

Appeal brought on 24 May 2021 by Roberto Alejandro Macías Chávez, José María Castillejo Oriol and Fernando Presencia against the order of the General Court (Fourth Chamber) delivered on 27 April 2021 in Case T-719/20 Macías Chávez and Others v Spain and Parliament

(Case C-322/21 P)

(2022/C 165/29)

Language of the case: Spanish

Parties

Appellants: Roberto Alejandro Macías Chávez, José María Castillejo Oriol and Fernando Presencia (represented by: J. Jover Padró, abogado)

Other parties to the proceedings: European Parliament and Kingdom of Spain

By order of 1 February 2022, the Court of Justice (Tenth Chamber) dismissed the appeal as being, in part, manifestly inadmissible and, in part, manifestly unfounded, and ordered appellants to bear their own costs.

Appeal brought on 10 September 2021 by Acciona, S.A. against the judgment of the General Court (Fifth Chamber) delivered on 30 June 2021 in Case T-362/20 Acciona v EUIPO — Agencia Negociadora PB (REACCIONA)

(Case C-557/21 P)

(2022/C 165/30)

Language of the case: Spanish

Parties

Appellant: Acciona S.A. (represented by: J. C. Erdozain López, abogado)

Other parties to the proceedings: European Union Intellectual Property Office, Agencia Negociadora PB, S.L.

By order of 27 January 2022, the Court of Justice (Chamber determining whether appeals may proceed) decided that the appeal should not be allowed to proceed and ordered Acciona S.A. to bear its own costs.

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 25 November 2021 — IEF Service GmbH v HB

(Case C-710/21)

(2022/C 165/31)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant on a point of law and original defendant: IEF Service GmbH

Respondent in the appeal on a point of law and original applicant: HB

Questions referred

1. Is Article 9(1) of Directive 2008/94/EC ⁽¹⁾ of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer to be interpreted as meaning that an undertaking within the meaning of that article carries out activities in the territories of at least two Member States where it offers its services in another Member State, employs a freelance sales engineer there for that purpose and an employee employed at the registered office of the undertaking regularly works every second week in his or her home office in the other Member State?

2. If Question 1 is answered in the affirmative:

Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that an employee of such an undertaking who is resident in the second Member State and is subject to compulsory social insurance there, but alternately works for one week in the Member State in which the employer has its registered office and then the next week in the Member State in which he or she is resident and is subject to compulsory social insurance, 'habitually' works in both Member States within the meaning of that article?

3. If Question 2 is answered in the affirmative:

Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that the guarantee institution responsible for meeting the outstanding claims of an employee who works or habitually works in two Member States is

- a) the guarantee institution of the Member State to the legislation of which he or she is subject in the context of the coordination of social security (social insurance) systems where the guarantee institutions pursuant to Article 3 of Directive 2008/94/EC in both States are structured in such a way that the employer's contributions to the financing of the guarantee institution are payable as part of the compulsory social insurance contributions; or
- b) the guarantee institution of the other Member State in which the undertaking which is in a state of insolvency has its registered office; or
- c) the guarantee institutions of both Member States, with the result that the employee can choose which one he or she wants to claim from when submitting his or her application?

(¹) Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (OJ 2008 L 283, p. 36).

**Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on
21 December 2021 — R.I. v Inspecția Judiciară, N.L.**

(Case C-817/21)

(2022/C 165/32)

Language of the case: Romanian

Referring court

Curtea de Apel București

Parties to the main proceedings

Appellant: R.I.

Respondents: Inspecția Judiciară, N.L.

Question referred

Must Article 2 and the second subparagraph of Article 19(1) of the Treaty on European Union, Decision 2006/928 (establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption), (¹) and the guarantees of independence and impartiality imposed under EU law, be interpreted as precluding national legislation which allows the chief inspector of the Judicial Inspectorate to issue administrative acts of a normative nature (subordinate to the law) and/or an individual nature by which he or she decides autonomously on the organisation of the institutional framework of the Judicial Inspectorate for the selection of judicial inspectors and the assessment of their activity, the conduct of the inspection activities, and the appointment of the deputy chief inspector, where, under organic law, those persons alone may carry out, approve or reject acts of disciplinary investigation in respect of the chief inspector?

(¹) Commission Decision 2006/928 of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56).