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EU News: Click & Read

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

We hope you will find this issue both useful and a pleasure to read.

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Case C-119/15: JUDGMENT OF THE COURT (Fifth Chamber) of 21 December 2016 - Biuro podróży 'Partner' sp. z o.o. sp.k. w Dąbrowie Górniczej v Prezes Urzędu Ochrony Konkurencji i Konsumentów - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Warszawie (Court of Appeal, Warsaw, Poland) - References for a preliminary ruling — Directive 93/13/EEC — Directive 2009/22/EC — **Consumer protection — Erga omnes effect of unfair terms entered in a public register — Financial penalty imposed on a seller or supplier having used a term held to be equivalent to a term in the register** — Seller or supplier who was not a party to the proceedings giving rise to the declaration that the term in question was unfair — Article 47 of the Charter of Fundamental Rights of the European Union — **Concept of 'court or tribunal against whose decisions there is no judicial remedy under national law'**
[CURIA – Judgment of the Court of Justice in Case C-119/15 of 21 December 2016](#)

Joined Cases C-203/15 and C-698/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Tele2 Sverige AB (C-203/15) v Post- och telestyrelsen - Secretary of State for the Home Department (C-698/15) v Tom Watson, Peter Brice, Geoffrey Lewis, Open Rights Group, Privacy International and The Law Society of England and Wales - REQUESTS for a preliminary ruling under Article 267 TFEU, made by the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm, Sweden) and the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data — Confidentiality of electronic communications — Protection** — Directive 2002/58/EC — Articles 5, 6 and 9 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 11 and Article 52(1) — **National legislation — Providers of electronic communications services — Obligation relating to the general and indiscriminate retention of traffic and location data** — National authorities — **Access to data — No prior review by a court or independent administrative authority — Compatibility with EU law**
[CURIA – Judgment of the Court of Justice in Case C-203/15 of 21 December 2016](#)

Case C-367/15: JUDGMENT OF THE COURT (Fifth Chamber) of 25 January 2017 - Stowarzyszenie 'Oławska Telewizja Kablowa' v Stowarzyszenie Filmowców Polskich - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — Directive 2004/48/EC — Article 13 — **Intellectual and industrial property — Infringement — Calculation of damages — Legislation of a Member State — Twice the amount of the royalties normally due**
[CURIA – Judgment of the Court of Justice in Case C-367/15 of 25 January 2017](#)

Case C-491/15 P: JUDGMENT OF THE COURT (First Chamber) OF 11 January 2017 - Rainer Typke, residing in Hasbergen (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Access to documents of the institutions** — Regulation (EC) No 1049/2001 — Article 3 — **Notion of document** — Article 2(3) — **Documents held by an institution — Characterisation of information contained in a database — Obligation to create a document which does not already exist — None — Existing documents capable of being extracted from a database**
[CURIA – Judgment of the Court of Justice in Case C-491/15 of 11 January 2017](#)

1. EU-Swiss Relations

International Agreements

DECISION No 1/2016 OF THE JOINT COMMITTEE ON AGRICULTURE of 16 November 2016 on **amending** Annex 10 to the **Agreement between the European Community and the Swiss Confederation on trade in agricultural products** [2017/51]

[OJ of the EU, L 7/20 of 12 January 2017](#)

Case Law

Case C-272/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading — Obligation to surrender emission allowances in respect of flights between EU Member States and most third countries** — Decision No 377/2013/EU — Article 1 — **Temporary derogation — Exclusion of flights to and from airports situated in Switzerland — Difference of treatment of third countries — General principle of equal treatment — Inapplicable**

[CURIA – Judgment of the Court of Justice in Case C-272/15 of 21 December 2016](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2017/37 of 28 October 2016 on the **signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement (CETA) between Canada**, of the one part, **and the European Union and its Member States**, of the other part

[OJ of the EU, L 11/1 of 14 January 2017](#)

Joint Interpretative Instrument on the **Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union and its Member States**

[OJ of the EU, L 11/3 of 14 January 2017](#)

Statements to be entered in the **Council minutes**

[OJ of the EU, L 11/9 of 14 January 2017](#)

COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA) between Canada, of the one part, **and the European Union and its Member States**, of the other part

[OJ of the EU, L 11/23 of 14 January 2017](#)

COUNCIL DECISION (EU) 2017/38 of 28 October 2016 on the **provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada**, of the one part, **and the European Union and its Member States**, of the other part

[OJ of the EU, L 11/1080 of 14 January 2017](#)

COUNCIL DECISION (EU) 2017/47 of 8 November 2016 on the **signing, on behalf of the European Union, and provisional application of the Agreement between the European Union and the Principality of Liechtenstein** on **supplementary rules** in relation to the instrument for **financial support for external borders and visa, as part of the Internal Security Fund** for the period 2014 to 2020

[OJ of the EU, L 7/2 of 12 January 2017](#)

AGREEMENT between the **European Union and the Principality of Liechtenstein** on **supplementary rules** in relation to the instrument for **financial support for external borders and visa, as part of the Internal Security Fund** for the period 2014 to 2020

[OJ of the EU, L 7/4 of 12 January 2017](#)

COUNCIL DECISION (CFSP) 2016/2360 of 28 November 2016 on the **signing and conclusion of the Acquisition and Cross-Servicing Agreement between the European Union and the United States of America**

[OJ of the EU, L 350/1 of 22 December 2016](#)

ACQUISITION AND CROSS-SERVICING AGREEMENT between the **European Union and the United States of America** (US-EU-01)

[OJ of the EU, L 350/3 of 22 December 2016](#)

Case Law

OPINION OF ADVOCATE GENERAL SHARPSTON of 21 December 2016 - initiated following a request made by the **European Commission** - Request for an Opinion pursuant to Article 218(11) TFEU — **Conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore — Allocation of competences between the European Union and the Member States**¹

[CURIA – Opinion of Advocate General – Opinion procedure 2/15 of 21 December 2016](#)

Affaire C-17/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 21 décembre 2016 - Oussama El Dakkak et Intercontinental SARL contre **Administration des douanes et droits indirects** - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Contrôles de l'argent liquide entrant ou sortant de l'Union européenne** – Règlement (CE) n° 1889/2005 – Article 3, paragraphe 1 - **Portée de l'obligation de déclaration – Zone internationale de transit de l'aéroport d'un État membre**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-17/16 du 21 décembre 2016](#)

Joined Cases C-508/15 and C-509/15: JUDGMENT OF THE COURT (First Chamber) of 21 December 2016 - Sidika Ucar (C-508/15) and Recep Kilic (C-509/15) v **Land Berlin** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - References for a preliminary ruling — **EEC-Turkey Association Agreement** — Decision No 1/80 — Article 7, first paragraph — **Right of residence of family members of a Turkish worker duly registered as belonging to the labour force of a Member State — Conditions — No need for the Turkish worker to be duly registered as belonging to the labour force of a Member State for the first three years of the residence of a family member**

[CURIA – Judgment of the Court of Justice in Case C-508/15 of 21 December 2016](#)

Case C-104/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Council of the European Union, Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Portuguese Republic and **Confédération marocaine de l'agriculture et du développement rural (Comader) v Front populaire pour la libération de la sagaia-el-hamra et du rio de oro (Front Polisario)** and **European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **External relations — Agreement between the European Union and the Kingdom of Morocco concerning liberalisation measures on agricultural and fishery products — Decision approving the conclusion of an international agreement — Action for annulment — Admissibility — Locus standi — Territorial scope of the agreement — Interpretation of the agreement — Principle of self-determination — Principle of the relative effect of treaties**

[CURIA – Judgment of the Court of Justice in Case C-104/16 of 21 December 2016](#)

¹ Opinion procedure 2/15: THIS OPINION IS FINAL BUT MAY BE SUBJECT TO EDITORIAL REVISION ONCE ALL THE LANGUAGE VERSIONS ARE AVAILABLE - PROVISIONAL TEXT OF 21/12/2016.

3. Agriculture and Fisheries / Maritime Affairs

International Agreements

DECISION No 1/2016 OF THE JOINT COMMITTEE ON AGRICULTURE of 16 November 2016 on **amending** Annex 10 to the **Agreement between the European Community and the Swiss Confederation on trade in agricultural products** [2017/51]

[OJ of the EU, L 7/20 of 12 January 2017](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2017/98 of 18 January 2017 **amending** the Annex to Implementing Decision 2013/519/EU as regards the **model animal health certificate for imports into the Union of dogs, cats and ferrets** (notified under document C(2017) 123) (Text with EEA relevance)

[OJ of the EU, L 16/37 of 20 January 2017](#)

Case Law

Case C-373/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 26 January 2017 - French Republic and Kingdom of Spain v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **European Agricultural Fund for Rural Development (EAFRD) — Expenditure excluded from EU financing** — Regulations (EC) No 1698/2005, (EC) No 1975/2006 and (EC) No 796/2004 — **Rural development support measures — Areas with natural handicaps** — On-the-spot controls — Coefficient density of livestock — Counting of animals

[CURIA – Judgment of the Court of Justice in Case C-373/15 of 26 January 2017](#)

Affaire C-506/15 P: ARRÊT DE LA COUR (huitième chambre) du 26 janvier 2017 - Royaume d'Espagne et République française contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Fonds européen agricole pour le développement rural (Feader) – Dépenses exclues du financement de l'Union européenne** – Règlements (CE) n° 1698/2005, (CE) n° 1975/2006 et (CE) n° 796/2004 – **Mesures de soutien au développement rural – Zones de handicap naturel** – Contrôles sur place – Coefficient de densité du bétail – Comptage des animaux

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-506/15 du 26 janvier 2017 \(FR seulement\)](#)

Affaire C-467/15 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 18 janvier 2017 - Commission européenne contre République italienne - Pourvoi — **Aides d'État – Aide accordée par la République italienne aux producteurs de lait – Régime d'aides lié au remboursement du prélèvement laitier** – Décision conditionnelle prise par le Conseil en vertu de l'article 108, paragraphe 2, troisième alinéa, TFUE – **Non-respect des conditions d'autorisation – Aide existante – Aide nouvelle – Modification d'une aide existante**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-467/15 du 18 janvier 2017](#)

Case C-128/15: JUDGMENT OF THE COURT (Fifth Chamber) of 11 January 2017 - Kingdom of Spain v Council of the European Union and European Commission - ACTION for annulment under Article 263 TFEU - **Actions for annulment — Fisheries** — Regulation (EU) No 1380/2013 — Regulation (EU) No 1367/2014 — **Validity — Fishing opportunities — Precautionary approach — Principle of relative stability of fishing activities — Principle of proportionality — Principle of equal treatment** — Roundnose grenadier and roughhead grenadier

[CURIA – Judgment of the Court of Justice in Case C-128/15 of 11 January 2017](#)

Case C-104/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Council of the European Union, Kingdom of Belgium, Federal Republic of Germany, Kingdom of Spain, French Republic, Portuguese Republic and Confédération marocaine de l'agriculture et du développement rural (Comader) v Front populaire pour la libération de la sagaia-el-hamra et du rio de oro (Front Polisario) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — External relations — Agreement between the European Union and the Kingdom of Morocco concerning liberalisation measures on agricultural and fishery products — Decision approving the conclusion of an international agreement — Action for annulment — Admissibility — Locus standi — Territorial scope of the agreement — Interpretation of the agreement — Principle of self-determination — Principle of the relative effect of treaties
[CURIA – Judgment of the Court of Justice in Case C-104/16 of 21 December 2016](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION DECISION (EU, Euratom) 2017/46 of 10 January 2017 on the **security of communication and information systems in the European Commission**
[OJ of the EU, L 6/40 of 11 January 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2286 of 15 December 2016 laying down **detailed rules on the application of fair use policy and on the methodology for assessing the sustainability of the abolition of retail roaming surcharges** and on the application to be **submitted by a roaming provider for the purposes of that assessment** (Text with EEA relevance)
[OJ of the EU, L 344/46 of 17 December 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/2295 of 16 December 2016 **amending** Decisions 2000/518/EC, 2002/2/EC, 2003/490/EC, 2003/821/EC, 2004/411/EC, 2008/393/EC, 2010/146/EU, 2010/625/EU, 2011/61/EU and **Implementing** Decisions 2012/484/EU, 2013/65/EU on the **adequate protection of personal data by certain countries**, pursuant to Article 25(6) of Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2016) 8353) (Text with EEA relevance)
[OJ of the EU, L 344/83 of 17 December 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/2297 of 16 December 2016 **amending** Decisions 2001/497/EC and 2010/87/EU on **standard contractual clauses for the transfer of personal data to third countries and to processors established in such countries**, under Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2016) 8471) (Text with EEA relevance)
[OJ of the EU, L 344/100 of 17 December 2016](#)

