

EFFECTIVE JUDICIAL PROTECTION IN CONSUMER LITIGATION

EFFECTIVE JUDICIAL
PROTECTION IN CONSUMER
LITIGATION

Article 47 of the EU Charter in Practice

Anna VAN DUIN

 INTERSENTIA

Cambridge – Antwerp – Chicago

Intersentia Ltd
8 Wellington Mews
Wellington Street | Cambridge
CB1 1HW | United Kingdom
Tel: +44 1223 736 170
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

*Distribution for the UK and
Rest of the World (incl. Eastern Europe)*
NBN International
1 Deltic Avenue, Rooksley
Milton Keynes MK13 8LD
United Kingdom
Tel: +44 1752 202 301 | Fax: +44 1752 202 331
Email: orders@nbninternational.com

Distribution for Europe
Lefebvre Sarrut Belgium NV
Hoogstraat 139/6
1000 Brussels
Belgium
Tel: +32 (0)800 39 067
Email: mail@intersentia.be

Distribution for the USA and Canada
Independent Publishers Group
Order Department
814 North Franklin Street
Chicago, IL 60610
USA
Tel: +1 800 888 4741 (toll free) | Fax: +1 312 337 5985
Email: orders@ipgbook.com

Effective Judicial Protection in Consumer Litigation. Article 47 of the EU Charter in Practice

© Anna van Duin 2022

The author has asserted the right under the Copyright, Designs and Patents Act 1988, to be identified as author of this work.

No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, without prior written permission from Intersentia, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Intersentia at the address above.

Artwork on cover: Piet Mondriaan, Flowering apple tree - Kunstmuseum Den Haag

ISBN 978-1-83970-194-8

D/2022/7849/10

NUR 822

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

FOREWORD

Justice for Both was the title of Anna van Duin's PhD thesis, which formed the basis for this monograph. Remindful of Eleanor Roosevelt's words, which are cited at the end of the concluding chapter, Anna's study of effective judicial protection in contractual relations between consumers and businesses aims to do justice to both sides. Anna's book provides a first comprehensive study of the manner in which the right to an effective remedy before a court, as laid down in Article 47 of the EU Charter of Fundamental Rights, affects the assessment of standard terms in consumer contracts. Based on a careful analysis of the case law of the Court of Justice of the European Union within the framework of the Unfair Contract Terms Directive, in combination with the comparison of Spanish and Dutch law on the subject, this book presents an insightful taxonomy of the functions that Article 47 of the Charter does and can fulfil in private law adjudication in Europe.

It is an honour for me to introduce Anna's work to a broader audience. As a supervisor of her research, together with Dr Joasia Luzak (University of Exeter), it was a pleasure to witness the development of Anna's thoughts on the role and functions of Article 47 of the Charter in the realm of private law. Her PhD research at the University of Amsterdam formed part of my project 'Judges in Utopia', funded by the Dutch Research Council (NWO Vidi 2014–2019). With a background of six years in legal practice and a keen interest in academic research, Anna was the ideal candidate for conducting a study encompassing both procedural and substantive aspects of effective protection of EU rights before national courts. Moreover, her fluency in Spanish allowed her to include an exploration of the national context of some of the most influential case law in the field, such as the well-known *Aziz* judgment. The comparison with Dutch law resulted in new insights into the national environments in which rights under EU law are sought to be effectuated. The outstanding nature of Anna's work was confirmed by the *cum laude* evaluation that she received at the occasion of her PhD defence on 23 October 2020 from a committee composed of experts in the field: Prof. Esther Arroyo Amayuelas (Professor of Civil Law at the University of Barcelona), Prof. Ruth de Bock (Advocate-General

at the Dutch Supreme Court and Professor of Civil Adjudication at the University of Amsterdam), Prof. Fabrizio Cafaggi (judge in the Italian Council of State and former Professor of Private and Comparative Law at the University of Trento and the European University Institute), Prof. Aukje van Hoek (Professor of Private International Law and Civil Procedure at the University of Amsterdam) and Prof. Marco Loos (Professor of Private Law, in particular of European Consumer Law at the University of Amsterdam). After her PhD defence, Anna continued her academic path as an assistant professor at the Amsterdam Law School and she is currently working on questions of digitalisation and access to justice. The publication of her book with Intersentia, thus, concludes a time of in-depth study of the specific influence of Article 47 of the Charter in EU consumer law and opens up new avenues for research and exchange with legal scholars as well as practitioners.

A remarkable aspect of the book that you are about to start reading concerns its consideration of both theoretical and practical dimensions of judicial protection in consumer cases. Anna's research addresses a 'civil justice gap' in the protection of consumers against unfair contract terms imposed by professional parties, such as the Spanish mortgage cases. While the analysis is embedded in a thoughtful elaboration of Article 47's scope and normative content, it also makes visible the real-life problems that give rise to case law under the Unfair Contract Terms Directive. Anna convincingly demonstrates that Article 47 of the Charter, as an EU fundamental right, may contribute to establishing a more equal legal position for weaker parties, such as homeowners like Mr Aziz, in relation to stronger parties, such as banks. Insofar as Article 47, thus, adds procedural safeguards, it provides courts with a basis for granting and developing substantive remedies.

Anna concludes the book with the image of Article 47 of the Charter as a 'chameleon-like provision with many colours': depending on the context and interpretation by national courts, Article 47 can offer judges a basis for new remedies to redress the balance of parties' interests under the Unfair Contract Terms Directive. It does not impose solutions from above, but allows space for litigants and judges to define effective protection from below, within the dynamics of national private law, civil procedure and EU law. Similarly, Anna's reflections on the functions of Article 47 in European private law adjudication inspire the academic debate on the manner in which fundamental rights can contribute to procedural and substantive protection in private legal cases. At the same time, her work may provide judges with a framework that offers guidance for the application of EU law

in national private legal contexts. Anna's ability to speak to both theorists and practitioners is just one of the many reasons that make this book an important read for anyone working within the field of European private law: it may help bridge the civil justice gap in EU consumer contract law by inviting us to think about judicial protection in different colours.

Amsterdam, 1 October 2021

Chantal Mak
Professor of Private Law, in particular
Fundamental Rights and Private Law
Amsterdam Centre for Transformative Private Law (ACT)
University of Amsterdam

ACKNOWLEDGEMENTS

This book is a revised version of my PhD thesis, which I defended on 23 October 2020 at the University of Amsterdam (*cum laude*). It could not have been written without the advice and support of my supervisors Chantal Mak and Joasia Luzak; thank you for your confidence in me. I am also grateful to my colleagues at the Amsterdam Centre for Transformative Private Law (ACT), who encouraged me to grow as an academic after having worked as an attorney, and to the students who have enriched my academic life. Special thanks to Candida Leone, Irina Domurath, Mirthe Jiwa and Sacha Tamboer, without whom the book would not be what it is today. To the members of my doctorate committee – Marco Loos, Aukje van Hoek, Ruth de Bock, Fabrizio Cafaggi and Esther Arroyo Amayuelas – thank you for taking the time to read my book, and for providing valuable comments. I would also like to thank the scholars who were willing to discuss my research with me, in particular Charlotte Pavillon, Bart Krans, Carla Sieburgh, Rob Widdershoven, Marieke Oderkerk, Padraic Kenna, Hanna Schebesta, Mateusz Grochowski, Janek Nowak, Fernando Gómez Pomar, Juan Antonio Mayoral, Alejandro Rubio González, Ruben de Graaff, Clark Warren, Irene Aronstein, Tim Staal, Betül Kas and Giulia Gentile.

At a crucial stage in my research I found myself surrounded by welcoming colleagues at the Universitat Pompeu Fabra. At the UB Facultat de Dret I had the opportunity of discussing my research with, amongst others, Esther Arroyo, Rosa Barceló Comte, Mariló Gramunt Fombuena, Vicente Pérez Daudí and Jordi Nieva Fenoll. I have also had the pleasure of meeting and talking to José Maria Fernández Seijo, Sandra Lange, Herman van Harten, Roland de Moor and other judges during two transnational judicial training projects I have participated in.¹ As one of the judges has observed, exploring the possibilities of Article 47 as a common EU-tool was no superfluous luxury.

¹ ACTIONES, an EU-funded project under the coordination of the EUI Centre for Judicial Cooperation (see <https://cjc.eui.eu/projects/actiones/>), and Re-Jus, coordinated by the University of Trento (see <https://www.rejus.eu/>).

On a more personal note, I want to thank Jesús García González and Sara Dávila Castillo for being the best Spanish teachers I could wish for. Jesús, your energy and love have enabled me to start and finish this project. *Gracias por tu paciencia, la única ciencia.* Annechien Vink, literary scholar and my mother, has always stimulated my imagination. In the end, it was Leen van Duin, emeritus professor of architecture and my father, who convinced me to wrap up the thesis and let it go. Many thanks to Jessica van der Meer for the language edits, and to Fien de Ruiter for drafting the CJEU case law register. My peer support group consisted of other dear friends and (former) colleagues as well; I cannot thank you enough for being by my side along the way.

Lastly, I want to thank Ann-Christin Maak-Scherpe and Rebecca Moffat at Intersentia for helping me publish this book. For me, it is a stepping stone to further research in the field of access to justice, civil procedure and fundamental rights from a European and comparative perspective. I look forward also to continuing my work on digital justice and online dispute resolution, together with my colleagues from the ‘Digital Transformation of Decision-Making’ team. To the readers of this book: please do not hesitate to contact me if you would like to share your thoughts about these issues.

