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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-470/21. Judgment of the Court (Full Court) of 30 April 2024. La Quadrature du Net and Others v Premier ministre and Ministère de la Culture. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Processing of personal data and the protection of privacy in the electronic communications sector – Directive 2002/58/EC – Confidentiality of electronic communications – Protection – Article 5 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – **National legislation aimed at combating, through action by a public authority, counterfeiting offences committed on the internet** – ‘Graduated response’ procedure – Upstream collection by rightholder organisations of IP addresses used for activities infringing copyright or related rights – **Downstream access by the public authority responsible for the protection of copyright and related rights to data relating to the civil identity associated with those IP addresses retained by providers of electronic communications services** – Automated processing – **Requirement of prior review by a court or an independent administrative body** – Substantive and procedural conditions – Safeguards against the risks of abuse and against any unlawful access to or use of those data.

[EUR-Lex - 62021CJ0470](#)

Joined Cases C-345/22 to C-347/22. Judgment of the Court (Sixth Chamber) of 25 April 2024. Maersk A/S and Mapfre España Compañía de Seguros y Reaseguros SA v Allianz Seguros y Reaseguros SA and MACS Maritime Carrier Shipping GmbH & Co. Requests for a preliminary ruling from the Audiencia Provincial de Pontevedra.

Requests for a preliminary ruling – Judicial cooperation in civil and commercial matters – **Regulation (EU) No 1215/2012** – Article 25(1) – **Contract for the carriage of goods evidenced by a bill of lading** – Jurisdiction clause incorporated in that bill of lading – Enforceability against the third-party holder of the bill of lading – Applicable law – **National legislation requiring the individual and separate negotiation of the jurisdiction clause by the third-party holder of the bill of lading.**

[EUR-Lex - 62022CJ0345](#)

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

[Regulation - EU - 2024/1083](#)

1. EU-Swiss Relations

Community Legislation

Council Decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation, on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund for the period 2021 to 2027

<https://eur-lex.europa.eu/legal-content/>

Case Law

Case C-491/23 P. Order of the Court (Seventh Chamber) of 11 April 2024. Atesos medical AG and Others v European Commission and Others.

Appeal – Article 181 of the Rules of Procedure of the Court of Justice – **Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment** – Regulation (EU) 2017/745 – **Expiry of the designation of an entity as conformity assessment body for medical devices within the meaning of Directive 93/42/EEC** – Removal of that entity from the list of notified bodies which have certificates validated under Directive 93/42/EEC – Action for annulment – Appeal manifestly unfounded.

<https://eur-lex.europa.eu/legal-content/>

2. External Relations / Foreign Policy

Community Legislation

Council Regulation (EU) 2024/1205 of 22 April 2024 amending Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali

[Regulation - EU - 2024/1205](#)

Council Regulation (EU) 2024/1034 of 4 April 2024 amending Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses

[Regulation - EU - 2024/1034](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012

[Regulation - EU - 2024/1143 - EN - EUR-Lex \(europa.eu\)](#)

Case Law

Case C-79/23. Judgment of the Court (Seventh Chamber) of 18 April 2024. FJ v Agrárminiszter. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Agriculture – Common agricultural policy – **Direct support schemes for farmers** – Regulation (EC) No 1122/2009 – Single area payment scheme – Article 58 – **Reductions and exclusions applicable in the event of over-declarations** – Penalty for over-declaration exceeding 50% of the area determined – Recovery of the amount of the penalty during the three calendar years following the calendar year of the finding – Concept of ‘finding’ – Control report finding irregularities in the aid application concerned.

[EUR-Lex - 62023CJ0079](#)

Case C-6/23. Judgment of the Court (Eighth Chamber) of 11 April 2024. X v Agrárminiszter. Request for a preliminary ruling from the Kúria.

Reference for a preliminary ruling – Agriculture – Common agricultural policy (CAP) – European Agricultural Fund for Rural Development (EAFRD) – Applicability *ratione materiae* – Applicability *ratione temporis* – Regulation (EC) No 1698/2005 – Article 22 – **Support for the setting up of young farmers** – Article 71 – Eligibility – Conditions for granting – **Legislation of a Member State laying down the obligation to work continuously as a farmer, as a main activity and as a sole trader** – Additional eligibility conditions – Regulation (EU) No 1306/2013 – Article 63 – Delegated Regulation (EU) No 640/2014 – Article 35 – Eligibility criterion – Commitment.

