 2017 - Sahar Fahimian v Bundesrepublik Deutschland and Stadt Darmstadt** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/114/EC — Article 6(1)(d) — **Conditions of admission of third country nationals — Refusal of admission — Concept of 'threat to public security' — Margin of discretion**

[CURIA – Judgment of the Court of Justice in Case C-544/15 of 4 April 2017](#)

**Case C-652/15: JUDGMENT OF THE COURT (First Chamber) of 29 March 2017 - Furkan Tekdemir, legally represented by Derya Tekdemir and Nedim Tekdemir v Kreis Bergstraße** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Darmstadt (Administrative Court, Darmstadt, Germany) - Reference for a preliminary ruling — **Association Agreement between the European Union and Turkey** — Decision No 1/80 — Article 13 — **'Standstill' clause — Right of residence of members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State — Existence of an overriding reason in the public interest justifying new restrictions — Efficient management of migration flows** — Requirement for nationals of third countries under 16 years old to hold a residence permit — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-652/15 of 29 March 2017](#)

**Case C-72/15: JUDGMENT OF THE COURT (Grand Chamber) of 28 March 2017 - The Queen, on the application of PJSC Rosneft Oil Company, formerly OJSC Rosneft Oil Company v Her Majesty's Treasury, Secretary of State for Business, Innovation and Skills and The Financial Conduct Authority** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court) - Reference for a preliminary ruling – **Common Foreign and Security Policy (CFSP) – Restrictive measures adopted in view of Russia's actions destabilising the situation in Ukraine** – Provisions of Decision 2014/512/CFSP and Regulation (EU) No 833/2014 – **Validity – Jurisdiction of the Court – EU-Russia Partnership Agreement – Obligation to state reasons – Principles of legal certainty and nulla poena sine lege certa – Access to capital markets – Financial assistance** – Global Depository Receipts – Oil sector – **Request for interpretation of concepts of 'shale' and 'waters deeper than 150 metres'** – Inadmissibility  
[CURIA – Judgment of the Court of Justice in Case C-72/15 of 28 March 2017](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2017/723** of 16 February 2017 **amending** Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the **integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance**  
[OJ of the EU, L 107/1 of 25 April 2017](#)

**REGULATION (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 March 2017 on **official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products**, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance)  
[OJ of the EU, L 95/1 of 7 April 2017](#)

#### Case Law

**Case C-315/16: JUDGMENT OF THE COURT (Tenth Chamber) of 30 March 2017 - József Lingurár v Miniszterelnökséget vezető miniszter** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling – **Common agricultural policy** — EAFRD financing — **Rural development support** — Natura 2000 payments — **Eligibility limited to private owners** — **Forest area partially owned by the State**  
[CURIA – Judgment of the Court of Justice in Case C-315/16 of 30 March 2017](#)

**Case C-111/16: OPINION OF ADVOCATE GENERAL BOBEK of 30 March 2017 - Giorgio Fidenato and others - Request for a preliminary ruling from the Tribunale di Udine (District Court, Udine, Italy)** - Request for a preliminary ruling – **Agriculture – Genetically modified food and feed** — **Prohibition of cultivation of genetically modified maize MON 810** – **Emergency measures adopted by Member States** – **Substantive conditions** – **Precautionary principle**  
[CURIA – Opinion of Advocate General in Case C-111/16 of 30 March 2017](#)

## 4. Audiovisual and Media and Information Society

### Case Law

**Case C-560/15: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Europa Way Srl and Persidera SpA v Autorità per le Garanzie nelle Comunicazioni and Others** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directives 2002/20/EC, 2002/21/EC and 2002/77/EC — **Transition from analogue to digital television — Assignment of digital frequencies to network operators** — New digital frequencies ('digital dividend') — Annulment of an ongoing assignment procedure and replacement by a new fee-based tendering procedure — **Obligation to hold a prior public consultation — Independent national regulatory authority — Intervention of the national legislature in an ongoing procedure before the regulatory authority**  
[CURIA – Opinion of Advocate General in Case C-560/15 of 30 March 2017](#)

**Case C-112/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Persidera SpA v Autorità per le Garanzie nelle Comunicazioni and Ministero dello Sviluppo Economico delle Infrastrutture e dei Trasporti** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directives 2002/20/EC, 2002/21/EC and 2002/77/EC — **Transition from analogue television to digital television — Determination of the number of digital frequencies to be assigned to each owner of analogue frequencies** — Taking into account of previously unlawfully used analogue frequencies — Conversion ratio — Conversion factor — **Equal treatment, non-discrimination and proportionality**  
[CURIA – Opinion of Advocate General in Case C-112/16 of 30 March 2017](#)

## 5. Competition

### Case Law

**Case C-248/16: OPINION OF ADVOCATE GENERAL KOKOTT of 27 April 2017 - Austria Asphalt GmbH & Co OG v Bundeskartellamt** - Request for a preliminary ruling from the Oberster Gerichtshof (Austria) - **Competition — Control of concentrations between undertakings ('merger control')** — Article 3 of Regulation (EC) No 139/2004 ('EC Merger Regulation') — **Scope ratione materiae — Concept of concentration** — Transition from sole control to joint control of an undertaking — Change from an Existing non-full-function undertaking to a Community non-full-function undertaking — **Division of competences between the European Commission and the national bodies responsible for merger control**  
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**Case C-516/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 27 April 2017 - Akzo Nobel NV, established in Amsterdam (Netherlands), Akzo Nobel Chemicals GmbH, established in Düren (Germany) and Akzo Nobel Chemicals BV, established in Amersfoort (Netherlands) v Akros Chemicals Ltd, established in Warwickshire (United Kingdom) and European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices** — European markets in tin stabilisers and in ESBO/esters heat stabilisers — **Price fixing, market allocation and exchange of commercially sensitive information — Whether the unlawful conduct of the subsidiaries may be attributed to the parent company** — Regulation (EC) No 1/2003 — Article 25(1) — **Limitation period for the imposition of penalties on subsidiaries — Effects on the legal position of the parent company**  
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**Case C-469/15 P: JUDGMENT OF THE COURT (First Chamber) of 27 April 2017 - FSL Holdings NV, established in Antwerp (Belgium), Firma Léon Van Parys NV, established in Antwerp and Pacific Fruit Company Italy SpA, established in Rome (Italy) v European Commission - APPEAL** under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices** — European banana market in Greece, Italy and Portugal — **Coordination in the fixing of prices** — Admissibility of evidence transmitted by national tax authorities — Rights of the defence — Calculation of the amount of the fine — **Scope of judicial review — Classification as an ‘agreement having as its object the restriction of competition’**  
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**Case C-180/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 26 April 2017 - Toshiba Corporation v European Commission - Appeal** — Article 101 TFEU — Gas Insulated Switchgear — **Commission decision amending the initial decision after partial annulment by the General Court** — Fines — **Rights of defence — Statement of objections — Equal treatment — Participation in certain aspects of the cartel — Res judicata**  
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**Affaire C-671/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 6 avril 2017 - Président de l’Autorité de la concurrence contre Association des producteurs vendeurs d’endives (APVE) et autres** - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – Pratiques anticoncurrentielles – Article 101 TFUE – Applicabilité – **Organisation commune de marchés – Organisations de producteurs – Missions de ces organisations – Pratiques de fixation de prix minimaux à la vente, de concertation sur les quantités mises sur le marché et d’échanges d’informations stratégiques** – Marché français des endives  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-671/15 du 6 avril 2017](#)

