

Reference for a preliminary ruling from International Protection Appeals Tribunal (Ireland) made on 16 May 2019 — Ms R.A.T., Mr D.S. v Minister for Justice and Equality

(Case C-385/19)

(2019/C 255/33)

Language of the case: English

Referring court

International Protection Appeals Tribunal

Parties to the main proceedings

Appellants: Ms R.A.T. and Mr D.S.

Respondent: Minister for Justice and Equality

Questions referred

- 1) Are there separate categories of ‘Applicant’ envisaged in Article 15 of Directive 2013/33/EU ⁽¹⁾?
- 2) What type of conduct will amount to delay attributable to the applicant within the meaning of Article 15(1) of Directive 2013/33/EU?

⁽¹⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ 2013, L 180, p. 96).

Action brought on 23 May 2019 — European Commission v Hungary

(Case C-400/19)

(2019/C 255/34)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: A. Sipos, A. Lewis and E. Manhaeve, acting as Agents)

Defendant: Hungary

Form of order sought

The Commission claims that the Court should:

- Declare that, by restricting the fixing of sale prices of agricultural and food products, having particular regard to Article 3(2)(u) of the a mezőgazdasági és élelmiszeripari termékek vonatkozásában a beszállítókkal szemben alkalmazott tisztességtelen forgalmazói magatartás tilalmáról szóló, 2009. évi XCV. törvény (Law XCV of 2009 prohibiting unfair trading practices by suppliers in respect of agricultural and food products), Hungary has failed to fulfil its obligations under Article 34 of the Treaty on the Functioning of the European Union and Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products; ⁽¹⁾
- Order Hungary to pay the costs.

Pleas in law and main arguments

Law XCV of 2009 prohibiting unfair trading practices by suppliers in respect of agricultural and food products ('the Tfmtv') introduced sector-specific provisions in relation to the fixing of the retail prices of the products in question.

The Commission submits that Article 3(2)(u) of the Tfmtv does not refer to the characteristics of agricultural and food products, but solely to their selling arrangements, and must therefore be regarded as a provision relating to sales arrangements within the meaning of the *Keck and Mithouard* judgment (see judgment of 24 November 1993, *Keck and Mithouard*, Joined Cases C-267/91 and C-268/91, EU:C:1993:905). In analysing the effects of that measure, it can be said to be a measure having equivalent effect to a quantitative restriction on trade between Member States within the meaning of Article 34 TFEU.

According to the Commission, Article 3(2)(u) of the Tfmtv does not in fact affect the sale of domestic and imported products in equal measure, and is neither an adequate nor proportionate measure with regard to any legitimate aim connected to it.

⁽¹⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013 L 347, p. 671).

Request for a preliminary ruling from the Cour du travail de Liège (Belgium) lodged on 24 May 2019 — LM v Centre public d'action sociale de Seraing

(Case C-402/19)

(2019/C 255/35)

Language of the case: French

Referring court

Cour du travail de Liège