



EU News: Click & Read

164 – July and August 2022

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

Highlights

Case C-184/20. Judgment of the Court (Grand Chamber) of 1 August 2022. OT v Vyriausioji tarnybinės etikos komisija. Request for a preliminary ruling from the Vilniaus apygardos administracinis teismas.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 52(1) – Directive 95/46/EC – Article 7(c) – Article 8(1) – Regulation (EU) 2016/679 – Point (c) of the first subparagraph of Article 6(1) and the second subparagraph of Article 6(3) – Article 9(1) – Processing necessary for compliance with a legal obligation to which the controller is subject – Objective of public interest – Proportionality – Processing of special categories of personal data – **National legislation requiring publication on the internet of data contained in the declarations of private interests of natural persons working in the public service or of heads of associations or establishments receiving public funds** – Prevention of conflicts of interest and of corruption in the public sector.

[EUR-Lex - 62020CJ0184](#)

Case C-145/20. Judgment of the Court (Grand Chamber) of 14 July 2022. DS v Porsche Inter Auto GmbH & Co KG and Volkswagen AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 715/2007 – Approval of motor vehicles – Article 5(2) – Defeat device – Motor vehicles – **Diesel engines** – Emission control system – Software installed in the electronic engine controller – Exhaust gas recirculation valve ('EGR valve') – Reduction in nitrogen oxide (NOx) emissions limited by a 'temperature window' – **Prohibition on the use of defeat devices that reduce the effectiveness of emission control systems** – Article 5(2)(a) – Exception to that prohibition – Consumer protection – Directive 1999/44/EC – Sale of consumer goods and associated guarantees – Article 2(2)(d) – **Concept of 'goods which show the quality and performance which are normal in goods of the same type and which the consumer can reasonably expect, given the nature of the goods'** – Vehicle covered by an EC type-approval – Article 3(6) – Concept of a 'minor lack of conformity'.

[EUR-Lex - 62020CJ0145](#)

Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (EU accede to the 2019 Hague Convention on the recognition and enforcement of foreign judgements in civil or commercial matters)

[EUR-Lex - 22022A0714\(01\)](#)

1. EU-Swiss Relations

Community Legislation

Council Regulation 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 **notification from Switzerland**

[EUR-Lex - ST_11819_2022_INIT](#)

2. External Relations / Foreign Policy

Community Legislation

Regulation (EU) 2022/1279 of the European Parliament and of the Council of 18 July 2022 **on temporary trade-liberalisation measures supplementing trade concessions applicable to products from the Republic of Moldova** under the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

[EUR-Lex - 32022R1279](#)

Regulation (EU) 2022/1280 of the European Parliament and of the Council of 18 July 2022 laying down specific and temporary measures, in view of Russia's invasion of Ukraine, **concerning driver documents issued by Ukraine in accordance with its legislation**

[EUR-Lex - 32022R1280](#)

Decision (EU) 2022/1201 of the European Parliament and of the Council of 12 July 2022 **providing exceptional macro-financial assistance to Ukraine**

[EUR-Lex - 32022D1201](#)

Convention on the **Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters** (EU accede to the 2019 Hague Convention on the recognition and enforcement of foreign judgements in civil or commercial matters)

[EUR-Lex - 22022A0714\(01\)](#)

Case Law

Affaire T-125/22. Arrêt du Tribunal (grande chambre) du 27 juillet 2022. RT France contre Conseil de l'Union européenne.

Politique étrangère et de sécurité commune – Mesures restrictives prises eu égard aux actions de la Russie déstabilisant la situation en Ukraine – **Interdiction temporaire de diffusion et suspension des autorisations de diffusion des contenus de certains médias** – Inscription sur la liste des entités auxquelles s'appliquent des mesures restrictives – Compétence du Conseil – Droits de la défense – Droit d'être entendu – Liberté d'expression et d'information – Proportionnalité – Liberté d'entreprise – Principe de non-discrimination en raison de la nationalité.

[EUR-Lex - 62022TJ0125](#)

3. Agriculture and Fisheries / Maritime Affairs

Case Law

Case C-319/21. Judgment of the Court (Eighth Chamber) of 1 August 2022. Agecontrol SpA v ZR and Lidl Italia Srl.

Reference for a preliminary ruling – Agriculture – Common organisation of the markets – Regulation (EC) No 1234/2007 – **Packed fresh fruit and vegetables** – Commission Implementing Regulation (EU) No 543/2011 – **Conformity check** – Transport to a point of sale of the same company – Accompanying document – Indication of country of origin.

[EUR-Lex - 62021CJ0319](#)

Joined Cases C-14/21 and C-15/21. Judgment of the Court (Grand Chamber) of 1 August 2022. Sea Watch eV v Ministero delle Infrastrutture e dei Trasporti and Others. Requests for a preliminary ruling from the Tribunale Amministrativo Regionale per la Sicilia.

Reference for a preliminary ruling – **Activities relating to the search for and rescue of persons in danger or distress at sea carried out by a humanitarian non-governmental organisation (NGO)** – Regime applicable to ships – Directive 2009/16/EC – United Nations Convention on the Law of the Sea – **International Convention for the Safety of Life at Sea** – Respective competences and powers of the flag State and the port State – Inspection and detention of ships.

[EUR-Lex - 62021CJ0014](#)

Affaire C-24/21. Arrêt de la Cour (deuxième chambre) du 7 juillet 2022. PH contre Regione Autonoma Friuli Venezia Giulia et Direzione centrale risorse agroalimentari, forestali e ittiche – Servizio foreste e corpo forestale della Regione Autonoma Friuli Venezia Giulia. Demande de décision préjudicielle, introduite par le Tribunale ordinario di Pordenone.

