



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-682/15: JUDGMENT OF THE COURT (Grand Chamber) of 16 May 2017 - Berlioz Investment Fund SA v Directeur de l'administration des contributions directes - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — **Administrative cooperation in the field of taxation** — Article 1(1) — Article 5 — **Request for information sent to a third party — Refusal to respond — Penalty — Concept of 'foreseeable relevance' of the information requested** — Review by the requested authority — **Review by a court** — Scope — **Charter of Fundamental Rights of the European Union** — Article 51 — **Implementation of EU law** — Article 47 — **Right to an effective judicial remedy — Access of the court and of the third party to the request for information sent by the requesting authority**
[CURIA – Judgment of the Court of Justice in Case C-682/15 of 16 May 2017](#)

Case C-13/16: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA 'Rīgas satiksme' - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Reference for a preliminary ruling — Directive 95/46/EC — Article 7(f) — **Personal data — Conditions for the lawful processing of personal data — Concept of 'necessity for the realisation of the legitimate interests of a third party'** — Request for disclosure of personal data of a person responsible for a road accident in order to exercise a legal claim — **Obligation on the controller to grant such a request — No such obligation**
[CURIA – Judgment of the Court of Justice in Case C-13/16 of 4 May 2017](#)

COMMISSION RECOMMENDATION (EU) 2017/820 of 12 May 2017 on **proportionate police checks and police cooperation in the Schengen area**
[OJ of the EU, L 122/79 of 13 May 2017](#)

DIRECTIVE (EU) 2017/828 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 **amending** Directive 2007/36/EC as regards the **encouragement of long-term shareholder engagement** (Text with EEA relevance)
[OJ of the EU, L 132/1 of 20 May 2017](#)

DIRECTIVE (EU) 2017/853 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 **amending** Council Directive 91/477/EEC on **control of the acquisition and possession of weapons** (Text with EEA relevance)
[OJ of the EU, L 137/22 of 24 May 2017](#)

1. EU-Swiss Relations

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

2. External Relations / Foreign Policy

Case Law

Case C-225/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 18 May 2017 - Mossa Ouhrani - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - **Area of freedom, security and justice — Return of illegally staying third-country nationals** — Directive 2008/115/EC — Article 11(2) — **Historic entry ban — Starting point — Public policy derogation to the five years' maximum length of entry ban**

[CURIA – Opinion of Advocate General in Case C-225/16 of 18 May 2017](#)

Case C-239/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 4 May 2017 - RFA International LP, established in Calgary (Canada) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Imports of ferrosilicon originating in Russia — Rejection of applications for a refund of anti-dumping duties paid**

[CURIA – Judgment of the Court of Justice in Case C-239/15 of 4 May 2017](#)

Case C-17/16: JUDGMENT OF THE COURT (First Chamber) of 4 May 2017 - Oussama El Dakkak v Administration des douanes et des droits indirects - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — Regulation (EC) No 1889/2005 — **Controls of cash entering or leaving the European Union** — Article 3(1) — **Natural person entering or leaving the European Union — Obligation to declare — International transit area of a Member State's airport**

[CURIA – Judgment of the Court of Justice in Case C-17/16 of 4 May 2017](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-56/16 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 18 May 2017 - European Union Intellectual Property Office (EUIPO) v Instituto dos Vinhos do Douro e do Porto, IP - Appeal — **Community trade mark — Word mark 'Port Charlotte' — Application for a declaration of invalidity lodged by the Instituto dos Vinhos do Douro e do Porto — Indications of geographical source** — Regulation (EC) No 1234/2007 — Comprehensive protection under EU law — Possibility of granting an additional level of protection under national law

[CURIA – Opinion of Advocate General in Case C-56/16 of 18 May 2017](#)

Case C-339/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision — Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility**

[CURIA – Judgment of the Court of Justice in Case C-339/16 of 17 May 2017](#)

Case C-338/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision — Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility**

CURIA – Judgment of the Court of Justice in Case C-338/16 of 17 May 2017

Case C-337/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision — Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility**

CURIA – Judgment of the Court of Justice in Case C-337/16 of 17 May 2017

Case C-183/16 P: OPINION OF ADVOCATE GENERAL WAHL du 4 May 2017 - Tilly-Sabco v European Commission - Appeal — **Agriculture — Export refund** — Regulation (EC) No 1234/2007 — Articles 162 and 164 — **Comitology procedure** — Regulation (EU) No 182/2011 — Article 3 — Poultrymeat — Frozen chickens — Regulation (EU) No 689/2013 — **Commission practice in setting refunds** — Refund set at EUR 0 — **Applicable time limits — Duty to give reasons**

CURIA – Opinion of Advocate General in Case C-183/16 of 4 May 2017

4. Audiovisual and Media and Information Society

Case Law

Joined Cases C-360/15 and C-31/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 May 2017- College van Burgemeester en Wethouders van de gemeente Amersfoort v X BV - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Directive 2006/123/EC – Scope – Article 2(2)(c) – Article 2(3) – Activities related to the provision of electronic networks – Directive 2002/20 – Article 13) and **Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam** - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Directive 2006/123/EC – Establishment of Service Providers – Scope – Recital 9 – Article 4(1) – **Concept of ‘service’ – Retail – Municipal zoning plan** – Article 15(2)(a) – **Territorial restriction** – Article 15(3) – **Protection of the urban environment**

CURIA – Opinion of Advocate General in Case C-360/15 of 18 May 2017

Case C-339/15: JUDGMENT OF THE COURT (Third Chamber) of 4 May 2017 - Luc Vanderborght - REQUEST for a preliminary ruling under Article 267 TFEU from the **Nederlandstalige rechtbank van eerste aanleg te Brussel, strafzaken (Dutch-language Court of First Instance, Criminal Section, Brussels, Belgium)** - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Provision of oral and dental care — National legislation prohibiting, in absolute terms, advertising for oral and dental care services** — Existence of a cross-border element — **Protection of public health** — Proportionality — Directive 2000/31/EC — **Information society service — Advertising via an internet site — Member of a regulated profession — Professional rules** — Directive 2005/29/EC — **Unfair trading practices — National provisions relating to health — National provisions governing regulated professions**

CURIA – Judgment of the Court of Justice in Case C-339/15 of 4 May 2017

Case C-13/16: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA 'Rīgas satiksme' - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Reference for a preliminary ruling — Directive 95/46/EC — Article 7(f) — **Personal data — Conditions for the lawful processing of personal data — Concept of 'necessity for the realisation of the legitimate interests of a third party'** — Request for disclosure of personal data of a person responsible for a road accident in order to exercise a legal claim — **Obligation on the controller to grant such a request — No such obligation**

[CURIA – Judgment of the Court of Justice in Case C-13/16 of 4 May 2017](#)

5. Competition

Case Law

Case C-150/16: JUDGMENT OF THE COURT (Fifth Chamber) of 18 May 2017 - Fondul Proprietatea SA v Complexul Energetic Oltenia SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Craiova (Court of Appeal, Craiova, Romania) - Reference for a preliminary ruling — **State aid — Debt owed to a company of which the Romanian State is the majority shareholder by a company of which that State is the sole shareholder** — Transfer in lieu of payment — **Definition of 'State aid' — Obligation to notify the European Commission**

[CURIA – Judgment of the Court of Justice in Case C-150/16 of 18 May 2017](#)

Case C-150/16: JUDGMENT OF THE COURT (Fifth Chamber) of 18 May 2017 - Fondul Proprietatea SA v Complexul Energetic Oltenia SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Craiova (Court of Appeal, Craiova, Romania) - Reference for a preliminary ruling — **State aid — Debt owed to a company of which the Romanian State is the majority shareholder by a company of which that State is the sole shareholder** — Transfer in lieu of payment — **Definition of 'State aid' — Obligation to notify the European Commission**

