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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. Finally, we would like to take this opportunity to wish our readers a happy and safe 2023!

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Highlights

Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting

[EUR-Lex - 32022L2464](#)

Council Directive (EU) 2022/2523 of 14 December 2022 on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the Union

[EUR-Lex - 32022L2523](#)

Case C-460/20. Judgment of the Court (Grand Chamber) of 8 December 2022. TU and RE v Google LLC. Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Directive 95/46/EC – Article 12(b) – Point (a) of the first paragraph of Article 14 – Regulation (EU) 2016/679 – Article 17(3)(a) – Operator of an internet search engine – **Research carried out on the basis of a person's name – Displaying a link to articles containing allegedly inaccurate information in the list of search results – Displaying, in the form of thumbnails, photographs illustrating those articles in the list of results of an image search – Request for de-referencing made to the operator of the search engine – Weighing-up of fundamental rights – Articles 7, 8, 11 and 16 of the Charter of Fundamental Rights of the European Union – **Obligations and responsibilities of the operator of the search engine in respect of processing a request for de-referencing** – Burden of proof on the person requesting de-referencing.**

[EUR-Lex - 62020CJ0460](#)

1. EU-Swiss Relations

Community Legislation

Council Decision (EU) 2022/2536 of 12 December 2022 on the conclusion of the Agreement between the European Union and the Swiss Confederation on the application of certain provisions of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, of Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, and the Annex thereto, and of Council Framework Decision 2009/905/JHA on accreditation of forensic service providers carrying out laboratory activities

[EUR-Lex - 32022D2536](#)

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market

[EUR-Lex - 32022R2560](#)

Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an instrument for providing support to Ukraine for 2023 (macro-financial assistance +)

[EUR-Lex - 32022R2463](#)

Council Regulation (EU) 2022/2474 of 16 December 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

[EUR-Lex - 32022R2474](#)

Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Kingdom of Thailand, of the other part

[EUR-Lex - 22022A1223\(01\)](#)

Case Law

Case C-279/21. Judgment of the Court (Second Chamber) of 22 December 2022. X v Udlændingenævnet. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – EEC-Turkey Association Agreement – Article 9 – Decision No 1/80 – Article 10(1) – Article 13 – Standstill clause – Family reunification – National rule introducing new more restrictive conditions in the area of family reunification for spouses of Turkish nationals who hold a permanent residence permit in the Member State concerned – **Requirement that Turkish workers successfully take a test demonstrating a certain level of knowledge of the official language of that Member State** – Justification – Objective of ensuring successful integration.

[EUR-Lex - 62021CJ0279](#)

Joined Cases C-753/21 and C-754/21. Judgment of the Court (Eighth Chamber) of 15 December 2022. Instrubel NV and Montana Management Inc. v Montana Management Inc. and Others. Requests for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Common foreign and security policy – Regulation (EC) No 1210/2003 – **Specific restrictions applicable to economic and financial relations with Iraq** – Article 4 – Freezing of funds and economic resources belonging to the persons, bodies and entities associated with the regime of the former President Saddam Hussein – Article 6 – Transfer to the successor arrangements of the Iraq Development Fund – Ownership of frozen funds and economic resources.

[EUR-Lex - 62021CJ0753](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union

[EUR-Lex - 32022R2472](#)

Case Law

Case C-409/21. Judgment of the Court (Seventh Chamber) of 1 December 2022. DELID v Izpalnitelen direktor na Darzhaven fond „Zemedelie“. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Common agricultural policy (CAP) – European Agricultural Fund for Rural Development (EAFRD) funding – **Regulation (EU) No 1305/2013 – Investment support** – National legislation making the grant of the support conditional upon the person applying for support submitting a certificate of registration of a livestock facility in that person’s name and showing that, on the date of submission of the application, the output of that person’s agricultural holding is equivalent to at least EUR 8 000.

[EUR-Lex - 62021CJ0409](#)

4. Audiovisual and Media and Information Society

Community Legislation

Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011

[EUR-Lex - 32022R2554](#)

Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive)

[EUR-Lex - 32022L2555](#)

Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC

[EUR-Lex - 32022L2557](#)

Directive (EU) 2022/2556 of the European Parliament and of the Council of 14 December 2022 amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and (EU) 2016/2341 as regards digital operational resilience for the financial sector

[EUR-Lex - 32022L2556](#)

Case Law

Joined Cases C-148/21 and C-184/21. Judgment of the Court (Grand Chamber) of 22 December 2022. Christian Louboutin v Amazon Europe Core Sàrl and Others. Requests for a preliminary ruling from the Tribunal d'arrondissement de Luxembourg and Tribunal de l'entreprise francophone de Bruxelles.

Reference for a preliminary ruling – EU trade mark – Regulation (EU) 2017/1001 – Article 9(2)(a) – Rights conferred by an EU trade mark – Concept of ‘use’ – **Operator of an online sales website incorporating an online marketplace** – Advertisements published on that marketplace by third-party sellers using, in those advertisements, a sign which is identical with a trade mark of another person for goods which are identical with those for which that trade mark is registered – Perception of that sign as forming an integral part of the commercial communication of that operator – **Method of presenting the advertisements which does not make it possible to distinguish clearly the offerings of that operator from those of the third-party sellers.**

[EUR-Lex - 62021CJ0148](#)

Case C-83/21. Judgment of the Court (Second Chamber) of 22 December 2022. Airbnb Ireland UC and Airbnb Payments UK Ltd v Agenzia delle Entrate. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Internal market – Article 114(2) TFEU – Exclusion of fiscal provisions – Directive 2000/31/EC – Information society services – Electronic commerce – Online property intermediation platform – Article 1(5)(a) – Exclusion of the ‘field of taxation’ – Directive 2006/123/EC – Services in the internal market – Article 2(3) – Exclusion of the ‘field of taxation’ – Directive (EU) 2015/1535 – Article 1(1)(e) and (f) – Concepts of ‘rule on services’ and ‘technical regulation’ – **Obligation on providers of property intermediation services to collect and transmit to the tax authorities data on rental contracts and to withhold tax at source on the payments made** – Obligation on service providers that do not have a permanent establishment in Italy to appoint a tax representative – Article 56 TFEU – Restrictive nature – Legitimate objective – Disproportionate nature of the obligation to appoint a tax representative – Third paragraph of Article 267 TFEU – Prerogatives of a national court or tribunal against whose decisions there is no judicial remedy under national law.

[EUR-Lex - 62021CJ0083](#)

5. Competition and State Aid

Community Legislation

Council Regulation (EU) 2022/2586 of 19 December 2022 on the application of Articles 93, 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of State aid in the rail, inland waterway and multimodal transport sector

[EUR-Lex - 32022R2586](#)

Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union

[EUR-Lex - 32022R2472](#)

Case Law

Case C-470/20. Judgment of the Court (First Chamber) of 15 December 2022. AS Veejaam and OÜ Espo v AS Elering. Request for a preliminary ruling from the Riigikohus.

Reference for a preliminary ruling – State aid – Renewable energy subsidy – **Guidelines on State aid for environmental protection and energy 2014-2020** – Incentive effect of aid applied for after work has started on the project concerned – Article 108(3) TFEU – Obligation to notify – Consequences of breach of the obligation to notify.

[EUR-Lex - 62020CJ0470](#)

Case C-769/21. Judgment of the Court (Tenth Chamber) of 8 December 2022. AAS „BTA Baltic Insurance Company” v Iepirkumu uzraudzības birojs and Tieslietu ministrija. Request for a preliminary ruling from the Administratīvā rajona tiesa.

Reference for a preliminary ruling – Public procurement – Directive 2014/24/EU – Article 18(1) – Principles of equal treatment, transparency and proportionality – **Decision to withdraw an invitation to tender – Tenders submitted separately by two tenderers belonging to the same economic operator and constituting the two most economically advantageous tenders** – Refusal of the successful tenderer to sign the contract – Decision of the contracting authority to refuse the tender of the next tenderer, terminate the procedure and issue a new call for tenders.

[EUR-Lex - 62021CJ0769](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Council Directive (EU) 2022/2523 of 14 December 2022 on ensuring a global minimum level of taxation for multinational enterprise groups and large-scale domestic groups in the Union

[EUR-Lex - 32022L2523](#)

Council Regulation (EU) 2022/2578 of 22 December 2022 establishing a market correction mechanism to protect Union citizens and the economy against excessively high prices

[EUR-Lex - 32022R2578](#)

Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011

[EUR-Lex - 32022R2554](#)

Directive (EU) 2022/2556 of the European Parliament and of the Council of 14 December 2022 amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and (EU) 2016/2341 as regards digital operational resilience for the financial sector

[EUR-Lex - 32022L2556](#)

Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting

[EUR-Lex - 32022L2464](#)

Case Law

Case C-553/21. Judgment of the Court (Eighth Chamber) of 22 December 2022. Hauptzollamt Hamburg v Shell Deutschland Oil GmbH. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Directive 2003/96/EC – **Taxation of energy products and electricity** – Fourth indent of Article 5 – Differentiated rates of excise duty according to whether those products are for business or non-business use – Optional tax exemptions and reductions – Submission of an application for an optional tax reduction after the expiry of the period prescribed for that purpose but before the expiry of the period for assessment of the tax concerned – Principle of legal certainty – Principle of effectiveness – Principle of proportionality.

