

**Order of the Court (Sixth Chamber) of 14 April 2021 (request for a preliminary ruling from the Tribunalul Galați — Romania) — XU, YV, ZW, AU, BZ, CA, DB, EC, NL v SC Credit Europe Ipotecar IFN SA, Credit Europe Bank NV**

(Case C-364/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Consumer protection — Unfair terms — Directive 93/13/EEC — Article 1(2) — Exclusion from the scope of that directive of contractual terms which reflect mandatory provisions of national law — Article 4(2) — Exception to the assessment of whether a term is unfair — Credit agreement denominated in a foreign currency — Alleged infringement of the obligation of information borne by a seller or supplier — Examination to be carried out by the national court as a matter of priority in the light of Article 1(2))*

(2021/C 289/23)

Language of the case: Romanian

#### Referring court

Tribunalul Galați

#### Parties to the main proceedings

Applicants: XU, YV, ZW, AU, BZ, CA, DB, EC, NL

Defendants: SC Credit Europe Ipotecar IFN SA, Credit Europe Bank NV

#### Operative part of the order

Article 1(2) and Article 4(2) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that, where a court of a Member State is hearing a dispute relating to an allegedly unfair contractual term which reflects a provision of national law which is supplementary in nature, it is required to examine, as a matter of priority, the effect of the exclusion from the scope of that directive laid down in Article 1(2) thereof, and not the effect of the exception to the assessment of whether contractual terms are unfair provided for in Article 4(2) of that directive.

<sup>(1)</sup> OJ C 288, 26.8.2019.

**Order of the Court (Tenth Chamber) of 14 April 2021 (request for a preliminary ruling from the Finanzgericht Berlin-Brandenburg — Germany) — HR v Finanzamt Wilmersdorf**

(Case C-108/20) <sup>(1)</sup>

*(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Taxation — Value added tax (VAT) — Directive 2006/112/EC — Articles 167 and 168 — Right to deduct input VAT — Refusal — Fraud — Supply chain — Refusal of the right to deduct where the taxable person knew or should have known that, by his or her purchase, he or she was participating in a transaction connected to VAT fraud)*

(2021/C 289/24)

Language of the case: German

#### Referring court

Finanzgericht Berlin-Brandenburg

#### Parties to the main proceedings

Applicant HR

Defendant: Finanzamt Wilmersdorf

**Operative part of the order**

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as not precluding a national practice whereby the right to deduct input value added tax (VAT) paid is refused to a taxable person who has acquired goods having been the subject of input VAT fraud committed upstream in the supply chain and who knew or should have known of it, even though he or she did not actively participate in that fraud.

(<sup>1</sup>) OJ C 201, 15.6.2020.

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**Order of the Court (Tenth Chamber) of 23 April 2021 (request for a preliminary ruling from the Cour du travail de Mons — Belgium) — Centre d'Enseignement Secondaire Saint-Vincent de Soignies ASBL v FS**

(Case C-471/20) (<sup>1</sup>)

*(Reference for a preliminary ruling — Article 53(2) and Article 99 of the Rules of Procedure of the Court — Social policy — Protection of the safety and health of workers — Organisation of working time — Directive 2003/88/EC — Maximum weekly working time — Reference period — Article 16 — Derogations — Articles 17 and 18 — Supervisor-teacher at a boarding school undertaking night duty — Compensatory rest conditions)*

(2021/C 289/25)

Language of the case: French

**Referring court**

Cour du travail de Mons

**Parties to the main proceedings**

*Applicant:* Centre d'Enseignement Secondaire Saint-Vincent de Soignies ASBL

*Defendant:* FS

**Operative part of the order**

Article 17(3)(b) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as meaning that the work of a teacher at a boarding school, who is responsible for the supervision of boarders during the night, falls within the scope of that provision.

(<sup>1</sup>) OJ C 9, 11.1.2021.

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