

Judgment of the Court (First Chamber) of 24 February 2022 (request for a preliminary ruling from the Consiglio di Stato — Italy) — PJ v Agenzia delle dogane e dei monopoli — Ufficio dei monopoli per la Toscana, Ministero dell’Economia e delle Finanze

(Case C-452/20) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Directive 2014/40/EU — Article 23 (3) — World Health Organisation Framework Convention on Tobacco Control — Prohibition on selling tobacco products to minors — Rules on penalties — Effective, proportionate and dissuasive penalties — Obligation on sellers of tobacco products to verify the buyer’s age when selling those products — Fine — Operation of a tobacconist’s shop — Suspension of trading licence for a period of 15 days — Principle of proportionality — Precautionary principle)

(2022/C 165/14)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: PJ

Respondents: Agenzia delle dogane e dei monopoli — Ufficio dei monopoli per la Toscana, Ministero dell’Economia e delle Finanze

Operative part of the judgment

The principle of proportionality must be interpreted as not precluding national legislation which, in the case of a first infringement of the prohibition on the sale of tobacco products to minors, provides, in addition to the imposition of an administrative fine, for the suspension, for a period of 15 days, of the trading licence authorising the economic operator who has infringed that prohibition to sell such products, provided that such legislation does not exceed the limits of what is appropriate and necessary in order to attain the objective of protecting human health and reducing, in particular, smoking prevalence among young people.

⁽¹⁾ OJ C 423, 7.12.2020.

Judgment of the Court (Third Chamber) of 24 February 2022 (request for a preliminary ruling from the Conseil d’État — Belgium) — Namur-Est Environnement ASBL v Région wallonne

(Case C-463/20) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Directive 2011/92/EU — Assessment of the effects of certain projects on the environment — Directive 92/43/EEC — Conservation of natural habitats — Relationship between the assessment and consent procedure referred to in Article 2 of Directive 2011/92/EU and a national procedure of derogation from the species protection measures provided for in Directive 92/43/EEC — Concept of ‘consent’ — Complex decision-making process — Obligation to conduct an assessment — Material scope — Procedural stage at which public participation in the decision-making process must be guaranteed)

(2022/C 165/15)

Language of the case: French

Referring court

Conseil d’État

Parties to the main proceedings

Applicant: Namur-Est Environnement ASBL

Defendant: Région wallonne

Operative part of the judgment

1. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment must be interpreted as meaning that a decision adopted under Article 16(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which authorises a developer to derogate from applicable measures for the protection of species, with a view to executing a project, within the meaning of Article 1(2)(a) of Directive 2011/92, falls within the consent procedure of that project, within the meaning of Article 1(2)(c) of that directive, if, first, the execution of that project cannot take place without the developer having obtained that decision and, second, the authority competent for authorising such a project retains the ability to determine its environmental effects more strictly than was done in that decision.
2. Directive 2011/92 must be interpreted, having regard in particular to Articles 6 and 8, as meaning that the adoption of a prior decision authorising a developer to derogate from applicable measures for the protection of species, with a view to executing a project, within the meaning of Article 1(2)(a) of that directive, need not necessarily be preceded by public participation, provided that that participation is ensured in an effective manner before the adoption of the decision to be taken by the competent authority for the possible consent for that project.

⁽¹⁾ OJ C 9, 11.1.2021.

Judgment of the Court (Grand Chamber) of 22 February 2022 (request for a preliminary ruling from the Conseil d'État — Belgium) — XXXX v Commissaire général aux réfugiés et aux apatrides

(Case C-483/20) ⁽¹⁾

(Reference for a preliminary ruling — Common policy on asylum — Common procedures for granting and withdrawing international protection — Directive 2013/32/EU — Article 33(2)(a) — Inadmissibility of an application for international protection lodged in a Member State by a third-country national who has obtained refugee status in another Member State, where the minor child of that third-country national, who is a beneficiary of subsidiary protection status, resides in the first Member State — Charter of Fundamental Rights of the European Union — Article 7 — Right to respect for family life — Article 24 — Best interests of the child — No infringement of Articles 7 and 24 of the Charter of Fundamental Rights due to the inadmissibility of the application for international protection — Directive 2011/95/EU — Article 23(2) — Obligation on the Member States to ensure the family unity of beneficiaries of international protection is maintained)

(2022/C 165/16)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Appellant: XXXX

Respondent: Commissaire général aux réfugiés et aux apatrides