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EU News: Click & Read

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European Documentation Centre

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, legal professionals, as well as corporations with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

We hope you will find this issue both useful and a pleasure to read.

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	2
4. Audiovisual and Media and Information Society	3
5. Competition and State Aid.....	4
6. Customs	4
7. Economic and Monetary Affairs, Taxation, Enterprise.....	4
8. Education, Training, Youth, Culture, Research and Innovation	6
9. Employment and Social Affairs	6
10. Energy and Environment.....	6
11. Food Safety, Public Health and Consumers .	7
12. Human Rights.....	8
13. Internal Market and Free Movement	9
14. Intellectual Property.....	10
15. Justice, Freedom and Security (incl. Judicial Cooperation)	10
16. Transport	11
17. Community Institutions, Principles and the Communities' own resources	12

Highlights

Case C-264/22. Judgment of the Court (Ninth Chamber) of 17 May 2023. Fonds de Garantie des Victimes des Actes de Terrorisme et d'Autres Infractions (FGTI) v Victoria Seguros S.A. Request for a preliminary ruling from the Tribunal da Relação de Lisboa.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Law applicable to non-contractual obligations – Regulation (EC) No 864/2007** – Article 4(1) – Article 15(h) – Article 19 – **Accident caused by a boat in a Member State** – Compensation for the victim of that accident – Subrogation in accordance with the law of another Member State – Reimbursement requested by the third-person subrogee – Applicable law – Limitation.

[EUR-Lex - 62022CJ0264](#)

Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA (Schengen *acquis*)

[EUR-Lex - 32023L0977](#)

Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms

[EUR-Lex - 32023L0970](#)

1. EU-Swiss Relations

Case Law

Case T-2/21. Judgment of the General Court (Tenth Chamber) of 24 May 2023. *Emmentaler Switzerland v European Union Intellectual Property Office*.

EU trade mark – International registration designating the European Union – **Word mark EMMENTALER** – Absolute ground for refusal – Descriptive character – Article 7(1)(c) of Regulation (EU) 2017/1001 – Collective mark – Article 74(2) of Regulation 2017/1001 – Obligation to state reasons – Article 94 of Regulation 2017/1001.
[EUR-Lex - 62021TJ0002](#)

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2023/1077 of the European Parliament and of the Council of 31 May 2023 on **temporary trade-liberalisation measures supplementing trade concessions applicable to Ukrainian products** under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part
[EUR-Lex - 32023R1077](#)

Protocol amending the Marrakesh Agreement establishing the **World Trade Organization Agreement on Fisheries Subsidies**
[EUR-Lex - 22023A0608\(01\)](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Directive (EU) 2023/946 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/25/EC as regards the **inclusion of improved stability requirements and the alignment of that Directive with the stability requirements defined by the International Maritime Organization**
[EUR-Lex - 32023L0946](#)

Regulation (EU) 2023/957 of the European Parliament and of the Council of 10 May 2023 amending Regulation (EU) 2015/757 in order to provide for the **inclusion of maritime transport activities in the EU Emissions Trading System and for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types**
[EUR-Lex - 32023R0957](#)

Protocol amending the Marrakesh Agreement establishing the **World Trade Organization Agreement on Fisheries Subsidies**
[EUR-Lex - 22023A0608\(01\)](#)

Case Law

Case C-99/22. Judgment of the Court (Tenth Chamber) of 4 May 2023. Kapniki A. Michailidis AE v OPEKEPE, Organismos Pliromon kai Elenchou Koinotikon Enischiseon Prosanatolismou kai Engyiseon and Ypourgos Agrotikis Anaptyxis kai Trofimon. Request for a preliminary ruling from the Symvoulío tis Epikrateias.

