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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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Judgment of the Court (Ninth Chamber) of 16 July 2020. MH and NI v OJ and Novo Banco SA. Request for a preliminary ruling from the Tribunal da Relação de Guimarães. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings** — Regulation (UE) 2015/848 — Article 3 — **International jurisdiction — Centre of a debtor's main interests** — Individual not exercising an independent business or professional activity — **Rebuttable presumption that the centre of that person's main interests is his or her habitual residence** — Rebuttal of the presumption — **Situation in which the debtor's sole immovable asset is located outside the Member State of habitual residence.**

[Case C-253/19 - ECLI identifier: ECLI:EU:C:2020:585](#)

Arrêt de la Cour (première chambre) du 16 juillet 2020. Procédure engagée par E. E. Demande de décision préjudicielle, introduite par le Lietuvos Aukščiausiasis Teismas. Renvoi préjudiciel — **Coopération judiciaire en matière civile** — Règlement (UE) n° 650/2012 — Champ d'application — **Notion de "succession ayant une incidence transfrontière"** — **Notion de "résidence habituelle du défunt"** — Article 3, paragraphe 2 — **Notion de "jurisdiction"** — **Soumission des notaires aux règles de compétence judiciaire** — Article 3, paragraphe 1, sous g) et i) — **Notions de "décision" et d'"acte authentique"** — Articles 5, 7 et 22 — **Accord d'élection de for et de choix de la loi applicable à la succession** — Article 83, paragraphes 2 et 4 — **Dispositions transitoires.**

[Affaire C-80/19 - ECLI identifier: ECLI:EU:C:2020:569](#)

Judgment of the Court (First Chamber) of 16 July 2020. JE v KF. Request for a preliminary ruling from the Tribunalul București. Reference for a preliminary ruling — Regulation (EU) No 1259/2010 — **Enhanced cooperation in the area of the law applicable to divorce and legal separation** — **Uniform rules** — Article 10 — **Application of the law of the forum.**

[Case C-249/19 - ECLI identifier: ECLI:EU:C:2020:570](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. Presidenza del Consiglio dei Ministri v BV. Request for a preliminary ruling from the Corte suprema di cassazione. Reference for a preliminary ruling — Directive 2004/80/EC — Article 12(2) — **National schemes on compensation to victims of violent intentional crime guaranteeing fair and appropriate compensation** — **Scope** — Victim residing in the Member State in which the violent intentional crime was committed — **Obligation for the national compensation scheme to cover that victim** — **Concept of 'fair and appropriate compensation'** — **Liability of Member States in the event of a breach of EU law.**

[Case C-129/19 - ECLI identifier: ECLI:EU:C:2020:566](#)

Judgment of the Court (First Chamber) of 9 July 2020. Verein für Konsumenteninformation v Volkswagen AG. Request for a preliminary ruling from the Landesgericht Klagenfurt. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Point 2 of Article 7 — **Jurisdiction in matters relating to tort, delict or quasi-delict** — **Place where the harmful event occurred** — **Place where the damage occurred** — Manipulation of data relating to the emission of exhaust gases from engines produced by a motor vehicle manufacturer.

[Case C-343/19 - ECLI identifier: ECLI:EU:C:2020:534](#)

1. EU-Swiss Relations

International Agreement

Council Decision (EU) 2020/1067 of 13 July 2020 on the **conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation** in the context of negotiations under **Article XXVIII of the GATT 1994 on the modification of Switzerland’s WTO concessions with regard to seasoned meat** ST/12482/2019/INIT

[OJ L 233, 21.7.2020, p. 1–2](#)

Agreement in the form of an Exchange of Letters between the **European Union and the Swiss Confederation** in the context of negotiations under **Article XXVIII of the GATT 1994 on the modification of Switzerland’s WTO concessions with regard to seasoned meat**

[OJ L 233, 21.7.2020, p. 3–6](#)

Community Legislation

Decision No 1/2020 of the Community/Switzerland Inland Transport Committee of 19 June 2020 **aligning** Decision No 2/2019 with the **dates of transposition, postponed due to the COVID-19 pandemic**, of Directives (EU) 2016/797 and (EU) 2016/798 of the European Parliament and of the Council [2020/896] C/2020/4011

[OJ L 206, 30.6.2020, p. 65–66](#)

2. External Relations / Foreign Policy

Case Law

Judgment of the Court (Third Chamber) of 16 July 2020. B. M. M. and Others v État belge. Requests for a preliminary ruling from the Conseil d’État. Reference for a preliminary ruling — Area of freedom, security and justice — **Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 4(1) — **Concept of a ‘minor child’ — Article 24(2) of the Charter of Fundamental Rights of the European Union — Best interests of the child** — Article 47 of the Charter of Fundamental Rights — **Right to an effective remedy — Children of the sponsor who have reached majority during the decision-making procedure or court proceedings against the decision refusing the family reunification application.**

[Joined Cases C-133/19, C-136/19 and C-137/19 - ECLI identifier: ECLI:EU:C:2020:577](#)

OPINION OF ADVOCATE GENERAL RICHARD DE LA TOUR delivered on 16 July 2020. A v Migrationsverket. Request for a preliminary ruling from the Förvaltningsrätten i Malmö, migrationsdomstolen (Administrative Court for Immigration Matters, Malmö, Sweden). Reference for a preliminary ruling — **Border control, asylum and immigration — Immigration policy — Convention implementing the Schengen Agreement** — Article 25(1) — Directive 2003/86/EC — **Right to family reunification — Conditions for the issue of a residence permit** — Article 5(2) — Obligation to present a travel document — **National legislation requiring the applicant’s identity to be established with certainty — National practice requiring, to that end, the presentation of a passport valid for the duration of the residence authorisation** — Application for renewal of a residence permit made by a family member already in the national territory — **Family member for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System** — Refusal to renew the residence permit on the ground that identity is not established with certainty — Admissibility.

[Case C-193/19 - ECLI identifier: ECLI:EU:C:2020:594](#)

Arrêt de la Cour (huitième chambre) du 9 juillet 2020. George Haswani contre Conseil de l’Union européenne. Pourvoi — **Politique étrangère et de sécurité commune – Mesures restrictives prises à l’encontre de la Syrie – Mesures dirigées contre des femmes et des hommes d’affaires influents exerçant leurs activités en Syrie** – Liste des personnes auxquelles s’applique le gel de fonds et de ressources économiques – **Inclusion du nom du requérant – Recours en annulation et en indemnité.**

[Affaire C-241/19 P - ECLI identifier: ECLI:EU:C:2020:545](#)

Judgment of the Court (First Chamber) of 2 July 2020. WM v Stadt Frankfurt am Main. Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals — Conditions of detention** — Article 16(1) — Detention in prison accommodation for the purpose of removal — **Third-country national who poses a serious threat to public policy or public security.**

Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:511

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 2 juillet 2020. TQ contre Staatssecretaris van Justitie en Veiligheid. Demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats's-Hertogenbosch (tribunal de La Haye, siégeant à Bois-le-Duc, Pays-Bas). Renvoi préjudiciel — **Espace de liberté, de sécurité et de justice** – Directive 2008/115/CE – Article 5, sous a) – Article 6, paragraphes 1 et 4 – Article 8, paragraphe 1 – Article 10 – **Retour des ressortissants de pays tiers en séjour irrégulier – Décision de retour – Éloignement des mineurs non accompagnés** – Vérification de l'existence de structures d'accueil adéquates dans le pays d'origine – **Distinction en fonction de l'âge du mineur – Décision de retour non suivie de mesures d'éloignement – Conséquences.**

Affaire C-441/19 - ECLI identifier: ECLI:EU:C:2020:515

3. Agriculture and Fisheries / Maritime Affairs

Case Law

OPINION OF ADVOCATE GENERAL BOBEK delivered on 16 July 2020. Région de Bruxelles-Capitale v European Commission. Appeal — Regulation (EC) No 1107/2009 — **Plant-protection products** — Implementing Regulation (EU) 2017/2324 — **Active substance glyphosate** — Article 263 TFEU — **Standing of private applicants — Direct concern** — Article 4(2) TEU — **Member States' regions — Article 9(3) of the Aarhus Convention — Interpretation in conformity — Individual concern** — Regulatory act which does not entail implementing measures.

Case C-352/19 P - ECLI identifier: ECLI:EU:C:2020:588

4. Audiovisual and Media and Information Society

Community Legislation

Commission Implementing Regulation (EU) 2020/1013 of 20 July 2020 **specifying the technical items of the data set, establishing the technical formats for transmission of information and specifying the detailed arrangements and content of the quality reports** on the organisation of a **sample survey in the use of information and communication technologies** domain for reference year 2021 pursuant to Regulation (EU) 2019/1700 of the European Parliament and of the Council (Text with EEA relevance)

OJ L 237, 22.7.2020, p. 1–53

Commission Implementing Regulation (EU) 2020/1070 of 20 July 2020 on **specifying the characteristics of small-area wireless access points** pursuant to Article 57 paragraph 2 of Directive (EU) 2018/1972 of the European Parliament and the Council establishing the **European Electronic Communications Code** (Text with EEA relevance) C/2020/4872

OJ L 234, 21.7.2020, p. 11–15

Case Law

Arrêt de la Cour (troisième chambre) du 16 juillet 2020. Inclusion Alliance for Europe GEIE contre Commission européenne. Pourvoi – **Clause compromissoire – Conventions de subvention conclues dans le cadre du septième programme-cadre des actions de recherche, de développement technologique et de démonstration (2007-2013) ainsi que du programme-cadre pour l'innovation et la compétitivité (2007-2013)** – Projets MARE, Senior et ECRN – **Décision de la Commission de procéder au recouvrement des sommes indûment versées** – Compétence du juge de l'Union.

[Affaire C-378/16 P - ECLI identifier: ECLI:EU:C:2020:575](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems. Request for a preliminary ruling from the High Court (Irlande). Reference for a preliminary ruling – **Protection of individuals with regard to the processing of personal data – Charter of Fundamental Rights of the European Union** – Articles 7, 8 and 47 – Regulation (EU) 2016/679 – Article 2(2) – Scope – **Transfers of personal data to third countries for commercial purposes** – Article 45 – Commission adequacy decision – Article 46 – **Transfers subject to appropriate safeguards** – Article 58 – Powers of the supervisory authorities – **Processing of the data transferred by the public authorities of a third country for national security purposes – Assessment of the adequacy of the level of protection in the third country** – Decision 2010/87/EU – Protective standard clauses on the transfer of personal data to third countries – **Suitable safeguards provided by the data controller – Validity** – Implementing Decision (EU) 2016/1250 – Adequacy of the protection provided by the EU-US Privacy Shield – Validity – **Complaint by a natural person whose data was transferred from the European Union to the United States.**

[Case C-311/18 - ECLI identifier: ECLI:EU:C:2020:559](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 16 July 2020. Frank Peterson v Google LLC, YouTube LLC, YouTube Inc., Google Germany GmbH (C-682/18) and Elsevier Inc. v Cyando AG (C-683/18). Requests for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany). Reference for a preliminary ruling – **Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3 – Communication to the public – Concept – Uploading of protected works on internet platforms by users of the platforms without the prior authorisation of the rightholders** – No primary liability of the operators of those platforms – Secondary liability of those operators for copyright infringements committed by the users of their platforms – Matter coming outside the scope of Article 3 of Directive 2001/29 – Directive 2000/31/EC – Article 14 – **Exemption from liability for providers of an 'information society service ... that consists of the storage of information provided by a recipient of the service' – Concept** – Possibility for those operators to be exempted from the liability that may result from the information that they store at the request of users of their platforms – **Conditions to be met in order to benefit from that exemption from liability** – Article 14(1)(a) – **Expressions 'actual knowledge of illegal activity or information' and 'aware of facts or circumstances from which the illegal activity or information is apparent'** – Specific illegal information – Article 8(3) of Directive 2001/29 – Injunctions against intermediaries whose services are used by a third party to infringe a copyright or related right – Conditions to be met in order to apply for such an injunction.

