



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-368/20. Judgment of the Court (Grand Chamber) of 26 April 2022. NW v Landespolizeidirektion Steiermark. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.

Reference for a preliminary ruling – Area of freedom, security and justice – Free movement of persons – Regulation (EU) 2016/399 – **Schengen Borders Code** – Article 25(4) – **Temporary reintroduction of border control at internal borders for a maximum total duration of six months** – National legislation providing for a number of successive periods of border control resulting in that duration being exceeded – Non-compliance of such legislation with Article 25(4) of the Schengen Borders Code where the successive periods are based on the same threat or threats – National legislation requiring, on pain of a penalty, a passport or identity card to be presented when the internal border control is carried out – Non-compliance of such an obligation with Article 25(4) of the Schengen Borders Code when the border control itself is contrary to that provision.

[EUR-Lex - 62020CJ0368](#)

Case C-645/20. Judgment of the Court (Fifth Chamber) of 7 April 2022. V A and Z A v TP. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 650/2012** – Article 10 – **Subsidiary jurisdiction in matters of succession** – Deceased person habitually resident at the time of his or her death in a State that is not bound by Regulation (EU) No 650/2012 – Deceased person who is a national of a Member State and has assets in that Member State – **Obligation for the court of that Member State seized to examine of its own motion the criteria as regards its subsidiary jurisdiction** – Appointment of an administrator of the estate.

[EUR-Lex - 62020CJ0645](#)

Case C-140/20. Judgment of the Court (Grand Chamber) of 5 April 2022. G.D. v The Commissioner of the Garda Síochána and Others. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – **Processing of personal data in the electronic communications sector** – Confidentiality of the communications – Providers of electronic communications services – **General and indiscriminate retention of traffic and location data** – Access to retained data – Subsequent court supervision – Directive 2002/58/EC – Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – Possibility for a national court to restrict the temporal effect of a declaration of the invalidity of national legislation that is incompatible with EU law – Excluded.

[EUR-Lex - 62020CJ0140](#)

1. EU-Swiss Relations

Community Legislation

Regulation of the European Parliament and of the Council on the **False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA - notification from Switzerland**

[EUR-Lex - ST 7561 2020 ADD 1](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2022/636 of 13 April 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 - 32022D0636](#)

Council Decision (CFSP) 2022/578 of 8 April 2022 amending Decision 2014/512/CFSP concerning **restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32022D0578](#)

Decision (EU) 2022/563 of the European Parliament and of the Council of 6 April 2022 providing **macro-financial assistance to the Republic of Moldova**

[EUR-Lex - 32022D0563](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-176/20. Judgment of the Court (Second Chamber) of 7 April 2022. SC Avio Lucos SRL v Agenția de Plăți și Intervenție pentru Agricultură – Centrul județean Dolj and Agenția de Plăți și Intervenție pentru Agricultură (APIA) – Aparat Central. Request for a preliminary ruling from the Curtea de Apel Alba Iulia. Reference for a preliminary ruling – Agriculture – Common agricultural policy – Direct support schemes – Common rules – Single area payment scheme – Regulation (EU) No 1307/2013 – Article 4(1)(a) and (c) and Article 4(2)(b) – **National legislation making direct support conditional on the farmer keeping his own animals** – Article 9(1) – Concept of ‘active farmer’ – Regulation (EU) No 1306/2013 – Article 60 – Circumvention clause – Concept of ‘artificially created conditions’.

[EUR-Lex - 62020CJ0176](#)

Case C-116/20. Judgment of the Court (Second Chamber) of 7 April 2022. SC Avio Lucos SRL v Agenția de Plăți și Intervenție pentru Agricultură – Centrul județean Dolj and Agenția de Plăți și Intervenție pentru Agricultură (APIA) – Aparat Central. Request for a preliminary ruling from the Curtea de Apel Timișoara.

Reference for a preliminary ruling – Agriculture – Common agricultural policy – Direct support schemes – Common rules – Single area payment scheme – Regulation (EC) No 73/2009 – Article 2(c) – **Concept of ‘agricultural activity’** – Article 35 – Regulation (EC) No 1122/2009 – National legislation requiring the production of a legal document establishing the right to use the agricultural parcel made available to the farmer under a concession contract and making the validity of such a contract conditional on the future concessionaire having the status of breeder or owner of animals – Concessionaire of an area of pastureland who has concluded a cooperation contract with animal breeders – Res judicata.

