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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

**Case C-253/23. Judgment of the Court (Grand Chamber) of 28 January 2025. ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Landgericht Dortmund.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – Directive 2014/104/EU – **Actions for damages for infringements of competition law** – Point 4 of Article 2 – Concept of ‘action for damages’ – Article 3(1) – Right to full compensation for harm suffered – **Assignment of compensation claims to a provider of legal services – National law precluding recognition of the standing of such a provider with a view to group collection of those claims** – Article 4 – Principle of effectiveness – First paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Right to effective judicial protection.**

[EUR-Lex - 62023CJ0253](#)

**Conclusions de l'avocat général Mme T. Ćapeta, présentées le 16 janvier 2025. Affaire C-600/23 Royal Football Club Seraing contre Fédération internationale de football association (FIFA), Union royale belge des sociétés de football (URBSFA) ASBL, Union européenne des associations de football (UEFA), autre partie à la procédure Doyens Sports Investment Ltd** Renvoi préjudiciel – Recours juridictionnels – **Protection juridictionnelle effective** – Article 47 de la charte des droits fondamentaux de l'Union européenne – Statuts de la FIFA – **Tribunal arbitral du sport – Conformité d'une sentence arbitrale avec le droit de l'Union contrôlée par une juridiction d'un pays tiers** – Règles nationales accordant l'autorité de la chose jugée.

[EUR-Lex - 62023CC0600 - FR](#)

**Case C-394/23. Judgment of the Court (First Chamber) of 9 January 2025. Association Mousse v Commission nationale de l'informatique et des libertés (CNIL) and SNCF Connect. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 5(1)(c) – Data minimisation – Article 6(1) – Lawfulness of processing – **Data relating to title and gender identity** – Online sale of travel documents – Article 21 – Right to object.

[EUR-Lex - 62023CJ0394](#)

## 1. EU-Swiss Relations

### Community Legislation

**Decision No 1/2025 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 16 January 2025 replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport [2025/121]**

[EUR-Lex - 22025D0121](#)

**Council Decision (CFSP) 2025/75 of 13 January 2025 on the participation of Switzerland in the PESCO project Military Mobility**

[Decision - CFSP - 2025/75](#)

**Decision No 1/2025 of the EU-Switzerland Joint Committee of 13 January 2025 amending Tables III and IV of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 [2025/128]**

[EUR-Lex - 22025D0128](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Regulation (EU) 2025/205 of 30 January 2025 amending Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism**

[Regulation - EU - 2025/205](#)

**Council Decision (CFSP) 2025/129 of 21 January 2025 on an assistance measure under the European Peace Facility to support the Lebanese Armed Forces**

[Decision - CFSP - 2025/129](#)

## 3. Agriculture and Fisheries / Maritime Affairs

Nothing to report for the period under review.

## 4. Audiovisual and Media and Information Society

### Case Law

**Joined Cases T-70/23, T-84/23 and T-111/23. Judgment of the General Court (Tenth Chamber, Extended Composition) of 29 January 2025 (Extracts). Data Protection Commission v European Data Protection Board. Protection of personal data – Article 65(1)(a) of Regulation (EU) 2016/679 – **Binding decision instructing a lead supervisory authority to broaden the scope of its investigation and issue a new draft decision** – Competence of the European Data Protection Board.**

[EUR-Lex - 62023TJ0070 - EN - EUR-Lex](#)

**Case C-394/23. Judgment of the Court (First Chamber) of 9 January 2025. Association Mousse v Commission nationale de l'informatique et des libertés (CNIL) and SNCF Connect. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 5(1)(c) – Data minimisation – Article 6(1) – Lawfulness of processing – **Data relating to title and gender identity** – Online sale of travel documents – Article 21 – Right to object.

[EUR-Lex - 62023CJ0394](#)

**Case C-416/23. Judgment of the Court (First Chamber) of 9 January 2025. Österreichische Datenschutzbehörde v F R and Bundesministerin für Justiz. Request for a preliminary ruling from the Verwaltungsgerichtshof.**

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 57(1)(f) and Article 57(4) – **Tasks of the supervisory authority – Concepts of a 'request' and 'excessive requests'** – Charging of a reasonable fee or refusal to act on requests in the event of manifestly unfounded or excessive requests – Criteria which may guide the supervisory authority in making its choice – Article 77(1) – Concept of a 'complaint'.

