



Newsletter

Weeks X - XI: 6th to 17th March 2023

Contact us

Jacques René
Zammit
+352 4303 3355

EN Desk Email
Press.ENdesk@curia.europa.eu

Follow
@EUCourtPress
on Twitter

Download our
app



All times are 9:30
unless otherwise
stated.

Don't forget to
check the diary
on our website
for details of
other cases.

.....

Week X – 6th to 10th March

Tuesday 8th March

General Court

[Judgment in Case T-212/22 Prigozhina v Council](#)

(External Relations)

The case concerns an action for annulment of a number of Council Decisions concerning restrictive measures with regard to actions endangering or or threatening the territorial integrity, sovereignty and independence of Ukraine in so far as Ukraine, insofar as these acts concern the applicant.

By Decision (CFSP) 2022/265 of 23 February 2022 , the Council had added twenty-two persons and four entities to the list of persons, entities and bodies subject to restrictive measures, including members of the government, banks, businessmen, generals. On the same day, the Council adopted the Implementing Regulation (EU) 2022/260 implementing Regulation (EU) No 269/2014 on restrictive measures with regard to actions endangering or threatening the territorial integrity, sovereignty and independence of Ukraine. These are the contested acts, the applicant being among the persons added to the list.

The reasons for the designation of the applicant are described in the decision as follows:

"Violetta Prigozhina is the mother of Yevgeny Prigozhin and the owner of Concord Management and Consulting LLC, which belongs to the Concord Group, founded and owned until 2019 by her son. She owns other companies related to her son. She is associated with Yevgeny Prigozhin, who is responsible for the deployment of mercenaries of the Wagner Group in Ukraine and who benefited from large government contracts with the Russian Ministry of Defence following Russia's illegal annexation of Crimea and the occupation of eastern Ukraine by Russian-backed separatists. She has thus supported actions and policies that undermine the territorial integrity, sovereignty and independence of Ukraine."

[Background Documents T-212/22](#)

There will be a press release in this case.

Thursday 9th March

[Judgment in Cases C-9/22 An Bord Pleanála e.a. \(Site de St Teresa's Gardens\)](#)

(Environment)

The reference for a preliminary ruling was made in a dispute between two individuals, and the An Bord Pleanála (National Planning Council, Ireland) and the Attorney General. It concerns the decision of the An Bord to grant planning permission for a proposed development by the notified party of 416 dwellings, dispersed between 5 blocks of flats ranging from 1,000 to 2,000 square metres, Ireland.

The applicants argue that the Masterplan should have been subject to a strategic environmental assessment. The applicants also claim that the legal obligation to comply with the Ministerial Guidelines results in a breach of Directive 2011/92.

[Background Documents C-9/22](#)

Thursday 9th March

[Judgment in Cases C-682/20 P Les Mousquetaires et ITM Entreprises v Commission, C-690/20 P Casino, Guichard-Perrachon et Achats Marchandises Casino v Commission, and C-693/20 P Intermarché Casino Achats v Commission](#)

(Competition)

Having received information about exchanges of information between several companies and associations of companies in the food and non-food retail sector, the Commission adopted a series of decisions in February 2017 ordering several companies to submit to inspections.

As part of its inspections, the Commission carried out, among other things, visits to the offices of the companies concerned, where copies of the contents of the computer equipment were made.

Les Mousquetaires, ITM Entreprises, Casino, Guichard-Perrachon, Achats Marchandises Casino and Intermarché Casino Achats brought actions before the General Court of the European Union seeking the annulment of the abovementioned Commission decisions.

In its judgments of 5 October 2020, the General Court upheld these actions only in part.

Those undertakings have appealed to the Court of Justice against the judgments of the General Court.

[Background Documents C-682/20 P](#)

[Background Documents C-690/20 P](#)

[Background Documents C-693/20 P](#)

There will be one press release for these cases.

