

**Judgment of the Court (Seventh Chamber) of 24 November 2022 — European Commission v Republic of Poland**

(Case C-166/21) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Excise duties on alcohol and alcoholic beverages — Directive 92/83/EEC — Exemption from the harmonised excise duty — Ethyl alcohol used for the production of medicines — Article 27(1)(d) — Exemption conditional on placing the alcohol under a duty suspension arrangement — No facility to obtain a refund of the excise duty paid — Principle of proportionality)*

(2023/C 24/08)

Language of the case: Polish

**Parties**

*Applicant:* European Commission (represented initially by C. Perrin and M. Siekierzyńska, and subsequently by C. Perrin and A. Stobiecka-Kuik, acting as Agents)

*Defendant:* Republic of Poland (represented by: B. Majczyna and A. Kramarczyk-Szaładzińska, acting as Agents)

*Intervener in support of the defendant:* Czech Republic (represented by: O. Serdula, M. Smolek and J. Vlácil, acting as Agents)

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders the European Commission to bear its own costs and to pay those incurred by the Republic of Poland;
3. Orders the Czech Republic to bear its own costs.

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<sup>(1)</sup> OJ C 148, 26.4.2021.

**Judgment of the Court (Third Chamber) of 24 November 2022 — European Parliament v Council of the European Union**

(Case C-259/21) <sup>(1)</sup>

*(Action for annulment — Common fisheries policy — Regulation (EU) 2021/92 — Fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters — Conservation of fishery resources and protection of marine ecosystems through technical measures — Articles 15 to 17 and 20 and the second paragraph of Article 59 — Article 43(3) TFEU — Misuse of powers — Principle of sincere cooperation)*

(2023/C 24/09)

Language of the case: French

**Parties**

*Applicant:* European Parliament (represented by: I. Liukkonen and I. Terwinghe, acting as Agents)

*Defendant:* Council of the European Union (represented by: S. Falek, F. Naert and A. Nowak-Salles, acting as Agents)

*Intervener in support of the defendant:* European Commission (represented by: A. Dawes, A. Stobiecka-Kuik and K. Walkerová, acting as Agents)

**Operative part of the judgment**

The Court:

1. Dismisses the action;