



Newsletter

Week XV - XVI: 8th – 19th April 2024

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All times are 9:30
unless otherwise
stated.

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

Week XV 8th to 12th April

Wednesday 10th April

General Court

[Judgments in Cases T-301/22 Aven v Council and T-304/22 Fridman v Council](#)

(External Relations – Common Foreign and Security Policy – Restrictive Measures Ukraine)

Petr Aven, of Russian and Latvian nationality, and Mikhail Fridman, of Russian and Israeli nationality, are two major shareholders in Alfa Group, a conglomerate that includes Alfa Bank, one of Russia's leading banks. In February 2022, in response to the Russian invasion of Ukraine, the Council adopted the Initial Acts by which, among other things, the names of Mr Aven and Mr Fridman were placed on the lists of restrictive measures, with the result that their funds and economic resources were frozen. The Council maintained their inclusion on these lists by means of decisions adopted the following September.

The Council considers that Petr Aven and Mikhail Fridman are associated with each other and with other people who are also subject to restrictive measures, as well as with Vladimir Putin himself. According to the Council, these are influential businessmen who have provided material or financial support to Russian decision-makers, and who have also supported actions and policies that compromise or threaten the territorial integrity, sovereignty and independence of Ukraine.

On the contrary, the said businessmen consider that the evidence provided by the Council is neither reliable nor credible, and that its assessments are erroneous.

The businessmen have challenged the initial decisions as well as the decision to maintain them on the restrictive measures list.

[Background Documents T-301/22](#)

[Background Documents T-304/22](#)

There will be one press release for these cases.

Wednesday 10th April

General Court

[Judgment in Case T-411/22 Dexia v SRB \(Ex-ante contributions 2022\)](#)

(Economic and monetary policy)

The French credit institution Dexia is challenging the legality of Decision SRB/ES/2022/18 of the Single Resolution Board (SRB) of April 11, 2022 on the calculation of the 2022 ex-ante contributions to the Single Resolution Fund (SRF), insofar as that decision concerns it, seeking its annulment before the General Court.

According to Dexia, when calculating the individual ex-ante contributions for a given year, the SRB must respect a ceiling imposed by the applicable regulation, namely [Regulation \(EU\) No 806/2014](#), which establishes uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund. In particular, the ex-ante contributions of all authorised institutions on the territory of all Member States participating in the Single Resolution Mechanism (SRM) may not exceed 12.5% of the financial means that should be available in the SRF at the end of 2023. The SRB would have disregarded this requirement.

[Background Documents T-411/22](#)

There will be one press release for this case.

Thursday 11th April

[Opinion in Case C-768/21 Land Hessen \(Obligation of the data protection authority to act\)](#)

(Principles, objectives and tasks of the Treaties – Data protection)

A customer of a savings bank asked the Data Protection and Freedom of Information Commissioner for the Land of Hesse (Germany) to take action against the savings bank because of a breach of his personal data. One of the savings bank's employees had consulted the data on several occasions without being authorised to do so.

The Data Protection Commissioner found that there had been a breach of data protection under the [General Data Protection Regulation](#) (GDPR). However, he concluded that there were no grounds for action against the Savings Bank, which had already taken disciplinary measures against the employee concerned.

The customer challenged this refusal before a German court, asking it to order the

Data Protection Commissioner to take action against the Savings Bank. In particular, the customer claims that the Data Protection Commissioner should have imposed fines on the Savings Bank.

The German court asked the Court of Justice about the powers and obligations of the Data Protection Commissioner as a "supervisory authority" within the meaning of the GDPR.

[Background Documents C-768/21](#)

There will be a press release for this case.

Thursday 11th April

[Opinion in Case C-600/22 P Puigdemont i Casamajó and Comín i Oliveres v Parliament](#)

(Law governing the institutions)

By their appeal, Carles Puigdemont i Casamajó and Antoni Comín i Oliveres seek annulment of the judgment of the General Court of the European Union of 6 July 2022 in Case [T-388/19 Puigdemont i Casamajó and Comín i Oliveres v Parliament](#).

In that judgment, the General Court had dismissed as inadmissible their actions seeking annulment of the instruction of 29 May 2019 of the President of the Parliament refusing them the benefit of the reception and assistance service offered to new Members of the European Parliament and of that President's refusals to recognise them as Members of the Parliament and to take an urgent initiative to confirm their immunities on the basis of Rule 8 of the [Parliament's Rules of Procedure](#), contained in a letter sent to the applicants on 27 June 2019.

[Background Documents C-600/22](#)

There will be a press release for this case.

Thursday 11th April

[Opinion in Joined Cases C-555/22 P United Kingdom v Commission and Others, C-556/22 P ITV v Commission and Others and C-564/22 P LSEGH \(Luxembourg\) and London Stock Exchange Group Holdings \(Italy\) v Commission and Others](#)

(Competition – State aid)

By decision of 2 April 2019 ([Commission Decision \(EU\) 2019/1352](#)), the European Commission found that the United Kingdom had granted between 2013 and 2018 illegal state aid to certain multinational groups by means of tax advantages. Indeed, it

considered that the UK unduly exempted those groups from a tax scheme targeting tax avoidance.

According to the Commission, the UK's Controlled Foreign Company (CFC) rules were aimed at preventing UK companies from using a subsidiary, based in a low or no tax jurisdiction, to avoid taxation in the UK. They allowed the UK tax authorities to reallocate all profits artificially diverted to an offshore subsidiary back to the UK parent company, where it could be taxed accordingly.

