



Institut suisse de droit comparé
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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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Highlights

Case C-392/15: JUDGMENT OF THE COURT (First Chamber) of 1 February 2017 - European Commission v Hungary and Czech Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 49 TFEU — **Freedom of establishment — Notaries — Nationality requirement** — Article 51 TFEU — **Connection with the exercise of official authority**

[CURIA – Judgment of the Court of Justice in Case C-392/15 of 1 February 2017](#)

Case C-503/15: JUDGMENT OF THE COURT (Fifth Chamber) of 16 February 2017 - Ramón Margarit Panicello v Pilar Hernández Martínez - REQUEST for a preliminary ruling under Article 267 TFEU from the Secretario Judicial del Juzgado de Violencia sobre la Mujer Único de Terrassa (Registrar of the Single-Member Court dealing with matters involving violence against women, Terrassa, Spain) - Request for a preliminary ruling — Article 267 TFEU — **Registrar — Compulsory jurisdiction — Exercise of judicial functions — Independence — Lack of jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-503/15 of 16 February 2017](#)

Affaire C-578/16 PPU: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - C. K., H. F. et A. S. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Système de Dublin – Règlement (UE) n° 604/2013 – Article 4 de la charte des droits fondamentaux de l'Union européenne – Traitements inhumains ou dégradants – Transfert d'un demandeur d'asile gravement malade vers l'État responsable de l'examen de sa demande – Absence de raisons sérieuses de croire à l'existence de défaillances systémiques avérées dans cet État membre** – Obligations imposées à l'État membre devant procéder au transfert

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-578/16 du 16 février 2017 \(FR seulement\)](#)

1. EU-Swiss Relations

International Agreements

DECISION No 2/2016 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 8 December 2016 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2017/291]

[OJ of the EU, L 42/19 of 18 February 2017](#)

COUNCIL DECISION (EU) 2017/192 of 8 November 2016 on the **conclusion of a Protocol to the Agreement** between the **European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the **free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party**, following its accession to the European Union

[OJ of the EU, L 31/1 of 4 February 2017](#)

PROTOCOL TO THE AGREEMENT between the **European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the **free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party**, following its accession to the European Union

[OJ of the EU, L 31/3 of 4 February 2017](#)

Community Legislation

COUNCIL IMPLEMENTING DECISION (EU) 2017/320 of 21 February 2017 **authorising France to conclude an agreement with the Swiss Confederation concerning Basel-Mulhouse Airport** that includes provisions derogating from Article 5 of Directive 2006/112/EC

[OJ of the EU, L 47/9 of 24 February 2017](#)

Case Law

Case C-317/15: JUDGMENT OF THE COURT (Ninth Chamber) of 15 February 2017 - X v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Free movement of capital** — Article 64 TFEU — **Movement of capital to or from third countries involving the provision of financial services — Financial assets held in a Swiss bank account — Additional assessment for recovery — Recovery period — Extension of the recovery period in the case of assets held outside the Member State of residence**

[CURIA – Judgment of the Court of Justice in Case C-317/15 of 15 February 2017](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2017/192 of 8 November 2016 on the **conclusion of a Protocol to the Agreement** between the **European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the **free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party**, following its accession to the European Union

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PROTOCOL TO THE AGREEMENT between the **European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the **free movement of persons, regarding the participation of the Republic of Croatia as a Contracting Party**, following its accession to the European Union

[OJ of the EU, L 31/3 of 4 February 2017](#)

Case Law

Affaire C-578/16 PPU: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - C. K., H. F. et A. S. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Système de Dublin** – Règlement (UE) n° 604/2013 – **Article 4 de la charte des droits fondamentaux de l'Union européenne – Traitements inhumains ou dégradants – Transfert d'un demandeur d'asile gravement malade vers l'État responsable de l'examen de sa demande – Absence de raisons sérieuses de croire à l'existence de défaillances systémiques avérées dans cet État membre** – Obligations imposées à l'État membre devant procéder au transfert

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-578/16 du 16 février 2017 \(FR seulement\)](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-585/15: JUDGMENT OF THE COURT (Third Chamber) of 9 February 2017 - Raffinerie Tirlemontoise SA v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance francophone de Bruxelles (Francophone Court of first instance, Brussels, Belgium) - Reference for a preliminary ruling — **Sugar — Production levies — Calculation of the average loss — Calculation of production levies** — Regulation (EC) No 2267/2000 — **Validity** — Regulation (EC) No 1993/2001 — **Validity**

[CURIA – Judgment of the Court of Justice in Case C-585/15 of 9 February 2017](#)

Case C-513/15: OPINION OF ADVOCATE GENERAL BOT of 8 February 2017 - 'Agrodetalė' UAB v Vilniaus miesto savivaldybės administracija - Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — **Internal market — Agricultural or forestry tractors** — Directive 2003/37/EC — **Ambit of the directive — Placing on the market and registration within the European Union of used or second-hand vehicles manufactured outside the European Union** — Whether the Member States may regulate the registration of such vehicles — New vehicles entering into service from 1 July 2009 — **Meaning of 'new vehicle' and 'entry into service'**

