

Order of the Court (Tenth Chamber) of 16 July 2015 (request for a preliminary ruling from the Supremo Tribunal de Justiça — Portugal) — P v M

(Case C-507/14) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Absence of reasonable doubt — Jurisdiction in civil matters — Regulation (EC) No 2201/2003 — Article 16(1)(a) — Determination of the time at which a court is seised — Request to stay the proceedings — No effect)

(2015/C 320/16)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Applicant: P

Defendant: M

Operative part of the order

Article 16(1)(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 must be interpreted as meaning that a court is deemed to be seised at the time when the document instituting the proceedings or an equivalent document is lodged with that court, even where the proceedings have in the meantime been stayed at the initiative of the applicant who brought them, without those proceedings having been notified to the defendant or that defendant having had knowledge of them or having intervened in them in any way, provided that the applicant has not subsequently failed to take the steps he was required to take to have service effected on the respondent.

⁽¹⁾ OJ C 65, 23.2.2015.

Order of the Court (First Chamber) of 16 July 2015 (request for a preliminary ruling from the Audiencia Provincial de Castellón — Spain) — Juan Carlos Sánchez Morcillo, María del Carmen Abril García v Banco Bilbao Vizcaya Argentaria SA

(Case C-539/14) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Directive 93/13/EEC — Article 7 — Charter of Fundamental Rights of the European Union — Articles 7 and 47 — Consumer contracts — Mortgage loan contract — Unfair terms — Mortgage enforcement proceedings — Right of appeal)

(2015/C 320/17)

Language of the case: Spanish

Referring court

Audiencia Provincial de Castellón

Parties to the main proceedings

Applicants: Juan Carlos Sánchez Morcillo, María del Carmen Abril García

Defendant: Banco Bilbao Vizcaya Argentaria SA

Operative part of the order

Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, read in conjunction with Articles 47, 34(3) and 7 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding a national provision of the kind at issue in the main proceedings, by which the consumer, as a mortgage debtor against whom enforcement proceedings are brought, may bring an appeal against the decision rejecting his objection to the enforcement only when the court of first instance has not upheld an objection based on the unfairness of the contractual term upon which the enforcement is based even though the sellers or suppliers may, by contrast, appeal against any decision terminating proceedings regardless of the ground of objection on which that decision is based.

⁽¹⁾ OJ C 26, 26.1.2015.

Order of the Court (Ninth Chamber) of 4 June 2015 — Mirelta Ingatlanhasznosító kft v European Commission, European Ombudsman

(Case C-576/14 P) ⁽¹⁾

(Appeal — Action for annulment — Refusal by the Commission to bring proceedings for failure to fulfil obligations — Inadmissibility and lack of jurisdiction of the General Court — Appeal in part manifestly unfounded and in part manifestly inadmissible)

(2015/C 320/18)

Language of the case: Hungarian

Parties

Appellant: Mirelta Ingatlanhasznosító kft (represented by: K. Pap, ügyvéd)

Other parties to the proceedings: European Commission, European Ombudsman

Operative part of the order

1. The appeal is dismissed.
2. Mirelta Ingatlanhasznosító kft shall bear its own costs.

⁽¹⁾ OJ C 73, 2.3.2015.