

3. the consumer's claim for recovery of sums unduly paid on the basis of the unfair terms does not become payable until he or she has made the above declaration,
4. the trader is not required to pay the consumer statutory interest for late performance until it has knowledge of the above declaration by the consumer?

(¹) OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Cour de cassation (France) lodged on 9 June 2023 — EA v Artemis security

(Case C-367/23, Artemis security)

(2023/C 321/29)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: EA

Defendant: Artemis security SAS

Questions referred

1. Does Article 9(1)(a) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time fulfil the conditions for it to have direct effect and be relied on by a worker in a dispute concerning that worker?
2. Must Article 9(1)(a) of Directive 2003/88/EC be interpreted as precluding domestic legislation or practices under which, in the event of a failure to comply with the provisions adopted to implement the measures necessary for the free assessment of a worker's health, the worker's right to compensation is subject to proof of the damage which would have resulted from that breach?

Request for a preliminary ruling from the Najvyšší Správny súd Slovenskej republiky (Slovakia) lodged on 13 June 2023 — Mesto Rimavská Sobota v Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky

(Case C-370/23, Mesto Rimavská Sobota)

(2023/C 321/30)

Language of the case: Slovak

Referring court

Najvyšší Správny súd Slovenskej republiky

Parties to the main proceedings

Applicant: Mesto Rimavská Sobota

Defendant: Ministerstvo pôdohospodárstva a rozvoja vidieka Slovenskej republiky

Question referred

Is Article 2(b) of Regulation (EU) No 995/2010⁽¹⁾ of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market to be interpreted as meaning that the placing on the market of timber also constitutes a sale for consideration of raw timber or fuel wood within the meaning of Annex 1 to that regulation, if, under the harvest concession agreement, the purchaser harvests the timber under the direction and supervision of the seller?

⁽¹⁾ OJ 2010 L 295, p. 23.

Request for a preliminary ruling from the Landgericht Duisburg (Germany) lodged on 13 June 2023 — HT v Mercedes-Benz Group AG

(Case C-371/23, Mercedes-Benz Group)

(2023/C 321/31)

Language of the case: German

Referring court

Landgericht Duisburg

Parties to the main proceedings

Applicant: HT

Defendant: Mercedes-Benz Group AG

Questions referred

1. Can an element of design in a vehicle which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of modulating the parameters of the combustion process in the engine depending on the result of the sensing operation reduce the effectiveness of the emission control system within the meaning of Article 3(10) of Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007⁽¹⁾ and thus constitute a defeat device within the meaning of Article 3(10) of Regulation No 715/2007 even where the modulation of the parameters of the combustion process effected by the element of design based on the result of the sensing operation increases emissions of a certain harmful substance, such as nitrogen oxide, while at the same time reducing emissions of one or more other harmful substances, such as particulates, hydrocarbons, carbon monoxide, methane and/or carbon dioxide?
2. If Question 1 is to be answered in the affirmative: Under what conditions does the element of design constitute a defeat device in such a case?
3. Can a circuit or controller in a vehicle, which, by modulating the parameters of the combustion process, increases emissions of a certain harmful substance, such as nitrogen oxide, while at the same time reducing emissions of one or more other harmful substances, such as particulates, hydrocarbons, carbon monoxide, methane and/or carbon dioxide, be prohibited under European law from other points of view than that of the presence of a defeat device within the meaning of Article 3(10) of Regulation No 715/2007?
4. If Question 3 is to be answered in the affirmative: Under what conditions is this the case?
5. If Question 1 is to be answered in the affirmative: Under point (a) of the second sentence of Article 5(2) of Regulation No 715/2007 is a defeat device within the meaning of Article 3(10) of that regulation permitted even if, although it is not needed to protect the engine against damage or accident, it is nevertheless needed for the safe operation of the vehicle?