



Institut suisse de droit comparé  
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# EU News: Click & Read

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

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

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## Highlights

**REGULATION (EU) 2018/302 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 28 February 2018 on **addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market** and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (Text with EEA relevance)  
[OJ of the EU, L1 60/1 of 2 March 2018](#)

**Case C-558/16: JUDGMENT OF THE COURT (Second Chamber) of 1 March 2018 - Doris Margret Lisette Mahnkopf and Sven Mahnkopf** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht Berlin (Higher Regional Court, Berlin, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EU) No 650/2012 — **Succession and European Certificate of Succession** — **Scope** — **Ability to include the surviving spouse's share in the European Certificate of Succession**  
[CURIA – Judgment of the Court of Justice in Case C-558/16 of 1 March 2018](#)

**Case C-64/17: JUDGMENT OF THE COURT (Seventh Chamber) of 8 March 2018 - Saey Home & Garden NV/SA v Lusavouga-Máquinas e Acessórios Industriais SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação do Porto (Court of Appeal, Porto, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 25 — **Existence of a jurisdiction clause** — **Verbal agreement without written confirmation** — **Clause contained in the general terms and conditions of sale mentioned in invoices** — Article 7(1)(b) — Commercial concession agreement between two companies established in different Member States in respect of the market of a third Member State — Article 7(1)(b), second indent — Determination of the court with jurisdiction — **Place of performance of the obligation that is characteristic of such a contract**  
[CURIA – Judgment of the Court of Justice in Case C-64/17 of 8 March 2018](#)

**Case C-355/16: JUDGMENT OF THE COURT (First Chamber) of 15 March 2018 - Christian Picart 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 — **Agreement between the European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the free **movement of persons** — **Direct taxation** — **Transfer of the place of residence from a Member State to Switzerland** — Taxation of unrealised gains on significant shareholdings in a number of companies established in the Member State of origin at the time of such transfer — **Scope of the Agreement**  
[CURIA – Judgment of the Court of Justice in Case C-355/16 of 15 March 2018](#)

## 1. EU-Swiss Relations

### International Agreements

**COUNCIL DECISION (EU) 2018/404** of 13 March 2018 on the **signing**, on behalf of the Union, of the Agreement between the **European Union and the Swiss Confederation on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund**, for the period 2014 to 2020

[OJ of the EU, L 74/1 of 16 March 2018](#)

**DECISION No 2/2017 OF THE COMMITTEE ESTABLISHED UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON MUTUAL RECOGNITION IN RELATION TO CONFORMITY ASSESSMENT** of 22 December 2017 on the **amendment** of Chapter 2 on **Personal protective equipment**, Chapter 4 on **medical devices**, Chapter 5 on **gas appliances and boilers** and Chapter 19 on **Cableway installations** [2018/403]

[OJ of the EU, L 72/24 of 15 March 2018](#)

### Community Legislation

**COMMISSION DECISION (EU) 2018/402** of 13 March 2018 **setting up the European Advisory Group for the European Labour Authority** (Text with relevance for the EEA and for Switzerland)

[OJ of the EU, L 72/20 of 15 March 2018](#)

### Case Law

**Case C-551/16: JUDGMENT OF THE COURT (First Chamber) of 21 March 2018 - J. Klein Schiphorst v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling — **Social security — Agreement between the European Community and the Swiss Confederation — Coordination of social security systems** — Regulation (EC) No 883/2004 — Articles 7, 63 and 64 — **Unemployment benefits — Unemployed person going to another Member State — Retention of entitlement to benefits — Duration**

[CURIA – Judgment of the Court of Justice in Case C-551/16 of 21 March 2018](#)

**Case C-355/16: JUDGMENT OF THE COURT (First Chamber) of 15 March 2018 - Christian Picart 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 — **Agreement between the European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the free **movement of persons — Direct taxation — Transfer of the place of residence from a Member State to Switzerland** — Taxation of unrealised gains on significant shareholdings in a number of companies established in the Member State of origin at the time of such transfer — **Scope of the Agreement**

[CURIA – Judgment of the Court of Justice in Case C-355/16 of 15 March 2018](#)

## 2. External Relations / Foreign Policy

### Case Law

**Case C-15/17: OPINION OF ADVOCATE GENERAL WAHL of 28 February 2018 - Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos** - Request for a preliminary ruling from the korkein oikeus (Supreme Court, Finland) - **United Nations Convention of the Law of the Sea** — Article 220(6) — **Enforcement jurisdiction of a coastal State — Jurisdiction of the Court to interpret provisions of international law** — Directive 2005/35/EC — **Ship-source pollution** — Article 7(2) — Marpol 73/78 — **Oil spill in the exclusive economic zone from a foreign vessel in transit** — Circumstances in which a coastal State may instigate proceedings against a foreign vessel — Freedom of navigation — Protection of the marine environment — Proximity — **Major damage or threat of major damage to the coastline, related interests or any resources in the territorial sea or exclusive economic zone** — **Clear objective evidence**

[CURIA – Opinion of Advocate General in Case C-15/17 of 28 February 2018](#)

**Case C-266/16: JUDGMENT OF THE COURT (Grand Chamber) of 27 February 2018 - The Queen, on the application of Western Sahara Campaign UK v Commissioners for Her Majesty's Revenue and Customs, Secretary of State for Environment, Food and Rural Affairs and Confédération marocaine de l'agriculture et du développement rural (Comader)** - 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 — **Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco — Protocol setting out the fishing opportunities provided for by the agreement** — Acts approving the conclusion of the agreement and of the protocol — **Regulations allocating among the Member States the fishing opportunities set out by the protocol — Jurisdiction** — Interpretation — Validity having regard to Article 3(5) TEU and international law — **Applicability of that agreement and that protocol to the territory of Western Sahara and the waters adjacent thereto**

[CURIA – Judgment of the Court of Justice in Case C-266/16 of 27 February 2018](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Community Legislation

**COMMISSION IMPLEMENTING DECISION (EU) 2018/304** of 27 February 2018 **excluding** from European Union **financing certain expenditure incurred by the Member States** under the European **Agricultural Guarantee Fund (EAGF)** and under the **European Agricultural Fund for Rural Development (EAFRD)** (notified under document C(2018) 955)

[OJ of the EU, L 59/3 of 1 March 2018](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2018/305** of 27 February 2018 **amending** Implementing Decision (EU) 2017/927 on the **clearance of the accounts of the paying agencies of Member States concerning expenditure financed** by the European Agricultural Guarantee Fund (EAGF) for the financial year 2016 (notified under document C(2018) 1095)

[OJ of the EU, L 59/28 of 1 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/273** of 11 December 2017 **supplementing** Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the **scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification**, the inward and outward register, **compulsory declarations, notifications and publication of notified information**, and **supplementing** Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the **relevant checks and penalties**, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560

[OJ of the EU, L 58/1 of 28 February 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/274** of 11 December 2017 **laying down rules** for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the **scheme of authorisations for vine plantings, certification**, the inward and outward register, **compulsory declarations and notifications**, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the **relevant checks**, and repealing Commission Implementing Regulation (EU) 2015/561  
[OJ of the EU, L 58/60 of 28 February 2018](#)

## Case Law

**Case C-384/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 13 March 2018 - European Union Copper Task Force, established in Essex (United Kingdom) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Plant protection products** — Implementing Regulation (EU) 2015/408 — **Placing on the market of plant protection products and establishing a list of candidates for substitution — Inclusion of active substance ‘copper compounds’ in that list** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — **Regulatory act that does not entail implementing measures — Individually concerned person**  
[CURIA – Judgment of the Court of Justice in Case C-384/16 of 13 March 2018](#)

**Case C-244/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 13 March 2018 - Industrias Químicas del Vallés SA, established in Mollet del Vallés (Spain) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Plant protection products** — Implementing Regulation (EU) 2015/408 — **Placing on the market of plant protection products and establishing a list of candidates for substitution — Inclusion of active substance metalaxyl in that list** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — **Regulatory act that does not entail implementing measures — Individually concerned person**  
[CURIA – Judgment of the Court of Justice in Case C-244/16 of 13 March 2018](#)

**Case C-266/16: JUDGMENT OF THE COURT (Grand Chamber) of 27 February 2018 - The Queen, on the application of Western Sahara Campaign UK v Commissioners for Her Majesty’s Revenue and Customs, Secretary of State for Environment, Food and Rural Affairs and Confédération marocaine de l’agriculture et du développement rural (Comader)** - 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 — **Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco — Protocol setting out the fishing opportunities provided for by the agreement** — Acts approving the conclusion of the agreement and of the protocol — **Regulations allocating among the Member States the fishing opportunities set out by the protocol — Jurisdiction** — Interpretation — Validity having regard to Article 3(5) TEU and international law — **Applicability of that agreement and that protocol to the territory of Western Sahara and the waters adjacent thereto**  
[CURIA – Judgment of the Court of Justice in Case C-266/16 of 27 February 2018](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

**COMMISSION RECOMMENDATION (EU) 2018/334** of 1 March 2018 on **measures to effectively tackle illegal content online**  
[OJ of the EU, L 63/50 of 6 March 2018](#)

## 5. Competition

### Case Law

**Case C-100/17 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 22 March 2018 - Gul Ahmed Textile Mills Ltd v Council of the European Union - Appeal — **Dumping** — Imports of cotton-type bed linen originating in Pakistan — **Continued interest in bringing proceedings — Impact of events intervening during the proceedings — Grounds justifying such interest — Burden of proof****

[CURIA – Opinion of Advocate General in Case C-100/17 of 22 March 2018](#)

**Case C-256/16: JUDGMENT OF THE COURT (Third Chamber) of 15 March 2018 - Deichmann SE v Hauptzollamt Duisburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Admissibility — **Anti-dumping — Validity of a regulation seeking to implement a judgment of the Court declaring previous regulations invalid** — Obligation to implement — Legal basis — Regulation (EC) No 1225/2009 — Article 14 — **Setting of the criteria relating to the collection of anti-dumping duties by Member States** — Direction suspending the repayment of anti-dumping duties by national customs authorities — **Resumption of the proceeding that preceded the regulations declared invalid** — Article 10 — Non-retroactivity — **Community Customs Code** — Article 221 — Time-bar — Article 236 — **Repayment of duties not owed****

[CURIA – Judgment of the Court of Justice in Case C-256/16 of 15 March 2018](#)

**Case C-127/16 P: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - SNCF Mobilités, formerly Société nationale des chemins de fer français (SNCF), established in Saint-Denis (France) v European Commission, represented by B. Stromsky and T. Maxian Rusche, acting as Agents, French Republic, Mory SA, in liquidation, Mory Team, in liquidation, established in Pantin (France) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Aid implemented by the French Republic in favour of Sernam — Restructuring and recapitalisation aid, guarantees and waiving of Sernam’s financial debts by SNCF** — Decision declaring that aid incompatible with the internal market and ordering its recovery — **Sale of assets en bloc — Concept of ‘sale’ — Confusion between object and price of the sale of assets en bloc** — Open and transparent procedure — **Private investor test** — Application of that principle to an assignment of assets en bloc — Compensatory measures**

[CURIA – Judgment of the Court of Justice in Case C-127/16 of 7 March 2018](#)

