

Question referred

Where an in-house transport service is supplied by a travel agent within the framework of an all-inclusive price which is charged to a tourist for a tourist service supplied to him that is taxed under Articles 306 to 310 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, ⁽¹⁾ which lay down a special VAT scheme for travel agents, is that in-house transport service taxable — as a necessary element for the supply of that tourist service — at the standard rate of tax applicable to tourist services, or at the reduced rate of tax applicable to passenger transport services under Article 98 of that directive, in conjunction with point 5 of Annex III thereto?

⁽¹⁾ OJ 2006 L 347, p. 1.

Reference for a preliminary ruling from the Commissione tributaria provinciale di Parma (Italy) lodged on 7 November 2011 — Danilo Debiasi v Agenzia delle Entrate — Ufficio di Parma

(Case C-560/11)

(2012/C 25/64)

Language of the case: Italian

Referring court

Commissione tributaria provinciale di Parma

Parties to the main proceedings

Applicant: Danilo Debiasi

Defendant: Agenzia delle Entrate — Ufficio di Parma

Question referred

Is there a conflict between national legislation and Community law, in particular between, on the one hand, Articles 19(5) and 19a of Presidential Decree No 633/72 and, on the other, Article 17(2)(a) of Directive 77/388/EEC, ⁽¹⁾ document COM (2001) 260 final of 23 May 2001 and document COM (2000) 348 final of 7 June 2000, and ‘unequal treatment’ as regards the VAT rules applied by the various Member States of the European Union, given that different rates of VAT are applied to the same healthcare services?

⁽¹⁾ OJ 1977 L 145, p. 1.

Reference for a preliminary ruling from the Juzgado de lo Mercantil de Alicante (Spain) lodged on 8 November 2011 — Fédération Cynologique Internationale v Federación Canina Internacional de Perros de Pura Raza

(Case C-561/11)

(2012/C 25/65)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil de Alicante

Parties to the main proceedings

Applicant: Fédération Cynologique Internationale

Defendant: Federación Canina Internacional de Perros de Pura Raza

Question referred

In proceedings for infringement of the exclusive right conferred by a Community trade mark, does the right to prevent the use thereof by third parties in the course of trade provided for in Article 9(1) of Council Regulation (EC) No 207/2009 ⁽¹⁾ of 26 February 2009 on the Community trade mark extend to any third party who uses a sign that involves a likelihood of confusion (because it is similar to the Community trade mark and the services or goods are similar) or, on the contrary, is the third party who uses that sign (capable of being confused) which has been registered in his name as a Community trade mark excluded until such time as that subsequent trade mark registration has been declared invalid?

⁽¹⁾ OJ 2009 L 78, p. 1.

Reference for a preliminary ruling from Tribunalul Sibiu (Romania) lodged on 10 November 2011 — Mariana Irimie v Administrația Finanțelor Publice Sibiu, Administrația Fondului pentru Mediu

(Case C-565/11)

(2012/C 25/66)

Language of the case: Romanian

Referring court

Tribunalul Sibiu

Parties to the main proceedings

Applicant: Mariana Irimie

Defendants: Administrația Finanțelor Publice Sibiu, Administrația Fondului pentru Mediu

Question referred

Can the principle of the effectiveness, equivalence and proportionality of remedies in relation to infringements of Community law to which individuals are subjected as the result of the application of legislation which does not conform to Community law arising from the case-law of the Court of Justice of the European Union and the right to property laid down in Article 6 of the Treaty on the Functioning of the European Union and Article 17 of the Charter of Fundamental Rights of the European Union be regarded as precluding provisions of national law which limit the amount of damage which could be recovered by an individual who has suffered an infringement of his rights?