

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Ninth Chamber) of 13 February 2020 — Hellenic Republic v European Commission, Kingdom of Spain

(Case C-252/18 P) ⁽¹⁾

(Appeal — Guarantee Section of European Agricultural Guidance and Guarantee Fund (EAGGF), European Agricultural Guarantee Fund (EAGF) and European Agricultural Fund for Rural Development (EAFRD) — Expenditure excluded from EU funding — Expenditure incurred by the Hellenic Republic — Regulation (EC) No 1782/2003 — Regulation (EC) No 796/2004 — Area-related aid scheme — Definition of ‘permanent pasture’ — Flat-rate financial corrections)

(2020/C 103/02)

Language of the case: Greek

Parties

Appellant: Hellenic Republic (represented by: G. Kanellopoulos, E. Leftheriotou, A. Vasilopoulou and E. Chroni, acting as Agents)

Other parties to the proceedings: European Commission (represented by: D. Triantafyllou and A. Sauka, acting as Agents), Kingdom of Spain (represented by: S. Jiménez García, acting as Agent)

Operative part of the judgment

The Court:

1. Sets aside points 1 and 2 of the operative part of the judgment of the General Court of the European Union of 1 February 2018, *Greece v Commission* (T 506/15, not published, EU:T:2018:53), in that, first, the General Court dismissed the action brought by the Hellenic Republic against the flat-rate correction of 25 % imposed by Commission Implementing Decision 2015/1119/EU of 22 June 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), for the claim years 2009 to 2011, on the ground of deficiencies in the definition and control of permanent pasture; and, second, the General Court ruled on costs;
2. Dismisses the appeal as to the remainder;
3. Annuls Implementing Decision 2015/1119 in so far as it imposes on the Hellenic Republic a flat-rate financial correction of 25 % applied to area-related aid for the claim years 2009 to 2011, on the ground of deficiencies in the definition and control of permanent pasture;
4. Orders the Hellenic Republic and the European Commission each to bear their own costs relating to the proceedings at first instance and on appeal;

5. Orders the Kingdom of Spain to bear its own costs relating to the proceedings at first instance and on appeal.

(¹) OJ C 190, 4.6.2018.

Judgment of the Court (Sixth Chamber) of 13 February 2020 (request for a preliminary ruling from the Spetsializiran nakazatelen sad — Bulgaria) — Criminal proceedings against TX, UW

(Case C-688/18) (¹)

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Directive (EU) 2016/343 — Presumption of innocence and right to be present at the trial in criminal proceedings — Article 8(1) and (2) — Conditions laid down by national law in order to hold a trial in absentia — Non-appearance of accused persons at certain hearings for reasons either within or beyond their control — Right to fair legal process)

(2020/C 103/03)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Parties in the main proceedings

TX, UW

Operative part of the judgment

Article 8(1) and (2) of Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings must be interpreted as not precluding national legislation which provides, in a situation where the accused person has been informed, in due time, of his trial and of the consequences of not appearing at that trial, and where that person was represented by a mandated lawyer appointed by him, that his right to be present at his trial is not infringed where:

- he decided unequivocally not to appear at one of the hearings held in connection with his trial; or
- he did not appear at one of those hearings for a reason beyond his control if, following that hearing, he was informed of the steps taken in his absence and, with full knowledge of the situation, decided and stated either that he would not call the lawfulness of those steps into question in reliance on his non-appearance, or that he wished to participate in those steps, leading the national court hearing the case to repeat those steps, in particular by conducting a further examination of a witness, in which the accused person was given the opportunity to participate fully.

(¹) OJ C 25, 21.1.2019.