Anna van Duin
vanduin@uva.nl

CONTENTS

<i>Foreword</i>	v
<i>Acknowledgements</i>	ix
<i>List of Cases</i>	xix

Chapter 1. Article 47 in Unfair Terms Cases: Unchart(er)ed Territory. . . 1

1.1. Article 47 of the Charter: On First Acquaintance	1
1.1.1. Visibility of Effective Judicial Protection as an EU Fundamental Right.	1
1.1.2. A Unique Perspective on the Role of Civil Courts in Consumer Litigation	5
1.2. An In-Depth Case Study: Article 47 in Unfair Terms Cases	8
1.2.1. A ‘Civil Justice Gap’	8
1.2.2. Justiciability of EU (Consumer) Rights.	11
1.3. Aim and Methodology	12
1.3.1. Function(s) of a Reference to Article 47 in Judicial Decisions	12
1.3.1.1. Bridging the Gap Between Theory and Practice	12
1.3.1.2. Focus on Civil Procedure	14
1.3.2. Selection of National Legal Systems: Spain and the Netherlands.	16
1.3.3. Selection of Case Law.	18
1.4. Structure	21

Chapter 2. Analytical Framework: Normative Content, Scope and Functions Ascribed to Article 47 23

2.1. Normative Content of Article 47: A Multi-Faceted Provision.	23
2.1.1. Rights, Remedies and Procedures	23
2.1.2. Core Components of Article 47	25
2.1.2.1. Access to an Independent and Impartial Tribunal.	26

2.1.2.2.	An Effective (Judicial) Remedy	28
2.1.2.3.	Equality of Arms	29
2.1.2.4.	Rights of Defence	30
2.1.2.5.	Other Components	31
2.1.3.	Article 47 of the Charter and the ECHR.	31
2.2.	Scope and Direct Effect of Article 47 in the Context of the UCTD	34
2.2.1.	Scope of Application	34
2.2.1.1.	Scope <i>Ratione Materiae</i> : Applicability of Article 47 in Unfair Terms Cases.	34
2.2.1.2.	Scope <i>Ratione Personae</i> : Protection of Both Consumers and Traders	37
2.2.2.	Direct Effect.	39
2.2.2.1.	Vertical and Horizontal Dimensions of Article 47.	39
2.2.2.2.	Obligation to Apply Article 47 <i>Ex Officio</i> ?	42
2.3.	Remedies and Procedures Under the UCTD.	43
2.3.1.	In Principle: Procedural Autonomy of the EU Member States.	43
2.3.2.	In Practice: Judge-Made Proceduralisation	45
2.3.2.1.	Contours of a Common Procedural Law for Consumers	45
2.3.2.2.	A More Active Role for Courts.	48
2.3.3.	Proceduralised Constitutionalisation	50
2.4.	Article 47 as a Negative Yardstick or Positive Standard?	52
2.4.1.	Restrictions to Article 47: An Eliminary Function	52
2.4.2.	Towards a Generative Function?	55
2.5.	Article 47 vis-à-vis Effectiveness	58
2.5.1.	A Different Rationale	58
2.5.1.1.	A Rights-Based, Court-Centred Approach	58
2.5.1.2.	Contrasting Dynamics	60
2.5.2.	Other Functions Ascribed to Article 47	63
2.5.2.1.	A Merely Legitimising Function, or a Strengthening/Empowering Function?	63
2.5.2.2.	A Signalling or Transformative Function: Open Constitutionalisation	65
2.6.	Interim Conclusion: Overview of Functions of Article 47 in Legal Doctrine	67

Chapter 3. Case Law of the Court of Justice on Article 47 and the UCTD	71
3.1. Focus on Four Core Components of Article 47.....	71
3.2. Access to Court	74
3.2.1. Introduction: Access as a Prerequisite for Judicial Protection	74
3.2.2. Consumer Arbitration: A Residual Role of Courts?	75
3.2.2.1. Horizontal and Vertical Dimensions of Article 47 in Respect of Arbitration Clauses	75
3.2.2.2. <i>Asturcom</i> : An Empowering Function of Article 47?.....	77
3.2.3. Expedited Order for Payment Procedures: A Limited Role for Courts	81
3.2.3.1. Delegation of Judicial Functions to Non-Judicial Bodies.....	81
3.2.3.2. <i>Finanmadrid</i> : A Blind Spot Where Article 47 is Concerned	84
3.2.3.3. <i>Margarit Panicello</i> : Another Instance of a Signalling Function of Article 47.....	87
3.2.4. Other Restrictive Procedural Conditions	89
3.2.4.1. <i>Profi Credit Polska</i> : A Strengthening Function of Article 47	89
3.2.4.2. <i>Aqua Med</i> : An Eliminary Function of Article 47?.....	92
3.3. Effective (Judicial) Remedy	94
3.3.1. Introduction: A Broad Understanding of Justiciability.....	94
3.3.2. The Role of the Court in Mortgage Enforcement Proceedings	96
3.3.2.1. <i>Aziz</i> : Hidden Constitutionalisation.....	96
3.3.2.2. <i>Kušionová</i> : Open Constitutionalisation	98
3.3.2.3. Judicial Protection as a Mandatory (Minimum) Requirement	101
3.3.3. Additional Procedural Requirements	103
3.3.3.1. <i>Sziber</i> : No Further Guidance on What Constitutes an Effective Procedural Path	103
3.3.3.2. <i>Dunai</i> : An Empowering Function of Article 47	105

3.4.	Equality of Arms	108
3.4.1.	Introduction: Weaker Position Exacerbated by Procedural Inequalities	108
3.4.2.	Restoring the Procedural Balance	109
3.4.2.1.	<i>Sánchez Morcillo I</i> : A Transformative Function of Article 47	109
3.4.2.2.	<i>Sánchez Morcillo II</i> : Accessory Character of Article 47 as its Strength and Weakness	112
3.4.3.	Focus of Article 47 on Individual Rights: <i>Pohotovost'</i>	114
3.5.	Right to be Heard	116
3.5.1.	Introduction: A Generative Function of Article 47	116
3.5.2.	<i>Banif Plus Bank</i> : Qualifying the Duty of <i>Ex Officio</i> Control	117
3.5.3.	<i>Biuro Podróży 'Partner'</i> : Giving Substance to the Right to be Heard	119
3.6.	Interim Conclusion: Functions of Article 47 in CJEU Case Law	120
Chapter 4. Article 47 in Unfair Terms Cases in Spain		123
4.1.	Background: Many Preliminary References from Spanish Civil Courts	124
4.1.1.	Impact of the UCTD on Spanish Civil Procedure	124
4.1.1.1.	A Missing Link Between Substantive and Procedural Protection	124
4.1.1.2.	Judicial Response to a Social Emergency	127
4.1.1.3.	Rigidity of Spanish Civil Procedure	130
4.1.2.	Duality in the Protection of Fundamental Rights	133
4.1.3.	Overview of References to Article 47 in Spanish Case Law	138
4.2.	Access to Court	139
4.2.1.	Introduction: Privileged Procedures	139
4.2.2.	Consumer Arbitration	141
4.2.2.1.	Consumer as Claimant or Defendant: A Crucial Difference	141
4.2.2.2.	<i>Asturcom</i> Further Explored: A Potential Empowering Function not Realised	143

4.2.3.	Delegation of Judicial Functions to the Court Registrar	146
4.2.3.1.	<i>Finanmadrid</i> Further Explored: Article 47 in its Signalling Function	146
4.2.3.2.	<i>Margarit Panicello</i> Further Explored: A Signal of Unconstitutionality	151
4.3.	Effective (Judicial) Remedy	153
4.3.1.	Introduction: Mortgage Debtors as European Consumers	153
4.3.2.	<i>Aziz</i> Further Explored	155
4.3.2.1.	Referring Court: A Clear Impediment to the Exercise of Judicial Remedies	155
4.3.2.2.	Tribunal Constitucional on Effective Judicial Protection Pre- <i>Aziz</i>	156
4.3.2.3.	Audiencia Provincial de Barcelona on Article 47 in the Case of <i>Aziz</i>	158
4.3.3.	Implementation and Follow-Up	161
4.3.3.1.	A New Opposition Ground and an Empowering Function of Article 47?	161
4.3.3.2.	No Interim Relief Contrary to Article 47?	163
4.3.3.3.	Consequences for Enforcement?	165
4.4.	Equality of Arms	167
4.4.1.	Introduction: Asymmetric Rights of Appeal in Mortgage Enforcement Proceedings	167
4.4.2.	<i>Sánchez Morcillo I</i> Further Explored	169
4.4.2.1.	Tribunal Constitucional: Access to Court of First Instance Guaranteed	169
4.4.2.2.	Audiencia Provincial Castellón: An Unjustified Procedural Advantage	170
4.4.3.	Implementation and Follow-Up	172
4.4.3.1.	A Transformative Function of Article 47, to a Certain Extent	172
4.4.3.2.	<i>Res Judicata</i> Effect of a Decision in the Enforcement Proceedings?	176
4.5.	Right to be Heard	179
4.5.1.	Introduction: The Prohibition of <i>Indefensión</i>	179
4.5.2.	Tribunal Supremo on Article 47: A Reconciliatory Approach	181

4.5.3.	The Other Side of Article 47: The <i>Cláusulas Suelo</i> Saga . . .	186
4.5.3.1.	Third-Party Effects of a Collective Action	186
4.5.3.2.	<i>Res Judicata</i> Effect of Decisions Predating the CJEU Judgment on <i>Cláusulas Suelo</i>	189
4.6.	Interim Conclusion: The Role of Article 47 in Spanish Case Law	192
Chapter 5. Article 47 in Unfair Terms Cases in the Netherlands		195
5.1.	Background: A Limited Role of Article 47 in Dutch Unfair Terms Cases	196
5.1.1.	Impact of the UCTD on Dutch Civil Procedure	196
5.1.2.	Lack of References to Article 47 in Dutch Case Law.	200
5.1.2.1.	Low Visibility of Article 47, Despite its Discursive Value.	200
5.1.2.2.	Space for Judicial Intervention.	201
5.1.2.3.	Assumption that Article 47 of the Charter and Article 6 ECHR are Interchangeable	204
5.2.	Access to Court	207
5.2.1.	Arbitration Clauses in Consumer Contracts	207
5.2.1.1.	<i>Van Marrum/Wolff</i> : Eliminary Function of Article 47 in its Horizontal Dimension.	207
5.2.1.2.	Signalling Function Ahead of Legislative Change.	210
5.2.1.3.	<i>Pharma Slovakia</i> : A Rhetorical Function of Article 47	212
5.2.2.	<i>Intermaris</i> Case: Intensity of Judicial Review of Arbitral Awards.	213
5.3.	Effective (Judicial) Remedy	217
5.3.1.	The Notion of Effective Legal or Judicial Protection in Dutch Law.	217
5.3.2.	Persuasive Authority in Respect of Norms with a Protective Purpose	219
5.3.2.1.	<i>SEBA</i> : An Expansive Interpretation of Remedies	219
5.3.2.2.	<i>Lindorff/Nazier</i> : Spillover Effect to Purely National Matters	222

