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EU News: Click & Read

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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.

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Highlights

Joined Cases C-682/18 and C-683/18. Judgment of the Court (Grand Chamber) of 22 June 2021. Frank Peterson and Elsevier Inc. v Google LLC and Others. Requests for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – **Making available and management of a video-sharing platform or a file-hosting and -sharing platform – Liability of the operator for infringements of intellectual property rights by users of its platform** – Directive 2001/29/EC – Article 3 and Article 8(3) – Concept of ‘communication to the public’ – Directive 2000/31/EC – Articles 14 and 15 – Conditions for exemption from liability – No knowledge of specific infringements – Notification of such infringements as a condition for obtaining an injunction.

[EUR-Lex - 62018CJ0682](#)

Case C-439/19. Judgment of the Court (Grand Chamber) of 22 June 2021. Proceedings brought by B. Request for a preliminary ruling from the Satversmes tiesa.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Articles 5, 6 and 10 – **National legislation providing for public access to personal data relating to penalty points imposed for road traffic offences** – Lawfulness – Concept of ‘personal data relating to criminal convictions and offences’ – Disclosure for the purpose of improving road safety – Right of public access to official documents – Freedom of information – Reconciliation with the fundamental rights to respect for private life and to the protection of personal data – Re-use of data – Article 267 TFEU – Temporal effect of a preliminary ruling – Ability of a constitutional court of a Member State to maintain the legal effects of national legislation incompatible with EU law – Principles of primacy of EU law and of legal certainty.

[EUR-Lex - 62019CJ0439](#)

Case C-645/19. Judgment of the Court (Grand Chamber) of 15 June 2021. Facebook Ireland Limited and Others v Gegevensbeschermingsautoriteit. Request for a preliminary ruling from the Hof van beroep te Brussel.

Reference for a preliminary ruling – Protection of natural persons 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 – **Cross-border processing of personal data – ‘One-stop shop’ mechanism** – Sincere and effective cooperation between supervisory authorities – Competences and powers – Power to initiate or engage in legal proceedings.

[EUR-Lex - 62019CJ0645](#)

1. EU-Swiss Relations

Community Legislation

Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (**EU Digital COVID Certificate**) with regard to **third-country nationals** legally staying or residing in the territories of Member States during the COVID-19 pandemic - **notification from Switzerland**

[EUR-Lex - ST_10184_2021](#)

2. External Relations / Foreign Policy

Case Law

Case C-872/19 P. Judgment of the Court (Grand Chamber) of 22 June 2021. République bolivarienne du Venezuela v Council of the European Union.

Appeal – Common foreign and security policy (CFSP) – Restrictive measures taken with regard to the situation in Venezuela – **Action for annulment brought by a third State** – Admissibility – Fourth paragraph of Article 263 TFEU – Locus standi – **Condition that the applicant must be directly concerned by the measure that forms the subject matter of the action** – Concept of a ‘legal person’ – Interest in bringing proceedings – Regulatory act which does not entail implementing measures.

[EUR-Lex - 62019CJ0872](#)

Case C-194/20. Judgment of the Court (Sixth Chamber) of 3 June 2021. BY and Others v Stadt Duisburg. Request for a preliminary ruling from the Verwaltungsgericht Düsseldorf.

Reference for a preliminary ruling – **EEC-Turkey Association Agreement** – Decision No 1/80 – Articles 6 and 7 – Legal employment – Article 9 – **Access to education for children of a Turkish worker** – Right of residence – Refusal.

[EUR-Lex - 62020CJ0194](#)

Case T-580/19. Judgment of the General Court (Fourth Chamber) of 9 June 2021 (Extracts). Sayed Shamsuddin Borborudi v Council of the European Union.

Common foreign and security policy – **Restrictive measures taken against Iran with the aim of preventing nuclear proliferation** – Freezing of funds – List of persons, entities and bodies subject to the freezing of funds and economic resources – Retention of the applicant’s name on the list – Error of assessment – Article 266 TFEU.

[EUR-Lex - 62019TJ0580](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-153/20 P. Arrêt de la Cour (neuvième chambre) du 17 juin 2021. République de Lituanie contre Commission européenne.

Pourvoi – **Fonds européen agricole de garantie (FEAGA) et Fonds européen agricole pour le développement rural (Feader) – Dépenses exclues du financement de l’Union européenne** – Dépenses effectuées par la République de Lituanie – Règlement (UE) no 65/2011 – Contrôle administratif – Contrôle sur place – Qualité des contrôles – Qualité des demandeurs – Conditions créées artificiellement – Dépenses effectuées dans le cadre des projets.

[EUR-Lex - 62020CJ0153](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-439/19. Judgment of the Court (Grand Chamber) of 22 June 2021. Proceedings brought by B. Request for a preliminary ruling from the Satversmes tiesa.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Articles 5, 6 and 10 – **National legislation providing for public access to personal data relating to penalty points imposed for road traffic offences** – Lawfulness – Concept of ‘personal data relating to criminal convictions and offences’ – Disclosure for the purpose of improving road safety – Right of public access to official documents – Freedom of information – Reconciliation with the fundamental rights to respect for private life and to the protection of personal data – Re-use of data – Article 267 TFEU – Temporal effect of a preliminary ruling – Ability of a constitutional court of a Member State to maintain the legal effects of national legislation incompatible with EU law – Principles of primacy of EU law and of legal certainty.

