

Request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 17, Barcelona (Spain) lodged on 21 January 2013 — France Telecom España, S.A. v Diputación de Barcelona

(Case C-25/13)

(2013/C 108/31)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 17, Barcelona

Parties to the main proceedings

Applicant: France Telecom España, S.A.

Defendant: Diputación de Barcelona

Questions referred

1. May the restriction of the applicability of the fees referred to in Article 13 of the Authorisation Directive⁽¹⁾ to the proprietors of telecommunications networks alone, as held in the judgment of 12 July 2012,⁽²⁾ be extended to cover any other remuneration or consideration that the owners of public or private property may receive as consideration for the installation on their land or property of facilities associated with telecommunications networks?
2. Is such remuneration, and the question of who is liable to pay it, to be determined by the domestic law of the Member State?

⁽¹⁾ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) OJ 2002 L 108, p. 21.

⁽²⁾ Judgment of the Court of Justice (Fourth Chamber) in Joined Cases C-55/11, C-57/11 and C-58/11, not yet published in the ECR.

Request for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria) lodged on 21 January 2013 — Global Trans Lodzhistik OOD v Nachalnik na Mitnitsa Stolichna

(Case C-29/13)

(2013/C 108/32)

Language of the case: Bulgarian

Referring court

Administrativen sad Sofia-grad

Parties to the main proceedings

Applicant: Global Trans Lodzhistik OOD

Defendant: Nachalnik na Mitnitsa Stolichna

Questions referred

1. Does Article 243(1) of Council Regulation (EEC) No 2913/92⁽¹⁾ of 12 October 1992 establishing the Community Customs Code, if it is interpreted in conjunction with Article 245 of that regulation and the principles of the right of defence and *res judicata*, permit a national provision like Article 220 and Article 211a of the Zakon za mitnitsite (Law on customs) under which more than one decision of a customs authority, which fixes an additional customs debt with a view to its subsequent recovery, may be challenged, even where, under the circumstances of the main proceedings, a final decision within the meaning of Article 181a(2) of Commission Regulation (EEC) No 2454/93⁽²⁾ of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 could be adopted in order to fix that customs debt?
2. Is Article 243(2) of Regulation No 2913/92 on the right of appeal to be interpreted to the effect that it does not provide that a final decision within the meaning of Article 181a(2) of Regulation No 2454/93 must first be the subject of an administrative review in order for judicial proceedings to be permitted?
3. Is Article 181a(2) of Regulation No 2454/93 to be interpreted, under the circumstances of the main proceedings, to the effect that, if the procedure laid down in that provision in relation to the right to be heard and the right to raise objections was not observed, the decision of the customs authority adopted in contravention of those rules does not constitute a final decision within the meaning of that provision, but is merely part of the procedure for the adoption of the final decision? Failing that, is that provision to be interpreted, under the circumstances of the main proceedings, to the effect that the decision adopted with the abovementioned procedural defects is directly subject to judicial review and the court must give final judgment on the action brought against it?
4. Is Article 181a(2) of Regulation No 2454/93 to be interpreted, under the circumstances of the main proceedings and having regard to the principle of legality, to the effect that, if the procedure laid down in that provision in relation to the right to be heard and the right to raise objections was not observed, the decision of the customs authority adopted in contravention of those rules is null and void on account of a material procedural defect which is comparable to an infringement of an essential procedural requirement, non-compliance with which results in the nullity of the act