



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

EU News: Click & Read

174 – June 2023

European Documentation Centre

Editor: [Henrik Westermark](#) Legal Adviser

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.

Table of contents

1. EU-Swiss Relations	2
2. External Relations / Foreign Policy	2
3. Agriculture and Fisheries / Maritime Affairs	2
4. Audiovisual and Media and Information Society	3
5. Competition and State Aid.....	3
6. Customs	3
7. Economic and Monetary Affairs, Taxation, Enterprise.....	4
8. Education, Training, Youth, Culture, Research and Innovation	4
9. Employment and Social Affairs	4
10. Energy and Environment.....	5
11. Food Safety, Public Health and Consumers .	5
12. Human Rights.....	7
13. Internal Market and Free Movement	7
14. Intellectual Property.....	9
15. Justice, Freedom and Security (incl. Judicial Cooperation)	9
16. Transport	10
17. Community Institutions, Principles and the Communities' own resources	10

Highlights

Case C-567/21. Judgment of the Court (Third Chamber) of 8 June 2023. NP Paribas SA v TR. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 44/2001 – Articles 33 and 36 – **Recognition of a judgment given in another Member State** – Question raised incidentally before the courts of another Member State – **Effects produced by that judgment in the State of origin – Admissibility of an action brought in the Member State addressed after that judgment** – National procedural rules imposing the concentration of claims in a single set of proceedings.

[EUR-Lex - 62021CJ0567](#)

Case C-204/21. Judgment of the Court (Grand Chamber) of 5 June 2023. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union - Rule of law – **Effective legal protection in the fields covered by EU law – Independence of judges** – Article 267 TFEU – Possibility of making a reference to the Court for a preliminary ruling – **Primacy of EU law** – Jurisdiction in relation to the lifting of the immunity from criminal prosecution of judges and in the field of employment law, social security and retirement of judges of the Sąd Najwyższy (Supreme Court, Poland) conferred on the Disciplinary Chamber of that court – **National courts prohibited from calling into question the legitimacy of the constitutional courts and bodies or from establishing or assessing the lawfulness of the appointment of judges or their judicial powers** – Verification by a judge of compliance with certain requirements relating to the existence of an independent and impartial tribunal previously established by the law classified as a 'disciplinary offence' – Exclusive jurisdiction to examine questions relating to the lack of independence of a court or judge conferred on the Extraordinary Review and Public Affairs Chamber of the Sąd Najwyższy (Supreme Court) – Articles 7 and 8 of the Charter of Fundamental Rights – Rights to privacy and the protection of personal data – [...]

[EUR-Lex - 62021CJ0204](#)

Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

[EUR-Lex - 32023D1076](#)

1. EU-Swiss Relations

Community Legislation

Decision No 1/2023 of the **EU-Switzerland Joint Committee of 12 June 2023 amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, as amended (2023/1314)**

[EUR-Lex - 22023D1314](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (EU) 2023/1323 of 27 June 2023 **on the signing, on behalf of the Union, of the Free Trade Agreement between the European Union and New Zealand**

[EUR-Lex - 32023D1323](#)

Regulation (EU) 2023/1182 of the European Parliament and of the Council of 14 June 2023 **on specific rules relating to medicinal products for human use intended to be placed on the market in Northern Ireland** and amending Directive 2001/83/EC

[EUR-Lex - 32023R1182](#)

Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

[EUR-Lex - 32023D1076](#)

Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union

[EUR-Lex - 32023D1075](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-183/22. Arrêt de la Cour (cinquième chambre) du 15 juin 2023. Saint-Louis Sucre contre Premier ministre e.a. Demande de décision préjudicielle, introduite par le Conseil d'État.

Renvoi préjudiciel – Agriculture – Organisation commune des marchés – Règlement (UE) no 1308/2013 – Statuts des organisations de producteurs – Article 153, paragraphe 1, sous b) – **Règle d'appartenance des membres à une seule organisation de producteurs** – Portée – Article 153, paragraphe 2, sous c) – Contrôle démocratique de l'organisation de producteurs et des décisions prises en son sein par les membres producteurs – Contrôle exercé par une personne sur certains membres de l'organisation de producteurs.

