

Judgment of the Court (Third Chamber) of 9 November 2017 (request for a preliminary ruling from the Curtea de Apel Cluj — Romania) — Teodor Ispas, Anduța Ispas v Direcția Generală a Finanțelor Publice Cluj

(Case C-298/16) ⁽¹⁾

(Reference for a preliminary ruling — General principles of EU law — Right to good administration and rights of the defence — National tax rules providing for the right to be heard and the right to be informed during an administrative tax procedure — Decision to levy value added tax issued by the national tax authorities without giving the taxpayer access to the information and the documents upon which that decision was based)

(2018/C 005/12)

Language of the case: Romanian

Referring court

Curtea de Apel Cluj

Parties to the main proceedings

Applicants: Teodor Ispas, Anduța Ispas

Defendant: Direcția Generală a Finanțelor Publice Cluj

Operative part of the judgment

The general principle of EU law of respect for the rights of the defence must be interpreted as a requirement that, in national administrative procedures of inspection and establishment of the basis for the assessment of value added tax, an individual is to have the opportunity to have communicated to him, at his request, the information and documents in the administrative file and considered by the public authority when it adopted its decision, unless objectives of public interest warrant restricting access to that information and those documents.

⁽¹⁾ OJ C 314, 29.08.2016.

Judgment of the Court (Second Chamber) of 9 November 2017 (reference for a preliminary ruling from the Tribunal da Relação do Porto — Portugal) — António Fernando Maio Marques da Rosa v Varzim Sol — Turismo, Jogo e Animação, SA

(Case C-306/16) ⁽¹⁾

(Reference for a preliminary ruling — Protection of the safety and health of workers — Directive 2003/88/EC — Article 5 — Weekly rest period — National legislation providing for at least one rest day per seven-day period — Periods of more than six consecutive working days)

(2018/C 005/13)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Applicant: António Fernando Maio Marques da Rosa

Defendant: Varzim Sol — Turismo, Jogo e Animação, SA

Operative part of the judgment

Article 5 of Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, as amended by Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 and the first paragraph of Article 5 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as not requiring the minimum uninterrupted weekly rest period of 24 hours to which a worker is entitled to be provided no later than the day following a period of six consecutive working days, but requires that rest period to be provided within each seven-day period.

⁽¹⁾ OJ C 326, 5.9.2016.

Judgment of the Court (First Chamber) of 9 November 2017 — HX v Council of the European Union

(Case C-423/16 P) ⁽¹⁾

(Appeal — Common foreign and security policy — Restrictive measures against the Syrian Arab Republic — Restrictive measures against a person listed in an annex to a decision — Extension of the validity of that decision during proceedings before the General Court of the European Union — Request to modify the application in the course of the hearing and not by a separate document — Article 86 of the Rules of Procedure of the General Court — Bulgarian language version — Annulment by the General Court of the original decision placing the person concerned on the list of persons subject to restrictive measures — Expiry of the extension decision — Continuation of the interest in bringing legal proceedings in relation to the modification of the application)

(2018/C 005/14)

Language of the case: Bulgarian

Parties

Appellant: HX (represented by: S. Koev, advokat)

Other party to the proceedings: Council of the European Union (represented by: I. Gurov and S. Kyriakopoulou, acting as Agents)

Operative part:

The Court (First Chamber) hereby:

- 1) Sets aside paragraph 2 of the operative part of the judgment of the General Court of the European Union of 2 June 2016, HX v Council (T-723/14, EU:T:2016:332);
- 2) Declares that there is no longer a need to adjudicate on the request to modify the application submitted by HX before the General Court of the European Union;
- 3) Orders the Council of the European Union to pay its own costs and the costs incurred by HX both at first instance and in the present appeal.

⁽¹⁾ OJ C 350, 26.09.2016
