



Institut suisse de droit comparé
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EU News: Click & Read

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

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

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Case C-294/15: JUDGMENT OF THE COURT (Second Chamber) of 13 October 2016 - Edyta Mikołajczyk v Marie Louise Czarnecka and Stefan Czarnecki - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Warszawie (Court of Appeal, Warsaw, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 1(1)(a) — Material scope — **Action for annulment of marriage brought by a third party after the death of one of the spouses** — Article 3(1) — **Jurisdiction of the courts of the Member State of residence of the 'applicant'** — Scope
[CURIA – Judgment of the Court of Justice in Case C-294/15 of 13 October 2016](#)

Case C-439/16 PPU: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Emil Milev - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Special court for criminal cases, Bulgaria) - Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in criminal matters** — Directive 2016/343/EU — Articles 3 and 6 — **Temporal application — Review by the courts of the remand in custody pending trial of an accused — National legislation prohibiting, during the trial stage of the proceedings, inquiry into whether there are reasonable grounds to suspect that the accused has committed an offence — Incompatibility with Article 5(1)(c) and (4) of the European Convention on Human Rights** — Discretion left by the national case-law to the national courts to decide whether or not to apply that convention
[CURIA – Judgment of the Court of Justice in Case C-439/16 of 27 October 2016](#)

Case C-582/14: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2016 - Patrick Breyer v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU, from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Processing of personal data** — Directive 95/46/EC — Article 2(a) — Article 7(f) — **Definition of 'personal data' — Internet protocol addresses — Storage of data by an online media services provider — National legislation not permitting the legitimate interest pursued by the controller to be taken into account**
[CURIA – Judgment of the Court of Justice in Case C-582/14 of 19 October 2016](#)

1. EU-Swiss Relations

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

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2016/1873 of 10 October 2016 on the **signing, on behalf of the European Union, of the Agreement establishing the EU-LAC International Foundation**
[OJ of the EU, L 288/1 of 22 October 2016](#)

AGREEMENT establishing the **EU-LAC International Foundation**
[OJ of the EU, L 288/3 of 22 October 2016](#)

Case Law

Case C-507/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 26 October 2016 - Agro Foreign Trade & Agency Ltd v Petersime NV - Request for a preliminary ruling from the Rechtbank van Koophandel te Gent (Commercial Court, Ghent, Belgium) - Directive 86/653/EEC – **Commercial agent carrying out activity in Turkey – EU-Turkey Association Agreement** – Article 14 – Additional Protocol – Article 41(1)
[CURIA – Opinion of Advocate General in Case C-507/15 of 26 October 2016](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-114/15: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace) and others - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Pau (Court of Appeal, Pau, France) - Reference for a preliminary ruling – **Free movement of goods** – Articles 34 and 36 TFEU – Quantitative restrictions – **Parallel imports of veterinary medicinal products** – Directive 2001/82/EC – Article 65 – **National system of prior authorisation – Livestock farmers excluded from simplified marketing authorisation procedure – Obligation to hold a wholesale trading authorisation** – Obligation to have an establishment within the Member State of import – **Pharmacovigilance obligations**
[CURIA – Judgment of the Court of Justice in Case C-114/15 of 27 October 2016](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-611/14: JUDGMENT OF THE COURT (Fifth Chamber) of 26 October 2016 - Canal Digital Danmark A/S - REQUEST for a preliminary ruling under Article 267 TFEU from the Retten i Glostrup (Court of Glostrup, Denmark) - Reference for a preliminary ruling – **Unfair commercial practices** – Directive 2005/29/EC – Articles 6 and 7 – **Advertising relating to a satellite TV subscription – Subscription price including, in addition to the monthly subscription charge, a six-monthly charge for the card required for decoding emissions** – Six-monthly charge omitted or presented in a less conspicuous manner than the monthly charge – **Misleading action – Misleading omission** – Transposition of a provision of a directive only in the preparatory work for the national transposing legislation and not in the wording of that legislation itself
[CURIA – Judgment of the Court of Justice in Case C-611/14 of 26 October 2016](#)

Case C-641/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 25 October 2016 - Verwertungsgesellschaft Rundfunk GmbH v Hettegger Hotel Edelweiss GmbH - Request for a preliminary ruling from the Handelsgericht Wien (Commercial Court, Vienna, Austria) - Reference for a preliminary ruling — **Intellectual property** — Directive 2006/115/EC — Article 8(3) — **Exclusive right of broadcasting organisations** — **Communication to the public** — **Places accessible to the public against payment of an entrance fee** — **Television sets installed in hotel rooms**

[CURIA – Opinion of Advocate General in Case C-641/15 of 25 October 2016](#)

Case C-582/14: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2016 - Patrick Breyer v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU, from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Processing of personal data** — Directive 95/46/EC — Article 2(a) — Article 7(f) — **Definition of ‘personal data’** — **Internet protocol addresses** — **Storage of data by an online media services provider** — **National legislation not permitting the legitimate interest pursued by the controller to be taken into account**

[CURIA – Judgment of the Court of Justice in Case C-582/14 of 19 October 2016](#)

Case C-424/15: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2016 - Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros v Administración del Estado - REFERENCE for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/21/EC — Article 3 — **Impartiality and independence of national regulatory authorities** — Institutional reform — **Merger of national regulatory authority with other regulatory authorities** — **Dismissal of the President and a board member of the merged national regulatory authority before the expiry of their terms of office** — Ground for dismissal not provided for under national law

[CURIA – Judgment of the Court of Justice in Case C-424/15 of 19 October 2016](#)

Case C-231/15: JUDGMENT OF THE COURT (Second Chamber) of 13 October 2016 - Prezes Urzędu Komunikacji Elektronicznej and Petrotel sp. z o.o. w Płocku v Polkomtel sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/21/EC — Article 4(1) — **Right of appeal against a decision taken by a national regulatory authority** — **Effective appeal mechanism** — Decision of a national regulatory authority to continue to apply pending the outcome of the appeal — **Temporal effects of a decision of a national court annulling a decision of a national regulatory authority** — **Possibility of annulling a decision of the national regulatory authority with retroactive effect** — **Principles of legal certainty and protection of legitimate expectations**

[CURIA – Judgment of the Court of Justice in Case C-231/15 of 13 October 2016](#)

5. Competition

Case Law

Cases C-414/15 P and C-415/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 27 October 2016 - Stichting Woonlinie, Woningstichting Volksbelang, Stichting Woonstede (C-414/15 P) Stichting Woonpunt, Woningstichting Haag Wonen and Stichting Woonbedrijf (C-415/15 P) v European Commission - Appeals — **State aid** — Article 108 TFEU — **Review of existing aid schemes** — Netherlands aid scheme for social housing corporations — Regulation (EC) No 659/1999 — Article 19, paragraph 1 — **Commission decision rendering the commitments given by a Member State binding** — **Scope of judicial review**

[CURIA – Opinion of Advocate General in Case C-414/15 of 27 October 2016](#)

Case C-590/14 P: JUDGMENT OF THE COURT (Tenth Chamber) of 26 October 2016 - Dimosia Epicheirisi Ilektrismou AE (DEI), established in Athens (Greece) v Alouminion tis Ellados VEAΕ, previously Alouminion AE, established in Maroussi (Greece) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Production of aluminium — Preferential electricity tariff granted by a contract — Decision declaring the aid compatible with the internal market — Termination of the contract — Judicial suspension of the effects of termination of the contract — Decision declaring the aid unlawful — Article 108(3) TFEU — Concepts of ‘existing aid’ and ‘new aid’ — Distinction**
[CURIA – Judgment of the Court of Justice in Case C-590/14 of 26 October 2016](#)

Case C-468/15 P: JUDGMENT OF THE COURT (Ninth Chamber) of 26 October 2016 - PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas) v Council of the European Union, European Commission, Sasol Olefins & Surfactants GmbH, established in Hamburg (Germany) and Sasol Germany GmbH, established in Hamburg (Germany) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Dumping — Implementing Regulations (EU) No 1138/2011 and (EU) No 1241/2012 — Imports of certain fatty alcohols and their blends originating in India, Indonesia and Malaysia — Regulation (EC) No 1225/2009 — Article 2(10)(i) — Adjustment — Functions similar to those of an agent working on a commission basis — First subparagraph of Article 2(10) — Symmetry between the normal value and the export price — Principle of sound administration**
[CURIA – Judgment of the Court of Justice in Case C-468/15 of 26 October 2016](#)

