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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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*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*

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3. **Agriculture and Fisheries / Maritime Affairs**

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*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


OJ of the EU, L 58/1 of 28 February 2018

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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

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**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

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7. Economic and Monetary Affairs, Taxation, Enterprise

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OJ of the EU, L 82/3 of 26 March 2018
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OJ of the EU, L 81/1 of 23 March 2018

OJ of the EU, L 74/3 of 16 March 2018

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

OJ of the EU, L 62/4 of 5 March 2018

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

OJ of the EU, L 55/34 of 27 February 2018

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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 Alyvadas Rašėlės and bankas ‘Snoras’ AB, in liquidation (C-109/16) - REFERENCES 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

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Case C-90/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 7 March 2018 - Turboğás 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

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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 Naczelną 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 Nacionalna agentisja 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
8. Education, Training, Youth, Culture, Research and Innovation

Case Law

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

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

CURIA – Arrêt de la Cour de Justice dans l’affaire C-133/17 du 21 mars 2018

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 Personverkehr 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 TFUE — 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 attrait devant les tribunaux de l’État membre où il a son domicile – Demande reconventionnelle de l’employeur – Détention 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

OJ of the EU, L 76/3 of 19 March 2018

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

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 Sucrerie 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 Produçãor 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


CURIA — Conclusions of the 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 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


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


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

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 - dustrias 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 Mediciilor Veterinari din România (CMVRO) v Autoritatea Națională Sanitară Veterinară și pentru Siguranța Alimentelor and Asociația Națională a Distribuitorilor de Produse de Uz Veterinari 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 Inalta 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


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 TFUE, introduites par la Corte suprema di cassazione (Cort 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 Personverkehrs 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 TFUE — 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 — Possibility 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


OJ of the EU, L 60/1 of 2 March 2018


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


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 Naţională Sanitară Veterinară şi pentru Siguranţa Alimentelor and Asociaţia Naţională a Distribuitorilor de Produse de Uz Veterinar din România - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Bucureşti (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

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


Case Law


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 1er 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 1er 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

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

OJ of the EU, L 55/34 of 27 February 2018

Case Law

CURIA — Conclusions of 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 préjudiciale au titre de l’article 267 TFUE, 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 (cours 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 - flightright 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 andNousaiba 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 Dédouch, 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 - 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) - Reference 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 — 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

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

OJ of the EU, L 62/4 of 5 March 2018

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