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EUROPEAN COURT OF JUSTICE

Case-law in private law matters from 15 December 2014 – 10 April 2015

Unfair Contract Terms

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Ninth Chamber) 15 January 2015	C-537/13	Birutė Šiba v Arūnas Devėnas	Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as applying to standard form contracts for legal services, such as those at issue in the main proceedings, concluded by a lawyer with a natural person acting for purposes which are outside his trade, business or profession.
JUDGMENT OF THE COURT (First Chamber) 21 January 2015	C-482/13, C-484/13, C-485/13 and C-487/13	Unicaja Banco, SA v José Hidalgo Rueda et al	Article 6 of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as not precluding a national provision under which the national court hearing mortgage enforcement proceedings is required to adjust the amounts due under a term in a mortgage-loan contract providing for default interest at a rate more than three times greater than the statutory rate in order that the amount of that interest may not exceed that threshold, provided that the application of that national provision: - is without prejudice to the assessment by that national court of the unfairness of such a term and - does not prevent that court removing that term if it were to find the latter to be 'unfair', within the meaning of Article 3(1) of that directive.
JUDGMENT OF THE COURT (Third Chamber) 12 February 2015	C‑567/13	Nóra Baczó, János István Vizsnyiczai v Raiffeisen Bank Zrt	Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that it does not preclude a national procedural rule pursuant to which a local court which has jurisdiction to rule on an action brought by a consumer seeking a declaration of invalidity of a standard contract does not have jurisdiction to hear an application by the consumer for a declaration of unfairness of contract terms in the same contract, unless declining jurisdiction by the local court gives rise to procedural difficulties that would make the exercise of the rights conferred on consumers by the European Union legal order excessively difficult. It is for the national court to carry out the necessary verifications in that respect.

JUDGMENT OF THE COURT (Ninth Chamber) 26 February 2015	C‑143/13	Bogdan Matei, Ioana Ofelia Matei v SC Volksbank România SA	Article 4(2) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that 'main subject-matter of the contract' and 'adequacy of the price and remuneration, on the one hand, as against the services or goods supplies in exchange, on the other' do not, in principle, cover the types of terms in the credit agreements concluded between a professional and consumers such as those at issue in the main proceedings, which, on one hand, allow, under certain conditions, the lender unilaterally to alter the interest rate and, on the other hand, provide for a 'risk charge' applied by the lender. However, it is for the referring court to verify that classification of those contractual terms having regard to the nature, general scheme and stipulations of the agreements concerned and the legal and factual context of which they form part.

Pending Cases

	Case-number	Parties	Outcome
Request for a preliminary ruling from the Audiencia Provincial de Castellón (Spain) lodged on 27 November 2014	C-539/14	Juan Carlos Sánchez Morcillo, María del Carmen Abril García v Banco Bilbao Vizcaya Argentaria, S.A.	Must Article 7(1) of Directive 93/13/EEC, in conjunction with Articles 47, 34(3) and 7 of the Charter of Fundamental Rights of the European Union, be interpreted as precluding a procedural provision of the kind laid down in Article 695(4) of the Spanish Law on Civil Procedure, applicable to appeals against a decision determining the outcome of an objection to enforcement proceedings in relation to mortgaged or pledged goods, which allows an appeal to be brought only against an order staying the proceedings, disapplying an unfair term or dismissing an opposition based on an unfair term, the immediate consequence of which is that more legal remedies on appeal are available to the seller or supplier seeking enforcement than to the consumer against whom enforcement is sought?
Request for a preliminary ruling from the Juzgado Mercantil No 3 de Barcelona (Spain) lodged on 9 December 2014	C-568/14	Ismael Fernández Oliva v Caixabank, S.A.	1) Does Article 43 of the Spanish Law on Civil Procedure, which precludes the court proposing to the parties a possible stay of civil proceedings when another court or tribunal has referred a question to the Court of Justice for a preliminary ruling, not constitute a clear limitation of Article 7 of Directive 93/13/EEC (1) with regard to the Member States' duty to ensure that, in the interests of consumers and of competitors, adequate and effective means exist to prevent the continued use of unfair terms in contracts concluded with consumers by sellers or suppliers? 2) Does Article 721.2 of the LEC, which precludes the court adopting or proposing of its own motion the adoption of precautionary measures in individual actions in which it is claimed that a general condition is void because unfair, not constitute a clear limitation of Article 7 of Directive 93/13/EEC with regard to the Member States' duty to ensure that, in the interests of consumers and of competitors, adequate and effective means exist to prevent the continued use of unfair terms in contracts concluded with consumers by sellers or suppliers?

			3) Ought not any precautionary measures that might be adopted, either of the court's own motion or at the request of one or other of the parties, in proceedings in which an individual action is brought, to have effect until final judgment shall have been given either in the individual action or in a collective action that could interfere with the bringing of individual actions, in order to ensure the adequate and effective means provided for in Article 7 of the Directive?

Consumer Credit Agreement

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Fourth Chamber)18 December 2014	C-449/13	CA Consumer Finance SA v Ingrid Bakkau et al	1) The provisions of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC must be interpreted to the effect that: – first, they preclude national rules according to which the burden of proving the non-performance of the obligations laid down in Articles 5 and 8 of Directive 2008/48 lies with the consumer; and – secondly, they preclude a court from having to find that, as a result of a standard term, a consumer has acknowledged that the creditor's pre-contractual obligations have been fully and correctly performed, with that term thereby resulting in a reversal of the burden of proving the performance of those obligations such as to undermine the effectiveness of the rights conferred by Directive 2008/48. 2) Article 8(1) of Directive 2008/48 must be interpreted to the effect that, first, it does not preclude the consumer's creditworthiness assessment from being carried out solely on the basis of information supplied by the consumer, provided that that information is sufficient and that mere declarations by the consumer are also accompanied by supporting evidence and, secondly, that it does not require the creditor to carry out systematic checks of the veracity of the information supplied by the consumer. 3) Article 5(6) of Directive 2008/48 must be interpreted to the effect that, although it does not preclude a creditor from providing the consumer with adequate explanations before assessing the financial situation and the needs of that consumer, it may be that the assessment of the consumer's creditworthiness means that the adequate explanations provided need to be adapted, and that those explanations must be communicated to the consumer in good time before the credit agreement is signed, without this, however, requiring a specific document to be drawn up.
CONCLUSIONS DE	C-671/13	VĮ Indėlių ir investicijų	Eu égard aux considérations qui précèdent, je propose à la Cour

L'AVOCAT GÉNÉRAL M. PEDRO Cruz Villalón présentées le 26 février 2015		draudimas, Virgilijus Vidutis Nemaniūnas	de répondre au Lietuvos Aukščiausiasis Teismas comme suit: 1) Les dispositions combinées de l'article 7, paragraphe 2, et de l'annexe I, point 12, de la directive 94/19/CE du Parlement européen et du Conseil, du 30 mai 1994, relative aux systèmes de garantie des dépôts doivent être interprétées en ce sens que les États membres peuvent exclure du bénéfice de la garantie les déposants d'un établissement de crédit possédant des certificats de dépôt émis par celui-ci, étant entendu qu'il s'agit d'instruments cessibles. Il appartient au juge national de déterminer si les certificats litigieux remplissent cette condition. 2) Les articles 2, paragraphe 2, et 4, paragraphe 2, de la directive 97/9/CE du Parlement européen et du Conseil, du 3 mars 1997, relative aux systèmes d'indemnisation des investisseurs (en combinaison avec l'annexe I dudit texte) doivent être interprétés en ce sens qu'ils s'opposent à une réglementation nationale qui, le cas de chevauchement avec la directive 94/19/CE étant écarté, exclut du système d'indemnisation prévu par ladite directive les certificats de dépôt émis par un établissement de crédit si celui-ci n'a pas transféré ou utilisé les fonds ou titres des investisseurs sans le consentement de ces derniers. 3) La juridiction de renvoi est tenue, en vertu de l'effet direct de la directive 97/9/CE, de ne pas appliquer la condition de l'utilisation sans consentement fixée par le législateur national lors de la détermination du cadre des investissements relevant du système de protection prévu par cette directive.

Passenger Rights

Pending Cases

	Case-number	Parties	Outcome
Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas lodged on 18 September 2014	C-429/14	Air Baltic Corporation AS v Lietuvos Respublikos specialiųjų tyrimų tarnyba	1) Are Articles 19, 22 and 29 of the Montreal Convention to be understood and interpreted as meaning that an air carrier is liable to third parties, inter alia to the passengers' employer, a legal person with which a transaction for the international carriage of passengers was entered into, for damage occasioned by a flight's delay, on account of which the applicant (the employer) incurred additional expenditure connected with the delay (for example, the payment of travel expenses)? 2) If the first question is answered in the negative, is Article 29 of the Montreal Convention to be understood and interpreted as meaning that those third parties have the right to bring claims against the air carrier on other bases, for example, in reliance upon national law?

