



Reports of Cases

Judgment of the Court (Ninth Chamber) of 27 October 2022 – Stadt Mainz

(Case C-544/21)¹

(Reference for a preliminary ruling – Freedom to provide services – Directive 2006/123/EC – Article 15(1), (2)(g) and (3) – Services in the internal market – Fees of architects and engineers – Fixed minimum tariffs – Direct effect of provisions of EU law and possible inapplicability of national legislation)

1. *Freedom of establishment – Freedom to provide services – Services in the internal market – Directive 2006/123 – Scope ratione temporis – Contract concluded before the entry into force of the directive and having exhausted all of its effects prior to the deadline for transposition of that directive – Not included*

(European Parliament and Council Directive 2006/123, Arts 44(1) and 45)

(see paragraphs 19, 20, 23, 24, operative part)

2. *Questions referred for a preliminary ruling – Admissibility – Limits – Hypothetical questions referred in a context excluding a useful answer – Question raised concerning a dispute confined within a single Member State – National legislation on the fees of architects and engineers – Parties established in the Member State concerned and services carried out in the territory of that Member State – Inadmissibility*

(Arts 49 and 267 TFEU)

(see paragraphs 26-29, 31-33)

Operative part

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market does not apply to a situation in which a contract was concluded before the entry into force of that directive and where all the effects of that contract were exhausted prior to the deadline for the transposition of the directive.

¹ OJ C 2, 3.1.2022.