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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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## Highlights

**Case C-118/22. Judgment of the Court (Grand Chamber) of 30 January 2024. NG v Direktor na Glavna direksia „Natsionalna politisia“ pri MVR - Sofia. Request for a preliminary ruling from the Varhoven administrativen sad.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data for the purpose of combating crime** – Directive (EU) 2016/680 – Article 4(1)(c) and (e) – Data minimisation – Limitation of storage – Article 5 – Appropriate time limits for erasure or for a periodic review of the need for the storage – Article 10 – **Processing of biometric and genetic data** – Strict necessity – Article 16(2) and (3) – **Right to erasure** – Restriction of processing – Article 52(1) of the Charter of Fundamental Rights of the European Union – Natural person convicted by final judgment and subsequently legally rehabilitated – Storage of data until death – No right to erasure or restriction of processing – Proportionality.

[EUR-Lex - 62022CJ0118](#)

**Case C-451/22. Judgment of the Court (Second Chamber) of 18 January 2024. RTL Nederland BV v Minister van Infrastructuur. Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – Aviation transport – Regulation (EU) No 376/2014 – Follow-up of occurrences endangering aviation safety – Article 15 – Confidentiality of details relating to those occurrences – Scope of that confidentiality – Charter of Fundamental Rights of the European Union – Article 11 – **Freedom of expression and of information** – Freedom of the media – **Request for disclosure of information on the downing of an aircraft flying over eastern Ukraine, made by undertakings operating in the media sector** – Article 52(1) – Limitation.

[EUR-Lex - 62022CJ0451](#)

**Case C-621/21. Judgment of the Court (Grand Chamber) of 16 January 2024. WS v Intervjuirashat organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet. Request for a preliminary ruling from the Administrativen sad Sofia-grad.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – **Qualification for refugee status** – Article 2(d) – Reasons for persecution – **'Membership of a particular social group'** – Article 10(1)(d) – Acts of persecution – Article 9(1) and (2) – Link between the reasons for and acts of persecution or between the reasons for persecution and the absence of protection against such acts – Article 9(3) – Non-State actors – Article 6(c) – Qualification for subsidiary protection – Article 2(f) – 'Serious harm' – Article 15(a) and (b) – Assessment of applications for international protection for the purpose of granting refugee status or subsidiary protection status – Article 4 – **Gender-based violence against women** – Domestic violence – Threat of 'honour killing'.

[EUR-Lex - 62021CJ0621](#)

## 1. EU-Swiss Relations

### Community Legislation

**Decision No 1/2024 of the EU–Switzerland Joint Committee of 12 January 2024 amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as amended [2024/361]**

[EUR-Lex - 22024D0361](#)

**Recommendation for a COUNCIL DECISION to authorise the Commission to open negotiations for the amendment of the five agreements on the automatic exchange of financial account information to improve international tax compliance between the European Union and, respectively, the Swiss Confederation, the Principality of Liechtenstein, the Principality of Andorra, the Principality of Monaco and the Republic of San Marino COM/2024/11 final**

[EUR-Lex - 52024PC0011](#)

**Council Decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania notification from Switzerland**

[EUR-Lex - ST 5865 2024 INIT](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Regulation (EU) 2024/386 of 19 January 2024 establishing restrictive measures against those who support, facilitate or enable violent actions by Hamas and the Palestinian Islamic Jihad**

[Regulation - EU - 2024/386](#)

**Council Regulation (EU) 2024/287 of 12 January 2024 concerning restrictive measures in view of the situation in Guatemala**

[Regulation - EU - 2024/287](#)

**Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, on a Framework Agreement between the European Union and the Arab Republic of Egypt on the general principles for the participation of the Arab Republic of Egypt in Union programmes**

[EUR-Lex - 22024A00409](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-656/22. Judgment of the Court (Eighth Chamber) of 18 January 2024. Askos Properties EOOD v Zamestnik izpalnitelen direktor na Darzhaven fond „Zemedelie“. Request for a preliminary ruling from the Varhoven administrativen sad.**

Reference for a preliminary ruling – Agriculture – Common agricultural policy (CAP) – European Agricultural Fund for Rural Development (EAFRD) – **Rural development support measures** – Regulation (EC) No 1974/2006 – Lease or letting agreement – **Lease agreement concluded between a municipal authority and an aid beneficiary** – Commitments over five years – Termination of the lease agreement further to a legislative amendment – Obligation to reimburse the aid received in part or in full – Not possible to adapt those commitments to a new situation for the holding – Definition of ‘force majeure’ and ‘exceptional circumstances’ – Definition of ‘expropriation of the holding’.

[EUR-Lex - 62022CJ0656](#)

**Case C-330/22. Judgment of the Court (Fifth Chamber) of 11 January 2024. Friends of the Irish Environment CLG v Minister for Agriculture Food and the Marine and Others. Request for a preliminary ruling from the High Court (Irlande).**

Reference for a preliminary ruling – Common fisheries policy – Conservation of resources – **Total allowable catches (TACs) applicable to stocks of cod in the West of Scotland and the Celtic Sea, whiting in the Irish Sea and plaice in the Celtic Sea South** – Regulation (EU) 2020/123 – Annex IA – TACs above zero – Expiry of the period of application – Assessment of validity – Regulation (EU) No 1380/2013 – Article 2(2), second subparagraph – Objective of achieving a maximum sustainable yield (MSY) exploitation rate at the latest by 2020 for all stocks – Articles 2, 3, 9, 10, 15 and 16 – Socioeconomic and employment objectives – Best available scientific advice – Landing obligation – Mixed fisheries – ‘Choke species’ – Regulation (EU) 2019/472 – Articles 1 to 5, 8 and 10 – Target stocks – By-catches – Remedial measures – Discretion.

[EUR-Lex - 62022CJ0330](#)

#### 4. Audiovisual and Media and Information Society

##### Case Law

**Case C-118/22. Judgment of the Court (Grand Chamber) of 30 January 2024. NG v Direktor na Glavna direksia „Natsionalna politsia“ pri MVR - Sofia. Request for a preliminary ruling from the Varhoven administrativen sad.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data for the purpose of combating crime** – Directive (EU) 2016/680 – Article 4(1)(c) and (e) – Data minimisation – Limitation of storage – Article 5 – Appropriate time limits for erasure or for a periodic review of the need for the storage – Article 10 – **Processing of biometric and genetic data** – Strict necessity – Article 16(2) and (3) – **Right to erasure** – Restriction of processing – Article 52(1) of the Charter of Fundamental Rights of the European Union – Natural person convicted by final judgment and subsequently legally rehabilitated – Storage of data until death – No right to erasure or restriction of processing – Proportionality.

[EUR-Lex - 62022CJ0118](#)

**Affaire C-687/21. Arrêt de la Cour (troisième chambre) du 25 janvier 2024. BL contre MediaMarktSaturn Hagen-Iserlohn GmbH. Demande de décision préjudicielle, introduite par l'Amtsgericht Hagen.**

Renvoi préjudiciel – **Protection des personnes physiques à l'égard du traitement des données à caractère personnel** – Règlement (UE) 2016/679 – Interprétation des articles 5, 24, 32 et 82 – Appréciation de la validité de l'article 82 – Irrecevabilité de la demande en appréciation de validité – Droit à réparation du dommage causé par le traitement de telles données effectué en violation de ce règlement – **Transmission de données à un tiers non autorisé en raison d'une erreur commise par des employés du responsable du traitement** – Appréciation du caractère approprié des mesures de protection mises en œuvre par le responsable du traitement – Fonction compensatoire remplie par le droit à réparation – Incidence de la gravité de la violation – Nécessité d'établir l'existence d'un dommage causé par ladite violation – Notion de “dommage moral”.

[EUR-Lex - 62021CJ0687](#)

**Case C-33/22. Judgment of the Court (Grand Chamber) of 16 January 2024. Österreichische Datenschutzbehörde v WK and Präsident des Nationalrates. Request for a preliminary ruling from the Verwaltungsgerichtshof.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Article 16 TFEU – Regulation (EU) 2016/679 – Article 2(2)(a) – Scope – Exclusions – Activities which fall outside the scope of Union law – Article 4(2) TEU – **Activities concerning national security** – Committee of inquiry set up by the parliament of a Member State – Article 23(1)(a) and (h), Articles 51 and 55 of Regulation (EU) 2016/679 – Competence of the supervisory authority responsible for data protection – Article 77 – Right to lodge a complaint with a supervisory authority – Direct effect.

