



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
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EU News: Click & Read

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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.

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Highlights

Case C-299/22. Judgment of the Court (Second Chamber) of 29 February 2024. M. D. v UAB „Tez Tour“. Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas. Reference for a preliminary ruling – Package travel and linked services – Directive (EU) 2015/2302 – Article 12(2) – **Right of a traveller to terminate a package travel contract without paying a termination fee** – Unavoidable and extraordinary circumstances – **Spread of COVID-19 – No official recommendation against travel** – Consideration of personal circumstances relating to the individual situation of the traveller concerned – Consequences significantly affecting the performance of the package or the carriage of passengers to the destination – Circumstances existing or foreseeable on the date of conclusion of the package travel contract concerned – Possibility of taking into account consequences occurring at the place of departure or return as well as at other places.

[EUR-Lex - 62022CJ0299](#)

Case C-81/23. Judgment of the Court (Ninth Chamber) of 22 February 2024. MA v FCA Italy SpA and FPT Industrial SpA. Request for a preliminary ruling from the Oberster Gerichtshof. Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012** – Point 2 of Article 7 – **Special jurisdiction in tort, delict or quasi-delict** – Place where the damage occurred – **Use on a vehicle of a defeat device that reduces the effectiveness of emission control systems** – Contract for the sale of that vehicle concluded in a Member State other than the State in which the purchaser is domiciled and in which the manufacturer has its seat – Delivery of that vehicle and normal use of it in the Member State in which the purchaser is domiciled.

[EUR-Lex - 62023CJ0081](#)

Case C-566/22. Judgment of the Court (First Chamber) of 8 February 2024. Inkreal s. r. o. v Dúha reality s. r. o. Request for a preliminary ruling from the Nejvyšší soud.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Scope – Article 25 – Agreement conferring jurisdiction – **Parties to a contract established in the same Member State – Jurisdiction of the courts of another Member State to settle disputes arising from that contract** – International element.

[EUR-Lex - 62022CJ0566](#)

1. EU-Swiss Relations

Nothing to report for the period under review.

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2024/792 of the European Parliament and of the Council of 29 February 2024 establishing the Ukraine Facility

[Regulation - EU - 2024/792](#)

Council Regulation (EU) 2024/745 of 23 February 2024 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

[Regulation - EU - 2024/745](#)

Case Law

Case C-549/22. Judgment of the Court (Second Chamber) of 29 February 2024. X v Raad van bestuur van de Sociale verzekeringsbank. Request for a preliminary ruling from the Centrale Raad van Beroep.

Reference for a preliminary ruling – **EC-Algeria Association Agreement – Social security for Algerian migrant workers and their survivors** – Transfer of benefits to Algeria at the rates applied by virtue of the legislation of the debtor Member State – Survivors' benefit – National legislation applying the country-of-residence principle – Residence clause involving a reduction in the amount of survivors' benefit for recipients residing in Algeria.

[EUR-Lex - 62022CJ0549](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-437/22. Arrêt de la Cour (première chambre) du 29 février 2024. R.M. et E.M. contre Eesti Vabariik (Põllumajanduse Registrate ja Informatsiooni Amet). Demande de décision préjudicielle, introduite par la Riigikohus.

Renvoi préjudiciel – Agriculture – Politique agricole commune – **Soutien au développement rural par le Fonds européen agricole pour le développement rural (Feader)** – Protection des intérêts financiers de l'Union européenne – Règlement (CE, Euratom) no 2988/95 – Article 7 – **Mesures et sanctions administratives** – Règlement no 1306/2013 – Articles 54 et 56 – Règlement délégué no 640/2014 – Article 35 – Recouvrement des sommes indûment versées auprès des personnes ayant participé à la réalisation de l'irrégularité – Notion de "bénéficiaire".

[EUR-Lex - 62022CJ0437](#)

4. Audiovisual and Media and Information Society

Nothing to report for the period under review.

