

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should set aside the order under appeal in its entirety and, consequently, declare admissible the action for annulment brought by the appellant under Article 263 TFEU against Commission Implementing Regulation (EU) 2018/1214 of 29 August 2018 entering a name in the register of protected designations of origin and protected geographical indications ('Morcilla de Burgos'(PGI)) ⁽¹⁾ in order, thereafter, moving on to the substance of the case, to give judgment declaring Commission Implementing Regulation (EU) 2018/1214 of 29 August 2018 null and void, and order any party opposing that action to pay the costs.

Grounds of appeal and main arguments

The present appeal is based on the irregularity of the proceedings before the General Court of the European Union, which harms the appellant's interests, stemming from an error of law in the form of an infringement of Article 73(1) and related provisions of the Rules of Procedure of the General Court and the case-law which interprets it, on the following legal grounds:

- The order under appeal incorrectly finds, in essence, that the application contained '*only scanned signatures*' of the appellant's representatives, when it in fact contained qualified electronic signatures, with a qualified certificate from the Autoridad de Certificación de la Abogacía (Advocacy Certification Authority, 'ACA'), which have the equivalent legal effect of a handwritten signature.
- Those qualified electronic signatures are recognised and provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014. ⁽²⁾
- Qualified electronic signatures with qualified ACA certificates are entirely consistent with the spirit and rationale of Article 73(1) of the Rules of Procedure of the General Court: '*for reasons of legal certainty, to ensure the authenticity of the procedural document and to eliminate the risk that that document is not in fact the work of the author authorised for that purpose*', as recalled in the order under appeal.
- Article 73(1) of the Rules of Procedure of the General Court was repealed by Decision of the General Court of 11 July 2018, that change entering into force on 1 December 2018 (two days after the application was lodged), the application of the most favourable rule constituting a universal and fundamental principle in the law on penalties of western legal orders.
- The case-law referred to in the order under appeal to justify the inadmissibility of the action brought by the appellant primarily relates to scanned signatures. However, the specific case of the present proceedings (an application with a qualified electronic signature and ACA certification) has not been dealt with by the Courts of the European Union.
- Rules must be interpreted in connection with the social context of the time when they have to be applied, having particular regard to their spirit and purpose.

⁽¹⁾ OJ 2018 L 224, p. 3

⁽²⁾ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing 1999/93/EC (OJ 2014 L 257, p.73).

Request for a preliminary ruling from the Trgovački sud u Zagrebu (Croatia) lodged on 18 April 2019 — Interplastics s.r.o. v Letificio d.o.o.

(Case C-323/19)

(2019/C 263/34)

Language of the case: Croatian

Referring court

Trgovački sud u Zagrebu

Parties to the main proceedings

Applicant: Interplastics s.r.o.

Defendant: Letifico d.o.o.

Questions referred

1. Is a provision of national law, namely Article 1 of the Ovršni zakon (Law on enforcement) (published in the Narodne novine Nos 112/12, 25/13, 93/14, 55/16 and 73/17), which gives notaries the power to enforce the recovery of debts based on an authentic document by issuing a writ of execution, as an enforcement order, without the express agreement of the debtor who is a legal person established in the Republic of Croatia, compatible with Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Article 18 of the Treaty on the Functioning of the European Union, in the light of the judgments of the Court of Justice of the European Union in Cases C-484/15 and C-551/15?
2. Can the interpretation given in the judgments of the Court of Justice of 9 March 2017, *Zulfikarpašić* (C-484/15, EU:C:2017:199), and *Pula Parking* (C-551/15, EU:C:2017:193), be applied to Case Povrv-752/19, described above, and, specifically, is Regulation No 1215/2012 to be interpreted as meaning that, in Croatia, notaries, acting within the framework of the powers conferred on them by national law in enforcement proceedings based on an 'authentic document', in which the parties seeking enforcement are legal persons established in other EU Member States, do not fall within the concept of 'court' within the meaning of that regulation?

Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije (Slovenia) lodged on 2 May 2019 — D.J. v Radiotelevizija Slovenija

(Case C-344/19)

(2019/C 263/35)

Language of the case: Slovenian

Referring court

Vrhovno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: D.J.

Defendant: Radiotelevizija Slovenija

Questions referred

1. Must Article 2 of Directive 2003/88 ⁽¹⁾ be interpreted as meaning that, in circumstances such as those in the present case, stand-by duty, during which a worker performing his work at a radio and television transmission station must during the period he is not at work (when his physical presence at the workplace is not necessary) be contactable when called and, where necessary, be at his workplace within one hour, is to be considered working time?