



Institut suisse de droit comparé
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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.

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Case C-87/22. Judgment of the Court (Fourth Chamber) of 13 July 2023. TT v AK.
Reference for a preliminary ruling – **Jurisdiction in matters of parental responsibility** – Regulation (EC) No 2201/2003 – Articles 10 and 15 – **Transfer to a court of another Member State better placed to hear the case** – Conditions – Court of the Member State to which the child has been wrongfully removed – **The 1980 Hague Convention** – Best interests of the child.
[EUR-Lex - 62022CJ0087](#)

Regulation (EU) 2023/1543 of the European Parliament and of the Council of 12 July 2023 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings
[EUR-Lex - 32023R1543](#)

Case C-252/21. Judgment of the Court (Grand Chamber) of 4 July 2023. Meta Platforms Inc and Others v Bundeskartellamt. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf.
Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Social networks – **Abuse of a dominant position by the operator of such a network** – Abuse which entails the processing of the personal data of the users of that network as provided for in its general terms of use – **Powers of a competition authority of a Member State to find that processing is not consistent with that regulation** – Reconciliation with the powers of the national data protection supervisory authorities – Article 4(3) TEU – Principle of sincere cooperation – Points (a) to (f) of the first subparagraph of Article 6(1) of Regulation 2016/679 – Whether the processing is lawful – Article 9(1) and (2) – Processing of special categories of personal data – Article 4(11) – Concept of ‘consent’.
[EUR-Lex - 62021CJ0252](#)

1. EU-Swiss Relations

Nothing to report for the period under review.

2. External Relations / Foreign Policy

Community Legislation

Council Regulation (EU) 2023/1594 of 3 August 2023 amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine

[EUR-Lex - 32023R1594](#)

Council Regulation (EU) 2023/1529 of 20 July 2023 concerning restrictive measures in view of Iran's military support of Russia's war of aggression against Ukraine

[EUR-Lex - 32023R1529](#)

Council Regulation (Euratom) 2023/1479 of 14 July 2023 laying down rules for the exercise of the Community's rights in the implementation of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

[EUR-Lex - 32023R1479](#)

Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes

[EUR-Lex - 22023A0719\(01\)](#)

Case Law

Affaire T-8/21. Arrêt du Tribunal (sixième chambre élargie) du 12 juillet 2023. IFIC Holding AG contre Commission européenne.

Politique commerciale – **Protection contre les effets de l'application extraterritoriale d'une législation adoptée par un pays tiers – Mesures restrictives prises par les États-Unis à l'encontre de l'Iran** – Sanctions secondaires empêchant des personnes physiques ou morales de l'Union d'avoir des relations commerciales avec les entreprises visées par lesdites mesures – Interdiction de se conformer à une telle législation – Article 5, second alinéa, du règlement (CE) no 2271/96 – Décision de la Commission autorisant une personne morale de l'Union à se conformer à ladite législation – Obligation de motivation – Portée rétroactive de l'autorisation – Prise en compte des intérêts de l'entreprise visée par les mesures restrictives du pays tiers – Droit d'être entendu.

[EUR-Lex - 62021TJ0008](#)

3. Agriculture and Fisheries / Maritime Affairs

Nothing to report for the period under review.

4. Audiovisual and Media and Information Society

Case Law

Case C-252/21. Judgment of the Court (Grand Chamber) of 4 July 2023. Meta Platforms Inc and Others v Bundeskartellamt. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Social networks – **Abuse of a dominant position by the operator of such a network** – Abuse which entails the processing of the personal data of the users of that network as provided for in its general terms of use – **Powers of a competition authority of a Member State to find that processing is not consistent with that regulation** – Reconciliation with the powers of the national data protection supervisory authorities – Article 4(3) TEU – Principle of sincere cooperation – Points (a) to (f) of the first subparagraph of Article 6(1) of Regulation 2016/679 – Whether the processing is lawful – Article 9(1) and (2) – Processing of special categories of personal data – Article 4(11) – Concept of ‘consent’.