Case Law

Case C-13/16: OPINION OF ADVOCATE GENERAL BOBEK of 26 January 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA 'Rīgas satiksme' - Request for a preliminary ruling from the Augstākā tiesa, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Request for a preliminary ruling — **Personal data — Lawful data processing** — Article 7(f) of Directive 95/46/EC — **Scope and conditions — Obligation or faculty to process personal data — Notion of processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party**
[CURIA – Opinion of Advocate General in Case C-13/16 of 26 January 2017](#)

Joined Cases C-203/15 and C-698/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Tele2 Sverige AB (C-203/15) v Post- och telestyrelsen - Secretary of State for the Home Department (C-698/15) v Tom Watson, Peter Brice, Geoffrey Lewis, Open Rights Group, Privacy International and The Law Society of England and Wales - REQUESTS for a preliminary ruling under Article 267 TFEU, made by the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm, Sweden) and the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data — Confidentiality of electronic communications — Protection** — Directive 2002/58/EC — Articles 5, 6 and 9 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 11 and Article 52(1) — **National legislation — Providers of electronic communications services — Obligation relating to the general and indiscriminate retention of traffic and location data** — National authorities — **Access to data — No prior review by a court or independent administrative authority — Compatibility with EU law**
[CURIA – Judgment of the Court of Justice in Case C-203/15 of 21 December 2016](#)

Case C-327/15: JUDGMENT OF THE COURT (Second Chamber) of 21 December 2016 - TDC A/S v Teleklagenævnet and Erhvervs- og Vækstministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/22/EC — **Universal service** — Articles 12 and 13 — **Calculation of the cost of universal service obligations** — Article 32 — **Compensation for costs relating to additional mandatory services — Direct effect** — Article 107(1) and Article 108(3) TFEU — Maritime radio safety and emergency services in Denmark and Greenland — **National rules — Submission of an application for compensation for costs relating to additional mandatory services — Three-month time limit — Principles of equivalence and effectiveness**
[CURIA – Judgment of the Court of Justice in Case C-327/15 of 21 December 2016](#)

5. Competition

Case Law

Case C-604/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Aloys F. Dornbracht GmbH & Co. KG, established in Iserlohn (Germany) v European Commission and Council of the European Union - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information** — Regulation (EC) No 1/2003 — Article 23(2) — Ceiling of 10% of turnover — 2006 Guidelines on the method of setting fines — **Principle of non-retroactivity — Exercise of unlimited jurisdiction — Excessive duration of the proceedings**
[CURIA – Judgment of the Court of Justice in Case C-604/13 of 26 January 2017](#)

Affaire C-609/13 P: ARRÊT DE LA COUR (première chambre) du 26 janvier 2017 - Duravit AG, établie à Hornberg (Allemagne), Duravit SA, établie à Bischwiller (France), Duravit BeLux SPRL/BVBA and établie à Overijse (Belgique) v Commission européenne and 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 — **Concurrence – Ententes – Marchés belge, allemand, français, italien, néerlandais et autrichien des installations sanitaires pour salles de bains – Coordination des prix de vente et échange d'informations commerciales sensibles** – Règlement (CE) n° 1/2003 – Article 31 – **Obligation de motivation**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-609/13 du 26 janvier 2017 \(FR seulement\)](#)

Case C-611/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Hansa Metallwerke AG, established in Stuttgart (Germany), Hansa Nederland BV, established in Nijkerk (Netherlands), Hansa Italiana Srl, established in Castelnuovo del Garda (Italy), Hansa Belgium, established in Asse (Belgium) and Hansa Austria GmbH, established in Salzburg (Austria) v European Commission and Council of the European Union - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information — Regulation (EC) No 1/2003 — Article 23(2) — Ceiling of 10% of turnover — **Obligation to state reasons — Protection of legitimate expectations****

[CURIA – Judgment of the Court of Justice in Case C-611/13 of 26 January 2017](#)

Case C-613/13: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - European Commission v Keramag Keramische Werke GmbH, formerly Keramag Keramische Werke AG, established in Ratingen (Germany), Koralle Sanitärprodukte GmbH, established in Vlotho (Germany), Koninklijke Sphinx BV, established in Maastricht (Netherlands), Allia SAS, established in Avon (France), Produits Céramiques de Touraine SA, established in Selles-sur-Cher (France), Pozzi Ginori SpA, established in Milan (Italy) and Sanitec Europe Oy, established in Helsinki (Finland) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information — Obligation to state reasons**

[CURIA – Judgment of the Court of Justice in Case C-613/13 of 26 January 2017](#)

Case C-614/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Masco Corp., established in Taylor (United States), Hansgrohe AG, established in Schiltach (Germany), Hansgrohe Deutschland Vertriebs GmbH, established in Schiltach, Hansgrohe Handelsgesellschaft mbH, established in Wiener Neudorf (Austria), Hansgrohe SA/NV, established in Brussels (Belgium), Hansgrohe BV, established in Westknollendam (Netherlands), Hansgrohe SARL, established in Antony (France), Hansgrohe Srl, established in Villanova d'Asti (Italy), Hüppe GmbH, established in Bad Zwischenahn (Germany), Hüppe GesmbH, established in Laxenburg (Austria), Hüppe Belgium SA/NV, established in Woluwé Saint-Étienne (Belgium) and Hüppe BV, established in Alblisserdam (Netherlands) 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information — Single and continuous infringement — Obligation to state reasons**

[CURIA – Judgment of the Court of Justice in Case C-614/13 of 26 January 2017](#)

Case C-618/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Zucchetti Rubinetteria SpA, established in Gozzano (Italy) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information — Regulation (EC) No 1/2003 — Article 23(2) — Ceiling of 10% of turnover**

[CURIA – Judgment of the Court of Justice in Case C-618/13 of 26 January 2017](#)

Affaire C-619/13 P: ARRÊT DE LA COUR (première chambre) du 26 janvier 2017 - Mamoli Robinetteria SpA, établie à Milan (Italie) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Ententes – Marchés belge, allemand, français, italien, néerlandais et autrichien des installations sanitaires pour salles de bains – Coordination des prix de vente et échange d'informations commerciales sensibles – Programme de clémence – Règlement (CE) n° 1/2003 – Article 23, paragraphe 2 – Plafond de 10 % du chiffre d'affaires – Exercice de la compétence de pleine juridiction**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-619/13 du 26 janvier 2017 \(FR seulement\)](#)

Case C-625/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Villeroy & Boch AG, established in Mettlach (Germany) 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria** — Decision finding an infringement of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area — **Price coordination and exchange of sensitive business information — Single infringement** — Proof — Fines — **Unlimited jurisdiction** — Reasonable time — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-625/13 of 26 January 2017](#)

Case C-626/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Villeroy & Boch Austria GmbH 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria** — Decision finding an infringement of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area — **Price coordination and exchange of sensitive business information — Single infringement** — Proof — Fines — **Unlimited jurisdiction** — Reasonable time — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-626/13 of 26 January 2017](#)

Case C-636/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Roca Sanitario SA, established in Barcelona (Spain) 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information** — 2006 Guidelines on the method of setting fines — **Obligation to state reasons** — Principle of equal treatment — Proportionality — **Exercise of unlimited jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-636/13 of 26 January 2017](#)

Case C-637/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Laufen Austria AG, established in Wilhelmsburg (Austria) 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information** — Regulation (EC) No 1/2003 — Article 23(2) — Ceiling of 10% of turnover — 2006 Guidelines on the method of setting fines — **Obligation to state reasons** — Principle of equal treatment — **Exercise of unlimited jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-637/13 of 26 January 2017](#)

Case C-638/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - oca SARL, established in Saint-Ouen-l'Aumône (France) 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 — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Coordination of selling prices and exchange of sensitive business information** — 2006 Guidelines on the method of setting fines — Principle of equal treatment — **Exercise of unlimited jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-638/13 of 26 January 2017](#)

Case C-644/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Villeroy & Boch SAS, established in Paris (France) v European Commission - Appeal — **Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria** — Decision finding an infringement of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area — **Price coordination and exchange of sensitive business information — Single infringement — Proof — Fines — Unlimited jurisdiction** — Reasonable time — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-644/13 of 26 January 2017](#)

Case C-642/13 P: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Villeroy & Boch Belgium SA, established in Brussels (Belgium) v European Commission - Appeal — Competition — Agreements, decisions and concerted practices — Bathroom fittings and fixtures markets of Belgium, Germany, France, Italy, the Netherlands and Austria — Decision finding an infringement of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area — Price coordination and exchange of sensitive business information — Single infringement — Proof — Fines — Unlimited jurisdiction — Reasonable time — Proportionality

CURIA – Judgment of the Court of Justice in Case C-642/13 of 26 January 2017

Joined Cases C-247/15 P, C-253/15 P and C-259/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 26 January 2017 - Maxcom Ltd, established in Plovdiv (Bulgaria) v Chin Haur Indonesia PT, established in Tangerang (Indonesia), Council of the European Union and European Commission (C-247/15 P) - European Commission, Chin Haur Indonesia PT, established in Tangerang (Indonesia) and Council of the European Union v Maxcom Ltd, established in Plovdiv (Bulgaria) (C-253/15 P) - Council of the European Union, Chin Haur Indonesia, PT, established in Tangerang (Indonesia), European Commission v Maxcom Ltd, established in Plovdiv (Bulgaria) (C-259/15 P) - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Dumping — Implementing Regulation (EU) No 501/2013 — Imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia — Extension to such imports of the definitive anti-dumping duty imposed on imports of bicycles originating in China — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Article 18 — Lack of cooperation — Evidence — Body of consistent evidence

CURIA – Judgment of the Court of Justice in Case C-247/15 of 26 January 2017

Joined Cases C-248/15 P, C-254/15 P and C-260/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 26 January 2017 - Maxcom Ltd, established in Plovdiv (Bulgaria) v City Cycle Industries, established in Colombo (Sri Lanka), Council of the European Union and European Commission (C-248/15 P) - European Commission v City Cycle Industries, established in Colombo, Council of the European Union and Maxcom Ltd, established in Plovdiv (Bulgaria) (C-254/15 P) - Council of the European Union, City Cycle Industries, established in Colombo (Sri Lanka) and European Commission v Maxcom Ltd, established in Plovdiv (Bulgaria) - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Dumping — Implementing Regulation (EU) No 501/2013 — Imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia — Extension to such imports of the definitive anti-dumping duty imposed on imports of bicycles originating in China — Regulation (EC) No 1225/2009 — Article 13 — Circumvention — Article 18 — Lack of cooperation — Evidence — Body of consistent evidence — Contradictory reasoning — Inadequate statement of reasons — Breach of procedural rights

CURIA – Judgment of the Court of Justice in Case C-248/15 of 26 January 2017

Case C-344/15: JUDGMENT OF THE COURT (Sixth Chamber) of 19 January 2017 - National Roads Authority v The Revenue Commissioners - REQUEST for a preliminary ruling under Article 267 TFEU from the Appeal Commissioners (Ireland) - (Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Article 13(1), second subparagraph — Activity of managing road infrastructure and making it available on payment of a toll — Activities engaged in by a body governed by public law acting as a public authority — Presence of private operators — Significant distortions of competition — Existence of actual or potential competition

CURIA – Judgment of the Court of Justice in Case C-344/15 of 19 January 2017

Case C-351/15 P: JUDGMENT OF THE COURT (First Chamber) of 19 January 2017 - European Commission and EFTA Surveillance Authority v Total SA, established in Courbevoie (France) and Elf Aquitaine SA, established in Courbevoie - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Agreements, decisions and concerted practices — Market for methacrylates — Fines — Joint and several liability of parent companies and their subsidiary for the latter's unlawful conduct — Payment of the fine by the subsidiary — Reduction of the amount of the subsidiary's fine following a judgment of the General Court of the European Union — Letters from the accountant of the European Commission demanding payment by the parent companies of the amount it repaid to the subsidiary plus default interest — Action for annulment — Challengeable acts — Effective judicial protection

