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# EU News: Click & Read

185 – June 2024

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.

## Table of contents

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

## Highlights

**Case C-35/23. Judgment of the Court (Fourth Chamber) of 20 June 2024. Père v Mère. Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – Parental responsibility – Regulation (EC) No 2201/2003 – Articles 10 and 11 – **Jurisdiction in cases of the wrongful removal or retention of a child** – Child's habitual residence in a Member State before the wrongful removal – **Return procedure between a third country and a Member State** – Concept of request for return – The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

[EUR-Lex - 62023CJ0035](#)

**Case C-352/22. Judgment of the Court (Grand Chamber) of 18 June 2024. Generalstaatsanwaltschaft Hamm v A. Request for a preliminary ruling from the Oberlandesgericht Hamm.**

Reference for a preliminary ruling – Area of freedom, security and justice – Directive 2011/95/EU – Article 21(1) – Directive 2013/32/EU – Article 9(2) and (3) – Definitive grant of refugee status by a Member State – Refugee residing in another Member State after that grant – **Request for extradition submitted by the third State of origin of that refugee to the Member State of residence – Effect of the decision granting refugee status on the extradition procedure concerned** – Article 18 and Article 19(2) of the Charter of Fundamental Rights of the European Union – Protection of that refugee against the extradition sought.

[EUR-Lex - 62022CJ0352](#)

**Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a **Union Code on the rules governing the movement of persons across borders****

[Regulation - EU - 2024/1717](#)

## 1. EU-Swiss Relations

Nothing to report for the period under review.

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Regulation (EU) 2024/1865 of 29 June 2024 amending Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine**

[Regulation - EU - 2024/1865](#)

**Council Regulation (EU) 2024/1745 of 24 June 2024 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[Regulation - EU - 2024/1745](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-731/22. Judgment of the Court (Eighth Chamber) of 13 June 2024. IJ und PO GesbR and IJ v Agrarmarkt Austria. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Agriculture – Common agricultural policy (CAP) – Support schemes – **Direct payments to farmers** – Regulation (EU) No 1307/2013 – Article 4(1)(b) and (c) – Concept of ‘holding’ – Management by a farmer – Concept of ‘agricultural activity’ – Article 33(1) – **Concept of ‘agricultural area at the farmer’s disposal on a date fixed by the Member State’, for the purposes of the activation of payment entitlements** – Seasonal handover, in return for a fee, of parcels of land owned by the farmer to users who are responsible for the maintenance of those parcels and for the harvest.

[EUR-Lex - 62022CJ0731](#)

## 4. Audiovisual and Media and Information Society

### Case Law

**Case C-590/22. Judgment of the Court (Third Chamber) of 20 June 2024. AT and BT v PS GbR and Others. Request for a preliminary ruling from the Amtsgericht Wesel.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 82(1) – Right to compensation for damage caused by data processing which infringes that regulation – **Concept of ‘non-material damage’** – Impact of the seriousness of the damage suffered – Assessment of the amount of compensation – Claim for compensation for non-material damage based on fear – Inapplicability of the criteria laid down for administrative fines in Article 83 – Dissuasive function – Assessment where that regulation and national law are infringed simultaneously.

[EUR-Lex - 62022CJ0590](#)

**Joined Cases C-182/22 and C-189/22. Judgment of the Court (Third Chamber) of 20 June 2024. JU and SO v Scalable Capital GmbH. Request for a preliminary ruling from the Amtsgericht München.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 82 – Right to compensation for damage caused by data processing that infringes that regulation – Concept of ‘non-material damage’ – **Compensation of a punitive nature or purely in respect of damages and satisfaction** – Minimal or symbolic compensation – Theft of personal data stored on a trading application – Identity theft or fraud.

