



EU News: Click & Read

125 - June 2018

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.

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	2
4. Audiovisual and Media and Information Society	4
5. Competition	4
6. Customs	5
7. Economic and Monetary Affairs, Taxation, Enterprise	5
8. Education, Training, Youth, Culture, Research and Innovation	9
9. Employment and Social Affairs	9
10. Energy and Environment	11
11. Food Safety, Public Health and Consumers	14
12. Human Rights	15
13. Internal Market and Single Market	17
14. Intellectual Property	20
15. Justice, Freedom and Security (incl. Judicial Cooperation)	21
16. Transport	24
17. Community Institutions, Principles and the Communities' own resources	25

Highlights

COUNCIL DIRECTIVE (EU) 2018/822 of 25 May 2018 amending Directive 2011/69/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements
[OJ of the EU, L 139/1 of 5 June 2018](#)

Case C-210/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftskademie Schleswig-Holstein GmbH, Facebook Ireland Ltd and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling - Directive 95/46/EC — Personal data — Protection of natural persons with respect to the processing of that data — Order to deactivate a Facebook page (fan page) enabling the collection and processing of certain data of visitors to that page — Article 2(d) — Controller responsible for the processing of personal data — Article 4 — Applicable national law — Article 28 — National supervisory authorities — Powers of intervention of those authorities
[CURIA — Judgment of the Court of Justice in Case C-210/16 of 5 June 2018](#)

Case C-83/17: JUDGMENT OF THE COURT (Sixth Chamber) of 7 June 2018 - KP v LO - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Judicial cooperation in civil matters — 2007 Hague Protocol — Law applicable to maintenance obligations — Article 4(2) — Change in the habitual residence of the creditor — Possibility of the retroactive application of the law of the State of the creditor's new habitual residence, that law coinciding with the law of the forum — Scope of the terms 'if the creditor is unable ... to obtain maintenance from the debtor' — Situation where the creditor does not satisfy a formal legislative condition
[CURIA — Judgment of the Court of Justice in Case C-83/17 of 7 June 2018](#)

Case C-163/16: JUDGMENT OF THE COURT (Grand Chamber) of 12 June 2018 - Christian Louboutin and Christian Louboutin SAS v Van Haren Schoenen BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — Trade marks — Absolute grounds for refusal or invalidity — Sign consisting exclusively of the shape of the product — Concept of 'shape' — Colour — Position on a part of the product — Directive 2008/95/EC — Article 2 — Article 3(1)(e)(iii)
[CURIA — Judgment of the Court of Justice in Case C-163/16 of 12 June 2018](#)

Case C-20/17: JUDGMENT OF THE COURT (Second Chamber) of 21 June 2018 - Vincent Pierre Oberle - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht Berlin (Higher Regional Court, Berlin, Germany) - Request for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 650/2012 — Article 4 — General jurisdiction of a court of a Member State to rule on the succession as a whole — National legislation governing international jurisdiction to issue national certificates of succession — European Certificate of Succession
[CURIA — Judgment of the Court of Justice in Case C-20/17 of 21 June 2018](#)

COMMISSION RECOMMENDATION (EU) 2018/790 of 25 April 2018 on access to and preservation of scientific information
[OJ of the EU, L 134/12 of 31 May 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

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/886 of 20 June 2018 on **certain commercial policy measures concerning certain products originating in the United States of America** and amending Implementing Regulation (EU) 2018/724

[OJ of the EU, L 158/5 of 21 June 2018](#)

Case Law

Affaire C-458/17 P: ARRÊT DE LA COUR (huitième chambre) du 14 juin 2018 - Rami Makhlouf, demeurant à Damas (Syrie) v Conseil de l'Union européenne et Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Politique étrangère et de sécurité commune – Mesures restrictives prises à l'encontre de la République arabe syrienne – Mesures dirigées contre des femmes et des hommes d'affaires influents exerçant leurs activités en Syrie ainsi que contre des membres influents des familles Assad et Makhlouf – Droits de la défense – Preuve du bien-fondé de l'inscription sur les listes**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-458/17 du 14 juin 2018](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION DECISION (EU) 2018/813 of 14 May 2018 on the **sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the agriculture sector** under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (Text with EEA relevance)

[OJ of the EU, L 145/1 of 8 June 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/829 of 15 February 2018 **amending and correcting** Delegated Regulation (EU) 2015/208 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to **vehicle functional safety requirements for the approval of agricultural and forestry vehicles** (Text with EEA relevance)

[OJ of the EU, L 140/8 of 6 June 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/830 of 9 March 2018 **amending** Annex I to Regulation (EU) No 167/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) No 1322/2014 as regards the **adaptation of the vehicle construction and general requirements for the approval of agricultural and forestry vehicles**

[OJ of the EU, L 140/15 of 6 June 2018](#)

Case Law

Case C-169/17: JUDGMENT OF THE COURT (First Chamber) of 14 June 2018 - Asociación Nacional de Productores de Ganado Porcino v Administración del Estado - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — Articles 34 and 35 TFEU — **Free movement of goods — Quantitative restrictions** — Measures having equivalent effect — **Protection of pigs — Products processed or marketed in Spain — Quality standards for meat, ham, shoulder ham and loin derived from Iberian pigs — Conditions for using the 'de cebo' designation — Improvement of the quality of products** — Directive 2008/120/EC — **Scope**

CURIA – Judgment of the Court of Justice in Case C-169/17 of 14 June 2018

Case C-683/16: JUDGMENT OF THE COURT (Third Chamber) of 13 June 2018 - Deutscher Naturschutzring — Dachverband der deutschen Natur- und Umweltschutzverbände eV v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Köln (Administrative Court Cologne, Germany) - Reference for a preliminary ruling — **Common Fisheries Policy** — Regulation (EU) No 1380/2013 — Article 11 — **Conservation of marine biological resources — Protection of the environment — Conservation of natural habitats and of wild fauna and flora — Exclusive competence of the European Union**

CURIA – Judgment of the Court of Justice in Case C-683/16 of 13 June 2018

Case C-554/16: JUDGMENT OF THE COURT (Fifth Chamber) of 7 June 2018 - EP Agrarhandel GmbH v Bundesminister für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — **Common agricultural policy** — Regulation (EC) No 73/2009 — **Support for farmers** — Suckler-cow premium — Second paragraph of Article 117 — Transmission of information — Decision 2001/672/EC, as amended by Decision 2010/300/EU — **Movements of bovine animals to summer grazing in mountain areas — Article 2(4) — Time limit for notification of the movement** — Calculation — **Notifications out of time — Eligibility for the payment of premiums — Condition — Taking account of the time limit for dispatch**

CURIA – Judgment of the Court of Justice in Case C-554/16 of 7 June 2018

Case C-435/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 7 June 2018 - Argo Kalda Mardi talu v Põllumajanduse Registrite ja Informatsiooni Amet (PRIA) - Request for a preliminary ruling from the Tartu Halduskohus (Administrative Court, Tartu, Estonia) - Reference for a preliminary ruling — **Common agricultural policy — Direct payments** — Regulation (EU) No 1306/2013 — **Cross-compliance system — Standards for good agricultural and environmental condition — Administrative penalties** — Member States margin of discretion — **National rules requiring farmers to preserve archaeological structures — Compatibility with EU law**

CURIA – Opinion of Advocate General in Case C-435/17 of 7 June 2018

Case C-667/16: JUDGMENT OF THE COURT (First Chamber) of 6 June 2018 - M.N.J.P.W. Nooren, J.M.F.D.C. Nooren and the heirs of M.N.F.M. Nooren v Staatssecretaris van Economische Zaken - REQUEST for a preliminary ruling under Article 267 TFEU from the College van Beroep voor het bedrijfsleven (Administrative Court of Appeal for Trade and Industry, Netherlands) - Reference for a preliminary ruling — **Common agricultural policy — EAFRD financing** — Regulation (EC) No 1122/2009 — **Support for rural development — Non-compliance with cross-compliance rules — Reductions and exclusions — Aggregation of reductions**

CURIA – Judgment of the Court of Justice in Case C-667/16 of 6 June 2018

Affaire C-120/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGONI du 30 mai 2018 - Administratīvā rajona tiesa contre Ministru kabinets - demande de décision préjudicelle formée par la Latvijas Republikas Satversmes tiesa (Cour constitutionnelle, Lettonie) - Renvoi préjudiciel — Règlement (CE) n° 1257/1999 concernant le **soutien au développement rural** par le Fonds européen d'orientation et de garantie agricole (FEOGA) — **Agriculture — Soutien au développement rural — Aide à la préretraite — Possibilité pour un État membre d'adopter une disposition prévoyant le droit d'hériter de l'aide** — Approbation par la Commission européenne — **Changement ultérieur de la position de la Commission** — Confiance légitime

CURIA – Conclusions de l'Avocat Général dans l'affaire C-120/17 du 30 mai 2018

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION RECOMMENDATION (EU) 2018/790 of 25 April 2018 on **access to and preservation of scientific information**

[OJ of the EU, L 134/12 of 31 May 2018](#)

Case Law

Case C-210/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftsakademie Schleswig-Holstein GmbH, Facebook Ireland Ltd and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Directive 95/46/EC — **Personal data — Protection of natural persons with respect to the processing of that data** — Order to deactivate a Facebook page (fan page) enabling the collection and processing of certain data of visitors to that page — Article 2(d) — **Controller responsible for the processing of personal data** — Article 4 — **Applicable national law** — Article 28 — National supervisory authorities — **Powers of intervention of those authorities**

[CURIA – Judgment of the Court of Justice in Case C-210/16 of 5 June 2018](#)

Affaires jointes C-54/17 et C-55/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 31 mai 2018 - Autorità Garante della Concorrenza e del Mercato contre Wind Tre SpA, anteriormente Wind Telecomunicazioni SpA et Autorità Garante della Concorrenza e del Mercato contre Vodafone Italia SpA, anteriormente Vodafone Omnitel NVcon, Autorità per le Garanzie nelle Comunicazioni, Altroconsumo, Vito Rizzo et Telecom Italia SpA - demande de décision préjudiciable formée par le Consiglio di Stato (Conseil d'État, Italie) - Renvoi préjudiciel — **Protection des consommateurs — Pratiques commerciales déloyales — Pratiques commerciales agressives — Fourniture non demandée** — Directive 2005/29 — Article 3, paragraphe 4 — **Domaine d'application — Services de télécommunications** — Directive 2002/21 — Directive 2002/22 — **Pré-activation de services sur une carte SIM sans en informer le consommateur**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-54/17 du 31 mai 2018](#)

5. Competition

Community Legislation

COMMISSION DECISION (EU) 2018/859 of 4 October 2017 on **State aid** SA.38944 (2014/C) (ex 2014/NN) **implemented by Luxembourg to Amazon** (notified under document C(2017) 6740) (Only the French text is authentic) (Text with EEA relevance)

[OJ of the EU, L 153/1 of 15 June 2018](#)

