



Institut suisse de droit comparé
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101

Highlights

DIRECTIVE (EU) 2016/343 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on the **strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings**

[OJ of the EU, L 65/1 of 11 March 2016](#)

DECISION (EU) 2016/344 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on **establishing a European Platform to enhance cooperation in tackling undeclared work** (Text with EEA relevance)

[OJ of the EU, L 65/12 of 11 March 2016](#)

Affaire C-695/15 PPU: ARRÊT DE LA COUR (quatrième chambre) du 17 mars 2016 - Shiraz Baig Mirza contre Bevándorlási és Állampolgársági Hivatal - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Debreceni közigazgatási és munkaügyi bíróság (tribunal administratif et du travail de Debrecen, Hongrie) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – Règlement (UE) n° 604/2013 – **Critères et mécanismes de détermination de l'État membre responsable de l'examen d'une demande de protection internationale** – Article 3, paragraphe 3 – **Droit des États membres d'envoyer un demandeur vers un pays tiers sûr** – Article 18 – **Obligations de l'État membre responsable d'examiner la demande en cas de reprise en charge du demandeur** – Directive 2013/32/UE – **Procédures communes pour l'octroi et le retrait de la protection internationale** – Examen d'une demande de protection internationale

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-695/15 du 17 mars 2016 \(FR seulement\)](#)

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EU News: Click & Read

March 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

Community Legislation

Information relating to the **entry into force of the Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office**

[OJ of the EU, L 65/21 of 11 March 2016](#)

ARRANGEMENT between the **European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office**

[OJ of the EU, L 65/22 of 11 March 2016](#)

COUNCIL DECISION (EU) 2016/350 of 25 February 2016 on the conclusion of the **Arrangement between the European Union and the Swiss Confederation on the modalities of its participation in the European Asylum Support Office**

[OJ of the EU, L 65/61 of 11 March 2016](#)

2. External Relations / Foreign Policy

International Agreements

COUNCIL DECISION (EU) 2016/437 of 10 March 2016 on the **signing**, on behalf of the European Union, and **provisional application of the Agreement** between the **European Union and the Republic of Peru on the short-stay visa waiver**

[OJ of the EU, L 78/2 of 24 March 2016](#)

AGREEMENT between the **European Union and the Republic of Peru on the short-stay visa waiver**

[OJ of the EU, L 78/4 of 24 March 2016](#)

COUNCIL DECISION (EU) 2016/431 of 12 February 2016 on the **signing**, on behalf of the European Union, and **provisional application of the Agreement** between the **European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports**

[OJ of the EU, L 76/17 of 23 March 2016](#)

AGREEMENT between the **European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports**

[OJ of the EU, L 76/19 of 23 March 2016](#)

COUNCIL DECISION (EU) 2016/414 of 10 March 2016 **authorising the Republic of Austria to sign and ratify, and Malta to accede to, the Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters**, in the interest of the European Union

[OJ of the EU, L 75/1 of 22 March 2016](#)

AGREEMENT between the **Council of Ministers of the Republic of Albania and the European Union on security procedures for exchanging and protecting classified information**

[OJ of the EU, L 74/3 of 19 March 2016](#)

COUNCIL DECISION (EU) 2016/342 of 12 February 2016 on the **conclusion**, on behalf of the Union, of the **Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part**

[OJ of the EU, L 71/1 of 16 March 2016](#)

STABILISATION AND ASSOCIATION AGREEMENT between the **European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part**

[OJ of the EU, L 71/3 of 16 March 2016](#)

Community Legislation

REGULATION (EU) 2016/399 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on a **Union Code on the rules governing the movement of persons across borders** (Schengen Borders Code) (codification)
[OJ of the EU, L 77/1 of 23 March 2016](#)

Case Law

Affaire C-695/15 PPU: ARRÊT DE LA COUR (quatrième chambre) du 17 mars 2016 - Shiraz Baig Mirza contre Bevándorlási és Állampolgársági Hivatal - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Debreceni közigazgatási és munkaügyi bíróság (tribunal administratif et du travail de Debrecen, Hongrie) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – Règlement (UE) n° 604/2013 – **Critères et mécanismes de détermination de l'État membre responsable de l'examen d'une demande de protection internationale** – Article 3, paragraphe 3 – **Droit des États membres d'envoyer un demandeur vers un pays tiers sûr** – Article 18 – **Obligations de l'État membre responsable d'examiner la demande en cas de reprise en charge du demandeur** – Directive 2013/32/UE – **Procédures communes pour l'octroi et le retrait de la protection internationale** – Examen d'une demande de protection internationale
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-695/15 du 17 mars 2016 \(FR seulement\)](#)

Case C-440/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 1 March 2016 - National Iranian Oil Company v Council of the European Union and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Restrictive measures against the Islamic Republic of Iran — List of persons and entities subject to the freezing of funds and economic resources** — Implementing Regulation (EU) No 945/2012 — **Legal basis — Criterion relating to the material, logistical or financial support for the Government of Iran**
[CURIA – Judgment of the Court of Justice in Case C-440/14 of 1 March 2016](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/345 of 10 March 2016 **setting out the frequency of reporting of container status messages, the format of the data and the method of transmission**
[OJ of the EU, L 65/38 of 11 March 2016](#)

COMMISSION REGULATION (EU) 2016/246 of 3 February 2016 **amending** Annex I to Regulation (EC) No 794/2004 as regards the **forms to be used for the notification of State aid in the agricultural and forestry sectors and in rural areas**
[OJ of the EU, L 51/1 of 26 February 2016](#)

Case Law

Case C-134/15: OPINION OF ADVOCATE GENERAL BOBEK of 16 March 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - Request for a preliminary ruling from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of Saxony, Germany) - Commission Regulation (EC) No 543/2008 — **Marketing standards for poultry meat** — Validity of Article 5(4)(b) — **Fresh pre-packaged poultry meat — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto at the retail stage** — Articles 15(1) and 16 of the Charter of Fundamental Rights — **Freedom to pursue a freely chosen occupation — Freedom to conduct a business** — Proportionality — Article 40(2) TFEU — Non-discrimination
[CURIA – Opinion of Advocate General in Case C-134/15 of 17 March 2016](#)

Affaire C-114/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PAOLO MENGGOZZI du 10 mars 2016 - Association des utilisateurs et distributeurs de l'agrochimie européenne (Audace), Phyteron 2000 SAS, Association des éleveurs solidaires, Cruzalebes EARL, Des deux rivières EARL et Mounacq EARL contre GAEC Reconnu La Vinardière et Ministère public - demande de décision préjudicielle formée par la cour d'appel de Pau (France) - **Importation parallèle de médicaments vétérinaires – Exclusion des particuliers, éleveurs et vétérinaires, du bénéfice de la procédure simplifiée d'autorisation de mise sur le marché – Directive 2001/82/CE – Libre circulation des marchandises – Obligation de disposer d'un établissement sur le territoire de l'État membre d'importation – Obligations de pharmacovigilance** – Reconnaissance de l'autorisation de distribution en gros délivrée par les autorités compétentes d'un autre État membre – Directive 2006/123/CE – **Libre prestation de services**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-114/15 du 10 mars 2016 \(FR seulement\)](#)

Affaires jointes C-333/15 et C-334/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL Mme Juliane Kokott du 10 mars 2016 - María del Pilar Planes Bresco contre Comunidad Autónoma de Aragón - demande de décision préjudicielle formée par le Tribunal Supremo (Cour suprême, Espagne) - **Politique agricole commune – Règlement (CE) n° 1782/2003 – Régime de paiement unique – Hectares admissibles au bénéfice de l'aide – Pâturages permanents – Abus de droit**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-333/15 du 10 mars 2016 \(FR seulement\)](#)

