

First, in paragraphs 52 to 58 of the judgment under appeal, the General Court infringed Article 107(1) TFEU in ruling that the public casinos did not enjoy an advantage from the payment of a lower tax for each entering customer on the basis of the contested measure, since the amounts paid represented 80 % of the mandatory entry fees which were charged by both the private and public casinos.

Second, in paragraphs 59 to 68 of the judgment under appeal, the General Court infringed Article 107(1) TFEU in ruling that it was not sufficient for the Commission to define the advantage of the contested measures as direct (*de jure*) tax discrimination, but that the Commission was obliged to base the existence of an advantage on an economic analysis of the effects of the contested measure.

Third, in paragraphs 74 to 80 of the judgment under appeal, the General Court infringed Article 107(1) TFEU in ruling that (i) the practice of free entry could not confirm the advantage of the contested measure since that measure did not provide any advantage and (ii) before that argument could be effective the Commission was bound to provide evidence that in practice the number of free entries granted was excessively high in comparison with the objectives of the Greek legislation which permitted that practice, so as to be incompatible with the conditions of that national legislation.

**Appeal brought on 24 November 2014 by Vadzim Ipatau against the judgment of the General Court
(First Chamber) delivered on 23 September 2014 in Case T-646/11 Ipatau v Council**

(Case C-535/14 P)

(2015/C 026/24)

Language of the case: French

Parties

Appellant: Vadzim Ipatau (represented by: M. Michaluskas, avocat)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 23 September 2014 (Case T-646/11),
- give final judgment in the matter or refer the case back to the General Court for judgment,
- order the Council to pay the costs, including the costs before the General Court.

Pleas in law and main arguments

The appellant relies on four grounds of appeal.

In the first place, the appellant submits that the General Court infringed the right to effective judicial protection by denying the filing of an application for legal aid any suspensory effect on the period prescribed for bringing an action for annulment against the contested measure.

In the second place, the appellant complains that the General Court infringed his rights of defence. The General Court held that the Council was not required to disclose to the appellant the evidence against him, nor required to give him the opportunity to be heard before the adoption of Decision 2012/642/CFSP⁽¹⁾ and Implementing Regulation No 1017/2012⁽²⁾.

In the third place, the General Court erred in law in taking the view that the grounds set out in the contested measures were sufficient.

In the last place, the General Court erred in law in taking the view that the contested measures were not disproportionate.

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1).

⁽²⁾ Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7).

Request for a preliminary ruling from the Audiencia Provincial de Castellón (Spain) lodged on 27 November 2014 — Juan Carlos Sánchez Morcillo, María del Carmen Abril García v Banco Bilbao Vizcaya Argentaria, S.A.

(Case C-539/14)

(2015/C 026/25)

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, S.A.

Question referred

Must Article 7(1) of Directive 93/13/EEC ⁽¹⁾, in conjunction with Articles 47, 34(3) and 7 of the Charter of Fundamental Rights of the European Union ⁽²⁾, be interpreted as precluding a procedural provision of the kind laid down in Article 695 (4) of the Spanish Law on Civil Procedure, applicable to appeals against a decision determining the outcome of an objection to enforcement proceedings in relation to mortgaged or pledged goods, which allows an appeal to be brought only against an order staying the proceedings, disapplying an unfair term or dismissing an opposition based on an unfair term, the immediate consequence of which is that more legal remedies on appeal are available to the seller or supplier seeking enforcement than to the consumer against whom enforcement is sought?

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

⁽²⁾ OJ 2000, C 364, p. 1.

Appeal brought on 27 November 2014 by DK Recycling und Roheisen GmbH against the judgment of the General Court (Fifth Chamber) delivered on 26 September 2014 in Case T-630/13 DK Recycling und Roheisen GmbH v European Commission

(Case C-540/14 P)

(2015/C 026/26)

Language of the case: German

Parties

Appellant: DK Recycling und Roheisen GmbH (represented by: S. Altenschmidt and P.-A. Schütter, Rechtsanwälte)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

1. Set aside the judgment of the General Court of 26 September 2014 in Case T-630/13, in so far as the action is dismissed as to the remainder in point 2 of the operative part;