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EU News: Click & Read

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European Documentation Centre

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, legal professionals, as well as corporations with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

We hope you will find this issue both useful and a pleasure to read.

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Case C-343/22. Judgment of the Court (Eighth Chamber) of 30 March 2023. PT v VB. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Lugano II Convention** – Procedure on the recognition and enforcement of judgments – Article 34(2) – Document which institutes the proceedings in the State of origin – **Due notification of an order for payment followed by improper service of a request for an action for repayment under Swiss law.**

[EUR-Lex - 62022CJ0343](#)

Case C-100/21. Judgment of the Court (Grand Chamber) of 21 March 2023. QB v Mercedes-Benz Group AG. Request for a preliminary ruling from the Landgericht Ravensburg.

Reference for a preliminary ruling – Approximation of laws – **Approval of motor vehicles** – Directive 2007/46/EC – Article 18(1) – Article 26(1) – Article 46 – Regulation (EC) No 715/2007 – Article 5(2) – Motor vehicles – Diesel engine – Pollutant emissions – **Exhaust gas recirculation valve (EGR valve)** – Reduction in nitrogen oxide (NOx) emissions limited by a ‘temperature window’ – Defeat device – **Protection of the interests of an individual purchaser of a vehicle equipped with an unlawful defeat device – Right to compensation from the vehicle manufacturer on the basis of tortious liability** – Method of calculating compensation – Principle of effectiveness – Article 267 TFEU – Admissibility – Reference to the Court from a single judge.

[EUR-Lex - 62021CJ0100](#)

Case C-354/21. Judgment of the Court (Fifth Chamber) of 9 March 2023. R.J.R. v Registru centras VJ. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **European Certificate of Succession** – Regulation (EU) No 650/2012 – Article 1(2)(l) – Scope – Article 68 – Contents of the European Certificate of Succession – Article 69(5) – Effects of the European Certificate of Succession – **Succession immovable property located in a Member State other than that of the succession** – Registration of that immovable property in the land register of that Member State – Legal requirements for such registration under the law of that Member State – Implementing Regulation (EU) No 1329/2014 – Mandatory nature of Form V in Annex 5 to that implementing regulation.

[EUR-Lex - 62021CJ0354](#)

1. EU-Swiss Relations

Community Legislation

Council Decision (EU) 2023/671 of 21 March 2023 authorising the opening of negotiations for an agreement between the European Union and the Swiss Confederation establishing a basis for the exchange of information on persons benefitting from temporary protection

[EUR-Lex - 32023D0671](#)

Case Law

Case C-343/22. Judgment of the Court (Eighth Chamber) of 30 March 2023. PT v VB. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Lugano II Convention** – Procedure on the recognition and enforcement of judgments – Article 34(2) – Document which institutes the proceedings in the State of origin – **Due notification of an order for payment followed by improper service of a request for an action for repayment under Swiss law.**

[EUR-Lex - 62022CJ0343](#)

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2023/657 of the European Parliament and of the Council of 15 March 2023 laying down rules for the exercise of the Union's rights in the implementation and enforcement of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

[EUR-Lex - 32023R0657](#)

Council Decision (CFSP) 2023/509 of 7 March 2023 on an assistance measure under the European Peace Facility to support the Nigerien Armed Forces in conjunction with the EU military partnership mission in Niger

[EUR-Lex - 32023D0509](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-31/21. Judgment of the Court (First Chamber) of 2 March 2023. Eurocostruzioni Srl v Regione Calabria. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Structural Funds – **Regulation (EC) No 1685/2000 – Eligibility of expenditure – Requirement of proof of payment** – Receipted invoices – Accounting documents of equivalent probative value – Construction undertaken directly by the final beneficiary.

[EUR-Lex - 62021CJ0031](#)

4. Audiovisual and Media and Information Society

Community Legislation

Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 **establishing the Union Secure Connectivity Programme for the period 2023-2027**

[EUR-Lex - 32023R0588](#)

Case Law

Case C-34/21. Judgment of the Court (First Chamber) of 30 March 2023. Hauptpersonalrat der Lehrerinnen und Lehrer beim Hessischen Kultusministerium v Minister des Hessischen Kultusministeriums als Dienststellenleiter. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.

Reference for a preliminary ruling – **Protection of personal data** – Regulation (EU) 2016/679 – Article 88(1) and (2) – Processing of data in the employment context – Regional school system – **Teaching by videoconference as a result of the COVID-19 pandemic** – Implementation without the express consent of the teachers.

[EUR-Lex - 62021CJ0034](#)

Case C-339/21. Judgment of the Court (Fifth Chamber) of 16 March 2023. Colt Technology Services SpA and Others v Ministero della Giustizia and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Electronic communications networks and services – Directive (EU) 2018/1972 – Article 13 – Conditions attached to the general authorisation – Annex I, Part A, point 4 – Enabling of legal interception by competent national authorities – Article 3 – General objectives – **National legislation on the reimbursement of costs associated with interception activities that telecommunications operators are ordered by the judicial authorities to carry out** – Absence of full reimbursement mechanism – Principles of non-discrimination, proportionality and transparency.

[EUR-Lex - 62021CJ0339](#)

5. Competition and State Aid

Case Law

Case C-449/21. Judgment of the Court (Second Chamber) of 16 March 2023. Towercast v Autorité de la concurrence and Ministère de l'Économie. Request for a preliminary ruling from the Cour d'appel de Paris.

Reference for a preliminary ruling – Competition – Control of concentrations between undertakings – Regulation (EC) No 139/2004 – Article 21(1) – Exclusive application of that regulation to operations covered by the concept of 'concentration' – Scope – **Concentration operation which has no Community dimension, is below the thresholds for mandatory ex ante control laid down in the law of a Member State and has not been referred to the European Commission** – Control of such an operation by the competition authorities of that Member State in the light of Article 102 TFEU – Whether permissible.

[EUR-Lex - 62021CJ0449](#)

6. Customs

Case Law

Case C-358/22. Judgment of the Court (Seventh Chamber) of 9 March 2023. Bolloré logistics SA v Direction interrégionale des douanes et droits indirects de Caen and Others. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Customs union – Regulation (EEC) No 2913/92 – Community Customs Code – Article 195 – Article 217(1) – Article 221(1) – Common Customs Tariff – Obligations on the part of the guarantor of the debtor of a customs debt – **Procedures for the communication of the customs debt** – Duty corresponding to that debt which has not been lawfully communicated to the debtor – Whether the customs debt is payable by the joint and several guarantor.

[EUR-Lex - 62022CJ0358](#)

Case C-752/21. Judgment of the Court (Eighth Chamber) of 9 March 2023. JP EOOD v Otdel „Mitnichesko razsledvane i razuznavane“ /MRR/ v TD „Mitnitsa Burgas“. Request for a preliminary ruling from the Administrativen sad - Haskovo.

Reference for a preliminary ruling – Regulation (EU) No 952/2013 – Union Customs Code – Legal remedies – Judicial cooperation in criminal matters – Framework Decision 2005/212/JHA – Smuggled goods – **Goods belonging to a third party seized in the course of administrative-offence proceedings** – National legislation excluding that third party from the category of persons entitled to bring an action against the administrative penalty notice ordering the seizure.

[EUR-Lex - 62021CJ0752](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Regulation (EU) 2023/606 of the European Parliament and of the Council of 15 March 2023 amending Regulation (EU) 2015/760 as regards the requirements pertaining to the investment policies and operating conditions of European long-term investment funds and the scope of eligible investment assets, the portfolio composition and diversification requirements and the borrowing of cash and other fund rules

[EUR-Lex - 32023R0606](#)

Case Law

Case C-616/21. Judgment of the Court (Seventh Chamber) of 30 March 2023. Dyrektor Krajowej Informacji Skarbowej v Gmina L. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(c) – Supply of services for consideration – Article 9(1) – Meanings of ‘taxable person’ and ‘economic activity’ – **Municipality which arranges for asbestos removal for the benefit of its residents who own immovable property and who have expressed the wish for that** – Reimbursement of the municipality by a subsidy from the competent provincial authority of 40% to 100% of the costs – Article 13(1) – Municipalities not subject to tax for the activities or transactions carried out as public authorities.

[EUR-Lex - 62021CJ0616](#)

Case C-612/21. Judgment of the Court (Seventh Chamber) of 30 March 2023. Gmina O. v Dyrektor Krajowej Informacji Skarbowej. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(a) and (c) – Supply of goods and services for consideration – Article 9(1) – Meanings of ‘taxable person’ and ‘economic activity’ – **Municipality which organises the installation of renewable energy on its territory for its residents who own immovable property and who have expressed the wish to be equipped with renewable energy systems** – Their contribution amounting to 25% of the subsidisable costs, without being able to exceed a maximum value agreed between the municipality and the interested property owner – Reimbursement of the municipality by a subsidy from the competent provincial authority of 75% of the subsidisable costs – Article 13(1) – Municipalities not subject to tax for the activities or transactions carried out as public authorities.