[EUR-Lex - 62021CJ0553](#)

Case C-656/21. Judgment of the Court (Fifth Chamber) of 22 December 2022. IM Gestão de Ativos (IMGA) – Sociedade Gestora de Organismos de Investimento Coletivo SA 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 – Directive 2008/7/EC – Article 5(2)(a) – Indirect taxes on the raising of capital – **Stamp duty on services relating to the marketing of shares in undertakings for collective investment in transferable securities.**

[EUR-Lex - 62021CJ0656](#)

Case C-332/21. Judgment of the Court (Tenth Chamber) of 22 December 2022. Quadrant Amroq Beverages SRL v Agenția Națională de Administrare Fiscală - Direcția Generală de Administrare a Marilor Contribuabili. Request for a preliminary ruling from the Tribunalul București.

Reference for a preliminary ruling – Harmonisation of fiscal legislation – Directive 92/83/EEC – **Harmonisation of the structures of excise duties on alcohol and alcoholic beverages** – Excise duty – Ethyl alcohol – Exemptions – Article 27(1)(e) – Production of flavours for the preparation of foodstuffs and non-alcoholic beverages with an alcohol strength not exceeding 1.2% volume – Scope – Principles of proportionality and effectiveness.

[EUR-Lex - 62021CJ0332](#)

Case C-694/20. Judgment of the Court (Grand Chamber) of 8 December 2022. Orde van Vlaamse Balies and Others v Vlaamse Regering. Request for a preliminary ruling from the Grondwettelijk Hof.

Reference for a preliminary ruling – **Administrative cooperation in the field of taxation – Mandatory automatic exchange of information in relation to reportable cross-border arrangements** – Directive 2011/16/EU, as amended by Directive (EU) 2018/822 – Article 8ab(5) – Validity – Legal professional privilege of the lawyer – Exemption from the reporting obligation for the benefit of lawyer-intermediaries subject to legal professional privilege – Obligation on that lawyer-intermediary to notify any other intermediary who is not his or her client of that intermediary's reporting obligations – Articles 7 and 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62020CJ0694](#)

Case C-378/21. Judgment of the Court (Seventh Chamber) of 8 December 2022. P GmbH v Finanzamt Österreich. Request for a preliminary ruling from the Bundesfinanzgericht.

Reference for a preliminary ruling – Harmonisation of fiscal legislation – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 203 – **Adjustment of the VAT return – Recipients of services who are not entitled to make deductions** – No risk of loss of tax revenue.

[EUR-Lex - 62021CJ0378](#)

Case C-370/21. Judgment of the Court (Eighth Chamber) of 1 December 2022. DOMUS-SOFTWARE-AG v Marc Braschoß Immobilien GmbH. Request for a preliminary ruling from the Landgericht München I.

Reference for a preliminary ruling – Directive 2011/7/EU – Combating late payment in commercial transactions – **Compensation for recovery costs incurred by the creditor due to late payment by the debtor** – Article 6 – Fixed minimum sum of EUR 40 – Several late payments for periodic supplies of goods or services under a single contract.

[EUR-Lex - 62021CJ0370](#)

Case C-269/20. Judgment of the Court (First Chamber) of 1 December 2022. Finanzamt T v S. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Value added tax (VAT) – Sixth Directive 77/388/EEC – Second subparagraph of Article 4(4) – Taxable persons – Option for Member States to treat as a single taxable person persons who are legally independent but closely bound to one another by financial, economic and organisational links ('VAT group') – **National legislation designating the controlling company of a VAT group as a single taxable person** – Internal supplies within the VAT group – Article 6(2)(b) – Supplies of services provided free of charge – Concept of 'purposes other than those of the business'.

[EUR-Lex - 62020CJ0269](#)

Affaire C-512/21. Arrêt de la Cour (dixième chambre) du 1er décembre 2022. Aquila Part Prod Com SA contre Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Demande de décision préjudicielle, introduite par la Fővárosi Törvényszék.

Renvoi préjudiciel – Fiscalité – Système commun de taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Article 168 – Droit à déduction de la TVA – Principes de neutralité fiscale, d'effectivité et de proportionnalité – Fraude – Preuve – Obligation de diligence de l'assujetti – Prise en considération d'une violation des obligations découlant des dispositions nationales et du droit de l'Union relatives à la sécurité de la chaîne alimentaire – **Mandat donné par l'assujetti à un tiers pour effectuer les opérations taxées** – Charte des droits fondamentaux de l'Union européenne – Article 47 – Droit à un procès équitable.

[EUR-Lex - 62021CJ0512](#)

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-40/20. Judgment of the Court (Sixth Chamber) of 15 December 2022. AQ and Others v Presidenza del Consiglio dei ministri and Others. Request for a preliminary ruling from the Consiglio di Stato.

References for a preliminary ruling – Social policy – Fixed-term work – Directive 1999/70/EC – Framework agreement – Principle of non-discrimination – **Measures to prevent abuse of successive fixed-term employment contracts** – Public-law fixed-term employment relationship – University researchers.

[EUR-Lex - 62020CJ0040](#)

Case C-311/21. Judgment of the Court (Second Chamber) of 15 December 2022. CM v TimePartner Personalmanagement GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Employment and social policy – **Temporary agency work** – Directive 2008/104/EC – Article 5 – Principle of equal treatment – Need to respect, in the event of derogation from that principle, the overall protection of temporary agency workers – **Collective agreement providing for lower pay than that of staff recruited directly by the user undertaking** – Effective judicial protection – Judicial review.

[EUR-Lex - 62021CJ0311](#)

10. Energy and Environment

Community Legislation

Council Regulation (EU) 2022/2578 of 22 December 2022 establishing a market correction mechanism to protect Union citizens and the economy against excessively high prices

[EUR-Lex - 32022R2578](#)

Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy

[EUR-Lex - 32022R2577](#)

Council Regulation (EU) 2022/2576 of 19 December 2022 enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders

[EUR-Lex - 32022R2576](#)

Case Law

Affaire C-125/20. Arrêt de la Cour (sixième chambre) du 22 décembre 2022. Commission européenne contre Royaume d'Espagne.

Manquement d'État – Environnement – Directive 2008/50/CE – Qualité de l'air ambiant – Article 13, paragraphe 1 – Annexe XI – **Dépassement systématique et persistant des valeurs limites fixées pour le dioxyde d'azote (NO2) dans certaines zones et agglomérations d'Espagne** – Article 23, paragraphe 1 – Annexe XV – Période de dépassement “la plus courte possible” – Mesures appropriées.

[EUR-Lex - 62020CJ0125](#)

Affaire C-61/21. Arrêt de la Cour (grande chambre) du 22 décembre 2022. JP contre Ministre de la Transition écologique et Premier ministre. Demande de décision préjudicielle, introduite par la cour administrative d'appel de Versailles.

Renvoi préjudiciel – Environnement – Directives 80/779/CEE, 85/203/CEE, 96/62/CE, 1999/30/CE et 2008/50/CE – Qualité de l'air – Valeurs limites fixées pour les microparticules (PM10) et pour le dioxyde d'azote (NO2) – Dépassement – **Plans relatifs à la qualité de l'air** – Préjudices qui auraient été causés à un particulier par la dégradation de l'air résultant d'un dépassement de ces valeurs limites – Responsabilité de l'État membre concerné – Conditions d'engagement de cette responsabilité – Exigence que la règle du droit de l'Union violée ait pour objet de conférer des droits aux particuliers lésés – Absence.

[EUR-Lex - 62021CJ0061](#)

Case C-470/20. Judgment of the Court (First Chamber) of 15 December 2022. AS Veejaam and OÜ Espo v AS Elering. Request for a preliminary ruling from the Riigikohus.

Reference for a preliminary ruling – State aid – Renewable energy subsidy – **Guidelines on State aid for environmental protection and energy 2014-2020** – Incentive effect of aid applied for after work has started on the project concerned – Article 108(3) TFEU – Obligation to notify – Consequences of breach of the obligation to notify.

[EUR-Lex - 62020CJ0470](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Council Regulation (EU) 2022/2578 of 22 December 2022 establishing a market correction mechanism to protect Union citizens and the economy against excessively high prices

[EUR-Lex - 32022R2578](#)

Case Law

Joined Cases C-148/21 and C-184/21. Judgment of the Court (Grand Chamber) of 22 December 2022. Christian Louboutin v Amazon Europe Core Sàrl and Others. Requests for a preliminary ruling from the Tribunal d'arrondissement de Luxembourg and Tribunal de l'entreprise francophone de Bruxelles.

Reference for a preliminary ruling – EU trade mark – Regulation (EU) 2017/1001 – Article 9(2)(a) – Rights conferred by an EU trade mark – Concept of ‘use’ – **Operator of an online sales website incorporating an online marketplace** – Advertisements published on that marketplace by third-party sellers using, in those advertisements, a sign which is identical with a trade mark of another person for goods which are identical with those for which that trade mark is registered – Perception of that sign as forming an integral part of the commercial communication of that operator – **Method of presenting the advertisements which does not make it possible to distinguish clearly the offerings of that operator from those of the third-party sellers.**

[EUR-Lex - 62021CJ0148](#)

Case C-392/21. Judgment of the Court (Second Chamber) of 22 December 2022. TJ v Inspectoratul General pentru Imigrări. Request for a preliminary ruling from the Curtea de Apel Cluj.

