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# EU News: Click & Read

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European Documentation Centre

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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.

## Table of contents

1. EU-Swiss Relations .....	2
2. External Relations / Foreign Policy .....	2
3. Agriculture and Fisheries / Maritime Affairs .....	3
4. Audiovisual and Media and Information Society .....	4
5. Competition .....	5
6. Customs .....	6
7. Economic and Monetary Affairs, Taxation, Enterprise .....	6
8. Education, Training, Youth, Culture, Research and Innovation .....	10
9. Employment and Social Affairs .....	11
10. Energy and Environment .....	12
11. Food Safety, Public Health and Consumers .....	13
12. Human Rights .....	15
13. Internal Market and Single Market .....	16
14. Intellectual Property .....	18
15. Justice, Freedom and Security (incl. Judicial Cooperation) .....	20
16. Transport .....	22
17. Community Institutions, Principles and the Communities' own Resources .....	23

### Highlights

**REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on the **European Union trade mark (codification)** (Text with EEA relevance)  
[OJ of the EU, L 154/1 of 16 June 2017](#)

**REGULATION (EU) 2017/1129 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on the **prospectus to be published when securities are offered to the public or admitted to trading on a regulated market**, and repealing Directive 2003/71/EC (Text with EEA relevance)  
[OJ of the EU, L 168/12 of 30 June 2017](#)

**REGULATION (EU) 2017/1131 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on **money market funds** (Text with EEA relevance)  
[OJ of the EU, L 169/8 of 30 June 2017](#)

**DIRECTIVE (EU) 2017/1132 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 relating to **certain aspects of company law** (codification) (Text with EEA relevance)  
[OJ of the EU, L 169/46 of 30 June 2017](#)

Joined Cases C-444/16 and C-445/16: **JUDGMENT OF THE COURT (Ninth Chamber) of 15 June 2017 - Immo Chiaradia SPRL (C-444/16) and Docteur De Bruyne SPRL (C-445/16) v État belge** - REQUESTS for a preliminary ruling under Article 267 TFEU from the cour d'appel de Mons (Court of Appeal of Mons, Belgium) - Reference for a preliminary ruling — Directive 78/660/EEC — **Annual accounts of certain types of companies — Principle that a true and fair view must be given — Principle that valuation must be made on a prudent basis — Issuing company of a share option recognising the grant date price of the option in the course of the accounting year in which the option is exercised or at the end of its period of validity**  
[CURIA – Judgment of the Court of Justice in Case C-444/16 of 15 June 2017](#)

Case C-621/15: **JUDGMENT OF THE COURT (Second Chamber) of 21 June 2017 - N.W., L.W and C.W v Sanofi Pasteur MSD SNC, Caisse primaire d'assurance maladie des Hauts-de-Seine and Carpimko** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — Directive 85/374/EEC — **Liability for defective products — Article 4 — Pharmaceutical laboratories — Vaccination against hepatitis B — Multiple sclerosis — Proof of defect of vaccine and of causal link between the defect and the damage suffered — Burden of proof — Methods of proof — Lack of scientific consensus — Serious, specific and consistent evidence left to the discretion of the court ruling on the merits — Whether permissible — Conditions**  
[CURIA – Judgment of the Court of Justice in Case C-621/15 of 21 June 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-423/16 P: OPINION OF ADVOCATE GENERAL KOKOTT of 22 June 2017 – HX v Council of the European Union** - Appeal — **Common foreign and security policy — Restrictive measures against Syria** — Restrictive measures against a person listed in an annex to a decision — **Extension of the validity of that decision during proceedings before the General Court of the European Union** — Service of the extension decision — Acknowledgment of receipt — Proceedings before the General Court — Request to modify the application in the course of the hearing — Article 86 of the Rules of Procedure of the General Court — Bulgarian language version — Separate document — **Annulment by the General Court of the original decision placing the person concerned on the list — Expiry of the extension decision — Interest in bringing legal proceedings in relation to the modification of the application**

[CURIA – Opinion of Advocate General in Case C-423/16 of 22 June 2017](#)

**Case C-19/16 P: JUDGMENT OF THE COURT (Eighth Chamber) of 15 June 2017 - Al-Bashir Mohammed Al-Faqih, residing in Al Sharkasa, Misrata (Libya), Ghunia Abdrabbah, residing in Birmingham (United Kingdom), Taher Nasuf, residing in Manchester (United Kingdom) and Sanabel Relief Agency Ltd, established in Birmingham v European Commission and Council of the European Union** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy (CFSP) — Fight against terrorism** — Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban — Regulation (EC) No 881/2002 — **Freezing of funds and economic resources of natural and legal persons included in a list drawn up by the United Nations Sanctions Committee** — Re-listing of those persons in Annex I to Regulation No 881/2002 after annulment of the original listing — **Disappearance of the legal person in the course of the proceedings — Capacity to be a party to judicial proceedings**

[CURIA – Judgment of the Court of Justice in Case C-19/16 of 15 June 2017](#)

**Case C-205/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 1 June 2017 - SolarWorld AG v Council of the European Union** - Appeal — **Subsidies — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China — Definitive duties** — Undertaking — Admissibility — **Partial annulment — Severability**

[CURIA – Opinion of Advocate General in Case C-205/16 of 1 June 2017](#)

**Case C-204/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 1 June 2017 - SolarWorld AG v Council of the European Union** - Appeal — **Dumping — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China — Definitive duties** — Undertaking — Admissibility — **Partial annulment — Severability**

[CURIA – Opinion of Advocate General in Case C-204/16 of 1 June 2017](#)

**Case C-45/15 P: JUDGMENT OF THE COURT (Grand Chamber) of 30 May 2017 - Safa Nicu Sepahan Co., established in Isfahan (Iran) v Council of the European Union and United Kingdom of Great Britain and Northern Ireland** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Action for damages — Common foreign and security policy (CFSP) — Restrictive measures against the Islamic Republic of Iran** — List of persons and entities subject to the freezing of funds and economic resources — **Material damage — Non-material damage — Error of assessment in respect of the amount of compensation** — None — Cross-appeal — **Conditions governing the incurring of the European Union's non-contractual liability — Obligation to substantiate the restrictive measures — Sufficiently serious breach**

[CURIA – Judgment of the Court of Justice in Case C-45/15 of 30 May 2017](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Affaire C-279/16 P: ARRÊT DE LA COUR (sixième chambre) du 15 juin 2017 - Royaume d'Espagne contre Commission européenne and République de Lettonie** - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Recours en annulation – FEOGA, FEAGA et Feader – Dépenses exclues du financement de l'Union européenne – Dépenses effectuées par le Royaume d'Espagne** [CURIA – Arrêt de la Cour de Justice dans l'affaire C-279/16 du 15 juin 2017](#)

**Case C-513/15: JUDGMENT OF THE COURT (Fifth Chamber) of 15 June 2017 - 'Agrodetalė' UAB** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Internal market — EC type-approval — Directive 2003/37/EC — Scope — Agricultural or forestry tractors — Placement on the market and registration in the European Union of used or second-hand vehicles imported from a third country — Concepts of 'new vehicle' and 'entry into service'** [CURIA – Judgment of the Court of Justice in Case C-513/15 of 15 June 2017](#)

**Case C-422/16: JUDGMENT OF THE COURT (Seventh Chamber) of 14 June 2017 - Verband Sozialer Wettbewerb eV v TofuTown.com GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Trier (Regional Court, Trier, Germany) - Reference for a preliminary ruling — **Common organisation of the markets in agricultural products** — Regulation (EU) No 1308/2013 — Article 78 and Annex VII, Part III — Decision 2010/791/EU — **Definitions, designations and sales descriptions — 'Milk' and 'milk products' — Designations used for the promotion and marketing of purely plant-based products** [CURIA – Judgment of the Court of Justice in Case C-422/16 of 14 June 2017](#)

**Case C-268/16 P: OPINION OF ADVOCATE GENERAL BOBEK of 8 June 2017 - Binca Seafoods GmbH v European Commission** - Appeal — Regulation (EC) No 834/2007 — **Production and labelling of organic products** — Regulation (EC) No 889/2008 and Implementing Regulation (EU) No 1358/2014 — Interest to act — Notion of personal benefit [CURIA – Opinion of Advocate General in Case C-268/16 of 8 June 2017](#)

**Case C-289/16: OPINION OF ADVOCATE GENERAL TANCHEV of 8 June 2017 - Kamin und Grill Shop GmbH v Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main eV** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - Request for a preliminary ruling — **Agriculture — Organic products — Control system established under Regulation (EC) No 834/2007** — Article 28(2) of Regulation No 834/2007 — **Concept of direct sale to the final consumer – Exemption from control system** [CURIA – Opinion of Advocate General in Case C-289/16 of 8 June 2017](#)

**Case C-293/16: JUDGMENT OF THE COURT (Ninth Chamber) of 8 June 2017 - Sharda Europe BVBA v Administración del Estado and Syngenta Agro SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Agriculture — Placing of plant protection products on the market** — Directive 2008/69/EC — Article 3(2) — **Procedure for re-evaluation, by the Member States, of authorised plant protection products** — Time limit — **Divergence between the different language versions** [CURIA – Judgment of the Court of Justice in Case C-293/16 of 8 June 2017](#)

**Joined Cases C-52/16 and C-113/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 31 May 2017 - ‘SEGRO’ Kft. v Vas Megyei Kormányhivatal Sárvári Járási Földhivatala (C-52/16) and Günther Horváth v Vas Megyei Kormányhivatal (C-113/16)** - Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - References for a preliminary ruling — Article 49 TFEU — **Freedom of establishment** — Article 63 TFEU — **Free movement of capital — Indirect discrimination — Contractual usufructuary rights or rights of use in agricultural land — Prohibition of the acquisition of such rights by persons other than members of the close family of the owner of the agricultural land — Legislation prescribing the cancellation of such rights where that condition not satisfied** — No justification — **Infringement of national legislation on exchange control — Prevention of abusive practices — Prevention of property speculation** — Articles 17 and 47 of the Charter of Fundamental Rights of the European Union — **Inapplicability of the Charter of Fundamental Rights of the European Union independently of the question of infringement of the freedoms of movement**  
[CURIA – Opinion of Advocate General in Case C-52/16 of 31 May 2017](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