[EUR-Lex - 62019CJ0439](#)

Joined Cases C-682/18 and C-683/18. Judgment of the Court (Grand Chamber) of 22 June 2021. Frank Peterson and Elsevier Inc. v Google LLC and Others. Requests for a preliminary ruling from the Bundesgerichtshof.

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[EUR-Lex - 62018CJ0682](#)

Case C-597/19. Judgment of the Court (Fifth Chamber) of 17 June 2021. Mircom International Content Management & Consulting (M.I.C.M.) Limited v Telenet BVBA. Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) and (2) – **Concept of ‘making available to the public’ – Downloading of a file containing a protected work via a peer-to-peer network and the simultaneous provision for uploading pieces of that file** – Directive 2004/48/EC – Article 3(2) – Misuse of measures, procedures and remedies – Article 4 – Persons entitled to apply for the application of measures, procedures and remedies – Article 8 – Right of information – Article 13 – Concept of ‘prejudice’ – Regulation (EU) 2016/679 – Point (f) of the first subparagraph of Article 6(1) – Protection of natural persons with regard to the processing of personal data – Lawfulness of processing – Directive 2002/58/EC – Article 15(1) – Legislative measures to restrict the scope of the rights and obligations – Fundamental rights – Articles 7 and 8, Article 17(2) and the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0597](#)

Case C-645/19. Judgment of the Court (Grand Chamber) of 15 June 2021. Facebook Ireland Limited and Others v Gegevensbeschermingsautoriteit. Request for a preliminary ruling from the Hof van beroep te Brussel.

Reference for a preliminary ruling – Protection of natural persons 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 – **Cross-border processing of personal data – ‘One-stop shop’ mechanism** – Sincere and effective cooperation between supervisory authorities – Competences and powers – Power to initiate or engage in legal proceedings.

[EUR-Lex - 62019CJ0645](#)

Case C-762/19. Judgment of the Court (Fifth Chamber) of 3 June 2021. SIA “CV-Online Latvia” v SIA “Melons”. Request for a preliminary ruling from the Rīgas apgabaltiesas Civillietu tiesas kolēģija.

Reference for a preliminary ruling – **Legal protection of databases** – Directive 96/9/EC – Article 7 – Sui generis right of makers of databases – Prohibition on any third party to ‘extract’ or ‘re-utilise’, without the maker’s permission, the whole or a substantial part of the contents of the database – Database freely accessible on the internet – **Meta search engine specialising in job advertisement searches** – Extraction and/or re-utilisation of

the contents of a database – Risk to the substantial investment in the obtaining, verification or presentation of the content of a database.

[EUR-Lex - 62019CJ0762](#)

5. Competition and State Aid

Case Law

Case T-47/19. Judgment of the General Court (Fourth Chamber, Extended Composition) of 9 June 2021. Dansk Erhverv v European Commission.

State aid – **Sale of canned beverages in border shops in Germany to foreign residents – Exemption from the deposit on condition that the beverages purchased are consumed outside Germany** – Complaint – Decision by the Commission not to raise objections – Action for annulment – Locus standi – Admissibility – Conditions for initiating a formal investigation procedure – Error of law – Serious difficulties – Concept of ‘State aid’ – State resources – Non-imposition of a fine.

[EUR-Lex - 62019TJ0047](#)

6. Customs

Case Law

Case C-39/20. Judgment of the Court (Fifth Chamber) of 3 June 2021. Staatssecretaris van Financiën v Jumbocarry Trading GmbH. Request for a preliminary ruling from the Hoge Raad der Nederlanden.

Reference for a preliminary ruling – Regulation (EU) No 952/2013 – Union Customs Code – First subparagraph of Article 22(6), read in conjunction with Article 29 – Communication of the grounds to the person concerned before taking a decision which would adversely affect that person – Article 103(1) and Article 103(3)(b) – Limitation of the customs debt – **Period for notification of the customs debt** – Suspension of the period – Article 124(1)(a) – Extinguishment of the customs debt where it is time-barred – Temporal application of the provision governing the grounds for suspension – Principles of legal certainty and protection of legitimate expectations.

[EUR-Lex - 62020CJ0039](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-279/19. Judgment of the Court (Fourth Chamber) of 10 June 2021. The Commissioners for Her Majesty's Revenue and Customs v WR. Request for a preliminary ruling from the Court of Appeal.

Reference for a preliminary ruling – **General arrangements for excise duty** – Directive 2008/118/EC – Article 33(3) – **Goods ‘released for consumption’ in one Member State and held for commercial purposes in another Member State** – Person liable to pay the excise duty that has become chargeable in respect of those goods – Person holding the goods intended for delivery in another Member State – Transporter of the goods.

