

Question referred

Does Directive 93/13/EEC ⁽¹⁾ preclude a rule of national law, such as that resulting from Article 712 et seq. of Chapter VI of the Code of Civil Procedure, which lays down a period of 15 days within which a debtor may, by way of an objection to enforcement, rely on the unfairness of a contractual term of the enforceable instrument, given that an action seeking to establish the existence of unfair terms in an enforceable instrument is not subject to any time limit and, in this connection, a debtor may seek suspension of enforcement of the instrument under Article 638(2) of the Code of Civil Procedure?

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

Request for a preliminary ruling from the Juzgado de Primera Instancia No 2 de Las Palmas de Gran Canaria (Spain) lodged on 6 April 2021 — Zulima v Servicios prescriptor y medios de pagos E.F.C. S.A.U.

(Case C-215/21)

(2021/C 320/16)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia de Las Palmas de Gran Canaria

Parties to the main proceedings

Applicant: Zulima

Defendant: Servicios prescriptor y medios de pagos E.F.C. S.A.U.

Question referred

Where a consumer raises a complaint against an unfair term under Directive 93/13/EC ⁽¹⁾ and an out-of-court offer to settle is made, Article 22 of the *Ley de Enjuiciamiento Civil* (Law of Civil Procedure) has the effect of compelling the consumer to bear the costs of the proceedings without regard to the seller's or supplier's prior conduct in having failed to heed the letters of formal notice [issued to him]. Do those Spanish rules of procedure constitute a significant obstacle capable of dissuading a consumer from exercising the right to effective judicial review of the potentially unfair nature of a contractual term contrary to the principle of effectiveness and Article[s] 6(1) and 7(1) of Directive 93/13?

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

Request for a preliminary ruling from the Curtea de Apel Ploiești (Romania) lodged on 6 April 2021 — Asociația 'Forumul Judecătorilor din România' and YN v Consiliul Superior al Magistraturii

(Case C-216/21)

(2021/C 320/17)

Language of the case: Romanian

Referring court

Curtea de Apel Ploiești

Parties to the main proceedings

Applicants: Asociația 'Forumul Judecătorilor din România' and YN

Defendant: Consiliul Superior al Magistraturii

Questions referred

1. Must the Cooperation and Verification Mechanism (CVM), established by Commission Decision 2006/928/EC of 13 December 2006, ⁽¹⁾ be regarded as an act of an institution of the Union, within the meaning of Article 267 TFEU, and therefore amenable to interpretation by the Court of Justice of the European Union? Do the terms, nature and duration of the CVM established by Commission Decision 2006/928/EC of 13 December 2006 fall within the scope of the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union, signed by Romania in Luxembourg on 25 April 2005? Are the requirements laid down in the reports prepared in accordance with the CVM binding on the Romanian State?
2. Can the principle of judicial independence, enshrined in the second subparagraph of Article 19(1) of the Treaty on European Union (TEU) and Article 47 of the Charter of Fundamental Rights, as well as in the case-law of the Court of Justice of the European Union, with reference to Article 2 TEU, be interpreted as also applying to procedures for the promotion of judges in office?
3. Is that principle infringed by the introduction of a system for promotion to a higher court which is based solely on a brief assessment of activities and conduct that is carried out by a board composed of the President of the court responsible for judicial review and of the judges of that court which, in addition to the periodic assessment of judges, separately carries out both assessments of judges for promotion purposes and the judicial review of judgments delivered by those judges?
4. Is the principle of judicial independence, enshrined in the second subparagraph of Article 19(1) of the Treaty on European Union (TEU) and Article 47 of the Charter of Fundamental Rights, as well as in the case-law of the Court of Justice of the European Union, with reference to Article 2 TEU, infringed if the Romanian State undermines the foreseeability and legal certainty of EU law by accepting the CVM and reports prepared in accordance with that mechanism and adhering to them for more than 10 years and then, with no forewarning, changing the procedure for the promotion of judges to executive positions, contrary to CVM recommendations?

⁽¹⁾ Commission Decision 2006/928/EC of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56).

Appeal brought on 1 April 2021 by Olimp Laboratories sp. z o.o. against the judgment of the General Court (Second Chamber) delivered on 27 January 2021 in Case T-817/19, Olimp Laboratories v EUIPO

(Case C-219/21 P)

(2021/C 320/18)

Language of the case: English

Parties

Appellant: Olimp Laboratories sp. z o.o. (represented by: M. Kondrat, adwokat)