



News@JNEU

Judicial Network of the European Union



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The inauguration of the Supreme Administrative Court of the Slovak Republic



The Supreme Administrative Court of the Slovak Republic was created as part of the wide-ranging constitutional reform of the administration of justice enacted at the end of 2020, with effect from 1 January 2021, and the judicial activities of the Supreme Administrative Court of

the Slovak Republic commencing as of 1 August 2021.

The creation of a Supreme Administrative Court and the separation of the administrative and general branches of the judiciary have been discussed among experts in the Slovak

Republic for a long time. One of the reasons for its creation lies in the historical roots of administrative law in Slovakia. Since 1918, the former Czechoslovak Supreme Administrative Court in Prague functioned in the Czechoslovak Republic, gaining a relatively high reputation and delivering significant rulings still relevant in some areas.

Other reasons for the establishment of a supreme court for administrative law matters were, in particular, the stability of case-law, speeding up and streamlining proceedings in connection with the specialisation of judges, and last but not least modernisation of the disciplinary procedure regarding judges, prosecutors and other legal professions.

The inspiration for the Supreme Administrative Court of the Slovak Republic was also to follow in the footsteps of most other Member States of the European Union, in which the administrative branch of the judiciary is an autonomous part of the court system. In the first months following its inauguration, the Supreme Administrative Court of the Slovak Republic has established itself at international level - we became a member of the most important international associations, such as ACA - Europe, AIHJA/IASAJ, and the Judicial Network of the European Union and have established bilateral points of contact with partner judicial institutions.

With the establishment of the Supreme Administrative Court of the Slovak Republic, the two supreme courts have been operating in the Slovak Republic since 1 August 2021 – the Supreme Administrative Court of the Slovak Republic being the highest court in the area of administrative law and the Supreme Court of the Slovak Republic being the highest court in civil, commercial and criminal matters. In the hierarchy of the general courts, the Supreme Court of the Slovak Republic thus has an

equivalent status to that of the Supreme Administrative Court of the Slovak Republic.

The Supreme Administrative Court of the Slovak Republic is the supreme judicial body in matters of administrative law and ensures the unity and legality of administrative decision-making. In addition to reviewing the decisions of administrative courts, the Supreme Administrative Court of the Slovak Republic fulfils a critical role in a democratic society, that of guaranteeing the legal conduct of elections. In fulfilling this task, it decides in proceedings on the registration of candidate lists for elections to the National Council of the Slovak Republic, for elections to the European Parliament and for the election of the president of the Slovak Republic, in matters of constitutionality and legality of elections to local self-government bodies, or in actions brought for the dissolution of political parties and movements. It also has jurisdiction regarding the disciplinary liability of judges, prosecutors, notaries and bailiffs.

News@JNEU would like to thank most sincerely the Office of the Supreme Administrative Court of the Slovak Republic for sharing this article.

The Supreme Administrative Court of the Slovak Republic is headed by a President, who is represented by a Vice-President, both appointed and removed by the President of the Slovak Republic on a proposal of the Judicial Council of the Slovak Republic. On 18 May 2021, Pavol Nad' was appointed by the President of the Slovak Republic, Zuzana Čaputová, to the position of President of the Supreme Administrative Court of the Slovak Republic. The seat of the Supreme Administrative Court of the Slovak Republic is in Bratislava.



INTERNATIONAL CONFERENCE EUNITED IN DIVERSITY

“Between common constitutional traditions and national identities”

The Court of Justice of the European Union (the ‘CJEU’) encapsulated the essence of European integration in the following terms: “The values contained in Article 2 TEU have been identified and are shared by the Member States. They define the very identity of the European Union as a common legal order.” At the same time, Article 4(2) TEU provides that the European Union ‘shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional’.

No conflict can arise between the values forming the identity of the European Union and those that are shared and cherished by the Member States, since the constitutional traditions common to the latter, which are protected by Articles 4(2) and 6(3) TEU, are integral to EU law.

What role are those common values to play in the EU legal order and in those of the Member States? To answer that question, it must be understood that the European Union has created a common constitutional architecture that seeks to guarantee a harmonious relationship between those legal orders, whilst satisfying the highest standards of legitimacy. The only way to make that architecture work successfully, so as to bring the greatest benefit to the citizens of the European Union, is through genuine participation by civil society and by national and European institutions, including the CJEU and national constitutional



courts. It is with that goal in mind that the CJEU and those constitutional courts have decided to launch a regular dialogue between them to discuss that common constitutional architecture.

The first event in what is intended to become a traditional gathering took place in Riga, Latvia, on 2- 3 September 2021 under the auspices of the Constitutional Court of the Republic of Latvia.

