



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

# EU News: Click & Read

109 - December 2016

European Documentation Centre

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

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

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## Highlights

**Case C-256/15: JUDGMENT OF THE COURT (Fifth Chamber) of 15 December 2016 - Drago Nemec v Republika Slovenija** - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — Directive 2000/35/EC — **Combating late payment — Jurisdiction of the Court — Transaction concluded before the accession of the Republic of Slovenia to the European Union — Scope — Concept of 'commercial transaction' — Concept of 'undertaking' — Maximum amount of interest for late payment**

[CURIA – Judgment of the Court of Justice in Case C-256/15 of 15 December 2016](#)

**AGREEMENT** between the **United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences**  
[OJ of the EU, L 336/3 of 10 December 2016](#)

**COUNCIL DIRECTIVE (EU) 2016/2258** of 6 December 2016 **amending** Directive 2011/16/EU as **regards access to anti-money-laundering information by tax authorities**  
[OJ of the EU, L 342/1 of 16 December 2016](#)



*Season's Greetings and a Happy New Year  
from all of us  
at the Swiss Institute of Comparative Law*

## 1. EU-Swiss Relations

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

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

## 2. External Relations / Foreign Policy

### International Agreements

**COUNCIL DECISION (EU) 2016/2232** of 6 December 2016 on the **signing**, on behalf of the Union, and **provisional application of the Political Dialogue and Cooperation Agreement** between the **European Union and its Member States**, of the one part, and the **Republic of Cuba**, of the other part

[OJ of the EU, L 337/1 of 13 December 2016](#)

**POLITICAL DIALOGUE AND COOPERATION AGREEMENT** between the **European Union and its Member States, of the one part, and the Republic of Cuba**, of the other part

[OJ of the EU, L 337/3 of 13 December 2016](#)

**COUNCIL DECISION (EU) 2016/2220** of 2 December 2016 on the **conclusion**, on behalf of the European Union, of the **Agreement** between the **United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences**

[OJ of the EU, L 336/1 of 10 December 2016](#)

**AGREEMENT** between the **United States of America** and the **European Union** on the **protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences**

[OJ of the EU, L 336/3 of 10 December 2016](#)

### Community Legislation

**REGULATION (EU) 2016/2134 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 November 2016 **amending** Council Regulation (EC) No 1236/2005 concerning **trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

[OJ of the EU, L 338/1 of 13 December 2016](#)

### Case Law

**Case C-652/15: OPINION OF ADVOCATE GENERAL MENGOZZI of 15 December 2016 - Furkan Tekdemir v Kreis Bergstraße** - Request for a preliminary ruling from the Verwaltungsgericht Darmstadt (Administrative Court, Darmstadt, Germany) - Reference for a preliminary ruling — **Association Agreement between the European Union and Turkey — Right of residence of members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State** — Standstill clause — Article 13 of Decision No 1/80 — **New restriction — Requirement for minors under the age of 16 to hold a residence permit — Child born in Germany of a parent who is a Turkish worker** — Requirement to go to Turkey to make the application for a residence permit — **Possible existence of an overriding reason in the public interest justifying new restrictions** — Efficient management of migration flows — Proportionality

[CURIA – Opinion of Advocate General in Case C-652/15 of 15 December 2016](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Affaire C-644/15 P: ARRÊT DE LA COUR (septième chambre) du 15 décembre 2016 - Hongrie 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 – Secteur des fruits et légumes** – Article 103 sexies – **Aide financière nationale accordée aux organisations de producteurs dans le secteur des fruits et légumes** – Règlement (CE) n° 1580/2007 – Article 97 – **Décision de la Commission concernant le remboursement par l'Union européenne de l'aide financière nationale accordée par la Hongrie aux organisations de producteurs**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-644/15 du 15 décembre 2016](#)

### 4. Audiovisual and Media and Information Society

#### Community Legislation

**DIRECTIVE (EU) 2016/2102 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 26 October 2016 on the **accessibility of the websites and mobile applications of public sector bodies** (Text with EEA relevance)  
[OJ of the EU, L 327/1 of 2 December 2016](#)

#### Case Law

**Case C-527/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 8 December 2016 - Stichting Brein v Jack Frederik Wullems, acting under the name of Filmspeler** - Request for a preliminary ruling from the Rechtbank Midden-Nederland (District Court, Central Netherlands, Netherlands) - **Copyright and related rights — Information society — Definition of 'communication to the public' — Reproduction right — Exceptions and limitations**  
[CURIA – Opinion of Advocate General in Case C-527/15 of 8 December 2016](#)

