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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-528/21. Judgment of the Court (Fourth Chamber) of 27 April 2023. M.D. v Országos Idegenrendészeti Főigazgatóság Budapesti és Pest Megyei Regionális Igazgatósága. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Immigration policy – Article 20 TFEU – Genuine enjoyment of the substance of the rights which flow from the status of EU citizenship – Article 47 of the Charter of Fundamental Rights of the European Union – Directive 2008/115/EC – **Common standards and procedures in Member States for returning illegally staying third-country nationals** – Articles 5, 11 and 13 – Direct effect – Right to an effective judicial remedy – **Decision banning entry and stay adopted in respect of a third-country national, a family member of a minor EU citizen** – Threat to national security – Failure to take into account the individual situation of that third-country national – Refusal to comply with a court decision suspending the effects of that prohibition decision – Consequences.

[EUR-Lex - 62021CJ0528](#)

Regulation (EU) 2023/851 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2019/631 as regards **strengthening the CO2 emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate ambition (zero-emission by 2035)**

[EUR-Lex - 32023R0851](#)

Case C-352/21. Judgment of the Court (Sixth Chamber) of 27 April 2023. A1 and A2 v I. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012 – Rules of jurisdiction in matters relating to insurance** – Article 15(5) – **Possibility of departing from those jurisdictional rules by agreement** – Article 16(5) – Directive 2009/138/EC – Article 13(27) – Concept of 'large risks' – Hull insurance contract – Jurisdiction clause between the insurer and the insured – Enforceability of that clause against the insured – Pleasure craft not used for commercial purposes.

[EUR-Lex - 62021CJ0352](#)

1. EU-Swiss Relations

Community Legislation

Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union, in the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the **linking of their greenhouse gas emissions trading systems, as regards amendments to Annex I and clarification in Annex IV of the Agreement**

[EUR-Lex - 52023PC0197](#)

Case Law

Case C-70/22. Judgment of the Court (Seventh Chamber) of 27 April 2023. **Viagogo AG v Autorità per le Garanzie nelle Comunicazioni and Autorità Garante della Concorrenza e del Mercato.**

Reference for a preliminary ruling – **Electronic commerce** – Directive 2000/31/EC – Article 1 – Scope – Article 2(c) – **Concept of ‘established service provider’** – Article 3(1) – Provision of information society services by a provider established on the territory of a Member State – **Company established on the territory of the Swiss Confederation** – Inapplicability *ratione personae* – Article 56 TFEU – **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** – Scope – Prohibition of restrictions on the cross-frontier provision of services not exceeding 90 days per calendar year – Provision of services in Italy for a period exceeding 90 days – Inapplicability *ratione personae* – Article 102 TFEU – Nothing in the order for reference enabling a link to be established between the dispute in the main proceedings and any abuse of a dominant position – Inadmissibility.

[EUR-Lex - 62022CJ0070](#)

2. External Relations / Foreign Policy

Community Legislation

Council Regulation (EU) 2023/888 of 28 April 2023 concerning **restrictive measures in view of actions destabilising the Republic of Moldova**

[EUR-Lex - 32023R0888](#)

Regulation (EU) 2023/850 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/1806 listing the **third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.))**

[EUR-Lex - 32023R0850](#)

3. Agriculture and Fisheries / Maritime Affairs

Nothing to report for the period under review.

4. Audiovisual and Media and Information Society

Case Law

Case C-70/22. Judgment of the Court (Seventh Chamber) of 27 April 2023. Viagogo AG v Autorità per le Garanzie nelle Comunicazioni and Autorità Garante della Concorrenza e del Mercato.

Reference for a preliminary ruling – **Electronic commerce** – Directive 2000/31/EC – Article 1 – Scope – Article 2(c) – **Concept of ‘established service provider’** – Article 3(1) – Provision of information society services by a provider established on the territory of a Member State – **Company established on the territory of the Swiss Confederation** – Inapplicability *ratione personae* – Article 56 TFEU – **Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons** – Scope – Prohibition of restrictions on the cross-frontier provision of services not exceeding 90 days per calendar year – Provision of services in Italy for a period exceeding 90 days – Inapplicability *ratione personae* – Article 102 TFEU – Nothing in the order for reference enabling a link to be established between the dispute in the main proceedings and any abuse of a dominant position – Inadmissibility.