[CURIA – Opinion of Advocate General in Case C-513/15 of 8 February 2017](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-641/15: JUDGMENT OF THE COURT (Second Chamber) of 16 February 2017 - Verwertungsgesellschaft Rundfunk GmbH v Hettegger Hotel Edelweiss GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Handelsgericht Wien (Commercial Court, Vienna, Austria) - Reference for a preliminary ruling — **Intellectual property** — Directive 2006/115/EC — Article 8(3) — **Exclusive right of broadcasting organisations — Communication to the public — Places accessible to the public against payment of an entrance fee — Communication of broadcasts by TV sets installed in hotel rooms**

[CURIA – Judgment of the Court of Justice in Case C-641/15 of 16 February 2017](#)

Case C-144/16: JUDGMENT OF THE COURT (Sixth Chamber) of 1 February 2017 - Município de Palmela v Autoridade de Segurança Alimentar e Económica (ASAE) — Divisão de Gestão de Contraordenações - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Judicial da Comarca de Setúbal (Setúbal District Court, Portugal) - Reference for a preliminary ruling — **Procedures for the provision of information in the field of technical standards and regulations and of rules on Information Society services** — Directives 83/189/EEC and 98/34/EC — **Draft technical regulation** — Notifying the European Commission — **Obligations of Member States — Infringement — Consequences**

[CURIA – Judgment of the Court of Justice in Case C-144/16 of 1 February 2017](#)

5. Competition

Case Law

Case C-228/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 16 February 2017 - Dimosia Epicheirisi Ilektrismou AE (DEI) v European Commission - Appeal — State aid — Refusal to grant an injunction ordering the suspension of the decision of an arbitration tribunal relating to the electricity tariff which Alouminion SA must pay to DEI — Refusal to follow up DEI's complaint concerning the alleged State aid granted to Alouminion SA — Reduced electricity tariffs

[CURIA – Opinion of Advocate General in Case C-228/16 of 16 February 2017](#)

Affaire C-90/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - Hansen & Rosenthal KG, établie à Hambourg (Allemagne) et H&R Wax Company Vertrieb GmbH, établie à Hambourg 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 – Concurrence – Ententes – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés – Preuve de l'infraction – Compétence de pleine juridiction – Dénaturation des éléments de preuve – Obligation de motivation – Règlement (CE) n° 1/2003 – Article 23, paragraphe 2 – Calcul du montant de l'amende – Principe de légalité – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de proportionnalité

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-90/15 du 16 février 2017 \(FR seulement\)](#)

Affaire C-94/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - Tudapetrol Mineralölerzeugnisse Nils Hansen KG, établie à Hambourg (Allemagne) 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 – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés – Obligation de motivation – Preuve de l'infraction – Dénaturation des éléments de preuve

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-94/15 du 16 février 2017 \(FR seulement\)](#)

Affaire C-95/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - H&R ChemPharm GmbH, établie à Salzbergen (Allemagne) 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 – Concurrence – Ententes – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés – Obligation de motivation – Preuve de l'infraction – Dénaturation des éléments de preuve – Règlement (CE) n° 1/2003 – Article 23, paragraphe 3 – Calcul du montant de l'amende – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de proportionnalité

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-95/15 du 16 février 2017 \(FR seulement\)](#)

Affaire C-606/14 P: ARRÊT DE LA COUR (cinquième chambre) du 1^{er} février 2017 - Portovesme Srl, établie à Rome (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 – Aide accordée par la République italienne en faveur de Portovesme Srl – Régimes de tarif préférentiel d'électricité – Décision déclarant la mesure d'aide incompatible avec le marché intérieur

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-606/14 du 1 février 2017 \(FR seulement\)](#)

6. Customs

Case Law

Case C-145/16: JUDGMENT OF THE COURT (Sixth Chamber) of 16 February 2017 - Aramex Nederland BV v Inspecteur van de Belastingdienst/Douane - REQUEST for a preliminary ruling under Article 267 TFEU from the Gerechtshof Amsterdam (Court of Appeal, Amsterdam, Netherlands) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — **Customs union and Common Customs Tariff — Tariff classification — Combined Nomenclature — Validity** — Regulation (EU) No 301/2012 — Headings 8703 and 8711 — Three-wheeled motor vehicle called ‘Spyder’

[CURIA – Judgment of the Court of Justice in Case C-145/16 of 16 February 2017](#)

Case C-441/15: JUDGMENT OF THE COURT (Eighth Chamber) of 9 February 2017 - Madaus GmbH v Hauptzollamt Bremen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Bremen (Bremen Finance Court, Germany) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature** — Headings 3824 90 97 and 2106 90 92 — **Product in powder form composed of calcium carbonate (95%) and modified starch (5%)**

[CURIA – Judgment of the Court of Justice in Case C-441/15 of 9 February 2017](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2017/208 of 31 October 2016 **supplementing** Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to **regulatory technical standards for additional liquidity outflows corresponding to collateral needs resulting from the impact of an adverse market scenario on an institution's derivatives transactions** (Text with EEA relevance)

