

If not:

- (d) Does the creditor's facility to provide the consumer subsequently with the information required under Article 14(1), second sentence, point (b), of Directive 2008/48/EC and thus trigger the period of withdrawal preclude the assumption of an abuse of rights in the exercise of the right of withdrawal in good faith? Does the same apply to agreements that have been terminated?

If not:

- (e) Is this compatible with the established principles of international law by which the German courts are bound under the Basic Law?

If so:

- (f) How are German legal practitioners to resolve a conflict between the binding prescripts of international law and the prescripts of the Court of Justice of the European Union?

Irrespective of the answers to Questions 1 to 4 above:

5. (a) Is it compatible with EU law if, under national law, in the case of a credit agreement linked to a contract of sale, following the effective exercise of the consumer's right of withdrawal under Article 14(1) of Directive 2008/48/EC,
- (aa) a consumer's claim against the creditor for repayment of the loan instalments paid does not arise until he or she has in turn returned the object purchased to the creditor or provided proof that he or she has dispatched it to the creditor?
- (bb) an action brought by the consumer for *repayment of the loan instalments paid by the consumer, after having returned the object purchased*, is to be dismissed as currently unfounded if the creditor has not delayed in accepting the object purchased?

If not:

- (b) Does it follow from EU law that the national rules described in (a)(aa) and/or (a)(bb) must be disapplied?

Irrespective of the answers to Questions 1 to 5 above:

6. Inasmuch as it also refers to orders for reference in accordance with the second paragraph of Article 267 TFEU, is Paragraph 348a(2), point 1, of the Zivilprozessordnung (German Code of Civil Procedure) incompatible with the right conferred on the national courts to request a preliminary ruling pursuant to the second paragraph of Article 267 TFEU and must it therefore be disapplied to orders for reference?

(¹) Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ 2008 L 133, p. 66).

Request for a preliminary ruling from the Cour constitutionnelle (Belgium) lodged on 12 April 2021 — Défense Active des Amateurs d'Armes ASBL, NG, WL v Conseil des ministres

(Case C-234/21)

(2021/C 297/21)

Language of the case: French

Referring court

Cour constitutionnelle

Parties to the main proceedings

Applicants: Défense Active des Amateurs d'Armes ASBL, NG, WL

Defendant: Conseil des ministres

Question referred

Does Article 7(4a) of Directive 91/477/EEC, ⁽¹⁾ read in conjunction with points 6 to 9 of category A of Part II of Annex 1 to that directive, infringe Articles 17(1), 20 and 21 of the Charter of Fundamental Rights of the European Union and the principle of the protection of legitimate expectations in that it does not allow Member States to provide for transitional arrangements for firearms covered by category A.9 which were lawfully acquired and registered before 13 June 2017, whereas it allows them to provide for transitional arrangements for firearms covered by categories A.6 to A.8 which were lawfully acquired and registered before 13 June 2017?

⁽¹⁾ Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ 1991 L 256, p. 51).

Request for a preliminary ruling from the Oberlandesgericht München (Germany) lodged on 13 April 2021 — S.M.

(Case C-237/21)

(2021/C 297/22)

Language of the case: German

Referring court

Oberlandesgericht München

Parties to the main proceedings

Person whose surrender is sought: S.M.

Applicant: Generalstaatsanwaltschaft München

Question referred

Do the principles governing the application of Articles 18 and 21 TFEU established by the Court in its judgment of 13 November 2018 in *Raugevicius* (C-247/17, EU:C:2018:898) require that a request from a third country under the European Convention on Extradition of 13 December 1957 seeking the extradition of an EU citizen for the purpose of enforcing a sentence is to be refused, even where the requested Member State is obliged by international law under that Convention to extradite the EU citizen, because it has defined the term 'nationals' within the meaning of Article 6(1)(b) of the Convention as meaning that it refers only to its own nationals, not to other EU citizens?

Request for a preliminary ruling from the Amtsgericht Bottrop (Germany) lodged on 21 April 2021 — Fuhrmann-2-GmbH v B.

(Case C-249/21)

(2021/C 297/23)

Language of the case: German

Referring court

Amtsgericht Bottrop

Parties to the main proceedings

Applicant: Fuhrmann-2-GmbH

Defendant: B.