**Case C-579/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 6 March 2018 - European Commission v FIH Holding A/S, established in Copenhagen (Denmark) and FIH Erhvervsbank A/S, established in Copenhagen - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Definition of ‘aid’ — Definition of ‘economic advantage’ — Market economy operator principle** — Conditions governing applicability and application — **Financial crisis — Successive bank bail outs** — Whether account to be taken, in the assessment of the second bail out, of the risks arising from commitments entered into by a Member State in the first bail out**

[CURIA – Judgment of the Court of Justice in Case C-579/16 of 6 March 2018](#)

**Case C-301/16 P: JUDGMENT OF THE COURT (Second Chamber) of 28 February 2018 - European Commission and GMB Glasmanufaktur Brandenburg GmbH, established in Tschernitz (Germany) v Xinyi PV Products (Anhui) Holdings Ltd, established in Anhui (China) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Commercial policy — Dumping — Imports of solar glass originating in China** — Regulation (EC) No 1225/2009 — Article 2(7)(b) and (c) — **Market Economy Treatment (MET) — Concept of ‘significant distortions carried over from the former non-market economy system’, within the meaning of the third indent of Article 2(7)(c)** — Tax incentives**

[CURIA – Judgment of the Court of Justice in Case C-301/16 of 28 February 2018](#)



**Case C-518/16: JUDGMENT OF THE COURT (First Chamber) of 28 February 2018 - 'ZPT' AD v Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad and Natsionalna agentsia za prihodite** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sofiyski gradski sad (Sofia City Court, Bulgaria) - Reference for a preliminary ruling — **State aid** — Regulation (EC) No 1998/2006 — Article 35 TFEU — **De minimis aid in the form of tax relief** — National legislation excluding investments in the production of goods intended for export from the benefit of that tax relief

[CURIA – Judgment of the Court of Justice in Case C-518/16 of 28 February 2018](#)

**Case C-135/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 27 February 2018 - Georgsmarienhütte GmbH, Stahlwerk Bous GmbH, Schmiedag GmbH and Harz Guss Zorge GmbH v Federal Republic of Germany** - Request for a preliminary ruling from the Verwaltungsgericht Frankfurt am Main (Administrative Court, Frankfurt am Main, Germany) - Reference for a preliminary ruling on validity — Commission Decision of 25 November 2014 in State aid proceedings SA.33995 (2013/C) (ex 2013/NN) — **German aid for renewable energy sources — Cap on the EEG surcharge for energy-intensive undertakings — Admissibility of the reference for a preliminary ruling** — Application of the case-law in TWD — **Concept of State aid — Advantage — Selectivity of aid — Transfer of State resources — Financial flows between private operators controlled by public authorities**

[CURIA – Opinion of Advocate General in Case C-135/16 of 27 February 2018](#)

## 6. Customs

### Community Legislation

#### Case Law

**Case C-256/16: JUDGMENT OF THE COURT (Third Chamber) of 15 March 2018 - Deichmann SE v Hauptzollamt Duisburg** - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Admissibility — **Anti-dumping — Validity of a regulation seeking to implement a judgment of the Court declaring previous regulations invalid** — Obligation to implement — Legal basis — Regulation (EC) No 1225/2009 — Article 14 — **Setting of the criteria relating to the collection of anti-dumping duties by Member States** — Direction suspending the repayment of anti-dumping duties by national customs authorities — **Resumption of the proceeding that preceded the regulations declared invalid** — Article 10 — Non-retroactivity — **Community Customs Code** — Article 221 — Time-bar — Article 236 — **Repayment of duties not owed**

[CURIA – Judgment of the Court of Justice in Case C-256/16 of 15 March 2018](#)

**Case C-76/17: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2018 - SC Petrotel-Lukoil SA and Maria Magdalena Georgescu v Ministerul Economiei, Ministerul Energiei and Ministerul Finanțelor Publice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (Supreme Court of Cassation, Romania) - Reference for a preliminary ruling — **Charges having an effect equivalent to customs duties** — Article 30 TFEU — **Internal taxation** — Article 110 TFEU — **Charge applied to exported petroleum products — Charge not passed on to the consumer — Tax burden for the taxpayer** — Reimbursement of the sums paid by the taxpayer

[CURIA – Judgment of the Court of Justice in Case C-76/17 of 1 March 2018](#)

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

### Community Legislation

**COMMISSION REGULATION (EU) 2018/498** of 22 March 2018 **amending** Regulation (EC) No 1126/2008 adopting certain **international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards **International Financial Reporting Standard 9** (Text with EEA relevance)

[OJ of the EU, L 82/3 of 26 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/480** of 4 December 2017 **supplementing** Regulation (EU) 2015/760 of the European Parliament and of the Council with regard to **regulatory technical standards on financial derivative instruments solely serving hedging purposes**, sufficient length of the life of the European long-term investment funds, **assessment criteria for the market for potential buyers and valuation of the assets to be divested**, and the types and characteristics of the facilities available to **retail investors** (Text with EEA relevance)

[OJ of the EU, L 81/1 of 23 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/405** of 21 November 2017 **correcting certain language versions** of Regulation (EU) No 575/2013 of the European Parliament and of the Council on **prudential requirements for credit institutions and investment firms** and amending Regulation (EU) No 648/2012 (Text with EEA relevance)

[OJ of the EU, L 74/3 of 16 March 2018](#)

**COMMISSION REGULATION (EU) 2018/400** of 14 March 2018 **amending** Regulation (EC) No 1126/2008 adopting certain **international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards **International Accounting Standard (IAS) 40** (Text with EEA relevance)

[OJ of the EU, L 72/13 of 15 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/344** of 14 November 2017 **supplementing** Directive 2014/59/EU of the European Parliament and of the Council with regard to **regulatory technical standards specifying the criteria relating to the methodologies for valuation of difference in treatment in resolution** (Text with EEA relevance)

[OJ of the EU, L 67/3 of 9 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/345** of 14 November 2017 **supplementing** Directive 2014/59/EU of the European Parliament and of the Council with regard to **regulatory technical standards specifying the criteria relating to the methodology for assessing the value of assets and liabilities of institutions or entities** (Text with EEA relevance)

[OJ of the EU, L 67/8 of 9 March 2018](#)

**REGULATION (EU) 2018/318 OF THE EUROPEAN CENTRAL BANK** of 22 February 2018 **amending** Regulation (EU) No 1011/2012 **concerning statistics on holdings of securities** (ECB/2018/7)

[OJ of the EU, L 62/4 of 5 March 2018](#)

**GUIDELINE (EU) 2018/323 OF THE EUROPEAN CENTRAL BANK** of 22 February 2018 **amending** Guideline ECB/2013/7 **concerning statistics on holdings of securities** (ECB/2018/8)

[OJ of the EU, L 62/38 of 5 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/308** of 1 March 2018 **laying down implementing technical standards** for Directive 2014/59/EU of the European Parliament and of the Council with regard to **formats, templates and definitions for the identification and transmission of information** by resolution authorities for the purposes of **informing the European Banking Authority of the minimum requirement for own funds and eligible liabilities** (Text with EEA relevance)

[OJ of the EU, L 60/7 of 2 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/292** of 26 February 2018 laying down **implementing technical standards with regard to procedures and forms for exchange of information and assistance between competent authorities** according to Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (Text with EEA relevance)

[OJ of the EU, L 55/34 of 27 February 2018](#)

**COMMISSION REGULATION (EU) 2018/289** of 26 February 2018 **amending** Regulation (EC) No 1126/2008 adopting certain **international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards **International Financial Reporting Standard (IFRS) 2 'Share-based Payment'** (Text with EEA relevance)

[OJ of the EU, L 55/21 of 27 February 2018](#)

## Case Law

**Joined Cases C-688/15 and C-109/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2018 - Agnieška Anisimovienė and Others v bankas 'Snoras' AB, in liquidation, 'Indėlių ir investicijų draudimas' VĮ and bankas 'Finasta' AB (C-688/15) - 'Indėlių ir investicijų draudimas' VĮ v Alvydas Raišelis and bankas 'Snoras' AB, in liquidation (C-109/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania), made by decisions of 18 December 2015 (C-688/15) and 12 February 2016 (C-109/16) - References for a preliminary ruling — **Deposit-guarantee and investor-compensation schemes** — Directive 94/19/EC — Article 1(1) — **Deposits — Temporary situations deriving from normal banking transactions** — Directive 97/9/EC — Second subparagraph of Article 2(2) — **Money owed to or belonging to an investor and held on his behalf by an investment firm in connection with investment business** — **Credit institution which issues transferable securities** — **Funds transferred by individuals to that institution in respect of subscription to future transferable securities** — Application of Directive 2004/39/EC — Insolvency of that institution before the transferable securities in question are issued — **Public undertaking entrusted with the deposit-guarantee and investor-compensation schemes** — Ability to rely on Directives 94/19/EC and 97/9/EC against that undertaking

[CURIA – Judgment of the Court of Justice in Case C-688/15 of 22 March 2018](#)

**Affaire C-108/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 22 mars 2018 - UAB Enteco Baltic contre Muitinės departamentas prie Lietuvos Respublikos finansų ministerijos and Vilniaus teritorinė muitinė** - demande de décision préjudicielle formée par le Vilniaus apygardos administracinis teismas (tribunal administratif régional de Vilnius, Lituanie) - Renvoi préjudiciel — **Système commun de taxe sur la valeur ajoutée (TVA)** — Article 14, paragraphe 1, de la directive 2006/112/CE — Article 138, paragraphe 1, article 143, paragraphe 1, sous d), et paragraphe 2 de la directive 2006/112 — **Exonération de TVA à l'importation suivie d'une livraison intracommunautaire exonérée** — **Biens expédiés ou transportés à partir d'un pays tiers vers un État membre autre que l'État membre d'arrivée** — Communication, par l'importateur, du numéro d'immatriculation à la TVA de l'acheteur dans l'État membre de destination — **Exigence formelle ou matérielle du droit à l'exonération à l'importation** — Documents suffisants pour prouver le fait de l'expédition des biens vers un autre État membre — Notion et modalités du transfert du pouvoir de disposer des marchandises à l'acquéreur — **Bonne foi de l'importateur** — Connaissance par l'assujetti de la participation de l'acquéreur à une fraude fiscale — Acceptation par l'autorité compétente des déclarations de l'importateur — **Sécurité juridique** — **Obligation éventuelle de l'autorité compétente d'aider l'assujetti à collecter les informations nécessaires pour prouver la satisfaction des conditions d'exonération**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-108/17 du 22 mars 2018](#)

**Joined Cases C-327/16 and C-421/16: JUDGMENT OF THE COURT (First Chamber) of 22 March 2018 - Marc Jacob v Ministre des Finances et des Comptes publics (C-327/16) and Ministre des Finances et des Comptes publics v Marc Lassus (C-421/16)** - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States** — Directive 90/434/EEC — Article 8 — **Exchange of securities — Capital gains relating to that transaction — Deferred taxation — Capital losses upon the subsequent transfer of securities received** — Tax competence of the State of residence — Difference in treatment — Justification — **Preservation of the allocation of fiscal competence between Member States**

[CURIA – Judgment of the Court of Justice in Case C-327/16 of 22 March 2018](#)

**Case C-568/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2018 - Faiz Rasool v Rasool Entertainment GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Nürtingen (Local Court, Nürtingen, Germany) - Reference for a preliminary ruling — **Payment services** — Directive 2007/64/EC — Article 3(e) and (o) — Article 4(3) — Annex — Point 2 — Scope — **Operation of multifunctional terminals enabling cash withdrawals in gaming arcades** — Consistency of the practice of the national authorities in bringing prosecutions — **Confiscation of sums obtained by means of an unlawful activity** — **Charter of Fundamental Rights of the European Union** — Article 17

