



C/2024/3740

24.6.2024

**Request for a preliminary ruling from the Mestský súd Bratislava IV (Slovakia) lodged on 12 March
2024 – AK v RU**

(Case C-197/24, Šifarský) ⁽¹⁾

(C/2024/3740)

Language of the case: Slovak

Referring court

Mestský súd Bratislava IV

Parties to the main proceedings

Applicant: AK

Defendant: RU

Questions referred

1. Must Article 1(2) of Directive 2011/7/EU ⁽²⁾ of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions, as amended, in conjunction with Article 2(1) and (3) and Article 6(1) thereof, be interpreted as meaning that (i) a natural person who, in a case such as that in the main proceedings, avails him or herself of the legal services of a lawyer with a view to founding a commercial company, in which he or she is to become a managing director and one of the two founders and members, is to be regarded as an 'undertaking', and (ii) a transaction which, in a case such as that in the main proceedings, leads to the provision of services by a lawyer to such a person with a view to founding a commercial company, is to be regarded as a 'commercial transaction'?
2. If the answer to the first question is in the negative, must the term 'consumer' used in Article 2(b) of Council Directive 93/13/EEC ⁽³⁾ of 5 April 1993 on unfair terms in consumer contracts, as amended, in conjunction with Article 8 thereof, be interpreted as meaning that, in a case such as that in the main proceedings, it also encompasses a natural person against whom a claim is made under a contract for the provision of legal services, where the object of that contract was the provision of services with a view to founding a commercial company and the defendant was to become a managing director and one of the two founders and members of that company?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2011 L 48, p. 1.

⁽³⁾ OJ 1993 L 95, p. 29.