



News@JNEU

Judicial Network of the European Union



In this issue

<u>Highlighting European case-law through the dissemination of national rulings</u>	1
<u>Fifth Correspondents' Meeting</u>	3-4
<u>CJEU visit to the Irish Courts</u>	5-6
<u>Entry into office of new members of the CJEU</u>	7
<u>Communication of Grand Chamber judgments on the day of their delivery</u>	7
<u>Key cases pending before the Court of Justice</u>	8-9
<u>Next hearings in streaming</u>	10
<u>Forthcoming judgments and Opinions of the Court of Justice</u>	11-13
<u>Thematic working groups' activities</u>	14

Highlighting European case-law through the dissemination of national rulings

Article shared by the French Cour de cassation



Knowledge of European law and case-law is a major issue, both for the first-instance judge and for the citizen.

This knowledge contributes to confidence in institutions and an understanding of the protective nature of European law.

Applying EU law in an educational manner enables better intelligibility and traceability of judicial decisions.

To that effect, the French *Cour de cassation* carried out a number of drafting reforms to ensure that the judge's train of thought is visible in the decision. Its style of writing is now more readable and the reasoning more explicit. Thus, the application of EU law is specifically mentioned in the ruling. This is further enhanced by the fact that all of the Court's rulings are published on the *Cour de cassation* website. Indeed, since September 2021, all the Court's rulings are available online, free of charge and in electronic form.

Eventually, in 2025, all the decisions of the other judicial courts will be available as open data. In addition, it is worth noting that when a point of EU law is discussed in a ruling, this is specifically indicated on the site.

The screenshot displays the website of the Cour de Cassation. At the top, there is a navigation menu with categories: LA COUR, AUDIENCES, DÉCISIONS, KIOSQUE, COLLOQUES, INTERNATIONAL, and PARQUET GÉNÉRAL. Below the menu, the Cour de Cassation logo and 'MES DÉMARCHES' are visible. The main content area features a ruling titled 'ARRÊT DE LA COUR DE CASSATION, CHAMBRE CRIMINELLE, DU 12 JUILLET 2022'. The text of the ruling states that M. [F] [H] filed an appeal against a decision from the court of appeal of Aix-en-Provence, dated 16 November 2020, concerning an organized crime and association of criminals. The ruling prescribes an immediate examination of the appeal, dated 1 March 2021. To the right of the ruling, there are sections for 'Textes appliqués' (Articles 7, 8, 11 and 52, § 1, of the Charter of Fundamental Rights of the European Union; Article 15, § 1, of Directive 2002/58/CE) and 'Rapprochements de jurisprudence' (CJUE, arrêt du 17 mars 2016, Abdelhalid Bensada Benallal, C-161/15; CJUE, arrêt du 6 octobre 2020, La Quadrature du Net e.a, French Data Network e.a, C- 511/18, C- 512/18, C- 520/18; CJUE, arrêt du 2 mars 2021, Prokuratuur, C-746/18; Crim., 1er octobre 1987, pourvoi n° 86-96.148, Bull. crim. 1987, n° 323 (cassation); Crim., 18 juin 1997, pourvoi n° 96-84.828, Bull. crim. 1997, n° 246 (rejet)). Below the ruling, there is a section for 'Exposé du litige' and 'Faits et procédure'. At the bottom, there is a note: 'Exemple with the ruling referenced Cass, Crim 12 July 2022 n°20.86-652'.

The French Court of Cassation has also set up a working group on the translation of rulings. The aim of this working group is to select a dozen or so rulings quarterly that are of particular importance to be translated into English. These translated rulings are available free of charge on the website. The members of the working group have established several selection criteria in order to identify which cases to translate. These include the assessment of a point of EU law. Thus, many of the translated rulings have an EU law dimension.

The aim of these translations is to facilitate access to the Cour de cassation's decisions and to encourage the development of comparative law. In fact, in this age of internationalisation of law, supreme courts cannot afford to ignore the decisions of their neighbouring counterparts.

Lastly, the widest possible dissemination of the decisions of each Supreme Court makes it easier to understand how EU law is applied, avoids unnecessary references for preliminary rulings and helps to ensure mutual trust.