[EUR-Lex - 62022CJ0182](#)

**Case C-229/23. Judgment of the Court (Tenth Chamber) of 13 June 2024. Criminal proceedings against SS and Others. Request for a preliminary ruling from the Sofijski gradski sad.**

Reference for a preliminary ruling – Telecommunications sector – Processing of personal data and the protection of privacy – Directive 2002/58/EC – Article 15(1) – Restriction of the confidentiality of electronic communications – **Judicial decision authorising listening, tapping and storage in respect of telephone conversations of persons suspected of having committed a serious intentional offence** – National legislation requiring that that decision must itself contain an express statement of reasons in writing, irrespective of the existence of a reasoned application made by the criminal authorities – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Obligation to state reasons.**

[EUR-Lex - 62023CJ0229](#)

## 5. Competition and State Aid

### Case Law

**Case C-151/19 P. Judgment of the Court (First Chamber) of 27 June 2024. European Commission v KRKA, tovarna zdravil, d.d.**

Appeal – Competition – Pharmaceutical products – Market for perindopril – Article 101 TFEU – Agreements, decisions and concerted practices – Market sharing – Potential competition – **Restriction of competition by object – Strategy to delay the market entry of generic versions of perindopril** – Patent dispute settlement agreement – Patent licence agreement – Technology assignment and licence agreement.

[EUR-Lex - 62019CJ0151](#)

## 6. Customs

Nothing to report for the period under review.

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

### Case Law

**Case C-420/23. Judgment of the Court (Sixth Chamber) of 20 June 2024. FAURÉCIA – Assentos de Automóvel, Lda v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.**

Reference for a preliminary ruling – Taxation – Article 63 TFEU – Free movement of capital – **Stamp duty** – Short-term cash transactions – **Resident and non-resident borrowers – Difference in treatment** – Restriction.

[EUR-Lex - 62023CJ0420](#)

**Case C-266/23. Judgment of the Court (Tenth Chamber) of 13 June 2024. A. S.A. v Dyrektor Izby Administracji Skarbowej w Bydgoszczy. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.**

Reference for a preliminary ruling – Directive 2003/96/EC – Article 2(4)(b), third indent – Article 17(1)(a) – Excise duty – Taxation of energy products and electricity – Electricity used in electrolysis – **Tax reductions on the consumption of energy products and electricity for energy-intensive businesses** – Purchase of energy products and electricity – Actual cost of energy purchased – Distribution tariffs – Criteria for exemption – Principle of equality and non-discrimination.

[EUR-Lex - 62023CJ0266](#)

**Case C-696/22. Judgment of the Court (Ninth Chamber) of 13 June 2024. C SPRL v AJFP Cluj and DGRFP Cluj-Napoca. Request for a preliminary ruling from the Curtea de Apel Cluj.**

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 64(1) and (2) – Applicability – **Services of court-appointed administrators and liquidators** – Continuous supply of services – Article 168(a) – **Deduction of input VAT – Expenditure relating to the right to use a trade name** – Rights of the defence – Right to be heard.

[EUR-Lex - 62022CJ0696](#)

**Case C-533/22. Judgment of the Court (Tenth Chamber) of 13 June 2024. SC Adient Ltd & Co.Kg v Agenția Națională de Administrare Fiscală and Agenția Națională de Administrare Fiscală – Direcția Generală Regională a Finanțelor Publice Ploiești – Administrația Județeană a Finanțelor Publice Argeș. Request for a preliminary ruling from the Tribunalul Argeș.**

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 44 – Implementing Regulation (EU) No 282/2011 – Article 11(1) – Place of supply of services – Concept of a ‘fixed establishment’ – Ability, in terms of human and technical resources, to receive and use the services for its own needs – **Services for the manufacture of car seat covers performed by one company on behalf of another company, belonging to the same group and established in another Member State’.**

[EUR-Lex - 62022CJ0533](#)

**Affaire C-380/23. Arrêt de la Cour (sixième chambre) du 13 juin 2024. UN contre État belge. Demande de décision préjudicielle, introduite par le tribunal de première instance du Luxembourg.**

Renvoi préjudiciel – Article 19 TUE – Article 45 TFUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – Impôt sur le revenu – **Convention préventive de la double imposition** – Procédure amiable prévue par une telle convention – **État membre conditionnant, à l’issue de cette procédure, le droit à la restitution de l’impôt déjà payé dans un autre État membre au désistement du contribuable de ses recours introduits devant les juridictions de ce premier État membre** – Irrecevabilité de la demande de décision préjudicielle.

