

2. Article 10(3) of Regulation No 469/2009 is to be interpreted as meaning that the fact that no marketing authorisation has been granted by the Member State concerned at the time the supplementary protection certificate application is lodged in that Member State does not constitute an irregularity that can be cured under that provision.

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the Court (Eighth Chamber) of 14 December 2017 (request for a preliminary ruling from the Helsingin hallinto-oikeus — Finland) — Proceedings brought by Anstar Oy

(Case C-630/16) ⁽¹⁾

(Reference for a preliminary ruling — Harmonised conditions for the marketing of construction products — Harmonised standard EN 1090-1:2009+A1:2011 — Criteria for determining the scope of a standard adopted by the European Committee for Standardisation (CEN) in accordance with a mandate of the European Commission — Anchors to be fixed into concrete before it sets and used for fastening facade elements and masonry supports to the building frame)

(2018/C 052/14)

Language of the case: Finnish

Referring court

Helsingin hallinto-oikeus

Parties to the main proceedings

Anstar Oy

Other party: Turvallisuus- ja kemikaalivirasto (Tukes)

Operative part of the judgment

Harmonised standard EN 1090-1:2009+A1:2011, 'Execution of steel structures and aluminium structures — Part 1: Requirements for conformity assessment of structural components', must be interpreted as meaning that products, such as those at issue in the main proceedings, intended to be fixed into concrete before it sets fall within its scope if they have a structural function, in the sense that their removal from a structure would immediately reduce its resistance.

⁽¹⁾ OJ C 63, 27.2.2017.

Judgment of the Court (Eight Chamber) of 7 December 2017 (request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 1 de Pamplona — Spain) — Wilber López Pastuzano v Delegación del Gobierno en Navarra

(Case C-636/16) ⁽¹⁾

(Reference for a preliminary ruling — Status of third-country nationals who are long-term residents — Directive 2003/109/EC — Article 12 — Adoption of a decision to expel a long-term resident — Matters to be taken into consideration — National legislation — Failure to take those matters into consideration — Whether compatible)

(2018/C 052/15)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 1 de Pamplona

Parties to the main proceedings

Applicant: Wilber López Pastuzano

Defendant: Delegación del Gobierno en Navarra

Operative part of the judgment

Article 12 of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents must be interpreted as precluding legislation of a Member State which, as interpreted by some of the courts of that Member State, does not provide for the application of the requirements of protection against the expulsion of a third-country national who is a long-term resident to all administrative expulsion decisions, regardless of the legal nature of that measure or of the detailed rules governing it.

⁽¹⁾ OJ C 46, 13.2.2017.

Judgment of the Court (Grand Chamber) of 5 December 2017 (request for a preliminary ruling from the Corte costituzionale — Italy) — Criminal proceedings against M.A.S., M.B.

(Case C-42/17) ⁽¹⁾

(Reference for a preliminary ruling — Article 325 TFEU — Judgment of 8 September 2015, Taricco and Others (C-105/14, EU:C:2015:555) — Criminal proceedings for infringements relating to value added tax (VAT) — National legislation laying down limitation periods liable to prevent the prosecution of infringements — Activities affecting the financial interests of the EU — Obligation to disapply any provisions of national law liable to have an adverse effect on the fulfilment of the Member States' obligations under EU law — Principle that offences and penalties must be defined by law)

(2018/C 052/16)

Language of the case: Italian

Referring court

Corte costituzionale

Parties to the main proceedings

M.A.S., M.B.

Intervener: Presidente del Consiglio dei Ministri

Operative part of the judgment

Article 325(1) and (2) TFEU must be interpreted as requiring the national court, in criminal proceedings for infringements relating to value added tax, to disapply national provisions on limitation, forming part of national substantive law, which prevent the application of effective and deterrent criminal penalties in a significant number of cases of serious fraud affecting the financial interests of the European Union, or which lay down shorter limitation periods for cases of serious fraud affecting those interests than for those affecting the financial interests of the Member State concerned, unless that disapplication entails a breach of the principle that offences and penalties must be defined by law because of the lack of precision of the applicable law or because of the retroactive application of legislation imposing conditions of criminal liability stricter than those in force at the time the infringement was committed.

⁽¹⁾ OJ C 195, 19.6.2017.
