

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;