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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.

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Highlights

Case C-824/19. Judgment of the Court (Second Chamber) of 21 October 2021. TC and UB v Komisia za zashtita ot diskriminatsia and VA. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Social policy – **Equal treatment in employment and occupation** – Directive 2000/78/EC – **Prohibition of discrimination on grounds of disability** – Article 2(2)(a) – Article 4(1) – Article 5 – Charter of Fundamental Rights of the European Union – Articles 21 and 26 – United Nations Convention on the Rights of Persons with Disabilities – Duties of juror in criminal proceedings – **Blind person** – Total exclusion from participation in criminal proceedings.

[EUR-Lex - 62019CJ0824](#)

Case C-882/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Sumal, S.L. v Mercedes Benz Trucks España, S.L. Request for a preliminary ruling from the Audiencia Provincial de Barcelona.

Reference for a preliminary ruling – Competition – Compensation for harm caused by a practice prohibited under Article 101(1) TFEU – Determination of the undertakings liable to provide compensation – **Action for compensation directed against the subsidiary of a parent company and brought following a decision finding only that the parent company participated in a cartel** – Concept of an ‘undertaking’ – Concept of ‘economic unit’.

[EUR-Lex - 62019CJ0882](#)

Case C-561/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Article 267 TFEU – **Scope of the obligation on national courts or tribunals of last instance to make a reference for a preliminary ruling** – Exceptions to that obligation – Criteria – Question on the interpretation of EU law raised by the parties to the national proceedings after the Court has given a preliminary ruling in those proceedings – Failure to state the reasons justifying the need for an answer to the questions referred for a preliminary ruling – Partial inadmissibility of the request for a preliminary ruling.

[EUR-Lex - 62019CJ0561](#)

1. EU-Swiss Relations

Community Legislation

Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 - notification from Switzerland

[EUR-Lex - ST 15157 2019 ADD 2](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2021/1823 of 18 October 2021 amending Decision 2013/798/CFSP concerning **restrictive measures against the Central African Republic**

[EUR-Lex - 32021D1823](#)

Agreement on air transport between the **European Union and its Member States, of the one part, and the State of Qatar**, of the other part

[EUR-Lex - 22021A1105\(01\)](#)

Council Decision (EU) 2021/1790 of 5 October 2021 on the conclusion, on behalf of the Union, of the **Agreement between the European Union and the Republic of Korea on certain aspects of air services**

[EUR-Lex - 32021D1790](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-373/20. Judgment of the Court (Seventh Chamber) of 14 October 2021. A.M. v Dyrektor Z. Oddziału Regionalnego Agencji Restrukturyzacji i Modernizacji Rolnictwa.

Reference for a preliminary ruling – Agriculture – Common agricultural policy – Common rules – Single payment scheme – Regulation (EC) No 1120/2009 – Article 2(c) – **Concept of 'permanent pasture'** – Crop rotation – Natural periodic flooding of meadows and pastures situated in a special environmental protection area.

[EUR-Lex - 62020CJ0373](#)

4. Audiovisual and Media and Information Society

Nothing to report for the period under review.

5. Competition and State Aid

Case Law

Joined Cases C-174/19 P and C-175/19 P. Judgment of the Court (First Chamber) of 6 October 2021. Scandlines Danmark ApS and Scandlines Deutschland v European Commission.

Appeal – Action for annulment – State aid – **Public financing of the Fehmarn Belt fixed rail-road link** – Individual aid – **Notified aid declared compatible with the internal market** – Execution of an important project of common European interest – Decision not to raise any objections – Monopoly – Distortion of competition and effect on trade.

[EUR-Lex - 62019CJ0174](#)

Case C-882/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Sumal, S.L. v Mercedes Benz Trucks España, S.L. Request for a preliminary ruling from the Audiencia Provincial de Barcelona.

Reference for a preliminary ruling – Competition – Compensation for harm caused by a practice prohibited under Article 101(1) TFEU – Determination of the undertakings liable to provide compensation – **Action for compensation directed against the subsidiary of a parent company and brought following a decision finding only that the parent company participated in a cartel** – Concept of an ‘undertaking’ – Concept of ‘economic unit’.

[EUR-Lex - 62019CJ0882](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Joined Cases C-221/20 and C-223/20. Judgment of the Court (Seventh Chamber) of 28 October 2021. Proceedings brought by A Oy and B Oy. Requests for a preliminary ruling from the Korkein hallinto-oikeus.