Case C-611/14: JUDGMENT OF THE COURT (Fifth Chamber) of 26 October 2016 - Canal Digital Danmark A/S - REQUEST for a preliminary ruling under Article 267 TFEU from the Retten i Glostrup (Court of Glostrup, Denmark) - Reference for a preliminary ruling — **Unfair commercial practices — Directive 2005/29/EC — Articles 6 and 7 — Advertising relating to a satellite TV subscription — Subscription price including, in addition to the monthly subscription charge, a six-monthly charge for the card required for decoding emissions — Six-monthly charge omitted or presented in a less conspicuous manner than the monthly charge — Misleading action — Misleading omission — Transposition of a provision of a directive only in the preparatory work for the national transposing legislation and not in the wording of that legislation itself**
[CURIA – Judgment of the Court of Justice in Case C-611/14 of 26 October 2016](#)

Case C-211/15 P: JUDGMENT OF THE COURT (First Chamber) of 26 October 2016 - Orange, formerly France Télécom v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — State aid — Aid granted by the French Republic to France Télécom — Reform of the arrangements for financing the retirement pensions of civil servants working for France Télécom — Reduction of the compensation to be paid to the State by France Télécom — Decision declaring the aid compatible with the internal market under certain conditions — Definition of aid — Definition of economic advantage — Selective nature — Adverse effect on competition — Distortion of the facts — No statement of reasons — Substitution of grounds**
[CURIA – Judgment of the Court of Justice in Case C-211/15 of 26 October 2016](#)

Case C-413/14 P: OPINION OF ADVOCATE GENERAL WAHL of 20 October 2016 - Intel Corporation Inc. v European Commission - Appeal — Article 102 TFEU — Abuse of dominant position — Loyalty rebates — Classification as abuse — Applicable legal test — Single and continuous infringement — Rights of the defence — Article 19 of Regulation (EC) No 1/2003 — Interview relating to the subject matter of an investigation — Jurisdiction of the Commission — Implementation — Effects
[CURIA – Opinion of Advocate General in Case C-413/14 of 20 October 2016](#)

Case C-562/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 October 2016 - Carrefour Hypermarchés SAS v ITM Alimentaire International SASU - Request for a preliminary ruling from the cour d’appel de Paris (France) - Reference for a preliminary ruling — **Misleading advertising — Comparative advertising — Directive 2006/114/EC — Article 4(a) and (c) — Advertising comparing the prices of products sold in shops having different formats or sizes — Permissibility — Unfair commercial practices — Directive 2005/29/EC — Article 7 — Misleading omission — Material information**
[CURIA – Opinion of Advocate General in Case C-562/15 of 19 October 2016](#)

6. Customs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1821 of 6 October 2016 **amending** Annex I to Council Regulation (EEC) No 2658/87 on the **tariff and statistical nomenclature and on the Common Customs Tariff**
[OJ of the EU, L 294/1 of 28 October 2016](#)

Case Law

Case C-679/15: OPINION OF ADVOCATE GENERAL WAHL of 26 October 2016 - Ultra-Brag AG v Hauptzollamt Lörrach - Request for a preliminary ruling from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - **Community Customs Code** — Article 202(3) — Article 212a — **Customs debt incurred through the unlawful introduction of goods — Concept of debtor** — Employee of a legal person responsible for the unlawful introduction of the goods — **Attribution of conduct and knowledge of an employee to the employer**

[CURIA – Opinion of Advocate General in Case C-679/15 of 26 October 2016](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COUNCIL DECISION (EU) 2016/1751 of 20 September 2016 on the **conclusion, on behalf of the European Union, of the Amending Protocol to the Agreement between the European Community and the Principality of Andorra** providing for **measures equivalent** to those laid down in Council Directive 2003/48/EC on **taxation of savings income in the form of interest payments**

[OJ of the EU, L 268/38 of 1 October 2016](#)

AMENDING PROTOCOL to the **Agreement between the European Community and the Principality of Andorra** providing for **measures equivalent** to those laid down in Council Directive 2003/48/EC on **taxation of savings income in the form of interest payments**

[OJ of the EU, L 268/40 of 1 October 2016](#)

Community Legislation

COMMISSION REGULATION (EU) 2016/1905 of 22 September 2016 **amending** Regulation (EC) No 1126/2008 **adopting certain international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards **International Financial Reporting Standard 15** (Text with EEA relevance)

[OJ of the EU, L 295/19 of 29 October 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/1904 of 14 July 2016 **supplementing** Regulation (EU) No 1286/2014 of the European Parliament and of the Council with regard to **product intervention** (Text with EEA relevance)

[OJ of the EU, L 295/11 of 29 October 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1868 of 20 October 2016 **amending and correcting Implementing** Regulation (EU) 2015/2450 laying down implementing **technical standards** with regard to the **templates for the submission of information to the supervisory authorities** according to Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 286/35 of 21 October 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1799 of 7 October 2016 laying down **implementing technical standards** with regard to the **mapping of credit assessments of external credit assessment institutions for credit risk** in accordance with Articles 136(1) and 136(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 275/3 of 12 October 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1800 of 11 October 2016 laying down **implementing technical standards** with regard to the **allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps** in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 275/19 of 12 October 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1801 of 11 October 2016 on laying down **implementing technical standards** with regard to the **mapping of credit assessments of external credit assessment institutions for securitisation** in accordance with Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 275/27 of 12 October 2016](#)

Case Law

Case C-126/15: OPINION OF ADVOCATE GENERAL Kokott of 27 October 2016 - European Commission v Portuguese Republic - Tax law — Excise duty on manufactured tobacco — Directive 2008/118/EC — Article 7, the first paragraph of Article 9 and Article 39(3) — **Marketing and sales restriction — Tax markings — Proportionality**

[CURIA – Opinion of Advocate General in Case C-126/15 of 27 October 2016](#)

Case C-195/15: JUDGMENT OF THE COURT (Fifth Chamber) of 26 October 2016 - SCI Senior Home v Gemeinde Wedemark and Hannoversche Volksbank eG - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 5 — **Notion of ‘third parties’ rights in rem’ — Public charge against immovable property to ensure payment of real property tax**

[CURIA – Judgment of the Court of Justice in Case C-195/15 of 26 October 2016](#)

Case C-14/16: OPINION OF ADVOCATE GENERAL WATHELET of 26 October 2016 - Euro Park Service, having assumed the rights and obligations of Cairnbulg Nanteuil v Ministre des finances et des comptes publics - Request for a preliminary ruling from the Conseil d’État (France) - Reference for a preliminary ruling — **Taxation — Common system of taxation applicable to mergers, divisions, transfers of assets and exchanges of shares concerning companies of different Member States** — Directive 90/434/EEC — Article 11 — **Tax evasion or avoidance — Prior approval of the tax authority — Freedom of establishment** — Article 49 TFEU

[CURIA – Opinion of Advocate General in Case C-14/16 of 26 October 2016](#)

Case C-507/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 26 October 2016 - Agro Foreign Trade & Agency Ltd v Petersime NV - Request for a preliminary ruling from the Rechtbank van Koophandel te Gent (Commercial Court, Ghent, Belgium) - Directive 86/653/EEC — **Commercial agent carrying out activity in Turkey – EU-Turkey Association Agreement** – Article 14 – Additional Protocol – Article 41(1)

[CURIA – Opinion of Advocate General in Case C-507/15 of 26 October 2016](#)

Case C-448/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA OF 26 October 2016 - Belgische Staat v Wereldhave Belgium Comm. VA, Wereldhave International NV and Wereldhave NV - Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium) - **Parent companies and subsidiaries of different Member States — Common system of taxation applicable — Corporation tax — Application of Directive 90/435/EEC — Exemption from corporation tax — Free movement of capital**

