



Institut suisse de droit comparé
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Highlights

COMMISSION IMPLEMENTING DECISION (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the **adequacy of the protection provided by the EU-U.S. Privacy Shield** (notified under document C(2016) 4176) (Text with EEA relevance)
[OJ of the EU, L 207/1 of 1 August 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](#)

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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.

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

COUNCIL DECISION (EU) 2016/1392 of 12 July 2016 on the **signing, on behalf of the European Union, and provisional application**, of the **Amending Protocol to the Agreement between the European Community and the Principality of Monaco** providing for measures equivalent to those laid down in Council Directive 2003/48/EC

[OJ of the EU, L 225/1 of 19 August 2016](#)

AMENDING PROTOCOL to the **Agreement between the European Community and the Principality of Monaco** providing for measures equivalent to those laid down in Council Directive 2003/48/EC

[OJ of the EU, L 225/3 of 19 August 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1250 of 12 July 2016 **pursuant** to Directive 95/46/EC of the European Parliament and of the Council on the **adequacy of the protection provided by the EU-U.S. Privacy Shield** (notified under document C(2016) 4176) (Text with EEA relevance)

[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

Joined Cases C-247/15 P, C-253/15 P and C-259/15 P : OPINION OF ADVOCATE GENERAL MENGOZZI of 22 September 2016 - Maxcom Ltd (C-247/15 P) European Commission (C-253/15 P) and Council of the European Union (C-259/15 P) v Chin Haur Indonesia, PT - Appeals — Commercial policy — Dumping — Implementing Regulation (EU) No 501/201 — Imports of bicycles consigned from Indonesia — Extension to such imports of the definitive anti-dumping duty imposed on imports of bicycles originating in China — Regulation (EC) No 1225/2009 — Articles 13 and 18 — Circumvention — Non-cooperation of some of the producers/exporters investigated — Evidence of circumvention — Body of consistent evidence — Inadequate statement of reasons — Breach of procedural rights

[CURIA – Opinion of Advocate General in Case C-247/15 of 22 September 2016](#)

Joined Cases C-248/15 P, C-254/15 P and C-260/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 22 September 2016 - Maxcom Ltd (C-248/15 P), European Commission (C-254/15 P) and Council of the European Union (C-260/15 P) v City Cycle Industries - Appeal — Commercial policy — Dumping — Implementing Regulation (EU) No 501/2013 — Imports of bicycles consigned from, in particular, Sri Lanka — Extension to those imports of the definitive anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China — Regulation (EC) No 1225/2009 — Articles 13 and 18 — Circumvention — Failure to cooperate on the part of some of the producers/exporters covered in the investigation — Proof of circumvention — Body of consistent evidence — Failure to state reasons

[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 Khouzestan (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 Khouzestan, 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 Khouzestan, Gachsaran Oil & Gas Co., établie à Ahmad (Iran), Aghajari Oil & Gas Production Co. (AOGPC), établie à Khouzestan, 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-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](#)

Affaires jointes C-508/15 et C-509/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI 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 \(FR seulement\)](#)

Opinion procedure 3/15: OPINION OF ADVOCATE GENERAL WAHL of 8 September 2016 - initiated following a request made by the European Commission - **Conclusion of international agreements by the European Union – Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled – Competence of the European Union – Legal bases – Article 19 TFEU – Article 114 TFEU – Article 153 TFEU – Article 207 TFEU – Article 209 TFEU – Directive 2001/29/EC**

[CURIA – Opinion of Advocate General in Opinion procedure 3/15 of 8 September 2016](#)

Case C-45/15 P: OPINION OF ADVOCATE GENERAL MENGGOZZI 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 maize 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](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1238 of 18 May 2016 **supplementing Regulation (EU) No 1308/2013** of the European Parliament and of the Council with regard to **public intervention and aid for private storage** (Text with EEA relevance)

[OJ of the EU, L 206/15 of 30 July 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1240 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 public intervention and aid for private storage** (Text with EEA relevance)

[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**
[CURIA – Judgment of the Court of Justice in Case C-91/15 of 22 September 2016](#)

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**
[CURIA – Opinion of Advocate General in Case C-141/15 of 13 September 2016](#)

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) - Appeal — **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**
[CURIA – Opinion of Advocate General in Case C-104/16 of 13 September 2016](#)

Case C-113/14: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2016 - Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland and Czech Republic v European Parliament, Council of the European Union and European Commission - ACTION for annulment under the second paragraph of Article 263 TFEU - **Action for annulment — Choice of legal basis** — Article 43(2) TFEU or Article 43(3) TFEU — **Common organisation of the markets in agricultural products** — Regulation (EU) No 1308/2013 — Article 7 — Regulation (EU) No 1370/2013 — Article 2 — **Measures on fixing prices** — Reference thresholds — **Intervention prices**
[CURIA – Judgment of the Court of Justice in Case C-113/14 of 7 September 2016](#)

