

Judgment of the Court (Fifth Chamber) of 12 December 2019 (request for a preliminary ruling from the Najvyšší súd Slovenskej republiky — Slovak Republic) — Slovenské elektrárne a.s. v Úrad pre vybrané hospodárske subjekty, formerly Daňový úrad pre vybrané daňové subjekty

(Case C-376/18) ⁽¹⁾

(Reference for a preliminary ruling — Admissibility — Common rules for the internal market in electricity — Directive 2009/72/EC — Scope — Article 3 — Objectives — Principle of non-discrimination — Special levy on the revenue of entities that are holders of an authorisation to carry on activity in regulated sectors — Electricity sector)

(2020/C 54/03)

Language of the case: Slovak

Referring court

Najvyšší súd Slovenskej republiky

Parties to the main proceedings

Applicant: Slovenské elektrárne a.s.

Defendant: Úrad pre vybrané hospodárske subjekty, formerly Daňový úrad pre vybrané daňové subjekty

Operative part of the judgment

Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC and, in particular, Article 3(1) to (3) and (10) thereof, must be interpreted as not precluding national legislation that establishes a special levy on the revenue, with respect to activities performed both nationally and abroad, of undertakings operating, on the basis of an authorisation issued by a public authority, in various regulated activity sectors, including undertakings that hold an authorisation for supplying electricity issued by the competent national regulatory authority.

⁽¹⁾ OJ C 285, 13.8.2018.

Judgment of the Court (First Chamber) of 12 December 2019 (request for a preliminary ruling from the Raad van State — Netherlands) — Staatssecretaris van Justitie en Veiligheid v E.P.

(Case C-380/18) ⁽¹⁾

(Reference for a preliminary ruling — Border controls, asylum and immigration — Regulation (EU) 2016/399 — Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) — Article 6 — Entry conditions for third-country nationals — Concept of ‘threat to public policy’ — Return decision issued to an illegally staying third-country national)

(2020/C 54/04)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: Staatssecretaris van Justitie en Veiligheid

Respondent: E.P.

Operative part of the judgment

Article 6(1)(e) of Regulation (EU) 2016/399 of the European Parliament and the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) must be interpreted as not precluding a national practice under which the competent authorities may issue a return decision to a third-country national not subject to a visa requirement, who is present on the territory of the Member States for a short stay, on the basis of the fact that that national is considered to be a threat to public policy because he or she is suspected of having committed a criminal offence, provided that that practice is applicable only if, first, the offence is sufficiently serious, in the light of its nature and of the punishment which may be imposed, to justify that national's stay on the territory of the Member States being brought to an immediate end and, second, those authorities have consistent, objective and specific evidence to support their suspicions, matters which are for the referring court to establish.

(¹) OJ C 294, 20.8.2018.

Judgment of the Court (First Chamber) of 12 December 2019 (requests for a preliminary ruling from the Raad van State — Netherlands) — G.S. (C-381/18), V.G. (C-382/18) v Staatssecretaris van Justitie en Veiligheid

(Joined Cases C-381/18 and C-382/18) (¹)

(References for a preliminary ruling — Border controls, asylum and immigration — Immigration policy — Directive 2003/86/EC — Right to family reunification — Requirements for the exercise of the right to family reunification — Concept of ‘grounds of public policy’ — Rejection of an application for entry and residence of a family member — Withdrawal of or refusal to renew a residence permit of a family member)

(2020/C 54/05)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: G.S. (C-381/18), V.G. (C-382/18)

Respondent: Staatssecretaris van Justitie en Veiligheid

Operative part of the judgment

1. The Court has jurisdiction under Article 267 TFEU to interpret Article 6 of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification in a situation in which a court is called upon to rule on an application for entry and residence of a third-country national who is a member of the family of a Union citizen who has not exercised his or her right to free movement, where that provision has been made directly and unconditionally applicable to such a situation by national law.