[EUR-Lex - 62022CJ0070](#)

Case C-329/21. Judgment of the Court (Fifth Chamber) of 20 April 2023. DIGI Communications NV v Nemzeti Média- és Hírközlési Hatóság Hivatala. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Telecommunications – Electronic communications networks and services – Directive 2002/21/EC (Framework Directive) – Article 4(1) – Directive 2002/20/EC (Authorisation Directive) – Article 7 – **Award of rights to use frequencies** – Auction procedure – **Holding company not registered as a provider of electronic communications services in the Member State concerned** – Exclusion from the award procedure – Right of appeal against the award decision.

[EUR-Lex - 62021CJ0329](#)

5. Competition and State Aid

Community Legislation

Commission Regulation (EU) 2023/822 of 17 April 2023 on amending Regulation (EU) No 461/2010 as regards its period of application (prolongation of block exemption in the motor vehicle sector)

[EUR-Lex - 32023R0822](#)

Case Law

Affaire C-492/21 P. Arrêt de la Cour (neuvième chambre) du 27 avril 2023. Casa Regina Apostolorum della Pia Società delle Figlie di San Paolo contre Commission européenne.

Pourvoi – Aides d’État – Services de soins de santé – **Subventions directes accordées aux hôpitaux publics dans la région du Latium (Italie)** – Décision constatant l’absence d’aide d’État – Articles 106 et 107 TFUE – **Notions d’“entreprise” et d’“activité économique”**.

[EUR-Lex - 62021CJ0492](#)

Case C-815/21 P. Judgment of the Court (Seventh Chamber) of 20 April 2023. Amazon.com, Inc. and Others v European Commission.

Appeal – Competition – Article 102 TFEU – Abuse of dominant position – Online sales – Regulation (EC) No 773/2004 – Article 2(1) – European Commission decision to initiate an investigation – Territorial scope of the investigation – Exclusion of Italy – Allocation of competence between the Commission and the competition authorities of the Member States – Regulation (EC) No 1/2003 – Article 11(6) – The competition authorities of the Member States being relieved of their competence – **Protection against proceedings conducted in parallel by the competition authorities of the Member States and by the Commission** – Action for annulment – Act not open to challenge – Act not producing legal effects vis-à-vis third parties – Preparatory act – Inadmissibility.

[EUR-Lex - 62021CJ0815](#)

Case C-25/21. Judgment of the Court (First Chamber) of 20 April 2023. ZA and Others v Repsol Comercial de Productos Petrolíferos SA. Request for a preliminary ruling from the Juzgado de lo Mercantil de Madrid.

Reference for a preliminary ruling – Competition – Vertical restrictions of competition – Article 101(1) and (2) TFEU – Principle of effectiveness – Regulation (EC) No 1/2003 – Article 2 – Directive 2014/104/EU – Article 9(1) – **Binding effect of the final decisions of the national competition authorities finding an infringement of the competition law rules** – Temporal and material application – Actions for damages and for a declaration of nullity for infringements of the EU competition law provisions.

[EUR-Lex - 62021CJ0025](#)

6. Customs

Case Law

Case C-107/22. Judgment of the Court (Sixth Chamber) of 27 April 2023. Reference for a preliminary ruling – Common Customs Tariff – Classification of goods – Combined Nomenclature – Interpretation – General rules – General rule 2(a) – Article presented unassembled or disassembled – **Components intended to make up, after assembly, satellite receivers** – Classification as a complete receiver.

[EUR-Lex - 62022CJ0107](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-677/21. Judgment of the Court (Seventh Chamber) of 27 April 2023. Fluvius Antwerpen v MX. Request for a preliminary ruling from the Vrederegrecht te Antwerpen.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Taxable transactions – Article 2(1)(a) – Concept of ‘supply of goods for consideration’ – Article 9(1) – Economic activity – Article 14(1) and (2)(a) – Supply of goods – Unlawful consumption of electricity – Principle of neutrality of VAT – **Charging the consumer for compensation including the price of the electricity consumed** – Regional legislation of a Member State – Taxable person – Sui generis entity mandated by municipalities – Concept of ‘body governed by public law’ – Directive 2006/112/EC – Article 13(1), third subparagraph, and Annex I – Principle of taxability of electricity distribution – **Concept of ‘negligible activity’**.

