

3. If the answer to the second question is in the affirmative, is it contrary to Clause 5 of the Framework Agreement where a legal provision grants fixed-term workers compensation of 12 days' salary for every year of service at the end of the contract, but excludes from that compensation [...] certain non-permanent staff ('personal eventual') upon the termination of their appointment at the employer's discretion?

---

<sup>(1)</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

---

**Request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Penafiel (Portugal)  
lodged on 7 June 2018 — Prosa — Produtos e Serviços Agrícolas v Autoridade Tributária e  
Aduaneira**

**(Case C-373/18)**

(2018/C 294/36)

*Language of the case: Portuguese*

**Referring court**

Tribunal Administrativo e Fiscal de Penafiel

**Parties to the main proceedings**

*Appellant:* Prosa — Produtos e Serviços Agrícolas

*Respondent:* Autoridade Tributária e Aduaneira

**Question referred**

Is paragraph 26.1 of the General Schedule of Stamp Duties, in the version resulting from Article 3 of Decree-Law No 322-B/2001 of 14 December 2001, pursuant to which stamp duty is to be levied on the incorporation of a capital company (in particular, a public limited company) whose share capital is paid entirely in cash, contrary to Article 7(1) of Council Directive 69/335/EEC <sup>(1)</sup> of 17 July 1969, as amended by Council Directive 85/303/EEC <sup>(2)</sup> of 10 June 1985?

---

<sup>(1)</sup> Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital (OJ 1969 L 249, p. 25).

<sup>(2)</sup> OJ 1985 L 156, p. 23.

---

**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 8 June  
2018 — Criminal proceedings against AH, PB, CX, KM, PH**

**(Case C-377/18)**

(2018/C 294/37)

*Language of the case: Bulgarian*

**Referring court**

Spetsializiran nakazatelen sad

**Accused persons**

AH, PB, CX, KM, PH

**Question referred**

Is national case-law which requires that, in the text of an agreement (entered into in the context of criminal proceedings), not only the accused person who has admitted that he is guilty of a criminal offence and has entered into that agreement, but also other accused persons, the joint perpetrators of the offence, who have not entered into that agreement, who have not admitted that they are guilty and against whom the case continues in accordance with ordinary criminal procedure, but who have agreed to the first accused person entering into that agreement, be identified as perpetrators of the criminal offence in question, compatible with the first sentence of Article 4(1), read in conjunction with the first sentence of recital 16 and with recital 17, of Directive 2016/343? <sup>(1)</sup>

<sup>(1)</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65, p. 1).

---

**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 11 June 2018 —  
Staatssecretaris van Justitie en Veiligheid, other party: E.P.**

**(Case C-380/18)**

(2018/C 294/38)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Applicant:* Staatssecretaris van Justitie en Veiligheid

*Other party:* E.P.

**Questions referred**

1. Must Article 6(1)(e) of Regulation (EU) No 2016/399 <sup>(1)</sup> ... be interpreted as meaning that, when establishing that a legal stay of no more than 90 days within a period of 180 days has been terminated because a foreign national is considered to be a threat to public policy, reasons must be given as to why the personal conduct of the foreign national concerned poses a genuine, present and sufficiently serious threat to one of the fundamental interests of society?
2. If question 1 is to be answered in the negative, what are the requirements which, pursuant to Article 6(1)(e) of Regulation (EU) No 2016/399 ... apply to the reasons as to why the foreign national is considered to be a threat to public policy?

Must Article 6(1)(e) of Regulation (EU) No 2016/399 ... be interpreted as precluding a national practice according to which a foreign national is considered to be a threat to public order on the sole ground that it has been established that the foreign national concerned is suspected of having committed a criminal offence?

<sup>(1)</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ 2016 L 77, p. 1).

---

**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 11 June 2018 —  
G.S., other party: Staatssecretaris van Justitie en Veiligheid**

**(Case C-381/18)**

(2018/C 294/39)

*Language of the case: Dutch*

**Referring court**

Raad van State