**Case C-486/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 November 2016 - European Commission v French Republic, Orange, formerly France Télécom and Federal Republic of Germany** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Financial measures for France Télécom** — Shareholder loan offer — **Public statements by representatives of the French State — Decision declaring the aid incompatible with the common market — Definition of 'aid' — Concept of 'economic advantage' — Prudent private investor criterion** — Obligation of the General Court to state reasons — **Limits of judicial review — Distortion of the decision at issue**  
[CURIA – Judgment of the Court of Justice in Case C-486/15 of 30 November 2016](#)

### 5. Competition

#### Case Law

**Affaire C-644/15 P: ARRÊT DE LA COUR (septième chambre) du 15 décembre 2016 - Hongrie 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 – Secteur des fruits et légumes** – Article 103 sexies – **Aide financière nationale accordée aux organisations de producteurs dans le secteur des fruits et légumes** – Règlement (CE) n° 1580/2007 – Article 97 – **Décision de la Commission concernant le remboursement par l'Union européenne de l'aide financière nationale accordée par la Hongrie aux organisations de producteurs**  
[CURIA – Arrêt de la Cour de Justice dans l'affaire C-644/15 du 15 décembre 2016](#)

**Case C-667/15: JUDGMENT OF THE COURT (Sixth Chamber) of 15 December 2016 - Loterie Nationale — Nationale Loterij NV van publiek recht v Paul Adriaensen, Werner De Kesel and The Right Frequency VZW** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van beroep te Antwerpen (Court of Appeal, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 2005/29/EC — **Unfair business-to-consumer commercial practices — Misleading commercial practice — Pyramid promotional scheme — Contributions paid by new members and compensation received by existing members — Indirect financial link**  
[CURIA – Judgment of the Court of Justice in Case C-667/15 of 15 December 2016](#)

**Case C-85/15 P, Joined Cases C-86/15 P and C-87/15 P, Cases C-88/15 P and C-89/15 P: OPINION OF ADVOCATE GENERAL Wahl of 8 December 2016 - Feralpi Holding SpA (C-85/15 P), Ferriera Valsabbia SpA and Valsabbia Investimenti SpA (C-86/15 P), Alfa Acciai SpA (C-87/15 P), Ferriere Nord SpA (C-88/15 P) and Riva Fire SpA, in liquidation (C-89/15 P) v European Commission** - Appeals — **Competition — ECSC Treaty — Rights of the defence — Statement of objections** — Oral hearing — Advisory Committee — **Excessive length of the proceedings before the General Court — Repeated infringement — Public distancing — Unlimited jurisdiction**  
[CURIA – Opinion of Advocate General in Case C-85/15 of 8 December 2016](#)

**Joined Cases C-376/15 P and C-377/15 P: OPINION OF ADVOCATE GENERAL MENGZZI of 7 December 2016 - Changshu City Standard Parts Factory and Ningbo Jinding Fastener Co. Ltd v Council of the European Union** - Appeal — **Dumping** — Regulation (EC) No 1225/2009 — Article 2(7)(a), (10) and (11) — **Anti-Dumping Agreement** — Article 2.4 and 2.4.2 — Implementing Regulation (EU) No 924/2001 — Imports of certain iron or steel fasteners originating in the People’s Republic of China — **Product concerned — Exclusion of certain export transactions for the purposes of calculating the dumping margin — Fair comparison between the export price and the normal value in the case of imports from a non-market economy country** — Refusal to make certain adjustments — Obligation to state reasons  
[CURIA – Opinion of Advocate General in Case C-376/15 of 7 December 2016](#)

**Case C-486/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 November 2016 - European Commission v French Republic, Orange, formerly France Télécom and Federal Republic of Germany** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid — Financial measures for France Télécom** — Shareholder loan offer — **Public statements by representatives of the French State — Decision declaring the aid incompatible with the common market — Definition of ‘aid’ — Concept of ‘economic advantage’ — Prudent private investor criterion** — Obligation of the General Court to state reasons — **Limits of judicial review — Distortion of the decision at issue**  
[CURIA – Judgment of the Court of Justice in Case C-486/15 of 30 November 2016](#)

## 6. Customs

### Case Law

**Case C-700/15: JUDGMENT OF THE COURT (Sixth Chamber) of 15 December 2016 - LEK farmacevtska družba d.d. v Republika Slovenija** - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia) - Reference for a preliminary ruling — **Combined Nomenclature — Classification of goods** — Food supplements falling under heading 2106 — **Active ingredient as the essential component — Possible classification in Chapter 30 of the Combined Nomenclature — Goods presented and marketed as medicinal products**  
[CURIA – Judgment of the Court of Justice in Case C-700/15 of 15 December 2016](#)

