

**Case law****Case Details**

**National ID:** C-559/11

**Member State:** European Union

**Common Name:** Pelckmans Turnhout

**Decision type:** Court of Justice decision

**Decision date:** 04/10/2012

**Court:** Court of Justice of the European Union

**Subject:**

**Plaintiff:** Pelckmans Turnhout NV

**Defendant:** Walter Van Gastel Balen NV, Walter Van Gastel NV, Walter Van Gastel Schoten NV, Walter Van Gastel Lifestyle NV,

**Keywords:** general discussion, scope of the Directive

**Directive Articles**

Unfair Commercial Practices Directive, [Whereas](#), (8) Unfair Commercial Practices Directive, [link](#)

**Headnote**

Directive 2005/29 must be interpreted as meaning that it does not apply to national legislation which does not pursue objectives related to consumer protection.

**Facts**

Defendant's horticultural enterprises were operating seven days per week. Plaintiff stated that this was in breach of the Law of 6 April 2010, which implemented Directive 2005/29 into Belgian law and filed a claim with the Commercial Court of Antwerp to impose a compulsory weekly closing day.

Doubting the applicability of the Law of 6 April 2010 and thereby Directive 2005/29 to the issue at stake, the Commercial Court decided to stay the proceedings and to refer two questions to the Court of Justice for preliminary ruling.

**Legal issue**

Should Directive 2005/29 be interpreted as precluding national legislation which prohibits traders from operating seven days per week by imposing a compulsory weekly closing day?

**Decision**

The court reiterated its decision in Mediaprint Zeitungs- und Zeitschriftenverlag in conjunction with recital 8 of Directive 2005/29 in stating that the Directive applies only to national rules that envision the protection of consumers. The national rule imposing a compulsory weekly closing day did not serve to protect the interests of consumers but those of competitors. Therefore, the Directive did not apply to that rule.

URL: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62011CO0559&from=EN>

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**Related Cases**

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**Legal Literature**

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**Result**

The court referred the case back to the national court.