



Institut suisse de droit comparé
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100

Highlights

Case C-299/14: JUDGMENT OF THE COURT (First Chamber) of 25 February 2016 - Vestische Arbeit Jobcenter Kreis Recklinghausen v Jovanna García-Nieto, Joel Peña Cuevas, Jovanlis Peña García and Joel Luis Peña Cruz - REQUEST for a preliminary ruling under Article 267 TFEU from the Landessozialgericht Nordrhein-Westfalen (Higher Social Court, North Rhine-Westphalia, Germany) - Reference for a preliminary ruling — **Freedom of movement of persons — Citizenship of the Union — Equal treatment** — Directive 2004/38/EC — Article 24(2) — **Social Assistance** — Regulation (EC) No 883/2004 — Articles 4 and 70 — **Special non-contributory cash benefits — Exclusion of nationals of a Member State during the first three months of residence in the host Member State**

[CURIA – Judgment of the Court of Justice in Case C-299/14 of 25 February 2016](#)

A NEW SETTLEMENT FOR THE UNITED KINGDOM WITHIN THE EUROPEAN UNION **Extract of the conclusions of the European Council of 18-19 February 2016** (1) (2016/C 69 I/01)

[OJ of the EU, C1 69/1 of 23 February 2016](#)

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EU News: Click & Read February 2016

European Documentation Centre

Editor: **Alfredo Santos** Legal Adviser

This monthly 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 both languages.

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

1. EU-Swiss Relations

International Agreements

DECISION No 2/2016 OF THE EU-SWITZERLAND JOINT COMMITTEE of 3 December 2015 **amending Protocol 3** to the **Agreement between the European Economic Community and the Swiss Confederation** concerning the **definition of the concept of ‘originating products’ and methods of administrative cooperation** [2016/121]
[OJ of the EU, L 23/79 of 29 January 2016](#)

DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 16 December 2015 **amending Annexes 1, 3, 4 and 7** to the **Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road** [2016/122]
[OJ of the EU, L 23/82 of 29 January 2016](#)

Community Legislation

REGULATION (EU) 2016/93 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts from the Schengen acquis**
[OJ of the EU, L 26/1 of 2 February 2016](#)

REGULATION (EU) 2016/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters**
[OJ of the EU, L 26/6 of 2 February 2016](#)

REGULATION (EU) 2016/95 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters**
[OJ of the EU, L 26/9 of 2 February 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Opinion of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions **concerning a European Union strategy for the Alpine region** (COM(2015) 366 final) (2016/C 032/03)
[OJ of the EU, C 32/12 of 28 January 2016](#)

2. External Relations / Foreign Policy

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2016/155 of 29 September 2015 **amending Annex II to Regulation (EU) No 1233/2011** of the European Parliament and of the Council on the **application of certain guidelines in the field of officially supported export credits**
[OJ of the EU, L 36/1 of 11 February 2016](#)

Information relating to the **entry into force of the Arrangement between the European Union and the Principality of Liechtenstein on the modalities of its participation in the European Asylum Support Office**
[OJ of the EU, L 28/1 of 4 February 2016](#)

Case Law

Case C-176/13 P: JUDGMENT OF THE COURT (Fifth Chamber) of 18 February 2016 - Council of the European Union v United Kingdom of Great Britain and Northern Ireland, Bank Mellat and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Combating nuclear proliferation** — Restrictive measures taken against the Islamic Republic of Iran — **Freezing of funds of an Iranian bank — Obligation to state reasons — Procedure for the adoption of the act — Manifest error of assessment**

[CURIA – Judgment of the Court of Justice in Case C-176/13 of 18 February 2016](#)

Affaire C-464/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 27 janvier 2016 - SECIL – Companhia Geral de Cal e Cimento SA contre Fazenda Pública - demande de décision préjudicielle formée par le Tribunal Tributário de Lisboa (tribunal fiscal de Lisbonne, Portugal) - Renvoi préjudiciel – **Accord euro-méditerranéen d'association – Accord CE-Tunisie – Accord CE-Liban – Libre circulation des capitaux – Restrictions**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-464/14 du 27 janvier 2016 \(FR seulement\)](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-481/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 4 février 2016 - Jørn Hansson contre Jungpflanzen Grünewald GmbH - demande de décision préjudicielle formée par l'Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Renvoi préjudiciel – **Propriété intellectuelle et industrielle – Protection communautaire des obtentions végétales – Contrefaçon – Règlement (CE) n° 2100/94 – Article 94 – Rémunération équitable – Réparation du préjudice subi par le titulaire – Avantage acquis par le contrevenant** – Article 97 – Application complémentaire du droit national – Directive 2004/48/CE – Article 2, paragraphe 1 – Champ d'application – Article 13 – **Domages et intérêts – Montant forfaitaire – Redevance hypothétique** – Bénéfices réalisés par le contrevenant – Article 14 – Remboursement des frais de justice et autres dépens

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-481/14 du 4 février 2016 \(FR seulement\)](#)

Case C-96/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 28 January 2016 - Saint Louis Sucre, successor in title to Saint Louis Sucre SNC v Directeur général des douanes et droits indirects - Request for a preliminary ruling from the tribunal de grande instance de Nanterre (Regional Court, Nanterre, France) - **Production levies in the sugar sector – Method of calculation – Carry-over of quantities held in stock at end of marketing year** — Treatment on discontinuance of production levies — Entitlement to reimbursement — **Unjust enrichment – Freedom to conduct business**

[CURIA – Opinion of Advocate General in Case C-96/15 of 28 January 2016](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-117/15: OPINION OF ADVOCATE GENERAL BOT of 23 February 2016 - Reha Training Gesellschaft für Sport- und Unfallrehabilitation mbH v Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA) - Request for a preliminary ruling from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Copyright and related rights in the information society** — Scope of Directives 2001/29/EC and 2006/115/EC — **Interpretation of the concept of 'communication to the public' – Broadcasting of television programmes on the premises of a rehabilitation centre**

[CURIA – Opinion of Advocate General in Case C-117/15 of 23 February 2016](#)

Case C-314/14: JUDGMENT OF THE COURT (Fourth Chamber) of 17 February 2016 - Sanoma Media Finland Oy–Nelonen Media v Viestintävirasto - REQUEST for a preliminary ruling under Article 267 TFEU from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — Directive 2010/13/EU — Article 19(1) — **Separation of television advertising and programmes — Split screen** — Article 23(1) and (2) — Limit of 20% per clock hour on the broadcasting time for television advertising spots — **Sponsorship announcements — Other references to a sponsor — ‘Black seconds’**
[CURIA – Judgment of the Court of Justice in Case C-314/14 of 17 February 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Executive Summary of the Opinion of the European Data Protection Supervisor on ‘Meeting the challenges of big data: a call for transparency, user control, data protection by design and accountability’ (The full text of this opinion can be found in English, French and German on the EDPS website www.edps.europa.eu) (2016/C 67/05)
[OJ of the EU, C 67/13 of 20 February 2016](#)

5. Competition

Case Law

Affaire C-446/14 P: ARRÊT DE LA COUR (sixième chambre) du 18 février 2016 - République fédérale d’Allemagne 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 — **Aides d’État – Services d’élimination de carcasses d’animaux et de déchets d’abattoirs – Maintien d’une réserve de capacités en cas d’épizootie – Décision déclarant les aides incompatibles avec le marché intérieur – Service d’intérêt économique général** – Erreur manifeste d’appréciation – Compensation relative à l’obligation de service public – Obligation de motivation
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-446/14 du 18 février 2016 \(FR seulement\)](#)

Case C-526/14: OPINION OF ADVOCATE GENERAL WAHL of 18 February 2016 - Kotnik and Others - Request for a preliminary ruling from the Ustavno sodišče (Constitutional Court, Slovenia) - **State aids — Banking Communication — Burden-sharing** — Directive 2001/24/EC — **Reorganisation measures** — Directive 2012/30/EU — Pafitis case-law — Directive 2014/59/EU
[CURIA – Opinion of Advocate General in Case C-526/14 of 18 February 2016](#)

