

3. Must the Third Electricity Directive be interpreted as meaning that national law, such as that at issue in the main proceedings, which establishes a special measure consisting of a compulsory levy on regulated entities, including the holders of an authorisation to supply electricity granted by the Office, set in accordance with their financial performance, including performance achieved from activity abroad, fails to satisfy the requirements relating to transparency [Or. 3], non-discrimination and equality of access to consumers as provided for in Article 3 of the directive since — in the case of a regulated entity — it also affects revenue obtained (from the supply of electricity or other means) abroad whereas — in the case of the holder of an authorisation to provide energy on the basis of a ‘passport’ authorisation to supply electricity granted in the relevant State of origin — it affects only the revenue obtained in the Slovak Republic?

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(<sup>1</sup>) OJ 2009 L 211, p. 55.

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**Action brought on 8 June 2018 — European Commission v Kingdom of Belgium**

**(Case C-384/18)**

(2018/C 285/48)

*Language of the case: French*

**Parties**

*Applicant:* European Commission (represented by: H. Tserepa-Lacombe and L. Malferrari, acting as Agents)

*Defendant:* Kingdom of Belgium

**Form of order sought**

— Find that the Kingdom of Belgium has failed to fulfil its obligations under Article 25 of Directive 2006/123/EC (<sup>1</sup>) and Article 49 TFEU;

— Order the Kingdom of Belgium to pay the costs.

**Pleas in law and main arguments**

By (i) prohibiting the joint exercise of work as accountants, on the one hand, and as brokers, insurance agents, estate agents or all banking and financial services work, on the other, and by (ii) permitting the Chambers of the Institut Professionnel des Comptables et Fiscalistes Agréés (Institute of Accounting professionals and Tax Experts; IPCF) to prohibit the joint exercise of work as accountants, on the one hand, with any craft or commercial agricultural activity, on the other, the Kingdom of Belgium has failed to fulfil its obligations under Article 25 of Directive 2006/123/EC and Article 49 TFEU.

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(<sup>1</sup>) 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).

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**Action brought on 29 June 2018 — European Commission v Italian Republic**

**(Case C-434/18)**

(2018/C 285/49)

*Language of the case: Italian*

**Parties**

*Applicant:* European Commission (represented by: M. Patakia and G. Gattinara, acting as Agents)

*Defendant:* Italian Republic

**Form of order sought**

The applicant claims that the Court should:

- find that, by not having sent its national programme for the management of spent nuclear fuel and radioactive waste to the Commission, the Italian Republic has failed to fulfil its obligation under Article 15(4), in conjunction with Article 13(1), of Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste. <sup>(1)</sup>
- order the Italian Republic to pay the costs.

**Pleas in law and main arguments**

Article 15(4), in conjunction with Article 13(1), of Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste establishes that Member States are to notify the Commission for the first time 'as soon as possible', but not later than 23 August 2015, of the content of their national programmes regarding all items set out in Article 12 of the directive.

The Commission claims that it is apparent from the information provided by the Italian Republic during the pre-litigation stage that that notification never took place, in as much as the Italian authorities have not yet sent the Commission the final text of the national programme adopted for the management of spent nuclear fuel and radioactive waste.

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<sup>(1)</sup> OJ 2011 L 199, p 48.