[EUR-Lex - 62019CJ0279](#)

Case C-910/19. Judgment of the Court (Fourth Chamber) of 3 June 2021. Bankia SA v Unión Mutua Asistencial de Seguros (UMAS). Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – Directive 2003/71/EC – **Prospectus when securities are offered to the public or admitted to trading** – Article 3(2) – Article 6 – Offer addressed to both retail investors and qualified investors – Content of information given in the prospectus – Action for damages – Retail investors and qualified investors – Awareness of the issuer’s economic situation.

[EUR-Lex - 62019CJ0910](#)

Case C-931/19. Judgment of the Court (Tenth Chamber) of 3 June 2021. Titanium Ltd v Finanzamt Österreich, anciennement Finanzamt Wien. Request for a preliminary ruling from the Bundesfinanzgericht.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Articles 43 and 45 – Directive 2006/112/EC, as amended by Directive 2008/8/EC – Articles 44, 45 and 47 – Provision of services – Point of reference for tax purposes – Concept of a ‘fixed establishment’ – **Letting a property in a Member State – Owner of a property with its registered office on the island of Jersey.**

[EUR-Lex - 62019CJ0931](#)

Case C-182/20. Judgment of the Court (Eighth Chamber) of 3 June 2021. BE and DT v Administrația Județeană a Finanțelor Publice Suceava and Others. Request for a preliminary ruling from the Curtea de Apel Suceava.

Reference for a preliminary ruling – Value added tax (VAT) – Directive 2006/112/EC – Right to deduct – Adjustment of deductions – Insolvency proceedings – National legislation providing for automatic refusal to allow deduction of VAT in respect of taxable transactions that occurred prior to the initiation of those proceedings.

[EUR-Lex - 62020CJ0182](#)

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-550/19. Arrêt de la Cour (septième chambre) du 24 juin 2021. EV contre Obras y Servicios Públicos S.A. et Acciona Agua, S.A.

Renvoi préjudiciel – Politique sociale – Directive 1999/70/CE – Accord-cadre CES, UNICE et CEEP sur le travail à durée déterminée – Clause 5 – **Mesures visant à prévenir les abus résultant de l’utilisation de contrats ou de relations de travail à durée déterminée successifs** – Contrats de travail à durée déterminée successifs dans le secteur de la construction dits “fijos de obra” – Notion de “raisons objectives” justifiant le renouvellement de tels contrats – Directive 2001/23/CE – Article 1er, paragraphe 1 – Transfert d’entreprise – Article 3, paragraphe 1 – Maintien des droits des travailleurs – Subrogation dans les contrats de travail intervenant en vertu des dispositions d’une convention collective – Convention collective limitant les droits et les obligations des travailleurs transférés aux droits et aux obligations résultant du dernier contrat conclu avec l’entreprise sortante.

[EUR-Lex - 62019CJ0550](#)

Affaire C-94/20. Arrêt de la Cour (cinquième chambre) du 10 juin 2021. Land Oberösterreich contre KV. Demande de décision préjudicielle, introduite par le Landesgericht Linz.

Renvoi préjudiciel – Directive 2003/109/CE – **Statut des ressortissants de pays tiers résidents de longue durée** – Article 11 – **Droit à l’égalité de traitement en ce qui concerne la sécurité sociale, l’aide sociale et la protection sociale** – Dérogation au principe de l’égalité de traitement en matière d’aide sociale et de protection sociale – Notion de “prestations essentielles” – Directive 2000/43/CE – Principe de l’égalité de traitement entre les personnes sans distinction de race et d’origine ethnique – Article 2 – Concept de discrimination – Article 21 de la charte des droits fondamentaux de l’Union européenne – Réglementation d’un État membre subordonnant l’octroi d’une aide au logement aux ressortissants de pays tiers résidents de longue durée à la condition que ceux-ci apportent la preuve, d’une manière déterminée par cette réglementation, qu’ils possèdent des connaissances de base dans la langue de cet État membre.

[EUR-Lex - 62020CJ0094](#)

Case C-784/19. Judgment of the Court (Grand Chamber) of 3 June 2021. „TEAM POWER EUROPE“ EOOD v Direktor na Teritorialna direktsia na Natsionalna agentsia za prihodite - Varna. Request for a preliminary ruling from the Administrativen sad - Varna.

Reference for a preliminary ruling – Migrant workers – Social security – Legislation applicable – Regulation (EC) No 883/2004 – Article 12(1) – **Posting of workers** – Temporary agency workers – Regulation (EC) No 987/2009 – Article 14(2) – A1 certificate – **Determination of the Member State in which the employer normally carries out its activities** – Concept of ‘substantial activities, other than purely internal management activities’ – No assignment of temporary agency workers in the territory of the Member State in which the employer is established.

[EUR-Lex - 62019CJ0784](#)

Affaire C-914/19. Arrêt de la Cour (deuxième chambre) du 3 juin 2021. Ministero della Giustizia contre GN. Demande de décision préjudicielle, introduite par le Consiglio di Stato.

Renvoi préjudiciel – Politique sociale – Principe d’égalité de traitement en matière d’emploi et de travail – Directive 2000/78/CE – Article 6, paragraphe 1 – Charte des droits fondamentaux de l’Union européenne – Article 21 – **Interdiction de toute discrimination fondée sur l’âge – Réglementation nationale fixant une limite d’âge de 50 ans pour l’accès à la profession de notaire** – Justification.

[EUR-Lex - 62019CJ0914](#)

Case C-326/19. Judgment of the Court (Seventh Chamber) of 3 June 2021. EB v Presidenza del Consiglio dei Ministri and Others. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio.

Reference for a preliminary ruling – Social policy – Directive 1999/70/EC – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clause 5 – **Successive fixed-term employment contracts or relationships** – Misuse – Preventive measures – Fixed-term employment contracts in the public sector – University researchers.

[EUR-Lex - 62019CJ0326](#)

Case C-624/19. Judgment of the Court (Second Chamber) of 3 June 2021. K and Others v Tesco Stores Ltd. Request for a preliminary ruling from the Watford Employment Tribunal.

Reference for a preliminary ruling – Social policy – **Equal pay for male and female workers** – Article 157 TFEU – Direct effect – **Concept of ‘work of equal value’** – Claims seeking equal pay for work of equal value – Single source – Workers of different sex having the same employer – Different establishments – Comparison.

[EUR-Lex - 62019CJ0624](#)

Case C-942/19. Judgment of the Court (Seventh Chamber) of 3 June 2021. Servicio Aragonés de Salud v LB. Request for a preliminary ruling from the Tribunal Superior de Justicia de Aragón.

Reference for a preliminary ruling – Social policy – **Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP** – Clause 4 – Principle of non-discrimination – **Rejection of a request for leave of absence by reason of employment in the public sector provided for permanent staff regulated under administrative law** – National legislation excluding entitlement to such leave when taking up temporary employment – Scope – Inapplicability of clause 4 – **Lack of jurisdiction of the Court.**

[EUR-Lex - 62019CJ0942](#)

Affaire C-726/19. Arrêt de la Cour (septième chambre) du 3 juin 2021. Instituto Madrileño de Investigación y Desarrollo Rural, Agrario y Alimentario contre JN. Demande de décision préjudicielle, introduite par le Tribunal Superior de Justicia de Madrid.

Renvoi préjudiciel – Politique sociale – Directive 1999/70/CE – **Accord-cadre CES, UNICE et CEEP sur le travail à durée déterminée** – Clause 5 – Applicabilité – Notion de “contrats ou de relations de travail à durée déterminée successifs” – Contrats de travail à durée déterminée dans le secteur public – **Mesures visant à prévenir et à sanctionner le recours abusif aux contrats ou aux relations de travail à durée déterminée successifs** – Notion de “raisons objectives” justifiant de tels contrats – Mesures légales équivalentes – Obligation d’interprétation conforme du droit national – Crise économique.

[EUR-Lex - 62019CJ0726](#)

10. Energy and Environment

Case Law

Affaire C-559/19. Arrêt de la Cour (première chambre) du 24 juin 2021. Commission européenne contre Royaume d'Espagne.

Manquement d'État – Article 258 TFUE – **Espace naturel protégé de Doñana (Espagne)** – Directive 2000/60/CE – Cadre pour une politique de l'Union européenne dans le domaine de l'eau – Article 4, paragraphe 1, sous b), i), article 5 et article 11, paragraphe 1, paragraphe 3, sous a), c) et e), ainsi que paragraphe 4 – **Détérioration des masses d'eau souterraines** – Absence de caractérisation plus détaillée des masses d'eau souterraines recensées comme courant un risque de détérioration – Mesures de base et mesures complémentaires adéquates – Directive 92/43/CEE – Article 6, paragraphe 2 – Détérioration des habitats naturels et des habitats d'espèces.

[EUR-Lex - 62019CJ0559](#)

Affaire C-635/18. Arrêt de la Cour (septième chambre) du 3 juin 2021. Commission européenne contre République fédérale d'Allemagne.

Manquement d'État – Environnement – Directive 2008/50/CE – Qualité de l'air ambiant – Article 13, paragraphe 1, et annexe XI – **Dépassement systématique et persistant des valeurs limites pour le dioxyde d'azote (NO2) dans certaines zones et agglomérations de l'Allemagne** – Article 23, paragraphe 1 – Annexe XV – Période de dépassement “la plus courte possible” – Mesures appropriées.

[EUR-Lex - 62018CJ0635](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (**EU Digital COVID Certificate**) to facilitate free movement during the COVID-19 pandemic

[EUR-Lex - 32021R0953](#)

Regulation (EU) 2021/954 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (**EU Digital COVID Certificate**) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic

[EUR-Lex - 32021R0954](#)

Case Law

Case C-303/20. Judgment of the Court (Sixth Chamber) of 10 June 2021. Ultimo Portfolio Investment (Luxembourg) S.A. v KM. Request for a preliminary ruling from the Sąd Rejonowy w Opatowie.

Reference for a preliminary ruling – Credit agreements for consumers – Directive 2008/48/EC – Risk of over-indebtedness – Article 8 – **Creditor's obligation to assess the consumer's creditworthiness** – Article 23 – Effective, proportionate and dissuasive nature of the penalty in the event of infringement of that obligation.