Case Law

Case C-363/17 P: JUDGMENT OF THE COURT (Ninth Chamber) of 7 June 2018 - Equipolymers Srl, established in Milan (Italy), M&G Polimeri Italia SpA, established in Patrica (Italy) and Novapet SA, established in Saragossa (Spain) v Committee of Polyethylene Terephthalate (PET) Manufacturers in Europe (CPME), established in Brussels (Belgium) and others - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Imports of certain polyethylene terephthalate originating in India, Thailand and Taiwan** — Implementing Decision 2013/226/EU — **Decision to terminate the expiry review proceeding without imposing a definitive anti-dumping duty — Non-contractual liability — Causal link** — Obligation to state reasons

[CURIA – Judgment of the Court of Justice in Case C-363/17 of 7 June 2018](#)

Case C-633/16: JUDGMENT OF THE COURT (Fifth Chamber) of 31 May 2018 - Ernst & Young P/S v Konkurrencerådet - REQUEST for a preliminary ruling under Article 267 TFEU from the Sø- og Handelsretten (Maritime and Commercial Court, Denmark) - Reference for a preliminary ruling — **Control of concentrations of undertakings** — Regulation (EC) No 139/2004 — Article 7(1) — **Implementation of a concentration prior to notification to the European Commission and declaration of compatibility with the common market** — Prohibition — Scope — **Concept of 'concentration'** — Termination of a cooperation agreement with a third party by one of the merging undertakings

[CURIA – Judgment of the Court of Justice in Case C-633/16 of 31 May 2018](#)

6. Customs

Case Law

Case C-223/17 P: JUDGMENT OF THE COURT (Tenth Chamber) of 14 June 2018 - Lubrizol France SAS, established in Rouen (France) v Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common Customs Tariff** — **Autonomous customs duties on certain agricultural and industrial products** — Applications for tariff suspensions — Regulation (EU) No 1344/2011 — **Tariff suspensions granted** — **Objection** — Regulation (EU) No 1387/2013 — **Termination of the suspensions at issue** — **Comparable products available in sufficient quantities on the Union market**

[CURIA – Judgment of the Court of Justice in Case C-223/17 of 14 June 2018](#)

Case C-612/15: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Nikolay Kolev, Milko Hristov and Stefan Kostadinov - REQUEST for a preliminary ruling under Article 267 TFEU from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Article 325 TFEU — **Fraud or any other illegal activities affecting the financial interests of the European Union in customs matters** — Effectiveness of prosecution — **Closure of criminal proceedings** — **Reasonable time** — Directive 2012/13/EU — **Right of a person to be informed of the charges against him** — **Right of access to case materials** — Directive 2013/48/EU — **Right of access to a lawyer**

[CURIA – Judgment of the Court of Justice in Case C-612/15 of 5 June 2018](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

COUNCIL DIRECTIVE (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards **mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements**
[OJ of the EU, L 139/1 of 5 June 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/815 of 1 June 2018 on the **extension of the transitional periods related to own funds requirements for exposures to central counterparties** set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 137/3 of 4 June 2018](#)

GUIDELINE (EU) 2018/797 OF THE EUROPEAN CENTRAL BANK of 3 May 2018 on the **Eurosystem's provision of reserve management services in euro to central banks and countries located outside the euro area and to international organisations** (ECB/2018/14) (recast)
[OJ of the EU, L 136/81 of 1 June 2018](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2018/795 of 22 May 2018 to **temporarily prohibit the marketing, distribution or sale of binary options to retail clients in the Union** in accordance with Article 40 of Regulation (EU) No 600/2014 of the European Parliament and of the Council
[OJ of the EU, L 136/31 of 1 June 2018](#)

EUROPEAN SECURITIES AND MARKETS AUTHORITY DECISION (EU) 2018/796 of 22 May 2018 to **temporarily restrict contracts for differences in the Union** in accordance with Article 40 of Regulation (EU) No 600/2014 of the European Parliament and of the Council

OJ of the EU, L 136/50 of 1 June 2018

Case Law

Case C-480/16: JUDGMENT OF THE COURT (Fifth Chamber) of 21 June 2018 - Fidelity Funds, Fidelity Investment Funds and Fidelity Institutional Funds v Skatteministeret and NN (L) SICAV - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark) - Reference for a preliminary ruling — **Free movement of capital and liberalisation of payments — Restrictions — Taxation of dividends paid to undertakings for collective investment in transferable securities (UCITS)** — Dividends paid by companies resident in one Member State to non-resident UCITS — **Tax exemption for dividends paid by companies resident in one Member State to resident UCITS — Justifications** — Balanced allocation between Member States of the power to impose taxes — **Coherence of the tax system — Proportionality**

CURIA – Judgment of the Court of Justice in Case C-480/16 of 21 June 2018

Case C-108/17: JUDGMENT OF THE COURT (Fourth Chamber) of 20 June 2018 - UAB 'Enteco Baltic' v Muitinės departamentas prie Lietuvos Respublikos finansų ministerijos and Vilniaus teritorinė muitinė - REQUEST for a preliminary ruling under Article 267 TFEU from the Vilniaus apygardos administracinių teismas (Regional Administrative Court, Vilnius, Lithuania) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 143(1)(d) and Article 143(2) — **Exemptions from VAT on importation — Importation followed by an intra-Community supply — Conditions** — Evidence of dispatch or transport of the goods to another Member State — Transport under an excise duty suspension arrangement — **Transfer to the purchaser of the right to dispose of goods as owner — Tax evasion** — No obligation of the competent authority to help the taxable person collect the necessary information to show that the conditions for exemption are satisfied

CURIA – Judgment of the Court of Justice in Case C-108/17 of 20 June 2018

Case C-191/17: OPINION OF ADVOCATE GENERAL TANCHEV of 19 June 2018 - Bundeskammer für Arbeiter und Angestellte v ING-DiBa Direktbank Austria Niederlassung der ING-DiBa AG - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Payment services** — Directive 2007/64/EC — Article 4(14) — **Notion of 'payment account' — Online direct savings account allowing unlimited access to funds but requiring transfers to be carried out through reference account**

CURIA – Opinion of Advocate General in Case C-191/17 of 19 June 2018

Affaire C-171/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 14 juin 2018 - Commission européenne contre Hongrie - Manquement d'État — Article 49 TFUE — **Liberté d'établissement** — Article 56 TFUE — **Libre prestation des services** — Directive 2006/123/CE — Articles 15 et 16 — **Restrictions — Justification — Nécessité — Proportionnalité — Système national de paiement mobile — Droit exclusif — Monopole — Service d'intérêt économique général**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-171/17 du 14 juin 2018

Case C-39/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 June 2018 - Lubrizol France SAS v Caisse nationale du Régime social des indépendants (RSI) participations extérieures - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation) (France) - Reference for a preliminary ruling — **Free movement of goods** — Articles 28 and 30 TFEU — **Charges having equivalent effect** — Article 110 TFEU — **Internal taxation — Social solidarity contribution payable by companies** — Charge — Basis of assessment — **Companies' overall annual turnover** — Directive 2006/112/EC — Article 17 — **Transfer of goods to another Member State — Value of the goods transferred — Inclusion in the overall annual turnover**

CURIA – Judgment of the Court of Justice in Case C-39/17 of 14 June 2018

Case C-665/16: JUDGMENT OF THE COURT (Seventh Chamber) of 13 June 2018 - Minister Finansów v Gmina Wrocław - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 2(1)(a) — **Supply of goods for consideration** — Article 14(1) — **Transfer of the right to dispose of tangible property as owner** — Article 14(2)(a) — **Transfer of the ownership of property belonging to a municipality to the Public Treasury in return for the payment of compensation for the purposes of the construction of a national road** — **Concept of 'compensation'** — Transaction subject to VAT

CURIA – Judgment of the Court of Justice in Case C-665/16 of 13 June 2018

Case C-421/17: JUDGMENT OF THE COURT (Seventh Chamber) of 13 June 2018 - SZEK Krajowej Administracji Skarbowej v Polfarmex Spółka Akcyjna w Kutnie - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — **Taxation — Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 2(1)(a) — **Scope — Taxable transactions** — Supply of goods for consideration — **Transfer, by a public limited company of a building to a shareholder as the counterpart to the buy-back of its shares**

CURIA – Judgment of the Court of Justice in Case C-421/17 of 13 June 2018

Case C-650/16: JUDGMENT OF THE COURT (Grand Chamber) of 12 June 2018 - A/S Bevola and Jens W. Trock ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark, Denmark) - Reference for a preliminary ruling — Article 49 TFEU — **Corporation tax — Freedom of establishment — Resident company — Taxable profits — Tax relief** — Deduction of losses incurred by resident permanent establishments — Authorised — **Deduction of losses incurred by non-resident permanent establishments — Excluded — Exception — Optional scheme of international joint taxation**

CURIA – Judgment of the Court of Justice in Case C-650/16 of 12 June 2018

Case C-594/16: OPINION OF ADVOCATE GENERAL BOBEK of 12 June 2018 - Enzo Buccioni v Banca d'Italia and Banca Network Investimenti SpA in compulsory administrative liquidation - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms — Professional secrecy — Bankruptcy or compulsory winding up of credit institutions** — Disclosure of confidential information in civil or commercial proceedings — **Request for access to documents before the commencement of civil or commercial proceedings — Action for damages**

CURIA – Opinion of Advocate General in Case C-594/16 of 12 June 2018

Affaire C-571/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 7 juin 2018 - Nikolay Kantarev - demande de décision préjudicelle formée par l'Administrativen sad Varna (tribunal administratif de Varna, Bulgarie) - **Directive 94/19/CE relative aux systèmes de garantie des dépôts — Constatation de l'indisponibilité d'un dépôt — Responsabilité des Etats membres pour les dommages causés par une violation du droit de l'Union** — Voie de recours

CURIA – Conclusions de l'Avocat Général dans l'affaire C-571/16 du 7 juin 2018

Affaire C-295/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 7 juin 2018 - MEO – Serviços de Comunicações e Multimédia SA contre Autoridade Tributária e Aduaneira - Demande de décision préjudicelle formée par le Tribunal Arbitral Tributário [Centro de Arbitragem Administrativa] tribunal arbitral en matière fiscale (service central de procédure arbitrale en matière administrative), Portugal - Renvoi préjudiciel — **Système commun de taxe sur la valeur ajoutée — Champ d'application — Opérations imposables** — Prestation à titre onéreux — **distinction entre des dommages et intérêts non imposable et des prestations de services imposables fournies moyennant paiement d'une "indemnité"**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-295/17 du 7 juin 2018

Case C-49/17: JUDGMENT OF THE COURT (First Chamber) of 6 June 2018 - Koppers Denmark ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling — Directive 2003/96/EC — **Taxation of energy products and electricity** — Article 21(3) — **Chargeable event giving rise to taxation — Consumption of energy products produced within the curtilage of an establishment producing energy products** — Energy products used for purposes other than as motor fuels or as heating fuels — **Consumption of solvent as fuel at the coal tar distillation plant**

CURIA – Judgment of the Court of Justice in Case C-49/17 of 6 June 2018

Affaire C-135/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO Mengozzi du 5 juin 2018 - X-GmbH contre Finanzamt Stuttgart – Körperschaften - demande de décision préjudiciale formée par le Bundesfinanzhof (Cour fédérale des finances, Allemagne) - Renvoi préjudiciel — **Libre circulation des capitaux** — Articles 56 et 57 CE — **Mouvements des capitaux entre les États membres et les pays tiers — Restrictions — Clause de "standstill" — Investissements directs — Réglementation d'un État membre prévoyant l'imposition des revenus provenant des sociétés ayant leur siège à l'étranger — Justification — Lutte contre les montages purement artificiels — Répartition équilibrée du pouvoir d'imposition — Préservation de l'efficacité des contrôles fiscaux**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-135/17 du 5 juin 2018

