

- in the alternative, should the Court be unable to annul the requested elements of Part D of Annex V, annul Part D of Annex V in its entirety, as well as the phrase ‘which shall ... be allowed’ of Article 7(1)(b) of the contested regulation, in which reference is made to Part D of Annex V;
- in the further alternative, should the Court declare inadmissible the principal claim or the alternative claim for partial annulment of the contested regulation, annul the regulation in its entirety, and
- order the European Parliament and the Council of the European Union to pay the costs.

Pleas in law and main arguments

First plea: infringement of Article 3(3) TEU, read in conjunction with Article 11 TFEU, with Article 191(3) TEU, with Articles 2, 3(c)(h) and (i) and 6(2) of the CFP Basic Regulation ⁽¹⁾ and with Article 3(1) of the contested regulation, in that the Parliament and the Council did not establish the pulse-fishing ban and the transitional period in the contested regulation on the basis of the best available scientific advice.

Second plea: infringement of Article 3(3) TEU, read in conjunction with Article 11 TFEU, with Article 173(1) and (3) TFEU, with Articles 2, 3(h) and 6(2) of the CFP Basic Regulation and with Article 3(1) of the contested regulation, in that the Parliament and the Council established the pulse-fishing ban and the transitional period in the contested regulation in contravention of the duty to foster innovation and technological development.

Third plea: infringement of Article 3(3) TEU, read in conjunction with Article TFEU, with the first subparagraph of Article 191(1) TFEU, with Articles 2(2) and 3(h) of the CFP Basic Regulation and with Article 3(1) of the contested regulation, to the extent that the Parliament and the Council based the pulse-fishing ban and the transitional period in the contested regulation on the precautionary principle.

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- (1) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ 2019 L 198, p. 105).
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ 2013 L 354, p. 22).

Request for a preliminary ruling from the Conseil d'État (Belgium) lodged on 15 October 2019 — T.H.C. v Commissaire général aux réfugiés et aux apatrides

(Case C-755/19)

(2019/C 423/36)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Appellant: T.H.C.

Respondent: Commissaire général aux réfugiés et aux apatrides

Question referred

Must Article 46 of Directive 2013/32/EU, of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection ⁽¹⁾ (recast), according to which applicants must have the right to an effective remedy against 'a decision taken on their application for international protection', and Article 47 of the Charter of Fundamental Rights of the European Union, be interpreted as precluding a national rule of procedure, such as Article 39/57, paragraph 1, subparagraph 2, point 3°, second sentence, of the loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (Law of 15 December 1980 on entry to the territory, residence, establishment and removal of foreign nationals), read in conjunction with Article 57/6, paragraph 3, subparagraph 1, point 5°, and Article 57/6/2, paragraph 1, of the same law, which fixes at five 'calendar' days, from the notification of the administrative decision, the time limit for bringing an action against a decision that a subsequent application for international protection by a third country national, where the 'foreign national is located, at the time of his application, in a specific place referred to in Articles 74/8 and 74/9 [of the same Law], or is put at the disposal of the government'?

⁽¹⁾ OJ 2013 L 180, p. 60.

Request for a preliminary ruling from the Rīgas apgabaltiesas Civillietu tiesu kolēģija (Latvia) lodged on 17 October 2019 — SIA 'CV-Online Latvia' v SIA 'Melons'

(Case C-762/19)

(2019/C 423/37)

Language of the case: Latvian

Referring court

Rīgas apgabaltiesas Civillietu tiesu kolēģija

Parties to the main proceedings

Applicant at first instance and respondent: SIA 'CV-Online Latvia'

Defendant at first instance and appellant: SIA 'Melons'

Questions referred

1. Should the defendant's activities, which consist in using a hyperlink to redirect end users to the applicant's website, where they can consult a database of job advertisements, be interpreted as falling within the definition of 're-utilisation' in Article 7(2)(b) of the Directive of 11 March 1996 ⁽¹⁾ on the legal protection of databases, more specifically, as the re-utilisation of the database by another form of transmission?
2. Should the information containing the meta tags that is shown in the defendant's search engine be interpreted as falling within the definition of 'extraction' in Article 7(2)(a) of the Directive of 11 March 1996 on the legal protection of databases, more specifically, as the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form?

⁽¹⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ 1996 L 77, p. 20).