[EUR-Lex - 62022CJ0183](#)

Case C-636/21. Judgment of the Court (Third Chamber) of 8 June 2023. NN v Regione Lombardia. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Agriculture – Common organisation of the markets – Regulation (EU) No 1308/2013 – Article 220 – Market support measures related to animal diseases – Implementing Regulation (EU) 2019/1323 – **Exceptional market support measures for the eggs and poultrymeat sectors in Italy** – National legislation – Condition for the granting of aid – Farmers operational on the market in question on the date of submission of the application – Discretion of the Member States.

[EUR-Lex - 62021CJ0636](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-579/21. Judgment of the Court (First Chamber) of 22 June 2023. Proceedings brought by J.M. Request for a preliminary ruling from the Itä-Suomen hallinto-oikeus.

Reference for a preliminary ruling – Processing of personal data – **Regulation (EU) 2016/679** – Articles 4 and 15 – **Scope of the right of access to information referred to in Article 15** – Information contained in log data – Article 4 – Definition of ‘personal data’ – Definition of ‘recipients’ – Temporal application.

[EUR-Lex - 62021CJ0579](#)

Case C-468/20. Judgment of the Court (First Chamber) of 8 June 2023. Fastweb SpA and Others v Autorità per le Garanzie nelle Comunicazioni. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Electronic communications networks and services – Directives 2002/19/EC, 2002/20/EC, 2002/21/EC et 2002/22/EC – Article 49 TFEU – Freedom of establishment – Article 56 TFUE – Freedom to provide services – **National legislation granting the national regulatory authority the power to impose on telephony service providers a minimum time frame for the renewal of offers and a minimum time frame for billing** – Consumer protection – Principle of proportionality – Principle of equal treatment.

[EUR-Lex - 62020CJ0468](#)

5. Competition and State Aid

Community Legislation

Commission Regulation (EU) 2023/1067 of 1 June 2023 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements

[EUR-Lex - 32023R1067](#)

Commission Regulation (EU) 2023/1066 of 1 June 2023 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements

[EUR-Lex - 32023R1066](#)

6. Customs

Case Law

Case C-268/22. Judgment of the Court (Seventh Chamber) of 22 June 2023. Vitol SA v Belgische Staat. Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel.

Reference for a preliminary ruling – Commercial policy – **Protection against dumping – Imports of biodiesel originating in Argentina and Indonesia** – Validity of Implementing Regulation (EU) No 1194/2013 – Admissibility – No action for annulment brought by the applicant in the main proceedings – Importer – Determination of dumping – Factors to be taken into consideration.

[EUR-Lex - 62022CJ0268](#)

Case C-640/21. Judgment of the Court (Fifth Chamber) of 8 June 2023. SC Zes Zollner Electronic SRL v Direcția Regională Vamală Cluj – Biroul Vamal de Frontieră Aeroport Cluj Napoca. Request for a preliminary ruling from the Tribunalul Cluj.

Reference for a preliminary ruling – Customs union – Regulation (EU) No 952/2013 – Union Customs Code – Excess quantity of goods discovered after the release of the goods – Article 173 – **Amendment of a customs declaration – Goods other than those originally covered by the declaration to amend** – Article 174 – Invalidation of a customs declaration – Article 42 – **Penalties imposed by the customs authorities responsible** – Delegated Regulation (EU) 2015/2446.

[EUR-Lex - 62021CJ0640](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-833/21. Judgment of the Court (Fifth Chamber) of 22 June 2023. Endesa Generación SAU v Tribunal Económico Administrativo Central. Request for a preliminary ruling from the Audiencia Nacional.

Reference for a preliminary ruling – Taxation of energy products and electricity – Directive 2003/96/EC – Article 14(1)(a) – Exemption of energy products used to produce electricity – Derogation – **Taxation of energy products for 'reasons of environmental policy'** – Scope.

[EUR-Lex - 62021CJ0833](#)

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-427/21. Judgment of the Court (Sixth Chamber) of 22 June 2023. LD v ALB FILS KLINIKEN GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Temporary agency work – Directive 2008/104/EC – Article 1 – Scope – **Definition of 'temporary assignment' – Transfer of functions performed by a worker, from the latter's employer to a third-party undertaking** – Permanent assignment of that worker while maintaining the latter's initial contract of employment.