[EUR-Lex - 62021CJ0677](#)

Case C-282/22. Judgment of the Court (Tenth Chamber) of 20 April 2023. Dyrektor Krajowej Informacji Skarbowej v P. w W. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Articles 14, 15 and 24 – Recharging points for electric vehicles – **Provision of devices for recharging electric vehicles, supply of the necessary electricity, and provision of technical support and IT services** – Classification as a ‘supply of goods’ or a ‘supply of services’.

[EUR-Lex - 62022CJ0282](#)

Case C-772/21. Judgment of the Court (Fifth Chamber) of 20 April 2023. UAB „Brink's Lithuania“ v Lietuvos bankas. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – **Protection of the euro against counterfeiting** – Regulation (EC) No 1338/2001 – Article 6(1) – Payment service providers engaged in the processing of banknotes and their distribution to the public – Decision ECB/2010/14 – Article 6(2) – Detection of unfit euro banknotes – **Automated fitness checking of banknotes** – Minimum standards published on the website of the European Central Bank (ECB) and amended from time to time – Personal scope – Extent of cash handlers’ obligations – Binding force – Principle of legal certainty.

[EUR-Lex - 62021CJ0772](#)

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-192/22. Judgment of the Court (Sixth Chamber) of 27 April 2023. FI v Bayerische Motoren Werke AG. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Article 7(1) – Article 31(2) of the Charter of Fundamental Rights of the European Union – **Right to paid annual leave** – Lapse of that right – Progressive retirement scheme – Days of annual leave acquired under that scheme but as yet untaken – Incapacity for work.

[EUR-Lex - 62022CJ0192](#)

Case C-681/21. Judgment of the Court (Seventh Chamber) of 27 April 2023. Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB) v BB. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Social policy – **Equal treatment in employment and occupation** – Directive 2000/78/EC – **Prohibition of discrimination on grounds of age** – Retirement pension – National legislation providing, with retroactive effect, for a category of civil servants previously advantaged by the national legislation relating to retirement pension rights to be treated in the same way as a category of civil servants previously disadvantaged by that legislation.

[EUR-Lex - 62021CJ0681](#)

Case C-52/22. Judgment of the Court (Seventh Chamber) of 20 April 2023. BF v Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB). Request for a preliminary ruling from the Bundesverwaltungsgericht.

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – **Prohibition of discrimination on grounds of age** – Article 2(1) and (2)(a) – Article 6(1) – Retirement pension – **National legislation providing for a gradual alignment of the pension scheme for civil servants with the general pension scheme** – First adjustment of the amount of the pension being made more quickly for one category of civil servants than for another – Justification.

[EUR-Lex - 62022CJ0052](#)

Case C-650/21. Judgment of the Court (Second Chamber) of 20 April 2023. FW and CE v Landespolizeidirektion Niederösterreich and Finanzamt Österreich. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – **Prohibition of discrimination on grounds of age** – Remuneration of civil servants – Previous national legislation found to be discriminatory – Grading under a new system of remuneration by reference to seniority fixed under a previous system of remuneration – Correction of that seniority by determining a comparison reference date – Discriminatory nature of the new grading – **Rule placing older officials at a disadvantage.**

[EUR-Lex - 62021CJ0650](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2023/857 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, and Regulation (EU) 2018/1999

[EUR-Lex - 32023R0857](#)

Regulation (EU) 2023/851 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2019/631 as regards strengthening the CO2 emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate ambition

[EUR-Lex - 32023R0851](#)

Regulation (EU) 2023/839 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/841 as regards the scope, simplifying the reporting and compliance rules, and setting out the targets of the Member States for 2030, and Regulation (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review

[EUR-Lex - 32023R0839](#)

Commission Regulation (EU) 2023/826 of 17 April 2023 laying down ecodesign requirements for off mode, standby mode, and networked standby energy consumption of electrical and electronic household and office equipment pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 1275/2008 and (EC) No 107/2009

[EUR-Lex - 32023R0826](#)

Case Law

Case C-580/21. Judgment of the Court (Fifth Chamber) of 20 April 2023. EEW Energy from Waste Großräschen GmbH v MNG Mitteldeutsche Netzgesellschaft Strom GmbH. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Environment – Directive 2009/28/EC – Promotion of energy from renewable energy sources – Article 16(2)(c) – Access to transmission and distribution grids – **Priority access of electricity produced from renewable energy sources** – Production from both renewable and conventional energy sources.