[CURIA – Opinion of Advocate General in Case C-448/15 of 26 October 2016](#)

Case C-573/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 20 October 2016 - État belge v Oxycure Belgium SA - Request for a preliminary ruling from the Cour d'appel de Liège (Court of Appeal, Liège, Belgium) - Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — **Principle of fiscal neutrality** — **Medical treatment using oxygen** — **Reduced rate of VAT** — **Oxygen cylinders and containers** — **Standard rate of VAT** — **Oxygen concentrator** — Concept of disability

[CURIA – Opinion of Advocate General in Case C-573/15 of 20 October 2016](#)

Case C-24/15: JUDGMENT OF THE COURT (Fourth Chamber) of 20 October 2016 - Josef Plöckl v Finanzamt Schrobenhausen - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht München (Finance Court, Munich, Germany) - Reference for a preliminary ruling — **Taxation** — **Value added tax** — Sixth Directive — Article 28c(A)(a) and (d) — **Transfer of goods within the European Union** — **Right to an exemption** — **Failure to comply with an obligation to provide a VAT identification number issued by the Member State of destination** — No specific evidence of tax evasion — Refusal to grant the exemption — Whether permissible

[CURIA – Judgment of the Court of Justice in Case C-24/15 of 20 October 2016](#)

Case C-303/15: JUDGMENT OF THE COURT (First Chamber) of 13 October 2016 - Naczelnik Urzędu Celnego I w Łodzi v G. M., M. S. and Colin Williams sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU, from the Sąd Okręgowy w Łodzi (Regional Court of Łódź, Poland) - Reference for a preliminary ruling — **Technical regulations in the gambling sector** — Directive 98/34/EC — **Concept of 'technical regulation'** — **Obligation on Member States to notify the European Commission of all draft technical regulations** — Inapplicability of rules classifiable as technical regulations not notified to the Commission

[CURIA – Judgment of the Court of Justice in Case C-303/15 of 13 October 2016](#)

Case C-340/15: JUDGMENT OF THE COURT (Third Chamber) of 12 October 2016 - Christine Nigl and Others v Finanzamt Waldviertel - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesfinanzgericht (Federal Finance Court, Austria) - Reference for a preliminary ruling — **Taxation** — **Value added tax** — Sixth Directive 77/388/EEC — Article 4(1) and (4) — Directive 2006/112/EC — Articles 9 and 11 — **Concept of 'taxable person'** — **Civil-law partnerships selling their products under a common trade mark and through a limited company** — **Concept of 'independent undertaking'** — Refusal of the status of taxable person — Retroactivity — Sixth Directive 77/388 — Article 25 — Directive 2006/112 — Articles 272 and 296 — Flat-rate scheme for farmers — Exclusion from the flat-rate scheme — Retroactivity

[CURIA – Judgment of the Court of Justice in Case C-340/15 of 12 October 2016](#)

Case C-412/15: JUDGMENT OF THE COURT (Third Chamber) of 5 October 2016 - TMD Gesellschaft für transfusionsmedizinische Dienste mbH v Finanzamt Kassel II - Hofgeismar - REQUEST for a preliminary ruling under Article 267 TFEU from the Hessisches Finanzgericht (Finance Court, Hesse, Germany) - Reference for a preliminary ruling — **Taxation** — **Value added tax** — Directive 2006/112/EC — **Exemptions for certain activities in the public interest** — Article 132(1)(d) — **Supplies of human organs, blood and milk** — **Scope** — **Plasma of human blood transformed and used for industrial purposes**

[CURIA – Judgment of the Court of Justice in Case C-412/15 of 5 October 2016](#)

Case C-576/15: JUDGMENT OF THE COURT (Seventh Chamber) of 5 October 2016 - Maya Marinova ET v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' Veliko Tarnovo pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite - REQUEST for a preliminary ruling under Article 267 TFEU from the Administrativen sad Veliko Tarnovo (Administrative Court, Veliko Tarnovo, Bulgaria) - Reference for a preliminary ruling — **Taxation** — **Value added tax** — Directive 2006/112/EC — Article 2(1)(a) — Article 9(1) — Article 14(1) — Articles 73, 80 and 273 — **Principles of fiscal neutrality and proportionality** — **Tax evasion** — **Anomalies in accounting** — **Concealment of supplies and revenue** — **Determination of the taxable amount**

[CURIA – Judgment of the Court of Justice in Case C-576/15 of 5 October 2016](#)

Affaire C-274/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 6 octobre 2016 - Commission européenne contre Grand-Duché de Luxembourg - Droit fiscal – **Taxe sur la valeur ajoutée** – Article 132, paragraphe 1, sous f), de la directive 2006/112/CE – **Exonération des services fournis à leurs membres par certains groupements** – **Fourniture de services directement nécessaires à l'exercice d'une activité exonérée ou non taxable** – **Déduction pour les membres du groupement** – **Agissements d'un membre en son nom propre et pour le compte du groupement**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-274/15 du 6 octobre 2016 \(FR seulement\)](#)

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

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

9. Employment and Social Affairs

Case Law

Case C-465/14: JUDGMENT OF THE COURT (First Chamber) of 27 October 2016 - Raad van bestuur van de Sociale verzekeringsbank v F. Wieland and H. Rothwangl - REQUEST for a preliminary ruling under Article 267 TFEU from the Centrale Raad van Beroep (Higher Social Security Court, Netherlands) - Reference for a preliminary ruling — Articles 18 and 45 TFEU — **Social security for migrant workers** — Regulation (EEC) No 1408/71 — Articles 3 and 94 — Regulation (EC) No 859/2003 — Article 2(1) and (2) — **Old-age and survivor's insurance** — Former seafarers who are nationals of a third country which became a Member State of the European Union in 1995 — **Excluded from entitlement to old-age benefit**
[CURIA – Judgment of the Court of Justice in Case C-465/14 of 27 October 2016](#)

Case C-406/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 27 October 2016 - Petya Milkova v Izpalnitelen direktor Agensiata za privatizatsia i sledprivatizatsionen control - Request for a preliminary ruling from the Varhoven administrativen sad (Supreme Administrative Court, Bulgaria) - Reference for a preliminary ruling — **Social policy — Equal treatment in employment and occupation — National legislation affording special protection to disabled employees in the event of dismissal — No such rules for the benefit of disabled civil servants — Permissibility** — Directive 2000/78/EC — Articles 4 and 7 — United Nations Convention on the Rights of Persons with Disabilities — Article 5(2) — **Extension of the national protective rules to benefit disabled civil servants**
[CURIA – Opinion of Advocate General in Case C-406/15 of 27 October 2016](#)

Case C-337/15 P: OPINION OF ADVOCATE GENERAL WAHL 27 October 2016 - European Ombudsman v Claire Staelen - Appeal — **Non-contractual liability — Handling by the Ombudsman of a complaint concerning the management of a list of suitable candidates in an open competition — Powers of investigation — Duty of care — Non-material harm**
[CURIA – Opinion of Advocate General in Case C-337/15 of 27 October 2016](#)

Case C-269/15: JUDGMENT OF THE COURT (Tenth Chamber) of 26 October 2016 - Rijksdienst voor Pensioenen v Willem Hoogstad and Rijksinstituut voor ziekte- en invaliditeitsverzekering - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van Cassatie (Court of cassation, Belgium) - Reference for a preliminary ruling — **Social security** — Regulation (EEC) No 1408/71 — Article 4 — **Material scope — Deductions from statutory old-age pensions and all other supplementary benefits** — Article 13 — **Determination of the applicable legislation — Residence in another Member State**
[CURIA – Judgment of the Court of Justice in Case C-269/15 of 26 October 2016](#)

Case C-211/15 P: JUDGMENT OF THE COURT (First Chamber) of 26 October 2016 - Orange, formerly France Télécom v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition — State aid — Aid granted by the French Republic to France Télécom — Reform of the arrangements for financing the retirement pensions of civil servants working for France Télécom** — Reduction of the compensation to be paid to the State by France Télécom — **Decision declaring the aid compatible with the internal market under certain conditions — Definition of aid — Definition of economic advantage — Selective nature — Adverse effect on competition — Distortion of the facts** — No statement of reasons — Substitution of grounds
[CURIA – Judgment of the Court of Justice in Case C-211/15 of 26 October 2016](#)

Case C-424/15: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2016 - Xabier Ormaetxea Garai and Bernardo Lorenzo Almendros v Administración del Estado - REFERENCE for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/21/EC — Article 3 — **Impartiality and independence of national regulatory authorities** — Institutional reform — **Merger of national regulatory authority with other regulatory authorities** — **Dismissal of the President and a board member of the merged national regulatory authority before the expiry of their terms of office** — Ground for dismissal not provided for under national law

[CURIA – Judgment of the Court of Justice in Case C-424/15 of 19 October 2016](#)

Case C-135/15: JUDGMENT OF THE COURT (Grand Chamber) of 18 October 2016 - Republik Griechenland v Grigorios Nikiforidis - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Law applicable to an employment contract** — Regulation (EC) No 593/2008 — Article 28 — **Temporal scope** — Article 9 — **Concept of ‘overriding mandatory provisions’** — Application of overriding mandatory provisions of Member States other than the State of the forum — **Legislation of a Member State imposing a reduction in public sector pay because of a budgetary crisis** — Duty of sincere cooperation

[CURIA – Judgment of the Court of Justice in Case C-135/15 of 18 October 2016](#)

Affaire C-466/15: ARRÊT DE LA COUR (quatrième chambre) du 6 octobre 2016 - Jean-Michel Adrien e.a. contre Premier ministre, Ministre des Finances et des Comptes publics et Ministre de la Décentralisation et de la Fonction publique - ayant pour objet une demande de décision préjudicielle au titre de l’article 267 TFUE, introduite par le Conseil d’État (France) - Renvoi préjudiciel — **Libre circulation des travailleurs – Fonctionnaires nationaux détachés au sein d’une institution ou d’un organe de l’Union – Pension de vieillesse – Droit d’option** – Suspension ou maintien de l’affiliation au régime de pension national — **Limitation du cumul de la pension acquise au titre du régime de pension national avec celle acquise au titre du régime de pension de l’Union**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-466/15 du 6 octobre 2016 \(FR seulement\)](#)

Case C-318/15: JUDGMENT OF THE COURT (Fourth Chamber) of 6 October 2016 - Tecnoedi Costruzioni Srl v Comune di Fossano, Ge.Co. Italia SpA, Niccoli Costruzioni Srl and Selva Mercurio Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Piemonte (Piedmont Regional Administrative Court, Italy) - Reference for a preliminary ruling — **Public works contracts** — Directive 2004/18/EC — Article 7(c) — **Threshold amount for public contracts — Threshold not reached — Abnormally low tenders — Automatic exclusion — Discretion of the contracting authority** — Obligations of the contracting authority arising from freedom of establishment, freedom to provide services and the general principle of non-discrimination — **Contracts which may be of certain cross-border interest**

[CURIA – Judgment of the Court of Justice in Case C-318/15 of 6 October 2016](#)

Case C-430/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 5 October 2016 - Secretary of State for Work and Pensions v Tolley (Deceased acting by her personal representative) - Request for a preliminary ruling from the Supreme Court of the United Kingdom - Reference for a preliminary ruling — **Social security for migrant workers — Disability living allowance (‘care’ component)** — Regulation (EEC) No 1408/71 — Article 1(a) — **Concept of ‘employed person or self-employed person’** — Article 4(1)(a) — Cash sickness benefit — Article 13(2)(f) — Applicable law — Article 22(1)(b) and (2) — Whether exportable — Absence of prior authorisation

[CURIA – Opinion of Advocate General in Case C-430/15 of 5 October 2016](#)

10. Energy and Environment

International Agreements

COUNCIL DECISION (EU) 2016/1841 of 5 October 2016 on the **conclusion**, on behalf of the **European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change**

[OJ of the EU, L 282/1 of 19 October 2016](#)

PARIS AGREEMENTOJ of the EU, L 282/4 of 19 October 2016**Case Law**

Case C-290/15: JUDGMENT OF THE COURT (Second Chamber) of 27 October 2016 - Patrice D'Oultremont and Others v Région wallonne and Fédération de l'Énergie d'origine renouvelable et alternative ASBL (EDORA) - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, Belgium) - Reference for a preliminary ruling — **Assessment of the effects of certain plans and programmes on the environment — Directive 2001/42/EC — Articles 2(a) and 3(2)(a) — **Definition of 'plans and programmes'** — Conditions concerning the installation of wind turbines laid down by a regulatory order — Provisions concerning, inter alia, safety, inspection, site restoration and financial collateral and permitted noise levels set having regard to area use**

CURIA – Judgment of the Court of Justice in Case C-290/15 of 27 October 2016

Case C-506/14: JUDGMENT OF THE COURT (Sixth Chamber) of 26 October 2016 - Yara Suomi Oy, Borealis Polymers Oy, Neste Oil Oyj and SSAB Europe Oy v Työ- ja elinkeinoministeriö - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Administrative Supreme Court, Finland) - Reference for a preliminary ruling — **Greenhouse gas emission allowance trading scheme within the European Union — Directive 2003/87/EC — Article 10a — **Method of allocating free allowances — Calculation of the uniform cross-sectoral correction factor** — Decision 2013/448/EU — Article 4 — Annex II - Validity — **Application of uniform cross-sectoral correction factor to facilities in sectors which are deemed to be exposed to a significant risk of carbon leakage — Determination of the product benchmark for hot metal** — Decision 2011/278/EU — Article 10(9) — Annex I — Validity**

CURIA – Judgment of the Court of Justice in Case C-506/14 of 26 October 2016

Case C-60/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 19 October 2016 - Saint-Gobain Glass Deutschland GmbH v European Commission - Appeal — **Access to environmental information — Aarhus Convention — Article 4(4)(a) — **Grounds for refusal of access — Confidentiality of the proceedings of public authorities** — Regulation (EC) No 1367/2006 — Article 6(1) — Regulation (EC) No 1049/2001— Article 4(3) and (5) — **Protection of the decision-making process of an institution — Objection by the Member State — Information on installations affected by the procedure for the allocation of greenhouse gas emission allowances — Partial refusal of access****

CURIA – Opinion of Advocate General in Case C-60/15 of 19 October 2016**11. Food Safety, Public Health and Consumers****International Agreements**

COUNCIL DECISION (EU) 2016/1892 of 10 October 2016 on the **signing**, on behalf of the **European Union**, and **provisional application of the International Agreement on Olive Oil and Table Olives, 2015**

OJ of the EU, L 293/2 of 28 October 2016

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT INTERNATIONAL AGREEMENT ON OLIVE OIL AND TABLE OLIVES, 2015

OJ of the EU, L 293/4 of 28 October 2016

COUNCIL DECISION (EU) 2016/1749 of 17 June 2016 on the **conclusion**, on behalf of the **European Union**, of the **Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control**, with the **exception of its provisions falling within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union**

OJ of the EU, L 268/1 of 1 October 2016

COUNCIL DECISION (EU) 2016/1750 of 17 June 2016 on the **conclusion, on behalf of the European Union**, of the **Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organisation's Framework Convention on Tobacco Control**, **as regards its provisions on obligations related to judicial cooperation in criminal matters and the definition of criminal offences**

[OJ of the EU, L 268/6 of 1 October 2016](#)

PROTOCOL to Eliminate Illicit Trade in Tobacco Products

[OJ of the EU, L 268/10 of 1 October 2016](#)

Case Law

Case C-114/15: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace) and others - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Pau (Court of Appeal, Pau, France) - Reference for a preliminary ruling — **Free movement of goods** — Articles 34 and 36 TFEU — Quantitative restrictions — **Parallel imports of veterinary medicinal products** — Directive 2001/82/EC — Article 65 — **National system of prior authorisation** — **Livestock farmers excluded from simplified marketing authorisation procedure** — **Obligation to hold a wholesale trading authorisation** — Obligation to have an establishment within the Member State of import — **Pharmacovigilance obligations**