5.4. Equality of Arms	224
5.4.1. <i>Ex Officio</i> Control Within the Ambit of the Dispute on Appeal.	224
5.4.1.1. <i>Asbeek Brusse</i> : No Systemic Issue with Justiciability on Appeal.	224
5.4.1.2. <i>Ebecek/Stichting Trudo</i> : Ambit of the Dispute and Role of the Court on Appeal.	226
5.4.2. Calls for a More Tailored Approach.	227
5.5. Right to be Heard.	230
5.6. Interim Conclusion: The Role of Article 47 in Dutch Case Law. . .	233
Chapter 6. Conclusion: The Many Colours of Article 47.	235
6.1. Synthesis: Article 47 in Unfair Terms Cases.	235
6.1.1. A Chameleon-Like Provision	235
6.1.2. Overview of Functions, with Examples from the Analysed Case Law.	237
6.2. Article 47 in CJEU Case Law: Discrepancy Between Theory and Practice	240
6.2.1. Article 47 as Enhanced Effectiveness.	240
6.2.2. A Mismatch Between Effectiveness and a Fundamental Rights Perspective.	241
6.3. Article 47 in Spanish and Dutch Case Law	243
6.3.1. Spain: A Clear Constitutional Dimension	244
6.3.2. The Netherlands: No Constitutionalisation of Consumer Cases	246
6.3.3. Differences Between Spain and the Netherlands.	248
6.4. Justice for Both.	249
<i>Bibliography</i>	253
<i>Index</i>	271

LIST OF CASES

COURT OF JUSTICE OF THE EUROPEAN UNION¹

CJEU 16 December 1976, Case C-33/76 <i>Rewe-Zentralfinanz en Rewe-Zentral v Landwirtschaftskammer für das Saarland</i> ECLI:EU:C:1976:188	46
CJEU 16 December 1976, Case C-45/76 <i>Comet v Produktschap v Siergewassen</i> ECLI:EU:C:1976:191	46
CJEU 14 April 1984, Case C-14/83 <i>Von Colson and Kamann v Land Nordrhein-Westfalen</i> ECLI:EU:C:1984:153	52
CJEU 15 March 1986, Case C-222/84 <i>Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary</i> ECLI:EU:C:1986:206	52
CJEU 19 June 1990, Case C-213/89 <i>The Queen v Secretary of State for Transport, ex parte: Factortame</i> ECLI:EU:C:1990:257	56
CJEU 13 November 1990, Case C-106/89 <i>Marleasing v La Comercial Internacional de Alimentación</i> ECLI:EU:C:1990:395	40
CJEU 14 December 1995, Joined Cases C-430/93 and C-431/93 <i>Van Schijndel and Van Veen v Stichting Pensioenfonds voor Fysiotherapeuten</i> ECLI:EU:C:1995:441	46
CJEU 14 December 1995, Case C-312/93 <i>Peterbroeck, Van Campenhout & Cie v Belgian State</i> ECLI:EU:C:1995:437	46
CJEU 1 June 1999, Case C-126/97 <i>Eco Swiss China Time v Benetton International</i> ECLI:EU:C:1999:269	77–78
CJEU 25 July 2002, Case C-50/00 <i>Unión de Pequeños Agricultores v Council of the European Union</i> ECLI:EU:C:2002:462	40
CJEU 30 September 2003, Case C-224/01 <i>Gerhard Köbler v Republik Österreich</i> ECLI:EU:C:2003:513	39, 78
CJEU 27 January 2005, Case C-125/04 <i>Denuit v Transorient-Mosaïque Voyages et Culture</i> ECLI:EU:C:2005:69	76
CJEU 13 March 2007 (Grand Chamber), Case C-432/05 <i>Unibet (London) Ltd and Unibet (International) Ltd v Justitiekanslern</i> ECLI:EU:C:2007:163	40, 46, 52, 57
CJEU 4 October 2007, Case C-429/05 <i>Rampion and Godard Rampion v Franfinance</i> ECLI:EU:C:2007:575	108
CJEU 29 January 2008 (Grand Chamber), Case C-275/06 <i>Productores de Música de España (Promusicae) v Telefónica de España</i> ECLI:EU:C:2008:54	53

¹ Cases concerning the UCTD are listed separately.

CJEU 3 September 2008 (Grand Chamber), Joined Cases C-402/05 P and C-415/05 P <i>Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities</i> ECLI:EU:2008:461	39, 52, 61
CJEU 16 July 2009, Case C-385/07 <i>Der Grüne Punkt – Duales System Deutschland v Commission of the European Communities</i> ECLI:EU:C:2009:456	31, 39, 205
CJEU 2 December 2009 (Grand Chamber), Case C-89/08 <i>European Commission v Ireland</i> ECLI:EU:C:2009:742	30, 42, 118
CJEU 18 March 2010, Joined Cases C-317/08, C-318/08, C-319/08 and C-320/08 <i>Rosalba Alassini v Telecom Italia</i> ECLI:EU:C:2010:146	26–27, 52, 59, 81
CJEU 22 December 2010, Case C-279/09 <i>DEB v Bundesrepublik Deutschland</i> ECLI:EU:C:2010:811	4, 28, 31, 37, 43, 52
CJEU 28 July 2011, Case C-69/10 <i>Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration</i> ECLI:EU:C:2011:524	30, 86
CJEU 17 November 2011, Case C-327/10 <i>Hypoteční banka v Lindner</i> ECLI:EU:C:2011:745	54–55
CJEU 8 December 2011, Case C-386/10 <i>Chalkor AE Epexergasias Metallon v European Commission</i> ECLI:EU:C:2011:815	34
CJEU 24 January 2012 (Grand Chamber), Case C-282/10 <i>Dominguez v Centre informatique du Centre Ouest Atlantique and Préfet de la région Centre</i> ECLI:EU:C:2012:33	42
CJEU 6 November 2012 (Grand Chamber), Case C-199/11 <i>Europese Gemeenschap v Otis et al.</i> ECLI:EU:C:2012:684	25–27, 29, 34, 52, 54, 108
CJEU 22 November 2012, Case C-277/11 <i>M.M. v Ministry for Justice, Equality and Law Reform</i> ECLI:EU:C:2012:744	30
CJEU 19 December 2012, Case C-325/11 <i>Alder and Alder v Orlowska and Orlowski</i> ECLI:EU:C:2012:824	30
CJEU 26 February 2013 (Grand Chamber), Case C-617/10 <i>Åklagaren v Åkerberg Fransson</i> ECLI:EU:C:2013:105	35, 86
CJEU 26 February 2013 (Grand Chamber), Case C-399/11 <i>Melloni v Ministerio Fiscal</i> ECLI:EU:C:2013:107	32, 135
CJEU 11 April 2013, C-260/11 <i>The Queen, on the application of David Edwards v Environment Agency</i> ECLI:EU:C:2013:221	28
CJEU 4 June 2013 (Grand Chamber), Case C-300/11 <i>Z.Z. v Secretary of State for the Home Department</i> ECLI:EU:C:2013:363	30
CJEU 27 June 2013, Case C-93/12 <i>T Agrokonsulting-04-Velko Stoyanov v Izpalnitelen direktor na Darzhaven fond 'Zemedelie' – Razplashstatelna agentsi</i> ECLI:EU:C:2013:432	52, 59
CJEU 26 September 2013, Case C-418/11 <i>Texdata Software</i> ECLI:EU:C:2013:588	30
CJEU 3 October 2013 (Grand Chamber), Case C-583/11 <i>Inuit Tapiriit Kanatami v European Parliament and Council of the European Union</i> ECLI:EU:C:2013:625	57
CJEU 3 October 2013, Case C-32/12 <i>Duarte Hueros v Autociba and Automóviles Citroën España</i> ECLI:EU:C:2013:637	177, 202

CJEU 26 November 2013 (Grand Chamber), Case C-58/12 <i>Groupe Gascogne v European Commission</i> ECLI:EU:C:2013:770	31, 39
CJEU 15 January 2014 (Grand Chamber), Case C-176/12 <i>Association de médiation sociale v Union locale des syndicats</i> ECLI:EU:C:2014:2	40
CJEU 6 March 2014, Case C-206/13 <i>Siracusa v Regione Sicilia – Soprintendenza Beni Culturali e Ambientali di Palermo</i> ECLI:EU:C:2014:126	32, 35
CJEU 11 September 2014, Case C-112/13 A. v B. ECLI:EU:C:2014:2195	26, 32, 55
CJEU 23 October 2014, Case C-437/13 <i>Unitrading Ltd v Staatssecretaris van Financiën</i> ECLI:EU:C:2014:2318	26
CJEU 4 June 2015, Case C-497/13 <i>Faber v Autobedrijf Hazet Ochten</i> ECLI:EU:C:2015:357	108, 228
CJEU 16 September 2015, Case C-519/13 <i>Alpha Bank Cyprus Ltd v Dau Si Senh and Others</i> ECLI:EU:C:2015:603	87
CJEU 6 October 2015 (Grand Chamber), Case C-362/14 <i>Schrems v Data Protection Commissioner</i> ECLI:EU:C:2015:650	37
CJEU 6 October 2015, Case C-61/14 <i>Orizzonte Salute – Studio Infermieristico Associato v Azienda Pubblica di Servizi alla persona San Valentino – Città di Levico Terme</i> ECLI:EU:C:2015:655	58
CJEU 5 April 2016, Case C-689/13 <i>Puligenica Facility Esco (PFE) v Airgest</i> ECLI:EU:C:2016:199	106
CJEU 30 June 2016, Case C-205/15 <i>Direcția Generală Regională a Finanțelor Publice Brașov (DGRFP) v Toma and Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci</i> ECLI:EU:C:2016:499	29–30, 35, 108
CJEU 28 July 2016, Case C-543/14 <i>Ordre des barreaux francophones et germanophone v Conseil des ministres</i> ECLI:EU:C:2016:605	114
CJEU 8 November 2016 (Grand Chamber), Case C-243/15 <i>Lesoochranské zoskupenie tegen Obvodný úrad Trenčín (Brown Bears II)</i> ECLI:EU:C:2016:838	35
CJEU 16 May 2017 (Grand Chamber), Case C-682/15 <i>Berlioz Investment Fund SA v Directeur de l'administration des contributions directes</i> ECLI:EU:C:2017:373	29, 34, 38, 45
CJEU 14 June 2017, Case C-75/16 <i>Menini and Rampanelli v Banco Popolare Società Cooperative</i> ECLI:EU:C:2017:457	27
CJEU 27 September 2017, Case C-73/16 <i>Puškár v Finančné riaditeľstvo Slovenskej republiky and Kriminálny úrad finančnej správy</i> ECLI:EU:C:2017:725	28, 36, 206
CJEU 29 November 2017, Case C-214/16 <i>King v The Sash Window Workshop Ltd and Richard Dollar</i> ECLI:EU:C:2017:914	36
CJEU 13 December 2017, Case C-403/16 <i>El Hassani v Minister Spraw Zagranicznych</i> ECLI:EU:C:2017:960	27, 37, 56
CJEU 27 February 2018 (Grand Chamber), Case C-64/16 <i>Associação Sindical dos Juízes Portugueses v Tribunal de Contas</i> ECLI:EU:C:2018:11	26, 37
CJEU 6 March 2018 (Grand Chamber), Case C-284/16 <i>Slovak Republic v Achmea</i> ECLI:EU:C:2018:158	80–81
CJEU 7 April 2018 (Grand Chamber), Case C-414/16 <i>Egenberger v Evangelisches Werk Diakonie und Entwicklung</i> ECLI:EU:C:2018:257	3, 40, 42, 53