Advertising

Judgements and Opinions

	Case-number	Parties	Questions
OPINION OF ADVOCATE GENERAL SZPUNAR delivered on 3 March 2015	Joined Cases C‑544/13 and C‑545/13	Abcur AB v Apoteket Farmaci AB (C‑544/13), Apoteket AB and Apoteket Farmaci AB (C‑545/13)	In the light of all of the foregoing considerations, I propose that the Court answer the questions referred by the Stockholms tingsrätt (Sweden) as follows: 1) For the purposes of Article 3(1) of Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use a medical prescription for an individual patient must, in every case, precede the preparation of a medicinal product in a pharmacy. 2) For the purposes of Article 3(2) of Directive 2001/83 a medicinal product is not supplied directly to a patient if the production site and the dispensing site are not both part of the same pharmacy. 3) It is immaterial for the application of either Article 3(1) or (2) whether there is another authorised product with the same active substance, dosage and form on the market. 4) When it is to be ascertained whether marketing measures concerning a prescription-only medicinal product, which has been prepared in the circumstances of the case at issue, fall within Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), it must be borne in mind that the directive's scope is limited to business-to-consumer commercial practices and that the directive addresses commercial practices directly related to influencing consumers' transactional decisions in relation to products. 95. Should the Court not follow the interpretation proposed under (1) to (3) above, I would propose that the remaining questions be answered as follows: 5) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version), in principle, is applicable to advertising of medicinal products in situations in which Directive 2001/83 is not applicable. 6) When it is to be ascertained whether marketing measures concerning a prescription-only medicinal product, which has been prepared in the circumstances of the case at issue, fall within the scope of Directive 2006/114, it must be borne in mind that the directive's scope is limited to business-to-business situations as

			far as misleading advertising is concerned and that the determining criterion is whether a representation has been made with a view and intent to promoting the supply of the good in question.

Pending cases

	Case-number	Parties	Questions
Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 27 October 2014	C-476/14	Citroën Commerce GmbH v Zentralvereinigung des Kraftfahrzeuggewerbes zur Aufrechterhaltung lauteren Wettbewerbs e.V. (ZLW)	1. Does an advertisement for a product which indicates the price to be paid for it constitute an offer within the meaning of Article 1 of Directive 98/6/EC (1)? If the first question is to be answered in the affirmative: 2. In the case of an offer within the meaning of Article 1 of Directive 98/6/EC, must the selling price to be indicated in accordance with Article 1 and the first sentence of Article 3(1) also include costs necessarily incurred in connection with the transfer of a motor vehicle from the manufacturer to the dealer? If the first or the second question is to be answered in the negative: 3. In the case of an invitation to purchase within the meaning of Article 2(i) of Directive 2005/29/EC (2), must the 'price inclusive of taxes' to be indicated in accordance with the provision governing the first scenario contemplated in Article 7(4)(c) of Directive 2005/29/EC also include, in the case of a motor vehicle, costs necessarily incurred in connection with the transfer of the vehicle from the manufacturer to the dealer?
Request for a preliminary ruling from the Cour de cassation (France) lodged on 16 January 2015	C-13/15	Cdiscount SA v Ministère public	Do Articles 5 to 9 of Directive 2005/29/EC of the Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (1) preclude a rule which prohibits, in all circumstances and regardless of the impact they may have on the decision of the average consumer, price reductions which are not calculated against a reference price laid down by regulation?

Passenger Rights

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Fifth Chamber) 15 January 2015	C-573/13	Air Berlin plc & Co. Luftverkehrs KG V Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale	1) The second sentence of Article 23(1) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community must be interpreted as meaning that, in the context of a computerised booking system such as that at issue in the main proceedings, the final price to be paid must be indicated whenever the prices of air services are shown, including when

		Bundesverband e. V.	they are shown for the first time. 2) The second sentence of Article 23(1) of Regulation No 1008/2008 must be interpreted as meaning that, in the context of a computerised booking system such as that at issue in the main proceedings, the final price to be paid must be indicated not only for the air service specifically selected by the customer, but also for each air service in respect of which the fare is shown.
JUDGMENT OF THE COURT (First Chamber) 26 February 2015	C-6/14	Wucher Helicopter GmbH, Euro-Aviation Versicherungs AG V Fridolin Santer	1) Article 3(g) of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators must be interpreted as meaning that the occupant of a helicopter held by a Community air carrier, who is carried on the basis of a contract between that air carrier and the occupant's employer in order to perform a specific task, such as that at issue in the main proceedings, is a 'passenger' within the meaning of that provision. 2) Article 17 of the Convention for the Unification of Certain Rules for International Carriage by Air, concluded in Montreal on 28 May 1999, signed by the European Community on 9 December 1999 on the basis of Article 300(2) EC, approved on behalf of the EC by Council Decision 2001/539/EC of 5 April 2001, must be interpreted as meaning that a person who comes within the definition of 'passenger' within the meaning of Article 3(g) of Regulation No 785/2004, also comes within the definition of 'passenger' within the meaning of Article 17 of that convention, once that person has been carried on the basis of a 'contract of carriage' within the meaning of Article 3 of that convention.

Telecoms

Judgments and Opinions

	Case-number	Parties	Outcome
CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. Yves Bot présentées le 15 janvier 2015	C-3/14	T-Mobile Polska SA, anciemment Polska Telefonia Cyfrowa SA w Warszawie v Prezes Urzędu Komunikacji Elektronicznej	1) L'article 7, paragraphe 3, de la directive 2002/21/CE du Parlement européen et du Conseil, du 7 mars 2002, relative à un cadre réglementaire commun pour les réseaux et services de communications électroniques (directive «cadre»), doit être interprété en ce sens qu'une mesure adoptée dans le cadre de la résolution d'un litige, par laquelle une autorité réglementaire nationale impose à un opérateur des obligations relatives à l'accès aux numéros non géographiques, et ce conformément aux pouvoirs et aux responsabilités qui lui incombent au titre de l'article 5 de la directive 2002/19/CE du Parlement européen et du Conseil, du 7 mars 2002, relative à l'accès aux réseaux de communications électroniques et aux ressources associées, ainsi qu'à leur interconnexion (directive «accès»), de l'article 20 de la directive 2002/21 et de l'article 28 de la directive 2002/22/CE du Parlement européen et du Conseil, du 7 mars 2002, concernant le service universel et les droits des utilisateurs au regard des réseaux et services de communications électroniques (directive

			«service universel»), relève du champ d'application de la procédure de notification et doit, par conséquent, être notifiée lorsque cette mesure a des incidences sur les échanges entre les États membres. 2) L'article 7, paragraphe 3, de la directive 2002/21 doit être interprété en ce sens qu'une mesure par laquelle une autorité réglementaire nationale tend, conformément à l'article 28 de la directive 2002/22, à garantir l'accès des utilisateurs finals aux numéros non géographiques est susceptible d'avoir une incidence sur les échanges entre les États membres, lorsque cette mesure peut affecter d'une façon sensible le commerce entre ces derniers en exerçant une influence directe ou indirecte, actuelle ou potentielle, sur leurs courants d'échange. Cette appréciation constitue une question de fait qu'il appartient à chacune des autorités nationales compétentes de trancher dans chaque cas d'espèce, en tenant compte de la nature de la mesure et des services concernés ainsi que de la position et de l'importance des opérateurs concernés sur le marché.
JUDGMENT OF THE COURT (Third Chamber) 22 January 2015	C-282/13	T-Mobile Austria GmbH v Telekom-Control-Kommission	Articles 4(1) and 9b of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009, and Article 5(6) of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), as amended by Directive 2009/140, must be interpreted as meaning that an undertaking, in circumstances such as those of the case before the referring court, may be regarded as a person 'affected', for the purposes of Article 4(1) of Directive 2002/21, as amended by Directive 2009/140, where that undertaking, which provides electronic communications networks or services, is a competitor of the undertaking or undertakings party to a procedure for the authorisation of a transfer of rights to use radio frequencies provided for in Article 5(6) and the addressees of the decision of the national regulatory authority, and where that decision is likely to have an impact on that first undertaking's position on the market.
CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PEDRO. Cruz Villalón présentées le 29 janvier 2015	C-1/14	**Base Company NV, anciennement KPN Group Belgium NV, Mobistar NV v Ministerraad**	Eu égard aux observations qui précèdent, je propose donc à la Cour de justice de répondre aux deux premières questions dans les termes suivants: 1) La directive 2002/22/CE du Parlement européen et du Conseil, du 7 mars 2002, concernant le service universel et les droits des utilisateurs au regard des réseaux et services de communications électroniques (directive 'service universel') doit être interprétée en ce sens que les services de téléphonie mobile ne font pas partie du 'service universel' au sens de ladite directive; le tarif social pour les services universels ainsi que, par conséquent, le mécanisme de compensation prévu à l'article 13, paragraphe 1, sous b), de la directive 'service universel' ne leur sont donc pas applicables. Seul l'abonnement à Internet au moyen d'un raccordement téléphonique en position déterminée fait partie du

			‘service universel’ au sens de la directive ‘service universel’, l’abonnement à Internet au moyen de la téléphonie mobile demeurant exclu de cette notion. 2) Les États membres ne peuvent ajouter de nouveaux services à la liste de ceux qui composent le ‘service universel’ au sens de la directive ‘service universel’. Les États membres peuvent décider d’imposer en tant que ‘services obligatoires additionnels’ les services de téléphonie mobile et l’abonnement à Internet au moyen de la téléphonie mobile. Dans ce cas, la compensation au titre de ces services devra être calculée au moyen d’un mécanisme autre que celui prévu par la directive pour les services composant le ‘service universel’ et qui, en particulier, ne pourra impliquer la participation d’entreprises spécifiques.

Pending cases

	Case-number	Parties	Questions
Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 13 November 2014	C-508/14	Český telekomunikační úřad v T-Mobile Czech Republic a.s. and Vodafone Czech Republic a.s.	1) Must Articles 12 and 13 of Directive 2002/22/EC of the European Parliament and of the Council (1) of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services (‘the Directive’) be interpreted as meaning that the concept laid down there of the ‘net cost’ of providing that service precludes a ‘reasonable profit’ of the provider from being included in the amount of the ascertained net cost of that service? 2) If the answer to Question 1 is in the affirmative, do those provisions of the Directive (Articles 12 and 13) have direct effect? 3) If Articles 12 and 13 of the Directive have direct effect, may that effect be relied on against a commercial company in which a Member State holds (controls) 51 % of the shares — in this case, O2 Czech Republic a.s. (is it a ‘State entity’) or not? 4) If the answers to Questions 1 to 3 are in the affirmative, may the Directive be applied also to relations which came into being in the period before the accession of the Czech Republic to the European Union (from 1 January to 30 April 2004)?

