



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

EU News: Click & Read

151 – May 2021

European Documentation Centre

Editor: [Henrik Westermarck](#) 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, 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.

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

Highlights

Case C-8/20. Judgment of the Court (Fourth Chamber) of 20 May 2021. L.R. v Bundesrepublik Deutschland. Request for a preliminary ruling from the Schleswig-Holsteinisches Verwaltungsgericht.

Reference for a preliminary ruling – Area of freedom, security and justice – Border controls, asylum and immigration – Asylum policy – **Directive 2013/32/EU – Common procedures for granting and withdrawing international protection** – Application for international protection – Grounds of inadmissibility – Article 2(q) – Concept of ‘subsequent application’ – Article 33(2)(d) – **Rejection by a Member State of an application for international protection as inadmissible due to the rejection of a previous application made by the person concerned in a third State with which the European Union has concluded an agreement** on the criteria and mechanisms for establishing the State responsible for examining an application for asylum lodged in one of the States parties to that agreement – Final decision taken by the Kingdom of Norway.

[EUR-Lex - 62020CJ0008](#)

Case C-505/19. Judgment of the Court (Grand Chamber) of 12 May 2021. WS v Bundesrepublik Deutschland.

Reference for a preliminary ruling – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Ne bis in idem principle** – Article 21 TFEU – Freedom of movement of persons – **Interpol red notice** – Directive (EU) 2016/680 – **Lawfulness of the processing of personal data contained in such a notice.**

[EUR-Lex - 62019CJ0505](#)

1. EU-Swiss Relations

Community Legislation

Schengen Information System (SIS) Regulation of the European Parliament and of the Council on the use of the Schengen Information System (SIS) for the return of illegally staying third-country nationals Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU - **Notification from Switzerland regarding the fulfilment of its constitutional requirements on the above-mentioned Regulations.**

[EUR-Lex - ST 5409 2019](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (CFSP) 2021/855 of 27 May 2021 amending Decision 2013/255/CFSP concerning **restrictive measures against Syria**

[EUR-Lex - 32021D0855](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-128/19. Judgment of the Court (Fourth Chamber) of 20 May 2021. Azienda Sanitaria Provinciale di Catania v Assessorato della Salute della Regione Siciliana. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – State aid – Agriculture sector – **Slaughtering of animals affected by infectious diseases – Compensation for farmers** – Notification and standstill requirements – Article 108(3) TFEU – Concepts of ‘existing aid’ and ‘new aid’ – Regulation (EC) No 659/1999 – Exemptions by categories of aid – Regulation (EU) No 702/2014 – De minimis aid – Regulation (EU) No 1408/2013.

[EUR-Lex - 62019CJ0128](#)

4. Audiovisual and Media and Information Society

Community Legislation

Proposal for a Regulation laying down harmonised **rules on artificial intelligence (Artificial Intelligence Act)** and amending certain union legislative acts COM/2021/206 final

[EUR-Lex - 52021PC0206](#)

5. Competition and State Aid

Case Law

Case C-128/19. Judgment of the Court (Fourth Chamber) of 20 May 2021. Azienda Sanitaria Provinciale di Catania v Assessorato della Salute della Regione Siciliana. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – State aid – Agriculture sector – **Slaughtering of animals affected by infectious diseases – Compensation for farmers** – Notification and standstill requirements – Article 108(3) TFEU – Concepts of ‘existing aid’ and ‘new aid’ – Regulation (EC) No 659/1999 – Exemptions by categories of aid – Regulation (EU) No 702/2014 – De minimis aid – Regulation (EU) No 1408/2013.

[EUR-Lex - 62019CJ0128](#)

Case T-643/20. Judgment of the General Court (Tenth Chamber, Extended Composition) of 19 May 2021. Ryanair DAC v European Commission.

State aid – Netherlands – **State guarantee for loans and subordinated loan by the State to KLM amid the COVID-19 pandemic** – Temporary Framework for State aid measures – Decision not to raise any objections – Decision declaring the aid compatible with the internal market – Aid granted previously to another company in the same group of companies – Duty to state reasons – Maintenance of the effects of the decision.