Reference for a preliminary ruling – Agriculture – Regulation (EEC) No 2062/92 – Article 3(3) – Validity – Common organisation of the markets – Raw tobacco – **Premiums granted to purchasers of leaf tobacco** – Reduction of those premiums according to the quantity of tobacco of low class, category or quality purchased – **Principles of non-retroactivity and of the protection of legitimate expectations.**

[EUR-Lex - 62022CJ0099](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-60/22. Judgment of the Court (Fifth Chamber) of 4 May 2023. UZ v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 5 – Principles relating to processing – Controllership – Article 6 – Lawfulness of processing – **Electronic file compiled by an administrative authority relating to an asylum application – Transmission to the competent national court via an electronic mailbox** – Infringement of Articles 26 and 30 – No arrangement determining joint responsibility for processing and maintaining the record of processing activities – Consequences – Article 17(1) – Right to erasure ('right to be forgotten') – Article 18(1) – Right to restriction of processing – Concept of 'unlawful processing' – Taking into account of the electronic file by a national court – Absence of consent of the data subject.

[EUR-Lex - 62022CJ0060](#)

Case C-300/21. Judgment of the Court (Third Chamber) of 4 May 2023. UI v Österreichische Post AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 82(1) – Right to compensation for damage caused by data processing that infringes that regulation – **Conditions governing the right to compensation** – Mere infringement of that regulation not sufficient – Need for damage caused by that infringement – Compensation for non-material damage resulting from such processing – Incompatibility of a national rule making compensation for such damage subject to the exceeding of a threshold of seriousness – Rules for the determination of damages by national courts.

[EUR-Lex - 62021CJ0300](#)

Case C-487/21. Judgment of the Court (First Chamber) of 4 May 2023. F.F. v Österreichische Datenschutzbehörde and CRIF GmbH. Request for a preliminary ruling from the Bundesverwaltungsgericht.

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – **Data subject's right of access to his or her data undergoing processing** – Article 15(3) – Provision of a copy of the data – Concept of 'copy' – Concept of 'information'.

[EUR-Lex - 62021CJ0487](#)

5. Competition and State Aid

Case Law

Joined Cases T-34/21 and T-87/21. Judgment of the General Court (Tenth Chamber, Extended Composition) of 10 May 2023. Ryanair DAC and Condor Flugdienst GmbH v European Commission.

State aid – German air transport market – **Aid granted by Germany to an airline in the context of the COVID-19 pandemic** – Recapitalisation of Deutsche Lufthansa – Decision not to raise any objections – Temporary Framework for State aid measures – Actions for annulment – Locus standi – **Substantial effect on competitive position** – Admissibility – Significant market power – Additional measures to preserve effective competition on the market – Obligation to state reasons.

[EUR-Lex - 62021TJ0034](#)

6. Customs

Case Law

Case C-368/22. Judgment of the Court (Sixth Chamber) of 25 May 2023. Skatteministeriet v Danish Fluid System Technologies A/S. Request for a preliminary ruling from the Vestre Landsret.

Reference for a preliminary ruling – Regulation (EEC) No 2658/87 – Customs Union – Common Customs Tariff – **Tariff classification** – Combined Nomenclature – Heading 7307 – **Tube or pipe fittings** – Subheading 7307 22 10 – Sleeves.

[EUR-Lex - 62022CJ0368](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-114/22. Judgment of the Court (Tenth Chamber) of 25 May 2023. Dyrektor Izby Administracji Skarbowej w Warszawie v W. Sp. z o.o. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – Value added tax (VAT) – Directive 2006/112/EC – **Right to deduct VAT** – Refusal – **Refusal based on the invalidity of the transaction under national civil law.**

[EUR-Lex - 62022CJ0114](#)

Affaire C-418/22. Arrêt de la Cour (neuvième chambre) du 17 mai 2023. SA Cezam contre État belge. Demande de décision préjudicielle, introduite par le Tribunal de première instance du Luxembourg (Belgique).

Renvoi préjudiciel – Directive 2006/112/CE – **Taxe sur la valeur ajoutée (TVA)** – Obligations de déclaration et de versement de la TVA – Article 273 – **Sanctions prévues en cas de non-respect des obligations par l’assujetti** – Principes de proportionnalité et de neutralité de la TVA – Droit à déduction de la TVA – Compatibilité des sanctions.

