

## Questions

Must Article 22 of Regulation No 1071/2009, read in conjunction with Article 6(1) of that regulation, be interpreted as precluding a national law pursuant to which a person that incurs criminal responsibility for infringements committed within a road transport undertaking and whose conduct is taken into account for the purpose of assessing the good repute of that undertaking may designate a person as having the capacity of the agent responsible for compliance with the provisions of EU law concerning the driving time and rest periods of drivers, thereby transferring to that latter person the criminal responsibility for infringements of those provisions of EU law, where the national law does not permit the infringements imputed to that agent to be taken into account for the purpose of assessing whether that transport undertaking meets the requirement of good repute?

## Ruling

Article 22 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, as amended by Council Regulation (EU) No 517/2013 of 13 May 2013, read in conjunction with Article 6(1) of Regulation No 1071/2009, as amended, must be interpreted as precluding a national law pursuant to which a person that incurs criminal responsibility for infringements committed within a road transport undertaking and whose conduct is taken into account for the purpose of assessing the good repute of that undertaking may designate a person as an agent responsible for compliance with the provisions of EU law concerning the driving time and rest periods of drivers, thereby transferring to that person criminal responsibility for infringements of those provisions of EU law, where the national law does not permit the infringements imputed to that agent to be taken into account for the purpose of assessing whether that undertaking meets the requirement of good repute?

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## ECJ 15 June 2023, case C-499/21 P, C-501/21 P and C-502/21 P (Shindler and Others v Council), Miscellaneous

Harry Shindler and Others – v – Council of the European Union, EU Case

### Summary

British citizens have lost their rights as EU citizens as a result of Brexit. The ECJ's summary of the judgment is available on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-06/cp230101en.pdf>.

### Ruling

The Court (Eighth Chamber):

1. Dismisses the appeal
2. Orders [the claimants] to pay the costs.

## ECJ 15 June 2023, case C-132/22 (Ministero dell'Istruzione, dell'Università e della Ricerca (Classements spéciaux)), Free Movement

BM, NP – v – Ministero dell'Istruzione, dell'Università e della Ricerca – MIUR, Italian case

### Summary

A Member State may not exclude professional experience gained in other Member States from consideration in admitting candidates to a candidate list for the recruitment of staff in national public higher-education institutions, as this puts both foreign applicants as domestic applicants with foreign experience at a disadvantage.