



Newsletter

Weeks V – VI: 27th January to 7th February 2025

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Week V: 27th to 31st January

Monday 27th January

Formal sitting of the Court of Justice. The President and Members of the new European Commission will give a solemn undertaking before the Court of Justice of the European Union.

The formal streaming will be [live streamed here](#). The link will be active on Monday.

There will be a press release for this event.

Tuesday 28th January

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

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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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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

[Judgment 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 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).

Week VI: 3rd to 7th February

Tuesday 4th February

[Judgment in Case C-158/23 Keren](#)

(Area of Freedom, Security and Justice – Asylum policy)

An Eritrean arrived in the Netherlands at the age of 17 and was recognised as a beneficiary of international protection. When he reached the age of 18, the Dutch authorities informed him of his obligation under Dutch law to undergo civic integration training. This meant that, in principle, he had to pass all parts of the civic integration exam within three years. This deadline has been extended several times. However, the young Eritrean did not attend certain courses and exams and did not pass those he did attend.

The authorities fined him €500. He also had to repay in full the €10,000 loan he had taken out with the authorities, on the grounds that he had not completed the civic integration programme within the stipulated period. The Eritrean took his case to the Dutch courts.

The Council of State (Netherlands) decided to refer questions to the Court of Justice for a preliminary ruling on the compatibility of the Dutch system with EU [Directive 2011/95/EU](#) on international protection.

[Background Documents C-158/23](#)

There will be a press release for this case.

Wednesday 5th February

General Court

[Judgments in Cases T-830/22 Poland v Commission, T-156/23 Poland v Commission and T-1033/23 Poland v Commission](#)

(Law governing the institutions)

On April 1, 2021, the European Commission brought an action against Poland before the Court of Justice for failure to fulfil obligations ([C-204/21 Commission v Poland](#) (Independence and privacy of judges)). The purpose of the action was for the Court to declare that the Polish law of December 20, 2019 amending the organisation of

ordinary courts, administrative courts and the Supreme Court infringes various provisions of European Union law.

In the context of this dispute, the Court obliged Poland *inter alia* to suspend the application of certain provisions of the contested law (Order of the Vice-President of the Court, July 14, 2021 in Case [C-204/21 R](#) – see also Press Release [No 127/21](#)).

Having failed to give effect to this interim measure, Poland was ordered on October 27, 2021 (Order of the Vice-President of the Court, October 27, 2021 in Case [C-204/21 R](#) – see also Press Release [No 192/21](#)) to pay the Commission a daily penalty payment of €1 million starting from November 3, 2021.

On June 9, 2022, Poland adopted a law to comply with the above-mentioned interim measure imposed by the Court. On April 21, 2023, the Court ruled that this change in legislation made it possible, to a significant extent, to comply with the interim measure. As a result, the amount of the periodic penalty payment was reduced to €500,000 per day (Order of the Vice-President of the Court, April 21, 2023 in Case [C-204/21 R-RAP](#) – see also Press Release [No 65/23](#)).

Since Poland has not paid the sums due in respect of the periodic penalty payment, the Commission has periodically set off that debt against various claims held by that Member State against the European Union.

Poland brought an action before the General Court of the European Union seeking the annulment of a total of six offsetting decisions covering the period from July 15, 2022 to June 4, 2023, i.e. between the entry into force of the Law of June 2022 and the day before the Court's judgment closing this case.

The sums to be recovered amount to approximately €320,200,000.

Alternatively, Poland states that the legislative change which justified the reduction of the periodic penalty payment by half preceded the Court's decision of April 21, 2023. Thus, from July 15, 2022 to April 20, 2023, the Commission could no longer demand payment of EUR €1 million per day. As a result, Poland is seeking partial annulment of the Commission's decisions, insofar as they relate to 50% of the claims offset for the aforementioned period.

[Background Documents T-830/22](#)

[Background Documents T-156/23](#)

[Background Documents T-1033/23](#)

There will be one press release for these cases.