[EUR-Lex - 62022CJ0418](#)

Case C-365/22. Judgment of the Court (Eighth Chamber) of 17 May 2023. IT v État belge. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Margin scheme – Article 311 – **Concept of ‘second-hand goods’** – End-of-life vehicles sold for parts.

[EUR-Lex - 62022CJ0365](#)

Case C-516/21. Judgment of the Court (Fourth Chamber) of 4 May 2023. Finanzamt X v Y. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 135(2), first subparagraph, point (c) – Exceptions to the exemption provided for in Article 135(1)(l) – **Letting of permanently installed equipment and machinery in the context of the leasing of an agricultural building.**

[EUR-Lex - 62021CJ0516](#)

Case C-389/21 P. Judgment of the Court (First Chamber) of 4 May 2023. European Central Bank v Crédit lyonnais.

Appeal – Economic and monetary policy – **Prudential supervision of credit institutions** – Regulation (EU) No 575/2013 – **Calculation of the leverage ratio** – Exposure measure – Article 429(14) – Exclusion of exposures meeting certain conditions – Partial refusal of authorisation – Discretion of the European Central Bank (ECB) – Action for annulment – Manifest error of assessment – Judicial review.

[EUR-Lex - 62021CJ0389](#)

Joined Cases C-407/22 and C-408/22. Judgment of the Court (First Chamber) of 11 May 2023. Ministre de l'Économie, des Finances et de la Relance v Manitou BF SA and Bricolage Investissement France SA. Requests for a preliminary ruling from the Conseil d'État.

References for a preliminary ruling – Taxation – Article 49 TFEU – **Freedom of establishment** – Corporation tax – Group taxation (French 'intégration fiscale') – **Tax exemption for dividends paid by subsidiaries belonging to the tax-integrated group** – Resident parent company – Capital links with resident and non-resident companies without forming a tax-integrated group – Tax exemption of dividends paid by non-resident subsidiaries – Non-deductible costs and expenses relating to the holding – Lack of neutralisation as regards the add-back of those costs and expenses.

[EUR-Lex - 62022CJ0407](#)

Affaire C-620/21. Arrêt de la Cour (septième chambre) du 11 mai 2023. MOMTRADE RUSE LTD contre Direktor na Direktsia « Obzhalvane i danachno-osiguritelna praktika » Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite. Demande de décision préjudicielle, introduite par le Varhoven administrativen sad.

Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 132, paragraphe 1, sous g) – **Exonérations des prestations de services étroitement liées à l'aide et à la sécurité sociales, effectuées par des organismes reconnus comme ayant un caractère social par l'État membre concerné** – Prestations de services fournies à une personne non assujettie dans un État membre autre que celui de l'établissement du prestataire – Appréciation de la nature des prestations et de la condition d'organisme reconnu comme ayant un caractère social – Détermination du droit national pertinent – Notion d'«État membre concerné».

[EUR-Lex - 62021CJ0620](#)

Case C-78/22. Judgment of the Court (Eighth Chamber) of 4 May 2023. ALD Automotive s.r.o. v DY, en qualité d'administrateur judiciaire de la société débitrice GEDEM-STAV a.s. Request for a preliminary ruling from the Vrchní soud v Praze.

Reference for a preliminary ruling – **Directive 2011/7/EU – Combating late payments in commercial transactions** – Article 6 – Fixed minimum sum of EUR 40 as compensation for the recovery costs incurred by the creditor – **Late payment regarding contracts for successive performance** – Fixed compensation due in respect of each late payment – Obligation to give full effect to EU law – Obligation of interpretation in compliance with EU law – General principles of national private law.

[EUR-Lex - 62022CJ0078](#)

Case C-97/21. Judgment of the Court (First Chamber) of 4 May 2023. MV - 98 v Nachalnik na otdel „Operativni deynosti“ – Sofia v Glavna direktsia „Fiskalen kontrol“ pri Tsentralno upravlenie na Natsionalna agentsia za prihodite. Request for a preliminary ruling from the Administrativen sad - Blagoevgrad.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Article 273 – Failure to issue a fiscal cash register receipt – Charter of Fundamental Rights of the European Union – Article 50 – Principle ne bis in idem – **Cumulation of administrative penalties of a criminal nature for the same act** – Article 49(3) – Proportionality of penalties – Article 47 – Right to an effective remedy – Scope of judicial review relating to the provisional enforcement of a penalty.