[Joined Cases C-682/18 and C-683/18 - ECLI identifier: ECLI:EU:C:2020:586](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 16 July 2020. Ayuntamiento de Pamplona v Orange España SAU. Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain). Reference for a preliminary ruling – Directive 2002/20/EC – Scope of application – **Concept of electronic communications service** – Articles 12 and 13 – **Fee for the right to install facilities on, over or under public or private property.**

[Case C-764/18 - ECLI identifier: ECLI:EU:C:2020:593](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 16 July 2020. Atresmedia Corporación de Medios de Comunicación S.A. v Asociación de Gestión de Derechos Intelectuales (AGEDI), Artistas Intérpretes o Ejecutantes, Sociedad de Gestión de España (AIE). Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain). Reference for a preliminary ruling – **Rental right and lending right and rights related to copyright in the field of intellectual property – Communication to the public of phonograms published for commercial purposes** – Claim for compensation – **Single equitable remuneration.**

[Case C-147/19 - ECLI identifier: ECLI:EU:C:2020:597](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 2 July 2020. Recorded Artists Actors Performers Ltd v Phonographic Performance (Ireland) Ltd, Minister for Jobs, Enterprise and Innovation, Ireland and Attorney General. Request for a preliminary ruling from the High Court (Ireland). Reference for a preliminary ruling — **Division of powers between the Union and its Member States — WIPO Performances and Phonograms Treaty 1996 (WPPT) — Obligation of ‘national treatment’ of performers** — Exceptions to that obligation resulting from international reservations — **Exclusive competence of the Union or the Member States’ competence to determine, on the basis of those reservations, which third-country performers are entitled to equitable remuneration** — Directive 2006/115/EC — Article 8.
[Case C-265/19 - ECLI identifier: ECLI:EU:C:2020:512](#)

5. Competition

Case Law

Judgment of the Court (Second Chamber) of 16 July 2020. Nexans France and Nexans v European Commission. Appeal — **Competition — Cartels — European market for submarine and underground power cables — Market allocation in connection with projects** — Regulation (EC) No 1/2003 — Article 20 — **European Commission’s powers of inspection in cartel proceedings** — Power to copy data without a prior examination and to examine the data subsequently at the Commission’s premises — Fines — **Unlimited jurisdiction.**
[Case C-606/18 P - ECLI identifier: ECLI:EU:C:2020:571](#)

Judgment of the Court (First Chamber) of 16 July 2020. OC e.a. and Others v Banca d'Italia and Others. Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling — Admissibility — Article 63 et seq. TFEU — **Free movement of capital** — Article 107 et seq. TFEU — **State aid** — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — **Freedom to conduct a business — Right to property** — Regulation (EU) No 575/2013 — **Prudential requirements applicable to credit institutions and investment firms** — Article 29 — Regulation (EU) No 1024/2013 — Article 6(4) — **Prudential supervision of credit institutions — Conferral of specific tasks on the European Central Bank (ECB)** — Delegated Regulation (EU) No 241/2014 — Regulatory technical standards for Own Funds requirements for institutions — **National regulation imposing an asset threshold on people’s banks established as cooperative societies and allowing the right to redeem shares by the withdrawing shareholder to be limited.**
[Case C-686/18 - ECLI identifier: ECLI:EU:C:2020:567](#)

OPINION OF ADVOCATE GENERAL KOKOTT delivered on 16 July 2020. Comune di Milano v European Commission - Appeal — **State aid — Aid in the form of injections of capital by the parent company** — Ground handling services at Milan Linate and Milan Malpensa airports — **Proof of imputation of State resources — Indicator test — Assessment of successive interventions as a single intervention — Scope of review of the European Union Courts in respect of Commission decisions on State aid** — Private investor in a market economy test — Allocation of the burden of proof — Relevant information.
[Case C-160/19 P - ECLI identifier: ECLI:EU:C:2020:591](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 16 July 2020. Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Weareone.World BVBA, Wecandance NV. Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen (Companies Court, Antwerp, Belgium). Reference for a preliminary ruling — **Competition** — Article 102 TFEU — **Abuse of a dominant position — Concept of ‘unfair price’ — Royalties collected by a collective management organisation for communication to the public of musical works protected by copyright at a festival** — Calculation method.
[Case C-372/19 - ECLI identifier: ECLI:EU:C:2020:598](#)

Arrêt de la Cour (quatrième chambre) du 9 juillet 2020. Donex Shipping and Forwarding BV contre Staatssecretaris van Financiën. Demande de décision préjudicielle, introduite par le Hoge Raad der Nederlanden. Renvoi préjudiciel — **Politique commerciale commune – Dumping – Droit antidumping institué sur les importations d’éléments de fixation en fer ou en acier originaires de la République populaire de Chine** — Règlement (CE) n° 91/2009 – Validité – Règlement (CE) n° 384/96 – Article 2, paragraphes 10 et 11 – **Droits de la défense.**
[Affaire C-104/19 - ECLI identifier: ECLI:EU:C:2020:539](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 9 July 2020. RFA International, LP v European Commission. Appeal — **Dumping** — Imports of ferro-silicon originating in Russia — Regulation (EC) No 1225/2009 — Article 11(9) and (10) — **Rejection of applications for a refund of anti-dumping duties paid — Method of investigation — Change of circumstances since the original investigation or since intervening interim refund and review investigations — Constructed export price** — Deduction of anti-dumping duties paid — Conclusive evidence.

[Case C-56/19 P - ECLI identifier: ECLI:EU:C:2020:551](#)

6. Customs

Case Law

Judgment of the Court (Second Chamber) of 16 July 2020. Pfeifer & Langen GmbH & Co. KG v Hauptzollamt Köln. Request for a preliminary ruling from the Finanzgericht Düsseldorf. Reference for a preliminary ruling — **Customs Code — Customs declarations** — Article 78 of that code — **Revision of the customs declaration** — Name of the declarant — **Amendment of information relating to the identity of the declarant seeking to show that there is a relationship of indirect representation — Indirect representation of the person who has obtained an import licence.**

[Case C-97/19 - ECLI identifier: ECLI:EU:C:2020:574](#)

Judgment of the Court (Eighth Chamber) of 16 July 2020. Antonio Capaldo SpA v Agenzia delle dogane e dei monopoli – Ufficio delle dogane di Salerno. Request for a preliminary ruling from the Commissione tributaria regionale della Campania. Reference for a preliminary ruling — **Customs Union — Community Customs Code** — Regulation (EEC) No 2913/92 — **Examination of goods — Application for revision of a customs declaration — Post-clearance examination.**

[Case C-496/19 - ECLI identifier: ECLI:EU:C:2020:583](#)

Judgment of the Court (Seventh Chamber) of 9 July 2020. Direktor na Teritorialna direktsiya Yugozapadna Agentsiya „Mitnitsi“, venant aux droits de Mitnitsa Aerogara Sofia v „Curtis Balkan“ EOOD. Request for a preliminary ruling from the Varhoven administrativen sad. Reference for a preliminary ruling — **Customs union — Community Customs Code** — Article 32(1)(c) — Regulation (EEC) No 2454/93 — Article 157(2), Article 158(3), and Article 160 — **Determining the customs value — Adjustment — Royalties relating to the goods being valued — Royalties constituting a ‘condition of sale’ of the goods being valued** — Royalties paid by the buyer to its parent company for the supply of the know-how required for the manufacture of the finished products — **Goods purchased from third parties, which constitute components to be incorporated in the licensed products.**

[Case C-76/19 - ECLI identifier: ECLI:EU:C:2020:543](#)

Arrêt de la Cour (huitième chambre) du 9 juillet 2020. „Unipack“ AD contre Direktor na Teritorialna direktsiya „Dunavska“ kam Agentsiya „Mitnitsi“ et Prokuror ot Varhovna administrativna prokuratura na Republika Bulgaria. Demande de décision préjudicielle, introduite par Varhoven administrativen sad. Renvoi préjudiciel — **Union douanière – Code des douanes de l’Union** – Règlement délégué (UE) 2015/2446 – Article 172, paragraphe 2 – **Autorisation de recours au régime de la destination particulière – Effet rétroactif – Notion de “circonstances exceptionnelles”** – Modification du classement tarifaire – **Cessation de la validité d’une décision de renseignement tarifaire contraignant.**

[Affaire C-391/19 - ECLI identifier: ECLI:EU:C:2020:547](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 9 July 2020. Jebesen & Jessen (GmbH & Co.) KG v Hauptzollamt Hamburg. Request for a preliminary ruling from the Finanzgericht Hamburg (Finance Court, Hamburg, Germany). Reference for a preliminary ruling — **Customs Union** — Council Regulation (EEC) No 2913/92 — Article 78 — Commission Implementing Regulation (EU) 2015/82 — Article 2(1) — **Definitive anti-dumping duty — Exemption — Condition to submit an undertaking invoice** — Failure to mention a mandatory element set out in the Annex to Implementing Regulation 2015/82 — **Correction of the undertaking invoice.**

[Case C-543/19 - ECLI identifier: ECLI:EU:C:2020:555](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Guideline (EU) 2020/978 of the European Central Bank of 25 June 2020 on the **exercise of the discretion** under Article 178(2)(d) of Regulation (EU) No 575/2013 of the European Parliament and of the Council by national competent authorities in **relation to less significant institutions with regard to the threshold for assessing the materiality of credit obligations past due** (ECB/2020/32)

[OJ L 217, 8.7.2020, p. 5–7](#)

Case Law

Judgment of the Court (Grand Chamber) of 16 July 2020. European Commission v Romania. Failure of a Member State to fulfil obligations — Article 258 TFEU — **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** — Directive (EU) 2015/849 — **Failure to transpose and/or to notify transposition measures** — Article 260(3) TFEU — **Application for an order to pay a lump sum.**

[Case C-549/18 - ECLI identifier: ECLI:EU:C:2020:563](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. European Commission v Ireland. Failure of a Member State to fulfil obligations — Article 258 TFEU — **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** — Directive (EU) 2015/849 — **Failure to transpose and/or to notify transposition measures** — Article 260(3) TFEU — **Application for an order to pay a lump sum.**

[Case C-550/18 - ECLI identifier: ECLI:EU:C:2020:564](#)

Judgment of the Court (First Chamber) of 16 July 2020. OC e.a. and Others v Banca d'Italia and Others. Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling — Admissibility — Article 63 et seq. TFEU — **Free movement of capital** — Article 107 et seq. TFEU — **State aid** — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — **Freedom to conduct a business** — **Right to property** — Regulation (EU) No 575/2013 — **Prudential requirements applicable to credit institutions and investment firms** — Article 29 — Regulation (EU) No 1024/2013 — Article 6(4) — **Prudential supervision of credit institutions** — **Conferral of specific tasks on the European Central Bank (ECB)** — Delegated Regulation (EU) No 241/2014 — Regulatory technical standards for Own Funds requirements for institutions — **National regulation imposing an asset threshold on people's banks established as cooperative societies and allowing the right to redeem shares by the withdrawing shareholder to be limited.**

