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# EU News: Click & Read

147 – January 2021

European Documentation Centre

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

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

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## Highlights

**Commission Implementing Regulation (EU) 2021/111 of 29 January 2021** making the exportation of certain products subject to the production of an **export authorization (vaccines against SARS-related coronaviruses)**

[EUR-Lex - 32021R0111](#)

**Joined Cases C-229/19 and C-289/19. Judgment of the Court (First Chamber) of 27 January 2021. Dexia Nederland BV v XXX and Z. References for a preliminary ruling from Gerechtshof te Amsterdam and Gerechtshof Den Haag.**

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Articles 3(1), 4(1) and 6(1) – **Assessment of the unfairness of contractual terms – Term fixing in advance the creditor's potential advantage in the event of termination of the contract** – Significant imbalance in the parties' rights and obligations under the contract – Date on which the imbalance must be assessed – Finding that a term is unfair – Consequences – **Replacement of an unfair term with a supplementary provision of national law.**

[EUR-Lex - 62019CC0742](#)

**Affaire C-843/19. Arrêt de la Cour (huitième chambre) du 21 janvier 2021. Instituto Nacional de la Seguridad Social (INSS) contre BT. Demande de décision préjudicielle, introduite par le Tribunal Superior de Justicia de Cataluña.**

Renvoi préjudiciel – Politique sociale – **Égalité de traitement entre hommes et femmes en matière de sécurité sociale** – Directive 79/7/CEE – Article 4, paragraphe 1 – Départ volontaire et anticipé à la retraite – Pension de retraite anticipée – Éligibilité – Montant de la pension à percevoir devant être au moins égal au montant minimum légal – **Proportion des travailleurs de chaque sexe exclus du bénéfice d'une retraite anticipée** – Justification d'un éventuel désavantage particulier pour les travailleurs féminins – Objectifs de la politique sociale de l'État membre concerné.

[EUR-Lex - 62019CJ0843](#)

**Case C-645/19. Opinion of Advocate General Bobek in Facebook Ireland e.a., delivered on 13 January 2021. Facebook Ireland Limited, Facebook Inc., Facebook Belgium BVBA v Gegevensbeschermingsautoriteit (Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium))**

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 – Articles 55, 56, 58, 60, 61 and 66 – Supervisory authorities – **Cross-border data processing – One-stop-shop** – Lead supervisory authority – **Supervisory authority concerned – Competence** – Powers – Power to commence judicial proceedings

[EUR-Lex - 62019CC0645](#)

## 1. EU-Swiss Relations

Nothing to report for the period under review.

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Regulation (EU) 2021/48 of 22 January 2021** amending Regulation (EC) No 147/2003 concerning **restrictive measures in respect of Somalia**

[EUR-Lex - 32021R0048](#)

**Council Implementing Regulation (EU) 2021/49 of 22 January 2021** implementing Regulation (EU) No 101/2011 concerning **restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

[EUR-Lex - 32021R0049](#)

**Council Implementing Regulation (EU) 2021/29 of 15 January 2021** implementing Regulation (EU) No 36/2012 concerning **restrictive measures in view of the situation in Syria**

[EUR-Lex - 32021R0029](#)

**Council Decision (CFSP) 2021/14 of 7 January 2021** amending Decision 2014/219/CFSP on the **European Union CSDP Mission in Mali (EUCAP Sahel Mali)**

[EUR-Lex - 32021D0014](#)

### Case Law

**Case C-872/19 P. Opinion of Advocate General Hogan delivered on 20 January 2021. Bolivarian Republic of Venezuela v Council of the European Union**

(Appeal – Common foreign and security policy – Regulation (EU) 2017/2063 – Articles 2, 3, 6 and 7 – **Restrictive measures taken with regard to the situation in Venezuela – Action for annulment brought by a third State** – Fourth paragraph of Article 263 TFEU – **Direct concern** – Question of public policy – **Concept of ‘legal person’** – Third State – Inadmissibility)

[EUR-Lex - 62019CC0872](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Community Legislation

**Council Regulation (EU) 2021/92 of 28 January 2021** fixing for 2021 the **fishing opportunities for certain fish stocks and groups of fish stocks**, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

[EUR-Lex - 32021R0092](#)

