06
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CRUZ VILAÇA ADVOGADOS

IN THIS EDITION

FOREWORD

Regulating working conditions on Digital Platforms

On March 11, the EPSCO Council, which brings together the ministers responsible for employment, social affairs, health and consumer protection from all European Union ("EU") Member States, and whose meetings are also attended by the relevant members of the European Commission, confirmed an agreement on a new directive aimed at improving the working conditions of "platform workers". On April 24, the European Parliament adopted the directive, which after translation will be approved by the Council, which should happen in the next few weeks. It will then be published in the Official Journal of the EU.

One of the main themes of this directive concerns the correct determination of the employment status of platform workers.

The digital platform economy is experiencing exponential growth. From an estimated €3B in the EU in 2016, revenues reached €14B in 2020, which is still a tiny percentage of global revenues. However, this growth is fraught with challenges, from the risk of control of access to the digital market by other operators, to the collection and misuse of user data, to the possibility of manipulating information to influence elections around the world. These risks worry decision-makers and citizens alike.

On the other hand, it is worth remembering, as the figures illustrate, that the overwhelming majority of large global platforms, almost all of which are present and operating in Europe, are of US origin (and increasingly from China). The EU, on the other hand, has been a pioneer in regulating the digital economy. However, political agreement on platform labour has been difficult to reach.

Digital platforms are a very important part of the fourth industrial revolution, which they are increasingly helping to shape. They act as intermediaries, connecting customers to services such as renting accommodations in holiday destinations, public transport services or food delivery, to name just a few of the best-known examples. There are currently an estimated 28 million people working on digital labour platforms across the EU. Projections indicate that by 2025 this figure will rise to 43 million. An OECD study (2019) revealed that the most common reasons for this are to earn additional income and flexibility. However, the study also revealed that an already significant minority of people (around 20%) work exclusively for the platforms because they cannot find another work.

While the companies that dominate the platform economy cite flexibility as a major advantage, critics, including some of those who work on the platforms, point out the lack of protection and adequate remuneration, as well as the fact that jobs can be less flexible than they seem.

In December 2021, the European Commission presented a proposal for a Directive on the matter, which established specific criteria for considering workers as employees of platforms, including indicators such as maximum limits on the amount they can be paid, supervision of the execution

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of work – including electronically –, control of the distribution of tasks, and working conditions. The proposal also included rules on the use of algorithms to manage workers, who must be informed about automated systems; and their personal data, such as their emotional state or trade union information, will have special protection. The dismissal of workers on the basis of decisions made by algorithms or automated systems is prohibited.

The chapter on the employment status of platform workers has undergone significant changes compared to the original proposal for a directive. In particular, it will no longer establish the criteria for determining employment status, since this responsibility will be assigned to each Member State, applying the principle of subsidiarity. The main elements of the directive centre on the legal presumption that will help determine the correct employment status of people working on digital platforms:

(i) Member States establish a legal presumption of employment in their legal systems, which will be verified when there are facts indicating subjection to control and direction by the platforms; (ii) these facts will be determined in accordance with national legislation and collective agreements, while taking into account the case law of the Court of Justice of the European Union; (iii) people working on digital platforms, their representatives or national authorities can invoke this legal presumption and claim that they have been incorrectly classified. It is up to the digital platform to prove that there is no labour relationship.

In this context, what is the current situation in Portugal regarding work on digital platforms? Portugal has adopted a legislative amendment to the Labour Code, which presumes the existence of an employment contract once a series of criteria have been met. The compatibility of this legislation with EU law has yet to be tested, especially with the case law of the Court of Justice, particularly with regard to the fundamental freedoms recognised by the Treaty. For the first time in Portugal, in February this year, an Uber Eats courier was recognised by a court as having an open-ended employment contract, with all the inherent rights. This is an unprecedented decision, resulting from the application of the aforementioned legislative amendment to the Labour Code. It was a missed opportunity that the national court – the Lisbon Labour Court –, when ruling in favour of the existence of an employment contract for that courier, did not question the EU Court of Justice on the above-mentioned compatibility, by submitting a preliminary question, which would have provided greater clarity and legal certainty to the decision.