Reference for a preliminary ruling – Social policy – Protection of the safety and health of workers – Directive 90/270/EEC – Article 9(3) – Work with display screen equipment – **Protection of workers' eyes and eyesight** – Special corrective appliances – Spectacles – Acquisition by the employee – Arrangements for the employer to meet the costs.

[EUR-Lex - 62021CJ0392](#)

Affaire C-20/22. Arrêt de la Cour (septième chambre) du 22 décembre 2022. Syndicat Les Entreprises du Médicament (LEEM) contre Ministre des Solidarités et de la Santé. Demande de décision préjudicielle, introduite par le Conseil d'État (France).

Renvoi préjudiciel – Médicaments à usage humain – Directive 89/105/CEE – **Transparence des mesures régissant la fixation des prix des médicaments à usage humain et leur inclusion dans le champ d'application des systèmes nationaux d'assurance maladie** – Article 4 – Blocage du prix de tous les médicaments ou de certaines catégories de médicaments – Mesure nationale concernant uniquement certains médicaments pris individuellement – Fixation d'un prix maximal de vente de certains médicaments aux établissements de santé.

[EUR-Lex - 62022CJ0020](#)

Case C-600/21. Judgment of the Court (Ninth Chamber) of 8 December 2022. QE v Caisse régionale de Crédit mutuel de Loire-Atlantique et du Centre Ouest. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Consumer protection – Unfair terms in consumer contracts – Directive 93/13/EEC – Article 3(1) – Article 4 – **Criteria for assessing whether a term is unfair – Term relating to the accelerated repayment of a loan agreement** – Contractual dispensation from the requirement for a formal written demand.

[EUR-Lex - 62021CJ0600](#)

Affaire C-625/21. Arrêt de la Cour (neuvième chambre) du 8 décembre 2022. VB contre GUPFINGER Einrichtungsstudio GmbH. Demande de décision préjudicielle, introduite par l'Oberster Gerichtshof.

Renvoi préjudiciel – Directive 93/13/CEE – Clauses abusives dans les contrats conclus avec les consommateurs – Dénonciation illégitime d'un contrat par le consommateur – **Clause déclarée abusive déterminant le droit du professionnel à la réparation du préjudice** – Application du droit interne à caractère supplétif.

[EUR-Lex - 62021CJ0625](#)

Case C-595/21. Judgment of the Court (Eighth Chamber) of 1 December 2022. LSI - Germany GmbH v Freistaat Bayern. Request for a preliminary ruling from the Bayerisches Verwaltungsgericht Ansbach.

Reference for a preliminary ruling – Consumer protection – **Provision of food information to consumers** – Regulation (EU) No 1169/2011 – Article 17 and point 4 of Part A of Annex VI – 'Name of the food' – 'Name of the product' – Mandatory particulars in food labelling – Component or ingredient used for the partial or whole substitution of the component or ingredient which consumers expect to see normally used or present in a food.

[EUR-Lex - 62021CJ0595](#)

12. Human Rights

Case Law

Case C-460/20. Judgment of the Court (Grand Chamber) of 8 December 2022. TU and RE v Google LLC. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Directive 95/46/EC – Article 12(b) – Point (a) of the first paragraph of Article 14 – Regulation (EU) 2016/679 – Article 17(3)(a) – Operator of an internet search engine – **Research carried out on the basis of a person's name – Displaying a link to articles containing allegedly inaccurate information in the list of search results** – Displaying, in the form of thumbnails, photographs illustrating those articles in the list of results of an image search – Request for de-referencing made to the operator of the search engine – Weighing-up of fundamental rights – Articles 7, 8, 11 and 16 of the Charter of Fundamental Rights of the European Union – **Obligations and responsibilities of the operator of the search engine in respect of processing a request for de-referencing** – Burden of proof on the person requesting de-referencing.

[EUR-Lex - 62020CJ0460](#)

Case C-694/20. Judgment of the Court (Grand Chamber) of 8 December 2022. Orde van Vlaamse Balies and Others v Vlaamse Regering. Request for a preliminary ruling from the Grondwettelijk Hof.

