

**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.

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<sup>(1)</sup> OJ C 294, 20.8.2018.

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**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) <sup>(1)</sup>

*(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.

2. Article 6(1) and (2) of Directive 2003/86 must be interpreted as not precluding a national practice under which the competent authorities may, on grounds of public policy, first, reject an application, founded on that directive, for entry and residence, on the basis of a criminal conviction imposed during a previous stay on the territory of the Member State concerned and, second, withdraw a residence permit founded on that directive or refuse to renew it where a sentence sufficiently severe in comparison with the duration of the stay has been imposed on the applicant, provided that that practice is applicable only if the offence which warranted the criminal conviction at issue is sufficiently serious to establish that it is necessary to rule out residence of that applicant and that those authorities carry out the individual assessment provided for in Article 17 of that directive, matters which are for the referring court to verify.

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(<sup>1</sup>) OJ C 294, 20.8.2018.

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**Judgment of the Court (First Chamber) of 12 December 2019 (request for a preliminary ruling from the Korkein oikeus - Finland) – ML v Aktiva Finants OÜ**

(Case C-433/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Regulation (EC) No 44/2001 — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Requirement for adversarial proceedings and an effective remedy — Decision of a national court declaring enforceable a judgment delivered by a court of another Member State — National procedure granting leave for further consideration of an appeal)*

(2020/C 54/06)

Language of the case: Finnish

**Referring court**

Korkein oikeus

**Parties to the main proceedings**

*Applicant:* ML

*Defendant:* Aktiva Finants OÜ

**Operative part of the judgment**

1. Article 43(1) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as not precluding a procedure granting leave for further consideration of an appeal in which, first, a court of appeal rules on the grant of that leave on the basis of the judgment delivered at first instance, the appeal brought before it, any observations of the respondent and, if necessary, other information in the file and, second, leave for further consideration must be granted, in particular, if there are doubts as to the correctness of the judgment in question, if it is not possible to assess the correctness of that judgment without granting leave for further consideration or if there is another significant reason to grant leave for further consideration of the appeal;