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# EU News: Click & Read

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European Documentation Centre

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, legal professionals, as well as corporations 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.

## Table of contents

1. EU-Swiss Relations .....	2
2. External Relations / Foreign Policy .....	2
3. Agriculture and Fisheries / Maritime Affairs	2
4. Audiovisual and Media and Information Society .....	3
5. Competition and State Aid.....	4
6. Customs .....	4
7. Economic and Monetary Affairs, Taxation, Enterprise.....	4
8. Education, Training, Youth, Culture, Research and Innovation .....	6
9. Employment and Social Affairs .....	6
10. Energy and Environment.....	7
11. Food Safety, Public Health and Consumers .	7
12. Human Rights.....	8
13. Internal Market and Single Market.....	9
14. Intellectual Property.....	9
15. Justice, Freedom and Security (incl. Judicial Cooperation) .....	10
16. Transport .....	11
17. Community Institutions, Principles and the Communities' own resources .....	12

## Highlights

**Case C-896/19. Judgment of the Court (Grand Chamber) of 20 April 2021. *Repubblika v Il-Prim Ministru*. Request for a preliminary ruling from the Qorti Ċivili Prim'Awla - Ġurisdiżzjoni Kostituzzjonali.**

Reference for a preliminary ruling – Article 2 TEU – Values of the European Union – **Rule of law** – Article 49 TEU – Accession to the European Union – **No reduction in the level of protection of the values of the European Union – Effective judicial protection** – Article 19 TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Scope – **Independence of the members of the judiciary of a Member State – Appointments procedure** – Power of the Prime Minister – Involvement of a judicial appointments committee.

[EUR-Lex - 62019CJ0896](#)

**Case C-30/19. Judgment of the Court (Grand Chamber) of 15 April 2021. *Diskrimineringsombudsmannen v Braathens Regional Aviation AB*. Request for a preliminary ruling from the Högsta domstolen.**

Reference for a preliminary ruling – **Equal treatment between persons irrespective of racial or ethnic origin** – Directive 2000/43/EC – Article 7 – Protection of rights – Article 15 – Sanctions – **Action for compensation based on an allegation of discrimination – Defendant acquiescing to a claim for compensation without recognition on its part of the discrimination alleged** – Connection between the compensation paid and the discrimination alleged – Article 47 of the Charter of Fundamental Rights of the European Union – Right to effective judicial protection – **National procedural rules preventing the court seized from ruling on whether there was discrimination as alleged, despite the express request of the claimant.**

[EUR-Lex - 62019CJ0030](#)

**Case C-194/19. Judgment of the Court (Grand Chamber) of 15 April 2021. *H. A. v État belge*. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 27 – Remedy – **Whether account should be taken of circumstances subsequent to the transfer decision** – Effective judicial protection.

[EUR-Lex - 62019CJ0194](#)

## 1. EU-Swiss Relations

### Case Law

**Case C-194/19. Judgment of the Court (Grand Chamber) of 15 April 2021. H. A. v État belge. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 27 – Remedy – **Whether account should be taken of circumstances subsequent to the transfer decision** – Effective judicial protection.

[EUR-Lex - 62019CJ0194](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning **security procedures for exchanging and protecting classified information****

[EUR-Lex - 32021D0689](#)

### Case Law

**Case C-46/19 P. Judgment of the Court (Second Chamber) of 22 April 2021. Council of the European Union v Kurdistan Workers' Party (PKK).**

Appeal – Common Foreign and Security Policy – Combating terrorism – Restrictive measures taken against certain persons and entities – Freezing of funds – Common Position 2001/931/CFSP – Article 1(3), (4) and (6) – Regulation (EC) No 2580/2001 – Article 2(3) – **Retention of an organisation on the list of persons, groups and entities involved in terrorist acts** – Conditions – Decision by a competent authority – Ongoing risk of involvement in terrorist activities – Factual basis of the decisions to freeze funds – Decision to review the national decision on which the initial inclusion was based – Obligation to state reasons.

[EUR-Lex - 62019CJ0046](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-815/19. Judgment of the Court (Third Chamber) of 29 April 2021. Natumi GmbH v Land Nordrhein-Westfalen. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Agriculture and fisheries – **Organic production and labelling of organic products** – Regulation (EC) No 834/2007 – Article 19(2) – Articles 21 and 23 – Regulation (EC) No 889/2008 – Article 27(1) – Article 28 – Annex IX, point 1.3 – Processing of organic food – **Non-organic ingredients of agricultural origin** – Lithothamnium calcareum alga – Powder obtained by cleaning, grinding and drying the sediment of that alga – Classification – Use in organic foodstuffs for the purpose of calcium enrichment – Authorisation – Conditions.