[EUR-Lex - 62023CJ0380](#)

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

### Community Legislation

**Council Regulation (EU) 2024/1732 of 17 June 2024 amending Regulation (EU) 2021/1173 as regards a EuroHPC initiative for start-ups in order to boost European leadership in trustworthy artificial intelligence**

[Regulation - EU - 2024/1732](#)

## 9. Employment and Social Affairs

### Case Law

**Case C-284/23. Judgment of the Court (Seventh Chamber) of 27 June 2024. TC v Firma Haus Jacobus Alten- und Altenpflegeheim gGmbH. Request for a preliminary ruling from the Arbeitsgericht Mainz.**

Reference for a preliminary ruling – Social policy – Measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding – Directive 92/85/EEC – Prohibition of dismissal – **Worker who became aware of her pregnancy after the expiry of the time limit for bringing an action challenging her dismissal** – Option to bring such an action subject to the making of a request for leave to bring an action out of time within two weeks – Right to effective judicial protection – Principle of effectiveness.

[EUR-Lex - 62023CJ0284](#)

**Case C-41/23. Judgment of the Court (Sixth Chamber) of 27 June 2024. AV and Others v Ministero della Giustizia. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Social policy – **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** – Clauses 2 and 4 – Principle of non-discrimination – Equal treatment in employment and occupation – Honorary members of the judiciary and ordinary members of the judiciary – Clause 5 – **Measures intended to penalise improper use of fixed-term contracts** – Directive 2003/88/EC – Article 7 – Paid annual leave.

[EUR-Lex - 62023CJ0041](#)

**Case C-367/23. Judgment of the Court (Second Chamber) of 20 June 2024. EA v Artemis security SAS. Request for a preliminary ruling from the Cour de cassation.**

Reference for a preliminary ruling – Protection of the safety and health of workers – **Organisation of working time** – Directive 2003/88/EC – Article 9(1)(a) – **Obligation to assess the health of night workers** – Employer's failure to comply with that obligation – Right to compensation – Need to establish the existence of specific harm.

[EUR-Lex - 62023CJ0367](#)

**Joined Cases C-331/22 and C-332/22. Judgment of the Court (Sixth Chamber) of 13 June 2024. KT and Others v Dirección General de la Función Pública, adscrita al Departamento de la Presidencia de la Generalitat de Catalunya and Generalitat de Catalunya. Requests for a preliminary ruling from the Juzgado Contencioso-Administrativo de Barcelona.**

References for a preliminary ruling – Directive 1999/70/EC – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Fixed-term employment contracts in the public sector – Interim civil servants – Clause 5 – **Measures to prevent and penalise the improper use of successive fixed-term employment contracts or relationships.**

[EUR-Lex - 62022CJ0331](#)

## 10. Energy and Environment

### Community Legislation

**Directive (EU) 2024/1711 of the European Parliament and of the Council of 13 June 2024 amending Directives (EU) 2018/2001 and (EU) 2019/944 as regards improving the Union's electricity market design.**

[Directive - EU - 2024/1711](#)

## Case Law

**Case C-148/23. Judgment of the Court (Seventh Chamber) of 27 June 2024. Gestore dei Servizi Energetici SpA - GSE v Erg Eolica Ginestra Srl and Others. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Environment – Directive 2009/28/EC – Article 1 – Article 3(3)(a) – **Principles of legal certainty and the protection of legitimate expectations** – Charter of Fundamental Rights of the European Union – Article 16 – **Promotion of the use of energy from renewable sources – Alteration of the applicable support scheme** – Grant of the aid concerned subject to the conclusion of contracts.

