

# Case Law Overview

Dear Readers,

The following list provides an overview of the most significant rulings in European Union law and international law with European focus, which we believe merit further examination within our contribution category “Saar Case Notes”. The list does not claim to be exhaustive, and contributions regarding additional rulings are always welcome. The overview covers decisions since January 25, 2024. Our case law overview will be published every three months.

The Jean Monnet Saar editorial team wishes you an enjoyable read.

## Court of Justice of the European Union

### A. Internal Market and Competition Law

**1. ECJ, Case C-253/23 – ASG 2 Ausgleichsgesellschaft für die Sägeindustrie Nordrhein-Westfalen GmbH v. Land Nordrhein-Westfalen**

**Date:** January 28, 2025

**Summary:** Wood producers had assigned their claims for cartel damages to a legal service provider. The State of North Rhine-Westphalia argued that the provider lacked legal standing. Upon referral by the Regional Court of Dortmund, the CJEU ruled that asserting competition law damages claims via a legal service provider does not violate competition law. It would infringe Article 101 TFEU in conjunction with Articles 2 No. 4, 3 (1), and 4 of Directive 2014/104 and Article 47 (1) of the Charter of Fundamental Rights if victims were effectively unable to seek redress.

**2. ECJ, Case C-517/23 – Apothekerkammer Nordrhein v. DocMorris NV**

**Date:** February 27, 2025

**Summary:** The CJEU found that promotional campaigns for prescription medicinal products are impermissible if they also serve to boost sales of non-prescription medicinal products. Bans under § 7 of the German Heilmittelwerbegesetz (Law on the advertising of medicinal products) are compatible with EU law as long as discounts relate only to the choice of pharmacy and not to drug sales volume. The goal of consumer protection might justify restrictions on Article 34 TFEU.

**3. CJEU, Case C-807/23 – Katharina Plavec v. Rechtsanwaltskammer Wien**

**Date:** April 3, 2025

**Summary:** The Court ruled that the Austrian requirement for at least three years of legal training to be completed in Austria breaches the freedom of movement for workers. In this case, a legal trainee had trained under an

Austrian lawyer in Frankfurt, working with Austrian law. More flexible approaches should be considered to recognise foreign work experience.

## B. Data Protection

### 1. CJEU, Case C-383/23 – *ILVA A/S*

**Date:** February 13, 2025

**Summary:** The Court ruled that the upper limit for GDPR fines must be based on the global annual turnover of the entire corporate group, rather than just that of the infringing company. However, the fine is still addressed to the directly responsible entity. When determining the fine, financial capacity and proportionality must also be taken into account.

### 2. CJEU, Case C-149/23 – *European Commission v. Federal Republic of Germany*

**Date:** March 6, 2025

**Summary:** Germany was fined €34 million in infringement proceedings for the delayed implementation of the Whistleblower Directive. The German Whistleblower Protection Act (*Hinweisgeberschutzgesetz*) only came into force in July 2023, long after the 2021 deadline. The Court rejected Germany's claim that the delay was caused by elections and a Mediation Committee during the legislative process. Other Member States were also fined, but for smaller amounts.

## C. Consumer Protection

### CJEU, Case C-365/23 – *Acre*

**Date:** March 20, 2025

**Summary:** The CJEU ruled that a contract clause obliging a young athlete to pay 10% of their future earnings to a training company over a period of 15 years could be considered unfair under Directive 2011/83/EU, provided that the terms are unclear or the financial implications are not transparent. National standards and practices as well as the specific contractual context – including parental representation – must also be considered. A Latvian court will now assess whether abuse has occurred in this specific case.

## D. Citizenship of the European Union

### CJEU, Case C-277/23 – *E. P. v. Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugos-tupanjski upravni postupak*

**Date:** January 16, 2025

**Summary:** Erasmus+ scholarships should not put parents at a financial disadvantage. In one case, Croatian tax authorities removed an increased basic personal tax allowance from a mother because her son's Erasmus scholarship was considered as income. The Court ruled that this violated the right to free movement (Articles 20–21 of the TFEU), since such grants cover

additional costs and do not reduce parental obligations. This contradicts Article 165 (2) of the TFEU.

## E. Border Control, Asylum, and Immigration

### 1. CJEU, Case C-158/23 – *Keren*

**Date:** February 4, 2025

**Summary:** The CJEU upheld the Dutch regulations that require beneficiaries of international protection to either pass an integration exam or pay a fine and repay integration loans. These measures – a €500 fine and repayment of a €10,000 loan – are compatible with Article 34 of the Qualification Directive (2011/95/EU), provided they are proportionate and take into account individual circumstances such as age and level of education.

