



## Newsletter

Week XXVI - XXVII: 24<sup>th</sup> June to 05<sup>th</sup> July 2024

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**Graziella  
Schembri**

assisted in the  
preparation of  
this Newsletter.

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## Week XXVI 24<sup>th</sup> to 28<sup>th</sup> June

### Tuesday 25<sup>th</sup> June

#### [Judgment in Case C-626/22 Ilva and Others](#)

*(Environment)*

The case concerns a reference for a preliminary ruling concerning the interpretation of the [Industrial Emission Directive](#) sent by the Tribunale di Milano (Italy).

This directive lays down the requirements governing industrial installations and the rules to prevent or at least to reduce industrial emissions into air, water and land. All installations covered by the directive must prevent and reduce pollution by applying the best available techniques (BATs), so-called BAT conclusions, which the European Commission draws up and updates regularly with stakeholders and representatives of Member States.

The present application was made in the context of a collective dispute between C. Z. and others, residents of the municipality of Taranto (Italy) and neighbouring municipalities, against the defendants: Ilva SpA in Amministrazione Straordinaria ('Ilva'), a company owning a steelworks situated in that municipality ('the Ilva works'), Acciaierie d'Italia Holding SpA and Acciaierie d'Italia SpA.

The Ilva steelworks is one of the largest installations of its kind in Europe and an important economic factor. The European Court of Human Rights ('ECtHR') found, however, that it has significant adverse effects on the environment and causes harm to the health of local residents.

The applicants are seeking protection of their rights to health, to peace and tranquillity in the conduct of their lives and also their right to the climate, which they allege the defendants are adversely affecting as a consequence of their deliberate conduct, due to the emissions coming from the plants at Ilva's steelworks in Taranto which are causing severe pollution.

This dispute concerns whether the Ilva steelworks is operating in accordance with the Directive and BATS requirements. In the present case, the Court is being asked about the importance of certain information concerning the effects of the steelworks on

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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.



human health and about which emissions are to be taken into account. It is also being asked whether it is permitted to repeatedly extend the period for the implementation of certain permit conditions.

The Court recently had an opportunity to explore certain questions relating to the setting of limit values in connection with the grant of permits to installations. However, this request for a preliminary ruling gives it an opportunity to examine more closely the general permit conditions under the Industrial Emissions Directive.

### **[Background Documents C-626/22](#)**

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

## Thursday 27<sup>th</sup> June

### **[Judgments in Cases:](#)**

**[C-144/19 P Lupin v Commission](#)**

**[C-151/19 P Commission v Krka](#)**

**[C-164/19 P Niche Generics v Commission](#)**

**[C-166/19 P Unichem Laboratories v Commission](#)**

**[C-176/19 P Commission v Servier and Others](#)**

**[C-197/19 P Mylan Laboratories and Mylan v Commission](#)**

**[C-198/19 P Teva UK and others v Commission](#)**

**[C-201/19 P Servier and others v Commission](#)**

**[C-207/19 P Biogaran v Commission](#)**

*(Competition)*

This series of cases concerns challenges instituted by a number of companies against Commission decisions concerning abusive agreements in the market for perindopril – a medication used in cardiovascular illnesses.

The companies had entered into agreements with Servier SAS – a company specialising in the development of originator medicines. The Commission held that the agreements were intended to delay or even prevent the market entry of generic versions of perindopril.

The companies in question are appealing the General Court's rejection of their challenge.

**[Background Documents C-144/19 P](#)**

**[Background Documents C-151/19 P](#)**

**[Background Documents C-164/19 P](#)**

**[Background Documents C-166/19 P](#)**

**[Background Documents C-176/19 P](#)**

[Background Documents C-197/19 P](#)

[Background Documents C-198/19 P](#)

[Background Documents C-201/19 P](#)

[Background Documents C-207/19 P](#)

**There will be one press release for these cases.**

### Thursday 27<sup>th</sup> June

#### [Judgment in Case C-284/23 Haus Jacobus](#)

*(Social policy)*

An employee of a care home challenged her dismissal before the German Federal Labour Court, claiming it is prohibited to dismiss a pregnant woman. The Labour Court ruled that it should normally have dismissed the claim as untimely.

In fact, when the employee became aware of her pregnancy and lodged the appeal, the three-week period following written notification of dismissal, provided for under German law, had already expired. In addition, the employee failed to lodge an application for admission of the late appeal within a further two-week period.

The Labour Court wondered, however, whether the German rules at issue were compatible with the relevant EU law ([Council Directive 92/85/EEC](#) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding).

Therefore, the German Federal Labour Court referred the matter to the Court of Justice for guidance.

[Background Documents C-284/23](#)

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

### Thursday 27<sup>th</sup> June

#### [Opinion in Case C-202/24 Alchaster](#)

*(Area of freedom, security and justice – Judicial cooperation in civil and criminal matters)*

The Irish Supreme Court made a reference for a preliminary ruling in proceedings concerning the execution in Ireland of four arrest warrants relating to terrorism, issued on November 26, 2021. Three of the offences are punishable by life imprisonment. The offences are deemed to have been committed by the person concerned between July 18 and 20, 2020.

The request was made in the context of the execution in Ireland of an arrest warrant issued by the judicial authorities of the United Kingdom for MA for the purpose of conducting a criminal prosecution. The referring court seeks to determine the obligations of a judicial authority executing an arrest warrant where the requested person argues that his fundamental rights will be breached by the authorities of the issuing state.