Copyright

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Second Chamber) 15 January	C-30/14	Ryanair Ltd v PR Aviation BV	Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases must be interpreted as meaning that it is not applicable to a database

2015			which is not protected either by copyright or by the sui generis right under that directive, so that Articles 6(1), 8 and 15 of that directive do not preclude the author of such a database from laying down contractual limitations on its use by third parties, without prejudice to the applicable national law.

Energy

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Second Chamber) 26 March 2015	C-596/13 P	European Commission v Moravia Gas Storage a.s.	1) Sets aside the judgment of the General Court of the European Union in Globula v Commission (T-465/11, EU:T:2013:406); 2) Refers the case back to the General Court of the European Union; 3) Reserves the costs.

Product Liability

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Fourth Chamber) 5 March 2015	Joined Cases C-503/13 and C-504/13	Boston Scientific Medizintechnik GmbH v AOK Sachsen-Anhalt — Die Gesundheitskasse (C-503/13), Betriebskrankenkasse RWE (C-504/13)	1)Article 6(1) of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products must be interpreted as meaning that, where it is found that products belonging to the same group or forming part of the same production series, such as pacemakers and implantable cardioverter defibrillators, have a potential defect, such a product may be classified as defective without there being any need to establish that that product has such a defect. 2) Article 1 and section (a) of the first paragraph of Article 9 of Directive 85/374 are to be interpreted as meaning that the damage caused by a surgical operation for the replacement of a defective product, such as a pacemaker or an implantable cardioverter defibrillator, constitutes 'damage caused by death or personal injuries' for which the producer is liable, if such an operation is necessary to overcome the defect in the product in question. It is for the national court to verify whether that condition is satisfied in the main proceedings.

Competition Law

Judgments and Opinions

	Case-number	Parties	Outcome
Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 18 September 2014	C-428/14	DHL Express (Italy) srl, DHL Global Forwarding (Italy) SpA v Autorità Garante della Concorrenza e del Mercato	On a proper construction of Article 101 TFEU, Article 4(3) TEU and Article 11 of Regulation (EC) No 1/2003 (1), does it follow that: 1) national competition authorities [NCAs] may not, in their own implementation practices, deviate from the instruments defined and adopted by the European Competition Network ('ECN') and, in particular, from the Model Leniency Programme, in a case such as that at issue before the referring court, without running counter to the findings of the Court of Justice of the European Union in paragraphs 21 and 22 of the judgment of 14 June 2011 in Case C-360/09 [Pfleiderer]? 2) a legal link exists between the main application for immunity that an undertaking has submitted or is about to submit to the Commission and the simplified application for immunity submitted by that undertaking to an NCA in respect of the same cartel, with the effect that — notwithstanding the provision made under paragraph 38 of the Commission Notice on cooperation within the Network of Competition Authorities — the NCA is obliged, under § 22 of the 2006 ECN Model Leniency Programme (now § 24 according to the numbering of the 2012 ECN Model Leniency Programme) and the related Explanatory Note 45 (now Explanatory Note 49 according to the numbering of the 2012 Model Leniency Programme), to take the following steps: (a) to assess the simplified application in the light of the main application for immunity, examining whether the simplified application accurately reflects the content of the main application; and (b) failing which — if the NCA believes that the simplified application received is narrower in material scope than the main application submitted by the same undertaking, on the basis of which the Commission has granted conditional immunity to that undertaking — to contact the Commission, or that undertaking, in order to ascertain whether, following the submission of the simplified application, the Commission has identified, through its internal investigations, actual and specific examples of conduct in the sector purportedly covered by the main application for immunity but not by the simplified one? 3) pursuant to § 3 and § 22 to § 24 of the 2006 ECN Model Leniency Programme and Explanatory Notes 8, 41, 45 and 46 and taking account of the amendment introduced by paragraphs 24 to 26 of the 2012 ECN Model Leniency Programme and Explanatory Notes 44 and 49, an NCA which at the material time applied a leniency programme as described in the main proceedings could, with regard to a given secret cartel in respect of which the first undertaking has submitted or was about to submit to the Commission a main application for immunity, legitimately take receipt of: (a) only a simplified application for

			immunity from that undertaking; or (b) also additional simplified applications for immunity from various undertakings that had initially submitted to the Commission 'unacceptable' applications for immunity or applications for a reduction in the fine, in particular where the main applications submitted by the latter undertakings were made after the first undertaking was granted conditional immunity?

Public Service Contracts

Judgments and Opinions

	Case-number	Parties	Outcome
JUDGMENT OF THE COURT (Fifth Chamber) 26 March 2015	C-601/13	Ambisig — Ambiente e Sistemas de Informação Geográfica SA V Nersant — Associação Empresarial da Região de Santarém, Núcleo Inicial — Formação e Consultoria Lda	With regard to procurement contracts for the provision of services of an intellectual nature, training and consultancy, Article 53(1)(a) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts does not preclude the contracting authority from using a criterion enabling evaluation of the teams specifically put forward by the tenderers for the performance of the contract and which takes into consideration the composition of the team and the experience and academic and professional background of the team members.

International Private Law

Pending Cases

	Case-number	Parties	Outcome
Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 18 November 2014	C-521/14	Schwarzmeer und Ostsee Versicherungs-Aktiengesellschaft v If Vahinkovakuutusyhtiö Oy	Is Article 6(2) of Council Regulation (EC) No 44/2001 (1) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as covering an action, such as that described above, on a warranty or guarantee or another equivalent claim closely linked to the original action, which is brought by a third party, as permitted by national law, against one of the parties with a view to its being heard in the same court proceedings?
Request for a preliminary ruling from the Rechtbank Gelderland (Netherlands) lodged on 20 November 2014	C-523/14	Aannemingsbedrijf Aertssen NV, Aertssen Terrassements SA v VSB Machineverhuur BV and Others	1) Does the complaint lodged by [the applicants] as a civil claimant, as referred to in Article 63 et seq. of the Belgian Code of Criminal Procedure, given the manner in which it was lodged and the stage which the proceedings have reached, come within the scope ratione materiae of Regulation No 44/2001 (1)? If Question 1 is answered in the affirmative: 2) Must Article 27(1) of Regulation No 44/2001 be interpreted as

			meaning that proceedings in a foreign (Belgian) court, within the meaning of that provision, must be deemed also to have been brought in a case in which a complaint involving a civil claimant has been lodged with a Belgian investigating judge and the preliminary judicial investigation has not yet been completed? 3) If the answer is in the affirmative: at what stage of the case brought by the lodging of a complaint involving a civil claimant will proceedings be deemed to have been brought and/or the court be deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001? 4) If the answer is in the negative: must Article 27(1) of Regulation No 44/2001 be interpreted as meaning that the lodging of a complaint involving a civil claimant can lead to proceedings subsequently being brought in a Belgian court within the meaning of that provision? 5) If the answer is in the affirmative: at what stage will proceedings be deemed to have been brought and/or the court deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001? 6) If a complaint involving a civil claimant has been lodged but that does not mean that, at the time of lodging, proceedings as referred to in Article 27(1) of Regulation No 44/2001 have yet been brought, and where, in the course of examination of the complaint lodged, proceedings may subsequently be brought with retroactive effect to the date of the lodging of the complaint, does Article 27(1) of Regulation No 44/2001 have the effect that the court seised of the matter after the complaint involving a civil claimant has been lodged with the Belgian court must stay its proceedings until such time as it has been established whether proceedings as referred to in Article 27(1) [of Regulation No 44/2001] have been brought in the Belgian court?
Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 5 December 2014	C-559/14	Rūdolfs Meroni v Recoletos Limited	1) Must Article 34(1) of the Brussels I Regulation be interpreted as meaning that, in the context of proceedings for the recognition of a foreign judgment, infringement of the rights of persons who are not parties to the main proceedings may constitute grounds for applying the public policy clause contained in Article 34(1) of the Brussels I Regulation and for refusing to recognise the foreign judgment in so far as it affects persons who are not parties to the main proceedings? 2) If the first question is answered in the affirmative, must Article 47 of the Charter be interpreted as meaning that the principle of the right to a fair trial set out therein allows proceedings for the adoption of provisional protective measures to limit the economic rights of a person who has not been a party to the proceedings, if provision is made to the effect that any person who is affected by the decision on the provisional protective measures is to have the right at any time to request the court to vary or discharge the judgment, in a situation in which it is left to the applicants to notify the decision to the persons concerned?