4. Audiovisual and Media and Information Society

International Agreements

COMMISSION IMPLEMENTING DECISION (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the **adequacy of the protection provided by the EU-U.S. Privacy Shield** (notified under document C(2016) 4176) (Text with EEA relevance)
[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](#)

Case C-28/15: JUDGMENT OF THE COURT (Second Chamber) of 15 September 2016 - Koninklijke KPN NV, KPN BV, T-Mobile Netherlands BV, Tele2 Nederland BV, Ziggo BV, Vodafone Libertel BV, Ziggo Services BV, formerly UPC Nederland BV and Ziggo Zakelijk Services BV, formerly UPC Business BV v Autoriteit Consument en Markt (ACM) - REQUEST for a preliminary ruling under Article 267 TFEU from the College van Beroep voor het bedrijfsleven (Administrative Court of Appeal for Trade and Industry, Netherlands) - Reference for a preliminary ruling — **Common regulatory framework for electronic communications networks and services** — Directive 2002/21/EC — Articles 4 and 19 — **National Regulatory Authority — Harmonisation measures** — Recommendation 2009/396/EC — Legal scope — Directive 2002/19/EC — Articles 8 and 13 — **Operator designated as having significant market power on a market — Obligations imposed by national regulatory authorities — Price control and cost accounting obligations — Fixed and mobile termination rates** — Scope of the review that national courts can exercise over the decisions of national regulatory authorities
[CURIA – Judgment of the Court of Justice in Case C-28/15 of 15 September 2016](#)

Case C-275/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 8 September 2016 - ITV Broadcasting Limited, ITV2 Limited, ITV Digital Channels Limited, Channel Four Television Corp., 4 Ventures Limited, Channel 5 Broadcasting Limited and ITV Studios Limited v TVCatchup Limited (in administration), TVCatchup (UK) Limited, Media Resources Limited, Secretary of State for Business, Innovation and Skills and Virgin Media Limited - Request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division), United Kingdom - Reference for a preliminary ruling — **Harmonisation of certain aspects of copyright and related rights in the information society** — Directive 2001/29/EC — Article 9 — **Concepts of ‘cable’ and ‘access to cable of broadcasting services’ — Retransmission of television broadcasts by a third party through an internet stream in their area of reception — Live streaming**
[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

Joined Cases C-247/15 P, C-253/15 P and C-259/15 P : OPINION OF ADVOCATE GENERAL MENGOZZI of 22 September 2016 - Maxcom Ltd (C-247/15 P) European Commission (C-253/15 P) and Council of the European Union (C-259/15 P) v Chin Haur Indonesia, PT - Appeals — Commercial policy — Dumping — Implementing Regulation (EU) No 501/201 — **Imports of bicycles consigned from Indonesia — Extension to such imports of the definitive anti-dumping duty imposed on imports of bicycles originating in China** — Regulation (EC) No 1225/2009 — Articles 13 and 18 — **Circumvention — Non-cooperation of some of the producers/exporters investigated — Evidence of circumvention** — Body of consistent evidence — Inadequate statement of reasons — Breach of procedural rights

[CURIA – Opinion of Advocate General in Case C-247/15 of 22 September 2016](#)

Joined Cases C-248/15 P, C-254/15 P and C-260/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 22 September 2016 - Maxcom Ltd (C-248/15 P), European Commission (C-254/15 P) and Council of the European Union (C-260/15 P) v City Cycle Industries - Appeal — Commercial policy — Dumping — Implementing Regulation (EU) No 501/2013 — **Imports of bicycles consigned from, in particular, Sri Lanka — Extension to those imports of the definitive anti-dumping duty imposed on imports of bicycles originating in the People's Republic of China** — Regulation (EC) No 1225/2009 — Articles 13 and 18 — **Circumvention — Failure to cooperate on the part of some of the producers/exporters covered in the investigation — Proof of circumvention** — Body of consistent evidence — Failure to state reasons

[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](#)

Affaire C-524/14 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 15 septembre 2016 - Commission européenne contre Hansesstadt Lübeck - Pourvoi — **Aides d'État – Redevances aéroportuaires** – Article 108, paragraphe 2, TFUE – Article 263, quatrième alinéa, TFUE – **Décision d'ouvrir la procédure formelle d'examen – Recevabilité du recours en annulation – Personne individuellement concernée – Intérêt à agir** – Article 107, paragraphe 1, TFUE – Critère de la sélectivité

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-524/14 du 15 septembre 2016 \(FR seulement\)](#)