[EUR-Lex - 62021CJ0612](#)

Case C-412/21. Judgment of the Court (Fourth Chamber) of 23 March 2023. Dual Prod SRL v Direcția Generală Regională a Finanțelor Publice Cluj-Napoca - Comisia regională pentru autorizarea operatorilor de produse supuse accizelor armonizate. Request for a preliminary ruling from the Tribunalul Satu Mare.

Reference for a preliminary ruling – Excise duties – Directive 2008/118/EC – Article 16(1) – **Authorisation to operate as a tax warehouse for products subject to excise duty – Successive suspension measures** – Whether criminal in nature – Articles 48 and 50 of the Charter of Fundamental Rights of the European Union – **Principle of the presumption of innocence** – Principle ne bis in idem – Proportionality.

[EUR-Lex - 62021CJ0412](#)

Case C-239/22. Judgment of the Court (Eighth Chamber) of 9 March 2023. État belge and Promo 54 v Promo 54 and État belge. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 12(1) and (2) – **Supply, before first occupation, of a building or parts of a building and of the land on which the building stands** – No provisions in national law providing for detailed rules for applying the criterion relating to first occupation – Article 135(1)(j) – Exemptions – Supply, after conversion, of a building which was the subject of a first occupation before the conversion – National administrative legal commentary treating buildings which have undergone substantial conversions in the same way as new buildings.

[EUR-Lex - 62022CJ0239](#)

Case C-571/21. Judgment of the Court (Fifth Chamber) of 9 March 2023. RWE Power Aktiengesellschaft v Hauptzollamt Duisburg. Request for a preliminary ruling from the Finanzgericht Düsseldorf.

Reference for a preliminary ruling – **Taxation of energy products and electricity** – Directive 2003/96/EC – Article 14(1)(a) – Second and third sentences of Article 21(3) – **Electricity used to produce electricity and to maintain the ability to produce electricity** – Exemption – Scope – Opencast mining operations – Electricity used in order to operate fuel bunkers and means of transport.

[EUR-Lex - 62021CJ0571](#)

Case C-42/22. Judgment of the Court (Ninth Chamber) of 9 March 2023. Generali Seguros SA, anciennement Global, Companhia de Seguros SA 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 – Exemption from VAT – Article 135(1)(a) – **Exemption of insurance and reinsurance transactions** – Article 136(a) – Exemption of supplies of goods used solely for an exempt activity – Concept of ‘insurance transactions’ – Resale of parts from written-off motor vehicles purchased from insured persons – Principle of fiscal neutrality.

[EUR-Lex - 62022CJ0042](#)

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-477/21. Judgment of the Court (Second Chamber) of 2 March 2023. IH v MÁV-START Vasúti Személyszállító Zrt. Request for a preliminary ruling from the Miskolci Törvényszék.

Reference for a preliminary ruling – Social policy – **Protection of the safety and health of workers** – Organisation of working time – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Articles 3 and 5 – Daily rest and weekly rest – **National legislation providing for a minimum weekly rest period of 42 hours** – Obligation to grant daily rest – Rules for granting.

[EUR-Lex - 62021CJ0477](#)

10. Energy and Environment

Case Law

Case C-5/22. Judgment of the Court (Fifth Chamber) of 30 March 2023. Green Network SpA v SF and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – **Internal market in electricity** – Directive 2009/72/EC – Article 37 – Annex I – Duties and powers of the national regulatory authority – Consumer protection – Administrative management costs – **Power of the national regulatory authority to order the repayment of sums paid by final customers pursuant to contractual terms that have been penalised by that authority.**

[EUR-Lex - 62022CJ0005](#)

Case C-9/22. Judgment of the Court (Seventh Chamber) of 9 March 2023. NJ and OZ v An Bord Pleanála and Others. Request for a preliminary ruling from the High Court (Ireland).