[CURIA – Judgment of the Court of Justice in Case C-159/16 of 18 May 2017](#)

Joined Cases C-588/15 P and C-622/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 May 2017 - LG Electronics Inc. (C-588/15 P) and Koninklijke Philips Electronics NV (C-622/15 P) v European Commission - Appeal — **Agreements, decisions and concerted practices — Global market for cathode ray tubes for television sets and computer monitors** — Decision finding two infringements of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area — **Agreements and concerted practices on pricing, market sharing, and production capacity — Liability of a parent company due to an infringement committed by a subsidiary** — Statement of objections sent solely to the parent company — Rights of the defence

[CURIA – Opinion of Advocate General in Case C-588/15 of 18 May 2017](#)

Case C-434/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 11 May 2017 - Asociación Profesional Elite Taxi v Uber Systems Spain SL - Request for a preliminary ruling from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3 of Barcelona, Spain) - Reference for a preliminary ruling — **Services in the internal market — Passenger transport — Use of IT tools and a smartphone application — Unfair competition — Requirement for authorisation**

[CURIA – Opinion of Advocate General in Case C-434/15 of 11 May 2017](#)

Case C-239/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 4 May 2017 - RFA International LP, established in Calgary (Canada) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Imports of ferrosilicon originating in Russia — Rejection of applications for a refund of anti-dumping duties paid**

[CURIA – Judgment of the Court of Justice in Case C-239/15 of 4 May 2017](#)

Case C-300/16 P: OPINION OF ADVOCATE GENERAL WAHL of May 2017 - European Commission v Frucona Košice a.s. - Appeal — State aid — Private operator test — Criteria pertaining to the applicability and application of that test — Overall assessment — Burden of proof — Assessment of evidence
[CURIA – Opinion of Advocate General in Case C-300/16 of 4 May 2017](#)

6. Customs

Case Law

Case C-154/16: JUDGMENT OF THE COURT (Eighth Chamber) of 18 May 2017 - ‘Latvijas Dzelzceļš’ VAS v Valsts ienemumu dienests - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas Administratīvo lietu departaments (Supreme Court, Administrative Cases Department, Latvia) - Reference for a preliminary ruling — Community Customs Code — Regulation (EEC) No 2913/92 — Article 94(1) and Article 96 — External Community transit procedure — Liability of the principal — Articles 203, 204 and Article 206(1) — Incurrence of a customs debt — Unlawful removal from customs supervision — Non-fulfilment of one of the obligations flowing from the use of a customs procedure — Total destruction or irretrievable loss of the goods as a result of the actual nature of the goods or unforeseeable circumstances or force majeure — Article 213 — Payment of the customs debt under joint and several liability — Directive 2006/112/EC — Value added tax (VAT) — Article 2(1), Articles 70 and 71 — Chargeable event and chargeability of the tax — Articles 201, 202 and 205 — Persons liable for payment of the tax — Finding by the customs office at the destination of a freight deficit — Lower unloading device of a wagon-tank incorrectly closed or damaged
[CURIA – Judgment of the Court of Justice in Case C-154/16 of 18 May 2017](#)

Case C-59/16: JUDGMENT OF THE COURT (Tenth Chamber) of 11 May 2017 - The Shirtmakers BV 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 — Customs union — Regulation (EEC) No 2913/92 — Community Customs Code — Article 32(1)(e)(i) — Customs value — Transaction value — Determination — Concept of ‘cost of transport’
[CURIA – Judgment of the Court of Justice in Case C-59/16 of 11 May 2017](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

DIRECTIVE (EU) 2017/828 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement (Text with EEA relevance)
[OJ of the EU, L 132/1 of 20 May 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/867 of 7 February 2017 on classes of arrangements to be protected in a partial property transfer under Article 76 of Directive 2014/59/EU of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 131/15 of 20 May 2017](#)

REGULATION (EU) 2017/827 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 amending Regulation (EU) No 258/2014 establishing a Union Programme to support specific activities in the field of financial reporting and auditing for the period of 2014-20 (Text with EEA relevance)
[OJ of the EU, L 129/24 of 19 May 2017](#)

REGULATION (EU) 2017/826 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 on establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy-making in the area of financial services for the period of 2017-2020 (Text with EEA relevance)
[OJ of the EU, L 129/17 of 19 May 2017](#)

COMMISSION DELEGATED REGULATION (EU) 2017/751 of 16 March 2017 **amending** Delegated Regulations (EU) 2015/2205, (EU) 2016/592 and (EU) 2016/1178 as regards the **deadline for compliance with clearing obligations for certain counterparties dealing with OTC derivatives** (Text with EEA relevance)

[OJ of the EU, L 113/15 of 29 April 2017](#)

Case Law

Case C-150/16: JUDGMENT OF THE COURT (Fifth Chamber) of 18 May 2017 - Fondul Proprietatea SA v Complexul Energetic Oltenia SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Craiova (Court of Appeal, Craiova, Romania) - Reference for a preliminary ruling — **State aid — Debt owed to a company of which the Romanian State is the majority shareholder by a company of which that State is the sole shareholder** — Transfer in lieu of payment — **Definition of ‘State aid’ — Obligation to notify the European Commission**

[CURIA – Judgment of the Court of Justice in Case C-150/16 of 18 May 2017](#)

Case C-624/15: JUDGMENT OF THE COURT (Ninth Chamber) of 18 May 2017 - ‘Litdana’ UAB v Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos and Klaipėdos apskrities valstybinė mokesčių inspekcija - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus apygardos administracinis teismas (Regional Administrative Court, Vilnius, Lithuania) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Directive 2006/112/EC — Article 314 — Margin scheme — Conditions under which it is applicable — Refusal by the national tax authorities to grant a taxable person the right to apply the margin scheme** — References on the invoices relating both to the application of the margin scheme by the supplier and to exemption from VAT — **Margin scheme not applied by the supplier to the supply — Indications giving grounds for suspecting an infringement or fraud in the supply**

[CURIA – Judgment of the Court of Justice in Case C-624/15 of 18 May 2017](#)

Case C-154/16: JUDGMENT OF THE COURT (Eighth Chamber) of 18 May 2017 - ‘Latvijas Dzelzceļš’ VAS v Valsts ienemumu dienests - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas Administratīvo lietu departaments (Supreme Court, Administrative Cases Department, Latvia) - Reference for a preliminary ruling — **Community Customs Code — Regulation (EEC) No 2913/92 — Article 94(1) and Article 96 — External Community transit procedure — Liability of the principal — Articles 203, 204 and Article 206(1) — Incurrence of a customs debt — Unlawful removal from customs supervision — Non-fulfilment of one of the obligations flowing from the use of a customs procedure** — Total destruction or irretrievable loss of the goods as a result of the actual nature of the goods or unforeseeable circumstances or force majeure — Article 213 — **Payment of the customs debt under joint and several liability** — Directive 2006/112/EC — **Value added tax (VAT) — Article 2(1), Articles 70 and 71 — Chargeable event and chargeability of the tax — Articles 201, 202 and 205 — Persons liable for payment of the tax** — Finding by the customs office at the destination of a freight deficit — Lower unloading device of a wagon-tank incorrectly closed or damaged

[CURIA – Judgment of the Court of Justice in Case C-154/16 of 18 May 2017](#)

Case C-68/15: JUDGMENT OF THE COURT (First Chamber) of 17 May 2017 - X v Ministerraad - REQUEST for a preliminary ruling under Article 267 TFEU from the Grondwettelijk Hof (Constitutional Court, Belgium) - Reference for a preliminary ruling — **Freedom of establishment — Parent-Subsidiary Directive — Tax legislation — Tax on company profits — Distribution of dividends — Withholding tax — Double taxation — ‘Fairness tax’**

[CURIA – Judgment of the Court of Justice in Case C-68/15 of 17 May 2017](#)

Affaire C-365/16: ARRÊT DE LA COUR (première chambre) du 17 mai 2017 - Association française des entreprises privées (AFEP), Axa SA, Compagnie générale des établissements Michelin SCA, Danone SA, ENGIE SA, anciennement GDF Suez, Eutelsat Communications SA, LVMH Moët Hennessy-Louis Vuitton SE, Orange SA, Sanofi SA, Suez Environnement Company SA, Technip SA, Total SA, Vivendi SA, Eurazeo SA, Safran SA, Scor SE, Unibail-Rodamco SE et Zodiac Aerospace SA contre Ministre des Finances et des Comptes publics - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Conseil d’État (France) - Renvoi préjudiciel — **Régime fiscal commun applicable aux sociétés mères et aux filiales d’États membres différents** — Directive 2011/96/UE — **Prévention de la double imposition — Contribution additionnelle de 3 % à l’impôt sur les sociétés**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-365/16 du 17 mai 2017](#)

Case C-682/15: JUDGMENT OF THE COURT (Grand Chamber) of 16 May 2017 - Berlioz Investment Fund SA v Directeur de l'administration des contributions directes - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — **Administrative cooperation in the field of taxation** — Article 1(1) — Article 5 — **Request for information sent to a third party — Refusal to respond — Penalty — Concept of 'foreseeable relevance' of the information requested** — Review by the requested authority — **Review by a court** — Scope — **Charter of Fundamental Rights of the European Union** — Article 51 — **Implementation of EU law** — Article 47 — **Right to an effective judicial remedy — Access of the court and of the third party to the request for information sent by the requesting authority**

[CURIA – Judgment of the Court of Justice in Case C-682/15 of 16 May 2017](#)

Case C-36/16: JUDGMENT OF THE COURT (Second Chamber) of 11 May 2017 - Minister Finansów v Posnania Investment SA - 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** — Directive 2006/112/EC — Article 2(1)(a) — Article 14(1) — **Taxable transactions — Meaning of 'supply of goods for consideration'** — Transfer to the State or to a local authority of immovable property in order to settle a tax debt — Not included

[CURIA – Judgment of the Court of Justice in Case C-36/16 of 11 May 2017](#)

Case C-274/15: JUDGMENT OF THE COURT (Fourth Chamber) of 4 May 2017 - European Commission v Grand Duchy of Luxembourg - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Taxation — Value added tax** — Directive 2006/112/EC — Article 132(1)(f) — **Exemption from VAT of supplies of services by independent groups of persons to their members** — Article 168(a) and Article 178(a) — **Right of deduction for the members of the group** — Article 14(2)(c) and Article 28 — **Actions of a member in his own name and on behalf of the group**

[CURIA – Judgment of the Court of Justice in Case C-274/15 of 4 May 2017](#)

Case C-699/15: JUDGMENT OF THE COURT (First Chamber) of 4 May 2017 - Commissioners for Her Majesty's Revenue & Customs v Brockenhurst College - 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 — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — **Exemptions — Supply of restaurant and entertainment services by an educational establishment to a limited public in return for consideration**

[CURIA – Judgment of the Court of Justice in Case C-699/15 of 4 May 2017](#)

Case C-33/16: JUDGMENT OF THE COURT (Eighth Chamber) of 4 May 2017 - A Oy v Veronsaajien oikeudenvallontayksikkö - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Article 148(d) — **Exemption — Supply of services to meet the direct needs of vessels used for navigation on the high seas — Loading and unloading of cargo by a subcontractor on behalf of an intermediary**

[CURIA – Judgment of the Court of Justice in Case C-33/16 of 4 May 2017](#)

Affaire C-98/16: ARRÊT DE LA COUR (septième chambre) du 4 mai 2017 - Commission européenne contre République hellénique - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État – Fiscalité – Libre circulation des capitaux** – Article 63 TFUE – Article 40 de l'accord EEE – **Droits de succession – Legs en faveur d'organismes sans but lucratif – Application d'un taux préférentiel aux organismes qui existent ou sont légalement constitués en Grèce ainsi qu'aux organismes étrangers similaires sous réserve de réciprocité** – Différence de traitement – **Restriction** – Justification

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-98/16 du 4 mai 2017](#)

Case C-106/16: OPINION OF ADVOCATE GENERAL KOKOTT of 4 May 2017 - Polbud — Wykonawstwo sp. z o.o., in liquidation - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - **Freedom of establishment** — Articles 49 and 54 TFEU — **Scope — Cross-border conversion — Transferring a company's statutory seat to another Member State without transferring its actual seat** — Application to remove the company from the commercial register of the Member State of origin — **Requirement that the company be wound up and liquidated — Protection of creditors, minority shareholders and employees — Proportionality**

[CURIA – Opinion of Advocate General in Case C-106/16 of 4 May 2017](#)

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

Case Law

Case C-339/15: JUDGMENT OF THE COURT (Third Chamber) of 4 May 2017 - Luc Vanderborght - REQUEST for a preliminary ruling under Article 267 TFEU from the *Nederlandstalige rechtbank van eerste aanleg te Brussel, strafzaken* (Dutch-language Court of First Instance, Criminal Section, Brussels, Belgium) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Provision of oral and dental care — National legislation prohibiting, in absolute terms, advertising for oral and dental care services — Existence of a cross-border element — **Protection of public health** — Proportionality — Directive 2000/31/EC — **Information society service — Advertising via an internet site — Member of a regulated profession — Professional rules** — Directive 2005/29/EC — **Unfair trading practices — National provisions relating to health — National provisions governing regulated professions****

[CURIA – Judgment of the Court of Justice in Case C-339/15 of 4 May 2017](#)

9. Employment and Social Affairs

COMMISSION RECOMMENDATION (EU) 2017/761 of 26 April 2017 on the **European Pillar of Social Rights**
[OJ of the EU, L 113/56 of 29 April 2017](#)

Case Law

Case C-64/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 18 May 2017 - Associação Sindical dos Juizes Portugueses v Tribunal de Contas - Request for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Second paragraph of Article 19(1) TEU — **Effective judicial protection — Charter of Fundamental Rights of the European Union** — Article 47 — **Judicial independence — National rules providing for the reduction of remuneration in the public administration — Budgetary austerity measures**

[CURIA – Opinion of Advocate General in Case C-64/16 of 18 May 2017](#)

Case C-99/16: JUDGMENT OF THE COURT (Third Chamber) of 18 May 2017 - Jean-Philippe Lahorgue v Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE), Ordre des avocats du barreau de Luxembourg and Ministère public - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Lyon (France) - Reference for a preliminary ruling — **Freedom to provide services** — Directive 77/249/EEC — Article 4 — **Practice of the legal profession — Router for accessing the private virtual network for lawyers (RPVA) — Router for RPVA access — Refusal to issue to a lawyer registered at a Bar of another Member State — Discriminatory measure**

[CURIA – Judgment of the Court of Justice in Case C-99/16 of 18 May 2017](#)

Case C-48/16: JUDGMENT OF THE COURT (Fourth Chamber) of 17 May 2017 - ERGO Poist'ovňa a.s. v Alžbeta Barlíková - REQUEST for a preliminary ruling under Article 267 TFEU from the Okresný súd Dunajská Streda (District Court, Dunajská Streda, Slovakia) - Reference for a preliminary ruling — **Self-employed commercial agents** — Directive 86/653 — **Commercial agent's commission** — Article 11 — **Partial non-execution of the contract between the third party and the principal — Consequences for the right to commission — Concept of 'reason for which the principal is to blame'**

