

Respondent authority: Landeshauptmann von Tirol

Intervener: Öztaler Wasserkraft GmbH

Questions referred

1. Does Article 4 of Directive 2000/60/EC ⁽¹⁾ establishing a framework for Community action in the field of water policy ('the Water Framework Directive') or the Water Framework Directive as a whole confer on an environmental organisation, in a procedure which is not subject to an environmental impact assessment under 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 ('the EIA Directive'), rights for the protection of which it has access to administrative or judicial procedures under Article 9(3) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which was approved on behalf of the European Community by Council Decision 2005/370/EC of 17 February 2015 ('the Aarhus Convention')?

If question 1 is answered in the affirmative:

2. Is it necessary under the provisions of the Aarhus Convention to be able to assert those rights at the stage of the procedure before the administrative authority or is the possibility of being granted judicial protection against the decision of the administrative authority sufficient?
3. Is it permissible for national procedural law (Paragraph 42 of the AVG) to require the environmental organisation — like other parties — to raise its objections not only in an appeal to the Verwaltungsgericht, but in good time at the stage of the procedure before the administrative authorities, failing which it loses its status as a party and is also no longer able to bring an appeal at the Verwaltungsgericht?

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1).

Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 14 December 2015 — Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd

(Case C-664/15)

(2016/C 111/05)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Appellant on a point of law: Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation

Respondent authority: Bezirkshauptmannschaft Gmünd

Questions referred

1. Does Article 4 of Directive 2000/60/EC ⁽¹⁾ establishing a framework for Community action in the field of water policy ('the Water Framework Directive') or the Water Framework Directive as a whole confer on an environmental organisation, in a procedure which is not subject to an environmental impact assessment under 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 ('the EIA Directive'), rights for the protection of which it has access to administrative or judicial procedures under Article 9(3) of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which was approved on behalf of the European Community by Council Decision 2005/370/EC of 17 February 2015 ('the Aarhus Convention')?

If question 1 is answered in the affirmative:

2. Is it necessary under the provisions of the Aarhus Convention to be able to assert those rights at the stage of the procedure before the administrative authority or is the possibility of being granted judicial protection against the decision of the administrative authority sufficient?
3. Is it permissible for national procedural law (Paragraph 42 of the AVG) to require the environmental organisation — like other parties — to raise its objections not only in an appeal to the Verwaltungsgericht, but in good time at the stage of the procedure before the administrative authorities, failing which it loses its status as a party and is also no longer able to bring an appeal at the Verwaltungsgericht?

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1).

**Request for a preliminary ruling from the Finanzgericht Baden-Württemberg (Germany) lodged on
17 December 2015 — Ultra-Brag AG v Hauptzollamt Lörrach**

(Case C-679/15)

(2016/C 111/06)

Language of the case: German

Referring court

Finanzgericht Baden-Württemberg

Parties to the main proceedings

Applicant: Ultra-Brag AG

Defendant: Hauptzollamt Lörrach

Questions referred

1. Is the first indent of Article 202(3) of the Customs Code (Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code, 'the CC') ⁽¹⁾ to be interpreted as meaning that a legal person becomes a customs debtor under the first indent of Article 202(3) of the CC as the person who introduced goods if one of its employees, who is not its statutory representative, brought about the unlawful introduction while acting within the scope of his responsibility?
2. If the answer to the first question is in the negative:

Is the second indent of Article 202(3) of the CC to be interpreted as meaning that

- a) a legal person participates in an unlawful introduction (even) if one of its employees, who is not its statutory representative, was involved in that introduction while acting within the scope of his responsibility, and