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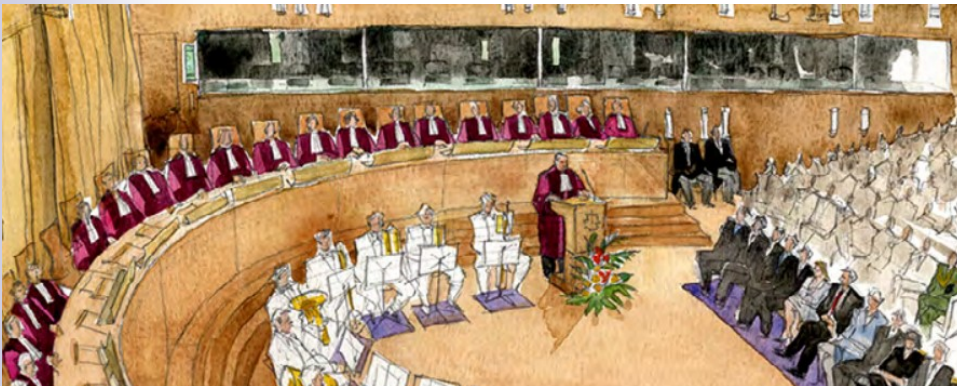
Judicial Network of the European Union



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Judges of the Constitutional and Supreme Courts of the Member States celebrate 70 years of European Justice at the *Forum des Magistrats*



70
1952 - 2022

The CJEU's 70th anniversary year culminated in the presence, at the Forum des Magistrats, of more than 80 judges from the national Constitutional and Supreme Courts of all 27 Member States as well as former Members of the Court. The Forum is an annual event at which national judges meet and exchange with each other and the members of the Court on issues of common interest in a different context from that of the formal dialogue of the preliminary ruling procedure.

To celebrate this special year, the theme that guided the institution throughout the year, "Justice closer to the citizen", was brought to the forefront of the Forum's work.

This event began on the evening of 4 December with a speech by Mr Koen Lenaerts followed by the film commemorating 70 years of European Justice.

The next morning comprised two working sessions, the first entitled

'The preliminary ruling procedure – Recent developments', the second 'The concept of judicial independence in EU law'.

The afternoon consisted of three workshops: the first on **'The intelligibility of judicial decisions'**, the second on **'The distinctness of cases: naming the cases without revealing the identity of the parties'**, and the third on **'Judicial communication'**.

The afternoon ended with a working session entitled **'The General Court and Conflicts in Europe: recent developments on restrictive**



measures against Belarus and Russia’.

It was then followed with an interactive meeting with high school students from 10 Member States, both face-to-face and remotely, on the subject of “Builders of Europe”. With

the words ‘Welcome to your home, in your Court of Justice’, President Lenaerts greeted the participants before talking about the role of the Court. He told the students about the cases of Lies Craeynest (C-723/17) and Schrems (C-362/14), to illustrate

how EU law contributed to improving the lives and rights of EU citizens in relation to the environment and data protection. The lesson here was twofold: it demonstrated that young people could act at local level, including through preliminary ruling proceedings, in the face of widespread challenges and that EU law plays a role in citizens’ daily lives. The students then took the floor and asked many questions: the benefits of European integration, the accession of the Eastern European countries, the biggest challenges facing the Union, the Union’s action against the non-application of its law and values, the various criticisms of the Union and rising Euroscepticism, global warming and discrimination based on sex or sexual orientation.

Welcoming speech of President Lenaerts at the Forum

“ It is a great pleasure for me, as President of the Court of Justice of the European Union, to welcome you this evening, both to our host country, the Grand Duchy of Luxembourg, and to the Forum des Magistrats that will begin in earnest tomorrow morning.

The Forum is of great importance to me and my colleagues here at the Court of Justice as it gives us the opportunity to exchange ideas and perspectives with our fellow judges from throughout the European Union. That is all the more so on this occasion since we have the privilege of welcoming the Presidents of the Constitutional and Supreme Courts of the Member States to the Forum.