[EUR-Lex - 62023CJ0006](#)

4. Audiovisual and Media and Information Society

Community Legislation

Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’)

[Directive - EU - 2024/1069](#)

Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

[Regulation - EU - 2024/1083](#)

Case Law

Case C-470/21. Judgment of the Court (Full Court) of 30 April 2024. La Quadrature du Net and Others v Premier ministre and Ministère de la Culture. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Processing of personal data and the protection of privacy in the electronic communications sector – Directive 2002/58/EC – Confidentiality of electronic communications – Protection – Article 5 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – **National legislation aimed at combating, through action by a public authority, counterfeiting offences committed on the internet** – ‘Graduated response’ procedure – Upstream collection by rightholder organisations of IP addresses used for activities infringing copyright or related rights – **Downstream access by the public authority responsible for the protection of copyright and related rights to data relating to the civil identity associated with those IP addresses retained by providers of electronic communications services** – Automated processing – **Requirement of prior review by a court or an independent administrative body** – Substantive and procedural conditions – Safeguards against the risks of abuse and against any unlawful access to or use of those data.

[EUR-Lex - 62021CJ0470](#)

Case C-178/22. Judgment of the Court (Grand Chamber) of 30 April 2024. Criminal proceedings against Procura della Repubblica presso il Tribunale di Bolzano. Request for a preliminary ruling from the Tribunale di Bolzano / Landesgericht Bozen.

Reference for a preliminary ruling – **Processing of personal data in the electronic communications sector** – Confidentiality of communications – Providers of electronic communications services – Directive 2002/58/EC – Article 15(1) – Articles 7, 8, 11 and Article 52(1) of the Charter of Fundamental Rights of the European Union – **Access to those data requested by a national authority having competence to prosecute offences of aggravated theft** – Definition of the concept of ‘serious offence’ the prosecution of which is capable of justifying serious interference with fundamental rights – Competence of the Member States – Principle of proportionality – Scope of prior review by a court of the requests to access the data retained by providers of electronic communications services.

[EUR-Lex - 62022CJ0178](#)

Case C-741/21. Judgment of the Court (Third Chamber) of 11 April 2024. GP v juris GmbH. Request for a preliminary ruling from the Landgericht Saarbrücken.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 82 – **Right to compensation for damage caused by data processing that infringes that regulation** – Concept of ‘non-material damage’ – Impact of the seriousness of the damage suffered – **Liability of the controller – Possible exemption in the event of default of a person acting under his or her authority within the meaning of Article 29** – Assessment of the amount of compensation – Inapplicability of the criteria laid down for administrative fines in Article 83 – Assessment in the event of multiple infringements of that regulation.

[EUR-Lex - 62021CJ0741](#)

5. Competition and State Aid

Case Law

Case C-650/22 Fédération internationale de football association (FIFA) v BZ, Interveniers: Union Royale Belge des Sociétés de Football-Association ASBL (URBSFA), SA Sporting du Pays de Charleroi, Fédération Internationale des Footballeurs Professionnels, Union Nationale des Footballeurs Professionnels, Fédération Internationale des Footballeurs Professionnels, Division Europe Opinion of Advocate General Szpunar delivered on 30 April 2024. (Request for a preliminary ruling from the Cour d’appel de Mons (Court of Appeal, Mons, Belgium))

Reference for a preliminary ruling – Freedom of movement for workers – Prohibitions on agreements – **FIFA Regulations on the Status and Transfer of Players – Early termination of a contract concluded between a club and a player** – Regulations penalising another club which employs the player in question – Prohibition on issuing the certificate required for the transfer of that player to that other club

[EUR-Lex - 62022CC0650](#)

Case C-605/21. Judgment of the Court (Grand Chamber) of 18 April 2024. Heureka Group a.s. v Google LLC. Request for a preliminary ruling from the Městský soud v Praze.

Reference for a preliminary ruling – Article 102 TFEU – Principle of effectiveness – **Actions for damages under national law for infringements of the competition law provisions** – Directive 2014/104/EU – **Late transposition of the directive** – Temporal application – Article 10 – Limitation period – Detailed rules for the dies a quo – Cessation of the infringement – Knowledge of the information necessary for bringing an action for damages – Publication in the Official Journal of the European Union of the summary of the European Commission’s decision finding an infringement of the competition rules – Binding effect of a Commission decision that is not yet final – Suspension or interruption of the limitation period for the duration of the Commission’s investigation or until the date when its decision becomes final.

[EUR-Lex - 62021CJ0605](#)

6. Customs

Case Law

Case C-770/22. Judgment of the Court (Tenth Chamber) of 11 April 2024. OSTP Italy Srl v Agenzia delle Dogane e dei Monopoli, Ufficio delle Dogane di Genova 1 and Others. Request for a preliminary ruling from the Commissione tributaria provinciale di Genova.

Reference for a preliminary ruling – Customs union – Regulation (EU) No 952/2013 – **Judgments at first instance annulling customs measures relating to traditional own resources of the European Union** – Immediately implementable nature of those judgments – No suspension of implementation of judgments.

