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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-162/22. Judgment of the Court (First Chamber) of 7 September 2023. A. G. v Lietuvos Respublikos generalinė prokuratūra. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – Telecommunications – Processing of personal data in the electronic communications sector – Directive 2002/58/EC – Scope – Article 15(1) – **Data retained by providers of electronic communications services and made available to authorities in charge of criminal proceedings** – Subsequent use of those data in an investigation into misconduct in office.

[EUR-Lex - 62022CJ0162](#)

**Case C-590/21. Judgment of the Court (Third Chamber) of 7 September 2023. Charles Taylor Adjusting Limited and FD v Starlight Shipping Company and Overseas Marine Enterprises INC. Request for a preliminary ruling from the Areios Pagos.**

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – **Recognition and enforcement in one Member State of judgments from another Member State** – Article 34 – Grounds for refusal – **Infringement of public policy in the European Union and of national public policy** – Definition of ‘public policy’ – Mutual trust – **“Quasi” anti-suit injunction** – Judgments preventing the exercise of the right to effective judicial protection or the continuation of proceedings brought before the courts of another Member State.

[EUR-Lex - 62021CJ0590](#)

**Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU**

[EUR-Lex - 32023R1804](#)

## 1. EU-Swiss Relations

### Community Legislation

**Council Decision (EU) 2023/2111 of 28 September 2023 on the signing, on behalf of the Union, of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027**

[EUR-Lex - 32023D2111](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Decision (EU) 2023/2073 of 25 September 2023 concerning the extension of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America**

[EUR-Lex - 32023D2073](#)

**Council Decision (EU) 2023/1974 of 18 September 2023 on the signing, on behalf of the European Union, of the Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

[EUR-Lex - 32023D1974](#)

**AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF ALBANIA ON OPERATIONAL ACTIVITIES CARRIED OUT BY THE EUROPEAN BORDER AND COAST GUARD AGENCY IN THE REPUBLIC OF ALBANIA**

[EUR-Lex - 22023A2107](#)

**Case C-137/21. Judgment of the Court (Grand Chamber) of 5 September 2023. European Parliament v European Commission.**

Action for failure to act – Regulation (EU) 2018/1806 – Point (f) of the first paragraph of Article 7 – List of third countries whose nationals must be in possession of visas when crossing the external borders of the Member States – List of third countries whose nationals are exempt from that requirement – **Principle of reciprocity – Request to adopt a delegated act temporarily suspending the visa exemption for a 12-month period for nationals of the United States of America.**

[EUR-Lex - 62021CJ0137](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-169/22. Judgment of the Court (Sixth Chamber) of 7 September 2023. Fractal Insolvență SPRL, en tant que liquidateur de Groenland Poultry SRL v Agenția de Plăți și Intervenție pentru Agricultură - Centrul Județean Dâmbovița. Request for a preliminary ruling from the Curtea de Apel București.**

Reference for a preliminary ruling – Common agricultural policy – European Agricultural Fund for Rural Development (EAFRD) – Rural development support measures – **Animal welfare payments** – Regulation (EC) No 1974/2006 – Article 44(1) and (2)(a) – Article 47(1) – Transfer of an agricultural holding to a new beneficiary – **Subsequent cessation, by that beneficiary, of agricultural activities** – ‘Force majeure or exceptional circumstances’ – **Obligation to reimburse all or part of the aid received** – Principle of proportionality.

[EUR-Lex - 62022CJ0169](#)

## 4. Audiovisual and Media and Information Society

### Case Law

**Case C-162/22. Judgment of the Court (First Chamber) of 7 September 2023. A. G. v Lietuvos Respublikos generalinė prokuratūra. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – Telecommunications – Processing of personal data in the electronic communications sector – Directive 2002/58/EC – Scope – Article 15(1) – **Data retained by providers of electronic communications services and made available to authorities in charge of criminal proceedings** – Subsequent use of those data in an investigation into misconduct in office.

[EUR-Lex - 62022CJ0162](#)

## 5. Competition and State Aid

**Case C-320/21 P. Judgment of the Court (Fourth Chamber) of 28 September 2023. Ryanair DAC v European Commission.**

Appeal – State aid – Article 107(2)(b) TFEU – Swedish air transport market – **Aid granted by the Kingdom of Sweden to an airline amid the COVID-19 pandemic** – Temporary Framework for State aid measures – State guarantee for a revolving credit facility – **Decision by the European Commission not to raise objections** – Aid intended to make good the damage suffered by a single victim – Principles of proportionality and non-discrimination – Freedom of establishment and freedom to provide services.

