

Appeal brought on 14 August 2018 by Emcur Gesundheitsmittel aus Bad Ems GmbH against the judgment of the General Court (Ninth Chamber) delivered on 14 June 2018 in Case T-165/17: Emcur v EUIPO

(Case C-533/18 P)

(2019/C 65/28)

Language of the case: English

Parties

Appellant: Emcur Gesundheitsmittel aus Bad Ems GmbH (represented by: K. Bröcker, Rechtsanwalt)

Other party to the proceedings: European Union Intellectual Property Office

By order of 8 January 2019 the Court of Justice (Tenth Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Sąd Rejonowy w Słupsku (Poland) lodged on 11 October 2018 — Criminal proceedings against JI

(Case C-634/18)

(2019/C 65/29)

Language of the case: Polish

Referring court

Sąd Rejonowy w Słupsku

Party to the main proceedings

Ji

Questions referred

1. Must the rule of EU law contained in Article 4(2)(a) of Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking, ⁽¹⁾ read in conjunction with Article 2(1)(c) thereof, be interpreted as meaning that that rule does not preclude the expression 'a significant quantity of drugs' from being interpreted on a case-by-case basis as part of the individual assessment of a national court, and that that assessment does not require the application of any objective criterion, in particular that it does not require a finding that the offender possesses drugs for the purpose of performing acts covered by Article 4(2)(a) of that framework decision, that is to say production, offering, offering for sale, distribution, brokerage, or delivery on any terms whatsoever?
2. In so far as the Polish Law on combating drug addiction contains no precise definition of 'a significant quantity of drugs' and leaves the interpretation thereof to the bench adjudicating in a specific case in the exercise of its 'judicial discretion', are the judicial remedies necessary to ensure the effectiveness and efficiency of the rules of EU law contained in Framework Decision 2004/757/JHA, and in particular Article 4(2)(a) of that framework decision, read in conjunction with Article 2(1)(c) thereof, sufficient to afford Polish citizens effective protection resulting from the rules of EU law laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking?
3. Is the rule of national law contained in Article 62(2) of the Law on combating drug addiction compatible with EU law, and in particular with the rule contained in Article 4(2)(a) of Framework Decision 2004/757/JHA, read in conjunction with Article 2(1)(c) thereof, and, if so, is the interpretation which the national Polish courts place on the expression 'a significant quantity of psychotropic substances and narcotic drugs' contrary to the rule of EU law pursuant to which a person who has committed the offence of possessing large quantities of drugs to perform activities covered by Article 2(1)(c) of Framework Decision 2004/757/JHA is to be subject to stricter criminal liability?

4. Is Article 62(2) of the Law on combating drug addiction, which lays down stricter criminal liability for the offence of possessing a significant quantity of psychotropic substances and narcotic drugs, as interpreted by the Polish national courts, contrary to the principles of equality and non-discrimination (Article 14 of the European Convention on Human Rights and Articles 20 and 21 of the Charter of Fundamental Rights [of the European Union], read in conjunction with Article 6(1) TEU)?

⁽¹⁾ OJ 2004 L 335, p. 8.

Request for a preliminary ruling from the Sąd Rejonowy w Chełmnie (Poland) lodged on 29 October 2018 — Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v ZP

(Case C-671/18)

(2019/C 65/30)

Language of the case: Polish

Referring court

Sąd Rejonowy w Chełmnie

Parties to the main proceedings

Applicant: Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (Central Fine Collection Agency, Ministry of Justice and Security) (CJIB)

Defendant: ZP

Questions referred

1. Should Article 7(2)(i)(iii) and Article 20(3) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, ⁽¹⁾ as amended by Council Framework Decision 2009/299/JHA of 26 February 2009 ⁽²⁾ ('the Framework Decision'), be interpreted as authorising a court to refuse to enforce a decision of an authority of an issuing State other than a court if it finds that the service of that decision was effected in such a way as to infringe a party's right to an effective defence before a court?
2. In particular, can a finding that, despite the service procedures in force in the issuing State and the time limits laid down for appealing a decision as referred to in Article 1(a)(ii) and (iii) of Council Framework Decision 2005/214/JHA having been observed, the party residing in the State enforcing the decision did not have a real and effective opportunity to protect his rights at the pre-litigation stage of the proceedings due to not having been given sufficient time to respond to the notification of the imposition of the penalty in a proper manner constitute grounds for refusal?
3. Under Article 3 of Council Framework Decision 2005/214/JHA, can the scope of legal protection afforded to persons against whom a financial penalty is to be recognised depend on whether the procedure for imposing the penalty was an administrative procedure, a procedure concerning a petty offence or a criminal procedure?