

Judgment of the Court (Fourth Chamber) of 7 April 2016 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Marchon Germany GmbH v Yvonne Karaszkiwicz

(Case C-315/14) ⁽¹⁾

(Reference for a preliminary ruling — Self-employed commercial agents — Directive 86/653/EEC — Article 17(2) — Indemnity in respect of customers — Conditions for granting — Acquisition of new customers — Concept of ‘new customers’ — Principal’s customers purchasing, for the first time, goods which the commercial agent was assigned to sell)

(2016/C 211/08)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Marchon Germany GmbH

Defendant: Yvonne Karaszkiwicz

Operative part of the judgment

The first indent of Article 17(2)(a) of Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents must be interpreted as meaning that customers brought in by the commercial agent for the goods that he has been assigned by the principal to sell must be regarded as new customers, within the meaning of that provision, in the case where, even though those customers already had business relations with that principal in relation to other goods, the sale, by that agent, of the first goods required the establishment of specific business relations, this being a matter for the referring court to determine.

⁽¹⁾ OJ C 329, 22.9.2014.

Judgment of the Court (First Chamber) of 7 April 2016 (request for a preliminary ruling from the Krajowa Izba Odwoławcza — Poland) — Partner Apelski Dariusz v Zarząd Oczyszczania Miasta

(Case C-324/14) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Directive 2004/18/EC — Technical and/or professional abilities of economic operators — Article 48(3) — Possibility to rely on the capacities of other entities — Conditions and procedures — Nature of the links between the tenderer and the other entities — Amendment of the tender — Annulment and repetition of an electronic auction — Directive 2014/24/EU)

(2016/C 211/09)

Language of the case: Polish

Referring court

Krajowa Izba Odwoławcza