*News@JNEU would
like to thank most
sincerely the French Cour
de cassation for sharing
this article*

Fifth Correspondents' Meeting



The Court of Justice once again had the honour and pleasure of hosting the Annual Meeting of the Correspondents of the Judicial Network of the European Union. The fifth meeting of JNEU correspondents took place on 6th October in hybrid format. Fifty-eight correspondents, representing forty-three national supreme and constitutional courts from twenty-two countries and three observers (the European Court of Human Rights, the Network of the Presidents of the Supreme Judicial Courts of the European Union and ACA-Europe), attended the conference. Forty-three participants were connected online, whereas fifteen participated in person at the Court of Justice. Those present were also joined remotely by the newest member of the network, the Supreme Court of Ukraine. The meeting was divided into two parts. The first part focused on the work carried out over the year and on the perspectives for the future of the JNEU from the point of view of

both national courts and the Court of Justice.

As the forum for informal dialogue between the courts of the Member States and the Court of Justice, President Lenaerts updated participants, in particular, on the legislative request submitted by the Court of Justice regarding the transfer to the General Court of jurisdiction to hear references for a preliminary ruling in certain specific areas. It was pointed out that, whilst substantially alleviating the Court of Justice's caseload, this initiative safeguards the 'one-stop-shop' principle whereby all incoming preliminary ruling cases would continue to be submitted to the Court of Justice's Registry and undergo preliminary screening in order to determine the competent court.

The results of the JNEU Survey, submitted to participants earlier in the year, were presented by the Registrar, and representatives of the Belgian Council of State and the Supreme Court of Portugal shared their views on the

questionnaire. Four main conclusions were drawn:

- ◆ The objective of improving mutual knowledge of our legal systems and, to that end, of facilitating the dissemination of case-law continues to be the key priority for the Network;
- ◆ The lasting importance of training within the Network;
- ◆ Strengthening human connections within the JNEU, especially in the digital world;
- ◆ The interest expressed by correspondents in diversifying exchanges and, in particular, the strengthening of cooperation in the field of Court administration.

In terms of developments since the last meeting, the Research and Documentation Director highlighted four main areas of activity. First, in terms of communication, the JNEU Newsletter figured prominently, in



combining topical articles of interest with a rapid overview of cases pending before the Grand Chamber of the Court of Justice. It was also announced that more information will be provided on national decisions of interest to members. Second, participants were updated on the initiative of Court representatives' visits to national courts, this year to Sweden (Mr Jerker Olsson and Mr Sakarias Magnusson) and Ireland (Ms Maria Krausenböck, Mr Muiris O'Connor and Mr Jerker Olsson), as well as training sessions provided by the Network. Third, a thorough presentation on the introduction of interactive spaces and collaborative tools to the Network website to facilitate the efficient exchange of information was given by the Information Technologies Director. Lastly, the activities of the JNEU working groups were presented.

The focus of the second part was on Artificial Intelligence and Justice. The recent exponential growth of artificial intelligence holds significant potential for courts, on the one hand, by enabling the automation of simple tasks in both the judiciary and administrative areas and, on the other hand, by offering new possibilities in legal research. Artificial intelligence can significantly enhance efficiency in the court's activities. It can detect references in documents, suggest

metadata, anonymise documents, summarise long documents, generate transcripts of hearings, and increase the efficiency of search engines, to cite only a few examples. The current capabilities also allow for the automatic detection and visual display of related cases. However, artificial intelligence also comes with risks. It may include involuntary biases; its application may result in the unintentional disclosure of sensitive data. There is also concern regarding the generation of false, inaccurate, or irrelevant information by generative artificial intelligence.

Representatives of the Supreme Court of Ireland, the French Court of Cassation, the Swedish Supreme Administrative Court and the Court of Justice spoke about their experiences and the future perspectives on this issue of key importance for courts, focusing on the impact, advantages and risks linked to the use of Artificial Intelligence in courts' activities.

At the debate organised at the end, participants had a fruitful exchange of opinions, notably on:

- The importance of paying great attention to data protection matters as regards the analysis, design, implementation and operation of AI systems;
- The need to assess carefully the ethical issues arising

when applying AI;

- The use of AI for the analysis of text, including, inter alia, for anonymisation, summarisation, correlation of texts, machine translation.