[EUR-Lex - 62020CJ0116](#)

4. Audiovisual and Media and Information Society

Community Legislation

Regulation (EU) 2022/612 of the European Parliament and of the Council of 6 April 2022 on roaming on public mobile communications networks within the Union

[EUR-Lex - 32022R0612](#)

Case Law

Case C-401/19. Judgment of the Court (Grand Chamber) of 26 April 2022. Republic of Poland v European Parliament and Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Article 17(4), point (b), and point (c), in fine – Article 11 and Article 17(2) of the Charter of Fundamental Rights of the European Union – **Freedom of expression and information** – Protection of intellectual property – **Obligations imposed on online content-sharing service providers – Prior automatic review (filtering) of content uploaded by users.**

[EUR-Lex - 62019CJ0401](#)

Case C-140/20. Judgment of the Court (Grand Chamber) of 5 April 2022. G.D. v The Commissioner of the Garda Síochána and Others. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – Processing of personal data in the electronic communications sector – Confidentiality of the communications – Providers of electronic communications services – **General and indiscriminate retention of traffic and location data** – Access to retained data – Subsequent court supervision – Directive 2002/58/EC – Article 15(1) – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1) – Possibility for a national court to restrict the temporal effect of a declaration of the invalidity of national legislation that is incompatible with EU law – Excluded.

[EUR-Lex - 62020CJ0140](#)

Case C-460/20 TU, RE v Google LLC. Opinion of Advocate General Pitruzzella delivered on 7 April 2022. Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany)

Reference for a preliminary ruling – **Protection of personal data – Request for de-referencing of allegedly false information and removal of preview images (thumbnails).**

[EUR-Lex - 62020CC0460](#)

5. Competition and State Aid

Case Law

Joined Cases C-102/21 and C-103/21. Judgment of the Court (Ninth Chamber) of 7 April 2022. KW and SG v Autonome Provinz Bozen. Requests for a preliminary ruling from the Verwaltungsgericht, Autonome Sektion für die Provinz Bozen.

Reference for a preliminary ruling – Aid granted by Member States – **Aid scheme for the construction of mini-hydroelectric power plants** – Alpine and mountain huts without connection to an electricity grid – Authorisation by the European Commission – Expiry.

[EUR-Lex - 62021CJ0102](#)

6. Customs

Case Law

Joined Cases C-415/20 and C-419/20. Judgment of the Court (Second Chamber) of 28 April 2022. Gräfendorfer Geflügel- und Tiefkühlfeinkost Produktions GmbH and F. Reyher Nchfg. GmbH & Co. KG vertr. d. d. Komplementärin Verwaltungsgesellschaft F. Reyher Nchfg. mbH v Hauptzollamt Hamburg.

Reference for a preliminary ruling – Customs union – **Rights to the repayment or to the payment of sums of money levied or refused by a Member State in breach of EU law** – Anti-dumping duties, import duties, export refunds and financial penalties – Concept of ‘breach of EU law’ – Misinterpretation or misapplication of EU law – Finding of a breach of EU law by a Court of the European Union or by a national court – Right to the payment of interest – Period covered by that payment of interest.

[EUR-Lex - 62020CJ0415](#)

Case C-489/20. Judgment of the Court (Second Chamber) of 7 April 2022. UB v Kauno teritorinė muitinė. Request for a preliminary ruling from the Lietuvos vyriausioji administracinis teismas.

Reference for a preliminary ruling – Union Customs Code – Extinguishment of the customs debt – **Goods unlawfully introduced into the customs territory of the European Union** – Seizure and confiscation – Directive 2008/118/EC – Excise duties – Directive 2006/112/EC – Value added tax – Chargeable event – Chargeability.

[EUR-Lex - 62020CJ0489](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Council Directive (EU) 2022/542 of 5 April 2022 amending Directives 2006/112/EC and (EU) 2020/285 as regards rates of value added tax

[EUR-Lex - 32022L0542](#)

Case Law

Case C-637/20. Judgment of the Court (First Chamber) of 28 April 2022. Skatteverket v DSAB Destination Stockholm AB.