**Case C-571/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 13 December 2016 - Wallenborn Transports SA v Hauptzollamt Gießen** - Request for a preliminary ruling from the Hessisches Finanzgericht (Finance Court, Hesse, Germany) - **Taxation — VAT — International trade — Place of taxable transactions — Goods transported through a free port located in a Member State** — Legislation of that Member State excluding free ports from its national territory — **Incurrence of a customs debt and chargeability of VAT in cases of unlawful removal from customs supervision**  
[CURIA – Opinion of Advocate General in Case C-571/15 of 13 December 2016](#)

**Case C-600/15: JUDGMENT OF THE COURT (Tenth Chamber) of 8 December 2016 - Staatssecretaris van Financiën v Lemnis Lighting 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 — Regulation (EEC) No 2658/87 — **Customs union and Common Customs Tariff — Tariff classification — Combined Nomenclature —** Headings 8539, 8541, 8543, 8548 and 9405 — **Light-emitting diode bulbs (LED)**  
[CURIA – Judgment of the Court of Justice in Case C-600/15 of 8 December 2016](#)

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

### Community Legislation

**COMMISSION DELEGATED REGULATION (EU) 2016/2251** of 4 October 2016 **supplementing** Regulation (EU) No 648/2012 of the European Parliament and of the Council on **OTC derivatives, central counterparties and trade repositories** with regard to regulatory **technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty** (Text with EEA relevance)  
[OJ of the EU, L 340/9 of 15 December 2016](#)

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2070** of 14 September 2016 laying down **implementing technical standards for templates, definitions and IT-solutions to be used by institutions when reporting to the European Banking Authority and to competent authorities** in accordance with Article 78(2) of Directive 2013/36/EU of the European Parliament and of the Council (Text with EEA relevance)  
[OJ of the EU, L 328/1 of 2 December 2016](#)

### Case Law

**Case C-638/15: OPINION OF ADVOCATE GENERAL WAHL of 15 December 2016 - Eko-Tabak s.r.o. v Generální ředitelství cel** - Request for a preliminary ruling from the Nejvyšší správní soud (Supreme Administrative Court, Czech Republic) - Directive 2011/64/EU — Article 2(1) and Article 5(1) — **Excise duties applicable to manufactured tobacco — Concept of ‘smoking tobacco’ — Directive 2008/118/EC — Article 1(3) — Concept of ‘products other than excise goods’**  
[CURIA – Opinion of Advocate General in Case C-638/15 of 15 December 2016](#)

**Case C-378/15: JUDGMENT OF THE COURT (Third Chamber) of 14 December 2016 - Mercedes Benz Italia SpA v Agenzia delle Entrate Direzione Provinciale Roma 3** - REQUEST for a preliminary ruling under Article 267 TFEU from the Commissione tributaria regionale di Roma (Regional Tax Court, Rome, Italy) - Reference for a preliminary ruling — **Taxation — Value added tax — Directive 77/388/EEC — Article 17(5), third subparagraph, point (d) — Scope — Application of a deductible proportion to the value added tax charged on the acquisition of all goods and services used by a taxable person — Incidental transactions — Use of turnover as an indicator**  
[CURIA – Judgment of the Court of Justice in Case C-378/15 of 14 December 2016](#)

**Case C-571/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 13 December 2016 - Wallenborn Transports SA v Hauptzollamt Gießen** - Request for a preliminary ruling from the Hessisches Finanzgericht (Finance Court, Hesse, Germany) - **Taxation — VAT — International trade — Place of taxable transactions — Goods transported through a free port located in a Member State — Legislation of that Member State excluding free ports from its national territory — Incurrence of a customs debt and chargeability of VAT in cases of unlawful removal from customs supervision**  
[CURIA – Opinion of Advocate General in Case C-571/15 of 13 December 2016](#)

**Case C-127/15: JUDGMENT OF THE COURT (Third Chamber) of 8 December 2016 - Verein für Konsumenteninformation v INKO, Inkasso GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Directive 2008/48/EC — **Consumer protection — Consumer credit — Article 2(2)(j) — Rescheduling agreements — Deferred payment, free of charge — Article 3(f) — Credit intermediaries — Debt recovery companies acting on behalf of lenders**  
[CURIA – Judgment of the Court of Justice in Case C-127/15 of 8 December 2016](#)