CURIA – Judgment of the Court of Justice in Case C-351/15 of 19 January 2017

Affaire C-467/15 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 18 janvier 2017 - Commission européenne contre République italienne - Pourvoi – Aides d'État – Aide accordée par la République italienne aux producteurs de lait – Régime d'aides lié au remboursement du prélèvement laitier – Décision conditionnelle prise par le Conseil en vertu de l'article 108, paragraphe 2, troisième alinéa, TFUE – Non-respect des conditions d'autorisation – Aide existante – Aide nouvelle – Modification d'une aide existante
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-467/15 du 18 janvier 2017](#)

Case C-623/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 18 January 2017 - Toshiba Corp., established in Tokyo (Japan) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Agreements, decisions and concerted practices — Global market for cathode ray tubes for television sets and computer monitors — Agreements and concerted practices on pricing, market sharing, customer allocation and output limitation – Concept of 'economic unit' between two companies — Concept of 'decisive influence' — Joint control by two parent companies — Distortion of evidence
[CURIA – Judgment of the Court of Justice in Case C-623/15 of 18 January 2017](#)

Case C-411/15 P: JUDGMENT OF THE COURT (Tenth Chamber) of 12 January 2017 - Timab Industries and Cie financière et de participations Roullier (CFPR), established in Saint-Malo (France) 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 — European market for animal feed phosphates — Allocation of sales quotas, coordination of prices and conditions of sale and exchange of commercially sensitive information — Appellants' withdrawal from the settlement procedure — Unlimited jurisdiction — Protection of legitimate expectations and of equal treatment — Reasonable length of proceedings
[CURIA – Judgment of the Court of Justice in Case C-411/15 of 12 January 2017](#)

Case C-516/15 P: OPINION OF ADVOCATE GENERAL WAHL of 21 December 2016 - Akzo Nobel NV, Akzo Nobel Chemicals GmbH and Akzo Nobel Chemicals BV v European Commission - Appeal — Agreements, decisions and concerted practices — European markets in heat stabilisers — Decision finding two infringements of Article 81 EC and Article 53 of the EEA Agreement — Price fixing, market allocation and exchange of commercially sensitive information — Attribution of liability — Infringements committed by subsidiaries and derivative liability of the parent company — Consequences of annulment of the fine imposed on the subsidiaries owing to the expiry of the limitation period referred to in Article 25(1)(b) of Regulation (EC) No 1/2003
[CURIA – Opinion of Advocate General in Case C-516/15 of 21 December 2016](#)

Case C-524/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - European Commission v Hansestadt Lübeck, successor in law to Flughafen Lübeck GmbH, Federal Republic of Germany and Kingdom of Spain - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — State aid — Airport charges — Article 108(2) TFEU — Fourth paragraph of Article 263 TFEU — Decision to initiate the formal investigation procedure — Admissibility of an action for annulment — Person individually concerned — Legal interest in bringing proceedings — Article 107(1) TFEU — Condition relating to selectivity
[CURIA – Judgment of the Court of Justice in Case C-524/14 of 21 December 2016](#)

Joined Cases C-20/15 P and C-21/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - European Commission v World Duty Free Group SA, formerly Autogrill España SA, established in Madrid (Spain) (C-20/15 P), Banco Santander SA, established in Santander (Spain) (C-21/15 P), Santusa Holding SL, established in Boadilla del Monte (Spain) (C-21/15 P), Federal Republic of Germany, Ireland and Kingdom of Spain - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — State aid — Article 107(1) TFEU — Tax system — Corporation tax — Deduction — Amortisation of goodwill resulting from acquisitions by undertakings resident for tax purposes in Spain of shareholdings of at least 5% in undertakings resident for tax purposes outside Spain — Concept of 'State aid' — Condition relating to selectivity
[CURIA – Judgment of the Court of Justice in Case C-20/15 of 21 December 2016](#)

Case C-76/15: JUDGMENT OF THE COURT (Second Chamber) of 21 December 2016 - Paul Vervloet, Marc De Wit, Edgard Timperman, Godelieve Van Braekel, Patrick Beckx, Marc De Schryver, Guy Deneire, Steve Van Hoof, Organisme voor de financiering van pensioenen Ogeofund, Gemeente Schaarbeek, and Frédéric Ensch Famenne v Ministerraad, Arcofin CVBA, Arcopar CVBA and Arcoplus CVBA - REQUEST for a preliminary ruling under Article 267 TFEU from the Grondwettelijk Hof (Constitutional Court, Belgium) - Reference for a preliminary ruling — **State aid — Aid implemented by the Kingdom of Belgium in favour of ARCO Group financial cooperatives — Deposit guarantee schemes** — Directive 94/19/EC — Scope — Guarantee scheme protecting the shares of individual members, being natural persons, of cooperatives operating in the financial sector — Not included — Articles 107 and 108 TFEU — **Commission decision declaring the aid incompatible with the internal market**

[CURIA – Judgment of the Court of Justice in Case C-76/15 of 21 December 2016](#)

Case C-131/15 P: JUDGMENT OF THE COURT (First Chamber) of 21 December 2016 - Club Hotel Loutraki AE, established in Loutraki (Greece), Vivere Entertainment AE, established in Athens (Greece), Theros International Gaming, Inc., established in Patras (Greece), Elliniko Casino Kerkyras, established in Athens, Casino Rodos, established in Rhodes (Greece), Porto Carras AE, established in Alimos (Greece) and Kazino Aigaiou AE, established in Syros (Greece) v European Commission and Hellenic Republic - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Operation of Video Lottery Terminals — Grant by a Member State of an exclusive licence — Decision finding no State aid** — Article 108(3) TFEU — Regulation (EC) No 659/1999 — Articles 4, 7 and 13 — **Failure to initiate the formal investigation procedure — Concept of ‘serious difficulties’** — Date of the assessment — Article 296 TFEU — **Charter of Fundamental Rights of the European Union** — Article 41 — Obligation to state reasons — Article 47 — **Right to effective judicial protection** — Article 107(1) TFEU — **Concept of ‘economic advantage’ — Joint assessment of the measures notified**

[CURIA – Judgment of the Court of Justice in Case C-131/15 of 21 December 2016](#)

Joined Cases C-164/15 P and C-165/15 P: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - European Commission v Aer Lingus Ltd, established in Dublin (Ireland) and Ryanair Designated Activity Company, formerly Ryanair Ltd, established in Dublin (Ireland) - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — National tax on air transport— Application of differentiated rates — Lower rate for flights to destinations no more than 300 km from the national airport** — Advantage — Selective nature — **Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services — Recovery — Excise duty**

[CURIA – Judgment of the Court of Justice in Case C-164/15 of 21 December 2016](#)

6. Customs

Community Legislation

REGULATION (EU) 2016/2339 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2016 **amending** Regulation (EU) No 952/2013 laying down the **Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air**

[OJ of the EU, L 354/32 of 23 December 2016](#)

Case Law

Case C-679/15: JUDGMENT OF THE COURT (Third Chamber) of 25 January 2017 - Ultra-Brag AG v Hauptzollamt Lörrach - Request for a preliminary ruling under Article 267 TFEU from the Finanzgericht Baden-Württemberg (Germany) - Reference for a preliminary ruling — **Customs union — Community Customs Code** — Article 202(3), **first and second indents — Customs debt incurred through unlawful introduction of goods — Meaning of ‘debtor’ — Employee of a legal person responsible for the unlawful introduction** — Article 212a — Relief from import duty — **Fraudulent dealing or obvious negligence — Determination**

[CURIA – Judgment of the Court of Justice in Case C-679/15 of 25 January 2017](#)

Case C-365/15: JUDGMENT OF THE COURT (Third Chamber) of 18 January 2017 - Wortmann KG Internationale Schuhproduktionen v Hauptzollamt Bielefeld - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Customs Union and Common Customs Tariff — Reimbursement of import duties** — Regulation (EEC) No 2913/92 (Customs Code) — Article 241, first paragraph, first indent — **Obligation of a Member State to provide for the payment of default interest even where no action has been brought before the national courts**
[CURIA – Judgment of the Court of Justice in Case C-365/15 of 18 January 2017](#)

Affaire C-17/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 21 décembre 2016 - Oussama El Dakkak et Intercontinental SARL contre Administration des douanes et droits indirects - demande de décision préjudicielle formée par la Cour de cassation (France) - Renvoi préjudiciel – **Contrôles de l'argent liquide entrant ou sortant de l'Union européenne** – Règlement (CE) n° 1889/2005 – Article 3, paragraphe 1 - **Portée de l'obligation de déclaration – Zone internationale de transit de l'aéroport d'un État membre**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-17/16 du 21 décembre 2016](#)

Case C-547/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Interservice d.o.o.Koper v Sándor Horváth - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Community Customs Code** –Regulation (EEC) No 2913/92 — Article 96 — **External transit procedure — Definition of 'carrier' — Failure to produce goods at the customs office of destination — Liability** — Transport subcontractor who has handed the goods over to the main carrier in the car park of the customs office of destination and subsequently again assumed responsibility for the goods in order to continue with the transport
[CURIA – Judgment of the Court of Justice in Case C-547/15 of 21 December 2016](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COMMISSION DECISION (EU) 2017/123 of 24 January 2017 **amending** the Annex to the **Monetary Agreement between the European Union and the Principality of Andorra**
[OJ of the EU, L 19/42 of 25 January 2017](#)

COMMISSION DECISION (EU) 2017/124 of 24 January 2017 on **amending** the Annex to the **Monetary Agreement between the European Union and the Vatican City State**
[OJ of the EU, L 19/64 of 25 January 2017](#)

COMMISSION DECISION (EU) 2017/125 of 24 January 2017 on **amending** the Annex to the **Monetary Agreement between the European Union and the Republic of San Marino**
[OJ of the EU, L 19/71 of 25 January 2017](#)

COUNCIL DECISION (EU) 2017/37 of 28 October 2016 on the **signing on behalf of the European Union of the Comprehensive Economic and Trade Agreement (CETA) between Canada**, of the one part, **and the European Union and its Member States**, of the other part
[OJ of the EU, L 11/1 of 14 January 2017](#)

Joint Interpretative Instrument on the **Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union and its Member States**
[OJ of the EU, L 11/3 of 14 January 2017](#)

Statements to be entered in the **Council minutes**
[OJ of the EU, L 11/9 of 14 January 2017](#)

COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA) between Canada, of the one part, **and the European Union and its Member States**, of the other part
[OJ of the EU, L 11/23 of 14 January 2017](#)

COUNCIL DECISION (EU) 2017/38 of 28 October 2016 on the **provisional application of the Comprehensive Economic and Trade Agreement (CETA) between Canada**, of the one part, **and the European Union and its Member States**, of the other part

[OJ of the EU, L 11/1080 of 14 January 2017](#)

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2017/104 of 19 October 2016 **amending** Delegated Regulation (EU) No 148/2013 **supplementing** Regulation (EU) No 648/2012 of the European Parliament and of the Council on **OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories** (Text with EEA relevance)

[OJ of the EU, L 17/1 of 21 January 2017](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/105 of 19 October 2016 **amending** Implementing Regulation (EU) No 1247/2012 laying down **implementing technical standards with regard to the format and frequency of trade reports to trade repositories** according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on **OTC derivatives, central counterparties and trade repositories** (Text with EEA relevance)

[OJ of the EU, L 17/17 of 21 January 2017](#)

DECISION (EU) 2017/100 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2015/774 on a **secondary markets public sector asset purchase programme** (ECB/2017/1)

[OJ of the EU, L 16/51 of 20 January 2017](#)

DECISION (EU) 2017/101 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision ECB/2014/40 on the **implementation of the third covered bond purchase programme** (ECB/2017/2)

[OJ of the EU, L 16/53 of 20 January 2017](#)

DECISION (EU) 2017/102 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2015/5 on the **implementation of the asset-backed securities purchase programme** (ECB/2017/3)

[OJ of the EU, L 16/55 of 20 January 2017](#)

