

Judgment of the Court (Sixth Chamber) of 18 November 2021 — Fereydoun Mahmoudian v Council of the European Union, European Commission

(Case C-681/19 P) ⁽¹⁾

(Appeal — Common foreign and security policy (CFSP) — Restrictive measures against the Islamic Republic of Iran — Damage allegedly suffered by the appellant as a result of his name being included and maintained on the list of persons and entities subject to the freezing of funds and economic resources — Action for damages — Jurisdiction of the Court to rule on a claim seeking compensation for the damage allegedly caused by restrictive measures taken in decisions adopted pursuant to the CFSP — Sufficiently serious breach of a rule of law intended to confer rights on individuals)

(2022/C 24/03)

Language of the case: French

Parties

Appellant: Fereydoun Mahmoudian (represented by: A. Bahrami, avocat, and N. Korogiannakis, dikigoros)

Other parties to the proceedings: Council of the European Union (represented by: M.-C. Cadilhac and M. Bishop, acting as Agents), European Commission (represented by: A. Bouquet and J. Roberti di Sarsina, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Fereydoun Mahmoudian to bear his own costs and to pay the costs incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 372, 4.11.2019.

Judgment of the Court (Grand Chamber) of 16 November 2021 (requests for a preliminary ruling from the Sąd Okręgowy w Warszawie — Poland) — Criminal proceedings against WB (C-748/19), XA and YZ (C-749/19), DT (C-750/19), ZY (C-751/19), AX (C-752/19), BV (C-753/19) and CU (C-754/19)

(Joined Cases C-748/19 to C-754/19) ⁽¹⁾

(References for a preliminary ruling — Rule of law — Independence of the judiciary — Second subparagraph of Article 19(1) TEU — National legislation providing the possibility for the Minister for Justice to second judges to higher courts and to terminate those secondments — Adjudicating panels in criminal cases including judges seconded by the Minister for Justice — Directive (EU) 2016/343 — Presumption of innocence)

(2022/C 24/04)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Criminal proceedings against

WB (C-748/19), XA and YZ (C-749/19), DT (C-750/19), ZY (C-751/19), AX (C-752/19), BV (C-753/19) and CU (C-754/19)

other parties: Prokuratura Krajowa, formerly Prokuratura Rejonowa w Mińsku Mazowieckim (C-748/19), Prokuratura Rejonowa Warszawa-Żoliborz w Warszawie (C-749/19), Prokuratura Rejonowa Warszawa-Wola w Warszawie (C-750/19, C-753/19 and C-754/19), Prokuratura Rejonowa w Pruszkowie (C-751/19) and Prokuratura Rejonowa Warszawa-Ursynów w Warszawie (C-752/19), as well as Pictura sp. z o.o. (C-754/19)

Operative part of the judgment

The second subparagraph of Article 19(1) TEU, read in the light of Article 2 TEU, and Article 6(1) and (2) of Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings must be interpreted as precluding provisions of national legislation pursuant to which the Minister for Justice of a Member State may, on the basis of criteria which have not been made public, second a judge to a higher criminal court for a fixed or indefinite period and may, at any time, by way of a decision which does not contain a statement of reasons, terminate that secondment, irrespective of whether that secondment is for a fixed or indefinite period.

⁽¹⁾ OJ C 54, 17.2.2020.

Judgment of the Court (Grand Chamber) of 16 November 2021 — European Commission v Hungary (Case C-821/19) ⁽¹⁾

(Actions for failure to fulfil obligations — Area of freedom, security and justice — Asylum policy — Directives 2013/32/EU and 2013/33/EU — Procedure for granting international protection — Grounds of inadmissibility — Concepts of ‘safe third country’ and ‘first country of asylum’ — Assistance given to asylum seekers — Criminalisation — Prohibition on entry to the border transit zone of the relevant Member State)

(2022/C 24/05)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented initially by J. Tomkin, A. Tokár and M. Condou-Durande, and subsequently by J. Tomkin and A. Tokár, acting as Agents)

Defendant: Hungary (represented by: K. Szíjjártó, M. Tátrai and M.Z. Fehér, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that Hungary has failed to fulfil its obligations under:

- Article 33(2) of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection by allowing an application for international protection to be rejected as inadmissible on the ground that the applicant arrived on its territory via a State in which that person was not exposed to persecution or a risk of serious harm, or in which a sufficient degree of protection is guaranteed;
- Article 8(2) and Article 22(1) of Directive 2013/32 and Article 10(4) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection by criminalising in its national law the actions of any person who, in connection with an organising activity, provides assistance in respect of the making or lodging of an application for asylum in its territory, where it can be proved beyond all reasonable doubt that that person was aware that that application could not be accepted under that law;
- Article 8(2), Article 12(1)(c) and Article 22(1) of Directive 2013/32 and Article 10(4) of Directive 2013/33 by preventing any person who is suspected of having committed such an offence from the right to approach its external borders;

2. Dismisses the action as to the remainder;