**Case C-177/16: OPINION OF ADVOCATE GENERAL WAHL of 6 April 2017 - Biedrība ‘Autortiesību un komunikēšanās konsultāciju aģentūra – Latvijas Autoru apvienība’ v Konkurences padome** - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Article 102 TFEU — **Abuse of dominant position — Effect on trade between Member States** — Collecting society — **Unfair prices — Relevant turnover for the imposition of a fine**  
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**Case C-245/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 5 April 2017 - Nerea S.p.A. v Regione Marche** - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per le Marche (Regional Administrative Court, Le Marche, Italy) - Preliminary ruling — **State aid** — Regulation (EC) No 800/2008 — **Application for an arrangement with creditors by a company in receipt of European Union funds — Definition of undertaking in difficulty** — Definition of procedure for an arrangement with creditors — **Conditions for refusal or withdrawal of aid from European Union funds — Obligation to refund aid**  
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**Joined Cases C-376/15 P and C-377/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 5 April 2017 - Changshu City Standard Parts Factory, established in Changshu City (China) and Ningbo Jinding Fastener Co. Ltd, established in Ningbo (China) v Council of the European Union, European Commission and European Industrial Fasteners Institute AISBL (EIFI), established in Brussels (Belgium) - TWO APPEALS** under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping** — Implementing Regulation (EU) No 924/2012 — **Imports of certain iron or steel fasteners originating in the People’s Republic of China** — Regulation (EC) No 1225/2009 — Article 2(10) and (11) — **Exclusion of certain export transactions for the purposes of calculating**  
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**Affaire C-591/14: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOLZI du 30 mars 2017 - Commission européenne contre Royaume de Belgique** - Manquement d’État – Non-respect d’une décision de la Commission relative à une aide d’État - Décision 2011/678/UE – **Aide d’État en faveur du financement du dépistage des encéphalopathies spongiformes transmissibles (EST) chez les bovins – Absence de récupération des aides accordées** – Moyens de défense – **Difficultés dans l’identification des bénéficiaires des aides**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-591/14 du 30 mars 2017](#)



## 6. Customs

### Case Law

**Case C-51/16: JUDGMENT OF THE COURT (Eighth Chamber) of 26 April 2017 - Stryker EMEA Supply Chain Services BV v Inspecteur van de Belastingdienst/Douane kantoor Rotterdam Rijnmond** - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Noord-Holland (District Court, North Holland, Netherlands) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff headings — Classification of goods — Implant screws intended to be inserted in the human body for the treatment of fractures or the stabilisation of prostheses** — Combined Nomenclature — Heading 9021 — Implementing regulation (EU) No 1212/2014 — Validity

[CURIA – Judgment of the Court of Justice in Case C-51/15 of 26 April 2017](#)

**Case C-661/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 30 March 2017 - X BV 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 — **Community Customs Code — Import of vehicles — Article 29 — Customs valuation — Article 78 — Revision of the declaration — Article 236(2) — Repayment of import duties — Time limit of three years** — Regulation (EEC) No 2454/93 — Article 145(2) and (3) — **Taking account, for the customs valuation, payments made by the seller to the purchaser under a contractual warranty obligation** — Defective goods — **Time limit of 12 months** — Validity

[CURIA – Opinion of Advocate General in Case C-661/15 of 30 March 2017](#)

**Case C-46/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Valsts ieņēmumu dienests v Customs Services', SIA** - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Customs union — Goods removed from customs supervision during the external transit procedure in the customs territory of the Union** — Determination of the customs value — **Conditions for the application of the transaction value method — Sale for export to a third country** — Determination of the customs value on the basis of data available in the Union — **Duty to make inquiries and duty to state reasons incumbent on the national customs authority**

[CURIA – Opinion of Advocate General in Case C-46/16 of 30 March 2017](#)

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

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2017/653** of 8 March 2017 **supplementing** Regulation (EU) No 1286/2014 of the European Parliament and of the Council on **key information documents for packaged retail and insurance-based investment products (PRIIPs) by laying down regulatory technical standards with regard to the presentation, content, review and revision of key information documents and the conditions for fulfilling the requirement to provide such documents** (Text with EEA relevance)

[OJ of the EU, L 100/1 of 12 April 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/646** of 5 April 2017 **amending Implementing** Regulation (EU) 2015/378 laying down **rules** for the application of Regulation (EU) No 514/2014 of the European Parliament and of the Council with regard to the implementation of the **annual clearance of accounts procedure and the implementation of the conformity clearance**

[OJ of the EU, L 92/36 of 6 April 2017](#)

## Case Law

**Case C-648/15: OPINION OF ADVOCATE GENERAL MENGÖZZI of 27 April 2017 - Republic of Austria v Federal Republic of Germany** - Article 273 TFEU — Dispute between Member States submitted to the Court under a special agreement between the parties — **Jurisdiction — Taxation — Interpretation of a convention for the avoidance of double taxation** — Taxation of particular certificates or financial instruments (Genussscheine) — Interest from debt-claims — **Concept of ‘income from rights or debt-claims with participation in profits’ — Profit-sharing bonds — Profit-participating loans — Silent partner**  
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**Case C-39/16: OPINION OF ADVOCATE GENERAL KOKOTT of 27 April 2017 - Argenta Spaarbank NV v Belgium** - Reference for a preliminary ruling from the Rechtbank van eerste aanleg Antwerpen (Court of First Instance, Antwerp, Belgium) - **‘Tax law** — Directive 90/435/EEC — **Parent-Subsidiary Directive** — Article 1(2), Article 3(2) and Article 4(2) — **Exemption of dividend income from corporation tax — Costs relating to the holding — Abuse of rights’**  
[CURIA – Opinion of Advocate General in Case C-39/16 of 27 April 2017](#)

**Case C-186/16: OPINION OF ADVOCATE GENERAL WAHL of 27 April 2017 - Ruxandra Paula Andriciuc and Others v Banca Românească SA** - Request for a preliminary ruling from the Curtea de Apel Oradea (Romania) - Reference for a preliminary ruling — **Unfair terms in consumer contracts** — Directive 93/13/EEC — Articles 3(1) and 4(2) — **Credit agreements denominated in a foreign currency — Terms exempt from assessment of their unfairness — Contractual terms relating to the definition of the main subject matter of the contract or the adequacy of the price which are drafted in plain intelligible language** — Time for the assessment of whether there is a significant imbalance between the rights and obligations of the parties arising under the contract — **Scope and level of detail of the information required to be provided by the bank**  
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**Case C-559/15: JUDGMENT OF THE COURT (Third Chamber) of 27 April 2017 - Onix Asigurari SA v Istituto per la Vigilanza Sulle Assicurazioni (IVASS)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 73/239/EEC — Directive 92/49/EEC — **Principle of single authorisation — Principle of supervision by the home Member State** — Article 40(6) — **Concept of ‘irregularities’ — Reputation of shareholders — Prohibition on insurance companies established in a Member State concluding new contracts within the territory of another Member State**  
[CURIA – Judgment of the Court of Justice in Case C-559/15 of 27 April 2017](#)

