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# EU News: Click & Read

179 – December 2023

European Documentation Centre

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

We hope you will find this issue both useful and a pleasure to read. Finally, we would like to take this opportunity to wish our readers a happy and safe 2024!

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## Highlights

**Case C-333/21. Judgment of the Court (Grand Chamber) of 21 December 2023. European Superleague Company, S.L. v Unión de Federaciones Europeas de Fútbol (UEFA) and Fédération internationale de football association (FIFA).**

Request for a preliminary ruling – Competition – Internal market – **Rules introduced by international sports associations** – Professional football – Private law entities vested with regulatory, control and decision-making powers, and the power to impose sanctions – **Rules on prior approval of competitions, on the participation of football clubs and players in those competitions, and also on the exploitation of commercial and media rights related to those competitions** – Parallel pursuit of economic activities – Organisation and marketing of competitions – Exploitation of related commercial and media rights – Article 101(1) TFEU – **Decision by an association of undertakings adversely affecting competition** – [...]

[EUR-Lex - 62021CJ0333](#)

**Case C-124/21 P. Judgment of the Court (Grand Chamber) of 21 December 2023. International Skating Union v European Commission.**

Appeal – Competition – **Rules introduced by an international sports association** – Skating – Private law entity vested with regulatory, control and decision-making powers, and the power to impose sanctions – **Rules on the prior approval of competitions, the participation of athletes in those competitions and the arbitration rules governing conflicts** – Parallel pursuit of economic activities – Organisation and marketing of competitions – Article 101(1) TFEU – **Decision by an association of undertakings adversely affecting competition** – Concepts of anticompetitive 'object' and 'effect' – Justification – Conditions.

[EUR-Lex - 62021CJ0124](#)

**Case C-128/22. Judgment of the Court (Grand Chamber) of 5 December 2023. BV NORDIC INFO v Belgische Staat. Request for a preliminary ruling from the Nederlandse rechtbank van eerste aanleg Brussel.**

Reference for a preliminary ruling – Directive 2004/38/EC – Articles 27 and 29 – **Measures restricting the free movement of Union citizens on public health grounds** – Measures of general application – **National legislation providing for a ban on leaving the national territory in order to engage in non-essential travel to Member States classified as high-risk zones in the context of the COVID-19 pandemic** and an obligation for every traveller entering the national territory from one of those Member States to undergo screening tests and to observe quarantine – Schengen Borders Code – Article 23 – [...]

[EUR-Lex - 62022CJ0128](#)

## 1. EU-Swiss Relations

### Community Legislation

**Recommendation for a COUNCIL DECISION authorising the opening of negotiations between the European Union and the Swiss Confederation on institutional solutions for EU-Switzerland agreements related to the internal market, on agreements that form the basis for Switzerland's permanent contribution to the Union's cohesion and for Switzerland's association to Union programmes**

[EUR-Lex - 52023PC0798](#)

**Regulation of the European Parliament and of the Council amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 693/2003 and (EC) No 694/2003 and **Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure notification from Switzerland****

[EUR-Lex - ST\\_16812\\_2023\\_INIT](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Regulation (EU) 2023/2873 of 18 December 2023 amending Regulation (EU) No 269/2014 **concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine****

[Regulation - EU - 2023/2873](#)

**Council Decision (EU) 2023/2853 of 12 December 2023 on **the signing, on behalf of the Union, of the Economic Partnership Agreement between the European Union, of the one part, and the Republic of Kenya, Member of the East African Community, of the other part****

[Decision - EU - 2023/2853](#)

**Council Decision (CFSP) 2023/2786 of 11 December 2023 **launching the European Union Security and Defence Initiative in support of West African countries of the Gulf of Guinea****

[Decision - CFSP - 2023/2786](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-329/22. Judgment of the Court (Tenth Chamber) of 7 December 2023. Zamestnik izpjalnitelen direktor na Darzhaven fond 'Zemedelie' v IW. Request for a preliminary ruling from the Varhoven administrativen sad. Reference for a preliminary ruling – Agriculture – European Agricultural Fund for Rural Development (EAFRD) funding – Regulation (EU) No 1305/2013 – Support for rural development – Article 29(3) – Organic farming – **Financial support for organic in-conversion production – Concepts of 'initial period' and 'conversion period'** – Regulation (EC) No 889/2008 – Organic beekeeping – Minimum conversion period – Article 38(3) – Regulation (EC) No 834/2007 – Article 17 – Conversion.**

[EUR-Lex - 62022CJ0329](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

**Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act)**

[Regulation - EU - 2023/2854](#)

**Regulation (EU, Euratom) 2023/2841 of the European Parliament and of the Council of 13 December 2023 laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union**