Case C-382/16: JUDGMENT OF THE COURT (Second Chamber) of 31 May 2018 - Hornbach-Baumarkt AG v Finanzamt Landau - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Rheinland-Pfalz (Finance Court, Rhineland-Palatinate, Germany) - Reference for a preliminary ruling — **Freedom of establishment — Corporation tax — Legislation of a Member State — Calculation of the taxable revenue of companies** — Advantage granted gratuitously by a resident company to a non-resident company to which it is linked by a relationship of interdependence — **Correction of the taxable income of the resident company — No correction of taxable income in the event of an identical advantage granted by a resident company to another resident company to which it is linked by such a relationship** — Restriction on the freedom of establishment — Justification

CURIA – Judgment of the Court of Justice in Case C-382/16 of 31 May 2018

Case C-542/16: JUDGMENT OF THE COURT (Fourth Chamber) of 31 May 2018 - Länsförsäkringar Sak Försäkringsaktiebolag v Dödsboet efter Ingvar Mattsson - Jan-Erik Strobel and Others, Lisa Bergström and Others, Ann-Christin Jönsson and Others and Daniel Röme and Others v Länsförsäkringar Sak Försäkringsaktiebolag - REQUEST for a preliminary ruling under Article 267 TFEU from the Högssta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — Directive 2002/92/EC — Scope — **Concept of insurance mediation** — Directive 2004/39/EC — Scope — **Concept of 'investment advice'** — Advice given in insurance mediation concerning the placement of capital in the context of capital life assurance — Classification of the activity of an insurance agent in the absence of his intention to conclude a genuine insurance contract

CURIA – Judgment of the Court of Justice in Case C-542/16 of 31 May 2018

Case C-190/17: JUDGMENT OF THE COURT (First Chamber) of 31 May 2018 - Lu Zheng v Ministerio de Economía y Competitividad - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Madrid (Madrid High Court of Justice, Spain) - Reference for a preliminary ruling — **Controls of cash entering or leaving the European Union** — Regulation (EC) No 1889/2005 — Scope — Article 63 TFEU — **Free movement of capital — Third-country national transporting a significant amount of undeclared cash in his luggage — Obligation to declare the sum being taken out of Spanish territory** — Penalties — Proportionality

CURIA – Judgment of the Court of Justice in Case C-190/17 of 31 May 2018

Joined Cases C-660/16 and C-661/16: JUDGMENT OF THE COURT (Fifth Chamber) of 31 May 2018 - Finanzamt Dachau v Achim Kollroß (C-660/16) and Finanzamt Göppingen v Erich Wirtl (C-661/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Bundesfinanzhof (Federal Finance Court, Germany) - References for a preliminary ruling — **Taxation — Common system of value added tax (VAT)** — Directive 2006/112/EC — **Supply of goods** — Article 65 — Article 167 — **Payment on account for the purchase of an item not followed by delivery of that item — Supplier's legal representatives convicted of fraud — Insolvency of the supplier** — Deduction of input tax — Conditions — Articles 185 and 186 — **Adjustment by the national tax authorities — Conditions**

CURIA – Judgment of the Court of Justice in Case C-660/16 of 31 May 2018

Case C-664/16: OPINION OF ADVOCATE GENERAL TANCHEV of 30 May 2018 - Lucrețiu Hadrian Vădan v Agenția Națională de Administrare Fiscală — Direcția Generală de Soluționare a Contestațiilor - Direcția Generală Regională a Finanțelor Publice Brașov — Administrația Județeană a Finanțelor Publice Alba - Request for a preliminary ruling from the Curtea de Apel Alba Iulia (Court of Appeal, Alba Iulia, Romania) - Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Articles 167, 168, 178, 179 and 273 — **Principle of VAT neutrality — Right to deduct input tax** — Substantive requirements — Formal requirements — **Absence of invoices**

[CURIA – Opinion of Advocate General in Case C-664/16 of 30 May 2018](#)

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

Community Legislation

COMMISSION RECOMMENDATION (EU) 2018/790 of 25 April 2018 on access to and preservation of scientific information

[OJ of the EU, L 134/12 of 31 May 2018](#)

Case Law

Case C-15/16: JUDGMENT OF THE COURT (Grand Chamber) of 19 June 2018 - Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister and Frank Schmitt, in his capacity as liquidator of Phoenix Kapitaldienst GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Approximation of laws — Directive 2004/39/EC — Article 54(1) — **Scope of the obligation of professional secrecy on national financial supervision authorities — Concept of 'confidential information'**

[CURIA – Judgment of the Court of Justice in Case C-15/16 of 19 June 2018](#)

Affaire C-7/17 P: ARRÊT DE LA COUR (sixième chambre) du 7 juin 2018 - ANKO AE Antiprosopeion, Emporiorou kai Viomichanias, établie à Athènes (Grèce) Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Clauses compromissoires — Conventions Persona et Terregov conclues dans le cadre du sixième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2002-2006)** — Coûts éligibles — Remboursement des sommes versées — Demande reconventionnelle

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-7/17 du 7 juin 2018](#)

Affaire C-6/17 P: ARRÊT DE LA COUR (sixième chambre) du 7 juin 2018 - ANKO AE Antiprosopeion, Emporiorou kai Viomichanias, établie à Athènes (Grèce) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — **Clauses compromissoires — Conventions Perform et Oasis conclues dans le cadre du septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013)** — Coûts éligibles — Remboursement des sommes versées — Demande reconventionnelle

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-6/17 du 7 juin 2018](#)

9. Employment and Social Affairs

Case Law

Joined Cases C-61/17, C-62/17 and C-72/17: OPINION OF ADVOCATE GENERAL SHARPSTON of 21 June 2018 - Miriam Bichat (C-61/17), Daniela Chlubna (C-62/17) and Isabelle Walkner (C-72/17) v Aviation Passage Service Berlin GmbH & Co. KG - Request for a preliminary ruling from the Landesarbeitsgericht Berlin (Higher Labour Court, Berlin, Germany) - Reference for a preliminary ruling — **Social policy — Collective redundancies — Directive 98/59/EC — Article 2(4) — Concept of an undertaking controlling the employer — Procedures for consultation of workers — Burden of proof**

[CURIA – Opinion of Advocate General in Case C-61/17 of 21 June 2018](#)

Affaire C-342/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 21 juin 2018 - Memoria Srl et Antonia Dall'Antonia contre Comune di Padova et Alessandra Calore - demande de décision préjudicelle formée par le Tribunale Amministrativo Regionale per il Veneto (tribunal administratif régional pour la Vénétie, Italie) - Recours préjudiciel – Recevabilité – Situation purement interne – Restrictions à la liberté d'établissement – Réglementation interdisant toute activité lucrative portant sur la conservation d'urnes cinéraires

CURIA – Conclusions de l'Avocat Général dans l'affaire C-342/17 du 21 juin 2018

Case C-1/17: JUDGMENT OF THE COURT (Third Chamber) of 21 June 2018 - Petronas Lubricants Italy SpA v Livio Guida - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte d'appello di Torino (Court of Appeal, Turin, Italy) - Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Jurisdiction over individual contracts of employment — Article 20(2) — Employer sued before the courts of the Member State in which it is domiciled — Counter-claim by the employer — Determination of the court with jurisdiction

CURIA – Judgment of the Court of Justice in Case C-1/17 of 21 June 2018

Case C-15/16: JUDGMENT OF THE COURT (Grand Chamber) of 19 June 2018 - Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister and Frank Schmitt, in his capacity as liquidator of Phoenix Kapitaldienst GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Approximation of laws — Directive 2004/39/EC — Article 54(1) — Scope of the obligation of professional secrecy on national financial supervision authorities — Concept of 'confidential information'

CURIA – Judgment of the Court of Justice in Case C-15/16 of 19 June 2018

Case C-677/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Lucía Montero Mateos v Agencia Madrileña de Atención Social de la Consejería de Políticas Sociales y Familia de la Comunidad Autónoma de Madrid - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social No 33 de Madrid (Social Court No 33, Madrid, Spain) - Reference for a preliminary ruling — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Definition of 'employment conditions' — Comparability of situations — Justification — Definition of 'objective grounds' — Compensation in the event of termination of an employment contract of indefinite duration on objective grounds — No compensation on expiry of a fixed-term 'interinidad' contract

CURIA – Judgment of the Court of Justice in Case C-677/16 of 5 June 2018

Case C-574/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Grupo Norte Facility SA v Angel Manuel Moreira Gómez - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Galicia (High Court of Justice, Galicia, Spain) - Reference for a preliminary ruling — Social policy — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Definition of 'employment conditions' — Comparability of situations — Justification — Definition of 'objective grounds' — Compensation in the event of termination of a permanent employment contract on objective grounds — Lesser amount of compensation paid on expiry of a fixed-term 'relief' employment contract

CURIA – Judgment of the Court of Justice in Case C-574/16 of 5 June 2018

Case C-68/17: OPINION OF ADVOCATE GENERAL WATHELET of 31 May 2018 – IR v JQ - Request for a preliminary ruling from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — Directive 2000/78/EC — Equal treatment in employment and occupation — Occupational activities of churches — Occupational requirements — Duty of good faith and loyalty towards the ethos of the church — Difference of treatment based on faith — Dismissal of a Catholic worker, in a managerial role, because of a second marriage following divorce

CURIA – Opinion of Advocate General in Case C-68/17 of 31 May 2018

Case C-245/17: OPINION OF ADVOCATE GENERAL KOKOTT of 31 May 2018 - Pedro Viejobueno Ibáñez and Emilia de la Vara González v Consejería de Educación de Castilla La Mancha - Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha (High Court of Justice of Castilla-La Mancha, Spain) - Request for a preliminary ruling — **Social policy — Fixed-term employment — ETUC-UNICE-CEEP — Framework agreement on fixed-term work — Principle of non-discrimination — Interim civil servants and established civil servants within the meaning of Spanish law — Teachers employed as interim civil servants — Early dismissal at the end of the school term — Difference in treatment in relation to comparable permanent workers — Objective ground for different treatment**

[CURIA – Opinion of Advocate General in Case C-245/17 of 31 May 2018](#)

Case C-517/16: JUDGMENT OF THE COURT (Tenth Chamber) of 30 May 2018 - Stefan Czerwiński v Zakład Ubezpieczeń Społecznych Oddział w Gdańsku - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Gdańsku III Wydział Pracy i Ubezpieczeń Społecznych (Court of Appeal of Gdańsk, Labour and Social Insurance Division III, Poland) - Reference for a preliminary ruling — **Social security for migrant workers — Coordination of social security systems — Regulation (EC) No 883/2004 — Material scope — Article 3 — Declaration made by Member States under Article 9 — Bridging pension — Classification — Statutory pre-retirement schemes — Exclusion of the rule of aggregation of periods under Article 66**