[Case C-686/18 - ECLI identifier: ECLI:EU:C:2020:567](#)

Judgment of the Court (Sixth Chamber) of 16 July 2020. Cabinet de avocat UR v Administrația Sector 3 a Finanțelor Publice prin Direcția Generală Regională a Finanțelor Publice București and Others. Request for a preliminary ruling from the Curtea de Apel București. Reference for a preliminary ruling — Directive 2006/112/EC — **Value added tax (VAT)** — Article 9(1) — **Concept of 'taxable person'** — **Person practising the profession of lawyer** — **Final judicial decision** — **Principle of res judicata** — **Scope of that principle if that decision is incompatible with EU law.**

[Case C-424/19 - ECLI identifier: ECLI:EU:C:2020:581](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. JEAN RICHARD DE LA TOUR présentées le 16 juillet 2020. Commission européenne contre République italienne. Manquement d'État — Article 258 TFUE — Directive 2003/96/CE — **Taxation des produits énergétiques et de l'électricité** — Loi régionale adoptée par la région du Frioul-Vénétie Julienne (Italie) — **Contribution à l'achat d'essence et de gazole bénéficiant aux résidents de la région concernée** — **Qualification de cette contribution** — **Exonération ou réduction du droit d'accise** — **Notion de "remboursement total ou partiel" du montant de la taxe** — Violation des articles 4 et 19 de la directive 2003/96/CE — Preuve du manquement.

[Affaire C-63/19 - ECLI identifier: ECLI:EU:C:2020:596](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 16 July 2020. Bulstrad Vienna Insurance Group AD v Olympic Insurance Company Ltd. Request for a preliminary ruling from the Sofiyski rayonen sad (Sofia District Court, Bulgaria). Reference for a preliminary ruling — Directive 2009/138/EC — **Decision to open winding-up proceedings of insurance companies — Definition — Competence to identify the existence of such a decision — Withdrawal of an insurance company’s authorisation** — Appointment of a provisional liquidator — **Absence of judicial insolvency proceedings — Suspension of all legal proceedings against the insurance company.**

[Case C-427/19 - ECLI identifier: ECLI:EU:C:2020:589](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 16 July 2020. BAKATI PLUS Kereskedelmi és Szolgáltató Kft. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Request for a preliminary ruling from the Szegedi Törvényszék (Szeged Court), formerly the Szegedi Közigazgatási és Munkaügyi Bíróság (Szeged Administrative and Labour Court, Hungary). Reference for a preliminary ruling — **Taxation — Value added tax (VAT) — Directive 2006/112/EC — Exemptions on exportation — Goods contained in the personal luggage of travellers not established within the European Union — Concept of personal luggage — Fraud — Refusal of the right to deduct VAT.**

[Case C-656/19 - ECLI identifier: ECLI:EU:C:2020:599](#)

Arrêt de la Cour (cinquième chambre) du 9 juillet 2020. CT contre Administrația Județeană a Finanțelor Publice Caraș-Severin – Serviciul Inspecție Persoane Fizice et Direcția Generală Regională a Finanțelor Publice Timișoara – Serviciul Soluționare Contestații 1. Demande de décision préjudicielle, introduite par la Curtea de Apel Timișoara. Renvoi préjudiciel – **Fiscalité – Système commun de taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Article 288, premier alinéa, point 4 – Régime particulier des petites entreprises – Méthode de calcul du chiffre d’affaires annuel servant de référence pour l’application du régime particulier des petites entreprises – Notion d’“opération immobilière accessoire”** – Location d’un bien immobilier par une personne physique exerçant plusieurs professions libérales.

[Affaire C-716/18 - ECLI identifier: ECLI:EU:C:2020:540](#)

Arrêt de la Cour (neuvième chambre) du 9 juillet 2020. RL sp. z o.o. contre J.M. Demande de décision préjudicielle, introduite par le Sąd Rejonowy dla Łodzi-Śródmieścia w Łodzi. Renvoi préjudiciel – **Lutte contre le retard de paiement dans les transactions commerciales** – Directive 2011/7/UE – **Notion de “transaction commerciale” – Prestation de services** – Article 2, point 1 – **Contrat de location – Paiements périodiques – Échéancier fixant les montants à payer par tranches** – Article 5 – Portée.

[Affaire C-199/19 - ECLI identifier: ECLI:EU:C:2020:548](#)

Judgment of the Court (Eighth Chamber) of 9 July 2020. HF v Finanzamt Bad Neuenahr-Ahrweiler. Request for a preliminary ruling from the Bundesfinanzhof. Reference for a preliminary ruling — **Value added tax (VAT) — Directive 2006/112/EC — Adjustment of deductions — Variation in the deduction entitlement — Capital goods used for both taxed and exempt transactions** — Cessation of the activity giving rise to the right of deduction — **Remaining use solely for exempt transactions.**

[Case C-374/19 - ECLI identifier: ECLI:EU:C:2020:546](#)

Judgment of the Court (Fifth Chamber) of 2 July 2020. SC Terracult SRL v Direcția Generală Regională a Finanțelor Publice Timișoara –Administrația Județeană a Finanțelor Publice Arad – Serviciul Inspecție Fiscală Persoane Juridice 5 and ANAF Direcția Generală Regională a Finanțelor Publice Timișoara Serviciul de Soluționare a Contestațiilor. Request for a preliminary ruling from the Curtea de Apel Timișoara. Reference for a preliminary ruling — **Taxation — Common system of value added tax (VAT) — Directive 2006/112/EC — Invoice correction — Tax invoiced incorrectly — Refund of tax paid but not due — Reverse charge mechanism for VAT** — Transactions relating to a tax period that has already been the subject of a tax inspection — **Fiscal neutrality — Principle of effectiveness — Proportionality.**

[Case C-835/18 - ECLI identifier: ECLI:EU:C:2020:520](#)

Arrêt de la Cour (dixième chambre) du 2 juillet 2020. Procédure engagée par Veronsaajien oikeudenvallontayksikkö. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus. Renvoi préjudiciel – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – **Prestations de services** – Article 135, paragraphe 1, sous l) – **Exonération de la TVA – Location de biens immeubles – Notion de “bien immeuble” – Exclusion** – Article 47 – Lieu des opérations imposables – Prestations de services rattachées à un bien immeuble – Règlement d’exécution (UE) n° 282/2011 – Articles 13 ter et 31 bis – **Baies de brassage – Services d’hébergement en centre de données.**

Affaire C-215/19 - ECLI identifier: ECLI:EU:C:2020:518

Judgment of the Court (First Chamber) of 2 July 2020. Blackrock Investment Management (UK) Limited v Commissioners for Her Majesty's Revenue and Customs. Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber). Reference for a preliminary ruling – **Taxation – Value added tax (VAT)** – Directive 2006/112/EC – **Exemptions** – Article 135(1)(g) – **Exemption of transactions for the management of special investment funds – Single supply used for the management of special investment funds and for other funds.**

Case C-231/19 - ECLI identifier: ECLI:EU:C:2020:513

CONCLUSIONS DE L’AVOCATE GÉNÉRALE M^{ME} JULIANE KOKOTT présentées le 2 juillet 2020. État du Grand-Duché de Luxembourg contre B (C-245/19), B, C, D et F. C. (C-246/19), en présence de: A (Droit de recours contre une demande d’information en matière fiscale). Demande de décision préjudicielle formée par la Cour administrative [Luxembourg]. Renvoi préjudiciel – **Législation fiscale** – Directive 2011/16/UE – **Coopération administrative dans le domaine fiscal** – Article 1er, paragraphe 1 – Article 5 – **Demande d’information des autorités fiscales d’un autre État membre – Injonction de l’autorité fiscale requise de communiquer des renseignements – Pertinence vraisemblable des renseignements réclamés – Charte des droits fondamentaux de l’Union européenne** – Articles 7 et 8 – Article 47 – **Droit à un recours juridictionnel effectif – Exclusion des recours des personnes tenues de donner des renseignements, des contribuables concernés par les renseignements et d’autres tiers concernés.**

Affaires jointes C-245/19 et C-246/19 - ECLI identifier: ECLI:EU:C:2020:516

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

Case Law

Judgment of the Court (Grand Chamber) of 16 July 2020. AFMB e.a. Ltd v Raad van bestuur van de Sociale verzekeringsbank. Request for a preliminary ruling from the Centrale Raad van Beroep. Reference for a preliminary ruling – **Migrant workers – Social security – Legislation applicable** – Regulation (EEC) No 1408/71 – Article 14(2)(a) – **Concept of ‘person who is a member of the travelling personnel of an undertaking’** – Regulation (EC) No 883/2004 – Article 13(1)(b) – **Meaning of ‘employer’ – Long-distance lorry drivers normally employed in two or more Member States or States of the European Free Trade Association (EFTA)** – Long-distance lorry drivers who have entered into an employment contract with one undertaking but are subject to the actual authority of another undertaking established in the Member State where those drivers reside – **Determination of which undertaking is the ‘employer’.**

Case C-610/18 - ECLI identifier: ECLI:EU:C:2020:565

Judgment of the Court (Second Chamber) of 16 July 2020. *UX v Governo della Repubblica italiana*. Request for a preliminary ruling from the Giudice di pace di Bologna. Reference for a preliminary ruling — Admissibility — Article 267 TFEU — **Definition of ‘court or tribunal of a Member State’ — Criteria — Social policy** — Directive 2003/88/EC — Scope — Article 7 — **Paid annual leave** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clauses 2 and 3 — **Concept of ‘fixed-term worker’ — Magistrates and ordinary judges — Difference in treatment** — Clause 4 — **Principle of non-discrimination — Concept of ‘objective grounds’**.

[Case C-658/18 - ECLI identifier: ECLI:EU:C:2020:572](#)

Arrêt de la Cour (huitième chambre) du 9 juillet 2020. *Commission européenne contre HM*. Pourvoi – **Fonction publique – Fonctionnaires – Recrutement** – Avis de concours EPSO/AST-SC/03/15 – **Non-admission à participer aux épreuves d’évaluation – Demande de réexamen – Courriel de l’Office européen de sélection du personnel (EPSO) – Non-transmission par l’EPSO de la demande de réexamen au jury du concours** – Motif de refus – Tardivité – **Qualification du courriel de l’EPSO – Décision de rejet de la demande de réexamen – Compétences – Absence de base juridique** – Annulation.

[Affaire C-70/19 P - ECLI identifier: ECLI:EU:C:2020:544](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 9 July 2020. *Syndicat CFTC du personnel de la Caisse primaire d’assurance maladie de la Moselle v Caisse primaire d’assurance maladie de la Moselle, joined parties: Mission nationale de contrôle et d’audit des organismes de sécurité sociale*. Request for a preliminary ruling from the Conseil de prud’hommes de Metz (Labour Tribunal, Metz, France). Reference for a preliminary ruling — **Social policy** — Directive 2006/54/EC — **Equal treatment for male and female workers — Additional leave accorded by collective agreement after the statutory period of maternity leave — No right to the additional leave for male workers** — Provisions concerning the protection of women, particularly as regards pregnancy and maternity.

