

**Request for a preliminary ruling from the Okresný súd Bratislava I (Slovakia) lodged on
29 December 2020 — Criminal proceedings against A.M.**

(Case C-710/20)

(2021/C 88/20)

Language of the case: Slovak

Referring court

Okresný súd Bratislava I

Party to the main proceedings

Krajská prokuratúra v Bratislave, A.M.

Questions referred

1. Does a provision of a national law that annuls directly — without a decision of a national court — the decision of a national court discontinuing criminal proceedings, which is, under national legislation, a final decision entailing acquittal and on the basis of which the criminal proceedings have been definitively discontinued as a result of the amnesty granted in accordance with a national law, comply with the right to a fair trial, guaranteed in Article 47 of the Charter of Fundamental Rights of the European Union, and with the right not to be tried or punished twice in criminal proceedings for the same criminal offence, guaranteed in Article 50 of the Charter of Fundamental Rights of the European Union and with Article 82 of the Treaty on the Functioning of the European Union? **If the answer to this question is in the negative, is the national court bound by such a provision of national law?**
2. Does a provision of national law limiting review by the Constitutional Court of a resolution of the Národná rada Slovenskej republiky (Parliament of the Slovak Republic) which revoked an amnesty or an individual pardon and was adopted under Article 86(i) of the Ústava SR (Constitution of the Slovak Republic), merely to an assessment of the resolution's compliance with the Constitution of the Slovak Republic, without taking into account binding acts adopted by the European Union, in particular the Charter of Fundamental Rights of the European Union, the Treaty on the Functioning of the European Union and the Treaty on European Union, comply with the principle of sincere cooperation under Article 4(3) of the Treaty on European Union and Article 267 of the Treaty on the Functioning of the European Union, and with Article 82 of the Treaty on the Functioning of the European Union, with the right to a fair trial, guaranteed in Article 47 of the Charter of Fundamental Rights of the European Union, and with the right not to be tried or punished twice in criminal proceedings for the same criminal offence, guaranteed in Article 50 of the Charter of Fundamental Rights of the European Union? **If the answer to this question is in the negative, is the national court bound by such a ruling of the national Constitutional Court?**

**Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on
31 December 2020 — TanQuid Polska Sp. z o. o. v Generální ředitelství cel**

(Case C-711/20)

(2021/C 88/21)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: TanQuid Polska Sp. z o. o.

Defendant: Generální ředitelství cel

Questions referred

1. Are products that are subject to excise duty transported pursuant to a suspension arrangement within the meaning of Article 4(c) of Council Directive 92/12/EEC ⁽¹⁾ in a situation where a customs office of one Member State agreed to the movement of products under a duty-suspension arrangement from a tax warehouse to a registered trader established in another Member State, even though the conditions for the movement of those products under the duty-suspension arrangement were objectively not met, it having been established at a subsequent stage of the procedure that the registered trader had no knowledge of the movement of the products, due to fraud by third parties?
2. Does the provision of an excise duty guarantee, as provided for by Article 15(3) of Council Directive 92/12/EEC, issued for a purpose other than the movement of products under a duty-suspension arrangement between a tax warehouse and a registered trader established in another Member State preclude the due commencement of movement under a duty-suspension arrangement, if the provision of the guarantee was recorded in the accompanying documents for the movement of the products under the duty-suspension arrangement for the registered trader and confirmed by the customs authority of the Member State?

⁽¹⁾ Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products (OJ 1992 L 76, p. 1).

Request for a preliminary ruling from the Verwaltungsgericht Cottbus (Germany) lodged on 24 December 2020 — RO, legally represented v Bundesrepublik Deutschland

(Case C-720/20)

(2021/C 88/22)

Language of the case: German

Referring court

Verwaltungsgericht Cottbus

Parties to the main proceedings

Applicant: RO, legally represented

Defendant: Bundesrepublik Deutschland, represented by the Bundesministerium des Innern, itself represented by the Bundesamt für Migration und Flüchtlinge

Questions referred

1. In the light of the objective of EU law to avoid secondary movements and of the principle of family unity expressed in that regulation, must Article 20(3) of Regulation (EU) No 604/2013 ⁽¹⁾ be applied by analogy in a situation where a minor child and its parents lodge applications for international protection in the same Member State, but the parents already enjoy international protection in another Member State, whereas the child was born in the Member State in which it lodged the application for international protection?
2. If the question is answered in the affirmative, should the minor child's application for asylum under Regulation (EU) No 604/2013 not be examined and should a transfer decision under Article 26 of the regulation be adopted, having regard to the fact that, for instance, the Member State in which that minor child's parents enjoy international protection is responsible for examining the minor child's application for international protection?
3. If the previous question is answered in the affirmative, is Article 20(3) of Regulation (EU) No 604/2013 also applicable by analogy in so far as, under the second sentence thereof, it is not necessary to initiate a procedure for taking charge of a child born subsequently, despite the fact that there is then a risk that the host Member State has no knowledge of the possible need to take charge of the minor child or that, in accordance with its administrative practice, it refuses to apply Article 20(3) of Regulation (EU) No 604/2013 by analogy and, consequently, there is a risk that the minor child will become a 'refugee in orbit' (see BVerwG judgment of 23 June 2020-1 C 37.19; ECLI:DE:BVerwG:2020:230620U1C37.19.0)?