[EUR-Lex - 62019CJ0815](#)

**Joined Cases C-294/19 and C-304/19. Judgment of the Court (Sixth Chamber) of 29 April 2021. Agenția de Plăți și Intervenție pentru Agricultură - Centrul Județean Tulcea and Ira Invest SRL v SC Piscicola Tulcea SA and Agenția de Plăți și Intervenție pentru Agricultură - Centrul Județean Tulcea. Requests for a preliminary ruling from the Curtea de Apel Constanța.**

References for a preliminary ruling – Agriculture – Common agricultural policy (CAP) – **Direct support schemes – Eligible hectare – Aquaculture facility** – Land use – Actual use for agricultural purposes – Use complying with the entries in the land register.

[EUR-Lex - 62019CJ0294](#)

**Affaire C-733/19. Arrêt de la Cour (première chambre) du 15 avril 2021. Royaume des Pays-Bas contre Conseil de l'Union européenne et Parlement européen.**

Recours en annulation – Politique commune de la pêche – Règlement (UE) no 1380/2013 – Conservation et exploitation durable des ressources halieutiques – Protection des écosystèmes marins – Règlement (UE) 2019/1241 – Mesures techniques – Annexe V, partie D – **Interdiction de la pêche au chalut associé au courant électrique impulsif** – Principe de proportionnalité – Principe de précaution.

[EUR-Lex - 62019CJ0733](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

**Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021** establishing the **Digital Europe Programme** and repealing Decision (EU) 2015/2240 (Text with EEA relevance)

[EUR-Lex - 32021R0694](#)

**Proposal for a Regulation** laying down harmonised **rules on artificial intelligence (Artificial Intelligence Act)** and amending certain union legislative acts COM/2021/206 final

[EUR-Lex - 52021PC0206](#)

### Case Law

**Case C-515/19. Judgment of the Court (Second Chamber) of 15 April 2021. Eutelsat SA v Autorité de régulation des communications électroniques et des postes (ARCEP) and Inmarsat Ventures SE. Request for a preliminary ruling from the Conseil d'État (France).**

Reference for a preliminary ruling – Approximation of laws – **Telecommunications sector – Harmonised use of radio spectrum in the 2 GHz frequency bands for bringing into operation systems providing mobile satellite services** – Decision No 626/2008/EC – Article 2(2)(a) and (b) – Article 4(1)(c)(ii) – Article 7(1) and (2) – Article 8(1) and (3) – Mobile satellite systems – Concept of ‘mobile earth station’ – Concept of ‘complementary ground components’ – Concept of ‘required quality’ – Respective role of satellite and ground components – **Requirement for a selected operator of mobile satellite systems to provide service for a certain percentage of the population and territory** – Non-compliance – Effect.

[EUR-Lex - 62019CJ0515](#)

**Affaire C-704/19. Arrêt de la Cour (neuvième chambre) du 29 avril 2021. Commission européenne contre Royaume d'Espagne.**

Manquement d'État – Aides d'État – **Aide au déploiement de la télévision numérique terrestre dans les zones éloignées et moins urbanisées de la Comunidad Autónoma de Castilla-La Mancha** (Communauté autonome de Castille-La Manche, Espagne) – Décision (UE) 2016/1385 – Aide illégale et incompatible avec le marché intérieur – Défaut d'exécution dans le délai imparti.

[EUR-Lex - 62019CJ0704](#)

## 5. Competition and State Aid

### Case Law

**Affaire C-704/19. Arrêt de la Cour (neuvième chambre) du 29 avril 2021. Commission européenne contre Royaume d'Espagne.**

Manquement d'État – Aides d'État – **Aide au déploiement de la télévision numérique terrestre dans les zones éloignées et moins urbanisées de la Comunidad Autónoma de Castilla-La Mancha** (Communauté autonome de Castille-La Manche, Espagne) – Décision (UE) 2016/1385 – Aide illégale et incompatible avec le marché intérieur – Défaut d'exécution dans le délai imparti.

[EUR-Lex - 62019CJ0704](#)

**Case T-379/20. Judgment of the General Court (Tenth Chamber, Extended Composition) of 14 April 2021.**

**Ryanair DAC v European Commission.**

State aid – Swedish air transport market – **Aid granted by Sweden to an airline amid the Covid-19 pandemic** – Guarantee – Decision not to raise any objections – Commitments as a condition to make the aid compatible with the internal market – Aid intended to make good the damage caused by an exceptional occurrence – Freedom of establishment – Free provision of services – Equal treatment – Duty to state reasons.