CJEU 7 August 2018, C-300/17 <i>Hochtief v Budapest Főváros Önkormányzata</i> ECLI:EU:C:2018:635	79
CJEU 6 November 2018 (Grand Chamber), Joined Cases C-569/16 and C-570/16 <i>Stadt Wuppertal v Bauer</i> ECLI:EU:C:2018:871	25, 40–41
CJEU 22 January 2019 (Grand Chamber), C-193/17 <i>Cresco Investigation</i> <i>v Achatzi</i> ECLI:EU:C:2019:43	36
CJEU 24 June 2019 (Grand Chamber), C-619/18 <i>European Commission v</i> <i>Republic of Poland</i> ECLI:EU:C:2019:531	45
CJEU 29 July 2019 (Grand Chamber), Case C-476/17 <i>v Hütter</i> <i>and Schneider-Esleben</i> ECLI:EU:C:2019:624	32
CJEU 4 September 2019, Case C-347/18 <i>Salvoni v Fiermonte</i> ECLI:EU:C:2019:661	87
CJEU 24 September 2019, Case C-185/19 <i>KE v LF</i> ECLI:EU:C:2019:779	76
CJEU 19 December 2019, Case C-752/18 <i>Deutsche Umwelthilfe v</i> <i>Freistaat Bayern</i> ECLI:EU:C:2018:1114	29, 54
CJEU 19 December 2019, Joined Cases C-453/18 and C-494/18 <i>Bondora v</i> <i>VC and XY</i> ECLI:EU:C:2019:1118	91
CJEU 7 May 2020, Joined Cases C-267/19 and C-323/19 <i>Parking v</i> <i>Sawal and Interplastics v Letificio</i> ECLI:EU:C:2020:351	86

CASES CONCERNING THE UCTD²

CJEU 27 June 2000, Joined Cases C-240/98 to C-244/98 <i>Océano Grupo</i> <i>Editorial v Murciano Quintero</i> ECLI:EU:C:2000:346	41, 49–50, 93, 125–126, 133
CJEU 10 May 2001, Case C-144/99 <i>Commission of the European Communities v</i> <i>Kingdom of the Netherlands</i> ECLI:EU:C:2001:257	196
CJEU 21 November 2002, Case C-473/00 <i>Cofidis v Fredout</i> ECLI:EU:C:2002:705	49, 83
CJEU 9 September 2004, Case C-70/03 <i>Commission of the European</i> <i>Communities v Kingdom of Spain</i> ECLI:EU:C:2004:505	126
CJEU 26 October 2006, Case C-168/05 <i>Mostaza Claro v Centro Móvil</i> <i>Milenium</i> ECLI:EU:C:2006:675	49, 62, 77, 125, 143, 209
CJEU 4 June 2009, Case C-243/08 <i>Pannon v Sustikné Győrfi</i> ECLI:EU:C:2009:350	44, 50, 93, 118
CJEU 6 October 2009, Case C-40/08 <i>Asturcom Telecomunicaciones v</i> <i>Rodríguez Nogueira</i> ECLI:EU:C:2009:615	19, 44, 49, 60, 78–79, 85, 124–125, 139, 144, 263
CJEU 9 November 2010 (Grand Chamber), Case C-137/08 <i>VB Pénzügyi Lízing v Ferenc Schneider</i> ECLI:EU:C:2010:659	44, 49, 62, 93
CJEU 15 March 2012, Case C-453/10 <i>Pereničová and Perenič v</i> <i>SOS financ</i> ECLI:EU:C:2012:144	44

² The cases marked with * refer to Article 47 of the Charter.

CJEU 26 April 2012, Case C-472/10 <i>Nemzeti Fogyasztóvédelmi Hatóság v Invitel Távközlési</i> ECLI:EU:C:2012:242	109, 187
CJEU 14 June 2012, Case C-618/10 <i>Banco Español de Crédito v Calderón Camino</i> ECLI:EU:C:2012:349	44, 50, 62, 82–83, 97, 125, 147, 218, 238
* CJEU 8 November 2012, Case C-433/11 <i>SKP v Polhošová</i> ECLI:EU:C:2012:702	19, 91
* CJEU 21 February 2013, Case C-472/11 <i>Banif Plus Bank v Csaba Csipai</i> ECLI:EU:C:2013:88	3, 19, 42, 51, 59, 84, 117–119, 180, 230, 232, 239,
CJEU 14 March 2013, Case C-415/1 <i>Aziz v Catalunya Caixa</i> ECLI:EU:C:2013:164	46
CJEU 30 May 2013, Case C-397/11 <i>Jörös v Aegon Magyarország Hitel</i> ECLI:EU:C:2013:340	47, 113
CJEU 30 May 2013, Case C-488/11 <i>Asbeek Brusse and de Man Garabito v Jahani</i> ECLI:EU:C:2013:341	62, 113, 118, 198, 224–225, 228
CJEU 14 November 2013, Joined Cases C-537/12 and C-116/13 <i>Banco Popular Español v Rivas Quichimbo</i> ECLI:EU:C:2013:759	97, 125, 153, 200
CJEU 5 December 2013, Case C-413/12 <i>Asociación de Consumidores Independientes de Castilla y León v Anuntis Segundamano España</i> ECLI:EU:C:2013:800	94, 109, 115, 125
* CJEU 27 February 2014, Case C-470/12 <i>Pohotovost' v Vašuta</i> ECLI:EU:C:2014:101	19, 26, 60, 78, 109, 115
* CJEU 3 April 2014, Case C-153/13 <i>Pohotovost' v Soroka</i> ECLI:EU:C:2014:1854	19
CJEU 3 April 2014, Case C-342/13 <i>Sebestyén v OTP Bank</i> ECLI:E:C:2014:1857	76–77
CJEU 30 April 2014, Case C-280/13 <i>Barclays Bank v Sánchez García and Chacón Barrera</i> ECLI:EU:C: 2014:279	46, 97
CJEU 30 April 2014, Case C-26/13 <i>Kásler and Káslerné Rábai v OTP Jelzálogbank</i> ECLI:EU:C:2014:282	42, 104
* CJEU 3 July 2014, Case C-92/14 <i>Tudoran v SC Suport Colect</i> ECLI:EU:C:2014:2051	19
* CJEU 17 July 2014, Case C-169/14 <i>Sánchez Morcillo and Abril García v BBVA</i> ECLI:EUC:2014:2099	7, 11, 19, 29, 36, 43–44, 58, 60, 97, 103, 108–112, 124–125, 133, 138, 153, 161, 168, 176, 218, 225, 228, 238
* CJEU 10 September 2014, Case C-34/13 <i>Kušionová v SMART Capital</i> ECLI:EU:C:2014:2189	7, 19, 26, 46, 71, 95–96, 98–100, 228, 238
CJEU 18 November 2014, Case C-645/13 <i>Cajas Rurales Unidas v Méndez Sena</i> ECLI:EU:C:2014:2398	110
CJEU 15 January 2015, Case C-537/13 <i>Šiba v Devėnas</i> ECLI:EU:C:2015:14	88

CJEU 21 January 2015, Joined Cases C-482/13, C-484/13, C-485/13 and C-487/13 <i>Unicaja Banco v Hidalgo</i> ECLI:EU:C:2015:21	44
CJEU 12 February 2015, Case C-567/13 <i>Baczó and Vizsnyiczai v Raffaissen Bank</i> ECLI:EU:C:2015:88	72, 94
CJEU 11 June 2015, Case C-602/13 <i>BBVA v Quintano Ujeta and Sánchez García</i> ECLI:EU:C:2015:397	139, 226
* CJEU 16 July 2015, Case C-539/14 <i>Sánchez Morcillo and Abril García v BBVA</i> ECLI:EU:C:2015:508	19, 108, 113–114, 124–125, 168, 173–174, 238
CJEU 1 October 2015, Case C-32/14 <i>ERSTE Bank Hungary v Sugár</i> ECLI:EU:C:2015:637	48, 60, 72, 90, 97, 101–102
CJEU 29 October 2015, Case C-8/14 <i>BBVA v Peñalva López</i> ECLI:EU:C:2015:731	79, 86, 112, 125, 162, 165
CJEU 19 November 2015, Case C-74/15 <i>Tarcău v Banca Comercială Intesa Sanpaolo România</i> ECLI:EU:C:2015:772	137
* CJEU 18 February 2016, Case C-49/14 <i>Finanmadrid v Albán Zambrano and Others</i> ECLI:EU:C:2016:98	19, 60, 82, 84–86, 90, 124–125, 138, 140, 146, 150, 190, 216, 238
* CJEU 23 February 2016, Case C-380/15 <i>Garzón Ramos v Banco de Caja España de Inversiones</i> ECLI:EU:C:2016:112	19, 103, 124, 164
CJEU 14 April 2016, Joined Cases C-381/14 and C-385/14 <i>Sales Simués and Drame Ba v Caixabank and Catalunya Caixa (Catalunya Banc)</i> ECLI:EU:2016:252	48, 109, 115, 125, 189
CJEU 21 April 2016, Case C-377/14 <i>Radlinger and Radlingerová v Finway</i> ECLI:EU:C:2016:283	42, 47–49, 62, 102
CJEU 21 June 2016, Case C-122/14 <i>Aktiv Kapital Portfolio v Egea Torregrosa</i> ECLI:EU:C:2016:486	85, 90, 125
* CJEU 5 July 2016, Case C-7/16 <i>Banco Popular Español and PL Salvador v Maria Rita Giraldez Villar and Modesto Martínez Baz</i> ECLI:EU:C:2016:523	19, 103, 124
CJEU 28 July 2016, Case C-168/15 <i>Tomášová v Slovenská republika – Ministerstvo spravodlivosti SR and Pohotovost</i> ECLI:EU:C:2016:602	16, 39, 78, 227
CJEU 28 July 2016, Case C-191/15 <i>Verein für Konsumenteninformation v Amazon EU</i> ECLI:EU:C:2016:612	77
CJEU 26 October 2016, Case C-568/14 <i>Fernández Oliva and Others v Caixabank</i> ECLI:EU:C2016:828	125, 165
* CJEU 21 December 2016 (Grand Chamber), Joined Cases C-154/15, C-307/15 and C-308/15 <i>Gutiérrez Naranjo v Cajasur Banco, Palacios Martínez v BBVA, Banco Popular Español v Irlés López and Torres Andreu</i> ECLI:EU:C:2016:980	19, 44, 79, 107, 124, 139, 184, 128, 186, 188, 190