**Case C-208/15: JUDGMENT OF THE COURT (Fifth Chamber) of 8 December 2016 - Stock '94 Szolgáltató Zrt. v Nemzeti Adó- és Vámhivatal Dél-dunántúli Regionális Adó Főigazgatósága** - REQUEST for a preliminary ruling under Article 267 TFEU from the Kúria (Supreme Court, Hungary) - Reference for a preliminary ruling — **Value added tax** — Directive 2006/112/EC — **Integrated cooperation** — **Grant of financing and supplies of current assets necessary for agricultural production** — **Single, complex supply** — Distinct and independent supplies — **Ancillary supply and principal supply**

CURIA – Judgment of the Court of Justice in Case C-208/15 of 8 December 2016

**Case C-453/15: JUDGMENT OF THE COURT (Second Chamber) of 8 December 2016 - A, B and Generalbundesanwalt beim Bundesgerichtshof** - REQUEST for a preliminary ruling under Article 267 TFEU from the Bundesgerichtshof (Federal Court of Justice, Germany) - Reference for a preliminary ruling — **Taxation — VAT** — Directive 2006/112/EC — Article 56 — **Place where services are supplied** — **Concept of 'similar rights'** — **Transfer of greenhouse gas emission allowances**

CURIA – Judgment of the Court of Justice in Case C-453/15 of 8 December 2016

**Case C-33/16: OPINION OF ADVOCATE GENERAL BOT of 7 December 2016 - A Oy** - Request for a preliminary ruling from the Korkein hallinto-oikeus (Supreme Administrative Court, Finland) - Reference for a preliminary ruling — **Taxation – Value added tax (VAT)** – Directive 2006/112/EC – Article 148(d) – **Supply of services – Concept – Exemption – Supply of services to meet the direct needs of vessels used for navigation on the high seas or of their cargoes** – **Supply of cargo-loading or -unloading services by subcontractors acting on behalf of intermediaries**

CURIA – Opinion of Advocate General in Case C-33/16 of 7 December 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

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2236** of 12 December 2016 **specifying the technical characteristics of the 2018 ad hoc module on reconciliation between work and family life** (Text with EEA relevance)

OJ of the EU, L 337/6 of 13 December 2016

### Case Law

**Joined Cases C-401/15 to C-403/15: JUDGMENT OF THE COURT (Second Chamber) of 15 December 2016 - Noémie Depesme (C-401/15), Saïd Kerrou (C-401/15), Adrien Kauffmann (C-402/15) and Maxime Lefort (C-403/15) v Ministre de l'Enseignement supérieur et de la Recherche** - THREE REQUESTS for a preliminary ruling under Article 267 TFEU from the Cour administrative (Higher Administrative Court, Luxembourg) - Reference for a preliminary ruling — **Freedom of movement of persons** — **Worker's rights** — **Equal treatment** — **Social advantages** — **Financial aid for the pursuit of higher education studies** — Requirement of a parent-child relationship — **Concept of 'child'** — **Child of a spouse or registered partner** — **Contribution towards the maintenance of that child**

CURIA – Judgment of the Court of Justice in Case C-401/15 of 15 December 2016

**Case C-171/15: JUDGMENT OF THE COURT (Fourth Chamber) of 14 December 2016 - Connexion Taxi Services BV v Staat der Nederlanden (Ministerie van Volksgezondheid, Welzijn en Sport), Transvision BV, Rotterdamse Mobiliteit Centrale RMC BV and Zorgvervoercentrale Nederland BV** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hoge Raad der Nederlanden (Supreme Court, Netherlands) - Reference for a preliminary ruling — **Public service contracts** — Directive 2004/18/EC — Article 45(2) — **Personal situation of the candidate or tenderer** — **Optional grounds of exclusion** — **Grave professional misconduct** — National legislation providing for a case-by-case assessment in accordance with the principle of proportionality — **Decisions of the contracting authorities** — Directive 89/665/EEC — **Judicial review**  
[CURIA – Judgment of the Court of Justice in Case C-171/15 of 14 December 2016](#)

