

3. In the situation described in the second question, is it relevant to the classification of the letting transaction as ‘ancillary’ that it is for the benefit of a third party — a legal person of which the natural person is a shareholder and director — established in the property let and carrying on professional activities of the same kind as those of the natural person in question?

(¹) OJ 2006 L 347, p. 1.

Appeal brought on 23 November 2018 by Bank for Development and Foreign Economic Affairs (Vnesheconombank) against the judgment of the General Court (Sixth Chamber) delivered on 13 September 2018 in Case T-737/14 Vnesheconombank (VEB) v Council

(Case C-731/18 P)

(2019/C 65/33)

Language of the case: Spanish

Parties

Appellant: Bank for Development and Foreign Economic Affairs (represented by: J. Viñals Camallonga and J. Iriarte Ángel, lawyers)

Other parties to the proceedings: Council of the European Union, European Commission

Form of order sought

The applicant claims that the Court should:

- set aside the judgment of the General Court (Sixth Chamber) of 13 September 2018 in Case T-737/14;
- give final judgment in the proceedings by granting the forms of order sought by the applicant, now the appellant, at first instance; that is to say, annul Article 1 of Decision 2014/512/CFSP (¹) of 31 July 2014, Article 5 of Regulation (EU) No 833/2014 (²) of 31 July 2014, the new Article 1 in accordance with Decision 2014/659/CFSP (³) of 8 September 2014 and the new Article 5 in accordance with Regulation (EU) No 960/2014 (⁴) of 8 September 2014, in so far as they concern VEB and remove its name from the annexes in which it is included;
- Order the Council to pay the costs of both actions.

Grounds of appeal and main arguments

The appellant relies on four grounds in support of its appeal:

1. Error in law in that the General Court erroneously ruled that the Council had met its duty to state reasons.
2. Error in law in that the General Court erroneously ruled that there was no manifest error in the assessment of the facts on which the relevant provisions of the contested measures are based; this also amounts to a misuse of powers.
3. Error in law in that the General Court erroneously ruled that the right to an effective remedy had been respected.

4. Error in law in that that the General Court erroneously ruled that VEB's right to property had been respected; this also amounts to an infringement of the principle of equality.

- ⁽¹⁾ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 13)
- ⁽²⁾ Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 1)
- ⁽³⁾ Council Decision 2014/659/CFSP of 8 September 2014 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 271, p. 54)
- ⁽⁴⁾ Council Regulation (EU) No 960/2014 of 8 September 2014 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 271, p. 3)

Request for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 30 November 2018 — Föreningen Svenska Tonsättares Internationella Musikbyrå u.p.a. (Stim), Svenska artisters och musikers intresseorganisation ek. för. (SAMI) v Fleetmanager Sweden AB, Nordisk Biluthyrning AB

(Case C-753/18)

(2019/C 65/34)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Appellants: Föreningen Svenska Tonsättares Internationella Musikbyrå u.p.a. (Stim), Svenska artisters och musikers intresseorganisation ek. för. (SAMI)

Respondents: Fleetmanager Sweden AB, Nordisk Biluthyrning AB

Questions referred

1. Does the hiring out of cars which are equipped as standard with radio receivers mean that the person who hires the cars out is a user who makes a communication to the public within the meaning of Article 3(1) of Directive 2001/29⁽¹⁾ and within the meaning of Article 8(2) of Directive 2006/115?⁽²⁾
2. What is the significance, if any, of the volume of the car hire activities and the duration of the hires?

⁽¹⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

⁽²⁾ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ 2006 L 376, p. 28).

Request for a preliminary ruling from the Judecătoria Rădăuți (Romania) lodged on 3 December 2018 — OF v PG

(Case C-759/18)

(2019/C 65/35)

Language of the case: Romanian

Referring court

Judecătoria Rădăuți