



Institut suisse de droit comparé  
Schweizerisches Institut für Rechtsvergleichung  
Istituto svizzero di diritto comparato  
Swiss Institute of Comparative Law

# 103

## Highlights

**REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 April 2016 on the **protection of natural persons with regard to the processing of personal data and on the free movement of such data**, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)  
[OJ of the EU, L 119/1 4 of May 2016](#)

**DIRECTIVE (EU) 2016/800 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on **procedural safeguards for children who are suspects or accused persons in criminal proceedings**  
[OJ of the EU, L 132/1 21 of May 2016](#)

**DIRECTIVE (EU) 2016/681 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 April 2016 on the **use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**  
[OJ of the EU, L 119/132 4 of May 2016](#)

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## EU News: Click & Read May 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

**DECISION No 1/2016 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 11 April 2016 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2016/689]

[OJ of the EU, L 118/24 4 of May 2016](#)

## 2. External Relations / Foreign Policy

### Case Law

**Affaire C-358/15 P: ARRÊT DE LA COUR (deuxième chambre) of 12 mai 2016 - Bank of Industry and Mine, établie à Téhéran (Iran) contre Conseil de l'Union européenne** - ayant pour objet un pourvoi au titre de l'article 56 du statut de la Cour de justice de l'Union européenne - Pourvoi – **Mesures restrictives prises à l'encontre de l'Iran – Liste des personnes et des entités auxquelles s'applique le gel de fonds et de ressources économiques** – Règlement d'exécution (UE) n° 945/2012 – **Base juridique – Critère tiré de l'appui matériel, logistique ou financier au gouvernement iranien – Partie des bénéficiaires d'une société étatique versée à l'État iranien**

[CURIA – Arrêt de la Cour de Justice dans l'affaire C-358/15 du 12 mai 2016 \(FR seulement\)](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2016/757** of 3 February 2016 determining those **operations in connection with the application of agricultural regulations which require the introduction of information into the Custom Information System**

[OJ of the EU, L 126/1 14 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/708** of 11 May 2016 on the **compliance of the 'Austrian Agricultural Certification Scheme'** with the conditions set out in Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council

[OJ of the EU, L 122/60 12 of May 2016](#)

### Case Law

**Case C-273/15: JUDGMENT OF THE COURT (Eighth Chamber) of 26 May 2016 - ZS 'Ezernieki' v Lauku atbalsta dienests** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas Administratīvo lietu departaments (Supreme Court, Administrative Chamber, Latvia) - Reference for a preliminary ruling — **Agriculture — European Agricultural Guidance and Guarantee Fund** — Regulations (EC) Nos 1257/1999 and 817/2004 — **Support for rural development — Recovery of undue payments** — Increase of the area declared during the five-year commitment period above the threshold provided for — Replacement of the original commitment by a new commitment — Non-compliance by the beneficiary with the obligation to submit an annual application for payment of aid — **National legislation requiring the repayment of all aid paid over several years — Principle of proportionality** — Articles 17 and 52 of the Charter of Fundamental Rights of the European Union

[CURIA – Judgment of the Court of Justice in Case C-273/15 of 26 May 2016](#)

**Affaires jointes C-78/16 et C-79/16: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 12 mai 2016 - Giovanni Pesce e.a. (C-78/16) et Cesare Serinelli e.a. (C-79/16) contre Presidenza del Consiglio dei Ministri (C-79/16), Presidenza del Consiglio dei Ministri – Dipartimento della Protezione Civile, Commissario Delegato per Fronteggiare il Rischio Fitosanitario connesso alla Diffusione della Xylella nel Territorio della Regione Puglia, Ministero delle Politiche Agricole Alimentari e Forestali et Regione Puglia - demandes de décision préjudicielle formées par le Tribunale amministrativo regionale per il Lazio (tribunal administratif régional pour le Latium, Italie) - Renvoi préjudiciel – Directive 2000/29/CE – **Protection sanitaire des végétaux contre l'introduction dans l'Union européenne d'organismes nuisibles – Décision d'exécution 2015/789/UE visant à éviter l'introduction et la propagation de Xylella fastidiosa** – Enlèvement des végétaux hôtes, quel que soit leur statut sanitaire – Proportionnalité – **Droit à indemnisation****

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-78/16 du 12 mai 2016 \(FR seulement\)](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

**REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 April 2016 on the **protection of natural persons with regard to the processing of personal data and on the free movement of such data**, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)

[OJ of the EU, L 119/1 4 of May 2016](#)

**DIRECTIVE (EU) 2016/680 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 April 2016 on the **protection of natural persons with regard to the processing of personal data by competent authorities** for the purposes of the **prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties**, and on the **free movement of such data**, and repealing Council Framework Decision 2008/977/JHA

[OJ of the EU, L 119/89 4 of May 2016](#)

**DIRECTIVE (EU) 2016/681 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 27 April 2016 on the **use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime**

[OJ of the EU, L 119/132 4 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/687** of 28 April 2016 on the **harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union** (notified under document C(2016) 2268) (Text with EEA relevance)

[OJ of the EU, L 118/4 4 of May 2016](#)

### Case Law

**Affaire C-582/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. M. CAMPOS SÁNCHEZ-BORDONA du 12 mai 2016 - Patrick Breyer contre Bundesrepublik Deutschland** - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - **Traitement de données à caractère personnel** – Directive 95/46/CE – Article 2, sous a), et article 7, sous f) – **Notion de 'données à caractère personnel' – Adresses IP – Conservation par un fournisseur de médias électroniques** – Règlements nationaux ne permettant pas la prise en compte de l'intérêt légitime poursuivi par le responsable du traitement.

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-582/14 du 12 mai 2016 \(FR seulement\)](#)

## 5. Competition

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

## 6. Customs

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2016/757** of 3 February 2016 determining those **operations in connection with the application of agricultural regulations which require the introduction of information into the Custom Information System**

[OJ of the EU, L 126/1 14 of May 2016](#)

**COMMISSION DELEGATED REGULATION (EU) 2016/698** of 8 April 2016 **correcting Delegated Regulation (EU) 2016/341** 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 121/1 11 of May 2016](#)

### Case Law

**Case C-198/15: JUDGMENT OF THE COURT (Tenth Chamber) of 26 May 2016 - Invamed Group Ltd, Invacare UK Ltd, Days Healthcare Ltd, Electric Mobility Euro Ltd, Medicare Technology Ltd, Sunrise Medical Ltd and Invacare International SARL v Commissioners for Her Majesty's Revenue & Customs** - REQUEST for a preliminary ruling under Article 267 TFEU from the First-tier Tribunal (Tax Chamber) (United Kingdom) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature — Section XVII — Vehicles — Chapter 87 — Vehicles other than railway or tramway rolling stock, and parts and accessories thereof — Headings 8703 and 8713 — Vehicles with battery-powered electric motors — Definition of 'disabled persons'**

[CURIA – Judgment of the Court of Justice in Case C-198/15 of 26 May 2016](#)

