

Request for a preliminary ruling from the Hanseatisches Oberlandesgericht Hamburg (Germany) lodged on 5 March 2020 — Bank Melli Iran, a public limited company under Iranian law v Telekom Deutschland GmbH

(Case C-124/20)

(2020/C 201/23)

Language of the case: German

Referring court

Hanseatisches Oberlandesgericht Hamburg

Parties to the main proceedings

Applicant: Bank Melli Iran, a public limited company under Iranian law

Defendant: Telekom Deutschland GmbH

Questions referred

1. Does the first paragraph of Article 5 of Regulation No 2271/96 ⁽¹⁾ only apply where the acting EU operator within the meaning of Article 11 of that Regulation is issued directly or indirectly with an official or court order on the part of the United States of America or does it suffice for its application that the action of the EU operator is predicated on compliance with secondary sanctions without any such order?
2. If the answer to Question 1 is that the second alternative applies: Does the first paragraph of Article 5 of Regulation No 2271/96 preclude an understanding under national law that the party giving notice of termination is also able to terminate a continuing obligation with a contracting party named on the Specially Designated Nationals and Blocked Persons List held by the US Office of Foreign Assets Control, including where termination is motivated by compliance with US sanctions, without the need to give a reason for termination and therefore without having to show and prove in civil proceedings that the reason for termination was not to comply with US sanctions?
3. If Question 2 is answered in the affirmative: Must ordinary termination in breach of the first paragraph of Article 5 of Regulation No 2271/96 necessarily be regarded as ineffective or can the purpose of the Regulation be satisfied through other penalties, such as a fine?
4. If the answer to Question 3 is that the first alternative applies: Considering Articles 16 and 52 of the Charter of Fundamental Rights of the European Union, on the one hand, and the possibility of an exemption being authorised under the second paragraph of Article 5 of Regulation No 2271/96, on the other, does that apply even where maintaining the business relationship with the listed contracting party would expose the EU operator to considerable economic losses on the US market (in this case: 50 % of group turnover)?

⁽¹⁾ Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ 1996 L 309, p. 1), as amended by Commission Delegated Regulation (EU) 2018/1100 of 6 June 2018 amending the Annex to Council Regulation (EC) No 2271/96 (OJ 2018 L 199 I, p. 1).

Request for a preliminary ruling from the Juzgado de lo Social n.º3 de Barcelona (Spain) lodged on 9 March 2020 — YJ v Instituto Nacional de la Seguridad Social (INSS)

(Case C-130/20)

(2020/C 201/24)

Language of the case: Spanish

Referring court

Juzgado de lo Social n.º3 de Barcelona