



## Newsletter

Week XXV - XXVI: 17<sup>th</sup> to 28<sup>th</sup> June 2024

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**Graziella  
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assisted in the  
preparation of  
this Newsletter.

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## Week XXV 17<sup>th</sup> to 21<sup>th</sup> June

### Tuesday 18<sup>th</sup> June

#### [Judgment in Case C-352/22 Generalstaatsanwaltschaft Hamm \(Extradition request for a refugee to Turkey\)](#)

*(Area of Freedom Security and Justice – Asylum policy – Border checks)*

Turkey has asked Germany to extradite a Turkish national of Kurdish origin, suspected of murder. The German court called upon to rule on this request, wondering whether the fact that the person concerned had been granted refugee status in Italy in 2010, on the basis that he was at risk of political persecution by the Turkish authorities because of his support for the Kurdistan Workers' Party (PKK), precluded extradition.

As this issue falls within the scope of the European asylum system and the Charter of Fundamental Rights of the European Union, the German court asked the Court of Justice for guidance on the interpretation of [Directive 2013/32/EU](#) on international protection and Asylum procedures and [Directive 2011/95/EU](#) (the Qualification Directive).

#### Extract from the Opinion of AG Richard de la Tour:

“The present request for a preliminary ruling gives the Court an opportunity to clarify the relationship between the rules of EU law on international protection and the competence of the Member States in respect of extradition to take into account the special protection needs of a person who has refugee status in a Member State other than the one responsible for examining a request for extradition concerning that person.,,

...The present case raises the delicate question of whether a decision granting refugee status adopted by a Member State has a binding effect on the other Member States, in the sense that they are bound by that decision and cannot therefore depart from it. That question is of considerable importance for the Common European Asylum System as a whole. It is raised here in the context of a request for extradition issued by the Turkish authorities and addressed to the German authorities for the purposes of a criminal prosecution against a Turkish national residing in Germany, who had previously been granted refugee status by the Italian authorities on account of a risk

All times are 9:30 unless otherwise stated.

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

of political persecution in Türkiye.

Thus, the Court is called upon to decide whether the decision granting refugee status taken by one Member State has, under EU law, binding effect in the context of an extradition procedure conducted in another Member State, in the sense that the authority competent to conduct that procedure would be obliged to refuse extradition for as long as that decision is in force."

### [Background Documents C-352/22](#)

**There will be a press release for this case.**

## Tuesday 18<sup>th</sup> June

### [Judgment in Case C-753/22 Bundesrepublik Deutschland \(Effect of a decision granting refugee status\)](#)

*(Area of Freedom Security and Justice – Asylum policy – Border checks)*

A Syrian national granted refugee status in Greece ('the first Member State' granting refugee status) subsequently applied for international protection in Germany ('the second Member State').

A German court ruled that, because of the living conditions of refugees in Greece, she would run a serious risk of inhuman or degrading treatment, and therefore could not return to Greece. The competent German authority rejected her application for refugee status, but granted her subsidiary protection.

The person concerned then brought an action against the refusal to grant her refugee status before the German courts.

The German Federal Administrative Court asked the Court of Justice whether, in such a situation, the competent authority was obliged to grant the applicant refugee status solely on the ground that such status had already been granted to her by the other Member State, or whether it could carry out a new independent examination of the merits of that application.

From AG Medina's opinion: "The referring court asks, in essence, whether EU primary law and the relevant provisions of three secondary acts adopted in the field of EU refugee law, namely the [Dublin III Regulation](#), the [Procedures Directive](#) and the [Qualification Directive](#), must be interpreted as meaning that the second Member State is bound to recognise the refugee status granted by the first Member State, without further examination of the material conditions necessary to qualify for refugee status."

### [Background Documents C-753/22](#)

**There will be a press release for this case.**

### Thursday 20<sup>th</sup> June

#### [Judgment in Case C-540/22 Staatssecretaris van Justitie en Veiligheid \(Posting of workers from non-EU countries\)](#)

*(Freedom to provide services)*

A Slovak service provider posted Ukrainian workers to the Netherlands. The duration of the activities exceeded 90 days out of a period of 180 days. In such situations, Dutch law provides that non-EU-country nationals must apply for a residence permit, which must be valid for a certain period of time and a fee must be paid to obtain it.

In a case brought by several of the workers concerned against the State, the Dutch court asked the Court whether such legislation complied with Articles [56](#) and [57](#) TFEU.

This question prompts the Court to clarify its case-law on the rules applicable to non-EU-country nationals posted within the European Union. While the requirement to hold a residence permit undoubtedly constitutes a restriction on the freedom to provide services, it will be necessary to examine to what extent that restriction may meet an overriding reason in the public interest and be proportionate.

#### [Background Documents C-540/22](#)

**There will be a press release for this case.**

### Thursday 20<sup>th</sup> June

#### [Judgment in Case C-296/23 dm-drogerie markt](#)

*(Laws governing the institutions – Acts of the institutions)*

The drugstore chain dm-drogerie markt GmbH & Co KG (dm) was offering the disinfectant 'BioLYTHE' for sale. The product was labelled 'Universal ecological broad-spectrum disinfectant', 'Disinfects skin, hands and surfaces', 'Effective against SARS-Corona' and 'Skin-friendly - organic - alcohol-free'.

The German Centre for Protection against unfair competition considers this to be unfair advertising. Dm would have failed to comply with the rules of conduct laid down by EU law for disinfectant products, known as 'biocides'. The association therefore brought an action before the German courts, seeking to compel dm to cease designating or marketing the product in question as a 'universal broad-spectrum ecological disinfectant' and/or 'skin-friendly' and/or 'organic'.

Under EU law ([Regulation \(EU\) No 528/2012](#)), biocidal products may not be labelled in a way which misleads the user as to the risks that the product may pose to human health, animal health or the environment, or as to its effectiveness.

The German referring court asks the Court of Justice for guidance on how to interpret in detail the article related to advertisements for biocidal products.

### [Background Documents C-296/23](#)

**There will be a press release for this case.**

## Thursday 20<sup>th</sup> June

### [Judgment in Case C-801/21 P EUIPO v Indo European Foods](#)

*(Intellectual, industrial and commercial property – Trade marks – Brexit)*

By its appeal, the European Union Intellectual Property Office (EUIPO) seeks annulment of the judgment of the General Court in Case [T-342/20 Indo European Foods v EUIPO - Chakari](#) (Abresham Super Basmati Sela Grade One World's Best Rice).

The contested judgment annulled the decision of the Fourth Board of Appeal of the EUIPO of **April 2, 2020** (Case R 1079/2019-4) firstly, in relation to the opposition proceedings between Indo European Foods Ltd and Mr. Hamid Ahmad Chakari, and, secondly, dismissed Indo European Foods' appeal as to the remainder.

The decision was made during the transitional period, i.e. at a time when, in the absence of provisions to the contrary in the Withdrawal Agreement, [Regulation 2017/1001](#) on EU trade marks continued to apply to earlier unregistered UK trade marks used in the course of trade. Therefore, the earlier trade mark concerned continued to enjoy the same protection as it would have enjoyed in the absence of the UK's withdrawal from the EU.

Although the protection conferred on that trade mark by UK law remained relevant during the **period transition provided for in the UK Withdrawal Agreement** – hence **until December 31, 2020**. EUIPO alleged that the opposition proceedings and the action before the General Court were no longer valid after the expiration of that period.

Furthermore, EUIPO maintained that, since the annulment of the decision at issue could no longer procure any advantage to Indo European Foods, the latter no longer had any interest in bringing proceedings before the General Court.

In the judgment under appeal, the General Court held that the action was admissible and annulled the decision at issue.

### [Background Documents C-801/21 P](#)

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

## Week XXVI 24<sup>th</sup> to 28<sup>th</sup> June

### Tuesday 25<sup>th</sup> June

#### [Judgment in Case C-626/22 Ilva and Others](#)

*(Environment)*

Tribunale di Milano (Italy) referred to the Court a reference for a preliminary ruling concerning the interpretation of the [Industrial Emission Directive](#).

This directive lays down the requirements governing industrial installations and the rules to prevent or at least to reduce industrial emissions into air, water and land. All installations covered by the directive must prevent and reduce pollution by applying the best available techniques (BATs), so-called BAT conclusions, which the European Commission draws up and updates regularly with stakeholders and representatives of Member States.

The present application was made in the context of a collective dispute between C. Z. and others, residents of the municipality of Taranto (Italy) and neighbouring municipalities, against the defendants: Ilva SpA in Amministrazione Straordinaria ('Ilva'), a company owning a steelworks situated in that municipality ('the Ilva works'), Acciaierie d'Italia Holding SpA and Acciaierie d'Italia SpA.

The Ilva steelworks is one of the largest installations of its kind in Europe and an important economic factor. The European Court of Human Rights ('ECtHR') found, however, that it has significant adverse effects on the environment and causes harm to the health of local residents.

The applicants are seeking protection of their rights to health, to peace and tranquillity in the conduct of their lives and also their right to the climate, which they allege the defendants are adversely affecting as a consequence of their deliberate conduct, due to the emissions coming from the plants at Ilva's steelworks in Taranto which are causing severe pollution.

This dispute concerns whether the Ilva steelworks is operating in accordance with the Directive and BATS requirements. In the present case, the Court is being asked about the importance of certain information concerning the effects of the steelworks on human health and about which emissions are to be taken into account. It is also being asked whether it is permitted to repeatedly extend the period for the implementation of certain permit conditions.