**Case C-262/15: JUDGMENT OF THE COURT (Ninth Chamber) of 26 May 2016 - GD European Land Systems – Steyr GmbH v Zollamt Eisenstadt Flughafen Wien** - REQUEST for a preliminary ruling under Article 267 TFEU from the Verwaltungsgerichtshof (Administrative Court, Austria) - Reference for a preliminary ruling — **Common Customs Tariff — Classification of goods — Regulation (EEC) No 2658/87 — Combined Nomenclature — Heading 8710 and Subheading 9305 91 00 — Note 3 to Section XVII and point (c) of note 1 to Chapter 93 — Tanks and other armoured fighting vehicles — Military weapons — Classification of a turret system**

[CURIA – Judgment of the Court of Justice in Case C-262/15 of 26 May 2016](#)

**Case C-286/15: JUDGMENT OF THE COURT (Seventh Chamber) of 26 May 2016 - Valsts ieņēmumu dienests v SIA 'Latvijas propāna gāze'** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākā tiesa, Administratīvo lietu departaments (Supreme Court, Administrative law division, Latvia) - Reference for a preliminary ruling — **Common Customs Tariff — Tariff classification — Combined Nomenclature — Heading 2711 — Petroleum gases and other gaseous hydrocarbons — Material giving the essential character — Liquefied petroleum gas**

[CURIA – Judgment of the Court of Justice in Case C-286/15 of 26 May 2016](#)

**Joined Cases C-532/14 and C-533/14: JUDGMENT OF THE COURT (First Chamber) of 12 May 2016 - Toorank Productions BV v Staatssecretaris van Financiën** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) - References for a preliminary ruling — **Common Customs Tariff — Classification for customs purposes — Combined Nomenclature — Tariff heading 2206 — Tariff heading 2208 — Alcoholic beverages obtained through fermentation followed by purification — Addition of additives to alcoholic beverages obtained through fermentation followed by purification — Beverages which have lost the properties of beverages falling under tariff heading 2206**

[CURIA – Judgment of the Court of Justice in Case C-532/14 of 12 May 2016](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/824** of 25 May 2016 laying down **implementing technical standards** with regard to the **content and format of the description of the functioning of multilateral trading facilities and organised trading facilities and the notification to the European Securities and Markets Authority** according to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments (Text with EEA relevance)

[OJ of the EU, L 137/10 26 of May 2016](#)

**COMMISSION DELEGATED REGULATION (EU) 2016/822** of 21 April 2016 **amending** Delegated Regulation (EU) No 153/2013 as regards the **time horizons for the liquidation period to be considered for the different classes of financial instruments** (Text with EEA relevance)

[OJ of the EU, L 137/1 26 of May 2016](#)

**DECISION (EU) 2016/821 OF THE EUROPEAN CENTRAL BANK** of 26 April 2016 **amending** Decision ECB/2007/7 concerning the **terms and conditions of TARGET2-ECB** (ECB/2016/9)

[OJ of the EU, L 136/12 25 of May 2016](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/818** of 17 May 2016 **amending** Implementing Regulation (EU) No 1030/2014 laying down implementing **technical standards with regard to the uniform formats and date for the disclosure of the values used to identify global systemically important 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 136/4 25 of May 2016](#)

**DECISION (EU) 2016/810 OF THE EUROPEAN CENTRAL BANK** of 28 April 2016 on a **second series of targeted longer-term refinancing operations** (ECB/2016/10)

[OJ of the EU, L 132/107 21 of May 2016](#)

**DECISION (EU) 2016/811 OF THE EUROPEAN CENTRAL BANK** of 28 April 2016 **amending** Decision ECB/2014/34 on **measures relating to targeted longer-term refinancing operations** (ECB/2016/11)

[OJ of the EU, L 132/129 21 of May 2016](#)

**COUNCIL REGULATION (EU, Euratom) 2016/804** of 17 May 2016 amending Regulation (EU, Euratom) No 609/2014 on the **methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements**

[OJ of the EU, L 132/85 21 of May 2016](#)

**DECISION OF THE BOARD OF GOVERNORS** of 20 January 2016 on the Amendments to the **Rules of Procedure of the EIB to reflect the Strengthening of the EIB Governance** [2016/772]

[OJ of the EU, L 127/55 18 of May 2016](#)

**COMMISSION DELEGATED REGULATION (EU) 2016/709** of 26 January 2016 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to **regulatory technical standards specifying the conditions for the application of the derogations concerning currencies with constraints on the availability of liquid assets** (Text with EEA relevance)

[OJ of the EU, L 125/1 13 of May 2016](#)

**DECISION (EU) 2016/702 OF THE EUROPEAN CENTRAL BANK** of 18 April 2016 amending Decision (EU) 2015/774 on a **secondary markets public sector asset purchase programme** (ECB/2016/8)

[OJ of the EU, L 121/24 11 of May 2016](#)

## Case Law

**Affaire C-195/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 26 mai 2016 - Pierre Mulhaupt, en qualité d'administrateur judiciaire à la faillite de la société civile immobilière Senior Home contre Gemeinde Wedemark et Hannoversche Volksbank eG** - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - **Espace de liberté, de sécurité et de justice – Coopération judiciaire en matière civile – Procédures d'insolvabilité** – Règlement (CE) n° 1346/2000 – Article 5 – **Notion de 'droits réels des tiers' – Taxe foncière – Réglementation d'un État membre prévoyant que l'impôt foncier constitue une charge publique grevant les biens immobiliers qui peut être exécuté à l'égard de tout éventuel propriétaire**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-195/15 du 26 mai 2016 \(FR seulement\)](#)

**Case C-550/14: JUDGMENT OF THE COURT (Second Chamber) of 26 May 2016 - Envirotec Denmark ApS v Skatteministeren** - REQUEST for a preliminary ruling under Article 267 TFEU from the Østre Landsret (Eastern Regional Court, Denmark) - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — **Reverse charge mechanism** — Article 198(2) — **Gold material or semi-manufactured products** — **Meaning** — Article 199(1)(d) and Annex VI — **Used materials, waste and scrap** — **Ingots resulting from the melting down of various objects and scrap used to enable the extraction of gold and with a purity in gold of 325 thousandths or greater**

[CURIA – Judgment of the Court of Justice in Case C-550/14 of 26 May 2016](#)

**Case C-607/14: JUDGMENT OF THE COURT (Second Chamber) of 26 May 2016 - Bookit Ltd v Commissioners for Her Majesty's Revenue and Customs** - REQUEST for a preliminary ruling under Article 267 TFEU, from the First-tier Tribunal (Tax Chamber), United Kingdom - Reference for a preliminary ruling — **Common system of value added tax** — Directive 2006/112/EC — **Exemption** — Article 135(1)(d) — **Transactions concerning payments and transfers** — **Meaning** — Purchase of cinema tickets by telephone or via the Internet — **Payment by debit card or credit card – 'Card handling' services**

[CURIA – Judgment of the Court of Justice in Case C-607/14 of 26 May 2016](#)