[CURIA – Judgment of the Court of Justice in Case C-568/16 of 22 March 2018](#)



**Case C-648/16: OPINION OF ADVOCATE GENERAL WAHL of 22 March 2018 - Fortunata Silvia Fontana v Agenzia delle Entrate - Direzione provinciale di Reggio Calabria** - Request for a preliminary ruling from the Commissione tributaria provinciale di Reggio Calabria (Reggio Calabria Provincial Tax Court, Italy) - **Value added tax — Suspected tax evasion** — Sectoral studies — **Determination of VAT due by dint of inductive methods** — Principle of proportionality — Principle of neutrality — **Judicial review — Right of defence — Standard of proof**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-648/16 du 22 mars 2018](#)

**Case C-5/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 21 March 2018 - Commissioners for Her Majesty’s Revenue and Customs v DPAS Limited** - Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber, United Kingdom) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — **Exemption** — Article 135(1)(d) — **Transactions concerning payments and transfers** — Absence — Design and implementation of direct debit dental payment plans — **Lack of a supply entailing the transfer of a sum of money — Debt collection — Principle of economic reality** — The identity of the formal recipient of the supply is irrelevant  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-5/17 du 21 mars 2018](#)

**Case C-533/16: JUDGMENT OF THE COURT (Second Chamber) of 21 March 2018 - Volkswagen AG v Finančné riaditeľstvo Slovenskej republiky** - 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 — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Articles 167 to 171 — **Right to deduct VAT — Right to refunds of VAT for taxable persons not established in the Member State of refund** — Article 178(a) — **Rules governing the exercise of the right to deduct VAT** — Directive 2008/9/EC — Detailed rules for the refund of VAT — Limitation period — **Principle of fiscal neutrality** — VAT charged and paid several years after delivery of the goods in question — **Refusal to allow the exercise of the right to a refund due to the expiry of the time limit which should have started to run from the date of supply of the goods**  
[CURIA – Judgment of the Court of Justice in Case C-533/16 of 21 March 2018](#)

**Case C-355/16: JUDGMENT OF THE COURT (First Chamber) of 15 March 2018 - Christian Picart 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 — **Agreement between the European Community and its Member States**, of the one part, and the **Swiss Confederation**, of the other, on the free movement of persons — **Direct taxation — Transfer of the place of residence from a Member State to Switzerland** — Taxation of unrealised gains on significant shareholdings in a number of companies established in the Member State of origin at the time of such transfer — **Scope of the Agreement**  
[CURIA – Judgment of the Court of Justice in Case C-355/16 of 15 March 2018](#)

**Case C-52/17: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 13 March 2018 - VTB Bank (Austria) AG v Österreichische Finanzmarktaufsicht** - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court) (Austria) - Reference for a preliminary ruling — **Approximation of laws — Supervision of credit institutions** — Directive 2013/36/EU — Regulation (EU) No 575/2013 — Regulation (EU) No 468/14 — **Supervisory powers and powers to impose penalties** — Large exposure limits — **Rules of a Member State which provide for interest to be levied in cases where large exposure limits are exceeded**  
[CURIA – Opinion of Advocate General in Case C-52/17 of 13 March 2018](#)

**Case C-34/17: OPINION OF ADVOCATE GENERAL TANCHEV of 8 March 2018 - Eamonn Donnellan v The Revenue Commissioners** - Request for a preliminary ruling from the High Court (Ireland) - Council Directive 2010/24/EU — **Mutual assistance for the recovery of claims relating to taxes, duties and other measures** — Notification to a person of a claim after, rather than before, the issuance of a request for its recovery by the uniform instrument permitting enforcement under Article 12 of Directive 2010/24 — Permissibility of challenge under Article 14 of Directive 2010/24 in the courts of the requested Member State to enforcement of the claim — **Article 47 of the Charter of Fundamental Rights of the European Union — Right to effective judicial protection**  
[CURIA – Opinion of Advocate General in Case C-34/17 of 8 March 2018](#)

**Case C-544/16: OPINION OF ADVOCATE GENERAL TANCHEV of 7 March 2018 - Marcandi Limited, trading as 'Madbid' v Commissioners for Her Majesty's Revenue and Customs** - Request for a preliminary ruling from the First-tier Tribunal (Tax Chamber) (United Kingdom) - Reference for a preliminary ruling — **Value added tax** — Directive 2006/112/EC — **Issue of credits that can be used to place bids in online penny auctions and whose value may be credited towards the price of goods purchased directly from the company running the auctions** — Article 2(1)(a) and (c) — **Supply of services or goods for consideration – Preliminary transaction** — Article 65 — Payment on account — Article 73 — Taxable amount — Article 79(b) — Discount covering the whole price  
[CURIA – Opinion of Advocate General in Case C-544/16 of 7 March 2018](#)

**Affaire C-103/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 7 mars 2018 - Messer France SAS, venant aux droits de Praxair contre Premier ministre, Commission de régulation de l'énergie, Ministre de l'Économie et des Finances et Ministre de l'Environnement, de l'Énergie et de la Mer** - demande de décision préjudicielle formée par le Conseil d'État (France) - **Taxation des produits énergétiques et de l'électricité** — Réglementation nationale prévoyant une contribution au service public de l'électricité — **Droit d'accise sur l'électricité — Imposition indirecte — Conditions pour l'existence d'une autre imposition indirecte poursuivant des finalités spécifiques — Notion de finalités spécifiques** — Similitude entre les autres impositions indirectes poursuivant des finalités spécifiques et la taxe spéciale sur l'électricité — **Respect des taux minima de taxation — Différence entre imposition et prestation patrimoniale obligatoire à caractère non fiscal**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-103/17 du 7 mars 2018](#)

**Case C-90/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 7 March 2018 - Turbogás Produtora Energética SA v Autoridade Tributária e Aduaneira** - Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Tax Arbitration Tribunal (Centre for Administrative Arbitration)) (Portugal) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — Article 14(1)(a) — **Exemption of energy products and electricity used to produce electricity** — Third subparagraph of Article 21(5) — **Entity producing electricity for its own use — Exemption for small producers of electricity**  
[CURIA – Opinion of Advocate General in Case C-90/17 of 7 March 2018](#)

**Case C-284/16: JUDGMENT OF THE COURT (Grand Chamber) 6 March 2018 - Slowakische Republik (Slovak Republic) v Achmea BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Bilateral investment treaty concluded in 1991 between the Kingdom of the Netherlands and the Czech and Slovak Federative Republic and still applicable between the Kingdom of the Netherlands and the Slovak Republic — Provision enabling an investor from one Contracting Party to bring proceedings before an arbitral tribunal in the event of a dispute with the other Contracting Party** — Compatibility with Articles 18, 267 and 344 TFEU — Concept of 'court or tribunal' — Autonomy of EU law  
[CURIA – Judgment of the Court of Justice in Case C-246/16 of 6 March 2018](#)

**Case C-31/17: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - Cristal Union, the legal successor to Sucrierie de Toury SA v Ministre de l'Économie et des Finances** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(a) — **Energy products used for the generation of electricity — Obligation to exempt** — Article 15(1)(c) — **Energy products used for combined heat and power generation — Option to exempt or reduce the level of taxation** — Natural gas intended for use in the cogeneration of heat and electricity  
[CURIA – Judgment of the Court of Justice in Case C-31/17 of 7 March 2018](#)

**Case C-159/17: JUDGMENT OF THE COURT (Tenth Chamber) of 7 March 2018 - Întreprinderea Individuală Dobre M. Marius v Ministerul Finanțelor Publice — A.N.A.F. — D.G.R.F.P. Galați — Serviciul Soluționare Contestații and A.N.A.F. — D.G.R.F.P. Galați — A.J.F.P. Constanța — Serviciul Inspecție Fiscală Persoane Fizice 2 Constanța** - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Constanța (Court of Appeal, Constanța, Romania) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — **Revocation of identification for VAT purposes** — Obligation to pay VAT collected in the period during which the VAT identification number is revoked — **Non-recognition of the right to deduct VAT relating to purchases made during that period**  
[CURIA – Judgment of the Court of Justice in Case C-159/17 of 7 March 2018](#)

**Case C-76/17: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2018 - SC Petrotel-Lukoil SA and Maria Magdalena Georgescu v Ministerul Economiei, Ministerul Energiei and Ministerul Finanțelor Publice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (Supreme Court of Cassation, Romania) - Reference for a preliminary ruling — **Charges having an effect equivalent to customs duties** — Article 30 TFEU — **Internal taxation** — Article 110 TFEU — **Charge applied to exported petroleum products** — **Charge not passed on to the consumer** — **Tax burden for the taxpayer** — Reimbursement of the sums paid by the taxpayer

[CURIA – Judgment of the Court of Justice in Case C-76/17 of 1 March 2018](#)

**Affaire C-299/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 1<sup>er</sup> mars 2018 - Z Denmark contre Skatteministeriet** - Demande de décision préjudicielle formée par le Vestre Landsret [Cour d'appel de la région Ouest, Danemark] - Demande de décision préjudicielle – **Directive 2003/49/CE du Conseil concernant un régime fiscal commun applicable aux paiements d'intérêts et de redevances effectués entre des sociétés associées d'États membres différents (appelée directive sur les intérêts et les redevances)** – **Notion de bénéficiaire effectif** – Opérations effectuées en nom propre pour compte d'autrui – Incidence des commentaires du modèle de convention de l'OCDE sur l'interprétation d'une directive de l'Union européenne – Utilisation abusive des possibilités de montages fiscaux – **Critères relatifs à l'existence d'un abus visant à éluder une imposition à la source – Abus consistant à exploiter l'absence de systèmes d'échange d'informations entre les États** – Application directe d'une disposition de directive non transposée – Interprétation conforme au droit de l'Union de principes nationaux de prévention des abus

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-299/16 du 1<sup>er</sup> mars 2018](#)

**Case C-672/16: JUDGMENT OF THE COURT (Seventh Chamber) of 28 February 2018 - Imofloresmira — Investimentos Imobiliários SA 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 — TVA Directive — Exemption of the leasing and letting of immovable property** — Right of option available to taxpayers — Implementation by the Member States — **Deduction of input tax — Use for the purposes of the taxable person's taxed transactions — Adjustment of the initial deduction — Not permissible**

[CURIA – Judgment of the Court of Justice in Case C-672/16 of 28 February 2018](#)

**Case C-387/16: JUDGMENT OF THE COURT (Fourth Chamber) of 28 February 2018 - Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos v Nidera BV and Vilniaus apskrities valstybinė mokesčių inspekcija** - 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 — **Taxation — Value added tax (VAT)** — Directive 2006/112/EC — **Deduction of input tax** — Article 183 — **Refund of overpaid VAT — Late refund — Amount of default interest due under national law** — Reduction of that amount for reasons not attributable to the taxable person — Whether permissible — **Fiscal neutrality — Legal certainty**

[CURIA – Judgment of the Court of Justice in Case C-387/16 of 28 February 2018](#)

**Case C-307/16: JUDGMENT OF THE COURT (Fifth Chamber) of 28 February 2018 - Stanisław Pieńkowski v Dyrektor Izby Skarbowej w Lublinie** - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — Directive 2006/112/EC — **Value added tax (VAT)** — Article 131 — Article 146(1)(b) — Article 147 — **Exemptions on exportation** — Article 273 — **Legislation of a Member State making the benefit of the exemption subject to the attainment of a minimum level of turnover or the conclusion of an agreement with a person authorised to make VAT refunds to travellers**

