



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
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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.

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Highlights

Case C-278/20. Judgment of the Court (Grand Chamber) of 28 June 2022. European Commission v Kingdom of Spain.

Failure of a Member State to fulfil obligations – **Liability of Member States for loss or harm caused to individuals by breaches of EU law** – Breach of EU law attributable to the national legislature – Breach of the Constitution of a Member State attributable to the national legislature – Principles of equivalence and effectiveness.

[EUR-Lex - 62020CJ0278](#)

Case C-817/19. Judgment of the Court (Grand Chamber) of 21 June 2022. Ligue des droits humains ASBL v Conseil des ministres. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – Processing of personal data – Passenger Name Records (PNR) – Regulation (EU) 2016/679 – Article 2(2)(d) – Scope – Directive (EU) 2016/681 – **Use of PNR data of air passengers of flights operated between the European Union and third countries** – Power to include data of air passengers of flights operated within the European Union – Automated processing of that data – Retention period – Fight against terrorist offences and serious crime – Validity – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 21 as well as Article 52(1) – National legislation extending the application of the PNR system to other transport operations within the European Union – Freedom of movement within the European Union – Charter of Fundamental Rights – Article 45.

[EUR-Lex - 62019CJ0817](#)

Case C-700/20. Judgment of the Court (Grand Chamber) of 20 June 2022. London Steam-Ship Owners' Mutual Insurance Association Limited v Kingdom of Spain. Request for a preliminary ruling from the High Court of Justice Business and Property Courts of England and Wales.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 44/2001 – Recognition of a judgment given in another Member State – Grounds for non-recognition – Article 34(3) – **Judgment irreconcilable with a judgment given in a dispute between the same parties in the Member State in which recognition is sought** – Conditions – **Whether the prior judgment entered in the terms of an arbitral award complies with the provisions and fundamental objectives of Regulation (EC) No 44/2001** – Article 34(1) – Recognition manifestly contrary to public policy in the Member State in which recognition is sought – Conditions.

[EUR-Lex - 62020CJ0700](#)

1. EU-Swiss Relations

Community Legislation

Notice concerning the entry into force of the Agreement in the form of an Exchange of Letters between the European Union and the Swiss Confederation in the context of negotiations under Article XXVIII of the GATT 1994 on the modification of Switzerland's WTO concessions with regard to seasoned meat

[EUR-Lex - 22022X0601\(01\)](#)

2. External Relations / Foreign Policy

Community Legislation

Council Decision (EU) 2022/1090 of 27 June 2022 on the signing, on behalf of the Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism

[EUR-Lex - 32022D1090](#)

Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument – IPI)

[EUR-Lex - 32022R1031](#)

Council Decision (EU) 2022/1007 of 20 June 2022 on the conclusion on behalf of the Union of the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part

[EUR-Lex - 32022D1007](#)

Council Regulation (EU) 2022/879 of 3 June 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (crude oil or petroleum products prohibition)

[EUR-Lex - 32022R0879](#)

Decision No 1/2022 of the EU-Jordan Association Council of 2 June 2022 on the EU-Jordan Partnership Priorities 2021–2027 [2022/990]

[EUR-Lex - 22022D0990](#)

Agreement between The European Union and the Republic of Moldova on the Carriage of Freight by Road

[EUR-Lex - 22022A0707\(01\)](#)

Agreement between the European Union and Ukraine on the carriage of freight by road

[EUR-Lex - 22022A0706\(01\)](#)

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Regulation (EU) 2022/1033 of the European Parliament and of the Council of 29 June 2022 amending Regulation (EU) No 1305/2013 as regards a specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the impact of Russia's invasion of Ukraine

[EUR-Lex - 32022R1033](#)

4. Audiovisual and Media and Information Society

Nothing to report for the period under review.

5. Competition and State Aid

Case Law

Case C-267/20. Judgment of the Court (First Chamber) of 22 June 2022. AB Volvo and DAF TRUCKS NV v RM. Request for a preliminary ruling from the Audiencia Provincial - León.