Reference for a preliminary ruling – Environment – Directive 2001/42/EC – Assessment of the effects of certain plans and programmes on the environment – Article 2(a) – Concept of ‘plans and programmes’ – Article 3(2)(a) – Environmental assessment – Non-statutory act prepared by a municipal council and a developer – Directive 2011/92/EU – **Assessment of the effects of certain public and private projects on the environment** – Article 3(1) – Obligation to identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effects of a project – **Binding ministerial guidelines on building height.**

[EUR-Lex - 62022CJ0009](#)

Case C-375/21. Judgment of the Court (Second Chamber) of 9 March 2023. Sdruzenie „Za Zemyata – dostap do pravosadie“ and Others v Izpalnitelen director na Izpalnitelna agentsia po okolna sreda and „TETS Maritsa iztok 2“ EAD. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Environment – Ambient air quality – Directive 2008/50/EC – Articles 13 and 23 – Limit values for the protection of human health – Exceedance – Air quality plan – Directive 2010/75/EU – Integrated pollution prevention and control – **Update of a permit to operate a power plant – Emission limit values** – Article 15(4) – **Application for a derogation setting less strict emission limit values** – Significant pollution – Article 18 – Compliance with environmental quality standards – Obligations of the competent authority.

[EUR-Lex - 62021CJ0375](#)

Case C-571/21. Judgment of the Court (Fifth Chamber) of 9 March 2023. RWE Power Aktiengesellschaft v Hauptzollamt Duisburg. Request for a preliminary ruling from the Finanzgericht Düsseldorf.

Reference for a preliminary ruling – **Taxation of energy products and electricity** – Directive 2003/96/EC – Article 14(1)(a) – Second and third sentences of Article 21(3) – **Electricity used to produce electricity and to maintain the ability to produce electricity** – Exemption – Scope – Opencast mining operations – Electricity used in order to operate fuel bunkers and means of transport.

[EUR-Lex - 62021CJ0571](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2023/607 of the European Parliament and of the Council of 15 March 2023 amending Regulations (EU) 2017/745 and (EU) 2017/746 as regards the **transitional provisions for certain medical devices and in vitro diagnostic medical devices**

[EUR-Lex - 32023R0607](#)

Case Law

Case C-5/22. Judgment of the Court (Fifth Chamber) of 30 March 2023. Green Network SpA v SF and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – **Internal market in electricity** – Directive 2009/72/EC – Article 37 – Annex I – Duties and powers of the national regulatory authority – Consumer protection – Administrative management costs – **Power of the national regulatory authority to order the repayment of sums paid by final customers pursuant to contractual terms that have been penalised by that authority.**

[EUR-Lex - 62022CJ0005](#)

Case C-100/21. Judgment of the Court (Grand Chamber) of 21 March 2023. QB v Mercedes-Benz Group AG. Request for a preliminary ruling from the Landgericht Ravensburg.

Reference for a preliminary ruling – Approximation of laws – **Approval of motor vehicles** – Directive 2007/46/EC – Article 18(1) – Article 26(1) – Article 46 – Regulation (EC) No 715/2007 – Article 5(2) – Motor vehicles – Diesel engine – Pollutant emissions – **Exhaust gas recirculation valve (EGR valve)** – Reduction in nitrogen oxide (NOx) emissions limited by a ‘temperature window’ – Defeat device – **Protection of the interests of an individual purchaser of a vehicle equipped with an unlawful defeat device – Right to compensation from the vehicle manufacturer on the basis of tortious liability** – Method of calculating compensation – Principle of effectiveness – Article 267 TFEU – Admissibility – Reference to the Court from a single judge.

[EUR-Lex - 62021CJ0100](#)

Case C-565/21. Judgment of the Court (Fourth Chamber) of 16 March 2023. Caixabank SA v X. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Articles 3, 4 and 5 – Consumer contracts – Mortgage loans – Unfair contract terms – **Term concerning loan arrangement fees** – Application seeking a declaration of invalidity of that term and reimbursement of the amount paid on that basis – **Plainness and intelligibility of the terms** – Existence of specific national legislation.

[EUR-Lex - 62021CJ0565](#)

Case C-6/22. Judgment of the Court (Sixth Chamber) of 16 March 2023. M.B. and Others v X S.A.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – Articles 6 and 7 – **Effects of a declaration that a term is unfair – Mortgage loan agreement indexed to a foreign currency** – Continued existence of the contract without unfair terms – Consumer’s wish to have the contract declared invalid – Application of the directive after the invalidation of the contract – Powers and obligations of the national court.

[EUR-Lex - 62022CJ0006](#)

Case C-50/22. Judgment of the Court (Third Chamber) of 9 March 2023. Sogefinancement v RW and UV. Request for a preliminary ruling from the Cour d'appel de Paris.

Reference for a preliminary ruling – Consumer protection – Directive 2008/48/EC – **Credit agreements for consumers** – Scope – Right of withdrawal – Article 14(7) – **National provisions establishing a period of time during which the performance of the contract may not begin** – National procedural rules governing how the national courts raise of their own motion and penalise breaches of those provisions – Article 23 – Effective, proportionate and dissuasive sanctions.

