



EU News: Click & Read

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European Documentation Centre

Editor: **Alfredo Santos** Legal Adviser

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

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

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Highlights

Joined Cases C-331/16 and C-366/16: JUDGMENT OF THE COURT (Grand Chamber) of 2 May 2018 - K. v Staatssecretaris van Veiligheid en Justitie (C-331/16) and H. F. v Belgische Staat (C-366/16) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU, from the Rechtbank Den Haag, zittingsplaats Middelburg (District Court of the Hague, sitting at Middelburg, Netherlands) (C-331/16), and from the Raad voor Vreemdelingenbetwistingen (Council for asylum and immigration proceedings, Belgium) (C-366/16) - Reference 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 — Second subparagraph of Article 27(2)**

— **Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health — Expulsion on grounds of public policy or public security** — Conduct representing a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — **Person whose asylum application has been refused for reasons within the scope of Article 1F of the Geneva Convention or Article 12(2) of Directive 2011/95/EU** — Article 28(1) — Article 28(3)(a) — **Protection against expulsion — Residence in the host Member State for the previous ten years — Imperative grounds of public security — Meaning**

[CURIA — Judgment of the Court of Justice in Case C-331/16 of 2 May 2018](#)

Case C-642/16: JUDGMENT OF THE COURT (Fifth Chamber) of 17 May 2018 - Junek Europ-Vertrieb GmbH v Lohmann & Rauscher International GmbH & Co. KG - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Intellectual property — Trade-mark law — Regulation (EC) No 207/2009 — Article 13 — Exhaustion of the rights conferred by a trade mark — Parallel imports — Repackaging of the product bearing the mark — **New labelling — Conditions applicable to medical devices****

[CURIA — Judgment of the Court of Justice in Case C-642/16 of 17 May 2018](#)

COMMISSION DECISION (EU) 2018/753 of 22 May 2018 confirming the participation of Ireland in Directive 2013/33/EU of the European Parliament and of the Council laying down **standards for the reception of applicants for international protection**

[OJ of the EU, L 126/8 of 23 May 2018](#)

REGULATION (EU) 2018/644 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 on **cross-border parcel delivery services** (Text with EEA relevance)

[OJ of the EU, L 112/19 of 2 May 2018](#)

1. EU-Swiss Relations

International Agreements

DECISION No 1/2018 OF THE EU-SWITZERLAND JOINT COMMITTEE of 20 April 2018 amending Tables III and IV of Protocol 2 to the **Agreement between the European Economic Community and the Swiss Confederation** of 22 July 1972, as amended [2018/668]

OJ of the EU, L 111/7 of 2 May 2018

2. External Relations / Foreign Policy

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

3. Agriculture and Fisheries / Maritime Affairs

International Agreements

DECISION No 1/2018 OF THE EU-SWITZERLAND JOINT COMMITTEE of 20 April 2018 amending Tables III and IV of Protocol 2 to the **Agreement between the European Economic Community and the Swiss Confederation** of 22 July 1972, as amended [2018/668]

OJ of the EU, L 111/7 of 2 May 2018

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/746 of 18 May 2018 amending Implementing Regulation (EU) No 809/2014 as regards modification of **single applications and payment claims and checks**

OJ of the EU, L 125/1 of 22 May 2018

Case Law

Case C-325/16: JUDGMENT OF THE COURT (Ninth Chamber) of 17 May 2018 - Industrias Químicas del Vallés SA v Administración General del Estado and Sapec Agro SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Agriculture** — Directive 91/414/EEC — Directive 2010/28/EU — Article 3(1) — **Procedure for re-evaluation by Member States, authorised plant protection products — Time limit — Extension**

CURIA – Judgment of the Court of Justice in Case C-325/16 of 17 May 2018

Case C-239/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 17 May 2018 - Gert Teglgaard and Fløjstrupgård I/S v Fødevareministeriets Klagecenter - Request for a preliminary ruling from the Østre Landsret (High Court of Eastern Denmark, Denmark) - **Common agricultural policy — Support schemes for farmers — Cross-compliance** — Council Regulation (EC) No 1782/2003 — Council Regulation (EC) No 73/2009 — Commission Regulation (EC) No 796/2004 — Commission Regulation (EC) No 1122/2009 — **Reductions in direct payments — Violations of national legislation implementing Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources** — Relevant year for the calculation of reduction in direct payments

