



Institut suisse de droit comparé
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Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

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-623/22. Judgment of the Court (Second Chamber) of 29 July 2024. Belgian Association of Tax Lawyers and Others v Premier ministre/ Eerste Minister. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – **Administrative cooperation in the field of taxation – Mandatory automatic exchange of information in relation to reportable cross-border arrangements** – Directive 2011/16/EU, as amended by Directive (EU) 2018/822 – Article 8ab(1) – Reporting obligation – 8ab(5) – Subsidiary obligation to notify – Legal professional privilege – Validity – Articles 7, 20 and 21, and Article 49(1) of the Charter of Fundamental Rights of the European Union – **Right to respect for private life** – Principles of equal treatment and non-discrimination – Principle of legality in criminal proceedings – Principle of legal certainty.

[EUR-Lex - 62022CJ0623](#)

Joined Cases C-184/22 and C-185/22. Judgment of the Court (First Chamber) of 29 July 2024. IK and CM v KfH Kuratorium für Dialyse und Nierentransplantation e.V. Requests for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Article 157 TFEU – Equal treatment between men and women in matters of employment and occupation – Directive 2006/54/EC – Article 2(1)(b) and Article 4, first paragraph – **Prohibition of indirect discrimination on grounds of sex** – Part-time work – Directive 97/81/EC – Framework Agreement on part-time work – Clause 4 – Prohibition on treating part-time workers less favourably than comparable full-time workers – **Payment of additional pay only for overtime worked by part-time workers in excess of the normal working hours set for full-time workers.**

[EUR-Lex - 62022CJ0184](#)

Case C-425/22. Judgment of the Court (Fifth Chamber) of 4 July 2024. MOL Magyar Olaj- és Gázipari Nyrt. v Mercedes-Benz Group AG. Request for a preliminary ruling from the Kúria.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Article 7(2) – **Jurisdiction in tort, delict or quasi-delict** – Place where the damage occurred – Cartel declared contrary to Article 101 TFEU and Article 53 of the Agreement on the European Economic Area – **Subsidiaries established in different Member States** – Direct damage exclusively suffered by subsidiaries – Action for damages from the parent company – **Concept of 'economic unit'**.

[EUR-Lex - 62022CJ0425](#)

1. EU-Swiss Relations

Community Legislation

Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders notification from Switzerland

[EUR-Lex - ST 11795 2024 INIT](#)

Information relating to the entry into force of the Agreement between the European Union and the Swiss Confederation on supplementary rules in relation to the Instrument for Financial Support for Border Management and Visa Policy, as part of the Integrated Border Management Fund, for the period 2021 to 2027

[EUR-Lex - 22024X02050](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2024/2026 of 22 July 2024 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

[Decision - CFSP - 2024/2026](#)

Case Law

Case C-202/24. Judgment of the Court (Grand Chamber) of 29 July 2024. Minister for Justice and Equality v MA. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other – **Surrender of a person to the United Kingdom for criminal prosecution** – Competence of the executing judicial authority – **Risk of breach of a fundamental right** – Article 49(1) and Article 52(3) of the Charter of Fundamental Rights of the European Union – Principle that offences and penalties must be defined by law – Changes, to the detriment of that person, to the licence regime.

[EUR-Lex - 62024CJ0202](#)

Case C-375/23. Judgment of the Court (Seventh Chamber) of 4 July 2024. EN v Udlændingenævnet. Request for a preliminary ruling from the Højesteret.

Reference for a preliminary ruling – **EEC-Turkey Association Agreement** – Decision No 1/80 – Article 13 – Standstill clause – Scope – Concept of ‘new restriction’ – **National legislation introducing more restrictive conditions for obtaining a permanent residence permit.**

[EUR-Lex - 62023CJ0375](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-286/23. Judgment of the Court (Sixth Chamber) of 29 July 2024. Asociația Crescătorilor de Vaci „Bălțată Românească” Tip Simmental v Genetica din Transilvania Cooperativă Agricolă and Agenția Națională pentru Zootehnie „Prof. Dr. G. K. Constantinescu”. Request for a preliminary ruling from the Curtea de Apel Brașov. Reference for a preliminary ruling – Common agricultural policy – Regulation (EU) 2016/1012 – Purebred breeding animals – **Recognition procedure for breed societies** – Approval procedure for breeding programmes – Possibility of refusing to approve a further breeding programme for the same breed, for the same territory, if such approval has potential to compromise an already existing breeding programme – Right of breeders of purebred animals to choose between the various existing breeding programmes.

[EUR-Lex - 62023CJ0286](#)

Case C-708/22. Judgment of the Court (Eighth Chamber) of 4 July 2024. Asociación Española de Productores de Vacuno de Carne (Asoprovac) v Administración General del Estado. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Direct payments to farmers under support schemes within the framework of the common agricultural policy – Financing, management and monitoring of the common agricultural policy – Permanent public grassland – **Conditions for access to direct payments for farmers** – Animals must belong to the farmers’ own agricultural holding.

[EUR-Lex - 62022CJ0708](#)

4. Audiovisual and Media and Information Society

Community Legislation

Council Decision (EU) 2024/2218 of 28 August 2024 on the signing, on behalf of the European Union, of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

[Decision - EU - 2024/2218](#)

Case Law

Case T-1077/23. Judgment of the General Court (Eighth Chamber, Extended Composition) of 17 July 2024. Bytedance Ltd v European Commission.

Digital services – Regulation (EU) 2022/1925 – **Designation of gatekeepers – Online social networking service** – Article 3(1), (2) and (5) of Regulation 2022/1925 – Requirements – Presumptions – Rebuttal of the presumptions – Rights of the defence – Equal treatment.

[EUR-Lex - 62023TJ1077](#)

Case C-757/22. Judgment of the Court (Fourth Chamber) of 11 July 2024. Meta Platforms Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – First sentence of Article 12(1) – Transparency of information – Article 13(1)(c) and (e) – Obligation of the controller to provide information – Article 80(2) – **Representation of data subjects by a consumer protection association – Representative action in the absence of a mandate and independently of the infringement of specific rights of a data subject** – Action based on infringement by the controller of its obligation to provide information – Concept of ‘infringement of [the rights of a data subject] as a result of the processing’.

[EUR-Lex - 62022CJ0757](#)

Case C-461/22. Judgment of the Court (Ninth Chamber) of 11 July 2024. MK v WB. Request for a preliminary ruling from the Landgericht Hannover.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 2(2)(c) – Scope – Exclusion – Purely personal or household activity – Article 4(7) – Controller – Former guardian who performed his or her duties in a professional capacity – Article 15 – **Access of the person who has been placed under legal guardianship to data collected by that former guardian during the performance of his or her duties.**

[EUR-Lex - 62022CJ0461](#)

5. Competition and State Aid

Case Law

Case C-70/23 P. Judgment of the Court (Fifth Chamber) of 4 July 2024. Westfälische Drahtindustrie GmbH and Others v European Commission.

Appeal – Competition – **Agreements, decisions and concerted practices** – European market for prestressing steel – Decision finding an infringement of Article 101 TFEU and Article 53 of the Agreement on the European Economic Area (EEA) – **Judgment annulling the decision in part and fixing a fine in an amount identical to the amount of the fine initially imposed** – Application of payments made on a provisional basis – Decision of the European Commission on the outstanding balance of the fine – Due date for payment of a fine, the amount of which has been fixed by the EU judicature, in the exercise of its unlimited jurisdiction.

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-623/22. Judgment of the Court (Second Chamber) of 29 July 2024. Belgian Association of Tax Lawyers and Others v Premier ministre/ Eerste Minister. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – **Administrative cooperation in the field of taxation – Mandatory automatic exchange of information in relation to reportable cross-border arrangements** – Directive 2011/16/EU, as amended by Directive (EU) 2018/822 – Article 8ab(1) – Reporting obligation – 8ab(5) – Subsidiary obligation to notify – Legal professional privilege – Validity – Articles 7, 20 and 21, and Article 49(1) of the Charter of Fundamental Rights of the European Union – **Right to respect for private life** – Principles of equal treatment and non-discrimination – Principle of legality in criminal proceedings – Principle of legal certainty.

[EUR-Lex - 62022CJ0623](#)

Case C-174/23. Judgment of the Court (First Chamber) of 29 July 2024. HJ and Others v Twenty First Capital SAS. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Approximation of laws – **Directive 2011/61/EU – Alternative investment fund managers (AIFMs)** – Operating conditions – Article 13 – AIFM remuneration policies and practices – Scope ratione temporis – Article 61 – Transitional provisions.

[EUR-Lex - 62023CJ0174](#)

Case C-39/23. Judgment of the Court (First Chamber) of 29 July 2024. Keva and Others v Skatteverket. Request for a preliminary ruling from the Högsta förvaltningsdomstolen.

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – **Taxation of dividends received by pension funds governed by public law – Difference in treatment between resident and non-resident pension funds governed by public law** – Exemption only of resident pension funds governed by public law – Comparability of situations – Whether justified – Need to safeguard the objective pursued by social policy – Need to preserve a balanced allocation of the power of taxation of the Member States.

[EUR-Lex - 62023CJ0039](#)

Case C-713/22. Judgment of the Court (Grand Chamber) of 29 July 2024. LivaNova plc v Ministero dell'Economia e delle Finanze and Others. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Companies – **Divisions of public limited liability companies** – Sixth Directive 82/891/EEC – Article 3(3)(b) – Division by the formation of new companies – Concept of 'liability ... not allocated by the draft terms of division' – **Joint and several liability of those new companies for liabilities resulting from the conduct of the company being divided prior to that division.**

[EUR-Lex - 62022CJ0713](#)

Case C-184/23. Judgment of the Court (Fourth Chamber) of 11 July 2024. Finanzamt T v S. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Common system of value added tax (VAT) – Sixth Directive 77/388/EEC – Article 2(1) – Article 4(4), second subparagraph – Taxable persons – **Option for Member States to treat as a single taxable person, known as a 'VAT group', persons who, while legally independent, are closely bound to one another by financial, economic and organisational links** – Services provided within the VAT group – Taxation of such services – Recipient of the services not entitled to deduct VAT – Risk of tax losses.

[EUR-Lex - 62023CJ0184](#)

Case C-182/23. Judgment of the Court (Eighth Chamber) of 11 July 2024. Dyrektor Krajowej Informacji Skarbowej v J.S. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(a) – Article 9(1) – Article 14(2)(a) – Taxable supply of goods – **Transfer of the ownership of agricultural land, against payment of compensation, by reason of a decision of the public authority** – Expropriation.

[EUR-Lex - 62023CJ0182](#)

Case C-279/23. Judgment of the Court (Eighth Chamber) of 11 July 2024. Skarb Państwa - Dyrektor Okręgowego Urzędu Miar w K. v Z. sp.j. Request for a preliminary ruling from the Sąd Rejonowy Katowice - Zachód w Katowicach.

Reference for a preliminary ruling – **Combating late payment in commercial transactions** – Directive 2011/7/EU – Article 6(1) – Fixed minimum sum by way of compensation for recovery costs – **Provision of national law permitting the rejection of claims for payment of that fixed sum in cases where the delay is not significant or the claim is small** – Obligation to interpret national law in conformity with EU law.

[EUR-Lex - 62023CJ0279](#)

Case C-179/23. Judgment of the Court (Seventh Chamber) of 4 July 2024. Centrul Român pentru Administrarea Drepturilor Artiștilor Interpreți (Credidam) v Guvernul României and Ministerul Finanțelor. Request for a preliminary ruling from the Înalta Curte de Casație și Justiție.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Taxable transactions – Supply of services for consideration – **Management fees collected by a collective management organisation for copyright and related rights for the collection, distribution and payment of remuneration due to rightholders** – Remuneration not forming part of a taxable transaction.

[EUR-Lex - 62023CJ0179](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Joined Cases C-184/22 and C-185/22. Judgment of the Court (First Chamber) of 29 July 2024. IK and CM v KfH Kuratorium für Dialyse und Nierentransplantation e.V. Requests for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Article 157 TFEU – Equal treatment between men and women in matters of employment and occupation – Directive 2006/54/EC – Article 2(1)(b) and Article 4, first paragraph – **Prohibition of indirect discrimination on grounds of sex** – Part-time work – Directive 97/81/EC – Framework Agreement on part-time work – Clause 4 – Prohibition on treating part-time workers less favourably than comparable full-time workers – **Payment of additional pay only for overtime worked by part-time workers in excess of the normal working hours set for full-time workers.**

[EUR-Lex - 62022CJ0184](#)

Case C-196/23. Judgment of the Court (Second Chamber) of 11 July 2024. CL and Others v DB, héritière universelle de FC and Fondo de Garantía Salarial (FOGASA).

Reference for a preliminary ruling – Social policy – Directive 98/59/EC – **Collective redundancies** – Article 1(1)(a) and Article 2 – **Obligation to inform and consult workers' representatives** – Scope – Termination of employment contracts on the ground of the employer's retirement – Articles 27 and 30 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62023CJ0196](#)

10. Energy and Environment

Case Law

Case C-624/22. Judgment of the Court (Third Chamber) of 29 July 2024. Société BP France v 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 – **Promotion of the use of energy from renewable sources** – Directive 2009/28/EC – Articles 17 and 18 – Directive 2018/2001 – Articles 25, 29 and 30 – **Sustainability and greenhouse gas emissions saving criteria** – Verification of compliance with those criteria – Biofuels used for transport – Production of fuels using the co-processing procedure – Evidence of compliance with those sustainability criteria – Mass balance method – Methods for evaluating the content of hydrotreated vegetable oils (HVO) in fuels produced using that procedure – Member State's legislation requiring a physical carbon-14 analysis – Article 34 TFEU – Free movement of goods.

[EUR-Lex - 62022CJ0624](#)

Case C-436/22. Judgment of the Court (First Chamber) of 29 July 2024. Asociación para la Conservación y Estudio del Lobo Ibérico (ASCEL) v Administración de la Comunidad de Castilla y León. Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla y León.

Reference for a preliminary ruling – Conservation of natural habitats and of wild fauna and flora – Directive 92/43/EEC – Articles 2, 4, 11, 12, 14, 16 and 17 – **System of strict protection for animal species – Canis lupus (wolf)** – Cynegetic exploitation – Assessment of the conservation status of populations of the species concerned – Conservation status of that species 'unfavourable-poor' – Exploitation incompatible with the maintenance or restoration of the species at a favourable conservation status – Taking into account of all the most recent scientific data.

[EUR-Lex - 62022CJ0436](#)

11. Food Safety, Public Health and Consumers

Case Law

Joined Cases C-771/22 and C-45/23. Judgment of the Court (Second Chamber) of 29 July 2024. Bundesarbeitskammer and Others v HDI Global SE and MS Amlin Insurance SE. Requests for a preliminary ruling from the Bezirksgericht für Handelssachen Wien and Nederlandstalige Ondernemingsrechtbank Brussel. Reference for a preliminary ruling – Directive (EU) 2015/2302 – Package travel and linked travel arrangements – Article 12 – **Right to terminate a package travel contract** – Entitlement to a full refund of any payments made for the package – Unavoidable and extraordinary circumstances – **COVID-19** pandemic – Article 17 – Insolvency of the travel organiser – Security for the refund of all payments made – High level of consumer protection – Principle of equal treatment.

[EUR-Lex - 62022CJ0771](#)

Case C-450/22. Judgment of the Court (Fourth Chamber) of 4 July 2024. Caixabank SA and Others v Asociación de Usuarios de Bancos, Cajas de Ahorro y Seguros de España (Adicae) and Others. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Unfair terms in consumer contracts – Directive 93/13/EEC – **Mortgage loan agreements** – Clauses limiting the variation of the interest rates – ‘Floor’ clauses – Collective action seeking an order to cease and desist from using those clauses and reimbursement of the payments made in that respect, involving a significant number of sellers or suppliers and consumers – Plain and intelligible nature of those clauses – **Concept of the ‘average consumer who is reasonably well informed and reasonably observant and circumspect’.**

[EUR-Lex - 62022CJ0450](#)

12. Human Rights

Community Legislation

Council Decision (EU) 2024/2218 of 28 August 2024 on the signing, on behalf of the European Union, of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

[Decision - EU - 2024/2218](#)

Case Law

Case C-14/23. Judgment of the Court (Fifth Chamber) of 29 July 2024. XXX v État belge, représenté par la Secrétaire d'État à l'Asile et la Migration. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Immigration policy – Directive (EU) 2016/801 – **Conditions of entry and residence of third-country nationals for the purposes of studies** – Article 20(2)(f) – Application for admission to the territory of a Member State for the purposes of studies – Other purposes – Refusal of a visa – Grounds for rejection of the application – Failure to transpose – General principle that abusive practices are prohibited – Article 34(5) – Procedural autonomy of the Member States – **Fundamental right to an effective judicial remedy** – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62023CJ0014](#)

Case C-623/22. Judgment of the Court (Second Chamber) of 29 July 2024. Belgian Association of Tax Lawyers and Others v Premier ministre/ Eerste Minister. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – **Administrative cooperation in the field of taxation – Mandatory automatic exchange of information in relation to reportable cross-border arrangements** – Directive 2011/16/EU, as amended by Directive (EU) 2018/822 – Article 8ab(1) – Reporting obligation – 8ab(5) – Subsidiary obligation to notify – Legal professional privilege – Validity – Articles 7, 20 and 21, and Article 49(1) of the Charter of Fundamental Rights of the European Union – **Right to respect for private life** – Principles of equal treatment and non-discrimination – Principle of legality in criminal proceedings – Principle of legal certainty.

[EUR-Lex - 62022CJ0623](#)

Case C-185/23. Judgment of the Court (Grand Chamber) of 29 July 2024. protectus s.r.o., anciennement BONUL, s.r.o. v Výbor Národnej rady Slovenskej republiky na preskúvanie rozhodnutí Národného bezpečnostného úradu. Request for a preliminary ruling from the Najvyšší správny súd Slovenskej republiky.

Reference for a preliminary ruling – Decision 2013/488/EU – Classified information – **Facility Security Clearance** – Withdrawal of the clearance – **Non-disclosure of classified information on which the withdrawal was based** – Article 47 of the Charter of Fundamental Rights of the European Union – **Obligation to state reasons** – Access to the file – Principle of an adversarial process – Article 51 of the Charter of Fundamental Rights – Implementation of EU law.

[EUR-Lex - 62023CJ0185](#)

Joined Cases C-112/22 and C-223/22. Judgment of the Court (Grand Chamber) of 29 July 2024. Criminal proceedings against Procura della Repubblica Tribunale di Napoli and Others. Requests for a preliminary ruling from the Tribunale di Napoli.

Reference for a preliminary ruling – **Status of third-country nationals who are long-term residents** – Directive 2003/109/EC – Article 11(1)(d) – **Equal treatment – Social security, social assistance and social protection measures** – Residency condition of 10 years, the final 2 years of which must be consecutive – Indirect discrimination.

[EUR-Lex - 62022CJ0112](#)

Case C-202/24. Judgment of the Court (Grand Chamber) of 29 July 2024. Minister for Justice and Equality v MA. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other – **Surrender of a person to the United Kingdom for criminal prosecution** – Competence of the executing judicial authority – **Risk of breach of a fundamental right** – Article 49(1) and Article 52(3) of the Charter of Fundamental Rights of the European Union – Principle that offences and penalties must be defined by law – Changes, to the detriment of that person, to the licence regime.

[EUR-Lex - 62024CJ0202](#)

Case T-689/21. Judgment of the General Court (Fifth Chamber) of 17 July 2024. Margrete Auken and Others v European Commission.

Access to documents – Regulation (EC) No 1049/2001 – **Advance purchase agreements and purchase agreements concluded between the Commission and pharmaceutical companies for the purchase of COVID-19 vaccines** – Partial refusal of access – Exception relating to the protection of the commercial interests of a third party – Obligation to state reasons – Existence of a foreseeable and not purely hypothetical risk of the interest relied on being undermined – Principle of good administration – **Freedom of expression.**

[EUR-Lex - 62021TJ0689](#)

Case C-632/22. Judgment of the Court (Fifth Chamber) of 11 July 2024. AB Volvo v Transsqui S.L. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 1393/2007 – **Service of judicial and extrajudicial documents** – Action for compensation for damage caused by a practice prohibited by Article 101(1) TFEU and by Article 53 of the Agreement on the European Economic Area – **Document instituting proceedings served at the seat of a subsidiary of the defendant** – Validity of the writ of summons – Charter of Fundamental Rights of the European Union – Article 47 – **Right to effective judicial protection.**

[EUR-Lex - 62022CJ0632](#)

Case C-265/23. Judgment of the Court (Sixth Chamber) of 11 July 2024. Criminal proceedings against DM and Others. Request for a preliminary ruling from the Okrazhen sad - Sliven.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **Fight against organised crime – Framework Decision 2008/841/JHA** – Right to an effective remedy and to a fair trial – Articles 47 and 52 of the Charter of Fundamental Rights of the European Union – Second subparagraph of Article 19(1) TEU – Excessive length of the pre-trial stage of the criminal proceedings – Substantive infringements of procedural rules, but which are capable of being remedied, affecting the indictment – **Right of the accused person to have the criminal proceedings against him or her brought to an end.**

[EUR-Lex - 62023CJ0265](#)

13. Internal Market and Free Movement

Case Law

Case C-39/23. Judgment of the Court (First Chamber) of 29 July 2024. Keva and Others v Skatteverket. Request for a preliminary ruling from the Högsta förvaltningsdomstolen.

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – **Taxation of dividends received by pension funds governed by public law – Difference in treatment between resident and non-resident pension funds governed by public law** – Exemption only of resident pension funds governed by public law – Comparability of situations – Whether justified – Need to safeguard the objective pursued by social policy – Need to preserve a balanced allocation of the power of taxation of the Member States.

[EUR-Lex - 62023CJ0039](#)

Case C-774/22. Judgment of the Court (Second Chamber) of 29 July 2024. JX v FTI Touristik GmbH. Request for a preliminary ruling from the Amtsgericht Nürnberg.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Article 18 – **Jurisdiction over consumer contracts** – Determination of the international and territorial jurisdiction of the courts of a Member State – International element – **Travel in a third State.**

[EUR-Lex - 62022CJ0774](#)

Case C-598/22. Judgment of the Court (Third Chamber) of 11 July 2024. Società Italiana Imprese Balneari Srl v Comune di Rosignano Marittimo and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Article 49 TFEU – **Concessions in respect of State-owned coastal land** – Expiry and renewal – **National rules providing that fixed structures built on State-owned land are to be transferred to the State for no consideration** – Restriction – None.

[EUR-Lex - 62022CJ0598](#)

Case C-409/22. Judgment of the Court (Fifth Chamber) of 11 July 2024. UA v EUROBANK BULGARIA. Request for a preliminary ruling from the Apelativen sad - Sofia.

Reference for a preliminary ruling – Free movement of capital – **Payment services in the internal market** – Directive 2007/64/EC – Concept of ‘payment instrument’ – **Power of attorney of an agent acting on behalf of the account holder** – Copy of the power of attorney with an ‘apostille’ certificate – Articles 54 and 59 – Consent to the execution of a payment transaction – Concept of ‘authentication’ – Unauthorised payment transactions – Liability of the payment service provider for those transactions – Burden of proof.

[EUR-Lex - 62022CJ0409](#)

14. Intellectual Property

Nothing to report for the period under review.

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

Case Law

Case C-318/24 PPU. Judgment of the Court (Fifth Chamber) of 29 July 2024. Parchetul de pe lângă Înalta Curte de Casație și Justiție – Direcția Națională Anticorupție – Serviciul Teritorial Brașov v P.P.R.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Surrender of requested persons to issuing judicial authorities – Respect for fundamental rights – **Systemic or generalised deficiencies concerning the independence of the judiciary of the issuing Member State** – Deficiencies concerning the absence of proof of the taking of an oath by judges – Prohibition of inhuman or degrading treatment – Detention conditions in the issuing Member State – Assessment undertaken by the executing judicial authority – **Refusal by the executing judicial authority to execute the European arrest warrant** – Effects of that refusal for the executing judicial authority of another Member State.