[Case C-463/19 - ECLI identifier: ECLI:EU:C:2020:550](#)

10. Energy and Environment

Community Legislation

Commission Implementing Regulation (EU) 2020/1079 of 20 July 2020 on the **verification and correction of data** referred to in Regulation (EU) 2018/956 on the **monitoring and reporting of CO² emissions from and fuel consumption of new heavy-duty vehicles** (Text with EEA relevance) C/2020/4793

[OJ L 235, 22.7.2020, p. 1–4](#)

Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 **amending** Directive 2003/87/EC of the European Parliament and of the Council, as regards the **exclusion of incoming flights from Switzerland from the EU emissions trading system** (Text with EEA relevance C/2020/3107)

[OJ L 234, 21.7.2020, p. 16–17](#)

Commission Delegated Regulation (EU) 2020/1059 of 27 April 2020 **correcting certain language versions** of Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012 and (EU) No 874/2012 with regard to the **labelling of certain energy-related products** (Text with EEA relevance) C/2020/2540

[OJ L 232, 20.7.2020, p. 28–40](#)

Commission Delegated Regulation (EU) 2020/1044 of 8 May 2020 **supplementing** Regulation (EU) 2018/1999 of the European Parliament and of the Council with regard to **values for global warming potentials and the inventory guidelines and with regard to the Union inventory system** and repealing Commission Delegated Regulation (EU) No 666/2014 (Text with EEA relevance) C/2020/2841

[OJ L 230, 17.7.2020, p. 1–6](#)

Case Law

Arrêt de la Cour (neuvième chambre) du 16 juillet 2020. Commission européenne contre Hongrie. Manquement d’État – Marchés intérieurs de l’électricité et du gaz naturel – Réseaux de transport de l’électricité et du gaz naturel – Conditions d’accès – Règlement (CE) no 714/2009 – Article 14, paragraphe 1 – Règlement (CE) no 715/2009 – Article 13, paragraphe 1 – **Coûts – Fixation des redevances d’accès aux réseaux** – Directive 2009/72/CE – Article 37, paragraphe 17 – Directive 2009/73/CE – Article 41, paragraphe 17 – **Voies de recours internes – Principe de protection juridictionnelle effective.**

[Affaire C-771/18 - ECLI identifier: ECLI:EU:C:2020:584](#)

Arrêt de la Cour (sixième chambre) du 16 juillet 2020. WWF Italia Onlus e.a. contre Presidenza del Consiglio dei Ministri et Azienda Nazionale Autonoma Strade SpA (ANAS). Demande de décision préjudicielle, introduite par le Tribunale amministrativo regionale per il Lazio. Renvoi préjudiciel – **Environnement** – Directive 92/43/CEE – Article 6 – **Conservation des habitats naturels ainsi que de la faune et de la flore sauvages – Zones spéciales de conservation** – Réalisation d’un tronçon routier – **Évaluation des incidences de ce projet sur la zone spéciale de conservation concernée – Autorisation – Raisons impératives d’intérêt public majeur.**

[Affaire C-411/19 - ECLI identifier: ECLI:EU:C:2020:580](#)

CONCLUSIONS DE L’AVOCAT GÉNÉRAL M. JEAN RICHARD DE LA TOUR présentées le 16 juillet 2020. Commission européenne contre République italienne. Manquement d’État – Article 258 TFUE – Directive 2003/96/CE – **Taxation des produits énergétiques et de l’électricité** – Loi régionale adoptée par la région du Frioul-Vénétie Julienne (Italie) – **Contribution à l’achat d’essence et de gazole bénéficiant aux résidents de la région concernée – Qualification de cette contribution – Exonération ou réduction du droit d’accise – Notion de “remboursement total ou partiel” du montant de la taxe** – Violation des articles 4 et 19 de la directive 2003/96/CE – Preuve du manquement.

[Affaire C-63/19 - ECLI identifier: ECLI:EU:C:2020:596](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 16 July 2020. Région de Bruxelles-Capitale v European Commission. Appeal — Regulation (EC) No 1107/2009 — **Plant-protection products** — Implementing Regulation (EU) 2017/2324 — **Active substance glyphosate** — Article 263 TFEU — **Standing of private applicants — Direct concern** — Article 4(2) TEU — **Member States’ regions — Article 9(3) of the Aarhus Convention — Interpretation in conformity — Individual concern** — Regulatory act which does not entail implementing measures.

[Case C-352/19 P - ECLI identifier: ECLI:EU:C:2020:588](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 16 July 2020. Land Baden-Württemberg v D.R., joined parties: Deutsche Bahn AG, Vertreter des Bundesinteresses beim Bundesverwaltungsgericht. Request for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court, Germany). Reference for a preliminary ruling — **Environment — Aarhus Convention** — Directive 2003/4/EC — Article 4(1) — **Public access to environmental information — Exceptions to the right of access — Concept of ‘internal communication’ — Scope — Limitation in time of the protection of internal communications** — ‘Stuttgart 21’ transport and urban development project.

[Case C-619/19 - ECLI identifier: ECLI:EU:C:2020:590](#)

Judgment of the Court (First Chamber) of 9 July 2020. Naturschutzbund Deutschland - Landesverband Schleswig-Holstein e.V. v Kreis Nordfriesland. Request for a preliminary ruling from the Bundesverwaltungsgericht. Reference for a preliminary ruling — **Environment — Environmental liability** — Directive 2004/35/EC — Second indent of the third paragraph of Annex I — **Damage not having to be classified as ‘significant damage’ — Concept of ‘normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators’** — Article 2(7) — **Concept of ‘occupational activity’** — Activity carried out in the public interest pursuant to a statutory assignment of tasks — Whether or not included.

[Case C-297/19 - ECLI identifier: ECLI:EU:C:2020:533](#)

Judgment of the Court (Seventh Chamber) of 2 July 2020. IE v Magistrat der Stadt Wien. Request for a preliminary ruling from the Verwaltungsgericht Wien. Reference for a preliminary ruling — **Conservation of natural habitats and of wild fauna and flora** — Directive 92/43/EEC — Article 12(1) — **System of strict protection for animal species** — Annex IV — *Cricetus cricetus* (European hamster) — Resting places and breeding sites — **Deterioration or destruction — Areas which have been abandoned.**

[Case C-477/19 - ECLI identifier: ECLI:EU:C:2020:517](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 2 July 2020. LB, Stichting Varkens in Nood, Stichting Dierenrecht and Stichting Leefbaar Buitengebied v College van burgemeester en wethouders van de gemeente Echt-Susteren, joined parties: Sebava BV. Request for a preliminary ruling from the Rechtbank Limburg (District Court, Limburg, Netherlands). Reference for a preliminary ruling — **Aarhus Convention** — Article 6 — **Participation rights — Public participation procedure** — Article 2(4) and (5) — **‘The public’ and ‘the public concerned’ — Personal scope of application** — Article 9(2) and (3) — **Access to justice** — Standing — **Charter of Fundamental Rights of the European Union** — Article 47 and Article 52(1) — **Right to effective judicial protection** — Directive 2011/92/EU — Articles 6 and 11 — Directive 2010/75/EU — Articles 24 and 25 — **Condition of prior participation — Procedural autonomy.**

[Case C-826/18 - ECLI identifier: ECLI:EU:C:2020:514](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Commission Implementing Decision (EU) 2020/1023 of 15 July 2020 **amending Implementing Decision (EU) 2019/1765** as regards the **cross-border exchange of data between national contact tracing and warning mobile applications with regard to combatting the COVID-19 pandemic** (Text with EEA relevance) C/2020/4934

[OJ L 227I, 16.7.2020, p. 1-9](#)

Case Law

Judgment of the Court (First Chamber) of 16 July 2020. Belgische Staat, représenté par le Minister van Werk, Economie en Consumenten, chargé du Buitenlandse handel and Others v Movic BV and Others. Request for a preliminary ruling from the Hof van beroep te Antwerpen. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 1(1) — Scope — **Concept of ‘civil and commercial matters’ — Action for the cessation of unfair commercial practices brought by a public authority to protect the interests of consumers.**

[Case C-73/19 - ECLI identifier: ECLI:EU:C:2020:568](#)

Arrêt de la Cour (quatrième chambre) du 16 juillet 2020. CY contre Caixabank SA et LG et PK contre Banco Bilbao Vizcaya Argentaria SA. Demandes de décision préjudicielle, introduites par le Juzgado de Primera Instancia n° 17 de Palma de Mallorca et par le Juzgado de Primera Instancia e Instrucción de Ceuta. Renvoi préjudiciel — **Protection des consommateurs** — Directive 93/13/CEE — Articles 6 et 7 — **Contrats conclus avec les consommateurs — Prêts hypothécaires — Clauses abusives — Clause imposant la totalité des frais de constitution et de mainlevée d’hypothèque à la charge de l’emprunteur** — Effets de la déclaration de nullité desdites clauses — **Pouvoirs du juge national en présence d’une clause qualifiée d’“abusive”** — Répartition des frais — Application de dispositions nationales de nature supplétive — Article 3, paragraphe 1 — **Appréciation du caractère abusif des clauses contractuelles** — Article 4, paragraphe 2 — **Exclusion des clauses relatives à l’objet principal du contrat ou à l’adéquation du prix ou de la rémunération** — Condition — Article 5 — **Obligation de rédaction claire et compréhensible des clauses contractuelles** — Dépens — **Prescription — Principe d’effectivité.**

[Affaires jointes C 224/19 et C 259/19 - ECLI identifier: ECLI:EU:C:2020:578](#)

Arrêt de la Cour (sixième chambre) du 16 juillet 2020. SIA « Soho Group » contre Patērētāju tiesību aizsardzības centrs. Demande de décision préjudicielle, introduite par l'Augstākā tiesa (Senāts). Renvoi préjudiciel – **Protection des consommateurs – Contrats de crédit aux consommateurs** – Directive 2008/48/CE – **Notion de “coût total du crédit pour le consommateur” – Frais liés à la prolongation du crédit.**

[Affaire C-686/19 - ECLI identifier: ECLI:EU:C:2020:582](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 16 July 2020. Groupe Lactalis v Premier ministre, Ministre de l’Agriculture et de l’Alimentation, Garde des Sceaux, ministre de la Justice, Ministre de l’Économie et des Finances. Request for a preliminary ruling from the Conseil d’État (Council of State, France). Reference for a preliminary ruling — Regulation (EU) No 1169/2011 — **Food information to consumers — Mandatory indication of the country of origin** — Article 26 — **Scope of harmonisation** — Article 3 — **National measures requiring additional mandatory particular for specific types or categories of foods — Conditions** — National measure providing for the mandatory indication of the national, European or non-European origin of milk.

[Case C-485/18 - ECLI identifier: ECLI:EU:C:2020:592](#)

Judgment of the Court (Fourth Chamber) of 9 July 2020. XZ v Ibercaja Banco, SA. Request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción de Teruel. Reference for a preliminary ruling — **Consumer Protection** — Directive 93/13/EEC — **Unfair terms in consumer contracts — Mortgage loan agreement — Term limiting the variability of the interest rate (‘floor’ term) — Novation agreement — Waiver of the right to bring an action contesting the terms of a contract** — Non-binding.