[EUR-Lex - 62020TJ0379](#)

## 6. Customs

### Case Law

**Case C-75/20. Judgment of the Court (Eighth Chamber) of 22 April 2021. UAB „Lifosa“ v Muitinės departamentas prie Lietuvos Respublikos finansų ministerijos. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.**

Reference for a preliminary ruling – Customs union – Community Customs Code – Regulation (EEC) No 2913/92 – Article 29(1) – Article 32(1)(e)(i) – Union Customs Code – Regulation (EU) No 952/2013 – Article 70(1) – Article 71(1)(e)(i) – **Determination of the customs value** – Transaction value – Adjustment – **Price including delivery at the border.**

[EUR-Lex - 62020CJ0075](#)

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

### Case Law

**Case C-504/19. Judgment of the Court (Third Chamber) of 29 April 2021. Banco de Portugal and Others v VR. Request for a preliminary ruling from the Tribunal Supremo.**

Reference for a preliminary ruling – Banking supervision – **Reorganisation and winding up of credit institutions** – Directive 2001/24/EC – Reorganisation measure adopted by an administrative authority in the home Member State of a credit institution – Transfer of rights, assets or liabilities to a 'bridge institution' – Transfer back to the credit institution subject to the reorganisation measure – Article 3(2) – **Lex concursus – Effect of a reorganisation measure in other Member States** – Mutual recognition – Article 32 – Effects of a reorganisation measure on a pending lawsuit – Exception to the application of the lex concursus – Article 47, first paragraph of the Charter of Fundamental Rights of the European Union – Effective judicial protection – Principle of legal certainty.

[EUR-Lex - 62019CJ0504](#)

**Affaire C-480/19. Arrêt de la Cour (deuxième chambre) du 29 avril 2021. Procédure engagée par E. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus.**

Renvoi préjudiciel – Article 63 TFUE – **Libre circulation des capitaux** – Impôt sur le revenu – Revenus du capital – **Revenus distribués par un organisme de placement collectif en valeurs mobilières (OPCVM) résident, de forme contractuelle – Revenus distribués par un OPCVM établi dans un autre État membre et revêtant la forme statutaire** – Différence de traitement – Article 65 TFUE – Situations objectivement comparables.

[EUR-Lex - 62019CJ0480](#)

**Case C-703/19. Judgment of the Court (First Chamber) of 22 April 2021. J.K. v Dyrektor Izby Administracji Skarbowej w Katowicach. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.**

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 98(2) – Option for Member States to apply one or two reduced VAT rates to certain supplies of goods and services – Classification of a commercial activity as ‘provision of services’ – Annex III, point 12a – Implementing regulation (EU) No 282/2011 – Article 6 – **Concept of ‘restaurant and catering services’** – Meals ready for immediate consumption on the vendor’s premises or in a catering area – Meals ready for immediate consumption to be taken away.

[EUR-Lex - 62019CJ0703](#)

**Case C-73/20. Judgment of the Court (First Chamber) of 22 April 2021. ZM en tant que liquidateur de Oeltrans Befrachtungsgesellschaft mbH v E. A. Frerichs. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Regulation (EC) No 1346/2000 – **Insolvency proceedings** – Article 4 – Law applicable to insolvency proceedings – Law of the Member State within the territory of which the proceedings are opened – Article 13 – Acts detrimental to all the creditors – Exception – Conditions – **Act subject to the law of a Member State other than the State of the opening of proceedings** – Act which is not open to challenge on the basis of that law – **Regulation (EC) No 593/2008 – Law applicable to contractual obligations** – Article 12(1)(b) – Scope of the law applicable to the contract – Performance of the obligations arising from the contract – **Payment made in performance of a contract subject to the law of a Member State other than the State of the opening of proceedings** – Performance by a third party – Action for repayment of that payment in insolvency proceedings – Law applicable to that payment.

[EUR-Lex - 62020CJ0073](#)

**Case C-593/19. Judgment of the Court (Fifth Chamber) of 15 April 2021. SK Telecom Co. Ltd. v Finanzamt Graz-Stadt. Request for a preliminary ruling from the Bundesfinanzgericht, Außenstelle Graz.**

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Determination of the place of supply of telecommunications services – **Roaming of third-country nationals on mobile communications networks within the European Union** – Point (b) of the first paragraph of Article 59a – Option for Member States to transfer the place of supply of telecommunications services to their territory.

