Judgment of the Court (Fourth Chamber) of 11 September 2008 (reference for a preliminary ruling from the Högsta domstolen — Sweden) — Gävle Kraftvärme AB v Länsstyrelsen i Gävleborgs län

(Case C-251/07) [1]

(Environment — Directive 2000/76/EC — Incineration of waste — Classification of an installation for the production of heat and electricity — Concepts of incineration plant and co-incineration plant)

(2008/C 285/13)

Language of the case: Swedish

Referring court

Högsta domstolen

Parties to the main proceedings

Applicant: Gävle Kraftvärme AB

Defendant: Länsstyrelsen i Gävleborgs län

Re:

Reference for a preliminary ruling — Högsta domstolen — Interpretation of Article 3(4) and (5) of Directive 2000/76/EC of 4 December 2000 of the European Parliament and of the Council on the incineration of waste (OJ 2000 L 332, p. 91) — Classification of a combined power and heating plant comprising a number of furnaces — Incineration plant or co-incineration plant

Operative part of the judgment

1. *For the purposes of applying Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste, where a co-generation plant comprises a number of boilers, each boiler and its associated equipment is to be regarded as constituting a separate plant.*

2. *It is on the basis of its main purpose that a plant is to be classified as an 'incineration plant' or a 'co-incineration plant' within the meaning of Article 3(4) and (5) of Directive 2000/76. It is for the competent authorities to identify that purpose on the basis of an assessment of the facts existing at the time at which that assessment is carried out. In the context of such an assessment, account must be taken, in particular, of the volume of energy generated or material products produced by the plant in question in relation to the quantity of waste incinerated in that plant and the stability and continuity of that production.*

[1] OJ C 170, 21.7.2007.

Judgment of the Court (First Chamber) of 11 September 2008 (reference for a preliminary ruling from the Tribunale civile di Roma — Italy) — Caffaro Srl v Azienda Unità Sanitaria Locale RM/C

(Case C-265/07) [1]

(Commercial transactions — Directive 2000/35/EC — Combating of late payment — Procedures for recovery of unchallenged claims)

(2008/C 285/14)

Language of the case: Italian

Referring court

Tribunale civile di Roma

Parties to the main proceedings

Applicant: Caffaro Srl

Defendant: Azienda Unità Sanitaria Locale RM/C

In the presence of: Banca di Roma SpA

Re:

Reference for a preliminary ruling — Tribunale civile di Roma — Interpretation of Article 5 of Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions (OJ 2000 L 200, p. 35) — Recovery procedures for uncontested debts — National legislation laying down that a period of 120 days from the date of notification of the recovery order must elapse before recovery of the debt may be enforced

Operative part of the judgment

Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions is to be interpreted as not precluding a national provision such as Article 14 of Decree-Law No 669/1996 of 31 December 1996, converted into a law, after amendment, by Law No 30 of 28 February 1997, as amended by Article 147 of Law No 388 of 23 December 2000, pursuant to which a creditor in possession of an enforceable title in respect of an unchallenged claim against a public authority as remuneration for a commercial transaction cannot proceed to forced execution against the public authority before a period of 120 days has elapsed since service of the enforceable title on the authority.

[1] OJ C 199, 25.8.2007.