[Regulation - EU - 2023/2841](#)

**Regulation (EU) 2023/2859 of the European Parliament and of the Council of 13 December 2023 establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability**

[Regulation - EU - 2023/2859](#)

### Case Law

**Affaire C-667/21. Arrêt de la Cour (troisième chambre) du 21 décembre 2023. ZQ contre Medizinischer Dienst der Krankenversicherung Nordrhein, Körperschaft des öffentlichen Rechts. Demande de décision préjudicielle, introduite par le Bundesarbeitsgericht.**

Renvoi préjudiciel – **Protection des personnes physiques à l'égard du traitement des données à caractère personnel** – Règlement (UE) 2016/679 – Article 6, paragraphe 1 – Conditions de licéité du traitement – Article 9, paragraphes 1 à 3 – Traitement portant sur des catégories particulières de données – Données concernant la santé – Appréciation de la capacité de travail d'un employé – **Service médical en matière d'assurance maladie traitant des données relatives à la santé de ses propres employés** – Admissibilité et conditions d'un tel traitement – Article 82, paragraphe 1 – Droit à réparation et responsabilité – Réparation d'un préjudice moral – Fonction compensatoire – Incidence de la faute commise par le responsable du traitement.

[EUR-Lex - 62021CJ0667](#)

**Case C-456/22. Judgment of the Court (Third Chamber) of 14 December 2023. VX and AT v Gemeinde Ummendorf. Request for a preliminary ruling from the Landgericht Ravensburg.**

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – Article 82 – Right to compensation and liability – **Concept of 'non-material damage'** – **Online publication of the agenda for a municipal council meeting containing personal data** – Publication without the consent of the data subjects – Claim of those data subjects seeking compensation for non-material damage.

[EUR-Lex - 62022CJ0456](#)

**Case C-340/21. Judgment of the Court (Third Chamber) of 14 December 2023. VB v Natsionalna agentsia za prihodite. Request for a preliminary ruling from the Varhoven administrativen sad.**

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 5 – Principles relating to that processing – Article 24 – Accountability of the controller – Article 32 – Measures implemented to ensure security of processing – Assessment of the appropriateness of such measures – Scope of judicial review – Taking of evidence – Article 82 – Right to compensation and liability – **Possible exemption from liability of the controller in the event of infringement by third parties** – **Claim for compensation for non-material damage based on fear of potential misuse of personal data.**

[EUR-Lex - 62021CJ0340](#)

**Case C-634/21. Judgment of the Court (First Chamber) of 7 December 2023. OQ v Land Hessen. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden.**

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 22 – Automated individual decision-making – Credit information agencies – **Automated establishment of a probability value concerning the ability of a person to meet payment commitments in the future ('scoring')** – Use of that probability value by third parties.

[EUR-Lex - 62021CJ0634](#)

**Joined Cases C-26/22 and C-64/22. Judgment of the Court (First Chamber) of 7 December 2023. UF and AB v Land Hessen. Requests for a preliminary ruling from the Verwaltungsgericht Wiesbaden.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 5(1)(a) – Principle of 'lawfulness' – Point (f) of the first subparagraph of Article 6(1) – Necessity of processing for the purposes of the legitimate interests pursued by the controller or by a third party – Article 17(1)(d) – Right to erasure where personal data have been unlawfully processed – Article 40 – Codes of conduct – Article 78(1) – Right to an effective judicial remedy against a supervisory authority – Decision taken by the supervisory authority on a complaint – Scope of judicial review of that decision – Credit information agencies – **Storage of data from a public register relating to the discharge of remaining debts in favour of a person** – Storage period.

[EUR-Lex - 62022CJ0026](#)

**Case C-807/21. Judgment of the Court (Grand Chamber) of 5 December 2023. Deutsche Wohnen SE v Staatsanwaltschaft Berlin. Request for a preliminary ruling from the Kammergericht Berlin.**

Reference for a preliminary ruling – **Protection of personal data** – Regulation (EU) 2016/679 – Article 4(7) – Concept of 'controller' – Article 58(2) – **Powers of supervisory authorities to apply corrective powers** – Article 83 – Imposition of administrative fines on a legal person – Conditions – Discretion of the Member States – Requirement that the infringement be intentional or negligent.

