**Parties to the main proceedings**

*Applicant:* ZG

*Defendant:* Beobank SA

**Operative part of the judgment**

Article 47(1)(a) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC

must be interpreted as meaning that a payer's payment service provider is required to provide that payer with information enabling the natural or legal person who benefited from a payment transaction debited from that payer's account to be identified and not only the information which that provider, after making its best efforts, has available with regard to that payment transaction.

(1) OJ C 338, 23.8.2021.

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**Judgment of the Court (Fourth Chamber) of 16 March 2023 — European Commission v Pharmaceutical Works Polpharma S.A., European Medicines Agency, Biogen Netherlands BV (C-438/21 P), Biogen Netherlands BV v Pharmaceutical Works Polpharma S.A., European Medicines Agency, European Commission (C-439/21 P), European Medicines Agency v Pharmaceutical Works Polpharma S.A, European Commission, Biogen Netherlands BV (C-440/21 P)**

**(Joined Cases C-438/21 P to C-440/21 P)** (1)

***(Appeal — Public health — Medicinal products for human use — Directive 2001/83/EC — Regulation (EC) No 726/2004 — Application for marketing authorisation for a generic version of the medicinal product Tecfidera — Decision of the European Medicines Agency (EMA) not to validate the application for marketing authorisation — Earlier European Commission decision taking the view that Tecfidera was not covered by the same global marketing authorisation as Fumaderm — Previously authorised combination medicinal product — Subsequent marketing authorisation for a component of the combination medicinal product — Assessment of the existence of a global marketing authorisation)***

(2023/C 164/09)

*Language of the case: English*

**Parties**

*(Case C-438/21 P)*

*Appellant:* European Commission (represented by: initially, S. Bourgois, L. Haasbeek and A. Sipos, and subsequently, L. Haasbeek and A. Sipos, acting as Agents)

*Other parties to the proceedings:* Pharmaceutical Works Polpharma S.A. (represented by: N. Carbonnelle, avocat, S. Faircliffe, Solicitor, and M. Martens, advocaat), European Medicines Agency (represented by: S. Drosos, H. Kerr and S. Marino, acting as Agents), Biogen Netherlands BV (represented by: C. Schoonderbeek, advocaat)

*(Case C-439/21 P)*

*Appellant:* Biogen Netherlands BV (represented by: C. Schoonderbeek, advocaat)

*Other parties to the proceedings:* Pharmaceutical Works Polpharma S.A. (represented by: N. Carbonnelle, avocat, S. Faircliffe, Solicitor, and M. Martens, advocaat), European Medicines Agency (EMA) (represented by: S. Drosos, H. Kerr and S. Marino, acting as Agents), European Commission (represented by: initially, S. Bourgois, L. Haasbeek and A. Sipos, and subsequently, L. Haasbeek and A. Sipos, acting as Agents)

*(Case C-440/21 P)*

*Appellant:* European Medicines Agency (EMA) (represented by: S. Drosos, H. Kerr and S. Marino, acting as Agents)

*Other parties to the proceedings:* Pharmaceutical Works Polpharma S.A. (represented by: N. Carbonnelle, avocat, S. Faircliffe, Solicitor, and M. Martens, advocaat), European Commission (represented by: initially, S. Bourgois, L. Haasbeek and A. Sipos, and subsequently, L. Haasbeek and A. Sipos, acting as Agents), Biogen Netherlands BV (represented by: C. Schoonderbeek, advocaat)

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the General Court of the European Union of 5 May 2021, Pharmaceutical Works Polpharma v EMA (T-611/18, EU:T:2021:241);

2. Dismisses the action brought by Pharmaceutical Works Polpharma S.A. in Case T-611/18;

3. Orders Pharmaceutical Works Polpharma S.A. to bear its own costs and to pay those incurred by the European Commission, Biogen Netherlands BV and the European Medicines Agency (EMA).

(1) OJ C 391, 27.9.2021.

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**Judgment of the Court (Second Chamber) of 16 March 2023 (request for a preliminary ruling from the cour d'appel de Paris — France) — Towercast v Autorité de la concurrence, Ministre chargé de l'économie**

**(Case C-449/21,** (1) **Towercast)**

***(Reference for a preliminary ruling — Competition — Control of concentrations between undertakings — Regulation (EC) No 139/2004 — Article 21(1) — Exclusive application of that regulation to operations covered by the concept of 'concentration' — Scope — Concentration operation which has no Community dimension, is below the thresholds for mandatory ex ante control laid down in the law of a Member State and has not been referred to the European Commission — Control of such an operation by the competition authorities of that Member State in the light of Article 102 TFEU — Whether permissible)***

(2023/C 164/10)

*Language of the case: French*

**Referring court**

Cour d'appel de Paris

**Parties to the main proceedings**

*Applicant:* Towercast SASU

*Defendants:* Autorité de la concurrence, Ministre chargé de l'économie

*Other parties:* Tivana Topco SA, Tivana Midco SARL, TDF Infrastructure Holding SAS, TDF Infrastructure SAS, Tivana France Holdings SAS

**Operative part of the judgment**

Article 21(1) of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings

must be interpreted as not precluding the competition authority of a Member State from regarding a concentration of undertakings which has no Community dimension within the meaning of Article 1 thereof, is below the thresholds for mandatory ex ante control laid down in national law, and has not been referred to the European Commission under Article 22 of that regulation, as constituting an abuse of a dominant position prohibited under Article 102 TFEU, in the light of the structure of competition on a market which is national in scope.

(1) OJ C 452, 8.11.2021.