

5. Orders the Republic of Finland and the Kingdom of Sweden to bear their own costs in relation to the appeal proceedings.

⁽¹⁾ OJ C 191, 30.5.2016.

Judgment of the Court (Second Chamber) of 6 September 2018 — Bank Mellat v Council of the European Union, European Commission, United Kingdom of Great Britain and Northern Ireland

(Case C-430/16 P) ⁽¹⁾

(Appeal — Common Foreign and Security Policy (CFSP) — Combating of nuclear proliferation — Restrictive measures against the Islamic Republic of Iran — Sector-specific measures — Restrictions on transfers of funds involving Iranian financial institutions — Strengthening of restrictions — Regime at issue adopted under the provisions of Decision 2012/635/CFSP and of Regulation (EU) No 1263/2012 — Implementation of the Joint Comprehensive Plan of Action on the Iranian nuclear issue — Lifting of all restrictive measures of the European Union related to this issue — Repeal of regime at issue in the course of proceedings before the General Court of the European Union — Effect on interest in bringing proceedings before the General Court — No continuation of interest in bringing proceedings)

(2018/C 399/03)

Language of the case: English

Parties

Appellant: Bank Mellat (represented by: M. Brindle QC and T. Otty QC, J. MacLeod and R. Blakeley, Barristers, and S. Zaiwalla and Z. Burbeza, A. Meskarian and P. Reddy, Solicitors)

Other parties to the proceedings: Council of the European Union (represented by: M. Bishop and I. Rodios, acting as Agents), European Commission (represented by: D. Gauci and J. Norris-Usher and by M. Konstantinidis, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by: S. Brandon, acting as Agent, and by M. Gray, Barrister)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 2 June 2016, *Bank Mellat v Council* (T-160/13, EU:T:2016:331);
2. Declares that there is no need to adjudicate on the action brought by Bank Mellat in Case T-160/13, seeking the annulment of Article 1, point 15, of Council Regulation (EU) No 1263/2012 of 21 December 2012 amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran, or of that provision in so far as it does not provide for an exception applicable in respect of Bank Mellat, and its application for a declaration by the General Court of the European Union that Article 1, point 6, of Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran is not applicable to it;
3. Orders Bank Mellat and the Council of the European Union each to bear their own costs both in the appeal proceedings and in the proceedings at first instance;

4. Orders the United Kingdom of Great Britain and Northern Ireland and the European Commission to bear their own costs.

⁽¹⁾ OJ C 371, 10.10.2016.

Judgment of the Court (Fifth Chamber) of 6 September 2018 — Bundesverband Souvenir — Geschenke — Ehrenpreise eV v European Union Intellectual Property Office (EUIPO), Freistaat Bayern

(Case C-488/16 P) ⁽¹⁾

(Appeal — EU trade mark — Invalidity proceedings — Word mark NEUSCHWANSTEIN — Regulation (EC) No 207/2009 — Article 7(1)(b) and (c) — Absolute grounds for refusal — Descriptive character — Indication of geographical origin — Distinctive character — Article 52(1)(b) — Bad faith)

(2018/C 399/04)

Language of the case: German

Parties

Appellant: Bundesverband Souvenir — Geschenke — Ehrenpreise eV (represented by: B. Bittner, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: D. Botis, A. Schifko and D. Walicka, acting as Agents), Freistaat Bayern (represented by: M. Müller, Rechtsanwalt)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Bundesverband Souvenir — Geschenke — Ehrenpreise eV to pay the costs.

⁽¹⁾ OJ C 6, 9.1.2017.

Judgment of the Court (First Chamber) of 6 September 2018 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Salzburger Gebietskrankenkasse, Bundesminister für Arbeit, Soziales und Konsumentenschutz

(Case C-527/16) ⁽¹⁾

(Reference for a preliminary ruling — Social security — Regulation (EC) No 987/2009 — Articles 5 and 19(2) — Workers posted in a Member State other than that in which the employer usually carries out its activities — Issue of the A1 attestations by the Member State of origin after recognition by the host Member State that the workers are subject to its social security scheme — Opinion of the Administrative Board — Incorrect issue of A1 certificates — Finding — Binding nature and retroactive effect of those certificates — Regulation (EC) No 883/2004 — Legislation applicable — Article 12(1) — Concept of a person ‘sent to replace another person’)

(2018/C 399/05)

Language of the case: German

Referring court

Verwaltungsgerichtshof