**REGULATION (EU) 2017/1128 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on **cross-border portability of online content services in the internal market** (Text with EEA relevance)  
[OJ of the EU, L 168/1 of 30 June 2017](#)

**REGULATION (EU) 2017/920 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 17 May 2017 **amending** Regulation (EU) No 531/2012 as regards **rules for wholesale roaming markets** (Text with EEA relevance)  
[OJ of the EU, L 147/1 of 9 June 2017](#)

### Case Law

**Case C-610/15: JUDGMENT OF THE COURT (Second Chamber) of 14 June 2017 - Stichting Brein v Ziggo BV and XS4ALL Internet BV** - 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 — **Intellectual and industrial property** — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights** — Article 3(1) — **Communication to the public — Definition — Online sharing platform — Sharing of protected files, without the consent of the rightholder**  
[CURIA – Judgment of the Court of Justice in Case C-610/15 of 14 June 2017](#)

**Case C-657/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - Viasat Broadcasting UK Ltd v TV2/Danmark A/S and European Commission** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures taken by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’** — Judgment in Altmark  
[CURIA – Opinion of Advocate General in Case C-657/15 of 30 May 2017](#)

**Case C-656/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - European Commission v TV2/Danmark A/S** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures implemented by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’**  
[CURIA – Opinion of Advocate General in Case C-656/15 of 30 May 2017](#)

**Case C-649/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - TV2/Danmark A/S v European Commission** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures implemented by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’** — Judgment in Altmark  
[CURIA – Opinion of Advocate General in Case C-649/15 of 30 May 2017](#)

## 5. Competition

### Case Law

**Case C-349/16: JUDGMENT OF THE COURT (Eighth Chamber) of 15 June 2017 - T.KUP SAS v Belgische Staat** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nederlandstalige rechtbank van eerste aanleg Brussel (Dutch-language Court of First Instance, Brussels, Belgium) - Reference for a preliminary ruling — **Dumping** — Regulation (EC) No 1472/2006 — **Imports of certain footwear with uppers of leather originating in China and Vietnam** — Validity of Implementing Regulation (EU) No 1294/2009 — **Expiry review of anti-dumping measures — Unrelated importers — Sampling — European Union interest**  
[CURIA – Judgment of the Court of Justice in Case C-349/16 of 15 June 2017](#)

**Case C-205/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 1 June 2017 - SolarWorld AG v Council of the European Union** - Appeal — **Subsidies — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People’s Republic of China — Definitive duties — Undertaking — Admissibility — Partial annulment — Severability**  
[CURIA – Opinion of Advocate General in Case C-205/16 of 1 June 2017](#)

**Case C-204/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 1 June 2017 - SolarWorld AG v Council of the European Union** - Appeal — **Dumping — Imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People’s Republic of China — Definitive duties — Undertaking — Admissibility — Partial annulment — Severability**  
[CURIA – Opinion of Advocate General in Case C-204/16 of 1 June 2017](#)

**Case C-228/16 P: JUDGMENT OF THE COURT (First Chamber) of 31 May 2017 - Dimosia Epicheirisi Ilektrismou AE (DEI), established in Athens (Greece) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid** — Decision to take no further action — Refusal by the European Commission to continue to examine the applicant’s complaint — **Lack of aid at the end of the preliminary examination stage — Purely confirmatory decision — Legal conditions for the withdrawal of a decision to take no further action**  
[CURIA – Judgment of the Court of Justice in Case C-228/16 of 31 May 2017](#)

**Case C-122/16 P: OPINION OF ADVOCATE GENERAL MENGZZI of 30 May 2017 - British Airways plc v European Commission** - Appeal — **Competition — Agreements, decisions and concerted practices** — Admissibility of appeal before the Court — Second paragraph of Article 21 and second paragraph of Article 56 of the Statute of the Court of Justice of the European Union — **Definition of ‘unsuccessful’** — Article 169(1) and Article 170(1) of the Rules of Procedure of the Court — **Principle of ne ultra petita — Public policy issue raised of the EU judiciary’s own motion** — Defective statement of reasons— **Limits on the EU Courts’ power of annulment — Principle of effective judicial protection**  
[CURIA – Opinion of Advocate General in Case C-122/16 of 30 May 2017](#)

**Case C-657/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - Viasat Broadcasting UK Ltd v TV2/Danmark A/S and European Commission** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures taken by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’** — Judgment in Altmark  
[CURIA – Opinion of Advocate General in Case C-657/15 of 30 May 2017](#)

**Case C-656/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - European Commission v TV2/Danmark A/S** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures implemented by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’**  
[CURIA – Opinion of Advocate General in Case C-656/15 of 30 May 2017](#)



**Case C-649/15 P: OPINION OF ADVOCATE GENERAL WATHELET of 30 May 2017 - TV2/Danmark A/S v European Commission** - Appeal — **State aid** — Article 107(1) TFEU — **Public-service broadcasting** — Measures implemented by the Danish authorities for the Danish broadcaster TV2/Danmark — **Concept of ‘aid granted by a Member State or through State resources’** — Judgment in Altmark  
[CURIA – Opinion of Advocate General in Case C-649/15 of 30 May 2017](#)

## 6. Customs

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/989** of 8 June 2017 **correcting and amending** Implementing Regulation (EU) 2015/2447 laying down **detailed rules for implementing certain provisions** of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the **Union Customs Code**

[OJ of the EU, L 149/19 of 13 June 2017](#)

### Case Law

**Case C-156/16: OPINION OF ADVOCATE GENERAL MENGZZI of 15 June 2017 - Tigers GmbH v Hauptzollamt Landshut** - Request for a preliminary ruling from the Finanzgericht München (Finance Court, Munich, Germany) - Reference for a preliminary ruling — Implementing Regulation (EU) No 412/2013 — **Rule making the application of individual anti-dumping duty rates conditional upon presentation of a valid commercial invoice** — **Community Customs Code** — Article 78 — Whether a valid commercial invoice may be presented retrospectively

[CURIA – Opinion of Advocate General in Case C-156/16 of 15 June 2017](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Community Legislation

**DIRECTIVE (EU) 2017/1132 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 relating to **certain aspects of company law** (codification) (Text with EEA relevance)

[OJ of the EU, L 169/46 of 30 June 2017](#)

**REGULATION (EU) 2017/1131 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on **money market funds** (Text with EEA relevance)

[OJ of the EU, L 169/8 of 30 June 2017](#)

**REGULATION (EU) 2017/1129 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 June 2017 on the **prospectus to be published when securities are offered to the public or admitted to trading on a regulated market**, and repealing Directive 2003/71/EC (Text with EEA relevance)

[OJ of the EU, L 168/12 of 30 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1158** of 29 June 2017 laying down **implementing technical standards** with regards to the **procedures and forms for competent authorities exchanging information with the European Securities Market Authority** as referred to in Article 33 of Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 167/22 of 30 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1147** of 28 June 2017 **amending** Implementing Regulation (EU) 2016/1368 establishing a **list of critical benchmarks used in financial markets** pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 166/32 of 29 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1111** of 22 June 2017 laying down **implementing technical standards** with regard to **procedures and forms for submitting information on sanctions and measures** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 162/14 of 23 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1110** of 22 June 2017 laying down **implementing technical standards** with regard to the **standard forms, templates and procedures for the authorisation of data reporting services providers and related notifications** pursuant to Directive 2014/65/EU of the European Parliament and of the Council on **markets in financial instruments** (Text with EEA relevance)

[OJ of the EU, L 162/3 of 23 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1105** of 12 June 2017 **establishing the forms** referred to in Regulation (EU) 2015/848 of the European Parliament and of the Council on **insolvency proceedings**

[OJ of the EU, L 160/1 of 22 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1093** of 20 June 2017 laying down **implementing technical standards with regard to the format of position reports by investment firms and market operators** (Text with EEA relevance)

[OJ of the EU, L 158/16 of 21 June 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/1018** of 29 June 2016 **supplementing Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments** with regard to **regulatory technical standards specifying information to be notified by investment firms, market operators and credit institutions** (Text with EEA relevance)

[OJ of the EU, L 155/1 of 17 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1005** of 15 June 2017 laying down **implementing technical standards** with regard to the **format and timing of the communications and the publication of the suspension and removal of financial instruments** pursuant to Directive 2014/65/EU of the European Parliament and of the Council on **markets in financial instruments** (Text with EEA relevance)

[OJ of the EU, L 153/1 of 16 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/988** of 6 June 2017 laying down **implementing technical standards** with regard to **standard forms, templates and procedures for cooperation arrangements in respect of a trading venue whose operations are of substantial importance in a host Member State** (Text with EEA relevance)

[OJ of the EU, L 149/3 of 13 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/981** of 7 June 2017 laying down **implementing technical standards** with regard to **standard forms, templates and procedures for the consultation of other competent authorities prior to granting an authorisation** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 148/16 of 10 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/980** of 7 June 2017 laying down **implementing technical standards** with regard to **standard forms, templates and procedures for cooperation in supervisory activities, for on-site verifications, and investigations and exchange of information between competent authorities** in accordance with Directive 2014/65/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 148/3 of 10 June 2017](#)

**COMMISSION DELEGATED REGULATION (EU) 2017/979** of 2 March 2017 **amending** Regulation (EU) No 648/2012 of the **European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to the list of exempted entities** (Text with EEA relevance)

[OJ of the EU, L 148/1 of 10 June 2017](#)

**COUNCIL DIRECTIVE (EU) 2017/952** of 29 May 2017 **amending** Directive (EU) 2016/1164 as regards **hybrid mismatches with third countries**  
[OJ of the EU, L 144/1 of 7 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/953** of 6 June 2017 laying down **implementing technical standards** with regard to the **format and the timing of position reports by investment firms and market operators of trading venues** pursuant to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments (Text with EEA relevance)  
[OJ of the EU, L 144/12 of 7 June 2017](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/954** of 6 June 2017 on the **extension of the transitional periods related to own funds requirements for exposures to central counterparties** set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 144/14 of 7 June 2017](#)