Case C-431/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 8 March 2016 - Hellenic Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Compensation payments made by the Greek Agricultural Insurance Organisation (ELGA) in 2008 and 2009** — Decision declaring aid incompatible with the internal market and ordering its recovery — **Concept of 'State aid'** — Article 107(3)(b) TFEU — **Guidelines for State aid in the agricultural sector — Obligation to state reasons — Distortion of evidence**

[CURIA – Judgment of the Court of Justice in Case C-431/14 of 8 March 2016](#)

Affaire C-26/15 P: ARRÊT DE LA COUR (septième chambre) du 3 mars 2016 - Royaume d'Espagne 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 – Règlement (CE) n° 1234/2007 – **Organisation commune des marchés dans le secteur agricole** – Règlement d'exécution (UE) n° 543/2011 – Annexe I, partie B 2, point VI, D, cinquième tiret – Secteurs des fruits et légumes et des fruits et légumes transformés – **Agrumes – Normes de commercialisation – Dispositions concernant le marquage – Indications des agents conservateurs ou des autres substances chimiques utilisées en traitement post-récolte**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-26/15 du 3 mars 2016 \(FR seulement\)](#)

4. Audiovisual and Media and Information Society

Community Legislation

COMMISSION IMPLEMENTING DECISION (EU) 2016/339 of 8 March 2016 on the **harmonisation** of the 2 010-2 025 MHz **frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events** (notified under document C(2016) 1197) (Text with EEA relevance)

[OJ of the EU, L 63/5 of 10 March 2016](#)

Case Law

Case C-11/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 17 March 2016 - Odvolací finanční ředitelství v Český rozhlas - Request for a preliminary ruling from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - **Taxation — Value added tax — Exemption from tax — Activities of non-commercial public radio and television bodies** — Public service broadcasting — **Financing from compulsory fees — Classification of such a supply of services**

[CURIA – Opinion of Advocate General in Case C-11/15 of 17 March 2016](#)

Case C-484/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 16 March 2016 - Tobias Mc Fadden v Sony Music Entertainment Germany GmbH - Request for a preliminary ruling from the Landgericht München I (Regional Court, Munich I, Germany) - Request for a preliminary ruling — **Free movement of information society services** — Directive 2000/31/EC — Article 2(a) and (b) — **Concept of ‘information society services’** — **Concept of ‘service provider’** — **Services of an economic nature** — Article 12 — **Limitation of liability of a provider of ‘mere conduit’ services** — Article 15 — **Exclusion of general obligation to monitor** — Professional making a wireless local network with Internet access available to the public free of charge — **Infringement of copyright and related rights by third-party users** — Injunction entailing an obligation to password-protect an Internet connection
[CURIA – Opinion of Advocate General in Case C-484/14 of 16 March 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Executive Summary of the Opinion of the European Data Protection Supervisor on the **dissemination and use of intrusive surveillance technologies** (The full text of this Opinion can be found in English, French and German on the EDPS website www.edps.europa.eu) (2016/C 79/04)
[OJ of the EU, C 79/9 of 1 March 2016](#)

5. Competition

Case Law

Affaire C-493/14: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. NILS WAHL du 17 mars 2016 - Dilly’s Wellnesshotel GmbH - demande de décision préjudicielle formée par le Bundesfinanzgericht (tribunal fédéral des finances, Autriche) - Renvoi préjudiciel – **Aides d’État** – Règlement (CE) n° 800/2008 – **Catégories d’aides pouvant être considérées comme compatibles avec le marché commun** – **Aides destinées à la protection de l’environnement** – **Mesures d’aides sous forme de réductions de taxes environnementales** – Caractère impératif des conditions d’exemption
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-493/14 du 17 mars 2016 \(FR seulement\)](#)

Case C-567/14: OPINION OF ADVOCATE GENERAL WATHELET of on 17 March 2016 - Genentech Inc. v Hoechst GmbH, formerly Hoechst AG and Sanofi-Aventis Deutschland GmbH - Request for a preliminary ruling from the cour d’appel de Paris (Court of Appeal, Paris) (France) - Reference for a preliminary ruling — **Action for annulment of an arbitral award** — **Competition** — Article 101 TFEU — **Agreements, decisions and concerted practices** — **Non-exclusive patent licence agreement** — **Revocation of patents** — **No infringement** — Effect — Obligation to pay royalties
[CURIA – Opinion of Advocate General in Case C-567/14 of 17 March 2016](#)

Case C-232/14: JUDGMENT OF THE COURT (Ninth Chamber) of 17 March 2016 - Portmeirion Group UK Ltd v Commissioners for Her Majesty’s Revenue & Customs - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) (Birmingham, United Kingdom) - Reference for a preliminary ruling — **Dumping** — Implementing Regulation (EU) No 412/2013 — **Validity** — Imports of ceramic tableware and kitchenware originating in China — Product concerned — **Product under consideration** — **Obligation to state reasons**
[CURIA – Judgment of the Court of Justice in Case C-232/14 of 17 March 2016](#)

Case C-247/14 P: JUDGMENT OF THE COURT (Third Chamber) of 10 March 2016 - HeidelbergCement AG, established in Heidelberg (Germany) v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Competition** — Market for ‘cement and related products’ — **Administrative procedure** — Regulation (EC) No 1/2003 — Article 18(1) and (3) — **Decision requesting information** — **Statement of reasons** — **Clarification of the application**
[CURIA – Judgment of the Court of Justice in Case C-247/14 of 10 March 2016](#)

Affaire C-248/14 P: ARRÊT DE LA COUR (troisième chambre) du 10 mars 2016 - Schwenk Zement KG, établie à Ulm (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 – **Concurrence** – Marché du 'ciment et des produits connexes' – **Procédure administrative** – Règlement (CE) n° 1/2003 – Article 18, paragraphes 1 et 3 – **Décision de demande de renseignements – Motivation – Précision de la demande**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-248/14 du 10 mars 2016 \(FR seulement\)](#)

Affaire C-267/14 P: ARRÊT DE LA COUR (troisième chambre) du 10 mars 2016 - Buzzi Unicem SpA 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 – **Concurrence** – Marché du 'ciment et des produits connexes' – **Procédure administrative** – Règlement (CE) n° 1/2003 – Article 18, paragraphes 1 et 3 – **Décision de demande de renseignements – Motivation – Précision de la demande**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-267/14 du 10 mars 2016 \(FR seulement\)](#)

Affaire C-268/14 P: ARRÊT DE LA COUR (troisième chambre) du 10 mars 2016 - Italmobiliare SpA, établie à Milan (Italie) 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 – **Concurrence** – Marché du 'ciment et des produits connexes' – **Procédure administrative** – Règlement (CE) n° 1/2003 – Article 18, paragraphes 1 et 3 – **Décision de demande de renseignements – Motivation – Précision de la demande**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-268/14 du 10 mars 2016 \(FR seulement\)](#)

Case C-431/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 8 March 2016 - Hellenic Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Compensation payments made by the Greek Agricultural Insurance Organisation (ELGA) in 2008 and 2009** — Decision declaring aid incompatible with the internal market and ordering its recovery — **Concept of 'State aid'** — Article 107(3)(b) TFEU — **Guidelines for State aid in the agricultural sector — Obligation to state reasons — Distortion of evidence**

[CURIA – Judgment of the Court of Justice in Case C-431/14 of 8 March 2016](#)

6. Customs

Community Legislation

COMMISSION IMPLEMENTING REGULATION (EU) 2016/379 of 11 March 2016 **amending** Regulation (EC) No 684/2009 as **regards the data to be submitted under the computerised procedure for the movement of excise goods under suspension of excise duty**

[OJ of the EU, L 72/13 of 17 March 2016](#)

Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 **supplementing** Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards **transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational** and amending Delegated Regulation (EU) 2015/2446

[OJ of the EU, L 69/1 of 15 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/346 of 10 March 2016 determining the **items to be included in the Customs Information System**

