



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. Finally, we would like to take this opportunity to wish our readers a happy and safe 2026!

Highlights

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Reference for a preliminary ruling – Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Migrant workers – **Social security** – Applicable legislation – Regulation (EC) No 883/2004 – Article 11 – Article 13(1) – Regulation (EC) No 987/2009 – Article 14(8) – **Worker pursuing an activity as an employed person in the territory of several States, including a Member State, the Swiss Confederation and third countries – Concept of 'substantial part of the activity'** – Taking account of the activity pursued in third countries.

[EUR-Lex - 62023CJ0743](#)

Case C-485/24. Judgment of the Court (First Chamber) of 11 December 2025. Locatrans Sarl v ES. Request for a preliminary ruling from the Cour de cassation - Chambre sociale.

Reference for a preliminary ruling – **Rome Convention on the law applicable to contractual obligations** – Article 6 – **Contract of employment** – Choice made by the parties – Mandatory rules of the law which would be applicable in the absence of choice – Determination of the law applicable – Habitual place of work – **Change of habitual place of work in the course of the employment relationship** – Contract of employment more closely connected with another country – Account to be taken of the most recent habitual place of work.

[EUR-Lex - 62024CJ0485](#)

Case C-492/23. Judgment of the Court (Grand Chamber) of 2 December 2025. X v Russmedia Digital SRL and Inform Media Press SRL. Request for a preliminary ruling from the Curtea de Apel Cluj.

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – Article 4(7) – Concept of 'controller' – **Responsibility of the operator of an online marketplace for the publication of personal data contained in advertisements placed on its online marketplace by user advertisers** – Article 5(2) – Principle of accountability – Article 26 – Joint control with user advertisers – Article 9(1) and (2)(a) – Advertisements containing sensitive data – Lawfulness of processing – Consent – Articles 24, 25 and 32 – Obligations of the controller – Prior identification of the advertisements containing such data – Prior identification of the identity of the user advertiser – Electronic commerce – Directive 2000/31/EC – Articles 12 to 15 – Possibility for such an operator, with regard to an infringement of those obligations, to rely on the exemption from liability of an intermediary information society service provider.

[EUR-Lex - 62023CJ0492](#)

1. EU-Swiss Relations

Community Legislation

Information relating to the provisional application of the Amending Protocol to the Agreement between the European Union and the Swiss Confederation on the automatic exchange of financial account information to improve international tax compliance

[EUR-Lex - 22025X02582](#)

Case Law

Case C-743/23. Judgment of the Court (First Chamber) of 11 December 2025. A v GKV-Spitzenverband. Request for a preliminary ruling from the Landessozialgericht für das Saarland.

Reference for a preliminary ruling – Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons – Migrant workers – **Social security** – Applicable legislation – Regulation (EC) No 883/2004 – Article 11 – Article 13(1) – Regulation (EC) No 987/2009 – Article 14(8) – **Worker pursuing an activity as an employed person in the territory of several States, including a Member State, the Swiss Confederation and third countries – Concept of 'substantial part of the activity'** – Taking account of the activity pursued in third countries.

[EUR-Lex - 62023CJ0743](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (EU) 2025/2640 of 16 December 2025 authorising the opening of negotiations for a framework agreement between the European Union and the United States of America on the reciprocal exchange of information for security screenings and identity verifications relating to border procedures and visa applications

[Decision - EU - 2025/2640](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-497/24. Judgment of the Court (Seventh Chamber) of 11 December 2025. GC, en son nom propre et en tant que propriétaire de l'exploitation agricole du même nom v Regione Marche. Request for a preliminary ruling from the Tribunale ordinario di Ancona.

Reference for a preliminary ruling – Agriculture – Common agricultural policy – Regulation (EU) No 1308/2013 – **Support programme in the wine sector – Financing – Article 50 – European Union contribution – Calculation of the maximum aid rate** – Inclusion of a tax credit provided for by national legislation.

[EUR-Lex - 62024CJ0497](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-422/24. Judgment of the Court (First Chamber) of 18 December 2025. Integritetsskyddsmyndigheten v AB Storstockholms Lokaltrafik. Request for a preliminary ruling from the Högsta förvaltningsdomstolen.

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – Articles 13 and 14 – Scope – **Personal data collected by means of body cameras worn by ticket inspectors on public transport** – Legal basis for the obligation on the data controller to provide information to the data subject.

