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European Documentation Centre

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

We hope you will find this issue both useful and a pleasure to read.

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Highlights

Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on **minimum requirements for water reuse** (Text with EEA relevance)
PE/12/2020/INIT
[OJ L 177, 5.6.2020, p. 32–55](#)

Judgment of the Court (Third Chamber) of 4 June 2020. FX v GZ, légalement représentée par sa mère. Request for a preliminary ruling from the Amtsgericht Köln. Reference for a preliminary ruling — **Jurisdiction, recognition and enforcement of decisions in matters relating to maintenance obligations** — Regulation (EC) No 4/2009 — Article 41(1) — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 24(5) — **Maintenance order declared enforceable — Application opposing enforcement — Jurisdiction of the court of the Member State of enforcement.**
[Case C-41/19 - ECLI identifier: ECLI:EU:C:2020:425](#)

Judgment of the Court (First Chamber) of 18 June 2020. KH v Sparkasse Südhölnstein. Reference for a preliminary ruling — **Consumer protection — Distance marketing of financial services** — Directive 2002/65/EC — Article 1 — **Scope — Contracts concerning financial services consisting of an initial agreement followed by successive operations** — Application of Directive 2002/65/EC to the first agreement alone — Article 2(a) — **Concept of 'contract concerning financial services'** — Amendment to a loan agreement altering the interest rate initially set.
[Case C-639/18 - ECLI identifier: ECLI:EU:C:2020:477](#)

Judgment of the Court (Sixth Chamber) of 25 June 2020. Bundesverband der Verbrauchzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V. v Deutsche Apotheker- und Ärztebank eG. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf. Reference for a preliminary ruling — **Consumer protection** — Directive 2013/11/EU — **Alternative dispute resolution** — Article 13(1) and (2) — **Mandatory information — Accessibility of information.**
[Case C-380/19 - ECLI identifier: ECLI:EU:C:2020:498](#)

Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the **establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (Text with EEA relevance) PE/20/2020/INIT
[OJ L 198, 22.6.2020, p. 13–43](#)**

1. EU-Swiss Relations

International Agreement

Decision (EU) 2020/853 of the European Parliament and of the Council of 18 June 2020 **empowering Germany to amend its bilateral road transport agreement with Switzerland** with a view to **authorising cabotage operations in the course of the provision of international road passenger transport services by coach and bus in the border regions between the two countries** PE/1/2020/REV/1

[OJ L 198, 22.6.2020, p. 44–46](#)

Decision (EU) 2020/854 of the European Parliament and of the Council of 18 June 2020 **empowering Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in the course of the provision of international road passenger transport services by coach and bus in the border regions between the two countries** PE/2/2020/REV/1

[OJ L 198, 22.6.2020, p. 47–48](#)

Decision No 1/2020 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 June 2020 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2020/799] C/2020/3975

[OJ L 194, 18.6.2020, p. 17–38](#)

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 **amending** Regulation (EC) No 862/2007 on **Community statistics on migration and international protection** (Text with EEA relevance) PE/19/2020/INIT

[OJ L 198, 22.6.2020, p. 1–12](#)

List of competent authorities which are **authorised to search directly the data contained in the second generation Schengen Information System** pursuant to Article 31(8) of Regulation (EC) No 1987/2006 of the European Parliament and of the Council and Article 46(8) of Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System

[OJ C 188, 5.6.2020, p. 1–168](#)

List of N.SIS II Offices and the **national SIRENE Bureaux**

[OJ C 188, 5.6.2020, p. 169–177](#)

Case Law

Judgment of the Court (Seventh Chamber) of 25 June 2020. VTB Bank PAO, anciennement VTB Bank OAO v Council of the European Union. Appeal — **Restrictive measures adopted in view of the Russian Federation's actions destabilising the situation in Ukraine** — Inclusion of the appellant's name on the list of entities to which restrictive measures apply — **Principle of proportionality — Right to property — Right to carry on an economic activity.**

[Case C-729/18 P - ECLI identifier: ECLI:EU:C:2020:499](#)

Arrêt de la Cour (septième chambre) du 25 juin 2020. Bank for Development and Foreign Economic Affairs (Vnesheconombank) contre Conseil de l'Union européenne. Pourvoi – **Mesures restrictives prises eu égard aux actions de la Fédération de Russie déstabilisant la situation en Ukraine – Inscription puis maintien du nom de la requérante sur la liste des entités auxquelles s'appliquent des mesures restrictives – Obligation de motivation – Erreur manifeste d'appréciation – Droit à une protection juridictionnelle effective – Détournement de pouvoir – Droit de propriété – Égalité de traitement.**

[Affaire C-731/18 P - ECLI identifiant: ECLI:EU:C:2020:500](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 25 juin 2020. Commission européenne contre Hongrie. **Manquement d'État – Espace de liberté, de sécurité et de justice – Directive 2013/32/UE – Procédure nationale d'examen de la demande de protection internationale – Article 6 – Accès effectif – Article 43 – Garanties procédurales – Article 46, paragraphes 5 et 6 – Absence de l'effet suspensif des demandes de recours introduites contre les décisions administratives refusant l'octroi du statut de réfugié – Directive 2013/33/UE – Article 2, sous h) – Placement obligatoire dans des zones de transit – Notion de "rétention" – Directive 2008/115/CE – Article 5, article 6, paragraphe 1, article 12, paragraphe 1 et article 13, paragraphe 1 – Retour des ressortissants de pays tiers en séjour irrégulier.**

[Affaire C-808/18 - ECLI identifiant: ECLI:EU:C:2020:493](#)

Judgment of the Court (Third Chamber) of 18 June 2020. Ryanair Designated Activity Company v Országos Rendőr-főkapitányság. Reference for a preliminary ruling — **Citizenship of the European Union** — Directive 2004/38/CE — Articles 5, 10 and 20 — **Right of entry to a Member State of a third-country national who is a member of the family of an EU citizen — Evidence of holding such a right — Possession of a residence card of a family member of a Union citizen** — Possession of a permanent residence card.

[Case C-754/18 - ECLI identifiant: ECLI:EU:C:2020:478](#)

Judgment of the Court (Ninth Chamber) of 11 June 2020. WT v Subdelegación del Gobierno en Guadalajara. Request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha. Reference for a preliminary ruling — **Status of third-country nationals who are long-term residents** — Directive 2003/109/EC — Article 12 — **Adoption of a decision to expel a long-term resident — Elements to be taken into consideration — National case-law** — Failure to take those elements into consideration — Compatibility — Directive 2001/40/EC — **Mutual recognition of decisions on the expulsion of third-country nationals** — Relevance.

[Case C-448/19 - ECLI identifiant: ECLI:EU:C:2020:467](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Council Regulation (EU) 2020/875 of 15 June 2020 **amending** Regulation (EU) No 1388/2013 **quotas of the Union for certain agricultural and industrial products** ST/7813/2020/INIT

[OJ L 204, 26.6.2020, p. 34–45](#)

Council Regulation (EU) 2020/874 of 15 June 2020 **amending** Regulation (EU) No 1387/2013 **suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products** ST/7812/2020/INIT

[OJ L 204, 26.6.2020, p. 18–33](#)

Regulation (EU) 2020/872 of the European Parliament and of the Council of 24 June 2020 **amending** Regulation (EU) No 1305/2013 as regards a **specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the COVID-19 outbreak** PE/17/2020/REV/1

[OJ L 204, 26.6.2020, p. 1–3](#)

Commission Delegated Regulation (EU) 2020/686 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of **germinal product establishments and the traceability and animal health requirements for movements within the Union of germinal products of certain kept terrestrial animals** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 1–63](#)

Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and the Council, as regards **rules for the prevention and control of certain listed diseases** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 64–139](#)

Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards **animal health requirements for movements within the Union of terrestrial animals and hatching eggs** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 140–210](#)

Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards **rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 211–340](#)

Commission Implementing Regulation (EU) 2020/690 of 17 December 2019 laying down **rules** for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the **listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 341–344](#)

Commission Delegated Regulation (EU) 2020/691 of 30 January 2020 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of Council as regards **rules for aquaculture establishments and transporters of aquatic animals** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 345–378](#)

Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards **rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 379–520](#)

Case Law

Judgment of the Court (Sixth Chamber) of 11 June 2020. SIA „KOB” v Madonas novada pašvaldības Administratīvo aktu strīdu komisija. Request for a preliminary ruling from the Administratīvā rajona tiesa. Reference for a preliminary ruling — Articles 49 and 63 TFEU — **Freedom of establishment and the free movement of capital** — Directive 2006/123/EC — **Acquisition of agricultural land in Latvia for the purpose of use — System of prior authorisation for legal persons — Specific conditions applying only to legal persons controlled or represented by nationals of another Member State — Requirements for residence and knowledge of the official language of the Republic of Latvia — Direct discrimination on grounds of nationality.** [Case C-206/19 - ECLI identifier: ECLI:EU:C:2020:463](#)

4. Audiovisual and Media and Information Society

No legislative or judicial activity was reported in this section for the period under review.