[OJ of the EU, L 65/40 of 11 March 2016](#)

Case Law

Case C-84/15: JUDGMENT OF THE COURT (Tenth Chamber) of 17 March 2016 - Sonos Europe 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, the Netherlands) - Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — **Customs union and Common Customs Tariff — Tariff classification — Combined Nomenclature** — Headings 8517, 8518, 8519, 8527 and 8543 — **Stand-alone device designed to retrieve, receive and stream digital audio files in the form of amplified sound**

[CURIA – Judgment of the Court of Justice in Case C-84/15 of 17 March 2016](#)

Case C-499/14: JUDGMENT OF THE COURT (First Chamber) of 10 March 2016 - VAD BVBA and Johannes Josephus Maria van Aert v Belgische Staat - REQUEST for a preliminary ruling under Article 267 TFEU, from the Hof van Cassatie (Court of cassation, Belgium) - Reference for a preliminary ruling — **Customs Union and Common Customs Tariff — Tariff classification — Combined Nomenclature** — Interpretation — General Rules — Rule 3(b) — **Definition of ‘goods put up in sets for retail sale’ — Separate packages**

[CURIA – Judgment of the Court of Justice in Case C-499/14 of 10 March 2016](#)

Case C-144/15: JUDGMENT OF THE COURT (Ninth Chamber) of 3 March 2016 - Staatssecretaris van Financiën v Customs Support Holland BV - 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 — **Common Customs Tariff — Combined Nomenclature** — Headings 2304, 2308 and 2309 — **Classification of a soya protein concentrate**

[CURIA – Judgment of the Court of Justice in Case C-144/15 of 3 March 2016](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

REGULATION (EU) 2016/445 OF THE EUROPEAN CENTRAL BANK of 14 March 2016 on the **exercise of options and discretions available in Union law** (ECB/2016/4)

[OJ of the EU, L 78/60 of 24 March 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/438 of 17 December 2015 **supplementing Directive 2009/65/EC** of the European Parliament and of the Council with regard to **obligations of depositaries** (Text with EEA relevance)

[OJ of the EU, L 78/11 of 24 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/378 of 11 March 2016 laying down **implementing technical standards with regard to the timing, format and template of the submission of notifications to competent authorities** according to Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 72/1 of 17 March 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/364 of 1 July 2015 on the **classification of the reaction to fire performance of construction products** pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 68/4 of 15 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/323 of 24 February 2016 laying down **detailed rules on cooperation and exchange of information between Member States regarding goods under excise duty suspension** pursuant to Council Regulation (EU) No 389/2012

[OJ of the EU, L 66/1 of 11 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/347 of 10 March 2016 laying down **implementing technical standards** with regard to the **precise format of insider lists and for updating insider lists** in accordance with Regulation (EU) No 596/2014 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 65/49 of 11 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/322 of 10 February 2016 **amending Implementing Regulation (EU) No 680/2014** laying down **implementing technical standards with regard to supervisory reporting of institutions of the liquidity coverage requirement** (Text with EEA relevance)
[OJ of the EU, L 64/1 of 10 March 2016](#)

COMMISSION DELEGATED DECISION (EU) 2016/310 of 26 November 2015 on the **equivalence of the solvency regime for insurance and reinsurance undertakings in force in Japan** to the regime laid down in Directive 2009/138/EC of the European Parliament and of the Council
[OJ of the EU, L 58/55 of 4 March 2016](#)

COMMISSION DELEGATED DECISION (EU) 2016/309 of 26 November 2015 on the **equivalence of the supervisory regime for insurance and reinsurance undertakings in force in Bermuda** to the regime laid down in Directive 2009/138/EC of the European Parliament and of the Council and amending Commission Delegated Decision (EU) 2015/2290
[OJ of the EU, L 58/50 of 4 March 2016](#)

COMMISSION DELEGATED REGULATION (EU) 2016/301 of 30 November 2015 **supplementing** Directive 2003/71/EC of the European Parliament and of the Council with regard to **regulatory technical standards for approval and publication of the prospectus and dissemination of advertisements** and amending Commission Regulation (EC) No 809/2004 (Text with EEA relevance)
[OJ of the EU, L 58/13 of 4 March 2016](#)

Corrigendum to Directive 2014/91/EU of the European Parliament and of the Council of 23 July 2014 **amending** Directive 2009/65/EC on the **coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)** as regards **depository functions, remuneration policies and sanctions** ([Official Journal of the European Union L 257 of 28 August 2014](#))
[OJ of the EU, L 52/37 of 27 February 2016](#)

Case Law

Case C-11/15: OPINION OF ADVOCATE GENERAL SZPUNAR of 17 March 2016 - Odvolací finanční ředitelství v Český rozhlas - Request for a preliminary ruling from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - **Taxation — Value added tax — Exemption from tax — Activities of non-commercial public radio and television bodies** — Public service broadcasting — **Financing from compulsory fees — Classification of such a supply of services**
[CURIA – Opinion of Advocate General in Case C-11/15 of 17 March 2016](#)

Case C-18/15: OPINION OF ADVOCATE GENERAL KOKOTT of 17 March 2016 - Brisal — Auto Estradas do Litoral SA and KBC Finance Ireland v Fazenda Pública - Reference for a preliminary ruling from the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal) - **Tax legislation — Freedom to provide services (Article 49 EC) — National corporation tax — Income from interest— Non-resident interest creditor subject to limited taxation** — Deduction of tax at source — Operating costs directly linked to the taxed activity — **Financing costs — Overheads of the activity**
[CURIA – Opinion of Advocate General in Case C-18/15 of 17 March 2016](#)

Case C-123/15: OPINION OF ADVOCATE GENERAL WATHELET of 17 March 2016 - Max-Heinz Feilen v Finanzamt Fulda - Request for a preliminary ruling from the Bundesfinanzhof (Federal Finance Court, Germany) - Request for a preliminary ruling — Taxation — Free movement of capital — Inheritance tax — Legislation of a Member State providing for a reduction in inheritance tax where the estate includes an asset that has already, in the previous ten years, formed part of an estate subject to inheritance tax in that same Member State — Asset inherited and taxed in another Member State

[CURIA – Opinion of Advocate General in Case C-123/15 of 17 March 2016](#)

Case C-40/15: JUDGMENT OF THE COURT (First Chamber) of 17 March 2016 - Minister Finansów v Aspiro SA, formerly BRE Ubezpieczenia sp. z o.o. - REQUEST for a preliminary ruling under Article 267 TFEU from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Reference for a preliminary ruling — Taxation — Value added tax — Directive 2006/112/EC — Article 135(1)(a) — Exemption for insurance — Definition of ‘insurance’ transactions and of ‘related services performed by insurance brokers and insurance agents’ — Claims settlement services provided by and on behalf of an insurer

[CURIA – Judgment of the Court of Justice in Case C-40/15 of 17 March 2016](#)

Case C-543/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 10 March 2016 - Ordre des barreaux francophones et germanophone and Others, Vlaams Netwerk van Verenigingen waar armen het woord nemen ASBL and Others, Jimmy Tessens and Others, Orde van Vlaamse Balies and Ordre des avocats du barreau d’Arlon and Others v Conseil des ministres - Request for a preliminary ruling from the Cour constitutionnelle (Constitutional Court, Belgium) - VAT — Directive 2006/112/EC — Validity and interpretation — Services provided by lawyers — Non-exemption from VAT — Access to justice — Right to assistance by a lawyer — Equality of arms — Legal aid

[CURIA – Opinion of Advocate General in Case C-543/14 of 10 March 2016](#)

