

**Judgment of the Court (First Chamber) of 24 January 2019 (request for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — Raad van bestuur van de Sociale Verzekeringsbank v D. Balandin, I. Lukachenko, Holiday on Ice Services BV**

(Case C-477/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social security — Regulation (EU) No 1231/2010 — Applicable legislation — AI certificate — Article 1 — Extension of coordination of social security systems to citizens of third countries residing legally in the territory of a Member State — Legal residence — Concept)*

(2019/C 93/17)

Language of the case: Dutch

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

Applicant: Raad van bestuur van de Sociale Verzekeringsbank

Defendants: D. Balandin, I. Lukachenko, Holiday on Ice Services BV

**Operative part of the judgment**

Article 1 of Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality must be interpreted as meaning that third country nationals, such as those at issue in the main proceedings, who temporarily reside and work in different Member States in the service of an employer established in a Member State, may rely on the coordination rules laid down by Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for Regulation No 883/2004, in order to determine the social security legislation to which they are subject, provided that they are legally staying and working in the territory of the Member States.

<sup>(1)</sup> OJ C 357, 23.10.2017.

**Judgment of the Court (Third Chamber) of 16 January 2019 (request for a preliminary ruling from the Finanzgericht Düsseldorf — Germany) — Deutsche Post AG v Hauptzollamt Köln**

(Case C-496/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Customs union — The Union Customs Code — Article 39 — Status of authorised economic operator — Implementing Regulation (EU) 2015/2447 — The second subparagraph of Article 24(1) — Applicant not a natural person — Questionnaire — Collection of personal data — Directive 95/46/EC — Articles 6 and 7 — Regulation (EU) 2016/679 — Articles 5 and 6 — Processing of personal data)*

(2019/C 93/18)

Language of the case: German

**Referring court**

Finanzgericht Düsseldorf

**Parties to the main proceedings**

Applicant: Deutsche Post AG

Defendant: Hauptzollamt Köln

### Operative part of the judgment

The second subparagraph of Article 24(1) of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, read in the light of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), must be interpreted as meaning that the customs authorities may require an applicant for AEO status to send to them the tax identification numbers, allocated for the purposes of collecting income tax, concerning solely the natural persons who are in charge of the applicant or who exercise control over its management and those who are in charge of the applicant's customs matters, and the details of the tax offices responsible for the taxation of all those persons, to the extent that that data enables those authorities to obtain information on serious or repeated infringements of customs legislation or taxation rules or on serious criminal offences, committed by those natural persons and relating to their economic activity.

<sup>(1)</sup> OJ C 347, 16.10.2017.

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**Judgment of the Court (Fourth Chamber) of 17 January 2019 (request for a preliminary ruling from the Augstākā tiesa — Latvia) — SIA ‘KPMG Baltics’, acting as insolvency administrator of AS ‘Latvijas Krājbanka’ v SIA ‘Ķipars AI’**

(Case C-639/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Settlement finality in payment and securities settlement systems — Directive 98/26/EC — Scope — Concept of ‘transfer order’ — Payment order sent by the holder of an ordinary current account to a credit institution subsequently declared insolvent)*

(2019/C 93/19)

Language of the case: Latvian

### Referring court

Augstākā tiesa

### Parties to the main proceedings

Appellant: SIA ‘KPMG Baltics’, acting as insolvency administrator of AS ‘Latvijas Krājbanka’

Respondent: SIA ‘Ķipars AI’

### Operative part of the judgment

A payment order, such as that at issue in the main proceedings, given by the holder of an ordinary current account to a credit institution for a transfer of funds to another credit institution is not covered by the concept of ‘transfer order’, within the meaning of Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems, as amended by Directive 2009/44/EC of the European Parliament and of the Council of 6 May 2009, and does not, therefore, come within the scope of that directive.

<sup>(1)</sup> OJ C 52, 12.2.2018.