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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.

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	3
4. Audiovisual and Media and Information Society	3
5. Competition	4
6. Customs	5
7. Economic and Monetary Affairs, Taxation, Enterprise	5
8. Education, Training, Youth, Culture, Research and Innovation	8
9. Employment and Social Affairs	9
10. Energy and Environment	10
11. Food Safety, Public Health and Consumers	12
12. Human Rights	13
13. Internal Market and Single Market	16
14. Intellectual Property	17
15. Justice, Freedom and Security (incl. Judicial Cooperation)	19
16. Transport	21
17. Community Institutions, Principles and the Communities' own resources	23

Highlights

Case C-565/16: JUDGMENT OF THE COURT (Sixth Chamber) of 19 April 2018 - Alessandro Saponaro and Kalliopi-Chloi Xylina - REQUEST for a preliminary ruling under Article 267 TFEU from the Eirinodikeio Lerou (Small Claims Court, Leros, Greece) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility** — Regulation (EC) No 2201/2003 — **Court of a Member State seized with an application for judicial authorisation to renounce an inheritance on behalf of a minor child** — Jurisdiction in matters of parental responsibility — **Prorogation of jurisdiction** — Article 12(3)(b) — **Acceptance of jurisdiction — Conditions**
[CURIA – Judgment of the Court of Justice in Case C-565/16 of 19 April 2018](#)

Case C-191/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Romano Piscioti v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling — Citizenship of the Union — Articles 18 and 21 TFEU — **Extradition to the United States of America of a national of a Member State who has exercised his right to freedom of movement** — Extradition agreement between the European Union and that third State — **Scope of EU law — Prohibition on extradition applied only to own nationals — Restriction on free movement** — Justification based on the prevention of impunity — Proportionality — **Informing the Union citizen's Member State of origin**
[CURIA – Judgment of the Court of Justice in Case C-191/16 of 10 April 2018](#)

Case C-414/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/CE — **Equal treatment — Difference of treatment on grounds of religion or belief** — Occupational activities within churches and other organisations the ethos of which is based on religion or belief — **Religion or belief constituting a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos** — **Concept** — Nature and context of the activities — Article 17 TFEU — **Articles 10, 21 and 47 of the Charter of Fundamental Rights of the European Union**
[CURIA – Judgment of the Court of Justice in Case C-414/16 of 17 April 2018](#)

Case C-320/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Uber France SAS v Nabil Bensalem - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Lille (Regional Court, Lille, France) - Reference for a preliminary ruling — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 98/34/EC — **Information society services — Rule on information society services — Definition — Intermediation service making it possible, by means of a smartphone application and for remuneration, to put non-professional drivers using their own vehicle in contact with persons who wish to make urban journeys** — Criminal penalties
[CURIA – Judgment of the Court of Justice in Case C-320/16 of 10 April 2018](#)

1. EU-Swiss Relations

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

2. External Relations / Foreign Policy

Case Law

Affaire C-629/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 26 avril 2018
– **CX contre Bezirkshauptmannschaft Schärding** - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Transports internationaux par route – Accord créant une association entre la Communauté économique européenne et la Turquie** – Article 9 – Protocole additionnel – Articles 41 et 42 – **Libre prestation des services – Clause de “standstill”** – Décision n° 1/95 du Conseil d'association CE-Turquie – Articles 5 et 7 – **Libre circulation des marchandises – Mesures d'effet équivalant à des restrictions quantitatives – Transporteur turc de marchandises traversant un État membre en transit** – Réglementation nationale soumettant un tel transport soit à une autorisation octroyée dans les limites d'un contingent fixé au titre d'un accord bilatéral conclu entre l'État membre et la Turquie, soit à un permis individuel délivré pour un transport présentant un intérêt public majeur
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-629/16 du 26 avril 2018](#)

Case C-123/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 19 April 2018 - Nefiye Yön v Landeshauptstadt Stuttgart and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling – **EEC-Turkey Association Agreement** – Decision No 2/76 – Article 7 – Standstill clause – **New restrictions on the conditions of access to employment – Family reunification** – Additional Protocol – Article 59 – **Justification – Overriding reasons in the public interest**
[CURIA – Opinion of Advocate General in Case C-123/17 of 19 April 2018](#)

Case C-600/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 11 April 2018 - National Iranian Tanker Company v Council of the European Union - Appeal – **Common Foreign and Security Policy** – Restrictive measures against the Islamic Republic of Iran with the aim of preventing nuclear proliferation – **Freezing of funds** – Action for annulment – **Re-listing decision following annulment of initial listing decision by EU Courts on the merits** – Article 266 TFEU – **General principles of EU law – Fundamental rights – Right to an effective remedy – Article 47 of the Charter of Fundamental Rights of the European Union** – Articles 6(1) and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms
[CURIA – Opinion of Advocate General in Case C-600/16 of 11 April 2018](#)

Case C-191/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Romano Piscioti v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling – Citizenship of the Union – Articles 18 and 21 TFEU – **Extradition to the United States of America of a national of a Member State who has exercised his right to freedom of movement** – Extradition agreement between the European Union and that third State – **Scope of EU law – Prohibition on extradition applied only to own nationals – Restriction on free movement** – Justification based on the prevention of impunity – Proportionality – **Informing the Union citizen's Member State of origin**
[CURIA – Judgment of the Court of Justice in Case C-191/16 of 10 April 2018](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-115/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 12 avril 2018 - Administration des douanes et droits indirects et Établissement national des produits de l'agriculture et de la mer (FranceAgriMer) contre Hubert Clergeau e.a. - demande de décision préjudicielle formée par la Cour de cassation [France] - Demande de décision préjudicielle – **Principe de l'application rétroactive de la loi pénale plus douce – Article 49, paragraphe 1, troisième phrase, de la charte des droits fondamentaux** – Restitutions à l'exportation – **Restitutions particulières à l'exportation pour certaines viandes bovines désossées** – Restitutions particulières à l'exportation obtenues par le moyen de manœuvres ou de fausses déclarations portant sur la nature des marchandises exportées – **Marchandises qui ne relevaient pas du champ d'application de la réglementation de l'Union relative aux restitutions particulières à l'exportation au moment des fausses déclarations, mais qui ont été incluses dans le champ d'application de cette réglementation ultérieurement, par suite d'un changement de la réglementation**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-115/17 du 12 avril 2018](#)

Affaire C-4/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 12 avril 2018 - République tchèque contre Commission européenne - Pourvoi – FEAGA – **Exclusion de certaines dépenses du financement de l'Union européenne** – Dépenses effectuées par la République tchèque – **Protection de vignobles contre les animaux et les oiseaux – Sécurité juridique – Protection de la confiance légitime – Droit d'être entendu**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-4/17 du 12 avril 2018](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION DECISION (EU, Euratom) 2018/559 of 6 April 2018 laying down **implementing rules** for Article 6 of Decision (EU, Euratom) 2017/46 **on the security of communication and information systems in the European Commission**

[OJ of the EU, L 93/4 of 11 April 2018](#)

Case Law

Affaires jointes C-91/17 P et C-92/17 P: ARRÊT DE LA COUR (neuvième chambre) du 26 avril 2018 - Cellnex Telecom SA, anciennement Abertis Telecom SA, établie à Barcelone (Espagne) (C-91/17 P) et Telecom Castilla-La Mancha SA, établie à Tolède (Espagne) (C-92/17 P) contre Commission européenne et SES Astra SA, établie à Betzdorf (Luxembourg) - ayant pour objet des pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Aides d'État – Télévision numérique** – Aide au déploiement de la télévision numérique terrestre dans les zones éloignées et moins urbanisées de la Comunidad Autónoma de Castilla-La Mancha (Communauté autonome de Castille-La Manche, Espagne) – **Subvention en faveur des opérateurs de plateformes de télévision numérique terrestre – Décision déclarant partiellement les mesures d'aides incompatibles avec le marché intérieur – Notion d'“aide d'État” – Avantage – Service d'intérêt économique général – Définition – Marge d'appréciation des États membres**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-91/17 du 26 avril 2018](#)

Case C-320/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Uber France SAS v Nabil Bensalem - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Lille (Regional Court, Lille, France) - Reference for a preliminary ruling — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 98/34/EC — **Information society services — Rule on information society services — Definition — Intermediation service making it possible, by means of a smartphone application and for remuneration, to put non-professional drivers using their own vehicle in contact with persons who wish to make urban journeys** — Criminal penalties

[CURIA – Judgment of the Court of Justice in Case C-320/16 of 10 April 2018](#)

5. Competition

Case Law

Case C-233/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Generalitat de Catalunya - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure — Letter from the Commission stating that no further action will be taken on a complaint — Existing aid

[CURIA – Judgment of the Court of Justice in Case C-233/16 of 26 April 2018](#)

Cases C-234/16 and C-235/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Consejería de Economía y Hacienda del Principado de Asturias (C-234/16) and Consejo de Gobierno del Principado de Asturias (C-235/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain), made by decisions of 10 and 11 March 2016 - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure

[CURIA – Judgment of the Court of Justice in Case C-234/16 of 26 April 2018](#)

Cases C-236/16 and C-237/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Diputación General de Aragón - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure

[CURIA – Judgment of the Court of Justice in Case C-236/16 of 26 April 2018](#)