**Case C-238/15: JUDGMENT OF THE COURT (Second Chamber) of 14 December 2016 - Maria Do Céu Bragança Linares Verruga, Jacinto Manuel Sousa Verruga and André Angelo Linares Verruga v Ministre de l'Enseignement supérieur et de la Recherche** - REQUEST for a preliminary ruling under Article 267 TFEU from the tribunal administratif (Administrative Court, Luxembourg) - Reference for a preliminary ruling — **Freedom of movement of persons** — **Equal treatment** — **Social advantages** — Regulation (EU) No 492/2011 — Article 7(2) — **Financial aid for higher education studies** — **Students not residing in the territory of the Member State concerned subject to the condition that they be the children of workers who have been employed or who have pursued their professional activity in that Member State for a continuous period of at least five years** — **Indirect discrimination** — **Justification** — Objective of increasing the proportion of residents with a higher education degree — Whether appropriate — Proportionality  
[CURIA – Judgment of the Court of Justice in Case C-238/15 of 14 December 2016](#)

**Case C-690/15: OPINION OF ADVOCATE GENERAL MENGOLZI of 6 December 2016 - Wenceslas de Lobkowicz v Ministère des Finances et des Comptes publics** - Request for a preliminary ruling from the cour administrative d'appel de Douai (Administrative Court of Appeal, Douai, France) - Reference for a preliminary ruling — **Freedom of movement for workers** — **Officials of the European Union** — **Compulsory affiliation to the social security scheme of the EU institutions** — Funding of national social security benefits — **Real estate income** — **Liability** — **General social contribution (CSG)** — **Social levy** — **Additional contributions**  
[CURIA – Opinion of Advocate General in Case C-690/15 of 6 December 2016](#)

**Case C-395/15: JUDGMENT OF THE COURT (Third Chamber) of 1 December 2016 - Mohamed Daouidi v Bootes Plus SL, Fondo de Garantía Salarial and Ministerio Fiscal** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social No 33 de Barcelona (Social Court No 33 of Barcelona, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Articles 1 to 3 — **Prohibition of all discrimination based on a disability** — **Whether a 'disability' exists** — **Concept of 'long-term physical, mental, intellectual or sensory impairments'** — **Charter of Fundamental Rights of the European Union** — Articles 3, 15, 21, 30, 31, 34 and 35 — **Dismissal of a worker who is temporarily unable to work, within the definition of national law, for an indeterminate period of time**  
[CURIA – Judgment of the Court of Justice in Case C-395/15 of 1 December 2016](#)

## 10. Energy and Environment

### Community Legislation

**COMMISSION IMPLEMENTING DECISION (EU) 2016/2132** of 5 December 2016 on **greenhouse gas emissions for each Member State for the year 2013** covered by Decision No 406/2009/EC of the European Parliament and of the Council

[OJ of the EU, L 331/9 of 6 December 2016](#)

**COUNCIL DECISION (Euratom) 2016/2116** of 12 February 2016 **approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Agreement extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems**

[OJ of the EU, L 329/1 of 3 December 2016](#)

**AGREEMENT extending the Framework Agreement for International Collaboration on Research and Development of Generation IV nuclear energy systems**

OJ of the EU, L 329/3 of 3 December 2016

**Case Law**

**Case C-686/15: JUDGMENT OF THE COURT (Sixth Chamber) of 7 December 2016 - Vodoopskrba i odvodnja d.o.o. v Željka Klafurić** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Velikoj Gorici (Municipal Court, Velika Gorica, Croatia) - Reference for a preliminary ruling — **Environment** — Directive 2000/60/EC — **Framework for an EU water policy — Recovery of the costs of services connected with water use — Calculation of the amount due from the consumer** — Variable component related to actual consumption and fixed component independent of that consumption

CURIA – Judgment of the Court of Justice in Case C-686/15 of 7 December 2016

**11. Food Safety, Public Health and Consumers****Case Law**

**Case C-672/15: OPINION OF ADVOCATE GENERAL BOBEK of 15 December 2016 - Procureur de la République v Noria Distribution SARL** - Request for a preliminary ruling from the Tribunal de grande instance de Perpignan (Regional Court, Perpignan, France) - **Food supplements — Vitamins and minerals — Mutual recognition — Fixing of maximum daily doses**

CURIA – Opinion of Advocate General in Case C-672/15 of 15 December 2016

**Case C-667/15: JUDGMENT OF THE COURT (Sixth Chamber) of 15 December 2016 - Loterie Nationale — Nationale Loterij NV van publiek recht v Paul Adriaensen and Werner De Kesel** - REQUEST for a preliminary ruling under Article 267 TFEU from the Hof van beroep te Antwerpen (Court of Appeal, Antwerp, Belgium) - Reference for a preliminary ruling — Directive 2005/29/EC — **Unfair business-to-consumer commercial practices — Misleading commercial practice — Pyramid promotional scheme — Contributions paid by new members and compensation received by existing members — Indirect financial link**

