EU News: Click & Read

August-September 2016

European Documentation Centre

Editor: Alfredo Santos Legal Adviser

This edition of the 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.

Table of contents

1. EU-Swiss Relations ........................................2
2. External Relations / Foreign Policy ...............2
3. Agriculture and Fisheries / Maritime Affairs 4
4. Audiovisual and Media and Information Society ...........................................5
5. Competition .................................................7
6. Customs ...................................................8
7. Economic and Monetary Affairs,
   Taxation, Enterprise ....................................9
8. Education, Training, Youth, Culture,
   Research and Innovation ..............................13
9. Employment and Social Affairs ....................13
10. Energy and Environment .............................14
11. Food Safety, Public Health and Consumers 17
12. Human Rights ..........................................19
13. Internal Market and Single Market .............21
15. Justice, Freedom and Security
   (incl. Judicial Cooperation) ............................24
16. Transport ...............................................26
17. Community Institutions, Principles and
   the Communities' own resources ..............27
1. EU-Swiss Relations

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1345 of 4 August 2016 on minimum data quality standards for fingerprint records within the second generation Schengen Information System (SIS II) (notified under document C(2016) 4988)
OJ of the EU, L 213/15 of 6 August 2016

Case Law

Case C-478/15: JUDGMENT OF THE COURT (Sixth Chamber) of 21 September 2016 - Peter Radgen and Lilian Radgen v Finanzamt Ettlingen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Wurtemberg, Germany) - Reference for a preliminary ruling — Taxation — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Equal treatment — Income tax — Exemption of income derived from part-time employment as a teacher with a legal person governed by public law established in a Member State of the European Union or in a State to which the Agreement on the European Economic Area of 2 May 1992 applies — Legislation of a Member State excluding from that exemption income derived from such employment with a legal person governed by public law established in Switzerland
CURIA – Judgment of the Court of Justice in Case C-478/15 of 21 September 2016

2. External Relations / Foreign Policy

International Agreements

OJ of the EU, L 225/1 of 19 August 2016

OJ of the EU, L 225/3 of 19 August 2016

OJ of the EU, L 207/1 of 1 August 2016

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1345 of 4 August 2016 on minimum data quality standards for fingerprint records within the second generation Schengen Information System (SIS II) (notified under document C(2016) 4988)
OJ of the EU, L 213/15 of 6 August 2016
Case Law

CURIA – Opinion of Advocate General in Case C-247/15 of 22 September 2016

CURIA – Opinion of Advocate General in Case C-248/15 of 22 September 2016

Affaire C-595/15 P: ARRÊT DE LA COUR (septième chambre) du 22 septembre 2016 - National Iranian Oil Company PTE Ltd (NIOC), établie à Singapour (Singapour), National Iranian Oil Company International Affairs Ltd (NIOC International Affairs), établie à Londres (Royaume-Uni), Iran Fuel Conservation Organization (IFCO), établie à Téhéran (Iran), Karoon Oil & Gas Production Co., établie à Khuzestan (Iran), Petroleum Engineering & Development Co. (PEDEC), établie à Téhéran, Khazar Exploration and Production Co. (KEPCO), établie à Téhéran, National Iranian Drilling Co. (NIDC), établie à Khuzestan, South Zagros Oil & Gas Production Co., établie à Shiraz (Iran), Maroun Oil & Gas Co., établie à Ahwaz (Iran), Masjed-Soleyman Oil & Gas Co. (MOGC), établie à Khuzestan, Gachsaran Oil & Gas Co., établie à Ahmad (Iran), Aghajari Oil & Gas Production Co. (AOGPC), établie à Khuzestan, Arvandan Oil & Gas Co. (AOGC), établie à Khoramshar (Iran), West Oil & Gas Production Co., établie à Kermanshah (Iran), East Oil & Gas Production Co. (EOGPC), établie à Mashhad (Iran), Iranian Oil Terminals Co. (IOTC), établie à Téhéran et Pars Special Economic Energy Zone (PSEEZ), établie à Boushehr (Iran) contre Conseil de l’Union européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Mesures restrictives prises à l'encontre de la République islamique d'Iran – Liste des personnes et des entités auxquelles s’applique le gel de fonds et de ressources économiques – Règlement d’exécution (UE) n° 945/2012 – Base juridique – Notion d’entité associée
CURIA – Arrêt de la Cour de Justice dans l’affaire C-595/15 du 22 septembre 2016 (FR seulement)

Case C-478/15: JUDGMENT OF THE COURT (Sixth Chamber) of 21 September 2016 - Peter Radgen and Lilian Radgen v Finanzamt Ettlingen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Wurttemberg, Germany) - Reference for a preliminary ruling — Taxation — Agreement of the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Equal treatment — Income tax — Exemption of income derived from part-time employment as a teacher with a legal person governed by public law established in a Member State of the European Union or in a State to which the Agreement on the European Economic Area of 2 May 1992 applies — Legislation of a Member State excluding from that exemption income derived from such employment with a legal person governed by public law established in Switzerland
CURIA – Judgment of the Court of Justice in Case C-478/15 of 21 September 2016
Affaires jointes C-508/15 et C-509/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGÖZZI du 15 septembre 2016 - Sidika Ucar contre Land Berlin (C-508/15) et Recep Kılıç contre Land Berlin (C-509/15) - demandes de décision préjudiciable formée par le Verwaltungsgericht Berlin (tribunal administratif de Berlin, Allemagne) - Renvoi préjudiciel – Accord d’association entre l’Union européenne et la Turquie – Droit de séjour des membres de la famille d’un travailleur turc appartenant au marché régulier de l’emploi d’un État membre – Conditions – Nécessité pour le regroupant d’appartenir au marché régulier pendant les trois premières années du séjour du membre de la famille

CURIA – Conclusions de l’Avocat Général dans l’affaire C-508/16 du 15 septembre 2016 (FR seulement)


Case C-45/15 P: OPINION OF ADVOCATE GENERAL MENGÖZZI of 8 September 2016 - Safa Nicu Sepahan Co. v Council of the European Union - Appeal — Restrictive measures against the Islamic Republic of Iran to prevent nuclear proliferation — List of persons and entities subject to the freezing of funds and economic resources — Non-contractual liability — Sufficiently serious breach — Material damage — Non-material damage

CURIA – Opinion of Advocate General in Case C-45/15 of 8 September 2016

Affaire C-459/15 P: ARRÊT DE LA COUR (neuvième chambre) du 8 septembre 2016 - Iranian Offshore Engineering & Construction Co., établie à Téhéran (Iran) contre Conseil de l’Union européenne - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi – Mesures restrictives prises à l’encontre de la République islamique d’Iran – Liste des personnes et des entités auxquelles s’applique le gel des fonds et des ressources économiques – Soutien logistique au gouvernement iranien – Inclusion du nom de la requérante

CURIA – Arrêt de la Cour de Justice dans l’affaire C-459/15 du 8 septembre 2016 (FR seulement)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1685 of 16 September 2016 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maizes combining two or three of the events Bt11, MIR162, MIR604 and GA21, and repealing Decisions 2010/426/EU, 2011/892/EU, 2011/893/EU and 2011/894/EU (notified under document C(2016) 5746) (Only the French text is authentic) (Text with EEA relevance)

OJ of the EU, L 254/22 of 20 September 2016


OJ of the EU, L 206/15 of 30 July 2016


OJ of the EU, L 206/71 of 30 July 2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1239 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences (Text with EEA relevance)

