

**Appeal brought on 14 June 2018 by Alcogroup and Alcodis against the judgment delivered on 10 April 2018 in Case T-274/15 Alcogroup and Alcodis v Commission**

**(Case C-403/18P)**

(2018/C 294/50)

*Language of the case: French*

**Parties**

*Appellants:* Alcogroup, Alcodis (represented by: P. de Bandt, J. Dewispelaere, J. Probst, avocats)

*Other parties to the proceedings:* European Commission, Orde van Vlaamse Balies, Ordre des barreaux francophones et germanophone, Ordre français des avocats du barreau de Bruxelles

**Form of order sought**

- set aside the judgment of the General Court of 10 April 2018 in Case T-274/15;
- declare the action against the two contested decisions to be admissible;
- refer the case back to the General Court for a decision on the merits concerning the action for annulment;
- order the Commission to pay all of the costs of the present proceedings.

**Pleas in law and main arguments**

- First ground of appeal: the General Court erred in law and infringed the obligation to state reasons;
- Second ground of appeal: the General Court infringed the appellants' right to effective legal protection.

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**Request for a preliminary ruling from the Višje sodišče v Mariboru (Slovenia) lodged on 21 June 2018 — Aleš Kuhar, Jožef Kuhar v Addiko Bank d.d.**

**(Case C-407/18)**

(2018/C 294/51)

*Language of the case: Slovenian*

**Referring court**

Višje sodišče v Mariboru

**Parties to the main proceedings**

*Applicants:* Aleš Kuhar, Jožef Kuhar

*Defendant:* Addiko Bank d.d.

### Question referred

In the light of the principle of effectiveness of EU law, should Council Directive 93/13/EEC<sup>(1)</sup> be interpreted as meaning that, in enforcement proceedings, the court responsible for enforcement is required of its own motion to refuse enforcement on the ground that a directly enforceable notarial instrument (enforceable measure) contains an unfair clause, in a case such as that under consideration, in which the procedural rules of the Member State do not allow the court responsible for enforcement to suspend or stay enforcement (upon application by the debtor or of its own motion) until a final substantive decision on whether the term is unfair is given at the end of proceedings for declaratory relief brought by the debtor as consumer?

<sup>(1)</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

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**Appeal brought on 4 July 2018 by Verein Deutsche Sprache e.V. against the judgment of the General Court (Second Chamber) delivered on 23 April 2018 in Case T-468/16, Verein Deutsche Sprache e. V. v European Commission**

**(Case C-440/18 P)**

(2018/C 294/52)

*Language of the case: German*

### Parties

*Appellant:* Verein Deutsche Sprache e.V. (represented by: W. Ehrhardt, Rechtsanwalt)

*Other party:* European Commission

### Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 23 April 2018 in Case T-468/16 and annul the decision of the Secretary-General, on behalf of the Commission, pursuant to Article 4 of the rules for the implementation of Regulation (EC) No 1049/2001<sup>(1)</sup> of 10 June 2016.

### Grounds of appeal and main arguments

The appellant raises the following grounds of appeal:

**Improper conduct of proceedings by the General Court:** The appellant regards as deficient the fact that the General Court did not make use of its information tools pursuant to Article 24 of the Statute and Articles 88 and 89 of the Rules of Procedure. It should also have examined the Commission's factual submissions in greater detail independently of the appellant's request for the production of evidence. Contradictions in the Commission's factual submissions provided sufficient grounds in this regard.

**Incorrect treatment of the offer of evidence of 20 February 2017:** The appellant submits that the General Court erred in failing to examine in greater detail the letter submitted as evidence by a member of the university scientific staff containing insider knowledge, despite having expressly admitted that letter as evidence.

The appellant complains that the General Court refused to hear the Commission's spokesperson as a witness, even though the abovementioned document furnished sufficient justification for that person to be heard.

**Presumption of legality not applicable:** The appellant is of the view that, contrary to the findings of the General Court, the presumption of legality developed by the European Court of Justice is not applicable to submissions of an EU institution, which, if correct, would amount to a breach of the principles of sound administration.