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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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[EUR-Lex - 62022CJ0147](#)

Case C-21/22. Judgment of the Court (Third Chamber) of 12 October 2023. OP v Notariusz Justyna Gawlica. Request for a preliminary ruling from the Sąd Okręgowy w Opolu.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **National law applicable in matters of succession** – **Regulation (EU) No 650/2012** – Article 22 – Choice-of-law clause – Scope *ratione personae* – Third-country national – Article 75 – Relationship with existing international conventions – **Bilateral agreement between the Republic of Poland and Ukraine.**

[EUR-Lex - 62022CJ0021](#)

Case C-312/22. Judgment of the Court (Sixth Chamber) of 12 October 2023. FL v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Article 56 EC – Free movement of capital – Personal income tax – **Taxation of interest income from bonds and debt instruments** – Interest due and paid by entities not resident in the national territory – Difference in treatment according to the place of establishment of the issuing entity and the paying entity for the interest concerned – **Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Directive 2003/48/EC** – Article 2(4) – **Taxation of savings income in the form of interest payments from a Swiss source** – Obligation to apply the same tax rates as those applied to similar domestic income.

[EUR-Lex - 62022CJ0312](#)

1. EU-Swiss Relations

Community Legislation

INFORMATION NOTICE – PUBLIC CONSULTATION – Names from Switzerland to be protected as Geographical Indications in the European Union

[EUR-Lex - 52023XC00546](#)

Case Law

Case C-312/22. Judgment of the Court (Sixth Chamber) of 12 October 2023. FL v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Article 56 EC – Free movement of capital – Personal income tax – **Taxation of interest income from bonds and debt instruments** – Interest due and paid by entities not resident in the national territory – Difference in treatment according to the place of establishment of the issuing entity and the paying entity for the interest concerned – **Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Directive 2003/48/EC** – Article 2(4) – **Taxation of savings income in the form of interest payments from a Swiss source** – Obligation to apply the same tax rates as those applied to similar domestic income.

[EUR-Lex - 62022CJ0312](#)

Commission Decision of 12/10/2023 declaring a concentration to be compatible with the common market (Case No COMP/M.11276 - SWISS LIFE / SGC / EAST LONDON ENERGY / EQUANS DE HOLDING COMPANY / IESL ASSETS / JV) according to Council Regulation (EC) No 139/2004

[EUR-Lex - 32023M11276](#)

Affaire C-458/23 P. Ordonnance de la Cour du 11 octobre 2023. Emmentaler Switzerland contre Office de l'Union européenne pour la propriété intellectuelle.

Pourvoi – Marque de l'Union européenne – Admission des pourvois – Article 170 ter du règlement de procédure de la Cour – Demande ne démontrant pas l'importance d'une question pour l'unité, la cohérence ou le développement du droit de l'Union – **Non-admission du pourvoi.**

[EUR-Lex - 62023CO0458](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2023/2287 of 23 October 2023 concerning restrictive measures in view of the situation in Niger

[EUR-Lex - 32023D2287](#)

Council Decision (CFSP) 2023/2135 of 9 October 2023 concerning restrictive measures in view of activities undermining the stability and political transition of Sudan

[EUR-Lex - 32023D2135](#)

3. Agriculture and Fisheries / Maritime Affairs

Nothing to report for the period under review.

4. Audiovisual and Media and Information Society

Community Legislation

Directive (EU) 2023/2123 of the European Parliament and of the Council of 4 October 2023 amending Council Decision 2005/671/JHA as regards its alignment with Union rules on the protection of personal data
[EUR-Lex - 32023L2123](#)

Case Law

Case C-307/22. Judgment of the Court (First Chamber) of 26 October 2023. FT v DW. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Processing of personal data – Regulation (EU) 2016/679 – Articles 12, 15 and 23 – **Data subject's right of access to his or her data undergoing processing** – Right to obtain a first copy of those data free of charge – **Processing of a patient's data by his or her medical practitioner** – Medical records – Reasons for the request for access – Use of data for the purpose of triggering the liability of the person providing treatment – Concept of 'copy'.

[EUR-Lex - 62022CJ0307](#)

Case C-659/22. Judgment of the Court (Eighth Chamber) of 5 October 2023. RK v Ministerstvo zdravotnictví. Request for a preliminary ruling from the Nejvyšší správní soud.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 4(2) – **Concept of 'processing' of personal data** – Mobile application – **Verification of the validity of 'EU Digital COVID Certificates' issued pursuant to Regulation (EU) 2021/953.**

[EUR-Lex - 62022CJ0659](#)

5. Competition and State Aid

Case Law

Case C-325/22. Judgment of the Court (Fourth Chamber) of 19 October 2023. TS and HI v Ministar na zemedelieto, hranite i gorite. Request for a preliminary ruling from the Administrativen sad - Varna.

