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II. The termination of the lease agreement prior to the duration shall terminate the agreement with a future effect. The parties shall not be obliged to provide further contractual services, the contractual financial counter-value of the already provided service shall be paid, and damage arising from contractual performance may be enforced from the lessee in violation.

III. The condition regulating the payment obligation of the consumer lessee specified in the general terms and conditions of the foreign exchange lease agreement is not clear and understandable, if the bearing of foreign exchange risk can only be extrapolated based on the comparison and joint interpretation of the provisions specified in several different places in a chaotic manner in the general terms and conditions, for the lack of information expressly provided to the consumer lessee related to the meaning of the foreign exchange risk, the lessee's payment obligation, extent of risk-bearing 203

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Article 90, Paragraph (1) of Council Regulation number 6/2002/EC of 12 December 2001 on Community designs shall be interpreted so that with regard to national designs, the courts of the member states with the jurisdiction of temporary and insurance measures have authority to take such measures even with regard to community designs 244

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Article 20(4) and (5) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection interpreted in the light of Article 1 of the Charter of Fundamental Rights of the European Union may not specify, read in the light of Article 1 of the Charter of Fundamental Rights, must be interpreted as meaning that a Member State cannot, among the sanctions that may be imposed on an applicant for serious breaches of the rules of the accommodation centres as well as seriously violent behaviour, provide for a sanction consisting in the withdrawal, even temporary, of material reception conditions, within the meaning of Article 2(f) and (g) of the directive, relating to housing, food or clothing, in so far as it would have the effect of depriving the applicant of the possibility of meeting his or her most basic needs. The imposition of other sanctions specified in the above-mentioned Article 20, Paragraph (4) shall at all times take into consideration the conditions related to the consideration of the principle of equity and human integrity specified in Paragraph (5) of the above-mentioned Article. With regard to minors without company, this sanction shall be imposed taking into consideration the child's interest above all in accordance with Article 24 of the Charter of Fundamental Rights 247

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Article 47 of the Charter of Fundamental Rights of the European Union and Article 9(1) of Directive 2000/78 of 27 November 2000 must be interpreted as precluding cases concerning the application of European Union law from falling within the exclusive jurisdiction of a court which is not an independent and impartial tribunal, within the meaning of the former provision. That is the case where the objective circumstances in which that court was formed, its characteristics and the means by which its members have been appointed are capable of giving rise to legitimate doubts, in the minds of subjects of the law, as to the imperviousness of that court to external factors, in particular, as to the direct or indirect influence of the legislature and the executive and its neutrality with respect to the interests before it and, thus, may lead to that court not being seen to be independent or impartial with the consequence of prejudicing the trust which justice in a democratic society must inspire in subjects of the law. It is for the referring court to determine, in the light of all the relevant factors established before it, whether that applies to a court such as the Disciplinary Chamber of the Sąd Najwyższy (Supreme Court).

If that is the case, the principle of the primacy of European Union law must be interpreted as requiring the referring court to apply the provision of national law which reserves jurisdiction to hear and rule on the cases in the main proceedings to the above-mentioned chamber, so that those cases may be examined by a court which meets the above-mentioned requirements of independence and impartiality and which, were it not for that provision, would have jurisdiction in the relevant field 250

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National Meeting of the Private Law College Heads

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