[EUR-Lex - 62023CJ0416](#)

## 5. Competition and State Aid

### Case Law

**Case C-253/23. Judgment of the Court (Grand Chamber) of 28 January 2025. ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Landgericht Dortmund.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – Directive 2014/104/EU – **Actions for damages for infringements of competition law** – Point 4 of Article 2 – Concept of 'action for damages' – Article 3(1) – Right to full compensation for harm suffered – **Assignment of compensation claims to a provider of legal services – National law precluding recognition of the standing of such a provider with a view to group collection of those claims** – Article 4 – Principle of effectiveness – First paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Right to effective judicial protection.**

[EUR-Lex - 62023CJ0253](#)

**Case C-511/23. Judgment of the Court (Second Chamber) of 30 January 2025. Caronte & Tourist SpA v Autorità Garante della Concorrenza e del Mercato (AGCM). Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.**

Reference for a preliminary ruling – Competition – Article 102 TFEU – Abuse of dominant position – Empowering national competition authorities to enforce the rules on competition – Directive (EU) 2019/1 – Independence of national competition authorities – Article 4(5) – Setting priorities for the proceedings for the enforcement of Articles 101 and 102 TFEU – Fines on undertakings and associations of undertakings – Article 13 – **Procedures for infringement of the rules of competition law** – Compliance with a reasonable time limit – National legislation requiring the national authority to issue a statement of objections within a time limit of 90 days of knowledge of the essential elements of the infringement – **Automatic annulment in its entirety of the decision of the national competition authority in the event of failure to comply with that time limit** – Principle ne bis in idem – **Revocation of the power to initiate new infringement proceedings in respect of the same facts** – Principle of effectiveness – Rights of defence of undertakings.

[EUR-Lex - 62023CJ0511](#)

## 6. Customs

### Case Law

**Case C-376/23. Judgment of the Court (Fifth Chamber) of 16 January 2025. SIA „BALTIC CONTAINER TERMINAL” v Valsts ieņēmumu dienests. Request for a preliminary ruling from the Augstākā tiesa (Senāts).**

Reference for a preliminary ruling – Customs Union – Regulation (EU) No 952/2013 – Union Customs Code – Delegated Regulation (EU) 2015/2446 – Implementing Regulation (EU) 2015/2447 – Free zones – **Change of customs status of non-Union goods to Union goods – Records of the holder of an authorisation to carry on activities in a free zone** – Legitimate expectations – Res judicata.

[EUR-Lex - 62023CJ0376](#)

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

### Case Law

**Case C-346/23. Judgment of the Court (Fourth Chamber) of 16 January 2025. Banco Santander SA, venant aux droits de Banco Banif SA v Asociación de Consumidores y Usuarios de Servicios Generales-Auge, en représentation de ses associés : Andrea y Alberto. Request for a preliminary ruling from the Tribunal Supremo.**

Reference for a preliminary ruling – Markets in financial instruments – Directive 2004/39/EC – Article 52(2) – Action brought in the interests of consumers – **Consumer organisations having a legitimate interest in protecting consumers – Standing to bring legal proceedings to defend the individual interests of their members – Loss of standing in the case of investments in high-value financial products** – Exemption from court fees and from the obligation to pay the costs incurred by the opposing party – Procedural autonomy – Principle of effectiveness.

[EUR-Lex - 62023CJ0346](#)

**Case C-627/23. Judgment of the Court (Fourth Chamber) of 9 January 2025. Commune de Schaerbeek and Commune de Linkebeek v Holding Communal SA. Request for a preliminary ruling from the Cour de cassation.**

Reference for a preliminary ruling – Directive 2003/71/EC – **Prospectus to be published when securities are offered to the public or admitted to trading** – Article 2(1)(a) – Concept of ‘securities’ – Article 3 – Obligation to publish a prospectus – Securities negotiable on the capital market – **Shares in a holding company that may be held only by certain territorial administrative authorities of a Member State** – Transfer of shares requiring the approval of the board of directors of the holding company.