[EUR-Lex - 62021CJ0427](#)

Case C-411/22. Judgment of the Court (Seventh Chamber) of 15 June 2023. Thermalhotel Fontana Hotelbetriebsgesellschaft m.b.H. v Bezirkshauptmannschaft Südoststeiermark. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Social security – Regulation (EC) No 883/2004 – Article 3(1)(a) – Concept of 'sickness benefits' – Scope – Freedom of movement for workers – Article 45 TFEU – Regulation (EC) No 492/2011 – Article 7(2) – Social advantages – Difference in treatment – Justifications – **COVID-19 – Isolation of employees ordered by the national health authority – Compensation of those employees by the employer** – Reimbursement of the employer by the competent authority – **Exclusion of frontier workers required to isolate under a measure taken by the authority of their State of residence.**

[EUR-Lex - 62022CJ0411](#)

Case C-132/22. Judgment of the Court (Sixth Chamber) of 15 June 2023. BM and NP v Ministero dell'Istruzione, dell'Università e della Ricerca - MIUR. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.

Reference for a preliminary ruling – Freedom of movement for workers – Article 45 TFEU – Regulation (EU) No 492/2011 – Article 3(1) – Obstacle – Equal treatment – Procedure for compiling lists for awarding posts in certain national public institutions – Requirement for admission linked to prior professional experience gained at those institutions – **National legislation not allowing professional experience gained in other Member States to be taken into account** – Whether justified – Objective of combating job insecurity.

[EUR-Lex - 62022CJ0132](#)

10. Energy and Environment

Case Law

Case C-833/21. Judgment of the Court (Fifth Chamber) of 22 June 2023. Endesa Generación SAU v Tribunal Económico Administrativo Central. Request for a preliminary ruling from the Audiencia Nacional.

Reference for a preliminary ruling – Taxation of energy products and electricity – Directive 2003/96/EC – Article 14(1)(a) – Exemption of energy products used to produce electricity – Derogation – **Taxation of energy products for ‘reasons of environmental policy’** – Scope.

[EUR-Lex - 62021CJ0833](#)

Case C-721/21. Judgment of the Court (Second Chamber) of 15 June 2023. Eco Advocacy CLG v An Bord Pleanála. Request for a preliminary ruling from the High Court (Ireland).

Reference for a preliminary ruling – Environment – Directive 92/43/EEC – **Conservation of natural habitats and of wild fauna and flora** – Special areas of conservation – Article 6(3) – **Screening of a plan or project with a view to determining whether or not it is necessary to carry out an appropriate assessment of the implications of that plan or project for a special area of conservation** – Statement of reasons – Measures that may be taken into account – Project for the construction of a dwelling – Procedural autonomy – Principles of equivalence and effectiveness – Procedural rules according to which the subject matter of the dispute is determined by the pleas in law put forward at the point in time at which the action was brought.

[EUR-Lex - 62021CJ0721](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2023/1322 of the European Parliament and of the Council of 27 June 2023 on the European Union Drugs Agency (EUDA) and repealing Regulation (EC) No 1920/2006

[EUR-Lex - 32023R1322](#)

Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC

[EUR-Lex - 32023R1230](#)

Case Law

Case C-287/22. Judgment of the Court (Ninth Chamber) of 15 June 2023. YQ and RJ v Getin Noble Bank S.A. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.

Reference for a preliminary ruling – Consumer protection – **Unfair terms in consumer contracts** – Directive 93/13/EEC – **Mortgage loan indexed to a foreign currency** – Article 6(1) – Article 7(1) – Application for interim measures – Suspension of performance of the loan agreement – Ensuring full effectiveness of the restitutory effect.

[EUR-Lex - 62022CJ0287](#)

Case C-520/21. Judgment of the Court (Fourth Chamber) of 15 June 2023. Arkadiusz Szcześniak v Bank M. SA. Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy - Śródmieścia w Warszawie.

Reference for a preliminary ruling – Unfair terms in consumer contracts – Directive 93/13/EEC – Article 6(1) and Article 7(1) – **Mortgage loan indexed to a foreign currency** – Conversion clauses – Determination of the exchange rate between that foreign currency and the national currency – Effects of a finding that a clause is unfair – **Effects of the annulment of a contract in its entirety – Possibility of asserting claims that go beyond the reimbursement of the amounts agreed in the contract and the payment of default interest** – Damage incurred by the consumer – Unavailability of the amount of the monthly instalments paid to the bank – Damage incurred by the bank – Unavailability of the amount of the capital paid to the consumer – Deterrent effect of the prohibition on unfair terms – Effective protection of the consumer – Judicial interpretation of national legislation.

