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# EU News: Click & Read

158 – January 2022

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-638/19 P Judgment of the Court (Grand Chamber) of 25 January 2022. European Commission v European Food SA and Others.

Appeal – State aid – Articles 107 and 108 TFEU – **Bilateral Investment Treaty** – Arbitration clause – Romania – Accession to the European Union – Repeal of a tax incentives scheme prior to accession – **Arbitral award granting payment of damages after accession** – European Commission decision declaring that **payment to be State aid incompatible** with the internal market and ordering its recovery – **Competence of the Commission** – Application *ratione temporis* of EU law – Determination of the date at which the right to receive aid is conferred on the beneficiary – Article 19 TEU – Articles 267 and 344 TFEU – Autonomy of EU law.

[EUR-Lex - 62019CJ0638](#)

### Case C-261/20 Judgment of the Court (Grand Chamber) of 18 January 2022. Thelen Technopark Berlin GmbH v MN. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – **Freedom to provide services** – Article 49 TFEU – Directive 2006/123/EC – Article 15 – **Architects' and engineers' fees** – **Fixed minimum tariffs** – Direct effect – Judgment establishing a failure to fulfil obligations delivered during proceedings before a national court or tribunal.

[EUR-Lex - 62020CJ0261](#)

### Case C-118/20 Judgment of the Court (Grand Chamber) of 18 January 2022. JY v Wiener Landesregierung.

Reference for a preliminary ruling – Citizenship of the Union – Articles 20 and 21 TFEU – Scope – **Renunciation of the nationality of one Member State in order to obtain the nationality of another Member State in accordance with the assurance given by the latter to naturalise the person concerned** – Revocation of that assurance on grounds of public policy or public security – Principle of proportionality – Statelessness.

[EUR-Lex - 62020CJ0118](#)

## 1. EU-Swiss Relations

Nothing to report for the period under review.

## 2. External Relations / Foreign Policy

### Community Legislation

**Council Decision (CFSP) 2022/118 of 27 January 2022 amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia**

[EUR-Lex - 32022D0118 - EN - EUR-Lex \(europa.eu\)](#)

**Council Decision (EU) 2022/124 of 25 January 2022 on the conclusion, on behalf of the European Union, of the Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States**

[EUR-Lex - 32022D0124 - EN - EUR-Lex \(europa.eu\)](#)

**Council Decision (CFSP) 2022/52 of 13 January 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022D0052 - EN - EUR-Lex \(europa.eu\)](#)

**Council Decision (CFSP) 2022/24 of 10 January 2022 amending Decision (CFSP) 2019/1720 concerning restrictive measures in view of the situation in Nicaragua**

[EUR-Lex - 32022D0024 - EN - EUR-Lex \(europa.eu\)](#)

### Case Law

**Case C-891/19 P Judgment of the Court (Third Chamber) of 20 January 2022. European Commission v Hubei Xinyegang Special Tube Co. Ltd.**

Appeal – Dumping – Implementing Regulation (EU) 2017/804 – **Imports of certain seamless pipes and tubes originating in China – Definitive anti-dumping duty** – Regulation (EU) 2016/1036 – Article 3(2), (3) and (6), and Article 17 – Determination of injury – Examination of the effect of dumped imports on the prices of like products sold on the EU market – Analysis of price undercutting – Application of the product control number (PCN) method – Obligation of the European Commission to take into account the different market segments relating to the product under consideration and all sales of like products by the sampled EU producers.

[EUR-Lex - 62019CJ0891](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Case Law

**Case C-234/20 Judgment of the Court (Third Chamber) of 27 January 2022. SIA „Sātiņi-S” v Lauku atbalsta dienests. Request for a preliminary ruling from the Augstākā tiesa (Senāts).**

Reference for a preliminary ruling – European Agricultural Fund for Rural Development (EAFRD) – Regulation (EU) No 1305/2013 – Support for rural development – Article 30(6)(a) – Natura 2000 payments – **Compensation for income foregone in agricultural and forest areas** – Peat bogs – Prohibition of establishing plantations of cranberries – No compensation for damage – Charter of Fundamental Rights of the European Union – Article 17 – Right to property.

