

2. Does the principle of effectiveness of EU law preclude national procedural legislation which prevents or does not provide for a second review of unfair terms by the court of its own motion in the procedure for enforcing a procedural instrument stemming from an order for payment procedure, [if] it is considered that unfair terms may be present on account of an imperfect or incomplete review of unfairness in the prior procedure during which that enforceable instrument was issued?

If so, is the fact that the court may ask the party seeking enforcement to provide such documents as may be necessary to determine the heads of claim under the contract that make up the amount of the debt, in order to review whether any of the terms are unfair, consistent with the principle of effectiveness of EU law?

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

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**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 1 December 2022 — DISA SUMINISTROS Y TRADING, S. L. U. (DISA) v Agencia Estatal de la Administración Tributaria**

**(Case C-743/22, DISA)**

(2023/C 121/05)

*Language of the case: Spanish*

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Appellant:* DISA SUMINISTROS Y TRADING, S. L. U. (DISA)

*Respondent:* Agencia Estatal de la Administración Tributaria

**Question referred**

Must [Council] Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, (<sup>1</sup>) in particular Article 5 thereof, be interpreted as precluding a national provision, such as Article 50ter of Ley 38/1992 de Impuestos Especiales (Law 38/1992 on excise duties) of 28 December 1992, which authorised the autonomous communities to set differentiated rates of the excise duties on mineral oils for each territory in respect of the same product?

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(<sup>1</sup>) OJ 2003 L 283, p. 51.

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**Request for a preliminary ruling from the Juzgado de lo Mercantil No 1 de Palma de Mallorca (Spain) lodged on 16 December 2022 — Luis Carlos and Others v Air Berlín PLC & CO Luftverkehrs KG, Sucursal en España**

**(Case C-765/22, Air Berlín)**

(2023/C 121/06)

*Language of the case: Spanish*

**Referring court**

Juzgado de lo Mercantil No 1 de Palma de Mallorca

**Parties to the main proceedings**

*Applicants:* Luis Carlos, Severino, Isidora, Angélica, Paula, Luis Francisco, Delfina

*Defendant:* Air Berlín PLC & CO Luftverkehrs KG, Sucursal en España