[EUR-Lex - 62021CJ0520](#)

Case C-540/21. Judgment of the Court (Second Chamber) of 8 June 2023. European Commission v Slovak Republic.

Failure of a Member State to fulfil obligations – Package travel and linked travel arrangements – Directive (EU) 2015/2302 – Article 12(2) to (4) – **Termination of a package travel contract – Unavoidable and extraordinary circumstances** – COVID-19 pandemic – Refund of payments made by the traveller for the package – Refund in the form of a sum of money or in the form of a replacement package tour – Obligation to provide that traveller with a refund not later than 14 days after the relevant contract is terminated – Temporary derogation from that obligation.

[EUR-Lex - 62021CJ0540](#)

Case C-407/21. Judgment of the Court (Second Chamber) of 8 June 2023. Union fédérale des consommateurs - Que choisir (UFC - Que choisir) and Consommation, logement et cadre de vie (CLCV) v Premier ministre and Ministre de l'Économie, des Finances et de la Relance. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Package travel and linked travel arrangements – Directive (EU) 2015/2302 – Article 12(2) to (4) – **Termination of a package travel contract – Unavoidable and extraordinary circumstances** – COVID-19 pandemic – Refund of payments made by the traveller concerned for a package – Refund in the form of a sum of money or equivalent refund in the form of a credit note ('voucher') – Obligation to provide that traveller with a refund not later than 14 days after the relevant contract is terminated – Temporary derogation from that obligation – Adjustment of the temporal effects of a decision which is taken in accordance with national law and which annuls national legislation that is contrary to that obligation.

[EUR-Lex - 62021CJ0407](#)

Case C-49/22. Judgment of the Court (Third Chamber) of 8 June 2023. Austrian Airlines AG v TW. Request for a preliminary ruling from the Landesgericht Korneuburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(1)(a) – Cancellation of a flight – Article 8(1) – Obligation to provide assistance – Concept of 're-routing' – **Compensation for air passengers in the event of cancellation of a flight** – COVID-19 pandemic – Repatriation flight organised by a Member State in the context of consular assistance – Flight operated by the same operating air carrier and at the same time as the cancelled flight – Costs to be borne by the passenger in excess of the net costs of that flight.

[EUR-Lex - 62022CJ0049](#)

Case C-570/21. Judgment of the Court (Fifth Chamber) of 8 June 2023. I.S. and K.S. v YYY. S.A. Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy-Woli w Warszawie.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – **Dual-purpose contract** – Article 2(b) – **Concept of 'consumer'** – Criteria.

[EUR-Lex - 62021CJ0570](#)

Case C-468/20. Judgment of the Court (First Chamber) of 8 June 2023. Fastweb SpA and Others v Autorità per le Garanzie nelle Comunicazioni. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Electronic communications networks and services – Directives 2002/19/EC, 2002/20/EC, 2002/21/EC et 2002/22/EC – Article 49 TFEU – Freedom of establishment – Article 56 TFUE – Freedom to provide services – **National legislation granting the national regulatory authority the power to impose on telephony service providers a minimum time frame for the renewal of offers and a minimum time frame for billing** – Consumer protection – Principle of proportionality – Principle of equal treatment.

[EUR-Lex - 62020CJ0468](#)

12. Human Rights

Case Law

Case C-660/21. Judgment of the Court (Grand Chamber) of 22 June 2023. Criminal proceedings against K.B. and F.S. Request for a preliminary ruling from the Tribunal correctionnel de Villefranche-sur-Saône.