[EUR-Lex - 62020CJ0234](#)

**Case C-377/19 Judgment of the Court (Second Chamber) of 13 January 2022. Benedetti Pietro e Angelo S.S. and Others v Agenzia per le Erogazioni in Agricoltura (AGEA). Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – **Milk and milk products sector** – Quotas – Additional levy – Regulation (EC) No 1788/2003 – **Deliveries exceeding the producer's available reference quantity** – Collection of the contribution to the excess levy by the purchaser – Refund of levies overpaid – Regulation (EC) No 595/2004 – Article 16 – Criteria for redistributing the excess levy.

[EUR-Lex - 62019CJ0377](#)

#### 4. Audiovisual and Media and Information Society

Nothing to report for the period under review.

#### 5. Competition and State Aid

##### Case Law

**Case C-347/20 Judgment of the Court (Fifth Chamber) of 27 January 2022. SIA „Zinātnes parks” v Finanšu ministrija. Request for a preliminary ruling from the Administratīvā rajona tiesa.**

Reference for a preliminary ruling – Structural Funds – European Regional Development Fund (ERDF) – Regulation (EU) No 1303/2013 – Co-financing programme – **State aid** – Regulation (EU) No 651/2014 – Scope – Limits – Concepts of ‘subscribed share capital’ and ‘undertaking in difficulty’ – **Exclusion of undertakings in difficulty from ERDF support** – Conditions for the taking effect of an increase of the subscribed share capital – Date of submission of evidence of that increase – Principles of non-discrimination and transparency.

[EUR-Lex - 62020CJ0347](#)

**Case T-286/09 RENV Judgment of the General Court (Fourth Chamber, Extended Composition) of 26 January 2022. Intel Corporation Inc. v European Commission.**

Competition – **Abuse of dominant position – Microprocessors market** – Decision finding an infringement of Article 102 TFEU and of Article 54 of the EEA Agreement – **Loyalty rebates** – ‘Naked’ restrictions – Characterisation as abuse – As-efficient-competitor analysis – Overall strategy – Single and continuous infringement.

[EUR-Lex - 62009TJ0286\(01\)](#)

**Case C-638/19 P Judgment of the Court (Grand Chamber) of 25 January 2022. European Commission v European Food SA and Others.**

Appeal – State aid – Articles 107 and 108 TFEU – **Bilateral Investment Treaty – Arbitration clause** – Romania – Accession to the European Union – Repeal of a tax incentives scheme prior to accession – Arbitral award granting payment of damages after accession – **European Commission decision declaring that payment to be State aid incompatible with the internal market and ordering its recovery** – Competence of the Commission – Application *ratione temporis* of EU law – Determination of the date at which the right to receive aid is conferred on the beneficiary – Article 19 TEU – Articles 267 and 344 TFEU – Autonomy of EU law.

[EUR-Lex - 62019CJ0638](#)

**Case C-51/20 Judgment of the Court (Second Chamber) of 20 January 2022. European Commission v Hellenic Republic.**

Failure of a Member State to fulfil obligations – State aid – Aid declared unlawful and incompatible with the internal market – Obligation of recovery – Judgment of the Court establishing the failure of a Member State to fulfil its obligations – Non-compliance – **Failure to comply with the obligation to recover unlawful and incompatible aid** – Financial penalties – Proportionality and dissuasiveness – Periodic penalty payment – Lump sum – Ability to pay – Weighting of the Member State’s voting rights in the European Parliament.

[EUR-Lex - 62020CJ0051](#)

## 6. Customs

### Case Law

**Case C-891/19 P Judgment of the Court (Third Chamber) of 20 January 2022. European Commission v Hubei Xinyegang Special Tube Co. Ltd.**

Appeal – Dumping – Implementing Regulation (EU) 2017/804 – **Imports of certain seamless pipes and tubes originating in China – Definitive anti-dumping duty** – Regulation (EU) 2016/1036 – Article 3(2), (3) and (6), and Article 17 – Determination of injury – Examination of the effect of dumped imports on the prices of like products sold on the EU market – Analysis of price undercutting – Application of the product control number (PCN) method – Obligation of the European Commission to take into account the different market segments relating to the product under consideration and all sales of like products by the sampled EU producers.