[EUR-Lex - 62021CJ0252](#)

5. Competition and State Aid

Case Law

Case C-252/21. Judgment of the Court (Grand Chamber) of 4 July 2023. Meta Platforms Inc and Others v Bundeskartellamt. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Social networks – **Abuse of a dominant position by the operator of such a network** – Abuse which entails the processing of the personal data of the users of that network as provided for in its general terms of use – **Powers of a competition authority of a Member State to find that processing is not consistent with that regulation** – Reconciliation with the powers of the national data protection supervisory authorities – Article 4(3) TEU – Principle of sincere cooperation – Points (a) to (f) of the first subparagraph of Article 6(1) of Regulation 2016/679 – Whether the processing is lawful – Article 9(1) and (2) – Processing of special categories of personal data – Article 4(11) – Concept of ‘consent’.

[EUR-Lex - 62021CJ0252](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-180/22. Judgment of the Court (First Chamber) of 13 July 2023. Finanzamt Hamm v Harry Mensing. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 311 et seq. – Special arrangements for works of art – Margin scheme – Taxable dealers – **Supply of works of art by creators or their successors in title** – Intra-Community transactions – Right to deduct input tax.

[EUR-Lex - 62022CJ0180](#)

Case C-344/22. Judgment of the Court (Tenth Chamber) of 13 July 2023. Gemeinde A v Finanzamt. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(c) – Supply of services for consideration – Bodies governed by public law – **Municipality collecting a spa tax for the provision of spa facilities accessible to everyone.**

[EUR-Lex - 62022CJ0344](#)

Case C-313/22. Judgment of the Court (Eighth Chamber) of 13 July 2023. ACHILLEION Anonymi Xenodocheiaki Etaireia v Elliniko Dimosio. Request for a preliminary ruling from the Elegtikio Synedrio.

Reference for a preliminary ruling – Structural Funds – **European Regional Development Fund (ERDF)** – Co-financing – Regulation (EC) No 1260/1999 – Articles 30(4) and 39(1) – Durability of investment operations – ‘Substantial modification’ of a co-financed investment operation – **Recovery of aid in the event of transfer of the establishment which is the subject of that operation** – Effect of the specific circumstances surrounding that transfer.

[EUR-Lex - 62022CJ0313](#)

Case C-615/21. Judgment of the Court (Fifth Chamber) of 13 July 2023. Napfény-Toll Kft. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Request for a preliminary ruling from the Szegedi Törvényszék.

Reference for a preliminary ruling – **Value added tax (VAT) – National legislation providing for the possibility of suspending, without any temporal limit, the limitation period for action by the tax authorities in the event of court proceedings** – Repeated tax procedures – Regulation No 2988/95 – Scope – Principles of legal certainty and effectiveness of EU law.

[EUR-Lex - 62021CJ0615](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Case C-134/22. Judgment of the Court (Second Chamber) of 13 July 2023. MO v SM acting as liquidator of G GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Collective redundancies – Directive 98/59/EC – Information and consultation – Second subparagraph of Article 2(3) – **Obligation of employer contemplating a collective redundancy to forward to the competent public authority a copy of the information communicated to the workers’ representatives** – Objective – Consequences of a failure to comply with that obligation.

[EUR-Lex - 62022CJ0134](#)

Case C-404/22. Judgment of the Court (Seventh Chamber) of 6 July 2023. Ethnikos Organismos Pistopoiisis Prosonton & Epangelmatikou Prosanatolismou (Eoppep) v Elliniko Dimosio. Request for a preliminary ruling from the Dioikitiko Protodikeio Athinon.

Reference for a preliminary ruling – **Information and consultation of workers** – Directive 2002/14/EC – Scope – Meaning of ‘undertaking carrying out an economic activity’ – Private-law entity operating in the public sector – **Removal of workers appointed to managerial positions** – No prior information or consultation of employee representatives.

[EUR-Lex - 62022CJ0404](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC

[EUR-Lex - 32023R1542](#)

Case Law

Joined Cases C-212/21 P and C-223/21 P. Judgment of the Court (Third Chamber) of 6 July 2023. European Investment Bank and European Commission v ClientEarth.