Renvoi préjudiciel – Agriculture – Denrées alimentaires et aliments pour animaux génétiquement modifiés – Règlement (CE) no 1829/2003 – Dissémination volontaire d'organismes génétiquement modifiés dans l'environnement – Directive 2001/18/CE – Article 26 bis – Possibilité pour les États membres de prendre les mesures nécessaires pour éviter la présence accidentelle d'organismes génétiquement modifiés dans d'autres produits – Conditions d'application – Principe de proportionnalité – Lignes directrices pour l'élaboration de mesures nationales de coexistence visant à éviter la présence accidentelle d'organismes génétiquement modifiés dans les cultures conventionnelles et biologiques – **Mesure adoptée par une entité infra-étatique interdisant sur son territoire la mise en culture du maïs génétiquement modifié.**

[EUR-Lex - 62021CJ0024](#)

4. Audiovisual and Media and Information Society

Case Law

Affaire T-125/22. Arrêt du Tribunal (grande chambre) du 27 juillet 2022. RT France contre Conseil de l'Union européenne.

Politique étrangère et de sécurité commune – Mesures restrictives prises eu égard aux actions de la Russie déstabilisant la situation en Ukraine – **Interdiction temporaire de diffusion et suspension des autorisations de diffusion des contenus de certains médias** – Inscription sur la liste des entités auxquelles s'appliquent des mesures restrictives – Compétence du Conseil – Droits de la défense – Droit d'être entendu – Liberté d'expression et d'information – Proportionnalité – Liberté d'entreprise – Principe de non-discrimination en raison de la nationalité.

[EUR-Lex - 62022TJ0125](#)

5. Competition and State Aid

Case Law

Case C-588/20. Judgment of the Court (First Chamber) of 1 August 2022. Landkreis Northeim v Daimler AG. Reference for a preliminary ruling – Competition – Agreements, decisions and concerted practices – Article 101 TFEU – **Actions for damages for infringements of the provisions of EU competition law** – European Commission decision finding an infringement – Settlement procedure – Products concerned by the infringement – Specialised trucks – Household refuse collection trucks.
[EUR-Lex - 62020CJ0588](#)

6. Customs

Nothing to report for the period under review.

7. Economic and Monetary Affairs, Taxation, Enterprise

Case Law

Case C-352/20. Judgment of the Court (First Chamber) of 1 August 2022. HOLD Alapkezelő Befektetési Alapkezelő Zrt. v Magyar Nemzeti Bank. Request for a preliminary ruling from the Kúria. Reference for a preliminary ruling – Approximation of laws – Directive 2009/65/EC – Undertakings for collective investment in transferable securities (UCITS) – Directive 2011/61/EU – Alternative investment funds – **Remuneration policies and practices in respect of the senior managers of a UCITS management company or manager of an alternative investment fund** – Dividends distributed to certain senior managers – Concept of ‘remuneration’ – Article 17(1) of the Charter of Fundamental Rights of the European Union – Right to property.
[EUR-Lex - 62020CJ0352](#)

Case C-267/21. Judgment of the Court (Tenth Chamber) of 1 August 2022. Uniqa Asigurări SA v Agenția Națională de Administrare Fiscală - Direcția Generală de Soluționare a Contestațiilor and Direcția Generală de Administrare a Marilor Contribuabili. Reference for a preliminary ruling – Taxation – Value added tax (VAT) – Directive 2006/112/EC – Article 56 – **Supply of insurance services – Point of reference for tax purposes** – Claims settlement services provided by third-party companies in the name and on behalf of an insurer.
[EUR-Lex - 62021CJ0267](#)

Affaire C-294/21. Arrêt de la Cour (première chambre) du 1er août 2022. État luxembourgeois et Administration de l'enregistrement, des domaines et de la TVA contre Navitours SARL. Renvoi préjudiciel – Fiscalité – **Taxe sur la valeur ajoutée (TVA)** – Sixième directive 77/388/CEE – Article 2, paragraphe 1 – Champ d'application – Opérations imposables – Article 9, paragraphe 2, sous b) – Lieu des prestations de transport – **Promenades touristiques sur la Moselle – Rivière soumise au statut de condominium.**
[EUR-Lex - 62021CJ0294](#)

Case C-194/21. Judgment of the Court (Tenth Chamber) of 7 July 2022. Staatssecretaris van Financiën v X. Request for a preliminary ruling from the Hoge Raad der Nederlanden. Reference for a preliminary ruling – Value added tax (VAT) – Directive 2006/112/EC – Articles 184 and 185 – Adjustment of deductions – **Taxable person who did not exercise their right of deduction before the expiry of a limitation period** – No possibility of making that deduction in the context of adjustment.
[EUR-Lex - 62021CJ0194](#)

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

Case Law

Affaire C-371/21 P. Arrêt de la Cour (dixième chambre) du 14 juillet 2022. SGI Studio Galli Ingegneria Srl contre Commission européenne.

Pourvoi – Clause compromissoire – **Septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013)** – Convention de subvention – Projet Marsol – Coûts éligibles – **Rapport d'enquête de l'Office européen de lutte antifraude (OLAF) ayant constaté le caractère non éligible de certaines dépenses exposées** – Remboursement des sommes versées – Droit d'accès au dossier de l'OLAF – Droit d'être entendu – Charge de la preuve – Dénaturation des faits – Valeur probante – Principe de proportionnalité – Enrichissement sans cause.

