

**Parties to the main proceedings**

*Appellant on a point of law:* T-Mobile Austria GmbH

*Respondent on a point of law:* Verein für Konsumenteninformation

**Questions referred**

1. Is Article 52(3) of Directive 2007/64/EC <sup>(1)</sup> to be interpreted as meaning that it is also applicable to the contractual relationship between a mobile phone operator, as payee, and that operator's private customer (the consumer), as payer?
2. Are a cash payment form signed by the payer in person and/or the procedure for ordering transfers based on a signed cash payment form and the agreed procedure for ordering transfers through online banking (telebanking) to be regarded as 'payment instruments' within the meaning of Article 4.23 and Article 52(3) of Directive 2007/64/EC?
3. Is Article 52(3) of Directive 2007/64/EC to be interpreted as precluding the application of provisions of national law which prohibit a payee from levying charges in general and from levying different charges for different payment instruments in particular?

<sup>(1)</sup> Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market, amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ 2007 L 319, p. 1).

**Reference for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 5 December 2011 — Staatssecretaris van Financiën v Pactor Vastgoed BV**

(Case C-622/11)

(2012/C 73/27)

*Language of the case:* Dutch

**Referring court**

Hoge Raad der Nederlanden

**Parties to the main proceedings**

*Appellant:* Staatssecretaris van Financiën

*Respondent:* Pactor Vastgoed BV

**Question referred**

Does the Sixth Directive <sup>(1)</sup> allow, in the event that the VAT initially deducted in accordance with Article 20 of the Sixth Directive is adjusted in such a way that the amount of the deduction must be reimbursed in full or in part, that amount to be charged to a person other than the taxable person who applied the deduction in the past, in particular — as is the case when Article 12a of the Wet (op de omzetbelasting 1968) (Law on turnover tax 1968) is applied — to a person to whom a property has been supplied by that taxable person?

<sup>(1)</sup> Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

**Reference for a preliminary ruling from the High Court of Ireland (Ireland) made on 9 December 2011 — Anglo Irish Bank Corporation Ltd v Quinn Investments Sweden AB and others**

(Case C-634/11)

(2012/C 73/28)

*Language of the case:* English

**Referring court**

High Court of Ireland

**Parties to the main proceedings**

*Applicant:* Anglo Irish Bank Corporation Ltd

*Defendants:* Quinn Investments Sweden AB, Sean Quinn, Ciara Quinn, Collette Quinn, Sean Quinn Junior, Brenda Quinn, Aoife Quinn, Stephen Kelly, Peter Darragh Quinn, Niall McPartland Indian Trust AB

**Questions referred**

1. The within reference concerns Article 28 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters <sup>(1)</sup> ('Council Regulation (EC) No 44/2001') ('Article 28') and the procedures to be adopted by a national court (the courts of 'State A') in adjudicating upon an objection under Article 28 to the jurisdiction of that court to hear and determine a set of proceedings ('the third proceedings') in circumstances where the courts of State A are:-