

On an analysis of the rules and practice applicable in those jurisdictions and an examination of the concept of 'prohibitively expensive' proceedings, the Commission also maintains that the United Kingdom has failed to apply those provisions correctly.

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- (¹) Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC — Statement by the Commission
OJ L 156, p. 17
- (²) 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 L 175, p. 40
- (³) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control
OJ L 257, p. 26

Reference for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 9 November 2011 — Société d'Exportation de Produits Agricoles SA (SEPA) v Hauptzollamt Hamburg-Jonas

(Case C-562/11)

(2012/C 39/12)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicants: Société d'Exportation de Produits Agricoles SA (SEPA)

Defendant: Hauptzollamt Hamburg-Jonas

Question referred

Must a penalty be imposed on an exporter who makes a request for a refund, providing a correct explanation of the facts relevant to the grant of the export refund, although no right to a refund actually exists in relation to the relevant exportation? (¹)

(¹) Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ 1987 L 351, p. 1) as amended by Commission Regulation No 495/97 of 18 March (OJ 1997 L 77, p. 12)

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 14 November 2011 — Iberdrola, S.A. and Gas Natural SDG, S.A. v Spanish State, Hidroeléctrica del Cantábrico, S.A. and Endesa, S.A.

(Case C-566/11)

(2012/C 39/13)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellants: Iberdrola, SA and Gas Natural SDG, S.A.

Other parties: Spanish State, Hidroeléctrica del Cantábrico, S.A. and Endesa

Question referred

May Article 10 of Directive 2003/87/EC (¹) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC be interpreted as not preventing application of national legislative measures of the kind under review in these proceedings, the purpose and effect of which are to reduce remuneration for the activity of electricity production by an amount equivalent to the value of the greenhouse gas emission allowances allocated free of charge during the relevant period?

(¹) OJ 2003 L 275, p. 32.

Reference for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 14 November 2011 — Gas Natural SDG, S.A. v Endesa, S.A., Iberdrola, S.A., Hidroeléctrica del Cantábrico, S.A. and Spanish State

(Case C-567/11)

(2012/C 39/14)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellant: Gas Natural SDG, S.A.

Other parties: Endesa, S.A., Iberdrola, S.A., Hidroeléctrica del Cantábrico, S.A. and Spanish State