Affaires jointes C-91/17 P et C-92/17 P: ARRÊT DE LA COUR (neuvième chambre) du 26 avril 2018 - Cellnex Telecom SA, anciennement Abertis Telecom SA, établie à Barcelone (Espagne) (C-91/17 P) et Telecom Castilla-La Mancha SA, établie à Tolède (Espagne) (C-92/17 P) contre Commission européenne et SES Astra SA, établie à Betzdorf (Luxembourg) - ayant pour objet des pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Aides d'État – Télévision numérique** – Aide au déploiement de la télévision numérique terrestre dans les zones éloignées et moins urbanisées de la Comunidad Autónoma de Castilla-La Mancha (Communauté autonome de Castille-La Manche, Espagne) – **Subvention en faveur des opérateurs de plateformes de télévision numérique terrestre – Décision déclarant partiellement les mesures d'aides incompatibles avec le marché intérieur – Notion d'“aide d'État” – Avantage – Service d'intérêt économique général – Définition – Marge d'appréciation des États membres**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-91/17 du 26 avril 2018](#)

Case C-525/16: JUDGMENT OF THE COURT (Second Chamber) of 19 April 2018 - MEO — Serviços de Comunicações e Multimédia SA v Autoridade da Concorrência and GDA — Cooperativa de Gestão dos Direitos dos Artistas Intérpretes ou Executantes, CRL - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Concorrência, Regulação e Supervisão (Competition, Regulation and Supervision Court, Portugal) - Reference for a preliminary ruling — **Competition — Abuse of dominant position** — Article 102, second paragraph, point (c), TFEU — **Concept of 'competitive disadvantage'** — Discriminatory prices on a downstream market — **Cooperative for the management of rights relating to copyright — Royalty payable by domestic entities which provide a paid television signal transmission service and television content**

[CURIA – Judgment of the Court of Justice in Case C-525/16 of 19 April 2018](#)

Case C-152/17: JUDGMENT OF THE COURT (Ninth Chamber) of 19 April 2018 - Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Procurement procedures of entities operating in the water, energy, transport and postal services sectors** — Directive 2004/17/EC — **Obligation to review prices after the award of the contract** — No such obligation in Directive 2004/17/EC or arising from the general principles underlying Article 56 TFEU and Directive 2004/17/EC — **Cleaning and maintenance services linked to railway transport operations** — Article 3(3) TEU — Articles 26, 57, 58 and 101 TFEU — **Lack of sufficient information concerning the factual context of the dispute in the main proceedings and the reasons justifying the need for a reply to the questions referred** — Inadmissibility — **Article 16 of the Charter of Fundamental Rights of the European Union** — **Provision of national law not implementing EU law** — **Lack of jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-152/17 of 19 April 2018](#)

Case C-99/17 P: OPINION OF ADVOCATE GENERAL WATHELET of 12 April 2018 - Infineon Technologies AG v European Commission - Appeal — **Agreements, decisions and concerted practices** — European market for smart card chips — **Network of bilateral contacts with the aim of coordinating the response to clients seeking to obtain price reductions** — Dispute over authenticity of evidence — **Scope of judicial review** — **Unlimited jurisdiction**

[CURIA – Opinion of Advocate General in Case C-99/17 of 12 April 2018](#)

Affaires jointes C-622/16 P à C-624/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 11 avril 2018 - Scuola Elementare Maria Montessori Srl contre Commission européenne (C-622/16 P) et Commission européenne contre Scuola Elementare Maria Montessori Srl (C-623/16 P) et Commission européenne contre Pietro Ferracci (C-624/16 P) - Pourvoi – Article 263, quatrième alinéa, TFUE – Recevabilité – Acte réglementaire ne comportant pas de mesures d'exécution – Affectation directe – **Aides d'État – Régime d'aides accordées par les autorités italiennes aux entités non commerciales exerçant des activités spécifiques dans certains domaines – Exonération de la taxe municipale sur les biens immobiliers** – Décision déclarant impossible la récupération d'une aide d'État incompatible avec le marché intérieur – **Décision déclarant non constitutif d'aide d'État le régime d'exonération sur l'impôt foncier municipal en faveur des locaux où des activités non économiques sont exercées par des entités non commerciales** – Recours en annulation de concurrents potentiels

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-622/16 du 11 avril 2018](#)

6. Customs

Case Law

Case C-227/17: JUDGMENT OF THE COURT (Tenth Chamber) of 12 April 2018 - Medtronic GmbH v Finanzamt Neuss - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — **Customs Union and Common Customs Tariff** — **Tariff classification** — **Combined Nomenclature** — Subheadings 9021 10 10, 9021 10 90 and 9021 90 90 — **Spinal fixation systems** — Implementing Regulation (EU) No 1214/2014

[CURIA – Judgment of the Court of Justice in Case C-227/17 of 12 April 2018](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/633 of 24 April 2018 **amending** Implementing Regulation (EU) 2016/1800 laying down implementing **technical standards** with regard to the **allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps** in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 105/6 of 25 April 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/634 of 24 April 2018 **amending** Implementing Regulation (EU) 2016/1799 as regards the **mapping tables specifying the correspondence between the credit risk assessments of external credit assessment institutions and the credit quality steps** set out in Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 105/14 of 25 April 2018](#)

GUIDELINE (EU) 2018/570 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline (EU) 2015/510 on the **implementation of the Eurosystem monetary policy framework** (ECB/2018/3)
[OJ of the EU, L 95/23 of 13 April 2018](#)

GUIDELINE (EU) 2018/571 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline (EU) 2016/65 on the **valuation haircuts** applied in the **implementation of the Eurosystem monetary policy framework** (ECB/2018/4)
[OJ of the EU, L 95/45 of 13 April 2018](#)

GUIDELINE (EU) 2018/572 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline ECB/2014/31 on **additional temporary measures** relating to **Eurosystem refinancing operations and eligibility of collateral** (ECB/2018/5)
[OJ of the EU, L 95/49 of 13 April 2018](#)

COMMISSION REGULATION (EU) 2018/519 of 28 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 **Interpretation 22 of the International Financial Reporting Interpretations Committee** (Text with EEA relevance)
[OJ of the EU, L 87/3 of 3 April 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/503 of 7 March 2018 **amending** Regulation (EC) No 684/2009 implementing Council Directive 2008/118/EC as regards the **computerised procedures for the movement of excise goods under suspension of excise duty**
[OJ of the EU, L 86/1 of 28 March 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/504 of 7 March 2018 **amending** Implementing Regulation (EU) No 612/2013 on the **operation of the register of economic operators and tax warehouses, related statistics and reporting** pursuant to Council Regulation (EU) No 389/2012 on administrative cooperation in the field of excise duties
[OJ of the EU, L 86/32 of 28 March 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/505 of 7 March 2018 **amending** Implementing Regulation (EU) 2016/323 laying down detailed **rules on cooperation and exchange of information between Member States regarding goods under excise duty suspension** pursuant to Council Regulation (EU) No 389/2012
[OJ of the EU, L 86/52 of 28 March 2018](#)

Case Law

Case C-233/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Generalitat de Catalunya - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments** — **Freedom of establishment** — **Protection of the environment and town and country planning** — **State aid** — Selective measure — Letter from the Commission stating that no further action will be taken on a complaint — Existing aid
[CURIA – Judgment of the Court of Justice in Case C-233/16 of 26 April 2018](#)

Cases C-234/16 and C-235/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Consejería de Economía y Hacienda del Principado de Asturias (C-234/16) and Consejo de Gobierno del Principado de Asturias (C-235/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain), made by decisions of 10 and 11 March 2016 - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid — Selective measure**

[CURIA – Judgment of the Court of Justice in Case C-234/16 of 26 April 2018](#)

Cases C-236/16 and C-237/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Diputación General de Aragón - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid — Selective measure**

[CURIA – Judgment of the Court of Justice in Case C-236/16 of 26 April 2018](#)

Case C-81/17: JUDGMENT OF THE COURT (Ninth Chamber) of 26 April 2018 - Zabus Siret SRL v Direcția Generală Regională a Finanțelor Publice Iași — Administrația Județeană a Finanțelor Publice Suceava - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Suceava (Court of Appeal, Suceava, Romania) - Reference for a preliminary ruling — **Taxation — Directive 2006/112/EC — Common system of value added tax (VAT) — Deduction of input tax — Right to a refund of VAT** — Transactions relating to a tax period that has already been the subject of a tax inspection which has concluded — **National legislation — Possibility for the taxable person to correct tax returns which have already been covered by a tax inspection — Precluded — Principle of effectiveness — Fiscal neutrality — Legal certainty**

[CURIA – Judgment of the Court of Justice in Case C-81/17 of 26 April 2018](#)

Case C-580/16: JUDGMENT OF THE COURT (Fourth Chamber) of 19 April 2018 - Firma Hans Bühler KG v Finanzamt Graz-Stadt - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Directive 2006/112/EC — Place of intra-Community acquisition — Article 42 — Intra-Community acquisition of goods that are the object of a subsequent supply — Article 141 — Exemption — Triangular transaction — Simplification measures — Article 265 — Correction of recapitulative statement**

[CURIA – Judgment of the Court of Justice in Case C-580/16 of 19 April 2018](#)

Case C-140/17: OPINION OF ADVOCATE GENERAL KOKOTT of 19 April 2018 - Szeif Krajowej Administracji Skarbowej v Gmina Ryjewo - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Request for a preliminary ruling — **Common system of value added tax — Deduction of input tax — Acquisition of capital goods** — Allocation of the capital goods where their intended economic use remains uncertain — **Original use for a (public authority) activity which does not confer entitlement to deduct input tax** — Subsequent use for a taxable activity (change of use) — **Subsequent deduction of input tax by means of an adjustment of the deduction**

[CURIA – Opinion of Advocate General in Case C-140/17 of 19 April 2018](#)

