

Judgment of the Court (Second Chamber) of 12 May 2016 — Bank of Industry and Mine v Council of the European Union

(Case C-358/15 P) ⁽¹⁾

(Appeal — Restrictive measures taken against Iran — List of persons and entities subject to the freezing of funds and economic resources — Implementing Regulation (EU) No 945/2012 — Legal base — Criterion relating to the provision of material, logistical or financial support to the Government of Iran — Part of the profits of a State company paid to the Iranian State)

(2016/C 243/13)

Language of the case: French

Parties

Appellant: Bank of Industry and Mine (represented by: E. Rosenfeld and S. Perrotet, lawyers)

Other party to the proceedings: Council of the European Union (represented by: M. Bishop and A. Vitro, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Bank of Industry and Mine and the Council of the European Union to each pay their own costs.

⁽¹⁾ OJ C 294, 7.9.2015.

Order of the Court (Tenth Chamber) of 28 April 2016 (request for a preliminary ruling from the Juzgado de Primera Instancia No 44 de Barcelona — Spain) — Alta Realitat S.L. v Erlock Film ApS, Ulrich Thomsen

(Case C-384/14) ⁽¹⁾

(Reference for a preliminary ruling — Cooperation in civil and commercial matters — Service of judicial and extrajudicial documents — Regulation (CE) No 1393/2007 — Article 8 — Failure to provide a translation of the document — Refusal to accept a document — Linguistic knowledge of the addressee of the document — Review by the judge hearing the matter in the Member State of origin)

(2016/C 243/14)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 44 de Barcelona

Parties to the main proceedings

Applicant: Alta Realitat S.L.

Defendants: Erlock Film ApS, Ulrich Thomsen

Operative part of the order

Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, must be interpreted to the effect that, when serving a document on its addressee residing in the territory of another Member State, in a situation where the document has not been drafted in or accompanied by a translation in either a language which the person concerned understands, or the official language of the Member State addressed, or, if there are a number of official languages in that Member State, the official language or one of the official languages of the place where service is to be effected:

- the court seised in the transmitting Member State must ensure that the addressee has been properly informed, by means of the standard form in Annex II to that regulation, of his right to refuse to accept that document;
- where that procedural requirement has not been complied with, it falls to that court to return the proceedings to a lawful footing in accordance with the provisions of that regulation;
- it is not for the court seised to prevent the addressee from exercising his right to refuse to accept that document;
- it is only after the addressee has effectively exercised his right to refuse to accept the document that the court seised may verify whether that refusal was well founded; for that purpose, that court must take into account all the relevant information on the court file in order to determine whether or not the party concerned understands the language in which the document was drafted; and
- where that court finds that the refusal by the addressee of the document was not justified, it may in principle apply the consequences under its national law in such a case, provided that the effectiveness of Regulation No 1393/2007 is preserved.

⁽¹⁾ OJ C 338, 3.11.2014.

**Appeal brought on 18 November 2015 by Magyar Bencés Kongregáció Pannonhalmi Főapátság
against the order of the General Court (Sixth Chamber) delivered on 10 September 2015 in Case T-
453/14 Magyar Bencés Kongregáció Pannonhalmi Főapátság v European Parliament**

(Case C-607/15 P)

(2016/C 243/15)

Language of the case: Hungarian

Parties

Appellant: Magyar Bencés Kongregáció Pannonhalmi Főapátság (represented by: D. Sobor, ügyvéd)

Other party to the proceedings: European Parliament

By order of 4 May 2016, the Court of Justice (Sixth Chamber) dismissed the appeal and ordered the applicant to pay the costs.

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 14 March 2016 —
Verband Sozialer Wettbewerb e.V. v DHL Paket GmbH**

(Case C-146/16)

(2016/C 243/16)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant and appellant on a point of law: Verband Sozialer Wettbewerb e.V.

Defendant and respondent: DHL Paket GmbH