[EUR-Lex - 62021CJ0320](#)

## 6. Customs

### Case Law

**Case C-770/21. Judgment of the Court (Fifth Chamber) of 21 September 2023. „OGL-Food Trade Lebensmittelvertrieb“ GmbH v Direktor na Teritorialna direktsia „Mitnitsa Plovdiv“ pri Agentsia „Mitnitsi“.** Request for a preliminary ruling from the Administrativen sad Sofia-grad.

Reference for a preliminary ruling – Customs union – Regulation (EU) No 952/2013 – Union Customs Code – Articles 70 and 74 – Determination of the customs value – Customs value of fruit and vegetables to which an entry price applies – Regulation (EU) No 1308/2013 – Article 181 – Delegated Regulation (EU) 2017/891 – Article 75(5) and (6) – **Declared transaction value higher than the standard import value** – Disposal of products under conditions confirming the correctness of the transaction value – Sale by the importer at a loss – Relationship between the importer and the exporter – Judicial review of the decision determining the customs debt.

[EUR-Lex - 62021CJ0770](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Case Law

**Case C-508/22. Judgment of the Court (Eighth Chamber) of 28 September 2023. KL and PO v Administrația Județeană a Finanțelor Publice Brașov. Request for a preliminary ruling from the Curtea de Apel Brașov.**

Reference for a preliminary ruling – **Internal taxation** – Article 110 TFEU – **Repayment of a tax levied by a Member State in breach of EU law** – Tax on the first registration of a motor vehicle – Incorporation of the tax in the market value of the vehicle in respect of which that tax was paid – Transfer to a subsequent purchaser of the vehicle of the right to reimbursement.

[EUR-Lex - 62022CJ0508](#)

**Case C-323/22. Judgment of the Court (Tenth Chamber) of 7 September 2023. KRI SpA, en tant qu'entité ayant absorbé la société SI.LO.NE. - Sistema logistico nord-est Srl v Agenzia delle Dogane e dei Monopoli. Request for a preliminary ruling from the Corte suprema di cassazione.**

Reference for a preliminary ruling – Free movement of goods – Excise duties – Directive 92/12/EEC – Article 6(1)(a) – **Chargeability of excise duty** – Irregular departure from a suspension arrangement – Unlawful act solely attributable to a third party – **Falsification of the accompanying administrative document** – Article 14(1) – Exemption for losses occurring under the suspension arrangement – Fortuitous events or force majeure – Liability of the authorised warehousekeeper.

[EUR-Lex - 62022CJ0323](#)

**Case C-15/22. Judgment of the Court (Fifth Chamber) of 7 September 2023. RF v Finanzamt G. Request for a preliminary ruling from the Bundesfinanzhof.**

Reference for a preliminary ruling – Development cooperation – Direct taxation – **Income tax – Exemption granted to employees assigned to development aid projects financed from national budgetary resources** – Difference in treatment of employees assigned to a project financed by the European Development Fund – Article 63(1) TFEU – Free movement of capital – Article 4(3) TEU – Duty of sincere cooperation – Facilitating the tasks of the European Union – Articles 208 and 210 TFEU – Development cooperation – Obligation to promote policies in the area of development cooperation – Invocability.

[EUR-Lex - 62022CJ0015](#)

**Case C-453/22. Judgment of the Court (Eighth Chamber) of 7 September 2023. Michael Schütte v Finanzamt Brilon. Request for a preliminary ruling from the Finanzgericht Münster.**

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Principle of VAT neutrality – Principle of effectiveness – **VAT rate set too high on a purchase invoice** – Reimbursement of the overpaid tax – Direct action against the tax authorities – **Effect of the risk of a double reimbursement of the same VAT.**

[EUR-Lex - 62022CJ0453](#)

**Case C-461/21. Judgment of the Court (Third Chamber) of 7 September 2023. SC Cartrans Preda SRL v Direcția Generală Regională a Finanțelor Publice Ploiești - Administrația Județeană a Finanțelor Publice Prahova. Request for a preliminary ruling from the Tribunalul Prahova.**

Reference for a preliminary ruling – Directive 2006/112/EC – **Common system of value added tax (VAT)** – Exemptions – **Road carriage transactions directly connected with the import of goods** – Rules of evidence – Articles 56 and 57 TFEU – Freedom to provide services – Recovery of VAT by a non-resident – Taxation of consideration paid by way of a tax on the income of non-resident persons – Tax withheld at source by a resident.

