



Institut suisse de droit comparé
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Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

EU News: Click & Read

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Editor: **Alfredo Santos** Legal Adviser

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

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

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Highlights

Case C-218/16: JUDGMENT OF THE COURT (Second Chamber) of 12 October 2017 - Aleksandra Kubicka v Przemysław Bac, acting in her capacity as notary - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Gorzowie Wielkopolskim (Regional Court, Gorzów Wielkopolski, Poland) - Reference for a preliminary ruling — **Area of Freedom, Security and Justice** — Regulation (EU) No 650/2012 — **Succession and the European Certificate of Succession** — **Scope** — **Immovable property located in a Member State in which legacies 'per vindicationem' do not exist** — Refusal to recognise the material effects of such a legacy
[CURIA – Judgment of the Court of Justice in Case C-218/16 of 12 October 2017](#)

Case C-194/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 October 2017 - Bolagsupplysningen OÜ and Ingrid Iisjan v Svensk Handel AB - REQUEST for a preliminary ruling under Article 267 TFEU from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 7(2) — **Special jurisdiction in matters relating to tort, delict or quasi-delict** — **Infringement of the rights of a legal person by the publication on the internet of allegedly incorrect information concerning that person and by the failure to remove comments relating to that person** — Place where the damage occurred — Centre of interests of that person
[CURIA – Judgment of the Court of Justice in Case C-194/16 of 17 October 2017](#)

Affaire C-106/16: ARRÊT DE LA COUR (grande chambre) du 25 octobre 2017 - Polbud – Wykonawstwo sp. z o.o., en liquidation - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Sąd Najwyższy (Cour suprême, Pologne) - Renvoi préjudiciel — **Liberté d'établissement** — **Transformation transfrontalière d'une société** — **Transfert du siège statutaire sans transfert du siège réel** — **Refus de radiation du registre du commerce** — **Réglementation nationale subordonnant la radiation du registre du commerce à la dissolution de la société au terme d'une procédure de liquidation** — Champ d'application de la liberté d'établissement — Restriction à la liberté d'établissement — **Protection des intérêts des créanciers, des associés minoritaires et des salariés** — **Lutte contre les pratiques abusives**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-106/16 du 25 octobre 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-599/16 P: JUDGMENT OF THE COURT (Eighth Chamber) of 19 October 2017 - Oleksandr Viktorovych Yanukovych, residing in Saint Petersburg (Russia) v Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures taken in view of the situation in Ukraine — List of persons, entities and bodies subject to the freezing of funds and economic resources** — Inclusion of the appellant's name
[CURIA – Judgment of the Court of Justice in Case C-599/16 of 19 October 2017](#)

Case C-598/16 P: JUDGMENT OF THE COURT (Eighth Chamber) of 19 October 2017 - Viktor Fedorovych Yanukovych, residing in Russia v Council of the European Union, European Commission and Republic of Poland - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures taken in view of the situation in Ukraine — List of persons, entities and bodies subject to the freezing of funds and economic resources** — Inclusion of the appellant's name
[CURIA – Judgment of the Court of Justice in Case C-598/16 of 19 October 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION (EU) 2017/1804 of 3 October 2017 on the **implementation of the provisions of the Schengen Borders Code on temporary reintroduction of border control at internal borders** in the Schengen area
[OJ of the EU, L 259/25 of 7 October 2017](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-467/15 P: ARRÊT DE LA COUR (quatrième chambre) du 25 octobre 2017 - Commission européenne v République italienne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Aides d'État – **Aide accordée par la République italienne aux producteurs de lait** – Régime d'aides lié au remboursement du prélèvement laitier – Décision conditionnelle – **Décision prise par le Conseil de l'Union européenne sur le fondement de l'article 108, paragraphe 2, troisième alinéa, TFUE** – Règlement (CE) n° 659/1999 – Article 1er, sous b) et c) – **Aide existante – Aide nouvelle – Notions – Modification d'une aide existante en violation d'une condition assurant la compatibilité de l'aide avec le marché intérieur**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-467/15 du 25 octobre 2017](#)

Case C-198/16 P: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2017 - Agriconsulting Europe SA, established in Brussels (Belgium) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Non-contractual liability of the European Union — Public service contract — Operational technical assistance to set up and manage a network facility for the implementation of the European Innovation Partnership 'Agricultural Productivity and Sustainability'** — Rejection of a tenderer's bid — Abnormally low bid — Adversarial procedure
[CURIA – Judgment of the Court of Justice in Case C-198/16 of 19 October 2017](#)

Case C-383/16: JUDGMENT OF THE COURT (Third Chamber) of 19 October 2017 - Vion Livestock BV v Staatssecretaris van Economische Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the College van Beroep voor het bedrijfsleven (Administrative Court of Appeal for Trade and Industry, Netherlands) - Reference for a preliminary ruling — **Common organisation of the markets — Protection of animals during transport** — Export refunds — Regulation (EU) No 817/2010 — Regulation (EC) No 1/2005 — **Obligation to keep up to date a copy of the journey log until the arrival of the animals at the place of the first unloading in the third country of final destination** — Recovery of amounts over-paid

[CURIA – Judgment of the Court of Justice in Case C-383/16 of 19 October 2017](#)

Case C-262/16: JUDGMENT OF THE COURT (Third Chamber) of 12 October 2017 - Shields & Sons Partnership v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Tax and Chancery Chamber) (United Kingdom) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Article 296(2) — Article 299 — **Common flat-rate scheme for farmers — Exclusion from the common scheme — Conditions — Concept of 'category of farmers'**

[CURIA – Judgment of the Court of Justice in Case C-262/16 of 12 October 2017](#)

Case C-289/16: JUDGMENT OF THE COURT (Ninth Chamber) of 12 October 2017 - Kamin und Grill Shop GmbH v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Agriculture — Organic products** — Control system established by Regulation (EC) No 834/2007 — **Concept of 'direct sale to the final consumer or user'**

[CURIA – Judgment of the Court of Justice in Case C-289/16 of 12 October 2017](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-687/15: JUDGMENT OF THE COURT (Grand Chamber) of 25 October 2017 - European Commission v Council of the European Union, Czech Republic, Federal Republic of Germany, French Republic and United Kingdom of Great Britain and Northern Ireland - ACTION for annulment under Article 263 TFEU - Action for annulment — **Conclusions of the Council of the European Union concerning the World Radiocommunication Conference 2015 of the International Telecommunication Union** — Article 218(9) TFEU — **Derogation from the prescribed legal form — No indication of the legal basis**

[CURIA – Judgment of the Court of Justice in Case C-687/15 of 25 October 2017](#)

Case C-210/16: OPINION OF ADVOCATE GENERAL BOT of 24 October 2017 - Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftsakademie Schleswig-Holstein GmbH, Facebook Ireland Ltd and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Directive 95/46/EC — Articles 2, 4 and 28 — **Protection of individuals with regard to the processing of personal data and on the free movement of such data** — Order to deactivate a fan page on the social network Facebook — **Concept of 'controller' — Liability of the administrator of the fan page — Joint liability — Applicable national law — Extent of supervisory authorities' powers to intervene**

[CURIA – Opinion of Advocate General in Case C-210/16 of 24 October 2017](#)

Case C-194/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 October 2017 - Bolagsupplysningen OÜ and Ingrid Iisjan v Svensk Handel AB - REQUEST for a preliminary ruling under Article 267 TFEU from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 7(2) — **Special jurisdiction in matters relating to tort, delict or quasi-delict — Infringement of the rights of a legal person by the publication on the internet of allegedly incorrect information concerning that person and by the failure to remove comments relating to that person** — Place where the damage occurred — Centre of interests of that person

[CURIA – Judgment of the Court of Justice in Case C-194/16 of 17 October 2017](#)

5. Competition

Case Law

Affaire C-467/15 P: ARRÊT DE LA COUR (quatrième chambre) du 25 octobre 2017 - Commission européenne v République italienne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Aides d'État – **Aide accordée par la République italienne aux producteurs de lait** – Régime d'aides lié au remboursement du prélèvement laitier – Décision conditionnelle – **Décision prise par le Conseil de l'Union européenne sur le fondement de l'article 108, paragraphe 2, troisième alinéa, TFUE** – Règlement (CE) n° 659/1999 – Article 1er, sous b) et c) – **Aide existante – Aide nouvelle – Notions – Modification d'une aide existante en violation d'une condition assurant la compatibilité de l'aide avec le marché intérieur** **CURIA – Arrêt de la Cour de Justice dans l'affaire C-467/15 du 25 octobre 2017**

Case C-363/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 10 October 2017 – European Commission v Hellenic Republic - Failure of a Member State to fulfil obligations — **State aid – Obligation of recovery** — Article 108(2) TFEU — **Measures to be taken by the Member States – Insolvency proceedings – Registration of the unlawful State aid in the schedule of liabilities – Cessation of the undertaking's activities** — Suspension of the public auctions of the undertaking's assets
CURIA – Opinion of Advocate General in Case C-363/16 of 10 October 2017

6. Customs

Case Law

Case C-65/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság - REQUEST for a preliminary ruling under Article 267 TFEU from the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Agreement establishing an association between the European Economic Community and Turkey** — Article 9 — Decision No 1/95 of the EC-Turkey Association Council — Articles 4, 5 and 7 — **Customs Union – Road transport – Motor vehicle tax – Taxation of heavy goods vehicles registered in Turkey crossing Hungary in transit**
CURIA – Judgment of the Court of Justice in Case C-65/16 of 19 October 2017

Case C-303/16: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2017 - Solar Electric Martinique v Ministre des Finances et des Comptes publics - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Sixth VAT Directive** — Directive 2006/112/EC — **Works of construction – French overseas departments – Provisions rendered applicable by national law – Transactions consisting in sale and installation on buildings** — Classification as a single transaction — Lack of jurisdiction
CURIA – Judgment of the Court of Justice in Case C-303/16 of 19 October 2017

Case C-556/16: JUDGMENT OF THE COURT (Ninth Chamber) of 19 October 2017 - Lutz GmbH v Hauptzollamt Hannover - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — **Customs Union – Common Customs Tariff – Tariff classification** — Combined Nomenclature — Tariff headings — Subheading 6212 20 00 (Panty girdles) — **Explanatory Notes to the Combined Nomenclature – Explanatory Notes to the Harmonised System**
CURIA – Judgment of the Court of Justice in Case C-556/16 of 19 October 2017

Case C-522/16: JUDGMENT OF THE COURT (Third Chamber) of 19 October 2017 - A v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Customs union and Common Customs Tariff** — Regulation (EEC) No 2913/92 — Second subparagraph of Article 201(3) and Article 221(3) and (4) — Regulation (EEC) No 2777/75 — Regulation (EC) No 1484/95 — **Additional import duties — Artificial arrangement intended to avoid the additional duties due — Customs declaration based on false information** — Persons capable of being held liable for the customs debt — **Limitation period**
[CURIA – Judgment of the Court of Justice in Case C-522/16 of 19 October 2017](#)

Case C-156/16: JUDGMENT OF THE COURT (Eighth Chamber) of 12 October 2017 - Tigers GmbH v Hauptzollamt Landshut - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht München (Finance Court, Munich, Germany) - Reference for a preliminary ruling — Implementing Regulation (EU) No 412/2013 — Article 1(3) — **Community Customs Code** — Article 78 — **Rule making the application of individual anti-dumping duty rates conditional upon presentation of a valid commercial invoice** — Whether a valid commercial invoice may be presented after the customs declaration — **Refusal to refund**
[CURIA – Judgment of the Court of Justice in Case C-156/16 of 12 October 2017](#)

Case C-661/15: JUDGMENT OF THE COURT (Fifth Chamber) of 12 October 2017 - X BV v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — **Customs union — Community Customs Code** — Article 29 — **Import of vehicles — Determination of the customs value** — Article 78 — **Revision of the declaration** — Article 236(2) — **Repayment of import duties — Period of three years** — Regulation (EEC) No 2454/93 — Article 145(2) and (3) — **Risk of defects — Period of 12 months — Validity**
[CURIA – Judgment of the Court of Justice in Case C-661/15 of 12 October 2017](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

BILATERAL AGREEMENT between the **European Union and the United States of America on prudential measures regarding insurance and reinsurance**
[OJ of the EU, L 258/4 of 6 October 2017](#)

COUNCIL DECISION (EU) 2017/1793 of 15 September 2017 **amending** Decision (EU) 2017/1792 on the signing, on behalf of the Union, and provisional **application of the Bilateral Agreement between the European Union and the United States of America on prudential measures regarding insurance and reinsurance**
[OJ of the EU, L 258/3 of 6 October 2017](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2017/1857 of 13 October 2017 on the **recognition of the legal, supervisory and enforcement arrangements of the United States of America for derivatives transactions supervised** by the Commodity Futures Trading Commission as equivalent to certain requirements of Article 11 of Regulation (EU) No 648/2012 of the European Parliament and Council on **OTC derivatives, central counterparties and trade repositories** (Text with EEA relevance)
[OJ of the EU, L 265/23 of 14 October 2017](#)

Case Law

Affaire C-106/16: ARRÊT DE LA COUR (grande chambre) du 25 octobre 2017 - Polbud – Wykonawstwo sp. z o.o., en liquidation - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Sąd Najwyższy (Cour suprême, Pologne) - Renvoi préjudiciel – **Liberté d'établissement – Transformation transfrontalière d'une société – Transfert du siège statutaire sans transfert du siège réel – Refus de radiation du registre du commerce – Réglementation nationale subordonnant la radiation du registre du commerce à la dissolution de la société au terme d'une procédure de liquidation** – Champ d'application de la liberté d'établissement – Restriction à la liberté d'établissement – **Protection des intérêts des créanciers, des associés minoritaires et des salariés – Lutte contre les pratiques abusives**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-106/16 du 25 octobre 2017](#)

Joined Cases C-398/16 and C-399/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 25 October 2017 - X BV (C-398/16) and X NV (C-399/16) v Staatssecretaris van Financiën - Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Preliminary-ruling proceedings — **Corporation tax — Freedom of establishment — Deduction by a resident parent company of interest on a loan for the purchase of shares in a non-resident subsidiary** — Deduction by a resident parent company of the reduction in the value of shares in a non-resident subsidiary due to fluctuations in the exchange rate — Integrated group
[CURIA – Opinion of Advocate General in Case C-398/16 of 25 October 2017](#)

Case C-65/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság - REQUEST for a preliminary ruling under Article 267 TFEU from the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Agreement establishing an association between the European Economic Community and Turkey** — Article 9 — Decision No 1/95 of the EC-Turkey Association Council — Articles 4, 5 and 7 — **Customs Union — Road transport — Motor vehicle tax — Taxation of heavy goods vehicles registered in Turkey crossing Hungary in transit**
[CURIA – Judgment of the Court of Justice in Case C-65/16 of 19 October 2017](#)

Case C-101/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - SC Paper Consult SRL v Direcția Regională a Finanțelor Publice Cluj-Napoca and Administrația Județeană a Finanțelor Publice Bistrița-Năsăud - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — **Right to deduct — Conditions governing the exercise of that right** — Article 273 — **National measures — Fight against tax evasion and tax avoidance — Invoice issued by a taxpayer declared 'inactive' by the tax authorities — Risk of tax evasion** — Refusal of the right to deduct — Proportionality — Refusal to take into account evidence
[CURIA – Judgment of the Court of Justice in Case C-101/16 of 19 October 2017](#)

Case C-573/16: JUDGMENT OF THE COURT (Seventh Chamber) of 19 October 2017 - Air Berlin plc v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice of England and Wales, Chancery Division (United Kingdom) - Reference for a preliminary ruling — **Indirect taxes — Raising of capital — Imposition of a duty of 1.5% on the transfer into a clearance service of newly issued shares or shares intended to be listed on a stock exchange of a Member State**
[CURIA – Judgment of the Court of Justice in Case C-573/16 of 19 October 2017](#)

Case C-262/16: JUDGMENT OF THE COURT (Third Chamber) of 12 October 2017 - Shields & Sons Partnership v Commissioners for Her Majesty's Revenue and Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Tax and Chancery Chamber) (United Kingdom) - Reference for a preliminary ruling — **Taxation — Value added tax** — Directive 2006/112/EC — Article 296(2) — Article 299 — **Common flat-rate scheme for farmers — Exclusion from the common scheme — Conditions — Concept of 'category of farmers'**
[CURIA – Judgment of the Court of Justice in Case C-262/16 of 12 October 2017](#)

Case C-404/16: JUDGMENT OF THE COURT (Sixth Chamber) of 12 October 2017 - Lombard Ingatlan Lízing Zrt. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság - REQUEST for a preliminary ruling under Article 267 TFEU from the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **VAT** — Directive 2006/112/EC — Article 90(1) — **Direct effect — Taxable amount — Reduction in the case of cancellation or refusal** — Reduction in the case of total or partial non-payment — Distinction — **Financial leasing agreement terminated for non-payment of public charges**
[CURIA – Judgment of the Court of Justice in Case C-404/16 of 12 October 2017](#)

Case C-396/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 12 October 2017 - T — 2, družba za ustvarjanje, razvoj in trženje elektronskih komunikacij in opreme, d.o.o. (sedaj v stečaju) v Republic of Slovenia - Request for a preliminary ruling from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — Directive 2006/112/EC — **Common system of value added tax (VAT)** — Article 184 — **Adjustment of deductions of input VAT paid** — Article 185(1) — **Change in the factors used to determine the amount to be deducted** — Article 185(2) — **Transactions remaining totally or partially unpaid — Definitive approval of an arrangement with creditors** — Article 90 and the second subparagraph of Article 185(2) — Fiscal neutrality — Collection of all of the VAT due in the territory — **Duty to ensure consistency in the application of systems for the adjustment of tax charges and deductions in the event of non-payment of the price**
[CURIA – Opinion of Advocate General in Case C-396/16 of 12 October 2017](#)

Affaire C-387/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 5 octobre 2017 - Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos v Nidera B. V. et Vilniaus apskrities valstybinė mokesčių inspekcija - demande de décision préjudicielle formée par le Lietuvos vyriausiasis administracinis teismas (Cour administrative suprême, Lituanie) - Renvoi préjudiciel — **Fiscalité – Taxe sur la valeur ajoutée** — Directive 2006/112/CE — Article 183 — **Déduction de la taxe payée en amont – Remboursement du trop-perçu de taxe – Paiement d'intérêts de retard en raison du remboursement tardif – Possibilité de réduire les intérêts dus pour des raisons non attribuables à l'assujetti – Neutralité fiscale** — Principes d'équivalence et d'effectivité — Sécurité juridique et protection de la confiance légitime
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-387/16 du 5 octobre 2017](#)

Case C-164/16: JUDGMENT OF THE COURT (First Chamber) of 4 October 2017 - Commissioners for Her Majesty's Revenue & Customs v Mercedes-Benz Financial Services UK Ltd - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (England & Wales) (Civil Division), (United Kingdom) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 14(2)(b) — **Supply of goods — Motor vehicles — Finance lease with an option to purchase**
[CURIA – Judgment of the Court of Justice in Case C-164/16 of 4 October 2017](#)