### 2. CJEU, Case C-217/23 – *Laghman*

**Date:** March 27, 2025

**Summary:** Simply belonging to a family involved in a blood feud does not qualify someone as a 'particular social group' under Directive 2011/95/EU. Whether or not someone is granted refugee status depends on societal perception and exclusion. However, subsidiary protection may apply if returnees face serious harm, regardless of whether the threat originates from state or non-state actors.

## F. Constitutional Law of the Union

### 1. CJEU, Joined Cases C-146/23 and C-374/23 – *Sąd Rejonowy w Białymstoku und Adoreikė*

**Date:** February 26, 2025

**Summary:** Measures such as freezing or reducing judges' salaries may undermine judicial independence, and must comply with the requirements set out in Article 19 (1) of the TEU and Article 47 of the Charter of Fundamental Rights. Member States must ensure that effective legal remedies are in place and that there is no arbitrary interference. Adequate pay is necessary to guard against corruption.

### 2. CJEU, Case C-481/23 – *Sangas*

**Date:** April 10, 2025

**Summary:** Romania cannot refuse a European Arrest Warrant issued to ensure the presence of a suspect in Spanish criminal proceedings. Limitation periods in the executing state can only justify refusal for enforcement, not procedural warrants. This ruling strengthens the mutual trust and recognition of judicial systems within the EU.

## G. Outlook

### 1. Advocate General Spielmann, Case C-448/23 – *Commission v. Poland*

**Opinion Delivered:** March 11, 2025

Advocate General *Dean Spielmann* criticised two rulings by the Polish Constitutional Tribunal in 2021 that challenged the supremacy of EU law, describing them as an “unprecedented revolt”. The outcome of the infringement proceedings and the potential escalation of this constitutional conflict remain to be seen. The Advocate General also questioned whether the Tribunal qualifies itself as an independent and lawful court.

### 2. Advocate General de la Tour, Case C-713/23 – *Jakub Cupriak-Trojan, Mateusz Trojan v. Wojewoda Mazowiecki*

**Opinion Delivered:** April 3, 2025

Poland must recognise a same-sex marriage between a German citizen and a German-Polish dual national that was concluded in Germany. Despite Poland’s domestic laws, Articles 21 TFEU and 7 of the Charter of Fundamental Rights are to be considered.

### 3. Ravensburg Regional Court – 2 O 190/20

**Order Issued:** April 7, 2025

Volkswagen sought to settle a case concerning Diesel emissions before the CJEU by admitting liability, in order to avoid an unfavourable ruling of the CJEU. However, the Ravensburg court rejected this. According to an analogue application of § 555 (4) of the German Code of Civil Procedure (Zivilprozessordnung), a judgment of this kind requires the plaintiff's consent.

## ECtHR Rulings

### 1. ECtHR, Appl. No. 51567/14 et al. – *Cannavacciuolo and Others v. Italy*

**Date:** January 30, 2025

**Summary:** Italy violated Article 2 of the ECHR by failing to act for decades against the dumping of toxic waste linked to the Mafia between Naples and Caserta, thereby endangering the health of local residents.

### 2. ECtHR, Appl. No. 40298/23 et al. – *Grygorenko and Others v. Ukraine*

**Date:** April 3, 2025

**Summary:** It was found that Ukraine had violated Article 5 (3) of the ECHR due to the excessive delays in legal proceedings relating to the 2014 Odessa unrest.


### 3. ECtHR, Appl. No. 52302/19 – *Federici v. France*

**Date:** April 3, 2025

**Summary:** If done for safety reasons, placing a defendant in a glass box during a trial does not violate Article 6 of the European Convention on Human Rights. *Federici* had evaded trial for years and was deemed dangerous. This measure allowed for communication and movement.

**4. ECtHR, Appl. No. 57748/21 – *Kulák v. Slovakia*****Date:** April 3, 2025**Summary:** Searching a law office and seizing a computer without a written warrant violates Article 8 of the ECHR. The confidential relationship between lawyer and client is protected.

 **Are you interested in writing a Saar Case Note on one of the judgments?**

 For any questions or to submit a Case Note, please contact us at [jeanmonnetsaar@europainstitut.de](mailto:jeanmonnetsaar@europainstitut.de). The list is not exhaustive, and contributions on other judgements are always welcome. This list is non-exhaustive, and contributions on other rulings are always welcome.

We look forward to your contributions and to enriching the legal discourse on European topics.

**Your Jean Monnet Saar Editorial Team**