* CJEU 21 December 2016, Case C-119/15 <i>Biuro podróży 'Partner' v Prezes Urzędu Ochrony Konkurencji i Konsumentów</i> ECLI:EU:C:2016:987	19, 38, 116, 119–120
CJEU 26 January 2017, Case C-421/14 <i>Banco Primus v Gutiérrez García</i> ECLI:EU:C:2017:60	44, 78, 108, 125, 137, 178, 190, 226–227
* CJEU 16 February 2017, Case C-503/15 <i>Margarit Panicello v Hernández Martínez</i> ECLI:EU:C:2017:126	19, 26–27, 78, 124, 140, 151–152, 216
* CJEU 30 November 2017, Case C-344/17 <i>IJDF Italy v Fernando Dionisio</i> ECLI:EU:C:2017:924	19
CJEU 7 December 2017, Case C-598/15 <i>Banco Santander v Sánchez López</i> ECLI:EU:C:2017:945	36, 102–103, 114, 125, 156
CJEU 17 May 2018, C-147/16 <i>Karel de Grote – Hogeschool Katholieke Hogeschool Antwerpen v Kuijpers</i> ECLI:EU:C:2018:320	47, 49, 62, 91
* CJEU 31 May 2018, Case C-483/16 <i>Sziber v ERSTE Bank Hungary</i> ECLI:EU:C:2018:367	19, 74, 90, 96, 104–105
CJEU 7 August 2018, Joined Cases C-96/16 and C-94/17 <i>Banco Santander v Mahamadou Demba and Mercedes Godoy Bonet and Rafael Ramón Escobedo Cortés v Banco de Sabadell</i> ECLI:EU:C:2018:643	44, 92, 106, 139
* CJEU 13 September 2018, Case C-176/17 <i>Profi Credit Polska v Wawrzosek</i> ECLI:EU:C:2018:711	19, 48, 72, 90–91, 216
CJEU 20 September 2018, Case C-448/17 <i>EOS KSI Slovensko v Danko and Danková</i> ECLI:EU:C:2018:745	85–86, 115
CJEU 20 September 2018, Case C-51/17 <i>OTP Bank and OTP Faktoring Követeléskezelő v Ilyés and Kiss</i> ECLI:EU:C:2018:750	19, 49, 106
* CJEU 25 October 2018, Case C-426/17 <i>Barba Giménez v Carrión Lozano</i> ECLI:EU:C:2018:858	19, 72, 89, 124
* CJEU 28 November 2018, Case C-632/17 <i>PKO Bank Polski v Michalski</i> ECLI:EU:C:2018:963	19, 90–91
* CJEU 14 March 2019, Case C-118/17 <i>Dunai v ERSTE Bank Hungary</i> ECLI:EU:C:2019:207	19, 36, 71, 93, 104–107, 238
CJEU 26 March 2019 (Grand Chamber), Case C-70/17 <i>Abanca v Salamanca Santos</i> ECLI:EU:C:2019:250	139, 166
* CJEU 3 April 2019, Case C-266/18 <i>Aqua Med v Skóra</i> ECLI:EU:C:2019:282	19, 41, 72, 76, 92–94, 106, 239
CJEU 26 June 2019, Case C-407/18 <i>Kuhar v Addiko Bank</i> ECLI:EU:C:2019:537	42, 72, 100, 102
CJEU 3 July 2019, Case C-92/16 <i>Bankia v Rengifo Jiménez and Felix Caixa</i> ECLI:EU:C:2019:560	167

CJEU 31 July 2019, Case C-486/16 <i>Bankia v Sánchez Martínez and Sánchez Triviño</i> ECLI:EU:C:2019:572	167
CJEU 19 September 2019, Case C-34/18 <i>Lovasné Tóth v ERSTE Bank Hungary</i> ECLI:EU:C:2019:764	19, 72, 77, 99, 101
CJEU 3 October 2019, Case C-260/18 <i>Dziubak v Raiffeisen Bank International</i> ECLI:EU:C:2019:819	118, 167
CJEU 7 November 2019, Joined Cases C-419/18 and C-483/18 <i>Profi Credit Polska v Włostowska</i> ECLI:EU:C:2019:930	91
CJEU 7 November 2019, Case C-349/18 <i>Nationale Maatschappij der Belgische Spoorwegen v Kanyeba</i> ECLI:EU:C:2019:936	36
CJEU 11 March 2020, Case C-511/17 <i>Lintner v UniCredit Bank Hungary</i> ECLI:EU:C:2020:188	226
* CJEU 4 June 2020, Case C-495/19 <i>Kancelaria Medius v RN</i> ECLI:EU:C:2020:431	19, 72, 91
CJEU 9 July 2020, Joined Cases C-698/18 and C-699/18 <i>SC Raiffeisen Bank and BRD Groupe Soci�t� Generale</i> ECLI:EU:C:2020:537	221
* CJEU 22 April 2021, Case C-485/19 <i>LH v Profi Credit Slovakia</i> ECLI:EU:C:2021:313	19, 91, 221
CJEU 29 April 2021, Case C-19/20 <i>IW and RW v Bank BPH</i> ECLI:EU:C:2021:341	175
* CJEU 10 June 2021, Joined Cases C-776/19 to C-782/19 <i>BNP Paribas Personal Finance</i> ECLI:EU:C:2021:470	221

OPINIONS OF ADVOCATES GENERAL

Opinion of AG Ruiz-Jarabob Colomer of 5 March 2009, Case C-14/08 <i>Roda Golf & Beach Resort</i> , ECLI:EU:C:2009:134	3
Opinion of AG Cruz Villal�n of 28 July 2011, Case C-69/10 <i>Brahim Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration</i> ECLI:EU:C:011:524	31
Opinion of AG Bot of 2 October 2012, Case C-399/11 <i>Criminal proceeding against Stefano Melloni</i> ECLI:EU:C:2012:600	32
Opinion of AG Kokott of 28 February 2013, Case C-32/12 <i>Duarte Hueros v Autociba and Autom�viles Citro�n Espa�a SA</i> ECLI:EU:C:2013:637	177
Opinion of AG Bot of 14 March 2013, Case C-93/12 <i>ET Agroconsulting-04-Velko Stoyanov v Izpalnitelen direktor na Darzhaven fond 'Zemedelie' – Razplashtatelna agentsia</i> ECLI:EU:C:2013:432	64
Opinion of AG Ja�skinen of 13 March 2014, Case C-562/12 <i>Liivimaa Lihaveis v Eesti-L�ti programmi 2007–2013 Seirekomitee</i> ECLI:EU:C:2014:155	64
Opinion of AG Ja�skinen of 7 May 2015, Case C-61/14 <i>Orizzonte Salute – Studio Infermieristico Associato v Azienda Pubblica di Servizi alla persona San Valentino – Citt� di Levico Terme and Others</i> ECLI:EU:C:2015:655	60, 64, 242
Opinion of AG Wathelet of 10 January 2017, Case C-682/15 <i>Berlioz Investment Fund v Directeur de l'administration des contributions directes</i> ECLI:EU:C:2017:2	3, 38

Opinion of AG Kokott of 30 March 2017, Case C-73/16 <i>Puškár v Finančné riaditeľstvo Slovenskej republiky and Kriminálny úrad finančnej správy</i> ECLI:EU:C:2017:253	58
Opinion of AG Bobek of 7 September 2017, Case C-403/16 <i>El Hassani v Minister Spraw Zagranicznych</i> , ECLI:EU:C:2017:960	37, 56
Opinion of AG Sharpston of 12 October 2017, Case C-664/15 <i>Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd</i> ECLI:EU:C:2017:760	38
Opinion of AG Bobek of 16 October 2017, Case C-470/16 <i>North East Pylon Pressure Campaign Limited Maura Sheehy v An Bord Pleanála Minister for Communications, Climate Action and Environment</i> ECLI:EU:C:2017:781	28
Opinion of AG Kokott of 29 November 2018, Case C-411/17 <i>Inter-Environnement Walloni ASBL v Conseil des ministres</i> ECLI:EU:C:2018:972	28
Opinion of AG Bobek of 30 April 2019, Case C-556/17 <i>Torubarov v Bevándorlási és Menekültügyi Hivatal</i> ECLI:EU:C:2019:339	29, 37, 59