Wednesday 5th February

General Court

[Judgment in Case T-743/21 Ryanair v Commission \(TAP II; rescue aid; COVID-19\)](#)

(Competition – State aid)

By its action Ryanair DAC, seeks the annulment of Commission Decision C(2021) 5302 final of 16 July 2021 on State aid SA.57369 (2020/N) COVID 19 – Portugal – Rescue aid to TAP SGPS.

On June 9, 2020, the Portuguese Republic notified the European Commission, of an aid measure in the form either of a State loan or of a combination of such a loan and a State guarantee, of up to a maximum of € 1.2 billion, for TAP SGPS (Transportes Aéreos Portugueses SGPS S.A. – the beneficiary).

The aid measure concerns the company TAP SGPS, the parent company and 100% shareholder of the company TAP Air Portugal. Half of the beneficiary's shares are held by the company Parública which manages the holdings of the Portuguese State. The company Atlantic Gateway holds 45% of the shares and the remaining 5% are held by other shareholders. The aid granted is intended to cover the beneficiary's liquidity needs for the six month period from July 2020 to December 2020.

The loan agreement is concluded between, *inter alia*, Portugal, as lender, TAP Portugal, as borrower, and the beneficiary, as guarantor.

On June 10, 2020, the Commission adopted [Decision C\(2020\) 3989](#) final of 10 June 2020 on State aid SA.57369 (2020/N) COVID 19 – Portugal Aid to TAP, by which it decided not to raise any objections in respect of the measure at issue, because that measure was compatible with the internal market.

By judgment of May 19, 2021, Ryanair v Commission (TAP; Covid-19) ([T-465/20](#)), the General Court annulled the initial decision on the ground that it was vitiated by a failure to state reasons.

On July 16, 2021, the Commission adopted the contested decision, by which it again decided not to raise any objections in respect of the measure at issue.

[Background Documents T-743/21](#)

There will be a press release for this case.

Thursday 6th February

[Opinion in Case C-492/23 Russmedia Digital and Inform Media Press](#)

(Freedom of establishment – Freedom to provide services – Intellectual, industrial and commercial property – Data protection – Approximation of laws)

In 2018, an advert was published on the Publi24.ro website (site of the Russmedia company), claiming that a person (X) was offering sexual services. The ad contained photos and a phone number taken from the victim's social networks, without permission.

Russmedia quickly removed the advert, but it was copied to other sites. X filed a complaint against Russmedia.

The Court of Appeal in Cluj (Romania) has referred the matter to the Court of Justice of the European Union to clarify the liability of intermediaries in this case.

[Background Documents C-492/23](#)

There will be a press release for this case.

HEARINGS OF NOTE*

Court of Justice

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

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

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)

Monday 03rd February 2025: 14:30 – [Case C-8/24 Županijsko državno odvjetništvo](#) (Area of Freedom, Security and Justice – Judicial cooperation in criminal matters) (**streamed on Curia**)

Tuesday 4th February 2025: 09:00 – [Case C-679/23 P WS v Frontex \(Joint Return Operation\)](#) (Principle of Non-Refoulement - Right of Asylum) (**streamed on Curia**)

Tuesday 4th February 2025: 11:00 – [Case C-136/24 Hamoudi v Frontex](#) (Principle of Non-Refoulement - Right of Asylum) (**streamed on Curia**)

Wednesday 5th February 2025: 09:30 – [Case C-77/24 Wunner](#) (Area of Freedom, Security

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and Justice – Judicial cooperation in civil matters)

Thursday 6th February 2025: 09:30 – [Case C-97/24 The Minister for Children, Equality, Disability, Integration and Youth](#) (Principles, objectives and tasks of the Treaties – Fundamental rights – Charter of Fundamental Rights)

General Court

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

Tuesday 4th February 2025: 09:30 – [Case T-183/23 Ballmann v European Data Protection Board](#) (Protection of Personal Data – Access to Documents)

Thursday 6th February 2025: 09:30 – [Case T-222/23 Arysta Lifescience v EFSA](#) (Provisions Governing the Institutions – Access to Documents)

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