Affaires jointes C-490/15 P et C-505/15 P: ARRÊT DE LA COUR (sixième chambre) du 14 septembre 2016 - Ori Martin SA (C-490/15 P) et Siderurgica Latina Martin SpA (SLM) (C-505/15 P) contre Commission européenne - ayant pour objet deux pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Concurrence – Ententes** – Marché européen de l'acier de précontrainte – Amendes – Calcul du montant des amendes – Règlement (CE) n° 1/2003 – Article 23, paragraphe 2 – **Présomption de l'exercice effectif d'une influence déterminante de la société mère sur la filiale** – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de non-rétroactivité – **Charte des droits fondamentaux de l'Union européenne** – Article 47 – **Droit à un recours effectif dans un délai raisonnable** – **Charte des droits fondamentaux** – Article 41 – **Droit à un traitement des affaires dans un délai raisonnable**

[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](#)

Case C-101/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 7 September 2016 - Pilkington Group Ltd, established in Lathom (United Kingdom), Pilkington Automotive Ltd, established in Lathom, Pilkington Automotive Deutschland GmbH, established in Witten (Germany), Pilkington Holding GmbH, established in Gelsenkirchen (Germany) and Pilkington Italia SpA, established in San Salvo (Italy) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Agreements, decisions and concerted practices — Article 101 TFEU — Article 53 of the Agreement on the European Economic Area of 2 May 1992 — **European market for automotive glass — Market-sharing agreements and exchanges of commercially sensitive information — Fines** — 2006 Guidelines on the method of setting fines — Point 13 — **Value of sales** — Regulation (EC) No 1/2003 — Second subparagraph of Article 23(2) — **Statutory ceiling of the fine — Exchange rate for the calculation of the ceiling of the fine — Amount of the fine** — Unlimited jurisdiction — **Mono-product undertakings — Proportionality — Equal treatment**

[CURIA – Judgment of the Court of Justice in Case C-101/15 of 7 September 2016](#)

Case C-121/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2016 - Association nationale des opérateurs détaillants en énergie (ANODE) v Premier ministre, Ministre de l'Économie, de l'Industrie et du Numérique, Commission de régulation de l'énergie and ENGIE, formerly GDF Suez - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — Approximation of laws — Directive 2009/73/EC — **Energy — Gas sector — Fixing of prices for supplying natural gas to final customers — Regulated tariffs — Obstacle — Compatibility — Criteria of assessment — Objectives of security of supply and territorial cohesion**

[CURIA – Judgment of the Court of Justice in Case C-121/15 of 7 September 2016](#)

6. Customs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1638 of 6 September 2016 **amending** Annex I to Council Regulation (EEC) No 2658/87 on the **tariff and statistical nomenclature and on the Common Customs Tariff**
[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](#)

Case C-409/14: JUDGMENT OF THE COURT (Fifth Chamber) of 8 September 2016 - Schenker Nemzetközi Szállítványozási és Logisztikai Kft. v Nemzeti Adó- és Vámhivatal Észak-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU from the Debreceni Közigazgatási és Munkaügyi Bíróság (Debrecen Administrative and Labour Court, Hungary) - Reference for a preliminary ruling — **Common Customs Tariff — Combined Nomenclature — Classification of goods — Interpretation of a subheading of the Combined Nomenclature** — Directive 2008/118/EC — **Importation of excise goods** — Customs suspensive procedure or arrangement — Effects of a customs declaration referring to an incorrect subheading of the Combined Nomenclature — **Irregularities during the movement of excise goods**
[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](#)

COUNCIL DECISION (EU) 2016/1392 of 12 July 2016 on the **signing, on behalf of the European Union, and provisional application**, of the **Amending Protocol to the Agreement between the European Community and the Principality of Monaco** providing for measures equivalent to those laid down in Council Directive 2003/48/EC
[OJ of the EU, L 225/1 of 19 August 2016](#)

AMENDING PROTOCOL to the **Agreement between the European Community and the Principality of Monaco** providing for measures equivalent to those laid down in Council Directive 2003/48/EC
[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](#)

REGULATION (EU) 2016/1705 OF THE EUROPEAN CENTRAL BANK of 9 September 2016 **amending** Regulation (EC) No 1745/2003 (ECB/2003/9) on the **application of minimum reserves** (ECB/2016/26)
[OJ of the EU, L 257/10 of 23 September 2016](#)

COMMISSION REGULATION (EU) 2016/1703 of 22 September 2016 **amending** Regulation (EC) No 1126/2008 adopting **certain international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council **as regards International Financial Reporting Standards 10 and 12 and International Accounting Standard 28** (Text with EEA relevance)
[OJ of the EU, L 257/1 of 23 September 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1675 of 14 July 2016 **supplementing** Directive (EU) 2015/849 of the European Parliament and of the Council by **identifying high-risk third countries with strategic deficiencies** (Text with EEA relevance)
[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 with regard to regulatory **technical standards specifying the criteria relating to the methodology for setting the minimum requirement for own funds and eligible liabilities** (Text with EEA relevance)
[OJ of the EU, L 237/1 of 3 September 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1437 of 19 May 2016 **supplementing** Directive 2004/109/EC of the European Parliament and of the Council with regard to regulatory **technical standards on access to regulated information at Union level** (Text with EEA relevance)
[OJ of the EU, L 234/1 of 31 August 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1434 of 14 December 2015 **correcting** Delegated Regulation (EU) 2015/63 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to **ex ante contributions to resolution financing arrangements**
[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 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](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1400 of 10 May 2016 **supplementing** Directive 2014/59/EU of the European Parliament and of the Council 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](#)

REGULATION (EU) 2016/1384 OF THE EUROPEAN CENTRAL BANK of 2 August 2016 **amending** Regulation (EU) No 1011/2012 (ECB/2012/24) concerning **statistics on holdings of securities** (ECB/2016/22)
[OJ of the EU, L 222/24 of 17 August 2016](#)

GUIDELINE (EU) 2016/1386 OF THE EUROPEAN CENTRAL BANK of 2 August 2016 **amending** Guideline ECB/2013/7 concerning **statistics on holdings of securities** (ECB/2016/23)
[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 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 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 Union - 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 Trybunał 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](#)**

Affaire C-283/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 septembre 2016 – X contre Staatssecretaris van Financiën - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour suprême des Pays-Bas) - Renvoi préjudiciel – **Impôts sur le revenu – Égalité de traitement – Revenus perçus dans plusieurs États membres – Avantage fiscal – Arrêt du 14 février 1995, Schumacker (C-279/93, EU:C:1995:31)
[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

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK of 2 August 2016 on the **data quality management framework for statistics on holdings of securities (ECB/2016/24) (2016/C 297/01)
[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 MENGOLZI 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](#)**

Case C-16/15: JUDGMENT OF THE COURT (Tenth Chamber) of 14 September 2016 - María Elena Pérez López v Servicio Madrileño de Salud (Comunidad de Madrid) - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Contencioso-Administrativo No 4 de Madrid (Administrative Court No 4, Madrid, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** — Clauses 3 to 5 — **Successive fixed-term employment contracts within the public health service — Measures to prevent the abusive use of successive fixed-term employment relationships** — Penalties — **Reclassification of the employment relationship** — Right to compensation

[CURIA – Judgment of the Court of Justice in Case C-16/15 of 14 September 2016](#)

Cases C-184/15 and C-197/15: JUDGMENT OF THE COURT (Tenth Chamber) of 14 September 2016 - Florentina Martínez Andrés v Servicio Vasco de Salud (C-184/15) and Juan Carlos Castrejana López v Ayuntamiento de Vitoria (C-197/15) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia del País Vasco (High Court of Justice of the Basque Country, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 1999/70/EC — **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** — Clauses 5 and 8 — **Use of successive fixed-term employment contracts — Measures to prevent abuse resulting from the use of successive fixed-term employment contracts or relationships** — Penalties — **Reclassification of the fixed-term employment relationship as a ‘non-permanent employment contract of indefinite duration’** — Principle of effectiveness

[CURIA – Judgment of the Court of Justice in Case C-184/15 of 14 September 2016](#)

Case C-454/15: OPINION OF ADVOCATE GENERAL BOBEK du 8 September 2016 - Jürgen Webb-Sämann v Christopher Seagon (acting as liquidator in the insolvency of Baumarkt Praktiker DIY GmbH) - Request for a preliminary ruling from Hessisches Landesarbeitsgericht (Higher Labour Court, Hessen, Germany) - **Social policy** — Directive 2008/94 — **Protection of employees in the event of the insolvency of their employer — Provisions related to social security — Scope — Obligation on Member State to ensure the necessary measures are taken to protect immediate or prospective entitlements of employees under supplementary pension schemes**

[CURIA – Opinion of Advocate General in Case C-454/15 of 8 September 2016](#)

Affaire C-496/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 septembre 2016 - Alphonse Eschenbrenner contre Bundesagentur für Arbeit - demande de décision préjudicielle formée par le Landessozialgericht Rheinland-Pfalz (tribunal supérieur du contentieux social de la Rhénanie-Palatinat, Allemagne) - Renvoi préjudiciel – **Libre circulation des travailleurs** – Article 45 TFUE – Règlement (UE) n° 492/2011 – Article 7 – **Principe de non-discrimination – Travailleur frontalier assujéti à l’impôt sur le revenu dans l’État membre de résidence** – Directive 2008/94/CE – **Indemnité versée par l’État membre d’emploi en cas d’insolvabilité de l’employeur – Modalités de calcul – Prise en compte fictive de l’impôt sur les salaires de l’État membre d’emploi**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-496/15 du 7 septembre 2016 \(FR seulement\)](#)