[EUR-Lex - 62019CJ0891](#)

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

### Case Law

**Case C-788/19 Judgment of the Court (First Chamber) of 27 January 2022. European Commission v Kingdom of Spain.**

Failure of a Member State to fulfil obligations – Article 258 TFEU – Free movement of capital – **Obligation to provide information concerning assets or rights held in other Member States of the European Union or the European Economic Area (EEA)** – Failure to comply with that obligation – Limitation – Penalties.

[EUR-Lex - 62019CJ0788](#)

**Case C-347/20 Judgment of the Court (Fifth Chamber) of 27 January 2022. SIA „Zinātnes parks” v Finanšu ministrija. Request for a preliminary ruling from the Administratīvā rajona tiesa.**

Reference for a preliminary ruling – Structural Funds – European Regional Development Fund (ERDF) – Regulation (EU) No 1303/2013 – Co-financing programme – **State aid** – Regulation (EU) No 651/2014 – Scope – Limits – Concepts of ‘subscribed share capital’ and ‘undertaking in difficulty’ – **Exclusion of undertakings in difficulty from ERDF support** – Conditions for the taking effect of an increase of the subscribed share capital – Date of submission of evidence of that increase – Principles of non-discrimination and transparency.

[EUR-Lex - 62020CJ0347](#)

**Case C-638/19 P Judgment of the Court (Grand Chamber) of 25 January 2022. European Commission v European Food SA and Others.**

Appeal – State aid – Articles 107 and 108 TFEU – **Bilateral Investment Treaty – Arbitration clause** – Romania – Accession to the European Union – Repeal of a tax incentives scheme prior to accession – **Arbitral award granting payment of damages after accession** – European Commission decision declaring that payment to be State aid incompatible with the internal market and ordering its recovery – Competence of the Commission – Application

ratione temporis of EU law – Determination of the date at which the right to receive aid is conferred on the beneficiary – Article 19 TEU – Articles 267 and 344 TFEU – Autonomy of EU law.

[EUR-Lex - 62019CJ0638](#)

**Case C-90/20 Judgment of the Court (Second Chamber) of 20 January 2022. Apcoa Parking Danmark A/S v Skatteministeriet.**

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 2(1)(c) – Scope – Taxable transactions – Activities carried out by a company incorporated under private law – **Operation of car parks on private land** – Control fees levied by that company in the event of failure by the motorists to comply with the general terms and conditions for use of those car parks – Characterisation – Economic and commercial realities of the transactions.

[EUR-Lex - 62020CJ0090](#)

**Affaire C-724/20 Arrêt de la Cour (troisième chambre) du 13 janvier 2022. Paget Approbois SAS contre Depeyre entreprises SARL et Alpha Insurance A/S. Demande de décision préjudicielle, introduite par la Cour de cassation (France).**

Renvoi préjudiciel – Liberté d'établissement – Libre prestation des services – Activités de l'assurance et de la réassurance – Directive 2009/138/CE – **Liquidation des entreprises d'assurance** – Article 292 – Effets des procédures de liquidation sur les instances en cours – Exception à l'application de la lex concursus – Lex processus.

[EUR-Lex - 62020CJ0724](#)

**Case C-513/20 Judgment of the Court (Seventh Chamber) of 13 January 2022. Autoridade Tributária e Aduaneira v Termas Sulfurosas de Alcafache SA. Request for a preliminary ruling from the Supremo Tribunal Administrativo.**

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 132(1)(b) – Exemptions for certain activities in the public interest – **Exemption of hospital and medical care** – Closely related activities – Thermal treatment – Amount charged for compiling an individual file including the user's clinical history.

[EUR-Lex - 62020CJ0513](#)

**Case C-156/20 Judgment of the Court (First Chamber) of 13 January 2022. Zipvit Ltd v The Commissioners for Her Majesty's Revenue & Customs. Request for a preliminary ruling from the Supreme Court of the United Kingdom.**

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 168 – Right of deduction – Supply of postal services mistakenly exempted – **VAT deemed to be included in the commercial price of the supply for the purpose of exercising the right of deduction** – Not included – Concept of VAT 'due or paid'.

