

Reference for a preliminary ruling from the The Commissione Tributaria Provinciale (Regional Tax Court) Milan, Italy lodged on 18 September 2006 — Bakemark Italia Srl v Agenzia Entrate Ufficio Milano 1 (Local Tax Office) Milan

(Case C-386/06)

(2006/C 294/45)

Language of the case: Italian

Referring court

The Commissione Tributaria Provinciale (Regional Tax Court), Milan

Parties to the main proceedings

Applicant: Bakemark Italia Srl

Defendant: Agenzia Entrate Ufficio (Local Tax Office) Milan

Question referred

Is Article 19(a)(1)(c), (d) and (e) of DPR No 633/72 incompatible with Article 17 of the Sixth Council Directive No 77/388/EEC of 17 May 1977? ⁽¹⁾

⁽¹⁾ OJ L145, p. 1

Action brought on 19 September 2006 — Commission of the European Communities v Republic of Finland

(Case C-387/06)

(2006/C 294/46)

Language of the case: Finnish

Parties

Applicant: Commission of the European Communities (represented by M. Huttunen and M. Shotter, acting as Agents)

Defendant: Republic of Finland

Form of order sought

— declare that, by restricting in Paragraph 43 of the Viestintämarkkinalaki (Communications Market Law) the powers of the national regulatory authority to regulate the termination of calls from a fixed network to a mobile network, the Republic of Finland has failed to fulfil its obligations under Article 8(1), (2)(b) and 3(c) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services ⁽¹⁾ and under Article 8(1) and (4) of Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to,

and interconnection of, electronic communications networks and associated facilities ⁽²⁾;

— order the Republic of Finland to pay the costs.

Pleas in law and main arguments

The period prescribed for implementation of the directive expired on 24 July 2003.

⁽¹⁾ OJ 2002 L 108, p. 33.

⁽²⁾ OJ 2002 L 108, p. 7.

Reference for a preliminary ruling from the Tribunale ordinario di Roma (Italy) lodged on 19 September 2006 — Nuova Agricast srl v Ministero delle Attività Produttive

(Case C-390/06)

(2006/C 294/47)

Language of the case: Italian

Referring court

Tribunale ordinario di Roma

Parties to the main proceedings

Claimant: Nuova Agricast srl

Defendant: Ministero delle Attività Produttive

Question referred

'The question concerns the validity of the EU Commission's decision of 12 July 2000, notified to the Italian Government by letter referenced SG(2000)D/105754 of 2 August 2000, solely with reference to the transitional provision which provides for exceptional derogation from the principle of "necessary aid" — on the occasion of the first implementation of the scheme in question — only for applications "made on the occasion of the last invitation to apply for support measures, organised on the basis of the preceding scheme and approved by the Commission until 31 December 1999, which were considered eligible for aid but were not cleared because insufficient financial resources were allocated to that invitation", with the consequent unjustified passing-over — in breach of the principle of equal treatment and of the obligation to state the reasons on which the decision was based pursuant to Article 253 EC — of applications made in connection with earlier invitations, which had not been supported because of a lack of funds and which were waiting to be included automatically in the next invitation or to be revised and resubmitted in the first "appropriate" invitation established under the new scheme'.