



Institut suisse de droit comparé  
Schweizerisches Institut für Rechtsvergleichung  
Istituto svizzero di diritto comparato  
Swiss Institute of Comparative Law

# EU News: Click & Read

146 – November & December 2020

European Documentation Centre

Editor: **Henrik Westermark** Legal Adviser

This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, lawyers, trading enterprises and financial businesses 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.

As a final note, we would like to thank the Click & Read's long-time editor Alfredo Santos for his dedicated work with the newsletter throughout the years. And, last but not least, we wish our readers a safe and happy 2021!

## Table of contents

1. EU-Swiss Relations .....	2
2. External Relations / Foreign Policy .....	2
3. Agriculture and Fisheries / Maritime Affairs	2
4. Audiovisual and Media and Information Society .....	3
5. Competition and State Aid.....	3
6. Customs .....	4
7. Economic and Monetary Affairs, Taxation, Enterprise.....	5
8. Education, Training, Youth, Culture, Research and Innovation .....	6
9. Employment and Social Affairs .....	6
10. Energy and Environment.....	7
11. Food Safety, Public Health and Consumers .	8
12. Human Rights.....	9
13. Internal Market and Single Market.....	10
14. Intellectual Property.....	11
15. Justice, Freedom and Security (incl. Judicial Cooperation) .....	12
16. Transport .....	15
17. Community Institutions, Principles and the Communities' own resources .....	15

## Highlights

**Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers** and repealing Directive 2009/22/EC  
[EUR-Lex - 32020L1828](#)

**Case C-59/19. Judgment of the Court (Grand Chamber) of 24 November 2020. Wikinghof GmbH & Co. KG v Booking.com BV. Request for a preliminary ruling from the Bundesgerichtshof.**  
Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012** – Jurisdiction – Article 7, points 1 and 2 – **Special jurisdiction in matters relating to tort, delict or quasi-delict – Action seeking an injunction against commercial practices considered to be contrary to competition law** – Allegation of abuse of a dominant position occurring in commercial practices covered by contractual provisions – **Online accommodation booking platform booking.com.**  
[EUR-Lex - 62019CJ0059](#)

**Case C-815/18. Judgment of the Court (Grand Chamber) of 1 December 2020. Federatie Nederlandse Vakbeweging v Van den Bosch Transporten BV and Others. Request for a preliminary ruling from the Hoge Raad der Nederlanden.**  
Reference for a preliminary ruling – Directive 96/71/EC – Article 1(1) and (3) and Article 2(1) – **Posting of workers in the framework of the provision of services** – Drivers working in international road transport – Scope – Concept of ‘posted worker’ – **Cabotage operations** – Article 3(1), (3) and (8) – Article 56 TFEU – **Freedom to provide services – Collective agreements declared universally applicable.**  
[EUR-Lex - 62018CJ0815](#)

**Case C-336/19. Judgment of the Court (Grand Chamber) of 17 December 2020. Centraal Israëlitisch Consistorie van België e.a. and Others. Request for a preliminary ruling from the Grondwettelijk Hof.**  
Reference for a preliminary ruling – **Protection of animals at the time of killing** – Regulation (EC) No 1099/2009 – Article 4(1) – Obligation to stun animals before they are killed – Article 4(4) – **Derogation in the context of ritual slaughter** – Article 26(2) – Power of Member States to adopt national rules aimed at ensuring more extensive protection of animals in the case of ritual slaughter – Interpretation – **National legislation requiring, in the case of ritual slaughter, stunning which is reversible and cannot cause death** – Article 13 TFEU – Charter of Fundamental Rights of the European Union – Article 10 – Freedom of religion – **Freedom to manifest religion – Limitation – Proportionality** – Lack of consensus among the Member States of the European Union – Discretion afforded to Member States – Principle of subsidiarity – Validity – Differing treatment of ritual slaughter and the killing of animals during hunting or recreational fishing activities and cultural or sporting events – No discrimination – Articles 20, 21 and 22 of the Charter of Fundamental Rights.  
[EUR-Lex - 62019CJ0336](#)

## 1. EU-Swiss Relations

### Case Law

**Case C-705/19. Opinion of Advocate General Campos Sánchez-Bordona delivered on 3 December 2020. Axpo Trading Ag v Gestore dei Servizi Energetici SpA – GSE. Request for a preliminary ruling from the Consiglio di Stato (Council of State, Italy).**

Reference for a preliminary ruling – **Free movement of goods – Promoting the use of energy produced from renewable sources – Imports of electricity from Switzerland – National provision on the obligation to purchase green certificates – Charge having an effect equivalent to a customs duty – Discriminatory internal tax** – Measure having an effect equivalent to a quantitative restriction on imports – State aid – Transfer of State resources – Selectivity of the aid – Treaty between the European Union and Switzerland

[EUR-Lex - 62019CC0705](#)

## 2. External Relations / Foreign Policy

### Community Legislation

**Communication from the Commission concerning the entry into force of the Doha Amendment to the Kyoto Protocol to the **United Nations Framework Convention on Climate Change** 2020/C 432/01**

[EUR-Lex - 22020X1214\(01\)](#)

**Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part**

[EUR-Lex - 22020A1231\(01\)](#)

## 3. Agriculture and Fisheries / Maritime Affairs

### Community Legislation

**Regulation (EU) 2020/1781 of the European Parliament and of the Council of 25 November 2020** amending Regulation (EU) 2016/1139 as regards **fishing capacity reduction in the Baltic Sea**, and Regulation (EU) No 508/2014 as regards permanent cessation of fishing activities for fleets fishing for Eastern Baltic cod, Western Baltic cod and Western Baltic herring

[EUR-Lex - 32020R1781](#)

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL** amending Regulation (EU) 2017/2403 as regards **fishing authorisations for Union fishing vessels in United Kingdom waters** and fishing operations of United Kingdom fishing vessels in Union waters

[EUR-Lex - PE\\_68\\_2020\\_REV\\_1](#)

### Case Law

**Case C-400/19. Opinion of Advocate General Hogan delivered on 12 November 2020. European Commission v Hungary.**

Failure of a Member State to fulfil obligations – **Article 34 TFEU – Common organisation of the markets in agricultural products** – Regulation (EU) No 1308/2013 – **National law prohibiting unfair trading practices applied against suppliers in respect of agricultural and food products** – Sale prices of agricultural and food products – Uniform retail profit margin to be applied to identical products.

