

*Applicant in the original proceedings:* O.K. Trans Praha spol. s.r.o.

### Question referred

Is Article 20(2) of Regulation (EC) No 1896/2006 <sup>(1)</sup> of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure to be interpreted to the effect that a failure to notify the addressee of the possibility of refusing to accept the documents to be served, as provided for under Article 8(1) of Regulation (EC) No 1393/2007 <sup>(2)</sup> of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 <sup>(3)</sup> ('the Service of documents Regulation'), gives grounds for a right on the part of the defendant (the addressee) to apply for review of the European order for payment under Article 20(2) of Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure ('the European order for payment Regulation')?

<sup>(1)</sup> OJ 2006 L 399, p. 1.

<sup>(2)</sup> OJ 2007 L 324, p. 79.

<sup>(3)</sup> OJ 2000 L 160, p. 37.

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**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 18 January 2017 — Österreichischer Gewerkschaftsbund, Gewerkschaft öffentlicher Dienst v Republik Österreich**

**(Case C-24/17)**

(2017/C 112/29)

*Language of the case: German*

### Referring court

Oberster Gerichtshof

### Parties to the main proceedings

*Applicant:* Österreichischer Gewerkschaftsbund, Gewerkschaft öffentlicher Dienst

*Defendant:* Republik Österreich

### Questions referred

- 1.1. Is European Union law, in particular Articles 1, 2 and 6 of Directive 2000/78/EC, <sup>(1)</sup> in conjunction with Article 21 of the Charter of Fundamental Rights, to be interpreted as precluding national legislation under which a remuneration system which (in relation to the accreditation of previous service periods completed before the age of 18) discriminates on grounds of age is replaced by a new remuneration system, under which, however, the transition of existing public servants to the new remuneration system occurs in such a way that the new system is implemented retroactively to the date on which the original law entered into force, but the initial grading in the new remuneration system is based on the salary actually paid under the old remuneration system for a specific transition month (February 2015), with the result that the previously existing age discrimination continues in terms of its financial effects?
- 1.2. If the answer to Question 1.1. is in the affirmative:

Is European Union law, in particular Article 17 of Directive 2000/78/EC, to be interpreted as meaning that existing public servants who were discriminated against in the old remuneration system in relation to the accreditation of previous service periods completed before the age of 18 must receive financial compensation if that age discrimination continues in terms of its financial effects even after transition to the new remuneration system?

1.3. If the answer to Question 1.1. is in the negative:

Is European Union law, in particular Article 47 of the Charter of Fundamental Rights, to be interpreted as meaning that the fundamental right to effective legal protection enshrined therein precludes national legislation under which the age-discriminatory remuneration system is no longer to apply in current and future procedures and the transition of the remuneration of existing public servants to the new remuneration system is to be based solely on the salary calculated or paid for the transition month?

2. Is European Union law, in particular Article 45 TFEU, Article 7(1) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the EU, <sup>(2)</sup> and Articles 20 and 21 of the Charter of Fundamental Rights, to be interpreted as precluding legislation under which previous service periods completed by a contractual public servant

- in an employment relationship with a local authority or municipal association of a Member State of the European Economic Area, the Republic of Turkey or the Swiss Confederation, or with an organisation of the European Union or an intergovernmental organisation of which Austria is a member, or with any similar body, must be accredited in their entirety,
- in an employment relationship with another employer, only when exercising a relevant occupation or relevant administrative traineeship, up to a maximum of ten years in total?

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<sup>(1)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; OJ 2000 L 303, p. 16.

<sup>(2)</sup> OJ 2011 L 141, p. 1.

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 23 January 2017 —  
Sucrerie de Toury SA v Ministre de l'économie et des finances**

**(Case C-31/17)**

(2017/C 112/30)

*Language of the case: French*

**Referring court**

Conseil d'État

**Parties to the main proceedings**

*Appellant on a point of law:* Sucrerie de Toury SA

*Respondent in the appeal on a point of law:* Ministre de l'économie et des finances

**Question referred**

Do energy products used for combined heat and electricity generation come exclusively within the scope of the optional power to exempt conferred by Article 15(1)(c) of Council Directive 2003/96/EC of 27 October 2003 <sup>(1)</sup> or do they also come, as regards the proportion of those products the consumption of which corresponds to the generation of electricity, within the scope of the obligation to exempt provided for by Article 14(1)(a) of that directive?

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<sup>(1)</sup> Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ 2003 L 283, p. 51).