[EUR-Lex - 62021CJ0580](#)

Case C-144/21. Judgment of the Court (Fourth Chamber) of 20 April 2023. European Parliament v European Commission.

Action for annulment – Implementing Decision C(2020) 8797 – **Authorisation of certain uses of chromium trioxide** – Regulation (EC) No 1907/2006 – Registration, evaluation, authorisation and restriction of chemicals – Article 60 – Granting of authorisations – **Obligation to demonstrate that socio-economic benefits outweigh the risk to human health or the environment arising from the use of the substance and that there are no suitable alternative substances or technologies** – Article 62 – Applications for authorisation – Article 64 – Procedure for authorisation decisions.

[EUR-Lex - 62021CJ0144](#)

Affaire C-602/21. Arrêt de la Cour (neuvième chambre) du 20 avril 2023. Commission européenne contre République de Pologne.

Manquement d'État – Directive 2002/49/CE – Évaluation et gestion du bruit dans l'environnement – **Prévention des nuisances sonores – Grands axes routiers et grands axes ferroviaires** – Article 8, paragraphes 1 et 2 – Plans d'action non conformes ou inexistantes – Article 10, paragraphe 2 – Annexe VI – Résumés de plans d'action inexistantes.

[EUR-Lex - 62021CJ0602](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006

[EUR-Lex - 32023R0915](#)

Case Law

Case C-705/21. Judgment of the Court (Eighth Chamber) of 27 April 2023. MJ v AxFina Hungary Zrt. Request for a preliminary ruling from the Győri Ítéltábla.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – Articles 6 and 7 – **Loan agreements denominated in foreign currency** – Legal consequences of a declaration that a loan agreement is invalid because of the unfairness of a term in that agreement – **Contractual term placing the exchange rate risk on the consumer.**

[EUR-Lex - 62021CJ0705](#)

Case C-694/21 P. Judgment of the Court (Tenth Chamber) of 27 April 2023. Brunswick Bowling Products LLC v European Commission.

Appeal – Consumer protection – Directive 2006/42/EC – **Protection of the health and safety of consumers and workers from risks arising from the use of machinery** – Measures adopted by the Kingdom of Sweden – **Prohibition on the placing on the market of a type of pinsetter machine and a supplementary kit** – Withdrawal of machines already placed on the market – Decision of the European Commission declaring the measures justified.

[EUR-Lex - 62021CJ0694](#)

Case C-263/22. Judgment of the Court (Ninth Chamber) of 20 April 2023. Ocidental – Companhia Portuguesa de Seguros de Vida SA v LP. Request for a preliminary ruling from the Supremo Tribunal de Justiça.

Reference for a preliminary ruling – Unfair terms in consumer contracts – Directive 93/13/EEC – Articles 3 to 6 – **Criteria for assessing the unfairness of a contractual term** – Requirement of transparency – Group insurance contract – Permanent invalidity of the consumer – Duty to provide information – **Non-disclosure of a term limiting or excluding cover against the insured risk.**

[EUR-Lex - 62022CJ0263](#)

Case C-144/21. Judgment of the Court (Fourth Chamber) of 20 April 2023. European Parliament v European Commission.

Action for annulment – Implementing Decision C(2020) 8797 – **Authorisation of certain uses of chromium trioxide** – Regulation (EC) No 1907/2006 – Registration, evaluation, authorisation and restriction of chemicals – Article 60 – Granting of authorisations – **Obligation to demonstrate that socio-economic benefits outweigh the risk to human health or the environment arising from the use of the substance and that there are no suitable alternative substances or technologies** – Article 62 – Applications for authorisation – Article 64 – Procedure for authorisation decisions.

[EUR-Lex - 62021CJ0144](#)

Affaire C-602/21. Arrêt de la Cour (neuvième chambre) du 20 avril 2023. Commission européenne contre République de Pologne.

Manquement d'État – Directive 2002/49/CE – Évaluation et gestion du bruit dans l'environnement – **Prévention des nuisances sonores – Grands axes routiers et grands axes ferroviaires** – Article 8, paragraphes 1 et 2 – Plans d'action non conformes ou inexistant – Article 10, paragraphe 2 – Annexe VI – Résumés de plans d'action inexistant.

[EUR-Lex - 62021CJ0602](#)

12. Human Rights

Case Law

Case C-192/22. Judgment of the Court (Sixth Chamber) of 27 April 2023. FI v Bayerische Motoren Werke AG. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Article 7(1) – **Article 31(2) of the Charter of Fundamental Rights of the European Union – Right to paid annual leave** – Lapse of that right – Progressive retirement scheme – Days of annual leave acquired under that scheme but as yet untaken – Incapacity for work.

[EUR-Lex - 62022CJ0192](#)

Case C-528/21. Judgment of the Court (Fourth Chamber) of 27 April 2023. M.D. v Országos Idegenrendészeti Főigazgatóság Budapesti és Pest Megyei Regionális Igazgatósága. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Immigration policy – Article 20 TFEU – Genuine enjoyment of the substance of the rights which flow from the status of EU citizenship – **Article 47 of the Charter of Fundamental Rights of the European Union** – Directive 2008/115/EC – Common standards and procedures in Member States for returning illegally staying third-country nationals – Articles 5, 11 and 13 – Direct effect – Right to an effective judicial remedy – **Decision banning entry and stay adopted in respect of a third-country national, a family member of a minor EU citizen** – Threat to national security – Failure to take into account the individual situation of that third-country national – Refusal to comply with a court decision suspending the effects of that prohibition decision – Consequences.

[EUR-Lex - 62021CJ0528](#)

Case C-699/21. Judgment of the Court (Grand Chamber) of 18 April 2023. E. D. L. v Presidente del Consiglio dei Ministri. Request for a preliminary ruling from the Corte costituzionale.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – European arrest warrant – Framework Decision 2002/584/JHA – Article 1(3) – Article 23(4) – Surrender procedures between Member States – Grounds for non-execution – Article 4(3) TEU – Duty of sincere cooperation – Postponement of the execution of the European arrest warrant – **Article 4 of the Charter of Fundamental Rights of the European Union** – Prohibition of inhuman or degrading treatment – Serious, chronic and potentially irreversible illness – **Risk of serious harm to health affecting the person concerned by the European arrest warrant.**

[EUR-Lex - 62021CJ0699](#)

Affaire C-1/23 PPU. Arrêt de la Cour (troisième chambre) du 18 avril 2023. X e.a. contre État belge. Demande de décision préjudicielle, introduite par le tribunal de première instance francophone de Bruxelles.

Renvoi préjudiciel – Procédure préjudicielle d’urgence – Contrôles aux frontières, asile et immigration – Politique d’immigration – Directive 2003/86/CE – Droit au regroupement familial – Article 5, paragraphe 1 – Dépôt d’une demande d’entrée et de séjour aux fins de l’exercice du droit au regroupement familial – **Réglementation d’un État membre prévoyant l’obligation pour les membres de la famille du regroupant d’introduire la demande en personne auprès du poste diplomatique compétent de cet État membre – Impossibilité ou difficulté excessive de se rendre audit poste** – Charte des droits fondamentaux de l’Union européenne – Articles 7 et 24.

[EUR-Lex - 62023CJ0001](#)

13. Internal Market and Free Movement

Case Law

Case C-537/20. Judgment of the Court (First Chamber) of 27 April 2023. L Fund v Finanzamt D. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – Corporate income tax – **Taxation of income from immovable property situated within the territory of a Member State – Difference in treatment between resident funds and non-resident funds** – Exemption for resident funds only – Comparability of situations – Taking into account of the tax system of investors – None – Justification – Need to preserve the coherence of the national tax system – Need to preserve a balanced distribution of the power of taxation between Member States – None.

[EUR-Lex - 62020CJ0537](#)

Case C-348/22. Judgment of the Court (Third Chamber) of 20 April 2023. Autorità Garante della Concorrenza e del Mercato v Comune di Ginosa. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Puglia.

Reference for a preliminary ruling – **Services in the internal market** – Directive 2006/123/EC – Assessment of validity – Legal basis – Articles 47, 55 and 94 EC – Interpretation – Article 12(1) and (2) of that directive – Direct effect – Unconditional and sufficiently precise nature of the obligation for Member States to apply an impartial and transparent selection procedure to potential candidates and of the prohibition on automatic renewal of an authorisation granted for a given activity – **National legislation providing for the automatic extension of concessions for the occupation of State-owned maritime property.**

[EUR-Lex - 62022CJ0348](#)

14. Intellectual Property

Case Law

Case C-104/22. Judgment of the Court (Fifth Chamber) of 27 April 2023. Lännen MCE Oy v Berky GmbH and Senwatec GmbH & Co. KG. Request for a preliminary ruling from the Markkinaoikeus.

