

Request for a preliminary ruling from the Tribunal administratif (Luxembourg) lodged on 22 June 2018 — Nicolas Aubriet v Ministre de l'Enseignement supérieur et de la Recherche

(Case C-410/18)

(2018/C 301/26)

Language of the case: French

Referring court

Tribunal administratif

Parties to the main proceedings

Applicant: Nicolas Aubriet

Defendant: Ministre de l'Enseignement supérieur et de la Recherche

Question referred

Is the condition imposed on students not residing in the Grand Duchy of Luxembourg by Article 3(5)(b) of the amended Law of 24 July 2014 on State financial aid for higher education studies, which does not take into account any other connecting factor, that is to say, the condition that they must be the children of workers who have been employed or have carried out their activity in Luxembourg for a period of at least five years in the course of a reference period of seven years at the time at which the application for financial aid is made, necessary in order to attain the objective put forward by the Luxembourg legislature, namely that of bringing about an increase in the proportion of persons with a higher education degree?

Appeal brought on 26 June 2018 by Mykola Yanovych Azarov against the judgment of the General Court (Sixth Chamber) of 26 April 2018 in Case T-190/16, Mykola Yanovych Azarov v Council of the European Union

(Case C-416/18 P)

(2018/C 301/27)

Language of the case: German

Parties

Appellant: Mykola Yanovych Azarov (represented by: A. Egger and G. Lansky, Rechtsanwälte)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 26 April 2018 in Case T-190/16;
- itself deliver a final decision in the proceedings and annul Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine⁽¹⁾ and Council Implementing Regulation (EU) 2016/311 of 4 March 2016 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine,⁽²⁾ in so far as they concern the appellant, and order the Council to pay the costs of the proceedings before the General Court and the Court of Justice;
- in the alternative to the form of order set out in the paragraph above, refer the case back to the General Court for a decision subject to the legal findings in the judgment of the Court of Justice and reserve the costs.

Grounds of appeal and main arguments

The appellant relies on the following grounds of appeal:

1. The General Court wrongly held that the Council had not infringed fundamental rights. The General Court erred in law in its appraisal of the infringement of both the right to property and the freedom to conduct business. In particular, it wrongly found the measures to be appropriate and proportionate. Further, the General Court made procedural errors and infringed procedural rights.
2. The General Court wrongly found that the Council had not abused its powers. First, the General Court failed to carry out any specific checks in respect of the appellant. Second, the General Court wrongly assumed that the absence of specific evidence was irrelevant.
3. The General Court wrongly held that the Council had not infringed the right to sound administration. First, the General Court erred in law in its discussion on the Council's obligation of impartiality. Second, the General Court misconstrued the scope of the obligation to state reasons.
4. The General court wrongly held that the Council had committed no 'manifest error of assessment'.
5. The General Court infringed the right to a fair trial by relying on purely political reasons.

⁽¹⁾ OJ 2016 L 60, p. 76.

⁽²⁾ OJ 2016 L 60, p. 1.

Request for a preliminary ruling from the Tribunal de première instance de Namur (Belgium) lodged on 27 June 2018 — *Ordre des avocats du barreau de Dinant v JN*

(Case C-421/18)

(2018/C 301/28)

Language of the case: French

Referring court

Tribunal de première instance de Namur

Parties to the main proceedings

Applicant: Ordre des avocats du barreau de Dinant

Defendant: JN

Question referred

Is the action brought by a Bar Association seeking an order that one of its members pay the annual professional fees owed to it a matter 'relating to a contract' within the meaning of Article 7(1) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters? ⁽¹⁾

⁽¹⁾ OJ 2012 L 351, p. 1.