[EUR-Lex - 62020CJ0303](#)

Case C-65/20. Judgment of the Court (First Chamber) of 10 June 2021. VI v KRONE – Verlag Gesellschaft mbH & Co KG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Consumer protection – Liability for defective products – Directive 85/374/EEC – Article 2 – Concept of 'defective product' – **Copy of a printed newspaper containing inaccurate health advice** – Exclusion from the directive's scope.

[EUR-Lex - 62020CJ0065](#)

Case C-192/20. Judgment of the Court (Seventh Chamber) of 10 June 2021. Prima banka Slovensko a.s. v HD. Request for a preliminary ruling from the Krajský súd v Prešove.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Scope – Article 1(2) – Mandatory national legislative provisions – **Early termination of the loan agreement** – Accumulation of loan interest and default interest.

[EUR-Lex - 62020CJ0192](#)

Joined Cases C-776/19 to C-782/19. Judgment of the Court (First Chamber) of 10 June 2021. VB and Others v BNP Paribas Personal Finance SA and Procureur de la République. Requests for a preliminary ruling from the Tribunal de grande instance de Paris.

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – **Unfair terms in consumer contracts – Mortgage loan agreements denominated in a foreign currency (Swiss francs)** – Limitation – Article 4(2) – Main subject matter of the contract – Terms exposing the borrower to a foreign exchange risk – **Requirements of intelligibility and transparency** – Burden of proof – Article 3(1) – Significant imbalance – Article 5 – Contractual term that is in plain, intelligible language – Principle of effectiveness.

[EUR-Lex - 62019CJ0776](#)

12. Human Rights

Case Law

Affaires jointes C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 et C-397/19. Arrêt de la Cour (grande chambre) du 18 mai 2021. Asociația « Forumul Judecătorilor din România » e.a. contre Inspekția Judiciară e.a. Demandes de décision préjudicielle, introduites par le Tribunalul Olt e.a.

Renvoi préjudiciel – Traité d’adhésion de la République de Bulgarie et de la Roumanie à l’Union européenne – **Acte relatif aux conditions d’adhésion à l’Union de la République de Bulgarie et de la Roumanie** – Articles 37 et 38 – Mesures appropriées – **Mécanisme de coopération et de vérification des progrès réalisés par la Roumanie en vue d’atteindre certains objectifs de référence spécifiques en matière de réforme du système judiciaire et de lutte contre la corruption** – Décision 2006/928/CE – Nature et effets juridiques du mécanisme de coopération et de vérification et des rapports établis par la Commission sur le fondement de celui-ci – État de droit – **Indépendance de la justice** – Article 19, paragraphe 1, second alinéa, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – Lois et ordonnances gouvernementales d’urgence adoptées en Roumanie au cours des années 2018 et 2019 en matière d’organisation du système judiciaire et de responsabilité des juges – Nomination ad interim aux postes de direction de l’Inspection judiciaire – Mise en place au sein du ministère public d’une section chargée d’enquêter sur les infractions commises au sein du système judiciaire – Responsabilité patrimoniale de l’État et responsabilité personnelle des juges en cas d’erreur judiciaire.

[EUR-Lex - 62019CJ0083](#)

Case C-439/19. Judgment of the Court (Grand Chamber) of 22 June 2021. Proceedings brought by B. Request for a preliminary ruling from the Satversmes tiesa.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Articles 5, 6 and 10 – **National legislation providing for public access to personal data relating to penalty points imposed for road traffic offences** – Lawfulness – Concept of ‘personal data relating to criminal convictions and offences’ – Disclosure for the purpose of improving road safety – Right of public access to official documents – Freedom of information – Reconciliation with the fundamental rights to respect for private life and to the protection of personal data – Re-use of data – Article 267 TFEU – Temporal effect of a preliminary ruling – Ability of a constitutional court of a Member State to maintain the legal effects of national legislation incompatible with EU law – Principles of primacy of EU law and of legal certainty.

[EUR-Lex - 62019CJ0439](#)

Case C-597/19. Judgment of the Court (Fifth Chamber) of 17 June 2021. Mircom International Content Management & Consulting (M.I.C.M.) Limited v Telenet BVBA. Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) and (2) – Concept of ‘making available to the public’ – **Downloading of a file containing a protected work via a peer-to-peer network and the simultaneous provision for uploading pieces of that file** – Directive 2004/48/EC – Article 3(2) – Misuse of measures, procedures and remedies – Article 4 – Persons entitled to apply for the application of measures, procedures and remedies – Article 8 – Right of information – Article 13 – Concept of ‘prejudice’ – Regulation (EU) 2016/679 – Point (f) of the first subparagraph of Article 6(1) – **Protection of natural persons with regard to the processing of personal data** – Lawfulness of processing – Directive 2002/58/EC – Article 15(1) – Legislative measures to restrict the scope of the rights and obligations – Fundamental rights – Articles 7 and 8, Article 17(2) and the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0597](#)

Case C-645/19. Judgment of the Court (Grand Chamber) of 15 June 2021. Facebook Ireland Limited and Others v Gegevensbeschermingsautoriteit. Request for a preliminary ruling from the Hof van beroep te Brussel.

