

2. Are the provisions of Article 5[(1)(2)](b) and Article 6 of the Belgian Law of 15 May 2007 on the recognition and protection of the profession of automotive expert, read in conjunction with the provisions of the Law of 12 February 2008 establishing a general framework for the recognition of EU professional qualifications, in particular Articles 6, 8 and 9 thereof, interpreted as meaning that the concept of temporary and occasional activity precludes the possibility for a service provider established in one Member State to provide services in another Member State if those services are to a degree recurrent, without being regular, or to possess some forms of infrastructure in that other Member State, compatible with the abovementioned provisions of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications? ⁽¹⁾

⁽¹⁾ OJ 2005 L 255, p. 22.

Request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich (Austria) lodged on 19 October 2020 — J.P. v B.d.S.L.

(Case C-521/20)

(2021/C 35/35)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Complainant: J.P.

Defendant authority: B.d.S.L.

Question referred

Is Article 50 of the Charter of Fundamental Rights of the European Union (in particular in conjunction with the Eurovignette Directive 1999/62/EC) ⁽¹⁾ to be interpreted as meaning that the combination of national rules which — as in the case of Paragraph 20(2) of the BStMG in conjunction with Paragraph 22(2) of the VStG — requires the cumulative prosecution and punishment of serial breaches of the obligation to pay tolls committed on separate stretches of road is contrary to the prohibition of multiple prosecution and punishment if there is not simultaneously, at the legislative level, both an obligation of coordination for all the authorities and courts competent to conduct such proceedings and an explicit obligation to apply the principle of proportionality effectively in relation to the amount of the overall penalty?

⁽¹⁾ Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures (OJ 1999 L 187, p. 42).

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 19 October 2020 — OE v VY

(Case C-522/20)

(2021/C 35/36)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: OE

Defendant: VY

Questions referred

1. Does the sixth indent of Article 3(1)(a) of Council Regulation (EC) No 2201/2003 ⁽¹⁾ of 27 November 2003 infringe the prohibition of discrimination in Article 18 TFEU on the ground that it provides, as a precondition to the jurisdiction of the courts of the State of residence, depending on the nationality of the applicant, for a shorter period of residence than the fifth indent of Article 3(1)(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003?
2. If the answer to Question 1 is in the affirmative:

Does that infringement of the prohibition of discrimination mean that, based on the fundamental rule laid down in the fifth indent of Article 3(1)(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003, a period of residence of 12 months is required for all applicants, irrespective of their nationality, in order to rely upon the jurisdiction of the courts in the place of residence or is it to be assumed that a period of 6 months' residence is the precondition for all applicants?

⁽¹⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1).

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 19 October 2020 —
Association France Nature Environnement v Premier ministre and Ministre de la Transition
écologique et solidaire**

(Case C-525/20)

(2021/C 35/37)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Association France Nature Environnement

Defendants: Premier ministre, Ministre de la Transition écologique et solidaire

Questions referred

1. Should Article 4 of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽¹⁾ be interpreted as permitting Member States, when authorising a programme or project, not to take into account their temporary, short-term impacts on surface water status which are without lasting consequences?
2. If so, what conditions should those programmes and projects meet for the purposes of Article 4 of that directive and in particular paragraphs 6 and 7 thereof?

⁽¹⁾ OJ 2000 L 327, p. 1.

**Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 21 October
2020 — Finanzamt B v W AG**

(Case C-538/20)

(2021/C 35/38)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant on a point of law: Finanzamt B