Reference for a preliminary ruling – Area of freedom, security and justice – **Judicial cooperation in criminal matters** – Directive 2012/13/EU – Articles 3 and 4 – **Obligation for the competent authorities to inform suspects and accused persons promptly of their right to remain silent** – Article 8(2) – **Right to invoke a breach of that obligation** – National legislation prohibiting the trial court from raising such a breach of its own motion – Articles 47 and 48 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62021CJ0660](#)

Case C-700/21. Judgment of the Court (Grand Chamber) of 6 June 2023. O. G. 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 – **Grounds for optional non-execution of the European arrest warrant** – Article 4(6) – **Objective of social rehabilitation** – Third-country nationals staying or residing on the territory of the executing Member State – Equal treatment – Article 20 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62021CJ0700](#)

Case C-204/21. Judgment of the Court (Grand Chamber) of 5 June 2023. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union - Rule of law – **Effective legal protection in the fields covered by EU law – Independence of judges** – Article 267 TFEU – Possibility of making a reference to the Court for a preliminary ruling – Primacy of EU law – Jurisdiction in relation to the lifting of the immunity from criminal prosecution of judges and in the field of employment law, social security and retirement of judges of the Sąd Najwyższy (Supreme Court, Poland) conferred on the Disciplinary Chamber of that court – **National courts prohibited from calling into question the legitimacy of the constitutional courts and bodies or from establishing or assessing the lawfulness of the appointment of judges or their judicial powers** – Verification by a judge of compliance with certain requirements relating to the existence of an independent and impartial tribunal previously established by the law classified as a ‘disciplinary offence’ – Exclusive jurisdiction to examine questions relating to the lack of independence of a court or judge conferred on the Extraordinary Review and Public Affairs Chamber of the Sąd Najwyższy (Supreme Court) – Articles 7 and 8 of the Charter of Fundamental Rights – Rights to privacy and the protection of personal data – Regulation (EU) 2016/679 – Article 6(1), first subparagraph, points (c) and (e), and Article 6(3), second subparagraph – Article 9(1) – Sensitive data – National legislation requiring judges to make a declaration as to whether they belong to associations, foundations or political parties, and to the positions held within those associations, foundations or political parties, and providing for the placing online of the data contained in those declarations.

[EUR-Lex - 62021CJ0204](#)

13. Internal Market and Free Movement

Community Legislation

Regulation (EU) 2023/1230 of the European Parliament and of the Council of 14 June 2023 on machinery and repealing Directive 2006/42/EC of the European Parliament and of the Council and Council Directive 73/361/EEC

[EUR-Lex - 32023R1230](#)

Case Law

Case C-459/20. Judgment of the Court (First Chamber) of 22 June 2023. X v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Utrecht.

Reference for a preliminary ruling – Citizenship of the Union – Article 20 TFEU – **Right to move and reside freely within the territory of the Member States – Decision of a Member State refusing residence to a third-country national parent of a minor child, who has the nationality of that Member State** – Child living outside the territory of the European Union and never having resided in its territory.

[EUR-Lex - 62020CJ0459](#)

Case C-258/22. Judgment of the Court (Sixth Chamber) of 22 June 2023. Finanzamt Hannover-Nord v H Lebensversicherung. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Free movement of capital** – Article 63 TFEU – Business tax – Calculation of the basis of assessment for that tax – Rules for calculation – **Dividends from holdings of less than 10% in the capital of resident and non-resident capital companies** – Inclusion in the basis of assessment for business tax – Time of the inclusion – Difference in treatment – Restriction – None.

[EUR-Lex - 62022CJ0258](#)

Case C-411/22. Judgment of the Court (Seventh Chamber) of 15 June 2023. Thermalhotel Fontana Hotelbetriebsgesellschaft m.b.H. v Bezirkshauptmannschaft Südoststeiermark. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Social security – Regulation (EC) No 883/2004 – Article 3(1)(a) – Concept of ‘sickness benefits’ – Scope – Freedom of movement for workers – Article 45 TFEU – Regulation (EC) No 492/2011 – Article 7(2) – Social advantages – Difference in treatment – Justifications – **COVID-19 – Isolation of employees ordered by the national health authority – Compensation of those employees by the employer** – Reimbursement of the employer by the competent authority – **Exclusion of frontier workers required to isolate under a measure taken by the authority of their State of residence.**

[EUR-Lex - 62022CJ0411](#)

Case C-132/22. Judgment of the Court (Sixth Chamber) of 15 June 2023. BM and NP v Ministero dell'Istruzione, dell'Università e della Ricerca - MIUR. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.

Reference for a preliminary ruling – Freedom of movement for workers – Article 45 TFEU – Regulation (EU) No 492/2011 – Article 3(1) – Obstacle – Equal treatment – Procedure for compiling lists for awarding posts in certain national public institutions – Requirement for admission linked to prior professional experience gained at those institutions – **National legislation not allowing professional experience gained in other Member States to be taken into account** – Whether justified – Objective of combating job insecurity.

