



Institut suisse de droit comparé
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Istituto svizzero di diritto comparato
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EU News: Click & Read

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Editor: [Henrik Westermarck](#) Legal Adviser

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

Case C-296/20. Judgment of the Court (Sixth Chamber) of 30 September 2021. *Commerzbank AG v E.O.*

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of judgments – Civil and commercial matters – **Lugano II Convention** – Article 15(1)(c) – **Jurisdiction over consumer contracts – Transfer of the consumer's domicile to another State bound by the convention.**

[EUR-Lex - 62020CJ0296](#)

Case C-741/19. Judgment of the Court (Grand Chamber) of 2 September 2021. *République de Moldavie v Société Komstroy, venant aux droits de la société Energoalians. Request for a preliminary ruling from the Cour d'appel de Paris.*

Reference for a preliminary ruling – **Energy Charter Treaty** – Article 26 – Inapplicability between Member States – **Arbitration Award** – Judicial review – Jurisdiction of a court of a Member State – Dispute between a third-State operator and a third State – **Jurisdiction of the Court** – Article 1(6) of the Energy Charter Treaty – **Concept of 'investment'.**

[EUR-Lex - 62019CJ0741](#)

Case C-930/19. Judgment of the Court (Grand Chamber) of 2 September 2021. *X v État belge. Request for a preliminary ruling from the Conseil du Contentieux des Étrangers.*

Reference for a preliminary ruling – Directive 2004/38/EC – Article 13(2) – **Right of residence of family members of a Union citizen** – Marriage between a Union citizen and a third-country national – **Retention, in the event of divorce, of the right of residence by a third-country national who is the victim of acts of domestic violence committed by his or her spouse** – Requirement to demonstrate the existence of sufficient resources – No such requirement in Directive 2003/86/EC – Validity – Charter of Fundamental Rights of the European Union – Articles 20 and 21 – Equal treatment – Difference in treatment based on whether the sponsor is a Union citizen or a third-country national – Non-comparability of situations.

[EUR-Lex - 62019CJ0930](#)

1. EU-Swiss Relations

Nothing to report for the period under review.

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2021/1726 of 28 September 2021 in support of **combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States** – Phase II
[EUR-Lex - 32021D1726](#)

Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 establishing the **Instrument for Pre-Accession assistance** (IPA III)
[EUR-Lex - 32021R1529](#)

Case Law

Affaire T-279/19. Arrêt du Tribunal (neuvième chambre élargie) du 29 septembre 2021. Front populaire pour la libération de la Saguia el-Hamra et du Rio de oro (Front Polisario) contre Conseil de l'Union européenne.

Relations extérieures – Accords internationaux – **Accord euro-méditerranéen d'association CE-Maroc** – Accord sous forme d'échange de lettres sur la modification des protocoles no 1 et no 4 de l'accord euro-méditerranéen – Décision approuvant la conclusion de l'accord – Recours en annulation – Recevabilité – Capacité d'ester en justice – Affectation directe – Affectation individuelle – **Champ d'application territorial** – Compétence – Interprétation du droit international retenue par la Cour – Principe d'autodétermination – **Principe de l'effet relatif des traités** – Invocabilité – Notion de consentement – Mise en œuvre – Pouvoir d'appréciation – Limites – Maintien des effets de la décision attaquée.

[EUR-Lex - 62019TJ0279](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Affaire C-783/19. Arrêt de la Cour (cinquième chambre) du 9 septembre 2021. Comité Interprofessionnel du Vin de Champagne contre GB. Demande de décision préjudicielle, introduite par Audiencia Provincial de Barcelona.

Renvoi préjudiciel – Agriculture – Protection des appellations d'origine et des indications géographiques – Caractère uniforme et exhaustif – Règlement (UE) no 1308/2013 – Article 103, paragraphe 2, sous a), ii) – Article 103, paragraphe 2, sous b) – Évocation – **Appellation d'origine protégée (AOP) "Champagne"** – Services – Comparabilité des produits – **Utilisation de la dénomination commerciale "Champanillo"**.

[EUR-Lex - 62019CJ0783](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-433/20. Opinion of Advocate General Hogan delivered on 23 September 2021. Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG. Request for a preliminary ruling from the Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria)
Request for a preliminary reference – Approximation of laws – Copyright and related rights – Directive 2001/29/EC – Article 2 – Reproduction right – Article 5(2)(b) – **Private copying exception – Servers owned by third parties made available to natural persons for private use** – Provision of a cloud computing service – Interpretation of terms ‘on any medium’ – Fair compensation

[EUR-Lex - 62020CC0433](#)

Case C-34/20. Judgment of the Court (Eighth Chamber) of 2 September 2021. Telekom Deutschland GmbH v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Köln.
Reference for a preliminary ruling – Electronic communications – Regulation (EU) 2015/2120 – Article 3 – **Open internet access** – Article 3(1) – End users’ rights – Article 3(2) – Prohibition of agreements and commercial practices limiting the exercise of end users’ rights – Article 3(3) – **Obligation of equal and non-discriminatory treatment of traffic** – Possibility of implementing reasonable traffic management measures – Additional ‘zero tariff’ option – Limitation on bandwidth.

[EUR-Lex - 62020CJ0034](#)

5. Competition and State Aid

Case Law

Case C-337/19 P. Judgment of the Court (Fourth Chamber) of 16 September 2021. European Commission v Kingdom of Belgium and Magnetrol International.
Appeal – State aid – Aid scheme implemented by the Kingdom of Belgium – **Excess profit exemption** – Tax ruling – Consistent administrative practice – Regulation (EU) 2015/1589 – Article 1(d) – Concept of ‘aid scheme’ – Concept of ‘act’ – Concept of ‘further implementing measures’ – **‘General and abstract’ definition of beneficiaries** – Cross-appeal – Admissibility – Fiscal autonomy of the Member States.

[EUR-Lex - 62019CJ0337](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-299/20. Judgment of the Court (First Chamber) of 30 September 2021. Icade Promotion SAS, anciennement Icade Promotion Logement SAS v Ministère de l'Action et des Comptes Publiques.
Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 392 – Margin taxation scheme – Scope – **Supply of buildings and building land purchased for resale** – Taxable person for whom the VAT on the purchase of buildings was not deductible – Resale subject to VAT – Concept of ‘building land’.

[EUR-Lex - 62020CJ0299](#)

Case C-186/20. Judgment of the Court (Tenth Chamber) of 30 September 2021. HYDINA SK s.r.o. v Finančné riaditeľstvo Slovenskej republiky.

Reference for a preliminary ruling – **Administrative cooperation and combating fraud in the field of value added tax (VAT)** – Regulation (EU) No 904/2010 – Articles 10 to 12 – Exchange of information – Tax audit – Time limits – Suspension of the tax audit in case of exchange of information – Non-compliance with the time limits laid down for providing information – Effect on the lawfulness of the suspension of the tax audit.

[EUR-Lex - 62020CJ0186](#)

Case C-410/19. Judgment of the Court (Fourth Chamber) of 16 September 2021. The Software Incubator Ltd v Computer Associates (UK) Ltd. Request for a preliminary ruling from the Supreme Court of the United Kingdom.

Reference for a preliminary ruling – Self-employed commercial agents – Directive 86/653/EC – Article 1(2) – **Definition of ‘commercial agent’ – Supply of computer software to customers by electronic means** – Grant of a perpetual licence for use – Concepts of ‘sale’ and ‘goods’.

[EUR-Lex - 62019CJ0410](#)

Case C-337/19 P. Judgment of the Court (Fourth Chamber) of 16 September 2021. European Commission v Kingdom of Belgium and Magnetrol International.

Appeal – State aid – **Aid scheme implemented by the Kingdom of Belgium – Excess profit exemption** – Tax ruling – Consistent administrative practice – Regulation (EU) 2015/1589 – Article 1(d) – Concept of ‘aid scheme’ – Concept of ‘act’ – Concept of ‘further implementing measures’ – ‘General and abstract’ definition of beneficiaries – Cross-appeal – Admissibility – Fiscal autonomy of the Member States.

[EUR-Lex - 62019CJ0337](#)

Case C-449/20. Judgment of the Court (Seventh Chamber) of 9 September 2021. Real Vida Seguros SA v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Taxation – Article 63 TFEU – Free movement of capital – Income tax – Dividends attached to listed shares – **Tax advantage reserved for dividends attached to shares listed on the national stock exchange** – Difference in treatment – Objective distinguishing criterion – Restriction – Article 65 TFEU – Objectively comparable situations – Justification – Objective of a purely economic nature.

[EUR-Lex - 62020CJ0449](#)

Case C-100/20. Judgment of the Court (Fifth Chamber) of 9 September 2021. XY v Hauptzollamt B. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Taxation – Taxation of energy products and electricity – Directive 2003/96/EC – Article 17(1)(a) – **Tax reductions on the consumption of energy products and electricity in favour of energy-intensive businesses** – Optional reduction – Arrangements governing the repayment of tax levied in breach of provisions of national law adopted on the basis of a power granted to the Member States in that directive – Payment of interest – Principle of equal treatment.

[EUR-Lex - 62020CJ0100](#)

Affaire C-169/20. Arrêt de la Cour (neuvième chambre) du 2 septembre 2021. Commission européenne contre République portugaise.

Manquement d’État – Article 110 TFUE – Impositions intérieures – **Impositions discriminatoires** – Interdiction – Véhicules d’occasion importés des autres États membres – Composante de la taxe d’immatriculation calculée sur la base des émissions de dioxyde de carbone – **Omission de tenir compte de la dépréciation du véhicule.**

[EUR-Lex - 62020CJ0169](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Case C-285/20. Judgment of the Court (Eighth Chamber) of 30 September 2021. K v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (Uwv).

Reference for a preliminary ruling – Regulation (EC) No 883/2004 – Article 65(2) and (5) – Scope – Wholly unemployed worker – **Unemployment benefits** – Worker who resides and pursues an activity as an employed person in the competent Member State – Transfer of his or her residence to another Member State – **Person not actually pursuing an activity as an employed person in the competent Member State before becoming wholly unemployed** – Person on sick leave and receiving, on that basis, sickness benefits paid by the competent Member State – Pursuit of an activity as an employed person – Comparable legal situations.

[EUR-Lex - 62020CJ0285](#)

Case C-107/19. Judgment of the Court (Tenth Chamber) of 9 September 2021. XR v Dopravní podnik hl. m. Prahy, a.s. Request for a preliminary ruling from the Obvodní soud pro Prahu 9.

Reference for a preliminary ruling – Social policy – Directive 2003/88/EC – Organisation of working time – **Concepts of ‘working time’ and ‘rest period’ – Break during which the employee must remain ready to respond to a call-out within a two-minute time limit** – Primacy of EU law.

[EUR-Lex - 62019CJ0107](#)

Case C-350/20. Judgment of the Court (Grand Chamber) of 2 September 2021. O.D. and Others v Istituto nazionale della previdenza sociale (INPS). Request for a preliminary ruling from the Corte costituzionale.

Reference for a preliminary ruling – Directive 2011/98/EU – Rights for third-country workers who hold single permits – Article 12 – Right to equal treatment – Social security – Regulation (EC) No 883/2004 – Coordination of social security systems – Article 3 – Maternity and paternity benefits – Family benefits – **Legislation of a Member State excluding third-country nationals holding a single permit from entitlement to a childbirth allowance and a maternity allowance.**

[EUR-Lex - 62020CJ0350](#)

10. Energy and Environment

Case Law

Case C-100/20. Judgment of the Court (Fifth Chamber) of 9 September 2021. XY v Hauptzollamt B. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – Taxation – Taxation of energy products and electricity – Directive 2003/96/EC – Article 17(1)(a) – **Tax reductions on the consumption of energy products and electricity in favour of energy-intensive businesses** – Optional reduction – Arrangements governing the repayment of tax levied in breach of provisions of national law adopted on the basis of a power granted to the Member States in that directive – Payment of interest – Principle of equal treatment.

[EUR-Lex - 62020CJ0100](#)

Case C-741/19. Judgment of the Court (Grand Chamber) of 2 September 2021. République de Moldavie v Société Komstroy, venant aux droits de la société Energoalians. Request for a preliminary ruling from the Cour d'appel de Paris.

Reference for a preliminary ruling – **Energy Charter Treaty** – Article 26 – Inapplicability between Member States – **Arbitration Award** – Judicial review – Jurisdiction of a court of a Member State – Dispute between a third-State operator and a third State – **Jurisdiction of the Court** – Article 1(6) of the Energy Charter Treaty – **Concept of ‘investment’.**

[EUR-Lex - 62019CJ0741](#)

11. Food Safety, Public Health and Consumers

Case Law

Affaires jointes C-33/20, C-155/20 et C-187/20. Arrêt de la Cour (sixième chambre) du 9 septembre 2021. UK e.a. contre Volkswagen Bank GmbH e.a. Demandes de décision préjudicielle, introduites par Landgericht Ravensburg.

Renvoi préjudiciel – Protection des consommateurs – Directive 2008/48/CE – **Crédit aux consommateurs** – Article 10, paragraphe 2 – Mentions devant obligatoirement figurer dans le contrat – Obligation de mentionner le type de crédit, la durée du contrat de crédit, le taux d'intérêt de retard et le mécanisme d'adaptation du taux d'intérêt de retard applicable au moment de la conclusion du contrat de crédit – Modification du taux d'intérêt de retard en fonction du changement du taux d'intérêt de base déterminé par la banque centrale d'un État membre – Indemnité due en cas de remboursement anticipé du prêt – **Obligation de préciser le mode de calcul de la modification du taux d'intérêt de retard et de l'indemnité** – Non obligation de mentionner les possibilités de résiliation du contrat de crédit prévues par la réglementation nationale, mais non prévues par la directive 2008/48 – Article 14, paragraphe 1 – Droit de rétractation exercé par le consommateur fondé sur un défaut de mention obligatoire au titre de l'article 10, paragraphe 2 – Exercice hors délai – Interdiction, pour le prêteur, d'opposer une exception de forclusion ou d'abus de droit.

[EUR-Lex - 62020CJ0033](#)

Case C-371/20. Judgment of the Court (Sixth Chamber) of 2 September 2021. Peek & Cloppenburg KG, légalement représentée par Peek & Cloppenburg Düsseldorf Komplementär B.V. v Peek & Cloppenburg KG, légalement représentée par Van Graaf Management GmbH. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – **Consumer protection** – Directive 2005/29/EC – Unfair commercial practices – Commercial practices deemed to be unfair in all circumstances – Misleading commercial practices – First sentence of point 11 of Annex I – Advertising campaigns – **Use of editorial content in the media to promote a product** – Promotion financed by the trader itself – Concept of 'payment' – Promotion of sales of the products of the media operator company and of the trader – Advertorial.

[EUR-Lex - 62020CJ0371](#)

Case C-932/19. Judgment of the Court (Sixth Chamber) of 2 September 2021. JZ v OTP Jelzálogbank Zrt. and Others. Request for a preliminary ruling from the Győri Ítéltábla.

Reference for a preliminary ruling – **Consumer protection** – Unfair terms – Directive 93/13/EEC – Article 1(2) – Article 6(1) – **Loan denominated in foreign currency** – Difference between the exchange rate applicable when the loaned funds are released and when they are repaid – Member State legislation providing for the replacement of an unfair term by a provision of national law – **Possibility for the national court to invalidate the entire agreement containing the unfair term** – Possible consideration of the protection offered by that legislation and of the consumer's wishes regarding its application.

[EUR-Lex - 62019CJ0932](#)

Case C-579/19. Judgment of the Court (Fourth Chamber) of 2 September 2021. R, à la demande de Association of Independent Meat Suppliers and another v The Food Standards Agency. Request for a preliminary ruling from the Supreme Court of the United Kingdom.

Reference for a preliminary ruling – Protection of health – Regulation (EC) No 854/2004 – Article 5(2) – Regulation (EC) No 882/2004 – Article 54(3) – **Hygiene rules applicable to food of animal origin** – Post-mortem inspection of the carcass and offal – Official veterinarian – Health marking – Refusal – Meat declared unfit for human consumption – **Right of appeal against a decision of the official veterinarian** – Effective judicial protection – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0579](#)

Case C-570/19. Judgment of the Court (Fourth Chamber) of 2 September 2021. Irish Ferries Ltd v National Transport Authority. Request for a preliminary ruling from the High Court (Ireland).

Reference for a preliminary ruling – Maritime transport – **Rights of passengers when travelling by sea and inland waterway** – Regulation (EU) No 1177/2010 – Articles 18 and 19, Article 20(4), and Articles 24 and 25 – **Cancellation of passenger services** – Late delivery of a vessel to the carrier – Notice given prior to the originally scheduled date of departure – Consequences – Right to re-routing – Procedures – Payment of the additional costs – **Right to compensation** – Calculation – Concept of ticket price – National body responsible for the enforcement of Regulation No 1177/2010 – Competence – Concept of a complaint – Assessment of validity – Articles 16, 17, 20 and 47 of the Charter of Fundamental Rights of the European Union – Principles of proportionality, legal certainty and equal treatment.