[EUR-Lex - 62024CJ0318](#)

Case C-632/22. Judgment of the Court (Fifth Chamber) of 11 July 2024. AB Volvo v Transsaqui S.L. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 1393/2007 – **Service of judicial and extrajudicial documents** – Action for compensation for damage caused by a practice prohibited by Article 101(1) TFEU and by Article 53 of the Agreement on the European Economic Area – **Document instituting proceedings served at the seat of a subsidiary of the defendant** – Validity of the writ of summons – Charter of Fundamental Rights of the European Union – Article 47 – **Right to effective judicial protection.**

[EUR-Lex - 62022CJ0632](#)

Case C-265/23. Judgment of the Court (Sixth Chamber) of 11 July 2024. Criminal proceedings against DM and Others. Request for a preliminary ruling from the Okrazhen sad - Sliven.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **Fight against organised crime – Framework Decision 2008/841/JHA** – Right to an effective remedy and to a fair trial – Articles 47 and 52 of the Charter of Fundamental Rights of the European Union – Second subparagraph of Article 19(1) TEU – Excessive length of the pre-trial stage of the criminal proceedings – Substantive infringements of procedural rules, but which are capable of being remedied, affecting the indictment – **Right of the accused person to have the criminal proceedings against him or her brought to an end.**

[EUR-Lex - 62023CJ0265](#)

Case C-425/22. Judgment of the Court (Fifth Chamber) of 4 July 2024. MOL Magyar Olaj- és Gázipari Nyrt. v Mercedes-Benz Group AG. Request for a preliminary ruling from the Kúria.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Article 7(2) – **Jurisdiction in tort, delict or quasi-delict** – Place where the damage occurred – Cartel declared contrary to Article 101 TFEU and Article 53 of the Agreement on the European Economic Area – **Subsidiaries established in different Member States** – Direct damage exclusively suffered by subsidiaries – Action for damages from the parent company – **Concept of ‘economic unit’**.

[EUR-Lex - 62022CJ0425](#)

Case C-760/22. Judgment of the Court (First Chamber) of 4 July 2024. FP and Others v Sofijska gradska prokuratura. Request for a preliminary ruling from the Sofijski gradski sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive (EU) 2016/343 – Right to be present at the trial – **Possibility for an accused person to participate in the hearings in his or her trial by videoconference.**

[EUR-Lex - 62022CJ0760](#)

16. Transport

Nothing to report for the period under review.

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

Case Law

Case C-119/23. Judgment of the Court (Grand Chamber) of 29 July 2024. Virgilijus Valančius v Lietuvos Respublikos Vyriausybė. Request for a preliminary ruling from the Vilniaus apygardos administracinis teismas.

Reference for a preliminary ruling – Third subparagraph of Article 19(2) TEU – Second paragraph of Article 254 TFEU – Appointment of Judges of the General Court of the European Union – Independence beyond doubt – Ability required for appointment to high judicial office – **National procedure for proposing a candidate for the office of Judge of the General Court of the European Union** – Group of independent experts responsible for assessing the candidates – **Merit list of candidates meeting the requirements laid down in the third subparagraph of Article 19(2) TEU and the second paragraph of Article 254 TFEU** – Proposal of a candidate named on the merit list other than the top-ranked candidate – Opinion of the panel provided for in Article 255 TFEU on the suitability of candidates.

[EUR-Lex - 62023CJ0119](#)

Case T-689/21. Judgment of the General Court (Fifth Chamber) of 17 July 2024. Margrete Auken and Others v European Commission.

Access to documents – Regulation (EC) No 1049/2001 – **Advance purchase agreements and purchase agreements concluded between the Commission and pharmaceutical companies for the purchase of COVID-19 vaccines** – Partial refusal of access – Exception relating to the protection of the commercial interests of a third party – Obligation to state reasons – Existence of a foreseeable and not purely hypothetical risk of the interest relied on being undermined – Principle of good administration – **Freedom of expression.**

[EUR-Lex - 62021TJ0689](#)

Joined Cases C-554/21, C-622/21 and C-727/21. Judgment of the Court (Grand Chamber) of 11 July 2024. Financijska agencija and UDRUGA KHL MEDVEŠČAK ZAGREB v HANN-INVEST d.o.o. and MINERAL-SEKULINE d.o.o.

References for a preliminary ruling – Second subparagraph of Article 19(1) TEU – **Effective legal protection in the fields covered by Union law – Independence of the judiciary** – Tribunal previously established by law – Fair hearing – Case-law Registration Service – National legislation providing for a registrations judge to be established in courts of second instance having, in practice, the power to stay the delivery of a judgment, to give instructions to judicial panels and to request that a section meeting be convened – **National legislation providing for the power, for meetings of a section or of all judges of a court, to put forward binding ‘legal positions’, including for cases which have already been deliberated.**

[EUR-Lex - 62021CJ055](#)