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 14 January 2015	C-12/15	Universal Music International Holding BV v Michael Tétreault Schilling and Others	1) Must Article 5(3) of Regulation (EC) No 44/2001 (1) be interpreted as meaning that the 'place where the harmful event occurred' can be construed as being the place in a Member State where the damage occurred, if that damage consists exclusively of financial damage which is the direct result of unlawful conduct which occurred in another Member State? 2) If the answer to Question 1 is in the affirmative: (a) What criterion or what perspectives should the national court apply, when assessing its jurisdiction on the basis of Article 5(3) of Regulation (EC) No 44/2001, in order to determine whether in the present case there has been financial damage which is the direct result of unlawful conduct ('initial financial damage' or 'direct financial damage') or whether there has been financial damage which is the result of initial damage which occurred elsewhere or damage which has resulted from damage which occurred elsewhere ('consequential damage' or 'derived financial damage')? (b) What criterion or what perspectives should the national court apply, when assessing its jurisdiction on the basis of Article 5(3) of Regulation (EC) No 44/2001, in order to determine where, in the present case, the financial damage — whether it be direct or derived financial damage — occurred or is deemed to have occurred? 3) If the answer to Question 1 is in the affirmative: must Regulation (EC) No 44/2001 be interpreted as meaning that the national court which is required to determine whether it has jurisdiction pursuant to that regulation in the present case is obliged, when making its determination, to proceed on the basis of the relevant submissions of the claimant or applicant in that regard, or is it obliged also to take into account the arguments put forward by the defendant to refute those submissions?

Product Standardization

Pending Cases

	Case-number	Parties	Outcome
Reference for a preliminary ruling from Supreme Court (Ireland) made on 30 December 2014	C-613/14	James Elliott Construction Limited v Irish Asphalt Limited	1) (a) Where the terms of a private contract oblige a party to supply a product produced in accordance with a national standard, itself adopted in implementation of a European standard made pursuant to a mandate issued by the European Commission under the provisions of the Construction Products Directive (89/106/EEC)1 , is the interpretation of the said Standard a matter upon which a preliminary ruling may be sought from the Court of Justice of the European Union pursuant to Article 267 TFEU? (b) If the answer to question 1(a) is yes, does EN13242:2002 require that compliance, or breach of the said Standard, be established only by evidence of testing in accordance with the

			(unmandated) standards adopted by CEN (Le Comité Européen de Normalisation) and referred to in EN13242:2002, and where such tests are carried out at the time of production and/or supply; or may breach of the Standard (and accordingly breach of contract), be established by evidence of tests conducted later, if the results of such tests are logically probative of breach of the Standard? 2) When hearing a private-law claim for breach of contract in respect of a product manufactured pursuant to a European standard issued pursuant to a mandate from the European Commission under the Construction Products Directive, is a national court obliged to disapply the provisions of national law implying terms as to merchantability and fitness for purpose or quality, on the grounds that either the statutory terms, or their application, create standards or impose technical specifications or requirements which have not been notified in accordance with the provisions of the Technical Standards Directive (98/34/EC)2 ? 3) Is a national court hearing a claim for breach of a private contract alleged to arise from a breach of a term as to merchantability or fitness for use (implied by statute in a contract between the parties and not modified or disapplied by them) in respect of a product produced in accordance with EN13242:2002, obliged to presume that the product is of merchantable quality and fit for its purpose, and if so, may such a presumption only be rebutted by proof of non-compliance with EN13242:2002 by tests carried out in accordance with the tests and protocols referred to in EN13242:2002 and carried out at the time of supply of the product? 4) If the answers to questions 1(a) and 3 are both yes, is a limit for total sulphur content of aggregates prescribed by, or under, EN13242:2002 so that compliance with such a limit was required, inter alia, to give rise to any presumption of merchantability or fitness for use? 5) If the answers to 1(a) and 3 are both yes, is proof that the product bore the 'CE' marking necessary in order to rely on the presumption created by Annex ZA to EN13242:2002 and/or Article 4 of the Construction Products Directive (89/106/EEC)?

EUROPEAN COMMISSION

DG CONNECT

Digital Single Market Strategy: European Commission agrees areas for action

Digital technology is part of everyday life. From watching films, buying or selling online to connecting with friends – the internet is a goldmine of opportunities. But EU people and

companies run into many barriers, such as geo-blocking or cross-border parcel delivery inefficiencies. Digital services too often remain confined to national borders. The Juncker Commission has made it a priority to remove these obstacles and create a Single Digital Market: making the EU's single market freedoms "go digital", and boosting growth and jobs on our continent. On 25 March, the College of Commissioners had a first discussion on the Digital Single Market Strategy due in May – and set out the main areas the Commission will focus its work on to trigger real changes for consumers and businesses alike.

http://europa.eu/rapid/press-release_IP-15-4653_en.htm

What the DSM means for stakeholders: first reactions

On 25 March 2015, the release the report that summarises the expressed positions of stakeholders on the digital single market (DSM) reform. It is based on active listening, both face-to-face and online, at round tables with VP Ansip and Commissioner Oettinger, the #Digital4EU conference, social media (including Digital4EU and Tweet chats), ongoing discussion on Digital4EU, and previous stakeholder analysis.

http://ec.europa.eu/digital-agenda/en/news/what-dsm-means-stakeholders-first-reactions

Speech by Vice-President Ansip: Telecoms are the backbone of the Digital Market

On 24 March, the vice-president Asip spoke at European Voice event "Creating Europe's digital highway".

http://europa.eu/rapid/press-release_SPEECH-15-4659_en.htm

Moving Towards Adaptive Governance and Internet-Inclusive Legislation: Final paper

The final paper published on 24 March explores a number of innovative actions that have already taken place, whether strictly legislative or principles-based and – acknowledging that data technologies and impact assessment offer solid tools to conduct analyses and comparisons and calling for a new mind-set, a new approach to policy-making – it concludes with the following recommendation: The Commission should place Internet at the heart of the legislative and policy cycle by further integrating the Internet as a medium, content and approach into the REFIT (Regulatory Fitness and Performance Programme) agenda, thereby bringing together the necessary – and existing tools – for Adaptive Governance and Internet-Inclusive Legislation.

http://ec.europa.eu/digital-agenda/en/news/moving-towards-adaptive-governance-and-internet-inclusive-legislation-final-paper-study-smart

Vice-President Ansip and Commissioner Jourová: Concluding the EU Data Protection Reform is essential for the Digital Single Market

28 January marks the 9th European Data Protection Day. It is a day to celebrate and raise awareness of the importance of protecting personal data, a fundamental right for everyone in the EU. On this day, citizens and businesses are waiting for the modernisation of data protection rules to catch up with the digital age On this day, citizens and businesses are waiting for the

modernisation of data protection rules to catch up with the digital age. New technologies are emerging fast and have enormous potential for our society and economy. This potential can only be fully realised if people can trust the way their personal data is used. Ensuring trust will allow the European Digital Single Market to live up to its full potential. EU data protection reform, which will cut red tape for business and ensure a single set of rules, is part of the solution.

http://europa.eu/rapid/press-release_STATEMENT-15-3801_en.htm

DG COMPETITION

Competition: Commissioner Vestager announces proposal for e-commerce sector inquiry

The European Commissioner in charge of competition policy Margrethe Vestager announced on 26 March at a conference in Berlin a forthcoming proposal to launch a competition inquiry in the e-commerce sector. More and more goods and services are traded over the internet in Europe. At the same time, cross-border online sales within the EU are only growing slowly. This is partly due to language barriers, consumer preferences and differences in legislation across Member States. However, there are also indications that some companies may be taking measures to restrict cross-border e-commerce. The sector inquiry would focus on better identifying and addressing these measures, in line with the Commission's priorities to create a connected Digital Single Market.

(...)

The sector inquiry will focus on private – and in particular contractual - barriers to cross-border e-commerce in digital content and goods. In the course of the inquiry the Commission intends to gather information from a large number of stakeholders in all Member States.

http://europa.eu/rapid/press-release_IP-15-4701_en.htm

Speech by Commissioner for Competition: Competition policy for the Digital Single Market: Focus on e-commerce

On 26 March, the Commissioner for Competition, Margrethe Vestager, spoke at Bundeskartellamt International Conference on Comeptition:

(…)

Europeans have embraced e-commerce with glee. In 2014, one European consumer in two shopped online. However, only about one in seven bought something from across a border. How can we explain this gap? There are various reasons why people are reluctant to shop abroad. One obvious reason is language. Another – less obvious – are the different national rules that make it difficult for companies to sell their products abroad. But often it's the companies themselves that undermine cross-border trade by erecting technical barriers such as geo-blocking. Geo-blocking prevents consumers from accessing certain websites on the basis of their residence, or credit-card details. I, for one, cannot understand why I can watch my favourite Danish channels on my tablet in Copenhagen – a service I paid for – but I can't when I am in Brussels. Or why I can buy a film on DVD back home and watch it abroad, but I cannot do the same online. And it's not only me who struggles with digital borders. About one European in five is interested in accessing content from other EU countries. The same applies to the sale of tangible goods. Think of a French tourist who buys a pair of Italian shoes in Rome. Why is she re-routed to a French website when she tries to buy them online from home? It is very difficult to explain this to the people and, at the

same time, make the point that we are all residents of the EU and consumers in the same internal market. **Restrictions like these are often the result of arrangements that are included in contracts between manufacturers and content owners on one side and their distributors on the other. These arrangements fall under EU competition law.** Specifically, they are covered by the Block Exemption Regulation and the Guidelines on Vertical Restraints – also called Vertical Guidelines. The Commission updated these rules in 2010. The review made clear that, in principle, every distributor must be allowed to use the internet to sell its products. Conversely, consumers must be allowed to look for the best deals online wherever they want. Contractual bans of so-called passive online sales are therefore considered hard-core restrictions of competition. These rules are there to give legal certainty to companies and make sure that the law is applied in the same way throughout Europe. This is crucial if we want companies to benefit from the scale of a genuine Digital Single Market.

