

Question referred

Is Article 61(1) and (4) of Regulation 2018/858, ⁽¹⁾ read in conjunction with point 2.9 of Annex X thereto, which obliges the vehicle manufacturer, for the purpose of vehicle OBD, diagnostics, repair and maintenance, to make the direct vehicle data stream available through the serial data port on the standardised data link connector, also taking into account the requirements imposed on the vehicle manufacturer to guarantee the general safety of the vehicle in Item 63 of Part 1 of Annex II to that regulation

— read in conjunction with Regulation No 661/2009 ⁽²⁾ as regards vehicles type-approved prior to 6 July 2022, in particular Article 5(1) thereof, and

— read in conjunction with Regulation 2019/2144, ⁽³⁾ applicable as of 6 July 2022, and in particular Article 4(4) and (5) thereof,

to be interpreted as meaning that the vehicle manufacturer must always ensure, including when implementing relevant safety measures, that the vehicle OBD, diagnostics, repair and maintenance, including the write operations necessary for these purposes, can be carried out by independent repairers using a universal and generic diagnostic tool, without any need to meet requirements, not expressly stipulated in the regulation, for the device to have an internet connection to a server designated by the manufacturer and/or for the user to have personally registered with the vehicle manufacturer beforehand?

⁽¹⁾ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ 2018 L 151, p. 1).

⁽²⁾ Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ 2009 L 200, p. 1).

⁽³⁾ Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ 2019 L 325, p. 1).

Request for a preliminary ruling from the Kammergericht Berlin (Germany) lodged on 10 May 2022 — PM v Senatsverwaltung für Justiz, Vielfalt und Antidiskriminierung

(Case C-304/22)

(2022/C 318/36)

Language of the case: German

Referring court

Kammergericht Berlin

Parties to the main proceedings

Applicant: PM

Defendant: Senatsverwaltung für Justiz, Vielfalt und Antidiskriminierung

Other party to the proceedings: CM

Questions referred

The following questions concerning the interpretation of Article 1(1)(a), Article 2, point 4, Article 21(1) and Article 46 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000⁽¹⁾ are referred for a preliminary ruling:

1. Is a divorce on the basis of Articles 82, 87, 89 and 90 of the Código Civil (Spanish Civil Code) a divorce within the meaning of the Brussels IIa Regulation?
2. If the first question is answered in the negative: Is a divorce on the basis of Articles 82, 87, 89 and 90 of the Spanish Civil Code to be treated in accordance with the rule contained in Article 46 of the Brussels IIa Regulation regarding authentic instruments and agreements?

⁽¹⁾ OJ 2003 L 338, p. 1; 'the Brussels IIa Regulation'.

Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy-Śródmieścia w Warszawie (Poland) lodged on 5 May 2022 — ZL, KU, KM v Provident Polska S.A.

(Case C-321/22)

(2022/C 318/37)

Language of the case: Polish

Referring court

Sąd Rejonowy dla Warszawy-Śródmieścia w Warszawie

Parties to the main proceedings

Applicants and counter-defendants: ZL, KU, KM

Defendant and counter-applicant: Provident Polska S.A.

Questions referred

1. Must Article 3(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts⁽¹⁾ be interpreted as permitting a contractual term which grants a seller or supplier a fee or commission that is disproportionately high in relation to the service offered to be regarded as an unfair contractual term?
2. Must Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts and the principle of effectiveness be interpreted as precluding provisions of national law or a judicial interpretation of those provisions under which the consumer must have a legal interest in order for an action brought by the consumer against a seller or supplier for a declaration that a contract or part thereof that contains unfair terms is void or ineffective to be upheld?
3. Must Article 6(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts as well as the principles of effectiveness, proportionality and legal certainty be interpreted as permitting the finding that a loan agreement whose sole term which provides for the manner of loan repayment has been found to be unfair must not continue in force after that term has been excluded therefrom and is therefore void?

⁽¹⁾ OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie (Poland) lodged on 13 May 2022 — Z. sp. z o.o. v A. S.A.

(Case C-326/22)

(2022/C 318/38)

Language of the case: Polish

Referring court

Sąd Rejonowy dla m.st. Warszawy w Warszawie