[EUR-Lex - 62021CJ0807](#)

**Case C-683/21. Judgment of the Court (Grand Chamber) of 5 December 2023. Nacionalinis visuomenės sveikatos centras prie Sveikatos apsaugos ministerijos v Valstybinė duomenų apsaugos inspekcija. Request for a preliminary ruling from the Vilniaus apygardos administracinis teismas.**

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – Article 4(2) and (7) – **Concepts of 'processing' and 'controller' – Development of a mobile IT application** – Article 26 – Joint control – Article 83 – Imposition of administrative fines – Conditions – Requirement that the infringement be intentional or negligent – **Responsibility and liability of the controller for the processing of personal data carried out by a processor.**

[EUR-Lex - 62021CJ0683](#)

## 5. Competition and State Aid

**Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest**

[Regulation - EU - 2023/2832](#)

## Case Law

**Case C-333/21. Judgment of the Court (Grand Chamber) of 21 December 2023. European Superleague Company, S.L. v Unión de Federaciones Europeas de Fútbol (UEFA) and Fédération internationale de football association (FIFA).**

Request for a preliminary ruling – Competition – Internal market – **Rules introduced by international sports associations** – Professional football – Private law entities vested with regulatory, control and decision-making powers, and the power to impose sanctions – **Rules on prior approval of competitions, on the participation of football clubs and players in those competitions, and also on the exploitation of commercial and media rights related to those competitions** – Parallel pursuit of economic activities – Organisation and marketing of competitions – Exploitation of related commercial and media rights – Article 101(1) TFEU – Decision by an association of undertakings adversely affecting competition – Concepts of anticompetitive ‘object’ and ‘effect’ – Exemption under Article 101(3) TFEU – Conditions – Article 102 TFEU – Abuse of dominant position – Justification – Conditions – Article 56 TFEU – Restrictions on the freedom to provide services – Justification – Conditions – Burden of proof.

[EUR-Lex - 62021CJ0333](#)

**Case C-124/21 P. Judgment of the Court (Grand Chamber) of 21 December 2023. International Skating Union v European Commission.**

Appeal – Competition – **Rules introduced by an international sports association** – Skating – Private law entity vested with regulatory, control and decision-making powers, and the power to impose sanctions – **Rules on the prior approval of competitions, the participation of athletes in those competitions and the arbitration rules governing conflicts** – Parallel pursuit of economic activities – Organisation and marketing of competitions – Article 101(1) TFEU – **Decision by an association of undertakings adversely affecting competition** – Concepts of anticompetitive ‘object’ and ‘effect’ – Justification – Conditions.

[EUR-Lex - 62021CJ0124](#)

**Case C-680/21. Judgment of the Court (Grand Chamber) of 21 December 2023. UL and SA Royal Antwerp Football Club v Union royale belge des sociétés de football association ASBL. Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles.**

Reference for a preliminary ruling – Competition – Internal market – **Rules introduced by international and national sports associations** – Professional football – Private law entities vested with regulatory, control and sanctioning powers – **Rules requiring professional football clubs to use a minimum number of ‘home-grown’ players** – Article 101(1) TFEU – **Decision by an association of undertakings adversely affecting competition** – Concepts of anticompetitive ‘object’ and ‘effect’ – Exemption under Article 101(3) TFEU – Conditions – Article 45 TFEU – Indirect discrimination on the basis of nationality – **Restriction on the freedom of movement for workers – Justification** – Conditions – Burden of proof.

[EUR-Lex - 62021CJ0680](#)

**Case C-700/22. Judgment of the Court (Fourth Chamber) of 7 December 2023. RegioJet a. s. and STUDENT AGENCY k.s. v České dráhy a.s. and Others. Request for a preliminary ruling from the Nejvyšší soud.**

Reference for a preliminary ruling – Regulation (EU) 2015/1589 – Existing aid and new aid – **Aid granted in disregard of the procedural rules laid down in Article 108(3) TFEU** – Expiry of the limitation period provided for in Article 17 of Regulation (EU) 2015/1589 – Obligation on the national court to order the recovery of the aid.

[EUR-Lex - 62022CJ0700](#)

## 6. Customs

Nothing to report for the period under review.

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

### Community Legislation

**Regulation (EU) 2023/2859 of the European Parliament and of the Council of 13 December 2023 establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability**

[Regulation - EU - 2023/2859](#)

**Directive (EU) 2023/2864 of the European Parliament and of the Council of 13 December 2023 amending certain Directives as regards the establishment and functioning of the European single access point (access to financial information)**

[Directive - EU - 2023/2864](#)

**Regulation (EU) 2023/2869 of the European Parliament and of the Council of 13 December 2023 amending certain Regulations as regards the establishment and functioning of the European single access point**

[Regulation - EU - 2023/2869](#)

**Regulation (EU) 2023/2845 of the European Parliament and of the Council of 13 December 2023 amending Regulation (EU) No 909/2014 as regards settlement discipline, cross-border provision of services, supervisory cooperation, provision of banking-type ancillary services and requirements for third-country central securities depositories and amending Regulation (EU) No 236/2012**