[CURIA – Judgment of the Court of Justice in Case C-114/15 of 27 October 2016](#)

Case C-276/15: JUDGMENT OF THE COURT (First Chamber) of 26 October 2016 - Hecht-Pharma GmbH v Hohenzollern Apotheke, owned by Winfried Ertelt - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Medicinal products for human use** — Directive 2001/83/EC — Scope — Article 2(1) — **Medicinal products prepared industrially or manufactured by a method involving an industrial process** — Point 2 of Article 3 — **Official formula**

[CURIA – Judgment of the Court of Justice in Case C-276/15 of 26 October 2016](#)

Case C-562/15: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 19 October 2016 - Carrefour Hypermarchés SAS v ITM Alimentaire International SASU - Request for a preliminary ruling from the cour d'appel de Paris (France) - Reference for a preliminary ruling — **Misleading advertising** — **Comparative advertising** — Directive 2006/114/EC — Article 4(a) and (c) — Advertising comparing the prices of products sold in shops having different formats or sizes — Permissibility — **Unfair commercial practices** — Directive 2005/29/EC — Article 7 — **Misleading omission** — **Material information**

[CURIA – Opinion of Advocate General in Case C-562/15 of 19 October 2016](#)

Case C-148/15: JUDGMENT OF THE COURT (First Chamber) of 19 October 2016 - Deutsche Parkinson Vereinigung eV v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Articles 34 TFEU and 36 TFEU — **Free movement of goods** — **National legislation** — **Prescription-only medicinal products for human use** — **Sale by pharmacies** — Setting of fixed prices — **Quantitative restriction on imports** — **Measure having equivalent effect** — Justification — **Protection of the health and life of humans**

[CURIA – Opinion of Advocate General in Case C-148/15 of 19 October 2016](#)

Case C-277/15: JUDGMENT OF THE COURT (First Chamber) of 13 October 2016 - Servoprax GmbH v Roche Diagnostics Deutschland GmbH - REQUEST for a preliminary ruling under Article 267 TFEU, from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — Approximation of laws — **In vitro diagnostic medical devices** — Directive 98/79/EC — **Parallel imports** — **Translation by the importer of the information and instructions for use provided by the manufacturer** — **Supplementary conformity assessment procedure**

[CURIA – Judgment of the Court of Justice in Case C-277/15 of 13 October 2016](#)

12. Human Rights

Case Law

Case C-640/15: OPINION OF ADVOCATE GENERAL BOBEK of 27 October 2016 - Minister for Justice and Equality v Tomas Vilkas - Request for a preliminary ruling from the Court of Appeal (Ireland) - **European arrest warrant — Time limits for surrender of the requested person** — Surrender prevented by circumstances beyond the control of any of the Member States — **Force majeure — Personal behaviour — Possibility to agree on a new surrender date on more than one occasion — Conditions — Article 6 of the Charter of Fundamental Rights of the European Union** — New, reoccurring or persisting circumstances beyond the control of the Member States
[CURIA – Opinion of Advocate General in Case C-640/15 of 27 October 2016](#)

Case C-439/16 PPU: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Emil Milev - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Special court for criminal cases, Bulgaria) - Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in criminal matters** — Directive 2016/343/EU — Articles 3 and 6 — **Temporal application — Review by the courts of the remand in custody pending trial of an accused — National legislation prohibiting, during the trial stage of the proceedings, inquiry into whether there are reasonable grounds to suspect that the accused has committed an offence — Incompatibility with Article 5(1)(c) and (4) of the European Convention on Human Rights** — Discretion left by the national case-law to the national courts to decide whether or not to apply that convention
[CURIA – Judgment of the Court of Justice in Case C-439/16 of 27 October 2016](#)

Case C-429/15: JUDGMENT OF THE COURT (Third Chamber) of 20 October 2016 - Evelyn Danqua v Minister for Justice and Equality, Ireland and Attorney General - REQUEST for a preliminary ruling under Article 267 TFEU from the Court of Appeal (Ireland) - Reference for a preliminary ruling — Directive 2004/83/EC — **Minimum standards for granting refugee status or subsidiary protection status — National procedural rule laying down, for the submission of an application for subsidiary protection, a period of 15 working days from notification of the rejection of the application for asylum — Procedural autonomy of the Member States — Principle of equivalence — Principle of effectiveness** — Proper conduct of the procedure for examining the application for subsidiary protection — Proper conduct of the return procedure — Not compatible
[CURIA – Judgment of the Court of Justice in Case C-429/15 of 20 October 2016](#)

Case C-582/14: JUDGMENT OF THE COURT (Second Chamber) of 19 October 2016 - Patrick Breyer v Bundesrepublik Deutschland - REQUEST for a preliminary ruling under Article 267 TFEU, from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Processing of personal data** — Directive 95/46/EC — Article 2(a) — Article 7(f) — **Definition of ‘personal data’ — Internet protocol addresses — Storage of data by an online media services provider — National legislation not permitting the legitimate interest pursued by the controller to be taken into account**
[CURIA – Judgment of the Court of Justice in Case C-582/14 of 19 October 2016](#)

Case C-60/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 19 October 2016 - Saint-Gobain Glass Deutschland GmbH v European Commission - Appeal — **Access to environmental information — Aarhus Convention** — Article 4(4)(a) — **Grounds for refusal of access — Confidentiality of the proceedings of public authorities** — Regulation (EC) No 1367/2006 — Article 6(1) — Regulation (EC) No 1049/2001– Article 4(3) and (5) — **Protection of the decision-making process of an institution — Objection by the Member State — Information on installations affected by the procedure for the allocation of greenhouse gas emission allowances — Partial refusal of access**
[CURIA – Opinion of Advocate General in Case C-60/15 of 19 October 2016](#)

Case C-439/16 PPU: OPINION OF ADVOCATE GENERAL BOBEK of 11 October 2016 - Emil Milev - Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Urgent preliminary ruling procedure — **Judicial cooperation in criminal matters** — Directive (EU) 2016/343 — **Strengthening of certain aspects of the presumption of innocence** — Articles 3 and 6 — Temporal application — **National legislation prohibiting, during the judicial stage of the proceedings, an examination whether there are reasonable grounds to suspect that the accused has committed a criminal offence** — ‘Opinion’ of a supreme court finding a conflict between the national legislation and Article 5(1)(c) and (4) of the European Convention for the Protection of Human Rights and Fundamental Freedoms — Discretion granted to national courts and tribunals to decide whether or not to apply that Convention
[CURIA – Opinion of Advocate General in Case C-439/16 of 11 October 2016](#)

Case C-218/15: JUDGMENT OF THE COURT (Fifth Chamber) of 6 October 2016 - Gianpaolo Paoletti, Umberto Castaldi, Domenico Faricelli, Antonio Angelucci, Mauro Angelucci, Antonio D’Ovidio, Camillo Volpe, Giampaolo Canzano, Raffaele Di Giovanni and Antonio Della Valle - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale ordinario di Campobasso (District Court, Campobasso, Italy) - Reference for a preliminary ruling — Article 6 TEU — **Article 49 of the Charter of Fundamental Rights of the European Union — Principle of retroactivity of the more lenient criminal law** — Italian nationals having organised the illegal entry into Italy of Romanian nationals — Acts carried out before the accession of Romania to the European Union — Effect of Romania’s accession on the criminal offence of facilitation of illegal immigration — **Implementation of EU law — Jurisdiction of the Court**
[CURIA – Judgment of the Court of Justice in Case C-218/15 of 6 October 2016](#)

13. Internal Market and Single Market

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/1804 of 10 October 2016 on the detailed **rules** for the application of Articles 34 and 35 of Directive 2014/25/EU of the European Parliament and of the Council on **procurement by entities operating in the water, energy, transport and postal services sectors** (notified under document C(2016) 6351) (Text with EEA relevance)
[OJ of the EU, L 275/39 of 12 October 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/1765 of 3 October 2016 on the **identification of ICT Technical Specifications for referencing in public procurement** (Text with EEA relevance)
[OJ of the EU, L 269/20 of 4 October 2016](#)

