

Form of order sought

The applicant claims that the Court should:

- declare that, by adopting and maintaining Paragraph 1(2)(1), Paragraph 2(1)(9), Paragraph 10(3)(4), Paragraph 14 in conjunction with Paragraph 14a and Paragraph 14b as well as Paragraph 21(1) and Paragraph 21a of the Bundesgesetz über die Niederlassung und den Aufenthalt in Österreich (Federal Law on establishment and residence in Austria), the Republic of Austria has failed to fulfil its obligations under Article 41(1) of the Additional Protocol ⁽¹⁾ and Article 13 of Decision No 1/80;
- order the Republic of Austria to pay the costs.

Pleas in law and main arguments

Some of the provisions of the Federal Law on establishment and residence in Austria are incompatible with EU law, in so far as they concern Turkish nationals. Those include, in particular:

- the duty of the applicant to make the initial application to enter Austrian territory to the competent local representing authority abroad and to await the decision abroad;
- the fixing of a minimum age of 21 years for the application for a right of residence under the title of family reunification;
- the proof of knowledge of the German language upon submission of the initial application for a residence permit and the introduction of an ‘integration agreement’.

The Republic of Austria’s objection that, by a circular letter of the Bundesministerium für Inneres (Federal Ministry of the Interior), it instructed the establishment and residence authorities to subject applications from Turkish nationals to a case-by-case examination in conformity with EU law cannot remedy the infringement of the obligations under Article 41(1) of the Additional Protocol and Article 13 of Decision No 1/80.

⁽¹⁾ Regulation (EEC) No 2760/72 of the Council of 19 December 1972 concluding the Additional Protocol and also the Financial Protocol signed on 23 November 1970 and annexed to the Agreement establishing an Association between the European Economic Community and Turkey and relating to the measures to be adopted to bring them into force; OJ 1972 L 293, p. 1.

**Application for authorisation to serve an attachment order brought on 12 January 2015 — La Chaîne
hôtelière La Frontière, Shotef SPRL v European Commission**

(Case C-1/15 SA)

(2015/C 073/27)

Language of the case: French

Parties

Applicant: La Chaîne hôtelière La Frontière, Shotef SPRL (represented by: J. Steyt, avocat)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Declare the present application to be admissible and well founded;

Consequently:

- primarily, authorise the applicant to maintain and continue the attachment order already served and to serve other attachment orders on the European Union/European Commission for all sums, funds, assets or objects generally that it has or will subsequently have in its possession, owes or will subsequently owe for any reason and on any grounds whatever to the Democratic Republic of Congo;

- in the alternative, authorise the applicant to maintain and continue the attachment order already served and to serve other attachment orders on the European Union/European Commission for all sums, funds, assets or objects generally that it has or will subsequently have in its possession, owes or will subsequently owe on the basis of a private contract to the Democratic Republic of Congo;

In any event:

- order the European Commission to pay the costs.
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