Appeal – Environment – **Aarhus Convention** – Regulation (EC) No 1367/2006 – Article 2(1)(f) – Concept of ‘environmental law’ – Article 2(1)(g) – Concept of ‘administrative act’ – Article 10(1) – **Internal review of administrative acts – Resolution of the Board of Directors of the European Investment Bank (EIB) approving the financing of a biomass power generation plant** – Rejection of the request for internal review of that resolution as inadmissible – Independence of the EIB in the sphere of its financial operations – Article 271(c) TFEU – Scope.

[EUR-Lex - 62021CJ0212](#)

Case C-166/22. Judgment of the Court (Seventh Chamber) of 6 July 2023. Hellfire Massy Residents Association v An Bord Pleanála and Others. Request for a preliminary ruling from the High Court (Ireland). Reference for a preliminary ruling – Environment – Directive 92/43/EEC – **Conservation of natural habitats and of wild fauna and flora** – Article 12 – System of strict protection for certain animal species – Article 16 – Derogation – Procedure for granting such a derogation – Right of public participation.

[EUR-Lex - 62022CJ0166](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-265/22. Judgment of the Court (Ninth Chamber) of 13 July 2023. ZR and PI v Banco Santander, SA. Request for a preliminary ruling from the Juzgado de Primera Instancia n. 17 de Palma de Mallorca. Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Mortgage loan agreements – Term providing for a variable interest rate – **Reference index based on the annual percentage rates of charge (APRC) of mortgage loans granted by credit institutions** – Index established by a regulatory or administrative act – Information contained in the preamble to that act – Check relating to the requirement of transparency – Assessment of the unfair nature of the term.

[EUR-Lex - 62022CJ0265](#)

Case C-35/22. Judgment of the Court (Fourth Chamber) of 13 July 2023. CAJASUR Banco S.A. v JO and IM. Request for a preliminary ruling from the Audiencia Provincial de Malaga.

Reference for a preliminary ruling – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Article 6(1) – General conditions of a mortgage loan agreement declared null and void by national courts – Legal action – Admission prior to any dispute – **National legislation requiring a consumer to take steps prior to bringing proceedings against the seller or supplier concerned in order to guarantee the award of the costs of legal proceedings** – Principle of sound administration of justice – Right to effective judicial protection.

[EUR-Lex - 62022CJ0035](#)

Case C-765/21. Judgment of the Court (Second Chamber) of 13 July 2023. D. M. v Azienda Ospedale-Università di Padova. Request for a preliminary ruling from the Tribunale ordinario di Padova.

Reference for a preliminary ruling – Public health – **National legislation imposing a vaccination obligation on health professionals – Suspension from duty without pay for personnel refusing the vaccine** – Regulation (EC) No 726/2004 – Medicinal products for human use – Vaccines against COVID-19 – Regulation (EC) No 507/2006 – Validity of conditional marketing authorisations – Regulation (EU) 2021/953 – Prohibition of discrimination between vaccinated and unvaccinated persons – **Inadmissibility.**

[EUR-Lex - 62021CJ0765](#)

Case C-593/22. Judgment of the Court (Eighth Chamber) of 6 July 2023. FS and WU v First Bank SA. Request for a preliminary ruling from the Tribunalul Specializat Cluj.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Scope – Article 1(2) – Exclusion of contractual terms reflecting mandatory statutory or regulatory provisions – **Credit agreement denominated in a foreign currency** – Terms relating to the exchange rate – Presumption of knowledge of the law.

[EUR-Lex - 62022CJ0593](#)

12. Human Rights

Case Law

Case C-107/23 PPU. Judgment of the Court (Grand Chamber) of 24 July 2023. Criminal proceedings against C.I. and Others. Request for a preliminary ruling from the Curtea de Apel Braşov.

