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# EU News: Click & Read

160 – March 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-151/20 Judgment of the Court (Grand Chamber) of 22 March 2022. Bundeswettbewerbsbehörde v Nordzucker AG and Others. Request for a preliminary ruling from the Oberster Gerichtshof.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – **Cartel prosecuted by two national competition authorities** – Charter of Fundamental Rights of the European Union – Article 50 – **Non bis in idem principle** – Existence of the same offence – Article 52(1) – Limitations to the non bis in idem principle – Conditions – Pursuit of an objective of general interest – Proportionality.

[EUR-Lex - 62020CJ0151](#)

**Case C-302/20 Judgment of the Court (Grand Chamber) of 15 March 2022. M. A v Autorité des marchés financiers. Request for a preliminary ruling from the Cour d'appel de Paris.**

Reference for a preliminary ruling – Single Market for financial services – Market abuse – Directives 2003/6/EC and 2003/124/EC – ‘Inside information’ – Concept – Information ‘of a precise nature’ – Information relating to the forthcoming publication of a press article reporting a market rumour about an issuer of financial instruments – Unlawfulness of the disclosure of inside information – Exceptions – Regulation (EU) No 596/2014 – Article 10 – Disclosure of inside information in the normal exercise of a profession – Article 21 – **Disclosure of inside information for the purpose of journalism – Freedom of the press and freedom of expression** – Disclosure by a journalist, to a usual source, of information relating to the forthcoming publication of a press article.

[EUR-Lex - 62020CJ0302](#)

**Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022R0350](#)

## 1. EU-Swiss Relations

### Community Legislation

Council Recommendation amending Council Recommendation (EU) 2020/912 on the **temporary restriction on non-essential travel into the EU and the possible lifting of such restriction notification from Switzerland**

[EUR-Lex - ST\\_7590\\_2022](#)

Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by the **Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems**, as regards amending Annexes III and IV to the Agreement

[EUR-Lex - ST\\_7407\\_2022](#)

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](#)

## 2. External Relations / Foreign Policy

### Community Legislation

Council Decision (CFSP) 2022/471 of 23 March 2022 amending Decision (CFSP) 2022/338 on an **assistance measure under the European Peace Facility for the supply to the Ukrainian Armed Forces of military equipment, and platforms, designed to deliver lethal force**

[EUR-Lex - 32022D0471](#)

Agreement between the European Union and the Republic of Moldova on **operational activities carried out by the European Border and Coast Guard Agency in the Republic of Moldova**

[EUR-Lex - 22022A0318\(01\)](#)

Council Regulation (EU) 2022/428 of 15 March 2022 amending Regulation (EU) No 833/2014 concerning **restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022R0428](#)

Council Regulation (EU) 2022/394 of 9 March 2022 amending Regulation (EU) No 833/2014 concerning **restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022R0394](#)

Council Regulation (EU) 2022/398 of 9 March 2022 amending Regulation (EC) No 765/2006 concerning **restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine**

[EUR-Lex - 32022R0398](#)

Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning **restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022R0350](#)

## Case Law

**Case C-275/20 Judgment of the Court (Grand Chamber) of 1 March 2022. European Commission v Council of the European Union.**

Action for annulment – Decision (EU) 2020/470 – **Extension of the period of entitlement for audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part** – Procedural legal basis – Article 218(7) TFEU – Applicable procedure and voting rule.

[EUR-Lex - 62020CJ0275](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Case C-697/20 Judgment of the Court (Sixth Chamber) of 24 March 2022. W.G. v Dyrektor Izby Skarbowej w L. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.**

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 9 – Taxable person – Articles 295 and 296 – Flat-rate scheme for farmers – **Spouses engaged in an agricultural activity using property forming part of the marital community of property** – Possibility for those spouses to be regarded as separate taxable persons for VAT purposes – Choice on the part of one of the spouses to give up flat-rate farmer status and to bring her activity under the normal VAT arrangements – Loss of flat-rate farmer status for the other spouse.

[EUR-Lex - 62020CJ0697](#)

**Case C-726/20 Judgment of the Court (Eighth Chamber) of 24 March 2022. CT and Ferme de la Sarte SPRL v Région wallonne. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Common agricultural policy (CAP) – European Agricultural Fund for Rural Development (EAFRD) funding – Regulation (EU) No 1305/2013 – Article 17(1)(b) – **Investment support concerning the processing, marketing and/or development of agricultural products covered by Annex I to the TFEU** – Concept of ‘agricultural products’ – Concept of ‘live trees’ and ‘other plants; bulbs, roots and the like; cut flowers and ornamental foliage’ – **Turf rolls for the fitting-out of green roofs.**

[EUR-Lex - 62020CJ0726](#)

### 4. Audiovisual and Media and Information Society

#### Community Legislation

**Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (certain state controlled Russian media companies)**

[EUR-Lex - 32022R0350](#)

#### Case Law

**Case C-433/20 Judgment of the Court (Second Chamber) of 24 March 2022. Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG. Request for a preliminary ruling from the Oberlandesgericht Wien.**

Reference for a preliminary ruling – Harmonisation of certain aspects of copyright and related rights in the information society – Directive 2001/29/EC – Article 2 – Reproduction – Article 5(2)(b) – **Private copying exception** – Concept of ‘any medium’ – **Servers owned by third parties made available to natural persons for private use** – Fair compensation – National legislation that does not make the providers of cloud computing services subject to the private copying levy.

