

Parties to the main proceedings

Applicants: Xabier Ormaetxea Garai, Bernardo Lorenzo Almendros

Defendant: Administración del Estado

Operative part of the judgment

1. Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009, is to be interpreted as not precluding, in principle, national legislation which entails the merger of a national regulatory authority, within the meaning of Directive 2002/21, as amended by Directive 2009/140, with other national regulatory authorities, such as the authorities responsible for competition, the postal sector and the energy sector, in order to create a multisectoral regulatory body responsible, *inter alia*, for the tasks entrusted to national regulatory authorities, within the meaning of that directive, as amended, provided that, in performing those tasks, that body meets the requirements of competence, independence, impartiality and transparency laid down by that directive and that an effective right of appeal is available against its decisions to a body independent of the parties involved, which is a matter to be determined by the national court.
2. Article 3(3a) of Directive 2002/21, as amended by Directive 2009/140, is to be interpreted as precluding — on the sole ground that an institutional reform has taken place involving the merger of a national regulatory authority responsible for ex-ante market regulation or for resolution of disputes between undertakings with other national regulatory authorities in order to create a multisectoral regulatory body responsible, *inter alia*, for the tasks entrusted to national regulatory authorities, within the meaning of that directive, as amended — the dismissal of the President and a board member, members of the collegiate body running the merged national regulatory authority, before the expiry of their terms of office, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.

⁽¹⁾ OJ C 363, 3.11.2015.

Judgment of the Court (Third Chamber) of 20 October 2016 (request for a preliminary ruling from the Court of Appeal — Ireland) — Evelyn Danqua v Minister for Justice and Equality, Ireland, Attorney General

(Case C-429/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2004/83/EC — Minimum standards for granting refugee status or subsidiary protection status — National procedural rule laying down, for the submission of an application for subsidiary protection, a period of 15 working days from notification of the rejection of the application for asylum — Procedural autonomy of the Member States — Principle of equivalence — Principle of effectiveness — Proper conduct of the procedure for examining the application for subsidiary protection — Proper conduct of the return procedure — Not compatible)

(2016/C 475/09)

Language of the case: English

Referring court

Court of Appeal

Parties to the main proceedings

Appellant: Evelyn Danqua

Respondents: Minister for Justice and Equality, Ireland, Attorney General

Operative part of the judgment

The principle of effectiveness must be interpreted as precluding a national procedural rule, such as that at issue in the main proceedings, which requires an application for subsidiary protection status to be made within a period of 15 working days of notification, by the competent authority, that an applicant whose asylum application has been rejected may make an application for subsidiary protection.

⁽¹⁾ OJ C 320, 28.9.2015.

Order of the Court (Seventh Chamber) of 5 October 2016 — Diputación Foral de Bizkaia v European Commission

(Case C-426/15 P) ⁽¹⁾

Appeal — Article 181 of the Rules of Procedure of the Court — State aid — Article 108(3) TFEU — Commission decision declaring aid to be unlawful — No prior notification — Determination of the date of award of the aid — Agreements granting aid — Unconditional commitment to award aid — Taking into account of national legislation — Formal investigation procedure — Principle of sound administration — Rights of the defence

(2016/C 475/10)

Language of the case: Spanish

Parties

Appellant: Diputación Foral de Bizkaia (represented by: I. Sáenz-Cortabarría Fernández, abogado)

Other party to the proceedings: European Commission (represented by: P. Němečková and É. Gippini Fournier, acting as agents)

Operative part of the order

1. *The appeal is dismissed.*
2. *Diputación Foral de Bizkaia shall pay the costs.*

⁽¹⁾ OJ C 337, 12.10.2015.

Order of the Court (Sixth Chamber) of 12 October 2016 (request for a preliminary ruling from the Prekršajni sud u Bjelovaru — Croatia) — Renata Horžić (C-511/15), Siniša Pušić (C-512/15) v Privredna banka Zagreb d.d., Božo Prka

(Joined Cases C-511/15 and C-512/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Agreements concerning credit for consumers — Directive 2008/48/EC — Credit agreement for immovable property — Variable interest rates — Obligations on the creditor — National legislation applicable to agreements existing at the date on which that legislation comes into force — Inapplicability of Directive 2008/48)

(2016/C 475/11)

Language of the case: Croatian

Referring court

Prekršajni sud u Bjelovaru