

ECJ Preliminary Ruling Request (Customs): *Centro di Assistenza Doganale Mellano* (Case C-503/23) – Tribunale Amministrativo Regionale per il Piemonte Submits Referral on Authorized Place to Operate for Customs Assistance Centres

6 November 2023

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On 6 November 2023, a preliminary ruling request, lodged on 7 August 2023, was published in the Official Journal of the European Union. By this, the Tribunale Amministrativo Regionale per il Piemonte (Regional Administrative Tribunal of Piedmont, Italy) made reference to the Court of Justice of the European Union (ECJ) for a preliminary ruling in the case of *Centro di Assistenza Doganale (CAD) Mellano Srl v. Agenzia delle Dogane e dei Monopoli – Agenzia delle Dogane – Direzione Interregionale per la Liguria, Ministero dell'Economia e delle Finanze* (C-503/23) on whether national legislation and practice can limit the possibility for customs assistance centres to carry out their operations in a location other than that of their registered office. More specifically, the referring court is unsure as to whether the prohibition for customs assistance centres to operate in locations outside the territory where their registered office is amounts to a breach of article 18 of the Union Customs Code (2013/952), articles 10 to 15 of [Directive 2006/123](#) on services in the internal market as well as the free movement of goods, persons and services.

For this reason, the referring court requested the ECJ to answer the following questions:

"Must Article 18 of Regulation (EU) No 952/2013 [[Union Customs Code \(2013/952\)](#)], in conjunction with recital 21, be interpreted as precluding a legislative provision (Article 3(3) of Ministerial Decree No 549/1992) and a national practice, which impose a restriction on the ability of the CAD – Customs assistance centres to operate at an 'authorised place' within the Regional / Interregional / Interprovincial directorate where they have their registered office, preventing them from expanding throughout the national territory?

Must Articles 10 and 15 of Directive 2006/123/EC of the European Parliament and of the Council be interpreted as precluding a legislative provision (Article 3(3) of Ministerial Decree No 549/1992) and a national practice, which impose a restriction on the ability of the CAD – Customs assistance centres to operate at an 'authorised place' within the Regional / Interregional / Interprovincial directorate where they have their registered office, preventing them from expanding throughout the national territory and, at the same time, reserving that right to operate throughout the national territory solely to customs agents?

Must Articles 56-62 TFEU be interpreted as precluding a legislative provision (Article 3(3) of Ministerial Decree No 549/1992) and a national practice, which impose a restriction on the ability of the CAD – Customs assistance centres to operate at an 'authorised place' within the Regional / Interregional /

Interprovincial directorate where they have their registered office, preventing them from expanding throughout the national territory and, at the same time, reserving that right to operate throughout the national territory solely to customs agents?"

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