

Judgment of the Court (Ninth Chamber) of 26 October 2016 — PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas) v Council of the European Union, European Commission, Sasol Olefins & Surfactants GmbH, Sasol Germany GmbH

(Case C-468/15 P P) ⁽¹⁾

(Appeal — Dumping — Implementing Regulations (EU) No 1138/2011 and (EU) No 1241/2012 — Imports of certain fatty alcohols and their blends originating in India, Indonesia and Malaysia — Regulation (EC) No 1225/2009 — Article 2(10)(i) — Adjustment — Functions similar to those of an agent working on a commission basis — First subparagraph of Article 2(10) — Symmetry between the normal value and the export price — Principle of sound administration)

(2017/C 006/26)

Language of the case: English

Parties

Appellant: PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas) (represented by: D. Luff, avocat)

Other parties to the proceedings: Council of the European Union (represented by: J.-P. Hix, Agent, and by N. Tuominen, avocate), European Commission (represented by: J.-F. Brakeland and M. França, Agents), Sasol Olefins & Surfactants GmbH, Sasol Germany GmbH

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders PT Perindustrian dan Perdagangan Musim Semi Mas (PT Musim Mas) to bear its own costs and to pay the costs incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 354, 26.10.2015.

Judgment of the Court (Tenth Chamber) of 26 October 2016 — Westermann Lernspielverlage GmbH, formerly Westermann Lernspielverlag GmbH v European Union Intellectual Property Office (EUIPO)

(Case C-482/15 P) ⁽¹⁾

(Appeal — EU trade mark application — Figurative mark containing the word elements ‘bambino’ and ‘lük’ — Opposition proceedings — Earlier EU figurative mark containing the word element ‘bambino’ — Partial refusal of registration — Revocation of the earlier mark on which the opposition was based — Letter from the applicant informing the General Court of that revocation — Refusal of the General Court to add that letter to the case file — Failure to state reasons)

(2017/C 006/27)

Language of the case: English

Parties

Appellant: Westermann Lernspielverlage GmbH, formerly Westermann Lernspielverlag GmbH (represented by: A. Nordemann and M. Maier, Rechtsanwälte)

Other party to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: J. Crespo Carrillo, acting as Agent)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Westermann Lernspielverlage GmbH to pay the costs.

⁽¹⁾ OJ C 406, 7.12.2015.

Judgment of the Court (Fourth Chamber Chamber) of 27 October 2016 (request for a preliminary ruling from the Spetsializiran nakazatelen sad — Bulgaria) — Criminal proceedings against Emil Milev

(Case C-439/16 PPU) ⁽¹⁾

(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Judicial cooperation in criminal matters — Directive 2016/343/EU — Articles 3 and 6 — Temporal application — Review by the courts of the remand in custody pending trial of an accused — National legislation prohibiting, during the trial stage of the proceedings, inquiry into whether there are reasonable grounds to suspect that the accused has committed an offence — Incompatibility with Article 5(1)(c) and (4) of the European Convention on Human Rights — Discretion left by the national case-law to the national courts to decide whether or not to apply that convention)

(2017/C 006/28)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Party in the main proceedings

Emil Milev

Operative part of the judgment

The opinion delivered on 7 April 2016 by the Varhoven kasatsionen sad (Supreme Court of Cassation, Bulgaria) at the beginning of the transposition period of Directive 2016/343/EU of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, which confers on the national courts having jurisdiction to hear an action brought against a custody decision the ability to decide whether, during the trial stage of the criminal proceedings, the continued custody of an accused must be subject to a review by the court of whether, in addition, there are reasonable grounds to suspect that he committed the offence with which he is charged is not likely seriously to compromise, after the expiry of the period prescribed for transposition of the directive, the attainment of the objectives prescribed by that directive.

⁽¹⁾ OJ C 364, 3.10.2016.

Appeal brought on 2 June 2016 by Ukraine against the order of the General Court (Ninth Chamber, Extended Composition) delivered on 11 March 2015 in Case T-346/14: Yanukovych v Council

(Case C-317/16 P)

(2017/C 006/29)

Language of the case: English

Parties

Appellant: Ukraine (represented by: M. Kostytska, avocat)