## Case Law

**Case C-20/16: JUDGMENT OF THE COURT (Tenth Chamber) of 22 June 2017 - Wolfram Bechtel and Marie-Laure Bechtel v Finanzamt Offenburg** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Freedom of movement of workers — Income received in a Member State other than the Member State of residence — Method of exemption with maintenance of progressivity in the Member State of residence — Pension and health insurance contributions levied on income received in a Member State other than the Member State of residence — Deduction of those contributions — Condition relating to the absence of a direct link with exempted tax revenues**  
[CURIA – Judgment of the Court of Justice in Case C-20/16 of 22 June 2017](#)

**Case C-249/16: JUDGMENT OF THE COURT (Third Chamber) of 15 June 2017 - Saale Kareda and Saisir du texte ici v Stefan Benkö** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters — Regulation (EU) No 1215/2012 — Article 7(1) — Concepts of ‘matters relating to a contract’ and of a ‘contract for the provision of services’ — Recourse claim between jointly and severally liable debtors under a credit agreement — Determination of the place of performance of the credit agreement**  
[CURIA – Judgment of the Court of Justice in Case C-249/16 of 15 June 2017](#)

**Joined Cases C-688/15 and C-109/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 15 June 2017 - Agnieška Anisimovienė and Others v BAB bankas Snoras and Indėlių ir investicijų draudimas VĮ (C-688/15) - Indėlių ir investicijų draudimas VĮ v Alvydas Raišelis (C-109/16)** - Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Supreme Court, Lithuania) - Preliminary ruling — **Deposit-guarantee and investor-compensation schemes — Directive 94/19/EC — Directive 97/9/EC — Definition of ‘deposit’ — Definition of ‘normal banking transaction’ — Definition of ‘money held on behalf of an investor in connection with investment business’ — Direct effect of Directive 94/19 and Directive 97/9 — Money transferred from personal bank accounts to an account opened in the name of a credit institution and to be used as payment for financial instruments issued by that institution**  
[CURIA – Opinion of Advocate General in Case C-688/15 of 15 June 2017](#)

**Case C-90/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 15 June 2017 - The English Bridge Union Limited v Commissioners for Her Majesty’s Revenue & Customs** - Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber) (United Kingdom) - Directive 2006/112/EC – **VAT — Article 132(1)(m) — Exemptions – Services closely linked to sport or physical education – Concept of ‘sport’ – Duplicate contract bridge**  
[CURIA – Opinion of Advocate General in Case C-90/16 of 15 June 2017](#)



**Joined Cases C-444/16 and C-445/16: JUDGMENT OF THE COURT (Ninth Chamber) of 15 June 2017 - Immo Chiaradia SPRL (C-444/16) and Docteur De Bruyne SPRL (C-445/16) v État belge** - REQUESTS for a preliminary ruling under Article 267 TFEU from the cour d'appel de Mons (Court of Appeal of Mons, Belgium) - Reference for a preliminary ruling — Directive 78/660/EEC — **Annual accounts of certain types of companies — Principle that a true and fair view must be given — Principle that valuation must be made on a prudent basis — Issuing company of a share option recognising the grant date price of the option in the course of the accounting year in which the option is exercised or at the end of its period of validity**

[CURIA – Judgment of the Court of Justice in Case C-444/16 of 15 June 2017](#)

**Case C-38/16: JUDGMENT OF THE COURT (Fourth Chamber) of 14 June 2017 - Compass Contract Services Limited v Commissioners for Her Majesty's Revenue and Customs** - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber, United Kingdom) - Reference for a preliminary ruling — **Value added tax (VAT) — Repayment of overpaid VAT — Right to deduct VAT — Procedures — Principles of equal treatment and fiscal neutrality — Principle of effectiveness — National legislation introducing a limitation period**

[CURIA – Judgment of the Court of Justice in Case C-38/16 of 14 June 2017](#)

**Case C-678/15: JUDGMENT OF THE COURT (Fourth Chamber) of 14 June 2017 - Mohammad Zadeh Khorassani v Kathrin Pflanz** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - References for a preliminary ruling — Directive 2004/39/EC — **Markets in financial instruments — Article 4(1)(2) — Definition of 'investment services' — point 1 of Section A of Annex I — Reception and transmission of orders in relation to one or more financial instruments — Potential inclusion of brokering with a view to concluding a portfolio management contract**

[CURIA – Judgment of the Court of Justice in Case C-678/15 of 14 June 2017](#)

**Case C-26/16: JUDGMENT OF THE COURT (Ninth Chamber) of 14 June 2017 - Santogal M-Comércio e Reparação de Automóveis Lda v Autoridade Tributária e Aduaneira** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Tax Arbitration Tribunal (Centre for Administrative Arbitration), Portugal) - Reference for a preliminary ruling — **Value added tax (VAT) — Directive 2006/112/EC — Article 138(2)(a) — Conditions for the grant of the exemption for an intra-Community supply of a new means of transport — Purchaser's residence in the Member State of destination — Temporary registration in the Member State of destination — Risk of tax evasion — Good faith of the vendor — Obligation of diligence on the part of the vendor**

[CURIA – Judgment of the Court of Justice in Case C-26/16 of 14 June 2017](#)

**Case C-246/16: OPINION OF ADVOCATE GENERAL KOKOTT of 8 June 2017 - Enzo Di Maura v Agenzia delle Entrate — Direzione Provinciale di Siracusa** - Request for a preliminary ruling from the Commissione tributaria provinciale di Siracusa (Provincial Finance Court, Syracuse (Italy)) - Reference for a preliminary ruling — **VAT legislation — Restriction of the right to reduce the taxable amount in the event of non-payment by the other party to the contract (second sentence of Article 11 Part C(1) of the Sixth VAT Directive 77/388/EEC and Article 90(2) of Directive 2006/112/EC) — Scope for implementation by the Member States — Proportionality of the period of pre-financing by the trader**

[CURIA – Opinion of Advocate General in Case C-246/16 of 8 June 2017](#)

**Case C-580/15: JUDGMENT OF THE COURT (Fifth Chamber) of 8 June 2017 - Maria Eugenia Van der Weegen, Miguel Juan Van der Weegen and Anna Pot acting as successors in title to Johannes Van der Weegen deceased and Anna Pot v Belgische Staat** - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank van eerste aanleg, West-Vlaanderen, afdeling Brugge (Court of First Instance for West Flanders, Bruges Division, Belgium) - Reference for a preliminary ruling — Article 56 TFEU — Article 36 of the Agreement on the European Economic Area — **Tax legislation — Income tax — Tax exemption reserved to interest payments by banks complying with certain statutory conditions — Indirect discrimination — Banks established in Belgium and banks established in another Member State**

[CURIA – Judgment of the Court of Justice in Case C-580/15 of 8 June 2017](#)

**Case C-571/15: JUDGMENT OF THE COURT (Fifth Chamber) of 1 June 2017 - Wallenborn Transports SA v Hauptzollamt Gießen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hessisches Finanzgericht (Finance Court, Hesse, Germany) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — External transit procedure — Goods transported through a free port located in a Member State — Legislation of that Member State excluding free ports from its national fiscal territory** — Removal from customs supervision — Incurrence of a customs debt and chargeability of VAT  
[CURIA – Judgment of the Court of Justice in Case C-571/15 of 1 June 2017](#)

**Case C-330/16: JUDGMENT OF THE COURT (Ninth Chamber) of 1 June 2017 - Piotr Zarski v Andrzej Stadnicki** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Warszawie (Regional Court, Warsaw, Poland) - Reference for a preliminary ruling — **Combating late payments in commercial transactions — Directive 2011/7/EU — Commercial lease contracts of indefinite duration — Late rent payments — Contracts concluded before the period for transposing that directive had expired** — National rules — **Exclusion of such contracts from the temporal scope of that directive**  
[CURIA – Judgment of the Court of Justice in Case C-330/16 of 1 June 2017](#)

**Joined Cases C-215/16, C-216/16, C-220/16 and C-221/16: OPINION OF ADVOCATE GENERAL KOKOTT of 1 June 2017 - Elecdey Carcelén SA (C-215/16), Energías Eólicas de Cuenca SA (C-216/16), Ibernova Promociones SAU (C-220/16) and Iberdrola Renovables Castilla La Mancha SA (C-221/16) – v Comunidad Autónoma de Castilla-La Mancha** - Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castilla-La Mancha, Spain) - Reference for a preliminary ruling — **Environment — Wind power — Directive 2009/28/EC — Promotion of the use of energy from renewable sources — Directive 2008/118/EC — General arrangements for excise duty — Directive 2003/96/EC — Taxation of energy products and electricity — Regional levy on wind power plants ('canon eólico')**  
[CURIA – Opinion of Advocate General in Case C-215/16 of 1 June 2017](#)

**Case C-101/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 31 May 2017 - SC Paper Consult SRL v Direcția Regională a Finanțelor Publice Cluj-Napoca and Administrația Județeană a Finanțelor Publice Bistrița Năsăud** - Reference for a preliminary ruling from the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) - Reference for a preliminary ruling — Admissibility — Directive 2006/112/EC — **Taxation — Right to deduct value added tax (VAT) — Refusal — Invoices issued by a taxpayer declared inactive by the tax authorities — List of taxpayers declared inactive** — Risk of tax evasion Limitation of the temporal effects of the judgment to be delivered  
[CURIA – Opinion of Advocate General in Case C-101/16 of 31 May 2017](#)

**Case C-164/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 31 May 2017 - Commissioners for Her Majesty's Revenue & Customs v Mercedes-Benz Financial Services UK Ltd** - Request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) (United Kingdom) - Reference for a preliminary ruling — **VAT — Directive 2006/112/EC — Article 14(2)(b) — Supply of goods — Leasing agreement with an option to purchase in return for payment of a substantial amount**  
[CURIA – Opinion of Advocate General in Case C-164/16 of 31 May 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

