



## Newsletter

Week XXVIII - XXIX: 8<sup>th</sup> to 19<sup>th</sup> July 2024

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**Graziella  
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assisted in the  
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this Newsletter.

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## Week XXVIII 8<sup>th</sup> to 12<sup>th</sup> July

### Thursday 11<sup>th</sup> July

#### [Judgment in Joined Cases C-554/21 HANN-INVEST, C-622/21 MINERAL-SEKULINE and C-727/21 UDRUGA KHL MEDVEŠČAK ZAGREB](#)

*(Principles of Community law – Charter of Fundamental Rights)*

The Commercial Court of Appeal, Croatia asks the Court of Justice for guidance on the interpretation of [Article 19](#) of the TEU and [Article 47](#) of the Charter of Fundamental Rights in relation to three appeals concerning the recovery of costs for the conduct of bankruptcy proceedings.

Appeals against orders in three different insolvency proceedings were finally and unanimously dismissed by three-judge panels. The decisions were forwarded to the registry in accordance with the established rules.

However, the judge in this department refused to register the three decisions, and referred them back to the respective panels, stating that he did not agree with the solutions adopted in these decisions. He referred in particular to compliance with a "legal position" on how to decide cases of this type, which, according to internal procedural practice, had previously been adopted by a sectional meeting of the court.

"Legal positions" interpret the law in light of specific cases, and are binding on all chambers or judges of the court.

In these circumstances, the referring court seeks to ascertain whether such an internal mechanism for finalising judicial decisions is compatible with the fundamental principle of effective judicial protection.

#### [Background Documents C-554/21](#)

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



The Spanish court wonders, however, whether that exclusion complies with EU [Council Directive 98/59/EC](#) of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. It therefore referred the case to the Court.

### [Background Documents C-196/23](#)

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

## Week XXIX 15<sup>th</sup> to 19<sup>th</sup> July

### Wednesday 17<sup>th</sup> July

#### **General Court**

#### [Judgments in Cases T-689/21 Auken and Others v Commission and T-761/21 Courtois and Others v Commission](#)

*(Provisions governing the institutions – Access to documents)*

Since 2020, due to the urgency of the situation, the research and development of a safe and effective vaccine against COVID-19 represented a real challenge for the European Commission. That same year, thanks to emergency aid and the adoption of an [EU Strategy for COVID-19 vaccines](#), advance purchase contracts between the Commission and pharmaceutical companies were concluded following a procurement procedure launched on behalf of all the participating Member States: some €2.7 billion was quickly made available to place a firm order for more than a billion doses of vaccine.

In 2021, some MEPs raised concerns about the lack of transparency in the COVID-19 vaccine contracts negotiated by the Commission at EU level. They requested access to these documents to understand the terms and conditions of the agreements, and to ensure that the public interest was protected.

The Commission refused to disclose these documents and only agreed to give partial access to certain contracts and documents placed online in redacted versions. Certain passages had in fact been blacked out on the basis of exceptions relating to the protection of privacy and the integrity of the individual, the protection of commercial interests and the protection of the decision-making process of the institutions.

Faced with this refusal, the MEPs concerned applied to the General Court of the European Union for the concerned decisions to be annulled. They argued that the Commission acted unlawfully in refusing access to the documents. In their view, the reasons given were not sufficiently justified, even though the content of the contracts

was not of a confidential nature. The MEPs also strongly contest the Commission's argument that the definitions of certain terms contained in a commercial contract should be considered as information protected from disclosure, insofar as it is commercially sensitive.

[Background Documents T-689/21](#)

[Background Documents T-761/21](#)

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

### Wednesday 17<sup>th</sup> July

#### General Court

#### [Judgment in Case T-1077/23 Bytedance v Commission](#)

*(Approximation of laws)*

ByteDance Ltd is a Chinese company, which, through local subsidiaries, provides the TikTok digital entertainment platform.

By decision of September 5, 2023, the Commission designated ByteDance as a gatekeeper under the [Digital Market Regulation \(DMA\)](#).

In November 2023, ByteDance lodged an appeal seeking the annulment of this decision. By means of a separate document, Bytedance lodged an application for interim measures seeking suspension of that decision, which was dismissed on February 9, 2024 by an order of the President of the General Court.

[Background Documents T-1077/21](#)

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

## HEARINGS OF NOTE\*

### Court of Justice

Monday 08<sup>th</sup> July 2024: 14:30 – Case [C-453/23 Prezydent Miasta Mielca](#) (State aid) (**streamed on Curia**)

Tuesday 09<sup>th</sup> July 2024: 09:30 – Case [C-452/23 Fastned Deutschland and Tesla Germany](#) (Freedom of establishment – Freedom to provide services) (**streamed on Curia**)

Thursday 11<sup>th</sup> July 2024: 14:30 – Case [C-613/23 Herdijk](#) (Taxation)

### General Court

Tuesday 09<sup>th</sup> July 2024: 09:30 – Case [T-271/22 Melnichenko v Council](#) and 14:30 Case [T-498/22 Melnichenko v Council](#) (Restrictive measures – Ukraine)

Tuesday 09<sup>th</sup> July 2024: 09:00 – Case [T-498/19 Banco Cooperativo Español v SRB \(2019 ex-ante contributions\)](#) and 14:00 Case [T-406/18 de Volksbank v SRB \(2018 ex-ante contributions\)](#) (Economic policy)

Wednesday 10<sup>th</sup> July 2024: 09:30 – Case [T-307/22 A2B Connect and Others v Council](#) (Restrictive measures – Ukraine)

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