(…)

http://europa.eu/rapid/press-release_SPEECH-15-4704_en.htm

Antitrust: Commission sends Statement of Objections to Bulgarian Energy Holding and subsidiaries for suspected abuse of dominance on Bulgarian natural gas markets

On 23March, The European Commission has sent a statement of objections to Bulgarian Energy Holding (BEH), informing it of the Commission's preliminary view that BEH may have breached EU antitrust rules by hindering competitors access to key gas infrastructures in Bulgaria.

(…)

The Commission opened proceedings in in July 2013 to investigate whether BEH may be abusing its dominant market position in gas markets in Bulgaria. The Commission has concerns that BEH and its subsidiaries may be preventing competitors from gaining access to the infrastructure they need in order to successfully compete on gas supply markets in Bulgaria. At this stage, the Commission has concerns that BEH and its subsidiaries have refused to give competitors access to the gas transmission network and the gas storage facility, as well as reserved capacity they do not need on the gas import pipeline.

http://europa.eu/rapid/press-release_IP-15-4651_en.htm

Antitrust: Commission consults on draft guidelines on joint selling of olive oil, beef and veal livestock and arable crops

On 15 January, The European Commission invited comments on new draft guidelines on the application of EU antitrust rules in the agricultural sector. After a reform of the EU's Common Agricultural Policy (CAP), new specific rules apply to the sale of olive oil, beef and veal livestock and arable crops. In particular, the new rules allow producers to jointly commercialise these products if certain conditions are fulfilled, including that their cooperation creates significant efficiencies. The Commission's guidelines will contribute to ensuring that the implementation of the CAP reform improves the functioning of the food supply chain and safeguards effective competition and innovation on the markets for agricultural products. Responses to the public consultation can be submitted until 5 May 2015. In light of the submissions received, the Commission will then review its proposal, with the aim of adopting final guidelines by the end of 2015.

http://europa.eu/rapid/press-release_IP-15-3322_en.htm

DG ENERGY

Commission Launched plans: Energy Union

On 25 February, the European Commission released a communication to the European Parliament, The Council, The European Economic and Social Committee, The Committee Of The Regions and The European Investment Bank on a framework strategy for a resilient energy union with a forward-looking climate change policy.

Energy is used to heat and to cool buildings and homes, transport goods, and power the economy. But with ageing infrastructure, insufficiently integrated markets, and uncoordinated policies, our consumers, households and businesses do not reap the full benefits of increased choice and lower energy prices. It is time to complete the single energy market in Europe. By unveiling its strategy to achieve a resilient Energy Union with a forward-looking climate change policy, the European Commission delivers on a top priority set out in President Juncker's political guidelines.

See the Energy Union Package here.

https://ec.europa.eu/energy/en/news/commission-launches-plan-energy-union

EU leaders confirm commitment to Energy Union

The EU leaders met on 19 March to set out the first steps of an Energy Union. The European Council strengthened their commitment for affordable, secure and sustainable energy within the EU. At their meeting, their discussion focused on energy security and transparency in gas contracts. All gas contracts must be in line with EU law, more transparent and should not negatively impact Europe's energy security.

While emphasising the importance of all dimensions of the Energy Union, today, the European Council focused on some of the aspects and called for:

(…)

d) **ensuring full compliance with EU law of all agreements related to the buying of gas from external suppliers**, notably by reinforcing transparency of such agreements and compatibility with EU energy security provisions. As regards commercial gas supply contracts, the confidentiality of commercially sensitive information needs to be guaranteed;

https://ec.europa.eu/energy/en/news/eu-leaders-confirm-commitment-energy-union

Citizens' Energy Forum: consumers at heart of Energy Union

On 12 and 13 March, The Citizens' Energy Forum – an annual event designed to explore consumers' views and their role in a competitive, 'smart', energy efficient and fair EU energy retail market – has welcomed the EU's plans for Energy Union with citizens at its core. Energy Union will allow citizens to benefit from new technologies to reduce their energy bills, participate actively in the market, and afford protection to vulnerable consumers.

Speaking at the event held in London, Miguel Arias Cañete, European Commissioner for Climate Action and Energy, said reforming energy markets, improving access to information on energy prices and costs, and strengthening consumer power are all key areas for action.

See the 7th Citiznes'Energy Forum Conclusion Report here.

Besides the presentations, the Working Group Consumers as Energy Market Actors, complying to the mandate established in the 6th Citicizens'Energy Forum, published the Interim Draft Report by focusing on: (i) the role of energy consumers and their potential gains from demans response, energy efficiency and other new innovative services, and (ii) the presentation of some existing practices. See the Draft Report here.

https://ec.europa.eu/energy/en/news/citizens-energy-forum-consumers-heart-energy-union

EU Energy Council discusses Energy Union, infrastructure and security

At an EU Energy Council on 5 March in Brussels, energy ministers from across Europe held discussions on the Commission's plans for Energy Union published on 25 February. The Commission strategy received broad support from the energy ministers who all agreed that it is now time to act to make the Energy Union happen. This debate contributes to the Energy Unioon discussions at the European Council scheduled for 19-20 March where the Commission expect to receive strong political endorsement from the Heads of States and Governments.

https://ec.europa.eu/energy/en/news/eu-energy-council-discusses-energy-union-infrastructure-and-security

Consultation: boosting the security of gas supplies for Europe

On 15 January, The European Commission has opened a new consultation seeking views on EU rules to guarantee the security of gas supplies, in a bid to further improve Europe's resilience to gas supply disruptions.In October last year the European Commission carried out 'stress tests' aiming to identify the effects of a possible partial or complete disruption of gas supplies from Russia. The tests showed how EU rules adopted in 2010 have already made Europe better prepared for a possible gas supply disruption. For example, EU countries are now better prepared to coordinate their actions in case of a supply crisis and are better protected thanks to bilateral gas flows in cross-border pipelines.

https://ec.europa.eu/energy/en/news/consultation-boosting-security-gas-supplies-europe

Latest EU gas and electricity market analysis released

On 9 January, the European Commission published new analysis on European gas and electricity markets covering the third quarter of 2014.

https://ec.europa.eu/energy/en/news/latest-eu-gas-and-electricity-market-analysis-released

DG INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMEs

Buy and sell service in Europe

The Service Directive requires all EU countries to cut red-tape and increase transparency in the market. Significant progress has recently been made in the fields of integration, the digital Single Market and jobs creation.

http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8173&lang=en&title=Buy-and-sell-services-in-Europe

Registering your IP rights in Europe doesn't guarantee protection in China

The latest blog article from YourIPInsider explains how intellectual property rights (IPR) are by their nature territorially limited. It explains the different types of IP and which product and industry they apply to, as well the most effective ways to prevent IP-related issues.

IPR within one country are independent of any such rights existing in other countries. If you register IP rights in Europe or elsewhere, this will not provide effective protection in Mainland China, Hong Kong, Macau or Taiwan, which also require different registration procedures. Intellectual property rights are territorial due to the fact that they are offered and governed by each country's own legislation.

http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8139&lang=en&title=Registering-your-IP-rights-in-Europe-doesn%27t-guarantee-protection-in-China

DG JUSTICE AND CONSUMERS

European Commission seeks to foster greater transparency in online comparison websites and apps

Do you use comparison websites or apps to check for the best prices for example for a hotel, flight or car insurance? According to a study published on March 25 2015 by the European Commission, nearly two-thirds (65%) of consumers have experienced difficulties when using a comparison tool, mostly due to incomplete information. Just 28% of the sites analysed were providing explanations on how the initial rankings were made, and only 40% of these sites were giving information on how they were making money. Comparison tools have a significant role to play in helping consumers identify better deals across the EU single market. That's why transparency in online comparison tools is important.

To foster consumer trust in these tools, the Commission is developing, together with stakeholders, a series of principles to be respected by these websites and apps. **This action will contribute to the proper enforcement of relevant legislation, such as the Unfair Commercial Practices Directive and the Consumer Rights Directive, and improving transparency**. In concrete terms, the aim is to make comparison operators more clear and transparent and ensure the information they provide is impartial, exact and up-to-date.

http://ec.europa.eu/justice/newsroom/consumer-marketing/news/150326_en.htm

Keeping consumers safe: nearly 2500 dangerous products withdrawn from the EU market in 2014 and the Rapid Alert System.

The European Commission published new figures today, showing that in 2014, nearly 2500 products, ranging from toys to motor vehicles, were either stopped before they entered the EU or removed from markets because they were dangerous for EU consumers. For 12 years, the European Commission and EU Member States have been working together to ensure that consumer goods placed on the European markets are safe. For this purpose, they use the Rapid Alert System for dangerous non-food products.

The Rapid Alert System ensures that information about dangerous non-food products withdrawn from the market and/or recalled anywhere in Europe is quickly circulated between Member States and the European Commission. In this way, appropriate follow up action (ban/stop of sales, withdrawal, recall or import rejection by Customs authorities) is taken everywhere in the EU and consumers are informed. In 2014, there were 2755 such follow-up actions registered in the system.

http://europa.eu/rapid/press-release_IP-15-4627_en.htm

Rapid Alert System for dangerous non-food products in 2014: Questions and Answers

What is the Rapid Alert System for dangerous non-food products?

The European rapid alert system for dangerous non-food products ensures that information about dangerous products withdrawn from the market and/or recalled from consumers anywhere in Europe is quickly circulated between Member States and the European Commission, so that appropriate action can be taken everywhere in the EU. Thirty-one countries (EU together with Iceland, Liechtenstein and Norway) currently participate in the system.

http://europa.eu/rapid/press-release_MEMO-15-4628_en.htm

The EU Justice Scoreboard: Towards more effective justice systems in the EU

On March 9 2015, the European Commission released the 2015 EU Justice Scoreboard, which gives an overview of the quality, independence and efficiency of the justice systems of Member States.