[EUR-Lex - 62019CJ0593](#)

**Case C-786/19. Judgment of the Court (Third Chamber) of 15 April 2021. The North of England P & I Association Ltd., agissant également comme venant aux droits de Marine Shipping Mutual Insurance Company v Bundeszentralamt für Steuern. Request for a preliminary ruling from the Finanzgericht Köln.**

Reference for a preliminary ruling – **Direct insurance other than life assurance** – Second Directive 88/357/EEC – Second indent of Article 2(d) – Directive 92/49/EEC – First subparagraph of Article 46(2) – Taxation of insurance premiums – Concept of ‘Member State where the risk is situated’ – Vehicles of any type – Concept of ‘Member State of registration’ – **Insurance of sea-going vessels – Ships entered in the shipping register maintained by one Member State but flying the flag of another Member State or of a third State under a temporary flagging-out authorisation.**

[EUR-Lex - 62019CJ0786](#)

**Affaire C-868/19. Arrêt de la Cour (septième chambre) du 15 avril 2021. M-GmbH contre Finanzamt für Körperschaften Berlin. Demande de décision préjudicielle, introduite par le Finanzgericht Berlin-Brandenburg.** Renvoi préjudiciel – Taxe sur la valeur ajoutée (TVA) – Directive 2006/112/CE – Article 9 – Assujettis – Article 11 – Faculté pour les États membres de considérer comme un seul assujetti des personnes indépendantes du point de vue juridique mais étroitement liées entre elles sur les plans financier, économique et de l'organisation (“groupement TVA”) – Notion de “liens étroits sur le plan financier” – **Réglementation nationale excluant de la possibilité d’être membre d’un groupement TVA les sociétés de personnes dont les associés, aux côtés de l’organe faïtier, ne sont pas uniquement des personnes intégrées sur le plan financier à l’entreprise de l’organe faïtier** – Sécurité juridique – Mesures de prévention de la fraude et de l’évasion fiscales – Proportionnalité – Neutralité de la TVA.

[EUR-Lex - 62019CJ0868](#)

**Case C-911/19. Opinion of Advocate General Bobek delivered on 15 April 2021. Fédération bancaire française (FBF) v Autorité de contrôle prudentiel et de résolution (ACPR) (Request for a preliminary ruling from the Conseil d’État (Council of State, France))**

Reference for a preliminary ruling – Banking law – **Guidelines on product oversight and governance arrangements for retail banking products issued by the European Banking Authority – Soft law – Non-binding EU measures producing legal effects** – Implementation by the Member States – Judicial review – Relationship between Articles 263 and 267 TFEU – Lack of power of the European Banking Authority

[EUR-Lex - 62019CC0911](#)

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

Nothing to report for the period under review.

## 9. Employment and Social Affairs

### Community Legislation

**Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013**

[EUR-Lex - 32021R0691](#)

### Case Law

**Case C-511/19. Judgment of the Court (Third Chamber) of 15 April 2021. AB v Olympiako Athlitiko Kentro Athinon – Spyros Louis. Request for a preliminary ruling from the Areios Pagos.**

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Principle of equal treatment in employment and occupation – **Prohibition of discrimination on grounds of age** – Workers placed under a labour reserve system until termination of their contract of employment – **Wage reduction and reduction or loss of severance pay** – System applicable to public-sector workers close to full-time retirement – Reduction of public-sector wage costs – Article 6(1) – **Legitimate social policy objective** – Economic crisis.

[EUR-Lex - 62019CJ0511](#)

**Case C-233/20. Opinion of Advocate General Hogan delivered on 15 April 2021. WD v job-medium GmbH, in liquidation. Request for a preliminary ruling from the Oberster Gerichtshof (Supreme Court, Austria).**

Reference for a preliminary ruling – Social policy – **Protection of the safety and health of workers** – Directive 2003/88/EC – Article 7 – **Allowance in lieu of annual leave paid on the termination of the employment relationship** – Termination of the employment relationship due to a worker withdrawal without cause.

[EUR-Lex - 62020CC0233](#)

## 10. Energy and Environment

### Case Law

**Case C-617/19. Judgment of the Court (Fifth Chamber) of 29 April 2021. Granarolo SpA v Ministero dell'Ambiente e della Tutela del Territorio e del Mare and Others. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.**

Reference for a preliminary ruling – Environment – Directive 2003/87/EC – **Greenhouse gas emission allowance trading scheme** – Article 3(e) – **Concept of ‘installation’** – Article 3(f) – **Concept of ‘operator’** – Points 2 and 3 of Annex I – Aggregation rule – Aggregation of the capacities of the activities in an installation – Transfer of an electricity and heat cogeneration unit by the owner of an industrial facility – Contract for the supply of energy between the transferor and transferee undertakings – Updating of the greenhouse gas emissions permit.

