

Judgment of the Court (First Chamber) of 10 June 2021 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — VI v KRONE — Verlag Gesellschaft mbH & Co KG

(Case C-65/20) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Liability for defective products — Directive 85/374/EEC — Article 2 — Concept of ‘defective product’ — Copy of a printed newspaper containing inaccurate health advice — Exclusion from the directive’s scope)

(2021/C 297/10)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: VI

Defendant: KRONE — Verlag Gesellschaft mbH & Co KG

Operative part of the judgment

Article 2 of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, as amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999, read in the light of Articles 1 and 6 thereof, as amended by Directive 1999/34, must be interpreted as meaning that a copy of a printed newspaper that, concerning paramedical matters, gives inaccurate health advice relating to the use of a plant which, when followed, has proved injurious to the health of a reader of that newspaper, does not constitute a ‘defective product’ within the meaning of those provisions.

⁽¹⁾ OJ C 209, 22.6.2020.

Judgment of the Court (Fifth Chamber) of 10 June 2021 (request for a preliminary ruling from the Landesgericht Linz — Austria) — Land Oberösterreich v KV

(Case C-94/20) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2003/109/EC — Status of third-country nationals who are long-term residents — Article 11 — Right to equal treatment as regards social security, social assistance and social protection — Derogation from the principle of equal treatment in respect of social assistance and social protection — Concept of ‘core benefits’ — Directive 2000/43/EC — Principle of equal treatment between persons irrespective of racial or ethnic origin — Article 2 — Concept of discrimination — Article 21 of the Charter of Fundamental Rights of the European Union — Legislation of a Member State subjecting the grant of housing assistance to third-country nationals who are long-term residents to the condition that they provide proof, in a form specified by that legislation, that they have a basic command of the language of that Member State)

(2021/C 297/11)

Language of the case: German

Referring court

Landesgericht Linz

Parties to the main proceedings

Applicant: Land Oberösterreich

Defendant: KV

Operative part of the judgment

1. Article 11(1)(d) of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents must be interpreted as precluding, even where use has been made of the option to apply the derogation provided for in Article 11(4) of that directive, legislation of a Member State under which the grant of housing assistance to third-country nationals who are long-term residents is subject to the condition that they provide proof, in a form specified by that legislation, that they have a basic command of the language of that Member State, if that housing assistance constitutes a 'core benefit' within the meaning of that latter provision, this being a matter for the referring court to assess.
2. Legislation of a Member State which is applicable to all third-country nationals without distinction and under which the grant of housing assistance to third-country nationals who are long-term residents is subject to the condition that they provide proof, in a form specified by that legislation, that they have a basic command of the language of that Member State does not come within the scope of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.
3. Where use has been made of the option to apply the derogation provided for in Article 11(4) of Directive 2003/109, Article 21 of the Charter of Fundamental Rights of the European Union is not intended to apply to legislation of a Member State under which the grant of housing assistance to third-country nationals who are long-term residents is subject to the condition that they provide proof, in a form specified by that legislation, that they have a basic command of the language of that Member State, if that housing assistance does not constitute a 'core benefit' within the meaning of Article 11(4) of that directive. If the housing assistance in question does constitute such a core benefit, Article 21 of the Charter of Fundamental Rights, in so far as it prohibits any discrimination based on ethnic origin, does not preclude such legislation.

⁽¹⁾ OJ C 201, 15.6.2020.

Judgment of the Court (Seventh Chamber) of 10 June 2021 (request for a preliminary ruling from the Krajský súd v Prešove — Slovakia) — Prima banka Slovensko a.s. v HD

(Case C-192/20) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Directive 93/13/EEC — Unfair terms in consumer contracts — Scope — Article 1(2) — Mandatory national legislative provisions — Early termination of the loan agreement — Accumulation of loan interest and default interest)

(2021/C 297/12)

Language of the case: Slovak

Referring court

Krajský súd v Prešove

Parties to the main proceedings

Appellant: Prima banka Slovensko a.s.

Respondent: HD