Reference for a preliminary ruling – Protection of the financial interests of the European Union – Article 325(1) TFEU – PFI Convention – Article 2(1) – **Obligation to counter fraud affecting the financial interests of the European Union by taking effective deterrent measures** – Obligation to provide for criminal penalties – Value added tax (VAT) – Directive 2006/112/EC – **Serious VAT fraud** – Limitation period for criminal liability – Judgment of a constitutional court invalidating a national provision governing the grounds for interrupting that period – Systemic risk of impunity – Protection of fundamental rights – Article 49(1) of the Charter of Fundamental Rights of the European Union – **Principle that offences and penalties must be defined by law** – Requirements of foreseeability and precision of criminal law – Principle of the retroactive application of the more lenient criminal law (lex mitior) – Principle of legal certainty – National standard of protection of fundamental rights – **Duty on the courts of a Member State to disapply judgments of the constitutional court and/or the supreme court of that Member State in the event that they are incompatible with EU law** – Disciplinary liability of judges in the event of non-compliance with those judgments – Principle of the primacy of EU law.

[EUR-Lex - 62023CJ0107](#)

Joined Cases C-615/20 and C-671/20. Judgment of the Court (Grand Chamber) of 13 July 2023. Criminal proceedings against YP and Others. Requests for a preliminary ruling from the Sąd Okręgowy w Warszawie.

References for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Rule of law – **Effective legal protection in the fields covered by Union law** – Independence of judges – **Primacy of EU law** – Article 4(3) TEU – Duty of sincere cooperation – **Lifting of a judge's immunity from prosecution and his or her suspension from duties ordered by the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Lack of independence and impartiality on the part of that chamber** – Alteration of the composition of the court formation called on to adjudicate on a case which up to that time had been entrusted to that judge – Prohibitions on national courts calling into question the legitimacy of a court, on undermining its functioning or on assessing the legality or effectiveness of the appointment of judges or of their judicial powers, subject to disciplinary penalties – Obligation on the courts concerned and the bodies which have power to designate and modify the composition of court formations to disapply the measures lifting immunity and suspending the judge concerned – Obligation on the same courts and bodies to disapply the national provisions providing for those prohibitions.

[EUR-Lex - 62020CJ0615](#)

Case C-261/22 GN joined party: Procuratore generale presso la Corte di appello di Bologna Opinion of Advocate General Ápeta delivered on 13 July 2023 Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy)

Reference for a preliminary ruling – **European arrest warrant** – Framework Decision 2002/584/JHA – Surrender procedures between Member States – Respect for private and family life – **The rights of the child – Mothers who live with minor children** – Reasons for non-execution or postponement of surrender

[EUR-Lex - 62022CC0261](#)

13. Internal Market and Free Movement

Case Law

Case C-106/22. Judgment of the Court (Second Chamber) of 13 July 2023. Xella Magyarország Építőanyagipari Kft. v Innovációs és Technológiai Miniszter. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Free movement of capital – Freedom of establishment – Regulation (EU) 2019/452 – **Legislation of a Member State establishing a mechanism for filtering foreign investment in resident companies considered to be ‘strategic’** – Decision adopted on the basis of that legislation, prohibiting the acquisition by a resident company of all the shares of another resident company – Acquired company considered to be ‘strategic’ on the ground that its primary activity concerns the extraction of certain raw materials such as gravel, sand and clay – Acquiring company considered to be a ‘foreign investor’ on the ground that it forms part of a group of companies whose ultimate parent company is established in a third country – Harm or risk of harm to a national interest, public security or public order of the Member State – **Objective intended to ensure the security of supply of raw materials to the construction sector, in particular at the local level.**

[EUR-Lex - 62022CJ0106](#)

14. Intellectual Property

Case Law

Case C-426/21. Judgment of the Court (First Chamber) of 13 July 2023. Ocilion IPTV Technologies GmbH v Seven.One Entertainment Group GmbH and Puls 4 TV GmbH & Co. KG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Intellectual property – **Copyright in the information society** – Directive 2001/29/EC – Article 3 – Right of communication to the public – Article 5(2)(b) – **‘Private copying’ exception** – Provider of an Internet Protocol television (IPTV) service – Access to protected content without the rightholders’ consent – Online video recorder – Replay function – De-duplication technique.

