

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 22 May 2012 (reference for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen — Germany) — P. I. v Oberbürgermeisterin der Stadt Remscheid

(Case C-348/09) ⁽¹⁾

(Freedom of movement for persons — Directive 2004/38/EC — Article 28(3)(a) — Expulsion decision — Criminal conviction — Imperative grounds of public security)

(2012/C 200/02)

Language of the case: German

Referring court

Oberverwaltungsgericht für das Land Nordrhein-Westfalen

Parties to the main proceedings

Applicant: P. I.

Defendant: Oberbürgermeisterin der Stadt Remscheid

Re:

Reference for a preliminary ruling — Oberverwaltungsgericht für das Land Nordrhein-Westfalen, Münster — Interpretation of Article 28(3) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77) — Expulsion decision taken on grounds of public security against a European citizen who has resided for the previous 10 years in the host Member State and is facing a prison sentence — Definition of 'imperative grounds of public security'

Operative part of the judgment

Article 28(3)(a) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC,

90/365/EEC and 93/96/EEC, must be interpreted as meaning that it is open to the Member States to regard criminal offences such as those referred to in the second subparagraph of Article 83(1) TFEU as constituting a particularly serious threat to one of the fundamental interests of society, which might pose a direct threat to the calm and physical security of the population and thus be covered by the concept of 'imperative grounds of public security', capable of justifying an expulsion measure under Article 28(3), as long as the manner in which such offences were committed discloses particularly serious characteristics, which is a matter for the referring court to determine on the basis of an individual examination of the specific case before it.

The issue of any expulsion measure is conditional on the requirement that the personal conduct of the individual concerned must represent a genuine, present threat affecting one of the fundamental interests of society or of the host Member State, which implies, in general, the existence in the individual concerned of a propensity to act in the same way in the future. Before taking an expulsion decision, the host Member State must take account of considerations such as how long the individual concerned has resided on its territory, his/her age, state of health, family and economic situation, social and cultural integration into that State and the extent of his/her links with the country of origin.

⁽¹⁾ OJ C 282, 21.11.2009.

Judgment of the Court (Fourth Chamber) of 24 May 2012 (reference for a preliminary ruling from the Commissione tributaria provinciale di Palermo — Italy) — Amia SpA, in liquidation v Provincia Regionale di Palermo

(Case C-97/11) ⁽¹⁾

(Environment — Landfill of waste — Directive 1999/31/EC — Special levy on the disposal of solid waste in landfills — Landfill operator subject to that levy — Operating costs of a landfill — Directive 2000/35/EC — Default interest — Obligations of the national court)

(2012/C 200/03)

Language of the case: Italian

Referring court

Commissione tributaria provinciale di Palermo