Joined Cases C-659/13 and C-34/14: JUDGMENT OF THE COURT (Fourth Chamber) of 4 February 2016 - C & J Clark International Ltd The Commissioners for Her Majesty’s Revenue & Customs (C-659/13) and Puma SE v Hauptzollamt Nürnberg (C-34/14) - REQUESTS for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) (United Kingdom) and the Finanzgericht München (Finance Court, Munich, Germany) - References for a preliminary ruling — Admissibility — **Dumping — Imports of footwear with uppers of leather originating in China and Vietnam** — Validity of Regulation (EC) No 1472/2006 and Implementing Regulation (EU) No 1294/2009 — **WTO Anti-Dumping Agreement** — Regulation (EC) No 384/96 — Article 2(7) — **Determination of dumping — Imports from non-market economy countries — Claims for market economy treatment — Time limit** — Article 9(5) and (6) — Claims for individual treatment — Article 17 — Sampling — Article 3(1), (5) and (6), Article 4(1) and Article 5(4) — Cooperation of the Union industry — Article 3(2) and (7) — Determination of injury — Other known factors — Community Customs Code — Article 236(1) and (2) — Repayment of duties not legally owed — Time limit — **Unforeseeable circumstances or force majeure — Invalidity of a regulation which imposed anti-dumping duties**
[CURIA – Judgment of the Court of Justice in Case C-659/13 of 4 February 2016](#)

Case C-211/15 P: OPINION OF ADVOCATE GENERAL WAHL of 4 February 2016 - Orange SA, formerly France Télécom v European Commission - Appeal — Aid implemented by the French Republic in favour of France Télécom relating to the reform of the arrangements for financing the pensions of civil servants working for France Télécom — Reduction in the compensation payable to the State by France Télécom — Decision declaring the aid compatible with the internal market on certain conditions — Existence of an advantage — Relevant reference framework — Whether ‘structural disadvantage’ to be taken into account
[CURIA – Opinion of Advocate General in Case C-211/15 of 4 February 2016](#)

Joined Cases C-283/14 and C-284/14: JUDGMENT OF THE COURT (Fourth Chamber) of 28 January 2016 - CM Eurologistik GmbH v Hauptzollamt Duisburg (C-283/14) and Grünwald Logistik Service GmbH (GLS) v Hauptzollamt Hamburg-Stadt (C-284/14) - Requests for a preliminary ruling under Article 267 TFEU from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) and the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - References for a preliminary ruling — Regulation (EU) No 158/2013 — Validity — Anti-dumping duty imposed on imports of certain prepared or preserved citrus fruits originating in China — Effect to be given to a judgment having found a preceding regulation to be invalid — Reopening of the initial investigation to determine the normal value — Reimposition of the anti-dumping duty on the basis of the same data — Investigation period to be taken into account
[CURIA – Judgment of the Court of Justice in Case C-283/14 of 28 January 2016](#)

Affaire C-415/14 P: ARRÊT DE LA COUR (cinquième chambre) du 28 janvier 2016 - Qunitécnica.com – Comércio e Indústria Química SA, établie à Lordelo (Portugal) et José de Mello – Sociedade Gestora de Participações Sociais SA, établie à Lisbonne (Portugal) 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 – Ententes – Marché européen des phosphates pour l’alimentation animale – Amende infligée aux requérantes au terme d’une procédure de transaction – Paiement échelonné de l’amende – Exigence de constituer une garantie bancaire auprès d’une banque disposant d’une notation financière ‘AA’ à long terme – Obligation de motivation
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-415/14 du 28 janvier 2016 \(FR seulement\)](#)

Affaire C-514/14 P: ARRÊT DE LA COUR (neuvième chambre) du 28 janvier 2016 - Éditions Odile Jacob SAS, établie à Paris (France) contre Commission européenne, Lagardère SCA, établie à Paris et Wendel, établie à Paris - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi – Opération de concentration d’entreprises sur le marché de l’édition des livres – Décision adoptée à la suite de l’annulation d’une décision d’agrément du repreneur de certains actifs pour défaut d’indépendance d’un mandataire – Article 266 TFUE – Exécution de l’arrêt d’annulation – Objet du litige – Base légale de la décision litigieuse – Effet rétroactif de celle-ci – Indépendance du repreneur des actifs cédés vis-à-vis du cessionnaire
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-514/14 du 28 janvier 2016 \(FR seulement\)](#)

6. Customs

Case Law

Case C-143/15: JUDGMENT OF THE COURT (Tenth Chamber) of 25 February 2016 - G. E. Security BV v Staatssecretaris van Financiën - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — Common Customs Tariff — Combined Nomenclature — Classification of goods — Headings 8517, 8521, 8531 and 8543 — Product known as a ‘video multiplexer’
[CURIA – Judgment of the Court of Justice in Case C-143/15 of 25 February 2016](#)

Case C-80/15: OPINION OF ADVOCATE GENERAL BOBEK of 18 February 2016 - Robert Fuchs AG v Hauptzollamt Lörrach - Request for a preliminary ruling from the Finanzgericht Baden-Württemberg (Finance Court, Baden-Württemberg, Germany) - Customs Union and Common Customs Tariff — Notion of ‘commercial use’ of a means of transport — Inclusion of paid flights with a flight instructor
[CURIA – Opinion of Advocate General in Case C-80/15 of 18 February 2016](#)

Case C-124/15: JUDGMENT OF THE COURT (First Chamber) of 17 February 2016 - Salutas Pharma GmbH v Hauptzollamt Hanover - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature** — Heading 3004 — **Effervescent tablets containing 500 mg of calcium — Level of substance per recommended daily dose significantly higher than the recommended daily allowance to maintain general health or well-being**

[CURIA – Judgment of the Court of Justice in Case C-124/15 of 17 February 2016](#)

Case C-409/14: OPINION OF ADVOCATE GENERAL KOKOTT of 4 February 2016 - Schenker Nemzetközi Szállítmányozási és Logisztikai Kft.- Reference for a preliminary ruling from the Debreceni Közigazgatási és Munkaügyi Bíróság (Administrative and Employment Court, Debrecen, Hungary) - **Common Customs Tariff — Tariff headings — Classification in the Combined Nomenclature** — Directive 2008/118 — **Importation of excise goods — Customs suspensive procedure** — Effects of a customs declaration referring to an incorrect subheading of the Combined Nomenclature — **Irregularities during the transport of excise goods**

[CURIA – Opinion of Advocate General in Case C-409/14 of 4 February 2016](#)

Case C-96/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 28 January 2016 - Saint Louis Sucre, successor in title to Saint Louis Sucre SNC v Directeur général des douanes et droits indirects - Request for a preliminary ruling from the tribunal de grande instance de Nanterre (Regional Court, Nanterre, France) - **Production levies in the sugar sector — Method of calculation — Carry-over of quantities held in stock at end of marketing year** — Treatment on discontinuance of production levies — Entitlement to reimbursement — **Unjust enrichment — Freedom to conduct business**

[CURIA – Opinion of Advocate General in Case C-96/15 of 28 January 2016](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

International Agreements

COMMISSION DECISION (EU) 2016/255 of 23 February 2016 **amending the Annex to the Monetary Agreement between the European Union and the Vatican City State**

[OJ of the EU, L 47/10 of 24 February 2016](#)

COUNCIL DECISION (EU) 2016/242 of 12 February 2016 on the **signing, 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 45/10 of 20 February 2016](#)

EFTA SURVEILLANCE AUTHORITY DECISION No 38/15/COL of 4 February 2015 adopting a notice: **'Guidelines** on the applicability of Article 53 of the **EEA Agreement to technology transfer agreements'** [2016/196]

[OJ of the EU, L 43/30 of 18 February 2016](#)

DECISION No 2/2016 OF THE EU-SWITZERLAND JOINT COMMITTEE of 3 December 2015 **amending Protocol 3** to the **Agreement between the European Economic Community and the Swiss Confederation** concerning the **definition of the concept of 'originating products' and methods of administrative cooperation** [2016/121]

[OJ of the EU, L 23/79 of 29 January 2016](#)

Community Legislation

DECISION (EU) 2016/245 OF THE EUROPEAN CENTRAL BANK of 9 February 2016 laying down the **rules on procurement** (ECB/2016/2) (recast)

