

Defendant: Subdelegación del Gobierno en Ciudad Real

Question referred

Is an interpretation such as that set out in judgments of the Spanish Supreme Court No 191/2019 of 19 February 2019, appeal in cassation 5607/2017 (ECLI:ES:TS:2019:580), and No 257/2019 of 27 February 2019, appeal in cassation 5809/2017 (ECLI:ES:TS:2019:663), according to which, through an interpretation of Directive 2001/40/EC, ⁽¹⁾ it is possible to come to the conclusion that any third-country national holding a long-term residence permit who has committed an offence punishable by a sentence of at least one year in duration can and should be 'automatically' removed, that is to say, [without] needing to give any consideration to his personal, family, social or employment circumstances, compatible with Article 12 of Council [Directive] 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, ⁽²⁾ and with — inter alia — the judgments of the Court of Justice of the European Union of 7 December 2017 (Case C-636/16 ⁽³⁾) and of 8 December 2011 (Case C-371/08 ⁽⁴⁾)?

⁽¹⁾ Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ 2001 L 149, p. 34).

⁽²⁾ OJ 2004 L 16, p. 44.

⁽³⁾ Judgment of 7 December 2017, *López Pastuzano* (C-636/16, EU:C:2017:949).

⁽⁴⁾ Judgment of 8 December 2011, *Ziebell* (C-371/08, EU:C:2011:809).

Request for a preliminary ruling from the Înalta Curte de Casație și Justiție (Romania) lodged on 15 July 2019 — CY and Asociația 'Forumul Judecătorilor din România' v Inspekția Judiciară, Consiliul Superior al Magistraturii and Înalta Curte de Casație și Justiție

(Case C-547/19)

(2019/C 372/13)

Language of the case: Romanian

Referring court

Înalta Curte de Casație și Justiție

Parties to the main proceedings

Applicants: CY and Asociația 'Forumul Judecătorilor din România'

Defendants: Inspekția Judiciară, Consiliul Superior al Magistraturii and Înalta Curte de Casație și Justiție

Question referred

Must Article 2 of the Treaty on European Union, Article 19(1) thereof and Article 47 of the Charter of Fundamental Rights of the European Union be interpreted as precluding the intervention of a constitutional court (a body which is not, under national law, a judicial institution) as regards the way in which a supreme court has interpreted and applied infra-constitutional legislation in the activity of establishing panels hearing cases?
