

- 2) Article 1(2) of Directive 93/13 must be interpreted as meaning that a contractual term included in a contract concluded by a seller or supplier with a consumer falls outside the scope of that directive only if that contractual term reflects the content of a mandatory statutory or regulatory provision, which is a matter for the national court to determine.

⁽¹⁾ OJ C 141, 18.5.2013.

Judgment of the Court (Third Chamber) of 11 September 2014 — Groupement des cartes bancaires (CB) v European Commission, BNP Paribas, BPCE, formerly Caisse Nationale des Caisses d'Épargne and de Prévoyance (CNCEP), Société Générale SA

(Case C-67/13 P) ⁽¹⁾

(Appeal — Competition — Agreements, decisions and concerted practices — Article 81(1) EC — Payment cards system in France — Decision by an association of undertakings — Issuing market — Pricing measures applicable to 'new entrants' — Membership fee, mechanism for 'regulating the acquiring function' and 'dormant member "wake-up"' mechanism — Concept of restriction of competition 'by object' — Examination of the degree of harm to competition)

(2014/C 409/10)

Language of the case: French

Parties

Appellant: Groupement des cartes bancaires (CB) (represented by: F. Pradelles, O. Fauré and C. Ornellas-Chancerelles, avocats, and by J. Ruiz Calzado, abogado)

Other parties to the proceedings: European Commission (represented by: O. Beynet, V. Bottka and B. Mongin, acting as Agents), BNP Paribas (represented by: O. de Juvigny, D. Berg and P. Heusse, avocats), BPCE, formerly Caisse Nationale des Caisses d'Épargne and de Prévoyance (CNCEP) (represented by: A. Choffel, S. Hautbourg, L. Laidi and R. Eid, avocats), Société Générale SA (represented by: P. Guibert and P. Patat, avocats)

Operative part of the judgment

The Court:

- 1) Sets aside the judgment of the General Court of the European Union of 29 November 2012 in Case T-491/07 CB v Commission;
- 2) Refers the case back to the General Court of the European Union;
- 3) Reserves the costs.

⁽¹⁾ OJ C 114, 20.4.2013.

Judgment of the Court (Second Chamber) of 11 September 2014 (request for a preliminary ruling from the Cour de cassation — Belgium) — Philippe Gruslin v Beobank SA, formerly Citibank Belgium SA

(Case C-88/13) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of establishment — Freedom to provide services — Undertakings for collective investment in transferable securities (UCITS) — Directive 85/611/EEC — Article 45 — Concept of 'payments to unit-holders' — Delivery to unit-holders of certificates for registered units)

(2014/C 409/11)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Philippe Gruslin

Defendant: Beobank SA, formerly Citibank Belgium SA

Operative part of the judgment

The obligation laid down in Article 45 of Council Directive 85/611/EEC of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as amended by European Parliament and Council Directive 95/26/EC of 29 June 1995, under which an undertaking for collective investment in transferable securities which markets its units within the territory of a Member State other than that in which it is situated is required to make payments to unit-holders in the Member State of marketing, must be interpreted as not including the delivery to unit-holders of certificates providing evidence of title to units which are registered in their name in the register of unit-holders kept by the issuer.

⁽¹⁾ OJ C 147, 25.5.2013.

Judgment of the Court (Second Chamber) of 11 September 2014 (request for a preliminary ruling from the Raad van State (Netherlands)) — Essent Energie Productie BV v Minister van Sociale Zaken en Werkgelegenheid

(Case C-91/13) ⁽¹⁾

(EEC-Turkey Association Agreement — Article 41(1) of the Additional Protocol and Article 13 of Decision No 1/80 — Scope — Introduction of new restrictions on the freedom of establishment, the freedom to provide services and the conditions for access to employment — Prohibition — Freedom to provide services — Articles 56 TFEU and 57 TFEU — Posting of workers — Nationals of non-Member States — Requirement for a work permit for the deployment of labour)

(2014/C 409/12)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: Essent Energie Productie BV

Respondent: Minister van Sociale Zaken en Werkgelegenheid

Operative part of the judgment

Articles 56 TFEU and 57 TFEU must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, under which, where workers who are nationals of non-member countries are made available by an undertaking established in another Member State to a user undertaking established in the first Member State, which uses them to carry out work on behalf of another undertaking established in the same Member State, such making available is subject to the condition that those workers have been issued with work permits.

⁽¹⁾ OJ C 147, 25.5.2013.