DECISION (EU) 2017/103 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2016/948 on the **implementation of the corporate sector purchase programme** (ECB/2017/4)

[OJ of the EU, L 16/57 of 20 January 2017](#)

DECISION (EU) 2016/2248 OF THE EUROPEAN CENTRAL BANK of 3 November 2016 on the **allocation of monetary income of the national central banks of Member States whose currency is the euro** (ECB/2016/36) (recast)

[OJ of the EU, L 347/26 of 20 December 2016](#)

Case Law

Case C-421/14: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Banco Primus SA v Jesús Gutiérrez García - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia No 2 de Santander (Court of First Instance No 2, Santander, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Contracts concluded between sellers or suppliers and consumers — Unfair terms — Mortgage loan agreements — Mortgage enforcement proceedings** — Limitation period — Function of the national courts — **Res judicata**

[CURIA – Judgment of the Court of Justice in Case C-421/14 of 26 January 2017](#)

Case C-375/15: JUDGMENT OF THE COURT (Third Chamber) of 25 January 2017 - BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG v Verein für Konsumenteninformation - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Directive 2007/64/EC — **Payment services in the internal market — Framework contracts — Prior general information — Obligation to provide that information on paper or on another durable medium — Information transmitted by means of the electronic mailbox of an online banking website**
[CURIA – Judgment of the Court of Justice in Case C-375/15 of 25 January 2017](#)

Case C-465/15: OPINION OF ADVOCATE GENERAL BOBEK of 19 January 2017 - Hüttenwerke Krupp Mannesmann GmbH v Hauptzollamt Duisburg - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — **Scope of application — Notion of electricity used principally for the purposes of chemical reduction — Inclusion of electricity used for turbo blowers for the production of pig iron in blast furnaces**
[CURIA – Opinion of Advocate General in Case C-465/15 of 19 January 2017](#)

Case C-6/16: OPINION OF ADVOCATE GENERAL KOKOTT of 19 January 2017 - Egiom SAS, previously Holcim France SAS and Enka SA v Ministre des finances et des comptes publics - Reference for a preliminary ruling from the Conseil d'État (Council of State, France) - **Tax legislation — Freedom of establishment (Article 43 EC) — Free movement of capital (Article 56 EC)** — Council Directive 90/435/EEC — **Parent-Subsidiary Directive — Withholding tax on dividends paid abroad — Prevention of tax evasion — Misuse of rights**
[CURIA – Opinion of Advocate General in Case C-6/16 of 19 January 2017](#)

Case C-344/15: JUDGMENT OF THE COURT (Sixth Chamber) of 19 January 2017 - National Roads Authority v The Revenue Commissioners - REQUEST for a preliminary ruling under Article 267 TFEU from the Appeal Commissioners (Ireland) - (Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — Article 13(1), second subparagraph — **Activity of managing road infrastructure and making it available on payment of a toll — Activities engaged in by a body governed by public law acting as a public authority — Presence of private operators — Significant distortions of competition — Existence of actual or potential competition**
[CURIA – Judgment of the Court of Justice in Case C-344/15 of 19 January 2017](#)

Case C-549/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 18 January 2017 - E.ON Biofor Sverige AB v Statens energimyndighet - Request for a preliminary ruling from the Förvaltningsrätten i Linköping (Sweden) - **Interpretation of Article 34 TFEU and Article 18(1) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources — Mass balance system aimed at identifying sustainable gas to ensure that the use of biogas complies with the sustainability criteria laid down in the directive** — Company established in a Member State which imports biogas from another Member State via the network of interconnected national gas pipelines — **National rules making the favourable tax treatment of biogas conditional on the achievement of the mass balance within a well-defined location, excluding the cross-border transport of biogas by gas pipeline**
[CURIA – Opinion of Advocate General in Case C-549/15 of 18 January 2017](#)

Case C-189/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2017 - Istituto di Ricovero e Cura a Carattere Scientifico (IRCCS) — Fondazione Santa Lucia v Cassa congruaglio per il settore elettrico, Ministero dello Sviluppo economico, Ministero dell'Economia e delle Finanze, Autorità per l'energia elettrica e il gas and 2M SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity — Tax reductions — Substantive scope — Incentives in respect of the amounts covering general electricity charges** — Article 17 — **Energy-intensive businesses — Incentives granted to such businesses in the manufacturing sector alone — Lawfulness**
[CURIA – Judgment of the Court of Justice in Case C-189/15 of 18 January 2017](#)

Case C-471/15: JUDGMENT OF THE COURT (Third Chamber) of 18 January 2017 - Sjelle Autogenbrug I/S v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (Western Regional Court, Denmark) - Reference for a preliminary ruling — **Taxation — Value added tax — Directive 2006/112/EC — Special scheme for taxing the profit margin — Concept of ‘second-hand goods’ — Sales of parts removed from end-of-life vehicles**

[CURIA – Judgment of the Court of Justice in Case C-471/15 of 18 January 2017](#)

Case C-37/16: JUDGMENT OF THE COURT (Eighth Chamber) of 18 January 2017 - Minister Finansów v Stowarzyszenie Artystów Wykonawców Utworów Muzycznych i Słowno-Muzycznych SAWP (SAWP), Prokuratura Generalna, Stowarzyszenie Zbiorowego Zarządzania Prawami Autorskimi Twórców Dzieł Naukowych i Technicznych Kopipol and Stowarzyszenie Autorów i Wydawców Copyright Polska - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Common system of value added tax — Taxable transactions — Concept of ‘supply of services for consideration’ — Payment of fees, in respect of fair compensation, to organisations collectively managing copyright and related rights** — Not included

[CURIA – Judgment of the Court of Justice in Case C-37/16 of 18 January 2017](#)

Cases C-217/15 and C-350/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 12 January 2017 - Massimo Orsi (C-217/15) and Luciano Baldetti (C-350/15) - Request for a preliminary ruling from the Tribunale di Santa Maria Capua Vetere (District Court, Santa Maria Capua Vetere, Italy) - **Charter of Fundamental Rights of the European Union — National law which provides for an administrative penalty and a criminal penalty for the same offence, relating to non-payment of VAT — Infringement of the principle ne bis in idem**

[CURIA – Opinion of Advocate General in Case C-217/15 of 12 January 2017](#)

Case C-682/15: OPINION OF ADVOCATE GENERAL WATHELET of 10 January 2017 - Berlioz Investment Fund SA v Directeur de l’administration des Contributions directes - Reference for a preliminary ruling from the Cour administrative (Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — Article 1(1) — Article 5 — **Administrative cooperation in the field of taxation — Exchange of information between tax administrations — Concept of ‘foreseeable relevance’ of the information requested** — Refusal of a third party in the requested State to communicate certain information — Penalties — **Application of the Charter of Fundamental Rights of the European Union — Article 47 — Article 51(1) — Right to an effective judicial remedy — Right of action against the request for information addressed to the third party**

[CURIA – Opinion of Advocate General in Case C-682/15 of 10 January 2017](#)

Case C-628/15: OPINION OF ADVOCATE GENERAL WATHELET of 21 December 2016 - The Trustees of the BT Pension Scheme v Commissioners for Her Majesty’s Revenue and Customs - Request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Article 63 TFEU — **Free movement of capital — Tax legislation — Corporation tax — Reimbursement of tax paid in advance in the case of dividends paid by companies established in other Member States to a company established in the United Kingdom — Refusal to grant tax credits to shareholders**

[CURIA – Opinion of Advocate General in Case C-628/15 of 21 December 2016](#)

Case C-633/15: OPINION OF ADVOCATE GENERAL WATHELET of 21 December 2016 - London Borough of Ealing v Commissioners for Her Majesty’s Revenue and Customs - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber) (United Kingdom) - **VAT — Exemptions — Supplies of services closely linked to sport — Exclusion of the exemption in the event of a risk of distortion of competition to the disadvantage of commercial enterprises subject to VAT**

[CURIA – Opinion of Advocate General in Case C-633/15 of 21 December 2016](#)

Case C-646/15: OPINION OF ADVOCATE GENERAL KOKOTT of 21 December 2016 - Trustees of the P Panayi Accumulation & Maintenance Settlements v Commissioners for Her Majesty’s Revenue and Customs - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber) of the United Kingdom) - **Tax legislation — Direct taxes — Exit taxation — Application of the fundamental freedoms to a trust which has no separate legal personality** — Proportionality of exit taxation notwithstanding the continued existence of an option to tax — No option to defer — Relevance of later changes in value — Taking into account of a later option to tax

[CURIA – Opinion of Advocate General in Case C-646/15 of 21 December 2016](#)

Case C-699/15: OPINION OF ADVOCATE GENERAL KOKOTT of 21 December 2016 - The Commissioners for Her Majesty's Revenue & Customs v Brockenhurst College - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Value added tax — Exemption under Article 132(1)(i) of the VAT Directive — Services closely related to education — Restaurant and theatre services to paying third parties through an educational establishment as part of training**

[CURIA – Opinion of Advocate General in Case C-699/15 of 21 December 2016](#)

Case C-503/14: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - European Commission v Portuguese Republic and Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Articles 21, 45 and 49 TFEU — Articles 28 and 31 of the Agreement on the European Economic Area — **Freedom of movement for persons — Freedom of movement for workers — Freedom of establishment — Taxation of natural persons on capital gains resulting from a share exchange — Taxation of natural persons on capital gains resulting from a transfer of all the assets used in the exercise of a business or professional activity — Exit taxation of individuals** — Immediate recovery of taxation — Difference in treatment between natural persons who exchange shares and maintain their residence in the national territory and those who make such an exchange and transfer their residence to the territory of another Member State of the European Union or the European Economic Area — **Difference in treatment between natural persons transferring all the assets related to an activity carried out on an individual basis to a company with its head office and effective management in Portugal and those who carry out such a transfer to a company with its head office or its effective management in the territory of another Member State of the European Union or of the European Economic Area** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-503/14 of 21 December 2016](#)

Case C-593/14: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Masco Denmark ApS and Damixa ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (Western Regional Court, Denmark) - Reference for a preliminary ruling — **Freedom of establishment — Tax legislation concerning thin capitalisation of subsidiaries — Inclusion in the taxable income of a lending company of the loan interest paid by a non-resident borrowing subsidiary** — Tax exemption for interest paid by a resident borrowing subsidiary — Balanced allocation between Member States of the power to impose taxes — **Need to prevent the risk of tax avoidance**

[CURIA – Judgment of the Court of Justice in Case C-593/14 of 21 December 2016](#)

Joined Cases C-20/15 P and C-21/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - European Commission v World Duty Free Group SA, formerly Autogrill España SA, established in Madrid (Spain) (C-20/15 P), Banco Santander SA, established in Santander (Spain) (C-21/15 P), Santusa Holding SL, established in Boadilla del Monte (Spain) (C-21/15 P), Federal Republic of Germany, Ireland and Kingdom of Spain - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Article 107(1) TFEU — Tax system — Corporation tax — Deduction — Amortisation of goodwill resulting from acquisitions by undertakings resident for tax purposes in Spain of shareholdings of at least 5% in undertakings resident for tax purposes outside Spain — Concept of 'State aid'** — Condition relating to selectivity

[CURIA – Judgment of the Court of Justice in Case C-20/15 of 21 December 2016](#)

Joined Cases C-154/15, C-307/15 and C-308/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Francisco Gutiérrez Naranjo v Cajasur Banco SAU (C-154/15) - Ana María Palacios Martínez v Banco Bilbao Vizcaya Argentaria SA (BBVA) (C-307/15) - Banco Popular Español, SA v Emilio Irlés López and Teresa Torres Andreu (C-308/15) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 1 de Granada (Commercial Court No 1, Granada, Spain) (C-154/15) - Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) (C-307/15 and C-308/15) - References for a preliminary ruling — Directive 93/13/EEC — **Consumer contracts — Mortgage loans — Unfair terms** — Article 4(2) — Article 6(1) — **Declaration of nullity — Limitation by the national court of the temporal effects of the declaration of nullity of an unfair term**

[CURIA – Judgment of the Court of Justice in Case C-154/15 of 21 December 2016](#)