Case C-235/14: JUDGMENT OF THE COURT (Fifth Chamber) of 10 March 2016 - Safe Interenvíos SA v Liberbank SA, Banco de Sabadell SA and Banco Bilbao Vizcaya Argentaria SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Barcelona (Provincial Court, Barcelona, Spain) - Reference for a preliminary ruling — Prevention of the use of the financial system for the purpose of money laundering and terrorist financing — Directive 2005/60/EC — Customer due diligence measures — Directive 2007/64/EC — Payment services in the internal market

[CURIA – Judgment of the Court of Justice in Case C-235/14 of 10 March 2016](#)

Case C-229/15: OPINION OF ADVOCATE GENERAL KOKOTT of 3 March 2016 - Minister Finansów v Jan Mateusiak - Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Supreme Administrative Court, Poland) - Tax legislation — VAT — Article 18(c) of Directive 2006/112/EC — Taxation of retention of goods on cessation of the economic activity — Effect of expiry of the adjustment period for deductions under Article 187(1) of Directive 2006/112/EC

[CURIA – Opinion of Advocate General in Case C-229/15 of 3 March 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD of 11 December 2015 on recognising and setting countercyclical buffer rates for exposures to third countries (ESRB/2015/1) (2016/C 97/01)

[OJ of the EU, C 97/1 of 12 March 2016](#)

RECOMMENDATION OF THE EUROPEAN SYSTEMIC RISK BOARD of 15 December 2015 on the assessment of cross-border effects of and voluntary reciprocity for macroprudential policy measures (ESRB/2015/2) (2016/C 97/02)

[OJ of the EU, C 97/9 of 12 March 2016](#)

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

Community Legislation

DECISION (EU) 2016/344 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on **establishing a European Platform to enhance cooperation in tackling undeclared work** (Text with EEA relevance)

[OJ of the EU, L 65/12 of 11 March 2016](#)

Case Law

Case C-187/15: OPINION OF ADVOCATE GENERAL BOBEK of 17 March 2016 - **Joachim Pöpperl v Land Nordrhein-Westfalen** - Request for a preliminary ruling from the Verwaltungsgericht Düsseldorf (Administrative Court, Düsseldorf, Germany) - Article 45 TFEU — **Freedom of movement for workers** — Civil servants who leave their Member State to take up employment in another Member State — **Legislation providing for non-application of civil service benefits and for transfer to general statutory pension insurance scheme**

[CURIA – Opinion of Advocate General in Case C-187/15 of 17 March 2016](#)

Case C-161/15: JUDGMENT OF THE COURT (First Chamber) of 17 March 2016 - **Abdelhafid Bensada Benallal v État belge** - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Belgium) - Reference for a preliminary ruling — Directive 2004/38/EC — **Decision withdrawing residence authorisation — Principle of respect for the rights of the defence — Right to be heard — Procedural autonomy of the Member States** — Admissibility of grounds of appeal on a point of law — **Plea based on public policy**

[CURIA – Judgment of the Court of Justice in Case C-161/15 of 17 March 2016](#)

Affaire C-351/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 3 mars 2016 - **Estrella Rodríguez Sánchez contre Consum Sociedad Cooperativa Valenciana** - demande de décision préjudicielle formée par le Juzgado de lo Social n° 33 de Barcelona (tribunal du travail n° 33 de Barcelone, Espagne) - Renvoi préjudiciel – **Politique sociale** – Directive 2010/18/UE et accord-cadre révisé sur le congé parental – **Demande d'un sociétaire travailleur de retour de congé de maternité visant à l'aménagement de son horaire de travail** – Clause 1, point 2 – Notion de 'travailleur' – Clause 8, point 2 – **Notion de 'régression du niveau général de protection des travailleurs'** – Clause 6, point 1 – **Examen de la demande et réponse de l'employeur – Exigences en termes de transposition en droit national – Effet direct horizontal éventuel en cas de défaut de transposition ou de transposition incorrecte**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-351/14 du 3 mars 2016 \(FR seulement\)](#)

Case C-12/14: JUDGMENT OF THE COURT (Fourth Chamber) of 3 March 2016 - **European Commission v Republic of Malta, Republic of Austria and United Kingdom of Great Britain and Northern Ireland** - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations — Social security** — Regulation (EEC) No 1408/71 — Article 46b — Regulation (EC) No 883/2004 — Article 54 — **Old-age pensions — Rules against overlapping** — Persons entitled to an old-age pension under the rules of one Member State and to a civil-service pension under the rules of another Member State — **Reduction in the amount of the old-age pension**

[CURIA – Judgment of the Court of Justice in Case C-12/14 of 3 March 2016](#)

10. Energy and Environment

International Agreements

COUNCIL DECISION (EU) 2016/342 of 12 February 2016 on the **conclusion**, on behalf of the Union, of the Stabilisation and Association Agreement between the **European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part**
[OJ of the EU, L 71/1 of 16 March 2016](#)

STABILISATION AND ASSOCIATION AGREEMENT between the **European Union and the European Atomic Energy Community, of the one part, and Kosovo**, of the other part
[OJ of the EU, L 71/3 of 16 March 2016](#)

Community Legislation

COMMISSION DECISION (EU) 2016/397 of 16 March 2016 **amending** Decision 2014/312/EU **establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes** (notified under document C(2016) 1510) (Text with EEA relevance)
[OJ of the EU, L 73/100 of 18 March 2016](#)

COMMISSION REGULATION (EU) 2016/293 of 1 March 2016 **amending** Regulation (EC) No 850/2004 of the European Parliament and of the Council on **persistent organic pollutants** as regards Annex I (Text with EEA relevance)
[OJ of the EU, L 55/4 of 2 March 2016](#)

COMMISSION REGULATION (EU) 2016/266 of 7 December 2015 **amending**, for the purpose of its **adaptation to technical progress**, Regulation (EC) No 440/2008 laying down **test methods** pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the **Registration, Evaluation, Authorisation and Restriction of Chemicals** (REACH) (Text with EEA relevance)
[OJ of the EU, L 54/1 of 1 March 2016](#)

COMMISSION IMPLEMENTING DECISION (EU) 2016/265 of 25 February 2016 on the **approval of the MELCO Motor Generator as an innovative technology for reducing CO₂ emissions from passenger cars** pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (Text with EEA relevance)
[OJ of the EU, L 50/30 of 26 February 2016](#)

Case Law

Affaire C-493/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. NILS WAHL du 17 mars 2016 - Dilly's Wellnesshotel GmbH - demande de décision préjudicielle formée par le Bundesfinanzgericht (tribunal fédéral des finances, Autriche) - Renvoi préjudiciel – **Aides d'État** – Règlement (CE) n° 800/2008 – **Catégories d'aides pouvant être considérées comme compatibles avec le marché commun** – **Aides destinées à la protection de l'environnement** – **Mesures d'aides sous forme de réductions de taxes environnementales** – Caractère impératif des conditions d'exemption
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-493/14 du 17 mars 2016 \(FR seulement\)](#)

Case C-472/14: JUDGMENT OF THE COURT (Second Chamber) of 17 March 2016 - Canadian Oil Company Sweden AB and Anders Rantén v Riksåklagaren - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — **Registration, evaluation, authorisation and restriction of chemicals** — Regulation (EC) No 1907/2006 (REACH Regulation) — **Extent of harmonised field** — Registration of chemical substances with the European Chemicals Agency before placing them on the market — Article 5 — **National chemical product register** — **Notification requirement for registration purposes** — **Compatibility with the REACH Regulation** — Articles 34 TFEU and 36 TFEU — **Quantitative restriction on imports**
[CURIA – Judgment of the Court of Justice in Case C-472/14 of 17 March 2016](#)

Affaire C-38/15: ARRÊT DE LA COUR (sixième chambre) du 10 mars 2016 - Commission européenne contre Royaume d'Espagne - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - **Manquement d'État** – Directive 91/271/CEE – **Traitement des eaux urbaines résiduaires – Systèmes de collecte et de traitement – Rejets dans des zones sensibles** – Méthode de surveillance – **Prélèvements d'échantillons**
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-38/15 du 10 mars 2016 \(FR seulement\)](#)