[Regulation - 2023/2845](#)

### Case Law

**Case C-288/22. Judgment of the Court (Third Chamber) of 21 December 2023. TP v Administration de l'enregistrement, des domaines et de la TVA. Request for a preliminary ruling from the Tribunal d'arrondissement de Luxembourg.**

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 9 – Taxable persons – Economic activity carried out independently – **Concept of 'economic activity'** – Concept of 'independent exercise of the activity' – **Activity as a member of the board of directors of a public limited company.**

[EUR-Lex - 62022CJ0288](#)

**Case C-340/22. Judgment of the Court (First Chamber) of 21 December 2023. Cofidis v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD).**

Reference for a preliminary ruling – Direct taxation – Article 49 TFEU – Freedom of establishment – **Introduction of a tax on the liabilities of credit institutions for the purpose of funding the national social security system – Alleged discrimination against branches of foreign credit institutions** – Directive 2014/59/EU – Framework for the recovery and resolution of credit institutions and investment firms – Scope.

[EUR-Lex - 62022CJ0340](#)

## 8. Education, Training, Youth, Culture, Research and Innovation

### Case Law

**Case C-431/22. Judgment of the Court (Second Chamber) of 21 December 2023. Scuola europea di Varese v PD, en qualité de personne exerçant la responsabilité parentale sur NG and LC, en qualité de personne exerçant la responsabilité parentale sur NG. Request for a preliminary ruling from the Corte suprema di cassazione.** Reference for a preliminary ruling – **Convention defining the Statute of the European Schools** – Article 27(2) – General Rules of the European Schools – Articles 62, 66 and 67 – **Challenge to the decision of a Class Council not to authorise a pupil to be promoted to the year above in the secondary school – Lack of jurisdiction of the national courts** – Sole jurisdiction of the Complaints Board of the European Schools – Effective judicial protection.  
[EUR-Lex - 62022CJ0431](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-488/21. Judgment of the Court (Grand Chamber) of 21 December 2023. GV v Chief Appeals Officer and Others. Request for a preliminary ruling from the Court of Appeal.** Reference for a preliminary ruling – **Citizenship of the European Union** – Articles 21 and 45 TFEU – Right of Union citizens to move and reside freely in the territory of the Member States – Worker having acquired the nationality of the host Member State while retaining his or her nationality of origin – Directive 2004/38/EC – Article 3 – Beneficiaries – Article 2(2)(d) – Family member – **Dependent direct relatives in the ascending line of a worker who is a Union citizen** – Article 7(1)(a) and (d) – Right of residence for more than three months – Retention of the status of dependant in the host Member State – Article 14(2) – Retention of the right of residence – Regulation (EU) No 492/2011 – Article 7(2) – Equal treatment – Social advantages – **Social assistance benefits** – Unreasonable burden on the social assistance system of the host Member State.  
[EUR-Lex - 62021CJ0488](#)

**Case C-206/22. Judgment of the Court (First Chamber) of 14 December 2023. TF v Sparkasse Südpfalz. Request for a preliminary ruling from the Arbeitsgericht Ludwigshafen am Rhein.** Reference for a preliminary ruling – Protection of the safety and health of workers – **Organisation of working time** – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Article 7 – Right to paid annual leave – SARS-Cov-2 virus – Quarantine measure – **Impossible to carry over the paid annual leave granted for a period coinciding with a period of quarantine.**  
[EUR-Lex - 62022CJ0206](#)

**Case C-518/22. Judgment of the Court (Second Chamber) of 7 December 2023. J.M.P. v AP Assistenzprofis GmbH.** Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – Article 2(5) – **Prohibition of discrimination on grounds of age** – United Nations Convention on the Rights of Persons with Disabilities – Article 19 – Living independently and being included in the community – Charter of Fundamental Rights of the European Union – Article 26 – Social and occupational integration of persons with disabilities – Personal assistance service for persons with disabilities – **Job offer stating a minimum age and maximum age of the person to be hired – Account taken of the wishes and interests of the disabled person** – Justification.  
[EUR-Lex - 62022CJ0518](#)

## 10. Energy and Environment

### Community Legislation

**Council Regulation (EU) 2024/223 of 22 December 2023 amending 2022/2577 laying down a framework to accelerate the deployment of renewable energy Regulation (EU)**

[Regulation - EU - 2024/223](#)

### Case Law

**Case C-86/22. Judgment of the Court (Third Chamber) of 21 December 2023. Papier Mettler Italia S.r.l. v Ministero della Transizione Ecologica (già Ministero dell’Ambiente e della Tutela del Territorio e del Mare) and Ministero dello Sviluppo Economico. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.**