CASES CONCERNING THE UCTD

* Opinion of AG Trstenjak of 14 May 2009, Case C-40/08 <i>Asturcom Telecomunicaciones v Rodríguez Nogueira</i> ECLI:EU:C:2009:305 ...	19, 79–80, 145
Opinion of AG Trstenjak of 6 July 2010, Case C-137/08 <i>VB Pénzügyi Lízing v Ferenc Schneider</i> ECLI:EU:C:2010:401	40
Opinion of AG Trstenjak of 14 February 2012, Case C-618/10 <i>Banco Español de Crédito v Calderón Camino</i> ECLI:EU:C:2012:74	50, 61–62, 83, 238
Opinion of AG Trstenjak of 26 April 2012, Case C-472/10 <i>Nemzeti Fogyasztóvédelmi Hatóság v Invitel Távközlési</i> ECLI:EU:C:2011:806	116
Opinion of AG Wahl of 21 November 2013, Case C-482/12 <i>Macinský and Macinská v Getfin and Financreal</i> ECLI:EU:C:2013:765	55, 95, 100, 114
* View of AG Wahl of 3 July 2014, Case C-169/14 <i>Sánchez Morcillo and Abril García v BBVA</i> ECLI:EU:C:2014:2110	108, 112, 171
Opinion of AG Szpunar of 13 May 2015, Case C-8/14 <i>BBVA v Peñalva López</i> ECLI:EU:C:2015:321	86, 91, 100
Opinion of AG Cruz Villalón of 25 June 2015, Case C-32/14 <i>ERSTE Bank Hungary v Sugár</i> ECLI:EU:C:2015:424	101
* Opinion of AG Szpunar of 11 November 2015, Case C-49/14 <i>Finanmadrid v Albán Zambrano</i> ECLI:EU:C:2015:746	74, 85, 87
* Opinion of AG Saugmandsgaard Øe of 2 June 2016, Case C-119/15 <i>Biuro podróży ‘Partner’ v Prezes Urzędu Ochrony Konkurencji i Konsumentów</i> ECLI:EU:C:2016:387	30, 120
Opinion of AG Mengozzi of 13 July 2016, Joined Cases C-154/15, C-307/15 and C-308/15 <i>Gutiérrez Naranjo v Cajasur Banco, Palacios Martínez v BBVA, Banco Popular Español v Irlés López and Torres Andreu</i> ECLI:EU:C:2016:552 ...	128
* Opinion of AG Kokott of 15 September 2016, Case C-503/15 <i>Ramón Margarit Panicello v Hernández Martínez</i> ECLI:EU:C:016:696 ...	74, 78, 87–89, 150–151

Opinion of AG Wahl of 29 June 2017, Case C-598/15 <i>Banco Santander v Sánchez López</i> ECLI:EU:C:2017:505	103
Opinion of AG Sharpston of 30 November 2017, Case C-147/16 <i>Karel de Grote – Hogeschool Katholieke Hogeschool Antwerpen v Kuijpers</i> ECLI:EU:C:2017:928	11, 48
Opinion of AG Kokott of 26 April 2018, Case C-176/17 <i>Profi Credit Polska v Wawrzosek</i> , ECLI:EU:C:2018:293	74, 90, 99
* Opinion of AG Tanchev of 3 May 2018, Case C-51/17 <i>OTP Bank and OTP Faktoring Követeléskezelő v Ilyés and Kiss</i> ECLI:EU:C:2018:303	71, 106
Opinion of AG Szpunar of 13 September 2018, Case C-70/17 <i>Abanca v Salamanca Santos</i> ECLI:EU:C:2018:724	47, 167
* Opinion AG Hogan of 19 September 2019, Case C-34/18 <i>Lovasné Tóth v ERSTE Bank Hungary</i> ECLI:EU:C:2019:245	19, 71, 99
Opinion of AG Kokott of 14 November 2019, Case C-616/18 <i>Cofidis v YU, ZT</i> ECLI:EU:C:2019:975	221
* Opinion of AG Szpunar of 3 September 2020, Case C-485/19 <i>LH v Profi Credit Slovakia</i> ECLI:EU:C:2020:645	91

EUROPEAN COURT OF HUMAN RIGHTS

ECtHR 26 October 2000, Appl. No. 30210/96 <i>Kudla v Poland</i>	39
ECtHR 8 April 2014, Appl. No. 17120/09 <i>Dhahbi v Italy</i>	16, 205
ECtHR 20 December 2018, Appl. No. 22853/15 <i>Merkantil Car Zrt. v Hungary</i>	16, 55, 105, 229

SPAIN

TRIBUNAL CONSTITUCIONAL

Tribunal Constitucional, judgment no. 41/1981 of 18 December 1981, ECLI:ES:TC:1981:41	157
Tribunal Constitucional, judgment no. 185/1987 of 18 November 1987, ECLI:ES:TC:1987:185	142
Tribunal Constitucional, judgment no. 174/1995 of 23 November 1995, ECLI:ES:TC:1995:174	142
Tribunal Constitucional, judgment no. 352/2006 of 14 December 2006, ECLI:ES:TC:2006:352	142
Tribunal Constitucional, order no. 113/2011 of 19 July 2011, ECLI:ES:TC:2011:113A.	129, 156
Tribunal Constitucional, judgment no. 145/2012 of 2 July 2012, ECLI:ES:TC:2012:145	136
Tribunal Constitucional, order no. 70/2014 of 10 March 2014, ECLI:ES:TC:2014:70A.	103, 169, 257
Tribunal Constitucional, order no. 71/2014 of 10 March 2014, ECLI:ES:TC:2014:71A.	103, 169, 174, 257

Tribunal Constitucional, order no. 111/2014 of 8 April 2014, ECLI:ES:TC:2014:111A	103, 169, 257
Tribunal Constitucional, order no. 112/2014 of 8 April 2014, ECLI:ES:TC:2014:112A	103, 169, 257
Tribunal Constitucional, order no. 113/2014 of 8 April 2014, ECLI:ES:TC:2014:113	103, 169, 257
Tribunal Constitucional, order no. 206/2014 of 22 July 2014, ECLI:ES:TC:2014:206	170
Tribunal Constitucional, judgment no. 241/2015 of 30 November 2015, ECLI:ES:TC:2015:241	135
Tribunal Constitucional, judgment no. 58/2016 of 17 March 2016, ECLI:ES:TC:2016:58	149, 181
Tribunal Constitucional, judgment no. 148/2016 of 19 September 2016, ECLI:ES:TC:2016:148	190
Tribunal Constitucional, judgment no. 75/2017 of 19 June 2017, ECLI:ES:TC:2017:75	137
Tribunal Constitucional, judgment no. 1/2018 of 11 January 2018, ECLI:ES:TC:2018:1	142
Tribunal Constitucional, judgment no. 31/2019 of 28 February 2019, ECLI:ES:TC:2019:31	137, 139, 166, 178
Tribunal Constitucional, judgment no. 34/2019 of 14 March 2019, ECLI:ES:TC:2019:34	137, 152
Tribunal Constitucional, judgment no. 37/2019 of 26 March 2019, ECLI:ES:TC:2019:37	136

TRIBUNAL SUPREMO

Tribunal Supremo (Sala de lo Civil), judgment no. 681/2006 of 16 February 2006, ECLI:ES:TS:2006:681	128
Tribunal Supremo (Sala de lo Civil), judgment no. 1916/2013 of 9 May 2013, ECLI:ES:TS:2013:1916	130, 182–184, 239, 246
Tribunal Supremo (Sala de lo Civil), judgment no. 4617/2014 of 24 November 2014, ECLI:ES:TS:2014:4617	177
Tribunal Supremo (Sala de lo Civil), judgment no. 1280/2015 of 25 March 2015, ECLI:ES:TS:2015:1280	187
Tribunal Supremo (Sala de lo Civil), judgment no. 477/2017 of 24 February 2017, ECLI:ES:TS:2017:477	188
Tribunal Supremo (Sala de lo Civil), order no. 2684/2017 of 4 April 2017, ECLI:ES:TS:2017:2684A	191
Tribunal Supremo (Sala de lo Civil), judgment no. 3028/207 of 20 July 2017, ECLI:TS:2017:3028	188
Tribunal Supremo (Sala de lo Civil), judgment no. 3373/2017 of 27 September 2017, ECLI:ES:TS:2017:3373	176, 178
Tribunal Supremo (Sala de lo Civil), judgment no. 463/2019 of 11 September 2019, ECLI:ES:TS:2019:2761	167, 175

COURTS OF APPEAL

Audiencia Provincial de Barcelona, order no. 222/2012 of 29 October 2012, ECLI:ES:APB:2012:7113A	147
Audiencia Provincial de Lleida (Sección 2ª), order no. 55/2013 of 25 March 2013, JUR\2014\294266	129, 169, 180, 191
Audiencia Provincial de Tarragona (Sección 1ª), order no. 64/2013 of 10 June 2013, JUR\2014\294027	166
Audiencia Provincial de Vizcaya (Sección 5ª), judgment no. 250/2013 of 30 September 2013, JUR\2014\144762	181, 185–186
Audiencia Provincial de Santa Cruz de Tenerife (Sección 1ª), order no. 171/2013 of 17 December 2013, JUR\2015\9254	185
Audiencia Provincial de Valencia (Sección 11ª), judgment no. 586/2013 of 30 December 2013, AC\2014\415	184–185
Audiencia Provincial de Barcelona (Sección 11ª), order no. 48/2014 of 20 March 2014, JUR\2014\296437	174, 185
Audiencia Provincial de Castellón (Sección 3ª), order of 2 April 2014, JUR\2014\179524	171
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 189/2014 of 22 July 2014, JUR\2015\9437	163
Audiencia Provincial de Pontevedra (Sección 1ª), order no. 148/2014 of 28 July 2014, JUR\2014\225714	174
Audiencia Provincial de Castellón (Sección 3ª), order no. 171/2014 of 29 July 2014, JUR\2015\10598, ECLI:ES:APCS:2014:55A	174
Audiencia Provincial de Barcelona (Sección 17ª), order no. 259/2014 of 3 September 2014, JUR\2014\295502	174
Audiencia Provincial de Valencia (Sección 9ª), order no. 455/2014 of 8 September 2014, JUR\2015\51807	173
Audiencia Provincial de Castellón (Sección 3ª), order no. 175/2014 of 10 September 2014, JUR\2015\52954	166
Audiencia Provincial de Valencia (Sección 9ª), order no. 460/2014 of 11 September 2014, JUR\2015\51381	173
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 207/2014 of 12 September 2014, JUR\2015\55184	181
Audiencia Provincial de Barcelona (Sección 4ª), order no. 196/2014 of 18 September 2014, JUR\2014\297187	174, 238
Audiencia Provincial de Granada (Sección 3ª), order no. 162/2014 of 22 September 2014, JUR\2015\2137	174
Audiencia Provincial de Álava (Sección 1ª), order no. 94/2014 of 24 September 2014, JUR\2014\255268	170
Audiencia Provincial de Barcelona (Sección 1ª), order no. 253/2014 of 26 September 2014, JUR\2015\10332	174, 238
Audiencia Provincial de Tarragona (Sección 3ª), order of 30 September 2014, JUR\2015\43480	173
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 243/2014 of 2 October 2014, JUR\2015\56330	179