Thursday 9th March

[Opinion in Case C-680/21 Royal Antwerp Football Club](#)

(Competition)

As of the 2007/2008 season, the Union of European Football Associations (UEFA) has required football clubs to include a minimum of eight so-called home-grown players on the match sheet that contains a maximum of 25 players. Home-grown players are defined as players who, regardless of their nationality, have been trained by their club or by another club in the same national league for at least three years between the ages of 15 and 21. Out of these eight players, four at least must have been trained by the club at issue.

On the basis of these rules, the Union royale belge des sociétés de football association (URBSFA) has adopted essentially similar regulations for football clubs participating in the professional football divisions. Contrary to the UEFA rules, however, the Belgian rules do not require that four out of eight home-grown players have been trained by the club at issue.

Before the Brussels Court of First Instance (French-speaking) (Belgium), UL (a professional football player) and Royal Antwerp (a professional football club) argue, in substance, that the UEFA and URBSFA rules on home-grown players infringe the freedom of movement for workers in the EU.

According to them, those rules restrict the possibility for a professional football club to recruit players who do not meet the requirement of local or national roots, and to field them in a match.

The same rules also restrict the possibility for a player to be recruited and fielded by a club in respect of which he cannot rely on such roots. The Belgian court has referred questions in that regard to the Court of Justice.

[Background Documents C-680/21](#)

There will be a press release in this case.

Thursday 9th March

[Opinion in Cases C-142/22 The Minister for Justice and Equality \(Demande de consentement – Effets du mandat d'arrêt européen initial\)](#)

(Area of Freedom, Security and Justice)

The present reference for a preliminary ruling essentially asks the Court to look at a finding that a European arrest warrant, on the basis of which a person was surrendered, was issued by an authority which was not an 'issuing judicial authority' within the meaning of Article 6(1) of Framework Decision 2002/584, and should therefore have been considered invalid on that ground. The question is whether such a finding precludes the executing judicial authority, when seized of a request for consent to authorise the judicial authorities of the issuing Member State to prosecute or sentence that person for an offence committed prior to his or her surrender other than that for which he or she was surrendered, from giving such consent.

[Background Documents C-142/22](#)

Week XI – 13th to 17th March

Thursday 16th March

[Judgment in Case C-499/21 Towercast](#)

(Competition)

The Digital Terrestrial Television (TNT) platform has been deployed in France since 2005. The main DTT network operator is TDF, which until then held a state monopoly on the French terrestrial television broadcasting market.

The liberalization of the French audiovisual space has notably enabled Towercast and Itas, operators competing with TDF, to enter the broadcasting market. In 2016, TDF took sole control of Itas through an acquisition operation below the thresholds provided for by the EU merger control regulation and by the French commercial code: it therefore did not have not been the subject of a notification, nor of an examination under the prior control of concentrations. Nor did this transaction give rise to a referral procedure to the Commission pursuant to Article 22 of the merger control regulation.

Towercast considers that the takeover of Itas by TDF constitutes an infringement of the prohibition of abuse of a dominant position provided for by primary EU law (Article 102 TFEU). According to Towercast, TDF hinders competition on the upstream and downstream wholesale markets for the distribution of DTT services, by significantly

strengthening its dominant position on these markets.

The French Competition Authority having rejected Towercast's complaint, the latter appealed to the Court of Appeal of Paris (France). That court asks the Court whether it is possible for a national competition authority to review a posteriori, given the prohibition of abuse of a dominant position provided for by EU law, a concentration carried out by a company in a dominant position, when this concentration remains below the relevant turnover thresholds provided for by the regulation on the control of concentrations and by national law on concentrations and it has therefore not been the subject of an ex ante control in this sense.

[Background Documents C-499/21](#)

There will be a press release in this case.

Thursday 16th March

[Judgment in Case C-174/21 Commission v Bulgaria \(Double manquement – PM10 pollution\)](#)

(Law governing the institutions)

The Ambient Air Quality Directive sets limit values for the concentration of certain atmospheric pollutants in ambient air and requires Member States to adopt air quality plans if they are exceeded, so that the overrun period is as short as possible.

