

Article 113 of the Rules of Procedure — Infringement of Article 67(1) of the FEU Treaty, in conjunction with Article 113 of the Rules of Procedure — Infringement of Article 5(1) and (2) of the EU Treaty, in conjunction with Article 4(1) of the EU Treaty and Article 113 of the Rules of Procedure — Infringement of Article 5(4) of the EU Treaty, in conjunction with Article 113 of the Rules of Procedure — Failure to state reasons — Inadmissibility of an action in the event of representation by lawyers in an employment relationship with the party

Operative part of the judgment

The Court:

1. Dismisses the appeals;
2. Orders the Prezes Urzędu Komunikacji Elektronicznej and the Republic of Poland to pay the costs.

(¹) OJ C 311, 22.10.2011.

Judgment of the Court (Second Chamber) of 19 July 2012 (reference for a preliminary ruling from the Raad van State — Netherlands) — A. Adil v Minister voor Immigratie, Integratie en Asiel

(Case C-278/12 PPU) (¹)

(Area of freedom, security and justice — Regulation (EC) No 562/2006 — Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) — Articles 20 and 21 — Abolition of border control at internal borders — Checks within the territory — Measures having an equivalent effect to border checks — National legislation authorising checks of identity, nationality and residence status by officials responsible for border surveillance and monitoring of foreign nationals in a 20 kilometre area extending from the common border with other State parties to the Convention implementing the Schengen Agreement — Checks intended to combat illegal residence — Legislation laying down certain conditions and guarantees concerning, inter alia, the frequency and intensity of the checks)

(2012/C 355/12)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Applicant: Atiqullah Adil

Defendant: Minister voor Immigratie, Integratie en Asiel

Re:

Reference for a preliminary ruling — Raad van State — Interpretation of Article 21 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

(OJ 2006 L 105, p. 1) — Abolition of checks at internal borders — Possibility, for a Member State, to carry out police checks within its territory, in an area between the land border of that State with neighbouring countries and a line 20 km inside that border — Checks linked to establishing compliance with the rules governing residence — Whether such checks may be carried out solely on the basis of general information relating to the unlawful presence of nationals of non-member countries within the control area or whether it is necessary to have specific evidence of the irregularity of the situation of the person who is the subject of the check — Whether rules are permissible which establish certain quantitative criteria relating to the maximum number of checks which may be carried out within a given period

Operative part of the judgment

Articles 20 and 21 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which enables officials responsible for border surveillance and the monitoring of foreign nationals to carry out checks, in a geographic area 20 kilometres inside the land border between a Member State and the State parties to the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed at Schengen on 19 June 1990, with a view to establishing whether the persons stopped satisfy the requirements for lawful residence applicable in the Member State concerned, when those checks are based on general information and experience regarding the illegal residence of persons at the places where the checks are to be made, when they may also be carried out to a limited extent in order to obtain such general information and experience-based data in that regard, and when the carrying out of those checks is subject to certain limitations concerning, inter alia, their intensity and frequency.

(¹) OJ C 287, 22.9.2012.

Reference for a preliminary ruling from the Krajský súd v Prešove (Prešov Regional Court) lodged on 3 August 2012 — G.I.C. Cash, a.s. v Marián Gunčaga

(Case C-373/12)

(2012/C 355/13)

Language of the case: Slovak

Referring court

Krajský súd v Prešove

Parties to the main proceedings

Applicant: G.I.C. Cash, a.s.

Defendant: Marián Gunčaga