



## Newsletter

Weeks XL – XLI 2<sup>nd</sup> to 13<sup>th</sup> October 2023

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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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## Week XL – 2<sup>nd</sup> to 6<sup>th</sup> October

### Thursday 5<sup>th</sup> October

#### [Judgment in Case C-565/22 Sofatutor](#)

*(Approximation of Laws)*

The reference for a preliminary ruling concerns the interpretation of the Directive on consumer rights.

That application was made in proceedings between the Association for Consumer Information, Austria (VKI) and Sofatutor GmbH, a company incorporated under German law, concerning VKI's request that that company be ordered to inform consumers of the conditions, time-limits and procedures for exercising their right to withdraw from a contract concluded at a distance.

#### [Background Documents C-565/22](#)

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

## Week XLI – 9<sup>th</sup> to 13<sup>th</sup> October

### Thursday 12<sup>th</sup> October

#### [Judgment in Case C-286/22 KBD Verzekeringen](#)

*(Approximation of Laws)*

A person riding an electrically-assisted bicycle on the public highway near Bruges (Belgium) was involved in a serious accident: she was hit by a car and seriously injured. She died a few months later.

During the subsequent legal proceedings to establish civil liability, a dispute arose over

the legal classification of the electric bicycle: should it be considered a "vehicle"? In this case, the bike's motor only provided pedalling assistance, including by using the "turbo" function.

Moreover, this function could only be activated by using muscle power (by pedalling, walking with the bike or pushing it). The legal classification of the electric bicycle is crucial in determining whether or not the victim was the driver of a "self-propelled vehicle" and could claim compensation as a "weak road user" under Belgian law.

Given that the concept of 'vehicle' in the relevant Belgian legislation is derived from a European directive on civil liability, the Belgian *Cour de Cassation* decided to refer a question to the Court of Justice on the interpretation of this concept.

### [Background Documents C-286/22](#)

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

## HEARINGS OF NOTE\*

### General Court

Thursday 5<sup>th</sup> October: 09:30 – [T-489/21 Spain v Commission](#) (State Aid)

Thursday 5<sup>th</sup> October: 09:30 – [T-375/22 Izuzquiza and Others v Parliament](#) (Provisions governing the institutions – Access to documents)

Tuesday 10<sup>th</sup> October: 09:30 – Joined cases [T-258/22 BSW - management company of "BMC" holding v Council](#) and [T-259/22 Mostovdrev v Council](#) (Restrictive Measures)

Tuesday 10<sup>th</sup> October: 14:30 – [T-233/22 Islentyeva v Council](#) (Restrictive Measures)

Wednesday 11<sup>th</sup> October: 09:30 – [C-14/23 - Perle](#) (Area of freedom, security and justice – Immigration policy)

Wednesday 11<sup>th</sup> October: 14.30 – [T-205/22 Naass and Sea Watch v Frontex](#) (Provisions governing the institutions – Access to documents)

Thursday 12<sup>th</sup> October: 09:30 – [T-536/22 PAN Europe v Commission](#) (Agriculture and fisheries)

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