

Judgment of the Court (Ninth Chamber) of 10 September 2015 (request for a preliminary ruling from the Simvoulio tis Epikratias — Greece) — Dimos Kropias Attikis v Ipourgos Perivallontos, Energias kai Klimatikis Allagis

(Case C-473/14) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Protection regime in respect of the Mount Hymettus area — Modification procedure — Applicability of the directive — Master plan and environmental protection programme for the greater Athens area)

(2015/C 363/21)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Dimos Kropias Attikis

Defendant: Ipourgos Perivallontos, Energias kai Klimatikis Allagis

Operative part of the judgment

Articles 2(a) and 3(2)(a) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment must be interpreted as meaning that the adoption of a measure containing a plan or programme relating to town and country planning and land use falling within the scope of Directive 2001/42 that modifies an existing plan or programme may not be exempted from the obligation to carry out an environmental assessment under that directive on the ground that that measure is intended to give more specific expression to and implement a master plan established by a hierarchically superior measure that has not itself been the subject of such an environmental assessment.

⁽¹⁾ OJ C 7, 12.1.2015.

Request for an opinion submitted by the European Commission pursuant to Article 218(11) TFEU

(Opinion 2/15)

(2015/C 363/22)

Language of procedure: all the official languages

Applicant

European Commission (represented by: U. Wölker, B. De Meester, M. Kocjan, R. Vidal Puig, Agents)

Question submitted to the Court

Does the Union have the requisite competence to sign and conclude alone the Free Trade Agreement with Singapore? More specifically:

- Which provisions of the agreement fall within the Union's exclusive competence?
- Which provisions of the agreement fall within the Union's shared competence? and
- Is there any provision of the agreement that falls within the exclusive competence of the Member States?

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 10 July 2015 — Stadt Wiener Neustadt**(Case C-348/15)**

(2015/C 363/23)

*Language of the case: German***Referring court**

Verwaltungsgerichtshof

Parties to the main proceedings*Appellant on a point of law:* Stadt Wiener Neustadt*Intervener:* A.S.A. Abfall Service AG*Respondent authority:* Niederösterreichische Landesregierung**Question referred**

Does EU law, in particular Directive 2011/92/EU⁽¹⁾ 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, in particular Article 1(4) thereof, or Council Directive 85/337/EEC⁽²⁾ of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, in particular Article 1(5) thereof, preclude a provision of national law whereby projects subject to an obligation to carry out an environmental impact assessment, which have not benefited from a consent granted under the national Umweltverträglichkeitsprüfungsgesetz 2000 (Law on Environmental Impact Assessments of 2000) (UVP-G 2000) but have benefited only from consents granted under individual sectoral laws (such as the Abfallwirtschaftsgesetz (Law on Waste Management)) which, since 19 August 2009 (date of entry into force of the UVP-G-Novelle 2009 (Law of 2009 amending the Law on Environmental Impact Assessments)), can no longer be annulled following the expiry of a three-year time-limit laid down in national law (Paragraph 3(6) of the UVP-G 2000), are regarded as approved under the UVP-G 2000, or is such a provision consistent with the principles of legal certainty and the protection of legitimate expectations established in EU law?

⁽¹⁾ OJ 2012 L 26, p. 1.

⁽²⁾ OJ 1985 L 175, p. 40.

Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 23 July 2015 — Landkreis Potsdam-Mittelmark v Finanzamt Brandenburg**(Case C-400/15)**

(2015/C 363/24)

*Language of the case: German***Referring court**

Bundesfinanzhof