5. Competition and State Aid

Case Law

Joined Cases C-701/21 P and C-739/21 P. Judgment of the Court (Fourth Chamber) of 22 February 2024. Mytilinaios AE – Omilos Epicheiriseon and European Commission v Dimosia Epicheirisi Ilektrismou AE (DEI). Appeal – State aid – Article 107 TFEU – **Concept of ‘aid’** – Advantage – Private investor test – **Arbitration award setting reduced electricity tariffs – Whether the arbitration award can be imputed to the State** – Regulation (EU) 2015/1589 – Article 4(2) – Decision that the measure does not constitute aid.
[EUR-Lex - 62021CJ0701](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Regulation (EU) 2024/795 of the European Parliament and of the Council of 29 February 2024 establishing the Strategic Technologies for Europe Platform (STEP), and amending Directive 2003/87/EC and Regulations (EU) 2021/1058, (EU) 2021/1056, (EU) 2021/1057, (EU) No 1303/2013, (EU) No 223/2014, (EU) 2021/1060, (EU) 2021/523, (EU) 2021/695, (EU) 2021/697 and (EU) 2021/241
[Regulation - EU - 2024/795](#)

Case Law

Case C-676/22. Judgment of the Court (Tenth Chamber) of 29 February 2024. B2 Energy s.r.o. v Odvolací finanční ředitelství. Request for a preliminary ruling from the Nejvyšší správní soud. Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 138(1) – Exemption in respect of intra-Community supplies of goods – Refusal to grant the exemption – Evidence – **Supplier of goods not proving delivery of the goods to the recipient indicated in the tax documents** – Supplier presenting other information proving that the actual recipient has the status of taxable person.
[EUR-Lex - 62022CJ0676](#)

Case C-314/22. Judgment of the Court (Tenth Chamber) of 29 February 2024. „Consortium Remi Group“ AD v Direktor na Direktsia „Obzhalvane i danachno-osiguritelna praktika“ Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite. Request for a preliminary ruling from the Varhoven administrativen sad. Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Derogation provided for in Article 90(2) – Taxable amount – Reduction of the taxable amount – **Total or partial non-payment of the price** – Limitation period regarding applications for a subsequent reduction in the taxable amount of VAT – Date from which the limitation period begins to run – Taxable person’s entitlement to interest.
[EUR-Lex - 62022CJ0314](#)

Case C-674/22. Judgment of the Court (Fourth Chamber) of 22 February 2024. Gemeente Dinkelland v Ontvanger van de Belastingdienst/Grote ondernemingen, kantoor Zwolle. Request for a preliminary ruling from the Rechtbank Gelderland.

Reference for a preliminary ruling – Taxes levied in breach of EU law – **Obligation to refund value added tax (VAT) and to pay interest on that amount** – Refund resulting from errors made in the taxable person’s accounts – Refund resulting from the retroactive amendment of the detailed rules for calculating the deductible VAT relating to the taxable person’s general costs.

[EUR-Lex - 62022CJ0674](#)

Case C-661/22. Judgment of the Court (Fifth Chamber) of 22 February 2024. „ABC Projektai“ UAB, anciennement „Bruc Bond“ UAB v Lietuvos bankas. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Payment services in the internal market – Directive (EU) 2015/2366 – Article 4(3) and (5) – Payment service or payment transaction – Directive 2009/110/EC – Article 2(2) – **Issuance of electronic money – Holding of customer funds by a payment institution without a specific payment order** – Classification.

[EUR-Lex - 62022CJ0661](#)

Case C-733/22. Judgment of the Court (Seventh Chamber) of 8 February 2024. Direktor na Direktsia „Obzhalvane i danachno-osiguritelna praktika“ – Sofia pri Tsentralno upravlenie na NAP v „Valentina Heights“ EOOD. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 98 – Option for the Member States to apply a reduced rate of VAT to certain supplies of goods and services – Annex III, point 12 – **Reduced rate of VAT applicable to accommodation provided in hotels and similar establishments – Application of that rate only to accommodation facilities with a categorisation certificate** – Principle of fiscal neutrality.

[EUR-Lex - 62022CJ0733](#)

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-549/22. Judgment of the Court (Second Chamber) of 29 February 2024. X v Raad van bestuur van de Sociale verzekeringsbank. Request for a preliminary ruling from the Centrale Raad van Beroep.

