

Parties to the main proceedings

Applicant: GR

Defendant: Stadt Duisburg

Questions referred

1. Does a family member of a Turkish worker, who is able to derive from the latter rights under the first paragraph of Article 7 of Decision No 1/80 of the EEC-Turkey Association Council ('Decision No 1/80'), lose those rights if he acquires the nationality of the host Member State and loses his previous nationality?
2. If Question 1 is answered in the affirmative: Can the family member of the Turkish worker in the situation described then continue to rely on the rights under Article 7 of Decision No 1/80 if he has lost the nationality of the host Member State because he has reacquired his previous nationality?

Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 7 October 2019 — A v B, C

(Case C-738/19)

(2020/C 19/14)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: A

Defendants: B, C

Question referred

How should Directive 93/13 ⁽¹⁾ and, more specifically, the principle of cumulative effect contained therein, be interpreted when assessing whether the sum which a consumer who fails to fulfil his obligations is required to pay in compensation ('penalty clause') is disproportionately high within the meaning of point 1(e) of the annex to that directive, in a case in which penalty clauses are associated with shortcomings of various kinds which, by their very nature, do not have to occur together, and indeed do not do so in the present case? Is it also relevant in that regard that, with regard to the shortcoming on the basis of which payment of the fine is sought, compensation in the form of the remittance of unfairly made profits is also sought?

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