Reference for a preliminary ruling – **EU trade mark** – Regulation (EU) 2017/1001 – Article 125(5) – International jurisdiction – Infringement action – **Jurisdiction of the courts of the Member State in which the act of infringement has been committed or threatened** – Advertising displayed by a search engine using a national top-level domain name – Advertising not specifying the geographical area of supply – Factors to be taken into account.

[EUR-Lex - 62022CJ0104](#)

Case C-686/21. Judgment of the Court (Tenth Chamber) of 27 April 2023. VW and Legea S.r.l. v SW and Others. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Trade mark law – Directive 89/104/EEC – Directive (EU) 2015/2436 – Regulation (EC) No 40/94 – Regulation (EU) 2017/1001 – Exclusive rights of the trade mark proprietor – Trade mark belonging to two or more persons – **Conditions on majority required between joint proprietors for granting and terminating a licence of their trade mark.**

[EUR-Lex - 62021CJ0686](#)

Case C-628/21. Judgment of the Court (Fifth Chamber) of 27 April 2023. TB v Castorama Polska Sp. z o.o. and „Knor“ Sp. z o.o. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.

Reference for a preliminary ruling – Intellectual property – Directive 2004/48/EC – Measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights – Right of information – **Locus standi – Need to establish the existence of an intellectual property right in advance.**

[EUR-Lex - 62021CJ0628](#)

Joined Cases C-775/21 and C-826/21. Judgment of the Court (Sixth Chamber) of 20 April 2023. Blue Air Aviation SA and Uniunea Producătorilor de Fonograme din România (UPFR) v UCMR – ADA Asociația pentru Drepturi de Autor a Compozitorilor and Societatea Națională de Transport Feroviar de Călători (SNTFC) “CFR Călători” SA. Requests for a preliminary ruling from the Curtea de Apel București.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) – Communication to the public – Concept – **Broadcasting of background music** – Directive 2006/115/EC – Article 8(2) – Equitable remuneration – Mere provision of physical facilities – **Sound equipment on board trains and aircraft – Presumption of communication to the public.**

[EUR-Lex - 62021CJ0775](#)

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

Case Law

Case C-372/22. Judgment of the Court (Ninth Chamber) of 27 April 2023. CM v DN. Request for a preliminary ruling from the Tribunal d'arrondissement de Luxembourg.

Reference for a preliminary ruling – Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility – **Regulation (EC) No 2201/2003** – Articles 9 and 15 – Continuing jurisdiction of the courts of the Member State of the child’s former habitual residence following the child having moved – Concept of ‘moving’ – **Application for modification of a decision relating to access rights** – Calculation of the time limit within which such an application must be submitted – **Transfer of the case to a court of the Member State of the child’s new habitual residence, better placed to hear the case.**

[EUR-Lex - 62022CJ0372](#)

Case C-528/21. Judgment of the Court (Fourth Chamber) of 27 April 2023. M.D. v Országos Idegenrendészeti Főigazgatóság Budapesti és Pest Megyei Regionális Igazgatósága. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Immigration policy – Article 20 TFEU – Genuine enjoyment of the substance of the rights which flow from the status of EU citizenship – Article 47 of the Charter of Fundamental Rights of the European Union – Directive 2008/115/EC – **Common standards and procedures in Member States for returning illegally staying third-country nationals** – Articles 5, 11 and 13 – Direct effect – Right to an effective judicial remedy – **Decision banning entry and stay adopted in respect of a third-country national, a family member of a minor EU citizen** – Threat to national security – Failure to take into account the individual situation of that third-country national – Refusal to comply with a court decision suspending the effects of that prohibition decision – Consequences.

[EUR-Lex - 62021CJ0528](#)

Case C-352/21. Judgment of the Court (Sixth Chamber) of 27 April 2023. A1 and A2 v I. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012 – Rules of jurisdiction in matters relating to insurance** – Article 15(5) – **Possibility of departing from those jurisdictional rules by agreement** – Article 16(5) – Directive 2009/138/EC – Article 13(27) – Concept of ‘large risks’ – Hull insurance contract – Jurisdiction clause between the insurer and the insured – Enforceability of that clause against the insured – Pleasure craft not used for commercial purposes.

