

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

Operative part of the judgment

1. The Court of Justice of the European Union has jurisdiction, on the basis of Article 267 TFEU, to interpret Article 11(2) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification in a situation such as that at issue in the main proceedings, where a national court is called upon to rule on an application for family reunification lodged by a beneficiary of subsidiary protection, if that provision was made directly and unconditionally applicable to such a situation under national law.
2. Article 11(2) of Directive 2003/86 must be interpreted as precluding, in circumstances such as those at issue in the main proceedings, in which an application for family reunification has been lodged by a sponsor benefiting from subsidiary protection in favour of a minor of whom she is the aunt and allegedly the guardian, and who resides as a refugee and without family ties in a third country, that application from being rejected solely on the ground that the sponsor has not provided official documentary evidence of the death of the minor's biological parents and, consequently, that she has an actual family relationship with him, and that the explanation given by the sponsor to justify her inability to provide such evidence has been deemed implausible by the competent authorities solely on the basis of the general information available concerning the situation in the country of origin, without taking into consideration the specific circumstances of the sponsor and the minor and the particular difficulties they have encountered, according to their testimony, before and after fleeing their country of origin.

(¹) OJ C 63, 19.2.2018.

Judgment of the Court (Fifth Chamber) of 13 March 2019 (request for a preliminary ruling from the Högsta förvaltningsdomstolen — Sweden) — Skatteverket v Srf konsulterna AB

(Case C-647/17) (¹)

(Reference for a preliminary ruling — Value added tax (VAT) — Directive 2006/112/EC — Article 53 — Supply of services in respect of admission to educational events — Place of taxable transactions)

(2019/C 155/11)

Language of the case: Swedish

Referring court

Högsta förvaltningsdomstolen

Parties to the main proceedings

Applicant: Skatteverket

Defendant: Srf konsulterna AB