**Commission Delegated Regulation (EU) 2021/95 of 28 January 2021** amending Delegated Regulation (EU) 2020/592 on **temporary exceptional measures** derogating from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council **to address the market disturbance in the fruit and vegetables and wine sectors caused by the COVID-19 pandemic** and measures linked to it

[EUR-Lex - 32021R0095](#)

**Regulation (EU) 2021/56 of the European Parliament and of the Council of 20 January 2021 laying down management, conservation and control measures applicable in the Inter-American Tropical Tuna Convention area and amending Council Regulation (EC) No 520/2007**

[EUR-Lex - 32021R0056](#)

## Case Law

**Case C-361/19. Judgment of the Court (Fourth Chamber) of 27 January 2021. De Ruiter vof v Minister van Landbouw, Natuur en Voedselkwaliteit. Request for a preliminary ruling from College van Beroep voor het bedrijfsleven.**

Reference for a preliminary ruling – Common agricultural policy – **Support scheme for farmers** – Regulation (EU) No 1306/2013 – Article 97(1) and Article 99(1) – Direct payments – **Reductions and exclusions in the event of non-compliance with the cross-compliance rules** – Determination of the year to be taken into account in order to calculate the percentage reduction – **Proportionate, effective and dissuasive penalties** – Implementing Regulation (EU) No 809/2014 – Article 73(4), first subparagraph, point (a).

[EUR-Lex - 62019CJ0361](#)

## 4. Audiovisual and Media and Information Society

### Case Law

**Case C-764/18. Judgment of the Court (Fourth Chamber) of 27 January 2021. Ayuntamiento de Pamplona v Orange España SAU. Request for a preliminary ruling from Tribunal Supremo.**

Reference for a preliminary ruling – **Authorisation of electronic communications networks and services** – Municipal charge for the occupation or use of public land – Directive 2002/20/EC – Application to undertakings providing fixed telephony and Internet access services – **Concepts of ‘electronic communications network’ and of ‘electronic communications services’** – Article 12 – Administrative charges – Article 13 – **Fees for rights of use and rights to install facilities** – Scope – **Limitations on the Member States’ power to impose fees.**

[EUR-Lex - 62018CJ0764](#)

## 5. Competition and State Aid

### Case Law

**Case C-466/19 P. Judgment of the Court (Eighth Chamber) of 28 January 2021. Qualcomm, Inc. and Qualcomm Europe, Inc. v European Commission.**

Appeal – Competition – **Abuse of dominant position – Market for UMTS-compliant baseband chipsets – Regulation (EC) No 1/2003 – Article 18(3) – Decision to request information** – Necessity of the information requested – Proportionality – Burden of proof – Self-incrimination.

[EUR-Lex - 62019CJ0466](#)

**Case C-595/18 P. Judgment of the Court (Second Chamber) of 27 January 2021. The Goldman Sachs Group Inc. v European Commission.**

Appeal – **Competition – Agreements, decisions and concerted practices – European market for power cables** – Market allocation in connection with projects – Regulation (EC) No 1/2003 – Article 23(2) – **Attributability of unlawful conduct of one company to another company – Presumption of actual exercise of decisive influence** – Entity controlling 100% of the voting rights associated with the shares of another company.

[EUR-Lex - 62018CJ0595](#)

**Case C-308/19. Judgment of the Court (Second Chamber) of 21 January 2021. Consiliul Concurenței v Whiteland Import Export SRL. Request for a preliminary ruling from Înalta Curte de Casație și Justiție.**

Reference for a preliminary ruling – Competition – **Penalties imposed by the national competition authority** – Limitation period – Actions interrupting the limitation period – **National legislation precluding, after the initiation of an investigation, the possibility that subsequent action for the purpose of proceedings or investigation may interrupt the new limitation period** – Principle that national law must be interpreted in conformity with EU law – Regulation (EC) No 1/2003 – Article 25(3) – Scope – Article 4(3) TEU – Article 101 TFEU – Principle of effectiveness.