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](#)

COMMISSION DECISION (EU) 2016/1371 of 10 August 2016 **establishing the ecological criteria for the award of the EU Ecolabel for personal, notebook and tablet computers** (notified under document C(2016) 5010) (Text with EEA relevance)
[OJ of the EU, L 217/9 of 12 August 2016](#)

Case Law

Case C-324/15 P: Case C-323/15 P: OPINION OF ADVOCATE GENERAL MENGOZZI 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, Värmevärden 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 –Annex IV — **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](#)

Case C-584/14: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2016 - European Commission v Hellenic Republic - ACTION under Article 260(2) TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — **Environment** –Directive 2006/12/EC — Directive 91/689/EEC — Directive 1999/31/EC — **Waste management — Judgment of the Court establishing a failure to fulfil obligations — Non-implementation** — Article 260(2) TFEU — **Pecuniary penalties — Periodic penalty payment — Lump sum**

[CURIA – Judgment of the Court of Justice in Case C-584/14 of 7 September 2016](#)

Case C-121/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2016 - Association nationale des opérateurs détaillants en énergie (ANODE) v Premier ministre, Ministre de l’Économie, de l’Industrie et du Numérique, Commission de régulation de l’énergie and ENGIE, formerly GDF Suez - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d’État (France) - Reference for a preliminary ruling — Approximation of laws — Directive 2009/73/EC — **Energy — Gas sector — Fixing of prices for supplying natural gas to final customers — Regulated tariffs — Obstacle — Compatibility — Criteria of assessment — Objectives of security of supply and territorial cohesion**

[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 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](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1443 of 29 June 2016 amending Regulation (EC) No 273/2004 of the European Parliament and of the Council and Council Regulation (EC) No 111/2005 as regards the **inclusion of certain drug precursors in the list of scheduled substances** (Text with EEA relevance)

[OJ of the EU, L 235/6 of 1 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 Landesrechtsanwaltschaft 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](#)

Affaire C-503/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 15 septembre 2016 - Ramón Margarit Panicello contre Pilar Hernández Martínez - demande de décision préjudicielle formée par le Secretario Judicial del Juzgado de Violencia sobre la Mujer Único de Terrassa (secrétaire de justice de la juridiction compétente en matière de violence exercée à l’égard des femmes de Terrassa, Espagne) - Renvoi préjudiciel — **Saisine de la Cour** — **Juridiction nationale** — **Notion** — **Secrétaire de justice** — **Action en paiement d’honoraires** — Honoraires d’avocat — **Clauses abusives dans les contrats conclus avec les consommateurs** — Directive 93/13 — **Pratiques commerciales déloyales à l’égard de consommateurs** — Directive 2005/29 — **Droit à un recours effectif et à un tribunal impartial** — **Article 47 de la charte des droits fondamentaux**

[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 poultrymeat — 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](#)

Case C-121/15: JUDGMENT OF THE COURT (Fifth Chamber) of 7 September 2016 - Association nationale des opérateurs détaillants en énergie (ANODE) v Premier ministre, Ministre de l'Économie, de l'Industrie et du Numérique, Commission de régulation de l'énergie and ENGIE, formerly GDF Suez - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — Approximation of laws — Directive 2009/73/EC — **Energy — Gas sector — Fixing of prices for supplying natural gas to final customers — Regulated tariffs — Obstacle — Compatibility — Criteria of assessment — Objectives of security of supply and territorial cohesion**
[CURIA – Judgment of the Court of Justice in Case C-121/15 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

COMMISSION IMPLEMENTING DECISION (EU) 2016/1250 of 12 July 2016 **pursuant** to Directive 95/46/EC of the European Parliament and of the Council on the **adequacy of the protection provided by the EU-U.S. Privacy Shield** (notified under document C(2016) 4176) (Text with EEA relevance)
[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](#)

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](#)

Affaire C-503/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 15 septembre 2016 - Ramón Margarit Panicello contre Pilar Hernández Martínez - demande de décision préjudicielle formée par le Secretario Judicial del Juzgado de Violencia sobre la Mujer Único de Terrassa (secrétaire de justice de la juridiction compétente en matière de violence exercée à l'égard des femmes de Terrassa, Espagne) - Renvoi préjudiciel – **Saisine de la Cour – Juridiction nationale – Notion – Secrétaire de justice – Action en paiement d'honoraires** – Honoraires d'avocat – **Cluses abusives dans les contrats conclus avec les consommateurs** – Directive 93/13 – **Pratiques commerciales déloyales à l'égard de consommateurs** – Directive 2005/29 – **Droit à un recours effectif et à un tribunal impartial – Article 47 de la charte des droits fondamentaux**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-503/15 du 15 septembre 2016 \(FR seulement\)](#)

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 Național de Cercetare-Dezvoltare în Informatică (ICI) (C-439/14) - SC Max Boegl România SRL, SC UTI Grup SA, Astaldi SpA and SC Construcții 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](#)

Affaires jointes C-490/15 P et C-505/15 P: ARRÊT DE LA COUR (sixième chambre) du 14 septembre 2016 - Ori Martin SA (C-490/15 P) et Siderurgica Latina Martin SpA (SLM) (C-505/15 P) contre Commission européenne - ayant pour objet deux pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Concurrence – Ententes** – Marché européen de l'acier de précontrainte – Amendes – Calcul du montant des amendes – Règlement (CE) n° 1/2003 – Article 23, paragraphe 2 – **Présomption de l'exercice effectif d'une influence déterminante de la société mère sur la filiale** – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de non-rétroactivité – **Charte des droits fondamentaux de l'Union européenne** – Article 47 – **Droit à un recours effectif dans un délai raisonnable – Charte des droits fondamentaux** – Article 41 – **Droit à un traitement des affaires dans un délai raisonnable**
[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](#)

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 Petruhin - 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](#)

Affaire C-342/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR of 21 septembre 2016 - Leopoldine Gertraud Piringer - demande de décision préjudicielle formée par l’Oberster Gerichtshof (Cour suprême, Autriche) - Directive 77/249/CEE – **Réglementation d’un État membre exigeant que l’authenticité de la signature d’une demande d’inscription au livre foncier soit attestée par un notaire** – Article 56 TFUE – **Justification – Bon fonctionnement du système du livre foncier**

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

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](#)

Affaire C-524/14 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 15 septembre 2016 - Commission européenne contre Hansestadt Lübeck - Pourvoi – **Aides d'État – Redevances aéroportuaires** – Article 108, paragraphe 2, TFUE – Article 263, quatrième alinéa, TFUE – **Décision d'ouvrir la procédure formelle d'examen – Recevabilité du recours en annulation – Personne individuellement concernée – Intérêt à agir** – Article 107, paragraphe 1, TFUE – Critère de la sélectivité

[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 Național de Cercetare-Dezvoltare în Informatică (ICI) (C-439/14) - SC Max Boegl România SRL, SC UTI Grup SA, Astaldi SpA and SC Construcții 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 C-391/15: OPINION OF ADVOCATE GENERAL BOBEK of 8 September 2016 - Marina del Mediterráneo, SL, Marina del Mediterráneo Duquesa, SL, Marina del Mediterráneo Estepona, SL, Marina del Mediterráneo Este, SL, Marinas del Mediterráneo Torre, SL, Marina del Mediterráneo Marbella, SL, Gómez Palma, SC, Enrique Alemán, SA, Cyes Infraestructuras, SA and Cysur Obras y Medioambiente, SA v Consejería de Obras Públicas y Vivienda de la Junta de Andalucía, Agencia Pública de Puertos de Andalucía, Nassir Bin Abdullah and Sons, SL, Puerto Deportivo de Marbella, SA and Ayuntamiento de Marbella - Request for a preliminary ruling from the Tribunal Superior de Justicia de Andalucía (High Court of Justice of Andalusia, Spain) - Reference for a preliminary ruling — **Public procurement — Award procedure — Decision of admission of a candidate — Alleged illegality — Preparatory act — Immediate or deferred review — Direct effect**
[CURIA – Judgment of the Court of Justice in Case C-391/15 of 8 September 2016](#)

Case C-225/15: JUDGMENT OF THE COURT (Second Chamber) of 8 September 2016 - Domenico Politanò - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Reggio Calabria (District Court, Reggio Calabria, Italy) - Reference for a preliminary ruling — Article 49 TFEU — **Freedom of establishment — Betting and gambling — Restrictions — Overriding reasons of public interest — Proportionality — Public procurement** — Conditions for participating in a call for tenders and assessment of economic and financial standing — **Exclusion of the tenderer for not presenting certificates of economic and financial standing issued by two different banks** — Directive 2004/18/EC — Article 47 — Applicability
[CURIA – Judgment of the Court of Justice in Case C-225/15 of 8 September 2016](#)

