

**Reference for a preliminary ruling from the Court of Appeal (United Kingdom) made on 5 March 2018 — Safeway Ltd v Andrew Richard Newton, Safeway Pension Trustees Ltd**

(Case C-171/18)

(2018/C 190/10)

*Language of the case: English*

**Referring court**

Court of Appeal

**Parties to the main proceedings**

*Applicant:* Safeway Ltd

*Defendants:* Andrew Richard Newton, Safeway Pension Trustees Ltd

**Question referred**

Where the rules of a pension scheme confer a power, as a matter of domestic law, upon the amendment of its Trust deed, to reduce retrospectively the value of both men's and women's accrued pension rights for a period between the date of a written announcement of intended changes to the scheme and the date when the Trust deed is actually amended, does Article 157 of the Treaty on the Functioning of the European Union (previously and at the material time Article 119 of the Treaty of Rome) require both men's and women's accrued pension rights to be treated as indefeasible during that period, in the sense that their pension rights are protected from retrospective reduction by the use of the domestic law power?

---

**Reference for a preliminary ruling from the Court of Appeal (United Kingdom) made on 5 March 2018 — AMS Neve Ltd, Barnett Waddingham Trustees, Mark Crabtree v Heritage Audio SL, Pedro Rodríguez Arribas**

(Case C-172/18)

(2018/C 190/11)

*Language of the case: English*

**Referring court**

Court of Appeal

**Parties to the main proceedings**

*Applicants:* AMS Neve Ltd, Barnett Waddingham Trustees, Mark Crabtree

*Defendants:* Heritage Audio SL, Pedro Rodríguez Arribas

**Questions referred**

In circumstances where an undertaking is established and domiciled in Member State A and has taken steps in that territory to advertise and offer for sale goods under a sign identical to an EU trade mark on a website targeted at traders and consumers in Member State B:

- i) does an EU trade mark court in Member State B have jurisdiction to hear a claim for infringement of the EU trade mark in respect of the advertisement and offer for sale of the goods in that territory?

- ii) if not, which other criteria are to be taken into account by that EU trade mark court in determining whether it has jurisdiction to hear that claim?
- iii) in so far as the answer to (ii) requires that EU trade mark court to identify whether the undertaking has taken active steps in Member State B, which criteria are to be taken into account in determining whether the undertaking has taken such active steps?

---

**Reference for a preliminary ruling from the Supreme Court (Ireland) made on 16 March 2018 — KN  
v Minister for Justice and Equality**

(Case C-191/18)

(2018/C 190/12)

*Language of the case: English*

**Referring court**

Supreme Court

**Parties to the main proceedings**

*Applicant:* KN

*Defendant:* Minister for Justice and Equality

**Questions referred**

1. Having regard to:

- a) The giving by the United Kingdom of notice under Article 50 of the TEU;
- b) The uncertainty as to the arrangements which will be put in place between the European Union and the United Kingdom to govern relations after the departure of the United Kingdom; and
- c) The consequential uncertainty as to the extent to which KN would, in practice, be able to enjoy rights under the Treaties, the Charter or relevant legislation, should he be surrendered to the United Kingdom and remain incarcerated after the departure of the United Kingdom,

Is a requested Member State required by European Union Law to decline to surrender to the United Kingdom a person the subject of a European arrest warrant, whose surrender would otherwise be required under the national law of the Member State,

(i) in all cases?

(ii) In some cases, having regard to the particular circumstances of the case?

(iii) In no cases?

2. If the answer to Question 1 is that set out at (ii) what are the criteria or considerations which a court in the requested Member State must assess to determine whether surrender is prohibited?