[EUR-Lex - 62019CC0400](#)

## 4. Audiovisual and Media and Information Society

### Community Legislation

European Commission's Proposal for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act)** and amending Directive 2000/31/EC COM/2020/825 final (15.12.2020)

[EUR-Lex - 52020PC0825](#)

European Commission's Proposal for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on contestable and fair markets in the digital sector (Digital Markets Act)** COM/2020/842 final (15.12.2020)

[EUR-Lex - 52020PC0842 - EN - EUR-Lex](#)

### Case Law

**Affaire C-62/19. Arrêt de la Cour (quatrième chambre) du 3 décembre 2020. Star Taxi App SRL contre Unitatea Administrativ Teritorială Municipiul București prin Primar General et Consiliul General al Municipiului București. Demande de décision préjudicielle, introduite par le Tribunalul București.**

Renvoi préjudiciel – Article 56 TFUE – Applicabilité – Situation purement interne – Directive 2000/31/CE – Article 2, sous a) – **Notion de “services de la société de l’information”** – Article 3, paragraphes 2 et 4 – Article 4 – Applicabilité – Directive 2006/123/CE – Services – Chapitres III (Liberté d’établissement des prestataires) et IV (Libre circulation des services) – Applicabilité – Articles 9 et 10 – Directive (UE) 2015/1535 – Article 1er, paragraphe 1, sous e) et sous f) – Notion de “règle relatives aux services” – Notion de “règle technique” – Article 5, paragraphe 1 – Défaut de communication préalable – Opposabilité – **Activité de mise en relation, au moyen d’une application pour téléphone intelligent, de personnes souhaitant effectuer un déplacement urbain et de chauffeurs de taxi autorisés** – Qualification – **Réglementation nationale soumettant cette activité à un régime d’autorisation préalable.**

[EUR-Lex - 62019CJ0062 - FR - EUR-Lex](#)

## 5. Competition and State Aid

### Case Law

**Case C-445/19. Judgment of the Court (Grand Chamber) of 24 November 2020. Viasat Broadcasting UK Ltd v TV2/Danmark A/S and Kingdom of Denmark. Request for a preliminary ruling from the Østre Landsret.**

Reference for a preliminary ruling – **State aid – Public-service broadcaster** – Article 106(2) TFEU – **Services of general economic interest** – Aid compatible with the internal market – Article 108(3) TFEU – Notification – Failure to notify – Recipient’s obligation to pay interest in respect of the period during which that aid was unlawful – Calculation of interest – Amounts to be included.

[EUR-Lex - 62019CJ0445 - EN - EUR-Lex](#)

**Affaire C-372/19. Arrêt de la Cour (cinquième chambre) du 25 novembre 2020. Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) contre Weareone. World BVBA et Wecandance NV. Demande de décision préjudicielle, introduite par l'Ondernemingsrechtbank Antwerpen.** Renvoi préjudiciel – Concurrence – Article 102 TFUE – **Abus de position dominante – Notion de “prix inévitables” – Société de gestion collective des droits d’auteur – Situation de monopole de fait** – Position dominante – Abus – Exécution d’œuvres musicales pendant des festivals de musique – Barème fondé sur les recettes brutes tirées de la vente de billets d’entrée – Rapport raisonnable avec la prestation de la société de

gestion collective – Détermination de la part du répertoire musical de la société de gestion collective effectivement exécutée.

[EUR-Lex - 62019CJ0372](#)

**Case C-823/18 P. Judgment of the Court (Second Chamber) of 25 November 2020. European Commission v GEA Group AG.**

Appeal – Agreements, decisions and concerted practices – European markets for tin-based heat stabilisers and for heat stabilisers with epoxidised soybean oil and esters as their base – **Price fixing, market allocation and exchange of commercially sensitive information – Application of the ceiling of 10% of turnover to one of the entities forming the undertaking** – Annulment of the decision amending the fine imposed in the initial infringement decision – Fines – Concept of an ‘undertaking’ – Joint and several liability for payment of the fine – Principle of equal treatment – Date on which the fine is payable in the event of amendment.

[EUR-Lex - 62018CJ0823](#)

**Case C-132/19 P. Judgment of the Court (Second Chamber) of 9 December 2020. Groupe Canal + v European Commission.**

Appeal – **Competition – Agreements, decisions and concerted practices – Television distribution** – Regulation (EC) No 1/2003 – Article 9 and Article 16(1) – Decision making commitments binding – Absolute territorial protection – Misuse of powers – Preliminary assessment – No obligation on the European Commission to take account of considerations relating to the application of Article 101(3) TFEU – **Agreements intended to partition national markets – No obligation on the Commission to analyse the relevant national markets one by one** – Proportionality – Adverse effect on the contractual rights of third parties.

[EUR-Lex - 62019CJ0132](#)

**Affaire C-160/19 P. Arrêt de la Cour (deuxième chambre) du 10 décembre 2020. Comune di Milano contre Commission européenne.**

Pourvoi – **Aides d’État – Secteur du transport aérien** – Services d’assistance en escale aux aéroports de Milan-Linate (Italie) et de Milan-Malpensa (Italie) – **Injections de capitaux effectuées par le gestionnaire de ces aéroports dans sa filiale détenue à 100 % fournissant ces services** – Actionnariat public du gestionnaire – Décision déclarant ces mesures d’aides d’État illégales et incompatibles avec le marché intérieur – **Article 107, paragraphe 1, TFUE – Notions de “ressources d’État”, de “mesure imputable à l’État” et d’“avantage économique” – Principe de l’opérateur privé – Critère de l’investisseur privé** – Charge de la preuve – Appréciations économiques complexes – Intensité du contrôle juridictionnel – Dénaturation d’éléments de preuve.

[EUR-Lex - 62019CJ0160](#)

**Case T-93/18. Judgment of the General Court (Fourth Chamber, Extended Composition) of 16 December 2020. International Skating Union v European Commission.**

Competition – Association of undertakings – **Speed skating events** – Decision finding an infringement of Article 101 TFEU – **Regulations of a sports federation – Balance between competition law and the specific nature of the sport** – Sports betting – **Court of Arbitration for Sport** – Guidelines on the calculation of fines – Scope of territorial application of Article 101 TFEU – Restriction of competition by object – Corrective measures.

[EUR-Lex - 62018TJ0093](#)

## 6. Customs

### Case Law

**Case C-775/19. Judgment of the Court (Tenth Chamber) of 19 November 2020. 5th AVENUE Products Trading GmbH v Hauptzollamt Singen. Request for a preliminary ruling from the Finanzgericht Baden-Württemberg.**

Reference for a preliminary ruling – Customs union – Regulation (EEC) No 2913/92 – Community Customs Code – Article 29(1) and (3)(a) – Article 32(1)(c) and (5)(b) – Regulation (EEC) No 2454/93 – Article 157(2) – Customs

valuation – **Transaction value of imported goods – Concept of ‘condition of sale’ – Payment in return for the granting of an exclusive distribution right.**

[EUR-Lex - 62019CJ0775](#)

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

### Community Legislation

**Council Directive (EU) 2020/2020 of 7 December 2020 amending Directive 2006/112/EC as regards temporary measures in relation to value added tax applicable to COVID-19 vaccines and in vitro diagnostic medical devices** in response to the COVID-19 pandemic

[EUR-Lex - 32020R1667](#)

### Case Law

**Case C-427/19. Judgment of the Court (First Chamber) of 12 November 2020. „Bulstrad Vienna Insurance Group“ AD v Olympic Insurance Company Ltd. Request for a preliminary ruling from the Sofiyski rayonon sad.**

Reference for a preliminary ruling – **Directive 2009/138/EC** – Article 274 – **Law applicable to winding-up proceedings with regard to insurance undertakings** – Withdrawal of the authorisation of an insurance company – Appointment of a provisional liquidator – Concept of ‘decision to open winding-up proceedings with regard to an insurance undertaking’ – **Absence of a court decision to open winding-up proceedings in the home Member State** – Stay of court proceedings with regard to the insurance undertaking concerned in Member States other than its home Member State.

[EUR-Lex - 62019CJ0427](#)

**Case C-504/19. Opinion of Advocate General Kokott delivered on 19 November 2020. Banco de Portugal, Fondo de Resolución, Novo Banco SA v VR (Request for a preliminary ruling from the Tribunal Supremo (Supreme Court, Spain)).**

Request for a preliminary ruling – Banking supervision – **Reorganisation and winding up of credit institutions** – Directive 2001/24/EC – **Reorganisation measure adopted by an administrative authority in the home Member State of a credit institution – Transfer of rights, assets or liabilities to a bridge institution** – Transfer back to the credit institution under resolution – Article 3(2) – Effect of a reorganisation measure in other Member States – Article 32 – Effects of a reorganisation measure on a pending lawsuit – Charter of Fundamental Rights of the European Union – Article 47 – Effectiveness of judicial protection – Principles of legal certainty and protection of legitimate expectations – Directive 2014/59/EU – Applicability *ratione temporis*.

[EUR-Lex - 62019CC0504](#)

**Affaire C-787/18. Arrêt de la Cour (septième chambre) du 26 novembre 2020. Skatteverket contre Sögård Fastigheter AB. Demande de décision préjudicielle, introduite par le Högsta förvaltningsdomstolen.**

Renvoi préjudiciel – **Législation nationale prévoyant la régularisation des déductions de taxe sur la valeur ajoutée (TVA) par un assujetti autre que celui ayant initialement opéré la déduction** – Vente par une société à des particuliers d’un immeuble donné en location par ladite société ainsi que par la précédente société propriétaire – **Fin de l’assujettissement à la TVA lors de la vente de l’immeuble à des particuliers.**

[EUR-Lex - 62018CJ0787](#)

**Affaire C-620/19. Arrêt de la Cour (première chambre) du 10 décembre 2020. Land Nordrhein-Westfalen contre D.-H. T. Demande de décision préjudicielle, introduite par le Bundesverwaltungsgericht.**

Renvoi préjudiciel – **Données à caractère personnel – Règlement (UE) 2016/679 – Article 23 – Limitation des droits de la personne concernée – Intérêt financier important – Exécution des demandes de droit civil –**

Réglementation nationale renvoyant aux dispositions du droit de l'Union – **Données fiscales concernant une personne morale** – Incompétence de la Cour.

[EUR-Lex - 62019CJ0620](#)

**Affaire C-488/18. Arrêt de la Cour (quatrième chambre) du 10 décembre 2020. Finanzamt Kaufbeuren mit Außenstelle Füssen contre Golfclub Schloss Igling eV. Demande de décision préjudicielle, introduite par le Bundesfinanzhof.**

Renvoi préjudiciel – Fiscalité – **Taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 132, paragraphe 1, sous m) – **Exonération de “certaines prestations de services ayant un lien étroit avec la pratique du sport ou de l'éducation physique”** – Effet direct – **Notion d’“organismes sans but lucratif”**.

[EUR-Lex - 62018CJ0488](#)

**Affaire C-735/19. Arrêt de la Cour (quatrième chambre) du 10 décembre 2020. Euromin Holdings (Cyprus) Limited. Demande de décision préjudicielle, introduite par l'Augstākā tiesa Senāts.**

Renvoi préjudiciel – **Droit des sociétés – Directive 2004/25/CE – Offre publique d'acquisition** – Article 5, paragraphe 4, premier et deuxième alinéas – **Protection des actionnaires minoritaires – Offre obligatoire d'acquisition – Méthode de calcul de la valeur des actions pour déterminer le prix équitable – Pouvoir de modification du prix équitable** – Exceptions au mode de calcul standard dans des circonstances et selon des critères clairement déterminés – Responsabilité de l'État membre concerné – Préjudice subi par l'offrant résultant d'une offre de prix trop élevée.

[EUR-Lex - 62019CJ0735](#)

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

Nothing to report for the period under review.

## 9. Employment and Social Affairs

### Case Law

**Affaire C-300/19. Arrêt de la Cour (première chambre) du 11 novembre 2020. UQ contre Marclean Technologies SLU. Demande de décision préjudicielle, introduite par le Juzgado de lo Social n° 3 de Barcelona.** Renvoi préjudiciel – Politique sociale – Licenciements collectifs – **Directive 98/59/CE** – Article 1er, paragraphe 1, premier alinéa, sous a) – **Notion de “licenciement collectif”** – Modalités de calcul du nombre de licenciements – Période de référence à prendre en compte.