[EUR-Lex - 62020CJ0433](#)

**Case C-275/20 Judgment of the Court (Grand Chamber) of 1 March 2022. European Commission v Council of the European Union.**

Action for annulment – Decision (EU) 2020/470 – **Extension of the period of entitlement for audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part** – Procedural legal basis – Article 218(7) TFEU – Applicable procedure and voting rule.

[EUR-Lex - 62020CJ0275](#)

## 5. Competition and State Aid

### Case Law

**Case T-324/17. Judgment of the General Court (Fourth Chamber, Extended Composition) of 30 March 2022. SAS Cargo Group A/S and Others v European Commission.**

Competition – Agreements, decisions and concerted practices – **Market for airfreight – Decision finding an infringement of Article 101 TFEU, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport** – Coordination of elements of the price of airfreight services (fuel surcharge, security surcharge, payment of commission on surcharges) – Exchange of information – Territorial jurisdiction of the Commission – Rights of the defence – Equality of arms – Article 266 TFEU – State coercion – Single and continuous infringement – Amount of the fine – Value of sales – Gravity of the infringement – Duration of participation in the infringement – Mitigating circumstances – Substantially limited involvement – Aggravating circumstances – Repeated infringement – Unlimited jurisdiction.

[EUR-Lex - 62017TJ0324](#)

**Affaire C-656/20 P Arrêt de la Cour (septième chambre) du 24 mars 2022. Hermann Albers eK contre Commission européenne.**

Pourvoi – Aides d’État – Notion d’“aide” – Transport public de voyageurs – Compensation de coûts inhérents à des obligations de service public – Transfert de ressources financières entre administrations publiques – **Obligation pour les autorités municipales organisatrices des transports de garantir des tarifs réduits pour les étudiants et les apprentis – Absence d’avantage accordé par l’État à une entreprise** – Obligation de notification.

[EUR-Lex - 62020CJ0656](#)

**Case C-117/20 Judgment of the Court (Grand Chamber) of 22 March 2022. bpost SA v Autorité belge de la concurrence. Request for a preliminary ruling from the Cour d'appel de Bruxelles.**

Reference for a preliminary ruling – Competition – Postal services – Tariff system adopted by a universal service provider – **Fine imposed by a national postal regulator – Fine imposed by a national competition authority** – Charter of Fundamental Rights of the European Union – Article 50 – **Non bis in idem principle** – Existence of the same offence – Article 52(1) – Limitations to the non bis in idem principle – Duplication of proceedings and penalties – Conditions – Pursuit of an objective of general interest – Proportionality.

[EUR-Lex - 62020CJ0117](#)

## 6. Customs

### Case Law

**Case C-213/19 Judgment of the Court (Grand Chamber) of 8 March 2022. European Commission v United Kingdom of Great Britain and Northern Ireland.**

Failure of a Member State to fulfil obligations – Article 4(3) TEU – Article 310(6) and Article 325 TFEU – Own resources – Customs duties – Value added tax (VAT) – Protection of the financial interests of the European Union – Combating fraud – Principle of effectiveness – Obligation for Member States to make own resources available to the European Commission – Financial liability of Member States in the event of losses of own resources – Imports of textiles and footwear from China – Large-scale and systematic fraud – Organised crime – Missing importers – Customs value – Undervaluation – Taxable amount for VAT purposes – **Lack of systematic customs controls based on risk analysis and carried out prior to the release of the goods concerned** – No systematic provision of security – Method used to estimate the amount of traditional own resources losses in respect of imports presenting a significant risk of undervaluation – Statistical method based on the average price determined at EU level – Whether permissible.

[EUR-Lex - 62019CJ0213](#)

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

### Case Law

**Affaire C-139/20 Arrêt de la Cour (première chambre) du 31 mars 2022. Commission européenne contre République de Pologne.**

Manquement d'État – **Taxation des produits énergétiques utilisés par les entreprises grandes consommatrices d'énergie** – Directive 2003/96/CE – Article 17, paragraphe 1, sous b), et paragraphe 4 – Entreprises relevant du système d'échange de quotas d'émission de l'Union européenne – Exonération du droit d'accise.