5. Competition

Case Law

Judgment of the Court (Grand Chamber) of 11 June 2020. European Commission, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., established in Bratislava (Slovakia), Slovak Republic, Union zdravotná poisťovňa a.s., established in Bratislava, (C-262/18 P) and Slovak Republic, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., European Commission, Union zdravotná poisťovňa a.s., (C-271/18 P). Appeal — **State aid** — Article 107(1) TFEU — **Social security system — Health insurance bodies — Concepts of ‘undertaking’ and ‘economic activity’ — Social objective — Principle of solidarity** — State supervision — Overall assessment — Possibility of seeking profits — **Residual competition on quality and on health insurance services offered.**
[Joined Cases C-262/18 P and C-271/18 P - ECLI identifier: ECLI:EU:C:2020:450](#)

Judgment of the Court (First Chamber) of 4 June 2020. Hungary v European Commission. Appeal — **State aid — Alleged aid — Decision to initiate the procedure provided for in Article 108(2) TFEU** — Suspension injunction in respect of the measures at issue — **Conditions governing the legality of the injunction.**
[Case C-456/18 P - ECLI identifier: ECLI:EU:C:2020:421](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 4 June 2020. H. Lundbeck A/S and Lundbeck Ltd v European Commission. Appeal — **Competition — Agreements, decisions and concerted practices (Article 101 TFEU and Article 53 of the Agreement on the European Economic Area) — Antidepressant medicinal products — Agreements in settlement of patent disputes entered into by a patent-holding originator undertaking and manufacturers of generic medicinal products** — Concept of potential competition — Concept of restriction of competition by object — Fines — **Foreseeability of the anticompetitive nature of conduct** — Sales to be taken into account for the purpose of calculating the amount of the fine.
[Case C-591/16 P - ECLI identifier: ECLI:EU:C:2020:428](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 4 June 2020. European Commission v GEA Group AG. Appeal — **Agreements, decisions and concerted practices** — Heat stabilisers — **Annulment of the decision amending the fine imposed in the initial infringement decision — Application of the ceiling of 10% of turnover to one of the entities forming the undertaking** — Impact on joint and several liability for payment of the fine — **Concept of an ‘undertaking’** — Date on which the fine is payable in the event of amendment.
[Case C-823/18 P - ECLI identifier: ECLI:EU:C:2020:426](#)

6. Customs

Community Legislation

Council Regulation (EU) 2020/874 of 15 June 2020 **amending** Regulation (EU) No 1387/2013 **suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products** ST/7812/2020/INIT
[OJ L 204, 26.6.2020, p. 18–33](#)

Commission Delegated Regulation (EU) 2020/877 of 3 April 2020 **amending and correcting** Delegated Regulation (EU) 2015/2446 supplementing Regulation (EU) No 952/2013, and amending Delegated Regulation (EU) 2016/341 supplementing Regulation (EU) No 952/2013, laying down the **Union Customs Code** C/2020/2008
[OJ L 203, 26.6.2020, p. 1–27](#)

Case Law

Judgment of the Court (Sixth Chamber) of 18 June 2020. Valsts ieņēmumu dienests v SIA “Hydro Energo”. Reference for a preliminary ruling — **Common Customs Tariff — Combined Nomenclature — Tariff classification** — Tariff heading 7407 — Copper bars, rods and profiles — Hot-rolled copper or copper alloy ingots in a rectangular shape.

Case C-340/19 - ECLI identifier: ECLI:EU:C:2020:488

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Recommendation of the European Systemic Risk Board of 27 May 2020 on **restriction of distributions during the COVID-19 pandemic** (ESRB/2020/7) 2020/C 212/01

OJ C 212, 26.6.2020, p. 1–6

Council Directive (EU) 2020/876 of 24 June 2020 **amending** Directive 2011/16/EU to **address the urgent need to defer certain time limits for the filing and exchange of information in the field of taxation because of the COVID-19 pandemic** ST/8498/2020/INIT

OJ L 204, 26.6.2020, p. 46–48

Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the **establishment of a framework to facilitate sustainable investment**, and amending Regulation (EU) 2019/2088 (Text with EEA relevance) PE/20/2020/INIT

OJ L 198, 22.6.2020, p. 13–43

Commission Implementing Regulation (EU) 2020/744 of 4 June 2020 on **amending** Implementing Regulation (EU) 2016/1800 laying down implementing **technical standards with regard to the allocation of credit assessments of external credit assessment institutions to an objective scale of credit quality steps** in accordance with Directive 2009/138/EC of the European Parliament and of the Council (Text with EEA relevance) C/2020/3500

OJ L 176, 5.6.2020, p. 4–10

Case Law

OPINION OF ADVOCATE GENERAL HOGAN delivered on 25 June 2020. The Commissioners for Her Majesty’s Revenue & Customs v Wellcome Trust Ltd. Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber) (United Kingdom). Reference for a preliminary ruling — **Taxation — Value Added Tax** — Directive 2006/112 — Articles 43, 44 and 45 — Place of supply of services to a taxable person acting as such — **Place of supply of investment management services received by a charitable organisation for non-economic business activity from suppliers established outside the European Union.**

Case C-459/19 - ECLI identifier: ECLI:EU:C:2020:496

Judgment of the Court (Grand Chamber) of 18 June 2020. European Commission v Hungary. Failure of a Member State to fulfil obligations — Admissibility — Article 63 TFEU — **Free movement of capital** — **Existence of a restriction** — **Burden of proof** — **Indirect discrimination linked to the origin of the capital** — Article 12 of the Charter of Fundamental Rights of the European Union — **Right to freedom of association** — **National rules imposing on associations receiving financial support sent from other Member States of from third countries legally binding obligations of registration, declaration and publication which can be enforced** — Article 7 of the Charter of Fundamental Rights — **Right to respect for private life** — Article 8(1) of the Charter of Fundamental Rights — **Right to the protection of personal data** — **National rules imposing the disclosure of information on persons providing financial support to associations and of the amount of that support** — **Justification** — **Overriding reason in the public interest** — Transparency of the financing of associations — Article 65 TFEU — Public policy — **Public security** — **Fight against money laundering, financing of terrorism and organised crime** — Article 52(1) of the Charter of Fundamental Rights.

[Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:476](#)

Judgment of the Court (Fifth Chamber) of 18 June 2020. KrakVet Marek Batko sp. K. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Reference for a preliminary ruling — **Common system of value added tax (VAT)** — Directive 2006/112/EC — Article 33 — **Determination of the place where taxable transactions are carried out** — **Supply of goods with transport** — Supply of goods dispatched or transported by or on behalf of the supplier — Regulation (EU) No 904/2010 — Articles 7, 13 and 28 to 30 — **Cooperation between the Member States** — **Exchange of information.**

[Case C-276/18 - ECLI identifier: ECLI:EU:C:2020:485](#)

Judgment of the Court (First Chamber) of 18 June 2020. KH v Sparkasse Südhholstein. Reference for a preliminary ruling — **Consumer protection** — **Distance marketing of financial services** — Directive 2002/65/EC — Article 1 — **Scope** — **Contracts concerning financial services consisting of an initial agreement followed by successive operations** — Application of Directive 2002/65/EC to the first agreement alone — Article 2(a) — **Concept of ‘contract concerning financial services’** — Amendment to a loan agreement altering the interest rate initially set.

[Case C-639/18 - ECLI identifier: ECLI:EU:C:2020:477](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 18 juin 2020. BY et CZ contre Bundesrepublik Deutschland. Demande de décision préjudicielle formée par l’Oberverwaltungsgericht für das Land Nordrhein-Westfalen (tribunal administratif supérieur du Land de Rhénanie-du-Nord-Westphalie, Allemagne). Renvoi préjudiciel — **Taxation des poids lourds pour l’utilisation de certaines infrastructures** — Directive 1999/62/CE — Directive 2006/38/CE — **Calcul des péages** — Article 7, paragraphe 9 — **Principe de recouvrement des coûts d’infrastructure** — **Coûts de la police de la route** — **Coûts d’exploitation** — **Coûts externes** — **Coûts relatifs à la rémunération du capital** — Article 7 bis, paragraphes 1 à 3 — **Effet direct** — **Faible dépassement des coûts** — **Calcul a posteriori** — **Limitation des effets de l’arrêt dans le temps.**

[Affaire C-321/19 - ECLI identifier: ECLI:EU:C:2020:480](#)

Judgment of the Court (First Chamber) of 11 June 2020. État belge v Pantochim SA, en liquidation. Request for a preliminary ruling from the Cour de cassation. Reference for a preliminary ruling — **Mutual assistance for the recovery of claims** — Directive 76/308/EEC — Article 6(2) and Article 10 — Directive 2008/55/EC — Second paragraph of Article 6 and Article 10 — **Tax claim of requesting Member State recovered by requested Member State** — **Status of that claim** — **Concept of ‘privilege’** — Statutory set-off of that claim against tax debt of requested Member State.

[Case C-19/19 - ECLI identifier: ECLI:EU:C:2020:456](#)

Judgment of the Court (Ninth Chamber) of 11 June 2020. Vodafone Portugal – Comunicações Pessoais, SA v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD). Reference for a preliminary ruling — **Value added tax (VAT)** — Directive 2006/112/EC — Article 2(1)(c) — **Scope** — **Taxable transactions** — **Services supplied for consideration** — Monies paid where customers fail to comply with the contractual tie-in period — **Characterisation.**

[Case C-43/19 - ECLI identifier: ECLI:EU:C:2020:465](#)

Arrêt de la Cour (septième chambre) du 11 juin 2020. SCT d.d contre République de Slovénie. Demande de décision préjudicielle, introduite par le Vrhovno sodišče. Renvoi préjudiciel – **Fiscalité – Taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Articles 90 et 273 – Base d'imposition – Réduction – Refus – Non-paiement – Assujetti n'ayant pas déclaré sa créance dans la procédure de faillite engagée à l'encontre du débiteur – Principes de neutralité fiscale et de proportionnalité – Effet direct.**

Affaire C-146/19 - ECLI identifiant: ECLI:EU:C:2020:464

Arrêt de la Cour (neuvième chambre) du 11 juin 2020. CHEP Equipment Pooling NV contre Agenția Națională de Administrare Fiscală – Direcția Generală Regională a Finanțelor Publice București – Serviciul Soluționare Contestații et Agenția Națională de Administrare Fiscală – Direcția Generală Regională a Finanțelor Publice București – Administrația Fiscală pentru Contribuabili Nerezidenți. Demande de décision préjudicielle, introduite par Tribunalul București. Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Article 17, paragraphe 2, sous g) – Transfert de biens meubles à l'intérieur de l'Union européenne en vue d'une prestation de services – Articles 170 et 171 – Droit au remboursement de la TVA aux assujettis non établis dans l'État membre du remboursement – Directive 2008/9/CE – Notion d'“assujetti non établi dans l'État membre du remboursement” – Assujetti non identifié à la TVA dans l'État membre du remboursement.**

Affaire C-242/19 - ECLI identifiant: ECLI:EU:C:2020:466

Arrêt de la Cour (sixième chambre) du 4 juin 2020. SC C.F. SRL contre A.J.F.P.M. et D.G.R.F.P.C. Demande de décision préjudicielle, introduite par le Tribunalul Cluj. Renvoi préjudiciel – **Principes du droit de l'Union – Respect des droits de la défense – Procédure fiscale – Exercice du droit à déduction en matière de taxe sur la valeur ajoutée (TVA) – Refus du droit à déduction en raison du comportement prétendument inadéquat des fournisseurs de l'assujetti – Acte administratif émis par les autorités fiscales nationales sans donner au contribuable concerné l'accès aux informations et aux documents servant de fondement audit acte – Suspicion de fraude fiscale – Pratique nationale subordonnant l'exercice du droit à déduction à la détention de documents justificatifs autres que la facture fiscale – Admissibilité.**

Affaire C-430/19 - ECLI identifiant: ECLI:EU:C:2020:429

CONCLUSIONS DE L'AVOCATE GÉNÉRALE M^{ME} JULIANE KOKOTT présentées le 4 juin 2020. E. Sp. z o.o. Sp. k. contre Minister Finansów, demande de décision préjudicielle formée par le Naczelny Sąd Administracyjny [Cour suprême administrative, Pologne]. Demande de décision préjudicielle – **Législation fiscale – Taxe sur la valeur ajoutée – Directive 2006/112/CE – Article 90 et article 185 – Réduction de la base d'imposition – Non-paiement total ou partiel du prix – Nécessité que le destinataire de la prestation ne soit ni insolvable ni en liquidation – Régularisation correspondante de la déduction initialement opérée – Moment de la régularisation.**

Affaire C-335/19 - ECLI identifiant: ECLI:EU:C:2020:424

8. Education, Training, Youth, Culture, Research and Innovation

No legislative or judicial activity was reported in this section for the period under review.