[EUR-Lex - 62021CJ0097](#)

8. Education, Training, Youth, Culture, Research and Innovation

Nothing to report for the period under review.

9. Employment and Social Affairs

Community Legislation

Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms

[EUR-Lex - 32023L0970](#)

Case Law

Joined Cases C-529/21 to C-536/21 and C-732/21 to C-738/21. Judgment of the Court (Sixth Chamber) of 4 May 2023. OP and Others v Glavna direktsia „Pozharna bezopasnost i zashtita na naselenieto“ kam Ministerstvo na vatreshnite raboti. Requests for a preliminary ruling from the Rayonen sad - Kula.

Reference for a preliminary ruling – Social policy – Organisation of working time – Directive 2003/88/EC – Article 1(3) – Scope – Article 8 – Article 12 – **Health and safety of night workers at work** – Level of protection for night workers appropriate to the nature of their work – Directive 89/391/EEC – Article 2 – Public sector workers and private sector workers – Article 20 of the Charter of Fundamental Rights of the European Union – Equal treatment.

[EUR-Lex - 62021CJ0529](#)

10. Energy and Environment

Community Legislation

Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure

[EUR-Lex - 32023L0958](#)

Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system

[EUR-Lex - 32023L0959](#)

Regulation (EU) 2023/955 of the European Parliament and of the Council of 10 May 2023 establishing a Social Climate Fund and amending Regulation (EU) 2021/1060

[EUR-Lex - 32023R0955](#)

Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism

[EUR-Lex - 32023R0956](#)

Regulation (EU) 2023/957 of the European Parliament and of the Council of 10 May 2023 amending Regulation (EU) 2015/757 in order to provide for the inclusion of maritime transport activities in the EU Emissions Trading System and for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types

[EUR-Lex - 32023R0957](#)

Case Law

Case C-575/21. Judgment of the Court (Second Chamber) of 25 May 2023. WertInvest Hotelbetriebs GmbH v Magistrat der Stadt Wien. Request for a preliminary ruling from the Verwaltungsgericht Wien.

Reference for a preliminary ruling – Environment – Directive 2011/92/EU – **Assessment of the effects of certain public and private projects on the environment** – Article 2(1) and Article 4(2) – Projects covered by Annex II – Urban development projects – Examination on the basis of thresholds or criteria – Article 4(3) – Relevant selection criteria set in Annex III – Article 11 – Access to justice.

[EUR-Lex - 62021CJ0575](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC

[EUR-Lex - 32023R0988](#)

Case Law

Case C-141/22. Judgment of the Court (Seventh Chamber) of 25 May 2023. TLL The Longevity Labs GmbH v Optimize Health Solutions mi GmbH and BM. Request for a preliminary ruling from the Landesgericht für Zivilrechtssachen Graz.

Reference for a preliminary ruling – Food safety – **Novel food – Regulation (EU) 2015/2283** – Sprouted buckwheat flour with a high spermidine content – **Germination of buckwheat seeds in a nutrient solution containing spermidine.**

[EUR-Lex - 62022CJ0141](#)

Case C-97/22. Judgment of the Court (Eighth Chamber) of 17 May 2023. DC v HJ. Request for a preliminary ruling from the Landgericht Essen.

Reference for a preliminary ruling – **Consumer protection** – Directive 2011/83/EU – Article 14(4)(a)(i) and (5) – **Right of withdrawal for off-premises contracts** – Information requirements for the trader concerned – Failure of that trader to inform the consumer – Obligations of the consumer in the event of withdrawal – Withdrawal after the performance of the contract – Consequences.

[EUR-Lex - 62022CJ0097](#)

Joined Cases C-156/22 to C-158/22. Judgment of the Court (Third Chamber) of 11 May 2023. TAP Portugal v flihtright GmbH and Myflyright GmbH. Requests for a preliminary ruling from the Landgericht Stuttgart.