CURIA – Judgment of the Court of Justice in Case C-667/15 of 15 December 2016

**Case C-127/15: JUDGMENT OF THE COURT (Third Chamber) of 8 December 2016 - Verein für Konsumenteninformation v INKO, Inkasso GmbH** - REQUEST for a preliminary ruling under Article 267 TFEU from the Oberster Gerichtshof (Supreme Court, Austria) - Reference for a preliminary ruling — Directive 2008/48/EC — **Consumer protection — Consumer credit** — Article 2(2)(j) — **Rescheduling agreements — Deferred payment, free of charge** — Article 3(f) — **Credit intermediaries — Debt recovery companies acting on behalf of lenders**

CURIA – Judgment of the Court of Justice in Case C-127/15 of 8 December 2016

**Case C-686/15: JUDGMENT OF THE COURT (Sixth Chamber) of 7 December 2016 - Vodoopskrba i odvodnja d.o.o. v Željka Klafurić** - REQUEST for a preliminary ruling under Article 267 TFEU from the Općinski sud u Velikoj Gorici (Municipal Court, Velika Gorica, Croatia) - Reference for a preliminary ruling — **Environment** — Directive 2000/60/EC — **Framework for an EU water policy — Recovery of the costs of services connected with water use — Calculation of the amount due from the consumer** — Variable component related to actual consumption and fixed component independent of that consumption

CURIA – Judgment of the Court of Justice in Case C-686/15 of 7 December 2016



## 12. Human Rights

### Community Legislation

**REGULATION (EU) 2016/2134 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 November 2016 **amending** Council Regulation (EC) No 1236/2005 concerning **trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**  
[OJ of the EU, L 338/1 of 13 December 2016](#)

### Case Law

**Case C-395/15: JUDGMENT OF THE COURT (Third Chamber) of 1 December 2016 - Mohamed Daouidi v Bootes Plus SL, Fondo de Garantía Salarial and Ministerio Fiscal** - REQUEST for a preliminary ruling under Article 267 TFEU from the Juzgado de lo Social No 33 de Barcelona (Social Court No 33 of Barcelona, Spain) - Reference for a preliminary ruling — **Social policy** — Directive 2000/78/EC — **Equal treatment in employment and occupation** — Articles 1 to 3 — **Prohibition of all discrimination based on a disability** — **Whether a ‘disability’ exists** — **Concept of ‘long-term physical, mental, intellectual or sensory impairments’** — **Charter of Fundamental Rights of the European Union** — Articles 3, 15, 21, 30, 31, 34 and 35 — **Dismissal of a worker who is temporarily unable to work, within the definition of national law, for an indeterminate period of time**  
[CURIA – Judgment of the Court of Justice in Case C-395/15 of 1 December 2016](#)

## 13. Internal Market and Single Market

### Case Law

**Affaire C-644/15 P: ARRÊT DE LA COUR (septième chambre) du 15 décembre 2016 - Hongrie 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 – Secteur des fruits et légumes** – Article 103 sexies – **Aide financière nationale accordée aux organisations de producteurs dans le secteur des fruits et légumes** – Règlement (CE) n° 1580/2007 – Article 97 – **Décision de la Commission concernant le remboursement par l’Union européenne de l’aide financière nationale accordée par la Hongrie aux organisations de producteurs**  
[CURIA – Arrêt de la Cour de Justice dans l’affaire C-644/15 du 15 décembre 2016](#)

**Case C-553/15: JUDGMENT OF THE COURT (Fourth Chamber) of 8 December 2016 - Undis Servizi Srl v Comune di Sulmona and Cogesa SpA** - REQUEST for a preliminary ruling under Article 267 TFEU from the Consiglio di Stato (Council of State, Italy) - Reference for a preliminary ruling — **Public service contracts** — **Award of the contract without initiating a tendering procedure** — **So-called ‘in-house’ award** — **Conditions** — Similar control — Performance of the essential activity — Successful public capital tendering company owned by several local authorities — Activity also carried out for the benefit of local authorities which are not shareholders — **Activity imposed by a public authority which is not a shareholder**  
[CURIA – Judgment of the Court of Justice in Case C-553/15 of 8 December 2016](#)

