



Newsletter

Weeks XLIV – XLV: 30th October to 10th November 2023

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Week XLIV – 30th October to 3rd November

The Court is in All Saints recess from Monday 30th October to Sunday 5th November.

Week XLV – 6th to 10th November

Wednesday 8th November

General Court

[Judgment in Case T-282/22 Mazepin v Council](#)

(Restrictive measures)

Mr Mazepin is a Russian businessman. He is the owner and CEO of Uralchem, a Russian manufacturer of a wide range of chemical products. The company claims to be the largest producer of ammonium nitrate and the second largest producer of ammonia and nitrogen fertilisers in Russia.

In February 2022, following the initial stages of Russia's aggression against Ukraine, Mazepin and 36 other businessmen attended a meeting with President Putin and other members of the Russian government. They discussed the choices to be made following the Western sanctions against Russia.

For the European Union, Mr Mazepin's invitation to this meeting shows that he belongs to President Putin's closest circle. The Council of the European Union deduced that Mr Mazepin was supporting or implementing policies that threatened Ukraine and decided to impose sanctions on him: all his funds and economic resources within the European Union were frozen and he was prohibited from entering or passing through the territory of the Member States of the European Union.

Mr Mazepin challenged the Council's decision before the General Court.

[Background Documents T-282/22](#)

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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There will be a press release for this case.

Thursday 9th November

[Judgment in Case C-376/22 Google Ireland and others](#)

(Freedom of establishment)

In 2021, Austria introduced a law requiring domestic and foreign providers of communications platforms to set up mechanisms for reporting and verifying potentially illegal content. The law also provided for regular and transparent publication of reports of illegal content. An administrative authority is meant to ensure compliance with the law and can impose fines of up to ten million euro.

Google Ireland, Meta Platforms Ireland, and Tiktok, three platforms established in Ireland, argue that the Austrian law is contrary to EU law, namely the Directive on Information Society Services. An Austrian Court has referred the question to the Court.

[Background Documents C-376/22](#)

There will be a press release for this case.

Thursday 9th November

[Judgment in Case C-319/22 Gesamtverband Autoteile-Handel \(Access to information on vehicles\)](#)

(Approximation of Laws)

EU law obliges car manufacturers to make available to independent operators, including repairers, parts distributors and publishers of technical information, the information necessary for the repair and maintenance of the vehicles they manufacture.

A German trade association for the independent parts trade considers that neither the form nor the content of the information provided by the HGV manufacturer Scania to its members meet this obligation. In order to remedy this situation, the association brought the matter before a German court. Uncertain as to the scope of Scania's obligations, this court in turn referred the matter to the Court of Justice. It wishes to know, among other things, whether the vehicle identification number should be considered as personal data that manufacturers are obliged to communicate.

[Background Documents C-319/22](#)

There will be a press release for this case.

Thursday 9th November

[Judgment in Case C-598/21 Všeobecná úverová banka](#)

(Consumer protection)

In Slovakia, Všeobecná úverová banka granted two customers consumer credit repayable over 20 years. The customers pledged their family home as collateral. Due to a three-month delay in payment of approximately €1,000, which occurred during the first year of the contract, the bank invoked an acceleration clause. This clause enables the bank to demand early repayment of the entire outstanding balance and to initiate an out-of-court auction of the family home. The customers have asked a Slovakian court to suspend the auction, which they claim violates their rights as consumers.

Under Slovakian law, such a clause can be enforced if the borrower is three months in arrears with payments and the lender has given a further 15 days' notice. The courts are unable to review the proportionality of this clause in terms of the seriousness of the breach of the consumer's obligations in relation to the amount and duration of the credit. The Slovak court asks the Court of Justice whether such a limitation on judicial review is compatible with EU law.

[Background Documents C-598/21](#)

There will be a press release for this case.

Thursday 9th November

[Judgment in Case C-353/22 Commission v Sweden \(Control of the acquisition and possession of weapons\)](#)

(Approximation of Laws)

On 26 July 2019, the Commission called on Sweden to comply with the amended Arms Directive by 26 September 2019. The deadline for transposing these amendments into Swedish law expired on 14 September 2018. In May 2022, the Commission asked the Court of Justice to declare that Sweden had failed to transpose these amendments into national law. It also asked the Court to order Sweden to pay financial penalties. On 17 July 2023, the Commission informed the Court that Sweden had transposed the amendments in question into its national law by 1 July 2023.

