

Request for a preliminary ruling from the Commissione tributaria regionale della Campania (Italy) lodged on 25 June 2019 — Antonio Capaldo SpA v Agenzia delle dogane e dei monopoli — Ufficio delle dogane di Salerno

(Case C-496/19)

(2019/C 357/15)

Language of the case: Italian

Referring court

Commissione tributaria regionale della Campania

Parties to the main proceedings

Applicant and appellant: Antonio Capaldo SpA

Defendant and respondent: Agenzia delle dogane e dei monopoli — Ufficio delle dogane di Salerno

Question referred

Where goods have been physically inspected upon importation, does this preclude initiating the procedure for the review of assessments referred to in Article 78 of Regulation (EEC) No 2913/92 ⁽¹⁾ establishing the Community Customs Code?

⁽¹⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).

Request for a preliminary ruling from the Audiencia Provincial de Zaragoza (Spain) lodged on 26 June 2019 — Ibercaja Banco, S.A. v SO and TP

(Case C-497/19)

(2019/C 357/16)

Language of the case: Spanish

Referring court

Audiencia Provincial de Zaragoza

Parties to the main proceedings

Appellant: Ibercaja Banco, S.A.

Respondents: SO and TP

Questions referred for a preliminary ruling

- (1) Is national legislation compatible with EU law where it may be inferred from that legislation that, if a particular unfair term withstood an initial review conducted by a court of its own motion when making an enforcement order, that review prevents the same court from subsequently assessing that term of its own motion where the factual and legal elements existed from the outset, even if that initial review did not express, in the operative part or in the grounds, any considerations on the validity of the terms?

- (2) Where factual and legal elements exist which determine the unfairness of a term in a consumer contract and the party against whom enforcement is sought fails to rely on that unfairness in the application objecting to enforcement laid down for that purpose by the Law, can that party, following the resolution of that application, make a further preliminary application aimed at determining whether one or more other terms is/are unfair when that party could have relied on those terms at the outset in the ordinary procedural step provided for in the Law? In short, is a time-barring effect created which prevents the consumer from raising again the issue of unfairness of another term in the same enforcement proceedings, and even in subsequent declaratory proceedings?
- (3) If the conclusion that the party is not entitled to make a second or subsequent application objecting to the enforcement proceedings, in order to allege the unfairness of a term which that party could have raised earlier because the necessary factual and legal elements had already been determined, is held to be compatible with EU law, can this serve as a basis for use as a means whereby the court, having been alerted to the unfairness of that term, is able to exercise its power of review of its own motion?

Appeal brought on 28 June 2019 by Victor Lupu against the judgment of the General Court (Third Chamber) delivered on 30 April 2019 in Case T-558/18: Lupu v EUIPO - Et Djili Soy Dzhihangir Ibryam (Djili DS)

(Case C-499/19 P)

(2019/C 357/17)

Language of the case: English

Parties

Appellant: Victor Lupu (represented by: P.A. Acsinte, avocat)

Other parties to the proceedings: European Union Intellectual Property Office, Et Djili Soy Dzhihangir Ibryam

By order of 5 September 2019 the Court of Justice (Sixth Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Verwaltungsgericht Wiesbaden (Germany) lodged on 3 July 2019 — WS v Federal Republic of Germany

(Case C-505/19)

(2019/C 357/18)

Language of the case: German

Referring court

Verwaltungsgericht Wiesbaden

Parties to the main proceedings

Applicant: WS