[EUR-Lex - 62021CJ0461](#)

## 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-113/22. Judgment of the Court (Second Chamber) of 14 September 2023. DX v Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social. Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia.**

Reference for a preliminary ruling – Social policy – Directive 79/7/EEC – Equal treatment for men and women in matters of social security – Article 6 – **National legislation providing for the right to a pension supplement only for women** – Preliminary ruling from the Court from which it may be held that that legislation constitutes direct discrimination on grounds of sex – Administrative practice of continuing to apply that legislation despite that ruling – Separate discrimination – Pecuniary damages – Reimbursement of expenditure relating to costs and lawyers' fees.

[EUR-Lex - 62022CJ0113](#)

## 10. Energy and Environment

### Community Legislation

**Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC**

[EUR-Lex - 32023R1805](#)

**Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU**

[EUR-Lex - 32023R1804](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-133/22. Judgment of the Court (Third Chamber) of 28 September 2023. LACD GmbH v BB Sport GmbH & Co. KG. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – **Consumer protection** – Directive 2011/83/EU – Point 14 of Article 2 – Directive (EU) 2019/771 – Point 12 of Article 2 – Commercial guarantee – **Specifications or any other requirements not related to the conformity of the goods sold, set out in the guarantee statement or in the relevant advertising** – Undertaking by a guarantor in respect of the consumer's satisfaction with the goods purchased – Verification that the consumer is not satisfied.

[EUR-Lex - 62022CJ0133](#)

**Case C-47/22. Judgment of the Court (Fifth Chamber) of 21 September 2023. Apotheke B. v Bundesamt für Sicherheit im Gesundheitswesen (BASG). Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Pharmaceutical and cosmetic products – Medicinal products for human use – Directive 2001/83/EC – Article 77(6) – Article 79(b) – Article 80(b) – Guidelines on Good Distribution Practice of medicinal products for human use (GDP) – Pharmaceutical distribution chain – **Holder of a wholesale distribution authorisation obtaining medicinal products from persons authorised to supply medicinal products to the public without holding a distribution authorisation or being exempted from the obligation to have such an authorisation** – Definitions of 'sufficiently qualified personnel' and 'responsible person' – Suspension or withdrawal of wholesale distribution authorisation.

[EUR-Lex - 62022CJ0047](#)

**Case C-139/22. Judgment of the Court (Ninth Chamber) of 21 September 2023. AM and PM v mBank S.A. Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy - Śródmieścia w Warszawie.**

Reference for a preliminary ruling – Directive 93/13/EC – Unfair terms in consumer contracts – **Mortgage loan contract index-linked to a foreign currency – Criteria for assessment of whether a conversion clause is unfair** – National register of standard business terms which are held to be unlawful – Duty to provide information.

[EUR-Lex - 62022CJ0139](#)

**Case C-83/22. Judgment of the Court (Second Chamber) of 14 September 2023. RTG v Tuk Tuk Travel S.L. Request for a preliminary ruling from the Juzgado de Primera Instancia de Cartagena.**

Reference for a preliminary ruling – Directive (EU) 2015/2302 – Article 5 – Package travel and linked travel arrangements – **Termination of a package travel contract – Unavoidable and extraordinary circumstances – COVID-19 pandemic** – Right to terminate the contract – Request for full refund – Information obligation on the travel organiser – Article 12 – Application of the principles of the delimitation of the subject matter of an action by the parties and of the correlation between the claims put forward in the action and the rulings contained in the operative part – Effective protection of the consumer – Examination of its own motion by the national court – Conditions.

