

Request for a preliminary ruling from the Consiglio di Stato (Italy) of 20 November 2013 — Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero della Salute, Ministero dello Sviluppo Economico v Ediltecnica SpA

(Case C-592/13)

(2014/C 52/46)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero della Salute, Ministero dello Sviluppo Economico

Respondent: Ediltecnica SpA

Question referred for a preliminary ruling

Do the European Union principles relating to the environment, laid down in Article 191(2) of the Treaty on the Functioning of the European Union and in Directive 2004/35/EC⁽¹⁾ of 21 April 2004 (Articles 1 and 8(3) and recitals 13 and 24 in the preamble) — specifically, the ‘polluter pays’ principle, the precautionary principle and the principles that preventive action should be taken and that environmental damage should be rectified at source as a matter of priority — preclude national legislation, such as the rules set out in Articles 244, 245 and 253 of Legislative Decree No 152 of 3 April 2006, which, in circumstances in which it is established that a site is contaminated and in which it is impossible to identify the polluter or to have that person adopt the restoration measures, do not permit the administrative authority to require the owner (who is not responsible for the pollution) to implement the emergency safety and decontamination measures, merely attributing to that person financial liability limited to the value of the site once the decontamination measures have been carried out?

⁽¹⁾ Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ 2004 L 143, p. 56).

Request for a preliminary ruling from the Giudice di pace di Matera (Italy) lodged on 21 November 2013 — Intelcom Service Ltd v Vincenzo Mario Marvulli

(Case C-600/13)

(2014/C 52/47)

Language of the case: Italian

Referring court

Giudice di pace di Matera

Parties to the main proceedings

Applicant: Intelcom Service Ltd

Defendant: Vincenzo Mario Marvulli

Questions referred

1. Do Articles 51 et seq. of Italian Law No 89/1913 concerning the profession of notary, in conjunction with Articles 1350 and 2657 of the Civil Code, give rise to a de facto monopoly on the provision of services by notaries with regard to drawing up and authenticating deeds relating to the sale of immovable property in Italy, in clear breach of the rules and principles laid down by the Treaties of the European Union (Article 49 of the EU Treaty), which provide for the free movement of services within the Member States of the European Union, and in particular of Directive 2006/123/EC⁽¹⁾ of 12 December 2006 [on services in the internal market] (referred to as the Bolkestein directive), implemented in Italy by Legislative Decree No 59 of 26 March 2010 and published in G.U. No 94 of 23 April 2010?
2. Does the Court of Justice of the European Union also consider Italian Law No 89/1913 concerning the profession of notary, in conjunction with Articles 1350 and 2657 of the Civil Code, to be in breach of the rules laid down by the EU Treaty which prohibit monopolies on the provision of services (Article 53 of the EU Treaty and Article 37 of the EU Treaty)?
3. Does the Court of Justice of the European Union also consider Italian Law No 89/1913 concerning the profession of notary, in conjunction with Articles 1350 and 2657 of the Civil Code, to be in breach of European Union rules prohibiting what are referred to as measures having equivalent effect, laid down in Articles 28 and 29 of the EC Treaty and subsequently included in Articles 34 and 35 of the Treaty on the Functioning of the European Union as a result of the reform brought about by the Treaty of Lisbon, such measures being prohibited by the Treaty since they treat nationals of some Member States less favourably than nationals of other Member States with regard to access to services?

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

Appeal brought on 26 November 2013 by Hansa Metallwerke AG and Others against the judgment of the General Court (Fourth Chamber) delivered on 16 September 2013 in Case T-375/10 Hansa Metallwerke AG and Others v European Commission

(Case C-611/13 P)

(2014/C 52/48)

Language of the case: German

Parties

Appellants: Hansa Metallwerke AG, Hansa Nederland BV, Hansa Italiana Srl., Hansa Belgium, Hansa Austria GmbH (represented by: H.-J. Hellmann and S. Cappellari, Rechtsanwälte)