[OJ of the EU, L 45/15 of 20 February 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/200 of 15 February 2016 laying down **implementing technical standards with regard to disclosure of the leverage ratio for institutions**, according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 39/5 of 16 February 2016](#)

DECISION (EU) 2016/187 OF THE EUROPEAN CENTRAL BANK of 11 December 2015 **amending Decision ECB/2013/1** laying down the **framework for a public key infrastructure for the European System of Central Banks** (ECB/2015/46)
[OJ of the EU, L 37/100 of 12 February 2016](#)

DECISION (EU) 2016/188 OF THE EUROPEAN CENTRAL BANK of 11 December 2015 on the **access and use of SSM electronic applications, systems, platforms and services by the European Central Bank and the national competent authorities of the Single Supervisory Mechanism** (ECB/2015/47)
[OJ of the EU, L 37/104 of 12 February 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/165 of 5 February 2016 laying down **technical information for the calculation of technical provisions and basic own funds for reporting** with reference dates from 1 January until 30 March 2016 in accordance with Directive 2009/138/EC of the European Parliament and of the Council (**Solvency II**) (Text with EEA relevance)
[OJ of the EU, L 32/31 of 9 February 2016](#)

DIRECTIVE (EU) 2016/97 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 on **insurance distribution** (recast) (Text with EEA relevance)
[OJ of the EU, L 26/19 of 2 February 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/98 of 16 October 2015 **supplementing Directive 2013/36/EU** of the European Parliament and of the Council with regard to **regulatory technical standards for specifying the general conditions for the functioning of colleges of supervisors** (Text with EEA relevance)
[OJ of the EU, L 21/2 of 28 January 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/99 of 16 October 2015 laying down **implementing technical standards with regard to determining the operational functioning of the colleges of supervisors** according to Directive 2013/36/EU of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 21/21 of 28 January 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/100 of 16 October 2015 laying down **implementing technical standards specifying the joint decision process with regard to the application for certain prudential permissions** pursuant to Regulation (EU) No 575/2013 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 21/45 of 28 January 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/101 of 26 October 2015 **supplementing Regulation (EU) No 575/2013** of the European Parliament and of the Council with regard to **regulatory technical standards for prudent valuation** under Article 105(14) (Text with EEA relevance)
[OJ of the EU, L 21/54 of 28 January 2016](#)

Case Law

Affaire C-22/15: ARRÊT DE LA COUR (quatrième chambre) du 25 février 2016 - Commission européenne contre Royaume des Pays-Bas - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – **Taxe sur la valeur ajoutée** – Directive 2006/112/CE – **Exonérations** – Article 132, paragraphe 1, sous m) – **Prestations de services ayant un lien étroit avec la pratique du sport ou de l'éducation physique** – Exonération de la location de postes d'amarrage et d'emplacements pour l'entreposage de bateaux aux membres d'associations de sports nautiques dans le cadre d'activités de navigation ou de loisirs qui ne peuvent être assimilées à la pratique du sport ou de l'éducation physique – **Bénéfice de l'exonération limité aux membres d'associations de sports nautiques qui n'emploient pas de salariés pour la fourniture de leurs services** – Exclusion – Article 133, premier alinéa, sous d

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-22/15 du 25 février 2016 \(FR seulement\)](#)

Case C-179/14: JUDGMENT OF THE COURT (Grand Chamber) of 23 February 2016 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Directive 2006/123/EC — Articles 14 to 16 — Article 49 TFEU — **Freedom of establishment** — Article 56 TFEU — **Freedom to provide services** — **Conditions for issuing vouchers entailing a tax advantage which are provided by employers to their employees and may be used for accommodation, leisure and/or meals** — **Restrictions** — **Monopoly**

[CURIA – Judgment of the Court of Justice in Case C-179/14 of 23 February 2016](#)

Case C-200/14 and Case C-288/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 February 2016 - Silvia Georgiana Câmpean v Serviciul Fiscal Municipal Mediaș, formerly Administrația Finanțelor Publice a Municipiului Mediaș and Administrația Fondului pentru Mediu - (Request for a preliminary ruling from the Tribunalul Sibiu (Romania) - Silvia Ciup v Administrația Județeană a Finanțelor Publice Timiș — Direcția Generală Regională a Finanțelor Publice Timișoara - (Request for a preliminary ruling from the Tribunalul Timiș (Romania) - Reference for a preliminary ruling — **Refund of tax wrongly paid — **Principles of equivalence and effectiveness** — **Charter of Fundamental Rights of the European Union** — Articles 17, 20, 21(1) and 47 — **Tax levied in breach of EU law** — **National legislation laying down rules on refunds** — **Enforcement of judicial decisions issued against a public authority** — Refund payable over a period of five years — **Requirement to obtain a judicial decision** — Calculation of interest — Restriction of the possibility of offsetting tax against an outstanding balance — **No possibility of requesting enforcement****

[CURIA – Opinion of Advocate General in Case C-200/14 of 18 February 2016](#)

Case C-479/14: OPINION OF ADVOCATE GENERAL WATHELET of 18 February 2016 - Sabine Hünnebeck v Finanzamt Krefeld - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Free movement of capital** — Articles 63 TFEU and 65 TFEU — **National legislation on the taxation of gifts** — Gift of immovable property situated in the national territory — **National legislation providing for a tax allowance of EUR 400 000 for residents and EUR 2 000 for non-residents** — Existence of an optional scheme allowing any person resident in a Member State of the European Union to benefit from the higher allowance

[CURIA – Opinion of Advocate General in Case C-479/14 of 18 February 2016](#)

Affaire C-516/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme Juliane Kokott du 18 février 2016 - Barlis 06 – Investimentos Imobiliários e Turísticos SA contre Autoridade Tributária e Aduaneira - demande de décision préjudicielle formée par le Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa – CAAD) (Tribunal arbitral en matière fiscale, Portugal) - **Droit fiscal – Taxe sur la valeur ajoutée** – Article 226, points 6 et 7, de la directive 2006/112/CE – **Mentions d'une facture relatives à l'étendue et la nature d'une prestation de services ainsi qu'à la date à laquelle elle a été effectuée** – Article 178, sous a), de la directive 2006/112/CE – **Exercice du droit à déduction** – **Exigence de détention d'une facture remplissant les conditions de l'article 226 de la directive 2006/112/CE**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-516/14 du 18 février 2016 \(FR seulement\)](#)

Case C-526/14: OPINION OF ADVOCATE GENERAL WAHL of 18 February 2016 - Kotnik and Others - Request for a preliminary ruling from the Ustavno sodišče (Constitutional Court, Slovenia) - **State aids — Banking Communication — Burden-sharing** — Directive 2001/24/EC — **Reorganisation measures** — Directive 2012/30/EU — Pafitis case-law — Directive 2014/59/EU

[CURIA – Opinion of Advocate General in Case C-526/14 of 18 February 2016](#)

Case C-518/14: OPINION OF ADVOCATE GENERAL BOT of 17 February 2016 - Senatex GmbH v Finanzamt Hannover-Nord - Request for a preliminary ruling from the Niedersächsisches Finanzgericht (Finance Court of Lower Saxony, Germany) - Reference for a preliminary ruling — **Taxation — Value added tax — Deduction of input tax** — Issue of invoices without a tax number or without a VAT identification number — **Legislation of a Member State precluding ex tunc correction of an invoice**

[CURIA – Opinion of Advocate General in Case C-518/14 of 17 February 2016](#)

Case C-300/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 16 February 2016 - Charles Kohll and Sylvie Kohll-Schlessler v Directeur de l'administration des contributions directes - Request for a preliminary ruling from the Tribunal administratif du Luxembourg (Luxembourg) - **Free movement of persons — Worker — Equal treatment — Income tax — National pensions and pensions acquired in another Member State — Tax credit reserved to certain pensions** — Tax deduction document issued by the national authority

[CURIA – Opinion of Advocate General in Case C-300/15 of 16 February 2016](#)

