

**Request for a preliminary ruling from the Tribunale di Bergamo (Italy) lodged on 24 November 2014 — Criminal proceedings against Andrea Gaiti and Others**

(Case C-534/14)

(2015/C 034/15)

*Language of the case: Italian*

**Referring court**

Tribunale di Bergamo

**Parties to the main proceedings**

Andrea Gaiti, Sidi Amidou Billa, Joseph Arasomwan, Giuseppe Carissimi, Sahabou Songne

**Questions referred**

- 1) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past?
- 2) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates?
- 3) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding the imposition of an obligation to transfer, free of charge, the use of tangible and intangible assets represented by the betting management and collection network in the event that the activity has ceased owing to the expiry of the licence or as a result of measures disqualifying the licence-holder or withdrawing the licence?

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**Action brought on 25 November 2014 — European Commission v Grand Duchy of Luxembourg**

(Case C-536/14)

(2015/C 034/16)

*Language of the case: French*

**Parties**

*Applicant:* European Commission (represented by: J. Hottiaux and L. Nicolae, acting as Agents)

*Defendant:* Grand Duchy of Luxembourg

**Form of order sought**

The applicant claims that the Court should:

— declare that:

- by failing to carry out and notify the analyses of markets 7 and 14 in Recommendation 2003/311/EC<sup>(1)</sup> and markets 1 and 6 in Recommendation 2007/879/EC<sup>(2)</sup> within three years from the adoption of previous measures concerning the markets in question, and by failing to notify a reasoned proposed extension to the time-limit to the Commission,

— and by failing to request BEREC's assistance in completing the analyses of the markets in question,

the Grand Duchy has failed to fulfil its obligations under Article 16(6) and (7) of Directive 2002/21/EC<sup>(3)</sup> of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140/EC<sup>(4)</sup> of the European Parliament and of the Council of 25 November 2009;

— order the Grand Duchy of Luxembourg to pay the costs.

### **Pleas in law and main arguments**

In the first place, the Commission complains that the Grand Duchy of Luxembourg has not carried out nor has it notified the analyses of markets 7 and 14 in Recommendation 2003/311/EC and markets 1 and 6 in Recommendation 2007/879/EC within three years from the adoption of previous measures concerning the markets in question.

In the second place, the Commission complains that the Grand Duchy of Luxembourg has not requested, within the time-limits set, BEREC's assistance in completing the analyses of the specific markets and adopting the regulatory measures that are required.

<sup>(1)</sup> Commission Recommendation 2003/311/EC of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (OJ 2003 L 114, p. 45).

<sup>(2)</sup> Commission Recommendation 2007/879/EC of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (OJ 2007 L 344, p. 65).

<sup>(3)</sup> OJ 2002 L 108, p. 33.

<sup>(4)</sup> OJ 2009 L 337, p. 37.

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## **Action brought on 26 November 2014 — European Commission v Republic of Finland**

(Case C-538/14)

(2015/C 034/17)

*Language of the case: Finnish*

### **Parties**

*Applicant:* European Commission (represented by: I. Koskinen and D. Martin, acting as Agents)

*Defendant:* Republic of Finland

### **Form of order sought**

— declare that, by failing to designate a body with competence to perform, in the field of working life, the tasks required by Article 13 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>(1)</sup>, and by failing to ensure that those tasks are actually performed, the Republic of Finland has failed to fulfil its obligations under Articles 3(1) and 13 of that directive;

— order the Republic of Finland to pay the costs.