### Case Law

**Case C-126/16: JUDGMENT OF THE COURT (Third Chamber) of 22 June 2017 - Federatie Nederlandse Vakvereniging, Karin van den Burg-Vergeer, Lyoba Tanja Alida Kukupessy, Danielle Paase-Teeuwen and Astrid Johanna Geertruda Petronelle Schenk v Smallsteps BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Midden-Nederland (District Court, Central Netherlands) - Reference for a preliminary ruling — Directive 2001/23/EC — Articles 3 to 5 — **Transfers of undertakings — Safeguarding of employees' rights — Exceptions — Insolvency proceedings — 'Pre-pack' — Survival of an undertaking**  
[CURIA – Judgment of the Court of Justice in Case C-126/16 of 22 June 2017](#)

**Case C-20/16: JUDGMENT OF THE COURT (Tenth Chamber) of 22 June 2017 - Wolfram Bechtel and Marie-Laure Bechtel v Finanzamt Offenburg** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Freedom of movement of workers — Income received in a Member State other than the Member State of residence — Method of exemption with maintenance of progressivity in the Member State of residence — Pension and health insurance contributions levied on income received in a Member State other than the Member State of residence — Deduction of those contributions — Condition relating to the absence of a direct link with exempted tax revenues**  
[CURIA – Judgment of the Court of Justice in Case C-20/16 of 22 June 2017](#)

**Case C-449/16: JUDGMENT OF THE COURT (Seventh Chamber) of 21 June 2017 - Kerly Del Rosario Martinez Silva v Istituto nazionale della previdenza sociale (INPS) and Comune di Genova** - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte d'appello di Genova (Court of Appeal, Genoa, Italy) - Reference for a preliminary ruling — **Social security — Regulation (EC) No 883/2004 — Article 3 — Family benefits — Directive 2011/98/EU — Article 12 — Right to equal treatment — Third-country nationals holding single permits**  
[CURIA – Judgment of the Court of Justice in Case C-449/16 of 21 June 2017](#)

**Case C-306/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 June 2017 - António Fernando Maio Marques da Rosa v Varzim Sol — Turismo, Jogo e Animação SA** - Request for a preliminary ruling from the Tribunal da Relação do Porto (Court of Appeal of Oporto, Portugal) - Reference for a preliminary ruling — **Protection of the health and safety of workers — Directive 2003/88 — Article 5 — Weekly rest period — National legislation providing for at least one rest day in each period of seven days — Shift work — Period of more than six consecutive working days**  
[CURIA – Opinion of Advocate General in Case C-306/16 of 21 June 2017](#)

**Case C-258/14: JUDGMENT OF THE COURT (Grand Chamber) of 13 June 2017 - Eugenia Florescu, Ioan Poiană, Cosmina Diaconu, acting in her capacity as an heir of Mircea Bădilă, Anca Vidrighin, acting in her capacity as an heir of Mircea Bădilă and Eugenia Elena Bădilă, acting in her capacity as an heir of Mircea Bădilă v Casa Județeană de Pensii Sibiu, Casa Națională de Pensii și alte Drepturi de Asigurări Sociale, Ministerul Muncii, Familiei și Protecției Sociale and Statul roman** - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Alba Iulia (Court of Appeal, Alba Iulia, Romania) - Reference for a preliminary ruling — Article 143 TFEU — **Difficulties as regards the balance of payments of a Member State — Financial assistance from the European Union — Memorandum of Understanding concluded between the European Union and the Member State in receipt of the assistance — Social policy — Principle of equal treatment** — National legislation prohibiting the combining of a public retirement pension with employment income from a professional activity carried out in a public institution — **Different treatment of persons occupying posts whose term is laid down in the Constitution and of professional judges and law officers**  
[CURIA – Judgment of the Court of Justice in Case C-258/14 of 13 June 2017](#)

**Case C-214/16: OPINION OF ADVOCATE GENERAL TANCHEV of 8 June 2017 - C. King v The Sash Window Workshop Ltd and Richard Dollar** - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Social Policy** — Article 7 of Directive 2003/88/EC and the right to paid annual leave — **Article 31 of the EU Charter of Fundamental Rights in horizontal disputes between two private parties — Absence of a facility for the full duration of the employment relationship for exercise of the right to paid annual leave — Member State law requiring workers to first take leave before being able to ascertain if the leave will be paid** — Article 7(2) of Directive 2003/88 and the right to an allowance in lieu of leave untaken upon termination of the employment relationship — **right to an effective remedy**  
[CURIA – Opinion of Advocate General in Case C-214/16 of 8 June 2017](#)

**Case C-125/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 1 June 2017 - Malta Dental Technologists Association and John Salomone Reynaud v Superintendent tas-Saħħa Pubblika and Kunsill tal-Professjonijiet Kumplimentari għall-Mediċina** - Request for a preliminary ruling from the Prim'Awla tal-Qorti Ċivili (First Hall of the Civil Court, Malta) - Reference for a preliminary ruling — **Recognition of professional qualifications — Regulated profession — Clinical dental technologist — Conditions governing the practice of a professional activity — Obligation to practise under the supervision of a dentist** — Freedom of establishment — **Obstacle — Justification — Protection of public health** — Principle of proportionality  
[CURIA – Opinion of Advocate General in Case C-125/16 of 1 June 2017](#)

**Case C-420/15: JUDGMENT OF THE COURT (Fifth Chamber) of 31 May 2017 - U** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking), Belgium) - Reference for a preliminary ruling — Article 45 TFEU — **Freedom of movement for workers — Obligation to register a vehicle belonging to a person resident in Belgium and intended to be used in Italy**  
[CURIA – Judgment of the Court of Justice in Case C-420/15 of 31 May 2017](#)

## 10. Energy and Environment

### International Agreements

**COUNCIL DECISION (EU) 2017/938** of 23 September 2013 on the **signing**, on behalf of the European Union, of the **Minamata Convention on Mercury**  
[OJ of the EU, L 142/2 of 2 June 2017](#)

**COUNCIL DECISION (EU) 2017/939** of 11 May 2017 on the **conclusion** on behalf of the European Union of the **Minamata Convention on Mercury**  
[OJ of the EU, L 142/4 of 2 June 2017](#)

### Case Law

**Case C-549/15: JUDGMENT OF THE COURT (Second Chamber) of 22 June 2017 - E.ON Biofor Sverige AB v Statens energimyndighet** - REQUEST for a preliminary ruling under Article 267 TFEU from the Förvaltningsrätten i Linköping (Administrative Court, Linköping, Sweden) - Reference for a preliminary ruling — **Promotion of energy from renewable sources — Biofuels for transport** — Directive 2009/28/EC — Article 18(1) — **'Mass balance' system to ensure that biogas meets the prescribed sustainability criteria — Validity** — Articles 34 and 114 TFEU — **National rules requiring the mass balance to be achieved within a location with a clear boundary — Practice of the competent national authority to accept that that condition may be satisfied where sustainable biogas is transported using the national gas network** — Order of that authority stating that that condition cannot be satisfied where sustainable biogas is imported from other Member States via interconnected national gas networks — **Free movement of goods**  
[CURIA – Judgment of the Court of Justice in Case C-549/15 of 22 June 2017](#)

**Case C-436/15: JUDGMENT OF THE COURT (Third Chamber) of 15 June 2017 - Lietuvos Respublikos aplinkos ministerijos Aplinkos projektų valdymo agentūra v 'Alytaus regiono atliekų tvarkymo centras' UAB, Lietuvos Respublikos finansų ministerija, 'Skirnuva' UAB, 'Parama' UAB, 'Alkesta' UAB and 'Dzūkijos statyba' UAB** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Protection of the European Union's financial interests** — Regulation (EC, Euratom) No 2988/95 — Article 3(1) — **Funding from the Cohesion Fund — Project for the development of a regional waste management system** — Irregularities — **Concept of 'multiannual programme' — Definitive termination of a multiannual programme — Limitation period**  
[CURIA – Judgment of the Court of Justice in Case C-436/15 of 15 June 2017](#)

**Case C-281/16: OPINION OF ADVOCATE GENERAL KOKOTT of 15 June 2017 - Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken** - Request for a preliminary ruling from the Raad van State (Council of State, Netherlands) - **Environmental law** — Directive 92/43/EEC — **Conservation of natural habitats and of wild fauna and flora — List of sites of Community importance for the Atlantic biogeographical region** — Validity of placing the Haringvliet site on the list of sites of Community importance without including the Leenheerenpolder — **Reduction of the area of the site — Potential areas for restoration**  
[CURIA – Opinion of Advocate General in Case C-281/16 of 15 June 2017](#)

**Joined Cases C-215/16, C-216/16, C-220/16 and C-221/16: OPINION OF ADVOCATE GENERAL KOKOTT of 1 June 2017 - Elecdey Carcelén SA (C-215/16), Energías Eólicas de Cuenca SA (C-216/16), Ibernova Promociones SAU (C-220/16) and Iberdrola Renovables Castilla La Mancha SA (C-221/16) – v Comunidad Autónoma de Castilla-La Mancha** - Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castilla-La Mancha, Spain) - Reference for a preliminary ruling — **Environment — Wind power** — Directive 2009/28/EC — **Promotion of the use of energy from renewable sources** — Directive 2008/118/EC — **General arrangements for excise duty** — Directive 2003/96/EC — **Taxation of energy products and electricity — Regional levy on wind power plants ('canon eólico')**  
[CURIA – Opinion of Advocate General in Case C-215/16 of 1 June 2017](#)