[EUR-Lex - 62019CJ0617](#)

**Case C-470/19. Judgment of the Court (First Chamber) of 15 April 2021. Friends of the Irish Environment Ltd v Commissioner for Environmental Information. Request for a preliminary ruling from the High Court (Ireland).**

Reference for a preliminary ruling – **Aarhus Convention** – Directive 2003/4/EC – **Right of access to environmental information held by public authorities** – Article 2, point 2 – Notion of ‘public authority’ – Bodies or institutions when acting in a judicial or legislative capacity – Information in the file of closed court proceedings.

[EUR-Lex - 62019CJ0470](#)

**Joined Cases C-798/18 and C-799/18. Judgment of the Court (Fifth Chamber) of 15 April 2021. Federazione nazionale delle imprese elettrotecniche ed elettroniche (Anie) and Others v Ministero dello Sviluppo Economico and Gestore dei servizi energetici (GSE) SpA. Requests for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.**

References for a preliminary ruling – Environment – Articles 16 and 17 of the Charter of Fundamental Rights of the European Union – **Principles of legal certainty and of the protection of legitimate expectations** – **Energy Charter Treaty** – Article 10 – Applicability – Directive 2009/28/EC – Article 3(3)(a) – **Promotion of the use of energy from renewable sources** – Production of electricity from solar photovoltaic installations – Alteration of a support scheme.

[EUR-Lex - 62018CJ0798](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-19/20. Judgment of the Court (Seventh Chamber) of 29 April 2021. I.W. and R.W. v Bank BPH S.A. and Rzecznik Praw Obywatelskich. Request for a preliminary ruling from the Sąd Okręgowy w Gdańsku.**

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Effects of a finding that a term is unfair – **Mortgage loan agreement denominated in a foreign currency** – **Determination of the exchange rate between currencies** – Novation agreement – Deterrent effect – Obligations of the national court – Article 6(1), and Article 7(1).

[EUR-Lex - 62020CJ0019](#)

**Case C-485/19. Judgment of the Court (First Chamber) of 22 April 2021. LH v PROFÍ CREDIT Slovakia s.r.o. Request for a preliminary ruling from the Krajský súd v Prešove.**

Reference for a preliminary ruling – Consumer protection – Directive 2008/48/EC – **Credit agreements for consumers** – Directive 93/13/EEC – Unfair contract terms – **Payment made under an unlawful term** – **Unjust enrichment of the lender** – **Right to restitution time-barred** – Principles of Union law – Principle of effectiveness – Article 10(2) of Directive 2008/48 – Information to be included in a credit agreement – **Elimination of certain national requirements on the basis of the case-law of the Court** – Interpretation of the old version of the national legislation in accordance with that case-law – Temporal effects.

[EUR-Lex - 62019CJ0485](#)

## 12. Human Rights

### Community Legislation

**Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme** and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014

[EUR-Lex - 32021R0692](#)

### Case Law

**Case C-896/19. Judgment of the Court (Grand Chamber) of 20 April 2021. Repubblika v Il-Prim Ministru. Request for a preliminary ruling from the Qorti Ċivili Prim'Awla - Ġurisdizzjoni Kostituzzjonali.**

Reference for a preliminary ruling – Article 2 TEU – Values of the European Union – **Rule of law** – Article 49 TEU – Accession to the European Union – **No reduction in the level of protection of the values of the European Union – Effective judicial protection** – Article 19 TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Scope – **Independence of the members of the judiciary of a Member State – Appointments procedure** – Power of the Prime Minister – Involvement of a judicial appointments committee.

[EUR-Lex - 62019CJ0896](#)

**Case C-30/19. Judgment of the Court (Grand Chamber) of 15 April 2021. Diskrimineringsombudsmannen v Braathens Regional Aviation AB. Request for a preliminary ruling from the Högsta domstolen.**

Reference for a preliminary ruling – **Equal treatment between persons irrespective of racial or ethnic origin** – Directive 2000/43/EC – Article 7 – Protection of rights – Article 15 – Sanctions – **Action for compensation based on an allegation of discrimination – Defendant acquiescing to a claim for compensation without recognition on its part of the discrimination alleged** – Connection between the compensation paid and the discrimination alleged – Article 47 of the Charter of Fundamental Rights of the European Union – Right to effective judicial protection – **National procedural rules preventing the court seized from ruling on whether there was discrimination as alleged, despite the express request of the claimant.**

[EUR-Lex - 62019CJ0030](#)