Reference for a preliminary ruling – **EC-Algeria Association Agreement – Social security for Algerian migrant workers and their survivors** – Transfer of benefits to Algeria at the rates applied by virtue of the legislation of the debtor Member State – Survivors’ benefit – National legislation applying the country-of-residence principle – Residence clause involving a reduction in the amount of survivors’ benefit for recipients residing in Algeria.

[EUR-Lex - 62022CJ0549](#)

Case C-649/22. Judgment of the Court (Sixth Chamber) of 22 February 2024. XXX v Randstad Empleo ETT, SAU and Others. Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco.

Reference for a preliminary ruling – Social policy – Directive 2008/104/EC – Temporary agency work – Article 5(1) – Principle of equal treatment – Article 3(1)(f) – **Concept of ‘basic working and employment conditions applicable to temporary agency workers’** – Concept of ‘pay’ – Compensation payable in respect of the total permanent incapacity of a temporary agency worker to carry out his or her usual occupation as a result of an accident at work which occurred during his or her assignment.

[EUR-Lex - 62022CJ0649](#)

Case C-283/21. Judgment of the Court (Second Chamber) of 22 February 2024. VA v Deutsche Rentenversicherung Bund. Request for a preliminary ruling from the Landessozialgericht Nordrhein-Westfalen. Reference for a preliminary ruling – **Social security for migrant workers** – Regulation (EC) No 987/2009 – Article 44(2) – Scope – **Pension for total incapacity for work** – Calculation – **Taking into account of child raising-periods completed in another Member State** – Applicability – Article 21 TFEU – Free movement of citizens – Sufficient link between those child-raising periods and the periods of insurance completed in the Member State responsible for payment of the pension.

[EUR-Lex - 62021CJ0283](#)

Case C-589/22. Judgment of the Court (Seventh Chamber) of 22 February 2024. J.L.O.G. and J.J.O.P. v Resorts Mallorca Hotels International SL. Request for a preliminary ruling from the Tribunal Superior de Justicia de las Islas Baleares.

Reference for a preliminary ruling – Social policy – **Collective redundancies** – Directive 98/59/EC – Article 2(1) – **Point at which the obligation to provide information and hold consultations arises** – Number of actual or projected redundancies – Article 1(1) – Voluntary terminations of employment contracts before redundancies – Method for calculating the number of redundancies.

[EUR-Lex - 62022CJ0589](#)

Joined Cases C-59/22, C-110/22 and C-159/22. Judgment of the Court (Sixth Chamber) of 22 February 2024. MP and Others v Consejería de Presidencia, Justicia e Interior de la Comunidad de Madrid and Others. Requests for a preliminary ruling from the Tribunal Superior de Justicia de Madrid.

Reference for a preliminary ruling – Social policy – Directive 1999/70/EC – **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** – Fixed-term employment contracts in the public sector – **Staff having non-permanent contracts of indefinite duration** – Clauses 2 and 3 – Scope – Concept of ‘fixed-term worker’ – Clause 5 – **Measures to prevent and penalise the abuse of successive fixed-term employment contracts or relationships** – Equivalent legal measures.

[EUR-Lex - 62022CJ0059](#)

Case C-715/20. Judgment of the Court (Grand Chamber) of 20 February 2024. K.L. v X sp. z o.o. Request for a preliminary ruling from the Sąd Rejonowy dla Krakowa - Nowej Huty w Krakowie.

Reference for a preliminary ruling – Social policy – Directive 1999/70/EC – **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** – Clause 4 – Principle of non-discrimination – Difference in treatment in the event of dismissal – **Termination of a fixed-term employment contract – No obligation to state the reasons for termination** – Judicial review – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62020CJ0715](#)

10. Energy and Environment

Case Law

Case C-311/22. Judgment of the Court (Second Chamber) of 22 February 2024. Anklagemyndigheden v PO and Moesgaard Meat 2012 A/S. Request for a preliminary ruling from the Højesteret. Reference for a preliminary ruling – Environment – Directive 2010/75/EU – **Integrated pollution prevention and control** – Article 10 – Annex I, point 6.4(a) – **Operating slaughterhouses with a carcass production capacity greater than 50 tonnes per day** – Concepts of ‘carcass’ and ‘production capacity per day’ – Slaughterhouse without a permit – Actual production must be taken into account.