**Case C-48/15: JUDGMENT OF THE COURT (Second Chamber) of 26 May 2016 - État belge, SPF Finances v NN (L) International SA, formerly ING International SA, successor to the rights and obligations of ING (L) Dynamic SA** - REQUEST for a preliminary ruling under Article 267 TFEU from the cour d'appel de Bruxelles (Belgium) - Reference for a preliminary ruling — **Direct taxation** — **Free movement of capital** — **Freedom to provide services** — Directive 69/335/EEC — Articles 2, 4, 10 and 11 — Directive 85/611/EEC — Articles 10 and 293 EC — **Annual tax on undertakings for collective investment** — **Double taxation** — Penalties applicable to collective investment undertakings governed by foreign law

[CURIA – Judgment of the Court of Justice in Case C-48/15 of 26 May 2016](#)

**Case C-130/15: JUDGMENT OF THE COURT (Second Chamber) of 26 May 2016 - Commissioners for Her Majesty's Revenue and Customs v National Exhibition Centre Limited** - REQUEST for a preliminary ruling under Article 267 TFEU from the Upper Tribunal (Tax and Chancery Chamber), United Kingdom - Preliminary ruling — **Common system of value added tax** — Sixth Directive 77/388/EEC — **Exemption** — Article 13B(d)(3) — **Transactions in respect of payments and transfers** — **Concept** — **Purchase of tickets for shows or other events** — **Payment by debit or credit card** — **'Card processing' services'**

[CURIA – Judgment of the Court of Justice in Case C-130/15 of 26 May 2016](#)

**Case C-244/15: JUDGMENT OF THE COURT (Seventh Chamber) of 26 May 2016 - European Commission v Hellenic Republic** - ACTION under Article 258 TFEU for failure to fulfil obligations - **Failure of a Member State to fulfil obligations** — **Taxation** — **Free movement of capital** — Article 63 TFEU — Article 40 of the EEA Agreement — **Inheritance tax** — **Legislation of a Member State providing for an exemption from inheritance tax relating to the primary residence on condition that the heir is permanently resident in that Member State** — Restriction — Justification

[CURIA – Judgment of the Court of Justice in Case C-244/15 of 26 May 2016](#)



**Case C-300/15: JUDGMENT OF THE COURT (Tenth Chamber) of 26 May 2016 - Charles Kohll and Sylvie Kohll-Schlessler v Directeur de l'administration des contributions directes** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Articles 21 and 45 TFEU — **Freedom of movement and of residence of persons and workers — Income tax — Retirement pension — Pensioners' tax credit** — Conditions for granting — **Possession of a tax deduction form issued by national authorities**

[CURIA – Judgment of the Court of Justice in Case C-300/15 of 26 May 2016](#)

**Affaire C-503/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 12 mai 2016 - Commission européenne contre République portugaise** - Manquement d'État – Articles 21, 45 et 49 TFUE – Articles 28 et 31 de l'accord EEE – **Libre circulation des personnes – Libre circulation des travailleurs – Liberté d'établissement – Imposition des personnes physiques sur les plus-values réalisées lors d'un échange de parts sociales** – Imposition des personnes physiques sur les plus-values réalisées lors du transfert de la totalité du patrimoine affecté à l'exercice d'une activité entrepreneuriale et professionnelle – **Imposition à la sortie pour les particuliers – Recouvrement immédiat de l'imposition – Différence de traitement entre les personnes physiques résidentes ou non-résidentes** – Différence de traitement entre les personnes physiques qui procèdent au transfert d'actifs et de passifs selon qu'ils sont transférés à une société résidente au Portugal ou à une société résidente sur le territoire d'un autre État membre – Proportionnalité

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-503/14 du 12 mai 2016 \(FR seulement\)](#)

**Case C-555/14: OPINION OF ADVOCATE GENERAL SHARPSTON of 12 May 2016 - IOS Finance EFC SA v Servicio Murciano de Salud** - Request for a preliminary ruling from the Juzgado Contencioso-Administrativo No 6, Murcia (Court for Contentious Administrative Proceedings No 6, Murcia, Spain) - Directives 2000/35/EC and 2011/7/EU — **Late payment in commercial transactions — Transactions between undertakings and public authorities — Unfair contractual terms and practices**

[CURIA – Opinion of Advocate General in Case C-555/14 of 12 May 2016](#)

**Affaire C-593/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL MME JULIANE KOKOTT du 12 mai 2016 - Masco Denmark ApS et Damixa ApS contre Skatteministeriet** - demande de décision préjudicielle présentée par le Vestre Landsret [cour d'appel de la région Ouest, Danemark] - **Droit fiscal – Liberté d'établissement (article 43 CE) – Impôt national sur les sociétés – Revenus d'intérêts – Prêt à une filiale** – Exonération fiscale en cas d'interdiction de déduire les charges d'intérêts d'une filiale sous-capitalisée – **Sociétés mères possédant des filiales non-résidentes – Interdiction par un autre État-membre de déduire les intérêts**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-593/14 du 12 mai 2016 \(FR seulement\)](#)

**Case C-520/14: JUDGMENT OF THE COURT (Fifth Chamber) of 12 May 2016 - Gemeente Borsele v Staatssecretaris van Financiën and Staatssecretaris van Financiën v Gemeente Borsele** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court, Netherlands) - Reference for a preliminary ruling — **Value added tax** — Directive 2006/112/EC — Articles 2(1)(c) and 9(1) — **Taxable persons — Economic activities — Definition — Transport of schoolchildren**

[CURIA – Judgment of the Court of Justice in Case C-520/14 of 12 May 2016](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading'** (COM(2015) 583 final) (2016/C 177/02)

[OJ of the EU, C 177/9 18 of May 2016](#)

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

### Community Legislation

**COMMISSION DELEGATED DECISION (EU) 2016/790** of 13 January 2016 **amending** Annex V to Directive 2005/36/EC of the European Parliament and of the Council as regards the **evidence of formal qualifications and the titles of training courses** (notified under document C(2016) 1)(Text with EEA relevance)  
[OJ of the EU, L 134/135 24 of May 2016](#)

**DIRECTIVE (EU) 2016/801 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on the **conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing** (recast)  
[OJ of the EU, L 132/21 21 of May 2016](#)

### Case Law

**Case C-224/15 P: JUDGMENT OF THE COURT (Third Chamber) of 26 May 2016 - Rose Vision SL v European Commission - APPEAL** under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Projects funded by the European Union in the field of research — Audits finding irregularities in the implementation of certain projects** — Commission decisions suspending payment of the amounts payable under certain projects — Action for compensation — Rejection — Statement of reasons  
[CURIA – Judgment of the Court of Justice in Case C-224/15 of 26 May 2016](#)

### Preparatory Acts, Reports, Calls, Memos, Common Positions

**POSITION (EU) No 9/2016 OF THE COUNCIL AT FIRST READING** with a **view to the adoption of a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing** (recast) Adopted by the Council on 10 March 2016 (2016/C 170/01)  
[OJ of the EU, C 170/1 11 of May 2016](#)

**Statement of the Councils reasons: Position (EU) No 9/2016 of the Council at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing** (2016/C 170/02)  
[OJ of the EU, C 170/40 11 of May 2016](#)

