

Request for a preliminary ruling from the Oberlandesgericht Wien (Austria) lodged on 25 April 2022 — G.K., B.O.D. GmbH, S.L.

(Case C-281/22)

(2022/C 318/32)

Language of the case: German

Referring court

Oberlandesgericht Wien

Parties to the main proceedings

Accused and appellant: G.K., B.O.D. GmbH, S.L.

Other party to the proceedings: Austrian European Delegated Prosecutor

Questions referred

1. Must EU law, in particular the first subparagraph of Article 31(3) and Article 32 of Council Regulation (EU) 2017/1939 of 12 October 2017 concerning the implementation of enhanced cooperation with a view to the establishment of a European Public Prosecutor's Office (EPPO), ⁽¹⁾ be interpreted as meaning that, in the case of cross-border investigations in the event that a court must approve a measure to be carried out in the Member State of the supporting European Delegated Prosecutor, all material aspects, such as criminal liability, suspicion of a criminal offence, necessity and proportionality, must be examined?
2. Should the examination take into account whether the admissibility of the measure has already been examined by a court in the Member State of the European Delegated Prosecutor handling the case on the basis of the law of that Member State?
3. In the event that the first question is answered in the negative and/or the second question in the affirmative, to what extent must a judicial review take place in the Member State of the supporting European Delegated Prosecutor?

⁽¹⁾ OJ 2017 L 283, p. 1.

Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on 3 May 2022 — YQ, RJ v Getin Noble Bank S.A.

(Case C-287/22)

(2022/C 318/33)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicants: YQ, RJ

Defendant: Getin Noble Bank S.A.

Question referred

In the light of the principles of effectiveness and proportionality, do Article 6(1) and Article 7(1) of Directive 93/13⁽¹⁾ preclude an interpretation of national legislation or of national case-law according to which a national court may, in particular because of a consumer's obligations to settle payments with a seller or supplier or the sound financial situation of the seller or supplier, dismiss a consumer's application for an interim measure (securing of the action) to suspend, during the course of the proceedings, the performance of a contract which is likely to be declared invalid as a result of the removal of the unfair terms from it?

⁽¹⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on 3 May 2022 — NOS-SGPS SA v Autoridade Tributária e Aduaneira

(Case C-290/22)

(2022/C 318/34)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Applicant: NOS-SGPS SA

Defendant: Autoridade Tributária e Aduaneira

Question referred

Does a holding company domiciled in Portugal and governed by the provisions of Decree-Law No 495/88 of 30 December 1988, the sole object of which is to manage shareholdings in companies other than those operating in the insurance sector, fall within the concept of financial institution within the meaning of point (22) of Article 3(1) of Directive 2013/36/EU⁽¹⁾ and point (26) of Article 4(1) of Regulation EU No 575/2013?⁽²⁾

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ 2013 L 176, p. 338).

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1).

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 5 May 2022 — A.T.U. Auto-Teile-Unger GmbH & Co. KG and Carglass GmbH v FCA Italy SpA

(Case C-296/22)

(2022/C 318/35)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicants: A.T.U. Auto-Teile-Unger GmbH & Co. KG, Carglass GmbH

Defendant: FCA Italy SpA