

**Appeal brought on 24 May 2019 by the European Commission against the judgment of the General Court (Seventh Chamber) delivered on 20 March 2019 in Case T-237/17, Spain v Commission**

**(Case C-406/19 P)**

(2019/C 280/33)

*Language of the case: Spanish*

**Parties**

*Appellant:* European Commission (represented by: F. Castillo de la Torre and J. Aquilina, acting as agents)

*Other party to the proceedings:* Kingdom of Spain

**Form of order sought**

The Commission claims that the Court should set aside point 1 of the operative part of the judgment under appeal and dismiss the action at first instance or, alternatively, refer the case back to the General Court.

**Single ground of appeal**

The General Court erred in law in its allocation of the burden of proof in the context of the application of flat-rate corrections pursuant to Article 52(2) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008. <sup>(1)</sup>

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<sup>(1)</sup> OJ 2013 L 347, p. 549.

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**Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 11 June 2019 — B v Latvijas Republikas Saeima**

**(Case C-439/19)**

(2019/C 280/34)

*Language of the case: Latvian*

**Referring court**

Satversmes tiesa

**Parties to the main proceedings**

*Applicant:* B

*Defendant:* Latvijas Republikas Saeima

**Questions referred**

1. Must the expression '[p]rocessing of personal data relating to criminal convictions and offences or related security measures', used in Article 10 of Regulation 2016/679, <sup>(1)</sup> be interpreted as meaning that it includes the processing of information relating to penalty points recorded against drivers for motoring offences as provided for in the provision at issue?

2. Irrespective of the answer to the first question, can the provisions of Regulation 2016/679, in particular the principle of 'integrity and confidentiality' referred to in Article 5(1)(f) thereof, be interpreted as meaning that they prohibit Member States from stipulating that information relating to penalty points recorded against drivers for motoring offences falls within the public domain and from allowing such data to be processed by being communicated?
3. Must recitals 50 and 154 and Articles 5(1)(b) and 10 of Regulation 2016/679 and Article 1(2)(cc) of Directive 2003/98/EC<sup>(?)</sup> be interpreted as meaning that they preclude legislation of a Member State which allows information relating to penalty points recorded against drivers for motoring offences to be transmitted for the purposes of re-use?
4. If any of the foregoing questions is answered in the affirmative, must the principle of the primacy of EU law and the principle of legal certainty be interpreted as meaning that it might be permissible to apply the provision at issue and maintain its legal effects until such time as the decision ultimately adopted by the Constitutional Court becomes final?

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<sup>(1)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

<sup>(2)</sup> Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ 2003 L 345, p. 90).

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**Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 13 June 2019 —  
Kilpailu- ja kuluttajavirasto**

(Case C-450/19)

(2019/C 280/35)

*Language of the case: Finnish*

**Referring court**

Korkein hallinto-oikeus

**Parties to the main proceedings**

*Applicant:* Kilpailu- ja kuluttajavirasto

*Defendant:* Eltel Group Oy ja Eltel Networks Oy

**Questions referred**

1. Can the system of competition established by Article 101 of the Treaty on the Functioning of the European Union (TFEU) be interpreted to mean that, in a situation in which a cartel participant has entered into a construction contract as agreed in the cartel with a player outside the cartel, the competition infringement continues, due to the economic effects caused thereby, throughout the whole period in which contractual obligations arising from the contract are discharged or payments for the works are made to the contracting parties, that is to say up until the point at which the last instalment is paid for the works, or at least up until the point at which the works in question are completed;
  2. or is it to be assumed that the competition infringement continues only until the point at which the company that committed the infringement has submitted a tender for the works concerned or entered into a contract for the execution of the works?
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