[EUR-Lex - 62019CJ0308](#)

**Case C-301/19 P. Judgment of the Court (Fourth Chamber) of 20 January 2021. European Commission v Printeos, SA.**

Appeal – Competition – **Agreements, decisions and concerted practices** – Decision finding infringement of Article 101 TFEU – Fines – Annulment – Repayment of the principal amount of the fine – Article 266 TFEU – Default interest – **Distinction between default interest and compensatory interest – Calculation of interest** – Article 90(4)(a), second sentence, of Delegated Regulation (EU) No 1268/2012.

[EUR-Lex - 62019CJ0301](#)

**Case C-450/19. Judgment of the Court (Second Chamber) of 14 January 2021. Proceedings brought by Kilpailuja kuluttajavirasto. Request for a preliminary ruling from the Korkein hallinto-oikeus.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – **Agreements, decisions and concerted practices – Manipulation of the bidding procedure** – Determination of the duration of the infringement period – **Inclusion of the period during which the cartel members implemented the anticompetitive agreement** – Economic effects of anticompetitive behaviour – Cessation of the infringement on the definitive award of the contract.

[EUR-Lex - 62019CJ0450](#)

## 6. Customs

### Community Legislation

**Commission Implementing Regulation (EU) 2021/28 of 14 January 2021** amending Council Regulation (EC) No 1362/2000 as regards the **Union tariff quota for bananas originating in Mexico**

[EUR-Lex - 32021R0028](#)

**Commission Implementing Regulation (EU) 2021/9 of 6 January 2021** imposing a **provisional anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Turkey**

[EUR-Lex - 32021R0009](#)

## 7. Economic and Monetary Affairs, Taxation, Enterprise

### Community Legislation

**Commission Regulation (EU) 2021/25 of 13 January 2021** amending Regulation (EC) No 1126/2008 **adopting certain international accounting standards** in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 39 and International Financial Reporting Standards 4, 7, 9 and 16 (Text with EEA relevance)

[EUR-Lex - 32021R0025](#)

## Case Law

### Case C-787/19. Judgment of the Court (Sixth Chamber) of 27 January 2021. European Commission v Republic of Austria.

Manquement d'État – Fiscalité – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Articles 306 à 310 – **Régime particulier des agences de voyages** – Application à tous les types de clients – **Législation nationale excluant les services de voyages fournis à des assujettis qui les utilisent pour le compte de leur entreprise** – Article 73 – Base d'imposition – Détermination d'une base d'imposition globale pour des groupes de prestations ou pour l'ensemble des prestations fournies au cours de la période imposable – Incompatibilité »

[EUR-Lex - 62019CJ0787](#)

### Joined Cases C-422/19 and C-423/19. Judgment of the Court (Grand Chamber) of 26 January 2021. Johannes Dietrich and Norbert Häring v Hessischer Rundfunk. Requests for a preliminary ruling from the Bundesverwaltungsgericht.

Reference for a preliminary ruling – Economic and monetary policy – Article 2(1) and Article 3(1)(c) TFEU – Monetary policy – Exclusive competence of the European Union – Article 128(1) TFEU – Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank – Article 16, first paragraph – Concept of 'legal tender' – Effects – Obligation to accept euro banknotes – Regulation (EC) No 974/98 – **Whether possible for Member States to impose limitations on payments by means of banknotes and coins denominated in euro** – Conditions – **Regional legislation precluding the payment in cash of a radio and television licence fee to a regional public broadcasting body.**

[EUR-Lex - 62019CJ0422](#)

### Affaire C-501/19. Arrêt de la Cour (troisième chambre) du 21 janvier 2021. UCMR – ADA Asociația pentru Drepturi de Autor a Compozitorilor contre Asociația culturală „Suflet de Român”. Demande de décision préjudicielle, introduite par l'Înalta Curte de Casație și Justiție.

Renvoi préjudiciel – Fiscalité – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 2, paragraphe 1, sous c), article 24, paragraphe 1, et article 25, sous a) – Opérations imposables – **Rémunérations pour la communication au public d'œuvres musicales** – Article 28 – **Organisme de gestion collective des droits d'auteur** – Perception de ces rémunérations auprès de l'utilisateur final en son nom et pour le compte des titulaires de droits d'auteur.

