C/2024/3445

10.6.2024

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 6 March 2024 – S.P.E.I. 2000 Srl v Ministero della Giustizia

(Case C-183/24, S.P.E.I. 2000)

(C/2024/3445)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant in cassation: S.P.E.I. 2000 Srl

Respondent in cassation: Ministero della Giustizia

Questions referred

1. Should Directive 2000/35/EC, (¹) as amended by Directive 2011/7/EU, (²) and, in particular, Article 1, Article 2(1) and (2), and Article 4(3) of Directive 2011/7, be interpreted as precluding a piece of national legislation or a national practice that:

   (a) excludes the classification of services, provided against remuneration by charterers of the equipment used for wiretapping at the request of public prosecutors' offices, as commercial transactions within the meaning of Directive 2011/7, making them subject to the substantive and procedural regime covering extraordinary legal costs?

   (b) consequently excludes the abovementioned services between charterers and public prosecutors' offices from the rules governing interest which are laid down by that directive?

2. Should Directive 2000/35, as amended by Directive 2011/7, and, in particular, Article 10(1) of the latter directive, be interpreted as precluding a piece of national legislation or a national practice that lays down an indeterminate time limit ('without delay') for the settlement of fees due to a service provider, with the result that those creditor rights cannot be asserted in an effectively enforceable and fully satisfactory manner?

(¹) Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions (OJ 2000 L 200, p. 35).
(²) Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (recast) (OJ 2011 L 48, p. 1).