[OJ of the EU, L 33/14 of 8 February 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/180 of 24 October 2016 **supplementing** Directive 2013/36/EU of the European Parliament and of the Council with regard to **regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures** (Text with EEA relevance)

[OJ of the EU, L 29/1 of 3 February 2017](#)

GUIDELINE (EU) 2017/148 OF THE EUROPEAN CENTRAL BANK of 16 December 2016 **amending** Guideline ECB/2014/15 on **monetary and financial statistics** (ECB/2016/45)

[OJ of the EU, L 26/1 of 31 January 2017](#)

Case Law

Affaire C-36/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 16 février 2017 - Minister Finansów contre Posnania Investment SA - demande de décision préjudicielle formée par le Naczelny Sąd Administracyjny [Cour suprême administrative, Pologne] - Demande de décision préjudicielle – **Législation fiscale – Système commun de taxe sur la valeur ajoutée – Opérations soumises à la TVA – Livraison à titre onéreux – Opération d’un assujetti en tant que tel – Obligation fiscale d’effectuer une dation en paiement d’un bien aux fins de l’extinction d’une dette fiscale**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-36/16 du 16 février 2017 \(FR seulement\)](#)

Case C-36/16: OPINION OF ADVOCATE GENERAL KOKOTT of 16 February 2017 - Minister Finansów v Posnania Investment SA - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court in Poland) - Request for a preliminary ruling — **Tax law — Common system of value added tax — Taxable transactions — Supply for consideration — Taxable person acting as such — Taxability of the transfer of property in lieu of payment in discharge of a tax debt**

[CURIA – Opinion of Advocate General in Case C-36/16 of 16 February 2017](#)

Case C-555/14: JUDGMENT OF THE COURT (Fifth Chamber) of 16 February 2017 - IOS Finance EFC SA v Servicio Murciano de Salud - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Contencioso-Administrativo No 6 de Murcia (Court for Contentious Administrative Proceedings No 6, Murcia, Spain) - Reference for a preliminary ruling — **Combating late payment in commercial transactions** — Directive 2011/7/EU — **Commercial transactions between private undertakings and public authorities — National legislation making the immediate recovery of the principal amount of a debt conditional upon the waiver of interest for late payment and of compensation for recovery costs**

[CURIA – Judgment of the Court of Justice in Case C-555/14 of 16 February 2017](#)

Case C-317/15: JUDGMENT OF THE COURT (Ninth Chamber) of 15 February 2017 - X v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Free movement of capital** — Article 64 TFEU — **Movement of capital to or from third countries involving the provision of financial services — Financial assets held in a Swiss bank account — Additional assessment for recovery — Recovery period — Extension of the recovery period in the case of assets held outside the Member State of residence**

[CURIA – Judgment of the Court of Justice in Case C-317/15 of 15 February 2017](#)

Case C-592/15: JUDGMENT OF THE COURT (Fourth Chamber) of 15 February 2017 - Commissioners for Her Majesty's Revenue and Customs v British Film Institute - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal of England and Wales (Civil Division) (United Kingdom) - Reference for a preliminary ruling — **Value added tax** — Sixth Directive 77/388/EEC — Article 13A(1)(n) — **Exemptions for certain cultural services — No direct effect — Determination of the exempt cultural services — Discretion of the Member States**

[CURIA – Judgment of the Court of Justice in Case C-592/15 of 15 February 2017](#)

Case C-283/15: JUDGMENT OF THE COURT (First Chamber) of 9 February 2017 - X v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Tax legislation — Income tax — National of a Member State receiving income in that Member State and in a non-Member State, and residing in another Member State** — Tax advantage to take account of his personal and family circumstances

[CURIA – Judgment of the Court of Justice in Case C-283/15 of 9 February 2017](#)

Case C-21/16: JUDGMENT OF THE COURT (Ninth Chamber) of 9 February 2017 - Euro Tyre BV — Sucursal em Portugal v Autoridade Tributária e Aduaneira - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — **VAT** — Directive 2006/112/EC — Articles 131 and 138 — **Preconditions for the exemption of an intra-Community supply — VAT Information Exchange System (VIES) — Purchaser's failure to register — Refusal to grant the exemption — Whether permissible**

[CURIA – Judgment of the Court of Justice in Case C-21/16 of 9 February 2017](#)

Case C-678/15: OPINION OF ADVOCATE GENERAL Campos Sánchez-Bordona of 8 February 2017 - Mohammad Zadeh Khorassani v Kathrin Pflanz - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - **Consumer protection — Markets in financial instruments — Definition of 'investment services and activities'** — 'Reception and transmission of orders in relation to one or more financial instruments' — **Whether brokering in the conclusion of a portfolio management agreement is included**

[CURIA – Opinion of Advocate General in Case C-678/15 of 8 February 2017](#)

Case C-26/16: OPINION OF ADVOCATE GENERAL MENGOLZI of 1 February 2017 - Santogal M-Comércio e Reparação de Automóveis Lda v Autoridade Tributária e Aduaneira - Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — **Value added tax (VAT) — Exemptions — Intra-Community transactions — Supply of new means of transport — Conditions for the grant of the exemption to the vendor** — Residence of the purchaser in the Member State of destination — Temporary registration in the Member State of destination — **Risk of tax evasion — Good faith — Obligation of diligence on the part of the vendor**

