Parties to the main proceedings

Applicant: ExxonMobil Production Deutschland GmbH

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. Article 3(u) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended by Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009, must be interpreted as meaning that an installation, such as that at issue in the main proceedings, which produces, within the framework of its activity of 'combustion of fuels in installations with a total rated thermal input exceeding 20 [megawatts (MW)]', referred to in Annex I to that directive, electricity intended essentially to be used for its own needs, must be regarded as an 'electricity generator', within the meaning of that provision, where that installation, first, carries out simultaneously an activity for producing a product which does not fall within that annex and, second, continuously feeds, for consideration, even a small part of the electricity produced into the public electricity network, to which that installation must be permanently connected for technical reasons.

2. Article 3(c) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87 must be interpreted as meaning that, in so far as an installation such as that at issue in the main proceedings must be regarded as an 'electricity generator', within the meaning of Article 3(u) of Directive 2003/87, it is not entitled to be allocated free emission allowances in respect of the heat produced within the framework of its activity of 'combustion of fuels in installations with a total rated thermal input exceeding 20 MW', referred to in Annex I to that directive, where that heat is used for purposes other than the production of electricity, since such an installation does not fulfil the conditions laid down in Article 10a(4) and (8) of the directive.

([1]) OJ C 112, 26.3.2018.

Judgment of the Court (Fifth Chamber) of 20 June 2019 (request for a preliminary ruling from the Augstākā tiesa — Latvia) — 'Oribalt Rīga' SIA, formerly 'Oriola Rīga' SIA v Valsts ieņēmumu dienests

(Case C-1/18) ([1])

(Reference for a preliminary ruling — Customs union — Regulation (EEC) No 2913/92 — Article 30(2)(b) and (c) — Regulation (EEC) No 2454/93 — Article 152(1)(a) and (b) — Determination of the customs value of the goods — Definition of 'similar goods' — Medicinal products — Account taken of any factor that may have an impact on the economic value of the medicinal product concerned — Time-limit of 90 days in which the imported goods must be sold in the European Union — Mandatory time-limit — No account taken of trade discounts)

(2019/C 270/09)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Applicant: 'Oribalt Rīga' SIA, formerly 'Oriola Rīga' SIA

Defendant: Valsts ieņēmumu dienests

Operative part of the judgment

1. Article 30(2)(b) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, as amended by Regulation (EC) No 82/97 of the European Parliament and of the Council of 19 December 1996, must be interpreted as meaning that when the customs value of goods, such as the medicinal product at issue in the main proceedings, is calculated by applying the deductive method laid down in that provision, the competent national customs authority must, in order to identify 'similar goods', take into consideration any relevant factor, such as the respective compositions of those goods, their substitutability in the light of their effects and their commercial interchangeability, thus conducting a factual assessment which takes into account any factor that may have an impact on the real economic value of those goods, including the market position of the imported goods and of their manufacturer.

2. Article 152(1)(b) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation No 2913/92 must be interpreted as meaning that, in order to determine the unit price of imported goods using the method laid down in Article 30(2)(c) of Regulation No 2913/92, as amended by Regulation No 82/97, the time-limit of 90 days within which the imported goods must be sold in the European Union, referred to in Article 152(1)(b) of Regulation No 2454/93, is a mandatory time-limit.

3. Article 30(2)(c) of Regulation No 2913/92, as amended by Regulation No 82/97, must be interpreted as meaning that reductions in the sales price of the imported goods cannot be taken into account in determining the customs value of those goods pursuant to that provision.

([1]) OJ C 104, 19.3.2018.

Judgment of the Court (Fourth Chamber) of 19 June 2019 (request for a preliminary ruling from the Tribunale Amministrativo Regionale della Campania — Italy) — Meca Srl v Comune di Napoli

(Case C-41/18) ([1])

(Reference for a preliminary ruling — Public procurement — Directive 2014/12/EU — Article 57(4)(c) and (g) — Award of public service contracts — Optional grounds for exclusion from participation in a public procurement procedure — Grave professional misconduct calling into question the integrity of an economic operator — Termination of an earlier contract on account of failures in its execution — Action before the courts preventing the contracting authority from assessing the breach of contract until the end of the judicial proceedings)

(2019/C 270/10)

Language of the case: Italian

Referring court

Tribunale Amministrativo Regionale della Campania