[EUR-Lex - 62024CJ0422](#)

Case C-492/23. Judgment of the Court (Grand Chamber) of 2 December 2025. X v Russmedia Digital SRL and Inform Media Press SRL. Request for a preliminary ruling from the Curtea de Apel Cluj.

Reference for a preliminary ruling – Protection of personal data – Regulation (EU) 2016/679 – Article 4(7) – Concept of ‘controller’ – **Responsibility of the operator of an online marketplace for the publication of personal data contained in advertisements placed on its online marketplace by user advertisers** – Article 5(2) – Principle of accountability – Article 26 – Joint control with user advertisers – Article 9(1) and (2)(a) – Advertisements containing sensitive data – Lawfulness of processing – Consent – Articles 24, 25 and 32 – Obligations of the controller – Prior identification of the advertisements containing such data – Prior identification of the identity of the user advertiser – Refusal of publication of unlawful advertisements – Security measures such as to prevent the copying of advertisements and their publication on other websites – Electronic commerce – Directive 2000/31/EC – Articles 12 to 15 – Possibility for such an operator, with regard to an infringement of those obligations, to rely on the exemption from liability of an intermediary information society service provider.

[EUR-Lex - 62023CJ0492](#)

5. Competition and State Aid

Case Law

Case C-161/24. Judgment of the Court (Third Chamber) of 18 December 2025. OSA, z.s., anciennement OSA – Ochranný svaz autorský pro práva k dílům hudebním, z.s. v Úřad pro ochranu hospodářské soutěže. Request for a preliminary ruling from the Krajský soud v Brně.

Reference for a preliminary ruling – Competition – Article 102 TFEU – **Abuse of dominant position – Collective management organisation handling copyright** – Rates for royalties for the provision of a licence to make copyrighted works available – **Hotel establishments** – Calculation method – Failure to take into account the rate of occupancy of rooms – Unfair prices.

[EUR-Lex - 62024CJ0161](#)

Case C-245/24. Judgment of the Court (Third Chamber) of 18 December 2025. « Lukoil Bulgaria » EOOD and « Lukoil Neftohim Burgas » AD v Komisia za zashtita na konkurentsiata. Request for a preliminary ruling from the Administrativen sad Sofia-oblast.

Reference for a preliminary ruling – Competition – Article 102 TFEU – **Abuse of a dominant position – Market for the storage of automotive fuels – Abuse – Refusal of access to essential infrastructure for third-party undertakings** – Infrastructure financed by public funds – Privatisation of that infrastructure.

[EUR-Lex - 62024CJ0245](#)

Case C-260/24. Judgment of the Court (Third Chamber) of 18 December 2025. « Lukoil Bulgaria » EOOD v Komisia za zashtita na konkurentsia. Request for a preliminary ruling from the Administrativen sad Sofia-oblaster.

Reference for a preliminary ruling – Competition – Article 102 TFEU – **Abuse of a dominant position – Wholesale market for fuel in Bulgaria** – Margin squeeze on competitors – Product market definition – Vertically divided market – Taking into account the excise duty regime.

EUR-Lex - 62024CJ0260

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-121/24. Judgment of the Court (Sixth Chamber) of 11 December 2025. „Vaniz“ EOOD v Direktor na Direktsia „Obzhavane i danachno-osiguritelna praktika“ – Veliko Tarnovo. Request for a preliminary ruling from the Administrativen sad Veliko Tarnovo.

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 205 – Joint and several liability – Insolvency of the principal debtor – **Continued obligation to pay VAT – Joint and several liability of a third party after the removal of the principal debtor from the commercial register** – Principle of legal certainty – Principle of proportionality.

EUR-Lex - 62024CJ0121

Case C-796/23. Judgment of the Court (Tenth Chamber) of 11 December 2025. Česká síť s. r. o. v Odvolací finanční ředitelství. Request for a preliminary ruling from the Nejvyšší správní soud.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 9(1) – **Concept of ‘taxable person’ – Partners in a civil law partnership devoid of legal personality** – Article 193 – Determination of the taxable person liable to pay VAT.

EUR-Lex - 62023CJ0796

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Nothing to report for the period under review.

10. Energy and Environment

Case Law

Affaire C-316/24 P. Arrêt de la Cour (quatrième chambre) du 18 décembre 2025. Pesticide Action Network Europe (PAN Europe) contre Commission européenne.

