

Form of order sought

The Commission claims that the Court should:

- Declare that, by restricting the fixing of sale prices of agricultural and food products, having particular regard to Article 3(2)(u) of the a mezőgazdasági és élelmiszeripari termékek vonatkozásában a beszállítókkal szemben alkalmazott tisztességtelen forgalmazói magatartás tilalmáról szóló, 2009. évi XCV. törvény (Law XCV of 2009 prohibiting unfair trading practices by suppliers in respect of agricultural and food products), Hungary has failed to fulfil its obligations under Article 34 of the Treaty on the Functioning of the European Union and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products; ⁽¹⁾
- Order Hungary to pay the costs.

Pleas in law and main arguments

Law XCV of 2009 prohibiting unfair trading practices by suppliers in respect of agricultural and food products ('the Tfmtv') introduced sector-specific provisions in relation to the fixing of the retail prices of the products in question.

The Commission submits that Article 3(2)(u) of the Tfmtv does not refer to the characteristics of agricultural and food products, but solely to their selling arrangements, and must therefore be regarded as a provision relating to sales arrangements within the meaning of the *Keck and Mithouard* judgment (see judgment of 24 November 1993, *Keck and Mithouard*, Joined Cases C-267/91 and C-268/91, EU:C:1993:905). In analysing the effects of that measure, it can be said to be a measure having equivalent effect to a quantitative restriction on trade between Member States within the meaning of Article 34 TFEU.

According to the Commission, Article 3(2)(u) of the Tfmtv does not in fact affect the sale of domestic and imported products in equal measure, and is neither an adequate nor proportionate measure with regard to any legitimate aim connected to it.

⁽¹⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013 L 347, p. 671).

Request for a preliminary ruling from the Cour du travail de Liège (Belgium) lodged on 24 May 2019 — LM v Centre public d'action sociale de Seraing

(Case C-402/19)

(2019/C 255/35)

Language of the case: French

Referring court

Cour du travail de Liège

Parties to the main proceedings

Appellant: LM

Respondent: Centre public d'action sociale de Seraing

Questions referred

Does point 1 of the first subparagraph of Article 57(2) of the Organic Law of 8 July 1976 on public social welfare centres infringe Articles 5 and 13 of Directive 2008/115/EC, ⁽¹⁾ read in the light of Articles 19(2) and 47 of the Charter of Fundamental Rights of the European Union, and Article 14(1)(b) of that directive and Articles 7 and [21] of the Charter of Fundamental Rights of the European Union as interpreted by the Court of Justice of the European Union in the *Abdida* judgment of 18 December 2014 (Case C-562/13):

- first, in so far as it results in depriving a third-country national, staying illegally on the territory of a Member State, of provision, in so far as possible, for his basic needs pending resolution of the action for suspension and annulment that he has brought in his own name as the representative of his child, who was at that time a minor, against a decision ordering them to leave the territory of a Member State;
- where, second, on the one hand, that child who has now come of age suffers from a serious illness and the enforcement of that decision may expose that child to a serious risk of grave and irreversible deterioration in her state of health and, on the other, the presence of that parent alongside his daughter who has now come of age is considered to be imperative by the medical professional given that she is particularly vulnerable as a result of her state of health (recurrent sickle cell crises and the need for surgery in order to prevent paralysis)?

⁽¹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ 2008 L 348, p. 98).

**Reference for a preliminary ruling from Supreme Court of the United Kingdom (United Kingdom) made on
27 May 2019 — The Software Incubator Ltd v Computer Associates (UK) Ltd**

(Case C-410/19)

(2019/C 255/36)

Language of the case: English

Referring court

Supreme Court of the United Kingdom

Parties to the main proceedings

Applicant: The Software Incubator Ltd