**Case C-508/19. Opinion of Advocate General Tanchev delivered on 15 April 2021. M.F. v J.M., joined parties: Prokurator Generalny, Rzecznik Praw Obywatelskich (Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland))**

Reference for a preliminary ruling – Article 2, Article 4(3), Article 6(3) and the second subparagraph of Article 19(1) TEU – Article 267 TFEU – Article 47 of the Charter of Fundamental Rights of the European Union – Rule of law – Effective judicial protection – **Principle of judicial independence – Appointment to the position of Supreme Court judge by the President of the Republic on the proposal by the National Council of the Judiciary** – Launch of the recruitment procedure without a ministerial countersignature – **Judge appointed despite an action attacking the resolution of that council and a preliminary reference procedure** – Request for a finding that there is no employment relationship between such a judge and the Sąd Najwyższy (Supreme Court) – Primacy of EU law.

[EUR-Lex - 62019CC0508](#)



**C-487/19. Opinion of Advocate General Tanchev delivered on 15 April 2021. W.Ż. joined parties: Prokurator Generalny zastępowany przez Prokuratorę Krajową, formerly Prokurator Prokuratury Krajowej Bożena Górecka, Rzecznik Praw Obywatelskich (Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland))**

Reference for a preliminary ruling – Article 2, Article 6(1) and (3) and the second subparagraph of Article 19(1) TEU – Article 267 TFEU – Article 47 of the Charter of Fundamental Rights of the European Union – Rule of law – Effective judicial protection – Court established by law – **Principle of judicial independence** – Appointment to the position of Supreme Court judge by the President of the Republic on the proposal by the National Council of the Judiciary – **Judge appointed despite a pending legal action attacking the resolution of the National Council of the Judiciary proposing the appointment of the interested party and of a judicial decision ordering the suspension of that resolution.**

[EUR-Lex - 62019CC0487](#)

## 13. Internal Market and Single Market

### Community Legislation

**Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021** establishing a **programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics** (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014

[EUR-Lex - 32021R0690](#)

### Case Law

**Affaire C-480/19. Arrêt de la Cour (deuxième chambre) du 29 avril 2021. Procédure engagée par E. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus.**

Renvoi préjudiciel – Article 63 TFUE – **Libre circulation des capitaux** – Impôt sur le revenu – Revenus du capital – **Revenus distribués par un organisme de placement collectif en valeurs mobilières (OPCVM) résident, de forme contractuelle – Revenus distribués par un OPCVM établi dans un autre État membre et revêtant la forme statutaire** – Différence de traitement – Article 65 TFUE – Situations objectivement comparables.

[EUR-Lex - 62019CJ0480](#)

**Case C-537/19. Judgment of the Court (Fifth Chamber) of 22 April 2021. European Commission v Republic of Austria.**

Failure of a Member State to fulfil obligations – Directive 2004/18/EC – **Public works contracts – Contract between a public body and a private undertaking for the lease of building not yet constructed** – Article 1 – Realisation of a work corresponding to requirements specified by the tenant – Article 16 – Precluded.

[EUR-Lex - 62019CJ0537](#)

**Case C-515/19. Judgment of the Court (Second Chamber) of 15 April 2021. Eutelsat SA v Autorité de régulation des communications électroniques et des postes (ARCEP) and Inmarsat Ventures SE. Request for a preliminary ruling from the Conseil d'État (France).**

Reference for a preliminary ruling – Approximation of laws – **Telecommunications sector – Harmonised use of radio spectrum in the 2 GHz frequency bands for bringing into operation systems providing mobile satellite services** – Decision No 626/2008/EC – Article 2(2)(a) and (b) – Article 4(1)(c)(ii) – Article 7(1) and (2) – Article 8(1) and (3) – Mobile satellite systems – Concept of ‘mobile earth station’ – Concept of ‘complementary ground components’ – Concept of ‘required quality’ – Respective role of satellite and ground components – **Requirement for a selected operator of mobile satellite systems to provide service for a certain percentage of the population and territory** – Non-compliance – Effect.

[EUR-Lex - 62019CJ0515](#)

## 14. Intellectual Property

### Case Law

**Affaire C-53/20. Arrêt de la Cour (quatrième chambre) du 15 avril 2021. Hengstenberg GmbH & Co. KG contre Spreewaldverein eV. Demande de décision préjudicielle, introduite par le Bundesgerichtshof.**

Renvoi préjudiciel – **Protection des indications géographiques et des appellations d’origine des produits agricoles et des denrées alimentaires** – Règlement (UE) no 1151/2012 – Article 49, paragraphe 3, premier alinéa, et paragraphe 4, deuxième alinéa – Article 53, paragraphe 2, premier alinéa – Modification du cahier des charges d’un produit – **Cornichons de la Forêt de la Sprée (Allemagne) “Spreewälder Gurken (IGP)” – Modifications qui ne sont pas mineures** – Procédure d’opposition – **Déclaration d’opposition à la demande de modification** – Recours contre la décision accueillant cette demande – Notion d’“intérêt légitime”.

