

2. To what extent does the effect of a stay of proceedings preclude a consumer from complaining that the unfair terms included in the contract concluded with him are void, and, therefore, infringe Article 7(1) of the directive?
3. Does the fact that a consumer is unable to dissociate himself from collective proceedings constitute an infringement of Article 7(3) of Directive 93/13?
4. Or, on the other hand, is the effect of a stay of proceedings provided for in Article 43 of the LEC compatible with Directive 93/13 on the grounds that the rights of consumers are fully safeguarded by a collective action, because the Spanish legal system provides for other equally effective procedural mechanisms for the protection of consumers' rights and by the principle of legal certainty?

⁽¹⁾ Ley de Enjuiciamiento Civil (Spanish Code of Civil Procedure).

⁽²⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

Request for a preliminary ruling from the *Klagenævnet for Udbud* (Denmark) lodged on 20 August 2014 — *MT Højgaard A/S and Züblin A/S v Banedanmark*

(Case C-396/14)

(2014/C 388/06)

Language of the case: Danish

Referring court

Klagenævnet for Udbud

Parties to the main proceedings

Applicants: MT Højgaard A/S and Züblin A/S

Defendant: Banedanmark

Question referred

Is the principle of equal treatment in Article 10, cf. Article 51 of Directive 2004/17/EC ⁽¹⁾ of the European Parliament and of the Council to be interpreted as precluding, in situation such as the one at issue here, a contracting authority from awarding the contract to a tenderer which had not applied for pre-selection and therefore was not pre-selected?

⁽¹⁾ Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ 2004 L 134, p. 1).

Appeal brought on 2 September 2014 by *Quimitécnica.com — Comércio e Indústria Química, SA* and *José de Mello — Sociedade Gestora de Participações Sociais, SA* against the judgment delivered by the General Court (Eighth Chamber) on 26 June 2014 in Case T-564/10 *Quimitécnica.com and de Mello v Commission*

(Case C-415/14 P)

(2014/C 388/07)

Language of the case: Portuguese

Parties

Appellants: Quimitécnica.com — Comércio e Indústria Química, SA and José de Mello- Sociedade Gestora de Participações Sociais, SA (represented by: J. Calheiros, advogado)

Other party to the proceedings: European Commission