

Request for a preliminary ruling from the Juzgado de Primera Instancia No 2 de Santander (Spain) lodged on 23 March 2016 — Banco Bilbao Vizcaya Argentaria, S.A. v Fernando Quintano Ujeta and María Isabel Sánchez García

(Case C-167/16)

(2016/C 200/16)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 2 de Santander

Parties to the main proceedings

Applicant: Banco Bilbao Vizcaya Argentaria, S.A.

Defendants: Fernando Quintano Ujeta and María Isabel Sánchez García

Questions referred

1. Are Articles 6(1) and 7(1) of Council Directive 93/13/EEC ⁽¹⁾ of 5 April 1993/13 on unfair terms in consumer contracts compatible with the fact that a finding that an accelerated repayment clause, which is the grounds for enforcement proceedings, is unfair does not give rise to any consequences in the legal proceedings in which that finding is made?
2. Are Articles 6(1) and 7(1) of Directive 93/13 compatible with an interpretation whereby the consequences of a finding that an accelerated repayment clause is unfair are made conditional upon the specific characteristics of the proceedings for which the seller or supplier may opt?
3. Is an interpretation to the effect that, although a pre-formulated clause allows accelerated maturity in a long-term contract for breach that is not serious, leaving the consumer in worse circumstances than those resulting from the supplemental national provision, the clause would not be void solely because a corrective rule exists in the national procedural provision that is applicable only in the specific procedure chosen by the seller or supplier and only if certain conditions are fulfilled, compatible with Articles 6(1) and 7(1) of Directive 93/13?
4. Is Article 693.3 [of the] Code of Civil Procedure ⁽²⁾ an appropriate and effective remedy that enables the consumer to remedy the effects of an unfair accelerated repayment clause, account being taken of the fact that he must pay the interest and costs?
5. Is a national procedural law which grants rights to a consumer that he can rely upon in specially expedited enforcement proceedings which the seller or supplier may choose from among other options, in which such rights are unknown, consistent with the principle of effectiveness of Directive 93/13 and with the Charter of Fundamental Rights of the European Union? ⁽³⁾

⁽¹⁾ OJ 1993 L 95, p. 29.

⁽²⁾ Ley de Enjuiciamiento Civil (LEC).

⁽³⁾ OJ 2000 C 364, p. 1.

Request for a preliminary ruling from the Sofiyski Rayonen Sad (Bulgaria) lodged on 24 March 2016 — Criminal proceedings against Trayan Beshkov

(Case C-171/16)

(2016/C 200/17)

Language of the case: Bulgarian

Referring court

Sofiyski Rayonen Sad

Party to the main proceedings

Trayan Beshkov

Questions referred

1. How must the expression 'new criminal proceedings' used in Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings be interpreted, and must that expression necessarily be connected with a finding of guilt in respect of an offence committed or can it also relate to proceedings in which, under the national law of the second Member State, the penalty imposed in an earlier judgment must absorb another sanction or be included in it or must be enforced separately?
2. Must Article 3(1), read in conjunction with recital 13, of Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings be interpreted as permitting national rules which provide that proceedings in which an earlier judgment delivered in another Member State must be taken into account may not be initiated by the sentenced person but only by the Member State in which the earlier judgment was delivered or by the Member State in which the new criminal proceedings are taking place?
3. Must Article 3(3) of Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings be interpreted as meaning that the Member State in which the new criminal proceedings are taking place may not change the manner of execution of the penalty imposed by the Member State which issued the earlier sentence, including in the event that, under the national law of the second Member State, the penalty imposed by the earlier judgment must absorb another sanction or be included in it or must be enforced separately?

**Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 29 March 2016 —
Biedrība 'Autortiesību un komunikēšanās konsultāciju aģentūra/Latvijas Autoru apvienība' v
Konkurences padome**

(Case C-177/16)

(2016/C 200/18)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Applicant at first instance: Biedrība 'Autortiesību un komunikēšanās konsultāciju aģentūra/Latvijas Autoru apvienība'

Defendant at first instance: Konkurences padome

Questions referred

1. Is subparagraph (a) of [the second paragraph] of Article 102 of the Treaty on the Functioning of the European Union applicable to a dispute concerning the rates laid down by a national copyright management organisation if that entity also collects remuneration in respect of works of foreign authors and the rates laid down by it may be a deterrent to the use of those works in the Member State in question?
2. For the purpose of defining the concept of unfair prices used in subparagraph (a) of [the second paragraph] of Article 102 of the Treaty on the Functioning of the European Union, in the context of the management of copyright and related rights, is it appropriate and sufficient — and in which cases — to draw a comparison between the prices (rates) in the market in question and the prices (rates) in neighbouring markets?