

bodies external [to the contracting parties] of a component of the charge for the service concerned and, accordingly, of the contract price?

2. Are such limitations of those principles justifiable — and, if so, under what conditions — in the light of the need to safeguard the public interest in road traffic safety and, in terms of that functional consideration, is there a proper place for the fixing of minimum operating costs as provided for under Article 83a of Legislative Decree No 112/2008 (as subsequently amended and supplemented)?
3. Can the determination of minimum operating costs, to the above end, be left — in the absence of criteria predetermined by the legislation — to voluntary agreements between the types of trader concerned, failing which to bodies whose composition is characterised by the strong presence of persons representing private traders in that sector?

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 15 April 2013 — Confederazione generale dell'industria italiana (Confindustria) and Others v Ministero delle Infrastrutture e dei Trasporti, Ministero dello Sviluppo Economico

(Case C-195/13)

(2013/C 207/15)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicants: Confederazione generale dell'industria italiana (Confindustria) and Others

Defendants: Ministero delle Infrastrutture e dei Trasporti, Ministero dello Sviluppo Economico

Questions referred

1. Is the protection of freedom of competition, free movement of undertakings, freedom of establishment and freedom to provide services (under Article 4(3) TEU, Article 101 TFEU, and Articles 49, 56 and 96 TFEU) compatible — and, if so, to what extent — with statutory provisions adopted by EU Member States which lay down minimum operating costs for the road haulage sector which involve the fixing by bodies external [to the contracting parties] of a component of the charge for the service concerned and, accordingly, of the contract price?
2. Are such limitations of those principles justifiable — and, if so, under what conditions — in the light of the need to safeguard the public interest in road traffic safety and, in terms of that functional consideration, is there a proper place for the fixing of minimum operating costs as provided for under Article 83a of Legislative Decree No 112/2008 (as subsequently amended and supplemented)?
3. Can the determination of minimum operating costs, to the above end, be left — in the absence of criteria predetermined by the legislation — to voluntary agreements between the types of trader concerned, failing which to bodies whose composition is characterised by the strong presence of persons representing private traders in that sector?

Action brought on 16 April 2013 — European Commission v Italian Republic

(Case C-196/13)

(2013/C 207/16)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: A. Alcover San Pedro and D. Recchia, acting as Agents)

Defendant: Italian Republic

Form of order sought

- Declare that, by having failed to take all the necessary measures to comply with the judgment of the Court of Justice of the European Communities of 26 April 2007 in Case C-135/05, in which it was declared that the Italian Republic had failed to fulfil its obligations under Articles 4, 8 and 9 of Directive 75/442/EEC, ⁽¹⁾ as amended by Directive 91/156/EEC, ⁽²⁾ under Article 2(1) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, ⁽³⁾ and under Article 14(a) to (c) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, ⁽⁴⁾ the Italian Republic has failed to fulfil its obligations under Article 260(1) TFEU;
- Order the Italian Republic to pay to the Commission a daily penalty payment in an amount of EUR 256 819,2 for the delay in complying with the judgment in Case C-135/05, from the date of judgment in the present case until the date on which the judgment in Case C-135/05 is complied with;