Case C-8/17: JUDGMENT OF THE COURT (Seventh Chamber) of 12 April 2018 - Biosafe — Indústria de Reciclagens SA v Flexipiso — Pavimentos SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Value added tax (VAT) — Directive 2006/112/EC — Articles 63, 167, 168, 178 to 180, 182 and 219 — Principle of fiscal neutrality — Right to deduct VAT — Period allowed by national law for exercising that right** — Deduction of additional VAT paid to the State that was the subject of documents rectifying the initial invoices following a tax adjustment — **The date from which the period starts to run**

[CURIA – Judgment of the Court of Justice in Case C-8/17 of 12 April 2018](#)

Case C-110/17: JUDGMENT OF THE COURT (Sixth Chamber) of 12 April 2018 - European Commission v Kingdom of Belgium - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Free movement of capital — Article 63 TFEU — Article 40 of the EEA Agreement — Tax on the income of Belgian residents — Calculation of income from immovable property** — Application of two different calculation methods depending on the place in which the immovable property is situated — **Calculation on the basis of the cadastral value for immovable property located in Belgium** — Calculation based on the actual rental value for immovable property located in another Member State of the European Union or the European Economic Area (EEA) — Difference in treatment — **Restriction on the free movement of capital**
[CURIA – Judgment of the Court of Justice in Case C-110/17 of 12 April 2018](#)

Affaire C-107/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 12 avril 2018 - UAB « Aviabaltika » contre BAB Ūkio bankas - demande de décision préjudicielle formée par le Lietuvos Aukščiausiasis Teismas (Cour suprême de Lituanie) - Renvoi préjudiciel – **Politique économique et monétaire – Libre circulation des capitaux – Exécution des contrats de garantie financière** – Engagement d'une procédure de liquidation à l'égard du preneur de garantie financière – **Survenance du fait entraînant l'exécution de la garantie** – Inclusion de la garantie financière dans la masse d'insolvabilité – **Obligation de satisfaire les créances, en premier lieu, de la garantie financière**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-107/17 du 12 avril 2018](#)

Affaires jointes C-622/16 P à C-624/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 11 avril 2018 - Scuola Elementare Maria Montessori Srl contre Commission européenne (C-622/16 P) et Commission européenne contre Scuola Elementare Maria Montessori Srl (C-623/16 P) et Commission européenne contre Pietro Ferracci (C-624/16 P) - Pourvoi – Article 263, quatrième alinéa, TFUE – Recevabilité – Acte réglementaire ne comportant pas de mesures d'exécution – Affectation directe – **Aides d'État – Régime d'aides accordées par les autorités italiennes aux entités non commerciales exerçant des activités spécifiques dans certains domaines – Exonération de la taxe municipale sur les biens immobiliers** – Décision déclarant impossible la récupération d'une aide d'État incompatible avec le marché intérieur – **Décision déclarant non constitutif d'aide d'État le régime d'exonération sur l'impôt foncier municipal en faveur des locaux où des activités non économiques sont exercées par des entités non commerciales** – Recours en annulation de concurrents potentiels
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-622/16 du 11 avril 2018](#)

Case C-532/16: JUDGMENT OF THE COURT (First Chamber) of 11 April 2018 - Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos v SEB bankas AB - 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 — **Common system of value added tax (VAT) — Limitation of the right to deduct input tax** — Adjustment of the deduction of input tax paid — Supply of land — **Mischaracterisation as 'taxable activity'** — Indication of VAT on the initial invoice — Amendment of that indication by the supplier
[CURIA – Judgment of the Court of Justice in Case C-532/16 of 11 April 2018](#)

Case C-154/17: OPINION OF ADVOCATE GENERAL BOBEK of 10 April 2018 - SIA 'E LATS' and Valsts ieņēmumu dienests - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Reference for a preliminary ruling — **Value added tax (VAT) — Notion of 'second-hand goods' — Notion of 'precious metals or precious stones'**
[CURIA – Opinion of Advocate General in Case C-154/17 of 10 April 2018](#)

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

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

9. Employment and Social Affairs

International Agreements

EFTA SURVEILLANCE AUTHORITY DECISION No 94/17/COL of 31 May 2017 **closing the formal investigation** into the **exemption rule for ambulant services** under the scheme on differentiated **social security contributions 2014-2020 (Norway)** [2018/595]
[OJ of the EU, L 99/18 of 19 April 2018](#)

Case Law

Case C-17/17: OPINION OF ADVOCATE GENERAL KOKOTT of 26 April 2018 - Grenville Hampshire v The Board of the Pension Protection Fund and Secretary of State for Work and Pensions - Request for a preliminary ruling from the Court of Appeal (United Kingdom) - Request for a preliminary ruling — **Protection of employees in the event of the insolvency of their employer** — Article 8 of Directive 2008/94/EC — **Protection of the immediate and prospective entitlement of employees to old-age benefits** — Supplementary occupational pension scheme — Minimum guarantee — Direct applicability
[CURIA – Opinion of Advocate General in Case C-17/17 of 26 April 2018](#)

Case C-41/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 April 2018 - Isabel González Castro v Mutua Umivale, ProsegurEspaña SL and Instituto Nacional de la Seguridad Social (INSS) - Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - **Social policy — Protection of safety and health of workers** — Directive 92/85/EEC — Article 7 — **whether ‘night work’ covers shift work where the worker concerned performs her duties during the night — Worker who is breastfeeding** — Assessment of working conditions challenged by the worker concerned — Article 19(1) of Directive 2006/54/EC — Burden of proof — **Equal treatment — Discrimination on grounds of sex**
[CURIA – Opinion of Advocate General in Case C-41/17 of 26 April 2018](#)

Case C-18/17: OPINION OF ADVOCATE GENERAL WAHL of 26 April 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch, Alen Mihovic v Arbeitsmarktservice Leoben - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Request for a preliminary ruling — **Accession of new Member States — Croatia — Transitional measures — Free movement of workers** — Articles 56 and 57 TFEU — **Freedom to provide services** — Directive 96/71/EC — **Posting of workers — Scope — Posting of Croatian and third-country nationals to Austria through an undertaking established in Italy** — Article 1(3) — Posting — **Hiring out of manpower**
[CURIA – Opinion of Advocate General in Case C-18/17 of 26 April 2018](#)

Case C-645/16: JUDGMENT OF THE COURT (Fourth Chamber) of 19 April 2018 - Conseils et mise en relations (CMR) SARL v Demeures terre et tradition SARL - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation, France) - Reference for a preliminary ruling — **Self-employed commercial agents** — Directive 86/653/EEC — **Right of the commercial agent to an indemnity or compensation for damage following termination of the commercial agency contract** — Article 17 — **Exclusion from the right to indemnity in the event of termination of the contract during the trial period provided for in the contract**
[CURIA – Judgment of the Court of Justice in Case C-645/16 of 19 April 2018](#)

Case C-123/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 19 April 2018 - Nefiye Yön v Landeshauptstadt Stuttgart and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **EEC-Turkey Association Agreement** — Decision No 2/76 — Article 7 — Standstill clause — **New restrictions on the conditions of access to employment — Family reunification** — Additional Protocol — Article 59 — **Justification — Overriding reasons in the public interest**
[CURIA – Opinion of Advocate General in Case C-123/17 of 19 April 2018](#)

Case C-414/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/CE — **Equal treatment** — **Difference of treatment on grounds of religion or belief** — Occupational activities within churches and other organisations the ethos of which is based on religion or belief — **Religion or belief constituting a genuine, legitimate and justified occupational requirement, having regard to the organisation’s ethos** — **Concept** — Nature and context of the activities — Article 17 TFEU — **Articles 10, 21 and 47 of the Charter of Fundamental Rights of the European Union**
[CURIA – Judgment of the Court of Justice in Case C-414/16 of 17 April 2018](#)

Affaire C-43/17 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 11 avril 2018 - Liam Jenkinson contre Service européen pour l’action extérieure, Conseil de l’Union européenne, Commission européenne et Eulex Kosovo - Pourvoi – **Personnel des missions internationales de l’Union européenne – Droit applicable et compétence pour statuer sur les litiges concernant les contrats de travail – Contrats d’engagement à durée déterminée successifs** – Décision de ne pas renouveler le dernier contrat – Demande de dommages-intérêts – **Détermination de la partie défenderesse**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-43/17 du 11 avril 2018](#)

10. Energy and Environment

Community Legislation

COMMISSION REGULATION (EU) 2018/588 of 18 April 2018 **amending** Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards 1-methyl-2-pyrrolidone** (Text with EEA relevance)
[OJ of the EU, L 99/3 of 19 April 2018](#)

COMMISSION REGULATION (EU) 2018/589 of 18 April 2018 **amending** Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards methanol** (Text with EEA relevance)
[OJ of the EU, L 99/7 of 19 April 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/594 of 13 April 2018 on the **identification of benzene-1,2,4-tricarboxylic acid 1,2 anhydride (trimellitic anhydride) (TMA) as a substance of very high concern** according to Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council (notified under document C(2018) 2112) (Only the English text is authentic) (Text with EEA relevance)
[OJ of the EU, L 99/16 of 19 April 2018](#)

COMMISSION DECISION (EU, Euratom) 2018/559 of 6 April 2018 laying down **implementing rules** for Article 6 of Decision (EU, Euratom) 2017/46 **on the security of communication and information systems in the European Commission**
[OJ of the EU, L 93/4 of 11 April 2018](#)

Case Law

Case C-233/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Generalitat de Catalunya - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments** — **Freedom of establishment** — **Protection of the environment and town and country planning** — **State aid** — Selective measure — Letter from the Commission stating that no further action will be taken on a complaint — Existing aid
[CURIA – Judgment of the Court of Justice in Case C-233/16 of 26 April 2018](#)