CURIA – Opinion of Advocate General in Case C-239/17 of 17 May 2018

4. Audiovisual and Media and Information Society

Case Law

Case C-114/17 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 8 May 2018 - Kingdom of Spain v European Commission - Appeal — Aid for the deployment of digital terrestrial television in remote and less urbanised areas of Comunidad Autónoma de Castilla-La Mancha — Subsidies granted to operators of digital terrestrial television platforms — Decision declaring the aid incompatible in part with the internal market — Adoption by the Commission of an amending decision — New pleas — Amendment of a form of order sought — Right of the Member State concerned to be heard before the adoption of that amending decision

[CURIA – Opinion of Advocate General in Case C-114/17 of 8 May 2018](#)

Case C-207/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 3 May 2018 - Ministerio Fiscal - Request for a preliminary ruling from the Audiencia Provincial de Tarragona (Provincial Court, Tarragona, Spain) - Reference for a preliminary ruling — Electronic communications — Processing of personal data — Right to private life and right to protection of personal data — Directive 2002/58/EC — Article 1 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7 and 8 and Article 52(1) — Data collected in the context of the provision of electronic communications services — Request for access by a police authority for the purposes of a criminal investigation — Principle of proportionality — Concept of 'serious crime' capable of justifying an interference with fundamental rights — Criteria of seriousness — Penalty incurred — Minimum threshold

[CURIA – Opinion of Advocate General in Case C-207/16 of 3 May 2018](#)

5. Competition

Case Law

Affaire C-93/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 16 mai 2018 - Commission européenne contre République hellénique - Manquement d'État — Arrêt de la Cour constatant le manquement — Inexécution — Astreinte — Somme forfaitaire

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-93/17 du 16 mai 2018](#)

Case C-114/17 P: OPINION OF ADVOCATE GENERAL SHARPSTON of 8 May 2018 - Kingdom of Spain v European Commission - Appeal — Aid for the deployment of digital terrestrial television in remote and less urbanised areas of Comunidad Autónoma de Castilla-La Mancha — Subsidies granted to operators of digital terrestrial television platforms — Decision declaring the aid incompatible in part with the internal market — Adoption by the Commission of an amending decision — New pleas — Amendment of a form of order sought — Right of the Member State concerned to be heard before the adoption of that amending decision

[CURIA – Opinion of Advocate General in Case C-114/17 of 8 May 2018](#)

6. Customs

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

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/688 of 23 March 2018 amending Implementing Regulation (EU) 2016/2070 as regards benchmarking portfolios, reporting templates and reporting instructions (Text with EEA relevance.)

[OJ of the EU, L 124/1 of 18 May 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/730 of 4 May 2018 laying down **technical information for the calculation of technical provisions and basic own funds for reporting** with reference dates from 31 March 2018 until 29 June 2018 in accordance with Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the **business of Insurance and Reinsurance** (Text with EEA relevance)
[OJ of the EU, L 123/6 of 18 May 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/728 of 24 January 2018 **supplementing** Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to **regulatory technical standards for procedures for excluding transactions with non-financial counterparties established in a third country from the own funds requirement for credit valuation adjustment risk** (Text with EEA relevance)

[OJ of the EU, L 123/1 of 18 May 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/708 of 17 April 2018 laying down **implementing technical standards** with regard to the **template to be used by managers of money market funds when reporting to competent authorities** as stipulated by Article 37 of Regulation (EU) 2017/1131 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 119/5 of 15 May 2018](#)

Case Law

Case C-566/16: JUDGMENT OF THE COURT (Fifth Chamber) of 17 May 2018 - Dávid Vámos v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU from the Nyíregyházi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Nyíregyháza, Hungary) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — Articles 282 to 292 — **Special scheme for small enterprises** — Exemption scheme — **Obligation to opt for the application of the special scheme in the reference calendar year**

[CURIA – Judgment of the Court of Justice in Case C-566/16 of 17 May 2018](#)

Case C-30/17: JUDGMENT OF THE COURT (Fourth Chamber) of 17 May 2018 - Dyrektor Izby Celnej w Poznaniu v Kompania Piwowarska S.A. w Poznaniu - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelnego Sąd Administracyjny (Supreme Court, Poland) - Reference for a preliminary ruling — **Tax provisions — Excise duties** — Directive 92/83/EEC — Article 3(1) — **Alcohol and alcoholic beverages** — Beer — **Flavoured beer — Degree Plato — Method of calculation**

