

Judgment of the Court (Fourth Chamber) of 22 March 2012 (reference for a preliminary ruling from the Cour constitutionnelle — Belgium) — *Inter-Environnement Bruxelles ASBL, Pétitions-Patrimoine ASBL, Atelier de Recherche et d'Action Urbaines ASBL v Région de Bruxelles-Capitale*

(Case C-567/10) ⁽¹⁾

(Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Concept of plans and programmes ‘which are required by legislative, regulatory or administrative provisions’ — Applicability of the directive to a procedure for the total or partial repeal of a land use plan)

(2012/C 133/12)

Language of the case: French

Referring court

Cour constitutionnelle

Parties to the main proceedings

Applicants: Inter-Environnement Bruxelles ASBL, Pétitions-Patrimoine ASBL, Atelier de Recherche et d'Action Urbaines ASBL

Defendant: Région de Bruxelles-Capitale

Re:

Reference for a preliminary ruling — Cour constitutionnelle — Interpretation of Article 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 (OJ 2001 L 197, p. 30) — Applicability of the directive to a procedure for the total or partial repeal of a land use plan — Interpretation of the concept of ‘plans and programmes which are required’ — Exclusion of plans the adoption of which is not compulsory

Operative part of the judgment

1. The concept of plans and programmes ‘which are required by legislative, regulatory or administrative provisions’, appearing in Article 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 also concerning specific land development plans, such as the one covered by the national legislation at issue in the main proceedings.
2. Article 2(a) of Directive 2001/42 must be interpreted as meaning that a procedure for the total or partial repeal of a land use plan, such as the procedure laid down in Articles 58 to 63 of the Brussels Town and Country Planning Code, as amended by the Order of 14 May 2009, falls in principle within the scope of that directive, so that it is subject to the rules relating to the assessment of effects on the environment that are laid down by the directive.

⁽¹⁾ OJ C 63, 26.2.2011.

Judgment of the Court (Third Chamber) of 15 March 2012 — *European Commission v Federal Republic of Germany*

(Case C-574/10) ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 2004/18/EC — Public service contracts — Architecture and engineering services — Design, planning and supervision of a project to renovate a public building — Implementation of the project in several phases, for budgetary reasons — Market value)

(2012/C 133/13)

Language of the case: German

Parties

Applicant: European Commission (represented by: G. Wilms and C. Zadra, acting as Agents)

Defendant: Federal Republic of Germany (represented by: T. Henze, N. Graf Vitzthum and J. Möller, acting as Agents)

Re:

Failure of a Member State to fulfil its obligations — Infringement of Articles 2, 9 and 20 in conjunction with Articles 23 to 55 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ 2004 L 134, p. 114) — Award by the municipality of Niedernhausen, without a Europe-wide invitation to tender, of several architecture services relating to the same construction project to an engineering agency — Division of the service awarded — Calculation of the market value

Operative part of the judgment

The Court:

1. Finds that, due to the fact that the municipality of Niedernhausen awarded an architecture services contract relating to the renovation of a public building called ‘Autalhall’ located in the territory of that municipality, the value of which exceeded the threshold laid down in Article 7(b) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, without conducting a Europe-wide invitation to tender, the Federal Republic of Germany infringed its obligations under Articles 2, 9 and 20 in conjunction with Articles 23 to 55 of that directive;
2. Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 72, 5.3.2011.