Cases C-234/16 and C-235/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Consejería de Economía y Hacienda del Principado de Asturias (C-234/16) and Consejo de Gobierno del Principado de Asturias (C-235/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain), made by decisions of 10 and 11 March 2016 - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid — Selective measure**

[CURIA – Judgment of the Court of Justice in Case C-234/16 of 26 April 2018](#)

Cases C-236/16 and C-237/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Diputación General de Aragón - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure

[CURIA – Judgment of the Court of Justice in Case C-236/16 of 26 April 2018](#)

Case C-97/17: JUDGMENT OF THE COURT (Second Chamber) of 26 April 2018 - European Commission v Republic of Bulgaria - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Protection of nature** — Directive 2009/147/EC — Conservation of wild birds — **Special Protection Area (SPA) — Classification as SPAs of the most suitable territories in number and size for the conservation of the bird species listed in Annex I to Directive 2009/147** — Important Bird Area (IBA) — IBA Rila — Partial classification of IBA Rila as an SPA)

[CURIA – Judgment of the Court of Justice in Case C-97/17 of 26 April 2018](#)

Case C-152/17: JUDGMENT OF THE COURT (Ninth Chamber) of 19 April 2018 - Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Procurement procedures of entities operating in the water, energy, transport and postal services sectors** — Directive 2004/17/EC — **Obligation to review prices after the award of the contract** — No such obligation in Directive 2004/17/EC or arising from the general principles underlying Article 56 TFEU and Directive 2004/17/EC — **Cleaning and maintenance services linked to railway transport operations** — Article 3(3) TEU — Articles 26, 57, 58 and 101 TFEU — **Lack of sufficient information concerning the factual context of the dispute in the main proceedings and the reasons justifying the need for a reply to the questions referred** — Inadmissibility — **Article 16 of the Charter of Fundamental Rights of the European Union — Provision of national law not implementing EU law — Lack of jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-152/17 of 19 April 2018](#)

Case C-164/17: OPINION OF ADVOCATE GENERAL TANCHEV of 19 April 2018 - Edel Grace and Peter Sweetman v An Bord Pleanála, ESB Wind Development Limited, Coillte and The Department of Arts, Heritage and the Gaeltacht - Request for a preliminary ruling from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Environment** — Directive 92/43/EEC — Article 6(3) — Directive 2009/147/EC — **Assessment of the implications of a wind farm project for a special protection area — Hen harrier (Circus cyaneus) — Mitigation measures**

[CURIA – Opinion of Advocate General in Case C-164/17 of 19 April 2018](#)

Affaire C-441/17: ARRÊT DE LA COUR (grande chambre) du 17 avril 2018 - Commission européenne contre République de Pologne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État — **Environnement** — Directive 92/43/CEE — **Conservation des habitats naturels ainsi que de la faune et de la flore sauvages** — Article 6, paragraphes 1 et 3 — Article 12, paragraphe 1 — Directive 2009/147/CE — Conservation des oiseaux sauvages — Articles 4 et 5 — Site Natura 2000 "Puszcza Białowieska" — **Modification du plan de gestion forestière – Augmentation du volume de bois exploitable – Plan ou projet non directement nécessaire à la gestion du site susceptible d'affecter ce site de manière significative** – Évaluation appropriée des incidences sur le site – Atteinte à l'intégrité du site – Mise en œuvre effective des mesures de conservation — **Effets sur les sites de reproduction et les aires de repos des espèces protégées**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-441/17 du 17 avril 2018](#)

Case C-302/17: JUDGMENT OF THE COURT (Sixth Chamber) of 12 April 2018 - PPC Power a.s. v Finančné riaditeľstvo Slovenskej republiky and Daňový úrad pre vybrané daňové subjekty - REQUEST for a preliminary ruling under Article 267 TFEU from the Krajský súd v Bratislave (Regional Court, Bratislava, Slovakia) - Reference for a preliminary ruling — **Environment** — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading — Objectives — Free allocation of allowances** — National legislation making transferred and unused allowances subject to taxation

[CURIA – Judgment of the Court of Justice in Case C-302/17 of 12 April 2018](#)

Case C-323/17: JUDGMENT OF THE COURT (Seventh Chamber) of 12 April 2018 - People Over Wind and Peter Sweetman v Coillte Teoranta - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Environment** — Directive 92/43/EEC — **Conservation of natural habitats — Special areas of conservation** — Article 6(3) — **Screening in order to determine whether or not it is necessary to carry out an assessment of the implications, for a special area of conservation, of a plan or project** — Measures that may be taken into account for that purpose

[CURIA – Judgment of the Court of Justice in Case C-323/17 of 12 April 2018](#)

Affaire C-561/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 12 avril 2018 - Saras Energía SA e. a. contre Administración del Estado - demande de décision préjudicielle formée par le Tribunal Supremo [Cour suprême, Espagne] - Demande de décision préjudicielle – Directive 2012/27/UE – **Promotion de l'efficacité énergétique – Mécanisme d'obligations en matière d'efficacité énergétique** – Autres mesures de politique publique – **Fonds national pour l'efficacité énergétique** – Obligation de contribution – **Distributeurs d'énergie et/ou entreprises de vente d'énergie au détail obligés – Motivation**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-561/16 du 12 avril 2018](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION REGULATION (EU) 2018/588 of 18 April 2018 **amending** Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards 1-methyl-2-pyrrolidone** (Text with EEA relevance)

[OJ of the EU, L 99/3 of 19 April 2018](#)

COMMISSION REGULATION (EU) 2018/589 of 18 April 2018 **amending** Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the **Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards methanol** (Text with EEA relevance)

[OJ of the EU, L 99/7 of 19 April 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/594 of 13 April 2018 on the **identification of benzene-1,2,4-tricarboxylic acid 1,2 anhydride (trimellitic anhydride) (TMA) as a substance of very high concern** according to Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council (notified under document C(2018) 2112) (Only the English text is authentic) (Text with EEA relevance)

[OJ of the EU, L 99/16 of 19 April 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/573 of 15 December 2017 on **key elements of data storage contracts to be concluded** as part of a **traceability system for tobacco products** (Text with EEA relevance)

[OJ of the EU, L 96/1 of 16 April 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/574 of 15 December 2017 on **technical standards for the establishment and operation of a traceability system for tobacco products** (Text with EEA relevance)

[OJ of the EU, L 96/7 of 16 April 2018](#)

COMMISSION IMPLEMENTING DECISION (EU) 2018/576 of 15 December 2017 on **technical standards for security features applied to tobacco products** (notified under document C(2017) 8435) (Text with EEA relevance)
[OJ of the EU, L 96/57 of 16 April 2018](#)

Case Law

Affaire C-176/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 26 avril 2018 - Profi Credit Polska S.A. w Bielsku Białej contre Mariusz Wawrzosek - demande de décision préjudicielle formée par le Sąd Rejonowy w Siemianowicach Śląskich (tribunal d'arrondissement de Siemianowicach Śląskie, Pologne) - Renvoi préjudiciel – **Protection des consommateurs – Clauses abusives dans les contrats conclus avec les consommateurs – Contrats de crédit aux consommateurs** – Procédure d'injonction de payer fondée sur un billet à ordre garantissant une créance découlant d'un contrat de crédit au consommateur – **Impossibilité pour le juge, en absence du recours du consommateur, d'apprécier le caractère éventuellement abusif de clauses contractuelles**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-176/17 du 26 avril 2018](#)

Case C-65/17: JUDGMENT OF THE COURT (Ninth Chamber) of 19 April 2018 - Oftalma Hospital Srl v Commissione Istituti Ospitalieri Valdesi (CIOV), Regione Piemonte and Azienda Sanitaria Locale di Torino (TO1) - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling – **Public service contracts – Health and social services – Award contrary to the rules on public procurement** – Requirement to comply with the principles of transparency and equal treatment – **Concept of 'certain cross-border interest'** – Directive 92/50/EEC – Article 27

[CURIA – Judgment of the Court of Justice in Case C-65/17 of 19 April 2018](#)

Case C-13/17: JUDGMENT OF THE COURT (Sixth Chamber) of 12 April 2018 - Fédération des entreprises de la beauté v Ministre des Affaires sociales, de la Santé and des Droits des femmes, Ministre de l'Éducation nationale, de l'Enseignement supérieur et de la Recherche and Ministre de l'Économie et des Finances, formerly Ministre de l'Économie, de l'Industrie et du Numérique - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France) - Reference for a preliminary ruling – **Approximation of laws – Cosmetic products** – Regulation (EC) No 1223/2009 – Article 10(2) – **Assessment of the safety of cosmetic products – Qualifications of the safety assessor** – Recognition of equivalent training courses – **Disciplines similar to pharmacy, toxicology or medicine – Member States' discretion**

[CURIA – Judgment of the Court of Justice in Case C-13/17 of 12 April 2018](#)

Case C-151/17: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 12 April 2018 - Swedish Match AB v Secretary of State for Health and New Nicotine Alliance - Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling – Approximation of laws – **Manufacture, presentation and sale of tobacco products** – Directive 2014/40/EU – Article 1(c) – Article 17 – **Prohibition on the placing on the market of tobacco for oral use** – Request for an assessment of validity – Principle of proportionality – **Precautionary principle**

[CURIA – Opinion of Advocate General in Case C-151/17 of 12 April 2018](#)

12. Human Rights

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/578 of 13 April 2018 **amending** Council Regulation (EC) No 2368/2002 implementing the **Kimberley Process certification scheme for the international trade in rough diamonds**