OJ of the EU, L 206/44 of 30 July 2016
Case Law

Case C-91/15: JUDGMENT OF THE COURT (Eighth Chamber) of 22 September 2016 - Kawasaki Motors Europe NV v Inspecteur van de Belastingdienst/Douane - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof Amsterdam (Amsterdam Regional Court of Appeal, Netherlands) - Reference for a preliminary ruling — Assessment of validity — Regulation (EC) No 1051/2009 — Common Customs Tariff — Tariff classification — Combined Nomenclature — Heading 8701 — Tractors — Subheadings 8701 90 11 to 8701 90 39 — Agricultural tractors (excluding pedestrian-controlled tractors) and forestry tractors, wheeled, new — Light four-wheeled all terrain vehicles designed to be used as tractors

Case C-141/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 13 September 2016 - Doux SA, Maître Sophie Gautier, acting as administrator in the judicial administration of Doux SA and SCP Valliot-Le Guenevé-Abittbol, in the person of Maître Valliot, acting as administrator in the judicial administration of Doux SA v Établissement national des produits de l’agriculture et de la mer (FranceAgriMer) - Request for a preliminary ruling from the Tribunal administratif de Rennes (Administrative Court, Rennes (France) - Requirements for granting export refunds — Interpretation of Article 28(1) of Regulation (EC) No 612/2009 — Sound and fair marketable quality — Meaning of the words marketed within EU territory ‘in normal conditions’ — Prescribed limits for water content in frozen poultrymeat — Whether prescribed limits are obsolete — Rights of exporter in relation to checks for water content and requests for counter-analyses of checks

Case C-104/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 13 September 2016 - Council of the European Union v Popular Front for the Liberation of Saguia-el-Hamra and Río de Oro (Polisario Front) - Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco — Reciprocal liberalisation of agricultural products, processed agricultural products, fish and fishery products


4. Audiovisual and Media and Information Society

International Agreements


OJ of the EU, L 207/1 of 1 August 2016
Case Law

Case C-484/14: JUDGMENT OF THE COURT (Third Chamber) of 15 September 2016 - Tobias Mc Fadden v Sony Music Entertainment Germany GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht München I (Regional Court, Munich I, Germany) - Reference for a preliminary ruling — Information society — Free movement of services — Commercial wireless local area network (WLAN) — Made available to the general public free of charge — Liability of intermediary service providers — Mere conduit — Directive 2000/31/EC — Article 12 — Limitation of liability — Unknown user of the network — Infringement of rights of rightholders over a protected work — Duty to secure the network — Tortious liability of the trader

CURIA – Judgment of the Court of Justice in Case C-484/14 of 15 September 2016


CURIA – Judgment of the Court of Justice in Case C-28/15 of 15 September 2016


CURIA – Opinion of Advocate General in Case C-275/15 of 8 September 2016

Affaire C-398/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 8 septembre 2016 - Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce contre Salvatore Manni - demande de décision préjudicielle formée par la Corte suprema di cassazione (Cour de cassation, Italie) - Renvoi préjudiciel – Données à caractère personnel – Protection des personnes physiques à l’égard du traitement de ces données — Directive 95/46/CE – Article 6, paragraphe 1, sous e), ainsi que article 7, sous c), e) et f) – Données soumises à la publicité au registre des sociétés – Première directive 68/151/CEE – Article 2, paragraphe 1, sous d) et j), ainsi que article 3 – Droit à l’oubli – Charte des droits fondamentaux de l’Union européenne – Articles 7 et 8

CURIA – Conclusions de l’Avocat Général dans l’affaire C-398/15 du 8 septembre 2016 (FR seulement)
5. **Competition**

**Case Law**


**CURIA — Opinion of Advocate General in Case C-247/15 of 22 September 2016**


**CURIA — Opinion of Advocate General in Case C-248/15 of 22 September 2016**

Case C‑574/14: JUDGMENT OF THE COURT (Fifth Chamber) of 15 September 2016 - PGE Górnictwo i Energetyka Konwencjonalna S.A. v Prezes Urzędu Regulacji Energetyki - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — State aid — Power Purchase Agreements — Compensation paid for voluntary termination — Commission decision finding State aid compatible with the internal market — Assessment of the lawfulness of aid by a national court — Annual adjustment of stranded costs — Point at which an energy generator’s membership of a group of undertakings is taken into account

**CURIA — Judgment of the Court of Justice in Case C-574/14 of 15 September 2016**


**CURIA — Conclusions de l’Avocat Général dans l’affaire C-524/14 du 15 septembre 2016 (FR seulement)**


**CURIA — Arrêt de la Cour de Justice dans l’affaire C-490/15 du 14 septembre 2016 (FR seulement)**
Case C-519/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 14 September 2016 - Trafilerie Meridionali SpA 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 prestressing steel market — Fines — Setting of the fines — 2006 Guidelines for the setting of fines — Point 35 — Unlimited jurisdiction — Obligation to state reasons — Charter of Fundamental Rights of the European Union — Article 47 — Right to an effective remedy within a reasonable time
CURIA – Judgment of the Court of Justice in Case C-519/15 of 14 September 2016

CURIA – Judgment of the Court of Justice in Case C-101/15 of 7 September 2016

CURIA – Judgment of the Court of Justice in Case C-121/15 of 7 September 2016

6. Customs

Community Legislation

OJ of the EU, L 244/1 of 13 September 2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1253 of 29 July 2016 amending Regulation (EU) No 92/2010 as regards the data exchange between customs authorities and national statistical authorities and the compilation of statistics
(Text with EEA relevance)
OJ of the EU, L 205/12 of 30 July 2016

Case Law

Case C-91/15: JUDGMENT OF THE COURT (Eighth Chamber) of 22 September 2016 - Kawasaki Motors Europe NV v Inspecteur van de Belastingdienst/Douane - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof Amsterdam (Amsterdam Regional Court of Appeal, Netherlands) - Reference for a preliminary ruling — Assessment of validity — Regulation (EC) No 1051/2009 — Common Customs Tariff — Tariff classification — Combined Nomenclature — Heading 8701 — Tractors — Subheadings 8701 90 11 to 8701 90 39 — Agricultural tractors (excluding pedestrian-controlled tractors) and forestry tractors, wheeled, new — Light four-wheeled all terrain vehicles designed to be used as tractors
CURIA – Judgment of the Court of Justice in Case C-91/15 of 22 September 2016
Case C-365/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 8 September 2016 - Wortmann KG Internationale Schuhproduktionen v Hauptzollamt Bielefeld - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Customs union and common customs tariff — Repayment of import duties — Annulment of the regulation imposing an antidumping duty — Validity of Article 241 of the Customs Code — Applicability of the Customs Code — Obligation to pay interest

CURIA – Opinion of Advocate General in Case C-365/15 of 8 September 2016


CURIA – Judgment of the Court of Justice in Case C-409/14 of 8 September 2016

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION (EU) 2016/1623 of 1 June 2016 on the signing, on behalf of the European Union and provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part

OJ of the EU, L 250/1 of 16 September 2016

ECONOMIC PARTNERSHIP AGREEMENT between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part

OJ of the EU, L 250/3 of 16 September 2016


OJ of the EU, L 225/1 of 19 August 2016


OJ of the EU, L 225/3 of 19 August 2016

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1702 of 18 August 2016 amending Implementing Regulation (EU) No 680/2014 as regards templates and instructions (Text with EEA relevance)

OJ of the EU, L 263/1 of 29 September 2016

COMMISSION DELEGATED REGULATION (EU) 2016/1712 of 7 June 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms with regard to regulatory technical standards specifying a minimum set of the information on financial contracts that should be contained in the detailed records and the circumstances in which the requirement should be imposed (Text with EEA relevance)

OJ of the EU, L 258/1 of 24 September 2016


OJ of the EU, L 257/10 of 23 September 2016
OJ of the EU, L 257/1 of 23 September 2016

