

**Questions referred**

1. Is Article 1(1), second sentence, of Council Directive 77/249/EEC <sup>(1)</sup> of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services to be interpreted as enabling a Member State to exclude certification of the authenticity of signatures on instruments which are necessary for the creation or transfer of rights to property from the freedom to provide services by lawyers and to reserve the provision of this service to public notaries?
2. Is Article 56 of the Treaty on the Functioning of the European Union to be interpreted as not precluding a national provision of the State of registry (Austria) under which certification of the authenticity of signatures on instruments which are necessary for the creation or transfer of rights to property is reserved to public notaries, with the effect that a declaration of the authenticity of a signature by a lawyer established in the Czech Republic made in his State of establishment is not recognised in the State of registry, despite this declaration being accorded the legal effect of an official certification under Czech law,

in particular because,

- a. the question of the recognition of a declaration of the authenticity of a signature on a request for entry in the land register of the State of registry made in the Czech Republic by a lawyer established there relates to the provision of a service by a lawyer the content of which is not possible for lawyers established in the State of registry, and the refusal to recognise it is therefore not subject to the prohibition of restrictions on recognition

or

- b. such a reservation is justified to ensure the legality and legal certainty of acts (instruments relating to legal transactions) and as a consequence is required for reasons of public interest and is also necessary to achieve this objective in the State of registry?

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<sup>(1)</sup> Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ 1977 L 78, p. 17).

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**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 15 July 2015 —  
BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG v Verein für  
Konsumenteninformation**

(Case C-375/15)

(2015/C 354/15)

*Language of the case: German*

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Appellant:* BAWAG PSK Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG

*Respondent:* Verein für Konsumenteninformation

**Questions referred**

1. Is Article 41(1) in conjunction with Article 36(1) of Directive 2007/64/EC <sup>(1)</sup> on payment services in the internal market ('the Payment Services Directive') to be interpreted as meaning that information (in electronic format) transmitted by the bank to the e-mail inbox of the customer as part of online banking (eBanking), so that the customer can retrieve this information by clicking on it after logging in to the eBanking website, has been provided on a durable medium?

2. If the answer to Question 1 is in the negative:

Is Article 41(1) in conjunction with Article 36(1) of the Payment Services Directive to be interpreted as meaning that in such a case

- (a) the information from the bank is indeed provided on a durable medium, but not notified to the customer, merely made accessible to him, or
- (b) all that happens is that the information is made accessible without the use of a durable medium?

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<sup>(1)</sup> Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ 2007 L 319, p. 1).

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**Request for a preliminary ruling from the Audiencia Provincial de Illes Balears (Spain) lodged on 16 July 2015 — Francisca Garzón Ramos and José Javier Ramos Martín v Banco de Caja España de Inversiones, Salamanca y Soria, S.A., Intercotrans, S.L.**

(Case C-380/15)

(2015/C 354/16)

*Language of the case: Spanish*

**Referring court**

Audiencia Provincial de Illes Balears

**Parties to the main proceedings**

*Applicants:* Francisca Garzón Ramos and José Javier Ramos Martín

*Defendants:* Banco de Caja España de Inversiones, Salamanca y Soria, S.A., Intercotrans, S.L.

**Questions referred**

1. In providing that a court seised of ordinary proceedings for the annulment of an enforceable instrument cannot under any circumstances grant interim relief staying mortgage enforcement proceedings relating to the instrument claimed to be null and void, is Article 698(1) of the Ley de Enjuiciamiento Civil compatible with the principle of effective judicial protection affirmed in Article 47 of the Charter of Fundamental Rights of the European Union <sup>(1)</sup>?
2. In the event that the answer to the previous question is that the provision of Spanish law is not compatible with the article of the Charter in question, is the case-law of the Court of Justice, and in particular its judgment in Case C-169/14 <sup>(2)</sup> *Sánchez Morcillo and Abril García*, therefore applicable to this case?

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<sup>(1)</sup> OJ 2000, C 364, p. 1.

<sup>(2)</sup> EU:C:2014:2099.