This Forum is special not only because of the presence of its distinguished guests. It is also special because we are celebrating the 70th anniversary of this institution, the Court of Justice of the European Union. Exactly 70 years ago, on 4 December 1952, a formal sitting was held in the City Hall of Luxembourg during which the first Members of this Court took the oath of office.



But as I will stress tomorrow in my opening speech, we are not only celebrating the anniversary of this institution as such. We are also celebrating the anniversary of our shared judicial cooperation, of our dialogue with you, our judicial colleagues in the Member States, through the preliminary ruling mechanism.

Many of the most important rulings of our Court were made in preliminary ruling cases. Let me just mention two fundamental judgments from the early days of our Court, Van Gend en Loos on direct effect and Costa on the primacy of Union law – both of which will doubtless be familiar to all of you – and one important judgment of this year (8 November), *Deutsche Umwelthilfe*, on the interpretation of the

Aarhus convention and the right of environmental associations to bring legal proceedings.

The preliminary ruling mechanism exists because you are the ones on the front line, interpreting and applying European Union law day in, day out. In your respective Member States, you are the ultimate guardians of the rule of law of the European legal order. Therefore, I cannot overemphasise how essential it is to the uniform application of Union law that your courts put questions to us where an issue concerning the validity or interpretation of that law needs to be clarified in order for you to deal with a case that comes before you. In fact, it is thanks to such questions that our Court can fulfil its task of ensuring the uniform interpretation and application of Union law, and thus of ensuring the equality of all citizens before the law.

An important anniversary is a good moment to reflect on the challenges that we will face in the future. The Court of Justice has taken all possible measures to increase its efficiency in the handling of its cases, but the fact remains that the ever-increasing workload of the Court has become unsustainable. Structural measures need to be taken to resolve this issue as a matter of urgency. In that connection, I would like to inform you that, a few days ago, on 30 November, the Court of Justice submitted a legislative re-

quest to the EU legislator regarding the transfer to the General Court of jurisdiction to hear references for a preliminary ruling in certain specific areas. We will discuss this request in more detail tomorrow. I would just like to stress now that the only criterion provided in the TFEU for the allocation of jurisdiction as between the Court of Justice and the General Court with respect to references for a preliminary ruling is that the General Court can hear such references in “specific areas laid down by the Statute”. The Treaty does not allow for other criteria to be used such as, for example, a criterion relating to the identity of the referring court, drawing a distinction between referring courts of last instance and other referring courts.

Our judicial dialogue generally takes place through the formal channel of the preliminary ruling mechanism. That formal dialogue is complemented by means of the informal mechanism established under the Judicial Network of the European Union. We also celebrate today the fifth anniversary of this Network that was set up at the 2017 Forum des Magistrats held on the occasion of the 60th anniversary of the signature of the Treaties of Rome.

The Network has proved to be a very valuable channel for communication and for the exchange of information between participating courts. Since November 2019, most of the content made available on its website is now

shared with the general public. That is one of the ways in which we seek to bring justice closer to the citizen.

As you will doubtless have observed, bringing justice closer to the citizen is the motto of the Court’s anniversary celebrations. This is reflected in the choice of the topics for the panel discussions scheduled for tomorrow afternoon.

Recently, the Court of Justice took a major step to bring justice closer to the citizen. In April of this year, the Court began the streaming of the hearings of its Grand Chamber. Ordinary citizens, students, academics but also referring judges no longer have to travel – often long distances – in order to attend a Grand Chamber hearing at the Court. They can follow the pleadings and the ‘question and answer session’ on their screens. Data that our ICT department communicated to me confirms the success of this project.

An anniversary not only gives us an opportunity to reflect on the future. It is also a good moment to reflect on the achievements of the past. To mark the 70th anniversary of this institution, we therefore decided to publish a book which sets out the history, the competences as well as certain seminal judgments of the Court of Justice and the General Court.