Case C-273/16: JUDGMENT OF THE COURT (First Chamber) of 4 October 2017 - Agenzia delle Entrate v Federal Express Europe Inc. - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Value added tax (VAT)** — Sixth Directive 77/388/EEC — Directive 2006/112/EC — **Exemption from VAT** — Article 86(1)(b) and Article 144 — **Relief from import duties for goods of negligible value or of a non-commercial character** — Exemption of the supply of services relating to the importation of goods — **National legislation levying VAT on the transport costs of documents and goods of negligible value despite their being ancillary to non-taxable goods**
[CURIA – Judgment of the Court of Justice in Case C-273/16 of 4 October 2017](#)

Case C-73/16: JUDGMENT OF THE COURT (Second Chamber) of 27 September 2017 - Peter Puškár v Finančné riaditeľstvo Slovenskej republiky and Kriminálny úrad finančnej správy - REQUEST for a preliminary ruling under Article 267 TFEU from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 47 — Directive 95/46/EC — Articles 1, 7 and 13 — **Processing of personal data** — Article 4(3) TEU — **Drawing up of a list of personal data — Subject matter — Tax collection — Fight against tax fraud — Judicial review — Protection of fundamental rights and freedoms** — Legal action dependent on a requirement of a prior administrative complaint — Whether that list is permissible as evidence — **Rules on the lawfulness of the processing of personal data — Performance of a task carried out in the public interest by the controller**
[CURIA – Judgment of the Court of Justice in Case C-73/16 of 27 September 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-645/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 25 October 2017 - Conseils et mise en relations (CMR) SARL Demeures terre et tradition SARL - Request for a preliminary ruling from the Cour de Cassation (France) - Reference for a preliminary ruling — Directive 86/653/EEC — Article 17 — **Self-employed commercial agents** — Right of the commercial agent to an indemnity or compensation for damage following termination of the agency contract — **National practice excluding the right to indemnity in the event of termination of the contract by the principal during the trial period provided for in the contract**
[CURIA – Opinion of Advocate General in Case C-645/16 of 25 October 2017](#)

Case C-531/15: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2017 - Elda Otero Ramos v Servicio Galego de Saúde and Instituto Nacional de la Seguridad Social - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - Reference for a preliminary ruling — Directive 92/85/EEC — Article 4(1) — **Protection of the safety and health of workers — Breastfeeding worker — Risk assessment of her work** — Challenged by the worker concerned — Directive 2006/54/EC — Article 19 — **Equal treatment — Discrimination on grounds of sex — Burden of proof**
[CURIA – Judgment of the Court of Justice in Case C-531/16 of 19 October 2017](#)

Case C-200/16: JUDGMENT OF THE COURT (Tenth Chamber) of 19 October 2017 - Securitas — Serviços e Tecnologia de Segurança SA v ICTS Portugal — Consultadoria de Aviação Comercial SA, Arthur George Resendes and Others - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — Directive 2001/23/EC — Article 1(1) — **Transfers of undertakings or businesses — Safeguarding of employees' rights — Obligation on the transferee to take on workers** — Provision of security guard services carried out by an undertaking — Call for tenders — Award of the contract to another undertaking — Employees not taken on — **National provision excluding from the 'concept of a transfer of an undertaking or business' the loss of a customer by an operator following the award of a service contract to another operator**
[CURIA – Judgment of the Court of Justice in Case C-200/16 of 19 October 2017](#)

Case C-409/16: JUDGMENT OF THE COURT (First Chamber) of 18 October 2017 - Ypourgos Esoterikon and Ypourgos Ethnikis Pedias kai Thriskevmaton v Maria-Eleni Kalliri - REQUEST for a preliminary ruling under Article 267 TFEU from the Symvoulío tis Epikrateias (Council of State, Greece) - Reference for a preliminary ruling — **Social policy** — Directive 76/207/EEC — **Equal treatment of men and women in matters of employment and occupation — Discrimination on the ground of sex** — Competition for entry to the police school of a Member State — **Law of that state imposing a minimum physical height requirement on all candidates for admission to that competition**
[CURIA – Judgment of the Court of Justice in Case C-409/16 of 18 October 2017](#)

10. Energy and Environment

Case Law

Case C-650/15 P JUDGMENT OF THE COURT (First Chamber) of 25 October 2017 - Polyelectrolyte Producers Group GEIE (PPG), established in Brussels (Belgium) and SNF SAS, established in Andrézieux-Bouthéon (France) v European Chemicals Agency (ECHA) and Kingdom of the Netherlands - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH) — Article 57 — **Substances of very high concern — Identification** — Article 2(8)(b) — Exemption — Article 3(15) — **Definition of ‘intermediate’** — Acrylamide

[CURIA – Judgment of the Court of Justice in Case C-650/15 of 25 October 2017](#)

Case C-281/16: JUDGMENT OF THE COURT (Fourth Chamber) of 19 October 2017 - Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - Reference for a preliminary ruling — Directive 92/43/EEC — **Conservation of natural habitats and of wild fauna and flora** — Implementing Decision (EU) 2015/72 — **List of sites of Community importance for the Atlantic biogeographical region — Reduction of the size of a site — Scientific error — Validity**

[CURIA – Judgment of the Court of Justice in Case C-281/16 of 19 October 2017](#)

Case C-470/16: OPINION OF ADVOCATE GENERAL BOBEK of 19 October 2017 - North East Pylon Pressure Campaign Limited and Maura Sheehy v An Bord Pleanála, Minister for Communications, Climate Action and Environment, Ireland, Attorney General, Ireland and EirGrid Plc - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — Article 11(2) and (4) of Directive 2011/92 EU — **Decisions, acts or omissions — ‘Not prohibitively expensive’ cost of judicial proceedings** — Dismissal of a claim on grounds that it was premature — **EU law and non-EU law elements of a judicial procedure — Direct applicability of Article 9(3) of the Aarhus Convention**

[CURIA – Opinion of Advocate General in Case C-470/16 of 19 October 2017](#)

Case C-270/16: OPINION OF ADVOCATE GENERAL SHARPSTON of 19 October 2017 - Carlos Enrique Ruiz Conejero v Ferroservicios Auxiliares SA and Ministerio Fiscal - Request for a preliminary ruling from the Juzgado de lo Social No 1 Cuenca (Social Court No 1, Cuenca, Spain) - **Equal treatment in employment and occupation** — Prohibition of discrimination based on disability — **National legislation permitting, subject to certain conditions, the dismissal of an employee by reason of repeated absence, even where justified — Duly justified absence linked to the employee’s disability**

[CURIA – Opinion of Advocate General in Case C-270/16 of 19 October 2017](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-650/15 P JUDGMENT OF THE COURT (First Chamber) of 25 October 2017 - Polyelectrolyte Producers Group GEIE (PPG), established in Brussels (Belgium) and SNF SAS, established in Andrézieux-Bouthéon (France) v European Chemicals Agency (ECHA) and Kingdom of the Netherlands - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Regulation (EC) No 1907/2006 (REACH) — Article 57 — **Substances of very high concern — Identification** — Article 2(8)(b) — Exemption — Article 3(15) — **Definition of ‘intermediate’** — Acrylamide