Affaire C-81/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 28 janvier 2016 - Kapnoviomichania Karelia AE contre Ypourgos Oikonomikon - demande de décision préjudicielle formée par le Symvoulio tis Epikrateias (Conseil d'État, Grèce) - Renvoi préjudiciel — **Fiscalité — Droits d'accises** — Directive 92/12/CEE — **Responsabilité de l'entrepositaire agréé — Possibilité pour les États membres de rendre l'entrepositaire agréé solidairement responsable du paiement des sanctions pécuniaires infligées aux auteurs d'une contrebande**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-81/15 du 28 janvier 2016 \(FR seulement\)](#)

Case C-122/15: OPINION OF ADVOCATE GENERAL KOKOTT of 28 January 2016 – C - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - **Tax legislation — National law on income tax** — Article 21(1) of the **Charter of Fundamental Rights** — Directive 2000/78/EC — **Discrimination on the ground of age — Supplementary tax on income from a retirement pension**

[CURIA – Opinion of Advocate General in Case C-122/15 of 28 January 2016](#)

Case C-64/15: JUDGMENT OF THE COURT (Sixth Chamber) of 28 January 2016 - BP Europa SE v Hauptzollamt Hamburg-Stadt - REQUEST for a preliminary ruling under Article 267 TFEU, from the Bundesfinanzhof (Federal Finance Court, Germany) - Reference for a preliminary ruling — **Taxation — General arrangements for excise duty** — Directive 2008/118/EC — **Occurrence of an irregularity during a movement of excise goods — Movement of goods under a duty suspension arrangement — Goods missing on delivery** — Levying of excise duty in the absence of proof of destruction or loss of the goods

[CURIA – Judgment of the Court of Justice in Case C-64/15 of 28 January 2016](#)

Affaire C-464/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 27 janvier 2016 - SECIL – Companhia Geral de Cal e Cimento SA contre Fazenda Pública - demande de décision préjudicielle formée par le Tribunal Tributário de Lisboa (tribunal fiscal de Lisbonne, Portugal) - Renvoi préjudiciel — **Accord euro-méditerranéen d'association — Accord CE-Tunisie — Accord CE-Liban — Libre circulation des capitaux — Restrictions**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-464/14 du 27 janvier 2016 \(FR seulement\)](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

GUIDELINE (EU) 2016/256 OF THE EUROPEAN CENTRAL BANK of 5 February 2016 concerning the extension of common rules and minimum standards to protect the confidentiality of the statistical information collected by the European Central Bank assisted by the national central banks to national competent authorities of participating Member States and to the European Central Bank in its supervisory functions (ECB/2016/1)

[OJ of the EU, L 47/16 of 24 February 2016](#)

GUIDELINE (EU) 2016/231 OF THE EUROPEAN CENTRAL BANK of 26 November 2015 amending **Guideline ECB/2011/23** on the **statistical reporting requirements of the European Central Bank in the field of external statistics** (ECB/2015/39)

[OJ of the EU, L 41/28 of 18 February 2016](#)

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

Case Law

Case C-233/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 January 2016 - **European Commission v Kingdom of the Netherlands - Freedom of movement of citizens of the Union — Equal treatment** — Access to preferential fares for public transport — **EU students, including Erasmus students** — Articles 18, 20 and 21 TFEU — Article 24 of Directive 2004/38/EC — Admissibility

[CURIA – Opinion of Advocate General in Case C-233/14 of 26 January 2016](#)

9. Employment and Social Affairs

Case Law

Case C-292/14: JUDGMENT OF THE COURT (Fourth Chamber) of 25 February 2016 - Elliniko Dimosio v Stefanos Stroumpoulis, Nikolaos Koumpanos, Panagiotis Renieris, Charalampos Renieris, Ioannis Zacharias, Dimitrios Lazarou and Apostolos Chatzistiriou - REQUEST for a preliminary ruling under Article 267 TFEU from the Simvoulio tis Epikratias (Council of State, Greece) - Reference for a preliminary ruling — Directive 80/987/EEC — **Approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer** — Scope — Outstanding wage claims of seamen working on board a vessel flying the flag of a non-member country — **Employer whose registered office is located in the non-member country — Employment contract subject to the law of the non-member country — Employer declared insolvent in a Member State in which its actual head office is located** — Article 1(2) — Annex, Section II, A — National legislation providing a guarantee in respect of the outstanding wage claims of seaman only if they are abandoned abroad — Level of protection not equivalent to that provided by Directive 80/987

[CURIA – Judgment of the Court of Justice in Case C-292/14 of 25 February 2016](#)

Case C-299/14: JUDGMENT OF THE COURT (First Chamber) of 25 February 2016 - Vestische Arbeit Jobcenter Kreis Recklinghausen v Jovanna García-Nieto, Joel Peña Cuevas, Jovanlis Peña García and Joel Luis Peña Cruz - REQUEST for a preliminary ruling under Article 267 TFEU from the Landessozialgericht Nordrhein-Westfalen (Higher Social Court, North Rhine-Westphalia, Germany) - Reference for a preliminary ruling — **Freedom of movement of persons — Citizenship of the Union — Equal treatment** — Directive 2004/38/EC — Article 24(2) — **Social Assistance** — Regulation (EC) No 883/2004 — Articles 4 and 70 — **Special non-contributory cash benefits — Exclusion of nationals of a Member State during the first three months of residence in the host Member State**

[CURIA – Judgment of the Court of Justice in Case C-299/14 of 25 February 2016](#)

Affaire C-159/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 25 février 2016 - **Franz Lesar contre Beim Vorstand der Telekom Austria AG eingerichtetes Personalamt** - demande de décision préjudicielle formée par le Verwaltungsgerichtshof (Cour administrative, Autriche) - Renvoi préjudiciel – **Politique sociale** – Directive 2000/78/CE – **Égalité de traitement en matière d'emploi et de travail** – Article 2, paragraphes 1 et 2, sous a) – Article 6, paragraphe 2 – **Détermination des droits de pension des anciens fonctionnaires – Périodes d'apprentissage ou d'emploi contractuel pour lesquelles des cotisations à l'assurance pension obligatoire ont dû être versées** – Prise en compte – **Exclusion de telles périodes accomplies avant d'avoir atteint l'âge de 18 ans**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-159/15 du 25 février 2016 \(FR seulement\)](#)

Case C-300/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 16 February 2016 - Charles Kohll and Sylvie Kohll-Schlesser v Directeur de l'administration des contributions directes - Request for a preliminary ruling from the Tribunal administratif du Luxembourg (Luxembourg) - **Free movement of persons — Worker — Equal treatment — Income tax — National pensions and pensions acquired in another Member State — Tax credit reserved to certain pensions** — Tax deduction document issued by the national authority
[CURIA – Opinion of Advocate General in Case C-300/15 of 16 February 2016](#)

Case C-465/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 4 February 2016 - Raad van bestuur van de Sociale verzekeringsbank v F. Wieland and H. Rothwangl - Request for a preliminary ruling from the Centrale Raad van Beroep (Higher Social Security Court, Netherlands) - **Social security** — Articles 18 and 45 TFEU — Regulation (EEC) No 1408/71 — Articles 2, 3 and 94(1) to (3) — Regulation (EC) No 859/2003 — Article 2(1) to (3) — **Old-age pension benefits — National legislation excluding former seafarers from insurance** — Determination of claimant's rights prior to the accession to the European Union of his State of nationality
[CURIA – Opinion of Advocate General in Case C-465/14 of 4 February 2016](#)

Case C-122/15: OPINION OF ADVOCATE GENERAL KOKOTT of 28 January 2016 – C - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - **Tax legislation — National law on income tax** — Article 21(1) of the **Charter of Fundamental Rights** — Directive 2000/78/EC — **Discrimination on the ground of age — Supplementary tax on income from a retirement pension**
[CURIA – Opinion of Advocate General in Case C-122/15 of 28 January 2016](#)

10. Energy and Environment

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2016/172 of 24 November 2015 **supplementing Regulation (EU) No 691/2011** of the European Parliament and of the Council as **regards specification of the energy products** (Text with EEA relevance)
[OJ of the EU, L 33/3 of 10 February 2016](#)

COMMISSION REGULATION (EU) 2016/103 of 27 January 2016 **amending Regulation (EC) No 2099/2002** of the European Parliament and of the Council establishing a Committee on **Safe Seas and the Prevention of Pollution from Ships** (COSS)
[OJ of the EU, L 21/67 of 28 January 2016](#)