The EU Justice Scoreboard is an information tool aiming to assist Member States to achieve more effective justice by providing objective, reliable and comparable data on their civil, commercial and administrative justice systems.

Key findings from the 2015 EU Justice Scoreboard include:

- Improvement in the efficiency of justice systems in Member States can be observed (for example in Greece for administrative cases). However, the situation varies significantly depending on the respective Member State and indicator. Reaping the rewards of justice reforms takes time.
- Efforts to enhance information and communication technology (ICT) tools for the judicial system have continued . However, the indicators reveal gaps in a number of Member States, both for ICT tools available for the administration and management of courts and for electronic communications between courts and parties.
- In the majority of Member States more than 20% of judges participated in continuous training on EU law or on the law of other Member States. This exceeds the 5% annual target of legal practitioners who need to be trained in order to reach, by 2020, the objective of 50%.

- The majority of Member States enable free online access to civil and commercial judgments for the general public.
- The higher the court, the lower the share of female judges . Even if for most Member States we see a positive trend in the share of female professional judges for both first and second instance as well as Supreme Courts, most Member States still have some way to go to reach the gender balance of 40-60% for Supreme Court judges.

See the 2015 EU Justice Scoreboard: a tool to promote effective justce and growth here.

See the 2015 EU Justice Scoreboard: Factsheet here.

See the 2015 EU Justice Scoreboard: Quantitative data here.

http://ec.europa.eu/justice/newsroom/effective-justice/news/150309_en.htm

The 2015 EU Justice Scoreboard: Questions and Answers

What is the EU Justice Scoreboard?

The EU Justice Scoreboard is an information tool that contributes to the European Semester by providing objective data on the quality, independence and efficiency of justice systems in all Member States. The aim of the EU Justice Scoreboard is to assist Member States, as part of an open dialogue, in improving the functioning of their justice systems.

The Justice Scoreboard contributes to identifying potential shortcomings and good practices and aims to present trends on the functioning of the national justice systems over time. While the Scoreboard presents comparative information on Member States' justice systems based on a number of particular indicators, it is not intended to present an overall single ranking, or to promote any particular form of justice system.

Whatever the model of the national justice system or the legal tradition in which it is anchored, timeliness, independence, affordability, and user-friendly access are some of the essential parameters of what constitutes an effective justice system.

http://europa.eu/rapid/press-release_MEMO-15-4576_en.htm

Commissioner Jourová: Concluding the EU Data Protection Reform is essential

28 January celebrates data protection day. "On this day, citizens and businesses are waiting for the modernisation of data protection rules to catch up with the digital age. (…). Ensuring trust will allow the European Digital Single Market to live up to its full potential.(…).EU Data Protection reform also includes new rules for police and criminal justice authorities when they exchange data across the EU. This is very timely, not least in light of the recent terrorist attacks in Paris. There is need to continue and to intensify our law enforcement cooperation. Robust data protection rules will foster more effective cooperation based on mutual trust."

Vice-President Ansip and Commissioner Jourová said in a joint-statement.

http://ec.europa.eu/justice/newsroom/data-protection/news/20150128_en.htm

The Reform of Brussels I Regulation entered into force: cross-border judgements being automatically enforceable across the EU.

Since 10 January, businesses and consumers are able to resolve cross-border legal disputes more easily by entering into force the Regulation 1215/2012 – bringing expected savings of up to €48 million each year in the EU. The rules abolish the costly and lengthy procedure, which is currently used 10,000 times per year to get judgments in civil and commercial matters recognised in other EU countries.

Such cross-border judgments will be automatically enforceable across the EU. Consumers will also be better protected when buying from non-EU merchants; and businesses will have more legal certainty when doing business across the EU. The new measures deliver on the EU's promise to cut red tape and strengthen the EU's Single Market to boost sustainable economic growth.

http://europa.eu/rapid/press-release_IP-15-3080_en.htm

DG MOBILITY AND TRANSPORT

Mid-term review of the 2011 White Paper on transport

From 10 March to 02 June 2015 is the period of the consultation that aims at collecting your views on the 2011 White Paper on Transport: "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system".

Background: The general objective of the 2011 White Paper was to define a long-term strategy that would help the EU transport system achieve the overall goal of the Common Transport Policy, i.e. to provide current and future generations with access to safe, secure, reliable and affordable mobility resources to meet their own needs and aspirations, while minimising undesirable impacts such as congestion, accidents, air and noise pollution, and climate change effects.

http://ec.europa.eu/transport/media/consultations/2015-white-paper-2011-midterm-review_en.htm

EUROPEAN AGENCIES

ACER (Agency For The Cooperation Of Energy Regulator)

ACER published List of Standard Contracts and stands ready for REMIT data collection from Organised Market Places and ENTSO transparency platforms

The European Register of Market Participants and the **List of Standard Contracts** are being published on the REMIT Portal on 17 march. The publication marks the finalisation of the Agency's preparatory work on supporting documentation for data collection under REMIT, the EU Regulation on wholesale energy market integrity and transparency. The publication coincides with the Agency's completion of its IT development of ARIS, ACER's REMIT Information System, for data collection from Organised Market Places and ENTSO transparency platforms for the first phase of data collection as of 7 October 2015.

The European Register of Market Participants with currently more than 300 market participants registered by National Regulatory Authorities as well as the List of Standard contracts with currently more than 6000 listed contracts are being published on the Agency's REMIT portal.

See the list of the standards contracts here.

http://www.acer.europa.eu/Media/Press%20releases/ACER%20PR-04-15.pdf

Energy Regulators welcome the Energy Union Package: ACER stands ready for a new role if adequately resourced

On 25 February, Energy Regulators (ACER and CEER) welcomed the Energy Union Strategy as a vital push to complete the transformation of Europe's energy system so that consumers can enjoy secure, sustainable, competitively priced and affordable energy. In line with the core objectives of the Energy Union Communication, regulators are fully committed to promoting an integrated EU-wide energy system, where energy flows freely across borders, is based on competitive markets and the best possible use of resources, supported by effective regulation of energy markets.

With regard to the proposal by the European Commission to strengthen the EU-wide regulation of the single market, including the reinforcement of the powers of ACER, the Director of the Agency, Alberto Pototschnig said: "As long as adequate resources are provided, ACER stands ready to take on new responsibilities and work with national regulatory authorities in ensuring effective oversight at EU, regional and national level. In this way we can ensure that energy consumers enjoy a wide choice of suppliers, good quality services and better prices".

http://www.acer.europa.eu/Media/Press%20releases/ACER%20PR-03-15.pdf

ACER published its first Implementation Monitoring Report on Gas Congestion Management Procedures (CPM)

On 13 January , the ACER published the first monitoring report of the Agency focuses on the formal implementation of each of the respective CMP provisions by Transmission System Operators (TSOs) and National Regulatory Authorities (NRAs). In particular the report focused on the introduction of the congestion management mechanisms in the event of contractual congestions, which are Oversubscription and Buy-Back (OS & BB), Firm day-ahead and Long-Term Use-It-Or-Lose-It (respectively, FDA UIOLI and LT UIOLI) and Capacity Surrender.

In the first implementation monitoring report of its kind, the Agency finds incomplete implementation and limited application of congestion management procedures across the EU.

See the First Monitorign Report on Gas CPM here.

http://www.acer.europa.eu/Media/News/Pages/ACER-publishes-its-first-Implementation-Monitoring-Report-on-Gas-Congestion-Management-Procedures-(CMP).aspx

EBA (European Banking Authority)

Joint Committee of ESAs to hold Consumer Protection Day 2015

The Joint Committee of the European Supervisory Authorities (ESAs) is organising the third Joint ESAs Consumer Protection Day on 3 June 2015 in Frankfurt am Main. The event will bring

together, from all over Europe, thought leaders of consumer/investor organisations, national regulators, EU institutions, academics and key market participants to discuss consumer protection-related issues in the financial services area.

http://www.eba.europa.eu/-/joint-committee-of-esas-to-hold-consumer-protection-day-2015

EBA starts work to standardise fee terminology for payment accounts across the EU

On 18 March, the European Banking Authority (EBA) published its Final Guidelines on standardised fee terminology for EU payment accounts in the EU. These guidelines are the first step towards developing standardised terminology across the EU. They are developed in accordance with the EU Payment Accounts Directive, which requires standardisation of terminology for services that are found to be common in at least a majority of Member States. These Guidelines have been finalised following a two-month consultation period that ended in January 2015.

See the Guidelines on national provisional lists of the most representative services linked to a payment account and subject to a fee under the Payment Accounts Directive (2014/92/EU) here.

http://www.eba.europa.eu/-/eba-starts-work-to-standardise-fee-terminology-for-payment-accounts-across-the-eu

The EBA advises on resolution procedures for EU banks

The EBA issued on 6 March advice to the European Commission on the resolution framework for EU banks, covering the definition of critical functions and core business lines, as well as rules for the **exclusion of liabilities from the application of the bail-in tool**. The Authority reminded that the purpose of the bail-in tool is to ensure the legislative principle that shareholders and creditors of a failing institution have to bear its losses, and as such exemptions should be applied cautiously. The EBA advice on critical functions is based on its work on rules for recovery planning and on a comparative analysis of the recovery plans of 27 European cross-border banking groups which identified key strengths and weaknesses in banks' approaches and is also published on the same day.