Affaire C-658/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 26 avril 2017 - **Robeco Hollands Bezit N.V., Robeco Duurzaam Aandelen N.V., Robeco Safe Mix N.V., Robeco Solid Mix N.V., Robeco Balanced Mix N.V., Robeco Growth Mix N.V., Robeco Life Cycle Funds N.V., Robeco Afrika Fonds N.V., Robeco Global Stars Equities, Robeco All Strategy Euro Bonds, Robeco High Yield Bonds and Robeco Property Equities contre Stichting Autoriteit Financiële Markten (AFM)** - demande de décision préjudicielle formée par le College van beroep voor het bedrijfsleven (Cour d’appel en matière économique, Pays-Bas) - **Marchés des instruments financiers** — Systèmes multilatéraux de négociation — **Notion de marché réglementé — Gestionnaire de fonds d’investissement — Fonds d’investissement ouverts — Abus de marché et délit d’initié**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-658/15 du 26 avril 2017](#)

**Case C-564/15: JUDGMENT OF THE COURT (Fourth Chamber) of 26 April 2017 - Tibor Farkas v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Adó Főigazgatósága** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kecskeméti közigazgatási és munkaügyi bíróság (Administrative and Labour Court, Kecskemét, Hungary) - Reference for a preliminary ruling — Plea alleging infringement of EU law raised by the Court of its own motion — **Principles of equivalence and effectiveness — Common system of value added tax** — Directive 2006/112/EC — **Right to deduct input tax — Reverse charge system** — Article 199(1)(g) — **Application only in the case of immovable property — Undue payment of the tax by the purchaser of property to the seller as a result of an incorrectly drawn up invoice** — Tax authority’s decision holding that the property purchaser has an outstanding tax liability, refusing payment of the deduction sought by the purchaser, and imposing a penalty tax  
[CURIA – Judgment of the Court of Justice in Case C-564/15 of 26 April 2017](#)

**Case C-638/15: JUDGMENT OF THE COURT (Sixth Chamber) of 6 April 2017 - Eko-Tabak s. r. o. v Generální ředitelství cel** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Reference for a preliminary ruling — Directive 2011/64/EU — Article 2(1)(c) — Article 5(1)(a) — **Definitions of ‘smoking tobacco’, ‘tobacco which has been cut or otherwise split’ and ‘industrial processing’**

[CURIA – Judgment of the Court of Justice in Case C-638/15 of 6 April 2017](#)

**Case C-132/16: OPINION OF ADVOCATE GENERAL KOKOTT of 6 April 2017 - Direktor na Direktsia ‘Obzhavane i danachno-osiguritelna praktika’ — Sofia v ‘Iberdrola Inmobiliaria Real Estate Investments’ EOOD** - Request for a preliminary ruling from the Varhoven administrativen sad (Supreme Administrative Court of the Republic of Bulgaria) - Request for a preliminary ruling — **VAT legislation — Deduction of input tax — Services supplied free of charge for the benefit of the municipal infrastructure — Link with the economic activity of the taxable person — Economic allocation versus causal link** — Entry of costs in the accounts as general costs

[CURIA – Opinion of Advocate General in Case C-132/16 of 6 April 2017](#)

**Case C-65/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 6 April 2017 - Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság** - Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Szeged Administrative and Labour Court, Hungary) - Reference for a preliminary ruling — **International road haulage — Agreement establishing an Association between the European Economic Community and Turkey** — Article 9 — Decision No 1/95 of the EC-Turkey Association Council — Articles 4, 5 and 7 — **Free movement of goods — Motor vehicle tax — Tax levied on heavy goods vehicles registered in Turkey crossing Hungary in transit — Bilateral agreement concluded by a Member State with Turkey** — Article 3(2) TFEU — Regulation (EC) No 1072/2009 — Article 1

[CURIA – Opinion of Advocate General in Case C-65/16 of 6 April 2017](#)

**Joined Cases C-217/15 and C-350/15: JUDGMENT OF THE COURT (Fourth Chamber) of 5 April 2017 - Massimo Orsi (C-217/15) and Luciano Baldetti (C-350/15)** - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale di Santa Maria Capua Vetere (District Court, Santa Maria Capua Vetere, Italy) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Articles 2 and 273 — **National legislation providing for an administrative penalty and a criminal penalty for the same offences, relating to the non-payment of value added tax — Charter of Fundamental Rights of the European Union** — Article 50 — **Ne bis in idem principle — Identity of the accused or penalised person — Absence**

[CURIA – Judgment of the Court of Justice in Case C-217/15 of 5 April 2017](#)

**Case C-616/15: OPINION OF ADVOCATE GENERAL WATHELET of 5 April 2017 - European Commission v Federal Republic of Germany** - Failure of a Member State to fulfil obligations — Taxation — Value added tax (VAT) — Article 132(1)(f) of Directive 2006/112/EC — **Exemption from VAT for the supply of services by independent groups of persons to their members** — Restriction to independent groups whose members exercise a limited number of professions

[CURIA – Opinion of Advocate General in Case C-616/15 of 5 April 2017](#)

**Case C-73/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Peter Puškár v Finančné riaditeľstvo Slovenskej republiky dn Kriminálny úrad finančnej správy** - Reference for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Processing of personal data — Protection of fundamental rights** — Need for prior proceedings — **List of personal data created for the purpose of controlling tax fraud** — Admissibility of the list as evidence — **Principle of sincere cooperation — Relationship between the case-law of the Court of Justice of the European Union and the case-law of the European Court of Human Rights**

[CURIA – Opinion of Advocate General in Case C-73/16 of 30 March 2017](#)



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

### Case Law

**Case C-331/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 6 April 2017 - French Republic v Carl Schlyter** - Appeal — **Access to documents — Detailed opinion of the Commission concerning a draft Order relating to the annual declaration of nanoparticle substances communicated to the Commission by the French authorities pursuant to Directive 98/34/EC — Decision of the Commission refusing access** — Regulation (EC) No 1049/2001 — Third indent of Article 4(2) — **Exception to the right of access — Protection of the purposes of the investigations**

[CURIA – Opinion of Advocate General in Case C-331/15 of 6 April 2017](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-620/15: JUDGMENT OF THE COURT (First Chamber) of 27 April 2017 - A-Rosa Flussschiff GmbH v Union de recouvrement des cotisations de sécurité sociale et d'allocations familiales (Urssaf) d'Alsace, successor in law to the Urssaf du Bas-Rhin and Sozialversicherungsanstalt des Kantons Graubünden** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — **Migrant workers — Social security — Legislation applicable** — Regulation (EEC) No 1408/71 — Article 14(2)(a) — Regulation (EEC) No 574/72 — Article 12a(1a) — **Agreement between the European Community and the Swiss Confederation — Travelling personnel — Workers posted to another Member State — Swiss branch — E 101 certificate — Probative value**

