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.

3) In circumstances such as those at issue in the main proceedings, a national court may not make use of a national provision empowering it to maintain certain effects of a measure which has been annulled in order to maintain temporarily the effect of national provisions which it has found incompatible with Directive 2006/112 until they are made to comply with that directive, with a view, on the one hand, to limiting the risks of legal uncertainty resulting from the retroactive effect of that annulment and, on the other hand, to avoiding the application of a national regime predating those provisions and which is incompatible with that directive.

([1]) OJ C 427 of 26.11.2018

Judgment of the Court (First Chamber) of 26 June 2019 (request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel — Belgium) — Lies Craeynest and Others v Brussels Hoofdstedelijk Gewest, Brussels Instituut voor Milieubeheer

(Case C-723/17) ([1])

(Reference for a preliminary ruling — Directive 2008/50/EC — Articles 6, 7, 13 and 23 — Annex III — Assessment of air quality — Criteria for determining whether the nitrogen dioxide limit values have been exceeded — Measurements using fixed sampling points — Choice of appropriate sites — Interpretation of the values measured at the sampling points — Obligations of the Member States — Judicial review — Intensity of the review — Power to issue directions)

(2019/C 280/04)

Language of the case: Dutch

Referring court

Nederlandstalige rechtbank van eerste aanleg Brussel

Parties to the main proceedings

Applicants: Lies Craeynest, Cristina Lopez Devaux, Frédéric Mertens, Stefan Vandereulen, Karin De Schepper, ClientEarth VZW

Defendants: Brussels Hoofdstedelijk Gewest, Brussels Instituut voor Milieubeheer

Other party: Belgische Staat

Operative part of the judgment

1. Article 4(3) TEU and the second subparagraph of Article 19(1) TEU, read in conjunction with the third paragraph of Article 288 TFEU, and Articles 6 and 7 of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe must be interpreted as meaning that it is for a national court, hearing an application submitted for that purpose by individuals directly affected by the exceedance of the limit values referred to in Article 13(1) of that directive, to verify whether the sampling points located in a particular zone have been established in accordance with the criteria laid down in paragraph 1(a) of Section B of Annex III to the directive and, if they were not, to take all necessary measures in respect of the competent national authority, such as, if provided for by national law, an order, with a view to ensuring that those sampling points are sited in accordance with those criteria.