The works of the conference were structured around four consecutive panels, dealing with the following topics:

- * Discovering and defining constitutional traditions common to the Member States.
- * Fundamental rights: scope of application, competences and harmonisation.
- * The level of fundamental rights protection.
- * Limitations on the exercise of fundamental rights.

The conference proceedings can be consulted [here](#).

The second 'EUnited in Diversity' conference will take place in the Hague from 31 August to 1 September 2023, and will be organised under the auspices of the Supreme Court of the Netherlands and the Constitutional Courts of Belgium and Luxembourg.



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FOURTH ANNUAL MEETING OF CORRESPONDENTS

The fourth meeting of the JNEU correspondents took place on 1st July in hybrid format. Fifty-four correspondents, representing forty-two national courts from twenty-three countries and four observers, attended the conference. Forty-five participants were connected online, whereas nine participated from the Court's premises.

The commitment of the participating courts, including the Court of justice itself, has never been higher and the willingness to strengthen the ties that bind us together within the Network is intact.

A. Calot Escobar, Registrar at the CJEU, extract of his address at the 4th annual meeting.

The meeting was divided into two parts.

The first focused on project work and perspectives for the future of the JNEU itself from the point of view of the Court of Justice and of the national courts. One representative from each of the three thematic working groups explained their aims, projects and future perspectives. The representatives of the Court of Justice outlined the steps taken to improve communication among the JNEU members and put forward the idea of a participative evaluation of the JNEU and, more specifically, of the internal platform.

The focus of the second part was bringing justice closer to citizens. Thus, representatives of the French Court of Cassation, the Estonian Supreme Court and the Court of Justice of the European Union presented their experiences, projects and future perspectives on what is a question of key importance today for courts: the balance between communicating clearly and rapidly while maintaining the precision of judicial decisions.

These three diverse and instructive experiences formed the basis of a rewarding debate in which participants were able to compare the situations, problems and solutions applied in their own courts.


News@JNEU would like to thank wholeheartedly all participants and offers to keep the debate alive on the topic of bringing justice closer to citizens by publishing any further views and experiences on the subject you may have.



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.

Data protection

[Case C- 252/21](#), Meta Platforms and others (General terms of service of a social network)

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany)

Keywords

Protection of personal data – Social networks – Competition – Abuse of a dominant position – Competencies of the national competition authority – Relationship with the competencies of the national authorities responsible for the supervision of the protection of personal data – Adoption of competition law measures by an authority located in a Member State other than the lead supervisory authority for data protection

[Case C- 470/21](#), La Quadrature du Net and others (Personal data and the prevention of counterfeit goods)

Request for a preliminary ruling from the Conseil d'État (France) lodged on 30 July 2021

Keywords

Processing of personal data and the protection of privacy in the electronic communications sector — Power of Member States to limit the scope of certain rights and obligations — Requirement for prior review by a court or an independent administrative entity with binding power — Civil identity data corresponding to an IP address

Competition

[Case C- 376/20 P](#), Commission / CK Telecoms UK Investments

Keywords

Appeal — Competition — Concentrations of undertakings — Wireless telecommunications — Acquisition of Telefónica UK by Hutchison — Decision declaring the concentration incompatible with the internal market and the EEA Agreement

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

Keywords

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

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

Request for a preliminary ruling from the Juzgado de lo Mercantil n.º 17 de Madrid (Spain)

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

Environment

Case C- 688/21, Confédération paysanne and others (in vitro random mutagenesis)

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

Keywords

Environment – Approximation of laws – Deliberate release into the environment of genetically modified organisms – Scope of Directive 2001/18/EC – Exemptions – Techniques of genetic modification yielding organisms to be excluded from the directive – Safety of mutagenesis techniques/methods

Consumer protection

Case C- 38/21, BMW 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

Case C- 47/21, C. Bank and Bank D. K.

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 – Right of early repayment – Interest rate and late payment – Time bar – Characterisation of the exercise of the right of withdrawal as abusive – Exercise of the right of withdrawal

Case C- 232/21, Volkswagen Bank and Audi Bank Request for a preliminary ruling from the Landgericht Ravensburg (Germany)

Keywords

Consumer protection – Credit agreements for consumers – Information to be included in a credit agreement – Right of withdrawal – Impact of incomplete information on the period for withdrawal – Withdrawal regarded as time barred or abusive – Effect of valid withdrawal in respect of a credit agreement linked to the supply of goods or services

Principles of EU law

Joined cases C- 615/20 and C-671/20, YP and others and M. M. (Waiver of immunity and suspension of a judge)

Requests for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland)