[EUR-Lex - 62022CJ0770](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Regulation (EU) 2024/1263 of the European Parliament and of the Council of 29 April 2024 on the effective coordination of economic policies and on multilateral budgetary surveillance and repealing Council Regulation (EC) No 1466/97

[Regulation - 2024/1263](#)

Case Law

Case C-207/23. Judgment of the Court (Sixth Chamber) of 25 April 2024. Finanzamt X v Y KG. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Taxable transactions – Article 16 – **Application of goods forming part of a taxable person's business assets and their transfer free of charge to another taxable person** – Drying of wood and heating of asparagus fields stemming from a cogeneration plant connected to a biogas production facility – Article 74 – Taxable amount – Cost price – Limitation to costs subject to input VAT only.

[EUR-Lex - 62023CJ0207](#)

Case C-657/22. Judgment of the Court (Eighth Chamber) of 25 April 2024. SC Bitulpetroleum Serv SRL v Administrația Județeană a Finanțelor Publice Prahova – Direcția Generală Regională a Finanțelor Publice Ploiești. Request for a preliminary ruling from the Tribunalul Prahova.

Reference for a preliminary ruling – Taxation of energy products and electricity – Directive 2003/96/EC – Taxation in accordance with the principle of actual use of those products – Annex I – **Minimum levels of taxation applicable to energy products provided for by that directive** – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 2(1)(a) – Chargeable event – Article 63 – **Chargeability of VAT** – Article 78(1)(a) – Taxable amount – Reintroduction of energy products into the tax warehouse – Conditions imposed by national law – Additional excise duty and VAT applied as a penalty for non-compliance with those conditions – Principle of proportionality.

[EUR-Lex - 62022CJ0657](#)

Case C-22/23. Judgment of the Court (First Chamber) of 18 April 2024. „Citadeles nekustamie īpašumi” SIA v Valsts ieņēmumu dienests. Request for a preliminary ruling from the Administratīvā rajona tiesa.

Reference for a preliminary ruling – **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** – Directive (EU) 2015/849 – Scope – Obligated entity – Article 3(7)(c) – Concept of ‘trust or company service provider’ – Provision of a registered office – **Owner of immovable property who has entered into leases with legal persons** – Registration of the registered office of such legal persons in that immovable property.

[EUR-Lex - 62023CJ0022](#)

Case C-509/22. Judgment of the Court (Fifth Chamber) of 18 April 2024. Agenzia delle Dogane e dei Monopoli v Girelli Alcool Srl. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Taxation – Excise duties – Directive 2008/118/EC – Article 7(4) – Chargeability of excise duty – Release for consumption – **Total destruction or irretrievable loss of a product placed under a duty-suspension arrangement** – Concept of ‘unforeseeable circumstances’ – Authorisation by the competent authorities of the Member State – Irretrievable loss caused by a non-serious fault committed by an employee of the authorised warehousekeeper.

[EUR-Lex - 62022CJ0509](#)

Case C-68/23. Judgment of the Court (Ninth Chamber) of 18 April 2024. M-GbR v Finanzamt O. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Articles 30a and 30b – **Vouchers supplied electronically** – Single-purpose and multi-purpose vouchers – Prepaid cards or voucher codes for the purchase of digital content, with a ‘country’ identifier making the digital content in question accessible only in the Member State in question.

[EUR-Lex - 62023CJ0068](#)

Case C-122/23. Judgment of the Court (Seventh Chamber) of 11 April 2024. Direktor na Direktsia „Obzhalvane i danachno-osiguritelna praktika“ Sofia pri Tsentralno upravlenie na Natsionalna agentsia za prihodite v „Legafact“ EOOD. Request for a preliminary ruling from the Varhoven administrativen sad.

References for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Turnover taxes – **Special scheme for small enterprises** – Annual turnover – Difference in treatment between taxable persons – National legislation imposing VAT on a person in the event of late submission of an application for registration – Punitive nature.

[EUR-Lex - 62023CJ0122](#)

Case C-89/23. Judgment of the Court (Seventh Chamber) of 18 April 2024. Companhia União de Crédito Popular SARL v Autoridade Tributária e Aduaneira. 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 – Scope – Economic activity – Supply of services – Article 135 – Exemptions for other activities – Granting of credit – **Sale by auction of pledged goods** – Single supply – Distinct and independent supplies – Ancillary or principal supplies.

[EUR-Lex - 62023CJ0089](#)

Case C-316/22. Judgment of the Court (Fifth Chamber) of 11 April 2024. Gabel Industria Tessile SpA and Canavesi SpA v A2A Energia SpA and Others. Request for a preliminary ruling from the Tribunale di Como.

