

4. Is it contrary to the abovementioned provisions and the objectives of the Directive for national legislation, such as Article 129 of the Law on Mortgages, in the wording of Law 1/2013, merely to confer on a notary, as sole effective remedy for protecting the consumer rights enshrined in the Directive, and in respect of extrajudicial enforcement procedures with consumers, the power to warn of the existence of unfair terms; or to give the consumer against whom extrajudicial enforcement is sought an opportunity of lodging a claim in separate legal proceedings before the notary has awarded the property subject to enforcement?
5. Is it contrary to the abovementioned provisions and the objectives of the Directive for national legislation, such as Article 129 of the Law on Mortgages, in the wording provided by Law 1/2013, and Articles 234 to 236 of the Mortgage Rules in the wording given in Royal Decree 290/1992, to establish an extrajudicial procedure for the enforcement of mortgage loan agreements concluded with consumers by sellers or suppliers in which there is no opportunity whatsoever for review *ex officio* of unfair terms?

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

Appeal brought on 16 November 2015 by Romania against the order of the General Court (Third Chamber) of 14 September 2015 in Case T-784/14, Romania v Commission

(Case C-599/15 P)

(2016/C 038/46)

Language of the case: Romanian

Parties

Appellant: Romania (represented by: R.-H. Radu, A. Buzoianu, E. Gane and M. Chicu, acting as Agents)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- I. declare the appeal admissible, set aside the order of the General Court in Case T-784/14 in its entirety and rule afresh in respect of Case T-784/14 by declaring the application for annulment to be admissible and by annulling letter BUDG/B3/MV D (2014) 3079038 of 19 September 2014;

or

declare the appeal admissible, set aside the order of the General Court in Case T-784/14 in its entirety and refer Case T-784/14 back to the General Court in order that the latter may declare the application for annulment admissible and annul letter BUDG/B3/MV D (2014) 3079038 of 19 September 2014;

- II. order the Commission to pay the costs.

Grounds of appeal and main arguments

1. First ground — Procedural irregularities before the General Court harming the interests of the Romanian State

Romania takes the view that the order under appeal was made in breach of Article 130(7) and (8) of the Rules of Procedure of the General Court.

The General Court, it submits, failed to determine, and did not provide proper reasons, whether it was necessary to examine the objection of inadmissibility together with the examination of the substance.

Although the General Court decided that joint examination of the objection of inadmissibility and the substance was not justified, it found that the legal context under which the obligation for Romania to pay arose came under the rules set out in Decision 2007/436 ⁽¹⁾ and Regulation No 1150/2000, ⁽²⁾ and ruled that the Romanian State had an obligation arising under those provisions to determine and pay the amount of EUR 14 883,79 as traditional own resources.

By analysing the nature and basis of the payment obligation, the General Court ruled on the substance of the case and, in doing so, acted at variance with its decision to rule exclusively on the objection of inadmissibility.

2. Second ground — Breach of EU law by the General Court

Romania takes the view that the General Court erred in classifying the nature of the obligations attributed to it by letter BUDG/B3/MV D(2014) 3079038 of 19 September 2014, thereby committing an error of law which affected the General Court's analysis of (i) the assessment of the Commission's power and (ii) the nature of the disputed letter.

In the alternative, Romania takes the view that the General Court infringed EU law and misapplied the case-law of the Court of Justice in concluding that it is for the Member States to determine whether there is a loss of traditional own resources, as well as the existence of an obligation to pay such resources.

In addition, Romania disputes the applicability of the mechanism of interim payment in the present case and, in that respect, the related findings of the General Court.

⁽¹⁾ Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources (OJ 2007 L 163, p. 17).

⁽²⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities' own resources (OJ 2000 L 130, p. 1).

Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 17 November 2015 — J.N.; other party: Staatssecretaris van Justitie en Veiligheid

(Case C-601/15)

(2016/C 038/47)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: J.N.

Other party: Staatssecretaris van Justitie en Veiligheid

Question referred

Is Article 8(3)(e) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ 2013 L 180, p. 96) valid in the light of Article 6 of the Charter of Fundamental Rights of the European Union (OJ 2007 C 303, p. 1):

1. in a situation where a third-country national has been detained pursuant to Article 8(3)(e) of that directive and, under Article 9 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60), has the right to remain in a Member State until a decision on his asylum application has been made at first instance, and