[EUR-Lex - 62022CJ0083](#)

## 12. Human Rights

### Case Law

**Case C-164/22. Judgment of the Court (First Chamber) of 21 September 2023. Ministerio Fiscal v Juan. Request for a preliminary ruling from the Audiencia Nacional.**

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – European arrest warrant – Grounds for non-execution – Point 2 of Article 3 – **Principle ne bis in idem** – Concept of ‘same acts’ – Set of concrete circumstances which are inextricably linked together – **Fraudulent activities carried out by the requested person in two Member States, through two separate legal entities and to the detriment of different victims.**

[EUR-Lex - 62022CJ0164](#)

**Case C-151/22. Judgment of the Court (Third Chamber) of 21 September 2023. S and Others v United Nations High Commissioner for Refugees (UNHCR). Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – **Eligibility for refugee status** – Directive 2011/95/EC – Article 10(1)(e) and (2) – Reasons for persecution – ‘Political opinion’ – Concept – **Political opinions developed in the host Member State** – Article 4 – Assessment of the well-founded fear of persecution on account of those political opinions.

[EUR-Lex - 62022CJ0151](#)

**Case C-55/22. Judgment of the Court (Sixth Chamber) of 14 September 2023. NK v Bezirkshauptmannschaft Feldkirch. Request for a preliminary ruling from the Landesverwaltungsgericht Vorarlberg.**

Reference for a preliminary ruling – Article 50 of the Charter of Fundamental Rights of the European Union – **Principle ne bis in idem** – Final termination of a first set of proceedings brought for an infringement of a provision of national legislation on games of chance – **Administrative penalty of a criminal nature imposed for the same acts for an infringement of a different provision of that legislation** – First set of proceedings terminated on account of an incorrect legal classification of the offence committed.

[EUR-Lex - 62022CJ0055](#)

**Case C-27/22. Judgment of the Court (First Chamber) of 14 September 2023. Volkswagen Group Italia S.p.A. and Volkswagen Aktiengesellschaft v Autorità Garante della Concorrenza e del Mercato. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Article 50 of the Charter of Fundamental Rights of the European Union – **Principle ne bis in idem** – Penalty imposed concerning unfair commercial practices – Criminal nature of the penalty – **Criminal penalty imposed in a Member State after the adoption of a penalty concerning unfair commercial practices in another Member State but which became final before the latter penalty** – Article 52(1) – Limitations to the principle ne bis in idem – Conditions – Coordination of proceedings and penalties.

[EUR-Lex - 62022CJ0027](#)

**Case C-820/21. Judgment of the Court (Fourth Chamber) of 14 September 2023. „Vinal“ AD v Direktor na Agentsia „Mitnitsi“. Request for a preliminary ruling from the Administrativen sad Sofia-grad.**

Reference for a preliminary ruling – Excise duty – Directive 2008/118/EC – Article 16 – Tax warehouse arrangements – **Conditions for the grant of an authorisation for the opening and operation of a tax warehouse by an authorised warehousekeeper** – Failure to satisfy those conditions – **Final withdrawal of the authorisation, together with the imposition of a financial penalty** – Article 50 of the Charter of Fundamental Rights of the European Union – **Ne bis in idem principle** – Proportionality.

[EUR-Lex - 62021CJ0820](#)

**Case C-216/21. Judgment of the Court (First Chamber) of 7 September 2023. Asociația “Forumul Judecătorilor din România” and YN v Consiliul Superior al Magistraturii. Request for a preliminary ruling from the Curtea de Apel Ploiești.**

Reference for a preliminary ruling – Decision 2006/928/EC – **Mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption** – Article 2 TEU – Second subparagraph of Article 19(1) TEU – Rule of law – Charter of Fundamental Rights of the European Union – Article 47 – **Independence of judges** – National legislation altering the scheme for the promotion of judges.

[EUR-Lex - 62021CJ0216](#)

**Case C-209/22. Judgment of the Court (Fourth Chamber) of 7 September 2023. Request for a preliminary ruling from the Rayonen sad Lukovit.**

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Right to information in criminal proceedings – Directive 2012/13/EU – Right of access to a lawyer in criminal proceedings – Directive 2013/48/EU – Scope – National legislation which does not refer to the concept of a suspect – Preliminary stage of the criminal proceedings – Coercive measure of personal search and seizure – Retrospective authorisation by the court having jurisdiction – Lack of judicial review of measures to obtain evidence – Articles 47 and 48 of the Charter of Fundamental Rights of the European Union – **Effective exercise of the rights of defence of suspects and of accused persons during the judicial review of measures to obtain evidence.**

[EUR-Lex - 62022CJ0209](#)

**Case C-162/22. Judgment of the Court (First Chamber) of 7 September 2023. A. G. v Lietuvos Respublikos generalinė prokuratūra. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – Telecommunications – Processing of personal data in the electronic communications sector – Directive 2002/58/EC – Scope – Article 15(1) – **Data retained by providers of electronic communications services and made available to authorities in charge of criminal proceedings** – Subsequent use of those data in an investigation into misconduct in office.

