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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. Finally, we would like to take this opportunity to wish our readers a happy and safe 2022!

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Highlights

Case C-251/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Gtflix Tv v DR. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Article 7(2) – Special jurisdiction in matters relating to tort, delict or quasi-delict – **Publication on the internet of allegedly disparaging comments concerning a person – Place where the harmful event occurred** – Courts of each Member State in which content placed online is or has been accessible.

[EUR-Lex - 62020CJ0251](#)

Case C-124/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Bank Melli Iran, Aktiengesellschaft nach iranischem Recht v Telekom Deutschland GmbH. Request for a preliminary ruling from the Hanseatisches Oberlandesgericht Hamburg.

Reference for a preliminary ruling – Commercial policy – Regulation (EC) No 2271/96 – **Protection against the effects of the extraterritorial application of legislation adopted by a third country – Restrictive measures taken by the United States of America against Iran** – Secondary sanctions adopted by that third country preventing persons from engaging, outside its territory, in commercial relationships with certain Iranian undertakings – Prohibition on complying with such a law – Exercise of the right of ordinary termination.

[EUR-Lex - 62020CJ0124](#)

Case C-490/20. Judgment of the Court (Grand Chamber) of 14 December 2021. V.M.A. v Stolichna obshtina, rayon „Pancharevo“. Request for a preliminary ruling from the Administrativen sad Sofia-grad.

Reference for a preliminary ruling – **Citizenship of the Union** – Articles 20 and 21 TFEU – Right to move and reside freely within the territory of the Member States – Child born in the host Member State of her parents – Birth certificate issued by that Member State mentioning two mothers in respect of that child – **Refusal by the Member State of origin of one of those two mothers to issue a birth certificate for the child in the absence of information as to the identity of the child's biological mother** – Possession of such a certificate being a prerequisite for the issue of an identity card or a passport – Persons of the same sex not recognised as parents under the national legislation of that Member State of origin.

1. EU-Swiss Relations

Community Legislation

Council Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction - notification from Switzerland

[EUR-Lex - ST 10162 2020 ADD 18](#)

2. External Relations / Foreign Policy

Community Legislation

C/2021/9713 Commission Implementing Regulation (EU) 2021/2287 of 17 December 2021 imposing definitive countervailing duties on imports of aluminium converter foil originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2170 imposing definitive anti-dumping duties on imports of aluminium converter foil originating in the People's Republic of China

[EUR-Lex - 32021R2287](#)

Council Decision (CFSP) 2021/2135 of 2 December 2021 on an assistance measure under the European Peace Facility to support the Ukrainian Armed Forces

[EUR-Lex - 32021D2135](#)

Case Law

Case C-124/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Bank Melli Iran, Aktiengesellschaft nach iranischem Recht v Telekom Deutschland GmbH. Request for a preliminary ruling from the Hanseatisches Oberlandesgericht Hamburg.

Reference for a preliminary ruling – Commercial policy – Regulation (EC) No 2271/96 – **Protection against the effects of the extraterritorial application of legislation adopted by a third country – Restrictive measures taken by the United States of America against Iran** – Secondary sanctions adopted by that third country preventing persons from engaging, outside its territory, in commercial relationships with certain Iranian undertakings – Prohibition on complying with such a law – Exercise of the right of ordinary termination.

[EUR-Lex - 62020CJ0124](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013

[EUR-Lex - 32021R2116](#)

Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013

[EUR-Lex - 32021R2115](#)

4. Audiovisual and Media and Information Society

Case Law

Case C-319/20 Facebook Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V. Opinion of Advocate General Richard de la Tour delivered on 2 December 2021. (request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany))

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 80(2) – Right to an effective judicial remedy – **Representation of the data subjects by a not-for-profit association** – Standing to bring proceedings of a consumer protection association.

[EUR-Lex - 62020CC0319](#)

5. Competition and State Aid

Case Law

Case T-565/19. Judgment of the General Court (Tenth Chamber, Extended Composition) of 15 December 2021. Oltchim SA v European Commission.

State aid – **Measures taken by Romania to support a petrochemical company – Non-enforcement, accumulation and cancellation of public claims** – Action for annulment – Period within which proceedings must be brought – Point from which time starts to run – Article 24(1) of Regulation (EU) 2015/1589 – Interest in bringing proceedings – Existence of one or more measures – State resources – Imputability to the State – Applicability of the private creditor test – Application of the private creditor test – Obligation to state reasons.

