Questions referred

1. Do Articles 4 and 13 of Directive 2008/98/EC, ([1]) in conjunction with recitals 6, 8, 28 and 31 thereof, preclude national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — in so far as only incineration facilities covered by that legislation, in accordance with the indications set out in the annexes and tables of that decree, are classified as strategic infrastructure and installations of major national importance which establish an integrated, modern system for the management of municipal and similar waste and which ensure self-sufficiency, in the interests of national safety, given that the national legislature did not classify installations for the treatment of waste for recycling and re-use purposes in the same way, even though they are two of the leading methods in the waste hierarchy set out in the directive?

   In the alternative, if that is not the case, do Articles 4 and 13 of Directive 2008/98/EC preclude national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — in so far as municipal waste incineration facilities are classified as strategic infrastructure and installations of major national importance in order to deal effectively with and avert further infringement proceedings for failure to implement the rules of EU law governing the waste sector, as well as for the purpose of limiting the amount of waste being deposited in landfill?

2. Do Articles 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of Directive 2001/42/EC, ([2]) also read together, preclude the application of national primary legislation and the related secondary implementing legislation — such as Article 35(1) of Decree-Law No 133/2014, as converted into law by Law No 164/2014, and the Decree of the President of the Council of Ministers of 10 August 2016, published in the Official Journal of the Italian Republic, No 233 of 5 October 2016 — which provides that the President of the Council of Ministers may, by decree, revise upwards the capacity of existing incineration facilities and also determine the number, capacity and regional location of incineration installations with the capacity to recover energy from municipal and similar waste to be constructed to meet the revised residual demand, for the purpose of gradually restoring the socio-economic balance between the various parts of the national territory, in compliance with separate collection and recycling objectives, without that national legislation providing that, at the preparation stage of that plan as described in the Decree of the President of the Council of Ministers, the rules on strategic environmental assessment laid down in Directive 2001/42/EC are to apply?

([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 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio (Italy) lodged on 7 May 2018 — Lavorgna Srl v Comune di Montelanico and Others

(Case C-309/18)

(2018/C 268/29)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per il Lazio

Parties to the main proceedings

Applicant: Lavorgna Srl

Defendants: Comune di Montelanico, Comune di Supino, Comune di Sgurgola, Comune di Trivigliano

Question referred

Do the Community principles of the protection of legitimate expectations and legal certainty, together with the principles of the free movement of goods, the freedom of establishment and the freedom to provide services, laid down in the Treaty on the Functioning of the European Union (TFEU), as well as the principles deriving therefrom, such as equality of treatment, non-discrimination, mutual recognition, proportionality and transparency, referred to in Directive 2014/24/EU, ([1]) preclude the application of national legislation, such as the Italian legislation founded on the combined provisions of Article 95(10) and Article 83(9) of Legislative Decree No 50/2016, according to which the failure to list the labour costs separately in the financial tender in a procedure for the award of public services inevitably results in the exclusion of the tendering undertaking concerned without the possibility of supplementing or amending its tendering documentation, even in the case where the obligation to list those costs separately was not set out in the tender documents, and even though, in substantive terms, the tender in question actually took into account the minimum labour costs, in accordance, moreover, with a declaration for that purpose made by the tenderer?

([1]) 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 (OJ 2014 L 94, p. 65).

Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 11 May 2018 — Criminal proceedings against Emil Milev

(Case C-310/18)

(2018/C 268/30)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Party to the main proceedings

Emil Milev

Questions referred

(1) Is national case-law according to which the continuation of a coercive measure of 'remand in custody' (four months after the accused's arrest) is subject to the existence of 'reasonable grounds', understood as a mere 'prima facie' finding that the accused may have committed the criminal offence in question, compatible with Article 3, the second sentence of Article 4(1), Article 10, the fourth and fifth sentences of recital 16 and recital 48 of Directive 2016/343 ([1]) and with Articles 47 and 48 of the Charter [of Fundamental Rights of the European Union]?

Or, if it is not, is national case-law according to which the term 'reasonable suspicion' means a strong likelihood that the accused committed the criminal offence in question compatible with the abovementioned provisions?

(2) Is national case-law according to which the court determining an application to vary a coercive measure of 'remand in custody' that has already been adopted is required to state the reasons for its decision without comparing the inculpatory and exculpatory evidence, even if the accused's lawyer has submitted arguments to that effect — the only reason for that restriction being that the judge must preserve his impartiality in case that case should be assigned to him for the purposes of the substantive examination —, compatible with the second sentence of Article 4(1), Article 10, the fourth and fifth sentences of recital 16 and recital 48 of Directive 2016/43 and with Article 47 of the Charter [of Fundamental Rights of the European Union]?