[CURIA – Opinion of Advocate General in Case C-26/16 of 1 February 2017](#)

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

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

9. Employment and Social Affairs

Community Legislation

COMMISSION DIRECTIVE (EU) 2017/164 of 31 January 2017 **establishing a fourth list of indicative occupational exposure limit values** pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU (Text with EEA relevance)

[OJ of the EU, L 27/115 of 1 February 2017](#)

Case Law

Case C-507/15: JUDGMENT OF THE COURT (First Chamber) of 16 February 2017 - Agro Foreign Trade & Agency Ltd v Petersime NV - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank van Koophandel te Gent (Commercial Court, Ghent, Belgium) - Reference for a preliminary ruling — **Self-employed commercial agents** — Directive 86/653/EEC — **Coordination of the laws of the Member States — Belgian transposition measure — Commercial agency contract — Principal established in Belgium and agent established in Turkey — Choice of Belgian law clause — Applicable law — EEC-Turkey Association Agreement — Compatibility**

[CURIA – Judgment of the Court of Justice in Case C-507/15 of 16 February 2017](#)

Case C-99/16: OPINION OF ADVOCATE GENERAL WATHELET of 9 February 2017 - Jean-Philippe Lahorgue v Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE) and Ordre des avocats du barreau de Luxembourg - Reference for a preliminary ruling from the tribunal de grande instance de Lyon (France) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 77/249/EEC — Article 4 — Article 5 — **Practice of the legal profession — Router for accessing the ‘RPVA’ — Refusal to issue — Discrimination**

[CURIA – Opinion of Advocate General in Case C-99/16 of 9 February 2017](#)

Case C-336/15: OPINION OF ADVOCATE GENERAL TANCHEV of 1 February 2017 – Unionen v Almega Tjänsteförbunden and ISS Facility Services AB - Request for a preliminary ruling from the Arbetsdomstolen (Labour Court, Sweden) - **Social policy** — Directive 2001/23/EC — **Safeguarding of employees rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses** — Article 3(1) and (3) — **Rights of a financial nature — Service periods to be taken into account in determining length of notice for termination of employment**

[CURIA – Opinion of Advocate General in Case C-336/15 of 1 February 2017](#)

Case C-430/15: JUDGMENT OF THE COURT (First Chamber) of 1 February 2017 - Secretary of State for Work and Pensions v Tolley - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Social security** — Regulation (EEC) No 1408/71 — **Care component of disability living allowance — Person insured against the risk of old age who has definitively ceased all occupational activity — Concepts of ‘sickness benefit and ‘invalidity benefit’** — Exportability

[CURIA – Judgment of the Court of Justice in Case C-430/15 of 1 February 2017](#)

10. Energy and Environment

Case Law

Case C-129/16: OPINION OF ADVOCATE GENERAL KOKOTT of 16 February 2017 - Túrkevei Tejtermelő Kft. v Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség - Request for a preliminary ruling from the Szolnoki Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szolnok, Hungary) - **Environment** — Directive 2004/35/EC — **Environmental liability with regard to the prevention and remedying of environmental damage** — Directive 2008/98/EC — **Waste — Polluter-pays principle** — Proportionality — Presumption of innocence — **Air pollution caused by illegal waste incineration — Shared responsibility of the owner of the land where the environmental pollution occurred and the polluter**
[CURIA – Opinion of Advocate General in Case C-129/16 of 16 February 2017](#)

Case C-228/16 P: OPINION OF ADVOCATE GENERAL WATHELET of 16 February 2017 - Dimosia Epicheirisi Ilektrismou AE (DEI) v European Commission - Appeal — **State aid — Refusal to grant an injunction ordering the suspension of the decision of an arbitration tribunal relating to the electricity tariff which Alouminion SA must pay to DEI** — Refusal to follow up DEI's complaint concerning the alleged State aid granted to Alouminion SA — **Reduced electricity tariffs**
[CURIA – Opinion of Advocate General in Case C-228/16 of 16 February 2017](#)

Affaire C-606/14 P: ARRÊT DE LA COUR (cinquième chambre) du 1^{er} février 2017 - Portovesme Srl, établie à Rome (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 — **Aide accordée par la République italienne en faveur de Portovesme Srl – Régimes de tarif préférentiel d'électricité** – Décision déclarant la mesure d'aide incompatible avec le marché intérieur
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-606/14 du 1 février 2017 \(FR seulement\)](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2017/253 of 13 February 2017 laying down **procedures for the notification of alerts** as part of the **early warning and response system established in relation to serious cross-border threats to health and for the information exchange, consultation and coordination of responses to such threats** pursuant to Decision No 1082/2013/EU of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 37/23 of 14 February 2017](#)

COMMISSION DIRECTIVE (EU) 2017/164 of 31 January 2017 **establishing a fourth list of indicative occupational exposure limit values** pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU (Text with EEA relevance)
[OJ of the EU, L 27/115 of 1 February 2017](#)

