



FLASH NEWS

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FOLLOW-UP DECISIONS OVERVIEW OF THE MONTHS OF APRIL AND MAY



Bulgaria – Supreme Administrative Court

[Agentsia po vpisvaniyata, [C-200/23](#)]

Protection of personal data - Publication of a contract for the formation of a company in a commercial register - Lack of consent of the data subject - Right to erasure - Non-pecuniary damage

Following the judgment of the Court of Justice in Case [C-200/23](#), the Supreme Administrative Court overturned the refusal of the agency responsible for commercial register entries to delete certain personal data relating to a partner in a limited liability company contained in the company's Articles of Association. Returning the file to the agency with instructions to delete the data concerned, it also rejected the request to order the agency to compensate the person for the non-material damage allegedly suffered under Article 82 of the GDPR. Based on the evidence gathered in the case, the Supreme Administrative Court found that the applicant had not been able to prove that she had actually suffered damage. Referring to the grounds for the Court's judgment, it noted that, even if the temporary loss of control over personal data published online may be considered sufficient to cause non-pecuniary damage to the data subject, it is nevertheless incumbent on the data subject to demonstrate that he or she has actually suffered such damage, however minimal. In the absence of evidence in this regard, the Supreme Administrative Court rejected the claim for non-pecuniary damages.

Върховен административен съд (Varhoven administrativen sad), [judgment No 3504 of 02.4.2025, No 6332/2022 \(BG\)](#)



Latvia – Supreme Court

[Zinātnes parks, [C-347/20](#)]

European Regional Development Fund (ERDF) - Undertaking in difficulty

Following the judgment of the Court of Justice in Case [C-347/20](#), the Supreme Court ruled that a company participating in a public call for proposals for the selection of projects for European Union funding is required to prove that it does not fall within the concept of an undertaking in difficulty. To this end, it must submit an interim activity report approved by a certified auditor. This activity report is an essential prerequisite for determining whether the undertaking concerned is in difficulty and whether its financial situation has changed since the publication of its last publicly available annual report. This requirement is considered to be in line with the principles of effectiveness and proportionality.

Latvijas Republikas Senāta Administratīvo lietu departaments, [judgment of 10.4.2025, No SKA-84/2025, ECLI:LV:AT:2025:0410.A420299519.11.S \(LT\)](#)

COURT OF JUSTICE
OF THE EUROPEAN UNION



Croatia – Constitutional Court

[Ministarstvo financija (Bourse Erasmus+) ([C-277/23](#))]

EU citizenship - Student mobility under the Erasmus+ programme - Taxation of grants - Restrictions on free movement

By adopting the reasoning of the Court in its judgment in Case [C-277/23](#), the Constitutional Court confirmed, after conducting a specific proportionality analysis, that the national legislation at issue was contrary to the right of free movement and residence enjoyed by Union citizens and to the right to property. This legislation provided that, in order to determine the amount of the personal allowance to which a tax-paying parent is entitled in respect of a dependent child, the mobility allowance for educational purposes received by that child under the Erasmus+ programme should be taken into account, with the result that the right to increase that allowance when calculating income tax was lost. Given the binding nature of the Court's judgment, the Croatian high court ordered that the decision be enforced. In this regard, it stated, inter alia, that, in accordance with the principles of the primacy and effectiveness of EU law, the applicant was entitled to reimbursement of the late-payment interest and any other costs related to a tax recovery procedure. It therefore overturned the appeal decisions and referred the case back to the appeal court.

Ustavni sud, [decision of 15.4.2025, No U-III-2425/2021 \(HR\)](#)



Netherlands – Council of State

[Kaduna, [C-244/24](#)]

Temporary protection following the war in Ukraine - Optional provision extending protection, in addition to mandatory categories, to other groups of displaced persons

Following the judgment of the Court of Justice of 19 December 2024 in Case [C-244/24](#), the Council of State ruled that the Netherlands was free to withdraw discretionary temporary protection at a date earlier than the date on which mandatory temporary protection ceases to have effect. This discretionary temporary protection is available to stateless persons and nationals of third countries other than Ukraine who hold a temporary residence permit in Ukraine. The high court added that this freedom cannot undermine either the objectives or the effectiveness of the Temporary Protection Directive or the general principles of EU law. Furthermore, the Council of State ruled that the Netherlands cannot take a return decision against a third-country national residing lawfully on its territory and benefiting from discretionary temporary protection before that protection has expired, even where it appears that the protection will cease to have effect in the near future, and the effects of that decision are suspended until that date.