Audiencia Provincial de Barcelona (Sección 13ª), order no. 210/2014 of 6 October 2014, JUR\2014\295342	166
Audiencia Provincial de Barcelona (Sección 13ª), order no. 221/2014 of 16 October 2014, JUR\2014\294909	174–175
Audiencia Provincial de Castellón (Sección 3ª), order of 21 November 2014, JUR\2015\5684	173
Audiencia Provincial de Barcelona (Sección 15ª), judgment no. 407/2014 of 15 December 2014, JUR\2015\86196	130, 160, 165, 177, 182, 189
Audiencia Provincial de Girona (Sección 2ª), order no. 274/2014 of 18 December 2014, JUR\2015\81699	163
Audiencia Provincial de Girona (Sección 2ª), order no. 14/2015 of 14 January 2015, JUR\2015\116526	140
Audiencia Provincial de Barcelona (Sección 16ª), order no. 35/2015 of 5 February 2015, JUR\2015\115541	177
Audiencia Provincial de Madrid (Sección 14ª), order no. 33/2015 of 18 February 2015, JUR\2015\100490	179, 185
Audiencia Provincial de Valencia (Sección 9ª), order no. 123/2015 of 25 February 2015, JUR\2015\124382	173
Audiencia Provincial de Lleida (Sección 2ª), order no. 36/2015 of 26 February 2015, JUR\2015\158435	173, 175
Audiencia Provincial de Lleida (Sección 2ª), order no. 46/2015 of 9 March 2015, JUR\2015\121304	181
Audiencia Provincial de Girona (Sección 2ª), order no. 116/2015 of 10 March 2015, JUR\2015\153253	161
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 96/2015 of 30 March 2015, JUR\2015\120970	179
Audiencia Provincial de Girona (Sección 2ª), order no. 185/2015 of 6 May 2015, JUR\2015\166350	163
Audiencia Provincial de Barcelona (Sección 16ª), order no. 168/2015 of 19 May 2015, JUR\2015\160073	173
Audiencia Provincial de Alicante (Sección 8ª), order no. /2015 of 15 June 2015, JUR\2015\190491	187–188
Audiencia Provincial de Madrid (Sección 10ª), order no. 223/2015 of 9 July 2015, JUR\2015\186525	164
Audiencia Provincial de Castellón (Sección 3ª), order no. 185/2015 of 3 September 2015, JUR\2015\271187	163
Audiencia Provincial de Castellón (Sección 3ª), order no. 187/2015 of 3 September 2015, JUR\2015\271900, ECLI:ES:APCS:2015:91A	174
Audiencia Provincial de Valencia (Sección 6ª), order no. 188/2015 of 8 September 2015, JUR\2016\130308	175
Audiencia Provincial de Barcelona (Sección 16ª), order no. 283/2015 of 18 September 2015, JUR\2015\261047	154
Audiencia Provincial de Castellón (Sección 3ª), order no. 216/2015 of 30 September 2015, JUR\2015\271027	173
Audiencia Provincial de Málaga (Sección 5ª), order no. 311/2015 of 12 November 2015, JUR\2016\84863	167, 180–181

Audiencia Provincial de Barcelona (Sección 17ª), order no. 372/2015 of 26 November 2015, JUR\2016\101861	162, 175
Audiencia Provincial de Granada (Sección 3ª), order no. 208/2015 of 11 December 2015, JUR\2016\114214	164, 177
Audiencia Provincial de Madrid (Sección 10ª), order no. 425/2015 of 14 December 2015, JUR\2016\15218	135, 138
Audiencia Provincial de Málaga (Sección 5ª), order no. 335/2015 of 15 December 2015, JUR\2016\83571	180–181
Audiencia Provincial de Barcelona (Sección 16ª), order no. 385/2015 of 17 December 2015, JUR\2016\47092	175
Audiencia Provincial de Sevilla (Sección 6ª), order no. 311/2015 of 17 December 2015, JUR\2016\58585	179
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 6/2016 of 11 January 2016, JUR\2016\65926	185
Audiencia Provincial de Valencia (Sección 6ª), judgment no. 53/2016 of 2 February 2016, JUR\2016\145999	185
Audiencia Provincial de Girona (Sección 2ª), order no. 52/2016 of 9 February 2016, JUR\2016\192307	163
Audiencia Provincial de Barcelona (Sección 1ª), judgment no. 104/2016 of 11 March 2016, JUR\2016\120913	185
Audiencia Provincial de Málaga (Sección 6ª), order no. 182/2016 of 16 March 2016, AC\2016\1219	183, 185
Audiencia Provincial de Madrid (Sección 10ª), order no. 101/2016 of 17 March 2016, JUR\2016\89139	190
Audiencia Provincial de Almería (Sección 1ª), order no. 206/2016 of 9 May 2016, JUR\2017\86409	161
Audiencia Provincial de Barcelona (Sección 15ª), judgment no. 136/2016 of 9 June 2016, JUR\2016\180303	138
Audiencia Provincial de Málaga (Sección 5ª), order no. 207/2016 of 15 June 2016, JUR\2016\240828	181
Audiencia Provincial de Granada (Sección 3ª), order no. 135/2016 of 30 June 2016, JUR\2016\222262	164
Audiencia Provincial de Lleida (Sección 2ª), order no. 158/2016 of 27 October 2016, JUR\2017\51706	181
Audiencia Provincial de Alicante (Sección 8ª), judgment no. 295/2016 of 28 October 2016, JUR\2016\265901	185
Audiencia Provincial de Málaga (Sección 5ª), order no. 356/2016 of 31 October 2016, JUR\2017\93140	138
Audiencia Provincial de Guipúzcoa (Sección 3ª), judgment no. 292/2016 of 1 December 2016, JUR\2017\64956	184–186
Audiencia Provincial de Pontevedra (Sección 1ª), judgment no. 568/2016 of 12 December 2016, JUR\2017\8971	188
Audiencia Provincial de Madrid (Sección 10ª), order no. 452/2016 of 22 December 2016, JUR\2017\25699	175, 182, 189
Audiencia Provincial de Madrid (Sección 10ª), order no. 8/2017 of 16 January 2017, JUR\2017\61994	175

Audiencia Provincial de Almería (Sección 1ª), order no. 52/2017 of 23 January 2017, JUR\2017\112584	154
Audiencia Provincial de Granada (Sección 3ª), order no. 10/2017 of 31 January 2017, JUR\2017\91912	164
Audiencia Provincial de Toledo (Sección 2ª), order no. 151/2017 of 2 February 2017, JUR\2017\142012	140, 154
Audiencia Provincial de Valencia (Sección 11ª), order no. 67/2017 of 23 February 2017, JUR\2017\130297	179
Audiencia Provincial de Álava (Sección 1ª), judgment no. 110/2017 of 6 March 2017, JUR\2017\135437	190
Audiencia Provincial de Toledo (Sección 2ª), order no. 185/2017 of 7 March 2017, JUR\2017\146402	154, 166
Audiencia Provincial de Almería (Sección 1ª), order no. 118/2017 of 9 March 2017, JUR\2017\157110	164, 175
Audiencia Provincial de Almería (Sección 1ª), order no. 154/2017 of 30 March 2017, JUR\2018\200420, ECLI:ES:APAL:2017:679ª	185
Audiencia Provincial de León (Sección 1ª), judgment no. 192/2017 of 19 May 2017, JUR\2017\171244, ECLI:ES:APLE:2017:536	160, 191
Audiencia Provincial de Valencia (Sección 6ª), order no. 255/2017 of 27 June 2017, JUR\2018\25068, ECLI:ES:APV:2017:3327A	162, 176, 180–181
Audiencia Provincial de Almería (Sección 1ª), order no. 426/2017 of 25 September 2017, JUR\2018\200338, ECLI:ES:APAL:2017:727A	172, 185
Audiencia Provincial de León (Sección 1ª), judgment no. 346/2017 of 13 October 2017, JUR\2018\277847, ECLI:ES:APLE:2017:998	188
Audiencia Provincial de Las Palmas (Sección 5ª), order no. 276/2017 of 17 October 2017, JUR\2018\123083, ECLI:ES:APGC:2017:504A	181
Audiencia Provincial de Almería (Sección 1ª), order no. 471/2017 of 24 October 2017, JUR\2018\201909, ECLI:ES:APAL:2017:1035ª	168
Audiencia Provincial de Toledo (Sección 2ª), order no. 663/2017 of 1 December 2017, JUR\2018\64957, ECLI:ES:APTO:2017:377A	166
Audiencia Provincial de Almería (Sección 1ª), order no. 591/2017 of 19 December 2017, JUR\2018\200435, ECLI:ES:APAL:2017:781A	138
Audiencia Provincial de León (Sección 1ª), judgment no. 446/2017 of 19 December 2017, JUR\2018\38156, ECLI:ES:APLE:2017:1270	188
Audiencia Provincial de Alicante (Sección 8ª), order no. 24/2018 of 12 March 2018, JUR\2018\162684, ECLI:ES:APA:2018:174ª	181
Audiencia Provincial de Almería (Sección 1ª), order no. 232/2018 of 23 May 2018, JUR\2018\201290, ECLI:ES:APAL:2018:127A	140
Audiencia Provincial de Barcelona (Sección 19ª), order no. 194/2018 of 5 July 2018, JUR\2018\210473, ECLI:ES:APB:2018:4118A	140
Audiencia Provincial de León (Sección 1ª), judgment no. 308/2018 of 23 July 2018, JUR\2018\282480, ECLI:ES:APLE:2018:891	189
Audiencia Provincial de León (Sección 1ª), judgment no. 344/2018 of 26 September 2018, JUR\2018\302054, ECLI:ES:APLE:2018:982	189

Audiencia Provincial de Toledo (Sección 2ª), order no. 297/2018 of 12 December 2018, JUR\2019\72784	130, 162, 172
Audiencia Provincial de Toledo (Sección 2ª), order no. 31/2019 of 28 January 2019, JUR\2019\128090, ECLI:ES:APTO:2019:68A	166
Audiencia Provincial de Barcelona (Sección 11ª), order no. 38/2019 of 6 February 2019, JUR\2019\49570, ECLI:ES:APB:2019:275A	181
Audiencia Provincial de Barcelona (Sección 11ª), order no. 39/2019 of 6 February 2019, JUR\2019\49202, ECLI:ES:APB:2019:279A	180
Audiencia Provincial de Guipúzcoa (Sección 2ª), order no. 229/2019 of 20 March 2019, JUR\2019\172545, ECLI:ES:APSS:2019:355A	176
Audiencia Provincial de Girona (Sección 2ª), order no. 65/2019 of 11 April 2019, JUR\2019\127067, ECLI:ES:APGI:2019:167A	139

