

**Operative part of the judgment**

Article 13 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession,

must be interpreted as not precluding, after an heir has already had registered with a court of the Member State in which he or she is habitually resident his or her declaration of acceptance or of waiver of the succession of a deceased person whose habitual residence was, at the time of his or her death, in another Member State, another heir from applying for a subsequent registration of that declaration with the court of the latter Member State having jurisdiction.

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<sup>(1)</sup> OJ C 37, 24.1.2022.

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**Judgment of the Court (Fifth Chamber) of 30 March 2023 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Green Network SpA v SF, YB, Autorità di Regolazione per Energia Reti e Ambiente (ARERA)**

**(Case C-5/22, <sup>(1)</sup> Green Network (Order for repayment of costs))**

**(Reference for a preliminary ruling — Internal market in electricity — Directive 2009/72/EC — Article 37 — Annex I — Duties and powers of the national regulatory authority — Consumer protection — Administrative management costs — Power of the national regulatory authority to order the repayment of sums paid by final customers pursuant to contractual terms that have been penalised by that authority)**

(2023/C 179/09)

Language of the case: Italian

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicant:* Green Network SpA

*Defendants:* SF, YB, Autorità di Regolazione per Energia Reti e Ambiente (ARERA)

**Operative part of the judgment**

Article 37(1)(i) and (n) and Article 37(4)(d) of 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, and Annex I to Directive 2009/72,

must be interpreted as not precluding a Member State from conferring on a national regulatory authority the power to order electricity undertakings to reimburse their final customers for the sums paid by those customers to cover 'administrative management costs' pursuant to a contractual term considered to be unlawful by that authority, including in cases where that order for repayment is based not on considerations of the quality of the relevant service provided by those undertakings, but on the breach of obligations relating to tariff transparency.

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<sup>(1)</sup> OJ C 128, 21.3.2022.