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European Documentation Centre

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

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

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1. EU-Swiss Relations

International Agreements


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


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


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


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

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
OJ of the EU, L 123/6 of 18 May 2018

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 Naczelný Sąd Administracyjny (Supreme Court, Poland) - Reference for a preliminary ruling — 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

CURIA — Opinion of Advocate General in Case C-153/17 of 3 May 2018
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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 — Taxation — Common system of value added tax — 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

OJ of the EU, L 123/85 of 18 May 2018

Case Law

CURIA – Judgment of the Court of Justice in Case C-229/17 of 17 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 vrederecht te Antwerpen (Magistrat, Antwerpen, 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) of Directive 93/13/CEE and notion of rédaction "claire et compréhensible" — Article 1er, paragraphe 2, de la directive 93/13/CEE et notion de rédaction "claire et compréhensible" — Article 4, paragraphe 2, of the directive 93/13/EEC and notion of “dispositions législatives ou réglementaires impératives” — Compétence du juge national pour examiner d’office le caractère abusif de clauses contractuelles

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


CURIA – Conclusions de l’Avocat Général dans l’affaire C-51/17 du 3 mai 2018
12. Human Rights

Community Legislation


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

Case Law


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


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


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 - Ūkiai regiono atliekų tvarkymo centras and ‘Ecoservice projektai’ 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 Aukščiausiasis 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
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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/Okrajno sodišče 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 Evropaiki 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

Case Law

CURIA – Judgment of the Court of Justice in Case C-642/16 of 17 May 2018.


Community Legislation

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

Case Law


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.
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/Okrajno sodišče 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


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


OJ of the EU, L 114/1/4 of 4 May 2018


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

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