[EUR-Lex - 62019CJ0300](#) - FR - [EUR-Lex](#)

**Case C-585/19. Opinion of Advocate General Pitruzzella delivered on 11 November 2020. Academia de Studii Economice din București v Organismul Intermediar pentru Programul Operațional Capital Uman – Ministerul Educației Naționale. (Request for a preliminary ruling from the Tribunalul București (Regional Court, Bucharest, Romania)).**

Reference for a preliminary ruling – Directive 2003/88 – **Workers with several employment contracts** – Working time and rest periods – **Maximum daily and weekly working times – Applicability by worker or by contract**

[EUR-Lex - 62019CC0585](#)

**Case C-463/19. Judgment of the Court (First Chamber) of 18 November 2020. Syndicat CFTC du personnel de la Caisse primaire d'assurance maladie de la Moselle v Caisse primaire d'assurance maladie de Moselle. Request for a preliminary ruling from the Conseil de prud'hommes de Metz.**

Reference for a preliminary ruling – Social policy – Directive 2006/54/EC – **Equal opportunities and equal treatment of men and women in employment and occupation** – Articles 14 and 28 – **National collective agreement granting the right to leave following the statutory maternity leave for female workers who bring up their children on their own – Exclusion of male workers from the right to that leave** – Protection of female



workers as regards both the consequences of pregnancy and the condition of maternity – Conditions under which applicable.

[EUR-Lex - 62019CJ0463](#)

**Case C-303/19. Judgment of the Court (Fifth Chamber) of 25 November 2020. Istituto nazionale della previdenza sociale v VR. Request for a preliminary ruling from the Corte suprema di cassazione.**

Request for a preliminary ruling – Directive 2003/109/EC – **Status of third-country nationals who are long-term residents** – Article 11 – Right to equal treatment – **Social security – Legislation of a Member State excluding, for the determination of rights to a family benefit, the family members of a long-term resident who do not reside in the territory of that Member State.**

[EUR-Lex - 62019CJ0303](#)

**Case C-302/19. Judgment of the Court (Fifth Chamber) of 25 November 2020. Istituto nazionale della previdenza sociale v WS. Request for a preliminary ruling from the Corte suprema di cassazione.**

Reference for a preliminary ruling – Directive 2011/98/EU – **Rights for third country workers who hold single permits** – Article 12 – Right to equal treatment – Social security – **Legislation of a Member State excluding, for the purposes of determining entitlement to a family benefit, the family members of the holder of a single permit who do not reside in the territory of that Member State.**

[EUR-Lex - 62019CJ0302](#)

**Case C-799/19. Judgment of the Court (Eighth Chamber) of 25 November 2020. NI and Others v Sociálna poisťovňa. Request for a preliminary ruling from the Okresný súd Košice I.**

Reference for a preliminary ruling – Social policy – Directive 2008/94/EC – Articles 2 and 3 – **Protection of employees in the event of the insolvency of their employer** – Concepts of ‘employees’ outstanding claims’ and ‘insolvency of an employer’ – **Accident at work – Death of the employee – Compensation for non-material damage – Recovery of the claim against the employer** – Impossible – Guarantee institution.

[EUR-Lex - 62019CJ0799](#)

**Case C-795/19. Opinion of Advocate General Saugmandsgaard Øe delivered on 25 November 2020. XX v Tartu Vangla, interveners justiitsminister, tervise- ja tööminister, õiguskantsler (Request for a preliminary ruling from the Riigikohus (Supreme Court, Estonia))**

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – Directive 2000/78/EC – **Prohibition of discrimination on grounds of disability** – Article 2(2)(a) – **National legislation providing for a minimum level of auditory acuity for performance of the duties of a prison officer** – Auditory acuity below the required level – Absolute impediment to continued employment – Article 4(1) – Genuine and determining occupational requirement – Justification – Article 2(5) – Article 5 – **Employer’s obligation to provide reasonable accommodation** – Proportionality.

[EUR-Lex - 62019CC0795](#)

## 10. Energy and Environment

### Case Law

**Affaire C-644/18. Arrêt de la Cour (grande chambre) du 10 novembre 2020. Commission européenne contre République italienne.**

**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 et agglomérations italiennes** – Article 23, paragraphe 1 – Annexe XV – Période de dépassement “la plus courte possible” – Mesures appropriées.

[EUR-Lex - 62018CJ0644](#)

**Case C-617/19. Opinion of Advocate General Saugmandsgaard Øe delivered on 10 December 2020. Granarolo SpA v Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero dello Sviluppo Economico, Comitato nazionale per la gestione della Direttiva 2003/87/CE e per il supporto nella gestione delle attività di**

**progetto del protocollo di Kyoto, other party: E.On Business Solutions Srl (formerly E.On Connecting Energies Italia Srl). (Request for a preliminary ruling from the Tribunale amministrativo regionale per il Lazio (Regional Administrative Court, Lazio, Italy))**

Reference for a preliminary ruling – Environment – Directive 2003/87/EC – **Greenhouse gas emission allowance trading scheme** – Article 3(e) – Concept of ‘installation’ – **Concept of ‘technical connection’ between activities** – Article 3(f) – Concept of ‘operator’ – **Transfer of an energy cogeneration installation** – Energy supply contract between transferor and transferee – Rejection of an application to update the transferor’s greenhouse gas emissions permit.