[EUR-Lex - 62020CJ0156](#)

**Affaire C-327/20. Arrêt de la Cour (neuvième chambre) du 13 janvier 2022. Skarb Państwa – Starosta Nyski contre New Media Development & Hotel Services sp. z o.o. Demande de décision préjudicielle, introduite par le Sąd Okręgowy w Opolu.**

Renvoi préjudiciel – Directive 2011/7/UE – **Lutte contre le retard de paiement dans les transactions commerciales** – Champ d'application – Notion de "transactions commerciales" – Pouvoir public agissant en tant que créancier d'une entreprise – Exclusion – **Remise par un pouvoir public d'un bien immeuble en usufruit perpétuel à une entreprise contre le paiement d'une redevance annuelle.**

[EUR-Lex - 62020CJ0327](#)

## 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-282/19 Judgment of the Court (Second Chamber) of 13 January 2022. YT and Others v Ministero dell'Istruzione, dell'Università e della Ricerca - MIUR and Ufficio Scolastico Regionale per la Campania. Request for a preliminary ruling from the Tribunale di Napoli.**

Reference for a preliminary ruling – Social policy – Directive 1999/70/EC – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clauses 4 and 5 – **Fixed-term employment contracts in the public sector – Catholic religious education teachers** – Concept of ‘objective reasons’ justifying the renewal of such contracts – Permanent need for replacement staff.

[EUR-Lex - 62019CJ0282](#)

**Case C-514/20 Judgment of the Court (Seventh Chamber) of 13 January 2022. DS v Koch Personaldienstleistungen GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.**

Reference for a preliminary ruling – Social policy – Charter of Fundamental Rights of the European Union – Article 31(2) – Directive 2003/88/EC – Organisation of working time – Article 7 – Annual leave – Working time – Overtime – Calculation of working time on a monthly basis – **No overtime pay when taking annual leave.**

[EUR-Lex - 62020CJ0514](#)

## 10. Energy and Environment

### Case Law

**Case C-238/20 Judgment of the Court (Third Chamber) of 27 January 2022. SIA „Sātiņi-S” v Dabas aizsardzības pārvalde. Request for a preliminary ruling from the Augstākā tiesa (Senāts).**

Reference for a preliminary ruling – Charter of Fundamental Rights of the European Union – Article 17 – **Right to property** – Directive 2009/147/EC – **Compensation for the damage caused to aquaculture by protected wild birds in a Natura 2000 area** – Compensation less than the damage actually suffered – Article 107(1) TFEU – State aid – Concept of ‘advantage’ – Conditions – Regulation (EU) No 717/2014 – De minimis rule.

[EUR-Lex - 62020CJ0238](#)

**Case C-181/20 Judgment of the Court (Grand Chamber) of 25 January 2022. VYSOČINA WIND a.s. v Česká republika, représentée par Ministerstvo životního prostředí. Request for a preliminary ruling from the Nejvyšší soud České republiky.**

Reference for a preliminary ruling – Environment – Directive 2012/19/EU – **Waste electrical and electronic equipment** – Obligation to finance the costs relating to the management of waste from photovoltaic panels – Retroactive effect – Principle of legal certainty – Incorrect transposition of a directive – Liability of the Member State.

[EUR-Lex - 62020CJ0181](#)

**Case C-165/20 Judgment of the Court (Fifth Chamber) of 20 January 2022. ET en tant que liquidateur de Air Berlin PLC & Co. Luftverkehrs KG (AB KG) v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Berlin.**

Reference for a preliminary ruling – **Scheme for greenhouse gas emission allowance trading** – Directive 2003/87/EC – Article 3e – Inclusion of aviation activities – Directive 2008/101/EC – **Allocation and issue of allowances free of charge to aircraft operators** – Cessation, by such an operator, of its activities due to

insolvency – Decision of the competent national authority refusing to issue allowances to the insolvency administrator of the company in liquidation.