[EUR-Lex - 62020CJ0139](#)

**Case C-723/20 Judgment of the Court (Fifth Chamber) of 24 March 2022. Galapagos BidCo. S.a.r.l. v DE, en tant que liquidateur de Galapagos S.A. and Others. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Regulation (EU) 2015/848 – Insolvency proceedings – Article 3(1) – **International jurisdiction – Moving of the centre of a debtor's main interests to another Member State after a request to open main insolvency proceedings has been lodged.**

[EUR-Lex - 62020CJ0723](#)

**Case C-697/20 Judgment of the Court (Sixth Chamber) of 24 March 2022. W.G. v Dyrektor Izby Skarbowej w L. Request for a preliminary ruling from the Naczelny Sąd Administracyjny.**

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 9 – Taxable person – Articles 295 and 296 – Flat-rate scheme for farmers – **Spouses engaged in an agricultural activity using property forming part of the marital community of property** – Possibility for those spouses to be regarded as separate taxable persons for VAT purposes – Choice on the part of one of the spouses to give up flat-rate farmer status and to bring her activity under the normal VAT arrangements – Loss of flat-rate farmer status for the other spouse.

[EUR-Lex - 62020CJ0697](#)

**Affaire C-711/20 Arrêt de la Cour (dixième chambre) du 24 mars 2022. TanQuid Polska Sp. z o. o. contre Generální ředitelství cel.**

Renvoi préjudiciel – Droits d'accises – Directive 92/12/CE – Article 4 – Circulation des produits en suspension de droits d'accises – Conditions – Articles 6 et 20 – Mise à la consommation de produits – Falsification du document administratif d'accompagnement – **Infraction ou irrégularité commise en cours de circulation de produits soumis à accise sous un régime suspensif de droits** – Sortie irrégulière de produits d'un régime suspensif – Destinataire n'ayant pas connaissance de la circulation – Fraude commise par un tiers – Article 13, sous a), et article 15, paragraphe 3 – Garantie obligatoire en matière de circulation – Étendue.

[EUR-Lex - 62020CJ0711](#)

**Case C-302/20 Judgment of the Court (Grand Chamber) of 15 March 2022. M. A v Autorité des marchés financiers. Request for a preliminary ruling from the Cour d'appel de Paris.**

Reference for a preliminary ruling – Single Market for financial services – Market abuse – Directives 2003/6/EC and 2003/124/EC – **'Inside information'** – Concept – Information 'of a precise nature' – Information relating to the forthcoming publication of a press article reporting a market rumour about an issuer of financial instruments – Unlawfulness of the disclosure of inside information – Exceptions – Regulation (EU) No 596/2014 – Article 10 – Disclosure of inside information in the normal exercise of a profession – Article 21 – **Disclosure of inside information for the purpose of journalism – Freedom of the press and freedom of expression** – Disclosure by a journalist, to a usual source, of information relating to the forthcoming publication of a press article.

[EUR-Lex - 62020CJ0302](#)

**Affaire C-60/21 Arrêt de la Cour (sixième chambre) du 10 mars 2022. Commission européenne contre Royaume de Belgique.**

Manquement d'État – Article 45 TFUE – Article 28 de l'accord sur l'Espace économique européen – Libre circulation des travailleurs – Fiscalité directe – **Impôt sur le revenu – Déductions** – Rentes alimentaires – Égalité de traitement – **Discrimination entre contribuables résidents et non-résidents.**

[EUR-Lex - 62021CJ0060](#)

## 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) 2022/431 of the European Parliament and of the Council of 9 March 2022 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work**

[EUR-Lex - 32022L0431](#)

### Case Law

**Affaire C-232/20 Arrêt de la Cour (deuxième chambre) du 17 mars 2022. NP contre Daimler AG, Mercedes-Benz Werk Berlin.**

Renvoi préjudiciel – Politique sociale – Directive 2008/104/CE – **Travail intérimaire** – Article 1er, paragraphe 1 – Mise à disposition "de manière temporaire" – Notion – **Occupation d'un poste existant durablement** – Article 5, paragraphe 5 – Missions successives – Article 10 – Sanctions – Article 11 – Dérogation par les partenaires sociaux à la durée maximale fixée par le législateur national.

[EUR-Lex - 62020CJ0232](#)

**Case C-205/20 Judgment of the Court (Grand Chamber) of 8 March 2022. NE v Bezirkshauptmannschaft Hartberg-Fürstenfeld. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.**

Reference for a preliminary ruling – Freedom to provide services – **Posting of workers** – Directive 2014/67/EU – Article 20 – Penalties – Proportionality – Direct effect – **Principle of primacy of EU law.**

[EUR-Lex - 62020CJ0205](#)

**Case C-590/20 Judgment of the Court (Eighth Chamber) of 3 March 2022. Presidenza del Consiglio dei Ministri and Others v UK and Others. Request for a preliminary ruling from the Corte suprema di cassazione.**

Reference for a preliminary ruling – **Coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors** – Directives 75/363/EEC and 82/76/EEC – Specialist medical training – **Appropriate remuneration** – Application of Directive 82/76/EEC to training begun before its entry into force and continuing after the date of expiry of the period prescribed for its transposition.

[EUR-Lex - 62020CJ0590](#)

## 10. Energy and Environment

### Case Law

**Affaire C-139/20 Arrêt de la Cour (première chambre) du 31 mars 2022. Commission européenne contre République de Pologne.**

Manquement d'État – **Taxation des produits énergétiques utilisés par les entreprises grandes consommatrices d'énergie** – Directive 2003/96/CE – Article 17, paragraphe 1, sous b), et paragraphe 4 – **Entreprises relevant du système d'échange de quotas d'émission de l'Union européenne** – Exonération du droit d'accise.

[EUR-Lex - 62020CJ0139](#)

**Affaire C-687/20 Arrêt de la Cour (huitième chambre) du 31 mars 2022. Commission européenne contre République portugaise.**

Manquement d'État – Environnement – Directive 2002/49/CE – **Évaluation et gestion du bruit dans l'environnement** – Agglomérations, grands axes routiers et grands axes ferroviaires – Article 7, paragraphe 2 – Cartes de bruit stratégiques – Article 8, paragraphe 2 – Plans d'action – Article 10, paragraphe 2 – Annexe VI – Informations fournies par les cartes de bruit stratégiques – Résumés des plans d'action – Non-communication à la Commission européenne dans les délais prévus.

[EUR-Lex - 62020CJ0687](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**Directive (EU) 2022/431 of the European Parliament and of the Council of 9 March 2022 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work**

[EUR-Lex - 32022L0431](#)

### Case Law

**Affaire C-472/20 Arrêt de la Cour (sixième chambre) du 31 mars 2022. Lombard Pénzügyi és Lízing Zrt. contre PN. Demande de décision préjudicielle, introduite par la Fővárosi Törvényszék.**

Renvoi préjudiciel – Protection des consommateurs – Directive 93/13/CEE – Clauses abusives – Contrats de crédit – **Prêt libellé en devise remboursable en monnaie nationale – Clause contractuelle mettant le risque de change à charge du consommateur** – Caractère abusif d'une clause se rapportant à l'objet principal du contrat – Effets – Nullité du contrat – Préjudice grave pour le consommateur – Effet utile de la directive 93/13 – Avis non contraignant de la juridiction suprême – Possibilité de rétablir les parties dans la situation qui aurait été la leur si ce contrat n'avait pas été conclu.

[EUR-Lex - 62020CJ0472](#)

**Case C-96/21 Judgment of the Court (Eighth Chamber) of 31 March 2022. DM v CTS Eventim AG & Co. KGaA. Request for a preliminary ruling from the Amtsgericht Bremen.**

Reference for a preliminary ruling – Consumer protection – Directive 2011/83/EU – **Right of withdrawal for distance and off-premises contracts** – Exceptions to the right of withdrawal – Article 16(l) – Provision of services related to leisure activities – Contract providing for a specific date or period of performance – Provision of ticket agency services – Intermediary acting in its name but on behalf of the organiser of a leisure activity – Risk associated with the exercise of the right of withdrawal.

[EUR-Lex - 62021CJ0096](#)

**Case C-533/20 Judgment of the Court (Seventh Chamber) of 24 March 2022. Somogy Megyei Kormányhivatal v Upfield Hungary Kft. Request for a preliminary ruling from the Kúria.**

Reference for a preliminary ruling – Consumer protection – Regulation (EU) No 1169/2011 – Provision of food information to consumers – Labelling – Mandatory particulars – List of ingredients – Specific name of those ingredients – **Addition of a vitamin to a food – Obligation to indicate the specific name of that vitamin** – No obligation to indicate the vitamin formulation used.

[EUR-Lex - 62020CJ0533](#)

## 12. Human Rights

### Case Law

**Affaire C-132/20 Arrêt de la Cour (grande chambre) du 29 mars 2022. BN e.a. contre Getin Noble Bank S.A. Demande de décision préjudicielle, introduite par le Sąd Najwyższy.**

Renvoi préjudiciel – Recevabilité – Article 267 TFUE – Notion de “jurisdiction” – Article 19, paragraphe 1, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – État de droit – **Protection juridictionnelle effective – Principe d’indépendance des juges** – Tribunal établi préalablement par la loi – Organe juridictionnel dont un membre a été nommé pour la première fois à un poste de juge par un organe politique du pouvoir exécutif d’un régime non démocratique – **Mode de fonctionnement de la Krajowa Rada Sądownictwa (Conseil national de la magistrature, Pologne)** – Inconstitutionnalité de la loi sur la base de laquelle ce Conseil a été composé – Possibilité de qualifier cet organe de juridiction impartiale et indépendante au sens du droit de l’Union.

