

**Request for a preliminary ruling from the  
Verwaltungsgerichtshof (Austria) lodged on 24 May 2013  
— T-Mobile Austria GmbH v Telekom-Control-  
Kommission**

(Case C-282/13)

(2013/C 260/35)

*Language of the case: German*

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Appellant:* T-Mobile Austria GmbH

*Respondent authority:* Telekom-Control-Kommission

*Interveners:* Hutchison 3 G Austria Holdings GmbH, Hutchison 3G Austria GmbH, Orange Austria Telecommunication GmbH, Stubai SCA, Orange Belgium SA, A1 Telekom Austria AG

*Additional party:* Bundesministerium für Verkehr, Innovation und Technologie

**Question referred**

Are Articles 4 and 9b of Directive 2002/21/EC<sup>(1)</sup> of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) and Article 5(6) of Directive 2002/20/EC<sup>(2)</sup> of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) to be interpreted as meaning that they confer on a competitor the status, in a national procedure under Article 5(6) of the Authorisation Directive, of an undertaking which is affected within the meaning of Article 4(1) of the Framework Directive?

<sup>(1)</sup> OJ 2002 L 108, p. 33.

<sup>(2)</sup> OJ 2002 L 108, p. 21, amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (OJ 2009 L 337, p. 37).

**Request for a preliminary ruling from the Finanzgericht  
München (Germany) lodged on 29 May 2013 — Data I/O  
GmbH v Hauptzollamt München**

(Case C-297/13)

(2013/C 260/36)

*Language of the case: German*

**Referring court**

Finanzgericht München

**Parties to the main proceedings**

*Applicant:* Data I/O GmbH

*Defendant:* Hauptzollamt München

**Question referred**

Is note 2(a) to Section XVI<sup>(1)</sup> to be interpreted as meaning that goods that fulfil the conditions both for classification as a part within the meaning of heading 8473 of the Combined Nomenclature (CN) and for classification as individual goods under another heading of Chapter 84 of the CN or a heading of Chapter 85 of the CN are to be classified under the other heading because heading 8473 of the CN does not take precedence over the other headings of Chapter 84 and the headings of Chapter 85 of the CN?

<sup>(1)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1); in the versions as amended by Commission Regulations (EC) Nos 2031/2001 of 6 August 2001 (OJ 2001 L 279, p. 1), 1832/2002 of 1 August 2002 (OJ 2002 L 290, p. 1), 1789/2003 of 11 September 2003 (OJ 2003 L 281, p. 1) and 1810/2004 of 7 September 2004 (OJ 2004 L 327, p. 1).

**Request for a preliminary ruling from the  
Bundesgerichtshof (Germany) lodged on 6 June 2013 —  
Novo Nordisk Pharma GmbH v Corinna Silber**

(Case C-310/13)

(2013/C 260/37)

*Language of the case: German*

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

*Defendant and appellant on a point of law:* Novo Nordisk Pharma GmbH

*Claimant and respondent in the appeal on a point of law:* Corinna Silber

**Question referred**

Must Article 13 of Directive 85/374/EEC<sup>(1)</sup> be interpreted as meaning that, as a 'special liability system', the German system of liability for pharmaceutical products is in general not affected by that directive, with the result that the national system of liability for pharmaceutical products may be further developed, or must that provision be interpreted as meaning that no extension is permitted to the situations covered by the liability system for pharmaceutical products existing at the point in time at which the directive was notified (30 July 1985)?

<sup>(1)</sup> Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (OJ 1985 L 210, p. 29).