Reference for a preliminary ruling – Directive 2008/118/EC – Article 1(2) – Excise duties – Electricity – **National legislation creating an additional tax on electricity excise duties** – Lack of specific purposes – Additional tax deemed contrary to Directive 2008/118/EC by the national courts – Recovery by the final consumer of the tax unduly paid from the supplier alone – Article 288 TFEU – Direct effect – Principle of effectiveness.

[EUR-Lex - 62022CJ0316](#)

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-36/23. Judgment of the Court (Seventh Chamber) of 25 April 2024. L v Familienkasse Sachsen der Bundesagentur für Arbeit. Request for a preliminary ruling from the Finanzgericht Bremen.

Reference for a preliminary ruling – Social security – Regulation (EC) No 883/2004 – Family benefits – Article 68 – Rules of priority in the case of overlapping of benefits – **Obligation on the institution of the Member State having secondary competence to forward an application for family benefits to the institution of the Member State having primary competence** – No application for family benefits in the child's Member State of residence – Partial recovery of family benefits paid in the Member State of activity as an employed person of one of the parents.

[EUR-Lex - 62023CJ0036](#)

Case C-195/23. Judgment of the Court (Seventh Chamber) of 18 April 2024. GI v Partena, Assurances Sociales pour Travailleurs Indépendants ASBL. Request for a preliminary ruling from the Tribunal du travail francophone de Bruxelles.

Reference for a preliminary ruling – Social security – Officials of the European Union – Protocol (No 7) on the privileges and immunities of the European Union – **Compulsory affiliation to the social security scheme of the EU institutions – Official of the European Union pursuing a complementary professional activity as a self-employed person** – Liability for social security contributions under the scheme of a Member State in which that activity is carried out.

[EUR-Lex - 62023CJ0195](#)

Case C-116/23. Judgment of the Court (Seventh Chamber) of 11 April 2024. XXXX v Sozialministeriumservice. Request for a preliminary ruling from the Bundesverwaltungsgericht.

Reference for a preliminary ruling – Social security – Migrant workers – Family benefits – Regulation (EC) No 883/2004 – Article 3 – Sickness benefits – Scope – **Care leave allowance – National of a Member State residing and working in another Member State and caring for a family member in the first Member State** – Ancillary nature in respect of the care allowance – Article 4 – Equality of treatment.

[EUR-Lex - 62023CJ0116](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 April 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006

[Regulation - EU - 2024/1244](#)

Commission Regulation (EU) 2024/1103 of 18 April 2024 implementing Directive 2009/125/EC of the European Parliament and of the Council as regards **ecodesign requirements for local space heaters and separate related controls and repealing Commission Regulation (EU) 2015/1188**

[Regulation - 2024/1103](#)

Case Law

Joined Cases C-395/22 and C-428/22. Judgment of the Court (Third Chamber) of 30 April 2024. „Trade Express-L“ OOD and „DEVNIA TSIMENT“ AD v Zamestnik-predsedatel na Darzhavna agentsia „Darzhaven rezerv i voennovremenni zapasi“. Requests for a preliminary ruling from the Administrativen sad - Varna.

References for a preliminary ruling – Energy – Directive 2009/119/EC – Supply of stocks of crude oil and/or petroleum products – Article 3 – **Obligation for Member States to maintain emergency stocks** – Article 8 – Economic operators – Regulation (EC) No 1099/2008 – Energy statistics – **National legislation making it possible to impose an obligation on an economic operator to build up and maintain emergency stocks of a petroleum product, including where that product is unrelated to the economic activity of that operator** – Charter of Fundamental Rights of the European Union – Article 16 – Freedom to conduct a business – Article 17 – Right to property.

[EUR-Lex - 62022CJ0395](#)

Joined Cases C-309/22 and C-310/22. Judgment of the Court (Third Chamber) of 25 April 2024. Pesticide Action Network Europe (PAN Europe) v College voor de toelating van gewasbeschermingsmiddelen en biociden. Requests for a preliminary ruling from the College van Beroep voor het bedrijfsleven.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 1107/2009 – **Authorisation for placing plant protection products on the market** – Examination for authorisation – Article 4 – Article 29 – Conditions – No harmful effect – Criteria – Endocrine disrupting properties – Regulation (EU) 2018/605 – **Precautionary principle** – Current scientific and technical knowledge.

[EUR-Lex - 62022CJ0309](#)

Case C-308/22. Judgment of the Court (Third Chamber) of 25 April 2024. Pesticide Action Network Europe (PAN Europe) v College voor de toelating van gewasbeschermingsmiddelen en biociden. Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 1107/2009 – **Authorisation for placing plant protection products on the market** – Examination for authorisation – Article 36 – **Discretion of the Member State concerned, for the purposes of Article 36(2), with regard to the scientific risk assessment carried out by the Member State examining the application for authorisation under Article 36(1)** – Article 44 – Withdrawal or amendment of an authorisation – Precautionary principle – Effective judicial remedy – Current scientific and technical knowledge.