[EUR-Lex - 62019TJ0565](#)

6. Customs

Community Legislation

C/2021/9713 Commission Implementing Regulation (EU) 2021/2287 of 17 December 2021 imposing definitive countervailing duties on imports of aluminium converter foil originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2170 imposing definitive anti-dumping duties on imports of aluminium converter foil originating in the People's Republic of China

[EUR-Lex - 32021R2287](#)

Case Law

Joined Cases C-884/19 P and C-888/19 P. Judgment of the Court (Fourth Chamber) of 2 December 2021. European Commission and GMB Glasmanufaktur Brandenburg GmbH v Xinyi PV Products (Anhui) Holdings Ltd.

Appeal – Dumping – **Imports of solar glass originating in China** – Regulation (EC) No 1225/2009 – Article 2(7)(b) and (c) – ‘Undertaking operating under market economy conditions’ status – Denied – **Concept of ‘significant distortions carried over from the former non-market economy system’**, within the meaning of the third indent of Article 2(7)(c) – Tax incentives.

[EUR-Lex - 62019CJ0884](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Directive (EU) 2021/2261 of the European Parliament and of the Council of 15 December 2021 amending Directive 2009/65/EC as regards the **use of key information documents by management companies of undertakings for collective investment in transferable securities** (UCITS) (Text with EEA relevance)

[EUR-Lex - 32021L2261](#)

Case Law

Case C-394/20. Judgment of the Court (Fifth Chamber) of 21 December 2021. XY v Finanzamt V. Request for a preliminary ruling from the Finanzgericht Düsseldorf.

Reference for a preliminary ruling – Free movement of capital – Articles 63 and 65 TFEU – **National legislation on inheritance tax – Immovable property situated in a Member State** – Limited tax liability – **Different treatment of residents and non-residents** – Right to an allowance on the taxable value – Proportionate reduction in the case of limited tax liability – Liabilities under reserved portions – No deduction in the case of limited tax liability.

[EUR-Lex - 62020CJ0394](#)

Joined Cases C-478/19 and C-479/19. Judgment of the Court (Second Chamber) of 16 December 2021. UBS Real Estate Kapitalanlagegesellschaft mbH v Agenzia delle Entrate. Requests for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Free movement of capital – Closed-ended mutual investment funds – Open-ended mutual investment funds – Investments in real estate – Mortgage registration tax and land registry fees – **Tax advantage granted only to closed-ended real estate investment funds** – Difference in treatment – Comparability of situations – Objective criteria of differentiation.

[EUR-Lex - 62019CJ0478](#)

Case C-154/20. Judgment of the Court (Tenth Chamber) of 9 December 2021. Kemwater ProChemie s. r. o. v Odvolací finanční ředitelství. Request for a preliminary ruling from the Nejvyšší správní soud.

Reference for a preliminary ruling – Taxation – **Value added tax (VAT)** – Directive 2006/112/EC – Article 168 – Right to deduct input tax – Material conditions governing the right of deduction – Supplier's status as taxable person – Burden of proof – **Refusal of the right of deduction where the true supplier has not been identified** – Conditions.

[EUR-Lex - 62020CJ0154](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Case C-217/20. Judgment of the Court (Second Chamber) of 9 December 2021. XXXX v Staatssecretaris van Financiën. Request for a preliminary ruling from the Rechtbank Overijssel.

Reference for a preliminary ruling – Directive 2003/88/EC – **Organisation of working time** – Protection of the health and safety of workers – Article 7(1) – Right to paid annual leave – Level of remuneration – **Reduced remuneration due to incapacity for work.**

[EUR-Lex - 62020CJ0217](#)

10. Energy and Environment

Case Law

Case C-876/19 P. Judgment of the Court (Ninth Chamber) of 21 December 2021. PlasticsEurope v European Chemicals Agency.

Appeal – Establishment of a list of substances subject to authorisation – List of substances identified with a view to their eventual inclusion in Annex XIV to Regulation (EC) No 1907/2006 – **Updating of the entry of the substance bisphenol A as a substance of very high concern.**

[EUR-Lex - 62019CJ0876](#)

Case C-575/20. Judgment of the Court (Tenth Chamber) of 16 December 2021. Apollo Tyres (Hungary) Kft. v Innovációért és Technológiáért Felelős Miniszter. Request for a preliminary ruling from the Fővárosi Törvényszék.

Reference for a preliminary ruling – Atmospheric pollution – **System for greenhouse gas emission allowance trading** – Directive 2003/87/EC – **Installations for the combustion of fuels** – Annex I – Total rated thermal input – Rules for calculation – Aggregation rule.

[EUR-Lex - 62020CJ0575](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-395/20. Judgment of the Court (First Chamber) of 21 December 2021. EP and GM v Corendon Airlines Turistik Hava Tasimacilik A.S. Request for a preliminary ruling from the Landgericht Düsseldorf.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Article 2(l) – Article 5(1) – Change in the departure time of a flight – Departure postponed by approximately three hours – Passengers notified nine days before departure – Concepts of ‘cancellation’ and ‘delay’.

[EUR-Lex - 62020CJ0395](#)

Case C-263/20. Judgment of the Court (First Chamber) of 21 December 2021. Airhelp Limited v Laudamotion GmbH. Request for a preliminary ruling from the Landesgericht Korneuburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights – Article 2(l) – Article 5(1)(c) – **Flight booked through an online platform** – Flight departure time brought forward by the operating air carrier – Classification – **Receipt of notification of the flight being brought forward sent to an electronic address not belonging to the passengers concerned** – Directive 2000/31/EC – Electronic commerce – Article 11 – Presumption of receipt – Scope of the operating air carrier’s obligation to provide information.

[EUR-Lex - 62020CJ0263](#)

Affaire C-243/20. Arrêt de la Cour (sixième chambre) du 21 décembre 2021. DP et SG contre Trapeza Peiraos AE. Demande de décision préjudicielle, introduite par le Polymeles Protodikeio Athinon.

Renvoi préjudiciel – Protection des consommateurs – Directive 93/13/CEE – Clauses abusives – Article 1er, paragraphe 2 – **Clauses contractuelles reflétant des dispositions législatives ou réglementaires impératives** – Exclusion du champ d'application de cette directive – **Prêt remboursable en devise étrangère** – Clause reflétant une disposition nationale de nature supplétive – Incidence de l'absence de transposition de cet article 1er, paragraphe 2 – Article 3, paragraphe 1, et article 4, paragraphe 1 – Contrôle du caractère abusif d'une clause – Article 8 – Adoption ou maintien de dispositions nationales assurant un niveau de protection plus élevé au consommateur – Interaction entre ces diverses dispositions de la directive 93/13.

[EUR-Lex - 62020CJ0243](#)

Joined Cases C-146/20, C-188/20, C-196/20 and C-270/20. Judgment of the Court (First Chamber) of 21 December 2021. AD and Others v Corendon Airlines and Others.

References for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Articles 2 and 3 – Concepts of 'operating air carrier', 'confirmed reservation' and 'scheduled time of arrival' – Articles 5, 7 and 8 – Flight departure time brought forward in relation to the original planned departure time – Classification – Reduction in the amount of compensation – **Offer of re-routing** – Article 14 – **Obligation to inform passengers of their rights** – Scope.

[EUR-Lex - 62020CJ0146](#)

Case C-370/20. Judgment of the Court (Fourth Chamber) of 9 December 2021. Pro Rauchfrei eV v JS e.K. Request for a preliminary ruling from the Bundesgerichtshof.

Reference for a preliminary ruling – Manufacture, presentation and sale of tobacco products – Directive 2014/40/EU – Labelling and packaging – Article 8(8) – **Health warnings which must appear on each unit packet of a tobacco product and any outside packaging** – Automatic vending machine for cigarette packets – Health warnings not visible from the outside – Representation of unit packets – Concept of 'images' of unit packets and any outside packaging targeting consumers in the European Union.

[EUR-Lex - 62020CJ0370](#)

Case C-484/20. Judgment of the Court (Ninth Chamber) of 2 December 2021. Vodafone Kabel Deutschland GmbH v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband eV. Request for a preliminary ruling from the Oberlandesgericht München.

Reference for a preliminary ruling – Consumer protection – Directive (EU) 2015/2366 – Payment services – Article 62(4) – Charges applicable – Article 107(1) – Full harmonisation – Article 115(1) and (2) – Transposition and application – **Subscriptions for cable television and internet access – Contracts of indefinite duration concluded before the date for transposition of that directive** – Charges applied to payment transactions without direct debit authorisation that are initiated after that date.