Pourvoi – Agriculture – **Produits phytopharmaceutiques** – Article 4 – Règlement (CE) no 1107/2009 – Règlement d'exécution (UE) 2021/2049 – Renouvellement de l'approbation de la substance active "cyperméthrine" – Demande de réexamen interne – Règlement (CE) no 1367/2006 – Article 10, paragraphe 1 – Décision de rejet de la demande – Évaluation et gestion des risques – Identification de domaines critiques de préoccupation – Conditions réalistes d'utilisation – **Principe de précaution**.

[EUR-Lex - 62024CJ0316](#)

Affaire C-633/23. Arrêt de la Cour (quatrième chambre) du 18 décembre 2025. Electrabel SA e.a. contre Commission de Régulation de l'Électricité et du Gaz (CREG). Demande de décision préjudiciale, introduite par la cour d'appel de Bruxelles.

Renvoi préjudiciel – Marché intérieur de l'électricité – Règlement (UE) 2022/1854 – **Intervention d'urgence pour faire face aux prix élevés de l'énergie** – Article 2, points 5 et 9 – Articles 6 à 8 – Plafond sur les recettes issues du marché obtenues par les producteurs d'électricité utilisant certaines sources d'énergie – Détermination des "recettes issues du marché" – **Réglementation nationale prévoyant le recours à des présomptions soit irréfragables, soit réfragables au moyen d'autres présomptions** – Principe de proportionnalité – Article 22, paragraphe 2, sous c) – Période d'application des articles 6 à 8 de ce règlement – Application d'une mesure de plafonnement des recettes pour une période antérieure à celle prévue par ledit règlement, en vertu d'une réglementation nationale adoptée postérieurement à l'entrée en vigueur du même règlement – Principes de primauté et d'effectivité du droit de l'Union – Principe de coopération loyale.

[EUR-Lex - 62023CJ0633](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Directive (EU) 2025/2647 of the European Parliament and of the Council of 16 December 2025 amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes and amending Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 following the discontinuation of the European Online Dispute Resolution Platform

[Directive - EU - 2025/2647](#)

Case Law

Case C-473/24. Judgment of the Court (Eighth Chamber) of 11 December 2025. Speyer & Grund GmbH & Co. KG v Werner & Mertz GmbH. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Regulation (EU) No 528/2012 – Article 3(1)(a) – **Concept of 'biocidal product'** – Condition as to the 'intended purpose' of the product – **Vinegar-based products intended for use as both foodstuffs and cleaning products/disinfectants for foodstuffs ('multi-purpose products')** – Scope of Regulation No 528/2012 – Article 2(1) and (2) – Annex V – List of the types of biocidal products covered by the regulation – Protection of human and animal health and the environment.

[EUR-Lex - 62024CJ0473](#)

Case C-767/24. Judgment of the Court (Ninth Chamber) of 11 December 2025. mBank S.A. v ML. 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 7(1) – Effects of a term being found to be unfair – **Contract declared void – Action brought by a seller or supplier seeking restitution of the amount of the loan paid under a contract which is to be annulled** – Consequences of the submission of a declaration of set-off – Implied waiver of the objection that the action is time-barred – Effective exercise of the procedural rights of consumers – Principle of effectiveness – Dissuasive effect of the prohibition on unfair terms.

[EUR-Lex - 62024CJ0767](#)

12. Human Rights

Case Law

Case C-448/23. Judgment of the Court (Grand Chamber) of 18 December 2025. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Article 2 TEU – Article 4(3) TEU – Second subparagraph of Article 19(1) TEU – **Rule of law** – Effective judicial protection in the fields covered by Union law – Principles of autonomy, primacy, effectiveness and the uniform application of EU law – Principle of the binding effect of the case-law of the Court – Judgments of the Trybunał Konstytucyjny (Constitutional Court, Poland) – Judgments of the Court and interim measures under Article 279 TFEU relating to the second subparagraph of Article 19(1) TEU – Rejection by the Trybunał Konstytucyjny (Constitutional Court) of those judgments and of those measures as ultra vires – National constitutional identity – **Prohibition issued by the Trybunał Konstytucyjny (Constitutional Court) preventing all public authorities from applying Article 2 TEU and the second subparagraph of Article 19(1) TEU** – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Requirement of an independent and impartial tribunal previously established by law** – Improper composition of the Trybunał Konstytucyjny (Constitutional Court).

