

If Question 1 is answered in the negative:

2. Must Article 45 TFEU and Article 7 of Regulation (EU) No 492/2011 ⁽²⁾ be interpreted as precluding national legislation under which the granting of compensation for loss of earnings suffered by workers as a result of isolation ordered by the health authorities in the case of a positive COVID-19 test result (with the compensation being initially payable to the workers by their employer, and the entitlement to compensation vis-à-vis the Austrian Federal Government then being transferred to the employer to that extent) is subject to the condition that the isolation is ordered by an Austrian authority on the basis of provisions of national law relating to epidemics, with the result that such compensation is not paid to workers who, as frontier workers, are resident in another Member State and whose isolation ('quarantine') is ordered by the health authorities of their Member State of residence?

⁽¹⁾ Regulation of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

⁽²⁾ Regulation of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ 2011 L 141, p. 1).

**Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on
21 June 2022 — Autoridade Tributária e Aduaneira v NT**

(Case C-412/22)

(2022/C 359/47)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Appellant: Autoridade Tributária e Aduaneira

Respondent: NT

Questions referred

1. Can Article 2 of Commission Implementing Regulation (EU) 2016/278 ⁽¹⁾ of 26 February 2016 be interpreted as meaning that the repeal of the anti-dumping duties, apart from taking effect for the future from 28 February 2016, also affects imports of fasteners subject to those duties which took place up to 27 February 2016, but were assessed (for anti-dumping duties and other duties) on a date after 28 February 2016 (post-clearance recovery)?
2. Will the answer to the first question be different if it is considered that the post-clearance recovery has its origin in a transcript made, pursuant to a decision of 21 April 2017, of a criminal investigation initiated on the basis of evidence provided by the European Anti-Fraud Office (OLAF), within the framework of OLAF investigation CASE OF/2010/0697, AAA 2010/016-(2012)S01, in which it was concluded that the goods exported to the European Community in containers (...) and (...) on 3 April 2010 and in containers (...) and (...) on 24 April 2010 were of Chinese non-preferential origin?

⁽¹⁾ Commission Implementing Regulation (EU) 2016/278 of 26 February 2016 repealing the definitive anti-dumping duty imposed on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not (OJ 2016 L 52, p. 24).