

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 10 August 2018 — Dr. Willmar Schwabe GmbH & Co.KG v Queisser Pharma GmbH & Co. KG

(Case C-524/18)

(2018/C 392/13)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Dr. Willmar Schwabe GmbH & Co.KG

Defendant: Queisser Pharma GmbH & Co. KG

Questions referred

1. Is a reference to general, non-specific health-related benefits ‘accompanied’ within the meaning of Article 10(3) of Regulation (EC) No 1924/2006 ⁽¹⁾ by specific health claims in accordance with one of the lists provided for in Article 13 or 14 of that regulation even if that reference is situated on the front and the authorised claims are situated on the back of an outer packaging and, in the perception of the public, although the claims are clearly related to the reference in terms of content, the reference does not contain a clear indication, marked with an asterisk for example, to the claims on the back?
2. Does evidence within the meaning of Article 5(1)(a) and Article 6(1) of Regulation (EC) No 1924/2006 also need to be provided in the case of reference being made to general, non-specific benefits within the meaning of Article 10(3) of that regulation?

⁽¹⁾ Commission Regulation (EU) No 1047/2012 of 8 November 2012 amending Regulation (EC) No 1924/2006 with regard to the list of nutrition claims Text with EEA relevance, OJ 2012 L 310, p. 36.

Appeal brought on 16 August 2018 by České dráhy a.s. against the judgment of the General Court (Eighth Chamber) delivered on 20 June 2018 in Case T-325/16 České dráhy v Commission

(Case C-538/18 P)

(2018/C 392/14)

Language of the case: Czech

Parties

Appellant: České dráhy a.s. (represented by: K. Muzikář and J. Kindl, advokáti)

Other party to the proceedings: European Commission

Subject matter

Appeal against the judgment of the General Court of 20 June 2018 in Case T-325/16 *České dráhy v Commission*.

By that judgment the General Court allowed in part the action brought under Article 263 TFEU in which České dráhy sought the annulment of Commission Decision C(2016) 2417 final of 18 April 2016 in Case AT.40156 — Falcon. The General Court annulled the contested decision of the Commission ‘in so far as it concerns routes other than the Prague-Ostrava route and conduct other than the alleged predatory pricing practices’. The General Court dismissed the action as to the remainder. It also ordered each party to bear its own costs.