Reference for a preliminary ruling – Protection of natural persons 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 – **Cross-border processing of personal data – ‘One-stop shop’ mechanism** – Sincere and effective cooperation between supervisory authorities – Competences and powers – Power to initiate or engage in legal proceedings.

[EUR-Lex - 62019CJ0645](#)

Affaire C-94/20. Arrêt de la Cour (cinquième chambre) du 10 juin 2021. Land Oberösterreich contre KV. Demande de décision préjudicielle, introduite par le Landesgericht Linz.

Renvoi préjudiciel – Directive 2003/109/CE – Statut des ressortissants de pays tiers résidents de longue durée – Article 11 – **Droit à l’égalité de traitement en ce qui concerne la sécurité sociale, l’aide sociale et la protection sociale** – Dérogation au principe de l’égalité de traitement en matière d’aide sociale et de protection sociale – Notion de “prestations essentielles” – Directive 2000/43/CE – **Principe de l’égalité de traitement entre les personnes sans distinction de race et d’origine ethnique** – Article 2 – Concept de discrimination – Article 21 de la charte des droits fondamentaux de l’Union européenne – Réglementation d’un État membre subordonnant l’octroi d’une aide au logement aux ressortissants de pays tiers résidents de longue durée à la condition que ceux-ci apportent la preuve, d’une manière déterminée par cette réglementation, qu’ils possèdent des connaissances de base dans la langue de cet État membre.

[EUR-Lex - 62020CJ0094](#)

Affaire C-914/19. Arrêt de la Cour (deuxième chambre) du 3 juin 2021. Ministero della Giustizia contre GN. Demande de décision préjudicielle, introduite par le Consiglio di Stato.

Renvoi préjudiciel – Politique sociale – Principe d’égalité de traitement en matière d’emploi et de travail – Directive 2000/78/CE – Article 6, paragraphe 1 – Charte des droits fondamentaux de l’Union européenne – Article 21 – **Interdiction de toute discrimination fondée sur l’âge – Réglementation nationale fixant une limite d’âge de 50 ans pour l’accès à la profession de notaire** – Justification.

[EUR-Lex - 62019CJ0914](#)

Case C-55/20 Opinion of Advocate General Bobek delivered on 17 June 2021(1) Ministerstwo Sprawiedliwości joined parties: Pierwszy Zastępca Prokuratora Generalnego, Prokurator Krajowy, Rzecznik Dyscyplinary Izby Adwokackiej w Warszawie. Request for a preliminary ruling from the Sąd Dyscyplinary Izby Adwokackiej w Warszawie (Disciplinary Court of the Bar Association in Warsaw, Poland)).

Reference for a preliminary ruling – **Freedom to provide legal advice** – Disciplinary proceedings against a lawyer – Respective scopes of application of Directive 2006/123/EC and Directive 98/5/EC – **Applicability of Directive 2006/123/EC to disciplinary proceedings** – Authorisation schemes – Concept of ‘court or tribunal’ – Local Bar Association Disciplinary Court composed of non-professional judges – Article 47 of the Charter of Fundamental Rights and Article 19(1) TEU – **Powers of lower courts where a higher national court lacks independence.**

[EUR-Lex - 62020CC0055](#)

13. Internal Market and Single Market

Case Law

Case C-719/19. Judgment of the Court (Grand Chamber) of 22 June 2021. FS v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Raad van State.

Reference for a preliminary ruling – **Citizenship of the Union** – Directive 2004/38/EC – Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States – Article 15 – **End of a Union citizen’s temporary residence in the territory of the host Member State – Expulsion decision** – Physical departure of that Union citizen from that territory – Temporal effects of that expulsion decision – Article 6 – Possibility for that Union citizen to enjoy a new right of residence on his or her return to that territory.
[EUR-Lex - 62019CJ0719](#)

Case C-718/19. Judgment of the Court (Grand Chamber) of 22 June 2021. Ordre des barreaux francophones et germanophone and Others v Conseil des ministres. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – **Citizenship of the Union** – Articles 20 and 21 TFEU – Directive 2004/38/EC – Right of citizens of the Union and their family members to move and reside freely within the territory of the Member States – **Decision to terminate a person’s residence on grounds of public policy** – Preventive measures to avoid any risk of the person concerned absconding during the period allowed for that person to leave the territory of the host Member State – National provisions similar to those applicable to third-country nationals under Article 7(3) of Directive 2008/115/EC – Maximum period of detention for the purpose of removal – National provision identical to that applicable to third-country nationals.
[EUR-Lex - 62019CJ0718](#)

Case C-210/20. Judgment of the Court (Ninth Chamber) of 3 June 2021. Rad Service Srl Unipersonale and Others v Del Debbio SpA and Others. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – **Public procurement of service, supply and works contracts** – Directive 2014/24/EU – Conduct of the tendering procedure – Choice of participants and award of contracts – Article 63 – **Tenderer relying on the capacities of another entity in order to meet the requirements of the contracting authority** – Article 57(4)(6) and (7) – Untruthful declarations submitted by that entity – Exclusion of that tenderer without requiring or permitting it to replace that entity – Principle of proportionality.
[EUR-Lex - 62020CJ0210](#)

Case C-55/20 Opinion of Advocate General Bobek delivered on 17 June 2021(1) Ministerstwo Sprawiedliwości joined parties: Pierwszy Zastępca Prokuratora Generalnego, Prokurator Krajowy, Rzecznik Dyscyplinarny Izby Adwokackiej w Warszawie. Request for a preliminary ruling from the Sąd Dyscyplinarny Izby Adwokackiej w Warszawie (Disciplinary Court of the Bar Association in Warsaw, Poland)).

