

**Parties to the main proceedings**

*Applicant:* 'TEAM POWER EUROPE' EOOD

*Defendant:* Direktor na Teritorialna direktsia na Natsionalna agentsia za prihodite — Varna

**Operative part of the judgment**

Article 14(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems must be interpreted as meaning that a temporary-work agency established in a Member State must, in order for it to be considered that it 'normally carries out its activities', within the meaning of Article 12(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, in that Member State, carry out a significant part of its activities of assigning temporary agency workers for the benefit of user undertakings established and carrying out their activities in the territory of that Member State.

<sup>(1)</sup> OJ C 27, 27.1.2020.

---

**Judgment of the Court (Ninth Chamber) of 3 June 2021 (request for a preliminary ruling from the Curtea de Apel Alba Iulia — Romania) — Direcția Generală Regională a Finanțelor Publice Brașov, Agenția Națională de Administrare Fiscală — Direcția Generală a Vămilelor — Direcția Regională Vamală Brașov — Biroul Vamal de Interior Sibiu v Flavourstream SRL**

**(Case C-822/19) <sup>(1)</sup>**

**(Reference for a preliminary ruling — Customs union — Common Customs Tariff — Combined Nomenclature — Tariff classification — Tariff subheadings 1702 90 95, 2912 49 00 and 3824 90 92 — Aqueous solution)**

**(2021/C 289/12)**

*Language of the case:* Romanian

**Referring court**

Curtea de Apel Alba Iulia

**Parties to the main proceedings**

*Appellants:* Direcția Generală Regională a Finanțelor Publice Brașov, Agenția Națională de Administrare Fiscală — Direcția Generală a Vămilelor — Direcția Regională Vamală Brașov — Biroul Vamal de Interior Sibiu

*Respondent:* Flavourstream SRL

**Operative part of the judgment**

The Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in the version resulting from Commission Implementing Regulation (EU) No 1101/2014 of 16 October 2014, must be interpreted as meaning that an aqueous solution obtained by thermal decomposition of dextrose, composed in particular of water-soluble aldehydes and ketones, does not come either under subheading 1702 90 95 of that nomenclature, which covers inter alia invert sugar and other sugar and sugar syrup blends with fructose content, in the dry state, of 50 % by weight, not classified under other subheadings of heading 1702 of

that nomenclature, or under subheading 2912 49 00 thereof, which refers to 'other' aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols and aldehydes with other oxygen function, but under subheading 3824 90 92 of that nomenclature, which refers to 'Chemical products or preparations, predominantly composed of organic compounds, not elsewhere specified or included', 'in the form of a liquid at 20 °C', provided that any potential nutritive value of that solution is merely incidental to that solution's function as a chemical product and food additive.

---

<sup>(1)</sup> OJ C 54, 17.2.2020.

---

**Judgment of the Court (Fourth Chamber) of 3 June 2021 (Request for a preliminary ruling from the Tribunal Supremo — Spain) — Bankia SA v Unión Mutua Asistencial de Seguros (UMAS)**

**(Case C-910/19) <sup>(1)</sup>**

**(Reference for a preliminary ruling — Directive 2003/71/EC — Prospectus when securities are offered to the public or admitted to trading — Article 3(2) — Article 6 — Offer addressed to both retail investors and qualified investors — Content of information given in the prospectus — Action for damages — Retail investors and qualified investors — Awareness of the issuer's economic situation)**

(2021/C 289/13)

Language of the case: Spanish

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

Applicant: Bankia SA

Defendant: Unión Mutua Asistencial de Seguros (UMAS)

**Operative part of the judgment**

1. Article 6 of Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC, as amended by Directive 2008/11/EC of the European Parliament and of the Council of 11 March 2008, read in conjunction with Article 3(2)(a) of that directive, as amended by Directive 2008/11, must be interpreted as meaning that, in the event of an offer of shares to the public for subscription which is addressed to both retail investors and qualified investors, an action for damages on the grounds of the information given in the prospectus may be brought not only by retail investors but also by qualified investors;
2. Article 6(2) of Directive 2003/71, as amended by Directive 2008/11, must be interpreted as not precluding provisions of national law which, in the context of an action for damages brought by a qualified investor on the grounds of the information given in the prospectus, allow, or even require, the court to take account of the fact that that investor was, or ought to have been, aware of the economic situation of the issuer of the offer of shares to the public, on the basis of its relations with that issuer and otherwise than through the prospectus, in so far as those provisions are no less favourable than those governing similar actions under national law and do not, in practice, make it impossible or excessively difficult to bring that action.

---

<sup>(1)</sup> OJ C 95, 23.3.2020.