Cases C-540/14 P, C-551/14 P, C-564/14 P and C-565/14 P: OPINION OF ADVOCATE GENERAL MENGOZZI of 8 March 2016 - DK Recycling und Roheisen GmbH v European Commission (C-540/14 P) - Arctic Paper Mochenwangen GmbH v European Commission (C-551/14 P) - Raffinerie Heide GmbH v European Commission (C-564/14 P) - Romonta GmbH v European Commission (C-565/14 P) - Appeal — **Environment** — Directive 2003/87/EC — **Scheme for greenhouse gas emission allowance trading — Transitional rules for harmonised free allocation of emission allowances** — Decision 2011/278/EU — National implementing measures submitted by the Federal Republic of Germany — **Rejection of the inscription of certain installations on the lists of installations which are allocated emission allowances free of charge — Hardship clause** — Essential element of a basic act — Implementing powers — Sub-objective of the preservation of conditions of competition
[CURIA – Opinion of Advocate General in Case C-565/14 of 8 March 2016](#)

Affaire C-158/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 3 mars 2016 - Elektriciteits Produktiemaatschappij Zuid-Nederland EPZ NV - demande de décision préjudicielle formée par le Raad van State (Conseil d'État, Pays-Bas) - **Droit de l'environnement** – Directive 2003/87/CE – **Système d'échange de quotas d'émission de gaz à effet de serre** – Notion d'installation – Règlement (UE) n° 601/2012 – **Surveillance des émissions de gaz à effet de serre** – Combustible exporté hors de l'installation
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-158/15 du 3 mars 2016 \(FR seulement\)](#)

11. Food Safety, Public Health and Consumers

Community Legislation

COMMISSION REGULATION (EU) 2016/266 of 7 December 2015 **amending**, for the purpose of its **adaptation to technical progress**, Regulation (EC) No 440/2008 laying down **test methods** pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the **Registration, Evaluation, Authorisation and Restriction of Chemicals** (REACH) (Text with EEA relevance)
[OJ of the EU, L 52/1 of 1 March 2016](#)

COMMISSION REGULATION (EU) 2016/263 of 25 February 2016 **amending** Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the **title of the food category 12.3 Vinegars** (Text with EEA relevance)
[OJ of the EU, L 50/25 of 26 February 2016](#)

Case Law

Case C-592/14: OPINION OF ADVOCATE GENERAL BOBEK of 17 March 2016 - European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills - (Request for a preliminary ruling from the High Court of Justice of England & Wales, Queen's Bench Division (Administrative Court) (United Kingdom) - Request for a preliminary ruling — **Internal market** — Regulation No 1223/2009 — Article 18(1)(b) — **Cosmetic products — Cosmetic ingredients — Ban on the marketing of cosmetic ingredients having been tested on animals**
[CURIA – Judgment of the Court of Justice in Case C-592/14 of 17 March 2016](#)

Case C-112/15: JUDGMENT OF THE COURT (Ninth Chamber) of 17 March 2016 - Kødbranchens Fællesråd, acting on behalf of Århus Slagtehus A/S, Danish Crown A.m.b.A. Oksekødsdivisionen, Hadsund Kreaturslagteri A/S, Hjalmar Niensens Eksportslagteri A/S, Kjellerup Eksportslagteri A/S, Mogens Nielsen Kreaturslagteri A/S, Vejle Eksportslagteri A/S v Ministeriet for Fødevarer, Landbrug og Fiskeri and Fødevarestyrelsen - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling — **Approximation of laws** — Regulation (EC) No 882/2004 — Regulation (EC) No 854/2004 — **Official controls of feed and food — Fees that may be charged by Member States to cover the costs incurred through official controls** — Costs in connection with the training of official auxiliaries
[CURIA – Judgment of the Court of Justice in Case C-112/15 of 17 March 2016](#)

Case C-134/15: OPINION OF ADVOCATE GENERAL BOBEK of 16 March 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - Request for a preliminary ruling from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of Saxony, Germany) - Commission Regulation (EC) No 543/2008 — **Marketing standards for poultry meat** — Validity of Article 5(4)(b) — **Fresh pre-packaged poultry meat — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto at the retail stage** — Articles 15(1) and 16 of the Charter of Fundamental Rights — **Freedom to pursue a freely chosen occupation — Freedom to conduct a business** — Proportionality — Article 40(2) TFEU — Non-discrimination
[CURIA – Opinion of Advocate General in Case C-134/15 of 17 March 2016](#)

Case C-138/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 3 March 2016 - Teva Pharma BV and Teva Pharmaceuticals Europe BV v European Medicines Agency (EMA) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Orphan medicinal products** — Regulation (EC) No 141/2000 — Regulation (EC) No 847/2000 — **Refusal to grant marketing authorisation for the generic version of the orphan medicinal product ‘imatinib mesylate’**
[CURIA – Judgment of the Court of Justice in Case C-138/15 of 3 March 2016](#)

12. Human Rights

Community Legislation

DIRECTIVE (EU) 2016/343 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings
[OJ of the EU, L 65/1 of 11 March 2016](#)

Case Law

Case C-63/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 17 March 2016 - Mehrdad Ghezalbash v Staatssecretaris van Veiligheid en Justitie - Request for a preliminary ruling from the Rechtbank Den Haag, sitting in 's-Hertogenbosch (Netherlands) - **Asylum — Examination of an application for international protection — Criteria for determining the responsible Member State** — Interpretation of Article 27(1) of Regulation (EU) No 604/2013 — Right of appeal or review
[CURIA – Opinion of Advocate General in Case C-63/15 of 17 March 2016](#)

Case C-134/15: OPINION OF ADVOCATE GENERAL BOBEK of 16 March 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - Request for a preliminary ruling from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of Saxony, Germany) - Commission Regulation (EC) No 543/2008 — **Marketing standards for poultry meat** — Validity of Article 5(4)(b) — **Fresh pre-packaged poultry meat — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto at the retail stage** — Articles 15(1) and 16 of the Charter of Fundamental Rights — **Freedom to pursue a freely chosen occupation — Freedom to conduct a business** — Proportionality — Article 40(2) TFEU — Non-discrimination
[CURIA – Opinion of Advocate General in Case C-134/15 of 17 March 2016](#)

Case C-155/15: OPINION OF ADVOCATE GENERAL SHARPSTON of 17 March 2016 - George Karim v Migrationsverket - Request for a preliminary ruling from the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm (Sweden)) - **Asylum — Examination of an application for international protection — Criteria for determining the responsible Member State** — Interpretation of Article 27(1) of Regulation (EU) No 604/2013 — Scope of right of appeal or review — Meaning of Article 19(2)
[CURIA – Opinion of Advocate General in Case C-155/15 of 17 March 2016](#)

Case C-161/15: JUDGMENT OF THE COURT (First Chamber) of 17 March 2016 - Abdelhafid Bensada Benallal v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Belgium) - Reference for a preliminary ruling — Directive 2004/38/EC — **Decision withdrawing residence authorisation — Principle of respect for the rights of the defence — Right to be heard — Procedural autonomy of the Member States** — Admissibility of grounds of appeal on a point of law — **Plea based on public policy**
[CURIA – Judgment of the Court of Justice in Case C-161/15 of 17 March 2016](#)