[EUR-Lex - 62019CJ0501](#)

### Case C-279/19. Opinion of Advocate General Tanchev delivered on 21 January 2021. The Commissioners for Her Majesty's Revenue and Customs v WR (Request for a preliminary ruling from the Court of Appeal (United Kingdom))

(Reference for a preliminary ruling – **Excise duties** – Directive 2008/118/EC – **Person liable to pay the excise duties** – **Person holding the goods intended for delivery** – Person who participated in the irregularity – Notion – Transporter of the goods – Innocent agent)

[EUR-Lex - 62019CC0279](#)

### Case C-420/19. Judgment of the Court (First Chamber) of 20 January 2021. Maksu- ja Tolliamet v Heavyinstall OÜ. Request for a preliminary ruling from Riigikohus.

Reference for a preliminary ruling – Directive 2010/24/EU – Article 16 – **Recovery of claims relating to taxes, duties and other measures** – **Mutual assistance** – Request for precautionary measures – **Judicial decision of the applicant Member State for the purpose of implementing precautionary measures** – Jurisdiction of the court of the requested Member State to assess and reassess the justification of those measures – Principles of mutual trust and of mutual recognition.

[EUR-Lex - 62019CJ0420](#)

### Affaire C-655/19. Arrêt de la Cour (sixième chambre) du 20 janvier 2021. Administrația Județeană a Finanțelor Publice Sibiu et Direcția Generală Regională a Finanțelor Publice Brașov contre LN. Demande de décision préjudicielle, introduite par la Curtea de Apel Alba Iulia.

Renvoi préjudiciel – Fiscalité – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 2 – Article 9 – **Notions d'“activité économique” et d'“assujetti”** – Opérations qui visent à retirer d'un bien des recettes ayant un caractère de permanence – **Acquisition par un créancier d'immeubles saisis dans le cadre d'une procédure**

**d'exécution forcée engagée en vue du recouvrement de prêts assortis de garanties hypothécaires et vente de ces immeubles** – Simple exercice du droit de propriété par son titulaire.

[EUR-Lex - 62019CJ0655](#)

**Case C-484/19. Judgment of the Court (First Chamber) of 20 January 2021. Lexel AB v Skatteverket. Request for a preliminary ruling from Högsta förvaltningsdomstolen.**

Reference for a preliminary ruling – Article 49 TFEU – **Freedom of establishment** – Corporation tax – Taxation of associated companies – **National tax legislation prohibiting a company which is established in one Member State from deducting interest paid to a company established in another Member State, belonging to the same group of companies, in the case where a substantial tax benefit is gained.**

[EUR-Lex - 62019CJ0484](#)

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

Nothing to report for the period under review.

## 9. Employment and Social Affairs

### Case Law

**Affaire C-742/19. Conclusions de l'avocat général M. H. Saugmandsgaard Øe, présentées le 28 janvier 2021. B. K. contre Republika Slovenija (Ministrstvo za obrambo) [demande de décision préjudicielle formée par le Vrhovno sodišče Republike Slovenije (Cour suprême de la République de Slovénie)]**

Renvoi préjudiciel – Protection de la sécurité et de la santé des travailleurs – **Aménagement du temps de travail** – Directive 2003/88/CE – Champ d'application – Article 1er, paragraphe 3 – Directive 89/391/CEE – Article 2, paragraphes 1 et 2 – **Applicabilité aux militaires des forces armées des États membres** – Directive 2003/88/CE – Article 2, point 1 – Notion de “temps de travail” – Activité de garde des installations militaires.

[EUR-Lex - 62019CC0742](#)

**Case C-16/19. Judgment of the Court (Grand Chamber) of 26 January 2021. VL v Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie. Request for a preliminary ruling from Sąd Okręgowy w Krakowie.**

Reference for a preliminary ruling – Social policy – **Equal treatment in employment and occupation** – Directive 2000/78/EC – Article 2(1) and (2)(a) and (b) – ‘Concept of discrimination’ – Direct discrimination – Indirect discrimination – **Discrimination on grounds of disability** – Difference in treatment within a group of workers with disabilities – **Grant of an allowance to workers with disabilities who have submitted disability certificates after a date chosen by the employer – Exclusion of workers with disabilities who have submitted their certificates before that date.**

[EUR-Lex - 62019CJ0016](#)