*To celebrate its 70th anniversary
the Court welcomed the Judges of Constitutional and Supreme Courts
of the Member States to the Forum*

*and showed its **commemorative film**.*

It is also a tradition that such an anniversary be celebrated by

*holding a **formal hearing**,*

***available in streaming**,*

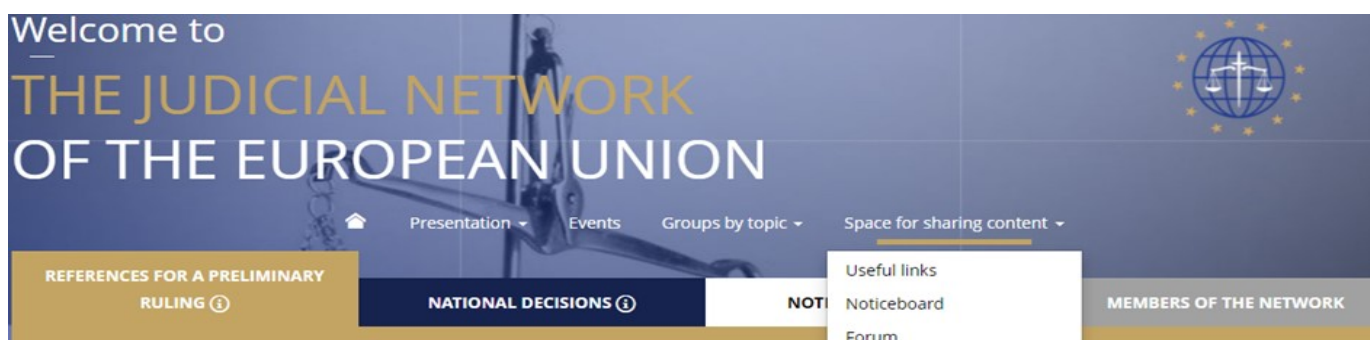
*to which the highest Luxembourg authorities and the presidents of
the institutions of the European Union were invited, in addition to
the participants of the Forum.*

New features of the JNEU private platform

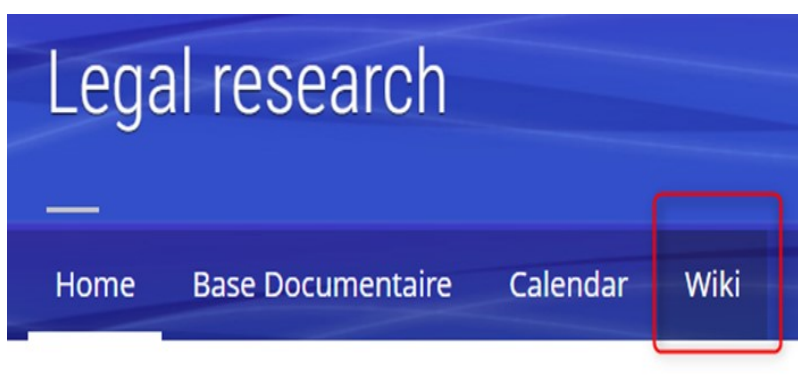
From 17th March, four **new developments** currently in progress are being introduced to the JNEU private platform aimed at making the spaces of the platform as **interactive** as possible.

A '**Content-sharing space**' tab was included on the platform's homepage, with:

- ◆ **useful links** for network members, e.g. links to eTranslation and IATE sites;
- ◆ a **Noticeboard** where contributors can share articles on topics of interest to the network; the JNEU Newsletter will also be published here;
- ◆ a **Forum** where contributors can ask questions, start conversations or suggest ideas.



The thematic working group pages will have their own space where they can work together to add new content, the **Wiki**:



The user guide of the content sharing space and the Wiki is available in [English](#) and [French](#).

Later this year, the JNEU will have three new features:

- ◆ the creation of a **space for correspondents' meetings** within the platform providing access to the speeches, presentations and minutes of past meetings;
- ◆ the introduction of the possibility of **saving standard searches**;
- ◆ the information from the **Court of Justice's judicial calendar** will be made available on the public platform.

Fictitious names in anonymised cases

From 1 January 2023, all new anonymised cases involving proceedings between natural persons (whose names have, since 1 July 2018, been replaced with initials for reasons relating to the protection of personal data) or proceedings between natural persons and legal persons that do not have a distinctive name, are to be allocated a fictitious name suggested by a computerised automatic name generator.