[EUR-Lex - 62020TJ0643](#)

Affaire C-11/20. Arrêt de la Cour (sixième chambre) du 12 mai 2021. Commission européenne contre République hellénique.

Manquement d’État – Aides d’État – **Aide déclarée illégale et incompatible avec le marché intérieur** – Article 108, paragraphe 2, deuxième alinéa, TFUE – **Mauvaises conditions climatiques – Pertes subies par des agriculteurs** – Aides de compensation – Obligation de récupération – Obligation d’information – Inexécution.

[EUR-Lex - 62020CJ0011](#)

Case T-816/17. Judgment of the General Court (Seventh Chamber, Extended Composition) of 12 May 2021. Grand Duchy of Luxembourg v European Commission.

State aid – **Aid implemented by Luxembourg in favour of Amazon** – Decision declaring the aid incompatible with the internal market and unlawful and ordering its recovery – Tax ruling – Transfer pricing – **Selective tax advantage** – Transfer pricing arrangement – Functional analysis.

[EUR-Lex - 62017TJ0816](#)

6. Customs

Case Law

Affaire C-230/20. Arrêt de la Cour (huitième chambre) du 20 mai 2021. « BTA Baltic Insurance Company » AAS contre Valsts ieņēmumu dienests. Demande de décision préjudicielle, introduite par l'Augstākā tiesa (Senāts).

Renvoi préjudiciel – Règlement (CEE) no 2913/92 – Code des douanes communautaire – Article 195 – Article 232, paragraphe 1, sous a) – Article 221, paragraphe 3 – Tarif douanier commun – **Recouvrement du montant de la dette douanière** – Communication du montant des droits au débiteur – **Délai de prescription** – Appel en garantie dirigé contre la caution – Exécution forcée aux fins du paiement – Délai raisonnable.

[EUR-Lex - 62020CJ0230](#)

Case C-209/20. Judgment of the Court (Third Chamber) of 20 May 2021. Renesola UK Ltd v The Commissioners for Her Majesty's Revenue and Customs. Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber).

Reference for a preliminary ruling – Customs union – Assessment of validity – Implementing Regulation (EU) No 1357/2013 – **Determination of the country of origin of solar modules assembled in a third country from solar cells manufactured in another third country** – Regulation (EEC) No 2913/92 – Community Customs Code – Article 24 – Origin of goods whose production involved more than one third country – **Concept of 'last substantial processing or working'**.

[EUR-Lex - 62020CJ0209](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-4/20. Judgment of the Court (First Chamber) of 20 May 2021. „ALTI“ OOD v Direktor na Direktsia „Obzhalvane i danachno-osiguritelna praktika“ Plovdiv pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite. Request for a preliminary ruling from the Varhoven administrativen sad.

Reference for a preliminary ruling – Taxation – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Article 205 – Persons liable for payment of VAT to the public exchequer – **Joint and several liability of the recipient of a taxable supply which has exercised its right to deduct VAT knowing that the person liable for payment of that tax would not pay it** – Obligation of such a recipient to pay the VAT not paid by the person liable for payment and the default interest due on account of that person's failure to pay the VAT.

[EUR-Lex - 62020CJ0004](#)

Judgment of the Court (Second Chamber) of 12 May 2021. CS and Finanzamt Österreich, anciennement Finanzamt Graz-Stadt v Finanzamt Österreich, anciennement Case **C-844/19. Finanzamt Judenburg Liezen and technoRent International GmbH. Request for a preliminary ruling from the Verwaltungsgerichtshof.**

Reference for a preliminary ruling – Common system of value added tax (VAT) – Directive 2006/112/EC – Article 90 – **Reduction of the taxable amount** – Article 183 – **Refund of excess VAT** – Default interest – No national rule – **Principle of fiscal neutrality** – Direct effect of provisions of EU law – Principle that national law must be interpreted in conformity with EU law.

[EUR-Lex - 62019CJ0844](#)

Case T-816/17. Judgment of the General Court (Seventh Chamber, Extended Composition) of 12 May 2021. Grand Duchy of Luxembourg v European Commission.

