Questions referred

1. Is it compatible with European Union law for mandatory obligations of secrecy which are incumbent on the national authorities responsible for supervising financial services undertakings and which are based on relevant acts of European Union law (in this case, Directive 2004/109/EC, [1] Directive 2006/48/EC [2] and Directive 2009/65/EC [3]) and have been transposed accordingly into national law, as in the Federal Republic of Germany by Paragraph 9 of the Kreditwesengesetz (Law on the Activities of Credit Institutions) and Paragraph 8 of the Wertpapierhandelsgesetz (Law on Securities Trading), to be capable of being breached by the application and interpretation of a provision of national procedural law such as Paragraph 99 of the VwGO?

2. Can a supervisory authority such as the German Bundesanstalt für Finanzdienstleistungsaufsicht (Federal Office for the Supervision of Financial Services) rely, as against a person who has applied to it under the German national Law on Freedom of Information for access to information concerning a particular financial services provider, on obligations of secrecy incumbent upon it inter alia under European Union law, as laid down in Paragraph 9 of the Kreditwesengesetz and Paragraph 8 of the Wertpapierhandelsgesetz, even in circumstances where the essential business concept of the company which offered financial services but has since been dissolved on grounds of insolvency and is in liquidation consisted in large-scale investment fraud and the wilful harming of investors' interests and the responsible executives of the company have been sentenced by final judgment to terms of several years' imprisonment?

[1] Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ 2004 L 390, p. 38).

[2] Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast) (Text with EEA relevance) (OJ 2006 L 177, p. 1).

[3] Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (Text with EEA relevance) (OJ 2009 L 302, p. 32).

Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on 26 March 2013 — Nickel & Goeldner Spedition GmbH v Kintra UAB, in liquidation

(Case C-157/13)

(2013/C 156/36)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellant on a point of law: Nickel & Goeldner Spedition GmbH

Respondent on a point of law: Kintra UAB, in liquidation

Questions referred

1. Where an action is brought by an insolvency administrator, acting in the interests of all the creditors of the undertaking and seeking to restore the undertaking's solvency and to increase the amount of the assets of the insolvent undertaking so that as many creditors' claims as possible may be satisfied — whilst it should be noted that the same effects are also sought, for instance, by an insolvency administrator's actions to set transactions aside (*actio Pauliana*), which have been recognised as closely connected with the insolvency proceedings — and given the fact that in the case at issue payment of a sum owed is claimed under the CMR Convention and the Lithuanian Civil Code (general provisions of civil law) for the international carriage of goods that was performed, is that action to be considered to be connected closely (by direct link) with the claimant's insolvency proceedings, must jurisdiction to hear it be determined in accordance with the rules of Regulation No 1346/2000 [1] and does it fall within the exception to application of Regulation No 44/2001? [2]

2. In the event that the first question is answered in the affirmative, the Lietuvos Aukščiausiasis Teismas requests the Court to explain whether, where the obligation at issue (the defendant's obligation, based on the improper performance of its contractual obligations, to pay the sum owed and default interest to the insolvent claimant for the international carriage of goods) has arisen prior to the opening of insolvency proceedings in respect of the claimant, Article 44(3)(a) of Regulation No 1346/2000 must be relied upon and this regulation is inapplicable because jurisdiction over the case is established in accordance with Article 31 of the CMR Convention, as provisions of a specialised convention.

3. In the event that the first question is answered in the negative and the dispute under consideration falls within the scope of Regulation No 44/2001, the Lietuvos Aukščiausiasis Teismas requests the Court to explain whether, in the present instance, inasmuch as Article 31(1) of the CMR Convention and Article 2(1) of Regulation No 44/2001 do not conflict with each other, it should be considered that, upon placing the relations at issue within the scope of the CMR Convention (the specialised convention), the legal rules in Article 31 of the CMR Convention are to be applied when establishing which State's courts have jurisdiction over the action under consideration, if the legal rules in Article 31(1) of the CMR Convention do

not run counter to the fundamental objectives of Regulation No 44/2001, do not lead to results which are less favourable for achieving sound operation of the internal market and are sufficiently clear and precise.

(1) Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings (OJ 2000 L 160, p. 1).
(2) Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije (Slovenia) lodged on 29 March 2013 — Damijan Vnuk v Zavarovalnica Triglav d. d.

(Case C-162/13)

(2013/C 156/37)

Language of the case: Slovenian

Referring court

Vrhovno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: Damijan Vnuk

Defendant: Zavarovalnica Triglav d. d.

Question referred

Must the concept of 'the use of vehicles' within the meaning of Article 3(1) of Council Directive 72/166/EEC (1) of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, be interpreted as not extending to the circumstances of the present case, in which the person insured by the defendant struck the applicant's ladder with a tractor towing a trailer while hay was being stored in a hayloft, on the basis that the incident did not occur in the context of a road traffic accident?

(1) OJ 1972 L 103, p. 1.

Request for a preliminary ruling from the Conseil Constitutionnel (France) lodged on 4 April 2013 — Jeremy F. v Premier ministre

(Case C-168/13)

(2013/C 156/38)

Language of the case: French

Referring court

Conseil Constitutionnel

Parties to the main proceedings

Applicant: Jeremy F.

Defendant: Premier ministre

Question referred

Must Articles 27 and 28 of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (1) be interpreted as precluding the Member States from providing for an appeal suspending execution of the decision of the judicial authority which rules, within a period of 30 days from receipt of the request, in order either to consent to the prosecution, sentencing or detention of a person with a view to the carrying out of a custodial sentence or detention order for an offence committed prior to his surrender pursuant to a European arrest warrant, other than that for which he was surrendered, or to consent to the surrender of a person to a Member State other than the executing Member State pursuant to a European arrest warrant issued for an offence committed prior to his surrender?

(1) OJ 2002 L 190, p. 1.

Request for a preliminary ruling from the Riigikohus (Estonia) lodged on 28 March 2013 — MTÜ Liivimaa Lihaveis v Eesti-Läti programmi 2007-2013 Seirekomitee

(Case C-175/13)

(2013/C 156/39)

Language of the case: Estonian

Referring court

Riigikohus (Estonia)

Parties to the main proceedings

Applicant and appellant: MTÜ Liivimaa Lihaveis

Defendant and respondent: Eesti-Läti programmi 2007-2013 Seirekomitee

Intervener: Eesti Vabariigi Siseministeerium

Questions referred

2.1 Are the Member States taking part in the Estonia-Latvia Programme 2007-2013, when setting up the monitoring committee referred to in Articles 63(1) of Council Regulation (EC) No 1083/2006 of 11 July 2006 (1) and Article 14(3) of Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006, (2) required, in accordance with the third sentence of Article 19(1) of