**Affaire C-843/19. Arrêt de la Cour (huitième chambre) du 21 janvier 2021. Instituto Nacional de la Seguridad Social (INSS) contre BT. Demande de décision préjudicielle, introduite par le Tribunal Superior de Justicia de Cataluña.**

Renvoi préjudiciel – Politique sociale – **Égalité de traitement entre hommes et femmes en matière de sécurité sociale** – Directive 79/7/CEE – Article 4, paragraphe 1 – Départ volontaire et anticipé à la retraite – Pension de retraite anticipée – Éligibilité – Montant de la pension à percevoir devant être au moins égal au montant minimum légal – **Proportion des travailleurs de chaque sexe exclus du bénéfice d'une retraite anticipée** – Justification d'un éventuel désavantage particulier pour les travailleurs féminins – Objectifs de la politique sociale de l'État membre concerné.

[EUR-Lex - 62019CJ0843](#)

## 10. Energy and Environment

### Case Law

**Case C-619/19. Judgment of the Court (First Chamber) of 20 January 2021. Land Baden-Württemberg v D.R. Request for a preliminary ruling from Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Environment – **Aarhus Convention** – Directive 2003/4/EC – **Public access to environmental information** – ‘Stuttgart 21’ infrastructure project – Refusal of a request for environmental information – Article 4(1) – **Grounds for refusal – Term ‘internal communications’** – Scope – Limitation in time of the protection of such communications.

[EUR-Lex - 62019CJ0619](#)

**Case C-826/18. Judgment of the Court (First Chamber) of 14 January 2021. LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren. Request for a preliminary ruling from the Rechtbank Limburg.**

Reference for a preliminary ruling – **Aarhus Convention** – Article 9(2) and (3) – Access to justice – **No access to justice for the public other than the public concerned – Admissibility of the action subject to prior participation in the decision-making procedure.**

[EUR-Lex - 62018CJ0826](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**Commission Implementing Regulation (EU) 2021/111 of 29 January 2021** making the exportation of certain products subject to the production of an **export authorization (vaccines against SARS-related coronaviruses)**

[EUR-Lex - 32021R0111](#)

### Case Law

**Joined Cases C-229/19 and C-289/19. Judgment of the Court (First Chamber) of 27 January 2021. Dexia Nederland BV v XXX and Z. References for a preliminary ruling from Gerechtshof te Amsterdam and Gerechtshof Den Haag.**

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Articles 3(1), 4(1) and 6(1) – **Assessment of the unfairness of contractual terms – Term fixing in advance the creditor’s potential advantage in the event of termination of the contract** – Significant imbalance in the parties’ rights and obligations under the contract – Date on which the imbalance must be assessed – Finding that a term is unfair – Consequences – **Replacement of an unfair term with a supplementary provision of national law.**

[EUR-Lex - 62019CC0742](#)

**Case C-471/18 P. Judgment of the Court (Third Chamber) of 21 January 2021. Federal Republic of Germany v European Chemicals Agency.**

Appeal – **Registration, evaluation and authorisation of chemicals** – Regulation (EC) No 1907/2006 (REACH) – Articles 5 and 6 – General obligation to register substances – Articles 41 and 42 – Evaluation of registration dossiers and compliance check of information submitted by registrants – Declaration of non-compliance – Actionable measure – Interest in bringing proceedings – Locus standi – Respective competences of the European Chemicals Agency (ECHA) and national authorities – Obligation on ECHA to check the compliance of additional information submitted by registrants at its request – ECHA’s power to take an appropriate decision – Article 1 – **Objective of promoting human health and the environment** – Articles 13 and 25 – **Use of animal testing – Promotion of alternative methods.**

[EUR-Lex - 62018CJ0471](#)

## 12. Human Rights

### Case Law

**Case C-393/19. Judgment of the Court (First Chamber) of 14 January 2021. Criminal proceedings against OM. Request for a preliminary ruling from the Apelativen sad - Plovdiv.**

Reference for a preliminary ruling – Article 17 of the Charter of Fundamental Rights of the European Union – **Right to property** – Article 47 of the Charter of Fundamental Rights – Right to an effective remedy – Framework Decision 2005/212/JHA – Confiscation of crime-related proceeds, instrumentalities and property – Directive 2014/42/EU – Freezing and confiscation of instrumentalities and proceeds of crime in the European Union – **National legislation providing for the confiscation, for the benefit of the State, of property used to commit the offence of smuggling – Property belonging to a third party acting in good faith.**