[EUR-Lex - 62020CJ0053](#)

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

### Community Legislation

**Regulation (EU) 2021/693 of the European Parliament and of the Council of 28 April 2021** establishing the **Justice Programme** and repealing Regulation (EU) No 1382/2013

[EUR-Lex - 32021R0693](#)

### Case Law

**Affaire C-665/20 PPU. Arrêt de la Cour (cinquième chambre) du 29 avril 2021. X. Demande de décision préjudicielle, introduite par le Rechtbank Amsterdam.**

Renvoi préjudiciel – Procédure préjudicielle d’urgence – **Coopération judiciaire en matière pénale** – Décision-cadre 2002/584/JAI – **Mandat d’arrêt européen** – Motifs de non-exécution facultative – Article 4, point 5 – **Personne recherchée ayant été définitivement jugée pour les mêmes faits dans un pays tiers** – Condamnation ayant été subie ou ne pouvant plus être exécutée selon les lois du pays de condamnation – Mise en œuvre – Marge d’appréciation de l’autorité judiciaire d’exécution – Notion de “mêmes faits” – Remise de peine accordée par une autorité non juridictionnelle à la faveur d’une mesure de clémence générale.

[EUR-Lex - 62020CJ0665](#)

**Case C-73/20. Judgment of the Court (First Chamber) of 22 April 2021. ZM en tant que liquidateur de Oeltrans Befrachtungsgesellschaft mbH v E. A. Frerichs. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Regulation (EC) No 1346/2000 – **Insolvency proceedings** – Article 4 – Law applicable to insolvency proceedings – Law of the Member State within the territory of which the proceedings are opened – Article 13 – Acts detrimental to all the creditors – Exception – Conditions – **Act subject to the law of a Member State other than the State of the opening of proceedings** – Act which is not open to challenge on the basis of that law – **Regulation (EC) No 593/2008 – Law applicable to contractual obligations** – Article 12(1)(b) – Scope of the law applicable to the contract – Performance of the obligations arising from the contract – **Payment made in performance of a contract subject to the law of a Member State other than the State of the opening of proceedings** – Performance by a third party – Action for repayment of that payment in insolvency proceedings – Law applicable to that payment.

[EUR-Lex - 62020CJ0073](#)

**Case C-194/19. Judgment of the Court (Grand Chamber) of 15 April 2021. H. A. v État belge. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Determination of the Member State responsible for examining an application for international protection** – Article 27 – Remedy – **Whether account should be taken of circumstances subsequent to the transfer decision** – Effective judicial protection.

[EUR-Lex - 62019CJ0194](#)

## 16. Transport

### Case Law

**Case C-383/19. Judgment of the Court (Fifth Chamber) of 29 April 2021. Powiat Ostrowski v Ubezpieczeniowy Fundusz Gwarancyjny. Request for a preliminary ruling from the Sąd Rejonowy w Ostrowie Wielkopolskim.**

Reference for a preliminary ruling – **Compulsory insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Article 3, first paragraph – **Obligation to take out a contract of insurance** – Scope – Local government authority which has acquired a vehicle by judicial means – **Registered vehicle which is on private land and intended to be destroyed.**

[EUR-Lex - 62019CJ0383](#)

**Case C-56/20. Judgment of the Court (First Chamber) of 29 April 2021. AR v Stadt Pforzheim. Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg.**

Reference for a preliminary ruling – Transport – **Driving licences** – Mutual recognition – **Withdrawal of the licence in the territory of a Member State other than the issuing Member State** – Affixing of an endorsement to the driving licence indicating that it is not valid within that Member State.

[EUR-Lex - 62020CJ0056](#)

**Case C-47/20. Judgment of the Court (First Chamber) of 29 April 2021. F. v Stadt Karlsruhe. Request for a preliminary ruling from the Bundesverwaltungsgericht.**

Reference for a preliminary ruling – Transport – **Driving licences** – Withdrawal of the licence in the territory of a Member State other than the issuing Member State – **Renewal of the licence by the issuing Member State after the withdrawal decision** – No automaticity of mutual recognition.