[EUR-Lex - 62020CJ0132](#)

**Case C-245/20 Judgment of the Court (First Chamber) of 24 March 2022. X and Z v Autoriteit Persoonsgegevens.**

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Competence of the supervisory authority – Article 55(3) – Processing operations of courts acting in their judicial capacity – Concept – **Making available to a journalist of documents arising from court proceedings containing personal data.**

[EUR-Lex - 62020CJ0245](#)

**Case C-151/20 Judgment of the Court (Grand Chamber) of 22 March 2022. Bundeswettbewerbsbehörde v Nordzucker AG and Others. Request for a preliminary ruling from the Oberster Gerichtshof.**

Reference for a preliminary ruling – Competition – Article 101 TFEU – **Cartel prosecuted by two national competition authorities** – Charter of Fundamental Rights of the European Union – Article 50 – **Non bis in idem principle** – Existence of the same offence – Article 52(1) – Limitations to the non bis in idem principle – Conditions – Pursuit of an objective of general interest – Proportionality.

[EUR-Lex - 62020CJ0151](#)



**Case C-117/20 Judgment of the Court (Grand Chamber) of 22 March 2022. bpost SA v Autorité belge de la concurrence. Request for a preliminary ruling from the Cour d'appel de Bruxelles.**

Reference for a preliminary ruling – Competition – Postal services – Tariff system adopted by a universal service provider – **Fine imposed by a national postal regulator – Fine imposed by a national competition authority** – Charter of Fundamental Rights of the European Union – Article 50 – **Non bis in idem principle** – Existence of the same offence – Article 52(1) – Limitations to the non bis in idem principle – Duplication of proceedings and penalties – Conditions – Pursuit of an objective of general interest – Proportionality.

[EUR-Lex - 62020CJ0117](#)

**Case C-302/20 Judgment of the Court (Grand Chamber) of 15 March 2022. M. A v Autorité des marchés financiers. Request for a preliminary ruling from the Cour d'appel de Paris.**

Reference for a preliminary ruling – Single Market for financial services – Market abuse – Directives 2003/6/EC and 2003/124/EC – ‘Inside information’ – Concept – Information ‘of a precise nature’ – Information relating to the forthcoming publication of a press article reporting a market rumour about an issuer of financial instruments – Unlawfulness of the disclosure of inside information – Exceptions – Regulation (EU) No 596/2014 – Article 10 – Disclosure of inside information in the normal exercise of a profession – Article 21 – **Disclosure of inside information for the purpose of journalism – Freedom of the press and freedom of expression** – Disclosure by a journalist, to a usual source, of information relating to the forthcoming publication of a press article.

[EUR-Lex - 62020CJ0302](#)

**Affaire C-519/20 Arrêt de la Cour (cinquième chambre) du 10 mars 2022. Procédure engagée par K. Demande de décision préjudicielle, introduite par l'Amtsgericht Hannover.**

Renvoi préjudiciel – Politique d’immigration – Directive 2008/115/CE – **Rétention à des fins d’éloignement** – Article 16, paragraphe 1 – Effet direct – Centre de rétention spécialisé – Notion – Rétention dans un établissement pénitentiaire – Conditions – Article 18 – Situation d’urgence – Notion – Article 47 de la charte des droits fondamentaux de l’Union européenne – **Contrôle juridictionnel effectif.**

[EUR-Lex - 62020CJ0519](#)

## 13. Internal Market and Free Movement

### Case Law

**Affaire C-545/19 Arrêt de la Cour (deuxième chambre) du 17 mars 2022. AllianzGI-Fonds AEVN contre Autoridade Tributária e Aduaneira.**

Renvoi préjudiciel – Article 63 TFUE – Libre circulation des capitaux – Imposition des dividendes versés aux organismes de placement collectif (OPC) – OPC résidents et non-résidents – Différence de traitement – **Retenue à la source concernant les seuls dividendes versés à des OPC non-résidents** – Comparabilité des situations – Appréciation – Prise en compte du régime fiscal des détenteurs de parts dans des OPC et de la soumission des organismes résidents à d’autres impôts – Absence.

[EUR-Lex - 62019CJ0545](#)

**Affaire C-60/21 Arrêt de la Cour (sixième chambre) du 10 mars 2022. Commission européenne contre Royaume de Belgique.**

Manquement d’État – Article 45 TFUE – Article 28 de l’accord sur l’Espace économique européen – Libre circulation des travailleurs – Fiscalité directe – **Impôt sur le revenu – Déductions** – Rentes alimentaires – Égalité de traitement – **Discrimination entre contribuables résidents et non-résidents.**

[EUR-Lex - 62021CJ0060](#)

**Case C-247/20 Judgment of the Court (Fifth Chamber) of 10 March 2022. VI v Commissioners for Her Majesty's Revenue and Customs. Request for a preliminary ruling from the Appeal Tribunal (Northern Ireland).**

Reference for a preliminary ruling – Right to move and reside freely within the territory of the Member States – Article 21 TFEU – Directive 2004/38/EC – Article 7(1)(b) and Article 16 – **Child who is a national of a Member State staying in another Member State** – Right of residence derived from the parent who is the primary carer of that child – **Requirement of comprehensive sickness insurance cover** – Child having a permanent right of residence for part of the periods concerned.

