

4. Is the answer to the foregoing questions under III different if the applicant demonstrates that complaining to the authorities and/or recourse to legal remedies in the responsible Member State will not be possible and/or effective?

(¹) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 180, p. 31.).

Request for a preliminary ruling from the Nejvyšší soud České republiky (Czech Republic) lodged on 15 June 2022 — EXTÉRIA, s. r. o. v Správíme, s. r. o.

(Case C-393/22)

(2022/C 359/36)

Language of the case: Czech

Referring court

Nejvyšší soud České republiky

Parties to the main proceedings

Applicant: EXTÉRIA, s. r. o.

Defendant: Správíme, s. r. o.

Question referred

Must Article 7(1)(b) of Regulation (EU) No 1215/2012 (¹) of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters be interpreted as meaning that the concept ‘contract for the provision of services’ also includes a contract to enter into a future contract (pactum de contrahendo), in which the parties undertook to enter into a future contract that would be a contract for the provision of services, within the meaning of that provision?

(¹) OJ 2012 L 351, p. 1.

Request for a preliminary ruling from the Hof van beroep te Antwerpen (Belgium) lodged on 15 June 2022 — Oilchart International NV v O.W. Bunker (Netherlands) BV, ING Bank NV

(Case C-394/22)

(2022/C 359/37)

Language of the case: Dutch

Referring court

Hof van beroep te Antwerpen

Parties to the main proceedings

Applicant: Oilchart International NV

Defendants: O.W. Bunker (Netherlands) BV, ING Bank NV

Questions referred

1. Must Article 1(2)(b) of the Brussels Ia Regulation (Regulation No 1215/2012 ⁽¹⁾) in conjunction with Article 3(1) of the Insolvency Regulation (Regulation No 1346/2000 ⁽²⁾) be interpreted as meaning that the term 'bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings' in Article 1(2)(b) of the Brussels Ia Regulation includes also proceedings in which the claim is described in the summons as a pure trade receivable, without any mention of the respondent's previously declared bankruptcy, whereas the actual legal basis of that claim is the specific derogating provisions of Netherlands bankruptcy law (Article 25(2) of the Wet van 30 september 1893, op het faillissement en de surséance van betaling (Law of 30 September 1893 on bankruptcy and suspension of payment; 'NFW')) and whereby:
 - it must be determined whether such a claim must be considered a verifiable claim (Article 26 NFW in conjunction with Article 110 thereof) or an unverifiable claim (Article 25(2) NFW),
 - it appears that the question whether both claims can be brought simultaneously and whether one claim does not appear to exclude the other, taking into account the specific legal consequences of each of those claims (inter alia, in terms of the possibilities of calling for a bank guarantee deferred after the bankruptcy), may be determined in accordance with the rules specific to Netherlands bankruptcy law?

And further

2. Can the provisions of Article 25(2) [NFW] be regarded as compatible with Article 3(1) of the Insolvency Regulation, in so far as that legislative provision would allow such a claim (Article 25(2) NFW) to be brought before the court of another Member State instead of before the insolvency court of the Member State in which the bankruptcy was declared?

⁽¹⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

⁽²⁾ Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ 2000 L 160, p. 1).

Request for a preliminary ruling from the Administrativen sad Varna (Bulgaria) lodged on 14 June 2022 — Trade Express-L OOD v Zamestnik-predsedatel na Darzhavna agentsia 'Darzhaven rezerv i voennovremenni zapasi'

(Case C-395/22)

(2022/C 359/38)

Language of the case: Bulgarian

Referring court

Administrativen sad Varna

Parties to the main proceedings

Applicant: Trade Express-L OOD

Defendant: Zamestnik-predsedatel na Darzhavna agentsia 'Darzhaven rezerv i voennovremenni zapasi'

Questions referred

1. Having regard to the objective of Council Directive 2009/119/EC ⁽¹⁾ of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products, and to Article 2(d) of Regulation (EC) No 1099/2008 ⁽²⁾ of the European Parliament and of the Council of 22 October 2008 on energy statistics, and in the light of the principle of proportionality under Article 52(1) of the Charter of Fundamental Rights of the European