Once again, the annual correspondents' meeting bears tribute to the shared commitment of its members to improve judicial cooperation in Europe in pursuit of the highest standards in the administration of justice.

News@JNEU would like to thank all participants wholeheartedly and invite correspondents to keep the debate alive on the topic of Artificial Intelligence and Justice by sharing any further views and experiences on the subject they may have.

CJEU visit to the Irish Courts



Within the framework of the Judicial Network of the European Union (JNEU), the Court of Justice organises visits to all Member States. A first visit to Sweden in June this summer was followed by a visit to Dublin, Ireland, in the autumn.

On 28th and 29th September, three administrators from the Court of Justice, representing the Registry (Ms Maria Krausenböck), the English Language Translation Unit of the Directorate-General for Multilingualism (DGM) (Mr Muiris O'Connor), and the Research and Documentation Directorate (DRD) (Mr Jerker Olsson) were given the opportunity to present the activities of their respective directorates, with a special focus on the internal procedures at the Court for the treatment of requests for preliminary rulings.

On the first day, the Court representatives visited the Judicial Council in Ireland, where they were welcomed by Ms Mary Rose Gearty, Director of Judicial Studies, and Ms Maria Fitzgerald, Associate Director of Judicial Studies. After the presentations, the floor was opened for discussion on the topics of the presentations.

On the second day, the Court of Justice was welcomed by Heather Burke and Dr Bashir Otukoya and their team of judicial assistants at the Criminal Court of Justice in Dublin, where the same presentations as the previous day were given. Participants were also given the opportunity at this event to discuss the preliminary ruling procedure and its different aspects.

In particular, the presentations, attended by around 30 participants each day, concerned

the handling of requests for a preliminary ruling to the Court of Justice, from their arrival until the decision of the Court of Justice, as well as the follow-up to the relevant national case-law and legal monitoring in general. In addition, the Curia website, the DRD publications contained therein and Infocuria, the search engine were presented, as well as the JNEU activities and its platform.

Also, the role of multilingualism at the Court of Justice as a central tool for citizens' access to justice was presented, including the different stages of translation of the Court's documents as well as the work of the English-language Translation Unit in respect of various types of documents, in particular work relating to requests for a preliminary ruling drafted in English.



The exchanges between the participants that followed the presentations were very fruitful and provided the opportunity to discuss the participants' practical experiences from different perspectives in the field of the preliminary rulings. As some participants commented afterwards:

'As a judge of the High Court who has not yet made a reference to the CJEU, I found each of the presentations useful in demystifying the reference process. I found the guidance on how to structure a reference in a manner which ensures that it is clear and readily accessible to staff of the Registry in processing the request of especial assistance. I will return to the presentations and the sample reference provided when making any future reference and will attempt to structure any such reference in accordance with the good practices highlighted. Although I regularly access the

websites of the CJEU, I had not been aware of the full range of valuable resources available on the CJEU's webpage and using its search engine before the presentations. Many thanks for facilitating this very worthwhile training.'

Ms Justice Siobhan Phelan, Judge of the High Court

'The CJEU training session was valuable because it gave a practical insight into the process each preliminary reference must undergo prior to reaching the judges/advocate general who will make the relevant decision or give an opinion. The advisability of succinct but highly focused references became apparent. This is especially important where the referring court may be asking the CJEU to address again a previous judgment in light of specific concerns or developments.'

Ms Justice Aileen Donnelly, Judge of the Supreme Court

'It was fantastic to get insights into the operations of different units within the CJEU, allowing us to see the tremendous amount of work and research that goes into every request for a preliminary ruling.'

'Article 267 procedures allow for formal dialogue between Member States and the CJEU, but this presentation from the visiting delegates showed us how important informal, personal dialogue between the courts is as well'.

Entry into office of new members of the CJEU

The following members of the General Court entered into office on the formal sitting of 27 September 2023:

Mr. Saulius Lukas Kalėda
Ms Louise Spangsberg Grønfeldt

Their curriculum vitae can be consulted [here](#).

