

3. Taking account of Article 153(5) TFEU and of the objectives of Directive 2003/88 concerning certain aspects of the organisation of working time, must Article 2 of that Directive, in so far as it defines the principal concepts used in the Directive, in particular those of working time and rest periods, be interpreted to the effect that it is not applicable to the concept of working time which serves to determine the remuneration owed in the case of home-based on-call time?
4. Does Directive 2003/88 of 4 November 2003 concerning certain aspects of the organisation of working time prevent home-based on-call time from being regarded as working time when, although the on-call time is undertaken at the home of the worker, the constraints on him during the on-call time (such as the duty to respond to calls from his employer within eight minutes) very significantly restrict the opportunities to undertake other activities?

(¹) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

**Request for a preliminary ruling from the Tribunale di Bergamo (Italy) lodged on 1 October 2015 —
Criminal proceedings against Luca Menci**

(Case C-524/15)

(2015/C 414/27)

Language of the case: Italian

Referring court

Tribunale di Bergamo

Party to the main proceedings

Luca Menci

Question referred

Does Article 50 of the Charter of Fundamental Rights of the European Union, interpreted in the light of Article 4 of Protocol No 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the related case-law of the European Court of Human Rights, preclude the possibility of conducting criminal proceedings concerning an act (non-payment of VAT) for which a definitive administrative penalty has been imposed on the defendant?

Request for a preliminary ruling from the Audiencia Provincial de Álava (Spain) lodged on 5 October 2015 — Laboral Kutxa v Esmeralda Martínez Quesada

(Case C-525/15)

(2015/C 414/28)

Language of the case: Spanish

Referring court

Audiencia Provincial de Álava

Parties to the main proceedings

Applicant: Laboral Kutxa