Case Law

Case C-75/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 16 February 2017 - Livio Menini and Maria Antonia Rampanelli v Banco Popolare — Società Cooperativa - Request for a preliminary ruling from the Tribunale Ordinario di Verona (District Court, Verona, Italy) - Reference for a preliminary ruling — Appeal against an order for payment — Directive 2008/52/EC — **Mediation in civil and commercial matters** — Article 1(2) — **Scope** — Directive 2013/11/EU — **Alternative dispute resolution for consumer disputes** — Article 1 — **Obligation on the consumer to use a mediation procedure before referring the matter to a judicial body** — Article 2 — Scope — Article 8(b) — **Mandatory assistance of a lawyer** — Article 9(2)(a) — **Penalties for withdrawal from a mediation procedure**
[CURIA – Opinion of Advocate General in Case C-75/16 of 16 February 2017](#)

Case C-219/15: JUDGMENT OF THE COURT (First Chamber) of 16 February 2017 - Elisabeth Schmitt v TÜV Rheinland LGA Products GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling - **Approximation of laws - Industrial policy** - Directive 93/42/EEC - **Checks on the conformity of medical devices** — Notified body appointed by the manufacturer - Obligations of that body - **Defective breast implants - Implants manufactured using silicone - Liability of the notified body**

[CURIA – Judgment of the Court of Justice in Case C-219/15 of 16 February 2017](#)

Case C-562/15: JUDGMENT OF THE COURT (Second Chamber) of 8 February 2017 - Carrefour Hypermarchés SAS v ITM Alimentaire International SASU - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Paris (Court of Appeal, Paris, France) - Reference for a preliminary ruling — **Comparative advertising** — Directive 2006/114/EC — Article 4 — Directive 2005/29/EC — Article 7 — **Objective price comparison — Misleading omission — Advertising comparing the prices of goods sold in shops having different sizes or formats — Permissibility** — Material information — Degree of communication of information and the medium for communication of that information

[CURIA – Judgment of the Court of Justice in Case C-562/15 of 8 February 2017](#)

Case C-678/15: OPINION OF ADVOCATE GENERAL Campos Sánchez-Bordona of 8 February 2017 - Mohammad Zadeh Khorassani v Kathrin Pflanz - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - **Consumer protection — Markets in financial instruments — Definition of 'investment services and activities'** — 'Reception and transmission of orders in relation to one or more financial instruments' — **Whether brokering in the conclusion of a portfolio management agreement is included**

[CURIA – Opinion of Advocate General in Case C-678/15 of 8 February 2017](#)

12. Human Rights

Case Law

Affaire C-578/16 PPU: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - C. K., H. F. et A. S. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Système de Dublin** – Règlement (UE) n° 604/2013 – **Article 4 de la charte des droits fondamentaux de l'Union européenne – Traitements inhumains ou dégradants – Transfert d'un demandeur d'asile gravement malade vers l'État responsable de l'examen de sa demande – Absence de raisons sérieuses de croire à l'existence de défaillances systémiques avérées dans cet État membre** – Obligations imposées à l'État membre devant procéder au transfert

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-578/16 du 16 février 2017 \(FR seulement\)](#)

Case C-560/14: JUDGMENT OF THE COURT (Third Chamber) of 9 February 2017 - M v Minister for Justice and Equality, Ireland and Attorney General- REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/83/EC — **Minimum standards for the qualification and status of third country nationals or stateless persons as refugees** — Application for subsidiary protection — **Lawfulness of the national procedure for examining an application for subsidiary protection made after the rejection of an application for refugee status** — **Right to be heard — Scope — Right to an interview — Right to call and cross-examine witnesses**

[CURIA – Judgment of the Court of Justice in Case C-560/14 of 9 February 2017](#)

Affaire C-578/16 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. EVGENI TANCHEV du 9 février 2017 - C. K., H. F. et A. S. contre Republika Slovenija - demande de décision préjudicielle formée par le Vrhovno sodišče (Cour Suprême, Slovénie) - Renvoi préjudiciel – **Notion de juridiction nationale dont les décisions ne sont pas susceptibles d'un recours juridictionnel de droit interne – Système européen commun d'asile – Détermination de l'État membre responsable de l'examen d'une demande de protection internationale** – Règlement (UE) no 604/2013 – Article 3, paragraphe 2, deuxième alinéa – **Défaillances systémiques dans la procédure d'asile et des conditions d'accueil des demandeurs de l'État membre responsable** – Article 17, paragraphe 1 – **Clause de souveraineté**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-578/16 du 9 février 2017 \(FR seulement\)](#)