Reference for a preliminary ruling – Approximation of laws – Environment – Directive 94/62/EC – **Packaging and packaging waste** – Directive 98/34/EC – Information procedure in the field of technical standards and regulations and of rules on Information Society services – Obligation on the Member States to notify the European Commission of any draft technical regulation – **National legislation containing stricter technical rules than those laid down by EU legislation.**

[EUR-Lex - 62022CJ0086](#)

**Case C-434/22. Judgment of the Court (Ninth Chamber) of 7 December 2023. AS “Latvijas valsts meži” v Dabas aizsardzības pārvalde and Vides pārraudzības valsts birojs. Request for a preliminary ruling from the Administratīvā rajona tiesa.**

Reference for a preliminary ruling – Environment – **Conservation of natural habitats and of wild fauna and flora** – Directive 92/43/EEC – Article 6(3) – Concept of ‘plan or project’ on a protected site – **Intervention in a forest to protect it from fire** – Need to carry out a prior assessment of the implications of that intervention for the site concerned.

[EUR-Lex - 62022CJ0434](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Joined Cases C-38/21, C-47/21 and C-232/21. Judgment of the Court (Grand Chamber) of 21 December 2023. VK and Others v BMW Bank GmbH and Others. Requests for a preliminary ruling from the Landgericht Ravensburg.**

Reference for a preliminary ruling – Consumer protection – **Leasing agreement for a motor vehicle without an obligation to purchase** – Directive 2008/48/EC – Article 2(2)(d) – Concept of a leasing agreement without an obligation to purchase the object of the agreement – Directive 2002/65/EC – Article 1(1) and Article 2(b) – Concept of a contract for financial services – Directive 2011/83/EU – Article 2(6) and Article 3(1) – Concept of a service contract – Article 2(7) – Concept of a distance contract – Article 2(8) – Concept of an off-premises contract – Article 16(l) – Exception from the right of withdrawal in respect of the provision of car rental services – Credit agreement for the purchase of a motor vehicle – Directive 2008/48 – Article 10(2) – Requirements relating to the information that must be stated in the agreement – Presumption of compliance with the obligation to provide information in the case of use of a statutory information model – Absence of horizontal direct effect of a directive – Article 14(1) – Right of withdrawal – Start of the withdrawal period in the event of incomplete or incorrect information – Abusive nature of the exercise of the right of withdrawal – Time-barring of the right of withdrawal – **Obligation to return the vehicle in advance in the event of exercise of the right of withdrawal in respect of a linked credit agreement.**

[EUR-Lex - 62021CJ0038](#)



**Case C-28/22. Judgment of the Court (Ninth Chamber) of 14 December 2023. TL and WE v Liquidator of Getin Noble Bank S.A., formerly Getin Noble Bank S.A. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – Article 6(1) and Article 7(1) – **Effects of a finding that a term is unfair – Mortgage loan agreement indexed to a foreign currency containing unfair terms concerning the exchange rate** – Nullity of that contract – Claims for restitution – Limitation period.

[EUR-Lex - 62022CJ0028](#)

**Case C-128/22. Judgment of the Court (Grand Chamber) of 5 December 2023. BV NORDIC INFO v Belgische Staat. Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel.**

Reference for a preliminary ruling – Directive 2004/38/EC – Articles 27 and 29 – **Measures restricting the free movement of Union citizens on public health grounds** – Measures of general application – **National legislation providing for a ban on leaving the national territory in order to engage in non-essential travel to Member States classified as high-risk zones in the context of the COVID-19 pandemic** and an obligation for every traveller entering the national territory from one of those Member States to undergo screening tests and to observe quarantine – Schengen Borders Code – Article 23 – Exercise of police powers in the field of public health – Equivalence with the exercise of border checks – Article 25 – Possibility of reintroducing border controls at internal borders in the context of the COVID-19 pandemic – Controls carried out in a Member State as part of measures prohibiting the crossing of borders for the purpose of engaging in non-essential travel from or to States in the Schengen area classified as high-risk zones in the context of the COVID-19 pandemic.

[EUR-Lex - 62022CJ0128](#)

## 12. Human Rights

### Case Law

**Case C-66/22. Judgment of the Court (Grand Chamber) of 21 December 2023. Infraestruturas de Portugal, SA and Futrifer Indústrias Ferroviárias, SA v Toscca - Equipamentos em Madeira Lda. Request for a preliminary ruling from the Supremo Tribunal Administrativo.**

Reference for a preliminary ruling – **Procedures for the award of public works contracts, public supply contracts and public service contracts** – Directive 2014/24/EU – Point (d) of the first subparagraph of Article 57(4) – Award of public contracts in the transport sector – Directive 2014/25/EU – Article 80(1) – Facultative grounds for exclusion – Obligation to transpose – **Economic operator entering into agreements aimed at distorting competition** – Competence of the contracting authority – Impact of an earlier decision of a competition authority – Principle of proportionality – Article 47 of the Charter of Fundamental Rights of the European Union – **Right to an effective remedy** – Principle of sound administration – Obligation to state reasons.