[EUR-Lex - 62019CC0617](#)

**Affaire C-347/19. Arrêt de la Cour (septième chambre) du 10 décembre 2020. Commission européenne contre Royaume d’Espagne.**

**Manquement d’État** – Environnement – **Efficacité énergétique** – Directive 2012/27/UE – Article 9, paragraphe 3 – **Consommation de chauffage, de froid et d’eau chaude** – **Installation dans les bâtiments de compteurs individuels de consommation.**

[EUR-Lex - 62019CJ0347](#)

## 11. Food Safety, Public Health and Consumers

### Community Legislation

**Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers** and repealing Directive 2009/22/EC

[EUR-Lex - 32020L1828](#)

**Commission Implementing Regulation (EU) 2020/1667 of 10 November 2020** amending Implementing Regulation (EU) 2020/977 as regards the period of application of the **temporary measures in relation to controls on the production of organic products**

[EUR-Lex - 32020R1667](#)

**Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption** (recast)

[EUR-Lex - 32020L2184](#)

### Case Law

**Case C-578/19. Opinion of Advocate General Szpunar delivered on 10 November 2020. X v Kuoni Travel Ltd, intervener: ABTA Ltd. Request for a preliminary ruling from the Supreme Court of the United Kingdom.**

Reference for a preliminary ruling – Directive 90/314/EEC – Package travel, package holidays and package tours – **Contract concerning package travel concluded between a travel organiser and a consumer** – **Liability of the travel organiser for the proper performance of the obligations arising from the contract by other suppliers of services** – Exemption from liability – **Event that cannot be foreseen or forestalled by the travel organiser or the supplier of services** – Damage resulting from the acts of an employee of a hotel acting as a supplier of services under the contract – Concept of a ‘supplier of services’

[EUR-Lex - 62019CC0578](#)

**Affaire C-287/19. Arrêt de la Cour (première chambre) du 11 novembre 2020. DenizBank AG contre Verein für Konsumenteninformation. Demande de décision préjudicielle, introduite par l’Oberster Gerichtshof.**

Renvoi préjudiciel – **Protection des consommateurs** – Directive (UE) 2015/2366 – **Services de paiement dans le marché intérieur** – Article 4, point 14 – Notion d’instrument de paiement – Cartes bancaires multifonctions personnalisées – Fonction de communication en champ proche (NFC) – Article 52, point 6, sous a), et article 54, paragraphe 1 – **Informations à fournir à l’utilisateur** – **Modification des conditions d’un contrat-cadre** – **Acceptation tacite** – Article 63, paragraphe 1, sous a) et b) – Droits et obligations liés aux services de paiement



– Dérogation pour les instruments de paiement relatifs à des montants de faible valeur – Conditions d’application  
 – Instrument de paiement ne pouvant pas être bloqué – Instrument de paiement utilisé de manière anonyme –  
 Limitation des effets de l’arrêt dans le temps.

[EUR-Lex - 62019CJ0287](#)

**Case C-269/19. Judgment of the Court (First Chamber) of 25 November 2020. Banca B. SA v A.A.A. Request for a preliminary ruling from the Curtea de Apel Cluj.**

Reference for a preliminary ruling – Consumer protection – **Unfair terms in consumer contracts** – Directive 93/13/EEC – **Consequences of a term being found to be unfair – Replacement of the unfair term** – Method for calculating the variable interest rate – Whether permissible – Referral of the parties to negotiations.

[EUR-Lex - 62019CJ0269](#)

**Case C-826/19. Opinion of Advocate General Pikamäe delivered on 3 December 2020. WZ v Austrian Airlines AG (Request for a preliminary ruling from the Landesgericht Korneuburg (Regional Court, Korneuburg, Austria)).**

Reference for a preliminary ruling – Air transport – **Compensation of air passengers in the event of cancellation or delay of flights – Flight diverted to an airport which is not that for which the booking was made** – Regulation (EC) No 261/2004 – Article 2(1) – Concept of ‘cancellation’ – Article 8(3) – **Bearing the cost of transfer** – Initiative – Breach of the obligations laid down in Articles 8 and 9 of the Regulation – Right to compensation

[EUR-Lex - 62019CC0826](#)

**Case C-667/19. Judgment of the Court (Third Chamber) of 17 December 2020. A.M. v E.M. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Renvoi préjudiciel – Rapprochement des législations – **Produits cosmétiques** – Règlement (CE) no 1223/2009 – Article 19 – **Information des consommateurs** – Étiquetage – **Indications devant figurer sur le récipient et l’emballage des produits** – Étiquetage en langue étrangère – “Fonction du produit cosmétique” – Notion – Emballages de produits cosmétiques comportant un renvoi à un catalogue détaillé de produits rédigé dans la langue du consommateur.

[EUR-Lex - 62019CJ0667](#)

**Case C-336/19. Judgment of the Court (Grand Chamber) of 17 December 2020. Centraal Israëlitisch Consistorie van België e.a. and Others. Request for a preliminary ruling from the Grondwettelijk Hof.**

Reference for a preliminary ruling – **Protection of animals at the time of killing** – Regulation (EC) No 1099/2009 – Article 4(1) – Obligation to stun animals before they are killed – Article 4(4) – **Derogation in the context of ritual slaughter** – Article 26(2) – Power of Member States to adopt national rules aimed at ensuring more extensive protection of animals in the case of ritual slaughter – Interpretation – **National legislation requiring, in the case of ritual slaughter, stunning which is reversible and cannot cause death** – Article 13 TFEU – Charter of Fundamental Rights of the European Union – Article 10 – Freedom of religion – **Freedom to manifest religion – Limitation – Proportionality** – Lack of consensus among the Member States of the European Union – Discretion afforded to Member States – Principle of subsidiarity – Validity – Differing treatment of ritual slaughter and the killing of animals during hunting or recreational fishing activities and cultural or sporting events – No discrimination – Articles 20, 21 and 22 of the Charter of Fundamental Rights.

[EUR-Lex - 62019CJ0336](#)

## 12. Human Rights

### Community Legislation

**Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses**

[EUR-Lex - 32020R1998](#)

## Case Law

**Case C-824/18. Opinion of Advocate General Tanchev delivered on 17 December 2020. A.B., C.D., E.F., G.H., I.J. v Krajowa Rada Sądownictwa, third parties: Rzecznik Praw Obywatelskich, Prokurator Generalny.** Reference for a preliminary ruling – Articles 2, 4(3) and 19(1) TEU – **Article 267 TFEU – Article 47 of the Charter of Fundamental Rights of the European Union** – Rule of law – Effective judicial protection – **Principle of judicial independence – Procedure for appointing judges of the Polish Supreme Court** – Appointment by the President of the Republic of Poland on a proposal by the National Council of the Judiciary – Lack of independence of the National Council of the Judiciary – Ineffective judicial remedy – Judgment of the Constitutional Court repealing the provision on which the jurisdiction of the referring court is based – **National law limiting the powers of adjudication of the referring court** – Primacy of Union law – Difference in treatment in relation to access to a judicial remedy.