[EUR-Lex - 62023CJ0448](#)

Case C-417/23. Judgment of the Court (Grand Chamber) of 18 December 2025. Slagelse Almennyttige Boligselskab Afdeling Schackenborgvænge and Others v MV and Others. Request for a preliminary ruling from the Østre Landsret - Nordhavn.

Reference for a preliminary ruling – **Equal treatment between persons irrespective of racial or ethnic origin** – Directive 2000/43/EC – Concepts of ‘ethnic origin’, ‘direct discrimination’ and ‘indirect discrimination’ – **National legislation requiring the adoption of development plans designed to reduce the percentage of public family housing units in certain residential areas – Identification of those areas according to the proportion of ‘immigrants from non-Western countries and their descendants’** – Whether justified – Social cohesion and integration – Housing policy – Article 7 of the Charter of Fundamental Rights of the European Union – Right to respect for the home – Proportionality.

[EUR-Lex - 62023CJ0417](#)

Case C-320/24. Judgment of the Court (Fourth Chamber) of 18 December 2025. CR and TP v Soledil Srl, sous concordat préventif. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Consumer protection – **Unfair terms in consumer contracts** – Directive 93/13/EEC – Article 6(1) and Article 7(1) of that directive – **Power of review and obligations of the national court** – Penalty clause – No review of the court’s own motion of whether that term is unfair – Res judicata – Principle of effectiveness – Article 47 of the Charter of Fundamental Rights of the European Union – **Reliance on the unfairness of a contractual term before a court to which the case has been remitted following cassation.**

[EUR-Lex - 62024CJ0320](#)

Affaire C-182/24. Arrêt de la Cour (première chambre) du 18 décembre 2025. RB e.a. contre Société des Auteurs et Compositeurs Dramatiques (SACD) e.a. Demande de décision préjudiciale, introduite par le tribunal judiciaire de Paris.

Renvoi préjudiciel – Propriété intellectuelle – Droit d'auteur et droits voisins – Directive 2001/29/CE – Articles 2 à 4 et 8 – Directive 2004/48/CE – Articles 1er à 3 – Directive 2006/115/CE – Directive 2006/116/CE – Articles 1er, 2 et 9 – Articles 17 et 47 de la charte des droits fondamentaux de l'Union européenne – Voies de recours – **Droit à un recours effectif – Réglementation nationale subordonnant la recevabilité d'une action en contrefaçon exercée par l'un des cotitulaires du droit d'auteur d'une œuvre cinématographique à la mise en cause de tous les cotitulaires de ce droit.**

[EUR-Lex - 62024CJ0182](#)

13. Internal Market and Free Movement

Case Law

Case C-353/24. Judgment of the Court (Seventh Chamber) of 18 December 2025. SIA „EUROPARK LATVIA” and SKIDATA GmbH v Valsts ieņēmumu dienests. Request for a preliminary ruling from the Administratīvā rajona tiesa.

Reference for a preliminary ruling – Industrial policy – Information procedure in the field of technical standards and regulations and of rules on Information Society services – Directive (EU) 2015/1535 – Concept of ‘technical regulation’ – **National rule requiring the provision of the source code of software registered in the database of the tax authority to a body responsible for assessing the conformity of fiscal technical requirements** – Article 34 TFEU – **Measure having equivalent effect to a quantitative restriction on imports** – Principle of proportionality.

[EUR-Lex - 62024CJ0353](#)

Case C-345/24. Judgment of the Court (Fifth Chamber) of 18 December 2025. Autorità per le Garanzie nelle Comunicazioni (AGCOM) v BRT SpA and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Postal parcel delivery services provided to the public – Directive 97/67/EC – Articles 22 and 22a – Regulation (EU) 2018/644 – Article 4 – **Decision of the national regulatory authority imposing on parcel delivery service providers obligations to provide information** – Legal basis for the competence of that authority to impose specific obligations to provide information on operators not carrying out cross-border parcel delivery – Proportionality.

[EUR-Lex - 62024CJ0345](#)

Case C-366/24. Judgment of the Court (Third Chamber) of 18 December 2025. Amazon EU Sàrl v Ministre de la Culture and Ministre de l'Économie, des Finances et de la Souveraineté industrielle et numérique. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Internal market – **Freedom to provide services** – Free movement of goods – Protection or promotion of cultural diversity – **Home delivery of books service – National measure providing for a minimum charge in respect of such a service** – Directive 2006/123/EC – Applicability – Relationship with Articles 34 and 56 TFEU.

