

Parties to the main proceedings

Applicants: Bund Naturschutz in Bayern e.V., Harald Wilde

Defendant: Freistaat Bayern

Joined party: Stadt Nürnberg

Operative part of the judgment

1. Point 7(c) of Annex I to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment cannot be interpreted to the effect that it covers a road development project which, whilst it concerns, as in the case before the referring court, a stretch of road that is under 10 km in length, consists in the widening or development of an existing road with four or more lanes.
2. Point 7(b) of Annex I to Directive 2011/92 must be interpreted as meaning that ‘express roads’ for the purposes of that provision are roads whose technical characteristics are those set out in the definition in point II.3 of Annex II to the European Agreement on Main International Traffic Arteries (AGR), signed in Geneva on 15 November 1975, even if those roads do not form part of the network of main international traffic arteries or are located in urban areas.
3. The concept of ‘construction’ for the purposes of point 7(b) of Annex I to Directive 2011/92 must be interpreted as referring to the carrying-out of works not previously existing or to the physical alteration of existing installations. In order to determine whether such an alteration may be regarded as equivalent, because of its scale and the manner in which it is carried out, to such construction, the referring court must take account of all the characteristics of the work concerned and not only of its length or of the fact that its initial route is retained.

⁽¹⁾ OJ C 90, 7.3.2016.

Judgment of the Court (Sixth Chamber) of 24 November 2016 (request for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — Lohmann & Rauscher International GmbH & Co. KG v BIOS Medical Services GmbH, formerly BIOS Naturprodukte GmbH

(Case C-662/15) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Directive 93/42/EEC — Medical devices — Class I device (sterile wound dressings) which has been the subject of a conformity assessment procedure by the manufacturer — Parallel imports — Addition to the labelling of information relating to the importer — Supplementary conformity assessment procedure)

(2017/C 030/15)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Lohmann & Rauscher International GmbH & Co. KG

Defendant: BIOS Medical Services GmbH, formerly BIOS Naturprodukte GmbH

Operative part of the judgment

Article 1(2)(f) and Article 11 of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices, as amended by Directive 2007/47/EC of the European Parliament and of the Council of 5 September 2007, must be interpreted as not requiring a parallel importer of a medical device, such as that at issue in the main proceedings, which bears a CE marking and which has been subjected to a conformity assessment within the meaning of that Article 11, to carry out a further assessment designed to certify the conformity of the information allowing its identification which that parallel importer adds to the labelling of that device with a view to that device being placed on the market of the Member State of importation.

⁽¹⁾ OJ C 118, 4.4.2016.

Judgment of the Court (Tenth Chamber) of 1st December 2016 — European Commission v Grand Duchy of Luxembourg

(Case C-152/16) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Regulation (EC) No 1071/2009 — Common rules concerning the conditions to be complied with to pursue the occupation of road transport operator — Article 16(1) and (5) — National electronic register of road transport undertakings — No interconnection with the national electronic registers of other Member States)

(2017/C 030/16)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Hottiaux, Agent)

Defendant: Grand Duchy of Luxembourg (represented by: D. Holderer, Agent)

Operative part of the judgment

The Court:

- (1) Declares that, by failing to have established a national electronic register of road transport undertakings which complies fully and which is interconnected with the national electronic registers of the other Member States, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 16(1) and (5) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.
- (2) Orders the Grand Duchy of Luxembourg to pay the costs.

⁽¹⁾ OJ C 191, 30.5.2016.

Request for a preliminary ruling from the Amtsgericht Hannover (Germany) lodged on 5 October 2016 — Andrea Witzel, Jannis Witzel, Jazz Witzel v Germanwings GmbH

(Case C-520/16)

(2017/C 030/17)

Language of the case: German

Referring court

Amtsgericht Hannover

Parties to the main proceedings

Applicants: Andrea Witzel, Jannis Witzel, Jazz Witzel