Joined Cases C-164/15 P and C-165/15 P: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - European Commission v Aer Lingus Ltd, established in Dublin (Ireland) and Ryanair Designated Activity Company, formerly Ryanair Ltd, established in Dublin (Ireland) - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — State aid — National tax on air transport– Application of differentiated rates — Lower rate for flights to destinations no more than 300 km from the national airport — Advantage — Selective nature — Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services — Recovery — Excise duty

[CURIA – Judgment of the Court of Justice in Case C-164/15 of 21 December 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK of 13 December 2016 on **dividend distribution policies** (ECB/2016/44) (2016/C 481/01)

[OJ of the EU, C 481/1 of 23 December 2016](#)

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

Community Legislation

COMMISSION DIRECTIVE (EU) 2016/2309 of 16 December 2016 **adapting** for the fourth time the **Annexes** to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods to scientific and technical progress** (Text with EEA relevance)

[OJ of the EU, L 345/48 of 20 December 2016](#)

9. Employment and Social Affairs

Community Legislation

DIRECTIVE (EU) 2016/2341 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2016 on the **activities and supervision of institutions for occupational retirement provision** (IORPs) (recast) (Text with EEA relevance)

[OJ of the EU, L 354/37 of 23 December 2016](#)

Case Law

Joined Cases C-680/15 and C-681/15: OPINION OF ADVOCATE GENERAL BOT of 19 January 2017 - **Asklepios Kliniken Langen-Seligenstadt GmbH (C-680/15) and Asklepios Dienstleistungsgesellschaft mbH (C-681/15) v Ivan Felja and Vittoria Graf** - Requests for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Requests for a preliminary ruling — Directive 2001/23/EC — Article 3(1) and (3) — **Safeguarding of employees’ rights in the event of transfers of undertakings — Clause in a contract of employment which refers to the terms and conditions provided for in a collective agreement and to amendments made to those terms and conditions after the undertaking has been transferred**

[CURIA – Opinion of Advocate General in Case C-680/15 of 19 January 2017](#)

Case C-620/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 12 January 2017 - **A-Rosa Flussschiff GmbH v Union de recouvrement des cotisations de sécurité sociale et d’allocations familiales (Urssaf) d’Alsace, assuming the rights of the Bas-Rhin Urssaf and Sozialversicherungsanstalt des Kantons Graubünden** - Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — Regulation (EEC) No 1408/71 — **Social security — Determination of the legislation applicable — Article 14(2)(a)(i) — Persons who are members of the travelling personnel of an undertaking operating international passenger transport services — Swiss branch — Regulation (EEC) No 574/72 — Article 12a(1a) — E 101 certificate — Binding effect**

[CURIA – Opinion of Advocate General in Case C-620/15 of 12 January 2017](#)

Case C-48/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 12 January 2017 - ERGO Poist'ovňa, a.s. v Alžbeta Barlíková - Request for a preliminary ruling from the Okresný súd Dunajská Streda (District Court, Dunajská Streda, Slovakia) - Reference for a preliminary ruling — **Self-employed commercial agents** — Directive 86/653/EEC — Article 11 — **Right to commission — Extinction — Partial non-execution of a contract between the third party and the principal — Meaning of 'reason for which the principal is not to blame'**

[CURIA – Opinion of Advocate General in Case C-48/16 of 12 January 2017](#)

Case C-258/14: OPINION OF ADVOCATE GENERAL BOT of 21 December 2016 - Eugenia Florescu and Others v Casa Județeană de Pensii Sibiu, Casa Națională de Pensii și alte Drepturi de Asigurări Sociale, Ministerul Muncii, Familiei și Protecției Sociale, Statul roman and Ministerul Finanțelor Publice - Request for a preliminary ruling from the Curtea de Apel Alba Iulia (Court of Appeal, Alba Iulia, Romania) - Reference for a preliminary ruling — **Principles of EU law — Social policy and equal treatment — Principles of legal certainty and primacy of EU law — National legislation permitting revision of final decisions in the event of a breach of the principle of primacy of EU law, but only in administrative proceedings (and not in other proceedings) — National legislation prohibiting the combining of a retirement pension and income from employment** — Interpretation of that rule by the Romanian Constitutional Court capable of giving rise to discrimination between persons occupying posts the duration of which is prescribed in the Constitution and professional judges and law officers

[CURIA – Opinion of Advocate General in Case C-258/14 of 21 December 2016](#)

Case C-201/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Anonymi Geniki Etairia Tsimenton Iraklis (AGET Iraklis) v Ypourgos Ergasias, Koinonikis Asfalisis kai Koinonikis Allilengyis and Enosi Ergazomenon Tsimenton Chalkidas - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulio tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — Directive 98/59/EC — Approximation of the laws of the Member States relating to collective redundancies — Article 49 TFEU — **Freedom of establishment — Charter of Fundamental Rights of the European Union — Article 16 — Freedom to conduct a business — National legislation conferring upon an administrative authority the power to oppose collective redundancies after assessing the conditions in the labour market, the situation of the undertaking and the interests of the national economy** — Acute economic crisis — **Particularly high national unemployment rate**

[CURIA – Judgment of the Court of Justice in Case C-201/15 of 21 December 2016](#)

Joined Cases C-508/15 and C-509/15: JUDGMENT OF THE COURT (First Chamber) of 21 December 2016 - Sidika Ucar (C-508/15) and Recep Kilic (C-509/15) v Land Berlin - REQUESTS for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - References for a preliminary ruling — **EEC-Turkey Association Agreement** — Decision No 1/80 — Article 7, first paragraph — **Right of residence of family members of a Turkish worker duly registered as belonging to the labour force of a Member State — Conditions — No need for the Turkish worker to be duly registered as belonging to the labour force of a Member State for the first three years of the residence of a family member**

[CURIA – Judgment of the Court of Justice in Case C-508/15 of 21 December 2016](#)

Case C-539/15: JUDGMENT OF THE COURT (Sixth Chamber) of 21 December 2016 - Daniel Bowman v Pensionsversicherungsanstalt - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Social policy — Charter of Fundamental Rights of the European Union** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 2(1) and (2) — **Discrimination on grounds of age — Collective labour agreement** — Extension of the period of advancement from the first to the second step in the salary scale — **Indirect unequal treatment on grounds of age**

[CURIA – Judgment of the Court of Justice in Case C-539/15 of 21 December 2016](#)

10. Energy and Environment

Community Legislation

COMMISSION REGULATION (EU) 2016/2281 of 30 November 2016 **implementing** Directive 2009/125/EC of the European Parliament and of the Council establishing a **framework for the setting of ecodesign requirements for energy-related products**, with regard to **ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units** (Text with EEA relevance)

[OJ of the EU, L 346/1 of 20 December 2016](#)

COMMISSION REGULATION (EU) 2016/2282 of 30 November 2016 **amending** Regulations (EC) No 1275/2008, (EC) No 107/2009, (EC) No 278/2009, (EC) No 640/2009, (EC) No 641/2009, (EC) No 642/2009, (EC) No 643/2009, (EU) No 1015/2010, (EU) No 1016/2010, (EU) No 327/2011, (EU) No 206/2012, (EU) No 547/2012, (EU) No 932/2012, (EU) No 617/2013, (EU) No 666/2013, (EU) No 813/2013, (EU) No 814/2013, (EU) No 66/2014, (EU) No 548/2014, (EU) No 1253/2014, (EU) 2015/1095, (EU) 2015/1185, (EU) 2015/1188, (EU) 2015/1189 and (EU) 2016/2281 with regard to the use of **tolerances in verification procedures** (Text with EEA relevance)

[OJ of the EU, L 346/51 of 20 December 2016](#)

COMMISSION DIRECTIVE (EU) 2016/2309 of 16 December 2016 **adapting** for the fourth time the **Annexes** to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods to scientific and technical progress** (Text with EEA relevance)

[OJ of the EU, L 345/48 of 20 December 2016](#)

DIRECTIVE (EU) 2016/2284 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2016 on the **reduction of national emissions of certain atmospheric pollutants**, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance)

[OJ of the EU, L 344/1 of 17 December 2016](#)

Case Law

Case C-465/15: OPINION OF ADVOCATE GENERAL BOBEK of 19 January 2017 - Hüttenwerke Krupp Mannesmann GmbH v Hauptzollamt Duisburg - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — **Scope of application** — **Notion of electricity used principally for the purposes of chemical reduction** — **Inclusion of electricity used for turbo blowers for the production of pig iron in blast furnaces**

[CURIA – Opinion of Advocate General in Case C-465/15 of 19 January 2017](#)

Case C-460/15: JUDGMENT OF THE COURT (First Chamber) of 19 January 2017 - Schaefer Kalk GmbH & Co. KG 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** — **Scheme for greenhouse gas emission allowance trading within the European Union** — Directive 2003/87/EC — **Monitoring plan** — Regulation (EU) No 601/2012 — Article 49(1) and point 10 of Annex IV — **Calculation of the emissions of an installation** — Subtraction of carbon dioxide (CO₂) transferred — **Exclusion of CO₂ used in the production of precipitated calcium carbonate** — **Legality of the exclusion**

[CURIA – Judgment of the Court of Justice in Case C-460/15 of 19 January 2017](#)

Case C-549/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 18 January 2017 - E.ON Biofor Sverige AB v Statens energimyndighet - Request for a preliminary ruling from the Förvaltningsrätten i Linköping (Sweden) - **Interpretation of Article 34 TFEU and Article 18(1) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources — Mass balance system aimed at identifying sustainable gas to ensure that the use of biogas complies with the sustainability criteria laid down in the directive** — Company established in a Member State which imports biogas from another Member State via the network of interconnected national gas pipelines — **National rules making the favourable tax treatment of biogas conditional on the achievement of the mass balance within a well-defined location, excluding the cross-border transport of biogas by gas pipeline**
[CURIA – Opinion of Advocate General in Case C-549/15 of 18 January 2017](#)

Case C-189/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2017 - Istituto di Ricovero e Cura a Carattere Scientifico (IRCCS) — Fondazione Santa Lucia v Cassa congruaglio per il settore elettrico, Ministero dello Sviluppo economico, Ministero dell’Economia e delle Finanze, Autorità per l’energia elettrica e il gas and 2M SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity — Tax reductions — Substantive scope — Incentives in respect of the amounts covering general electricity charges** — Article 17 — **Energy-intensive businesses — Incentives granted to such businesses in the manufacturing sector alone — Lawfulness**
[CURIA – Judgment of the Court of Justice in Case C-189/15 of 18 January 2017](#)

Case C-529/15: OPINION OF ADVOCATE GENERAL Bobek of 10 January 2017 - Gert Folk v Unabhängiger Verwaltungssenat für die Steiermark - Request for a preliminary ruling from the Verwaltungsgerichtshof (Administrative Court, Austria) - Directive 2004/35/EC — **Environmental liability — Operation of a hydroelectric power plant — Authorisation and operation before the transposition period of the directive — Temporal scope of application — Definition of environmental water damage** — National law excluding damage covered by an authorisation — Exclusion of adverse effects where Article 4(7) of Directive 2000/60/EC applies — **Access to justice in environmental matters** — Standing for review procedures — Persons affected or likely to be affected
[CURIA – Opinion of Advocate General in Case C-529/15 of 10 January 2017](#)

Case C-272/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading — Obligation to surrender emission allowances in respect of flights between EU Member States and most third countries** — Decision No 377/2013/EU — Article 1 — **Temporary derogation — Exclusion of flights to and from airports situated in Switzerland — Difference of treatment of third countries — General principle of equal treatment — Inapplicable**
[CURIA – Judgment of the Court of Justice in Case C-272/15 of 21 December 2016](#)

Case C-444/15: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - Associazione Italia Nostra Onlus v Comune di Venezia, Ministero per i beni e le attività culturali, Regione Veneto, Ministero delle Infrastrutture e dei Trasporti, Ministero della Difesa — Capitaneria di Porto di Venezia, Agenzia del Demanio and Società Ca’ Roman Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Veneto (Regional Administrative Court for Veneto, Italy) - Reference for a preliminary ruling — **Environment** — Directive 2001/42/EC — **Assessment of the effects of certain plans and programmes on the environment** — Article 3(3) — **Plans and programmes which require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects** — Validity in the light of the TFEU and the Charter of Fundamental Rights of the European Union — Meaning of use of ‘small areas at local level’ — **National legislation referring to the size of the areas concerned**
[CURIA – Judgment of the Court of Justice in Case C-444/15 of 21 December 2016](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2017/98 of 18 January 2017 **amending** the Annex to Implementing Decision 2013/519/EU as regards the **model animal health certificate for imports into the Union of dogs, cats and ferrets** (notified under document C(2017) 123) (Text with EEA relevance)