[EUR-Lex - 62023CJ0148](#)

**Case C-626/22. Judgment of the Court (Grand Chamber) of 25 June 2024. C. Z. and Others v Ilva SpA in Amministrazione Straordinaria and Others. Request for a preliminary ruling from the Tribunale di Milano.**

Reference for a preliminary ruling – Environment – Article 191 TFEU – Industrial emissions – Directive 2010/75/EU – Integrated pollution prevention and control – Articles 1, 3, 8, 11, 12, 14, 18, 21 and 23 – Articles 35 and 37 of the Charter of Fundamental Rights of the European Union – **Procedures for the grant and reconsideration of a permit to operate an installation** – Measures for the protection of the environment and human health – **Right to a clean, healthy and sustainable environment.**

[EUR-Lex - 62022CJ0626](#)

**Case C-266/23. Judgment of the Court (Tenth Chamber) of 13 June 2024. A. S.A. v Dyrektor Izby Administracji Skarbowej w Bydgoszczy. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.**

Reference for a preliminary ruling – Directive 2003/96/EC – Article 2(4)(b), third indent – Article 17(1)(a) – Excise duty – Taxation of energy products and electricity – Electricity used in electrolysis – **Tax reductions on the consumption of energy products and electricity for energy-intensive businesses** – Purchase of energy products and electricity – Actual cost of energy purchased – Distribution tariffs – Criteria for exemption – Principle of equality and non-discrimination.

[EUR-Lex - 62023CJ0266](#)

**Case C-166/23. Judgment of the Court (Ninth Chamber) of 6 June 2024. Naturvårdsverket v Nouryon Functional Chemicals AB. Request for a preliminary ruling from the Svea hovrätt, Mark- och miljööverdomstolen.**

Reference for a preliminary ruling – Environment – Directive 2003/87/EC – Annex I, point 5 – Atmospheric pollution – **Scheme for greenhouse gas emission allowance trading – Exclusion of units for the incineration of hazardous or municipal waste** – Relevance of the purpose of incineration.

[EUR-Lex - 62023CJ0166](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-296/23. Judgment of the Court (First Chamber) of 20 June 2024. Zentrale zur Bekämpfung unlauteren Wettbewerbs eV v dm-drogerie markt GmbH & Co.KG. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Approximation of laws – Biocidal products – Regulation (EU) No 528/2012 – Article 72 – **Disinfectant containing biocidal products – Advertising restrictions** – Concept of ‘any similar indication’ – Purpose of ensuring a high level of protection of both human and animal health and the environment.

[EUR-Lex - 62023CJ0296](#)

**Case C-411/23. Judgment of the Court (Eighth Chamber) of 13 June 2024. D. SA v P. SA. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Compensation for passengers in the event of long delay or cancellation of flights** – Exemption from the obligation to pay compensation – Extraordinary circumstances – **Reasonable preventive measures** – Technical failures caused by a hidden design defect – Design defect affecting an aircraft engine – **Obligation of the air carrier to have back-up aircraft.**

[EUR-Lex - 62023CJ0411](#)

**Case C-385/23. Judgment of the Court (Eighth Chamber) of 13 June 2024. Matkustaja A v Finnair Oyj. Request for a preliminary ruling from the Korkein oikeus.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Compensation for passengers in the event of long delay or cancellation of flights** – Exemption from the obligation to pay compensation – Extraordinary circumstances – **Technical failures caused by a hidden design defect revealed by the manufacturer after cancellation of the flight** – System for measuring the quantity of fuel in the aircraft.

