

**Request for a preliminary ruling from the Rechtbank Den Haag zittingsplaats Haarlem (Netherlands)
lodged on 13 January 2016 — K v Staatssecretaris van Veiligheid en Justitie**

(Case C-18/16)

(2016/C 098/31)

Language of the case: Dutch

Referring court

Rechtbank Den Haag zittingsplaats Haarlem

Parties to the main proceedings

Applicant: K

Defendant: Staatssecretaris van Veiligheid en Justitie

Questions referred

Is Article 8(3) (a) and (b) of the Reception Directive ⁽¹⁾ valid in the light of Article 6 of the Charter ⁽²⁾:

- (1) in a situation where a third-country national is detained under Article 8(3)(a) and (b) of the Reception Directive and, under Article 9 of the Asylum Procedures Directive, ⁽³⁾ has the right to remain in a Member State until a decision on his asylum application has been made at first instance, and
- (2) given the Explanation (OJ 2007 C 303, p. 17) that the limitations which may legitimately be imposed on the rights in Article 6 of the Charter may not exceed those permitted by the ECHR in the wording of Article 5(1)(f), and the interpretation by the European Court of Human Rights of the latter provision in, inter alia, the judgment of 22 September 2015, *Nabil and Others v Hungary*, 62116/12, that the detention of an asylum-seeker is contrary to the aforementioned Article 5(1)(f) if such detention was not imposed with a view to deportation?

⁽¹⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ 2013, L 180, p. 96).

⁽²⁾ Charter of Fundamental Rights of the European Union (OJ 2007, C 303, p. 1).

⁽³⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013, L 180, p. 60).

Action brought on 15 January 2016 — European Commission v Republic of Poland

(Case C-23/16)

(2016/C 098/32)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: J. Hottiaux, acting as Agent)

Defendant: Republic of Poland

Form of order sought

— declare that, by failing to set up a national electronic register of road transport undertakings and to connect it up with the national electronic registers of the other Member States, the Republic of Poland has failed to fulfil its obligations under Article 16(1) and (5) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC ⁽¹⁾;

— order the Republic of Poland to pay the costs.

Pleas in law and main arguments

The national electronic register must be created and connected up with the national electronic registers of the other Member States by 31 December 2012 at the latest.

⁽¹⁾ OJ 2009 L 300, p. 51.

Appeal brought on 26 January 2016 by d.d. Synergy Hellas Anonymi Emporiki Etaireia Parochis Ypiresion Pliroforikis against the judgment of the General Court (Fourth Chamber) delivered on 18 November 2015 in Case T-106/13 Synergy Hellas Anonymi Emporiki Etaireia Parochis Ypiresion Pliroforikis v European Commission

(Case C-45/16 P)

(2016/C 098/33)

Language of the case: Greek

Parties

Appellant: d.d. Synergy Hellas Anonymi Emporiki Etaireia Parochis Ypiresion Pliroforikis (represented by: Konstantinos Damis, lawyer)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside in its entirety the judgment of the General Court of the European Union of 18 November 2015 in Case T-106/13 *d.d.Synergy Hellas Anonymi Emporiki Etaireia Parochis Ypiresion Pliroforikis v European Commission*;
- uphold the company's action of 20.2.2013 in its entirety;
- order the Commission to pay the appellant's costs.

Grounds of appeal and main arguments

1. Misapplication of the principle of good faith in the performance of the contract at issue.

The General Court erred in its assessment of Article 1134 of the Belgian Civil Code, with respect to the application of the principle of good faith in the performance of the contract.

2. Misinterpretation and misapplication of the terms of the contract and manifestly erroneous assessment of the evidence.

The General Court erred in the application of Article II.22 Financial Audits and Controls in Annex II to the signed ARTreat — 224297 agreement, being the contract at issue.

3. Manifestly erroneous assessment of the evidence and deficient statement of reasons.

Insufficient and contradictory statement of reasons for the findings of the judgment.

The General Court erroneously and manifestly distorted the evidence adduced.
