



Newsletter

Week XXVII - XXVIII: 1st to 12th July 2024

Contact us

@ENDesk

Jacques René
Zammit
Press Officer
+352 4303 3355

Monica Pizzo
Assistant
+352 4303 3366

Desk Email
Press.ENdesk@curia.europa.eu

**Graziella
Schembri**

assisted in the
preparation of
this Newsletter.

Follow
[@EUCourtPress](#)
on X (formerly
Twitter)

Download our
app



Week XXVII 1st to 5th July

Thursday 4th July

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

(Consumer protection)

'Floor clauses' are standard terms contained in variable rate mortgage loan agreements concluded between consumers and a significant number of financial institutions in Spain. These types of 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 light of the [Directive on unfair terms in consumer contracts](#), 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 of 'the floor clauses' ('action for an injunction') by those institutions 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 large number of consumers and financial institutions involved.

The Spanish High Court asked the Court of Justice for guidance on the interpretation of the Directive on unfair terms in consumer contracts and its compatibility with the Spanish system of collective actions brought by a consumers' association against floor

Newsletter

Week XXVII - XXVIII: 1st to 12th July 2024

All times are 9:30 unless otherwise stated.

Don't forget to check the diary on our website for details of other cases.

.....

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.

Week XXVIII 8th to 12th July

Thursday 11th July

[Judgment in Joined Cases C-554/21 HANN-INVEST, C-622/21 MINERAL-SEKULINE and C-727/21 UDRUGA KHL MEDVEŠČAK ZAGREB](#)

(Principles of Community law – Charter of Fundamental Rights)

The Commercial Court of Appeal, Croatia asks the Court of Justice guidance on the interpretation of [Article 19](#) of the TEU and [Article 47](#) of the Charter of Fundamental Rights in relation to three appeals concerning the recovery of costs for the conduct of bankruptcy proceedings.

Appeals against orders in three different insolvency proceedings were finally and unanimously dismissed by three-judge panels. The decisions were forwarded to the registry in accordance with the established rules.

However, the judge in this department refused to register the three decisions. He referred them back to the respective panels, stating that he did not agree with the solutions adopted in these decisions. He referred in particular to compliance with a "legal position" on how to decide cases of this type, which, according to internal procedural practice, had previously been adopted by a sectional meeting of the court.

"Legal positions" interpret the law in the light of specific cases, and are binding on all chambers or judges of the court.

In these circumstances, the referring court seeks to ascertain whether such an internal mechanism for finalising judicial decisions is compatible with the fundamental principle of effective judicial protection.

[Background Documents C-554/21](#)

There will be a press release for these cases.

Thursday 11th July

[Judgment in case C-601/22 WWF Österreich and Others](#)

(Environment)

A number of animal and environmental protection organisations are challenging before the Regional Administrative Court of Tyrol (Austria) the fact that the government of the Land of Tyrol has temporarily authorised the slaughter of a wolf.

The wolf had previously killed around 20 sheep on pastureland.

Under the [Habitats Directive](#), wolves are strictly protected, meaning that in principle it is forbidden to hunt them. However, given the development of the wolf population in Austria and the fact that some Member States benefit from exceptions, the Tyrol Regional Administrative Court doubted the validity of this ban.

It therefore referred the matter to the Court of Justice. In the event that it were to consider the ban valid, it asked the Court to specify the conditions for derogating from it and thus authorising the killing of a specimen.

[Background Documents C-601/22](#)

There will be a press release for this case.

Thursday 11th July

[Judgment in case C-196/23 Plamaro](#)

(Social policy)

The reference for a preliminary ruling was made in the context of a dispute concerning dismissal between eight employees (the "employees concerned") and their employer's universal heir (the "defendant").

An entrepreneur retired. His departure resulted in the termination of 54 employment contracts in his company's 8 establishments. 8 employees challenged the unlawful dismissal to which they felt they had been subjected. Their appeal was rejected.

The Spanish court hearing the appeal must determine the validity of the termination of the employment contracts.

Spanish law provides for a procedure for consulting workers' representatives in the event of collective redundancies. However, that procedure does not apply in cases

where the terminations were caused by the retirement of the individual employer.

The Spanish court wonders, however, whether that exclusion complied with the EU [Council Directive 98/59/EC](#) of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. It therefore referred the case to the Court.

[Background Documents C-196/23](#)

There will be a press release for this case.

HEARINGS OF NOTE*

Court of Justice

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

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

Monday 08th July 2024: 14:30 – Case [C-453/23 Prezydent Miasta Mielca](#) (State aid) ([streamed on Curia](#))

Tuesday 09th July 2024: 09:30 – Case [C-452/23 Fastned Deutschland and Tesla Germany](#) (Freedom of establishment – Freedom to provide services) ([streamed on Curia](#))

Thursday 11th July 2024: 14:30 – Case [C-613/23 Herdijk](#) (Taxation)

General Court

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

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

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

Tuesday 09th July 2024: 09:30 – Case [T-271/22 Melnichenko v Council](#) and 14:30 Case [T-498/22 Melnichenko v Council](#) (Restrictive measures – Ukraine)

Tuesday 09th July 2024: 09:00 – Case [T-498/19 Banco Cooperativo Español v SRB \(2019 ex-ante contributions\)](#) and 14:00 Case [T-406/18 de Volksbank v SRB \(2018 ex-ante contributions\)](#) (Economic policy)

Newsletter

Week XXVII - XXVIII: 1st to 12th July 2024

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

