

Judgment of the Court (Fifth Chamber) of 14 May 2020 (request for a preliminary ruling from the Amtsgericht Kehl — Germany) — Criminal proceedings against UY

(Case C-615/18) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Right to information in criminal proceedings — Directive 2012/13/EU — Article 6 — Right to be informed of a charge — Criminal prosecution for driving a vehicle without a driving licence — Driving prohibition resulting from a previous penalty order of which the person concerned is unaware — Notification of that order to the person concerned by service on a legal representative only — Acquisition of the force of res judicata — Possible negligence on the part of the person concerned)

(2020/C 240/09)

Language of the case: German

Referring court

Amtsgericht Kehl

Party in the main proceedings

UY

In the presence of: Staatsanwaltschaft Offenburg

Operative part of the judgment

Article 6 of Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings must be interpreted as:

- not precluding the legislation of a Member State under which a two-week period for lodging an objection against a penalty order imposing a driving ban on a person begins to run from service of the order on their authorised person, provided that, as soon as that person becomes aware of it, they can benefit from the two-week period for lodging an objection to the order and where appropriate, following or in the context of the procedure for a person's position being restored to the status quo ante without having to show that they have taken the necessary steps to inform themselves as soon as possible from their authorised person of the existence of that order, and that the effects of that order are suspended during that period,
- precluding the legislation of a Member State under which a person residing in another Member State is liable to a criminal penalty if he or she fails to comply with an order imposing a driving ban from the date on which it acquired the force of res judicata, even though that person was unaware of the existence of such an order on the date on which he or she infringed that ban.

⁽¹⁾ OJ C 445, 10.12.2018.

Judgment of the Court (Second Chamber) of 30 April 2020 (request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Coimbra — Portugal) — Nelson Antunes da Cunha, Lda v Instituto de Financiamento da Agricultura e Pescas IP (IFAP)

(Case C-627/18) ⁽¹⁾

(Reference for a preliminary ruling — State aids — Article 108 TFEU — Aid scheme incompatible with the internal market — European Commission decision ordering the recovery of unlawful aid — Regulation (EU) 2015/1589 — Article 17(1) — Limitation period of 10 years — Application to the Commission's recovery powers — Article 16(2) and (3) — Limitation period of a lesser duration provided for by national law — Principle of effectiveness)

(2020/C 240/10)

Language of the case: Portuguese

Referring court

Tribunal Administrativo e Fiscal de Coimbra