[CURIA – Judgment of the Court of Justice in Case C-307/16 of 28 February 2018](#)

**Case C-518/16: JUDGMENT OF THE COURT (First Chamber) of 28 February 2018 - 'ZPT' AD v Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad and Natsionalna agentsia za prihodite** - REQUEST for a preliminary ruling under Article 267 TFEU from the Sofijski gradski sad (Sofia City Court, Bulgaria) - Reference for a preliminary ruling — **State aid** — Regulation (EC) No 1998/2006 — Article 35 TFEU — **De minimis aid in the form of tax relief** — National legislation excluding investments in the production of goods intended for export from the benefit of that tax relief

[CURIA – Judgment of the Court of Justice in Case C-518/16 of 28 February 2018](#)

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

### Case Law

**Affaire C-575/16: ARRÊT DE LA COUR (sixième chambre) du 15 mars 2018 - Commission européenne contre République tchèque** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – Article 49 TFUE – **Liberté d'établissement – Notaires – Condition de nationalité – Article 51 TFUE – Participation à l'exercice de l'autorité publique**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-575/16 du 15 mars 2018](#)

## 9. Employment and Social Affairs

### Community Legislation

**COMMISSION DECISION (EU) 2018/402** of 13 March 2018 **setting up the European Advisory Group for the European Labour Authority** (Text with relevance for the EEA and for Switzerland)

[OJ of the EU, L 72/20 of 15 March 2018](#)

### Case Law

**Affaire C-390/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 22 mars 2018 - Irit Azoulay, Andrew Boreham, Mirja Bouchard et Darren Neville contre Parlement européen** - Pourvoi – **Fonction publique – Rémunération – Allocations familiales – Allocation scolaire – Refus de remboursement des frais de scolarité – Interprétation autonome de la notion de frais de scolarité** – Article 3, paragraphe 1, de l'annexe VII du statut des fonctionnaires

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-390/17 du 22 mars 2018](#)

**Case C-551/16: JUDGMENT OF THE COURT (First Chamber) of 21 March 2018 - J. Klein Schiphorst v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security and Civil Service Court, Netherlands) - Reference for a preliminary ruling – **Social security – Agreement between the European Community and the Swiss Confederation – Coordination of social security systems** – Regulation (EC) No 883/2004 – Articles 7, 63 and 64 – **Unemployment benefits – Unemployed person going to another Member State – Retention of entitlement to benefits – Duration**

[CURIA – Judgment of the Court of Justice in Case C-551/16 of 21 March 2018](#)

**Affaires jointes C-133/17 et C-134/17: ARRÊT DE LA COUR (dixième chambre) du 21 mars 2018 - Dănuț Podilă, Vasile Oniță, Dumitru Cornel Bara, Gheorghe Podilă, Alexandru Daniel Coneru, Mihai Călin Junc, Dănuț Bungău, Francisc Chudi, Ioan Iancu, Ionel Negruț et Dan Florin Roxin contre Societatea Națională de Transport Feroviar de Călători « CFR Călători » SA București (C-133/17) - Costel Nicușor Mucea contre SMDA Mureș Insolvency SPRL, agissant en qualité de curateur à la faillite de SC Industria Sârmei SA Câmpia Turzii (C-134/17)** - ayant pour objet des demandes de décision préjudicielle au titre de l'article 267 TFUE, introduites par la Curtea de Apel Cluj (cour d'appel de Cluj, Roumanie) - Renvoi préjudiciel – Directive 89/391/CEE – **Sécurité et santé des travailleurs au travail** – Classement comme lieu de travail exposant les travailleurs à des conditions particulières ou spéciales – **Évaluation des risques pour la sécurité et la santé au travail – Obligations de l'employeur**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-133/17 du 21 mars 2018](#)

**Affaire C-12/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 20 mars 2018 - Ministerul Justiției, Curtea de Apel Suceava et Tribunalul Botoșani contre Maria Dicu et Consiliul Superior al Magistraturii** - demande de décision préjudicielle formée par la Curtea de Apel Cluj (cour d'appel de Cluj, Roumanie) - Renvoi préjudiciel – **Politique sociale – Aménagement du temps de travail – Droit au congé annuel payé – Durée – Notion de "période de travail effectif"** – Droit au congé parental – **Non prise en compte de la durée du congé parental aux fins de la détermination du droit au congé annuel payé**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-12/17 du 20 mars 2018](#)

**Case C-431/16: JUDGMENT OF THE COURT (Tenth Chamber) of 15 March 2018 - Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS) v José Blanco Marqués** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Castilla y León (High Court of Justice, Castilla y León, Spain) - Reference for a preliminary ruling — **Social security for migrant workers** — Regulation (EEC) No 1408/71 — Articles 12 and 46a to 46c — **Benefits of the same kind** — **Definition** — **Rule against overlapping** — Definition — Conditions — **National rule providing for a supplement to the total permanent incapacity pension for workers of at least 55 years of age** — Suspension of the supplement in the event of employment or receipt of a retirement pension  
[CURIA – Judgment of the Court of Justice in Case C-431/16 of 15 March 2018](#)

**Case C-482/16: JUDGMENT OF THE COURT (First Chamber) of 14 March 2018 - Georg Stollwitzer v ÖBB Personenverkehr AG** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Innsbruck (Higher Regional Court, Innsbruck, Austria) - Reference for a preliminary ruling — **Social policy** — Article 45 TFEU — **Principle of non-discrimination on grounds of age** — **Charter of Fundamental Rights of the European Union** — Article 21(1) — Directive 2000/78/EC — Articles 2, 6 and 16 — Reference date for the purpose of advancement — **Discriminatory legislation of a Member State which does not allow periods of activity completed before reaching the age of 18 to be taken into account for the purpose of determining remuneration** — Abolition of provisions that are contrary to the principle of equal treatment  
[CURIA – Judgment of the Court of Justice in Case C-482/16 of 14 March 2018](#)

**Case C-494/16: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - Giuseppa Santoro v Comune di Valderice and Presidenza del Consiglio dei Ministri** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Trapani (District Court, Trapani, Italy) - Reference for a preliminary ruling — **Social policy** — **Fixed-term work** — **Contracts concluded with a public sector employer** — Measures to penalise the misuse of fixed-term contracts — **Principles of equivalence and effectiveness**  
[CURIA – Judgment of the Court of Justice in Case C-494/16 of 7 March 2018](#)

**Affaire C-1/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 7 mars 2018 - Petronas Lubricants Italy SpA contre Livio Guida** - demande de décision préjudicielle formée par la Corte d'appello di Torino (cour d'appel de Turin, Italie) - Renvoi préjudiciel – **Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale** – **Compétence en matière de contrats individuels de travail** – **Employeur ayant été attiré devant les tribunaux de l'État membre où il a son domicile** – Demande reconventionnelle de l'employeur – Détermination de la juridiction compétente  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-1/17 du 7 mars 2018](#)

**Case C-651/16: JUDGMENT OF THE COURT (Tenth Chamber) of 7 March 2018 - DW v Valsts sociālās apdrošināšanas aģentūra** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Social security** — **Maternity benefit** — **Calculation of the amount on the basis of the income of the insured person during a reference period of 12 months** — Person employed, during that period, by an EU institution — **National legislation fixing the amount at issue at 70% of the average contribution basis** — **Restriction on freedom of movement for workers** — Principle of sincere cooperation  
[CURIA – Judgment of the Court of Justice in Case C-651/16 of 7 March 2018](#)

**Case C-46/17: JUDGMENT OF THE COURT (Sixth Chamber) of 28 February 2018 - Hubertus John v Freie Hansestadt Bremen** - REQUEST for a preliminary ruling under Article 267 TFEU from the Landesarbeitsgericht Bremen (Regional Employment Court, Bremen Germany) - Reference for a preliminary ruling — **Social policy** — Directive 1999/70/EC — Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP — **Successive fixed-term employment contracts** — Clause 5(1) — **Measures aimed at preventing the misuse of fixed-term contracts** — Directive 2000/78/EC — Article 6(1) — **Prohibition of discrimination on the ground of age** — National legislation authorising the postponement of the end of the contract of employment fixed at the normal retirement age simply because that the worker qualified for a retirement pension  
[CURIA – Judgment of the Court of Justice in Case C-46/17 of 28 February 2018](#)



## 10. Energy and Environment

### Community Legislation

**DIRECTIVE (EU) 2018/410 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 March 2018 **amending** Directive 2003/87/EC to **enhance cost-effective emission reductions and low-carbon investments**, and Decision (EU) 2015/1814 (Text with EEA relevance)  
[OJ of the EU, L 76/3 of 19 March 2018](#)

**COMMISSION DIRECTIVE (EU) 2018/350** of 8 March 2018 **amending** Directive 2001/18/EC of the European Parliament and of the Council as regards the **environmental risk assessment of genetically modified organisms**  
[OJ of the EU, L 67/30 of 9 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/329** of 5 March 2018 **designating a European Union Reference Centre for Animal Welfare** (Text with EEA relevance)  
[OJ of the EU, L 63/13 of 6 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/295** of 15 December 2017 **amending** Delegated Regulation (EU) No 44/2014, as regards **vehicle construction and general requirements**, and Delegated Regulation (EU) No 134/2014, as regards **environmental and propulsion unit performance requirements for the approval of two- or three-wheel vehicles and quadricycles**  
[OJ of the EU, L 56/1 of 28 February 2018](#)

### Case Law

**Case C-470/16: JUDGMENT OF THE COURT (First Chamber) of 15 March 2018 - North East Pylon Pressure Campaign Ltd and Maura Sheehy v An Bord Pleanála, The Minister for Communications, Energy and Natural Resources, Ireland, The Attorney General and EirGrid plc** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Assessment of the effects of certain projects on the environment** — Directive 2011/92/EU — **Right of members of the public concerned to a review procedure** — Premature challenge — Concepts of a not prohibitively expensive procedure and of decisions, acts or omissions subject to the public participation provisions of the directive — **Applicability of the Aarhus Convention**  
[CURIA – Judgment of the Court of Justice in Case C-470/16 of 15 March 2018](#)

**Case C-104/17: JUDGMENT OF THE COURT (Ninth Chamber) of 15 March 2018 - SC Cali Esprou SRL v Administrația Fondului pentru Mediu** - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Pitești (Court of Appeal, Pitești, Romania) - Reference for a preliminary ruling — Directive 94/62/EC — **Packaging and packaging waste — Recovery and recycling of waste — National environmental fund contribution** — National marketing of packaged products and their packaging, without alteration — **‘Polluter-pays’ principle — Status of polluter**  
[CURIA – Judgment of the Court of Justice in Case C-104/17 of 15 March 2018](#)

**Case C-31/17: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - Cristal Union, the legal successor to Sucrierie de Toury SA v Ministre de l'Économie et des Finances** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (France) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 14(1)(a) — **Energy products used for the generation of electricity — Obligation to exempt** — Article 15(1)(c) — **Energy products used for combined heat and power generation — Option to exempt or reduce the level of taxation** — Natural gas intended for use in the cogeneration of heat and electricity  
[CURIA – Judgment of the Court of Justice in Case C-31/17 of 7 March 2018](#)