9. Employment and Social Affairs

Community Legislation

Commission Statement following the presentation of Commission Directive (EU) 2020/739 to the European Parliament and the Council in respect of the prevention and protection of the health and safety of workers that are or can be occupationally exposed to SARS-CoV-2 2020/C 212/03

OJ C 212, 26.6.2020, p. 8–10

Case Law

Judgment of the Court (Second Chamber) of 25 June 2020. HF v European Parliament. Appeal — **Civil service — European Parliament — Member of contract staff** — Articles 12a and 24 of the Staff Regulations of Officials of the European Union — **Psychological harassment — Request for assistance — Right to be heard — Rejection of a request for assistance — Article 41 of the Charter of Fundamental Rights of the European Union** — Scope of judicial review.

[Case C-570/18 P - ECLI identifier: ECLI:EU:C:2020:490](#)

Judgment of the Court (First Chamber) of 25 June 2020. SC v Eulex Kosovo. Appeal — **Arbitration clause — Staff of EU international missions — Internal competition** — Non-renewal of a contract of employment — **Measure separable from the contract.**

[Case C-730/18 P - ECLI identifier: ECLI:EU:C:2020:505](#)

Arrêt de la Cour (première chambre) du 25 juin 2020. QH contre Varhoven kasatsionen sad na Republika Bulgaria et CV contre Iccrea Banca SpA. Demande de décision préjudicielle, introduites par le Rayonen sad Haskovo et par la Corte suprema di cassazione. Renvoi préjudiciel — **Politique sociale – Protection de la sécurité et de la santé des travailleurs** – Directive 2003/88/CE – Article 7 – **Travailleur illégalement licencié et réintégré par décision judiciaire dans ses fonctions – Exclusion du droit au congé annuel payé non pris pour la période comprise entre le licenciement et la réintégration** – Absence du droit à une indemnité pécuniaire au titre des congés annuels non pris pour la même période en cas de rupture ultérieure de la relation de travail.

[Affaires jointes C-762/18 et C-37/19 - ECLI identifier: ECLI:EU:C:2020:504](#)

Judgment of the Court (Second Chamber) of 25 June 2020. European Union Satellite Centre v KF. Appeal — Staff of the European Union Satellite Centre (SatCen) — **Member of SatCen’s contract staff — Complaints of psychological harassment — Administrative investigation — Request for assistance — Suspension of the staff member — Disciplinary proceedings — Removal of the staff member** — SatCen’s Appeals Board — Conferral of exclusive jurisdiction in relation to SatCen staff disputes — **Action for annulment** — First and fifth paragraphs of Article 263 TFEU — **Action for damages** — Article 268 TFEU — **Jurisdiction of the EU judicature — Admissibility — Acts open to challenge — Contractual nature of the dispute** — Articles 272 and 274 TFEU — **Effective judicial protection** — Final sentence of the second subparagraph of Article 24(1) TEU — First paragraph of Article 275 TFEU — **Principle of equal treatment** — General Court’s obligation to state reasons — Distortion of the facts and evidence — **Rights of the defence — Principle of sound administration.**

[Case C-14/19 P - ECLI identifier: ECLI:EU:C:2020:492](#)

Arrêt de la Cour (huitième chambre) du 25 juin 2020. Gregor Schneider contre Office de l’Union européenne pour la propriété intellectuelle (OHMI). Pourvoi — **Fonction Publique – Agents temporaires – Réorganisation interne des services de l’Office de l’Union européenne pour la propriété intellectuelle (EUIPO) – Réaffectation – Base juridique** – Article 7 du statut des fonctionnaires de l’Union européenne – **Intérêt du service – Modifications substantielles des tâches – Qualification – Transfert – Mutation – Détournement de pouvoir** – Droit d’être entendu – **Obligation de motivation – Droit à une procédure équitable** – Protection juridictionnelle effective – **Article 47 de la charte des droits fondamentaux de l’Union européenne.**

[Affaire C-116/19 P - ECLI identifier: ECLI:EU:C:2020:501](#)

Arrêt de la Cour (huitième chambre) du 25 juin 2020. Commission européenne contre CX. Pourvoi — **Fonction publique – Procédure disciplinaire – Droits de la défense – Droit d’être entendu** – Annexe IX du statut des fonctionnaires de l’Union européenne – Article 4 – **Possibilité pour le fonctionnaire qui ne peut être entendu de formuler ses observations par écrit ou de se faire représenter** – Article 22 – Audition du fonctionnaire par l’autorité investie du pouvoir de nomination préalablement à l’adoption de la sanction disciplinaire – **Incapacité alléguée du fonctionnaire à être entendu ainsi qu’à formuler des formulations par écrit ou à se faire représenter – Appréciation des preuves médicales** – Défaut de réponse du Tribunal de l’Union européenne à des arguments invoqués en première instance.

[Affaire C-131/19 P - ECLI identifier: ECLI:EU:C:2020:502](#)

Arrêt de la Cour (quatrième chambre) du 18 juin 2020. Commission européenne contre RQ. Pourvoi – **Fonction publique – Fonctionnaires** – Directeur général de l’Office européen de lutte antifraude (OLAF) – **Immunité de juridiction – Décision de levée – Acte faisant grief – Droits de la défense.**

Affaire C-831/18 P - ECLI identifier: ECLI:EU:C:2020:481

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 18 June 2020. VL other party: Szpital Kliniczny im. dra J. Babińskiego, Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie. Request for a preliminary ruling from the Sąd Okręgowy w Krakowie (Regional Court, Kraków, Poland). Reference for a preliminary ruling – **Social policy – Equal treatment in employment and occupation** – Directive 2000/78/EC – **Prohibition of discrimination on grounds of disability – Difference in treatment among disabled workers.**

Case C-16/19 - ECLI identifier: ECLI:EU:C:2020:479

Judgment of the Court (Grand Chamber) of 11 June 2020. European Commission, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., established in Bratislava (Slovakia), Slovak Republic, Union zdravotná poisťovňa a.s., established in Bratislava, (C-262/18 P) and Slovak Republic, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., European Commission, Union zdravotná poisťovňa a.s., (C-271/18 P). Appeal – **State aid** – Article 107(1) TFEU – **Social security system – Health insurance bodies – Concepts of ‘undertaking’ and ‘economic activity’ – Social objective – Principle of solidarity** – State supervision – Overall assessment – Possibility of seeking profits – **Residual competition on quality and on health insurance services offered.**

Joined Cases C-262/18 P and C-271/18 P - ECLI identifier: ECLI:EU:C:2020:450

Judgment of the Court (First Chamber) of 11 June 2020. European Commission v Danilo Di Bernardo. Appeal – **Civil service – Open competition – Non-admission to tests** – Possible for the administration to supplement before the Court the statement of reasons for the decision not to admit – **Conditions – Exceptional cases – Concept of ‘absence of a statement of reasons’.**

Case C-114/19 P - ECLI identifier: ECLI:EU:C:2020:457

OPINION OF ADVOCATE GENERAL BOBEK delivered on 11 June 2020. UQ v Marclean Technologies, SLU, joined parties: Ministerio Fiscal, Fondo de Garantía Salarial. Request for a preliminary ruling from the Juzgado de lo Social nº 3 de Barcelona (Social Court No 3, Barcelona, Spain). Reference for a preliminary ruling – **Social policy – Collective redundancies** – Directive 98/59/EC – Article 1(1)(a) – **Reference period to calculate the number of redundancies.**

Case C-300/19 - ECLI identifier: ECLI:EU:C:2020: 451

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 11 June 2020. Istituto Nazionale della Previdenza Sociale v WS. Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy). Reference for a preliminary ruling – Directive 2011/98/EU – **Rights of third-country nationals who hold single permits** – Article 12 – **Right to equal treatment with regard to social security** – National legislation which excludes the non-resident family members of third-country nationals for the purposes of determining entitlement to a family benefit.

Case C-302/19 - ECLI identifier: ECLI:EU:C:2020:452

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 11 June 2020. Istituto Nazionale della Previdenza Sociale v VR. Request for a preliminary ruling from the Corte suprema di cassazione (Supreme Court of Cassation, Italy). Reference for a preliminary ruling – Directive 2003/109/EC – **Rights of third-country nationals who are long-term residents** – Article 11 – **Right to equal treatment with regard to social security, social assistance and social protection – Derogation** – National legislation which excludes the non-resident family members of third-country nationals for the purposes of determining entitlement to a family benefit.

Case C-303/19 - ECLI identifier: ECLI:EU:C:2020:454

Arrêt de la Cour (neuvième chambre) du 4 juin 2020. Trendsetteuse SARL contre DCA SARL. Demande de décision préjudicielle, introduite par Tribunal de commerce de Paris. Renvoi préjudiciel – **Agents commerciaux indépendants** – Directive 86/653/CEE – Article 1er, paragraphe 2 – **Notion d’“agent commercial” – Négociation de la vente ou de l’achat de marchandises pour le commettant – Intermédiaire dépourvu de la faculté de modifier les conditions de vente et les prix des marchandises dont il assure la vente.**

Affaire C-828/18 - ECLI identifier: ECLI:EU:C:2020:438

Arrêt de la Cour (neuvième chambre) du 4 juin 2020. Boudewijn Schokker contre Agence européenne de la sécurité aérienne (AESA). Pourvoi – **Fonction publique Agents contractuels Procédure de recrutement Classement en grade Régime applicable aux autres agents Article 86 Agence européenne de la sécurité aérienne (AESA) - Dispositions générales d'exécution Contestation du classement proposé Retrait de l'offre d'emploi** - Recours en indemnité Principe de bonne administration - Devoir de sollicitude Faute de service - **Responsabilité non contractuelle de l'Union Préjudice moral Réparation.**

[Affaire C-310/19 P - ECLI identifier: ECLI:EU:C:2020:435](#)

Arrêt de la Cour (septième chambre) du 4 juin 2020. Service européen pour l'action extérieure (SEAE) contre Stéphane De Loecker. Pourvoi – **Fonction publique – Service européen pour l'action extérieure (SEAE) – Agent temporaire – Harcèlement moral – Demande d'assistance – Rejet de la demande** – Recours en annulation et en indemnité – Article 41 de la charte des droits fondamentaux de l'Union européenne – **Droit d'être entendu** – Article 266 TFUE – Exécution de l'arrêt d'annulation.