[CURIA – Judgment of the Court of Justice in Case C-48/16 of 17 May 2017](#)

Case C-133/15: JUDGMENT OF THE COURT (Grand Chamber) of 10 May 2017 - H.C. Chavez-Vilchez, P. Pinas, U. Nikolic, X.V. Garcia Perez, J. Uwituz, I.O. Enowassam, A.E. Guerrero Chavez and Y.R. L. Wip v Raad van bestuur van de Sociale verzekeringsbank, College van burgemeester en wethouders van de gemeente Arnhem, College van burgemeester en wethouders van de gemeente 's-Gravenhage, College van burgemeester en wethouders van de gemeente 's-Hertogenbosch, College van burgemeester en wethouders van de gemeente Amsterdam, College van burgemeester en wethouders van de gemeente Rijswijk and College van burgemeester en wethouders van de gemeente Rotterdam - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Administrative Court, Netherlands) - Reference for a preliminary ruling — **Union citizenship** — Article 20 TFEU — **Access to social assistance and child benefit conditional on right of residence in a Member State — Third-country national responsible for the primary day-to-day care of her minor child, a national of that Member State** — Obligation on the third-country national to establish that the other parent, a national of that Member State, is not capable of caring for the child — **Refusal of residence possibly obliging the child to leave the territory of the Member State, or the territory of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-133/15 of 10 May 2017](#)

Case C-690/15: JUDGMENT OF THE COURT (Grand Chamber) of 10 May 2017 - Wenceslas de Lobkowicz v Ministère des Finances et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the cour administrative d'appel de Douai (Administrative Court of Appeal, Douai, France) - Reference for a preliminary ruling — **Officials of the European Union — Staff Regulations — Compulsory affiliation to the social security scheme of the EU institutions** — Real estate income received in a Member State — **Liability to pay General Social Contribution, social levy and additional contributions under the law of a Member State** — Participating in the funding of the social security scheme of that Member State

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-690/15 du 10 mai 2017](#)

Case C-566/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 4 May 2017 - Konrad Erzberger v AG - Reference for a preliminary ruling from the Kammergericht Berlin (Higher Regional Court, Berlin, Germany) - Reference for a preliminary ruling — **Freedom of movement for workers — Equal treatment** — Articles 18 and 45 TFEU — **Elections of employees' representatives on a company's supervisory board — National legislation restricting the right to vote and to stand as a candidate to employees employed within the national territory**

[CURIA – Opinion of Advocate General in Case C-566/15 of 4 May 2017](#)

Affaire C-189/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 3 mai 2017 - Boguslawa Zaniewicz-Dybeck contre Pensionsmyndigheten - demande de décision préjudicielle formée par le Högsta förvaltningsdomstolen (Cour suprême administrative, Suède) - Renvoi préjudiciel — **Sécurité sociale des travailleurs salariés migrants et de leur famille** – Règlement (CEE) n° 1408/71– Article 46, paragraphe 2 – Article 47, paragraphe 1, sous d) – Article 50 – **Pension garantie – Calcul des droits à pension** – Base de calcul – **Calcul au prorata – Montant théorique**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-189/16 du 3 mai 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time (2017/C 165/01)

[OJ of the EU, C 165/1 of 24 May 2017](#)

10. Energy and Environment

International Agreements

COUNCIL DECISION (EU) 2017/790 of 25 April 2017 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement

[OJ of the EU, L 119/16 of 9 May 2017](#)

Community Legislation

REGULATION (EU) 2017/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 on **mercury**, and repealing Regulation (EC) No 1102/2008 (Text with EEA relevance)

[OJ of the EU, L 137/1 of 24 May 2017](#)

COUNCIL DECISION (EU) 2017/769 of 25 April 2017 on the **ratification and accession by Member States**, in the interest of the European Union, **to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea**, with the exception of the aspects related to judicial cooperation in civil matters

[OJ of the EU, L 115/15 of 4 May 2017](#)

COUNCIL DECISION (EU) 2017/770 of 25 April 2017 on the **ratification and accession by Member States**, in the interest of the European Union, **to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea**, with regard to the aspects related to judicial cooperation in civil matters

[OJ of the EU, L 115/18 of 4 May 2017](#)

Case Law

Joined Cases C-360/15 and C-31/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 May 2017- College van Burgemeester en Wethouders van de gemeente Amersfoort v X BV - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Directive 2006/123/EC – Scope – Article 2(2)(c) – Article 2(3) – **Activities related to the provision of electronic networks** – Directive 2002/20 – Article 13) and **Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam** - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Directive 2006/123/EC – **Establishment of Service Providers** – Scope – Recital 9 – Article 4(1) – **Concept of ‘service’ – Retail – Municipal zoning plan** – Article 15(2)(a) – **Territorial restriction** – Article 15(3) – **Protection of the urban environment**

[CURIA – Opinion of Advocate General in Case C-360/15 of 18 May 2017](#)

Case C-44/16 P: JUDGMENT OF THE COURT (Ninth Chamber) of 11 May 2017 - Dyson Ltd, established in Malmesbury (United Kingdom) European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Directive 2010/30/EU — **Indication of energy consumption by labelling and standard product information** — Delegated Regulation (EU) No 665/2013 — **Energy labelling of vacuum cleaners — Energy efficiency** — Measurement method — Limits of delegated powers — **Distortion of the evidence — Duty of the General Court to state reasons**

[CURIA – Judgment of the Court of Justice in Case C-44/16 of 11 May 2017](#)

Case C-502/15: JUDGMENT OF THE COURT (Ninth Chamber) of 4 May 2017 - European Commission v United Kingdom of Great Britain and Northern Ireland - ON for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Directive 91/271/EEC — Articles 3 to 5 and 10 — Annex I, Sections A, B and D — **Urban waste-water treatment — Collecting systems — Secondary or equivalent treatment — More stringent treatment of discharges into sensitive areas**

[CURIA – Judgment of the Court of Justice in Case C-502/15 of 4 May 2017](#)

11. Food Safety, Public Health and Consumers

Community Legislation

REGULATION (EU) 2017/826 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 on **establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users** in Union policy-making in the **area of financial services** for the period of 2017-2020 (Text with EEA relevance)

[OJ of the EU, L 129/17 of 19 May 2017](#)

REGULATION (EU) 2017/745 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2017 on **medical devices**, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (Text with EEA relevance)

[OJ of the EU, L 117/1 of 5 May 2017](#)

REGULATION (EU) 2017/746 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2017 on **in vitro diagnostic medical devices** and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (Text with EEA relevance)

[OJ of the EU, L 117/176 of 5 May 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/780 of 3 May 2017 **amending** the Annex to Implementing Decision (EU) 2017/247 on **protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States** (notified under document C(2017) 2938) (Text with EEA relevance)

[OJ of the EU, L 116/30 of 5 May 2017](#)

COMMISSION REGULATION (EU) 2017/776 of 4 May 2017 **amending**, for the purposes of its **adaptation to technical and scientific progress**, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on **classification, labelling and packaging of substances and mixtures** (Text with EEA relevance)

[OJ of the EU, L 116/1 of 5 May 2017](#)

COMMISSION REGULATION (EU) 2017/752 of 28 April 2017 **amending and correcting** Regulation (EU) No 10/2011 on **plastic materials and articles intended to come into contact with food** (Text with EEA relevance)

[OJ of the EU, L 113/18 of 29 April 2017](#)

Case Law

REGULATION (EU) 2017/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 on **mercury**, and repealing Regulation (EC) No 1102/2008 (Text with EEA relevance)

[OJ of the EU, L 137/1 of 24 May 2017](#)

