

3. Moreover, do Articles 10 and 14 of Directive 1999/31 preclude the interpretation upheld by the appeal court, according to which Articles 15 and 17 of Legislative Decree 36/2003 also apply to pre-existing landfill sites which already have permission to operate as regards the financial burden resulting from the obligations laid down by those provisions of national legislation and, in particular, from the extension of the period of responsibility for after-care from 10 to 30 years, by imposing that burden on the 'permit holder' and thereby legitimising the adjustment — to the detriment of that permit holder — of the costs set out in the commercial agreements regulating [waste] disposal activities?
4. Lastly, do Articles 10 and 14 of Directive 1999/31 preclude the interpretation upheld by the appeal court, according to which Articles 15 and 17 of Legislative Decree 36/2003 also apply to pre-existing landfill sites which already have permission to operate as regards the financial burden resulting from the obligations laid down by those provisions of national legislation and, in particular, from the extension of the period of responsibility for after-care from 10 to 30 years, given that — in order to determine that financial burden — account must be taken not only of waste to be deposited as from the entry into force of the provisions transposing those provisions of EU law into national law but also of waste already deposited prior to that entry into force?

---

(<sup>1</sup>) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1).

---

**Request for a preliminary ruling from the Sąd Okręgowy w Krakowie (Poland) lodged on 2 January 2019 —  
VL v Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie**

**(Case C-16/19)**

(2019/C 164/11)

*Language of the case: Polish*

**Referring court**

Sąd Okręgowy w Krakowie

**Parties to the main proceedings**

*Appellant:* VL

*Respondent:* Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie

**Question referred**

Should Article 2 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (<sup>1</sup>) be interpreted as meaning that the differing treatment of individual members of a group distinguished by a protected characteristic (disability) amounts to a breach of the principle of equal treatment if the employer treats individual

members of that group differently on the basis of an apparently neutral criterion, and that criterion cannot be objectively justified by a legitimate aim, and the measures taken in order to achieve that aim are not appropriate and necessary?

---

(<sup>1</sup>) OJ 2000 L 303, p. 16.

---

**Request for a preliminary ruling from the Sąd Okręgowy w Poznaniu (Poland) lodged on 15 January 2019 —  
Corporis Sp. z o.o., established in Bielsko-Biała v Gefion Insurance A/S, established in Copenhagen**

(Case C-25/19)

(2019/C 164/12)

*Language of the case: Polish*

**Referring court**

Sąd Okręgowy w Poznaniu

**Parties to the main proceedings**

*Applicant:* Corporis Sp. z o.o., established in Bielsko-Biała

*Defendant:* Gefion Insurance A/S, established in Copenhagen

**Question referred**

Should Article 152(1) and (2), in conjunction with Article 151, of Directive 2009/138/EC (<sup>1</sup>) and recital 8 of Regulation (EC) No 1393/2007 (<sup>2</sup>) be interpreted as meaning that the representation of a non-life insurance undertaking by an appointed representative includes the receipt of a document which initiates court proceedings for damages in respect of a road traffic accident?

---

(<sup>1</sup>) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ 2009 L 335, p. 1).

(<sup>2</sup>) Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ 2007 L 324, p. 79).

---

**Request for a preliminary ruling from the Commissione tributaria provinciale di Modena (Italy) lodged on  
15 January 2019 — Azienda USL di Modena v Comune di Sassuolo**

(Case C-26/19)

(2019/C 164/13)

*Language of the case: Italian*

**Referring court**

Commissione tributaria provinciale di Modena