Reference for a preliminary ruling – Aid granted by Member States – Article 107(1) TFEU – **Concept of an 'undertaking'** – Regulation (EU) 2015/1589 – Recovery of unlawful aid – Decision (EU) 2015/456 – **Swaps of forest land – Determining the 'market value'.**

[EUR-Lex - 62022CJ0325](#)

Case C-331/21. Judgment of the Court (Third Chamber) of 26 October 2023. Autoridade da Concorrência and Others v Ministério Público. Request for a preliminary ruling from the Tribunal da Relação de Lisboa.

Reference for a preliminary ruling – Article 101 TFEU – Agreements, decisions and concerted practices – Prohibition of agreements, decisions and concerted practices – Agreements between undertakings – Distinction between a vertical and a horizontal agreement – Potential competition – **Restriction of competition by object or by effect** – **Agreement between a supplier of electricity and a retailer of consumer products operating hypermarkets and supermarkets** – Non-compete clause – Regulation (EU) No 330/2010 – Agency contract – Liberalisation of the market for the supply of electricity.

[EUR-Lex - 62021CJ0331](#)

Case C-11/22. Judgment of the Court (First Chamber) of 12 October 2023. Est Wind Power OÜ v AS Elering. Request for a preliminary ruling from the Tallinna Halduskohus.

Reference for a preliminary ruling – **Aid granted by Member States** – Renewable energy subsidy – **Construction of a wind farm** – Communication from the Commission entitled ‘Guidelines on State aid for environmental protection and energy 2014-2020’ – Paragraph 19(44) and footnote 66 – Concepts of ‘start of works’, ‘construction works on the investment’, ‘other commitment that makes the investment irreversible’ and ‘necessary state authorisation for constructing the project’ – Type and intensity of the scrutiny that must be conducted by the competent national authority.

[EUR-Lex - 62022CJ0011](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Council Directive (EU) 2023/2226 of 17 October 2023 amending Directive 2011/16/EU on **administrative cooperation in the field of taxation**

[EUR-Lex - 32023L2226](#)

Case Law

Case C-249/22. Judgment of the Court (Fifth Chamber) of 26 October 2023. BM v Gebühren Info Service GmbH (GIS). Request for a preliminary ruling from the Verwaltungsgerichtshof.

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 – Concept – **Activities of a public radio and television body financed by a compulsory fee paid by persons in possession of a radio and television receiver in the terrestrial broadcasting area** – Article 378(1) and point 2 of Part A of Annex X – Act of accession of the Republic of Austria – Derogation – Scope.

[EUR-Lex - 62022CJ0249](#)

Joined Cases C-207/22, C-267/22 and C-290/22. Judgment of the Court (First Chamber) of 26 October 2023. Lineas - Concessões de Transportes SGPS, S.A. and Others v Autoridade Tributária e Aduaneira. Requests for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD) and Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Economic and monetary policy – **Supervision of the European Union’s financial sector** – Directive 2013/36/EU – Regulation (EU) No 575/2013 – Financial institution – Concept – **Undertaking whose activity is the acquisition of holdings.**

[EUR-Lex - 62022CJ0207](#)

Case C-355/22. Judgment of the Court (Sixth Chamber) of 5 October 2023. BV Osteopathie Van Hauwermeiren v Belgische Staat. Request for a preliminary ruling from the Rechtbank van eerste aanleg Oost-Vlaanderen Afdeling Gent.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – **Maintenance of the effects of national legislation incompatible with EU law.**

[EUR-Lex - 62022CJ0355](#)

Case C-505/22. Judgment of the Court (Seventh Chamber) of 5 October 2023. Deco Proteste - Editores Lda v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD).

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Taxable transactions – Article 2(1)(a) – Supply of goods for consideration – Free supply of a tablet or smartphone in exchange for a new subscription to a magazine – Concept of ‘single supply’ – Criteria – Second paragraph of Article 16 – **Application of goods for business use as gifts of small value.**

[EUR-Lex - 62022CJ0505](#)

Case C-146/22. Judgment of the Court (Eighth Chamber) of 5 October 2023. YD v Dyrektor Krajowej Informacji Skarbowej. Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 98(2) – **Discretionary power of the Member States to apply a reduced rate to certain supplies of goods and services** – Points 1 and 12a of Annex III – Similar foodstuffs prepared from the same main ingredient – Hot beverages prepared on the basis of milk – Application of different reduced VAT rates – Goods with the same objective characteristics and properties – Goods accompanied by preparation and serving services on the part of the supplier or not accompanied by such services.

