

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 18 November 2013 — Coty Germany GmbH v Stadtparkasse Magdeburg

(Case C-580/13)

(2014/C 31/04)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Coty Germany GmbH

Defendant: Stadtparkasse Magdeburg

Question referred

Must Article 8(3)(e) of Directive 2004/48/EC⁽¹⁾ be interpreted as precluding a national provision which, in a case such as that in the main proceedings, allows a banking institution to refuse, by invoking banking secrecy, to provide information pursuant to Article 8(1)(c) of that directive concerning the name and address of an account holder?

⁽¹⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ 2004 L 157, p. 45).

Request for a preliminary ruling from the Cour de cassation (France) lodged on 19 November 2013 — Directeur général des finances publiques, Mapfre Warranty SpA v Mapfre asistencia compania internacional de seguros y reaseguros, Directeur général des finances publiques

(Case C-584/13)

(2014/C 31/05)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Appellants: Directeur général des finances publiques, Mapfre Warranty SpA

Respondents: Mapfre asistencia compania internacional de seguros y reaseguros, Directeur général des finances publiques

Question referred

Must Article 2 and Article 13(B)(a) of the Sixth Council Directive 77/388/EEC⁽¹⁾ of 17 May 1977 be interpreted as meaning that the service whereby an economic operator which is independent of a second-hand motor vehicle dealer provides, in return for payment of a lump sum, a warranty covering mechanical breakdowns which may affect certain parts of the second-hand vehicle falls within the category of insurance transactions exempt from value added tax or, on the contrary, as meaning that such a supply falls within the category of 'supply of services'?

⁽¹⁾ 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).

Request for a preliminary ruling from the Juzgado de Primera Instancia No 2 de Santander (Spain) lodged on 25 November 2013 — Banco Bilbao Vizcaya Argentaria, S.A. v Fernando Quintano Ujeta and María Isabel Sánchez García

(Case C-602/13)

(2014/C 31/06)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 2 de Santander

Parties to the main proceedings

Applicant: Banco Bilbao Vizcaya Argentaria, S.A.

Defendants: Fernando Quintano Ujeta and María Isabel Sánchez García

Questions referred

1. Under Council Directive 93/13/EEC⁽¹⁾ of 5 April 1993 on unfair terms in consumer contracts, and in particular Articles 6(1) and 7(1) thereof, and in order to ensure the protection of consumers and users in accordance with the principles of equivalence and effectiveness[,] must a national court, when it finds there to be an unfair contractual clause concerning default interest, declare that as a consequence any type of default interest is invalid, even that which may result from the subsidiary application of a national provision such as Article 1108 of the Civil Code, the Second Transitional Provision of Law No 1/2013, in conjunction with Article 114 of the Law on mortgages, or Article 4 of Royal Decree-Law No 6/2012, and regard itself as not being bound by any recalculation which the professional may have carried out in accordance with the Second Transitional Provision of Law No 1/13?