

2. Must the principle of sincere cooperation, guaranteed by Article 4(3) TEU (formerly Article 10 TEC), be interpreted as requiring the Member State which intends to exercise jurisdiction over that service, when a first Member State has already exercised jurisdiction, to ask the first Member State to withdraw the concession relating to that audiovisual media service which it has granted and, where it refuses to do so, to bring the matter before the Court of Justice of the European Union by asking the European Union to bring an action against the first Member State for failure to fulfil its obligations (Article 258 TFEU) or itself bring an action for failure to fulfil an obligation (Article 259 TFEU), and to refrain from any physical or legal act which is the expression of its claim to have jurisdiction over that service, unless and until the Court of Justice of the European Union has ruled in its favour?
3. Does that principle necessarily mean that the Member State wishing to exercise jurisdiction over an audiovisual media service, when a first Member State already exercises such jurisdiction, should, before adopting any physical or legal act which is the expression of its claim to have jurisdiction with regard to that service, and, irrespective of whether the proceedings referred to in question 2 are initiated,
 - (a) consult the first Member State with a view to reaching, if possible, a joint solution? and/or
 - (b) request that the question be referred to the contact committee established by Article 29 of Directive 2010/13/EU? and/or
 - (c) seek the advice of the European Commission? and/or
 - (d) invite the first Member State, which granted a concession relating to that audiovisual media service, to withdraw that concession and, where the first Member State refuses to do so, make use of the judicial procedures which are available and effective in that first Member State to challenge that refusal to withdraw the concession?
4. Is the answer to the second and third questions influenced by the fact that the authority responsible for audiovisual regulation has separate legal personality and means of action from the Member State to which it belongs?
5. In a situation where an audiovisual media service is the subject of a concession granted by a first Member State, does Article 344 TFEU, read in conjunction with Article 4(3) TEU and Directive 2010/13/EU, prohibit a national court of a second Member State from holding that the regulatory authority of that second Member State has correctly assessed that it has jurisdiction to control that service, since in doing so that court would implicitly hold that the first Member State misinterpreted its jurisdiction and would indirectly render a decision in a dispute between two Member States relating to the interpretation and/or application of EU law? In such a situation, should the national court of the second Member State merely annul the decision of that regulatory authority, on the ground that the audiovisual media service in question has already been the subject of a concession granted by a first Member State?

**Request for a preliminary ruling from the Tribunal judiciaire d'Auch (France) lodged on
23 November 2022 — EP v Préfet du Gers, Institut national de la statistique et des études
économiques (INSEE)**

(Case C-716/22)

(2023/C 83/12)

Language of the case: French

Referring court

Tribunal judiciaire d'Auch

Parties to the main proceedings

Applicant: EP

Defendants: Préfet du Gers, Institut national de la statistique et des études économiques (INSEE)

Other party: Commune de Thoux represented by the Mayor of Thoux

Questions referred

1. Is Decision 2020/135 ⁽¹⁾ on the conclusion of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community partially invalid in that the Agreement on the Withdrawal of the United Kingdom from the European Union infringes Articles 1, 7, 11, 21, 39 and 41 of the Charter of Fundamental Rights of the European Union, Article 6(3) of the Treaty on European Union and the principle of proportionality in Article 52 of that Charter in so far as it does not include a provision allowing the right to vote in European elections to be retained for British nationals who have exercised their freedom of movement and their freedom to settle freely in the territory of another Member State, whether or not dual nationality is permitted, in particular for those who have lived in the territory of another Member State for more than 15 years and who are subject to the United Kingdom's 15 year rule, thus aggravating the deprivation of any right to vote, for persons who have not had the right to vote against the loss of their Union citizenship and also for those who have sworn allegiance to the British Crown?
2. Must Decision 2020/135, the Agreement on the Withdrawal of the United Kingdom from the European Union, Article 1 of the Act concerning the election of the members of the European Parliament annexed to Council Decision 76/787/EEC, Euratom of 20 September 1976, ⁽²⁾ the judgment of the Court of Justice of the European Union of 12 September 2006, *Spain v United Kingdom*, C-145/04, Articles 1, 7, 11, 21, 39 and 41 of the Charter of Fundamental Rights of the European Union, Article 6(3) of the Treaty on European Union and the judgment of the Court of Justice of the European Union of 9 June 2022, *Préfet du Gers*, C-673/20, be interpreted as depriving former Union citizens who have exercised their right to free movement and the freedom to settle freely in the territory of the European Union of the right to vote and to stand as a candidate in European elections in a Member State, as well as, in particular, former Union citizens who no longer have any right to vote because they have exercised their private and family life in the territory of the European Union for more than 15 years and who were unable to vote against the withdrawal of their Member State from the European Union which entailed the loss of their Union citizenship?

⁽¹⁾ Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ 2020 L 29, p. 1).

⁽²⁾ OJ 1976 L 278, p. 1.

Appeal brought on 30 November 2022 by Google LLC, Alphabet, Inc. against the judgment of the General Court (Sixth Chamber, Extended Composition) delivered on 14 September 2022 in Case T-604/18, Google and Alphabet v Commission

(Case C-738/22 P)

(2023/C 83/13)

Language of the case: English

Parties

Appellants: Google LLC, Alphabet, Inc. (represented by: G. Forwood, J. Killick and N. Levy, avocats, A. Komninos, dikigoros, A. Lamadrid de Pablo, abogado, D. Gregory and H. Mostyn, Barristers, M. Pickford KC, J. Schindler, Rechtsanwalt, and P. Stuart, Barrister-at-Law)

Other parties to the proceedings: European Commission, Application Developers Alliance, Computer & Communications Industry Association, Gigaset Communications GmbH, HMD global Oy, Opera Norway AS, formerly Opera Software AS, BDZV — Bundesverband Digitalpublisher und Zeitungsverleger eV, formerly Bundesverband Deutscher Zeitungsverleger eV, Bureau européen des unions de consommateurs (BEUC), FairSearch AISBL, Qwant, Seznam.cz, a.s., Verband Deutscher Zeitschriftenverleger eV

Form of order sought

The appellants claim that the Court should:

— set aside the judgement under appeal;