

2. If the first question is answered in the affirmative: What, if any, further requirements apply under Directive 2000/78/EC in light of Article 21 of the Charter in order to justify such a difference of treatment on grounds of religion?

⁽¹⁾ OJ 2000 L 303, p. 16.

**Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on
20 October 2022 — RK v Ministerstvo zdravotnictví**

(Case C-659/22)

(2023/C 15/31)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: RK

Defendant: Ministerstvo zdravotnictví

Question referred

Does the verification, using the national ‘čTečka’ application, of the validity of interoperable Covid-19 vaccination, test, or recovery certificates, issued pursuant to Regulation (EU) 2021/953 ⁽¹⁾ of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic, which are used by the Czech Republic for national purposes, amount to automated processing of personal data pursuant to Article 4, point (2), of Regulation (EU) 2016/679 ⁽²⁾ of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), and hence, is the material scope of the General Data Protection Regulation thus established, pursuant to Article 2(1) of that regulation?

⁽¹⁾ OJ 2021 L 211, p. 1.

⁽²⁾ OJ 2016 L 119, p. 1.

Action brought on 10 November 2022 — European Commission v Republic of Malta

(Case C-694/22)

(2023/C 15/32)

Language of the case: English

Parties

Applicant: European Commission (represented by: M. Björkland, K. Mifsud-Bonnici, R. Valletta Mallia, Agents)

Defendant: Republic of Malta

The applicant claims that the Court should:

- declare that, by levying higher annual circulation tax on motor vehicles registered in other Member States before 1 January 2009 and brought to Malta after that date than on similar domestic vehicles, under the Fourth Schedule of the Motor Vehicles Registration and Licensing Act as amended by Act VI of 2009, Chapter 368 of the Laws of Malta, Malta has failed to fulfil its obligations under Article 110 of the TFEU; and
- order Republic of Malta to pay the costs.

Pleas in law and main arguments

The Commission claims that Malta has failed to fulfil its obligations under Article 110 of the TFEU by levying higher annual circulation tax on motor vehicles registered in other Member States before 1 January 2009 and brought to Malta after that date, than the annual circulation tax that is issued on similar domestic vehicles.

Appeal brought on 11 November 2022 by Helsingin Bussiliikenne Oy against the judgment of the General Court (Sixth Chamber, Extended Composition) delivered on 14 September 2022 in Case T-603/19 Helsingin Bussiliikenne Oy v European Commission

(Case C-697/22 P)

(2023/C 15/33)

Language of the case: Finnish

Parties

Appellant: Helsingin Bussiliikenne Oy (represented by: O. Hyvönen and N. Rosenlund)

Other parties to the proceedings: European Commission, Republic of Finland, Nobina Oy and Nobina AB

Form of order sought

- set aside the judgment of the General Court of the European Union of 14 September 2022 in Case T-603/19 ⁽¹⁾ in its entirety;
- grant in full the form of order sought by the appellant before the General Court on the grounds set out in the appeal; and
- order the European Commission to pay all the costs incurred by Helsingin Bussiliikenne Oy before the General Court and the Court of Justice of the European Union, together with statutory interest;

Pleas in law and main arguments

In Case T-603/19 the General Court of the European Union infringed EU law and erred in law by dismissing the action brought by Helsingin Bussiliikenne Oy.

In the first plea, alleging breach of essential procedural requirements, the General Court erred, because the contested Commission decision was adopted in breach of the appellant's procedural rights.

The General Court also incorrectly ruled on the fourth plea in so far as it relates to compliance with the principle of proportionality.