

It is for the referring court to examine — on the basis of the national rules governing the assessment of evidence and the standard of proof — whether, in view of all the circumstances before it, the dispatch of a message, such as that at issue in the main proceedings, may constitute sufficient evidence to establish that the addressees of that message were aware of its content. The presumption of innocence precludes the referring court from considering that the mere dispatch of that message constitutes sufficient evidence to establish that its addressees ought to have been aware of its content.

(¹) OJ C 142, 12.5.2014.

Judgment of the Court (Third Chamber) of 14 January 2016 — European Commission v Republic of Bulgaria

(Case C-141/14) (¹)

(Failure of a Member State to fulfil obligations — Directive 2009/147/EC — Conservation of wild birds — Kaliakra and Belite Skali special protection areas — Directive 92/43/EEC — Conservation of natural habitats and wild species — Kompleks Kaliakra site of Community importance — Directive 2011/92/EU — Assessment of the effects of certain projects on the environment — Temporal applicability of the system of protection — Deterioration of natural habitats of species and disturbance of species — Wind power — Tourism)

(2016/C 098/04)

Language of the case: Bulgarian

Parties

Applicant: European Commission (represented by: E. White, C. Hermes and P. Mihaylova, acting as Agents)

Defendant: Republic of Bulgaria (represented by: E. Petranova and D. Drambozova, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that:

- by failing to include all the territories of the important bird areas in the special protection area covering the Kaliakra region, the Republic of Bulgaria has failed to classify as special protection areas the most suitable territories in number and size for the conservation, first, of the biological species listed in Annex I to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds and, secondly, of the migratory species not listed in that annex but regularly occurring in the geographical sea and land area where that directive applies, with the result that that Member State has failed to fulfil its obligations under Article 4(1) and (2) of that directive;
- by approving the implementation of the projects ‘AES Geo Energy’, ‘Disib’ and ‘Longman Investment’ in the territory of the important bird area covering the Kaliakra region which was not classified as a special protection area, although it should have been, the Republic of Bulgaria has failed to fulfil its obligations under Article 4(4) of Directive 2009/147;
- by approving the implementation of the projects ‘Kaliakra Wind Power’, ‘EVN Enertrag Kavarna’ and ‘Vertikal — Petkov & Cie’, and of the ‘Thracian Cliffs Golf & Spa Resort’, in the territory of the special protection areas covering the regions of Kaliakra and Belite Skali respectively, the Republic of Bulgaria has failed to fulfil its obligations under Article 6(2) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

- by failing, first, to assess properly the cumulative effect of the projects ‘Windtech’, ‘Brestiom’, ‘Eco Energy’ and ‘Longman Investment’ in the territory of the important bird area covering the Kaliakra region which was not classified as a special protection area, although it should have been, and, secondly, by none the less authorising the implementation of the ‘Longman Investment’ project, the Republic of Bulgaria has failed to fulfil its obligations under Article 4(2) and (3) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment and point 1(b) of Annex III to that directive, and under Article 2(1) of that directive, respectively;
2. Dismisses the action as to the remainder;
 3. Orders the Republic of Bulgaria to pay the costs.

⁽¹⁾ OJ C 159, 26.5.2014.

Judgment of the Court (Fifth Chamber) of 14 January 2016 — European Commission v Kingdom of Belgium

(Case C-163/14) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Article 343 TFEU — Protocol on the privileges and immunities of the European Union — Article 3 — Tax exemptions — Brussels-Capital Region — Contributions in respect of the supply of electricity and gas)

(2016/C 098/05)

Language of the case: French

Parties

Applicant: European Commission (represented by: F. Clotuche-Duvieusart and I. Martínez del Peral, Agents)

Defendant: Kingdom of Belgium (represented by: J.-C. Halleux, S. Vanrie and T. Materne, Agents, assisted by G. Block, D. Remy and H. Delahaije, avocats)

Operative part of the judgment

The Court:

1. Declares that by not exempting the EU institutions from the contributions laid down by Article 26 of the Order concerning the organisation of the electricity market in the Brussels-Capital Region and by Article 20 of the Order concerning the organisation of the gas market in the Brussels-Capital Region, as amended, and by objecting to the refund of the contributions thereby collected by the Brussels-Capital Region, the Kingdom of Belgium has failed to fulfil its obligations under the second paragraph of Article 3 of the Protocol of 8 April 1965 on the Privileges and Immunities of the European Union, originally annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities, and subsequently under the Treaty of Lisbon, as Protocol No 7, annexed to the TEU, the TFEU and the Euratom Treaty;
2. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 184, 16.6.2014.