

Questions referred

1. Are Articles 13b and 31a of Council Implementing Regulation (EU) No 282/2011 ⁽¹⁾ of 15 March 2011 laying down implementing measures for Directive 2006/112/EC ⁽²⁾ on the common system of value added tax, as amended by Council Implementing Regulation (EU) No 1042/2013 ⁽³⁾ of 7 October 2013 amending Implementing Regulation (EU) No 282/2011 as regards the place of supply of services, to be interpreted as meaning that computing centre services of the type at issue in the main proceedings, with which a trader provides its customers with equipment cabinets in a computing centre for holding customers' servers together with ancillary services, are to be regarded as the leasing or letting of immovable property?
2. If the first question is answered in the negative, are Article 47 of VAT Directive 2006/112/EC and Article 31a of the aforementioned Implementing Regulation nevertheless to be interpreted as meaning that a computing centre service of the type at issue in the main proceedings is to be regarded as a service connected with immovable property, the place of supply of which is the location of the property?

⁽¹⁾ OJ 2011 L 77, p. 1.

⁽²⁾ OJ 2006 L 347, p. 1.

⁽³⁾ OJ 2013 L 284, p. 1.

Request for a preliminary ruling from the Cour du travail de Liège (Belgium) lodged on 18 March 2019 — B v Centre public d'action sociale de Liège (CPAS)

(Case C-233/19)

(2019/C 164/42)

Language of the case: French

Referring court

Cour du travail de Liège

Parties to the main proceedings

Applicant: B.

Defendant: Centre public d'action sociale de Liège (CPAS)

Question referred

Must Articles 5 and 13 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, ⁽¹⁾ read in the light of Articles 19(2) and 47 of the Charter of Fundamental Rights of the European Union, and Article 14(1)(b) of that directive, read in the light of the judgment in Case C-562/13, delivered on 18 December 2014 by the Court of Justice of the European Union (Grand Chamber), be interpreted as endowing with suspensive effect an appeal brought against a decision ordering a third-country national suffering from a serious illness to leave the territory of a Member State, in the case where the appellant claims that the enforcement of that decision is liable to expose him to a serious risk of grave and irreversible deterioration in his state of health:

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- without it being necessary to examine the appeal, its mere introduction being sufficient to suspend the enforcement of the decision ordering the third-country national to leave the territory of that Member State; or
 - following a marginal review as to whether there is an arguable complaint, lack of grounds for inadmissibility or whether the action brought before the Conseil du contentieux des étrangers (Council for asylum and immigration proceedings, Belgium) is manifestly unfounded; or
 - following a full and comprehensive judicial review carried out by the labour courts in order to determine whether the enforcement of that decision is indeed liable to expose the appellant to a serious risk of grave and irreversible deterioration in his state of health?

(¹) OJ 2008 L 348, p. 98.