Reference for a preliminary ruling – **Administrative cooperation in the field of taxation – Mandatory automatic exchange of information in relation to reportable cross-border arrangements** – Directive 2011/16/EU, as amended by Directive (EU) 2018/822 – Article 8ab(5) – Validity – Legal professional privilege of the lawyer – Exemption from the reporting obligation for the benefit of lawyer-intermediaries subject to legal professional privilege – Obligation on that lawyer-intermediary to notify any other intermediary who is not his or her client of that intermediary’s reporting obligations – Articles 7 and 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62020CJ0694](#)

Case C-180/21. Judgment of the Court (Fifth Chamber) of 8 December 2022. VS v Inspektor v Inspektorata kam Visshia sadeben savet. Request for a preliminary ruling from the Administrativen sad - Blagoevgrad.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Articles 2, 4 and 6 – Applicability of Regulation 2016/679 – Concept of ‘legitimate interest’ – Concept of ‘task carried out in the public interest or in the exercise of official authority’ – Directive (EU) 2016/680 – Articles 1, 3, 4, 6 and 9 – **Lawfulness of the processing of personal data collected in the course of a criminal investigation** – Subsequent processing of data relating to a presumed victim of a criminal offence for the purpose of making a formal accusation in respect of him or her – Concept of purpose ‘other than that for which the personal data are collected’ – Data used by the public prosecutor’s office of a Member State for the purposes of its defence in an action for damages against the State.

[EUR-Lex - 62021CJ0180](#)

Case C-492/22 PPU. Judgment of the Court (First Chamber) of 8 December 2022. CJ. Request for a preliminary ruling from the Rechtbank Amsterdam.

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 6(2) – Determination of the competent judicial authorities – Decision to postpone surrender adopted by a body not having the status of executing judicial authority – Article 23 – Expiry of the time limits provided for surrender – Consequences – Article 12 and Article 24(1) – Keeping the requested person in detention for the purposes of criminal proceedings in the executing Member State – Articles 6, 47 and 48 of the Charter of Fundamental Rights of the European Union – **Right of the accused person to appear in person at his trial.**

[EUR-Lex - 62022CJ0492](#)

Affaire C-348/21. Arrêt de la Cour (troisième chambre) du 8 décembre 2022. Procédure pénale contre HYA e.a. Demande de décision préjudicielle, introduite par le Spetsializiran nakazatelen sad.

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Directive (UE) 2016/343 – Renforcement de certains aspects de la présomption d’innocence et du droit d’assister à son procès dans le cadre des procédures pénales – Article 8, paragraphe 1 – **Droit d’une personne poursuivie d’assister à son procès** – Article 47, deuxième alinéa, et article 48, paragraphe 2, de la charte des droits fondamentaux de l’Union européenne – Droit à un procès équitable et droits de la défense – Interrogatoire de témoins à charge en l’absence de la personne poursuivie et de son avocat lors de la phase préliminaire de la procédure pénale – Impossibilité d’interroger les témoins à charge lors de la phase judiciaire de cette procédure – **Réglementation nationale permettant à une juridiction pénale de fonder sa décision sur la déposition antérieure desdits témoins.**

[EUR-Lex - 62021CJ0348](#)

13. Internal Market and Free Movement

Community Legislation

Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on **foreign subsidies distorting the internal market**

[EUR-Lex - 32022R2560](#)

Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on **the resilience of critical entities and repealing Council Directive 2008/114/EC**

[EUR-Lex - 32022L2557](#)

Case Law

Case C-237/21. Judgment of the Court (Grand Chamber) of 22 December 2022. Generalstaatsanwaltschaft München v S.M. Request for a preliminary ruling from the Oberlandesgericht München.

Reference for a preliminary ruling – Citizenship of the European Union – Articles 18 and 21 TFEU – **Request sent to a Member State by a third State for the extradition of a Union citizen who is a national of another Member State and who has exercised his right to free movement in the first of those Member States** – Request made for the purpose of enforcing a custodial sentence – **Prohibition on extradition applied solely to own nationals** – Restriction of freedom of movement – Justification based on the prevention of impunity – Proportionality.

[EUR-Lex - 62021CJ0237](#)

Affaire jointes C-383/21 et C-384/21. Arrêt de la Cour (cinquième chambre) du 22 décembre 2022. Sambre & Biesme SCRL et Commune de Farciennes contre Société wallonne du logement (SWL). Demande de décision préjudicielle, introduite par le Conseil d'État (Belgique).

Renvoi préjudiciel – Marchés publics – Directive 2014/24/UE – Attribution du marché public sans engagement d'une procédure d'appel d'offres – **Marchés publics passés entre des entités appartenant au secteur public** – Article 12, paragraphe 3 – Marchés publics faisant l'objet d'une attribution in house – Notion de "contrôle analogue" – Conditions – Représentation de tous les pouvoirs adjudicateurs participants – Article 12, paragraphe 4 – Contrat entre des pouvoirs adjudicateurs poursuivant des objectifs communs d'intérêt public – Notion de "coopération" – Conditions – Non-transposition dans les délais impartis – Effet direct.