Keywords

Member States – Obligations – Provision of remedies sufficient to ensure effective legal protection — Observance of the principle of judicial independence — Disciplinary measures for national judges — Waiver of immunity and suspension from judicial office by a court itself suspended pursuant to an order for interim measures of the Court of Justice — Status of a national court formed in violation of the rules on the appointment of judges — Mandatory consultation of bodies independent of the Order of Judges

Joined cases C- 181/21 and Case C- 269/21, BC and DC and G. (Appointment of judges to the ordinary Polish courts)

Request for a preliminary ruling from the Sąd Okręgowy w Katowicach (Poland)

Keywords


Member States – Obligations – Provision of remedies sufficient to ensure effective legal protection — Observance of the principle of judicial independence — Status of a national court formed in violation of the rules on the appointment of judges — Mandatory consultation of bodies independent of the Order of Judges

Case C-204/21, Commission / Poland (Independence and the private life of judges)

Keywords

Failure of a Member State to fulfil obligations — Rule of law – Judicial independence – Prohibition of national courts from reviewing the legality of courts and tribunals or assessing the legality of judicial appointments and of judicial powers resulting from such appointments – Classification as a disciplinary offence of judicial review of the observance of certain requirements relating to the need for a tribunal to be independent and impartial and previously established by law – Exclusive jurisdiction of the Extraordinary Review and Public Affairs Chamber of the Supreme Court to examine the lack of independence of a court or judge – Jurisdiction of the Disciplinary Chamber of the Supreme Court to determine cases which have a direct impact on the status and tenure of office of judges and assessors (trainee judges) – Obligation for the judiciary to provide a written declaration of their membership of societies, charities and political parties, their position within such bodies and to publish that declaration

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.

Area of Freedom, Security and Justice

July 14th – Opinion

[Case C-158/21](#), Puig Gordi and Others

Request for a preliminary ruling from the Tribunal Supremo (Spain)

Keywords

European arrest warrant (EAW) — Surrender procedures between Member States — Members of the Catalan regional parliament and/or government — Possibility of issuing a new EAW concerning the same person and to be executed in the same Member State — Compatibility of the grounds for refusal of an EAW with Framework Decision 2002/584 — Supplementary information to be provided to the executing authorities — Respect for fundamental rights — Mutual recognition

August 1st — Judgments

[Case C-720/20](#), Bundesrepublik Deutschland
Request for a preliminary ruling from the Verwaltungsgericht Cottbus (**Refugee child born outside of the host State**)

Keywords

Asylum policy — Application for asylum of a minor child — Parents recognized as refugees in another Member State — Risk of not taking actual care of the minor child — Admissibility of the asylum application and responsibility for examining it

[Case C-19/21](#), Staatssecretaris van Justitie en Veiligheid (**Refusal to take charge of an unaccompanied Egyptian minor**)

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Haarlem (Netherlands)

Keywords

Border Checks, Asylum and Immigration — Asylum policy — Criteria and mechanisms for determining the Member State responsible for examining an application for international protection — Dublin III — Remedies — Appeals against the rejection of a request to take charge of an applicant for international protection

Citizenship of the Union

July 14th — Opinion

[Case C-237/21](#), Generalstaatsanwaltschaft München (**Request for extradition to Bosnia-Herzegovina**)

Request for a preliminary ruling from the Oberlandesgericht München (Germany)

Keywords

Citizenship of the Union — Request for extradition issued by a third State in respect of a Union citizen for the purposes of executing a term of imprisonment — Member State addressed prohibiting extraditing its own nationals — Obligation to extradite under an international agreement

Provisions governing the institutions

July 14th — Judgments

Joined cases C-59/18, Italy/ Council, and **C-182/18**, Comune di Milano / Council (**Seat of the European Medicine Agency**)

Keywords

Agencies of the European Union — European Medicines Agency – Seat – Selection of the city of Amsterdam not at the meeting of the General Affairs Council of 20 November 20th 2017

Joined cases C-106/19, Italy / Council and Parliament, and **C-232/19**, Comune di Milano / Parliament and Council (**Seat of the European Medicine Agency**)

Keywords

Action for annulment — Regulation (EU) 2018/1718 of the European Parliament and of the Council of 14 November 2018 amending Regulation (EC) No 726/2004 as regards the location of the seat of the European Medicines Agency — Selection of the city of Amsterdam

Case C-743/19, Parliament /Council (**Seat of the European Labour Authority**)

Keywords

Action for annulment — Decision (EU) 2019/1199 taken by common accord between the Representatives of the Governments of the Member States of 13 June 2019 on the location of the seat of the European Labour Authority (OJ 2019 L 189, p. 68) — Competence to adopt the decision – Legal basis — Statement of reasons for the decision

Approximation of laws

July 14th — Judgments

Case C-128/20, GSMB Invest

Request for a preliminary ruling from the Landesgericht Klagenfurt (Austria)

