

Judgment of the Court (First Chamber) of 17 November 2016 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Stadt Wiener Neustadt v Niederösterreichische Landesregierung

(Case C-348/15) ⁽¹⁾

(Reference for a preliminary ruling — Assessment of the effects of certain public and private projects on the environment — Directive 85/337/EEC — Directive 2011/92/EU — Scope — Concept of ‘specific act of national legislation’ — No environmental impact assessment — Definitive authorisation — Legislative regularisation a posteriori of the lack of environmental impact assessment — Principle of cooperation — Article 4 TEU)

(2017/C 014/16)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Stadt Wiener Neustadt

Defendant: Niederösterreichische Landesregierung

Intervening party: .A.S.A. Abfall Service AG

Operative part of the judgment

Article 1(5) 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, must be interpreted as meaning that it covers a project subject to a legislative provision such as that at issue in the main proceedings, under which a project which has been the subject of a decision taken in breach of the obligation to assess its effects on the environment, in respect of which the time limit for an action for annulment has expired, must be regarded as lawfully authorised. EU law precludes such a legislative provision insofar as it provides that a prior environmental impact assessment must be deemed to have been carried out for such a project.

⁽¹⁾ OJ C 363, 3.11.2015.

Judgment of the Court (Second Chamber) of 16 November 2016 (request for a preliminary ruling from the Landesgericht für Zivilrechtssachen Wien — Austria) — Wolfgang Schmidt v Christiane Schmidt

(Case C-417/15) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Regulation (EU) No 1215/2012 — Jurisdiction and the recognition and enforcement of judgments in civil and commercial matters — Scope — First subparagraph of Article 24(1) — Exclusive jurisdiction in matters relating to rights in rem in immovable property — Article 7(1)(a) — Special jurisdiction in matters relating to a contract — Action seeking the avoidance of a contract of gift of immovable property and the removal of an entry in the land register evidencing a right of ownership)

(2017/C 014/17)

Language of the case: German

Referring court

Landesgericht für Zivilrechtssachen Wien