

Parties to the main proceedings

Appellant: SKP, k.s.

Respondent: Ján Bríla

Questions referred

1. Are Article 38 of the Charter of Fundamental Rights of the European Union and Articles 6(1) and 7(1) of Council Directive 93/13/EEC⁽¹⁾ of 5 April 1993 on unfair terms in consumer contracts to be interpreted as precluding legislation of a Member State, such as that at issue in this case, preventing a national court, when adjudicating, on the application of a supplier, on a time-barred claim against a consumer from taking limitation of the action into account of its own motion, even when unfair contract terms are being enforced against the consumer?
2. If the answer to the first question is in the negative, are Articles 6(1) and 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts to be interpreted as meaning that the court must, of its own motion, advise the consumer as to his right to argue that the creditor's claim is time-barred?

⁽¹⁾ OJ 1993 L 95, p. 29

Reference for a preliminary ruling from the Okresný súd Svidník (Slovakia) lodged on 19 October 2012 — Pohotovosť, s.r.o. v Miroslav Vašuta

(Case C-470/12)

(2013/C 46/21)

Language of the case: Slovak

Referring court

Okresný súd Svidník

Parties to the main proceedings

Applicant: Pohotovosť, s.r.o.

Defendant: Miroslav Vašuta

Questions referred

1. Are Articles 6(1), 7(1) and 8 of Council Directive 93/13/EEC⁽¹⁾ on unfair terms in consumer contracts and Article 47 of the Charter of Fundamental Rights of the

European Union, in conjunction with Article 38 thereof, to be interpreted as precluding national legislation such as Paragraph 37(1) and (3) of the Exekučný poriadok, which does not allow a consumer protection association to intervene in enforcement proceedings?

2. Where the answer to the first question is that that legislation does not conflict with Community law, is Paragraph 37(1) and (3) of the Exekučný poriadok to be interpreted as not precluding the national court from granting a consumer protection association leave to intervene in enforcement proceedings in accordance with Articles 6(1), 7(1) and 8 [of Council Directive 93/13/EEC]?

⁽¹⁾ OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Landesgericht Salzburg (Austria) lodged on 9 November 2012 — Walter Vapenik v Josef Thurner

(Case C-508/12)

(2013/C 46/22)

Language of the case: German

Referring court

Landesgericht Salzburg

Parties to the main proceedings

Applicant: Walter Vapenik

Defendant: Josef Thurner

Question referred

Is Article 6(1)(d) of Regulation (EC) No 805/2004⁽¹⁾ to be interpreted as applying only to contracts between business persons as creditors and consumers as debtors, or is it sufficient for at least the debtor to be the consumer for the provision also to apply to claims of a consumer against another consumer?

⁽¹⁾ Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (OJ 2004 L 143, p. 15)