[EUR-Lex - 62021CJ0371](#)

9. Employment and Social Affairs

Case Law

Case C-411/20. Judgment of the Court (Grand Chamber) of 1 August 2022. S v Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit.

Reference for a preliminary ruling – Citizenship of the Union – Freedom of movement of persons – Equal treatment – Directive 2004/38/EC – Article 24(1) and (2) – **Social security benefits** – Regulation (EC) No 883/2004 – Article 4 – Family benefits – **Exclusion of nationals of other Member States who are economically inactive during the first three months of residence in the host Member State.**

[EUR-Lex - 62020CJ0411](#)

Case C-377/21. Judgment of the Court (Seventh Chamber) of 7 July 2022. Ville de Mons and Zone de secours Hainaut - Centre v RM.

Reference for a preliminary ruling – Social policy – Directive 97/81/EC – **Framework Agreement on part-time work** – Clause 4 – Principle of non-discrimination – **Principle of pro rata temporis** – Taking into account, for the purpose of calculating the remuneration of a full-time professional firefighter, the length of service for remuneration purposes which he has acquired as a volunteer firefighter, in accordance with the principle of pro rata temporis.

[EUR-Lex - 62021CJ0377](#)

Joined Cases C-257/21 and C-258/21. Judgment of the Court (Seventh Chamber) of 7 July 2022. Coca-Cola European Partners Deutschland GmbH v L.B. and R.G. Requests for a preliminary ruling from the Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Article 153 TFEU – Protection of workers – Directive 2003/88/EC – Organisation of working time – Night work – **Collective agreement which provides for a lower supplementary allowance for regular night work than that established for irregular night work** – Equal treatment – Article 20 of the Charter of Fundamental Rights of the European Union – Implementation of Union law for the purposes of Article 51(1) of the Charter of Fundamental Rights.

[EUR-Lex - 62021CJ0257](#)

Case C-576/20. Judgment of the Court (Second Chamber) of 7 July 2022. CC v Pensionsversicherungsanstalt. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – **Social security for migrant workers** – Regulation (EC) No 987/2009 – Article 44(2) – Scope – Old-age pension – Calculation – Taking into account of child-raising periods completed in other Member States – Article 21 TFEU – Free movement of citizens.

[EUR-Lex - 62020CJ0576](#)

10. Energy and Environment

Community Legislation

Council Regulation (EU) 2022/1369 of 5 August 2022 on **coordinated demand-reduction measures for gas**
[EUR-Lex - 32022R1369](#)

Case Law

Case C-145/20. Judgment of the Court (Grand Chamber) of 14 July 2022. DS v Porsche Inter Auto GmbH & Co KG and Volkswagen AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 715/2007 – Approval of motor vehicles – Article 5(2) – Defeat device – Motor vehicles – **Diesel engines** – Emission control system – Software installed in the electronic engine controller – Exhaust gas recirculation valve ('EGR valve') – Reduction in nitrogen oxide (NOx) emissions limited by a 'temperature window' – **Prohibition on the use of defeat devices that reduce the effectiveness of emission control systems** – Article 5(2)(a) – Exception to that prohibition – Consumer protection – Directive 1999/44/EC – Sale of consumer goods and associated guarantees – Article 2(2)(d) – **Concept of 'goods which show the quality and performance which are normal in goods of the same type and which the consumer can reasonably expect, given the nature of the goods'** – Vehicle covered by an EC type-approval – Article 3(6) – Concept of a 'minor lack of conformity'.

[EUR-Lex - 62020CJ0145](#)

Case C-128/20. Judgment of the Court (Grand Chamber) of 14 July 2022. GSMB Invest GmbH & Co. KG v Auto Krainer GesmbH. Request for a preliminary ruling from the Landesgericht Klagenfurt.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 715/2007 – Approval of motor vehicles – Article 3(10) – Article 5(1) and (2) – Defeat device – Motor vehicles – **Diesel engines** – Pollutant emissions – Emission control system – Software installed in the electronic engine controller – Exhaust gas recirculation valve ('EGR valve') – Reduction in nitrogen oxide (NOx) emissions limited by a 'temperature window' – **Prohibition on the use of defeat devices that reduce the effectiveness of emission control systems** – Article 5(2)(a) – Exception to that prohibition.

[EUR-Lex - 62020CJ0128](#)

Case C-134/20. Judgment of the Court (Grand Chamber) of 14 July 2022. IR v Volkswagen AG. Request for a preliminary ruling from the Landesgericht Eisenstadt.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 715/2007 – Approval of motor vehicles – Article 3(10) – Article 5(1) and (2) – Defeat device – Motor vehicles – **Diesel engines** – Pollutant emissions – Emission control system – Software installed in the electronic engine controller – Exhaust gas recirculation valve ('EGR valve') – Reduction in nitrogen oxide (NOx) emissions limited by a 'temperature window' – **Prohibition on the use of defeat devices that reduce the effectiveness of emission control systems** – Article 5(2)(a) – Exception to that prohibition – Directive 1999/44/EC – Sale of consumer goods and associated guarantees – Article 3(2) – Device installed during the repair of a vehicle.

[EUR-Lex - 62020CJ0134](#)

Case C-348/20 P. Judgment of the Court (Grand Chamber) of 12 July 2022. Nord Stream 2 AG v European Parliament and Council of the European Union.