Affaire C-638/16 (PPU): CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOLZI du 7 février 2017 – X et X contre État belge - demande de décision préjudicielle formée par Conseil du contentieux des étrangers (Belgique) - Renvoi préjudiciel – Compétence de la Cour – Article 25, paragraphe 1, sous a), du règlement (CE) n° 810/2009, établissant un code communautaire des visas – **Visa à validité territoriale limitée – Mise en œuvre du droit de l'Union – Délivrance d'un tel visa pour des raisons humanitaires ou pour honorer des obligations internationales – Notion d'obligations internationales – Convention de Genève sur le statut des réfugiés – Convention européenne de sauvegarde des droits de l'homme et des libertés fondamentales – Charte des droits fondamentaux de l'Union européenne** – Obligation pour les États membres de délivrer un visa humanitaire dans l'hypothèse d'un risque avéré d'une violation des articles 4 et/ou 18 de la Charte

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-638/16 du 7 février 2017 \(FR seulement\)](#)

Case C-102/16: OPINION OF ADVOCATE GENERAL TANCHEV of 2 February 2017 - Vaditrans BVBA v Belgische Staat - Request for a preliminary ruling from the Raad van State (Council of State, Belgium) - Reference for a preliminary ruling – **Road transport** – Regulation (EC) No 561/2006 – **Driver's rest periods** – Article 8(6) – Article 8(8) – Article 19 – **Circumstances in which rest period may be taken inside the vehicle** – **Charter of Fundamental Rights of the European Union** – Article 49

[CURIA – Opinion of Advocate General in Case C-102/16 of 2 February 2017](#)

Case C-573/14: JUDGMENT OF THE COURT (Grand Chamber) of 31 January 2017 - Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling – **Area of freedom, security and justice – Asylum** – Directive 2004/83/EC – **Minimum standards for the qualification and status of third country nationals or stateless persons as refugees** – Article 12(2)(c) and Article 12(3) – **Exclusion from being a refugee – Concept of 'acts contrary to the purposes and principles of the United Nations'** – **Scope – Member of the leadership of a terrorist organisation – Criminal conviction of participation in the activities of a terrorist group – Individual assessment**

[CURIA – Judgment of the Court of Justice in Case C-573/14 of 31 January 2017](#)

13. Internal Market and Single Market

Case Law

Affaire C-90/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - Hansen & Rosenthal KG, établie à Hambourg (Allemagne) et H&R Wax Company Vertrieb GmbH, établie à Hambourg 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 – Concurrence – **Ententes – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés** – Preuve de l'infraction – Compétence de pleine juridiction – Dénaturation des éléments de preuve – Obligation de motivation – Règlement (CE) n° 1/2003 – Article 23, paragraphe 2 – Calcul du montant de l'amende – Principe de légalité – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de proportionnalité

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-90/15 du 16 février 2017 \(FR seulement\)](#)

Affaire C-94/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - Tudapetrol Mineralölerzeugnisse Nils Hansen KG, établie à Hambourg (Allemagne) 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 – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés** – Obligation de motivation – Preuve de l'infraction – Dénaturation des éléments de preuve

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-94/15 du 16 février 2017 \(FR seulement\)](#)

Affaire C-95/15 P: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - H&R ChemPharm GmbH, établie à Salzbergen (Allemagne) 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 – **Concurrence – Ententes – Marché européen des cires de paraffine et marché allemand du gatsch – Fixation des prix et répartition des marchés** – Obligation de motivation – Preuve de l'infraction – Dénaturation des éléments de preuve – Règlement (CE) n° 1/2003 – Article 23, paragraphe 3 – Calcul du montant de l'amende – Lignes directrices pour le calcul du montant des amendes de 2006 – Principe de proportionnalité

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-95/15 du 16 février 2017 \(FR seulement\)](#)

Case C-99/16: OPINION OF ADVOCATE GENERAL WATHELET of 9 February 2017 - Jean-Philippe Lahorgue v Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE) and Ordre des avocats du barreau de Luxembourg - Reference for a preliminary ruling from the tribunal de grande instance de Lyon (France) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 77/249/EEC — Article 4 — Article 5 — **Practice of the legal profession — Router for accessing the 'RPVA' — Refusal to issue — Discrimination**

[CURIA – Opinion of Advocate General in Case C-99/16 of 9 February 2017](#)

Case C-513/15: OPINION OF ADVOCATE GENERAL BOT of 8 February 2017 - 'Agrodetalė' UAB v Vilniaus miesto savivaldybės administracija - Request for a preliminary ruling from the Lietuvos vyriausioji administracinis teismas (Supreme Administrative Court, Lithuania) - Reference for a preliminary ruling — **Internal market — Agricultural or forestry tractors** — Directive 2003/37/EC — **Ambit of the directive — Placing on the market and registration within the European Union of used or second-hand vehicles manufactured outside the European Union** — Whether the Member States may regulate the registration of such vehicles — New vehicles entering into service from 1 July 2009 — **Meaning of 'new vehicle' and 'entry into service'**

[CURIA – Opinion of Advocate General in Case C-513/15 of 8 February 2017](#)

Case C-678/15: OPINION OF ADVOCATE GENERAL Campos Sánchez-Bordona of 8 February 2017 - Mohammad Zadeh Khorassani v Kathrin Pflanz - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - **Consumer protection — Markets in financial instruments — Definition of 'investment services and activities'** — 'Reception and transmission of orders in relation to one or more financial instruments' — **Whether brokering in the conclusion of a portfolio management agreement is included**

