La Ley Unión Europea, May 2015

The latest issue of the Spanish monthly journal *La Ley Unión Europea* has just been released. Besides the sections on case law and an update on on-going events and news at the EU level these are the main contents (with English abstract as provided by the authors):

Doctrina

Consuelo Alonso García, "La consideración de la variable ambiental en la contratación pública en la nueva Directiva europea 2014/24/UE". *This paper analyzes the changes introduced by the new European Directive 2014/24/EU in the Spanish legal system of green public procurement, particularly as regards the obligations that the contracting authorities have to meet when they intend to introduce environmental criteria in the processing of contracts.*

Pascual Martínez Espín, "Control de abusividad sobre cláusulas contractuales que se refieren a la definición del objeto principal del contrato o a la adecuación del precio". *The paper makes an analysis of the recent jurisprudence of the CJEU on the interpretation of article 4 (2) of Council Directive 93/13/EEC of 5 April 1993, on unfair terms in consumer contracts; specifically, on assessment of the unfairness of the contractual terms and the exclusion of terms relating to the main subject matter of the contract or the adequacy of the price and the remuneration provided they are drafted in plain intelligible language.*

Tribuna

Pedro A. de Miguel Asensio, "Impugnación de actos perjudiciales en procedimientos de insolvencia: cuestiones de Derecho aplicable". *Article 13 of the EU Insolvency Regulation is one of its most complex provisions in the field of applicable law. It establishes an exception with regard to the law applicable to avoidance actions concerning detrimental acts, leading to the application of the law that governs the challenged act and not the lex fori concursus. The recent case law of the CJEU clarifies the scope of that provision, in particular with respect to the law applicable to issues such as the prescription and limitation of avoidance actions.*

Sentencia seleccionada

Pilar Concellón Fernández, “Derecho de acceso a los documentos y actividad judicial: la transparencia alcanza a los escritos de los Estados miembros”. *The Court of Justice considers that the documents produced by the Member states within judicial proceeding do not belong to the Court but are ruled by Regulation no 1049/2001. This Judgment would guarantee open access to documents which belong to the institutions of the EU.*

José A. Fernández Amor, “El principio de libertad de establecimiento y la deducibilidad en el régimen de consolidación fiscal de las bases imponibles negativas de sociedades filiales no residentes”. *The sentence of ECJ of February 2, 2015, analyzes if the British law about deduction of losses from no-residents companies under consolidation group tax regime is not contrary to the European right of establishment freedom. The Court completes its interpretation line exposed on sentence Marks&Spencer (C-446/03) about the states obligation of not restrict the mentioned freedom allowing the deduction of the non-resident subsidiary losses as long as they are definitive.*

Ricardo Pazos Castro, “El control judicial de las cláusulas abusivas existentes en los procesos de ejecución hipotecaria”. *In proceedings for enforcement in which the sum of the order sought has already been fixed, the Spanish law concedes a period of ten days for the party seeking enforcement to recalculate that sum. The new calculation must comply with a limit of three times the statutory rate of interest, applied to the default interest on loans for the purchase of a habitual dwelling secured by a mortgage on that same dwelling. The ECJ analyzes if such legislation contravenes the Directive on unfair terms.*