[CURIA – Judgment of the Court of Justice in Case C-30/17 of 17 May 2018](#)

Affaire C-16/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 3 mai 2018 - TGE Gas Engineering GmbH - Sucursal em Portugal contre Autoridade Tributária e Aduaneira - demande de décision préjudicielle formée par le Tribunal Arbitral Tributário [Centro de Arbitragem Administrativa] tribunal arbitral en matière fiscale (centre d'arbitrage administratif), Portugal - Renvoi préjudiciel — **Législation en matière de TVA — Déduction de la taxe payée en amont — Notion de prestation de services** — Répartition des frais généraux de l'activité commerciale d'une société entre les associés

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-16/17 du 3 mai 2018](#)

Case C-153/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 3 May 2018 - Commissioners for Her Majesty's Revenue and Customs v Volkswagen Financial Services (UK) Ltd - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Common system of value added tax — Directive 2006/112/EC — Articles 168 and 173 — Deduction of input tax — Vehicle hire purchase transactions — Goods and services used for both taxable transactions and exempt transactions — Origin and scope of the right to deduct** — Proportional deduction

[CURIA – Opinion of Advocate General in Case C-153/17 of 3 May 2018](#)

Case C-249/17: OPINION OF ADVOCATE GENERAL KOKOTT of 3 May 2018 - Ryanair Ltd v The Revenue Commissioners - Request for a preliminary ruling from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Taxation — Common system of value added tax — Concept of taxable person** — Expenditure for services procured in connection with the acquisition of an undertaking's entire share capital — **Right of deduction — Unsuccessful takeover of a competitor**

[CURIA – Opinion of Advocate General in Case C-249/17 of 3 May 2018](#)

Case C-574/15: JUDGMENT OF THE COURT (Grand Chamber) of 2 May 2018 - Mauro Scialdone - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Varese (District Court, Varese, Italy) - Reference for a preliminary ruling — **Value added tax (VAT) — Protection of the European Union's financial interests** — Article 4(3) TEU — Article 325(1) TFEU — Directive 2006/112/EC — **PFI Convention — Penalties — Principles of equivalence and effectiveness — Failure to pay, within the time limit prescribed by law, the VAT resulting from an annual tax return** — National legislation imposing a custodial sentence only where the amount of unpaid VAT exceeds a certain criminalisation threshold — **National legislation imposing a lower criminalisation threshold for a failure to pay withholding income tax**

[CURIA – Judgment of the Court of Justice in Case C-574/15 of 2 May 2018](#)

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

Community Legislation

DECISION (EU) 2018/646 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 on a **common framework for the provision of better services for skills and qualifications** (Europass) and repealing Decision No 2241/2004/EC (Text with EEA relevance)

[OJ of the EU, L 112/42 of 2 May 2018](#)

9. Employment and Social Affairs

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

10. Energy and Environment

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/732 of 17 May 2018 on a **common methodology for alternative fuels unit price comparison** in accordance with Directive 2014/94/EU of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 123/85 of 18 May 2018](#)

Case Law

Case C-229/17: JUDGMENT OF THE COURT (Sixth Chamber) of 17 May 2018 - Evonik Degussa GmbH v Federal Republic of Germany - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany) - Reference for a preliminary ruling — **Environment — Scheme for greenhouse gas emission allowance trading within the European Union — Free allocation** — Directive 2003/87/EC — Article 10a — Annex I — Decision 2011/278/EU — Annex I, Part 2 — Determination of product benchmarks — **Production of hydrogen — System boundaries of the product benchmark for hydrogen — Process element of separation of hydrogen in a rich gas stream which already contains hydrogen**

[CURIA – Judgment of the Court of Justice in Case C-229/17 of 17 May 2018](#)

Case C-239/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 17 May 2018 - Gert Teglgaard and Fløjstrupgård I/S v Fødevareministeriets Klagecenter - Request for a preliminary ruling from the Østre Landsret (High Court of Eastern Denmark, Denmark) - **Common agricultural policy — Support schemes for farmers — Cross-compliance** — Council Regulation (EC) No 1782/2003 — Council Regulation (EC) No 73/2009 — Commission Regulation (EC) No 796/2004 — Commission Regulation (EC) No 1122/2009 — **Reductions in direct payments — Violations of national legislation implementing Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources** — Relevant year for the calculation of reduction in direct payments

