

**Judgment of the Court (Third Chamber) of 24 February 2022 (request for a preliminary ruling from the Satversmes tiesa — Latvia) — ‘Latvijas Gāze’ AS**

(Case C-290/20) <sup>(1)</sup>

*(Reference for a preliminary ruling — Internal market in natural gas — Directive 2009/73/EC — Article 2(3) — Concept of ‘transmission’ — Article 23 — Decision-making powers regarding the connection of storage facilities, liquefied natural gas regasification facilities and industrial customers to the transmission system — Article 32(1) — Third-party access to the system — Possibility of direct connection of final customers to the natural gas transmission system)*

(2022/C 165/09)

Language of the case: Latvian

**Referring court**

Satversmes tiesa

**Parties to the main proceedings**

Applicant: ‘Latvijas Gāze’ AS

Intervener: Latvijas Republikas Saeima, Sabiedrisko pakalpojumu regulēšanas komisija

**Operative part of the judgment**

1. Articles 23 and 32(1) 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 must be interpreted as meaning that it does not follow from those provisions that Member States are obliged to adopt legislation under which, first, any final customer may choose to be connected either to the transmission system or to the distribution system for natural gas, and, second, the system operator concerned is required to allow him to connect to that system.
2. Article 23 of Directive 2009/73 must be interpreted as not requiring Member States to adopt legislation under which only an industrial customer may connect to the natural gas transmission system.
3. Article 2(3) and Article 23 of Directive 2009/73 must be interpreted as not precluding legislation of a Member State under which the transmission of natural gas includes the transmission of natural gas directly to the natural gas supply system of a final customer.

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<sup>(1)</sup> OJ C 297, 7.9.2020.