[EUR-Lex - 62020CJ0165](#)

**Case C-683/20 Judgment of the Court (Eighth Chamber) of 13 January 2022. European Commission v Slovak Republic.**

Failure of a Member State to fulfil obligations – Environment – Directive 2002/49/EC – **Assessment and management of environmental noise** – Major roads and major railways – Article 8(2) – Action plans – Article 10(2) – Annex VI – Summaries of action plans – Failure to communicate to the Commission within the prescribed period.

[EUR-Lex - 62020CJ0683](#)

**Case C-110/20 Judgment of the Court (Second Chamber) of 13 January 2022. Regione Puglia v Ministero dell'Ambiente e della Tutela del Territorio e del Mare and Others. Request for a preliminary ruling from the Consiglio di Stato.**

Reference for a preliminary ruling – Energy – Directive 94/22/EC – **Conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons** – Authorisation for the prospection of hydrocarbons in a specific geographical area for a specified period – Contiguous areas – Grant of several authorisations to the same operator – Directive 2011/92/EU – Article 4(2) and (3) – Environmental impact assessment.

[EUR-Lex - 62020CJ0110](#)

**Joined Cases C-177/19 P to C-179/19 P Judgment of the Court (Fifth Chamber) of 13 January 2022. Federal Republic of Germany and Others v Ville de Paris and Others.**

Appeal – Action for annulment – Environment – **Type approval of motor vehicles** – Regulation (EU) 2016/646 – **Emissions from light passenger and commercial vehicles (Euro 6)** – Setting of the not-to-exceed (NTE) values for emissions of oxides of nitrogen during the real driving emission (RDE) tests – Fourth paragraph of Article 263 TFEU – Admissibility of an action – Infra-State entity with powers in the field of environmental protection to limit the circulation of certain vehicles – Condition that the applicant must be directly concerned.

[EUR-Lex - 62019CJ0177](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices (Text with EEA relevance)**

[EUR-Lex - 32022R0123](#)

### Case Law

**Affaire C-881/19 Arrêt de la Cour (cinquième chambre) du 13 janvier 2022. Tesco Stores ČR a.s. contre Ministerstvo zemědělství. Demande de décision préjudicielle, introduite par le Krajský soud v Brně.**

Renvoi préjudiciel – Protection des consommateurs – Rapprochement des législations – Règlement (UE) no 1169/2011 – Annexe VII, partie E, point 2, sous a) – **Information des consommateurs sur les denrées alimentaires** – Étiquetage et présentation des denrées alimentaires – Directive 2000/36/CE – Annexe I, partie A, point 2, sous c) – **Produits de cacao et de chocolat** – Liste des ingrédients d'une denrée alimentaire destinée aux consommateurs dans un État membre.

[EUR-Lex - 62019CJ0881](#)

## 12. Human Rights

### Case Law

**Case C-238/20 Judgment of the Court (Third Chamber) of 27 January 2022. SIA „Sātiņi-S” v Dabas aizsardzības pārvalde. Request for a preliminary ruling from the Augstākā tiesa (Senāts).**

Reference for a preliminary ruling – Charter of Fundamental Rights of the European Union – Article 17 – **Right to property** – Directive 2009/147/EC – **Compensation for the damage caused to aquaculture by protected wild birds in a Natura 2000 area** – Compensation less than the damage actually suffered – Article 107(1) TFEU – State aid – Concept of ‘advantage’ – Conditions – Regulation (EU) No 717/2014 – De minimis rule.

[EUR-Lex - 62020CJ0238](#)

**Case C-55/20 Judgment of the Court (Third Chamber) of 13 January 2022. Minister Sprawiedliwości v Prokurator Krajowy – Pierwszy Zastępca Prokuratora Generalnego and Rzecznik Dyscyplinary Izby Adwokackiej w Warszawie.**

Request for a preliminary ruling from the Sąd Dyscyplinary Izby Adwokackiej w Warszawie. Reference for a preliminary ruling – Admissibility – Article 267 TFEU – **Definition of ‘court or tribunal of a Member State’** – Bar Association Disciplinary Court – **Disciplinary investigation initiated against a lawyer** – Decision of the Disciplinary Agent finding that there was no disciplinary offence and terminating the investigation – Appeal by the Minister for Justice to the Bar Association Disciplinary Court – Directive 2006/123/EC – Services in the internal market – Article 4, point (6), and Article 10(6) – Authorisation scheme – Withdrawal of authorisation – Article 47 of the Charter of Fundamental Rights of the European Union – Not applicable.

