

Parties to the main proceedings

Applicant: G.M.A.

Defendant: Belgian State

Questions referred

1. Is Article 45 of the Treaty on the Functioning of the European Union to be interpreted and applied as meaning that the host Member State is required (1) to allow jobseekers a reasonable period of time to acquaint themselves with potentially suitable employment opportunities and take the necessary steps to obtain employment, (2) to accept that the time allowed for seeking employment cannot in any circumstances be less than six months, and (3) to permit a jobseeker to stay within its territory for the whole of that period, without requiring him to prove that he has a real chance of obtaining employment?
2. Are Articles 15 and 31 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, ⁽¹⁾ Articles 41 and 47 of the Charter of Fundamental Rights of the European Union, and the general principles of primacy of EU law and effectiveness of directives, to be interpreted and applied as meaning that the national courts of the host Member State are required, in the context of an action for annulment brought against a decision refusing to recognise a right of residence of more than three months of an EU citizen, to have regard to new facts and matters arising after the decision of the national authorities, where such facts and matters are capable of altering the situation of the person concerned in such a way that it is no longer permissible to restrict his right of residence in the host Member State?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

Action brought on 3 October 2019 — European Commission v Republic of Bulgaria

(Case C-730/19)

(2019/C 399/40)

Language of the case: Bulgarian

Parties

Applicant: European Commission (represented by: Y. Marinova and E. Manhaeve)

Defendant: Republic of Bulgaria

Form of order sought

The European Commission claims that the Court should:

- declare that the Republic of Bulgaria has failed to fulfil its obligations in accordance with Article 13(1) of Directive 2008/50/EC, ⁽¹⁾ in conjunction with Annex XI to that directive, by systematically and continuously exceeding in zone BG0006 (South-East):
 - (i) the hourly limit values for SO₂ as from 2007;
 - (ii) the daily limit values for SO₂ as from 2007, with the exception of 2010 and 2012;
- declare that, as from 11 June 2010, the Republic of Bulgaria has failed to fulfil its obligations in accordance with Article 23(1) of Directive 2008/50/EC, in conjunction with Section A of Annex XV to that directive, and in particular its obligation in accordance with the second subparagraph of Article 23(1) to ensure as short as possible a period in which the abovementioned limit values for SO₂ in zone BG0006 (South-East) are exceeded;

— order the Republic of Bulgaria to pay the costs.

Pleas in law and main arguments

First, the Commission claims that Bulgaria has infringed the provisions of Article 13(1) of Directive 2008/50/EC, in conjunction with Annex XI to that directive, in so far as it has systematically and continuously exceeded, in zone BG0006 (South-East), the hourly and daily limit values for SO₂.

Secondly, the Commission maintains that Bulgaria has infringed the provisions of the second subparagraph of Article 23(1) of Directive 2008/50/EC, in conjunction with Section A of Annex XV to that directive, in so far as, as from 11 June 2010, it has not included in its air quality plans any appropriate measures intended to ensure that the period during which the limit values are exceeded is as short as possible.

(¹) Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ 2008 L 152, p. 1)

Action brought on 9 October 2019 — European Parliament v Council of the European Union

(Case C-743/19)

(2019/C 399/41)

Language of the case: Italian

Parties

Applicant: European Parliament (represented by: L. Visaggio, I. Anagnostopoulou, and C. Biz, acting as Agents)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Decision (EU) 2019/1199 of 13 June 2019; (¹)
- order Council of the European Union to pay the costs.

Pleas in law and main arguments

By its first plea in law, the Parliament claims that the author of the contested decision, be it the Council or all the Member States, does not have the power to determine the location of the seat of the European Labour Authority (ELA). The Parliament is of the opinion that:

Article 341 TFEU does not constitute an appropriate legal basis to determine the seat of bodies of the European Union such as decentralised agencies. In the present case, ELA was established by the EU legislature by Regulation (EU) 2019/1149, (²) adopted on the basis of Articles 46 and 48 TFEU by means of the ordinary legislative procedure. The Parliament considers that Article 341 TFEU cannot withdraw from the scope of competence of the EU legislature, which established ELA, the power to decide on the location of its seat, by attributing it instead to the Member States, and that therefore that provision cannot validly serve as the legal basis for the contested decision.