

**Re:**

Reference for a preliminary ruling — Augstākās tiesas Senāts — Interpretation of Article 56 TFEU (Article 49 EC) — National legislation providing, for the purpose of limiting betting and gaming, a system of authorisation for the establishment of casinos, amusement arcades and bingo halls — Refusal to grant authorisation for the development of an amusement arcade on the ground that the organisation of betting and gaming in the premises envisaged would substantially impair the interests of the residents of the local area

**Operative part of the judgment**

Article 49 EC must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, which confers on local authorities a broad discretion in enabling them to refuse authorisation to open a casino, amusement arcade or bingo hall on grounds of 'substantial impairment of the interests of the State and of the residents of the administrative area concerned', provided that that legislation is genuinely intended to reduce opportunities for gambling and to limit activities in that domain in a consistent and systematic manner or to ensure the maintenance of public order and in so far as the competent authorities exercise their powers of discretion in a transparent manner, so that the impartiality of the authorisation procedures can be monitored, it being for the national court to determine whether those conditions are satisfied.

<sup>(1)</sup> OJ C 331, 12.11.2011.

**Action brought on 25 June 2012 — European Commission v Republic of Bulgaria**

(Case C-307/12)

(2012/C 295/28)

*Language of the case: Bulgarian*

**Parties**

*Applicant:* European Commission (represented by: P. Hetsch, D. Düsterhaus, S. Petrova)

*Defendant:* Republic of Bulgaria

**Form of order sought**

- Declare that, by not adopting the legal or administrative provisions necessary in order to render national law compatible with Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, <sup>(1)</sup> or at least by not notifying those provisions to the Commission, the Republic of Bulgaria has failed to fulfil its obligations under Article 40 of that directive;
- Order the Republic of Bulgaria, pursuant to Article 260(3) TFEU, to pay a penalty payment of EUR 15 200,80 per day, calculated from the day on which judgment is delivered in the present proceedings, on account of its failure to fulfil the

obligation to notify the measures adopted in order to render its national law compatible with Directive 2008/98/EC;

— Order the Republic of Bulgaria to pay the costs.

**Pleas in law and main arguments**

The period for the adoption of measures to transpose the directive expired on 12 December 2010.

<sup>(1)</sup> OJ L 312, 22.11.2008, p. 3.

**Reference for a preliminary ruling from the Corte dei Conti — Sezione Giurisdizionale per la Regione Siciliana (Italy) lodged on 28 June 2012 — Giuseppa Romeo v Regione Siciliana**

(Case C-313/12)

(2012/C 295/29)

*Language of the case: Italian*

**Referring court**

Corte dei Conti — Sezione Giurisdizionale per la Regione Siciliana

**Parties to the main proceedings**

*Applicant:* Giuseppa Romeo

*Defendant:* Regione Siciliana

**Questions referred**

1. In interpreting and applying the rules and principles of European Union law, may a national court — on the basis of national legislation which makes a *renvoi* to European Union law in relation to purely internal situations — depart from, or incorrectly apply, the interpretation placed on those rules and principles in the case-law of the Court of Justice?
2. Are the interpretation and application of Article 3 of Law 241/1990 and of Article 3 of Sicilian Regional Law 10/1991 — in relation to Article 1 of Law 241/90, which requires the Italian administrative authorities to apply the principles of European Union law, pursuant to the obligation to state reasons for the acts of public authorities laid down in the second paragraph of Article 296 of the Treaty on the Functioning of the European Union and in Article 41(2)(c) of the Charter of Fundamental Rights of the European Union — to the effect that measures of public authorities in a private-law form (that is to say, measures which relate to individual rights and which are in any event mandatory in matters relating to pensions) may be exempt from the obligation to state reasons, compatible with European Union law, and does such a case amount to infringement of an essential procedural requirement governing an administrative measure?