[EUR-Lex - 62019CJ0570](#)

12. Human Rights

Case Law

Joined Cases C-208/20 and C-256/20. Judgment of the Court (Sixth Chamber) of 9 September 2021. Requests for a preliminary ruling from the Sofiyski rayonen sad.

Reference for a preliminary ruling – Article 20(2)(a) TFEU – **Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union** – Regulation (EC) No 1206/2001 – Cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters – Article 1(1)(a) – Regulation (EU) No 1215/2012 – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Article 5(1) – Outstanding debts – Legal decisions – Orders for payment – Service – **Debtor residing at an unknown address in a Member State other than that of the court seised.**

[EUR-Lex - 62020CJ0208](#)

Affaire C-18/20. Arrêt de la Cour (troisième chambre) du 9 septembre 2021. XY contre Bundesamt für Fremdenwesen und Asyl. Demande de décision préjudicielle, introduite par Verwaltungsgerichtshof.

Renvoi préjudiciel – Contrôles aux frontières, asile et immigration – Politique d’asile – **Procédures communes pour l’octroi et le retrait de la protection internationale** – Directive 2013/32/UE – Article 40 – Demande ultérieure – Éléments ou faits nouveaux – Notion – **Circonstances déjà existantes avant la clôture définitive d’une procédure ayant pour objet une demande de protection internationale antérieure** – Principe de l’autorité de la chose jugée – Faute du demandeur.

[EUR-Lex - 62020CJ0018](#)

13. Internal Market and Free Movement

Case Law

Case C-449/20. Judgment of the Court (Seventh Chamber) of 9 September 2021. Real Vida Seguros SA v Autoridade Tributária e Aduaneira. Request for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Taxation – Article 63 TFEU – Free movement of capital – Income tax – Dividends attached to listed shares – **Tax advantage reserved for dividends attached to shares listed on the national stock exchange** – Difference in treatment – Objective distinguishing criterion – Restriction – Article 65 TFEU – Objectively comparable situations – Justification – Objective of a purely economic nature.

[EUR-Lex - 62020CJ0449](#)

Affaires jointes C-721/19 et C-722/19. Arrêt de la Cour (cinquième chambre) du 2 septembre 2021. Sisal SpA e.a. contre Agenzia delle Dogane e dei Monopoli et Ministero dell'Economia e delle Finanze. Demandes de décision préjudicielle, introduites par Consiglio di Stato.

Renvoi préjudiciel – Articles 49 et 56 TFUE – Libre prestation des services – Restrictions – Directive 2014/23/UE – Procédures d'attribution des contrats de concession – Article 43 – Modifications substantielles – **Jeux de loterie à tirage instantané – Réglementation nationale prévoyant le renouvellement d'une concession sans nouvelle procédure d'appel d'offres** – Directive 89/665/CEE – Article 1er, paragraphe 3 – Intérêt à agir.

[EUR-Lex - 62019CJ0721](#)

Case C-930/19. Judgment of the Court (Grand Chamber) of 2 September 2021. X v État belge. Request for a preliminary ruling from the Conseil du Contentieux des Étrangers.

Reference for a preliminary ruling – Directive 2004/38/EC – Article 13(2) – **Right of residence of family members of a Union citizen** – Marriage between a Union citizen and a third-country national – **Retention, in the event of divorce, of the right of residence by a third-country national who is the victim of acts of domestic violence committed by his or her spouse** – Requirement to demonstrate the existence of sufficient resources – No such requirement in Directive 2003/86/EC – Validity – Charter of Fundamental Rights of the European Union – Articles 20 and 21 – Equal treatment – Difference in treatment based on whether the sponsor is a Union citizen or a third-country national – Non-comparability of situations.

