

**Re:**

Reference for a preliminary ruling — Consiglio di Stato — Interpretation of Article 6 of Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts (OJ 1993 L 199, p. 54) — Principle of non-discrimination — National legislation reserving the right to participate in public tendering procedures to companies engaged in a commercial activity and excluding agricultural undertakings in the form of civil partnerships (*società semplici*)

**Operative part of the order**

European Union law, in particular Article 6 of Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts, as amended by Commission Directive 2001/78/EC of 13 September 2001, precludes national legislation, such as that at issue in the main proceedings, which prohibits an undertaking such as a civil partnership having the status of ‘contractor’ within the meaning of Directive 93/37 from participating in public procurement procedures solely on the ground of its legal form.

<sup>(1)</sup> OJ C 347, 26.11.2011.

**Order of the Court of 15 October 2012 — Internationaler Hilfsfonds eV v European Commission**

(Case C-554/11 P) <sup>(1)</sup>

*(Appeal — Access to documents — Refusal of full access to documents relating to contract LIEN 97-2011 — Action for annulment — Fresh examination in the course of proceedings — Bringing a separate annulment action)*

(2013/C 9/37)

Language of the case: German

**Parties**

*Appellant:* Internationaler Hilfsfonds eV (represented by: H. Kaltenecker, Rechtsanwalt)

*Other party to the proceedings:* European Commission (represented by: P. Costa de Oliveira and T. Scharf, Agents)

**Re:**

Appeal against the order of the Court (Fourth Chamber) of 21 September 2011 in Case T-141/05 RENV *Internationaler Hilfsfonds v Commission*, by which the Court ordered that there is no longer any need to give a ruling on the applicant’s form of order seeking the annulment of the decision of the European Commission of 14 February 2005, rejecting its request for access to the file relating to contract LIEN 97-2011 — Procedural irregularities before the Court — Failure to deal with Cases T-141/05 RENV and T-36/10 in a coordinated manner — Burden and amount of costs

**Operative part**

1. *The appeal is dismissed.*
2. *Internationaler Hilfsfonds eV is ordered to pay the costs.*

<sup>(1)</sup> OJ C 25, 28.1.2012.

**Order of the Court (First Chamber) of 4 October 2012 (reference for a preliminary ruling from the Rechtbank van koophandel te Antwerpen — Belgium) — Pelckmans Turnhout NV v Walter Van Gastel Balen NV, Walter Van Gastel NV, Walter Van Gastel Schoten NV, Walter Van Gastel Lifestyle NV**

(Case C-559/11) <sup>(1)</sup>

*(Articles 92(1) and 103(1), and first subparagraph of Article 104(3) of the Rules of Procedure — Directive 2005/29/EC — Unfair commercial practices — National legislation prohibiting the opening of an establishment seven days a week)*

(2013/C 9/38)

Language of the case: Dutch

**Referring court**

Rechtbank van koophandel te Antwerpen

**Parties to the main proceedings**

*Applicant:* Pelckmans Turnhout NV

*Defendants:* Walter Van Gastel Balen NV, Walter Van Gastel NV, Walter Van Gastel Schoten NV, Walter Van Gastel Lifestyle NV

**Re:**

Reference for a preliminary ruling — Rechtbank van koophandel te Antwerpen — Interpretation of Articles 34 TFEU, 35 TFEU, 49 TFEU and 56 TFEU and of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) — Concept of business-to-consumer commercial practices — Opening of an establishment seven days a week and advertising of that practice.

**Operative part of the order**

*Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive*