

**Parties to the main proceedings**

*Applicant:* Susana Natividad Martínez Álvarez

*Defendant:* Consejería de la Presidencia, Justicia e Igualdad del Principado de Asturias

**Question referred**

Is Article 7(1) of Directive 2003/88/EC<sup>(1)</sup> of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, read in relation to Article 31(2) of the Charter of Fundamental Rights of the European Union, to be interpreted as precluding a domestic provision (such as Article 502(4) of the Ley Orgánica del Poder Judicial 6/1985 of 1 July) which provides that when temporary incapacity for work arises during leave which has already started, the leave can be deemed interrupted only if such incapacity involves admission to hospital, thus excluding other situations of incapacity, in which there would be no right to take the leave at a later date?

<sup>(1)</sup> OJ 2003 L 299, p. 9.

**Reference for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 2 May 2011 — Georg Köck v Schutzverband gegen unlauteren Wettbewerb**

(Case C-206/11)

(2011/C 226/20)

*Language of the case:* German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Appellant:* Georg Köck

*Respondent:* Schutzverband gegen unlauteren Wettbewerb

**Question referred**

Do Articles 3(1) and 5(5) of Directive 2005/29/EC<sup>(1)</sup> of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) or other provisions of that directive preclude a national provision under which the announcement of a clearance sale without the authorisation of the competent administrative authority is not permitted and for that reason must be prohibited in court

proceedings, without it being necessary in those proceedings for the court to consider whether such a commercial practice is misleading, aggressive or otherwise unfair?

<sup>(1)</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance) (OJ 2005 L 149, p. 22).

**Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 9 May 2011 — Jyske Bank Gibraltar Limited v Administración del Estado**

(Case C-212/11)

(2011/C 226/21)

*Language of the case:* Spanish

**Referring court**

Tribunal Supremo

**Parties to the main proceedings**

*Applicant:* Jyske Bank Gibraltar Limited

*Defendant:* Administración del Estado

**Question referred**

Does Article 22(2) of Directive 2005/60/EC<sup>(1)</sup> of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing permit a Member State to make it a mandatory requirement that the information which must be provided by credit institutions operating in its territory without a permanent establishment be forwarded directly to its own authorities responsible for the prevention of money laundering, or, on the other hand, must the request for information be directed to the Financial Intelligence Unit of the Member State in whose territory the addressee institution is situated?

<sup>(1)</sup> OJ 2005 L 309, p. 15.

**Action brought on 10 May 2011 — European Commission v French Republic**

(Case C-216/11)

(2011/C 226/22)

*Language of the case:* French

**Parties**

*Applicant:* European Commission (represented by: W. Mölls and O. Beynet, Agents)