References for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Compensation to air passengers in the event of cancellation of flights** – Article 5(3) – Exemption from the obligation to pay compensation – **Concept of ‘extraordinary circumstances’** – Unexpected absence, due to illness or death, of a crew member whose presence is essential to the operation of the flight.

[EUR-Lex - 62022CJ0156](#)

Case C-200/21. Judgment of the Court (Ninth Chamber) of 4 May 2023. TU and SU v BRD Groupe Societé Générale SA and Next Capital Solutions Limited. Request for a preliminary ruling from the Tribunalul Bucureşti. Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Enforcement proceedings in respect of a loan agreement constituting an enforceable instrument – Objection to the enforcement – Review of unfair terms – Principle of effectiveness – **National legislation not permitting the court hearing the enforcement proceedings to review the possible unfairness of a clause beyond the time limit imposed on a consumer for lodging an objection** – Existence of an action under ordinary law that cannot become time-barred enabling the court hearing the substance of the case to carry out such a review and to order suspension of the enforcement – Conditions which do not render impossible in practice or excessively difficult the exercise of rights conferred by EU law – Requirement for the consumer to pay a security in order to suspend the enforcement proceedings.

[EUR-Lex - 62021CJ0200](#)

12. Human Rights

Case Law

Affaire C-608/21. Arrêt de la Cour (quatrième chambre) du 25 mai 2023. Procédure pénale à caractère administratif contre contre XN. Demande de décision préjudicielle, introduite par le Sofiyski rayonon sad.

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Directive 2012/13/UE – **Droit à l'information dans le cadre des procédures pénales** – Article 6 – Droit d'être informé de l'accusation portée contre soi – Article 7 – Droit d'accès aux pièces du dossier – **Exercice effectif des droits de la défense** – Article 6 de la charte des droits fondamentaux de l'Union européenne – Droit à la liberté et à la sûreté – Communication des motifs du placement en détention de la personne soupçonnée ou poursuivie dans un document distinct – Moment auquel cette communication doit être effectuée.

[EUR-Lex - 62021CJ0608](#)

Case C-817/21. Judgment of the Court (First Chamber) of 11 May 2023. R.I. v Inspecția Judiciară and N.L. Request for a preliminary ruling from the Curtea de Apel Bucureşti.

Reference for a preliminary ruling – Rule of law – Judicial independence – Second subparagraph of Article 19(1) TEU – Decision 2006/928/EC – **Independence of the judiciary** – Disciplinary proceedings – Judicial Inspectorate – Chief Inspector with powers of regulation, selection, assessment, appointment and disciplinary investigation.

[EUR-Lex - 62021CJ0817](#)

Case C-60/22. Judgment of the Court (Fifth Chamber) of 4 May 2023. UZ v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 5 – Principles relating to processing – Controllability – Article 6 – Lawfulness of processing – **Electronic file compiled by an administrative authority relating to an asylum application – Transmission to the competent national court via an electronic mailbox** – Infringement of Articles 26 and 30 – No arrangement determining joint responsibility for processing and maintaining the record of processing activities – Consequences – Article 17(1) – Right to erasure ('right to be forgotten') – Article 18(1) – Right to restriction of processing – Concept of 'unlawful processing' – Taking into account of the electronic file by a national court – Absence of consent of the data subject.

[EUR-Lex - 62022CJ0060](#)

Affaire C-626/21. Arrêt de la Cour (cinquième chambre) du 17 mai 2023. Funke sp. z o.o. contre Landespolizeidirektion Wien. Demande de décision préjudicielle, introduite par le Verwaltungsgerichtshof.