[EUR-Lex - 62022CJ0050](#)

12. Human Rights

Case Law

Case C-269/22. Judgment of the Court (Eighth Chamber) of 30 March 2023. IP and Others v Spetsializirana prokuratura. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Article 267 TFEU – The second paragraph of Article 47 and Article 48(1) of the Charter of Fundamental Rights of the European Union – **Right to a fair trial** – Right to the presumption of innocence – **Account of the factual context in a request for a preliminary ruling in criminal matters** – Establishment of the accuracy of certain facts in order to be able to make an admissible request for a preliminary ruling to the Court – Compliance with the procedural safeguards provided for under national law for judgments on the merits.

[EUR-Lex - 62022CJ0269](#)

Case C-34/21. Judgment of the Court (First Chamber) of 30 March 2023. Hauptpersonalrat der Lehrerinnen und Lehrer beim Hessischen Kultusministerium v Minister des Hessischen Kultusministeriums als Dienststellenleiter. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.

Reference for a preliminary ruling – **Protection of personal data** – Regulation (EU) 2016/679 – Article 88(1) and (2) – Processing of data in the employment context – Regional school system – **Teaching by videoconference as a result of the COVID-19 pandemic** – Implementation without the express consent of the teachers.

[EUR-Lex - 62021CJ0034](#)

Joined Cases C-514/21 and C-515/21. Judgment of the Court (Fourth Chamber) of 23 March 2023. LU and PH v Minister for Justice and Equality. Requests for a preliminary ruling from the Court of Appeal.

Reference for a preliminary ruling – Police and judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Surrender procedure between the Member States – Conditions for execution – Grounds for optional non-execution – Article 4a(1) – Warrant issued for the purpose of executing a custodial sentence – Concept of ‘trial resulting in the decision’ – Scope – First conviction, with a suspension – Second conviction – **Absence of the person concerned at the trial** – Revocation of the suspension – **Rights of the defence** – Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Charter of Fundamental Rights of the European Union – Articles 47 and 48 – Infringement – Consequences.

[EUR-Lex - 62021CJ0514](#)

Case C-412/21. Judgment of the Court (Fourth Chamber) of 23 March 2023. Dual Prod SRL v Direcția Generală Regională a Finanțelor Publice Cluj-Napoca - Comisia regională pentru autorizarea operatorilor de produse supuse accizelor armonizate. Request for a preliminary ruling from the Tribunalul Satu Mare.

Reference for a preliminary ruling – Excise duties – Directive 2008/118/EC – Article 16(1) – **Authorisation to operate as a tax warehouse for products subject to excise duty – Successive suspension measures** – Whether criminal in nature – Articles 48 and 50 of the Charter of Fundamental Rights of the European Union – **Principle of the presumption of innocence** – Principle ne bis in idem – Proportionality.

[EUR-Lex - 62021CJ0412](#)

Case C-477/21. Judgment of the Court (Second Chamber) of 2 March 2023. IH v MÁV-START Vasúti Személyszállító Zrt. Request for a preliminary ruling from the Miskolci Törvényszék.

Reference for a preliminary ruling – Social policy – **Protection of the safety and health of workers** – Organisation of working time – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Articles 3 and 5 – Daily rest and weekly rest – **National legislation providing for a minimum weekly rest period of 42 hours** – Obligation to grant daily rest – Rules for granting.

[EUR-Lex - 62021CJ0477](#)

Case C-268/21. Judgment of the Court (Third Chamber) of 2 March 2023. Norra Stockholm Bygg AB v Per Nycander AB. Request for a preliminary ruling from the Högsta domstolen.

Reference for a preliminary ruling – **Protection of personal data** – Regulation (EU) 2016/679 – Article 6(3) and (4) – Lawfulness of processing – **Production of a document containing personal data in civil court proceedings** – Article 23(1)(f) and (j) – Protection of judicial independence and judicial proceedings – Enforcement of civil law claims – Requirements to be complied with – Having regard to the interests of the data subjects – Balancing of the opposing interests involved – Article 5 – Minimisation of personal data – Charter of Fundamental Rights of the European Union – Article 7 – **Right to respect for private life** – Article 8 – Right to protection of personal data – Article 47 – Right to effective judicial protection – Principle of proportionality.