Reference for a preliminary ruling – Directive 2006/112/EC – Common system of value added tax – Article 30a(1) – Concept of ‘voucher’ – Article 30a(3) – Concept of “‘multi-purpose’ voucher” – **Sale of a card entitling the cardholder to a number of tourist services for a limited period.**

[EUR-Lex - 62020CJ0637](#)

Case C-674/20. Judgment of the Court (Second Chamber) of 27 April 2022. Airbnb Ireland UC v Région de Bruxelles-Capitale.

Reference for a preliminary ruling – Internal market – Article 114(2) TFEU – **Exclusion of fiscal provisions** – Directive 2000/31/EC – Information society services – Electronic commerce – Online property rental platform – Article 1(5)(a) – Exclusion of the field of taxation – Definition – **Regional legislation concerning a tax on tourist accommodation establishments** – Provision requiring intermediaries to provide, on a written request, certain particulars concerning the operation of those establishments to the tax authority with the aim of identifying persons liable for that tax – Article 56 TFEU – No discrimination – No restriction.

[EUR-Lex - 62020CJ0674](#)

Case C-342/20. Judgment of the Court (Second Chamber) of 7 April 2022. A SCPI v Veronsaajien oikeudenvallvontayksikkö. Request for a preliminary ruling from the Helsingin hallinto-oikeus.

Reference for a preliminary ruling – Taxation – Articles 63 and 65 TFEU – Free movement of capital – Restrictions – **Tax on the income of legal persons – Exemption for investment funds** – Conditions for exemption – Condition related to the fund being in contractual form.

[EUR-Lex - 62020CJ0342](#)

Case C-228/20. Judgment of the Court (Second Chamber) of 7 April 2022. I GmbH v Finanzamt H. Request for a preliminary ruling from the Niedersächsisches Finanzgericht.

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 for hospital and medical care** – Private hospital – Duly recognised establishment – Comparable social conditions.

[EUR-Lex - 62020CJ0228](#)

Case C-333/20. Judgment of the Court (Fifth Chamber) of 7 April 2022. Berlin Chemie A. Menarini SRL v Administrația Fiscală pentru Contribuabili Mijlocii București - Direcția Generală Regională a Finanțelor Publice București. Request for a preliminary ruling from the Curtea de Apel București.

Reference for a preliminary ruling – **Value added tax (VAT)** – Directive 2006/112/EC – Article 44 – Place of supply of services – Implementing Regulation (EU) No 282/2011 – Article 11(1) – Provision of services – Point of reference for tax purposes – Concept of a ‘fixed establishment’ – Company from one Member State affiliated to a company located in another Member State – Suitable structure in terms of human and technical resources – Ability to receive and use the services for the fixed establishment’s own needs – **Marketing, regulatory, advertising and representation services provided by a related company to the recipient company.**

[EUR-Lex - 62020CJ0333](#)

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

Case Law

Case C-638/20. Opinion of Advocate General Medina delivered on 7 April 2022. MCM v Centrala studiestödsnämnden. Request for a preliminary ruling from the Överklagandenämnden för studiestöd (National Board of Appeal for Student Aid, Sweden).

Reference for a preliminary ruling – Free movement of workers – Equal treatment – Social advantages – Article 45 TFEU – Regulation (EU) No 492/2011 – Article 7(2) – **Financial aid for higher education studies abroad** – Condition of residence – Condition of social integration for non-resident students – **Student who is a national of the State granting the aid, always residing in the State where they are studying** – Parent previously a migrant worker in the State of studies.

[EUR-Lex - 62020CC0638](#)

9. Employment and Social Affairs

Case Law

Case C-344/20. Opinion of Advocate General Medina delivered on 28 April 2022. LF v SCRL. Request for a preliminary ruling from the Tribunal du travail francophone de Bruxelles (Brussels Labour Court (French-speaking), Belgium).

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Equal treatment in employment and occupation – Discrimination on the grounds of religion or belief – Internal neutrality rule of a private undertaking – **Prohibition on the wearing of any visible political, philosophical or religious signs in the workplace** – Religious clothing obligations – Article 8 – More favourable provisions in national law to the protection of the principle of equal treatment – Margin of discretion of the Member States – Religion and religious beliefs as an autonomous ground of discrimination.

