

Defendants: C, B (C-704/20), Staatssecretaris van Justitie en Veiligheid (C-39/21)

Operative part of the judgment

Article 15(2) and (3) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 9(3) and (5) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, and Article 28(4) of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, read in conjunction with Articles 6 and 47 of the Charter of Fundamental Rights of the European Union,

must be interpreted as meaning that

a judicial authority's review of compliance with the conditions governing the lawfulness of the detention of a third-country national which derive from EU law must lead that authority to raise of its own motion, on the basis of the material in the file brought to its attention, as supplemented or clarified during the adversarial proceedings before it, any failure to comply with a condition governing lawfulness which has not been invoked by the person concerned.

(¹) OJ C 128, 12.4.2021.

Judgment of the Court (Second Chamber) of 10 November 2022 (request for a preliminary ruling from the Juzgado de lo Mercantil nº 7 de Barcelona — Spain) — AD and Others v PACCAR Inc, DAF TRUCKS NV, DAF Trucks Deutschland GmbH

(Case C-163/21) (¹)

(Reference for a preliminary ruling — Competition — Compensation for harm caused by a practice prohibited under Article 101(1) TFEU — Collusive arrangements on pricing and gross price increases for trucks in the European Economic Area (EEA) — Directive 2014/104/EU — Rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union — Article 22(2) — Applicability ratione temporis — First subparagraph of Article 5(1) — Concept of relevant evidence which lies in the control of the defendant or a third party — Article 5(2) — Disclosure of specified items of evidence or relevant categories of evidence on the basis of reasonably available facts — Article 5(3) — Review of the proportionality of the request to disclose evidence — Balancing the legitimate interests of the parties and third parties — Scope of the obligations resulting from those provisions)

(2023/C 7/06)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil nº 7 de Barcelona

Parties to the main proceedings

Applicants: AD and Others

Defendants: PACCAR Inc, DAF TRUCKS NV, DAF Trucks Deutschland GmbH

Operative part of the judgment

The first subparagraph of Article 5(1) of Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union

must be interpreted as meaning that the reference therein to the disclosure of relevant evidence in the control of the defendant or a third party also covers those documents which the party to whom the request to disclose evidence is addressed must create ex novo by compiling or classifying information, knowledge or data in its possession, subject to strict compliance with Article 5(2) and (3) of that directive, which requires the national courts seised to restrict the disclosure of evidence to that which is relevant, proportionate and necessary, taking into account the legitimate interests and fundamental rights of that party.

⁽¹⁾ OJ C 252, 28.6.2021.

Judgment of the Court (Fourth Chamber) of 10 November 2022 (request for a preliminary ruling from the Okrazhen sad — Burgas — Bulgaria) — Criminal proceedings against DELTA STROY 2003

(Case C-203/21) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Framework Decision 2005/212/JHA — Applicability — Imposition of a financial penalty on a legal person for non-payment of tax debts — Concept of ‘confiscation’ — Articles 48, 49 and 52 of the Charter of Fundamental Rights of the European Union — Penalties of a criminal nature — Principles of the presumption of innocence and the legality and proportionality of criminal offences and penalties — Rights of the defence — Imposition of a criminal penalty on a legal person for an offence committed by the representative of that legal person — Parallel criminal proceedings against that representative that have not been concluded — Proportionality)

(2023/C 7/07)

Language of the case: Bulgarian

Referring court

Okrazhen sad — Burgas

Party in the main proceedings

DELTA STROY 2003

Intervening party: Okrazhna prokuratura — Burgas

Operative part of the judgment

Article 48 of the Charter of Fundamental Rights of the European Union must be interpreted as precluding national legislation under which a national court may impose on a legal person a criminal penalty for an offence for which a natural person who has the power to bind or represent that legal person is allegedly liable, where that legal person has not been put in a position to dispute the reality of that offence.

⁽¹⁾ OJ C 228, 14.6.2021.
