



## Newsletter

Weeks VI – VII: 3<sup>rd</sup> to 14<sup>th</sup> February 2025

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## Week VI: 3<sup>rd</sup> to 7<sup>th</sup> February

### Tuesday 4<sup>th</sup> 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 5<sup>th</sup> 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)*

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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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.

Poland also argues 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 5<sup>th</sup> 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% is 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, deciding not to raise objections as the 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 due to 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 6<sup>th</sup> 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.**

### Week VII: 10<sup>th</sup> to 14<sup>th</sup> February

#### Thursday 13<sup>th</sup> February

#### [Judgment in Case C-472/23 Lexitor](#)

*(Consumer protection)*

Lexitor is a debt collection company to which a consumer has assigned their rights under a credit agreement concluded with the bank. This company claims before a Polish court the payment of a sum of money corresponding to the interest and costs paid by this consumer.

In support of its claim, Lexitor asserts that the bank failed in its duty to inform the consumer when the contract was concluded.

Firstly, the annual percentage rate of charge (TAEG: total cost of the loan, paid by the consumer, expressed as an annual percentage of the granted loan's amount) would be overestimated, because one of the clauses in the contract used to calculate this rate should be declared unfair and, as a result, not binding on the consumer.

Secondly, the contract would not clearly specify the reasons for and the procedures for increasing the costs associated with its performance. In Lexitor's view, these shortcomings should trigger the penalty provided for by national law and, consequently, render the credit free of interest and charges set out in the contract.

Wishing to know whether the bank had breached its obligation to provide information under EU law, specifically [Directive 2008/48/EC](#), and whether depriving it of its right to interest and costs was compatible with the Directive, the Polish judge turned to the Court of Justice for a preliminary ruling reference.

### **Background Documents C-472/23**

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

## Thursday 13<sup>th</sup> February

### **Opinion in Case C-417/23 Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge**

*(Social policy)*

The Danish legislation on public housing distinguishes between several types of neighbourhoods with unfavourable socio-economic situations in terms of their levels of unemployment, crime, education, and income.

The areas in which, in addition to an unfavourable social-economic situations, the proportion of immigrants from non-Western countries and their descendants has exceeded 50% for the last five years are categorised as 'transformation areas' (formerly known as 'hard ghettos').

The law requires the public housing associations owning such areas to draw up a development plan in which it is set out how the proportion of public housing units in the transformation areas is to be reduced to 40% by January 1, 2030. This may include the sale of properties to private developers, demolition, or conversion of family housing into housing for young people. In such cases, the lease of the previous tenants must be terminated.

Tenants who found themselves in such a situation in two transformation areas - the Schackenborgvænge estate in Slagelse, and Mjølnerparken estate in Copenhagen – challenge in court the legality of development plans adopted on the basis of the Danish legislation on public housing.

The Eastern Regional Court, Denmark harbours doubts as to whether the Danish legislation is compatible with the [Race Equality Directive](#).

## [Background Documents C-417/23](#)

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

## HEARINGS OF NOTE\*

### Court of Justice

Monday 03<sup>rd</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> February 2025: 11:00 – [Case C-136/24 Hamoudi v Frontex](#) (Principle of Non-Refoulement - Right of Asylum) (**[streamed on Curia](#)**)

Wednesday 5<sup>th</sup> February 2025: 09:30 – [Case C-77/24 Wunner](#) (Area of Freedom, Security and Justice – Judicial cooperation in civil matters)

Thursday 6<sup>th</sup> 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)

Monday 10<sup>th</sup> February 2025: 14:30 – [Case C-797/23 Meta Platforms Ireland \(Fair Compensation\)](#) (State Aid – Fundamental Rights - Charter of Fundamental Rights) (**[streamed on Curia](#)**)

Tuesday 11<sup>th</sup> February 2025: 09:00 – [Case C-696/23 P Pumpyanskiy v Council](#), [Case C-704/23 P Khudaverdyan v Council](#), [Case C-711/23 P Rashnikov v Council](#), [Case C-35/24 P Mazepin v Council](#), [Case C-111/24 P Khan v Council](#) (Restrictive Measures - Ukraine) (**[streamed on Curia](#)**)

Wednesday 12<sup>th</sup> February 2025: 09:30 – [Case C-428/23 ROGON and Others](#) (Competition – Prohibition of cartels, decisions and concerted practices – Football)

Wednesday 12<sup>th</sup> February 2025: 09:30 – [Case C-315/24 Nestlé Sverige \(Labeling of foods for special medical purposes\)](#) (Approximation of laws – Food safety)

Wednesday 12<sup>th</sup> February 2025: 14:30 – [Case C-209/23 RRC Sports](#) (Freedom to provide services – Competition)

Thursday 13<sup>th</sup> February 2025: 09:30 – [Case C-115/24 Österreichische Zahnärztekammer](#) (Public health – Freedom to provide services)

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Weeks VI – VII: 3<sup>rd</sup> to 14<sup>th</sup> February 2025

Thursday 13<sup>th</sup> February 2025: 14:30 – [Case C-133/24 CD Tondela and Others](#)  
(Competition – Football)

### General Court

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

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

Thursday 13<sup>th</sup> February 2025: 09:30 – [Case T-412/22 PAN Europe v Commission](#), [Case T-94/23 Pollinis France v Commission](#), [T-565/23 Aurelia Stiftung v Commission](#)  
(Agriculture and Fisheries - Plant health legislation)

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