Case C-339/15: JUDGMENT OF THE COURT (Third Chamber) of 4 May 2017 - Luc Vanderborght - REQUEST for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg te Brussel, strafzaken (Dutch-language Court of First Instance, Criminal Section, Brussels, Belgium) - Reference for a preliminary ruling — Article 56 TFUE — **Freedom to provide services — Provision of oral and dental care — National legislation prohibiting, in absolute terms, advertising for oral and dental care services — Existence of a cross-border element — **Protection of public health** — Proportionality — Directive 2000/31/EC — **Information society service — Advertising via an internet site — Member of a regulated profession — Professional rules** — Directive 2005/29/EC — **Unfair trading practices — National provisions relating to health — National provisions governing regulated professions****

[CURIA – Judgment of the Court of Justice in Case C-339/15 of 4 May 2017](#)

12. Human Rights

International Agreements

COUNCIL DECISION (EU) 2017/865 of 11 May 2017 on the **signing**, on behalf of the European Union, of the **Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters**

[OJ of the EU, L 131/11 of 20 May 2017](#)

COUNCIL DECISION (EU) 2017/866 of 11 May 2017 on the **signing**, on behalf of the European Union, of the **Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to asylum and non-refoulement**

[OJ of the EU, L 131/13 of 20 May 2017](#)

Community Legislation

COMMISSION RECOMMENDATION (EU) 2017/761 of 26 April 2017 on the **European Pillar of Social Rights**
[OJ of the EU, L 113/56 of 29 April 2017](#)

Case Law

Case C-64/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 18 May 2017 - Associação Sindical dos Juizes Portugueses v Tribunal de Contas - Request for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Second paragraph of Article 19(1) TEU — **Effective judicial protection — Charter of Fundamental Rights of the European Union — Article 47 — Judicial independence — National rules providing for the reduction of remuneration in the public administration — Budgetary austerity measures**

[CURIA – Opinion of Advocate General in Case C-64/16 of 18 May 2017](#)

Case C-682/15: JUDGMENT OF THE COURT (Grand Chamber) of 16 May 2017 - Berlioz Investment Fund SA v Directeur de l'administration des contributions directes - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — **Administrative cooperation in the field of taxation — Article 1(1) — Article 5 — Request for information sent to a third party — Refusal to respond — Penalty — Concept of 'foreseeable relevance' of the information requested — Review by the requested authority — Review by a court — Scope — Charter of Fundamental Rights of the European Union — Article 51 — Implementation of EU law — Article 47 — Right to an effective judicial remedy — Access of the court and of the third party to the request for information sent by the requesting authority**

[CURIA – Judgment of the Court of Justice in Case C-682/15 of 16 May 2017](#)

Case C-13/16: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA 'Rīgas satiksme' - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Reference for a preliminary ruling — Directive 95/46/EC — Article 7(f) — **Personal data — Conditions for the lawful processing of personal data — Concept of 'necessity for the realisation of the legitimate interests of a third party'** — Request for disclosure of personal data of a person responsible for a road accident in order to exercise a legal claim — **Obligation on the controller to grant such a request — No such obligation**

[CURIA – Judgment of the Court of Justice in Case C-13/16 of 4 May 2017](#)

Case C-18/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 4 May 2017 - K. v Staatssecretaris van Veiligheid en Justitie - Request for a preliminary ruling from the rechtbank Den Haag zittingsplaats Haarlem (District Court, The Hague, sitting at Haarlem, the Netherlands) - **Asylum policy — Standards for the reception of applicants for international protection — Directive 2013/33/EU — Article 9 — Detention — Points (a) and (b) of the first subparagraph of Article 8(3) — Verification of identity or nationality — Verification of elements on which application for international protection is based — Charter of Fundamental Rights of the European Union — Articles 6 and 52 — Proportionality**

[CURIA – Opinion of Advocate General in Case C-18/16 of 4 May 2017](#)

13. Internal Market and Single Market

Case Law

Joined Cases C-360/15 and C-31/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 May 2017- *College van Burgemeester en Wethouders van de gemeente Amersfoort v X BV* - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Directive 2006/123/EC – Scope – Article 2(2)(c) – Article 2(3) – **Activities related to the provision of electronic networks – Directive 2002/20 – Article 13) and *Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam* - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - Directive 2006/123/EC – **Establishment of Service Providers** – Scope – Recital 9 – Article 4(1) – **Concept of ‘service’ – Retail – Municipal zoning plan** – Article 15(2)(a) – **Territorial restriction** – Article 15(3) – **Protection of the urban environment****

[CURIA – Opinion of Advocate General in Case C-360/15 of 18 May 2017](#)

Case C-99/16: JUDGMENT OF THE COURT (Third Chamber) of 18 May 2017 - *Jean-Philippe Lahorgue v Ordre des avocats du barreau de Lyon, Conseil national des barreaux (CNB), Conseil des barreaux européens (CCBE), Ordre des avocats du barreau de Luxembourg and Ministère public* - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Lyon (France) - Reference for a preliminary ruling – **Freedom to provide services – Directive 77/249/EEC – Article 4 – **Practice of the legal profession – Router for accessing the private virtual network for lawyers (RPVA) – Router for RPVA access – Refusal to issue to a lawyer registered at a Bar of another Member State – Discriminatory measure****

[CURIA – Judgment of the Court of Justice in Case C-99/16 of 18 May 2017](#)

Case C-677/15 P: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 11 May 2017 - *European Union Intellectual Property Office (EUIPO) v European Dynamics Luxembourg SA, Evropaïki Dynamiki – Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE and European Dynamics Belgium SA* - Appeal – **Public service contracts – External service provision for programme and project management and technical consultancy in the field of information technologies – Cascade procedure – Weighting of sub-criteria within the award criteria – **Principles of equal opportunity and transparency** – Manifest errors of assessment – Failure to state reasons – Loss of opportunity – **Non-contractual liability of the EU – Decision to rank the applicant’s tender in third place for the purposes of the cascade contract – Claim for damages****

[CURIA – Opinion of Advocate General in Case C-677/15 of 11 May 2017](#)

Case C-223/16: OPINION OF ADVOCATE GENERAL WAHL of 11 May 2017 - *Casertana Costruzioni Srl v Ministero delle Infrastrutture e dei Trasporti – Proveditorato Interregionale per le opere pubbliche della Campania e del Molise, Azienda Regionale Campana per la Difesa del Suolo – A.R.CA.DI.S., Consorzio Stabile Infratech, W.E.E. Water Environment Energy SpA, Massimo Fontana, Studio Tecnico Associato Thinkd, Claudio Della Rocca, Nicola Maione, Vittorio Ciotola, FIN.SE.CO SpA, Edilgen SpA and Site Srl* - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - **Public procurement – Article 47(2) and Article 48(3) of Directive 2004/18/CE – Article 63 of Directive 2014/24/EU – **Reliance by tenderers on the capacities of other entities – National legislation providing for the automatic exclusion, from the tendering procedure, of a tenderer that relies on the capacities of another entity which, during that procedure, ceases to have the required capacities** – Interpretation of national law in conformity with EU law – Principle of proportionality – Force majeure**

[CURIA – Opinion of Advocate General in Case C-223/16 of 11 May 2017](#)

Case C-131/16: JUDGMENT OF THE COURT (Eighth Chamber) of 11 May 2017 - *Archus sp. z o.o. and Gama Jacek Lipik v Polskie Górnictwo Naftowe i Gazownictwo S.A. and Digital-Center sp. z o.o.* - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajowa Izba Odwoławcza (National Appeal Chamber, Poland) - Reference for a preliminary ruling – **Public procurement – Directive 2004/17/EC – **Principles of awarding contracts** – Article 10 – **Principle of equal treatment of tenderers – Requirement for contracting authorities to request tenderers to amend or supplement their tender – Right of the contracting authority to retain the bank guarantee in the event of refusal** – Directive 92/13/EEC – Article 1(3) – Review procedures – Decision to award a public contract – **Exclusion of a tenderer** – Actions for annulment – Interest in bringing proceedings**