[OJ of the EU, L 97/1 of 17 April 2018](#)

Case Law

Case C-34/17: JUDGMENT OF THE COURT (Second Chamber) of 26 April 2018 - Eamonn Donnellan v The Revenue Commissioners - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Mutual assistance for the recovery of claims** — Directive 2010/24/EU — Article 14 — **Right to an effective remedy — Charter of Fundamental Rights of the European Union** — Article 47 — Possibility for the requested authority to refuse recovery assistance on the basis that the claim was not duly notified

[CURIA – Judgment of the Court of Justice in Case C-34/17 of 26 April 2018](#)

Case C-41/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 April 2018 - Isabel González Castro v Mutua Univale, ProsegurEspaña SL and Instituto Nacional de la Seguridad Social (INSS) - Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain) - **Social policy — Protection of safety and health of workers** — Directive 92/85/EEC — Article 7 — **whether ‘night work’ covers shift work where the worker concerned performs her duties during the night — Worker who is breastfeeding** — Assessment of working conditions challenged by the worker concerned — Article 19(1) of Directive 2006/54/EC — Burden of proof — **Equal treatment — Discrimination on grounds of sex**

[CURIA – Opinion of Advocate General in Case C-41/17 of 26 April 2018](#)

Case C-353/16: JUDGMENT OF THE COURT (Grand Chamber) of 24 April 2018 - MP v Secretary of State for the Home Department - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court of the United Kingdom, made by decision of 22 June 2016 - Reference for a preliminary ruling — **Asylum policy — Charter of Fundamental Rights of the European Union** — Article 4 — Directive 2004/83/EC — Article 2(e) — Eligibility for subsidiary protection — Article 15(b) — **Risk of serious harm to the psychological health of the applicant if returned to the country of origin — Person who has been tortured in the country of origin**

[CURIA – Judgment of the Court of Justice in Case C-353/16 of 24 April 2018](#)

Joined Cases C-316/16 and C-424/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - B v Land Baden-Württemberg (C-316/16) and Secretary of State for the Home Department v Franco Vomero (C-424/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) and the Supreme Court of the United Kingdom - References for a preliminary ruling — **Citizenship of the European Union — Right to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — Article 28(3)(a) — **Enhanced protection against expulsion — Conditions — Right of permanent residence — Residence in the host Member State for the 10 years preceding the decision to expel the person concerned from that Member State** — Period of imprisonment — Consequences as regards the continuity of the 10-year period of residence — **Connection with the overall assessment of an integrative link** — Time at which that assessment must be carried out and criteria to be taken into account in that assessment

[CURIA – Judgment of the Court of Justice in Case C-316/16 of 17 April 2018](#)

Case C-414/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/CE — **Equal treatment — Difference of treatment on grounds of religion or belief** — Occupational activities within churches and other organisations the ethos of which is based on religion or belief — **Religion or belief constituting a genuine, legitimate and justified occupational requirement, having regard to the organisation’s ethos — Concept** — Nature and context of the activities — Article 17 TFEU — **Articles 10, 21 and 47 of the Charter of Fundamental Rights of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-414/16 of 17 April 2018](#)

Affaire C-115/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 12 avril 2018 - Administration des douanes et droits indirects et Établissement national des produits de l'agriculture et de la mer (FranceAgriMer) contre Hubert Clergeau e.a. - demande de décision préjudicielle formée par la Cour de cassation [France] - Demande de décision préjudicielle – **Principe de l'application rétroactive de la loi pénale plus douce – Article 49, paragraphe 1, troisième phrase, de la charte des droits fondamentaux** – Restitutions à l'exportation – **Restitutions particulières à l'exportation pour certaines viandes bovines désossées** – Restitutions particulières à l'exportation obtenues par le moyen de manœuvres ou de fausses déclarations portant sur la nature des marchandises exportées – **Marchandises qui ne relevaient pas du champ d'application de la réglementation de l'Union relative aux restitutions particulières à l'exportation au moment des fausses déclarations, mais qui ont été incluses dans le champ d'application de cette réglementation ultérieurement, par suite d'un changement de la réglementation**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-115/17 du 12 avril 2018](#)

Case C-600/16 P: OPINION OF ADVOCATE GENERAL TANCHEV of 11 April 2018 - National Iranian Tanker Company v Council of the European Union - Appeal — **Common Foreign and Security Policy** — Restrictive measures against the Islamic Republic of Iran with the aim of preventing nuclear proliferation — **Freezing of funds** — Action for annulment — **Re-listing decision following annulment of initial listing decision by EU Courts on the merits** — Article 266 TFEU — **General principles of EU law — Fundamental rights — Right to an effective remedy — Article 47 of the Charter of Fundamental Rights of the European Union** — Articles 6(1) and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

[CURIA – Opinion of Advocate General in Case C-600/16 of 11 April 2018](#)

Case C-89/17: OPINION OF ADVOCATE GENERAL BOBEK of 10 April 2018 - Secretary of State for the Home Department v Rozanne Banger - Request for a preliminary ruling from the Upper Tribunal (Immigration and Asylum Chamber) London (United Kingdom) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21 TFEU — **Return of a Union citizen to the Member State of which that citizen is a national after having exercised free movement rights in another Member State — Right of residence of a third-country national who is a member of the extended family of a Union citizen** — Application by analogy of Directive 2004/38/EC — Article 3(2)(b) — **Obligation to facilitate, in accordance with national legislation, entry and residence for the partner with whom the Union citizen has a durable relationship** — Right of appeal — **Scope of judicial review — Article 47 of the Charter of Fundamental Rights of the European Union**

[CURIA – Opinion of Advocate General in Case C-89/17 of 10 April 2018](#)

Case C-191/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Romano Piscioti v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling — Citizenship of the Union — Articles 18 and 21 TFEU — **Extradition to the United States of America of a national of a Member State who has exercised his right to freedom of movement** — Extradition agreement between the European Union and that third State — **Scope of EU law — Prohibition on extradition applied only to own nationals — Restriction on free movement** — Justification based on the prevention of impunity — Proportionality — **Informing the Union citizen's Member State of origin**

[CURIA – Judgment of the Court of Justice in Case C-191/16 of 10 April 2018](#)

Case C-550/16: JUDGMENT OF THE COURT (Second Chamber) of 12 April 2018 - A and S v Staatssecretaris van Veiligheid en Justitie - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — **Right to family reunification** — Directive 2003/86/EC — Article 2(f) — **Definition of 'unaccompanied minor'** — Article 10(3)(a) — **Right of a refugee to family reunification with his parents — Refugee below the age of 18 at the time of entry into the Member State and at the time of application for asylum, but over 18 at the time of the decision granting asylum and of his application for family reunification** — Relevant date for assessing 'minor' status of the person concerned

[CURIA – Judgment of the Court of Justice in Case C-550/16 of 12 April 2018](#)

13. Internal Market and Single Market

Case Law

Case C-233/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Generalitat de Catalunya - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure — Letter from the Commission stating that no further action will be taken on a complaint — Existing aid

[CURIA – Judgment of the Court of Justice in Case C-233/16 of 26 April 2018](#)

Cases C-234/16 and C-235/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Consejería de Economía y Hacienda del Principado de Asturias (C-234/16) and Consejo de Gobierno del Principado de Asturias (C-235/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain), made by decisions of 10 and 11 March 2016 - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure

[CURIA – Judgment of the Court of Justice in Case C-234/16 of 26 April 2018](#)

Cases C-236/16 and C-237/16: JUDGMENT OF THE COURT (First Chamber) of 26 April 2018 - Asociación Nacional de Grandes Empresas de Distribución (ANGED) v Diputación General de Aragón - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Regional tax on large retail establishments — Freedom of establishment — Protection of the environment and town and country planning — State aid** — Selective measure

[CURIA – Judgment of the Court of Justice in Case C-236/16 of 26 April 2018](#)

Case C-18/17: OPINION OF ADVOCATE GENERAL WAHL of 26 April 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch, Alen Mihovic v Arbeitsmarktservice Leoben - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Request for a preliminary ruling — **Accession of new Member States — Croatia — Transitional measures — Free movement of workers** — Articles 56 and 57 TFEU — **Freedom to provide services** — Directive 96/71/EC — **Posting of workers — Scope — Posting of Croatian and third-country nationals to Austria through an undertaking established in Italy** — Article 1(3) — Posting — **Hiring out of manpower**

[CURIA – Opinion of Advocate General in Case C-18/17 of 26 April 2018](#)

Case C-65/17: JUDGMENT OF THE COURT (Ninth Chamber) of 19 April 2018 - Oftalma Hospital Srl v Commissione Istituti Ospitalieri Valdesi (CIOV), Regione Piemonte and Azienda Sanitaria Locale di Torino (TO1) - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte suprema di cassazione (Supreme Court of Cassation, Italy) - Reference for a preliminary ruling — **Public service contracts — Health and social services — Award contrary to the rules on public procurement** — Requirement to comply with the principles of transparency and equal treatment — **Concept of ‘certain cross-border interest’** — Directive 92/50/EEC — Article 27

[CURIA – Judgment of the Court of Justice in Case C-65/17 of 19 April 2018](#)

Affaire C-137/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 19 avril 2018 - Van Gennip BVBA, Antonius Johannes Maria ten Velde, Original BVBA and Antonius Cornelius Ignatius Maria van der Schoot - demande de décision préjudicielle formée par le rechtbank van eerste aanleg te Antwerpen (tribunal de première instance d’Anvers, Belgique) - Renvoi préjudiciel – Directive 2006/123/CE – Directive 2007/23/CE – Directive 2013/29/UE – **Mise sur le marché et libre circulation d’articles pyrotechniques – Liberté d’établissement – Mesures nationales restrictives** – Ordre public – Sanctions pénales – **Régime d’autorisation**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-137/17 du 19 avril 2018](#)

