

2. The second indent of Article 3(4)(b) of Directive 2000/31 must be interpreted as meaning that, in criminal proceedings with an ancillary civil action, an individual may oppose the application to him or her of measures of a Member State restricting the freedom to provide an information society service which that individual provides from another Member State, where those measures were not notified in accordance with that provision.

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(<sup>1</sup>) OJ C 301, 27.8.2018.

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**Judgment of the Court (First Chamber) of 19 December 2019 — European Central Bank v Espírito Santo Financial (Portugal), SGPS, SA**

**(Case C-442/18 P) (<sup>1</sup>)**

***(Appeal — Refusal to grant access to decisions of the Governing Council of the European Central Bank (ECB) — Protocol on the Statute of the European System of Central Banks and of the ECB — Article 10.4 — Confidentiality of the proceedings of meetings — Outcome of deliberations — Possibility of disclosure — Decision 2004/258/EC — Access to ECB documents — Article 4(1)(a) — Confidentiality of proceedings — Undermining of the protection of the public interest)***

(2020/C 61/10)

*Language of the case: English*

**Parties**

*Appellant:* European Central Bank (represented by: F. Malfère and M. Ioannidis, acting as Agents, and by H.-G. Kamann, Rechtsanwalt)

*Other party to the proceedings:* Espírito Santo Financial (Portugal), SGPS, SA (represented by: L. Soares Romão, J. Shearman de Macedo and D. Castanheira Pereira, advogados)

**Operative part of the judgment**

The Court:

1. Sets aside point 1 of the operative part of the judgment of the General Court of the European Union of 26 April 2018, *Espírito Santo Financial (Portugal) v ECB* (T-251/15, EU:T:2018:234), in so far as, by that point, the General Court annulled the decision of the European Central Bank (ECB) of 1 April 2015 partially refusing access to certain documents relating to the ECB's decision of 1 August 2014 concerning Banco Espírito Santo SA in so far as, by that decision, the ECB refused to disclose the amount of credit indicated in the extracts from the minutes recording the decision of the Governing Council of the ECB of 28 July 2014;
2. Dismisses the appeal as to the remainder;
3. Dismisses the action brought by Espírito Santo Financial (Portugal), SGPS, SA in so far as it seeks annulment of the decision of the European Central Bank (ECB) of 1 April 2015 partially refusing access to certain documents relating to the ECB's decision of 1 August 2014 concerning Banco Espírito Santo SA in so far as, by that decision, the ECB refused to disclose the amount of credit indicated in the extracts from the minutes recording the decision of the Governing Council of the ECB of 28 July 2014;
4. Orders Espírito Santo Financial (Portugal), SGPS, SA to bear its own costs and to pay one third of those incurred by the European Central Bank (ECB) in the present appeal and in the proceedings at first instance;

5. Orders the European Central Bank (ECB) to bear two thirds of its own costs relating to the present appeal and to the proceedings at first instance.

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(<sup>1</sup>) OJ C 445, 10.12.2018.

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**Judgment of the Court (Third Chamber) of 18 December 2019 (request for a preliminary ruling from the Najvyšší súd Slovenskej republiky — Slovak Republic) — UB v Generálny riaditeľ Sociálnej poisťovne Bratislava**

(Case C-447/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Social security — Coordination of social security systems — Regulation (EC) No 883/2004 — Article 3 — Matters covered — Old-age benefit — Freedom of movement for workers within the European Union — Regulation (EU) No 492/2011 — Article 7 — Equal treatment of national workers and migrant workers — Social advantages — Legislation of a Member State restricting the grant of an ‘additional benefit for sportspersons who have represented the State’ to the citizens of that State)*

(2020/C 61/11)

Language of the case: Slovak

**Referring court**

Najvyšší súd Slovenskej republiky

**Parties to the main proceedings**

Applicant: UB

Defendant: Generálny riaditeľ Sociálnej poisťovne Bratislava

**Operative part of the judgment**

1. Article 3(1)(d) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems must be interpreted as meaning that an additional benefit paid to certain high-level sportspersons who have represented a Member State or its legal predecessors in international sporting competitions is not covered by the ‘old-age benefit’ referred to in that provision and, consequently, falls outside the scope of that regulation.
2. Article 7(2) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union must be interpreted as precluding legislation of a Member State which makes receipt of an additional benefit introduced for certain high-level sportspersons who have represented that Member State or its legal predecessors in international sporting competitions conditional upon, in particular, the person applying for the benefit having the nationality of that Member State.

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(<sup>1</sup>) OJ C 328, 17.9.2018.