

Judgment of the Court (Sixth Chamber) of 15 June 2023 (request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio — Italy) — BM, NP v Ministero dell'Istruzione, dell'Università e della Ricerca — MIUR

(Case C-132/22, ⁽¹⁾ Ministero dell'Istruzione, dell'Università e della Ricerca (Special lists))

(Reference for a preliminary ruling — Freedom of movement for workers — Article 45 TFEU — Regulation (EU) No 492/2011 — Article 3(1) — Obstacle — Equal treatment — Procedure for compiling lists for awarding posts in certain national public institutions — Requirement for admission linked to prior professional experience gained at those institutions — National legislation not allowing professional experience gained in other Member States to be taken into account — Whether justified — Objective of combating job insecurity)

(2023/C 271/07)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicants: BM, NP

Defendant: Ministero dell'Istruzione, dell'Università e della Ricerca — MIUR

Operative part of the judgment

Article 45 TFEU and Article 3(1)(b) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union

must be interpreted as precluding national legislation that provides that only candidates who have gained a certain amount of professional experience at national public higher-education institutions for the fine arts, music and dance may be admitted to a procedure for inclusion on the lists compiled for the purpose of recruiting, on permanent or temporary employment contracts, staff in those institutions and that thus prevents professional experience gained in other Member States from being taken into consideration for the purpose of admission to that procedure.

⁽¹⁾ OJ C 207, 23.5.2022.

Judgment of the Court (Fifth Chamber) of 15 June 2023 (request for a preliminary ruling from the Conseil d'État — France) — Saint-Louis Sucre v Premier ministre, Ministre de l'Agriculture et de l'Alimentation, SICA des betteraviers d'Étrepagny

(Case C-183/22, ⁽¹⁾ Saint-Louis Sucre (Recognition of a producer organisation))

(Reference for a preliminary ruling — Agriculture — Common organisation of the markets — Regulation (EU) No 1308/2013 — Statutes of producer organisations — Article 153(1)(b) — Rule that members may belong to only one producer organisation — Scope — Article 153(2)(c) — Democratic scrutiny by producer members of the producer organisation and the decisions taken within it — Control exercised by one person over certain members of a producer organisation)

(2023/C 271/08)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Saint-Louis Sucre

Defendants: Premier ministre, Ministre de l'Agriculture et de l'Alimentation, SICA des betteraviers d'Étrépagny

Operative part of the judgment

1. Article 153(1)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended by Regulation (EU) No 2017/2393 of the European Parliament and of the Council of 13 December 2017,

must be interpreted as meaning that the requirement of being a member of only one producer organisation applies solely to the members of the producer organisation that are producers.

2. Article 153(2)(c) of Regulation No 1308/2013, as amended by Regulation 2017/2393

must be interpreted as meaning that in determining whether the statutes of a producer organisation lay down rules that enable its producer members to scrutinise democratically their organisation and its decisions, the national authority responsible for the recognition of that organisation must:

- examine whether one person controls certain members of the producer organisation, having regard not only to the fact that that person holds a share of the capital of those members, but also to the fact that it maintains other types of relationships with those members, such as, in the case of non-producer members, their affiliation to the same trade union confederation or, in the case of producer members, their exercise of management responsibilities within such a confederation;
- after verifying that the producer members of the producers organisation have a majority of the votes in the organisation's general assembly, also examine whether, in view of the distribution of votes among members that are not controlled by other persons, one or more non-producer members are able, by virtue of the decisive influence they may therefore be able to exert, even without a majority, to control the decisions taken by the producer organisation.

⁽¹⁾ OJ C 213, 30.5.2022.

Judgment of the Court (Ninth Chamber) of 15 June 2023 (request for a preliminary ruling from the Sąd Okręgowy w Warszawie — Poland) — YQ, RJ v Getin Noble Bank S.A.

(Case C-287/22, ⁽¹⁾ Getin Noble Bank (Suspension or performance of a credit agreement))

(Reference for a preliminary ruling — Consumer protection — Unfair terms in consumer contracts — Directive 93/13/EEC — Mortgage loan indexed to a foreign currency — Article 6(1) — Article 7(1) — Application for interim measures — Suspension of performance of the loan agreement — Ensuring full effectiveness of the restitutory effect)

(2023/C 271/09)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicants: YQ, RJ

Defendant: Getin Noble Bank S.A.