

Order of the Court (Sixth Chamber) of 6 May 2020 (requests for a preliminary ruling from the Corte suprema di cassazione — Italy) — Blumar SpA (C-415/19), Roberto Abate SpA (C-416/19), Commerciale Gicap SpA (C-417/19) v Agenzia delle Entrate

(Joined Cases C-415/19 to C-417/19) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — State aid — European Commission decision declaring an aid scheme compatible with the internal market — National legislation precluding the award of aid under the authorised scheme in the event of non-compliance with a condition not provided for in the Commission decision)

(2020/C 287/27)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicants: Blumar SpA (C-415/19), Roberto Abate SpA (C-416/19), Commerciale Gicap SpA (C-417/19)

Defendant: Agenzia delle Entrate

Operative part of the order

Article 108(3) TFEU, Commission Decision C(2008) 380 of 25 January 2008, ‘State aid N 39/2007 — Italy — Tax credit for new investment in less-favoured areas’, and the principle of proportionality must be interpreted as not precluding legislation of a Member State pursuant to which the award of aid, under an aid scheme established by that Member State and authorised by that decision, is subject to a declaration by the applicant that it has not received aid declared unlawful and incompatible by the European Commission, which it has failed to repay or deposit into a blocked account, even though it is not the subject of a request for repayment and despite the fact that that decision does not explicitly provide for such a requirement.

⁽¹⁾ OJ C 328, 30.9.2019.

Order of the Court of (Ninth Chamber) 2 April 2020 — International Tax Stamp Association Ltd (ITSA) v European Commission

(Case C-553/19 P) ⁽¹⁾

(Appeal — Article 181 of the Rules of Procedure of the Court — Approximation of laws — Manufacture, presentation and sale of tobacco products and related products — Establishment and operation of a traceability system for tobacco products — Delegated Regulation and implementing acts — Action for annulment — Admissibility — Article 263, fourth paragraph, TFEU — Lack of direct concern — Article 256(1), second subparagraph, TFEU — Article 58, first paragraph, of the Statute of the Court of Justice of the European Union — Article 168(1)(d) and Article 169(2) of the Rules of Procedure of the Court — No precise identification of the contested points in the grounds of the judgment under appeal or specific legal arguments in support of the appeal — Arguments seeking to obtain from the Court a mere re-examination of the arguments presented at first instance — Appeal manifestly inadmissible)

(2020/C 287/28)

Language of the case: French

Parties

Appellant: International Tax Stamp Association Ltd (ITSA) (represented by: F. Scanvic, avocat)

Other party to the proceedings: European Commission (represented by: I. Rubene and C. Valero, acting as Agents)

Operative part of the order

1. The appeal is dismissed as being manifestly inadmissible.
2. International Tax Stamp Association Ltd (ITSA) is ordered to pay the costs.

(¹) OJ C 357, 21.10.2019.

**Order of the Court (Tenth Chamber) of 4 June 2020 — (request for a preliminary ruling from the
Amtsgericht Kehl — Germany) — Criminal proceedings against FU**

(Cases C-554/19) (¹)

(Reference for a preliminary ruling — Area of freedom, security and justice — Regulation (EU) 2016/399 — Schengen borders code — Articles 22 and 23 — Abolition of internal border controls in the Schengen area — Checks within the territory of a Member State — Measures having an effect equivalent to border checks — Identity checks in the vicinity of an internal border of the Schengen area — Possibilities of checks irrespective of the behaviour of the person concerned or of the existence of specific circumstances — National framework concerning the intensity, frequency and selectivity of the checks)

(2020/C 287/29)

Language of the case: German

Referring court

Amtsgericht Kehl

Criminal proceedings against

FU

Intervening party: Staatsanwaltschaft Offenburg

Operative part of the order

Article 67(2) TFEU and Articles 22 and 23 of Regulation (EU) 2016/399 of the European Parliament and of 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 legislative provision which confers on the police authorities of the Member State in question the power to check the identity of any person, within an area of 30 kilometres from that Member State's land border with other Schengen States, with a view to preventing or terminating unlawful entry into or residence in the territory of that Member State or preventing certain criminal offences which undermine the security of the border, irrespective of the conduct of the person concerned or the existence of specific circumstances, provided that that power is framed by sufficiently detailed specifications and limitations on the intensity, frequency and selectivity of the checks carried out, thereby guaranteeing that the practical exercise of that power cannot have an effect equivalent to border checks, which is, however, a matter for the referring court to verify.

(¹) OJ C 357, 21.10.2019.