The fact that a court of a Member State is seised in the context of proceedings to obtain interim relief or that a judgment is handed down in the context of such proceedings and there is nothing in the action brought or the judgment handed down which indicates that the court seised for the interim measures has jurisdiction within the meaning of Regulation No 2201/2003 does not necessarily preclude the possibility that, as may be provided for by the national law of that Member State, there may be an action as to the substance of the matter which is linked to the action to obtain interim measures and in which there is evidence to demonstrate that the court seised has jurisdiction within the meaning of that regulation.

Where, notwithstanding efforts made by the court second seised to obtain information by enquiry of the party claiming lis pendens, the court first seised and the central authority, the court second seised lacks any evidence which enables it to determine the cause of action of proceedings brought before another court and which serves, in particular, to demonstrate the jurisdiction of that court in accordance with Regulation No 2201/2003, and where, because of specific circumstances, the interest of the child requires the handing down of a judgment which may be recognised in Member States other than that of the court second seised, it is the duty of that court, after the expiry of a reasonable period in which answers to the enquiries made are awaited, to proceed with consideration of the action brought before it. The duration of that reasonable period must take into account the best interests of the child in the specific circumstances of the proceedings concerned.

([1]) OJ C 221, 14.08.2010.

Reference for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 7 July 2010 — Krasimir Asparuhov Estov, Monika Lucien Ivanova and 'KEMKO INTERNATIONAL' EAD v Ministerski savet na Republika Bulgaria

(Case C-339/10)

(2011/C 13/26)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicants: Krasimir Asparuhov Estov, Monika Lyusien Ivanova and 'KEMKO INTERNATIONAL' EAD

Defendant: Ministerski savet na Republika Bulgaria

By order of 12 November 2010, the Court of Justice (Eight Chamber) held that it clearly has no jurisdiction to rule on the questions referred by the Varhoven administrativen sad (Bulgaria).

Reference for a preliminary ruling from Court of Appeal in Northern Ireland (United Kingdom) made on 29 September 2010 — Seaport (NI) Ltd, Magherafelt district Council, F P McCann (Developments) Ltd, Younger Homes Ltd, Heron Brothers Ltd, G Small Contracts, Creagh Concrete Products Ltd v Department of the Environment for Northern Ireland, Department of the Environment for Northern Ireland

(Case C-474/10)

(2011/C 13/27)

Language of the case: English

Referring court

Court of Appeal in Northern Ireland

Parties to the main proceedings

Applicants: Seaport (NI) Ltd, Magherafelt district Council, F P McCann (Developments) Ltd, Younger Homes Ltd, Heron Brothers Ltd, G Small Contracts, Creagh Concrete Products Ltd

Defendants: Department of the Environment for Northern Ireland, Department of the Environment for Northern Ireland

Questions referred

1. On the proper construction of Directive [2001/42] ([1]) where a State authority which prepares a plan falling within Article 3 is itself the authority charged with overall environmental responsibility in the Member State, is it open to the Member State to refuse to designate under Article 6(3) any authority to be consulted for the purposes of Articles 5 and 6?

2. On the proper construction of the Directive, where the authority preparing a plan falling within Article 3 is itself the authority charged with overall environmental responsibility in the Member State, is the Member State required to ensure that there is a consultation body which will be designated that is separate from that authority?

3. On the proper construction of the directive, may the requirement in Article 6(2) to the effect that the authorities referred to in Article 6(3) and the public referred to in 6(4) be given an early and effective opportunity to express their opinion 'within appropriate timeframes', be transposed by rules which provide that the authority responsible for preparing the plan shall authorise the time-limit in each case within which opinions shall be expressed, or must the rules transposing the directive themselves lay down a time-limit, or different time-limits for different circumstances, within which such opinions shall be expressed?

([1]) 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 L 197, p. 30