[EUR-Lex - 62019CJ0930](#)

14. Intellectual Property

Case Law

Case C-433/20. Opinion of Advocate General Hogan delivered on 23 September 2021. Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG. Request for a preliminary ruling from the Oberlandesgericht Wien (Higher Regional Court, Vienna, Austria)

Request for a preliminary reference – Approximation of laws – Copyright and related rights – Directive 2001/29/EC – Article 2 – Reproduction right – Article 5(2)(b) – **Private copying exception – Servers owned by third parties made available to natural persons for private use** – Provision of a cloud computing service – Interpretation of terms 'on any medium' – Fair compensation

[EUR-Lex - 62020CC0433](#)

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

Case Law

Case C-296/20. Judgment of the Court (Sixth Chamber) of 30 September 2021. Commerzbank AG v E.O.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of judgments – Civil and commercial matters – **Lugano II Convention** – Article 15(1)(c) – **Jurisdiction over consumer contracts – Transfer of the consumer's domicile to another State bound by the convention.**

[EUR-Lex - 62020CJ0296](#)

Joined Cases C-208/20 and C-256/20. Judgment of the Court (Sixth Chamber) of 9 September 2021. Requests for a preliminary ruling from the Sofiyski rayonen sad.

Reference for a preliminary ruling – Article 20(2)(a) TFEU – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – Regulation (EC) No 1206/2001 – **Cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters** – Article 1(1)(a) – Regulation (EU) No 1215/2012 – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – Article 5(1) – Outstanding debts – Legal decisions – Orders for payment – Service – **Debtor residing at an unknown address in a Member State other than that of the court seised.**

[EUR-Lex - 62020CJ0208](#)

Affaire C-18/20. Arrêt de la Cour (troisième chambre) du 9 septembre 2021. XY contre Bundesamt für Fremdenwesen und Asyl. Demande de décision préjudicielle, introduite par Verwaltungsgerichtshof.

Renvoi préjudiciel – Contrôles aux frontières, asile et immigration – Politique d’asile – **Procédures communes pour l’octroi et le retrait de la protection internationale** – Directive 2013/32/UE – Article 40 – Demande ultérieure – Éléments ou faits nouveaux – Notion – **Circonstances déjà existantes avant la clôture définitive d’une procédure ayant pour objet une demande de protection internationale antérieure** – Principe de l’autorité de la chose jugée – Faute du demandeur.

[EUR-Lex - 62020CJ0018](#)

Affaire C-422/20. Arrêt de la Cour (sixième chambre) du 9 septembre 2021. RK contre CR. Demande de décision préjudicielle, introduite par Oberlandesgericht Köln.

Renvoi préjudiciel – Coopération judiciaire en matière civile – **Successions – Règlement (UE) no 650/2012** – Article 6, sous a) – Déclinaoire de compétence – Article 7, sous a) – **Compétence juridictionnelle – Contrôle par la juridiction saisie en second lieu** – Article 22 – Choix de la loi applicable – Article 39 – Reconnaissance mutuelle – Article 83, paragraphe 4 – Dispositions transitoires.

[EUR-Lex - 62020CJ0422](#)

Affaire C-768/19. Arrêt de la Cour (troisième chambre) du 9 septembre 2021. Bundesrepublik Deutschland contre SE. Demande de décision préjudicielle, introduite par Bundesverwaltungsgericht.

Renvoi préjudiciel – **Politique commune en matière d’asile et de protection subsidiaire** – Directive 2011/95/UE – Article 2, sous j), troisième tiret – Notion de “membre de la famille” – Personne majeure demandant la protection internationale en raison de son lien familial avec un mineur ayant déjà obtenu la protection subsidiaire – **Date pertinente pour apprécier la qualité de “mineur”**.

[EUR-Lex - 62019CJ0768](#)

Case C-277/20. Judgment of the Court (First Chamber) of 9 September 2021. UM v HW en tant que administrateur de succession de ZL. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Succession – Regulation (EU) No 650/2012 – Article 3(1)(b) – **Concept of ‘agreement as to succession’** – Scope – Contract transferring ownership mortis causa – Article 83(2) – **Choice of applicable law** – Transitional provisions.

[EUR-Lex - 62020CJ0277](#)

Case C-379/20. Judgment of the Court (First Chamber) of 2 September 2021. B v Udlændingenævnet. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – **EEC-Turkey Association Agreement** – Decision No 1/80 – Article 13 – Standstill clause – New restriction – **Family reunification of minor children of Turkish workers – Age condition** – Requirement of compelling reasons in order to be granted family reunification – Overriding reason in the public interest – Successful integration – Proportionality.

