

**Judgment of the Court (Fifth Chamber) of 5 November 2014 (request for a preliminary ruling from the Tribunal administratif de Melun — France) — Sophie Mukarubega v Préfet de police, Préfet de la Seine-Saint-Denis**

(Case C-166/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Visas, asylum, immigration and other policies related to free movement of persons — Directive 2008/115/EC — Return of illegally staying third-country nationals — Procedure for the adoption of a return decision — Principle of respect for the rights of the defence — Right of an illegally staying third-country national to be heard before the adoption of a decision liable to affect her interests — Administrative authority refusing to grant such a national resident permit as an asylum applicant and imposing an obligation to leave the territory — Right to be heard before the return decision is issued)*

(2015/C 007/08)

Language of the case: French

**Referring court**

Tribunal administratif de Melun

**Parties to the main proceedings**

Applicant: Sophie Mukarubega

Defendant: Préfet de police, Préfet de la Seine-Saint-Denis

**Operative part of the judgment**

*In circumstances such as those at issue in the main proceedings, the right to be heard in all proceedings, as it applies in the context of 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, and in particular Article 6 thereof, must be interpreted as meaning that a national authority is not precluded from failing to hear a third-country national specifically on the subject of a return decision where, after that authority has determined that the third-country national is staying illegally in the national territory on the conclusion of a procedure which fully respected that person's right to be heard, it is contemplating the adoption of such a decision in respect of that person, whether or not that return decision is the result of refusal of a residence permit.*

<sup>(1)</sup> OJ C 164, 8.6.2013.

**Judgment of the Court (Fifth Chamber) of 5 November 2014 (request for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — O. Tümer v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen**

(Case C-311/13) <sup>(1)</sup>

*(Protection of employees in the event of the employer's insolvency — Directive 80/987/EEC — Employee who is a third-country national and who does not hold a valid residence permit — Refusal to grant an insolvency benefit)*

(2015/C 007/09)

Language of the case: Dutch

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

Appellant: O. Tümer

Respondent: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

**Operative part of the judgment**

Council Directive 80/987/EEC of 20 October 1980 relating to the protection of employees in the event of the insolvency of their employer, as amended by Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002, must be interpreted as precluding national legislation on the protection of employees in the event of the insolvency of their employer, such as that at issue in the main proceedings, under which a third-country national who is not legally resident in the Member State concerned is not to be regarded as an employee with the right to an insolvency benefit — on the basis, in particular, of claims relating to unpaid wages — in the event of his employer's insolvency, even though that third-country national is recognised under the civil law of the Member State as having the status of an 'employee' with an entitlement to pay which could be the subject of an action against his employer before the national courts.

<sup>(1)</sup> OJ C 250, 31.8.2013.

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**Judgment of the Court (First Chamber) of 6 November 2014 (request for a preliminary ruling from the Scottish Land Court — United Kingdom) — Robin John Feakins v The Scottish Ministers**

(Case C-335/13) <sup>(1)</sup>

**(Reference for a preliminary ruling — Common agricultural policy — Single payment scheme — Commission Regulation (EC) No 795/2004 — Article 18(2) — National reserve — Exceptional circumstances — Principle of equal treatment)**

(2015/C 007/10)

Language of the case: English

**Referring court**

Scottish Land Court

**Parties to the main proceedings**

Applicant: Robin John Feakins

Defendant: The Scottish Ministers

**Operative part of the judgment**

- 1) Article 18(2) of Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as amended by Commission Regulation (EC) No 1974/2004 of 29 October 2004, must be interpreted as applying, first, in the case where a farmer meets the conditions for the application of any two or more of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004, and, second, in the case where a farmer who meets the conditions for the application of at least one of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004, also meets the conditions for the application of at least one of Articles 37(2), 40, 42(3) and 42(5) of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001.