Appeal – Energy – **Internal market in natural gas** – Directive 2009/73/EC – Directive (EU) 2019/692 – Extension of the application of Directive 2009/73 to gas lines to or from third countries – Fourth paragraph of Article 263 TFEU – Action for annulment – Condition that an applicant must be directly concerned by the measure that forms the subject matter of its action – Lack of discretion as to the obligations imposed on an applicant – **Condition that an applicant must be individually concerned by the measure that forms the subject matter of its action** – Arrangements for the exemptions and derogations excluding the appellant as the sole operator from their benefit – Request that documents be removed from the case file – Rules on the production of evidence before the EU Courts – Documents internal to the European Union institutions.

[EUR-Lex - 62020CJ0348](#)

11. Food Safety, Public Health and Consumers

Case Law

Case C-145/20. Judgment of the Court (Grand Chamber) of 14 July 2022. DS v Porsche Inter Auto GmbH & Co KG and Volkswagen AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Approximation of laws – Regulation (EC) No 715/2007 – Approval of motor vehicles – Article 5(2) – Defeat device – Motor vehicles – **Diesel engines – Emission control system** – Software installed in the electronic engine controller – Exhaust gas recirculation valve ('EGR valve') – Reduction in nitrogen oxide (NOx) emissions limited by a 'temperature window' – Prohibition on the use of defeat devices that reduce the effectiveness of emission control systems – Article 5(2)(a) – Exception to that prohibition – Consumer protection – Directive 1999/44/EC – Sale of consumer goods and associated guarantees – Article 2(2)(d) – **Concept of 'goods which show the quality and performance which are normal in goods of the same type and which the consumer can reasonably expect, given the nature of the goods'** – Vehicle covered by an EC type-approval – Article 3(6) – Concept of a 'minor lack of conformity'.

[EUR-Lex - 62020CJ0145](#)

12. Human Rights

Case Law

Case C-184/20. Judgment of the Court (Grand Chamber) of 1 August 2022. OT v Vyriausioji tarnybinės etikos komisija. Request for a preliminary ruling from the Vilniaus apygardos administracinis teismas.

Reference for a preliminary ruling – **Protection of natural persons with regard to the processing of personal data** – Charter of Fundamental Rights of the European Union – Articles 7, 8 and 52(1) – Directive 95/46/EC – Article 7(c) – Article 8(1) – Regulation (EU) 2016/679 – Point (c) of the first subparagraph of Article 6(1) and the second subparagraph of Article 6(3) – Article 9(1) – Processing necessary for compliance with a legal obligation to which the controller is subject – Objective of public interest – Proportionality – Processing of special categories of personal data – **National legislation requiring publication on the internet of data contained in the declarations of private interests of natural persons working in the public service or of heads of associations or establishments receiving public funds** – Prevention of conflicts of interest and of corruption in the public sector.

[EUR-Lex - 62020CJ0184](#)

Case C-19/21. Judgment of the Court (Grand Chamber) of 1 August 2022. I and S v Staatssecretaris van Justitie en Veiligheid.

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** – Article 8(2) and Article 27(1) – **Unaccompanied minor with a relative legally present in another Member State** – Refusal by that Member State of that minor's take charge request – Right to an effective remedy of that minor or of that relative against the refusal decision – Articles 7, 24 and 47 of the Charter of Fundamental Rights of the European Union – **Best interests of the child.**

[EUR-Lex - 62021CJ0019](#)

Case C-242/22 PPU. Judgment of the Court (First Chamber) of 1 August 2022. Criminal proceedings against TL.

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Judicial cooperation in criminal matters – Directive 2010/64/EU – Right to interpretation and translation – Article 2(1) and Article 3(1) – Concept of an 'essential document' – Directive 2012/13/EU – **Right to information in criminal proceedings** – Article 3(1)(d) – Scope – Not implemented in domestic law – Direct effect – **Charter of Fundamental Rights of the European Union – Article 47 and Article 48(2)** – European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Suspended prison sentence with probation – Breach of the probation conditions – Failure to translate an essential document and absence of an interpreter when that document was being drawn up – Revocation of the suspension of the prison sentence – Failure to translate the procedural acts relating to that revocation – Consequences for the validity of that revocation – Procedural defect resulting in relative nullity.

[EUR-Lex - 62022CJ0242](#)

Affaire T-125/22. Arrêt du Tribunal (grande chambre) du 27 juillet 2022. RT France contre Conseil de l'Union européenne.

Politique étrangère et de sécurité commune – Mesures restrictives prises eu égard aux actions de la Russie déstabilisant la situation en Ukraine – **Interdiction temporaire de diffusion et suspension des autorisations de diffusion des contenus de certains médias** – Inscription sur la liste des entités auxquelles s'appliquent des mesures restrictives – Compétence du Conseil – Droits de la défense – Droit d'être entendu – **Liberté d'expression et d'information** – Proportionnalité – Liberté d'entreprise – Principe de non-discrimination en raison de la nationalité.

[EUR-Lex - 62022TJ0125](#)

Affaire C-168/21. Arrêt de la Cour (troisième chambre) du 14 juillet 2022. KL. Demande de décision préjudicielle, introduite par la Cour de cassation (France).