[EUR-Lex - 62022CJ0033](#)

**Case C-231/22. Judgment of the Court (Third Chamber) of 11 January 2024. État belge v Autorité de protection des données. Request for a preliminary ruling from the Cour d'appel de Bruxelles.**

Reference for a preliminary ruling – Approximation of laws – **Protection of natural persons with regard to the processing of personal data and free movement of such data (General Data Protection Regulation)** – Regulation (EU) 2016/679 – Point 7 of Article 4 – **Concept of ‘controller’** – Official journal of a Member State – **Obligation to publish as they stand company documents prepared by companies or their legal representatives** – Article 5(2) – Successive processing of the personal data contained in such documents by several separate persons or entities – Determination of responsibilities.

[EUR-Lex - 62022CJ0231](#)

## 5. Competition and State Aid

### Case Law

**Case C-438/22. Judgment of the Court (Second Chamber) of 25 January 2024. Em akaunt BG EOOD v Zastrahovatelno aktsionerno druzhestvo Armeets AD. Request for a preliminary ruling from the Sofiyski rayonen sad.**

Reference for a preliminary ruling – Competition – **Agreements, decisions and concerted practices** – Article 101 TFEU – **Setting of minimum fee amounts by a lawyers’ professional organisation** – Decision by an association of undertakings – Court prohibited from ordering reimbursement of fees in an amount less than those minimum amounts – Restriction of competition – Justifications – Legitimate objectives – Quality of the services provided by the lawyers – Implementation of the judgment of 23 November 2017, CHEZ Elektro Bulgaria and FrontEx International (C-427/16 and C-428/16, EU:C:2017:890) – Whether the Wouters case-law may be relied on in a situation involving a restriction of competition by object.

[EUR-Lex - 62022CJ0438](#)

**Case C-128/21. Judgment of the Court (First Chamber) of 18 January 2024. Lietuvos notary rūmai and Others v Lietuvos Respublikos konkurencijos taryba. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – Concepts of ‘undertaking’ and ‘decisions of associations of undertakings’ – **Decisions of the chamber of notaries of a Member State fixing the methods for calculating fees** – Restriction ‘by object’ – Prohibition – Lack of justification – Fine – Imposition on the association of undertakings and its members – Perpetrator of the infringement.

[EUR-Lex - 62021CJ0128](#)

## 6. Customs

Nothing to report for the period under review.

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Case Law

**Case C-791/22. Judgment of the Court (Ninth Chamber) of 18 January 2024. G.A. v Hauptzollamt Braunschweig.**

**Request for a preliminary ruling from the Finanzgericht Hamburg.**

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 30, first subparagraph – Article 60 – Article 71(1) – **Place of taxable transactions** – Goods brought into the customs territory of the European Union in a first Member State in breach of customs rules and subsequently transported to a second Member State – Place where import VAT is incurred – National provision referring to EU customs legislation.

[EUR-Lex - 62022CJ0791](#)

**Case C-433/22. Judgment of the Court (Eighth Chamber) of 11 January 2024. Autoridade Tributária e Aduaneira v HPA – Construções SA. Request for a preliminary ruling from the Supremo Tribunal Administrativo.**

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Annex IV – Point 2 – Temporary provisions for particular labour-intensive services – **Reduced rate of VAT applicable to the renovation and repairing of private dwellings** – Definition of ‘private dwellings’.

[EUR-Lex - 62022CJ0433](#)

**Case C-632/22 AB Volvo v Transsaqui SL, interested party: Ministerio Fiscal. Opinion of Advocate General Szpunar delivered on 11 January 2024. Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain).**

Reference for a preliminary ruling – **Truck cartel – Action for damages – Service of the document instituting proceedings on the parent company’s subsidiary** – Regulation (EC) No 1393/2007

[EUR-Lex - 62022CC0632](#)

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

Nothing to report for the period under review.