[EUR-Lex - 62022CJ0146](#)

Affaire C-279/22. Arrêt de la Cour (sixième chambre) du 5 octobre 2023. CH contre Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Demande de décision préjudicielle, introduite par la Fővárosi Törvényszék.

Renvoi préjudiciel – Directive 2013/34/UE – **États financiers annuels, états financiers consolidés et rapports y afférents de certaines formes d’entreprises** – Champ d’application – **Fonds d’une société utilisés par un employé de cette dernière** – Détermination de la base imposable des revenus de cet employé incluant ces fonds.

[EUR-Lex - 62022CJ0279](#)

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-660/20. Judgment of the Court (First Chamber) of 19 October 2023. MK v Lufthansa CityLine GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Part-time work – Directive 97/81/EC – Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC – Clause 4.1 – **Principle of non-discrimination of part-time workers** – Principle pro rata temporis – Pilots – Remuneration for additional flying duty hours – **Identical trigger thresholds for full-time and part-time pilots** – Difference in treatment.

[EUR-Lex - 62020CJ0660](#)

Case C-45/22. Judgment of the Court (Seventh Chamber) of 12 October 2023. HK v Service fédéral des Pensions (SFP). Request for a preliminary ruling from the Tribunal du travail francophone de Bruxelles.

Reference for a preliminary ruling – **Social security for migrant workers** – Regulation (EC) No 883/2004 – Article 55(1)(a) – Overlapping of benefits of a different kind – Application of national rules against overlapping – Calculation of the survivors’ pension – Division of the amounts of the benefit or benefits or other income, as taken into account, by the number of benefits – Concept of ‘amounts as they have been taken into account’.

[EUR-Lex - 62022CJ0045](#)

Case C-57/22. Judgment of the Court (Sixth Chamber) of 12 October 2023. YQ v Ředitelství silnic a dálnic ČR. Request for a preliminary ruling from the Nejvyšší soud.

Reference for a preliminary ruling – Social policy – Protection of the safety and health of workers – Organisation of working time – Directive 2003/88/EC – Article 7(1) – Right to paid annual leave – **Worker unlawfully dismissed and then reinstated in his or her employment by decision of a court – Exclusion from the right to paid annual leave not taken for the period between the dismissal and the reinstatement** – Period between the date of dismissal and the date of the reinstatement.

[EUR-Lex - 62022CJ0057](#)

Case C-496/22. Judgment of the Court (Seventh Chamber) of 5 October 2023. EI v S.C. Brink's Cash Solutions S.R.L. Request for a preliminary ruling from the Curtea de Apel București.

Reference for a preliminary ruling – Social policy – Approximation of the laws of the Member States relating to collective redundancies – Directive 98/59/EC – The first subparagraph of Article 1(1)(b) and Article 6 – **Procedure for informing and consulting workers in the event of projected collective redundancies** – No workers' representatives appointed – National legislation allowing an employer not to inform and consult the workers concerned individually.

[EUR-Lex - 62022CJ0496](#)

10. Energy and Environment

Community Legislation

Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

[EUR-Lex - 32023L2413](#)

Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation)

[EUR-Lex - 32023R2405](#)

Case Law

Case C-11/22. Judgment of the Court (First Chamber) of 12 October 2023. Est Wind Power OÜ v AS Elering. Request for a preliminary ruling from the Tallinna Halduskohus.

Reference for a preliminary ruling – **Aid granted by Member States** – Renewable energy subsidy – **Construction of a wind farm** – Communication from the Commission entitled 'Guidelines on State aid for environmental protection and energy 2014-2020' – Paragraph 19(44) and footnote 66 – Concepts of 'start of works', 'construction works on the investment', 'other commitment that makes the investment irreversible' and 'necessary state authorisation for constructing the project' – Type and intensity of the scrutiny that must be conducted by the competent national authority.