[EUR-Lex - 62022CJ0162](#)

**Case T-600/21. Judgment of the General Court (Sixth Chamber) of 6 September 2023. WS and Others v European Border and Coast Guard Agency.**

Non-contractual liability – Regulation (EU) 2016/1624 – Directive 2013/32/EU – Directive 2008/115/EC – **Frontex’s obligations relating to the protection of fundamental rights** – No abuse of process – Admissibility – Causal link

[CURIA - Documents](#)

**Case C-689/21. Judgment of the Court (Grand Chamber) of 5 September 2023. X v Udlændinge- og Integrationsministeriet. Request for a preliminary ruling from the Østre Landsret.**

Reference for a preliminary ruling – Citizenship of the European Union – Article 20 TFEU – Article 7 of the Charter of Fundamental Rights of the European Union – Citizen holding the nationality of a Member State and the nationality of a third country – **Loss of the nationality of the Member State by operation of law upon reaching the age of 22 on the ground of lack of a genuine link with that Member State where no application to retain nationality has been made before the date on which that age is reached** – Loss of citizenship of the Union – **Examination of the proportionality of the consequences of that loss from the point of view of EU law** – Limitation period.

[EUR-Lex - 62021CJ0689](#)

## 13. Internal Market and Free Movement

### Community Legislation

**Regulation (EU) 2023/1781 of the European Parliament and of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe’s semiconductor ecosystem and amending Regulation (EU) 2021/694 (Chips Act)**

[EUR-Lex - 32023R1781](#)

### Case Law

**Case C-510/22. Judgment of the Court (Ninth Chamber) of 21 September 2023. Romaqua Group SA v Societatea Națională Apele Minerale and Agenția Națională pentru Resurse Minerale. Request for a preliminary ruling from the Înalta Curte de Casație și Justiție.**

Reference for a preliminary ruling – Articles 102 and 106 TFEU – Public undertakings – Freedom to conduct a business – Freedom of establishment – **Undertaking that is wholly owned by a Member State and holds exclusive concessions for the exploitation of natural mineral water following an award without a competitive tendering procedure** – National legislation allowing for the unlimited extension of the concession.

[EUR-Lex - 62022CJ0510](#)

**Case C-226/22. Judgment of the Court (Fifth Chamber) of 7 September 2023. Nexive Commerce Srl and Others v Autorità per le Garanzie nelle Comunicazioni and Others. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Postal services in the European Union – Directive 97/67/EC – Fourth indent of the second subparagraph of Article 9(2) and Article 9(3) – Article 22 – **Undertakings in the postal sector – Contribution to the operational costs of the regulatory authority for the postal sector** – Obligation – Financial burden borne exclusively by market participants, without distinction according to the type of services provided – Principles of proportionality and non-discrimination.

[EUR-Lex - 62022CJ0226](#)

**Case C-689/21. Judgment of the Court (Grand Chamber) of 5 September 2023. X v Udlændinge- og Integrationsministeriet. Request for a preliminary ruling from the Østre Landsret.**

Reference for a preliminary ruling – Citizenship of the European Union – Article 20 TFEU – Article 7 of the Charter of Fundamental Rights of the European Union – Citizen holding the nationality of a Member State and the nationality of a third country – **Loss of the nationality of the Member State by operation of law upon reaching the age of 22 on the ground of lack of a genuine link with that Member State where no application to retain nationality has been made before the date on which that age is reached** – Loss of citizenship of the Union – **Examination of the proportionality of the consequences of that loss from the point of view of EU law** – Limitation period.

[EUR-Lex - 62021CJ0689](#)



## 14. Intellectual Property

### Case Law

**Case C-832/21. Judgment of the Court (Fifth Chamber) of 7 September 2023. Beverage City & Lifestyle GmbH and Others v Advance Magazine Publishers, Inc. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf.**

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – **Regulation (EU) 1215/2012** – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Special jurisdiction – Article 8(1) – More than one defendant – **Claims so closely connected that it is expedient to hear and determine them together** – Anchor defendant – EU trade mark – Regulation (EU) 2017/1001 – Articles 122 and 125 – **Action for infringement of an EU trade mark brought against a number of defendants domiciled in different Member States** – Jurisdiction of the courts of the place where the managing director of a defendant company is domiciled – Jurisdiction of the court seised in respect of co-defendants domiciled outside the forum Member State – Concept of ‘so closely connected’ – Exclusive distribution agreement between a supplier and its customer.