## 9. Employment and Social Affairs

### Case Law

**Affaire C-395/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 26 mai 2016 - Mohamed Daouidi contre Bootes Plus SL, Fondo de Garantía Salarial et Ministerio Fiscal** - 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 2000/78/CE – Articles 1 à 3 – **Égalité de traitement en matière d'emploi et de travail – Licenciement d'un travailleur en situation d'incapacité temporaire de travail – Discrimination fondée sur le handicap – Notion de "handicap"** – Caractère durable de la limitation  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-395/15 du 26 mai 2016 \(FR seulement\)](#)



**Case C-300/15: JUDGMENT OF THE COURT (Tenth Chamber) of 26 May 2016 - Charles Kohll and Sylvie Kohll-Schlessler v Directeur de l'administration des contributions directes** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif (Administrative Court, Luxembourg) - Reference for a preliminary ruling — Articles 21 and 45 TFEU — **Freedom of movement and of residence of persons and workers — Income tax — Retirement pension — Pensioners' tax credit** — Conditions for granting — **Possession of a tax deduction form issued by national authorities**

[CURIA – Judgment of the Court of Justice in Case C-300/15 of 26 May 2016](#)

**Affaire C-503/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 12 mai 2016 - Commission européenne contre République portugaise** - Manquement d'État – Articles 21, 45 et 49 TFUE – Articles 28 et 31 de l'accord EEE – **Libre circulation des personnes – Libre circulation des travailleurs – Liberté d'établissement – Imposition des personnes physiques sur les plus-values réalisées lors d'un échange de parts sociales** – Imposition des personnes physiques sur les plus-values réalisées lors du transfert de la totalité du patrimoine affecté à l'exercice d'une activité entrepreneuriale et professionnelle – **Imposition à la sortie pour les particuliers – Recouvrement immédiat de l'imposition – Différence de traitement entre les personnes physiques résidentes ou non-résidentes** – Différence de traitement entre les personnes physiques qui procèdent au transfert d'actifs et de passifs selon qu'ils sont transférés à une société résidente au Portugal ou à une société résidente sur le territoire d'un autre État membre – Proportionnalité

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-503/14 du 12 mai 2016 \(FR seulement\)](#)

## 10. Energy and Environment

### International Agreements

**COUNCIL DECISION (EU) 2016/769** of 21 April 2016 on the **acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants**

[OJ of the EU, L 127/21 18 of May 2016](#)

**COUNCIL DECISION (EU) 2016/768** of 21 April 2016 on the **acceptance of the Amendments to the 1998 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Heavy Metals**

[OJ of the EU, L 127/8 18 of May 2016](#)

### Community Legislation

**DIRECTIVE (EU) 2016/802 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 relating to a **reduction in the sulphur content of certain liquid fuels** (codification)

[OJ of the EU, L 132/58 21 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/775** of 18 May 2016 on the **benchmark to allocate greenhouse gas emission allowances free of charge to aircraft operators** pursuant to Article 3f(5) of Directive 2003/87/EC of the European Parliament and of the Council (Text with EEA relevance)

[OJ of the EU, L 128/10 19 of May 2016](#)

**COMMISSION DIRECTIVE (EU) 2016/774** of 18 May 2016 **amending** Annex II to Directive 2000/53/EC of the European Parliament and of the Council on **end-of-life vehicles** (Text with EEA relevance)

[OJ of the EU, L 128/4 19 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/770** of 14 April 2016 **establishing a common format for the submission of information concerning the operation of the procedures** pursuant to Regulation (EU) No 649/2012 of the European Parliament and of the Council **concerning the export and import of hazardous chemicals** (notified under document C(2016) 2068)

[OJ of the EU, L 127/32 18 of May 2016](#)

## Case Law

**Case C-346/14: JUDGMENT OF THE COURT (First Chamber) of 4 May 2016 - European Commission v Republic of Austria and Czech Republic** - ACTION under Article 258 TFEU for failure to fulfil obligations - Failure of a Member State to fulfil obligations — Article 4(3) TEU — Article 288 TFEU — Directive 2000/60/EC — **EU water policy** — Article 4(1) — **Prevention of deterioration of the status of bodies of surface water** — Article 4(7) — **Derogation from the prohibition of deterioration — Overriding public interest — Authorisation to construct a hydropower plant on the Schwarze Sulm River (Austria) — Deterioration of the water status**  
[CURIA – Judgment of the Court of Justice in Case C-346/14 of 4 May 2016](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**REGULATION (EU) 2016/793 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 to **avoid trade diversion into the European Union of certain key medicines** (codification)  
[OJ of the EU, L 135/39 24 of May 2016](#)

**REGULATION (EU) 2016/792 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on **harmonised indices of consumer prices and the house price index**, and repealing Council Regulation (EC) No 2494/95 (Text with EEA relevance)  
[OJ of the EU, L 135/11 24 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/787** of 18 May 2016 laying down a **priority list of additives contained in cigarettes and roll-your-own tobacco subject to enhanced reporting obligations** (notified under document C(2016) 2923) (Text with EEA relevance)  
[OJ of the EU, L 131/88 20 of May 2016](#)

**COMMISSION IMPLEMENTING DECISION (EU) 2016/786** of 18 May 2016 laying down the **procedure for the establishment and operation of an independent advisory panel** assisting Member States and the Commission in **determining whether tobacco products have a characterising flavour** (notified under document C(2016) 2921) (Text with EEA relevance)  
[OJ of the EU, L 131/79 20 of May 2016](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/779** of 18 May 2016 laying down **uniform rules as regards the procedures for determining whether a tobacco product has a characterising flavour** (Text with EEA relevance)  
[OJ of the EU, L 131/48 20 of May 2016](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/759** of 28 April 2016 drawing up **lists of third countries, parts of third countries and territories from which Member States are to authorise the introduction into the Union of certain products of animal origin intended for human consumption**, laying down certificate requirements, amending Regulation (EC) No 2074/2005 and repealing Decision 2003/812/EC (Text with EEA relevance)  
[OJ of the EU, L 126/13 14 of May 2016](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/710** of 12 May 2016 **amending Regulation (EU) No 37/2010** as regards the **substance ‘copper carbonate’** (Text with EEA relevance)  
[OJ of the EU, L 125/6 13 of May 2016](#)

**COMMISSION RECOMMENDATION (EU) 2016/688** of 2 May 2016 on the **monitoring and management of the presence of dioxins and PCBs in fish and fishery products from the Baltic region** (Text with EEA relevance)  
[OJ of the EU, L 118/16 4 of May 2016](#)

## Case Law

**Case C-358/14: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2016 - Republic of Poland and Romania v European Parliament, Ireland, French Republic, United Kingdom of Great Britain and Northern Ireland and European Commission** - ACTION for annulment under Article 263 TFEU - Action for annulment — Approximation of laws — Directive 2014/40/EU — Article 2(25), Article 6(2)(b), Article 7(1) to (5), the first sentence of Article 7(7), Article 7(12) to (14) and Article 13(1)(c) — Validity — **Manufacture, presentation and sale of tobacco products — Prohibition on the placing on the market of tobacco products with characterising flavours — Tobacco products containing menthol — Legal basis** — Article 114 TFEU — **Principle of proportionality** — Principle of subsidiarity

[CURIA – Judgment of the Court of Justice in Case C-358/14 of 4 May 2016](#)

