

Question referred

In the light of the principles of effectiveness and proportionality, do Article 6(1) and Article 7(1) of Directive 93/13⁽¹⁾ preclude an interpretation of national legislation or of national case-law according to which a national court may, in particular because of a consumer's obligations to settle payments with a seller or supplier or the sound financial situation of the seller or supplier, dismiss a consumer's application for an interim measure (securing of the action) to suspend, during the course of the proceedings, the performance of a contract which is likely to be declared invalid as a result of the removal of the unfair terms from it?

⁽¹⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on 3 May 2022 — NOS-SGPS SA v Autoridade Tributária e Aduaneira

(Case C-290/22)

(2022/C 318/34)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Applicant: NOS-SGPS SA

Defendant: Autoridade Tributária e Aduaneira

Question referred

Does a holding company domiciled in Portugal and governed by the provisions of Decree-Law No 495/88 of 30 December 1988, the sole object of which is to manage shareholdings in companies other than those operating in the insurance sector, fall within the concept of financial institution within the meaning of point (22) of Article 3(1) of Directive 2013/36/EU⁽¹⁾ and point (26) of Article 4(1) of Regulation EU No 575/2013?⁽²⁾

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ 2013 L 176, p. 338).

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 5 May 2022 — A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA

(Case C-296/22)

(2022/C 318/35)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicants: A.T.U. Auto-Teile-Unger GmbH & Co. KG, Carglass GmbH

Defendant: FCA Italy SpA

Question referred

Is Article 61(1) and (4) of Regulation 2018/858,⁽¹⁾ read in conjunction with point 2.9 of Annex X thereto, which obliges the vehicle manufacturer, for the purpose of vehicle OBD, diagnostics, repair and maintenance, to make the direct vehicle data stream available through the serial data port on the standardised data link connector, also taking into account the requirements imposed on the vehicle manufacturer to guarantee the general safety of the vehicle in Item 63 of Part 1 of Annex II to that regulation

— read in conjunction with Regulation No 661/2009⁽²⁾ as regards vehicles type-approved prior to 6 July 2022, in particular Article 5(1) thereof, and

— read in conjunction with Regulation 2019/2144,⁽³⁾ applicable as of 6 July 2022, and in particular Article 4(4) and (5) thereof,

to be interpreted as meaning that the vehicle manufacturer must always ensure, including when implementing relevant safety measures, that the vehicle OBD, diagnostics, repair and maintenance, including the write operations necessary for these purposes, can be carried out by independent repairers using a universal and generic diagnostic tool, without any need to meet requirements, not expressly stipulated in the regulation, for the device to have an internet connection to a server designated by the manufacturer and/or for the user to have personally registered with the vehicle manufacturer beforehand?

⁽¹⁾ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ 2018 L 151, p. 1).

⁽²⁾ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ 2009 L 200, p. 1).

⁽³⁾ Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ 2019 L 325, p. 1).

Request for a preliminary ruling from the Kammergericht Berlin (Germany) lodged on 10 May 2022 — PM v Senatsverwaltung für Justiz, Vielfalt und Antidiskriminierung

(Case C-304/22)

(2022/C 318/36)

Language of the case: German

Referring court

Kammergericht Berlin

Parties to the main proceedings

Applicant: PM

Defendant: Senatsverwaltung für Justiz, Vielfalt und Antidiskriminierung

Other party to the proceedings: CM