[EUR-Lex - 62021CJ0268](#)

13. Internal Market and Free Movement

Case Law

Case C-653/21. Judgment of the Court (Eighth Chamber) of 23 March 2023. Syndicat Uniclimate v Ministre de l'Intérieur. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Internal market – **Harmonisation of the laws of the Member States relating to machinery, electrical equipment and pressure equipment** – Directive 2006/42/EC – Directive 2014/35/EU – Directive 2014/68/EU – ‘CE marking’ – Imposition, by national regulations, of requirements additional to the essential safety requirements laid down by those directives – Conditions – **National safety regulations to counter the risks of fire and panic in establishments open to the public.**

[EUR-Lex - 62021CJ0653](#)

Case C-574/21. Judgment of the Court (Third Chamber) of 23 March 2023. QT v 02 Czech Republic a. s. Request for a preliminary ruling from the Nejvyšší soud.

Reference for a preliminary ruling – **Self-employed commercial agents** – Directive 86/653/EEC – Article 17(2)(a) – **Termination of the agency contract – Entitlement of the commercial agent to an indemnity** – Conditions for granting – Equitable indemnity – Assessment – Concept of ‘commission lost by the commercial agent’ – Commission on future transactions – New customers brought by the commercial agent – Existing customers with whom the commercial agent has significantly increased the volume of business – One-off commission payments.

[EUR-Lex - 62021CJ0574](#)

Affaire C-662/21. Arrêt de la Cour (dixième chambre) du 23 mars 2023. Procédure engagée par Booky.fi Oy. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus.

Renvoi préjudiciel – Articles 34 et 36 TFUE – Libre circulation des marchandises – Mesure d’effet équivalent à une restriction quantitative – **Enregistrements de programmes audiovisuels** – Vente en ligne – **Réglementation d’un État membre imposant une classification d’âge et un marquage des programmes** – Protection des mineurs – Enregistrements ayant déjà fait l’objet d’une classification et d’un marquage dans un autre État membre – Proportionnalité.

[EUR-Lex - 62021CJ0662](#)

Case C-351/21. Judgment of the Court (Fifth Chamber) of 16 March 2023. ZG v Beobank SA. Request for a preliminary ruling from the Justice de paix du canton de Forest.

Reference for a preliminary ruling – Harmonisation of laws – **Payment services in the internal market** – Directive 2007/64/EC – Article 47(1)(a) – Information for the payer after receipt of the payment order – Articles 58, 60 and 61 – **Payment service provider’s liability for unauthorised transactions** – Obligation of that service provider to refund unauthorised transactions to the payer – Framework contracts – Obligation of that service provider to provide that payer with information relating to the payee concerned.

[EUR-Lex - 62021CJ0351](#)

Case C-680/21 UL, SA Royal Antwerp Football Club v Union royale belge des sociétés de football association ASBL, joined parties: Union des associations européennes de football (UEFA). Opinion of Advocate General Szpunar delivered on 9 March 2023. Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles

Reference for a preliminary ruling – Article 45 TFEU – **Freedom of movement for workers** – Article 165 TFEU – Sport – **Regulations of UEFA and the associated national football federations** – Home-grown players.

[EUR-Lex - 62021CC0680](#)

Affaire C-517/20. Arrêt de la Cour (neuvième chambre) du 16 mars 2023. Procédure pénale contre OL. Demande de décision préjudicielle, introduite par le Tribunale di Ascoli Piceno.

Renvoi préjudiciel – Articles 49 et 56 TFUE – **Jeux de hasard** – Concessions pour l'activité de collecte de paris – Prorogation des concessions déjà attribuées – **Régularisation des centres de transmission de données exerçant cette activité en l'absence de concession et de licence de police** – Prorogation des droits issus de cette régularisation – Délai restreint.

[EUR-Lex - 62020CJ0517](#)

Case C-356/22. Judgment of the Court (Fifth Chamber) of 9 March 2023. Pro Rauchfrei eV v JS eK. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Manufacture, presentation and sale of tobacco products – Directive 2014/40/EU – Labelling and packaging – Article 2(40) – Concept of 'placing on the market' – Article 8(3) – **Health warnings to appear on each unit packet of a tobacco product and any outside packaging** – Prohibition on hiding – Automatic vending machines for packets of cigarettes – **Packets of cigarettes which are not visible from the outside.**

[EUR-Lex - 62022CJ0356](#)

Case C-604/21. Judgment of the Court (Third Chamber) of 9 March 2023. Vapo Atlantic SA v Entidade Nacional para o Setor Energético E.P.E. (ENSE). Request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Braga.