[CURIA – Judgment of the Court of Justice in Case C-620/15 27 of April 2017](#)

**Joined Cases C-680/15 and C-681/15: JUDGMENT OF THE COURT (Third Chamber) of 27 April 2017 - Asklepios Kliniken Langen-Seligenstadt GmbH v Ivan Felja (C-680/15) and Asklepios Dienstleistungsgesellschaft mbH v Vittoria Graf (C-681/15)** - REQUESTS for a preliminary ruling under Article 267 TFEU made by the Bundesarbeitsgericht (Federal Labour Court, Germany) - References for a preliminary ruling — **Transfer of undertakings — Safeguarding of employees' rights** — Directive 2001/23/EC — Article 3 — **Contract of employment — Legislation of a Member State authorising the incorporation of clauses referring to collective labour agreements after the date of the transfer — Effects with regard to the transferee**

[CURIA – Judgment of the Court of Justice in Case C-680/15 27 of April 2017](#)

**Joined Cases C-168/16 and C-169/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 27 April 2017 - Sandra Nogueira, Victor Perez-Ortega, Virginie Mauguit, Maria Sanchez-Odogherty and José Sanchez-Navarro v Crewlink Ltd (C-168/16) - Miguel José Moreno Osacar v Ryanair, formerly Ryanair Ltd (C-169/16)** - Request for a preliminary ruling from the cour du travail de Mons (Belgium) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Judicial cooperation in civil matters — Jurisdiction** — Article 19 — **Jurisdiction over individual contracts of employment — Court of the place where the employee habitually carries out his work** — Airline sector — Cabin crew — Regulation (EEC) No 3922/91 — **Concept of 'home base'**

[CURIA – Opinion of Advocate General in Case C-168/16 of 27 April 2017](#)

**Case C-174/16: OPINION OF ADVOCATE GENERAL MENGOLZI of 26 April 2017 - H. v Land Berlin** - Request for a preliminary ruling from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Revised Framework Agreement on parental leave — Concept of 'rights acquired or in the process of being acquired'** — **Equal treatment of men and women in matters of employment and occupation** — Rules of a Member State providing for the expiry of the two-year probationary period of a civil servant on probation for a management post, by operation of law and with no possibility of extension, even in the case of absence due to parental leave — **Justification — Breach of European Union law — Compensation**

[CURIA – Opinion of Advocate General in Case C-174/16 of 26 April 2017](#)

**Case C-336/15: JUDGMENT OF THE COURT (Tenth Chamber) of 6 April 2017 - Unionen v Almega Tjänsteförbunden and ISS Facility Services AB** - REQUEST for a preliminary ruling under Article 267 TFEU from the Arbetsdomstolen (Labour Court, Sweden) - Reference for a preliminary ruling — **Social policy** — Directive 2001/23/EC — Article 3 — **Safeguarding of employees' rights in the event of transfers of undertakings — Collective agreements applicable to the transferee and the transferor** — Additional periods of notice granted to dismissed workers — **Account to be taken of the length of service with the transferor**  
[CURIA – Judgment of the Court of Justice in Case C-336/15 6 of April 2017](#)

**Case C-531/15: OPINION OF ADVOCATE GENERAL SHARPSTON OF 6 April 2017 - Elda Otero Ramos v Servicio Galego de Saúde and Instituto Nacional de la Seguridad Social** - Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - **Social policy** – Directive 2006/54/EC – **Equal treatment of male and female workers** – Article 19 – **Rules reversing the burden of proof** – Directive 92/85/EEC – Article 4 – **Assessment for activities liable to involve exposure to agents, processes or working conditions**  
[CURIA – Opinion of Advocate General in Case C-531/15 of 6 April 2017](#)

**Case C-175/16: OPINION OF ADVOCATE GENERAL WATHELET of 6 April 2017 - Hannele Hälvä, Sari Naukkarinen, Pirjo Paajanen and Satu Piik v SOS-Lapsikylä ry** - Request for a preliminary ruling from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — Directive 2003/88/EC — Article 17 — **Purely internal situation — Protection of the safety and health of workers** — Organisation of working time — **Workers employed as 'relief parents' in children's villages during the absence of 'foster parents', by a child protection association organising the care and maintenance of children taken into care by the municipalities in a family environment within children's villages**  
[CURIA – Opinion of Advocate General in Case C-175/16 of 6 April 2017](#)

**Case C-652/15: JUDGMENT OF THE COURT (First Chamber) of 29 March 2017 - Furkan Tekdemir, legally represented by Derya Tekdemir and Nedim Tekdemir v Kreis Bergstraße** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Darmstadt (Administrative Court, Darmstadt, Germany) - Reference for a preliminary ruling — **Association Agreement between the European Union and Turkey** — Decision No 1/80 — Article 13 — **'Standstill' clause — Right of residence of members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State — Existence of an overriding reason in the public interest justifying new restrictions — Efficient management of migration flows** — Requirement for nationals of third countries under 16 years old to hold a residence permit — Proportionality  
[CURIA – Judgment of the Court of Justice in Case C-652/15 of 29 March 2017](#)

**Case C-126/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 29 March 2017 - Federatie Nederlandse Vakvereniging, Karin van den Burg-Vergeer, Lyoba Tanja Alida Kukupessy, Danielle Paase-Teeuwen and Astrid Johanna Geertruda Petronelle Schenk v Smallsteps BV** - Request for a preliminary ruling from the Rechtbank MiddenNederland (District Court, Central Netherlands) - Reference for a preliminary ruling — Directive 2001/23/EC — **Safeguarding employees' rights in the event of transfers of undertakings** — Article 5(1) — **Exception in the event of bankruptcy or insolvency proceedings — 'Pre-pack' — Continuation of the undertaking's business**  
[CURIA – Opinion of Advocate General in Case C-126/16 of 29 March 2017](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2017/723** of 16 February 2017 **amending** Delegated Regulation (EU) No 640/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the **integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance**

[OJ of the EU, L 107/1 of 25 April 2017](#)

## Case Law

**Case C-535/15: JUDGMENT OF THE COURT (Third Chamber) of 27 April 2017 - Freie und Hansestadt Hamburg v Jost Pinckernelle and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Registration, evaluation, authorisation and restriction of chemicals** — Regulation (EC) No 1907/2006 (REACH Regulation) — **General obligation to register and information requirements — Unregistered chemicals — Export of unregistered chemicals outside the territory of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-535/15 of 27 April 2017](#)

**Affaire C-202/16: ARRÊT DE LA COUR (dixième chambre) du 27 avril 2017 - Commission européenne contre République hellénique** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Environnement – Gestion des déchets** – Directives 2008/98/CE et 1999/31/CE – Site de mise en décharge des déchets de Temploni (Grèce)

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-202/16 du 27 avril 2017 \(FR seulement\)](#)

**Case C-142/16: JUDGMENT OF THE COURT (Second Chamber) of 26 April 2017 - European Commission v Federal Republic of Germany** - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Environment** — Directive 92/43/EEC — Article 6(3) — **Conservation of natural habitats** — Construction of a coal-fired power plant in Moorburg (Germany) — Natura 2000 areas situated upstream of that coal-fired power plant on the corridor of the Elbe river — **Assessment of the implications of a plan or project for a protected site**

[CURIA – Judgment of the Court of Justice in Case C-142/16 of 26 April 2017](#)

**Case C-488/15: JUDGMENT OF THE COURT (Third Chamber) of 5 April 2017 - European Commission v Republic of Bulgaria and Republic of Poland** - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations — Environment** — Directive 2008/50/EC — **Ambient air quality** — Article 13(1) — Annex XI — Daily and annual limit values for PM10 concentrations — **Systematic and continuous exceedance of the limit values** — Article 22 — Postponement of the deadlines set to attain certain limit values — Conditions under which applicable — Article 23(1) — **Air quality plans — 'Shortest possible' exceedance period — Appropriate measures — Information needed for an assessment**

[CURIA – Judgment of the Court of Justice in Case C-488/15 of 5 April 2017](#)

**Case C-335/16: JUDGMENT OF THE COURT (Sixth Chamber) of 30 March 2017 - VG Čistoća d.o.o. v Đuro Vladika and Ljubica Vladika** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Velikoj Gorici (Velika Gorica Municipal Court, Croatia) - Reference for a preliminary ruling — **Environment — Waste** — Directive 2008/98/EC — **Recovery of waste management costs — Polluter-pays principle — Concept of 'waste holders' — Price charged for waste management — Special levy intended to finance capital investments**

[CURIA – Judgment of the Court of Justice in Case C-335/16 of 30 March 2017](#)

**Joined Cases C-196/16 and C-197/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Comune di Corridonia and Others (C-196/16) and Aldo Alessandrini and Others (C-197/16) v Provincia di Macerata and Others** - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per le Marche (Marche Regional Administrative Court, Italy) - Reference for a preliminary ruling — **Environment** — Directive 2011/92/EU — **Assessment of the effects of certain public and private projects on the environment — Biogas plants — Assessment of the environmental effects after plant construction**

[CURIA – Opinion of Advocate General in Case C-196/16 of 30 March 2017](#)

**Case C-320/15: OPINION OF ADVOCATE GENERAL BOBEK of 30 March 2017 - European Commission v Hellenic Republic** - Failure of a Member State to fulfil obligations — **Environment — Urban waste water treatment** — Article 4(1) and (3) and Annex I.B and I.D to Directive 91/271/EEC — Representative samples

[CURIA – Opinion of Advocate General in Case C-320/15 of 30 March 2017](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**REGULATION (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 March 2017 on **official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products**, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (Text with EEA relevance)

[OJ of the EU, L 95/1 of 7 April 2017](#)

**COMMISSION REGULATION (EU) 2017/644** of 5 April 2017 laying down **methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs** and repealing Regulation (EU) No 589/2014 (Text with EEA relevance)

[OJ of the EU, L 92/9 of 6 April 2017](#)

### Case Law

**Case C-186/16: OPINION OF ADVOCATE GENERAL WAHL of 27 April 2017 - Ruxandra Paula Andriciuc and Others v Banca Românească SA** - Request for a preliminary ruling from the Curtea de Apel Oradea (Romania) - Reference for a preliminary ruling — **Unfair terms in consumer contracts** — Directive 93/13/EEC — Articles 3(1) and 4(2) — **Credit agreements denominated in a foreign currency — Terms exempt from assessment of their unfairness — Contractual terms relating to the definition of the main subject matter of the contract or the adequacy of the price which are drafted in plain intelligible language** — Time for the assessment of whether there is a significant imbalance between the rights and obligations of the parties arising under the contract — **Scope and level of detail of the information required to be provided by the bank**

[CURIA – Opinion of Advocate General in Case C-186/16 of 27 April 2017](#)

**Case C-535/15: JUDGMENT OF THE COURT (Third Chamber) of 27 April 2017 - Freie und Hansestadt Hamburg v Jost Pinckernelle and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Registration, evaluation, authorisation and restriction of chemicals** — Regulation (EC) No 1907/2006 (REACH Regulation) — **General obligation to register and information requirements — Unregistered chemicals — Export of unregistered chemicals outside the territory of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-535/15 of 27 April 2017](#)

**Case C-672/15: JUDGMENT OF THE COURT (First Chamber) of 27 April 2017 - Noria Distribution SARL v Procureur de la République and Union fédérale des consommateurs des P.O (Que choisir)** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Perpignan (France) - Reference for a preliminary ruling — Directive 2002/46/EC — **Approximation of the laws of the Member States relating to food supplements — Vitamins and minerals which may be used in the manufacture of food supplements — Maximum amounts** — Competence of the Member States — **National legislation setting those amounts** — Mutual recognition — Absence — **Conditions to be respected and factors to be taken into consideration when setting those amounts**

[CURIA – Judgment of the Court of Justice in Case C-672/15 of 27 April 2017](#)

**Joined Cases C-596/15 P and C-597/15 P: OPINION OF ADVOCATE GENERAL BOBEK of 25 April 2017 - Bionorica SE (C-596/15 P) and Diapharm GmbH & Co. KG (C-597/15 P) v European Commission- Appeal — Public health — Health claims on botanical substances — Failure of Commission to instruct the European Food Safety Authority to conduct evaluations of health claims on botanical substances**  
[CURIA – Opinion of Advocate General in Case C-596/15 of 26 April 2017](#)

**Case C-133/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 6 April 2017 - Christian Ferenschild v JPC Motor SA - Request for a preliminary ruling from the Cour d'appel de Mons (Court of Appeal, Mons, Belgium) - Reference for a preliminary ruling — Consumer protection — Directive 1999/44/EC — Second-hand goods — Consumer rights in the event of lack of conformity of the goods with the contract — Period of liability for lack of conformity of the goods with the contract — Limitation periods**  
[CURIA – Opinion of Advocate General in Case C-133/16 of 6 April 2017](#)

**Case C-146/16: JUDGMENT OF THE COURT (Tenth Chamber) of 30 March 2017 - Verband Sozialer Wettbewerb eV v DHL Paket GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Unfair business practices — Advertisement in a print medium — Omission of material information — Access to that information via the website by means of which the products concerned are distributed — Products sold by the person who published the advertisement or by a third party**  
[CURIA – Judgment of the Court of Justice in Case C-146/16 of 30 March 2017](#)

**Case C-111/16: OPINION OF ADVOCATE GENERAL BOBEK of 30 March 2017 - Giorgio Fidenato and others - Request for a preliminary ruling from the Tribunale di Udine (District Court, Udine, Italy) - Request for a preliminary ruling — Agriculture — Genetically modified food and feed — Prohibition of cultivation of genetically modified maize MON 810 – Emergency measures adopted by Member States – Substantive conditions – Precautionary principle**  
[CURIA – Opinion of Advocate General in Case C-111/16 of 30 March 2017](#)

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

**POSITION (EU) No 2/2017 OF THE COUNCIL AT FIRST READING with a view to the adoption of a Regulation** of the European Parliament and of the Council **on medical devices**, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC Adopted by the Council on 7 March 2017 (Text with EEA relevance) (2017/C 116/01)  
[OJ of the EU, C 116/1 of 11 April 2017](#)

**Statement of the Council's reasons:** Position (EU) No 2/2017 of the Council at first reading **with a view to the adoption of a Regulation** of the European Parliament and of the Council **on medical devices**, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (2017/C 116/02)  
[OJ of the EU, C 116/197 of 11 April 2017](#)

## 12. Human Rights

**COUNCIL IMPLEMENTING DECISION (EU) 2017/617** of 27 March 2017 on the **launch of automated data exchange with regard to DNA data in Greece**  
[OJ of the EU, L 89/4 of 1 April 2017](#)



## Case Law

**Case C-668/15: JUDGMENT OF THE COURT (First Chamber) of 6 April 2017 - Jyske Finans A/S v Ligebehandlingsnævnet, acting on behalf of Ismar Huskic** - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (High Court of Western Denmark) - Reference for a preliminary ruling — **Equal treatment between persons irrespective of racial or ethnic origin** — Directive 2000/43/EC — Article 2(2)(a) and (b) — **Credit institution requiring persons applying for a loan to purchase a car who have produced a driving licence indicating a country of birth other than a Member State of the European Union or of the European Free Trade Association as a form of identification to provide additional proof of identity in the form of a copy of a passport or residence permit**

[CURIA – Judgment of the Court of Justice in Case C-668/15 of 6 April 2017](#)

**Case C-348/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 6 April 2017 - Moussa Sacko v Commissione Territoriale per il riconoscimento della Protezione internazionale di Milano** - Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy) - Reference for a preliminary ruling — **Asylum** — Interpretation of Articles 12, 14, 31 and 46 of Directive 2013/32/EU — **Right to effective judicial protection — Administrative refusal, following a hearing of the person concerned, of an application for refugee status** — Possibility of dismissing the legal action without a hearing of the person concerned

[CURIA – Opinion of Advocate General in Case C-348/16 of 6 April 2017](#)

**Joined Cases C-217/15 and C-350/15: JUDGMENT OF THE COURT (Fourth Chamber) of 5 April 2017 - Massimo Orsi (C-217/15) and Luciano Baldetti (C-350/15)** - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale di Santa Maria Capua Vetere (District Court, Santa Maria Capua Vetere, Italy) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Articles 2 and 273 — **National legislation providing for an administrative penalty and a criminal penalty for the same offences, relating to the non-payment of value added tax — Charter of Fundamental Rights of the European Union — Article 50 — Ne bis in idem principle — Identity of the accused or penalised person — Absence**

[CURIA – Judgment of the Court of Justice in Case C-217/15 of 5 April 2017](#)

**Case C-612/15: OPINION OF ADVOCATE GENERAL BOT of 4 April 2017 - Criminal proceedings against Nikolay Kolev and Stefan Kostadinov** - Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — **Criminal proceedings** — Directive 2012/13/EU — **Right to be informed of the accusation — Right of access to the file** — Directive 2013/48/EU — **Right of access to a lawyer** — Fraud affecting the financial interests of the European Union — **Criminal offences — Effective and dissuasive penalties** — Pre-determined period — Termination of the criminal proceedings without examining the merits of the accusations — **Right to a fair trial — Rights of the defence — Reasonable time**

[CURIA – Opinion of Advocate General in Case C-612/15 of 4 April 2017](#)

**Case C-73/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Peter Puškár v Finančné riaditeľstvo Slovenskej republiky a dn Kriminálny úrad finančnej správy** - Reference for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Processing of personal data — Protection of fundamental rights** — Need for prior proceedings — **List of personal data created for the purpose of controlling tax fraud** — Admissibility of the list as evidence — **Principle of sincere cooperation — Relationship between the case-law of the Court of Justice of the European Union and the case-law of the European Court of Human Rights**

[CURIA – Opinion of Advocate General in Case C-73/16 of 30 March 2017](#)

## 13. Internal Market and Single Market

### Case Law

**Case C-567/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 27 April 2017 - LitSpecMet UAB v Vilniaus lokomotyvų remonto depas UAB and Plienmetas UAB** - Request for a preliminary ruling from the Vilniaus apygardos teismas (Regional Court, Vilnius, Lithuania) - Preliminary ruling — **Public works contracts, public supply contracts and public service contracts** — Directive 2004/18/EC — **Public contracts in the water, energy, transport and telecommunications sectors** — Directive 2004/17/EC — **Concept of contracting authority — Company wholly owned by the State through another State-owned company — ‘in-house’ exemption**  
[CURIA – Opinion of Advocate General in Case C-567/15 of 27 April 2017](#)

Affaire C-658/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 26 avril 2017 - **Robeco Hollands Bezit N.V., Robeco Duurzaam Aandelen N.V., Robeco Safe Mix N.V., Robeco Solid Mix N.V., Robeco Balanced Mix N.V., Robeco Growth Mix N.V., Robeco Life Cycle Funds N.V., Robeco Afrika Fonds N.V., Robeco Global Stars Equities, Robeco All Strategy Euro Bonds, Robeco High Yield Bonds and Robeco Property Equities contre Stichting Autoriteit Financiële Markten (AFM)** - demande de décision préjudicielle formée par le College van beroep voor het bedrijfsleven (Cour d'appel en matière économique, Pays-Bas) - **Marchés des instruments financiers** — Systèmes multilatéraux de négociation — **Notion de marché réglementé — Gestionnaire de fonds d'investissement — Fonds d'investissement ouverts — Abus de marché et délit d'initié**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-658/15 du 26 avril 2017](#)

**Case C-177/16: OPINION OF ADVOCATE GENERAL WAHL of 6 April 2017 - Biedrība ‘Autortiesību un komunikēšanās konsultāciju aģentūra – Latvijas Autoru apvienība’ v Konkurences padome** - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Article 102 TFEU — **Abuse of dominant position — Effect on trade between Member States** — Collecting society — **Unfair prices — Relevant turnover for the imposition of a fine**  
[CURIA – Opinion of Advocate General in Case C-177/16 of 6 April 2017](#)

**Case C-298/15: JUDGMENT OF THE COURT (Fifth Chamber) of 5 April 2017 - ‘Borta’ UAB v Klaipėdos valstybinio jūrų uosto direkcijaVJ** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court, Lithuania) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/17/EC — **Contract not reaching the threshold laid down by that directive** — Articles 49 and 56 TFEU — **Limit on reliance on subcontracting — Submission of a common tender — Professional capacities of the tenderers — Changes to the tender specifications**  
[CURIA – Judgment of the Court of Justice in Case C-298/15 of 5 April 2017](#)

**Case C-245/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 5 April 2017 - Nerea S.p.A. v Regione Marche** - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per le Marche (Regional Administrative Court, Le Marche, Italy) - Preliminary ruling — **State aid** — Regulation (EC) No 800/2008 — **Application for an arrangement with creditors by a company in receipt of European Union funds — Definition of undertaking in difficulty** — Definition of procedure for an arrangement with creditors — **Conditions for refusal or withdrawal of aid from European Union funds — Obligation to refund aid**  
[CURIA – Opinion of Advocate General in Case C-245/16 of 5 April 2017](#)