Reference for a preliminary ruling – Taxation – Directive 92/83/EEC – Excise duty – Beer – Article 4(2) – **Possibility to apply reduced rates of excise duty to beer brewed by independent small breweries** – Treatment as a single independent small brewery or as two or more small breweries – Obligation to transpose.

[EUR-Lex - 62020CJ0221](#)

Case C-109/20. Judgment of the Court (Grand Chamber) of 26 October 2021. Republiken Polen v PL Holdings Sàrl. Request for a preliminary ruling from the Högsta domstolen.

Reference for a preliminary ruling – Agreement between the Government of the Kingdom of Belgium and the Government of the Grand Duchy of Luxembourg, of the one part, and the Government of the People’s Republic of Poland, of the other, concerning the reciprocal promotion and protection of investments, signed on 19 May 1987 – Arbitration proceedings – **Dispute between an investor from one Member State and another Member State – Arbitration clause provided for in that agreement contrary to EU law** – Invalidity – Ad hoc arbitration agreement between the parties to that dispute – Participation in the arbitration proceedings – Tacit expression by that other Member State of its intention to conclude that arbitration agreement – Unlawfulness.

[EUR-Lex - 62020CJ0109](#)

Case C-373/19. Judgment of the Court (Ninth Chamber) of 21 October 2021. Finanzamt München Abteilung III v Dubrovin & Tröger GbR - Aquatics. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Article 132(1)(i) and (j) – **Exemptions for certain activities in the public interest** – Provision of children’s or young people’s education, school or university education – School or university education – **Basic swimming tuition.**

[EUR-Lex - 62019CJ0373](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Community Legislation

Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC

[EUR-Lex - 32021L1883](#)

Case Law

Case C-909/19. Judgment of the Court (Tenth Chamber) of 28 October 2021. BX v Unitatea Administrativ Teritorială D. Request for a preliminary ruling from the Curtea de Apel Iași.

Reference for a preliminary ruling – Protection of the safety and health of workers – Directive 2003/88/EC – Organisation of working time – Article 2(1) and (2) – **Concepts of ‘working time’ and ‘rest period’ – Mandatory vocational training undertaken at the employer’s request.**

[EUR-Lex - 62019CJ0909](#)

Case C-824/19. Judgment of the Court (Second Chamber) of 21 October 2021. TC and UB v Komisia za zashtita ot diskriminatsia and VA. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Social policy – **Equal treatment in employment and occupation** – Directive 2000/78/EC – **Prohibition of discrimination on grounds of disability** – Article 2(2)(a) – Article 4(1) – Article 5 – Charter of Fundamental Rights of the European Union – Articles 21 and 26 – United Nations Convention on the Rights of Persons with Disabilities – Duties of juror in criminal proceedings – **Blind person** – Total exclusion from participation in criminal proceedings.

[EUR-Lex - 62019CJ0824](#)

Affaire C-244/20. Arrêt de la Cour (huitième chambre) du 14 octobre 2021. F.C.I. contre Instituto Nacional de la Seguridad Social (INSS).

Renvoi préjudiciel – Directive 79/7/CEE – Article 3, paragraphe 2 – Égalité de traitement entre les hommes et les femmes en matière de sécurité sociale – Prestations de survivants – **Pension de veuvage fondée sur une relation de concubinage** – Clause d’exclusion – Validité – **Interdiction de toute discrimination fondée sur le sexe** – Prestation ne relevant pas du champ d’application de la directive 79/7 – Irrecevabilité – Article 21, paragraphe 1, de la charte des droits fondamentaux de l’Union européenne – Non-discrimination en raison du sexe – Article 17, paragraphe 1, de la charte des droits fondamentaux de l’Union européenne – Droit de propriété – Situation juridique ne relevant pas du champ d’application du droit de l’Union – Incompétence.

[EUR-Lex - 62020CJ0244](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No 1367/2006 on **the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters** to Community institutions and bodies

[EUR-Lex - 32021R1767](#)

Case Law

Case C-357/20. Judgment of the Court (Second Chamber) of 28 October 2021. IE v Magistrat der Stadt Wien. Request for a preliminary ruling from the Verwaltungsgericht Wien.

Reference for a preliminary ruling – **Conservation of natural habitats and of wild fauna and flora** – Directive 92/43/EEC – Article 12(1) – System of strict protection for animal species – Annex IV(a) – **European hamster (Cricetus cricetus) – Resting places and breeding sites** – Deterioration or destruction.