Keywords

Diesel vehicle equipped with a device reducing emissions fraudulently — Defeat device – Obligation of the manufacturer to issue a certificate of conformity — Registration, sale and entry into service of vehicles

Case C-134/20, Volkswagen

Request for a preliminary ruling from the Landesgericht Eisenstadt (Austria)

Diesel vehicle equipped with a device reducing emissions fraudulently — Defeat device – Obligation of the manufacturer to issue a certificate of conformity — Registration, sale and entry into service of vehicles

Case C-145/20, Porsche Inter Auto and Volkswagen
Request for a preliminary ruling from the Oberster Gerichtshof (Austria)

Keywords

Diesel vehicle equipped with a device reducing emissions fraudulently — Defeat device — Sale of consumer goods and associated guarantees — Quality and performance which are normal in goods of the same type – Normal Use — Minor lack of conformity

Data protection

August 1st – Judgment

Case C-184/20, Vyriausioji tarnybinės etikos komisija

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

Keywords

Protection of personal data — Processing of personal data — Performance of a task carried out in the public interest or in the exercise of official authority – Requirement that data included in the declaration of private interests be made public

Transports

August 1st — Judgment

Joined cases C-14/21 and C-15/21

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Sicilia (Italy)

Keywords

Sea transports — Directive 2009/16/EC — Port state control — Sea search and rescue activities — Certified activity and activity carried out in practice by a ship

Social security

August 1st – Judgment

Case C-411/20, Familienkasse Niedersachsen— Bremen

Request for a preliminary ruling from the Finanzgericht Bremen (Germany)

Keywords

Citizenship of the Union — free movement of persons – Social security — Equal treatment — Family benefits – National legislation excluding nationals of other Member States who are not economically active during the first three months of residence

Thematic working groups activities

Third meeting of the “Legal Terminology” thematic working group

The members of the “Legal Terminology” thematic group, coordinated by the Projects and Terminological Coordination Unit (PCT) of the Court of Justice of the European Union, met on Tuesday 21 June 2022.

The aim of this new meeting was to examine the needs and expectations of the members, in particular with regard to training. A round table discussion enabled the participants, who included one new member of the working group, to explain the terminology problems they face and the solutions they have implemented to deal with them. The exchanges brought to light a number of needs and concrete proposals.

Several members expressed the wish to have support in the search for specific terminological solutions when faced with a difficulty in understanding and/or translating a given concept. The PCT unit offered to coordinate the questions and answers while waiting for the availability of a tool facilitating exchanges in the group's collaborative platform. The participants welcomed the possibility of organising training courses (in particular on the Court of Justice of the EU's terminology methodology, on the use of IATE or on documentary research tools and techniques) not only for them but also for a wider audience, such as translators or people providing services for the national courts.

The PCT unit has already published several documents on the group's collaborative platform (presentation of the VJM, guides to using IATE, essential rules for good terminology management, list of terms in the entries of the multilingual collections in IATE, full-text search guide, etc.). The members were invited to contribute to enrich the platform. The proposal of a document collecting good translation practices was of interest to the participants. The PCT Unit will provide a basic document to be adapted to the needs of the member courts.

Further steps in the area of terminological cooperation will be taken at the next meeting.

Fifth meeting of the “Legal Research” thematic working group

On 1 July 2022, the fifth meeting of the Thematic Working Group on Legal Research, established within the framework of the Judicial Network of the European Union, was held in hybrid format.

The main topic of the meeting was to exchange views on research notes. To that end, a presentation was made by Ms Marlene Brosch of the Court of Justice, followed by time for questions.

The supporting document can be found on the ‘Legal Research’ tab of the platform.

Ellen Penninckx of the European Court of Human Rights presented

the different types of research notes prepared by the Research Unit of the ECtHR: ECtHR case-law reports, international and European law reports and comparative law studies. Such reports are prepared in connection with a case brought to the ECtHR at the request of the judge rapporteur and usually include material from 35 to 40 countries. Only a selection of ECtHR case-law reports are available to the public on the internet site of the ECtHR once the judgment is delivered.

It was proposed that a research note be drafted by the members of the group on a subject of interest regarding the administration of

justice. Two themes were suggested (the legal world of social networks – a question of impartiality; IT tools in the legal world – i.e. digitalisation of signatures), and participants were invited to send their ideas for discussion at a future meeting.

New national contributions to the Protection of personal data factsheet would be very welcome. They may consist of 2 or 3 important decisions together with an abstract.

The next meeting of the Legal Research Group will take place in the autumn.

Entry into office of new members of the CJEU

The following members of the General Court entered into office on the formal sitting of 6 July 2022:

Mr. Tihamér Tóth
Ms Beatrix Ricziová

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.