

Judgment of the Court (Fifth Chamber) of 9 March 2017 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Leopoldine Gertraud Piringer

(Case C-342/15) ⁽¹⁾

(Reference for a preliminary ruling — Freedom of lawyers to provide services — Possibility for Member States to reserve to prescribed categories of lawyers the drafting of formal documents for creating or transferring interests in land — Legislation of a Member State requiring that the authenticity of the signature on a request for entry in the land register be certified by a notary)

(2017/C 144/05)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Defendant: Leopoldine Gertraud Piringer

Operative part of the judgment

1. The second subparagraph of Article 1(1) of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services must be interpreted as not applying to legislation of a Member State, such as that at issue in the main proceedings, under which authentication of signatures appended to the instruments necessary for the creation or transfer of rights to property is reserved to notaries, and as consequently excluding the possibility of recognising in that Member State such authentication carried out by a lawyer established in another Member State.
2. Article 56 TFEU must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, under which authentication of signatures appended to the instruments necessary for the creation or transfer of rights to property is reserved to notaries, and as consequently excluding the possibility of recognition in that Member State of such authentication carried out, in accordance with his or her national law, by a lawyer established in another Member State.

⁽¹⁾ OJ C 354, 26.10.2015.

Judgment of the Court (Grand Chamber) of 7 March 2017 (request for a preliminary ruling from the Trybunał Konstytucyjny w Warszawie — Poland) — proceedings brought by the Rzecznik Praw Obywatelskich (RPO)

(Case C-390/15) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Value added tax (VAT) — Directive 2006/112/EC — Point 6 of Annex III — Validity — Procedure — Amendment of a proposal for a Council directive after the Parliament has given an opinion — No fresh consultation of the Parliament — Article 98(2) — Validity — Reduced rate of VAT precluded from being applied to the supply of digital books electronically — Principle of equal treatment — Comparability of two situations — Supply of digital books electronically and on all physical means of support)

(2017/C 144/06)

Language of the case: Polish

Referring court

Trybunał Konstytucyjny w Warszawie