



## Newsletter

Week XLIV - XLV: 28<sup>th</sup> October to 8<sup>th</sup> November 2024

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## Week XLIV: 28<sup>th</sup> October to 1<sup>st</sup> November

**The Court is in All Saints recess from Monday 28<sup>th</sup> October to  
Sunday 3<sup>rd</sup> November.**

## Week XLV: 4<sup>th</sup> to 8<sup>th</sup> November

### Wednesday 6<sup>th</sup> November

#### General Court

[Judgments in Cases T-386/21 Crédit agricole and Crédit agricole Corporate and Investment Bank v Commission and T-406/21 UBS Group and Credit Suisse Securities \(Europe\) v Commission](#)

*(Competition)*

In 2018, the European Commission opened competition infringement proceedings involving Deutsche Bank, Bank of America, Crédit Agricole and Credit Suisse (now UBS Group).

In June 2023, UBS Group formally acquired Credit Suisse Group and all its rights and obligations. UBS Group therefore replaces Credit Suisse Group in the T-406/23 action, which was filed on 6 August 2021.

Having previously applied for immunity from fines in exchange for its cooperation in the investigation, Deutsche Bank was granted immunity.

The European Commission has fined Bank of America (Merrill Lynch), Crédit Agricole, and Credit Suisse for breaching EU antitrust rules. The four banks took part in a cartel in the secondary trading market within the European Economic Area of supra-sovereign, Sovereign and Agency (SSA) bonds denominated in US Dollars.

According to the Commission, traders employed by those banks agreed on trading and pricing strategies and exchanged commercially sensitive market information relating to their activities. These exchanges took place via Internet discussion forums

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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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or via electronic or telephone discussions between January 19, 2010 and March 24, 2015.

By analysing these exchanges, the Commission concluded that the banks concerned had engaged in conduct which had the object or effect of preventing, restricting or distorting competition within the internal market. It imposed a fine of €12.6 million on Bank of America and €11.9 million on Crédit Suisse, while Crédit Agricole was fined € 3.9 million.

Crédit Agricole and Credit Suisse have each lodged an action for annulment of this decision, insofar as it concerns them separately. Crédit Agricole is also seeking a reduction in its fine. Crédit Agricole and Credit Suisse claim that the Commission committed errors of assessment in considering that they had participated in an anti-competitive cartel in the SSA bond sector.

[Background Documents T-386/21](#)

[Background Documents T-406/21](#)

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

### Wednesday 6<sup>th</sup> November

#### General Court

[Judgment in Case T-827/22 Wizz Air Hungary v Commission \(TAROM II; Covid-19\)](#)

*(Competition – State aid)*

TAROM is a Romanian airline operating mainly from Henri-Coandă International Airport in Bucharest, 97.22% of which is owned by the Romanian State.

On February 3, 2022, Romania notified individual aid of €1,908,872 in the form of a capital increase for the Romanian airline TAROM. This aid is financed from Romania's general budget. The purpose of the measure is to compensate TAROM for damage suffered on fourteen specific international routes during the period from July 1 to December 31, 2020 as a result of travel restrictions linked to the pandemic.

On April 29, 2022, the Commission deemed this aid to be compatible with the internal market without opening a formal investigation procedure.

Wizz Air seeks the annulment of that decision and an order that the Commission pay the costs, on the grounds of incorrect application of [Article 107\(2\)\(b\) TFEU](#), errors of assessment as to the proportionality of the measure, breach of the principles of non-discrimination, freedom to provide services and freedom of establishment, failure to initiate a formal investigation procedure, and breach of the obligation to give reasons.

### [Background Documents T-827/22](#)

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

## Thursday 7<sup>th</sup> November

### [Judgment in Case C-126/23 Burdene](#)

*(Area of Freedom, Security and Justice –Judicial cooperation in criminal matters – Fundamental rights)*

This reference for a preliminary ruling, brought by the Ordinary Court of Venice, Italy concerns the interpretation of the [Compensation Directive](#), Articles [20](#) and [21](#), Articles [33](#)(1) and [47](#) of the Charter of Fundamental Rights of the European Union, as well as Article 1 of Protocol No 12 to the [European Convention for the Protection of Human Rights and Fundamental Freedoms](#).

The reference for a preliminary ruling was made in the context of a dispute between the family of TS, the victim of a violent intentional crime. TS was murdered on May 18 2017 by her ex-boyfriend KU, who was subsequently sentenced to 30 years' imprisonment for the crime.

The request has been made in proceedings brought by the parents, sister and children of a murder victim against the Presidency of the Council of Ministers, Italy and the Ministry of the Interior, Italy. The proceedings concern the inadequate or non-existent amounts granted to them by the Italian State as compensation for the harm suffered on the grounds that the person convicted of the murder was insolvent.

TS's family, having ascertained that the Italian State, in enacting national legislation, had introduced limitations on the payment of compensation, requested that the sums due to them by way of compensation be determined on the basis of their degree of kinship with TS, quantifying the latter to a 'fair and appropriate' extent pursuant to Article 12 of Directive 2004/80.