In other Member States, the judiciary has resolved the issue, and the diversity of approaches reveals its complexity. In France, for example, Uber drivers have been considered self-employed, while LeCab and Bolt drivers have been recognised as dependents.

This diversity of approaches is not surprising, given the heterogeneity of labour relations, business models and types of work on platforms, as well as cross-border issues and the diversity of Member States' social security models. The challenge is to balance these differences while maintaining flexibility to support innovative business models, while ensuring good working conditions. The regulation of platform labour must respect the fundamental values that unite EU countries.

It is not expected that the future directive will result in greater harmonisation, since the specific choice of solutions, within the framework that results from it, has been left to the member states. It is therefore anticipated that there will be a high level of litigation, in which the intervention of the

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Court of Justice of the European Union will undoubtedly play a key role, by interpreting EU law and assisting national courts in determining whether national solutions are in line with it.

After the publication of the directive in the Official Journal, member states will have two years to transpose it into their national legislation.

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THE PORTUGUESE COMPETITION AUTHORITY FINES THE SIBS GROUP FOR ABUSING ITS DOMINANT POSITION

The Portuguese Competition Authority has fined the SIBS Group in 13,8 million euros for abusing its dominant position in the payment services sector. The practice consisted in requiring card issuers and acquirers seeking to access the SIBS Group's payment schemes to also contract its processing services. Such tying practice is capable of restricting competition and innovation in the payment services sector, harming both competitors of the SIBS Group, which also provide processing services and ultimately merchants and consumers who were deprived of differentiated services.

COMMISSION FINES APPLE OVER 1,8 BILLION EUROS OVER ABUSIVE APP STORE RULES FOR MUSIC STREAMING PROVIDERS

The European Commission has fined Apple over 1,8 billion euros for abusing its dominant position on the market for the distribution of music streaming apps to iPhone and iPad users through its App Store. In particular, the Commission found that Apple applied restrictions on app developers preventing them from informing iOS users about alternative and cheaper music subscription services available outside of the app. According to the Commission, Apple's conduct, which lasted for almost ten years, may have led many iOS users to pay significantly higher prices for music streaming subscriptions because of the high commission fee imposed by Apple on developers and passed on to consumers in the form of higher subscription prices for the same service on the Apple App Store.

COMMISSION APPROVES 350 MILLION EUROS PORTUGUESE STATE AID SCHEME TO SUPPORT INVESTMENTS IN EQUIPMENT NECESSARY TO FOSTER THE TRANSITION TO A NET-ZERO ECONOMY

The European Commission has approved a 350 million euros Portuguese scheme to support investments for the production of equipment necessary to foster the transition towards a net-zero economy, in line with the Green Deal Industrial Plan. The scheme was approved under the State aid Temporary Crisis and Transition Framework. The measure will be open to companies producing relevant equipment, namely batteries, solar panels, wind turbines, heat-pumps, electrolysers, equipment for carbon capture usage and storage, as well as key components designed and primarily used as direct input for the production of such equipment or related critical raw materials necessary for their production.

COMMISSION RECOMMENDS OPENING ACCESSION NEGOTIATIONS WITH BOSNIA AND HERZEGOVINA AND REPORTS ON MOLDOVA'S AND UKRAINE'S PROGRESS

On 12 March, the European Commission recommended to open EU accession negotiations with Bosnia and Herzegovina and discussed the upcoming report to the Council on the progress made by Ukraine and the Republic of Moldova to address the outstanding steps made in the Commission's Enlargement report of the 8th November. The Commission has also finalised proposals for the draft Negotiating Frameworks with Ukraine and Moldova, which will be submitted to the Council.

