

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

Parties to the main proceedings

Applicants: Adriano Guaitoli, Concepción Casan Rodriguez, Alessandro Celano Tomassoni, Antonia Cirilli, Lucia Cortini, Mario Giuli, Patrizia Padroni

Defendant: easyJet Airline Co. Ltd

Questions referred

1. If a party whose flight has been delayed or cancelled jointly requests, not only the standardised and lump-sum compensation provided for by Articles 5, 7 and 9 of Regulation (EC) No 261/2004, ⁽¹⁾ but also the further compensation referred to in Article 12 of the Regulation, must Article 33 of the Montreal Convention apply, or is 'jurisdiction' (both international and local) governed by Article 5 of Regulation (EC) No 44/2001? ⁽²⁾
2. In the first hypothesis in question 1, must Article 33 of the Montreal Convention be interpreted to the effect that it governs only the allocation of jurisdiction among the States Parties, or as meaning that it also governs local jurisdiction within the individual State?
3. In the first hypothesis in question 2, is the application of Article 33 of the Montreal Convention 'exclusive', precluding application of Article 5 of Regulation (EC) No 44/2001, or may the two provisions be applied jointly, so as to determine directly both the jurisdiction of the State and the local jurisdiction of its courts?

⁽¹⁾ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 — Commission Statement (OJ 2004 L 46, p. 1).

⁽²⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 26 March 2018 — La Gazza s.c.r.l. and Others v Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto

(Case C-217/18)

(2018/C 240/23)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: La Gazza s.c.r.l., Umberto Bernardi, Giovanni Bressan, Bruno Ceccato, Alessandro Cerbaro, Virgilio Cerbaro, Alessandro Conte, Antonio Costa, Maurizio Dalla Pria, Daniele Donà, Fausto Guidolin, Gianni Mancon, Claudio Meneghini, Antonio Pesce, Dario Poli, Rino Salvalaggio, Luciano Simioni, Tiziano Sperotto, Armando Tollio, Marco Toson, Silvano Marcon, Lorella Cusinato, Federica Marcon, Eleonora Marcon, Caterina Marcon, Azienda agricola Bacchin Fratelli, Baldisseri Giancarlo e Mario s.s., Azienda agricola Ballardin Bortolino e Giuseppe, Facchinello Egidio e Giuseppe s.s., Azienda agricola Marchioron Fratelli di Marchioron Maurizio e Giuliano, Marchioron Ruggero e Massimo s.s., Azienda agricola Milan di Milan Mauro e Maurizio s.s., Azienda agricola Pettenuzzo Luciano e Aurelio s.s., Azienda agricola Stragliotto di Stragliotto Giovanni & c. s.s., Azienda agricola Todescato Giuseppe e Maurizio s.s., Azienda agricola Toffan Piermaria e Antonio s.s.

Respondents: Agenzia per le Erogazioni in Agricoltura (AGEA), Regione Veneto