[EUR-Lex - 62022CJ0308](#)

Case C-657/22. Judgment of the Court (Eighth Chamber) of 25 April 2024. SC Bitulpetroleum Serv SRL v Administrația Județeană a Finanțelor Publice Prahova – Direcția Generală Regională a Finanțelor Publice Ploiești. Request for a preliminary ruling from the Tribunalul Prahova.

Reference for a preliminary ruling – Taxation of energy products and electricity – Directive 2003/96/EC – Taxation in accordance with the principle of actual use of those products – Annex I – **Minimum levels of taxation applicable to energy products provided for by that directive** – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 2(1)(a) – Chargeable event – Article 63 – **Chargeability of VAT** – Article 78(1)(a) – Taxable amount – Reintroduction of energy products into the tax warehouse – Conditions imposed by national law – Additional excise duty and VAT applied as a penalty for non-compliance with those conditions – Principle of proportionality.

[EUR-Lex - 62022CJ0657](#)

Case C-301/22. Judgment of the Court (Second Chamber) of 25 April 2024. Peter Sweetman v An Bord Pleanála and Ireland and the Attorney General. Request for a preliminary ruling from the High Court (Ireland).

Reference for a preliminary ruling – Environment – Directive 2000/60/EC – Framework for EU action in the field of water policy – Article 4(1)(a) – Environmental objectives relating to surface waters – **Obligation of the Member States not to authorise a project which may cause a deterioration of the status of a surface water body** – Article 5 and Annex II – Characterisation of surface water body types – Article 8 and Annex V – Classification of surface water status – Article 11 – Programme of measures – Project for the abstraction of water from a lake with a surface area below 0.5km².

[EUR-Lex - 62022CJ0301](#)

Case C-316/22. Judgment of the Court (Fifth Chamber) of 11 April 2024. Gabel Industria Tessile SpA and Canavesi SpA v A2A Energia SpA and Others. Request for a preliminary ruling from the Tribunale di Como.

Reference for a preliminary ruling – Directive 2008/118/EC – Article 1(2) – Excise duties – Electricity – **National legislation creating an additional tax on electricity excise duties** – Lack of specific purposes – Additional tax deemed contrary to Directive 2008/118/EC by the national courts – Recovery by the final consumer of the tax unduly paid from the supplier alone – Article 288 TFEU – Direct effect – Principle of effectiveness.

[EUR-Lex - 62022CJ0316](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-561/21. Judgment of the Court (Ninth Chamber) of 25 April 2024. GP and BG v Banco Santander, SA. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – **Mortgage loan contract – Term stipulating that costs relating to the contract are to be paid by the consumer** – Final judicial decision finding that term unfair and declaring it void – Action for restitution of the sums paid pursuant to the unfair term – Point from which the limitation period for the action for restitution starts to run.

[EUR-Lex - 62021CJ0561](#)

12. Human Rights

Case Law

Case C-470/21. Judgment of the Court (Full Court) of 30 April 2024. La Quadrature du Net and Others v Premier ministre and Ministère de la Culture. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Processing of personal data and the protection of privacy in the electronic communications sector – Directive 2002/58/EC – Confidentiality of electronic communications – Protection – Article 5 and Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – **National legislation aimed at combating, through action by a public authority, counterfeiting offences committed on the internet** – ‘Graduated response’ procedure – Upstream collection by rightholder organisations of IP addresses used for activities infringing copyright or related rights – **Downstream access by the public authority responsible for the protection of copyright and related rights to data relating to the civil identity associated with those IP addresses retained by providers of electronic communications services** – Automated processing – **Requirement of prior review by a court or an independent administrative body** – Substantive and procedural conditions – Safeguards against the risks of abuse and against any unlawful access to or use of those data.

[EUR-Lex - 62021CJ0470](#)

Joined Cases C-395/22 and C-428/22. Judgment of the Court (Third Chamber) of 30 April 2024. „Trade Express-L“ OOD and „DEVNIA TSIMENT“ AD v Zamestnik-predsedatel na Darzhavna agentsia „Darzhaven rezerv i voennovremenni zapasi“. Requests for a preliminary ruling from the Administrativen sad - Varna.

References for a preliminary ruling – Energy – Directive 2009/119/EC – Supply of stocks of crude oil and/or petroleum products – Article 3 – **Obligation for Member States to maintain emergency stocks** – Article 8 – Economic operators – Regulation (EC) No 1099/2008 – Energy statistics – **National legislation making it possible to impose an obligation on an economic operator to build up and maintain emergency stocks of a petroleum product, including where that product is unrelated to the economic activity of that operator** – Charter of Fundamental Rights of the European Union – Article 16 – **Freedom to conduct a business** – Article 17 – Right to property.

