

of buildings (OJ 2003 L 1, p. 65), read in conjunction with Article 29 of Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ 2010 L 153, p. 13).

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, within the prescribed period, all the laws, regulations and administrative provisions necessary to ensure compliance with Articles 3, 7 and 8 of Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings, the Kingdom of Spain has failed to fulfil its obligations under those provisions;
2. Orders the Kingdom of Spain to pay the costs.

(¹) OJ C 118, 21.04.2012.

Judgment of the Court (Grand Chamber) of 15 January 2014 (request for a preliminary ruling from the Cour de cassation (France)) — Association de médiation sociale v Union locale des syndicats CGT and Others

(Case C-176/12) (¹)

(Social policy — Directive 2002/14/EC — Charter of Fundamental Rights of the European Union — Article 27 — Subjecting the setting up of bodies representing staff to certain thresholds of employees — Calculation of the thresholds — National legislation contrary to European Union law — Role of the national court)

(2014/C 85/04)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Association de médiation sociale

Defendants: Union locale des syndicats CGT, Hichem Laboubi, Union départementale CGT des Bouches-du-Rhône, Confédération générale du travail (CGT),

Re:

Request for a preliminary ruling — Cour de cassation (France) — Interpretation of the provisions of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002

establishing a general framework for informing and consulting employees in the European Community — Joint declaration of the European Parliament, the Council and the Commission on employee representation (OJ 2002 L 80, p. 29) — Interpretation of Articles 27, 51, 52 and 53 of the Charter of Fundamental Rights of the European Union — Interpretation of Article 6(1) and (3) TEU — Whether the aforementioned provisions can be invoked in a dispute between individuals in order to examine whether a national measure transposing the Directive complies with EU law — Lawfulness of a national legislative provision excluding from the calculation of staff numbers of the undertaking, in order to determine, inter alia, the legal thresholds for setting up bodies representing staff, workers holding certain categories of employment contract.

Operative part of the judgment

Article 27 of the Charter of Fundamental Rights of the European Union, by itself or in conjunction with the provisions of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, must be interpreted to the effect that, where a national provision implementing that directive, such as Article L. 1111-3 of the French Labour Code, is incompatible with European Union law, that article of the Charter cannot be invoked in a dispute between individuals in order to disapply that national provision.

(¹) OJ C 184, 23.6.2012

Judgment of the Court (First Chamber) of 16 January 2014 (request for a preliminary ruling from the Audiencia Provincial de Oviedo — Spain) — Constructora Principado SA v José Ignacio Menéndez Álvarez

(Case C-226/12) (¹)

(Directive 93/13/EEC — Consumer contracts — Contract for the purchase of immovable property — Unfair terms — Criteria for assessment)

(2014/C 85/05)

Language of the case: Spanish

Referring court

Audiencia Provincial de Oviedo

Parties to the main proceedings

Applicant: Constructora Principado SA

Defendant: José Ignacio Menéndez Álvarez