[EUR-Lex - 62021CJ0832](#)

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

### Case Law

**Case C-164/22. Judgment of the Court (First Chamber) of 21 September 2023. Ministerio Fiscal v Juan. Request for a preliminary ruling from the Audiencia Nacional.**

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – European arrest warrant – Grounds for non-execution – Point 2 of Article 3 – **Principle ne bis in idem** – Concept of ‘same acts’ – Set of concrete circumstances which are inextricably linked together – **Fraudulent activities carried out by the requested person in two Member States, through two separate legal entities and to the detriment of different victims.**

[EUR-Lex - 62022CJ0164](#)

**Case C-568/21. Judgment of the Court (First Chamber) of 21 September 2023. Staatssecretaris van Justitie en Veiligheid v E. and Others. Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – Area of freedom, security and justice – Dublin System – Regulation (EU) No 604/2013 – **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** – Responsibility of the Member State which issued a residence document to the applicant – Article 2(l) – Meaning of ‘residence document’ – Diplomatic card issued by a Member State – Vienna Convention on Diplomatic Relations.

[EUR-Lex - 62021CJ0568](#)

**Case C-151/22. Judgment of the Court (Third Chamber) of 21 September 2023. S and Others v United Nations High Commissioner for Refugees (UNHCR). Request for a preliminary ruling from the Raad van State.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – **Eligibility for refugee status** – Directive 2011/95/EC – Article 10(1)(e) and (2) – Reasons for persecution – ‘Political opinion’ – Concept – **Political opinions developed in the host Member State** – Article 4 – Assessment of the well-founded fear of persecution on account of those political opinions.

[EUR-Lex - 62022CJ0151](#)

**Case C-143/22. Judgment of the Court (Fourth Chamber) of 21 September 2023. Association Avocats pour la défense des droits des étrangers (ADDE) and Others v Ministre de l'Intérieur. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Area of freedom, security and justice – Border control, asylum and immigration – Regulation (EU) 2016/399 – Article 32 – **Temporary reintroduction of border control by a Member State at its internal borders** – Article 14 – Refusal of entry – Equation of internal borders with external borders – Directive 2008/115/EC – Scope – Article 2(2)(a).

[EUR-Lex - 62022CJ0143](#)

**Case C-393/22. Judgment of the Court (Seventh Chamber) of 14 September 2023. EXTÉRIA s.r.o. v Správime s. r. o. Request for a preliminary ruling from the Nejvyšší soud.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012 – Special jurisdiction in matters relating to a contract** – Article 7(1)(b) – Concept of contract for the ‘provision of services’ – **Termination of a contract to enter into a future contract relating to the future conclusion of a franchise agreement.**

[EUR-Lex - 62022CJ0393](#)

**Case C-821/21. Judgment of the Court (Seventh Chamber) of 14 September 2023. NM v CLC Resort Management LTD and Others. Request for a preliminary ruling from the Juzgado de Primera Instancia de Fuengirola.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and recognition and enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Special jurisdiction – **Jurisdiction over consumer contracts** – Article 18(1) – Concept of ‘other party to a contract’ – Article 63 – Domicile of a legal person – Regulation (EC) No 593/2008 – Law applicable to contractual obligations – Choice of applicable law – Article 3 – Freedom of choice – Article 6 – Consumer contracts – Limits – **Contract concluded with a consumer concerning timeshare rights in tourist accommodation by a means of a points scheme.**

[EUR-Lex - 62021CJ0821](#)

**Case C-632/21. Judgment of the Court (Seventh Chamber) of 14 September 2023. JF and NS v Diamond Resorts Europe Limited (Sucursal en España) and Others. Request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción - Granadilla de Abona.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – Regulation (EC) No 593/2008 – Law applicable to contractual obligations – Scope – **Timeshare contracts** – Legal proceedings seeking a declaration that those contracts are void – United Kingdom nationals – Choice of applicable law – Article 3 – Freedom of choice – Article 4(1)(b) and (c) – **Applicable law in the absence of a choice made by the parties** – Article 6 – Consumer contracts – Limits.

