

Judgment of the Court (Fourth Chamber) of 19 April 2018 (request for a preliminary ruling from the Cour de cassation — France) — Conseils et mise en relations (CMR) SARL v Demeures terre et tradition SARL

(Case C-645/16) ⁽¹⁾

(Reference for a preliminary ruling — Self-employed commercial agents — Directive 86/653/EEC — Right of the commercial agent to an indemnity or compensation for damage following termination of the commercial agency contract — Article 17 — Exclusion from the right to indemnity in the event of termination of the contract during the trial period provided for in the contract)

(2018/C 200/14)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Conseils et mise en relations (CMR) SARL

Defendant: Demeures terre et tradition SARL

Operative part of the judgment

Article 17 of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents must be interpreted as meaning that the indemnity and compensation regimes laid down by that article, in paragraphs 2 and 3 respectively, in the event of termination of the commercial agency contract are applicable where termination occurs during the trial period provided for by the contract.

⁽¹⁾ OJ C 70, 6.3.2017.

Judgment of the Court (Seventh Chamber) of 12 April 2018 (request for a preliminary ruling from the Supremo Tribunal de Justiça — Portugal) — Biosafe — Indústria de Reciclagens SA v Flexipiso — Pavimentos SA

(Case C-8/17) ⁽¹⁾

(Reference for a preliminary ruling — Value added tax (VAT) — Directive 2006/112/EC — Articles 63, 167, 168, 178 to 180, 182 and 219 — Principle of fiscal neutrality — Right to deduct VAT — Period allowed by national law for exercising that right — Deduction of additional VAT paid to the State that was the subject of documents rectifying the initial invoices following a tax adjustment — The date from which the period starts to run)

(2018/C 200/15)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Applicant: Biosafe — Indústria de Reciclagens SA

Defendant: Flexipiso — Pavimentos SA

Operative part of the judgment

Articles 63, 167, 168, 178 to 180, 182 and 219 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, and also the principle of fiscal neutrality, must be interpreted as precluding legislation of a Member State pursuant to which, in circumstances such as those at issue in the main proceedings in which, following a tax adjustment, additional value added tax (VAT) was paid to the State and was the subject of documents rectifying the initial invoices several years after the supply of the goods in question, the right to deduct VAT is to be refused on the ground that the period laid down by that legislation for the exercise of that right started to run from the date of issue of those initial invoices and had expired.

⁽¹⁾ OJ C 95, 27.3.2017.

Judgment of the Court (Sixth Chamber) of 12 April 2018 (request for a preliminary ruling from the Conseil d'État — France) — Fédération des entreprises de la beauté v Ministre des Affaires sociales, de la Santé and des Droits des femmes, Ministre de l'Éducation nationale, de l'Enseignement supérieur et de la Recherche, Ministre de l'Économie et des Finances, formerly Ministre de l'Économie, de l'Industrie et du Numérique

(Case C-13/17) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Cosmetic products — Regulation (EC) No 1223/2009 — Article 10(2) — Assessment of the safety of cosmetic products — Qualifications of the safety assessor — Recognition of equivalent training courses — Disciplines similar to pharmacy, toxicology or medicine — Member States' discretion)

(2018/C 200/16)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Fédération des entreprises de la beauté

Defendant: Ministre des Affaires sociales, de la Santé and des Droits des femmes, Ministre de l'Éducation nationale, de l'Enseignement supérieur et de la Recherche, Ministre de l'Économie et des Finances, formerly Ministre de l'Économie, de l'Industrie et du Numérique

Operative part of the judgment

1. Article 10(2) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products must be interpreted as meaning that the recognition of equivalence of courses, laid down in that provision, can cover courses other than those delivered in third countries.
2. Article 10(2) of Regulation No 1223/2009 must be interpreted as conferring on each Member State the power to determine disciplines that are 'similar' to pharmacy, toxicology or medicine, as well as levels of qualification satisfying the requirements of that regulation, on condition that it complies with the objectives laid down by that regulation, consisting, in particular, in guaranteeing that the person entrusted with the assessment of the safety of cosmetic products has a qualification that enables him to ensure a high level of protection of human health.

⁽¹⁾ OJ C 95, 27.3.2017.