[EUR-Lex - 62021CJ0383](#)

Case C-332/21. Judgment of the Court (Tenth Chamber) of 22 December 2022. Quadrant Amroq Beverages SRL v Agenția Națională de Administrare Fiscală - Direcția Generală de Administrare a Marilor Contribuabili. Request for a preliminary ruling from the Tribunalul București.

Reference for a preliminary ruling – Harmonisation of fiscal legislation – Directive 92/83/EEC – **Harmonisation of the structures of excise duties on alcohol and alcoholic beverages** – Excise duty – Ethyl alcohol – Exemptions – Article 27(1)(e) – Production of flavours for the preparation of foodstuffs and non-alcoholic beverages with an alcohol strength not exceeding 1.2% volume – Scope – Principles of proportionality and effectiveness.

[EUR-Lex - 62021CJ0332](#)

Case C-83/21. Judgment of the Court (Second Chamber) of 22 December 2022. Airbnb Ireland UC and Airbnb Payments UK Ltd v Agenzia delle Entrate. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Internal market – Article 114(2) TFEU – Exclusion of fiscal provisions – Directive 2000/31/EC – Information society services – Electronic commerce – Online property intermediation platform – Article 1(5)(a) – Exclusion of the 'field of taxation' – Directive 2006/123/EC – Services in the internal market – Article 2(3) – Exclusion of the 'field of taxation' – Directive (EU) 2015/1535 – Article 1(1)(e) and (f) – Concepts of 'rule on services' and 'technical regulation' – **Obligation on providers of property intermediation services to collect and transmit to the tax authorities data on rental contracts and to withhold tax at source on the payments made** – Obligation on service providers that do not have a permanent establishment in Italy to appoint a tax representative – Article 56 TFEU – Restrictive nature – Legitimate objective – Disproportionate nature of the obligation to appoint a tax representative – Third paragraph of Article 267 TFEU – Prerogatives of a national court or tribunal against whose decisions there is no judicial remedy under national law.

[EUR-Lex - 62021CJ0083](#)

Case C-731/21. Judgment of the Court (Eighth Chamber) of 8 December 2022. GV v Caisse nationale d'assurance pension. Request for a preliminary ruling from the Cour de cassation du Grand-Duché de Luxembourg.

Reference for a preliminary ruling – Free movement of persons – Article 45 TFEU – Workers – Regulation (EU) No 492/2011 – Article 7(1) and (2) – Equal treatment – Social advantages – Survivor's pension – Members of a civil partnership – **National legislation making the grant of a survivor's pension conditional upon the entry in the national register of a partnership that was validly concluded and registered in another Member State.**

[EUR-Lex - 62021CJ0731](#)

14. Intellectual Property

Case Law

Joined Cases C-148/21 and C-184/21. Judgment of the Court (Grand Chamber) of 22 December 2022. Christian Louboutin v Amazon Europe Core Sàrl and Others. Requests for a preliminary ruling from the Tribunal d'arrondissement de Luxembourg and Tribunal de l'entreprise francophone de Bruxelles.

Reference for a preliminary ruling – EU trade mark – Regulation (EU) 2017/1001 – Article 9(2)(a) – Rights conferred by an EU trade mark – Concept of 'use' – **Operator of an online sales website incorporating an online marketplace** – Advertisements published on that marketplace by third-party sellers using, in those advertisements, a sign which is identical with a trade mark of another person for goods which are identical with those for which that trade mark is registered – Perception of that sign as forming an integral part of the commercial communication of that operator – **Method of presenting the advertisements which does not make it possible to distinguish clearly the offerings of that operator from those of the third-party sellers.**

[EUR-Lex - 62021CJ0148](#)

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

Case Law

Affaire C-98/22. Arrêt de la Cour (huitième chambre) du 22 décembre 2022. Eurelec Trading SCRL et Scabel SA contre Ministre de l'Économie et des Finances. Demande de décision préjudicielle, introduite par la cour d'appel de Paris.

Renvoi préjudiciel – Coopération judiciaire en matière civile – Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – **Règlement (UE) no 1215/2012** – Article 1er, paragraphe 1 – **Notion de "matière civile et commerciale"** – Action d'une autorité publique visant à faire constater, sanctionner et cesser des pratiques restrictives de concurrence.