CURIA – Opinion of Advocate General in Case C-239/17 of 17 May 2018

Affaire C-242/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 16 mai 2018 - Legatoria Editoriale Giovanni Olivotto (LEGO) SpA contre Gestore dei servizi energetici (GSE) SpA, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero dello Sviluppo Economico, Ministero delle Politiche Agricole e Forestali, ED & F Man Liquid Products Italia Srl, Unigrà Srl et Movendi Srl - demande de décision préjudiciable formée par le Consiglio di Stato (Conseil d'État, Italie) - Recours préjudiciel — **Environnement — Promotion de l'utilisation de l'énergie produite à partir de sources renouvelables** — Garantie de la durabilité des bioliquides — Méthode du bilan massique — **Systèmes nationaux de certification de la durabilité - Systèmes volontaires de certification de la durabilité, approuvés par la Commission** — Opérateurs tenus de présenter les certificats de durabilité

CURIA – Conclusions de l'Avocat Général dans l'affaire C-242/17 du 16 mai 2018

Case C-33/17: OPINION OF ADVOCATE GENERAL WAHL of 8 May 2018 - Čepelnik d.o.o. v Michael Vavti - Request for a preliminary ruling from the Bezirksgericht Bleiburg/Okraino sodišće Pliberk (District Court, Bleiburg) (Austria) - **Freedom to provide services — National legislation requiring a recipient of services to provide security in order to secure a fine that might be imposed on a service provider established in another Member State** — Articles 16 and 19 of Directive 2006/123/EC — **Labour law exception** — Justification — Article 56 TFEU — Proportionality — **Right of defence — Right to an effective judicial remedy** — Directive 2014/67/EU

CURIA – Opinion of Advocate General in Case C-33/17 of 8 May 2018

11. Food Safety, Public Health and Consumers

Case Law

Case C-147/16: JUDGMENT OF THE COURT (Fifth Chamber) of 17 May 2018 - Karel de Grote — Hogeschool Katholieke Hogeschool Antwerpen VZW v Susan Romy Jozef Kuijpers - REQUEST for a preliminary ruling under Article 267 TFEU from the vredegerecht te Antwerpen (Magistrates' court, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms in consumer contracts concluded between a seller or supplier and a consumer — Examination by the national court of its own motion of the question of whether the contract is within the scope of that directive** — Article 2(c) — Notion of 'seller or supplier' — Higher educational establishment financed mainly by public funds — **Contract for an interest-free repayment plan for registration fees and share of costs of a study trip**

CURIA – Judgment of the Court of Justice in Case C-147/16 of 17 May 2018

Affaire C-51/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. EVGENI TANCHEV du 3 mai 2018 - OTP Bank Nyrt. And OTP Faktoring Követeléskezelő Zrt. Contre Teréz Ilyés and Emil Kiss - Demande de décision préjudiciable présentée par la Fővárosi Ítélezőtábla (cour d'appel régionale de Budapest-Capitale, Hongrie) - **Protection des consommateurs — Clauses abusives dans les contrats conclus avec les consommateurs — Contrats de prêt libellés en devise étrangère** — Mesures législatives adoptées par un État membre pour remédier à des clauses contractuelles abusives — **Article 4, paragraphe 2, de la directive 93/13/CEE et notion de rédaction "claire et compréhensible"** — Article 1er, paragraphe 2, de la directive 93/13 et notion de "dispositions législatives ou réglementaires impératives" — **Compétence du juge national pour examiner d'office le caractère abusif de clauses contractuelles**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-51/17 du 3 mai 2018

12. Human Rights

Community Legislation

COMMISSION DECISION (EU) 2018/753 of 22 May 2018 confirming the participation of Ireland in Directive 2013/33/EU of the European Parliament and of the Council laying down standards for the reception of applicants for international protection

