

Order of the Court of Justice (Eighth Chamber) of 10 November 2016 (request for a preliminary ruling from the Dublin District Court — Ireland) — Criminal proceedings against Owen Pardue

(Case C-321/16) ⁽¹⁾

(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Preamble and Articles 6, 20, 41, 47 and 48 — Powers of the national criminal prosecution authorities — Failure to implement EU law — Article 53(2) of the Rules of Procedure of the Court — Clear lack of jurisdiction of the Court)

(2017/C 063/17)

Language of the case: English

Referring court

Dublin District Court

Criminal proceedings against

Owen Pardue

Operative part of the order

The Court of Justice of the European Union clearly lacks jurisdiction to answer the questions referred by the Dublin District Court (Ireland) by decision of 27 May 2016.

⁽¹⁾ OJ C 279, 1.6.2016

Request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany lodged on 16 November 2016 — Trinseo Deutschland Anlagengesellschaft mbH v Bundesrepublik Deutschland

(Case C-577/16)

(2017/C 063/18)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Trinseo Deutschland Anlagengesellschaft mbH

Defendant: Bundesrepublik Deutschland

Questions referred

1. Must Article 1 of Directive 2003/87/EC ⁽¹⁾ of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community, in conjunction with Annex I thereto, be interpreted as meaning that the production of polymers and of the polymer polycarbonate in particular in installations with a production capacity exceeding 100 tonnes per day falls within the activity defined therein as production of bulk organic chemicals by cracking, reforming, partial or full oxidation or by similar processes?

2. If Question (1) is answered in the affirmative, does the operator of such an installation have a claim to free allocation of emissions allowances arising from a direct application of the rules of Directive 2003/87/EC and Commission Decision 2011/278/EU,⁽²⁾ if there can be no free allocation of emissions allowances under national law solely because the Member State in question did not include installations for the production of polymers in the scope of the national law implementing Directive 2003/87/EC and such installations do not take part in emissions trading for that reason alone?

⁽¹⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ 2003 L 275, p. 32).

⁽²⁾ 2011/278/EU: Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2011 L 130, p. 1).

**Request for a preliminary ruling from the Consiglio di Stato — Italia lodged on 23 November 2016 —
Enzo Buccioni v Banca d'Italia**

(Case C-594/16)

(2017/C 063/19)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Enzo Buccioni

Defendant: Banca d'Italia

Questions referred

1. Is the principle of transparency, which is clearly set out in Article 15 of the [Treaty on the Functioning of the European Union], with its binding general objective, if construed as meaning that (that principle) may be regulated by the sources of law or equivalent provided for in Article 15(3), the content of which could suggest an excessively broad discretion that lacks foundation in a higher source of European law as regards the need to predetermine minimum principles from which there is no derogation, not at variance with the restrictive objective in European legislation concerning the supervision of the credit institutions, to such a degree that the principle of transparency itself is rendered ineffective, including in circumstances in which the interest in access is founded on vital interests of the applicant that are clearly comparable to the interests that constitute exceptions, in his favour, to the restrictions in the sector?
2. As a result of this, must Article 22(2) and Article 27(1) of Regulation (EU) No 1024/2013⁽¹⁾ of the Council of 15 October 2010, which confers on the European Central Bank specific supervisory tasks in relation to the credit institutions, be interpreted not as non-exceptional cases in which derogations from the non-accessibility of documents are permitted, but as provisions to be interpreted in the light of the broader objectives of Article 15 of the [Treaty on the Functioning of the European Union] and, as such, founded on a general legislative principle of European law according to which access cannot be restricted, following a reasonable and proportionate balancing of the needs of the credit institutions with the fundamental interests of a saver caught up in a case of burden sharing, depending on the relevant circumstances established by a supervisory authority with organisational tasks and responsibilities in the sector comparable to those of the European Central Bank?