[EUR-Lex - 62024CJ0366](#)

Case C-366/24. Judgment of the Court (Third Chamber) of 18 December 2025. Amazon EU Sàrl v Ministre de la Culture and Ministre de l'Économie, des Finances et de la Souveraineté industrielle et numérique. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Internal market – Freedom to provide services – Free movement of goods – Protection or promotion of cultural diversity – **Home delivery of books service – National measure providing for a minimum charge in respect of such a service** – Directive 2006/123/EC – Applicability – Relationship with Articles 34 and 56 TFEU.

[EUR-Lex - 62024CJ0366](#)

Case C-769/23. Judgment of the Court (Third Chamber) of 18 December 2025. Mara soc. coop. arl v Ministero della Difesa and Gruppo Samir Global Service Srl. Request for a preliminary ruling from the Consiglio di Stato.
 Reference for a preliminary ruling – Public procurement – **Mixed procurement involving defence aspects** – Services directly linked to military equipment – Directive 2009/81/EC – Directive 2014/24/EU – Determining the applicable directive – Contract award criteria – Third subparagraph of Article 67(2) of Directive 2014/24/EU – **Prohibition on using price as the sole award criterion** – Proportionality – Public contracts for labour-intensive services.

[EUR-Lex - 62023CJ0769](#)

Case C-789/23. Judgment of the Court (Second Chamber) of 11 December 2025. I. J. v VĮ Registrų centras. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinių teismas.

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 – **Requirements for registration in the national register of a marriage contract concluded in a Member State other than the Member State of registration** – Inclusion of the personal identification number of at least one of the two spouses – Restriction – Justification – **Accuracy and authenticity of the information contained in the national register** – Proportionality.

[EUR-Lex - 62023CJ0789](#)

Case C-665/24. Judgment of the Court (Seventh Chamber) of 11 December 2025. Staatssecretaris Jeugd, Preventie en Sport v Diamond Flavours BV and UEG Holland BV. Request for a preliminary ruling from the College van Beroep voor het bedrijfsleven.

Reference for a preliminary ruling – Directive 2014/40/EU – Article 2(40) – **Concept of 'placing on the market'** – Article 23(2) and (3) – Checks on the implementation of Directive 2014/40 – Objective of ensuring a high level of health protection – Approximation of laws – Manufacture, presentation and sale of tobacco products – **Supply of refill containers for electronic cigarettes displaying an incorrect indication of the nicotine content on their packaging by a distributor of tobacco and related products to a retail outlet** – Fine imposed on the distributor – Principle nulla poena sine culpa – Proportionality of the fine.

[EUR-Lex - 62024CJ0665](#)

14. Intellectual Property

Community Legislation

Regulation (EU) 2025/2645 of the European Parliament and of the Council of 16 December 2025 on compulsory licensing for crisis management and amending Regulation (EC) No 816/2006

[Regulation - EU - 2025/2645](#)

Case Law

Case C-323/24. Judgment of the Court (Second Chamber) of 18 December 2025. Deity Shoes, S.L. v Mundorama Confort, S.L. and Stay Design, S.L. Request for a preliminary ruling from the Juzgado de lo Mercantil de Alicante.
 Reference for a preliminary ruling – Intellectual property – Community designs – Regulation (EC) No 6/2002 – Articles 4 to 6 and 14 – **Conditions for the protection of a design** – Novelty – Individual character – Visual characteristics predetermined by a third party – Freedom of the designer in developing the design – Concept of 'informed user' – **Influence of features linked to fashion trends.**

[EUR-Lex - 62024CJ0323](#)

Case C-168/24. Judgment of the Court (Third Chamber) of 18 December 2025. PMJC SAS v [W] [X] and Others. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Trade marks – Directive 2008/95/EC – Article 12(2)(b) – Directive (EU) 2015/2436 – Article 20(b) – Grounds for revocation of a mark – Trade mark liable to mislead the public as a result of the use made of it – Trade mark corresponding to the name of a fashion designer – Assignment of the trade mark – **Use of the trade mark in such a way as to make the public actually believe that the designer is still involved in the design of the goods bearing the trade mark** – Misled belief.

[EUR-Lex - 62024CJ0168](#)

Affaire C-182/24. Arrêt de la Cour (première chambre) du 18 décembre 2025. RB e.a. contre Société des Auteurs et Compositeurs Dramatiques (SACD) e.a. Demande de décision préjudiciale, introduite par le tribunal judiciaire de Paris.