[CURIA – Judgment of the Court of Justice in Case C-517/16 of 30 May 2018](#)

Case C-390/17 P: JUDGMENT OF THE COURT (Seventh Chamber) of 30 May 2018 - Irit Azoulay, residing in Brussels (Belgium), Andrew Boreham, residing in Wansin-Hannut (Belgium), Mirja Bouchard, residing in Villers-la-Ville (Belgium) and Darren Neville, residing in Ohain (Belgium) v European Parliament - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Civil service — Remuneration — Family allowances — Education allowance — Refusal to reimburse education costs — Article 3(1) of Annex VII to the Staff Regulations of officials of the European Union**

[CURIA – Judgment of the Court of Justice in Case C-390/17 of 30 May 2018](#)

Affaire C-120/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGONI du 30 mai 2018 - Administratīvā rajona tiesa contre Ministru kabinets - demande de décision préjudiciale formée par la Latvijas Republikas Satversmes tiesa (Cour constitutionnelle, Lettonie) - Renvoi préjudiciel — Règlement (CE) n° 1257/1999 concernant le **soutien au développement rural** par le Fonds européen d'orientation et de garantie agricole (FEOGA) — **Agriculture — Soutien au développement rural — Aide à la préretraite — Possibilité pour un État membre d'adopter une disposition prévoyant le droit d'hériter de l'aide — Approbation par la Commission européenne — Changement ultérieur de la position de la Commission — Confiance légitime**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-120/17 du 30 mai 2018](#)

10. Energy and Environment

Community Legislation

DIRECTIVE (EU) 2018/844 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive 2010/31/EU on the **energy performance of buildings** and Directive 2012/27/EU on **energy efficiency** (Text with EEA relevance)

[OJ of the EU, L 156/75 of 19 June 2018](#)

REGULATION (EU) 2018/842 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 on **binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement** and amending Regulation (EU) No 525/2013 (Text with EEA relevance)

[OJ of the EU, L 156/26 of 19 June 2018](#)

REGULATION (EU) 2018/841 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 on the **inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework**, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (Text with EEA relevance)

[OJ of the EU, L 156/1 of 19 June 2018](#)

DECISION (EU) 2018/853 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards **procedural rules in the field of environmental reporting** and repealing Council Directive 91/692/EEC

OJ of the EU, L 150/155 of 14 June 2018

DIRECTIVE (EU) 2018/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive 94/62/EC on **packaging and packaging waste** (Text with EEA relevance)

OJ of the EU, L 150/141 of 14 June 2018

DIRECTIVE (EU) 2018/851 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive 2008/98/EC on **waste** (Text with EEA relevance)

OJ of the EU, L 150/109 of 14 June 2018

DIRECTIVE (EU) 2018/850 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive 1999/31/EC on the **landfill of waste** (Text with EEA relevance)

OJ of the EU, L 150/100 of 14 June 2018

DIRECTIVE (EU) 2018/849 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directives 2000/53/EC on **end-of-life vehicles**, 2006/66/EC on **batteries and accumulators and waste batteries and accumulators**, and 2012/19/EU on **waste electrical and electronic equipment** (Text with EEA relevance)

OJ of the EU, L 150/93 of 14 June 2018

REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 on **organic production and labelling of organic products** and repealing Council Regulation (EC) No 834/2007

OJ of the EU, L 150/1 of 14 June 2018

COMMISSION DECISION (EU) 2018/813 of 14 May 2018 on the **sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the agriculture sector** under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (Text with EEA relevance)

OJ of the EU, L 145/1 of 8 June 2018

COMMISSION IMPLEMENTING REGULATION (EU) 2018/791 of 31 May 2018 amending Regulation (EC) No 690/2008 **recognising protected zones exposed to particular plant health risks in the Community**

OJ of the EU, L 136/1 of 1 June 2018

Case Law

Case C-557/15: JUDGMENT OF THE COURT (Third Chamber) of 21 June 2018 - European Commission v Republic of Malta - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations** — Directive 2009/147/EC — **Conservation of wild birds** — Live-capturing and keeping — Species belonging to the finch family — Prohibition — National derogation regime — Member States' power of derogation — Conditions

CURIA – Judgment of the Court of Justice in Case C-557/15 of 21 June 2018

Affaire C-5/16: ARRÊT DE LA COUR (deuxième chambre) du 21 juin 2018 - République de Pologne contre Parlement européen, Conseil de l'Union européenne, Royaume de Danemark, République fédérale d'Allemagne, Royaume d'Espagne, République française, Royaume de Suède et Commission européenne - ayant pour objet un recours en annulation au titre de l'article 263 TFUE - Recours en annulation – Décision (UE) 2015/1814 – Détermination de la base juridique – Prise en compte des effets de l'acte – Absence – Article 192, paragraphe 1, TFUE – Article 192, paragraphe 2, premier alinéa, sous c), TFUE – Mesures affectant sensiblement le choix d'un État membre entre différentes sources d'énergie et la structure générale de son approvisionnement énergétique – Principe de coopération loyale – Article 15 TUE – Compétences du Conseil européen – Principes de sécurité juridique et de protection de la confiance légitime – Principe de proportionnalité – Analyse d'impact

CURIA – Arrêt de la Cour de Justice dans l'affaire C-5/16 du 21 juin 2018

Affaire C-543/16: ARRÊT DE LA COUR (neuvième chambre) du 21 juin 2018 - Commission européenne contre République fédérale d'Allemagne et Royaume de Danemark - ayant pour objet un recours en manquement au titre de l'article 258 TFUE – Manquement d'État – Directive 91/676/CEE – Article 5, paragraphes 5 et 7 – Annexe II, A, points 1 à 3 et 5 – Annexe III, paragraphe 1, points 1 à 3, et paragraphe 2 – Protection des eaux contre la pollution par les nitrates à partir de sources agricoles – Insuffisance des mesures en vigueur – Mesures supplémentaires ou actions renforcées – Révision du programme d'action – Limitation de l'épandage – Fertilisation équilibrée – Périodes d'épandage – Capacité des cuves destinées au stockage d'effluents d'élevage – Épandage sur les surfaces en forte pente et sur les sols gelés ou couverts de neige

CURIA – Arrêt de la Cour de Justice dans l'affaire C-543/16 du 21 juin 2018

Case C-683/16: JUDGMENT OF THE COURT (Third Chamber) of 13 June 2018 - Deutscher Naturschutzring – Dachverband der deutschen Natur- und Umweltschutzverbände eV v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgericht Köln (Administrative Court Cologne, Germany) - Reference for a preliminary ruling – Common Fisheries Policy – Regulation (EU) No 1380/2013 – Article 11 – Conservation of marine biological resources – Protection of the environment – Conservation of natural habitats and of wild fauna and flora – Exclusive competence of the European Union

CURIA – Judgment of the Court of Justice in Case C-683/16 of 13 June 2018

Case C-671/16: JUDGMENT OF THE COURT (Second Chamber) of 7 June 2018 - Inter-Environnement Bruxelles ASBL, Groupe d'animation du quartier européen de la ville de Bruxelles ASBL, Association du quartier Léopold ASBL, Brusselse Raad voor het Leefmilieu ASBL, Pierre Picard and David Weytsman v Brussels Capital Region - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Belgium) - Reference for a preliminary ruling – Environment – Directive 2001/42/EC – Article 2(a) – Concept of 'plans and programmes' – Article 3 – Assessment of the effects of certain plans and programmes on the environment – Regional town planning regulations relating to the European Quarter, Brussels (Belgium)

CURIA – Judgment of the Court of Justice in Case C-671/16 of 7 June 2018

Case C-160/17: JUDGMENT OF THE COURT (Second Chamber) of 7 June 2018 - Raoul Thybaut, Johnny De Coster and Frédéric Romain v Région wallonne, Commune d'Orp-Jauche and Bodymat SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling – Environment – Directive 2001/42/EC – Article 2(a) – Concept of 'plans and programmes' – Article 3 – Assessment of the effects of certain plans and programmes on the environment – Urban land consolidation area – Possibility of derogating from town planning requirements – Modification of the 'plans and programmes'

CURIA – Judgment of the Court of Justice in Case C-160/17 of 7 June 2018

Case C-49/17: JUDGMENT OF THE COURT (First Chamber) of 6 June 2018 - Koppers Denmark ApS v Skatteministeriet - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling – Directive 2003/96/EC – Taxation of energy products and electricity – Article 21(3) – Chargeable event giving rise to taxation – Consumption of energy products produced within the curtilage of an establishment producing energy products – Energy products used for purposes other than as motor fuels or as heating fuels – Consumption of solvent as fuel at the coal tar distillation plant

CURIA – Judgment of the Court of Justice in Case C-49/17 of 6 June 2018

Case C-167/17: OPINION OF ADVOCATE GENERAL BOBEK of 5 June 2018 - Volkmar Klohn v An Bord Pleanála, Sligo County Council and Maloney and Matthews Animal Collections Ltd - Request for a preliminary ruling from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Environment — Impact assessment — Access to a review procedure — Requirement that review procedure is not prohibitively expensive** — Notion of 'not prohibitively expensive' — General principle of law — Temporal application — Direct effect — **res judicata — Consequences for a decision awarding costs that has become definitive**

[CURIA – Opinion of Advocate General in Case C-167/17 of 5 June 2018](#)

Affaire C-526/16: ARRÊT DE LA COUR (première chambre) du 31 mai 2018 - Commission européenne contre République de Pologne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État — Directive 2011/92/CE — **Évaluation des incidences sur l'environnement de forages de prospection ou d'exploration du gaz de schiste — Forage en profondeur — Critères de sélection — Détermination de seuils**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-526/16 du 31 mai 2018](#)

Affaire C-251/17: ARRÊT DE LA COUR (première chambre) du 31 mai 2018 - Commission européenne contre République italienne - ayant pour objet un recours en manquement au titre de l'article 260, paragraphe 2, TFUE - Manquement d'État — **Collecte et traitement des eaux urbaines résiduaires** — Directive 91/271/CEE — Articles 3, 4 et 10 — **Arrêt de la Cour constatant un manquement — Inexécution** — Article 260, paragraphe 2, TFUE — **Sanctions pécuniaires — Astreinte et somme forfaitaire**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-251/17 du 31 mai 2018](#)

Joined Cases C-626/15 and C-659/16: OPINION OF ADVOCATE GENERAL KOKOTT of 31 May 2018 -European Commission v Council of the European Union -Action for annulment — **Choice of correct legal basis — Exclusive competence, shared competence or supplementary competence of the European Union** — The Union acting alone in an international body or Member States participating alongside the Union — **Conservation of marine biological resources — Fisheries — Protection of the environment** — Research — Marine protected area (MPA) — Antarctic — Weddell Sea and Ross Sea — Decision of the Permanent Representatives Committee (Coreper) — Challengeable act

[CURIA – Opinion of Advocate General in Case C-626/15 of 31 May 2018](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION REGULATION (EU) 2018/782 of 29 May 2018 establishing the methodological principles for the risk assessment and risk management recommendations referred to in Regulation (EC) No 470/2009 (Text with EEA relevance)

[OJ of the EU, L 132/5 of 30 May 2018](#)

