

Parties to the main proceedings

Appellants on a point of law: FW, CE

Respondent authorities: Landespolizeidirektion Niederösterreich, Finanzamt Österreich

Questions referred

1. Is EU law, in particular Articles 1, 2 and 6 of Directive 2000/78/EC, ⁽¹⁾ in conjunction with Article 21 of the Charter of Fundamental Rights, to be interpreted as precluding national legislation under which a remuneration system which discriminates on grounds of age is replaced by a remuneration system, under which the classification of a civil servant continues to be determined on the basis of the remuneration seniority determined with effect from a particular transition month (February 2015) in a discriminatory manner under the old remuneration system and, in that context, is subject to a correction in respect of the initially determined previous periods of service through the determination of a comparison reference date, but under which, with regard to the periods completed after the civil servant's 18th birthday, only the other periods, of which half must be taken into account, are subject to review, and under which the four-year extension of the period in which previous periods of service must be taken into account is juxtaposed with the fact that the other periods, of which half must be taken into account, must be accredited as periods preceding the date of appointment in the determination of the comparison reference date only in so far as they exceed the total amount of four years, of which half must be taken into account (flat-rate deduction of four years, of which half must be taken into account)?
2. Is Question 1 to be answered differently in respect of proceedings in which, although a new advancement reference date was already definitively determined before the entry into force of the 2. Dienstrechts-Novelle 2019 (2nd Law amending the rules relating to public servants 2019), that date still had no effect on the civil servant's remuneration status because the authority had not yet taken a decision in direct application of EU law, and in which the comparison reference date must now once again be redetermined by reference to the advancement reference date determined in an age-discriminatory manner without taking into account the advancement reference date determined in the meantime, and the other periods, of which half must be taken into account, are subject to the flat-rate deduction?
3. Is EU law, in particular Articles 1, 2 and 6 of Directive 2000/78/EC, in conjunction with Article 21 of the Charter of Fundamental Rights, to be interpreted as precluding national legislation under which, despite the redetermination of remuneration seniority and remuneration status, periods in a training relationship with a domestic local or regional authority must be accredited as periods preceding the date of appointment in the determination of the comparison reference date only if the civil servant entered the employment relationship after 31 March 2000 and, otherwise, those periods are accredited only as other periods, of which half must be taken into account, and are thus subject to the flat-rate deduction, with the result that that legislation tends to disadvantage longer-serving civil servants?

⁽¹⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

**Request for a preliminary ruling from the Raad van State (Belgium) lodged on 29 October 2021 —
VZW Belgische Vereniging van de Industrie van Plantenbeschermingsmiddelen (PHYTOFAR) v
Vlaams Gewest**

(Case C-658/21)

(2022/C 73/12)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicant: VZW Belgische Vereniging van de Industrie van Plantenbeschermingsmiddelen (PHYTOFAR)

Defendant: Vlaams Gewest

Question referred

Must Article 5(1) of Directive 2015/1535/EU⁽¹⁾ of the European Parliament and of the Council of 9 September 2015 'laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services' be interpreted as meaning that a prohibition on the use of pesticides containing glyphosate on land in private use by users who do not have a phytosanitary licence is deemed to concern a technical regulation which must be communicated to the European Commission in accordance with the provisions of that article?

⁽¹⁾ OJ 2015 L 241, p. 1.

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 5 November 2021 — Bundesamt für Fremdenwesen und Asyl

(Case C-663/21)

(2022/C 73/13)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant: Bundesamt für Fremdenwesen und Asyl

Interested party: AA

Questions referred

1. In the assessment as to whether the asylum status previously granted to a refugee by the competent authority can be revoked on the ground set out in Article 14(4)(b) of Directive 2011/95/EU, ⁽¹⁾ must the competent authority carry out a weighing up of interests in such a way that revocation requires that the public interests in forced return must outweigh the refugee's interests in the continuation of the protection afforded by the State of refuge, whereby the reprehensibility of a crime and the potential danger to society must be weighed against the foreign national's interests in protection — including with regard to the extent and nature of the measures with which he or she is threatened?
2. Do the provisions of Directive 2008/115/EC, ⁽²⁾ in particular Articles 5, 6, 8 and 9 thereof, preclude a situation under national law in which a return decision is to be adopted in respect of a third-country national whose previous right of residence as a refugee is withdrawn due to the revocation of asylum status, even if it is already declared at the time of adoption of the return decision that his or her removal is not permissible for an indefinite period of time on account of the principle of non-refoulement, and this is also declared capable of having legal force?

⁽¹⁾ Directive of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

⁽²⁾ Directive 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 (OJ 2008 L 348, p. 98).

Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles (Belgium) lodged on 11 November 2021 — UL, SA Royal Antwerp Football Club v Union royale belge des sociétés de football association ASBL

(Case C-680/21)

(2022/C 73/14)

Language of the case: French

Referring court

Tribunal de première instance francophone de Bruxelles