Renvoi préjudiciel – Propriété intellectuelle – Droit d'auteur et droits voisins – Directive 2001/29/CE – Articles 2 à 4 et 8 – Directive 2004/48/CE – Articles 1er à 3 – Directive 2006/115/CE – Directive 2006/116/CE – Articles 1er, 2 et 9 – Articles 17 et 47 de la charte des droits fondamentaux de l'Union européenne – Voies de recours – **Droit à un recours effectif – Réglementation nationale subordonnant la recevabilité d'une action en contrefaçon exercée par l'un des cotitulaires du droit d'auteur d'une œuvre cinématographique à la mise en cause de tous les cotitulaires de ce droit.**

[EUR-Lex - 62024CJ0182](#)

Joined Cases C-580/23 and C-795/23. Judgment of the Court (First Chamber) of 4 December 2025. Mio AB and Others v Galleri Mikael & Thomas Asplund Aktiebolag and USM U. Schärer Söhne AG. Requests for a preliminary ruling from the Svea Hovrätt and Bundesgerichtshof.

References for a preliminary ruling – **Harmonisation of certain aspects of copyright and related rights in the information society** – Directive 2001/29/EC – Articles 2 to 4 – Reproduction right – Concept of 'work' – **Copyright protection of works of applied art** – Assessment of the originality of subject matter of applied art – Concept of 'free and creative choices' – Criteria for the assessment of those choices – Assessment of the infringement of exclusive rights.

[EUR-Lex - 62023CJ0580](#)

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

Community Legislation

Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP Regulation')

[Regulation - 2025/2643](#)

Case Law

Judgment of the Court (Grand Chamber) of 18 December 2025. Alaa Hamoudi v European Border and Coast Guard Agency.

Case C-136/24 P. Appeal – Common policy on asylum and immigration – Regulation (EU) 2019/1896 – **European integrated management of the European Union's external borders** – European Border and Coast Guard – European Border and Coast Guard Agency (Frontex) – **Frontex's obligations relating to the protection of fundamental rights – Practices of pushback to a third country in the Aegean Sea region** – Non-contractual liability of Frontex – Actual and certain damage – Burden of proof – Effective judicial protection – Prima facie evidence – Duty of the General Court of the European Union to investigate the case.

[EUR-Lex - 62024CJ0136](#)

Case C-679/23 P. Judgment of the Court (Grand Chamber) of 18 December 2025. WS and Others v European Border and Coast Guard Agency.

Appeal – Common policy on asylum and immigration – Regulation (EU) 2016/1624 – **European integrated border management of the external borders of the European Union** – European Border and Coast Guard – European Border and Coast Guard Agency (Frontex) – Frontex's obligations to protect fundamental rights – **Joint return operation coordinated by Frontex** – **Frontex's non-contractual liability** – Causal link between the breach of such obligations and the damage suffered.

EUR-Lex - 62023CJ0679

Case C-184/24. Judgment of the Court (Fifth Chamber) of 18 December 2025. AF, en son nom propre et en qualité de personne exerçant la responsabilité parentale sur l'enfant mineur BF v Ministero dell'Interno - U.T.G. - Prefettura di Milano. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia.

Reference for a preliminary ruling – Area of freedom, security and justice – **Asylum policy** – Directive 2013/33/EU – Applicants for international protection – Article 7 – Place of residence – Article 18 – Material reception conditions – Housing – Accommodation centres – Transfer – Applicant's refusal – Article 20(1)(a) – Reduction of material reception conditions or withdrawal of that benefit in exceptional and duly justified cases – Abandonment of the place of residence without informing the competent authority or without permission – Article 20(4) – Serious breaches of the rules of the accommodation centre – Article 20(5) – Proportionality – Dignified standard of living – Article 21 – Applicants falling within the category of vulnerable persons – Article 23 – Minors – **Power of a Member State to withdraw material reception conditions if the applicant refuses to be transferred to another accommodation centre.**

EUR-Lex - 62024CJ0184

Case C-560/23. Judgment of the Court (First Chamber) of 18 December 2025. H (ved DRC Dansk Flygtningehjælp) v Udlændingestyrelsen. Request for a preliminary ruling from the Flygtningenævnet København.

