

Parties to the main proceedings

Applicant: FRANCK d.d. Zagreb

Defendant: Ministarstvo financija Republike Hrvatske Samostalni sektor za drugostupanjski upravni postupak

Operative part of the judgment

Article 135(1)(b) and (d) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (VAT Directive) must be interpreted as meaning that the exemption from value added tax on granting credit and transactions concerning other negotiable instruments laid down by those provisions, applies to a transaction which consists in the making available of funds obtained from a factoring company by one taxable person to another taxable person, for remuneration, following the transmission to the latter of a bill of exchange issued by the second taxable person, the first taxable person guaranteeing the repayment to the factoring company of that bill of exchange at its maturity.

⁽¹⁾ OJ C 27, 27.1.2020.

Judgment of the Court (Sixth Chamber) of 17 December 2020 — European Commission v Hellenic Republic

(Case C-849/19) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Special areas of conservation — Article 4(4) — Obligation to establish conservation objectives — Article 6(1) — Obligation to take conservation measures — Decision 2006/613/EC — Mediterranean biogeographical region)

(2021/C 62/09)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: A. Bouchagiar and C. Hermes, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, by not adopting within the prescribed periods all the necessary measures for establishing appropriate conservation objectives and appropriate conservation measures in relation to the 239 Sites of Community Importance which are on Greek territory and are included in Commission Decision 2006/613/EC of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region, the Hellenic Republic has failed to fulfil its obligations under Articles 4(4) and 6(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2006/105/EC of 20 November 2006;

2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 19, 20.1.2020.

Judgment of the Court (Grand Chamber) of 17 December 2020 (requests for a preliminary ruling from the Rechtbank Amsterdam — Netherlands) — Execution of European arrest warrants issued in respect of L (C-354/20 PPU), P (C-412/20 PPU)

(Joined Cases C-354/20 PPU and C 412/20 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Police and judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — Article 1(3) — Article 6(1) — Surrender procedures between Member States — Conditions for execution — Charter of Fundamental Rights of the European Union — Second paragraph of Article 47 — Right of access to an independent and impartial tribunal — Systemic or generalised deficiencies — Concept of ‘issuing judicial authority’ — Taking into consideration of developments after the European arrest warrant concerned has been issued — Obligation of the executing judicial authority to determine specifically and precisely whether there are substantial grounds for believing that the person concerned will run a real risk of breach of his or her right to a fair trial if he or she is surrendered)

(2021/C 62/10)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

L (C-354/20 PPU), P (C-412/20 PPU)

Operative part of the judgment

Article 6(1) and Article 1(3) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that, where the executing judicial authority, which is called upon to decide whether a person in respect of whom a European arrest warrant has been issued is to be surrendered, has evidence of systemic or generalised deficiencies concerning the independence of the judiciary in the Member State that issues that arrest warrant which existed at the time of issue of that warrant or which arose after that issue, that authority cannot deny the status of ‘issuing judicial authority’ to the court which issued that arrest warrant and cannot presume that there are substantial grounds for believing that that person will, if he or she is surrendered to that Member State, run a real risk of breach of his or her fundamental right to a fair trial, guaranteed by the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, without carrying out a specific and precise verification which takes account of, inter alia, his or her personal situation, the nature of the offence in question and the factual context in which that warrant was issued, such as statements by public authorities which are liable to interfere with how an individual case is handled.

⁽¹⁾ OJ C 320, 28.9.2020.
OJ C 378, 9.11.2020.