

**Judgment of the Court (Fifth Chamber) of 25 November 2020 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Istituto nazionale della previdenza sociale v VR**

(Case C-303/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2003/109/EC — Status of third-country nationals who are long-term residents — Article 11 — Right to equal treatment — Social security — Legislation of a Member State excluding, for the determination of rights to a family benefit, the family members of a long-term resident who do not reside in the territory of that Member State)*

(2021/C 35/14)

Language of the case: Italian

**Referring court**

Corte suprema di cassazione

**Parties to the main proceedings**

Applicant: Istituto nazionale della previdenza sociale

Defendant: VR

**Operative part of the judgment**

Article 11(1)(d) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents must be interpreted as precluding legislation of a Member State under which, for the purposes of determining entitlement to a social security benefit, the family members of a long-term resident, within the meaning of Article 2(b) thereof, who do not reside in the territory of that Member State, but in a third country are not taken into account, whereas the family members of a national of that Member State who reside in a third country are taken into account, where that Member State has not expressed its intention of relying on the derogation to equal treatment permitted by Article 11(2) of that directive by transposing it into national law.

<sup>(1)</sup> OJ C 288, 26.8.2019.

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**Judgment of the Court (Fourth Chamber) of 3 December 2020 (request for a preliminary ruling from the Nejvyšší správní soud — Czech Republic) — BONVER WIN, a.s. v Ministerstvo financí ČR**

(Case C-311/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Freedom to provide services — Restrictions — National legislation prohibiting the operation of gambling in certain places — Applicability of Article 56 TFEU — Existence of a cross-border element)*

(2021/C 35/15)

Language of the case: Czech

**Referring court**

Nejvyšší správní soud

**Parties to the main proceedings**

Appellant: BONVER WIN, a.s.

Respondent: Ministerstvo financí ČR

### Operative part of the judgment

Article 56 TFEU must be interpreted as meaning that it applies to the situation of a company established in a Member State which has lost its licence to operate games of chance following the entry into force, in that Member State, of legislation determining the places in which it is permitted to organise such games, which is applicable without distinction to all service providers operating in that Member State, regardless of whether those services are provided to nationals of that Member State or to those of other Member States, where some of its customers come from a Member State other than the Member State in which it is established.

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<sup>(1)</sup> OJ C 213, 24.6.2019.

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### Judgment of the Court (Fifth Chamber) of 3 December 2020 (request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — *Ingredion Germany GmbH v Bundesrepublik Deutschland*

(Case C-320/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme — Article 3(h) — New entrants — Article 10a — Transitional rules for free allocation of emission allowances — Decision 2011/278/EU — Article 18(1)(c) — Fuel-related activity level — Second subparagraph of Article 18(2) — Relevant capacity utilisation factor)*

(2021/C 35/16)

Language of the case: German

### Referring court

Verwaltungsgericht Berlin

### Parties to the main proceedings

*Applicant:* Ingredion Germany GmbH

*Defendant:* Bundesrepublik Deutschland

### Operative part of the judgment

The second subparagraph of Article 18(2) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council must be interpreted as meaning that, for the purposes of allocating emission allowances free of charge to new entrants, the relevant capacity utilisation factor is limited to a value of less than 100 %.

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<sup>(1)</sup> OJ C 246, 22.7.2019.

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### Judgment of the Court (First Chamber) of 3 December 2020 — *Région de Bruxelles-Capitale v European Commission*

(Case C-352/19 P) <sup>(1)</sup>

*(Appeal — Regulation (EC) No 1107/2009 — Placing of plant protection products on the market — Implementing Regulation (EU) 2017/2324 — Renewal of the approval of the active substance glyphosate — Article 263 TFEU — Standing to bring proceedings of a regional body — Whether directly concerned)*

(2021/C 35/17)

Language of the case: French

### Parties

*Appellant:* Région de Bruxelles-Capitale (represented by: A. Bailleux, avocat)