[EUR-Lex - 62023CJ0385](#)

## 12. Human Rights

### Case Law

**Case C-148/23. Judgment of the Court (Seventh Chamber) of 27 June 2024. Gestore dei Servizi Energetici SpA - GSE v Erg Eolica Ginestra Srl and Others. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Environment – Directive 2009/28/EC – Article 1 – Article 3(3)(a) – **Principles of legal certainty and the protection of legitimate expectations** – Charter of Fundamental Rights of the European Union – Article 16 – **Promotion of the use of energy from renewable sources – Alteration of the applicable support scheme** – Grant of the aid concerned subject to the conclusion of contracts.

[EUR-Lex - 62023CJ0148](#)

**Case C-626/22. Judgment of the Court (Grand Chamber) of 25 June 2024. C. Z. and Others v Ilva SpA in Amministrazione Straordinaria and Others. Request for a preliminary ruling from the Tribunale di Milano.**

Reference for a preliminary ruling – Environment – Article 191 TFEU – Industrial emissions – Directive 2010/75/EU – Integrated pollution prevention and control – Articles 1, 3, 8, 11, 12, 14, 18, 21 and 23 – Articles 35 and 37 of the Charter of Fundamental Rights of the European Union – **Procedures for the grant and reconsideration of a permit to operate an installation** – Measures for the protection of the environment and human health – **Right to a clean, healthy and sustainable environment.**

[EUR-Lex - 62022CJ0626](#)

**Case C-352/22. Judgment of the Court (Grand Chamber) of 18 June 2024. Generalstaatsanwaltschaft Hamm v A. Request for a preliminary ruling from the Oberlandesgericht Hamm.**

Reference for a preliminary ruling – Area of freedom, security and justice – Directive 2011/95/EU – Article 21(1) – Directive 2013/32/EU – Article 9(2) and (3) – Definitive grant of refugee status by a Member State – Refugee residing in another Member State after that grant – **Request for extradition submitted by the third State of origin of that refugee to the Member State of residence – Effect of the decision granting refugee status on the extradition procedure concerned** – Article 18 and Article 19(2) of the Charter of Fundamental Rights of the European Union – Protection of that refugee against the extradition sought.

[EUR-Lex - 62022CJ0352](#)



**Case C-753/22. Judgment of the Court (Grand Chamber) of 18 June 2024. QY v Bundesrepublik Deutschland. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common procedures for granting and withdrawing international protection – Directive 2013/32/EU – Article 33(2)(a) – **No possibility for the authorities of a Member State to reject an application for asylum as inadmissible on the ground that refugee status was previously granted in another Member State** – Article 4 of the Charter of Fundamental Rights of the European Union – Risk of being subjected to inhuman or degrading treatment in that other Member State – Examination by those authorities of that application for asylum despite the granting of refugee status in that other Member State – Directive 2011/95/EU – Article 4 – Individual examination.

[EUR-Lex - 62022CJ0753](#)

**Case C-229/23. Judgment of the Court (Tenth Chamber) of 13 June 2024. Criminal proceedings against SS and Others. Request for a preliminary ruling from the Sofijski gradski sad.**

Reference for a preliminary ruling – Telecommunications sector – Processing of personal data and the protection of privacy – Directive 2002/58/EC – Article 15(1) – Restriction of the confidentiality of electronic communications – **Judicial decision authorising listening, tapping and storage in respect of telephone conversations of persons suspected of having committed a serious intentional offence** – National legislation requiring that that decision must itself contain an express statement of reasons in writing, irrespective of the existence of a reasoned application made by the criminal authorities – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Obligation to state reasons.**

[EUR-Lex - 62023CJ0229](#)

**Case C-646/21. Judgment of the Court (Grand Chamber) of 11 June 2024. K and L v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – Qualification for refugee status – Article 2(d) and (e) – Reasons for persecution – Article 10(1)(d) and (2) – ‘Membership of a particular social group’ – Article 4 – Individual assessment of the facts and circumstances – Directive 2013/32/EU – Article 10(3) – Requirements for the examination of applications for international protection – Article 24(2) of the Charter of Fundamental Rights of the European Union – **Best interests of the child** – Determination – **Third-country nationals who are minors and who identify with the fundamental value of equality between women and men by reason of their stay in a Member State.**