Reference for a preliminary ruling – Agreements, decisions and concerted practices – Article 101 TFEU – Directive 2014/104/EU – Articles 10, 17 and 22 – **Actions for damages for infringements of the provisions of EU competition law – Limitation period** – Rebuttable presumption of harm – Quantification of harm suffered – Belated transposition of the directive – Temporal application – Substantive and procedural provisions.

[EUR-Lex - 62020CJ0267](#)

Case T-235/18. Judgment of the General Court (Sixth Chamber, Extended Composition) of 15 June 2022. Qualcomm, Inc. v European Commission.

Competition – **Abuse of a dominant position – LTE chipsets market** – Decision finding an infringement of Article 102 TFEU and Article 54 of the EEA Agreement – Exclusivity payments – **Rights of the defence** – Article 19 and Article 27(1) of Regulation (EC) No 1/2003 – Foreclosure effects.

[EUR-Lex - 62018TJ0235](#)

Case C-699/19 P. Judgment of the Court (Fourth Chamber) of 16 June 2022. Quanta Storage, Inc. v European Commission.

Appeal – Competition – Agreements, decisions and concerted practices – Optical disk drives – Decision finding an infringement of Article 101 TFEU and of Article 53 of the Agreement on the European Economic Area of 2 May 1992 – Single and continuous infringement – Definition – **Collusive agreements relating to procurement events concerning optical disk drives for notebook and desktop computers organised by two computer manufacturers.**

[EUR-Lex - 62019CJ0699](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-572/20. Judgment of the Court (Fourth Chamber) of 16 June 2022. ACC Silicones Ltd. v Bundeszentralamt für Steuern. Request for a preliminary ruling from the Finanzgericht Köln.

Reference for a preliminary ruling – **Free movement of capital** – Dividends from ‘free-float’ shares – **Reimbursement of tax on income from capital paid by a non-resident company** – Conditions – Free movement of capital – Principle of proportionality.

[EUR-Lex - 62020CJ0572](#)

Case C-55/21. Judgment of the Court (Tenth Chamber) of 9 June 2022. Direktor na Agentsia „Mitnitsi“ v IMPERIAL TOBACCO BULGARIA.

Request for a preliminary ruling – Taxation – Excise duties – Directive 2008/118/EC – Article 11 – **Reimbursement of excise duty on excise goods released for consumption** – Directive 2011/64/EU – point (b) of the first paragraph of Article 17 – Reimbursement of excise duty already paid, by means of tax markings, affixed to manufactured tobacco destroyed under administrative supervision – Obligation of Member States to adopt regulations providing for the reimbursement of excise duties on manufactured tobacco released for consumption and destroyed under customs supervision – None.

[EUR-Lex - 62021CJ0055](#)

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

Nothing to report for the period under review.

9. Employment and Social Affairs

Community Legislation

Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers

[EUR-Lex - 32022L0993](#)

Case Law

Case C-625/20. Judgment of the Court (Second Chamber) of 30 June 2022. KM 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 – Social policy – Equal treatment for men and women in matters of social security – Directive 79/7/EEC – Article 4(1) – **Indirect discrimination on ground of sex – National legislation providing that two or more total occupational invalidity pensions acquired under the same statutory social security scheme are incompatible** – Compatibility of such pensions where they come under different statutory social security schemes – Finding of indirect discrimination on the basis of statistical data – Determination of the affected groups to be compared – Justification.

[EUR-Lex - 62020CJ0625](#)

Case C-328/20. Judgment of the Court (Second Chamber) of 16 June 2022. European Commission v Republic of Austria.

Failure to fulfil obligations – **Coordination of social security systems** – Regulation (EC) No 883/2004 – Articles 4, 7 and 67 – Freedom of movement for workers – Regulation (EU) No 492/2011 – Article 7 – Equal treatment – Family benefits – Social and tax advantages – **Adjustment of amounts on the basis of price levels in the children’s State of residence.**

[EUR-Lex - 62020CJ0328](#)

Affaire C-577/20. Arrêt de la Cour (première chambre) du 16 juin 2022. Procédure engagée par A. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus.

