

to be interpreted as meaning that mixtures of paper, paperboard and paper product wastes, which — being composed in such a way that the fractions of the waste considered individually — come within the first three indents of entry B3020 of Annex IX to the Basel Convention, and which also contain up to 10 % impurities, are not covered by point 3(g) of Annex IIIA and accordingly are subject, not to the general information requirements laid down in Article 18, but instead to the notification requirement under Article 4?

<sup>(1)</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ 2006 L 190, p. 1).

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**Request for a preliminary ruling from the Juzgado de Instrucción de Badalona (Spain) lodged on 22 October 2018 — Criminal proceedings against VW**

**(Case C-659/18)**

(2019/C 35/11)

*Language of the case: Spanish*

**Referring court**

Juzgado de Instrucción de Badalona

**Party to the main proceedings**

VW

**Question referred**

Must Article 47 of the Charter of Fundamental Rights of the European Union and, in particular, Article 3(2) of Directive 2013/48/EU <sup>(1)</sup> be interpreted as meaning that the right of access to a lawyer may justifiably be delayed where the suspect or accused fails to appear when first summoned by the court and a national, European or international arrest warrant is issued, and that the assistance of a lawyer and the entering of an appearance by the lawyer in the proceedings may be delayed until the warrant is executed and the suspect is brought to court by the police?

<sup>(1)</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ 2013 L 294 p. 1).

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**Request for a preliminary ruling from the Tribunale ordinario di Brescia (Italy) lodged on 31 October 2018 — JH v KG**

**(Case C-681/18)**

(2019/C 35/12)

*Language of the case: Italian*

**Referring court**

Tribunale ordinario di Brescia

**Parties to the main proceedings**

*Applicant:* JH

*Defendant:* KG

### Question referred

Must Article 5(5) of Directive 2008/104/EC<sup>(1)</sup> of 19 November 2008 be interpreted as precluding the application of Legislative Decree No 276/2003, as amended by Decree Law 34/2014, which: (a) does not place limits on successive assignments of the same worker to the same user undertaking; (b) does not require that, in order for the use of fixed-term supply work to be lawful, there must be technical, production, organisational or replacement reasons for having recourse to such supply work; (c) does not provide that, in order for the use of such a form of employment contract to be lawful, the production requirement of the user undertaking must be temporary in nature?

<sup>(1)</sup> Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ 2008 L 327, p. 9).

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### Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 5 November 2018 — OC and Others v Banca d'Italia and Others

(Case C-686/18)

(2019/C 35/13)

*Language of the case: Italian*

### Referring court

Consiglio di Stato

### Parties to the main proceedings

*Applicants:* OC and Others, Adusbef, Federconsumatori, PB and Others, QA and Others

*Defendants:* Banca d'Italia, Presidenza del Consiglio dei Ministri, Ministero dell'Economia e delle Finanze

### Questions referred

1. Do Article 29 of Regulation (EU) No 575/2013 [ , on prudential requirements for credit institutions and investment firms],<sup>(1)</sup> Article 10 of Delegated Regulation (EU) No 241/2014,<sup>(2)</sup> and Articles 16 and 17 of the Charter of Fundamental Rights of the European Union, with reference to Article 6(4) of Council Regulation (EU) No 1024/2013 of 15 October 2013,<sup>(3)</sup> preclude a national provision such as that introduced by Article 1 of Decree-Law No 3/2015, converted, with amendments, by Law No 33/2015 (and currently also Article 1(15) of Legislative Decree No 72/2015, which has replaced Article 28(2-ter), [Consolidated Banking Law], substantially reproducing the text of Article 1(1)(a) of Decree-Law No 3/2015, as converted, with amendments that are not relevant to the present case), which imposes an asset threshold above which a people's bank must be converted into a company limited by shares, setting that limit at EUR 8 billion of assets? Furthermore, do the abovementioned unified European parameters preclude a national provision which, if a people's bank is converted into a company limited by shares, makes it possible for that company to defer or limit, including for an indefinite period, redemption of the shares held by the withdrawing shareholder?
2. Do Articles 3 and 63 et seq. TFEU, on competition in the internal market and free movement of capital, preclude a national provision such as that introduced by Article 1 of Decree-Law No 3/2015 (converted, with amendments, by Law No 33/2015), which limits the exercise of cooperative banking activities within a given asset limit, requiring the bank concerned to be converted into a company limited by shares if it should exceed that limit?
3. Do Article 107 et seq. TFEU on State aid preclude a national provision such as that introduced by Article 1 of Decree-Law No 3/2015, converted, with amendments, by Law No 33/2015 (and currently also Article 1(15) of Legislative Decree No 72/2015, which has replaced Article 28(2-ter), [Consolidated Banking Law], substantially reproducing the text of Article 1(1)(a) of Decree-Law No 3/2015, as converted, with amendments that are not relevant to the present case), which requires a people's bank to be converted into a company limited by shares if it exceeds a certain asset threshold (set at EUR 8 billion), establishing restrictions on the redemption of the shares held by the shareholder in the event of withdrawal, to avoid the possible liquidation of the converted bank?