[EUR-Lex - 62023CJ0627](#)

## 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-421/23. Judgment of the Court (Seventh Chamber) of 23 January 2025. Criminal proceedings against EX. Request for a preliminary ruling from the Cour d'appel de Liège.**

Reference for a preliminary ruling – Migrant workers – **Social security** – Applicable legislation – **Posted workers** – Documents in the form of A1 certificates allegedly issued by the institution competent to issue those certificates – Regulation (EC) No 883/2004 – Article 76(6) – **Obligation of the authorities of the host Member State to initiate a dialogue and conciliation procedure for the purpose of determining whether fraud has occurred.**

[EUR-Lex - 62023CJ0421](#)

## Opinion of Advocate General Emiliou delivered on 14 January 2025. Case C-19/23 Kingdom of Denmark v European Parliament Council of the European Union

Action for annulment – Directive (EU) 2022/2041 – **Adequate minimum wages in the European Union – Annulment in full of the directive** – Legal basis – Article 153(1)(b) TFEU – Concept of ‘working conditions’ – Article 153(2)(b) TFEU – **Competence of the European Parliament and the Council to adopt minimum requirements** – Article 153(5) TFEU – Exclusions – ‘Pay’ and ‘right of association’ – Direct interference – Article 5 of the directive – Procedure for setting adequate statutory minimum wages – List of minimum criteria which Member States must include – Article 4 – Promotion of collective bargaining on wage-setting – Article 12 – Right to redress – Article 153(1)(f) TFEU – Concept of ‘representation and collective defence of the interests of workers and employers’ – Special legislative procedure requiring unanimity in the Council – Impossibility to adopt the directive on the basis of Article 153(1)(b) and (f) TFEU jointly – Partial annulment of the directive – Severability of Article 4(1)(d) and Article 4(2) of the directive.

[EUR-Lex - 62023CC0019](#)

## 10. Energy and Environment

### Community Legislation

Commission Regulation (EU) 2025/130 of 28 January 2025 amending Regulation (EC) No 865/2006 as regards **developments in the framework of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the possibility to issue retrospective permits**

[Regulation - EU - 2025/130](#)

### Case Law

Case C-188/23. Judgment of the Court (Grand Chamber) of 21 January 2025. Land Niedersachsen v Conti 11. Container Schiffahrts-GmbH & Co. KG MS "MSC Flaminia". Request for a preliminary ruling from the Oberlandesgericht München.

Reference for a preliminary ruling – Environment – Shipment of waste – Directive 2006/12/EC – Directive 2008/98/EC – Concept of ‘waste’ – **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal** – Article 1(4) – Regulation (EC) No 1013/2006 – Waste subject to the prior written notification and consent procedure – Shipments of waste within the European Union – Article 1(3)(b) – Validity – Interpretation in conformity with the Basel Convention – Waste generated on board a ship following damage sustained by it on the high seas – **Concept of ‘offloading of waste’** – Partial offloading of waste in a safe port.

[EUR-Lex - 62023CJ0188](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

Affaire C-205/23. Arrêt de la Cour (troisième chambre) du 30 janvier 2025. Engie România SA contre Autoritatea Națională de Reglementare în Domeniul Energiei. Demande de décision préjudicielle, introduite par le Tribunalul București.

Renvoi préjudiciel – Énergie – Marché intérieur du gaz naturel – Directive 2009/73/CE – Article 3, paragraphe 1 – Obligations des États membres à l’égard des entreprises de gaz naturel – **Protection des consommateurs** – Articles 40 et 41 – Compétences de l’autorité de régulation – **Violation, par une entreprise de gaz naturel, de son obligation de transparence à l’égard des clients** – Cumul de sanctions pour un même comportement infractionnel – Article 50 de la charte des droits fondamentaux de l’Union européenne – Droit à ne pas être jugé ou puni pénalement deux fois pour une même infraction – **Ne bis in idem** – Article 52, paragraphe 1 – Limitations à l’exercice de ce droit fondamental – Principe de proportionnalité.