[EUR-Lex - 62020CJ0357](#)

Case C-683/19. Judgment of the Court (Fifth Chamber) of 14 October 2021. Viesgo Infraestructuras Energéticas SL v Administración General del Estado and Others. Request for a preliminary ruling from the Tribunal Supremo.

Reference for a preliminary ruling – **Common rules for the internal market in electricity** – Directive 2009/72/EC – Article 3(2) and (6) – Imposition of public service obligations – **Financing of a regulated discount for the purpose of the protection of vulnerable consumers** – Requirements of transparency and non-discrimination.

[EUR-Lex - 62019CJ0683](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-636/19. Judgment of the Court (Fourth Chamber) of 28 October 2021. Y v CAK.

Reference for a preliminary ruling – Cross-border healthcare – Concept of ‘insured person’ – Regulation (EC) No 883/2004 – Article 1(c) – Article 2 – Article 24 – Right to the benefits in kind provided by the Member State of residence at the expense of the Member State responsible for paying the pension – Directive 2011/24/EU – Article 3(b)(i) – Article 7 – **Reimbursement of the costs of healthcare received in a Member State other than the Member State of residence and the Member State responsible for paying the pension** – Conditions.

[EUR-Lex - 62019CJ0636](#)

Case C-613/20. Judgment of the Court (Ninth Chamber) of 6 October 2021. CS v Eurowings GmbH. Request for a preliminary ruling from the Landesgericht Salzburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Exemption from the obligation to pay compensation – Concept of ‘extraordinary circumstances’ – Strike by airline staff – **Strike by the staff of a subsidiary in solidarity with the staff of the parent company.**

[EUR-Lex - 62020CJ0613](#)

12. Human Rights

Case Law

Case C-204/21 R. Order of the Vice-President of the Court of 27 October 2021. European Commission v Republic of Poland.

Interim relief – Article 279 TFEU – Application for interim measures – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Effective judicial protection – **Independence of judges** – Disciplinary regime for judges – Examination of questions of law concerning the lack of independence of judges – **Periodic penalty payment**.

[EUR-Lex - 62021CO0204\(03\)](#)

Case C-824/19. Judgment of the Court (Second Chamber) of 21 October 2021. TC and UB v Komisia za zashtita ot diskriminatsia and VA. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Social policy – **Equal treatment in employment and occupation** – Directive 2000/78/EC – **Prohibition of discrimination on grounds of disability** – Article 2(2)(a) – Article 4(1) – Article 5 – Charter of Fundamental Rights of the European Union – Articles 21 and 26 – United Nations Convention on the Rights of Persons with Disabilities – Duties of juror in criminal proceedings – **Blind person** – Total exclusion from participation in criminal proceedings.

[EUR-Lex - 62019CJ0824](#)

Case C-282/20. Judgment of the Court (Tenth Chamber) of 21 October 2021. Spetsializirana prokuratura v ZX. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2012/13/EU – **Right to information in criminal proceedings** – Article 6(3) – Rights of suspects or accused persons to be informed of their rights – Articles 47 and 48 of the Charter of Fundamental Rights of the European Union – **National law not providing for a procedural mechanism for remedying errors and omissions in the content of the indictment**.

[EUR-Lex - 62020CJ0282](#)

Joined Cases C-845/19 and C-863/19. Judgment of the Court (Third Chamber) of 21 October 2021. Okrazhna prokuratura - Varna v DR and TS. Requests for a preliminary ruling from the Apelativen sad - Varna.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2014/42/EU – **Freezing and confiscation of instrumentalities and proceeds of crime in the European Union** – Scope – Confiscation of illegally obtained assets – Economic benefit derived from a criminal offence which has not been the subject of a conviction – Article 4 – Confiscation – Article 5 – Extended confiscation – Article 6 – Confiscation from a third party – Conditions – **Confiscation of money allegedly belonging to a third party – Third party having no right to appear as a party in the confiscation proceedings** – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0845](#)

Affaire C-244/20. Arrêt de la Cour (huitième chambre) du 14 octobre 2021. F.C.I. contre Instituto Nacional de la Seguridad Social (INSS).