[EUR-Lex - 62020CJ0484](#)

Case C-319/20 Facebook Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V. Opinion of Advocate General Richard de la Tour delivered on 2 December 2021. (request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany))

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 80(2) – Right to an effective judicial remedy – **Representation of the data subjects by a not-for-profit association** – Standing to bring proceedings of a consumer protection association.

[EUR-Lex - 62020CC0319](#)

12. Human Rights

Case Law

Case C-497/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Randstad Italia SpA v Umana SpA and Others. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – **Obligation of Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by Union law** – Public procurement – Directive 89/665/EEC – Article 1(1) and (3) – Article 47 of the Charter of Fundamental Rights of the European Union – **Judgment of a Member State’s highest administrative court declaring inadmissible, in breach of the case-law of the Court of Justice, an action brought by a tenderer excluded from a public procurement procedure** – No remedy against that judgment before the highest court in that Member State’s judicial order – Principles of effectiveness and equivalence.

[EUR-Lex - 62020CJ0497](#)

Affaires jointes C-357/19, C-379/19, C-547/19, C-811/19 et C-840/19. Arrêt de la Cour (grande chambre) du 21 décembre 2021. Procédures pénales contre PM e.a. Demandes de décision préjudicielle, introduites par l’Înalta Curtea de Casație și Justiție ainsi que par le Tribunalul Bihor.

Renvoi préjudiciel – Décision 2006/928/CE – **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** – Nature et effets juridiques – Caractère obligatoire pour la Roumanie – État de droit – **Indépendance des juges** – Article 19, paragraphe 1, second alinéa, TUE – Article 47 de la charte des droits fondamentaux de l’Union européenne – Lutte contre la corruption – Protection des intérêts financiers de l’Union – Article 325, paragraphe 1, TFUE – Convention “PIF” – Procédures pénales – Arrêts de la Curtea Constituțională (Cour constitutionnelle, Roumanie) concernant la légalité de l’administration de certaines preuves et la composition des formations de jugement en matière de corruption grave – Obligation pour les juges nationaux de donner plein effet aux décisions de la Curtea Constituțională (Cour constitutionnelle) – Responsabilité disciplinaire des juges en cas de non-respect de ces décisions – Pouvoir de laisser inappliquées des décisions de la Curtea Constituțională (Cour constitutionnelle) non conformes au droit de l’Union – Principe de primauté du droit de l’Union.

[EUR-Lex - 62019CJ0357](#)

Case C-203/20. Judgment of the Court (Third Chamber) of 16 December 2021. Criminal proceedings against AB and Others.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European arrest warrant** – Charter of Fundamental Rights of the European Union – Scope – Article 51 – Implementation of EU law – Framework Decision 2002/584/JHA – Jurisdiction of the Court – Reference made before the issue of a European arrest warrant – Admissibility – **Principle ne bis in idem** – Article 50 – Concepts of ‘acquittal’ and ‘conviction’ – Amnesty in the issuing Member State – Final decision discontinuing a criminal prosecution – **Revocation of the amnesty** – Setting-aside of the decision discontinuing the criminal prosecution – Resumption of proceedings – Need for a decision taken after a determination of the criminal liability of the person concerned – Directive 2012/13/EU – Right to information in criminal proceedings – Scope – Concept of ‘criminal proceedings’ – Legislative procedure for the adoption of a resolution relating to the revocation of an amnesty – Judicial procedure for review of the compliance of that resolution with the national Constitution.

[EUR-Lex - 62020CJ0203](#)

Case C-157/21 Republic of Poland v European Parliament Council of the European Union. Opinion of Advocate General Campos Sánchez-Bordona delivered on 2 December 2021.

Action for annulment – Article 151(1) of the Rules of Procedure of the Court of Justice – Procedural issue – Request for removal of document – Legal opinions – Regulation (EU, Euratom) 2020/2092 – General regime of conditionality for the protection of the Union budget – **Protection of the Union budget in the case of infringement of the principles of the rule of law in a Member State** – Legal basis of Regulation 2020/2092 – Alleged infringement of provisions of the Treaties – Principle of legal certainty – Equality between Member States – Principle of proportionality.

[EUR-Lex - 62021CC0157](#)

Case C-156/20 Hungary v European Parliament and Council of the European Union. Opinion of Advocate General Campos Sánchez-Bordona delivered on 2 December 2021.

Action for annulment – Article 151(1) of the Rules of Procedure of the Court of Justice – Preliminary issue – Request for the removal of a document – Opinion of the Council Legal Service – Regulation (EU, Euratom) 2020/2092 – General regime of conditionality for the protection of the Union budget – **Protection of the Union budget in the case of breaches of the principles of the rule of law in a Member State** – Legal basis of Regulation 2020/2092 – Article 322(1)(a) TFEU – Infringement of Article 7 TEU and Article 269 TFEU – Infringement of Article 4(1), Article 5(2) and Article 13(2) TEU – Principle of legal certainty – Principle of equal treatment between Member States – Principle of proportionality.

[EUR-Lex - 62021CC0156](#)

Case C-319/20 Facebook Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände – Verbraucherzentrale Bundesverband e.V. Opinion of Advocate General Richard de la Tour delivered on 2 December 2021. (request for a preliminary ruling from the Bundesgerichtshof (Federal Court of Justice, Germany))

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Regulation (EU) 2016/679 – Article 80(2) – Right to an effective judicial remedy – **Representation of the data subjects by a not-for-profit association** – Standing to bring proceedings of a consumer protection association.

[EUR-Lex - 62020CC0319](#)

13. Internal Market and Free Movement

Case Law

Case C-497/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Randstad Italia SpA v Umana SpA and Others. Request for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – **Obligation of Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by Union law** – Public procurement – Directive 89/665/EEC – Article 1(1) and (3) – Article 47 of the Charter of Fundamental Rights of the European Union – **Judgment of a Member State’s highest administrative court declaring inadmissible, in breach of the case-law of the Court of Justice, an action brought by a tenderer excluded from a public procurement procedure** – No remedy against that judgment before the highest court in that Member State’s judicial order – Principles of effectiveness and equivalence.

[EUR-Lex - 62020CJ0497](#)

Case C-394/20. Judgment of the Court (Fifth Chamber) of 21 December 2021. XY v Finanzamt V. Request for a preliminary ruling from the Finanzgericht Düsseldorf.

Reference for a preliminary ruling – Free movement of capital – Articles 63 and 65 TFEU – **National legislation on inheritance tax – Immovable property situated in a Member State** – Limited tax liability – **Different treatment of residents and non-residents** – Right to an allowance on the taxable value – Proportionate reduction in the case of limited tax liability – Liabilities under reserved portions – No deduction in the case of limited tax liability.

[EUR-Lex - 62020CJ0394](#)

Case C-274/20. Judgment of the Court (Sixth Chamber) of 16 December 2021. GN and WX v Prefettura di Massa Carrara – Ufficio Territoriale del Governo di Massa Carrara. Request for a preliminary ruling from the Giudice di pace di Massa.

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – Road traffic – Registration and taxation of motor vehicles – Driver residing in a Member State – Vehicle registered in another Member State – Vehicle provided free of charge for a short period – **National legislation prohibiting persons who have resided in Italy for more than 60 days from driving in that Member State a vehicle registered in another country.**

[EUR-Lex - 62020CJ0274](#)

Joined Cases C-478/19 and C-479/19. Judgment of the Court (Second Chamber) of 16 December 2021. UBS Real Estate Kapitalanlagegesellschaft mbH v Agenzia delle Entrate. Requests for a preliminary ruling from the Corte suprema di cassazione.

Reference for a preliminary ruling – **Free movement of capital** – Closed-ended mutual investment funds – Open-ended mutual investment funds – Investments in real estate – Mortgage registration tax and land registry fees – **Tax advantage granted only to closed-ended real estate investment funds** – Difference in treatment – Comparability of situations – Objective criteria of differentiation.

[EUR-Lex - 62019CJ0478](#)

Case C-490/20. Judgment of the Court (Grand Chamber) of 14 December 2021. V.M.A. v Stolichna obshtina, rayon „Pancharevo“. Request for a preliminary ruling from the Administrativen sad Sofia-grad.

Reference for a preliminary ruling – **Citizenship of the Union** – Articles 20 and 21 TFEU – Right to move and reside freely within the territory of the Member States – Child born in the host Member State of her parents – Birth certificate issued by that Member State mentioning two mothers in respect of that child – **Refusal by the Member State of origin of one of those two mothers to issue a birth certificate for the child in the absence of information as to the identity of the child’s biological mother** – Possession of such a certificate being a prerequisite for the issue of an identity card or a passport – Persons of the same sex not recognised as parents under the national legislation of that Member State of origin.