The Court recently had an opportunity to explore certain questions relating to the setting of limit values in connection with the grant of permits to installations. However, this request for a preliminary ruling gives it an opportunity to examine more closely the general permit conditions under the Industrial Emissions Directive.

[Background Documents C-626/22](#)

**There will be a press release for this case.**

**Thursday 27<sup>th</sup> June**

**Judgments in Cases:**

[C-144/19 P Lupin v Commission](#)

[C-151/19 P Commission v Krka](#)

[C-164/19 P Niche Generics v Commission](#)

[C-166/19 P Unichem Laboratories v Commission](#)

[C-176/19 P Commission v Servier and Others](#)

[C-197/19 P Mylan Laboratories and Mylan v Commission](#)

[C-198/19 P Teva UK and others v Commission](#)

[C-201/19 P Servier and others v Commission](#)

[C-207/19 P Biogaran v Commission](#)

*(Competition)*

This series of cases concerns challenges instituted by a number of companies against Commission decisions concerning abusive agreements in the market for perindopril – a medication used in cardiovascular illnesses.

The companies had entered into agreements with Servier SAS – a company specialising in the development of originator medicines. The Commission held that the agreements were intended to delay or even prevent the market entry of generic versions of perindopril.

The companies in question are appealing the General Court's rejection of their challenge.

[Background Documents C-144/19 P](#)

[Background Documents C-151/19 P](#)

[Background Documents C-164/19 P](#)

[Background Documents C-166/19 P](#)

[Background Documents C-176/19 P](#)

[Background Documents C-197/19 P](#)

[Background Documents C-198/19 P](#)

[Background Documents C-201/19 P](#)

[Background Documents C-207/19 P](#)

**There will be one press release for these cases.**

### Thursday 27<sup>th</sup> June

#### [Judgments in Case C-284/23 Haus Jacobus](#)

*(Social policy)*

An employee of a care home challenged her dismissal before the German Federal Labour Court, claiming it is prohibited to dismiss a pregnant woman. The Labour Court ruled that it should normally have dismissed the claim as untimely.

In fact, when the employee became aware of her pregnancy and lodged the appeal, the three-week period following written notification of dismissal, provided for under German law, had already expired. In addition, the employee failed to lodge an application for admission of the late appeal within a further two-week period.

The Labour Court wondered, however, whether the German rules at issue were compatible with the relevant EU law ([Council Directive 92/85/EEC](#) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding).

Therefore, the German Federal Labour Court referred the matter to the Court of Justice for guidance.

#### [Background Documents C-284/23](#)

**There will be a press release for this case.**

## HEARINGS OF NOTE\*

### Court of Justice

Monday 17<sup>th</sup> June 2024: 14:30 – Case [C-181/23 Commission v Malta \(Citizenship through investment\)](#) (Citizenship of the Union) ([streamed on Curia](#))

Tuesday 18<sup>th</sup> June 2024: 09:30 – Case [C-460/23 Kinsa](#) (Area of freedom, security and justice – Judicial cooperation in civil and criminal matters – Police cooperation) ([streamed on Curia](#))

Wednesday 19<sup>th</sup> June 2024: 09:30 – Case [C-383/23 ILVA \(Fine for infringing the GDPR\)](#) (Data protection)

Thursday 20<sup>th</sup> June 2024: 09:30 – Case [C-386/23 Novel Nutriology](#) (Foodstuffs – Consumer protection)

## Newsletter

Week XXV - XXVI: 17<sup>th</sup> to 28<sup>th</sup> June 2024

Thursday 20<sup>th</sup> June 2024: 09:30 – Case [C-575/23 ONB and Others](#) (Copyrights and related rights – Digital Single Market)

Monday 24<sup>th</sup> June 2024: 14:30 – Case [C-318/24 PPU Breian](#) (Area of freedom, security and justice – Judicial cooperation in civil and criminal matters – Police cooperation)

Tuesday 25<sup>th</sup> June 2024: 09:30 – Joined Cases [C-777/22 P ECB v Corneli](#) and [C-789/22 P Commission v Corneli](#) (Economic and monetary policy) ([streamed on Curia](#))

### General Court

Wednesday 19<sup>th</sup> June 2024: 09:30 – Case [T-748/22 Kantor v Council](#) (Restrictive measures – Ukraine)

Wednesday 26<sup>th</sup> June 2024: 09:30 – Joined Cases [T-362/21 Telly v Commission](#) and [T-363/21 Česká asociace satelitních operátorů v Commission](#) (State aid)

Thursday 27<sup>th</sup> June 2024: 09:30 – Case [T-336/20 Hypo Vorarlberg Bank v SRB \(Contributions ex ante 2016\)](#) (Economic and monetary policy)

Thursday 27<sup>th</sup> June 2024: 14:30 – Case [T-499/20 Banco Cooperativo Español v SRB \(Contributions ex ante 2016\)](#) (Economic and monetary policy)

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