[OJ of the EU, L 16/37 of 20 January 2017](#)

Case Law

Case C-421/14: JUDGMENT OF THE COURT (First Chamber) of 26 January 2017 - Banco Primus SA v Jesús Gutiérrez García - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia No 2 de Santander (Court of First Instance No 2, Santander, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Contracts concluded between sellers or suppliers and consumers — Unfair terms — Mortgage loan agreements — Mortgage enforcement proceedings** — Limitation period — Function of the national courts — **Res judicata**

[CURIA – Judgment of the Court of Justice in Case C-421/14 of 26 January 2017](#)

Case C-282/15: JUDGMENT OF THE COURT (Fourth Chamber) of 19 January 2017 - Queisser Pharma GmbH & Co. KG v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Braunschweig (Administrative Court, Brunswick, Germany) - Reference for a preliminary ruling — **Free movement of goods** — Articles 34 to 36 TFEU — **Purely domestic situation — Food safety** — Regulation (EC) No 178/2002 — Article 6 — **Principle of risk analysis** — Article 7 — **Precautionary principle** — Regulation (EC) No 1925/2006 — **Member State legislation prohibiting the manufacture and sale of food supplements containing amino acids — Situation in which a temporary derogation to that prohibition is at the discretion of the national authority**

[CURIA – Judgment of the Court of Justice in Case C-282/15 of 19 January 2017](#)

Case C-535/15: OPINION OF ADVOCATE GENERAL TANCHEV of 21 December 2016 - Freie und Hansestadt Hamburg v Jost Pinckernelle - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - **Registration, evaluation, authorisation and restriction of chemicals (REACH) – Scope ratione materiae of obligation to register with the European Chemicals Agency ('ECHA') – Member State authority prohibiting export from the EU of nicotine sulphate not registered at import** – Article 5 of Regulation (EC) No 1907/2006 – Article 126 of Regulation No 1907/2006 concerning penalties for non-compliance

[CURIA – Opinion of Advocate General in Case C-535/15 of 21 December 2016](#)

Joined Cases C-629/15 P and C-630/15 P: OPINION OF ADVOCATE GENERAL BOBEK of 21 December 2016 - Novartis Europharm Ltd v Commission - Appeal - **Medicinal products for human use - Global marketing authorisation - New therapeutic indication** - Regulatory data protection period

[CURIA – Opinion of Advocate General in Case C-629/15 of 21 December 2016](#)

Case C-253/16: OPINION OF ADVOCATE GENERAL WAHL of 21 December 2016 - Flibtravel International SA and Leonard Travel International SA v AAL Renting SA, Haroune Tax SPRL, Saratax SCS, Ryad SCRI, Taxis Bachir & Cie SCS And Others - Request for a preliminary ruling from the Cour d'appel de Bruxelles (Court of Appeal, Brussels, Belgium) - Article 96(1) TFEU — Scope — **National legislation concerning the conditions for the provision of taxi services — Private hire vehicle services — Prohibition of grouping customers together** — Prohibition of touting for custom — **Prohibition of offering individual seats to customers — Prohibition of predetermining the destination**

[CURIA – Opinion of Advocate General in Case C-253/16 of 21 December 2016](#)

Case C-119/15: JUDGMENT OF THE COURT (Fifth Chamber) of 21 December 2016 - Biuro podróży 'Partner' sp. z o.o. sp.k. w Dąbrowie Górniczej v Prezes Urzędu Ochrony Konkurencji i Konsumentów - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Warszawie (Court of Appeal, Warsaw, Poland) - References for a preliminary ruling — Directive 93/13/EEC — Directive 2009/22/EC — **Consumer protection — Erga omnes effect of unfair terms entered in a public register — Financial penalty imposed on a seller or supplier having used a term held to be equivalent to a term in the register** — Seller or supplier who was not a party to the proceedings giving rise to the declaration that the term in question was unfair — Article 47 of the Charter of Fundamental Rights of the European Union — **Concept of 'court or tribunal against whose decisions there is no judicial remedy under national law'**

[CURIA – Judgment of the Court of Justice in Case C-119/15 of 21 December 2016](#)

Joined Cases C-154/15, C-307/15 and C-308/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Francisco Gutiérrez Naranjo v Cajasur Banco SAU (C-154/15) - Ana María Palacios Martínez v Banco Bilbao Vizcaya Argentaria SA (BBVA) (C-307/15) - Banco Popular Español, SA v Emilio Irlés López and Teresa Torres Andreu (C-308/15) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Mercantil No 1 de Granada (Commercial Court No 1, Granada, Spain) (C-154/15) - Audiencia Provincial de Alicante (Provincial Court, Alicante, Spain) (C-307/15 and C-308/15) - References for a preliminary ruling — Directive 93/13/EEC — **Consumer contracts — Mortgage loans — Unfair terms** — Article 4(2) — Article 6(1) — **Declaration of nullity — Limitation by the national court of the temporal effects of the declaration of nullity of an unfair term**

[CURIA – Judgment of the Court of Justice in Case C-154/15 of 21 December 2016](#)

12. Human Rights

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/2295 of 16 December 2016 **amending** Decisions 2000/518/EC, 2002/2/EC, 2003/490/EC, 2003/821/EC, 2004/411/EC, 2008/393/EC, 2010/146/EU, 2010/625/EU, 2011/61/EU and **Implementing** Decisions 2012/484/EU, 2013/65/EU on the **adequate protection of personal data by certain countries**, pursuant to Article 25(6) of Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2016) 8353) (Text with EEA relevance)

[OJ of the EU, L 344/83 of 17 December 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/2297 of 16 December 2016 **amending** Decisions 2001/497/EC and 2010/87/EU on **standard contractual clauses for the transfer of personal data to third countries and to processors established in such countries**, under Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2016) 8471) (Text with EEA relevance)

[OJ of the EU, L 344/100 of 17 December 2016](#)

Case Law

Case C-13/16: OPINION OF ADVOCATE GENERAL BOBEK of 26 January 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA 'Rīgas satiksme' - Request for a preliminary ruling from the Augstākā tiesa, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Request for a preliminary ruling — **Personal data — Lawful data processing** — Article 7(f) of Directive 95/46/EC — **Scope and conditions — Obligation or faculty to process personal data — Notion of processing necessary for the purposes of the legitimate interests pursued by the controller or by a third party**

[CURIA – Opinion of Advocate General in Case C-13/16 of 26 January 2017](#)

Cases C-217/15 and C-350/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 12 January 2017 - Massimo Orsi (C-217/15) and Luciano Baldetti (C-350/15) - Request for a preliminary ruling from the Tribunale di Santa Maria Capua Vetere (District Court, Santa Maria Capua Vetere, Italy) - **Charter of Fundamental Rights of the European Union — National law which provides for an administrative penalty and a criminal penalty for the same offence, relating to non-payment of VAT — Infringement of the principle ne bis in idem**

[CURIA – Opinion of Advocate General in Case C-217/15 of 12 January 2017](#)

Case C-682/15: OPINION OF ADVOCATE GENERAL WATHELET of 10 January 2017 - Berlioz Investment Fund SA v Directeur de l'administration des Contributions directes - Reference for a preliminary ruling from the Cour administrative (Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — Article 1(1) — Article 5 — **Administrative cooperation in the field of taxation — Exchange of information between tax administrations — Concept of 'foreseeable relevance' of the information requested** — Refusal of a third party in the requested State to communicate certain information — Penalties — **Application of the Charter of Fundamental Rights of the European Union** — Article 47 — Article 51(1) — **Right to an effective judicial remedy — Right of action against the request for information addressed to the third party**
[CURIA – Opinion of Advocate General in Case C-682/15 of 10 January 2017](#)

Joined Cases C-203/15 and C-698/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Tele2 Sverige AB (C-203/15) v Post- och telestyrelsen - Secretary of State for the Home Department (C-698/15) v Tom Watson, Peter Brice, Geoffrey Lewis, Open Rights Group, Privacy International and The Law Society of England and Wales - REQUESTS for a preliminary ruling under Article 267 TFEU, made by the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm, Sweden) and the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data — Confidentiality of electronic communications — Protection** — Directive 2002/58/EC — Articles 5, 6 and 9 and Article 15(1) — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 11 and Article 52(1) — **National legislation — Providers of electronic communications services — Obligation relating to the general and indiscriminate retention of traffic and location data** — National authorities — **Access to data — No prior review by a court or independent administrative authority — Compatibility with EU law**
[CURIA – Judgment of the Court of Justice in Case C-203/15 of 21 December 2016](#)

Case C-539/15: JUDGMENT OF THE COURT (Sixth Chamber) of 21 December 2016 - Daniel Bowman v Pensionsversicherungsanstalt - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Social policy — Charter of Fundamental Rights of the European Union** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Article 2(1) and (2) — **Discrimination on grounds of age — Collective labour agreement** — Extension of the period of advancement from the first to the second step in the salary scale — **Indirect unequal treatment on grounds of age**
[CURIA – Judgment of the Court of Justice in Case C-539/15 of 21 December 2016](#)

13. Internal Market and Single Market

Case Law

Case C-375/15: JUDGMENT OF THE COURT (Third Chamber) of 25 January 2017 - BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG v Verein für Konsumenteninformation - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Directive 2007/64/EC — **Payment services in the internal market — Framework contracts — Prior general information — Obligation to provide that information on paper or on another durable medium — Information transmitted by means of the electronic mailbox of an online banking website**
[CURIA – Judgment of the Court of Justice in Case C-375/15 of 25 January 2017](#)

Case C-591/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 19 January 2017 - The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited v Commissioners for Her Majesty's Revenue and Customs and Her Majesty's Treasury - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Article 355(3) TFEU — **Territorial scope of application of the Treaties — Status of Gibraltar** — Article 56 TFEU — **Freedom to provide services — Purely internal situation** — Games of chance — **Concept of restriction — Fiscal measure applicable without distinction**
[CURIA – Opinion of Advocate General in Case C-591/15 of 19 January 2017](#)

Case C-6/16: OPINION OF ADVOCATE GENERAL KOKOTT of 19 January 2017 - Egiom SAS, previously Holcim France SAS and Enka SA v Ministre des finances et des comptes publics - Reference for a preliminary ruling from the Conseil d'État (Council of State, France) - **Tax legislation — Freedom of establishment (Article 43 EC) — Free movement of capital (Article 56 EC)** — Council Directive 90/435/EEC — **Parent-Subsidiary Directive — Withholding tax on dividends paid abroad — Prevention of tax evasion — Misuse of rights**
[CURIA – Opinion of Advocate General in Case C-6/16 of 19 January 2017](#)

Case C-282/15: JUDGMENT OF THE COURT (Fourth Chamber) of 19 January 2017 - Queisser Pharma GmbH & Co. KG v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Braunschweig (Administrative Court, Brunswick, Germany) - Reference for a preliminary ruling — **Free movement of goods** — Articles 34 to 36 TFEU — **Purely domestic situation — Food safety** — Regulation (EC) No 178/2002 — Article 6 — **Principle of risk analysis** — Article 7 — **Precautionary principle** — Regulation (EC) No 1925/2006 — **Member State legislation prohibiting the manufacture and sale of food supplements containing amino acids — Situation in which a temporary derogation to that prohibition is at the discretion of the national authority**
[CURIA – Judgment of the Court of Justice in Case C-282/15 of 19 January 2017](#)

Case C-411/15 P: JUDGMENT OF THE COURT (Tenth Chamber) of 12 January 2017 - Timab Industries and Cie financière et de participations Roullier (CFPR), established in Saint-Malo (France) 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** — European market for animal feed phosphates — **Allocation of sales quotas, coordination of prices and conditions of sale and exchange of commercially sensitive information** — Appellants' withdrawal from the settlement procedure — **Unlimited jurisdiction — Protection of legitimate expectations and of equal treatment — Reasonable length of proceedings**
[CURIA – Judgment of the Court of Justice in Case C-411/15 of 12 January 2017](#)