[EUR-Lex - 62018CC0824](#)

## 13. Internal Market and Single Market

### Case Law

**Affaire C-544/19. Conclusions de l'avocat général M. J. Richard de la Tour, présentées le 18 novembre 2020. « ECOTEX BULGARIA » EOOD contre Teritorialna direksia na Natsionalna agentsia za prihodite – Sofia, en présence de Prokuror ot Okrazhna prokuratura – Blagoevgrad. [demande de décision préjudicielle formée par l'Administrativen sad Blagoevgrad (tribunal administratif de Blagoevgrad, Bulgarie)].**

Renvoi préjudiciel – Article 63 TFUE – **Liberté de mouvement des capitaux et des paiements** – Directive (UE) 2015/849 – État non membre de la zone euro – **Législation nationale interdisant d'effectuer, sur le territoire national, un paiement en espèces lorsque celui-ci est d'une valeur égale ou supérieure au seuil fixé et exigeant de recourir à un virement ou à un versement sur un compte de paiement** – Distribution de dividendes d'une entreprise à un actionnaire ou un associé sous la forme d'un paiement en espèces dépassant le seuil fixé par la législation nationale – Infliction d'une sanction administrative à caractère pénal – Compatibilité de la législation nationale – **Lutte contre la fraude et l'évasion fiscales – Proportionnalité**

[EUR-Lex - 62019CC0544](#)

**Case C-663/18. Judgment of the Court (Fourth Chamber) of 19 November 2020. Criminal proceedings against Ministère public and Conseil national de l'ordre des pharmaciens. Request for a preliminary ruling from the Cour d'appel d'Aix-En-Provence.**

Reference for a preliminary ruling – **Free movement of goods** – Common organisation of the markets in the flax and hemp sector – **Exceptions – Protection of public health – National legislation limiting the industrialisation and marketing of hemp solely to fibre and seeds – Cannabidiol (CBD).**

[EUR-Lex - 62018CJ0663](#)

**Case C-454/19. Judgment of the Court (Fourth Chamber) of 19 November 2020. Criminal proceedings against ZW. Request for a preliminary ruling from the Amtsgericht Heilbronn.**

Renvoi préjudiciel – **Citoyenneté de l'Union** – Article 21 TFUE – **Droit de libre circulation et de libre séjour sur le territoire des États membres – Incrimination pénale visant spécifiquement l'enlèvement international de mineurs** – Restriction – Justification – **Protection de l'enfant – Proportionnalité**

[EUR-Lex - 62019CJ0454](#)

**Case C-815/18. Judgment of the Court (Grand Chamber) of 1 December 2020. Federatie Nederlandse Vakbeweging v Van den Bosch Transporten BV and Others. Request for a preliminary ruling from the Hoge Raad der Nederlanden.**

Reference for a preliminary ruling – Directive 96/71/EC – Article 1(1) and (3) and Article 2(1) – **Posting of workers in the framework of the provision of services** – Drivers working in international road transport – Scope – Concept

of ‘posted worker’ – **Cabotage operations** – Article 3(1), (3) and (8) – Article 56 TFEU – **Freedom to provide services – Collective agreements declared universally applicable.**

[EUR-Lex - 62018CJ0815](#)

**Case C-311/19. Judgment of the Court (Fourth Chamber) of 3 December 2020. BONVER WIN, a. s. v Ministerstvo financí ČR. Request for a preliminary ruling from the Nejvyšší správní soud.**

Reference for a preliminary ruling – **Freedom to provide services** – Restrictions – **National legislation prohibiting the operation of gambling in certain places** – Applicability of Article 56 TFEU – Existence of a cross-border element.

[EUR-Lex - 62019CJ0311](#)

**Case C-620/18. Judgment of the Court (Grand Chamber) of 8 December 2020. Hungary v European Parliament and Council of the European Union.**

Action for annulment – Directive (EU) 2018/957 – **Freedom to provide services – Posting of workers – Terms and conditions of employment** – Remuneration – Duration of posting – Determination of the legal basis – Articles 53 and 62 TFEU – Amendment of an existing directive – Article 9 TFEU – Misuse of powers – Principle of non-discrimination – Necessity – Principle of proportionality – Extent of the principle of freedom to provide services – **Road transport** – Article 58 TFEU – Regulation (EC) No 593/2008 – Scope – **Principles of legal certainty and legislative clarity.**

[EUR-Lex - 62018CJ0620](#)

**Case C-710/19. Judgment of the Court (First Chamber) of 17 December 2020. G. M. A. v État belge. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – **Freedom of movement for persons** – Article 45 TFEU – Citizenship of the Union – Directive 2004/38/EC – **Right of residence for more than three months** – Article 14(4)(b) – **Jobseekers – Reasonable period of time to acquaint themselves with potentially suitable employment opportunities and take the necessary steps to obtain employment** – Requirements imposed by the host Member State on the jobseeker during that period – Conditions governing the right of residence – Obligation to continue seeking employment and to have a genuine chance of being engaged.

[EUR-Lex - 62019CJ0710](#)

**Case C-398/19. Judgment of the Court (Grand Chamber) of 17 December 2020. Proceedings relating to the extradition of BY. Request for a preliminary ruling from the Kammergericht Berlin.**

Reference for a preliminary ruling – **Citizenship of the European Union** – Articles 18 and 21 TFEU – **Extradition of a Union citizen to a third State** – Person acquiring Union citizenship after transferring the centre of his or her interests to the Member State from which extradition is requested – Scope of EU law – **Prohibition on extradition applied solely to own nationals – Restriction on freedom of movement – Justification based on the prevention of impunity** – Proportionality – Information to the Member State of which the requested person is a national – Obligation on the Member State from which extradition is requested and the Member State of origin to ask the third State requesting extradition to send the criminal investigation file – No obligation.

[EUR-Lex - 62019CJ0398](#)

**Case C-218/19. Judgment of the Court (First Chamber) of 17 December 2020. Adina Onofrei v Conseil de l'ordre des avocats au barreau de Paris and Others. Request for a preliminary ruling from the Cour de cassation.**

Renvoi préjudiciel – **Libre circulation des personnes – Liberté d'établissement – Accès à la profession d'avocat – Dispense de formation et de diplôme** – Octroi de la dispense – Conditions – Réglementation nationale prévoyant la dispense en faveur des fonctionnaires et anciens fonctionnaires de catégorie A ou assimilés ayant une pratique professionnelle du droit national, sur le territoire national, dans la fonction publique nationale de l'État membre concerné ou dans une organisation internationale.

