- by failing to ensure, with regard to the agglomeration of Viseu, the provision of collecting systems for urban waster water in accordance with Article 3 and treatment more stringent than that prescribed in Article 4, in accordance with Article 5 of the Directive, the Portuguese Republic has failed to fulfil its obligations under Articles 3 and 5 of Directive 91/271/EEC;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

There are several agglomerations that do not meet the requirements of the Directive, seven in respect of the requirements under Article 3 and 12 in respect of those under Article 5.

Some of the agglomerations in question undertake no treatment whatsoever of their waste water.

So far as discharges of urban waste water in sensitive areas are concerned, the Directive requires treatment of waste water more stringent than that required in respect of water discharged in other areas.

In accordance with Part B of Annex II, a marine water body or area may be identified as a less sensitive area if the discharge of waste water does not adversely affect the environment as a result of morphology, hydrology or specific hydraulic conditions in that area.

Article 6(2) of the Directive lays down the conditions on which urban waste water discharged into less sensitive areas may be subject to less stringent treatment. In particular, it provides that urban waste water from agglomerations with a population equivalent of between 10 000 and 15 000 discharged into coastal waters may be subjected to less stringent treatment only if comprehensive studies have been carried out and indicate that such discharges will not adversely affect the environment and if the Commission has been provided with the relevant information concerning those studies.

Reference for a preliminary ruling from the Amtsgericht Köln (Germany) lodged on 11 May 2010 — Hannelore Adams v Germanwings GmbH

(Case C-226/10)

(2010/C 209/23)

Language of the case: German

Referring court

Amtsgericht Köln

Parties to the main proceedings

Applicant: Hannelore Adams

Defendant: Germanwings GmbH

Question referred

Does Article 4(3) of Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (1) apply to a passenger with a confirmed reservation for an outward and a return flight who does not present herself for boarding for the return flight owing to the following circumstances:

- The operating air carrier denied the passenger, who had presented herself punctually for boarding for the outward flight, boarding against her will and announced its intention of denying her boarding on the return flight.
- Boarding was denied because of the operating air carrier's mistaken assumption that, because of a chargeback, it was entitled to a processing fee, which the passenger had not yet paid?

⁽¹⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ 1991 L 135, p. 40).

⁽¹⁾ OJ 2004 L 46, p. 1.