

Question

Must the concept of ‘sale of goods’ referred to in Article 1(2) of Directive 86/653 be interpreted as meaning that it can cover the supply, in return for payment of a fee, of computer software to a customer by electronic means where that supply is accompanied by the grant of a perpetual licence to use that software?

Ruling

The concept of ‘sale of goods’ referred to in Article 1(2) of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents must be interpreted as meaning that it can cover the supply, in return for payment of a fee, of computer software to a customer by electronic means where that supply is accompanied by the grant of a perpetual licence to use that software.

ECJ 30 September 2021, case C-285/20 (Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (Uwv)), Social Insurance

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K – v – Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen (Uwv), Dutch Case

Summary

Article 65 (2 and 5) must be interpreted as applying to applicants who received sickness benefits in another member state if the social security legislation of the competent member state equates receiving sickness benefits to the pursuit of an activity.

Questions

1. Must Article 65(2) and (5) of Regulation No 883/2004 be interpreted as applying to a situation in which, before being wholly unemployed, the person concerned resided in a Member State other than the competent Member State and was not actually employed, but was on sick leave and received, on

that basis, sickness benefits paid by the competent Member State?

2. Must Article 65(2) and (5) of Regulation No 883/2004 be interpreted as meaning that the reasons, in particular of a family nature, for which the person concerned has transferred his or her residence to a Member State other than the competent Member State are relevant for the purposes of the application of that provision?

Ruling

1. Article 65(2) and (5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, must be interpreted as applying to a situation in which, before being wholly unemployed, the person concerned resided in a Member State other than the competent Member State and was not actually employed but was on sick leave and received, on that basis, sickness benefits paid by the competent Member State, provided, however, that, in accordance with the national law of the competent Member State, entitlement to such benefits is treated in the same way as the pursuit of an activity as an employed person.
2. Article 65(2) and (5) of Regulation No 883/2004, as amended by Regulation No 465/2012, must be interpreted as meaning that the reasons, in particular of a family nature, for which the person concerned has transferred his or her residence to a Member State other than the competent Member State do not have to be taken into account for the purposes of applying that provision.

ECJ 6 October 2021, case C-431/20 P (Tognoli and Others v Parliament), Miscellaneous

Carlo Tognoli and Others – v – European Parliament, EU Case

Summary

Successful appeal against General Court Order dated 3 July 2020 on rejection of claims regarding recovery of pension amounts. The case is referred back to the General Court for a ruling on the claims made by Mr Tognoli and Others.

Order

The Court (First Chamber):

1. Sets aside the order of the General Court of the European Union of 3 July 2020, *Tognoli and Others v Parliament* (T-395/19, T-396/19, T-405/19, T-408/19, T-419/19, T-423/19, T-424/19, T-428/19, T-433/19, T-437/19, T-443/19, T-455/19, T-458/19 to T-462/19, T-464/19, T-469/19 and T-477/19, not published, EU:T:2020:302), in so far as it rejected the claims made by Mr Carlo Tognoli and Others for annulment of the notes of 11 April 2019 drawn up by the Head of the ‘Members’ Salaries and Social Entitlements’ Unit of the European Parliament’s Directorate-General for Finance and concerning the adjustment of the amount of the pensions they receive following the entry into force, on 1 January 2019, of Decision No 14/2018 of the Ufficio di Presidenza della Camera dei deputati (Office of the President of the Chamber of Deputies, Italy) and of the decisions of the European Parliament set out in the letters of 20 June (Case T-396/19), of 8 July (Cases T-405/19, T-408/19, T-443/19 and T-464/19), of 15 July (Cases T-419/19, T-433/19, T-455/19, T-458/19 to T-462/19, T-469/19 and T-477/19) and of 23 July 2019 (Cases T-395/19, T-423/19, T-424/19 and T-428/19);
2. Dismisses the pleas of inadmissibility raised by the European Parliament before the General Court;
3. Refers the cases back to the General Court for a ruling on the claims made by Mr Carlo Tognoli and Others for annulment of those notes and those decisions;
4. Reserves the costs.

ECJ 6 October 2021, case C-408/20 P (*Poggiolini v Parliament*), Miscellaneous

Danilo Poggiolini – v – European Parliament, EU Case

Summary

Successful appeal against General Court Order dated 3 July 2020 on rejection of claims regarding recovery of pension amounts. The case is referred back to the General Court for a ruling on the claims made by Mr Poggiolini.

Order

The Court (First Chamber):

1. Sets aside the order of the General Court of the European Union of 3 July 2020, *Falqui and Poggiolini v Parliament* (T-347/19 and T-348/19, not published, EU:T:2020:303), in so far as it rejected the claims made by Mr Danilo Poggiolini in case T-348/19 for annulment of the note of 11 April 2019 drawn up by the Head of the ‘Members’ Salaries and Social Entitlements’ Unit of the European Parliament’s Directorate-General for Finance and concerning the adjustment of the amount of pension he receives following the entry into force, on 1 January 2019, of Decision No 14/2018 of the Ufficio di Presidenza della Camera dei deputati (Office of the President of the Chamber of Deputies, Italy) and of the decision of the European Parliament set out in the letter of 8 July 2019;
2. Dismisses the plea of inadmissibility raised by the European Parliament before the General Court in Case T-348/19;
3. Refers Case T-348/19 back to the General Court for a ruling on the claims made by Mr Danilo Poggiolini in Case T-348/19 for annulment of that note and that decision;
4. Reserves the costs.

ECJ 6 October 2021, case C-272/20 P (*Veit/ECB*), Miscellaneous

Sebastian Veit – v – European Central Bank (ECB), EU Case

Summary

Mr Veit’s complaint against his salary scale classification was dismissed.

Order

The Court (Fifth Chamber):

1. Dismisses the appeal.
2. Orders Mr Sebastian Veit to pay, in addition to his own costs, those incurred by the European Central Bank.