Renvoi préjudiciel – Rapprochement des législations – Directive 2001/95/CE – Article 12 et annexe II – Normes et réglementations techniques – Système d'échange rapide d'informations de l'Union européenne (RAPEX) – Lignes directrices – Produits non alimentaires dangereux – Décision d'exécution (UE) 2019/417 – Règlement (CE) no 765/2008 – Articles 20 et 22 – Notifications à la Commission européenne – Décision administrative – **Interdiction de la vente de certains articles pyrotechniques et obligation de retrait** – Demande d'un distributeur des produits concernés de compléter les notifications – Autorité compétente pour statuer sur la demande – Article 47 de la charte des droits fondamentaux de l'Union européenne – **Protection juridictionnelle effective.**

[EUR-Lex - 62021CJ0626](#)

Case C-300/21. Judgment of the Court (Third Chamber) of 4 May 2023. UI v Österreichische Post AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 82(1) – Right to compensation for damage caused by data processing that infringes that regulation – **Conditions governing the right to compensation** – Mere infringement of that regulation not sufficient – Need for damage caused by that infringement – Compensation for non-material damage resulting from such processing – Incompatibility of a national rule making compensation for such damage subject to the exceeding of a threshold of seriousness – Rules for the determination of damages by national courts.

[EUR-Lex - 62021CJ0300](#)

Joined Cases C-529/21 to C-536/21 and C-732/21 to C-738/21. Judgment of the Court (Sixth Chamber) of 4 May 2023. OP and Others v Glavna direktsia „Pozharna bezopasnost i zashtita na naselenieto“ kam Ministerstvo na vatreshnite raboti. Requests for a preliminary ruling from the Rayonen sad - Kula.

Reference for a preliminary ruling – Social policy – Organisation of working time – Directive 2003/88/EC – Article 1(3) – Scope – Article 8 – Article 12 – **Health and safety of night workers at work** – Level of protection for night workers appropriate to the nature of their work – Directive 89/391/EEC – Article 2 – Public sector workers and private sector workers – Article 20 of the Charter of Fundamental Rights of the European Union – Equal treatment.

[EUR-Lex - 62021CJ0529](#)

Case C-40/21. Judgment of the Court (First Chamber) of 4 May 2023. T.A.C. v Agenția Națională de Integritate (ANI). Request for a preliminary ruling from the Curtea de Apel Timișoara.

Reference for a preliminary ruling – Decision 2006/928/EC – **Mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption** – Charter of Fundamental Rights of the European Union – Article 15(1) – Article 47 – Article 49(3) – Elective public office – **Conflict of interests – National legislation prohibiting the holding of elective public office for a predetermined period** – Penalty additional to the termination of the term of office – Principle of proportionality.

[EUR-Lex - 62021CJ0040](#)

Case C-97/21. Judgment of the Court (First Chamber) of 4 May 2023. MV - 98 v Nachalnik na otdel „Operativni deynosti“ – Sofia v Glavna direktsia „Fiskalen kontrol“ pri Tsentralno upravlenie na Natsionalna agentsia za prihodite. Request for a preliminary ruling from the Administrativen sad - Blagoevgrad.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Article 273 – Failure to issue a fiscal cash register receipt – Charter of Fundamental Rights of the European Union – Article 50 – Principle ne bis in idem – **Cumulation of administrative penalties of a criminal nature for the same act** – Article 49(3) – Proportionality of penalties – Article 47 – Right to an effective remedy – Scope of judicial review relating to the provisional enforcement of a penalty.

[EUR-Lex - 62021CJ0097](#)

13. Internal Market and Free Movement

Case Law

Judgment of the Court (Eighth Chamber) of 17 May 2023.

Case C-105/22. P.M. v Dyrektor Izby Administracji Skarbowej w Warszawie. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Free movement of goods – Tax provisions – Article 110 TFEU – Excise duty – **Export of a vehicle registered in a Member State to a country of the European Economic Area (EEA) – Refusal to reimburse the excise duty paid in respect of that vehicle up to an amount proportionate to the duration of its use in the territory of the Member State of registration** – Principle that excise duty is a single-stage tax and principle of proportionality.

[EUR-Lex - 62022CJ0105](#)

Joined Cases C-407/22 and C-408/22. Judgment of the Court (First Chamber) of 11 May 2023. *Ministre de l'Économie, des Finances et de la Relance v Manitou BF SA and Bricolage Investissement France SA*. Requests for a preliminary ruling from the Conseil d'État.

