

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio lodged on 2 April 2010 — Andrea Sacripanti v Ministero dell'Interno**

(Case C-171/10)

(2010/C 161/45)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Andrea Sacripanti

*Defendant:* Ministero dell'Interno

**Question referred**

Is a national system under national legislation (introduced as from the Bersani Decree, Decree-Law No 223 of 4 July 2006, converted into Law No 248 of 4 August 2006) compatible with Articles 43 and 49 of the EC Treaty, when it, inter alia:

- (a) tends generally to protect holders of licences issued at an earlier period following a tendering procedure that unlawfully excluded some operators;
- (b) in fact ensures the maintenance of acquired commercial positions (by, for example, prohibiting new licensees from locating their kiosks within a specified distance of those already in existence);
- (c) provides for cases in which the licence may lapse when the licensee directly or indirectly carries on cross-border gaming activities analogous to those under the licence?

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio lodged on 2 April 2010 — Emiliano Orru' v Ministero dell'Interno**

(Case C-172/10)

(2010/C 161/46)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Emiliano Orru'

*Defendant:* Ministero dell'Interno

**Question referred**

Is a national system under national legislation (introduced as from the Bersani Decree, Decree-Law No 223 of 4 July 2006, converted into Law No 248 of 4 August 2006) compatible with Articles 43 and 49 of the EC Treaty, when it, inter alia:

- (a) tends generally to protect holders of licences issued at an earlier period following a tendering procedure that unlawfully excluded some operators;
- (b) in fact ensures the maintenance of acquired commercial positions (by, for example, prohibiting new licensees from locating their kiosks within a specified distance of those already in existence);
- (c) provides for cases in which the licence may lapse when the licensee directly or indirectly carries on cross-border gaming activities analogous to those under the licence?

**Reference for a preliminary ruling from the Tribunale Amministrativo Regionale per il Lazio lodged on 2 April 2010 — Fabrizio Cariulo v Ministero dell'Interno**

(Case C-173/10)

(2010/C 161/47)

*Language of the case: Italian*

**Referring court**

Tribunale Amministrativo Regionale per il Lazio

**Parties to the main proceedings**

*Applicant:* Fabrizio Cariulo

*Defendant:* Ministero dell'Interno

**Question referred**

Is a national system under national legislation (introduced as from the Bersani Decree, Decree-Law No 223 of 4 July 2006, converted into Law No 248 of 4 August 2006) compatible with Articles 43 and 49 of the EC Treaty, when it, inter alia: