

Judgment of the Court (First Chamber) of 13 June 2019 (request for a preliminary ruling from the Tribunale di Brindisi — Italy) — Criminal proceedings against Gianluca Moro

(Case C-646/17) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Directive 2012/13/EU — Right to information in criminal proceedings — Article 6(4) — Right of a person to be informed about the accusation against him — Being informed about any change in the information provided when that is necessary to safeguard the fairness of the proceedings — Change in the legal classification of the acts upon which the accusation is based — The accused person being unable to request, during the trial proceedings, the imposition of a negotiated penalty provided for under national law — Difference in the event of a change in the facts on which the accusation is based)

(2019/C 263/06)

Language of the case: Italian

Referring court

Tribunale di Brindisi

Parties in the main criminal proceedings

Gianluca Moro

Operative part of the judgment

Article 6(4) of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, and Article 48 of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding national legislation under which the accused person may request, during the trial proceedings, the imposition of a negotiated penalty in the event of a change in the facts on which the accusation is based, and not in the event of a change in the legal classification of the acts on which the accusation is based.

⁽¹⁾ OJ C 52, 12.2.2018.

Judgment of the Court (First Chamber) of 23 May 2019 (request for a preliminary ruling from the Sąd Okręgowy w Gorzowie Wielkopolskim — Poland) — Proceedings brought by WB

(Case C-658/17) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 650/2012 — Article 3(1)(g) and (i) — Definition of a ‘decision’ in a matter of succession — Definition of an ‘authentic instrument’ in a matter of succession — Legal classification of the national deed of certification of succession — Article 3(2) — Definition of a ‘court’ — Failure by the Member State to notify the European Commission of notaries as non-judicial authorities exercising judicial functions like courts)

(2019/C 263/07)

Language of the case: Polish

Referring court

Sąd Okręgowy w Gorzowie Wielkopolskim

Parties to the main proceedings

WB

Intervener: Przemysława Bac, acting in her capacity as notary**Operative part of the judgment**

1. The second subparagraph of Article 3(2) of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession must be interpreted as meaning that failure by a Member State to notify the Commission of the exercise of judicial functions by notaries, as required under that provision, is not decisive for their classification as a 'court'.

The first subparagraph of Article 3(2) of Regulation No 650/2012 must be interpreted as meaning that a notary who draws up a deed of certificate of succession at the unanimous request of all the parties to the procedure conducted by the notary, such as the deed at issue in the main proceedings, does not constitute a 'court' within the meaning of that provision and, consequently, Article 3(1)(g) of that regulation must be interpreted as meaning that such a deed does not constitute a 'decision' within the meaning of that provision.

2. Article 3(1)(i) of Regulation No 650/2012 is to be interpreted as meaning that a deed of certification of succession, such as that at issue in the main proceedings, drawn up by a notary at the unanimous request of all the parties to the procedure conducted by the notary, constitutes an 'authentic instrument' within the meaning of that provision, which may be issued at the same time as the form referred to in the second subparagraph of Article 59(1) of that regulation, which corresponds to the form set out in Annex 2 to [Commission Implementing Regulation (EU) No 1329/2014 of 9 December 2014 establishing the Forms referred to in Regulation No 650/2012].

(¹) OJ C 134, 16.4.2018.

Judgment of the Court (Third Chamber) of 13 June 2019 (request for a preliminary ruling from the Areios Pagos — Greece) — Ellinika Nafpigeia AE v Panagiotis Anagnostopoulos and Others

(Case C-664/17) (¹)

(Reference for a preliminary ruling — Social policy — Directive 2001/23/EC — Scope — Transfer of part of an undertaking — Safeguarding of employees' rights — Concept of 'transfer' — Concept of 'economic entity' — Transfer of part of the economic activity of a parent company to a newly created subsidiary — Identity — Autonomy — Pursuit of an economic activity — Criterion requiring stability of the pursuit of an economic activity — Recourse to factors of production of third parties — Intention to liquidate the entity transferred)

(2019/C 263/08)

Language of the case: Greek

Referring court

Areios Pagos