Renvoi préjudiciel – Directive 79/7/CEE – Article 3, paragraphe 2 – Égalité de traitement entre les hommes et les femmes en matière de sécurité sociale – Prestations de survivants – **Pension de veuvage fondée sur une relation de concubinage** – Clause d'exclusion – Validité – **Interdiction de toute discrimination fondée sur le sexe** – Prestation ne relevant pas du champ d'application de la directive 79/7 – Irrecevabilité – Article 21, paragraphe 1, de la charte des droits fondamentaux de l'Union européenne – Non-discrimination en raison du sexe – Article 17, paragraphe 1, de la charte des droits fondamentaux de l'Union européenne – Droit de propriété – Situation juridique ne relevant pas du champ d'application du droit de l'Union – Incompétence.

[EUR-Lex - 62020CJ0244](#)

Case C-35/20. Judgment of the Court (Fifth Chamber) of 6 October 2021. Criminal proceedings against A. Request for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland).

Reference for a preliminary ruling – Citizenship of the Union – Right of Union citizens to move freely within the territories of the Member States – Article 21 TFEU – Directive 2004/38/EC – Articles 4 and 5 – Obligation to carry an identity card or a passport – Regulation (EC) No 562/2006 (Schengen Borders Code) – Annex VI – Crossing the maritime border of a Member State on board a pleasure boat – **Rules on sanctions applicable when moving between Member States without an identity card or passport** – Rules on daily fines in criminal cases – Calculation of the fine based on the offender’s average monthly income – **Proportionality** – Severity of the sanction in relation to the offence.

[EUR-Lex - 62020CJ0035](#)

Case C-487/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Proceedings brought by W.Ż. Request for a preliminary ruling from the Sąd Najwyższy.

Reference for a preliminary ruling – Rule of law – Effective legal protection in the fields covered by EU law – Second subparagraph of Article 19(1) TEU – **Principles of the irremovability of judges and judicial independence** – Transfer without consent of a judge of an ordinary court – Action – Order of inadmissibility made by a judge of the Sąd Najwyższy (Izba Kontroli Nadzwyczajnej i Spraw Publicznych) (Supreme Court (Chamber of Extraordinary Control and Public Affairs), Poland) – Judge appointed by the President of the Republic of Poland on the basis of a resolution of the National Council of the Judiciary, despite a court decision ordering that the effects of that resolution be suspended pending a preliminary ruling of the Court – Judge not constituting an independent and impartial tribunal previously established by law – Primacy of EU law – Possibility of finding such an order of inadmissibility to be null and void.

[EUR-Lex - 62019CJ0487](#)

13. Internal Market and Free Movement

Case Law

Case C-462/20. Judgment of the Court (Tenth Chamber) of 28 October 2021. Associazione per gli Studi Giuridici sull’Immigrazione (ASGI) and Others v Presidenza del Consiglio dei Ministri – Dipartimento per le politiche della famiglia and Ministero dell’Economia e delle Finanze. Request for a preliminary ruling from the Tribunale di Milano.

Reference for a preliminary ruling – Directive 2003/109/EC – Status of third-country nationals who are long-term residents – Article 11 – Directive 2011/98/EU – Rights of third-country workers who hold a single permit – Article 12 – Directive 2009/50/EC – **Rights of third-country nationals who hold an EU Blue Card** – Article 14 – Directive 2011/95/EU – Rights of beneficiaries of international protection – Article 29 – Equal treatment – Social security – Regulation (EC) No 883/2004 – Coordination of social security systems – Article 3 – **Family benefits** – Social assistance – Social protection – Access to goods and services – Legislation of a Member State excluding third-country nationals from eligibility for a ‘family card’.

[EUR-Lex - 62020CJ0462](#)

Case C-636/19. Judgment of the Court (Fourth Chamber) of 28 October 2021. Y v CAK.

Reference for a preliminary ruling – Cross-border healthcare – Concept of ‘insured person’ – Regulation (EC) No 883/2004 – Article 1(c) – Article 2 – Article 24 – Right to the benefits in kind provided by the Member State of residence at the expense of the Member State responsible for paying the pension – Directive 2011/24/EU – Article 3(b)(i) – Article 7 – **Reimbursement of the costs of healthcare received in a Member State other than the Member State of residence and the Member State responsible for paying the pension** – Conditions.

[EUR-Lex - 62019CJ0636](#)

Case C-231/20. Judgment of the Court (Second Chamber) of 14 October 2021. MT v Landespolizeidirektion Steiermark.

