

Parties to the main proceedings

Applicant: Graziano Garavaldi

Defendant: Ministero della Giustizia

Question referred

Does the principle that everyone is entitled to a hearing by an impartial tribunal within a reasonable time, affirmed in the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union and in Article 6(1) of the European Convention for the Protection of Human Rights, which has become a principle of European Union law by virtue of Article 6(3) TEU, read in conjunction with the principle arising from Article 67 TFEU, according to which the Union is to constitute an area of freedom, security and justice with respect for fundamental rights, and the principle arising from Articles 81 and 82 TFEU, according to which, in civil and criminal matters having cross-border implications, the Union is to develop judicial cooperation based on the principle of mutual recognition of judgments and of decisions in extrajudicial cases, preclude national provisions, such as the Italian provisions contained in Article 5 sexies of Law No 89/2001, which impose on persons entitled to the payment by the Italian State of 'fair compensation' in respect of the unreasonable duration of legal proceedings a series of obligations which they must fulfil in order to obtain such payment, and to await the expiry of the period referred to in Article 5 sexies (5) of Law No 89/2001 without, in the meanwhile, being entitled to take any legal action for enforcement and without subsequently being able to claim damages in respect of late payment, even in cases in which the 'fair compensation' has been awarded in respect of the unreasonable duration of civil proceedings which have cross-border implications or which involve a matter that falls within the jurisdiction of the European Union and/or a matter in relation to which the European Union provides for the reciprocal recognition of judgments?

**Request for a preliminary ruling from the Commissione tributaria di primo grado di Bolzano (Italy)
lodged on 21 April 2017 — Rotho Blaas Srl v Agenzia delle Dogane e dei Monopoli**

(Case C-207/17)

(2017/C 277/32)

Language of the case: Italian

Referring court

Commissione tributaria di primo grado di Bolzano

Parties to the main proceedings

Applicant: Rotho Blaas Srl

Defendant: Agenzia delle Dogane e dei Monopoli

Questions referred

1. Are Council Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China ⁽¹⁾ and Council Implementing Regulation (EU) No 924/2012 amending Regulation (EC) No 91/2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China, ⁽²⁾ and Commission Implementing Regulation (EU) 519/2015 of 26 March 2015 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 ⁽³⁾ invalid/unlawful/incompatible with Article VI of the General Agreement on Tariffs and Trade of 1994 and the decision of the WTO DSB of 28 July 2011?

2. If Regulation (EC) No 91/2009 imposing an anti-dumping duty and related implementing regulations Nos 924/2012 and 519/2015 are declared invalid/unlawful/incompatible, does the repeal of the anti-dumping duties imposed on the basis of the contested measures produce legal effects from the time Implementing Regulation (EU) No 278/2016 ⁽⁴⁾ enters into force, or from the date on which the contested measure, that is to say, Basic Regulation (EC) No 91/2009, entered into force?

⁽¹⁾ Council Regulation of 26 January 2009 (OJ 2009 L 29, p. 1).

⁽²⁾ Council Regulation of 4 October 2012 (OJ 2012 L 275, p. 1).

⁽³⁾ Commission Regulation of 26 March 2015 (OJ 2015 L 82, p. 78).

⁽⁴⁾ Commission Implementing Regulation (EU) 2016/278 of 26 February 2016 repealing the definitive anti-dumping duty imposed on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not (OJ 2016 L 52, p. 24).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 24 April 2017 —
Autorità Garante della Concorrenza and Del Mercato — Antitrust, Coopservice Soc. coop. a r.l. v
Azienda Socio-Sanitaria Territoriale della Vallecamonica — Sebino (ASST) and Others**

(Case C-216/17)

(2017/C 277/33)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Autorità Garante della Concorrenza and del Mercato (AGCM) — Antitrust, Coopservice Soc. coop. a r.l.

Defendants: Azienda Socio-Sanitaria Territoriale della Vallecamonica — Sebino (ASST), Azienda Socio-Sanitaria Territoriale del Garda (ASST), Azienda Socio-Sanitaria Territoriale della Vallecamonica (ASST)

Questions referred

- (1) Can Articles 2(5) and 32 of Directive 2004/18/EU ⁽¹⁾ and Article 33 of Directive 2014/24/EU ⁽²⁾ be interpreted as allowing the conclusion of a framework agreement in which:

- (a) a contracting authority acts on its own behalf and on behalf of other contracting authorities specifically indicated, which do not, however, play a direct part in the conclusion of that framework agreement;
- (b) the quantity of services that may be required by the non-signatory contracting authorities when they enter into the subsequent contracts envisaged in the framework agreement itself is not determined;

- (2) if the answer to question (1) should be in the negative,

Can Articles 2(5) and 32 of Directive 2004/18/EU and Article 33 of Directive 2014/24/EU be interpreted as allowing the conclusion of a framework agreement in which:

- (a) a contracting authority acts on its own behalf and on behalf of other contracting authorities specifically indicated, which do not, however, play a direct part in the conclusion of that framework agreement;
- (b) the quantity of services that may be required by the non-signatory contracting authorities when they enter into the subsequent contracts envisaged in the framework agreement itself is determined by reference to their usual requirements.

⁽¹⁾ Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114).

⁽²⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance (OJ 2014 L 94, p. 65).