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Décision-cadre 2002/584/JAI – Article 2, paragraphe 4 – **Condition de la double incrimination du fait** – Article 4, point 1 – Motif de non-exécution facultative du mandat d'arrêt européen – Contrôle par l'autorité judiciaire d'exécution – Faits en partie constitutifs d'une infraction au regard du droit de l'État membre d'exécution – Article 49, paragraphe 3, de la charte des droits fondamentaux de l'Union européenne – **Principe de proportionnalité des délits et des peines.**

[EUR-Lex - 62021CJ0168](#)

Case C-261/21. Judgment of the Court (Ninth Chamber) of 7 July 2022. F. Hoffmann-La Roche Ltd and Others v Autorità Garante della Concorrenza e del Mercato.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – **Obligation on Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by EU law** – Article 267 TFEU – Obligation on the referring court to give full effect to the interpretation of EU law provided by the Court of Justice – Charter of Fundamental Rights of the European Union – Article 47 – **Access to an independent and impartial tribunal previously established by law** – Judgment of a national court of last instance after a preliminary ruling by the Court – Alleged non-conformity of that judgment with the interpretation of EU law provided by the Court – National legislation preventing the bringing of an action for revision of that judgment.

[EUR-Lex - 62021CJ0261](#)

Joined Cases C-274/21 and C-275/21. Judgment of the Court (Eighth Chamber) of 14 July 2022. EPIC Financial Consulting Ges.m.b.H. v Republik Österreich and Bundesbeschaffung GmbH.

Reference for a preliminary ruling – Public procurement – Regulation (EU) No 1215/2012 – Not applicable to procedures for granting an interlocutory injunction and review procedures as referred to in Article 2 of Directive 89/665/EEC in the absence of an international element – Directive 2014/24/EU – Article 33 – Treatment of a framework agreement as a contract, for the purposes of Article 2a(2) of Directive 89/665 – Not possible to award a new public contract where the quantity and/or maximum value of the works, supplies or services concerned laid down by the framework agreement has or have already been reached – **National legislation providing for the payment of fees for access to administrative proceedings in the field of public procurement** – Obligations to determine and pay the fees for access to proceedings before the court rules on an application for an interlocutory injunction or an action for review – Non-transparent procedure for the award of a public contract – Principles of effectiveness and equivalence – Effectiveness – **Right to an effective remedy** – Directive 89/665 – Articles 1, 2 and 2a – **Article 47 of the Charter of Fundamental Rights of the European Union** – National legislation providing for the dismissal of an action for review where the fees for access to proceedings have not been paid – Determination of the estimated value of a public contract.

[EUR-Lex - 62021CJ0274](#)

13. Internal Market and Free Movement

Case Law

Case C-332/20. Judgment of the Court (Fourth Chamber) of 1 August 2022. Roma Multiservizi spa and Rekeep spa v Roma Capitale and Autorità Garante della Concorrenza e del Mercato.

Reference for a preliminary ruling – **Public procurement** – Concession contracts – Formation of a semi-public company – **Award to that company of the management of an ‘integrated school service’** – Appointment of the private partner under a tender procedure – Directive 2014/23/EU – Article 38 – Directive 2014/24/EU – Article 58 – Applicability – ‘In-house’ criteria – **Requirement for minimum participation of the private partner in the capital of the semi-public company** – Indirect participation of the contracting authority in the capital of the private partner – Selection criteria.

[EUR-Lex - 62020CJ0332](#)

Case C-411/20. Judgment of the Court (Grand Chamber) of 1 August 2022. S v Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit.

Reference for a preliminary ruling – **Citizenship of the Union** – Freedom of movement of persons – Equal treatment – Directive 2004/38/EC – Article 24(1) and (2) – **Social security benefits** – Regulation (EC) No 883/2004 – Article 4 – Family benefits – **Exclusion of nationals of other Member States who are economically inactive during the first three months of residence in the host Member State.**

[EUR-Lex - 62020CJ0411](#)

Case C-436/20. Judgment of the Court (Fourth Chamber) of 14 July 2022. Asociación Estatal de Entidades de Servicios de Atención a Domicilio (ASADE) v Consejería de Igualdad y Políticas Inclusivas. Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Valenciana.

Renvoi préjudiciel – Articles 49 et 56 TFUE – Situation purement interne – **Services dans le marché intérieur** – Directive 2006/123/CE – Champ d’application – Article 2, paragraphe 2, sous j) – Passation des marchés publics – Directive 2014/24/UE – Notion de “marchés public” – Articles 74 à 77 – Prestation de services sociaux d’aide à la personne – Accords d’action conventionnée avec des entités privées d’initiative sociale – **Exclusion des opérateurs poursuivant un but lucratif** – Lieu d’implantation de l’entité comme critère de sélection.

[EUR-Lex - 62020CJ0436](#)

Joined Cases C-274/21 and C-275/21. Judgment of the Court (Eighth Chamber) of 14 July 2022. EPIC Financial Consulting Ges.m.b.H. v Republik Österreich and Bundesbeschaffung GmbH.

Reference for a preliminary ruling – Public procurement – Regulation (EU) No 1215/2012 – Not applicable to procedures for granting an interlocutory injunction and review procedures as referred to in Article 2 of Directive 89/665/EEC in the absence of an international element – Directive 2014/24/EU – Article 33 – Treatment of a framework agreement as a contract, for the purposes of Article 2a(2) of Directive 89/665 – Not possible to award a new public contract where the quantity and/or maximum value of the works, supplies or services concerned laid down by the framework agreement has or have already been reached – **National legislation providing for the payment of fees for access to administrative proceedings in the field of public procurement** – Obligations to determine and pay the fees for access to proceedings before the court rules on an application for an interlocutory injunction or an action for review – Non-transparent procedure for the award of a public contract – Principles of effectiveness and equivalence – Effectiveness – **Right to an effective remedy** – Directive 89/665 – Articles 1, 2 and 2a – Article 47 of the Charter of Fundamental Rights of the European Union – National legislation providing for the dismissal of an action for review where the fees for access to proceedings have not been paid – Determination of the estimated value of a public contract.