COMMISSION REGULATION (EU) 2018/781 of 29 May 2018 amending Regulation (EC) No 847/2000 as regards the definition of the concept 'similar medicinal product' (Text with EEA relevance)

[OJ of the EU, L 132/1 of 30 May 2018](#)

Case Law

Affaire C-483/16: ARRÊT DE LA COUR (deuxième chambre) du 31 mai 2018 - Zsolt Sziber contre ERSTE Bank Hungary Zrt. et Mónika Szeder - ayant pour objet une demande de décision préjudiciable au titre de l'article 267 TFUE, introduite par la Fővárosi Törvényszék (cour de Budapest-Capitale, Hongrie) - Renvoi préjudiciel — **Protection des consommateurs — Clauses abusives dans les contrats conclus avec les consommateurs** — Directive 93/13/CEE — Article 7, paragraphe 1 — **Contrats de prêt libellés en devise étrangère** — Législation nationale prévoyant des exigences procédurales spécifiques pour contester le caractère abusif — Principe d'équivalence — **Charte des droits fondamentaux de l'Union européenne** — Article 47 — **Droit à une protection juridictionnelle effective**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-483/16 du 31 mai 2018](#)

Affaire C-105/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 31 mai 2018 - Komisia za zashtita na potrebitelite contre Evelina Kamenova et Okrazhna prokuratura – Varna - demande de décision préjudiciale formée par l'Administrativen sad – Varna (tribunal administratif de Varna, Bulgarie) - Renvoi préjudiciel – Protection des consommateurs – Pratiques commerciales déloyales des entreprises vis-à-vis des consommateurs – Vente en ligne – Notion de “professionnel”

CURIA – Conclusions de l'Avocat Général dans l'affaire C-105/17 du 31 mai 2018

Affaires jointes C-54/17 et C-55/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 31 mai 2018 - Autorità Garante della Concorrenza e del Mercato contre Wind Tre SpA, anteriormente Wind Telecomunicazioni SpA et Autorità Garante della Concorrenza e del Mercato contre Vodafone Italia SpA, anteriormente Vodafone Omnitel NVcon, Autorità per le Garanzie nelle Comunicazioni, Altroconsumo, Vito Rizzo et Telecom Italia SpA - demande de décision préjudiciale formée par le Consiglio di Stato (Conseil d'État, Italie) - Renvoi préjudiciel – Protection des consommateurs – Pratiques commerciales déloyales – Pratiques commerciales agressives – Fourniture non demandée – Directive 2005/29 – Article 3, paragraphe 4 – Domaine d'application – Services de télécommunications – Directive 2002/21 – Directive 2002/22 – Pré-activation de services sur une carte SIM sans en informer le consommateur

CURIA – Conclusions de l'Avocat Général dans l'affaire C-54/17 du 31 mai 2018

12. Human Rights

Case Law

Affaires jointes C-391/16, C-77/17 et C-78/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 21 juin 2018 – M contre Ministerstvo vnitra - demande de décision préjudiciale formée par le Nejvyšší správní soud (Cour administrative suprême, République tchèque) - X (C-77/17) et X (C-78/17) contre Commissaire général aux réfugiés et aux apatrides - demande de décision préjudiciale formée par le Conseil du contentieux des étrangers (Belgique) - Renvoi préjudiciel – Espace de liberté, de sécurité et de justice – Politique d'asile – Directive 2011/95/UE – Refus d'octroi ou révocation du statut de réfugié – Condamnation pour un crime particulièrement grave – Article 14, paragraphes 4 à 6 – Interprétation et validité – Article 18 de la charte des droits fondamentaux de l'Union européenne – Article 78, paragraphe 1, TFUE – Convention relative au statut des réfugiés, signée à Genève le 28 juillet 1951

CURIA – Conclusions de l'Avocat Général dans l'affaire C-391/16 du 21 Juin 2018

Affaire C-181/16: ARRÊT DE LA COUR (grande chambre) du 19 juin 2018 – Sadikou Gnandi contre État belge - ayant pour objet une demande de décision préjudiciale au titre de l'article 267 TFUE, introduite par le Conseil d'État (Belgique) - Renvoi préjudiciel – Espace de liberté, de sécurité et de justice – Retour des ressortissants de pays tiers en séjour irrégulier – Directive 2008/115/CE – Article 3, point 2 – Notion de “séjour irrégulier” – Article 6 – Adoption d'une décision de retour avant l'issue du recours contre le rejet de la demande de protection internationale par l'autorité responsable – Charte des droits fondamentaux de l'Union européenne – Article 18, article 19, paragraphe 2, et article 47 – Principe de non-refoulement – Droit à un recours effectif – Autorisation de rester dans un État membre

CURIA – Arrêt de la Cour de Justice dans l'affaire C-181/16 du 19 juin 2018

Affaire C-213/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 13 juin 2018 – X contre Staatssecretaris van Veiligheid en Justitie - demande de décision préjudiciale formée par le rechtbank Den Haag, zittingsplaats Amsterdam (tribunal de La Haye, siégeant à Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice – Frontières, asile et immigration** – Règlement (UE) n° 604/2013 – **Détermination de l'État membre responsable de l'examen d'une demande de protection internationale présentée dans l'un des États membres par un ressortissant d'un pays tiers** – État membre responsable en application du critère visé à l'article 3, paragraphe 2 – Décision juridictionnelle revêtue de l'autorité de la chose jugée portant rejet de la première demande de protection internationale – Procédure de recours pendant concernant la décision portant rejet de la deuxième demande de protection internationale – **Émission d'un mandat d'arrêt européen aux fins de l'exercice de poursuites pénales contre le demandeur** – **Introduction d'une nouvelle demande de protection internationale dans un autre État membre** – Remise de l'intéressé au titre de l'exécution du mandat d'arrêt européen – Procédure de reprise en charge – Article 23, paragraphe 3 – Effets liés à l'expiration des délais prévus pour la présentation d'une requête – **Transfert de la responsabilité à l'État membre auprès duquel la nouvelle demande de protection internationale est introduite** – Article 24, paragraphe 1 – Modalités d'application – Article 24, paragraphe 5 – **Portée de l'obligation d'information** – Article 17, paragraphe 1 – **Portée de la clause discrétionnaire** – Directive 2013/32/UE – Articles 31 et 46 – **Charte des droits fondamentaux de l'Union européenne** – Article 41 – **Droit à une bonne administration** – Article 47 – **Droit à un recours juridictionnel effectif**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-213/17 du 13 juin 2018](#)

Affaire C-300/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 juin 2018 - Hochtief AG contre Budapest Főváros Önkormányzata - demande de décision préjudiciale formée par la Kúria (Cour suprême, Hongrie) - Renvoi préjudiciel – Directive 89/665/CEE – **Passation des marchés publics de fournitures et de travaux – Procédures de recours** – Article 2, paragraphe 6 – **Action en dommages et intérêts – Constatation préalable obligatoire de l'ilégalité de la décision du pouvoir adjudicateur – Exclusion des moyens non soulevés devant une commission arbitrale – Article 47 de la charte des droits fondamentaux de l'Union européenne – Droit à une protection juridictionnelle effective** – Principes d'effectivité et d'équivalence

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-300/17 du 7 juin 2018](#)

Case C-673/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Relu Adrian Coman, Robert Clabourn Hamilton and Asociația Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne and Consiliul Național pentru Combaterea Discriminării - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea Constituțională (Constitutional Court, Romania) - Reference for a preliminary ruling – **Citizenship of the Union** – Article 21 TFEU – **Right of Union citizens to move and reside freely in the territory of the Member States** – Directive 2004/38/EC – Article 3 – **Beneficiaries – Family members of the Union citizen** – Article 2(2)(a) – Definition of 'spouse' – **Marriage between persons of the same sex** – Article 7 – **Right of residence for more than three months – Fundamental rights**

[CURIA – Judgment of the Court of Justice in Case C-673/16 of 5 June 2018](#)

Case C-210/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftsakademie Schleswig-Holstein GmbH, Facebook Ireland Ltd and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling – Directive 95/46/EC – **Personal data – Protection of natural persons with respect to the processing of that data** – Order to deactivate a Facebook page (fan page) enabling the collection and processing of certain data of visitors to that page – Article 2(d) – **Controller responsible for the processing of personal data** – Article 4 – **Applicable national law** – Article 28 – National supervisory authorities – **Powers of intervention of those authorities**

[CURIA – Judgment of the Court of Justice in Case C-210/16 of 5 June 2018](#)

Affaire C-234/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 5 juin 2018 – XC, YB et ZA contre Generalprokuratur - demande de décision préjudiciale formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel – **Principes du droit de l'Union – Autonomie procédurale – Principes d'effectivité et d'équivalence – Voie de recours permettant d'obtenir la répétition d'une procédure pénale clôturée par une décision passée en force de chose jugée en cas de violation de la CEDH** – Obligation d'étendre cette voie de recours aux violations du droit de l'Union – Absence – Article 50 de la charte des droits fondamentaux de l'Union – Article 54 de la convention d'application de l'accord de Schengen – **Principe ne bis in idem**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-234/17 du 5 juin 2018](#)

Case C-647/16: JUDGMENT OF THE COURT (Second Chamber) of 31 May 2018 - Adil Hassan v Préfet du Pas-de-Calais - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif de Lille (Administrative Court, Lille, France) - Reference for a preliminary ruling — Regulation (EU) No 604/2013 — **Determination of the Member State responsible for the examination of an application for international protection lodged in a Member State by a third-country national** — Procedures for taking charge and taking back — Article 26(1) — Adoption and notification of the transfer decision before the acceptance of the take back request by the requested Member State

[CURIA – Judgment of the Court of Justice in Case C-647/16 of 31 May 2018](#)

Affaire C-483/16: ARRÊT DE LA COUR (deuxième chambre) du 31 mai 2018 - Zsolt Sziber contre ERSTE Bank Hungary Zrt. et Mónika Szeder - ayant pour objet une demande de décision préjudiciale au titre de l'article 267 TFUE, introduite par la Fővárosi Törvényszék (cour de Budapest-Capitale, Hongrie) - Renvoi préjudiciel – **Protection des consommateurs – Clauses abusives dans les contrats conclus avec les consommateurs** – Directive 93/13/CEE – Article 7, paragraphe 1 – **Contrats de prêt libellés en devise étrangère** – Législation nationale prévoyant des exigences procédurales spécifiques pour contester le caractère abusif – Principe d'équivalence – **Charte des droits fondamentaux de l'Union européenne** – Article 47 – **Droit à une protection juridictionnelle effective**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-483/16 du 31 mai 2018](#)

13. Internal Market and Single Market

Community Legislation

COMMISSION DECISION (EU) 2018/859 of 4 October 2017 on **State aid** SA.38944 (2014/C) (ex 2014/NN) **implemented by Luxembourg to Amazon** (notified under document C(2017) 6740) (Only the French text is authentic) (Text with EEA relevance)

[OJ of the EU, L 153/1 of 15 June 2018](#)

