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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.

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Highlights

Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937

[Regulation - EU - 2024/3015](#)

Case C-814/21. Judgment of the Court (Grand Chamber) of 19 November 2024. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Article 20 TFEU – Citizenship of the Union – Article 21 TFEU – Right to move and reside freely within the territory of the Member States – Article 22 TFEU – **Right to vote and to stand as a candidate in municipal and European Parliament elections in the Member State of residence under the same conditions as nationals of that State** – Citizens of the Union residing in a Member State of which they are not nationals – **No right to be a member of a political party** – Articles 2 and 10 TEU – Democratic principle – Article 4(2) TEU – Respect for the national identity of the Member States – Article 12 of the Charter of Fundamental Rights of the European Union – Role of political parties in expressing the will of citizens of the Union.

[EUR-Lex - 62021CJ0814](#)

Case C-291/23. Judgment of the Court (Fifth Chamber) of 7 November 2024. LS v PL. Request for a preliminary ruling from the Landgericht Düsseldorf.

Reference for a preliminary ruling – Jurisdiction in civil matters – Regulation (EU) No 650/2012 – Article 10(1) – **Subsidiary jurisdiction in matters of succession – Deceased person habitually resident in a third State at the time of death – Criterion of the location of the assets of the estate in a Member State – Decisive point in time** – Assessment at the time of death.

[EUR-Lex - 62023CJ0291](#)

1. EU-Swiss Relations

Community Legislation

Council Decision (EU) 2024/2957 of 21 November 2024 on the position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between European Economic Community and the Swiss Confederation, with regard to a decision concerning the amendment of Protocol 3 to that Agreement as regards permeability between the Regional Convention on pan-Euro-Mediterranean preferential rules of origin and the Transitional rules of origin

[Decision - EU - 2024/2957](#)

2. External Relations / Foreign Policy

Community Legislation

Council Regulation (EU) 2024/2897 of 18 November 2024 amending Regulation (EU) 2023/1529 concerning restrictive measures in view of Iran's military support to Russia's war of aggression against Ukraine and to armed groups and entities in the Middle East and the Red Sea region

[Regulation - EU - 2024/2897](#)

Case Law

Joined Cases C-269/23 P and C-272/23 P. Judgment of the Court (Second Chamber) of 28 November 2024. Hengshi Egypt Fiberglass Fabrics SAE and Jushi Egypt for Fiberglass Industry SAE v European Commission.

Appeal – Common commercial policy – Protection against subsidised imports from third countries – **Agreement on Subsidies and Countervailing Measures of the World Trade Organization (WTO)** – Articles 1 and 2 – Regulation (EU) 2016/1037 – Articles 2 to 4 – Concepts of ‘subsidy’, ‘government’, ‘specificity’ and ‘benefit’ – **Financial contributions granted by Chinese public bodies to undertakings incorporated under Egyptian law owned by Chinese entities established in the China-Egypt Suez Economic and Trade Cooperation Zone** – Possibility of classifying such financial contributions as subsidies granted by the Government of Egypt, having regard to that government's own conduct – Whether permissible – Conditions – Financial contribution consisting in forgoing government revenue that is otherwise due – Benefit conferred on the recipient undertakings – Choice of the relevant reference situation for the purpose of characterising the existence of that financial contribution and that benefit – Articles 5 and 6 – Calculation of the benefit – Concepts of ‘recipient’ and ‘undertaking’.

[EUR-Lex - 62023CJ0269](#)

Case C-719/22. Judgment of the Court (Tenth Chamber) of 21 November 2024. Criminal proceedings against Profit Europe NV and Gosselin Forwarding Services NV. Request for a preliminary ruling from the Hof van beroep te Antwerpen.

Reference for a preliminary ruling – Common commercial policy – **Protection against dumping – Imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in China** – Provisional Regulation (EU) No 1071/2012 – Implementing Regulation (EU) No 430/2013 – Validity – Regulation (EC) No 1225/2009 – Article 5 – Initiation of the investigation procedure – Definition of the product concerned – Threaded tube or pipe cast fittings, of spheroidal graphite cast iron.

[EUR-Lex - 62022CJ0719](#)

3. Agriculture and Fisheries / Maritime Affairs

Nothing to report for the period under review.

4. Audiovisual and Media and Information Society

Case Law

Case C-80/23. Judgment of the Court (Fifth Chamber) of 28 November 2024. Criminal proceedings against V.S. Request for a preliminary ruling from the Sofijski gradski sad.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Directive (EU) 2016/680 – Article 4(1)(a) to (c) – Article 8(1) and (2) – Article 10 – **Accused person – Police record containing biometric and genetic data** – Enforcement – Objectives of prevention and detection of criminal offences – Interpretation of the judgment of 26 January 2023, *Ministerstvo na vatreshnite raboti* (Recording of biometric and genetic data by the police) (C-205/21, EU:C:2023:49) – Obligation to interpret national law in conformity with EU law – Assessment of whether it is ‘strictly necessary’ for the competent authorities to process sensitive data – Role of the competent authorities.

[EUR-Lex - 62023CJ0080](#)

Case C-169/23. Judgment of the Court (Third Chamber) of 28 November 2024. Nemzeti Adatvédelmi és Információszabadság Hatóság v UC. Request for a preliminary ruling from the Kúria.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data and the free movement of such data – Regulation (EU) 2016/679 – **Data processed when drawing up a COVID-19 certificate** – Data not collected from the data subject – Information to be provided – Exception to the obligation to provide information – Article 14(5)(c) – Data generated by the controller in the context of its own processes – Right to complain – Competence of the supervisory authority – Article 77(1) – **Appropriate measures to protect the data subject’s legitimate interests provided for by the Member State law to which the controller is subject** – Measures relating to the security of data processing – Article 32.

[EUR-Lex - 62023CJ0169](#)

5. Competition and State Aid

Nothing to report for the period under review.

6. Customs

Case Law

Case C-297/23 P. Judgment of the Court (Fourth Chamber) of 21 November 2024. Harley-Davidson Europe Ltd and Neovia Logistics Services International v European Commission.

Appeal – Common commercial policy – **Measures to ensure the exercise by the European Union of its rights under international trade rules** – Regulation (EU) No 654/2014 – Implementing Regulation (EU) 2018/886 – Customs union – Regulation (EU) No 952/2013 – Union Customs Code – Decisions relating to binding origin information (BOI) adopted by national customs authorities – Delegated Regulation (EU) 2015/2446 – **Determination of the non-preferential origin of certain Harley-Davidson motorcycles** – Concept of ‘processing or working operations which are not economically justified’ – Implementing decision of the European Commission on the revocation of BOI decisions – Delegation of power – Legitimate expectations – Right to good administration – Right to be heard.

[EUR-Lex - 62023CJ0297](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-758/22. Judgment of the Court (Fifth Chamber) of 28 November 2024. Bayerische Ärzteversorgung and Others v Deutsche Bundesbank. Request for a preliminary ruling from the Bundesverwaltungsgericht.

References for a preliminary ruling – Economic and monetary policy – European system of national and regional accounts – **Statistical reporting requirements applicable to pension funds** – Special pension schemes for the professions – Compulsory membership and contributions.

[EUR-Lex - 62022CJ0758](#)

Case C-622/23. Judgment of the Court (Seventh Chamber) of 28 November 2024. rhtb: projekt gmbh v Parking 14-16 Immobilienverwaltung GmbH. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(c) – Scope – Taxable transactions – **Contract for services for the carrying out of a building project** – Termination of the contract by the customer – Concept of ‘remuneration’ – Characterisation – Obligation to pay the total amount agreed after deduction of the costs saved by the supplier – Article 73 – Taxable amount.

[EUR-Lex - 62023CJ0622](#)

Case C-613/23. Judgment of the Court (Tenth Chamber) of 14 November 2024. KL v Staatssecretaris van Financiën. Request for a preliminary ruling from the Hoge Raad der Nederlanden.

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 273 – **VAT payable by a taxable entity – National legislation providing for the joint and several liability of the director of the entity** – Presumption of liability in respect of the director in the absence of notification that the entity is unable to pay the VAT due – Principle of proportionality.

[EUR-Lex - 62023CJ0613](#)

Case C-643/23. Judgment of the Court (Sixth Chamber) of 14 November 2024. Agenciart – Management Artístico, Sociedade Unipessoal, Lda. v CT. Request for a preliminary ruling from the Tribunal da Relação de Lisboa.

Reference for a preliminary ruling – Directive 2011/7/EU – **Combating late payment in commercial transactions** – Article 2(3) – **Concept of an ‘undertaking’** – Exercise of an independent professional activity – Actor – Agency contract – Order for payment procedure.

[EUR-Lex - 62023CJ0643](#)

Case C-594/23. Judgment of the Court (Seventh Chamber) of 7 November 2024. Skatteministeriet v Lomoco Development ApS and Others. Request for a preliminary ruling from the Vestre Landsret.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Supply of land that has only the foundations of residential housing structures in place – Classification – Article 12 – **Concepts of ‘building land’ and ‘building or parts of a building’** – Criterion of the ‘first occupation’ of a building.

[EUR-Lex - 62023CJ0594](#)

Case C-782/22. Judgment of the Court (First Chamber) of 7 November 2024. XX v Inspecteur van de Belastingdienst. Request for a preliminary ruling from the Gerechtshof 's-Hertogenbosch.

Reference for a preliminary ruling – Article 63(1) TFEU – Free movement of capital – Restrictions – Tax legislation – Corporation tax – Taxation of dividends – Equal treatment of resident and non-resident companies – **National legislation reserving to resident companies the possibility of deducting from their taxable profits relating to dividends the expenses corresponding to their commitments to their customers under ‘unit-linked’ insurance contracts and of offsetting in full taxation of the dividends against corporation tax.**

[EUR-Lex - 62022CJ0782](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Community Legislation

Directive (EU) 2024/3100 of the European Parliament and of the Council of 27 November 2024 **amending Directive 2009/21/EC on compliance with flag State requirements**

[Directive - EU - 2024/3100](#)

10. Energy and Environment

Community Legislation

Directive (EU) 2024/3101 of the European Parliament and of the Council of 27 November 2024 amending Directive 2005/35/EC as regards **ship-source pollution and on the introduction of administrative penalties for infringements**

[Directive - EU - 2024/3101](#)

Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning **urban wastewater treatment (recast)**

[Directive - EU - 2024/3019](#)

Regulation (EU) 2024/3012 of the European Parliament and of the Council of 27 November 2024 **establishing a Union certification framework for permanent carbon removals, carbon farming and carbon storage in products**

[Regulation - EU - 2024/3012](#)

Case Law

Case C-370/23. Judgment of the Court (Fifth Chamber) of 21 November 2024. *Mesto Rimavská Sobota v Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky*. Request for a preliminary ruling from the Najvyšší správny súd Slovenskej republiky.

Reference for a preliminary ruling – Environment – Regulation (EU) No 995/2010 – **Obligations of operators who place timber and timber products on the market** – Article 2(a) to (c) – Concepts of ‘timber and timber products’, ‘placing on the market’ and ‘operator’.

[EUR-Lex - 62023CJ0370](#)

Case C-47/23. Judgment of the Court (Third Chamber) of 14 November 2024. *European Commission v Federal Republic of Germany*.

Failure of a Member State to fulfil obligations – Environment – Directive 92/43/EEC – Conservation of natural habitats and of wild fauna and flora – Article 6(2) – **Appropriate steps to avoid, in special areas of conservation, the deterioration of natural habitats** – Habitat types 6510 (lowland hay meadows) and 6520 (mountain hay meadows) protected by the Natura 2000 network – Loss of area – No specific surveillance of natural habitats – General and structural failure – Article 4(1) – Proposal by each Member State of a list of sites indicating which natural habitat types and native species the sites host – Regular updating of information relating to those sites.

[EUR-Lex - 62023CJ0047](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-646/22. Judgment of the Court (Fifth Chamber) of 14 November 2024. Compass Banca SpA v Autorità Garante della Concorrenza e del Mercato (AGCM). Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling – **Consumer protection** – Directive 2005/29/EC – Article 2(j), Articles 5, 8 and 9 – Concept of ‘average consumer’ – Unfair business-to-consumer commercial practices – Concept of ‘aggressive commercial practice’ – Cross-selling of a personal loan and an insurance product not related to that loan – Orientation of the information provided to the consumer – Concept of ‘framing’ – **Commercial practice consisting of simultaneously proposing to a consumer an offer for a personal loan and an offer for an insurance product not related to that loan** – No cooling-off period between the signature of the loan contract and that of the insurance policy contract – Directive (EU) 2016/97 – Article 24.

[EUR-Lex - 62022CJ0646](#)

Case C-178/23. Judgment of the Court (Eighth Chamber) of 7 November 2024. ERB New Europe Funding II v YI. Request for a preliminary ruling from the Tribunalul Specializat Mureş.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Article 7(1) – Unfair terms in consumer contracts – Powers and obligations of the national court – First legal remedy pursued by the consumer before the court of the place where the seller or supplier has its registered office, without the assistance of a lawyer and without that consumer attending the hearing – **Second legal remedy pursued by the consumer before the court of his or her place of domicile, with the assistance of a lawyer – Res judicata** – Article 47 of the Charter of Fundamental Rights of the European Union – **Effective judicial protection of the consumer.**

[EUR-Lex - 62023CJ0178](#)

12. Human Rights

Community Legislation

Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937

[Regulation - EU - 2024/3015](#)

Case Law

Case C-814/21. Judgment of the Court (Grand Chamber) of 19 November 2024. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Article 20 TFEU – Citizenship of the Union – Article 21 TFEU – Right to move and reside freely within the territory of the Member States – Article 22 TFEU – **Right to vote and to stand as a candidate in municipal and European Parliament elections in the Member State of residence under the same conditions as nationals of that State** – Citizens of the Union residing in a Member State of which they are not nationals – **No right to be a member of a political party** – Articles 2 and 10 TEU – Democratic principle – Article 4(2) TEU – Respect for the national identity of the Member States – Article 12 of the Charter of Fundamental Rights of the European Union – Role of political parties in expressing the will of citizens of the Union.

[EUR-Lex - 62021CJ0814](#)

Case C-808/21. Judgment of the Court (Grand Chamber) of 19 November 2024. European Commission v Czech Republic.

Failure of a Member State to fulfil obligations – Article 20 TFEU – Citizenship of the Union – Article 21 TFEU – Right to move and reside freely within the territory of the Member States – Article 22 TFEU – **Right to vote and to stand as a candidate in municipal and European Parliament elections in the Member State of residence under the same conditions as nationals of that State** – Citizens of the Union residing in a Member State of which they are not nationals – **No right to become a member of a political party** – Articles 2 and 10 TEU – Democratic principle – Article 4(2) TEU – Respect for the national identity of the Member States – Article 12 of the Charter of Fundamental Rights of the European Union – Role of political parties in expressing the will of citizens of the Union.

[EUR-Lex - 62021CJ0808](#)

Case C-178/23. Judgment of the Court (Eighth Chamber) of 7 November 2024. ERB New Europe Funding II v YI. Request for a preliminary ruling from the Tribunalul Specializat Mureş.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Article 7(1) – Unfair terms in consumer contracts – Powers and obligations of the national court – First legal remedy pursued by the consumer before the court of the place where the seller or supplier has its registered office, without the assistance of a lawyer and without that consumer attending the hearing – **Second legal remedy pursued by the consumer before the court of his or her place of domicile, with the assistance of a lawyer – Res judicata** – Article 47 of the Charter of Fundamental Rights of the European Union – **Effective judicial protection of the consumer.**

[EUR-Lex - 62023CJ0178](#)

13. Internal Market and Free Movement

Community Legislation

Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937

[Regulation - EU - 2024/3015](#)

Regulation (EU) 2024/3005 of the European Parliament and of the Council of 27 November 2024 on the transparency and integrity of Environmental, Social and Governance (ESG) rating activities, and amending Regulations (EU) 2019/2088 and (EU) 2023/2859

[Regulation - EU - 2024/3005](#)

Case Law

Case C-336/23. Judgment of the Court (Tenth Chamber) of 21 November 2024. HP - Hrvatska pošta d.d. v Povjerenik za informiranje.

Reference for a preliminary ruling – Approximation of laws – **Open data and re-use of public sector information** – Directive (EU) 2019/1024 – Article 1 – Scope – Article 2 – Concept of ‘re-use’ of documents – **Right of access to documents held by a public sector body.**

[EUR-Lex - 62023CJ0336](#)

Case C-814/21. Judgment of the Court (Grand Chamber) of 19 November 2024. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Article 20 TFEU – Citizenship of the Union – Article 21 TFEU – Right to move and reside freely within the territory of the Member States – Article 22 TFEU – **Right to vote and to stand as a candidate in municipal and European Parliament elections in the Member State of residence under the same conditions as nationals of that State** – Citizens of the Union residing in a Member State of which they are not nationals – **No right to be a member of a political party** – Articles 2 and 10 TEU – Democratic principle – Article 4(2) TEU – Respect for the national identity of the Member States – Article 12 of the Charter of Fundamental Rights of the European Union – Role of political parties in expressing the will of citizens of the Union.

[EUR-Lex - 62021CJ0814](#)

Case C-808/21. Judgment of the Court (Grand Chamber) of 19 November 2024. European Commission v Czech Republic.

Failure of a Member State to fulfil obligations – Article 20 TFEU – Citizenship of the Union – Article 21 TFEU – Right to move and reside freely within the territory of the Member States – Article 22 TFEU – **Right to vote and to stand as a candidate in municipal and European Parliament elections in the Member State of residence under the same conditions as nationals of that State** – Citizens of the Union residing in a Member State of which they are not nationals – **No right to become a member of a political party** – Articles 2 and 10 TEU – Democratic principle – Article 4(2) TEU – Respect for the national identity of the Member States – Article 12 of the Charter of Fundamental Rights of the European Union – Role of political parties in expressing the will of citizens of the Union.

[EUR-Lex - 62021CJ0808](#)

Case C-683/22. Judgment of the Court (Fifth Chamber) of 7 November 2024. Adusbef - Associazione difesa utenti servizi bancari e finanziari v Presidenza del Consiglio dei Ministri and Others. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.

Reference for a preliminary ruling – Directive 2014/23/EU – Procedure for awarding concession contracts – Article 43 – **Modification made to a concession during its term without opening up to competition** – Concession of motorways – Collapse of the Morandi Bridge in Genoa (Italy) – National proceedings for serious failure to fulfil motorway network maintenance and preservation obligations – New obligations imposed on the concessionaire – **Obligation of the contracting authority to make a prior decision on whether it is necessary to organise a new award procedure** – Obligation of the contracting authority to carry out a prior examination of the reliability of the concessionaire.

[EUR-Lex - 62022CJ0683](#)

Case C-782/22. Judgment of the Court (First Chamber) of 7 November 2024. XX v Inspecteur van de Belastingdienst. Request for a preliminary ruling from the Gerechtshof 's-Hertogenbosch.

Reference for a preliminary ruling – Article 63(1) TFEU – Free movement of capital – Restrictions – Tax legislation – Corporation tax – Taxation of dividends – Equal treatment of resident and non-resident companies – **National legislation reserving to resident companies the possibility of deducting from their taxable profits relating to dividends the expenses corresponding to their commitments to their customers under ‘unit-linked’ insurance contracts and of offsetting in full taxation of the dividends against corporation tax.**

[EUR-Lex - 62022CJ0782](#)

14. Intellectual Property

Case Law

Case C-230/23. Judgment of the Court (First Chamber) of 14 November 2024. Repobel CV v Copaco Belgium NV. Request for a preliminary ruling from the Ondernemingsrechtbank Gent Afdeling Gent.

Reference for a preliminary ruling – Approximation of laws – Harmonisation of certain aspects of copyright and related rights in the information society – Directive 2001/29/EC – Article 2 – **Reproduction right** – Article 5(2)(a) and (b) – Exceptions and limitations – Fair compensation – Direct effect – **Entity entrusted by the State with collecting and distributing fair compensation** – Special powers.

[EUR-Lex - 62023CJ0230](#)

Case T-82/24. Judgment of the General Court (Third Chamber) of 13 November 2024. Administration of the State Border Guard Service of Ukraine v European Union Intellectual Property Office.

EU trade mark – **Application for EU figurative mark RUSSIAN WARSHIP, GO F**K YOURSELF** – Absolute ground for refusal – No distinctive character – Article 7(1)(b) of Regulation (EU) 2017/1001 – Political slogan – Equal treatment – Principle of sound administration – Article 71(1) of Regulation 2017/1001.

[EUR-Lex - 62024TJ0082 - EN - EUR-Lex](#)

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

Case Law

Case C-526/23. Judgment of the Court (Second Chamber) of 28 November 2024. VariusSystems digital solutions GmbH v GR Inhaber B & G . Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the recognition and enforcement of judgments – **Regulation (EU) No 1215/2012** – Special jurisdiction – **Claim in matters relating to a contract** – Second indent of Article 7(1)(b) – Contract for the provision of services – **Software developed in one Member State and adapted to the needs of a customer residing in another Member State** – Place of performance.

[EUR-Lex - 62023CJ0526](#)

Case C-398/23. Judgment of the Court (Eighth Chamber) of 28 November 2024. Criminal proceedings against PT. Request for a preliminary ruling from the Sofijski gradski sad.

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – **Criminal offences and penalties in the field of illicit drug trafficking and the fight against organised crime** – Framework Decision 2004/757/JHA – Articles 4 and 5 – Framework Decision 2008/841/JHA – Articles 3 and 4 – National legislation not implementing EU law – Article 51(1) of the Charter of Fundamental Rights of the European Union – Right to information in criminal proceedings – Directive 2012/13/EU – Articles 1 and 6 – **Right of a person to be informed of the charges against him or her** – Effective judicial protection – First paragraph of Article 47 and Article 52(1) of the Charter of Fundamental Rights – Criminal proceedings against several persons – Agreement for settlement of the case entered into by one of the defendants and the public prosecutor – Consent of the other defendants.

[EUR-Lex - 62023CJ0398](#)

Case C-432/22. Judgment of the Court (Third Chamber) of 28 November 2024. Criminal proceedings against Spetsializirana prokuratura. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – **Criminal offences and penalties in the field of illicit drug trafficking and the fight against organised crime** – **Possibility to reduce applicable penalties** – Scope – Framework Decision 2004/757/JHA – Articles 4 and 5 – Framework Decision 2008/841/JHA – Articles 3 and 4 – National legislation not implementing EU law – Article 51(1) of the Charter of Fundamental Rights of the European Union – Effective judicial protection – Second subparagraph of Article 19(1) TEU – Criminal proceedings against several persons – Agreement for settlement of the case provided for in national law – Approval by an ad hoc court – Consent of the other defendants.

[EUR-Lex - 62022CJ0432](#)

Case C-394/22. Judgment of the Court (Second Chamber) of 14 November 2024. Oilchart International NV v O.W. Bunker (Netherlands) BV and ING Bank NV. Request for a preliminary ruling from the Hof van beroep te Antwerpen.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Scope – Article 1(2)(b) – Exclusion – **Concept of ‘bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings’** – Action deriving directly from insolvency proceedings and closely linked with them – Action for the payment of a claim lodged after the debtor company was put into liquidation and the declaration of that claim lodged in the insolvency estate – Regulation (EC) No 1346/2000.

