

- to a company which does not have a place of business in Finland, which, in the company acquisition, acts as the purchaser, and the target company is established in Finland;
  - a company established in Finland which, in the company acquisition, acts as the buyer, where the target company of that acquisition is not established in Finland;
  - a company which has no place of business in Finland which, in the company acquisition, acts as the seller where the target company of that acquisition is established in Finland;
  - a company established in Finland, which in the company acquisition acts as the seller where the target company of that acquisition is not established in Finland.
2. Does the fact that the insurance covers only the tax liabilities of the company which arose before the company acquisition have any impact in the present case?
  3. Does the question whether the company acquisition concerns shares or a part of the business of the target company have an impact in the present case?
  4. If the company acquisition concerns the shares of the target company is representations made by the seller to the buyer concern only the fact that the seller is the owner of the shares sold and that they are not subject to third-party claims have any effect in the present case?

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<sup>(1)</sup> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (OJ L 335, 17.12.2009, p. 1).

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**Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 8 February 2018 — A  
v Udlændinge- og Integrationsministeriet**

(Case C-89/18)

(2018/C 142/44)

*Language of the case: Danish*

**Referring court**

Østre Landsret

**Parties to the main proceedings**

*Applicant:* A

*Defendant:* Udlændinge- og Integrationsministeriet

**Questions referred**

1. In a case where 'new restrictions' have been introduced for family reunification between spouses which prima facie infringe the standstill clause in Article 13 of Decision No 1/80 (Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association relating to the Agreement of 12 September 1963 between the European Economic Community and Turkey establishing an Association between the European Economic Community and Turkey), and those restrictions are justified on the basis of the considerations of 'successful integration' recognised by the EU Court of Justice in its judgment of 12 April 2016 in Case C-561/14, *Genc*, <sup>(1)</sup> see also the judgment of 10 July 2014 in Case C-138/13, *Dogan*, EU:C:2014:2066, <sup>(2)</sup> can a rule such as Paragraph 9(7) of the Danish Law on aliens (Udlændingeloven) — under which inter alia it is a general condition for family reunification between a person who is a third country national and has a residence permit in Denmark and that person's spouse that the couple's attachment to Denmark be greater than to Turkey — be deemed to be 'justified by an overriding reason in the public interest, ... suitable to achieve the legitimate objective pursued and ... not [going] beyond what is necessary in order to attain it'?

2. If question 1 is answered in the affirmative, with the result that the attachment requirement is generally deemed to be suitable for ensuring attainment of the integration objective, is it then possible, without infringing the restriction test and the requirement of proportionality:
- (i) to apply a practice under which, when the spouse with the residence permit in the Member State (the reference person) first came to Denmark at the age of 12-13 or later, in the assessment of the reference person's attachment to the Member State significant weight is attached to the following: whether the person either has had a long-term lawful period of residence of around 12 years in the Member State or has had a period of residence and stable employment in the Member State involving a significant degree of contact and communication with colleagues and any customers in the Member State's language, and which has continued without significant interruptions for at least four to five years, or has had a period of residence and stable employment not involving a significant degree of contact and communication with colleagues and customers in the Member State's language, which has continued without significant interruptions for at least seven to eight years;
  - (ii) to apply a practice under which it will weigh against fulfilment of the attachment requirement where the reference person has maintained a significant attachment to their home country by making frequent or long-term visits to the home country, whilst short-term holiday or educational stays will not weigh against granting a permit;
  - (iii) to apply a practice under which it will weigh heavily against fulfilment of the attachment requirement where there is a so-called 'married, divorced and remarried' situation?

<sup>(1)</sup> Judgment of the Court of 12<sup>th</sup> April 2016, ECLI:EU:C:2016:247.

<sup>(2)</sup> Judgment of the Court of 10<sup>th</sup> July 2014, ECLI:EU:C:2014:2066.

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## Action brought on 8 February 2018 European Commission v Hellenic Republic

(Case C-91/18)

(2018/C 142/45)

Language of the case: Greek

### Parties

*Applicant:* European Commission (represented by: A. Kyratsou and F. Tomat)

*Defendant:* Hellenic Republic

### Form of order sought

— Declare that, by introducing and maintaining in force legislation

- i. which imposes on tsipouro/tsikoudià (pomace brandy) manufactured by 'systematic distillers' a rate of excise duty reduced by 50 % compared to the standard national rate, whereas alcoholic beverages imported from other Member States are subject to the standard rate of excise duty, the Hellenic Republic failed to fulfil its obligations under the combined provisions of Articles 19, 21 and 23(2) of Directive 92/83/EEC <sup>(1)</sup> and Article 110 TFEU;
- ii. which imposes on tsipouro/tsikoudià manufactured by 'occasional' distillers a further reduced rate of excise, whereas alcoholic beverages imported from other Member States are subject to the standard rate of excise duty, the Hellenic Republic failed to fulfil its obligations under the combined provisions of Articles 19, 21 and 22(1) of Directive 92/83/EEC, <sup>(2)</sup> Article 3(1) of Directive 92/84/EEC and Article 110 TFEU 92/83/EEC;

— Order the Hellenic Republic to pay the costs.