**Case C-529/15: JUDGMENT OF THE COURT (First Chamber) of 1 June 2017 - Gert Folk** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — **Environmental liability** — Directive 2004/35/EC — Article 17 — **Temporal scope of application — Operation of a hydroelectric power plant put into operation before the period for transposing that directive had expired** — Article 2(1)(b) — **Concept of 'environmental damage'** — National law excluding all damage covered by an authorisation — Article 12(1) — **Access to justice in environmental matters — Locus standi** — Directive 2000/60/EC — Article 4(7) — Direct effect  
[CURIA – Judgment of the Court of Justice in Case C-529/15 of 1 June 2017](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-621/15: JUDGMENT OF THE COURT (Second Chamber) of 21 June 2017 - N.W, L.W and C.W v Sanofi Pasteur MSD SNC, Caisse primaire d'assurance maladie des Hauts-de-Seine and Carpimko** - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (France) - Reference for a preliminary ruling — Directive 85/374/EEC — **Liability for defective products** — Article 4 — **Pharmaceutical laboratories — Vaccination against hepatitis B — Multiple sclerosis — Proof of defect of vaccine and of causal link between the defect and the damage suffered — Burden of proof — Methods of proof — Lack of scientific consensus — Serious, specific and consistent evidence left to the discretion of the court ruling on the merits** — Whether permissible — Conditions  
[CURIA – Judgment of the Court of Justice in Case C-621/15 of 21 June 2017](#)



**Case C-75/16: JUDGMENT OF THE COURT (First Chamber) of 14 June 2017 - Livio Menini and Maria Antonia Rampanelli v Banco Popolare Società Cooperativa** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Ordinario di Verona (Verona District Court, Italy) - Reference for a preliminary ruling — **Consumer protection — Alternative dispute resolution (ADR) procedures** — Directive 2008/52/EC — Directive 2013/11/EU — Article 3(2) — **Applications by consumers to set an order aside in the context of payment order proceedings instituted by a credit institution — Right of access to the judicial system** — National legislation providing for mandatory recourse to a mediation procedure — **Obligation to be assisted by a lawyer — Condition for the admissibility of proceedings before the courts**  
[CURIA – Judgment of the Court of Justice in Case C-75/16 of 14 June 2017](#)

**Case C-296/15: JUDGMENT OF THE COURT (Third Chamber) of 8 June 2017 - Medisanus d.o.o. v Splošna Bolnišnica Murska Sobota** - REQUEST for a preliminary ruling under Article 267 TFEU from the Državna revizijska komisija za revizijo postopkov oddaje javnih naročil (State Public Procurement Tribunal, Slovenia) - Reference for a preliminary ruling — **Public procurement — Medicinal products for human use** — Directive 2004/18/EC — Article 2 and Article 23(2) and (8) — Articles 34 and 36 TFEU — **Public contract for supplying a hospital — National legislation requiring that hospitals are to be supplied as a matter of priority with medicinal products obtained from national plasma** — Principle of equal treatment  
[CURIA – Judgment of the Court of Justice in Case C-296/15 of 8 June 2017](#)

**Affaire C-296/16P: ARRÊT DE LA COUR (huitième chambre) du 8 juin 2017 - Dextro Energy GmbH & Co. KG, établie à Krefeld (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 — **Protection des consommateurs** — Règlement (CE) no 1924/2006 — **Allégations de santé portant sur les denrées alimentaires, autres que celles faisant référence à la réduction du risque de maladie ainsi qu'au développement et à la santé des enfants** — Rejet de la demande d'inscription de certaines allégations malgré l'avis positif de l'Autorité européenne de sécurité des aliments (EFSA)  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-296/16 du 8 juin mai 2017](#)

**Case C-125/16: OPINION OF ADVOCATE GENERAL MENGOZZI of 1 June 2017 - Malta Dental Technologists Association and John Salomone Reynaud v Superintendent tas-Saħħa Pubblika and Kunsill tal-Professjonijiet Kumplimentari għall-Medicina** - Request for a preliminary ruling from the Prim'Awla tal-Qorti Ċivili (First Hall of the Civil Court, Malta) - Reference for a preliminary ruling — **Recognition of professional qualifications — Regulated profession — Clinical dental technologist — Conditions governing the practice of a professional activity — Obligation to practise under the supervision of a dentist** — Freedom of establishment — **Obstacle — Justification — Protection of public health** — Principle of proportionality  
[CURIA – Opinion of Advocate General in Case C-125/16 of 1 June 2017](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**COMMISSION RECOMMENDATION (EU) 2017/1140** of 23 June 2017 on **personal data that may be exchanged through the Early Warning and Response System (EWRS)** established pursuant to Decision No 1082/2013/EU of the European Parliament and of the Council for the **purposes of the coordination of contact tracing measures in relation to serious cross-border threats to health** (notified under document C(2017) 4197) (Text with EEA relevance)  
[OJ of the EU, L 164/65 of 27 June 2017](#)

## 12. Human Rights

### Case Law

**Case C-587/15: JUDGMENT OF THE COURT (First Chamber) of 15 June 2017 - Lietuvos Respublikos transporto priemonių draudikų biuras v Gintaras Dockeyvičius and Jurgita Dockeyvičienė** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania) - Reference for a preliminary ruling — **Insurance against civil liability in respect of motor vehicles — Accident occurring in 2006 between vehicles normally based in different Member States — Internal Regulations of the Council of Bureaux of national insurers of the Member States — Lack of jurisdiction of the Court** — Directive 2009/103/EC — Not applicable *ratione temporis* — Directives 72/166/EEC, 84/5/EEC and 2000/26/EC — Not applicable *ratione materiae* — **Article 47 of the Charter of Fundamental Rights of the European Union — Inapplicability — Failure to implement EU law**

[CURIA – Judgment of the Court of Justice in Case C-587/15 of 15 June 2017](#)

**Affaire C-181/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 15 juin 2017 - Sadikou Gnandi contre État belge** - demande de décision préjudicielle formée par le Conseil d'État (Belgique) - Renvoi préjudiciel – Directive 2008/115/CE – **Retour des ressortissants de pays tiers en séjour irrégulier – Ordre de quitter le territoire – Délivrance dès le rejet de la demande d'asile et avant épuisement des voies de recours juridictionnelles**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-181/16 du 15 juin 2017](#)

**Case C-685/15: JUDGMENT OF THE COURT (Second Chamber) of 14 June 2017 - Online Games Handels GmbH, Frank Breuer, Nicole Enter and Astrid Walden v Landespolizeidirektion Oberösterreich** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Oberösterreich (Upper Austria Regional Administrative Court, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Freedom of establishment — Article 56 TFEU — **Freedom to provide services — Games of chance — Restrictive legislation of a Member State — Penal administrative sanctions** — Overriding reasons in the public interest — Proportionality — **Charter of Fundamental Rights of the European Union — Article 47 — Right to effective judicial protection — National legislation laying down the requirement for the court to examine of its own motion the facts of the case before it in the context of the prosecution of administrative offences — Compliance**

[CURIA – Judgment of the Court of Justice in Case C-685/15 of 14 June 2017](#)

**Case C-214/16: OPINION OF ADVOCATE GENERAL TANCHEV of 8 June 2017 - C. King v The Sash Window Workshop Ltd and Richard Dollar** - Request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) (United Kingdom) - **Social Policy** — Article 7 of Directive 2003/88/EC and the right to paid annual leave — **Article 31 of the EU Charter of Fundamental Rights in horizontal disputes between two private parties — Absence of a facility for the full duration of the employment relationship for exercise of the right to paid annual leave — Member State law requiring workers to first take leave before being able to ascertain if the leave will be paid** — Article 7(2) of Directive 2003/88 and the right to an allowance in lieu of leave untaken upon termination of the employment relationship — **right to an effective remedy**

[CURIA – Opinion of Advocate General in Case C-214/16 of 8 June 2017](#)

**Case C-490/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 8 June 2017 - A.S. v Republic of Slovenia** - Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije (Supreme Court of the Republic of Slovenia) and Case C-646/16 – Jafari - Request for a preliminary ruling from the Verwaltungsgerichtshof Wien (Supreme Administrative Court, Vienna) (Austria) - Area of freedom, security and justice – **Borders, asylum and immigration – Determination of the Member State responsible for examining a third-country national's application for asylum – Criteria for determining the Member State responsible for examining applications for international protection** – Interpretation of Articles 12, 13 and 14 of Regulation (EU) No 604/2013 – Interpretation of Article 5(4)(c) of Regulation (EC) No 562/2006

[CURIA – Opinion of Advocate General in Case C-490/16 of 8 June 2017](#)

**Joined Cases C-52/16 and C-113/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 31 May 2017 - ‘SEGRO’ Kft. v Vas Megyei Kormányhivatal Sárvári Járási Földhivatala (C-52/16) and Günther Horváth v Vas Megyei Kormányhivatal (C-113/16)** - Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - References for a preliminary ruling — Article 49 TFEU — **Freedom of establishment** — Article 63 TFEU — **Free movement of capital** — **Indirect discrimination** — **Contractual usufructuary rights or rights of use in agricultural land** — **Prohibition of the acquisition of such rights by persons other than members of the close family of the owner of the agricultural land** — **Legislation prescribing the cancellation of such rights where that condition not satisfied** — No justification — **Infringement of national legislation on exchange control** — **Prevention of abusive practices** — **Prevention of property speculation** — Articles 17 and 47 of the Charter of Fundamental Rights of the European Union — **Inapplicability of the Charter of Fundamental Rights of the European Union independently of the question of infringement of the freedoms of movement**  
[CURIA – Opinion of Advocate General in Case C-52/16 of 31 May 2017](#)

## 13. Internal Market and Single Market

### Community Legislation

**REGULATION (EU) 2017/1128 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on cross-border portability of online content services in the internal market** (Text with EEA relevance)  
[OJ of the EU, L 168/1 of 30 June 2017](#)

### Case Law

**Case C-49/16: JUDGMENT OF THE COURT (First Chamber) of 22 June 2017 - Unibet International Ltd. V Nemzeti Adó- és Vámhivatal Központi Hivatala** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Administrative and Labour Court, Hungary) - Reference for a preliminary ruling — **Freedom to provide services** — **Restrictions** — **Conditions for the award of a concession for the organisation of online games of chance** — Practical impossibility of obtaining such a licence for private operators established in other Member States  
[CURIA – Judgment of the Court of Justice in Case C-49/16 of 22 June 2017](#)

