



Newsletter

Week VI - VII: 5th – 16th February 2024

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Week VI – 5th to 9th February

Wednesday 7th February

General Court

[Judgment in Case T-146/22 Ryanair v Commission \(KLM II; COVID-19\)](#)

(State aid)

In 2020, the European Commission approved Dutch state aid to KLM, consisting of a state guarantee for a bank loan and a state loan. The total aid budget was €3.4 billion. The aim of the measure was to provide KLM with temporary liquidity in the context of the COVID 19 pandemic.

However, in 2021, the General Court of the European Union annulled the Commission's decision for lack of reasoning as regards to the determination of the beneficiary of the measure in question ([T-643/20](#)). It also decided to suspend the effects of the annulment until the Commission adopted a new decision.

Thus, on July 16, 2021, the Commission adopted a new decision, in which it considered that the State aid was compatible with the internal market and that KLM and its subsidiaries were the only beneficiaries of the aid, to the exclusion of the other companies in the Air France-KLM group.

Ryanair referred to the General Court to have the matter decided.

[Background Documents T-146/22](#)

There will be a press release for this case.

Thursday 8th February

[Opinion in Case C-633/22 Real Madrid Club de Fútbol](#)

(Area of Freedom, Security and Justice – Judicial cooperation in civil matters)

Thursday 8th February

[Judgment in Case C-216/22 Bundesrepublik Deutschland \(Admissibility of a subsequent application\)](#)

(Area of Freedom, Security and Justice – Border checks)

A Syrian who had left Syria in 2012, and claimed that he feared being called up for military service or arrested if he refused to fulfill his military obligations, was granted subsidiary protection in Germany in 2017. However, he was refused refugee status according to the common standards for qualification laid down in [Directive 2011/95/EU](#).

Following a ruling by the Court of Justice on the situation of Syrian conscientious objectors ([C-238/19](#)), he again applied for asylum (the so-called “subsequent application”). He argued that this ruling constituted a change in the legal situation in his favour. However, the subsequent application was rejected as inadmissible, i.e. without examining whether the conditions required to claim for refugee status had been met.

The applicant challenged this refusal before a German court.

The referring court, asked the Court whether it is compatible with European Union law to consider that, in principle, only a change in the applicable rules, and not a judicial decision, can constitute a change in the legal situation justifying, where appropriate, a full examination of the subsequent application.

[Background Documents C-216/22](#)

There will be a press release for this case.

Thursday 8th February

[Judgments in Cases C-750/21 P and C-256/22 P Pilatus Bank plc v ECB](#)

(Economic and monetary policy)

Pilatus Bank appealed in Court two decisions of the General Court.

In Case C-750/21 P, Pilatus Bank appealed against the Order of the General Court in Case [T-139/19](#). In September 2021, the General Court had dismissed Pilatus Bank’s action for annulment of a decision of the European Central Bank (ECB) as manifestly lacking any foundation in law. By decision of December 21, 2018, the ECB had informed Pilatus Bank, by way of e-mail, that it was no longer competent to carry out its direct prudential supervision and to take measures concerning it.

In Case C-256/22 P, Pilatus Bank sought an annulment of the judgment of the General Court in Case [T-27/19](#). In that judgment, the General Court dismissed the action by Pilatus Bank seeking an annulment of the decision of the ECB of November 2, 2018, withdrawing its authorisation for access to the business of credit institution.

The Court has now to decide on the two appeals.

[Background documents C-750/21 P](#)

[Background documents C-256/22 P](#)

There will be an Info Rapide for the case (available on request).

Week VII – 12th to 16th February

The Court will be in recess from the 12th to the 16th February inclusive.

HEARINGS OF NOTE*

Court of Justice

Wednesday 7th February: 09:30 – Case [C-60/23 Digital Charging Solutions](#) (Taxation)

Thursday 8th February: 09:30 – Case [C-446/21 Schrems \(Communicating data to the general public\)](#) (Principles, objectives and tasks of the Treaties)

General Court

Tuesday 6th February: 09:30 – Case [T-520/22 Karić v Council](#) (Restrictive measures – Belarus)

Tuesday 6th February: 14:30 – Case [T-742/22 Mazepin v Council](#) (Restrictive measures – Ukraine)

Wednesday 7th February: 09:30 – Cases [T-396/22 Landesbank Baden-Württemberg v SRB](#), [C-397/22 Bayerische Landesbank v SRB](#), [T-398/22 Deutsche Bank v SRB](#), [T-399/22 Landesbank Hessen-Thüringen Girozentrale v SRB](#), [T-400/22 Berlin Hyp v SRB](#), [T-401/22 DZ Bank v SRB](#), [T-402/22 DZ Hyp v SRB](#), [T-403/22 DZ Bank v SRB](#), [T-404/22 Deutsche Kreditbank v SRB](#), [T-405/22 UniCredit Bank v SRB](#), [T-407/22 Norddeutsche Landesbank – Girozentrale v SRB](#), [T-430/22 Nordea Bank v SRB](#), [T-431/22 Nordea Kiinnitysluottopankki v SRB](#), [T-432/22 Nordea Rahoitus Suomi v SRB](#) (Economic policy)

Wednesday 7th February: 09:30 – Case [T-738/22 Rotenberg v Council](#) (Restrictive

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measures – Ukraine)

Thursday 8th February: 09:30 – Cases [T-391/22](#) Société générale and Others v SRB, [T-392/22](#) Confédération nationale du Crédit mutuel and Others v SRB, [T-393/22](#) BPCE and Others v SRB, [T-394/22](#) Banque postale v SRB, [T-395/22](#) Hypo Vorarlberg Bank v SRB, [T-406/22](#) Volkskreditbank v SRB, [T-410/22](#) Crédit agricole and Others v SRB, [T-411/22](#) Dexia v SRB, [T-420/22](#) BNP Paribas v SRB, [T-599/22](#) Hypo Vorarlberg Bank v SRB, [T-641/22](#) Portigon v SRB (Economic policy)

* This is a non-exhaustive list and does not include all the hearings over the next two weeks.