

**Judgment of the Court (Seventh Chamber) of 21 September 2016 — European Commission v United Kingdom of Great Britain and Northern Ireland**

(Case C-304/15) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Directive 2001/80/EC — Article 4(3) — Annex VI, Part A — Limitation of emissions of certain pollutants into the air from large combustion plants — Application — Aberthaw Power Station)**

(2016/C 419/26)

Language of the case: English

**Parties**

*Applicant:* European Commission (represented by: K. Mifsud-Bonnici and S. Petrova, acting as Agents)

*Defendant:* United Kingdom of Great Britain and Northern Ireland (represented by: J. Kraehling and L. Christie, acting as Agents, and by G. Facenna QC)

**Operative part of the judgment**

*The Court:*

1. Declares that, by failing correctly to apply to Aberthaw Power Station (United Kingdom) Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants, the United Kingdom of Great Britain and Northern Ireland failed to fulfil its obligations under Article 4(3) of that directive, read in conjunction with Part A of Annex VI thereto;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

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<sup>(1)</sup> OJ C 302, 14.9.2015.

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**Judgment of the Court (Eighth Chamber) of 15 September 2016 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — Landkreis Potsdam-Mittelmark v Finanzamt Brandenburg**

(Case C-400/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Taxation — Value Added Tax — Sixth Council Directive 77/388/EEC — Right to deduction — Decision 2004/817/EC — Legislative provision of a Member State — Expenditure on goods and services — Extent of use of goods or services for non-economic purposes greater than 90 % of total use — Exclusion of the right to deduct)**

(2016/C 419/27)

Language of the case: German

**Referring court**

Bundesfinanzhof

**Parties to the main proceedings**

*Applicant:* Landkreis Potsdam-Mittelmark

*Defendant:* Finanzamt Brandenburg

**Operative part of the judgment**

Article 1 of Council Decision 2004/817/EC of 19 November 2004 authorising Germany to apply a measure derogating from Article 17 of Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes must be interpreted as meaning that it does not apply to a situation in which the goods or services that an undertaking acquires are used, to an extent greater than 90 %, for non-economic activities, which fall outside the scope of value added tax.

<sup>(1)</sup> OJ C 363, 3.11.2015.

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**Judgment of the Court (Eighth Chamber) of 22 September 2016 — Pensa Pharma SA v European Union Intellectual Property Office, Ferring BV, Farmaceutisk Laboratorium Ferring A/S**

(Case C-442/15 P) <sup>(1)</sup>

*(Appeal — EU trade mark — Word mark PENSA PHARMA — Figurative mark pensa — Applications for a declaration of invalidity of the holders of the word marks pentasa — Declaration of invalidity — Proceedings before EUIPO — Change in the subject matter of the proceedings — New plea before the General Court)*

(2016/C 419/28)

Language of the case: English

**Parties**

Appellant: Pensa Pharma SA (represented by: R. Kunze and G. Würtenberger, Rechtsanwälte)

Other party to the proceedings: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent), Ferring BV, Farmaceutisk Laboratorium Ferring A/S (represented by: I. Fowler, Solicitor, and D. Slopek, Rechtsanwalt)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Pensa Pharma SA to pay the costs.

<sup>(1)</sup> OJ C 414, 14.12.2015.

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**Judgment of the Court (Sixth Chamber) of 21 September 2016 (request for a preliminary ruling from the Finanzgericht Baden-Württemberg — Germany) — Peter Radgen, Lilian Radgen v Finanzamt Ettlingen**

(Case C-478/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Taxation — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Equal treatment — Income tax — Exemption of income derived from part-time employment as a teacher with a legal person governed by public law established in a Member State of the European Union or in a State to which the Agreement on the European Economic Area of 2 May 1992 applies — Legislation of a Member State excluding from that exemption income derived from such employment with a legal person governed by public law established in Switzerland)*

(2016/C 419/29)

Language of the case: German

**Referring court**

Finanzgericht Baden-Württemberg