This initiative has been introduced in order to make it easier to identify anonymised cases.

The allocation of fictitious names does not affect:

- References for preliminary rulings in which the name of the legal person is sufficiently distinctive (the name of that legal person will be used as the name of the case);

- Direct actions (the Court of Justice will continue to allocate a conventional name to those cases, which will appear in brackets after the usual name of the case);
- Requests for opinions;
- Appeals;
- Cases before the General Court.

Fictitious names will not correspond to the real name of any party to the proceedings and will not, in principle, be an existing name. They will appear in the header of the judgment and on the first page after the case number.

The fictitious name generator works by dividing words into syllables, which are then randomly combined to produce fictitious names. There is a generator for each official language of the European Union and additional generators will be developed, where necessary, for languages of third countries.

The measure will make it easier to recall the names of those cases and cite them both in case-law and elsewhere

Thematic working groups' activities

Innovation group – Webinar

WIPO Speech to text tool

The webinar “WIPO speech-to-text at the Court of Justice: generation of automatic verbatim”, organised by the coordinators of the JNEU Innovation Thematic Working Group, took place on 21st February at 14:00.

This webinar presented WIPO speech-to-text tool, an AI tool developed in-house by the World Intellectual Property Organization (WIPO) to recognise speech automatically and convert it into text. This tool is based on open-source libraries and trained on data essentially sourced from conferences. WIPO and the CJEU are currently working together to develop an on-premises system based on the WIPO speech-to-text tool, which would allow the CJEU to generate automatic verbatim reports in a highly confidential and secure environment.

If you are interested to receive more information, please contact us at innovation-lab@curia.europa.eu

6th Meeting of the Legal research group

The sixth meeting of the “legal research” group took place on 1st February.

Its main topic was a presentation of Eurovoc, the multilingual, multidisciplinary thesaurus covering the activities of the European Union, given by Ms Carolina Dunaevsky from the Court of Justice’s Terminological Projects and Coordination Unit. Members of the “terminology” group also attended the meeting and participated in the discussions.

These were followed by a time for questions.

The “Legal Terminology” thematic working group training courses: a quick review

As anticipated in the previous newsletter and as a follow-up to the meetings of the “Legal terminology” group, particularly on 21 June 2022, the Projects and Terminological Coordination unit of the Court of Justice has organised training courses on the use of the EU’s terminology database IATE (Interactive Terminology for Europe) and on terminology methodology, as well as on documentary research tools and techniques for finding linguistic solutions. The training courses were provided in November and December to JNEU members as well as to those services which assist in the judicial activity of the courts (translation, drafting, and summary).

On 15 and 23 November 2022, two training sessions were held on IATE and methodology for terminological work. The various options of the IATE expanded search for obtaining more pertinent search results (for example, domain, owner, search in fields, etc.) were presented. The metadata displayed on the search results page were explained: for example what is the meaning of the star in front of IATE ID, what information is particularly important (domain, legal system from which the concept originates), etc.

The presentation provided an extensive explanation for understanding IATE entries (owned by the Court of Justice) and the rules put in place to manage legal terminology (terminology management by legal system and not only by language, comparative law notes, the providing of semantic relations between concepts, etc.).

The participants have been informed of the terminological collections publicly available in IATE and their content, focusing in particular on the Comparative Multilingual Legal Vocabulary (in IATE: VJM).

On 28 November and 5 December 2022, two training sessions were held on full-text search techniques and the tools to be used for understanding the scope of a national legal concept in order to find the best solution to convey it into another language expressing a different legal system.

Particular attention was paid to *EUR-Lex* and *Curia*, the databases to use when searching for the terminology used in EU legislative acts and case-law. When searching for national terminology, both databases offer specific search options for narrowing down results by cases from a given legal system: this possibility helps placing the concept within the right legal context and consequently viewing only relevant translations.

Legal searches can also be carried out in *Google*: with the help of certain commands and metadata, it is possible to search in glossaries and national websites.

The JNEU homepage also offers access to *eTranslation*, an online machine translation service developed and managed by the European Commission, using neural machine translation technology.


