

- 28 June 2007 (2007/445/EC),<sup>(3)</sup>
  - 20 December 2007 (2007/868/EC in the version of the correction from the same day published in the Official Journal of the European Union L 340 of 22 December 2007),<sup>(4)</sup>
  - 15 July 2008 (2008/583/EC)<sup>(5)</sup> and
  - 26 January 2009 (2009/62/EC)<sup>(6)</sup>
- invalid?

<sup>(1)</sup> OJ 2001 L 344, p. 70.

<sup>(2)</sup> Council Decision of 29 May 2006 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2005/930/EC (OJ 2006 L 144, p. 21).

<sup>(3)</sup> Council Decision of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58).

<sup>(4)</sup> Council Decision of 20 December 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/445/EC (OJ 2007 L 340, p. 100), as corrected.

<sup>(5)</sup> Council Decision of 15 July 2008 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/868/EC (OJ 2008 L 188, p. 21).

<sup>(6)</sup> Council Decision of 26 January 2009 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2008/583/EC (OJ 2009 L 23, p. 25).

**Request for a preliminary ruling from the Juzgado de Primera Instancia No 11 de Vigo (Spain) lodged on 6 January 2016 — Banco Popular Español, S.A. and PL Salvador, S.A.R.L. v María Rita Giráldez Villar and Modesto Martínez Baz**

(Case C-7/16)

(2016/C 118/11)

*Language of the case: Spanish*

**Referring court**

Juzgado de Primera Instancia No 11 de Vigo

**Parties to the main proceedings**

*Applicants:* Banco Popular Español, S.A. and PL Salvador, S.A.R.L.

*Defendants:* María Rita Giráldez Villar and Modesto Martínez Baz

**Questions referred**

1. Must Council Directive 93/13/EEC<sup>(1)</sup> of 5 April 1993 on unfair terms in consumer contracts be interpreted, in the light of Articles 38 and 47 of the Charter of Fundamental Rights of the European Union,<sup>(2)</sup> as precluding judicial interpretation of a legislative provision of a Member State, like Article 1535 of the Spanish Civil Code, which limits its application to the declaratory stage of proceedings until such time as judgment is given, thereby precluding its application during the enforcement stage once judgment has been given or the period for contesting the claim for payment has expired, when full payment of the debt has not been made to the creditor in the meantime?
2. Do the provisions of EU law cited in the first question preclude a provision of national law, like Article 1535 of the Spanish Civil Code, which permits the assignment to a third party of a disputed debt contracted between an economic operator, on the one hand, and a consumer, on the other, without requiring authentic notification to the consumer of the very fact of the assignment, the instrument of assignment or its *raison d'être*, and without its being necessary to indicate, and substantiate by documentary evidence (in any case), the true price for which the debt was acquired, with a statement of the reduction or discount given?

3. Must the judgment of the Court of Justice of the European Union of 9 March 1978 in Case [106/77] *Simmenthal* <sup>(3)</sup> be interpreted as meaning that, in order to attain the objective of Directive 93/13/EEC, cited in the first question referred, in the light of Articles 38 and 47 of the Charter of Fundamental Rights of the European Union, a national court must not apply a provision of national law, like Article 1535 of the Spanish Civil Code, which precludes the exercise of the right to extinguish disputed debts in the same proceedings as those for enforcement of the debt assigned, thereby imposing on the consumer the burden of commencing fresh declaratory proceedings, within the limitation period of nine days from notification of the assignment, together with the costs which that entails (lawyer, court agent, legal fees, determination of the court having jurisdiction when the assignee is not domiciled in Spain ...), against the new holder of the debt assigned in order to extinguish that debt?

<sup>(1)</sup> OJ 1993 L 95, p. 29.

<sup>(2)</sup> OJ 2000 C 364, p. 1.

<sup>(3)</sup> EU:C:1978:49.

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**Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 15 January 2016 —  
Wolfram Bechtel and Marie-Laure Bechtel v Finanzamt Offenburg**

**(Case C-20/16)**

(2016/C 118/12)

*Language of the case: German*

**Referring court**

Bundesfinanzhof

**Parties to the main proceedings**

*Applicants:* Wolfram Bechtel, Marie-Laure Bechtel

*Defendant:* Finanzamt Offenburg

**Questions referred**

1. Does Article 39 EC (now Article 45 TFEU) preclude a provision of German law according to which contributions to the French pension and health insurance fund paid by an employee living in Germany but working for the French civil service — in contrast to comparable contributions paid by an employee working in Germany to the German social security fund — do not reduce the income tax basis of assessment, if, under the Convention between Germany and France for the avoidance of double taxation, the salary may not be taxed in Germany and only increases the tax rate to be applied to other income?
2. Is question 1 to be answered in the affirmative even if, within the framework of the taxation of the salary by France, the insurance contributions in question — whether specifically or at a flat rate —
  - a) are taken into account as reducing tax, or
  - b) could have been taken into account in reducing tax, but were not the subject of a claim to that effect and therefore were not actually taken into account?