[EUR-Lex - 62022CJ0132](#)

Case C-50/21. Judgment of the Court (First Chamber) of 8 June 2023. Prestige and Limousine, S.L. v Área Metropolitana de Barcelona and Others. Request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña.

Reference for a preliminary ruling – Article 49 TFEU – Article 107(1) TFEU – **Private-hire vehicles (PHVs)** – Licencing scheme involving the issue, in addition to a licence to provide urban and interurban transport services throughout the national territory, of a second operating licence in order to be able to provide urban transport services in a metropolitan area – **Limitation of the number of licences for PHV services to one thirtieth of the licences for taxi services.**

[EUR-Lex - 62021CJ0050](#)

Case C-468/20. Judgment of the Court (First Chamber) of 8 June 2023. Fastweb SpA and Others v Autorità per le Garanzie nelle Comunicazioni. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Electronic communications networks and services – Directives 2002/19/EC, 2002/20/EC, 2002/21/EC et 2002/22/EC – Article 49 TFEU – Freedom of establishment – Article 56 TFEU – Freedom to provide services – **National legislation granting the national regulatory authority the power to impose on telephony service providers a minimum time frame for the renewal of offers and a minimum time frame for billing** – Consumer protection – Principle of proportionality – Principle of equal treatment.

[EUR-Lex - 62020CJ0468](#)

14. Intellectual Property

Case Law

Case C-654/21. Judgment of the Court (Tenth Chamber) of 8 June 2023. LM v KP. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.

Reference for a preliminary ruling – **EU trade mark** – Dispute before the national court – Jurisdiction of EU trade mark courts – Regulation (EU) 2017/1001 – Article 124 – Action for infringement – Article 128 – **Counterclaim for a declaration of invalidity** – Subject matter of that counterclaim – Article 129(3) – **Rules of procedure governing the same type of action relating to a national trade mark** – Principle of procedural autonomy.

[EUR-Lex - 62021CJ0654](#)

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

Community Legislation

Council Decision (EU) 2023/1076 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to matters related to judicial cooperation in criminal matters, asylum and non-refoulement

[EUR-Lex - 32023D1076](#)

Council Decision (EU) 2023/1075 of 1 June 2023 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence with regard to institutions and public administration of the Union

[EUR-Lex - 32023D1075](#)

Case Law

Case C-823/21. Judgment of the Court (Fourth Chamber) of 22 June 2023. European Commission v Hungary.

Failure of a Member State to fulfil obligations – Area of freedom, security and justice – Policies on border checks, asylum and immigration – **Procedures for granting international protection** – Directive 2013/32/EU – Article 6 – Effective access – The making of an application – **National legislation laying down prior administrative steps to be carried out outside the territory of the Member State** – Public health objective.

[EUR-Lex - 62021CJ0823](#)

Case C-660/21. Judgment of the Court (Grand Chamber) of 22 June 2023. Criminal proceedings against K.B. and F.S. Request for a preliminary ruling from the Tribunal correctionnel de Villefranche-sur-Saône.

Reference for a preliminary ruling – Area of freedom, security and justice – **Judicial cooperation in criminal matters** – Directive 2012/13/EU – Articles 3 and 4 – **Obligation for the competent authorities to inform suspects and accused persons promptly of their right to remain silent** – Article 8(2) – **Right to invoke a breach of that obligation** – National legislation prohibiting the trial court from raising such a breach of its own motion – Articles 47 and 48 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62021CJ0660](#)

Case C-567/21. Judgment of the Court (Third Chamber) of 8 June 2023. NP Paribas SA v TR. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 44/2001 – Articles 33 and 36 – **Recognition of a judgment given in another Member State** – Question raised incidentally before the courts of another Member State – **Effects produced by that judgment in the State of origin – Admissibility of an action brought in the Member State addressed after that judgment** – National procedural rules imposing the concentration of claims in a single set of proceedings.

