

Request for a preliminary ruling from the Sofiyski rayonen sad (Bulgaria) lodged on 1 August 2016 — ‘Chez Elektro Balgaria’ AD v Yordan Kotsev

(Case C-427/16)

(2016/C 371/07)

Language of the case: Bulgarian

Referring court

Sofiyski rayonen sad

Parties to the main proceedings

Applicant: ‘Chez Elektro Balgaria’ AD

Defendant: Yordan Kotsev

Questions referred

1. Does Article 101(1) TFEU (prohibition of the prevention, restriction or distortion of competition) preclude Paragraph 36 (2) of the Law on the Legal Profession under which an association of undertakings which practise liberal professions (the Supreme Council of the Legal Profession) has discretion, by virtue of a power conferred on it by the State, to lay down in advance the minimum level of the prices for the services supplied by those undertakings (legal fees)?
2. If Question 1 is answered in the affirmative, does the last part of Paragraph 78(5) of the Code of Civil Procedure (in which that provision does not allow a reduction of the lawyer’s fee to below a fixed minimum amount) conflict with Article 101(1) TFEU?
3. If Question 1 is answered in the affirmative, does Paragraph 132(5) of the Law on the Legal Profession (with regard to the application of Paragraph 136(1) of that law) conflict with Article 101(1) TFEU?
4. Does the first paragraph of Article 56 TFEU (prohibition of restrictions on freedom to provide services) preclude Paragraph 36(2) of the Law on the Legal Profession?
5. Does Paragraph 78(8) of the Code of Civil Procedure conflict with Article 101(1) TFEU?
6. Does Paragraph 78(8) of the Code of Civil Procedure conflict with Directive 77/249/EEC ⁽¹⁾ (as regards the right of persons represented by in-house legal advisers to claim legal fees)?
7. Does Paragraph 2a of the Supplementary Provisions to Order No 1 conflict with Directive 2006/112/EC, ⁽²⁾ which allows value added tax to be regarded as a component part of the price of the service supplied in the exercise of a profession (in relation to the inclusion of value added tax as part of the lawyer’s fee payable)?

⁽¹⁾ Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ 1977 L 78, p. 17).

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Request for a preliminary ruling from the Sofiyski rayonen sad (Bulgaria) lodged on 1 August 2016 — ‘Frontex International’ EAD v Emil Yanakiev

(Case C-428/16)

(2016/C 371/08)

Language of the case: Bulgarian

Referring court

Sofiyski rayonen sad