

## Parties to the main proceedings

*Applicant:* Google Ireland Limited

*Defendant:* Autorità per le Garanzie nelle Comunicazioni

## Questions referred

1. Does EU law preclude the application of national provisions, such as Article 1(515), (516) and (517) of legge 30 dicembre 2020, n. 178 (Law No 178 of 30 December 2020), which impose additional administrative and financial obligations on operators established in another European country but operating in Italy, such as the obligation to be entered in a special register and to pay a financial contribution? Specifically, do such national provisions infringe Article 3 of the Directive on electronic commerce (Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 <sup>(1)</sup>) under which a provider of information society services — in this case Google Ireland Limited — is subject exclusively to the legislation (...) of the Member State in which the service provider is established?
2. Does EU law preclude the application of national provisions, such as Article 1(515), (516) and (517) of Law No 178 of 30 December 2020, which impose additional administrative and financial obligations on operators established in another European country? Specifically, does the principle of freedom to provide services enshrined in Article 56 [TFEU], as well as similar principles that can be inferred from Directives 2006/123/EC <sup>(2)</sup> and 2000/31/EC, preclude a national measure that places, on intermediaries operating in Italy but not established there, additional obligations to those envisaged in the country of origin for the pursuit of the same activity?
3. Does EU law, and in particular Directive (EU) 2015/1535, <sup>(3)</sup> require the Italian State to notify the Commission of the introduction of the obligation to be entered in the RCO, imposed on providers of online intermediation services and providers of online search engines? Specifically, must the second indent of Article 3(4)(b) of Directive 2000/31 be interpreted as meaning that a private individual, established in a Member State other than Italy, may object to measures adopted by the Italian legislature (under Article 1(515), (516), (517) of Law No 178 of 30 December 2020) that are liable to restrict the free movement of an information society service, when those measures were not notified in accordance with that provision?
4. Does Regulation (EU) 2019/1150, <sup>(4)</sup> and in particular Article 15 thereof, as well as the principle of proportionality, preclude legislation of a Member State or a measure adopted by an independent national authority requiring providers of online intermediation services operating in a Member State to be entered in the RCO, which gives rise to a series of formal and procedural obligations, obligations to pay contributions and restrictions on earning profits in excess of a certain amount?

<sup>(1)</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ 2000 L 178, p. 1).

<sup>(2)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

<sup>(3)</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015 L 241, p. 1).

<sup>(4)</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ 2019 L 186, p. 57).

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)  
lodged on 21 October 2022 — Amazon Services Europe SARL v Autorità per le Garanzie nelle  
Comunicazioni**

**(Case C-665/22)**

(2023/C 63/21)

*Language of the case: Italian*

## Referring court

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Amazon Services Europe SARL

*Defendant:* Autorità per le Garanzie nelle Comunicazioni

**Questions referred**

1. Does Regulation (EU) 2019/1150 <sup>(1)</sup> preclude a national provision that, for the specific purpose of ensuring the adequate and effective implementation of that regulation, including by gathering relevant information, requires providers of online intermediation services and providers of online search engines to regularly communicate relevant information about their revenue?
2. On the basis of Regulation 2019/1150, can the information required in the context of the Economic System Information, mainly relating to revenue earned, be considered relevant and instrumental for the objective pursued by that regulation?
3. Does Directive (EU) 2015/1535 <sup>(2)</sup> require Member States to notify the Commission of measures requiring providers of online intermediation services and providers of online search engines to submit a report containing relevant information about their revenue, non-compliance with which gives rise to a fine? If so, does the directive allow a private individual to object to measures not notified to the Commission being applied to him or her?
4. Does Article 3 of Directive 2000/31/EC <sup>(3)</sup> preclude the adoption by national authorities of provisions that, in order to implement Regulation 2019/1150, lay down additional administrative and financial obligations for operators, established in another European country but operating in Italy, such as the communication of a report containing relevant information about their revenue, non-compliance with which gives rise to a fine?
5. Does the principle of freedom to provide services enshrined in Article 56 TFEU and Article 16 of Directive 2006/123/EC <sup>(4)</sup> and Directive 2000/31 preclude the adoption by national authorities of provisions that, in order to implement Regulation 2019/1150, lay down additional administrative and financial obligations for operators established in another European country, such as the submission of a report containing relevant information about their revenue, non-compliance with which gives rise to a fine?
6. Does Article 3(4)(b) of Directive 2000/31/EC require Member States to notify the Commission of measures requiring providers of online intermediation services and providers of online search engines to submit a report containing relevant information about their revenue, non-compliance with which gives rise to a fine? If so, does the directive allow a private individual to object to measures not notified to the Commission being applied to him or her?

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<sup>(1)</sup> Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ 2019 L 186, p. 57).

<sup>(2)</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ 2015 L 241, p. 1).

<sup>(3)</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ 2000 L 178, p. 1).

<sup>(4)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

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**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)  
lodged on 21 October 2022 — Eg Vacation Rentals Ireland Limited v Autorità per le Garanzie nelle  
Comunicazioni**

**(Case C-666/22)**

(2023/C 63/22)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio