

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 9 May 2023 —
ENGIE Deutschland GmbH v Landesregulierungsbehörde beim Sächsischen Staatsministerium für
Wirtschaft, Arbeit und Verkehr**

(Case C-293/23, ENGIE Deutschland)

(2023/C 286/24)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: ENGIE Deutschland GmbH

Defendant: Landesregulierungsbehörde beim Sächsischen Staatsministerium für Wirtschaft, Arbeit und Verkehr

Other parties to the proceedings: Zwickauer Energieversorgung GmbH, Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen

Question referred

Do Article 2(28) and (29) and Article 30 et seq. of Directive 2019/944 ⁽¹⁾ preclude a provision such as Paragraph 3(24a) in conjunction with Paragraph 3(16) of the Gesetz über die Elektrizitäts- und Gasversorgung (Law on electricity and gas supply ('the EnWG'), according to which the operator of an energy facility for the supply of energy is not subject to the obligations of a distribution system operator if it constructs and operates the energy facility instead of the existing distribution system in order to supply, by means of electricity generated in a combined heat and power plant, several blocks of flats with up to 200 rented residential units and with an annual quantity of transmitted energy of up to 1 000 MWh, with the costs of the construction and operation of the energy facility being borne by the end consumers (tenants) as part of a standard monthly basic fee payable for the heat supplied and the operator sells the electricity generated to the tenants?

⁽¹⁾ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ 2019 L 158, p. 125).

**Request for a preliminary ruling from the Bayerischer Anwaltsgerichtshof (Germany) lodged on
9 May 2023 — Halmer Rechtsanwaltsgesellschaft UG v Rechtsanwaltskammer München**

(Case C-295/23, Halmer Rechtsanwaltsgesellschaft)

(2023/C 286/25)

Language of the case: German

Referring court

Bayerischer Anwaltsgerichtshof

Parties to the main proceedings

Applicant: Halmer Rechtsanwaltsgesellschaft UG

Defendant: Rechtsanwaltskammer München

Joined parties: SIVE Beratung und Beteiligung GmbH, Dr Daniel Halmer, Rechtsanwalt

Questions referred

1. Does it constitute an unlawful restriction of the right to free movement of capital under Article 63(1) TFEU if, under the laws of a Member State, the admission to practise law held by a law company must be withdrawn where

- 1.1 a share in the law company is transferred to a person who does not satisfy the special professional requirements governing the acquisition of a share under the law of the Member State? Under those provisions, a share in a law company may be acquired only by a lawyer or other member of a bar association, a patent attorney, tax consultant, tax representative, auditor or certified accountant, a member of a legal profession from another State who is permitted to provide legal advice in Germany, or a patent attorney, tax consultant, tax representative, auditor or certified accountant of another State who is authorised to carry on that activity in Germany or a doctor or pharmacist;
- 1.2 a partner satisfies the special requirements set out in point 2.1.1., but is not professionally active in the law company?
- 1.3 because of the transfer of one or more shares or voting rights, the majority thereof are no longer held by lawyers?
2. Does it constitute an unlawful restriction of the right to free movement of capital under Article 63(1) TFEU where a partner who is not entitled to practise a profession in accordance with point 2.1.1. does not have a voting right, even though the company's articles of association contain clauses, in order to protect the independence of legal professionals and of the company's legal activities, under which it is ensured that the company is represented as managing directors or authorised officers only by lawyers, partners and the partners meeting are prohibited from influencing the management board through instructions or indirectly through the threat of disadvantages, partners' resolutions in contravention of those rules are rendered ineffective and the obligation of legal confidentiality is extended to partners and persons acting on their behalf?
3. Do the restrictions referred to in points 2.1. and 2.2. satisfy the conditions laid down in Article 15(3)(a) to (c) of Directive 2006/123/EC⁽¹⁾ ('the Services Directive'), for permitted interferences with the freedom to provide services?
4. In the event that, in the view of the Court of Justice, the applicant's right to free movement of capital (points 2.1. and 2.2.) is not affected and there is no infringement of the Services Directive (point 2.3):

Is the right of the first joined party (S-GmbH) to freedom of establishment under Article 49 TFEU infringed by the restrictions referred to in points 2.1. and 2.2.?

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

Request for a preliminary ruling from the *Nederlandstalige Ondernemingsrechtbank Brussel* (Belgium) lodged on 8 May 2023 — *Inter IKEA Systems BV v Algemeen Vlaams Belang VZW and Others*

(Case C-298/23, *Inter IKEA Systems*)

(2023/C 286/26)

Language of the case: Dutch

Referring court

Nederlandstalige Ondernemingsrechtbank Brussel

Parties to the main proceedings

Applicant: Inter IKEA Systems BV

Defendants: Algemeen Vlaams Belang VZW, S, T, U and V, Vrijheidsfonds VZW