

**Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 25 April 2017 —
Alexander Mölk v Valentina Mölk**

(Case C-214/17)

(2017/C 283/19)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Alexander Mölk

Defendant: Valentina Mölk

Questions referred

1. Is Article 4(3) read in conjunction with Article 3 of the 2007 Hague Protocol on the law applicable to maintenance obligations to be interpreted as meaning that a maintenance debtor's application, on the basis of a change in his income, for a reduction in the amount of maintenance awarded by a decision that has become final is governed by the law of the State of the creditor's habitual residence even if the amount of maintenance previously payable was determined by the court, on application by the creditor pursuant to Article 4(3) of the 2007 Hague Protocol on the law applicable to maintenance obligations, according to the law of the State where the debtor has his habitual residence, which has not changed?

If the answer to Question 1 is in the affirmative:

2. Is Article 4(3) of the 2007 Hague Protocol on the law applicable to maintenance obligations to be interpreted as meaning that a creditor also 'seises' the competent authority of the State where the debtor has his habitual residence by entering an appearance, within the meaning of Article 5 of Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations,⁽¹⁾ and contesting the substance of the matter in proceedings initiated by the debtor with the competent authority?

⁽¹⁾ OJ 2009 L 7, p. 1.

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 25 April 2017 — Silvio Berlusconi, Finanziaria d'investimento Fininvest SpA (Fininvest) v Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS)

(Case C-219/17)

(2017/C 283/20)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Silvio Berlusconi, Finanziaria d'investimento Fininvest SpA (Fininvest)

Defendants: Banca d'Italia, Istituto per la Vigilanza Sulle Assicurazioni (IVASS)

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?