According to TS's family, the limitation established by the national legislation, which provides for the recognition of compensation to the victim's parents only in the absence of a spouse and children, and to brothers and sisters only in the absence of persons belonging to the aforementioned categories, is manifestly unlawful.

### [Background Documents T-126/23](#)

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

### Thursday 7<sup>th</sup> November

#### [Opinion in Case C-460/23 Kinsa](#)

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

This reference for a preliminary ruling by an Italian court was made in proceedings relating to the establishment of the criminal liability of OB, a national of Congolese origin, called to answer for the offence of illegal immigration in conjunction with an offence of possession of false identity documents.

Specifically, on August 27, 2019, at the Bologna air border, arriving with a flight from Casablanca, OB presented a false Senegalese passport for herself and two false passports for the two minors she was accompanying, thus performing acts intended to allow the illegal entry of the two minors into Italian territory.

On August 28, 2019, OB was arrested and the two minors (her granddaughter and daughter) were placed in care.

At the validation hearing, OB stated that she had fled the Democratic Republic of Congo to escape death threats made against her and her family by her former partner. She also stated that she had taken the minors with her out of concern for their safety. The preliminary investigation judge validated OB's arrest and rejected a request to place OB in a detention facility as a protective measure.

On October 9, 2019, OB applied for international protection, and the procedure has not yet been closed.

The relationship between OB and one of the children has also been established, by means of a DNA test. As a result, the defendant's parental responsibility for one of the minors has been restored, while the other minor can no longer be located.

After taking the evidence requested by the parties and having doubts on the interpretation of [Article 52](#)(1) of the Charter in relation to national legislation as well as on the validity of the rules laid down by [Directive 2002/90 defining the facilitation of unauthorised entry, transit and residence](#) and [Framework Decision 2002/946 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence](#), the national court decided to refer two questions to the Court for a preliminary ruling.

#### [Background Documents T-460/23](#)

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

### SAVE THE DATE - IRELAND

**Thursday 21<sup>st</sup> November**

**WHAT: Breakfast Press Talk – Reporting the CJEU**

**WHERE: European Public Space, Europe House, 12-14 Lower Mount Street, Dublin**

**WHEN: 21<sup>st</sup> November starting 0930**

**The Press Office of the Court of Justice of the EU will be organising a Breakfast Talk for the Press in Dublin on the 21<sup>st</sup> of November.**

Jacques Zammit, the Press Attaché responsible for the English Desk, will be giving an informal briefing on the workings of the Court and of the services that are available to help better “report the Court”. Join me for a chat over coffee and morning bites while we will discuss what the Court does and what tools are available to be better informed about what is happening in Luxembourg. By the end of the morning, reporting on the Court will be a piece of cake (or croissant).

*Although the Breakfast Talk is aimed at members of the press, other parties interested in learning how the CJEU works or following it regularly are welcome to attend.*

Reserve a place by mailing: [Press.ENDesk@curia.europa.eu](mailto:Press.ENDesk@curia.europa.eu)

### HEARINGS OF NOTE\*

**Information Note concerning streaming on the Curia website**

*Please note the following new conditions for streaming on the website including the new length of availability of the video recordings:*

In order to facilitate public access to its judicial activity, the Court of Justice of the European Union offers a system for broadcasting hearings.

The delivery of judgments of the Court of Justice and the reading of opinions of the Advocate Generals are broadcast live on [this page](#). Broadcasting will be enabled at the start of the hearing, at the time indicated in the [judicial calendar](#).

Certain hearings of the Court of Justice involving oral pleadings are, however, broadcast with a delay. This concerns, as a rule, hearings in cases referred to the full Court, to the Grand Chamber, or, exceptionally, where this is justified by the importance of the case, to a Chamber of five Judges. The video recordings of those hearings will remain available on this website for a maximum period of one month

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[after the close of the hearing.](#)

## Court of Justice

Wednesday 06<sup>th</sup> November 2024: 09:00 – [Case C-423/23 Secab](#) (Energy)

Wednesday 06<sup>th</sup> November 2024: 09:30 – [Case C-782/23 Tauritus](#) (Customs Union)

Thursday 07<sup>th</sup> November 2024: 09:30 – [Joined Cases C-71/23 P France v CWS Powder Coatings and Others and C-82/23 P Commission v CWS Powder Coatings and Others](#) (Public health)

Thursday 07<sup>th</sup> November 2024: 14:30 – [Case C-602/23 Finanzamt für Großbetriebe](#) (Free movement of capital)

## General Court

Wednesday 06<sup>th</sup> November 2024: 09:30 – Case [T-350/23 Kargins v Commission](#) (Law governing the institutions)

Thursday 07<sup>th</sup> November 2024: 09:30 – Case [T-306/23 Red Bull and Others v Commission](#) (Competition – Dominant position)

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

