

Request for a preliminary ruling from the Tribunal d'instance Épinal (France) lodged on 13 December 2018 — Cofidis v YP

(Case C-782/18)

(2019/C 54/19)

Language of the case: French

Referring court

Tribunal d'instance Épinal

Parties to the main proceedings

Applicant: Cofidis

Defendant: YP

Question referred

Does the protection guaranteed to consumers by Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC ⁽¹⁾ preclude a national provision which, in an action brought by a seller or supplier against a consumer on the basis of a credit agreement which they have concluded, prohibits the national court, on expiry of a limitation period of five years from the conclusion of the agreement, from finding and penalising, of its own motion or following an objection raised by the consumer, a failure to comply with the provisions relating to the obligation laid down in Article 8 of the directive to verify the creditworthiness of the consumer, a failure to comply with those of Article 10 et seq. of the directive relating to the information which must be included in a clear and concise manner in credit agreements, and, more generally, a failure to comply with all of the consumer-protection provisions set out in that directive?

⁽¹⁾ OJ 2008 L 133, p. 66.

Appeal brought on 12 December 2018 by Mellifera eV, Vereinigung für wesensgemäße Bienenhaltung against the judgment of the General Court (Fifth Chamber) delivered on 27 September 2018 in Case T-12/17, Mellifera eV v European Commission

(Case C-784/18 P)

(2019/C 54/20)

Language of the case: German

Parties

Appellant: Mellifera eV, Vereinigung für wesensgemäße Bienenhaltung (represented by: A. Willand, Rechtsanwalt)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

1. set aside the judgment of the General Court of 27 September 2018, *Mellifera eV v European Commission*, T-12/17, in so far as the General Court rejected the application of the applicant at first instance in point 1 of the form of order sought, as set out in indent 1 of paragraph 18 of the judgment under appeal, in which it requested that the General Court annul the decision Ares (2016) 6306335 of the defendant at first instance of 8 November 2016, and ordered that the applicant at first instance pay the costs;
2. annul the decision of the defendant at first instance referred to in point 1 above;

3. order the defendant at first instance to pay the costs.

Grounds of appeal and main arguments

The appellant relies, essentially, on two grounds of appeal.

First ground of appeal: Infringement of Article 10(1) of Regulation (EC) No 1367/2006, ⁽¹⁾ in conjunction with Article 2 (1)(g) of that regulation and with the Aarhus Convention.

Contrary to the view taken by the General Court, the extension of the authorisation for the active substance glyphosate is an administrative act that is amenable to review in the procedure under Article 10(1) of Regulation (EC) No 1367/2006. In particular, in accordance with its wording and objective, the constituent element of individual scope referred to in Article 2 (1)(g) of Regulation (EC) No 1367/2006 relates to the objective field of application, rather than to the number or identifiable nature of those persons who are subject to that legislation.

Second ground of appeal: Infringement of the principle that secondary EU legislation is to be interpreted in the light of conventions in the field of public international law.

The General Court infringed the principle that secondary EU legislation should, so far as possible, be interpreted in accordance with conventions in the field of public international law, by failing to interpret Article 10, in conjunction with Article 2(1)(g), of Regulation (EC) No 1367/2006 in accordance with the Aarhus Convention, despite the latter being directly consistent with the wording and objective of the relevant EU legislation in Regulation (EC) No 1367/2006.

⁽¹⁾ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies, OJ 2006 L 264, p. 13.

Order of the President of the Court of 15 November 2018 (request for a preliminary ruling from the Raad van State — Netherlands) — Staatssecretaris van Veiligheid en Justitie v D, I v Staatssecretaris van Veiligheid en Justitie

(Case C-586/17) ⁽¹⁾

(2019/C 54/21)

Language of the case: Dutch

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 5, 8.1.2018.

Order of the President of the Court of 16 October 2018 (request for a preliminary ruling from the Finanzgericht Hamburg — Germany) — Kreyenhop & Kluge GmbH & Co. KG v Hauptzollamt Hannover

(Case C-593/17) ⁽¹⁾

(2019/C 54/22)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 32, 29.1.2018.