## 9. Employment and Social Affairs

### Case Law

**Affaire C-631/22. Arrêt de la Cour (première chambre) du 18 janvier 2024. J.M.A.R contre Ca Na Negreta SA. Demande de décision préjudicielle, introduite par le Tribunal Superior de Justicia de las Islas Baleares.**

Renvoi préjudiciel – Directive 2000/78/CE – Égalité de traitement en matière d’emploi et de travail – **Interdiction de discrimination fondée sur le handicap** – Accident de travail – Incapacité permanente totale – Résiliation du contrat de travail – Article 5 – **Aménagements raisonnables**.

[EUR-Lex - 62022CJ0631](#)

**Case C-218/22. Judgment of the Court (First Chamber) of 18 January 2024. BU v Comune di Copertino. Request for a preliminary ruling from the Tribunale di Lecce.**

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Article 7 – Article 31(2) of the Charter of Fundamental Rights of the European Union – **Allowance in lieu of days of leave not taken at the end of the employment relationship** – National legislation prohibiting payment of that allowance in the event of the voluntary resignation of a public servant – Control of public expenditure – Organisational needs of the public employer.

[EUR-Lex - 62022CJ0218](#)

## 10. Energy and Environment

### Case Law

**Case C-277/22. Judgment of the Court (Eighth Chamber) of 25 January 2024. Global NRG Kereskedelmi és Tanácsadó Zrt. v Magyar Energetikai és Közmű-szabályozási Hivatal.** Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – **Internal market in natural gas** – Directive 2009/73/EC – Article 41(17) – Natural gas transmission system – National regulatory authority – **Fixing of system usage charges and connection fees** – Fixing of remuneration for any services provided by the system operator – **Concept of ‘a party affected by a decision of a regulatory authority’** – Appeal against that decision – Right to an effective remedy – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62022CJ0277](#)

**Case C-252/22. Judgment of the Court (Fourth Chamber) of 11 January 2024. Societatea Civilă Profesională de Avocați AB & CD v Consiliul Județean Suceava and Others.** Request for a preliminary ruling from the Curtea de Apel Târgu-Mureș.

Reference for a preliminary ruling – Environment – **Aarhus Convention** – Article 9(3) to (5) – Access to justice – Law firm partnership – Action seeking to challenge administrative measures – Admissibility – Conditions laid down by national law – No impairment of a right or undermining of a legitimate interest – **Not prohibitively expensive judicial proceedings** – Allocation of costs – Criteria.

[EUR-Lex - 62022CJ0252](#)

**Affaire C-371/22. Arrêt de la Cour (cinquième chambre) du 11 janvier 2024. G sp. z o.o. contre W S.A. Demande de décision préjudicielle, introduite par le Sąd Okręgowy w Warszawie.**

Renvoi préjudiciel – **Marché intérieur de l’électricité** – Directive 2009/72/CE – Article 3, paragraphes 5 et 7 – Protection des consommateurs – **Droit de changer de fournisseur** – Client non résidentiel – Contrat de fourniture d’électricité à durée déterminée et à prix fixe conclu avec une petite entreprise – **Pénalité contractuelle pour résiliation anticipée** – Réglementation nationale limitant le montant de cette pénalité aux “coûts et indemnités résultant du contenu du contrat”.

[EUR-Lex - 62022CJ0371](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-54/23. Judgment of the Court (Third Chamber) of 25 January 2024. WY v Laudamotion GmbH and Ryanair DAC.** Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(1) – Article 7(1) – **Compensation for air passengers in the event of a long delay to a flight** – Loss of time – Replacement flight booked by the passenger – Passenger arriving at the final destination less than three hours later than the original scheduled arrival time – No compensation.

[EUR-Lex - 62023CJ0054](#)

**Case C-474/22. Judgment of the Court (Third Chamber) of 25 January 2024. Laudamotion GmbH v Flightright GmbH.** Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 3(2)(a) – Article 5(1) – Article 7(1) – **Compensation for air passengers in the event of long delay of flights** – **Requirement to present oneself for check-in in good time.**

[EUR-Lex - 62022CJ0474](#)

**Joined Cases C-810/21 to C-813/21. Judgment of the Court (Ninth Chamber) of 25 January 2024. Caixabank SA, anciennement Bankia SA and Others v WE and Others. Requests for a preliminary ruling from the Audiencia Provincial de Barcelona.**

References for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts – Charges arising from the formalisation of the mortgage loan agreement** – Restitution of the sums paid under a term declared to be unfair – Starting point of the limitation period for an action for restitution.

