

Judgment of the Court (Grand Chamber) of 3 March 2020 (request for a preliminary ruling from the Hof van Beroep te Gent — Belgium) — Execution of a European arrest warrant issued against X

(Case C-717/18) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — European arrest warrant — Article 2(2) — Execution of a European arrest warrant — Removal of verification of the double criminality of the act — Conditions — Offence punishable by the issuing Member State by a custodial sentence for a maximum period of at least three years — Amendment of the criminal legislation of the issuing Member State between the date of the acts and the date of issue of the European arrest warrant — Version of the law to be taken into account in verifying the maximum sentence threshold of at least three years)

(2020/C 137/22)

Language of the case: Dutch

Referring court

Hof van Beroep te Gent

Parties to the main proceedings

X

Operative part of the judgment

Article 2(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States must be interpreted as meaning that, in order to ascertain whether the offence for which a European arrest warrant has been issued is punishable in the issuing Member State by a custodial sentence or a detention order for a maximum period of at least three years, as it is defined in the law of the issuing Member State, the executing judicial authority must take into account the law of the issuing Member State in the version applicable to the facts giving rise to the case in which the European arrest warrant was issued.

⁽¹⁾ OJ C 35, 28.1.2019.

Judgment of the Court (Seventh Chamber) of 30 January 2020 (request for a preliminary ruling from the Grondwettelijk Hof — Belgium) — Anton van Zantbeek VOF v Ministerraad

(Case C-725/18) ⁽¹⁾

(Reference for a preliminary ruling — Article 56 TFEU — Article 36 of the Agreement on the European Economic Area — Freedom to provide services — Tax on stock exchange transactions concluded or executed in a Member State — Difference in treatment to the detriment of recipients of services using non-resident professional intermediaries — Restriction — Justification)

(2020/C 137/23)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicant: Anton van Zantbeek VOF

Defendant: Ministerraad

Operative part of the judgment

Article 56 TFEU and Article 36 of the Agreement on the European Economic Area of 2 May 1992 must be interpreted as meaning that they do not preclude legislation of a Member State which introduces a tax on stock exchange transactions concluded or executed on the order of a resident of that Member State by a non-resident professional intermediary, resulting in a restriction on the freedom to provide services provided by such professional intermediaries, in so far as that legislation offers such an issuer of an order and such professional intermediaries options, both as regards the declaration obligations connected with that tax and its payment, which limit that restriction to that which is necessary to attain the legitimate objectives pursued by that legislation.

⁽¹⁾ OJ C 44, 4.2.2019.

Judgment of the Court (Seventh Chamber) of 27 February 2020 (request for a preliminary ruling from the Verwaltungsgericht Halle — Germany) — TK (C-773/18), UL (C-774/18), VM (C-775/18) v Land Sachsen-Anhalt

(Joined Cases C-773/18 to C-775/18) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Equal treatment in employment and occupation — Directive 2000/78/EC — Articles 2 and 6 — Prohibition of all discrimination on grounds of age — Remuneration of officials — Discriminatory system of remuneration — Back-pay calculated on the basis of an earlier discriminatory grading — New discrimination — Article 9 — Compensation as a result of discriminatory legislation — Limitation period for the bringing of a claim for compensation — Principles of equivalence and of effectiveness)

(2020/C 137/24)

Language of the case: German

Referring court

Verwaltungsgericht Halle

Parties to the main proceedings

Applicants: TK (C-773/18), UL (C-774/18), VM (C-775/18)

Defendant: Land Sachsen-Anhalt

Operative part of the judgment

- Articles 2 and 6 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not precluding a measure which awards officials and judges, in order to ensure that they receive adequate remuneration, back-pay based on a percentage of the basic salary which they previously received under, inter alia, a basic pay scale which was determined, for each grade, on recruitment, on the basis of their age, provided that it meets the need to ensure the protection of acquired rights in a situation particularly marked both by the high number of officials and judges concerned and by the lack of a valid system of reference and does not lead to a perpetuation in time of a difference in treatment on grounds of age;
- The principle of effectiveness must be interpreted as precluding a Member State from setting the starting point of a limitation period of two months for the bringing of a claim for compensation for the harm resulting from a measure constituting discrimination on grounds of age at the date of the delivery of a judgment of the Court finding that a similar measure is discriminatory, where there is a risk that the persons concerned may not be in a position to become aware, within that time limit, of the existence or extent of the discrimination of which they were the victims. That may be the case in particular where, in that Member State, there is controversy surrounding the possibility of transposing to the measure concerned the guidance provided by that judgment.

⁽¹⁾ OJ C 112, 25.3.2019.