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# EU News: Click & Read

170 – February 2023

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-638/22 PPU. Judgment of the Court (Third Chamber) of 16 February 2023. T.C. and Others.**

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Area of freedom, security and justice – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility – International child abduction – **1980 Hague Convention** – Regulation (EC) No 2201/2003 – Article 11 – **Application for return of a child** – Final decision ordering the return of a child – **Legislation of a Member State providing for automatic suspension of the enforcement of that decision in the event that a request is made by certain national authorities.**

[EUR-Lex - 62022CJ0638](#)

**Case C-453/21. Judgment of the Court (Sixth Chamber) of 9 February 2023. X-FAB Dresden GmbH & Co. KG v FC. 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 – Article 38(3) – Data protection officer – Prohibition on dismissing data protection officer for performing his or her tasks – Requirement for functional independence – **National legislation prohibiting the dismissal of a data protection officer without just cause** – Article 38(6) – Conflict of interests – Criteria.

[EUR-Lex - 62021CJ0453](#)

**Case C-688/21. Judgment of the Court (Grand Chamber) of 7 February 2023. Confédération paysanne and Others v Premier ministre and Ministre de l'Agriculture et de l'Alimentation. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Environment – Deliberate release of genetically modified organisms – Directive 2001/18/EC – Article 3(1) – Point 1 of Annex I B – Scope – Exemptions – **Techniques/methods of genetic modification which have conventionally been used and have a long safety record** – In vitro random mutagenesis.

[EUR-Lex - 62021CJ0688](#)

## 1. EU-Swiss Relations

Nothing to report for the period under review.

## 2. External Relations / Foreign Policy

### Community Legislation

Council Decision (CFSP) 2023/434 of 25 February 2023 amending Decision 2014/512/CFSP concerning **restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

[EUR-Lex - 32023D0434](#)

Council Decision (CFSP) 2023/421 of 24 February 2023 amending Decision 2012/642/CFSP concerning **restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine**

[EUR-Lex - 32023D0421](#)

Council Decision (CFSP) 2023/386 of 20 February 2023 **launching the European Union Mission in Armenia (EUMA) and amending Decision (CFSP) 2023/162**

[EUR-Lex - 32023D0386](#)

Council Decision (EU) 2023/368 of 14 February 2023 on the conclusion 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 - 32023D0368](#)

Council Decision (EU) 2023/362 of 14 February 2023 on the signing, on behalf of the Union, of the **Agreement between the European Union and Japan on certain provisions of agreements between Member States of the European Union and Japan for air services**

[EUR-Lex - 32023D0362](#)

### Case Law

Case C-402/21. Judgment of the Court (Second Chamber) of 9 February 2023. **Staatssecretaris van Justitie en Veiligheid and Others v S and Staatssecretaris van Justitie en Veiligheid.**

Reference for a preliminary ruling – **EEC-Turkey Association Agreement** – Decision No 1/80 – Articles 6 and 7 – Turkish nationals already integrated into the labour market of the host Member State and enjoying an associated right of residence – **Decisions of national authorities withdrawing the right of residence of Turkish nationals who have been lawfully resident in the Member State concerned for more than 20 years on the ground that they constitute a present, genuine and sufficiently serious threat to a fundamental interest of society** – Article 13 – Standstill clause – Article 14 – Justification – Grounds of public policy.

[EUR-Lex - 62021CJ0402](#)

### 3. Agriculture and Fisheries / Maritime Affairs

#### Case Law

**Case C-343/21. Judgment of the Court (Eighth Chamber) of 16 February 2023. PV v Zamestnik izpalnitelen direktor na Darzhaven fond 'Zemedelie'. Request for a preliminary ruling from the Varhoven administrativen sad.**

Reference for a preliminary ruling – Common agricultural policy – **Support measures for rural development by the European Agricultural Fund for Rural Development** – Agri-environmental payments – Regulation (EC) No 1974/2006 – Inability of the beneficiaries to continue to comply with the commitments given – **Concepts of ‘reparcelling’ and ‘land-consolidation measures’** – Absence of measures necessary to adapt the obligations of the beneficiary to the new situation of the holding – Regulation (EC) No 1122/2009 – Concept of ‘force majeure and exceptional circumstances’.