[Case C-452/18 - ECLI identifier: ECLI:EU:C:2020:536](#)

Judgment of the Court (Grand Chamber) of 9 July 2020. Santen SAS v Directeur général de l’Institut national de la propriété industrielle. Request for a preliminary ruling from the Cour d'appel de Paris. Reference for a preliminary ruling — **Medicinal product for human use — Supplementary protection certificate for medicinal products** — Regulation (EC) No 469/2009 — Article 3(d) — **Conditions for the grant of a certificate — Obtaining the first authorisation to place the product on the market as a medicinal product — Authorisation to place on the market a new therapeutic application of a known active ingredient.**

[Case C-673/18 - ECLI identifier: ECLI:EU:C:2020:531](#)

Judgment of the Court (Fourth Chamber) of 9 July 2020. SC Raiffeisen Bank SA and BRD Groupe Societé Générale SA v JB and KC. Requests for a preliminary ruling from the Tribunalul Specializat Mureş. Reference for a preliminary ruling — Directive 93/13/EEC — **Personal loan agreement — Contract performed in full — Finding that contractual terms are unfair — Action for reimbursement of sums unduly paid on the basis of an unfair clause — Judicial arrangements — Ordinary legal action not subject to any limitation period — Ordinary legal action of a personal and pecuniary nature subject to a limitation period— Point from which the limitation period starts to run** — Objective point in time at which the consumer knows of the existence of the unfair term.

[Joined Cases C-698/18 and C-699/18 - ECLI identifier: ECLI:EU:C:2020:537](#)

Judgment of the Court (First Chamber) of 9 July 2020. NG and OH v SC Banca Transilvania SA. Request for a preliminary ruling from the Curtea de Apel Cluj. Reference for a preliminary ruling — **Consumer protection** — Directive 93/13/EEC — **Unfair terms in consumer contracts** — Scope — Article 1(2) — **Definition of ‘mandatory statutory or regulatory provisions’ — Supplementary provisions — Loan agreement denominated in a foreign currency — Term relating to the foreign exchange risk.**

[Case C-81/19 - ECLI identifier: ECLI:EU:C:2020:532](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 9 July 2020. Entoma SAS v Ministre de l’Économie et des Finances and Ministre de l’Agriculture et de l’Alimentation. Request for a preliminary ruling from the Conseil d’État (Council of State, France). Reference for a preliminary ruling — **Food safety — Novel foods and food ingredients** — Regulation (EC) No 258/97 — Article 1(2) — **Food ingredients isolated from animals — Whole insects intended for human consumption — Interpretation of the material scope of the regulation.**

[Case C-526/19 - ECLI identifier: ECLI:EU:C:2020:552](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 9 July 2020. A.M. v E.M. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Regional Court in Warsaw, Poland). Reference for a preliminary ruling — **Approximation of laws — Cosmetic products** — Regulation (EC) No 1223/2009 — Article 19 — **Consumer information — Labelling — Information that must appear on the container and packaging — Function of the cosmetic product — Protection of human health** — Information that may appear on an enclosed or attached leaflet, label, tape, tag or card — **Labelling in a foreign language — Cosmetic product packaging which contains a reference to a product catalogue drafted in the language of the consumer.**

[Case C-667/19 - ECLI identifier: ECLI:EU:C:2020:554](#)

12. Human Rights

Community Legislation

Decision No 1/2020 of the Governing Board of the Shift2Rail Joint Undertaking of 26 March 2020 laying down **internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the S2R JU**

[OJ L 236, 22.7.2020, p. 7–12](#)

Decision of the European Investment Fund of 4 June 2020 on **internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Investment Fund**

[OJ L 236, 22.7.2020, p. 1–6](#)

Commission Implementing Decision (EU) 2020/1023 of 15 July 2020 **amending Implementing Decision (EU) 2019/1765** as regards the **cross-border exchange of data between national contact tracing and warning mobile applications with regard to combatting the COVID-19 pandemic** (Text with EEA relevance) C/2020/4934

[OJ L 227I, 16.7.2020, p. 1-9](#)

Commission Decision (EU) 2020/969 of 3 July 2020 laying down **implementing rules concerning the Data Protection Officer, restrictions of data subjects' rights** and the application of Regulation (EU) 2018/1725 of the European Parliament and of the Council, and repealing Commission Decision 2008/597/EC C/2020/4183

[OJ L 213, 6.7.2020, p. 12–22](#)

Case Law

Judgment of the Court (Fifth Chamber) of 16 July 2020. Milkiyas Addis v Bundesrepublik Deutschland. Request for a preliminary ruling from the Bundesverwaltungsgericht. Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — Common procedures for granting and withdrawing international protection** — Directive 2013/32/EU — Articles 14 and 34 — **Obligation to give applicants for international protection the opportunity of a personal interview before the adoption of a decision declaring the application to be inadmissible** — Failure to comply with that obligation in the procedure at first instance — Consequences.

[Case C-517/17 - ECLI identifier: ECLI:EU:C:2020:579](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. Data Protection Commissioner v Facebook Ireland Limited and Maximillian Schrems. Request for a preliminary ruling from the High Court (Ireland). Reference for a preliminary ruling — **Protection of individuals with regard to the processing of personal data — Charter of Fundamental Rights of the European Union** — Articles 7, 8 and 47 — Regulation (EU) 2016/679 — Article 2(2) — Scope — **Transfers of personal data to third countries for commercial purposes** — Article 45 — Commission adequacy decision — Article 46 — **Transfers subject to appropriate safeguards** — Article 58 — Powers of the supervisory authorities — **Processing of the data transferred by the public authorities of a third country for national security purposes — Assessment of the adequacy of the level of protection in the third country** — Decision 2010/87/EU — Protective standard clauses on the transfer of personal data to third countries — **Suitable safeguards provided by the data controller — Validity** — Implementing Decision (EU) 2016/1250 — Adequacy of the protection provided by the EU-US Privacy Shield — Validity — **Complaint by a natural person whose data was transferred from the European Union to the United States.**

Case C-311/18 - ECLI identifier: ECLI:EU:C:2020:559

Judgment of the Court (First Chamber) of 16 July 2020. OC e.a. and Others v Banca d'Italia and Others. Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling — Admissibility — Article 63 et seq. TFEU — **Free movement of capital** — Article 107 et seq. TFEU — **State aid** — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — **Freedom to conduct a business — Right to property** — Regulation (EU) No 575/2013 — **Prudential requirements applicable to credit institutions and investment firms** — Article 29 — Regulation (EU) No 1024/2013 — Article 6(4) — **Prudential supervision of credit institutions — Conferral of specific tasks on the European Central Bank (ECB)** — Delegated Regulation (EU) No 241/2014 — Regulatory technical standards for Own Funds requirements for institutions — **National regulation imposing an asset threshold on people's banks established as cooperative societies and allowing the right to redeem shares by the withdrawing shareholder to be limited.**

Case C-686/18 - ECLI identifier: ECLI:EU:C:2020:567

Judgment of the Court (Grand Chamber) of 16 July 2020. Presidenza del Consiglio dei Ministri v BV. Request for a preliminary ruling from the Corte suprema di cassazione. Reference for a preliminary ruling — Directive 2004/80/EC — Article 12(2) — **National schemes on compensation to victims of violent intentional crime guaranteeing fair and appropriate compensation — Scope** — Victim residing in the Member State in which the violent intentional crime was committed — **Obligation for the national compensation scheme to cover that victim — Concept of 'fair and appropriate compensation' — Liability of Member States in the event of a breach of EU law.**

Case C-129/19 - ECLI identifier: ECLI:EU:C:2020:566

Judgment of the Court (Third Chamber) of 16 July 2020. B. M. M. and Others v État belge. Requests for a preliminary ruling from the Conseil d'État. Reference for a preliminary ruling — Area of freedom, security and justice — **Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 4(1) — **Concept of a 'minor child' — Article 24(2) of the Charter of Fundamental Rights of the European Union — Best interests of the child** — Article 47 of the Charter of Fundamental Rights — **Right to an effective remedy — Children of the sponsor who have reached majority during the decision-making procedure or court proceedings against the decision refusing the family reunification application.**

Joined Cases C-133/19, C-136/19 and C-137/19 - ECLI identifier: ECLI:EU:C:2020:577

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 16 July 2020. Staatsanwaltschaft Wien v A and Others, intervener: Staatsanwaltschaft Hamburg. Request for a preliminary ruling from the Landesgericht für Strafsachen Wien (Regional Court for Criminal Matters, Vienna, Austria). Preliminary-ruling proceedings — **Judicial cooperation in criminal matters — European investigation order — Public prosecutor acting as issuing authority — Independence of public prosecutor's office from the executive** — Directive 2014/41/EU — **Judicial authority authorised to issue a European investigation order — Autonomous concept** — Differences between the rules laid down in Directive 2014/41/EU and those laid down in Framework Decision 2002/584/JHA — **Protection of fundamental rights — Need for the involvement of a court.**

Case C-584/19 - ECLI identifier: ECLI:EU:C:2020:587

Judgment of the Court (First Chamber) of 2 July 2020. WM v Stadt Frankfurt am Main. Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals — Conditions of detention** — Article 16(1) — Detention in prison accommodation for the purpose of removal — **Third-country national who poses a serious threat to public policy or public security.**

[Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:511](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 2 juillet 2020. TQ contre Staatssecretaris van Justitie en Veiligheid. Demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats's-Hertogenbosch (tribunal de La Haye, siégeant à Bois-le-Duc, Pays-Bas). Renvoi préjudiciel — **Espace de liberté, de sécurité et de justice** – Directive 2008/115/CE – Article 5, sous a) – Article 6, paragraphes 1 et 4 – Article 8, paragraphe 1 – Article 10 – **Retour des ressortissants de pays tiers en séjour irrégulier – Décision de retour – Éloignement des mineurs non accompagnés** – Vérification de l'existence de structures d'accueil adéquates dans le pays d'origine – **Distinction en fonction de l'âge du mineur – Décision de retour non suivie de mesures d'éloignement – Conséquences.**

[Affaire C-441/19 - ECLI identifier: ECLI:EU:C:2020:515](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 2 July 2020. LB, Stichting Varkens in Nood, Stichting Dierenrecht and Stichting Leefbaar Buitengebied v College van burgemeester en wethouders van de gemeente Echt-Susteren, joined parties: Sebava BV. Request for a preliminary ruling from the Rechtbank Limburg (District Court, Limburg, Netherlands). Reference for a preliminary ruling — **Aarhus Convention** — Article 6 — **Participation rights — Public participation procedure** — Article 2(4) and (5) — **'The public' and 'the public concerned'** — **Personal scope of application** — Article 9(2) and (3) — **Access to justice** — Standing — **Charter of Fundamental Rights of the European Union** — Article 47 and Article 52(1) — **Right to effective judicial protection** — Directive 2011/92/EU — Articles 6 and 11 — Directive 2010/75/EU — Articles 24 and 25 — **Condition of prior participation — Procedural autonomy.**

[Case C-826/18 - ECLI identifier: ECLI:EU:C:2020:514](#)