**Case C-391/15: JUDGMENT OF THE COURT (Fourth Chamber) of 5 April 2017 - Marina del Mediterráneo SL and Others v Agencia Pública de Puertos de Andalucía, Consejería de Obras Públicas y Vivienda de la Junta de Andalucía, Nassir Bin Abdullah and Sons SL, Puerto Deportivo de Marbella SA and Ayuntamiento de Marbella** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Andalucía (High Court of Justice of Andalusia, Spain) - Reference for a preliminary ruling — **Public procurement — Review procedures** — Directive 89/665/EEC — Article 1(1) — Article 2(1) — **Decision of a contracting authority allowing an economic operator to participate in a procurement procedure — Decision not amenable to review under the applicable national legislation**  
[CURIA – Judgment of the Court of Justice in Case C-391/15 of 5 April 2017](#)

**Case C-49/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 5 April 2017 - Unibet International Limited v Nemzeti Adó- és Vámhivatal Központi Hivatal** - Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary) - **Freedom to provide services** – Article 56 TFEU – **Online games of chance – Restriction – Compatibility of license requirement with principles of equal treatment and transparency – Administrative penalties**

[CURIA – Opinion of Advocate General in Case C-49/16 of 5 April 2017](#)

**Case C-112/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Persidera SpA v Autorità per le Garanzie nelle Comunicazioni and Ministero dello Sviluppo Economico delle Infrastrutture e dei Trasporti** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directives 2002/20/EC, 2002/21/EC and 2002/77/EC — **Transition from analogue television to digital television — Determination of the number of digital frequencies to be assigned to each owner of analogue frequencies** — Taking into account of previously unlawfully used analogue frequencies — Conversion ratio — Conversion factor — **Equal treatment, non-discrimination and proportionality**

[CURIA – Opinion of Advocate General in Case C-112/16 of 30 March 2017](#)

**Affaire C-591/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOLZI du 30 mars 2017 - Commission européenne contre Royaume de Belgique** - Manquement d'État – Non-respect d'une décision de la Commission relative à une aide d'État - Décision 2011/678/UE – **Aide d'État en faveur du financement du dépistage des encéphalopathies spongiformes transmissibles (EST) chez les bovins – Absence de récupération des aides accordées** – Moyens de défense – **Difficultés dans l'identification des bénéficiaires des aides**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-591/14 du 30 mars 2017](#)

## 14. Intellectual Property

### Case Law

**Case C-527/15: JUDGMENT OF THE COURT (Second Chamber) of 26 April 2017 - Stichting Brein v Jack Frederik Willems, also trading under the name Filmpeleer** - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Midden-Nederland (District Court of Central Netherlands, Netherlands) - Reference for a preliminary ruling — **Intellectual and industrial property** — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights** — Article 3(1) — **Communication to the public — Definition — Sale of a multimedia player** — Add-ons — Publication of works without the consent of the right holder — Access to streaming websites — Article 5(1) and (5) — **Right of reproduction — Exceptions and limitations — Lawful use**

[CURIA – Judgment of the Court of Justice in Case C-527/15 of 26 April 2017](#)

**Case C-598/14 P: JUDGMENT OF THE COURT (Second Chamber) of 5 April 2017 - European Union Intellectual Property Office (EUIPO) v Gilbert Szajner, residing in Saint-Maur-des-Fossés (France) and Forge de Laguiole SARL, established in Laguiole (France)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark — Invalidity proceedings** — Regulation (EC) No 207/2009 — Article 8(4) — Article 65(1) and (2) — **Word mark LAGUIOLE — Application for a declaration of invalidity based on a prior right acquired pursuant to national law — Application of national law by EUIPO — Role of the EU Courts**

[CURIA – Judgment of the Court of Justice in Case C-598/14 of 5 April 2017](#)

**Case C-93/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 29 March 2017 - Ornuia Co-operative Limited, formerly The Irish Dairy Board Co-operative Limited v Tindale & Stanton Ltd España SL** - Request for a preliminary ruling from the Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) - Request for a preliminary ruling — **European Union trade mark** — Regulation (EC) No 207/2009 — **Unitary character** — Article 1 — **Likelihood of confusion — Detriment to reputation** — Article 9(1)(b) and (c) — **Trade marks at issue containing an indication of geographical origin — Peaceful coexistence of conflicting trade marks in part of the European Union**

[CURIA – Opinion of Advocate General in Case C-93/16 of 29 March 2017](#)

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

### Community Legislation

**COUNCIL IMPLEMENTING DECISION (EU) 2017/617** of 27 March 2017 on the **launch of automated data exchange with regard to DNA data in Greece**

[OJ of the EU, L 89/4 of 1 April 2017](#)

**DIRECTIVE (EU) 2017/541 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 15 March 2017 on **combating terrorism** and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA

[OJ of the EU, L 88/6 of 31 March 2017](#)

### Case Law

**Joined Cases C-168/16 and C-169/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE** of 27 April 2017 - Sandra Nogueira, Victor Perez-Ortega, Virginie Manguit, Maria Sanchez-Odogherty and José Sanchez-Navarro v Crewlink Ltd (C-168/16) - Miguel José Moreno Osacar v Ryanair, formerly Ryanair Ltd (C-169/16) - Request for a preliminary ruling from the cour du travail de Mons (Belgium) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Judicial cooperation in civil matters — Jurisdiction — Article 19 — Jurisdiction over individual contracts of employment — Court of the place where the employee habitually carries out his work** — Airline sector — Cabin crew — Regulation (EEC) No 3922/91 — **Concept of ‘home base’**

[CURIA – Opinion of Advocate General in Case C-168/16 of 27 April 2017](#)

**Case C-249/16: OPINION OF ADVOCATE GENERAL BOT** of 26 April 2017 - Saale Kareda v Stefan Benkö - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters — Concept of ‘matters relating to a contract’** — Claim for repayment made by a debtor against the other jointly and severally liable debtor for banking commitments under a joint credit agreement — **Determination of the place of performance of the credit agreement**

[CURIA – Opinion of Advocate General in Case C-249/16 of 26 April 2017](#)

**Case C-180/16 P: OPINION OF ADVOCATE GENERAL TANCHEV** of 26 April 2017 - Toshiba Corporation v European Commission - Appeal — Article 101 TFEU — Gas Insulated Switchgear — **Commission decision amending the initial decision after partial annulment by the General Court** — Fines — **Rights of defence — Statement of objections — Equal treatment — Participation in certain aspects of the cartel — Res judicata**

[CURIA – Opinion of Advocate General in Case C-180/16 of 26 April 2017](#)

**Case C-348/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA** of 6 April 2017 - Moussa Sacko v Commissione Territoriale per il riconoscimento della Protezione internazionale di Milano - Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy) - Reference for a preliminary ruling — **Asylum** — Interpretation of Articles 12, 14, 31 and 46 of Directive 2013/32/EU — **Right to effective judicial protection — Administrative refusal, following a hearing of the person concerned, of an application for refugee status** — Possibility of dismissing the legal action without a hearing of the person concerned

[CURIA – Opinion of Advocate General in Case C-348/16 of 6 April 2017](#)