[CURIA – Judgment of the Court of Justice in Case C-650/15 of 25 October 2017](#)

Case C-295/16: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2017 - Europamur Alimentación SA v Dirección General de Comercio y Protección del Consumidor de la Comunidad Autónoma de la Región de Murcia - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Contencioso-Administrativo No 4 de Murcia (Administrative Court No 4 of Murcia, Spain) - Reference for a preliminary ruling — **Consumer protection** — Directive 2005/29/EC — **Unfair business-to-consumer commercial practices** — **Scope of that directive** — **Sale by a wholesaler to retailers** — **Jurisdiction of the Court** — National legislation laying down a general prohibition on selling at a loss — **Exceptions based on criteria not provided for by that directive**

[CURIA – Judgment of the Court of Justice in Case C-295/16 of 19 October 2017](#)

Case C-289/16: JUDGMENT OF THE COURT (Ninth Chamber) of 12 October 2017 - Kamin und Grill Shop GmbH v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Agriculture** — **Organic products** — Control system established by Regulation (EC) No 834/2007 — **Concept of ‘direct sale to the final consumer or user’**

[CURIA – Judgment of the Court of Justice in Case C-289/16 of 12 October 2017](#)

12. Human Rights

Case Law

Affaire C-201/16: ARRÊT DE LA COUR (grande chambre) du 25 octobre 2017 - Majid Shiri, également connu sous le nom de Madzhdi Shiri v Bundesamt für Fremdenwesen und Asyl - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – Règlement (UE) n° 604/2013 – **Détermination de l’État membre responsable de l’examen d’une demande de protection internationale présentée dans l’un des États membres par un ressortissant d’un pays tiers** – Article 27 – **Voie de recours** – **Étendue du contrôle juridictionnel** – Article 29 – **Délai pour effectuer le transfert** – **Absence d’exécution du transfert dans le délai imparti** – **Obligations de l’État membre responsable** – Transfert de responsabilité – Exigence d’une décision de l’État membre responsable

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-201/16 du 25 octobre 2017](#)

Case C-353/16: OPINION OF ADVOCATE GENERAL BOT of 24 October 2017 – MP v Secretary of State for the Home Department - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Asylum policy** — **Minimum standards regarding the granting of refugee status** — Conditions for eligibility for subsidiary protection — **After-effects of torture suffered in the country of origin** — Risk of serious harm to the psychological health of the applicant if returned to his country of origin — **No suitable treatment for those pathological conditions in the country of origin**

[CURIA – Opinion of Advocate General in Case C-353/16 of 24 October 2017](#)

Case C-473/16: OPINION OF ADVOCATE GENERAL WAHL of 5 October 2017 – F v Bevándorlási és Menekültügyi Hivatal (formerly Bevándorlási és Állampolgársági Hivatal) - Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - **Area of freedom, security and justice** — Directive 2011/95/EU — **Minimum standards for granting refugee status or subsidiary protection status** — Article 4 — **Assessment of facts and circumstances** — Methods of assessment — Psychological tests — Fear of persecution on grounds of sexual orientation — **Charter of Fundamental Rights of the European Union** — Article 1 — Human dignity — Article 7 — **Right to respect for private and family life**

[CURIA – Opinion of Advocate General in Case C-473/16 of 5 October 2017](#)

Case C-73/16: JUDGMENT OF THE COURT (Second Chamber) of 27 September 2017 - Peter Puškár v Finančné riaditeľstvo Slovenskej republiky and Kriminálny úrad finančnej správy - REQUEST for a preliminary ruling under Article 267 TFEU from the Najvyšší súd Slovenskej republiky (Supreme Court of the Slovak Republic) - Reference for a preliminary ruling — **Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 47 — Directive 95/46/EC — Articles 1, 7 and 13 — **Processing of personal data** — Article 4(3) TEU — **Drawing up of a list of personal data** — **Subject matter** — **Tax collection** — **Fight against tax fraud** — **Judicial review** — **Protection of fundamental rights and freedoms** — Legal action dependent on a requirement of a prior administrative complaint — Whether that list is permissible as evidence — **Rules on the lawfulness of the processing of personal data** — **Performance of a task carried out in the public interest by the controller**
[CURIA – Judgment of the Court of Justice in Case C-73/16 of 27 September 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION (EU) 2017/1803 of 3 October 2017 on **enhancing legal pathways for persons in need of international protection** (notified under document C(2017) 6504)
[OJ of the EU, L 259/21 of 7 October 2017](#)

13. Internal Market and Single Market

Case Law

Affaire C-467/15 P: ARRÊT DE LA COUR (quatrième chambre) du 25 octobre 2017 - Commission européenne v République italienne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Aides d'État – **Aide accordée par la République italienne aux producteurs de lait** – Régime d'aides lié au remboursement du prélèvement laitier – Décision conditionnelle – **Décision prise par le Conseil de l'Union européenne sur le fondement de l'article 108, paragraphe 2, troisième alinéa, TFUE** – Règlement (CE) n° 659/1999 – Article 1er, sous b) et c) – **Aide existante** – **Aide nouvelle** – **Notions** – **Modification d'une aide existante en violation d'une condition assurant la compatibilité de l'aide avec le marché intérieur**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-467/15 du 25 octobre 2017](#)

Case C-198/16 P: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2017 - Agriconsulting Europe SA, established in Brussels (Belgium) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Non-contractual liability of the European Union** — **Public service contract** — **Operational technical assistance to set up and manage a network facility for the implementation of the European Innovation Partnership 'Agricultural Productivity and Sustainability'** — Rejection of a tenderer's bid — Abnormally low bid — Adversarial procedure
[CURIA – Judgment of the Court of Justice in Case C-198/16 of 19 October 2017](#)

Case C-567/15: JUDGMENT OF THE COURT (Fourth Chamber) of 5 October 2017 - 'LitSpecMet' UAB v 'Vilniaus lokomotyvų remonto depas' UAB and 'Plienmetas' UAB - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus apygardos teismas (Regional Court, Vilnius, Lithuania) - Reference for a preliminary ruling — **Public works contracts, public supply contracts and public service contracts** — Directive 2004/18/EC — Article 1(9) — **Concept of contracting authority** — **Company wholly owned by a contracting authority** — **Transactions internal to the group**
[CURIA – Judgment of the Court of Justice in Case C-567/15 of 5 October 2017](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

