

Operative part of the judgment

1. Article 3(d) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council must be interpreted as meaning that the concept of a ‘fuel benchmark sub-installation’ covers, within an installation producing primary copper and whose activity falls within Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended by Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87 so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community, a flash smelting foundry that causes sulphur present in the raw material used to be oxidised, that raw material being a copper concentrate.
2. Decision 2011/278 must be interpreted as meaning that free allowances to which the operator of an installation is entitled in respect of the third trading period (2013 to 2020) may still be issued to the latter after 31 December 2020 by way of enforcement of a judicial decision given after that date.

(¹) OJ C 287, 31.8.2020.

Judgment of the Court (Third Chamber) of 25 November 2021 (request for a preliminary ruling from the Cour d’appel de Paris — France) — IB v FA

(Case C-289/20) (¹)

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 2201/2003 — Jurisdiction to hear divorce applications — Article 3(1)(a) — ‘Habitual residence’ of an applicant)

(2022/C 51/12)

Language of the case: French

Referring court

Cour d’appel de Paris

Parties to the main proceedings

Applicant: IB

Defendant: FA

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Article 3(1)(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning that a spouse who divides his or her time between two Member States may have his or her habitual residence in only one of those Member States, with the result that only the courts of the Member State in which that habitual residence is situated have jurisdiction to rule on the application for the dissolution of matrimonial ties.

(¹) OJ C 297, 7.9.2020.