[EUR-Lex - 62020CC0344](#)

Case C-236/20. Judgment of the Court (First Chamber) of 7 April 2022. PG v Ministero della Giustizia and Others. Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Emilia Romagna.

Reference for a preliminary ruling – Social policy – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clauses 2 and 4 – **Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC** – Clause 4 – Principle of non-discrimination – Equal treatment in employment and occupation – Magistrates and ordinary judges – Clause 5 – Measures intended to penalise improper use of fixed-term contracts – Directive 2003/88/EC – Article 7 – Paid annual leave.

[EUR-Lex - 62020CJ0236](#)

Case C-638/20. Opinion of Advocate General Medina delivered on 7 April 2022. MCM v Centrala studiestödsnämnden. Request for a preliminary ruling from the Överklagandenämnden för studiestöd (National Board of Appeal for Student Aid, Sweden).

Reference for a preliminary ruling – Free movement of workers – Equal treatment – Social advantages – Article 45 TFEU – Regulation (EU) No 492/2011 – Article 7(2) – **Financial aid for higher education studies abroad** – Condition of residence – Condition of social integration for non-resident students – **Student who is a national of the State granting the aid, always residing in the State where they are studying** – Parent previously a migrant worker in the State of studies.

[EUR-Lex - 62020CC0638](#)

10. Energy and Environment

Case Law

Affaire C-286/21. Arrêt de la Cour (dixième chambre) du 28 avril 2022. Commission européenne contre République française.

Manquement d'État – Environnement – Directive 2008/50/CE – Qualité de l'air ambiant – Article 13, paragraphe 1, et annexe XI – **Dépassement systématique et persistant des valeurs limites fixées pour les microparticules (PM10) dans certaines zones de France** – Article 23, paragraphe 1 – Annexe XV – Période de dépassement “la plus courte possible” – Mesures appropriées.

[EUR-Lex - 62021CJ0286](#)

Joined Cases C-102/21 and C-103/21. Judgment of the Court (Ninth Chamber) of 7 April 2022. KW and SG v Autonome Provinz Bozen. Requests for a preliminary ruling from the Verwaltungsgericht, Autonome Sektion für die Provinz Bozen.

Reference for a preliminary ruling – Aid granted by Member States – **Aid scheme for the construction of mini-hydroelectric power plants** – Alpine and mountain huts without connection to an electricity grid – Authorisation by the European Commission – Expiry.

[EUR-Lex - 62021CJ0102](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Directive (EU) 2022/642 of the European Parliament and of the Council of 12 April 2022 amending Directives 2001/20/EC and 2001/83/EC as regards **derogations from certain obligations concerning certain medicinal products for human use made available in the United Kingdom in respect of Northern Ireland and in Cyprus, Ireland and Malta**

[EUR-Lex - 32022L0642](#)

Case Law

Case C-319/20. Judgment of the Court (Third Chamber) of 28 April 2022. Meta Platforms Ireland Limited, anciennement Facebook Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände - Verbraucherzentrale Bundesverband e.V.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 80 – Representation of the data subjects by a not-for-profit association – Representative action brought by a consumer protection association in the absence of a mandate and independently of the infringement of specific rights of a data subject – **Action based on the prohibition of unfair commercial practices, the infringement of a consumer protection law or the prohibition of the use of invalid general terms and conditions.**

[EUR-Lex - 62020CJ0319](#)

Case C-561/20. Judgment of the Court (Fourth Chamber) of 7 April 2022. Q and Others v United Airlines, Inc. Request for a preliminary ruling from the Nederlandstalige Ondernemingsrechtbank Brussel.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** – Connecting flight consisting of two legs – Significant delay to final destination caused in the second leg of that flight linking two airports in a third country – Validity of that regulation under international law.

[EUR-Lex - 62020CJ0561](#)

Case C-385/20. Judgment of the Court (Fourth Chamber) of 7 April 2022. EL and TP v Caixabank SA. Request for a preliminary ruling from the Juzgado de Primera Instancia nº 49 de Barcelona.