[EUR-Lex - 62022CJ0011](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Directive (EU) 2023/2225 of the European Parliament and of the Council of 18 October 2023 on credit agreements for consumers and repealing Directive 2008/48/EC

[EUR-Lex - 32023L2225](#)

Case Law

Case C-238/22. Judgment of the Court (Eighth Chamber) of 26 October 2023. FW v LATAM Airlines Group SA. Request for a preliminary ruling from the Landgericht Frankfurt am Main.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 2(j) – Article 3 – Article 4(3) – **Compensation of air passengers in the event of denied boarding – Passenger informed in advance that boarding would be denied** – No obligation for the passenger to present him or herself for boarding – Article 5(1)(c) – Exceptions to the right to compensation in the event of a flight cancellation – Inapplicability of those exceptions in the event of a pre-emptive denial of boarding.

[EUR-Lex - 62022CJ0238](#)

Case C-591/22. Judgment of the Court (Seventh Chamber) of 19 October 2023. L. VOF v Minister van Landbouw, Natuur en Voedselkwaliteit. Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven.

Reference for a preliminary ruling – **Hygiene of foodstuffs** – Reduction of salmonella in breeding flocks of Gallus gallus – Regulation (EU) No 200/2010 – Annex – Point 2.2.2.2(c) – Routine sampling – Positive result – Confirmatory sampling – Exceptional cases – Doubt as to the results – Scope.

[EUR-Lex - 62022CJ0591](#)

Case C-645/22. Judgment of the Court (Ninth Chamber) of 12 October 2023. R. A. and Others v „Luminor Bank AS“, agissant par intermédiaire de „Luminor Bank AS“ Lietuvos skyrius. Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas.

Reference for a preliminary ruling – Unfair terms in consumer contracts – Directive 93/13/EEC – Effects of a term being found to be unfair – **Intention of a consumer to preserve a contract by amending the terms found to be unfair** – Powers of the national court.

[EUR-Lex - 62022CJ0645](#)

Case C-326/22. Judgment of the Court (Tenth Chamber) of 12 October 2023. Z. sp. z o.o. v A. S.A. Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie.

Reference for a preliminary ruling – Consumer protection – Credit agreements for consumers – Directive 2008/48/EC – Article 16(1) – Contractual rights and obligations – **Early repayment – Reduction in the total cost of the credit for consumers** – Loss of a copy of the agreement – Right to obtain a duplicate of the agreement from the creditor.

[EUR-Lex - 62022CJ0326](#)

Case C-565/22. Judgment of the Court (Seventh Chamber) of 5 October 2023. Verein für Konsumenteninformation v Sofatutor GmbH. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Consumer protection – Directive 2011/83/EU – Consumer rights – **Subscription of a consumer to an online learning platform – Automatic extension of the contract** – Right of withdrawal.

[EUR-Lex - 62022CJ0565](#)

12. Human Rights

Case Law

Case C-147/22. Judgment of the Court (Second Chamber) of 19 October 2023. Criminal proceedings against Terhelt5. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Principle ne bis in idem – Admissibility of criminal prosecution for corruption of an accused person in one Member State after the closure of the criminal proceedings brought against him in respect of the same acts by the public prosecutor's office of another Member State** – Conditions which must be satisfied in order for the accused person's trial to be regarded as having been finally disposed of – Condition of an assessment of the merits of the case – Requirement for a detailed investigation – No questioning of the accused person.

[EUR-Lex - 62022CJ0147](#)

Case C-655/21. Judgment of the Court (Fourth Chamber) of 19 October 2023. Criminal proceedings against G. ST. T. Request for a preliminary ruling from the Rayonen sad - Nesebar.

Reference for a preliminary ruling – Enforcement of intellectual property rights – Directive 2004/48/EC – Article 13 – Criminal procedure – Scope – **Harm suffered by the trade mark proprietor as a constituent element of the offence** – Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) – Article 61 – Charter of Fundamental Rights of the European Union – Article 51(1) – Implementation of EU law – Powers – Article 49(1) and (3) – **Legality and proportionality of penalties.**

[EUR-Lex - 62021CJ0655](#)

Case C-726/21. Judgment of the Court (First Chamber) of 12 October 2023. Criminal proceedings against GR and Others. Request for a preliminary ruling from the Županijski sud u Puli-Pola.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Principle ne bis in idem** – Assessment in the light of the facts contained in the grounds of the judgment – Assessment in the light of the facts examined in the context of a preliminary investigation and omitted from the indictment – **Meaning of ‘the same acts’.**

[EUR-Lex - 62021CJ0726](#)

13. Internal Market and Free Movement

Case Law

Case C-312/22. Judgment of the Court (Sixth Chamber) of 12 October 2023. FL v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Article 56 EC – Free movement of capital – Personal income tax – **Taxation of interest income from bonds and debt instruments** – Interest due and paid by entities not resident in the national territory – Difference in treatment according to the place of establishment of the issuing entity and the paying entity for the interest concerned – **Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Directive 2003/48/EC** – Article 2(4) – **Taxation of savings income in the form of interest payments from a Swiss source** – Obligation to apply the same tax rates as those applied to similar domestic income.