Case C-549/14: JUDGMENT OF THE COURT (Eighth Chamber) of 7 September 2016 - Finn Frogne A/S v Rigspolitiet ved Center for Beredskabskommunikation - REQUEST for a preliminary ruling under Article 267 TFEU from the Højesteret (Supreme Court, Denmark) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — Article 2 — **Principle of equal treatment — Obligation of transparency — Contract for the supply of a complex communications system — Difficulties in performance of the contract — Disagreement of the parties in regard to areas of responsibility — Settlement — Reduction in the scope of the contract — Transformation of a rental of equipment into a sale of equipment — Material amendment to a contract — Justification by the objective expediency of achieving a settlement agreement**
[CURIA – Judgment of the Court of Justice in Case C-549/14 of 7 September 2016](#)

14. Intellectual Property

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
[CURIA – Judgment of the Court of Justice in Case C-110/15 of 22 September 2016](#)

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
[CURIA – Judgment of the Court of Justice in Case C-223/15 of 22 September 2016](#)

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 PENZA 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](#)

Case C-275/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 8 September 2016 - ITV Broadcasting Limited, ITV2 Limited, ITV Digital Channels Limited, Channel Four Television Corp., 4 Ventures Limited, Channel 5 Broadcasting Limited and ITV Studios Limited v TVCatchup Limited (in administration), TVCatchup (UK) Limited, Media Resources Limited, Secretary of State for Business, Innovation and Skills and Virgin Media Limited - Request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division), United Kingdom - Reference for a preliminary ruling — Harmonisation of certain aspects of copyright and related rights in the information society — Directive 2001/29/EC — Article 9 — Concepts of 'cable' and 'access to cable of broadcasting services' — Retransmission of television broadcasts by a third party through an internet stream in their area of reception — Live streaming
[CURIA – Opinion of Advocate General in Case C-275/15 of 8 September 2016](#)

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

Community Legislation

COUNCIL REGULATION (EU) 2016/1710 of 27 September 2016 **amending** Regulation (EC) No 2580/2001 on **specific restrictive measures directed against certain persons and entities with a view to combating terrorism**
[OJ of the EU, L 259/1 of 27 September 2016](#)

COUNCIL DECISION (CFSP) 2016/1711 of 27 September 2016 **amending Common Position** 2001/931/CFSP on the **application of specific measures to combat terrorism**
[OJ of the EU, L 259/3 of 27 September 2016](#)

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](#)

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

Joined Cases C-14/15 and C-116/15: JUDGMENT OF THE COURT (Third Chamber) of 22 September 2016 - European Parliament v Council of the European Union, Federal Republic of Germany and Kingdom of Sweden - ACTIONS for annulment under Article 263 TFEU - Actions for annulment — Police and judicial cooperation in criminal matters — Automated data exchange — Registration of vehicles — Dactyloscopic data — Legal framework applicable following the entry into force of the Treaty of Lisbon — Transitional provisions — Secondary legal basis — Distinction between legislative acts and implementing measures — Consultation of the European Parliament — Initiative of a Member State or of the European Commission — Voting rules

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 (NIOC International Affairs), établie à Londres (Royaume-Uni), Iran Fuel Conservation Organization (IFCO), établie à Téhéran (Iran), Karoon Oil & Gas Production Co., établie à Khouzestan (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 Khouzestan, 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 Khouzestan, Gachsaran Oil & Gas Co., établie à Ahmad (Iran), Aghajari Oil & Gas Production Co. (AOGPC), établie à Khouzestan, 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)

Affaire C-342/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR of 21 septembre 2016 - Leopoldine Gertraud Piringer - demande de décision préjudicielle formée par l’Oberster Gerichtshof (Cour suprême, Autriche) - Directive 77/249/CEE — Réglementation d’un État membre exigeant que l’authenticité de la signature d’une demande d’inscription au livre foncier soit attestée par un notaire — Article 56 TFUE — Justification — Bon fonctionnement du système du livre foncier

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

Affaire C-503/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 15 septembre 2016 - Ramón Margarit Panicello contre Pilar Hernández Martínez - demande de décision préjudicielle formée par le Secretario Judicial del Juzgado de Violencia sobre la Mujer Único de Terrassa (secrétaire de justice de la juridiction compétente en matière de violence exercée à l’égard des femmes de Terrassa, Espagne) - Renvoi préjudiciel — Saisine de la Cour — Juridiction nationale — Notion — Secrétaire de justice — Action en paiement d’honoraires — Honoraires d’avocat — Clauses abusives dans les contrats conclus avec les consommateurs — Directive 93/13 — Pratiques commerciales déloyales à l’égard de consommateurs — Directive 2005/29 — Droit à un recours effectif et à un tribunal impartial — Article 47 de la charte des droits fondamentaux

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

Case C-354/15: OPINION OF ADVOCATE GENERAL BOBEK of 8 September 2016 - Andrew Marcus Henderson v Novo Banco, SA - Request for a preliminary ruling from the Tribunal da Relação de Évora (Court of Appeal of Évora, Portugal) - **Judicial cooperation in civil and commercial matters** — Regulation No 1393/2007 — **Service of judicial and extrajudicial documents** — **Service by postal services** — **Registered letter with acknowledgement of receipt** — **Equivalent** — **Service of proceedings on a third party** — Form in Annex II to Regulation No 1393/2007