Case Law

Affaire C-454/14: ARRÊT DE LA COUR (huitième chambre) du 25 février 2016 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – **Environnement** – Directive 1999/31/CE – Article 14 – **Mise en décharge des déchets – Non-conformité des décharges existantes – Procédure de désaffectation et de gestion après désaffectation**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-454/14 du 25 février 2016 \(FR seulement\)](#)

Case C-557/14: OPINION OF ADVOCATE GENERAL KOKOTT of 25 February 2016 - European Commission v Portuguese Republic - Failure of a Member State to fulfil obligations — Article 260 TFEU — **Failure to comply with a judgment of the Court of Justice** — Judgment in Commission v Portugal (C-530/07, EU:C:2009:292) — Directive 91/271/EEC — **Urban waste water treatment — Financial penalties — Imposition of a penalty payment and a lump sum payment — Gradual reduction of the penalty payment**
[CURIA – Opinion of Advocate General in Case C-557/14 of 25 February 2016](#)

Case C-461/14: OPINION OF ADVOCATE GENERAL WAHL of 23 February 2016 - European Commission v Kingdom of Spain - Failure of a Member State to fulfil obligations — Level of proof required to establish an infringement — Directive 85/337/EEC — **Environmental impact assessment — High-speed railway — Whether assessment adequate** — Directive 2009/147/EC — **Conservation of wild birds — Special areas of conservation** — Directive 92/43/EEC — **Conservation of natural habitats**

[CURIA – Opinion of Advocate General in Case C-461/14 of 23 February 2016](#)

Affaire C-504/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme Juliane Kokott du 18 février 2016 - Commission européenne contre République hellénique - Protection de la nature – Directive 92/43/CEE – **Protection des habitats naturels ainsi que des espèces sauvages** – Présence des tortues marines *Caretta caretta* dans le golfe de Kyparissia – **Site d'importance communautaire 'Dunes de Kyparissia' – Protection des espèces**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-504/14 du 18 février 2016 \(FR seulement\)](#)

Case C-398/14: JUDGMENT OF THE COURT (Second Chamber) of 28 January 2016 - European Commission v Portuguese Republic - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Directive 91/271/EEC — **Urban waste water treatment** — Article 4 — **Secondary treatment or equivalent** — Annex I, Sections B and D

[CURIA – Judgment of the Court of Justice in Case C-398/14 of 28 January 2016](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION DELEGATED REGULATION (EU) 2016/161 of 2 October 2015 **supplementing Directive 2001/83/EC** of the European Parliament and of the Council by laying down **detailed rules for the safety features appearing on the packaging of medicinal products for human use** (Text with EEA relevance)

[OJ of the EU, L 32/1 of 9 February 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/127 of 25 September 2015 **supplementing Regulation (EU) No 609/2013** of the European Parliament and of the Council as regards the **specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding** (Text with EEA relevance)

[OJ of the EU, L 25/1 of 2 February 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/128 of 25 September 2015 **supplementing Regulation (EU) No 609/2013** of the European Parliament and of the Council as regards the **specific compositional and information requirements for food for special medical purposes** (Text with EEA relevance)

[OJ of the EU, L 25/30 of 2 February 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/129 of 1 February 2016 **amending Regulation (EU) No 37/2010** as regards the **substance 'Purified semi-solid extract from *Humulus lupulus* L. containing approximately 48 % of beta acids (as potassium salts)'** (Text with EEA relevance)

[OJ of the EU, L 25/44 of 2 February 2016](#)

Case Law

Case C-49/14: JUDGMENT OF THE COURT (First Chamber) of 18 February 2016 - Finanmadrid EFC SA v Jesús Vicente Albán Zambrano, María Josefa García Zapata, Jorge Luis Albán Zambrano and Miriam Elisabeth Caicedo Merino - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia No 5 de Cartagena (Court of First Instance, Cartagena, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms — Order for payment procedure — Enforcement proceedings — Powers of the national court responsible for enforcement to raise of its own motion the fact that the unfair term is invalid — Principle of res judicata** — Principle of effectiveness — **Charter of Fundamental Rights of the European Union — Judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-49/14 of 18 February 2016](#)

Affaire C-446/14 P: ARRÊT DE LA COUR (sixième chambre) du 18 février 2016 - République fédérale d'Allemagne 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 – **Aides d'État – Services d'élimination de carcasses d'animaux et de déchets d'abattoirs – Maintien d'une réserve de capacités en cas d'épizootie – Décision déclarant les aides incompatibles avec le marché intérieur – Service d'intérêt économique général** – Erreur manifeste d'appréciation – Compensation relative à l'obligation de service public – Obligation de motivation
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-446/14 du 18 février 2016 \(FR seulement\)](#)

Affaire C-19/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK Saugmandsgaard Øe du 18 février 2016 - Verband Sozialer Wettbewerb e.V. contre Innova Vital GmbH - demande de décision préjudicielle formée par le Landgericht München I (tribunal régional de Munich I, Allemagne) - Renvoi préjudiciel – **Protection des consommateurs** – Règlement (CE) n° 1924/2006 – Article 1er, paragraphe 2 – Champ d'application – **Allégations nutritionnelles et de santé portant sur des denrées alimentaires destinées à être fournies en tant que telles au consommateur final – Allégations figurant dans des communications à caractère commercial adressées exclusivement à des professionnels**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-19/15 du 18 février 2016 \(FR seulement\)](#)

Case C-124/15: JUDGMENT OF THE COURT (First Chamber) of 17 February 2016 - Salutas Pharma GmbH v Hauptzollamt Hanover - REQUEST for a preliminary ruling under Article 267 TFEU from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature** — Heading 3004 — **Effervescent tablets containing 500 mg of calcium — Level of substance per recommended daily dose significantly higher than the recommended daily allowance to maintain general health or well-being**
[CURIA – Judgment of the Court of Justice in Case C-124/15 of 17 February 2016](#)

Affaire C-421/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 2 février 2016 - Banco Primus SA contre Jesús Gutiérrez García - demande de décision préjudicielle formée par le Juzgado de Primera Instancia n° 2 de Santander (tribunal de première instance n° 2 de Santander, Espagne) - **Clauses abusives dans les contrats conclus avec les consommateurs** – Directive 93/13/CEE – **Contrat de prêt hypothécaire – Disposition nationale transitoire prévoyant un délai de forclusion pour introduire un incident d'opposition à l'exécution fondé sur le caractère abusif d'une clause** – Principe d'effectivité – Clause d'échéance anticipée – **Clause relative au calcul des intérêts ordinaires – Obligations du juge national**
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-421/14 du 2 février 2016 \(FR seulement\)](#)

Case C-50/14: JUDGMENT OF THE COURT (Fifth Chamber) of 28 January 2016 - Consorzio Artigiano Servizio Taxi e Autonoleggio (CASTA) and Others v Azienda Sanitaria Locale di Ciriè, Chivasso e Ivrea (ASL TO4), Regione Piemonte, Associazione Croce Bianca del Canavese and Others, Associazione Nazionale Pubblica Assistenza (ANPAS) and Comitato Regionale Liguria - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Amministrativo Regionale per il Piemonte (Regional Administrative Court of Piedmont, Italy) - Reference for a preliminary ruling — **Public contracts** — Articles 49 TFEU and 56 TFEU — Directive 2004/18/CE — **Medical transport services — National legislation authorising regional health authorities to entrust medical transport activities to registered voluntary associations fulfilling the legal requirements, directly and without advertising, by means of reimbursement of the expenditure incurred** — Lawfulness
[CURIA – Judgment of the Court of Justice in Case C-50/14 of 28 January 2016](#)

12. Human Rights

Case Law

Affaire C-614/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 23 février 2016 - Procédure pénale contre Atanas Ognyanov - demande de décision préjudicielle formée par le Sofiyski gradski sad (tribunal de la ville de Sofia, Bulgarie) - Renvoi préjudiciel – Article 267 TFUE – Article 94 du règlement de procédure de la Cour – **Contenu d'une demande de décision préjudicielle et obligations à la charge de la juridiction de renvoi – Exposé du cadre factuel et juridique – Règle nationale qui contraint la juridiction de renvoi à se dessaisir au motif que celle-ci a exposé le cadre factuel et juridique de l'affaire aux fins de l'introduction d'un renvoi préjudiciel devant la Cour – Articles 47 et 48 de la Charte**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-614/14 du 23 février 2016 \(FR seulement\)](#)