However, between 2013 and 2018, the CFC rules included an exemption for certain financing income (i.e. interest payments received from loans) of multinational groups active in the UK. The Commission considered part of this group financing exemption (GFE) as illegal tax advantage. It then ordered the UK to recover it from its beneficiaries.

The United Kingdom and the company ITV challenged the Commission decision before the General Court of the European Union. By judgment of 8 June 2022, the General Court dismissed their actions ([T-363/19](#) and [T-456/19](#)).

The United Kingdom, ITV and two companies of the London Stock Exchange Group appealed to the Court of justice.

[Background Documents C-555/22](#)

There will be a press release for this case.

Week XVI 15th to 19th April

Wednesday 17th April

General Court

[Judgment in Case T-255/23 Escobar v EUIPO \(Pablo Escobar\)](#)

(Intellectual Property – Trade marks)

Escobar Inc. is a company founded by Roberto de Jesús Escobar Gaviria, the brother of Pablo Emilio Escobar Gaviria, also known as Pablo Escobar. It manages and owns all the intellectual property relating to Pablo Escobar, such as copyrights, trademarks and other rights. It is devoted to stop unauthorized use and exploitation of the person of Pablo Escobar by third parties unrelated to him.

The EUIPO examiner refused an application by Escobar Inc to register the trademark “Pablo Escobar”. The application was qualified as being contrary to morality as well as to public policy.

Escobar Inc. is challenging the decision of the EUIPO's Fifth Board of Appeal that had confirmed the examiner's decision.

[Background Documents T-255/23](#)

There will be a press release for this case.

Thursday 18th April

[Judgment in Case C-605/21 Heureka Group \(Online price comparison\)](#)

(Competition – Dominant position)

The reference for a preliminary ruling was made in proceedings between the Czech undertaking Heureka Group a.s. and Google LLC concerning an action for damages for an abuse of a dominant position within the meaning of [Article 102 TFEU](#).

The action at issue was initiated by Heureka on 26 June 2020, following the Commission's decision of 27 June 2017 in the Google Search (Shopping) case (see [summary](#) of the decision). In that decision, the Commission found that Google had committed an infringement of Article 102 TFEU in that, on its search results pages, it displayed its own price comparison service more favourably than competing services. The Commission noted that the infringement had been taking place in the Czech Republic since February 2013.

Heureka, being an operator of a price comparison service, seeks compensation for damage suffered in the form of loss of revenue, amounting to CZK 394,857,000 (approximately € 15,600,000), over the period from February 2013 until the Commission's decision was issued on 27 June 2017.

During the proceedings before the referring court, Google raised a plea of limitation. It argued that the three-year subjective limitation period provided for under Czech law had begun to run gradually from February 2013, as Heureka had been able to become aware of two circumstances that were decisive for triggering that period, namely the existence of the damage and the identity of its perpetrator, from the outset of the infringement.

The referring court, having doubts as to the interpretation of the limitation rules as set out in the Damages Directive ([Directive 2014/104](#)), and as to the conformity of the national legislation with that directive, decided to stay proceedings and to refer a question to the Court for a preliminary ruling.

[Background Documents C-605/21](#)

There will be a press release for this case.

HEARINGS OF NOTE*

Court of Justice

Wednesday 10th April: **09:00** – Case [C-367/22 P Air Canada v Commission](#) (Competition)

Wednesday 10th April: **11:00** – Case [C-375/22 P LATAM Airlines Group and Lan Cargo v Commission](#) (Competition)

Thursday 11th April: **09:00** – Case [C-379/22 P Singapore Airlines and Singapore Airlines Cargo v Commission](#) (Competition)

Thursday 11th April: **11:00** – Case [C-380/22 P Deutsche Lufthansa and Others v Commission](#) (Competition)

Wednesday 17th April: **09:00** – Case [C-401/22 P Cargolux Airlines v Commission](#) (Competition)

Wednesday 17th April: **11:00** – Case [C-378/22 P British Airways v Commission](#) (Competition)

Thursday 18th April: **15:00** – Case [C-369/22 P Air France v Commission](#) and Case [C-370/22 P Air France-KLM v Commission](#) (Competition)

Friday 19th April: **9:00** – Case [C-403/22 P SAS Cargo Group and Others v Commission](#) (Competition)

Friday 19th April: **11:00** – Case [C-385/22 P Koninklijke Luchtvaart Maatschappij v Commission](#) and Case [C 386/22 P Martinair Holland v Commission](#) (Competition)

General Court

Tuesday 9th April 09:30 – Case [T-286/23 OT v Council](#) (Restrictive measure – Ukraine)

Wednesday 10th April: 14:30 – Case [T-528/22 Belaruskali v Council](#) (Restrictive measure – Belarus)

Thursday 11th April: 09:30 – Case [T-526/19 RENV Nord Stream 2 v Parliament and Council](#) (Energy)

Tuesday 16th April: 09:30 – Case [T-70/23, T-111/23 and T-84/23 Data Protection Commission v European Data Protection Board](#) (Law governing the institutions)

Tuesday 16th April: 09:30 – Case [T-503/23 Sharif v Council](#) (Restrictive measure – Syria)

Newsletter

Weeks XV – XVI: 8th – 12th April 2024

Wednesday 17th April: 09:30 – Case [T-827/22 Wizz Air Hungary v Commission \(TAROM II; Covid-19\)](#) (Competition – State aid)

Thursday 18th April: 09:30 – Case [T-743/21 Ryanair v Commission \(TAP II, rescue aid\)](#) (Competition – State aid)

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