

5. Articles 6(1) and 7(1) of Directive 93/13 and the principle of effectiveness must be interpreted as meaning that they preclude a system whereby the consumer may be made to bear part of the costs of proceedings depending on the level of the unduly paid sums which are refunded to him following a finding that a contractual term is void for being unfair, given that such a system creates a substantial obstacle that is likely to discourage consumers from exercising the right to an effective judicial review of the potential unfairness of contractual terms such as that conferred by Directive 93/13.

⁽¹⁾ OJ C 246, 22.7.2019.

Judgment of the Court (First Chamber) of 16 July 2020 (request for a preliminary ruling from the Tribunalul București — Romania) — JE v KF

(Case C-249/19) ⁽¹⁾

(Reference for a preliminary ruling — Regulation (EU) No 1259/2010 — Enhanced cooperation in the area of the law applicable to divorce and legal separation — Uniform rules — Article 10 — Application of the law of the forum)

(2020/C 297/20)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: JE

Defendant: KF

Operative part of the judgment

Article 10 of Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation must be interpreted as meaning that the expression ‘where the law applicable by virtue of Article 5 or Article 8 makes no provision for divorce’ applies only where the foreign law applicable makes no provision for divorce in any form.

⁽¹⁾ OJ C 206, 17.6.2019.

Judgment of the Court (Ninth Chamber) of 16 July 2020 (request for a preliminary ruling from the Tribunal da Relação de Guimarães — Portugal) — MH, NI v OJ, Novo Banco SA

(Case C-253/19) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Insolvency proceedings — Regulation (UE) 2015/848 — Article 3 — International jurisdiction — Centre of a debtor’s main interests — Individual not exercising an independent business or professional activity — Rebuttable presumption that the centre of that person’s main interests is his or her habitual residence — Rebuttal of the presumption — Situation in which the debtor’s sole immovable asset is located outside the Member State of habitual residence)

(2020/C 297/21)

Language of the case: Portuguese

Referring court

Tribunal da Relação de Guimarães