

the languages to be used by the European Economic Community,⁽¹⁾ which confirms French as an official language and working language of the institutions of the European Union, thus of the Parliament. In respect of French MEPs, Article 10 of the Rules of Procedure should be read in accordance with the scope given to it by the French language.

The General Court also failed to analyse the expression: ‘They shall not display banners’ and to carry out an analysis of paragraph 3 in the context of Article 10, in particular paragraph 2 thereof. Proof that the presence of a flag caused no disruption was provided in the response to the plea of inadmissibility, since MEPs could display small European flags and Belgian MEP Guy Verhofstadt could speak with such a flag before him.

By setting out, in paragraphs 43 to 49 of its judgment, a line of reasoning derived from that of the Parliament on an entirely different legal basis from Article 10, and by relying on Article 171 of the Rules of Procedure, which is entitled *Allocation of speaking time and list of speakers*, in order to invoke equality between MEPs as regards speaking time, the General Court added to Article 10 a subject matter which it does not have. That constitutes a distortion of the text which led the General Court to give that article legal effects which it does not have. According to the appellants, the decision of 13 January 2020 did produce legal effects liable to affect the conditions for exercising the appellants’ mandate by bringing about a distinct change in their legal position. The measure is therefore an act open to challenge and the judgment should be set aside.

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

Request for a preliminary ruling from the Retten i Esbjerg (Denmark) lodged on 17 December 2021 — Skatteministeriet Departementet v Global Gravity ApS

(Case C-788/21)

(2022/C 109/24)

Language of the case: Danish

Referring court

Retten i Esbjerg

Parties to the main proceedings

Applicant: Skatteministeriet Departementet

Defendant: Global Gravity ApS

Questions referred

1. What criteria must be applied in order to determine whether an article constitutes a container under subheading 8609 00 9000 of the Combined Nomenclature of the Common Customs Tariff, as set out in Annex I to Commission Regulation (EU) No 1001/2013 ⁽¹⁾ of 4 October 2013 amending Annex I to Council Regulation (EEC) No 2658/87 ⁽²⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, including:
 - a) whether these criteria, each viewed in isolation, can lead to the classification of an article as a container;
 - b) whether an overall assessment of criteria should be made in order to determine whether an article should be classified as a container, so that the fulfilment of several criteria — but not all criteria — results in the article being classified as a container;

or

 - c) whether all the criteria must be met cumulatively before an article can be classified as a container?
2. Should the term ‘container’ under subheading 8609 00 9000 of the Combined Nomenclature of the Common Customs Tariff, in the version set out in Annex I to Commission Regulation (EU) No 1001/2013 of 4 October 2013 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, be interpreted as covering an article which is a system for transporting pipes, consisting of a number of aluminium lifting profiles, two steel lifting poles per lifting profile and two M20 bolts per lifting profile used to secure

the lifting profiles. The pipes are placed on top of the lifting profiles. A new set of lifting profiles are added and then pipes are placed on top of those lifting profiles, and so on until the desired quantity of pipes is packed. A set of lifting profiles are always used to finish the system. Once the pipes are finished being packed in the lifting profiles, steel chains are attached to the lifting poles through each of the four corners (via eyelets on the lifting poles) and the article is ready to be loaded either by crane or by forklift truck if transport is by land.

⁽¹⁾ Commission Implementing Regulation (EU) No 1001/2013 of 4 October 2013 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2013 L 290, p. 1).

⁽²⁾ OJ 1987 L 256, p. 1.

Action brought on 21 December 2021 — European Commission v Czech Republic

(Case C-808/21)

(2022/C 109/25)

Language of the case: Czech

Parties

Applicant: European Commission (represented by: P. Ondrůšek and J. Tomkin, acting as Agents)

Defendant: Czech Republic

Form of order sought

The applicant claims that the Court should:

- Declare that, by denying citizens of the Union who are not nationals of the Czech Republic but who are resident in the Czech Republic the right to become members of a political party or political movement, the Czech Republic has failed to fulfil its obligations under Article 22 of the Treaty on the Functioning of the European Union;
- Order the Czech Republic to pay the costs.

Pleas in law and main arguments

Under Article 22 of the Treaty on the Functioning of the European Union, every citizen of the Union residing in a Member State of which he or she is not a national is to have the right to vote and to stand as a candidate at municipal elections and in elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

In the Commission's opinion, having regard to the fact that citizens of the Union who are not nationals of the Czech Republic but who are resident in the Czech Republic do not have the right to become members of political parties or political movements, those citizens of the Union cannot exercise the political rights conferred on them under Article 22 of the Treaty on the Functioning of the European Union under the same conditions as nationals of the Czech Republic.

Appeal brought on 12 January 2022 by KS and KD against the order of the General Court (Ninth Chamber) delivered on 10 November 2021 in Case T-771/20, KS and KD v Council and Others

(Case C-29/22 P)

(2022/C 109/26)

Language of the case: English

Parties

Appellants: KS and KD (represented by: J. Stojasavljevic-Savic, Solicitor, F. Randolph QC and P. Koutrakos, Barrister)