

Appeal brought on 1 August 2019 by L'Oréal against the judgment of the General Court (First Chamber) delivered on 19 June 2019 in Case T-183/16 RENV, L'Oréal v EUIPO — Guinot

(Case C-590/19 P)

(2020/C 77/25)

Language of the case: French

Parties

Appellant: L'Oréal (represented by T. de Haan and P. Péters, avocats)

Other parties to the proceedings: European Union Intellectual Property Office and Guinot

By order of 7 October 2019, the Court of Justice (Chamber determining whether appeals may proceed) ruled that the appeal should not be allowed to proceed.

Appeal brought on 4 September 2019 by Agencja Wydawnicza Technopol sp. z o. o. against the judgment of the General Court (Eighth Chamber) delivered on 26 June 2019 in Case T-117/18 Agencja Wydawnicza Technopol v EUIPO

(Case C-664/19 P)

(2020/C 77/26)

Language of the case: Polish

Parties

Appellant: Agencja Wydawnicza Technopol sp. z o. o. (represented by: C. Rogula, lawyer)

Other party to the proceedings: European Union Intellectual Property Office

By order of 5 December 2019, the Court (Chamber determining whether appeals may proceed) decided that the appeal is not allowed to proceed.

Action brought on 17 October 2019 — European Commission v Hungary

(Case C-761/19)

(2020/C 77/27)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: C. Cattabriga and Zs. Teleki, acting as Agents)

Defendant: Hungary

Form of order sought

The Commission claims that the Court should:

- declare that Hungary has failed to fulfil its obligations under Article 11(1)(a) of Directive 2003/109/EC ⁽¹⁾ by not admitting third-country nationals who are long-term residents as members of the College of Veterinary Surgeons, which prevents those third country nationals *ab initio* from working as employed veterinarians or exercising that profession on a self-employed basis.
- order Hungary to pay the costs.

Pleas in law and main arguments

1. The Commission received a complaint on 3 January 2017 concerning a requirement laid down in the Magyar Állatorvosi Kamaráról valamint az állatorvosi szolgáltatói tevékenység végzéséről szóló 2012. évi CXXVII. törvény (Law CXXVII of 2012, on the College of Veterinary Surgeons of Hungary and the provision of veterinary services), in accordance with which, only a person who fulfils, inter alia, the requirement of being a national of a State which is part of the Agreement on the European Economic Area may be a member of the College of Veterinary Surgeons. The complainant is a third-country national who, since 2007, has held a long-term residence permit in Hungary and who in 2014 graduated from the Állatorvostudományi Egyetem (University of Veterinary Medicine) of Budapest. The complainant's request to be admitted to the College of Veterinary Surgeons was rejected on the basis of non-compliance with the abovementioned legal requirement. In Hungary it is necessary to be a member of the College of Veterinary Surgeons in order to exercise the profession of veterinarian whether on an employed or self-employed basis.
2. On 20 July 2018, the Commission initiated infringement proceedings against Hungary in relation to the abovementioned provision of the Law on the College of Veterinary Surgeons, alleging that Hungary had failed to fulfill the obligation under Article 11(1)(a) of Directive 2003/109/EC.
3. The Hungarian Government, in its reply, claimed that the veterinary profession is covered by the exception laid down in Article 11(1)(a) of Directive 2003/109/EC, since it may, not only occasionally, entail the exercise of public authority.
4. As it did not consider the claims put forward by the Hungarian Government persuasive, on the 25 January 2019, the Commission gave a reasoned opinion in which it maintained its position.
5. On 29 March 2019, the Hungarian Government sent the Commission a reply to the reasoned opinion, in which it restated its position.
6. The Commission concluded that the exercise of the activity of veterinarian on an employed or self-employed basis in Hungary was not covered by the exception in Article 11(1)(a) of Directive 2003/109/EC. In its view, the activities of veterinarians which Hungary considers to be an exercise of public authority do not entail direct and specific participation in the exercise of public authority and are not necessarily and inseparably inherent in that profession, since, they are only preparatory and additional, or are activities which are carried out pursuant to a special agreement or under supervision of the public authority.
7. In the light of the foregoing, on 25 July 2019, the Commission decided to refer the case to the Court of Justice for a declaration that Hungary has failed to fulfil its obligations under Directive 2003/109/EC.

⁽¹⁾ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).