Reference for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 2 October 2009 — Reti Televisive Italiane SpA (RTI) v Autorità per le Garanzie nelle Communicazioni

(Case C-390/09)

(2009/C 312/32)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Reti Televisive Italiane SpA. (RTI)

Defendant: Autorità per le Garanzie nelle Communicazioni

Questions referred

1. Are Articles 18 and 18a of Directive 89/552/EEC, ([1]) as amended by Directive 97/36/EC, ([2]) to be regarded as being sufficiently precise and unconditional as to be capable, after the period for transposition has expired, of taking precedence over conflicting provisions of domestic law, of supplementing, on a correct interpretation of the third paragraph of Article 249 EC, the relevant national provisions, and of being implemented by an administrative authority, such as AGCOM, which is invested with the power to implement regulations under national law?

2. Are Articles 18 and 18a of Directive 89/552/EEC, as amended by Directive 97/36/EC, to be interpreted as meaning that, in view of the mandatory minimum duration of 15 minutes applicable to teleshopping windows, any other form of teleshopping, including windows lasting more than 3 minutes but less than 15 minutes, must be classified as a "teleshopping spot" subject to the hourly limits applicable to advertising spots?

3. Are Articles 1(c), 10, 11 and 18(3) of Directive 89/552/EEC, as amended by Directive 97/36/EC, to be interpreted as meaning that announcements made by a broadcaster in connection with its own programmes and broadcast free of charge are to be regarded as advertising for the purposes of the rules governing the way in which messages are distinguished from the rest of the programme and advertising inserted in television broadcasts?

4. Are Articles 1(c), 10, 11 and 18(3) of Directive 89/552/EEC, as amended by Directive 97/36/EC, to be interpreted as meaning that the institutional information and communication activities referred to in Italian Law No 150 of 7 June 2000, including messages of social value and messages of public interest, are to be regarded as advertising for the purposes of the rules governing the way in which advertising messages are distinguished from the rest of the programme and advertising inserted in television broadcasts?

([1]) OJ 1989 L 298, p. 23.
([2]) OJ 1997 L 265, p. 42.

Reference for a preliminary ruling from the Vilniaus Miesto 1 Apylinkės Teismas (Republic of Lithuania), lodged on 2 October 2009 — Malgožata Runevič-Vardyn and Łukasz Paweł Wardyn v The Municipal Government Administration of the City of Vilnius, the Ministry of Justice of the Republic of Lithuania, the State Commission on the Lithuanian Language and the Civil Registry Division of the Legal Affairs Department of the Municipal Government Administration of the City of Vilnius

(Case C-391/09)

(2009/C 312/33)

Language of the case: Lithuanian

Referring court

Vilniaus Miesto 1 Apylinkės Teismas

Parties to the main proceedings

Claimants: Malgožata Runevič-Vardyn and Łukasz Paweł Wardyn

Defendants: The Municipal Government Administration of the City of Vilnius, the Ministry of Justice of the Republic of Lithuania, the State Commission on the Lithuanian Language and the Civil Registry Division of the Legal Affairs Department of the Municipal Government Administration of the City of Vilnius

Questions referred

1. In the light of the rules contained in Council Directive 2000/43/EC ([1]) of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, is Article 2(2)(b) of that directive to be construed as prohibiting Member States from indirectly discriminating against individuals on grounds of their ethnic origin in the case where national legal rules provide that personal first names and surnames may be written in documents indicating civil status using only the letters of the national language?

2. In the light of the rules contained in Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, is Article 2(2)(b) of that directive to be construed as prohibiting Member States from indirectly discriminating against individuals on grounds of their ethnic origin in the case where national legal rules provide that the first names and surnames of individuals of different origin or nationality must be written, in documents indicating civil status, using Roman letters and not employing diacritical marks, ligatures or other modifications to the letters of the Roman alphabet which are used in a variety of languages?

3. In the light of Article 18(1) of the Treaty establishing the European Community, which provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States, and in the light of the first paragraph of Article 12 of that Treaty, which prohibits discrimination on grounds of nationality, should those provisions be construed as prohibiting Member States from providing in national legal rules that personal first names and surnames may be written in documents indicating civil status using only the letters of the national language?

4. In the light of Article 18(1) of the Treaty establishing the European Community, which provides that every citizen of the Union has the right to move and reside freely within the territory of the Member States, and in the light of the first paragraph of Article 12 of that Treaty, which prohibits discrimination on grounds of nationality, should those provisions be construed as prohibiting Member States from providing in national legal rules that the first names and surnames of individuals of different origin or nationality must be written, in documents indicating civil status, using Roman letters and not employing diacritical marks, ligatures or other modifications to the letters of the Roman alphabet which are used in a variety of languages?

([1]) OJ L 180, 19.7.2000, p. 22.

Reference for a preliminary ruling from the Naczelny Sąd Administracyjny (Republic of Poland), lodged on 13 October 2009 — Oasis East sp. z o.o. v Minister Finansów

(Case C-395/09)

(2009/C 312/34)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Appellant: Oasis East sp. z o.o.

Respondent: Minister Finansów

Question referred

Does Community law (in particular, Article 17(6) of Sixth Council Directive 77/388/EEC ([1]) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, now Article 176 of Council Directive 2006/112/EC ([2]) of 28 November 2006 on the common system of value added tax) entitle a Member State to apply national provisions which exclude the right of a taxable person to reduce the amount of tax due, or to receive a refund of the difference, in the case of the purchase of imported services in connection with which payment of the amount due is made directly or indirectly to a person having its place of residence, registered office or central management in one of the territories or countries referred to in national law as so-called 'tax havens', regard being had to the fact that such exclusion was applied in the Member State prior to its accession to the Community?

([1]) OJ 1977 L 145, p. 1.
([2]) OJ 2006 L 347, p. 1.

Reference for a preliminary ruling from the Tribunale ordinario di Bari (Italy) lodged on 12 October 2009 — Interedil Srl, in liquidation v Fallimento Interedil Srl, Banca Intesa Gestione Crediti Spa

(Case C-396/09)

(2009/C 312/35)

Language of the case: Italian

Referring court

Tribunale ordinario di Bari

Parties to the main proceedings

Applicant: Interedil Srl, in liquidation

Defendant: Fallimento Interedil Srl, Banca Intesa Gestione Crediti Spa

Question(s) referred

1. Is the concept of 'the centre of a debtor's main interests' in Article 3(1) of Regulation No 1346/2000 ([1]) to be interpreted in accordance with Community law or national law, and, if the former, how is that concept to be defined and what are the decisive factors or considerations for the purpose of identifying the 'centre of main interests'?