

**Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on
16 August 2018 — IL and Others v Land North Rhine-Westphalia**

(Case C-535/18)

(2018/C 427/14)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicants: IL, JK, KJ, LI, NG, MH, OF, PE, joint heirs of Ms QD (RC and SB), TA, UZ, VY, WX

Defendant: Land North Rhine-Westphalia

Questions referred

1. Must Article 11(1)(b) 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 ⁽¹⁾ — hereinafter referred to as: EIA Directive — be interpreted as meaning that a provision of national law is consistent with it, according to which a claimant who is not recognised as an environmental association is entitled to apply for the annulment of a decision due to a procedural defect only if the procedural defect has denied the claimant itself the opportunity — as provided for by statute — of participating in the decision-making process?

2. (a) Must Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, ⁽²⁾ most recently amended by Article 1 of Directive 2014/101/EU of the Commission of 30 October 2014 ⁽³⁾ — hereinafter referred to as: Water Framework Directive (WFD) — be interpreted as meaning that it does not only include substantive criteria for examination but, in addition, specifications regarding the regulatory approval procedure?

(b) If Question (a) is answered in the affirmative,

must the involvement of the public pursuant to Article 6 EIA Directive always relate to the documents regarding the assessment under water law in the aforementioned sense, or is it permissible to differentiate with regard to the time of the creation of the document and its complexity?

3. Must the term ‘deterioration of the status of a body of groundwater’ in Article 4(1)(b)(i) WFD be interpreted as meaning that a deterioration of the chemical status of a body of groundwater exists as soon as at least one environmental quality standard for one parameter is exceeded for project-related reasons and that irrespective of that, if the relevant threshold for one pollutant has already been exceeded, any additional (measurable) increase of the concentration constitutes a deterioration?

4. (a) Taking into account its binding nature (Article 288 TFEU) and the guarantee of effective legal protection (Article 19 TEU), must Article 4 WFD be interpreted as meaning that all members of the public concerned by a project who assert that the approval of a project breaches their rights are also entitled to bring judicial proceedings asserting breaches of the ban on the deterioration of water and the requirement for improvement?

(b) If Question (a) is answered in the negative —

taking into account its objective — must Article 4 WFD be interpreted as meaning that at least such claimants who maintain domestic wells for their private water supply in geographical proximity to the planned road are entitled to bring judicial proceedings asserting breaches of the ban on the deterioration of water and the requirement for improvement?

⁽¹⁾ OJ 2012 L 26, p. 1.

⁽²⁾ OJ 2000 L 327, p. 1.

⁽³⁾ OJ 2014 L 311, p. 32.