

Questions referred

1. Is Article 263(1), (2) and (5) of the Treaty on the Functioning of the European Union, read in conjunction with Article 256(1) thereof, to be interpreted as meaning that the Courts of the European Union have jurisdiction, or that the national courts have jurisdiction, in an action challenging decisions to initiate procedures, measures of inquiry and non-binding proposals adopted by the competent national authority (as specified in paragraph 1 of the present order) in proceedings governed by Articles 22 and 23 of Directive 2013/36/EU⁽¹⁾ of the European Parliament and of the Council of 26 June 2013, by Articles 1(5), 4(1)(c) and 15 of Council Regulation (EU) No 1024/2013⁽²⁾ of 15 October 2013, by Articles 85, 86 and 87 of Regulation (EU) No 468/2014⁽³⁾ of the European Central Bank of 16 April 2014 and by Articles 19, 22 and 25 of the Italian Banking Act?
2. In particular, may the jurisdiction of the Courts of the European Union be asserted when the abovementioned measures are challenged, not in a general action for annulment, but in an action for a declaration of invalidity on the grounds of breach or circumvention of the ruling in Judgment No 882/2016 of 3 March 2016 of the Consiglio di Stato brought in accordance with Article 112 et seq. of the Italian Code of Administrative Procedure relating to compliance with a judgment (that is to say, in proceedings peculiar to Italian administrative procedural law), when the decision of the EU Courts involves the interpretation and identification, in accordance with national law, of the objective limits of the ruling given in the judgment in question?

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ 2013 L 176, p. 338).

⁽²⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ 2013 L 287, p. 63).

⁽³⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ 2014 L 141, p. 1).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 8 May 2017 —
Legatoria Editoriale Giovanni Olivotto (LEGO) SpA v Gestore dei servizi energetici (GSE) SpA and
Others**

(Case C-242/17)

(2017/C 283/21)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Legatoria Editoriale Giovanni Olivotto (LEGO) SpA

Respondents: Gestore dei servizi energetici (GSE) SpA, Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero dello Sviluppo Economico, Ministero delle Politiche Agricole e Forestali

Questions referred

1. Does EU law, and more specifically Article 18(7) of Directive 2009/28/EC,⁽¹⁾ in conjunction with Commission Decision 2011/438/EU of 19 July 2011,⁽²⁾ preclude national provisions, such as the Ministerial Decree of 23 January 2012, and in particular Articles 8 and 12 thereof, which impose specific requirements that are both different from and more extensive than the requirements which are satisfied by signing up to a voluntary scheme which is the subject of a decision of the European Commission adopted in accordance with Article 18(4) of Directive 2009/28/EC?

2. If the answer to Question (a) is in the negative, must economic operators which are involved in the product supply chain, even though their role is merely that of a trader or intermediary and they do not possess physical availability of the product in question, be held to be subject to the provisions of EU law cited in Question (a)?

- ⁽¹⁾ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ 2009 L 140, p. 16).
- ⁽²⁾ Commission Implementing Decision of 19 July 2011 on the recognition of the 'International Sustainability and Carbon Certification' scheme for demonstrating compliance with the sustainability criteria under Directives 2009/28/EC and 2009/30/EC of the European Parliament and of the Council (OJ 2011 L 190, p. 79).

Request for a preliminary ruling from the Amtsgericht Hamburg (Germany) lodged on 15 May 2017 — Bernhard Schloesser, Petra Noll v Société Air France SA

(Case C-255/17)

(2017/C 283/22)

Language of the case: German

Referring court

Amtsgericht Hamburg

Parties to the main proceedings

Applicants: Bernhard Schloesser, Petra Noll

Defendant: Société Air France SA

Question referred

In circumstances where a contract has been entered into with an operating air carrier for a journey comprising two legs, and providing for a change of aircraft by the passenger, and the first leg of the journey is subject to a significant delay, do the courts of the place of final destination have jurisdiction in respect of a claim for compensation brought against that air carrier pursuant to Regulation No 261/2004? ⁽¹⁾

- ⁽¹⁾ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ 2004 L 46, p. 1.

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 15 May 2017 — E.B. v Versicherungsanstalt öffentlich Bediensteter BVA

(Case C-258/17)

(2017/C 283/23)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant on a point of law: E.B.

Respondent body: Versicherungsanstalt öffentlich Bediensteter BVA