[CURIA – Judgment of the Court of Justice in Case C-131/16 of 11 May 2017](#)

Case C-387/14: JUDGMENT OF THE COURT (Fifth Chamber) of 4 May 2017 - Esaprojekt sp. z o.o. v Województwo Łódzkie and Konsultant Komputer sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajowa Izba Odwoławcza (National Appeal Chamber, Poland) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — **Principles of equal treatment, non-discrimination and transparency** — Technical and/or professional abilities of economic operators — Article 48(3) — **Possibility to rely on the capacities of other entities** — Article 51 — **Possibility to supplement the tender** — Article 45(2)(g) — **Exclusion from participation in a public contract for serious misconduct**
[CURIA – Judgment of the Court of Justice in Case C-387/14 of 4 May 2017](#)

Case C-339/15: JUDGMENT OF THE COURT (Third Chamber) of 4 May 2017 - Luc Vanderborght - REQUEST for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg te Brussel, strafzaken (Dutch-language Court of First Instance, Criminal Section, Brussels, Belgium) - Reference for a preliminary ruling — Article 56 TFEU — **Freedom to provide services — Provision of oral and dental care — National legislation prohibiting, in absolute terms, advertising for oral and dental care services** — Existence of a cross-border element — **Protection of public health** — Proportionality — Directive 2000/31/EC — **Information society service — Advertising via an internet site — Member of a regulated profession — Professional rules** — Directive 2005/29/EC — **Unfair trading practices — National provisions relating to health — National provisions governing regulated professions**
[CURIA – Judgment of the Court of Justice in Case C-339/15 of 4 May 2017](#)

Case C-106/16: OPINION OF ADVOCATE GENERAL KOKOTT of 4 May 2017 - Polbud — Wykonawstwo sp. z o.o., in liquidation - Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland) - **Freedom of establishment** — Articles 49 and 54 TFEU — **Scope — Cross-border conversion — Transferring a company's statutory seat to another Member State without transferring its actual seat** — Application to remove the company from the commercial register of the Member State of origin — **Requirement that the company be wound up and liquidated — Protection of creditors, minority shareholders and employees — Proportionality**
[CURIA – Opinion of Advocate General in Case C-106/16 of 4 May 2017](#)

Case C-701/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 3 May 2017 - Malpensa Logistica Europa SpA v SEA — Società Esercizi Aeroportuali SpA and Beta-Trans SpA - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Regional Administrative Court of Lombardy, Italy) - **Public procurement — Transport — Exploitation of a geographical area for the purpose of making it available to air carriers at airports or other terminal facilities** — Directives 2004/17/EC and 96/67/EC — **National legislation not requiring any selection procedure for the allocation of areas within airports**
[CURIA – Opinion of Advocate General in Case C-701/15 of 3 May 2017](#)

14. Intellectual Property

Case Law

Case C-56/16 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 18 May 2017 - European Union Intellectual Property Office (EUIPO) v Instituto dos Vinhos do Douro e do Porto, IP - Appeal — **Community trade mark — Word mark 'Port Charlotte' — Application for a declaration of invalidity lodged by the Instituto dos Vinhos do Douro e do Porto — Indications of geographical source** — Regulation (EC) No 1234/2007 — Comprehensive protection under EU law — Possibility of granting an additional level of protection under national law
[CURIA – Opinion of Advocate General in Case C-56/16 of 18 May 2017](#)

Case C-617/15: JUDGMENT OF THE COURT (Second Chamber) of 18 May 2017 - Hummel Holding A/S v Nike Inc. and Nike Retail BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Intellectual property** — Regulation (EC) No 207/2009 — **EU trade mark** — Article 97(1) — **International jurisdiction — Action for infringement brought against an undertaking with its seat in a third country — Second-tier subsidiary with its seat in the Member State of the court seised — Definition of 'establishment'**
[CURIA – Judgment of the Court of Justice in Case C-617/15 of 18 May 2017](#)

Case C-501/15 P: OPINION OF ADVOCATE GENERAL WAHL of 17 May 2017 - European Union Intellectual Property Office (EUIPO) v Cactus SA - Appeal — Community trade mark — Regulation (EC) No 207/2009 — Articles 15, 28 and 42 — Figurative sign containing the word elements CACTUS OF PEACE CACTUS DE LA PAZ — Opposition by the owner of earlier Community trade marks containing the word element CACTUS — Scope of those earlier trade marks — Retail services — Assessment of the genuine use of a figurative trade mark in circumstances in which only a part of the registered trade mark is used
[CURIA – Opinion of Advocate General in Case C-501/15 of 17 May 2017](#)

Case C-437/15 P: JUDGMENT OF THE COURT (Third Chamber) of 17 May 2017 - European Union Intellectual Property Office (EUIPO) v Deluxe Entertainment Services Group Inc., formerly Deluxe Laboratories, Inc., established in Burbank (United States of America) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Figurative mark containing the word element 'deluxe' — Refusal of registration by the examiner
[CURIA – Judgment of the Court of Justice in Case C-437/15 of 17 May 2017](#)

Case C-421/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 11 May 2017 - Yoshida Metal Industry Co. Ltd, established in Tsubame-shi (Japan) v European Union Intellectual Property Office (EUIPO), Pi-Design AG, established in Triengen (Switzerland), Bodum France SAS, established in Neuilly sur Seine (France) and Bodum Logistics A/S, established in Billund (Denmark) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Registration of signs consisting of a surface with black dots — Declaration of invalidity — Regulation (EC) No 40/94 — Article 7(1)(e)(ii) — Article 51(3)
[CURIA – Judgment of the Court of Justice in Case C-421/15 of 11 May 2017](#)

Affaire C-71/16 P: ARRÊT DE LA COUR (septième chambre) du 4 mai 2017 - Comercializadora Eloro SA, établie à Ecatepec (Mexique) et Office de l'Union européenne pour la propriété intellectuelle (EUIPO) contre Zumex Group SA, établie à Moncada (Espagne) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — Marque de l'Union européenne – Demande d'enregistrement d'une marque figurative comportant l'élément verbal "ZUMEX" – Opposition du titulaire de la marque verbale JUMEX – Règlement (CE) no 207/2009 – Article 15, paragraphe 1, second alinéa, sous b), et article 42, paragraphe 2 – Preuve de l'usage – Usage dans l'Union européenne – Article 76, paragraphe 2 – Preuves complémentaires de l'usage produites tardivement devant la chambre de recours – Pouvoir d'appréciation de l'Office de l'Union européenne pour la propriété intellectuelle (EUIPO)
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-71/16 du 4 mai 2017](#)

Case C-417/16 P: JUDGMENT OF THE COURT (Seventh Chamber) of 4 May 2017 - August Storck KG, established in Berlin (Germany) v European Union Intellectual Property Office (EUIPO) - 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 7(1)(b) — Absolute grounds for refusal — Figurative mark — Representation of a white and blue square-shaped packaging — Distinctive character
[CURIA – Judgment of the Court of Justice in Case C-417/16 of 4 May 2017](#)

