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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 1 August 2022 (request for a preliminary ruling from the Vilniaus apygardos administracinis teismas — Lithuania) — OT v Vyriausioji tarnybinės etikos komisija

(Case C-184/20) ⁽¹⁾

(Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data — Charter of Fundamental Rights of the European Union — Articles 7, 8 and 52(1) — Directive 95/46/EC — Article 7(c) — Article 8(1) — Regulation (EU) 2016/679 — Point (c) of the first subparagraph of Article 6(1) and the second subparagraph of Article 6(3) — Article 9(1) — Processing necessary for compliance with a legal obligation to which the controller is subject — Objective of public interest — Proportionality — Processing of special categories of personal data — National legislation requiring publication on the internet of data contained in the declarations of private interests of natural persons working in the public service or of heads of associations or establishments receiving public funds — Prevention of conflicts of interest and of corruption in the public sector)

(2022/C 408/02)

Language of the case: Lithuanian

Referring court

Vilniaus apygardos administracinis teismas

Parties to the main proceedings

Applicant: OT

Defendant: Vyriausioji tarnybinės etikos komisija

Third party: Fondas 'Nevyriausybinių organizacijų informacijos ir paramos centras'

Operative part of the judgment

1. Article 7(c) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and point (c) of the first subparagraph of Article 6(1) and Article 6(3) of 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), read in the light of Articles 7, 8 and 52(1) of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding national legislation that provides for the publication online of the declaration of private interests that any head of an establishment receiving public funds is required to lodge, in so far as, in particular, that publication concerns name-specific data relating to his or her spouse, cohabitee or partner, or to persons who are close relatives of the declarant, or are known by him or her, liable to give rise to a conflict of interests, or concerns any transaction concluded during the last 12 calendar months the value of which exceeds EUR 3 000.

2. Article 8(1) of Directive 95/46 and Article 9(1) of Regulation 2016/679 must be interpreted as meaning that the publication, on the website of the public authority responsible for collecting and checking the content of declarations of private interests, of personal data that are liable to disclose indirectly the sexual orientation of a natural person constitutes processing of special categories of personal data, for the purpose of those provisions.

⁽¹⁾ OJ C 255, 3.8.2020.

Judgment of the Court (Third Chamber) of 1 August 2022 (requests for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v SW (C-273/20), BL, BC (C-355/20)

(Joined Cases C-273/20 and C-355/20) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Immigration policy — Right to family reunification — Directive 2003/86/EC — Article 10(3)(a) — Article 16(1)(b) — Concept of ‘minor child’ — Concept of ‘real family relationship’ — Adult applying for family reunification with a minor who has obtained refugee status — Relevant date for assessing status as a minor)

(2022/C 408/03)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Bundesrepublik Deutschland

Defendants: SW (C-273/20), BL, BC (C-355/20)

Joined parties: Stadt Darmstadt (C-273/20), Stadt Chemnitz (C-355/20)

Operative part of the judgment

1. Article 16(1)(a) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification must be interpreted as meaning that, in the case of family reunification of parents with an unaccompanied minor refugee, pursuant to Article 10(3)(a) of that directive, read in conjunction with Article 2(f) thereof, the fact that that refugee is still a minor on the date of the decision on the application for entry and residence for the purpose of family reunification submitted by the sponsor's parents does not constitute a ‘condition’, within the meaning of Article 16(1)(a), failure to comply with which allows the Member States to reject such an application. Furthermore, those provisions, read in the light of Article 13(2) of that directive, must be interpreted as precluding national legislation under which, in such a situation, the right of residence of the parents concerned comes to an end as soon as the child reaches the age of majority.
2. Article 16(1)(b) of Directive 2003/86 must be interpreted as meaning that, in order to find that there is a real family relationship, within the meaning of that provision, in the case of family reunification of a parent with a minor child who has been granted refugee status, where that child attained his or her majority before the decision on the application for entry and residence for the purpose of family reunification, submitted by that parent, was adopted, a first-degree relationship in the direct ascending line is not sufficient on its own. However, it is not necessary for the child sponsor and the parent concerned to cohabit in a single household or to live under the same roof in order for that parent to qualify for family reunification. Occasional visits, in so far as they are possible, and regular contact of any kind may be