[Affaire C-187/19 P - ECLI identifier: ECLI:EU:C:2020:444](#)

JUDGMENT OF THE COURT (Grand Chamber) 4 June 2020. Federación de Trabajadores Independientes de Comercio (Fetico), Federación Estatal de Servicios, Movilidad y Consumo de la Unión General de Trabajadores (FESMC-UGT) and Federación de Servicios de Comisiones Obreras (CCOO) v Grupo de Empresas DIA SA and Twins Alimentación SA. REQUEST for a preliminary ruling under Article 267 TFEU from the Audiencia Nacional (National High Court, Spain). Reference for a preliminary ruling – **Social policy – Protection of the safety and health of workers – Organisation of working time** – Directive 2003/88/EC – Articles 5 and 7 – **Weekly rest – Annual leave – Paid special leave permitting time off from work to meet specific needs and obligations.**

[Case C-588/18 - ECLI identifier:ECLI:EU:C:2020:420](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on **minimum requirements for water reuse** (Text with EEA relevance)

PE/12/2020/INIT

[OJ L 177, 5.6.2020, p. 32–55](#)

Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the **labelling of tyres with respect to fuel efficiency and other parameters**, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009 PE/3/2020/INIT

[OJ L 177, 5.6.2020, p. 1–31](#)

Case Law

Judgment of the Court (Grand Chamber) of 25 June 2020. A and Others v Gewestelijke stedenbouwkundige ambtenaar van het departement Ruimte Vlaanderen, afdeling Oost-Vlaanderen. Request for a preliminary ruling from the Raad voor Vergunningsbetwistingen. Reference for a preliminary ruling – Directive 2001/42/EC – **Environmental impact assessment – Development consent for the installation of wind turbines – Article 2(a) – Concept of 'plans and programmes'** – Conditions for granting consent laid down by an order and a circular – Article 3(2)(a) – **National instruments setting the framework for future development consent of projects – Absence of environmental assessment** – Maintenance of the effects of national instruments, and consents granted on the basis of those instruments, after those instruments have been declared not to comply with EU law – Conditions.

[Case C-24/19 - ECLI identifier: ECLI:EU:C:2020:503](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 18 June 2020. Ingredion Germany GmbH v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Berlin (Administrative Court, Berlin, Germany). Reference for a preliminary ruling — **Environment** — Directive 2003/87/EC — **Greenhouse gas emission allowance trading scheme** — Article 3(h) — **Concept of a ‘new entrant’** — Article 10a — **Transitional rules for free allocation of emission allowances** — Decision 2011/278/EU — **Allocation of emission allowances to new entrants free of charge** — **Sub-installation with fuel benchmark** — Article 18(1)(c) and second subparagraph of Article 18(2) — **Determination of the fuel-related activity level** — **Relevant capacity utilisation factor** — Limitation of the relevant capacity utilisation factor to a value lower than 100%.

Case C-320/19 - ECLI identifier: ECLI:EU:C:2020:486

Arrêt de la Cour (deuxième chambre) du 11 juin 2020. Alianța pentru combaterea abuzurilor contre TM e.a. Demande de décision préjudicielle, introduite par la Judecătoria Zărnești. Renvoi préjudiciel — **Conservation des habitats naturels ainsi que de la faune et de la flore sauvages** — Directive 92/43/CEE — Article 12, paragraphe 1 — **Système de protection stricte des espèces animales** — Annexe IV — **Canis lupus (loup)** — Article 16, paragraphe 1 — **Aire de répartition naturelle** — **Capture et transport d’un spécimen d’animal sauvage de l’espèce canis lupus** — **Sécurité publique.**

Affaire C-88/19 - ECLI identifier: ECLI:EU:C:2020:458

Arrêt de la Cour (cinquième chambre) du 11 juin 2020. Procédure engagée par Prezident Slovenskej republiky, en présence de: Národná rada Slovenskej republiky et Vláda Slovenskej republiky. Demande de décision préjudicielle, introduite par l’Ústavný súd Slovenskej republiky. Renvoi préjudiciel — **Marché intérieur de l’électricité** — Directive 2009/72/CE — Article 35, paragraphes 4 et 5 — **Indépendance des autorités de régulation** — **Législation nationale transférant le pouvoir de désignation du président de l’autorité de régulation nationale du chef de l’État au gouvernement** — Participation de ministères nationaux aux procédures de fixation des prix.

Affaire C-378/19 - ECLI identifier: ECLI:EU:C:2020:462

Arrêt de la Cour (dixième chambre) du 4 juin 2020. Terna SpA contre Commission européenne. Pourvoi — **Énergie** — **Projets d’intérêt commun de l’Union européenne** — **Concours financier de l’Union octroyé en faveur de deux projets dans le domaine des réseaux énergétiques transeuropéens** — Directive 2004/17/CE — Article 37 — **Sous-traitance** — Article 40, paragraphe 3, sous c) — **Attribution directe** — **Spécificité technique** — **Accord-cadre** — **Réduction du concours initialement accordé à la suite d’un audit financier** — Remboursement des sommes initialement versées.

Affaire C-812/18 P - ECLI identifier: ECLI:EU:C:2020:437

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 4 juin 2020. Crown Van Gelder BV contre Autoriteit Consument en Markt, avec la participation de: TenneT TSO BV, demande de décision préjudicielle formée par le College van Beroep voor het bedrijfsleven (cour d’appel du contentieux administratif en matière économique, Pays Bas). Renvoi préjudiciel — **Marché intérieur de l’électricité** — Directive 2009/72/CE — Article 37 — **Missions et compétences de l’autorité de régulation** — **Notion de «partie ayant un grief à faire valoir»** — **Plainte présentée devant l’autorité de régulation contre un gestionnaire du réseau national de transport** — **Recevabilité** — **Nécessité de relation directe ou contractuelle avec ce gestionnaire** — Absence.

Affaire C-360/19 - ECLI identifier: ECLI:EU:C:2020:432

CONCLUSIONS DE L’AVOCATE GÉNÉRALE M^{ME} JULIANE KOKOTT présentées le 4 juin 2020. Union des industries de la protection des plantes contre Premier ministre e.a., demande de décision préjudicielle formée par le Conseil d’État, France). Renvoi préjudiciel — **Agriculture** — **Environnement** — Règlement (CE) no 1107/2009 — **Mise sur le marché des produits phytopharmaceutiques** — **Légalité d’une mesure d’urgence adoptée par un État membre** — **Néonicotinoïdes** — **Protection des abeilles** — **Information officielle de préoccupations** — Directive (UE) 2015/1535 — **Procédure d’information dans le domaine des réglementations techniques et des règles relatives aux services de la société de l’information** — **Coopération loyale** — **Mesures conservatoires de la Commission.**

Affaire C-514/19 - ECLI identifier: ECLI:EU:C:2020:422

11. Food Safety, Public Health and Consumers

Community Legislation

Commission Statement following the presentation of Commission Directive (EU) 2020/739 to the European Parliament and the Council in respect of the **prevention and protection of the health and safety of workers that are or can be occupationally exposed to SARS-CoV-2** 2020/C 212/03
[OJ C 212, 26.6.2020, p. 8–10](#)

Recommendation of the European Systemic Risk Board of 27 May 2020 on **restriction of distributions during the COVID-19 pandemic** (ESRB/2020/7) 2020/C 212/01
[OJ C 212, 26.6.2020, p. 1–6](#)

Council Directive (EU) 2020/876 of 24 June 2020 **amending** Directive 2011/16/EU to **address the urgent need to defer certain time limits for the filing and exchange of information in the field of taxation because of the COVID-19 pandemic** ST/8498/2020/INIT
[OJ L 204, 26.6.2020, p. 46–48](#)

Regulation (EU) 2020/872 of the European Parliament and of the Council of 24 June 2020 **amending** Regulation (EU) No 1305/2013 as regards a **specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the COVID-19 outbreak** PE/17/2020/REV/1
[OJ L 204, 26.6.2020, p. 1–3](#)

Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020 **amending** Regulations (EU) No 575/2013 and (EU) 2019/876 as regards **certain adjustments in response to the COVID-19 pandemic** PE/18/2020/REV/1
[OJ L 204, 26.6.2020, p. 4–17](#)

Commission Implementing Regulation (EU) 2020/879 of 23 June 2020 **amending** Implementing Regulation (EU) No 897/2014 as regards **specific provisions to align the provisions for the implementation of cross-border cooperation programmes financed under the European Neighbourhood Instrument with specific measures in response to the COVID-19 pandemic**
[OJ L 203, 26.6.2020, p. 59–62](#)

Commission Regulation (EU) 2020/757 of 8 June 2020 **amending** Regulation (EU) No 142/2011 as regards the **traceability of certain animal by-products and derived products** (Text with EEA relevance) C/2020/3581
[OJ L 179, 9.6.2020, p. 5–7](#)

Commission Regulation (EU) 2020/749 of 4 June 2020 **amending** Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards **maximum residue levels for chlorate in or on certain products** (Text with EEA relevance) C/2020/3541
[OJ L 178, 8.6.2020, p. 7–20](#)

Commission Implementing Regulation (EU) 2020/745 of 4 June 2020 **amending** Regulation (EU) 2018/1042 as regards **postponing dates of application of certain measures in the context of the COVID-19 pandemic** (Text with EEA relevance) C/2020/3598
[OJ L 176, 5.6.2020, p. 11–12](#)

Commission Implementing Regulation (EU) 2020/746 of 4 June 2020 **amending** Implementing Regulation (EU) 2019/947 as regards **postponing dates of application of certain measures in the context of the COVID-19 pandemic** (Text with EEA relevance) C/2020/3599
[OJ L 176, 5.6.2020, p. 13–14](#)

Commission Directive (EU) 2020/739 of 3 June 2020 **amending** Annex III to Directive 2000/54/EC of the European Parliament and of the Council **as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans** and amending Commission Directive (EU) 2019/1833 C/2020/3509