References for a preliminary ruling – Taxation – Article 49 TFEU – **Freedom of establishment** – Corporation tax – Group taxation (French 'intégration fiscale') – **Tax exemption for dividends paid by subsidiaries belonging to the tax-integrated group** – Resident parent company – Capital links with resident and non-resident companies without forming a tax-integrated group – Tax exemption of dividends paid by non-resident subsidiaries – Non-deductible costs and expenses relating to the holding – Lack of neutralisation as regards the add-back of those costs and expenses.

[EUR-Lex - 62022CJ0407](#)

Affaire C-626/21. Arrêt de la Cour (cinquième chambre) du 17 mai 2023. *Funke sp. z o.o. contre Landespolizeidirektion Wien*. Demande de décision préjudicielle, introduite par le Verwaltungsgerichtshof.

Renvoi préjudiciel – Rapprochement des législations – Directive 2001/95/CE – Article 12 et annexe II – Normes et réglementations techniques – Système d'échange rapide d'informations de l'Union européenne (RAPEX) – Lignes directrices – Produits non alimentaires dangereux – Décision d'exécution (UE) 2019/417 – Règlement (CE) no 765/2008 – Articles 20 et 22 – Notifications à la Commission européenne – Décision administrative – **Interdiction de la vente de certains articles pyrotechniques et obligation de retrait** – Demande d'un distributeur des produits concernés de compléter les notifications – Autorité compétente pour statuer sur la demande – Article 47 de la charte des droits fondamentaux de l'Union européenne – **Protection juridictionnelle effective**.

[EUR-Lex - 62021CJ0626](#)

14. Intellectual Property

Case Law

Case C-290/21. Judgment of the Court (First Chamber) of 25 May 2023. *Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger Reg. Gen. mbH (AKM) v Canal+ Luxembourg Sàrl*. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Intellectual property – **Copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission** – Directive 93/83/EEC – Article 1(2) – Communication to the public by satellite – Concept – Satellite package provider – **Broadcasting of programmes in another Member State** – Place of the act of exploitation by which that provider participates in such communication.

[EUR-Lex - 62021CJ0290](#)

Case T-2/21. Judgment of the General Court (Tenth Chamber) of 24 May 2023. *Emmentaler Switzerland v European Union Intellectual Property Office*.

EU trade mark – International registration designating the European Union – **Word mark EMMENTALER** – Absolute ground for refusal – Descriptive character – Article 7(1)(c) of Regulation (EU) 2017/1001 – Collective mark – Article 74(2) of Regulation 2017/1001 – Obligation to state reasons – Article 94 of Regulation 2017/1001.

[EUR-Lex - 62021TJ0002](#)

15. Justice, Freedom and Security (incl. Judicial Cooperation)

Community Legislation

Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the **exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA (Schengen *acquis*)**

[EUR-Lex - 32023L0977](#)

Case Law

Case C-364/22. Judgment of the Court (Seventh Chamber) of 25 May 2023. J.B. and Others v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Minden.

Reference for a preliminary ruling – Asylum policy – Common procedures for granting and withdrawing international protection – Directive 2013/32/EU – Article 33(2)(d) – **Procedure for examining an application for international protection** – Inadmissible applications – Subsequent application – Voluntary return and removal.

[EUR-Lex - 62022CJ0364](#)

Affaire C-608/21. Arrêt de la Cour (quatrième chambre) du 25 mai 2023. Procédure pénale à caractère administratif contre XN. Demande de décision préjudicielle, introduite par le Sofiyski rayon sad.

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Directive 2012/13/UE – **Droit à l'information dans le cadre des procédures pénales** – Article 6 – Droit d'être informé de l'accusation portée contre soi – Article 7 – Droit d'accès aux pièces du dossier – **Exercice effectif des droits de la défense** – Article 6 de la charte des droits fondamentaux de l'Union européenne – Droit à la liberté et à la sûreté – Communication des motifs du placement en détention de la personne soupçonnée ou poursuivie dans un document distinct – Moment auquel cette communication doit être effectuée.

