

Judgment of the Court (Fourth Chamber) of 20 May 2021 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Azienda Sanitaria Provinciale di Catania v Assessorato della Salute della Regione Siciliana

(Case C-128/19) ⁽¹⁾

(Reference for a preliminary ruling — State aid — Agriculture sector — Slaughtering of animals affected by infectious diseases — Compensation for farmers — Notification and standstill requirements — Article 108(3) TFEU — Concepts of ‘existing aid’ and ‘new aid’ — Regulation (EC) No 659/1999 — Exemptions by categories of aid — Regulation (EU) No 702/2014 — De minimis aid — Regulation (EU) No 1408/2013)

(2021/C 278/04)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicant: Azienda Sanitaria Provinciale di Catania

Defendant: Assessorato della Salute della Regione Siciliana

Intervener: AU

Operative part of the judgment

Article 108(3) TFEU must be interpreted as meaning that a measure introduced by a Member State to finance, for a period extending over several years and up to a maximum amount of EUR 20 million, both compensation to support farmers who have been obliged to slaughter animals affected by infectious diseases and payment of fees due to self-employed veterinary surgeons involved in remediation activities, must be subject to the preliminary-examination procedure laid down in that provision in the case where that measure is not covered by an authorisation decision of the European Commission to that effect, unless that measure fulfils the conditions laid down by Commission Regulation (EU) No 702/2014 of 25 June 2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 [TFEU], or the conditions laid down by Commission Regulation (EU) No 1408/2013 of 18 December 2013 on the application of Articles 107 and 108 [TFEU] to *de minimis* aid in the agriculture sector.

⁽¹⁾ OJ C 182, 27.5.2019.

Judgment of the Court (Third Chamber) of 29 April 2021 (request for a preliminary ruling from the Tribunal Supremo — Spain) — Banco de Portugal, Fundo de Resolução, Novo Banco SA, Sucursal en España v VR

(Case C-504/19) ⁽¹⁾

(Reference for a preliminary ruling — Banking supervision — Reorganisation and winding up of credit institutions — Directive 2001/24/EC — Reorganisation measure adopted by an administrative authority in the home Member State of a credit institution — Transfer of rights, assets or liabilities to a ‘bridge institution’ — Transfer back to the credit institution subject to the reorganisation measure — Article 3 (2) — Lex concursus — Effect of a reorganisation measure in other Member States — Mutual recognition — Article 32 — Effects of a reorganisation measure on a pending lawsuit — Exception to the application of the lex concursus — Article 47, first paragraph, of the Charter of Fundamental Rights of the European Union — Effective judicial protection — Principle of legal certainty)

(2021/C 278/05)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicants: Banco de Portugal, Fundo de Resolução, Novo Banco SA, Sucursal en España

Defendant: VR

Operative part of the judgment

Article 3(2) and Article 32 of Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions, read in the light of the principle of legal certainty and of the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding recognition, without further conditions, in legal proceedings on the merits pending in a Member State other than the home Member State relating to a liability which a credit institution had been relieved of by a first reorganisation measure taken in the latter Member State, the effects of a second reorganisation measure seeking to transfer back, with retroactive effect at a date prior to the opening of such proceedings, that liability to that credit institution, where such recognition has the result that the credit institution to which the liabilities had been transferred by the first measure can no longer be sued, with retroactive effect, the purposes of those proceedings, thereby calling into question judicial decisions already adopted in favour of the applicant who is the subject of those same proceedings.

⁽¹⁾ OJ C 363, 28.10.2019.

Judgment of the Court (Grand Chamber) of 12 May 2021 (request for a preliminary ruling from the Verwaltungsgericht Wiesbaden — Germany) — WS v Bundesrepublik Deutschland

(Case C-505/19) ⁽¹⁾

(Reference for a preliminary ruling — Convention implementing the Schengen Agreement — Article 54 — Charter of Fundamental Rights of the European Union — Article 50 — Ne bis in idem principle — Article 21 TFEU — Freedom of movement of persons — Interpol red notice — Directive (EU) 2016/680 — Lawfulness of the processing of personal data contained in such a notice)

(2021/C 278/06)

Language of the case: German

Referring court

Verwaltungsgericht Wiesbaden

Parties to the main proceedings

Applicant: WS

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed in Schengen on 19 June 1990 and which entered into force on 26 March 1995, and Article 21(1) TFEU, read in the light of Article 50 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding the provisional arrest, by the authorities of a State that is a party to the Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed in Schengen on 14 June 1985, or by those of a Member State, of a person in respect of whom the International Criminal Police Organisation (Interpol) has published a red notice, at the request of a third State, unless it is established, in a final judicial decision taken in a State that is a party to that agreement or in a Member State, that the trial of that person in respect of the same acts as those on which that red notice is based has already been finally disposed of by a State that is a party to that agreement or by a Member State respectively.