[OJ L 175, 4.6.2020, p. 11–14](#)

Commission Delegated Regulation (EU) 2020/686 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of **germinal product establishments and the traceability and animal health requirements for movements within the Union of germinal products of certain kept terrestrial animals** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 1–63](#)

Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and the Council, as regards **rules for the prevention and control of certain listed diseases** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 64–139](#)

Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards **animal health requirements for movements within the Union of terrestrial animals and hatching eggs** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 140–210](#)

Commission Delegated Regulation (EU) 2020/689 of 17 December 2019 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards **rules for surveillance, eradication programmes, and disease-free status for certain listed and emerging diseases** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 211–340](#)

Commission Implementing Regulation (EU) 2020/690 of 17 December 2019 laying down **rules** for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the **listed diseases subject to Union surveillance programmes, the geographical scope of such programmes and the listed diseases for which the disease-free status of compartments may be established** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 341–344](#)

Commission Delegated Regulation (EU) 2020/691 of 30 January 2020 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of Council as regards **rules for aquaculture establishments and transporters of aquatic animals** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 345–378](#)

Commission Delegated Regulation (EU) 2020/692 of 30 January 2020 **supplementing** Regulation (EU) 2016/429 of the European Parliament and of the Council as regards **rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin** (Text with EEA relevance) (Text with EEA relevance)

[OJ L 174, 3.6.2020, p. 379–520](#)

Case Law

Judgment of the Court (Sixth Chamber) of 25 June 2020. Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V. v Deutsche Apotheker- und Ärztebank eG. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf. Reference for a preliminary ruling — **Consumer protection** — Directive 2013/11/EU — **Alternative dispute resolution** — Article 13(1) and (2) — **Mandatory information** — **Accessibility of information**.

[Case C-380/19 - ECLI identifier: ECLI:EU:C:2020:498](#)

Judgment of the Court (First Chamber) of 18 June 2020. KH v Sparkasse Südholstein. Reference for a preliminary ruling — **Consumer protection — Distance marketing of financial services** — Directive 2002/65/EC — Article 1 — **Scope — Contracts concerning financial services consisting of an initial agreement followed by successive operations** — Application of Directive 2002/65/EC to the first agreement alone — Article 2(a) — **Concept of ‘contract concerning financial services’** — Amendment to a loan agreement altering the interest rate initially set.

[Case C-639/18 - ECLI identifier: ECLI:EU:C:2020:477](#)

Judgment of the Court (Grand Chamber) of 11 June 2020. European Commission, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., established in Bratislava (Slovakia), Slovak Republic, Union zdravotná poisťovňa a.s., established in Bratislava, (C-262/18 P) and Slovak Republic, supported by: Republic of Finland, the other parties to the proceedings being: Dôvera zdravotná poisťovňa a.s., European Commission, Union zdravotná poisťovňa a.s., (C-271/18 P). Appeal — **State aid** — Article 107(1) TFEU — **Social security system — Health insurance bodies — Concepts of ‘undertaking’ and ‘economic activity’ — Social objective — Principle of solidarity** — State supervision — Overall assessment — Possibility of seeking profits — **Residual competition on quality and on health insurance services offered.**

[Joined Cases C-262/18 P and C-271/18 P - ECLI identifier: ECLI:EU:C:2020:450](#)

Judgment of the Court (Grand Chamber) of 11 June 2020. RB v TÜV Rheinland LGA Products GmbH and Allianz IARD S.A.. Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main. Reference for a preliminary ruling — **EU law — General principles** — Article 18 TFEU — **Prohibition of discrimination on grounds of nationality — Applicability of EU law — Defective breast implants** — Insurance against civil liability arising from the production of medical devices — **Insurance contract prescribing a geographical limitation on insurance coverage.**

[Case C-581/18 - ECLI identifier: ECLI:EU:C:2020:453](#)

Arrêt de la Cour (troisième chambre) du 11 juin 2020. Ratiopharm GmbH contre Novartis Consumer Health GmbH. Demande de décision préjudicielle, introduite par le Bundesgerichtshof. Renvoi préjudiciel — **Protection de la santé publique — Marché intérieur — Médicaments à usage humain** — Directive 2001/83/CE — **Publicité** — Article 96 — **Distribution d'échantillons gratuits de médicaments soumis à prescription aux seules personnes habilitées à prescrire — Exclusion des pharmaciens du bénéfice de la distribution** — Inapplicabilité à la distribution d'échantillons gratuits de médicaments non soumis à prescription — Conséquences pour les États membres.

[Affaire C-786/18 - ECLI identifier: ECLI:EU:C:2020:459](#)

Judgment of the Court (Sixth Chamber) of 4 June 2020. Thomas Leonhard v DSL-Bank – eine Niederlassung der DB Privat- und Firmenkundenbank AG. Request for a preliminary ruling from the Landgericht Bonn. Reference for a preliminary ruling — **Consumer protection** — Directive 2002/65/EC — **Distance loan agreement — Right of withdrawal — Consequences** — Article 7(4) — Return of the services received — **Payment of compensation for benefit of use — Supplier’s obligation — Precluded.**

[Case C-301/18 - ECLI identifier: ECLI:EU:C:2020:427](#)

Judgment of the Court (Sixth Chamber) of 4 June 2020. Kancelaria Medius SA z siedzibą w Krakowie v RN. Request for a preliminary ruling from the Sąd Okręgowy w Poznaniu. Reference for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC— Article 7(1) — **Consumer credit — Review of whether the contractual terms are unfair — Failure of the consumer to appear at the hearing — Scope of the court’s powers and obligations.**

[Case C-495/19 - ECLI identifier: ECLI:EU:C:2020:431](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 4 June 2020. H. Lundbeck A/S and Lundbeck Ltd v European Commission. Appeal — **Competition — Agreements, decisions and concerted practices (Article 101 TFEU and Article 53 of the Agreement on the European Economic Area) — Antidepressant medicinal products — Agreements in settlement of patent disputes entered into by a patent-holding originator undertaking and manufacturers of generic medicinal products** — Concept of potential competition — Concept of restriction of competition by object — Fines — **Foreseeability of the anticompetitive nature of conduct** — Sales to be taken into account for the purpose of calculating the amount of the fine.

[Case C-591/16 P - ECLI identifier: ECLI:EU:C:2020:428](#)

12. Human Rights

Community Legislation

Decision of the European Data Protection Supervisor of 15 May 2020 adopting the Rules of Procedure of the EDPS

[OJ L 204, 26.6.2020, p. 49–59](#)

Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection (Text with EEA relevance) PE/19/2020/INIT

[OJ L 198, 22.6.2020, p. 1–12](#)

Case Law

Judgment of the Court (Second Chamber) of 25 June 2020. HF v European Parliament. Appeal — **Civil service — European Parliament — Member of contract staff** — Articles 12a and 24 of the Staff Regulations of Officials of the European Union — **Psychological harassment — Request for assistance — Right to be heard — Rejection of a request for assistance — Article 41 of the Charter of Fundamental Rights of the European Union** — Scope of judicial review.

[Case C-570/18 P - ECLI identifier: ECLI:EU:C:2020:490](#)

Arrêt de la Cour (huitième chambre) du 25 juin 2020. Gregor Schneider contre Office de l'Union européenne pour la propriété intellectuelle (OHMI). Pourvoi — **Fonction Publique – Agents temporaires – Réorganisation interne des services de l'Office de l'Union européenne pour la propriété intellectuelle (EUIPO) – Réaffectation – Base juridique** – Article 7 du statut des fonctionnaires de l'Union européenne – **Intérêt du service – Modifications substantielles des tâches – Qualification – Transfert – Mutation – Détournement de pouvoir** – Droit d'être entendu – **Obligation de motivation – Droit à une procédure équitable** – Protection juridictionnelle effective – **Article 47 de la charte des droits fondamentaux de l'Union européenne.**

[Affaire C-116/19 P - ECLI identifier: ECLI:EU:C:2020:501](#)

Arrêt de la Cour (quatrième chambre) du 25 juin 2020. VL. Demande de décision préjudicielle, introduite par le Juzgado de Instrucción n° 3 de San Bartolomé de Tirajana. Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Politique d'asile et d'immigration – Procédures communes pour l'octroi et le retrait de la protection internationale** – Directive 2013/32/UE – Article 6 – **Accès à la procédure – Présentation d'une demande de protection internationale à une autorité compétente en vertu du droit national pour enregistrer de telles demandes – Présentation d'une demande à d'autres autorités qui sont susceptibles de recevoir de telles demandes, mais qui ne sont pas, en vertu du droit national, compétentes pour les enregistrer – Notion d'"autres autorités"** – Article 26 – Placement en rétention – Normes pour l'accueil des personnes demandant la protection internationale – Directive 2013/33/UE – Article 8 – **Placement en rétention du demandeur – Motifs du placement** – Décision ayant placé en rétention un demandeur en raison du manque de place d'hébergement en centre d'accueil humanitaire.

[Affaire C-36/20 PPU - ECLI identifier: ECLI:EU:C:2020:495](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 25 juin 2020. Commission européenne contre Hongrie. Manquement d'État – Espace de liberté, de sécurité et de justice – Directive 2013/32/UE – **Procédure nationale d'examen de la demande de protection internationale** – Article 6 – **Accès effectif** – Article 43 – **Garanties procédurales** – Article 46, paragraphes 5 et 6 – **Absence de l'effet suspensif des demandes de recours introduites contre les décisions administratives refusant l'octroi du statut de réfugié** – Directive 2013/33/UE – Article 2, sous h) – **Placement obligatoire dans des zones de transit – Notion de "rétention"** – Directive 2008/115/CE – Article 5, article 6, paragraphe 1, article 12, paragraphe 1 et article 13, paragraphe 1 – **Retour des ressortissants de pays tiers en séjour irrégulier.**

[Affaire C-808/18 - ECLI identifier: ECLI:EU:C:2020:493](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 25 June 2020. Okrazhna prokuratura — Haskovo and Apelativna prokuratura — Plovdiv v OM. Request for a preliminary ruling from the Apelativen sad — Plovdiv (Court of Appeal, Plovdiv, Bulgaria). Reference for a preliminary ruling — **Article 17 of the Charter of Fundamental Rights of the European Union — Property law — National legislation that provides for a vehicle used in the commission of a smuggling offence to be confiscated for the benefit of the State — Vehicle belonging to a bona fide third party** — Framework Decision 2005/212/JHA — Article 2(1) — Directive 2014/42/EU — Article 6.