[EUR-Lex - 62022CJ0394](#)

Joined Cases C-289/23 and C-305/23. Judgment of the Court (Second Chamber) of 7 November 2024. Agencia Estatal de la Administración Tributaria and S.E.I v A and Agencia Estatal de la Administración Tributaria. Requests for a preliminary ruling from the Juzgado de lo Mercantil de Alicante and Juzgado de lo Mercantil de Barcelona.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Directive (EU) 2019/1023 – **Procedures concerning restructuring, insolvency and discharge of debt** – Article 1(4) – Subject matter and scope – **Extension of procedures to insolvent natural persons who are not entrepreneurs** – Article 20 – Access to discharge of debt – Article 23(1), (2) and (4) – Derogations – Exclusion of specific categories of debt from discharge of debt – Natural person who has become insolvent – Good faith of the debtor – Conditions for access to discharge of debt – Exclusion of claims governed by public law.

[EUR-Lex - 62023CJ0289](#)

Case C-126/23. Judgment of the Court (Fifth Chamber) of 7 November 2024. UD and Others v Presidenza del Consiglio dei Ministri and Ministero dell'Interno. Request for a preliminary ruling from the Tribunale Ordinario di Venezia.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2004/80/EC – Article 12(2) – **National schemes on compensation to victims of violent intentional crime** – Homicide – Compensation for close family members of the deceased – Concept of ‘victim’ – ‘Tiered’ compensation scheme according to the order of succession – **National legislation excluding the payment of compensation to other family members of the deceased when there are children or a surviving spouse** – Parents and siblings of the deceased – ‘Fair and appropriate’ compensation.

[EUR-Lex - 62023CJ0126](#)

Case C-291/23. Judgment of the Court (Fifth Chamber) of 7 November 2024. LS v PL. Request for a preliminary ruling from the Landgericht Düsseldorf.

Reference for a preliminary ruling – Jurisdiction in civil matters – Regulation (EU) No 650/2012 – Article 10(1) – **Subsidiary jurisdiction in matters of succession – Deceased person habitually resident in a third State at the time of death – Criterion of the location of the assets of the estate in a Member State – Decisive point in time** – Assessment at the time of death.

[EUR-Lex - 62023CJ0291](#)

16. Transport

Case Law

Case C-61/23. Judgment of the Court (Sixth Chamber) of 21 November 2024. „Ekostroy“ EOOD v Agentsia „Patna infrastruktura“. Request for a preliminary ruling from the Administrativen sad - Haskovo.

Reference for a preliminary ruling – Approximation of laws – **Road transport** – Tax provisions – Directive 1999/62/EC – **Charging of heavy goods vehicles for the use of certain infrastructures** – Penalties applicable to infringements of the national provisions adopted under that directive – Article 9a – Requirement of proportionality – National legislation penalising all offences by means of a flat-rate fine.

[EUR-Lex - 62023CJ0061](#)

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

Case Law

Case C-197/23. Judgment of the Court (Fourth Chamber) of 14 November 2024. S. S.A. v C. sp. z o.o. Request for a preliminary ruling from the Sąd Apelacyjny w Warszawie.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Remedies – **Effective judicial protection** – Independent and impartial tribunal established by law – **National rules governing the random allocation of cases to the judges of a court and the modification of the formations of the court** – Provision precluding reliance on the infringements of those rules in appeal proceedings.

[EUR-Lex - 62023CJ0197](#)

Case C-326/23. Judgment of the Court (Fifth Chamber) of 7 November 2024. C.W. S.A. and Others v Prezes Urzędu Ochrony Konkurencji i Konsumentów. Request for a preliminary ruling from the Sąd Najwyższy.

Reference for a preliminary ruling – Article 267 TFEU – **Concept of 'court or tribunal'** – Judge of the Civil Chamber of the Sąd Najwyższy (Supreme Court, Poland) – Judge appointed by the President of the Republic of Poland on the basis of a resolution of the Krajowa Rada Sądownictwa (National Council of the Judiciary, Poland) in its new composition – **Reference for a preliminary ruling from a panel of judges without the status of an independent and impartial tribunal previously established by law** – **Inadmissibility.**

[EUR-Lex - 62023CJ0326](#)