

**Question referred**

Do the Community rules in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Directive 2002/22/EC <sup>(1)</sup>, Directive 1999/44/EC <sup>(2)</sup>, Commission Recommendation 2001/310/EC <sup>(3)</sup> and Directive 1998/257/EC <sup>(4)</sup> have direct effect and must they be interpreted as meaning that disputes 'in the area of electronic communications between end-users and operators concerning non-compliance with the rules on universal service and on the rights of end-users, as laid down in legislation, decisions of the Regulatory Authority, contractual terms and service charters' (the disputes contemplated by Article 2 of Decision No 173/07/CONS of the Regulatory Authority) must not be made subject to a mandatory attempt at conciliation without which proceedings in that regard may not be brought before the courts, thus taking precedence over the rule laid down in Article 3(1) of Decision No 173/07/CONS?

<sup>(1)</sup> OJ L 108, p. 51.

<sup>(2)</sup> OJ L 171, p. 12.

<sup>(3)</sup> Commission Recommendation.

<sup>(4)</sup> Commission Recommendation.

**Reference for a preliminary ruling from the Giudice di Pace di Ischia (Italy) lodged on 15 July 2008 — Lucia Anna Giorgia Iacono v Telecom Italia SpA**

(Case C-319/08)

(2008/C 236/17)

Language of the case: Italian

**Referring court**

Giudice di Pace di Ischia

**Parties to the main proceedings**

Applicant: Lucia Anna Giorgia Iacono

Defendant: Telecom Italia SpA

**Question referred**

Do the Community rules in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Directive 2002/22/EC <sup>(1)</sup>, Directive 1999/44/EC <sup>(2)</sup>, Commission Recommendation 2001/310/EC <sup>(3)</sup> and Directive 1998/257/EC <sup>(4)</sup> have direct effect and must they be interpreted as meaning that disputes 'in the area of electronic communications between end-users and operators concerning non-compliance with the rules on universal service and on the rights of end-users, as laid down in legislation, decisions of the Regulatory Authority, contractual terms and service charters' (the disputes contemplated by Article 2 of Decision No 173/07/CONS of the Regulatory Authority) must

not be made subject to a mandatory attempt at conciliation without which proceedings in that regard may not be brought before the courts, thus taking precedence over the rule laid down in Article 3(1) of Decision No 173/07/CONS?

<sup>(1)</sup> OJ L 108, p. 51.

<sup>(2)</sup> OJ L 171, p. 12.

<sup>(3)</sup> Commission Recommendation.

<sup>(4)</sup> Commission Recommendation.

**Reference for a preliminary ruling from the Giudice di Pace di Ischia (Italy) lodged on 15 July 2008 — Multiservice Srl v Telecom Italia SpA**

(Case C-320/08)

(2008/C 236/18)

Language of the case: Italian

**Referring court**

Giudice di Pace di Ischia

**Parties to the main proceedings**

Applicant: Multiservice Srl

Defendant: Telecom Italia SpA

**Question referred**

Do the Community rules in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Directive 2002/22/EC <sup>(1)</sup>, Directive 1999/44/EC <sup>(2)</sup>, Commission Recommendation 2001/310/EC <sup>(3)</sup> and Directive 1998/257/EC <sup>(4)</sup> have direct effect and must they be interpreted as meaning that disputes 'in the area of electronic communications between end-users and operators concerning non-compliance with the rules on universal service and on the rights of end-users, as laid down in legislation, decisions of the Regulatory Authority, contractual terms and service charters' (the disputes contemplated by Article 2 of Decision No 173/07/CONS of the Regulatory Authority) must not be made subject to a mandatory attempt at conciliation without which proceedings in that regard may not be brought before the courts, thus taking precedence over the rule laid down in Article 3(1) of Decision No 173/07/CONS?

<sup>(1)</sup> OJ L 108, p. 51.

<sup>(2)</sup> OJ L 171, p. 12.

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<sup>(4)</sup> Commission Recommendation.