Reference for a preliminary ruling – **Information procedure in the field of technical standards and regulations and of rules on Information Society services** – Directive 98/34/EC – Article 1(4) – Concept of 'other requirements' – Article 1(11) – Concept of 'technical regulation' – Article 8(1) – **Obligation on the Member States to notify the European Commission of any draft technical regulation** – National provision providing for the incorporation of a certain percentage of biofuels into motor fuels – Third indent of Article 10(1) – Concept of 'safeguard clause provided for in a binding EU act' – Second subparagraph of Article 4(1) of Directive 2009/30/EC not included.

[EUR-Lex - 62021CJ0604](#)

Case C-78/21. Judgment of the Court (First Chamber) of 2 March 2023. AS 'PrivatBank' and Others v Finanšu un kapitāla tirgus komisija. Request for a preliminary ruling from the Administratīvā apgabaltiesa.

Reference for a preliminary ruling – Articles 56 and 63 TFEU – **Freedom to provide services** – Free movement of capital – **National measure imposing an obligation on a credit institution to terminate business relationships with non-nationals or no longer to enter into such relationships** – Restriction – Article 65(1)(b) TFEU – Justification – Directive (EU) 2015/849 – Prevention of the use of the financial system for the purpose of money laundering and terrorist financing – Proportionality.

[EUR-Lex - 62021CJ0078](#)

14. Intellectual Property

Case Law

Case C-522/21. Judgment of the Court (Fourth Chamber) of 16 March 2023. MS v Saatgut-Treuhandverwaltungs GmbH. Request for a preliminary ruling from the Pfälzisches Oberlandesgericht.

Reference for a preliminary ruling – Intellectual property – **Protection of plant varieties** – Regulation (EC) No 2100/94 – Derogation provided for in Article 14(3) – Article 94(2) – Infringement – Right to compensation – Regulation (EC) No 1768/95 – Article 18(2) – Compensation for damage – Minimum lump sum calculated on the basis of quadruple the licence fee – Competence of the European Commission – Invalidity.

[EUR-Lex - 62021CJ0522](#)

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

Case Law

Case C-343/22. Judgment of the Court (Eighth Chamber) of 30 March 2023. PT v VB. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Lugano II Convention** – Procedure on the recognition and enforcement of judgments – Article 34(2) – Document which institutes the proceedings in the State of origin – **Due notification of an order for payment followed by improper service of a request for an action for repayment under Swiss law.**

[EUR-Lex - 62022CJ0343](#)

Case C-651/21. Judgment of the Court (Tenth Chamber) of 30 March 2023. Request for a preliminary ruling from the Sofiyski rayonon sad.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Measures relating to the law on succession – **Regulation (EU) No 650/2012** – Article 13 – **Declaration concerning the waiver of a succession made by an heir before the court of the Member State of his or her habitual residence** – Subsequent registration of that declaration, at the request of another heir, in the register of another Member State.

[EUR-Lex - 62021CJ0651](#)

Case C-338/21. Judgment of the Court (First Chamber) of 30 March 2023. Staatssecretaris van Justitie en Veiligheid v S.S. and Others. Request for a preliminary ruling from the Raad van State.

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 27 – **Appeal against a transfer decision taken in respect of an asylum seeker** – Article 29 – Suspension of implementation of the transfer decision – Transfer time limit – Interruption of the transfer time limit – Directive 2004/81/EC – Residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities – Article 6 – Reflection period – Prohibition on enforcing an expulsion order – Remedies.

[EUR-Lex - 62021CJ0338](#)

Case C-556/21. Judgment of the Court (First Chamber) of 30 March 2023. Staatssecretaris van Justitie en Veiligheid v E.N. and Others. Request for a preliminary ruling from the Raad van State.

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 27 – **Appeal against a decision to transfer an asylum seeker** – Article 29 – Transfer time limit – Suspension of that time limit on appeal – Interim measure requested by the authorities.

[EUR-Lex - 62021CJ0556](#)

Joined Cases C-514/21 and C-515/21. Judgment of the Court (Fourth Chamber) of 23 March 2023. LU and PH v Minister for Justice and Equality. Requests for a preliminary ruling from the Court of Appeal.

Reference for a preliminary ruling – Police and judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Surrender procedure between the Member States – Conditions for execution – Grounds for optional non-execution – Article 4a(1) – Warrant issued for the purpose of executing a custodial sentence – Concept of ‘trial resulting in the decision’ – Scope – First conviction, with a suspension – Second conviction – **Absence of the person concerned at the trial** – Revocation of the suspension – **Rights of the defence** – Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Charter of Fundamental Rights of the European Union – Articles 47 and 48 – Infringement – Consequences.

