

2. If so, in circumstances where the executing member state has applied in its national legislation the optional grounds for non-execution of the European arrest warrant set out in Article 4.1 and Article 4.7(b) of the Framework Decision, how is the executing judicial authority to make its determination as regards an offence stated to be committed in the third state, but where the surrounding circumstances of that offence display preparatory acts that took place in the issuing state?

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(<sup>1</sup>) Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002, L 190, p. 1).

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**Request for a preliminary ruling from the Sąd Okręgowy w Poznaniu (Poland) lodged on 26 June 2019 –  
Kancelaria Medius SA, established in Kraków v RN**

**(Case C-495/19)**

(2019/C 337/06)

*Language of the case: Polish*

**Referring court**

Sąd Okręgowy w Poznaniu

**Parties to the main proceedings**

*Applicant:* Kancelaria Medius SA, established in Kraków

*Defendant:* RN

**Question referred**

Should Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (<sup>1</sup>) be interpreted as precluding procedural rules under which a court may issue a default judgment on the basis merely of an applicant's statements contained in the application, and which the court is obliged to accept as true, in a case where the defendant (a consumer), who has been duly notified of the date of the hearing, does not appear when summoned and does not mount a defence?

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(<sup>1</sup>) OJ 1993 L 95, p. 29.

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**Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 3 July 2019 — M.F. v J.M.**

**(Case C-508/19)**

(2019/C 337/07)

*Language of the case: Polish*

**Referring court**

Sąd Najwyższy

**Parties to the main proceedings**

*Applicant:* M.F.

*Defendant:* J.M.

**Questions referred**

1. Should the second subparagraph of Article 19(1), Articles 2, 4(3) and 6(3) TEU, in conjunction with Article 47 of the Charter of Fundamental Rights ('CFR') and the third paragraph of Article 267 TFEU, be interpreted as meaning that the court of final instance of a Member State may, in proceedings seeking a declaration that a service relationship is non-existent, declare that a person who has received a document appointing him to the position of judge in that court is not a judge in the case where that document of appointment was issued on the basis of provisions which infringe the principle of effective judicial protection or under a procedure which is incompatible with that principle, in the case where a judicial review of these matters prior to the delivery of the document of appointment has intentionally been made impossible?
2. Should the second subparagraph of Article 19(1), Articles 2 and 4(3) TEU and Article 47 of the CFR, in conjunction with Article 267 TFEU, be interpreted as meaning that the principle of effective judicial protection is infringed in the case where a document appointing a person to the position of judge is delivered after a national court has requested a preliminary ruling concerning the interpretation of EU law and where that preliminary ruling will determine the compatibility with EU law of the national provisions the application of which made it possible for the document of appointment to be delivered?
3. Should the second subparagraph of Article 19(1), Articles 2, 4(3) and 6(3) TEU, and Article 47 of the CFR, be interpreted as meaning that the principle of effective judicial protection is infringed by the failure to guarantee the right to effective judicial protection in the case where a document appointing a person to the position of judge of a court in a Member State is delivered following an appointment procedure carried out in flagrant breach of the laws of that Member State governing the appointment of judges?
4. Should the second subparagraph of Article 19(1), Articles 2 and 4(3) TEU and Article 47 of the CFR, in conjunction with the third paragraph of Article 267 TFEU, be interpreted as meaning that the principle of effective judicial protection is infringed through the establishment by the national legislature of an organisational unit within the court of final instance of a Member State which is not a court or tribunal within the meaning of EU law?
5. Should the second subparagraph of Article 19(1), Articles 2 and 4(3) TEU and Article 47 of the CFR, in conjunction with the third paragraph of Article 267 TFEU, be interpreted as meaning that the existence of a service relationship and the status of judge of a person who received a document appointing him to the position of judge of the court of final instance in a Member State cannot be determined by the organisational unit of that court which is competent in that matter under national law, to which unit that person has been appointed, and which unit is composed exclusively of persons whose appointment documents suffer from the defects referred to in Questions 2 to 4 and which unit for those reasons is not a court or tribunal within the meaning of EU law, but must rather be determined by another organisational unit of that court which satisfies the requirements of EU law for a court or tribunal?

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**Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on 9 July 2019 —  
Passenger Rights spółka akcyjna, with its seat in Warsaw v Ryanair DAC, with its seat in Dublin (Ireland)**

**(Case C-519/19)**

(2019/C 337/08)

*Language of the case: Polish*

**Referring court**

Sąd Okręgowy w Warszawie