[EUR-Lex - 62022CJ0312](#)

Case C-670/21. Judgment of the Court (First Chamber) of 12 October 2023. BA v Finanzamt X. Request for a preliminary ruling from the Finanzgericht Köln.

Reference for a preliminary ruling – Taxation – Free movement of capital – Articles 63 to 65 TFEU – Inheritance tax – Movement of capital between Member States and third countries – **Immovable property located in a third country – More favourable tax treatment for immovable property located in a Member State or in a State which is party to the Agreement on the European Economic Area** – Restriction – Justification – Housing policy – Effectiveness of fiscal supervision.

[EUR-Lex - 62021CJ0670](#)

Case C-296/22. Judgment of the Court (Eighth Chamber) of 5 October 2023. A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA. Request for a preliminary ruling from the Landgericht Köln.

Reference for a preliminary ruling – Regulation (EU) 2018/858 – **Approval and market surveillance for vehicle repair and maintenance information services of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles** – Article 61(1) and (4) – Point 2.9 of Annex X – Motor vehicle on-board diagnostic (OBD) information – Unrestricted, standardised and non-discriminatory access – Manufacturers’ obligations – Rights of independent operators.

[EUR-Lex - 62022CJ0296](#)

14. Intellectual Property

Community Legislation

Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753

[EUR-Lex - 32023R2411](#)

Case Law

Case C-655/21. Judgment of the Court (Fourth Chamber) of 19 October 2023. Criminal proceedings against G. ST. T. Request for a preliminary ruling from the Rayonen sad - Nesebar.

Reference for a preliminary ruling – Enforcement of intellectual property rights – Directive 2004/48/EC – Article 13 – Criminal procedure – Scope – **Harm suffered by the trade mark proprietor as a constituent element of the offence** – Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) – Article 61 – Charter of Fundamental Rights of the European Union – Article 51(1) – Implementation of EU law – Powers – Article 49(1) and (3) – **Legality and proportionality of penalties.**

[EUR-Lex - 62021CJ0655](#)

Affaire C-458/23 P. Ordonnance de la Cour du 11 octobre 2023. Emmentaler Switzerland contre Office de l'Union européenne pour la propriété intellectuelle.

Pourvoi – Marque de l'Union européenne – Admission des pourvois – Article 170 ter du règlement de procédure de la Cour – Demande ne démontrant pas l'importance d'une question pour l'unité, la cohérence ou le développement du droit de l'Union – **Non-admission du pourvoi.**

[EUR-Lex - 62023CO0458](#)

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

Community Legislation

Regulation (EU) 2023/2418 of the European Parliament and of the Council of 18 October 2023 on establishing an instrument for the reinforcement of the European defence industry through common procurement (EDIRPA)

[EUR-Lex - 32023R2418](#)

Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023 amending Regulation (EU) 2018/1727 of the European Parliament and of the Council and Council Decision 2005/671/JHA, as regards digital information exchange in terrorism cases

[EUR-Lex - 32023R2131](#)

Case Law

Case C-21/22. Judgment of the Court (Third Chamber) of 12 October 2023. OP v Notariusz Justyna Gawlica. Request for a preliminary ruling from the Sąd Okręgowy w Opolu.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **National law applicable in matters of succession** – **Regulation (EU) No 650/2012** – Article 22 – Choice-of-law clause – Scope ratione personae – Third-country national – Article 75 – Relationship with existing international conventions – **Bilateral agreement between the Republic of Poland and Ukraine.**

[EUR-Lex - 62022CJ0021](#)

Case C-726/21. Judgment of the Court (First Chamber) of 12 October 2023. Criminal proceedings against GR and Others. Request for a preliminary ruling from the Županijski sud u Puli-Pola.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Principle ne bis in idem** – Assessment in the light of the facts contained in the grounds of the judgment – Assessment in the light of the facts examined in the context of a preliminary investigation and omitted from the indictment – **Meaning of ‘the same acts’**.