**Case C-486/15 P: JUDGMENT OF THE COURT (Sixth Chamber) of 30 November 2016 - European Commission v French Republic, Orange, formerly France Télécom and Federal Republic of Germany** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **State aid** — **Financial measures for France Télécom** — Shareholder loan offer — **Public statements by representatives of the French State** — **Decision declaring the aid incompatible with the common market** — **Definition of ‘aid’** — **Concept of ‘economic advantage’** — **Prudent private investor criterion** — Obligation of the General Court to state reasons — **Limits of judicial review** — **Distortion of the decision at issue**  
[CURIA – Judgment of the Court of Justice in Case C-486/15 of 30 November 2016](#)

## 14. Intellectual Property

### Case Law

**Case C-421/15 P: OPINION OF ADVOCATE GENERAL SZPUNAR of 8 December 2016 - Yoshida Metal Industry Co. Ltd v European Union Intellectual Property Office (EUIPO) - Appeal — EU trade mark — Regulation (EC) No 207/2009 — Ground for refusal or invalidity of the registration — Signs which consist exclusively of the shape of goods which is necessary to obtain a technical result — Article 7(1)(e)(ii) — Examination of the ground for refusal or invalidity in respect of a group of goods or services — Article 52(3) — Reasons stated for the decision of a Board of Appeal of EUIPO — General reasons stated for all the goods or services concerned — New ground at the appeal stage — Inadmissibility**

[CURIA – Opinion of Advocate General in Case C-421/15 of 8 December 2016](#)

**Case C-527/15: OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA of 8 December 2016 - Stichting Brein v Jack Frederik Wullems, acting under the name of Filmspeler - Request for a preliminary ruling from the Rechtbank Midden-Nederland (District Court, Central Netherlands, Netherlands) - Copyright and related rights — Information society — Definition of ‘communication to the public’ — Reproduction right — Exceptions and limitations**

[CURIA – Opinion of Advocate General in Case C-527/15 of 8 December 2016](#)

**Affaire C-642/15 P: ARRÊT DE LA COUR (troisième chambre) du 1er décembre 2016 - Toni Klement c Office de l’Union européenne pour la propriété intellectuelle (EUIPO) - ayant pour objet un pourvoi au titre de l’article 56 du statut de la Cour de justice de l’Union européenne - Pourvoi – Règlement (CE) n° 207/2009 – Marque de l’Union européenne – Marque tridimensionnelle représentant la forme d’un four – Article 51, paragraphe 1, sous a) – Demande en déchéance d’une marque de l’Union européenne – Article 15, paragraphe 1, second alinéa, sous a) – Usage sérieux de la marque – Rejet de la demande en nullité**

[CURIA – Arrêt de la Cour de Justice dans l’affaire C-642/15 du 1er décembre 2016](#)

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

### International Agreements

**COUNCIL DECISION (EU) 2016/2220** of 2 December 2016 on the **conclusion**, on behalf of the European Union, of the **Agreement** between the **United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences**

[OJ of the EU, L 336/1 of 10 December 2016](#)

**AGREEMENT** between the **United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offences**

[OJ of the EU, L 336/3 of 10 December 2016](#)

### Community Legislation

**COUNCIL DIRECTIVE (EU) 2016/2258** of 6 December 2016 **amending** Directive 2011/16/EU as **regards access to anti-money-laundering information by tax authorities**

[OJ of the EU, L 342/1 of 16 December 2016](#)

## Case Law

**Case C-256/15: JUDGMENT OF THE COURT (Fifth Chamber) of 15 December 2016 - Drago Nemec v Republika Slovenija** - REQUEST for a preliminary ruling under Article 267 TFEU from the Vrhovno sodišče (Supreme Court, Slovenia - Reference for a preliminary ruling — Directive 2000/35/EC — **Combating late payment — Jurisdiction of the Court — Transaction concluded before the accession of the Republic of Slovenia to the European Union** — Scope — **Concept of ‘commercial transaction’ — Concept of ‘undertaking’ — Maximum amount of interest for late payment**

[CURIA – Judgment of the Court of Justice in Case C-256/15 of 15 December 2016](#)

**Joined Cases C-532/15 and C-538/15: JUDGMENT OF THE COURT (First Chamber) of 8 December 2016 - Eurosaneamientos SL, Entidad Urbanística Conservación Parque Tecnológico de Reciclado López Soriano and UTE PTR Acciona Infraestructuras SA v ArcelorMittal Zaragoza SA and Consejo General de Procuradores de España (C-532/15) - Francesc de Bolós Pi v Urbaser SA (C-538/15)** - REQUESTS for preliminary rulings under Article 267 TFEU brought by the Audiencia Provincial de Zaragoza (Provincial Court, Zaragoza, Spain) and by the Juzgado de Primera Instancia de Olot (Court of First Instance, Olot, Spain) - Reference for a preliminary ruling — **Services provided by Procuradores de los Tribunales — Tariff — Jurisdictions — Derogation impossible**

