

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte (Italy) lodged on 26 March 2018 — Prato Nevoso Termo Energy Srl v Province of Cuneo, ARPA Piemonte

(Case C-212/18)

(2018/C 240/21)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Piemonte

Parties to the main proceedings

Applicant: Prato Nevoso Termo Energy Srl

Defendants: Province of Cuneo, ARPA Piemonte

Questions referred

1. Do Article 6 of Directive 2008/98/EC⁽¹⁾ and, in any case, the principle of proportionality, preclude provisions of national law, such as Article 293 of Legislative Decree No 152/2006 and Article 268 paragraph eee-bis) of Legislative Decree No 152/2006, which provide that, even in the ambit of a procedure for authorisation of a biomass-powered plant, a bioliquid that fulfils the technical requirements in that respect and is requested for production purposes as fuel must be considered waste if and so long as it is not included in Annex X part II, section 4, par.1 in Part V of Legislative Decree of 3 April 2006, No 152, irrespective of any adverse environmental impact assessments, or of any dispute as to the technical characteristics of the product, arising in the context of the authorisation procedure?
2. Do Article 13 of Directive 2009/28/EC⁽²⁾ and, in any case, the principles of proportionality, transparency and simplification preclude a provision of national law such as Article 5 of Legislative Decree No 28/2011 insofar as it does not provide, when the applicant requests authorisation to use biomass as fuel in a plant producing emissions into the atmosphere, for any coordination with the procedure for authorisation of that use as fuel under Legislative Decree No 152/2006, Annex X Part V, or provide for the possibility of specifically assessing the solution proposed in the context of the single authorisation procedure and having regard to pre-defined technical specifications?

⁽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 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ 2009 L 140, p. 16).

Request for a preliminary ruling from the Tribunale ordinario di Roma (Italy) lodged on 26 March 2018 — Adriano Guitoli and Others v easyJet Airline Co. Ltd

(Case C-213/18)

(2018/C 240/22)

Language of the case: Italian

Referring court

Tribunale ordinario di Roma