Reference for a preliminary ruling – Unfair terms in consumer contracts – Directive 93/13/EEC – Principle of effectiveness – Principle of equivalence – **Judicial proceedings seeking a declaration that a contractual term is unfair** – National court's power of review of its own motion – National proceedings for taxation of costs – Costs recoverable in respect of lawyers' fees.

[EUR-Lex - 62020CJ0385](#)

Case C-249/21. Judgment of the Court (Eighth Chamber) of 7 April 2022. Fuhrmann-2-GmbH v B. Request for a preliminary ruling from the Amtsgericht Bottrop.

Reference for a preliminary ruling – Consumer protection – Directive 2011/83/EU – Article 8(2) – **Distance contracts concluded by electronic means – Information requirements for the trader** – Activation of a button or a similar function in order to place the order with an obligation to pay – Unambiguous formulation corresponding to the words 'order with obligation to pay' – Taking account only of the words on the button or similar function for the purposes of assessing the 'corresponding' nature of such a formulation.

[EUR-Lex - 62021CJ0249](#)

12. Human Rights

Case Law

Case C-344/20. Opinion of Advocate General Medina delivered on 28 April 2022. LF v SCRL. Request for a preliminary ruling from the Tribunal du travail francophone de Bruxelles (Brussels Labour Court (French-speaking), Belgium).

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Equal treatment in employment and occupation – Discrimination on the grounds of religion or belief – Internal neutrality rule of a private undertaking – **Prohibition on the wearing of any visible political, philosophical or religious signs in the workplace** – Religious clothing obligations – Article 8 – More favourable provisions in national law to the protection of the principle of equal treatment – Margin of discretion of the Member States – Religion and religious beliefs as an autonomous ground of discrimination.

[EUR-Lex - 62020CC0344](#)

Case C-401/19. Judgment of the Court (Grand Chamber) of 26 April 2022. Republic of Poland v European Parliament and Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Article 17(4), point (b), and point (c), in fine – Article 11 and Article 17(2) of the Charter of Fundamental Rights of the European Union – **Freedom of expression and information** – Protection of intellectual property – **Obligations imposed on online content-sharing service providers – Prior automatic review (filtering) of content uploaded by users.**

[EUR-Lex - 62019CJ0401](#)

Case C-460/20 TU, RE v Google LLC. Opinion of Advocate General Pitruzzella delivered on 7 April 2022. Request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany)

Reference for a preliminary ruling – **Protection of personal data – Request for de-referencing of allegedly false information and removal of preview images (thumbnails).**

[EUR-Lex - 62020CC0460](#)

Case C-140/20. Judgment of the Court (Grand Chamber) of 5 April 2022. G.D. v The Commissioner of the Garda Síochána and Others. Request for a preliminary ruling from the Supreme Court.

Reference for a preliminary ruling – Processing of personal data in the electronic communications sector – Confidentiality of the communications – Providers of electronic communications services – **General and indiscriminate retention of traffic and location data** – Access to retained data – Subsequent court supervision – Directive 2002/58/EC – Article 15(1) – **Charter of Fundamental Rights of the European Union – Articles 7, 8 and 11 and Article 52(1)** – Possibility for a national court to restrict the temporal effect of a declaration of the invalidity of national legislation that is incompatible with EU law – Excluded.

[EUR-Lex - 62020CJ0140](#)

13. Internal Market and Free Movement

Case Law

Case C-674/20. Judgment of the Court (Second Chamber) of 27 April 2022. Airbnb Ireland UC v Région de Bruxelles-Capitale.

Reference for a preliminary ruling – Internal market – Article 114(2) TFEU – **Exclusion of fiscal provisions** – Directive 2000/31/EC – Information society services – Electronic commerce – Online property rental platform – Article 1(5)(a) – Exclusion of the field of taxation – Definition – **Regional legislation concerning a tax on tourist accommodation establishments** – Provision requiring intermediaries to provide, on a written request, certain particulars concerning the operation of those establishments to the tax authority with the aim of identifying persons liable for that tax – Article 56 TFEU – No discrimination – No restriction.

[EUR-Lex - 62020CJ0674](#)

Case C-368/20. Judgment of the Court (Grand Chamber) of 26 April 2022. NW v Landespolizeidirektion Steiermark. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.

