

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Order of the Court (Ninth Chamber) of 16 February 2023 (request for a preliminary ruling from the Tribunal Judicial da Comarca de Coimbra — Juízo do Trabalho da Figueira da Foz — Portugal) — KI v YB, JN**

**(Case C-483/22, <sup>(1)</sup> KI (Transfer of a Portuguese notary's office))**

**(Reference for a preliminary ruling — Article 53(2) and Article 94 of the Rules of Procedure of the Court of Justice — Requirement to present the factual and regulatory context of the dispute in the main proceedings — Lack of sufficient information — Manifest inadmissibility)**

(2023/C 121/02)

*Language of the case: Portuguese*

**Referring court**

Tribunal Judicial da Comarca de Coimbra — Juízo do Trabalho da Figueira da Foz

**Parties to the main proceedings**

*Applicant:* KI

*Defendants:* YB, JN

**Operative part of the order**

The request for a preliminary ruling made by the Tribunal Judicial da Comarca de Coimbra — Juízo do Trabalho da Figueira da Foz (District Court, Coimbra — Employment Tribunal, Figueira da Foz, Portugal) by decision of 7 July 2021 is manifestly inadmissible.

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<sup>(1)</sup> Date of filing: 19.7.2022.

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**Action brought on 21 February 2022 — European Commission v Hungary**

**(Case C-123/22)**

(2023/C 121/03)

*Language of the case: Hungarian*

**Parties**

*Applicant:* European Commission (represented by: A. Azéma, L. Grønfeldt, A. Tokár and J. Tomkin, Agents)

*Defendant:* Hungary

### Form of order sought

The Commission claims that the Court should:

1. declare that Hungary has failed to fulfil its obligations under Article 260(1) TFEU, in not taking all the necessary measures to comply with the judgment delivered by the Court on 17 December 2020 in Case C-808/18, *Commission v Hungary (Reception of applicants for international protection)*;
2. order Hungary to pay the Commission a lump sum of EUR 5 468,45 daily — in the total minimum amount of EUR 1 044 000,00 — from the date on which the Court delivered its judgment in Case C-808/18 until the date on which the defendant complies with that judgment or the date on which judgment is given in the present case, if the latter occurs first;
3. in the event that the failure to fulfil obligations referred to in the first head of claim continues until judgment is given in present case, order Hungary to pay the Commission a daily penalty payment of EUR 16 393,16 from the date on which judgment is given in the present case until the date on which the defendant complies with the judgment of the Court in Case C-808/18, and
4. order Hungary to pay the costs of the proceedings.

### Pleas in law and main arguments

In its judgment of 17 December 2020 in Case C-808/18, *Commission v Hungary (Reception of applicants for international protection)*, the Court declared that Hungary's asylum legislation was incompatible with EU law in various respects. Although Hungary has taken certain measures to comply with the contents of that judgment — above all, it has closed the so-called transit zones which it had established at the Hungarian-Serbian border — the Commission considers that those measures are insufficient to comply with that judgment.

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### Request for a preliminary ruling from the Juzgado de Primera Instancia n.º 2 de León (Spain) lodged on 24 November 2022 — Investcapital Ltd v G.H.R.

(Case C-724/22, Investcapital)

(2023/C 121/04)

Language of the case: Spanish

### Referring court

Juzgado de Primera Instancia n.º 2 de León

### Parties to the main proceedings

*Applicant:* Investcapital Ltd

*Defendant:* G.H.R.

### Questions referred

1. Does Article 7 of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts<sup>(1)</sup> preclude a court, when enforcing an instrument stemming from an order for payment procedure in which a review of unfair terms has already been carried out, from carrying out of its own motion a further review of unfair terms?

If not, does Article 7 of Directive 93/13/EEC preclude the court from asking the party seeking enforcement to provide such information as may be necessary to determine the origin of the amount of the debt, including the principal and, as the case may be, any interest, contractual penalties and other sums, in order to review of its own motion whether those terms are unfair? Does Article 7 of that directive preclude national legislation which does not provide for the possibility of requesting such additional documents during the enforcement procedure?