

2. Article 8(1) of Regulation No 2201/2003 must be interpreted as meaning that, for the purposes of determining a child's habitual residence, the connecting factor of the mother's nationality and her residence, prior to the marriage, in the Member State of the court seised of an application relating to parental responsibility is irrelevant, whereas the fact that the minor children were born in that Member State and hold the nationality of that Member State is insufficient;
3. Where no court of a Member State has jurisdiction to rule on an application for the dissolution of matrimonial ties pursuant to Articles 3 to 5 of Regulation No 2201/2003, Article 7 of that regulation, read in conjunction with Article 6 thereof, must be interpreted as meaning that the fact that the respondent in the main proceedings is a national of a Member State other than that of the court seised prevents the application of the clause relating to residual jurisdiction laid down in Article 7 to establish the jurisdiction of that court without, however, preventing the courts of the Member State of which the respondent is a national from having jurisdiction to hear such an application pursuant to the latter Member State's national rules on jurisdiction;

Where no court of a Member State has jurisdiction to rule on an application relating to parental responsibility pursuant to Articles 8 to 13 of Regulation No 2201/2003, Article 14 of that regulation must be interpreted as meaning that the fact that the respondent in the main proceedings is a national of a Member State other than that of the court seised does not preclude the application of the clause relating to residual jurisdiction laid down in Article 14 of that regulation;

4. Article 7 of Regulation No 4/2009 must be interpreted as meaning that:
 - where the habitual residence of all the parties to the dispute in matters relating to maintenance obligations is not in a Member State, jurisdiction founded, on an exceptional basis, on the *forum necessitatis* referred to in Article 7 may be established if no court of a Member State has jurisdiction under Articles 3 to 6 of that regulation, if the proceedings cannot reasonably be brought or conducted in the third State with which the dispute is closely connected, or proves to be impossible, and there is a sufficient connection between the dispute and the court seised;
 - in order to find, on an exceptional basis, that proceedings cannot reasonably be brought or conducted in a third State, it is important that, following an analysis of the evidence put forward in each individual case, access to justice in that third State is, in law or in fact, hindered, in particular by the application of procedural conditions that are discriminatory or contrary to the fundamental guarantees of a fair trial, without there being any requirement that the party relying on Article 7 demonstrate that he or she has been unsuccessful in bringing or has attempted to bring the proceedings in question before the courts of the third State concerned; and
 - in order to consider that a dispute must have a sufficient connection with the Member State of the court seised, it is possible to rely on the nationality of one of the parties.

(¹) OJ C 423, 7.12.2020.

**Judgment of the Court (First Chamber) of 1 August 2022 (request for a preliminary ruling from the
Landgericht Hannover — Germany) — Landkreis Northeim v Daimler AG**

(Case C-588/20) (¹)

**(Reference for a preliminary ruling — Competition — Agreements, decisions and concerted practices —
Article 101 TFEU — Actions for damages for infringements of the provisions of EU competition law —
European Commission decision finding an infringement — Settlement procedure — Products concerned by
the infringement — Specialised trucks — Household refuse collection trucks)**

(2022/C 408/10)

Language of the case: German

Referring court

Landgericht Hannover

Parties to the main proceedings

Applicant: Landkreis Northeim

Defendant: Daimler AG

Intervening parties: Iveco Magirus AG, Traton SE, successor in law to MAN SE, MAN Truck & Bus and MAN Truck & Bus Deutschland GmbH, Schönackers Umweltdienste GmbH & Co. KG

Operative part of the judgment

The decision of the European Commission of 19 July 2016, notified under reference C(2016) 4673 final, relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case AT.39824 — Trucks) must be interpreted as meaning that specialised trucks, including household refuse collection trucks, fall within the scope of the products covered by the cartel found in that decision.

(¹) OJ C 53, 15.2.2021.

Judgment of the Court (First Chamber) of 8 September 2022 (request for a preliminary ruling from the Tallina Halduskohus — Estonia) — Lux Express Estonia AS v Majandus- ja Kommunikatsiooniministeerium

(Case C-614/20) (¹)

(Reference for a preliminary ruling — Regulation (EC) No 1370/2007 — Public passenger transport services by rail and by road — Imposition by means of general rules of an obligation to carry certain categories of passenger free of charge — Obligation for the competent authority to grant public service compensation to operators — Calculation method)

(2022/C 408/11)

Language of the case: Estonian

Referring court

Tallina Halduskohus

Parties to the main proceedings

Applicant: Lux Express Estonia AS

Defendant: Majandus- ja Kommunikatsiooniministeerium

Operative part of the judgment

1. Article 2(e) of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, as amended by Regulation (EU) 2016/2338 of the European Parliament and of the Council of 14 December 2016

must be interpreted as meaning that:

the concept of ‘public service obligation’, referred to in that provision, covers an obligation for undertakings providing in the territory of the Member State concerned a public transport service by road and by rail — laid down in national legislation — to carry free of charge and without receiving compensation from the State certain categories of passenger, in particular, children of pre-school age and certain categories of persons with disabilities;

2. Articles 3(2) and Article 4(1)(b)(i) of Regulation No 1370/2007, as amended by Regulation (EU) 2016/2338

must be interpreted as meaning that:

the competent authorities are required to compensate undertakings providing in the territory of the Member State concerned a public transport service by road and by rail for the net financial effect, positive or negative, on costs incurred and revenues generated in complying with the obligation for those undertakings, established through a general rule, to carry certain categories of traveller free of charge, in particular, children of pre-school age and certain categories of persons with disabilities;