Reference for a preliminary ruling – **Freedom to provide legal advice** – Disciplinary proceedings against a lawyer – Respective scopes of application of Directive 2006/123/EC and Directive 98/5/EC – **Applicability of Directive 2006/123/EC to disciplinary proceedings** – Authorisation schemes – Concept of ‘court or tribunal’ – Local Bar Association Disciplinary Court composed of non-professional judges – Article 47 of the Charter of Fundamental Rights and Article 19(1) TEU – **Powers of lower courts where a higher national court lacks independence.**
[EUR-Lex - 62020CC0055](#)

14. Intellectual Property

Case Law

Joined Cases C-682/18 and C-683/18. Judgment of the Court (Grand Chamber) of 22 June 2021. Frank Peterson and Elsevier Inc. v Google LLC and Others. Requests for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – **Making available and management of a video-sharing platform or a file-hosting and -sharing platform – Liability of the operator for infringements of intellectual property rights by users of its platform** – Directive 2001/29/EC – Article 3 and Article 8(3) – Concept of ‘communication to the public’ – Directive 2000/31/EC – Articles 14 and 15 – Conditions for exemption from liability – No knowledge of specific infringements – Notification of such infringements as a condition for obtaining an injunction.

[EUR-Lex - 62018CJ0682](#)

Case C-597/19. Judgment of the Court (Fifth Chamber) of 17 June 2021. Mircom International Content Management & Consulting (M.I.C.M.) Limited v Telenet BVBA. Request for a preliminary ruling from the Ondernemingsrechtbank Antwerpen.

Reference for a preliminary ruling – Intellectual property – Copyright and related rights – Directive 2001/29/EC – Article 3(1) and (2) – **Concept of ‘making available to the public’ – Downloading of a file containing a protected work via a peer-to-peer network and the simultaneous provision for uploading pieces of that file** – Directive 2004/48/EC – Article 3(2) – Misuse of measures, procedures and remedies – Article 4 – Persons entitled to apply for the application of measures, procedures and remedies – Article 8 – Right of information – Article 13 – Concept of ‘prejudice’ – Regulation (EU) 2016/679 – Point (f) of the first subparagraph of Article 6(1) – Protection of natural persons with regard to the processing of personal data – Lawfulness of processing – Directive 2002/58/EC – Article 15(1) – Legislative measures to restrict the scope of the rights and obligations – Fundamental rights – Articles 7 and 8, Article 17(2) and the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0597](#)

Case C-762/19. Judgment of the Court (Fifth Chamber) of 3 June 2021. SIA “CV-Online Latvia” v SIA “Melons”. Request for a preliminary ruling from the Rīgas apgabaltiesas Civillietu tiesas kolēģija.

Reference for a preliminary ruling – **Legal protection of databases** – Directive 96/9/EC – Article 7 – Sui generis right of makers of databases – Prohibition on any third party to ‘extract’ or ‘re-utilise’, without the maker’s permission, the whole or a substantial part of the contents of the database – Database freely accessible on the internet – **Meta search engine specialising in job advertisement searches** – Extraction and/or re-utilisation of the contents of a database – Risk to the substantial investment in the obtaining, verification or presentation of the content of a database.

[EUR-Lex - 62019CJ0762](#)

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

Case Law

Affaire C-800/19. Arrêt de la Cour (première chambre) du 17 juin 2021. Mittelbayerischer Verlag KG contre SM. Demande de décision préjudicielle, introduite par le Sąd Apelacyjny w Warszawie.

Renvoi préjudiciel – Coopération judiciaire en matière civile – **Règlement (UE) no 1215/2012** – Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Article 7, point 2 – **Compétence spéciale en matière délictuelle ou quasi délictuelle** – Lieu où le fait dommageable s’est produit ou risque de se produire – **Personne alléguant une violation de ses droits de la personnalité, résultant de la publication d’un article sur Internet** – Lieu de la matérialisation du dommage – Centre des intérêts de cette personne.

[EUR-Lex - 62019CJ0800](#)

Case C-921/19. Judgment of the Court (Third Chamber) of 10 June 2021. LH v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch.

Reference for a preliminary ruling – Border controls, asylum and immigration – **Asylum policy** – Common procedures for granting and withdrawing international protection – Directive 2013/32/EU – Article 40(2) – **Subsequent application – New elements or findings** – Concept – **Documents the authenticity of which cannot be established or the source of which cannot be objectively verified** – Directive 2011/95/EU – Article 4(1) and (2) – Assessment of the evidence – Obligation of the Member State concerned to cooperate.