Case C-110/17: JUDGMENT OF THE COURT (Sixth Chamber) of 12 April 2018 - European Commission v Kingdom of Belgium - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Free movement of capital — Article 63 TFEU — Article 40 of the EEA Agreement — Tax on the income of Belgian residents — Calculation of income from immovable property** — Application of two different calculation methods depending on the place in which the immovable property is situated — **Calculation on the basis of the cadastral value for immovable property located in Belgium** — Calculation based on the actual rental value for immovable property located in another Member State of the European Union or the European Economic Area (EEA) — Difference in treatment — **Restriction on the free movement of capital**
[CURIA – Judgment of the Court of Justice in Case C-110/17 of 12 April 2018](#)

Affaire C-107/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 12 avril 2018 - UAB « Aviabaltika » contre BAB Ūkio bankas - demande de décision préjudicielle formée par le Lietuvos Aukščiausiasis Teismas (Cour suprême de Lituanie) - Renvoi préjudiciel – **Politique économique et monétaire – Libre circulation des capitaux – Exécution des contrats de garantie financière** – Engagement d'une procédure de liquidation à l'égard du preneur de garantie financière – **Survenance du fait entraînant l'exécution de la garantie** – Inclusion de la garantie financière dans la masse d'insolvabilité – **Obligation de satisfaire les créances, en premier lieu, de la garantie financière**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-107/17 du 12 avril 2018](#)

Affaires jointes C-622/16 P à C-624/16 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 11 avril 2018 - Scuola Elementare Maria Montessori Srl contre Commission européenne (C-622/16 P) et Commission européenne contre Scuola Elementare Maria Montessori Srl (C-623/16 P) et Commission européenne contre Pietro Ferracci (C-624/16 P) - Pourvoi – Article 263, quatrième alinéa, TFUE – Recevabilité – Acte réglementaire ne comportant pas de mesures d'exécution – Affectation directe – **Aides d'État – Régime d'aides accordées par les autorités italiennes aux entités non commerciales exerçant des activités spécifiques dans certains domaines – Exonération de la taxe municipale sur les biens immobiliers** – Décision déclarant impossible la récupération d'une aide d'État incompatible avec le marché intérieur – **Décision déclarant non constitutif d'aide d'État le régime d'exonération sur l'impôt foncier municipal en faveur des locaux où des activités non économiques sont exercées par des entités non commerciales** – Recours en annulation de concurrents potentiels
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-622/16 du 11 avril 2018](#)

Case C-320/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Uber France SAS v Nabil Bensalem - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal de grande instance de Lille (Regional Court, Lille, France) - Reference for a preliminary ruling — **Services in the field of transport** — Directive 2006/123/EC — **Services in the internal market** — Directive 98/34/EC — **Information society services — Rule on information society services — Definition — Intermediation service making it possible, by means of a smartphone application and for remuneration, to put non-professional drivers using their own vehicle in contact with persons who wish to make urban journeys** — Criminal penalties
[CURIA – Judgment of the Court of Justice in Case C-320/16 of 10 April 2018](#)

14. Intellectual Property

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2018/625 of 5 March 2018 **supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark**, and repealing Delegated Regulation (EU) 2017/1430
[OJ of the EU, L 104/1 of 24 April 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/626 of 5 March 2018 **laying down detailed rules for implementing certain provisions** of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the **European Union trade mark**, and repealing Implementing Regulation (EU) 2017/1431
[OJ of the EU, L 104/37 of 24 April 2018](#)

Case Law

Affaire C-129/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 26 avril 2018 - Mitsubishi Shoji Kaisha and Mitsubishi Caterpillar Forklift Europe contre Duma Forklifts and G. S. International - demande de décision préjudicielle formée par le Hof van beroep Brussel (cour d'appel de Bruxelles, Belgique) - Renvoi préjudiciel — **Marque de l'Union européenne — Droits conférés par la marque — Importations parallèles dans l'EEE — Remarque de produits avant leur importation dans l'EEE**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-129/17 du 26 avril 2018](#)

Case C-121/17: OPINION OF ADVOCATE GENERAL WATHELET of 25 April 2018 - Teva UK Ltd, Accord Healthcare Ltd, Lupin Ltd, Lupin (Europe) Ltd and Generics (UK) trading as 'Mylan' v Gilead Sciences Inc. - Request for a preliminary ruling from the High Court of Justice (England and Wales), Chancery Division (Patents Court) (United Kingdom) - Request for a preliminary ruling — **Approximation of laws — Patent law — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — Article 3(a) — **Conditions for obtaining — Product protected by a basic patent in force — Criteria for assessment**
[CURIA – Opinion of Advocate General in Case C-121/17 of 25 April 2018](#)

Affaire C-161/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 25 avril 2018 - Land Nordrhein-Westfalen contre Dirk Renckhoff - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - Renvoi préjudiciel — **Droit d'auteur et droits voisins dans la société d'information — Notion de "communication au public"** — Mise à disposition sur un site Internet d'une œuvre protégée accessible à tous les internautes sur un autre site Internet — **Situation dans laquelle l'œuvre a été copiée sur un serveur sans le consentement du titulaire du droit d'auteur**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-161/17 du 25 avril 2018](#)

Affaire C-478/16 P: ARRÊT DE LA COUR (huitième chambre) du 19 avril 2018 - Office de l'Union européenne pour la propriété intellectuelle (EUIPO) contre Group OOD, établie à Sofia (Bulgarie) et Kosta Iliev, demeurant à Sofia (Bulgarie) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Marque de l'Union européenne – Définition et acquisition de la marque de l'Union européenne – Motifs relatifs de refus** – Opposition par le titulaire d'une marque non enregistrée ou d'un autre signe utilisé dans la vie des affaires – **Examen par la chambre de recours – Preuves nouvelles ou supplémentaires** – Règlement (CE) no 207/2009 – Article 76, paragraphe 2 – Règlement (CE) no 2868/95 – Règle 50, paragraphe 1, troisième alinéa
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-478/16 du 19 avril 2018](#)

Case C-525/16: JUDGMENT OF THE COURT (Second Chamber) of 19 April 2018 - MEO — Serviços de Comunicações e Multimédia SA v Autoridade da Concorrência and GDA — Cooperativa de Gestão dos Direitos dos Artistas Intérpretes ou Executantes, CRL - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Concorrência, Regulação e Supervisão (Competition, Regulation and Supervision Court, Portugal) - Reference for a preliminary ruling — **Competition — Abuse of dominant position** — Article 102, second paragraph, point (c), TFEU — **Concept of 'competitive disadvantage'** — Discriminatory prices on a downstream market — **Cooperative for the management of rights relating to copyright — Royalty payable by domestic entities which provide a paid television signal transmission service and television content**
[CURIA – Judgment of the Court of Justice in Case C-525/16 of 19 April 2018](#)

Affaire C-75/17 P: ARRÊT DE LA COUR (septième chambre) du 19 avril 2018 - Fiesta Hotels & Resorts SL, établie à Ibiza (Espagne) contre Office de l'Union européenne pour la propriété intellectuelle and Residencial Palladium SL, établie à Ibiza (Espagne) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Marque de l'Union européenne** – Règlement (CE) no 207/2009 – Article 8, paragraphe 4 – Article 65 – Nom commercial non enregistré GRAND HOTEL PALLADIUM – Marque figurative comportant les éléments verbaux "PALLADIUM PALACE IBIZA RESORT & SPA" – **Demande en nullité fondée sur un droit antérieur acquis en vertu du droit national – Conditions – Signe dont la portée n'est pas seulement locale – Droit d'interdire l'utilisation d'une marque plus récente**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-75/17 du 19 avril 2018](#)

Case C-148/17: JUDGMENT OF THE COURT (Second Chamber) of 19 April 2018 - Peek & Cloppenburg KG, Hamburg v Peek & Cloppenburg KG, Düsseldorf - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Trade-mark law** — Directive 2008/95/EC — Article 14 — **Establishment a posteriori of the invalidity or revocation of a trade mark** — **Date on which the conditions for revocation or invalidity must be met** — Regulation (EC) No 207/2009 — EU trade mark — Article 34(2) — **Claiming the seniority of an earlier national trade mark** — **Effects of that claim on the earlier national mark**

[CURIA – Judgment of the Court of Justice in Case C-148/17 of 19 April 2018](#)

Joined Cases C-84/17 P, C-85/17 P and C-95/17 P: OPINION OF ADVOCATE GENERAL WATHELET of 19 April 2018 - Société des produits Nestlé SA v Mondelez UK Holdings & Services Ltd, formerly Cadbury Holdings Ltd and European Union Intellectual Property Office (EUIPO) (C-84/17 P) - Mondelez UK Holdings & Services Ltd, formerly Cadbury Holdings Ltd v European Union Intellectual Property Office (EUIPO) (C-85/17 P) - European Union Intellectual Property Office (EUIPO) v Mondelez UK Holdings & Services Ltd, formerly Cadbury Holdings Ltd (C-95/17 P) - Appeal — **EU trade mark** — **Three-dimensional mark representing the shape of a four-finger chocolate bar** — Application for a declaration of invalidity submitted by the applicant — **Rejection of the application for a declaration of invalidity by the Board of Appeal**

[CURIA – Opinion of Advocate General in Case C-84/17 of 19 April 2018](#)

