

**Request for a preliminary ruling from the Audiencia provincial de Tarragona, Sección cuarta (Spain)
lodged on 14 April 2016 — Ministerio Fiscal**

(Case C-207/16)

(2016/C 251/09)

Language of the case: Spanish

Referring court

Audiencia provincial de Tarragona, Sección cuarta

Party to the main proceedings

Ministerio Fiscal

Questions referred

1. Can the sufficient seriousness of offences, as a criterion which justifies interference with the fundamental rights recognised by Articles 7 and 8 of the Charter, ⁽¹⁾ be determined taking into account only the sentence which may be imposed in respect of the offence investigated, or is it also necessary to identify in the criminal conduct particular levels of harm to individual and/or collective legally-protected interests?
2. If it were in accordance with the constitutional principles of the European Union, used by the Court of Justice in its judgment of 8 April 2014 [Joined Cases C-293/12 (*Digital Rights Ireland*) and C-594/12 (*Seitlinger and Others*)] as standards for the strict review of the Directive, ⁽²⁾ to determine the seriousness of the offence solely on the basis of the sentence which may be imposed, what should the minimum threshold be? Would it be compatible with a general provision setting a minimum of three years' imprisonment?

⁽¹⁾ Charter of Fundamental Rights of the European Union (OJ C 326, p. 391).

⁽²⁾ Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54).

**Request for a preliminary ruling from the Commissione Tributaria Provinciale di Torino (Italy)
lodged on 15 April 2016 — Bimotor SpA v Agenzia delle Entrate — Direzione Provinciale II di Torino**

(Case C-211/16)

(2016/C 251/10)

Language of the case: Italian

Referring court

Commissione Tributaria Provinciale di Torino

Parties to the main proceedings

Appellant: Bimotor SpA

Respondent: Agenzia delle Entrate — Direzione Provinciale II di Torino