Raad van State, [decisions of 23.4.2025, 202401901/2, 202402020/3 and 202402066/2 \(NL\)](#)

[Press release \(NL\)](#)



Germany – Federal Labour Court

[K GmbH, [C-65/23](#)]

Personal data protection - GDPR - Processing of employee data - Right to redress

Following the K GmbH (Traitement de données personnelles des employés) judgment of the Court of Justice in Case [C-65/23](#), the Federal Labour Court awarded an employee damages of EUR 200 under Article 82(1) of the GDPR in connection with the transfer of personal data for the purpose of testing personnel management software. The temporary use of the 'Workday' software was governed by a company agreement that authorised the transfer of certain data to the employer's parent company. However, the employer had also transferred personal data of the employee concerned other than those authorised by the company agreement. The high court ruled that this transfer, which went beyond the data authorised in the company agreement, was not necessary within the meaning of Article 6(1)(f) of the GDPR. The non-material damage suffered consisted in the loss of control caused by this transfer of personal data.

Bundesarbeitsgericht, judgment of 8.5.2025, 8 AZR 209/21 (not yet available)

[Press release \(DE\)](#)



Germany – Federal Court of Justice

[ENGIE Deutschland, [C-293/23](#)]

Internal electricity market - Directive (EU) 2019/944 - Concept of distribution network

Following the ENGIE Deutschland judgment of the Court of Justice in Case [C-293/23](#), the Federal Court of Justice dismissed the appeal of an energy supply company that wanted to connect two energy installations to the local distribution network as self-consumption installations. The high court considered that the definition of the concept of self-consumption installation in the Energy Supply Act must be interpreted in accordance with Directive (EU) 2019/944 in the sense that such an installation cannot constitute a distribution network within the meaning of Article 2(28) of that directive. In this case, the installations in question, namely electricity transmission systems, constituted such distribution networks, given that they were used to transport electricity intended for sale to end customers. Consequently, they could not be exempted from the application of the provisions relating to network regulation.

Bundesgerichtshof, order of 13.5.2025, EnVR 83/20 (not yet available)
[Press release \(DE\)](#)



Austria – Supreme Court

[Jones Day, [C-807/23](#)]

Free movement of workers - Training of trainee lawyers - Territorial restriction

In accordance with the judgment of the Court of Justice in Case [C-807/23](#), the Supreme Court ruled that the applicant had demonstrated that her training with a lawyer established in Germany but also registered in Austria had enabled her to acquire practical experience comparable with that acquired during training with a lawyer established in Austria. However, according to the Supreme Court, the list of activities presented by the applicant was not sufficient to prove the comparability of the training courses. The Supreme Court ruled that the assessment of the subject matter and scope of the training received under Austrian law had to be made on the basis of evidence gathered by the Vienna Bar Association, which had to be asked to certify whether the applicant had acquired sufficient experience in Austrian law through her training.

Oberster Gerichtshof, order of 21.5.2025, 19Ob3/25t (DE)

Previous decision



Romania – Brasov Court of Appeal

[Energotehnica ([C-792/22](#))]

Effective judicial protection - Principle of legal certainty - Res judicata

The Court of Appeal found that it follows from the Energotehnica judgment of the Court of Justice in Case [C-792/22](#) that, in order to guarantee the right to effective judicial protection, it is essential to ensure that civil parties in criminal proceedings have the opportunity to express their views on the subject matter of the dispute. This case concerned the finding that no accident at work had occurred, which had been established by an administrative court without the civil parties to the criminal proceedings having been notified, summoned or informed of the existence of these proceedings and without them having been able to present their arguments on the matter. In this context, upholding the res judicata effect of this decision and accepting the finding that no accident at work had occurred in the context of the criminal proceedings would be incompatible with EU law. The Court of Appeal held that, although the decision handed down at first instance should, by virtue of the principle of legal certainty, have the force of res judicata, that principle was not absolute. The inability of a party to put forward arguments concerning a factual situation in respect of which a final decision has been taken justified a derogation from that principle.

Curtea de Appel Brasov, decision of 27.3.2025 (RO) (not yet available)

The Research and Documentation Directorate's intranet site lists all the analyses of follow-up decisions received and processed by the Directorate since 1 January 2000, classified by year according to the date on which the case was brought before the Court. All the analyses drawn up in the context of the follow-up to preliminary rulings are also available, in particular via the internal portal, under each preliminary ruling, under the heading 'Litigation at national level', and on Eureka, under the source 'Analyses', under the heading 'National decision'.