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

Case Law

Case C-34/17: JUDGMENT OF THE COURT (Second Chamber) of 26 April 2018 - Eamonn Donnellan v The Revenue Commissioners - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court (Ireland) - Reference for a preliminary ruling — **Mutual assistance for the recovery of claims** — Directive 2010/24/EU — Article 14 — **Right to an effective remedy** — **Charter of Fundamental Rights of the European Union** — Article 47 — Possibility for the requested authority to refuse recovery assistance on the basis that the claim was not duly notified

[CURIA – Judgment of the Court of Justice in Case C-34/17 of 26 April 2018](#)

Case C-565/16: JUDGMENT OF THE COURT (Sixth Chamber) of 19 April 2018 - Alessandro Saponaro and Kalliopi-Chloi Xylina - REQUEST for a preliminary ruling under Article 267 TFEU from the Eirinodikeio Lerou (Small Claims Court, Leros, Greece) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — **Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility** — Regulation (EC) No 2201/2003 — **Court of a Member State seised with an application for judicial authorisation to renounce an inheritance on behalf of a minor child** — Jurisdiction in matters of parental responsibility — **Prorogation of jurisdiction** — Article 12(3)(b) — **Acceptance of jurisdiction** — **Conditions**

[CURIA – Judgment of the Court of Justice in Case C-565/16 of 19 April 2018](#)

Joined Cases C-316/16 and C-424/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - B v Land Baden-Württemberg (C-316/16) and Secretary of State for the Home Department v Franco Vomero (C-424/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) and the Supreme Court of the United Kingdom - References for a preliminary ruling — **Citizenship of the European Union** — **Right to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — Article 28(3)(a) — **Enhanced protection against expulsion** — **Conditions** — **Right of permanent residence** — **Residence in the host Member State for the 10 years preceding the decision to expel the person concerned from that Member State** — Period of imprisonment — Consequences as regards the continuity of the 10-year period of residence — **Connection with the overall assessment of an integrative link** — Time at which that assessment must be carried out and criteria to be taken into account in that assessment

[CURIA – Judgment of the Court of Justice in Case C-316/16 of 17 April 2018](#)

Case C-335/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 12 April 2018 - Neli Valcheva v Georgios Babanarakis - Request for a preliminary ruling from the Varhoven kasatsionen sad (Supreme Court of Cassation, Bulgaria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 2201/2003 — **Scope — Concept of ‘rights of access’ — Applicability to grandparents**
[CURIA – Opinion of Advocate General in Case C-335/17 of 12 April 2018](#)

Case C-99/17 P: OPINION OF ADVOCATE GENERAL WATHELET of 12 April 2018 - Infineon Technologies AG v European Commission - Appeal — **Agreements, decisions and concerted practices** — European market for smart card chips — **Network of bilateral contacts with the aim of coordinating the response to clients seeking to obtain price reductions** — Dispute over authenticity of evidence — **Scope of judicial review — Unlimited jurisdiction**
[CURIA – Opinion of Advocate General in Case C-99/17 of 12 April 2018](#)

Affaire C-4/17 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 12 avril 2018 - République tchèque contre Commission européenne - Pourvoi – FEAGA – **Exclusion de certaines dépenses du financement de l’Union européenne** – Dépenses effectuées par la République tchèque – **Protection de vignobles contre les animaux et les oiseaux – Sécurité juridique – Protection de la confiance légitime – Droit d’être entendu**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-4/17 du 12 avril 2018](#)

Affaire C-43/17 P: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 11 avril 2018 - Liam Jenkinson contre Service européen pour l’action extérieure, Conseil de l’Union européenne, Commission européenne et Eulex Kosovo - Pourvoi – **Personnel des missions internationales de l’Union européenne – Droit applicable et compétence pour statuer sur les litiges concernant les contrats de travail – Contrats d’engagement à durée déterminée successifs** – Décision de ne pas renouveler le dernier contrat – Demande de dommages-intérêts – **Détermination de la partie défenderesse**
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-43/17 du 11 avril 2018](#)

Case C-89/17: OPINION OF ADVOCATE GENERAL BOBEK of 10 April 2018 - Secretary of State for the Home Department v Rozanne Banger - Request for a preliminary ruling from the Upper Tribunal (Immigration and Asylum Chamber) London (United Kingdom) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21 TFEU — **Return of a Union citizen to the Member State of which that citizen is a national after having exercised free movement rights in another Member State — Right of residence of a third-country national who is a member of the extended family of a Union citizen** — Application by analogy of Directive 2004/38/EC — Article 3(2)(b) — **Obligation to facilitate, in accordance with national legislation, entry and residence for the partner with whom the Union citizen has a durable relationship** — Right of appeal — **Scope of judicial review — Article 47 of the Charter of Fundamental Rights of the European Union**
[CURIA – Opinion of Advocate General in Case C-89/17 of 10 April 2018](#)

Case C-88/17: OPINION OF ADVOCATE GENERAL TANCHEV of 10 April 2018 - Zurich Insurance plc and Metso Minerals Oy v Abnormal Load Services (International) Limited - Request for a preliminary ruling from the Korkein oikeus (Supreme Court, Finland) - Preliminary ruling — **Cooperation in civil and commercial matters — ‘Brussels I Regulation’** — Regulation (EC) No 44/2001 — **Jurisdiction in matters relating to contracts — Damages — Determination of the place of performance of the obligation** — Place where the services were provided or should have been provided — **Contract for the carriage of goods from one Member State to another entailing several stages and more than one mode of transport (multimodal transport)**
[CURIA – Opinion of Advocate General in Case C-88/17 of 10 April 2018](#)

Case C-191/16: JUDGMENT OF THE COURT (Grand Chamber) of 10 April 2018 - Romano Piscioti v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling — **Citizenship of the Union** — Articles 18 and 21 TFEU — **Extradition to the United States of America of a national of a Member State who has exercised his right to freedom of movement** — Extradition agreement between the European Union and that third State — **Scope of EU law — Prohibition on extradition applied only to own nationals — Restriction on free movement** — Justification based on the prevention of impunity — Proportionality — **Informing the Union citizen’s Member State of origin**
[CURIA – Judgment of the Court of Justice in Case C-191/16 of 10 April 2018](#)

16. Transport

International Agreements

Amendments to the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention 1975) - According to the UN Depository Notification C.N.201.2018.TREATIES – XI.A.16 the following **amendments to the TIR Convention enter into force on 1 July 2018 for all Contracting Parties**
[OJ of the EU, L 99/1 of 19 April 2018](#)

Community Legislation

GUIDELINE (EU) 2018/570 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline (EU) 2015/510 on the **implementation of the Eurosystem monetary policy framework** (ECB/2018/3)
[OJ of the EU, L 95/23 of 13 April 2018](#)

GUIDELINE (EU) 2018/571 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline (EU) 2016/65 on the **valuation haircuts** applied in the **implementation of the Eurosystem monetary policy framework** (ECB/2018/4)
[OJ of the EU, L 95/45 of 13 April 2018](#)

GUIDELINE (EU) 2018/572 OF THE EUROPEAN CENTRAL BANK of 7 February 2018 **amending** Guideline ECB/2014/31 on **additional temporary measures** relating to **Eurosystem refinancing operations and eligibility of collateral** (ECB/2018/5)
[OJ of the EU, L 95/49 of 13 April 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/502 of 28 February 2018 **amending** Implementing Regulation (EU) 2016/799 laying down the **requirements for the construction, testing, installation, operation and repair of tachographs and their components** (Text with EEA relevance)
[OJ of the EU, L 85/1 of 28 March 2018](#)

Case Law

Case C-80/17: OPINION OF ADVOCATE GENERAL BOBEK of 26 April 2018 - **Fundo de Garantia Automóvel v Alina Antónia Destapado Pão Mole Juliana and Cristiana Micaela Caetano Juliana** - Request for a preliminary ruling from the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Motor vehicle civil liability insurance — Obligation to take out insurance — Scope — Notion of ‘use of vehicle’**
[CURIA – Opinion of Advocate General in Case C-80/17 of 26 April 2018](#)

Affaire C-629/16: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 26 avril 2018 – **CX contre Bezirkshauptmannschaft Schärding** - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Transports internationaux par route – Accord créant une association entre la Communauté économique européenne et la Turquie** – Article 9 – Protocole additionnel – Articles 41 et 42 – **Libre prestation des services – Clause de “standstill”** – Décision n° 1/95 du Conseil d’association CE-Turquie – Articles 5 et 7 – **Libre circulation des marchandises – Mesures d’effet équivalant à des restrictions quantitatives – Transporteur turc de marchandises traversant un État membre en transit** – Réglementation nationale soumettant un tel transport soit à une autorisation octroyée dans les limites d’un contingent fixé au titre d’un accord bilatéral conclu entre l’État membre et la Turquie, soit à un permis individuel délivré pour un transport présentant un intérêt public majeur
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-629/16 du 26 avril 2018](#)

Case C-152/17: JUDGMENT OF THE COURT (Ninth Chamber) of 19 April 2018 - Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Procurement procedures of entities operating in the water, energy, transport and postal services sectors** — Directive 2004/17/EC — **Obligation to review prices after the award of the contract** — No such obligation in Directive 2004/17/EC or arising from the general principles underlying Article 56 TFEU and Directive 2004/17/EC — **Cleaning and maintenance services linked to railway transport operations** — Article 3(3) TEU — Articles 26, 57, 58 and 101 TFEU — **Lack of sufficient information concerning the factual context of the dispute in the main proceedings and the reasons justifying the need for a reply to the questions referred** — Inadmissibility — **Article 16 of the Charter of Fundamental Rights of the European Union** — **Provision of national law not implementing EU law** — **Lack of jurisdiction**

