

Pleas in law and main arguments

The period for transposing Directive 2012/19/EU expired on 14 February 2014.

⁽¹⁾ OJ 2012 L 197, p. 38.

Request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Leiria (Portugal) lodged on 28 October 2015 — Bernard Jean Marie Gabarel v Fazenda Pública

(Case C-555/15)

(2016/C 016/25)

Language of the case: Portuguese

Referring court

Tribunal Administrativo e Fiscal de Leiria

Parties to the main proceedings

Applicant: Bernard Jean Marie Gabarel

Defendant: Fazenda Pública

Questions referred

- A. For the purposes of the interpretation of Article 132(1)(c) of Council Directive 2006/112/EC ⁽¹⁾ of 28 November 2006, should non-conventional therapies, in particular osteopathy, be regarded as paramedical activities?
- B. Must a taxable person who is authorised under national law to practise a paramedical activity, namely physiotherapy, but who in the context of his professional health activity uses either indistinctly or complementarily both therapies characteristic of physiotherapy and therapies characteristic of osteopathy be regarded, for the purposes of Article 132(1)(c) of Council Directive 2006/112/EC and, consequently, for the purposes of Article 9 of the CIVA [(Code on VAT)], as a professional who, overall, carries out a paramedical activity which is, accordingly, exempt from VAT?

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on 2 November 2015 — Alberto José Vieira de Azevedo and Others v CED Portugal Unipessoal, Lda, Instituto de Seguros de Portugal — Fundo de Garantia Automóvel

(Case C-558/15)

(2016/C 016/26)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Applicants: Alberto José Vieira de Azevedo, Maria da Conceição Ferreira da Silva, Carlos Manuel Ferreira Alves, Rui Dinis Ferreira Alves, Vitor José Ferreira Alves

Defendants: CED Portugal Unipessoal, Lda Instituto de Seguros de Portugal — Fundo de Acidentes de Trabalho

Intervener: Instituto de Seguros de Portugal — Fundo de Acidentes de Trabalho

Questions referred

1. Do recital 16A and Article 4 of the Fourth Motor Insurance Directive (Directive 2000/26/EC⁽¹⁾ of the European Parliament and of the Council of 16 May 2000, as amended by Directive 2005/14/EC⁽²⁾ of the European Parliament and of the Council of 11 May 2005), in the light of paragraphs 4, 5 and 8 of Article 4 (transposed into Portuguese law by Article 43 of Decree Law No 522/85 of 31 December 1985, as amended by Decree Law No 72-A/2003 of 14 April 2003), permit a writ to be served on the representative of an insurance company which does not operate in the country in which an action was brought seeking damages as a result of a road traffic accident, on the basis of compulsory insurance against civil liability in respect of the use of motor vehicles taken out in another European Union Member State?
2. If the first question is answered in the affirmative, does the question whether such a writ may be served depend on the specific terms of the representation agreement between the representative and the insurer?

⁽¹⁾ Directive 2000/26/EC of the European Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive) (OJ 2000 L 181, p. 65).

⁽²⁾ Directive 2005/14/EC of the European Parliament and of the Council of 11 May 2005 amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC of the European Parliament and of the Council relating to insurance against civil liability in respect of the use of motor vehicles (OJ 2005 L 149, p. 14).

Action brought on 4 November 2015 — European Commission v Kingdom of Spain

(Case C-563/15)

(2016/C 016/27)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: L. Pignataro-Nolin and E. Sanfrutos Cano, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court should:

- Declare that, in relation to the following landfill sites: Torremolinos (Malaga); Torrent de S'Estret (Andratx, Mallorca); Hoya de la Yegua de Arriba (Yaiza, Lanzarote); Barranco de Butihondo (Pájara, Fuerteventura); La Laguna-Tiscamanita (Tuineje, Fuerteventura); Lomo Blanco (Antigua, Fuerteventura); Montaña de Amagro (Galdar, Gran Canaria); Franja Costera de Botija (Galdar, Gran Canaria); Cueva Lapa (Galdar, Gran Canaria); La Colmena (Santiago del Teide, Tenerife); Montaña Los Giles (La Laguna, Tenerife); Las Rosas (Güimar, Tenerife); Barranco de Tejina (Guía de Isora, Tenerife); Llano de Ifara (Granadilla de Abona, Tenerife); Barranco del Carmen (Sta. Cruz de la Palma, La Palma); Barranco Jurado (Tijarafe, La Palma); Montaña Negra (Puntagorda, La Palma); Lomo Alto (Fuencaliente, La Palma); Arure/Llano Grande (Valle Gran Rey, La Gomera); El Palmar — Taguluche (Hermigua, La Gomera); Paraje de Juan Barba (Alajeró, La Gomera); El Altito (Valle Gran Rey, La Gomera); Punta Sardina (Agulo, La Gomera); Los Llanillos (La Frontera, El Hierro); Faro de Orchilla (La Frontera, El Hierro); Montaña del Tesoro (Valverde, El Hierro); Arbancón; Galve de Sorbe; Hiendelaencina; Tamajón; El Casar; Cardeñosa (Ávila); Miranda de Ebro (Burgos); Poza de la Sal (Burgos); Acebedo (León); Bustillo del Páramo (León); Cármenes (León); Gradefes (León); Noceda del Bierzo (León); San Millán de los Caballeros (León); Santa María del Páramo (León); Villaornate y Castro (León); Cevico de la Torre (Palencia); Palencia (Palencia); Ahigal de los Aceiteros (Salamanca); Alaraz (Salamanca); Calvarrasa de Abajo (Salamanca); Hinojosa de Duero (Salamanca); Machacón (Salamanca); Palaciosrubios (Salamanca); Peñaranda de Bracamonte (Salamanca); Salmoral (Salamanca); Tordillos (Salamanca); Basardilla (Segovia); Cabezuela (Segovia); Almaraz del Duero (Zamora), Cañizal (Zamora); Casaseca de las Chanas (Zamora); La Serratilla (Abanilla); Las Rellanas (Santomera) and El Labradorcico (Águilas), the Kingdom of Spain has failed to fulfil its obligations under Articles 13 and 15 of Directive 2008/98/EC⁽¹⁾ of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives