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EU News: Click & Read

190 – December 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. Finally, we would like to take this opportunity to wish our readers a happy and safe 2025!

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Case C-295/23. Judgment of the Court (Grand Chamber) of 19 December 2024. Halmer Rechtsanwaltsgesellschaft UG v Rechtsanwaltskammer München. Request for a preliminary ruling from the Bayerischer Anwaltsgerichtshof.

Reference for a preliminary ruling – Article 49 TFEU – **Freedom of establishment** – Article 63 TFEU – Free movement of capital – Establishing the applicable freedom – Services in the internal market – Directive 2006/123/EC – Article 15 – Requirements relating to holding shares in a firm – **A purely financial investor's holding in a law firm – Revocation of that law firm's registration with the professional body on account of that holding** – Restriction on freedom of establishment and on the free movement of capital – **Justifications based on protecting the independence of lawyers and recipients of legal services** – Necessity – Proportionality.

[EUR-Lex - 62023CJ0295](#)

Joined Cases C-185/24 and C-189/24. Judgment of the Court (Second Chamber) of 19 December 2024. RL and QS v Bundesrepublik Deutschland. Requests for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen.

Reference for a preliminary ruling – Asylum policy – Regulation (EU) No 604/2013 – Article 3(2) – **Transfer of the asylum seeker to the Member State responsible for examining the application for international protection** – Article 4 of the Charter of Fundamental Rights of the European Union – **Risk of inhuman or degrading treatment** – Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws in the asylum procedure and in the reception conditions for applicants in the Member State responsible – **Suspension, by the Member State responsible, of the taking charge of and taking back of asylum seekers.**

[EUR-Lex - 62024CJ0185](#)

Directive (EU) 2024/3237 of the European Parliament and of the Council of 19 December 2024 amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

[Directive - EU - 2024/3237](#)

1. EU-Swiss Relations

Community Legislation

Council Decision setting the date for **the lifting of checks on persons at internal land borders with and between the Republic of Bulgaria and Romania notification from Switzerland**

[EUR-Lex - ST 17121 2024 INIT](#)

2. External Relations / Foreign Policy

Community Legislation

Council Regulation (EU) 2024/3192 of 16 December 2024 amending Regulation (EU) No 833/2014 **concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[Regulation - EU - 2024/3192](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Regulation (EU) 2024/3242 of the European Parliament and of the Council of 19 December 2024 amending Regulation (EU) 2020/2220 as regards specific **measures under the European Agricultural Fund for Rural Development to provide additional assistance to Member States affected by natural disasters**

[Regulation - EU - 2024/3242](#)

Case Law

Case C-392/23. Judgment of the Court (Eighth Chamber) of 19 December 2024. Rustrans SRL v Ministerul Agriculturii și Dezvoltării Rurale - Direcția Generală Pescuit - Autoritatea de Management pentru POPAM. Request for a preliminary ruling from the Curtea de Apel Bacău.

Reference for a preliminary ruling – **Common fisheries policy** – European Maritime and Fisheries Fund (EMFF) – Regulation (EU) No 1303/2013 – Article 69 – **Concept of 'eligible expenditure'** – Articles 4 and 125 – Regulation (EU) No 508/2014 – Article 48(1)(c) – Modernisation of an aquaculture unit – Regulation (EU, Euratom) 2018/1046 – Article 33 – Principle of sound financial management – Contribution in kind in the form of land and buildings located on that land – Direct link between the contribution in kind and the operation financed.

[EUR-Lex - 62023CJ0392](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-65/23. Judgment of the Court (Eighth Chamber) of 19 December 2024. MK v K GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 88(1) and (2) – Processing in the context of employment – **Employees' personal data** – More specific rules provided for by a Member State pursuant to that Article 88 – Obligation to comply with Article 5, Article 6(1) and Article 9(1) and (2) of that regulation – Processing on the basis of a collective agreement – **Margin of discretion of the parties to the collective agreement as regards the necessity of the processing of personal data provided for by that agreement** – Scope of judicial review.

[EUR-Lex - 62023CJ0065](#)

5. Competition and State Aid

Nothing to report for the period under review.

6. Customs

Case Law

Joined Cases C-717/22 and C-372/23. Judgment of the Court (Third Chamber) of 19 December 2024. „SISTEM LUX“ OOD and VU v Teritorialna direksia Mitnitsa Burgas and Teritorialna direksia Mitnitsa Burgas kam Agentsia „Mitnitsi“. Requests for a preliminary ruling from the Rayonen sad Svilengrad and Administrativen sad - Haskovo.

Reference for a preliminary ruling – Customs union – Regulation (EU) No 952/2013 – Union Customs Code – Article 15 – Provision of information to the customs authorities – **Failure to comply with the customs legislation** – Article 42 – Effective, proportionate and dissuasive penalties – Framework Decision 2005/212/JHA – Confiscation of crime-related proceeds, instrumentalities and property – Articles 2(1) – Confiscation – **National provision providing for the imposition of a fine of between 100% and 200% of the customs value of the goods and confiscation thereof irrespective of the owner.**

[EUR-Lex - 62022CJ0717](#)

Case C-781/23. Judgment of the Court (Eighth Chamber) of 12 December 2024. Malmö Motorrenovering AB v Allmänna ombudet hos Tullverket. Request for a preliminary ruling from the Högsta förvaltningsdomstolen.

Reference for a preliminary ruling – **Customs union** – Union Customs Code – Regulation (EU) No 952/2013 – Article 250 – **Temporary admission procedure** – Article 251 – Period during which goods imported under that procedure may remain – Period insufficient for achieving the objective of authorised use – Customs debt incurred through non-compliance with that period – Conditions for extending that period – Importation of a racing car.

[EUR-Lex - 62023CJ0781](#)

Case C-506/23. Judgment of the Court (Eighth Chamber) of 5 December 2024. Network One Distribution SRL v Agenția Națională de Administrare Fiscală - Direcția Generală Regională a Finanțelor Publice București and Others. Request for a preliminary ruling from the Curtea de Apel București.

Reference for a preliminary ruling – Customs union – Incurrence and recovery of a customs debt – Regulation (EU) No 952/2013 – **Recovery of anti-dumping duties relating to imports from China** – Charging of interest on arrears under Regulation No 952/2013 – National legislation providing for the imposition of a late payment penalty in addition to interest on arrears.

[EUR-Lex - 62023CJ0506](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-596/23. Judgment of the Court (Fourth Chamber) of 19 December 2024. B UG v Veronsaajien oikeudenvallontayksikkö. Request for a preliminary ruling from the Helsingin hallinto-oikeus.

Reference for a preliminary ruling – Excise duties – Directive 2008/118/EC – Article 36(1) – **Online purchase of excise goods in another Member State** – Transport by a transporter recommended by the vendor – **National rules regarding the vendor as liable for the excise duties chargeable in the Member State of destination.**

[EUR-Lex - 62023CJ0596](#)

Case C-573/22. Judgment of the Court (Fifth Chamber) of 19 December 2024. A and Others v Skatteministeriet. Request for a preliminary ruling from the Østre Landsret - Nordhavn.

Reference for a preliminary ruling – **Common system of value added tax** – Directive 2006/112/EC – Article 370 – Point 2 of Part A of Annex X – Derogation – Scope – **Activities of a public radio and television body financed by a compulsory fee paid by the owners of devices capable of receiving radio and television broadcasts.**

[EUR-Lex - 62022CJ0573](#)

Case C-725/23. Judgment of the Court (Ninth Chamber) of 12 December 2024. M. sp. z o.o. I. SKA v R. W. Request for a preliminary ruling from the Sąd Rejonowy Katowice – Wschód w Katowicach.

Reference for a preliminary ruling – Directive 2011/7/EU – **Combating late payment in commercial transactions** – Transactions between undertakings – Commercial lease agreement – Point 8 of Article 2 – **Concept of ‘amount due’** – Re-invoicing of rental charges and costs associated with the rent.

[EUR-Lex - 62023CJ0725](#)

Case C-118/23. Judgment of the Court (Fourth Chamber) of 12 December 2024. Rada Nadzorcza Getin Noble Bank S.A. and Others v Bankowy Fundusz Gwarancyjny. Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Warszawie.

Reference for a preliminary ruling – Recovery and resolution of credit institutions – Directive 2014/59/EU – **Decision to take a crisis management measure in respect of a credit institution** – Article 85(3) – Article 47 of the Charter of Fundamental Rights of the European Union – **Right to an effective remedy of all persons affected by that decision** – Compliance with a reasonable time limit – Requirement of an expeditious judicial review – Provision of national law requiring that all the actions be joined – Article 3(3) – Combining of functions by the resolution authority – Guarantee of operational independence.

[EUR-Lex - 62023CJ0118](#)

Case C-331/23. Judgment of the Court (Ninth Chamber) of 12 December 2024. Dranken Van Eetvelde NV v Belgische Staat. Request for a preliminary ruling from the Rechtbank van eerste aanleg Oost-Vlaanderen Afdeling Gent.

Reference for a preliminary ruling – Taxation – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 205 – Joint and several liability for tax debts owed by a third party – Conditions and scope of liability – Fight against VAT fraud – **Joint and several liability for the payment of VAT which does not allow an assessment to be made on the basis of the contribution of each taxable person in the tax evasion** – **Principle of proportionality** – Article 50 of the Charter of Fundamental Rights of the European Union – **Principle non bis in idem** – Criteria for application – Facts relating to different tax years against which administrative or criminal proceedings are brought – Continuing offence with unity of purpose – Facts not identical.

[EUR-Lex - 62023CJ0331](#)

Case C-527/23. Judgment of the Court (Sixth Chamber) of 12 December 2024. Weatherford Atlas Gip SA v Agenția Națională de Administrare Fiscală - Direcția Generală de Soluționare a Contestațiilor and Agenția Națională de Administrare Fiscală - Direcția Generală de Administrare a Marilor Contribuabili. Request for a preliminary ruling from the Tribunalul Prahova.

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 168 – Right to deduct VAT – **Purchase of administrative services provided within the same group of companies** – Refusal of the right of deduction.

[EUR-Lex - 62023CJ0527](#)

Case C-436/23. Judgment of the Court (Sixth Chamber) of 12 December 2024. Belgische Staat / Federale Overheidsdienst Financiën v Volvo Group Belgium NV. Request for a preliminary ruling from the Hof van Beroep te Gent.

Reference for a preliminary ruling – Direct taxation – Article 49 TFEU – **Freedom of establishment** – Tax on company profits – National legislation establishing a fairness tax – National decision annulling that legislation – Maintenance of effects – **Tax not payable by a non-resident company with a permanent establishment in the Member State** – **Tax payable by a subsidiary of a non-resident company** – Choice of legal form – Comparability of situations.

[EUR-Lex - 62023CJ0436](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Case C-664/23. Judgment of the Court (Fifth Chamber) of 19 December 2024. Caisse d’allocations familiales des Hauts-de-Seine v TX. Request for a preliminary ruling from the Cour d’appel de Versailles.

Reference for a preliminary ruling – Directive 2011/98/EU – Rights of third-country workers who hold a single permit – Article 12 – Right to equal treatment – Social security – **National legislation determining entitlements to family benefits – Legislation excluding the taking into account of the minor children of the single permit holder for lack of evidence that they have entered the national territory lawfully.**

[EUR-Lex - 62023CJ0664](#)

Case C-531/23. Judgment of the Court (Seventh Chamber) of 19 December 2024. HJ v US and MU. Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco.

Reference for a preliminary ruling – Social policy – Protection of the safety and health of workers – **Organisation of working time – Daily and weekly rest** – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Articles 3, 5, 6, 16, 17, 19 and 22 – Requirement to establish a system enabling the duration of time worked by domestic workers to be measured – Derogation – **National legislation exempting domestic workers from the obligation to record actual time worked.**

[EUR-Lex - 62023CJ0531](#)

10. Energy and Environment

Nothing to report for the period under review.

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2024/3228 of the European Parliament and of the Council of 19 December 2024 repealing Regulation (EU) No 524/2013, and amending Regulations (EU) 2017/2394 and (EU) 2018/1724 with regard to the discontinuation of the European Online Dispute Resolution Platform

[Regulation - EU - 2024/3228](#)

Commission Regulation (EU) 2024/3190 of 19 December 2024 on the use of bisphenol A (BPA) and other bisphenols and bisphenol derivatives with harmonised classification for specific hazardous properties in certain materials and articles intended to come into contact with food, amending Regulation (EU) No 10/2011 and repealing Regulation (EU) 2018/213

[Regulation - EU - 2024/3190](#)

Case Law

Joined Cases C-119/22 and C-149/22. Judgment of the Court (Third Chamber) of 19 December 2024. Teva BV and Others v Merck Sharp & Dohme LLC, anciennement Merck Sharp & Dohme Corp. and Clonmel Healthcare Limited. Requests for a preliminary ruling from the Markkinaoikeus and Supreme Court.

Reference for a preliminary ruling – **Medicinal products for human use** – Supplementary protection certificate (SPC) – Regulation (EC) No 469/2009 – Conditions for obtaining an SPC for medicinal products – Article 3(a) – **Concept of ‘product protected by a basic patent in force’** – Article 3(c) – Concept of ‘product the subject of an SPC’ – Criteria for assessment.

[EUR-Lex - 62022CJ0119](#)

Case C-300/23. Judgment of the Court (Ninth Chamber) of 12 December 2024. NB v Kutxabank, SA. Request for a preliminary ruling from the Juzgado de Primera Instancia de Donostia – San Sebastián.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – **Mortgage loan agreement** – Term providing for a variable interest rate – **Reference index based on the annual percentage rates of charge (APRC) of mortgage loans granted by savings banks** – Official index established by a published administrative act – Information contained in the preamble to that act – **Check relating to the requirement of transparency** – Assessment of the unfair nature of the term – Principle of effectiveness.

[EUR-Lex - 62023CJ0300](#)

Case C-379/23. Judgment of the Court (Fifth Chamber) of 5 December 2024. Guldbrev AB v Konsumentombudsmannen. Request for a preliminary ruling from the Svea Hovrätt.

Reference for a preliminary ruling – Consumer protection – **Unfair commercial practices** – Directive 2005/29/EC – Article 2(c), (d) and (i) – Article 3(1) – Scope – **Concept of ‘product’ – Combined offer consisting of the valuation and purchase of a good.**

[EUR-Lex - 62023CJ0379](#)

12. Human Rights

Case Law

Joined Cases C-185/24 and C-189/24. Judgment of the Court (Second Chamber) of 19 December 2024. RL and QS v Bundesrepublik Deutschland. Requests for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen.

Reference for a preliminary ruling – Asylum policy – Regulation (EU) No 604/2013 – Article 3(2) – **Transfer of the asylum seeker to the Member State responsible for examining the application for international protection** – Article 4 of the Charter of Fundamental Rights of the European Union – **Risk of inhuman or degrading treatment** – Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws in the asylum procedure and in the reception conditions for applicants in the Member State responsible – **Suspension, by the Member State responsible, of the taking charge of and taking back of asylum seekers.**

[EUR-Lex - 62024CJ0185](#)

Case C-531/23. Judgment of the Court (Seventh Chamber) of 19 December 2024. HJ v US and MU. Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco.

Reference for a preliminary ruling – Social policy – Protection of the safety and health of workers – **Organisation of working time – Daily and weekly rest** – Article 31(2) of the Charter of Fundamental Rights of the European Union – Directive 2003/88/EC – Articles 3, 5, 6, 16, 17, 19 and 22 – Requirement to establish a system enabling the duration of time worked by domestic workers to be measured – Derogation – **National legislation exempting domestic workers from the obligation to record actual time worked.**

[EUR-Lex - 62023CJ0531](#)

Case C-369/23. Judgment of the Court (Fourth Chamber) of 19 December 2024. „Vivacom Bulgaria“ EAD v Varhoven administrativen sad and Natsionalna agentsia za prihodite. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Effective legal protection in the fields covered by EU law – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Access to an independent and impartial tribunal – Liability of a Member State for damage caused to individuals by an infringement of EU law – Infringement by a national court adjudicating at last instance in relation to value added tax (VAT)** – Jurisdiction of a court adjudicating at last instance while having the capacity of defendant in the dispute – Composition of the adjudicating panel.

[EUR-Lex - 62023CJ0369](#)

Case C-419/23. Judgment of the Court (Fourth Chamber) of 12 December 2024. CN v Nemzeti Földügyi Központ. Request for a preliminary ruling from the Győri Törvényszék.

Reference for a preliminary ruling – Article 63 TFEU – **Free movement of capital** – Article 17 of the Charter of Fundamental Rights of the European Union – **Right to property** – Right of usufruct over agricultural land – National legislation extinguishing, without compensation, the rights of usufruct – Judgment establishing a failure to fulfil obligations – **Reinstatement in the land register of a previously deleted right of usufruct, without examination of the lawfulness of the original registration** – Finality of the original registration.

[EUR-Lex - 62023CJ0419](#)

Case C-118/23. Judgment of the Court (Fourth Chamber) of 12 December 2024. Rada Nadzorcza Getin Noble Bank S.A. and Others v Bankowy Fundusz Gwarancyjny. Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny w Warszawie.

Reference for a preliminary ruling – Recovery and resolution of credit institutions – Directive 2014/59/EU – **Decision to take a crisis management measure in respect of a credit institution** – Article 85(3) – Article 47 of the Charter of Fundamental Rights of the European Union – **Right to an effective remedy of all persons affected by that decision** – Compliance with a reasonable time limit – Requirement of an expeditious judicial review – Provision of national law requiring that all the actions be joined – Article 3(3) – Combining of functions by the resolution authority – Guarantee of operational independence.

[EUR-Lex - 62023CJ0118](#)

Case C-331/23. Judgment of the Court (Ninth Chamber) of 12 December 2024. Dranken Van Eetvelde NV v Belgische Staat. Request for a preliminary ruling from the Rechtbank van eerste aanleg Oost-Vlaanderen Afdeling Gent.

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[EUR-Lex - 62023CJ0331](#)

13. Internal Market and Free Movement

Case Law

Case C-601/23. Judgment of the Court (Sixth Chamber) of 19 December 2024. Credit Suisse Securities (Europe) Ltd v Diputación Foral de Bizkaia. Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco.

Reference for a preliminary ruling – Article 63 TFEU – **Free movement of capital** – Taxation – Taxation of dividends – Withholding tax – Reimbursement of withholding tax, granted to resident dividend recipients that are loss-making at the end of the tax year in which the dividends are received – **No reimbursement of the withholding tax to non-resident dividend recipients** – Difference in treatment – Restriction – Comparability – Justification.

[EUR-Lex - 62023CJ0601](#)

Case C-157/23. Judgment of the Court (Fifth Chamber) of 19 December 2024. Ford Italia SpA v ZP and Stracciari SpA. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Approximation of laws – **Liability for defective products** – Directive 85/374/EEC – Article 3(1) – **Concept of 'producer'** – Concept of a 'person who ... presents him[- or her]self as ... [a] producer' – Conditions – Supplier whose name is the same in part as that of the producer and as the trade mark put on the product by the producer.

[EUR-Lex - 62023CJ0157](#)

Case C-295/23. Judgment of the Court (Grand Chamber) of 19 December 2024. Halmer Rechtsanwalts-gesellschaft UG v Rechtsanwaltskammer München. Request for a preliminary ruling from the Bayerischer Anwaltsgerichtshof.

Reference for a preliminary ruling – Article 49 TFEU – **Freedom of establishment** – Article 63 TFEU – Free movement of capital – Establishing the applicable freedom – Services in the internal market – Directive 2006/123/EC – Article 15 – Requirements relating to holding shares in a firm – **A purely financial investor's holding in a law firm – Revocation of that law firm's registration with the professional body on account of that holding** – Restriction on freedom of establishment and on the free movement of capital – **Justifications based on protecting the independence of lawyers and recipients of legal services** – Necessity – Proportionality.

[EUR-Lex - 62023CJ0295](#)

Case C-419/23. Judgment of the Court (Fourth Chamber) of 12 December 2024. CN v Nemzeti Földügyi Központ. Request for a preliminary ruling from the Győri Törvényszék.

Reference for a preliminary ruling – Article 63 TFEU – **Free movement of capital** – Article 17 of the Charter of Fundamental Rights of the European Union – **Right to property** – Right of usufruct over agricultural land – National legislation extinguishing, without compensation, the rights of usufruct – Judgment establishing a failure to fulfil obligations – **Reinstatement in the land register of a previously deleted right of usufruct, without examination of the lawfulness of the original registration** – Finality of the original registration.

[EUR-Lex - 62023CJ0419](#)

Case C-436/23. Judgment of the Court (Sixth Chamber) of 12 December 2024. Belgische Staat / Federale Overheidsdienst Financiën v Volvo Group Belgium NV. Request for a preliminary ruling from the Hof van Beroep te Gent.

Reference for a preliminary ruling – Direct taxation – Article 49 TFEU – **Freedom of establishment** – Tax on company profits – National legislation establishing a fairness tax – National decision annulling that legislation – Maintenance of effects – **Tax not payable by a non-resident company with a permanent establishment in the Member State – Tax payable by a subsidiary of a non-resident company** – Choice of legal form – Comparability of situations.

[EUR-Lex - 62023CJ0436](#)

14. Intellectual Property

Nothing to report for the period under review.

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

Community Legislation

Directive (EU) 2024/3237 of the European Parliament and of the Council of 19 December 2024 amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

[Directive - EU - 2024/3237](#)

Council Decision (EU) 2024/3212 of 12 December 2024 setting the date for the lifting of checks on persons at internal land borders with and between the Republic of Bulgaria and Romania

[Decision - EU - 2024/3212](#)

Case Law

Joined Cases C-123/23 and C-202/23. Judgment of the Court (Fifth Chamber) of 19 December 2024. N. A. K. and Others v Bundesrepublik Deutschland. Requests for a preliminary ruling from the Verwaltungsgericht Minden.