[EUR-Lex - 62021CJ0810](#)

**Case C-755/22. Judgment of the Court (Third Chamber) of 11 January 2024. Nárokuj s.r.o. v EC Financial Services, a.s. Request for a preliminary ruling from the Okresní soud Praha-západ.**

Reference for a preliminary ruling – Consumer protection – Directive 2008/48/EC – Credit agreements for consumers – Article 8 – **Obligation of a creditor to check a consumer's creditworthiness** – Regularisation of a breach due to full performance of the credit agreement – Article 23 – Effective, proportionate and dissuasive penalties – Credit agreement void and creditor's entitlement to payment of the agreed interest forfeited – No harmful consequences for the consumer – Holding creditors accountable and preventing irresponsible practices when granting credit to consumers.

[EUR-Lex - 62022CJ0755](#)

## 12. Human Rights

### Case Law

**Case C-118/22. Judgment of the Court (Grand Chamber) of 30 January 2024. NG v Direktor na Glavna direktsia „Natsionalna politsia“ pri MVR - Sofia. Request for a preliminary ruling from the Varhoven administrativen sad.**

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[EUR-Lex - 62022CJ0118](#)

**Case C-277/22. Judgment of the Court (Eighth Chamber) of 25 January 2024. Global NRG Kereskedelmi és Tanácsadó Zrt. v Magyar Energetikai és Közmű-szabályozási Hivatal. Request for a preliminary ruling from the Fővárosi Törvényszék.**

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[EUR-Lex - 62022CJ0277](#)

**Case C-58/22. Judgment of the Court (First Chamber) of 25 January 2024. Criminal proceedings against Parchetul de pe lângă Curtea de Apel Craiova. Request for a preliminary ruling from the Curtea de Apel Craiova.**

Reference for a preliminary ruling – Charter of Fundamental Rights of the European Union – Article 50 – **Principle ne bis in idem** – Criminal proceedings brought in rem – Order that no further action be taken adopted by a public prosecutor's office – **Admissibility of later criminal proceedings brought in personam in respect of the same facts** – Conditions to be satisfied for it to be held that a person has been finally acquitted or convicted – Requirement for a detailed investigation – No interview of a potential witness – No interview of the person concerned as a 'suspect'.

[EUR-Lex - 62022CJ0058](#)

**Case C-451/22. Judgment of the Court (Second Chamber) of 18 January 2024. RTL Nederland BV and RTL Nieuws BV v Minister van Infrastructuur en Waterstaat. Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – Aviation transport – Regulation (EU) No 376/2014 – Follow-up of occurrences endangering aviation safety – Article 15 – Confidentiality of details relating to those occurrences – Scope of that confidentiality – Charter of Fundamental Rights of the European Union – Article 11 – **Freedom of expression and of information** – Freedom of the media – **Request for disclosure of information on the downing of an aircraft flying over eastern Ukraine, made by undertakings operating in the media sector** – Article 52(1) – Limitation – Conditions.

[EUR-Lex - 62022CJ0451](#)

**Case C-303/22. Judgment of the Court (Fourth Chamber) of 18 January 2024. CROSS Zlín, a.s. v Úřad pro ochranu hospodářské soutěže. Request for a preliminary ruling from the Krajský soud v Brně.**

Reference for a preliminary ruling – **Procedures for the review of the award of public supply and public works contracts** – Directive 89/665/EEC – Access to review procedures – Articles 2(3) and 2a(2) – **Obligation for Member States to provide for a review procedure with suspensive effect** – Review body of first instance – Review relating to a contract award decision – Article 2(9) – Body responsible for review procedures of a non-judicial character – Conclusion of a public contract before lodging of a judicial action against a decision by that body – Article 47 of the Charter of Fundamental Rights of the European Union – **Effective judicial protection.**

[EUR-Lex - 62022CJ0303](#)

## 13. Internal Market and Free Movement

### Case Law

**Case C-390/22. Judgment of the Court (Fifth Chamber) of 25 January 2024. Obshtina Pomorie v „ANHALO AVTO“ OOD. Request for a preliminary ruling from the Okrazhen sad - Burgas.**

Reference for a preliminary ruling – Transport – Regulation (EC) No 1370/2007 – **Public passenger transport services by rail and by road** – Public service contracts – Public service obligations – Public service compensation – Article 4(1)(b) – Mandatory content of public service contracts – **Parameters for calculating public service compensation** – Determination of prior, objective and transparent parameters – Absence of competitive tendering procedure – Application of the rules for calculating compensation contained in the annex to Regulation (EC) No 1370/2007 – Conditions laid down by national legislation for the payment of compensation – Determination of the amount of compensation in the law approving the State budget for the year concerned and payment of that amount to the competent national authority – Setting parameters for calculating compensation by reference to general rules.