Reference for a preliminary ruling – Area of freedom, security and justice – **Free movement of persons** – Regulation (EU) 2016/399 – **Schengen Borders Code** – Article 25(4) – **Temporary reintroduction of border control at internal borders for a maximum total duration of six months** – National legislation providing for a number of successive periods of border control resulting in that duration being exceeded – Non-compliance of such legislation with Article 25(4) of the Schengen Borders Code where the successive periods are based on the same threat or threats – National legislation requiring, on pain of a penalty, a passport or identity card to be presented when the internal border control is carried out – Non-compliance of such an obligation with Article 25(4) of the Schengen Borders Code when the border control itself is contrary to that provision.

[EUR-Lex - 62020CJ0368](#)

Case C-342/20. Judgment of the Court (Second Chamber) of 7 April 2022. A SCPI v Veronsaajien oikeudenvallvontayksikkö. Request for a preliminary ruling from the Helsingin hallinto-oikeus.

Reference for a preliminary ruling – Taxation – Articles 63 and 65 TFEU – **Free movement of capital** – Restrictions – **Tax on the income of legal persons** – **Exemption for investment funds** – Conditions for exemption – Condition related to the fund being in contractual form.

[EUR-Lex - 62020CJ0342](#)

Case C-638/20. MCM v Centrala studiestödsnämnden. Opinion of Advocate General Medina delivered on 7 April 2022. Request for a preliminary ruling from the Överklagandenämnden för studiestöd (National Board of Appeal for Student Aid, Sweden)

Reference for a preliminary ruling – Free movement of workers – Equal treatment – Social advantages – Article 45 TFEU – Regulation (EU) No 492/2011 – Article 7(2) – **Financial aid for higher education studies abroad** – Condition of residence – Condition of social integration for non-resident students – **Student who is a national of the State granting the aid, always residing in the State where they are studying** – Parent previously a migrant worker in the State of studies.

[EUR-Lex - 62020CC0638](#)

14. Intellectual Property

Case Law

Case C-531/20. Judgment of the Court (Tenth Chamber) of 28 April 2022. NovaText GmbH v Ruprecht-Karls-Universität Heidelberg.

Reference for a preliminary ruling – Intellectual property rights – Directive 2004/48/EC – Article 3 – **General obligation concerning the measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights** – Article 14 – **Concept of ‘reasonable and proportionate legal costs’** – Consultation of a patent lawyer – Absence of opportunity for the national court to assess the reasonableness and proportionality of the costs to be borne by the unsuccessful party.

[EUR-Lex - 62020CJ0531](#)

Case C-401/19. Judgment of the Court (Grand Chamber) of 26 April 2022. Republic of Poland v European Parliament and Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Article 17(4), point (b), and point (c), in fine – Article 11 and Article 17(2) of the Charter of Fundamental Rights of the European Union – **Freedom of expression and information** – Protection of intellectual property – **Obligations imposed on online content-sharing service providers – Prior automatic review (filtering) of content uploaded by users.**

[EUR-Lex - 62019CJ0401](#)

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

Case Law

Case C-368/20. Judgment of the Court (Grand Chamber) of 26 April 2022. NW v Landespolizeidirektion Steiermark. Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark.

Reference for a preliminary ruling – Area of freedom, security and justice – Free movement of persons – Regulation (EU) 2016/399 – **Schengen Borders Code** – Article 25(4) – **Temporary reintroduction of border control at internal borders for a maximum total duration of six months** – National legislation providing for a number of successive periods of border control resulting in that duration being exceeded – Non-compliance of such legislation with Article 25(4) of the Schengen Borders Code where the successive periods are based on the same threat or threats – National legislation requiring, on pain of a penalty, a passport or identity card to be presented when the internal border control is carried out – Non-compliance of such an obligation with Article 25(4) of the Schengen Borders Code when the border control itself is contrary to that provision.

