

Parties to the main proceedings

Applicant: FS

Defendant: Staatssecretaris van Justitie en Veiligheid

Operative part of the judgment

Article 15(1) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEG, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC must be interpreted as meaning that a decision to expel a Union citizen from the territory of the host Member State, adopted on the basis of that provision, on the ground that that Union citizen no longer enjoys a temporary right of residence in that territory under that directive, cannot be deemed to have been complied with in full merely because that Union citizen has physically left that territory within the period prescribed by that decision for his or her voluntary departure. In order to enjoy a new right of residence under Article 6(1) of that directive in the same territory, a Union citizen who has been the subject of such an expulsion decision must not only have physically left the territory of the host Member State, but must also have genuinely and effectively terminated his or her residence there, with the result that, upon his or her return to that territory, his or her residence cannot be regarded as constituting in fact a continuation of his or her previous residence in that territory. It is for the referring court to verify whether that is the case, having regard to all the specific circumstances characterising the particular situation of the Union citizen concerned. If it follows from such a verification that the Union citizen has not genuinely and effectively terminated his or her temporary residence in the territory of the host Member State, that Member State is not obliged to adopt a new expulsion decision on the basis of the same facts which gave rise to the expulsion decision already taken against that Union citizen, but may rely on that latter decision in order to oblige him or her to leave its territory.

⁽¹⁾ OJ C 19, 20.1.2020.

Judgment of the Court (Grand Chamber) of 22 June 2021 — Bolivarian Republic of Venezuela v Council of the European Union

(Case C-872/19 P) ⁽¹⁾

(Appeal — Common foreign and security policy (CFSP) — Restrictive measures taken with regard to the situation in Venezuela — Action for annulment brought by a third State — Admissibility — Fourth paragraph of Article 263 TFEU — Locus standi — Condition that the applicant must be directly concerned by the measure that forms the subject matter of the action — Concept of a ‘legal person’ — Interest in bringing proceedings — Regulatory act which does not entail implementing measures)

(2021/C 320/07)

Language of the case: English

Parties

Appellant: Bolivarian Republic of Venezuela (represented by: L. Giuliano and F. Di Gianni, avvocati)

Other party to the proceedings: Council of the European Union (represented by: P. Mahnič and A. Antoniadis, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 20 September 2019, *Venezuela v Council* (T-65/18, EU:T:2019:649), in so far as it dismisses the Bolivarian Republic of Venezuela’s action for annulment of Articles 2, 3, 6 and 7 of Council Regulation (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela;

2. Refers the case back to the General Court of the European Union for judgment on the merits;
3. Reserves the costs.

(¹) OJ C 45, 10.2.2020.

Judgment of the Court (Fifth Chamber) of 24 June 2021 (request for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen — Germany) — DB Netz AG v Bundesrepublik Deutschland

(Case C-12/20) (¹)

(Reference for a preliminary ruling — Rail transport — International rail freight corridors — Regulation (EU) No 913/2010 — Article 13(1) — Establishment of a one-stop shop for each freight corridor — Article 14 — Nature of the framework for the allocation of the infrastructure capacity on the freight corridor laid down by the executive board — Article 20 — Regulatory bodies — Directive 2012/34/EU — Article 27 — Procedure for submitting applications for infrastructure capacity — Role of infrastructure managers — Articles 56 and 57 — Functions of the regulatory bodies and cooperation between regulatory bodies)

(2021/C 320/08)

Language of the case: German

Referring court

Oberverwaltungsgericht für das Land Nordrhein-Westfalen

Parties to the main proceedings

Applicant: DB Netz AG

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. Article 13(1), Article 14(9) and Article 18 (c) of Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight, and Article 27(1) and (2) of Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European rail area, read in conjunction with point 3(a) of Annex IV to that directive, must be interpreted as meaning that the infrastructure manager, defined in Article 3(2) of that directive, is the competent authority for adopting, in the context of the national network statement, the applicable rules for submitting applications for infrastructure capacity, including those regarding the exclusive use of a particular electronic booking system, to the one-stop shop provided for in Article 13(1);
2. The review by a national regulatory body of the rules relating to the procedure for submitting applications for infrastructure capacity to the one-stop shop laid down in the network statement is governed by the provisions of Article 20 of Regulation No 913/2010 and those provisions must be interpreted as meaning that the regulatory body of a Member State cannot object to those rules without complying with the cooperation obligations arising from Article 20 and, in particular, without consulting the regulatory bodies of the other Member States involved in the freight corridor in order to achieve, as far as possible, a uniform approach;