OJ of the EU, L 254/1 of 20 September 2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1646 of 13 September 2016 laying down implementing technical standards with regard to main indices and recognised exchanges in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms (Text with EEA relevance)
OJ of the EU, L 245/5 of 14 September 2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1630 of 9 September 2016 laying down implementing technical standards with regard to the procedures for the application of the transitional measure for the equity risk sub-module in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)
OJ of the EU, L 243/1 of 10 September 2016

COMMISSION DELEGATED REGULATION (EU) 2016/1608 of 17 May 2016 amending Delegated Regulation (EU) No 1222/2014 with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions (Text with EEA relevance)
OJ of the EU, L 240/1 of 8 September 2016

COMMISSION DELEGATED REGULATION (EU) 2016/1450 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms with regard to regulatory technical standards for methodologies and principles on the valuation of liabilities arising from derivatives (Text with EEA relevance)
OJ of the EU, L 228/7 of 23 August 2016

OJ of the EU, L 233/1 of 30 August 2016

COMMISSION DELEGATED REGULATION (EU) 2016/1401 of 23 May 2016 supplementing Directive 2014/59/EU of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms with regard to regulatory technical standards specifying the minimum elements of a business reorganisation plan and the minimum contents of the reports on the progress in the implementation of the plan (Text with EEA relevance)
OJ of the EU, L 228/1 of 23 August 2016
OJ of the EU, L 222/24 of 17 August 2016

OJ of the EU, L 222/85 of 17 August 2016

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1368 of 11 August 2016 establishing a list of critical benchmarks used in financial markets pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (Text with EEA relevance)
OJ of the EU, L 217/1 of 12 August 2016

Case Law

Case C-592/15: OPINION OF ADVOCATE GENERAL BOT of 29 September 2016 - Commissioners for Her Majesty’s Revenue and Customs v British Film Institute - Reference for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) (United Kingdom) - Value added tax — Sixth Directive 77/388/EEC — Article 13A(1)(n) — Exemptions for the supply of certain cultural services — Discretion of Member States as to the cultural services which may fall within the scope of the exemption
CURIA – Opinion of Advocate General in Case C-592/15 of 29 September 2016

Case C-471/15: OPINION OF ADVOCATE GENERAL BOT of 22 September 2016 - Sjelle Autogenbrug I/S v Skatteministeriet - Request for a preliminary ruling by the Vestre Landsret (Western Court of Appeal, Denmark) - Reference for a preliminary ruling — Directive 2006/112/EC — Common system of value added tax — Special arrangements for taxable dealers — Margin scheme — Sale of spare parts for motor vehicle — Definition of ‘second-hand goods’
CURIA – Opinion of Advocate General in Case C-471/15 of 22 September 2016

Case C-221/15: JUDGMENT OF THE COURT (Sixth Chamber) of 21 September 2016 - Etablissements Fr. Colruyt 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 — Directive 2011/64/EU — Article 15(1) — Free determination, by the manufacturers and importers, of the maximum retail selling prices of manufactured tobacco products — National regulation prohibiting the sale of such products by retailers at prices lower than those indicated on the revenue stamp — Free movement of goods — Article 34 TFEU — Selling arrangements — Article 101 TFEU, read in conjunction with Article 4(3) TEU
CURIA – Judgment of the Court of Justice in Case C-221/15 of 21 September 2016

Joined Cases C-105/15 P to C-109/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 20 September 2016 - Konstantinos Mallis, residing in Larnaca (Cyprus) (C-105/15 P), Elli Konstantinou Malli, residing in Larnaca (C-105/15 P), Tameio Pronoias Prosopikou Trapezis Kyprou, established in Nicosia (Cyprus) (C-106/15 P), Petros Chatzithoma, residing in Makidonitissa (Cyprus) (C-107/15 P), Elenitsa Chatzithoma, residing in Makidonitissa (C-107/15 P), Lella Chatziioannou, residing in Nicosia (C-108/15 P) and Marinos Nikolaou, residing in Strovolos (Cyprus) (C-109/15 P) v European Commission and European Central Bank (ECB) - FIVE APPEALS under Article 56 of the Statute of the Court of Justice of the European - Appeals — Stability support programme for the Republic of Cyprus — Eurogroup statement concerning, in particular, the restructuring of the banking sector in Cyprus — Actions for annulment
CURIA – Judgment of the Court of Justice in Case C-105/15 of 20 September 2016
Joined Cases C-8/15 P to C-10/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 20 September 2016 - Ledra Advertising Ltd, established in Nicosia (Cyprus) (C-8/15 P), Andreas Eleftheriou, residing in Limassol (Cyprus) (C-9/15 P), Eleni Eleftheriou, residing in Limassol (C-9/15 P), Lilia Papachristofi, residing in Limassol (C-9/15 P), Christos Theophilou, residing in Nicosia (C-10/15 P) and Eleni Theophilou, residing in Nicosia (C-10/15 P) v European Commission and European Central Bank (ECB) - THREE APPEALS under Article 56 of the Statute of the Court of Justice of the European - Appeals — Stability support programme for the Republic of Cyprus — Memorandum of Understanding of 26 April 2013 on Specific Economic Policy Conditionality concluded between the Republic of Cyprus and the European Stability Mechanism (ESM) — Duties of the European Commission and the European Central Bank — Non-contractual liability of the European Union — Second paragraph of Article 340 TFEU — Conditions — Obligation to ensure that the Memorandum of Understanding is consistent with EU law

CURIA – Judgment of the Court of Justice in Case C-8/15 of 20 September 2016

Case C-375/15: OPINION OF ADVOCATE GENERAL BOBEK of 15 September 2016 - BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG v Verein für Konsumenteninformation - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Approximation of laws — Directive 2007/64/EC — Payment services in the internal market — Framework contracts — Prior general information — Information relating to changes to the conditions of framework contracts — Requirement to provide information on a durable medium — Information ‘provided’ or ‘made available’ — Transmission of information through the mailbox of an internet e-banking website

CURIA – Opinion of Advocate General in Case C-375/15 of 15 September 2016

Case C-516/14: JUDGMENT OF THE COURT (Fourth Chamber) of 15 September 2016 - Barlis 06 — Investimentos Imobiliários e Turísticos SA v Autoridade Tributária e Aduaneira - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Article 178(a) — Right of deduction — Conditions of exercise — Article 226(6) and (7) — Details required in invoices — Extent and nature of the services rendered — Date on which the supply of services is made

CURIA – Judgment of the Court of Justice in Case C-516/14 of 15 September 2016

Case C-518/14: JUDGMENT OF THE COURT (Fourth Chamber) of 15 September 2016 - Senatex GmbH v Finanzamt Hannover-Nord - REQUEST for a preliminary ruling under Article 267 TFEU from the Niedersächsisches Finanzgericht (Finance Court of Lower Saxony, Germany) - Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Article 167, Article 178(a), Article 179 and Article 226(3) — Deduction of input tax — Invoices not showing a tax number or VAT identification number — Legislation of a Member State excluding the ex tunc correction of an invoice

CURIA – Judgment of the Court of Justice in Case C-518/14 of 15 September 2016

Case C-400/15: JUDGMENT OF THE COURT (Eighth Chamber) of 15 September 2016 - Landkreis Potsdam-Mittelmark v Finanzamt Brandenburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — Taxation — Value Added Tax — Sixth Council Directive 77/388/EEC — Right to deduction — Decision 2004/817/EC — Legislative provision of a Member State — Expenditure on goods and services — Extent of use of goods or services for non-economic purposes greater than 90% of total use — Exclusion of the right to deduct