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COMMISSION PREPARES FOR PRE-ENLARGEMENT REFORMS AND POLICY REVIEWS

The European Commission has adopted a Communication outlining pre-enlargement reforms and policy reviews. This document contributes to the ongoing discussion process about the internal reforms the EU will need to make to prepare for an enlarged Union. It looks at the implications of a larger EU in four main areas – values, policies, budget and governance – laying the ground for the pre-enlargement policy reviews announced by President von der Leyen in her 2023 State of the Union address. Enlargement is in the Union's own strategic interest. While there are challenges, the benefits of a well-managed enlargement process span across various areas: geopolitical, economic, environmental, social and democratic.

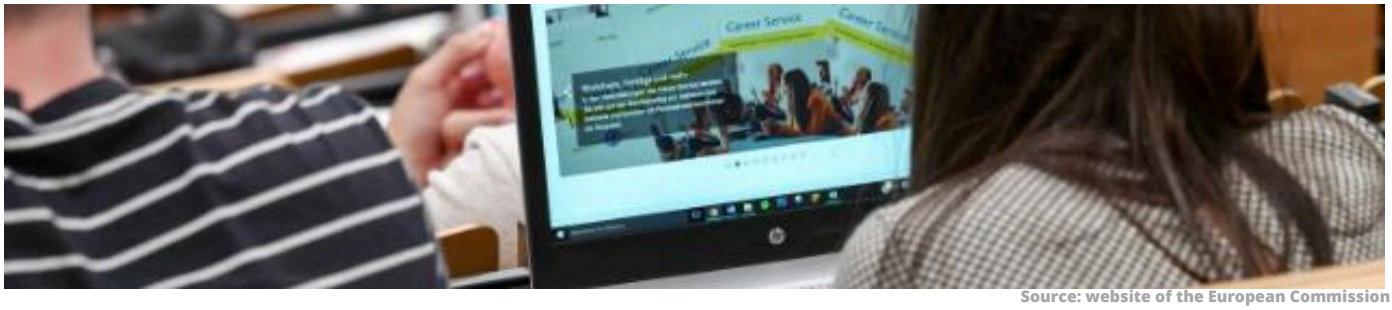
Source: website of the European Commission

COMMISSION PUBLISHES GUIDELINES UNDER THE DSA FOR THE MITIGATION OF SYSTEMIC RISKS ONLINE FOR ELECTIONS

On 26 March, the European Commission published guidelines on recommended measures to Very Large Online Platforms and Search Engines to mitigate systemic risks online that may impact the integrity of elections, with specific guidance for the upcoming European Parliament elections in June. Under the Digital Services Act, designated services with more than 45 million active users in the EU have the obligation to mitigate the risks related to electoral processes, while safeguarding fundamental rights, including the right to freedom of expression.

COMMISSION PRESENTS THREE INITIATIVES TO ADVANCE TRANSNATIONAL COOPERATION BETWEEN HIGHER EDUCATION INSTITUTIONS: TOWARDS A EUROPEAN DEGREE

On 27 March, the European Commission presented three initiatives to advance transnational cooperation between higher education institutions, with the goal of creating a European degree. This degree would benefit students and the higher education community by boosting learning mobility within the EU and by enhancing students' transversal skills. It would also help meet labour market demand and make graduates more attractive for future employers while, at the same time, attracting students from around the world and boosting European competitiveness. The three initiatives tackle the legal and administrative barriers to partner universities setting up competitive joint degree programmes at Bachelor, Master or Doctoral levels, while fully respecting the competences of Member States and regional governments in the area of higher education.


Source: website of the European Commission

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COURT OF JUSTICE PUBLISHES JUDICIAL STATISTICS 2023

The Court of Justice has published the judicial statistics for 2023. Concerning the Court of Justice, there was an increase in the number of direct actions, in particular in the field of the environment. The questions referred to the Court of Justice for a preliminary ruling were the most numerous in the area of freedom, security, and justice (concerning in particular the right to asylum). As regards the length of references for a preliminary ruling, the average time taken was 16.8 months. The General Court experienced an increase in cases brought in the fields of intellectual property and economic and monetary policy (in particular banking law). Despite that, it managed to close a significant number of cases while keeping the length of proceedings at a satisfactory level through efficient handling of cases and the effects of doubling the number of judges.

