

The fourth ground of appeal alleges erroneous interpretation and application of the combined provisions of Article 296 TFEU and Articles 36 and 40 of Implementing Regulation No 908/2014, as well as poor, inadequate and contradictory reasoning in the judgment under appeal with regard to the rejection of the complaint that the Commission infringed the principles of proportionality and sound administration.

The fifth ground of appeal alleges that the General Court failed, in breach of Article 76 of the Rules of Procedure, to rule on the complaints by which the Hellenic Republic alleges breach of the principle of proportionality in relation to the financial correction imposed on it by the Commission in respect of measures 321, 322 and 123A.

The sixth ground of appeal, relating to the rejection of the pleas in law put forward for the annulment of the correction imposed in respect of expenditure incurred under the EAGF, alleges erroneous application of the obligation to state reasons under Article 296 TFEU, distortion of the content of the summary report and inadequate reasoning.

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**Request for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 27 February 2020 — Republic of Poland v PL Holdings Sàrl**

(Case C-109/20)

(2020/C 161/52)

*Language of the case: Swedish*

**Referring court**

Högsta domstolen

**Parties to the main proceedings**

*Appellant and cross-respondent:* Republic of Poland

*Appellant and cross-respondent:* PL Holdings Sàrl

**Question referred**

Do Articles 267 and 344 TFEU, as interpreted in *Achmea*,<sup>(1)</sup> mean that an arbitration agreement is invalid if it has been concluded between a Member State and an investor — where an investment agreement contains an arbitration clause that is invalid as a result of the fact that the contract was concluded between two Member States — [despite the fact that] the Member State, after arbitration proceedings were commenced by the investor, refrains, by the free will of the State, from raising objections as to jurisdiction?

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<sup>(1)</sup> Judgment of the Court of Justice of 6 March 2018 (Case C-284/16, *Achmea*, EU:C:2018:158).

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**Request for a preliminary ruling from the Conseil d'État (Belgique) lodged on 28 February 2020 — M. A. v État belge**

(Case C-112/20)

(2020/C 161/53)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Applicant:* M.A.

*Defendant:* État belge

### Question referred

Should Article 5 of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals,<sup>(1)</sup> which requires Member States, when implementing the directive, to take account of the best interests of the child, together with Article 13 of that directive and Articles 24 and 47 of the Charter of Fundamental Rights of the European Union, be interpreted as requiring the best interests of the child, an EU citizen, to be taken into account even if the return decision is taken with regard to the child's parent alone?

<sup>(1)</sup> OJ 2008 L 348, p. 98.

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### Request for a preliminary ruling from the Cour d'appel de Bruxelles (Belgium) lodged on 3 March 2020 — *bpost SA v Autorité belge de la concurrence*

(Case C-117/20)

(2020/C 161/54)

Language of the case: French

### Referring court

Cour d'appel de Bruxelles

### Parties to the main proceedings

*Applicant:* bpost SA

*Defendant:* Autorité belge de la concurrence

*Intervening parties:* Publimail SA, European Commission

### Questions referred

1. Must the principle *non bis in idem*, as guaranteed by Article 50 of the Charter, be interpreted as not precluding the competent administrative authority of a Member State from imposing a fine for infringing EU competition law, in a situation such as that of the present case, where the same legal person has already been finally acquitted of an offence for which an administrative fine had been imposed on it by the national postal regulator for an alleged infringement of postal legislation, on the basis of the same or similar facts, in so far as the criterion that the legal interest protected must be the same is not satisfied because the case at issue relates to two different infringements of different legislation applicable in two separate fields of law?
  2. Must the principle *non bis in idem*, as guaranteed by Article 50 of the Charter, be interpreted as not precluding the competent administrative authority of a Member State from imposing a fine for infringing EU competition law, in a situation such as that of the present case, where the same legal person has already been finally acquitted of an offence for which an administrative fine had been imposed on it by the national postal regulator for an alleged infringement of postal legislation, on the basis of the same or similar facts, on the grounds that a limitation of the principle *non bis in idem* is justified by the fact that competition legislation pursues a complementary general interest objective, that is to say, protecting and maintaining a system of undistorted competition within the internal market, and does not go beyond what is appropriate and necessary in order to achieve the objective that such legislation legitimately pursues, and/or in order to protect the right and freedom to conduct business of those other operators under Article 16 of the Charter?
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