Renvoi préjudiciel – Reconnaissance des qualifications professionnelles – Directive 2005/36/CE – Article 2 – Champ d’application – Article 13, paragraphe 2 – Professions réglementées – **Conditions d’obtention du droit d’accès au titre de psychologue dans un État membre sur la base d’un diplôme en psychologie délivré par une université établie dans un autre État membre** – Articles 45 et 49 TFUE – Libertés de circulation et d’établissement – Appréciation de l’équivalence de la formation en cause – Article 4, paragraphe 3, TUE – Principe de coopération loyale entre les États membres – Mise en cause, par l’État membre d’accueil, du degré des connaissances et des qualifications qu’un diplôme délivré dans un autre État membre permet de présumer – Conditions.

[EUR-Lex - 62020CJ0577](#)

Case C-534/20. Judgment of the Court (First Chamber) of 22 June 2022. Leistriz AG v LH. Request for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Second sentence of Article 38(3) – Data protection officer – **Prohibition of the dismissal, by a controller or processor, of a data protection officer or of the imposition, by a controller or processor, of a penalty on him or her for performing his or her tasks** – Legal basis – Article 16 TFEU – Requirement of functional independence – National legislation prohibiting the termination of a data protection officer’s employment contract without just cause.

[EUR-Lex - 62020CJ0534](#)

Case C-587/20. Judgment of the Court (Second Chamber) of 2 June 2022. Ligebehandlingsnævnet agissant pour A v HK/Danmark and HK/Privat. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – **Prohibition of discrimination on grounds of age** – Directive 2000/78/EC – Article 3(1)(a) and (d) – Scope – **Post of elected sector convenor of an organisation of workers** – Statutes of that organisation under which only members under the age of 60 or 61 on the date of the election are eligible to stand as sector convenor.

[EUR-Lex - 62020CJ0587](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage

[EUR-Lex - 32022R1032](#)

Case Law

Case C-43/21. Judgment of the Court (Fourth Chamber) of 2 June 2022. FCC Česká republika, s.r.o. v Ministerstvo životního prostředí and Others. Request for a preliminary ruling from the Nejvyšší správní soud.

Reference for a preliminary ruling – Directive 2010/75/EU – Article 3(9) – Integrated pollution prevention and control – **Procedure for amending a permit** – Participation of the public concerned – **Concept of ‘substantial change’ to the installation** – Extension of the duration of operation of a landfill.

[EUR-Lex - 62021CJ0043](#)

11. Food Safety, Public Health and Consumers

Community Legislation

Regulation (EU) 2022/1035 of the European Parliament and of the Council of 29 June 2022 amending Regulation (EU) 2021/954 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) with regard to third-country nationals legally staying or residing in the territories of Member States during the COVID-19 pandemic

[EUR-Lex - 32022R1035](#)

Case Law

Affaire C-170/21. Arrêt de la Cour (neuvième chambre) du 30 juin 2022. Profi Credit Bulgaria EOOD contre T.I.T. Demande de décision préjudicielle, introduite par le Sofijski rayonon sad.

Renvoi préjudiciel – Directive 93/13/CEE – **Crédit à la consommation** – Clauses abusives dans les contrats conclus avec les consommateurs – Article 6, paragraphe 1 – Examen d’office – **Refus de délivrance d’une injonction de payer en cas de prétention fondée sur une clause abusive** – Conséquences relatives au caractère abusif d’une clause contractuelle – Droit à restitution – Principes d’équivalence et d’effectivité – Compensation d’office.

[EUR-Lex - 62021CJ0170](#)

Case C-122/21. Judgment of the Court (Second Chamber) of 2 June 2022. Get Fresh Cosmetics Limited v Valstybinė vartotojų teisių apsaugos tarnyba. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Directive 87/357/EEC – Article 1(2) – Scope – **Non-food products that may be confused with foodstuffs** – Concept – Risk of suffocation, poisoning, or the perforation or obstruction of the digestive tract – No presumption of danger – Proof.

