

Parties to the main proceedings

Applicant: Sparkasse Allgäu

Defendant: Finanzamt Kempten

Operative part of the judgment

Article 49 TFEU must be interpreted as not precluding legislation of a Member State which requires credit institutions having their head office in that Member State to notify the national authorities of assets held or managed at their dependent branches established in another Member State in the event of the death of the owner of those assets who is resident in the first Member State, in the case where there is no similar notification obligation in that second Member State and credit institutions there are subject to banking secrecy breach of which constitutes a criminal offence.

⁽¹⁾ OJ C 65, 23.2.2015.

Judgment of the Court (Second Chamber) of 7 April 2016 (request for a preliminary ruling from the Tribunale di Udine — Italy) — proceedings by Degano Trasporti Sas di Ferruccio Degano & C., in liquidation

(Case C-546/14) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — VAT — Article 4(3) TEU — Directive 2006/112/EC — Insolvency — Procedure for an arrangement with creditors — Partial payment of VAT debts)

(2016/C 211/17)

Language of the case: Italian

Referring court

Tribunale di Udine

Party to the main proceedings

Degano Trasporti Sas di Ferruccio Degano & C., in liquidation

Intervening party: Pubblico Ministero presso il Tribunale di Udine

Operative part of the judgment

Article 4(3) TEU and Articles 2, 250(1) and 273 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax do not preclude national legislation, such as that at issue in the main proceedings, interpreted as meaning that an insolvent trader may apply to a court to open a procedure for an arrangement with creditors for the purpose of settling its debts by liquidating its assets, in which that trader offers only partial payment of a value added tax debt and establishes by an independent expert's report that that debt would not be repaid more fully in the event of that trader's bankruptcy.

⁽¹⁾ OJ C 81, 9.3.2015.