The reference for a preliminary ruling concerns the interpretation of, first, the [Trade and Cooperation Agreement](#) between the EU and the United Kingdom of Great Britain and Northern Ireland and, second, [Article 49\(1\)](#) of the Charter of Fundamental Rights of the European Union ('the Charter').

The person concerned objected to his surrender. He argued that new measures for persons convicted of certain terrorism-related offences – which came into force in Northern Ireland on April 30, 2021 – had the effect of retrospectively imposing a harsher penalty on him than that provided for at the time the alleged offences were committed. That would breach the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights.

The High Court dismissed his appeal and he appealed to the referring court.

The Irish Supreme Court as referring court notes that the Court has already held that, if a Member State receives a request from a non-EU State to extradite a national of another Member State, the first Member State must verify that the extradition will not adversely affect the rights referred to in [Article 19 of the Charter](#).

Accordingly, the referring court wonders to what extent Article 49 of the Charter applies in a surrender decision other than in the cases provided for in Article 19 of the Charter, bearing in mind that the new measures are not subject to the Charter, and the Charter will not apply to criminal proceedings in the United Kingdom.

Therefore, it wonders whether it has an obligation to examine the compatibility of the new measures with Article 49 of the Charter and, if so, what is the nature and scope of such an examination.

### **[Background Documents C-202/24](#)**

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

## Week XXVII 1<sup>st</sup> to 5<sup>th</sup> July

Thursday 4<sup>th</sup> July

**[Judgment in Case C-450/22 Caixabank and Others \(Monitoring transparency in](#)**

### [collective action](#)

*(Consumer protection)*

'Floor clauses' were standard terms contained in variable rate mortgage loan agreements concluded with consumers by a significant number of financial institutions in Spain. Those clauses set a threshold (or 'floor') below which the variable interest rate could not fall, even if the reference rate (generally the Euribor) fell below it.

When the reference rates fell significantly below that threshold, the consumers realised they could not benefit from that decrease and still had to pay the minimum interest rate (usually between two and five percent), despite having a variable rate mortgage. Individual consumers and consumer associations have filed several thousands of lawsuits in Spain claiming the illegality of 'floor clauses' in the light of the [Directive on unfair terms](#), as well as the restitution of the overpaid interest (see Judgment joined cases [C-154/15, C-307/15 and C-308/15](#) and [Press Release No 144/16](#)).

The Spanish Association of Users of Banks, Savings Banks and Insurance (ADICAE) brought a collective action against 101 financial institutions operating in Spain. ADICAE aims at stopping the use by those institutions of 'the floor clauses' ('action for an injunction') and at obtaining the reimbursement of the payments made under them ('action for recovery'). Following calls in the national media, 820 consumers supported the collective action.

Having lost the case twice, the banks appealed to the Spanish Supreme Court. That court has doubts about the suitability of the collective proceedings to carry out a review of the transparency of the 'floor clauses' in order to ascertain whether they are unfair, especially given the numerous consumers and financial institutions involved.

The Spanish High Court asked the Court of Justice guidance on the interpretation of Directive 93/13/EEC on unfair terms and its compatibility with the Spanish system of collective actions brought by a consumers' association against floor clauses in mortgage loan contracts concluded with consumers, which are used by all the defendant banks.

### [Background Documents C-450/22](#)

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

## HEARINGS OF NOTE\*

### Court of Justice

Monday 24<sup>th</sup> June 2024: 14:30 – Case [C-318/24 PPU Breian](#) (Area of freedom, security and justice – Judicial cooperation in civil and criminal matters – Police cooperation)

Tuesday 25<sup>th</sup> June 2024: 09:30 – Joined Cases [C-777/22 P ECB v Corneli](#) and [C-789/22 P Commission v Corneli](#) (Economic and monetary policy) ([streamed on Curia](#))

Thursday 27<sup>th</sup> June 2024: 09:30 – Case [C-517/23 Apothekerkammer Nordrhein](#) (Approximation of law)

Tuesday 02<sup>nd</sup> July 2024: 09:30 – Case [C-492/23 Russmedia Digital and Inform Media Press](#) (Freedom to provide services – Data protection) ([streamed on Curia](#))

Thursday 04<sup>nd</sup> July 2024: 09:30 – Case [C-414/23 Metsä Fibre](#) (Environment – Pollution)

## General Court

Wednesday 26<sup>th</sup> June 2024: 09:30 – Joined Cases [T-362/21 Telly v Commission](#) and [T-363/21 Česká asociace satelitních operátorů v Commission](#) (State aid)

Thursday 27<sup>th</sup> June 2024: 09:30 – Case [T-336/20 Hypo Vorarlberg Bank v SRB](#) ([Contributions ex ante 2016](#)) (Economic and monetary policy)

Thursday 27<sup>th</sup> June 2024: 14:30 – Case [T-499/20 Banco Cooperativo Español v SRB](#) ([Contributions ex ante 2016](#)) (Economic and monetary policy)

Monday 01<sup>st</sup> July 2024: 09:30 – Cases [T-270/23 Rosbank v Council](#) and [T-275/23 Tinkoff Bank v Council](#) (Restrictive measures – Ukraine)

Wednesday 03<sup>rd</sup> July 2024: 09:30 – Joined cases [T-830/22](#) and [T-156/23 Poland v Commission](#) (Law governing the institutions)

Wednesday 03<sup>rd</sup> July 2024: 09:30 – Case [T-193/23 MegaFon v Council](#) (Restrictive measures – Ukraine)

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