Parties to the main proceedings

Applicant: ZK, in his capacity as successor to JM, liquidator in the bankruptcy of BMA Nederland BV

Defendant: BMA Braunschweigische Maschinenbauanstalt AG

Intervener: Stichting Belangbehartiging Crediteuren BMA Nederland

Operative part of the judgment

1. Point 2 of Article 7 of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that the court for the place of establishment of a company whose debts have become irrecoverable because the 'grandparent' company of that company has breached its duty of care towards that company's creditors has jurisdiction to hear and determine a collective claim for damages in matters relating to tort, delict or quasi-delict which the liquidator in the bankruptcy of that company has made by virtue of his statutory duty to wind up the estate for the benefit of, but not on behalf of, the general body of creditors.

2. The answer to the first question referred for a preliminary ruling is no different if account is taken of the fact that, in the case in main proceedings, a foundation is acting to protect the collective interests of the creditors and that the claim made for that purpose does not take account of the individual circumstances of the creditors.

3. Point 2 of Article 8 of Regulation No 1215/2012 must be interpreted as meaning that, if the court seised of the original proceedings reverses its decision that it has jurisdiction in respect of those proceedings, such a reversal also automatically excludes its jurisdiction in respect of the claims made by the intervening third party.

4. Article 4 of Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) must be interpreted as meaning that the law applicable to an obligation to redress in connection with the duty of care of the 'grandparent' company of a company declared bankrupt is, in principle, that of the country in which the latter has its registered office, although the fact that there is a pre-existing financing agreement between those two companies, together with a jurisdiction clause, is a circumstance which may establish a manifestly closer connection with another country within the meaning of paragraph 3 of that article.

([1]) OJ C 443, 21.12.2020.

Judgment of the Court (Fifth Chamber) of 10 March 2022 (request for a preliminary ruling from the Amtsgericht Hannover — Germany) — Proceedings against K

(Case C-519/20) ([1])

(Reference for a preliminary ruling — Immigration policy — Directive 2008/115/EC — Detention for the purpose of removal — Article 16(1) — Direct effect — Specialised detention facility — Concept — Detention in prison accommodation — Conditions — Article 18 — Emergency situation — Concept — Article 47 of the Charter of Fundamental Rights of the European Union — Effective judicial review)

(2022/C 171/15)

Language of the case: German

Referring court

Amtsgericht Hannover

Parties to the main proceedings

Person concerned: K

Other party to the proceedings: Landkreis Gifhorn

Operative part of the judgment

1. Article 16(1) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals must be interpreted as meaning that a specific division of a prison facility which, first, while having its own director, is subject to the management of that establishment and is subject to the authority of the minister who has authority over prison facilities and in which, second, third-country nationals are detained, for the purpose of removal, in specific buildings which have their own facilities and are isolated from other buildings in that division in which those with a criminal conviction are held, may be regarded as a 'specialised detention facility' within the meaning of that provision, provided that the conditions of detention applicable to those nationals avoid, as much as possible, that detention resembling detention in a prison environment and provided that they are designed in such a way that the rights guaranteed by the Charter of Fundamental Rights of the European Union and the rights enshrined in Article 16(2) to (5) and Article 17 of that directive are respected.

2. Article 18 of Directive 2008/115, read in conjunction with Article 47 of the Charter of Fundamental Rights, must be interpreted as meaning that a national court which is called upon, in the exercise of its jurisdiction, to order the detention or an extension of the detention, in a prison facility, of a third-country national for the purpose of removal must be able to verify compliance with the conditions laid down in Article 18 of that directive under which it is possible for a Member State to provide that that national is to be detained in a prison facility.

3. Article 16(1) of Directive 2008/115, read in conjunction with the principle of primacy of EU law, must be interpreted as meaning that a national court must disapply legislation of a Member State which makes it possible, on a temporary basis, for illegally staying third-country nationals to be detained, for the purpose of their removal, in prison accommodation, separated from ordinary prisoners, where the conditions laid down in Article 18(1) and the second sentence of Article 16(1) of that directive for such national legislation to comply with EU law are not or are no longer satisfied.

([1]) OJ C 19, 18.1.2021.

Judgment of the Court (Sixth Chamber) of 3 March 2022 (request for a preliminary ruling from the Korkein hallinto-oikeus — Finland) — Proceedings brought by A

(Case C-634/20) ([1])

(Reference for a preliminary ruling — Recognition of professional qualifications — Directive 2005/36/EC — Scope — Conditions for obtaining authorisation to pursue the profession of doctor independently in the host Member State — Diploma issued in the home Member State — Right to pursue the profession of doctor limited to a period of three years — Supervision of a licensed doctor and concomitant completion of three years of special training in general medical practice — Articles 45 and 49 TFEU)

(2022/C 171/16)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Appellant: A

Other party: Sosiaali- ja terveysalan lupa- ja valvontavirasto

Operative part of the judgment

Articles 45 and 49 TFEU must be interpreted as precluding the competent authority of the host Member State from granting, on the basis of national legislation, a person a right to pursue the profession of doctor which is limited to a period of three years and subject to the twofold condition, first, that the person concerned may practise only under the direction and supervision of a licensed doctor and, second, that he or she must successfully complete three years of special training in general medical practice during the same period in order to obtain authorisation to pursue the profession of doctor independently in the host Member State, taking account of the fact that the person concerned, who has obtained an undergraduate degree in medicine in the home Member State, holds the evidence of formal qualifications, with regard to the