

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 3 April 2014 — Tamoil Italia v Ministero dell'Ambiente e della Tutela del Territorio e del Mare

(Case C-156/14)

(2014/C 194/18)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Tamoil Italia SpA

Respondent: Ministero dell'Ambiente e della Tutela del Territorio e del Mare

Question referred

Do the European Union principles relating to the environment, laid down in Article 191(2) of the Treaty on the Functioning of the European Union and in Directive 2004/35/EC ⁽¹⁾ of 21 April 2004 (Articles 1 and 8(3) and recitals 13 and 24 in the preamble) — specifically, the 'polluter pays' principle, the precautionary principle and the principles that preventive action should be taken and that environmental damage should be rectified at source as a matter of priority — preclude national legislation, such as the rules set out in Articles 244, 245 and 253 of Legislative Decree No 152 of 3 April 2006, which, in circumstances in which it is established that a site is contaminated and in which it is impossible to identify the polluter or to have that person adopt the restoration measures, do not permit the administrative authority to require the owner (who is not responsible for the pollution) to implement the emergency safety and decontamination measures, merely attributing to that person financial liability limited to the value of the site once the decontamination measures have been carried out?

⁽¹⁾ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56).

Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 4 April 2014 — A and Others; other party: Minister van Buitenlandse Zaken

(Case C-158/14)

(2014/C 194/19)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: A, B, C, D

Other party: Minister van Buitenlandse Zaken

Questions referred

1. Having regard to, inter alia, Article 47 of the Charter of Fundamental Rights of the European Union, ⁽¹⁾ would an action for the annulment of Implementing Regulation No 610/2010, ⁽²⁾ in so far as that regulation included the LTTE on the list referred to in Article 2(3) of Regulation No 2580/2001, ⁽³⁾ brought before the General Court by the appellants in the present proceedings in their own name on the basis of Article 263 TFEU, undoubtedly have been admissible?
2. (a) Having regard to, inter alia, recital 11 in the preamble to Framework Decision 2002/475/JHA, ⁽⁴⁾ can actions by armed forces during periods of armed conflict, within the meaning of international humanitarian law, be terrorist offences within the meaning of that Framework Decision?

- (b) If the answer to Question 2(a) is in the affirmative, can actions by armed forces during periods of armed conflict, within the meaning of international humanitarian law, be terrorist acts within the meaning of Common Position 2001/931/CFSP ⁽⁵⁾ and of Regulation No 2580/2001?
3. Are the actions which formed the basis of Implementing Regulation No 610/2010, in so far as it included the LTTE on the list referred to in Article 2(3) of Regulation No 2580/2001, actions by armed forces during periods of armed conflict within the meaning of international humanitarian law?
4. Having regard to, inter alia, the answers to Questions 1, 2(a), 2(b) and 3, is Implementing Regulation No 610/2010, in so far as the LTTE was thereby included on the list referred to in Article 2(3) of Regulation No 2580/2001, invalid?
5. If the answer to Question 4 is in the affirmative, does that invalidity then also apply to the earlier and later Council decisions updating the list referred to in Article 2(3) of Regulation No 2580/2001, in so far as those decisions resulted in the inclusion of the LTTE on that list?

⁽¹⁾ OJ 2000 C 364, p. 1.

⁽²⁾ Council Implementing Regulation (EU) No 610/2010 of 12 July 2010 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 1285/2009 (OJ 2010 L 178, p. 1).

⁽³⁾ Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2001 L 344, p. 70).

⁽⁴⁾ Council Framework Decision of 13 June 2002 on combating terrorism (OJ 2002 L 164, p. 3).

⁽⁵⁾ Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ 2001 L 344, p. 93).

Request for a preliminary ruling from the Corte Suprema di Cassazione (Italy) lodged on 14 April 2014 — A v B

(Case C-184/14)

(2014/C 194/20)

Language of the case: Italian

Referring court

Corte Suprema di Cassazione

Parties to the main proceedings

Appellant: A

Cross-appellant: B

Question referred

May the decision on a request for child maintenance raised in the context of proceedings concerning the legal separation of spouses, being ancillary to those proceedings, be taken both by the court before which those separation proceedings are pending and by the court before which proceedings concerning parental responsibility are pending, on the basis of the prevention criterion, or must that decision of necessity be taken only by the latter court, as the two distinct criteria set out in points (c) and (d) of [Article 3 of Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations] ⁽¹⁾ are alternatives (in the sense that they are mutually exclusive)?

⁽¹⁾ OJ 2009 L 7, p. 1.