

2. Orders the French Republic to pay the costs.

(<sup>1</sup>) OJ C 217, 21.7.2012.

**Judgment of the Court (Fifth Chamber) of 21 March 2013  
(reference for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Salzburger Flughafen GmbH v  
Umweltsenat**

(Case C-244/12) (<sup>1</sup>)

*(Assessment of the effects of certain projects on the environment — Directive 85/337/EEC — Articles 2(1) and 4(2) — Projects listed in Annex II — Extension works to the infrastructure of an airport — Examination on the basis of thresholds or criteria — Article 4(3) — Selection criteria — Annex III, point 2(g) — Densely populated areas)*

(2013/C 156/23)

Language of the case: German

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

Applicant: Salzburger Flughafen GmbH

Defendant: Umweltsenat

Intervener: Landesumweltsenatsverwaltung Salzburg, Bundesministerin für Verkehr, Innovation und Technologie

**Re:**

Reference for a preliminary ruling — Verwaltungsgerichtshof — 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) — Projects liable to an assessment — Extension of an airport — Member State's legislation providing for an environmental impact assessment of a project only if the annual number of flights increases by no less than 20 000.

**Operative part of the judgment**

1. Articles 2(1) and 4(2)(b) and (3) 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, as amended by Council Directive 97/11/EC of 3 March 1997, preclude national legislation which makes projects which change the infrastructure of an airport and fall within the scope of Annex II to that directive subject to an environmental impact assessment only if those projects are likely to increase the number of aircraft movements by at least 20 000 per year;

2. When a Member State, pursuant to Article 4(2)(b) of Directive 85/337, as amended by Directive 97/11, with regard to projects falling within the scope of Annex II thereto, establishes a threshold which is incompatible with the obligations laid down in Articles 2(1) and 4(3) of that directive, the provisions of Articles 2(1) and 4(2)(a) and (3) of the directive have direct effect, which means that the competent national authorities must ensure that it is first examined whether the projects concerned are likely to have significant effects on the environment and, if so, that an assessment of those effects is then undertaken.

(<sup>1</sup>) OJ C 235, 4.8.2012.

**Judgment of the Court (Eighth Chamber) of 11 April 2013  
(request for a preliminary ruling from the Tribunale di Napoli — Italy) — Oreste Della Rocca v Poste Italiane SpA**

(Case C-290/12) (<sup>1</sup>)

*(Social policy — Directive 1999/70/EC — Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 2 — Scope of application of the Framework Agreement — Temporary employment business — Supply of temporary workers to a user undertaking — Successive fixed-term employment contracts)*

(2013/C 156/24)

Language of the case: Italian

**Referring court**

Tribunale di Napoli

**Parties to the main proceedings**

Applicant: Oreste Della Rocca

Defendant: Poste Italiane SpA

**Re:**

Request for a preliminary ruling — Tribunale di Napoli — Interpretation of Clauses 2 and 5 of the Framework Agreement set out in the Annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43) — Scope — Applicability of that directive to temporary employment agencies — Possibility for those agencies to draw up successive fixed-term contracts with temporary workers owing to circumstances justifying the temporary nature of the employment relationship between the temporary worker and the undertaking making use of that worker