COMMISSION RECOMMENDATION (EU) 2017/1805 of 3 October 2017 on the **professionalisation of public procurement Building an architecture for the professionalisation of public procurement** (Text with EEA relevance)
[OJ of the EU, L 259/28 of 7 October 2017](#)

14. Intellectual Property

Case Law

Case C-389/15: JUDGMENT OF THE COURT (Grand Chamber) of 25 October 2017 - European Commission and European Parliament v Council of the European Union - ACTION for annulment under Article 263 TFEU - Action for annulment — **Council decision authorising the opening of negotiations on a revised Lisbon Agreement on Appellations of Origin and Geographical Indications** — Article 3(1) TFEU — **Exclusive competence of the European Union — Common commercial policy** — Article 207(1) TFEU — **Commercial aspects of intellectual property**

[CURIA – Judgment of the Court of Justice in Case C-389/15 of 25 October 2017](#)

Case C-231/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - Merck KGaA v Merck & Co. Inc., Merck Sharp & Dohme Corp. and MSD Sharp & Dohme GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — Regulation (EC) No 207/2009 — EU trade mark — Article 109(1) — **Civil actions on the basis of EU trade marks and national trade marks — Lis pendens — Meaning of ‘same cause of action’ — Use of the name ‘Merck’ on the internet in domain names and on social media platforms** — One action based on a national trade mark followed by another based on an EU trade mark — **Disclaimer of jurisdiction** — Scope

[CURIA – Judgment of the Court of Justice in Case C-231/16 of 19 October 2017](#)

Case C-425/16: JUDGMENT OF THE COURT (Ninth Chamber) of 19 October 2017 - Hansruedi Raimund v Michaela Aigner - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Intellectual and industrial property — EU trade mark** — Regulation (EC) No 207/2009 — Article 96(a) — **Infringement proceedings** — Article 99(1) — **Presumption of validity** — Article 100 — **Counterclaim for a declaration of invalidity — Relationship between an action for infringement and a counterclaim for a declaration of invalidity — Procedural autonomy**

[CURIA – Judgment of the Court of Justice in Case C-425/16 of 19 October 2017](#)

Affaire C-395/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 19 octobre 2017 - DOCERAM GmbH contre CeramTec GmbH - demande de décision préjudicielle formée par l’Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Renvoi préjudiciel — **Propriété intellectuelle et industrielle – Dessins ou modèles communautaires** – Règlement (CE) no 6/2002 – Article 8, paragraphe 1 – **Caractéristiques de l’apparence d’un produit exclusivement imposées par sa fonction technique – Contours de cette notion – Critères d’appréciation**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-395/16 du 19 octobre 2017](#)

Case C-501/15 P: JUDGMENT OF THE COURT (Fourth Chamber) of 11 October 2017 - European Union Intellectual Property Office (EUIPO) v Cactus SA, established in Bertrange (Luxembourg) and Isabel Del Rio Rodríguez, residing in Malaga (Spain) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Figurative mark containing the word elements ‘CACTUS OF PEACE CACTUS DE LA PAZ’ — Opposition by the proprietor of word and figurative EU trade marks containing the word element ‘Cactus’ — Nice Classification** — Article 28 — Point (a) of the second subparagraph of Article 15(1) of Regulation No 207/2009 — **Genuine use of the mark in an abbreviated form**

[CURIA – Judgment of the Court of Justice in Case C-501/15 of 11 October 2017](#)

Case C-437/16 P: JUDGMENT OF THE COURT (Ninth Chamber) of 5 October 2017 - Wolf Oil Corp., established in Hemiksem (Belgium) v European Union Intellectual Property Office (EUIPO) and SCT Lubricants UAB, established in Klaipėda (Lithuania) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark — Opposition proceedings — International registration designating the European Union** — Word mark CHEMPIOIL — Earlier figurative mark CHAMPION — Opposition dismissed

[CURIA – Judgment of the Court of Justice in Case C-437/16 of 5 October 2017](#)

Case C-341/16: JUDGMENT OF THE COURT (Second Chamber) of 5 October 2017 - Hanssen Beleggingen BV v Tanja Prast-Knippling - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil and commercial matters** — Regulation (EC) No 44/2001 — **Jurisdiction** — Article 2(1) — **Jurisdiction of the courts of the place where the defendant is domiciled** — Article 22(4) — **Exclusive jurisdiction in proceedings concerned with the registration or validity of intellectual property rights** — **Proceedings to determine whether a person was correctly registered as the proprietor of a trade mark**

[CURIA – Judgment of the Court of Justice in Case C-341/16 of 5 October 2017](#)

Joined Cases C-24/16 and C-25/16: JUDGMENT OF THE COURT (Second Chamber) of 27 September 2017 - Nintendo Co. Ltd v BigBen Interactive GmbH and BigBen Interactive SA - REQUESTS for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Language of the case: German s for a preliminary ruling — **Intellectual property** — Regulation (EC) No 6/2002 — Article 20(1)(c), Article 79(1) and Articles 82, 83, 88 and 89 — **Action for infringement** — **Limitation of the rights conferred by the Community design** — **Concept of ‘citations’** — Regulation (EC) No 44/2001 — Article 6(1) — **Jurisdiction in respect of the co-defendant domiciled outside the Member State of the forum** — **Territorial scope of the jurisdiction of the Community design courts** — Regulation (EC) No 864/2007 — Article 8(2) — **Law applicable to claims seeking the adoption of orders relating to sanctions and other measures**

[CURIA – Judgment of the Court of Justice in Case C-24/16 of 27 September 2017](#)

Joined Cases C-397/16 and C-435/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 28 September 2017 - Acacia Srl v Pneusgarda Srl (in bankruptcy) and Audi AG - Request for a preliminary ruling from the Corte d'appello di Milano (Court of appeal, Milan) (Italy) - **Acacia Srl and Rolando D'Amato v Dr. Ing. h.c. F. Porsche AG** - Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice) (Germany) - Reference for a preliminary ruling — Regulation (EC) No 6/2002 — **Community designs** — Article 110(1) — **Exception from protection** — **Authorised use** — Replacement part — Car wheel rim — **Concept of a ‘component part of a complex product’** — **Absence of any requirement for the shape of the part to be determined by the appearance of the complex product** — Extensive liberalisation of the market for replacement parts — Requirement relating to use for the purpose of the repair of the complex product so as to restore its original appearance — **Precautionary measures to be taken by a manufacturer or supplier who is not the design holder** — **Duty of diligence as regards compliance with conditions of use by downstream users**

