

Defendant: Inspecția Judiciară

Questions referred

1. Must the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, ⁽¹⁾ be considered to be an act of an institution of the European Union, within the meaning of Article 267 TFEU, and therefore amenable to interpretation by the Court of Justice of the European Union?
2. Do the terms, nature and duration of the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, come within the scope of application of the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed by Romania in Luxembourg on 25 April 2005? Are the requirements laid down in the reports prepared in the context of that mechanism binding on Romania?
3. Must the second subparagraph of Article 19(1) of the Treaty on European Union be interpreted as meaning that it obliges the Member States to take the measures necessary to ensure effective legal protection in the fields covered by EU law, that is to say, guarantees of an independent disciplinary procedure for Romanian judges, by eliminating all risks of political influence over the conduct of those procedures, such as direct Government appointment of the management of the Inspecția Judiciară (Judicial Inspection, Romania), even on a provisional basis?
4. Must Article 2 of the Treaty on European Union be interpreted as meaning that the Member States are obliged to comply with the rule of law criteria, also required in the reports prepared in the context of the cooperation and verification mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, in the case of procedures whereby the Government directly appoints the management of the Inspecția Judiciară (Judicial Inspection, Romania), even on a provisional basis?

⁽¹⁾ Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56, Special edition: Chapter 11 Vol. 51 p. 55).

**Request for a preliminary ruling from the Curtea de Apel Pitești (Romania) lodged on 18 February 2019 —
Asociația ‘Forumul Judecătorilor din România’, Asociația ‘Mișcarea pentru Apărarea Statutului Procurorilor’
v Consiliul Superior al Magistraturii**

(Case C-127/19)

(2019/C 187/37)

Language of the case: Romanian

Referring court

Curtea de Apel Pitești

Parties to the main proceedings

Applicant: Asociația ‘Forumul Judecătorilor din România’, Asociația ‘Mișcarea pentru Apărarea Statutului Procurorilor’

Defendant: Consiliul Superior al Magistraturii

Questions referred

1. Must the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006 ⁽¹⁾ be regarded as an act of an institution of the Union, within the meaning of Article 267 TFEU, and therefore amenable to interpretation by the Court of Justice of the European Union?
2. Do the terms, nature and duration of the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, fall within the scope of the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed by Romania in Luxembourg on 25 April 2005? Are the requirements laid down in the reports prepared in accordance with that mechanism binding on Romania?
3. Must Article 2, in conjunction with Article 4(3), TEU be interpreted as meaning that the obligation on Romania to comply with the requirements laid down in the reports prepared in accordance with the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, forms part of the Member State's obligation to comply with the principles of the rule of law?
4. Does Article 2 TEU, and more specifically the obligation to comply with the values of the rule of law, preclude legislation which establishes and organises the section for the investigation of offences committed within the Judiciary, within the prosecutors office attached to the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice, Romania), because of the possibility of indirect pressure being exerted on members of the judiciary?
5. Does the principle of judicial independence, enshrined in the second subparagraph of Article 19(1) TEU and in Article 47 of the Charter of Fundamental Rights of the European Union, as interpreted by the case-law of the Court of Justice of the European Union (judgment of 27 February 2018, *Associação Sindical dos Juizes Portugueses*, C-64/16, EU:C:2018:117), preclude the establishment of the section for the investigation of offences committed within the Judiciary, within the prosecutors office attached to the High Court of Cassation and Justice, in the light of the rules governing the appointment/removal of prosecutors as members of that section, the rules governing the exercise of functions within that section and the way in which jurisdiction is established, in connection with the limited number of positions in that section?

⁽¹⁾ Commission Decision of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56, Special edition: Chapter 11 Vol. 51 p. 55).

Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on 20 February 2019 — DY

(Case C-138/19)

(2019/C 187/38)

Language of the case: German

Referring court

Landesverwaltungsgericht Steiermark

Parties to the main proceedings

Appellant: DY

Respondent authority: Bezirkshauptmannschaft Hartberg-Fürstenfeld