Case C-49/14: JUDGMENT OF THE COURT (First Chamber) of 18 February 2016 - Finanmadrid EFC SA v Jesús Vicente Albán Zambrano, María Josefa García Zapata, Jorge Luis Albán Zambrano and Miriam Elisabeth Caicedo Merino - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia No 5 de Cartagena (Court of First Instance, Cartagena, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms — Order for payment procedure — Enforcement proceedings — Powers of the national court responsible for enforcement to raise of its own motion the fact that the unfair term is invalid — Principle of res judicata — Principle of effectiveness — Charter of Fundamental Rights of the European Union — Judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-49/14 of 18 February 2016](#)

Case C-200/14 and Case C-288/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 18 February 2016 - Silvia Georgiana Câmpean v Serviciul Fiscal Municipal Mediaș, formerly Administrația Finanțelor Publice a Municipiului Mediaș and Administrația Fondului pentru Mediu - (Request for a preliminary ruling from the Tribunalul Sibiu (Romania) - Silvia Ciup v Administrația Județeană a Finanțelor Publice Timiș — Direcția Generală Regională a Finanțelor Publice Timișoara - (Request for a preliminary ruling from the Tribunalul Timiș (Romania) - Reference for a preliminary ruling — **Refund of tax wrongly paid — Principles of equivalence and effectiveness — Charter of Fundamental Rights of the European Union — Articles 17, 20, 21(1) and 47 — Tax levied in breach of EU law — National legislation laying down rules on refunds — Enforcement of judicial decisions issued against a public authority — Refund payable over a period of five years — Requirement to obtain a judicial decision — Calculation of interest — Restriction of the possibility of offsetting tax against an outstanding balance — No possibility of requesting enforcement**

[CURIA – Opinion of Advocate General in Case C-200/14 of 18 February 2016](#)

Affaire C-601/15 PPU: ARRÊT DE LA COUR (grande chambre) of 15 février 2016 - J. N. contre Staatssecretaris van Veiligheid en Justitie - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Raad van State (Conseil d'État, Pays-Bas) - Renvoi préjudiciel – Procédure préjudicielle d'urgence – **Normes pour l'accueil des personnes demandant la protection internationale** – Directive 2008/115/CE – **Séjour régulier** – Directive 2013/32/UE – Article 9 – **Droit de rester dans un État membre** – Directive 2013/33/UE – Article 8, paragraphe 3, premier alinéa, sous e) – **Placement en rétention – Protection de la sécurité nationale ou de l'ordre public – Validité – Charte des droits fondamentaux de l'Union européenne** – Articles 6 et 52 – **Limitation – Proportionnalité**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-601/15 du 15 février 2016 \(FR seulement\)](#)

Case C-122/15: OPINION OF ADVOCATE GENERAL KOKOTT of 28 January 2016 – C - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - **Tax legislation — National law on income tax — Article 21(1) of the Charter of Fundamental Rights — Directive 2000/78/EC — Discrimination on the ground of age — Supplementary tax on income from a retirement pension**

[CURIA – Opinion of Advocate General in Case C-122/15 of 28 January 2016](#)

13. Internal Market and Single Market

Case Law

Case C-179/14: JUDGMENT OF THE COURT (Grand Chamber) of 23 February 2016 - European Commission v Hungary - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Directive 2006/123/EC — Articles 14 to 16 — Article 49 TFEU — **Freedom of establishment** — Article 56 TFEU — **Freedom to provide services** — **Conditions for issuing vouchers entailing a tax advantage which are provided by employers to their employees and may be used for accommodation, leisure and/or meals** — **Restrictions** — **Monopoly**

[CURIA – Judgment of the Court of Justice in Case C-179/14 of 23 February 2016](#)

Affaire C-446/14 P: ARRÊT DE LA COUR (sixième chambre) du 18 février 2016 - République fédérale d'Allemagne 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 — **Aides d'État** — **Services d'élimination de carcasses d'animaux et de déchets d'abattoirs** — **Maintien d'une réserve de capacités en cas d'épizootie** — **Décision déclarant les aides incompatibles avec le marché intérieur** — **Service d'intérêt économique général** — Erreur manifeste d'appréciation — Compensation relative à l'obligation de service public — Obligation de motivation

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-446/14 du 18 février 2016 \(FR seulement\)](#)

Case C-479/14: OPINION OF ADVOCATE GENERAL WATHELET of 18 February 2016 - Sabine Hünnebeck v Finanzamt Krefeld - Request for a preliminary ruling from the Finanzgericht Düsseldorf (Finance Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Free movement of capital** — Articles 63 TFEU and 65 TFEU — **National legislation on the taxation of gifts** — Gift of immovable property situated in the national territory — **National legislation providing for a tax allowance of EUR 400 000 for residents and EUR 2 000 for non-residents** — Existence of an optional scheme allowing any person resident in a Member State of the European Union to benefit from the higher allowance

[CURIA – Opinion of Advocate General in Case C-479/14 of 18 February 2016](#)

Case C-526/14: OPINION OF ADVOCATE GENERAL WAHL of 18 February 2016 - Kotnik and Others - Request for a preliminary ruling from the Ustavno sodišče (Constitutional Court, Slovenia) - **State aids** — **Banking Communication** — **Burden-sharing** — Directive 2001/24/EC — **Reorganisation measures** — Directive 2012/30/EU — Pafitis case-law — Directive 2014/59/EU

[CURIA – Opinion of Advocate General in Case C-526/14 of 18 February 2016](#)

Case C-336/14: JUDGMENT OF THE COURT (First Chamber) of 4 February 2016 - Sebat Ince - REQUEST for a preliminary ruling under Article 267 TFEU from the Amtsgericht Sonthofen (Local Court, Sonthofen, Germany) - **Freedom to provide services — Article 56 TFEU — **Games of chance** — **Public monopoly on betting on sporting competitions** — **Prior administrative authorisation** — **Exclusion of private operators** — Collection of bets on behalf of an operator established in another Member State — **Criminal penalties** — National provision contrary to EU law — Exclusion — **Transition to a system providing for the grant of a limited number of licences to private operators** — **Principles of transparency and impartiality** — Directive 98/34/EC — Article 8 — **Technical regulations** — **Rules on services** — **Obligation to notify****

[CURIA – Judgment of the Court of Justice in Case C-336/14 of 4 February 2016](#)

Case C-613/14: OPINION OF ADVOCATE GENERAL CAMPOS SANCHEZ-BORDONA of 28 January 2016 - James Elliott Construction Limited v Irish Asphalt Limited - Request for a preliminary ruling from the Supreme Court of Ireland - Article 267 TFEU — **Jurisdiction of the Court** — **Definition of acts of the institutions** — European Standard EN 13242:2002 published by the European Committee for Standardisation (CEN) pursuant to a mandate given by the Commission — **Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products** — **Transposition of European standard EN 13242:2002 into national law** — Aggregate used in construction — Method and time of establishing whether a product meets that standard — CE marking — Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations — Scope — **Whether a European standard may be relied upon in proceedings between private parties**

[CURIA – Opinion of Advocate General in Case C-613/14 of 28 January 2016](#)

Case C-96/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 28 January 2016 - Saint Louis Sucre, successor in title to Saint Louis Sucre SNC v Directeur général des douanes et droits indirects - Request for a preliminary ruling from the tribunal de grande instance de Nanterre (Regional Court, Nanterre, France) - **Production levies in the sugar sector — Method of calculation — Carry-over of quantities held in stock at end of marketing year — Treatment on discontinuance of production levies — Entitlement to reimbursement — Unjust enrichment — Freedom to conduct business**

[CURIA – Opinion of Advocate General in Case C-96/15 of 28 January 2016](#)

Case C-50/14: JUDGMENT OF THE COURT (Fifth Chamber) of 28 January 2016 - Consorzio Artigiano Servizio Taxi e Autonoleggio (CASTA) and Others v Azienda Sanitaria Locale di Ciriè, Chivasso e Ivrea (ASL TO4), Regione Piemonte, Associazione Croce Bianca del Canavese and Others, Associazione Nazionale Pubblica Assistenza (ANPAS) and Comitato Regionale Liguria - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale Amministrativo Regionale per il Piemonte (Regional Administrative Court of Piedmont, Italy) - Reference for a preliminary ruling — **Public contracts** — Articles 49 TFEU and 56 TFEU — Directive 2004/18/CE — **Medical transport services — National legislation authorising regional health authorities to entrust medical transport activities to registered voluntary associations fulfilling the legal requirements, directly and without advertising, by means of reimbursement of the expenditure incurred** — Lawfulness

[CURIA – Judgment of the Court of Justice in Case C-50/14 of 28 January 2016](#)

Case C-375/14: JUDGMENT OF THE COURT (Third Chamber) of 28 January 2016 - Rosanna Laezza - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunale di Frosinone (District Court, Frosinone, Italy) - Reference for a preliminary ruling — Articles 49 TFEU and 56 TFEU — **Freedom of establishment — Freedom to provide services — Betting and gaming — Judgment of the Court of Justice which declared the national rules on licences for the collection of bets incompatible with EU law** — Reorganisation of the system by way of a new call for tenders — Free-of-charge transfer of the rights to use tangible and intangible assets owned by licensees and which constitute their network for the management and collection of bets. — **Restriction — Overriding reasons in the public interest — Proportionality**

[CURIA – Judgment of the Court of Justice in Case C-375/14 of 28 January 2016](#)

14. Intellectual Property

Case Law

Case C-117/15: OPINION OF ADVOCATE GENERAL BOT of 23 February 2016 - Reha Training Gesellschaft für Sport- und Unfallrehabilitation mbH v Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte (GEMA) - Request for a preliminary ruling from the Landgericht Köln (Regional Court, Cologne, Germany) - Reference for a preliminary ruling — **Copyright and related rights in the information society** — Scope of Directives 2001/29/EC and 2006/115/EC — **Interpretation of the concept of ‘communication to the public’ — Broadcasting of television programmes on the premises of a rehabilitation centre**

[CURIA – Opinion of Advocate General in Case C-117/15 of 23 February 2016](#)

Case C-572/14: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 17 February 2016 - Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Amazon EU Sàrl, Amazon Services Europe Sàrl, Amazon.de GmbH, Amazon Logistik GmbH and Amazon Media Sàrl - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction in civil and commercial matters** — Article 5(3) — **Concept of ‘matters relating to tort, delict or quasi-delict’** — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights in the information society** — Article 5(2)(b) — **Reproduction right — Exceptions and limitations — Reproduction for private use — Fair compensation** — Non-payment — Whether included in the scope of Article 5(3) of Regulation No 44/2001

[CURIA – Opinion of Advocate General in Case C-572/14 of 17 February 2016](#)

Affaire C-481/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 4 février 2016 - Jørn Hansson contre Jungpflanzen Grünewald GmbH - demande de décision préjudicielle formée par l'Oberlandesgericht Düsseldorf (tribunal régional supérieur de Düsseldorf, Allemagne) - Renvoi préjudiciel – **Propriété intellectuelle et industrielle – Protection communautaire des obtentions végétales – Contrefaçon** – Règlement (CE) n° 2100/94 – Article 94 – **Rémunération équitable – Réparation du préjudice subi par le titulaire – Avantage acquis par le contrevenant** – Article 97 – Application complémentaire du droit national – Directive 2004/48/CE – Article 2, paragraphe 1 – Champ d'application – Article 13 – **Dommages et intérêts – Montant forfaitaire – Redevance hypothétique** – Bénéfices réalisés par le contrevenant – Article 14 – Remboursement des frais de justice et autres dépens

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-481/14 du 4 février 2016 \(FR seulement\)](#)

Case C-163/15: JUDGMENT OF THE COURT (Seventh Chamber) of 4 February 2016 - Youssef Hassan v Breiding Vertriebsgesellschaft mbH - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberlandesgericht Düsseldorf (Higher Regional Court, Düsseldorf, Germany) - Reference for a preliminary ruling — **Community trade mark** — Regulation (EC) No 207/2009 — Article 23 — **Licence — Register of Community trade marks — Right of the licensee to bring proceedings for infringement notwithstanding the fact that the licence has not been entered in the Register**

[CURIA – Judgment of the Court of Justice in Case C-163/15 of 4 February 2016](#)

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

Community Legislation

REGULATION (EU) 2016/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters**

[OJ of the EU, L 26/6 of 2 February 2016](#)

REGULATION (EU) 2016/95 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters**

[OJ of the EU, L 26/9 of 2 February 2016](#)

Case Law

Case C-557/14: OPINION OF ADVOCATE GENERAL KOKOTT of 25 February 2016 - European Commission v Portuguese Republic - Failure of a Member State to fulfil obligations — Article 260 TFEU — **Failure to comply with a judgment of the Court of Justice** — Judgment in Commission v Portugal (C-530/07, EU:C:2009:292) — Directive 91/271/EEC — **Urban waste water treatment — Financial penalties — Imposition of a penalty payment and a lump sum payment — Gradual reduction of the penalty payment**

[CURIA – Opinion of Advocate General in Case C-557/14 of 25 February 2016](#)

Case -559/14: OPINION OF ADVOCATE GENERAL KOKOTT of on 25 February 2016 - Rudolfs Meroni - Request for a preliminary ruling from the Augstākās tiesas Senāts (Senate of the Supreme Court) (Latvia) - Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — Article 34(1) — **Grounds for refusal of the recognition and declaration of enforceability of provisional and protective measures — Public policy**

[CURIA – Opinion of Advocate General in Case C-559/14 of 25 February 2016](#)

Affaire C-614/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 23 février 2016 - Procédure pénale contre Atanas Ognyanov - demande de décision préjudicielle formée par le Sofiyski gradski sad (tribunal de la ville de Sofia, Bulgarie) - Renvoi préjudiciel – Article 267 TFUE – Article 94 du règlement de procédure de la Cour – **Contenu d'une demande de décision préjudicielle et obligations à la charge de la juridiction de renvoi – Exposé du cadre factuel et juridique – Règle nationale qui contraint la juridiction de renvoi à se dessaisir au motif que celle-ci a exposé le cadre factuel et juridique de l'affaire aux fins de l'introduction d'un renvoi préjudiciel devant la Cour – Articles 47 et 48 de la Charte**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-614/14 du 23 février 2016 \(FR seulement\)](#)

Case C-176/13 P: JUDGMENT OF THE COURT (Fifth Chamber) of 18 February 2016 - Council of the European Union v United Kingdom of Great Britain and Northern Ireland, Bank Mellat and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Common foreign and security policy — Combating nuclear proliferation** — Restrictive measures taken against the Islamic Republic of Iran — **Freezing of funds of an Iranian bank — Obligation to state reasons — Procedure for the adoption of the act — Manifest error of assessment**

[CURIA – Judgment of the Court of Justice in Case C-176/13 of 18 February 2016](#)

Case C-49/14: JUDGMENT OF THE COURT (First Chamber) of 18 February 2016 - Finanzmadrid EFC SA v Jesús Vicente Albán Zambrano, María Josefa García Zapata, Jorge Luis Albán Zambrano and Miriam Elisabeth Caicedo Merino - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de Primera Instancia No 5 de Cartagena (Court of First Instance, Cartagena, Spain) - Reference for a preliminary ruling — Directive 93/13/EEC — **Unfair terms — Order for payment procedure — Enforcement proceedings — Powers of the national court responsible for enforcement to raise of its own motion the fact that the unfair term is invalid — Principle of res judicata** — Principle of effectiveness — **Charter of Fundamental Rights of the European Union — Judicial protection**

[CURIA – Judgment of the Court of Justice in Case C-49/14 of 18 February 2016](#)