[EUR-Lex - 62020CJ0247](#)

**Case C-205/20 Judgment of the Court (Grand Chamber) of 8 March 2022. NE v Bezirkshauptmannschaft Hartberg-Fürstenfeld. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.**

Reference for a preliminary ruling – Freedom to provide services – **Posting of workers** – Directive 2014/67/EU – Article 20 – Penalties – Proportionality – Direct effect – **Principle of primacy of EU law.**

[EUR-Lex - 62020CJ0205](#)

**Case C-634/20 Judgment of the Court (Sixth Chamber) of 3 March 2022. Proceedings brought by A. Request for a preliminary ruling from the Korkein hallinto-oikeus.**

Reference for a preliminary ruling – Recognition of professional qualifications – Directive 2005/36/EC – Scope – **Conditions for obtaining authorisation to pursue the profession of doctor independently in the host Member State** – Diploma issued in the home Member State – Right to pursue the profession of doctor limited to a period of three years – Supervision of a licensed doctor and concomitant completion of three years of special training in general medical practice – Articles 45 and 49 TFEU.

[EUR-Lex - 62020CJ0634](#)

**Case C-590/20 Judgment of the Court (Eighth Chamber) of 3 March 2022. Presidenza del Consiglio dei Ministri and Others v UK and Others. Request for a preliminary ruling from the Corte suprema di cassazione.**

Reference for a preliminary ruling – **Coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors** – Directives 75/363/EEC and 82/76/EEC – Specialist medical training – **Appropriate remuneration** – Application of Directive 82/76/EEC to training begun before its entry into force and continuing after the date of expiry of the period prescribed for its transposition.

[EUR-Lex - 62020CJ0590](#)

## 14. Intellectual Property

### Case Law

**Case C-433/20 Judgment of the Court (Second Chamber) of 24 March 2022. Austro-Mechana Gesellschaft zur Wahrnehmung mechanisch-musikalischer Urheberrechte Gesellschaft mbH v Strato AG. Request for a preliminary ruling from the Oberlandesgericht Wien.**

Reference for a preliminary ruling – Harmonisation of certain aspects of copyright and related rights in the information society – Directive 2001/29/EC – Article 2 – Reproduction – Article 5(2)(b) – **Private copying exception** – Concept of ‘any medium’ – **Servers owned by third parties made available to natural persons for private use** – Fair compensation – National legislation that does not make the providers of cloud computing services subject to the private copying levy.

[EUR-Lex - 62020CJ0433](#)

**Case C-183/21 Judgment of the Court (Tenth Chamber) of 10 March 2022. Maxxus Group GmbH & Co. KG v Globus Holding GmbH & Co. KG. Request for a preliminary ruling from the Landgericht Saarbrücken.**

Reference for a preliminary ruling – Approximation of laws – Trade marks – Directive (EU) 2015/2436 – Article 19 – Genuine use of a trade mark – Burden of proof – Application to revoke for non-use – **National procedural rule obliging the applicant to carry out market research concerning use of the mark.**

[EUR-Lex - 62021CJ0183](#)

**Case C-421/20 Judgment of the Court (Fifth Chamber) of 3 March 2022. Acacia Srl v Bayerische Motoren Werke AG.**

Reference for a preliminary ruling – Intellectual property – **Community designs** – Regulation (EC) No 6/2002 – Article 82(5) – **Action brought before the courts of the Member State in which an act of infringement has been committed or threatened** – Claims supplementary to the action for infringement – Applicable law – Article 88(2) – Article 89(1)(d) – Regulation (EC) No 864/2007 – **Law applicable to non-contractual obligations (Rome II)** – Article 8(2) – Country in which the intellectual property right was infringed.

[EUR-Lex - 62020CJ0421](#)

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

### Case Law

**Case C-231/21 Judgment of the Court (Seventh Chamber) of 31 March 2022. IA v Bundesamt für Fremdenwesen und Asyl. Request for a preliminary ruling from the Verwaltungsgerichtshof.**

Reference for a preliminary ruling – Area of freedom, security and justice – Dublin system – Regulation (EU) No 604/2013 – Article 29(2) – **Transfer of the asylum seeker to the Member State responsible for examining the application for international protection** – Six-month time limit for transfer – Possibility of extending that time limit up to a maximum of one year in the event of imprisonment – Definition of ‘imprisonment’ – Court-authorized non-voluntary committal of the asylum seeker to a hospital psychiatric department.

