

Sole ground of appeal

Infringement of the principle of proportionality and, consequently, imposition of an excessive disadvantage on third parties who are beneficiaries of a decision which has been held to be unlawful.

Request for a preliminary ruling from the Tribunale ordinario di Udine (Italy) lodged on 9 April 2018 — Fallimento Tecnoservice Int. Srl v Poste Italiane SpA

(Case C-245/18)

(2018/C 249/11)

Language of the case: Italian

Referring court

Tribunale ordinario di Udine

Parties to the main proceedings

Applicant: Fallimento Tecnoservice Int. Srl

Defendant: Poste Italiane SpA

Question referred

Must Articles 74 and 75 of Directive 2007/64/EC, ⁽¹⁾ in the version applicable on 3 August 2015, concerning a payment service provider's obligations and the limitations of such a provider's liability, as transposed into Italian law by Articles 24 and 25 of Decreto Legislativo No 1[1]/201[0], be interpreted as being applicable only to the payment service provider of the person who ordered the payment, or as being applicable also to the payee's payment service provider?

⁽¹⁾ Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC and 2006/48/EC and repealing Directive 97/5/EC (OJ 2007 L 319, p. 1).

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 12 April 2018 — Stadt Euskirchen v Rhenus Veniro GmbH & Co. KG

(Case C-253/18)

(2018/C 249/12)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Appellant: Stadt Euskirchen

Respondent: Rhenus Veniro GmbH & Co. KG

Other parties: SVE Stadtverkehr Euskirchen GmbH, RVK Regionalverkehr Köln GmbH

Question referred

Does Article 5(2)(e) of Regulation (EC) No 1370/2007,⁽¹⁾ which lays down the requirement to perform the major part of the public passenger transport service itself, prevent the internal operator from having that major part of the services performed by a company in which it has a 2,5 % holding and the remaining shares are held directly or indirectly by other competent authorities?

⁽¹⁾ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ 2007 L 315, p. 1).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 11 April 2018 — State Street Bank International GmbH v Banca d'Italia

(Case C-255/18)

(2018/C 249/13)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: State Street Bank International GmbH

Defendant: Banca d'Italia

Questions referred

1. Should the 'changes of status' that do not have an effect on the contribution requirement under Article 12 of Regulation 2015/63⁽¹⁾ include the merger by acquisition of an institution previously subject to supervision by a national resolution authority with its parent company in another Member State during the contribution period, and does this rule also apply where the merger and the resulting dissolution of the institution took place in 2015, at a time when the Member State had not yet formally established either the national resolution authority or the national resolution fund and the contributions had not yet been calculated?
2. Is Article 12 of Regulation 2015/63, in conjunction with Article 14 of that regulation and Articles 103 and 104 of Directive 2014/59,⁽²⁾ to be interpreted as meaning that also in the case of the merger of an institution by acquisition with a parent company in another Member State during the contribution period, the institution is required to pay the contribution for that period in full, not on a pro rata basis according to the months when the institution was subject to supervision by the resolution authority of the first Member State, by analogy with the rules laid down for 'newly supervised' institutions under Article 12(1) of the regulation?
3. Are Directive 2014/59, Regulation 2015/63 and the principles governing the system of banking crisis resolution tools to be interpreted as meaning that the rules laid down for the ordinary contribution, in particular Article 12(2) of Regulation 2015/63, also apply, with regard to the timing of the identification of institutions required to contribute and the amount of the contribution, to the extraordinary contribution, bearing in mind the nature of that contribution and the conditions under which it may be imposed?

⁽¹⁾ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to ex ante contributions to resolution financing arrangements (OJ 2015 L 11, p. 44).

⁽²⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 190).