Case C-572/14: OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE of 17 February 2016 - Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Amazon EU Sàrl, Amazon Services Europe Sàrl, Amazon.de GmbH, Amazon Logistik GmbH and Amazon Media Sàrl - Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Regulation (EC) No 44/2001 — **Jurisdiction in civil and commercial matters** — Article 5(3) — **Concept of 'matters relating to tort, delict or quasi-delict'** — Directive 2001/29/EC — **Harmonisation of certain aspects of copyright and related rights in the information society** — Article 5(2)(b) — **Reproduction right — Exceptions and limitations — Reproduction for private use — Fair compensation** — Non-payment — Whether included in the scope of Article 5(3) of Regulation No 44/2001

[CURIA – Opinion of Advocate General in Case C-572/14 of 17 February 2016](#)

Case C-165/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 4 February 2016 - Alfredo Rendón Marín v Administración del Estado - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) and **Case C-304/14 Secretary of State for the Home Department v CS** - **Citizenship of the Union** — Articles 20 TFEU and 21 TFEU — Directive 2004/38/EC — **Right of residence of a national of a non-member State who has a criminal record — Father having sole custody of two minor children who are Union citizens — First child a national of the Member State of residence — Second child a national of a different Member State but having always resided in the Member State of residence** — National legislation precluding the grant of a residence permit to the relative in the ascending line on account of his criminal record — Denial of the right of residence potentially entailing the removal of the minor children from the territory of the European Union — Lawfulness — **Existence of a right of residence in accordance with the judgments in Zhu and Chen (C-200/02, EU:C:2004:639) and Ruiz Zambrano (C-34/09, EU:C:2011:124)**

[CURIA – Opinion of Advocate General in Case C-165/14 of 4 February 2016](#)

Affaire C-47/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 2 février 2016 - Sélina Affum, épouse Amissah contre Préfet du Pas-de-Calais et Procureur général de la Cour d'appel de Douai - demande de décision préjudicielle formée par la Cour de cassation (France) - **Espace de liberté, de sécurité et de justice** – Directive 2008/115/CE – **Retour d'un ressortissant d'un pays tiers en séjour irrégulier – Entrée irrégulière – Situation de transit – Peine d'emprisonnement – Garde à vue**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-47/15 du 2 février 2016 \(FR seulement\)](#)

Case C-613/14: OPINION OF ADVOCATE GENERAL CAMPOS SANCHEZ-BORDONA of 28 January 2016 - James Elliott Construction Limited v Irish Asphalt Limited - Request for a preliminary ruling from the Supreme Court of Ireland - Article 267 TFEU — **Jurisdiction of the Court — Definition of acts of the institutions** — European Standard EN 13242:2002 published by the European Committee for Standardisation (CEN) pursuant to a mandate given by the Commission — **Directive 89/106/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products — Transposition of European standard EN 13242:2002 into national law** — Aggregate used in construction — Method and time of establishing whether a product meets that standard — CE marking — Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations — Scope — **Whether a European standard may be relied upon in proceedings between private parties**

[CURIA – Opinion of Advocate General in Case C-613/14 of 28 January 2016](#)

Case C-233/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 26 January 2016 - European Commission v Kingdom of the Netherlands - **Freedom of movement of citizens of the Union — Equal treatment** — Access to preferential fares for public transport — **EU students, including Erasmus students** — Articles 18, 20 and 21 TFEU — Article 24 of Directive 2004/38/EC — Admissibility

[CURIA – Opinion of Advocate General in Case C-233/14 of 26 January 2016](#)

16. Transport

International Agreements

DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 16 December 2015 **amending Annexes 1, 3, 4 and 7 to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road** [2016/122]

[OJ of the EU, L 23/82 of 29 January 2016](#)

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/209 of 12 February 2016 on a **standardisation request to the European standardisation organisations as regards Intelligent Transport Systems (ITS) in urban areas** in support of Directive 2010/40/EU of the European Parliament and of the Council on the **framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport** (notified under document C(2016) 808) (Only the English, French and German texts are authentic) (Text with EEA relevance)

[OJ of the EU, L 39/48 of 16 February 2016](#)

Case Law

Case C-429/14: JUDGMENT OF THE COURT (Third Chamber) of 17 February 2016 - Air Baltic Corporation AS v Lietuvos Respublikos specialiujų tyrimų tarnyba - REQUEST for a preliminary ruling under Article 267 TFEU from the Lietuvos Aukščiausiasis Teismas (Supreme Court of Lithuania) - Reference for a preliminary ruling — **Air transport — Montreal Convention** — Articles 19, 22 and 29 — **Liability of air carrier in the event of delay in the international carriage of passengers — Contract of carriage concluded by the passengers' employer** — Damage caused by delay — **Damage suffered by the employer**

[CURIA – Judgment of the Court of Justice in Case C-429/14 of 17 February 2016](#)

Affaire C-61/15 P: ARRÊT DE LA COUR (huitième chambre) du 28 janvier 2016 - Heli-Flight GmbH & Co. KG, établie à Reichelsheim (Allemagne) contre Agence européenne de la sécurité aérienne (AESA) - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – Aviation civile – Demandes d'approbation des conditions de vol présentées – Décision de l'Agence européenne de la sécurité aérienne – Rejet d'une demande – Procédure administrative précontentieuse obligatoire – Possibilité d'un recours devant le juge de l'Union européenne – Office du juge – Adoption de mesures d'organisation de la procédure – Obligation – Appréciations techniques complexes

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-61/15 du 28 janvier 2016 \(FR seulement\)](#)

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

Community Legislation

DECISION (EU) 2016/245 OF THE EUROPEAN CENTRAL BANK of 9 February 2016 laying down the **rules on procurement** (ECB/2016/2) (recast)

[OJ of the EU, L 45/15 of 20 February 2016](#)

COMMISSION DECISION (EU) 2016/221 of 12 February 2016 **amending Decision (EU) 2015/1937 establishing an independent advisory European Fiscal Board**

[OJ of the EU, L 40/15 of 17 February 2016](#)

DECISION (EU) 2016/187 OF THE EUROPEAN CENTRAL BANK of 11 December 2015 **amending Decision ECB/2013/1** laying down the **framework for a public key infrastructure for the European System of Central Banks** (ECB/2015/46)

[OJ of the EU, L 37/100 of 12 February 2016](#)

DECISION (EU) 2016/188 OF THE EUROPEAN CENTRAL BANK of 11 December 2015 on the **access and use of SSM electronic applications, systems, platforms and services by the European Central Bank and the national competent authorities of the Single Supervisory Mechanism** (ECB/2015/47)

[OJ of the EU, L 37/104 of 12 February 2016](#)

REGULATION (EU) 2016/93 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts from the Schengen acquis**

[OJ of the EU, L 26/1 of 2 February 2016](#)

REGULATION (EU) 2016/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters**

[OJ of the EU, L 26/6 of 2 February 2016](#)

REGULATION (EU) 2016/95 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 January 2016 **repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters**

[OJ of the EU, L 26/9 of 2 February 2016](#)

Case Law

Case C-165/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 4 February 2016 - Alfredo Rendón Marín v Administración del Estado - Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain) and Case C-304/14 Secretary of State for the Home Department v CS - Citizenship of the Union — Articles 20 TFEU and 21 TFEU — Directive 2004/38/EC — **Right of residence of a national of a non-member State who has a criminal record — Father having sole custody of two minor children who are Union citizens — First child a national of the Member State of residence — Second child a national of a different Member State but having always resided in the Member State of residence** — National legislation precluding the grant of a residence permit to the relative in the ascending line on account of his criminal record — Denial of the right of residence potentially entailing the removal of the minor children from the territory of the European Union — Lawfulness — **Existence of a right of residence in accordance with the judgments in Zhu and Chen (C-200/02, EU:C:2004:639) and Ruiz Zambrano (C-34/09, EU:C:2011:124)**

[CURIA – Opinion of Advocate General in Case C-165/14 of 4 February 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

A NEW SETTLEMENT FOR THE UNITED KINGDOM WITHIN THE EUROPEAN UNION **Extract of the conclusions of the European Council of 18-19 February 2016** (1) (2016/C 69 I/01)

[OJ of the EU, CI 69/1 of 23 February 2016](#)

Opinion of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions **concerning a European Union strategy for the Alpine region** (COM(2015) 366 final) (2016/C 032/03)

[OJ of the EU, C 32/12 of 28 January 2016](#)