

Fourth, the General Court infringed Article 263 TFEU and Article 296 TFEU because it failed to address pleas in law and breached its duty to state reasons, because the General Court substituted its own reasoning for the reasoning of the Commission in the contested decision.

Fifth, the General Court erred in law in concluding that the 'group financing exemption' in Chapter 9 of Part 9A of the TIOPA is not justified by the nature or overall structure of the reference system.

(¹) OJ 2019 L 216, p. 1.

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 26 August 2022 — Verein für Konsumenteninformation v Sofatutor GmbH

(Case C-565/22)

(2022/C 441/16)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant on a point of law: Verein für Konsumenteninformation

Respondent in the appeal on a point of law: Sofatutor GmbH

Question referred

Must Article 9(1) of Directive 2011/83/EU (¹) of the European Parliament and of the Council of 25 October 2011 on consumer rights be interpreted as meaning that the consumer has a new right of withdrawal where a distance contract is 'extended automatically' (Article 6(1)(o) of that directive)?

(¹) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ 2011 L 304, p. 64).

Appeal brought on 25 August 2022 by Vasile Dumitrescu, Guido Schwarz against the judgment of the General Court (Eighth Chamber) delivered on 15 June 2022 in Case T-531/16, Dumitrescu and Schwarz v Commission

(Case C-567/22 P)

(2022/C 441/17)

Language of the case: French

Parties

Appellants: Vasile Dumitrescu, Guido Schwarz (represented by: L. Levi, J.-N. Louis, avocats)

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

Form of order sought

The appellants claim that the Court should:

— set aside the judgment of the General Court of the European Union of 15 June 2022 in Case T-531/16, *Dumitrescu and Schwarz v Commission*;

- refer the present case to the Court of Justice for a ruling that the appellants' action at first instance is well founded;
- order the defendant at first instance to pay all of the costs at first instance and on appeal.

Grounds of appeal and main arguments

In support of their appeal, the appellants rely on three grounds:

The first ground of appeal alleges infringement of Article 45 TFEU, infringement by the General Court of its obligation to state reasons, error of legal characterisation and distortion of the contents of the file;

The second ground of appeal alleges infringement of the purpose of Article 8 of Annex VII to the Staff Regulations of Officials of the European Union, breach of the general principle of the right of an official to retain personal links with the place where his or her principal interests are situated, infringement of Articles 7 and 8 of the Charter of Fundamental Rights and distortion of the contents of the file;

The third ground of appeal alleges breach of the principle of equal treatment.

Appeal brought on 25 August 2022 by YT, YU against the judgment of the General Court (Eighth Chamber) delivered on 15 June 2022 in Case T-532/16, YT and YU v Commission

(Case C-568/22 P)

(2022/C 441/18)

Language of the case: French

Parties

Appellants: YT, YU (represented by: L. Levi, J.-N. Louis, avocats)

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

Form of order sought

The appellants claim that the Court should:

- set aside the judgment of the General Court of the European Union of 15 June 2022 in Case T-532/16, *YT and YU v Commission*;
- refer the present case to the Court of Justice for a ruling that the appellants' action at first instance is well founded;
- order the defendant at first instance to pay all of the costs at first instance and on appeal.

Grounds of appeal and main arguments

In support of their appeal, the appellants rely on two grounds:

The first ground of appeal alleges infringement of Article 45 TFEU, infringement by the General Court of its obligation to state reasons, error of legal characterisation and distortion of the contents of the file;

The second ground of appeal alleges infringement of the purpose of Article 8 of Annex VII to the Staff Regulations of Officials of the European Union and breach of the general principle of proportionality.
