Judgment of the Court (First Chamber) of 9 March 2023 — Intermarché Casino Achats v European Commission, Council of the European Union

(Case C-693/20 P) [1]

(Appeal — Competition — Agreements, decisions and concerted practices — Decision of the European Commission ordering an inspection — Remedies against the conduct of the inspection — Article 47 of the Charter of Fundamental Rights of the European Union — Right to an effective remedy — Regulation (EC) No 1/2003 — Article 19 — Regulation (EC) No 773/2004 — Article 3 — Recording of interviews conducted by the Commission during its investigations — Starting point of the Commission's investigation)

(2023/C 155/04)

Language of the case: French

Parties

Appellant: Intermarché Casino Achats (represented by: F. Abouzeid, S. Eder, J. Jourdan, C. Mussi and Y. Utzschneider, Avocats)

Other parties to the proceedings: European Commission (represented by: P. Berghe, A. Cleenewerck de Crayencour, A. Dawes and I. V. Rogalski, acting as Agents), Council of the European Union (represented by: A.-L. Meyer and O. Segnana, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside point 2 of the operative part of the judgment of the General Court of the European Union of 5 October 2020, Intermarché Casino Achats v Commission (T-254/17, not published, EU:T:2020:459);

2. Sets aside point 3 of the operative part of the judgment of the General Court of the European Union of 5 October 2020, Intermarché Casino Achats v Commission (T-254/17, not published, EU:T:2020:459) in so far as it ruled on costs;

3. Annuls Commission Decision C(2017) 1056 final of 9 February 2017, ordering Intermarché Casino Achats and all companies directly or indirectly controlled by it to submit to an inspection in accordance with Article 20(1) and (4) of Council Regulation (EC) No 1/2003 (Case AT.40466 — Tute 1);

4. Orders the European Commission to bear its own costs and to pay those incurred by Intermarché Casino Achats SARL, both at first instance and in the appeal proceedings;

5. Orders the Council of the European Union to bear its own costs, both at first instance and in the appeal proceedings.

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[1] OJ C 62, 22.2.2021.

Judgment of the Court (Grand Chamber) of 28 February 2023 (request for a preliminary ruling from the First-tier Tribunal (Tax Chamber) — United Kingdom) — Fenix International Ltd v Commissioners for Her Majesty's Revenue and Customs

(Case C-695/20, [1] **Fenix International)**

(Reference for a preliminary ruling — Implementing power of the Council of the European Union — Article 291(2) TFEU — Common system of value added tax (VAT) — Directive 2006/112/EC — Articles 28 and 397 — Taxable person, acting in his or her own name but on behalf of another person — Provider of services by electronic means — Implementing Regulation (EU) No 282/2011 — Article 9a — Presumption — Validity)

(2023/C 155/05)

Language of the case: English

Referring court

First-tier Tribunal (Tax Chamber)