[EUR-Lex - 62022CJ0066](#)

**Case C-206/22. Judgment of the Court (First Chamber) of 14 December 2023. TF v Sparkasse Südpfalz. Request for a preliminary ruling from the Arbeitsgericht Ludwigshafen am Rhein.**

Reference for a preliminary ruling – Protection of the safety and health of workers – **Organisation of working time** – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Article 7 – Right to paid annual leave – SARS-Cov-2 virus – Quarantine measure – **Impossible to carry over the paid annual leave granted for a period coinciding with a period of quarantine.**

[EUR-Lex - 62022CJ0206](#)

**Case C-518/22. Judgment of the Court (Second Chamber) of 7 December 2023. J.M.P. v AP Assistenzprofis GmbH.**

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – Article 2(5) – **Prohibition of discrimination on grounds of age** – United Nations Convention on the Rights of Persons with Disabilities – Article 19 – Living independently and being included in the community – Charter of Fundamental Rights of the European Union – Article 26 – Social and occupational integration of persons with disabilities – Personal assistance service for persons with disabilities – **Job offer stating a minimum age and maximum age of the person to be hired** – **Account taken of the wishes and interests of the disabled person** – Justification.

[EUR-Lex - 62022CJ0518](#)

## 13. Internal Market and Free Movement

### Case Law

**Case C-333/21. Judgment of the Court (Grand Chamber) of 21 December 2023. European Superleague Company, S.L. v Unión de Federaciones Europeas de Fútbol (UEFA) and Fédération internationale de football association (FIFA).**

Request for a preliminary ruling – Competition – Internal market – **Rules introduced by international sports associations** – Professional football – Private law entities vested with regulatory, control and decision-making powers, and the power to impose sanctions – **Rules on prior approval of competitions, on the participation of football clubs and players in those competitions, and also on the exploitation of commercial and media rights related to those competitions** – Parallel pursuit of economic activities – Organisation and marketing of competitions – Exploitation of related commercial and media rights – Article 101(1) TFEU – Decision by an association of undertakings adversely affecting competition – Concepts of anticompetitive ‘object’ and ‘effect’ – Exemption under Article 101(3) TFEU – Conditions – Article 102 TFEU – Abuse of dominant position – Justification – Conditions – Article 56 TFEU – **Restrictions on the freedom to provide services** – Justification – Conditions – Burden of proof.

[EUR-Lex - 62021CJ0333](#)

**Case C-167/22. Judgment of the Court (Second Chamber) of 21 December 2023. European Commission v Kingdom of Denmark.**

Failure of a Member State to fulfil obligations – International road haulage – Regulation (EC) No 1072/2009 – Articles 8 and 9 – Regulation (EC) No 561/2006 – Rest periods – **National legislation introducing a maximum parking time at public rest areas of 25 hours along the motorway network of a Member State** – **Restriction on the freedom to provide road transport services** – Burden of proof.

[EUR-Lex - 62022CJ0167](#)

**Affaire C-421/22. Arrêt de la Cour (cinquième chambre) du 21 décembre 2023. « DOBELES AUTOBUSU PARKS » SIA e.a. contre Iepirkumu uzraudzības birojs et « Autotransporta direkcija » VSIA. Demande de décision préjudicielle, introduite par l’Augstākā tiesa (Senāts).**

Renvoi préjudiciel – Transports – **Services publics de transport de voyageurs par chemin de fer et par route** – Règlement (CE) no 1370/2007 – Article 1er, paragraphe 1 – Article 2 bis, paragraphe 2 – Article 3, paragraphe 1 – Article 4, paragraphe 1 – Article 6, paragraphe 1 – Contrat de service public de transport de voyageurs par autobus – Procédure d’attribution d’un marché public de services – **Appel d’offres ouvert, transparent et non discriminatoire** – Cahier des charges – Montant de la compensation accordée par l’autorité nationale compétente – Indexation limitée dans le temps et à des catégories de coûts spécifiques – Répartition des risques.