**Case C-549/15: JUDGMENT OF THE COURT (Second Chamber) of 22 June 2017 - E.ON Biofor Sverige AB v Statens energimyndighet** - REQUEST for a preliminary ruling under Article 267 TFEU from the Förvaltningsrätten i Linköping (Administrative Court, Linköping, Sweden) - Reference for a preliminary ruling — **Promotion of energy from renewable sources** — **Biofuels for transport** — Directive 2009/28/EC — Article 18(1) — **‘Mass balance’ system to ensure that biogas meets the prescribed sustainability criteria** — **Validity** — Articles 34 and 114 TFEU — **National rules requiring the mass balance to be achieved within a location with a clear boundary** — **Practice of the competent national authority to accept that that condition may be satisfied where sustainable biogas is transported using the national gas network** — Order of that authority stating that that condition cannot be satisfied where sustainable biogas is imported from other Member States via interconnected national gas networks — **Free movement of goods**  
[CURIA – Judgment of the Court of Justice in Case C-549/15 of 22 June 2017](#)

**Affaire C-178/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 21 juin 2017 - IMPRESA DI COSTRUZIONI ING. E. MANTOVANI ET GUERRATO et Guerrato S.p.A. contre Province autonome de Bolzano, Agenzia per i procedimenti e la vigilanza in materia di contratti pubblici di lavori servizi e forniture (ACP), Autorità nazionale anticorruzione (ANAC), Società Italiana per Condotte d’Acqua S.p.A. et Inso Sistemi per le Infrastrutture Sociali S.p.A** - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d’État, Italie) - **Marchés publics** — **Déclaration relative à l’absence de condamnations pénales définitives d’anciens administrateurs de la société soumissionnaire** — **Obligation incombant à la société de démontrer, sous peine d’exclusion, qu’elle se dissocie totalement et effectivement de la conduite de l’ancien administrateur** — Appréciation par le pouvoir adjudicateur des exigences relatives à cette obligation  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-178/16 du 21 juin 2017](#)

**Case C-368/15: JUDGMENT OF THE COURT (Sixth Chamber) of 15 June 2017 - Ilves Jakelu Oy v Liikenne- ja viestintäministeriö** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — Directive 97/67/EC — Article 9 — **Freedom to provide services — Postal services — Notions of universal service and essential requirements — General and individual authorisations — Authorisation to provide postal services under individually negotiated contracts — Conditions imposed**

[CURIA – Judgment of the Court of Justice in Case C-368/15 of 15 June 2017](#)

**Case C-513/15: JUDGMENT OF THE COURT (Fifth Chamber) of 15 June 2017 - ‘Agrodetalė’ UAB** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Internal market — EC type-approval — Directive 2003/37/EC — Scope — Agricultural or forestry tractors — Placement on the market and registration in the European Union of used or second-hand vehicles imported from a third country — Concepts of ‘new vehicle’ and ‘entry into service’**

[CURIA – Judgment of the Court of Justice in Case C-513/15 of 15 June 2017](#)

**Case C-678/15: JUDGMENT OF THE COURT (Fourth Chamber) of 14 June 2017 - Mohammad Zadeh Khorassani v Kathrin Pflanz** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - References for a preliminary ruling — Directive 2004/39/EC — **Markets in financial instruments — Article 4(1)(2) — Definition of ‘investment services’ — point 1 of Section A of Annex I — Reception and transmission of orders in relation to one or more financial instruments — Potential inclusion of brokering with a view to concluding a portfolio management contract**

[CURIA – Judgment of the Court of Justice in Case C-678/15 of 14 June 2017](#)

**Case C-685/15: JUDGMENT OF THE COURT (Second Chamber) of 14 June 2017 - Online Games Handels GmbH, Frank Breuer, Nicole Enter and Astrid Walden v Landespolizeidirektion Oberösterreich** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Oberösterreich (Upper Austria Regional Administrative Court, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Freedom of establishment — Article 56 TFEU — **Freedom to provide services — Games of chance — Restrictive legislation of a Member State — Penal administrative sanctions — Overriding reasons in the public interest — Proportionality — Charter of Fundamental Rights of the European Union — Article 47 — Right to effective judicial protection — National legislation laying down the requirement for the court to examine of its own motion the facts of the case before it in the context of the prosecution of administrative offences — Compliance**

[CURIA – Judgment of the Court of Justice in Case C-685/15 of 14 June 2017](#)

**Case C-422/16: JUDGMENT OF THE COURT (Seventh Chamber) of 14 June 2017 - Verband Sozialer Wettbewerb eV v TofuTown.com GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Trier (Regional Court, Trier, Germany) - Reference for a preliminary ruling — **Common organisation of the markets in agricultural products — Regulation (EU) No 1308/2013 — Article 78 and Annex VII, Part III — Decision 2010/791/EU — Definitions, designations and sales descriptions — ‘Milk’ and ‘milk products’ — Designations used for the promotion and marketing of purely plant-based products**

[CURIA – Judgment of the Court of Justice in Case C-422/16 of 14 June 2017](#)

**Case C-591/15: JUDGMENT OF THE COURT (Grand Chamber) of 13 June 2017 - The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited v Commissioners for Her Majesty’s Revenue and Customs, Her Majesty’s Treasury and Her Majesty’s Government of Gibraltar** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen’s Bench Division (Administrative Court), United Kingdom - Reference for a preliminary ruling — Article 355(3) TFEU — **Status of Gibraltar — Article 56 TFEU — Freedom to provide services — Purely internal situation — Inadmissibility**

[CURIA – Judgment of the Court of Justice in Case C-591/15 of 13 June 2017](#)

**Case C-322/16: OPINION OF ADVOCATE GENERAL WAHL of 8 June 2017 - Global Starnet Ltd v Ministero dell'Economia e delle Finanze and Amministrazione Autonoma Monopoli di Stato** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Request for a preliminary ruling — **Duty of a national court of last instance to refer a question for a preliminary ruling to the Court of Justice** — Judgment of the Constitutional Court — **Restriction on freedom to provide services** — **Restriction on freedom of establishment** — **Award of new concessions for online gaming** — **New requirements for concession holders** — **Justification** — **Proportionality**

[CURIA – Opinion of Advocate General in Case C-322/16 of 8 June 2017](#)

**Case C-228/16 P: JUDGMENT OF THE COURT (First Chamber) of 31 May 2017 - Dimosia Epicheirisi Ilektrismou AE (DEI), established in Athens (Greece) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid** — Decision to take no further action — Refusal by the European Commission to continue to examine the applicant's complaint — **Lack of aid at the end of the preliminary examination stage** — **Purely confirmatory decision** — **Legal conditions for the withdrawal of a decision to take no further action**

[CURIA – Judgment of the Court of Justice in Case C-228/16 of 31 May 2017](#)

**Joined Cases C-52/16 and C-113/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 31 May 2017 - 'SEGRO' Kft. v Vas Megyei Kormányhivatal Sárvári Járási Földhivatala (C-52/16) and Günther Horváth v Vas Megyei Kormányhivatal (C-113/16)** - Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - References for a preliminary ruling — Article 49 TFEU — **Freedom of establishment** — Article 63 TFEU — **Free movement of capital** — **Indirect discrimination** — **Contractual usufructuary rights or rights of use in agricultural land** — **Prohibition of the acquisition of such rights by persons other than members of the close family of the owner of the agricultural land** — **Legislation prescribing the cancellation of such rights where that condition not satisfied** — No justification — **Infringement of national legislation on exchange control** — **Prevention of abusive practices** — **Prevention of property speculation** — Articles 17 and 47 of the Charter of Fundamental Rights of the European Union — **Inapplicability of the Charter of Fundamental Rights of the European Union independently of the question of infringement of the freedoms of movement**

[CURIA – Opinion of Advocate General in Case C-52/16 of 31 May 2017](#)

**Case C-420/15: JUDGMENT OF THE COURT (Fifth Chamber) of 31 May 2017 - U** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de première instance francophone de Bruxelles (Brussels Court of First Instance (French-speaking), Belgium) - Reference for a preliminary ruling — Article 45 TFEU — **Freedom of movement for workers** — **Obligation to register a vehicle belonging to a person resident in Belgium and intended to be used in Italy**

[CURIA – Judgment of the Court of Justice in Case C-420/15 of 31 May 2017](#)

## 14. Intellectual Property

### Community Legislation

**REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark (codification)** (Text with EEA relevance)

[OJ of the EU, L 154/1 of 16 June 2017](#)



## Case Law

**Case C-163/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 22 June 2017 - Christian Louboutin and Christian Louboutin SAS v Van Haren Schoenen BV** - Request for a preliminary ruling from the Rechtbank Den Haag (District Court of The Hague, Netherlands) - Reference for a preliminary ruling — **Trade marks** — Directive 2008/95/EC — **Absolute grounds for refusal or invalidity** — **Grounds applicable to signs consisting of the shape of the goods** — Article 3(1)(e)(iii) — **Sign consisting exclusively of the shape which gives substantial value to the goods** — **Scope** — **Concept of the ‘shape’ of the goods** — Mark consisting of the colour red applied to the sole of a high-heeled shoe

[CURIA – Opinion of Advocate General in Case C-163/16 of 22 June 2017](#)

**Affaire C-425/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 20 juin 2017 - Hansruedi Raimund contre Michaela Aigner** - Demande de décision préjudicielle formée par l’Oberster Gerichtshof (Cour suprême en droit civil et pénal, Autriche) - Procédure préjudicielle — **Propriété intellectuelle et industrielle** — **Marque de l’Union européenne** — **Relation entre une action en contrefaçon et une demande reconventionnelle en nullité**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-425/16 du 20 juin 2017](#)

**Case C-610/15: JUDGMENT OF THE COURT (Second Chamber) of 14 June 2017 - Stichting Brein v Ziggo BV and XS4ALL Internet BV** - 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 — **Intellectual and industrial property** — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights** — Article 3(1) — **Communication to the public** — **Definition** — **Online sharing platform** — **Sharing of protected files, without the consent of the rightholder**

[CURIA – Judgment of the Court of Justice in Case C-610/15 of 14 June 2017](#)