[EUR-Lex - 62021CJ0426](#)

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

Community Legislation

Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on supporting ammunition production (ASAP)

[EUR-Lex - 32023R1525](#)

Directive (EU) 2023/1544 of the European Parliament and of the Council of 12 July 2023 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings

[EUR-Lex - 32023L1544](#)

Regulation (EU) 2023/1543 of the European Parliament and of the Council of 12 July 2023 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings

[EUR-Lex - 32023R1543](#)

Case Law

Case C-87/22. Judgment of the Court (Fourth Chamber) of 13 July 2023. TT v AK.

Reference for a preliminary ruling – **Jurisdiction in matters of parental responsibility** – Regulation (EC) No 2201/2003 – Articles 10 and 15 – **Transfer to a court of another Member State better placed to hear the case** – Conditions – Court of the Member State to which the child has been wrongfully removed – **The 1980 Hague Convention** – Best interests of the child.

[EUR-Lex - 62022CJ0087](#)

Case C-261/22 GN joined party: Procuratore generale presso la Corte di appello di Bologna Opinion of Advocate General Ćapeta delivered on 13 July 2023 Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy)

Reference for a preliminary ruling – **European arrest warrant** – Framework Decision 2002/584/JHA – Surrender procedures between Member States – Respect for private and family life – **The rights of the child – Mothers who live with minor children** – Reasons for non-execution or postponement of surrender

[EUR-Lex - 62022CC0261](#)

Case C-142/22. Judgment of the Court (Second Chamber) of 6 July 2023. OE v Minister for Justice and Equality. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – Police and judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 27 – **Prosecution for an offence committed prior to the person's surrender other than that for which he or she was surrendered** – Request for consent sent to the executing judicial authority – European arrest warrant issued by the public prosecutor of a Member State which is not an issuing judicial authority – Consequences for the request for consent.

[EUR-Lex - 62022CJ0142](#)

Case C-8/22. Judgment of the Court (First Chamber) of 6 July 2023. XXX v Commissaire général aux réfugiés et aux apatrides. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Directive 2011/95/EU – Standards for granting refugee status or subsidiary protection status – Article 14(4)(b) – **Revocation of refugee status – Third-country national convicted by a final judgment of a particularly serious crime** – Danger to the community – Proportionality test.

[EUR-Lex - 62022CJ0008](#)

Case C-663/21. Judgment of the Court (First Chamber) of 6 July 2023. Bundesamt für Fremdenwesen und Asyl v AA. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Directive 2011/95/EU – Standards for granting refugee status or subsidiary protection status – Article 14(4)(b) – **Revocation of refugee status – Third-country national convicted by a final judgment of a particularly serious crime** – Danger to the community – Proportionality test – Directive 2008/115/EU – Return of illegally staying third-country nationals – Postponement of removal.

[EUR-Lex - 62021CJ0663](#)

Case C-462/22. Judgment of the Court (Fourth Chamber) of 6 July 2023. BM v LO. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – **Jurisdiction, recognition and enforcement of judgments in matrimonial matters** – Regulation (EC) No 2201/2003 – Sixth indent of Article 3(1)(a) – Forum actoris – Condition – **Habitual residence of the applicant in the Member State of the court seised for the entire period immediately before the application was made.**

[EUR-Lex - 62022CJ0462](#)

16. Transport

Case Law

Case C-510/21. Judgment of the Court (Third Chamber) of 6 July 2023. DB v Austrian Airlines AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Air transport – Montreal Convention – Article 17(1) – **Liability of air carriers for death or injury sustained by passengers** – Concept of ‘accident’ – **Bodily injuries aggravated by first aid administered following an accident that took place on board an aircraft.**

[EUR-Lex - 62021CJ0510](#)

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

Case Law

Case C-107/23 PPU. Judgment of the Court (Grand Chamber) of 24 July 2023. Criminal proceedings against C.I. and Others. Request for a preliminary ruling from the Curtea de Apel Braşov.

