

**Request for a preliminary ruling from the Rechtbank van eerste aanleg te Mechelen (Belgium) lodged on 7 June 2013 — Openbaar Ministerie v Edgard Jan De Clercq and Others**

(Case C-315/13)

(2013/C 252/32)

*Language of the case: Dutch*

**Referring court**

Rechtbank van eerste aanleg te Mechelen

**Parties to the main proceedings**

*Applicant:* Openbaar Ministerie

*Defendants:* Edgard Jan De Clercq, Emiel Amede Rosa De Clercq, Nancy Genevieve Wilhelmina Rottiers, Ermelinda Jozef Martha Tampère, Thermotec NV

**Question referred**

Must the provisions of Articles 56 and 57 TFEU (previously Articles 49 and 50 EC Treaty) and Article 3(1) and 3(10) of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ 1997 L 18, p. 1), whether or not read in conjunction with Article 19 of 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), be interpreted as precluding Article 141 of the Programmawet (I) (Programme Law (I)) of 27 December 2006 under which a person for whom work is performed, either directly or through subcontracting, by posted employees or posted trainees, is placed under an obligation to make a declaration to the Rijksdienst voor Sociale Zekerheid (National Office for Social Security) by electronic means (or failing that, by fax or by letter), prior to the commencement of the employment of those persons, of the identification data of those persons who do not have the possibility of submitting the acknowledgement of receipt delivered to their employer of his prior declaration, in conjunction with Article 157 of the Programmawet (I) of 27 December 2006 and Article 183(1)(1) of the Sociaal Strafwetboek (Social Criminal Code), which penalises non-compliance with that obligation by criminal sanctions?

**Action brought on 13 June 2013 — European Commission v Italian Republic**

(Case C-323/13)

(2013/C 252/33)

*Language of the case: Italian*

**Parties**

*Applicant:* European Commission (represented by: L. Pignataro-Nolin and A. Alcover San Pedro, acting as Agents)

*Defendant:* Italian Republic

**Form of order sought**

— Declare that, since part of the municipal waste going to the landfills of the Rome SubATO (sotto ambito territoriale ottimale; the subdivision of the Optimal Territorial Ambit), including the Malagrotta landfill and those of the Latina SubATO, does not undergo treatment including a proper sorting of the various fractions of the waste and the stabilisation of the organic fraction, and since an integrated and adequate network of waste disposal installations, which takes account of the best available technology, has not been created in Lazio, the Italian Republic has failed to fulfil its obligations under Article 6(a) of Directive 1999/31/EC,<sup>(1)</sup> read in conjunction with Article 1(1) of Directive 1999/31/EC and with Articles 4 and 13 of Directive 2008/98/EC,<sup>(2)</sup> and under Article 16(1) of Directive 2008/98/EC;

— Order the Italian Republic to pay the costs of the proceedings.

**Pleas in law and main arguments**

The period for transposing Directive 1999/31/EC expired on 16 July 2001.

The period for transposing Directive 2008/98/EC expired on 12 December 2010.

<sup>(1)</sup> Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999 p. 1).

<sup>(2)</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008 p. 3).

**Action brought on 20 June 2013 — European Commission v Italian Republic**

(Case C-339/13)

(2013/C 252/34)

*Language of the procedure: Italian*

**Parties**

*Applicant:* European Commission (represented by: D. Bianchi and B. Schima, acting as Agents)

*Defendant:* Italian Republic

**Form of order sought**

— Declare that the Italian Republic has failed to fulfil its obligations under Articles 3 and 5(2) of Directive 1999/74/EC;<sup>(1)</sup>

— Order the Italian Republic to pay the costs.