Case C-393/19 - ECLI identifier: ECLI:EU:C:2020:491

Judgment of the Court (Grand Chamber) of 18 June 2020. European Commission v Hungary. Failure of a Member State to fulfil obligations — Admissibility — Article 63 TFEU — **Free movement of capital — Existence of a restriction — Burden of proof — Indirect discrimination linked to the origin of the capital** — Article 12 of the Charter of Fundamental Rights of the European Union — **Right to freedom of association — National rules imposing on associations receiving financial support sent from other Member States or from third countries legally binding obligations of registration, declaration and publication which can be enforced** — Article 7 of the Charter of Fundamental Rights — **Right to respect for private life** — Article 8(1) of the Charter of Fundamental Rights — **Right to the protection of personal data — National rules imposing the disclosure of information on persons providing financial support to associations and of the amount of that support — Justification — Overriding reason in the public interest** — Transparency of the financing of associations — Article 65 TFEU — Public policy — **Public security — Fight against money laundering, financing of terrorism and organised crime** — Article 52(1) of the Charter of Fundamental Rights.

Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:476

Judgment of the Court (First Chamber) of 11 June 2020. Criminal proceedings against JI. Request for a preliminary ruling from the Sąd Rejonowy w Słupsku. Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decision 2004/757/JHA — **Minimum provisions on the constituent elements of criminal acts and penalties involving illicit drug trafficking** — Article 2(1)(c) — Article 4(2)(a) — **Concept of ‘large quantities of drugs’ — Charter of Fundamental Rights of the European Union — Equal treatment** — Articles 20 and 21 — **Principle of legality of criminal offences and penalties** — Article 49.

Case C-634/18 - ECLI identifier: ECLI:EU:C:2020:455

13. Internal Market and Single Market

Case Law

Judgment of the Court (Grand Chamber) of 18 June 2020. European Commission v Hungary. Failure of a Member State to fulfil obligations — Admissibility — Article 63 TFEU — **Free movement of capital — Existence of a restriction — Burden of proof — Indirect discrimination linked to the origin of the capital** — Article 12 of the Charter of Fundamental Rights of the European Union — **Right to freedom of association — National rules imposing on associations receiving financial support sent from other Member States or from third countries legally binding obligations of registration, declaration and publication which can be enforced** — Article 7 of the Charter of Fundamental Rights — **Right to respect for private life** — Article 8(1) of the Charter of Fundamental Rights — **Right to the protection of personal data — National rules imposing the disclosure of information on persons providing financial support to associations and of the amount of that support — Justification — Overriding reason in the public interest** — Transparency of the financing of associations — Article 65 TFEU — Public policy — **Public security — Fight against money laundering, financing of terrorism and organised crime** — Article 52(1) of the Charter of Fundamental Rights.

Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:476

Arrêt de la Cour (quatrième chambre) du 18 juin 2020. Porin kaupunki contre Porin Linjat Oy et Lyttylän Liikenne Oy. Renvoi préjudiciel – **Marchés publics** – Directive 2004/18/CE – Article 1er, paragraphe 2, sous a) – **Marchés publics dans le domaine des services de transport** – Accord de coopération entre des communes relatif à l’organisation et à la fourniture des services sociaux et de santé basé sur le modèle dit de “la commune responsable” au sens du droit finlandais – Transfert des responsabilités de l’organisation des services à l’une des communes dans la zone de coopération concernée – **Contrat in house – Attribution sans mise en concurrence de services de transport à une société détenue intégralement par la commune responsable.**

[Affaire C-328/19 - ECLI identifier: ECLI:EU:C:2020:483](#)

Judgment of the Court (Grand Chamber) of 11 June 2020. RB v TÜV Rheinland LGA Products GmbH and Allianz IARD S.A.. Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main. Reference for a preliminary ruling – **EU law – General principles** – Article 18 TFEU – **Prohibition of discrimination on grounds of nationality – Applicability of EU law – Defective breast implants** – Insurance against civil liability arising from the production of medical devices – **Insurance contract prescribing a geographical limitation on insurance coverage.**

[Case C-581/18 - ECLI identifier: ECLI:EU:C:2020:453](#)

Arrêt de la Cour (troisième chambre) du 11 juin 2020. Ratiopharm GmbH contre Novartis Consumer Health GmbH. Demande de décision préjudicielle, introduite par le Bundesgerichtshof. Renvoi préjudiciel – **Protection de la santé publique – Marché intérieur – Médicaments à usage humain** – Directive 2001/83/CE – **Publicité** – Article 96 – **Distribution d’échantillons gratuits de médicaments soumis à prescription aux seules personnes habilitées à prescrire – Exclusion des pharmaciens du bénéfice de la distribution** – Inapplicabilité à la distribution d’échantillons gratuits de médicaments non soumis à prescription – Conséquences pour les États membres.

[Affaire C-786/18 - ECLI identifier: ECLI:EU:C:2020:459](#)

Judgment of the Court (Sixth Chamber) of 11 June 2020. SIA „KOB” v Madonas novada pašvaldības Administratīvo aktu strīdu komisija. Request for a preliminary ruling from the Administratīvā rajona tiesa. Reference for a preliminary ruling – Articles 49 and 63 TFEU – **Freedom of establishment and the free movement of capital** – Directive 2006/123/EC – **Acquisition of agricultural land in Latvia for the purpose of use – System of prior authorisation for legal persons – Specific conditions applying only to legal persons controlled or represented by nationals of another Member State – Requirements for residence and knowledge of the official language of the Republic of Latvia – Direct discrimination on grounds of nationality.**

[Case C-206/19 - ECLI identifier: ECLI:EU:C:2020:463](#)

Judgment of the Court (Tenth Chamber) of 11 June 2020. Parsec Fondazione Parco delle Scienze e della Cultura v Ministero delle Infrastrutture e dei Trasporti and Autorità nazionale anticorruzione (ANAC). Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio. Reference for a preliminary ruling – **Public works contracts, public supply contracts and public service contracts** – Directive 2014/24/EU – **Procurement procedure for the award of a service contract** – Architectural and engineering services – Article 19(1) and Article 80(2) – **National legislation limiting participation solely to economic operators in certain legal forms.**

[Case C-219/19 - ECLI identifier: ECLI:EU:C:2020:470](#)

Arrêt de la Cour (cinquième chambre) du 11 juin 2020. Procédure engagée par Prezident Slovenskej republiky, en présence de: Národná rada Slovenskej republiky et Vláda Slovenskej republiky. Demande de décision préjudicielle, introduite par l’Ústavný súd Slovenskej republiky. Renvoi préjudiciel – **Marché intérieur de l’électricité** – Directive 2009/72/CE – Article 35, paragraphes 4 et 5 – Indépendance des autorités de régulation – **Législation nationale transférant le pouvoir de désignation du président de l’autorité de régulation nationale du chef de l’État au gouvernement** – Participation de ministères nationaux aux procédures de fixation des prix.

[Affaire C-378/19 - ECLI identifier: ECLI:EU:C:2020:462](#)

Judgment of the Court (Ninth Chamber) of 11 June 2020. Vert Marine SAS v Premier ministre and Ministre de l'Économie et des Finances. Request for a preliminary ruling from the Conseil d'État. Reference for a preliminary ruling — **Concession contract award procedure** — Directive 2014/23/EU — Article 38(9) — **System of compliance measures to demonstrate the reliability of an economic operator affected by a ground for exclusion** — **National legislation prohibiting economic operators which are the subject of a ground for compulsory exclusion from participating, for a period of 5 years, in a concession contract award procedure** — Impossible for such operators to demonstrate that compliance measures have been taken.

[Case C-472/19 - ECLI identifier: ECLI:EU:C:2020:468](#)

Arrêt de la Cour (dixième chambre) du 4 juin 2020. Terna SpA contre Commission européenne. Pourvoi — **Énergie – Projets d'intérêt commun de l'Union européenne – Concours financier de l'Union octroyé en faveur de deux projets dans le domaine des réseaux énergétiques transeuropéens** – Directive 2004/17/CE – Article 37 – Sous-traitance – Article 40, paragraphe 3, sous c) – **Attribution directe – Spécificité technique – Accord-cadre – Réduction du concours initialement accordé à la suite d'un audit financier** – Remboursement des sommes initialement versées.

[Affaire C-812/18 P - ECLI identifier: ECLI:EU:C:2020:437](#)

Arrêt de la Cour (deuxième chambre) du 4 juin 2020. Asmel società consortile a r.l. contre Autorità Nazionale Anticorruzione (ANAC). Demande de décision préjudicielle, introduite par le Consiglio di Stato. Renvoi préjudiciel — **Marchés publics** – Directive 2004/18/CE – **Centrales d'achat – Petites communes – Limitation à seulement deux modèles organisationnels pour les centrales d'achat – Interdiction de faire appel à une centrale d'achat de droit privé et avec la participation d'entités privées** – Limitation territoriale de l'activité des centrales d'achat.

[Affaire C-3/19 - ECLI identifier: ECLI:EU:C:2020:423](#)

Judgment of the Court (Ninth Chamber) of 4 June 2020. Remondis GmbH v Abfallzweckverband Rhein-Mosel-Eifel. Request for a preliminary ruling from the Oberlandesgericht Koblenz. Reference for a preliminary ruling — **Public procurement** — Directive 2014/24/EU — Article 12(4) — **Scope** — **Public contracts between entities within the public sector** — **Concept of 'cooperation'** — Absence.

[Case C-429/19 - ECLI identifier: ECLI:EU:C:2020:436](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GIOVANNI PITRUZZELLA présentées le 4 juin 2020. Crown Van Gelder BV contre Autoriteit Consument en Markt, avec la participation de: TenneT TSO BV, demande de décision préjudicielle formée par le College van Beroep voor het bedrijfsleven (cour d'appel du contentieux administratif en matière économique, Pays Bas). Renvoi préjudiciel — **Marché intérieur de l'électricité** – Directive 2009/72/CE – Article 37 – **Missions et compétences de l'autorité de régulation – Notion de «partie ayant un grief à faire valoir»** – **Plainte présentée devant l'autorité de régulation contre un gestionnaire du réseau national de transport** – Recevabilité – **Nécessité de relation directe ou contractuelle avec ce gestionnaire** – Absence.