[EUR-Lex - 62020CJ0055](#)

**Case C-514/20 Judgment of the Court (Seventh Chamber) of 13 January 2022. DS v Koch Personaldienstleistungen GmbH. Request for a preliminary ruling from the Bundesarbeitsgericht.**

Reference for a preliminary ruling – Social policy – **Charter of Fundamental Rights of the European Union – Article 31(2)** – Directive 2003/88/EC – Organisation of working time – Article 7 – Annual leave – Working time – Overtime – Calculation of working time on a monthly basis – **No overtime pay when taking annual leave.**

[EUR-Lex - 62020CJ0514](#)

## 13. Internal Market and Free Movement

### Case Law

**Case C-788/19 Judgment of the Court (First Chamber) of 27 January 2022. European Commission v Kingdom of Spain.**

Failure of a Member State to fulfil obligations – Article 258 TFEU – Free movement of capital – **Obligation to provide information concerning assets or rights held in other Member States of the European Union or the European Economic Area (EEA)** – Failure to comply with that obligation – Limitation – Penalties.

[EUR-Lex - 62019CJ0788](#)

**Case C-261/20 Judgment of the Court (Grand Chamber) of 18 January 2022. Thelen Technopark Berlin GmbH v MN. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Freedom to provide services – Article 49 TFEU – Directive 2006/123/EC – Article 15 – **Architects’ and engineers’ fees – Fixed minimum tariffs** – Direct effect – Judgment establishing a failure to fulfil obligations delivered during proceedings before a national court or tribunal.

[EUR-Lex - 62020CJ0261](#)

**Case C-118/20 Judgment of the Court (Grand Chamber) of 18 January 2022. JY v Wiener Landesregierung.**

Reference for a preliminary ruling – Citizenship of the Union – Articles 20 and 21 TFEU – Scope – **Renunciation of the nationality of one Member State in order to obtain the nationality of another Member State in**



**accordance with the assurance given by the latter to naturalise the person concerned** – Revocation of that assurance on grounds of public policy or public security – Principle of proportionality – Statelessness.

[EUR-Lex - 62020CJ0118](#)

**Case C-55/20. Judgment of the Court (Third Chamber) of 13 January 2022. Minister Sprawiedliwości v Prokurator Krajowy – Pierwszy Zastępca Prokuratora Generalnego and Rzecznik Dyscyplinarny Izby Adwokackiej w Warszawie.**

Request for a preliminary ruling from the Sąd Dyscyplinarny Izby Adwokackiej w Warszawie. Reference for a preliminary ruling – Admissibility – Article 267 TFEU – Definition of ‘court or tribunal of a Member State’ – Bar Association Disciplinary Court – **Disciplinary investigation initiated against a lawyer** – Decision of the Disciplinary Agent finding that there was no disciplinary offence and terminating the investigation – Appeal by the Minister for Justice to the Bar Association Disciplinary Court – Directive 2006/123/EC – Services in the internal market – Article 4, point (6), and Article 10(6) – **Authorisation scheme** – Withdrawal of authorisation – Article 47 of the Charter of Fundamental Rights of the European Union – Not applicable.

[EUR-Lex - 62020CJ0055](#)

## 14. Intellectual Property

Nothing to report for the period under review.

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

### Case Law

**Case C-432/20 Judgment of the Court (Third Chamber) of 20 January 2022. ZK v Landeshauptmann von Wien.**

Reference for a preliminary ruling – Area of freedom, security and justice – Immigration policy – Directive 2003/109/EC – Article 9(1)(c) – **Loss of the status of long-term resident third-country national** – Absence from the territory of the European Union for a period of 12 consecutive months – Interruption of that period of absence – Irregular and short-term stays in the territory of the European Union.