[EUR-Lex - 62021CJ0514](#)

Case C-365/21. Judgment of the Court (Fifth Chamber) of 23 March 2023. Criminal proceedings against Generalstaatsanwaltschaft Bamberg. Request for a preliminary ruling from the Oberlandesgericht Bamberg.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **Convention implementing the Schengen Agreement** – Article 54 – **Principle ne bis in idem** – Article 55(1)(b) – Exception to the application of the principle ne bis in idem – **Offence against the security or other essential interests of the Member State** – Article 50 of the Charter of Fundamental Rights of the European Union – Principle ne bis in idem – Article 52(1) – Limitations to the principle ne bis in idem – Compatibility of a national declaration providing for an exception to the principle ne bis in idem – Criminal organisation – Financial crime.

[EUR-Lex - 62021CJ0365](#)

Case C-354/21. Judgment of the Court (Fifth Chamber) of 9 March 2023. R.J.R. v Registrų centras VJ. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **European Certificate of Succession** – Regulation (EU) No 650/2012 – Article 1(2)(l) – Scope – Article 68 – Contents of the European Certificate of Succession – Article 69(5) – Effects of the European Certificate of Succession – **Succession immovable property located in a Member State other than that of the succession** – Registration of that immovable property in the land register of that Member State – Legal requirements for such registration under the law of that Member State – Implementing Regulation (EU) No 1329/2014 – Mandatory nature of Form V in Annex 5 to that implementing regulation.

[EUR-Lex - 62021CJ0354](#)

Case C-16/22. Judgment of the Court (Third Chamber) of 2 March 2023. Staatsanwaltschaft Graz v MS. Request for a preliminary ruling from the Oberlandesgericht Graz.

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – Directive 2014/41/EU – **European Investigation Order** – Article 1(1) – Concept of ‘judicial authority’ – Article 2(c) – Concept of ‘issuing authority’ – Order issued by a tax authority without being validated by a judge or public prosecutor – **Tax authority assuming the rights and the obligations of the public prosecutor’s office in the context of a criminal tax investigation.**

[EUR-Lex - 62022CJ0016](#)

16. Transport

Case Law

Case C-618/21. Judgment of the Court (Fifth Chamber) of 30 March 2023. AR and Others v PK SA and Others. Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie.

Reference for a preliminary ruling – Approximation of laws – **Insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Article 3 – Compulsory insurance of vehicles – Article 18 – Direct right of action – Scope – Determination of the amount of compensation – Hypothetical costs – Possibility of making the payment of compensation subject to certain conditions – Sale of the vehicle.

[EUR-Lex - 62021CJ0618](#)

Case C-100/21. Judgment of the Court (Grand Chamber) of 21 March 2023. QB v Mercedes-Benz Group AG. Request for a preliminary ruling from the Landgericht Ravensburg.

Reference for a preliminary ruling – Approximation of laws – **Approval of motor vehicles** – Directive 2007/46/EC – Article 18(1) – Article 26(1) – Article 46 – Regulation (EC) No 715/2007 – Article 5(2) – Motor vehicles – Diesel engine – Pollutant emissions – **Exhaust gas recirculation valve (EGR valve)** – Reduction in nitrogen oxide (NOx) emissions limited by a ‘temperature window’ – Defeat device – **Protection of the interests of an individual purchaser of a vehicle equipped with an unlawful defeat device – Right to compensation from the vehicle manufacturer on the basis of tortious liability** – Method of calculating compensation – Principle of effectiveness – Article 267 TFEU – Admissibility – Reference to the Court from a single judge.

[EUR-Lex - 62021CJ0100](#)

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

Case Law

Case C-174/21. Judgment of the Court (Third Chamber) of 16 March 2023. European Commission v Republic of Bulgaria.

Failure of a Member State to fulfil obligations – Directive 2008/50/EC – Ambient air quality – **Judgment of the Court establishing a failure to fulfil obligations** – Article 260(2) TFEU – Obligation to take the necessary measures to comply with such a judgment – **Failure to fulfil that obligation alleged by the European Commission** – Lack of clarity of the letter of formal notice as to whether the judgment still had to be complied with on the reference date – **Principle of legal certainty** – Inadmissibility.

[EUR-Lex - 62021CJ0174](#)