[EUR-Lex - 62021CJ0632](#)

**Case C-832/21. Judgment of the Court (Fifth Chamber) of 7 September 2023. Beverage City & Lifestyle GmbH and Others v Advance Magazine Publishers, Inc. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf.**

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – **Regulation (EU) 1215/2012** – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Special jurisdiction – Article 8(1) – More than one defendant – **Claims so closely connected that it is expedient to hear and determine them together** – Anchor defendant – EU trade mark – Regulation (EU) 2017/1001 – Articles 122 and 125 – **Action for infringement of an EU trade mark brought against a number of defendants domiciled in different Member States** – Jurisdiction of the courts of the place where the managing director of a defendant company is domiciled – Jurisdiction of the court seised in respect of co-defendants domiciled outside the forum Member State – Concept of ‘so closely connected’ – Exclusive distribution agreement between a supplier and its customer.

[EUR-Lex - 62021CJ0832](#)

**Case C-590/21. Judgment of the Court (Third Chamber) of 7 September 2023. Charles Taylor Adjusting Limited and FD v Starlight Shipping Company and Overseas Marine Enterprises INC. Request for a preliminary ruling from the Areios Pagos.**

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in civil matters – Regulation (EC) No 44/2001 – **Recognition and enforcement in one Member State of judgments from another Member State** – Article 34 – Grounds for refusal – **Infringement of public policy in the European Union and of national public policy** – Definition of ‘public policy’ – Mutual trust – **“Quasi” anti-suit injunction** – Judgments preventing the exercise of the right to effective judicial protection or the continuation of proceedings brought before the courts of another Member State.

[EUR-Lex - 62021CJ0590](#)

## 16. Transport

### Community Legislation

**Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC**

[EUR-Lex - 32023R1805](#)

**Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU**

[EUR-Lex - 32023R1804](#)

### Case Law

**Case C-671/21. Judgment of the Court (First Chamber) of 28 September 2023. UAB „Gargždų geležinkelis“ v Lietuvos transporto saugos administracija and Others. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – **Single European railway area** – Directive 2012/34/EU – Allocation of railway infrastructure capacity – Article 45 – Scheduling – Article 46 – Coordination process – Article 47 – Congested infrastructure – Prioritisation of specific services – Priority criteria – **National legislation providing for priority rules linked to the intensity of the use of the infrastructure.**

[EUR-Lex - 62021CJ0671](#)

**Case C-246/22. Judgment of the Court (Seventh Chamber) of 14 September 2023. Staatsanwaltschaft Köln and Bundesamt für Güterverkehr v BW. Request for a preliminary ruling from the Amtsgericht Köln.**

Reference for a preliminary ruling – Transport operations – Combined transport of goods between Member States – Directive 92/106/EEC – International carriage of goods by road – Regulation (EC) No 1072/2009 – **Transport of empty containers before loading or after unloading of goods in the context of combined transport – Non-applicability of the provisions relating to cabotage operations.**

[EUR-Lex - 62022CJ0246](#)

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

### Case Law

**Case C-692/20. Judgment of the Court (First Chamber) of 28 September 2023. European Commission v United Kingdom of Great Britain and Northern Ireland.**

**Failure of a Member State to fulfil obligations** – Judgment of the Court finding a failure to fulfil obligations – Failure to comply with the judgment – Directive 95/60/EC – **Fiscal marking of gas oils** – Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Protocol on Ireland and Northern Ireland – Continuation of the infringement after the end of the transition period as regards Northern Ireland – Article 260(2) TFEU – Pecuniary penalties – Lump sum – Gravity of the infringement – Payment capacity.

[EUR-Lex - 62020CJ0692](#)

**Case C-216/21. Judgment of the Court (First Chamber) of 7 September 2023. Asociația “Forumul Judecătorilor din România” and YN v Consiliul Superior al Magistraturii. Request for a preliminary ruling from the Curtea de Apel Ploiești.**

Reference for a preliminary ruling – Decision 2006/928/EC – **Mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption** – Article 2 TEU – Second subparagraph of Article 19(1) TEU – Rule of law – Charter of Fundamental Rights of the European Union – Article 47 – **Independence of judges** – National legislation altering the scheme for the promotion of judges.

[EUR-Lex - 62021CJ0216](#)