

2. Should the provisions of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, as amended, <sup>(2)</sup> in particular Articles 1(2), 6(1) and 7(1) thereof, be interpreted as precluding a review of the terms of consumer credit agreements with respect to the conditions set out in Article 3 of that directive in so far as it includes 'non-interest credit costs', the criteria for determining which are described in Article 36a of the Law on Consumer Credit?

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<sup>(1)</sup> OJ 2008 L 133, p. 66.

<sup>(2)</sup> OJ 1993 L 95, p. 29.

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**Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on 28 December 2018 — A.B., C.D., E.F., G.H., I.J. v Krajowa Rada Sądownictwa**

**(Case C-824/18)**

(2019/C 164/06)

*Language of the case: Polish*

**Referring court**

Naczelny Sąd Administracyjny

**Parties to the main proceedings**

*Appellants:* A.B., C.D., E.F., G.H., I.J.

*Respondent:* Krajowa Rada Sądownictwa

**Questions referred**

1. Should Article 2 TEU, in conjunction with the third sentence of Article 4(3), Articles 6(1) and 19(1) TEU, in conjunction with Article 47 of the Charter of Fundamental Rights and Article 9(1) of Council Directive 2000/78/EC and the third paragraph of Article 267 TFEU, be interpreted as meaning that

an infringement of the rule of law and of the right to an effective remedy and to effective judicial protection occurs in a situation where the national legislature, in granting the right of appeal to a court in individual cases concerning service in the office of judge of the court of last instance of a Member State (the Supreme Court), stipulates that a decision made during the selection procedure preceding the submission of a motion for appointment to the position of judge of the aforementioned court is final and effective where not all parties to the selection procedure have appealed against the decision made with respect to the joint consideration and assessment of all candidates for Supreme Court judges, who also include a candidate not interested in appealing that decision, namely a candidate indicated in the motion for appointment to the aforementioned position, which as a result:

— undermines the effectiveness of the remedy and the competent court's ability to carry out a genuine review of the aforementioned selection procedure?

— and, where the scope of that procedure also includes those positions of judges of the Supreme Court to whose holders the new lower retirement age has been applied without leaving the decision on whether to take advantage of the lower retirement age to the sole discretion of the judge concerned, in the context of the principle of the irremovability of judges — where it is found that this principle has been thereby undermined — also has an impact on the scope and outcome of the judicial review of the aforementioned selection procedure?

2. Should Article 2 TEU, in conjunction with the third sentence of Article 4(3) and Article 6(1) TEU, in conjunction with Articles 15(1) and 20, in conjunction with Articles 21(1) and 52(1), of the Charter of Fundamental Rights, in conjunction with Articles 2(1), 2(2)(a) and 3(1)(a) of Council Directive 2000/78/EC and the third paragraph of Article 267 TFEU, be interpreted as meaning that

an infringement of the rule of law, of the principle of equal treatment and of equal and indiscriminate access to public service — service in the office of judge of the Supreme Court — occurs in a situation where, although the right of appeal to a competent court in individual cases concerning service in the office of judge of the aforementioned court has been granted, as a consequence of the criteria for the finality of the decision described in the first question, the appointment to a vacant position of judge of the Supreme Court may take place without the competent court conducting a review of the aforementioned selection procedure where such a review is initiated, and the absence of such a review, by infringing the right to an effective remedy, infringes the right of equal access to public service, thereby undermining objectives of general interest? And does not a situation in which the composition of the body in a Member State whose purpose is to safeguard the independence of the judiciary (the National Council of the Judiciary), and before which the procedure concerning service in the office of judge of the Supreme Court takes place, is designed in such a way that representatives of the judiciary in that body are elected by the legislature undermine the principle of institutional balance?

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**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 3 January 2019 — Asmel società consortile a.r.l. v ANAC — Autorità Nazionale Anticorruzione**

**(Case C-3/19)**

(2019/C 164/07)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Appellant:* Asmel società consortile a.r.l.

*Respondent:* ANAC — Autorità Nazionale Anticorruzione

**Questions referred**

1. Does a provision of national legislation, such as Article 33(3a) of Legislative Decree No 163 of 12 April 2006, which restricts the autonomy of municipalities to entrust [procurement] to a central purchasing body to only two organisational models (the union of municipalities, if it already exists, or a consortium to be established between municipalities), infringe EU law?