[EUR-Lex - 62021CJ0726](#)

Case C-219/22. Judgment of the Court (Fourth Chamber) of 5 October 2023. Criminal proceedings against QS. Request for a preliminary ruling from the Rayonen sad - Nesebar.

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – Framework Decision 2008/675/JHA – Taking account of convictions in the Member States in the course of new criminal proceedings – Article 1(1) – Scope – Article 3(1), (3) and (4) – **Obligation to recognise the effects of previous convictions handed down in other Member States as equivalent to those attached to national convictions** – Conditions – Imposition of a custodial sentence accompanied by a probationary suspension – New offence committed during the period of suspension – Revocation of suspension and effective execution of the custodial sentence – Interference with the previous conviction and any decision relating to its execution – Framework Decision 2008/947/JHA – Article 14(1) – Recognition of convictions with a view to the supervision of probation measures and the possible revocation of the suspension of execution.

[EUR-Lex - 62022CJ0219](#)

Case C-294/22. Judgment of the Court (Fourth Chamber) of 5 October 2023. Office français de protection des réfugiés et apatrides, OFPRA v SW. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Common policy on asylum and subsidiary protection – Directive 2011/95/EU – Article 12 – **Exclusion from being a refugee – Person registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)** – Conditions for that person to be entitled ipso facto to the benefits of Directive 2011/95 – Cessation of UNRWA protection or assistance – Failure to provide medical care – Conditions.

[EUR-Lex - 62022CJ0294](#)

16. Transport

Community Legislation

Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation)

[EUR-Lex - 32023R2405](#)

Case Law

Case C-238/22. Judgment of the Court (Eighth Chamber) of 26 October 2023. FW v LATAM Airlines Group SA. Request for a preliminary ruling from the Landgericht Frankfurt am Main.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 2(j) – Article 3 – Article 4(3) – **Compensation of air passengers in the event of denied boarding – Passenger informed in advance that boarding would be denied** – No obligation for the passenger to present him or herself for boarding – Article 5(1)(c) – Exceptions to the right to compensation in the event of a flight cancellation – Inapplicability of those exceptions in the event of a pre-emptive denial of boarding.

[EUR-Lex - 62022CJ0238](#)

Case C-186/22. Judgment of the Court (Fifth Chamber) of 19 October 2023. Sad Trasporto Locale SpA v Provincia autonoma di Bolzano. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Transport – Regulation (EC) No 1370/2007 – Public passenger transport services by rail and by road – Scope – Article 1(2) – Cableway installations – **Direct award of a transport public service contract by a competent local authority to an internal operator** – Transfer of the operating risk – Public service compensation.

[EUR-Lex - 62022CJ0186](#)

Case C-286/22. Judgment of the Court (Fifth Chamber) of 12 October 2023. KBC Verzekeringen NV v P&V Verzekeringen CVBA. Request for a preliminary ruling from the Hof van Cassatie.

Reference for a preliminary ruling – **Insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Point 1 of Article 1 – **Concept of a ‘vehicle’** – National legislation providing for the automatic compensation of certain road users who are the victims of a road accident – Person not driving a ‘motor vehicle’ within the meaning of that legislation – Concept equivalent to that of ‘vehicle’ within the meaning of Directive 2009/103 – **Bicycle equipped with an electric motor providing pedal assistance, equipped with a boost function which can be activated only after the use of muscular power.**

[EUR-Lex - 62022CJ0286](#)

Case C-296/22. Judgment of the Court (Eighth Chamber) of 5 October 2023. A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA. Request for a preliminary ruling from the Landgericht Köln.

Reference for a preliminary ruling – Regulation (EU) 2018/858 – **Approval and market surveillance for vehicle repair and maintenance information services of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles** – Article 61(1) and (4) – Point 2.9 of Annex X – Motor vehicle on-board diagnostic (OBD) information – Unrestricted, standardised and non-discriminatory access – Manufacturers’ obligations – Rights of independent operators.

[EUR-Lex - 62022CJ0296](#)

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

Case Law

Case C-355/22. Judgment of the Court (Sixth Chamber) of 5 October 2023. BV Osteopathie Van Hauwermeiren v Belgische Staat. Request for a preliminary ruling from the Rechtbank van eerste aanleg Oost-Vlaanderen Afdeling Gent.

Reference for a preliminary ruling – Taxation – Common system of value added tax (VAT) – Directive 2006/112/EC – **Maintenance of the effects of national legislation incompatible with EU law.**

[EUR-Lex - 62022CJ0355](#)