CURIA – Judgment of the Court of Justice in Case C-400/15 of 15 September 2016

Case C-344/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 8 September 2016 - National Roads Authority v The Revenue Commissioners - Request for a preliminary ruling from the Appeal Commissioners, Ireland - Reference for a preliminary ruling — Taxation — Value added tax — Directive 2006/112/EC — Article 13(1) — Taxable persons — Activities or transactions engaged in by bodies governed by public law as public authorities — Construction and management of toll roads — Distortions of competition

CURIA – Opinion of Advocate General in Case C-344/15 of 8 September 2016
Case C-390/15: OPINION OF ADVOCATE GENERAL KOKOTT of 8 September 2016 - Rzecznik Praw Obywatelskich RPO - Request for a preliminary ruling from the Trybunals Konstytucyjny (Constitutional Court, Poland) - Tax law — VAT — Reduced tax rate for the supply of books, newspapers and periodicals — Validity of point 6 of Annex III to Directive 2006/112/EC, as amended by Directive 2009/47/EC — Article 113 TFEU — Involvement of the European Parliament — Principle of equal treatment — Difference in treatment of publications on paper and other physical supports in comparison with electronically supplied publications
CURIA – Opinion of Advocate General in Case C-390/15 of 8 September 2016

CURIA – Conclusions de l’Avocat Général dans l’affaire C-283/15 du 7 septembre 2016 (FR seulement)

Case C-453/15: OPINION OF ADVOCATE GENERAL WATHELET of 7 September 2016 - A and B - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Taxation — Value added tax — Directive 2006/112/EC — Article 56 — Place where services are supplied — ‘Similar rights’ — Transfer of greenhouse gas emission allowances
CURIA – Opinion of Advocate General in Case C-453/15 of 7 September 2016

Preparatory Acts, Reports, Calls, Memos, Common Positions

OJ of the EU, C 297/1 of 17 August 2016

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

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

9. Employment and Social Affairs

Case Law

Affaires jointes C-508/15 et C-509/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 15 septembre 2016 - Sidika Ucar contre Land Berlin (C-508/15) et Recep Kilic contre Land Berlin (C-509/15) - demandes de décision préjudicielle formée par le Verwaltungsgericht Berlin (tribunal administratif de Berlin, Allemagne) - Renvoi préjudiciel – Accord d’association entre l’Union européenne et la Turquie – Droit de séjour des membres de la famille d’un travailleur turc appartenant au marché régulier de l’emploi d’un État membre – Conditions – Nécessité pour le regroupant d’appartenir au marché régulier pendant les trois premières années du séjour du membre de la famille
CURIA – Conclusions de l’Avocat Général dans l’affaire C-508/16 du 15 septembre 2016 (FR seulement)

Case C-596/14: JUDGMENT OF THE COURT (Tenth Chamber) of 14 September 2016 - Ana de Diego Porras v Ministerio de Defensa - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Madrid (Madrid High Court of Justice, Spain) - Reference for a preliminary ruling — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Concept of ‘employment conditions’ — Compensation for termination of a contract of employment — Compensation not provided for by the national legislation for temporary employment contracts — Difference of treatment as compared with permanent workers
CURIA – Judgment of the Court of Justice in Case C-596/14 of 14 September 2016
10. Energy and Environment

Community Legislation

COMMISSION REGULATION (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (Text with EEA relevance)
OJ of the EU, L 259/42 of 27 September 2016

COMMISSION REGULATION (EU) 2016/1718 of 20 September 2016 amending Regulation (EU) No 582/2011 with respect to emissions from heavy-duty vehicles as regards the provisions on testing by means of portable emission measurement systems (PEMS) and the procedure for the testing of the durability of replacement pollution control devices (Text with EEA relevance)
OJ of the EU, L 259/1 of 27 September 2016
COMMISSION REGULATION (EU) 2016/1388 of 17 August 2016 establishing a Network Code on Demand Connection (Text with EEA relevance) OJ of the EU, L 223/10 of 18 August 2016


Case Law

Case C-324/15 P: Case C-323/15 P: OPINION OF ADVOCATE GENERAL MENGÖZI of 28 September 2016 - Polynt SpA v European Chemicals Agency (ECHA) - Hitachi Chemical Europe GmbH and Polynt SpA v European Chemicals Agency (ECHA) - Appeal — Regulation (EC) No 1907/2006 (REACH Regulation) — Article 57(f) — Substances of very high concern — Establishment of a list of substances subject to authorisation — Decision identifying cyclohexane-1,2-dicarboxylic anhydride, cis-cyclohexane-1,2-dicarboxylic anhydride, trans-cyclohexane-1,2-dicarboxylic anhydride — Decision identifying hexahydromethylphthalic anhydride, hexahydro-4-methylphthalic anhydride, hexahydro-1-methylphthalic anhydride and hexahydro-3-methylphthalic anhydride (MHHPA) — Inclusion on the list of substances identified with a view to eventual inclusion in Annex XIV — Assessment of the hazards of the intrinsic properties of the substances — Assessment and risk management measure
CURIA — Opinion of Advocate General in Case C-324/15 of 28 September 2016

Case C-492/14: JUDGMENT OF THE COURT (Second Chamber) of 29 September 2016 - Essent Belgium NV v Vlaams Gewest and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg te Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — Regional legislation requiring the distribution, through the systems located in the region concerned, of electricity produced from renewable energy sources to be free of charge — Different treatment depending on the origin of the green electricity — Articles 28 EC and 30 EC — Free movement of goods — Directive 2001/77/EC — Articles 3 and 4 — National support mechanisms for the production of green energy — Directive 2003/54/EC — Articles 3 and 20 — Directive 96/92/EC — Articles 3 and 16 — Internal market in electricity — Access to distribution systems on non-discriminatory tariff conditions — Public service obligations — Lack of proportionality
CURIA — Judgment of the Court of Justice in Case C-492/14 of 29 September 2016

Case C-304/15: JUDGMENT OF THE COURT (Seventh Chamber) of 21 September 2016 - European Commission v United Kingdom of Great Britain and Northern Ireland - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Directive 2001/80/EC — Article 4(3) — Annex VI, Part A — Limitation of emissions of certain pollutants into the air from large combustion plants — Application — Aberthaw Power Station
CURIA — Judgment of the Court of Justice in Case C-304/15 of 21 September 2016

Case C-348/15: OPINION OF ADVOCATE GENERAL Kokott of 8 September 2016 - Stadt Wiener Neustadt - Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) — Environmental policy — Directive 85/337/EEC as amended by Directive 97/11/EC — Assessment of the effects of certain public and private projects on the environment — Scope — Provision adopted by a Member State to remedy a final consent granted despite the lack of an environmental impact assessment — Legal certainty and the protection of legitimate expectations
CURIA — Opinion of Advocate General in Case C-348/15 of 8 September 2016
Case C-444/15: OPINION OF ADVOCATE GENERAL KOKOTT of 8 September 2016 - Associazione Italia Nostra Onlus v Comune di Venezia and Others - Request for a preliminary ruling from the Tribunale amministrativo regionale per il Veneto (Regional Administrative Court, Veneto, Italy) - Environment — Effects of certain plans and programmes on the environment — High level of environmental protection under Article 191 TFEU and Article 37 of the Charter of Fundamental Rights — Need for an environmental assessment under Directive 2001/42/EC in cases calling for an implications assessment under Directive 92/43/EEC — Interpretation of the expression ‘small areas at local level’

