

2. Must Article 1(1) of Directive 93/13/EEC be interpreted as meaning that only contracts concluded between traders and consumers concerning the sale of goods or supply of services fall within the ambit of that directive or as meaning that contracts (contracts of guarantee and of surety) ancillary to a credit agreement, the beneficiary of which is a commercial company, concluded by natural persons who have no connection with the activities of that commercial company and who acted for purposes outside their trade, business or profession also fall within the ambit of that directive?

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<sup>(1)</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

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**Request for a preliminary ruling from the Grondwettelijk Hof (Belgium) lodged on 19 February 2015 — Paul Vervloet and Others, Organisme voor de financiering van pensioenen Ogeo Fund, Gemeente Schaarbeek, Frédéric Ensich Famenne v Ministerraad; intervening parties: Arcofin CVBA and Others**

(Case C-76/15)

(2015/C 171/17)

*Language of the case: Dutch*

**Referring court**

Grondwettelijk Hof

**Parties to the main proceedings**

*Applicants:* Paul Vervloet, Marc De Wit, Edgard Timperman, Godelieve Van Braekel, Patrick Beckx, Marc De Schryver, Guy Deneire, Steve Van Hoof, Organisme voor de financiering van pensioenen Ogeo Fund, Gemeente Schaarbeek, Frédéric Ensich Famenne

*Defendant:* Ministerraad

*Intervening parties:* Arcofin CVBA, Arcopar CVBA, Arcoplus CVBA

**Questions referred**

1. Must Articles 2 and 3 of Directive 94/19/EC <sup>(1)</sup> of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes, where appropriate read in conjunction with Articles 20 and 21 of the Charter of Fundamental Rights of the European Union <sup>(2)</sup> and with the general principle of equality, be interpreted as meaning that:
  - (a) they impose an obligation on the Member States to guarantee the shares of recognised cooperatives operating in the financial sector in the same way as deposits?
  - (b) they preclude a Member State from entrusting to the body which is partially responsible for guaranteeing the deposits referred to in that directive the task of also guaranteeing, in an amount up to EUR 100 000, the value of the shares of the members, being natural persons, of a recognised cooperative operating in the financial sector?
2. Is the European Commission Decision of 3 July 2014 <sup>(3)</sup> ‘on State aid SA.33927 (12/C) (ex 11/NN) implemented by Belgium — Guarantee scheme protecting the shares of individual members of financial cooperatives’ compatible with Articles 107 TFEU and 296 TFEU in so far as it classifies the guarantee scheme which forms the subject of that decision as new State aid?
3. In the event of a negative answer to the second question, must Article 107 TFEU be interpreted as meaning that a scheme concerning the State guarantee granted to the members, being natural persons, of recognised cooperatives operating in the financial sector, within the meaning of Article 36/24(1)(1)(3) of the Law of 22 February 1998 establishing the organic statute of the National Bank of Belgium, constitutes new State aid which must be notified to the European Commission?

4. In the event of an affirmative answer to the second question, is that decision of the European Commission compatible with Article 108(3) TFEU if it is interpreted as holding that the State aid at issue was put into effect before 3 March 2011 or 1 April 2011 or on one or other of those dates, or, conversely, if it is interpreted as holding that the State aid at issue was put into effect at a later date?
5. Must Article 108(3) TFEU be interpreted as precluding a Member State from adopting a measure, such as that contained in Article 36/24(1)(3) of the Law of 22 February 1998 establishing the organic statute of the National Bank of Belgium, if that measure puts State aid into effect or constitutes State aid which has already been put into effect and that State aid has not yet been notified to the European Commission?
6. Must Article 108(3) TFEU be interpreted as precluding a Member State from adopting, without prior notification to the European Commission, a measure, such as that contained in Article 36/24(1)(3) of the Law of 22 February 1998 establishing the organic statute of the National Bank of Belgium, if that measure constitutes State aid which has not yet been put into effect?

<sup>(1)</sup> OJ 1994 L 135, p. 5.

<sup>(2)</sup> OJ 2000 C 364, p. 1.

<sup>(3)</sup> Commission Decision 2014/686/EU of 3 July 2014 on State aid SA.33927 (12/C) (ex 11/NN) implemented by Belgium — Guarantee scheme protecting the shares of individual members of financial cooperatives (notified under document C(2014) 1021) (OJ 2014 L 284, p. 53).

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**Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on  
20 February 2015 — Colena AG v Deiters GmbH**

(Case C-78/15)

(2015/C 171/18)

*Language of the case: German*

**Referring court**

Oberlandesgericht Düsseldorf

**Parties to the main proceedings**

*Applicant:* Colena AG

*Defendant:* Deiters GmbH

**Questions referred**

1. Are coloured non-corrective themed contact lenses consisting of copolymers and water (hydrogel) a 'cosmetic product' ('substance' and/or 'mixture') within the meaning of Article 2(1)(a) of Regulation (EC) No 1223/2009 <sup>(1)</sup>, which is intended, within the meaning of that provision, to be placed in contact with external parts of the human body?
2. Can the scope of Regulation (EC) No 1223/2009 be extended to a situation where a product which does not fulfil the conditions of Article 2(1)(a) of the regulation appears to be a cosmetic product according to the predominant purpose for a reasonably well informed and reasonably observant and circumspect average consumer, for example owing to the fact that wording such as 'Cosmetic eye accessories are governed by the EU Cosmetics Directive' or 'Colour eye accessories are governed by the EU Cosmetics Directive' is used on the packaging?

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<sup>(1)</sup> Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, OJ 2009 L 342, p. 59.