[EUR-Lex - 62021CJ0343](#)

**Affaire C-668/21. Arrêt de la Cour (sixième chambre) du 9 février 2023. « Druvnieks » SIA contre Lauku atbalsta dienests. Demande de décision préjudicielle, introduite par l'Augstākā tiesa (Senāts).**

Renvoi préjudiciel – Agriculture – Politique agricole commune – **Soutien au développement rural** – Règles communes – Règlement (UE) no 1306/2013 – Article 60 – Clause de contournement – **Notion de “conditions créées artificiellement”** – Rejet d’une demande d’aide au vu de la situation dans laquelle se trouve une entreprise appartenant au même propriétaire que l’entreprise ayant demandé l’aide concernée.

[EUR-Lex - 62021CJ0668](#)

### 4. Audiovisual and Media and Information Society

#### Case Law

**Case C-349/21. Judgment of the Court (Third Chamber) of 16 February 2023. HYA and Othersprokuratūra. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.**

Reference for a preliminary ruling – Telecommunications sector – **Processing of personal data and the protection of privacy** – Directive 2002/58/EC – Article 15(1) – Limitation of the confidentiality of electronic communications – **Judicial decision authorising the interception, recording and storage of telephone conversations of persons suspected of having committed a serious intentional offence** – Practice whereby the decision is drawn up in accordance with a pre-drafted template text that does not contain individualised reasons – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – Obligation to state reasons.

[EUR-Lex - 62021CJ0349](#)

**Case C-453/21. Judgment of the Court (Sixth Chamber) of 9 February 2023. X-FAB Dresden GmbH & Co. KG v FC. 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 – Article 38(3) – Data protection officer – Prohibition on dismissing data protection officer for performing his or her tasks – Requirement for functional independence – **National legislation prohibiting the dismissal of a data protection officer without just cause** – Article 38(6) – Conflict of interests – Criteria.

[EUR-Lex - 62021CJ0453](#)

**Affaire C-560/21. Arrêt de la Cour (sixième chambre) du 9 février 2023. ZS contre Zweckverband Zweckverband « Kommunale Informationsverarbeitung Sachsen » KISA, Körperschaft des öffentlichen Rechts. Demande de décision préjudicielle, introduite par le Bundesarbeitsgericht.**

Renvoi préjudiciel – **Protection des personnes physiques à l’égard du traitement des données à caractère personnel** – Règlement (UE) 2016/679 – Article 38, paragraphe 3 – Délégué à la protection des données – Interdiction de relèvement de ses fonctions pour l’exercice de ses missions – Exigence d’indépendance fonctionnelle – **Réglementation nationale interdisant le relèvement de ses fonctions d’un délégué à la protection des données en l’absence d’un motif grave.**

[EUR-Lex - 62021CJ0560](#)

## 5. Competition and State Aid

### Case Law

**Case C-312/21. Judgment of the Court (Second Chamber) of 16 February 2023. Tráficos Manuel Ferrer S.L. and Ignacio v Daimler AG. Request for a preliminary ruling from the Juzgado de lo Mercantil Valencia.**

Reference for a preliminary ruling – Competition – **Compensation for harm caused by a practice prohibited under Article 101(1) TFEU** – Decision of the Commission finding the existence of collusive arrangements on pricing and gross price increases for trucks in the European Economic Area (EEA) – **National rule of civil procedure under which, in the event that the claim is upheld in part, costs are to be borne by each party, except in cases of wrongful conduct** – Procedural autonomy of the Member States – Principles of effectiveness and equivalence – Directive 2014/104/EU – Objectives and overall balance – Article 3 – Right to full compensation for the harm suffered – Article 11(1) – Joint and several liability of the undertakings that infringe competition law – Article 17(1) – Possibility for national courts to estimate the harm – Conditions – Impossibility or unreasonable difficulties in quantifying harm – Article 22 – Temporal application.

[EUR-Lex - 62021CJ0312](#)

**Joined Cases C-649/20 P and C-658/20 P. Judgment of the Court (Fifth Chamber) of 2 February 2023. Kingdom of Spain and Others v European Commission.**

Appeal – **State aid** – Article 107(1) TFEU – **Tax regime applicable to certain finance lease agreements for the purchase of ships (Spanish tax lease system)** – Condition relating to selectivity – Obligation to state reasons – Principle of the protection of legitimate expectations – Principle of legal certainty – Recovery of the aid.

[EUR-Lex - 62020CJ0649](#)

## 6. Customs

### Case Law

**Case C-788/21. Judgment of the Court (Ninth Chamber) of 9 February 2023. Skatteministeriet Departementet v Global Gravity ApS. Request for a preliminary ruling from the Retten i Esbjerg.**

Reference for a preliminary ruling – Customs union – Common Customs Tariff – Classification of goods – Combined Nomenclature – Subheadings 7616 99 90 and 8609 00 90 – Tubular Transport Running System (TubeLock) – **Meaning of ‘container’**.