OJ of the EU, L 126/8 of 23 May 2018

Case Law

Affaire C-585/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGONZI du 17 mai 2018 - Serin Alheto contre Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite - demande de décision à titre préjudiciel introduite par l'Administrativen sad Sofia-grad (Bulgarie) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration – Dispositions sur l'attribution du statut de réfugié** – Directives 2004/83 et 2011/95 – Personne bénéficiant de la protection et de l'assistance de l'UNRWA – **Procédure d'examen des demandes de protection internationale** – Directives 2005/85 et 2013/32 – **Recevabilité de la demande – Premier pays d'asile – Droit à un recours effectif**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-585/16 du 17 mai 2018

Case C-82/16: JUDGMENT OF THE COURT (Grand Chamber) of 8 May 2018 - K.A., M.Z., M.J., N.N.N., O.I.O., R.I. and B.A. v Belgische Staat - REQUEST for a preliminary ruling under Article 267 TFEU from the Raad voor Vreemdelingenbetwistingen (Council for asylum and immigration proceedings, Belgium) - Reference for a preliminary ruling — **Border control, asylum, immigration** — Article 20 TFEU — **Charter of Fundamental Rights of the European Union** — Articles 7 and 24 — Directive 2008/115/EC — Articles 5 and 11 — **Third-country national subject to an entry ban — Application for residence for the purposes of family reunification with a Union citizen who has not exercised freedom of movement** — Refusal to examine the application

CURIA – Judgment of the Court of Justice in Case C-82/16 of 8 May 2018

Case C-207/16: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 3 May 2018 - Ministerio Fiscal - Request for a preliminary ruling from the Audiencia Provincial de Tarragona (Provincial Court, Tarragona, Spain) - Reference for a preliminary ruling — **Electronic communications — Processing of personal data — Right to private life and right to protection of personal data** — Directive 2002/58/EC — Article 1 and Article 15(1) — Charter of Fundamental Rights of the European Union — Articles 7 and 8 and Article 52(1) — **Data collected in the context of the provision of electronic communications services — Request for access by a police authority for the purposes of a criminal investigation — Principle of proportionality — Concept of 'serious crime' capable of justifying an interference with fundamental rights — Criteria of seriousness** — Penalty incurred — Minimum threshold

CURIA – Opinion of Advocate General in Case C-207/16 of 3 May 2018

Joined Cases C-331/16 and C-366/16: JUDGMENT OF THE COURT (Grand Chamber) of 2 May 2018 - K. v Staatssecretaris van Veiligheid en Justitie (C-331/16) and H. F. v Belgische Staat (C-366/16) - TWO REQUESTS for a preliminary ruling under Article 267 TFEU, from the Rechtbank Den Haag, zittingsplaats Middelburg (District Court of the Hague, sitting at Middelburg, Netherlands) (C-331/16), and from the Raad voor Vreemdelingenbetwistingen (Council for asylum and immigration proceedings, Belgium) (C-366/16) - Reference 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 — Second subparagraph of Article 27(2) — **Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health — Expulsion on grounds of public policy or public security** — Conduct representing a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society — **Person whose asylum application has been refused for reasons within the scope of Article 1F of the Geneva Convention or Article 12(2) of Directive 2011/95/EU — Article 28(1) — Article 28(3)(a) — Protection against expulsion — Residence in the host Member State for the previous ten years — Imperative grounds of public security — Meaning**

CURIA – Judgment of the Court of Justice in Case C-331/16 of 2 May 2018

13. Internal Market and Single Market

Community Legislation

REGULATION (EU) 2018/644 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 on cross-border parcel delivery services (Text with EEA relevance)

OJ of the EU, L 112/19 of 2 May 2018

Case Law

Case C-531/16: JUDGMENT OF THE COURT (Fourth Chamber) of 17 May 2018 - Šiaulių regiono atliekų tvarkymo centras and ‘Ecoservice projekta’ UAB, formerly ‘Specializuotas transportas’ UAB v ‘VSA Vilnius’ UAB, ‘Švarinta’ UAB, ‘Specialus autotransportas’ UAB and ‘Ecoservice’ UAB - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausasis Teismas (Supreme Court, Lithuania) - Reference for a preliminary ruling — Directive 2004/18/EC — Procedures for the award of public works contracts, public supply contracts and public service contracts — Links between tenderers having submitted separate tenders in the same procedure — Obligations of the tenderers, of the contracting authority and of the national court