JUDGMENT IN *K.L.*

On 20 February 2024, the Court of Justice delivered its judgment in case K.L. (C-715/20). The case concerned a dispute between a worker employed under a fixed-term contract and his former employer. The Court first recalled that, according to Directive 1999/70 on fixed-term work contracts, the framework agreement is intended to improve the quality of fixed term work by ensuring the application of the principle of non-discrimination. It then decided that where a fixed-term worker does not receive information concerning the reasons for termination of his or her contract, he or she is deprived of important information in order to assess whether his or her dismissal is unjustified. For that reason, the worker is not provided, beforehand, with information which may be decisive for the purposes of deciding whether or not to bring legal proceedings.

COURT OF JUSTICE RULES ON THE SCOPE OF HORIZONTAL DIRECT EFFECT OF DIRECTIVES

TThe Court of Justice delivered its judgment in case *Gabel Industria Tessile SpA* (C-316/22), which concerns the direct effect of directives. The Court of Justice stated that while a directive cannot be invoked directly against an individual before a national court, the court may set aside the application of a national provision contrary to a clear, precise, and unconditional provision of an unimplemented or poorly implemented directive in certain circumstances. This can be allowed if the national law provides for it or if the defendant is an entity under state control or with exorbitant powers compared to those applicable to private parties. It also held that a national regulation preventing a final consumer from directly seeking reimbursement of a tax contrary to EU law from the relevant Member State infringes the principle of effectiveness. When a supplier has passed illegal taxes directly to a final consumer, the latter should have the possibility to claim reimbursement from the supplier. If reimbursement from the supplier is impossible or excessively difficult, the consumer should be able to claim directly against the member state. In this case, the national legislation only allows the final consumer to take legal action against the supplier, without the option to address the member state directly, thus violating the principle of effectiveness.

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Source: website of the CJEU

JUDGMENT IN *HEUREKA GROUP*

The Court of Justice delivered its judgment in case Heureka Group (Comparateurs de prix en ligne) (C-605/21), concerning the interpretation of Directive 2014/104, of Article 102 TFEU, and of the principle of effectiveness. The Court confirmed that, even before the expiry of the time limit for transposing the damages directive, EU law requires that, for the limitation period to start to run, the infringement to competition law must have come to an end and the injured party must have known the information necessary for bringing its action for damages and, in particular, the fact that the behaviour concerned constitutes such an infringement. The Court also noted that, in principle, knowledge of the information necessary for bringing an action coincides with the date of publication in the Official Journal of the summary of the Commission's decision finding the infringement, irrespective of whether that decision has not yet become final. Consequently, as it makes the exercise of the right to claim compensation for the harm suffered as a result of an infringement of competition law practically impossible or excessively difficult, the Court held that the former Czech rules on limitation are incompatible with EU law.

ADVOCATE GENERAL SZPUNAR'S OPINION IN CASE *FIFA* (C-650/22)

Advocate General Szpunar's Opinion in Case *FIFA* (C-650/22) was published on 30 April. Advocate General Szpunar proposes that the Court should reply to the questions referred by the Belgian Court by finding that the FIFA rules governing contractual relations between players and clubs may prove to be contrary to the European rules on competition and freedom of movement of persons. He finds that there can be no doubt as to the restrictive nature of the 'Regulations on the Status and Transfer of Players' (RSTP) with regard to freedom of movement. These provisions are such as to discourage and dissuade clubs from hiring the player for fear of financial risk. The sporting sanctions faced by clubs hiring the player can effectively prevent a player from exercising his or her profession with a club located in another Member State. Concerning competition rules, Advocate General Szpunar finds that, by their very nature, the RSTP limit the possibility for players to switch clubs and, conversely, for (new) clubs to hire players, in a situation where a player has terminated his or her contract without just cause. In so doing, the RSTP, by limiting clubs' ability to recruit players, necessarily affect competition between clubs on the market for the acquisition of professional players.

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THE EUROPEAN COURT OF HUMAN RIGHTS CONCLUDED THAT PORTUGAL VIOLATED ARTICLE 10 IN CASE ALMEIDA ARROJA V. PORTUGAL

In the case of Almeida Arroja v. Portugal (application no. 47238/19), the European Court of Human Rights ("ECtHR") held, unanimously, that there had been a violation of Article 10 (freedom of expression) of the European Convention on Human Rights ("Convention"). The case concerned Mr Almeida Arroja's criminal conviction for aggravated defamation and causing offence to a legal entity. He had implied, during a broadcast on the television channel Porto Canal, that a legal opinion provided to a public hospital by a law firm, whose director happened to be a well-known politician and member of the European Parliament, had been motivated by political interests. The Court found in particular that the statements had been part of a broad critique on links between politics and public administration and as such had not been statements of facts. As a result, both the conviction and the penalties imposed, which would have had a "chilling effect" on freedom of expression, had been manifestly disproportionate. The Court concluded that the domestic courts failed to adequately balance the applicant's freedom of expression against the rights to reputation and honour.

ECTHR DELIVERS THREE RULINGS IN CASES CONCERNING CLIMATE CHANGE

The ECtHR has delivered three rulings related to climate change, highlighting the intersection of environmental concerns with human rights.

The case *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (no. 53600/20) concerned a complaint by four women and a Swiss associaton. The applicants considered that Swiss authorities are not taking sufficient action to mitigate the effects of climate change. The ECtHR found that the Convention encompasses a right to effective protection by the State authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life. It held that the four individual applicants did not fulfil the victim-status criteria under Article 34 of the Convention and declared their complaints inadmissible. The Swiss association, in contrast, had the right to bring a complaint. The Court held that there had been a violation of the right to respect for private and family life and that there had been a violation of the right to access to the court. The Court found that the Swiss Confederation had failed to comply with its duties ("positive obligations") under the Convention concerning climate change.

The case *Carême v. France* (no. 7189/21) concerned a complaint by a former inhabitant and mayor of the municipality of Grande-Synthe, who submits that France has taken insufficient steps to prevent global warming and that this failure entails a violation of the right to life and the right to respect for private and family life. The Court declared inadmissible the application, on the ground that the applicant did not have victim status within the meaning of Article 34 of the Convention.

The case *Duarte Agostinho and Others v. Portugal and 32 Others* (no. 39371/20) concerned the current and future severe effects of climate change, which the six Portuguese applicants attribute to the respondent States, and which they claim impact their lives, well-being, mental health and the peaceful enjoyment of their homes. As concerned the extraterritorial jurisdiction of the respondent States other than Portugal, the Court found that there were no grounds in the Convention for the extension of their extraterritorial jurisdiction in the manner requested by the applicants. Having regard to the fact that the applicants had not pursued any legal avenue in Portugal concerning their complaints, the applicants' complaint against Portugal was also inadmissible for non-exhaustion of domestic remedies. The Court declared inadmissible the applications lodged against Portugal and the other States on the issue of climate change.

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LATEST NEWS ON OUR WEBSITE

CONFERENCE *"ACCESSION OF UKRAINE TO THE EUROPEAN UNION – WHAT DO WE NEED FOR A SUCCESSFUL ENLARGEMENT?"*

On 20 February 2024, José Luís da Cruz Vilaça, managing partner of CVA, took part in the conference "*Ukraine's accession to the European Union: what is needed for a successful enlargement?*", organised by the Portuguese Association of European Law (APDE) and the Institute of Political Studies of the Catholic University of Lisbon, together with the Ukrainian Embassy in Portugal. The aim of the conference was to debate the new enlargement of the European Union, and it was also part of the celebrations for the 40th anniversary of the APDE, as well as the 20th anniversary of the largest EU enlargement in European history.

