

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Judgment of the Court (Fifth Chamber) of 15 April 2021 (requests for a preliminary ruling from the Tribunale amministrativo regionale per il Lazio — Italy) — Federazione nazionale delle imprese elettrotecniche ed elettroniche (Anie) and Others (C-798/18), Athesia Energy Srl and Others (C-799/18) v Ministero dello Sviluppo economico and Gestore dei servizi energetici (GSE) SpA**

(Joined Cases C-798/18 and C-799/18) <sup>(1)</sup>

*(References for a preliminary ruling — Environment — Articles 16 and 17 of the Charter of Fundamental Rights of the European Union — Principles of legal certainty and of the protection of legitimate expectations — Energy Charter Treaty — Article 10 — Applicability — Directive 2009/28/EC — Article 3(3)(a) — Promotion of the use of energy from renewable sources — Production of electricity from solar photovoltaic installations — Alteration of a support scheme)*

(2021/C 217/02)

Language of the case: Italian

**Referring court**

Tribunale amministrativo regionale per il Lazio

**Parties to the main proceedings**

*Applicants:* Federazione nazionale delle imprese elettrotecniche ed elettroniche (Anie) and Others (C-798/18), Athesia Energy Srl and Others (C-799/18)

*Defendants:* Ministero dello Sviluppo economico and Gestore dei servizi energetici (GSE) SpA

*Interveners:* Elettricità Futura Unione delle imprese elettriche italiane and Confederazione generale dell'agricoltura italiana — Confagricoltura

**Operative part of the judgment**

Subject to verifications to be carried out by the referring court taking into account all the relevant factors, Article 3(3)(a) of 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, and Articles 16 and 17 of the Charter of Fundamental Rights of the European Union, read in the light of the principles of legal certainty and of the protection of legitimate expectations, must be interpreted as not precluding national legislation which provides for the reduction or delay of the payment of incentives for energy produced by solar photovoltaic installations which were previously granted by administrative decisions and confirmed by special agreements concluded between the operators of those installations and a public company, where that legislation concerns incentives for which provision has previously been made but which are not yet due.

<sup>(1)</sup> OJ C 122, 1.4.2019.