CURIA – Judgment of the Court of Justice in Case C-531/16 of 17 May 2018

Affaire C-124/17: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 16 mai 2018 - Vossloh Laeis GmbH contre Stadtwerke München GmbH - demande de décision préjudiciale formée par la Vergabekammer Südbayern (chambre des marchés publics de Bavière du Sud, Allemagne) - Recours préjudiciel — Marchés publics — Procédure — Directives 2014/24/UE et 2014/25/UE — Motifs d’exclusion — Obligation de l’opérateur économique de coopérer avec le pouvoir adjudicateur afin de démontrer sa fiabilité avant la fin de la période d’exclusion — Notion d’“autorités chargées de l’enquête” — Calcul de la durée maximale de la période d’exclusion

CURIA – Conclusions de l’Avocat Général dans l’affaire C-124/17 du 16 mai 2018

Case C-33/17: OPINION OF ADVOCATE GENERAL WAHL of 8 May 2018 - Čepelnik d.o.o. v Michael Vavti - Request for a preliminary ruling from the Bezirksgericht Bleiburg/Okraino sudišče Pliberk (District Court, Bleiburg) (Austria) - Freedom to provide services — National legislation requiring a recipient of services to provide security in order to secure a fine that might be imposed on a service provider established in another Member State — Articles 16 and 19 of Directive 2006/123/EC — Labour law exception — Justification — Article 56 TFEU — Proportionality — Right of defence — Right to an effective judicial remedy — Directive 2014/67/EU

CURIA – Opinion of Advocate General in Case C-33/17 of 8 May 2018

Case C-376/16 P: JUDGMENT OF THE COURT (Fourth Chamber) of 3 May 2018 - European Union Intellectual Property Office (EUIPO) v European Dynamics Luxembourg SA, established in Luxembourg (Luxembourg), European Dynamics Belgium SA, established in Brussels (Belgium) and Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE, established in Athens (Greece) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — Public service contracts — Provision of external services for programme and project management and technical consultancy in the field of information technologies — Cascade procedure — Article 21 of the Statute of the Court of Justice of the European Union — Article 76 and Article 84(1) of the Rules of Procedure of the General Court — Ruling ultra petita prohibited — Weighting of sub-criteria within award criteria — Manifest errors of assessment — Regulation (EC, Euratom) No 1605/2002 — Article 100(2) — Decision rejecting a tender — Failure to state reasons — Loss of opportunity — Non-contractual liability of the European Union — Claim for damages

CURIA – Judgment of the Court of Justice in Case C-376/16 of 3 May 2018

14. Intellectual Property

Case Law

Case C-642/16: JUDGMENT OF THE COURT (Fifth Chamber) of 17 May 2018 - Junek Europ-Vertrieb GmbH v Lohmann & Rauscher International GmbH & Co. KG - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Intellectual property — Trade-mark law** — Regulation (EC) No 207/2009 — Article 13 — **Exhaustion of the rights conferred by a trade mark — Parallel imports** — Repackaging of the product bearing the mark — **New labelling — Conditions applicable to medical devices**

[CURIA – Judgment of the Court of Justice in Case C-642/16 of 17 May 2018](#)

Case C-139/17 P: OPINION OF ADVOCATE GENERAL BOT of 3 May 2018 - QuaMa Quality Management GmbH v European Union Intellectual Property Office (EUIPO) - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Regulation (EC) No 2868/95 — **Notice of opposition filed by the proprietor of the earlier mark — Entitlement to file a notice of opposition** — Registration procedure for the transfer of the earlier mark to a new proprietor — **Appeal inadmissible in part and unfounded in part**

[CURIA – Opinion of Advocate General in Case C-139/17 of 3 May 2018](#)

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

Community Legislation

COMMISSION DECISION (EU) 2018/753 of 22 May 2018 confirming the participation of Ireland in Directive 2013/33/EU of the European Parliament and of the Council laying down standards for the reception of applicants for international protection

[OJ of the EU, L 126/8 of 23 May 2018](#)

