

Criminal proceedings against

Davide Durante

Operative part of the order

Articles 49 and 56 TFEU must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, that requires operators desiring to respond to a call for tenders for the award of licences in the field of betting and gambling to produce evidence of their economic and financial capacity by means of declarations made by at least two banking establishments and does not allow that capacity to be demonstrated otherwise, provided that that provision is capable of satisfying the conditions of proportionality laid down by the Court's case-law, which it is for the court making the reference to ascertain.

⁽¹⁾ OJ C 381, 16.11.2015.

Order of the Court (Tenth Chamber) of 14 September 2016 (request for a preliminary ruling from the Judecătoria Satu Mare — Romania) — Pavel Dumitraş, Mioara Dumitraş v BRD Groupe Société Générale — Sucursala Judeţeană Satu Mare

(Case C-534/15) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Directive 93/13/EEC — Unfair terms — Article 1(1) — Article 2(b) — Status of consumer — Assignment of a debt by novation of loan agreements — Contracts providing immovable property as security entered into by individuals not having any professional relationship with the new debtor company)

(2016/C 454/22)

Language of the case: Romanian

Referring court

Judecătoria Satu Mare

Parties to the main proceedings

Applicants: Pavel Dumitraş, Mioara Dumitraş

Defendant: BRD Groupe Société Générale — Sucursala Judeţeană Satu Mare

Operative part of the order

Articles 1(1) and 2(b) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that that directive applies to a contract providing immovable property as security concluded between natural persons and a credit institution in order to guarantee the obligations that a commercial company has undertaken with respect to that credit institution for a credit agreement, where those natural persons have acted for purposes which are outside their trade, business or profession and have no functional links with that company, which is for the referring court to determine.

⁽¹⁾ OJ C 16, 18.1.2016.