



Newsletter

Weeks IV - V: 20th to 31st January 2025

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Week IV: 20th to 24th January

There are no Press Releases or *Info Rapides* planned for this week. We take this opportunity to remind subscribers that the Newsletter does **not** contain all the judgments, opinions and hearings scheduled for the next two weeks.

The selection of highlights is exclusively made by the EN Desk and is not intended as an indication of importance of a particular case or cases.

The [CURIA calendar](#) may always be consulted for the full list of sittings, hearings, judgments and opinions.

Week V: 27th to 31st January

Tuesday 28th January

[Judgements in Case C-253/23 ASG 2](#)

(Competition)

32 sawmills established in Germany, Belgium and Luxembourg claim to have suffered damage as a result of a cartel. As part of this practice, the Land of North Rhine-Westphalia (Germany) allegedly applied, at least from June 28, 2005 to June 30, 2019, excessive prices to the sale of roundwood from this Land to these sawmills.

Each of the sawmills concerned has assigned its claim for damages to ASG 2, which, as a 'provider of legal services' within the meaning of German law, has brought a collective action for damages against the Land before the German courts. It is acting in its own name and at its own expense, but on behalf of the sawmills, in return for a fee in the event of success.

The Land contests ASG 2's standing to bring the action, arguing that German law, as interpreted by certain national courts, does not allow the service provider to bring the collective action for recovery in the context of an infringement of competition law.

According to the German court, a collective action for recovery is the only collective

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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.

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procedural mechanism enabling the right to reparation in cartel cases to be enforced effectively in Germany.

They therefore asked the Court of Justice whether European Union law, in particular the [Article 101 TFEU](#) and the Directive [2014/104/EU](#) precluded the interpretation of national legislation which prevents persons injured by a cartel from having recourse to this type of action.

[Background Documents C-253/23](#)

There will be a press release for this case.

Wednesday 29th January

General Court

[Judgements in Joined Cases T-70/23, T-84/23 and T-111/23 Data Protection Commission v European Data Protection Board](#)

(Law governing the institutions)

In 2018, three individuals from Belgium, Germany, and Austria, through the non-profit NOYB - European Center for Digital Rights, lodged complaints against Facebook Ireland Ltd (now Meta Platforms Ireland Ltd) and WhatsApp Ireland Ltd. The complaints focused on alleged breaches of the EU's [General Data Protection Regulation](#) (GDPR) in processing data from Facebook, Instagram, and WhatsApp users. Due to the cross-border nature of these operations, Ireland's Data Protection Commission (DPC) acted as the lead supervisory authority under GDPR, conducting investigations and preparing draft decisions for input from other EU and EEA data protection authorities.

The complaints primarily alleged violations of GDPR Articles 6 and 9, which govern the lawful basis for processing personal data and the handling of sensitive data, respectively. Several objections arose from other supervisory authorities, particularly regarding Meta and WhatsApp's targeted advertising practices and the lack of user consent for processing sensitive data. As consensus could not be reached on these objections, the matter was referred to the European Data Protection Board (EDPB) under GDPR's consistency mechanism. In December 2022, the EDPB issued binding decisions, requiring the DPC to amend its draft decisions, find specific GDPR infringements, and impose corrective measures on Meta and WhatsApp.

The EDPB also directed the DPC to conduct further investigations into whether Meta and WhatsApp processed sensitive data under Article 9 and whether such processing complied with GDPR. New draft decisions were mandated based on these findings. In response, the DPC challenged the EDPB's authority to impose these measures in

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binding decisions, leading to legal actions in early 2023.

Cases T-70/23, T-84/23 and T-111/23 were joined by decision of April 21, 2023.

[Background Documents T-70/23](#)

[Background Documents T-84/23](#)

[Background Documents T-111/23](#)

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

Thursday 30th January

[Advocate General's Opinion in Case C-759/23 PJ Carroll and Nicoventures Trading v Ireland](#)

(Approximation of laws - Freedom to provide services)

The [Tobacco Products Directive](#) regulates the manufacture, presentation, and sale of tobacco and related products in the European Union. Under Article 7, cigarettes and roll-your-own tobacco with a characterising flavour, as well as their flavoured components, were prohibited. Additionally, Article 11 set out mandatory labelling obligations for cigarettes, roll-your-own tobacco and waterpipe tobacco.

The directive empowers the Commission to extend the scope of Articles 7 and 11 to additional particular product categories if a Commission report can demonstrate a substantial change of circumstances. This is defined as significant increases in sales or youth consumption across multiple Member States, provided the product category exceeds 2.5% of total tobacco sales at the EU level. Furthermore, the directive mandates that the Commission monitor developments related to novel tobacco products and assess whether amendments to the directive might be required.

In 2022, the European Commission adopted [Delegated Directive 2022/2100](#), extending the provisions of Articles 7 and 11 to include 'heated tobacco products'. This amendment prohibited the sale of flavoured heated tobacco products and introduced labelling requirements for these products.

In 2023, Ireland transposed the Delegated Directive 2022/2100 into Irish regulations. The applicants, PJ Carroll & Company Ltd and Nicoventures Trading Ltd, challenged the validity of these regulations in the High Court of Ireland. They contended that the Commission overstepped its authority under the Tobacco Products Directive.

The High Court referred two questions to the Court of Justice regarding the interpretation of the Directive's provisions and the scope of the Commission's authority.

[Background Documents C-759/23](#)

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

HEARINGS OF NOTE*

Court of Justice

Monday 20th January 2025: 14:30 – Case [C-602/22 P ABLV Bank v SRB](#) (Economic and Monetary Policy)

Friday 24th January 2025: 09:30 - Case [C-785/23 Bulgarian posts](#) (Taxation – VAT)

Tuesday 28th January 2025: 09:30 – Case [C-738/22 P Google and Alphabet v Commission](#) (Competition – Dominant Position)

Wednesday 29th January 2025: 09:30 – Case [C-790/23 Qassioun](#) (Area of Freedom, Security and Justice)

Wednesday 29th January 2025: 09:30 – Joined Cases [C-72/24 Keladis I](#) and [C-73/24 Keladis II](#) (Customs union)

Thursday 30th January 2025: 09:30 – Case [C-678/23 Spitalul Clinic de Pneumoftiziologie Iași](#) (Social Policy)

General Court

Thursday 23rd January 2025: Case [T-573/23 Positive Group v Council](#) (Restrictive Measures - Ukraine)

Tuesday 28th January 2025: 14:30 – Case [T-1116/23 Khudaverdyan v Council](#) (Restrictive Measures - Ukraine)

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