

**Request for a preliminary ruling from the Hof van beroep Antwerpen (Belgium) lodged on 30 June 2017 — Openbaar Ministerie v Freddy Lucien Magdalena Kirschstein, Thierry Frans Adeline Kirschstein**

(Case C-393/17)

(2017/C 300/23)

*Language of the case: Dutch*

**Referring court**

Hof van beroep Antwerpen

**Parties to the main proceedings**

*Appellant:* Openbaar Ministerie

*Respondents:* Freddy Lucien Magdalena Kirschstein, Thierry Frans Adeline Kirschstein

**Questions referred**

1. Must Directive 2005/29/EC <sup>(1)</sup> of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market be interpreted as precluding the provision in Article II.75(6) of the Codex of Higher Education of 11 October 2013 which imposes a general prohibition on non-accredited educational institutions using the designation ‘master’ on the diplomas they award, where that prohibition is aimed at safeguarding a matter in the general interest, namely, the need to ensure a high standard of education whereby it must be possible to check whether the predefined quality requirements have effectively been met?
2. Must Directive 2006/123/EC <sup>(2)</sup> of the European Parliament and of the Council of 12 December 2006 on services in the internal market be interpreted as precluding the provision in Article II.75(6) of the Codex of Higher Education of 11 October 2013, which imposes a general prohibition on non-accredited educational institutions using the designation ‘master’ on the diplomas they award, where that prohibition is aimed at safeguarding a matter in the general interest, namely the protection of recipients of services?
3. Does the criminal provision applicable to educational institutions not recognised by the Flemish Government which award ‘masters’ diplomas pass the proportionality test in Articles 9(1)(c) and 10(2)(c) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market?

<sup>(1)</sup> OJ 2005 L 149, p. 22.

<sup>(2)</sup> OJ 2006 L 376, p. 36.

**Request for a preliminary ruling from the Rechtbank van eerste aanleg te Brussel (Belgium) lodged on 3 July 2017 — Profit Europe NV v Belgische Staat**

(Case C-397/17)

(2017/C 300/24)

*Language of the case: Dutch*

**Referring court**

Rechtbank van eerste aanleg te Brussel

**Parties to the main proceedings**

*Applicant:* Profit Europe NV

*Defendant:* Belgische Staat