[EUR-Lex - 62022CJ0390](#)

**Case C-562/22. Judgment of the Court (Eighth Chamber) of 18 January 2024. JD v OB. Request for a preliminary ruling from the Rayonen sad - Burgas.**

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – Restrictions – **Acquisition of agricultural land in a Member State – Obligation for the acquirer to have the status of resident for more than five years.**

[EUR-Lex - 62022CJ0562](#)

**Case C-303/22. Judgment of the Court (Fourth Chamber) of 18 January 2024. CROSS Zlín, a.s. v Úřad pro ochranu hospodářské soutěže. Request for a preliminary ruling from the Krajský soud v Brně.**

Reference for a preliminary ruling – **Procedures for the review of the award of public supply and public works contracts** – Directive 89/665/EEC – Access to review procedures – Articles 2(3) and 2a(2) – **Obligation for Member States to provide for a review procedure with suspensive effect** – Review body of first instance – Review relating to a contract award decision – Article 2(9) – Body responsible for review procedures of a non-judicial character – Conclusion of a public contract before lodging of a judicial action against a decision by that body – Article 47 of the Charter of Fundamental Rights of the European Union – **Effective judicial protection.**

[EUR-Lex - 62022CJ0303](#)



**Affaire C-367/21. Arrêt de la Cour (dixième chambre) du 18 janvier 2024. Hewlett Packard Development Company LP contre Senetic S.A. Demande de décision préjudicielle, introduite par le Sąd Okręgowy w Warszawie.**

Renvoi préjudiciel – **Libre circulation des marchandises** – Articles 34 et 36 TFUE – Propriété intellectuelle – **Marque de l’Union européenne** – Règlement (CE) no 207/2009 – Article 13 – Règlement (UE) 2017/1001 – Article 15 – Épuisement du droit conféré par la marque – Mise sur le marché dans l’Union ou dans l’Espace économique européen (EEE) – Consentement du titulaire de la marque – Lieu de première mise sur le marché des produits par le titulaire ou avec son consentement – Charge de la preuve.

[EUR-Lex - 62021CJ0367](#)

## 14. Intellectual Property

### Case Law

**Case C-334/22. Judgment of the Court (Fourth Chamber) of 25 January 2024. Audi AG v GQ. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Reference for a preliminary ruling – EU trade mark – Regulation (EU) 2017/1001 – Article 9(2) and (3)(a) to (c) – Rights conferred by an EU trade mark – Concept of ‘using in the course of trade any sign’ – Article 14(1)(c) – Limitations of the effects of an EU trade mark – **Right of the proprietor of an EU trade mark to oppose the use by a third party of a sign identical with, or similar to, the trade mark for motor vehicle spare parts** – Component of a radiator grille designed for the attachment of an emblem representing the trade mark of a motor vehicle manufacturer.

[EUR-Lex - 62022CJ0334](#)

**Affaire C-367/21. Arrêt de la Cour (dixième chambre) du 18 janvier 2024. Hewlett Packard Development Company LP contre Senetic S.A. Demande de décision préjudicielle, introduite par le Sąd Okręgowy w Warszawie.**

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[EUR-Lex - 62021CJ0367](#)

**Case C-473/22. Judgment of the Court (Third Chamber) of 11 January 2024. Mylan AB v Gilead Sciences Finland Oy and Others. Request for a preliminary ruling from the Markkinaoikeus.**

Reference for a preliminary ruling – **Intellectual and industrial property – Medicinal product for human use** – Supplementary protection certificate (SPC) – Directive 2004/48/EC – Article 9(7) – Placing on the market of products infringing SPC rights – Provisional measures ordered on the basis of an SPC – Subsequent invalidity of the SPC and revocation of the measures – Consequences – **Right to appropriate compensation for losses caused by the provisional measures** – Liability of the applicant for those measures for losses caused by them – National legislation providing for strict liability.