[EUR-Lex - 62021CJ0646](#)

## 13. Internal Market and Free Movement

### Community Legislation

**Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders**

[Regulation - EU - 2024/1717](#)

### Case Law

**Case C-540/22. Judgment of the Court (Fifth Chamber) of 20 June 2024. SN and Others v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Middelburg.**

Reference for a preliminary ruling – Freedom to provide services – Articles 56 and 57 TFEU – **Posting of third-country workers by an undertaking of one Member State to carry out works in another Member State** – Duration exceeding 90 days in a 180-day period – **Obligation for the posted third-country workers to be holders of residence permits in the host Member State in the event that services are provided for more than three months** – Limitation of the period of validity of the residence permits issued – Amount of the fees relating to the application for a residence permit – Restriction on the freedom to provide services – Overriding reasons in the public interest – Proportionality.

[EUR-Lex - 62022CJ0540](#)



**Case C-420/23. Judgment of the Court (Sixth Chamber) of 20 June 2024. FAURÉCIA – Assentos de Automóvel, Lda v Autoridade Tributária e Aduaneira.** Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Taxation – Article 63 TFEU – Free movement of capital – **Stamp duty** – Short-term cash transactions – **Resident and non-resident borrowers** – **Difference in treatment** – Restriction.

[EUR-Lex - 62023CJ0420](#)

**Case C-62/23. Judgment of the Court (Tenth Chamber) of 13 June 2024. Pedro Francisco v Subdelegación del Gobierno en Barcelona.** Request for a preliminary ruling from the Juzgado Contencioso-Administrativo de Barcelona.

Reference for a preliminary ruling – Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States – Directive 2004/38/EC – Article 27 – **Restrictions on the right of entry and the right of residence on grounds of public policy, public security or public health** – Conduct representing a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society – **Refusal to issue a temporary residence card of a family member of a Union citizen due to a police record** – Unfavourable police report due to arrest.

[EUR-Lex - 62023CJ0062](#)

**Case C-737/22. Judgment of the Court (Fourth Chamber) of 13 June 2024. Staten og Kommunernes Indkøbsservice A/S v BibMedia A/S.** Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – **Award of public works, public supply and public service contracts** – Directive 2014/24/EU – Article 18 – Principles of equal treatment and transparency – Article 46 – Division of a contract into lots – **Opportunity for the tenderer which submitted the second most economically advantageous tender to be awarded a lot on the terms of the most economically advantageous tender.**

[EUR-Lex - 62022CJ0737](#)

**Affaire C-380/23. Arrêt de la Cour (sixième chambre) du 13 juin 2024. UN contre État belge.** Demande de décision préjudicielle, introduite par le tribunal de première instance du Luxembourg.

Renvoi préjudiciel – Article 19 TUE – Article 45 TFUE – Article 47 de la charte des droits fondamentaux de l'Union européenne – Impôt sur le revenu – **Convention préventive de la double imposition** – Procédure amiable prévue par une telle convention – **État membre conditionnant, à l'issue de cette procédure, le droit à la restitution de l'impôt déjà payé dans un autre État membre au désistement du contribuable de ses recours introduits devant les juridictions de ce premier État membre** – Irrecevabilité de la demande de décision préjudicielle.

[EUR-Lex - 62023CJ0380](#)

**Case C-547/22. Judgment of the Court (Fifth Chamber) of 6 June 2024. INGSTEEL spol. s. r. o. v Úrad pre verejné obstarávanie.** Request for a preliminary ruling from the Okresný súd Bratislava II.

Reference for a preliminary ruling – Review procedures in respect of the award of public supply and public works contracts – Directive 89/665/EEC – Article 2(1)(c) – **Compensation awarded to a tenderer unlawfully excluded from a procedure for the award of a public contract** – Scope – Loss of opportunity.

[EUR-Lex - 62022CJ0547](#)

## 14. Intellectual Property

### Case Law

**Case C-135/23. Judgment of the Court (First Chamber) of 20 June 2024. Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte eV (GEMA) v GL.** Request for a preliminary ruling from the Amtsgericht Potsdam.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) – Communication to the public – Concept – **Mere provision of physical facilities** – **Provision in apartments of television sets equipped with an indoor antenna enabling signals to be picked up and broadcasts to be made** – Profit-making nature – Principle of technological neutrality.

[EUR-Lex - 62023CJ0135](#)

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

### Community Legislation

**Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**  
[Directive - EU - 2024/1712](#)

**Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders**  
[Regulation - EU - 2024/1717](#)

### Case Law

**Case C-35/23. Judgment of the Court (Fourth Chamber) of 20 June 2024. Père v Mère. Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – Parental responsibility – Regulation (EC) No 2201/2003 – Articles 10 and 11 – **Jurisdiction in cases of the wrongful removal or retention of a child** – Child’s habitual residence in a Member State before the wrongful removal – **Return procedure between a third country and a Member State** – Concept of request for return – The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

[EUR-Lex - 62023CJ0035](#)

**Case C-352/22. Judgment of the Court (Grand Chamber) of 18 June 2024. Generalstaatsanwaltschaft Hamm v A. Request for a preliminary ruling from the Oberlandesgericht Hamm.**

Reference for a preliminary ruling – Area of freedom, security and justice – Directive 2011/95/EU – Article 21(1) – Directive 2013/32/EU – Article 9(2) and (3) – Definitive grant of refugee status by a Member State – Refugee residing in another Member State after that grant – **Request for extradition submitted by the third State of origin of that refugee to the Member State of residence – Effect of the decision granting refugee status on the extradition procedure concerned** – Article 18 and Article 19(2) of the Charter of Fundamental Rights of the European Union – Protection of that refugee against the extradition sought.

[EUR-Lex - 62022CJ0352](#)

**Case C-753/22. Judgment of the Court (Grand Chamber) of 18 June 2024. QY v Bundesrepublik Deutschland. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Area of freedom, security and justice – Common procedures for granting and withdrawing international protection – Directive 2013/32/EU – Article 33(2)(a) – **No possibility for the authorities of a Member State to reject an application for asylum as inadmissible on the ground that refugee status was previously granted in another Member State** – Article 4 of the Charter of Fundamental Rights of the European Union – Risk of being subjected to inhuman or degrading treatment in that other Member State – Examination by those authorities of that application for asylum despite the granting of refugee status in that other Member State – Directive 2011/95/EU – Article 4 – Individual examination.

[EUR-Lex - 62022CJ0753](#)

**Case C-563/22. Judgment of the Court (Fourth Chamber) of 13 June 2024. SN and LN, représentée par SN v Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite. Request for a preliminary ruling from the Administrativen sad Sofia-grad.**

Reference for a preliminary ruling – Common policy on asylum and subsidiary protection – Directive 2011/95/EU – Article 12 – **Exclusion from being a refugee – Person registered with the United Nations Relief and Works Agency (for Palestine Refugees in the Near East) (UNRWA)** – Conditions for that person to be entitled ipso facto to the benefits of Directive 2011/95/EU – Cessation of UNRWA’s protection or assistance – Article 4 – General situation prevailing in a sector of UNRWA’s area of operations – Individual assessment of relevant elements – Directive 2013/32/EU – Article 40 – Subsequent application for international protection – New elements – Elements already examined in the final decision on the previous application.