[EUR-Lex - 62021CJ0274](#)

Case C-576/20. Judgment of the Court (Second Chamber) of 7 July 2022. CC v Pensionsversicherungsanstalt. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – **Social security for migrant workers** – Regulation (EC) No 987/2009 – Article 44(2) – Scope – Old-age pension – Calculation – Taking into account of child-raising periods completed in other Member States – Article 21 TFEU – Free movement of citizens.

[EUR-Lex - 62020CJ0576](#)

Case C-264/21. Judgment of the Court (Tenth Chamber) of 7 July 2022. Keskinäinen Vakuutusyhtiö Fennia v Koninklijke Philips NV. Request for a preliminary ruling from the Korkein oikeus.

Reference for a preliminary ruling – Directive 85/374/EEC – **Liability for defective products** – Article 3(1) – Concept of ‘producer’ – **Any person who, by putting his name, trade mark or other distinguishing feature on the product, or having authorised those particulars to be put on the product, presents himself as its producer.**

[EUR-Lex - 62021CJ0264](#)

Joined Cases C-213/21 and C-214/21. Judgment of the Court (Eighth Chamber) of 7 July 2022. Italy Emergenza Cooperativa Sociale v Azienda Sanitaria Locale Barletta-Andria-Trani and Azienda Sanitaria Provinciale di Cosenza. Requests for a preliminary ruling from the Consiglio di Stato.

Reference for a preliminary ruling – **Public procurement** – Directive 2014/24/EU – Scope – Article 10(h) – **Specific exclusions for service contracts – Civil defence, civil protection and danger prevention services** – Non-profit organisations or associations – Ambulance service classified as an emergency service – Voluntary organisations – Social cooperatives.

[EUR-Lex - 62021CJ0213](#)

14. Intellectual Property

Nothing to report for the period under review.

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

Community Legislation

Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (EU to accede to the 2019 The Hague Convention on the recognition and enforcement of foreign judgements in civil or commercial matters)

[EUR-Lex - 22022A0714\(01\)](#)

Case Law

Case C-273/20. Judgment of the Court (Third Chamber) of 1 August 2022. Bundesrepublik Deutschland v SW.

Reference for a preliminary ruling – Area of freedom, security and justice – **Immigration policy** – Right to family reunification – Directive 2003/86/EC – Article 10(3)(a) – Article 16(1)(b) – Concept of ‘minor child’ – Concept of ‘real family relationship’ – **Adult applying for family reunification with a minor who has obtained refugee status** – Relevant date for assessing status as a minor.

[EUR-Lex - 62020CJ0273](#)

Case C-242/22 PPU. Judgment of the Court (First Chamber) of 1 August 2022. Criminal proceedings against TL.

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Judicial cooperation in criminal matters – Directive 2010/64/EU – Right to interpretation and translation – Article 2(1) and Article 3(1) – Concept of an ‘essential document’ – Directive 2012/13/EU – **Right to information in criminal proceedings** – Article 3(1)(d) – Scope – Not implemented in domestic law – Direct effect – **Charter of Fundamental Rights of the European Union – Article 47 and Article 48(2)** – European Convention for the Protection of Human Rights and Fundamental Freedoms – Article 6 – Suspended prison sentence with probation – Breach of the probation conditions – Failure to translate an essential document and absence of an interpreter when that document was being drawn up – Revocation of the suspension of the prison sentence – Failure to translate the procedural acts relating to that revocation – Consequences for the validity of that revocation – Procedural defect resulting in relative nullity.

[EUR-Lex - 62022CJ0242](#)

Case C-720/20. Judgment of the Court (Grand Chamber) of 1 August 2022. RO légalement représentée v Bundesrepublik Deutschland. Request for a preliminary ruling from the Verwaltungsgericht Cottbus.

Reference for a preliminary ruling – Common policy on asylum – **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** – Regulation (EU) No 604/2013 (Dublin III) – **Application for international protection lodged by a minor in his or her Member State of birth** – Parents of that minor who have previously obtained refugee status in another Member State – Article 3(2) – Article 9 – Article 20(3) – Directive 2013/32/EU – Article 33(2)(a) – Admissibility of the application for international protection and responsibility for examining it.

[EUR-Lex - 62020CJ0720](#)

Case C-279/20. Judgment of the Court (Third Chamber) of 1 August 2022. Bundesrepublik Deutschland v XC.

Reference for a preliminary ruling – Area of freedom, security and justice – Immigration policy – Right to family reunification – Directive 2003/86/EC – Article 4(1), first subparagraph, point (c) – Concept of ‘minor child’ – Article 16(1)(b) – **Concept of ‘real family relationship’ – Child applying for family reunification with her father who has obtained refugee status** – Relevant date for assessing status as a minor.

[EUR-Lex - 62020CJ0279](#)

Case C-19/21. Judgment of the Court (Grand Chamber) of 1 August 2022. I and S v Staatssecretaris van Justitie en Veiligheid.

Reference for a preliminary ruling – Regulation (EU) No 604/2013 – **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** – Article 8(2) and Article 27(1) – **Unaccompanied minor with a relative legally present in another Member State** – Refusal by that Member State of that minor’s take charge request – Right to an effective remedy of that minor or of that relative against the refusal decision – Articles 7, 24 and 47 of the Charter of Fundamental Rights of the European Union – Best interests of the child.

[EUR-Lex - 62021CJ0019](#)

Case C-501/20. Judgment of the Court (Third Chamber) of 1 August 2022. MPA v LCDNMT. Request for a preliminary ruling from the Audiencia Provincial de Barcelona.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility – **Regulation (EC) No 2201/2003** – Articles 3, 6 to 8 and 14 – **Definition of ‘habitual residence’** – Jurisdiction, recognition, enforcement of decisions and cooperation in matters relating to maintenance obligations – Regulation (EC) No 4/2009 – Articles 3 and 7 – **Nationals of two different Member States residing in a third State as members of the contract staff working in the EU Delegation to that third State** – Determination of jurisdiction – Forum necessitatis.

[EUR-Lex - 62020CJ0501](#)

Case C-422/21. Judgment of the Court (Tenth Chamber) of 1 August 2022. Ministero dell'Interno v TO.

Reference for a preliminary ruling – **Applicants for international protection** – Directive 2013/33/EU – Article 20(4) and (5) – **Seriously violent behaviour** – Member States’ right to determine the sanctions applicable – Scope – **Withdrawal of material reception conditions.**

[EUR-Lex - 62021CJ0422](#)

Case C-572/21. Judgment of the Court (Fourth Chamber) of 14 July 2022. CC v VO. Request for a preliminary ruling from the Högsta domstolen.

Reference for a preliminary ruling – **Jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility** – Parental responsibility – Regulation (EC) No 2201/2003 – Article 8(1) and Article 61(a) – General jurisdiction – **Perpetuatio fori principle** – Transfer, during the proceedings, of the habitual residence of a child from a Member State of the European Union to a third State that is party to the 1996 Hague Convention.

[EUR-Lex - 62021CJ0572](#)

Affaire C-168/21. Arrêt de la Cour (troisième chambre) du 14 juillet 2022. KL. Demande de décision préjudicielle, introduite par la Cour de cassation (France).

Renvoi préjudiciel – Coopération judiciaire en matière pénale – Décision-cadre 2002/584/JAI – Article 2, paragraphe 4 – **Condition de la double incrimination du fait** – Article 4, point 1 – Motif de non-exécution facultative du mandat d’arrêt européen – Contrôle par l’autorité judiciaire d’exécution – Faits en partie constitutifs d’une infraction au regard du droit de l’État membre d’exécution – Article 49, paragraphe 3, de la charte des droits fondamentaux de l’Union européenne – **Principe de proportionnalité des délits et des peines.**

[EUR-Lex - 62021CJ0168](#)

Case C-7/21. Judgment of the Court (Fourth Chamber) of 7 July 2022. LKW WALTER Internationale Transportorganisation AG v CB and Others. Request for a preliminary ruling from the Bezirksgericht Bleiburg.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Service of documents** – Regulation (EC) 1393/2007 – Article 8(1) – One-week period within which the right to refuse to accept a document is to be exercised – **Enforcement order made in one Member State and served in another Member State in the language of the first Member State only** – Legislation of that first Member State laying down an eight-day period to lodge an objection to that order – Period for lodging an objection starting to run at the same time as the period laid down for the purpose of exercising the right to refuse to accept the document – Article 47 of the Charter of Fundamental Rights of the European Union – Right to an effective remedy.

[EUR-Lex - 62021CJ0007](#)

16. Transport

Case Law

Affaire C-500/20. Arrêt de la Cour (cinquième chambre) du 14 juillet 2022. ÖBB-Infrastruktur Aktiengesellschaft contre Lokomotion Gesellschaft für Schienentraktion mbH. Demande de décision préjudicielle, introduite par l’Oberster Gerichtshof.

Renvoi préjudiciel – Accords internationaux – Transport ferroviaire – Convention relative aux transports internationaux ferroviaires (COTIF) – **Règles uniformes concernant le contrat d’utilisation de l’infrastructure en trafic international ferroviaire (CUI)** – Article 4 – Droit contraignant – Article 8 – Responsabilité du gestionnaire – Article 19 – Autres actions – Compétence de la Cour – **Avaries sur des locomotives du transporteur à la suite d’un déraillement** – Location de locomotives de remplacement – Obligation pour le gestionnaire de l’infrastructure de rembourser les frais de location – Contrat prévoyant l’extension de la responsabilité des parties par un renvoi au droit national.

[EUR-Lex - 62020CJ0500](#)

Case C-13/21. Judgment of the Court (Eighth Chamber) of 7 July 2022. Pricoforest SRL v Inspectoratul de Stat pentru Controlul în Transportul Rutier (ISCTR). Request for a preliminary ruling from the Judecătoria Miercurea Ciuc.

Reference for a preliminary ruling – **Road transport** – Social legislation – Regulation (EC) No 561/2006 – Exceptions – Article 13(1)(b) – **Notion of ‘a radius of up to 100 kilometres (km) from the base of the undertaking’** – Vehicles effecting carriage within and also outside of that radius.

[EUR-Lex - 62021CJ0013](#)

Case C-308/21. Judgment of the Court (Eighth Chamber) of 7 July 2022. KU and Others v SATA International – Azores Airlines SA. Request for a preliminary ruling from the Tribunal Judicial da Comarca dos Açores.

Reference for a preliminary ruling – Air transport – Regulation (EC) No 261/2004 – **Compensation and assistance to passengers – Cancellation or long delay of flights** – Article 5(3) – Exemption from the obligation to pay compensation – **Extraordinary circumstances** – Generalised failure of the aircraft refuelling system at the airport.

[EUR-Lex - 62021CJ0308](#)

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

Case Law

Case C-743/19. Judgment of the Court (Grand Chamber) of 14 July 2022. European Parliament v Council of the European Union.

Action for annulment – Law governing the institutions – Bodies, offices and agencies of the European Union – **European Labour Authority (ELA) – Competence to determine the location of the seat** – Article 341 TFEU – Scope – Decision adopted by the Representatives of the Governments of the Member States in the margins of a Council meeting – Jurisdiction of the Court under Article 263 TFEU – Author and legal nature of the act – Absence of binding effects in the EU legal order.

[EUR-Lex - 62019CJ0743](#)

Case C-59/18. Judgment of the Court (Grand Chamber) of 14 July 2022. Italian Republic v Council of the European Union.

Action for annulment – Law governing the institutions – EU bodies, offices and agencies – **European Medicines Agency (EMA) – Competence to determine the location of the seat** – Article 341 TFEU – Scope – Decision adopted by the Representatives of the Governments of the Member States in the margins of a Council meeting – Jurisdiction of the Court under Article 263 TFEU – Author and legal nature of the act – Absence of binding effects in the EU legal order.

[EUR-Lex - 62018CJ0059](#)

Case C-106/19. Judgment of the Court (Grand Chamber) of 14 July 2022. Italian Republic v Council of the European Union and European Parliament.

Action for annulment – Law governing the institutions – Regulation (EU) 2018/1718 – **Location of the seat of the European Medicines Agency (EMA) in Amsterdam (Netherlands)** – Article 263 TFEU – Admissibility – Interest in bringing proceedings – Locus standi – **Direct and individual concern** – Decision adopted by the Representatives of the Governments of the Member States in the margins of a Council meeting in order to determine the location of the seat of an EU agency – Absence of binding effects in the EU legal order – Prerogatives of the European Parliament.

[EUR-Lex - 62019CJ0106](#)

Affaire C-371/21 P. Arrêt de la Cour (dixième chambre) du 14 juillet 2022. SGI Studio Galli Ingegneria Srl contre Commission européenne.

Pourvoi – Clause compromissoire – **Septième programme-cadre pour des actions de recherche, de développement technologique et de démonstration (2007-2013)** – Convention de subvention – Projet Marsol – Coûts éligibles – **Rapport d'enquête de l'Office européen de lutte antifraude (OLAF) ayant constaté le caractère non éligible de certaines dépenses exposées** – Remboursement des sommes versées – Droit d'accès au dossier de l'OLAF – Droit d'être entendu – Charge de la preuve – Dénaturation des faits – Valeur probante – Principe de proportionnalité – Enrichissement sans cause.

[EUR-Lex - 62021CJ0371](#)

Case C-110/21 P. Judgment of the Court (Second Chamber) of 14 July 2022. Universität Bremen v European Research Executive Agency.

Appeal – Action for annulment – Article 19 of the Statute of the Court of Justice of the European Union – **Representation of non-privileged parties in a direct action before the Courts of the European Union** – University teacher – **University teacher teaching at the university represented in that action and performing duties as coordinator and head of the project that is the subject matter of the dispute** – Condition of independence – Existence of a direct and personal interest in the outcome of the dispute.

[EUR-Lex - 62021CJ0110](#)

Case C-348/20 P. Judgment of the Court (Grand Chamber) of 12 July 2022. Nord Stream 2 AG v European Parliament and Council of the European Union.

Appeal – Energy – **Internal market in natural gas** – Directive 2009/73/EC – Directive (EU) 2019/692 – Extension of the application of Directive 2009/73 to gas lines to or from third countries – Fourth paragraph of Article 263 TFEU – Action for annulment – Condition that an applicant must be directly concerned by the measure that forms the subject matter of its action – Lack of discretion as to the obligations imposed on an applicant – **Condition that an applicant must be individually concerned by the measure that forms the subject matter of its action** – Arrangements for the exemptions and derogations excluding the appellant as the sole operator from their benefit – Request that documents be removed from the case file – Rules on the production of evidence before the EU Courts – Documents internal to the European Union institutions.

[EUR-Lex - 62020CJ0348](#)

Case C-261/21. Judgment of the Court (Ninth Chamber) of 7 July 2022. F. Hoffmann-La Roche Ltd and Others v Autorità Garante della Concorrenza e del Mercato.

Reference for a preliminary ruling – Second subparagraph of Article 19(1) TEU – **Obligation on Member States to provide remedies sufficient to ensure effective legal protection in the fields covered by EU law** – Article 267 TFEU – Obligation on the referring court to give full effect to the interpretation of EU law provided by the Court of Justice – Charter of Fundamental Rights of the European Union – Article 47 – **Access to an independent and impartial tribunal previously established by law** – Judgment of a national court of last instance after a preliminary ruling by the Court – Alleged non-conformity of that judgment with the interpretation of EU law provided by the Court – National legislation preventing the bringing of an action for revision of that judgment.

[EUR-Lex - 62021CJ0261](#)

Case T-388/19. Judgment of the General Court (Sixth Chamber, Extended Composition) of 6 July 2022. Carles Puigdemont i Casamajó and Antoni Comín i Oliveres v European Parliament. Law governing the institutions – Members of the European Parliament – **Refusal of the President of the Parliament to recognise the status of Member of the European Parliament and the associated rights of elected candidates** – Action for annulment – Act not open to challenge – **Inadmissibility.**

[EUR-Lex - 62019TJ0388](#)