[EUR-Lex - 62022CJ0473](#)

**Case C-361/22. Judgment of the Court (Fourth Chamber) of 11 January 2024. Industria de Diseño Textil, SA (Inditex) v Buongiorno Myalert SA. Request for a preliminary ruling from the Tribunal Supremo.**

Reference for a preliminary ruling – Trade marks – Directive 2008/95/EC – Article 6(1)(c) – Limitation of the effects of the trade mark – **Use of a trade mark to indicate the intended purpose of a product or service** – Directive (EU) 2015/2436 – Article 14(1)(c).

[EUR-Lex - 62022CJ0361](#)

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

### Case Law

**Case C-722/22. Judgment of the Court (Eighth Chamber) of 25 January 2024. Proceedings brought by. Request for a preliminary ruling from the Sofiyski gradski sad.**

Reference for a preliminary ruling – Area of freedom, justice and security – Judicial cooperation in criminal matters – Framework Decision 2005/212/JHA – Confiscation of crime-related proceeds, instrumentalities and property – Third indent of Article 1 – Concept of ‘instrumentality’ – Article 2(1) – **Obligation for Member States to take measures to enable the confiscation of instrumentalities from criminal offences** – Vehicle used to transport excise goods without a tax marking in breach of the law.

[EUR-Lex - 62022CJ0722](#)

**Case C-632/22 AB Volvo v Transsaqui SL, interested party: Ministerio Fiscal. Opinion of Advocate General Szpunar delivered on 11 January 2024. Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain).**

Reference for a preliminary ruling – **Truck cartel – Action for damages – Service of the document instituting proceedings on the parent company’s subsidiary** – Regulation (EC) No 1393/2007

[EUR-Lex - 62022CC0632](#)

**Case C-621/21. Judgment of the Court (Grand Chamber) of 16 January 2024. WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet. Request for a preliminary ruling from the Administrativen sad Sofia-grad.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – **Qualification for refugee status** – Article 2(d) – Reasons for persecution – **‘Membership of a particular social group’** – Article 10(1)(d) – Acts of persecution – Article 9(1) and (2) – Link between the reasons for and acts of persecution or between the reasons for persecution and the absence of protection against such acts – Article 9(3) – Non-State actors – Article 6(c) – Qualification for subsidiary protection – Article 2(f) – ‘Serious harm’ – Article 15(a) and (b) – Assessment of applications for international protection for the purpose of granting refugee status or subsidiary protection status – Article 4 – **Gender-based violence against women** – Domestic violence – Threat of ‘honour killing’.

[EUR-Lex - 62021CJ0621](#)

**Case C-632/22 AB Volvo v Transsaqui SL, interested party: Ministerio Fiscal. Opinion of Advocate General Szpunar delivered on 11 January 2024. Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain).**

Reference for a preliminary ruling – **Truck cartel – Action for damages – Service of the document instituting proceedings on the parent company’s subsidiary** – Regulation (EC) No 1393/2007

[EUR-Lex - 62022CC0632](#)

## 16. Transport

### Case Law

**Case C-54/23. Judgment of the Court (Third Chamber) of 25 January 2024. WY v Laudamotion GmbH and Ryanair DAC. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(1) – Article 7(1) – **Compensation for air passengers in the event of a long delay to a flight** – Loss of time – Replacement flight booked by the passenger – Passenger arriving at the final destination less than three hours later than the original scheduled arrival time – No compensation.

[EUR-Lex - 62023CJ0054](#)

**Case C-474/22. Judgment of the Court (Third Chamber) of 25 January 2024. Laudamotion GmbH v Fliightright GmbH. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 3(2)(a) – Article 5(1) – Article 7(1) – **Compensation for air passengers in the event of long delay of flights – Requirement to present oneself for check-in in good time.**

[EUR-Lex - 62022CJ0474](#)

**Case C-390/22. Judgment of the Court (Fifth Chamber) of 25 January 2024. Obshtina Pomorie v „ANHALO AVTO“ OOD. Request for a preliminary ruling from the Okrazhen sad - Burgas.**