CONCLUSIONS DE L'AVOCATE GÉNÉRALE M^{ME} JULIANE KOKOTT présentées le 2 juillet 2020. État du Grand-Duché de Luxembourg contre B (C-245/19), B, C, D et F. C. (C-246/19), en présence de: A (Droit de recours contre une demande d'information en matière fiscale). Demande de décision préjudicielle formée par la Cour administrative [Luxembourg]. Renvoi préjudiciel — **Législation fiscale** – Directive 2011/16/UE – **Coopération administrative dans le domaine fiscal** – Article 1er, paragraphe 1 – Article 5 – **Demande d'information des autorités fiscales d'un autre État membre – Injonction de l'autorité fiscale requise de communiquer des renseignements – Pertinence vraisemblable des renseignements réclamés – Charte des droits fondamentaux de l'Union européenne** – Articles 7 et 8 – Article 47 – **Droit à un recours juridictionnel effectif – Exclusion des recours des personnes tenues de donner des renseignements, des contribuables concernés par les renseignements et d'autres tiers concernés.**

[Affaires jointes C-245/19 et C-246/19 - ECLI identifier: ECLI:EU:C:2020:516](#)

13. Internal Market and Single Market

Case Law

Judgment of the Court (First Chamber) of 16 July 2020. OC e.a. and Others v Banca d'Italia and Others. Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling — Admissibility — Article 63 et seq. TFEU — **Free movement of capital** — Article 107 et seq. TFEU — **State aid** — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — **Freedom to conduct a business — Right to property** — Regulation (EU) No 575/2013 — **Prudential requirements applicable to credit institutions and investment firms** — Article 29 — Regulation (EU) No 1024/2013 — Article 6(4) — **Prudential supervision of credit institutions — Conferral of specific tasks on the European Central Bank (ECB)** — Delegated Regulation (EU) No 241/2014 — Regulatory technical standards for Own Funds requirements for institutions — **National regulation imposing an asset threshold on people's banks established as cooperative societies and allowing the right to redeem shares by the withdrawing shareholder to be limited.**

[Case C-686/18 - ECLI identifier: ECLI:EU:C:2020:567](#)

Arrêt de la Cour (neuvième chambre) du 16 juillet 2020. Commission européenne contre Hongrie. Manquement d'État – Marchés intérieurs de l'électricité et du gaz naturel – Réseaux de transport de l'électricité et du gaz naturel – Conditions d'accès – Règlement (CE) no 714/2009 – Article 14, paragraphe 1 – Règlement (CE) no 715/2009 – Article 13, paragraphe 1 – Coûts – Fixation des redevances d'accès aux réseaux – Directive 2009/72/CE – Article 37, paragraphe 17 – Directive 2009/73/CE – Article 41, paragraphe 17 – Voies de recours internes – Principe de protection juridictionnelle effective.

[Affaire C-771/18 - ECLI identifier: ECLI:EU:C:2020:584](#)

14. Intellectual Property

Case Law

Judgment of the Court (Second Chamber) of 16 July 2020. ACTC GmbH v European Union Intellectual Property Office. Appeal — **EU trade mark** — Regulation (EC) No 207/2009 — **Application for registration of EU word mark tigha** — **Opposition filed by the proprietor of the earlier EU trade mark TAIGA** — **Partial dismissal of the application for registration** — Article 8(1)(b) — Assessment of the likelihood of confusion — **Assessment of the conceptual similarity of the signs at issue** — Article 42(2) — Proof of genuine use of the earlier mark — **Proof of use 'in relation to part ... of the goods or services'** — **Determination of an independent subcategory of goods.**

[Case C-714/18 P - ECLI identifier: ECLI:EU:C:2020:573](#)

OPINION OF ADVOCATE GENERAL SAUGMANDSGAARD ØE delivered on 16 July 2020. Frank Peterson v Google LLC, YouTube LLC, YouTube Inc., Google Germany GmbH (C-682/18) and Elsevier Inc. v Cyando AG (C-683/18). Requests for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany). Reference for a preliminary ruling — **Intellectual property — Copyright and related rights — Directive 2001/29/EC — Article 3 — Communication to the public — Concept — Uploading of protected works on internet platforms by users of the platforms without the prior authorisation of the rightholders** — No primary liability of the operators of those platforms — Secondary liability of those operators for copyright infringements committed by the users of their platforms — Matter coming outside the scope of Article 3 of Directive 2001/29 — Directive 2000/31/EC — Article 14 — **Exemption from liability for providers of an 'information society service ... that consists of the storage of information provided by a recipient of the service'** — **Concept** — Possibility for those operators to be exempted from the liability that may result from the information that they store at the request of users of their platforms — **Conditions to be met in order to benefit from that exemption from liability** — Article 14(1)(a) — **Expressions 'actual knowledge of illegal activity or information' and 'aware of facts or circumstances from which the illegal activity or information is apparent'** — Specific illegal information — Article 8(3) of Directive 2001/29 — Injunctions against intermediaries whose services are used by a third party to infringe a copyright or related right — Conditions to be met in order to apply for such an injunction.

[Joined Cases C-682/18 and C-683/18 - ECLI identifier: ECLI:EU:C:2020:586](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 16 July 2020. Atresmedia Corporación de Medios de Comunicación S.A. v Asociación de Gestión de Derechos Intelectuales (AGEDI), Artistas Intérpretes o Ejecutantes, Sociedad de Gestión de España (AIE). Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain). Reference for a preliminary ruling — **Rental right and lending right and rights related to copyright in the field of intellectual property — Communication to the public of phonograms published for commercial purposes** — Claim for compensation — **Single equitable remuneration.**

[Case C-147/19 - ECLI identifier: ECLI:EU:C:2020:597](#)

OPINION OF ADVOCATE GENERAL PITRUZZELLA delivered on 16 July 2020. Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Weareone.World BVBA, Wecandance NV. Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen (Companies Court, Antwerp, Belgium). Reference for a preliminary ruling — **Competition** — Article 102 TFEU — **Abuse of a dominant position — Concept of 'unfair price'** — **Royalties collected by a collective management organisation for communication to the public of musical works protected by copyright at a festival** — Calculation method.

[Case C-372/19 - ECLI identifier: ECLI:EU:C:2020:598](#)

Judgment of the Court (Fifth Chamber) of 9 July 2020. Constantin Film Verleih GmbH v YouTube LLC and Google Inc. Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling — **Copyright and related rights — Internet video platform — Uploading of a film without the consent of the rightholder** — Proceedings concerning an infringement of an intellectual property right — Directive 2004/48/EC — Article 8 — **Applicant's right of information** — Article 8(2)(a) — **Definition of 'addresses' — Email address, IP address and telephone number — Not included.**

[Case C-264/19 - ECLI identifier: ECLI:EU:C:2020:542](#)

Judgment of the Court (Tenth Chamber) of 2 July 2020. mk advokaten GbR v MBK Rechtsanwälte GbR. Request for a preliminary ruling from the Oberlandesgericht Düsseldorf. Reference for a preliminary ruling — **Trade marks** — Directive 2008/95/EC — Article 5(1) — **Use in the course of trade of a sign that is identical with or similar to another person's trade mark for goods or services that are identical with or similar to those for which that mark is registered — Scope of the term 'using'** — Advertisement placed on a website by order of a person operating in the course of trade and subsequently reproduced on other websites.

[Case C-684/19 - ECLI identifier: ECLI:EU:C:2020:519](#)

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 2 July 2020. Recorded Artists Actors Performers Ltd v Phonographic Performance (Ireland) Ltd, Minister for Jobs, Enterprise and Innovation, Ireland and Attorney General. Request for a preliminary ruling from the High Court (Ireland). Reference for a preliminary ruling — **Division of powers between the Union and its Member States — WIPO Performances and Phonograms Treaty 1996 (WPPT) — Obligation of 'national treatment' of performers** — Exceptions to that obligation resulting from international reservations — **Exclusive competence of the Union or the Member States' competence to determine, on the basis of those reservations, which third-country performers are entitled to equitable remuneration** — Directive 2006/115/EC — Article 8.

[Case C-265/19 - ECLI identifier: ECLI:EU:C:2020:512](#)

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

Case Law

Judgment of the Court (Fifth Chamber) of 16 July 2020. Milkias Addis v Bundesrepublik Deutschland. Request for a preliminary ruling from the Bundesverwaltungsgericht. Reference for a preliminary ruling — **Area of freedom, security and justice — Asylum policy — Common procedures for granting and withdrawing international protection** — Directive 2013/32/EU — Articles 14 and 34 — **Obligation to give applicants for international protection the opportunity of a personal interview before the adoption of a decision declaring the application to be inadmissible** — Failure to comply with that obligation in the procedure at first instance — Consequences.

[Case C-517/17 - ECLI identifier: ECLI:EU:C:2020:579](#)

Judgment of the Court (Third Chamber) of 16 July 2020. ADR Center SpA v European Commission. Appeal — **Arbitration clause — Grant agreements concluded in the context of the Specific Programme 'Civil Justice' for the period 2007-2013** — Audit reports questioning the eligibility of certain costs — **European Commission decision to recover unduly paid sums** — Article 299 TFEU — **Power of the Commission to adopt an enforceable decision within contractual relationships — Jurisdiction of the EU judicature — Effective judicial protection.**

[Case C-584/17 P - ECLI identifier: ECLI:EU:C:2020:576](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. European Commission v Romania. **Failure of a Member State to fulfil obligations** — Article 258 TFEU — **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** — Directive (EU) 2015/849 — **Failure to transpose and/or to notify transposition measures** — Article 260(3) TFEU — **Application for an order to pay a lump sum.**

[Case C-549/18 - ECLI identifier: ECLI:EU:C:2020:563](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. European Commission v Ireland. Failure of a Member State to fulfil obligations — Article 258 TFEU — **Prevention of the use of the financial system for the purposes of money laundering or terrorist financing** — Directive (EU) 2015/849 — **Failure to transpose and/or to notify transposition measures** — Article 260(3) TFEU — **Application for an order to pay a lump sum.**

[Case C-550/18 - ECLI identifier: ECLI:EU:C:2020:564](#)

Judgment of the Court (Second Chamber) of 16 July 2020. UX v Governo della Repubblica italiana. Request for a preliminary ruling from the Giudice di pace di Bologna. Reference for a preliminary ruling — Admissibility — Article 267 TFEU — **Definition of ‘court or tribunal of a Member State’ — Criteria — Social policy** — Directive 2003/88/EC — Scope — Article 7 — **Paid annual leave** — Directive 1999/70/EC — Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clauses 2 and 3 — **Concept of ‘fixed-term worker’ — Magistrates and ordinary judges — Difference in treatment** — Clause 4 — **Principle of non-discrimination — Concept of ‘objective grounds’.**

[Case C-658/18 - ECLI identifier: ECLI:EU:C:2020:572](#)

Arrêt de la Cour (neuvième chambre) du 16 juillet 2020. Commission européenne contre Hongrie. Manquement d’État – Marchés intérieurs de l’électricité et du gaz naturel – Réseaux de transport de l’électricité et du gaz naturel – Conditions d’accès – Règlement (CE) no 714/2009 – Article 14, paragraphe 1 – Règlement (CE) no 715/2009 – Article 13, paragraphe 1 – **Coûts – Fixation des redevances d’accès aux réseaux** – Directive 2009/72/CE – Article 37, paragraphe 17 – Directive 2009/73/CE – Article 41, paragraphe 17 – **Voies de recours internes – Principe de protection juridictionnelle effective.**

[Affaire C-771/18 - ECLI identifier: ECLI:EU:C:2020:584](#)

