

3. Article 3(2) of Regulation No 1370/2007, as amended by Regulation (EU) 2016/2338, and point 2 of the annex thereto

must be interpreted as meaning that:

compensation for the net financial effect, positive or negative, on costs incurred and revenues generated in complying with the tariff obligations established through general rules, which aim at establishing maximum tariffs for certain categories of passenger, must be granted in accordance with the principles set out in Article 4 and Article 6 of that regulation and in the annex thereto, in a way that prevents overcompensation. The compensation may not exceed an amount corresponding to the net financial effect equivalent to the total of the effects, positive or negative, of compliance with the public service obligation on the costs and revenue of the public service operator, which are assessed by comparing the situation where the public service obligation is met with the situation which would have existed if the obligation had not been met.

⁽¹⁾ OJ C 35, 1.2.2021.

Judgment of the Court (Grand Chamber) of 7 September 2022 (request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Amsterdam — Netherlands) — E.K. v Staatssecretaris van Justitie en Veiligheid

(Case C-624/20) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2003/109/EC — Status of third-country nationals who are long-term residents — Scope — Third-country national with a right of residence under Article 20 TFEU — Article 3(2)(e) — Residence solely on temporary grounds — Autonomous concept of EU law)

(2022/C 408/12)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats Amsterdam

Parties to the main proceedings

Applicant: E.K.

Defendant: Staatssecretaris van Justitie en Veiligheid

Operative part of the judgment

1. Article 3(2)(e) 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 meaning that the concept of residence ‘solely on temporary grounds’, which is referred to therein, is an autonomous concept of EU law, which must be interpreted uniformly throughout the Member States.
2. Article 3(2)(e) of Directive 2003/109 must be interpreted as meaning that the concept of residence ‘solely on temporary grounds’, which is referred to therein, does not cover the residence of a third-country national under Article 20 TFEU within the territory of the Member State of which the Union citizen concerned is a national.

⁽¹⁾ OJ C 128, 12.4.2021.