[CURIA – Opinion of Advocate General in Case C-678/15 of 8 February 2017](#)

Case C-392/15: JUDGMENT OF THE COURT (First Chamber) of 1 February 2017 - European Commission v Hungary and Czech Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 49 TFEU — **Freedom of establishment — Notaries — Nationality requirement** — Article 51 TFEU — **Connection with the exercise of official authority**

[CURIA – Judgment of the Court of Justice in Case C-392/15 of 1 February 2017](#)

14. Intellectual Property

Case Law

Case C-577/14 P: JUDGMENT OF THE COURT (Fifth Chamber) of 16 February 2017 - Brandconcern BV, established in Amsterdam (Netherlands) v European Union Intellectual Property Office (EUIPO) and Scooters India Ltd, established in Lucknow (India) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark — Regulation (EC) No 207/2009 — Article 51(2) — **Word mark LAMBRETTA — Genuine use of the mark — Application for revocation — Partial revocation** — Communication No 2/12 of the President of EUIPO — **Limitation of the temporal effects of a judgment of the Court****

[CURIA – Judgment of the Court of Justice in Case C-577/14 of 16 February 2017](#)

Case C-641/15: JUDGMENT OF THE COURT (Second Chamber) of 16 February 2017 - Verwertungsgesellschaft Rundfunk GmbH v Hettegger Hotel Edelweiss GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Handelsgericht Wien (Commercial Court, Vienna, Austria) - Reference for a preliminary ruling — **Intellectual property — Directive 2006/115/EC — Article 8(3) — **Exclusive right of broadcasting organisations — Communication to the public — Places accessible to the public against payment of an entrance fee — Communication of broadcasts by TV sets installed in hotel rooms****

[CURIA – Judgment of the Court of Justice in Case C-641/15 of 16 February 2017](#)

Case C-610/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 8 February 2017 - Stichting Brein v Ziggo BV and XS4ALL Internet BV - Reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands Supreme Court) - **Copyright and related rights — Directive 2001/29/EC — Article 3(1) — **Communication to the public — Concept — Indexing site allowing the sharing of protected works without the authorisation of the rightholders** — Article 8(3) — **Use by a third party of the services of an intermediary in order to infringe a copyright** — Injunction**

[CURIA – Opinion of Advocate General in Case C-610/15 of 8 February 2017](#)

Affaires jointes C-361/15 P et C-405/15 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. Yves Bot du 1^{er} février 2017 - Easy Sanitary Solutions BV (C-361/15 P) et Office de l'Union européenne pour la propriété intellectuelle (EUIPO) (C-405/15 P) contre Group Nivelles NV - Pourvois – Règlement (CE) n° 6/2002 – **Procédure de nullité – Dessin ou modèle communautaire enregistré représentant un siphon de douche – Dessin ou modèle antérieur – Appréciation de la nouveauté et du caractère individuel du dessin ou modèle contesté – Charge de la preuve incombant au demandeur en nullité – Exigences liées à la reproduction du dessin ou modèle antérieur – Termes et portée de l'article 3 du règlement n° 6/2002 – Compétences dévolues à l'EUIPO dans le cadre de l'administration de la preuve – Article 63, paragraphe 1, du règlement n° 6/2002 – **Limites du contrôle de légalité du Tribunal** – Article 61, paragraphe 2, du règlement n° 6/2002 – **Moyen d'ordre public****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-361/15 du 1^{er} février 2017 \(FR seulement\)](#)

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

Community Legislation

COUNCIL IMPLEMENTING DECISION (EU) 2017/290 of 17 February 2017 **amending** Decision 2009/935/JHA as regards the **list of third States and organisations with which Europol shall conclude agreements**

[OJ of the EU, L 42/17 of 18 February 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/207 of 3 October 2016 on the **common monitoring and evaluation framework** provided for in Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down **general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management**

[OJ of the EU, L 33/1 of 8 February 2017](#)

Case Law

Case C-75/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 16 February 2017 - Livio Menini and Maria Antonia Rampanelli v Banco Popolare — Società Cooperativa - Request for a preliminary ruling from the Tribunale Ordinario di Verona (District Court, Verona, Italy) - Reference for a preliminary ruling — Appeal against an order for payment — Directive 2008/52/EC — **Mediation in civil and commercial matters** — Article 1(2) — **Scope** — Directive 2013/11/EU — **Alternative dispute resolution for consumer disputes** — Article 1 — **Obligation on the consumer to use a mediation procedure before referring the matter to a judicial body** — Article 2 — Scope — Article 8(b) — **Mandatory assistance of a lawyer** — Article 9(2)(a) — **Penalties for withdrawal from a mediation procedure**

[CURIA – Opinion of Advocate General in Case C-75/16 of 16 February 2017](#)

Case C-503/15: JUDGMENT OF THE COURT (Fifth Chamber) of 16 February 2017 - Ramón Margarit Panicello v Pilar Hernández Martínez - REQUEST for a preliminary ruling under Article 267 TFEU from the Secretario Judicial del Juzgado de Violencia sobre la Mujer Único de Terrassa (Registrar of the Single-Member Court dealing with matters involving violence against women, Terrassa, Spain) - Request for a preliminary ruling — Article 267 TFEU — **Registrar** — **Compulsory jurisdiction** — **Exercise of judicial functions** — **Independence** — **Lack of jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-503/15 of 16 February 2017](#)