14. Intellectual Property

Nothing to report for the period under review.

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

Case Law

Case C-251/20. Judgment of the Court (Grand Chamber) of 21 December 2021. Gtflix Tv v DR. Request for a preliminary ruling from the Cour de cassation.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction and the enforcement of judgments in civil and commercial matters – **Regulation (EU) No 1215/2012** – Article 7(2) – Special jurisdiction in matters relating to tort, delict or quasi-delict – **Publication on the internet of allegedly disparaging comments concerning a person – Place where the harmful event occurred** – Courts of each Member State in which content placed online is or has been accessible.

[EUR-Lex - 62020CJ0251](#)

Case C-724/19. Judgment of the Court (Fourth Chamber) of 16 December 2021. Criminal proceedings against HP. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European Investigation Order (EIO)** – Directive 2014/41/EU – Article 2(c)(i) – Concept of ‘issuing authority’ – Article 6 – Conditions for issuing an EIO – Article 9(1) and (3) – Recognition of an EIO – **EIO seeking to obtain traffic and location data associated with telecommunications**, issued by a public prosecutor designated as ‘issuing authority’ by the national measure transposing Directive 2014/41 – Exclusive competence of the judge, in a similar domestic case, to order the investigative measure indicated in that order.

[EUR-Lex - 62019CJ0724](#)

Case C-203/20. Judgment of the Court (Third Chamber) of 16 December 2021. Criminal proceedings against AB and Others.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – **European arrest warrant** – Charter of Fundamental Rights of the European Union – Scope – Article 51 – Implementation of EU law – Framework Decision 2002/584/JHA – Jurisdiction of the Court – Reference made before the issue of a European arrest warrant – Admissibility – **Principle ne bis in idem** – Article 50 – Concepts of ‘acquittal’ and ‘conviction’ – Amnesty in the issuing Member State – Final decision discontinuing a criminal prosecution – **Revocation of the amnesty** – Setting-aside of the decision discontinuing the criminal prosecution – Resumption of proceedings – Need for a decision taken after a determination of the criminal liability of the person concerned – Directive 2012/13/EU – Right to information in criminal proceedings – Scope – Concept of ‘criminal proceedings’ – Legislative procedure for the adoption of a resolution relating to the revocation of an amnesty – Judicial procedure for review of the compliance of that resolution with the national Constitution.

[EUR-Lex - 62020CJ0203](#)

Case C-708/20. Judgment of the Court (Eighth Chamber) of 9 December 2021. BT v Seguros Catalana Occidente and EB. Request for a preliminary ruling from the County Court at Birkenhead.

Reference for a preliminary ruling – Cooperation in civil and commercial matters – Regulation (EU) No 1215/2012 – Jurisdiction, recognition and enforcement in civil and commercial matters – **Jurisdiction in insurance matters** – **Claim for compensation for damage suffered by an individual domiciled in a Member State following an accident in rented accommodation in another Member State** – Action brought by the injured person against, first, the insurer and, secondly, against the insured owner of that accommodation – Applicability of Article 13(3) of that regulation.

[EUR-Lex - 62020CJ0708](#)

16. Transport

Case Law

Case C-395/20. Judgment of the Court (First Chamber) of 21 December 2021. EP and GM v Corendon Airlines Turistik Hava Tasimacilik A.S. Request for a preliminary ruling from the Landgericht Düsseldorf.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Article 2(l) – Article 5(1) – Change in the departure time of a flight – Departure postponed by approximately three hours – Passengers notified nine days before departure – Concepts of ‘cancellation’ and ‘delay’.

[EUR-Lex - 62020CJ0395](#)

Case C-263/20. Judgment of the Court (First Chamber) of 21 December 2021. Airhelp Limited v Laudamotion GmbH. Request for a preliminary ruling from the Landesgericht Korneuburg.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights – Article 2(l) – Article 5(1)(c) – **Flight booked through an online platform** – Flight departure time brought forward by the operating air carrier – Classification – **Receipt of notification of the flight being brought forward sent to an electronic address not belonging to the passengers concerned** – Directive 2000/31/EC – Electronic commerce – Article 11 – Presumption of receipt – Scope of the operating air carrier’s obligation to provide information.

