

Question referred

Must Article 4(1)(c) of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, ⁽¹⁾ read where appropriate with Article 16(1) of that directive, be interpreted as requiring that third country nationals, in order to be classified as 'minor children' within the meaning of that provision, must be 'minors' not only at the time of submitting the application for leave to reside but also at the time when the administration eventually determines that application?

⁽¹⁾ OJ 2003 L 251, p. 12.

Appeal brought on 21 February 2019 by Deutsche Telekom AG against the judgment of the General Court (Ninth Chamber, Extended Composition) delivered on 13 December 2018 in Case T-827/14, Deutsche Telekom AG v European Commission

(Case C-152/19 P)

(2019/C 164/26)

Language of the case: German

Parties

Appellant: Deutsche Telekom AG (represented by: D. Schroeder and K. Apel, Rechtsanwälte)

Other parties to the proceedings: European Commission, Slovanet, a.s.

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 13 December 2018 in Case T-827/14 in so far as it dismisses the action;
- annul, in whole or in part, Commission Decision C(2014) 7465 final of 15 October 2014 relating to a proceeding under Article 102 TFEU and Article 54 of the EEA Agreement (Case AT.39523 — Slovak Telekom) as corrected by Commission Decisions C(2014) 10119 final and C(2015) 2484 final of 16 December 2014 and 17 April 2015 in so far as it relates to the appellant or, in the alternative, annul or further reduce the fines imposed on the appellant;
- in the alternative, refer the case back to the General Court for reconsideration;
- order the Commission to pay all the costs arising from the present proceedings and the proceedings before the General Court.

Grounds of appeal and main arguments

The appellant relies on four grounds in support of its appeal.

First, the General Court incorrectly interpreted the legal principle according to which it is necessary, for a refusal of access, that the access sought is indispensable for activity on a downstream market and, consequently, failed to apply that principle and thereby incorrectly applied it.

Secondly, the General Court misinterpreted and misapplied the legal principle that the conduct of a subsidiary may be imputed to the parent company only where the parent company has actually exercised a decisive influence.

Thirdly, the General Court failed to apply and thereby incorrectly applied the legal principle that the conduct of a subsidiary may be imputed to the parent company only where the subsidiary has carried out, in all material respects, the instructions given to it by its parent company.

Fourthly, the General Court incorrectly applied the legal principle that the right to be heard must be respected in administrative proceedings.

Request for a preliminary ruling from the Eparchiako Dikastirio Larnakas (Cyprus) lodged on 22 February 2019 — Cyprus Central Authority v GA

(Case C-154/19)

(2019/C 164/27)

Language of the case: Greek

Referring court

Eparchiako Dikastirio Larnakas (Cyprus)

Parties to the main proceedings

Applicant: Cyprus Central Authority

Defendant: GA

Questions referred

1. Should the independence from the executive of a public prosecutor's office which issues a European arrest warrant in accordance with the applicable national law be judged by its role in the relevant national legal system? If not, by what criteria should its independence from the executive be judged?
2. Is the Hamburg Public Prosecutor's Office, which forms part of the executive, rather than the judiciary, under national German law, is part of the structure of the Ministry for Justice and is required to prosecute criminal offenders where it considers appropriate, having appraised all the evidence, both incriminating and exculpatory, sufficiently independent an authority involved in the dispensation of criminal justice to qualify as a 'judicial authority' within the meaning of Article 6(1) of the Framework Decision of 13 June 2002 ⁽¹⁾ on the European arrest warrant and the surrender procedures between Member States?