Case Law

Cases C-414/15 P and C-415/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 27 October 2016 - Stichting Woonlinie, Woningstichting Volksbelang, Stichting Woonstede (C-414/15 P) Stichting Woonpunt, Woningstichting Haag Wonen and Stichting Woonbedrijf (C-415/15 P) v European Commission - Appeals — State aid — Article 108 TFEU — **Review of existing aid schemes** — Netherlands aid scheme for social housing corporations — Regulation (EC) No 659/1999 — Article 19, paragraph 1 — **Commission decision rendering the commitments given by a Member State binding — Scope of judicial review**
[CURIA – Opinion of Advocate General in Case C-414/15 of 27 October 2016](#)

Case C-337/15 P: OPINION OF ADVOCATE GENERAL WAHL 27 October 2016 - European Ombudsman v Claire Staelen - Appeal — **Non-contractual liability — Handling by the Ombudsman of a complaint concerning the management of a list of suitable candidates in an open competition — Powers of investigation — Duty of care — Non-material harm**
[CURIA – Opinion of Advocate General in Case C-337/15 of 27 October 2016](#)

Case C-292/15: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Hörmann Reisen GmbH v Stadt Augsburg and Landkreis Augsburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Vergabekammer Südbayern (Public Procurement Board for Southern Bavaria, Germany) - Reference for a preliminary ruling — **Public procurement — Public passenger transport services by bus** — Regulation (EC) No 1370/2007 — Article 4(7) — **Subcontracting — Requirement that the operator perform a major part of the public passenger transport services itself** — Scope — Article 5(1) — **Contract-award procedure** — Award of the contract in accordance with Directive 2004/18/EC

[CURIA – Judgment of the Court of Justice in Case C-292/15 of 27 October 2016](#)

Case C-220/15: JUDGMENT OF THE COURT (Third Chamber) of 27 October 2016 - European Commission v Federal Republic of Germany - ACTION for failure to fulfil obligations under Article 258 TFEU - Failure of a Member State to fulfil obligations — **Free movement of goods** — Directive 2007/23/EC — **Placing on the market of pyrotechnic articles** — Article 6 — Free movement of pyrotechnical articles compliant with the requirements of Directive 2007/23/EC — National rules making the placing on the market of pyrotechnic articles subject to additional requirements — **Obligation to make a prior notification before a national body entitled to review and modify instructions for use of pyrotechnic articles**

[CURIA – Judgment of the Court of Justice in Case C-220/15 of 27 October 2016](#)

Case C-590/14 P: JUDGMENT OF THE COURT (Tenth Chamber) of 26 October 2016 - Dimosia Epicheirisi Ilektrismou AE (DEI), established in Athens (Greece) v Alouminion tis Ellados VEAΕ, previously Alouminion AE, established in Maroussi (Greece) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Production of aluminium — Preferential electricity tariff granted by a contract — Decision declaring the aid compatible with the internal market** — Termination of the contract — Judicial suspension of the effects of termination of the contract — **Decision declaring the aid unlawful** — Article 108(3) TFEU — **Concepts of ‘existing aid’ and ‘new aid’ — Distinction**

[CURIA – Judgment of the Court of Justice in Case C-590/14 of 26 October 2016](#)

Case C-148/15: JUDGMENT OF THE COURT (First Chamber) of 19 October 2016 - Deutsche Parkinson Vereinigung eV v Zentrale zur Bekämpfung unlauteren Wettbewerbs eV - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — Articles 34 TFEU and 36 TFEU — **Free movement of goods — National legislation — Prescription-only medicinal products for human use — Sale by pharmacies** — Setting of fixed prices — **Quantitative restriction on imports — Measure having equivalent effect** — Justification — **Protection of the health and life of humans**

[CURIA – Opinion of Advocate General in Case C-148/15 of 19 October 2016](#)

Case C-303/15: JUDGMENT OF THE COURT (First Chamber) of 13 October 2016 - Naczelnik Urzędu Celnego I w Łodzi v G. M., M. S. and Colin Williams sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU, from the Sąd Okręgowy w Łodzi (Regional Court of Łódź, Poland) - Reference for a preliminary ruling — **Technical regulations in the gambling sector** — Directive 98/34/EC — **Concept of ‘technical regulation’ — Obligation on Member States to notify the European Commission of all draft technical regulations** — Inapplicability of rules classifiable as technical regulations not notified to the Commission

[CURIA – Judgment of the Court of Justice in Case C-303/15 of 13 October 2016](#)

Case C-92/15: JUDGMENT OF THE COURT (Eighth Chamber) of 12 October 2016 - Sven Mathys v De Grave Antverpia NV - REQUEST for a preliminary ruling under Article 267 TFEU from the hof van beroep te Antwerpen (Court of Appeal, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 96/75/EC — **Systems of chartering and pricing in inland waterway transport** — Scope — Article 1(b) — ‘Carrier’ — Article 2 — **Freedom to conclude contracts and negotiate prices**

[CURIA – Judgment of the Court of Justice in Case C-92/15 of 12 October 2016](#)

Case C-318/15: JUDGMENT OF THE COURT (Fourth Chamber) of 6 October 2016 - Tecnoedi Costruzioni Srl v Comune di Fossano, Ge.Co. Italia SpA, Niccoli Costruzioni Srl and Selva Mercurio Srl - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale amministrativo regionale per il Piemonte (Piedmont Regional Administrative Court, Italy) - Reference for a preliminary ruling — **Public works contracts** — Directive 2004/18/EC — Article 7(c) — **Threshold amount for public contracts** — **Threshold not reached** — **Abnormally low tenders** — **Automatic exclusion** — **Discretion of the contracting authority** — Obligations of the contracting authority arising from freedom of establishment, freedom to provide services and the general principle of non-discrimination — **Contracts which may be of certain cross-border interest**
[CURIA – Judgment of the Court of Justice in Case C-318/15 of 6 October 2016](#)

14. Intellectual Property

Case Law

Case C-537/14 P: JUDGMENT OF THE COURT (Eighth Chamber) of 27 October 2016 - Debonair Trading Internacional Lda v Groupe Léa Nature SA and European Union Intellectual Property Office (EUIPO) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — Article 8(1)(b) and (5) — **Figurative mark including the word elements ‘SO’BiO étic’** — **Opposition by the proprietor of the EU and national word and figurative marks including the word element ‘SO...?’** — **Refusal of registration**
[CURIA – Judgment of the Court of Justice in Case C-537/14 of 27 October 2016](#)

Case C-482/15 P: JUDGMENT OF THE COURT (Tenth Chamber) of 26 October 2016 - Westermann Lernspielverlage GmbH, formerly Westermann Lernspielverlag GmbH, established in Braunschweig (Germany) v European Union Intellectual Property Office (EUIPO) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **EU trade mark application** — **Figurative mark containing the word elements ‘bambino’ and ‘lük’** — Opposition proceedings — **Earlier EU figurative mark containing the word element ‘bambino’** — **Partial refusal of registration** — **Revocation of the earlier mark on which the opposition was based** — Letter from the applicant informing the General Court of that revocation — Refusal of the General Court to add that letter to the case file — Failure to state reasons
[CURIA – Judgment of the Court of Justice in Case C-482/15 of 26 October 2016](#)

Case C-641/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 25 October 2016 - Verwertungsgesellschaft Rundfunk GmbH v Hettegger Hotel Edelweiss GmbH - Request for a preliminary ruling from the Handelsgericht Wien (Commercial Court, Vienna, Austria) - Reference for a preliminary ruling — **Intellectual property** — Directive 2006/115/EC — Article 8(3) — **Exclusive right of broadcasting organisations** — **Communication to the public** — **Places accessible to the public against payment of an entrance fee** — **Television sets installed in hotel rooms**
[CURIA – Opinion of Advocate General in Case C-641/15 of 25 October 2016](#)

