

3. If the answer to the second question is in the affirmative: When Article 212a of the Customs Code is applied to a case where a customs debt arises under Article 204(1) of the Customs Code, by failure to comply with the time limit pursuant to Article 49(1) of the Customs Code, may an undertaking invoice and an export undertaking certificate within the meaning of Article 3(1)(b) and (c) of Regulation 1238/2013 and Article 2(1)(b) and (c) of Regulation 1239/2013 also be submitted within a time limit set by the customs authorities pursuant to Article 53(1) of the Customs Code?
4. If the answer to the third question is in the affirmative: Does an undertaking invoice pursuant to Article 3(1)(b) of Regulation 1238/2013 and Article 2(1)(b) of Regulation 1239/2013, which refers to Decision 2013/423/EU instead of to Implementing Decision 2013/707/EU, under the conditions of the case in the main proceedings and in consideration of general legal principles, satisfy the conditions in paragraph 9 of Annex III to Regulation 1238/2013 and paragraph 9 of Annex 2 to Regulation 1239/2013?
5. If the answer to the fourth question is in the negative: In the application of Article 212a of the Customs Code to the case when a customs debt arises under Article 204(1) of the Customs Code due to the failure to comply with the time limit pursuant to Article 49(1) of the Customs Code, may an undertaking invoice within the meaning of Article 3(1)(b) of Regulation 1238/2013 and Article 2(1)(b) of Regulation 1239/2013 also still be submitted in the appeal proceedings brought against the determination of customs debt?

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- ⁽¹⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1), as amended by Regulation (EC) No 82/97 of the European Parliament and of the Council of 19 December 1996 (OJ 1997 L 17, p. 1).
- ⁽²⁾ Council Implementing Regulation (EU) No 1238/2013 of 2 December 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 1).
- ⁽³⁾ Council Implementing Regulation (EU) No 1239/2013 of 2 December 2013 imposing a definitive countervailing duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China (OJ 2013 L 325, p. 66).

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)
lodged on 4 May 2018 — Associazione ‘Verdi Ambiente e Società — Aps Onlus’ and Others v
Presidente del Consiglio dei Ministri and Others**

(Case C-305/18)

(2018/C 268/28)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicants: Associazione ‘Verdi Ambiente e Società — Aps Onlus’, VAS — Aps Onlus, Associazione di Promozione Sociale ‘Movimento Legge Rifiuti Zero per l'Economia Circolare’

Defendants: Presidente del Consiglio dei Ministri, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Regione Lazio, Regione Toscana, Regione Lombardia

Questions referred

1. Do Articles 4 and 13 of Directive 2008/98/EC, ⁽¹⁾ in conjunction with recitals 6, 8, 28 and 31 thereof, preclude national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — in so far as only incineration facilities covered by that legislation, in accordance with the indications set out in the annexes and tables of that decree, are classified as strategic infrastructure and installations of major national importance which establish an integrated, modern system for the management of municipal and similar waste and which ensure self-sufficiency, in the interests of national safety, given that the national legislature did not classify installations for the treatment of waste for recycling and re-use purposes in the same way, even though they are two of the leading methods in the waste hierarchy set out in the directive?

In the alternative, if that is not the case, do Articles 4 and 13 of Directive 2008/98/EC preclude national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — in so far as municipal waste incineration facilities are classified as strategic infrastructure and installations of major national importance in order to deal effectively with and avert further infringement proceedings for failure to implement the rules of EU law governing the waste sector, as well as for the purpose of limiting the amount of waste being deposited in landfill?

2. Do Articles 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of Directive 2001/42/EC, ⁽²⁾ also read together, preclude the application of national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — which provides that the President of the Council of Ministers may, by decree, revise upwards the capacity of existing incineration facilities and also determine the number, capacity and regional location of incineration installations with the capacity to recover energy from municipal and similar waste to be constructed to meet the revised residual demand, for the purpose of gradually restoring the socio-economic balance between the various parts of the national territory, in compliance with separate collection and recycling objectives, without that national legislation providing that, at the preparation stage of that plan as described in the Decree of the President of the Council of Ministers, the rules on strategic environmental assessment laid down in Directive 2001/42/EC are to apply?

⁽¹⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ 2008 L 312, p. 3).

⁽²⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30).

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy)
lodged on 7 May 2018 — Lavorgna Srl v Comune di Montelanico and Others**

(Case C-309/18)

(2018/C 268/29)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: Lavorgna Srl