[EUR-Lex - 62022CJ0311](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2024/568 of the European Parliament and of the Council of 7 February 2024 on fees and charges payable to the European Medicines Agency, amending Regulations (EU) 2017/745 and (EU) 2022/123 of the European Parliament and of the Council and repealing Regulation (EU) No 658/2014 of the European Parliament and of the Council and Council Regulation (EC) No 297/95

[Regulation - EU - 2024/568](#)

Case Law

Case C-11/23. Judgment of the Court (Third Chamber) of 29 February 2024. Eventmedia Soluciones SL v Air Europa Líneas Aéreas SAU. Request for a preliminary ruling from the Juzgado de lo Mercantil de Palma de Mallorca.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(1) and (3) – Article 7(1) – **Compensation to air passengers in the event of cancellation of flights** – Nature and basis of the right to compensation – **Transfer to a company of the passengers' claim against the air carrier** – Contractual clause that prohibits such a transfer – Article 15 – Exclusion of waiver.

[EUR-Lex - 62023CJ0011](#)

Case C-299/22. Judgment of the Court (Second Chamber) of 29 February 2024. M. D. v UAB „Tez Tour“. Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas.

Reference for a preliminary ruling – Package travel and linked services – Directive (EU) 2015/2302 – Article 12(2) – **Right of a traveller to terminate a package travel contract without paying a termination fee** – Unavoidable and extraordinary circumstances – **Spread of COVID-19 – No official recommendation against travel** – Consideration of personal circumstances relating to the individual situation of the traveller concerned – Consequences significantly affecting the performance of the package or the carriage of passengers to the destination – Circumstances existing or foreseeable on the date of conclusion of the package travel contract concerned – Possibility of taking into account consequences occurring at the place of departure or return as well as at other places.

[EUR-Lex - 62022CJ0299](#)

Case C-13/23. Judgment of the Court (Seventh Chamber) of 29 February 2024. cdVet Naturprodukte GmbH v Niedersächsisches Landesamt für Verbraucherschutz und Lebensmittelsicherheit (LA-VES). Request for a preliminary ruling from the Verwaltungsgericht Osnabrück.

Reference for a preliminary ruling – **Food safety – Feed additives** – Regulation (EC) No 1831/2003 – Authorisation procedure – Ban on placing on the market without authorisation – Status of existing products – Validity in the light of the Charter of Fundamental Rights of the European Union – **Freedom to conduct a business** – Right to property – Principle of proportionality – Implementing Regulation (EU) 2021/758 – Withdrawal from the market of grapefruit extract – Feedingstuffs containing grapefruit seed and grapefruit peel extract.

[EUR-Lex - 62023CJ0013](#)

Case C-724/22. Judgment of the Court (Ninth Chamber) of 29 February 2024. Investcapital Ltd v G.H.R. Request for a preliminary ruling from the Juzgado de Primera Instancia de León.

Reference for a preliminary ruling – **Unfair terms in consumer contracts** – Directive 93/13/EEC – Principle of effectiveness of EU law – Revolving credit agreement – Order for payment procedure – Review of the court's own motion of whether contractual terms are unfair in the course of that procedure – Enforcement of the procedural decision terminating that procedure – **Loss, due to a time-bar, of the possibility of raising the unfairness of a contractual term at the stage of enforcement of the order for payment** – Power of review of the national court.

[EUR-Lex - 62022CJ0724](#)

Case C-584/22. Judgment of the Court (Second Chamber) of 29 February 2024. QM v Kiwi Tours GmbH. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Package travel and linked services – Directive (EU) 2015/2302 – Article 12(2) – **Right of a traveller to terminate a package travel contract without paying a termination fee** – Unavoidable and extraordinary circumstances – **Spread of COVID-19** – Consequences significantly affecting the performance of the package or the carriage of passengers to the destination – Foreseeability of the occurrence of those consequences at the date of the declaration of termination – Events occurring after the termination date but before the start of the package.

[EUR-Lex - 62022CJ0584](#)

Case C-606/21. Judgment of the Court (Second Chamber) of 29 February 2024. Doctipharma SAS v Union des Groupements de pharmaciens d'officine (UDGPO) and Pictime Coreyre. Request for a preliminary ruling from the Cour d'appel de Paris.