[EUR-Lex - 62019CJ0393](#)

**Case C-645/19. Opinion of Advocate General Bobek in Facebook Ireland e.a., delivered on 13 January 2021. Facebook Ireland Limited, Facebook Inc., Facebook Belgium BVBA v Gegevensbeschermingsautoriteit (Request for a preliminary ruling from the Hof van beroep te Brussel (Court of Appeal, Brussels, Belgium))**

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 – Articles 55, 56, 58, 60, 61 and 66 – Supervisory authorities – **Cross-border data processing – One-stop-shop** – Lead supervisory authority – **Supervisory authority concerned – Competence** – Powers – Power to commence judicial proceedings

[EUR-Lex - 62019CC0645](#)

## 13. Internal Market and Single Market

### Case Law

**Affaire C-786/19. Conclusions de l'avocat général M. A. Rantos, présentées le 27 janvier 2021. The North of England P & I Association Ltd., agissant également comme venant aux droits de Marine Shipping Mutual Insurance Company contre Bundeszentralamt für Steuern [demande de décision préjudicielle formée par le Finanzgericht Köln (tribunal des finances de Cologne, Allemagne)]**

Renvoi préjudiciel – **Libre prestation des services – Assurance directe autre que l'assurance sur la vie** – Directive 88/357/CEE – Article 2, sous d), deuxième tiret – Directive 92/49/CEE – Article 46, paragraphe 2 – **Taxe sur les primes d'assurance** – Notion d'“État membre dans lequel le risque est situé” – **Véhicules de toute nature** – Notion d'“État membre d'immatriculation” – Exploitation d'un navire de mer – **Navire inscrit dans le registre des navires d'un État membre mais battant pavillon d'un autre État membre ou d'un État tiers**

[EUR-Lex - 62019CC0786](#)

**Joined Cases C-721/19 and C-722/19. Opinion of Advocate General Campos Sánchez-Bordona delivered on 21 January 2021. Sisal SpA (C-721/19) Stanleybet Malta Ltd, Magellan Robotech Limited (C-722/19) v Agenzia delle Dogane e dei Monopoli, Ministero dell'Economia e delle Finanze, interveners: Lotterie Nazionali Srl, Lottomatica Holding Srl (Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy))**

Preliminary-ruling proceedings – **Freedom of establishment – Freedom to provide services** – Restrictions – Directive 2014/23/EU – Articles 3 and 43 – Public procurement – **Procedures for selection of concessionaire – Instant lotteries – National legislation providing for the renewal of a concession without issuing a call for tenders** – Alteration of the terms of the concession – Substantial modifications – Right of access to the system of remedies

[EUR-Lex - 62019CC0721](#)



## 14. Intellectual Property

### Case Law

**Case C-762/19. Opinion of Advocate General Szpunar delivered on 14 January 2021. SIA ‘CV-Online Latvia’ v SIA ‘Melons’ (Request for a preliminary ruling from the Rīgas apgabaltiesas Civillietu tiesas kolēģija (Regional Court, Riga (Civil Law Division), Latvia))**

Reference for a preliminary ruling – Legal protection of databases – Directive 96/9/EC – Article 7 – **‘Sui generis’ right of makers of databases – Prevention of ‘extraction’ or ‘reutilisation’ by third parties, without the maker’s permission, of the whole or a substantial part of the contents of the database** – Database available on a website – Display by the operator of a search engine of a hyperlink to that website and of meta tags containing information present in the database

[EUR-Lex - 62019CC0762](#)

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

### Community Legislation

**Commission Implementing Decision (EU) 2021/31 of 13 January 2021** on laying down rules for the application of Regulation (EU) 2018/1862 of the European Parliament and of the Council as regards the **minimum data quality standards and technical specifications for entering photographs, DNA profiles and dactyloscopic data in the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters** and repealing Commission Implementing Decision (EU) 2016/1345 (notified under document C(2020) 9228)

[EUR-Lex - 32021D0031](#)

