



Newsletter

Weeks VIII – IX: 17th to 28th February 2025

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Week VIII: 17th to 21th February

The Court will be in recess from the 17th to the 21st February inclusive.

Week IX: 24th to 28th February

Tuesday 25th February

[Judgment in Case C-233/23 Alphabet and Others](#)

(Competition – Dominant position)

In 2018, Enel launched the JuicePass app in Italy, which allows drivers to locate and reserve charging stations for their electric vehicles.

To facilitate navigation, Enel asked Google to make the app compatible with Android Auto, Google's system that allows access to applications on smartphones directly on the car's dashboard. Third-party developers can adapt their applications to Android Auto using the templates provided by Google.

Google refused to take the necessary steps to ensure JuicePass's interoperability with Android Auto.

The Italian competition authority then imposed a fine of more than €102 million on Google, deeming that this behaviour constituted an abuse of a dominant position.

Google challenged this decision before the Italian Council of State, which referred the matter to the Court of Justice for a preliminary ruling.

[Background Documents C-233/23](#)

There will be a press release for this case.

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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Tuesday 25th February

[Judgment in Joined Cases C-146/23 Sąd Rejonowy w Białymstoku and C-374/23 Adoreikė](#)

(Principles of Community law – Fundamental rights)

The Court of Justice has been referred to by Polish and Lithuanian courts which are questioning the compatibility of national provisions relating to the determination of judges' remuneration with EU law.

In Poland, a law provides that judges' basic salaries are set objectively, based on the average salary communicated by the Central Statistical Office. However, three periodic laws have modified this calculation method, resulting in a 'freeze' on the revaluation of judges' remuneration for the years 2021, 2022 and 2023. This derogatory measure was justified by budgetary constraints linked to the Covid-19 pandemic and Russia's aggression against Ukraine.

Challenging this amendment, a judge is claiming a sum corresponding to the difference between the salary received and the salary that would have been due had the revaluation not been 'frozen'.

In Lithuania, two judges have brought an action for damages against this Member State. They claim that the level of their remuneration depends directly on the political will of the executive and legislative branches. Furthermore, they criticise the lack of a legal mechanism for setting a decent remuneration, commensurate with the responsibilities of judges and comparable to the salaries of representatives of other legal professions.

[Background Documents C-146/23](#)

[Background Documents C-374/23](#)

There will be one press release for these cases.

Thursday 27th February

[Judgment in Case C-203/22 Dun & Bradstreet Austria](#)

(Data protection – Approximation of laws)

In Austria, a mobile phone operator refused to allow a customer to conclude a contract on the grounds that she was not sufficiently solvent. The operator based its decision on an automated credit assessment of the customer carried out by Dun & Bradstreet Austria, a company specialising in the provision of such assessments. The contract would have involved a monthly payment of €10.

In the ensuing dispute, an Austrian court found, in a final decision, that Dun & Bradstreet Austria had violated the [General Data Protection Regulation](#) (GDPR). Dun & Bradstreet Austria had allegedly failed to provide the client with ‘meaningful information about the logic involved’ in the automated decision-making in question. At the very least, the company had allegedly failed to provide sufficient reasons as to why it was unable to provide this information.

The court to which the client had referred the matter for the enforcement of this court decision wondered what Dun & Bradstreet Austria should actually do in this regard. It therefore asked the Court of Justice to interpret the GDPR and the [Trade Secrets Directive](#).

[Background Documents C-203/22](#)

There will be a press release for this case.

Thursday 27th February

[Judgment in Case C-517/23 Apothekerkammer Nordrhein](#)

(Approximation of laws)

Since 2012, DocMorris, a Dutch mail-order pharmacy, has been running various advertising campaigns for customers in Germany for the purchase of prescription drugs.

On the one hand, these were price reductions and exact payments for unspecified prescription drugs and, on the other hand, a gratuity of between €2.50 and 20 that gave rise to a payment, but the exact amount of which was not known in advance.

Furthermore, DocMorris offered vouchers for the purchase of other products with the purchase of prescription drugs, namely for non-prescription drugs and health and care products.

At the request of the North Rhine Chamber of Pharmacists, the Cologne Regional Court adopted interim measures prohibiting the advertising activities carried out by DocMorris.

However, as most of these interim measures were subsequently annulled, DocMorris is claiming damages of approximately €18.5 million from the Chamber of Pharmacists before the German courts. According to DocMorris, the interim measures were unjustified from the outset.

The German Federal Court of Justice asked the Court of Justice whether German law,

which allowed advertising campaigns involving price reductions and exact change payments, but prohibited other advertising campaigns, was in accordance with [Directive 2001/83/EC](#) on the Community code relating to medicinal products for human use.

[Background Documents C-517/23](#)

There will be a press release for this case.