Reference for a preliminary ruling – Area of freedom, security and justice – Border controls, asylum and immigration – Asylum policy – Directive 2013/32/EU – Common procedures for granting and withdrawing international protection – Application for international protection – Grounds for inadmissibility – Article 2(q) – Concept of ‘subsequent application’ – Article 33(2)(d) – **Rejection of an application for international protection as inadmissible by a Member State due to the rejection of a previous application made in another Member State or the discontinuation of the procedure by another Member State in respect of the previous application.**

[EUR-Lex - 62023CJ0123](#)

Joined Cases C-185/24 and C-189/24. Judgment of the Court (Second Chamber) of 19 December 2024. RL and QS v Bundesrepublik Deutschland. Requests for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen.

Reference for a preliminary ruling – Asylum policy – Regulation (EU) No 604/2013 – Article 3(2) – **Transfer of the asylum seeker to the Member State responsible for examining the application for international protection** – Article 4 of the Charter of Fundamental Rights of the European Union – **Risk of inhuman or degrading treatment** – Evidence and standard of proof of the real risk of inhuman or degrading treatment, resulting from systemic flaws in the asylum procedure and in the reception conditions for applicants in the Member State responsible – **Suspension, by the Member State responsible, of the taking charge of and taking back of asylum seekers.**

[EUR-Lex - 62024CJ0185](#)

Affaires jointes C-244/24 et C-290/24. Arrêt de la Cour (grande chambre) du 19 décembre 2024. P e.a. contre Staatssecretaris van Justitie en Veiligheid. Demandes de décision préjudicielle, introduites par le rechtbank Den Haag, zittingsplaats Amsterdam et par le Raad van State.

Renvoi préjudiciel – Politique d’asile – Protection temporaire en cas d’afflux massif de personnes déplacées – Directive 2001/55/CE – Articles 4 et 7 – **Invasion de l’Ukraine par les forces armées russes – Décision d’exécution (UE) 2022/382** – Article 2, paragraphe 3 – **Faculté pour un État membre d’appliquer la protection temporaire aux personnes déplacées qui ne sont pas visées dans cette décision** – Moment auquel un État membre qui a accordé la protection temporaire à de telles personnes peut mettre fin à cette protection – Retour des ressortissants de pays tiers en séjour irrégulier – Directive 2008/115/CE – Article 6 – Décision de retour – Moment auquel un État membre peut adopter une décision de retour – Séjour irrégulier.

[EUR-Lex - 62024CJ0244](#)

Case C-389/23. Judgment of the Court (Second Chamber) of 5 December 2024. Bulgarfrukt - Fruchthandels GmbH v Oranzherii Gimel II EOOD. Request for a preliminary ruling from the Amtsgericht Wedding.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **European order for payment procedure** – Regulation (EC) No 1896/2006 – European order for payment declared enforceable – Service of judicial and extrajudicial documents in civil or commercial matters – Regulation (EC) No 1393/2007 – Invalid service ascertained during enforcement – **National legislation providing for a legal remedy enabling the defendant to apply for the annulment of a European order for payment** – Legal consequences – Obligation of the court seised to annul the European order for payment.

[EUR-Lex - 62023CJ0389](#)

Case C-3/24. Judgment of the Court (First Chamber) of 5 December 2024. SIA „MISTRAL TRANS” v Valsts ieņēmumu dienests. Request for a preliminary ruling from the Augstākā tiesa (Senāts).

Reference for a preliminary ruling – **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** – Directive (EU) 2015/849 – Scope – Article 2(1)(3)(a) – Obligated entity – **Concept of ‘external accountants’** – Accounting services provided, on an ancillary basis, to companies related to the entity providing them.

[EUR-Lex - 62024CJ0003](#)

16. Transport

Nothing to report for the period under review.

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

Case Law

Case C-369/23. Judgment of the Court (Fourth Chamber) of 19 December 2024. „Vivacom Bulgaria“ EAD v Varhoven administrativen sad and Natsionalna agentsia za prihodite. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – Effective legal protection in the fields covered by EU law – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Access to an independent and impartial tribunal – Liability of a Member State for damage caused to individuals by an infringement of EU law – Infringement by a national court adjudicating at last instance in relation to value added tax (VAT)** – Jurisdiction of a court adjudicating at last instance while having the capacity of defendant in the dispute – Composition of the adjudicating panel.

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