**Case C-90/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 7 March 2018 - Turbogás Produtora Energética SA v Autoridade Tributária e Aduaneira** - Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Tax Arbitration Tribunal (Centre for Administrative Arbitration)) (Portugal) - Reference for a preliminary ruling — **Taxation of energy products and electricity** — Directive 2003/96/EC — Article 14(1)(a) — **Exemption of energy products and electricity used to produce electricity** — Third subparagraph of Article 21(5) — **Entity producing electricity for its own use** — **Exemption for small producers of electricity**

[CURIA – Opinion of Advocate General in Case C-90/17 of 7 March 2018](#)

**Affaire C-103/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 7 mars 2018 - Messer France SAS, venant aux droits de Praxair contre Premier ministre, Commission de régulation de l'énergie, Ministre de l'Économie et des Finances et Ministre de l'Environnement, de l'Énergie et de la Mer** - demande de décision préjudicielle formée par le Conseil d'État (France) - **Taxation des produits énergétiques et de l'électricité** — Réglementation nationale prévoyant une contribution au service public de l'électricité — **Droit d'accise sur l'électricité** — **Imposition indirecte** — **Conditions pour l'existence d'une autre imposition indirecte poursuivant des finalités spécifiques** — **Notion de finalités spécifiques** — Similitude entre les autres impositions indirectes poursuivant des finalités spécifiques et la taxe spéciale sur l'électricité — **Respect des taux minima de taxation** — **Différence entre imposition et prestation patrimoniale obligatoire à caractère non fiscal**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-103/17 du 7 mars 2018](#)

**Case C-76/17: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2018 - SC Petrotel-Lukoil SA and Maria Magdalena Georgescu v Ministerul Economiei, Ministerul Energiei and Ministerul Finanțelor Publice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (Supreme Court of Cassation, Romania) - Reference for a preliminary ruling — **Charges having an effect equivalent to customs duties** — Article 30 TFEU — **Internal taxation** — Article 110 TFEU — **Charge applied to exported petroleum products** — **Charge not passed on to the consumer** — **Tax burden for the taxpayer** — Reimbursement of the sums paid by the taxpayer

[CURIA – Judgment of the Court of Justice in Case C-76/17 of 1 March 2018](#)

**Case C-15/17: OPINION OF ADVOCATE GENERAL WAHL of 28 February 2018 - Bosphorus Queen Shipping Ltd Corp. v Rajavartiolaitos** - Request for a preliminary ruling from the korkein oikeus (Supreme Court, Finland) - **United Nations Convention of the Law of the Sea** — Article 220(6) — **Enforcement jurisdiction of a coastal State** — **Jurisdiction of the Court to interpret provisions of international law** — Directive 2005/35/EC — **Ship-source pollution** — Article 7(2) — Marpol 73/78 — **Oil spill in the exclusive economic zone from a foreign vessel in transit** — Circumstances in which a coastal State may instigate proceedings against a foreign vessel — Freedom of navigation — Protection of the marine environment — Proximity — **Major damage or threat of major damage to the coastline, related interests or any resources in the territorial sea or exclusive economic zone** — **Clear objective evidence**

[CURIA – Opinion of Advocate General in Case C-15/17 of 28 February 2018](#)

**Case C-577/16: JUDGMENT OF THE COURT (First Chamber) of 28 February 2018 - Trinseo Deutschland Anlagengesellschaft mbH v Bundesrepublik Deutschland** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Environment** — **Scheme for greenhouse gas emission allowance trading within the European Union** — Directive 2003/87/EC — Scope — Article 2(1) — Annex I — **Activities subject to the trading scheme** — **Production of polymers** — **Use of heat supplied by a third-party installation** — Application for free allocation of emission allowances — Period 2013-2020

[CURIA – Judgment of the Court of Justice in Case C-577/16 of 28 February 2018](#)

**Case C-117/17: JUDGMENT OF THE COURT (Sixth Chamber) of 28 February 2018 - Comune di Castelbellino v Regione Marche, Ministero per i beni e le attività culturali, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Regione Marche Servizio Infrastrutture Trasporti Energia — P. F. Rete Elettrica Regionale, Provincia di Ancona and Società Agricola 4 C S.S.** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per le Marche (Regional Administrative Court for Le Marche, Italy) - Reference for a preliminary ruling — **Environment** — Directive 2011/92/EU — Article 4(2) and (3) and Annexes I to III — **Environmental impact assessment — Authorisation to carry out work in a plant for the production of electricity from biogas without preliminary examination of the need for an environmental impact assessment** — Annulment — Regularisation after the event of the authorisation on the basis of new provisions of national law without preliminary examination of the need for an environmental impact assessment  
[CURIA – Judgment of the Court of Justice in Case C-117/17 of 28 February 2018](#)

**Case C-135/16: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 27 February 2018 - Georgsmarienhütte GmbH, Stahlwerk Bous GmbH, Schmiedag GmbH and Harz Guss Zorge GmbH v Federal Republic of Germany** - Request for a preliminary ruling from the Verwaltungsgericht Frankfurt am Main (Administrative Court, Frankfurt am Main, Germany) - Reference for a preliminary ruling on validity — Commission Decision of 25 November 2014 in State aid proceedings SA.33995 (2013/C) (ex 2013/NN) — **German aid for renewable energy sources — Cap on the EEG surcharge for energy-intensive undertakings — Admissibility of the reference for a preliminary ruling** — Application of the case-law in TWD — **Concept of State aid — Advantage — Selectivity of aid — Transfer of State resources — Financial flows between private operators controlled by public authorities**  
[CURIA – Opinion of Advocate General in Case C-135/16 of 27 February 2018](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/470** of 21 March 2018 on detailed **rules on the maximum residue limit to be considered for control purposes for foodstuffs derived from animals** which have been treated in the EU under Article 11 of Directive 2001/82/EC (Text with EEA relevance)  
[OJ of the EU, L 79/16 of 22 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/456** of 19 March 2018 on the **procedural steps of the consultation process for determination of novel food status** in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods (Text with EEA relevance)  
[OJ of the EU, L 77/6 of 20 March 2018](#)

**REGULATION (EU) 2018/302 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 28 February 2018 on **addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market** and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (Text with EEA relevance)  
[OJ of the EU, L 60/1 of 2 March 2018](#)

### Case Law

**Affaires jointes C-96/16 et C-94/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL DU 22 mars 2018 - Banco Santander SA contre Mahamadou Demba et Mercedes Godoy Bonet - demande de décision préjudicielle formée par le Juzgado de Primera Instancia no 38 de Barcelona (tribunal de première instance no 38 de Barcelone, Espagne) - Rafael Ramón Escobedo Cortés contre Banco de Sabadell SA - demande de décision préjudicielle formée par le Tribunal Supremo (Cour suprême, Espagne) - Renvoi préjudiciel – Directive 93/13/CEE – **Contrats conclus avec les consommateurs – Clauses abusives – Cession de créances** – Absence de droit de retrait – **Critères d'appréciation du caractère abusif d'une clause contractuelle fixant les intérêts moratoires** – Conséquences de ce caractère  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-96/16 du 22 mars 2018](#)**

**Case C-346/17 P: OPINION OF ADVOCATE GENERAL BOT of 21 March 2018 - Christoph Klein v European Commission** - Appeal — **Non-contractual liability** — Directive 93/42/EEC — Articles 8 and 18 — **Medical devices — Inaction by the Commission following notification of a decision to prohibit placing on the market** — Safeguard clause procedure — **Sufficiently serious breach of a rule of law conferring rights on individuals — Causal link — Actual and certain damage**

[CURIA – Opinion of Advocate General in Case C-346/17 of 21 March 2018](#)

**Case C-109/17: OPINION OF ADVOCATE GENERAL WAHL of 21 March 2018 - Bankia SA v Juan Carlos Marí Merino, Juan Pérez Gavilán and María de la Concepción Marí Merino** - Request for a preliminary ruling from the Juzgado de Primera Instancia No 5 de Cartagena (Court of First Instance No 5, Cartagena, Spain) - **Consumer protection** — Directive 2005/29/EC — **Unfair business-to-consumer commercial practices — Loan agreement secured by a mortgage — Re-evaluation of property before sale by auction** — Review of unfair commercial practices in mortgage enforcement proceedings — **'Adequate and effective means' to combat unfair commercial practices** — Interplay with Directive 93/13/EEC — Whether a national court may enforce a code of conduct on the basis of Directive 2005/29

[CURIA – Opinion of Advocate General in Case C-109/17 of 21 March 2018](#)

**Case C-557/16: JUDGMENT OF THE COURT (Second Chamber) of 14 March 2018 - Astellas Pharma GmbH v Helm AG and Lääkealan turvallisuus- ja kehittämiskeskus (Fimea)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — Directive 2001/83/EC — **Medicinal products for human use** — Articles 28 and 29 — Decentralised procedure for marketing authorisation for a medicinal product — Article 10 — **Generic medicinal product — Data exclusivity period for the reference medicinal product — Power of the competent authorities of the Member States concerned to determine the point in time from which the exclusivity period starts to run** — Jurisdiction of the courts of the Member States concerned to review the determination of the point in time from which the exclusivity period starts to run — **Effective judicial protection — Charter of Fundamental Rights of the European Union** — Article 47

[CURIA – Judgment of the Court of Justice in Case C-557/16 of 14 March 2018](#)

**Case C-384/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 13 March 2018 - European Union Copper Task Force, established in Essex (United Kingdom) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Plant protection products** — Implementing Regulation (EU) 2015/408 — **Placing on the market of plant protection products and establishing a list of candidates for substitution — Inclusion of active substance 'copper compounds' in that list** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — **Regulatory act that does not entail implementing measures — Individually concerned person**

[CURIA – Judgment of the Court of Justice in Case C-384/16 of 13 March 2018](#)

**Case C-244/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 13 March 2018 - Industrias Químicas del Vallés SA, established in Mollet del Vallés (Spain) v European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Plant protection products** — Implementing Regulation (EU) 2015/408 — **Placing on the market of plant protection products and establishing a list of candidates for substitution — Inclusion of active substance metalaxyl in that list** — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — Regulatory act that does not entail implementing measures — Individually concerned person

[CURIA – Judgment of the Court of Justice in Case C-244/16 of 13 March 2018](#)

**Case C-297/16: JUDGMENT OF THE COURT (Third Chamber) of 1 March 2018 - Colegiul Medicilor Veterinari din România (CMVRO) v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinar din România** - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Reference for a preliminary ruling — Directive 2006/123/EC — **Services in the internal market — National legislation limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners — Freedom of establishment** — Requirement that the share capital of establishments retailing veterinary medicinal products be held only by veterinary practitioners — **Protection of public health** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-297/16 of 1 March 2018](#)

**Case C-76/17: JUDGMENT OF THE COURT (Fourth Chamber) of 1 March 2018 - SC Petrotel-Lukoil SA and Maria Magdalena Georgescu v Ministerul Economiei, Ministerul Energiei and Ministerul Finanțelor Publice** - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (Supreme Court of Cassation, Romania) - Reference for a preliminary ruling — **Charges having an effect equivalent to customs duties** — Article 30 TFEU — **Internal taxation** — Article 110 TFEU — **Charge applied to exported petroleum products** — **Charge not passed on to the consumer** — **Tax burden for the taxpayer** — Reimbursement of the sums paid by the taxpayer

[CURIA – Judgment of the Court of Justice in Case C-76/17 of 1 March 2018](#)