COURTS OF FIRST INSTANCE

Juzgado de Primera Instancia No. 4 de Bilbao, order of 26 October 2009 in case no. 1147/2007, JUR\2011\403897, ECLI:ES:JPI:2009:9A	144–145
Juzgado de lo Mercantil No. 3 de Barcelona, judgment of 2 May 2013 in case no. 13/2011, ECLI:ES:JMB:2013:21	129, 156, 159, 165
Juzgado de Primera Instancia No. 5 de Cartagena, order of 23 January 2014 in case no. 352/2013 (not published)	146, 149, 151
Juzgado de lo Mercantil nº 11 de Madrid, judgment no. 53/2016 of 7 April 2016, ECLI:ES:JMM:2016:53	185, 187
Juzgado de Primera Instancia de Madrid, judgment no. 379/2016 of 13 October 2016, JUR\2016\237072	138
Juzgado de Primera Instancia No. 5 de Cartagena, order of 11 April 2016 in case no. 352/2013 (not published)	146, 149, 151

NETHERLANDS

HOGEE RAAD

Hoge Raad 11 December 1987, ECLI:NL:HR:1987:AC2270	219
Hoge Raad 27 November 2009, ECLI:NL:HR:2009:BH2162	220
Hoge Raad 21 September 2012, ECLI:NL:HR:2012:BW6135	199, 209
Hoge Raad 13 September 2013, ECLI:NL:HR:2013:691	196, 198, 202, 226, 231
Hoge Raad 26 September 2014, ECLI:NL:HR:2014:2837	215
Hoge Raad 10 July 2015, ECLI:NL:HR:2015:1866	198, 226
Hoge Raad 9 October 2015, ECLI:NL:HR:2015:3018	221
Hoge Raad 12 February 2016, ECLI:NL:HR:2016:236	199, 222
Hoge Raad 26 February 2016, ECLI:NL:HR:2016:340	226
Hoge Raad 29 April 2016, ECLI:NL:HR:2016:769	220, 231
Hoge Raad 21 April 2017, ECLI:NL:HR:2017:773	213
Hoge Raad 1 June 2018, ECLI:NL:HR:2018:818	223

Hoge Raad 28 September 2018, ECLI:NL:HR:2018:1800	201
Hoge Raad 8 February 2019, ECLI:NL:HR:2019:207	205
Hoge Raad 8 November 2019, ECLI:NL:HR:2019:1731	199, 205, 214, 223

OPINIONS OF ADVOCATES GENERAL

Opinion AG Spier of 11 May 2012, ECLI:NL:PHR:2012:BW6135	199, 209
Opinion of AG Wissink of 21 December 2012, ECLI:NL:PHR:2012:BY7854	223, 227, 229, 233
Opinion of AG Wissink of 10 April 2015, ECLI:NL:PHR:2015:455	226
Opinion of AG Wissink of 30 October 2015, ECLI:NL:PHR:2015:2703	228, 231
Opinion of AG Wesseling-van Gent of 4 December 2015, ECLI:NL:PHR: 2015:2663	206
Opinion of AG Wissink of 22 January 2016, ECLI:NL:PHR:2016:3	219, 221–222
Opinion of AG Wissink of 23 September 2016, ECLI:NL:PHR:2016:938	223
Opinion of AG Drijber of 23 February 2018, ECLI:NL:PHR:2018:154	201
Opinion of AG Hartlief of 6 July 2018, ECLI:NL:PHR:2018:788	210
Opinion of AG Wissink of 5 April 2019, ECLI:NL:PHR:2019:346	231
Opinion of AG Valk of 12 July 2019, ECLI:NL:PHR:2019:769	197, 211, 216
Opinion of Deputy PG Langemeijer and AG Wissink of 13 September 2019, ECLI:NL:PHR:2019:887	223

COURTS OF APPEAL

Gerechtshof Amsterdam 1 March 2011, ECLI:NL:GHAMS:2011:BR1722	212
Gerechtshof Leeuwarden 5 July 2011, ECLI:NL:GHLEE:2011: BR2500	207, 211, 239
Gerechtshof Amsterdam 17 April 2012, ECLI:NL:GHAMS:2012:BX3835	210
Gerechtshof Amsterdam 11 July 2013, ECLI:NL:GHAMS:2013:1966	219
Gerechtshof Arnhem-Leeuwarden 10 September 2013, ECLI:NL:GHARL: 2013:6635	231
Gerechtshof Amsterdam 13 September 2013, ECLI:NL:GHAMS:2013: CA1825	225
Gerechtshof 's-Hertogenbosch 24 September 2013, ECLI:NL:GHSHE: 2013:4346	231
Gerechtshof 's-Hertogenbosch 15 November 2013, ECLI:NL:GHSHE: 2013:5206	230
Gerechtshof Arnhem-Leeuwarden 10 December 2013, ECLI:NL:GHARL: 2013:9446	230
Gerechtshof Amsterdam 21 January 2014, ECLI:NL:GHAMS:2014:950	225
Gerechtshof Amsterdam 25 February 2014, ECLI:NL:GHAMS:2014:1580	230
Gerechtshof Arnhem-Leeuwarden 3 July 2014, ECLI:NL:GHARL:2014:5450	205
Gerechtshof Amsterdam 29 July 2014, ECLI:NL:GHAMS:2014:5414	225
Gerechtshof Den Haag 25 November 2014, ECLI:NL:GHDHA:2014:3833	205

Gerechtshof Arnhem-Leeuwarden 18 August 2015, ECLI:NL:GHARL: 2015:6097	231
Gerechtshof Arnhem-Leeuwarden 23 August 2016, ECLI:NL:GHARL: 2016:6736	232
Gerechtshof Den Haag 25 October 2016, ECLI:NL:GHDHA:2016:2984	204
Gerechtshof Arnhem-Leeuwarden 11 July 2017, ECLI:NL:GHARL: 2017:5961	212–213, 239
Gerechtshof Arnhem-Leeuwarden 1 August 2017, ECLI:NL:GHARL: 2017:6578	230
Gerechtshof Den Haag 19 September 2017, ECLI:NL:GHDHA: 2017:2894 (SEBA)	221, 229
Gerechtshof 's-Hertogenbosch 18 January 2018, ECLI:NL:GHSHE:2018:166 ...	206
Gerechtshof 's-Hertogenbosch 1 February 2018, ECLI:NL:GHSHE: 2018:363	206, 248
Gerechtshof Arnhem-Leeuwarden 28 August 2018, ECLI:NL:GHARL: 2018:7753	220
Gerechtshof Arnhem-Leeuwarden 4 September 2018, ECLI:NL:GHARL: 2018:7970	223
Gerechtshof Arnhem-Leeuwarden 5 February 2019, ECLI:NL:GHARL: 2019:1060	220
Gerechtshof Amsterdam 5 March 2019, ECLI:NL:GHAMS:2019:657	199
Gerechtshof Den Haag 12 March 2019, ECLI:NL:GHDHA:2019:453	221
Gerechtshof Amsterdam 2 April 2019, ECLI:NL:GHAMS:2019:1109	201
Gerechtshof Den Haag 2 April 2019, ECLI:NL:GHDHA:2019:630	206

COURTS OF FIRST INSTANCE

Rechtbank Amsterdam 17 December 2008, ECLI:NL:RBAMS:2008:BH1368 ...	211
Rechtbank Leeuwarden 15 July 2009, ECLI:NL:RBLEE:2009:BJ2957	208
Rechtbank Rotterdam 18 May 2011, ECLI:NL:RBROT:2011:BQ5670	209, 212
Rechtbank Leeuwarden 3 August 2011, ECLI:NL:RBLEE:2011:BR4256	208
Rechtbank Zutphen 4 January 2012, ECLI:NL:RBZUT:2012:BV6245	205
Rechtbank Zutphen 12 January 2012, ECLI:NL:RBZUT:2012:BV1679	205
Rechtbank Oost-Brabant 31 January 2013, ECLI:NL:RBOBR:2013:BZ0842 ...	205
Rechtbank Gelderland 10 April 2013, ECLI:NL:RBGEL:2013:CA0523	211
Rechtbank Amsterdam 13 May 2013, ECLI:NL:RBAMS:2013:CA0869	218
Rechtbank Midden-Nederland 26 June 2013, ECLI:NL:RBMNE:2013:3393 ...	230
Rechtbank Amsterdam 18 December 2013, ECLI:NL:RBAMS:2013:9891	230
Rechtbank Amsterdam 23 July 2014, ECLI:NL:RBAMS:2014:5421	230
Rechtbank Den Haag 28 October 2015, ECLI:NL:RBDHA:2015:12213	219
Rechtbank Rotterdam 11 May 2016, ECLI:NL:RBROT:2016:6438	218
Rechtbank Gelderland 20 July 2016, ECLI:NL:RBGEL:2016:4868	213
Rechtbank Den Haag 23 November 2016, ECLI:NL:RBDHA:2016:14190	205
Rechtbank Amsterdam 14 April 2017, ECLI:NL:RBAMS:2017:2427	215
Rechtbank Limburg 26 July 2017, ECLI:NL:RBLIM:2017:7453	218
Rechtbank Amsterdam 16 October 2017, ECLI:NL:RBAMS:2017:7577	218

Rechtbank Amsterdam 30 January 2018, ECLI:NL:RBAMS:2018:419.	215
Rechtbank Den Haag 6 June 2018, ECLI:NL:RBDHA: 2018:6463	205
Rechtbank Oost-Brabant 28 June 2018, ECLI:NL:RBOBR:2018:3169.	200
Rechtbank Amsterdam 9 November 2018, ECLI:NL:RBAMS:2018:7770	218
Rechtbank Amsterdam 25 January 2019, ECLI:NL:RBAMS:2019:1339.	212
Rechtbank Amsterdam 27 February 2019, ECLI:NL:RBAMS:2019:1338	214
Rechtbank Gelderland 20 March 2019, ECLI:NL:RBGEL:2019:1175.	213
Rechtbank Noord-Holland 17 April 2019, ECLI:NL:RBNHO:2019:3323	200
Rechtbank Den Haag 28 June 2019, ECLI:NL:RBDHA:2019:6302.	206
Rechtbank Den Haag 2 July 2019, ECLI:NL:RBDHA:2019:7920	218
Rechtbank Amsterdam 29 November 2019, ECLI:NL:RBAMS:2019:8803	227
Rechtbank Amsterdam 9 March 2020, ECLI:NL:RBAMS:2020:1477.	202
Rechtbank Amsterdam 27 March 2020, ECLI:NL:RBAMS:2020:2002.	218

