Judgment of the Court (Fourth Chamber) of 9 September 2021 (request for a preliminary ruling from the Bundesverwaltungsgericht — Austria) — Adler Real Estate AG, Petrus Advisers LLP, GM v Finanzmarktaufsichtsbehörde (FMA)

(Case C-605/18) ([1])

(Reference for a preliminary ruling — Securities admitted to trading on a regulated market situated or operating within a Member State — Transparency requirement — Notification of 'major holdings' acquired in companies by 'persons acting in concert' — Directive 2004/109/EC — Article 3(1a), fourth subparagraph — Concept of 'more stringent requirements' — Directive 2004/25/EC — 'Supervision' by an authority appointed pursuant to Article 4 of that directive)

(2021/C 462/04)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: Adler Real Estate AG, Petrus Advisers LLP, GM

Defendant: Finanzmarktaufsichtsbehörde (FMA)

Operative part of the judgment

Article 3(1a), fourth subparagraph, (iii), of Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC, as amended by Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013, must be interpreted as precluding legislation of a Member State which, first, makes shareholders, or natural persons or legal entities referred to in Article 10 or 13 of Directive 2004/109, as amended by Directive 2013/50, subject to requirements relating to notification of major holdings that are more stringent, within the meaning of that fourth subparagraph, than those provided for in Directive 2004/109, as amended by Directive 2013/50, and those more stringent requirements result from laws, regulations or administrative provisions adopted in relation, inter alia, to takeover bids; and, secondly, does not assign the power to ensure compliance with such requirements to an authority of that Member State appointed pursuant to Article 4 of Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids.

([1]) OJ C 445, 10.12.2018.

Judgment of the Court (Tenth Chamber) of 9 September 2021 (request for a preliminary ruling from the Obvodní soud pro Prahu 9 — Czech Republic — XR v Dopravní podnik hl. m. Prahy, akciová společnost

(Case C-107/19) ([1])

(Reference for a preliminary ruling — Social policy — Directive 2003/88/EC — Organisation of working time — Concepts of 'working time' and 'rest period' — Break during which the employee must remain ready to respond to a call-out within a two-minute time limit — Primacy of EU law)

(2021/C 462/05)

Language of the case: Czech

Referring court

Obvodní soud pro Prahu 9

Parties to the main proceedings

Applicant: XR

Defendant: Dopravní podnik hl. m. Prahy, akciová společnost

Operative part of the judgment

1. Article 2 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working times must be interpreted as meaning that the break granted to a worker during his or her daily working time, during which the worker must be ready to respond to a call-out within a time limit of two minutes if necessary, constitutes 'working time' within the meaning of that provision, where it is apparent from an overall assessment of all the relevant circumstances that the limitations imposed on that worker are such as to affect objectively and very significantly the worker's ability to manage freely the time during which his or her professional services are not required and to devote that time to his or her own interests;

2. The principle of primacy of EU law must be interpreted as precluding a national court, ruling following the setting aside of its judgment by a higher court, from being bound, in accordance with national procedural law, by the legal rulings of that higher court, where those assessments are not compatible with EU law.

(1) OJ C 131, 8.4.2019.

Judgment of the Court (Third Chamber) of 9 September 2021 (Request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Federal Republic of Germany v SE

(Case C-768/19) (1)

(Reference for a preliminary ruling — Common policy on asylum and subsidiary protection — Directive 2011/95/EU — Third indent of Article 2(j) — Definition of 'family member' — Adult applying for international protection because of that adult's family relationship with a minor who has already obtained subsidiary protection — Relevant date for assessing 'minor' status)

(2021/C 462/06)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Federal Republic of Germany

Defendant: SE

Interested party: Vertreter des Bundesinteresses beim Bundesverwaltungsgerich

Operative part of the judgment

1. The third indent of Article 2(j) of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, must be interpreted as meaning that when an asylum seeker, who has entered the territory of the host Member State where that asylum seeker's minor unmarried child is present, is seeking to derive from the subsidiary protection status obtained by that child the right to asylum under that Member State's legislation granting such a right to persons falling within the third indent of Article 2(j) of Directive 2011/95, the relevant date for assessing whether the beneficiary of that protection is a 'minor', within the meaning of that provision, in order to determine the application for international protection brought by that asylum seeker, is the date on which the latter lodged, as the case may be informally, his or her application for asylum.

2. The third indent of Article 2(j) of Directive 2011/95, read in conjunction with Article 23(2) of that directive and Article 7 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that the definition of 'family member' does not require the actual resumption of family life between the parent of the beneficiary of international protection and his or her child.