

Judgment of the Court (First Chamber) of 14 June 2017 (request for a preliminary ruling from the Tribunale Ordinario di Verona — Italy) — Livio Menini, Maria Antonia Rampanelli v Banco Popolare — Società Cooperativa

(Case C-75/16) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Alternative dispute resolution (ADR) procedures — Directive 2008/52/EC — Directive 2013/11/EU — Article 3(2) — Applications by consumers to set an order aside in the context of payment order proceedings instituted by a credit institution — Right of access to the judicial system — National legislation providing for mandatory recourse to a mediation procedure — Obligation to be assisted by a lawyer — Condition for the admissibility of proceedings before the courts)

(2017/C 277/19)

Language of the case: Italian

Referring court

Tribunale Ordinario di Verona

Parties to the main proceedings

Applicants: Livio Menini, Maria Antonia Rampanelli

Defendant: Banco Popolare — Società Cooperativa

Operative part of the judgment

Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which prescribes recourse to a mediation procedure, in disputes referred to in Article 2(1) of that directive, as a condition for the admissibility of legal proceedings relating to those disputes, to the extent that such a requirement does not prevent the parties from exercising their right of access to the judicial system.

On the other hand, that directive must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which provides that, in the context of such mediation, consumers must be assisted by a lawyer and that they may withdraw from a mediation procedure only if they demonstrate the existence of a valid reason in support of that decision.

⁽¹⁾ OJ C 156, 2.5.2016.

Judgment of the Court (Third Chamber) of 22 June 2017 (request for a preliminary ruling from the Rechtbank Midden-Nederland — Netherlands) — Federatie Nederlandse Vakvereniging and Others v Smallsteps BV

(Case C-126/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2001/23/EC — Articles 3 to 5 — Transfers of undertakings — Safeguarding of employees' rights — Exceptions — Insolvency proceedings — 'Pre-pack' — Survival of an undertaking)

(2017/C 277/20)

Language of the case: Dutch

Referring court

Rechtbank Midden-Nederland