[EUR-Lex - 62022CJ0421](#)

**Case C-66/22. Judgment of the Court (Grand Chamber) of 21 December 2023. Infraestruturas de Portugal, SA and Futrifer Indústrias Ferroviárias, SA v Toscca - Equipamentos em Madeira Lda. Request for a preliminary ruling from the Supremo Tribunal Administrativo.**

Reference for a preliminary ruling – **Procedures for the award of public works contracts, public supply contracts and public service contracts** – Directive 2014/24/EU – Point (d) of the first subparagraph of Article 57(4) – Award of public contracts in the transport sector – Directive 2014/25/EU – Article 80(1) – Facultative grounds for exclusion – Obligation to transpose – **Economic operator entering into agreements aimed at distorting competition** – Competence of the contracting authority – Impact of an earlier decision of a competition authority – Principle of proportionality – Article 47 of the Charter of Fundamental Rights of the European Union – **Right to an effective remedy** – Principle of sound administration – Obligation to state reasons.

[EUR-Lex - 62022CJ0066](#)

**Affaire C-96/22. Arrêt de la Cour (cinquième chambre) du 21 décembre 2023. CDIL–Companhia de Distribuição Integral Logística Portugal, S.A. contre Autoridade Tributária e Aduaneira. Demande de décision préjudicielle, introduite par le Supremo Tribunal Administrativo.**

Renvoi préjudiciel – Libre circulation des marchandises – Article 34 TFUE – Restrictions quantitatives à l’importation – Mesures d’effet équivalent – **Réglementation nationale limitant la quantité de cigarettes pouvant être mises à la consommation au cours d’une période donnée à un plafond correspondant à la moyenne mensuelle des quantités mises à la consommation durant les douze mois précédents** – Article 36 TFUE – Justification – Lutte contre l’évasion fiscale et les pratiques abusives – Protection de la santé publique – Fiscalité – Droits d’accise – Directive 2008/118/CE – Article 7 – Moment de l’exigibilité des droits d’accise – Mise à la consommation des produits soumis à accise – Article 9 – Conditions d’exigibilité et taux d’accise applicable – Dépassement de la limite quantitative applicable – Excédent – Application du taux d’accise en vigueur à la date de présentation de la déclaration d’apurement.

[EUR-Lex - 62022CJ0096](#)

**Case C-340/22. Judgment of the Court (First Chamber) of 21 December 2023. Cofidis v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD).**

Reference for a preliminary ruling – Direct taxation – Article 49 TFEU – Freedom of establishment – **Introduction of a tax on the liabilities of credit institutions for the purpose of funding the national social security system – Alleged discrimination against branches of foreign credit institutions** – Directive 2014/59/EU – Framework for the recovery and resolution of credit institutions and investment firms – Scope.

[EUR-Lex - 62022CJ0340](#)

**Case C-278/22. Judgment of the Court (Fifth Chamber) of 21 December 2023. AUTOTECHNICA FLEET SERVICES d.o.o., anciennement ANTERRA d.o.o. v Hrvatska agencija za nadzor financijskih usluga. Request for a preliminary ruling from the Upravni sud u Zagrebu.**

Reference for a preliminary ruling – Freedom of establishment – **Freedom to provide services** – Directive 2006/123/EC – Article 2(2)(b) – Scope – Exclusion of financial services – **Long-term rental of motor vehicles** – Articles 9(1) and 10(1) and (2) – Services subject to prior authorisation.

[EUR-Lex - 62022CJ0278](#)

**Case C-488/21. Judgment of the Court (Grand Chamber) of 21 December 2023. GV v Chief Appeals Officer and Others. Request for a preliminary ruling from the Court of Appeal.**

Reference for a preliminary ruling – **Citizenship of the European Union** – Articles 21 and 45 TFEU – Right of Union citizens to move and reside freely in the territory of the Member States – Worker having acquired the nationality of the host Member State while retaining his or her nationality of origin – Directive 2004/38/EC – Article 3 – Beneficiaries – Article 2(2)(d) – Family member – **Dependent direct relatives in the ascending line of a worker who is a Union citizen** – Article 7(1)(a) and (d) – Right of residence for more than three months – Retention of the status of dependant in the host Member State – Article 14(2) – Retention of the right of residence – Regulation (EU) No 492/2011 – Article 7(2) – Equal treatment – Social advantages – **Social assistance benefits** – Unreasonable burden on the social assistance system of the host Member State.

[EUR-Lex - 62021CJ0488](#)

**Case C-680/21. Judgment of the Court (Grand Chamber) of 21 December 2023. UL and SA Royal Antwerp Football Club v Union royale belge des sociétés de football association ASBL. Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles.**

Reference for a preliminary ruling – Competition – Internal market – **Rules introduced by international and national sports associations** – Professional football – Private law entities vested with regulatory, control and sanctioning powers – **Rules requiring professional football clubs to use a minimum number of ‘home-grown’ players** – Article 101(1) TFEU – **Decision by an association of undertakings adversely affecting competition** – Concepts of anticompetitive ‘object’ and ‘effect’ – Exemption under Article 101(3) TFEU – Conditions – Article 45 TFEU – Indirect discrimination on the basis of nationality – **Restriction on the freedom of movement for workers – Justification** – Conditions – Burden of proof.

