

3. If the second question is answered in the affirmative, is Article 1(1) of European Commission Decision 2013/448/EU^(?) of 5 September 2013 also invalid in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 given that it no longer has a legal basis?
4. If the first question is answered in the affirmative, must Article 1(1) and the third subparagraph of Article 1(2) of European Commission Decision 2013/448/EU of 5 September 2013 be interpreted in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 as permitting the allocation of allowances for the *hot metal* product to that installation on the basis of a new application from the Czech Republic if double counting and double allocation of allowances are excluded?
5. If the fourth question is answered in the negative, is Article 1(1) of European Commission Decision 2013/448/EU of 5 September 2013 invalid in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 on the grounds that it is incompatible with Article 10(8) of European Commission Decision 2011/278/EU of 27 April 2011, read in conjunction with Annex I thereto?
6. If the third, fourth or fifth question is answered in the affirmative, how should an authority of a Member State proceed under EU law where that authority has failed, contrary to EU law, to allocate free emission allowances to the operator of an installation which operates a *basic oxygen furnace* process if the installation concerned is no longer in operation and the period for which the allowances were allocated has already ended?

⁽¹⁾ Commission Decision 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 (notified under document C(2011) 2772), OJ 2011 L 130, p. 1.

⁽²⁾ Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2013) 5666), OJ 2013 L 240, p. 27.

**Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 20 October 2020 —
SIA EUROAPTIEKA v Ministru kabinets**

(Case C-530/20)

(2020/C 443/17)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Applicant: SIA EUROAPTIEKA

Institution which adopted the contested act: Ministru kabinets

Questions referred

1. Must the activities to which the contested provision refers be regarded as advertising of medicinal products within the meaning of Title VIII of Directive 2001/83/EC⁽¹⁾ ('Advertising')?
2. Must Article 90 of Directive 2001/83/EC be interpreted as precluding legislation of a Member State which extends the list of prohibited methods of advertising and imposes stricter restrictions than those expressly provided for in Article 90 of that directive?

3. Must the legislation at issue in the main proceedings be considered to restrict advertising of medicinal products in order to encourage the rational use of such products, within the meaning of Article 87(3) of Directive 2001/83/EC?

(¹) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67, Special edition in Latvian: Chapter 13 Volume 027 P. 69).

Appeal brought on 20 November 2020 by the Single Resolution Board against the judgment of the General Court (Eighth Chamber, Extended Composition) delivered on 23 September 2020 in Case T-411/17, *Landesbank Baden-Württemberg v Single Resolution Board*

(Case C-621/20 P)

(2020/C 443/18)

Language of the case: German

Parties

Appellant: Single Resolution Board (represented by: K.-Ph. Wojcik, H. Ehlers, P.A. Messina and J. Kerlin, acting as Agents, and by H.-G. Kamann, F. Louis, P. Gey, Rechtsanwälte)

Other parties to the proceedings: Landesbank Baden-Württemberg, European Commission

Form of order sought

The Single Resolution Board claims that the Court should:

- set aside the judgment of the General Court of 23 September 2020 in Case T-411/17, *Landesbank Baden-Württemberg v Single Resolution Board* (SRB), EU:T:2020:435;
- dismiss the action for annulment;
- order the respondent to pay the costs of the proceedings.

Grounds of appeal and main arguments

First ground of appeal, alleging infringement of Article 85(3) of the Rules of Procedure of the General Court, distortion of the evidence, and infringement of the SRB's right to a fair hearing.

In the first place, the SRB submits that the General Court interpreted and applied Article 85(3) of its Rules of Procedure incorrectly by deciding that the SRB failed to properly authenticate its decision concerning the 2017 *ex ante* contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05), because the evidence submitted by the SRB at the hearing regarding the proper authentication of that decision was regarded as inadmissible. The SRB submits in this context, first, that it was justified in producing evidence at the hearing regarding the proper authentication of that decision, because the question of the lack of authentication had not previously been the subject of the written procedure nor had it been considered in the General Court's measures of organisation or inquiry. Second, the SRB submits that, by disregarding that evidence and declaring that that evidence — assuming it to have been admissible — was unsubstantiated, the General Court had distorted the evidence before it. Furthermore, the SRB contends that, by finding that, in any event, the evidence showed no inextricable link between the routing slip, signed by the president of the SRB, and the annex to the decision at issue, the General Court disregarded the reference number on the routing slip, which inextricably linked the routing slip to the electronic file, which itself contains the decision at issue and its annex. Third, the SRB claims that the General Court infringed its rights to a fair hearing by failing to address the issue of the lack of authentication before the hearing, by refusing the SRB's offer of further evidence and by not informing the SRB at any time that it regarded the evidence as unsatisfactory.

Second ground of appeal, alleging infringement of Article 296 TFEU and Article 47 of the Charter of Fundamental Rights