In the Commission v Bulgaria judgment (C-488/15), delivered on 5 April 2017, the Court held that the Republic of Bulgaria had failed to fulfill its obligations under this directive, due to the systematic and persistent overstepping, in the zones and agglomerations concerned, of the daily and annual limit values applicable to the concentrations of fine particles (PM10), as well as for not having ensured that the period of overrun is as short as possible. In that judgment, the Court found, more specifically, that the exceedances of those values had persisted in six areas and agglomerations of Bulgarian territory from 2007 to 2014 inclusive.

Following the delivery of the Commission v Bulgaria judgment on 5 April 2017, at the request of the European Commission, the Republic of Bulgaria provided information on the measures taken to execute this judgment, while specifying that certain limit values applicable to PM10 concentrations were now complied with in several municipalities located in the areas covered by that judgment.

Based on raw air quality data for the years 2015 and 2016, the Commission found that for those years the daily limit value for PM10 concentrations had not been complied with in any of the six areas concerned by the judgment of the Court, while the annual limit value applicable to these concentrations had been exceeded in all these areas except for one area.

Therefore, on 9 November 2018, the Commission formally put Bulgaria on notice, in accordance with the procedure provided for in Article 260(1) and (2) TFEU. In the letter of formal notice, the Commission noted that the exceedance of the limit values had persisted around a year and a half after the delivery of the Commission v Bulgaria judgment of 5 April 2017 and almost eleven years after the entry into force of Directive 2008/50. Thus, the Commission invited the Republic of Bulgaria to submit its observations within the deadline set in the letter of formal notice, namely 9 February 2019, and to inform it of the any progress made in the meantime.

By its response to that letter of formal notice and by the additional information provided, the Republic of Bulgaria indicated that it had taken various measures to ensure compliance with the limit values relating to ambient air quality.

In view of the information provided by the Republic of Bulgaria, as well as the air quality reports submitted for the period from 2015 to 2019, the Commission considered that this Member State had not taken all the measures required to comply with the Commission v Bulgaria judgment of 5 April 2017.

In these circumstances, the Commission brought an action for failure to fulfill obligations before the Court, in order to have it declared that the Republic of Bulgaria has not complied with this judgment. The Commission also requested that this Member State be ordered to pay a lump sum and a daily penalty payment until the judgment of the Court is fully complied with.

[Background Documents C-174/21](#)

There will be a press release in this case.

Thursday 16th March

[Judgment in Case C-339/21 Colt Technology Services and others](#)

(Freedom of establishment)

In Italy, telecommunications operators are required, in the event of a request from the judicial authorities, to carry out communications interception operations (voice, computer, telematics and data), subject to flat rates. The amounts they receive were modified by a decree of 2017, which established a reduction of at least 50% in reimbursements of expenses related to said interception operations. The telecommunications operators concerned have asked the Italian courts to annul this decree, alleging that the amounts provided do not fully cover the costs incurred.

The Italian Council of State, seised on appeal, asks the Court of Justice whether EU law requires full reimbursement of the costs actually borne by operators in the context of the performance of such operations of interception.

[Background Documents C-339/21](#)

There will be a press release in this case.

Thursday 16th March

[Opinion in Case C-634/21 SCHUFA Holding and others and in Joined Cases C-26/22 SCHUFA Holding and others and C-64/22 SCHUFA Holding and others](#)

(Approximation of Laws)

These requests for a preliminary ruling from the Verwaltungsgericht Wiesbaden (Administrative Court, Wiesbaden, Germany) relate to the interpretation of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union as well as the General Data Protection Regulation.

These requests are part of two disputes opposing, the individuals to Land Hessen (Land of Hesse, Germany), represented by the Hessischer Beauftragte für Datenschutz und Informationsfreiheit (Commissioner for Data Protection and Freedom of Information for the Land of Hesse, hereinafter the "HBDI"), with regard to the requests, lodged with the HBDI, to act for the purpose of deleting an entry relating to the release of a residual debt with SCHUFA Holding AG (hereinafter "SCHUFA").

[Background Documents C-634/21](#)

[Background Documents C-26/22](#)

[Background Documents C-64/22](#)

There will be a press release in this case.