

Parties to the main proceedings

Applicants: A. B., B. B.

Defendant: Personal Exchange International Limited

Operative part of the judgment

Article 15(1) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a natural person domiciled in a Member State who, first, has concluded with a company established in another Member State a contract to play poker on the internet, containing general terms and conditions specified by that company, and, second, has neither officially declared such activity nor offered it to third parties as a paid service does not lose the status of ‘consumer’ within the meaning of that provision, even if that person plays that game for a large number of hours per day, possesses extensive knowledge and receives substantial winnings from the game.

⁽¹⁾ OJ C 19, 20.1.2020.

Request for an opinion submitted by the Kingdom of Belgium pursuant to Article 218(11) TFEU

(Opinion C-1/20)

(2021/C 53/18)

Language of the case: all the official languages

Applicant

Kingdom of Belgium (represented by: C. Pochet, J.-C. Halleux, M. Van Regemorter, S. Baeyens, Agents)

Question submitted to the Court

Is the draft modernised Energy Charter Treaty compatible with the Treaties, and in particular Article 19 TEU and Article 344 TFEU:

- so far as concerns Article 26 of that agreement, if that article may be interpreted as allowing the intra-EU application of the dispute settlement mechanism?
- in so far as, if Article 26 of that agreement were to be interpreted as allowing the intra-EU application of the dispute settlement mechanism, that agreement does not lay down a specific, express rule or an explicit disconnection clause, in particular in the definitions of investment and investor in Article 1 of the envisaged agreement, providing for the non-applicability of the general mechanism of Article 26 between the Member States?

Request for a preliminary ruling from the Justyna Gawlica, Notary in Krapkowice — Krapkowice (Poland) lodged on 12 August 2020 — OKR

(Case C-387/20)

(2021/C 53/19)

Language of the case: Polish

Referring court

Justyna Gawlica, Notary in Krapkowice

Parties to the main proceedings

Applicant: OKR

Questions referred

1. Must Article 22 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession⁽¹⁾ be interpreted as meaning that a person who is not a citizen of the European Union is also entitled to choose the law of his or her native country as the law governing all matters relating to succession?
2. Must Article 75, in conjunction with Article 22, of Regulation No 650/2012 be interpreted as meaning that, in the case where a bilateral agreement between a Member State and a third country does not govern the choice of law applicable to a case involving succession but indicates the law applicable to that case involving succession, a national of that third country residing in a Member State bound by that bilateral agreement may make a choice of law?

and in particular:

- must a bilateral agreement with a third country expressly exclude the choice of a specific law and not merely govern the *lex successionis* using objective connecting factors in order for its provisions to take precedence over Article 22 of Regulation No 650/2012?
- is the freedom to choose the law governing succession and to make the applicable law uniform by making a choice of law — at least to the extent determined by the EU legislature in Article 22 of Regulation No 650/2012 — one of the principles underlying judicial cooperation in civil and commercial matters in the European Union, which may not be infringed even where bilateral agreements with third countries apply which take precedence over Regulation No 650/2012?

⁽¹⁾ OJ 2012 L 201, p. 107.

Request for a preliminary ruling from the Juzgado Contencioso Administrativo No 1 de Pontevedra (Spain) lodged on 2 September 2020 — UN v Subdelegación del Gobierno en Pontevedra

(Case C-409/20)

(2021/C 53/20)

Language of the case: Spanish

Referring court

Juzgado Contencioso Administrativo No 1 de Pontevedra

Parties to the main proceedings

Applicant: UN

Defendant: Subdelegación del Gobierno en Pontevedra

Questions referred

Must Directive 2008/115/EC⁽¹⁾ of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Articles 4(3), 6(1), 6(5) and 7(1)) be interpreted as meaning that it precludes national legislation (Articles 53(1)(a) and 55(1)(b), Article 57 and Article 28(3)(c) of Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social (Basic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreign nationals in Spain and their