State aid – **Aid implemented by Luxembourg in favour of Amazon** – Decision declaring the aid incompatible with the internal market and unlawful and ordering its recovery – Tax ruling – Transfer pricing – **Selective tax advantage** – Transfer pricing arrangement – Functional analysis.

[EUR-Lex - 62017TJ0816](#)

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

Community Legislation

Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific **Programme implementing Horizon Europe – the Framework Programme for Research and Innovation**, and repealing Decision 2013/743/EU (Text with EEA relevance)

[EUR-Lex - 32021D0764](#)

Council Regulation (Euratom) 2021/765 of 10 May 2021 establishing the **Research and Training Programme of the European Atomic Energy Community for the period 2021-2025** complementing Horizon Europe – the Framework Programme for Research and Innovation and repealing Regulation (Euratom) 2018/1563
[EUR-Lex - 32021R0765](#)

9. Employment and Social Affairs

Case Law

Case C-879/19. Judgment of the Court (Eighth Chamber) of 20 May 2021. FORMAT Urządzenia i Montaż Przemysłowe v Zakład Ubezpieczeń Społecznych I Oddział w Warszawie. Request for a preliminary ruling from the Sąd Najwyższy.

Reference for a preliminary ruling – Social security – **Determination of the legislation applicable** – Regulation (EEC) No 1408/71 – Article 13(2)(a) – Article 14(2) – **Person normally employed in the territory of two or more Member States** – Single employment contract – Employer established in the worker’s Member State of residence – Paid employment activity pursued exclusively in other Member States – Work performed in different Member States during successive periods – Conditions.

[EUR-Lex - 62019CJ0879](#)

Case C-130/20. Judgment of the Court (Sixth Chamber) of 12 May 2021. YJ v Instituto Nacional de la Seguridad Social (INSS). Request for a preliminary ruling from the Juzgado de lo Social de Barcelona.

Reference for a preliminary ruling – Equal treatment for men and women in matters of social security – Directive 79/7/EEC – Article 4(1) – Discrimination on ground of sex – **National legislation providing for a pension maternity supplement to be granted to women who have had a certain number of children – Exclusion from entitlement to that pension supplement of women who have requested early retirement** – Scope of Directive 79/7/EEC.

[EUR-Lex - 62020CJ0130](#)

Case C-27/20. Judgment of the Court (Eighth Chamber) of 12 May 2021. PF and QG v Caisse d’allocations familiales d’Ille et Vilaine (CAF). Request for a preliminary ruling from the Tribunal de grande instance de Rennes.

Reference for a preliminary ruling – Freedom of movement for workers – Equal treatment – Social advantages – Ceilings related to resources – Account taken of the resources received in the penultimate year preceding the period of payment of allowances – **Worker returning to his Member State of origin – Reduction in the entitlement to family allowances.**

[EUR-Lex - 62020CJ0027](#)

10. Energy and Environment

Case Law

Case C-87/20. Judgment of the Court (Seventh Chamber) of 12 May 2021. Hauptzollamt B v XY. Request for a preliminary ruling from the Bundesfinanzhof.

Reference for a preliminary ruling – **Protection of species of wild fauna and flora by regulating trade therein** – Regulations (EC) No 338/97 and (EC) No 865/2006 – **Sturgeon caviar – Introduction into the customs territory of to the European Union for personal and household effects** – Import permit – Derogation – Limit of 125 grams per person – Exceeded – Intention to give as a gift to a third party.

[EUR-Lex - 62020CJ0087](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-6/20. Judgment of the Court (Fourth Chamber) of 20 May 2021. Sotsiaalministeerium v Riigi Tugiteenuste Keskus, anciennement Innove SA.

Reference for a preliminary ruling – **Public supply contracts** – Directive 2004/18/EC – Articles 2 and 46 – Project financed by the Fund for European Aid to the Most Disadvantaged – **Criteria for the selection of tenderers** – Regulation (EC) No 852/2004 – Article 6 – **Requirement of a registration certificate or approval issued by the national food safety authority of the State in which the contract is to be performed.**

[EUR-Lex - 62020CJ0006](#)

12. Human Rights

Case Law

Affaires jointes C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 et C-397/19. Arrêt de la Cour (grande chambre) du 18 mai 2021. Asociația « Forumul Judecătorilor din România » e.a. contre Inspekția Judiciară e.a. Demandes de décision préjudicielle, introduites par le Tribunalul Olt e.a.