CURIA – Opinion of Advocate General in Case C-444/15 of 8 September 2016

Case C-180/15: JUDGMENT OF THE COURT (Sixth Chamber) of 8 September 2016 - Borealis AB, Kubikenborg Aluminum AB, Yara AB, SSAB EMEA AB, Lulekraft AB, Värmevärdien i Nynäshamn AB, Cementa AB and Höganäs Sweden AB v Naturvårdsverket - REQUEST for a preliminary ruling under Article 267 TFEU from the Nacka tingsrätt — Mark- och miljödomstolen (Court of First Instance of Nacka — Property and Environmental Affairs Chamber, Sweden) - Reference for a preliminary ruling — Scheme for greenhouse gas emission allowance trading within the European Union — Directive 2003/87/EC — Article 10a — Method of allocating free allowances — Calculation of the uniform cross-sectoral correction factor — Decision 2013/448/EU — Article 4 — Annex II — Validity — Determination of the product benchmark for hot metal — Decision 2011/278/EU — Annex I — Validity — Article 3(c) — Article 7 — Article 10(1) to (3) and 8 — Free allowances for the consumption and for the export of heat — Measurable heat exported to private households — Prohibition on double-counting of emissions and of double allocation of allowances

CURIA – Judgment of the Court of Justice in Case C-180/15 of 8 September 2016

Case C-461/15: JUDGMENT OF THE COURT (Sixth Chamber) of 8 September 2016 - E.ON Kraftwerke GmbH v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — Environment — Greenhouse gas emission allowance trading scheme within the European Union — Directive 2003/87/EC — Harmonised free allocation of emission allowances — Decision 2011/278/EU — Change to the allocation — Article 24(1) — Obligation of the operator of the installation to provide information — Scope

CURIA – Judgment of the Court of Justice in Case C-461/15 of 8 September 2016

Case C-453/15: OPINION OF ADVOCATE GENERAL WATHELET of 7 September 2016 - A and B - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Taxation — Value added tax — Directive 2006/112/EC — Article 56 — Place where services are supplied — ‘Similar rights’ — Transfer of greenhouse gas emission allowances

CURIA – Opinion of Advocate General in Case C-453/15 of 7 September 2016


CURIA – Judgment of the Court of Justice in Case C-584/14 of 7 September 2016


CURIA – Judgment of the Court of Justice in Case C-121/15 of 7 September 2016
Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION (EU) 2016/1318 of 29 July 2016 on guidelines for the promotion of nearly zero-energy buildings and best practices to ensure that, by 2020, all new buildings are nearly zero-energy buildings
OJ of the EU, L 208/46 of 2 August 2016

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1685 of 16 September 2016 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize Bt11 × MIR162 × MIR604 × GA21, and genetically modified maize combinations two or three of the events Bt11, MIR162, MIR604 and GA21, and repealing Decisions 2010/426/EU, 2011/892/EU, 2011/893/EU and 2011/894/EU (notified under document C(2016) 5746) (Only the French text is authentic) (Text with EEA relevance)
OJ of the EU, L 254/22 of 20 September 2016

Case Law

Case C-525/14: JUDGMENT OF THE COURT (Second Chamber) of 22 September 2016 - European Commission v Czech Republic and French Republic - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Free movement of goods — Article 34 TFEU — Quantitative restrictions on imports — Measures having equivalent effect — Precious metals hallmarked in a third country in accordance with Netherlands legislation — Import into the Czech Republic after being put into free circulation — Refusal to recognise the hallmark — Consumer protection — Proportionality — Admissibility
CURIA – Judgment of the Court of Justice in Case C-525/14 of 22 September 2016

Case C-113/15: JUDGMENT OF THE COURT (Third Chamber) of 22 September 2016 - Breitsamer und Ulrich GmbH & Co. KG v Landeshauptstadt München and Landesanwaltschaft Bayern - REQUEST for a preliminary ruling under Article 267 TFEU from the Bayerischer Verwaltungsgerichtshof (Bavarian Higher Administrative Court, Germany) - Reference for a preliminary ruling — Directive 2000/13/EC — Labelling and presentation of foodstuffs — Article 1(3)(b) — Concept of ‘pre-packaged foodstuff’ — Article 2 — Consumer information and protection — Article 3(1)(8) — Place of origin or provenance of a foodstuff — Article 13(1) — Labelling of a prepackaged foodstuff — Article 13(4) — Packaging or containers the largest surface of which has an area of less than 10 cm² — Directive 2001/110/EC — Article 2(4) — Indication of the country or countries of origin of honey — Individual portions of honey packaged in cartons supplied to mass caterers — Individual portions sold separately or supplied to ultimate consumers as part of meals for an all-inclusive price — Indication of the country or countries of origin of that honey
CURIA – Judgment of the Court of Justice in Case C-113/15 of 22 September 2016
Case C-592/14: JUDGMENT OF THE COURT (First Chamber) of 21 September 2016 - European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills, Attorney General, Cruelty Free International, formerly British Union for the Abolition of Vivisection and European Coalition to End Animal Experiments - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen’s Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — Approximation of laws — Cosmetic products — Regulation (EC) No 1223/2009 — Article 18(1)(b) — Cosmetic products containing ingredients, or a combination of ingredients, which have been the subject of animal testing ‘in order to meet the requirements of this Regulation’ — Prohibition of marketing within the European Union — Scope
CURIA – Judgment of the Court of Justice in Case C-592/14 of 21 September 2016

Case C-219/15: OPINION OF ADVOCATE GENERAL Sharpston of 15 September 2015 - Elisabeth Schmitt v TÜV Rheinland LGA Products GmbH - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Industrial policy — Checks on the conformity of medical devices by a notified body appointed by the manufacturer — Obligations of that body — Breast implants manufactured using defective silicone — Responsibility of the notified body
CURIA – Opinion of Advocate General in Case C-219/15 of 15 September 2016

CURIA – Conclusions de l’Avocat Général dans l’affaire C-503/15 du 15 septembre 2016 (FR seulement)

Case C-141/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 13 September 2016 - Doux SA, Maître Sophie Gautier, acting as administrator in the judicial administration of Doux SA and SCP Valliot-Le Guenevé-Abittbol, in the person of Maître Valliot, acting as administrator in the judicial administration of Doux SA v Établissement national des produits de l’agriculture et de la mer (FranceAgriMer) - Request for a preliminary ruling from the Tribunal administratif de Rennes (Administrative Court, Rennes (France) - Requirements for granting export refunds — Interpretation of Article 28(1) of Regulation (EC) No 612/2009 — Sound and fair marketable quality — Meaning of the words marketed within EU territory ‘in normal conditions’ — Prescribed limits for water content in frozen poultymeat — Whether prescribed limits are obsolete — Rights of exporter in relation to checks for water content and requests for counter-analyses of checks
CURIA – Opinion of Advocate General in Case C-141/15 of 13 September 2016

Case C-339/15: OPINION OF ADVOCATE GENERAL BOT of 8 September 2016 - Openbaar Ministerie v Luc Vanderborght - Request for a preliminary ruling from the rechtbank van eerste aanleg te Brussel (Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — National legislation prohibiting providers of dental care from advertising their services to the public — National legislation defining the requirements of discretion to be fulfilled by a dental practice’s sign — Compatibility — Articles 49 TFEU and 56 TFEU — Freedom of establishment — Freedom to provide services — Existence of a foreign element — Restriction — Protection of public health — Proportionality — Directive 2000/31/EC — Electronic commerce — Scope — Article 3(3) — Exclusion of national provisions relating to health — Article 3(8) — Exclusion of national provisions governing regulated professions — Directive 2005/29/EC — Unfair commercial practices — Article 3(1) — Internal market clause — Applicability of the legal system of the service provider’s Member State of establishment — Article 8 — Restriction on freedom to provide information society services in order to ensure compliance with professional rules
CURIA – Opinion of Advocate General in Case C-339/15 of 8 September 2016
Case C-310/15: JUDGMENT OF THE COURT (Eighth Chamber) of 7 September 2016 - Vincent Deroo-Blanquart v Sony Europe Limited, successor in law to Sony France SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — Consumer protection — Unfair commercial practices — Directive 2005/29/EC — Articles 5 and 7 — Combined offer — Sale of a computer equipped with pre-installed software — Material information relating to the price — Misleading omission — Consumer unable to obtain the same model of computer not equipped with software CURIA – Judgment of the Court of Justice in Case C-310/15 of 7 September 2016


Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION NOTICE on the implementation of food safety management systems covering prerequisite programs (PRPs) and procedures based on the HACCP principles, including the facilitation/flexibility of the implementation in certain food businesses (2016/C 278/01)
OJ of the EU, C 278/1 of 30 July 2016

12. Human Rights

International Agreements

OJ of the EU, L 207/1 of 1 August 2016

Case Law

Case C-599/14 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 22 September 2016 - Council of the European Union v Liberation Tigers of Tamil Eelam (LTTE) - Appeal — Restrictive measures with the aim of preventing terrorism — Maintaining individuals, groups and entities on the list provided for by Article 2(3) of Regulation No 2580/2001 — Common Position 2001/931/CFSP — Articles 1(4) and (6) — Procedure — Meaning of ‘competent authority’ — Role of decision by authorities of third States — Use of information available in the public domain — Rights of the defence — Duty to state reasons CURIA – Opinion of Advocate General in Case C-599/14 of 22 September 2016


CURIA – Conclusions de l’Avocat Général dans l’affaire C-503/15 du 15 septembre 2016 (FR seulement)


CURIA – Judgment of the Court of Justice in Case C-439/14 of 15 September 2016


CURIA – Arrêt de la Cour de Justice dans l’affaire C-490/15 du 14 septembre 2016 (FR seulement)

Case C-519/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 14 September 2016 - Trafilerie Meridionali SpA 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 pressurising steel market — Fines — Setting of the fines — 2006 Guidelines for the setting of fines — Point 35 — Unlimited jurisdiction — Obligation to state reasons — Charter of Fundamental Rights of the European Union — Article 47 — Right to an effective remedy within a reasonable time

CURIA – Judgment of the Court of Justice in Case C-519/15 of 14 September 2016

Opinion 1/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 8 September 2016 - Request for an opinion submitted by the European Parliament - Request for an opinion — Admissibility — Draft agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data — ‘Passenger Name Record (PNR)’ data — Compatibility of the draft agreement with Article 16 TFEU and Articles 7 and 8 and Article 52(1) of the Charter of Fundamental Rights of the European Union — Legal basis

CURIA – Opinion of Advocate General in Opinion 1/15 of 8 September 2016

Affaire C-398/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 8 septembre 2016 - Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce contre Salvatore Manni - demande de décision préjudicielle formée par la Corte suprema di cassazione (Cour de cassation, Italie) - Renvoi préjudiciel — Données à caractère personnel — Protection des personnes physiques à l’égard du traitement de ces données — Directive 95/46/CE — Article 6, paragraphe 1, sous e), ainsi que article 7, sous c), e) et f) — Données soumises à la publicité au registre des sociétés — Première directive 68/151/CEE — Article 2, paragraphe 1, sous d) et j), ainsi que article 3 — Droit à l’oubli — Charte des droits fondamentaux de l’Union européenne — Articles 7 et 8

CURIA – Conclusions de l’Avocat Général dans l’affaire C-398/15 du 8 septembre 2016 (FR seulement)
Case C-444/15: OPINION OF ADVOCATE GENERAL KOKOTT of 8 September 2016 - Associazione Italia Nostra Onlus v Comune di Venezia and Others - Request for a preliminary ruling from the Tribunale amministrativo regionale per il Veneto (Regional Administrative Court, Veneto, Italy) - Environment — Effects of certain plans and programmes on the environment — High level of environmental protection under Article 191 TFEU and Article 37 of the Charter of Fundamental Rights — Need for an environmental assessment under Directive 2001/42/EC in cases calling for an implications assessment under Directive 92/43/EEC — Interpretation of the expression ‘small areas at local level’

CURIA – Opinion of Advocate General in Case C-444/15 of 8 September 2016

Case C-182/15: JUDGMENT OF THE COURT (Grand Chamber) of 6 September 2016 - Aleksei Petruhhin - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — Citizenship of the Union — Extradition to a third State of a national of a Member State who has exercised his right to freedom of movement — Scope of EU law — Protection of a Member State’s nationals against extradition — No protection for nationals of the other Member States — Restriction of freedom of movement — Justification based on the prevention of impunity — Proportionality — Verification of the guarantees provided for in Article 19 of the Charter of Fundamental Rights of the European Union

CURIA – Judgment of the Court of Justice in Case C-182/15 of 6 September 2016

13. Internal Market and Single Market

Case Law

Case C-492/14: JUDGMENT OF THE COURT (Second Chamber) of 29 September 2016 - Essent Belgium NV v Vlaams Gewest and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg te Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — Regional legislation requiring the distribution, through the systems located in the region concerned, of electricity produced from renewable energy sources to be free of charge — Different treatment depending on the origin of the green electricity — Articles 28 EC and 30 EC — Free movement of goods — Directive 2001/77/EC — Articles 3 and 4 — National support mechanisms for the production of green energy — Directive 2003/54/EC — Articles 3 and 20 — Directive 96/92/EC — Articles 3 and 16 — Internal market in electricity — Access to distribution systems on non-discriminatory tariff conditions — Public service obligations — Lack of proportionality

CURIA – Judgment of the Court of Justice in Case C-492/14 of 29 September 2016

Case C-525/14: JUDGMENT OF THE COURT (Second Chamber) of 22 September 2016 - European Commission v Czech Republic and French Republic - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Free movement of goods — Article 34 TFEU — Quantitative restrictions on imports — Measures having equivalent effect — Precious metals hallmarked in a third country in accordance with Netherlands legislation — Import into the Czech Republic after being put into free circulation — Refusal to recognise the hallmark — Consumer protection — Proportionality — Admissibility

CURIA – Judgment of the Court of Justice in Case C-525/14 of 22 September 2016


CURIA – Conclusions de l’Avocat Général dans l’affaire C-342/15 du 21 septembre 2016 (FR seulement)

EU News: Click & Read – 106 – August-September 2016
Case C-219/15: OPINION OF ADVOCATE GENERAL Sharpston of 15 September 2015 - Elisabeth Schmitt v TÜV Rheinland LGA Products GmbH - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Industrial policy — Checks on the conformity of medical devices by a notified body appointed by the manufacturer — Obligations of that body — Breast implants manufactured using defective silicone — Responsibility of the notified body
CURIA – Opinion of Advocate General in Case C-219/15 of 15 September 2016

CURIA – Conclusions de l’Avocat Général dans l’affaire C-524/14 du 15 septembre 2016 (FR seulement)

Case C-375/15: OPINION OF ADVOCATE GENERAL BOBEK of 15 September 2016 - BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG v Verein für Konsumenteninformation - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Approximation of laws — Directive 2007/64/EC — Payment services in the internal market — Framework contracts — Prior general information — Information relating to changes to the conditions of framework contracts — Requirement to provide information on a durable medium — Information ‘provided’ or ‘made available’ — Transmission of information through the mailbox of an internet e-banking website
CURIA – Opinion of Advocate General in Case C-375/15 of 15 September 2016

