

Questions referred

1. Where, in the course of a procedure for the resolution of a financial institution, all of the shares into which the share capital was divided have been redeemed, must Articles 34(1)(a), 53(1) and (3) and 60(2)(b) and (e) of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014⁽¹⁾ be interpreted as meaning that they preclude persons having acquired their shares a number of months prior to the start of the resolution procedure, on the occasion of a capital increase with a public offer to subscribe, from bringing claims for compensation or claims having equivalent effect which are based on defective information in the issue prospectus against the issuing institution or against the institution emerging from a subsequent merger by acquisition?
2. In the same situation as that referred to in the previous question, do Articles 34(1)(a), 53(3) and 60(2)(b) of Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 preclude the courts from imposing on the issuing institution or on the institution that succeeds to it universally any obligations to reimburse the equivalent value of the shares subscribed and to pay interest as a result of the retroactively effective (*ex tunc*) declaration as to the nullity of the share subscription contract, pursuant to claims brought after the institution has been resolved?

⁽¹⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms (OJ 2014 L 173, p. 190).

Request for a preliminary ruling from the Finanzgericht Bremen (Germany) lodged on 2 September 2020 — S v Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit

(Case C-411/20)

(2020/C 423/39)

Language of the case: German

Referring court

Finanzgericht Bremen

Parties to the main proceedings

Applicant: S

Defendant: Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit

Question referred

Must Article 24 of Directive 2004/38/EC⁽¹⁾ and Article 4 of Regulation (EC) No 883/2004⁽²⁾ be interpreted as precluding legislation of a Member State under which a national of another Member State, who establishes a permanent residence or habitual residence in the Member State concerned and does not prove that he has national income from agriculture and forestry, business, employment or self-employment, has no entitlement to family benefits within the meaning of Article 3(1)(j) of Regulation (EC) No 883/2004, in conjunction with Article 1(z) thereof, for the first three months of establishing a permanent residence or habitual residence, whilst a national of the Member State concerned, who is in the same situation, does have an entitlement to family benefits within the meaning of Article 3(1)(j) of Regulation (EC) No 883/2004, in conjunction with Article 1(z) thereof, without proving national income from agriculture and forestry, business, employment or self-employment?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004 L 158, p. 77).

⁽²⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).
