V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 24 June 2019 (request for a preliminary ruling from the Rechtbank Amsterdam — Netherlands) — Execution of the European arrest warrant issued against Daniel Adam Popławski

(Case C-573/17) ([1])

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — European arrest warrant — Framework Decisions — Lack of direct effect — Primacy of EU law — Consequences — Framework Decision 2002/584/JHA — Article 4(6) — Framework Decision 2008/909/JHA — Article 28(2) — Declaration by a Member State allowing it to continue to apply existing legal instruments on the transfer of sentenced persons applicable before 5 December 2011 — Late declaration — Consequences)

(2019/C 280/02)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Party to the main proceedings

Daniel Adam Popławski

Other party: Openbaar Ministerie

Operative part of the judgment

1. Article 28(2) of Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union must be interpreted as meaning that a declaration made pursuant to that provision by a Member State, after that framework decision was adopted, is not capable of producing legal effects.

2. The principle of the primacy of EU law must be interpreted as meaning that it does not require a national court to disapply a provision of national law which is incompatible with the provisions of a framework decision, such as the framework decisions at issue in the main proceedings, the legal effects of which are preserved in accordance with Article 9 of Protocol (No 36) on transitional provisions, annexed to the treaties, since those provisions do not have direct effect. The authorities of the Member States, including the courts, are nevertheless required to interpret their national law, to the greatest extent possible, in conformity with EU law, which enables them to ensure an outcome that is compatible with the objective pursued by the framework decision concerned.

([1]) OJ C 412, 4.12.2017.

Judgment of the Court (Sixth Chamber) of 27 June 2019 (request for a preliminary ruling from the Grondwettelijk Hof — Belgium) — Belgisch Syndicaat van Chiropraxie, Bart Vandendries and Others v Ministerraad

(Case C-597/17) ([1])

(Reference for a preliminary ruling — Taxation — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 132(1)(c) — Exemptions — Medical and paramedical professions — Chiropractic and osteopathy — Article 98 — Annex III, points 3 and 4 — Medicinal products and medical devices — Reduced rate — Supply as part of therapeutic interventions or treatments — Standard rate — Supply as part of aesthetic interventions or treatments — Principle of fiscal neutrality — Maintenance of the effects of national legislation incompatible with EU law)

(2019/C 280/03)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicants: Belgisch Syndicaat van Chiropraxie, Bart Vandendries and Others Plast.Surg. and Others, Belgian Society for Private Clinics and Others

Defendant: Ministerraad

Operative part of the judgment

1) Article 132(1)(c) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as not restricting the application of the exemption it provides to supplies provided by practitioners of a medical or paramedical profession regulated by the legislation of the Member State concerned.

2) Article 98 of Directive 2006/112, read in conjunction with points (3) and (4) to Annex III to that directive, must be interpreted as not precluding national legislation which differentiates between medicinal products and medical devices supplied in the context of therapeutic interventions or treatments, on the one hand, and medicinal products and medical devices supplied in the context of interventions or treatments intended exclusively for aesthetic purposes, on the other hand, by excluding the latter from the benefit of the reduced rate of value added tax (VAT) applicable to the former.