[EUR-Lex - 62020CJ0368](#)

Case C-645/20. Judgment of the Court (Fifth Chamber) of 7 April 2022. V A and Z A v TP. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 650/2012** – Article 10 – **Subsidiary jurisdiction in matters of succession** – Deceased person habitually resident at the time of his or her death in a State that is not bound by Regulation (EU) No 650/2012 – Deceased person who is a national of a Member State and has assets in that Member State – **Obligation for the court of that Member State seized to examine of its own motion the criteria as regards its subsidiary jurisdiction** – Appointment of an administrator of the estate.

[EUR-Lex - 62020CJ0645](#)

Case C-150/21. Judgment of the Court (Seventh Chamber) of 7 April 2022. D. B. Request for a preliminary ruling from the Sąd Rejonowy dla Łodzi-Śródmieścia w Łodzi.

Reference for a preliminary ruling – **Judicial cooperation in criminal matters** – Mutual recognition – Framework Decision 2005/214/JHA – Enforcement of financial penalties – Article 1(a)(ii) – **Decision imposing a financial penalty issued by an administrative authority** – Decision open to appeal to a public prosecutor, subject to instructions from the Minister for Justice – Subsequent appeal before a court having jurisdiction in particular in criminal matters.

[EUR-Lex - 62021CJ0150](#)

Case C-568/20. Judgment of the Court (Third Chamber) of 7 April 2022. J v H Limited. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Scope – Article 2(a) – **Concept of ‘judgment’ – Order for payment made in another Member State after a summary contested examination of a judgment given in a third State** – Article 39 – Enforceability in Member States.

[EUR-Lex - 62020CJ0568](#)

16. Transport

Case Law

Case C-561/20. Judgment of the Court (Fourth Chamber) of 7 April 2022. Q and Others v United Airlines, Inc. Request for a preliminary ruling from the Nederlandstalige Ondernemingsrechtbank Brussel.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights** – Connecting flight consisting of two legs – Significant delay to final destination caused in the second leg of that flight linking two airports in a third country – Validity of that regulation under international law.

[EUR-Lex - 62020CJ0561](#)

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

Case Law

Joined Cases C-415/20 and C-419/20. Judgment of the Court (Second Chamber) of 28 April 2022. Gräfendorfer Geflügel- und Tiefkühlfeinkost Produktions GmbH and F. Reyher Nchfg. GmbH & Co. KG vertr. d. d. Komplementärin Verwaltungsgesellschaft F. Reyher Nchfg. mbH v Hauptzollamt Hamburg.

Reference for a preliminary ruling – Customs union – **Rights to the repayment or to the payment of sums of money levied or refused by a Member State in breach of EU law** – Anti-dumping duties, import duties, export refunds and financial penalties – Concept of ‘breach of EU law’ – Misinterpretation or misapplication of EU law – Finding of a breach of EU law by a Court of the European Union or by a national court – Right to the payment of interest – Period covered by that payment of interest.

[EUR-Lex - 62020CJ0415](#)

Joined Cases C-447/20 and C-448/20. Judgment of the Court (Fourth Chamber) of 7 April 2022. Instituto de Financiamento da Agricultura e Pescas IP (IFAP) v LM and Others. Requests for a preliminary ruling from the Supremo Tribunal Administrativo.

Reference for a preliminary ruling – Regulation (EC, Euratom) No 2988/95 – Own resources of the European Union – **Protection of the European Union’s financial interests – Proceedings relating to irregularities** – Article 4 – Adoption of administrative measures – Article 3(1) – Limitation period for proceedings – Expiry – Whether it may be relied on in the context of the enforced recovery procedure – Article 3(2) – Period for implementation – Applicability – Starting point of the limitation period – Interruption and suspension – Discretion of the Member States.

[EUR-Lex - 62020CJ0447](#)

Case C-161/20. Judgment of the Court (Grand Chamber) of 5 April 2022. European Commission v Council of the European Union.

Action for annulment – **Council decision, contained in the act of the Permanent Representatives Committee (Coreper) of 5 February 2020, endorsing the submission to the International Maritime Organisation (IMO) concerning the introduction of life cycle guidelines to estimate well-to-tank greenhouse gas emissions of sustainable alternative fuels** – Article 17(1) TEU – External representation of the European Union – Transmission of that submission to the IMO by the Member State holding the Presidency of the Council, on behalf of the Member States and the Commission.

[EUR-Lex - 62020CJ0161](#)