

Form of order sought

The applicants claim that the Court should:

- Set aside the order of the General Court of 25 March 2015, whereby it:
 - a. dismisses the applications as inadmissible; and
 - b. orders the Applicants to bear their own costs and the costs incurred by the Commission.
 - Declare admissible the Appellants' application for annulment;
- and
- a.) Give final judgment in the matter;
- or, alternatively
- b) Refer the case back to the General Court for judgment on the merits;
- Alternatively: refer the case back to the General Court for consideration of the issue of admissibility joined to the merits, and for judgment accordingly;
 - Order the Commission to pay the costs pursuant to Article 184, first paragraph of the Rules of Procedure of the Court of Justice.

Pleas in law and main arguments

The appellants submit that the dismissal of their action for annulment was unlawful because (i) the General Court provided an inaccurate and distorted statement of facts, thus disregarding the Appellants' right to be heard; (ii) in applying Article 263(4) TFEU, the General Court incorrectly narrowed down challengeable acts to acts under Article 288 TFEU; (iii) the General Court erred in finding that the contested measures are not decisions under Article 288(4) TFEU; (iv) in applying Article 263(4) TFEU, the General Court incorrectly considered decisive whether or not the challenged act is '*separable from the contractual framework*' and failed to take into account other relevant factors; (v) in applying Article 263(4) TFEU, the General Court incorrectly applied criteria developed for bipolar cases to a tripolar case; (vi) the General Court failed to consider the Appellants' right to an effective judicial remedy as protected under the European Convention for Human Rights and the Charter of Fundamental Rights.

Request for a preliminary ruling from the Oberlandesgericht München (Germany) lodged on 11 June 2015 — Soha Sahyouni v Raja Mamisch

(Case C-281/15)

(2015/C 294/36)

Language of the case: German

Referring court

Oberlandesgericht München

Parties to the main proceedings

Applicant: Soha Sahyouni

Defendant: Raja Mamisch

Questions referred

1. Does the scope of Council Regulation (EU) No 1259/2010⁽¹⁾ of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (OJ 2010 L 343, p. 10), as defined in Article 1 of that regulation, also include ‘private divorce’, in this instance one pronounced before a religious court in Syria on the basis of sharia?

2. If the answer to Question 1 is in the affirmative:
 - (a) In the case of an examination as to whether a divorce is eligible for recognition in national territory, must Article 10 of Regulation (EU) No 1259/2010 also be applied?

 - (b) If the answer to Question 2(a) is in the affirmative:
 - (1) Is account to be taken in the abstract of a comparison showing that, while the law of the forum grants access to divorce to the other spouse too, that divorce is, on account of the other spouse’s sex, subject to different procedural and substantive conditions than access for the first spouse,

 - or

 - (2) Does the validity of that rule depend on whether the application of the foreign law, which is discriminatory in the abstract, also discriminates in the particular case in question?

 - (c) If the answer to Question (b)(2) is in the affirmative:

Does the fact that the spouse discriminated against consents to the divorce — including by duly accepting compensation — itself constitute a ground for not applying that rule?

⁽¹⁾ OJ 2010 L 343, p. 10.

Request for a preliminary ruling from the Verwaltungsgericht Braunschweig (Germany) lodged on 11 June 2015 — Queisser Pharma GmbH & Co. KG v Federal Republic of Germany

(Case C-282/15)

(2015/C 294/37)

Language of the case: German

Referring court

Verwaltungsgericht Braunschweig

Parties to the main proceedings

Applicant: Queisser Pharma GmbH & Co. KG

Defendant: Federal Republic of Germany