

2. Refers the case back to the General Court;

3. Reserves the costs.

⁽¹⁾ OJ C 45, 10.2.2020.

Judgment of the Court (Fourth Chamber) of 20 January 2022 — Romania v European Commission, Hungary

(Case C-899/19 P) ⁽¹⁾

(Appeal — Law governing the institutions — Citizens’ initiative — Regulation (EU) No 211/2011 — Article 4(2)(b) — Registration of a proposed citizens’ initiative — Condition requiring that that proposed citizens’ initiative does not manifestly fall outside the framework of the European Commission’s powers to submit a proposal for a legal act for the purpose of implementing the Treaties — Decision (EU) 2017/652 — Citizens’ initiative ‘Minority SafePack — one million signatures for diversity in Europe’ — Registration in part — Article 5(2) TEU — Principle of conferral — Article 296 TFEU — Obligation to state reasons — Audi alteram partem rule)

(2022/C 119/06)

Language of the case: Romanian

Parties

Appellant: Romania (represented by: E. Gane, L. Lițu, M. Chicu and L. E. Bațagoi, acting as Agents)

Other parties to the proceedings: European Commission (represented by: initially by I. Martínez del Peral, H. Stancu and H. Krämer, subsequently by I. Martínez del Peral and H. Stancu, acting as Agents, Hungary (represented by: M. Z. Fehér and K. Szíjjártó, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Romania to bear its own costs and to pay those incurred by the European Commission;
3. Orders Hungary to bear its own costs.

⁽¹⁾ OJ C 54, 17.2.2020.

Judgment of the Court (Second Chamber) of 20 January 2022 — European Commission v Hellenic Republic

(Case C-51/20) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid — Aid declared unlawful and incompatible with the internal market — Obligation of recovery — Judgment of the Court establishing the failure of a Member State to fulfil its obligations — Non-compliance — Failure to comply with the obligation to recover unlawful and incompatible aid — Financial penalties — Proportionality and dissuasiveness — Periodic penalty payment — Lump sum — Ability to pay — Weighting of the Member State’s voting rights in the European Parliament)

(2022/C 119/07)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Bouchagiar and B. Stromsky, acting as Agents)

Defendant: Hellenic Republic (represented by: K. Boskovits and A. Samoni-Rantou, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt all the measures necessary to comply with the judgment of 9 November 2017, *Commission v Greece* (C-481/16, not published, EU:C:2017:845), the Hellenic Republic has failed to fulfil its obligations under Article 260(1) TFEU;
2. Orders the Hellenic Republic to pay the European Commission a periodic penalty payment in the amount of EUR 4 368 000 per six-month period from the date of delivery of the present judgment up to the date of full compliance with the judgment of 9 November 2017, *Commission v Greece* (C-481/16, not published, EU:C:2017:845);
3. Orders the Hellenic Republic to pay to the European Commission a lump sum of EUR 5 500 000;
4. Orders the Hellenic Republic to pay the costs.

(¹) OJ C 87, 16.3.2020.

Judgment of the Court (Second Chamber) of 20 January 2022 (request for a preliminary ruling from the Højesteret — Denmark) — Apcoa Parking Danmark A/S v Skatteministeriet

(Case C-90/20) (¹)

(Reference for a preliminary ruling — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 2(1)(c) — Scope — Taxable transactions — Activities carried out by a company incorporated under private law — Operation of car parks on private land — Control fees levied by that company in the event of failure by the motorists to comply with the general terms and conditions for use of those car parks — Characterisation — Economic and commercial realities of the transactions)

(2022/C 119/08)

Language of the case: Danish

Referring court

Højesteret

Parties to the main proceedings

Applicant: Apcoa Parking Danmark A/S

Defendant: Skatteministeriet

Operative part of the judgment

Article 2(1)(c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that the control fees levied by a company incorporated under private law, tasked with the operation of private car parks, in the event of failure by the motorists to comply with the general terms and conditions for use of those car parks must be regarded as consideration for a supply of services within the meaning of that provision and, as such, subject to value added tax (VAT).

(¹) OJ C 161, 11.5.2020.