(…)

With regard to exclusions based on the impossibility to bail in a liability, the advice recommends to effectively constrain the use of this case. It should for example not be a ground for exclusion that a liability is issued under the law of a foreign country. Liabilities related to critical functions should be assessed on a case-by-case basis at the time of the resolution action. The advice also elaborates on liabilities required for risk management purposes. For the risk of contagion, the advice distinguishes two types of contagion (direct through counterparties of the firm or indirect by a general loss of confidence) and suggests criteria for each of them.

See the Technical advice on the delegated acts on the circumstances when exclusions from the bail-in tool arde necessary here.

http://www.eba.europa.eu/-/the-eba-advises-on-resolution-procedures-for-eu-banks

EBA consults on records of financial contracts

On 6 March, the European Banking Authority (EBA) launched a public consultation on draft Regulatory Technical Standards (RTS) on detailed records of financial contracts of institutions or relevant entities. These RTS have been developed within the framework established by the Bank Recovery and Resolution Directive (BRRD) which sets procedures for the recovery and resolution of credit institutions, investment firms and related entities across the EU Single Market. These standards aim to guarantee appropriate convergence in record keeping across the EU, whilst also ensuring that differences in institutions or relevant entities are taken into account. This consultation runs until 6 June 2015.

http://www.eba.europa.eu/-/eba-consults-on-records-of-financial-contracts

ESMA (European Securities and Market Authority)

ESMA consults on complex debt instruments and structured deposits in MiFID II

On 24 March, the European Securities and Markets Authority launched a consultation on draft guidelines on complex debt instruments and structured deposits. These guidelines are intended to enhance investor protection by offering further clarification on which types of financial instruments and structured deposits can be provided, that all the relevant legal conditions are fulfilled, without the firm assessing a client's knowledge and experience (i.e. to carry out an appropriateness test).

The consultation paper (CP) sets out the draft guidelines for the assessment of: (i) bonds, other forms of securitised debt and money market instruments incorporating a structure which makes it difficult for the client to understand the risk involved; and (ii) structured deposits incorporating a structure which makes it difficult for the client to understand the risk of return or the cost of exiting the product before term.

https://www.esma.europa.eu/news/ESMA-consults-complex-debt-instruments-and-structured-deposits-MiFID-II?t=326&o=home

ESMA consults on disclosure requirements for private and bilateral Structured Finance Instruments

The European Securities and Markets Authority has launched a call for evidence to collect information from market participants about the approach to disclosure for Structured Finance Instruments (SFIs) originated and/or traded on a private and/or bilateral basis.

The replies to the consultation will serve as an input for the "phase-in approach" on the extension of the disclosure requirements of the CRA 3 RTS for private and bilateral transactions in SFIs. The first objective is to seek the views of market participants and **gather information that may help ESMA to define private and bilateral transactions in SFIs and to establish whether the two categories should be kept separate**. The second objective is to gather evidence to assess whether the disclosure requirements could be used in their entirety for private and bilateral SFIs transactions or whether they should be adapted.

https://www.esma.europa.eu/news/ESMA-consults-disclosure-requirements-private-and-bilateral-Structured-Finance-Instruments?t=326&o=home

ESMA launches Call for evidence on competition, choice and conflicts of interest in the CRA industry

On 3 February, the European Securities and Markets Authority (ESMA) has published a call for evidence as part of the development of Technical Advice for the European Commission on the functioning of the credit rating industry and the evolution of the markets for structured finance instruments as required by the Regulation on credit rating agencies. ESMA is asking for evidence about how the Regulation is achieving the objectives of stimulating competition between credit rating agencies, improving the choice of credit rating agencies available and minimising conflicts of interests in the industry.

https://www.esma.europa.eu/news/ESMA-launches-Call-evidence-competition-choice-and-conflicts-interest-CRA-industry?t=326&o=home

ESMA advises Commission on implementation of new market abuse regime

The European Securities and Markets Authority (ESMA) has published on 3 February its technical advice regarding the new Market Abuse Regulation (MAR). ESMA was tasked by the European Commission to provide the implementing details which will make MAR applicable to market participants and investors. These measures consist of technical advice and technical standards, the first of which are published today.

MAR defines activities and behaviours that constitute market abuses, e.g. insider dealing or market manipulation. Compared to the current Market Abuse Directive (MAD), MAR extends the scope of market manipulation in order to cover new trading tactics and market realities and also provides non-exhaustive lists of indicators for market manipulation, such as the spreading of false or misleading signals, price securing, and the use of fictitious devices or any other form of deception or contrivance. MAR also defines the framework within which inside information has to be publicly disclosed

See ESMA's technical advice on possible delegated acts concerning the Market Abuse Regulation here.

https://www.esma.europa.eu/news/ESMA-advises-Commission-implementation-new-market-abuse-regime?t=326&o=home

EUROPEAN PARLIAMENT

PLENARY SESSION

Energy Union and foreign policy: EP priorities ahead of the European Council

MEPs gave their input to the upcoming summit in Wednesday's debate with Commission President Jean-Claude Juncker, Commission First Vice-President Frans Timmermans, and Latvian Secretary of State for European Affairs Zanda Kalniņa-Lukaševica.

MEPs stressed that the Energy Union project must help to make European more energyindependent and competitive. Some suggested that the EU could widen its energy partnerships, while reconsidering its own resources too. Others recommended switching the policy focus towards people and problems related to energy-poverty.

http://www.europarl.europa.eu/news/en/news-room/content/20150306IPR31853/html/Energy-Union-and-foreign-policy-EP-priorities-ahead-of-the-European-Council

MEPs put an end to opaque card payment fees

The fees that banks charge retailers to process shoppers' payments will be capped, under uniform EU-wide rules, further to a vote in Parliament on 10 March The cap, which will apply to both cross-border and domestic card-based payments, should result in lower costs for card users. "

This legislation, combined with the upcoming Payment Services Directive, will establish a level playing field for payments across Europe. It should enhance fee transparency, stimulate competition and enable both retailers and users to choose the card schemes that offer them the best terms", said Pablo Zalba (EPP, ES), who steered the proposal through Parliament. The legislation was passed by 621 votes to 26, with 29 abstentions.

http://www.europarl.europa.eu/news/en/news-room/content/20150306IPR31705/html/MEPs-put-an-end-to-opaque-card-payment-fees

First discussion on European Energy Union strategy

On 25 February, Parliament discussed the plans for a European Energy Union, a top priority for the current Commission, after they were unveiled in the House this afternoon by Maroš Šefčovič, Vice-President for Energy Union. The committee on Industry, Research and Energy is currently drafting a non-binding resolution on the European Energy Security Strategy, scheduled for a vote in committee on **7 May 2015**.

http://www.europarl.europa.eu/news/en/news-room/content/20150224IPR25034/html/First-discussion-on-European-Energy-Union-strategy

European Ombudsman: transparency a key concern for citizens in 2013

MEPs stress the citizen's right to good administration, and endorse the European Ombudsman's calls for more transparent policymaking and an information campaign on the TTIP talks, in a resolution voted on 15 January. They also reiterate that the Ombudsman has a crucial role in addressing citizens' concerns and helping the EU institutions become more open, effective and citizen friendly.

http://www.europarl.europa.eu/news/en/news-room/content/20150109IPR06319/html/European-Ombudsman-transparency-a-key-concern-for-citizens-in-2013

ECONOMIC AND MONETARY AFFAIRS

Economic affairs MEPs target conflicts of interest in benchmark setting

A draft EU law to make the benchmarks used to price EU citizens' mortgages, loans and bonds more trustworthy was backed by the Economic and Monetary Affairs Committee on 31 March.

The text (lead MEP Cora van Nieuwenhuizen, ALDE, NL) aims to clean up the benchmark-setting process, by curbing conflicts of interest like those that led to the London Interbank Offered Rate (LIBOR) rigging scandals of recent years.

(…)

The draft law aims to curb conflicts of interest in setting "critical" benchmarks, such as LIBOR and EURIBOR, which influence financial instruments and contracts with an average value of at least €500 billion and could thus affect the stability of financial markets across Europe.

http://www.europarl.europa.eu/news/en/news-room/content/20150330IPR39136/html/Economic-affairs-MEPs-target-conflicts-of-interest-in-benchmark-setting

INTERNAL MARKET AND CONSUMER PROTECTION

Opinion on the proposal for a directive on the protection of undisclosed know-how and business information (tradesecrets) against their unlawful acquisition, use and disclosure

http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-541.656%2b02%2bDOC%2bPDF%2bV0%2f%2fEN

OTHERS

Schulz: "Energy union is a historic project"

Martin Schulz welcomed plans for an energy union calling it a "historic project on a par only with the Coal and Steel Community" in a speech at the start of the Council summit on 19 March. The EP President also called for more energy efficiency and diversification of energy suppliers: "Depending on just a few suppliers makes us vulnerable to divide-and-rule tactics and threats of blocking energy supply routes."

Schulz stressed that affordable and accessible energy is vital, and also noted that the cheapest and cleanest energy is the one not consumed in the first place. The energy union could also help to create jobs and economic growth, while also assisting the fight against climate change.

http://www.europarl.europa.eu/news/en/news-room/content/20150317STO35034/html/Schulz-%E2%80%9CEnergy-union-is-a-historic-project%E2%80%9D

EUROPEAN COUNCIL

EU leaders agreed on conclusions on an Energy Union on 20 March

The EU is committed to building an Energy Union with a forward-looking climate policy on the basis of the Commission's framework strategy, whose five dimensions are closely interrelated and mutually reinforcing (energy security, solidarity and trust; a fully integrated European energy market; energy efficiency contributing to moderation of demand; decarbonising the

economy; and research, innovation and competitiveness). The EU institutions and the Member States will take work forward and the Council will report to the European Council before December. The European Council will continue to give guidance.

file:///Users/lucilaalmeida/Downloads/european-council-conclusions-19-20-march-2015-en.pdf

COUNCIL OF THE EUROPEAN UNION

Data protection: Council agrees on general principles and the "one stop shop" mechanis

On 13 March, the Council reached a partial general approach on specific issues of the draft regulation setting out a general EU framework fordata protection, on the understanding that nothing is agreed until everything is agreed.