Case Law

Affaire C-342/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 21 juin 2018 - Memoria Srl et Antonia Dall'Antonia contre Comune di Padova et Alessandra Calore - demande de décision préjudiciale formée par le Tribunale Amministrativo Regionale per il Veneto (tribunal administratif régional pour la Vénétie, Italie) - Recours préjudiciel – Recevabilité – **Situation purement interne – Restrictions à la liberté d'établissement – Réglementation interdisant toute activité lucrative portant sur la conservation d'urnes cinéraires**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-342/17 du 21 juin 2018](#)

Case C-480/16: JUDGMENT OF THE COURT (Fifth Chamber) of 21 June 2018 - Fidelity Funds, Fidelity Investment Funds and Fidelity Institutional Funds v Skatteministeret and NN (L) SICAV - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (High Court of Eastern Denmark) - Reference for a preliminary ruling — Free movement of capital and liberalisation of payments — Restrictions — Taxation of dividends paid to undertakings for collective investment in transferable securities (UCITS) — Dividends paid by companies resident in one Member State to non-resident UCITS — Tax exemption for dividends paid by companies resident in one Member State to resident UCITS — Justifications — Balanced allocation between Member States of the power to impose taxes — Coherence of the tax system — Proportionality

CURIA – Judgment of the Court of Justice in Case C-480/16 of 21 June 2018

Case C-256/17: OPINION OF ADVOCATE GENERAL WAHL of 20 June 2018 - Sandd BV v Autoriteit Consument en Markt and Koninklijke PostNL BV - Request for a preliminary ruling from the Rechtbank Rotterdam (Rotterdam District Court, Netherlands) - Reference for a preliminary ruling — Freedom to provide services — Postal services — Universal service provider — Principles for tariffs and transparency of accounts — Obligation for the universal service provider to keep separate accounts for each of the services forming part of the universal service obligation — Cost-orientation of postal tariffs — Reasonable return

CURIA – Opinion of Advocate General in Case C-256/17 of 20 June 2018

Case C-15/16: JUDGMENT OF THE COURT (Grand Chamber) of 19 June 2018 - Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister and Frank Schmitt, in his capacity as liquidator of Phoenix Kapitaldienst GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — Approximation of laws — Directive 2004/39/EC — Article 54(1) — Scope of the obligation of professional secrecy on national financial supervision authorities — Concept of 'confidential information'

CURIA – Judgment of the Court of Justice in Case C-15/16 of 19 June 2018

Affaire C-171/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 14 juin 2018 - Commission européenne contre Hongrie - Manquement d'État — Article 49 TFUE — Liberté d'établissement — Article 56 TFUE — Libre prestation des services — Directive 2006/123/CE — Articles 15 et 16 — Restrictions — Justification — Nécessité — Proportionnalité — Système national de paiement mobile — Droit exclusif — Monopole — Service d'intérêt économique général

CURIA – Conclusions de l'Avocat Général dans l'affaire C-171/17 du 14 juin 2018

Case C-39/17: JUDGMENT OF THE COURT (Fourth Chamber) of 14 June 2018 - Lubrizol France SAS v Caisse nationale du Régime social des indépendants (RSI) participations extérieures - REQUEST for a preliminary ruling under Article 267 TFEU from the Cour de cassation (Court of Cassation) (France) - Reference for a preliminary ruling — Free movement of goods — Articles 28 and 30 TFEU — Charges having equivalent effect — Article 110 TFEU — Internal taxation — Social solidarity contribution payable by companies — Charge — Basis of assessment — Companies' overall annual turnover — Directive 2006/112/EC — Article 17 — Transfer of goods to another Member State — Value of the goods transferred — Inclusion in the overall annual turnover

CURIA – Judgment of the Court of Justice in Case C-39/17 of 14 June 2018

Case C-169/17: JUDGMENT OF THE COURT (First Chamber) of 14 June 2018 - Asociación Nacional de Productores de Ganado Porcino v Administración del Estado - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — Articles 34 and 35 TFEU — Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Protection of pigs — Products processed or marketed in Spain — Quality standards for meat, ham, shoulder ham and loin derived from Iberian pigs — Conditions for using the 'de cebo' designation — Improvement of the quality of products — Directive 2008/120/EC — Scope

CURIA – Judgment of the Court of Justice in Case C-169/17 of 14 June 2018

Affaire C-7/17 P: ARRÊT DE LA COUR (sixième chambre) du 7 juin 2018 - ANKO AE Antiprosopeion, Emporiou kai Viomichanias, établie à Athènes (Grèce) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Clauses compromissoires – Conventions Persona et Terregov conclues dans le cadre du sixième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2002-2006)** – Coûts éligibles – Remboursement des sommes versées – Demande reconventionnelle

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-7/17 du 7 juin 2018](#)

Affaire C-6/17 P: ARRÊT DE LA COUR (sixième chambre) du 7 juin 2018 - ANKO AE Antiprosopeion, Emporiou kai Viomichanias, établie à Athènes (Grèce) contre Commission européenne - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Clauses compromissoires – Conventions Perform et Oasis conclues dans le cadre du septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013)** – Coûts éligibles – Remboursement des sommes versées – Demande reconventionnelle

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-6/17 du 7 juin 2018](#)

Affaire C-300/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 7 juin 2018 - Hochtief AG contre Budapest Fóváros Önkormányzata - demande de décision préjudiciale formée par la Kúria (Cour suprême, Hongrie) - Renvoi préjudiciel – Directive 89/665/CEE – **Passation des marchés publics de fournitures et de travaux – Procédures de recours** – Article 2, paragraphe 6 – **Action en dommages et intérêts – Constatation préalable obligatoire de l'illégalité de la décision du pouvoir adjudicateur – Exclusion des moyens non soulevés devant une commission arbitrale – Article 47 de la charte des droits fondamentaux de l'Union européenne – Droit à une protection juridictionnelle effective** – Principes d'effectivité et d'équivalence

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-300/17 du 7 juin 2018](#)

Affaire C-135/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGONI du 5 juin 2018 - X-GmbH contre Finanzamt Stuttgart – Körperschaften - demande de décision préjudiciale formée par le Bundesfinanzhof (Cour fédérale des finances, Allemagne) - Renvoi préjudiciel – **Libre circulation des capitaux – Articles 56 et 57 CE – Mouvements des capitaux entre les États membres et les pays tiers – Restrictions – Clause de "standstill" – Investissements directs – Réglementation d'un État membre prévoyant l'imposition des revenus provenant des sociétés ayant leur siège à l'étranger – Justification – Lutte contre les montages purement artificiels – Répartition équilibrée du pouvoir d'imposition – Préservation de l'efficacité des contrôles fiscaux**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-135/17 du 5 juin 2018](#)

Joined Cases C-259/16 and C-260/16: JUDGMENT OF THE COURT (Fifth Chamber) of 31 May 2018 - Confederazione Generale Italiana dei Trasporti e della Logistica (Confetra) (C-259/16), Associazione Nazionale Imprese Trasporti Automobilistici (C-259/16), Fercam SpA(C-259/16), Associazione non Riconosciuta Alsea (C-259/16), Associazione Fedit (C-259/16), Carioni Spedizioni Internazionali Srl (C-259/16), Federazione Nazionale delle Imprese di Spedizioni Internazionali — Fedespedi (C-259/16), Tnt Global Express SpA (C-259/16), Associazione Italiana dei Corrieri Aerei Internazionali (AICAI) (C-260/16), DHL Express (Italy) Srl (C-260/16), Federal Express Europe Inc. (C-260/16) and United Parcel Service Italia Ups Srl (C-260/16) v Autorità per le Garanzie nelle Comunicazioni, Ministero dello Sviluppo Economico and Poste Italiane SpA (C-260/16) - REQUESTS for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court, Lazio, Italy) - Reference for a preliminary ruling — **Postal services in the European Union — Directive 97/67/EC — Articles 2, 7 and 9 — Directive 2008/6/EC — **Definition of 'postal service provider'** — Haulage, freight-forwarding and express mail undertakings providing services involving the clearance, sorting, transport and distribution of postal items — **Authorisation required for the provision of postal services to the public — Contribution to the costs of providing universal service****

[CURIA – Judgment of the Court of Justice in Case C-259/17 of 31 May 2018](#)

Case C-190/17: JUDGMENT OF THE COURT (First Chamber) of 31 May 2018 - Lu Zheng v Ministerio de Economía y Competitividad - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Superior de Justicia de Madrid (Madrid High Court of Justice, Spain) - Reference for a preliminary ruling — **Controls of cash entering or leaving the European Union** — Regulation (EC) No 1889/2005 — Scope — Article 63 TFEU — **Free movement of capital — Third-country national transporting a significant amount of undeclared cash in his luggage — Obligation to declare the sum being taken out of Spanish territory** — Penalties — Proportionality

[CURIA – Judgment of the Court of Justice in Case C-190/17 of 31 May 2018](#)

14. Intellectual Property

Case Law

Case C-681/16: JUDGMENT OF THE COURT (Second Chamber) of 21 June 2018 - Pfizer Ireland Pharmaceuticals, Operations Support Group v Orifarm GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Düsseldorf (Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Intellectual and industrial property — Patent law — Acts of Accession to the European Union of 2003, 2005 and 2012 — Specific Mechanism — Whether applicable to parallel imports** — Regulation (EC) No 469/2009 — Product protected by a supplementary protection certificate in a Member State and marketed by the holder of the basic patent in another Member State — **Exhaustion of intellectual and industrial property rights — No basic patent in the new Member States** — Regulation (EC) No 1901/2006 — **Extension of the protection period**

CURIA – Judgment of the Court of Justice in Case C-681/16 of 21 June 2018

Case C-163/16: JUDGMENT OF THE COURT (Grand Chamber) of 12 June 2018 - Christian Louboutin and Christian Louboutin SAS v Van Haren Schoenen BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Rechtbank Den Haag (District Court, The Hague, Netherlands) - Reference for a preliminary ruling — **Trade marks — Absolute grounds for refusal or invalidity — Sign consisting exclusively of the shape of the product — Concept of 'shape' — Colour** — Position on a part of the product — Directive 2008/95/EC — Article 2 — Article 3(1)(e)(iii)

CURIA – Judgment of the Court of Justice in Case C-163/16 of 12 June 2018

Case C-44/17: JUDGMENT OF THE COURT (Fifth Chamber) of 7 June 2018 - Scotch Whisky Association v Michael Klotz - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Hamburg (Regional Court, Hamburg, Germany) - Reference for a preliminary ruling — **Protection of geographical indications of spirit drinks — Regulation (EC) No 110/2008 — Article 16(a) to (c) — Annex III — Registered geographical indication 'Scotch Whisky' — Whisky produced in Germany and marketed under the designation 'Glen Buchenbach'**

CURIA – Judgment of the Court of Justice in Case C-44/17 of 7 June 2018

Affaire C-32/17 P: ARRÊT DE LA COUR (dixième chambre) du 6 juin 2018 - Apcoa Parking Holdings GmbH, établie à Stuttgart (Allemagne) contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) - 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 — Demande d'enregistrement des marques figurative et verbale PARKWAY — Motif absolu de refus — Caractère descriptif — Règlement (CE) n° 207/2009 — Article 7, paragraphe 1, sous c)