Affaire C-695/15 PPU: ARRÊT DE LA COUR (quatrième chambre) du 17 mars 2016 - Shiraz Baig Mirza contre Bevándorlási és Állampolgársági Hivatal - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Debreceni közigazgatási és munkaügyi bíróság (tribunal administratif et du travail de Debrecen, Hongrie) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – Règlement (UE) n° 604/2013 – **Critères et mécanismes de détermination de l'État membre responsable de l'examen d'une demande de protection internationale** – Article 3, paragraphe 3 – **Droit des États membres d'envoyer un demandeur vers un pays tiers sûr** – Article 18 – **Obligations de l'État membre responsable d'examiner la demande en cas de reprise en charge du demandeur** – Directive 2013/32/UE – **Procédures communes pour l'octroi et le retrait de la protection internationale** – Examen d'une demande de protection internationale
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-695/15 du 17 mars 2016 \(FR seulement\)](#)

Case C-695/15 PPU: OPINION OF ADVOCATE GENERAL KOKOTT of 8 March 2016 - Shiraz Baig Mirza v Bevándorlási és Állampolgársági Hivatal - Request for a preliminary ruling from the Közigazgatási és Munkaügyi Bíróság (Hungary) - **Area of freedom, security and justice — Borders, asylum and immigration — Regulation No 604/2013 (Dublin III)** — Examination of an application for international protection — **Conditions for the exercise of the Member States' right to send an applicant to a safe third country — Obligations of the Member State responsible for examining the application in the event that the applicant is taken back**
[CURIA – Opinion of Advocate General in Case C-695/15 of 8 March 2016](#)

Affaires C-404/15 et C-659/15 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 3 mars 2016 - Pál Aranyosi (C-404/15) et Robert Căldăraru (C-659/15 PPU) - demandes de décision préjudicielle formées par le Hanseatisches Oberlandesgericht in Bremen (tribunal régional supérieur de Brême, Allemagne) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandats d'arrêt européens délivrés aux fins de l'exercice de poursuites pénales ou de l'exécution d'une peine ou d'une mesure privatives de liberté – Remise des personnes recherchées aux autorités judiciaires d'émission** – Article 1er, paragraphe 3 – **Droits fondamentaux – Conditions de détention dans l'État membre d'émission** – Risques de traitements inhumains ou dégradants – Nécessité d'un contrôle de proportionnalité à l'émission des mandats d'arrêt européens
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-659/15 du 3 mars 2016 \(FR seulement\)](#)

Joined Cases C-443/14 and C-444/14: JUDGMENT OF THE COURT (Grand Chamber) of 1 March 2016 - Kreis Warendorf v Ibrahim Alo (C-443/14) - Amira Osso v Region Hannover (C-444/14) and Vertreter des Bundesinteresses beim Bundesverwaltungsgericht (C-443/14 and C-444/14) - REQUESTS for preliminary rulings under Article 267 TFEU from the Bundesverwaltungsgericht (Federal Administrative Court, Germany) - Reference for a preliminary ruling — **Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951** — Articles 23 and 26 — **Area of freedom, security and justice** — Directive 2011/95/EU — **Rules relating to the content of international protection** — Subsidiary protection status — Article 29 — **Social welfare — Conditions of access** — Article 33 — **Freedom of movement within the host Member State — Definition — Restriction — Obligation to reside in a particular place** — Different treatment — Comparable situations — Balanced distribution of budgetary costs between local authorities — Grounds of migration or integration policy
[CURIA – Judgment of the Court of Justice in Case C-443/14 of 1 March 2016](#)

Preparatory Acts, Reports, Calls, Memos, Common Positions

Executive Summary of the Opinion of the European Data Protection Supervisor on the dissemination and use of intrusive surveillance technologies (The full text of this Opinion can be found in English, French and German on the EDPS website www.edps.europa.eu) (2016/C 79/04)
[OJ of the EU, C 79/9 of 1 March 2016](#)

13. Internal Market and Single Market

Case Law

Case C-592/14: OPINION OF ADVOCATE GENERAL BOBEK of 17 March 2016 - European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills - (Request for a preliminary ruling from the High Court of Justice of England & Wales, Queen's Bench Division (Administrative Court) (United Kingdom) - Request for a preliminary ruling — **Internal market** — Regulation No 1223/2009 — Article 18(1)(b) — **Cosmetic products — Cosmetic ingredients — Ban on the marketing of cosmetic ingredients having been tested on animals**
[CURIA – Judgment of the Court of Justice in Case C-592/14 of 17 March 2016](#)

Case C-472/14: JUDGMENT OF THE COURT (Second Chamber) of 17 March 2016 - Canadian Oil Company Sweden AB and Anders Rantén v Riksåklagaren - REQUEST for a preliminary ruling under Article 267 TFEU from the Högsta domstolen (Supreme Court, Sweden) - Reference for a preliminary ruling — **Registration, evaluation, authorisation and restriction of chemicals** — Regulation (EC) No 1907/2006 (REACH Regulation) — **Extent of harmonised field** — Registration of chemical substances with the European Chemicals Agency before placing them on the market — Article 5 — **National chemical product register — Notification requirement for registration purposes — Compatibility with the REACH Regulation** — Articles 34 TFEU and 36 TFEU — **Quantitative restriction on imports**
[CURIA – Judgment of the Court of Justice in Case C-472/14 of 17 March 2016](#)

Case C-134/15: OPINION OF ADVOCATE GENERAL BOBEK of 16 March 2016 - Lidl GmbH & Co. KG v Freistaat Sachsen - Request for a preliminary ruling from the Sächsisches Oberverwaltungsgericht (Higher Administrative Court of Saxony, Germany) - Commission Regulation (EC) No 543/2008 — **Marketing standards for poultry meat** — Validity of Article 5(4)(b) — **Fresh pre-packaged poultry meat — Obligation to indicate the total price and the price per weight unit on the pre-packaging or on a label attached thereto at the retail stage** — Articles 15(1) and 16 of the Charter of Fundamental Rights — **Freedom to pursue a freely chosen occupation — Freedom to conduct a business** — Proportionality — Article 40(2) TFEU — Non-discrimination
[CURIA – Opinion of Advocate General in Case C-134/15 of 16 March 2016](#)

Case C-2/15: OPINION OF ADVOCATE GENERAL MENGGOZZI of 16 March 2016 - DHL Express (Austria) GmbH v Post-Control-Kommission - Request for a preliminary ruling from the Verwaltungsgerichtshof (Higher Administrative Court, Austria) - Reference for a preliminary ruling — **Freedom to provide services — Postal services in the European Union — Rules of a Member State under which all postal service providers are obliged to contribute to the operational costs of the regulatory authority for the postal sector**
[CURIA – Opinion of Advocate General in Case C-2/15 of 16 March 2016](#)

Case C-6/15: OPINION OF ADVOCATE GENERAL MENGGOZZI of 10 March 2016 - TNS Dimarso NV v Vlaams Gewest - Request for a preliminary ruling from the Raad van State van België (Belgian Council of State) - Reference for a preliminary ruling — Directive 2004/18/EC — Article 53 — **Criteria for the award of contracts — Tenderers — Equal treatment — Most economically advantageous tender — Evaluation of tenders**
[CURIA – Opinion of Advocate General in Case C-6/15 of 10 March 2016](#)

Case C-431/14 P: JUDGMENT OF THE COURT (Grand Chamber) of 8 March 2016 - Hellenic Republic v European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Compensation payments made by the Greek Agricultural Insurance Organisation (ELGA) in 2008 and 2009** — Decision declaring aid incompatible with the internal market and ordering its recovery — **Concept of ‘State aid’** — Article 107(3)(b) TFEU — **Guidelines for State aid in the agricultural sector — Obligation to state reasons — Distortion of evidence**

[CURIA – Judgment of the Court of Justice in Case C-431/14 of 8 March 2016](#)

Case C-46/15: OPINION OF ADVOCATE GENERAL WATHELET of 3 March 2016 - Ambisig — Ambiente e Sistemas de Informação Geográfica SA v AICP — Associação de Industriais do Concelho de Pombal - Request for a preliminary ruling from the Tribunal Central Administrativo Sul (Central Administrative Court, Southern Division, Portugal) - Reference for a preliminary ruling — **Public contracts** — Directive 2004/18/EC — Article 48(2)(a)(ii) — **Direct effect — Award procedures — Economic operators — Technical and/or professional abilities — Evidence**