[CURIA – Opinion of Advocate General in Case C-397/16 of 28 September 2017](#)

Case C-376/16 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 28 September 2017 - European Union Intellectual Property Office (EUIPO) v European Dynamics Luxembourg SA, European Dynamics Belgium SA and Evropaiki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE - Appeal — **Public service contracts** — **Software development and maintenance services** — **Decision to rank the applicant's tender in fourth position for the purposes of the cascade contract** — Obligation to state reasons

[CURIA – Opinion of Advocate General in Case C-376/16 of 28 September 2017](#)

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

Case Law

Affaire C-201/16: ARRÊT DE LA COUR (grande chambre) of 25 octobre 2017 - Majid Shiri, également connu sous le nom de Madzhdi Shiri v Bundesamt für Fremdenwesen und Asyl - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – Règlement (UE) n° 604/2013 – **Détermination de l'État membre responsable de l'examen d'une demande de protection internationale présentée dans l'un des États membres par un ressortissant d'un pays tiers** – Article 27 – **Voie de recours** – **Étendue du contrôle juridictionnel** – Article 29 – **Délai pour effectuer le transfert** – **Absence d'exécution du transfert dans le délai imparti** – **Obligations de l'État membre responsable** – Transfert de responsabilité – Exigence d'une décision de l'État membre responsable

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-201/16 du 25 octobre 2017](#)

Case C-231/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - Merck KGaA v Merck & Co. Inc., Merck Sharp & Dohme Corp. and MSD Sharp & Dohme GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — Regulation (EC) No 207/2009 — EU trade mark — Article 109(1) — **Civil actions on the basis of EU trade marks and national trade marks — Lis pendens — Meaning of ‘same cause of action’ — Use of the name ‘Merck’ on the internet in domain names and on social media platforms — One action based on a national trade mark followed by another based on an EU trade mark — **Disclaimer of jurisdiction** — Scope**

[CURIA – Judgment of the Court of Justice in Case C-231/16 of 19 October 2017](#)

Case C-470/16: OPINION OF ADVOCATE GENERAL BOBEK of 19 October 2017 - North East Pylon Pressure Campaign Limited and Maura Sheehy v An Bord Pleanála, Minister for Communications, Climate Action and Environment, Ireland, Attorney General, Ireland and EirGrid Plc - Request for a preliminary ruling from the High Court (Ireland) - Reference for a preliminary ruling — Article 11(2) and (4) of Directive 2011/92 EU — **Decisions, acts or omissions — ‘Not prohibitively expensive’ cost of judicial proceedings — Dismissal of a claim on grounds that it was premature — **EU law and non-EU law elements of a judicial procedure — Direct applicability of Article 9(3) of the Aarhus Convention****

[CURIA – Opinion of Advocate General in Case C-470/16 of 19 October 2017](#)

Joined Cases C-274/16, C-447/16 and C-448/16: OPINION OF ADVOCATE GENERAL BOBEK of 19 October 2017 - flihtright GmbH v Air Nostrum Líneas Aéreas del Mediterráneo SA (C-274/16) - Request for a preliminary ruling from the Amtsgericht Düsseldorf (Local Court, Düsseldorf, Germany) - **Roland Becker v Hainan Airlines Co. Ltd (C-447/16) - Mohamed Barkan, Souad Asbai, Assia Barkan, Zakaria Barkan and Nousaiba Barkan v Air Nostrum, Líneas Aereas del Mediterraneo, SA (C-448/16) - Requests for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - References for a preliminary ruling — Regulations (EC) No 44/2001 and (EU) No 1215/2012 — **Jurisdiction for claims arising under Regulation (EC) No 261/2004 — Delayed flight — Multi-leg journey — Notion of ‘matters relating to a contract’ — Provision of services — Place of performance — Defendant domiciled in a third country****

[CURIA – Opinion of Advocate General in Case C-274/16 of 19 October 2017](#)

Case C-467/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 October 2017 - Brigitte Schlömp v Landratsamt Schwäbisch Hall - Request for a preliminary ruling from the Amtsgericht Stuttgart (Local Court, Stuttgart, Germany) - **Area of freedom, security and justice — Judicial cooperation in civil matters — Lugano II Convention — Articles 27 and 30 — **Lis pendens – Concept of ‘court’****

[CURIA – Opinion of Advocate General in Case C-467/16 of 18 October 2017](#)

Case C-194/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 October 2017 - Bolagsupplysningen OÜ and Ingrid Iisjan v Svensk Handel AB - REQUEST for a preliminary ruling under Article 267 TFEU from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Regulation (EU) No 1215/2012 — Article 7(2) — **Special jurisdiction in matters relating to tort, delict or quasi-delict — Infringement of the rights of a legal person by the publication on the internet of allegedly incorrect information concerning that person and by the failure to remove comments relating to that person** — Place where the damage occurred — Centre of interests of that person**

[CURIA – Judgment of the Court of Justice in Case C-194/16 of 17 October 2017](#)

Case C-278/16: JUDGMENT OF THE COURT (Fifth Chamber) of 12 October 2017 - Frank Sleutjes v Staatsanwaltschaft Aachen - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Aachen (Regional Court, Aachen, Germany) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — Directive 2010/64/EU — Article 3(1) — **Right to interpretation and translation in criminal proceedings — Translation of ‘essential documents’** — Definition of essential documents — **Penalty order issued following a simplified unilateral procedure and imposing on the addressee a fine for a minor offence****

[CURIA – Judgment of the Court of Justice in Case C-278/16 of 12 October 2017](#)

Case C-218/16: JUDGMENT OF THE COURT (Second Chamber) of 12 October 2017 - Aleksandra Kubicka v Przemysław Bac, acting in her capacity as notary - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Okręgowy w Gorzowie Wielkopolskim (Regional Court, Gorzów Wielkopolski, Poland) - Reference for a preliminary ruling — **Area of Freedom, Security and Justice** — Regulation (EU) No 650/2012 — **Succession and the European Certificate of Succession — Scope — Immovable property located in a Member State in which legacies ‘per vindicationem’ do not exist** — Refusal to recognise the material effects of such a legacy
[CURIA – Judgment of the Court of Justice in Case C-218/16 of 12 October 2017](#)

Case C-341/16: JUDGMENT OF THE COURT (Second Chamber) of 5 October 2017 - Hanssen Beleggingen BV v Tanja Prast-Knippling - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil and commercial matters** — Regulation (EC) No 44/2001 — **Jurisdiction** — Article 2(1) — **Jurisdiction of the courts of the place where the defendant is domiciled** — Article 22(4) — **Exclusive jurisdiction in proceedings concerned with the registration or validity of intellectual property rights — Proceedings to determine whether a person was correctly registered as the proprietor of a trade mark**
[CURIA – Judgment of the Court of Justice in Case C-341/16 of 5 October 2017](#)