Thursday 27th February

[Judgment in Case C-674/23 AEON NEPREMIČNINE and Others](#)

(Freedom of establishment – Freedom to provide services – Internal market – Principles)

The Slovenian Constitutional Court is examining the constitutionality of the law on real estate brokerage services.

This law caps the commission charged for these services in the case of the purchase, sale or rental of real estate. In the case of purchase or sale, the commission may not exceed 4% of the contract price. As for rentals, the ceiling is 4% of the product of the monthly rental amount and the number of months for which the property is rented. An intermediation contract that contravenes this ceiling is considered null and void.

Uncertain as to the compliance of this measure with [Union law](#), the Slovenian Constitutional Court referred the matter to the Court of Justice. Its doubts relate to the cap applied to intermediation services relating to a single-family house, flat or residential unit, acquired or rented by a natural person.

[Background Documents C-674/23](#)

There will be a press release for this case.

Thursday 27th February

[Opinion in Case C-59/23 P Austria v Commission \(Nuclear power plant Paks II\)](#)

(Competition – State aid)

By decision of March 6, 2017, the European Commission approved the investment aid that Hungary planned to grant to the state-owned company MVM Paks II for the development of two new nuclear reactors on the site of the Paks nuclear power plant, south of Budapest.

These new reactors were to gradually replace the four existing reactors. MVM Paks II

was supposed to become the owner and operator of the two new reactors free of charge. Their construction was to be fully financed by the Hungarian State.

The construction of the new reactors was entrusted, by way of direct award, to the Russian company Nizhny Novgorod Engineering, in accordance with an agreement between Russia and Hungary on cooperation in the peaceful use of nuclear energy.

In the same agreement, Russia undertook to grant Hungary a state loan to finance the new reactors. Austria challenged the Commission's approval decision before the General Court of the European Union.

By judgment of November 30, 2022 ([T-101/18](#) – see also press release [No 192/22](#)), the General Court dismissed the action.

Austria then lodged an appeal against the General Court's judgment before the Court of Justice.

[Background Documents C-59/23 P](#)

There will be a press release for this case.

Thursday 27th February

[Opinion in Case C-271/23 Commission v Hungary \(Reclassification of cannabis\)](#)

(Law governing the institutions)

During a session of the United Nations Commission on Narcotic Drugs (CND), when voting on an amendment of the Convention on Narcotic Drugs (Convention), Hungary vote against and made a declaration against a Council Decision (Council's Decision) that established the joint position of the European Union. That decision concerns essentially the position to be taken by the Member States on behalf of the European Union with respect to the reclassification of cannabis and cannabis-related substances in the vote at the CND.

The Convention has four Schedules, numbered I to IV, comprising lists of narcotic drugs or preparations containing narcotic drugs and psychotropic substances. Cannabis and cannabis resin were for many years included in Schedules I (drugs with significant potential for abuse and risk of harm and Schedule IV (high risk to public health, use prohibited to extremely limited medical or scientific purposes, while extracts and tinctures of cannabis were in Schedule I.

The amendment proposed removing cannabis and cannabis resin from Schedule IV to the Convention on Narcotic Drugs, but maintain it in Schedule I, and removing the words 'extracts and tinctures' from Schedule I. The objective was to ensure the

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availability, research and development of preparations containing cannabis-related substances for medical purposes.

Claiming that Hungary failed to fulfil its obligations under the [Council Framework Decision 2004/757/JHA](#) and violated the exclusive external competence of the Union and the principle of sincere cooperation, the Commission brought an infringement action before the Court of Justice.

[Background Documents C-271/23](#)

There will be a press release for this case.

HEARINGS OF NOTE*

Court of Justice

Tuesday 25th February 2025: **09:00** – [Joined Cases C-758/24 Alace and C-759/24 Canpelli](#) (Area of Freedom, Security and Justice – Asylum policy – Safe third country or Safe country of origin) (**streamed on Curia**)

Wednesday 26th February 2025: 09:30 – [Case C-117/24 JYSK](#) (Environment)

Wednesday 26th February 2025: 09:30 – [Case C-320/24 Soledil](#) (Consumer protection)

Thursday 27th February 2025: 09:30 – [Joined Cases C-50/24 Danané, C-51/24 Jalal, C-52/24 Tartous, C-53/24 Daraa, C-54/24 Rabat, C-55/24 Casablanca, C-56/24 Zawiya](#) (Area of Freedom, Security and Justice – Borders checks – Asylum policy)

General Court

Wednesday 26th February 2025: 09:30 – [Case T-784/22 Zásilkovna v Commission](#) (State aid – Czech Republic)

Wednesday 26th February 2025: 14:30 – [Case T-573/23 Positive Group v Council](#) (Restrictive Measures - Ukraine)

Thursday 27th February 2025: 09:30 – [Case T-1031/23 Kaili v Parliament](#) (Access to documents – Member of the European Parliament)

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

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