COMMISSION'S REVISED MARKET DEFINITION NOTICE

On 19 February, CVA published a Legal Flash in which it analyses the revised Communication on the definition of the relevant market, adopted by the European Commission on 8 February 2024. With the new guidelines, the Commission is taking into account the significant developments of the last twenty years, namely digitalisation and new ways of offering goods and services, as well as the increasingly interconnected and globalised nature of trade. Read the Legal Flash here.

THE EUROPEAN FARMERS' PROTEST AND THE COMMON AGRICULTURAL POLICY

CVA published a newsletter in which it looks into the various demands of European farmers, which have been protesting all across Europe, particularly regarding the changes to the Common Agricultural Policy, which came into force on January 1st 2023. The new Common Agricultural Policy establishes new obligations for farmers, namely the inclusion of ecological schemes in EU countries' plans, in order to encourage them to apply agricultural practices that are beneficial to the climate and the environment. These measures have brought discontent from farmers, who argue that the European agricultural sector has become less competitive against foreign imports and that there is too much administration and regulation of the Union. Even though farmers' demands vary from Member State to Member State, there are two questions on the minds of farmers all over Europe: how can they produce more while fighting climate change? How can they avoid unfair competition from foreign countries? Read the newsletter here.

PAULO DE ALMEIDA SANDE IN WEBINAR ON ARTIFICAL INTELLIGENCE ACT

On 28 February, Paulo de Almeida Sande, partner at Cruz Vilaça Advogados and Invited Professor at the Institute for Political Studies of the Catholic University, participated in the event "Dialogues on the Future: AI Regulation", organised by CNED - National Council of Law Students and the AADUCP - Academic Law Association of the Portuguese Catholic University of Lisbon. The European Union's Artificial Intelligence (AI) Regulation is the first ever law on artificial intelligence, a regulatory framework that aims to ensure that AI systems are safe, comply with legislation and respect the Union's fundamental rights and values.

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JUDGMENT OF THE COURT OF JUSTICE IN CASE C-66/22, *INFRAESTRUTURAS DE PORTUGAL AND FUTRIFER INDÚSTRIAS FERROVIÁRIAS*

On 21 December 2023, the Court of Justice delivered its judgment in case *Infraestruturas de Portugal and Futrifer Indústrias Ferroviárias* (C-66/22). Originating from a reference for a preliminary ruling from the Supremo Tribunal Administrativo, the judgement concerns the interpretation of Article 57(4), first subparagraph, point (d) of Directive 2014/24/EU and Article 80(1) of Directive 2014/25. The Court of Justice analysed the question of whether Member States may limit the exclusion of competition law infringers from participation in public procurement procedures to cases where the national competition authority has previously imposed such exclusion as an ancillary sanction and provided some important clarifications on the optional grounds for exclusion and on the scope of the discretion conferred on contracting authorities by that Directive. Read the Legal Flash here.

THE EUROPEAN PARLIAMENT AND ITS POLITICAL GROUPS

On 9 June 2024, elections to the European Parliament will take place in Portugal. These elections, which take place every five years, allow portuguese citizens to elect the members – also known as "MEPs" – who will represent them in the European Parliament during the 2024-2029 term. Given the undeniable importance of these elections, CVA decided to publish a series of newsletters on the subject to help understanding what the European elections are and what they represent. This first newsletter looks at the role of the European Parliament, its constitution, its functions and how the institution is organised. Read the newsletter here.