## 12. Human Rights

### Case Law

**Affaires jointes C-47/17 et C-48/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 22 mars 2018 - X (C-47/17) et X (C-48/17) contre Staatssecretaris van Veiligheid en Justitie** - demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats Haarlem (tribunal de La Haye, siégeant à Haarlem, Pays-Bas) - 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** – Règlement (CE) n° 1560/2003 – Article 5, paragraphe 2 – **Demande de prise ou reprise en charge d'un demandeur d'asile – Réponse négative de l'État membre requis** – Demande de réexamen – Délai de réponse – Non-respect – Conséquences

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-47/17 du 22 mars 2018](#)

**Case C-568/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2018 - Faiz Rasool v Rasool Entertainment GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Nürtingen (Local Court, Nürtingen, Germany) - Reference for a preliminary ruling — **Payment services** — Directive 2007/64/EC — Article 3(e) and (o) — Article 4(3) — Annex — Point 2 — Scope — **Operation of multifunctional terminals enabling cash withdrawals in gaming arcades** — Consistency of the practice of the national authorities in bringing prosecutions — **Confiscation of sums obtained by means of an unlawful activity** — **Charter of Fundamental Rights of the European Union** — Article 17

[CURIA – Judgment of the Court of Justice in Case C-568/16 of 22 March 2018](#)

**Affaires jointes C-596/16 et C-597/16: ARRÊT DE LA COUR (grande chambre) du 20 mars 2018 - Enzo Di Puma contre Commissione Nazionale per le Società e la Borsa (Consob) (C-596/16) et Commissione Nazionale per le Società e la Borsa (Consob) contre Antonio Zecca (C-597/16)** - ayant pour objet deux demandes de décision préjudicielle au titre de l'article 267 TFEU, introduites par la Corte suprema di cassazione (Cour de cassation, Italie) - Renvoi préjudiciel – Directive 2003/6/CE – **Opérations d'initiés – Sanctions – Législation nationale prévoyant une sanction administrative et une sanction pénale pour les mêmes faits** – Autorité de la chose jugée d'un jugement pénal définitif sur la procédure administrative – Jugement pénal définitif prononçant la relaxe de poursuites pour opérations d'initiés – **Effectivité des sanctions – Charte des droits fondamentaux de l'Union européenne** – Article 50 – **Principe ne bis in idem – Nature pénale de la sanction administrative** – Existence d'une même infraction – Article 52, paragraphe 1 – **Limitations apportées au principe ne bis in idem – Conditions**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-596/16 du 20 mars 2018](#)

**Case C-557/16: JUDGMENT OF THE COURT (Second Chamber) of 14 March 2018 - Astellas Pharma GmbH v Helm AG and Lääkealan turvallisuus- ja kehittämiskeskus (Fimea)** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — Directive 2001/83/EC — **Medicinal products for human use** — Articles 28 and 29 — Decentralised procedure for marketing authorisation for a medicinal product — Article 10 — **Generic medicinal product** — **Data exclusivity period for the reference medicinal product** — **Power of the competent authorities of the Member States concerned to determine the point in time from which the exclusivity period starts to run** — Jurisdiction of the courts of the Member States concerned to review the determination of the point in time from which the exclusivity period starts to run — **Effective judicial protection** — **Charter of Fundamental Rights of the European Union** — Article 47

[CURIA – Judgment of the Court of Justice in Case C-557/16 of 14 March 2018](#)



**Case C-482/16: JUDGMENT OF THE COURT (First Chamber) of 14 March 2018 - Georg Stollwitzer v ÖBB Personenverkehr AG** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Innsbruck (Higher Regional Court, Innsbruck, Austria) - Reference for a preliminary ruling — **Social policy** — Article 45 TFEU — **Principle of non-discrimination on grounds of age** — **Charter of Fundamental Rights of the European Union** — Article 21(1) — Directive 2000/78/EC — Articles 2, 6 and 16 — Reference date for the purpose of advancement — **Discriminatory legislation of a Member State which does not allow periods of activity completed before reaching the age of 18 to be taken into account for the purpose of determining remuneration** — Abolition of provisions that are contrary to the principle of equal treatment  
[CURIA – Judgment of the Court of Justice in Case C-482/16 of 14 March 2018](#)

**Case C-34/17: OPINION OF ADVOCATE GENERAL TANCHEV of 8 March 2018 - Eamonn Donnellan v The Revenue Commissioners** - Request for a preliminary ruling from the High Court (Ireland) - Council Directive 2010/24/EU — **Mutual assistance for the recovery of claims relating to taxes, duties and other measures** — Notification to a person of a claim after, rather than before, the issuance of a request for its recovery by the uniform instrument permitting enforcement under Article 12 of Directive 2010/24 — Permissibility of challenge under Article 14 of Directive 2010/24 in the courts of the requested Member State to enforcement of the claim — **Article 47 of the Charter of Fundamental Rights of the European Union** — **Right to effective judicial protection**  
[CURIA – Opinion of Advocate General in Case C-34/17 of 8 March 2018](#)

**Case C-3/17: JUDGMENT OF THE COURT (Sixth Chamber) of 28 February 2018 - Sporting Odds Ltd v Nemzeti Adó- és Vámhivatal Központi Irányítása** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Budapest, Hungary) - Reference for a preliminary ruling — **Freedom to provide services** — Article 56 TFEU — Article 4(3) TEU — **Charter of Fundamental Rights of the European Union** — **Restrictions** — **Betting and gaming** — **National legislation** — Operation of certain kinds of games of chance by the State — Exclusivity — **Licensing system for other kinds of games of chance** — Requirement of a licence — Administrative penalty  
[CURIA – Judgment of the Court of Justice in Case C-3/17 of 28 February 2018](#)

**Case C-64/16: JUDGMENT OF THE COURT (Grand Chamber) of 27 February 2018 - Associação Sindical dos Juízes Portugueses v Tribunal de Contas** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Article 19(1) TEU — **Legal remedies** — **Effective judicial protection** — **Judicial independence** — **Charter of Fundamental Rights of the European Union** — Article 47 — Reduction of remuneration in the national public administration — Budgetary austerity measures  
[CURIA – Judgment of the Court of Justice in Case C-64/16 of 27 February 2018](#)

## 13. Internal Market and Single Market

### Community Legislation

**REGULATION (EU) 2018/302 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 28 February 2018 on **addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market** and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (Text with EEA relevance)  
[OJ of the EU, L 60/1 of 2 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/292** of 26 February 2018 laying down **implementing technical standards with regard to procedures and forms for exchange of information and assistance between competent authorities** according to Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (Text with EEA relevance)  
[OJ of the EU, L 55/34 of 27 February 2018](#)

## Case Law

**Joined Cases C-327/16 and C-421/16: JUDGMENT OF THE COURT (First Chamber) of 22 March 2018 - Marc Jacob v Ministre des Finances et des Comptes publics (C-327/16) and Ministre des Finances et des Comptes publics v Marc Lassus (C-421/16)** - TWO REQUESTS for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling — **Direct taxation — Freedom of establishment — Mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States** — Directive 90/434/EEC — Article 8 — **Exchange of securities — Capital gains relating to that transaction — Deferred taxation — Capital losses upon the subsequent transfer of securities received** — Tax competence of the State of residence — Difference in treatment — Justification — **Preservation of the allocation of fiscal competence between Member States**  
[CURIA – Judgment of the Court of Justice in Case C-327/16 of 22 March 2018](#)

**Case C-568/16: JUDGMENT OF THE COURT (Fifth Chamber) of 22 March 2018 - Faiz Rasool v Rasool Entertainment GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Nürtingen (Local Court, Nürtingen, Germany) - Reference for a preliminary ruling — **Payment services** — Directive 2007/64/EC — Article 3(e) and (o) — Article 4(3) — Annex — Point 2 — Scope — **Operation of multifunctional terminals enabling cash withdrawals in gaming arcades** — Consistency of the practice of the national authorities in bringing prosecutions — **Confiscation of sums obtained by means of an unlawful activity — Charter of Fundamental Rights of the European Union** — Article 17  
[CURIA – Judgment of the Court of Justice in Case C-568/16 of 22 March 2018](#)

**Affaire C-575/16: ARRÊT DE LA COUR (sixième chambre) du 15 mars 2018 - Commission européenne contre République tchèque** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État — Article 49 TFUE — **Liberté d'établissement – Notaires – Condition de nationalité** – Article 51 TFUE – **Participation à l'exercice de l'autorité publique**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-575/16 du 15 mars 2018](#)

**Case C-127/16 P: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - SNCF Mobilités, formerly Société nationale des chemins de fer français (SNCF), established in Saint-Denis (France) v European Commission, represented by B. Stromsky and T. Maxian Rusche, acting as Agents, French Republic, Mory SA, in liquidation, Mory Team, in liquidation, established in Pantin (France)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Aid implemented by the French Republic in favour of Sernam — Restructuring and recapitalisation aid, guarantees and waiving of Sernam's financial debts by SNCF** — Decision declaring that aid incompatible with the internal market and ordering its recovery — **Sale of assets en bloc — Concept of 'sale' — Confusion between object and price of the sale of assets en bloc** — Open and transparent procedure — **Private investor test** — Application of that principle to an assignment of assets en bloc — Compensatory measures  
[CURIA – Judgment of the Court of Justice in Case C-127/16 of 7 March 2018](#)

**Case C-579/16 P: JUDGMENT OF THE COURT (Grand Chamber) of 6 March 2018 - European Commission v FIH Holding A/S, established in Copenhagen (Denmark) and FIH Erhvervsbank A/S, established in Copenhagen** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Definition of 'aid' — Definition of 'economic advantage' — Market economy operator principle** — Conditions governing applicability and application — **Financial crisis — Successive bank bail outs** — Whether account to be taken, in the assessment of the second bail out, of the risks arising from commitments entered into by a Member State in the first bail out  
[CURIA – Judgment of the Court of Justice in Case C-579/16 of 6 March 2018](#)

**Case C-284/16: JUDGMENT OF THE COURT (Grand Chamber) 6 March 2018 - Slowakische Republik (Slovak Republic) v Achmea BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Bilateral investment treaty concluded in 1991 between the Kingdom of the Netherlands and the Czech and Slovak Federative Republic and still applicable between the Kingdom of the Netherlands and the Slovak Republic — Provision enabling an investor from one Contracting Party to bring proceedings before an arbitral tribunal in the event of a dispute with the other Contracting Party** — Compatibility with Articles 18, 267 and 344 TFEU — Concept of ‘court or tribunal’ — Autonomy of EU law

[CURIA – Judgment of the Court of Justice in Case C-246/16 of 6 March 2018](#)

**Joined Cases C-52/16 and C-113/16: JUDGMENT OF THE COURT (Grand Chamber) of 6 March 2018 - ‘SEGRO’ Kft. v Vas Megyei Kormányhivatal Sárvári Járási Földhivatala (C-52/16) and Günther Horváth v Vas Megyei Kormányhivatal (C-113/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szombathely, Hungary) - References for a preliminary ruling — Article 63 TFEU — **Free movement of capital — Rights of usufruct over agricultural land** — National legislation permitting such **rights to be acquired in the future only by close family members of the owner of the land** and cancelling, without providing for compensation, the **rights previously acquired by legal persons or by natural persons who cannot demonstrate a close family tie with the owner of the land**