[EUR-Lex - 62021CJ0352](#)

Case C-291/21. Judgment of the Court (Second Chamber) of 20 April 2023. Proceedings brought by Starkinvest SRL. Request for a preliminary ruling from the Tribunal de première instance de Liège.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Regulation (EU) No 655/2014 – **European Account Preservation Order procedure** – Conditions for issuing a preservation order – Article 4 – Concept of ‘judgment’ – Article 7 – **Concept of ‘judgment requiring the debtor to pay the creditor’s claim’** – Judgment ordering a party to make a penalty payment for breach of a prohibitory order – Regulation (EU) No 1215/2012 – Article 55 – Scope.

[EUR-Lex - 62021CJ0291](#)

Case C-699/21. Judgment of the Court (Grand Chamber) of 18 April 2023. E. D. L. v Presidente del Consiglio dei Ministri. Request for a preliminary ruling from the Corte costituzionale.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – European arrest warrant – Framework Decision 2002/584/JHA – Article 1(3) – Article 23(4) – Surrender procedures between Member States – Grounds for non-execution – Article 4(3) TEU – Duty of sincere cooperation – **Postponement of the execution of the European arrest warrant – Article 4 of the Charter of Fundamental Rights of the European Union** – Prohibition of inhuman or degrading treatment – Serious, chronic and potentially irreversible illness – **Risk of serious harm to health affecting the person concerned by the European arrest warrant.**

[EUR-Lex - 62021CJ0699](#)

Affaire C-1/23 PPU. Arrêt de la Cour (troisième chambre) du 18 avril 2023. X e.a. contre État belge. Demande de décision préjudicielle, introduite par le tribunal de première instance francophone de Bruxelles.

Renvoi préjudiciel – Procédure préjudicielle d’urgence – Contrôles aux frontières, asile et immigration – Politique d’immigration – Directive 2003/86/CE – Droit au regroupement familial – Article 5, paragraphe 1 – Dépôt d’une demande d’entrée et de séjour aux fins de l’exercice du droit au regroupement familial – **Réglementation d’un État membre prévoyant l’obligation pour les membres de la famille du regroupant d’introduire la demande en personne auprès du poste diplomatique compétent de cet État membre – Impossibilité ou difficulté excessive de se rendre audit poste** – Charte des droits fondamentaux de l’Union européenne – Articles 7 et 24.

[EUR-Lex - 62023CJ0001](#)

16. Transport

Community Legislation

Regulation (EU) 2023/851 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2019/631 as regards **strengthening the CO2 emission performance standards for new passenger cars and new light commercial vehicles in line with the Union’s increased climate ambition (zero-emission by 3035)**

[EUR-Lex - 32023R0851](#)

Case Law

Case C-282/22. Judgment of the Court (Tenth Chamber) of 20 April 2023. Dyrektor Krajowej Informacji Skarbowej v P. w W. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Articles 14, 15 and 24 – Recharging points for electric vehicles – **Provision of devices for recharging electric vehicles, supply of the necessary electricity, and provision of technical support and IT services** – **Classification as a ‘supply of goods’ or a ‘supply of services’.**

[EUR-Lex - 62022CJ0282](#)

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

Case Law

Affaire C-827/21. Arrêt de la Cour (neuvième chambre) du 27 avril 2023. Banca A contre Agenția Națională de Administrare Fiscală (ANAF) et Președintele ANAF. Demande de décision préjudicielle, introduite par l’Înalta Curte de Casație și Justiție.

Renvoi préjudiciel – Directive 2009/133/CE – Article 7 – Fusion par absorption – **Opération purement interne** – Primauté du droit de l’Union hors du champ d’application du droit de l’Union – Absence – **Interprétation du droit de l’Union hors de son champ d’application** – Compétence de la Cour à titre préjudiciel – Condition – Droit de l’Union rendu applicable par le droit national de manière directe et inconditionnelle.

[EUR-Lex - 62021CJ0827](#)

Affaire C-782/21 P. Arrêt de la Cour (sixième chambre) du 27 avril 2023. Aeris Invest Sàrl contre Banque centrale européenne (CE).

Pourvoi – Accès aux documents des institutions de l’Union européenne – Décision 2004/258/CE – **Demande d’accès à certains documents concernant l’adoption d’un dispositif de résolution à l’égard de Banco Popular Español SA** – Refus d’accorder l’accès – Article 47 de la charte des droits fondamentaux de l’Union européenne.
[EUR-Lex - 62021CJ0782](#)