

Request for a preliminary ruling from the Bundesfinanzgericht — Außenstelle Linz (Austria) lodged on 6 November 2014 — Dilly's Wellnesshotel GmbH

(Case C-493/14)

(2015/C 046/26)

Language of the case: German

Referring court

Bundesfinanzgericht — Außenstelle Linz

Parties to the main proceedings

Appellant: Dilly's Wellnesshotel GmbH

Respondent authority: Finanzamt Linz

Questions referred

1. Is EU law infringed if an aid scheme makes use of the special procedure under Regulation (EC) No 800/2008 ('GBER') ⁽¹⁾ in accordance with Article 25 in order to be exempt from the obligation to notify under Article 108(3) TFEU, but does not comply with various obligations of Chapter I of the GBER and, moreover, does not make any reference to the GBER?
2. Is EU law infringed if an aid scheme is based on the special procedure of the GBER which is applicable to environmental aid in accordance with Article 25 but the requirements laid down in Chapter II — namely the promotion of environmental protection measures and energy-saving measures under Article 17(1) GBER — are not satisfied?
3. Does EU law preclude national rules which contain no temporal restriction and also no reference to the period stated in the exemption notice, with the result that the limitation of the energy tax refund to 10 years, required in Article 25(3) GBER, is to be inferred only from the exemption notice?

⁽¹⁾ Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation), OJ 2008 L 214, p. 3.

Request for a preliminary ruling from the Tribunalul Sibiu (Romania) lodged on 6 November 2014 — The Romanian State v Tamara Văraru and Consiliul Național pentru Combaterea Discriminării

(Case C-496/14)

(2015/C 046/27)

Language of the case: Romanian

Referring court

Tribunalul Sibiu

Parties to the main proceedings

Appellant: The Romanian State, represented by the Administrația Județeană a Finanțelor Publice Sibiu in the name and on behalf of the Ministerul Finanțelor Publice

Respondents: Tamara Văraru and Consiliul Național pentru Combaterea Discriminării

Question referred

Are Article 6 of the Treaty on European Union, Articles 20, 21(1), 24(1), 34(1) and (2) and 52 of the Charter of Fundamental Rights of the European Union and Article 4 of Regulation (EC) No 883/2004 on the coordination of social security systems ⁽¹⁾ to be interpreted as precluding national legislation, such as Ordonanță de Urgență a Guvernului No 111/2010, which provides that the second-born, third-born and so on of multiple births, the first-born of multiple births and children born as single births are to be treated differently?

⁽¹⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland) (OJ 2004 L 166, p. 1).

**Request for a preliminary ruling from the Tribunale ordinario di Torino (Italy) lodged on
10 November 2014 — Ford Motor Company v Wheeltrims srl**

(Case C-500/14)

(2015/C 046/28)

Language of the case: Italian

Referring court

Tribunale ordinario di Torino

Parties to the main proceedings

Applicant: Ford Motor Company

Defendant: Wheeltrims srl

Questions referred

- 1) Is it compatible with [EU] law to interpret Article 14 of Directive 98/71 ⁽¹⁾ and Article 110 of Regulation (EC) No 6/2002 ⁽²⁾ as conferring on producers of replacement parts and accessories the right to use trade marks registered by third parties in order to allow the end purchaser to restore the original appearance of a complex product and, therefore, also when the proprietor of the trade mark applies the distinctive sign in question to a replacement part or accessory intended to be mounted on the complex product in such a way that it is externally visible and thus contributes to the external appearance of the complex product?
- 2) Is the repair clause set out in Article 14 of Directive 98/71 and Article 110 of Regulation (EC) No 6/2002 to be interpreted as constituting a subjective right for third-party producers of replacement parts and accessories and, if so, does that subjective right include the right for such third parties to use the trade mark registered by another party in respect of replacement parts and accessories, by way of derogation from the rules laid down in Regulation No 207/2009 ⁽³⁾ and Directive (EEC) 89/104 ⁽⁴⁾ and, therefore, when the proprietor of the trade mark also applies the distinctive sign in question to a replacement part or accessory intended to be mounted on the complex product in such a way that it is externally visible and thus contributes to the external appearance of the complex product?

⁽¹⁾ Directive 98/71/EC of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ 1998 L 289, p. 28).

⁽²⁾ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ 2002 L 3, p. 1).

⁽³⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

⁽⁴⁾ First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1).
