

Questions referred

1. In the light of Articles 6(1) and 7 of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts⁽¹⁾, in conjunction with Articles 1 and 2 of Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests⁽²⁾, can the use of standard contract terms with content identical to that of terms which have been declared unlawful by a judicial decision having the force of law and which have been entered in the register of unlawful standard contract terms be regarded, in relation to another undertaking which was not a party to the proceedings culminating in the entry in the register of unlawful standard contract terms, as an unlawful act which, under national law, constitutes a practice which harms the collective interests of consumers and for that reason forms the basis for imposing a fine in national administrative proceedings?
2. In the light of the third paragraph of Article 267 of the Treaty on the Functioning of the European Union, is a court of second instance, against the judgment of which on appeal it is possible to bring an appeal on a point of law, as provided for in the Polish Code of Civil Procedure, a court or tribunal against whose decisions there is no judicial remedy under national law, or is the Sąd Najwyższy (Polish Supreme Court), which has jurisdiction to hear appeals on a point of law, such a court?

⁽¹⁾ OJ 1993 L 95, p. 29.

⁽²⁾ OJ 2009 L 110, p. 30.

Appeal brought on 16 March 2015 by Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE and Kazino Aigaiou AE against the judgment of the General Court (Seventh Chamber) delivered on 8 January 2015 in Case T-58/13: Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE and Kazino Aigaiou AE v European Commission

(Case C-131/15 P)

(2015/C 198/25)

Language of the case: English

Parties

Appellants: Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE and Kazino Aigaiou AE (represented by: S. Pappas, avocat)

Other parties to the proceedings: European Commission, Hellenic Republic and Organismos Prognostikon Agonon Podosfairou AE (OPAP)

Form of order sought

The appellants claim that the Court should:

- Set aside in whole the judgment of the General Court of the European Union of 8 January 2015 in Case T-58/13, Club Hotel Loutraki and Others v Commission;
- Annul 'Commission Decision C(2012) 6777 final of 3 October 2012 on State aid SA.33988 (2011/N) — Greece — Arrangements for the extension of OPAP's exclusive right to operate 13 games of chance and the granting of an exclusive license to operate 35 000 Video Lottery Terminals for a period of ten years';
- To order the respondents to pay the costs.

Pleas in law and main arguments

1. The appeal is directed against the Judgment of the General Court of the European Union of 8 January 2015 in Case T-58/13, Club Hotel Loutraki and Others v Commission, rejecting the appellants' pleas for the annulment of Commission Decision C(2012) 6777 final of 3 October 2012 on 'State aid SA.33988 (2011/N) — Greece — Arrangements for the extension of OPAP's exclusive right to operate 13 games of chance and the granting of an exclusive license to operate 35 000 Video Lottery Terminals for a period of ten years'.

2. In that decision the Commission raised no objections with regard to two notified measures in favour of OPAP: (a) the grant to OPAP of an exclusive license to operate 35 000 Video Lottery Terminals for a period of 10 years, ending in 2022; (b) the 10-year prolongation, from 2020 to 2030, of the exclusive rights already granted to OPAP for the operation of 13 games of chance.
3. In their appeal the appellants raise three pleas in law against the contested judgment:
 - (a) Infringement of Article 108(3) TFEU and Articles 4(4), 7(2) and (3) and 13(1) of Regulation 659/1999 ⁽¹⁾, because the General Court concluded in paras 33-64 of the contested judgment that the Commission was not obliged to initiate the formal investigation procedure and, that it lawfully completed its investigation during the preliminary procedure.
 - (b) Infringement of Article 296 TFEU and Articles 41 and 47 of the Charter, because the General Court concluded in paras 65-78 of the challenged judgment that the Commission decision was sufficiently reasoned, despite a lack of economic data which did not permit the accuracy of the calculations made by the Commission to be determined.
 - (c) Infringement of Article 107(1) TFEU, because the General Court concluded that the joint assessment of the notified measures by the Commission was lawful, despite the lack of a market definition, and in view of the erroneous application of the notions of 'similarity' and 'economic context'.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty OJ L 83, p. 1.

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 20 March 2015 — Hellenic Republic v Grigorios Nikiforidis

(Case C-135/15)

(2015/C 198/26)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Appellant on a point of law: Hellenic Republic

Respondent in the appeal on a point of law: Grigorios Nikiforidis

Questions referred

1. Is the Rome I Regulation ⁽¹⁾ applicable under Article 28 of that regulation to employment relationships exclusively in the case where the legal relationship was formed by a contract of employment entered into after 16 December 2009, or does every subsequent agreement by the contracting parties to continue their employment relationship, whether with or without variation, render that regulation applicable?