Several documents relating to the training sessions have been published on the Legal Terminology Thematic Working Group webpage.

21 participants attended the training sessions: another step towards establishing meaningful and efficient collaboration between all participants.

NEW KEY CASES

PENDING BEFORE THE CJEU

Main Courtroom, CJEU

This section includes the cases brought before the CJEU which have been assigned to the Grand Chamber during the period covered by this issue. Clicking on the hyperlink will open the page of the Court website, updated regularly, containing all documents available as well as more detailed data when you select  « case information » on the right side of the page.

Area of Freedom, Security and Justice

Case C-560/20, Landeshauptmann von Wien and others (**Family reunification with a minor refugee**)

Request for a preliminary ruling from the Verwaltungsgericht Wien (Austria)

Keywords

Border Checks, Asylum and Immigration — Immigration policy — Right to family reunification — Application for a residence permit submitted by the parents and sister of a refugee during the family reunification procedure — Sponsor being a minor at the time of the submission of the application, but having reached the age of majority during the family reunification procedure — Sponsor's sister, physically disabled, in need of care of her mother

Case C-216/22, Bundesrepublik Deutschland (**Admissibility of a subsequent application**)

Request for a preliminary ruling from the Verwaltungsgericht Sigmaringen (Germany)

Keywords

Procedures for granting and withdrawing international protection — Directive 2013/32 — Refugee status or subsidiary protection status — Admissibility of a subsequent application — New element, circumstance or finding — Court of Justice's case-law — Appeal procedure — Scope of the examination — Procedural guarantees

Case C-281/22, G. K. and Others (**European Public Prosecutor**)

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria)

Keywords

Judicial cooperation in criminal matters — European Public Prosecutor – Regulation (EU) 2017/1939 – Cross-border investigations – Investigation measures assigned to an assisting European Delegated Prosecutor – Scope of the judicial assessment

Telecommunications

Case C-178/22, Procura della Repubblica presso il Tribunale di Bolzano

Request for a preliminary ruling from the Tribunale di Bolzano (Italy)

Keywords

Electronic communications — Processing of personal data — Judicial authorisation for access to data retained by communication services providers — Limitation fixed by law to the penalty of life imprisonment or a maximum term of imprisonment of at least three years — Relevance to establishing the facts

Citizenship of the Union

Case C-128/22, Nordic info

Request for a preliminary ruling from the *Nederlandstalige rechtbank van eerste aanleg Brussel* (Belgium)

Keywords

Directive 2004/38/EC — Schengen Borders Code — Free movement of persons — Rights of exit and entry — Indiscriminate restriction in national legislation of the rights of exit and entry in the context of Covid-19 — Internal border controls — Public order — Public health

Case C-61/22, Landeshauptstadt Wiesbaden

Request for a preliminary ruling from the *Verwaltungsgericht Wiesbaden* (Germany)

Keywords

Strengthening the security of identity cards of Union citizens — Obligation of taking and storing holder's fingerprints — Person seeking the issuance of an identity card without that person's fingerprints being taken

Data protection

Case C-33/22, Österreichische Datenschutzbehörde

Request for a preliminary ruling from the *Verwaltungsgerichtshof* (Austria)

Keywords

Protection of personal data — Activities concerning national security — Parliamentary committee of inquiry of a Member State — Control of a police authority's activities — Competence of data protection supervisory authorities

Case C-683/21, Nacionalinis visuomenės sveikatos centras

Request for a preliminary ruling from the *Vilniaus apygardos administracinis teismas* (Lithuania)

Keywords

Protection of personal data — Regulation (EU) 2016/679 — Definitions of 'controller' and 'processing' — Joint control of data — Imposition of administrative fines — Conditions

Case C-807/21, Deutsche Wohnen

Request for a preliminary ruling from the *Kammergericht* (Germany)

Keywords

Protection of personal data — Infringements of the General Data Protection Regulation — Liability of an undertaking for an infringement of the rules on data protection by its employees — Strict liability — Application of concepts from competition law

Case C-118/22, Direktor na Glavna direksia „Natsionalna politisia“ pri MVR – Sofia

