

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Basilicata (Italy) lodged on 10 August 2017 — Olympus Italia Srl v Istituto di Ricovero e Cura a Carattere Scientifico — Centro di Riferimento Oncologico della Basilicata di Rionero in Vulture (I.R.C.C. S. CROB)

(Case C-486/17)

(2017/C 374/22)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Basilicata

Parties to the main proceedings

Applicant: Olympus Italia Srl

Defendant: Istituto di Ricovero e Cura a Carattere Scientifico — Centro di Riferimento Oncologico della Basilicata di Rionero in Vulture (I.R.C.C.S. CROB)

Question referred

Do the Community principles of the protection of legitimate expectations and legal certainty, together with the principles of the free movement of goods, the freedom of establishment and the freedom to provide services, laid down in the Treaty on the Functioning of the European Union (TFEU), as well as the principles deriving therefrom, such as equality of treatment, non-discrimination, mutual recognition, proportionality and transparency, referred to in Directive 2014/24/EU, ⁽¹⁾ preclude the application of national legislation, such as the Italian legislation founded on the combined provisions of Article 95(10) and Article 83(9) of Legislative Decree No 50/2016, according to which the failure to list the corporate safety and security costs separately in the financial tender in a procedure for the award of public contracts inevitably results in the exclusion of the tendering undertaking concerned without the possibility of supplementing or amending its tendering documentation, even in the case where the obligation to list those costs separately was not set out on the attached form to be completed for the submission of the tender, and even though, in substantive terms, the tender in question actually took into account the minimum costs of corporate safety and security?

⁽¹⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 10 August 2017 — Criminal proceedings against Alfonso Verlezza and Others

(Case C-487/17)

(2017/C 374/23)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Alfonso Verlezza, Riccardo Traversa, Irene Cocco, Francesco Rando, Carmelina Scaglione, Francesco Rizzi, Antonio Giuliano, Enrico Giuliano, Refecta Srl, E. Giovi Srl, Vetreco Srl, SE.IN Srl

Questions referred

1. Must the Annex to Decision 2014/955/EU ⁽¹⁾ and Regulation (EU) No 1357/2014 ⁽²⁾ be interpreted, with reference to the classification of waste to which mirror codes have been assigned, as meaning that the producer of the waste must, when the composition of the waste is not known, carry out a prior classification of it, and, if so, within what limits?

2. Must the examination as to hazardous substances be carried out on the basis of uniform, predetermined methods?
3. Must the examination as to hazardous substances be based on a precise and representative verification that takes into account the composition of the waste, if this is already known or has been identified during the classification phase, or may the examination as to hazardous substances instead be carried out according to criteria of probability by taking into consideration which hazardous substances might reasonably be present in the waste?
4. Where there is doubt, or where it is impossible to establish with certainty whether or not hazardous substances are present in the waste, must that waste nevertheless be classified and treated as hazardous waste in application of the precautionary principle?

⁽¹⁾ 2014/955/EU: Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ 2014 L 370, p. 44).

⁽²⁾ Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ 2014 L 365, p. 89).

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 10 August 2017 — Criminal proceedings against Carmelina Scaglione

(Case C-488/17)

(2017/C 374/24)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Party to the main proceedings

Carmelina Scaglione

Questions referred

1. Must the Annex to Decision 2014/955/EU ⁽¹⁾ and Regulation (EU) No 1357/2014 ⁽²⁾ be interpreted, with reference to the classification of waste to which mirror codes have been assigned, as meaning that the producer of the waste must, when the composition of the waste is not known, carry out a prior classification of it, and, if so, within what limits?
2. Must the examination as to hazardous substances be carried out on the basis of uniform, predetermined methods?
3. Must the examination as to hazardous substances be based on a precise and representative verification that takes into account the composition of the waste, if this is already known or has been identified during the classification phase, or may the examination as to hazardous substances instead be carried out according to criteria of probability by taking into consideration which hazardous substances might reasonably be present in the waste?
4. Where there is doubt, or where it is impossible to establish with certainty whether or not hazardous substances are present in the waste, must that waste nevertheless be classified and treated as hazardous waste in application of the precautionary principle?

⁽¹⁾ 2014/955/EU: Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ 2014 L 370, p. 44).

⁽²⁾ Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ 2014 L 365, p. 89).