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 29(1) – Transfer time limit – **Determination of the starting point of the six-month time limit** – Bringing of an appeal with suspensive effect – New circumstance brought to the attention of the judicial authority before which that appeal was brought – Annulment of the initial transfer decision and remittal of the case to the competent administrative authority – Adoption of a second transfer decision which is also the subject of an action for annulment – Consequences for the calculation of the transfer time limit.

EUR-Lex - 62023CJ0560

Case C-325/24. Judgment of the Court (Third Chamber) of 18 December 2025. HG v Procura della Repubblica presso il Tribunale di Firenze. Request for a preliminary ruling from the Tribunale Ordinario di Firenze.

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – Directive 2014/41/EU – **European Investigation Order in criminal matters** – Article 3 – Material scope – **Concept of 'investigative measure'** – Purpose – Obtaining evidence – Article 10 – Recourse to a different type of investigative measure – Article 11 – Grounds for non-recognition or non-execution – Fundamental rights – Article 22 – Temporary transfer to the issuing State of the person held in custody for the purpose of carrying out an investigative measure – Article 24 – Hearing of the accused person by videoconference – Article 24(2)(b) – Fundamental principles of the law of the executing Member State.

EUR-Lex - 62024CJ0325

Case C-485/24. Judgment of the Court (First Chamber) of 11 December 2025. Locatrans Sarl v ES. Request for a preliminary ruling from the Cour de cassation - Chambre sociale.

Reference for a preliminary ruling – **Rome Convention on the law applicable to contractual obligations** – Article 6 – **Contract of employment** – Choice made by the parties – Mandatory rules of the law which would be applicable in the absence of choice – Determination of the law applicable – Habitual place of work – **Change of habitual place of work in the course of the employment relationship** – Contract of employment more closely connected with another country – Criteria for assessment – Account to be taken of the most recent habitual place of work.

[EUR-Lex - 62024CJ0485](#)

Case C-279/24. Judgment of the Court (Fourth Chamber) of 4 December 2025. AY v Liechtensteinische Landesbank (Österreich) AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Regulation (EC) No 593/2008 – Article 3(1) and (2) – **Choice of the applicable law** – Article 6 – Scope – **Contract concluded between a professional and a consumer residing in another Member State** – Activity of the professional directed to the Member State in which the consumer has his or her habitual residence after the date of conclusion of the contract containing a choice-of-law clause.

[EUR-Lex - 62024CJ0279](#)

Case C-34/24. Judgment of the Court (Grand Chamber) of 2 December 2025. Stichting Right to Consumer Justice and Stichting App Stores Claims v Apple Distribution International Ltd and Apple Inc. Request for a preliminary ruling from the Rechtbank Amsterdam.

Reference for a preliminary ruling – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Article 7(2) – **Special jurisdiction in matters relating to tort, delict or quasi-delict** – Determination of the territorial jurisdiction of a court of a Member State – Place where the harmful event occurred – Place where the damage occurred – **Representative action seeking compensation for the damage caused by anticompetitive conduct consisting of the charging by the operator of an online platform, aimed at all users in a Member State, of excessive commission on the price of applications and digital products offered for sale on that platform** – Action brought by an entity qualified to defend the collective interests of multiple unidentified but identifiable users.

[EUR-Lex - 62024CJ0034](#)

16. Transport

Case Law

Nothing to report for the period under review.

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

Case Law

Case C-448/23. Judgment of the Court (Grand Chamber) of 18 December 2025. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Article 2 TEU – Article 4(3) TEU – Second subparagraph of Article 19(1) TEU – **Rule of law** – Effective judicial protection in the fields covered by Union law – Principles of autonomy, primacy, effectiveness and the uniform application of EU law – Principle of the binding effect of the case-law of the Court – Judgments of the Trybunał Konstytucyjny (Constitutional Court, Poland) – Judgments of the Court and interim measures under Article 279 TFEU relating to the second subparagraph of Article 19(1) TEU – Rejection by the Trybunał Konstytucyjny (Constitutional Court) of those judgments and of those measures as ultra vires – National constitutional identity – **Prohibition issued by the Trybunał Konstytucyjny (Constitutional Court) preventing all public authorities from applying Article 2 TEU and the second subparagraph of Article 19(1) TEU** – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Requirement of an independent and impartial tribunal previously established by law** – Improper composition of the Trybunał Konstytucyjny (Constitutional Court).

[EUR-Lex - 62023CJ0448](#)