[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](#)

Case C-182/15: JUDGMENT OF THE COURT (Grand Chamber) of 6 September 2016 - Aleksei Petruhin - 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-225/15 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

DIRECTIVE (EU) 2016/1629 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2016 laying down **technical requirements for inland waterway vessels**, amending Directive 2009/100/EC and repealing Directive 2006/87/EC

[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](#)

Affaire C-524/14 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 15 septembre 2016 - Commission européenne contre Hansestadt Lübeck - Pourvoi — **Aides d'État** — **Redevances aéroportuaires** — Article 108, paragraphe 2, TFUE — Article 263, quatrième alinéa, TFUE — **Décision d'ouvrir la procédure formelle d'examen** — **Recevabilité du recours en annulation** — **Personne individuellement concernée** — **Intérêt à agir** — Article 107, paragraphe 1, TFUE — Critère de la sélectivité

[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](#)

DECISION (EU) 2016/1717 OF THE EUROPEAN CENTRAL BANK of 21 September 2016 **amending** Decision ECB/2004/2 adopting the **Rules of Procedure of the European Central Bank** (ECB/2016/27)

[OJ of the EU, L 258/17 of 24 September 2016](#)

REGULATION (EU) 2016/1705 OF THE EUROPEAN CENTRAL BANK of 9 September 2016 **amending** Regulation (EC) No 1745/2003 (ECB/2003/9) on the **application of minimum reserves** (ECB/2016/26)

[OJ of the EU, L 257/10 of 23 September 2016](#)

REGULATION (EU) 2016/1384 OF THE EUROPEAN CENTRAL BANK of 2 August 2016 **amending** Regulation (EU) No 1011/2012 (ECB/2012/24) concerning **statistics on holdings of securities** (ECB/2016/22)

[OJ of the EU, L 222/24 of 17 August 2016](#)

GUIDELINE (EU) 2016/1386 OF THE EUROPEAN CENTRAL BANK of 2 August 2016 **amending** Guideline ECB/2013/7 concerning **statistics on holdings of securities** (ECB/2016/23)

[OJ of the EU, L 222/85 of 17 August 2016](#)

Case Law

Joined Cases C-14/15 and C-116/15: JUDGMENT OF THE COURT (Third Chamber) of 22 September 2016 - European Parliament v Council of the European Union, Federal Republic of Germany and Kingdom of Sweden - ACTIONS for annulment under Article 263 TFEU - Actions for annulment — **Police and judicial cooperation in criminal matters — Automated data exchange — Registration of vehicles — Dactyloscopic data — Legal framework applicable following the entry into force of the Treaty of Lisbon — Transitional provisions — Secondary legal basis — **Distinction between legislative acts and implementing measures — Consultation of the European Parliament — Initiative of a Member State or of the European Commission — Voting rules****

[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](#)

Case C-491/15 P: OPINION OF ADVOCATE GENERAL BOBEK of 21 September 2016 – Typke v Commission - Appeal — **Access to documents of the institutions** — Regulation No 1049/2001 — **European Personnel Selection Office (EPSO) competitions** — Databases — Request for a table containing a series of anonymised data — **Notion of document — New or existing document**

[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 Protopikou 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 Union - 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 Union - 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](#)

Affaire C-133/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 8 septembre 2016 - H.C. Chavez-Vilchez, P. Pinas, U. Nikolic, X.V. García Pérez, J. Uwituze, I.O. Enowassam, A.E. Guerrero Chavez et Y.R.L. Wip - demande de décision préjudicielle formée par le Centrale Raad van Beroep (cour d'appel en matière de sécurité sociale et de fonction publique, Pays-Bas) - Renvoi préjudiciel – **Citoyenneté de l'Union** – Article 20 TFUE – **Refus, dans un État membre, du droit de séjour à un ressortissant d'un État tiers assumant la garde effective de son enfant en bas âge, ressortissant de cet État membre** – Présence de l'autre parent, ressortissant de cet État sur le territoire de ce même État – **Obligation, pour le ressortissant de l'État tiers, de démontrer l'incapacité de l'autre parent de s'occuper de l'enfant, ladite incapacité obligeant l'enfant à quitter le territoire de l'État de sa nationalité si le droit de séjour est refusé au parent ressortissant de l'État tiers**
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

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK of 2 August 2016 on the data quality management framework for statistics on holdings of securities (ECB/2016/24) (2016/C 297/01)
OJ of the EU, C 297/1 of 17 August 2016