Case C-169/15: JUDGMENT OF THE COURT (Third Chamber) of 20 October 2016 - Montis Design BV v Goossens Meubelen BV - REQUEST for a preliminary ruling under Article 267 TFEU from the Benelux Gerechtshof (Benelux Court of Justice) - Reference for a preliminary ruling — **Industrial and commercial property** — **Copyright and related rights** — Directive 93/98/EEC — Article 10(2) — **Term of protection** — **No revival of protection due to Berne Convention**
[CURIA – Judgment of the Court of Justice in Case C-169/15 of 20 October 2016](#)

Case C-166/15: JUDGMENT OF THE COURT (Third Chamber) of 12 October 2016 - Aleksandrs Ranks and others - REQUEST for a preliminary ruling under Article 267 TFEU from the Rīgas apgabaltiesas Kriminālietu tiesu kolēģija (Criminal Law Division of the Riga Regional Court, Latvia) - Reference for a preliminary ruling — **Intellectual property** — **Copyright and related rights** — Directive 91/250/EEC — Article 4(a) and (c) — Article 5(1) and (2) — Directive 2009/24/EC — Article 4(1) and (2) — Article 5(1) and (2) — **Legal protection of computer programs** — **Resale of ‘used’ licensed copies of computer programs on non-original material media** — Exhaustion of the distribution right — **Exclusive right of reproduction**
[CURIA – Judgment of the Court of Justice in Case C-166/15 of 12 October 2016](#)

Case C-572/15: JUDGMENT OF THE COURT (Seventh Chamber) of 5 October 2016 - F. Hoffmann-La Roche AG v Accord Healthcare OÜ - REQUEST for a preliminary ruling under Article 267 TFEU from the Riigikohus (Supreme Court, Estonia) - Reference for a preliminary ruling — **Industrial and commercial property — Patent — Supplementary protection certificate** — Regulation (EC) No 469/2009 — Article 21(2) — Transitional provisions — **Certificate granted in accordance with the national legislation of a Member State prior to its accession to the European Union** — Interpretation of Article 21(2) — **Duration of validity of the certificate** — Validity of Article 21(2) — Adjustment to secondary legislation resulting directly from the Act of Accession — **Lack of jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-572/15 of 5 October 2016](#)

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

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1823 of 10 October 2016 **establishing the forms** referred to in Regulation (EU) No 655/2014 of the European Parliament and of the Council **establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters**

[OJ of the EU, L 283/1 of 19 October 2016](#)

COUNCIL IMPLEMENTING REGULATION (EU) 2016/1792 of 29 September 2016 **replacing Annexes A, B and C** to Regulation (EC) No 1346/2000 on **insolvency proceedings**

[OJ of the EU, L 274/35 of 11 October 2016](#)

Case Law

Case C-613/14: JUDGMENT OF THE COURT (Third Chamber) of 27 October 2016 - James Elliott Construction Limited v Irish Asphalt Limited - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — Article 267 TFEU — **Jurisdiction of the Court — Concept of ‘provision of EU law’** — Directive 89/106/EEC — **Approximation of laws, regulations and administrative provisions of the Member States relating to construction products** — Standard approved by the European Committee for Standardisation (CEN) pursuant to a mandate given by the European Commission — Publication of the standard in the Official Journal of the European Union — Harmonised standard EN 13242:2002 — National standard incorporating harmonised standard EN 13242:2002 — **Contractual dispute between individuals — Method used to establish (non-) compliance of a product with a national standard transposing a harmonised standard ? Date of establishing (non-) compliance of a product with that standard** — Directive 98/34/EC — Procedure for the provision of information in the field of technical standards and regulations — Scope

[CURIA – Judgment of the Court of Justice in Case C-613/14 of 27 October 2016](#)

Case C-551/15: OPINION OF ADVOCATE GENERAL BOBEK of 27 October 2016 - Pula Parking d.o.o. v Sven Klaus Tederahn - Request for a preliminary ruling from the Općinski sud u Puli-Pola (Pula Municipal Court, Croatia) - **Temporal application of EU law – Contract for services – Contract between a publicly owned entity and a private party – Acta iure imperii** – Scope of Regulation (EU) No 1215/2012 – **Notarial and judicial functions – Notion of ‘court or tribunal’**

[CURIA – Opinion of Advocate General in Case C-551/15 of 27 October 2016](#)

Case C-640/15: OPINION OF ADVOCATE GENERAL BOBEK of 27 October 2016 - Minister for Justice and Equality v Tomas Vilkas - Request for a preliminary ruling from the Court of Appeal (Ireland) - **European arrest warrant – Time limits for surrender of the requested person** — Surrender prevented by circumstances beyond the control of any of the Member States — **Force majeure – Personal behaviour – Possibility to agree on a new surrender date on more than one occasion – Conditions – Article 6 of the Charter of Fundamental Rights of the European Union** — New, reoccurring or persisting circumstances beyond the control of the Member States

[CURIA – Opinion of Advocate General in Case C-640/15 of 27 October 2016](#)

Case C-439/16 PPU: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Emil Milev - REQUEST for a preliminary ruling under Article 267 TFEU, from the Spetsializiran nakazatelen sad (Special court for criminal cases, Bulgaria) - Reference for a preliminary ruling — **Urgent preliminary ruling procedure — Judicial cooperation in criminal matters** — Directive 2016/343/EU — Articles 3 and 6 — **Temporal application — Review by the courts of the remand in custody pending trial of an accused — National legislation prohibiting, during the trial stage of the proceedings, inquiry into whether there are reasonable grounds to suspect that the accused has committed an offence — Incompatibility with Article 5(1)(c) and (4) of the European Convention on Human Rights** — Discretion left by the national case-law to the national courts to decide whether or not to apply that convention

[CURIA – Judgment of the Court of Justice in Case C-439/16 of 27 October 2016](#)

Case C-428/15: JUDGMENT OF THE COURT (Third Chamber) of 27 October 2016 - Child and Family Agency v J. D. and R. P. D. - REQUEST for a preliminary ruling under Article 267 TFEU from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 15 — **Transfer of a case to a court of another Member State** — Scope — **Conditions under which applicable — Court better placed — Best interests of the child**

[CURIA – Judgment of the Court of Justice in Case C-428/15 of 27 October 2016](#)

Case C-195/15: JUDGMENT OF THE COURT (Fifth Chamber) of 26 October 2016 - SCI Senior Home v Gemeinde Wedemark and Hannoversche Volksbank eG - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (EC) No 1346/2000 — Article 5 — **Notion of ‘third parties’ rights in rem’ — Public charge against immovable property to ensure payment of real property tax**

[CURIA – Judgment of the Court of Justice in Case C-195/15 of 26 October 2016](#)

Affaire C-477/16 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 19 octobre 2016 - Openbaar Ministerie contre Ruslanas Kovalkovas - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d’Amsterdam, Pays-Bas) - **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/7A1 – **Mandat d’arrêt européen – Notion d’“autorité judiciaire” et de “décision judiciaire”** – Mandat d’arrêt européen émis par le ministère de la Justice d’un État membre en vue de l’exécution d’une peine privative de liberté

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-477/16 du 19 octobre 2016 \(FR seulement\)](#)

Affaire C-453/16 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 19 octobre 2016 - Openbaar Ministerie contre Halil Ibrahim Özçelik - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d’Amsterdam, Pays-Bas) - **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d’arrêt européen** – Article 8, paragraphe 1, sous c) – **Notion de “ mandat d’arrêt ou de toute autre décision judiciaire ” préalable au mandat d’arrêt européen**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-453/16 du 19 octobre 2016 \(FR seulement\)](#)

Affaire C-452/16 PPU: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 19 octobre 2016 - Openbaar Ministerie contre Krzysztof Marek Poltorak - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d’Amsterdam, Pays-Bas) - **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d’arrêt européen – Notion d’ “autorité judiciaire” et de “décision judiciaire”**

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-452/16 du 19 octobre 2016 \(FR seulement\)](#)

Case C-501/14: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2016 - EL-EM-2001 Ltd v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU, brought by the Szegedi közigazgatási és munkaügyi bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Road transport** — Regulation (EC) No 561/2006 — Article 10(3) — Articles 18 and 19 — **Fine imposed on the driver — Measures necessary to the execution of the penalty taken against the transport company — Immobilisation of the vehicle**