[EUR-Lex - 62021CJ0788](#)

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

### Case Law

**Case C-695/20. Judgment of the Court (Grand Chamber) of 28 February 2023. Fenix International Limited v Commissioners for Her Majesty's Revenue and Customs.**

Reference for a preliminary ruling – Implementing power of the Council of the European Union – Article 291(2) TFEU – **Common system of value added tax (VAT)** – Directive 2006/112/EC – Articles 28 and 397 – **Taxable person, acting in his or her own name but on behalf of another person** – Provider of services by electronic means – Implementing Regulation (EU) No 282/2011 – Article 9a – Presumption – Validity.

[EUR-Lex - 62020CJ0695](#)

**Case C-519/21. Judgment of the Court (Seventh Chamber) of 16 February 2023. ASA v DGRFP Cluj. Request for a preliminary ruling from the Curtea de Apel Cluj.**

Reference for a preliminary ruling – **Common system of value added tax (VAT)** – Directive 2006/112/EC – **Construction of a building complex by an association without legal personality** – Association contract – Sale of the apartments of that building complex by certain members – Determination of the taxable person liable for the tax – Principle of fiscal neutrality – Right to deduct VAT.

[EUR-Lex - 62021CJ0519](#)

**Case C-707/20. Judgment of the Court (Third Chamber) of 16 February 2023. Gallaher Limited v The Commissioners for Her Majesty's Revenue & Customs. Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber).**

Reference for a preliminary ruling – Direct taxation – Corporate income tax – Articles 49, 63 and 64 TFEU – **Freedom of establishment – Free movement of capital** – Disposal of assets within a group of companies – Company resident for tax purposes in one Member State having a parent company resident for tax purposes in another Member State and a sister company resident for tax purposes in a third country – **Disposal of intellectual property rights of the company resident for tax purposes in a Member State to its sister company resident for tax purposes in a third country** – Disposal by the company resident for tax purposes in a Member State of shares in one of its subsidiaries to its parent company resident for tax purposes in another Member State – Consideration equal to the market value of the assets transferred – Exemption from tax or imposition of tax depending on the State in which the beneficiary company has its seat.

[EUR-Lex - 62020CJ0707](#)

**Affaire C-713/21. Arrêt de la Cour (septième chambre) du 9 février 2023. A contre Finanzamt X. Demande de décision préjudicielle, introduite par le Bundesfinanzhof.**

Renvoi préjudiciel – **Système commun de taxe sur la valeur ajoutée (TVA)** – Directive 2006/112/CE – Article 2, paragraphe 1, sous c) – Notion de “prestations de services effectuées à titre onéreux” – **Prestation unique comprenant l'hébergement et l'entraînement de chevaux ainsi que leur participation à des compétitions** – Rémunération par la cession de 50 % de la créance correspondant aux gains provenant des prix obtenus par les chevaux lors de compétitions.

[EUR-Lex - 62021CJ0713](#)

**Case C-482/21. Judgment of the Court (Eighth Chamber) of 9 February 2023. Euler Hermes SA Magyarországi Fióktelepe v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága. Request for a preliminary ruling from the Fővárosi Törvényszék.**

Reference for a preliminary ruling – Taxation – Value added tax (VAT) – Directive 2006/112/EC – Article 90 – Taxable amount – Reduction – **Insurer paying compensation to policyholders for unpaid debts, including VAT** – **National legislation denying that insurer, as legal successor, the reduction of the taxable amount** – Principle of fiscal neutrality – Principle of effectiveness.

[EUR-Lex - 62021CJ0482](#)

**Case C-676/21. Judgment of the Court (Eighth Chamber) of 2 February 2023. Proceedings brought by A. Request for a preliminary ruling from the Korkein hallinto-oikeus.**

Reference for a preliminary ruling – Internal taxation – Article 110 TFEU – Motor vehicles – **Tax on vehicles – Second-hand vehicles imported from other Member States** – Second-hand vehicles exported to other Member States – Refund of that tax on export – Restriction on that refund to vehicles which were put into circulation less than ten years ago.

[EUR-Lex - 62021CJ0676](#)

## 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-710/21. Judgment of the Court (Seventh Chamber) of 16 February 2023. IEF Service GmbH v HB. Request for a preliminary ruling from the Oberster Gerichtshof.**

Reference for a preliminary ruling – Social policy – **Protection of employees in the event of the insolvency of their employer** – Directive 2008/94/EC – Article 9(1) – Undertaking that has its registered office in one Member State and offers its services in another Member State – Worker whose place of residence is in that other Member State – **Work performed in the Member State in which the worker’s employer has its registered office and, one week out of two, in the Member State in which the worker resides** – Determining which Member State’s guarantee institution is responsible for meeting outstanding wage claims.

[EUR-Lex - 62021CJ0710](#)

**Joined Cases C-524/21 and C-525/21. Judgment of the Court (Second Chamber) of 16 February 2023. IG and Agenția Municipală pentru Ocuparea Forței de Muncă București v Agenția Județeană de Ocupare a Forței de Muncă Ilfov and IM. Requests for a preliminary ruling from the Curtea de Apel București.**

Reference for a preliminary ruling – Social policy – **Protection of employees in the event of their employer’s insolvency** – Directive 2008/94/EC – Employees’ salary claims borne by guarantee institutions – **Limitation of the liability of guarantee institutions to employees’ salary claims relating to the three months prior or subsequent to the date on which insolvency proceedings are opened** – Application of a limitation period – Recovery of payments unduly made by the guarantee institution – Conditions.

[EUR-Lex - 62021CJ0524](#)

**Affaire C-675/21. Arrêt de la Cour (septième chambre) du 16 février 2023. Strong Charon - Soluções de Segurança SA contre 2045 - Empresa de Segurança SA et FL. Demande de décision préjudicielle, introduite par le Supremo Tribunal de Justiça.**

Renvoi préjudiciel – Politique sociale – **Transfert d’entreprises – Maintien des droits des travailleurs** – Directive 2001/23/CE – Champ d’application – Refus du cessionnaire de reconnaître le transfert du contrat de travail – Notion de “transfert” – Notion d’“entité économique” – Absence de lien conventionnel entre le cédant et le cessionnaire.

[EUR-Lex - 62021CJ0675](#)

**Case C-453/21. Judgment of the Court (Sixth Chamber) of 9 February 2023. X-FAB Dresden GmbH & Co. KG v FC. 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 – Article 38(3) – Data protection officer – Prohibition on dismissing data protection officer for performing his or her tasks – Requirement for functional independence – **National legislation prohibiting the dismissal of a data protection officer without just cause** – Article 38(6) – Conflict of interests – Criteria.

[EUR-Lex - 62021CJ0453](#)

**Affaire C-560/21. Arrêt de la Cour (sixième chambre) du 9 février 2023. ZS contre Zweckverband Zweckverband « Kommunale Informationsverarbeitung Sachsen » KISA, Körperschaft des öffentlichen Rechts. Demande de décision préjudicielle, introduite par le Bundesarbeitsgericht.**

Renvoi préjudiciel – **Protection des personnes physiques à l’égard du traitement des données à caractère personnel** – Règlement (UE) 2016/679 – Article 38, paragraphe 3 – Délégué à la protection des données – Interdiction de relèvement de ses fonctions pour l’exercice de ses missions – Exigence d’indépendance fonctionnelle – **Réglementation nationale interdisant le relèvement de ses fonctions d’un délégué à la protection des données en l’absence d’un motif grave.**

[EUR-Lex - 62021CJ0560](#)

## 10. Energy and Environment

### Case Law

**Affaire C-633/21. Arrêt de la Cour (dixième chambre) du 16 février 2023. Commission européenne contre République hellénique.**

Manquement d'État – Environnement – Directive 2008/50/CE – Qualité de l'air ambiant – Article 13, paragraphe 1, et annexe XI – **Dépassement systématique et persistant de la valeur limite annuelle fixée pour le dioxyde d'azote (NO<sub>2</sub>) dans l'agglomération d'Athènes (Grèce)** – Article 23, paragraphe 1 – Annexe XV – Période de dépassement “la plus courte possible” – Mesures appropriées.

[EUR-Lex - 62021CJ0633](#)

**Case C-688/21. Judgment of the Court (Grand Chamber) of 7 February 2023. Confédération paysanne and Others v Premier ministre and Ministre de l'Agriculture et de l'Alimentation. Request for a preliminary ruling from the Conseil d'État.**

Reference for a preliminary ruling – Environment – Deliberate release of genetically modified organisms – Directive 2001/18/EC – Article 3(1) – Point 1 of Annex I B – Scope – Exemptions – **Techniques/methods of genetic modification which have conventionally been used and have a long safety record** – In vitro random mutagenesis.

