

2. Does a provision of national law, under which, on grounds of good faith, a consumer's right of cancellation is considered to be forfeit where a policy holder who was unaware of his right to cancel a contract continues to make payments under that contract until the time when he becomes aware of that right, comply with the above directive?

- <sup>(1)</sup> Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive) (OJ 1992 L 360, p. 1).
- <sup>(2)</sup> Council Directive 90/619/EEC of 8 November 1990 on the coordination of laws, regulations and administrative provisions relating to direct life assurance, laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 79/267/EEC (OJ 1990 L 330, p. 50).

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**Request for a preliminary ruling from the Kammergericht Berlin (Germany) lodged on 18 January 2017 — Vincent Pierre Oberle**

(Case C-20/17)

(2017/C 112/27)

*Language of the case: German*

**Referring court**

Kammergericht Berlin

**Parties to the main proceedings**

*Applicant:* Vincent Pierre Oberle

**Question referred**

Is Article 4 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession <sup>(1)</sup> (Regulation No 650/2012) to be interpreted as meaning that it also determines exclusive international jurisdiction in respect of the granting, in the Member States, of national certificates of succession which have not been replaced by the European certificate of succession (see Article 62(3) of Regulation No 650/2012), with the result that divergent provisions adopted by national legislatures with regard to international jurisdiction in respect of the granting of national certificates of succession — such as Paragraph 105 of the Familiengesetzbuch (the Family Code) in Germany — are ineffective on the ground that they infringe higher-ranking European law?

<sup>(1)</sup> OJ 2012 L 201, p. 107.

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**Request for a preliminary ruling from the Nejvyšší soud České republiky (Czech Republic) lodged on 18 January 2017 — Catlin Europe SE v O.K. Trans Praha spol. s.r.o.**

(Case C-21/17)

(2017/C 112/28)

*Language of the case: Czech*

**Referring court**

Nejvyšší soud České republiky

**Parties to the main proceedings**

*Appellant:* Catlin Europe SE

*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?