

**Judgment of the Court (Eighth Chamber) of 28 October 2020 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL) v Zennaro Giuseppe Legnami Sas di Zennaro Mauro & C.**

(Case C-608/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — State aid — Regulation (EU) No 1407/2013 — Article 3 — De minimis aid — Article 6 — Monitoring — Undertakings exceeding the de minimis ceiling because of cumulation with aid obtained previously — Option of choosing between reduction and forgoing previous aid so as to comply with the de minimis ceiling)*

(2020/C 433/15)

Language of the case: Italian

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicant:* Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL)

*Defendant:* Zennaro Giuseppe Legnami Sas di Zennaro Mauro & C.

**Operative part of the judgment**

1. Articles 3 and 6 of Commission Regulation (EU) No 1407/2013 of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid must be interpreted as meaning that an undertaking, the Member State of establishment of which intends to grant it de minimis aid that, because of existing previous aid, would raise the total amount of aid granted to that undertaking to a level above the EUR 200 000 ceiling over a period of three fiscal years laid down in Article 3(2) of Regulation No 1407/2013, may opt, until such aid is granted, to reduce the funding required or to forgo, in full or in part, previous financial assistance already received, so as not to exceed that ceiling.
2. Articles 3 and 6 of Regulation No 1407/2013 must be interpreted as meaning that Member States are not required to allow applicant undertakings to amend their applications for aid before such aid is granted, so as not to exceed the EUR 200 000 ceiling over a period of three fiscal years laid down by Article 3(2) of Regulation No 1407/2013. It is for the referring court to assess the legal consequences of the fact that undertakings do not have the option of making such changes, it being understood that they may be made only at a date prior to that on which the de minimis aid is granted.

<sup>(1)</sup> OJ C 357, 21.10.2019.

**Judgment of the Court (Fifth Chamber) of 28 October 2020 (request for a preliminary ruling from the Svea hovrätt — Patent- och marknadsöverdomstolen — Sweden) — BY v CX**

(Case C-637/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Copyright and related rights — Directive 2001/29/EC — Information society — Harmonisation of certain aspects of copyright and related rights — Article 3(1) — Communication to the public — Notion of 'public' — Transmission by electronic means to a court of a protected work as evidence in court proceedings)*

(2020/C 433/16)

Language of the case: Swedish

**Referring court**

Svea hovrätt — Patent- och marknadsöverdomstolen

**Parties to the main proceedings**

*Applicant:* BY

*Defendant:* CX

**Operative part of the judgment**

Article 3(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society must be interpreted as meaning that the concept of ‘communication to the public’, referred to in that provision, does not cover the transmission by electronic means of a protected work to a court, as evidence in judicial proceedings between individuals.

<sup>(1)</sup> OJ C 372, 4.11.2019.

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**Judgment of the Court (Ninth Chamber) of 22 October 2020 — Silver Plastics GmbH & Co. KG, Johannes Reifenhäuser Holding GmbH & Co. KG v European Commission**

(Case C-702/19 P) <sup>(1)</sup>

*(Appeal — Competition — Agreements, decisions and concerted practices — Retail food packaging market — Decision finding an infringement of Article 101 TFEU — Regulation (EC) No 1/2003 — Article 23 — Article 6 of the European Convention on Human Rights — Fundamental right to a fair trial — Principle of equality of arms — Right ‘to an examination in person’ — Hearing of witnesses — Statement of reasons — Single and continuous infringement — Upper limit of fine)*

(2020/C 433/17)

*Language of the case:* German

**Parties**

*Appellants:* Silver Plastics GmbH & Co. KG (represented by: M. Wirtz and S. Möller, Rechtsanwälte), Johannes Reifenhäuser Holding GmbH & Co. KG (represented by: C. Karbaum, Rechtsanwalt)

*Other party to the proceedings:* European Commission (represented by: G. Meessen, I. Zaloguin and L. Wildpanner, acting as Agents)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Silver Plastics GmbH & Co. KG and Johannes Reifenhäuser Holding GmbH & Co. KG to bear their own costs and to pay those incurred by the European Commission.

<sup>(1)</sup> OJ C 383, 11.11.2019.

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**Request for a preliminary ruling from the Sąd Okręgowy v Gorzowie Wielkopolskim (Poland) lodged on 3 October 2018 — Prokuratura Rejonowa w Słubicach v BQ**

(Case C-623/18)

(2020/C 433/18)

*Language of the case:* Polish

**Referring court**

Sąd Okręgowy v Gorzowie Wielkopolskim