

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

**Appeal brought on 29 January 2020 by ZW against the order of the General Court (Fourth Chamber)
delivered on 21 November 2019 in Case T-727/18, ZW v EIB**

(Case C-50/20 P)

(2020/C 348/02)

Language of the case: English

Parties

Appellant: ZW (represented by: T. Petsas, dikigoros)

Other party to the proceedings: European Investment Bank (EIB)

By order of 3 September 2020, the Court of Justice (Eighth Chamber) decided that the appeal is dismissed as in part manifestly inadmissible and in part manifestly unfounded and ordered the appellant to bear its own costs.

**Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on
8 May 2020 — NE v Bezirkshauptmannschaft Hartberg-Fürstenfeld**

(Case C-205/20)

(2020/C 348/03)

Language of the case: German

Referring court

Landesverwaltungsgericht Steiermark

Parties to the main proceedings

Applicant: NE

Respondent authority: Bezirkshauptmannschaft Hartberg-Fürstenfeld

Interested party: Finanzpolizei Team 91

Questions referred

1. Is the requirement of proportionality of penalties laid down in Article 20 of Directive 2014/67/EU ⁽¹⁾ and interpreted by the Court of Justice of the European Union in its orders in *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-645/18, EU:C:2019:1108) ⁽²⁾ and *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-140/19, C-141/19, C-492/19, C-493/19 and C-494/19, EU:2019:1103) ⁽³⁾ a directly applicable provision of the Directive?

2. If Question 1 is answered in the negative:

Does the interpretation of national law in conformity with EU law permit and require the national court and administrative authority to supplement — in the absence of new legislation at national level — the domestic penal provisions applicable in the present proceedings with the criteria of the requirement of proportionality laid down in the orders of the Court of Justice of the European Union in *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-645/18, EU:C:2019:1108) and *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-140/19, C-141/19, C-492/19, C-493/19 and C-494/19, EU:2019:1103)?

⁽¹⁾ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ 2014 L 159, p. 11).

⁽²⁾ EU:C:2019:1108.

⁽³⁾ EU:2019:1103.

Appeal brought on 9 June 2020 by the European Commission against the judgment of the General Court (Eighth Chamber) delivered on 2 April 2020 in Case T-571/17, UG v Commission

(Case C-249/20 P)

(2020/C 348/04)

Language of the case: French

Parties

Appellant: European Commission (represented by: B. Mongin, L. Radu Bouyon, acting as Agents)

Other party to the proceedings: UG

Form of order sought

- Set aside the judgment of the European Union (Eighth Chamber) of 2 April 2020, delivered in Case T-571/17, *UG v Commission*
- Refer the case back to the General Court;
- Reserve the costs of the proceedings at first instance and on appeal.

Pleas in law and main arguments

1. First ground of appeal: distortion of the facts (paragraphs 64 to 71 of the contested decision)

According to settled case-law, there exists a distortion of the facts subject to review by the Court where the assessment of the existing evidence is manifestly incorrect. Such distortion must be obvious from the documents before the Court

In the first part of the ground, the Commission claims that the General Court's finding that the authority empowered to conclude contracts of employment (AECE) set UG too short a timeframe within which to remedy professional incompetence is contradicted by the evidence in the file. The AECE did not require UG to meet all the objectives fixed in the 2015 appraisal and to restore a relationship of trust with all his work colleagues within a period of three months.

According to the second part of the ground, the General Court erroneously focused its consideration on the issue of unjustified absences and failed to take into account the recurrence of several aspects of professional incompetence noted in the decision of 17 October 2016 and the letter of 8 September 2016.