

Parties to the main proceedings

Applicant: B

Defendant: Udlændingenævnet

Operative part of the judgment

Article 13 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association between the European Economic Community and Turkey must be interpreted as meaning that a national measure lowering from 18 to 15 years the age below which the child of a Turkish worker residing legally in the territory of the host Member State may submit an application for family reunification constitutes a ‘new restriction’ within the meaning of that provision. Such a restriction may, however, be justified by the objective of ensuring the successful integration of the third-country nationals concerned, on condition that the detailed rules for its implementation do not go beyond what is necessary to attain the objective pursued.

⁽¹⁾ OJ C 348, 19.10.2020.

Judgment of the Court (Ninth Chamber) of 2 September 2021 (request for a preliminary ruling from the Cour d’appel de Mons — Belgium) — TP v Institut des Experts en Automobiles

(Case C-502/20) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of establishment — Freedom to provide services — Recognition of professional qualifications — Directive 2005/36/EC — Article 5(2) — Automotive expert established in one Member State who moves to the territory of the host Member State in order to pursue, on a temporary and occasional basis, his profession — Refusal of the professional body of the host Member State, in which he was previously established, to enter him in the register of temporary and occasional service providers — Concept of ‘temporary and occasional provision of services’)

(2021/C 462/24)

Language of the case: French

Referring court

Cour d’appel de Mons

Parties to the main proceedings

Appellant: TP

Respondent: Institut des Experts en Automobiles

Operative part of the judgment

Article 5(2) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013, must be interpreted as precluding legislation of the host Member State, within the meaning of that provision, which, as interpreted by the competent authorities of that Member State, does not allow a professional established in another Member State to pursue, on a temporary and occasional basis, his or her profession in the territory of the host Member State, on the grounds that that professional has had, in the past, an establishment in that Member State, that the services that he or she provides are to a certain degree recurrent or that he or she has equipped him or herself, in that Member State, with infrastructure, such as an office.

⁽¹⁾ OJ C 35, 1.2.2021.