

**Reference for a preliminary ruling from the Tribunale della Spezia (Italy) lodged on 14 May 2012 — Simone Gardella v Istituto nazionale della previdenza sociale (INPS)**

(Case C-233/12)

(2012/C 217/22)

*Language of the case: Italian*

**Referring court**

Tribunale della Spezia

**Parties to the main proceedings**

*Applicant:* Simone Gardella

*Defendant:* Istituto nazionale della previdenza sociale (INPS)

**Questions referred**

1. Must Articles 20, 45, 48 and 145 to 147 of the Treaty on the Functioning of the European Union (TFEU) and Article 15 of the Charter of Fundamental Rights of the European Union (CFEU) be interpreted as precluding national legislation or national administrative practice which do not permit a worker who is a national of a Member State to transfer to the pension scheme of an international body situated in the territory of another Member State of the European Union, where he works and is insured, the pension contributions credited to the social security scheme of his own State, where he was previously insured?
2. As a consequence of the circumstances set out in Question 1, should it be possible to exercise the right to transfer contributions even in the absence of any specific agreement between the Member State of which the worker is a national or the worker's pension institution, on the one hand, and the international body on the other?

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 14 May 2012 — Sky Italia s.r.l. v AGCOM**

(Case C-234/12)

(2012/C 217/23)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Sky Italia s.r.l.

*Defendant:* Autorità per le Garanzie nelle Comunicazioni (AGCOM)

**Questions referred**

1. Must Article 4 of Directive 2010/13/EU, <sup>(1)</sup> the general principle of equality and the rules of the Treaty on the Functioning of the European Union relating to the free movement of services, the right of establishment and the free movement of capital be interpreted as precluding the rules in Article 38(5) of Legislative Decree No 177/2005 which lay down shorter hourly advertising limits for pay-TV broadcasters than for free-to-air broadcasters?
2. Does Article 11 of the Charter of Fundamental Rights of the European Union, interpreted in the light of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights, and does the principle of pluralism in the media, in particular, preclude the rules in Article 38(5) of Legislative Decree No 177/2005 which lay down shorter hourly advertising limits for pay-TV broadcasters than for free-to-air broadcasters, distorting competition and creating — or rather strengthening — dominant positions in the television advertising market?

<sup>(1)</sup> OJ 2010, L 95, p. 1.

**Action brought on 16 May 2012 — European Commission v French Republic**

(Case C-237/12)

(2012/C 217/24)

*Language of the case: French*

**Parties**

*Applicant:* European Commission (represented by: B. Simon and J. Hottiaux, Agents)

*Defendant:* French Republic

**Form of order sought**

The European Commission claims that the Court should:

- declare that, by not guaranteeing correct and full implementation of all requirements laid down in Annexes II and III to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, <sup>(1)</sup> the French Republic has failed to fulfil its obligations under Article 5(4) of, and Annexes II (A.1, A.2, A.3 and A.5) and III (1.1, 1.2, 1.3 and 2) to, that directive;
- order the French Republic to pay the costs.