[EUR-Lex - 62021CJ0688](#)

## 11. Food Safety, Public Health and Consumers

### Case Law

**Case C-806/21. Judgment of the Court (Seventh Chamber) of 2 February 2023. Criminal proceedings against TF. Request for a preliminary ruling from the Hoge Raad der Nederlanden.**

Reference for a preliminary ruling – Drug precursors – Framework Decision 2004/757/JHA – Article 2(1)(d) – **Person involved in the transport and distribution of precursors used for the illicit production or manufacture of drugs** – Regulation (EC) No 273/2004 – Scheduled substances – Article 2 – Concept of ‘operator’ – Article 8(1) – Circumstances suggesting that scheduled substances might be diverted for the illicit manufacture of narcotic drugs or psychotropic substances – Obligation to notify those circumstances – Concept of ‘circumstance’ – Scope.

[EUR-Lex - 62021CJ0806](#)

**Case C-208/21. Judgment of the Court (Ninth Chamber) of 2 February 2023. K.D. v Towarzystwo Ubezpieczeń Ź S.A. Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy-Woli w Warszawie.**

Reference for a preliminary ruling – Consumer protection – Directive 93/13/EEC – Unfair terms in consumer contracts – Article 5 – **Obligation to draft contractual clauses in plain intelligible language** – Directive 2005/29/EC – Unfair business-to-consumer commercial practices – Article 3 – Scope – Article 7 – Misleading omission – Article 13 – Penalties – **‘Unit-linked’ life assurance contracts linked to investment funds** – Information on the nature and structure of the assurance product and the risks associated with that product – Misleading standard contracts – Entity that is responsible – Legal consequences.

[EUR-Lex - 62021CJ0208](#)

## 12. Human Rights

### Case Law

**Case C-349/21. Judgment of the Court (Third Chamber) of 16 February 2023. HYA and Others/prokuratura. Request for a preliminary ruling from the Spetsializiran nakazatelen sad.**

Reference for a preliminary ruling – Telecommunications sector – **Processing of personal data and the protection of privacy** – Directive 2002/58/EC – Article 15(1) – Limitation of the confidentiality of electronic communications – **Judicial decision authorising the interception, recording and storage of telephone conversations of persons suspected of having committed a serious intentional offence** – Practice whereby the decision is drawn up in accordance with a pre-drafted template text that does not contain individualised reasons – Second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union – Obligation to state reasons.

[EUR-Lex - 62021CJ0349](#)

## 13. Internal Market and Free Movement

### Case Law

**Case C-707/20. Judgment of the Court (Third Chamber) of 16 February 2023. Gallaher Limited v The Commissioners for Her Majesty's Revenue & Customs. Request for a preliminary ruling from the Upper Tribunal (Tax and Chancery Chamber).**

Reference for a preliminary ruling – Direct taxation – Corporate income tax – Articles 49, 63 and 64 TFEU – **Freedom of establishment – Free movement of capital** – Disposal of assets within a group of companies – Company resident for tax purposes in one Member State having a parent company resident for tax purposes in another Member State and a sister company resident for tax purposes in a third country – **Disposal of intellectual property rights of the company resident for tax purposes in a Member State to its sister company resident for tax purposes in a third country** – Disposal by the company resident for tax purposes in a Member State of shares in one of its subsidiaries to its parent company resident for tax purposes in another Member State – Consideration equal to the market value of the assets transferred – Exemption from tax or imposition of tax depending on the State in which the beneficiary company has its seat.

[EUR-Lex - 62020CJ0707](#)

**Case C-53/22. Judgment of the Court (Tenth Chamber) of 9 February 2023. VZ v CA.**

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia.**

Reference for a preliminary ruling – **Review procedures in respect of the award of public supply and public works contracts** – Directive 89/665/EEC – Article 1(3) – Interest in bringing proceedings – **Access to the review procedures** – Grave professional misconduct on account of an anticompetitive agreement – Other operator definitively excluded from participating in the procurement procedure concerned due to failure to meet the minimum requirements.

[EUR-Lex - 62022CJ0053](#)

**Case C-372/21. Judgment of the Court (Third Chamber) of 2 February 2023. Freikirche der Siebenten-Tags-Adventisten in Deutschland KdöR v Bildungsdirektion für Vorarlberg. Request for a preliminary ruling from the Verwaltungsgerichtshof.**

Reference for a preliminary ruling – **Status under EU law of churches and religious associations or communities in the Member States** – Article 17(1) TFEU – **Freedom of establishment** – Article 49 TFEU – Restrictions – Justification – Proportionality – **Subsidies for a private school** – Application submitted by a religious society established in another Member State – Establishment recognised by that society as a denominational school.