[EUR-Lex - 62022CJ0395](#)

Case C-178/22. Judgment of the Court (Grand Chamber) of 30 April 2024. Criminal proceedings against Procura della Repubblica presso il Tribunale di Bolzano. Request for a preliminary ruling from the Tribunale di Bolzano / Landesgericht Bozen.

Reference for a preliminary ruling – **Processing of personal data in the electronic communications sector** – Confidentiality of communications – Providers of electronic communications services – Directive 2002/58/EC – Article 15(1) – Articles 7, 8, 11 and Article 52(1) of the Charter of Fundamental Rights of the European Union – **Access to those data requested by a national authority having competence to prosecute offences of aggravated theft** – Definition of the concept of ‘serious offence’ the prosecution of which is capable of justifying serious interference with fundamental rights – Competence of the Member States – Principle of proportionality – Scope of prior review by a court of the requests to access the data retained by providers of electronic communications services.

[EUR-Lex - 62022CJ0178](#)

13. Internal Market and Free Movement

Case Law

Case C-650/22 Fédération internationale de football association (FIFA) v BZ, Interveniers: Union Royale Belge des Sociétés de Football-Association ASBL (URBSFA), SA Sporting du Pays de Charleroi, Fédération Internationale des Footballeurs Professionnels, Union Nationale des Footballeurs Professionnels, Fédération Internationale des Footballeurs Professionnels, Division Europe Opinion of Advocate General Szpunar delivered on 30 April 2024. (Request for a preliminary ruling from the Cour d’appel de Mons (Court of Appeal, Mons, Belgium))

Reference for a preliminary ruling – Freedom of movement for workers – Prohibitions on agreements – **FIFA Regulations on the Status and Transfer of Players – Early termination of a contract concluded between a club and a player** – Regulations penalising another club which employs the player in question – Prohibition on issuing the certificate required for the transfer of that player to that other club

[EUR-Lex - 62022CC0650](#)

Joined Cases C-684/22 to C-686/22. Judgment of the Court (Fourth Chamber) of 25 April 2024. S.Ö. and Others v Stadt Duisburg and Others. Requests for a preliminary ruling from the Verwaltungsgericht Düsseldorf.

Reference for a preliminary ruling – Citizenship of the Union – Article 20 TFEU – Nationality of a Member State and of a third country – **Acquisition of the nationality of a third country – Loss of the nationality of a Member State and of citizenship of the Union by operation of law** – Possibility of applying to retain the nationality of the Member State prior to acquisition of the nationality of a third country – Individual examination of the consequences of the loss of the nationality of the Member State in the light of EU law – Scope.

[EUR-Lex - 62022CJ0684](#)

Case C-276/22. Judgment of the Court (Third Chamber) of 25 April 2024. Edil Work 2 S.r.l. and S.T. S.r.l v STE S.a.r.l. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Articles 49 and 54 TFEU – **Freedom of establishment – Company established in a Member State but carrying on its activities in another Member State** – Operation and management of the company – **National legislation providing for the application of the law of the Member State in which a company carries on its activities** – Restriction on freedom of establishment – Justification – Protection of the interests of creditors, minority shareholders and staff – Prevention of abusive practices and artificial arrangements – Proportionality.

[EUR-Lex - 62022CJ0276](#)

Joined Cases C-420/22 and C-528/22. Judgment of the Court (First Chamber) of 25 April 2024. NW and PQ v Országos Idegenrendészeti Főigazgatóság and Miniszterelnöki Kabinetirodát vezető miniszter. Requests for a preliminary ruling from the Szegedi Törvényszék.

References for a preliminary ruling – Citizenship of the European Union – Article 20 TFEU – **Union citizen who has never exercised his or her right of freedom of movement – Residence of a family member of that Union citizen – Threat to national security** – Statement by a specialist national authority – Statement of reasons – Access to the file.

[EUR-Lex - 62022CJ0420](#)

Case C-716/22. Judgment of the Court (Eighth Chamber) of 18 April 2024. EP v Préfet du Gers and Institut national de la statistique et des études économiques (INSEE). Request for a preliminary ruling from the Tribunal judiciaire d'Auch.

Reference for a preliminary ruling – Citizenship of the Union – **National of the United Kingdom of Great Britain and Northern Ireland residing in a Member State** – Articles 20 and 22 TFEU – **Right to vote and to stand as a candidate in elections to the European Parliament in the Member State of residence** – Article 50 TEU – Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Consequences of the withdrawal of a Member State of the European Union – Removal from the electoral roll in the Member State of residence – Article 39 of the Charter of Fundamental Rights of the European Union – Validity of Decision (EU) 2020/135.