Reference for a preliminary ruling – Freedom to provide services – Article 56 TFEU – Games of chance – **Making prohibited lotteries available – Penalties – Proportionality** – Minimum-level fines – Accumulation – No limit – Custodial sentence in the event of non-payment – Proportional contribution to the costs of proceedings – Article 49(3) of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62020CJ0231](#)

Case C-35/20. Judgment of the Court (Fifth Chamber) of 6 October 2021. Criminal proceedings against A. Request for a preliminary ruling under Article 267 TFEU from the Korkein oikeus (Supreme Court, Finland).

Reference for a preliminary ruling – Citizenship of the Union – Right of Union citizens to move freely within the territories of the Member States – Article 21 TFEU – Directive 2004/38/EC – Articles 4 and 5 – Obligation to carry an identity card or a passport – Regulation (EC) No 562/2006 (Schengen Borders Code) – Annex VI – Crossing the maritime border of a Member State on board a pleasure boat – **Rules on sanctions applicable when moving between Member States without an identity card or passport** – Rules on daily fines in criminal cases – Calculation of the fine based on the offender’s average monthly income – **Proportionality** – Severity of the sanction in relation to the offence.

[EUR-Lex - 62020CJ0035](#)

Case C-598/19. Judgment of the Court (Fifth Chamber) of 6 October 2021. Confederación Nacional de Centros Especiales de Empleo (Conacee) v Diputación Foral de Guipúzcoa and Federación Empresarial Española de Asociaciones de Centros Especiales de Empleo (Feacem). Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco.

Reference for a preliminary ruling – Public procurement – Directive 2014/24/EU – Article 20 – Reserved contracts – **National legislation reserving the right to participate in certain public procurement procedures to Social initiative special employment centres** – Additional conditions not provided for by the directive – Principles of equal treatment and proportionality.

[EUR-Lex - 62019CJ0598](#)

14. Intellectual Property

Case Law

Case C-13/20. Judgment of the Court (Fifth Chamber) of 6 October 2021. Top System SA v État belge. Request for a preliminary ruling from the Cour d'appel de Bruxelles.

Reference for a preliminary ruling – Copyright and related rights – **Legal protection of computer programs** – Directive 91/250/EEC – Article 5 – Exceptions to the restricted acts – **Acts necessary to enable the lawful purchaser to correct errors** – Concept – Article 6 – Decompilation – Conditions.

[EUR-Lex - 62020CJ0013](#)

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

Case Law

Case C-319/19. Judgment of the Court (Third Chamber) of 28 October 2021. Komisia za protivodeystvie na koruptsiyata i za otnemane na nezakonno pridobitoto imushtestvo v ZV and Others. Request for a preliminary ruling from the Sofiyski gradski sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2014/42/EU – Scope – **National legislation providing for the confiscation of illegally obtained assets in the absence of a criminal conviction.**

[EUR-Lex - 62020CJ0013](#)

Affaire C-393/20. Arrêt de la Cour (huitième chambre) du 21 octobre 2021. T.B. et D. sp. z. o. o. contre G. I. A/S. Demande de décision préjudicielle, introduite par Sąd Rejonowy dla Krakowa-Śródmieścia w Krakowie.
Renvoi préjudiciel – Coopération judiciaire en matière civile – **Compétence judiciaire et exécution des décisions en matière civile et commerciale** – Règlement (UE) n° 1215/2012 – **Compétence en matière d’assurances** – Article 11, paragraphe 1, sous b) – Article 12 – Article 13, paragraphe 2 – Champ d’application personnel – **Notion de “personne lésée”** – Professionnel – Compétences spéciales – Article 7, point 2.

[EUR-Lex - 62020CJ0393](#)

Case C-282/20. Judgment of the Court (Tenth Chamber) of 21 October 2021. Spetsializirana prokuratura v ZX. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2012/13/EU – **Right to information in criminal proceedings** – Article 6(3) – Rights of suspects or accused persons to be informed of their rights – Articles 47 and 48 of the Charter of Fundamental Rights of the European Union – **National law not providing for a procedural mechanism for remedying errors and omissions in the content of the indictment.**

[EUR-Lex - 62020CJ0282](#)

Joined Cases C-845/19 and C-863/19. Judgment of the Court (Third Chamber) of 21 October 2021. Okrazhna prokuratura - Varna v DR and TS. Requests for a preliminary ruling from the Apelativen sad - Varna.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Directive 2014/42/EU – **Freezing and confiscation of instrumentalities and proceeds of crime in the European Union** – Scope – Confiscation of illegally obtained assets – Economic benefit derived from a criminal offence which has not been the subject of a conviction – Article 4 – Confiscation – Article 5 – Extended confiscation – Article 6 – Confiscation from a third party – Conditions – **Confiscation of money allegedly belonging to a third party – Third party having no right to appear as a party in the confiscation proceedings** – Article 47 of the Charter of Fundamental Rights of the European Union.