[EUR-Lex - 62021CJ0122](#)

12. Human Rights

Case Law

Case C-105/21. Judgment of the Court (Fourth Chamber) of 30 June 2022. Criminal proceedings against Spetsializirana prokuratura. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Charter of Fundamental Rights of the European Union – Articles 6 and 47 – Right to freedom of movement and residence – Right to an effective judicial remedy – Principles of equality and mutual trust – Framework Decision 2002/584/JHA – Directive 2012/13/EU – Right to information in criminal proceedings – Letter of Rights on arrest – **Right of a person to be informed of the accusation against him or her in relation to a national arrest warrant** – Right of access to the materials of the case – Conditions for issuing a European arrest warrant in respect of an accused person who is in the executing Member State – Primacy of EU law.

[EUR-Lex - 62021CJ0105](#)

Case C-817/19. Judgment of the Court (Grand Chamber) of 21 June 2022. Ligue des droits humains ASBL v Conseil des ministres. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – Processing of personal data – Passenger Name Records (PNR) – Regulation (EU) 2016/679 – Article 2(2)(d) – Scope – Directive (EU) 2016/681 – **Use of PNR data of air passengers of flights operated between the European Union and third countries** – Power to include data of air passengers of flights operated within the European Union – Automated processing of that data – Retention period – Fight against terrorist offences and serious crime – Validity – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 21 as well as Article 52(1) – National legislation extending the application of the PNR system to other transport operations within the European Union – Freedom of movement within the European Union – Charter of Fundamental Rights – Article 45.

[EUR-Lex - 62019CJ0817](#)

Case C-673/20. Judgment of the Court (Grand Chamber) of 9 June 2022. EP v Préfet du Gers and Institut national de la statistique et des études économiques (INSEE). Request for a preliminary ruling from the Tribunal judiciaire d'Auch.

Reference for a preliminary ruling – Citizenship of the Union – **National of the United Kingdom of Great Britain and Northern Ireland residing in a Member State** – Article 9 TEU – Articles 20 and 22 TFEU – **Right to vote and to stand as a candidate in municipal elections in the Member State of residence** – Article 50 TEU – Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Consequences of the withdrawal of a Member State from the Union – Removal from the electoral roll in the Member State of residence – Articles 39 and 40 of the Charter of Fundamental Rights of the European Union – Validity of Decision (EU) 2020/135.

[EUR-Lex - 62020CJ0673](#)

Case C-587/20. Judgment of the Court (Second Chamber) of 2 June 2022. Ligebehandlingsnævnet agissant pour A v HK/Danmark and HK/Privat. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Social policy – Equal treatment in employment and occupation – **Prohibition of discrimination on grounds of age** – Directive 2000/78/EC – Article 3(1)(a) and (d) – Scope – **Post of elected sector convenor of an organisation of workers** – Statutes of that organisation under which only members under the age of 60 or 61 on the date of the election are eligible to stand as sector convenor.

[EUR-Lex - 62020CJ0587](#)

Affaire C-353/20. Arrêt de la Cour (troisième chambre) du 2 juin 2022. Skeyes contre Ryanair DAC. Demande de décision préjudicielle, introduite par le Tribunal de l'entreprise du Hainaut, division de Charleroi.

Renvoi préjudiciel – Transport aérien – Règlement (CE) no 549/2004 – Règlement (CE) no 550/2004 – Prestataire de services de la circulation aérienne – Décision de fermer l'espace aérien – Exercice de prérogatives de puissance publique – Usager de l'espace aérien – Compagnies aériennes – **Droit de recours contre une décision de fermeture de l'espace aérien** – Article 58 TFUE – **Libre circulation des services en matière de transports** – Articles 16 et 47 de la charte des droits fondamentaux de l'Union européenne – **Liberté d'entreprise** – Droit à un recours effectif.

[EUR-Lex - 62020CJ0353](#)

13. Internal Market and Free Movement

Community Legislation

Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union's public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (International Procurement Instrument – IPI)

[EUR-Lex - 32022R1031](#)

Case Law

Case C-572/20. Judgment of the Court (Fourth Chamber) of 16 June 2022. ACC Silicones Ltd. v Bundeszentralamt für Steuern. Request for a preliminary ruling from the Finanzgericht Köln.

Reference for a preliminary ruling – **Free movement of capital** – Dividends from 'free-float' shares – **Reimbursement of tax on income from capital paid by a non-resident company** – Conditions – Free movement of capital – Principle of proportionality.

