

2. The Italian Republic is ordered to pay the costs.

(¹) OJ C 230, 8.7.2019.

Order of the Court (Tenth Chamber) of 29 April 2020 (request for a preliminary ruling from the Consiglio di Stato — Italy) — *Autorità per le Garanzie nelle Comunicazioni v BT Italia SpA and Others*

(Case C-399/19) (¹)

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Electronic communications networks and services — Directive 2002/20/EC — Article 12 — Administrative charges imposed on undertakings providing an electronic communications service or network — Administrative costs of the national regulatory authority which may be covered by a charge — Yearly overview of the administrative costs and the total of charges levied)

(2020/C 287/26)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Autorità per le Garanzie nelle Comunicazioni

Defendants: BT Italia SpA, Basicel SpA, BT Enia Telecomunicazioni SpA, Telecom Italia SpA, Postepay SpA, formerly PosteMobile SpA, Vodafone Italia SpA

Intervening parties: Telecom Italia SpA, Fastweb SpA, Wind Tre SpA, Sky Italia SpA, Vodafone Omnitel BV, Vodafone Italia SpA

Operative part of the order

1. Article 12(1)(a) of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009, must be interpreted as meaning that the costs which may be covered by a charge imposed under that provision on undertakings providing electronic communications networks and services are only those relating to the three categories of national regulatory authority activities referred to in that provision, including regulatory, supervisory, dispute-resolution and penalty-imposing tasks, and are not limited to costs arising from the activity of ex ante market regulation.
2. Article 12(2) of Directive 2002/20, as amended by Directive 2009/140, must be interpreted as not precluding the legislation of a Member State under which, first, the yearly overview provided for in that provision is published after the end of the financial year in which the administrative charges were levied and, second, the appropriate adjustments are made in a financial year which does not immediately follow the financial year in which those charges were levied.

(¹) OJ C 312, 16.9.2019.