Parties to the main proceedings

Applicants: Erdem Deha Altiner, Isabel Hanna Ravn

Defendant: Udlændingestyrelsen

Operative part of the judgment

In the light of all the foregoing considerations, the answer to the question referred is that Article 21(1) TFEU must be interpreted as not precluding legislation of a Member State which does not provide for the grant of a derived right of residence in another Member State, under Union law, to a third-country national family member of a Union citizen who is a national of that Member State and who returns there after having resided, pursuant to and in conformity with Union law, in another Member State, when the family member of the Union citizen concerned has not entered the territory of the Member State of origin of the Union citizen or has not applied for a residence permit as a 'natural consequence' of the return to that Member State of the Union citizen in question, provided that such rules require, in the context of an overall assessment, that other relevant factors also be taken into account, in particular factors capable of showing that, in spite of the time which elapsed between the return of the Union citizen to that Member State and the entry of the family member who is a third-country national, in the same Member State, the family life created and strengthened in the host Member State has not ended, so as to justify the granting to the family member in question of a derived right of residence; it is for the referring court to verify whether this is the case.

([1]) OJ C 213, 3.7.2017.

Judgment of the Court (First Chamber) of 27 June 2018 (request for a preliminary ruling from the Conseil d'État — Belgium) — Ibrahima Diallo v État belge

(Case C-246/17) ([1])

(Reference for a preliminary ruling — Citizens of the European Union — Directive 2004/38/EC — Article 10(1) — Application for a residence card as a family member — Issuance — Time limit — Adoption and notification of the decision — Consequences of non-compliance with the period — Procedural autonomy of Member States — Principle of effectiveness)

(2018/C 294/13)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Ibrahima Diallo

Defendant: État belge

Operative part of the judgment

1. *Article 10(1) 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 the decision on the application for a residence card of a family member of a Union citizen must be adopted and notified within the period of six months laid down in that provision.*

2. *Directive 2004/38 must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which requires competent national authorities to issue automatically a residence card of a family member of a European Union citizen to the person concerned, where the period of six months, referred to in Article 10(1) of Directive 2004/38, is exceeded, without finding, beforehand, that the person concerned actually meets the conditions for residing in the host Member State in accordance with EU law.*

3. *EU law must be interpreted as precluding national case-law, such as that at issue in the main proceedings, under which, following the judicial annulment of a decision refusing to issue a residence card of a family member of a Union citizen, the competent national authority automatically regains the full period of six months referred to in Article 10(1) of Directive 2004/38.*

(1) OJ C 231, 17.7.2017.

Judgment of the Court (Sixth Chamber) of 27 June 2018 (request for a preliminary ruling from the Administrativen sad — Varna — Bulgaria) — 'Varna Holideis' EOOD v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika'– Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

(Case C-364/17) (1)

(Reference for a preliminary ruling — Common system of value added tax (VAT) — Directive 2006/112/EC — Supply of immovable property effected prior to the accession of the Republic of Bulgaria to the European Union — Nullity of the contract of sale coming to light after the accession — Obligation to adjust the initial deduction — Interpretation — Jurisdiction of the Court)

(2018/C 294/14)

Language of the case: Bulgarian

Referring court

Administrativen sad — Varna

Parties to the main proceedings

Applicant: 'Varna Holideis' EOOD

Defendant: Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika'– Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

Operative part of the judgment

The Court of Justice of the European Union has no jurisdiction to answer the questions referred by the Administrativen sad — Varna (Administrative Court, Varna, Bulgaria).

(1) OJ C 269, 14.8.2017.

Judgment of the Court (Sixth Chamber) of 27 June 2018 (requests for a preliminary ruling from the Conseil d'État — France) — SGI (C-459/17), Valériane SNC (C-460/17) v Ministre de l'Action et des Comptes publics

(Joined Cases C-459/17 and C-460/17) (1)

(References for a preliminary ruling — Common system of value added tax (VAT) — Right to deduct input tax — Material conditions governing the right to deduct — Actual delivery of the goods)

(2018/C 294/15)

Language of the case: French

Referring court

Conseil d'État