Case C-231/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 3 May 2017 - Merck KGaA v Merck & Co. Inc., Merck Sharp & Dohme Corp. and MSD Sharp & Dohme GmbH - Reference for a preliminary ruling from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — EU trade mark — Regulation (EC) No 207/2009 — Lis pendens — Article 109(1) — Simultaneous actions on the basis of an EU trade mark and a national trade mark — Meaning of 'the same parties' — Economically linked companies using the same trade mark — Meaning of 'same cause of action' — Use of the name 'Merck' on internet sites and online platforms — One action based on a national trade mark followed by another based on an EU trade mark — Partial lack of jurisdiction of the second court seised, as regards part of the European Union
[CURIA – Opinion of Advocate General in Case C-231/16 of 3 May 2017](#)

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

International Agreements

COUNCIL DECISION (EU) 2017/865 of 11 May 2017 on the **signing**, on behalf of the European Union, of the **Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters**
[OJ of the EU, L 131/11 of 20 May 2017](#)

Community Legislation

DIRECTIVE (EU) 2017/853 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 May 2017 **amending** Council Directive 91/477/EEC on **control of the acquisition and possession of weapons** (Text with EEA relevance)
[OJ of the EU, L 137/22 of 24 May 2017](#)

COUNCIL IMPLEMENTING DECISION (EU) 2017/818 of 11 May 2017 **setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk**
[OJ of the EU, L 122/73 of 13 May 2017](#)

COMMISSION RECOMMENDATION (EU) 2017/820 of 12 May 2017 on **proportionate police checks and police cooperation in the Schengen area**
[OJ of the EU, L 122/79 of 13 May 2017](#)

Case Law

Case C-64/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 18 May 2017 - **Associação Sindical dos Juizes Portugueses v Tribunal de Contas** - Request for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Second paragraph of Article 19(1) TEU — **Effective judicial protection — Charter of Fundamental Rights of the European Union — Article 47 — Judicial independence — National rules providing for the reduction of remuneration in the public administration — Budgetary austerity measures**
[CURIA – Opinion of Advocate General in Case C-64/16 of 18 May 2017](#)

Case C-225/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 18 May 2017 - **Mossa Ouhrami** - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - **Area of freedom, security and justice — Return of illegally staying third-country nationals — Directive 2008/115/EC — Article 11(2) — Historic entry ban — Starting point — Public policy derogation to the five years' maximum length of entry ban**
[CURIA – Opinion of Advocate General in Case C-225/16 of 18 May 2017](#)

Case C-340/16: OPINION OF ADVOCATE GENERAL BOBEK of 18 May 2017 - **Landeskrankenanstalten-Betriebsgesellschaft — KABEG v Mutuelles du Mans assurances IARD SA (MMA IARD)** - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Jurisdiction in matters relating to insurance — Notion of 'matters relating to insurance' and 'injured party' — Action brought by the injured party directly against the insurer — Subrogation of the employer, a public-law institution, to an employee's rights against the insurer, based on statutory assignment of the rights of the person injured in a motor accident**
[CURIA – Opinion of Advocate General in Case C-340/16 of 18 May 2017](#)

Case C-171/16: OPINION OF ADVOCATE GENERAL BOT of 17 May 2017 - Trayan Beshkov v Sofiyska rayonna prokuratura - Request for a preliminary ruling from the Sofiyski Rayonen sad (District Court, Sofia, Bulgaria) - **Area of freedom, security and justice** — Framework Decision 2008/675/JHA — **Taking account of previous convictions in the Member States** — **Concept of ‘new criminal proceedings’** — Exclusion of change in execution of the previous conviction by the Member State bringing new criminal proceedings
[CURIA – Opinion of Advocate General in Case C-171/16 of 17 May 2017](#)

Affaire C-218/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 17 mai 2017 - Aleksandra Kubicka - demande de décision préjudicielle formée par le Sąd Okręgowy w Gorzowie Wielkopolskim (tribunal régional de Gorzów Wielkopolski, Pologne) - Renvoi préjudiciel – **Successions et certificat successoral européen – Champ d’application du règlement (UE) n° 650/2012 – Bien immobilier situé dans un État membre ne connaissant pas de legs “per vindicationem” – Refus de reconnaissance des effets réels d’un tel legs**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-218/16 du 17 mai 2017](#)

Case C-217/16: OPINION OF ADVOCATE GENERAL BOBEK of 17 May 2017 - European Commission v Dimos Zagoriou - Request for a preliminary ruling from the Monomeles Efeteio Athinon (Court of Appeal of Athens (single judge), Greece) - **Enforcement of Commission decision imposing a pecuniary obligation under Article 256 EC – Determination of competent court** — Capacity to be made a defendant in enforcement proceedings — **Principles of equivalence and effectiveness**
[CURIA – Opinion of Advocate General in Case C-217/16 of 17 May 2017](#)

Affaire C-111/17 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 16 mai 2017 – OL contre PQ - demande de décision préjudicielle formée par le Monomeles Protodikeio Athinon (tribunal de grande instance à juge unique d’Athènes, Grèce) - Renvoi préjudiciel – **Coopération judiciaire en matière civile** – Règlement (CE) no 2201/2003 – **Compétence, reconnaissance et exécution des décisions en matière matrimoniale et en matière de responsabilité parentale** – Articles 8, 10 et 11 – **Demande de retour – Notion de “résidence habituelle” d’un nourrisson – Enfant né dans un État membre autre que celui où ses parents ont résidé ensemble et qui, ensuite, est resté avec sa mère dans l’État membre de sa naissance – Déplacement ou non-retour illicites** – Absence
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-111/17 du 16 mai 2017](#)

Case C-682/15: JUDGMENT OF THE COURT (Grand Chamber) of 16 May 2017 - Berlioz Investment Fund SA v Directeur de l’administration des contributions directes - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour administrative (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Directive 2011/16/EU — **Administrative cooperation in the field of taxation** — Article 1(1) — Article 5 — **Request for information sent to a third party – Refusal to respond – Penalty – Concept of ‘foreseeable relevance’ of the information requested** — Review by the requested authority — **Review by a court** — Scope — **Charter of Fundamental Rights of the European Union** — Article 51 — **Implementation of EU law** — Article 47 — **Right to an effective judicial remedy – Access of the court and of the third party to the request for information sent by the requesting authority**
[CURIA – Judgment of the Court of Justice in Case C-682/15 of 16 May 2017](#)

Case C-339/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision – Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union – Time limit for bringing an action – Point from which time starts to run – Delay – Inadmissibility**
[CURIA – Judgment of the Court of Justice in Case C-339/16 of 17 May 2017](#)

Case C-338/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision – Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union – Time limit for bringing an action – Point from which time starts to run – Delay – Inadmissibility**
[CURIA – Judgment of the Court of Justice in Case C-338/16 of 17 May 2017](#)

Case C-337/16 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2017 - Portuguese Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EAGF and EAFRD — **European Commission implementing decision — Notification to the addressee** — Subsequent rectification of the print lay-out of the annex — **Publication of the decision in the Official Journal of the European Union — Time limit for bringing an action — Point from which time starts to run — Delay — Inadmissibility**

[CURIA – Judgment of the Court of Justice in Case C-337/16 of 17 May 2017](#)

Case C-278/16: OPINION OF ADVOCATE GENERAL WAHL of 11 May 2017 - Criminal proceedings against Frank Sleutjes v Staatsanwaltschaft Aachen - Request for a preliminary ruling from the Landgericht Aachen (Regional Court, Aachen, Germany) - **Area of freedom, security and justice** — Directive 2010/64/EU — Article 3 — **Right to interpretation and to translation in criminal proceedings — Concept of ‘essential document’ — Penal order (Strafbefehl)**

[CURIA – Opinion of Advocate General in Case C-278/16 of 11 May 2017](#)