Request for a preliminary ruling from the *Varhoven administrativen sad* (Bulgaria)

Keywords

Protection of natural persons with regard to the processing of personal data — Directive 2016/680 — Natural person having been convicted in a final judgment and subsequently rehabilitated — Police record of personal data of a person prosecuted — Time-limit for storage of personal data

Case C-755/21 P, Kočner v Europol

Keywords

Appeal — Law enforcement cooperation — Protection of personal data — Criminal proceedings brought in Slovakia against the appellant — Expert reports carried out by Europol for the purposes of the investigation — Extraction of mobile phone data and USB peripheral belonging to the appellant — Alleged unauthorised disclosure of that data by Europol — Non-material harm — Action for damages

Case C-115/22, NADA and Others

Request for a preliminary ruling from the *Unabhängige Schiedskommission Wien* (Austria)

Keywords

Protection of personal data — Data concerning health — Anti-doping in the field of sport — Disclosure of the name of the person who violated anti-doping rules, of the duration of the exclusion from sporting events and the reasons for that exclusion — Decision of an independent arbitration committee

Intellectual property

Case C-382/21 P, EUIPO v The KaiKai Company Jaeger Wichmann

Keywords

Appeal — Community design - Multiple application for registration of Community designs n° 5 807 179 0001-0012 (gymnastic and sports apparatus and equipment) — Priority claim — Loss of the right of priority for the application for registration

Public procurement

Case C-66/22, Infraestruturas de Portugal and Futrifer Indústrias Ferroviárias

Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal)

Keywords

Procedures for the award of public works contracts, public supply contracts and public service contracts — Directive 2014/24/EU — Conduct of the procedures — Optional grounds for exclusion — Conclusion by an operator of agreements with the aim of distorting competition — Independent decision of the contracting authority to exclude such an operator from the procedure for the award of public contracts — Effect of a previous decision of a competition authority

Principles, Objectives and tasks of the Treaties

Case C-582/21, Profi Credit Polska (**Reopening of the proceedings after final judgment**)

Request for a preliminary ruling from the Sąd Okręgowy Warszawa-Praga w Warszawie (Poland)

Keywords

Member States — Obligations — Duty of sincere cooperation — Principle of equivalence — Principle that national law must be interpreted in conformity with EU law — Reopening of a procedure after final judgment handed down — Reasons — Preliminary ruling — Judgment by default — Review of the formal validity of a promissory note without taking into account the underlying legal relationship and the unfairness of contractual terms

Approximation of laws

Case C-234/21, Defence Active des Amateurs d'Armes and Others

Request for a preliminary ruling from the Constitutional Court (Belgium)

Keywords

Approximation of laws — Control of the acquisition and possession of weapons — Firearms prohibited or subject to authorisation — Transitional arrangements for certain firearms — No option for Member States to provide for such a transitional regime for firearms that can fire only blanks — Validity

Social Policy

Case C-148/22, Commune d'Ans

Request for a preliminary ruling from the Tribunal du travail de Liège (Belgium)

Keywords

Social policy — Equal treatment in employment and occupation — Prohibition of discrimination on grounds of religion or belief — Prohibition of wearing any visible sign of political, philosophical or religious beliefs in the workplace adopted by a public administration — Veil — Exigence of neutrality when in contact with the general public and in the 'back office'

Access to documents

Case C-588/21 P, Public.Resource.Org and Right to Know v Commission and others

Keywords

Appeal — Right of access to institutions' documents — Harmonised standards — Request for access to documents concerning four harmonised standards approved by the European Committee for Standardisation — Refusal to grant access

Provisions governing the institutions

Case C-551/21, Commission v Council (Signing of international agreements)

Keywords

Action for annulment — Council Decision (EU) 2021/1117 of 28 June 2021 on the signing, on behalf of the European Union, and provisional application of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026) — Designation by the Council of the European Union of the Ambassador of Portugal as the person empowered to sign that protocol on behalf of the Union — Infringement of Article 17(1) TEU and Article 4(3) TEU — The prerogative of the Commission to ensure the external representation of the Union — Principle of sincere cooperation between the Union and its Member States — Requirement of unity of the external representation of the Union — Infringement of Articles 296 and 297 TFEU — Duty to state reasons and requirement to publish the decision — Infringement of Article 13(2) TEU — Principle of sincere cooperation between institutions

