

3. If the answer to part (a) or part (b) of the second question is in the affirmative, is the national court required to give preference to an interpretation of the law which is consistent with the purpose of Directive 2016/801 in order to arrive at a solution compatible with the objective pursued by that directive, by agreeing to examine as a matter of extreme urgency an application for suspension of enforcement of a decision as referred to in Article 20 of that directive, even though the *travaux préparatoires* for the law might suggest that that was not the legislature's intention?
4. If the answer to the first question is in the negative, does the appeal referred to in Article 34(5) of Directive 2016/801 require the Member States, in order to comply with Article 47 of the Charter, to provide that, in certain circumstances, the court may order the authority to issue the visa?

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(<sup>1</sup>) Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ 2016 L 132, p. 21).

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**Appeal brought on 12 September 2019 by Fulmen against the judgment of the General Court (First Chamber)  
delivered on 2 July 2019 in Case T-405/15, Fulmen v Council**

(Case C-680/19 P)

(2019/C 372/28)

*Language of the case: French*

**Parties**

*Appellant:* Fulmen (represented by: A. Bahrami, N. Korogiannakis, lawyers)

*Other parties to the proceedings:* Council of the European Union, European Commission

**Form of order sought**

Primarily:

- set aside the judgment under appeal in part;
- give final judgment in the matter;
- order the Council to pay Fulmen the sum of EUR 6 456 507 in respect of material damage and EUR 100 000 in respect of non-material damage, together with default interest;
- order the Council to pay all of the costs.

In the alternative:

- set aside the judgment under appeal in part;
- refer the case back to the General Court;

— order the Council to pay all of the costs.

### **Pleas in law and main arguments**

Concerning the *material damage*, the General Court, in the first place, erred in law, infringed the principle of full reparation and deprived Article 340(2) TFEU and Article 41(3) of the Charter of Fundamental Rights of their practical effect. The standard of proof required by the General Court made any compensation for the harm suffered impossible, despite the existence of a sufficiently serious and flagrant breach of EU law. In the second place, the judgment under appeal was vitiated by an error of law and by contradictory reasoning. In the third place, the General Court distorted the evidence and the facts.

Concerning the *non-material damage*, the judgment under appeal contains no statement of reasons as regards the criteria taken into account in order to assess *ex aequo et bono* the amount of the compensation.

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## **Appeal brought on 12 September 2019 by Fereydoun Mahmoudian against the judgment of the General Court (First Chamber) delivered on 2 July 2019 in Case T-406/15, Mahmoudian v Council**

**(Case C-681/19 P)**

(2019/C 372/29)

*Language of the case: French*

### **Parties**

*Appellant:* Fereydoun Mahmoudian (represented by: A. Bahrami, N. Korogiannakis, lawyers)

*Other parties to the proceedings:* Council of the European Union, European Commission

### **Form of order sought**

Primarily:

- set aside the judgment under appeal in part;
- give final judgment in the matter;
- order the Council to pay the appellant the sum of EUR 966 581 in respect of material damage and EUR 500 000 in respect of non-material damage, together with default interest;
- order the Council to pay all of the costs.

In the alternative:

- set aside the judgment under appeal in part;
- refer the case back to the General Court;