Case C-13/16: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2017 - Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v Rīgas pašvaldības SIA ‘Rīgas satiksme’ - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas, Administratīvo lietu departaments (Supreme Court, Administrative Division, Latvia) - Reference for a preliminary ruling — Directive 95/46/EC — Article 7(f) — **Personal data — Conditions for the lawful processing of personal data — Concept of ‘necessity for the realisation of the legitimate interests of a third party’** — Request for disclosure of personal data of a person responsible for a road accident in order to exercise a legal claim — **Obligation on the controller to grant such a request — No such obligation**

[CURIA – Judgment of the Court of Justice in Case C-13/16 of 4 May 2017](#)

Case C-29/16: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2017 - HanseYachts AG v Port D’Hiver Yachting SARL, Société Maritime Côte D’Azur and Compagnie Generali IARD SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Stralsund (Regional Court, Stralsund, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 27 — **Lis pendens — Court first seised** — Point 1 of Article 30 — **Concept of ‘document instituting the proceedings’ or ‘equivalent document’ — Application for proceedings to preserve or establish, prior to any legal proceedings, evidence of facts on which a subsequent action could be based**

[CURIA – Judgment of the Court of Justice in Case C-29/16 of 4 May 2017](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2017/830 of 15 May 2017 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers which are banned from operating or are subject to operational restrictions within the Union**

[OJ of the EU, L 124/3 of 17 May 2017](#)

(Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/815 of 12 May 2017 **amending** Implementing Regulation (EU) 2015/1998 as regards **clarification, harmonisation and simplification of certain specific aviation security measures** (Text with EEA relevance)

[OJ of the EU, L 122/1 of 13 May 2017](#)

COMMISSION IMPLEMENTING DECISION (EU) 2017/759 of 28 April 2017 on the **common protocols and data formats to be used by air carriers when transferring PNR data to Passenger Information Units**

[OJ of the EU, L 113/48 of 29 April 2017](#)

Case Law

Case C-195/16: OPINION OF ADVOCATE GENERAL BOBEK of 16 May 2017 - Staatsanwaltschaft Offenburg v I - Request for a preliminary ruling from the Amtsgericht Kehl (Local Court, Kehl, Germany) - Reference for a preliminary ruling — **Transportation — Driving licence — Mutual recognition — Scope** — Temporary certificate issued by another Member State evidencing the right to drive on its territory — Criminal proceedings for failure to produce a driving licence — **Distinction between right to drive and driving licence — Nature of sanctions — Administrative or criminal**

[CURIA – Opinion of Advocate General in Case C-195/16 of 16 May 2017](#)

Case C-302/16: JUDGMENT OF THE COURT (Eighth Chamber) of 11 May 2017 - Bas Jacob Adriaan Krijgsman v Surinaamse Luchtvaart Maatschappij NV - REQUEST for a preliminary ruling under Article 267 TFEU from the rechtbank Noord-Nederland (District Court, Northern Region, Netherlands) - Reference for a preliminary ruling — **Air transport** — Regulation (EC) No 261/2004 — Article 5(1)(c) — **Compensation and assistance to passengers in the event of cancellation of a flight — Exemption from the obligation to pay compensation — Contract for carriage concluded through an online travel agent** — Air carrier having informed the travel agent in good time of a change to the scheduled time for the flight — **Travel agent having communicated that information to a passenger by email 10 days before the flight**

[CURIA – Judgment of the Court of Justice in Case C-302/16 of 11 May 2017](#)

Case C-434/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 11 May 2017 - Asociación Profesional Elite Taxi v Uber Systems Spain SL - Request for a preliminary ruling from the Juzgado de lo Mercantil No 3 de Barcelona (Commercial Court No 3 of Barcelona, Spain) - Reference for a preliminary ruling — **Services in the internal market — Passenger transport — Use of IT tools and a smartphone application — Unfair competition — Requirement for authorisation**

[CURIA – Opinion of Advocate General in Case C-434/15 of 11 May 2017](#)

Case C-315/15: JUDGMENT OF THE COURT (Third Chamber) of 4 May 2017 - Marcela Pešková and Jiří Peška v Travel Service a.s. - REQUEST for a preliminary ruling under Article 267 TFEU from the Obvodní soud pro Prahu 6 (Prague 6 District Court, Czech Republic) - Reference for a preliminary ruling — **Air transport** — Regulation (EC) No 261/2004 — Article 5(3) — **Compensation to passengers in the event of denied boarding and of cancellation or long delay of flights** — Scope — **Exemption from the obligation to pay compensation — Collision between an aircraft and a bird — Notion of ‘extraordinary circumstances’ — Notion of ‘reasonable measures’ to avoid extraordinary circumstances or the consequences thereof**

[CURIA – Judgment of the Court of Justice in Case C-315/15 of 4 May 2017](#)

Case C-701/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 3 May 2017 - Malpensa Logistica Europa SpA v SEA — Società Esercizi Aeroportuali SpA and Beta-Trans SpA - Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Regional Administrative Court of Lombardy, Italy) - **Public procurement — Transport — Exploitation of a geographical area for the purpose of making it available to air carriers at airports or other terminal facilities** — Directives 2004/17/EC and 96/67/EC — **National legislation not requiring any selection procedure for the allocation of areas within airports**

[CURIA – Opinion of Advocate General in Case C-701/15 of 3 May 2017](#)

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

Community Legislation

AGREEMENT under Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the **European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal** and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments

[OJ of the EU, L 128/1 of 19 May 2017](#)

COUNCIL IMPLEMENTING DECISION (EU) 2017/818 of 11 May 2017 **setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk**

[OJ of the EU, L 122/73 of 13 May 2017](#)

COMMISSION RECOMMENDATION (EU) 2017/820 of 12 May 2017 on **proportionate police checks and police cooperation in the Schengen area**

[OJ of the EU, L 122/79 of 13 May 2017](#)

Case Law

Case C-217/16: OPINION OF ADVOCATE GENERAL BOBEK of 17 May 2017 - European Commission v Dimos Zagoriou - Request for a preliminary ruling from the Monomeles Efeteio Athinon (Court of Appeal of Athens (single judge), Greece) - **Enforcement of Commission decision imposing a pecuniary obligation under Article 256 EC — Determination of competent court** — Capacity to be made a defendant in enforcement proceedings — **Principles of equivalence and effectiveness**

[CURIA – Opinion of Advocate General in Case C-217/16 of 17 May 2017](#)

Case C-562/14 P: JUDGMENT OF THE COURT (Fourth Chamber) of 11 May 2017 - Kingdom of Sweden, Darius Nicolai Spirlea and Mihaela Spirlea v European Commission, Federal Republic of Germany, Czech Republic, Kingdom of Denmark, Kingdom of Spain, and Republic of Finland - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Right of public access to documents** — Regulation (EC) No 1049/2001 — third indent of Article 4(2) — **Exceptions to the right of access to documents — Incorrect interpretation — Protection of the purpose of inspections, investigations and audits** — Overriding public interest justifying the disclosure of documents — **General presumption of confidentiality** — Documents relating to an EU Pilot procedure

[CURIA – Judgment of the Court of Justice in Case C-562/14 of 11 May 2017](#)

Case C-690/15: JUDGMENT OF THE COURT (Grand Chamber) of 10 May 2017 - Wencelas de Lobkowicz v Ministère des Finances et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the cour administrative d'appel de Douai (Administrative Court of Appeal, Douai, France) - Reference for a preliminary ruling — **Officials of the European Union — Staff Regulations — Compulsory affiliation to the social security scheme of the EU institutions** — Real estate income received in a Member State — **Liability to pay General Social Contribution, social levy and additional contributions under the law of a Member State** — Participating in the funding of the social security scheme of that Member State

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-690/15 du 10 mai 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

REFLECTION PAPER ON HARNESSING GLOBALISATION

[Brussels, 10.5.2017 - COM\(2017\) 240 final](#)