[Affaire C-360/19 - ECLI identifier: ECLI:EU:C:2020:432](#)

14. Intellectual Property

Case Law

OPINION OF ADVOCATE GENERAL HOGAN delivered on 25 June 2020. Wallapop, SL v European Union Intellectual Property Office (EUIPO) and Unipreus, SL. Appeal — **EU trade mark** — **Opposition proceedings** — **Figurative mark containing the verbal element 'wallapop'** — **Earlier national figurative mark containing the verbal element 'wala w'** — Article 8(1)(b) of Regulation No 207/2009 — **Similarity between the services** — Class 35 — **Retail services** — **Online marketplace.**

[Case C-763/18 P - ECLI identifier: ECLI:EU:C:2020:497](#)

Judgment of the Court (Seventh Chamber) of 18 June 2020. Przedsiębiorstwo Produkcyjno-Handlowe „Primart” Marek Łukasiewicz v European Union Intellectual Property Office. Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Application for EU figurative mark PRIMART Marek Łukasiewicz** — **Earlier national trade mark PRIMA** — Article 8(1)(b) — **Relative ground for refusal** — **Likelihood of confusion** — Article 76(1) — Scope of review by the General Court of the European Union.

[Case C-702/18 P - ECLI identifier: ECLI:EU:C:2020:489](#)

Arrêt de la Cour (sixième chambre) du 18 juin 2020. Dovgan GmbH contre Office de l'Union européenne pour la propriété intellectuelle (EUIPO). Pourvoi – **Marque de l'Union européenne – Procédure de nullité** – Demande en nullité de la marque verbale PLOMBIR – **Rejet de la demande en nullité – Obligation de motivation – Dénaturation des faits et des éléments de preuve.**

[Affaire C-142/19 P - ECLI identifier: ECLI:EU:C:2020:487](#)

Judgment of the Court (Fifth Chamber) of 11 June 2020. SI and Brompton Bicycle Ltd v Chedech / Get2Get. Reference for a preliminary ruling – **Intellectual and industrial property – Copyright and related rights** – Directive 2001/29/EC – Articles 2 to 5 – **Scope – Utilitarian object – Concept of 'work' – Copyright protection of works – Conditions** – Shape of a product which is necessary to obtain a technical result – Folding bicycle.

[Case C-833/18 - ECLI identifier: ECLI:EU:C:2020:461](#)

Judgment of the Court (Tenth Chamber) of 11 June 2020. China Construction Bank Corp. v European Union Intellectual Property Office. Appeal – **EU trade mark** – Regulation (EC) No 207/2009 – Opposition – Article 8(1)(b) – **Likelihood of confusion – Assessment of the similarity of the signs at issue – Assessment of the distinctive character of the earlier mark.**

[Case C-115/19 P - ECLI identifier: ECLI:EU:C:2020:469](#)

15. Justice, Freedom and Security (incl. Judicial Cooperation)

Community Legislation

Council Decision (CFSP) 2020/732 of 2 June 2020 in **support of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological or toxin weapons** ST/6152/2020/INIT

[OJ L 172I, 3.6.2020, p. 5–14](#)

Case Law

Judgment of the Court (Second Chamber) of 25 June 2020. HF v European Parliament. Appeal – **Civil service – European Parliament – Member of contract staff** – Articles 12a and 24 of the Staff Regulations of Officials of the European Union – **Psychological harassment – Request for assistance – Right to be heard – Rejection of a request for assistance – Article 41 of the Charter of Fundamental Rights of the European Union** – Scope of judicial review.

[Case C-570/18 P - ECLI identifier: ECLI:EU:C:2020:490](#)

Judgment of the Court (Seventh Chamber) of 25 June 2020. VTB Bank PAO, anciennement VTB Bank OAO v Council of the European Union. Appeal – **Restrictive measures adopted in view of the Russian Federation's actions destabilising the situation in Ukraine** – Inclusion of the appellant's name on the list of entities to which restrictive measures apply – **Principle of proportionality – Right to property – Right to carry on an economic activity.**

[Case C-729/18 P - ECLI identifier: ECLI:EU:C:2020:499](#)

Arrêt de la Cour (septième chambre) du 25 juin 2020. Bank for Development and Foreign Economic Affairs (Vnesheconombank) contre Conseil de l'Union européenne. Pourvoi – **Mesures restrictives prises eu égard aux actions de la Fédération de Russie déstabilisant la situation en Ukraine – Inscription puis maintien du nom de la requérante sur la liste des entités auxquelles s'appliquent des mesures restrictives – Obligation de motivation – Erreur manifeste d'appréciation – Droit à une protection juridictionnelle effective – Détournement de pouvoir – Droit de propriété – Égalité de traitement.**

[Affaire C-731/18 P - ECLI identifier: ECLI:EU:C:2020:500](#)

Arrêt de la Cour (huitième chambre) du 25 juin 2020. Gregor Schneider contre Office de l'Union européenne pour la propriété intellectuelle (OHMI). Pourvoi – **Fonction Publique – Agents temporaires – Réorganisation interne des services de l'Office de l'Union européenne pour la propriété intellectuelle (EUIPO) – Réaffectation – Base juridique** – Article 7 du statut des fonctionnaires de l'Union européenne – **Intérêt du service – Modifications substantielles des tâches – Qualification – Transfert – Mutation – Détournement de pouvoir** – Droit d'être entendu – **Obligation de motivation – Droit à une procédure équitable** – Protection juridictionnelle effective – **Article 47 de la charte des droits fondamentaux de l'Union européenne.**

[Affaire C-116/19 P - ECLI identifiant: ECLI:EU:C:2020:501](#)

Arrêt de la Cour (quatrième chambre) du 25 juin 2020. VL. Demande de décision préjudicielle, introduite par le Juzgado de Instrucción n° 3 de San Bartolomé de Tirajana. Renvoi préjudiciel – **Procédure préjudicielle d'urgence – Politique d'asile et d'immigration – Procédures communes pour l'octroi et le retrait de la protection internationale** – Directive 2013/32/UE – Article 6 – **Accès à la procédure – Présentation d'une demande de protection internationale à une autorité compétente en vertu du droit national pour enregistrer de telles demandes – Présentation d'une demande à d'autres autorités qui sont susceptibles de recevoir de telles demandes, mais qui ne sont pas, en vertu du droit national, compétentes pour les enregistrer – Notion d'"autres autorités"** – Article 26 – Placement en rétention – Normes pour l'accueil des personnes demandant la protection internationale – Directive 2013/33/UE – Article 8 – **Placement en rétention du demandeur – Motifs du placement** – Décision ayant placé en rétention un demandeur en raison du manque de place d'hébergement en centre d'accueil humanitaire.

[Affaire C-36/20 PPU - ECLI identifiant: ECLI:EU:C:2020:495](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 25 juin 2020. Commission européenne contre Hongrie. Manquement d'État – Espace de liberté, de sécurité et de justice – Directive 2013/32/UE – **Procédure nationale d'examen de la demande de protection internationale** – Article 6 – **Accès effectif** – Article 43 – **Garanties procédurales** – Article 46, paragraphes 5 et 6 – **Absence de l'effet suspensif des demandes de recours introduites contre les décisions administratives refusant l'octroi du statut de réfugié** – Directive 2013/33/UE – Article 2, sous h) – **Placement obligatoire dans des zones de transit – Notion de "rétention"** – Directive 2008/115/CE – Article 5, article 6, paragraphe 1, article 12, paragraphe 1 et article 13, paragraphe 1 – **Retour des ressortissants de pays tiers en séjour irrégulier.**

[Affaire C-808/18 - ECLI identifiant: ECLI:EU:C:2020:493](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 25 June 2020. Okrazhna prokuratura — Haskovo and Apelativna prokuratura — Plovdiv v OM. Request for a preliminary ruling from the Apelativen sad — Plovdiv (Court of Appeal, Plovdiv, Bulgaria). Reference for a preliminary ruling — **Article 17 of the Charter of Fundamental Rights of the European Union — Property law — National legislation that provides for a vehicle used in the commission of a smuggling offence to be confiscated for the benefit of the State — Vehicle belonging to a bona fide third party** — Framework Decision 2005/212/JHA — Article 2(1) — Directive 2014/42/EU — Article 6.

[Case C-393/19 - ECLI identifiant: ECLI:EU:C:2020:491](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 25 June 2020. Openbaar Ministerie, YU and ZV v AZ. Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium). Reference for a preliminary ruling — **Police and judicial cooperation in criminal matters — European arrest warrant** — Framework Decision 2002/584/JHA — Article 6(2) — **Concept of executing judicial authority** — Article 27(3)(g) and (4) — **Request for additional consent agreed to by the public prosecutor's office in the executing Member State.**

[Case C-510/19 - ECLI identifiant: ECLI:EU:C:2020:494](#)

Judgment of the Court (Grand Chamber) of 18 June 2020. European Commission v Hungary. Failure of a Member State to fulfil obligations — Admissibility — Article 63 TFEU — **Free movement of capital** — **Existence of a restriction** — **Burden of proof** — **Indirect discrimination linked to the origin of the capital** — Article 12 of the Charter of Fundamental Rights of the European Union — **Right to freedom of association** — **National rules imposing on associations receiving financial support sent from other Member States of from third countries legally binding obligations of registration, declaration and publication which can be enforced** — Article 7 of the Charter of Fundamental Rights — **Right to respect for private life** — Article 8(1) of the Charter of Fundamental Rights — **Right to the protection of personal data** — **National rules imposing the disclosure of information on persons providing financial support to associations and of the amount of that support** — **Justification** — **Overriding reason in the public interest** — Transparency of the financing of associations — Article 65 TFEU — Public policy — **Public security** — **Fight against money laundering, financing of terrorism and organised crime** — Article 52(1) of the Charter of Fundamental Rights.