JOSÉ LUÍS DA CRUZ VILAÇA LECTURES AT THE DIPLOMATIC CAREER PREPARATION COURSE

The ICJP-CIDP, the European Institute and Iuris (Faculty of Law of the University of Lisbon) organised, between February 5 and March 4 this year, a Preparation Course for the Diplomatic Career Entrance Exam, under the coordination of Professors Maria Luísa Duarte, Jaime Valle, Pedro Caridade de Freitas, Eduardo Paz Ferreira, Nuno Cunha Rodrigues and Tiago Fidalgo de Freitas. José Luís da Cruz Vilaça taught the module "The current challenges facing the European Union", addressing the three challenges of 2020 (the euro currency crisis, the migration crisis and Brexit) and analysing the Covid-19 pandemic and the new challenges facing the Union (the war in Ukraine, the EU enlargement, the rule of law, EU external action and defence, the climate and energy transition, and the digital transition and artificial intelligence).

MARIANA TAVARES IN AN INTERVIEW WITH ECO/ADVOCATUS

Interviewed by ECO/Advocatus, Mariana Tavares, partner at CVA, discussed topics such as Artificial Intelligence, the new challenges facing the area of European and Competition Law in Portugal, privatisation processes, the application of competition rules in the context of legal proceedings brought by private individuals and the actions of the Portuguese Competition Authority. Read the complete interview here.

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LATEST NEWS ON OUR WEBSITE

ELECTIONS TO THE EUROPEAN PARLIAMENT AFFECT EUROPEAN POLICIES

With the European Parliament elections approaching and the growth of more radical parties, some observers accuse the European Commission of abandoning, softening or freezing certain proposals on sensitive issues, some of them "flagships" of Von der Leyen herself, perhaps to avoid losing votes in the European elections. There are many examples, mainly (but not only) concerning climate change, agriculture, food, alcohol and tobacco, proposals that are almost always opposed by conservative voices, including Von der Leyen's political family, chemical and agricultural lobbies and MEPs. In this second Special Edition European Elections 2024, CVA analyses these measures and the candidacy of the current President of the European Commission. Read the newsletter here.

CVA PUBLISHES ARTICLE IN THE LEGAL INDUSTRY REVIEWS PORTUGAL

In the first edition of The Legal Industry Reviews Portugal, Cruz Vilaça Advogados published an article on how law - the law, regulation and the legal agents involved - can shape digital markets within the European and national framework. Entitled "Shaping Digital Markets Through Crucial Legal Frameworks" and signed by Paulo de Almeida Sande and Mariana Tavares, partners at CVA, the article focuses on European law, the defence of a free, fair and functional market, and the creation of rules for harmonious and balanced growth in the new digital reality, based on innovation. Read the article here.

CHAMBERS EUROPE 2024

In the 2024 edition of the "Chambers Europe 2024" directory, published by Chambers and Partners, CVA stands out with "Band 3", with only 3 years of ranking. The criteria on which the rankings are based include, among others, technical legal ability, professional conduct, client service, diligence and commitment of the law firms. José Luís da Cruz Vilaça, managing partner of CVA, was honoured in the senior statespeople category. This category honours exceptional individuals who, by virtue of close links with major clients, remains pivotal to the firms success. Click here to see the results.

THE LEAD CANDIDATE PROCESS, KNOW AS "SPITZENKANDIDATEN"

One of the major problems regarding the European Parliament's elections is generally the low turnout of citizens, which many associate with the lack of legitimacy of the electoral process and thus of the European institutions. This was the reason for the creation of the lead candidate process, which was followed for the first time in the 2014 elections. In simple terms, the European political parties choose their main candidates, and the most voted party's candidate is designated as President of the European Commission. In this Special Edition European Elections 2024, CVA analyses the past and present of the Spitzenkandidaten process. Read the newsletter here.

MARIANA MARTINS PEREIRA PUBLISHES ARTICLE ON EU LAW LIVE

Mariana Martins Pereira, principal associate at Cruz Vilaça Advogados, wrote the article "Access to national supreme courts and preliminary ruling: are the principles of equivalence and effectiveness enough to protect the keystone of the EU judicial architecture?", published on the website EU Law Live. The article analyses the pending case *KUBERA* (C-144/23). Read the article here.

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