

Judgment of the Court (Sixth Chamber) of 8 May 2019 (request for a preliminary ruling from the Landesverwaltungsgericht Tirol — Austria) — PI v Landespolizeidirektion Tirol

(Case C-230/18) ⁽¹⁾

(Reference for a preliminary ruling — Article 49 TFEU — Article 15(2) and Article 16 of the Charter of Fundamental Rights of the European Union — Freedom of establishment and freedom to provide services — Restriction — Decision to immediately close a commercial enterprise — No statement of reasons — Overriding reasons in the public interest — Prevention of criminal offences against persons engaged in prostitution — Protection of public health — Proportionality of the restriction on the freedom of establishment — Articles 47 and 48 of the Charter of Fundamental Rights — Effectiveness of judicial review — Rights of defence — General principle of the right to good administration)

(2019/C 230/17)

Language of the case: German

Referring court

Landesverwaltungsgericht Tirol

Parties to the main proceedings

Complainant: PI

Defendant authority: Landespolizeidirektion Tirol

Operative part of the judgment

Article 49 TFEU, Article 15(2) and Articles 16, 47 and 52 of the Charter of Fundamental Rights of the European Union and the general principle of the right to good administration must be interpreted, in circumstances such as those at issue in the main proceedings, as precluding national legislation providing that an administrative authority may decide to close a commercial establishment with immediate effect, on the ground that it suspects that prostitution is practised in that establishment without the authorisation required under that legislation, in so far as that legislation, first, does not require reasons, in fact and in law, to be given in writing for such a decision and to be communicated to its addressee, and second, requires that any application brought by that addressee and seeking annulment of that decision must be reasoned.

⁽¹⁾ OJ C 249, 16.7.2018.

Judgment of the Court (First Chamber) of 8 May 2019 — European Joint Undertaking for ITER and the Development of Fusion for Energy v Yosu Galocha

(Case C-243/18 P) ⁽¹⁾

(Appeal — Civil service — Officials — Competition — Judgment annulling a decision — Extent of the annulment — Weighing up of interests involved — Annulment of reserve lists — Annulment of the decisions to appoint successful candidates from those lists)

(2019/C 230/18)

Language of the case: Spanish

Parties

Appellant: European Joint Undertaking for ITER and the Development of Fusion for Energy (represented by: G. Poszler and R. Hanak, acting as Agents)