[CURIA – Judgment of the Court of Justice in Case C-501/14 of 19 October 2016](#)

Case C-135/15: JUDGMENT OF THE COURT (Grand Chamber) of 18 October 2016 - Republik Griechenland v Grigorios Nikiforidis - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesarbeitsgericht (Federal Labour Court, Germany) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Law applicable to an employment contract** — Regulation (EC) No 593/2008 — Article 28 — **Temporal scope** — Article 9 — **Concept of ‘overriding mandatory provisions’** — Application of overriding mandatory provisions of Member States other than the State of the forum — **Legislation of a Member State imposing a reduction in public sector pay because of a budgetary crisis** — Duty of sincere cooperation

[CURIA – Judgment of the Court of Justice in Case C-135/15 of 18 October 2016](#)

Case C-231/15: JUDGMENT OF THE COURT (Second Chamber) of 13 October 2016 - Prezes Urzędu Komunikacji Elektronicznej and Petrotel sp. z o.o. w Płocku v Polkomtel sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Najwyższy (Supreme Court, Poland) - Reference for a preliminary ruling — **Electronic communications networks and services** — Directive 2002/21/EC — Article 4(1) — **Right of appeal against a decision taken by a national regulatory authority — Effective appeal mechanism** — Decision of a national regulatory authority to continue to apply pending the outcome of the appeal — **Temporal effects of a decision of a national court annulling a decision of a national regulatory authority — Possibility of annulling a decision of the national regulatory authority with retroactive effect — Principles of legal certainty and protection of legitimate expectations**

[CURIA – Judgment of the Court of Justice in Case C-231/15 of 13 October 2016](#)

Case C-294/15: JUDGMENT OF THE COURT (Second Chamber) of 13 October 2016 - Edyta Mikołajczyk v Marie Louise Czarnecka and Stefan Czarnecki - REQUEST for a preliminary ruling under Article 267 TFEU from the Sąd Apelacyjny w Warszawie (Court of Appeal, Warsaw, Poland) - Reference for a preliminary ruling — **Judicial cooperation in civil matters — Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility** — Regulation (EC) No 2201/2003 — Article 1(1)(a) — Material scope — **Action for annulment of marriage brought by a third party after the death of one of the spouses** — Article 3(1) — **Jurisdiction of the courts of the Member State of residence of the ‘applicant’** — Scope

[CURIA – Judgment of the Court of Justice in Case C-294/15 of 13 October 2016](#)

Case C-185/15: JUDGMENT OF THE COURT (Third Chamber) of 12 October 2016 - Marjan Kostanjevec v F&S Leasing GmbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 6(3) — **Definition of ‘counterclaim’ — Claim based on unjust enrichment — Payment of a sum due under a decision that has been set aside — Temporal application**

[CURIA – Judgment of the Court of Justice in Case C-185/15 of 12 October 2016](#)

Case C-582/15: OPINION OF ADVOCATE GENERAL BOT of 12 October 2016 - Openbaar Ministerie v Gerrit van Vemde - Request for a preliminary ruling from the rechtbank Amsterdam (District Court, Amsterdam, the Netherlands) - Reference for a preliminary ruling — **Police and judicial cooperation in criminal matters — Mutual recognition of judgments** — Framework Decision 2008/909/JHA — Article 28 — Transitional provision — Declaration by a Member State — **Concept of ‘issuing of the final judgment’**

[CURIA – Opinion of Advocate General in Case C-582/15 of 12 October 2016](#)

Case C-439/16 PPU: OPINION OF ADVOCATE GENERAL BOBEK of 11 October 2016 - Emil Milev - Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Specialised Criminal Court, Bulgaria) - Reference for a preliminary ruling — Urgent preliminary ruling procedure — **Judicial cooperation in criminal matters** — Directive (EU) 2016/343 — **Strengthening of certain aspects of the presumption of innocence** — Articles 3 and 6 — Temporal application — **National legislation prohibiting, during the judicial stage of the proceedings, an examination whether there are reasonable grounds to suspect that the accused has committed a criminal offence — ‘Opinion’ of a supreme court finding a conflict between the national legislation and Article 5(1)(c) and (4) of the European Convention for the Protection of Human Rights and Fundamental Freedoms** — Discretion granted to national courts and tribunals to decide whether or not to apply that Convention

[CURIA – Opinion of Advocate General in Case C-439/16 of 11 October 2016](#)

Case C-601/14: JUDGMENT OF THE COURT (Grand Chamber) of 11 October 2016 - European Commission and Council of the European Union v Italian Republic - - Failure of a Member State to fulfil obligations — Directive 2004/80/EC — Article 12(2) — **National compensation schemes for victims of violent intentional crime guaranteeing fair and appropriate compensation — National scheme not covering all violent intentional crimes committed on the national territory**

[CURIA – Judgment of the Court of Justice in Case C-601/14 of 11 October 2016](#)

Case C-218/15: JUDGMENT OF THE COURT (Fifth Chamber) of 6 October 2016 - Gianpaolo Paoletti, Umberto Castaldi, Domenico Faricelli, Antonio Angelucci, Mauro Angelucci, Antonio D’Ovidio, Camillo Volpe, Giampaolo Canzano, Raffaele Di Giovanni and Antonio Della Valle - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale ordinario di Campobasso (District Court, Campobasso, Italy) - Reference for a preliminary ruling — Article 6 TEU — **Article 49 of the Charter of Fundamental Rights of the European Union — Principle of retroactivity of the more lenient criminal law** — Italian nationals having organised the illegal entry into Italy of Romanian nationals — Acts carried out before the accession of Romania to the European Union — Effect of Romania’s accession on the criminal offence of facilitation of illegal immigration — **Implementation of EU law — Jurisdiction of the Court**

[CURIA – Judgment of the Court of Justice in Case C-218/15 of 6 October 2016](#)

16. Transport

Case Law

Case C-292/15: JUDGMENT OF THE COURT (Fourth Chamber) of 27 October 2016 - Hörmann Reisen GmbH v Stadt Augsburg and Landkreis Augsburg - REQUEST for a preliminary ruling under Article 267 TFEU from the Vergabekammer Südbayern (Public Procurement Board for Southern Bavaria, Germany) - Reference for a preliminary ruling — **Public procurement — Public passenger transport services by bus** — Regulation (EC) No 1370/2007 — Article 4(7) — **Subcontracting — Requirement that the operator perform a major part of the public passenger transport services itself** — Scope — Article 5(1) — **Contract-award procedure** — Award of the contract in accordance with Directive 2004/18/EC

[CURIA – Judgment of the Court of Justice in Case C-292/15 of 27 October 2016](#)

Case C-501/14: JUDGMENT OF THE COURT (Fifth Chamber) of 19 October 2016 - EL-EM-2001 Ltd v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága - REQUEST for a preliminary ruling under Article 267 TFEU, brought by the Szegedi közigazgatási és munkaügyi bíróság (Administrative and Labour Court, Szeged, Hungary) - Reference for a preliminary ruling — **Road transport** — Regulation (EC) No 561/2006 — Article 10(3) — Articles 18 and 19 — **Fine imposed on the driver — Measures necessary to the execution of the penalty taken against the transport company — Immobilisation of the vehicle**

[CURIA – Judgment of the Court of Justice in Case C-501/14 of 19 October 2016](#)

Case C-558/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 19 October 2016 - Alberto José Vieira Azevedo, Maria da Conceição Ferreira da Silva, Carlos Manuel Ferreira Alves, Rui Dinis Ferreira Alves and Vítor José Ferreira Alves v CED Portugal Unipessoal, Lda and Instituto de Seguros de Portugal – Fundo de Garantia Automóvel - Request for a preliminary ruling from the Tribunal da Relação do Porto (Court of Appeal, Porto, Portugal) - **Insurance against civil liability in respect of motor vehicles — Claims representative — Insurance undertaking** — Powers of legal representation — **Injured parties — Member State of residence**

[CURIA – Opinion of Advocate General in Case C-558/15 of 19 October 2016](#)

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

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