

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 28 March 2017 (request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court) — United Kingdom) — PJSC Rosneft Oil Company, formerly OJSC Rosneft Oil Company v Her Majesty's Treasury, Secretary of State for Business, Innovation and Skills, The Financial Conduct Authority

(Case C-72/15) ⁽¹⁾

(Reference for a preliminary ruling — Common Foreign and Security Policy (CFSP) — Restrictive measures adopted in view of Russia's actions destabilising the situation in Ukraine — Provisions of Decision 2014/512/CFSP and Regulation (EU) No 833/2014 — Validity — Jurisdiction of the Court — EU Russia Partnership Agreement — Obligation to state reasons — Principles of legal certainty and nulla poena sine lege certa — Access to capital markets — Financial assistance — Global Depository Receipts — Oil sector — Request for interpretation of concepts of 'shale' and 'waters deeper than 150 metres' — Inadmissibility)

(2017/C 161/02)

Language of the case: English

Referring court

High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court)

Parties to the main proceedings

Applicants: PJSC Rosneft Oil Company, formerly OJSC Rosneft Oil Company

Defendants: Her Majesty's Treasury, Secretary of State for Business, Innovation and Skills, The Financial Conduct Authority

Operative part of the judgment

1. Articles 19, 24 and 40 TEU, Article 275 TFEU, and Article 47 of the Charter of Fundamental Rights of the European Union must be interpreted as meaning that the Court of Justice of the European Union has jurisdiction to give preliminary rulings, under Article 267 TFEU, on the validity of an act adopted on the basis of provisions relating to the Common Foreign and Security Policy (CFSP), such as Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Decision 2014/872/CFSP of 4 December 2014, provided that the request for a preliminary ruling relates either to the monitoring of that decision's compliance with Article 40 TEU, or to reviewing the legality of restrictive measures against natural or legal persons;
2. Examination of the second question has disclosed nothing capable of affecting the validity of Article 1(2)(b) to (d) and (3), and Article 7 of, and Annex III to, Decision 2014/512, as amended by Decision 2014/872, or of Articles 3 and 3a, Article 4(3) and (4), Article 5(2)(b) to (d) and (3), and Article 11 of, and Annexes II and VI to, Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 1290/2014 of 4 December 2014;

The principles of legal certainty and *nulla poena sine lege certa* must be interpreted as meaning that they do not preclude a Member State from imposing criminal penalties that are to be applied in the event of an infringement of the provisions of Regulation No 833/2014, as amended by Regulation No 1290/2014, in accordance with Article 8(1) of that regulation, before the scope of those provisions and, therefore, the scope of the associated criminal penalties, has been clarified by the Court of Justice of the European Union.

3. The expression 'financial assistance' in Article 4(3)(b) of Regulation No 833/2014, as amended by Regulation No 1290/2014, must be interpreted as meaning that it does not include the processing of a payment, as such, by a bank or other financial institution;

Article 5(2) of Regulation No 833/2014, as amended by Regulation No 1290/2014, must be interpreted as meaning that it prohibits the issuance, after 12 September 2014, of international certificates representative of share ownership (Global Depositary Receipts), pursuant to a depositary agreement concluded with one of the entities listed in Annex VI to Regulation No 833/2014, as amended by Regulation No 1290/2014, including cases where those certificates represent shares issued by one of those entities before that date.

⁽¹⁾ OJ C 155, 11.5.2015.

Judgment of the Court (First Chamber) of 29 March 2017 (request for a preliminary ruling from the Verwaltungsgericht Darmstadt — Germany) — Furkan Tekdemir, legally represented by Derya Tekdemir and Nedim Tekdemir v Kreis Bergstraße

(Case C-652/15) ⁽¹⁾

(Reference for a preliminary ruling — Association Agreement between the European Union and Turkey — Decision No 1/80 — Article 13 — 'Standstill' clause — Right of residence of members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State — Existence of an overriding reason in the public interest justifying new restrictions — Efficient management of migration flows — Requirement for nationals of third countries under 16 years old to hold a residence permit — Proportionality)

(2017/C 161/03)

Language of the case: German

Referring court

Verwaltungsgericht Darmstadt

Parties to the main proceedings

Applicant: Furkan Tekdemir, legally represented by Derya Tekdemir and Nedim Tekdemir

Defendant: Kreis Bergstraße

Operative part of the judgment

Article 13 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association set up by the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the EEC and the Community, on the other, and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 must be interpreted as meaning that the objective of efficient management of migration flows may constitute an overriding reason in the public interest capable of justifying a national measure, introduced after the entry into force of that decision in the Member State in question, requiring nationals of third countries under the age of 16 years old to hold a residence permit in order to enter and reside in that Member State.

Such a measure is not, however, proportionate to the objective pursued where the procedure for its implementation as regards child nationals of third countries born in the Member State in question and one of whose parents is a Turkish worker lawfully residing in that Member State, such as the applicant in the main proceedings, goes beyond what is necessary for attaining that objective.

⁽¹⁾ OJ C 118, 4.4.2016.