CURIA – Arrêt de la Cour de Justice dans l'affaire C-32/17 du 6 juin 2018

Affaire C-26/17 P: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 6 juin 2018 - Birkenstock Sales GmbH contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) - Pourvoi — Marque de l'Union européenne — Enregistrement international visant l'Union européenne de la marque constituée par un signe composé d'un ensemble d'éléments qui se répètent régulièrement — Refus de protection du système de la marque de l'Union européenne par l'examinateur

CURIA – Conclusions de l'Avocat Général dans l'affaire C-26/17 du 6 juin 2018

Affaire C-149/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 6 juin 2018 - Bastei Lübbe GmbH & Co. KG contre Michael Strotzer - demande de décision préjudiciale formée par le Landgericht München I (tribunal régional de Munich I, Allemagne) - Renvoi préjudiciel — **Droit d'auteur et droits voisins** — Directive 2001/29/CE — **Respect des droits de propriété intellectuelle** — Directive 2004/48/CE — **Indemnisation en cas de partage de fichiers en violation du droit d'auteur** — Connexion Internet accessible à des membres de la famille du détenteur — **Exonération de la responsabilité du détenteur sans nécessité de préciser la nature de l'utilisation de la connexion par le membre de la famille**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-149/17 du 6 juin 2018

Joined Cases C-85/16 P and C-86/16 P: JUDGMENT OF THE COURT (Tenth Chamber) of 30 May 2018 - Kenzo Tsujimoto, residing in Osaka (Japan) v European Union Intellectual Property Office (EUIPO) and Kenzo, established in Paris (France) - TWO APPEALS under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — EU trade mark — Applications for registration of the word mark KENZO ESTATE — Earlier EU word mark KENZO — Regulation (EC) No 207/2009 — Article 8(5) — Relative ground for refusal of registration — Reputation — Due cause

[CURIA – Judgment of the Court of Justice in Case C-85/16 of 30 May 2018](#)

Affaires jointes C-519/17 P et C-522/17 P à C-525/17 P: ARRÊT DE LA COUR (septième chambre) du 30 mai 2018 - L'OréalSA, établie à Paris (France) contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO) et Guinot SAS, établie à Paris (France) - ayant pour objet cinq pourvois au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi — Marque de l'Union européenne — Procédure d'opposition — Demandes d'enregistrement des marques verbales MASTER PRECISE, MASTER SMOKY, MASTER SHAPE, MASTER DUO et MASTER DRAMA — Marque figurative nationale antérieure MASTERS COLORS PARIS — Rejet des demandes d'enregistrement — Insuffisance de motivation — Examen d'office par le juge

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-519/17 du 30 mai 2018](#)

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

International Agreements

COUNCIL DECISION (EU) 2018/889 of 4 June 2018 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism

[OJ of the EU, L 159/1 of 22 June 2018](#)

Council of Europe Convention on the Prevention of Terrorism

[OJ of the EU, L 159/3 of 22 June 2018](#)

COUNCIL DECISION (EU) 2018/890 of 4 June 2018 on the conclusion, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism

[OJ of the EU, L 159/15 of 22 June 2018](#)

ADDITIONAL PROTOCOL TO THE Council of Europe Convention on the Prevention of Terrorism

[OJ of the EU, L 159/17 of 22 June 2018](#)

Community Legislation

DIRECTIVE (EU) 2018/843 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance)

[OJ of the EU, L 156/43 of 19 June 2018](#)

PASSENGER NAME RECORDS (PNR) Competent authorities List of competent authorities referred to in Article 7 of Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (This list reflects the authorities entitled, in each Member State, to request or receive PNR data or the result of processing those data from their national Passenger Information Unit (PIU) or for the purpose of Article 9(3) of Directive (EU) 2016/681 directly from the PIU of any other Member State only when necessary in cases of emergency) (2018/C 194/01)

[OJ of the EU, C 194/1 of 6 June 2018](#)

Case Law

Case C-1/17: JUDGMENT OF THE COURT (Third Chamber) of 21 June 2018 - Petronas Lubricants Italy SpA v Livio Guida - REQUEST for a preliminary ruling under Article 267 TFEU from the Corte d'appello di Torino (Court of Appeal, Turin, Italy) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Jurisdiction over individual contracts of employment** — Article 20(2) — **Employer sued before the courts of the Member State in which it is domiciled** — **Counter-claim by the employer** — **Determination of the court with jurisdiction**

CURIA – Judgment of the Court of Justice in Case C-1/17 of 21 June 2018

Case C-20/17: JUDGMENT OF THE COURT (Second Chamber) of 21 June 2018 - Vincent Pierre Oberle - REQUEST for a preliminary ruling under Article 267 TFEU from the Kammergericht Berlin (Higher Regional Court, Berlin, Germany) - Request for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 650/2012 — **Article 4 — General jurisdiction of a court of a Member State to rule on the succession as a whole** — **National legislation governing international jurisdiction to issue national certificates of succession** — **European Certificate of Succession**

CURIA – Judgment of the Court of Justice in Case C-20/17 of 21 June 2018

Case C-337/17: OPINION OF ADVOCATE GENERAL BOBEK of 21 June 2018 - Feniks Sp. z o.o. v Azteca Products & Services SL - Request for a preliminary ruling from the Sąd Okręgowy w Szczecinie (Szczecin Regional Court, Poland) - Reference for a preliminary ruling — **Area of freedom, security and justice — Jurisdiction in civil and commercial matters — Special jurisdiction — Matters relating to a contract — Actio pauliana**

CURIA – Opinion of Advocate General in Case C-337/17 of 21 June 2018

Affaire C-379/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 20 juin 2018 - Società Immobiliare Al Bosco Srl - demande de décision préjudiciale formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - Renvoi préjudiciel — **Coopération judiciaire en matière civile — Reconnaissance et exécution des décisions — Délai d'exécution prévu dans le droit de l'État requis pour saisir un bien** — Applicabilité de ce délai à un titre adopté dans un autre État membre et déclaré exécutoire dans l'État requis

CURIA – Conclusions de l'Avocat Général dans l'affaire C-379/17 du 20 juin 2018

Affaire C-181/16: ARRÊT DE LA COUR (grande chambre) du 19 juin 2018 - Sadikou Gnandi contre État belge - ayant pour objet une demande de décision préjudiciale au titre de l'article 267 TFUE, introduite par le Conseil d'État (Belgique) - Renvoi préjudiciel — **Espace de liberté, de sécurité et de justice — Retour des ressortissants de pays tiers en séjour irrégulier** — Directive 2008/115/CE — Article 3, point 2 — **Notion de "séjour irrégulier"** — Article 6 — **Adoption d'une décision de retour avant l'issue du recours contre le rejet de la demande de protection internationale par l'autorité responsable — Charte des droits fondamentaux de l'Union européenne** — Article 18, article 19, paragraphe 2, et article 47 — **Principe de non-refoulement — Droit à un recours effectif** — Autorisation de rester dans un État membre

CURIA – Arrêt de la Cour de Justice dans l'affaire C-181/16 du 19 juin 2018

Case C-83/17: JUDGMENT OF THE COURT (Sixth Chamber) of 7 June 2018 - KP v LO - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — 2007 Hague Protocol — Law applicable to maintenance obligations** — Article 4(2) — **Change in the habitual residence of the creditor — Possibility of the retroactive application of the law of the State of the creditor's new habitual residence, that law coinciding with the law of the forum — Scope of the terms 'if the creditor is unable ... to obtain maintenance from the debtor'** — Situation where the creditor does not satisfy a formal legislative condition

CURIA – Judgment of the Court of Justice in Case C-83/17 of 7 June 2018

Case C-463/17 P: JUDGMENT OF THE COURT (Third Chamber) of 7 June 2018 - Ori Martin SA, established in Luxembourg (Luxembourg) v Court of Justice of the European Union - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Action for damages — Inadequate reasoning in a judgment of the Court of Justice in appeal proceedings — Distortion of the nature of a claim for damages**

CURIA – Judgment of the Court of Justice in Case C-463/17 of 7 June 2018

Case C-250/17: JUDGMENT OF THE COURT (Ninth Chamber) of 6 June 2018 - Virgílio Tarragó da Silveira v Massa Insolvente da Espírito Santo Financial GroupSA - REQUEST for a preliminary ruling under Article 267 TFEU by the Supremo Tribunal de Justiça (Supreme Court, Portugal) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 15 — **Effects of insolvency proceedings on lawsuits pending concerning an asset or a right of which the debtor has been divested — Concept of 'lawsuit pending'** — Substantive proceedings for the recognition of the existence of a debt

CURIA – Judgment of the Court of Justice in Case C-250/17 of 6 June 2018

Case C-612/15: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Nikolay Kolev, Milko Hristov and Stefan Kostadinov - REQUEST for a preliminary ruling under Article 267 TFEU from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Article 325 TFEU — **Fraud or any other illegal activities affecting the financial interests of the European Union in customs matters** — Effectiveness of prosecution — **Closure of criminal proceedings — Reasonable time** — Directive 2012/13/EU — **Right of a person to be informed of the charges against him — Right of access to case materials** — Directive 2013/48/EU — **Right of access to a lawyer**

CURIA – Judgment of the Court of Justice in Case C-612/15 of 5 June 2018

Affaire C-234/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 5 juin 2018 – XC, YB et ZA contre Generalprokuratur - demande de décision préjudiciale formée par l'Oberster Gerichtshof (Cour suprême, Autriche) - Renvoi préjudiciel — **Principes du droit de l'Union — Autonomie procédurale — Principes d'effectivité et d'équivalence — Voie de recours permettant d'obtenir la répétition d'une procédure pénale clôturée par une décision passée en force de chose jugée en cas de violation de la CEDH** — Obligation d'étendre cette voie de recours aux violations du droit de l'Union — Absence — Article 50 de la charte des droits fondamentaux de l'Union — Article 54 de la convention d'application de l'accord de Schengen — **Principe ne bis in idem**

CURIA – Conclusions de l'Avocat Général dans l'affaire C-234/17 du 5 juin 2018

Case C-335/17: JUDGMENT OF THE COURT (First Chamber) of 31 May 2018 - Neli Valcheva v Georgios Babanarakis - REQUEST for a preliminary ruling under Article 267 TFEU 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'** — Article 1(2)(a) and Article 2.7 and 2.10 — **Rights of access of grandparents**

CURIA – Judgment of the Court of Justice in Case C-335/17 of 31 May 2018

Case C-306/17: JUDGMENT OF THE COURT (Eighth Chamber) of 31 May 2018 - Éva Nothartová v Sámson József Boldizsár - REQUEST for a preliminary ruling under Article 267 TFEU from the Tatabányai Törvényszék (Tatabánya Court, Hungary) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Jurisdiction — **Special jurisdiction** — Article 8(3) — **Counterclaim arising or not arising from the same contract or facts on which the original claim was based**

CURIA – Judgment of the Court of Justice in Case C-306/17 of 31 May 2018

Case C-370/16: JUDGMENT OF THE COURT (Third Chamber) of 30 May 2018 - Bruno Dell'Acqua v Eurocom Srl, Regione Lombardia and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Novara (District Court, Novara, Italy) - Reference for a preliminary ruling — **Privileges and immunities of the European Union** — Protocol No 7 — Article 1 — **Whether or not prior authorisation from the Court is necessary** — Structural Funds — EU financial assistance — **Attachment proceedings against a national authority to attach sums deriving from that assistance**