[Case C-78/18 - ECLI identifier: ECLI:EU:C:2020:476](#)

Arrêt de la Cour (quatrième chambre) du 18 juin 2020. Commission européenne contre RQ. Pourvoi – Fonction publique – Fonctionnaires – Directeur général de l’Office européen de lutte antifraude (OLAF) – **Immunité de juridiction** – **Décision de levée** – **Acte faisant grief** – **Droits de la défense.**

[Affaire C-831/18 P - ECLI identifier: ECLI:EU:C:2020:481](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MACIEJ SZPUNAR présentées le 18 juin 2020. Ellmes Property Services Limited contre SP. Demande de décision préjudicielle formée par l’Oberster Gerichtshof (Cour suprême, Autriche). Renvoi préjudiciel – **Compétence judiciaire** – Règlement (UE) n° 1215/2012 – **Notion de “droits réels immobiliers”** – **Action en cessation contre un copropriétaire** – **Usage touristique contraire à l’affectation résidentielle de l’immeuble en copropriété, telle que définie dans le contrat de copropriété.**

[Affaire C-433/19 - ECLI identifier: ECLI:EU:C:2020:482](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. MANUEL CAMPOS SÁNCHEZ-BORDONA présentées le 18 juin 2020. WV contre Landkreis Harburg. Demande de décision préjudicielle formée par le Bundesgerichtshof (Cour fédérale de justice, Allemagne). Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – **Compétence en matière d’obligations alimentaires** – **Lieu de résidence habituelle du créancier d’aliments** – **Subrogation légale d’une entité publique dans la créance du créancier d’aliments.**

[Affaire C-540/19 - ECLI identifier: ECLI:EU:C:2020:484](#)

Judgment of the Court (First Chamber) of 11 June 2020. Criminal proceedings against JI. Request for a preliminary ruling from the Sąd Rejonowy w Słupsku. Reference for a preliminary ruling — **Judicial cooperation in criminal matters** — Framework Decision 2004/757/JHA — **Minimum provisions on the constituent elements of criminal acts and penalties involving illicit drug trafficking** — Article 2(1)(c) — Article 4(2)(a) — **Concept of ‘large quantities of drugs’** — **Charter of Fundamental Rights of the European Union** — **Equal treatment** — Articles 20 and 21 — **Principle of legality of criminal offences and penalties** — Article 49.

[Case C-634/18 - ECLI identifier: ECLI:EU:C:2020:455](#)

Judgment of the Court (Third Chamber) of 4 June 2020. FX v GZ, légalement représentée par sa mère. Request for a preliminary ruling from the Amtsgericht Köln. Reference for a preliminary ruling — **Jurisdiction, recognition and enforcement of decisions in matters relating to maintenance obligations** — Regulation (EC) No 4/2009 — Article 41(1) — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 24(5) — **Maintenance order declared enforceable** — **Application opposing enforcement** — **Jurisdiction of the court of the Member State of enforcement.**

[Case C-41/19 - ECLI identifier: ECLI:EU:C:2020:425](#)

Arrêt de la Cour (sixième chambre) du 4 juin 2020. SC C.F. SRL contre A.J.F.P.M. et D.G.R.F.P.C. Demande de décision préjudicielle, introduite par le Tribunalul Cluj. Renvoi préjudiciel – **Principes du droit de l'Union – Respect des droits de la défense – Procédure fiscale – Exercice du droit à déduction en matière de taxe sur la valeur ajoutée (TVA)** – Refus du droit à déduction en raison du comportement prétendument inadéquat des fournisseurs de l'assujetti – **Acte administratif émis par les autorités fiscales nationales sans donner au contribuable concerné l'accès aux informations et aux documents servant de fondement audit acte – Suspicion de fraude fiscale** – Pratique nationale subordonnant l'exercice du droit à déduction à la détention de documents justificatifs autres que la facture fiscale – Admissibilité.

[Affaire C-430/19 - ECLI identifiant: ECLI:EU:C:2020:429](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. GERARD HOGAN présentées le 4 juin 2020. Staatsanwaltschaft Heilbronn contre ZW, demande de décision préjudicielle formée par l'Amtsgericht Heilbronn (tribunal de district de Heilbronn, Allemagne). Renvoi préjudiciel – Article 18 TFUE – Article 21 TFUE – **Citoyenneté de l'Union – Droit des citoyens de l'Union de circuler et de séjourner librement sur le territoire des États membres** – Directive 2004/38/CE – Article 27 – **Infraction d'enlèvement d'enfant – Enfant placé sous l'autorité d'un représentant légal – Parent privé d'une partie de son autorité parentale déplaçant l'enfant à l'étranger sans l'accord préalable du représentant légal.**

[Affaire C-454/19 - ECLI identifiant: ECLI:EU:C:2020:430](#)

16. Transport

International Agreement

Decision (EU) 2020/853 of the European Parliament and of the Council of 18 June 2020 **empowering Germany to amend its bilateral road transport agreement with Switzerland** with a view to **authorising cabotage operations in the course of the provision of international road passenger transport services by coach and bus in the border regions between the two countries** PE/1/2020/REV/1

[OJ L 198, 22.6.2020, p. 44–46](#)

Decision (EU) 2020/854 of the European Parliament and of the Council of 18 June 2020 **empowering Italy to negotiate and conclude an agreement with Switzerland authorising cabotage operations in the course of the provision of international road passenger transport services by coach and bus in the border regions between the two countries** PE/2/2020/REV/1

[OJ L 198, 22.6.2020, p. 47–48](#)

Decision No 1/2020 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 June 2020 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2020/799] C/2020/3975

[OJ L 194, 18.6.2020, p. 17–38](#)

Community Legislation

Council Decision (EU) 2020/793 of 12 June 2020 on the **position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community** as regards certain **administrative and staff matters and the laying down of financial rules** for the Transport Community ST/8096/2020/INIT

[OJ L 193, 17.6.2020, p. 11–12](#)

Council Decision (EU) 2020/791 of 10 June 2020 on the **position to be taken on behalf of the European Union at the 13th session of the Committee of Technical Experts of the Intergovernmental Organisation for International Carriage by Rail** regarding the adoption of **amendments** to the Uniform Technical Prescriptions concerning freight wagons, **vehicle marking and rolling stock noise**, and regarding the adoption of a full revision of the **rules for the certification and auditing of entities in charge of maintenance and of the specifications concerning national vehicle registers** ST/7459/2020/INIT

[OJ L 193, 17.6.2020, p. 7–8](#)

Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the **labelling of tyres with respect to fuel efficiency and other parameters**, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009 PE/3/2020/INIT

[OJ L 177, 5.6.2020, p. 1–31](#)

Commission Implementing Regulation (EU) 2020/736 of 2 June 2020 **amending** Regulation (EC) No 474/2006 as regards the **list of air carriers banned from operating or subject to operational restrictions within the Union** (Text with EEA relevance) C/2020/3585

[OJ L 172, 3.6.2020, p. 7–22](#)

Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down **detailed rules with regard to the acceptance of third-country certification of pilots** and amending Regulation (EU) No 1178/2011

C/2020/1120

[OJ L 170, 2.6.2020, p. 1–8](#)

Case Law

Arrêt de la Cour (quatrième chambre) du 18 juin 2020. Porin kaupunki contre Porin Linjat Oy et Lyttylän Liikenne Oy. Renvoi préjudiciel – **Marchés publics** – Directive 2004/18/CE – Article 1er, paragraphe 2, sous a) – **Marchés publics dans le domaine des services de transport** – Accord de coopération entre des communes relatif à l’organisation et à la fourniture des services sociaux et de santé basé sur le modèle dit de “la commune responsable” au sens du droit finlandais – Transfert des responsabilités de l’organisation des services à l’une des communes dans la zone de coopération concernée – **Contrat in house – Attribution sans mise en concurrence de services de transport à une société détenue intégralement par la commune responsable.**

[Affaire C-328/19 - ECLI identifiant: ECLI:EU:C:2020:483](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. HENRIK SAUGMANDSGAARD ØE présentées le 18 juin 2020. BY et CZ contre Bundesrepublik Deutschland. Demande de décision préjudicielle formée par l’Oberverwaltungsgericht für das Land Nordrhein-Westfalen (tribunal administratif supérieur du Land de Rhénanie-du-Nord-Westphalie, Allemagne). Renvoi préjudiciel – **Taxation des poids lourds pour l’utilisation de certaines infrastructures** – Directive 1999/62/CE – Directive 2006/38/CE – **Calcul des péages** – Article 7, paragraphe 9 – **Principe de recouvrement des coûts d’infrastructure – Coûts de la police de la route – Coûts d’exploitation – Coûts externes – Coûts relatifs à la rémunération du capital** – Article 7 bis, paragraphes 1 à 3 – **Effet direct – Faible dépassement des coûts – Calcul a posteriori – Limitation des effets de l’arrêt dans le temps.**

[Affaire C-321/19 - ECLI identifiant: ECLI:EU:C:2020:480](#)

Judgment of the Court (Fourth Chamber) of 11 June 2020. LE v Transportes Aéreos Portugueses SA. Request for a preliminary ruling from the Tribunal Judicial da Comarca de Lisboa - Juízo Local Cível de Lisboa – Juiz 18. Reference for a preliminary ruling – **Air transport** – Regulation (EC) No 261/2004 – Article 5(3) – Article 7(1) – **Compensation to passengers in the event of denied boarding and of cancellation or long delay of flights – Exemption – Concept of ‘extraordinary circumstances’** – Unruly passengers – Possibility of relying on the occurrence of an extraordinary circumstance in respect of a flight not affected by that circumstance – **Concept of ‘reasonable measures’.**

[Case C-74/19 - ECLI identifiant: ECLI:EU:C:2020:460](#)

17. Community Institutions, Principles and the Communities’ own Resources

Community Legislation

Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the **establishment of a framework to facilitate sustainable investment**, and amending Regulation (EU) 2019/2088 (Text with EEA relevance) PE/20/2020/INIT

[OJ L 198, 22.6.2020, p. 13–43](#)

Case Law

Judgment of the Court (Second Chamber) of 25 June 2020. French Republic v European Parliament. Action for annulment — **Law of the institutions — Protocol on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union — European Parliament — Concept of ‘budgetary session’ held in Strasbourg (France)** — Article 314 TFEU — Exercise of budgetary powers during an additional plenary part-session held in Brussels (Belgium).

[Case C-92/18 - ECLI identifier: ECLI:EU:C:2020:506](#)

Judgment of the Court (Third Chamber) of 18 June 2020. Ryanair Designated Activity Company v Országos Rendőr-főkapitányság. Reference for a preliminary ruling — **Citizenship of the European Union** — Directive 2004/38/CE — Articles 5, 10 and 20 — **Right of entry to a Member State of a third-country national who is a member of the family of an EU citizen — Evidence of holding such a right — Possession of a residence card of a family member of a Union citizen** — Possession of a permanent residence card.

[Case C-754/18 - ECLI identifier: ECLI:EU:C:2020:478](#)

Judgment of the Court (Grand Chamber) of 11 June 2020. RB v TÜV Rheinland LGA Products GmbH and Allianz IARD S.A.. Request for a preliminary ruling from the Oberlandesgericht Frankfurt am Main. Reference for a preliminary ruling — **EU law — General principles** — Article 18 TFEU — **Prohibition of discrimination on grounds of nationality — Applicability of EU law — Defective breast implants** — Insurance against civil liability arising from the production of medical devices — **Insurance contract prescribing a geographical limitation on insurance coverage.**

[Case C-581/18 - ECLI identifier: ECLI:EU:C:2020:453](#)