[CURIA – Opinion of Advocate General in Case C-46/15 of 3 March 2016](#)

14. Intellectual Property

Case Law

Case C-567/14: OPINION OF ADVOCATE GENERAL WATHELET of on 17 March 2016 - Genentech Inc. v Hoechst GmbH, formerly Hoechst AG and Sanofi-Aventis Deutschland GmbH - Request for a preliminary ruling from the cour d’appel de Paris (Court of Appeal, Paris) (France) - Reference for a preliminary ruling — **Action for annulment of an arbitral award — Competition** — Article 101 TFEU — **Agreements, decisions and concerted practices — Non-exclusive patent licence agreement — Revocation of patents — No infringement** — Effect — Obligation to pay royalties

[CURIA – Opinion of Advocate General in Case C-567/14 of 17 March 2016](#)

Case C-207/15 P: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 17 March 2016 - Nissan Jidosha KK - Appeal — **Community trade mark — Figurative mark which includes the word element ‘CVTC’ — Partial refusal of renewal by the examiner**

[CURIA – Opinion of Advocate General in Case C-207/15 of 17 March 2016](#)

Case C-99/15: JUDGMENT OF THE COURT (Fifth Chamber) of 17 March 2016 - Christian Liffers v Producciones Mandarin SL and Mediaset España Comunicación SA, formerly Gestevisión Telecinco SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal Supremo (Supreme Court, Spain) - Reference for a preliminary ruling — **Intellectual property** — Directive 2004/48/EC — Article 13(1) — **Audiovisual work — Infringing activity — Damages** — Rules for calculation — Lump sum — **Moral prejudice — Inclusion**

[CURIA – Judgment of the Court of Justice in Case C-99/15 of 17 March 2016](#)

Case C-175/15: JUDGMENT OF THE COURT (Sixth Chamber) of 17 March 2016 - Taser International Inc. v SC Gate 4 Business SRL and Cristian Mircea Anastasiu - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Contracts imposing an obligation on a Romanian undertaking to assign trade marks to an undertaking with its seat in a third country** — Refusal — **Clause conferring jurisdiction on a third country — Defendant entering an appearance before the Romanian courts without raising an objection** — Applicable rules on jurisdiction)

[CURIA – Judgment of the Court of Justice in Case C-175/15 of 17 March 2016](#)

Case C-252/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 17 March 2016 - Naazneen Investments Ltd, established in Limassol (Cyprus) v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Energy Brands Inc., established in New York (United States) - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Community trade mark** — Regulation (EC) No 207/2009 — Revocation proceedings — Article 51(1)(a) — **Community word mark SMART WATER** — **Genuine use** — **Obligation to state reasons** — Article 75

CURIA – Judgment of the Court of Justice in Case C-252/15 of 17 March 2016

Case C-484/14: OPINION OF ADVOCATE GENERAL SZPUNAR of 16 March 2016 - Tobias Mc Fadden v Sony Music Entertainment Germany GmbH - Request for a preliminary ruling from the Landgericht München I (Regional Court, Munich I, Germany) - Request for a preliminary ruling — **Free movement of information society services** — Directive 2000/31/EC — Article 2(a) and (b) — **Concept of ‘information society services’** — **Concept of ‘service provider’** — **Services of an economic nature** — Article 12 — **Limitation of liability of a provider of ‘mere conduit’ services** — Article 15 — **Exclusion of general obligation to monitor** — Professional making a wireless local network with Internet access available to the public free of charge — **Infringement of copyright and related rights by third-party users** — Injunction entailing an obligation to password-protect an Internet connection

CURIA – Opinion of Advocate General in Case C-484/14 of 16 March 2016

Case C-138/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 3 March 2016 - Teva Pharma BV and Teva Pharmaceuticals Europe BV v European Medicines Agency (EMA) and European Commission - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Orphan medicinal products** — Regulation (EC) No 141/2000 — Regulation (EC) No 847/2000 — **Refusal to grant marketing authorisation for the generic version of the orphan medicinal product ‘imatinib mesylate’**

CURIA – Judgment of the Court of Justice in Case C-138/15 of 3 March 2016

Case C-179/15: JUDGMENT OF THE COURT (Second Chamber) of 3 March 2016 - Daimler AG v Együd Garage Gépjárműjavító és Értékesítő Kft. - REQUEST for a preliminary ruling under Article 267 TFEU from the Fővárosi Törvényszék (Budapest Municipal Court, Hungary) - References for a preliminary ruling — **Trade marks** — Directive 2008/95/EC — Article 5(1) — **Advertisements relating to a third party accessible on the internet** — **Unauthorised use of the mark** — **Advertisements published online without the knowledge and without the consent of that third party or maintained online despite the opposition of that third party** — Action of the trade mark proprietor against that third party

CURIA – Judgment of the Court of Justice in Case C-179/15 of 3 March 2016

Case C-43/15 P: OPINION OF ADVOCATE GENERAL BOT of 1 March 2016 - BSH Bosch und Siemens Hausgeräte GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) - Appeal — **Community trade mark** — Opposition proceedings — **Partial refusal to register** — **Procedural rules concerning the bringing of an appeal seeking revision of a decision of the Opposition Division** — Principal appeal brought by the applicant under Articles 58 to 64 of Regulation (EC) No 207/2009 — Cross-appeal brought by the opponent in its response under Article 8(3) of Regulation (EC) No 216/96 — Admissibility of the cross-appeal — Scope of Article 8(3) of Regulation No 216/96 — No procedural guarantees — **Infringement of the applicant’s right to be heard and of the adversarial principle** — **Infringement of the principle of res judicata** — **Role of the judicature** — **Plea involving a matter of public policy which must be raised by the EU judicature of its own motion**

CURIA – Opinion of Advocate General in Case C-43/15 of 1 March 2016

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

Community Legislation

REGULATION (EU) 2016/399 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on a **Union Code on the rules governing the movement of persons across borders** (Schengen Borders Code) (codification)
[OJ of the EU, L 77/1 of 23 March 2016](#)

DIRECTIVE (EU) 2016/343 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016 on the **strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings**
[OJ of the EU, L 65/1 of 11 March 2016](#)

Case Law

Case C-161/15: JUDGMENT OF THE COURT (First Chamber) of 17 March 2016 - Abdelhafid Bensada Benallal v État belge - REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Belgium) - Reference for a preliminary ruling — Directive 2004/38/EC — **Decision withdrawing residence authorisation — Principle of respect for the rights of the defence — Right to be heard — Procedural autonomy of the Member States** — Admissibility of grounds of appeal on a point of law — **Plea based on public policy**
[CURIA – Judgment of the Court of Justice in Case C-161/15 of 17 March 2016](#)

Case C-175/15: JUDGMENT OF THE COURT (Sixth Chamber) of 17 March 2016 - Taser International Inc. v SC Gate 4 Business SRL and Cristian Mircea Anastasiu - REQUEST for a preliminary ruling under Article 267 TFEU from the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania) - Reference for a preliminary ruling — **Area of freedom, security and justice — Judicial cooperation in civil matters** — Regulation (EC) No 44/2001 — **Contracts imposing an obligation on a Romanian undertaking to assign trade marks to an undertaking with its seat in a third country — Refusal — Clause conferring jurisdiction on a third country — Defendant entering an appearance before the Romanian courts without raising an objection** — Applicable rules on jurisdiction)
[CURIA – Judgment of the Court of Justice in Case C-175/15 of 17 March 2016](#)