[EUR-Lex - 62022CJ0716](#)

14. Intellectual Property

Community Legislation

Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012

[Regulation - EU - 2024/1143 - EN - EUR-Lex \(europa.eu\)](#)

Case Law

Case T-255/23. Judgment of the General Court (Third Chamber) of 17 April 2024. Escobar Inc. v European Union Intellectual Property Office.

EU trade mark – Application for the EU word mark Pablo Escobar – Absolute ground for refusal – **Trade mark contrary to public policy and to accepted principles of morality** – Article 7(1)(f) of Regulation (EU) 2017/1001 – Presumption of innocence

[EUR-Lex - 62023TJ0255](#)

Case C-723/22. Judgment of the Court (Sixth Chamber) of 11 April 2024. Citadines Betriebs GmbH v MPLC Deutschland GmbH. Request for a preliminary ruling from the Oberlandesgericht München.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) – **Communication to the public** – Meaning – Provision of television sets in a hotel – Transmission of a signal by means of a coaxial cable distributor – Directive 93/83/EEC – Cable retransmission – Cable operators – Meaning – **Licensing agreement with collective management organisations for cable retransmission – Retransmission of that signal by means of that hotel's own cable distribution network.**

[EUR-Lex - 62022CJ0723](#)

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

Community Legislation

Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures and amending Directive (EU) 2018/1673

[Directive - EU - 2024/1226](#)

Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)

[Directive - EU - 2024/1233](#)

Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation

[Directive - 2024/1260](#)

Case Law

Case C-670/22. Judgment of the Court (Grand Chamber) of 30 April 2024. Criminal proceedings against M.N. Request for a preliminary ruling from the Landgericht Berlin.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2014/41/EU – **European Investigation Order (EIO) in criminal matters – Obtaining of evidence already in the possession of the competent authorities of the executing State** – Conditions for issuing an EIO – Encrypted telecommunications service – **EncroChat** – Need for the decision of a judge – Use of evidence obtained in breach of EU law.

[EUR-Lex - 62022CJ0670](#)

Joined Cases C-345/22 to C-347/22. Judgment of the Court (Sixth Chamber) of 25 April 2024. Maersk A/S and Mapfre España Compañía de Seguros y Reaseguros SA v Allianz Seguros y Reaseguros SA and MACS Maritime Carrier Shipping GmbH & Co. Requests for a preliminary ruling from the Audiencia Provincial de Pontevedra.

Requests for a preliminary ruling – Judicial cooperation in civil and commercial matters – **Regulation (EU) No 1215/2012** – Article 25(1) – **Contract for the carriage of goods evidenced by a bill of lading** – Jurisdiction clause incorporated in that bill of lading – Enforceability against the third-party holder of the bill of lading – Applicable law – **National legislation requiring the individual and separate negotiation of the jurisdiction clause by the third-party holder of the bill of lading.**

[EUR-Lex - 62022CJ0345](#)

Joined Cases C-765/22 and C-772/22. Judgment of the Court (Third Chamber) of 18 April 2024. Luis Carlos and Others v Air Berlín Luftverkehrs KG, Sucursal en España and Air Berlín PLC & CO Luftverkehrs KG. Requests for a preliminary ruling from the Juzgado de lo Mercantil de Palma de Mallorca.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Regulation (EU) 2015/848 – Insolvency proceedings – **Main insolvency proceedings in Germany and secondary insolvency proceedings in Spain – Challenge to the inventory of assets and the list of creditors submitted by the insolvency practitioner in the secondary insolvency proceedings** – Classification of employees' claims – Date to be taken into account – Transfer of assets situated in Spain to Germany – Composition of the estate in secondary insolvency proceedings – Time parameters to be taken into consideration.

[EUR-Lex - 62022CJ0765](#)

Case C-687/22. Judgment of the Court (Second Chamber) of 11 April 2024. Julieta and Rogelio v Agencia Estatal de la Administración Tributaria. Request for a preliminary ruling from the Audiencia Provincial de Alicante.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Directive (EU) 2019/1023 – Procedures concerning restructuring, insolvency and discharge of debt** – Article 20 – Access to discharge – Article 20(1) – Full discharge of debt – Article 23 – Derogations – Article 23(4) – Exclusion of certain categories of debt from the discharge of debt – **Exclusion of claims governed by public law** – Justification under national law – Legal effects of directives – Obligation to interpret national law in conformity with EU law.

[EUR-Lex - 62022CJ0687](#)

16. Transport

Case Law

Case C-204/23. Judgment of the Court (Eighth Chamber) of 25 April 2024. Autorità di regolazione dei trasporti v Lufthansa Linee Aeree Germaniche and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Air transport – Airport charges – Directive 2009/12/EC – Article 11(5) – **Funding for the independent supervisory authority – Contribution from airport users** – Criteria for taxation.

