

**Re:**

REFERENCE for a preliminary ruling — Juzgado de lo Contencioso-Administrativo de Madrid — Interpretation of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40) — Urban road projects in densely populated areas or concerning landscapes of historical, cultural or archaeological significance — Whether subject to an assessment procedure having regard to their nature, size and effect — Applicability of the criteria in the judgment of the Court in Case C-332/04 *Commission v Spain*

**Operative part of the judgment**

*Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997, must be interpreted as meaning that it provides for environmental impact assessment of refurbishment and improvement projects for urban roads, either where they are projects covered by point 7(b) or (c) of Annex I to the directive, or where they are projects covered by point 10(e) of Annex II or the first indent of point 13 thereof, which are likely, by virtue of their nature, size or location and, if appropriate, having regard to their interaction with other projects, to have significant effects on the environment.*

(<sup>1</sup>) OJ C 129, 9.6.2007.

**Judgment of the Court (Third Chamber) of 25 July 2008 —  
C.A.S. SpA v Commission of the European Communities**

(Case C-204/07 P) (<sup>1</sup>)

*(Appeals — EEC-Turkey Association Agreement — Regulation (EEC) No 2913/92 — Article 239 — Community Customs Code — Repayment and remission of import duty — Fruit juice concentrate from Turkey — Movement certificates — Falsification — Special situation)*

(2008/C 236/04)

Language of the case: German

**Parties**

Appellant: C.A.S. SpA (represented by: D. Ehle, Rechtsanwalt)

Other party to the proceedings: Commission of the European Communities (represented by: M. Patakia and S. Schønberg, acting as Agents, assisted by M. Núñez Müller, Rechtsanwalt)

**Re:**

Appeal against the judgment of the Court of First Instance (Fifth Chamber) of 6 February 2007 in Case T-23/03 *C.A.S. v Commission* dismissing the application for partial annulment of Commission Decision REC 10/01 of 18 October 2002 relating to a claim for remission of import duties recovered post-clearance on fruit juice concentrates from Turkey imported under certificates of origin which had proved to be false in a subsequent check — Omissions and errors on the part of the Turkish authorities and the Commission capable of creating a special situation within the meaning of Article 239 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) — Distribution of the burden of proof as to the existence of a special situation — Legal classification of the documents and facts

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the Court of First Instance of 6 February 2007 in Case T-23/03 *CAS v Commission*;
2. Annuls Article 2 of the Decision of the Commission of 18 October 2002 (REC 10/01);
3. Orders the Commission of the European Communities to pay the costs at both instances.

(<sup>1</sup>) OJ C 140, 23.6.2007.

**Judgment of the Court (Second Chamber) of 25 July 2008  
(reference for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Dieter Janecek v  
Freistaat Bayern**

(Case C-237/07) (<sup>1</sup>)

*(Directive 96/62/EC — Ambient air quality assessment and management — Fixing of limit values — Entitlement of a third party, whose health has been impaired, to have an action plan drawn up)*

(2008/C 236/05)

Language of the case: German

**Referring court**

Bundesverwaltungsgericht