

Judgment of the Court (First Chamber) of 14 March 2019 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — A & G Fahrschul-Akademie GmbH v Finanzamt Wolfenbüttel

(Case C-449/17) ⁽¹⁾

(Reference for a preliminary ruling — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 132(1)(i) and (j) — Exemption for certain activities in the public interest — School or university education — Concept — Driving school tuition provided by a driving school)

(2019/C 155/08)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: A & G Fahrschul-Akademie GmbH

Defendant: Finanzamt Wolfenbüttel

Operative part of the judgment

The concept of ‘school or university education’, within the meaning of Article 132(1)(i) and (j) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, must be interpreted as not covering motor vehicle driving tuition provided by a driving school, such as that at issue in the main proceedings, for the purpose of acquiring driving licences for vehicles in categories B and C1 referred to in Article 4(4) of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences.

⁽¹⁾ OJ C 330, 2.10.2017.

Judgment of the Court (Fourth Chamber) of 14 March 2019 (request for a preliminary ruling from the Raad van State — Netherlands) — Staatssecretaris van Veiligheid en Justitie v Y.Z., Z.Z., Y.Y.

(Case C-557/17) ⁽¹⁾

(Reference for a preliminary ruling — Right to family reunification — Directive 2003/86/EC — Article 16(2)(a) — Article 17 — Withdrawal of the residence permit of a member of the family of a third-country national — Status of third-country nationals who are long-term residents — Directive 2003/109/EC — Article 9(1)(a) — Loss of that status — Fraud — Lack of knowledge of the fraud)

(2019/C 155/09)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicant: Staatssecretaris van Veiligheid en Justitie

Defendants: Y.Z., Z.Z., Y.Y.

Operative part of the judgment

1. Article 16(2)(a) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification must be interpreted as meaning that, where falsified documents were produced for the issuing of residence permits to family members of a third-country national, the fact that those family members did not know of the fraudulent nature of those documents does not preclude the Member State concerned, in application of that provision, from withdrawing those permits. In accordance with Article 17 of that directive, it is however for the competent national authorities to carry out, beforehand, a case-by-case assessment of the situation of those family members, by making a balanced and reasonable assessment of all the interests in play.
2. Article 9(1)(a) 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 meaning that, where long-term resident status has been granted to third-country nationals on the basis of falsified documents, the fact that those nationals did not know of the fraudulent nature of those documents does not preclude the Member State concerned, in application of that provision, from withdrawing that status.

(¹) OJ C 402, 27.11.2017.

Judgment of the Court (Second Chamber) of 13 March 2019 (request for a preliminary ruling from the Rechtbank Den Haag zittingsplaats Haarlem — Netherlands) — E. v Staatssecretaris van Veiligheid en Justitie

(Case C-635/17) (¹)

(Reference for a preliminary ruling — Area of freedom, security and justice — Immigration policy — Right to family reunification — Directive 2003/86/EC — Exclusions from the scope of the directive — Article 3(2)(c) — Exclusion of persons benefiting from subsidiary protection — Extension of the right to family reunification to those persons under national law — Jurisdiction of the Court — Article 11(2) — Lack of official documentary evidence of the family relationship — Explanations regarded as insufficiently plausible — Obligations on the authorities of the Member States to take additional steps — Limits)

(2019/C 155/10)

Language of the case: Dutch

Referring court

Rechtbank Den Haag zittingsplaats Haarlem

Parties to the main proceedings

Applicant: E.

Defendant: Staatssecretaris van Veiligheid en Justitie