Case C-516/15 P: OPINION OF ADVOCATE GENERAL WAHL of 21 December 2016 - Akzo Nobel NV, Akzo Nobel Chemicals GmbH and Akzo Nobel Chemicals BV v European Commission - Appeal — **Agreements, decisions and concerted practices — European markets in heat stabilisers** — Decision finding two infringements of Article 81 EC and Article 53 of the EEA Agreement — **Price fixing, market allocation and exchange of commercially sensitive information — Attribution of liability — Infringements committed by subsidiaries and derivative liability of the parent company** — Consequences of annulment of the fine imposed on the subsidiaries owing to the expiry of the limitation period referred to in Article 25(1)(b) of Regulation (EC) No 1/2003
[CURIA – Opinion of Advocate General in Case C-516/15 of 21 December 2016](#)

Case C-503/14: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - European Commission v Portuguese Republic and Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — Articles 21, 45 and 49 TFEU — Articles 28 and 31 of the Agreement on the European Economic Area — **Freedom of movement for persons — Freedom of movement for workers — Freedom of establishment — Taxation of natural persons on capital gains resulting from a share exchange — Taxation of natural persons on capital gains resulting from a transfer of all the assets used in the exercise of a business or professional activity — Exit taxation of individuals** — Immediate recovery of taxation — Difference in treatment between natural persons who exchange shares and maintain their residence in the national territory and those who make such an exchange and transfer their residence to the territory of another Member State of the European Union or the European Economic Area — **Difference in treatment between natural persons transferring all the assets related to an activity carried out on an individual basis to a company with its head office and effective management in Portugal and those who carry out such a transfer to a company with its head office or its effective management in the territory of another Member State of the European Union or of the European Economic Area** — Proportionality
[CURIA – Judgment of the Court of Justice in Case C-503/14 of 21 December 2016](#)

Case C-593/14: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Masco Denmark ApS and Damixa ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Vestre Landsret (Western Regional Court, Denmark) - Reference for a preliminary ruling — **Freedom of establishment — Tax legislation concerning thin capitalisation of subsidiaries — Inclusion in the taxable income of a lending company of the loan interest paid by a non-resident borrowing subsidiary** — Tax exemption for interest paid by a resident borrowing subsidiary — Balanced allocation between Member States of the power to impose taxes — **Need to prevent the risk of tax avoidance**

[CURIA – Judgment of the Court of Justice in Case C-593/14 of 21 December 2016](#)

Case C-51/15: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - Remondis GmbH & Co. KG Region Nord v Region Hannover and Zweckverband Abfallwirtschaft Region Hannover - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Celle (Higher Regional Court of Celle, Germany) - References for a preliminary ruling — Article 4(2) TEU — **Respect for the national identity of Member States inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government — Internal organisation of the Member States** — Regional authorities — Legal instrument creating a new public-law entity and organising the transfer of powers and responsibilities for the performance of public tasks — **Public procurement** — Directive 2004/18/EC — Article 1(2)(a) — **Concept of ‘public contract’**

[CURIA – Judgment of the Court of Justice in Case C-51/15 of 21 December 2016](#)

Case C-76/15: JUDGMENT OF THE COURT (Second Chamber) of 21 December 2016 - Paul Vervloet, Marc De Wit, Edgard Timperman, Godelieve Van Braekel, Patrick Beckx, Marc De Schryver, Guy Deneire, Steve Van Hoof, Organisme voor de financiering van pensioenen Ogeo Fund, Gemeente Schaarbeek, and Frédéric Ensch Famenne v Ministerraad, Arcofin CVBA, Arcopar CVBA and Arcoplus CVBA - REQUEST for a preliminary ruling under Article 267 TFEU from the Grondwettelijk Hof (Constitutional Court, Belgium) - Reference for a preliminary ruling — **State aid — Aid implemented by the Kingdom of Belgium in favour of ARCO Group financial cooperatives — Deposit guarantee schemes** — Directive 94/19/EC — Scope — Guarantee scheme protecting the shares of individual members, being natural persons, of cooperatives operating in the financial sector — Not included — Articles 107 and 108 TFEU — **Commission decision declaring the aid incompatible with the internal market**

[CURIA – Judgment of the Court of Justice in Case C-76/15 of 21 December 2016](#)

Case C-201/15: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - Anonymi Geniki Etairia Tsimenton Iraklis (AGET Iraklis) v Ypourgos Ergasias, Koinonikis Asfalisis kai Koinonikis Allilengyis and Enosi Ergazomenon Tsimenton Chalkidas - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — Directive 98/59/EC — Approximation of the laws of the Member States relating to collective redundancies — Article 49 TFEU — **Freedom of establishment — Charter of Fundamental Rights of the European Union** — Article 16 — **Freedom to conduct a business — National legislation conferring upon an administrative authority the power to oppose collective redundancies after assessing the conditions in the labour market, the situation of the undertaking and the interests of the national economy** — Acute economic crisis — **Particularly high national unemployment rate**

[CURIA – Judgment of the Court of Justice in Case C-201/15 of 21 December 2016](#)

Case C-355/15: JUDGMENT OF THE COURT (Eighth Chamber) of 21 December 2016 - Bietergemeinschaft Technische Gebäudebetreuung GesmbH und Caverion Österreich GmbH v Universität für Bodenkultur Wien and VAMED Management und Service GmbH & Co. KG in Wien - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — **Public procurement** — Directive 89/665/EEC — **Review procedures in the area of public procurement** — Article 1(3) — **Legal interest in bringing proceedings** — Article 2a(2) — **Concept of a ‘tenderer concerned’** — Right of a tenderer definitively excluded by the contracting authority to seek review of a subsequent award decision

[CURIA – Judgment of the Court of Justice in Case C-355/15 of 21 December 2016](#)

14. Intellectual Property

Case Law

Case C-437/15 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 25 January 2017 - European Union Intellectual Property Office (EUIPO) v Deluxe Laboratories Inc. and Deluxe Entertainment Services Group Inc. - Appeal — European Union trade mark — Figurative mark containing the word element ‘deluxe’ — Refusal of registration by the examiner

[CURIA – Opinion of Advocate General in Case C-437/15 of 25 January 2017](#)

Case C-367/15: JUDGMENT OF THE COURT (Fifth Chamber) of 25 January 2017 - Stowarzyszenie ‘Oławska Telewizja Kablowa’ v Stowarzyszenie Filmowców Polskich - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — Directive 2004/48/EC — Article 13 — Intellectual and industrial property — Infringement — Calculation of damages — Legislation of a Member State — Twice the amount of the royalties normally due

[CURIA – Judgment of the Court of Justice in Case C-367/15 of 25 January 2017](#)

Case C-625/15 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 18 January 2017 - Schniga GmbH v Community Plant Variety Office (CPVO) - Appeal — Community plant variety rights — Apple variety ‘Gala Schnitzer’ — Opposition — Refusal by the Board of Appeal of the application for a Community plant variety right — Annulment by the General Court — New decision of the Board of Appeal rejecting the application for a Community plant variety right

[CURIA – Opinion of Advocate General in Case C-625/15 of 18 January 2017](#)

Case C-427/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 January 2017 - NEW WAVE CZ, a.s. v ALLTOYS, spol. s r. o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší soud (Supreme Court, Czech Republic) - Reference for a preliminary ruling — Intellectual property — Directive 2004/48/EC — Proceedings concerning an infringement of an intellectual property right — Right of information — Request for information in proceedings — Proceedings linked to the action in which an infringement of an intellectual property right has been found

[CURIA – Judgment of the Court of Justice in Case C-427/15 of 18 January 2017](#)

Case C-37/16: JUDGMENT OF THE COURT (Eighth Chamber) of 18 January 2017 - Minister Finansów v Stowarzyszenie Artystów Wykonawców Utworów Muzycznych i Słowno-Muzycznych SAWP (SAWP), Prokuratura Generalna, Stowarzyszenie Zbiorowego Zarządzania Prawami Autorskimi Twórców Dzieł Naukowych i Technicznych Kopipol and Stowarzyszenie Autorów i Wydawców Copyright Polska - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — Taxation — Common system of value added tax — Taxable transactions — Concept of ‘supply of services for consideration’ — Payment of fees, in respect of fair compensation, to organisations collectively managing copyright and related rights — Not included

[CURIA – Judgment of the Court of Justice in Case C-37/16 of 18 January 2017](#)

Case C-617/15: OPINION OF ADVOCATE GENERAL TANCHEV of 12 January 2017 - Hummel Holding A/S v Nike Inc. and Nike Retail BV - Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Intellectual Property — European Union trade mark — International Jurisdiction — Extended jurisdiction to cover the entire area of the European Union — actor sequitur forum rei — Notion of ‘establishment’ under Article 97(1) of Regulation (EC) No 207/2009 on the Community trade mark — Action for infringement of a trade mark brought against an undertaking with its seat outside of the European Union — Jurisdiction based on the seat in a Member State of the third State undertaking’s legally distinct subsidiary

[CURIA – Opinion of Advocate General in Case C-617/15 of 12 January 2017](#)

Case C-654/15: JUDGMENT OF THE COURT (Second Chamber) of 21 December 2016 - Länsförsäkringar AB v Matek A/S - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — **EU trade mark** — Regulation (EC) No 207/2009 — Article 9(1)(b) — Article 15(1) — Article 51(1)(a) — **Extent of the exclusive right granted to the proprietor — Period of five years following registration**

[CURIA – Judgment of the Court of Justice in Case C-654/15 of 21 December 2016](#)

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

International Agreements

COUNCIL DECISION (CFSP) 2016/2360 of 28 November 2016 on the **signing and conclusion of the Acquisition and Cross-Servicing Agreement between the European Union and the United States of America**

[OJ of the EU, L 350/1 of 22 December 2016](#)

ACQUISITION AND CROSS-SERVICING AGREEMENT between the **European Union and the United States of America** (US-EU-01)

[OJ of the EU, L 350/3 of 22 December 2016](#)

Community Legislation

COUNCIL DECISION (CFSP) 2016/2383 of 21 December 2016 on the **Union support for the International Atomic Energy Agency activities** in the areas of nuclear **security and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction**

[OJ of the EU, L 352/74 of 23 December 2016](#)

Case Law

Case C-29/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 26 January 2017 - **HanseYachts AG v Port d'Hiver Yachting SARL, Société Maritime Côte d'Azur and Compagnie Generali IARD SA** - Request for a preliminary ruling from the Landgericht Stralsund (Regional Court, Stralsund, Germany) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — Article 27 — **Lis pendens — Identification of the court first seised** — Article 30(1) — Document instituting the proceedings or an equivalent document — Concept — **Application for proceedings to preserve or establish, prior to any legal proceedings, evidence of facts on which a subsequent action could be based — Main action subsequently brought at a court of the same Member State**

[CURIA – Opinion of Advocate General in Case C-29/16 of 26 January 2017](#)

Case C-582/15: JUDGMENT OF THE COURT (Fifth Chamber) of 25 January 2017 - Gerrit van Vemde v Openbaar Ministerie - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Amsterdam (District Court, Amsterdam, Netherlands) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — Mutual recognition of judgments** — Framework Decision 2008/909/JHA — Scope — Article 28 — **Transitional provision — Concept of 'issue of the final judgment'**

[CURIA – Judgment of the Court of Justice in Case C-582/15 of 25 January 2017](#)

Case C-640/15: JUDGMENT OF THE COURT (Third Chamber) of 25 January 2017 - Tomas Vilkas - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (Ireland) - Reference for a preliminary ruling — **Police and judicial cooperation in criminal matters** — Framework Decision 2002/584/JHA — **European arrest warrant** — Article 23 — **Time limit for surrender of the requested person — Possibility of agreeing on a new surrender date on a number of occasions — Resistance of the requested person to his surrender** — Force majeure

[CURIA – Judgment of the Court of Justice in Case C-640/15 of 25 January 2017](#)

Case C-289/15: JUDGMENT OF THE COURT (Fifth Chamber) of 11 January 2017 - oszef Grundza and Krajská prokuratúra Prešov - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajský súd v Prešove (Regional Court, Prešov, Slovakia) - References for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decision 2008/909/JHA — Article 7 — **Condition of double criminality** — Article 9 — **Ground for non-recognition and non-enforcement based on the lack of double criminality** — **National of the executing State convicted in the issuing State for failure to comply with a decision issued by a public authority**
[CURIA – Judgment of the Court of Justice in Case C-289/15 of 11 January 2017](#)

Case C-618/15: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - Concurrence SARL v Samsung Electronics France SAS and Amazon Services Europe Sàrl - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction** — **Tort, delict or quasi-delict** — Selective distribution network — **Prohibition on online resale outside a network** — **Action for an injunction prohibiting unlawful interference** — **Connecting factor**
[CURIA – Judgment of the Court of Justice in Case C-618/15 of 21 December 2016](#)

16. Transport

Community Legislation

DIRECTIVE (EU) 2016/2370 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2016 **amending** Directive 2012/34/EU as regards the **opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure** (Text with EEA relevance)
[OJ of the EU, L 352/1 of 23 December 2016](#)

COMMISSION DIRECTIVE (EU) 2016/2309 of 16 December 2016 **adapting** for the fourth time the **Annexes** to Directive 2008/68/EC of the European Parliament and of the Council on the **inland transport of dangerous goods to scientific and technical progress** (Text with EEA relevance)
[OJ of the EU, L 345/48 of 20 December 2016](#)

Case Law

Case C-696/15 P: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 December 2016 - **Czech Republic v European Commission** - Appeal — **Transport** — Directive 2010/40/EU — **Deployment of intelligent transport systems in the field of road transport** — **Delegation of power to the European Commission** — Delegated Regulation (EU) No 885/2013 — **Provision of information services for safe and secure parking places for trucks and commercial vehicles** — Delegated Regulation (EU) No 886/2013 — **Data and procedures for the provision of road safety-related minimum universal traffic information free of charge to users** — Claim that the Commission exceeded the limits of the delegation of power
[CURIA – Opinion of Advocate General in Case C-696/15 of 21 December 2016](#)

Case C-253/16: OPINION OF ADVOCATE GENERAL WAHL of 21 December 2016 - **Flibtravel International SA and Leonard Travel International SA v AAL Renting SA, Haroune Tax SPRL, Saratax SCS, Ryad SCRI, Taxis Bachir & Cie SCS And Others** - Request for a preliminary ruling from the Cour d'appel de Bruxelles (Court of Appeal, Brussels, Belgium) - Article 96(1) TFEU — Scope — **National legislation concerning the conditions for the provision of taxi services** — **Private hire vehicle services** — **Prohibition of grouping customers together** — Prohibition of touting for custom — **Prohibition of offering individual seats to customers** — **Prohibition of predetermining the destination**
[CURIA – Opinion of Advocate General in Case C-253/16 of 21 December 2016](#)

Case C-524/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 21 December 2016 - European Commission v Hansestadt Lübeck, successor in law to Flughafen Lübeck GmbH, Federal Republic of Germany and Kingdom of Spain - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Airport charges** — Article 108(2) TFEU — Fourth paragraph of Article 263 TFEU — **Decision to initiate the formal investigation procedure — Admissibility of an action for annulment — Person individually concerned — Legal interest in bringing proceedings** — Article 107(1) TFEU — Condition relating to selectivity
[CURIA – Judgment of the Court of Justice in Case C-524/14 of 21 December 2016](#)

Joined Cases C-164/15 P and C-165/15 P: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - European Commission v Aer Lingus Ltd, established in Dublin (Ireland) and Ryanair Designated Activity Company, formerly Ryanair Ltd, established in Dublin (Ireland) - APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — National tax on air transport– Application of differentiated rates — Lower rate for flights to destinations no more than 300 km from the national airport** — Advantage — Selective nature — **Assessment where the fiscal measure is likely to constitute a restriction on the freedom to provide services — Recovery — Excise duty**
[CURIA – Judgment of the Court of Justice in Case C-164/15 of 21 December 2016](#)

Case C-272/15: JUDGMENT OF THE COURT (Fourth Chamber) of 21 December 2016 - Swiss International Air Lines AG v The Secretary of State for Energy and Climate Change and Environment Agency - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading — Obligation to surrender emission allowances in respect of flights between EU Member States and most third countries** — Decision No 377/2013/EU — Article 1 — **Temporary derogation — Exclusion of flights to and from airports situated in Switzerland — Difference of treatment of third countries — General principle of equal treatment — Inapplicable**
[CURIA – Judgment of the Court of Justice in Case C-272/15 of 21 December 2016](#)

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

Community Legislation

DECISION (EU) 2017/100 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2015/774 on a **secondary markets public sector asset purchase programme** (ECB/2017/1)
[OJ of the EU, L 16/51 of 20 January 2017](#)

DECISION (EU) 2017/101 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision ECB/2014/40 on the **implementation of the third covered bond purchase programme** (ECB/2017/2)
[OJ of the EU, L 16/53 of 20 January 2017](#)

DECISION (EU) 2017/102 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2015/5 on the **implementation of the asset-backed securities purchase programme** (ECB/2017/3)
[OJ of the EU, L 16/55 of 20 January 2017](#)

DECISION (EU) 2017/103 OF THE EUROPEAN CENTRAL BANK of 11 January 2017 **amending** Decision (EU) 2016/948 on the **implementation of the corporate sector purchase programme** (ECB/2017/4)
[OJ of the EU, L 16/57 of 20 January 2017](#)

COMMISSION DECISION (EU, Euratom) 2017/46 of 10 January 2017 on the **security of communication and information systems in the European Commission**
[OJ of the EU, L 6/40 of 11 January 2017](#)

DECISION (EU) 2016/2248 OF THE EUROPEAN CENTRAL BANK of 3 November 2016 on the **allocation of monetary income of the national central banks of Member States whose currency is the euro** (ECB/2016/36) (recast)
[OJ of the EU, L 347/26 of 20 December 2016](#)

Case Law

Case C-373/15 P: JUDGMENT OF THE COURT (Eighth Chamber) of 26 January 2017 - French Republic and Kingdom of Spain v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **European Agricultural Fund for Rural Development (EAFRD) — Expenditure excluded from EU financing** — Regulations (EC) No 1698/2005, (EC) No 1975/2006 and (EC) No 796/2004 — **Rural development support measures — Areas with natural handicaps** — On-the-spot controls — Coefficient density of livestock — Counting of animals
[CURIA – Judgment of the Court of Justice in Case C-373/15 of 26 January 2017](#)

Affaire C-506/15 P: ARRÊT DE LA COUR (huitième chambre) du 26 janvier 2017 - Royaume d'Espagne et République française contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Fonds européen agricole pour le développement rural (Feader) – Dépenses exclues du financement de l'Union européenne** – Règlements (CE) n° 1698/2005, (CE) n° 1975/2006 et (CE) n° 796/2004 – **Mesures de soutien au développement rural – Zones de handicap naturel** – Contrôles sur place – Coefficient de densité du bétail – Comptage des animaux
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-506/15 du 26 janvier 2017 \(FR seulement\)](#)

Case C-436/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 19 January 2017 - Lietuvos Respublikos aplinkos ministerijos Aplinkos projektų valdymo agentūra v UAB 'Alytaus regiono atliekų tvarkymo centras' - Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Supreme administrative court of Lithuania) - **Protection of the financial interests of the European Union — Irregularities in the case of payments from EU funds based on instruments for structural policies for pre-accession States** — Article 3(1) of Regulation (EC, Euratom) No 2988/95 – **Limitation period — Concept of 'multiannual programme' — Concept of continuing or repeated irregularities**
[CURIA – Opinion of Advocate General in Case C-436/15 of 19 January 2017](#)

Case C-591/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 19 January 2017 - The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited v Commissioners for Her Majesty's Revenue and Customs and Her Majesty's Treasury - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Article 355(3) TFEU – **Territorial scope of application of the Treaties – Status of Gibraltar** – Article 56 TFEU – **Freedom to provide services – Purely internal situation** – Games of chance – **Concept of restriction – Fiscal measure applicable without distinction**
[CURIA – Opinion of Advocate General in Case C-591/15 of 19 January 2017](#)

Case C-491/15 P: JUDGMENT OF THE COURT (First Chamber) OF 11 January 2017 - Rainer Typke, residing in Hasbergen (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Access to documents of the institutions** — Regulation (EC) No 1049/2001 — Article 3 — **Notion of document** — Article 2(3) — **Documents held by an institution — Characterisation of information contained in a database — Obligation to create a document which does not already exist — None — Existing documents capable of being extracted from a database**
[CURIA – Judgment of the Court of Justice in Case C-491/15 of 11 January 2017](#)

OPINION OF ADVOCATE GENERAL SHARPSTON of 21 December 2016 - initiated following a request made by the European Commission - Request for an Opinion pursuant to Article 218(11) TFEU — **Conclusion of the Free Trade Agreement between the European Union and the Republic of Singapore — Allocation of competences between the European Union and the Member States²**
[CURIA – Opinion of Advocate General – Opinion procedure 2/15 of 21 December 2016](#)

² Opinion procedure 2/15: THIS OPINION IS FINAL BUT MAY BE SUBJECT TO EDITORIAL REVISION ONCE ALL THE LANGUAGE VERSIONS ARE AVAILABLE - PROVISIONAL TEXT OF 21/12/2016.

Case C-213/15 P: OPINION OF ADVOCATE GENERAL BOBEK of 21 December 2016 – Commission v Patrick Breyer - Appeal – **Access to documents of Union institutions** – Article 15(3) TFEU – Regulation (EC) No 1049/2001 – Scope of application – **Documents in possession of the Commission – Written pleadings submitted by a Member State in the course of proceedings before the Court – Closed proceedings – Access by third parties – Modalities** – Openness of the Court in carrying out judicial tasks

[CURIA – Opinion of Advocate General in Case C-213/15 of 21 December 2016](#)

Case C-535/15: OPINION OF ADVOCATE GENERAL TANCHEV of 21 December 2016 - Freie und Hansestadt Hamburg v Jost Pinckernelle - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - **Registration, evaluation, authorisation and restriction of chemicals (REACH) – Scope ratione materiae of obligation to register with the European Chemicals Agency ('ECHA') – Member State authority prohibiting export from the EU of nicotine sulphate not registered at import** – Article 5 of Regulation (EC) No 1907/2006 – Article 126 of Regulation No 1907/2006 concerning penalties for non-compliance

[CURIA – Opinion of Advocate General in Case C-535/15 of 21 December 2016](#)

Case C-51/15: JUDGMENT OF THE COURT (Third Chamber) of 21 December 2016 - Remondis GmbH & Co. KG Region Nord v Region Hannover and Zweckverband Abfallwirtschaft Region Hannover - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Celle (Higher Regional Court of Celle, Germany) - References for a preliminary ruling – Article 4(2) TEU – **Respect for the national identity of Member States inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government – Internal organisation of the Member States** – Regional authorities – Legal instrument creating a new public-law entity and organising the transfer of powers and responsibilities for the performance of public tasks – **Public procurement** – Directive 2004/18/EC – Article 1(2)(a) – **Concept of 'public contract'**

[CURIA – Judgment of the Court of Justice in Case C-51/15 of 21 December 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

GUIDELINE (EU) 2016/2249 OF THE EUROPEAN CENTRAL BANK of 3 November 2016 on the **legal framework for accounting and financial reporting in the European System of Central Banks** (ECB/2016/34) (recast)

[OJ of the EU, L 347/37 of 20 December 2016](#)

GUIDELINE (EU) 2016/2298 OF THE EUROPEAN CENTRAL BANK of 2 November 2016 **amending** Guideline (EU) 2015/510 on the **implementation of the Eurosystem monetary policy framework** (ECB/2016/31)

[OJ of the EU, L 344/102 of 17 December 2016](#)

GUIDELINE (EU) 2016/2299 OF THE EUROPEAN CENTRAL BANK of 2 November 2016 **amending** Guideline (EU) 2016/65 on the **valuation haircuts applied in the implementation of the Eurosystem monetary policy framework** (ECB/2016/32)

[OJ of the EU, L 344/117 of 17 December 2016](#)

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[OJ of the EU, L 344/123 of 17 December 2016](#)