CURIA – Judgment of the Court of Justice in Case C-370/16 of 30 May 2018

Case C-430/16 P: OPINION OF ADVOCATE GENERAL MENGONZI of 30 May 2018 - Bank Mellat v Council of the European Union - Appeal — Strengthening of restrictive measures against the Islamic Republic of Iran — Sector-specific measures — Admissibility — **Commencement of the Joint Comprehensive Plan of Action in the course of proceedings before the General Court of the European Union** — Effect on interest in bringing appeal proceedings — Effect on continuation of interest in bringing proceedings before the General Court — No need to adjudicate — Article 275 TFEU — **Jurisdiction of the General Court in Common Foreign and Security Policy matters (CFSP)** — **Concept of 'restrictive measures against natural or legal persons'** — Fourth paragraph of Article 263 TFEU — **Concept of 'implementing measures'** — Article 215 TFEU — **Concept of necessity** — **Principle of proportionality** — **General principles of EU law**

[CURIA – Opinion of Advocate General in Case C-430/16 of 30 May 2018](#)

16. Transport

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2018/871 of 14 June 2018 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers which are banned from operating or are subject to operational restrictions within the Union** (Text with EEA relevance)

[OJ of the EU, L 152/5 of 15 June 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/868 of 13 June 2018 **amending** Regulation (EU) No 1301/2014 and Regulation (EU) No 1302/2014 as regards **provisions on energy measuring system and data collecting system** (Text with EEA relevance)

[OJ of the EU, L 149/16 of 14 June 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/867 of 13 June 2018 laying down the **rules of procedure of the Board(s) of Appeal of the European Union Agency for Railways** (Text with EEA relevance)

[OJ of the EU, L 149/3 of 14 June 2018](#)

PASSENGER NAME RECORDS (PNR) Competent authorities List of competent authorities referred to in Article 7 of Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the **use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime** (This list reflects the authorities entitled, in each Member State, to request or receive PNR data or the result of processing those data from their national Passenger Information Unit (PIU) or for the purpose of Article 9(3) of Directive (EU) 2016/681 directly from the PIU of any other Member State only when necessary in cases of emergency) (2018/C 194/01)

[OJ of the EU, C 194/1 of 6 June 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/829 of 15 February 2018 **amending and correcting** Delegated Regulation (EU) 2015/208 supplementing Regulation (EU) No 167/2013 of the European Parliament and of the Council with regard to **vehicle functional safety requirements for the approval of agricultural and forestry vehicles** (Text with EEA relevance)

[OJ of the EU, L 140/8 of 6 June 2018](#)

COMMISSION DELEGATED REGULATION (EU) 2018/830 of 9 March 2018 **amending** Annex I to Regulation (EU) No 167/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) No 1322/2014 as regards the **adaptation of the vehicle construction and general requirements for the approval of agricultural and forestry vehicles**

[OJ of the EU, L 140/15 of 6 June 2018](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/773 of 15 May 2018 on **design, construction and performance requirements and testing standards for marine equipment** and repealing Implementing Regulation (EU) 2017/306 (Text with EEA relevance)

[OJ of the EU, L 133/1 of 30 May 2018](#)

Case Law

Case C-530/16: JUDGMENT OF THE COURT (Fourth Chamber) of 13 June 2018 - European Commission v Republic of Poland - ACTION for failure to fulfil obligations under Article 258 TFEU - **Failure of a Member State to fulfil obligations — Railway safety** — Directive 2004/49/EC — **Failure to adopt to provisions necessary to ensure the independence of the investigating body**

[CURIA – Judgment of the Court of Justice in Case C-530/16 of 13 June 2018](#)

Case C-186/17: OPINION OF ADVOCATE GENERAL TANCHEV of 6 June 2018 - flightright GmbH v Iberia Express SA - Request for a preliminary ruling from the Landgericht Berlin (Regional Court, Berlin, Germany) - Request for a preliminary ruling — **Air transport** — Regulation (EC) No 261/2004 — Articles 5(1)(c) and 7 — **Passenger compensation in the event of cancellation or long delay of flights — Missed connection on a multi-leg journey** — Short delay on first leg but long delay at final destination — **Responsibility for compensation when contractual air carrier does not operate any flights of journey and each leg is performed by different operating air carriers**

[CURIA – Opinion of Advocate General in Case C-186/17 of 6 June 2018](#)

Case C-537/17: JUDGMENT OF THE COURT (Eighth Chamber) of 31 May 2018 - Claudia Wegener v Royal Air Maroc SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Berlin (Regional Court, Berlin, Germany) - Reference for a preliminary ruling — **Air transport** — Regulation (EC) No 261/2004 — Article 3(1) — Scope — **Definition of 'connecting flight'** — Flight departing from an airport situated in the territory of a Member State, including a transfer at an airport situated in the territory of a third State and destined for another airport of that third State

[CURIA – Judgment of the Court of Justice in Case C-537/17 of 31 May 2018](#)

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

Community Legislation

GUIDELINE (EU) 2018/877 OF THE EUROPEAN CENTRAL BANK of 1 June 2018 amending Guideline ECB/2014/15 on **monetary and financial statistics** (ECB/2018/17)

[OJ of the EU, L 154/22 of 18 June 2018](#)

GUIDELINE (EU) 2018/876 OF THE EUROPEAN CENTRAL BANK of 1 June 2018 on the **Register of Institutions and Affiliates Data** (ECB/2018/16)

[OJ of the EU, L 154/3 of 18 June 2018](#)

GUIDELINE (EU) 2018/861 OF THE EUROPEAN CENTRAL BANK of 24 April 2018 amending Guideline ECB/2013/23 on **government finance statistics** (ECB/2018/13)

[OJ of the EU, L 153/161 of 15 June 2018](#)

COUNCIL DIRECTIVE (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards **mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements**

[OJ of the EU, L 139/1 of 5 June 2018](#)

GUIDELINE (EU) 2018/797 OF THE EUROPEAN CENTRAL BANK of 3 May 2018 on the **Eurosystem's provision of reserve management services in euro to central banks and countries located outside the euro area and to international organisations** (ECB/2018/14) (recast)

[OJ of the EU, L 136/81 of 1 June 2018](#)

Case Law

Affaire C-571/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 7 juin 2018 - Nikolay Kantarev - demande de décision préjudiciable formée par l'Administrativen sad Varna (tribunal administratif de Varna, Bulgarie) - **Directive 94/19/CE relative aux systèmes de garantie des dépôts – Constatation de l'indisponibilité d'un dépôt – Responsabilité des Etats membres pour les dommages causés par une violation du droit de l'Union** – Voie de recours

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-571/16 du 7 juin 2018](#)

Case C-673/16: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Relu Adrian Coman, Robert Clabourn Hamilton and Asociația Accept v Inspectoratul General pentru Imigrări, Ministerul Afacerilor Interne and Consiliul Național pentru Combaterea Discriminării - REQUEST for a preliminary ruling under Article 267 TFEU from the Curtea Constituțională (Constitutional Court, Romania) - Reference for a preliminary ruling — **Citizenship of the Union** — Article 21 TFEU — **Right of Union citizens to move and reside freely in the territory of the Member States** — Directive 2004/38/EC — Article 3 — **Beneficiaries — Family members of the Union citizen** — Article 2(2)(a) — Definition of 'spouse' — **Marriage between persons of the same sex** — Article 7 — **Right of residence for more than three months — Fundamental rights**

[CURIA – Judgment of the Court of Justice in Case C-673/16 of 5 June 2018](#)

Case C-612/15: JUDGMENT OF THE COURT (Grand Chamber) of 5 June 2018 - Nikolay Kolev, Milko Hristov and Stefan Kostadinov - REQUEST for a preliminary ruling under Article 267 TFEU from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Article 325 TFEU — **Fraud or any other illegal activities affecting the financial interests of the European Union in customs matters** — Effectiveness of prosecution — **Closure of criminal proceedings — Reasonable time** — Directive 2012/13/EU — **Right of a person to be informed of the charges against him — Right of access to case materials** — Directive 2013/48/EU — **Right of access to a lawyer**

[CURIA – Judgment of the Court of Justice in Case C-612/15 of 5 June 2018](#)

Affaire C-73/17: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 5 juin 2018 - République française contre Parlement européen - Recours en annulation — **Siège des institutions — Parlement européen** — Exercice du pouvoir budgétaire — **Sessions plénières ordinaires à Strasbourg ou sessions plénières additionnelles à Bruxelles — Demande de maintien des effets juridiques en cas d'annulation**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-73/17 du 5 juin 2018](#)

Case C-244/17: OPINION OF ADVOCATE GENERAL KOKOTT of 31 May 2018 - European Commission v Council of the European Union - Action for annulment — Council Decision (EU) 2017/477 — **Choice of the correct legal basis — Demarcation between the common foreign and security policy and the communitised policies — Agreement on Enhanced Partnership and Cooperation with the Republic of Kazakhstan** — Adoption of the Rules of Procedure of the Cooperation Council and establishment of specialised subcommittees — **Decision on the position to be adopted by the European Union within the Cooperation Council — Voting in the Council of the European Union with unanimity or by qualified majority** (Article 218(8) and (9) TFEU, Article 16(3) TEU and Article 31(1) TEU)

[CURIA – Opinion of Advocate General in Case C-244/17 of 31 May 2018](#)

Joined Cases C-626/15 and C-659/16: OPINION OF ADVOCATE GENERAL KOKOTT of 31 May 2018 -European Commission v Council of the European Union -Action for annulment — **Choice of correct legal basis — Exclusive competence, shared competence or supplementary competence of the European Union** — The Union acting alone in an international body or Member States participating alongside the Union — **Conservation of marine biological resources — Fisheries — Protection of the environment** — Research — Marine protected area (MPA) — Antarctic — Weddell Sea and Ross Sea — Decision of the Permanent Representatives Committee (Coreper) — Challengeable act

[CURIA – Opinion of Advocate General in Case C-626/15 of 31 May 2018](#)

Case C-370/16: JUDGMENT OF THE COURT (Third Chamber) of 30 May 2018 - Bruno Dell'Acqua v Eurocom Srl, Regione Lombardia and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Novara (District Court, Novara, Italy) - Reference for a preliminary ruling — **Privileges and immunities of the European Union** — Protocol No 7 — Article 1 — **Whether or not prior authorisation from the Court is necessary** — Structural Funds — EU financial assistance — **Attachment proceedings against a national authority to attach sums deriving from that assistance**

CURIA – Judgment of the Court of Justice in Case C-370/16 of 30 May 2018

Case C-390/17 P: JUDGMENT OF THE COURT (Seventh Chamber) of 30 May 2018 - Irit Azoulay, residing in Brussels (Belgium), Andrew Boreham, residing in Wansin-Hannut (Belgium), Mirja Bouchard, residing in Villers-la-Ville (Belgium) and Darren Neville, residing in Ohain (Belgium) v European Parliament - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Civil service — Remuneration — Family allowances — Education allowance — Refusal to reimburse education costs** — Article 3(1) of Annex VII to the Staff Regulations of officials of the European Union

CURIA – Judgment of the Court of Justice in Case C-390/17 of 30 May 2018