Communication of Grand Chamber judgments on the day of their delivery

As of January 2024, JNEU correspondents will be informed in real time of the delivery of Grand Chamber decisions of the Court of Justice. An e-mail containing links to the decision itself, other case documents, as well as the press release and a short summary of the decision will be sent the afternoon of the day the decision is delivered.

***This new channel
of communication
will inform
member courts of
the Court of
Justice's most
important
judgments on the
same day that
they are
delivered***

KEY CASES PENDING BEFORE THE COURT OF JUSTICE

Main Courtroom, CJEU

This section includes the cases brought before the Court of Justice 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

Joined Cases [C-112/22](#), CU, (**Social assistance – Indirect discrimination**), and [C-223/22](#), ND (**Social assistance – Indirect discrimination**)

Requests for a preliminary ruling from the Tribunale di Napoli (Italy)

Keywords

Immigration policy — Status of third-country nationals who are long-term residents — Social security and assistance — Universal credit — Minimum ten-year residency rule, the last two being consecutive — Equal treatment

[Case C-753/22](#), Bundesrepublik Deutschland, (**Effect of a decision to grant refugee status**)

Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany)

Keywords

Border controls, asylum and immigration — Asylum policy — Refugee status or subsidiary protection status — Procedures for granting and withdrawing international protection — Grant of refugee status by a Member State — Risk of inhuman or degrading treatment — Legal consequences for a further application for international protection

[Case C-633/22](#), Real Madrid Club de Fútbol

Request for a preliminary ruling from the Cour de cassation (France)

Keywords

Judicial cooperation in civil matters — Jurisdiction and enforcement of judgments in civil and commercial matters — Regulation (EC) No 44/2001 - Recognition and enforcement of judgments — Grounds for refusal - Infringement of public policy in the State in which recognition is sought — Conviction of a newspaper and one of its journalists for harm caused to the reputation of a sports club

Public procurement

[Case C-652/22](#), Kolin Inşaat Turizm Sanayi ve Ticaret

Request for a preliminary ruling from the Visoki upravni sud Republike Hrvatske (Croatia)

Keywords

Approximation of laws — Procurement procedures of entities operating in the water, energy, transport and postal services sectors — Directive 2014/25/EU — Submission of tenders — Possibility for tenderer to complete his tender with an additional reference demonstrating his technical and professional capacity after the time limit for submission of tenders — Principle of equal treatment

External relations

Joined Cases [C-778/21 P](#), Commission v Front Polisario, and [C-798/21 P](#), Council v Front Polisario

Keywords

Appeal - International agreements — Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco — Decision concerning the conclusion of the agreement and its implementation protocol

Joined Cases [C-779/21 P](#), Commission v Front Polisario, and [C-799/21 P](#), Council v Front Polisario

Keywords

Appeal — External action — International agreements — Association agreement between the Union and Morocco — Amendment of Protocols 1 and 4 to the Euro-Mediterranean Agreement — Act concluding the agreement — Alleged infringements of international law due to the applicability of the agreement to the territory of Western Sahara

Freedom of establishment

[Case C-713/22](#), LivaNova

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

Keywords

Freedom of establishment — Companies — Division of public limited liability companies — Joint and several liability of the recipient company in relation to liabilities — Prior conduct having caused environmental damage

Data Protection

[Case C-21/23](#), Lindenapotheke

Request for a preliminary ruling from the Bundesgerichtshof (Germany)

Keywords

Protection of personal data — Regulation (EU) 2016/679 — Chapter VIII — Remedies — Delimitation of remedies — Processing of special categories of personal data — Concepts of ‘health data’ and ‘data concerning health’

Agriculture and fisheries

[Case C-399/22](#), Confédération paysanne (Melons and tomatoes from Western Sahara)

Request for a preliminary ruling from the Conseil d’État (France)

Keywords

Provision of food information to consumers — Mandatory indication of the country of origin or place of provenance of a foodstuff — Fruit and vegetables harvested in Western Sahara

Fundamental Rights

[Case C-630/22](#), Kirchliches Krankenhaus

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany)

Keywords

Equal treatment in employment and occupation — Directive 2000/78/EC — Professional activities of churches and of other public or private organisations whose ethos is based on religion or beliefs — Religiously orientated organisation employing, in principle, workers regardless of their beliefs — Dismissal of a worker for having left a particular religious community