[EUR-Lex - 62020CJ0432](#)

## 16. Transport

### Community Legislation

Council Decision (EU) 2022/124 of 25 January 2022 on the conclusion, on behalf of the European Union, of the Protocol to **amend the Air Transport Agreement between the United States of America and the European Community and its Member States**

[EUR-Lex - 32022D0124 - EN - EUR-Lex \(europa.eu\)](#)

### Case Law

**Case C-165/20 Judgment of the Court (Fifth Chamber) of 20 January 2022. ET en tant que liquidateur de Air Berlin PLC & Co. Luftverkehrs KG (AB KG) v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Berlin.**

Reference for a preliminary ruling – **Scheme for greenhouse gas emission allowance** trading – Directive 2003/87/EC – Article 3e – Inclusion of aviation activities – Directive 2008/101/EC – **Allocation and issue of allowances free of charge to aircraft operators** – Cessation, by such an operator, of its activities due to

insolvency – Decision of the competent national authority refusing to issue allowances to the insolvency administrator of the company in liquidation.

[EUR-Lex - 62020CJ0165](#)

**Joined Cases C-177/19 P to C-179/19 P Judgment of the Court (Fifth Chamber) of 13 January 2022. Federal Republic of Germany and Others v Ville de Paris and Others.**

Appeal – Action for annulment – Environment – **Type approval of motor vehicles** – Regulation (EU) 2016/646 – **Emissions from light passenger and commercial vehicles (Euro 6)** – Setting of the not-to-exceed (NTE) values for emissions of oxides of nitrogen during the real driving emission (RDE) tests – Fourth paragraph of Article 263 TFEU – Admissibility of an action – Infra-State entity with powers in the field of environmental protection to limit the circulation of certain vehicles – Condition that the applicant must be directly concerned.

[EUR-Lex - 62019CJ0177](#)

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

### Case Law

**Case C-351/20 P Judgment of the Court (Third Chamber) of 13 January 2022. Liviu Dragnea v European Commission.**

Appeal – Investigations conducted by the European Anti-Fraud Office (OLAF) – Investigation reports – **Request for an investigation to be opened into the conduct of previous OLAF investigations – Request to access documents** – Letter of refusal – Article 263 TFEU – Decision against which an action for annulment may be brought – Time limit for bringing proceedings – Action against a letter confirming OLAF's investigation reports – Regulation (EC) No 1049/2001 – Article 6 and Article 7(2) – Obligation to inform the applicant of his or her right to make a confirmatory application.

[EUR-Lex - 62020CJ0351](#)

**Case C-51/20 Judgment of the Court (Second Chamber) of 20 January 2022. European Commission v Hellenic Republic.**

Failure of a Member State to fulfil obligations – **State aid** – Aid declared unlawful and incompatible with the internal market – Obligation of recovery – Judgment of the Court establishing the failure of a Member State to fulfil its obligations – Non-compliance – **Failure to comply with the obligation to recover unlawful and incompatible aid** – Financial penalties – Proportionality and dissuasiveness – Periodic penalty payment – Lump sum – Ability to pay – Weighting of the Member State's voting rights in the European Parliament.

[EUR-Lex - 62020CJ0051](#)

**Case C-899/19 P. Arrêt de la Cour (quatrième chambre) du 20 janvier 2022. Roumanie contre Commission européenne.**

Pourvoi – Droit institutionnel – Initiative citoyenne – Règlement (UE) no 211/2011 – Article 4, paragraphe 2, sous b) – **Enregistrement d'une proposition d'initiative citoyenne** – Condition exigeant que cette proposition ne soit pas manifestement en dehors du cadre des attributions de la Commission européenne en vertu desquelles elle peut présenter une proposition d'acte juridique aux fins de l'application des traités – Décision (UE) 2017/652 – Initiative citoyenne "Minority SafePack – one million signatures for diversity in Europe" – Enregistrement partiel – Article 5, paragraphe 2, TUE – Principe d'attribution – Article 296 TFUE – Obligation de motivation – Principe du contradictoire.

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