Judgment of the Court (First Chamber) of 16 July 2020. Belgische Staat, représenté par le Minister van Werk, Economie en Consumenten, chargé du Buitenlandse handel and Others v Movic BV and Others. Request for a preliminary ruling from the Hof van beroep te Antwerpen. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Article 1(1) — Scope — **Concept of ‘civil and commercial matters’ — Action for the cessation of unfair commercial practices brought by a public authority to protect the interests of consumers.**

[Case C-73/19 - ECLI identifier: ECLI:EU:C:2020:568](#)

Arrêt de la Cour (première chambre) du 16 juillet 2020. Procédure engagée par E. E. Demande de décision préjudicielle, introduite par le Lietuvos Aukščiausiasis Teismas. Renvoi préjudiciel — **Coopération judiciaire en matière civile** – Règlement (UE) n° 650/2012 – Champ d’application – **Notion de “succession ayant une incidence transfrontière” – Notion de “résidence habituelle du défunt”** – Article 3, paragraphe 2 – **Notion de “juridiction” – Soumission des notaires aux règles de compétence judiciaire** – Article 3, paragraphe 1, sous g) et i) – **Notions de “décision” et d’“acte authentique”** – Articles 5, 7 et 22 – **Accord d’élection de for et de choix de la loi applicable à la succession** – Article 83, paragraphes 2 et 4 – **Dispositions transitoires.**

[Affaire C-80/19 - ECLI identifier: ECLI:EU:C:2020:569](#)

Judgment of the Court (Grand Chamber) of 16 July 2020. Presidenza del Consiglio dei Ministri v BV. Request for a preliminary ruling from the Corte suprema di cassazione. Reference for a preliminary ruling — Directive 2004/80/EC — Article 12(2) — **National schemes on compensation to victims of violent intentional crime guaranteeing fair and appropriate compensation — Scope** — Victim residing in the Member State in which the violent intentional crime was committed — **Obligation for the national compensation scheme to cover that victim — Concept of ‘fair and appropriate compensation’ — Liability of Member States in the event of a breach of EU law.**

[Case C-129/19 - ECLI identifier: ECLI:EU:C:2020:566](#)

Judgment of the Court (Third Chamber) of 16 July 2020. B. M. M. and Others v État belge. Requests for a preliminary ruling from the Conseil d’État. Reference for a preliminary ruling — Area of freedom, security and justice — **Immigration policy — Right to family reunification** — Directive 2003/86/EC — Article 4(1) — **Concept of a ‘minor child’ — Article 24(2) of the Charter of Fundamental Rights of the European Union — Best interests of the child** — Article 47 of the Charter of Fundamental Rights — **Right to an effective remedy — Children of the sponsor who have reached majority during the decision-making procedure or court proceedings against the decision refusing the family reunification application.**

[Joined Cases C-133/19, C-136/19 and C-137/19 - ECLI identifier: ECLI:EU:C:2020:577](#)

Judgment of the Court (First Chamber) of 16 July 2020. JE v KF. Request for a preliminary ruling from the Tribunalul București. Reference for a preliminary ruling — Regulation (EU) No 1259/2010 — **Enhanced cooperation in the area of the law applicable to divorce and legal separation — Uniform rules — Article 10 — Application of the law of the forum.**

[Case C-249/19 - ECLI identifier: ECLI:EU:C:2020:570](#)

Judgment of the Court (Ninth Chamber) of 16 July 2020. MH and NI v OJ and Novo Banco SA. Request for a preliminary ruling from the Tribunal da Relação de Guimarães. Reference for a preliminary ruling — **Judicial cooperation in civil matters — Insolvency proceedings — Regulation (UE) 2015/848 — Article 3 — International jurisdiction — Centre of a debtor’s main interests — Individual not exercising an independent business or professional activity — Rebuttable presumption that the centre of that person’s main interests is his or her habitual residence — Rebuttal of the presumption — Situation in which the debtor’s sole immovable asset is located outside the Member State of habitual residence.**

[Case C-253/19 - ECLI identifier: ECLI:EU:C:2020:585](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 16 July 2020. Päivi Leino-Sandberg v European Parliament. Appeal — **Access to documents of the EU institutions — Regulation (EC) No 1049/2001 — Request for access by a third party to a document that was being challenged before the General Court at the time of the request — Refusal by the European Parliament to grant access on the basis of the protection of court proceedings — Annulment action — Declaration that there is no need to adjudicate due to the availability of the requested document on the internet blog of its addressee — Purpose of the annulment action — Continued interest in bringing proceedings — Judicial consequences deriving from the publication by the addressee of a version of the requested document.**

[Case C-761/18 P - ECLI identifier: ECLI:EU:C:2020:595](#)

OPINION OF ADVOCATE GENERAL RICHARD DE LA TOUR delivered on 16 July 2020. A v Migrationsverket. Request for a preliminary ruling from the Förvaltningsrätten i Malmö, migrationsdomstolen (Administrative Court for Immigration Matters, Malmö, Sweden). Reference for a preliminary ruling — **Border control, asylum and immigration — Immigration policy — Convention implementing the Schengen Agreement — Article 25(1) — Directive 2003/86/EC — Right to family reunification — Conditions for the issue of a residence permit — Article 5(2) — Obligation to present a travel document — National legislation requiring the applicant’s identity to be established with certainty — National practice requiring, to that end, the presentation of a passport valid for the duration of the residence authorisation — Application for renewal of a residence permit made by a family member already in the national territory — Family member for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System — Refusal to renew the residence permit on the ground that identity is not established with certainty — Admissibility.**

[Case C-193/19 - ECLI identifier: ECLI:EU:C:2020:594](#)

OPINION OF ADVOCATE GENERAL HOGAN delivered on 16 July 2020. Bulstrad Vienna Insurance Group AD v Olympic Insurance Company Ltd. Request for a preliminary ruling from the Sofijski rayonen sad (Sofia District Court, Bulgaria). Reference for a preliminary ruling — Directive 2009/138/EC — **Decision to open winding-up proceedings of insurance companies — Definition — Competence to identify the existence of such a decision — Withdrawal of an insurance company’s authorisation — Appointment of a provisional liquidator — Absence of judicial insolvency proceedings — Suspension of all legal proceedings against the insurance company.**

[Case C-427/19 - ECLI identifier: ECLI:EU:C:2020:589](#)

OPINION OF ADVOCATE GENERAL CAMPOS SÁNCHEZ-BORDONA delivered on 16 July 2020. Staatsanwaltschaft Wien v A and Others, intervener: Staatsanwaltschaft Hamburg. Request for a preliminary ruling from the Landesgericht für Strafsachen Wien (Regional Court for Criminal Matters, Vienna, Austria). Preliminary-ruling proceedings — **Judicial cooperation in criminal matters — European investigation order — Public prosecutor acting as issuing authority — Independence of public prosecutor’s office from the executive — Directive 2014/41/EU — Judicial authority authorised to issue a European investigation order — Autonomous concept — Differences between the rules laid down in Directive 2014/41/EU and those laid down in Framework Decision 2002/584/JHA — Protection of fundamental rights — Need for the involvement of a court.**

[Case C-584/19 - ECLI identifier: ECLI:EU:C:2020:587](#)

Arrêt de la Cour (quatrième chambre) du 9 juillet 2020. Donex Shipping and Forwarding BV contre Staatssecretaris van Financiën. Demande de décision préjudicielle, introduite par le Hoge Raad der Nederlanden. Renvoi préjudiciel – **Politique commerciale commune – Dumping – Droit antidumping institué sur les importations d’éléments de fixation en fer ou en acier originaires de la République populaire de Chine** – Règlement (CE) n° 91/2009 – Validité – Règlement (CE) n° 384/96 – Article 2, paragraphes 10 et 11 – **Droits de la défense.**

[Affaire C-104/19 - ECLI identifier: ECLI:EU:C:2020:539](#)

Judgment of the Court (Third Chamber) of 9 July 2020. VQ v Land Hessen. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden. Reference for a preliminary ruling — Article 267 TFEU — **Concept of ‘court or tribunal’ — Protection of natural persons with regard to the processing of personal data** — Regulation (EU) 2016/679 — Scope — Article 2(2)(a) — **Meaning of ‘activity which falls outside the scope of Union law’** — Article 4(7) — **Concept of ‘controller’ — Petitions Committee of the parliament of a Federated State of a Member State** — Article 15 — Right of access by the data subject.

[Case C-272/19 - ECLI identifier: ECLI:EU:C:2020:535](#)

Judgment of the Court (First Chamber) of 9 July 2020. Verein für Konsumenteninformation v Volkswagen AG. Request for a preliminary ruling from the Landesgericht Klagenfurt. Reference for a preliminary ruling — **Judicial cooperation in civil matters** — Regulation (EU) No 1215/2012 — Point 2 of Article 7 — **Jurisdiction in matters relating to tort, delict or quasi-delict — Place where the harmful event occurred — Place where the damage occurred** — Manipulation of data relating to the emission of exhaust gases from engines produced by a motor vehicle manufacturer.

[Case C-343/19 - ECLI identifier: ECLI:EU:C:2020:534](#)

Judgment of the Court (First Chamber) of 2 July 2020. WM v Stadt Frankfurt am Main. Request for a preliminary ruling from the Bundesgerichtshof. Reference for a preliminary ruling — **Area of freedom, security and justice** — Directive 2008/115/EC — **Common standards and procedures in Member States for returning illegally staying third-country nationals — Conditions of detention** — Article 16(1) — Detention in prison accommodation for the purpose of removal — **Third-country national who poses a serious threat to public policy or public security.**

[Case C-18/19 - ECLI identifier: ECLI:EU:C:2020:511](#)

OPINION OF ADVOCATE GENERAL BOBEK delivered on 2 July 2020. LB, Stichting Varkens in Nood, Stichting Dierenrecht and Stichting Leefbaar Buitengebied v College van burgemeester en wethouders van de gemeente Echt-Susteren, joined parties: Sebava BV. Request for a preliminary ruling from the Rechtbank Limburg (District Court, Limburg, Netherlands). Reference for a preliminary ruling — **Aarhus Convention** — Article 6 — **Participation rights — Public participation procedure** — Article 2(4) and (5) — **‘The public’ and ‘the public concerned’ — Personal scope of application** — Article 9(2) and (3) — **Access to justice** — Standing — **Charter of Fundamental Rights of the European Union** — Article 47 and Article 52(1) — **Right to effective judicial protection** — Directive 2011/92/EU — Articles 6 and 11 — Directive 2010/75/EU — Articles 24 and 25 — **Condition of prior participation — Procedural autonomy.**

[Case C-826/18 - ECLI identifier: ECLI:EU:C:2020:514](#)

CONCLUSIONS DE L’AVOCATE GÉNÉRALE M^{ME} JULIANE KOKOTT présentées le 2 juillet 2020. État du Grand-Duché de Luxembourg contre B (C-245/19), B, C, D et F. C. (C-246/19), en présence de: A (Droit de recours contre une demande d’information en matière fiscale). Demande de décision préjudicielle formée par la Cour administrative [Luxembourg]. Renvoi préjudiciel – **Législation fiscale** – Directive 2011/16/UE – **Coopération administrative dans le domaine fiscal** – Article 1er, paragraphe 1 – Article 5 – **Demande d’information des autorités fiscales d’un autre État membre – Injonction de l’autorité fiscale requise de communiquer des renseignements – Pertinence vraisemblable des renseignements réclamés – Charte des droits fondamentaux de l’Union européenne** – Articles 7 et 8 – Article 47 – **Droit à un recours juridictionnel effectif – Exclusion des recours des personnes tenues de donner des renseignements, des contribuables concernés par les renseignements et d’autres tiers concernés.**

