

Defendant: VF

Question referred

Does Article 7 of the Charter of Fundamental Rights of the European Union, which gives expression to a fundamental right protecting the place of residence, preclude an interpretation of Article 3(1) and Article 4(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29, as amended),⁽¹⁾ and in particular an interpretation of the concept of a significant imbalance, under which a consumer credit contract may be performed by payment of instalments collected by the seller or supplier exclusively at the consumer's place of residence?

⁽¹⁾ OJ 1993 L 95, p. 29, Special edition in Polish: Chapter 15 Volume 002 P. 288 — 293.

Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 26 November 2021 — L.G. v Krajowa Rada Sądownictwa

(Case C-718/21)

(2022/C 128/06)

Language of the case: Polish

Referring court

Sąd Najwyższy

Parties to the main proceedings

Appellant: L.G.

Other party to the proceedings: Krajowa Rada Sądownictwa

Questions referred

1. Does the second subparagraph of Article 19(1) of the Treaty on European Union preclude a provision of national law such as the first sentence of Article 69(1b) of the Ustawa z dnia 27 lipca 2001 r. — Prawo o ustroju sądów powszechnych (Law of 27 July 2001 on the System of Ordinary Courts; Dz. U. of 2020, item 2072), which makes the effectiveness of a declaration by a judge of his or her intention to continue to hold a judicial office after reaching retirement age subject to the consent of another body?
2. Does the second subparagraph of Article 19(1) of the Treaty on European Union preclude the adoption of an interpretation of a national provision under which a judge's belated declaration of his or her intention to continue to hold a judicial office after reaching retirement age is ineffective, irrespective of the reason for the failure to observe the time limit and the significance of that failure for the proceedings concerning consent to his or her continuing to hold a judicial office?

Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 26 November 2021 — Rzecznik Praw Obywatelskich

(Case C-720/21)

(2022/C 128/07)

Language of the case: Polish

Referring court

Sąd Najwyższy

Parties to the main proceedings

Appellant in the extraordinary appeal: Rzecznik Praw Obywatelskich

Other parties to the proceedings: M.M., E.M., X Bank Spółka Akcyjna

Questions referred

1. Must the second subparagraph of Article 19(1) of the Treaty on European Union, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, Article 4(3) of the Treaty on European Union, and Article 2 of the Treaty on European Union, be interpreted as making admissible a legal remedy, such as an extraordinary appeal, aimed at setting aside a final ruling of a court where there is a need to 'ensure compliance with the principle of a democratic state ruled by law and implementing the principles of social justice' if the use of that remedy is necessary to ensure the effectiveness of EU law?
2. Must the second subparagraph of Article 19(1) of the Treaty on European Union, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, Article 4(3) of the Treaty on European Union, and Article 2 of the Treaty on European Union, be interpreted as meaning that, where provisions of national law make it possible for a final ruling of a court to be varied or set aside by means of a remedy such as an extraordinary appeal in the event of a breach of the principles enshrined in the Constitution of a Member State, those provisions may also be relied on as grounds for setting aside or varying a final ruling of a court in the event of a breach of EU law?
3. Must the second subparagraph of Article 19(1) of the Treaty on European Union, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, Article 4(3) of the Treaty on European Union, and Article 2 of the Treaty on European Union, be interpreted as meaning that, where a national court has infringed EU law in a manner which has led to a case being decided in a way that is flawed from the point of view of that law, the final ruling of that court may be set aside or varied by means of a legal remedy, such as an extraordinary appeal, which makes such a decision conditional upon a 'flagrant' breach of the law?

**Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on
1 December 2021 — W. Sp. z o. o. v Dyrektor Izby Administracji Skarbowej w Łodzi**

(Case C-729/21)

(2022/C 128/08)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Appellant in the appeal on a point of law: W. Sp. z o. o.

Respondent in the appeal on a point of law: Dyrektor Izby Administracji Skarbowej w Łodzi

Questions referred

1. Must the provisions of EU law concerning VAT be interpreted as allowing the application of a provision of national law — such as Article 6(1) of the ustawa o podatku od towarów i usług (Law on the tax on goods and services) of 11 March 2004 (Dz. U. of 2021, item 685; 'the Law on VAT') — which excludes taxation of a supply of an organised part of an undertaking without making the application of that exclusion subject to the condition referred to in Article 19 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ..., ⁽¹⁾ that is to say, legal succession between the seller and the purchaser?
2. If the answer to the first question is in the affirmative, do all the assets of that organised part of the seller's property have to be transferred for the exclusion referred to in Article 6(1) of the Law on VAT to apply and does a change in this respect (in particular the non-conclusion of agreements concerning the insurance and management of the property being transferred) mean that there has been a taxable supply of goods?

⁽¹⁾ OJ 2006 L 347, p. 1.