Competition

Case C-605/21, Heureka Group (Price-comparison engines)

Request for a preliminary ruling from the Městský soud v Praze (Czech Republic)

Keywords

Actions for damages under national law for infringements of competition law provisions — Directive 2014/104/EU — Scope rationae temporis — Infringement begun before the entry into force of the directive — Limitation period — Retroactive effect — Compliance of the national legislation with the directive

State aid

Case C-451/21 P, Luxembourg v Commission

Keywords

Appeal — State aid — Aid implemented by Luxembourg in favour of ENGIE — Selective tax advantages — Advance tax rulings

Case C-454/21 P, Luxembourg v Commission

Keywords

Appeal — State aid — Aid implemented by Luxembourg in favour of ENGIE — Selective tax advantages — Advance tax rulings

Case C-465/20 P, Commission v Ireland and Others

Keywords

Appeal — State aid — Aid implemented by Ireland in favour of Apple — Advance tax decision (tax ruling) — Selective tax advantages

Next hearings in streaming

The streaming will be accessible from a [link on the Curia site](#).



Area of Freedom, Security and Justice

28th March

Case C-261/22, GN (Ground for refusal based on the best interests of the child)

Request for a preliminary ruling from the Corte suprema di cassazione (Italy)

Keywords

European arrest warrant — Surrender of sentenced or suspected persons to the issuing judicial authorities — Respect for private and family life — Rights of the child — Mother living with minor children — Ground for refusal or postponing of the surrender

18th April


Case C-646/21, Staatssecretaris van Justitie en Veiligheid (Persons identifying with the values of the Union)

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats s-Hertogenbosch (Netherlands)

Keywords

Asylum policy — Refugee status or subsidiary protection status — Directive 2011/95/EU — Conditions for granting refugee status — Likelihood of being subject to persecution — Reasons for persecution — Concept of ‘a particular social group’ — Westernisation of minor children — Best interests of the child

FORTHCOMING JUDGMENTS AND OPINIONS OF THE CJEU

This section contains the cases assigned to the Grand Chamber for which the Advocate General's opinion or the Court's judgment will be delivered over the next few weeks. Clicking on the hyperlink will open the page of the Court website, updated regularly, containing all documents available as well as more detailed data when you select  « case information » on the right side of the page.

Social policy

30th March — Opinion

[Case C-715/20](#), X (No grounds for termination)

Request for a preliminary ruling from the Sąd Rejonowy dla Krakowa — Nowej Huty w Krakowie (Poland)

Keywords

Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Difference in treatment on a dismissal — Termination of a fixed-term employment contract — Absence of any obligation to state the grounds for the termination

Fundamental rights

20th April — Opinion

[Case C-548/21](#), Bezirkshauptmannschaft Landeck (Attempt to access to personal data stored on a mobile telephone)

Keywords

Telecommunications — Protection of personal data and privacy — Public authorities' access to data stored on a mobile telephone — Criminal proceedings

Area of Freedom, Security and Justice

20th April — Opinion

[Case C-621/21](#), Intervyuirasht organ na DAB pri MS (Female victims of domestic violence)

Request for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria)

Keywords

Asylum policy — Refugee status or subsidiary protection status — Directive 2011/95/EU — Grant of refugee status — Risk of persecution — Subsequent application for international protection — Reasons for persecution — Definition of 'membership of a particular social group' — Victim of domestic violence — Threat of violence and persecution in the event of return to her country of origin

The Judicial Network of the European Union was created on the initiative of the President of the Court of Justice of the European Union and the Presidents of the Constitutional and Supreme Courts of the Member States.



One of the objectives of the JNEU is to share and centralise information and documents relevant to the application, dissemination and study of EU law, as interpreted and applied not only by the Court of Justice of the European Union but also by national courts and tribunals.

It also aims to promote mutual knowledge and understanding of the laws and systems of the Member States from a comparative law perspective.