

Operative part of the judgment

1. EU law must be interpreted as meaning that the rules on the non-contractual liability of a Member State for damage caused by the breach of that law applies, on the ground that that Member State did not transpose, within the appropriate time, Article 12(2) of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, as regards victims residing in that Member State, on the territory of which the violent intentional crime was committed;
2. Article 12(2) of Directive 2004/80 must be interpreted as meaning that a fixed rate of compensation awarded to victims of sexual violence under the national scheme of compensation to victims of violent intentional crime cannot be classified as 'fair and appropriate', within the meaning of that provision, if it is fixed without taking into account the seriousness of the consequences, for the victims, of the crime committed and does not therefore represent an appropriate contribution to the reparation of the material and non-material harm suffered.

(¹) OJ C 182, 27.5.2019.

Judgment of the Court (Third Chamber) of 16 July 2020 (requests for a preliminary ruling from the Conseil d'État — Belgium) — B. M. M. (C-133/19 and C-136/19), B. S. (C-133/19), B. M. (C-136/19), B. M. O. (C-137/19) v État belge

(Joined Cases C-133/19, C-136/19 and C-137/19) (¹)

(Reference for a preliminary ruling — Area of freedom, security and justice — Immigration policy — Right to family reunification — Directive 2003/86/EC — Article 4(1) — Concept of a 'minor child' — Article 24(2) of the Charter of Fundamental Rights of the European Union — Best interests of the child — Article 47 of the Charter of Fundamental Rights — Right to an effective remedy — Children of the sponsor who have reached majority during the decision-making procedure or court proceedings against the decision refusing the family reunification application)

(2020/C 297/18)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: B. M. M. (C-133/19 and C-136/19), B. S. (C-133/19), B. M. (C-136/19), B. M. O. (C-137/19)

Defendant: État belge

Operative part of the judgment

1. Point (c) of the first subparagraph of Article 4(1) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification must be interpreted as meaning that the date which should be referred to for the purpose of determining whether an unmarried third-country national or refugee is a minor child, within the meaning of that provision, is that of the submission of the application for entry and residence for the purpose of family reunification for minor children, and not that of the decision on that application by the competent authorities of that Member State, as the case may be, after an action brought against a decision rejecting such an application;
2. Article 18 of Directive 2003/86, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding an action against the rejection of an application for family reunification of a minor child from being dismissed as inadmissible on the sole ground that the child has reached majority during the court proceedings.

(¹) OJ C 164, 13.5.2019.