[CURIA – Judgment of the Court of Justice in Case C-532/15 of 8 December 2016](#)

**Case C-85/15 P, Joined Cases C-86/15 P and C-87/15 P, Cases C-88/15 P and C-89/15 P: OPINION OF ADVOCATE GENERAL Wahl of 8 December 2016 - Feralpi Holding SpA (C-85/15 P), Ferriera Valsabbia SpA and Valsabbia Investimenti SpA (C-86/15 P), Alfa Acciai SpA (C-87/15 P), Ferriere Nord SpA (C-88/15 P) and Riva Fire SpA, in liquidation (C-89/15 P) v European Commission** - Appeals — **Competition — ECSC Treaty — Rights of the defence — Statement of objections** — Oral hearing — Advisory Committee — **Excessive length of the proceedings before the General Court — Repeated infringement — Public distancing — Unlimited jurisdiction**

[CURIA – Opinion of Advocate General in Case C-89/15 of 8 December 2016](#)

## 16. Transport

### Community Legislation

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2214** of 8 December 2016 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers which are subject to an operating ban within the Union** (Text with EEA relevance)

[OJ of the EU, L 334/6 of 9 December 2016](#)

**COMMISSION REGULATION (EU) 2016/2096** of 30 November 2016 **amending** Regulation (EU) No 1254/2009 as regards **certain criteria to allow Member States to derogate** from the common **basic standards on civil aviation security and to adopt alternative security measures** (Text with EEA relevance)

[OJ of the EU, L 326/7 of 1 December 2016](#)

### Case Law

**Case C-558/15: JUDGMENT OF THE COURT (Sixth Chamber) of 15 December 2016 - Alberto José Vieira Azevedo, Maria da Conceição Ferreira da Silva, Carlos Manuel Ferreira Alves, Rui Dinis Ferreira Alves and Vítor José Ferreira Alves v CED Portugal Unipessoal Lda, Instituto de Seguros de Portugal – Fundo de Garantia Automóvel and Instituto de Seguros de Portugal — Fundo de Acidentes de Trabalho** - REQUEST for a preliminary ruling under Article 267 TFEU from the Tribunal da Relação do Porto (Portugal) - Reference for a preliminary ruling — **Insurance against civil liability in respect of the use of motor vehicles and enforcement of the obligation to insure against such liability** — Directive 2000/26/EC — Article 4(5) — **Insurance undertaking — Claims representative — Sufficient powers of representation — Notifications of proceedings before the courts**

[CURIA – Judgment of the Court of Justice in Case C-558/15 of 15 December 2016](#)

**Affaire C-152/16: ARRÊT DE LA COUR (dixième chambre) du 1er décembre 2016 - Commission européenne contre Grand-Duché de Luxembourg** - ayant pour objet un recours en manquement au titre de l'article 258 TFUE - Manquement d'État – Règlement (CE) n° 1071/2009 – **Règles communes sur les conditions à respecter pour exercer la profession de transporteur par route** – Article 16, paragraphes 1 et 5 – **Registre électronique national des entreprises de transport par route – Absence d'interconnexion avec les registres électroniques nationaux des autres États membres**

CURIA – Arrêt de la Cour de Justice dans l'affaire C-152/16 du 1<sup>er</sup> décembre 2016

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

### Community Legislation

**REGULATION (EU) 2016/2135 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** of 23 November 2016 **amending** Regulation (EU) No 1303/2013 as regards **certain provisions** relating to **financial management** for certain **Member States experiencing or threatened with serious difficulties with respect to their financial stability**

OJ of the EU, L 338/34 of 13 December 2016

### Case Law

**Case C-577/15 P: JUDGMENT OF THE COURT (First Chamber) of 14 December 2016 - SV Capital OÜ v European Banking Authority (EBA) and European Commission** - APPEAL under Article 56 of the Statute of the Court of Justice of the European Union - Appeal — **Application to initiate an investigation into the Estonian and Finnish supervisory authorities — Decision of the European Banking Authority (EBA) — Board of Appeal decision of the European Supervisory Authorities** — Regulation (EU) No 1093/2010 — Articles 17 and 60 — **Board of Appeal — Period allowed for commencing proceedings — Excusable error**

CURIA – Judgment of the Court of Justice in Case C-577/15 of 14 December 2016