[EUR-Lex - 62019CJ0921](#)

Case C-901/19. Judgment of the Court (Third Chamber) of 10 June 2021. CF and DN v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg.

Reference for a preliminary ruling – **Common policy on asylum and subsidiary protection** – Directive 2011/95/EU – Conditions for granting subsidiary protection – Article 15(c) – **Concept of ‘serious and individual threat’ to a civilian’s life or person by reason of indiscriminate violence** in situations of international or internal armed conflict – National legislation requiring a minimum number of civilian casualties (killed and injured) in the relevant region.

[EUR-Lex - 62019CJ0901](#)

Affaire C-546/19. Arrêt de la Cour (quatrième chambre) du 3 juin 2021. BZ contre Westerwaldkreis. Demande de décision préjudicielle, introduite par le Bundesverwaltungsgericht.

Renvoi préjudiciel – Espace de liberté, de sécurité et de justice – Politique d’immigration – **Retour des ressortissants de pays tiers en séjour irrégulier** – Directive 2008/115/CE – Article 2, paragraphe 1 – Champ d’application – Ressortissant d’un pays tiers – Condamnation pénale dans l’État membre – Article 3, point 6 – Interdiction d’entrée – **Motifs d’ordre public et de sécurité publique** – Retrait de la décision de retour – Légalité de l’interdiction d’entrée.

[EUR-Lex - 62019CJ0546](#)

Case C-280/20. Judgment of the Court (Eighth Chamber) of 3 June 2021. ZN v Generalno konsulstvo na Republika Bulgaria v grad Valensia, Kralstvo Ispania. Request for a preliminary ruling from the Sofijski rayonen sad.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012** – Determination of international jurisdiction of the courts of a Member State – Article 5(1) – **Employee residing in a Member State – Contract concluded with a consular representation of that Member State in another Member State** – Functions of the employee – No exercise of public powers.

[EUR-Lex - 62020CJ0280](#)

16. Transport

Case Law

Affaire C-12/20. Arrêt de la Cour (cinquième chambre) du 24 juin 2021. DB Netz AG contre Bundesrepublik Deutschland.

Renvoi préjudiciel – **Transports ferroviaires** – Corridors internationaux pour le fret ferroviaire – Règlement (UE) no 913/2010 – Article 13, paragraphe 1 – **Établissement d’un guichet unique pour chaque corridor de fret** – Article 14 – Nature du cadre pour la répartition des capacités de l’infrastructure sur le corridor de fret établi par le comité exécutif – Article 20 – Organismes de contrôle – Directive 2012/34/UE – Article 27 – Procédure d’introduction des demandes de capacités d’infrastructure – Rôle des gestionnaires de l’infrastructure – Articles 56 et 57 – Fonctions de l’organisme de contrôle et coopération entre organismes de contrôle.

[EUR-Lex - 62020CJ0012](#)

Case C-923/19. Judgment of the Court (Fifth Chamber) of 10 June 2021. Van Ameyde España SA v GES, Seguros y Reaseguros SA. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – **Compulsory insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Article 1, points 1 and 2 – Article 3, first, second and final paragraphs – Concept of ‘vehicle’ – Obligation to cover damage to property – Scope – **Traffic accident involving an articulated vehicle the parts of which are covered by separate compulsory insurance** – Damage caused to the semi-trailer by the tractor vehicle to which it was coupled when the accident occurred – Interpretation of national legislation excluding cover for that damage by the compulsory insurance against civil liability in respect of the use of that road tractor.

[EUR-Lex - 62019CJ0923](#)

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

Community Legislation

Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the **European Regional Development Fund and on the Cohesion Fund**

[EUR-Lex - 32021R1058](#)

Case Law

Case C-591/19 P. Judgment of the Court (First Chamber) of 10 June 2021. European Commission v Fernando De Esteban Alonso.

Appeal – Civil service – Internal investigation by the European Anti-fraud Office (OLAF) – Forwarding of information by OLAF to the national judicial authorities – Filing of a complaint by the European Commission – Concepts of an official who is ‘referred to by name’ and ‘implicated’ – Failure to inform the interested party – **Commission’s right to file a complaint with the national judicial authorities before the conclusion of OLAF’s investigation** – Action for damages.

[EUR-Lex - 62019CJ0591](#)

Case C-650/18. Judgment of the Court (Grand Chamber) of 3 June 2021. Hungary v European Parliament.

Action for annulment – Article 7(1) TEU – **European Parliament resolution on a proposal calling on the Council of the European Union to determine the existence of a clear risk of a serious breach of the values on which the European Union is founded** – Articles 263 and 269 TFEU – Jurisdiction of the Court – Admissibility of the action – Challengeable act – Article 354 TFEU – Rules for counting votes in the Parliament – Rules of Procedure of the Parliament – Rule 178(3) – Concept of ‘votes cast’ – Abstentions – Principles of legal certainty, equal treatment, democracy and sincere cooperation.

[EUR-Lex - 62018CJ0650](#)