[EUR-Lex - 62023CJ0205](#)

**Case C-510/23. Judgment of the Court (Second Chamber) of 30 January 2025. Trenitalia SpA v Autorità Garante della Concorrenza e del Mercato (AGCM). Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.**

Reference for a preliminary ruling – **Consumer protection** – Unfair business-to-consumer commercial practices in the internal market – Directive 2005/29/EC – Measures intended to combat such practices – Articles 11 and 13 – Procedures for infringement of the rules of consumer law – Compliance with a reasonable time limit – **National legislation requiring the national authority to issue a statement of objections within a time limit of 90 days of knowledge of the essential elements of the infringement** – Automatic annulment in its entirety of the decision of the national authority in the event of failure to comply with that time limit – Principle ne bis in idem – **Revocation of the power to initiate new infringement proceedings in respect of the same facts** – Principle of effectiveness – Rights of defence of undertakings.

[EUR-Lex - 62023CJ0510](#)

**Case C-518/23. Judgment of the Court (Sixth Chamber) of 23 January 2025. Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V. v NEW Niederrhein Energie und Wasser GmbH. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Consumer protection – Unfair commercial practices – Directive 2005/29/EC – Article 7 – Misleading omissions – Invitation to purchase – Material information – **Information to be provided to the consumer on the manner in which the price is calculated** – **Online electricity supply offer** – Tariff calculator – Indication of a percentage increase in the price applicable to the consumer.

[EUR-Lex - 62023CJ0518](#)

**Case C-677/23. Judgment of the Court (Seventh Chamber) of 23 January 2025. A. B. and F. B. v Slovenská sporiteľňa, a.s. Request for a preliminary ruling from the Krajský súd v Prešove.**

Reference for a preliminary ruling – Consumer protection – **Credit agreements for consumers** – Directive 2008/48/EC – **Requirements relating to information to be included in such a credit agreement** – Duty to provide information – Duration of the agreement – Annual percentage rate of charge (APRC) – Assumptions used in order to calculate the APRC.

[EUR-Lex - 62023CJ0677](#)

**Case C-346/23. Judgment of the Court (Fourth Chamber) of 16 January 2025. Banco Santander SA, venant aux droits de Banco Banif SA v Asociación de Consumidores y Usuarios de Servicios Generales-Auge, en représentation de ses associés : Andrea y Alberto. Request for a preliminary ruling from the Tribunal Supremo.**

Reference for a preliminary ruling – Markets in financial instruments – Directive 2004/39/EC – Article 52(2) – Action brought in the interests of consumers – **Consumer organisations having a legitimate interest in protecting consumers** – **Standing to bring legal proceedings to defend the individual interests of their members** – **Loss of standing in the case of investments in high-value financial products** – Exemption from court fees and from the obligation to pay the costs incurred by the opposing party – Procedural autonomy – Principle of effectiveness.

[EUR-Lex - 62023CJ0346](#)

**Case C-642/23. Judgment of the Court (Seventh Chamber) of 16 January 2025. Flightright GmbH v Etihad Airways P.J.S.C. Request for a preliminary ruling from the Landgericht Düsseldorf.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 8(1)(a) – **Right to reimbursement of the cost of the airline ticket in the event of cancellation of a flight** – **Choice between reimbursement in money or in travel vouchers** – Article 7(3) – **Concept of the 'signed agreement of the passenger'** – Loyalty account set up by the passenger on the air carrier's website.

[EUR-Lex - 62023CJ0642](#)

**Case C-516/23. Judgment of the Court (Eighth Chamber) of 16 January 2025. NW and YS v Qatar Airways. Request for a preliminary ruling from the Landgericht Frankfurt am Main.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 3(3) – Travel free of charge or at a reduced fare not available directly or indirectly to the public – Passenger who has paid only charges and air transport taxes – **Reservation in the context of a promotional campaign** – Article 8(1)(c) – Right to re-routing at a later date – **No requirement of a temporal link between the cancelled flight and the re-routing flight desired by the passenger.**

[EUR-Lex - 62023CJ0516](#)

## 12. Human Rights

### Case Law

**Affaire C-205/23. Arrêt de la Cour (troisième chambre) du 30 janvier 2025. Engie România SA contre Autoritatea Națională de Reglementare în Domeniul Energiei. Demande de décision préjudicielle, introduite par le Tribunalul București.**

Renvoi préjudiciel – Énergie – Marché intérieur du gaz naturel – Directive 2009/73/CE – Article 3, paragraphe 1 – Obligations des États membres à l’égard des entreprises de gaz naturel – **Protection des consommateurs** – Articles 40 et 41 – Compétences de l’autorité de régulation – **Violation, par une entreprise de gaz naturel, de son obligation de transparence à l’égard des clients** – Cumul de sanctions pour un même comportement infractionnel – Article 50 de la charte des droits fondamentaux de l’Union européenne – Droit à ne pas être jugé ou puni pénalement deux fois pour une même infraction – **Ne bis in idem** – Article 52, paragraphe 1 – Limitations à l’exercice de ce droit fondamental – Principe de proportionnalité.