Joined Cases C-439/14 and C-488/14: JUDGMENT OF THE COURT (Third Chamber) of 15 September 2016 - SC Star Storage SA v Institutul Naţional de Cercetare-Dezvoltare in Informatică (ICI) (C-439/14) - SC Max Boegl România SRL, SC UTI Grup SA, Astaldi SpA and SC Constructiți Napoca SA v RA Aeroportul Oradea, SC Porr Construct SRL, Teerag-Asdag Aktiengesellschaft SC Col-Air Trading SRL, AVZI SA, Trameco SA and Iamsat Muntenia SA (C-488/14) - REQUESTS for a preliminary ruling under Article 267 TFEU, brought by the Curtea de Apel București (Court of Appeal, Bucharest, Romania) and the Curtea de Apel Oradea (Court of Appeal, Oradea, Romania) - Reference for a preliminary ruling — Directives 89/665/EEC and 92/13/EEC — Public procurement — Review procedures — National legislation making the admissibility of appeals against the acts of a contracting authority subject to giving a ‘good conduct guarantee’ — Charter of Fundamental Rights of the European Union — Article 47 — Right to an effective remedy
CURIA – Judgment of the Court of Justice in Case C-439/14 of 15 September 2016

Case C-339/15: OPINION OF ADVOCATE GENERAL BOT of 8 September 2016 - Openbaar Ministerie v Luc Vanderborght - Request for a preliminary ruling from the rechtbank van eerste aanleg te Brussel (Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — National legislation prohibiting providers of dental care from advertising their services to the public — National legislation defining the requirements of discretion to be fulfilled by a dental practice’s sign — Compatibility — Articles 49 TFEU and 56 TFEU — Freedom of establishment — Freedom to provide services — Existence of a foreign element — Restriction — Protection of public health — Proportionality — Directive 2000/31/EC — Electronic commerce — Scope — Article 3(3) — Exclusion of national provisions relating to health — Article 3(8) — Exclusion of national provisions governing regulated professions — Directive 2005/29/EC — Unfair commercial practices — Article 3(1) — Internal market clause — Applicability of the legal system of the service provider’s Member State of establishment — Article 8 — Restriction on freedom to provide information society services in order to ensure compliance with professional rules
CURIA – Opinion of Advocate General in Case C-339/15 of 8 September 2016

Case Law

Case C-110/15: JUDGMENT OF THE COURT (Second Chamber) of 22 September 2016 - Microsoft Mobile Sales International Oy, formerly Nokia Italia SpA and others v Ministero per i beni e le attività culturali (MIBAC) and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Italy) - Reference for a preliminary ruling — Approximation of laws — Intellectual property — Copyright and related rights — Directive 2001/29/EC — Exclusive right of reproduction — Exceptions and limitations — Article 5(2)(b) — Private copying exception — Fair compensation — Conclusion of agreements governed by private law to determine the criteria for exemption from payment of fair compensation — Request for reimbursement of compensation confined to the final user

Case C-223/15: JUDGMENT OF THE COURT (Second Chamber) of 22 September 2016 - combit Software GmbH v Commit Business Solutions Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Regulation (EC) No 207/2009 — European Union trade mark — Unitary character — Finding of a likelihood of confusion in respect of only part of the European Union — Territorial scope of the prohibition referred to in Article 102 of that regulation
Case C-442/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 22 September 2016 - Pensa Pharma SA, established in Valence (Spain) v European Union Intellectual Property Office (EUIPO), Ferring BV, established in Hoofddorp (Netherlands) and Farmaceutisk Laboratorium Ferring A/S, established in Copenhagen (Denmark) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Word mark PENSANA PHARMA — Figurative mark pensa — Applications for a declaration of invalidity of the holders of the word marks pentasa — Declaration of invalidity — Proceedings before EUIPO — Change in the subject matter of the proceedings — New plea before the General Court CURIA – Judgment of the Court of Justice in Case C-442/15 of 22 September 2016

Case C-160/15: JUDGMENT OF THE COURT (Second Chamber) of 8 September 2016 - GS Media BV v Sanoma Media Netherlands BV, Playboy Enterprises International Inc. and Britt Geertruida Dekker - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — Copyright and related rights — Directive 2001/29/EC — Information society — Harmonisation of certain aspects of copyright and related rights — Article 3(1) — Communication to the public — Definition — Internet — Hyperlinks giving access to protected works, made accessible on another website without the rightholder’s consent — Works not yet published by the rightholder — Posting of such links for a profit CURIA – Judgment of the Court of Justice in Case C-160/15 of 8 September 2016


Community Legislation


COMMISSION DECISION (EU) 2016/1366 of 10 August 2016 confirming the participation of Estonia in enhanced cooperation in the area of the law applicable to divorce and legal separation OJ of the EU, L 216/23 of 11 August 2016

Case Law

Case C-599/14 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 22 September 2016 - Council of the European Union v Liberation Tigers of Tamil Eelam (LTTE) - Appeal — Restrictive measures with the aim of preventing terrorism — Maintaining individuals, groups and entities on the list provided for by Article 2(3) of Regulation No 2580/2001 — Common Position 2001/931/CFSP — Articles 1(4) and (6) — Procedure — Meaning of ‘competent authority’ — Role of decision by authorities of third States — Use of information available in the public domain — Rights of the defence — Duty to state reasons CURIA – Opinion of Advocate General in Case C-599/14 of 22 September 2016
EU News: Click & Read – 106 – August-September 2016

0

Case C-79/15 P: OPINION OF ADVOCATE GENERAL SHARPSTON delivered on 22 September 2016 - Council of the European Union v Hamas - Appeal — Restrictive measures with the aim of preventing terrorism — Maintaining individuals, groups and entities on the list provided for by Article 2(3) of Regulation (EC) No 2580/2001 — Common Position 2001/931/CFSP — Article 1(4) and (6) — Procedure — Meaning of ‘competent authority’ — Value of information available in the public domain — Rights of the defence — Duty to state reasons

CURIA – Opinion of Advocate General in Case C-79/15 of 22 September 2016


CURIA – Judgment of the Court of Justice in Case C-14/15 of 22 September 2016

Affaire C-595/15 P: ARRÊT DE LA COUR (septième chambre) du 22 septembre 2016 - National Iranian Oil Company PTE Ltd (NIOC), établie à Singapour (Singapour), National Iranian Oil Company International Affairs Ltd (NIIOC International Affairs), établie à Londres (Royaume-Uni), Iran Fuel Conservation Organization (IFCO), établie à Téhéran (Iran), Karoon Oil & Gas Production Co., établie à Khuzestan (Iran), Petroleum Engineering & Development Co. (PEDEC), établie à Téhéran, Khazar Exploration and Production Co. (KEPCO), établie à Téhéran, National Iranian Drilling Co. (NIDC), établie à Khuzestan, South Zagros Oil & Gas Production Co., établie à Shiraz (Iran), Marouin Oil & Gas Co., établie à Ahwaz (Iran), Masjed-Soleyman Oil & Gas Co. (MOGC), établie à Khuzestan, Gachsaran Oil & Gas Co., établie à Ahmad (Iran), Aghajari Oil & Gas Production Co. (AOGPC), établie à Khuzestan, Arvandan Oil & Gas Co. (AOGC), établie à Khoramshahr (Iran), West Oil & Gas Production Co., établie à Kermanshah (Iran), East Oil & Gas Production Co. (EOGPC), établie à Mashhad (Iran), Iranian Oil Terminals Co. (IOTC), établie à Téhéran et Pars Special Economic Energy Zone (PSEEZ), établie à Boushehr (Iran) contre Conseil de l’Union européenne - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi — Mesures restrictives prises à l’encontre de la République islamique d’Iran — Liste des personnes et des entités auxquelles s’applique le gel de fonds et de ressources économiques — Règlement d’exécution (UE) n° 945/2012 — Base juridique — Notion d’entité associée

CURIA – Arrêt de la Cour de Justice dans l’affaire C-595/15 du 22 septembre 2016 (FR seulement)


CURIA – Conclusions de l’Avocat Général dans l’affaire C-342/15 du 21 septembre 2016 (FR seulement)


CURIA – Conclusions de l’Avocat Général dans l’affaire C-503/15 du 15 septembre 2016 (FR seulement)