**Case C-477/14: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2016 - Pillbox 38 (UK) Ltd v The Secretary of State for Health** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice of England and Wales, Queen’s Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — **Approximation of laws** — Directive 2014/40/EU — Article 20 — **Electronic cigarettes and refill containers — Validity — Principle of equal treatment — Principles of proportionality and legal certainty** — Principle of subsidiarity — **Charter of Fundamental Rights of the European Union** — Articles 16 and 17

[CURIA – Judgment of the Court of Justice in Case C-477/14 of 4 May 2016](#)

**Case C-547/14: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2016 - The Queen, on the application of: Philip Morris Brands SARL, Philip Morris Ltd and British American Tobacco UK Ltd v The Secretary of State for Health, Imperial Tobacco Ltd, JT International SA, Gallaher Ltd, Tann UK Ltd, Tannpapier GmbH, V. Mane Fils, Deutsche Benkert GmbH & Co. KG, Benkert UK Ltd and Joh. Wilh. von Eicken GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice of England and Wales, Queen’s Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — **Approximation of laws** — Directive 2014/40/EU — Articles 7, 18 and 24(2) and (3) — Articles 8(3), 9(3), 10(1)(a), (c) and (g), 13 and 14 — **Manufacture, presentation and sale of tobacco products — Validity — Legal basis** — Article 114 TFEU — **Principle of proportionality — Principle of subsidiarity — Fundamental rights of the European Union — Freedom of expression — Charter of Fundamental Rights of the European Union** — Article 11

[CURIA – Judgment of the Court of Justice in Case C-547/14 of 4 May 2016](#)

## 12. Human Rights

### Case Law

**Case C-218/15: OPINION OF ADVOCATE GENERAL BOT of 26 May 2016 - Criminal proceedings against Gianpaolo Paoletti and Others** - Request for a preliminary ruling from the Tribunale ordinario di Campobasso (District Court, Campobasso, Italy) - Reference for a preliminary ruling — **Fundamental rights — Retroactive application of the more lenient criminal law — Effect of Romania’s accession to the European Union on the criminal offence of facilitation of illegal immigration into Italian territory committed before accession**

[CURIA – Opinion of Advocate General in Case C-218/15 of 26 May 2016](#)

**Affaire C-395/15: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. YVES BOT du 26 mai 2016 - Mohamed Daouidi contre Bootes Plus SL, Fondo de Garantía Salarial et Ministerio Fiscal** - 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 2000/78/CE – Articles 1 à 3 – **Égalité de traitement en matière d’emploi et de travail – Licenciement d’un travailleur en situation d’incapacité temporaire de travail – Discrimination fondée sur le handicap – Notion de “handicap”** – Caractère durable de la limitation

[CURIA – Conclusions de l’Avocat Général dans l’affaire C-395/15 du 26 mai 2016 \(FR seulement\)](#)

**Case C-182/15: OPINION OF ADVOCATE GENERAL BOT of 10 May 2016 - Aleksei Petruhhin** - Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) - Request for a preliminary ruling — Citizenship of the European Union — First paragraph of Article 18 TFEU and Article 21(1) TFEU — **Request for the extradition to Russia of a national of one Member State present on the territory of another Member State — Refusal of a Member State to extradite its own nationals — Difference in treatment on the ground of nationality** — Whether justified — Combating impunity — **Verification of the guarantees provided for in Article 19(2) of the Charter of Fundamental Rights of the European Union**

[CURIA – Opinion of Advocate General in Case C-182/15 of 10 May 2016](#)

**Case C-477/14: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2016 - Pillbox 38 (UK) Ltd v The Secretary of State for Health** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice of England and Wales, Queen’s Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — **Approximation of laws** — Directive 2014/40/EU — Article 20 — **Electronic cigarettes and refill containers — Validity — Principle of equal treatment — Principles of proportionality and legal certainty** — Principle of subsidiarity — **Charter of Fundamental Rights of the European Union** — Articles 16 and 17

[CURIA – Judgment of the Court of Justice in Case C-477/14 of 4 May 2016](#)

**Case C-547/14: JUDGMENT OF THE COURT (Second Chamber) of 4 May 2016 - The Queen, on the application of: Philip Morris Brands SARL, Philip Morris Ltd and British American Tobacco UK Ltd v The Secretary of State for Health, Imperial Tobacco Ltd, JT International SA, Gallaher Ltd, Tann UK Ltd, Tannpapier GmbH, V. Mane Fils, Deutsche Benkert GmbH & Co. KG, Benkert UK Ltd and Joh. Wilh. von Eicken GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the High Court of Justice of England and Wales, Queen’s Bench Division (Administrative Court) (United Kingdom) - Reference for a preliminary ruling — **Approximation of laws** — Directive 2014/40/EU — Articles 7, 18 and 24(2) and (3) — Articles 8(3), 9(3), 10(1)(a), (c) and (g), 13 and 14 — **Manufacture, presentation and sale of tobacco products — Validity — Legal basis** — Article 114 TFEU — **Principle of proportionality — Principle of subsidiarity — Fundamental rights of the European Union — Freedom of expression — Charter of Fundamental Rights of the European Union** — Article 11

[CURIA – Judgment of the Court of Justice in Case C-547/14 of 4 May 2016](#)

**Case C-560/14: OPINION OF ADVOCATE GENERAL MENGOCZI of 3 May 2016 – M v Minister for Justice and Equality Ireland and the Attorney General** - Request for a preliminary ruling from the Supreme Court (Ireland) - Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2004/83/EC — **Minimum standards for granting refugee status or subsidiary protection status — Subsidiary protection** — Lawfulness of the national procedure for processing an application for subsidiary protection following rejection of an application for refugee status — **Right to be heard — Scope — Need for an oral hearing — Right to call and cross-examine witnesses**

[CURIA – Opinion of Advocate General in Case C-560/14 of 3 May 2016](#)

## 13. Internal Market and Single Market

### Community Legislation

**REGULATION (EU) 2016/792 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2016 on harmonised indices of consumer prices and the house price index**, and repealing Council Regulation (EC) No 2494/95 (Text with EEA relevance)

[OJ of the EU, L 135/11 24 of May 2016](#)

## Case Law

**Joined Cases C-260/14 and C-261/14: JUDGMENT OF THE COURT (Fifth Chamber) of 26 May 2016 - Județul Neamț (C-260/14) and Județul Bacău (C-261/14) v Ministerul Dezvoltării Regionale și Administrației Publice** - REQUESTS for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Bacău (Appeal Court, Bacău, Romania) - Reference for a preliminary ruling — **Protection of the financial interests of the European Union** — Regulation (EC, Euratom) No 2988/95 — **European Regional Development Fund (ERDF)** — Regulation (EC) No 1083/2006 — **Award of a contract by the beneficiary of funds acting as contracting authority for the performance of the action eligible for funding** — **Definition of ‘irregularity’** — **Criterion relating to ‘breach of EU law’** — Tendering procedures contrary to national law — Nature of financial corrections adopted by Member States — Administrative measures or penalties  
[CURIA – Judgment of the Court of Justice in Case C-260/14 of 26 May 2016](#)

**Case C-396/14: JUDGMENT OF THE COURT (Grand Chamber) of 24 May 2016 - MT Højgaard A/S and Züblin A/S v Banedanmark** - REQUEST for a preliminary ruling under Article 267 TFEU, made by Klagenævnet for Udbud (the Public Procurement Complaints Board, Denmark) - Reference for a preliminary ruling — Article 267 TFEU — **Jurisdiction of the Court** — **Status of the referring body as a court or tribunal** — **Procurement procedure in railway infrastructure sector** — **Negotiated procedure** — Directive 2004/17/EC — Article 10 — Article 51(3) — **Principle of equal treatment of tenderers** — **Group composed of two companies and admitted as such as a tenderer** — Tender submitted by one of the two companies, in its own name, the other company having been declared insolvent — **Company considered to be capable, by itself, of being admitted as a tenderer** — **Contract awarded to that company**  
[CURIA – Judgment of the Court of Justice in Case C-396/14 of 24 May 2016](#)

**Affaire C-525/14: CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 3 mai 2016 - Commission européenne contre République tchèque** - recours en manquement formé par la Commission contre la République Tchèque - Manquement d’État — **Libre circulation des marchandises** — Article 34 TFUE— **Restrictions quantitatives à l’importation** — **Mesures d’effet équivalent** — Métaux précieux poinçonnés dans un pays tiers conformément à la législation néerlandaise — **Importation en République Tchèque après mise en libre pratique dans un État membre pouvant être différent du Royaume des Pays Bas** — **Refus de reconnaissance dudit poinçon** — **Protection des consommateurs** — **Recevabilité**  
[CURIA – Conclusions de l’Avocat Général dans l’affaire C-525/14 du 3 mai 2016 \(FR seulement\)](#)

## 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** — **Upgrading the Single Market: more opportunities for people and business’** (COM(2015) 550 final)(2016/C 177/01)  
[OJ of the EU, C 177/1 18 of May 2016](#)

## 14. Intellectual Property

### Case Law

**Affaire C-230/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 26 mai 2016 - Brite Strike Technologies Inc. contre Brite Strike Technologies SA** - demande de décision préjudicielle formée par le rechtbank Den Haag (tribunal de La Haye, Pays-Bas) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Compétence judiciaire et exécution des décisions** – Règlement (CE) n° 44/2001 – Article 71 – **Applicabilité d'une convention relative à une matière particulière – Convention Benelux en matière de propriété intellectuelle** – Convention entrée en vigueur postérieurement à ce règlement mais reprenant la substance de traités antérieurs – Règlement n° 44/2001 – Article 22, point 4 – **Litige portant sur une marque Benelux – Compétence des juridictions des trois États du Benelux ou d'un seul d'entre eux – Critères à appliquer éventuellement aux fins d'identifier celui-ci**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-230/15 du 26 mai 2016 \(FR seulement\)](#)

**Case C-30/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 25 May 2016 - Simba Toys GmbH & Co. KG v European Union Intellectual Property Office (EUIPO)** - Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Grounds for refusal of registration or cancellation — Three-dimensional mark consisting of the shape of the goods** — Sign consisting exclusively of the shape which results from the nature of the goods — Article 7(1)(e)(i) — **Sign consisting exclusively of a shape necessary to obtain a technical result — Article 7(1)(e)(ii) — Shape of Rubik's Cube**

[CURIA – Opinion of Advocate General in Case C-30/15 of 25 May 2016](#)

**Case C-110/15: OPINION OF ADVOCATE GENERAL WAHL of 4 May 2016 - Nokia Italia SpA, Hewlett-Packard Italiana Srl, Telecom Italia SpA, Samsung Electronics Italia SpA, Dell SpA, Fastweb SpA, Sony Mobile Communications Italy SpA and Wind Telecomunicazioni SpA v Società italiana degli autori ed editori (SIAE), Istituto per la tutela dei diritti degli artisti interpreti esecutori (IMAIE), in liquidation, Associazione nazionale industrie cinematografiche audiovisive e multimediali (Anica), Associazione produttori televisivi (Apt) and Ministero per i beni e le attività culturali (MiBAC)** - Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy) - **Intellectual property** — Directive 2001/29/EC — **Copyright and related rights** — Article 5 — **Exclusive right of reproduction — Exceptions and limitations — Fair compensation — Extent** — Determination of the criteria for ex ante exemption from the levy by private negotiation — **Request for reimbursement confined to the final user**

[CURIA – Opinion of Advocate General in Case C-110/15 of 4 May 2016](#)

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

### Community Legislation

**COMMISSION DECISION (EU) 2016/809** of 20 May 2016 on the **notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in certain acts of the Union in the field of police cooperation** adopted before the entry into force of the Treaty of Lisbon and **which are not part of the Schengen acquis**

[OJ of the EU, L 132/105 21 of May 2016](#)

**REGULATION (EU) 2016/794 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on the **European Union Agency for Law Enforcement Cooperation** (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA

[OJ of the EU, L 135/53 24 of May 2016](#)

**DIRECTIVE (EU) 2016/800 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on **procedural safeguards for children who are suspects or accused persons in criminal proceedings**

[OJ of the EU, L 132/1 21 of May 2016](#)



## Case Law

**Affaire C-195/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR du 26 mai 2016 - Pierre Mulhaupt, en qualité d'administrateur judiciaire à la faillite de la société civile immobilière Senior Home contre Gemeinde Wedemark et Hannoversche Volksbank eG** - demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne) - **Espace de liberté, de sécurité et de justice – Coopération judiciaire en matière civile – Procédures d'insolvabilité** – Règlement (CE) n° 1346/2000 – Article 5 – **Notion de 'droits réels des tiers' – Taxe foncière – Réglementation d'un État membre prévoyant que l'impôt foncier constitue une charge publique grevant les biens immobiliers qui peut être exécuté à l'égard de tout éventuel propriétaire**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-195/15 du 26 mai 2016 \(FR seulement\)](#)

**Affaire C-230/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE du 26 mai 2016 - Brite Strike Technologies Inc. contre Brite Strike Technologies SA** - demande de décision préjudicielle formée par le rechtbank Den Haag (tribunal de La Haye, Pays-Bas) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Compétence judiciaire et exécution des décisions** – Règlement (CE) n° 44/2001 – Article 71 – **Applicabilité d'une convention relative à une matière particulière – Convention Benelux en matière de propriété intellectuelle** – Convention entrée en vigueur postérieurement à ce règlement mais reprenant la substance de traités antérieurs – Règlement n° 44/2001 – Article 22, point 4 – **Litige portant sur une marque Benelux – Compétence des juridictions des trois États du Benelux ou d'un seul d'entre eux – Critères à appliquer éventuellement aux fins d'identifier celui-ci**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-230/15 du 26 mai 2016 \(FR seulement\)](#)