**Case C-544/15: JUDGMENT OF THE COURT (Grand Chamber)** of 4 April 2017 - Sahar Fahimian v Bundesrepublik Deutschland and Stadt Darmstadt - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/114/EC — Article 6(1)(d) — **Conditions of admission of third country nationals — Refusal of admission — Concept of ‘threat to public security’ — Margin of discretion**

[CURIA – Judgment of the Court of Justice in Case C-544/15 of 4 April 2017](#)

**Case C-612/15: OPINION OF ADVOCATE GENERAL BOT of 4 April 2017 - Criminal proceedings against Nikolay Kolev and Stefan Kostadinov** - Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — **Criminal proceedings** — Directive 2012/13/EU — **Right to be informed of the accusation** — **Right of access to the file** — Directive 2013/48/EU — **Right of access to a lawyer** — Fraud affecting the financial interests of the European Union — **Criminal offences** — **Effective and dissuasive penalties** — Pre-determined period — Termination of the criminal proceedings without examining the merits of the accusations — **Right to a fair trial** — **Rights of the defence** — **Reasonable time**

[CURIA – Opinion of Advocate General in Case C-612/15 of 4 April 2017](#)

**Case C-73/16: OPINION OF ADVOCATE GENERAL KOKOTT of 30 March 2017 - Peter Puškár v Finančné riaditeľstvo Slovenskej republiky dn Kriminálny úrad finančnej správy** - Reference for a preliminary ruling from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic - Reference for a preliminary ruling — **Processing of personal data** — **Protection of fundamental rights** — Need for prior proceedings — **List of personal data created for the purpose of controlling tax fraud** — Admissibility of the list as evidence — **Principle of sincere cooperation** — **Relationship between the case-law of the Court of Justice of the European Union and the case-law of the European Court of Human Rights**

[CURIA – Opinion of Advocate General in Case C-73/16 of 30 March 2017](#)

## 16. Transport

### Case Law

**Case C-632/15: JUDGMENT OF THE COURT (Fourth Chamber) of 26 April 2017 - Costin Popescu v Guvernul României, Ministerul Afacerilor Interne, Direcția Regim Permise de Conducere și Înmatriculare a Vehiculelor, Direcția Rutieră and Serviciul Public Comunitar Regim Permise de Conducere și Înmatriculare a Vehiculelor** - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania) - Reference for a preliminary ruling — **Transport** — **Road transport** — **Driving licences** — Directive 2006/126/EC — Article 13(2) — **Concept of ‘entitlement to drive granted before 19 January 2013’** — **National legislation transposing the directive** — **Obligation to obtain a driving licence imposed on persons who were allowed to ride a moped without a licence before the entry into force of that legislation**

[CURIA – Judgment of the Court of Justice in Case C-632/15 of 26 April 2017](#)

**Case C-600/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 24 April 2017 - Federal Republic of Germany v Council of the European Union** - Action for annulment — **External action of the European Union** — **Competences of the European Union** — Article 216(1) TFEU — **Establishment of the position to be adopted on behalf of the European Union in a body set up by an international agreement** — **Intergovernmental Organisation for International Carriage by Rail (OTIF) Revision Committee** — Amendments to the Convention concerning International Carriage by Rail (COTIF) and to the appendices thereto — Validity of Decision 2014/699/EU

[CURIA – Opinion of Advocate General in Case C-600/14 of 24 April 2017](#)

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

### Community Legislation

**GUIDELINE (EU) 2017/697 OF THE EUROPEAN CENTRAL BANK of 4 April 2017 on the exercise of options and discretions available in Union law by national competent authorities in relation to less significant institutions** (ECB/2017/9)

[OJ of the EU, L 101/156 of 13 April 2017](#)



## Case Law

**Case C-184/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 27 April 2017 - Ovidiu-Mihaita Petrea v Ypourgou Esoterikon kai Dioikitikis Anasygrotisis** - Request for a preliminary ruling from the Dioikitiko Protodikeio Thessalonikis (Administrative Court of First Instance of Thessaloniki, Greece) - Reference for a preliminary ruling — **Citizenship of the Union — Right to move and reside freely in the territory of the Member States** — Residence of a citizen of a Member State in the territory of another Member State despite an earlier removal decision — **Lawfulness of a decision to withdraw a certificate of registration and of a second removal decision**

[CURIA – Opinion of Advocate General in Case C-184/16 of 27 April 2017](#)

**Case C-600/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 24 April 2017 - Federal Republic of Germany v Council of the European Union** - Action for annulment — **External action of the European Union — Competences of the European Union** — Article 216(1) TFEU — **Establishment of the position to be adopted on behalf of the European Union in a body set up by an international agreement — Intergovernmental Organisation for International Carriage by Rail (OTIF) Revision Committee** — Amendments to the Convention concerning International Carriage by Rail (COTIF) and to the appendices thereto — Validity of Decision 2014/699/EU

[CURIA – Opinion of Advocate General in Case C-600/14 of 24 April 2017](#)

**Case C-331/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 6 April 2017 - French Republic v Carl Schlyter** - Appeal — **Access to documents** — Detailed opinion of the Commission concerning a draft Order relating to the annual declaration of nanoparticle substances communicated to the Commission by the French authorities pursuant to Directive 98/34/EC — **Decision of the Commission refusing access** — Regulation (EC) No 1049/2001 — Third indent of Article 4(2) — **Exception to the right of access — Protection of the purposes of the investigations**

[CURIA – Opinion of Advocate General in Case C-331/15 of 6 April 2017](#)

**Case C-337/15 P: JUDGMENT OF THE COURT (Grand Chamber) 4 April 2017 - European Ombudsman Claire Staelen, residing in Bridel (Luxembourg)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Non-contractual liability of the European Union — Handling by the European Ombudsman of a complaint concerning the management of a list of suitable candidates in an open competition — Breaches of the duty to act diligently — Concept of a ‘sufficiently serious breach’ of a rule of EU law** — Non-material damage — Loss of confidence in the office of the European Ombudsman)

[CURIA – Judgment of the Court of Justice in Case C-337/15 of 4 April 2017](#)

**Case C-72/15: JUDGMENT OF THE COURT (Grand Chamber) of 28 March 2017 - The Queen, on the application of PJSC Rosneft Oil Company, formerly OJSC Rosneft Oil Company v Her Majesty’s Treasury, Secretary of State for Business, Innovation and Skills and The Financial Conduct Authority** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen’s Bench Division (Divisional Court) - Reference for a preliminary ruling — **Common Foreign and Security Policy (CFSP) – Restrictive measures adopted in view of Russia’s actions destabilising the situation in Ukraine** – Provisions of Decision 2014/512/CFSP and Regulation (EU) No 833/2014 – **Validity – Jurisdiction of the Court – EU-Russia Partnership Agreement – Obligation to state reasons – Principles of legal certainty and nulla poena sine lege certa – Access to capital markets – Financial assistance** – Global Depository Receipts – Oil sector – **Request for interpretation of concepts of ‘shale’ and ‘waters deeper than 150 metres’** – Inadmissibility

[CURIA – Judgment of the Court of Justice in Case C-72/15 of 28 March 2017](#)