[CURIA – Judgment of the Court of Justice in Case C-152/17 of 19 April 2018](#)

Joined Cases C-195/17, C-197/17 to C-203/17, C-226/17, C-228/17, C-254/17, C-274/17, C-275/17, C-278/17 to C-286/17 and C-290/17 to C-292/17: JUDGMENT OF THE COURT (Third Chamber) of 17 April 2018 - Helga Krüsemann and Others (C-195/17), Thomas Neufeldt and Others (C-197/17), Ivan Wallmann (C-198/17), Rita Hoffmeyer, Rudolf Meyer (C-199/17), Susanne de Winder (C-200/17), Holger Schlosser, Nicole Schlosser (C-201/17), Peter Rebbe and Others (Case C-202/17), Eberhard Schmeer (C-203/17), Brigitte Wittmann (C-226/17), Reinhard Wittmann (C-228/17), Regina Lorenz, Prisca Sprecher (C-254/17), Margarethe Yüce and Others (Case C-274/17), Friedemann Schoen, Brigitta Schoen (C-275/17), Susanne Meyer and Others (Case C-278/17), Thomas Kiehl (C-279/17), Ralph Eßer (C-280/17), Thomas Schmidt (C-281/17), Werner Ansorge (C-282/17), Herbert Blesgen (C-283/17), Simone Künnecke and Others (Case C-284/17), Marta Gentile, Marcel Gentile (C-285/17), Gabriele Ossenbeck (C-286/17), Angelina Fell and Others (Case C-290/17), Helga Jordan-Grompe and Others (Case C-291/17) and EUflight.de GmbH (C-292/17) v TUIfly GmbH - REQUESTS for a preliminary ruling under Article 267 TFEU from, on the one hand, the Amtsgericht Hannover (Local Court, Hanover, Germany), by decisions of 6 (Cases C-195/17 and C-197/17 to C-203/17) and 19 April 2017 (Cases C-226/17 and C-228/17), of 11 (Cases C-254/17, C-275/17, C-278/17 and C-281/17), 12 (Cases C-274/17, C-279/17, C-280/17 and C-282/17 to C-286/17), 16 (Case C-291/17) and 17 May 2017 (Case C-290/17), received at the Court on 13 (C-195/17 and C-197/17 to C-203/17) and 28 April 2017 (Cases C-226/17 and C-228/17), and of 15 (Case C-254/17), 18 (Cases C-274/17, C-275/17 and C-278/17 to C-286/17) and 22 May 2017 (Cases C-290/17 and C-291/17) and, on the other hand, the Amtsgericht Düsseldorf (Local Court, Düsseldorf, Germany), made by decision of 16 May 2017 (Case C-292/17) - References for a preliminary ruling — **Transport — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** — Regulation (EC) No 261/2004 — Article 5(3) — Article 7(1) — **Right to compensation — Exemption — ‘Extraordinary circumstances’ — ‘Wildcat strike’**

[CURIA – Judgment of the Court of Justice in Case C-195/17 of 17 April 2018](#)

Case C-258/16: JUDGMENT OF THE COURT (Third Chamber) of 12 April 2018 - Finnair Oyj v Keskinäinen Vakuutusyhtiö Fennia - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland) - Reference for a preliminary ruling — **Air transport — Montreal Convention** — Article 31 — **Liability of air carriers for checked baggage — Requirements as to the form and content of the written complaint sent to the air carrier** — Complaint made electronically and recorded in the air carrier’s information system — **Complaint made on behalf of the person entitled to delivery of checked baggage or cargo by an agent of the air carrier**

[CURIA – Judgment of the Court of Justice in Case C-258/16 of 12 April 2018](#)

Case C-541/16: JUDGMENT OF THE COURT (Fifth Chamber) of 12 April 2018 - European Commission v Kingdom of Denmark - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Regulation (EC) No 1072/2009 — Article 2(6) — Article 8 — **Cabotage operations — Definition — Definition contained in a ‘Questions and answers’ document drawn up by the European Commission** — Legal force — **National implementing measures limiting the number of loading points and unloading points which may be part of the same cabotage operation** — Discretion — Restriction — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-541/16 of 12 April 2018](#)

Affaire C-668/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGOZZI du 11 avril 2018 - Commission européenne contre République fédérale d'Allemagne - Manquement d'État – Directive 2007/46/CE – Responsabilité des autorités nationales – **Mesures relatives à la conformité des véhicules aux exigences techniques** – Mise en balance de l'écart de conformité et des risques relatifs à la sécurité – **Obligations du constructeur – Sanctions** – Directive 2006/40/CE – **Limite des émissions provenant des systèmes de climatisation des véhicules à moteur – Contournement de la directive**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-668/16 du 11 avril 2018

Case C-88/17: OPINION OF ADVOCATE GENERAL TANCHEV of 10 April 2018 - Zurich Insurance plc and Metso Minerals Oy v Abnormal Load Services (International) Limited - Request for a preliminary ruling from the Korkein oikeus (Supreme Court, Finland) - Preliminary ruling – **Cooperation in civil and commercial matters – 'Brussels I Regulation'** – Regulation (EC) No 44/2001 – **Jurisdiction in matters relating to contracts – Damages – Determination of the place of performance of the obligation** – Place where the services were provided or should have been provided – **Contract for the carriage of goods from one Member State to another entailing several stages and more than one mode of transport (multimodal transport)**

CURIA – Opinion of Advocate General in Case C-88/17 of 10 April 2018

Case C-122/17: OPINION OF ADVOCATE GENERAL BOT of 10 April 2018 - David Smith v Patrick Meade, Philip Meade, FBD Insurance plc, Ireland and Attorney General - Request for a preliminary ruling from the Court of Appeal, Ireland - Reference for a preliminary ruling – Approximation of laws – **Insurance against civil liability in respect of the use of motor vehicles** – Third Directive 90/232/EEC – Article 1 – **Liability for personal injury caused to all passengers other than the driver – Compulsory insurance – Direct effect of directives** – Obligation to disapply national legislation contrary to a directive – **Whether the State may rely on a directive against an individual**

CURIA – Opinion of Advocate General in Case C-122/17 of 10 April 2018

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

Community Legislation

COMMISSION DECISION (EU, Euratom) 2018/559 of 6 April 2018 laying down **implementing rules** for Article 6 of Decision (EU, Euratom) 2017/46 **on the security of communication and information systems in the European Commission**

OJ of the EU, L 93/4 of 11 April 2018

Case Law

Case C-18/17: OPINION OF ADVOCATE GENERAL WAHL of 26 April 2018 - Danieli & C. Officine Meccaniche SpA, Dragan Panic, Ivan Arnautov, Jakov Mandic, Miroslav Brnjac, Nicolai Dorassevitch, Alen Mihovic v Arbeitsmarktservice Leoben - Request for a preliminary ruling from the Verwaltungsgerichtshof (Supreme Administrative Court, Austria) - Request for a preliminary ruling – **Accession of new Member States – Croatia – Transitional measures – Free movement of workers** – Articles 56 and 57 TFEU – **Freedom to provide services** – Directive 96/71/EC – **Posting of workers – Scope – Posting of Croatian and third-country nationals to Austria through an undertaking established in Italy** – Article 1(3) – Posting – **Hiring out of manpower**

CURIA – Opinion of Advocate General in Case C-18/17 of 26 April 2018

Joined Cases C-316/16 and C-424/16: JUDGMENT OF THE COURT (Grand Chamber) of 17 April 2018 - B v Land Baden-Württemberg (C-316/16) and Secretary of State for the Home Department v Franco Vomero (C-424/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof Baden-Württemberg (Higher Administrative Court, Baden-Württemberg, Germany) and the Supreme Court of the United Kingdom - References for a preliminary ruling — **Citizenship of the European Union — Right to move and reside freely within the territory of the Member States** — Directive 2004/38/EC — Article 28(3)(a) — **Enhanced protection against expulsion — Conditions — Right of permanent residence — Residence in the host Member State for the 10 years preceding the decision to expel the person concerned from that Member State** — Period of imprisonment — Consequences as regards the continuity of the 10-year period of residence — **Connection with the overall assessment of an integrative link** — Time at which that assessment must be carried out and criteria to be taken into account in that assessment

[CURIA – Judgment of the Court of Justice in Case C-316/16 of 17 April 2018](#)

Affaire C-4/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme JULIANE KOKOTT du 12 avril 2018 - République tchèque contre Commission européenne - Pourvoi – FEAGA – **Exclusion de certaines dépenses du financement de l'Union européenne** – Dépenses effectuées par la République tchèque – **Protection de vignobles contre les animaux et les oiseaux – Sécurité juridique – Protection de la confiance légitime – Droit d'être entendu**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-4/17 du 12 avril 2018](#)

Case C-89/17: OPINION OF ADVOCATE GENERAL BOBEK of 10 April 2018 - Secretary of State for the Home Department v Rozanne Banger - Request for a preliminary ruling from the Upper Tribunal (Immigration and Asylum Chamber) London (United Kingdom) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21 TFEU — **Return of a Union citizen to the Member State of which that citizen is a national after having exercised free movement rights in another Member State — Right of residence of a third-country national who is a member of the extended family of a Union citizen** — Application by analogy of Directive 2004/38/EC — Article 3(2)(b) — **Obligation to facilitate, in accordance with national legislation, entry and residence for the partner with whom the Union citizen has a durable relationship** — Right of appeal — **Scope of judicial review — Article 47 of the Charter of Fundamental Rights of the European Union**

[CURIA – Opinion of Advocate General in Case C-89/17 of 10 April 2018](#)