Citizenship of the Union

[Case C-808/21](#), Commission v Czech Republic (Eligibility and membership of a political party)

Keywords

Failure of a Member State to fulfil obligations — Citizenship of the Union — Union citizens residing in the Czech Republic — No right to membership of political parties — Equal treatment

[Case C-814/21](#), Commission v Poland (Eligibility and membership of a political party)

Keywords

Failure of a Member State to fulfil obligations — Citizenship of the Union — Union citizens residing in Poland without Polish nationality — No right to membership of political parties

Next hearings in streaming

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



Competition

12th December

Joined Cases [C-611/22 P](#), *Illumina v Commission* and [C-625/22 P](#), *Grail v Commission and Illumina*

Keywords

Appeal — Competition — Concentrations — Pharmaceutical industry market — Genetic sequencing systems — Acquisition by Illumina of sole control of GRAIL — Request to review a concentration addressed to the Commission by the competition authority of a Member State which has no initial jurisdiction to examine the transaction in question — Commission decision to examine the concentration — Commission decision permitting other Member States to join the initial referral request — Action for annulment

FORTHCOMING JUDGMENTS AND OPINIONS OF THE COURT OF JUSTICE

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.

Competition

21st December — Judgment

[Case C-124/21 P](#), International Skating Union v Commission

Keywords

Appeal — Competition — Sports federation — Speed skating — Criteria for eligibility

21st December — Judgment

[Case C-333/21](#), European Superleague Company

Keywords

Competition — Abuse of a dominant position — European Super League (ESL) — First European competition outside of UEFA — Refusal of UEFA and FIFA to recognise the ESL — Prior approval for another body to organise a new competition — Threat of sanctions against clubs and players involved in the new competition — Rights arising from competitions and marketing

21st December — Judgment

[Case C-680/21](#), Royal Antwerp Football Club

Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles (Belgium)

Keywords

Competition — Prohibition of agreements, decisions and concerted practices — Free movement of workers — UEFA and national football associations regulations — Regulations providing for the obligation of having a minimum number of home-grown players

Area of Freedom, Security and Justice

21st December — Judgments

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

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 — Scope of the judicial assessment

Environment

14th December — Opinion

Case C-626/22, Ilva and Others

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

Keywords

Environment — Industrial emissions — Integrated pollution prevention and control — Procedure for granting and reviewing permits for the operation of an installation — Measures to protect the environment and human health

Public procurement

21st December — Judgment

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

Approximation of Laws

21st December — Judgment

Joined Cases [C-38/21](#), BMW Bank, [C-47/21](#), C. Bank and Bank D. K., and [C-232/21](#), Volkswagen Bank and Audi Bank

Request for a preliminary ruling from the Landgericht Ravensburg (Germany)

Keywords

Consumer protection — Consumer Rights – Credit agreements for consumers — Requirements concerning the information to be included in a credit agreement — Right of withdrawal — Direct effect – Interest rate and late payment — Time bar — Characterisation of the exercise of the right of withdrawal as abusive

Citizenship of the Union

21st December — Judgment

[Case C-488/21](#), Chief Appeals Officer and Others

Request for a preliminary ruling from the Court of Appeal (Ireland)

Keywords

Right to move and reside freely within the territory of the Member States — Beneficiaries — Dependant family member — Right of residence of the family member in the ascending line subject to the condition of keeping their dependant status — No right to social welfare benefits — Loss of that status — Unreasonable burden for the State

Thematic working groups' activities

4th Meeting of the Legal Terminology group

The fourth meeting of the “Legal Terminology” thematic working group, coordinated by the Projects and Terminological Coordination Unit (PCT) of the Court of Justice of the European Union, took place on 4th October.

During the first part of the meeting, a new system of exchange between the members was presented. A collaborative tool (Wiki) has been recently made available for each thematic working group.

The participants were shown how to open new pages easily for submitting a question and how to answer a question through the comments section. Thus, they

were invited to post questions regarding terminological problems, legal concepts, methodology, search techniques (with the purpose of finding linguistic solutions), etc. This solution aims to facilitate the exchanges between the group members.

PCT also launched a short online questionnaire on the participants' expectations and the group's functioning in order to orientate and enhance the group's activities.

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.



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