Reference for a preliminary ruling – Medicinal products for human use – Directive 2001/83/EC – Article 85c – Scope – Distance selling to the general public of medicinal products – Medicinal products for human use not subject to compulsory medical prescription – Persons authorised or entitled to engage in distance selling to the general public of medicinal products – **Power of the Member States to impose conditions, justified by the protection of public health, on the retailing, on their territory, of medicinal products sold online** – Information society services – Directive 98/34/EC – Directive (EU) 2015/1535 – Service connecting pharmacists and customers for the online sale of medicinal products.

[EUR-Lex - 62021CJ0606](#)

Case C-745/22. Judgment of the Court (Seventh Chamber) of 22 February 2024. Microeos Food Safety BV v Eniaios Foreas Elenchou Trofimon (E.F.E.T.). Request for a preliminary ruling from the Symvoulío tis Epikrateias.

Reference for a preliminary ruling – Food safety – **Specific hygiene rules for food of animal origin** – Regulation (EC) No 853/2004 – Article 3(2) – Substance intended to remove surface contamination from products of animal origin – Definition – Contamination by the pathogenic bacterium *Listeria monocytogenes* – Substance intended to prevent surface contamination from products of animal origin and applied outside of slaughterhouses during the final stages of the production process – Placing on the market – Prior approval by the European Commission.

[EUR-Lex - 62022CJ0745](#)

Case C-85/23. Judgment of the Court (Seventh Chamber) of 22 February 2024. Landkreis Jerichower Land v A. Request for a preliminary ruling from the Obergerverwaltungsgericht des Landes Sachsen-Anhalt.

Reference for a preliminary ruling – Public health – **Health rules applicable to animal by-products and derived products not intended for human consumption** – Regulation (EC) No 1069/2009 – Approval – Article 24(1)(i) – Concept of 'storage of animal by-products' – **Interruption of a transport operation for up to eight hours.**

[EUR-Lex - 62023CJ0085](#)

12. Human Rights

Case Law

Case C-392/22. Judgment of the Court (Fourth Chamber) of 29 February 2024. X v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.

Reference for a preliminary ruling – Common policy on asylum and immigration – Application for international protection – Charter of Fundamental Rights of the European Union – Article 4 – Risks of inhuman or degrading treatment – **Criteria and mechanisms for determining the Member State responsible for examining the application for international protection** – Regulation (EU) No 604/2013 – Article 3(2) – Scope of the obligations of the Member State which has sought to have the applicant taken back by the Member State responsible and wishes to transfer the applicant to the latter Member State – Principle of mutual trust – **Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws** – Practices of pushback to a third country and detention at border control posts.

[EUR-Lex - 62022CJ0392](#)

Case C-13/23. Judgment of the Court (Seventh Chamber) of 29 February 2024. cdVet Naturprodukte GmbH v Niedersächsisches Landesamt für Verbraucherschutz und Lebensmittelsicherheit (LA-VES). Request for a preliminary ruling from the Verwaltungsgericht Osnabrück.

Reference for a preliminary ruling – **Food safety – Feed additives** – Regulation (EC) No 1831/2003 – Authorisation procedure – Ban on placing on the market without authorisation – Status of existing products – Validity in the light of the Charter of Fundamental Rights of the European Union – **Freedom to conduct a business** – Right to property – Principle of proportionality – Implementing Regulation (EU) 2021/758 – Withdrawal from the market of grapefruit extract – Feedingstuffs containing grapefruit seed and grapefruit peel extract.

[EUR-Lex - 62023CJ0013](#)

Case C-392/22. Judgment of the Court (Fourth Chamber) of 29 February 2024. X v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.

Reference for a preliminary ruling – Common policy on asylum and immigration – Application for international protection – Charter of Fundamental Rights of the European Union – Article 4 – Risks of inhuman or degrading treatment – **Criteria and mechanisms for determining the Member State responsible for examining the application for international protection** – Regulation (EU) No 604/2013 – Article 3(2) – Scope of the obligations of the Member State which has sought to have the applicant taken back by the Member State responsible and wishes to transfer the applicant to the latter Member State – Principle of mutual trust – **Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws** – Practices of pushback to a third country and detention at border control posts.

