Judgment of the Court (Grand Chamber) of 26 July 2017 (request for a preliminary ruling from the Verwaltungsgericht Minden — Germany) — Tsegezab Mengesteab v Bundesrepublik Deutschland

(Case C-670/16) ([1])

(Reference for a preliminary ruling — Regulation (EU) No 604/2013 — Determination of the Member State responsible for examining an application for international protection made in one of the Member States by a third-country national — Article 20 — Start of the determination process — Lodging an application for international protection — Report prepared by the authorities that reached the competent authorities — Article 21(1) — Time limits for making a take charge request — Transfer of responsibility to another Member State — Article 27 — Remedy — Scope of judicial review)

(2017/C 309/22)

Language of the case: German

Referring court

Verwaltungsgericht Minden

Parties to the main proceedings

Applicant: Tsegezab Mengesteab

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. *Article 27(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, read in the light of recital 19 thereof, must be interpreted as meaning that an applicant for international protection may rely, in the context of an action brought against a decision to transfer him, on the expiry of a period laid down in Article 21(1) of that regulation, even if the requested Member State is willing to take charge of that applicant.*

2. *Article 21(1) of Regulation No 604/2013 must be interpreted as meaning that a take charge request cannot validly be made more than three months after the application for international protection has been lodged, even if that request is made within two months of receipt of a Eurodac hit within the meaning of that article.*

3. *Article 20(2) of Regulation No 604/2013 must be interpreted as meaning that an application for international protection is deemed to have been lodged if a written document, prepared by a public authority and certifying that a third-country national has requested international protection, has reached the authority responsible for implementing the obligations arising from that regulation, and as the case may be, if only the main information contained in such a document, but not that document or a copy thereof, has reached that authority.*

([1]) OJ C 104, 3.4.2017.

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Italy) lodged on 10 May 2017 — Solvay Chimica Italia SpA and Others v Autorità per l'energia elettrica e per il gas e il sistema idrico

(Case C-262/17)

(2017/C 309/23)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Lombardia

Parties to the main proceedings

Applicants: Solvay Chimica Italia SpA, Solvay Specialty Polymers Italy SpA, Solvay Chimica Bussi SpA, Ferrari F.lli Lunelli SpA, Fenice — Qualità Per L'ambiente SpA, Erg Power Srl, Erg Power Generation SpA, Eni SpA, Enipower SpA

Defendant: Autorità per l'energia elettrica e per il gas e il sistema idrico

Questions referred

1. Must the provisions of Directive 2009/72/EC, ([1]) in particular Articles 3(5) and (6) and 28, be interpreted as meaning that a system created and operated by a private person, to which a limited number of generation and consumption units are connected, and which in turn is connected to the public network, necessarily constitutes an electricity network, and thus a 'distribution system' for the purposes of that directive, without it being possible to exclude from that classification private systems with those characteristics created before the entry into force of that directive and set up originally for the purpose of self-generation?

2. If the preceding question is answered in the affirmative, is the only possibility offered by the directive of taking advantage of the particular features of a private electricity network that of including it in the category of closed distribution systems referred to in Article 28 of the directive, or is the national legislature permitted to identify another category of distribution systems subject to a simplified set of rules which are different from those laid down in respect of closed distribution systems?

3. Independently of the previous questions, must the directive be interpreted as meaning that the obligation to connect third parties is applicable in all cases to the closed distribution systems referred in Article 28?

4. Independently of the previous questions, does the classification of a private electricity network as a closed distribution system within the meaning of Article 28 of Directive 2009/72/EC, permit the national legislature to allow, in favour of such a system, only the derogations from the general scheme for distribution systems expressly referred to in Articles 28 and 26(4) of the directive, or is the Member State — in the light of what is stated in recitals 29 and 30 of the directive — permitted or required to provide for other exceptions to the application of the general rules governing distribution systems in such a way as to ensure attainment of the objectives set out in those recitals?

5. In the event that the Court of Justice considers that the Member State may or must lay down rules which take account of the specific nature of closed distribution systems, do the provisions of Directive 2009/72/EC — in particular recitals 29 and 30 and Articles 15(7), 37(6)(b) and 26(4) — preclude national legislation, such as that under consideration in the present case, which subjects closed distribution systems to rules on dispatching and unbundling that are very similar to those imposed in respect of public networks and which, as regards general electricity charges, provides that payment of those charges should in part also be commensurate with the energy consumed within the closed system?

([1]) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ 2009 L 211, p. 55).

Request for a preliminary ruling from the Tribunale Amministrativo Regionale per la Lombardia (Italy) lodged on 10 May 2017 — Whirlpool Europe Srl and Others v Autorità per l'energia elettrica e per il gas e il sistema idrico

(Case C-263/17)

(2017/C 309/24)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale per la Lombardia

Parties to the main proceedings

Applicants: Whirlpool Europe Srl, Fenice — Qualità per l'ambiente SpA, FCA Italy SpA, FCA Group Purchasing Srl, FCA Melfi SpA, Barilla G. e R. Fratelli SpA, Versalis SpA