**Affaire C-294/15: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MELCHIOR WATHELET du 26 mai 2016 - Edyta Mikołajczyk contre Marie Louise Czarnecka et Stefan Czarnecki** - demande de décision préjudicielle formée par le Sąd Apelacyjny w Warszawie (cour d'appel de Varsovie, Pologne) - Renvoi préjudiciel – **Coopération judiciaire en matière civile – Compétence, reconnaissance et exécution des décisions en matière matrimoniale et en matière de responsabilité parentale** – Règlement (CE) n° 2201/2003 – Article 1er, paragraphe 1, sous a) – **Champ d'application matériel – Demande d'annulation d'un mariage introduite par un tiers après le décès de l'un des époux** – Article 3, paragraphe 1 – **Compétence des juridictions de l'État membre de résidence du demandeur pour connaître d'une telle demande**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-294/15 du 26 mai 2016 \(FR seulement\)](#)

**Case C-559/14: JUDGMENT OF THE COURT (First Chamber) of 25 May 2016 - Rūdolfs Meroni v Recoletos Limited, Aivars Lembergs, Olafs Berķis, Igors Skoks and Genādijs Ševcovs** - REQUEST for a preliminary ruling under Article 267 TFEU from the Augstākās tiesas Civillietu departaments (Supreme Court, Civil Division, Latvia) - Reference for a preliminary ruling – **Judicial cooperation in civil matters** – Regulation (EC) No 44/2001 – **Recognition and enforcement of provisional and protective measures – Concept of 'public policy'**

[CURIA – Judgment of the Court of Justice in Case C-559/14 of 25 May 2016](#)

**Affaire C-108/16 PPU: ARRÊT DE LA COUR (quatrième chambre) du 24 mai 2016 - Paweł Dworzecki** - ayant pour objet une demande de décision préjudicielle au titre de l'article 267 TFUE, introduite par le Rechtbank Amsterdam (tribunal d'Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Coopération policière et judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d'arrêt européen** – Article 4 bis, paragraphe 1 – Procédures de remise entre États membres – **Conditions d'exécution – Motifs de non-exécution facultative – Exceptions – Exécution obligatoire** – Peine prononcée par défaut – **Notions de "citation en justice à personne" et de "notification officielle par d'autres moyens"** – Notions autonomes de droit de l'Union

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-108/16 du 24 mai 2016 \(FR seulement\)](#)

**Case C-396/14: JUDGMENT OF THE COURT (Grand Chamber) of 24 May 2016 - MT Højgaard A/S and Züblin A/S v Banedanmark** - REQUEST for a preliminary ruling under Article 267 TFEU, made by Klagenævnet for Udbud (the Public Procurement Complaints Board, Denmark) - Reference for a preliminary ruling — Article 267 TFEU — **Jurisdiction of the Court — Status of the referring body as a court or tribunal — Procurement procedure in railway infrastructure sector — Negotiated procedure — Directive 2004/17/EC — Article 10 — Article 51(3) — Principle of equal treatment of tenderers — Group composed of two companies and admitted as such as a tenderer — Tender submitted by one of the two companies, in its own name, the other company having been declared insolvent — Company considered to be capable, by itself, of being admitted as a tenderer — Contract awarded to that company**

[CURIA – Judgment of the Court of Justice in Case C-396/14 of 24 May 2016](#)

**Affaire C-108/16 PPU: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MICHAL BOBEK du 11 mai 2016 - Openbaar Ministerie contre Paweł Dworzecki** - demande de décision préjudicielle formée par le rechtbank Amsterdam (tribunal d'Amsterdam, Pays-Bas) - Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Coopération policière et judiciaire en matière pénale – Décision-cadre 2002/584/JAI – Mandat d'arrêt européen – Procédures de remise entre États membres – Motifs de non-exécution facultative – Peine prononcée par défaut – Citation en justice à personne – Notification officielle par d'autres moyens – Droit de l'Union – Notions autonomes**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-108/16 du 11 mai 2016 \(FR seulement\)](#)

**Affaire C-554/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. YVES BOT du 3 mai 2016 - Procédure pénale contre Atanas Ognyanov** - demande de décision préjudicielle formée par le Sofijski gradski sad (tribunal de la ville de Sofia, Bulgarie) - Renvoi préjudiciel – **Coopération policière et judiciaire en matière pénale – Décision-cadre 2008/909/JAI – Article 17 – Droit régissant l'exécution d'une mesure privative de liberté – Règle nationale de l'État d'exécution prévoyant l'octroi d'une remise de peine en raison du travail fourni par la personne condamnée pendant sa détention dans l'État d'émission – Admissibilité – Principe de territorialité de la loi pénale – Principe de l'individualisation de la peine – Objectif de réinsertion sociale de l'intéressé – Obligation d'interprétation conforme**

[CURIA – Conclusions de l'Avocat Général dans l'affaire C-554/14 du 3 mai 2016 \(FR seulement\)](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**Opinion of the European Economic and Social Committee** on the **Proposal for a Regulation** of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 **establishing a European Maritime Safety Agency** (COM(2015) 667 final — 2015/0313 (COD)) (2016/C 177/10)

[OJ of the EU, C 177/57 18 of May 2016](#)

**Opinion of the European Economic and Social Committee** on the **'Communication from the Commission to the European Parliament and the Council implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives'** (COM(2015) 624 final) and the **'Proposal for a directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism'** (COM(2015) 625 final — 2015/0281(COD)) (2016/C 177/09)

[OJ of the EU, C 177/51 18 of May 2016](#)

**POSITION (EU) No 8/2016 OF THE COUNCIL AT FIRST READING** with a **view to the adoption of a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol)** and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA Adopted by the Council on 10 March 2016 (2016/C 169/01)

[OJ of the EU, C 169/1 11 of May 2016](#)

**Statement of the Council's reasons: Position (EU) No 8/2016 of the Council at first reading** with a **view to the adoption of a Regulation of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol)** and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (2016/C 169/02)

[OJ of the EU, C 169/60 11 of May 2016](#)

**POSITION (EU) No 7/2016 OF THE COUNCIL AT FIRST READING** with a **view to the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens** by simplifying the **requirements for presenting certain public documents in the European Union** and amending Regulation (EU) No 1024/2012 Adopted by the Council on 10 March 2016 (2016/C 168/01)  
[OJ of the EU, C 168/1 11 of May 2016](#)

**Statement of the Council's reasons: Position (EU) No 7/2016 of the Council at first reading** with a **view to the adoption of a Regulation of the European Parliament and of the Council on promoting the free movement of citizens** by simplifying the **requirements for presenting certain public documents in the European Union** and amending Regulation (EU) No 1024/2012 (2016/C 168/02)  
[OJ of the EU, C 168/139 11 of May 2016](#)

## 16. Transport

### Community Legislation

**Commission Implementing Regulation (EU) 2016/799** of 18 March 2016 **implementing** Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the **requirements for the construction, testing, installation, operation and repair of tachographs and their components** (Text with EEA relevance)  
[OJ of the EU, L 139/1 26 of May 2016](#)

**REGULATION (EU) 2016/796 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on the **European Union Agency for Railways** and repealing Regulation (EC) No 881/2004 (Text with EEA relevance)  
[OJ of the EU, L 138/1 26 of May 2016](#)

**DIRECTIVE (EU) 2016/797 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on the **interoperability of the rail system within the European Union** (recast) (Text with EEA relevance)  
[OJ of the EU, L 138/44 26 of May 2016](#)