[Affaires jointes C-245/19 et C-246/19 - ECLI identifier: ECLI:EU:C:2020:516](#)

CONCLUSIONS DE L'AVOCAT GÉNÉRAL M. PRIIT PIKAMÄE présentées le 2 juillet 2020. TQ contre Staatssecretaris van Justitie en Veiligheid. Demande de décision préjudicielle formée par le rechtbank Den Haag, zittingsplaats's-Hertogenbosch (tribunal de La Haye, siégeant à Bois-le-Duc, Pays-Bas). Renvoi préjudiciel – **Espace de liberté, de sécurité et de justice** – Directive 2008/115/CE – Article 5, sous a) – Article 6, paragraphes 1 et 4 – Article 8, paragraphe 1 – Article 10 – **Retour des ressortissants de pays tiers en séjour irrégulier – Décision de retour – Éloignement des mineurs non accompagnés** – Vérification de l'existence de structures d'accueil adéquates dans le pays d'origine – **Distinction en fonction de l'âge du mineur – Décision de retour non suivie de mesures d'éloignement – Conséquences.**

[Affaire C-441/19 - ECLI identifier: ECLI:EU:C:2020:515](#)

16. Transport

International Agreement

Council Decision (EU) 2020/1026 of 24 April 2020 on the **signing**, on behalf of the Union, and **provisional application of the Agreement on civil aviation safety between the European Union and Japan** ST/15259/2019/INIT

[OJ L 229, 16.7.2020, p. 1–3](#)

Agreement on civil aviation safety between the European union and Japan ST/15260/2019/INIT

[OJ L 229, 16.7.2020, p. 4–25](#)

Community Legislation

Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 **amending** Regulation (EC) No 561/2006 as regards **minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods** and Regulation (EU) No 165/2014 as regards **positioning by means of tachographs** PE/25/2020/INIT

[OJ L 249, 31.7.2020, p. 1–16](#)

Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 **amending** Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to **adapting them to developments in the road transport sector** PE/26/2020/INIT

[OJ L 249, 31.7.2020, p. 17–32](#)

Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on **electronic freight transport information** (Text with EEA relevance) PE/27/2020/INIT

[OJ L 249, 31.7.2020, p. 33–48](#)

Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 **laying down specific rules** with respect to Directive 96/71/EC and Directive 2014/67/EU for **posting drivers in the road transport sector** and **amending** Directive 2006/22/EC as regards **enforcement requirements** and Regulation (EU) No 1024/2012 PE/24/2020/INIT

[OJ L 249, 31.7.2020, p. 49–65](#)

Commission Implementing Regulation (EU) 2020/1079 of 20 July 2020 on the **verification and correction of data** referred to in Regulation (EU) 2018/956 on the **monitoring and reporting of CO² emissions from and fuel consumption of new heavy-duty vehicles** (Text with EEA relevance) C/2020/4793

[OJ L 235, 22.7.2020, p. 1–4](#)

Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 **amending** Directive 2003/87/EC of the European Parliament and of the Council, as regards the **exclusion of incoming flights from Switzerland from the EU emissions trading system** (Text with EEA relevance) C/2020/3107

[OJ L 234, 21.7.2020, p. 16–17](#)

Commission Delegated Regulation (EU) 2020/1058 of 27 April 2020 **amending** Delegated Regulation (EU) 2019/945 as regards the **introduction of two new unmanned aircraft systems classes** C/2020/1991
[OJ L 232, 20.7.2020, p. 1–27](#)

Decision No 1/2020 of the Community/Switzerland Inland Transport Committee of 19 June 2020 **aligning** Decision No 2/2019 with the **dates of transposition, postponed due to the COVID-19 pandemic**, of Directives (EU) 2016/797 and (EU) 2016/798 of the European Parliament and of the Council [2020/896] C/2020/4011
[OJ L 206, 30.6.2020, p. 65–66](#)

Case Law

Judgment of the Court (Fourth Chamber) of 9 July 2020. SL v Vueling Airlines SA. Request for a preliminary ruling from the Juzgado de lo Mercantil. Reference for a preliminary ruling — **Air transport — Montreal Convention — Article 17(2) — Liability of air carriers in respect of checked baggage — Fact of loss of checked baggage established — Right to compensation — Article 22(2) — Limits of liability in the event of destruction, loss and delay of, or of damage to, baggage — Absence of information regarding the lost baggage — Burden of proof — Procedural autonomy of the Member States — Principles of equivalence and effectiveness.**
[Case C-86/19 - ECLI identifier: ECLI:EU:C:2020:538](#)

Judgment of the Court (Fifth Chamber) of 9 July 2020. European Commission v Ireland. Failure of a Member State to fulfil obligations — **Principles governing the investigation of accidents in the maritime transport sector — Directive 2009/18/EC — Article 8(1) — Parties whose interests could conflict with the task entrusted to the investigative body — Members of the investigative body simultaneously performing other functions — Failure to provide for an independent investigative body.**
[Case C-257/19 - ECLI identifier: ECLI:EU:C:2020:541](#)

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

Community Legislation

Decision No 1/2020 of the Governing Board of the Shift2Rail Joint Undertaking of 26 March 2020 laying down **internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the S2R JU**
[OJ L 236, 22.7.2020, p. 7–12](#)

Decision of the European Investment Fund of 4 June 2020 on **internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Investment Fund**
[OJ L 236, 22.7.2020, p. 1–6](#)

Guideline (EU) 2020/978 of the European Central Bank of 25 June 2020 on the **exercise of the discretion** under Article 178(2)(d) of Regulation (EU) No 575/2013 of the European Parliament and of the Council by national competent authorities in **relation to less significant institutions with regard to the threshold for assessing the materiality of credit obligations past due** (ECB/2020/32)
[OJ L 217, 8.7.2020, p. 5–7](#)

Case Law

Arrêt de la Cour (troisième chambre) du 16 juillet 2020. Inclusion Alliance for Europe GEIE contre Commission européenne. Pourvoi — **Clause compromissoire – Conventions de subvention conclues dans le cadre du septième programme-cadre des actions de recherche, de développement technologique et de démonstration (2007-2013) ainsi que du programme-cadre pour l'innovation et la compétitivité (2007-2013) – Projets MARE, Senior et ECRN – Décision de la Commission de procéder au recouvrement des sommes indûment versées – Compétence du juge de l'Union.**
[Affaire C-378/16 P - ECLI identifier: ECLI:EU:C:2020:575](#)

Judgment of the Court (Third Chamber) of 16 July 2020. ADR Center SpA v European Commission. Appeal — **Arbitration clause — Grant agreements concluded in the context of the Specific Programme ‘Civil Justice’ for the period 2007-2013** — Audit reports questioning the eligibility of certain costs — **European Commission decision to recover unduly paid sums** — Article 299 TFEU — **Power of the Commission to adopt an enforceable decision within contractual relationships — Jurisdiction of the EU judicature — Effective judicial protection.**

Case C-584/17 P - ECLI identifier: ECLI:EU:C:2020:576

Judgment of the Court (First Chamber) of 16 July 2020. OC e.a. and Others v Banca d'Italia and Others. Request for a preliminary ruling from the Consiglio di Stato. Reference for a preliminary ruling — Admissibility — Article 63 et seq. TFEU — **Free movement of capital** — Article 107 et seq. TFEU — **State aid** — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — **Freedom to conduct a business — Right to property** — Regulation (EU) No 575/2013 — **Prudential requirements applicable to credit institutions and investment firms** — Article 29 — Regulation (EU) No 1024/2013 — Article 6(4) — **Prudential supervision of credit institutions — Conferral of specific tasks on the European Central Bank (ECB)** — Delegated Regulation (EU) No 241/2014 — Regulatory technical standards for Own Funds requirements for institutions — **National regulation imposing an asset threshold on people’s banks established as cooperative societies and allowing the right to redeem shares by the withdrawing shareholder to be limited.**

Case C-686/18 - ECLI identifier: ECLI:EU:C:2020:567

OPINION OF ADVOCATE GENERAL BOBEK delivered on 16 July 2020. Päivi Leino-Sandberg v European Parliament. Appeal — **Access to documents of the EU institutions** — Regulation (EC) No 1049/2001 — **Request for access by a third party to a document that was being challenged before the General Court at the time of the request — Refusal by the European Parliament to grant access on the basis of the protection of court proceedings** — Annulment action — Declaration that there is no need to adjudicate due to the availability of the requested document on the internet blog of its addressee — Purpose of the annulment action — **Continued interest in bringing proceedings — Judicial consequences deriving from the publication by the addressee of a version of the requested document.**

Case C-761/18 P - ECLI identifier: ECLI:EU:C:2020:595

Judgment of the Court (Grand Chamber) of 9 July 2020. Czech Republic v European Commission. Appeal — Own resources of the European Union — Financial liability of the Member States — Request to be released from the **obligation to make own resources available — Action for annulment — Admissibility — Letter from the European Commission — Concept of ‘actionable measure’** — Article 47 of the Charter of Fundamental Rights of the European Union — **Effective judicial protection — Action alleging unjust enrichment on the part of the European Union.**

Case C-575/18 P - ECLI identifier: ECLI:EU:C:2020:530

Judgment of the Court (Third Chamber) of 9 July 2020. VQ v Land Hessen. Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden. Reference for a preliminary ruling — Article 267 TFEU — **Concept of ‘court or tribunal’ — Protection of natural persons with regard to the processing of personal data** — Regulation (EU) 2016/679 — Scope — Article 2(2)(a) — **Meaning of ‘activity which falls outside the scope of Union law’** — Article 4(7) — **Concept of ‘controller’ — Petitions Committee of the parliament of a Federated State of a Member State** — Article 15 — Right of access by the data subject.

Case C-272/19 - ECLI identifier: ECLI:EU:C:2020:535

OPINION OF ADVOCATE GENERAL PIKAMÄE delivered on 9 July 2020. Fabio De Masi and Yanis Varoufakis v European Central Bank (ECB). Appeal — **Access to European Central Bank (ECB) documents** — Document relating to the ECB’s main activity — Decision 2004/258/EC — Article 4(2) and (3) — **Scope — Refusal to grant access to a document for internal use — Connection between the document and an ongoing or closed decision-making procedure.**

Case C-342/19 P - ECLI identifier: ECLI:EU:C:2020:549

OPINION OF ADVOCATE GENERAL TANCHEV delivered on 2 July 2020. Recorded Artists Actors Performers Ltd v Phonographic Performance (Ireland) Ltd, Minister for Jobs, Enterprise and Innovation, Ireland and Attorney General. Request for a preliminary ruling from the High Court (Ireland). Reference for a preliminary ruling — **Division of powers between the Union and its Member States — WIPO Performances and Phonograms Treaty 1996 (WPPT) — Obligation of ‘national treatment’ of performers** — Exceptions to that obligation resulting from international reservations — **Exclusive competence of the Union or the Member States’ competence to determine, on the basis of those reservations, which third-country performers are entitled to equitable remuneration** — Directive 2006/115/EC — Article 8.
[Case C-265/19 - ECLI identifier: ECLI:EU:C:2020:512](#)