Case Law

Affaire C-585/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO Mengozzi du 17 mai 2018 - Serin Alheto contre Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite - demande de décision à titre préjudiciel introduite par l'Administrativen sad Sofia-grad (Bulgarie) - Renvoi préjudiciel — **Espace de liberté, de sécurité et de justice — Frontières, asile et immigration — Dispositions sur l'attribution du statut de réfugié** — Directives 2004/83 et 2011/95 — Personne bénéficiant de la protection et de l'assistance de l'UNRWA — **Procédure d'examen des demandes de protection internationale** — Directives 2005/85 et 2013/32 — **Recevabilité de la demande — Premier pays d'asile — Droit à un recours effectif**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-585/16 du 17 mai 2018](#)

Case C-268/17: OPINION OF ADVOCATE GENERAL SZPUNAR of 16 May 2018 - Ured za suzbijanje korupcije i organiziranog kriminaliteta v AY - Request for a preliminary ruling from the Županijski Sud u Zagrebu (County Court, Zagreb, Croatia) - Reference for a preliminary ruling — **Judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — Articles 3(2) and 4(3) — European arrest warrant — Grounds for non-execution — Concept of final judgment in respect of the same acts** — Requested person — **Witness status in the executing Member State**

[CURIA – Opinion of Advocate General in Case C-268/17 of 16 May 2018](#)

Case C-33/17: OPINION OF ADVOCATE GENERAL WAHL of 8 May 2018 - Čepelnik d.o.o. v Michael Vavti - Request for a preliminary ruling from the Bezirksgericht Bleiburg/Okraino sudišče Pliberk (District Court, Bleiburg) (Austria) - **Freedom to provide services — National legislation requiring a recipient of services to provide security in order to secure a fine that might be imposed on a service provider established in another Member State** — Articles 16 and 19 of Directive 2006/123/EC — **Labour law exception** — Justification — Article 56 TFEU — Proportionality — **Right of defence — Right to an effective judicial remedy** — Directive 2014/67/EU
[CURIA — Opinion of Advocate General in Case C-33/17 of 8 May 2018](#)

Case C-304/17: OPINION OF ADVOCATE GENERAL BOBEK of 8 May 2018 - Helga Löber v Barclays Bank Plc - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Jurisdiction in civil and commercial matters — Tort, delict or quasi-delict — Investment based on a defective prospectus — Place where the harmful event occurred** — Relevance of the bank account
[CURIA — Opinion of Advocate General in Case C-304/17 of 8 May 2018](#)

Affaire C-214/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 2 mai 2018 - Alexander Mölk contre Valentina Mölk - demande de décision préjudiciale formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel — **Coopération judiciaire en matière civile — Protocole de La Haye sur la loi applicable aux obligations alimentaires — Aliments — Situation dans laquelle le créancier et le débiteur d'aliments résident dans des États membres différents** — Demande du débiteur visant à réduire le montant de la pension — Détermination de la loi applicable
[CURIA — Conclusions de l'Avocat Général dans l'affaire C-214/17 du 2 mai 2018](#)

16. Transport

International Agreements

COUNCIL DECISION (EU) 2018/768 of 22 May 2018 establishing the position to be adopted, on behalf of the European Union, at the 55th session of the Committee of Experts for the Carriage of Dangerous Goods of the Intergovernmental Organisation for International Carriage by Rail as regards certain amendments to Appendix C to the Convention concerning International Carriage by Rail
[OJ of the EU, L 129/77 of 25 May 2018](#)

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/764 of 2 May 2018 on the fees and charges payable to the European Union Agency for Railways and their conditions of payment (Text with EEA relevance)
[OJ of the EU, L 129/68 of 25 May 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/674 of 17 November 2017 supplementing Directive 2014/94/EU of the European Parliament and of the Council as regards recharging points for L-category motor vehicles, shore-side electricity supply for inland waterway vessels and refuelling points for LNG for waterborne transport, and amending that Directive as regards connectors for motor vehicles for the refuelling of gaseous hydrogen (Text with EEA relevance)
[OJ of the EU, L 114/1 of 4 May 2018](#)

DIRECTIVE (EU) 2018/645 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences (Text with EEA relevance)
[OJ of the EU, L 112/29 of 2 May 2018](#)

REGULATION (EU) 2018/644 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 on cross-border parcel delivery services (Text with EEA relevance)
[OJ of the EU, L 112/19 of 2 May 2018](#)

REGULATION (EU) 2018/643 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 April 2018 on rail

transport statistics (recast)

OJ of the EU, L 111/7 of 2 May 2018

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

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