

Judgment of the Court (Sixth Chamber) of 18 September 2019 (request for a preliminary ruling from the Juzgado de lo Social No 33 de Madrid — Spain) — José Manuel Ortiz Mesonero v UTE Luz Madrid Centro

(Joined Cases C-366/18) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 2010/18/EU — Revised Framework Agreement on parental leave — National legislation making the granting of parental leave conditional on a reduction in working time, with a proportional reduction in pay — Shift work with variable hours — Request of the worker to perform his work at a fixed schedule to care for his minor children — Directive 2006/54/EC — Equal opportunities and equal treatment of men and women in employment and occupation — Indirect discrimination — Partial inadmissibility)

(2019/C 399/15)

Language of the case: Spanish

Referring court

Juzgado de lo Social No 33 de Madrid

Parties to the main proceedings

Applicant): José Manuel Ortiz Mesonero

Defendant: UTE Luz Madrid Centro

Operative part of the judgment

Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC must be interpreted as not applying to national legislation, such as that at issue in the main proceedings, which provides for a worker's right, in order to take direct care of minors or dependent family members, to reduce his ordinary hours of work, with a proportional reduction in his salary, without being able, when his usual work system is in shifts with a variable schedule, to benefit from a fixed working schedule while maintaining his ordinary hours of work.

⁽¹⁾ OJ C 294, 20.08.2018.

Judgment of the Court (Third Chamber) of 19 September 2019 (request for a preliminary ruling from the Rayonen sad Lukovit — Bulgaria) — Criminal proceedings against EP

(Case C-467/18) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in criminal matters — Articles 6, 47 and Article 51(1) of the Charter of Fundamental Rights of the European Union — Directive 2012/13/EU — Article 8(2) — Directive 2013/48/EU — Article 12 — Directive (EU) 2016/343 — Article 3 — National legislation authorising, on therapeutic and safety grounds, the committal to a psychiatric hospital of persons who, in a state of insanity, have committed acts representing a danger to society — Right to information about rights — Right of access to a lawyer — Right to an effective remedy — Presumption of innocence — Vulnerable persons)

(2019/C 399/16)

Language of the case: Bulgarian

Referring court

Rayonen sad Lukovit

Party to the main criminal proceedings

EP

Proceedings instituted at the request of: Rayonna prokuratura Lom, KM, HO**Operative part of the judgment**

1. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, and Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, must be interpreted as applying to judicial proceedings, such as those provided for by the national legislation at issue in the main proceedings, which authorise, on therapeutic and safety grounds, the committal to a psychiatric hospital of persons who, in a state of insanity, have committed acts representing a danger to society. Directive 2012/13 must be interpreted as meaning that persons suspected of having committed a criminal offence must be informed as soon as possible of their rights from the moment when they are subject to suspicions which justify, in circumstances other than an emergency, the restriction of their liberty by the competent authorities by means of coercive measures and, at the latest, before they are first officially questioned by the police.
2. Article 47 of the Charter of Fundamental Rights of the European Union, Article 8(2) of Directive 2012/13 and Article 12 of Directive 2013/48 must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which provides for judicial proceedings authorising, on therapeutic and safety grounds, the committal to a psychiatric hospital of persons who, in a state of insanity, have committed acts representing a danger to society, where that legislation does not enable the court with jurisdiction to verify that the procedural rights covered by those directives were respected in proceedings prior to those before that court, which were not subject to such judicial review.
3. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, and Article 51(1) of the Charter of Fundamental Rights must be interpreted as meaning that neither that directive nor that provision of the Charter of Fundamental Rights applies to judicial proceedings for the committal to a psychiatric hospital for therapeutic purposes, such as those provided for in Article 155 et seq. of the *Zakon za zdraveto* (Health Law), at issue in the main proceedings, on the ground that there is a risk that, in view of his state of health, the person concerned represents a danger to himself or others.
4. The principle of the presumption of innocence referred to in Article 3 of Directive 2016/343 must be interpreted as requiring, in judicial proceedings for the committal to a psychiatric hospital, on therapeutic and safety grounds, of persons who, in a state of insanity, have committed acts representing a danger to society, such as that at issue in the main proceedings, that the Public Prosecutor's Office provides proof that the person whose committal is sought is the perpetrator of acts deemed to constitute such a danger.

(¹) OJ C 352, 1.10.2018.

Judgment of the Court (Second Chamber) of 19 September 2019 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Gesamtverband Autoteile-Handel eV v KIA Motors Corporation

(Case C-527/18) (¹)

(Reference for a preliminary ruling — Approximation of laws — Motor vehicles — Regulation (EC) No 715/2007 — First sentence of Article 6(1) — Vehicle repair and maintenance information — Manufacturers' obligations towards independent operators — Unrestricted access to that information in a standardised format — Procedures — Prohibition of discrimination)

(2019/C 399/17)

Language of the case: German

Referring court

Bundesgerichtshof