

### Questions referred

1. Are Article 21 of the Charter of Fundamental Rights of the European Union and Article 6(1) of Council Directive 2000/78/EC<sup>(1)</sup> of 27 November 2000 establishing a general framework for equal treatment in employment and occupation to be interpreted as precluding national legislation which provides in mandatory terms that a person who has reached the age of 60 on expiry of the deadline for applications to the notary post in question cannot be appointed for the first time to the role of *Anwaltsnotar* (lawyer commissioned as notary), even if more than one post must remain vacant because there are no suitable younger candidates in the local court district in which the application procedure took place and candidates from other local court districts are not permitted to apply?
2. Is question 1 to be answered in the affirmative if it is to be expected that more than one advertised post of lawyer commissioned as notary will be impossible to fill with suitable candidates younger than 60 in the same local court district in the following year?
3. Is question 1 to be answered in the affirmative in any event because it is also to be expected that, also in other local court districts outside large urban centres, it will repeatedly prove impossible to fill all advertised posts of lawyer commissioned as notary with suitable candidates younger than 60?
4. Is no infringement of Article 21 of the Charter of Fundamental Rights of the European Union and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 present if the supply of notarial services is assured in a local court district even though an applicant over 60 years of age has not been appointed to the post of lawyer commissioned as notary solely on account of his or her age and more than one post has remained vacant?

---

<sup>(1)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

---

**Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Italy) lodged on 10 July 2023 — *Secab Soc. coop. v Autorità di Regolazione per Energia Reti e Ambiente (ARERA), Gestore dei servizi energetici (GSE) SpA***

**(Case C-423/23, *Secab*)**

(2023/C 321/37)

*Language of the case: Italian*

### Referring court

Tribunale Amministrativo Regionale per la Lombardia

### Parties to the main proceedings

*Applicant:* Secab Soc. coop.

*Defendants:* Autorità di Regolazione per Energia Reti e Ambiente (ARERA), Gestore dei servizi energetici (GSE) SpA

### Questions referred

1. Do Article 5(4) of Directive (EU) 2019/944, <sup>(1)</sup> recitals 3 and 12 of Directive (EU) 2018/2001, <sup>(2)</sup> and recitals 27, 28, 29 and 39, Article 6(1) and Article 8(2) of Regulation (EU) 2022/1854 <sup>(3)</sup> preclude a national rule which sets a cap on market revenue obtained from the sale of electricity in the manner provided for in Article 15 bis of Decree-Law No 4 of 27 January 2022, which does not guarantee that producers may retain 10 % of their revenues above that cap?
2. Do Article 5(4) of Directive (EU) 2019/944, recitals 2, 3 and 12 of Directive (EU) 2018/2001, recitals 27, 28, 29 and 39, Article 6(1) and Article 8(2)(b) and (c) of Regulation (EU) 2022/1854 preclude a national rule which sets a cap on market revenues obtained from the sale of electricity in the manner provided for in Article 15 bis of Decree-Law No 4 of 27 January 2022, which does not preserve and incentivise investments in the renewable energy sector?

3. Do recital 3 of Directive (EU) 2018/2001, and recitals 27 and 41, Article 7(1)(h), (i) and (j) and Article 8(1)(a) and (d) and (2) of Regulation (EU) 2022/1854 preclude a national rule which sets a cap on market revenues obtained from the sale of electricity in the manner provided for in Article 15 bis of Decree-Law No 4 of 27 January 2022, which does not provide for any specific cap on the revenues obtained from the sale of energy produced from hard coal, or a regulation differentiating between different sources of production?

- (<sup>1</sup>) 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 (recast) (OJ 2019 L 158, p. 125).
- (<sup>2</sup>) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast) (OJ 2018 L 328, p. 82).
- (<sup>3</sup>) Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices (OJ 2022 L 261, p. 1).

**Action brought on 12 July 2023 — European Commission v Kingdom of Spain**

**(Case C-433/23)**

(2023/C 321/38)

*Language of the case: Spanish*

**Parties**

*Applicant:* European Commission (represented by: C. Hermes and E. Sanfrutos Cano, acting as Agent)

*Defendant:* Kingdom of Spain

**Form of order sought**

The applicant claims that the Court of Justice should:

(1) declare that

- by failing to adopt the necessary measures in relation to the collection of urban waste water from the agglomerations of Acorán; Adeje-Arona; Añaza; Candelaria-Casco; Candelaria-Punta Larga; Golf del Sur; Guía de Isora Litoral; La Esperanza-La Laguna Sur-Santa Cruz-Valles (La Laguna, El Rosario, Santa Cruz); Puerto de Santiago-Playa la Arena; San Isidro-Litoral; Sueño Azul; and Valle de la Orotava in the Canary Islands, and in Medio-Andarax in Andalucía, the Kingdom of Spain has failed to fulfil its obligations under Article 3 of Directive 91/271/EEC; (<sup>1</sup>)
- by failing to adopt the necessary measures in relation to the treatment of urban waste water from the agglomerations of de Acantilado de los Gigantes; Adeje-Arona; Almansa; Almodóvar del Campo; Almodóvar del Río; Alto Nerbioi-Amurrio; Alto Nerbioi-Laudio; Candelaria-Casco; Candelaria-Punta Larga; Consuegra; Donostia-San Sebastián; Estepa; Genil-Cubillas; Golf del Sur; Guareña-Oliva de Mérida-Cristina; Guía de Isora Litoral; Jódar; La Esperanza-La Laguna Sur-Santa Cruz-Valles (La Laguna, El Rosario, Santa Cruz); Lora del Río; Los Yébenes; Martos; Medio-Andarax; Posadas; Puerto de Santiago-Playa la Arena; Quintanar de la Orden; Rambla (La)-Montalbán; San Isidro-Litoral; San Roque; Santoña; Sueño Azul; Torredonjimeno; Trebujena; Trujillo; Valle de la Orotava; Venta de Baños, and Villanueva del Río-Alcolea del Río, the Kingdom of Spain has failed to fulfil its obligations under Article 4(1) and (3) of Directive 91/271/EEC;
- by failing to adopt the necessary measures in relation to the treatment of urban waste water from the agglomerations of Almodóvar del Campo; Argamasilla de Alba; Cáceres; Condado de Huelva II (Chucena-Escacena-Paterna-Manzanilla); Consuegra; Don Benito-Villanueva de la Serena; Guareña-Oliva de Mérida-Cristina; Guillena; Los Yébenes; Madridejos; Mérida; Montcada; Montijo-Puebla Calzada; Palma del Condado; Quintanar de la Orden; Rubí; Sonseca; Soria; Trujillo; Venta de Baños, and Villafranca de los Barros, the Kingdom of Spain has failed to fulfil its obligations under Article 5 and Annex I.B to Directive 91/271/EEC;