

Question referred

Is Article 21 TFEU to be interpreted as meaning that, in the event of an *ex lege* loss of nationality provided for under national law, and the subsequent loss of citizenship of the Union, it is to be included in the examination of proportionality in each individual case in accordance with the principles of the judgment of the Court of Justice of the European Union in the *Tjebbes and Others* case ⁽¹⁾ and is capable of constituting an obstacle to the loss of nationality in the case where a national has reacquired his or her previous nationality by means of a declaration of reacquisition, and the threatened loss of citizenship of the Union has a significant impact on his or her family life and professional life?

⁽¹⁾ EU:C:2019:189.

Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 18 February 2021 — HJ

(Case C-101/21)

(2021/C 148/11)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: HJ

Other party to the proceedings: Ministerstvo práce a sociálních věcí

Question referred

Does Article 2 of Directive 2008/94/EC ⁽¹⁾ of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer, in conjunction with Article 12(a) and (c) thereof, preclude [the application of] national case-law according to which a CEO of a trading company is not deemed to be an 'employee' for the purpose of the satisfaction of pay claims pursuant to Directive 2008/94/EC, for the sole reason that the CEO as an employee is, at the same time, a member of the statutory body of the same trading company?

⁽¹⁾ OJ 2008 L 283, p. 36.

Request for a preliminary ruling from the Úřad pro přístup k dopravní infrastruktuře (Czech Republic) lodged on 19 February 2021 — RegioJet a.s. v České dráhy a.s.

(Case C-104/21)

(2021/C 148/12)

Language of the case: Czech

Referring court

Úřad pro přístup k dopravní infrastruktuře

Parties to the main proceedings

Applicant: RegioJet a.s.

Defendant: České dráhy a.s.

Questions referred

1. Do information media featuring information for passengers in paper form that are placed on the premises of a railway station constitute a service facility, as defined by Article 3 [point] 11 of Directive 2012/34? ⁽¹⁾

2. Is Directive 2012/34 binding for České dráhy, a.s., as the State in the broader sense of the word, pursuant to Article 288 of the Treaty on the Functioning of the European Union? Can individuals rely on the direct effect of an incorrectly transposed or untransposed directive against České dráhy, a.s.?

(¹) Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ 2012 L 343, p. 32).

Appeal brought on 23 February 2021 by Maen Haikal against the judgment of the General Court delivered on 16 December 2020 in Case T-189/19, Maen Haikal v Council of the European Union

(Case C-113/21 P)

(2021/C 148/13)

Language of the case: Bulgarian

Parties

Appellant: Maen Haikal (represented by: S. Koev, advokat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court of Justice should:

- declare the present appeal to be admissible and well founded in its entirety and declare all the grounds of appeal set out in support of the present appeal to be well founded;
- declare that the contested decision of the General Court under appeal may be annulled in its entirety;
- annul in part Council Implementing Decision (CFSP) 2019/87 of 21 January 2019 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as they concern Mr Maen Haikal;
- annul in part Council Implementing Regulation (EU) 2019/85 (¹) of 21 January 2019 implementing Regulation (EU) No 36/2012 (²) concerning restrictive measures in view of the situation in Syria, in so far as they concern Mr Maen Haikal;
- annul in part Council Decision (CFSP) 2019/806 of 17 May 2019 amending Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns Mr Maen Haikal;
- annul in part Council Implementing Regulation (EU) 2019/798 (³) of 17 May 2019 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns Mr Maen Haikal;
- order the Council of the European Union to pay all the appellant's costs, expenses, fees and other expenditure linked to his defence.

Grounds of appeal and main arguments

1. Error in the application of the law by the General Court, in so far as it found that the Council correctly applied the presumption that the appellant was a prominent businessman operating in Syria, given that that presumption has no legal basis and is disproportionate in relation to the legal objective pursued.
2. Infringement of the principle of proportionality — Article 49 of the Charter of Fundamental Rights of the European Union.