

Request for a preliminary ruling from the Helsingin hallinto-oikeus (Finland) lodged on 6 July 2023 — Metsä Fibre Oy

(Case C-414/23, Metsä Fibre)

(2023/C 338/15)

Language of the case: Finnish

Referring court

Helsingin hallinto-oikeus

Parties to the main proceedings

Applicant: Metsä Fibre Oy

Questions referred

1. Are the provisions of Articles 70 and 40 of the Commission Registry Regulation ⁽¹⁾ regarding the timeframes for reversal of transactions and the final and irrevocable nature of transactions invalid when the right to property under Article 17 of the Charter of Fundamental Rights of the European Union and the other rights protected in the Charter of Fundamental Rights are taken into account, in as much as the provisions at issue prevent the retransfer of the allowances to Metsä Fibre Oy in a situation where the surrender of excessive allowances to the Union Registry was based on the application of the provisions which were found in the *Schaefer Kalk* judgment ⁽²⁾ to be invalid, and the company cannot use the positive compliance status of the compliance account because of the current low level of emissions from the Äänekoski installation?
2. If Question 1 is answered in the negative, are the provisions of Articles 70 and 40 of the Commission Registry Regulation at all applicable in a situation where the surrender of excessive allowances to the Union Registry was based on application of the provisions which were found in the *Schaefer Kalk* judgment to be invalid and not on a transaction unintentionally or erroneously initiated by an account holder or a national administrator acting on behalf of the account holder?
3. If Question 1 is answered in the negative and Question 2 is answered in the affirmative, is there any other way made possible by EU law to put Metsä Fibre Oy in the position, with respect to use of the allowances, in which it would have been if the provisions which were found in the *Schaefer Kalk* judgment to be invalid had not existed and the company had not surrendered excessive allowances on the basis of them?

⁽¹⁾ Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ 2013 L 122, p. 1).

⁽²⁾ Judgment of 19 January 2017, *Schaefer Kalk* (C-460/15, EU:C:2017:29).

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 6 July 2023 — Slagelse Almennyttige Boligselskab — Afdeling Schackenborgvænge, XM, ZQ, FZ, DL, WS, JI, PB, VT, YB, TJ, RK v MV, EH, LI, AQ, LO, Social-, Bolig- og Ældreministeriet

(Case C-417/23, Slagelse Almennyttige Boligselskab — Afdeling Schackenborgvænge)

(2023/C 338/16)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicants: Slagelse Almennyttige Boligselskab — Afdeling Schackenborgvænge, XM, ZQ, FZ, DL, WS, JI, PB, VT, YB, TJ, RK

Defendants: MV, EH, LI, AQ, LO, Social-, Bolig- og Ældreministeriet