

3. Is it compatible with EU law to take the view that the award of compensation for non-material damage presupposes the existence of a consequence of the infringement of at least some weight that goes beyond the upset caused by that infringement?

(¹) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

Appeal brought on 17 May 2021 by Aquind Ltd, Aquind Energy Sàrl, Aquind SAS against the order of the General Court (Second Chamber) delivered on 5 March 2021 in Case T-885/19, Aquind and Others v Commission

(Case C-310/21 P)

(2021/C 320/25)

Language of the case: English

Parties

Appellants: Aquind Ltd, Aquind Energy Sàrl, Aquind SAS (represented by: S. Goldberg, E. White, C. Davis, Solicitors)

Other parties to the proceedings: European Commission, Federal Republic of Germany, Kingdom of Spain, French Republic

Form of order sought

The applicants claim that the Court should:

- set aside the Order under appeal;
- decide that the Application at first instance is well-founded and annul the Commission Delegated Regulation (EU) 2020/389 (¹) insofar as it applies to the Appellants; and
- order the Commission to pay the costs of both the appeal proceedings and the proceedings before the General Court.

Pleas in law and main arguments

The appellants claim that the Commission Delegated Regulation (EU) 2020/389 should have been considered a definitive act on the day it was adopted and not on the day of its entry into force, which was subject to absence of Parliament's or Council's objections. As such, this regulation was open to challenge even before the date of its publication. The appellants therefore consider that the General Court wrongly applied the Court's case law concerning acts that are not open to challenge.

(¹) Commission Delegated Regulation (EU) 2020/389 of 31 October 2019 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest (OJ 2020, L 74, p. 1).

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 18 May 2021 — CM v TimePartner Personalmanagement GmbH

(Case C-311/21)

(2021/C 320/26)

Language of the case: German

Referring court

Bundesarbeitsgericht