### Case Law

**Case C-649/19. Judgment of the Court (Fifth Chamber) of 28 January 2021. Criminal proceedings against IR. Request for a preliminary ruling from Spetsializiran nakazatelen sad.**

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2012/13/EU – Articles 4 to 7 – Letters of Rights set out in Annexes I and II – Framework Decision 2002/584/JHA – **Right to information in criminal proceedings – Letter of Rights on arrest – Right to be informed of the accusation** – Right of access to the materials of the case – **Person arrested on the basis of a European arrest warrant in the executing Member State.**

[EUR-Lex - 62019CJ0649](#)

**Case C-255/19. Judgment of the Court (Second Chamber) of 20 January 2021. Secretary of State for the Home Department v O A. Request for a preliminary ruling from Upper Tribunal (Immigration and Asylum Chamber) London.**

Reference for a preliminary ruling – Directive 2004/83/EC – **Minimum standards for granting refugee status or subsidiary protection status** – Refugee status – Article 2(c) – **Cessation of refugee status** – Article 11 – Change in circumstances – Article 11(1)(e) – **Possibility of availing oneself of the protection of the country of origin** – Criteria for assessment – Article 7(2) – Financial and social support – Irrelevant.

[EUR-Lex - 62019CJ0255](#)

**Case C-441/19. Judgment of the Court (First Chamber) of 14 January 2021. TQ v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.**

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** – Article 5(a), Article 6(1) and (4), Article 8(1) and Article 10 – Return decision issued against an unaccompanied minor – Best interests of the child – **Obligation for the Member State concerned to be satisfied, before the adoption of a return decision, that the minor will be returned to a member of his or her family, a nominated guardian or**

**adequate reception facilities in the State of return** – Distinction on the basis solely of the criterion of the age of the minor in order to grant a right of residence – Return decision not followed by removal measures.

[EUR-Lex - 62019CJ0441](#)

**Joined Cases C-322/19 and C-385/19. Judgment of the Court (Fourth Chamber) of 14 January 2021. KS and Others v The International Protection Appeals Tribunal and Others. Requests for a preliminary ruling from the High Court (Ireland) and International Protection Appeals Tribunal.**

References for a preliminary ruling – Border controls, asylum and immigration – **International protection – Standards for the reception of applicants for international protection** – Directive 2013/33/EU – **Third-country national who has travelled from one Member State of the European Union to another, but who has applied for international protection only in the latter Member State** – Decision to transfer to the first Member State – Regulation (EU) No 604/2013 – Access to the labour market as an applicant for international protection.

[EUR-Lex - 62019CJ0322](#)

**Case C-913/19 . Opinion of Advocate General Campos Sánchez-Bordona delivered on 14 January 2021. CNP spółka z ograniczoną odpowiedzialnością v Gefion Insurance A/S (Request for a preliminary ruling from the Sąd Rejonowy w Białymstoku (District Court, Białystok, Poland))**

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Jurisdiction in civil and commercial matters** – Special jurisdiction – **Insurance against civil liability – Assignment of claims – Concept of branch, agency or establishment**

[EUR-Lex - 62019CC0913](#)

**Case C-507/19. Judgment of the Court (Third Chamber) of 13 January 2021. Bundesrepublik Deutschland v XT. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – **Common policy on asylum and subsidiary protection – Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection** – Directive 2011/95/EU – Article 12 – Exclusion from being a refugee – Stateless person of Palestinian origin registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) – Conditions to be entitled ipso facto to the benefits of Directive 2011/95 – Cessation of UNRWA protection or assistance.

[EUR-Lex - 62019CJ0507](#)

## 16. Transport

Nothing to report for the period under review.

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

### Case Law

**Case C-761/18 P. Judgment of the Court (Fifth Chamber) of 21 January 2021. Päivi Leino-Sandberg v European Parliament.**

Appeal – Access to documents of the EU institutions – Regulation (EC) No 1049/2001 – Article 10 – Refusal to grant access – **Action before the General Court of the European Union against a decision by the European Parliament refusing to grant access to a document** – Disclosure of the annotated document by a third party after the action was lodged – Order that there was no need to adjudicate pronounced by the General Court on the ground that was no longer any interest in bringing proceedings – Error of law.

[EUR-Lex - 62018CJ0761](#)