[EUR-Lex - 62020CJ0047](#)

**Affaire C-826/19. Arrêt de la Cour (quatrième chambre) du 22 avril 2021. WZ contre Austrian Airlines AG. Demande de décision préjudicielle, introduite par le Landesgericht Korneuburg.**

Renvoi préjudiciel – **Transport aérien – Indemnisation et assistance des passagers en cas de refus d'embarquement et d'annulation ou de retard important d'un vol** – Règlement (CE) no 261/2004 – Article 6 – Vol retardé – Article 8, paragraphe 3 – **Déroutement d'un vol vers un autre aéroport desservant la même ville, agglomération ou région** – Notion d'annulation – Circonstances extraordinaires – Indemnisation des passagers aériens en cas d'annulation ou de retard important d'un vol à l'arrivée – **Obligation de prise en charge des frais de transfert entre l'aéroport d'arrivée effectif et l'aéroport de destination initialement prévu.**

[EUR-Lex - 62019CJ0826](#)

**Case C-786/19. Judgment of the Court (Third Chamber) of 15 April 2021. The North of England P & I Association Ltd., agissant également comme venant aux droits de Marine Shipping Mutual Insurance Company v Bundeszentralamt für Steuern. Request for a preliminary ruling from the Finanzgericht Köln.**

Reference for a preliminary ruling – **Direct insurance other than life assurance** – Second Directive 88/357/EEC – Second indent of Article 2(d) – Directive 92/49/EEC – First subparagraph of Article 46(2) – Taxation of insurance premiums – Concept of 'Member State where the risk is situated' – Vehicles of any type – Concept of 'Member State of registration' – **Insurance of sea-going vessels – Ships entered in the shipping register maintained by one Member State but flying the flag of another Member State or of a third State under a temporary flagging-out authorisation.**

[EUR-Lex - 62019CJ0786](#)

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

### Community Legislation

**Council Regulation (EU, Euratom) 2021/768 of 30 April 2021** laying down **implementing measures for the system of own resources of the European Union** and repealing Regulation (EU, Euratom) No 608/2014

[EUR-Lex - 32021R0768](#)

### Case Law

**Case C-896/19. Judgment of the Court (Grand Chamber) of 20 April 2021. Repubblika v Il-Prim Ministru. Request for a preliminary ruling from the Qorti Ċivili Prim'Awla - Ġurisdizzjoni Kostituzzjonali.**

Reference for a preliminary ruling – Article 2 TEU – Values of the European Union – **Rule of law** – Article 49 TEU – Accession to the European Union – **No reduction in the level of protection of the values of the European Union – Effective judicial protection** – Article 19 TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Scope – **Independence of the members of the judiciary of a Member State – Appointments procedure** – Power of the Prime Minister – Involvement of a judicial appointments committee.

[EUR-Lex - 62019CJ0896](#)

**Case C-508/19. Opinion of Advocate General Tanchev delivered on 15 April 2021. M.F. v J.M., joined parties: Prokurator Generalny, Rzecznik Praw Obywatelskich (Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland))**

Reference for a preliminary ruling – Article 2, Article 4(3), Article 6(3) and the second subparagraph of Article 19(1) TEU – Article 267 TFEU – Article 47 of the Charter of Fundamental Rights of the European Union – Rule of law – Effective judicial protection – **Principle of judicial independence – Appointment to the position of Supreme Court judge by the President of the Republic on the proposal by the National Council of the Judiciary** – Launch of the recruitment procedure without a ministerial countersignature – **Judge appointed despite an action attacking the resolution of that council and a preliminary reference procedure** – Request for a finding that there is no employment relationship between such a judge and the Sąd Najwyższy (Supreme Court) – Primacy of EU law.

[EUR-Lex - 62019CC0508](#)

**Case C-487/19. Opinion of Advocate General Tanchev delivered on 15 April 2021. W.Ż. joined parties: Prokurator Generalny zastępowany przez Prokuraturę Krajową, formerly Prokurator Prokuratury Krajowej Bożena Górecka, Rzecznik Praw Obywatelskich (Request for a preliminary ruling from the Sąd Najwyższy (Supreme Court, Poland))**

Reference for a preliminary ruling – Article 2, Article 6(1) and (3) and the second subparagraph of Article 19(1) TEU – Article 267 TFEU – Article 47 of the Charter of Fundamental Rights of the European Union – Rule of law – Effective judicial protection – Court established by law – **Principle of judicial independence** – Appointment to the position of Supreme Court judge by the President of the Republic on the proposal by the National Council of the Judiciary – **Judge appointed despite a pending legal action attacking the resolution of the National Council of the Judiciary proposing the appointment of the interested party and of a judicial decision ordering the suspension of that resolution.**

[EUR-Lex - 62019CC0487](#)