Affaire C-578/16 PPU: ARRÊT DE LA COUR (cinquième chambre) du 16 février 2017 - C. K., H. F. et A. S. contre Republika Slovenija - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Vrhovno sodišče (Cour suprême, Slovénie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – **Frontières, asile et immigration** – **Système de Dublin** – Règlement (UE) n° 604/2013 – **Article 4 de la charte des droits fondamentaux de l'Union européenne** – **Traitements inhumains ou dégradants** – **Transfert d'un demandeur d'asile gravement malade vers l'État responsable de l'examen de sa demande** – **Absence de raisons sérieuses de croire à l'existence de défaillances systémiques avérées dans cet État membre** – Obligations imposées à l'État membre devant procéder au transfert

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-578/16 du 16 février 2017 \(FR seulement\)](#)

Case C-499/15: JUDGMENT OF THE COURT (First Chamber) of 15 February 2017 - W and V v X - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus miesto apylinkės teismas (District Court, Vilnius, Lithuania) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction in matters of parental responsibility** — Regulation (EC) No 2201/2003 — Articles 8 to 15 — **Jurisdiction concerning maintenance obligations** — Regulation (EC) No 4/2009 — Article 3(d) — **Conflicting judgments given in the courts of different Member States** — **Child habitually resident in the Member State of residence of his mother** — **The courts of the father's Member State of residence without jurisdiction to vary a decision that has become final which they adopted earlier concerning the residence of the child, maintenance obligations and contact arrangements**

[CURIA – Judgment of the Court of Justice in Case C-499/15 of 15 February 2017](#)

Case C-283/16: JUDGMENT OF THE COURT (Sixth Chamber) of 9 February 2017 - M.S. v P.S. - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England and Wales) - Reference for a preliminary ruling — Regulation (EC) No 4/2009 — Article 41(1) — **Recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations** — Enforcement of a decision in a Member State — **Application submitted directly to the competent authority of the Member State of enforcement** — **National legislation requiring recourse to be had to the Central Authority of the Member State of enforcement**

[CURIA – Judgment of the Court of Justice in Case C-283/16 of 9 February 2017](#)

Case C-670/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 1 February 2017 - Jan Šalplachta - Request for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** – **Access to justice in cross-border disputes** – Directive 2003/8/EC – **Scope** – **Legal aid application submitted to the competent authority of the Member State in which the court is sitting** – Reimbursement of costs incurred for the translation of documents annexed to the legal aid application

[CURIA – Opinion of Advocate General in Case C-670/15 of 1 February 2017](#)

Case C-573/14: JUDGMENT OF THE COURT (Grand Chamber) of 31 January 2017 - Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum — Directive 2004/83/EC — Minimum standards for the qualification and status of third country nationals or stateless persons as refugees — Article 12(2)(c) and Article 12(3) — Exclusion from being a refugee — Concept of 'acts contrary to the purposes and principles of the United Nations' — Scope — Member of the leadership of a terrorist organisation — Criminal conviction of participation in the activities of a terrorist group — Individual assessment**
[CURIA – Judgment of the Court of Justice in Case C-573/14 of 31 January 2017](#)

16. Transport

International Agreements

DECISION No 2/2016 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT of 8 December 2016 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2017/291]
[OJ of the EU, L 42/19 of 18 February 2017](#)

Community Legislation

COUNCIL IMPLEMENTING DECISION (EU) 2017/320 of 21 February 2017 **authorising France to conclude an agreement with the Swiss Confederation concerning Basel-Mulhouse Airport** that includes provisions derogating from Article 5 of Directive 2006/112/EC
[OJ of the EU, L 47/9 of 24 February 2017](#)

Case Law

Case C-102/16: OPINION OF ADVOCATE GENERAL TANCHEV of 2 February 2017 - Vaditrans BVBA v Belgische Staat - Request for a preliminary ruling from the Raad van State (Council of State, Belgium) - Reference for a preliminary ruling — **Road transport — Regulation (EC) No 561/2006 — Driver's rest periods — Article 8(6) — Article 8(8) — Article 19 — Circumstances in which rest period may be taken inside the vehicle — Charter of Fundamental Rights of the European Union — Article 49**
[CURIA – Opinion of Advocate General in Case C-102/16 of 2 February 2017](#)

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

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2017/180 of 24 October 2016 **supplementing** Directive 2013/36/EU of the European Parliament and of the Council with regard to **regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures** (Text with EEA relevance)
[OJ of the EU, L 29/1 of 3 February 2017](#)

GUIDELINE (EU) 2017/148 OF THE EUROPEAN CENTRAL BANK of 16 December 2016 **amending Guideline ECB/2014/15 on monetary and financial statistics** (ECB/2016/45)
[OJ of the EU, L 26/1 of 31 January 2017](#)