[EUR-Lex - 62020CJ0263](#)

Joined Cases C-146/20, C-188/20, C-196/20 and C-270/20. Judgment of the Court (First Chamber) of 21 December 2021. AD and Others v Corendon Airlines and Others.

References for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights** – Articles 2 and 3 – Concepts of ‘operating air carrier’, ‘confirmed reservation’ and ‘scheduled time of arrival’ – Articles 5, 7 and 8 – Flight departure time brought forward in relation to the original planned departure time – Classification – Reduction in the amount of compensation – **Offer of re-routing** – Article 14 – **Obligation to inform passengers of their rights** – Scope.

[EUR-Lex - 62020CJ0146](#)

Case C-274/20. Judgment of the Court (Sixth Chamber) of 16 December 2021. GN and WX v Prefettura di Massa Carrara – Ufficio Territoriale del Governo di Massa Carrara. Request for a preliminary ruling from the Giudice di pace di Massa.

Reference for a preliminary ruling – Article 63 TFEU – Free movement of capital – Road traffic – Registration and taxation of motor vehicles – Driver residing in a Member State – Vehicle registered in another Member State – Vehicle provided free of charge for a short period – **National legislation prohibiting persons who have resided in Italy for more than 60 days from driving in that Member State a vehicle registered in another country.**

[EUR-Lex - 62020CJ0274](#)

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

Case Law

Affaires jointes C-357/19, C-379/19, C-547/19, C-811/19 et C-840/19. Arrêt de la Cour (grande chambre) du 21 décembre 2021. Procédures pénales contre PM e.a. Demandes de décision préjudicielle, introduites par l'Înalta Curte de Casație și Justiție ainsi que par le Tribunalul Bihor.

Renvoi préjudiciel – Décision 2006/928/CE – **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** – Nature et effets juridiques – Caractère obligatoire pour la Roumanie – État de droit – **Indépendance des juges** – Article 19, paragraphe 1, second alinéa, TUE – Article 47 de la charte des droits fondamentaux de l'Union européenne – Lutte contre la corruption – Protection des intérêts financiers de l'Union – Article 325, paragraphe 1, TFUE – Convention "PIF" – Procédures pénales – Arrêts de la Curtea Constituțională (Cour constitutionnelle, Roumanie) concernant la légalité de l'administration de certaines preuves et la composition des formations de jugement en matière de corruption grave – Obligation pour les juges nationaux de donner plein effet aux décisions de la Curtea Constituțională (Cour constitutionnelle) – Responsabilité disciplinaire des juges en cas de non-respect de ces décisions – Pouvoir de laisser inappliquées des décisions de la Curtea Constituțională (Cour constitutionnelle) non conformes au droit de l'Union – Principe de primauté du droit de l'Union.

[EUR-Lex - 62019CJ0357](#)

Case C-157/21 Republic of Poland v European Parliament Council of the European Union. Opinion of Advocate General Campos Sánchez-Bordona delivered on 2 December 2021.

Action for annulment – Article 151(1) of the Rules of Procedure of the Court of Justice – Procedural issue – Request for removal of document – Legal opinions – Regulation (EU, Euratom) 2020/2092 – General regime of conditionality for the protection of the Union budget – **Protection of the Union budget in the case of infringement of the principles of the rule of law in a Member State** – Legal basis of Regulation 2020/2092 – Alleged infringement of provisions of the Treaties – Principle of legal certainty – Equality between Member States – Principle of proportionality.

[EUR-Lex - 62021CC0157](#)

Case C-156/2 Hungary v European Parliament and Council of the European Union. Opinion of Advocate General Campos Sánchez-Bordona delivered on 2 December 2021.

Action for annulment – Article 151(1) of the Rules of Procedure of the Court of Justice – Preliminary issue – Request for the removal of a document – Opinion of the Council Legal Service – Regulation (EU, Euratom) 2020/2092 – General regime of conditionality for the protection of the Union budget – **Protection of the Union budget in the case of breaches of the principles of the rule of law in a Member State** – Legal basis of Regulation 2020/2092 – Article 322(1)(a) TFEU – Infringement of Article 7 TEU and Article 269 TFEU – Infringement of Article 4(1), Article 5(2) and Article 13(2) TEU – Principle of legal certainty – Principle of equal treatment between Member States – Principle of proportionality.

[EUR-Lex - 62021CC0156](#)