

6. If so, are the provisions of the Spanish Law on civil procedure, which prevent the party ordered to pay costs from challenging the amount of the fees of the *procurador* on the grounds that they are considered to be excessively high and do not correspond to the work actually carried out, compatible with Article 6 of the European Convention?

(<sup>1</sup>) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

**Reference for a preliminary ruling from Supreme Court (Ireland) made on 3 August 2012 — Thomas Pringle v Government of Ireland, Ireland and the Attorney General**

(Case C-370/12)

(2012/C 303/31)

*Language of the case: English*

**Referring court**

Supreme Court

**Parties to the main proceedings**

*Applicant:* Thomas Pringle

*Defendant:* Government of Ireland, Ireland and the Attorney General

**Questions referred**

1. Whether European Council Decision 2011/199/EU of 25th March 2011 (<sup>1</sup>) is valid:

— Having regard to the use of the simplified revision procedure pursuant to Article 48(6) TEU and, in particular, whether the proposed amendment to Article 136 TFEU involved an increase in the competences conferred on the Union in the Treaties;

— Having regard to the content of the proposed amendment, in particular whether it involves any violation of the Treaties or of the general principles of law of the Union.

2. Having regard to

— Articles 2 and 3 TEU and the provisions of Part Three, Title VIII TFEU, and in particular Articles 119, 120, 121, 122, 123, 125, 126, and 127 TFEU;

— the exclusive competence of the Union in monetary policy as set out in Article 3(1)(c) TFEU and in concluding international agreements falling within the scope of Article 3(2) TFEU;

— the competence of the Union in coordinating economic policy, in accordance with Article 2(3) TFEU and Part Three, Title VIII TFEU;

— the powers and functions of Union Institutions pursuant to principles set out in Article 13 TEU;

— the principle of sincere cooperation laid down in Article 4(3) TEU;

— the general principles of Union law including in particular the general principle of effective judicial protection and the right to an effective remedy as provided under Article 47 of the Charter of Fundamental Rights of the European Union and the general principle of legal certainty;

is a Member State of the European Union whose currency is the euro entitled to enter into and ratify an international agreement such as the ESM Treaty?

3. If the European Council Decision is held valid, is the entitlement of a Member State to enter into and ratify an international agreement such as the ESM Treaty subject to the entry into force of that Decision?

(<sup>1</sup>) European Council Decision of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro  
OJ L 91, p. 1

**Reference for a preliminary ruling from the Raad van State (Netherlands), lodged on 3 August 2012 — Minister voor Immigratie, Integratie en Asiel, other parties: M. and S.**

(Case C-372/12)

(2012/C 303/32)

*Language of the case: Dutch*

**Referring court**

Raad van State

**Parties to the main proceedings**

*Appellant:* Minister voor Immigratie, Integratie en Asiel

*Respondents:* M. and S.

**Questions referred**

1. Should the second indent of Article 12(a) of Directive 95/46/EC (<sup>1</sup>) of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data be interpreted to mean that there is a right to a copy of documents in which personal data have been processed, or is it sufficient if a full summary, in an intelligible form, of the personal data that have undergone processing in the documents concerned is provided?

2. Should the words 'right of access' in Article 8(2) of the Charter of Fundamental Rights of the European Union <sup>(2)</sup> be interpreted to mean that there is a right to a copy of documents in which personal data have been processed, or is it sufficient if there is provision of a full summary, in an intelligible form, of the personal data that have undergone processing in the documents concerned within the meaning of the second indent of Article 12(a) of Directive 95/46/EC ...?

3. Is Article 41(2)(b) of the Charter of Fundamental Rights of the European Union also addressed to the Member States of the European Union in so far as they are implementing European Union law within the meaning of Article 51(1) of that Charter?

4. Does the consequence that, as a result of the granting of access to 'minutes', the reasons why a particular decision is proposed are no longer recorded therein, which is not in the interests of the internal undisturbed exchange of views within the public authority concerned and of orderly decision-making, constitute a legitimate interest of confidentiality within the meaning of Article 41(2)(b) of the Charter of Fundamental Rights of the European Union?

5. Can a legal analysis, as set out in a 'minute', be regarded as personal data within the meaning of Article 2(a) of Directive 95/46/EC ...?

6. Does the protection of the rights and freedoms of others, within the meaning of Article 13(1)(g) of Directive 95/46/EC ..., also cover the interest in an internal undisturbed exchange of views within the public authority concerned? If the answer to that is in the negative, can that interest then be covered by Article 13(1)(d) or (f) of that directive?

**Appeal brought on 7 August 2012 by Arav Holding Srl against the judgment of the General Court (Second Chamber) delivered on 19 June 2012 in Case T-557/10 H.Eich v OHIM — Arav (H.EICH)**

(Case C-379/12 P)

(2012/C 303/33)

*Language of the case: Italian*

**Parties**

*Appellant:* Arav Holding Srl (represented by: R. Bocchini, avvocato)

*Other parties to the proceedings:* H.Eich Srl, Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

**Form of order sought**

Set aside in full the judgment of 19 June 2012 of the General Court of the European Union and, accordingly, uphold the decision of the First Board of Appeal of OHIM delivered on 9 September 2010, on the ground that the latter fully complied with and applied the rules laid down in the Community trade mark regulation ('CTMR'), <sup>(1)</sup> in particular Article 8(1)(b) thereof.

**Pleas in law and main arguments**

By its appeal, Arav Holding Srl challenges the judgment of the General Court in question in two respects.

First, it complains that the General Court failed to recognise the graphic, phonetic and conceptual similarity between, on the one hand, the Italian national figurative mark 'H SILVIAN HEACH' and the international figurative mark 'H SILVIAN HEACH' and, on the other, the mark 'H.EICH'. The General Court failed to identify correctly the essential core of the mark, namely the surname and not the first name. In addition, the General Court failed to take into account the limited significance of the use of a point, which is extremely small in relation to the letters, and failed to take into consideration that the earlier trade mark is a 'strong' mark.

Second, Arav Holding Srl submits that the General Court erred in finding that there was no overall likelihood of confusion between the marks resulting from their similarity and the similar uses made of them.

<sup>(1)</sup> OJ 1995 L 281, p. 31.

<sup>(2)</sup> OJ 2000 C 364, p. 1.

<sup>(1)</sup> Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1).