

Parties to the main proceedings

Applicants: Tráficos Manuel Ferrer S.L., Ignacio

Defendant: Daimler AG

Operative part of the judgment

1. Article 101 TFEU and Article 3(1) and (2) of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union

must be interpreted as meaning that they do not preclude a national rule of civil procedure under which, in the event that the claim is upheld in part, costs are to be borne by each party and each party bears half of the common costs, except in cases of wrongful conduct.

2. Article 17(1) of Directive 2014/104

must be interpreted as meaning that neither the fact that the defendant in an action falling within the scope of that directive has made available to the claimant the data on which it relied in order to refute the expert report of the latter nor the fact that the claimant has addressed its request to merely one of the infringers are not, in themselves, relevant for the purposes of assessing whether it is permissible for the national courts to undertake an estimation of the harm, that estimation being based on the premiss, first, that the existence of that harm has been established and, second, that it is practically impossible or excessively difficult to quantify it with precision, which involves taking into consideration all the parameters leading to such a finding and, in particular, the unsuccessful nature of steps such as the request to disclose evidence laid down in Article 5 of that directive.

⁽¹⁾ OJ C 382, 20.9.2021.

Judgment of the Court (Eighth Chamber) of 16 February 2023 (request for a preliminary ruling from the Varhoven administrativen sad — Bulgaria) — PV v Zamestnik izpalnitelen direktor na Darzhaven fond ‘Zemedelie’

(Case C-343/21, ⁽¹⁾ Zamestnik izpalnitelen direktor na Darzhaven fond ‘Zemedelie’)

(Reference for a preliminary ruling — Common agricultural policy — Support measures for rural development by the European Agricultural Fund for Rural Development — Agri-environmental payments — Regulation (EC) No 1974/2006 — Inability of the beneficiaries to continue to comply with the commitments given — Concepts of ‘reparcelling’ and ‘land-consolidation measures’ — Absence of measures necessary to adapt the obligations of the beneficiary to the new situation of the holding — Regulation (EC) No 1122/2009 — Concept of ‘force majeure and exceptional circumstances’)

(2023/C 127/06)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicant: PV

Defendant: Zamestnik izpalnitelen direktor na Darzhaven fond ‘Zemedelie’

Operative part of the judgment

1. Article 45(4) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)

must be interpreted as meaning that it is applicable where a farmer is unable to continue to comply with the agri-environmental commitments which he or she has made for the final year of performance of those commitments and where that inability results directly from a reparation operation or a land-consolidation measure affecting the structure of the agricultural holding which is the subject of those commitments, decided upon or approved by a competent public authority. By contrast, that provision is not applicable where that inability results from the disappearance of the right to use part of the area of that holding during the performance of those commitments.

2. Article 45(4) of Regulation No 1974/2006

must be interpreted as meaning that a Member State's failure to adopt the measures necessary to allow the agri-environmental commitments of a beneficiary to be adapted to the new situation of his or her agricultural holding resulting from a reparation or land-consolidation measure, within the meaning of that provision, precludes a requirement for that beneficiary to reimburse the funds received in respect of the period in which those commitments were complied with.

3. Article 31 of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003,

must be interpreted as meaning that, although the fact that a beneficiary is unable to continue to comply with an agri-environmental commitment because of the absence of agreements concluded with other owners or users of agricultural land for the use of that land may, in principle, constitute a case of force majeure, that is the case only if that inability results from abnormal and unforeseeable circumstances outside the control of that beneficiary, the consequences of which, in spite of the exercise of all due care, could not have been avoided, which it is for the referring court to ascertain.

⁽¹⁾ OJ C 320, 9.8.2021.

Judgment of the Court (Third Chamber) of 16 February 2023 (request for a preliminary ruling from the Spetsializiran nakazatelen sad — Bulgaria) — HYA, IP, DD, ZI, SS

(Case C-349/21, ⁽¹⁾ HYA and Others (Grounds for authorising telephone tapping))

(Reference for a preliminary ruling — Telecommunications sector — Processing of personal data and the protection of privacy — Directive 2002/58/EC — Article 15(1) — Restriction of the confidentiality of electronic communications — Judicial decision authorising the interception, recording and storage of telephone conversations of persons suspected of having committed a serious intentional offence — Practice whereby the decision is drawn up in accordance with a pre-drafted template text that does not contain individualised reasons — Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union — Obligation to state reasons)

(2023/C 127/07)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Parties to the main proceedings

Applicants: HYA, IP, DD, ZI, SS

Other party to the proceedings: Spetsializirana prokuratura