[EUR-Lex - 62020CJ0379](#)

Case C-790/19. Judgment of the Court (Second Chamber) of 2 September 2021. Parchetul de pe lângă Tribunalul Braşov v LG and MH. Request for a preliminary ruling from the Curtea de Apel Braşov.

Reference for a preliminary ruling – **Prevention of the use of the financial system for the purposes of money laundering and terrorist financing** – Directive (EU) 2015/849 – Directive 2005/60/EC – Offence of money laundering – **Laundering by the perpetrator of the predicate offence (‘self-laundering’)**.

[EUR-Lex - 62019CJ0790](#)

16. Transport

Case Law

Affaire C-144/20. Arrêt de la Cour (cinquième chambre) du 9 septembre 2021. AS „LatRailNet” et „Latvijas dzelzceļš” VAS contre Valsts dzelzceļa administrācija. Demande de décision préjudicielle, introduite par Administratīvā rajona tiesa.

Renvoi préjudiciel – Transports ferroviaires – Directive 2012/34/UE – Articles 32 et 56 – **Tarification de l’infrastructure ferroviaire** – Indépendance du gestionnaire de l’infrastructure – Fonctions de l’organisme de contrôle – **Notion de “compétitivité optimale des segments du marché ferroviaire”** – Droit exclusif sur un segment ferroviaire – Opérateur de service public.

[EUR-Lex - 62020CJ0144](#)

Affaire C-906/19. Arrêt de la Cour (cinquième chambre) du 9 septembre 2021. FO contre Ministère public. Demande de décision préjudicielle, introduite par Cour de cassation.

Renvoi préjudiciel – **Transports par route** – Harmonisation de certaines dispositions de la législation sociale – Règlement (CE) no 561/2006 – Article 3, sous a) – Non-application du règlement aux transports routiers effectués par des véhicules affectés au transport de voyageurs par des services réguliers dont le parcours de la ligne ne dépasse pas 50 km – Véhicule affecté à un usage mixte – Article 19, paragraphe 2 – Sanction extraterritoriale – **Infraction constatée sur le territoire d’un État membre commise sur le territoire d’un autre État membre** – Principe de légalité des délits et des peines – Règlement (CEE) no 3821/85 – Appareil de contrôle dans le domaine des transports par route – Article 15, paragraphe 2 – Obligation d’insertion de la carte de conducteur – Article 15, paragraphe 7 – Obligation de présenter à toute demande d’un agent de contrôle la carte de conducteur – Défaut d’insertion de la carte de conducteur dans l’appareil de contrôle affectant plusieurs des 28 jours précédant la journée de contrôle.

[EUR-Lex - 62019CJ0906](#)

Case C-570/19. Judgment of the Court (Fourth Chamber) of 2 September 2021. Irish Ferries Ltd v National Transport Authority. Request for a preliminary ruling from the High Court (Irlande).

Reference for a preliminary ruling – Maritime transport – **Rights of passengers when travelling by sea and inland waterway** – Regulation (EU) No 1177/2010 – Articles 18 and 19, Article 20(4), and Articles 24 and 25 – **Cancellation of passenger services** – Late delivery of a vessel to the carrier – Notice given prior to the originally scheduled date of departure – Consequences – Right to re-routing – Procedures – Payment of the additional costs – **Right to compensation** – Calculation – Concept of ticket price – National body responsible for the enforcement of Regulation No 1177/2010 – Competence – Concept of a complaint – Assessment of validity – Articles 16, 17, 20 and 47 of the Charter of Fundamental Rights of the European Union – Principles of proportionality, legal certainty and equal treatment.

[EUR-Lex - 62019CJ0570](#)

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

Case Law

Affaire C-911/19. Arrêt de la Cour (grande chambre) du 15 juillet 2021. Fédération bancaire française (FBF) contre Autorité de contrôle prudentiel et de résolution (ACPR). Demande de décision préjudicielle, introduite par le Conseil d’État (France).

Renvoi préjudiciel – Articles 263 et 267 TFUE – Acte de l’Union juridiquement non contraignant – **Contrôle juridictionnel – Orientations émises par l’Autorité bancaire européenne (ABE)** – Modalités de gouvernance et de surveillance des produits bancaires de détail – Validité – Compétence de l’ABE.

[EUR-Lex - 62019CJ0911](#)