[EUR-Lex - 62021CJ0231](#)

**Case C-125/21 Judgment of the Court (Eighth Chamber) of 24 March 2022. European Commission v Ireland.**

Action for failure to fulfil obligations – Judicial cooperation in criminal matters – **Mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union** – Framework Decision 2008/909/JHA – Failure to adopt the measures necessary to comply with the framework decision – Failure to notify to the European Commission.

[EUR-Lex - 62021CJ0125](#)

**Affaire C-498/20 Arrêt de la Cour (huitième chambre) du 10 mars 2022. ZK contre BMA Braunschweigische Maschinenbauanstalt AG. Demande de décision préjudicielle, introduite par le Rechtbank Midden-Nederland.**

Renvoi préjudiciel – Coopération judiciaire en matière civile – **Règlement (UE) no 1215/2012** – Article 7, point 2 – **Compétence judiciaire en matière délictuelle ou quasi délictuelle** – Action introduite par un syndic contre un tiers dans l’intérêt des créanciers – Lieu de la survenance du fait dommageable – Article 8, point 2 – Demande en intervention par un défendeur d’intérêts collectifs – Règlement (CE) no 864/2007 – Champ d’application – Règle générale.

[EUR-Lex - 62020CJ0498](#)

**Affaire C-519/20 Arrêt de la Cour (cinquième chambre) du 10 mars 2022. Procédure engagée par K. Demande de décision préjudicielle, introduite par l'Amtsgericht Hannover.**

Renvoi préjudiciel – Politique d’immigration – Directive 2008/115/CE – **Rétention à des fins d’éloignement** – Article 16, paragraphe 1 – Effet direct – Centre de rétention spécialisé – Notion – Rétention dans un établissement pénitentiaire – Conditions – Article 18 – Situation d’urgence – Notion – Article 47 de la charte des droits fondamentaux de l’Union européenne – **Contrôle juridictionnel effectif**.

[EUR-Lex - 62020CJ0519](#)

**Case C-409/20 Judgment of the Court (Third Chamber) of 3 March 2022. UN v Subdelegación del Gobierno en Pontevedra. Request for a preliminary ruling from the Juzgado Contencioso Administrativo de Pontevedra.**

Reference for a preliminary ruling – Area of freedom, security and justice – Directive 2008/115/EC – Common standards and procedures in Member States for returning illegally staying third-country nationals – Article 6(1) and Article 8(1) – **National legislation providing for the imposition, in the event of illegal stay, of a fine together with an obligation to leave the territory** – Possibility of regularising the stay within a prescribed period – Article 7(1) and (2) – Period for voluntary departure.

[EUR-Lex - 62020CJ0409](#)

**Case C-349/20 Judgment of the Court (Third Chamber) of 3 March 2022. NB and AB v Secretary of State for the Home Department. Request for a preliminary ruling from the First-tier Tribunal (Immigration and Asylum Chamber).**

Reference for a preliminary ruling – Common policy on asylum and immigration – **Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection** – Directive 2004/83/EU – Article 12 – Exclusion from being a refugee – Stateless person of Palestinian origin registered with the United Nations Relief and Works Agency (for Palestine Refugees in the Near East) (UNRWA) – Conditions to be entitled ipso facto to the benefits of Directive 2004/83/EC – Cessation of UNRWA’s protection or assistance.

[EUR-Lex - 62020CJ0349](#)

**Case C-421/20 Judgment of the Court (Fifth Chamber) of 3 March 2022. Acacia Srl v Bayerische Motoren Werke AG.**

Reference for a preliminary ruling – Intellectual property – Community designs – Regulation (EC) No 6/2002 – Article 82(5) – **Action brought before the courts of the Member State in which an act of infringement has been committed or threatened** – Claims supplementary to the action for infringement – Applicable law – Article 88(2) – Article 89(1)(d) – Regulation (EC) No 864/2007 – **Law applicable to non-contractual obligations (Rome II)** – Article 8(2) – Country in which the intellectual property right was infringed.

[EUR-Lex - 62020CJ0421](#)

## 16. Transport

### Case Law

**Affaire C-656/20 P Arrêt de la Cour (septième chambre) du 24 mars 2022. Hermann Albers eK contre Commission européenne.**

Pourvoi – Aides d’État – Notion d’“aide” – Transport public de voyageurs – Compensation de coûts inhérents à des obligations de service public – Transfert de ressources financières entre administrations publiques – **Obligation pour les autorités municipales organisatrices des transports de garantir des tarifs réduits pour les étudiants et les apprentis – Absence d’avantage accordé par l’État à une entreprise** – Obligation de notification.