Joined Cases C-24/16 and C-25/16: JUDGMENT OF THE COURT (Second Chamber) of 27 September 2017 - Nintendo Co. Ltd v BigBen Interactive GmbH and BigBen Interactive SA - REQUESTS for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Language of the case: German s for a preliminary ruling — **Intellectual property** — Regulation (EC) No 6/2002 — Article 20(1)(c), Article 79(1) and Articles 82, 83, 88 and 89 — **Action for infringement — Limitation of the rights conferred by the Community design — Concept of ‘citations’** — Regulation (EC) No 44/2001 — Article 6(1) — **Jurisdiction in respect of the co-defendant domiciled outside the Member State of the forum — Territorial scope of the jurisdiction of the Community design courts** — Regulation (EC) No 864/2007 — Article 8(2) — **Law applicable to claims seeking the adoption of orders relating to sanctions and other measures**
[CURIA – Judgment of the Court of Justice in Case C-24/16 of 27 September 2017](#)

16. Transport

COMMISSION DELEGATED REGULATION (EU) 2017/1926 of 31 May 2017 **supplementing** Directive 2010/40/EU of the European Parliament and of the Council with regard to the **provision of EU-wide multimodal travel information services** (Text with EEA relevance)
[OJ of the EU, L 272/1 of 21 October 2017](#)

Case Law

Case C-65/16: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2017 - Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság - REQUEST for a preliminary ruling under Article 267 TFEU from the Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Agreement establishing an association between the European Economic Community and Turkey** — Article 9 — Decision No 1/95 of the EC-Turkey Association Council — Articles 4, 5 and 7 — **Customs Union — Road transport — Motor vehicle tax — Taxation of heavy goods vehicles registered in Turkey crossing Hungary in transit**
[CURIA – Judgment of the Court of Justice in Case C-65/16 of 19 October 2017](#)

Joined Cases C-274/16, C-447/16 and C-448/16: OPINION OF ADVOCATE GENERAL BOBEK of 19 October 2017 - **flightright GmbH v Air Nostrum Líneas Aéreas del Mediterráneo SA (C-274/16)** - Request for a preliminary ruling from the Amtsgericht Düsseldorf (Local Court, Düsseldorf, Germany) - **Roland Becker v Hainan Airlines Co. Ltd (C-447/16)** - **Mohamed Barkan, Souad Asbai, Assia Barkan, Zakaria Barkan and Nousaiba Barkan v Air Nostrum, Lineas Aereas del Mediterraneo, SA (C-448/16)** - Requests for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany) - References for a preliminary ruling — Regulations (EC) No 44/2001 and (EU) No 1215/2012 — **Jurisdiction for claims arising under Regulation (EC) No 261/2004 — Delayed flight — Multi-leg journey — Notion of ‘matters relating to a contract’ — Provision of services — Place of performance — Defendant domiciled in a third country**

[CURIA – Opinion of Advocate General in Case C-274/16 of 19 October 2017](#)

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

Case Law

Case C-389/15: JUDGMENT OF THE COURT (Grand Chamber) of 25 October 2017 - **European Commission and European Parliament v Council of the European Union** - ACTION for annulment under Article 263 TFEU - Action for annulment — **Council decision authorising the opening of negotiations on a revised Lisbon Agreement on Appellations of Origin and Geographical Indications** — Article 3(1) TFEU — **Exclusive competence of the European Union — Common commercial policy** — Article 207(1) TFEU — **Commercial aspects of intellectual property**

[CURIA – Judgment of the Court of Justice in Case C-389/15 of 25 October 2017](#)

Affaires jointes C-593/15 P et C-594/15 P: ARRÊT DE LA COUR (quatrième chambre) du 25 octobre 2017 - **République slovaque, République tchèque, République fédérale d’Allemagne, and Roumanie v Commission européenne** - ayant pour objet deux pourvois au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi – **Ressources propres de l’Union européenne** – Décision 2007/436/CE – **Responsabilité financière des États membres – Perte de certains droits à l’importation – Obligation de verser à la Commission européenne le montant correspondant à la perte** – Recours en annulation – Recevabilité – Lettre de la Commission européenne – **Notion d’“acte attaquant”**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-593/15 du 25 octobre 2017](#)

Affaire C-599/15 P: ARRÊT DE LA COUR (quatrième chambre) du 25 octobre 2017 - **Roumanie, République tchèque, République fédérale d’Allemagne and République slovaque v 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 – **Ressources propres de l’Union européenne** – Décision 2007/436/CE – **Responsabilité financière des États membres – Perte de certains droits à l’importation – Obligation de verser à la Commission européenne le montant correspondant à la perte** – Recours en annulation – Recevabilité – Lettre de la Commission européenne – **Notion d’“acte attaquant”**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-599/15 du 25 octobre 2017](#)

Joined Cases C-316/16 and C-424/16: OPINION OF ADVOCATE GENERAL SZPUNAR of 24 October 2017 – **B v Land Baden-Württemberg** - Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) - **Secretary of State for the Home Department v Franco Vomero** - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Citizenship of the European Union — Right of Union citizens to move and reside within the territory of the European Union — Protection against expulsion** — Residence in the host Member State for the 10 years preceding the expulsion decision — **Union citizen with no ties to his Member State of origin — Interruption of continuity of residence by a period of imprisonment** — Offence committed after 20 years’ residence — **Concept of ‘the precise time when the question of expulsion arises’**

[CURIA – Opinion of Advocate General in Case C-316/16 of 24 October 2017](#)

Case C-413/15: JUDGMENT OF THE COURT (Grand Chamber) of 10 October 2017 - Elaine Farrell v Alan Whitty, Minister for the Environment, Ireland, Attorney General and Motor Insurers Bureau of Ireland (MIBI) - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — Approximation of laws — **Insurance against civil liability in respect of the use of motor vehicles — Directive 90/232/EEC — Article 1 — **Liability for personal injury caused to all passengers other than the driver — Compulsory insurance — Direct effect** — Directive 84/5/EEC — Article 1(4) — **Organisation responsible for paying compensation for damage to property or personal injury caused by an unidentified or uninsured vehicle space** — Whether a directive can be relied on against a State — **Conditions governing whether a private law body can be deemed to be an emanation of the State and whether provisions of a directive capable of having direct effect can be relied upon against it****

[CURIA – Judgment of the Court of Justice in Case C-413/15 of 10 October 2017](#)