Questions referred

(1) Is legislation of a Member State establishing a national energy efficiency obligation scheme whose main method of compliance consists in an annual financial contribution to an Energy Efficiency National Fund established under the provisions of Article 20(4) of Directive 2012/27/EU ([1]) compatible with Article 7(1) and (9) of that directive?

(2) Is national legislation which provides for the possibility of fulfilling the energy savings obligations through the accreditation of savings as an alternative to the financial contribution to the Energy Efficiency National Fund compatible with Articles 7(1) and 20(6) of Directive 2012/27/EU?

(3) If the above question is answered in the affirmative, is the provision of that alternative possibility for the fulfilment of the energy savings obligations compatible with the abovementioned Articles 7(1) and 20(6) of the directive when its actual existence depends on whether the Government establishes it on a discretionary basis through legislation?

In that respect, is such legislation compatible when the Government does not implement that alternative?

(4) Is a national scheme which considers only retail energy sales companies and not distributors to be parties subject to energy savings obligations compatible with Article 7(1) and (4) of the directive?

(5) If the answer to the above question is in the affirmative, is the definition of retail companies as 'obligated parties', without the reasons being determined for energy distributors not being so defined, compatible with the abovementioned provisions of Article 7?

([1]) Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC. OJ 2012 L 315, p. 1.

Request for a preliminary ruling from the Irinodikio Lerou (Greece) lodged on 9 November 2016 — Alessandro Saponaro and Kalliopi-Chloi Xylina

(Case C-565/16)

(2017/C 022/19)

Language of the case: Greek

Referring court

Irinodikio Lerou (Greece)

Parties to the main proceedings

Applicant: Alessandro Saponaro and Kalliopi-Chloi Xylina

Question referred

In the event that a petition for leave to renounce an inheritance is brought before a Greek court by the parents of a minor child who is habitually resident in Italy, is it the case that, if there is to be a valid prorogation of jurisdiction under Article 12 (3)(b) of Regulation No 2201/2003 ([1]): (a) the unequivocal agreement to the prorogation by the parents is demonstrated by merely the lodging of the application before the Greek court, (b) the prosecutor before the first instance courts is one of the parties who must agree to the prorogation at the time of the lodging of the application, given that under Greek law he is

legally a party to the relevant proceedings, (c) the prorogation of jurisdiction is in the best interests of the child, given that the child and the applicants, who are the child's parents, are habitually resident in Italy, while the place of residence of the person from whom property is inherited at the time of his death was Greece and the property inherited is in Greece.

(1) Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003 L 338, p. 1).

Reference for a preliminary ruling from High Court of Justice (Chancery Division) (United Kingdom) made on 10 November 2016 — Merck Sharp v Comptroller-General of Patents, Designs and Trade Marks

(Case C-567/16)

(2017/C 022/20)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicant: Merck Sharp

Defendant: Comptroller-General of Patents, Designs and Trade Marks

Questions referred

1. Is an End of Procedure Notice issued by the reference member state under Article 28(4) of European Parliament and Council Directive 2001/83/EC (1) of 6 November 2001 on the Community code relating to medicinal products for human use before expiry of the basic patent to be treated as equivalent to a granted marketing authorisation for the purposes of Article 3(b) of European Parliament and Council Regulation 469/2009/EC (2) of 6 May 2009 concerning the supplementary protection certificate for medicinal products (codified version) (the 'SPC Regulation'), such that an applicant for an SPC in the Member State in question is entitled to apply for and be granted an SPC on the basis of the End of Procedure Notice?

2. If the answer to question (1) is no; in the circumstances in question 1, is the absence of a granted marketing authorisation in the Member State in question at the date of the application for an SPC in that member state an irregularity that can be cured under Article 10(3) of the SPC Regulation once the marketing authorisation has been granted?

(1) OJ L 311, p. 67
(2) OJ L 152, p. 1