

*Other parties to the proceedings:* European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent), Bolton Cile España, SA (represented by: F. Celluprica, F. Fischetti and F. De Bono, avvocati)

### Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 12 September 2018, *Primart v EUIPO — Bolton Cile España (PRIMART Marek Łukasiewicz)* (T-584/17, not published, EU:T:2018:530);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.

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(<sup>1</sup>) OJ C 82, 4.3.2019.

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**Judgment of the Court (Third Chamber) of 18 June 2020 (request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság — Hungary) — Ryanair Designated Activity Company v Országos Rendőr-főkapitányság**

(Case C-754/18) (<sup>1</sup>)

*(Reference for a preliminary ruling — Citizenship of the European Union — Directive 2004/38/CE — Articles 5, 10 and 20 — Right of entry to a Member State of a third-country national who is a member of the family of an EU citizen — Evidence of holding such a right — Possession of a residence card of a family member of a Union citizen — Possession of a permanent residence card)*

(2020/C 271/09)

Language of the case: Hungarian

### Referring court

Fővárosi Közigazgatási és Munkaügyi Bíróság

### Parties to the main proceedings

*Applicant:* Ryanair Designated Activity Company

*Defendant:* Országos Rendőr-főkapitányság

### Operative part of the judgment

1. Article 5(2) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, must be interpreted as meaning that possession of the permanent residence card referred to in Article 20 of that directive exempts a person who is not a national of a Member State, but who is a family member of a Union citizen and who holds such a card, from the requirement to obtain a visa in order to enter the territory of the Member States;
2. Article 5(2) of Directive 2004/38 must be interpreted as meaning that possession of the permanent residence card referred to in Article 20 of that directive exempts the family member of a Union citizen who holds it from the obligation to obtain a visa where that card was issued by a Member State which is not part of the Schengen area;
3. Article 20 of Directive 2004/38 must be interpreted as meaning that possession of the residence card referred to in that article constitutes sufficient proof that the holder of that card is a family member of a Union citizen, so that the person concerned is entitled, without further verification or justification being necessary, to enter the territory of a Member State exempt from the requirement to obtain a visa under Article 5(2) of that directive.

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(<sup>1</sup>) OJ C 131, 8.4.2019.