Reference for a preliminary ruling – Protection of the financial interests of the European Union – Article 325(1) TFEU – PFI Convention – Article 2(1) – **Obligation to counter fraud affecting the financial interests of the European Union by taking effective deterrent measures** – Obligation to provide for criminal penalties – Value added tax (VAT) – Directive 2006/112/EC – **Serious VAT fraud** – Limitation period for criminal liability – Judgment of a constitutional court invalidating a national provision governing the grounds for interrupting that period – Systemic risk of impunity – Protection of fundamental rights – Article 49(1) of the Charter of Fundamental Rights of the European Union – **Principle that offences and penalties must be defined by law** – Requirements of foreseeability and precision of criminal law – Principle of the retroactive application of the more lenient criminal law (lex mitior) – Principle of legal certainty – National standard of protection of fundamental rights – **Duty on the courts of a Member State to disapply judgments of the constitutional court and/or the supreme court of that Member State in the event that they are incompatible with EU law** – Disciplinary liability of judges in the event of non-compliance with those judgments – Principle of the primacy of EU law.

[EUR-Lex - 62023CJ0107](#)

Joined Cases C-615/20 and C-671/20. Judgment of the Court (Grand Chamber) of 13 July 2023. Criminal proceedings against YP and Others. Requests for a preliminary ruling from the Sąd Okręgowy w Warszawie.

References for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Rule of law – **Effective legal protection in the fields covered by Union law** – Independence of judges – **Primacy of EU law** – Article 4(3) TEU – Duty of sincere cooperation – **Lifting of a judge’s immunity from prosecution and his or her suspension from duties ordered by the Izba Dyscyplinarna (Disciplinary Chamber) of the Sąd Najwyższy (Supreme Court, Poland) – Lack of independence and impartiality on the part of that chamber** – Alteration of the composition of the court formation called on to adjudicate on a case which up to that time had been entrusted to that judge – Prohibitions on national courts calling into question the legitimacy of a court, on undermining its functioning or on assessing the legality or effectiveness of the appointment of judges or of their judicial powers, subject to disciplinary penalties – Obligation on the courts concerned and the bodies which have power to designate and modify the composition of court formations to disapply the measures lifting immunity and suspending the judge concerned – Obligation on the same courts and bodies to disapply the national provisions providing for those prohibitions.

[EUR-Lex - 62020CJ0615](#)

Joined Cases C-363/21 and C-364/21. Judgment of the Court (First Chamber) of 13 July 2023. Ferrovienord SpA and Federazione Italiana Triathlon v Istituto Nazionale di Statistica - ISTAT and Ministero dell'Economia e delle Finanze. Requests for a preliminary ruling from the Corte dei Conti.

References for a preliminary ruling – Second paragraph of Article 19(1) TEU – **Obligation on Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by EU law** – Economic policy – Regulation (EU) No 549/2013 – European system of national and regional accounts in the European Union (ESA) – Directive 2011/85/EU – Requirements for budgetary frameworks of the Member States – **National legislation limiting the jurisdiction of the audit court** – Principles of effectiveness and equivalence – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62021CJ0363](#)

Joined Cases C-212/21 P and C-223/21 P. Judgment of the Court (Third Chamber) of 6 July 2023. European Investment Bank and European Commission v ClientEarth.

Appeal – Environment – **Aarhus Convention** – Regulation (EC) No 1367/2006 – Article 2(1)(f) – Concept of ‘environmental law’ – Article 2(1)(g) – Concept of ‘administrative act’ – Article 10(1) – **Internal review of administrative acts – Resolution of the Board of Directors of the European Investment Bank (EIB) approving the financing of a biomass power generation plant** – Rejection of the request for internal review of that resolution as inadmissible – Independence of the EIB in the sphere of its financial operations – Article 271(c) TFEU – Scope.

[EUR-Lex - 62021CJ0212](#)

Affaire T-115/20. Arrêt du Tribunal (sixième chambre élargie) du 5 juillet 2023. Carles Puigdemont i Casamajó et Antoni Comín i Oliveres contre Parlement européen.

Recours en annulation – Droit institutionnel – Membre du Parlement – **Refus du président du Parlement de donner suite à une demande visant à défendre des privilèges et immunités** – Acte non susceptible de recours – Irrecevabilité.

[EUR-Lex - 62020TJ0115](#)