**Case C-689/15: JUDGMENT OF THE COURT (Second Chamber) of 8 June 2017 - W.F. Gözze Frottierweberei GmbH and Wolfgang Gözze v Verein Bremer Baumwollbörse** - 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** — **EU trade mark** — Regulation (EC) No 207/2009 — Articles 9 and 15 — **Filing of the cotton flower sign by an association** — **Registration as an individual trade mark** — **Licences to use the mark granted to cotton textile manufacturers affiliated with the association** — Application for a declaration of invalidity or revocation — **Concept of ‘genuine use’** — **Essential function of indicating origin**

[CURIA – Judgment of the Court of Justice in Case C-689/15 of 8 June 2017](#)

**Case C-625/15 P: JUDGMENT OF THE COURT (Fifth Chamber) of 8 June 2017 - Schniga GmbH, established in Bolzano (Italy) v Community Plant Variety Office (CPVO), Brookfield New Zealand Ltd, established in Havelock North (New Zealand) and Elaris SNC, established in Angers (France)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Community plant variety rights** — **Application for a Community plant variety right** — Apple variety ‘Gala Schnitzer’ — Technical examination — **Test guidelines issued by the Administrative Council of the Community Plant Variety Office (CPVO)** — Regulation (EC) No 1239/95 — Article 23(1) — Powers of the President of the CPVO — Addition of a distinctive characteristic on completion of the technical examination — Stability of the characteristic during two growing cycles)

[CURIA – Judgment of the Court of Justice in Case C-625/15 of 8 June 2017](#)

**Joined Cases C-673/15 P to C-676/15 P: OPINION OF ADVOCATE GENERAL MENGOLZI of 31 May 2017 - The Tea Board v European Union Intellectual Property Office (EUIPO)** - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 8(1)(b) — **Opposition by the proprietor of EU collective marks** — Article 66(2) — **Collective marks consisting of a geographical indication** — **Function** — **Conflict with an application for registration of an individual mark** — Likelihood of confusion — **Concept** — Similarity between goods or services — Criteria for assessment — Article 8(5) — **Word and figurative mark containing the word element ‘darjeeling’** — **Earlier collective mark consisting of the geographical indication ‘Darjeeling’**

[CURIA – Opinion of Advocate General in Case C-673/15 of 31 May 2017](#)

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

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1105** of 12 June 2017 **establishing the forms** referred to in Regulation (EU) 2015/848 of the European Parliament and of the Council on **insolvency proceedings**  
[OJ of the EU, L 160/1 of 22 June 2017](#)

### Case Law

**Case C-670/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 20 June 2017 - Tsegezab Mengesteab v Bundesrepublik Deutschland** - Request for a preliminary ruling from the Verwaltungsgericht Minden (Administrative Court, Minden, Germany - Area of Freedom, Security and Justice – **Interpretation of Regulation (EU) No 604/2013** – Article 21(1) take charge requests – **Time limits for making a take charge request – Point at which an application for international protection is lodged under Article 20(2) – Point at which the time limit in Article 21(1) starts to run** – Whether failures to comply with the time limits laid down in Article 21(1) are within the scope of the right to appeal or review of a transfer decision under Article 27(1)  
[CURIA – Opinion of Advocate General in Case C-670/16 of 20 June 2017](#)

**Case C-19/16 P: JUDGMENT OF THE COURT (Eighth Chamber) of 15 June 2017 - Al-Bashir Mohammed Al-Faqih, residing in Al Sharkasa, Misrata (Libya), Ghunia Abdrabbah, residing in Birmingham (United Kingdom), Taher Nasuf, residing in Manchester (United Kingdom) and Sanabel Relief Agency Ltd, established in Birmingham v European Commission and Council of the European Union** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy (CFSP) — Fight against terrorism** — Specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban — Regulation (EC) No 881/2002 — **Freezing of funds and economic resources of natural and legal persons included in a list drawn up by the United Nations Sanctions Committee** — Re-listing of those persons in Annex I to Regulation No 881/2002 after annulment of the original listing — **Disappearance of the legal person in the course of the proceedings — Capacity to be a party to judicial proceedings**  
[CURIA – Judgment of the Court of Justice in Case C-19/16 of 15 June 2017](#)

**Case C-587/15: JUDGMENT OF THE COURT (First Chamber) of 15 June 2017 - Lietuvos Respublikos transporto priemonių draudikų biuras v Gintaras Dockeyčius and Jurgita Dockeyčienė** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania) - Reference for a preliminary ruling — **Insurance against civil liability in respect of motor vehicles — Accident occurring in 2006 between vehicles normally based in different Member States — Internal Regulations of the Council of Bureaux of national insurers of the Member States — Lack of jurisdiction of the Court** — Directive 2009/103/EC — Not applicable *ratione temporis* — Directives 72/166/EEC, 84/5/EEC and 2000/26/EC — Not applicable *ratione materiae* — **Article 47 of the Charter of Fundamental Rights of the European Union — Inapplicability — Failure to implement EU law**  
[CURIA – Judgment of the Court of Justice in Case C-587/15 of 15 June 2017](#)

**Case C-249/16: JUDGMENT OF THE COURT (Third Chamber) of 15 June 2017 - Saale Kareda and Saisir du texte ici v Stefan Benkő** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 7(1) — **Concepts of ‘matters relating to a contract’ and of a ‘contract for the provision of services’ — Recourse claim between jointly and severally liable debtors under a credit agreement — Determination of the place of performance of the credit agreement**  
[CURIA – Judgment of the Court of Justice in Case C-249/16 of 15 June 2017](#)

**Case C-685/15: JUDGMENT OF THE COURT (Second Chamber) of 14 June 2017 - Online Games Handels GmbH, Frank Breuer, Nicole Enter and Astrid Walden v Landespolizeidirektion Oberösterreich** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesverwaltungsgericht Oberösterreich (Upper Austria Regional Administrative Court, Austria) - Reference for a preliminary ruling — Article 49 TFEU — Freedom of establishment — Article 56 TFEU — **Freedom to provide services — Games of chance — Restrictive legislation of a Member State — Penal administrative sanctions** — Overriding reasons in the public interest — Proportionality — **Charter of Fundamental Rights of the European Union** — Article 47 — **Right to effective judicial protection — National legislation laying down the requirement for the court to examine of its own motion the facts of the case before it in the context of the prosecution of administrative offences — Compliance**

[CURIA – Judgment of the Court of Justice in Case C-685/15 of 14 June 2017](#)

**Case C-322/16: OPINION OF ADVOCATE GENERAL WAHL of 8 June 2017 - Global Starnet Ltd v Ministero dell’Economia e delle Finanze and Amministrazione Autonoma Monopoli di Stato** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Request for a preliminary ruling — **Duty of a national court of last instance to refer a question for a preliminary ruling to the Court of Justice** — Judgment of the Constitutional Court — **Restriction on freedom to provide services — Restriction on freedom of establishment — Award of new concessions for online gaming — New requirements for concession holders — Justification — Proportionality**

[CURIA – Opinion of Advocate General in Case C-322/16 of 8 June 2017](#)

**Case C-75/16: JUDGMENT OF THE COURT (First Chamber) of 14 June 2017 - Livio Menini and Maria Antonia Rampanelli v Banco Popolare Società Cooperativa** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Ordinario di Verona (Verona District Court, Italy) - Reference for a preliminary ruling — **Consumer protection — Alternative dispute resolution (ADR) procedures** — Directive 2008/52/EC — Directive 2013/11/EU — Article 3(2) — **Applications by consumers to set an order aside in the context of payment order proceedings instituted by a credit institution — Right of access to the judicial system** — National legislation providing for mandatory recourse to a mediation procedure — **Obligation to be assisted by a lawyer — Condition for the admissibility of proceedings before the courts**

[CURIA – Judgment of the Court of Justice in Case C-75/16 of 14 June 2017](#)

**Case C-54/16: JUDGMENT OF THE COURT (Fifth Chamber) of 8 June 2017 - Vinyls Italia SpA, in liquidation v Mediterranea di Navigazione SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Ordinario di Venezia (District Court, Venice, Italy) - Reference for a preliminary ruling — Area of freedom, security and justice — **Insolvency proceedings** — Regulation (EC) No 1346/2000 — Articles 4 and 13 — **Acts detrimental to all the creditors — Conditions in which the act in question may be challenged — Act subject to the law of a Member State other than the State of the opening of proceedings** — Act which is not open to challenge on the basis of that law — Regulation (EC) No 593/2008 — Article 3(3) — **Law chosen by the parties — Location of all the elements of the situation concerned in the State of the opening of proceedings — Effect**

[CURIA – Judgment of the Court of Justice in Case C-54/16 of 8 June 2017](#)

**Affaire C-111/17 PPU: ARRÊT DE LA COUR (cinquième chambre) du 8 juin 2017 - OL contre PQ** - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Monomeles Protodikeio Athinon (tribunal de grande instance à juge unique d’Athènes, Grèce) - Renvoi préjudiciel — **Coopération judiciaire en matière civile – Compétence, reconnaissance et exécution des décisions en matière matrimoniale et en matière de responsabilité parentale – Enlèvement international d’enfants – Convention de La Haye du 25 octobre 1980 – Règlement (CE) n° 2201/2003 – Article 11 – Demande de retour – Notion de “résidence habituelle” d’un nourrisson – Enfant né, conformément à la volonté de ses parents, dans un État membre autre que celui de leur résidence habituelle – Séjour continu de l’enfant pendant les premiers mois de sa vie dans son État membre de naissance – Décision de la mère de ne pas retourner dans l’État membre où se trouvait la résidence habituelle du couple**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-111/17 du 8 juin mai 2017](#)

**Case C-541/15: JUDGMENT OF THE COURT (Second Chamber) of 8 June 2017 - Mircea Florian Freitag v Angela Freitag, Vica Pavel, Stadt Wuppertal and Oberbürgermeister der Stadt Wuppertal** - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Wuppertal (District Court, Wuppertal, Germany) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21 TFEU — **Freedom to move and reside in the Member States** — **Individual having the nationality of both the Member State in which he resides and the Member State in which he was born** — **Change of surname in the Member State of birth not carried out during a period of habitual residence** — **Name corresponding to birth name** — **Application for the entry of that name in the civil register of the Member State of residence** — **Rejection of that application** — Reason — Name not acquired during a period of habitual residence — Existence of other procedures in national law to have that name recognised

