

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a party, before the issuing of the court decision, is able to attain legal compliance with its fundamental right to observance of the 'lawful judge' principle?

- 4) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that the intra-court allocation of cases and the intra-court file registration are organised in such a transparent and comprehensible manner that the judge or a party is able, without particular effort, to check that the specific allocation of files to a judge or a certain panel of judges corresponds to the provisions of the intra-court allocation of cases?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a judge or a party is in a position to be able to obtain knowledge of the legality of a certain allocation of court cases?

- 5) Are the second subparagraph of Article 19(1) TEU in conjunction with Article 47 of the Charter and the principle of effectiveness at least with regard to a national legal system which, for the purpose of safeguarding the independence and impartiality of the courts in its constitution, establishes a fundamental right to the allocation of cases to judges according to a fixed allocation of cases determined in advance according to general rules to be interpreted as meaning that the parties to a case and the judge in a court case must be able, without particular action on their part, to acquaint themselves with the content of the case allocation rules and that the parties to a case and the judge must in this way be able to check the legality of the allocation of the case to a judge or certain panel of judges?

If not: Are there any other provisions to be guaranteed by the legislature which ensure that a judge or a party is in a position to be able to obtain knowledge of the legality of a certain allocation of court cases?

- 6) What obligations to act are incumbent upon a judge, in view of his obligation under EU law to observe the procedural provisions under EU law, who, by virtue of an (out-of-court or intra-court) legal act which cannot be challenged, is obliged to perform an act which is contrary to EU law and infringes party rights?

**Appeal brought on 3 April 2019 by Andrew Clarke against the order of the General Court (Fifth Chamber)
delivered on 25 March 2019 in Case T-731/18: Clarke v Commission**

(Case C-284/19 P)

(2019/C 213/12)

Language of the case: English

Parties

Appellant: Andrew Clarke (represented by: E. Lock, Solicitor)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

— remit the application back to the General Court for its consideration taking account of the Court of Justice's findings;

- order that by no later than 12 April 2019 (or such other date to which the Article 50 TFEU period may be extended)
 - a) the General Court addresses that application according to a timetable and a manner such that it is able to give its final judgment thereon;
 - b) as an interim measure, the Commission delivers to the United Kingdom a reasoned opinion setting out its position on the infringements of Union law that can be inferred from its letter to the appellant of 25 October 2018;
- order that the parties have liberty to apply to the General Court for further directions as appropriate;
- order the Commission to pay the appellant's costs.

Plea in law and main arguments

In support of its appeal, the appellant relies on one plea in law:

The General Court in its order dated 25 March 2019 misconstrued what the appellant sought by his application, it has wrongly determined that he has no standing to make his application and that it has no jurisdiction to make the order sought.

The appellant has not requested that the Commission bring infringement proceedings against the United Kingdom ('UK'). Annulments are requested of two decisions of the Commission, one of which has been erroneously identified by the General Court. In respect thereof, the case law relied upon by the Court either does not support the proposition for which it is cited or is irrelevant. The appellant is entitled to seek annulment of those decisions in so far as they were addressed to him and/or are of direct and individual concern to him. Furthermore, in the alternative, the appellant is entitled to seek an order under Article 265 of TFEU on the basis that the Commission has failed to act in not delivering a reasoned opinion to the UK pursuant to a mandatory obligation to do so under the first part of Article 258 of TFEU given its implicit acceptance by the second of those decisions in moving to consider its discretion under the second part of Article 258 that the UK was infringing Union law. Thus is on the basis that the reasoned opinion should also be addressed to the appellant and/or would be of direct and individual concern to him. The appellant is further entitled to seek an injunctive order and interim measures as regards his application in terms of Article 265 of TFEU.

Request for a preliminary ruling from the Krajský súd v Trnave (Slovakia) lodged on 9 April 2019 — RN v Home Credit Slovakia a.s.

(Case C-290/19)

(2019/C 213/13)

Language of the case: Slovak

Referring court

Krajský súd v Trnave