Questions referred

1. Must Article 3(4)(a)(ii) of Directive 2000/31/EC, ([1]) be interpreted as meaning that a measure taken against a 'given information society service' can also be understood as a legislative measure relating to a general category of certain information society services (such as communications platforms), or does the existence of a measure within the meaning of that provision require that a decision be taken in relation to a specific individual case (for example, concerning a communications platform identified by name)?

2. Must Article 3(5) of Directive 2000/31 be interpreted as meaning that failure to notify the measure taken to the Commission and the Member State in which the platform is established, which, under that provision, must be notified 'in the shortest possible time' (*ex post facto*) in the case of urgency, means that — following the expiry of a sufficient period for the (*ex post facto*) notification — that measure must not be applied to a given service?

3. Does Article 28a(1) of Directive 2010/13/EU, ([2]) as amended by Directive (EU) 2018/1808, ([3]) preclude the application of a measure as provided for in Article 3(4) of Directive 2000/31 where it does not relate to broadcasts and user-generated videos made available on a video-sharing platform?

([1]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ 2000 L 178, p. 1).

([2]) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ 2010 L 95, p. 1).

([3]) Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ 2018 L 303, p. 69).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 10 June 2022 — LR v Ministero dell'Istruzione, Ufficio scolastico regionale Lombardia, Ufficio scolastico regionale Friuli Venezia Giulia

(Case C-377/22)

(2022/C 359/34)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: LR

Defendants: Ministero dell'Istruzione, Ufficio scolastico regionale Lombardia, Ufficio scolastico regionale Friuli Venezia Giulia

Question referred

Without prejudice to the possibility of considering the years of service completed by the applicant in the United Kingdom under EU law, notwithstanding the United Kingdom's withdrawal from the European Union, must Article 45(1) and (2) TFEU and Article 3(1)(b) of Regulation (EU) No 492/2011 ([1]) be interpreted as precluding a rule such as that laid down in Article 1(6) of decreto legge n. 126/2019 (Decree-Law No 126/2019), converted, with amendments, by legge n. 159/2019 (Law No 159/2019), according to which, in order to take part in the extraordinary competition for the recruitment of permanent teaching staff at Italian secondary schools, only the years of service completed by candidates on fixed-term contracts at Italian State secondary schools are considered valid, and not the years of service at peer institutions in other

European countries, given that the procedure in question is specifically intended to counter the phenomenon of precarious employment in Italy? If the Court of Justice does not hold the Italian legislation to be contrary, in abstract terms, to the European regulatory framework, can the measures envisaged by that legislation be regarded as proportionate, in concrete terms, in view of the abovementioned public-interest objective?

(1) Regulation (EU) No 492/2011 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 Rechtbank Den Haag, zittingsplaats's-Hertogenbosch (Netherlands) lodged on 15 June 2022 — X v Staatssecretaris van Justitie en Veiligheid

(Case C-392/22)

(2022/C 359/35)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats's-Hertogenbosch

Parties to the main proceedings

Applicant: X

Defendant: Staatssecretaris van Justitie en Veiligheid

Questions referred

1. Should the Dublin Regulation, (1) in view of recitals 3, 32 and 39 thereof, and read in conjunction with Articles 1, 4, 18, 19 and 47 of the Charter of Fundamental Rights of the European Union, be interpreted and applied in such a way that the principle of inter-State trust is not divisible, so that serious and systematic infringements of EU law committed by the potentially responsible Member State, before transfer, with respect to third-country nationals who are not (yet) Dublin returnees absolutely preclude transfer to that Member State?

2. If the answer to the previous question is in the negative, should Article 3(2) of the Dublin Regulation, read in conjunction with Articles 1, 4, 18, 19 and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that, if the Member State potentially responsible infringes EU law in a serious and systematic way, the transferring Member State cannot, within the framework of the Dublin Regulation, rely blindly on the principle of inter-State trust but must eliminate all doubts or must demonstrate that, after the transfer, the applicant will not be placed in a situation which is contrary to Article 4 of the Charter of Fundamental Rights of the European Union?

3. What evidence can the applicant use in support of his arguments that Article 3(2) of the Dublin Regulation precludes his transfer, and what standard of proof should be applied? In the light of the references to the Union *acquis* in the recitals of the Dublin Regulation, does the transferring Member State have a duty of cooperation or verification, or, in the event of serious and systematic infringements of fundamental rights with respect to third-country nationals, is it necessary to obtain individual guarantees from the Member State responsible that the applicant's fundamental rights will (indeed) be respected after the transfer? Is the answer to this question different if the applicant lacks evidence in so far as he is unable to support his consistent and detailed statements with documents, when he cannot be expected to do so, given the nature of the statements?