Reference for a preliminary ruling – Transport – Regulation (EC) No 1370/2007 – **Public passenger transport services by rail and by road** – Public service contracts – Public service obligations – Public service compensation – Article 4(1)(b) – Mandatory content of public service contracts – **Parameters for calculating public service compensation** – Determination of prior, objective and transparent parameters – Absence of competitive tendering procedure – Application of the rules for calculating compensation contained in the annex to Regulation (EC) No 1370/2007 – Conditions laid down by national legislation for the payment of compensation – Determination of the amount of compensation in the law approving the State budget for the year concerned and payment of that amount to the competent national authority – Setting parameters for calculating compensation by reference to general rules.

[EUR-Lex - 62022CJ0390](#)

**Affaire C-227/22. Arrêt de la Cour (troisième chambre) du 18 janvier 2024. IL contre Regionalna direksia « Avtomobilna administratsia » Pleven. Demande de décision préjudicielle, introduite par l'Administrativen sad – Gabrovo.**

Renvoi préjudiciel – Transports – Directive 2006/126/CE – Article 7, paragraphes 1 et 3 – **Permis de conduire** – Délivrance, validité et renouvellement – **Aptitude physique et mentale à la conduite** – Examens médicaux – Fréquence – Document attestant l'aptitude psychologique des conducteurs.

[EUR-Lex - 62022CJ0227](#)

**Case C-451/22. Judgment of the Court (Second Chamber) of 18 January 2024. RTL Nederland BV and RTL Nieuws BV v Minister van Infrastructuur en Waterstaat. Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – **Aviation transport – Regulation (EU) No 376/2014** – Follow-up of occurrences endangering aviation safety – Article 15 – Confidentiality of details relating to those occurrences – Scope of that confidentiality – Charter of Fundamental Rights of the European Union – Article 11 – Freedom of expression and of information – Freedom of the media – **Request for disclosure of information on the downing of an aircraft flying over eastern Ukraine, made by undertakings operating in the media sector** – Article 52(1) – Limitation – Conditions.

[EUR-Lex - 62022CJ0451](#)

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

### Case Law

**Affaire C-389/22. Arrêt de la Cour (sixième chambre) du 25 janvier 2024. GC e.a. contre Croce Rossa Italiana e.a. Demande de décision préjudicielle, introduite par le Consiglio di Stato.**

Renvoi préjudiciel – **Article 267 TFUE – Portée de l'obligation de renvoi des juridictions nationales statuant en dernier ressort** – Exceptions à cette obligation – Critères – Situations dans lesquelles l'interprétation correcte du droit de l'Union s'impose avec une telle évidence qu'elle ne laisse place à aucun doute raisonnable – Condition pour la juridiction nationale statuant en dernier ressort d'être convaincue que la même évidence s'imposerait également aux autres juridictions de dernier ressort des États membres et à la Cour – Directive 1999/70/CE – Accord-cadre CES, UNICE et CEEP sur le travail à durée déterminée – Clauses 2 et 3 – Notion de "travailleur à durée déterminée" – Membres du corps militaire de la Croix-Rouge italienne – Clause 5 – Mesures visant à prévenir et, le cas échéant, à sanctionner les abus résultant de l'utilisation de contrats ou de relations de travail à durée déterminée successifs – Transformation du statut de "travailleurs à durée déterminée" en statut de "travailleurs à durée indéterminée" – Clause 4 – Principe de non-discrimination.

[EUR-Lex - 62022CJ0389](#)

**Joined Cases C-181/21 and C-269/21. Judgment of the Court (Grand Chamber) of 9 January 2024. G. and Others v M.S. and X. Requests for a preliminary ruling from the Sąd Okręgowy w Katowicach and Sąd Okręgowy w Krakowie.**

Reference for a preliminary ruling – Article 267 TFEU – Possibility for the referring court to take account of the preliminary ruling of the Court – Interpretation sought by the referring court necessary to enable it to give judgment – **Independence of the judiciary – Conditions for the appointment of judges of the ordinary courts** – Possibility of challenging an order which has definitively ruled on a request for the grant of preventative measures – Possibility of removing a judge from a panel of judges of the court – **Inadmissibility of the requests for a preliminary ruling.**

[EUR-Lex - 62021CJ0181](#)