[EUR-Lex - 62021CJ0372](#)



## 14. Intellectual Property

### Case Law

**Case C-472/21. Judgment of the Court (Fifth Chamber) of 16 February 2023. Monz Handelsgesellschaft International mbH & Co. KG v Büchel GmbH & Co. Fahrzeugtechnik KG. Request for a preliminary ruling from the Bundesgerichtshof.**

Reference for a preliminary ruling – Intellectual property – Design – Directive 98/71/EC – Article 3(3) and (4) – **Conditions for obtaining protection for a component part of a complex product – Concepts of ‘visibility’ and ‘normal use’** – Visibility of a component part of a complex product during normal use of that product by the end user.

[EUR-Lex - 62021CJ0472](#)

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

### Case Law

**Case C-745/21. Judgment of the Court (Tenth Chamber) of 16 February 2023. L.G. v Staatssecretaris van Justitie en Veiligheid. Request for a preliminary ruling from the Rechtbank den Haag zittingsplaats Zwolle.**

Reference for a preliminary ruling – Asylum policy – Regulation (EU) No 604/2013 – **Criteria and mechanisms for determining the Member State responsible for examining an application for international protection** – Article 6(1) – **Best interests of the child** – Article 16(1) – Dependent person – Article 17(1) – Discretionary clauses – Implementation by a Member State – Third-country national pregnant at the time of lodging her application for international protection – Marriage – Spouse beneficiary of international protection in the Member State concerned – Decision refusing to process the application and to transfer the applicant to another Member State deemed to be responsible for the application.

[EUR-Lex - 62021CJ0745](#)

**Case C-393/21. Judgment of the Court (Fourth Chamber) of 16 February 2023. Lufthansa Technik AERO Alzey GmbH v Arik Air Limited and Others. Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas.**

Reference for a preliminary ruling – Judicial cooperation in civil and commercial matters – Regulation (EC) No 805/2004 – **European Enforcement Order for uncontested claims** – Article 23(c) – Stay of enforcement of a judgment certified as a European Enforcement Order – Exceptional circumstances – Concept.

[EUR-Lex - 62021CJ0393](#)

**Case C-638/22 PPU. Judgment of the Court (Third Chamber) of 16 February 2023. T.C. and Others.**

Reference for a preliminary ruling – Urgent preliminary ruling procedure – Area of freedom, security and justice – Judicial cooperation in civil matters – Jurisdiction, recognition and enforcement of decisions in matrimonial matters and in the matters of parental responsibility – International child abduction – **1980 Hague Convention** – Regulation (EC) No 2201/2003 – Article 11 – **Application for return of a child** – Final decision ordering the return of a child – **Legislation of a Member State providing for automatic suspension of the enforcement of that decision in the event that a request is made by certain national authorities.**

[EUR-Lex - 62022CJ0638](#)

## 16. Transport

### Community Legislation

**Council Decision (EU) 2023/362 of 14 February 2023 on the signing, on behalf of the Union, of the **Agreement between the European Union and Japan on certain provisions of agreements between Member States of the European Union and Japan for air services****

[EUR-Lex - 32023D0362](#)

## Case Law

**Case C-676/21. Judgment of the Court (Eighth Chamber) of 2 February 2023. Proceedings brought by A. Request for a preliminary ruling from the Korkein hallinto-oikeus.**

Reference for a preliminary ruling – Internal taxation – Article 110 TFEU – Motor vehicles – **Tax on vehicles – Second-hand vehicles imported from other Member States** – Second-hand vehicles exported to other Member States – Refund of that tax on export – Restriction on that refund to vehicles which were put into circulation less than ten years ago.

[EUR-Lex - 62021CJ0676](#)

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

### Case Law

**Case C-635/20 P. Judgment of the Court (First Chamber) of 16 February 2023. European Commission v Italian Republic and Kingdom of Spain.**

Appeal – **Rules on languages – Notice of open competitions for the recruitment of administrators' functions as investigators and team leaders** – Knowledge of languages – Restriction of the choice of the second competition language to English, French and German – Language of communication with the European Personnel Selection Office (EPSO) – Regulation No 1 – Staff Regulations – Article 1d(1) – Difference in treatment based on language – Justification – Interests of the service – Requirement to recruit administrators who are 'immediately operational' – Judicial review – Standard of proof required.

[EUR-Lex - 62020CJ0635](#)