[EUR-Lex - 62021CJ0567](#)

Joined Cases C-430/22 and C-468/22. Judgment of the Court (Sixth Chamber) of 8 June 2023. Criminal proceedings against Spetsializirana prokuratura. Requests for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – **Judicial cooperation in criminal matters** – Directive (EU) 2016/343 – Article 8(4) – Right to be present at the trial – Proceedings conducted in absentia – Reopening of the proceedings – **Notice to the person convicted in absentia of his or her right to have the proceedings reopened.**

[EUR-Lex - 62022CJ0430](#)

Case C-700/21. Judgment of the Court (Grand Chamber) of 6 June 2023. O. G. 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 – **Grounds for optional non-execution of the European arrest warrant** – Article 4(6) – **Objective of social rehabilitation** – Third-country nationals staying or residing on the territory of the executing Member State – Equal treatment – Article 20 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62021CJ0700](#)

16. Transport

Case Law

Case C-49/22. Judgment of the Court (Third Chamber) of 8 June 2023. Austrian Airlines AG v TW. Request for a preliminary ruling from the Landesgericht Korneuburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(1)(a) – Cancellation of a flight – Article 8(1) – Obligation to provide assistance – Concept of ‘re-routing’ – **Compensation for air passengers in the event of cancellation of a flight** – COVID-19 pandemic – Repatriation flight organised by a Member State in the context of consular assistance – Flight operated by the same operating air carrier and at the same time as the cancelled flight – Costs to be borne by the passenger in excess of the net costs of that flight.

[EUR-Lex - 62022CJ0049](#)

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

Case Law

Joined Cases C-711/21 and C-712/21. Judgment of the Court (Fourth Chamber) of 22 June 2023. XXX and XXX v État belge. Requests for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – **Article 267 TFEU** – Admissibility – **Continued interest in bringing proceedings in the dispute in the main proceedings** – Obligation of the referring court to verify.

[EUR-Lex - 62021CJ0711](#)

Case C-545/21. Judgment of the Court (Third Chamber) of 8 June 2023. ANAS SpA v Ministero delle Infrastrutture e dei Trasporti. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.

Reference for a preliminary ruling – **European Union Structural Funds** – Regulation (EC) No 1083/2006 – Article 2(7) – Concept of ‘irregularity’ – Article 98(1) and (2) – **Financial corrections by Member States in connection with irregularities detected** – Criteria to be applied – Directive 2004/18/EC – Point (d) of the first subparagraph of Article 45(2) – Concept of ‘grave professional misconduct’.

[EUR-Lex - 62021CJ0545](#)

Case C-322/22. Judgment of the Court (Seventh Chamber) of 8 June 2023. E. v Dyrektor Izby Administracji Skarbowej we Wrocławiu. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Principle of sincere cooperation – Principle of effectiveness – **Tax levied by a Member State in breach of EU law** – Breach established following a ruling of the Court of Justice – **Right to be paid interest on the overpayment** – National legislation limiting the right to the payment of interest to the period running until the thirtieth day following the publication of the ruling of the Court of Justice in the Official Journal of the European Union.

[EUR-Lex - 62022CJ0322](#)

Case C-204/21. Judgment of the Court (Grand Chamber) of 5 June 2023. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union - Rule of law – **Effective legal protection in the fields covered by EU law – Independence of judges** – Article 267 TFEU – Possibility of making a reference to the Court for a preliminary ruling – **Primacy of EU law** – Jurisdiction in relation to the lifting of the immunity from criminal prosecution of judges and in the field of employment law, social security and retirement of judges of the Sąd Najwyższy (Supreme Court, Poland) conferred on the Disciplinary Chamber of that court – **National courts prohibited from calling into question the legitimacy of the constitutional courts and bodies or from establishing or assessing the lawfulness of the appointment of judges or their judicial powers** – Verification by a judge of compliance with certain requirements relating to the existence of an independent and impartial tribunal previously established by the law classified as a ‘disciplinary offence’ – Exclusive jurisdiction to examine questions relating to the lack of independence of a court or judge conferred on the Extraordinary Review and Public Affairs Chamber of the Sąd Najwyższy (Supreme Court) – Articles 7 and 8 of the Charter of Fundamental Rights – Rights to privacy and the protection of personal data – Regulation (EU) 2016/679 – Article 6(1), first subparagraph, points (c) and (e), and Article 6(3), second subparagraph – Article 9(1) – Sensitive data – National legislation requiring judges to make a declaration as to whether they belong to associations, foundations or political parties, and to the positions held within those associations, foundations or political parties, and providing for the placing online of the data contained in those declarations.

[EUR-Lex - 62021CJ0204](#)