CURIA – Opinion of Advocate General in Case C-354/15 of 8 September 2016

Case C-484/15: OPINION OF ADVOCATE GENERAL BOT of 8 September 2016 - Ibrica Zulfikarpašić v Slaven Gajer - Request for a preliminary ruling from the Općinski sud u Novom Zagrebu (Municipal Court of New Zagreb, Croatia) - Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 805/2004 — European Enforcement Order for uncontested claims — Instruments in respect of which certification may be sought — Writ of execution issued by a notary based on an authentic document

CURIA – Opinion of Advocate General in Case C-484/15 of 8 September 2016

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION (EU) 2016/1374 of 27 July 2016 regarding the rule of law in Poland
OJ of the EU, L 217/53 of 12 August 2016

16. Transport

Community Legislation

OJ of the EU, L 252/118 of 16 September 2016

Case Law

Case C-261/15: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2016 - Nationale Maatschappij der Belgische Spoorwegen NV v Gregory Demey - REQUEST for a preliminary ruling under Article 267 TFEU from the vredegerecht te Ieper (Magistrates’ Court, Ypres, Belgium) - Rail transport — Regulation (EC) No 1371/2007 — Passengers’ rights and obligations — Absence of a ticket — Failure to regularise within the prescribed period — Criminal offence

CURIA – Judgment of the Court of Justice in Case C-261/15 of 21 September 2016


CURIA – Conclusions de l’Avocat Général dans l’affaire C-524/14 du 15 septembre 2016 (FR seulement)
Opinion 1/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 8 September 2016 - Request for an opinion submitted by the European Parliament - Request for an opinion — Admissibility — Draft agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data — ‘Passenger Name Record (PNR)’ data — Compatibility of the draft agreement with Article 16 TFEU and Articles 7 and 8 and Article 52(1) of the Charter of Fundamental Rights of the European Union — Legal basis
CURIA – Opinion of Advocate General in Opinion 1/15 of 8 September 2016

17. Community Institutions, Principles and the Communities’ own resources

Community Legislation

DECISION (EU) 2016/1734 OF THE EUROPEAN CENTRAL BANK of 21 September 2016 amending Decision ECB/2013/54 on the accreditation procedures for manufacturers of euro secure items and euro items (ECB/2016/25)
OJ of the EU, L 262/30 of 29 September 2016

OJ of the EU, L 258/17 of 24 September 2016

OJ of the EU, L 257/10 of 23 September 2016

OJ of the EU, L 222/24 of 17 August 2016

OJ of the EU, L 222/85 of 17 August 2016

Case Law

CURIA – Judgment of the Court of Justice in Case C-14/15 of 22 September 2016

Case C-140/15 P: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2016 - European Commission v Kingdom of Spain and Kingdom of the Netherlands - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Cohesion Fund — Reduction of financial assistance — Procedure of adoption of the decision by the European Commission — Existence of a time limit — Non-compliance with the time limit laid down — Consequences
CURIA – Judgment of the Court of Justice in Case C-140/15 of 21 September 2016
Case C-139/15 P: JUDGMENT OF THE COURT (Tenth Chamber) of 21 September 2016 - European Commission v Kingdom of Spain and Kingdom of the Netherlands - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Cohesion Fund — Reduction of financial assistance — Procedure of adoption of the decision by the European Commission — Existence of a time limit — Non-compliance with the time limit laid down — Consequences
CURIA – Judgment of the Court of Justice in Case C-139/15 of 21 September 2016

CURIA – Opinion of Advocate General in Case C-491/15 of 21 September 2016

Joined Cases C-105/15 P to C-109/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 20 September 2016 - Konstantinos Mallis, residing in Larnaca (Cyprus) (C-105/15 P), Elli Konstantinou Malli, residing in Larnaca (C-105/15 P), Tameio Pronoias Prosopikou Trapezis Kyprou, established in Nicosia (Cyprus) (C-106/15 P), Petros Chatzithoma, residing in Makedonitissa (Cyprus) (C-107/15 P), Elenitsa Chatzithoma, residing in Makedonitissa (C-107/15 P), Lella Chatziioannou, residing in Nicosia (C-108/15 P) and Marinos Nikolaou, residing in Strovolos (Cyprus) (C-109/15 P) v European Commission and European Central Bank (ECB) - FIVE APPEALS under Article 56 of the Statute of the Court of Justice of the European - Appeals — Stability support programme for the Republic of Cyprus — Eurogroup statement concerning, in particular, the restructuring of the banking sector in Cyprus — Actions for annulment
CURIA – Judgment of the Court of Justice in Case C-105/15 of 20 September 2016

Joined Cases C-8/15 P to C-10/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 20 September 2016 - Ledra Advertising Ltd, established in Nicosia (Cyprus) (C-8/15 P), Andreas Eleftheriou, residing in Limassol (Cyprus) (C-9/15 P), Eleni Eleftheriou, residing in Limassol (C-9/15 P), Lilia Papachristofi, residing in Limassol (C-9/15 P), Christos Theophiliou, residing in Nicosia (C-10/15 P) and Eleni Theophiliou, residing in Nicosia (C-10/15 P) v European Commission and European Central Bank (ECB) - THREE APPEALS under Article 56 of the Statute of the Court of Justice of the European - Appeals — Stability support programme for the Republic of Cyprus — Memorandum of Understanding of 26 April 2013 on Specific Economic Policy Conditionality concluded between the Republic of Cyprus and the European Stability Mechanism (ESM) — Duties of the European Commission and the European Central Bank — Non-contractual liability of the European Union — Second paragraph of Article 340 TFEU — Conditions — Obligation to ensure that the Memorandum of Understanding is consistent with EU law
CURIA – Judgment of the Court of Justice in Case C-8/15 of 20 September 2016

Case C-165/14: JUDGMENT OF THE COURT (Grand Chamber) of 13 September 2016 - Alfredo Rendón Marín v Administración del Estado - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — Citizenship of the Union — Articles 20 and 21 TFEU — Directive 2004/38/EC — Right of a third-country national with a criminal record to reside in a Member State — Parent having sole care of two minor children, who are Union citizens — First child possessing the nationality of the Member State of residence — Second child possessing the nationality of another Member State — National legislation precluding grant of a residence permit to the father because of his criminal record — Refusal of residence capable of resulting in the children being obliged to leave the territory of the European Union
CURIA – Judgment of the Court of Justice in Case C-165/14 of 13 September 2016

Case C-304/14: JUDGMENT OF THE COURT (Grand Chamber) of 13 September 2016 - Secretary of State for the Home Department v CS - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Immigration and Asylum Chamber) (United Kingdom) - Reference for a preliminary ruling — Citizenship of the Union — Article 20 TFEU — Third-country national having a young dependent child who is a Union citizen — Right to reside in the Member State of which the child is a national — Criminal convictions of the child’s parent — Decision to expel the parent resulting in the indirect expulsion of the child concerned
CURIA – Judgment of the Court of Justice in Case C-304/14 of 13 September 2016
CURIA – Conclusions de l’Avocat Général dans l’affaire C-133/15 du 8 septembre 2016 (FR seulement)

Case C-584/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 8 September 2016 - Glencore Céréales France v Établissement national des produits de l’agriculture et de la mer (FranceAgriMer) - Request for a preliminary ruling from the Tribunal administratif de Melun (Administrative Court, Melun, France) - Recovery of wrongly paid aid — Interest accrued — Limitation period — Start of the period — Interruption of the period — Upper limit
CURIA – Opinion of Advocate General in Case C-584/15 of 8 September 2016

Preparatory Acts, Reports, Calls, Memos, Common Positions

OJ of the EU, C 297/1 of 17 August 2016