

2. Must Article 15 of the Charter of Fundamental Rights of the European Union be interpreted as meaning that the principle therein established also applies, without restriction, to the profession of pharmacist, and that the public-interest aspect of that profession does not justify the application of different arrangements to the proprietors of pharmacies and to the proprietors of para-pharmacies as regards the sale of the medicinal products referred to in Question (1) above?
3. Must Articles 102 [TFEU] and 106 [TFEU] be interpreted as meaning that the prohibition of the abuse of a dominant position must apply without restriction to the profession of pharmacist, inasmuch as a pharmacist who owns a traditional pharmacy, and sells medicinal products under a contractual arrangement with the Italian national health service, benefits from the ban on the sale of Class C medicinal products by proprietors of para-pharmacies, without this being properly justified on the basis of the undeniably special features of the profession of pharmacist arising from the public interest in safeguarding public health?

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**Reference for a preliminary ruling from the Tribunale di Tivoli (Italy) lodged on 7 November 2012 — Antonella Pedone v Maria Adele Corrao**

(Case C-498/12)

(2013/C 26/50)

*Language of the case: Italian*

**Referring court**

Tribunale di Tivoli

**Parties to the main proceedings**

*Applicant:* Antonella Pedone

*Defendant:* Maria Adele Corrao

**Questions referred**

- Does Article 130 of Presidential Decree No 115 of 30 May 2002 on legal aid in Italian law — insofar as it stipulates that amounts payable to the defending council, the auxiliary to the judge and the court legal assessor are to be reduced by half — comply with Article 47(3) of the Charter of Fundamental Rights of the European Union, which stipulates that legal aid is to be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice?
- Does Article 130 of Presidential Decree No 115 of 30 May 2002 on legal aid in Italian law — insofar as it stipulates that amounts payable to the defending council, the auxiliary

to the judge and the court legal assessor are to be reduced by half — comply with Article 6 of the European Convention for the Protection of Human Rights, as transposed into Community law by Article 52(3) of the Charter of Fundamental Rights of the European Union and by Article 6 [TFEU]?

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**Reference for a preliminary ruling from the Tribunale di Tivoli (Italy) lodged on 7 November 2012 — Elisabetta Gentile v Ufficio Finanziario della Direzione Ufficio Territoriale di Tivoli and Others**

(Case C-499/12)

(2013/C 26/51)

*Language of the case: Italian*

**Referring court**

Tribunale di Tivoli

**Parties to the main proceedings**

*Applicant:* Elisabetta Gentile

*Defendants:* Ufficio Finanziario della Direzione Ufficio Territoriale di Tivoli, Fabrizio Penna, Gianfranco Di Nicola

**Question referred**

Does Article 130 of Presidential Decree No 115 of 30 May 2002 on legal aid in Italian law — insofar as it stipulates that amounts payable to the defending council, the auxiliary to the judge and the court legal assessor are to be reduced by half — comply with Article 47(3) of the Charter of Fundamental Rights of the European Union, which stipulates that legal aid is to be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice?

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**Action brought on 6 November 2012 — European Commission v Republic of Poland**

(Case C-500/12)

(2013/C 26/52)

*Language of the case: Polish*

**Parties**

*Applicant:* European Commission (represented by: J. Hottiaux and H. Støvlbæk, Agents)

*Defendant:* Republic of Poland