[EUR-Lex - 62023CJ0204](#)

Case C-173/23. Judgment of the Court (Third Chamber) of 11 April 2024. Eventmedia Soluciones SL v Air Europa Líneas Aéreas SAU. Request for a preliminary ruling from the Juzgado de lo Mercantil de Palma de Mallorca.

Reference for a preliminary ruling – Air transport – Montreal Convention – Article 19 – **Compensation for damage occasioned by delay in the carriage of baggage** – Assignment to a commercial company of the passenger’s claim against the air carrier – Contractual clause prohibiting such an assignment – Directive 93/13/EC – Unfair terms in consumer contracts – Article 6(1) and Article 7(1) – Review of its own motion of the unfairness of the clause prohibiting the assignment of passenger rights – Detailed rules for that review in the context of a dispute between the assignee company and the air carrier – Principles of equivalence and effectiveness – Principle of audi alterem partem.

[EUR-Lex - 62023CJ0173](#)

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

Community Legislation

Council Directive (EU) 2024/1265 of 29 April 2024 amending Directive 2011/85/EU on requirements for budgetary frameworks of the Member States

[Directive - 2024/1265](#)

Case Law

Case C-634/22. Judgment of the Court (Fourth Chamber) of 18 April 2024. Criminal proceedings against OT and Others. Request for a preliminary ruling from the Sofijski gradski sad.

Reference for a preliminary ruling – Values and objectives of the European Union – Article 2 TEU – Rule of law – Second subparagraph of Article 19(1) TEU – **Independent and impartial court – Reorganisation of jurisdiction of courts in a Member State** – Abolition of a specialised criminal court – Inadmissibility of the request for a preliminary ruling.

[EUR-Lex - 62022CJ0634](#)

Joined Cases C-114/23, C-115/23, C-132/23 and C-160/23. Judgment of the Court (Third Chamber) of 11 April 2024. Prokuratura Rejonowa Warszawa Ochota and Prokuratura Okręgowa w Warszawie v KB and Others. Requests for a preliminary ruling from the Sąd Okręgowy w Warszawie.

Reference for a preliminary ruling – Article 267 TFEU – **Interpretation sought by the referring court necessary to enable it to give judgment – Independence of the judiciary** – Conditions for the appointment of ordinary judges – Possibility of challenging a final judgment or decree of criminal conviction at the stage of proceedings to enforce that judgment or decree – Admissibility of the requests for a preliminary ruling.

[EUR-Lex - 62023CJ0114](#)

Case C-600/22 P Carles Puigdemont i Casamajó, Antoni Comín i Oliveres v European Parliament. Opinion of Advocate General Szpunar delivered on 11 April 2024

(Appeal – Law governing the institutions – Members of the European Parliament – **Decision refusing to allow the appellants, elected as Members of the European Parliament, to take their seats as Members and depriving them of all associated rights** – Action for annulment and for compensation)

[EUR-Lex - 62022CC0600](#)

Case C-551/21. Judgment of the Court (Grand Chamber) of 9 April 2024. European Commission v Council of the European Union.

Action for annulment – Decision (EU) 2021/1117 – **Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026)** – Signing on behalf of the European Union – **Institution competent to designate the person empowered to sign** – Article 13(2) TEU – Observance by each institution of the limits of the powers conferred on it – Mutual sincere cooperation between the EU institutions – Article 16(1) and (6) TEU – Power of the Council of the European Union to make policies and plan the EU's external action – Article 17(1) TEU – Power of the European Commission to ensure the external representation of the European Union – Article 218 TFEU.

[EUR-Lex - 62021CJ0551](#)

Case C-582/21. Judgment of the Court (Grand Chamber) of 9 April 2024. FY v Profi Credit Polska S.A. w Bielsku Białej. Request for a preliminary ruling from the Sąd Okręgowy Warszawa-Praga w Warszawie.

Reference for a preliminary ruling – Principles of EU law – Article 4(3) TEU – Principle of sincere cooperation – Procedural autonomy – Principles of equivalence and effectiveness – Principle of interpreting national law in conformity with EU law – **National legislation providing for an extraordinary remedy allowing the reopening of civil proceedings closed by a final judgment** – Grounds – Subsequent decision of a constitutional court declaring that a provision of national law on the basis of which that judgment was given is incompatible with the Constitution – **Loss of the opportunity to take action on account of a breach of the law** – Broad application of that remedy – Alleged infringement of EU law resulting from a subsequent judgment of the Court of Justice ruling under Article 267 TFEU on the interpretation of EU law – Directive 93/13/EEC – Unfair terms in consumer contracts – Default judgment – Failure of the court hearing the case to ascertain of its own motion whether contractual terms are unfair.

[EUR-Lex - 62021CJ0582](#)