Affaire C-695/15 PPU: ARRÊT DE LA COUR (quatrième chambre) du 17 mars 2016 - Shiraz Baig Mirza contre Bevándorlási és Állampolgársági Hivatal - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Debreceni közigazgatási és munkaügyi bíróság (tribunal administratif et du travail de Debrecen, Hongrie) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence** – Règlement (UE) n° 604/2013 – **Critères et mécanismes de détermination de l'État membre responsable de l'examen d'une demande de protection internationale** – Article 3, paragraphe 3 – **Droit des États membres d'envoyer un demandeur vers un pays tiers sûr** – Article 18 – **Obligations de l'État membre responsable d'examiner la demande en cas de reprise en charge du demandeur** – Directive 2013/32/UE – **Procédures communes pour l'octroi et le retrait de la protection internationale** – Examen d'une demande de protection internationale
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-695/15 du 17 mars 2016 \(FR seulement\)](#)

Case C-543/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 10 March 2016 - Ordre des barreaux francophones et germanophone and Others, Vlaams Netwerk van Verenigingen waar armen het woord nemen ASBL and Others, Jimmy Tessens and Others, Orde van Vlaamse Balies and Ordre des avocats du barreau d'Arlon and Others v Conseil des ministres - Request for a preliminary ruling from the Cour constitutionnelle (Constitutional Court, Belgium) - **VAT** — Directive 2006/112/EC — **Validity and interpretation — Services provided by lawyers — Non-exemption from VAT** — Access to justice — **Right to assistance by a lawyer — Equality of arms — Legal aid**
[CURIA – Opinion of Advocate General in Case C-543/14 of 10 March 2016](#)

Affaire C-12/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 10 mars 2016 - Universal Music International Holding BV contre Michael Tétéreault Schilling, Irwin Schwartz et Josef Brož - demande de décision préjudicielle formée par le Hoge Raad der Nederlanden (Cour Suprême des Pays-Bas) - **Espace de liberté, de sécurité et de justice — Compétence judiciaire en matière civile et commerciale** – Règlement (CE) n° 44/2001 – Article 5, point 3 – **Matière délictuelle ou quasi délictuelle – Lieu où le fait dommageable s'est produit – Préjudice purement patrimonial**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-12/15 du 10 mars 2016 \(FR seulement\)](#)

Case C-94/14: JUDGMENT OF THE COURT (Second Chamber) of 10 March 2016 - Flight Refund Ltd v Deutsche Lufthansa AG - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling – **Area of freedom, security and justice — Judicial cooperation in civil matters — European order for payment procedure** — Regulation (EC) No 1896/2006 — Articles 17 and 20 — **Obligations of a court seised in order to designate the court with territorial jurisdiction to hear contentious proceedings following the defendant's opposition to the European order for payment — Competence of the courts of the Member State of origin of the European order for payment** — Regulation (EC) No 44/2001 — Debt arising from the right to compensation under Regulation (EC) No 261/2004 on account of a flight delay

[CURIA – Judgment of the Court of Justice in Case C-94/14 of 10 March 2016](#)

Case C-235/14: JUDGMENT OF THE COURT (Fifth Chamber) of 10 March 2016 - Safe Interenvíos SA v Liberbank SA, Banco de Sabadell SA and Banco Bilbao Vizcaya Argentaria SA - REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Provincial de Barcelona (Provincial Court, Barcelona, Spain) - Reference for a preliminary ruling – **Prevention of the use of the financial system for the purpose of money laundering and terrorist financing** — Directive 2005/60/EC — **Customer due diligence measures** — Directive 2007/64/EC — **Payment services in the internal market**

[CURIA – Judgment of the Court of Justice in Case C-235/14 of 10 March 2016](#)

Case C-695/15 PPU: OPINION OF ADVOCATE GENERAL KOKOTT of 8 March 2016 - Shiraz Baig Mirza v Bevándorlási és Állampolgársági Hivatal - Request for a preliminary ruling from the Közigazgatási és Munkaügyi Bíróság (Hungary) - **Area of freedom, security and justice — Borders, asylum and immigration — Regulation No 604/2013 (Dublin III)** — Examination of an application for international protection — **Conditions for the exercise of the Member States' right to send an applicant to a safe third country — Obligations of the Member State responsible for examining the application in the event that the applicant is taken back**

[CURIA – Opinion of Advocate General in Case C-695/15 of 8 March 2016](#)

Affaires C-404/15 et C-659/15 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 3 mars 2016 - Pál Aranyosi (C-404/15) et Robert Căldăraru (C-659/15 PPU) - demandes de décision préjudicielle formées par le Hanseatisches Oberlandesgericht in Bremen (tribunal régional supérieur de Brême, Allemagne) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandats d'arrêt européens délivrés aux fins de l'exercice de poursuites pénales ou de l'exécution d'une peine ou d'une mesure privatives de liberté – Remise des personnes recherchées aux autorités judiciaires d'émission** – Article 1er, paragraphe 3 – **Droits fondamentaux – Conditions de détention dans l'État membre d'émission** – Risques de traitements inhumains ou dégradants – Nécessité d'un contrôle de proportionnalité à l'émission des mandats d'arrêt européens

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-659/15 du 3 mars 2016 \(FR seulement\)](#)

Affaire C-241/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 2 mars 2016 - Niculaie Aurel Bob-Dogi - demande de décision préjudicielle formée par la Curtea de Apel Cluj (cour d'appel de Cluj, Roumanie) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen** – Article 8, paragraphe 1, sous c) – **Absence de mandat d'arrêt national préalable et distinct du mandat d'arrêt européen – Conséquence**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-241/15 du 2 mars 2016 \(FR seulement\)](#)

16. Transport

Community Legislation

COUNCIL DECISION (EU) 2016/381 of 14 March 2016 on the **position to be adopted, on behalf of the European Union**, within the **Port State Control Committee of the Paris Memorandum of Understanding on Port State Control**

[OJ of the EU, L 72/53 of 17 March 2016](#)

COMMISSION IMPLEMENTING REGULATION (EU) 2016/345 of 10 March 2016 **setting out the frequency of reporting of container status messages, the format of the data and the method of transmission**

[OJ of the EU, L 65/38 of 11 March 2016](#)

COMMISSION REGULATION (EU) 2016/282 of 26 February 2016 **amending** Regulation (EC) No 748/2009 on the **list of aircraft operators which performed an aviation activity** listed in Annex I to Directive 2003/87/EC on or after 1 January 2006 **specifying the administering Member State for each aircraft operator** (Text with EEA relevance)

[OJ of the EU, L 56/1 of 2 March 2016](#)

Case Law

Joined Cases C-145/15 and C-146/15: JUDGMENT OF THE COURT (Eighth Chamber) of 17 March 2016 - K. Ruijsenaars, A. Jansen (C-145/15), and J. H. Dees-Erf (C-146/15) v Staatssecretaris van Infrastructuur en Milieu - REQUESTS for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands) - **Air transport** — Regulation (EC) No 261/2004 — Article 7 — **Compensation payable to passengers in the event that their flight is cancelled or delayed by more than three hours** — Article 16 — National bodies responsible for the enforcement of the regulation — Powers — **Adoption of enforcement measures against the air carrier for payment of the compensation due to the passenger**

[CURIA – Judgment of the Court of Justice in Case C-145/15 of 17 March 2016](#)

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

Case Law

Case C-286/14: JUDGMENT OF THE COURT (Fifth Chamber) of 17 March 2016 - European Parliament and Council of the European Union v European Commission - ACTION for annulment under Article 263 TFEU - Action for annulment — Article 290 TFEU — **Concepts of 'amending' and 'supplementing'** — Regulation (EU) No 1316/2013 — Article 21(3) — **Scope of the power conferred on the European Commission — Need to adopt a separate legislative act** — Delegated Regulation (EU) No 275/2014

[CURIA – Judgment of the Court of Justice in Case C-286/14 of 17 March 2016](#)