[CURIA – Judgment of the Court of Justice in Case C-541/15 of 8 June 2017](#)

**Case C-521/15: OPINION OF ADVOCATE GENERAL KOKOTT of 1 June 2017 - Kingdom of Spain v Council of the European Union** - Action challenging Council Implementing Decision (EU) 2015/1289 imposing a fine on Spain for the manipulation of deficit data in the Autonomous Community of Valencia — **Jurisdiction of the Court of Justice** — **Power to adopt implementing measures under Article 291(2) TFEU** — Regulation (EU) No 1173/2011 — Delegated Decision 2012/678/EU — Regulation (EC) No 479/2009 — **Rights of defence** — **Right to good administration** — **Misrepresentation of data** — **Serious negligence** — **Calculation of a fine** — **Principle of non-retroactivity**

[CURIA – Opinion of Advocate General in Case C-521/15 of 1 June 2017](#)

**Case C-122/16 P: OPINION OF ADVOCATE GENERAL MENGOTZI of 30 May 2017 - British Airways plc v European Commission** - Appeal — **Competition** — **Agreements, decisions and concerted practices** — Admissibility of appeal before the Court — Second paragraph of Article 21 and second paragraph of Article 56 of the Statute of the Court of Justice of the European Union — **Definition of ‘unsuccessful’** — Article 169(1) and Article 170(1) of the Rules of Procedure of the Court — **Principle of ne ultra petita** — **Public policy issue raised of the EU judicature’s own motion** — Defective statement of reasons— **Limits on the EU Courts’ power of annulment** — **Principle of effective judicial protection**

[CURIA – Opinion of Advocate General in Case C-122/16 of 30 May 2017](#)

## 16. Transport

### Case Law

**Case C-587/15: JUDGMENT OF THE COURT (First Chamber) of 15 June 2017 - Lietuvos Respublikos transporto priemonių draudikų biuras v Gintaras Dockeyvičius and Jurgita Dockeyvičienė** - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania) - Reference for a preliminary ruling — **Insurance against civil liability in respect of motor vehicles** — **Accident occurring in 2006 between vehicles normally based in different Member States** — **Internal Regulations of the Council of Bureaux of national insurers of the Member States** — **Lack of jurisdiction of the Court** — Directive 2009/103/EC — Not applicable *ratione temporis* — Directives 72/166/EEC, 84/5/EEC and 2000/26/EC — Not applicable *ratione materiae* — **Article 47 of the Charter of Fundamental Rights of the European Union** — **Inapplicability** — **Failure to implement EU law**

[CURIA – Judgment of the Court of Justice in Case C-587/15 of 15 June 2017](#)

**Case C-334/16: OPINION OF ADVOCATE GENERAL BOT of 14 June 2017 - José Luís Núñez Torreiro v AIG Europe Limited, Sucursal en España - Unespa — Unión Española de Entidades Aseguradoras y Reaseguradoras** - Request for a preliminary ruling from the Audiencia Provincial de Albacete (Provincial Court of Albacete, Spain) - Reference for a preliminary ruling — Directive 2009/103/EC — **Civil liability insurance for motor vehicles** — **Compulsory insurance** — **Derogations** — **Accident involving a military vehicle on unsuitable terrain** — **Definition of ‘use of vehicles’** — **Definition of ‘normal function of the vehicle’**

[CURIA – Opinion of Advocate General in Case C-334/16 of 14 June 2017](#)

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

### Case Law

**Case C-413/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 22 June 2017 - Elaine Farrell v Alan Whitty, The Minister for the Environment, Ireland and the Attorney General and Motor Insurers' Bureau of Ireland (MIBI) - (Request for a preliminary ruling from the Supreme Court (Ireland) - **Definition of an emanation of the State for the purposes of establishing liability of a Member State for failure to transpose a directive properly — Conditions under which a private body may be considered to be an emanation of the State****

[CURIA – Opinion of Advocate General in Case C-413/15 of 22 June 2017](#)

**Case C-9/16: JUDGMENT OF THE COURT (First Chamber) of 21 June 2017 - A v Staatsanwaltschaft Offenburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Kehl (Local Court, Kehl, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EC) No 562/2006 — **Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)** — Articles 20 and 21 — **Crossing internal borders — Checks within the territory — National legislation authorising checks to establish the identity of persons apprehended within 30 kilometres of the common border with other States parties to the Convention implementing the Schengen Agreement** — Possibility of checks irrespective of the behaviour of the person concerned or of the existence of specific circumstances — **National legislation permitting certain controls on persons on the premises of railway stations****

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

**Case C-436/15: JUDGMENT OF THE COURT (Third Chamber) of 15 June 2017 - Lietuvos Respublikos aplinkos ministerijos Aplinkos projektų valdymo agentūra v 'Alytaus regiono atliekų tvarkymo centras' UAB, Lietuvos Respublikos finansų ministerija, 'Skirnuva' UAB, 'Parama' UAB, 'Alkesta' UAB and 'Dzūkijos statyba' UAB - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania) - Reference for a preliminary ruling — **Protection of the European Union's financial interests** — Regulation (EC, Euratom) No 2988/95 — Article 3(1) — **Funding from the Cohesion Fund — Project for the development of a regional waste management system** — Irregularities — **Concept of 'multiannual programme' — Definitive termination of a multiannual programme — Limitation period****

[CURIA – Judgment of the Court of Justice in Case C-436/15 of 15 June 2017](#)

**Case C-591/15: JUDGMENT OF THE COURT (Grand Chamber) of 13 June 2017 - The Queen, on the application of: The Gibraltar Betting and Gaming Association Limited v Commissioners for Her Majesty's Revenue and Customs, Her Majesty's Treasury and Her Majesty's Government of Gibraltar - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court), United Kingdom - Reference for a preliminary ruling — Article 355(3) TFEU — **Status of Gibraltar** — Article 56 TFEU — **Freedom to provide services — Purely internal situation — Inadmissibility****

[CURIA – Judgment of the Court of Justice in Case C-591/15 of 13 June 2017](#)

**Case C-258/14: JUDGMENT OF THE COURT (Grand Chamber) of 13 June 2017 - Eugenia Florescu, Ioan Poiană, Cosmina Diaconu, acting in her capacity as an heir of Mircea Bădilă, Anca Vidrighin, acting in her capacity as an heir of Mircea Bădilă and Eugenia Elena Bădilă, acting in her capacity as an heir of Mircea Bădilă v Casa Județeană de Pensii Sibiu, Casa Națională de Pensii și alte Drepturi de Asigurări Sociale, Ministerul Muncii, Familiei și Protecției Sociale and Statul roman - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Alba Iulia (Court of Appeal, Alba Iulia, Romania) - Reference for a preliminary ruling — Article 143 TFEU — **Difficulties as regards the balance of payments of a Member State — Financial assistance from the European Union — Memorandum of Understanding concluded between the European Union and the Member State in receipt of the assistance — Social policy — Principle of equal treatment** — National legislation prohibiting the combining of a public retirement pension with employment income from a professional activity carried out in a public institution — **Different treatment of persons occupying posts whose term is laid down in the Constitution and of professional judges and law officers****

[CURIA – Judgment of the Court of Justice in Case C-258/14 of 13 June 2017](#)



**Joined Cases C-593/15 P and C-594/15 P: OPINION OF ADVOCATE GENERAL KOKOTT of 8 June 2017 - Slovak Republic v European Commission - Case C-599/15 P – Romania v European Commission - Appeal — Own resources of the European Union — Financial liability of the Member States — External Community transit procedure — Loss of a Member State’s import duties because of another Member State — Formal demand from the Commission that the latter Member State make good the loss — Letters from the Commission — Whether open to challenge**

[CURIA – Opinion of Advocate General in Case C-593/15 of 8 June 2017](#)

**Case C-521/15: OPINION OF ADVOCATE GENERAL KOKOTT of 1 June 2017 - Kingdom of Spain v Council of the European Union - Action challenging Council Implementing Decision (EU) 2015/1289 imposing a fine on Spain for the manipulation of deficit data in the Autonomous Community of Valencia — Jurisdiction of the Court of Justice — Power to adopt implementing measures under Article 291(2) TFEU — Regulation (EU) No 1173/2011 — Delegated Decision 2012/678/EU — Regulation (EC) No 479/2009 — Rights of defence — Right to good administration — Misrepresentation of data — Serious negligence — Calculation of a fine — Principle of non-retroactivity**

[CURIA – Opinion of Advocate General in Case C-521/15 of 1 June 2017](#)

**Case C-165/16: OPINION OF ADVOCATE GENERAL BOT of 30 May 2017 - Toufik Lounes v Secretary of State for the Home Department - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen’s Bench Division (Administrative Court), United Kingdom - Reference for a preliminary ruling — Citizenship of the Union — Article 21 TFEU — Directive 2004/38/EC — Beneficiaries — Union citizen having acquired the nationality of the host Member State while retaining her nationality of origin — Effects of acquisition by the Union citizen of the nationality of the host Member State on entitlement to the rights conferred by Directive 2004/38 — Right of residence in that Member State of a family member of that citizen who is a third-country national**

[CURIA – Opinion of Advocate General in Case C-165/16 of 30 May 2017](#)

## **Preparatory Acts, Reports, Calls, Memos, Common Positions**

**POSITION (EU) No 4/2017 OF THE COUNCIL AT FIRST READING with a view to the adoption of a Directive of the European Parliament and of the Council on the fight against fraud to the Union’s financial interests by means of criminal law** Adopted by the Council on 25 April 2017 (2017/C 184/01)

[OJ of the EU, C 184/1 of 9 June 2017](#)

**Statement of the Council’s reasons:** Position (EU) No 4/2017 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the fight against fraud to the Union’s financial interests by means of criminal law (2017/C 184/02)

[OJ of the EU, C 184/14 of 9 June 2017](#)