[EUR-Lex - 62022CJ0098](#)

Case C-88/21. Judgment of the Court (First Chamber) of 15 December 2022. Regionų apygardos administracinio teismo Kauno rūmai v Lietuvos Respublikos vidaus reikalų ministerija. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Second generation Schengen Information System (SIS II) – Decision 2007/533/JHA – Alert on an object sought – Article 38 – Objectives of the alert – Seizure or use as evidence in criminal proceedings – Article 39 – Execution of the action based on an alert – Measures taken in accordance with the national law of the Member States – **National legislation laying down an obligation to prohibit the registration of vehicles which are the subject of alerts in SIS II.**

[EUR-Lex - 62021CJ0088](#)

Case C-492/22 PPU. Judgment of the Court (First Chamber) of 8 December 2022. CJ. Request for a preliminary ruling from the Rechtbank Amsterdam.

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 6(2) – Determination of the competent judicial authorities – Decision to postpone surrender adopted by a body not having the status of executing judicial authority – Article 23 – Expiry of the time limits provided for surrender – Consequences – Article 12 and Article 24(1) – Keeping the requested person in detention for the purposes of criminal proceedings in the executing Member State – Articles 6, 47 and 48 of the Charter of Fundamental Rights of the European Union – **Right of the accused person to appear in person at his trial.**

[EUR-Lex - 62022CJ0492](#)

Affaire C-348/21. Arrêt de la Cour (troisième chambre) du 8 décembre 2022. Procédure pénale contre HYA e.a. Demande de décision préjudicielle, introduite par le Spetsializiran nakazatelen sad.

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Directive (UE) 2016/343 – Renforcement de certains aspects de la présomption d’innocence et du droit d’assister à son procès dans le cadre des procédures pénales – Article 8, paragraphe 1 – **Droit d’une personne poursuivie d’assister à son procès** – Article 47, deuxième alinéa, et article 48, paragraphe 2, de la charte des droits fondamentaux de l’Union européenne – Droit à un procès équitable et droits de la défense – Interrogatoire de témoins à charge en l’absence de la personne poursuivie et de son avocat lors de la phase préliminaire de la procédure pénale – Impossibilité d’interroger les témoins à charge lors de la phase judiciaire de cette procédure – **Réglementation nationale permettant à une juridiction pénale de fonder sa décision sur la déposition antérieure desdits témoins.**

[EUR-Lex - 62021CJ0348](#)

Case C-564/21. Judgment of the Court (Tenth Chamber) of 1 December 2022. BU v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.

Reference for a preliminary ruling – Fundamental rights – Right to an effective remedy – Article 47 of the Charter of Fundamental Rights of the European Union – **Asylum policy** – Directive 2013/32/EU – Article 11(1), Article 23(1) and Article 46(1) and (3) – **Access to information in the applicant’s file** – Completeness of the file – Metadata – Communication of that file in the form of individual unstructured electronic files – Information in writing – Digitised copy of the decision with a handwritten signature – Keeping of the electronic file without archiving a paper file.

[EUR-Lex - 62021CJ0564](#)

16. Transport

Community Legislation

Council Regulation (EU) 2022/2586 of 19 December 2022 on the application of Articles 93, 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of State aid in the rail, inland waterway and multimodal transport sector

[EUR-Lex - 32022R2586](#)

Directive (EU) 2022/2561 of the European Parliament and of the Council of 14 December 2022 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers

[EUR-Lex - 32022L2561](#)

Case Law

Case C-577/21. Judgment of the Court (Tenth Chamber) of 15 December 2022. LM et NO représentées par CD v HUK-COBURG-Allgemeine Versicherung AG. Request for a preliminary ruling from the Sofijski gradski sad.

Reference for a preliminary ruling – **Compulsory insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Article 3, fourth paragraph – Concept of ‘personal injury’ – Cover by compulsory insurance – Road traffic accident – Death of a passenger – Right to compensation for minor children – Non-material damage – **Suffering of a child resulting from the death of his or her parent as a result of that accident** – Compensation only in the event of pathological damage.

[EUR-Lex - 62021CJ0577](#)

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

Case Law

Case C-404/21. Judgment of the Court (Fifth Chamber) of 22 December 2022. WP v Istituto nazionale della previdenza sociale and Repubblica italiana. Request for a preliminary ruling from the Tribunale Ordinario di Asti.

Reference for a preliminary ruling – European Central Bank (ECB) staff members – **Transfer of pension rights acquired in a national pension scheme to the ECB pension scheme** – Article 4(3) TEU – Principle of sincere cooperation – ECB Conditions of Employment – Article 8 of Annex IIIa – No provision of national law or agreement between the Member State concerned and the ECB.

[EUR-Lex - 62021CJ0404](#)