[EUR-Lex - 62019CJ0845](#)

Affaire C-581/20. Arrêt de la Cour (première chambre) du 6 octobre 2021. Skarb Państwa Rzeczypospolitej Polskiej reprezentowany przez Generalnego Dyrektora Dróg Krajowych i Autostrad contre TOTO SpA – Costruzioni Generali et Vianini Lavori SpA.

Demande de décision préjudicielle, introduite par le Varhoven kasatsionen sad.

Renvoi préjudiciel – Coopération judiciaire en matière civile – **Règlement (UE) no 1215/2012** – Article 1er, paragraphe 1 – Matière civile et commerciale – Article 35 – Mesures provisoires et conservatoires – Action fondée sur un contrat de travaux de construction d’une voie expresse publique conclu entre une autorité publique et deux sociétés de droit privé – Demande en référé liée aux pénalités et aux garanties découlant de ce contrat – **Décision en référé déjà rendue par une juridiction compétente sur le fond.**

[EUR-Lex - 62020CJ0581](#)

16. Transport

Community Legislation

Agreement on air transport between the **European Union and its Member States, of the one part, and the State of Qatar**, of the other part

[EUR-Lex - 22021A1105\(01\)](#)

Council Decision (EU) 2021/1790 of 5 October 2021 on the conclusion, on behalf of the Union, of the **Agreement between the European Union and the Republic of Korea on certain aspects of air services**

[EUR-Lex - 32021D1790](#)

Case Law

Case C-613/20. Judgment of the Court (Ninth Chamber) of 6 October 2021. CS v Eurowings GmbH. Request for a preliminary ruling from the Landesgericht Salzburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Article 5(3) – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Exemption from the obligation to pay compensation – Concept of ‘extraordinary circumstances’ – Strike by airline staff – **Strike by the staff of a subsidiary in solidarity with the staff of the parent company.**

[EUR-Lex - 62020CJ0613](#)

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

Community Legislation

Regulation (EU) 2021/1755 of the European Parliament and of the Council of 6 October 2021 establishing the **Brexit Adjustment Reserve**

[EUR-Lex - 32021R1755](#)

Case Law

Case C-487/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Proceedings brought by W.Ż. Request for a preliminary ruling from the Sąd Najwyższy.

Reference for a preliminary ruling – Rule of law – Effective legal protection in the fields covered by EU law – Second subparagraph of Article 19(1) TEU – **Principles of the irremovability of judges and judicial independence** – Transfer without consent of a judge of an ordinary court – Action – Order of inadmissibility made by a judge of the Sąd Najwyższy (Izba Kontroli Nadzwyczajnej i Spraw Publicznych) (Supreme Court (Chamber of Extraordinary Control and Public Affairs), Poland) – Judge appointed by the President of the Republic of Poland on the basis of a resolution of the National Council of the Judiciary, despite a court decision ordering that the effects of that resolution be suspended pending a preliminary ruling of the Court – Judge not constituting an independent and impartial tribunal previously established by law – Primacy of EU law – Possibility of finding such an order of inadmissibility to be null and void.

[EUR-Lex - 62019CJ0487](#)

Case C-561/19. Judgment of the Court (Grand Chamber) of 6 October 2021. Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA. Request for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – Article 267 TFEU – **Scope of the obligation on national courts or tribunals of last instance to make a reference for a preliminary ruling** – Exceptions to that obligation – Criteria – Question on the interpretation of EU law raised by the parties to the national proceedings after the Court has given a preliminary ruling in those proceedings – Failure to state the reasons justifying the need for an answer to the questions referred for a preliminary ruling – Partial inadmissibility of the request for a preliminary ruling.

[EUR-Lex - 62019CJ0561](#)

Case C-204/21 R. Order of the Vice-President of the Court of 27 October 2021. European Commission v Republic of Poland.

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