

Third, the Commission considers the General Court to have distorted the evidence submitted to it at first instance in concluding that there was 'intense and complex competition' between health insurance providers in Slovakia, when the case file only pointed to a very limited amount of competition for the provision of non-mandatory benefits free of charge.

**Request for a preliminary ruling from the Symvoulío tis Epikrateias (Greece) lodged on 24 April 2018 — Alain Flausch, Andrea Bosco, Estienne Roger Jean Pierre Albrespy, Association registered as Syndesmos Iiton, Association registered as Elliniko Diktyo — Filoi tis Fysis, Association registered as Syllogos Prostatias kai Perithalpsis Agias Zois (SPPAZ) v Ypourgos Perivallontos kai Energeias, Ypourgos Oikonomikon, Ypourgos Tourismou, Ypourgos Naftilias kai Nisiotikis Politikis**

(Case C-280/18)

(2018/C 231/19)

*Language of the case: Greek*

**Referring court**

Symvoulío tis Epikrateias

**Parties to the main proceedings**

*Applicants:*

Alain Flausch,

Andrea Bosco,

Estienne Roger Jean Pierre Albrespy,

Association registered as Syndesmos Iiton,

Association registered as Elliniko Diktyo — Filoi tis Fysis,

Association registered as Syllogos Prostatias kai Perithalpsis Agias Zois (SPPAZ)

*Defendants:*

Ypourgos Perivallontos kai Energeias,

Ypourgos Oikonomikon,

Ypourgos Tourismou,

Ypourgos Naftilias kai Nisiotikis Politikis

*Intervening party:*

105 Anonymi Touristiki kai Techniki Etaireia Ekmetallefsis Akiniton

**Questions referred**

1. Can Articles 6 and 11 of Directive 2011/92/EU, <sup>(1)</sup> read in combination with the provisions of Article 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that provisions of national law as set out in paragraphs 8, 9 and 10 [of the order for reference], in which it is laid down that procedures preceding the adoption of decisions approving environmental conditions for projects and activities with a significant environmental impact (publication of environmental impact studies, public information and participation in the consultation process) are to be initiated and conducted primarily by the wider administrative unit (region) and not by the municipality concerned, are compatible with those articles?

2. Can Articles 6 and 11 of Directive 2011/92/EU, read in combination with the provisions of Article 47 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that a system of provisions of national law as set out in the abovementioned paragraphs, which ultimately provides that publication of decisions approving the environmental conditions of projects and activities with a significant environmental impact, by means of posting them on a special website, creates a presumption of full knowledge on the part of every interested party for the purpose of exercising the legal remedy available under current legislation (application for annulment before the *Symvoulio tis Epikrateias* [Council of State]) within a period of sixty (60) days, is compatible with those articles, bearing in mind the legislative provisions governing publication of environmental impact studies and public information and participation during the procedure to approve the environmental conditions of those projects and activities, which provisions place the wider administrative unit (region), rather than the municipality concerned, at the centre of those procedures?

<sup>(1)</sup> 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 (OJ 2012 L 26, p. 1).

**Appeal brought on 11 May 2018 by Eco-Bat Technologies Ltd, Berzelius Metall GmbH, Société traitements chimiques des métaux against the order of the General Court (Eighth Chamber) delivered on 21 March 2018 in Case T-361/17: Eco-Bat Technologies Ltd, Berzelius Metall GmbH, Société traitements chimiques des métaux v European Commission**

**(Case C-312/18 P)**

(2018/C 231/20)

*Language of the case: English*

#### **Parties**

*Appellants:* Eco-Bat Technologies Ltd, Berzelius Metall GmbH, Société traitements chimiques des métaux (represented by: M. Brealey QC, I. Vandenborre, advocaat, S. Dionnet, avocat)

*Other party to the proceedings:* European Commission

#### **Form of order sought**

The applicants claim that the Court should:

- set aside the order of the General Court (Eighth Chamber) of 21 March 2018 in case T-361/17, *Eco-Bat Technologies and Others v Commission*;
- declare admissible the appellant's application registered as case T-361/17;
- refer the case back to the General Court for the annulment or reduction of the penalty imposed by the Commission with the initial decision as amended by the correcting decision;
- order the Commission to pay the costs.

#### **Pleas in law and main arguments**

The General Court has committed an error in law in determining the reference date by looking at the initial, incomplete, decision instead of the full and final decision, correct and complete in every aspect (particularly in those aspects that are the object of the appeal). By doing so, the General Court has breached the appellant's fundamental rights (in particular, its right of defence). A person has the right to have the limitation period available in full as from the date of the substantive amendment decision. The General Court has also misinterpreted the Commission's duty to state reasons and the principle of good administration in assuming that the appellant should have resorted to assumptions in order to fully understand how the Commission arrived at the amount of the fine.