**DIRECTIVE (EU) 2016/798 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 11 May 2016 on **railway safety** (recast) (Text with EEA relevance)  
[OJ of the EU, L 138/102 26 of May 2016](#)

**DECISION No 1/2016 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT** of 11 April 2016 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2016/689]  
[OJ of the EU, L 118/24 4 of May 2016](#)

### Case Law

**Affaire C-482/14: CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA du 26 mai 2016 - Commission européenne contre République fédérale d'Allemagne - Manquement d'État – Directive 2012/34/UE du Parlement européen et du Conseil, du 21 novembre 2012, établissant un espace ferroviaire unique européen – Séparation comptable entre la gestion de l'infrastructure et l'activité de transport et entre les différents types d'activité de transport – Interdiction de transférer des fonds publics d'un domaine d'activité à un autre**  
[CURIA – Conclusions de l'Avocat Général dans l'affaire C-482/14 du 26 mai 2016 \(FR seulement\)](#)

**Case C-396/14: JUDGMENT OF THE COURT (Grand Chamber) of 24 May 2016 - MT Højgaard A/S and Züblin A/S v Banedanmark** - REQUEST for a preliminary ruling under Article 267 TFEU, made by Klagenævnet for Udbud (the Public Procurement Complaints Board, Denmark) - Reference for a preliminary ruling — Article 267 TFEU — **Jurisdiction of the Court — Status of the referring body as a court or tribunal — Procurement procedure in railway infrastructure sector — Negotiated procedure — Directive 2004/17/EC — Article 10 — Article 51(3) — Principle of equal treatment of tenderers — Group composed of two companies and admitted as such as a tenderer — Tender submitted by one of the two companies, in its own name, the other company having been declared insolvent — Company considered to be capable, by itself, of being admitted as a tenderer — Contract awarded to that company**

[CURIA – Judgment of the Court of Justice in Case C-396/14 of 24 May 2016](#)

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

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/823** of 25 May 2016 **amending** Regulation (EC) No 771/2008 laying down the **rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency** (Text with EEA relevance)

[OJ of the EU, L 137/4 26 of May 2016](#)

**DECISION (EU) 2016/821 OF THE EUROPEAN CENTRAL BANK** of 26 April 2016 **amending** Decision ECB/2007/7 concerning the **terms and conditions of TARGET2-ECB** (ECB/2016/9)

[OJ of the EU, L 136/12 25 of May 2016](#)

**DECISION (EU) 2016/810 OF THE EUROPEAN CENTRAL BANK** of 28 April 2016 on a **second series of targeted longer-term refinancing operations** (ECB/2016/10)

[OJ of the EU, L 132/107 21 of May 2016](#)

**DECISION (EU) 2016/811 OF THE EUROPEAN CENTRAL BANK** of 28 April 2016 **amending** Decision ECB/2014/34 on **measures relating to targeted longer-term refinancing operations** (ECB/2016/11)

[OJ of the EU, L 132/129 21 of May 2016](#)

**COMMISSION DECISION (EU) 2016/809** of 20 May 2016 on the **notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in certain acts of the Union in the field of police cooperation** adopted before the entry into force of the Treaty of Lisbon and **which are not part of the Schengen *acquis***

[OJ of the EU, L 132/105 21 of May 2016](#)

**DECISION OF THE BOARD OF GOVERNORS** of 20 January 2016 on the Amendments to the **Rules of Procedure of the EIB to reflect the Strengthening of the EIB Governance** [2016/772]

[OJ of the EU, L 127/55 18 of May 2016](#)

**INTERINSTITUTIONAL AGREEMENT BETWEEN THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE EUROPEAN COMMISSION ON BETTER LAW-MAKING** INTERINSTITUTIONAL AGREEMENT of 13 April 2016 on Better Law-Making

[OJ of the EU, L 123/1 12 of May 2016](#)

**STATEMENT OF THE EUROPEAN PARLIAMENT AND OF THE COMMISSION ON THE OCCASION OF THE ADOPTION OF THE INTERINSTITUTIONAL AGREEMENT ON BETTER LAW-MAKING** OF 13 APRIL 2016

[OJ of the EU, L 124/1 13 of May 2016](#)

## Case Law

**Joined Cases C-260/14 and C-261/14: JUDGMENT OF THE COURT (Fifth Chamber) of 26 May 2016 - Județul Neamț (C-260/14) and Județul Bacău (C-261/14) v Ministerul Dezvoltării Regionale și Administrației Publice - REQUESTS for a preliminary ruling under Article 267 TFEU from the Curtea de Apel Bacău (Appeal Court, Bacău, Romania) - Reference for a preliminary ruling — **Protection of the financial interests of the European Union** — Regulation (EC, Euratom) No 2988/95 — **European Regional Development Fund (ERDF)** — Regulation (EC) No 1083/2006 — **Award of a contract by the beneficiary of funds acting as contracting authority for the performance of the action eligible for funding** — **Definition of ‘irregularity’** — **Criterion relating to ‘breach of EU law’** — Tendering procedures contrary to national law — Nature of financial corrections adopted by Member States — Administrative measures or penalties**

[CURIA – Judgment of the Court of Justice in Case C-260/14 of 26 May 2016](#)

## Preparatory Acts, Reports, Calls, Memos, Common Positions

**Opinion of the European Economic and Social Committee** on the ‘**Proposal for a regulation** of the European Parliament and of the Council on the **establishment of the Structural Reform Support Programme for the period 2017 to 2020** and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013’ (COM(2015) 701 final — 2015/0263 (COD)) (2016/C 177/08)

[OJ of the EU, C 177/47 18 of May 2016](#)

**Opinion of the European Economic and Social Committee** on the **recommendation for a Council recommendation on the economic policy of the euro area** (COM(2015) 692 final) (2016/C 177/07)

[OJ of the EU, C 177/41 18 of May 2016](#)

**Opinion of the European Economic and Social Committee** on the ‘**Recommendation for a Council Recommendation on the establishment of National Competitiveness Boards within the Euro Area**’ (COM(2015) 601 final) (2016/C 177/06)

[OJ of the EU, C 177/35 18 of May 2016](#)

**Opinion of the European Economic and Social Committee** on the ‘**Communication from the Commission to the European Parliament, the Council and the European Central Bank on Steps towards completing Economic and Monetary Union**’ (COM(2015) 600 final) and on the ‘**Commission Decision (EU) 2015/1937 of 21 October 2015 establishing an independent advisory European Fiscal Board**’ (C(2015) 8000 final) (2016/C 177/05)

[OJ of the EU, C 177/28 18 of May 2016](#)

**Opinion of the European Economic and Social Committee** on the ‘**Communication from the Commission to the European Parliament, the Council and the European Central Bank — A roadmap for moving towards a more consistent external representation of the euro area in international fora**’ (COM(2015) 602 final) and on the ‘**Proposal for a Council decision laying down measures in view of progressively establishing unified representation of the euro area in the International Monetary Fund**’ (COM(2015) 603 final — 2015/0250 (NLE)) (2016/C 177/03)

[OJ of the EU, C 177/16 18 of May 2016](#)