[EUR-Lex - 62021CJ0608](#)

Case C-264/22. Judgment of the Court (Ninth Chamber) of 17 May 2023. Fonds de Garantie des Victimes des Actes de Terrorisme et d'Autres Infractions (FGTI) v Victoria Seguros S.A. Request for a preliminary ruling from the Tribunal da Relação de Lisboa.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Law applicable to non-contractual obligations – Regulation (EC) No 864/2007** – Article 4(1) – Article 15(h) – Article 19 – **Accident caused by a boat in a Member State** – Compensation for the victim of that accident – Subrogation in accordance with the law of another Member State – Reimbursement requested by the third-person subrogee – Applicable law – Limitation.

[EUR-Lex - 62022CJ0264](#)

16. Transport

Community Legislation

Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC as regards **aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure**

[EUR-Lex - 32023L0958](#)

Regulation (EU) 2023/957 of the European Parliament and of the Council of 10 May 2023 amending Regulation (EU) 2015/757 in order to provide for the **inclusion of maritime transport activities in the EU Emissions Trading System and for the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types**

[EUR-Lex - 32023R0957](#)

Case Law

Joined Cases C-156/22 to C-158/22. Judgment of the Court (Third Chamber) of 11 May 2023. TAP Portugal v flihtright GmbH and Myflyright GmbH. Requests for a preliminary ruling from the Landgericht Stuttgart.

References for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Compensation to air passengers in the event of cancellation of flights** – Article 5(3) – Exemption from the obligation to pay compensation – **Concept of 'extraordinary circumstances'** – Unexpected absence, due to illness or death, of a crew member whose presence is essential to the operation of the flight.

[EUR-Lex - 62022CJ0156](#)

Case C-155/22. Judgment of the Court (Second Chamber) of 11 May 2023. RE v Bezirkshauptmannschaft Lilienfeld. Request for a preliminary ruling from the Landesverwaltungsgericht Niederösterreich.

Reference for a preliminary ruling – Road transport – **Common rules concerning the conditions to be complied with to pursue the occupation of road transport operator** – Regulation (EC) No 1071/2009 – Articles 6 and 22 – **National legislation permitting the transfer of criminal responsibility for serious infringements regarding the driving time and rest periods of drivers** – Failure to take into account the penalties imposed for infringements when assessing the good repute of a road transport undertaking.

[EUR-Lex - 62022CJ0155](#)

17. Community Institutions, Principles and the Communities' own Resources

Case Law

Case C-176/22. Judgment of the Court (Ninth Chamber) of 17 May 2023. Spetsializirana prokuratura v BK and ZhP.

Reference for a preliminary ruling – Statute of the Court of Justice of the European Union – Article 23, first paragraph – **Stay of the main proceedings by a national court which has submitted a request for a preliminary ruling to the Court of Justice under Article 267 TFEU – Possibility of a partial stay of proceedings.**

[EUR-Lex - 62022CJ0176](#)

Case C-817/21. Judgment of the Court (First Chamber) of 11 May 2023. R.I. v Inspecția Judiciară and N.L. Request for a preliminary ruling from the Curtea de Apel București.

Reference for a preliminary ruling – Rule of law – Judicial independence – Second subparagraph of Article 19(1) TEU – Decision 2006/928/EC – **Independence of the judiciary** – Disciplinary proceedings – Judicial Inspectorate – Chief Inspector with powers of regulation, selection, assessment, appointment and disciplinary investigation.

[EUR-Lex - 62021CJ0817](#)

Case C-40/21. Judgment of the Court (First Chamber) of 4 May 2023. T.A.C. v Agenția Națională de Integritate (ANI). Request for a preliminary ruling from the Curtea de Apel Timișoara.

Reference for a preliminary ruling – Decision 2006/928/EC – **Mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption** – Charter of Fundamental Rights of the European Union – Article 15(1) – Article 47 – Article 49(3) – Elective public office – Conflict of interests – **National legislation prohibiting the holding of elective public office for a predetermined period** – Penalty additional to the termination of the term of office – Principle of proportionality.

[EUR-Lex - 62021CJ0040](#)