[Background Documents C-353/22](#)

There will be a press release for this case.

Thursday 9th November

[Opinion in Case C-465/20 P Commission v Ireland and others](#)

(Tax Rulings – Apple – State Aid)

In 2016, the Commission adopted a decision concerning two tax rulings issued by the Irish tax authorities (Irish Revenue) on 29 January 1991 and 23 May 2007 in favour of Apple Sales International (ASI) and Apple Operations Europe (AOE), which were companies incorporated in Ireland but not tax resident in Ireland.

The contested tax rulings endorsed the methods used by ASI and AOE to determine their chargeable profits in Ireland, relating to the trading activity of their respective Irish branches. The 1991 tax ruling remained in force until 2007, when it was replaced by the 2007 tax ruling. The 2007 tax ruling then remained in force until Apple's new business structure was implemented in Ireland in 2014.

By its decision, the Commission considered that the tax rulings in question constituted State aid unlawfully put into effect by Ireland. The aid was declared incompatible with the internal market. The Commission demanded the recovery of the aid in question.

According to the Commission's calculations, Ireland had granted Apple 13 billion euro in unlawful tax advantages. Ireland (Case T-778/16) and ASI and AOE (Case T-892/16) claimed that the General Court should annul the Commission's decision.

In its judgment of the 15th July 2020, the General Court annulled the contested decision because the Commission had not succeeded in showing to the requisite legal standard that there was an advantage for the purposes of Article 107(1) TFEU.

This case concerns the Commission's appeal from that judgment.

[Background Documents C-465/20 P](#)

There will be a press release for this case.

Thursday 9th November

[Opinion in Joined Cases C-608/22 Bundesamt für Fremdenwesen und Asyl and others \(Afghan Women\) and Case C-609/22 Bundesamt für Fremdenwesen und Asyl and others \(Afghan Women\)](#)

(Asylum policy)

Since the return of the Taliban regime to Afghanistan, the situation of women has deteriorated rapidly. This regime restricts or even prohibits their access to healthcare and education, their exercise of a professional activity, their participation in public and political life as well as their freedom of movement and sporting activities. They must cover their bodies and faces, and are deprived of protection against gender-based violence and domestic violence.

Two Afghan women applied for asylum in Austria, but the Austrian authorities rejected their applications. The authorities considered that the first woman's reason for fleeing was not credible and that the second woman did not face a real risk of persecution in Afghanistan.

An Austrian court asked the Court of Justice whether the treatment of women by the Taliban constituted persecution justifying the granting of refugee status. If so, it also asked whether the real danger of this persecution could be established for all Afghan women regardless of their personal situation.

[Background Documents C-608/22](#)

[Background Documents C-609/22](#)

There will be a press release for this case.

Thursday 9th November

[Opinion in Case C-516/22 Commission v UK \(Supreme Court Judgment\)](#)

(Law of Institutions - Brexit)

The case concerns an application for judgment by default against the UK for alleged breaches of their obligations. The act resulting in the breach of obligations is a UK Supreme Court ruling in *Micula v Romania* on the 19 February 2020.

The Commission alleges that the Supreme Court judgment, delivered during the transition period, violated EU law. The Commission argues that the question of enforcement of the arbitral award, decided by the Supreme Court was covered by Commission decisions and that by not staying its proceedings; the Supreme Court had breached the UK's Treaty obligations.

[Background Documents C-516/22](#)

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

HEARINGS OF NOTE*

Court of Justice

Tuesday 7th November: 09.30 – [C-626/22 Ilva and Others](#) (Environment – Grand Chamber)

Wednesday 8th November: 09.30 – [C-727/22 Friends of the Irish Environment \(Project Ireland 2040\)](#) (Environment)

Thursday 9th November: 09.30 – [C-613/22 Dublin 8 Residents Association](#) (Environment)

General Court

Tuesday 7th November: 09.30 – [T-302/22 Vinkurov v Council](#) (Restrictive Measures)

Thursday 9th November: 09.30 – [T-785/21 SC Ha Ha Ha Production v EUIPO - The Smiley Company \(SMILEY\)](#) (Intellectual property)

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