[EUR-Lex - 62021CJ0680](#)

**Case C-128/22. Judgment of the Court (Grand Chamber) of 5 December 2023. BV NORDIC INFO v Belgische Staat. Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel.**

Reference for a preliminary ruling – Directive 2004/38/EC – Articles 27 and 29 – **Measures restricting the free movement of Union citizens on public health grounds** – Measures of general application – **National legislation providing for a ban on leaving the national territory in order to engage in non-essential travel to Member States classified as high-risk zones in the context of the COVID-19 pandemic and an obligation for every traveller entering the national territory from one of those Member States to undergo screening tests and to observe quarantine** – Schengen Borders Code – Article 23 – Exercise of police powers in the field of public health – Equivalence with the exercise of border checks – Article 25 – Possibility of reintroducing border controls at internal borders in the context of the COVID-19 pandemic – Controls carried out in a Member State as part of measures prohibiting the crossing of borders for the purpose of engaging in non-essential travel from or to States in the Schengen area classified as high-risk zones in the context of the COVID-19 pandemic.

[EUR-Lex - 62022CJ0128](#)

## 14. Intellectual Property

Nothing to report for the period under review.

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

### Community Legislation

**Regulation (EU) 2023/2844 of the European Parliament and of the Council of 13 December 2023 on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation**

[Regulation - 2023/2844](#)

**Directive (EU) 2023/2843 of the European Parliament and of the Council of 13 December 2023 amending Directives 2011/99/EU and 2014/41/EU of the European Parliament and of the Council, Council Directive 2003/8/EC and Council Framework Decisions 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, as regards digitalisation of judicial cooperation**

[Directive - 2023/2843](#)

## Case Law

### Case C-398/22. Judgment of the Court (Seventh Chamber) of 21 December 2023. Generalstaatsanwaltschaft Berlin v RQ. Request for a preliminary ruling from the Kammergericht Berlin.

Reference for a preliminary ruling – Police and judicial cooperation in criminal matters – Framework Decision 2002/584/JHA – **European arrest warrant** – Article 4a(1) – Surrender procedure between Member States – Conditions for execution – Grounds for optional non-execution – Exceptions – Mandatory execution – Sentence handed down in absentia – Concept of ‘trial resulting in the decision’ – Person concerned not having appeared in person either at first instance or on appeal – **National legislation imposing an absolute prohibition on surrender of the person concerned in the case of a decision rendered in absentia** – Obligation to interpret national law in conformity with EU law.

[EUR-Lex - 62022CJ0398](#)

### Case C-281/22. Judgment of the Court (Grand Chamber) of 21 December 2023. Criminal proceedings against Österreichischer Delegierter Europäischer Staatsanwalt. Request for a preliminary ruling from the Oberlandesgericht Wien.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European Public Prosecutor’s Office** – Regulation (EU) 2017/1939 – Article 31 – Cross-border investigations – Judicial authorisation – **Scope of the review** – Article 32 – Enforcement of assigned measures.

[EUR-Lex - 62022CJ0281](#)

### Case C-261/22. Judgment of the Court (Grand Chamber) of 21 December 2023. Criminal proceedings against GN. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 1(3) – Article 15(2) – Surrender procedure between Member States – **Grounds for non-execution** – Charter of Fundamental Rights of the European Union – Article 7 – Respect for private and family life – Article 24(2) and (3) – **Taking into consideration the best interests of the child** – Right of every child to maintain on a regular basis a personal relationship and direct contact with both parents – Mother of young children living with her.

[EUR-Lex - 62022CJ0261](#)

## 16. Transport

### Case Law

#### Case C-167/22. Judgment of the Court (Second Chamber) of 21 December 2023. European Commission v Kingdom of Denmark.

Failure of a Member State to fulfil obligations – International road haulage – Regulation (EC) No 1072/2009 – Articles 8 and 9 – Regulation (EC) No 561/2006 – Rest periods – **National legislation introducing a maximum parking time at public rest areas of 25 hours along the motorway network of a Member State – Restriction on the freedom to provide road transport services** – Burden of proof.

[EUR-Lex - 62022CJ0167](#)

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[EUR-Lex - 62022CJ0421](#)

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

### Community Legislation

**Regulation (EU, Euratom) 2023/2841 of the European Parliament and of the Council of 13 December 2023 laying down measures for a high common level of cybersecurity at the institutions, bodies, offices and agencies of the Union**

[Regulation - EU - 2023/2841](#)