[EUR-Lex - 62023CJ0205](#)

**Case C-253/23. Judgment of the Court (Grand Chamber) of 28 January 2025. ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Landgericht Dortmund.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – Directive 2014/104/EU – **Actions for damages for infringements of competition law** – Point 4 of Article 2 – Concept of ‘action for damages’ – Article 3(1) – Right to full compensation for harm suffered – **Assignment of compensation claims to a provider of legal services – National law precluding recognition of the standing of such a provider with a view to group collection of those claims** – Article 4 – Principle of effectiveness – First paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – **Right to effective judicial protection.**

[EUR-Lex - 62023CJ0253](#)

**Case C-588/23. Judgment of the Court (Tenth Chamber) of 16 January 2025. Scai Srl v Regione Campania. Request for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania.**

Reference for a preliminary ruling – **Recovery of unlawful and incompatible aid** – Regulation (EU) 2015/1589 – Article 16 – Beneficiary of individual aid identified in the European Commission recovery decision – Implementation of the recovery decision – Transfer of the aid to another undertaking after the recovery decision – Economic continuity – Assessment – Competent authority – **Extension of the recovery obligation to the actual beneficiary** – Audi alteram partem rule – **Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.**

[EUR-Lex - 62023CJ0588](#)

**Conclusions de l’avocat général Mme T. Čapeta, présentées le 16 janvier 2025. Affaire C-600/23 Royal Football Club Seraing contre Fédération internationale de football association (FIFA), Union royale belge des sociétés de football (URBSFA) ASBL, Union européenne des associations de football (UEFA), autre partie à la procédure Doyens Sports Investment Ltd**

Renvoi préjudiciel – Recours juridictionnels – **Protection juridictionnelle effective** – Article 47 de la charte des droits fondamentaux de l’Union européenne – Statuts de la FIFA – **Tribunal arbitral du sport – Conformité d’une sentence arbitrale avec le droit de l’Union contrôlée par une juridiction d’un pays tiers** – Règles nationales accordant l’autorité de la chose jugée.

[EUR-Lex - 62023CC0600 - FR](#)

## 13. Internal Market and Free Movement

### Case Law

**Case C-421/23. Judgment of the Court (Seventh Chamber) of 23 January 2025. Criminal proceedings against EX. Request for a preliminary ruling from the Cour d'appel de Liège.**

Reference for a preliminary ruling – Migrant workers – **Social security** – Applicable legislation – **Posted workers** – Documents in the form of A1 certificates allegedly issued by the institution competent to issue those certificates – Regulation (EC) No 883/2004 – Article 76(6) – **Obligation of the authorities of the host Member State to initiate a dialogue and conciliation procedure for the purpose of determining whether fraud has occurred.**

[EUR-Lex - 62023CJ0421](#)

**Case C-424/23. Judgment of the Court (Fourth Chamber) of 16 January 2025. DYKA Plastics NV v Fluvius System Operator CV. Request for a preliminary ruling from the Ondernemingsrechtbank Gent Afdeling Gent.**

Reference for a preliminary ruling – **Award of public works contracts** – Directive 2014/24/EU – Article 42 – Technical specifications – Formulation – Whether the list at Article 42(3) is exhaustive in nature – Invitation to tender requiring drainage work to be carried out using pipes made of vitrified clay and made of concrete – Plastic pipes excluded – Article 42(4) – **Reference to a type or to a specific production – Situations in which a reference must be accompanied by the words “or equivalent”.**

[EUR-Lex - 62023CJ0424](#)

**Case C-277/23. Judgment of the Court (Fifth Chamber) of 16 January 2025. E. P. v Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugostupanjski upravni postupak. Request for a preliminary ruling from the Ustavni sud.**

Reference for a preliminary ruling – Citizenship of the Union – Article 21(1) TFEU – **Right to move and reside freely within the territory of the Member States** – Tax legislation – **Income tax – Calculation of the amount of the basic personal allowance for a dependent child who has received mobility support for educational purposes in the context of the Erasmus+ programme** – Regulation (EU) No 1288/2013 – Taxation of grants to support the mobility of individuals covered by that regulation – Restriction on freedom of movement – Proportionality.