[EUR-Lex - 62019CJ0218](#)

## 14. Intellectual Property

### Case Law

**Case C-147/19. Judgment of the Court (Fifth Chamber) of 18 November 2020. Atresmedia Corporación de Medios de Comunicación S.A. v Asociación de Gestión de Derechos Intelectuales (AGEDI) and Artistas e Intérpretes o Ejecutantes, Sociedad de Gestión de España (AIE). Request for a preliminary ruling from the Tribunal Supremo.**

Reference for a preliminary ruling – Intellectual property – Rights related to copyright – Directive 92/100/EEC – Article 8(2) – Directive 2006/115/EC – Article 8(2) – **Communication to the public of an audiovisual work incorporating a phonogram or a reproduction of a phonogram – Single equitable remuneration.**

[EUR-Lex - 62019CJ0147](#)

**Case C-490/19. Judgment of the Court (Fifth Chamber) of 17 December 2020. Syndicat interprofessionnel de défense du fromage Morbier v Société Fromagère du Livradois SAS. Request for a preliminary ruling from the Cour de cassation.**

Reference for a preliminary ruling – Agriculture – **Protection of geographical indications and designations of origin for agricultural products and foodstuffs** – Regulation (EC) No 510/2006 – Regulation (EU) No 1151/2012 – Article 13(1)(d) – Practice liable to mislead the consumer as to the true origin of the product – **Reproduction of the shape or appearance of a product which has a protected name** – Protected designation of origin (PDO) ‘Morbier’.

[EUR-Lex - 62019CJ0490](#)

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

### Community Legislation

**Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast)**

[EUR-Lex - 32020R1784](#)

**Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)**

[EUR-Lex - 32020R1783](#)

### Case Law

**Affaire C-433/19. Arrêt de la Cour (première chambre) du 11 novembre 2020. Ellmes Property Services Limited contre SP. Demande de décision préjudicielle, introduite par l'Oberster Gerichtshof.**

Renvoi préjudiciel – Coopération judiciaire en matière civile – **Règlement (UE) n° 1215/2012** – Compétence judiciaire, reconnaissance et exécution des décisions en matière civile et commerciale – Article 24, point 1 – **Compétence exclusive en matière de droits réels immobiliers** – Article 7, point 1, sous a) – **Compétence spéciale en matière contractuelle** – **Action judiciaire d'un copropriétaire tendant à obtenir la cessation de l'usage à des fins touristiques, par un autre copropriétaire, d'un bien immeuble en copropriété.**

[EUR-Lex - 62019CJ0433](#)

**Case C-519/19. Judgment of the Court (First Chamber) of 18 November 2020. Ryanair DAC v DelayFix, anciennement Passenger Rights. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie.**

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – **Regulation (EU) No 1215/2012** – **Contract of transport by air** – **Jurisdiction clause agreed to by the passenger as a consumer** – Claim made by the passenger against the airline – Assignment of that claim to a collection agency – **Enforceability of**

**the jurisdiction clause by the airline against the assignee company of that passenger's claim** – Directive 93/13/EEC.

[EUR-Lex - 62019CJ0519](#)

**Case C-238/19. Judgment of the Court (Sixth Chamber) of 19 November 2020. EZ v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Hannover.**

Reference for a preliminary ruling – Area of freedom, security and justice – **Asylum policy** – Directive 2011/95/EU – **Conditions for granting refugee status – Refusal to perform military service** – Article 9(2)(e) – Law of the country of origin which does not provide for the right to conscience objection – Protection of persons who have fled their country of origin after the expiry of the period for suspending military service – Article 9(3) – Connection between the reasons mentioned in Article 10 of that directive and the prosecution and punishment referred to in Article 9(2)(e) of that directive – Evidence.

[EUR-Lex - 62019CJ0774](#)

**Case C-59/19. Judgment of the Court (Grand Chamber) of 24 November 2020. Wikingerhof GmbH & Co. KG v Booking.com BV. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Regulation (EU) No 1215/2012** – Jurisdiction – Article 7, points 1 and 2 – **Special jurisdiction in matters relating to tort, delict or quasi-delict – Action seeking an injunction against commercial practices considered to be contrary to competition law** – Allegation of abuse of a dominant position occurring in commercial practices covered by contractual provisions – **Online accommodation booking platform booking.com.**

[EUR-Lex - 62019CJ0059](#)

**Joined Cases C-225/19 and C-226/19. Judgment of the Court (Grand Chamber) of 24 November 2020. R.N.N.S. and K.A. v Minister van Buitenlandse Zaken. Requests for a preliminary ruling from the Rechtbank Den Haag zittingsplaats Haarlem.**

References for a preliminary ruling – Area of freedom, security and justice – Community Code on Visas – Regulation (EC) No 810/2009 – Article 32(1) to (3) – **Decision to refuse a visa** – Annex VI – Standard form – Statement of reasons – **Threat to public policy, internal security or public health, or to the international relations of any of the Member States** – Article 22 – Procedure of prior consultation of central authorities of other Member States – Objection to the issuing of a visa – **Appeal against a decision to refuse a visa – Scope of judicial review** – Article 47 of the Charter of Fundamental Rights of the European Union – Right to an effective remedy.

[EUR-Lex - 62019CJ0225](#)

**Case C-510/19. Judgment of the Court (Grand Chamber) of 24 November 2020. Criminal proceedings against AZ. Request for a preliminary ruling from the Hof van beroep te Brussel.**

Reference for a preliminary ruling – Police and judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 6(2) – **Concept of 'executing judicial authority' – Article 27(2) – Rule of speciality – Article 27(3)(g) and 27(4) – Derogation – Prosecution for an 'offence other' than that for which surrendered** – Consent of the executing judicial authority – Consent of the Public Prosecutor's Office of the executing Member State.

[EUR-Lex - 62019CJ0510](#)

**Joined Cases C-72/19 P and C-145/19 P. Judgment of the Court (Seventh Chamber) of 3 December 2020. Suzanne Saleh Thabet and Others v Council of the European Union.**

Appeal – **Restrictive measures adopted in view of the situation in Egypt – Freezing of funds and economic resources** – List of the persons, entities and bodies covered by the freezing of funds and economic resources – Maintenance of the applicants' names – **Decision of an authority of a third State – Obligation of the Council of the European Union to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection** – Obligation to state reasons.

