Parties to the main proceedings

Applicants at first instance and appellants in the present proceedings: Caseificio Cirigliana Srl, Mail Srl, Sorì Italia Srl

Defendants at first instance and respondents in the present proceedings: Ministero delle Politiche agricole, alimentari e forestali, Presidenza del Consiglio dei Ministri, Ministero della Salute

Question referred

Should Articles 3, 26, 32, 40 and 41 of the TFEU and Articles 1, 3, 4, 5 and 7 of Regulation 1151/2012/EU ([1]) on the Protected Designation of Origin, which require Member States to guarantee both free competition in respect of goods within the European Union and protection for quality schemes to support less favoured agricultural areas, be interpreted as precluding a restriction being imposed under national law (Article 4 of Decree Law No 91 of 24 June 2014, as converted into law by Law No 116 of 11 August 2014) on the production of PDO Mozzarella di Bufala Campana, which is to be made in factories dedicated exclusively to such production, in which the holding and storage of milk originating from farms not included in the monitoring system for PDO Mozzarella di Bufala Campana is prohibited?

([1]) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).

Appeal brought on 13 September 2018 by thyssenkrupp Electrical Steel GmbH, thyssenkrupp Electrical Steel Ugo against the order of the General Court (Sixth Chamber) delivered on 2 July 2018 in Case T-577/17: thyssenkrupp Electrical Steel GmbH, thyssenkrupp Electrical Steel Ugo v European Commission

(Case C-572/18 P)

(2018/C 436/35)

Language of the case: English

Parties

Appellants: thyssenkrupp Electrical Steel GmbH, thyssenkrupp Electrical Steel Ugo (represented by: M. Günes, L. C. Heinisch, Rechtsanwälte)

Other party to the proceedings: European Commission

Form of order sought

The applicants claim that the Court should:

— set aside the 2 July 2018 order of the General Court in Case T-577/17 — thyssenkrupp Electrical Steel GmbH and thyssenkrupp Electrical Steel Ugo v Commission;

— give a ruling declaring the action for annulment to be admissible;

— refer the case back to the General Court for further proceedings going to the substance of the case;

— order the Commission to bear the costs of the present appeal proceedings.

Pleas in law and main arguments

The appellants challenge the contested order upon the grounds that it is based upon significant errors in law. The appellants raise five arguments concerning errors in law:

— First, the General Court erred in holding that the UCC ([1]) and related delegated and implementing regulations do not confer on the Commission the power to adopt decisions that are binding on the national customs authorities in the examination of the economic conditions.

— Second, the General Court erred in holding that the role of the Commission during the examination of economic conditions is purely procedural in nature.

— Third, the General Court erred in treating the judgment of 11 May 2006 in Friesland Coberco Dairy Foods (C-11/05) as binding legal precedent for the interpretation of Article 259(5) UCC IA ([2]).

— Fourth, the General Court erred in failing to consider the September 2016 administrative arrangement concerning the application of Article 211(6) UCC & Article 259 UCC IA as evidence of the binding nature of the Commission's conclusions on the economic conditions.

— Fifth, the General Court erred in failing to consider that the appellants were directly and individually concerned by the Commission's conclusion on the economic conditions.

([1]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (UCC) (OJ 2013, L 269, p. 1).

([2]) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (UCC IA) (OJ 2015, L 343, p. 558).

Request for a preliminary ruling from the Audiencia Nacional (Spain) lodged on 20 September 2018 — Federación de Trabajadores Independientes de Comercio (FETICO), Federación Estatal de Servicios, Movilidad y Consumo de la Unión General de Trabajadores (FESMC-UGT), Federación de Servicios de Comisiones Obreras (CC.OO.) v Grupo de Empresas DIA, S.A., Twins Alimentación, S.A.

(Case C-588/18)

(2018/C 436/36)

Language of the case: Spanish

Referring court

Audiencia Nacional

Parties to the main proceedings

Applicants: Federación de Trabajadores Independientes de Comercio (FETICO), Federación Estatal de Servicios, Movilidad y Consumo de la Unión General de Trabajadores (FESMC-UGT), Federación de Servicios de Comisiones Obreras (CC.OO.)

Defendants: Grupo de Empresas DIA, S.A., Twins Alimentación, S.A.

Questions referred

1. Must Article 5 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 ([1]) concerning certain aspects of the organisation of working time be interpreted as precluding national legislation under which the weekly rest period is permitted to overlap with paid leave of absence intended to meet needs other than rest?

2. Must Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation under which annual leave is permitted to overlap with paid leave of absence intended to meet needs other than rest, relaxation and leisure?

([1]) OJ 2003 L 299, p. 9.