

Request for a preliminary ruling from the Sąd Okręgowy w Szczecinie (Poland) lodged on 7 June 2017 — Feniks Sp. z o.o. v Azteca Products & Services SL

(Case C-337/17)

(2017/C 300/17)

Language of the case: Polish

Referring court

Sąd Okręgowy w Szczecinie

Parties to the main proceedings

Applicant: Feniks Sp. z o.o., established in Szczecin

Defendant: Azteca Products & Services SL, established in Alcora

Questions referred

1. Does a case brought against a buyer established in one Member State, seeking a declaration that a contract for the sale of immovable property situated in the territory of another Member State, which was concluded and performed in its entirety in the territory of another Member State, is ineffective on the ground of detriment to the seller's creditors, constitute a 'matter relating to a contract' within the meaning of Article 7(1)(a) of Regulation (EU) No 1215/2012 ⁽¹⁾ of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters?
2. Must the above question be answered applying the principle of *acte éclairé* with reference to the judgment of the Court of Justice in *Handte v Traitements mécano-chimiques des surfaces SA*, C-26/91, EU:C:1992:268, despite the fact that it concerned the liability for defects in goods of a manufacturer who could not foresee to whom the goods would subsequently be sold, and thus who would be able to bring claims against him, whereas the present action against a buyer 'seeking a declaration that a contract for the sale of immovable property is ineffective' on the ground of detriment to the seller's creditors, requires, in order to be effective, knowledge on the part of the buyer that the legal act (contract of sale) was done with detriment to creditors, and thus the buyer must anticipate that such an action may be brought by a personal creditor of the seller?

⁽¹⁾ OJ 2012 L 351, p. 1.

Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel (Belgium) lodged on 8 June 2017 — Fremoluc NV v Agentschap voor Grond- en Woonbeleid voor Vlaams-Brabant (Vlabinvest ABP) and Others, Intervener: Vlaams Gewest

(Case C-343/17)

(2017/C 300/18)

Language of the case: Dutch

Referring court

Nederlandstalige rechtbank van eerste aanleg Brussel

Parties to the main proceedings

Applicant: Fremoluc NV

Defendants: Agentschap voor Grond- en Woonbeleid voor Vlaams-Brabant (Vlabinvest ABP), Vlaams Financieringsfonds voor Grond- en Woonbeleid voor Vlaams-Brabant (Vlaams Financieringsfonds), Vlaamse Maatschappij voor Sociaal Wonen NV (VMSW), Christof De Knop, Valérie De Knop, Melissa De Knop, Joanna De Keersmaecker, Marie-Jeanne Thielemans

Intervener: Vlaams Gewest (Regional Government Fers)

Questions referred

Should Articles 21, 45, 49 and 63 of the Treaty on the Functioning of the European Union and Articles 22 and 24 of Directive 2004/38/EC⁽¹⁾ of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States be interpreted as precluding a scheme under which a government body develops land with a view to offering plots and homes for sale and rental, on favorable terms, with priority being given to persons who have strong social, economic or socio-cultural ties with the area in which that body operates, and sets conditions with regard to income which the vast majority of those persons can fulfil, such as the scheme which results from reading the following in conjunction with each other:

- the besluit van de provincieraad van Vlaams-Brabant van 25 februari 2014 houdende het provinciaal reglement betreffende de werking en het beheer van het Agentschap voor Grond- en Woonbeleid voor Vlaams-Brabant (Decree of the Provincial Council of Flemish Brabant of 25 February 2014 on the provincial regulations on the operation and management of the Agency for Land and Housing Policy for Flemish Brabant) — ‘Vlabinvest ABP’;
- Article 2/2 of the besluit van de Vlaamse regering van 29 september 2006 betreffende de voorwaarden voor de overdracht van onroerende goederen door de Vlaamse Maatschappij voor Sociaal Wonen en de sociale huisvestingsmaatschappijen ter uitvoering van de Vlaamse Wooncode (Decree of the Flemish Government of 29 September 2006 on the conditions for the transfer of property by the Flemish Social Housing Association and the social housing associations implementing the Flemish Housing Code) (and Article 17, second to sixth paragraphs, of the besluit van de Vlaamse regering van 12 October 2007 tot reglementering van het sociale huurstelsel ter uitvoering van titel VII van de Vlaamse Wooncode (Decree of the Flemish Government of 12 October 2007 for the regulation of the social rental system implementing Title VII of the Flemish Housing Code))?

⁽¹⁾ OJ 2004 L 158, p. 77.

Appeal brought on 9 June 2017 by Christoph Klein against the judgment of the General Court (Eighth Chamber) delivered on 28 September 2016 in Case T-309/10 RENV, Christoph Klein v European Commission

(Case C-346/17 P)

(2017/C 300/19)

Language of the case: German

Parties

Appellant: Christoph Klein (represented by: H.-J. Ahlt, Rechtsanwalt)

Other parties to the proceedings: European Commission, Federal Republic of Germany

Form of order sought by the appellant

The appellant claims that the Court should:

1. set aside the judgment of the General Court of 28 September 2016 in Case T-309/10 RENV;