[EUR-Lex - 62022CJ0392](#)

Case C-491/21. Judgment of the Court (First Chamber) of 22 February 2024. WA v Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date din Ministerul Afacerilor Interne. Request for a preliminary ruling from the Înalta Curte de Casație și Justiție.

Reference for a preliminary ruling – Citizenship of the Union – Article 21(1) TFEU – **Right to move and reside freely within the territory of the Member States** – Article 45 of the Charter of Fundamental Rights of the European Union – Directive 2004/38/EC – Article 4 – Issuance of an identity card – Requirement of domicile in the Member State issuing the document – **Refusal by the authorities of that Member State to issue an identity card to one of its nationals domiciled in another Member State** – Equal treatment – Restrictions – Justification.

[EUR-Lex - 62021CJ0491](#)

Case C-715/20. Judgment of the Court (Grand Chamber) of 20 February 2024. K.L. v X sp. z o.o. Request for a preliminary ruling from the Sąd Rejonowy dla Krakowa - Nowej Huty w Krakowie.

Reference for a preliminary ruling – Social policy – Directive 1999/70/EC – **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** – Clause 4 – Principle of non-discrimination – Difference in treatment in the event of dismissal – **Termination of a fixed-term employment contract – No obligation to state the reasons for termination** – Judicial review – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62020CJ0715](#)

13. Internal Market and Free Movement

Case Law

Case C-491/21. Judgment of the Court (First Chamber) of 22 February 2024. WA v Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date din Ministerul Afacerilor Interne. Request for a preliminary ruling from the Înalta Curte de Casație și Justiție.

Reference for a preliminary ruling – Citizenship of the Union – Article 21(1) TFEU – **Right to move and reside freely within the territory of the Member States** – Article 45 of the Charter of Fundamental Rights of the European Union – Directive 2004/38/EC – Article 4 – Issuance of an identity card – Requirement of domicile in the Member State issuing the document – **Refusal by the authorities of that Member State to issue an identity card to one of its nationals domiciled in another Member State** – Equal treatment – Restrictions – Justification.

[EUR-Lex - 62021CJ0491](#)

Case C-660/22. Judgment of the Court (Sixth Chamber) of 22 February 2024. Ente Cambiano società cooperativa per azioni v Agenzia delle Entrate. Request for a preliminary ruling from the Corte suprema di

cassazione.

Reference for a preliminary ruling – Article 63 TFEU – **Free movement of capital** – Directive 2008/7/EC – Cooperative credit banks having net assets above a certain threshold – **National legislation obliging those banks to pay an amount equal to 20% of those net assets in order to transfer their banking business to a public limited company in exchange for securities of that company** – Article 94(c) of the Rules of Procedure of the Court of Justice – Requirement to provide reasons justifying the need for an answer from the Court – **Purely internal situation** – Inadmissibility.

[EUR-Lex - 62022CJ0660](#)

14. Intellectual Property

Case Law

Case C-382/21 P. Judgment of the Court (Grand Chamber) of 27 February 2024. European Union Intellectual Property Office v The KaiKai Company Jaeger Wichmann GbR.

Appeal – Intellectual property – Community designs – **Patent Cooperation Treaty (PCT) – Agreement on Trade-Related Aspects of Intellectual Property Rights** – Paris Convention for the Protection of Industrial Property – Article 4 – Regulation (EC) No 6/2002 – Article 41 – Application for registration of a Community design – Right of priority – **Priority claim based on an international application filed under the PCT** – Time period – Interpretation consistent with Article 4 of that convention – Limits.

[EUR-Lex - 62021CJ0382](#)

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

Case Law

Case C-392/22. Judgment of the Court (Fourth Chamber) of 29 February 2024. X v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.

Reference for a preliminary ruling – Common policy on asylum and immigration – Application for international protection – Charter of Fundamental Rights of the European Union – Article 4 – Risks of inhuman or degrading treatment – **Criteria and mechanisms for determining the Member State responsible for examining the application for international protection** – Regulation (EU) No 604/2013 – Article 3(2) – Scope of the obligations of the Member State which has sought to have the applicant taken back by the Member State responsible and wishes to transfer the applicant to the latter Member State – Principle of mutual trust – **Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws** – Practices of pushback to a third country and detention at border control posts.

[EUR-Lex - 62022CJ0392](#)

Case C-222/22. Judgment of the Court (Third Chamber) of 29 February 2024. Bundesamt für Fremdenwesen und Asyl v JF. Request for a preliminary ruling from the Verwaltungsgerichtshof.

Reference for a preliminary ruling – Area of freedom, security and justice – Asylum policy – Directive 2011/95/EU – Standards for the qualification as beneficiaries of international protection – Content of that protection – Article 5 – **International protection needs arising sur place – Subsequent application for recognition of refugee status** – Article 5(3) – **Concept of ‘circumstances which the applicant has created by his or her own decision since leaving the country of origin’** – Abusive intent and abuse of the applicable procedure – Activities in the host Member State not constituting the expression and continuation of convictions or orientations held in the country of origin – Religious conversion.

[EUR-Lex - 62022CJ0222](#)

Case C-81/23. Judgment of the Court (Ninth Chamber) of 22 February 2024. MA v FCA Italy SpA and FPT Industrial SpA. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012** – Point 2 of Article 7 – **Special jurisdiction in tort, delict or quasi-delict** – Place where the damage occurred – **Use on a**

vehicle of a defeat device that reduces the effectiveness of emission control systems – Contract for the sale of that vehicle concluded in a Member State other than the State in which the purchaser is domiciled and in which the manufacturer has its seat – Delivery of that vehicle and normal use of it in the Member State in which the purchaser is domiciled.

[EUR-Lex - 62023CJ0081](#)

Case C-216/22. Judgment of the Court (Grand Chamber) of 8 February 2024. A. A. v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Sigmaringen.

Reference for a preliminary ruling – **Common procedures for granting and withdrawing international protection** – Directive 2013/32/EU – Article 33(2)(d) and Article 40(2) and (3) – **Subsequent application** – Conditions for rejecting such an application as inadmissible – **Concept of ‘new elements or findings’** – Judgment of the Court on a question of interpretation of EU law – Article 46 – Right to an effective remedy – Jurisdiction of the national court or tribunal to rule on such an application on the merits in the event of illegality of the decision rejecting an application as inadmissible – Procedural safeguards – Article 14(2).

[EUR-Lex - 62022CJ0216](#)

Case C-566/22. Judgment of the Court (First Chamber) of 8 February 2024. Inkreal s. r. o. v Dúha reality s. r. o. Request for a preliminary ruling from the Nejvyšší soud.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Scope – Article 25 – **Agreement conferring jurisdiction – Parties to a contract established in the same Member State – Jurisdiction of the courts of another Member State to settle disputes arising from that contract** – International element.

[EUR-Lex - 62022CJ0566](#)

Case C-633/22. Opinion of Advocate General Szpunar delivered on 8 February 2024 (1) Real Madrid Club de Fútbol, AE v EE, Soci t  Editrice du Monde SA (Request for a preliminary ruling from the Cour de cassation (Court of Cassation, France))

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the enforcement of judgments in civil and commercial matters – Regulation (EC) No 44/2001 – Recognition and enforcement of judgments – Grounds for refusal – **Infringement of public policy in the State in which enforcement is sought – Penalty imposed on a newspaper and one of its journalists for harm caused to the reputation of a sports club.**

[EUR-Lex - 62022CC0633](#)

16. Transport

Nothing to report for the period under review.

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

Case Law

Case C-54/22 P. Judgment of the Court (Ninth Chamber) of 22 February 2024. Romania v European Commission.

Appeal – Law governing the institutions – European Citizens’ Initiative – Regulation (EU) No 211/2011 – Registration of a proposed citizens’ initiative – Article 4(2)(b) – **Proposed citizens’ initiative not falling manifestly outside the framework of the European Commission’s powers to submit a proposal for a legal act of the European Union for the purpose of implementing the Treaties** – Burden of proof – Power of the Commission to proceed with partial registration.

[EUR-Lex - 62022CJ0054](#)