[EUR-Lex - 62023CJ0277](#)

## 14. Intellectual Property

Nothing to report for the period under review.

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

### Case Law

**Case C-400/23. Judgment of the Court (Fourth Chamber) of 16 January 2025. Criminal proceedings against VB. 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 – Article 8(2) – **Trial resulting in a decision imposing a conviction in absentia or a decision of acquittal in absentia** – Conditions – Article 8(4) – Obligation to inform the person tried in absentia of the legal remedies available – Article 9 – Right to a new trial or to another legal remedy which allows a fresh determination of the merits of the case and which may lead to the original decision being reversed – Article 10(1) – Right to an effective remedy – **National legislation making the recognition of the right to a new trial subject to the submission of a request to reopen criminal proceedings to a judicial authority before which the person tried in absentia must appear.**

[EUR-Lex - 62023CJ0400](#)



**Case C-644/23. Judgment of the Court (Fourth Chamber) of 16 January 2025. Criminal proceedings against IR. Request for a preliminary ruling from the Sofijski gradski sad.**

Reference for a preliminary ruling – **Judicial cooperation in criminal matters – Directive (EU) 2016/343** – Article 8 – Right to be present at the trial – Information regarding the holding of the trial and the consequences of non-appearance – Inability to locate the accused person notwithstanding the reasonable efforts of the competent authorities – **Possibility of a trial and a decision in absentia** – Article 9 – Right to a new trial or to another legal remedy which allows a fresh determination of the merits of the case – No such right where the person concerned absconds.

[EUR-Lex - 62023CJ0644](#)

**Case C-583/23. Judgment of the Court (Fourth Chamber) of 9 January 2025. AK v Ministère public. Request for a preliminary ruling from the Cour de cassation - Chambre criminelle.**

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2014/41/EU – **European Investigation Order in criminal matters** – Material scope – **Concept of ‘investigative measure’** – Service of an indictment accompanied by an order that the person be remanded in custody pending trial and make a bail payment – Hearing of the accused person.

[EUR-Lex - 62023CJ0583](#)

## 16. Transport

### Case Law

**Case C-642/23. Judgment of the Court (Seventh Chamber) of 16 January 2025. Flightright GmbH v Etihad Airways P.J.S.C. Request for a preliminary ruling from the Landgericht Düsseldorf.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 8(1)(a) – **Right to reimbursement of the cost of the airline ticket in the event of cancellation of a flight – Choice between reimbursement in money or in travel vouchers** – Article 7(3) – **Concept of the ‘signed agreement of the passenger’** – Loyalty account set up by the passenger on the air carrier’s website.

[EUR-Lex - 62023CJ0642](#)

**Case C-516/23. Judgment of the Court (Eighth Chamber) of 16 January 2025. NW and YS v Qatar Airways. Request for a preliminary ruling from the Landgericht Frankfurt am Main.**

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 3(3) – Travel free of charge or at a reduced fare not available directly or indirectly to the public – Passenger who has paid only charges and air transport taxes – **Reservation in the context of a promotional campaign** – Article 8(1)(c) – Right to re-routing at a later date – **No requirement of a temporal link between the cancelled flight and the re-routing flight desired by the passenger.**

[EUR-Lex - 62023CJ0516](#)

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

### Case Law

**Case C-588/23. Judgment of the Court (Tenth Chamber) of 16 January 2025. Scai Srl v Regione Campania. Request for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania.**

Reference for a preliminary ruling – **Recovery of unlawful and incompatible aid** – Regulation (EU) 2015/1589 – Article 16 – Beneficiary of individual aid identified in the European Commission recovery decision – Implementation of the recovery decision – Transfer of the aid to another undertaking after the recovery decision – Economic continuity – Assessment – Competent authority – **Extension of the recovery obligation to the actual beneficiary** – Audi alteram partem rule – **Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.**

[EUR-Lex - 62023CJ0588](#)