[EUR-Lex - 62022CJ0563](#)

**Case C-646/21. Judgment of the Court (Grand Chamber) of 11 June 2024. K and L v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.** Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – Qualification for refugee status – Article 2(d) and (e) – Reasons for persecution – Article 10(1)(d) and (2) – ‘Membership of a particular social group’ – Article 4 – Individual assessment of the facts and circumstances – Directive 2013/32/EU – Article 10(3) – Requirements for the examination of applications for international protection – Article 24(2) of the Charter of Fundamental Rights of the European Union – **Best interests of the child** – Determination – **Third-country nationals who are minors and who identify with the fundamental value of equality between women and men by reason of their stay in a Member State.**

[EUR-Lex - 62021CJ0646](#)

**Joined Cases C-255/23 and C-285/23. Judgment of the Court (Sixth Chamber) of 6 June 2024. Criminal proceedings against AVVA and Others. Requests for a preliminary ruling from the Ekonomisko lietu tiesa.**

References for a preliminary ruling – Judicial cooperation in criminal matters – European Investigation Order – Directive 2014/41/EU – Article 24 – **Hearing by videoconference or other audiovisual transmission – Criminal prosecution initiated in a Member State against a person residing in another Member State** – Possibility for that person to participate in his or her trial by videoconference in the absence of a European Investigation Order.

[EUR-Lex - 62023CJ0255](#)

**Case C-381/23. Judgment of the Court (Ninth Chamber) of 6 June 2024. ZO v JS. Request for a preliminary ruling from the Amtsgericht Mönchengladbach-Rheydt.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Jurisdiction in matters relating to maintenance obligations** – Regulation (EC) No 4/2009 – Article 12(1) – **Lis pendens** – Article 13 – Related actions – Concept.

[EUR-Lex - 62023CJ0381](#)

## 16. Transport

### Case Law

**Case C-411/23. Judgment of the Court (Eighth Chamber) of 13 June 2024. D. SA v P. SA. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Compensation for passengers in the event of long delay or cancellation of flights** – Exemption from the obligation to pay compensation – Extraordinary circumstances – **Reasonable preventive measures** – Technical failures caused by a hidden design defect – Design defect affecting an aircraft engine – **Obligation of the air carrier to have back-up aircraft.**

[EUR-Lex - 62023CJ0411](#)

**Case C-385/23. Judgment of the Court (Eighth Chamber) of 13 June 2024. Matkustaja A v Finnair Oyj. Request for a preliminary ruling from the Korkein oikeus.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Compensation for passengers in the event of long delay or cancellation of flights** – Exemption from the obligation to pay compensation – Extraordinary circumstances – **Technical failures caused by a hidden design defect revealed by the manufacturer after cancellation of the flight** – System for measuring the quantity of fuel in the aircraft.

[EUR-Lex - 62023CJ0385](#)

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

### Case Law

**Case C-123/22. Judgment of the Court (Fourth Chamber) of 13 June 2024. European Commission v Hungary. Failure of a Member State to fulfil obligations** – Area of freedom, security and justice – Directives 2008/115/EC, 2013/32/EU and 2013/33/EU – **Procedure for granting international protection** – Effective access – Border procedure – Procedural safeguards – Return of illegally staying third-country nationals – Appeals brought against administrative decisions rejecting an application for international protection – Right to remain in the territory – Judgment of the Court establishing a failure to fulfil obligations – Non-compliance – Article 260(2) TFEU – Financial penalties – Proportionality and dissuasiveness – Lump sum – **Periodic penalty payment.**

[EUR-Lex - 62022CJ0123](#)

**Joined Cases T-530/22 to T-533/22. Order of the General Court (Grand Chamber) of 4 June 2024. Magistrats européens pour la démocratie et les libertés (Medel) and Others v Council of the European Union.**

Actions for annulment – Regulation (EU) 2021/241 of the European Parliament and of the Council – **Council Implementing Decision of 17 June 2022 on the approval of the assessment of the recovery and resilience plan for Poland** – Lack of direct concern – **Inadmissibility.**

[EUR-Lex - 62022TO0530\(02\)](#)

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