[EUR-Lex - 62020CJ0572](#)

Case C-328/20. Judgment of the Court (Second Chamber) of 16 June 2022. European Commission v Republic of Austria.

Failure to fulfil obligations – **Coordination of social security systems** – Regulation (EC) No 883/2004 – Articles 4, 7 and 67 – Freedom of movement for workers – Regulation (EU) No 492/2011 – Article 7 – Equal treatment – Family benefits – Social and tax advantages – **Adjustment of amounts on the basis of price levels in the children’s State of residence.**

[EUR-Lex - 62020CJ0328](#)

Affaire C-577/20. Arrêt de la Cour (première chambre) du 16 juin 2022. Procédure engagée par A. Demande de décision préjudicielle, introduite par le Korkein hallinto-oikeus.

Renvoi préjudiciel – Reconnaissance des qualifications professionnelles – Directive 2005/36/CE – Article 2 – Champ d’application – Article 13, paragraphe 2 – Professions réglementées – **Conditions d’obtention du droit d’accès au titre de psychothérapeute dans un État membre sur la base d’un diplôme en psychothérapie délivré par une université établie dans un autre État membre** – Articles 45 et 49 TFUE – Libertés de circulation et d’établissement – Appréciation de l’équivalence de la formation en cause – Article 4, paragraphe 3, TUE – Principe de coopération loyale entre les États membres – Mise en cause, par l’État membre d’accueil, du degré des connaissances et des qualifications qu’un diplôme délivré dans un autre État membre permet de présumer – Conditions.

[EUR-Lex - 62020CJ0577](#)

Case C-673/20. Judgment of the Court (Grand Chamber) of 9 June 2022. EP v Préfet du Gers and Institut national de la statistique et des études économiques (INSEE). Request for a preliminary ruling from the Tribunal judiciaire d’Auch.

Reference for a preliminary ruling – Citizenship of the Union – **National of the United Kingdom of Great Britain and Northern Ireland residing in a Member State** – Article 9 TEU – Articles 20 and 22 TFEU – **Right to vote and to stand as a candidate in municipal elections in the Member State of residence** – Article 50 TEU – Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community – Consequences of the withdrawal of a Member State from the Union – Removal from the electoral roll in the Member State of residence – Articles 39 and 40 of the Charter of Fundamental Rights of the European Union – Validity of Decision (EU) 2020/135.

[EUR-Lex - 62020CJ0673](#)

Case C-617/20. Judgment of the Court (Fifth Chamber) of 2 June 2022. Proceedings brought by T.N. and N.N. Request for a preliminary ruling from the Hanseatisches Oberlandesgericht in Bremen.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Measures relating to the law on succession – **Regulation (EU) No 650/2012** – Articles 13 and 28 – **Validity of the declaration concerning the waiver of succession – Heir resident in a Member State other than that of the court having jurisdiction to rule on the succession** – Declaration made before the court of the Member State in which that heir has his or her habitual residence.

[EUR-Lex - 62020CJ0617](#)

Case C-122/21. Judgment of the Court (Second Chamber) of 2 June 2022. Get Fresh Cosmetics Limited v Valstybinė vartotojų teisių apsaugos tarnyba. Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas.

Reference for a preliminary ruling – Directive 87/357/EEC – Article 1(2) – Scope – **Non-food products that may be confused with foodstuffs** – Concept – Risk of suffocation, poisoning, or the perforation or obstruction of the digestive tract – No presumption of danger – Proof.

[EUR-Lex - 62021CJ0122](#)

Affaire C-353/20. Arrêt de la Cour (troisième chambre) du 2 juin 2022. Skeyes contre Ryanair DAC. Demande de décision préjudicielle, introduite par le Tribunal de l'entreprise du Hainaut, division de Charleroi.
Renvoi préjudiciel – Transport aérien – Règlement (CE) no 549/2004 – Règlement (CE) no 550/2004 – Prestataire de services de la circulation aérienne – Décision de fermer l'espace aérien – Exercice de prérogatives de puissance publique – Usager de l'espace aérien – Compagnies aériennes – **Droit de recours contre une décision de fermeture de l'espace aérien** – Article 58 TFUE – **Libre circulation des services en matière de transports** – Articles 16 et 47 de la charte des droits fondamentaux de l'Union européenne – **Liberté d'entreprise** – Droit à un recours effectif.

[EUR-Lex - 62020CJ0353](#)

14. Intellectual Property

Nothing to report for the period under review.

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

Community Legislation

Council Decision (EU) 2022/1090 of 27 June 2022 on the signing, on behalf of the Union, of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the **exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism**

[EUR-Lex - 32022D1090](#)

Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013

[EUR-Lex - 32022R0922](#)

Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation

[EUR-Lex - 32022R0991](#)

Case Law

Affaire C-72/22 PPU. Arrêt de la Cour (première chambre) du 30 juin 2022. M.A. Demande de décision préjudicielle, introduite par Lietuvos vyriausiasis administracinis teismas.

Renvoi préjudiciel – Procédure préjudicielle d'urgence – Politique d'asile et d'immigration – Directive – 2011/95/UE – Article 4 – Procédures communes pour l'octroi et le retrait de la protection internationale – Directive 2013/32/UE – Articles 6 et 7 – **Normes pour l'accueil des personnes demandant la protection internationale** – Article 18 de la charte des droits fondamentaux de l'Union européenne – Directive 2013/33/UE – Article 8 – Placement en rétention du demandeur – Motif du placement – Protection de la sécurité nationale ou de l'ordre public – **Placement en rétention du demandeur d'asile en raison de son entrée irrégulière sur le territoire de l'Union.**

[EUR-Lex - 62022CJ0072](#)

Affaire C-652/20. Arrêt de la Cour (huitième chambre) du 30 juin 2022. HW e.a. contre Allianz Elementar Versicherungs AG. Demande de décision préjudicielle, introduite par le Tribunalul București.

Renvoi préjudiciel – Coopération judiciaire en matière civile – Compétence judiciaire et exécution des décisions en matière civile et commerciale – Règlement (UE) no 1215/2012 – Compétence en matière d’assurances – Article 11, paragraphe 1, sous b) – Action intentée par le preneur d’assurance, l’assuré ou un bénéficiaire – **Possibilité d’attirer l’assureur devant la juridiction du lieu où le demandeur a son domicile** – Détermination de la compétence internationale et territoriale d’une juridiction d’un État membre – Article 13, paragraphe 2 – Action directe intentée par la personne lésée contre l’assureur – Assureur domicilié dans un État membre et possédant un établissement dans un autre État membre attire devant la juridiction dans le ressort de laquelle cet établissement est situé.

[EUR-Lex - 62020CJ0652](#)

Case C-105/21. Judgment of the Court (Fourth Chamber) of 30 June 2022. Criminal proceedings against Spetsializirana prokuratura. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.

Reference for a preliminary ruling – Judicial cooperation in criminal matters – Charter of Fundamental Rights of the European Union – Articles 6 and 47 – Right to freedom of movement and residence – Right to an effective judicial remedy – Principles of equality and mutual trust – Framework Decision 2002/584/JHA – Directive 2012/13/EU – Right to information in criminal proceedings – Letter of Rights on arrest – **Right of a person to be informed of the accusation against him or her in relation to a national arrest warrant** – Right of access to the materials of the case – Conditions for issuing a European arrest warrant in respect of an accused person who is in the executing Member State – Primacy of EU law.

[EUR-Lex - 62021CJ0105](#)

Case C-700/20. Judgment of the Court (Grand Chamber) of 20 June 2022. London Steam-Ship Owners’ Mutual Insurance Association Limited v Kingdom of Spain. Request for a preliminary ruling from the High Court of Justice Business and Property Courts of England and Wales.

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 44/2001 – Recognition of a judgment given in another Member State – Grounds for non-recognition – Article 34(3) – **Judgment irreconcilable with a judgment given in a dispute between the same parties in the Member State in which recognition is sought** – Conditions – **Whether the prior judgment entered in the terms of an arbitral award complies with the provisions and fundamental objectives of Regulation (EC) No 44/2001** – Article 34(1) – Recognition manifestly contrary to public policy in the Member State in which recognition is sought – Conditions.

[EUR-Lex - 62020CJ0700](#)

16. Transport

Community Legislation

Agreement between The European Union and the Republic of Moldova on the Carriage of Freight by Road

[EUR-Lex - 22022A0707\(01\)](#)

Agreement between the European Union and Ukraine on the carriage of freight by road

[EUR-Lex - 22022A0706\(01\)](#)

Case Law

Case C-817/19. Judgment of the Court (Grand Chamber) of 21 June 2022. Ligue des droits humains ASBL v Conseil des ministres. Request for a preliminary ruling from the Cour constitutionnelle.

Reference for a preliminary ruling – Processing of personal data – Passenger Name Records (PNR) – Regulation (EU) 2016/679 – Article 2(2)(d) – Scope – Directive (EU) 2016/681 – **Use of PNR data of air passengers of flights operated between the European Union and third countries** – Power to include data of air passengers of flights operated within the European Union – Automated processing of that data – Retention period – Fight against terrorist offences and serious crime – Validity – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 21 as well as Article 52(1) – National legislation extending the application of the PNR system to other transport operations within the European Union – Freedom of movement within the European Union – Charter of Fundamental Rights – Article 45.

[EUR-Lex - 62019CJ0817](#)

Affaire C-229/21. Arrêt de la Cour (cinquième chambre) du 16 juin 2022. Port de Bruxelles SA et Région de Bruxelles-Capitale contre Infrabel SA. Demande de décision préjudicielle, introduite par la cour d'appel de Bruxelles.

Renvoi préjudiciel – Réseau transeuropéen de transport Règlement (UE) no 1315/2013 Article 15, paragraphe 1 Infrastructures de transport par voies navigables – Ports intérieurs - **Obligation d'un État membre de relier des ports intérieurs aux infrastructures de transport routier ou de transport ferroviaire** - Suppression de la liaison à l'un de ces deux types d'infrastructures de transport Conditions.

[EUR-Lex - 62021CJ0229](#)

Affaire C-353/20. Arrêt de la Cour (troisième chambre) du 2 juin 2022. Skeyes contre Ryanair DAC. Demande de décision préjudicielle, introduite par le Tribunal de l'entreprise du Hainaut, division de Charleroi.

Renvoi préjudiciel – Transport aérien – Règlement (CE) no 549/2004 – Règlement (CE) no 550/2004 – Prestataire de services de la circulation aérienne – Décision de fermer l'espace aérien – Exercice de prérogatives de puissance publique – Usager de l'espace aérien – Compagnies aériennes – **Droit de recours contre une décision de fermeture de l'espace aérien** – Article 58 TFUE – **Libre circulation des services en matière de transports** – Articles 16 et 47 de la charte des droits fondamentaux de l'Union européenne – **Liberté d'entreprise** – Droit à un recours effectif.

[EUR-Lex - 62020CJ0353](#)

Case C-589/20. Judgment of the Court (Third Chamber) of 2 June 2022. JR v Austrian Airlines AG. Request for a preliminary ruling from the Landesgericht Korneuburg.

Reference for a preliminary ruling – Air transport – **Montreal Convention** – Article 17(1) – **Liability of air carriers for death or injury sustained by passengers** – Concept of 'accident' causing death or injury – Bodily injury suffered during disembarkation – Article 20 – Exoneration of air carrier from liability – Concept of 'damage suffered caused or contributed to by the negligence or other wrongful act or omission of that injured passenger' – **Fall of passenger not holding on to the handrail of a mobile disembarkation stairway.**

[EUR-Lex - 62020CJ0589](#)

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

Case Law

Case C-278/20. Judgment of the Court (Grand Chamber) of 28 June 2022. European Commission v Kingdom of Spain.

Failure of a Member State to fulfil obligations – **Liability of Member States for loss or harm caused to individuals by breaches of EU law** – Breach of EU law attributable to the national legislature – Breach of the Constitution of a Member State attributable to the national legislature – Principles of equivalence and effectiveness.

[EUR-Lex - 62020CJ0278](#)