[EUR-Lex - 62020CJ0656](#)

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

### Case Law

**Affaire C-132/20 Arrêt de la Cour (grande chambre) du 29 mars 2022. BN e.a. contre Getin Noble Bank S.A. Demande de décision préjudicielle, introduite par le Sąd Najwyższy.**

Renvoi préjudiciel – Recevabilité – Article 267 TFUE – Notion de “jurisdiction” – Article 19, paragraphe 1, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – État de droit – **Protection juridictionnelle effective – Principe d’indépendance des juges** – Tribunal établi préalablement par la loi – Organe juridictionnel dont un membre a été nommé pour la première fois à un poste de juge par un organe politique du pouvoir exécutif d’un régime non démocratique – **Mode de fonctionnement de la Krajowa Rada Sądownictwa (Conseil national de la magistrature, Pologne)** – Inconstitutionnalité de la loi sur la base de laquelle ce Conseil a été composé – Possibilité de qualifier cet organe de juridiction impartiale et indépendante au sens du droit de l’Union.

[EUR-Lex - 62020CJ0132](#)

**Case C-130/21 P Judgment of the Court (Eighth Chamber) of 24 March 2022. Lukáš Wagenknecht v European Commission.**

Appeal – Protection of the European Union’s financial interests – Combating fraud – Multiannual Financial Framework – Alleged conflict of interest of the Prime Minister of the Czech Republic – Request to prevent the latter from meeting with the College of European Commissioners – **Request to stop direct payments in the EU budget in favour of certain agri-food groups** – Action for failure to act – **Alleged failure to act by the European Commission** – Composition of the General Court of the European Union – Alleged lack of impartiality – Application inadmissible – Definition of position – Locus standi – Interest in bringing proceedings.

[EUR-Lex - 62021CJ0130](#)

**Case C-508/19 Judgment of the Court (Grand Chamber) of 22 March 2022. M.F. v J.M. Request for a preliminary ruling from the Sąd Najwyższy.**

Reference for a preliminary ruling – Article 267 TFEU – Interpretation sought by the referring court necessary to enable it to give judgment – Concept – **Disciplinary proceedings brought against a judge of an ordinary court** – Designation of the disciplinary court having jurisdiction to hear those proceedings by the President of the Disciplinary Chamber of the Sąd Najwyższy (Supreme Court, Poland) – Civil action for a declaration that a service relationship does not exist between the President of that disciplinary chamber and the Supreme Court – Lack of jurisdiction of the referring court to review the validity of the appointment of a Supreme Court judge and inadmissibility of such an action under national law – **Inadmissibility of the request for a preliminary ruling.**

[EUR-Lex - 62019CJ0508](#)

**Case C-177/20 Judgment of the Court (Third Chamber) of 10 March 2022. "Grossmania" Mezőgazdasági Termelő és Szolgáltató Kft v Vas Megyei Kormányhivatal. Request for a preliminary ruling from the Győri Törvényszék.**

Reference for a preliminary ruling – Principles of EU law – Primacy – Direct effect – Sincere cooperation – Article 4(3) TEU – Article 63 TFEU – Obligations on a Member State as a result of a preliminary ruling – Interpretation of a provision of EU law given by the Court in a preliminary ruling – Obligation to give full effect to EU law – **Obligation for a national court to disapply national legislation which contravenes EU law as interpreted by the Court** – Administrative decision which became final in the absence of a challenge before the courts – Principles of equivalence and effectiveness – Liability of the Member State.

[EUR-Lex - 62020CJ0177](#)

**Case C-213/19 Judgment of the Court (Grand Chamber) of 8 March 2022. European Commission v United Kingdom of Great Britain and Northern Ireland.**

Failure of a Member State to fulfil obligations – Article 4(3) TEU – Article 310(6) and Article 325 TFEU – Own resources – Customs duties – Value added tax (VAT) – Protection of the financial interests of the European Union – Combating fraud – Principle of effectiveness – Obligation for Member States to make own resources available to the European Commission – **Financial liability of Member States in the event of losses of own resources** – Imports of textiles and footwear from China – Large-scale and systematic fraud – Organised crime – Missing importers – Customs value – Undervaluation – Taxable amount for VAT purposes – **Lack of systematic customs controls based on risk analysis and carried out prior to the release of the goods concerned** – No systematic provision of security – Method used to estimate the amount of traditional own resources losses in respect of imports presenting a significant risk of undervaluation – Statistical method based on the average price determined at EU level – Whether permissible.

[EUR-Lex - 62019CJ0213](#)

**Case C-205/20 Judgment of the Court (Grand Chamber) of 8 March 2022. NE v Bezirkshauptmannschaft Hartberg-Fürstenfeld. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.**

Reference for a preliminary ruling – Freedom to provide services – **Posting of workers** – Directive 2014/67/EU – Article 20 – Penalties – Proportionality – Direct effect – **Principle of primacy of EU law.**

[EUR-Lex - 62020CJ0205](#)