

- 2.2. Do Article 6(1) and Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts preclude national courts from upholding a claim that is not seeking the entirety of the statutory interest due on the amounts to be repaid?
 - 2.3. Does the principle of effectiveness laid down in Article 6(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts preclude national courts from declining to award part of the interest accrued on the amounts to be repaid where the applicant has not claimed that interest?
 - 2.4. Do the principles of effectiveness and of repayment in full laid down in Article 6(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts permit or require national courts to decide to increase the amount of the claim to cover amounts not claimed in the application in order to achieve repayment in full, including the part of the statutory interest that was not claimed in the application, where this is done for the consumer's benefit?
3. If the answer to question 2.4. is in the negative, does Article 6(1) of Directive 93/13 preclude the national civil procedural law principles of *res judicata* and of time-barring in respect of facts for the purposes of reserving to a subsequent action a claim for the accrued statutory interest not claimed in the application?

(¹) OJ 1993 L 95, p. 29.

Appeal brought on 1 February 2022 by Industria de Diseño Textil SA (Inditex) against the judgment of the General Court (Second Chamber) delivered on 1 December 2021 in Case T-467/20, Inditex v EUIPO — Ffauf Italia (ZARA)

(Case C-65/22 P)

(2022/C 244/14)

Language of the case: English

Parties

Appellant: Industria de Diseño Textil SA (Inditex) (represented by: C. Duch Fonoll and S. Sáenz de Ormijana Rico, abogadas)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO), Ffauf Italia SpA

By order of 6 May 2022, the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal was not allowed to proceed and that Industria de Diseño Textil SA (Inditex) should bear its own costs.

Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia (Spain) lodged on 17 February 2022 — DX, Instituto Nacional de la Seguridad Social (INSS) v Tesorería General de la Seguridad Social

(Case C-113/22)

(2022/C 244/15)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Galicia

Parties to the main proceedings

Applicants: DX, Instituto Nacional de la Seguridad Social (INSS)

Defendant: Tesorería General de la Seguridad Social

Questions referred

1. Must the administrative authority's practice, set out in administrative position 1/2020 of the INSS' Subdirector-ate-General for Planning and Legal Services of 31 January 2020, of systematically refusing to grant the supplement at issue to men and requiring them to pursue their claims through the courts, as has happened to the applicant in the present case, be regarded, in accordance with Council Directive 79/7/EEC ⁽¹⁾ of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, as an administrative breach of that directive, which is different from the legislative breach found to have been committed in the judgment of the Court of Justice of 12 December 2019 in *WA* (C-450/18), ⁽²⁾ so that, considered in itself, that administrative breach constitutes discrimination on grounds of sex, in view of the fact that, according to Article 4 of that directive, the principle of equal treatment means that there is to be no discrimination whatsoever on ground of sex, either directly, or indirectly, and that, according to Article 5 of that directive, Member States are to take the measures necessary to ensure that any legislative or administrative provisions contrary to the principle of equal treatment are abolished?
2. In the light of the answer to the previous question, and having regard to Directive 79/7 (in particular Article 6 thereof and the principles of equivalence and effectiveness in relation to the legal consequences of non-compliance with EU law), must the effective date of the judicial recognition of the supplement be the date of the application (backdated by three months), or must the effective date be backdated to the date on which the judgment of the Court of Justice in *WA* was delivered or published, or to the date of the operative event for the permanent incapacity benefit to which the supplement at issue relates?
3. In the light of the answer to the previous questions, and having regard to the applicable directive (in particular Article 6 thereof and the principles of equivalence and effectiveness in relation to the legal consequences of non-compliance with EU law), is it appropriate to award compensation by way of reparation for the loss sustained and exemplary damages, on the ground that that loss is not addressed by the determination of the effective date of the judicial recognition of the supplement, and in any event, must the compensation cover the court fees and costs of legal representation before the Juzgado de lo Social (Social Court) and the Sala de lo Social (Social Chamber) of the referring court?

⁽¹⁾ OJ 1979 L 6, p. 24.

⁽²⁾ EU:C:2019:1075.

Appeal brought on 21 February 2022 by Zoï Apostolopoulou and Anastasia Apostolopoulou-Chrysanthaki against the judgment delivered on 21 December 2021 in Joined Cases T-721/18 and T-81/19, Apostolopoulou and Apostolopoulou-Chrysanthaki v European Commission

(Case C-124/22 P)

(2022/C 244/16)

Language of the case: Greek

Parties

Appellants: Zoï Apostolopoulou and Anastasia Apostolopoulou-Chrysanthaki (represented by: D. Gkouskos, dikigoros)

Other party to the proceedings: European Commission

Form of order sought

The appellants submit that the Court of Justice should:

- set aside the judgment of the General Court of 21 December 2021 in Joined Cases T-721/18 and T-81/19; ⁽¹⁾
- uphold the actions in Joined Cases T-721/18 and T-81/19 in their entirety;
- order the other party to the proceedings to pay the costs incurred by the appellants at first and second instance.