

Operative part of the judgment

The Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, in the versions resulting, successively, from Commission Regulation (EC) No 1031/2008 of 19 September 2008, Commission Regulation (EC) No 948/2009 of 30 September 2009, Commission Regulation (EU) No 861/2010 of 5 October 2010, Commission Regulation (EU) No 1006/2011 of 27 September 2011 and Commission Implementing Regulation (EU) No 927/2012 of 9 October 2012, must be interpreted as meaning that digital video camera recorders having a dual function, that is to say, to capture and record both still images and sequences of video, come under subheading 8525 80 91 of the Combined Nomenclature as ‘video camera recorders’, even though, with regard to sequences of video, those cameras allow such sequences to be captured and recorded only with an image resolution quality lower than 800 × 600 pixels, provided that the principal function of those digital video camera recorders is to capture and record such sequences, this being a matter which it is for the referring court to ascertain.

(¹) OJ C 82, 4.3.2019.

Judgment of the Court (Tenth Chamber) of 30 April 2020 (request for a preliminary ruling from the Varhoven administrativen sad — Bulgaria) — ‘Overgas Mrezhi’ AD, Sdruzhenie s nestopanska tsel, ‘Balgarska gazova asotsiatsia’ v Komisija za energiyno i vodno regulirane (KEVR)

(Case C-5/19) (¹)

(Reference for a preliminary ruling — Common rules for the internal market in natural gas — Directive 2009/73/EC — Article 3(1) to (3) and Article 41(16) — Public service obligations — Natural gas storage obligations for the purposes of ensuring the security and regularity of supply — National legislation providing that the financial burden of the public service obligations imposed on the natural gas undertakings is to be passed on to their customers — Conditions — Adoption of a legal act by a national regulatory authority imposing a public service obligation — Procedure — Articles 36 and 38 of the Charter of Fundamental Rights of the European Union)

(2020/C 240/19)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicants: ‘Overgas Mrezhi’ AD, Sdruzhenie s nestopanska tsel, ‘Balgarska gazova asotsiatsia’

Defendant: Komisija za energiyno i vodno regulirane

Other party to the proceedings: Prokuratura na Republika Bulgaria

Operative part of the judgment

1. Article 3(1) to (3) of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, read in the light of Articles 36 and 38 of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding legislation of a Member State which provides that the costs associated with the natural gas storage obligations imposed on natural gas undertakings in order to ensure the security and regularity of natural gas supply in that Member State are to be borne entirely by those undertakings’ customers, who may be private individuals, provided that that legislation pursues an objective of general economic interest, that it complies with the requirements of the principle of proportionality and that the public service obligations which it lays down are clearly defined, transparent, non-discriminatory, verifiable and guarantee equality of access for EU gas undertakings to national consumers;

2. Directive 2009/73 must be interpreted as not precluding legislation of a Member State which releases the regulatory authority of that Member State, within the meaning of that directive, from the obligation to comply with certain provisions of national legislation governing the procedure for the adoption of normative legal acts where it adopts an act imposing a public service obligation within the meaning of Article 3(2) of the directive, provided that the otherwise applicable national legislation ensures that that legal act complies with the substantive requirements of that provision and is fully reasoned, published while preserving the confidentiality of commercially sensitive information and amenable to judicial review.

(¹) OJ C 93, 11.3.2019.

Judgment of the Court (Second Chamber) of 14 May 2020 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — AMA — Azienda Municipale Ambiente SpA v Consorzio Laziale Rifiuti — Co.La.Ri.

(Case C-15/19) (¹)

(Reference for a preliminary ruling — Environment — Waste — Directive 1999/31/EC — Existing landfill sites — Period of responsibility for after-care of the landfill following closure — Extension — Costs of the landfill of waste — Polluter pays principle — Temporal scope of the directive)

(2020/C 240/20)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: AMA — Azienda Municipale Ambiente SpA

Respondent: Consorzio Laziale Rifiuti — Co.La.Ri.

Operative part of the judgment

Articles 10 and 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste must be interpreted as not precluding the interpretation of a provision of national law to the effect that a landfill site in operation at the date of transposition of that directive must be subject to the obligations arising under that directive, in particular the obligation to extend the after-care period following the closure of the landfill, without it being necessary to make a distinction according to the date of storage of the waste or to provide for measures to limit the financial impact of that extension in respect of the holder of the waste.

(¹) OJ C 164, 13.5.2019.