Renvoi préjudiciel – Traité d’adhésion de la République de Bulgarie et de la Roumanie à l’Union européenne – **Acte relatif aux conditions d’adhésion à l’Union de la République de Bulgarie et de la Roumanie** – Articles 37 et 38 – Mesures appropriées – **Mécanisme de coopération et de vérification des progrès réalisés par la Roumanie en vue d’atteindre certains objectifs de référence spécifiques en matière de réforme du système judiciaire et de lutte contre la corruption** – Décision 2006/928/CE – Nature et effets juridiques du mécanisme de coopération et de vérification et des rapports établis par la Commission sur le fondement de celui-ci – État de droit – **Indépendance de la justice** – Article 19, paragraphe 1, second alinéa, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – Lois et ordonnances gouvernementales d’urgence adoptées en Roumanie au cours des années 2018 et 2019 en matière d’organisation du système judiciaire et de responsabilité des juges – Nomination ad interim aux postes de direction de l’Inspection judiciaire – Mise en place au sein du ministère public d’une section chargée d’enquêter sur les infractions commises au sein du système judiciaire – Responsabilité patrimoniale de l’État et responsabilité personnelle des juges en cas d’erreur judiciaire.

[EUR-Lex - 62019CJ0083](#)

Case C-505/19. Judgment of the Court (Grand Chamber) of 12 May 2021. WS v Bundesrepublik Deutschland.

Reference for a preliminary ruling – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Ne bis in idem principle** – Article 21 TFEU – Freedom of movement of persons – **Interpol red notice** – Directive (EU) 2016/680 – **Lawfulness of the processing of personal data contained in such a notice.**

[EUR-Lex - 62019CJ0505](#)

13. Internal Market and Single Market

Case Law

Case C-6/20. Judgment of the Court (Fourth Chamber) of 20 May 2021. Sotsiaalministeerium v Riigi Tugiteenuste Keskus, anciennement Innove SA.

Reference for a preliminary ruling – **Public supply contracts** – Directive 2004/18/EC – Articles 2 and 46 – Project financed by the Fund for European Aid to the Most Disadvantaged – **Criteria for the selection of tenderers** – Regulation (EC) No 852/2004 – Article 6 – **Requirement of a registration certificate or approval issued by the national food safety authority of the State in which the contract is to be performed.**

[EUR-Lex - 62020CJ0006](#)

Case C-27/20. Judgment of the Court (Eighth Chamber) of 12 May 2021. PF and QG v Caisse d’allocations familiales d’Ille et Vilaine (CAF). Request for a preliminary ruling from the Tribunal de grande instance de Rennes.

Reference for a preliminary ruling – **Freedom of movement for workers** – Equal treatment – Social advantages – Ceilings related to resources – Account taken of the resources received in the penultimate year preceding the period of payment of allowances – **Worker returning to his Member State of origin – Reduction in the entitlement to family allowances.**

[EUR-Lex - 62020CJ0027](#)

Case C-505/19. Judgment of the Court (Grand Chamber) of 12 May 2021. WS v Bundesrepublik Deutschland.

Reference for a preliminary ruling – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Ne bis in idem principle** – Article 21 TFEU – **Freedom of movement of persons** – Interpol red notice – Directive (EU) 2016/680 – Lawfulness of the processing of personal data contained in such a notice.

[EUR-Lex - 62019CJ0505](#)

Case C-142/20. Judgment of the Court (First Chamber) of 6 May 2021. Analisi G. Caracciolo srl v Regione Siciliana - Assessorato regionale della salute - Dipartimento regionale per la pianificazione and Others. Request for a preliminary ruling from the Consiglio di Giustizia amministrativa per la Regione siciliana.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 765/2008 – **Requirements for accreditation and market surveillance relating to the marketing of products – Single national accreditation body** – Issuing of the accreditation certificate to conformity assessment bodies – Accreditation body having its seat in a third State – Article 56 TFEU – Article 102 TFEU – Articles 20 and 21 of the Charter of Fundamental Rights of the European Union – Validity.

[EUR-Lex - 62020CN0142](#)

14. Intellectual Property

Community Legislation

Commission Implementing Regulation (EU) 2021/865 of 28 May 2021 entering a name in the register of protected designations of origin and **protected geographical indications ('Rooibos'/'Red Bush' (PDO))** C/2021/3592

[EUR-Lex - 32021R0865](#)

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

Case Law

Case C-913/19. Judgment of the Court (Third Chamber) of 20 May 2021. CNP spółka z ograniczoną odpowiedzialnością v Gefion Insurance A/S. Request for a preliminary ruling from the Sąd Rejonowy w Białymstoku.

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 – **Jurisdiction in insurance matters** – Article 10 – Article 11(1)(a) – **Ability to sue an insurer domiciled in a Member State in another Member State, in the case of actions brought by the policyholder, the insured person or a beneficiary, in the courts of the place where the person bringing the claim is domiciled** – Article 13(2) – Action brought by the injured party directly against the insurer – Scope *ratione personae* – Concept of ‘injured party’ – Business active in the insurance sector – Special jurisdiction – Article 7(2) and (5) – Concept of ‘branch’, ‘agency’ or ‘other establishment’.

[EUR-Lex - 62019CJ0913](#)

Case C-8/20. Judgment of the Court (Fourth Chamber) of 20 May 2021. L.R. v Bundesrepublik Deutschland. Request for a preliminary ruling from the Schleswig-Holsteinisches Verwaltungsgericht.

Reference for a preliminary ruling – Area of freedom, security and justice – Border controls, asylum and immigration – Asylum policy – **Directive 2013/32/EU – Common procedures for granting and withdrawing international protection** – Application for international protection – Grounds of inadmissibility – Article 2(q) – Concept of ‘subsequent application’ – Article 33(2)(d) – **Rejection by a Member State of an application for international protection as inadmissible due to the rejection of a previous application made by the person concerned in a third State with which the European Union has concluded an agreement** on the criteria and mechanisms for establishing the State responsible for examining an application for asylum lodged in one of the States parties to that agreement – Final decision taken by the Kingdom of Norway.

[EUR-Lex - 62020CJ0008](#)

Case C-709/19. Judgment of the Court (First Chamber) of 12 May 2021. Vereniging van Effectenbezitters v BP plc. Request for a preliminary ruling from the Hoge Raad der Nederlanden.

Reference for a preliminary ruling – Jurisdiction and the enforcement of judgments in civil and commercial matters – Regulation (EU) No 1215/2012 – Article 7(2) – **Jurisdiction in tort, delict or quasi-delict – Place where the harmful event occurred** – Damage consisting in purely financial loss.

[EUR-Lex - 62019CJ0709](#)

Case C-505/19. Judgment of the Court (Grand Chamber) of 12 May 2021. WS v Bundesrepublik Deutschland.

Reference for a preliminary ruling – **Convention implementing the Schengen Agreement** – Article 54 – Charter of Fundamental Rights of the European Union – Article 50 – **Ne bis in idem principle** – Article 21 TFEU – Freedom of movement of persons – **Interpol red notice** – Directive (EU) 2016/680 – **Lawfulness of the processing of personal data contained in such a notice.**

[EUR-Lex - 62019CJ0505](#)

16. Transport

Case Law

Case C-707/19. Judgment of the Court (Fifth Chamber) of 20 May 2021. K.S. v A.B. Request for a preliminary ruling from the Sąd Rejonowy dla Łodzi.

Reference for a preliminary ruling – **Insurance against civil liability in respect of the use of motor vehicles** – Directive 2009/103/EC – Article 3 – Compulsory cover of damage to property – Scope – Legislation of a Member State limiting the obligation to cover the costs of towing a vehicle involved in an accident to the costs incurred in the territory of that Member State and limiting the costs of parking to those made necessary by reason of a criminal investigation or for any other reason.

[EUR-Lex - 62019CJ0707](#)

Case C-120/19. Judgment of the Court (Third Chamber) of 20 May 2021. X v College van burgemeester en wethouders van de gemeente Purmerend and Tamoil Nederland BV. Request for a preliminary ruling from the Raad van State.

Reference for a preliminary ruling – **Inland transport of dangerous goods** – Directive 2008/68/EC – Article 5(1) – Concept of ‘construction requirement’ – **Prohibition on laying down more stringent construction requirements** – Authority of a **Member State requiring a service station to be supplied with liquefied petroleum gas (LPG) only from road tankers fitted with a particular heat-resistant lining** not provided for by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) – Unlawfulness – Decision legally unchallengeable by a category of persons – Strictly limited possibility of obtaining the annulment of such a decision where there is clear conflict with EU law – Principle of legal certainty – Principle of effectiveness.

[EUR-Lex - 62019CJ0120](#)

Case T-643/20. Judgment of the General Court (Tenth Chamber, Extended Composition) of 19 May 2021. Ryanair DAC v European Commission.

State aid – Netherlands – **State guarantee for loans and subordinated loan by the State to KLM amid the COVID-19 pandemic** – Temporary Framework for State aid measures – Decision not to raise any objections – Decision declaring the aid compatible with the internal market – Aid granted previously to another company in the same group of companies – Duty to state reasons – Maintenance of the effects of the decision.

[EUR-Lex - 62020TJ0643](#)

Case C-70/20. Judgment of the Court (Fourth Chamber) of 12 May 2021. YL v Altenrhein Luftfahrt GmbH. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Air transport – **Montreal Convention** – Article 17(1) – **Air carrier liability in the event of accidents** – Concept of ‘accident’ – **Hard landing made within the normal operating range of an aircraft** – Bodily injury allegedly sustained by a passenger during such a landing – No accident.

[EUR-Lex - 62020CJ0070](#)

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

Case Law

Joined Cases C-748/19 to C-754/19. Opinion of Advocate General Bobek delivered on 20 May 2021. Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Regional Court of Warsaw, Poland)

Reference for a preliminary ruling – Principles of EU law – **Judicial independence** – Second subparagraph of Article 19(1) TEU – Directive (EU) 2016/343 – **Composition of judicial panels in criminal cases including judges seconded by the Minister for Justice** – Admissibility of requests for a preliminary ruling – Independence of the judicial panel issuing the order for reference – Limits to Article 19(1) TEU – Concept of ‘court or tribunal’ for the purposes of Article 267 TFEU – Relevance and necessity of the question – Presumption of innocence.

[EUR-Lex - 62019CC0748](#)

Affaires jointes C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 et C-397/19. Arrêt de la Cour (grande chambre) du 18 mai 2021. Asociația « Forumul Judecătorilor din România » e.a. contre Inspekția Judiciară e.a. Demandes de décision préjudicielle, introduites par le Tribunalul Olt e.a.

Renvoi préjudiciel – Traité d’adhésion de la République de Bulgarie et de la Roumanie à l’Union européenne – **Acte relatif aux conditions d’adhésion à l’Union de la République de Bulgarie et de la Roumanie** – Articles 37 et 38 – Mesures appropriées – **Mécanisme de coopération et de vérification des progrès réalisés par la Roumanie en vue d’atteindre certains objectifs de référence spécifiques en matière de réforme du système judiciaire et de lutte contre la corruption** – Décision 2006/928/CE – Nature et effets juridiques du mécanisme de coopération et de vérification et des rapports établis par la Commission sur le fondement de celui-ci – État de droit – **Indépendance de la justice** – Article 19, paragraphe 1, second alinéa, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – Lois et ordonnances gouvernementales d’urgence adoptées en Roumanie au cours des années 2018 et 2019 en matière d’organisation du système judiciaire et de responsabilité des juges – Nomination ad interim aux postes de direction de l’Inspection judiciaire – Mise en place au sein du ministère public d’une section chargée d’enquêter sur les infractions commises au sein du système judiciaire – Responsabilité patrimoniale de l’État et responsabilité personnelle des juges en cas d’erreur judiciaire.

[EUR-Lex - 62019CJ0083](#)