The partial general approach includes the chapters and the recitals concerning the "one stop shop" mechanism (chapters VI and VII) as well as the chapter and the recitals relating to the principles for protecting the personal data (chapter II).

http://www.consilium.europa.eu/en/press/press-releases/2015/03/13-data-protection-council-agrees-general-principles-and-one-stop-shop-mechanism/

Insolvency proceedings: new rules to promote economic recovery

On 12 March, The Council adopted its position at first reading on new EU-wide rules on insolvency proceedings.

This will enable the European Parliament, with which an agreement on a compromise package in relation to the new rules has been already found in November 2014, to adopt the text at second reading at its session of May or June 2015.

The new rules are aimed at making cross-border insolvency proceedings more efficient and effective, benefiting debtors and creditors, facilitating the survival of businesses and presenting a second chance for entrepreneurs. They also bring the current insolvency regulation into line with developments in national insolvency laws introduced since its entry into force in 2002.

http://www.consilium.europa.eu/en/press/press-releases/2015/03/12-insolvency-proceedings-new-rules-to-promote-economic-recovery/

Benchmarks for financial instruments: Council agrees stance on tighter controls

The Permanent Representatives Committee on 13 February 2015 agreed, on behalf of the Council, a negotiating stance on new rules aimed at ensuring greater accuracy and integrity of benchmarks in financial instruments.

Benchmarks are susceptible to manipulation where conflicts of interest and discretion exist in the benchmark process and where these are not properly supervised. The draft regulation agreed by the Council therefore has the following objectives:

- Improving governance and controls over the benchmark process, in particular to ensure that administrators avoid conflicts of interest, or at least manage them adequately;
- Improving the quality of input data and methodologies used by benchmark administrators;
- Ensuring that contributors to benchmarks and the data they provide are subject to adequate controls, in particular to avoid conflicts of interest;
- Protecting consumers and investors through greater transparency, adequate rights of redress and an assessment of suitability where necessary.

http://www.consilium.europa.eu/en/press/press-releases/2015/02/150213-benchmarks-for-financial-instruments-council-agrees-stance-tighter-controls/

Capping fees for card-based payments: Council confirms deal with EP

The Council approved on 21 January 2015 a compromise with the European Parliament on a regulation capping interchange fees for card-based payments.

See the text of the draft regulation on intercharge fees for card-based payment transactions here.

http://www.consilium.europa.eu/en/press/press-releases/2015/01/capping-fees-for-card-based-payments-council-confirms-deal-with-ep/

EUROPEAN NETWORKS OF NATIONAL REGULATORY AUTHORITIES

BEREC (Body of European Regulators for Electronic Communication)

Main outcomes from the BEREC Acessibility workshop

On 4th March BEREC organized an Acessibility Workshop, a public event dedicated to the acessibility of electronic communication services.

The workshop focused on four main issues:
- The accessibility and usability challenges faced by disables end-users when accessing electronic communication services;
- The contribution of regulators to improving accessibility for disabled citizens;
- Acessiblity considered form the industry perspective;
- Designing for all – A manufactutrers services providers' challenge.

http://berec.europa.eu/eng/news_and_publications/whats_new/2858-main-outcomes-from-the-berec-accessibility-workshop

CEER (Council of European Energy Rregulators)

CEER Advice on Customer Data Management for Better Retail Market Functioning

On 19 march CEER published a document outlines five guiding principles to form a basis for all data management models in Europe: Privacy and Security; Transparency; Accuracy;

Accessibility; and Non-Discrimination. Alongside these principles, CEER makes seven concrete recommendations to facilitate the development of customer data management in European retail energy markets; complementing the existing legislative requirements under the 3rd Energy Package.

http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab5/C14-RMF-68-03_Advice%20on%20Customer%20Data%20Management_19032015.pdf

CEER Letter to European Commission on MiFID II and the potential negative impacts on European energy markets and the goals of the 3rd Package

On 19 March CEER adressed an open letter to the Commissioner for Financial Stability, Financial Services and Capital Union, Vice-President for Energy union, and Commissioner for Climate Action and Energy raised its concerns to possible conflicts between the financial servisse and energy regulations at EU level.

"CEER has followed the developments in MiFID II with interest. One of our main objectives is the completion of the Internal Energy Market (IEM) and to deliver the 3 rd Package goals of competiveness, sustainability and security of supply for European consumers ultimately to increase the choice and benefits for consumers. We therefore are deeply concerned about what we view as an attempt to redraw the so-called 'REMIT carve-out' in Section C6, Annex I of MiFID II, as well as the unintended consequences of revisions to Section C7".

http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Cross-Sectoral/Tab1/C15-MIT-60_03_MiFID%20II_150319.pdf

CEER Advice on How to Involve and Engage Consumer Organisations in the Regulatory Process

On 12 March CEER published the advices that examines how best to involve and engage consumer organisations in the regulatory process by drawing up a number of recommendations which should result in a more structured approach to consumer organisations and in a greater mutual understanding of markets and consumer concerns through the availability of more information and dialogue channels. By proposing concrete measures in the fields of information exchange, capacity building and policy development/design, CEER aims to facilitate a more organized relationship between NRAs and consumer organisations. This will likely enhance their respective performance and thereby create more favourable market conditions as well as better empowerment and protection services for customers in the long run.

http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab5/C14-CEM-74-07_ConsOrg%20Involvement_Advice_March%202015.pdf

ECN (European Competition Networks)

France, Italy and Sweden: Launch of Simultaneous Market Tests in Investigations in Online Hotel Booking Sector

France, Italy and Sweden competition authorities launched market tests by 31 January in antitrust investigations in the online hotel booking sector. **The three national competition authorities have concerns that so-called "parity clauses" in contracts between online**

travel agent Booking.com and hotels may have anti-competitive effects, in breach of EU and national antitrust rules. Booking.com has proposed commitments to remedy these concerns, which - if the market tests confirm their adequacy - the national competition authorities can make legally binding on Booking.com. The Commission is coordinating the national investigations but has not opened its own investigation.

The parity clauses in the contracts between Booking.com and hotels oblige the hotel to offer Booking.com the same or better room prices as the hotel makes available on all other online and offline distribution channels. The French, Swedish and Italian competition authorities consider that these clauses may harm competition, in breach of their respective national competition laws as well as Article 101 and/or Article 102 of the Treaty on the Functioning of the European Union (TFEU). In particular, they have concerns that they may restrict competition between Booking.com and other online travel agents ('OTAs') and hinder new booking platforms from entering the market.

http://ec.europa.eu/competition/ecn/brief/index.html

OTHERS

BEUC

Sustainable food communication contest launched

How to best communicate to consumers when it comes to healthy and sustainable food choices? Sending a clear, truthful and attractive message can sometimes be a challenge for organisations, be they governmental institutions, businesses, or NGOs.

http://www.beuc.org/press-media/news-events/sustainable-food-communication-contest-launched

COJEF Debate - Enforcement of Consumer Law in the EU: challenges and needs on 21 April 2015

Enforcement has become one of the top priorities of the EU agenda, as the substantial body of EU consumer law has to be put into practice. However, national eneforcement very much varies from contry to country and connt properly address pan European infringments.

This policy debate on enforcement will aim to go gather speakers and participants with good understanding and experience of both national enforcement structures and the emerging pan-European cases, so as to discuss questions like:

What chanfes have to be made to national enforcement strucutres and the current transborder cooperations mechanisms? How to ensure that all European consumers are equally protected?

http://www.beuc.org/press-media/news-events/cojef-debate-enforcement-consumer-law-eu-challenges-and-needs-21042015

Customers' personal data leaked online by supermarket chain

The General Personal Data Protection Regulation currently in negotiations will have major implications for the definition, collection and processing of personal data - particularly between businesses and consumers - yet many consumers often have trouble linking EU regulation and its importance to their daily lives.

One such unfortunate example of its importance and the need to better protect the personal data of European consumers – particularly online – arose last week. On Friday March 6th, the popular online shopping service 'Caddy Home' run by one of the largest supermarket chains in Belgium, the Delhaize company, was discovered to have left many of its clients' online data unprotected.

http://www.beuc.org/press-media/news-events/customers%E2%80%99-personal-data-leaked-online-supermarket-chain

The consumer angle of the Capital Markets Union

The European Commission has kicked-off an action plan to reduce companies' reliance on banks and diversify their funding sources across the EU's 28 member states. To this end, the Commission also published a reflection document, a so-called Green Paper, on building a Capital Markets Union.

http://www.beuc.org/press-media/news-events/consumer-angle-capital-markets-union

Energy regulators and consumer organisations to join forces

Coinciding with the 7th Citizens' Energy Forum in London, the Council of European Energy Regulators published their advice on involving and engaging consumer organisations in the regulatory process.

http://www.beuc.org/press-media/news-events/energy-regulators-and-consumer-organisations-join-forces

Energy Union. What is in it for consumers?

Energy markets are changing rapidly and consumers need guarantees they will benefit from this energy-transition. In this sense, our hopes for Europe's energy consumers are that the creation of an Energy Union will contribute to a market which functions better.

So what would a consumer-friendly Energy Union look like?

http://www.beuc.org/press-media/news-events/energy-union-what-it-consumers