[CURIA – Judgment of the Court of Justice in Case C-52/16 of 6 March 2018](#)

**Case C-297/16: JUDGMENT OF THE COURT (Third Chamber) of 1 March 2018 - Colegiul Medicilor Veterinari din România (CMVRO) v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinar din România** - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel București (Court of Appeal, Bucharest, Romania) - Reference for a preliminary ruling — Directive 2006/123/EC — **Services in the internal market — National legislation limiting the right to retail, use and administer veterinary medicinal, anti-parasitic and organic products to veterinary practitioners — Freedom of establishment** — Requirement that the share capital of establishments retailing veterinary medicinal products be held only by veterinary practitioners — **Protection of public health** — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-297/16 of 1 March 2018](#)

**Case C-9/17: JUDGMENT OF THE COURT (Third Chamber) of 1 March 2018 - Maria Tirkkonen and Maaseutuvirasto** - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — **Tendering procedure for public contracts for farm advisory services — Whether or not there is a public contract** — Scheme for obtaining services open to any economic operator who satisfies previously established conditions — **Scheme not subsequently open to other economic operators**

[CURIA – Judgment of the Court of Justice in Case C-9/17 of 1 March 2018](#)

**Affaire C-14/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. CAMPOS SÁNCHEZ-BORDONA du 28 février 2018 - VAR, Srl contre Iveco Orecchia SpA et Azienda de Trasporti Milanesi SpA - (ATM)** - demande de décision préjudicielle formée par le Consiglio di Stato (Conseil d’État, Italie) - Renvoi préjudiciel — **Marchés publics de transports — Fourniture de pièces de rechange pour bus, trolleybus et tramway** — Spécifications techniques — **Produits équivalents à ceux d’une marque déterminée — Preuve de l’équivalence** — Loi nationale permettant de fournir la preuve de l’équivalence après l’attribution du marché

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-14/17 du 28 février 2018](#)

**Joined Cases C-523/16 and C-536/16: JUDGMENT OF THE COURT (Eighth Chamber) of 28 February 2018 - MA.T.I. SUD SpA v Centostazioni SpA and China Taiping Insurance Co. Ltd (C-523/16) - Duemme SGR SpA v Associazione Cassa Nazionale di Previdenza e Assistenza in favore dei Ragionieri e Periti Commerciali (CNPR) (C-536/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court, Lazio, Italy) - Reference for a preliminary ruling — **Public procurement** — Directive 2004/18/EC — Article 51 — **Rectification of procedural shortfalls in tenders** — Directive 2004/17/EC — **Clarification of tenders** — **National legislation making the rectification by tenderers of the documentation submitted subject to the payment of a financial penalty** — **Principles relating to the award of public works contracts** — Principle of equal treatment — Principle of proportionality  
[CURIA – Judgment of the Court of Justice in Case C-523/16 of 28 February 2018](#)

**Case C-3/17: JUDGMENT OF THE COURT (Sixth Chamber) of 28 February 2018 - Sporting Odds Ltd v Nemzeti Adó- és Vámhivatal Központi Irányítása** - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Budapest, Hungary) - Reference for a preliminary ruling — **Freedom to provide services** — Article 56 TFEU — Article 4(3) TEU — **Charter of Fundamental Rights of the European Union** — **Restrictions** — **Betting and gaming** — **National legislation** — Operation of certain kinds of games of chance by the State — Exclusivity — **Licensing system for other kinds of games of chance** — Requirement of a licence — Administrative penalty  
[CURIA – Judgment of the Court of Justice in Case C-3/17 of 28 February 2018](#)

## 14. Intellectual Property

### Case Law

**Case C-395/16: JUDGMENT OF THE COURT (Second Chamber) of 8 March 2018 - DOCERAM GmbH v CeramTec GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Intellectual and industrial property** — Regulation (EC) No 6/2002 — **Community design** — Article 8(1) — Features of appearance of a product solely dictated by its technical function — **Criteria for assessment** — **Existence of alternative designs** — **Consideration of the point of view of an 'objective observer'**  
[CURIA – Judgment of the Court of Justice in Case C-395/16 of 8 March 2018](#)

**Affaires jointes C-412/16 P et C-413/16 P: ARRÊT DE LA COUR (dixième chambre) du 1<sup>er</sup> mars 2018 - Ice Mountain Ibiza SL, établie à San Antonio (Espagne) contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO)** - ayant pour objet deux pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Marque de l'Union européenne – Demande d'enregistrement des marques figuratives ocean beach club ibiza et ocean ibiza – Marques nationales figuratives antérieures OC ocean club et OC ocean club Ibiza** – Règlement (CE) no 207/2009 – Article 8, paragraphe 1, sous b) – **Motifs relatifs de refus – Risque de confusion**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-412/16 du 1<sup>er</sup> mars 2018](#)

**Case C-418/16 P: JUDGMENT OF THE COURT (First Chamber) of 28 February 2018 - mobile.de GmbH, formerly mobile.international GmbH, established in Kleinmachnow (Germany) v European Union Intellectual Property Office (EUIPO) and Rezon OOD, established in Sofia (Bulgaria)** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 15(1) — Article 57(2) and (3) — Article 64 — Article 76(2) — Regulation (EC) No 2868/95 — Rule 22(2) — Rule 40(6) — **Invalidity proceedings** — **Applications for a declaration of invalidity based on an earlier national trade mark** — Genuine use of the earlier mark — Burden of proof — Rejection of the applications — **Taking into account by the Board of Appeal of the European Union Intellectual Property Office (EUIPO) of new evidence** — Annulment of the decisions of the Cancellation Division of EUIPO — Referral — Consequences  
[CURIA – Judgment of the Court of Justice in Case C-418/16 of 28 February 2018](#)

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

### Community Legislation

**COUNCIL DECISION (CFSP) 2018/298** of 26 February 2018 on **Union support for the activities of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)** in order to **strengthen its monitoring and verification capabilities** and in the **framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

[OJ of the EU, L 56/34 of 28 February 2018](#)

**COUNCIL DECISION (CFSP) 2018/299** of 26 February 2018 **promoting the European network of independent non-proliferation and disarmament think tanks** in support of the **implementation of the EU Strategy against proliferation of weapons of mass destruction**

[OJ of the EU, L 56/46 of 28 February 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/292** of 26 February 2018 laying down **implementing technical standards with regard to procedures and forms for exchange of information and assistance between competent authorities** according to Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (Text with EEA relevance)

[OJ of the EU, L 55/34 of 27 February 2018](#)

### Case Law

**Case C-648/16: OPINION OF ADVOCATE GENERAL WAHL of 22 March 2018 - Fortunata Silvia Fontana v Agenzia delle Entrate - Direzione provinciale di Reggio Calabria** - Request for a preliminary ruling from the Commissione tributaria provinciale di Reggio Calabria (Reggio Calabria Provincial Tax Court, Italy) - **Value added tax — Suspected tax evasion** — Sectoral studies — **Determination of VAT due by dint of inductive methods** — Principle of proportionality — Principle of neutrality — **Judicial review — Right of defence — Standard of proof**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-648/16 du 22 mars 2018](#)

**Affaires jointes C-596/16 et C-597/16: ARRÊT DE LA COUR (grande chambre) du 20 mars 2018 - Enzo Di Puma contre Commissione Nazionale per le Società e la Borsa (Consob) (C-596/16) et Commissione Nazionale per le Società e la Borsa (Consob) contre Antonio Zecca (C-597/16)** - ayant pour objet deux demandes de décision préjudicielle au titre de l’article 267 TFEU, introduites par la Corte suprema di cassazione (Cour de cassation, Italie) - Renvoi préjudiciel – Directive 2003/6/CE – **Opérations d’initiés – Sanctions – Législation nationale prévoyant une sanction administrative et une sanction pénale pour les mêmes faits** – Autorité de la chose jugée d’un jugement pénal définitif sur la procédure administrative – Jugement pénal définitif prononçant la relaxe de poursuites pour opérations d’initiés – **Effectivité des sanctions – Charte des droits fondamentaux de l’Union européenne** – Article 50 – **Principe ne bis in idem – Nature pénale de la sanction administrative** – Existence d’une même infraction – Article 52, paragraphe 1 – **Limitations apportées au principe ne bis in idem – Conditions**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-596/16 du 20 mars 2018](#)

**Case C-64/17: JUDGMENT OF THE COURT (Seventh Chamber) of 8 March 2018 - Saey Home & Garden NV/SA v Lusavouga-Máquinas e Acessórios Industriais SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação do Porto (Court of Appeal, Porto, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters** — Regulation (EU) No 1215/2012 — Article 25 — **Existence of a jurisdiction clause — Verbal agreement without written confirmation — Clause contained in the general terms and conditions of sale mentioned in invoices** — Article 7(1)(b) — Commercial concession agreement between two companies established in different Member States in respect of the market of a third Member State — Article 7(1)(b), second indent — Determination of the court with jurisdiction — **Place of performance of the obligation that is characteristic of such a contract**

[CURIA – Judgment of the Court of Justice in Case C-64/17 of 8 March 2018](#)



**Case C-34/17: OPINION OF ADVOCATE GENERAL TANCHEV of 8 March 2018 - Eamonn Donnellan v The Revenue Commissioners** - Request for a preliminary ruling from the High Court (Ireland) - Council Directive 2010/24/EU — **Mutual assistance for the recovery of claims relating to taxes, duties and other measures** — Notification to a person of a claim after, rather than before, the issuance of a request for its recovery by the uniform instrument permitting enforcement under Article 12 of Directive 2010/24 — Permissibility of challenge under Article 14 of Directive 2010/24 in the courts of the requested Member State to enforcement of the claim — **Article 47 of the Charter of Fundamental Rights of the European Union — Right to effective judicial protection**

CURIA – Opinion of Advocate General in Case C-34/17 of 8 March 2018

**Affaire C-1/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 7 mars 2018 - Petronas Lubricants Italy SpA contre Livio Guida** - demande de décision préjudicielle formée par la Corte d'appello di Torino (cour d'appel de Turin, Italie) - Renvoi préjudiciel – **Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Compétence en matière de contrats individuels de travail – Employeur ayant été attrait devant les tribunaux de l'État membre où il a son domicile** – Demande reconventionnelle de l'employeur – Détermination de la juridiction compétente

CURIA – Conclusions de l'Avocat Général dans l'affaire C-1/17 du 7 mars 2018

**Joined Cases C-274/16, C-447/16 and C-448/16: JUDGMENT OF THE COURT (Third Chamber) of 7 March 2018 - fliightright GmbH v Air Nostrum, Líneas Aéreas del Mediterráneo SA (C-274/16) - Roland Becker v Hainan Airlines Co.Ltd (C-447/16) - ohamed Barkan, Souad Asbai, Assia Barkan, Zakaria Barkan and Nousaiba Barkan v Air Nostrum, Líneas Aéreas del Mediterráneo SA (C-448/16)** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Amtsgericht Düsseldorf (Local Court, Düsseldorf, Germany) and from the Bundesgerichtshof (Federal Court of Justice, Germany) made by decisions of 3 May (C-274/16) and 14 June 2016 (C-447/16 and C-448/16) - Reference for a preliminary ruling — **Area of Freedom, Security and Justice — Jurisdiction in civil and commercial matters** — Regulation (EC) No 44/2001 — Article 5(1) — Regulation (EU) No 1215/2012 — Article 7(1) — **Concept of 'matters relating to a contract' — Contract for the provision of services — Connecting flight operated by different air carriers — Concept of 'place of performance'** — Regulation (EC) No 261/2004 — Right of air passengers to compensation for denied boarding and for the long delay of a flight — **Action for compensation brought against an operating air carrier not domiciled in the territory of a Member State or with which the passengers do not have contractual relations**

CURIA – Judgment of the Court of Justice in Case C-274/16 of 7 March 2018

**Case C-560/16: JUDGMENT OF THE COURT (First Chamber) of 7 March 2018 - E.ON Czech Holding AG v Michael Dědouch, Petr Streitberg, Pavel Suda and Jihočeská plynárenská, a.s.** - REQUEST for a preliminary ruling under Article 267 TFEU from the Nejvyšší soud (Supreme Court, Czech Republic) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction in civil and commercial matters — Exclusive jurisdiction** — Article 22(2) — **Validity of decisions of the organs of companies or legal persons having their seat in the territory of a Member State — Exclusive jurisdiction of the courts of that Member State** — Decision of the general meeting of a company ordering the compulsory transfer to that company's principal shareholder of the shares held by the company's minority shareholders and determining the consideration to be paid to them by the principal shareholder — **Judicial procedure for reviewing the reasonableness of that consideration**

CURIA – Judgment of the Court of Justice in Case C-560/16 of 7 March 2018

**Case C-558/16: JUDGMENT OF THE COURT (Second Chamber) of 1 March 2018 - Doris Margret Lisette Mahnkopf and Sven Mahnkopf** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht Berlin (Higher Regional Court, Berlin, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Regulation (EU) No 650/2012 — **Succession and European Certificate of Succession — Scope — Ability to include the surviving spouse's share in the European Certificate of Succession**

CURIA – Judgment of the Court of Justice in Case C-558/16 of 1 March 2018

**Case C-289/17: JUDGMENT OF THE COURT (Seventh Chamber) of 28 February 2018 - Collect Inkasso OÜ, ITM Inkasso OÜ and Bigbank AS v Rain Aint, Lauri Palm, Raiko Oikimus, Egle Noor and Artjom Konjarov** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tartu Maakohus (District Court, Tartu, Estonia) - Reference for a preliminary ruling — **Judicial cooperation in civil and commercial matters** — Regulation (EC) No 805/2004 — **European enforcement order for uncontested claims — Requirements for certification — Minimum standards for uncontested claims procedures** — Rights of the debtor — No indication of the address of the institution to which a notice may be addressed contesting the claim or before which an appeal against the decision may be brought)

[CURIA – Judgment of the Court of Justice in Case C-289/17 of 28 February 2018](#)

**Case C-27/17: OPINION OF ADVOCATE GENERAL BOBEK of 28 February 2018 - AB flyLAL-Lithuanian Airlines, in liquidation v Starptautiskā lidosta Rīga VAS, Air Baltic Corporation A/S, ŽIA Valda AB, VA Reals AB and Lietuvos Respublikos konkurencijos taryba** - Request for a preliminary ruling from the Lietuvos apeliacinis teismas (Court of Appeal, Lithuania) - Reference for a preliminary ruling — **Cooperation in civil and commercial matters — Jurisdiction in matters of tort, delict and quasi-delict** — Anticompetitive agreements — **Loss of income caused by anticompetitive acts by competitors — Notion of ‘place where the harmful event occurred’** — Dispute arising out of the operations of a branch, agency or other establishment — **Notion of ‘operation of branch’**

[CURIA – Opinion of Advocate General in Case C-27/17 of 28 February 2018](#)

**Case C-266/16: JUDGMENT OF THE COURT (Grand Chamber) of 27 February 2018 - The Queen, on the application of Western Sahara Campaign UK v Commissioners for Her Majesty’s Revenue and Customs, Secretary of State for Environment, Food and Rural Affairs and Confédération marocaine de l’agriculture et du développement rural (Comader)** - 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 — **Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco — Protocol setting out the fishing opportunities provided for by the agreement** — Acts approving the conclusion of the agreement and of the protocol — **Regulations allocating among the Member States the fishing opportunities set out by the protocol — Jurisdiction** — Interpretation — Validity having regard to Article 3(5) TEU and international law — **Applicability of that agreement and that protocol to the territory of Western Sahara and the waters adjacent thereto**

[CURIA – Judgment of the Court of Justice in Case C-266/16 of 27 February 2018](#)

**Case C-64/16: JUDGMENT OF THE COURT (Grand Chamber) of 27 February 2018 - Associação Sindical dos Juízes Portugueses v Tribunal de Contas** - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - Reference for a preliminary ruling — Article 19(1) TEU — **Legal remedies — Effective judicial protection — Judicial independence — Charter of Fundamental Rights of the European Union** — Article 47 — Reduction of remuneration in the national public administration — Budgetary austerity measures

[CURIA – Judgment of the Court of Justice in Case C-64/16 of 27 February 2018](#)

## 16. Transport

### International Agreements

**COUNCIL DECISION (EU) 2018/319** of 27 February 2018 **establishing the position to be adopted on behalf of the European Union** at the 26th session of the **Revision Committee of the Intergovernmental Organisation for International Carriage by Rail** as regards certain **amendments to the Convention concerning International Carriage by Rail** and to the Appendices thereto

[OJ of the EU, L 62/10 of 5 March 2018](#)

## Community Legislation

**COMMISSION REGULATION (EU) 2018/401** of 14 March 2018 **amending** Regulation (EU) No 139/2014 as regards the **classification of runways**

[OJ of the EU, L 72/17 of 15 March 2018](#)

**COMMISSION REGULATION (EU) 2018/394** of 13 March 2018 **amending** Regulation (EU) No 965/2012 as regards the **deletion of air operations requirements for balloons**

[OJ of the EU, L 71/1 of 14 March 2018](#)

**COMMISSION REGULATION (EU) 2018/395** of 13 March 2018 **laying down detailed rules for the operation of balloons** pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

[OJ of the EU, L 71/10 of 14 March 2018](#)

**COMMISSION REGULATION (EU) 2018/336** of 8 March 2018 **amending** Regulation (EC) No 748/2009 on the **list of aircraft operators which performed an aviation activity** listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 **specifying the administering Member State for each aircraft operator** (Text with EEA relevance)

[OJ of the EU, L 70/1 of 13 March 2018](#)

**COMMISSION DELEGATED REGULATION (EU) 2018/295** of 15 December 2017 **amending** Delegated Regulation (EU) No 44/2014, as regards **vehicle construction and general requirements**, and Delegated Regulation (EU) No 134/2014, as regards **environmental and propulsion unit performance requirements for the approval of two- or three-wheel vehicles and quadricycles**

[OJ of the EU, L 56/1 of 28 February 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/278** of 23 February 2018 **amending** the Annex to Regulation (EU) No 1305/2014 as regards the **structure of the messages, data and message model, Wagon and Intermodal Unit Operating Database, and to adopt an IT standard for the communication layer of the Common Interface**

[OJ of the EU, L 54/11 of 24 February 2018](#)

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

### Community Legislation

**DECISION (EU) 2018/412 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 14 March 2018 **amending** Decision No 466/2014/EU **granting an EU guarantee to the European Investment Bank against losses under financing operations supporting investment projects outside the Union**

[OJ of the EU, L 76/30 of 19 March 2018](#)

**REGULATION (EU) 2018/318 OF THE EUROPEAN CENTRAL BANK** of 22 February 2018 **amending** Regulation (EU) No 1011/2012 **concerning statistics on holdings of securities** (ECB/2018/7)

[OJ of the EU, L 62/4 of 5 March 2018](#)

**GUIDELINE (EU) 2018/323 OF THE EUROPEAN CENTRAL BANK** of 22 February 2018 **amending** Guideline ECB/2013/7 **concerning statistics on holdings of securities** (ECB/2018/8)

[OJ of the EU, L 62/38 of 5 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/308** of 1 March 2018 **laying down implementing technical standards** for Directive 2014/59/EU of the European Parliament and of the Council with regard to **formats, templates and definitions for the identification and transmission of information** by resolution authorities for the purposes of **informing the European Banking Authority of the minimum requirement for own funds and eligible liabilities** (Text with EEA relevance)

[OJ of the EU, L 60/7 of 2 March 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/276** of 23 February 2018 **amending** Implementing Regulation (EU) No 215/2014 with regard to changes to the **determination of milestones and targets for output indicators in the performance framework for the European Structural and Investment Funds**  
[OJ of the EU, L 54/4 of 24 February 2018](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/277** of 23 February 2018 **amending** Implementing Regulation (EU) 2015/207 with regard to **changes to the models for the implementation reports for the Investment for Growth and Jobs goal** and for the European **territorial cooperation goal**, as well as for the models for the progress **report and the annual control reports** and correcting that Regulation with regard to the model for the **implementation report for the Investment for Growth and Jobs goal** and annual control report  
[OJ of the EU, L 54/6 of 24 February 2018](#)

## Case Law

**Case C-187/16: JUDGMENT OF THE COURT (Grand Chamber) of 20 March 2018 - European Commission v Republic of Austria** - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Directives 92/50/EEC and 2004/18/EC — **Public service contracts — State printing office — Production of identity documents and other official documents — Award of contracts to an undertaking governed by private law without a procurement procedure first being conducted** — Special security measures — Protection of the essential interests of the Member States  
[CURIA – Judgment of the Court of Justice in Case C-187/16 of 20 March 2018](#)

**Case C-246/17: OPINION OF ADVOCATE GENERAL BOT of 7 March 2018 - Ibrahima Diallo v État belge** - Request for a preliminary ruling from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — **Rights of citizens of the Union to move and reside freely within the territory of a Member State — Application for a residence card as a family member** — Directive 2004/38/EC — Article 10(1) — **Six-month period** — Adoption and notification of the decision — Consequences of non-compliance with the period — **Interruption and suspension of the period**  
[CURIA – Opinion of Advocate General in Case C-246/17 of 7 March 2018](#)

**Case C-284/16: JUDGMENT OF THE COURT (Grand Chamber) 6 March 2018 - Slowakische Republik (Slovak Republic) v Achmea BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Bilateral investment treaty concluded in 1991 between the Kingdom of the Netherlands and the Czech and Slovak Federative Republic and still applicable between the Kingdom of the Netherlands and the Slovak Republic — Provision enabling an investor from one Contracting Party to bring proceedings before an arbitral tribunal in the event of a dispute with the other Contracting Party** — Compatibility with Articles 18, 267 and 344 TFEU — Concept of 'court or tribunal' — Autonomy of EU law  
[CURIA – Judgment of the Court of Justice in Case C-246/16 of 6 March 2018](#)

**Case C-618/16: OPINION OF ADVOCATE GENERAL WATHELET of 28 February 2018 - Rafal Prefeta v Secretary of State for Work and Pensions** - Request for a preliminary ruling from the Upper Tribunal (Administrative Appeals Chamber) (United Kingdom) - Reference for a preliminary ruling — **Freedom of movement for persons** — Article 45 TFEU — **Chapter 2 of Annex XII to the 2003 Act concerning the conditions of accession** — Possibility of derogation by the United Kingdom from Article 7(2) of Regulation (EU) No 492/2011 and from Article 7(3) of Directive 2004/38/EC — **Derogations in respect of a Polish national who has not completed a period of 12 months' registered work in the host Member State**  
[CURIA – Opinion of Advocate General in Case C-618/16 of 28 February 2018](#)