[EUR-Lex - 62019CJ0072](#)

**Case C-584/19. Judgment of the Court (Grand Chamber) of 8 December 2020. Criminal proceedings against A\*\*\*\*\* und weitere unbekannte Täter. Request for a preliminary ruling from the Landesgericht für Strafsachen Wien.**

Reference for a preliminary ruling – **Judicial cooperation in criminal matters – European investigation order – Directive 2014/41/EU – Article 1(1) – Article 2(c)(i) and (ii) – Concepts of ‘judicial authority’ and ‘issuing authority’** – European investigation order issued by the public prosecutor’s office of a Member State – Independence from the executive.

[EUR-Lex - 62019CJ0584](#)

**Affaire C-616/19. Arrêt de la Cour (première chambre) du 10 décembre 2020. M.S. e.a. contre Minister for Justice and Equality. Demande de décision préjudicielle, introduite par la High Court (Irlande).**

Renvoi préjudiciel – Espace de liberté, de sécurité et de justice – Politique d’asile – **Procédure d’octroi et de retrait du statut de réfugié – Directive 2005/85/CE – Article 25, paragraphe 2 – Motifs d’irrecevabilité – Rejet par un État membre d’une demande de protection internationale comme étant irrecevable en raison de l’octroi antérieur au demandeur d’une protection subsidiaire dans un autre État membre** – Règlement (CE) no 343/2003 – Règlement (UE) no 604/2013.

[EUR-Lex - 62019CJ0616](#)

**Affaire C-774/19. Arrêt de la Cour (sixième chambre) du 10 décembre 2020. A. B. et B. B. contre Personal Exchange International Limited. Demande de décision préjudicielle, introduite par le Vrhovno sodišče.**

Renvoi préjudiciel – **Coopération judiciaire en matière civile – Règlement (CE) no 44/2001 – Article 15, paragraphe 1 – Compétence en matière de contrats conclus par les consommateurs – Notion de “consommateur” – Contrat de jeux de poker conclu en ligne entre une personne physique et un organisateur de jeux de hasard** – Personne physique gagnant sa vie aux jeux de poker en ligne – Connaissances possédées par cette personne – Régularité de l’activité.

[EUR-Lex - 62019CJ0774](#)

**Joined Cases C-354/20 PPU and C-412/20 PPU. Judgment of the Court (Grand Chamber) of 17 December 2020. L and P. Request for a preliminary ruling from the Rechtbank Amsterdam.**

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Police and judicial cooperation in criminal matters – **European arrest warrant** – Framework Decision 2002/584/JHA – Article 1(3) – Article 6(1) – Surrender procedures between Member States – Conditions for execution – Charter of Fundamental Rights of the European Union – Second paragraph of Article 47 – **Right of access to an independent and impartial tribunal** – Systemic or generalised deficiencies – Concept of ‘issuing judicial authority’ – Taking into consideration of developments after the European arrest warrant concerned has been issued – **Obligation of the executing judicial authority to determine specifically and precisely whether there are substantial grounds for believing that the person concerned will run a real risk of breach of his or her right to a fair trial if he or she is surrendered.**

[EUR-Lex - 62020CJ0354](#)

**Case C-808/18. Judgment of the Court (Grand Chamber) of 17 December 2020. European Commission v Hungary.**

**Failure of a Member State to fulfil obligations** – Area of freedom, security and justice – **Policies on border checks, asylum and immigration** – Directives 2008/115/EC, 2013/32/EU and 2013/33/EU – Procedure for granting international protection – Effective access – Border procedure – Procedural safeguards – Compulsory placement in transit zones – Detention – **Return of illegally staying third-country nationals – Appeals brought against administrative decisions rejecting the application for international protection – Right to remain in the territory.**

[EUR-Lex - 62018CJ0808](#)

**Case C-709/19. Opinion of Advocate General Campos Sánchez-Bordona delivered on 17 December 2020. Vereniging van Effectenbezitters v BP plc (Request for a preliminary ruling from the Hoge Raad der Nederlanden (Supreme Court of the Netherlands)).**

Preliminary ruling procedure – **Regulation (EU) No 1215/2012** – International jurisdiction in civil and commercial matters – **Jurisdiction in tort, delict or quasi-delict** – Litigation over investments – **Place where the harmful event occurred – Purely financial damage** – Action for a declaratory judgment brought by an organisation for the collective defence of interests

[EUR-Lex - 62019CC0709](#)



## 16. Transport

### Case Law

**Case C-796/19. Judgment of the Court (Tenth Chamber) of 12 November 2020. European Commission v Republic of Austria.**

**Failure of a Member State to fulfil obligations** – Directive 2007/59/EC – **Certification of train drivers** – Article 3(a) – **Competent national authority** – Directive 2004/49/EC – Article 16(1) – Safety authority – Designation of several authorities.

[EUR-Lex - 62019CJ0796](#)

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

### Case Law

**Case C-316/19. Judgment of the Court (Grand Chamber) of 17 December 2020. European Commission v Republic of Slovenia.**

**Failure of a Member State to fulfil obligations** – Article 343 TFUE – Privileges and immunities of the European Union – Statute of the European System of Central Banks (ESCB) and of the European Central Bank (ECB) – Article 39 – Privileges and immunities of the ECB – **Protocol on the privileges and immunities of the European Union** – Articles 2, 18 and 22 – **Principle of the inviolability of the archives of the ECB – Seizure of documents at the premises of the Central Bank of Slovenia** – Documents connected to the performance of the tasks of the ESCB and of the Eurosystem – Article 4(3) TEU – Principle of sincere cooperation.

[EUR-Lex - 62019CJ0316](#)

**Case C-342/19 P. Judgment of the Court (First Chamber) of 17 December 2020. Fabio De Masi and Yanis Varoufakis v European Central Bank.**

Appeal – **Access to European Central Bank (ECB) documents** – Decision 2004/258/EC – Article 4(3) – Exceptions – Document received by the ECB – **Opinion from an external service provider – Internal use as part of deliberations and preliminary consultations – Refusal to grant access.**

[EUR-Lex - 62019CJ0342](#)