

### Operative part of the judgment

1. Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), which refers to Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, must be interpreted as meaning that an intermediary service consisting in putting persons wishing to be transported around the city in touch, by means of a smartphone application, with authorised taxi drivers in exchange for payment, where the provider of that service has entered into contracts for the provision of services with those taxi drivers for that purpose, in exchange for the payment of a monthly subscription fee, but does not transfer orders to them, does not set the fare for the journey and does not collect that fare from the passengers, who pay the fare directly to the taxi driver, and has no control over the quality of the vehicles and their drivers or the behaviour of those drivers, constitutes an 'information society service' within the meaning of those provisions.
2. Article 1(1)(f) of Directive 2015/1535 must be interpreted as meaning that legislation of a local authority which makes the provision of an intermediary service — the purpose of which is to put persons wishing to be transported around the city in touch, by means of a smartphone application, with authorised taxi drivers in exchange for payment, and which is classified as an 'information society service' within the meaning of Article 1(1)(b) of Directive 2015/1535 — subject to obtaining prior approval to which other providers of taxi booking services are already subject, does not constitute a 'technical regulation' within the meaning of the former provision.
3. Article 56 TFEU, Article 3(2) and (4) of Directive 2000/31 and Article 16 of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market must be interpreted as not applying to a dispute where all the relevant elements are confined to a single Member State.

Article 4 of Directive 2000/31 must be interpreted as not applying to legislation of a Member State which makes the provision of an intermediary service — the purpose of which is to put persons wishing to be transported around the city in touch, by means of a smartphone application, with authorised taxi drivers in exchange for payment, and which is classified as an 'information society service' within the meaning of Article 2(a) of Directive 2000/31, which refers to Article 1(1)(b) of Directive 2015/1535 — subject to obtaining prior approval to which other providers of taxi booking services are already subject.

Articles 9 and 10 of Directive 2006/123 must be interpreted as precluding legislation of a Member State which makes the provision of an intermediary service — the purpose of which is to put persons wishing to be transported around the city in touch, by means of a smartphone application, with authorised taxi drivers in exchange for payment — subject to obtaining prior approval to carry out that activity, where the conditions for obtaining that approval do not meet the requirements laid down in those articles, in that they impose, inter alia, technical requirements that are inappropriate for the service in question, which is a matter for the referring court to ascertain.

<sup>(1)</sup> OJ C 164, 13.5.2019.

### Judgment of the Court (Seventh Chamber) of 3 December 2020 — Suzanne Saleh Thabet, Gamal Mohamed Hosni Elsayed Mubarak, Alaa Mohamed Hosni Elsayed Mubarak, Heddy Mohamed Magdy Hussein Rassekh, Khadiga Mahmoud El Gammal v Council of the European Union

(Joined Cases C-72/19 P and C-145/19 P) <sup>(1)</sup>

*(Appeal — Restrictive measures adopted in view of the situation in Egypt — Freezing of funds and economic resources — List of the persons, entities and bodies covered by the freezing of funds and economic resources — Maintenance of the applicants' names — Decision of an authority of a third State — Obligation of the Council of the European Union to verify that that decision was taken in accordance with the rights of the defence and the right to effective judicial protection — Obligation to state reasons)*

(2021/C 35/10)

Language of the case: English

### Parties

(Case C-72/19 P)

*Appellants:* Suzanne Saleh Thabet, Gamal Mohamed Hosni Elsayed Mubarak, Alaa Mohamed Hosni Elsayed Mubarak, Heddy Mohamed Magdy Hussein Rassekh, Khadiga Mahmoud El Gammal (represented by: Lord Anderson QC, B. Kennelly QC, J. Pobjoy, Barrister, and G. Martin, C. Enderby Smith and F. Holmey, Solicitors)

*Other party to the proceedings:* Council of the European Union (represented initially by: J. Kneale and V. Piessevaux, and subsequently by: A. Antoniadis and V. Piessevaux, acting as Agents)

(Case C-145/19 P)

*Appellants:* Gamal Mohamed Hosni Elsayed Mubarak, acting in his own name and on behalf of Ms Suzanne Saleh Thabet and Mr Alaa Mohamed Hosni Elsayed Mubarak, all three heirs of Mr Mohamed Hosni Elsayed Mubarak (represented by: Lord Anderson QC, B. Kennelly QC, J. Pobjoy, Barrister, and G. Martin, C. Enderby Smith and F. Holmey, Solicitors)

*Other party to the proceedings:* Council of the European Union (represented initially by: J. Kneale and V. Piessevaux, and subsequently by: M. Balta and V. Piessevaux, acting as Agents)

### **Operative part of the judgment**

The Court:

1. Sets aside the judgment of the General Court of the European Union of 22 November 2018, Saleh Thabet and Others v Council (T-274/16 and T-275/16, not published, EU:T:2018:826), in so far as, by that judgment, the General Court dismissed the actions seeking the annulment of Council Decision (CFSP) 2016/411 of 18 March 2016 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt and of Council Decision (CFSP) 2017/496 of 21 March 2017 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt;
2. Sets aside the judgment of the General Court of the European Union of 12 December 2018, Mubarak v Council (T-358/17, not published, EU:T:2018:905);
3. Annuls Decisions 2016/411 and 2017/496, in so far as they concern Ms Suzanne Saleh Thabet, Mr Gamal Mohamed Hosni Elsayed Mubarak, Mr Alaa Mohamed Hosni Elsayed Mubarak, Ms Heddy Mohamed Magdy Hussein Rassekh and Ms Khadiga Mahmoud El Gammal;
4. Annuls Decision 2017/496, Council Implementing Regulation (EU) 2017/491 of 21 March 2017 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt, Council Decision (CFSP) 2018/466 of 21 March 2018 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt, and Council Implementing Regulation (EU) 2018/465 of 21 March 2018 implementing Regulation (EU) No 270/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt, in so far as those acts concern Mr Mohamed Hosni Elsayed Mubarak;
5. Orders the Council of the European Union to pay the costs incurred both in the proceedings at first instance and in the present appeals.

(<sup>1</sup>) OJ C 155, 6.5.2019.  
OJ C 148, 29.4.2019.