

**Operative part of the judgment**

1. A national rule, such as that at issue in the main proceedings, pursuant to which the supplement to a total permanent incapacity pension is suspended during the period in which the beneficiary of that pension receives a retirement pension in another Member State or in Switzerland, constitutes a provision on reduction of benefit for the purposes of Article 12(2) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EEC) No 592/2008 of the European Parliament and of the Council of 17 June 2008.
2. Article 46a(3)(a) of Regulation No 1408/71, as amended and updated by Regulation No 118/97, as amended by Regulation No 592/2008, must be interpreted as meaning that the concept of 'legislation of the first Member State' in that article is to be interpreted as including the interpretation of a provision of national law made by a supreme national court.
3. A supplement to a total permanent incapacity pension granted to a worker under the law of a Member State, such as that at issue in the main proceedings, and a retirement pension acquired by that same worker in Switzerland must be regarded as being of the same kind within the meaning of Regulation No 1408/71, as amended and updated by Regulation No 118/97, as amended by Regulation No 592/2008.
4. Article 46b(2)(a) of Regulation No 1408/71, as amended and updated by Regulation No 118/97, as amended by Regulation No 592/2008, must be interpreted as meaning that a national rule to prevent overlapping, such as that in Article 6 of Decreto 1646/1972 para la aplicación de la ley 24/1972, de 21 de junio, en materia de prestaciones del Régimen General de la Seguridad Social (Decree 1646/1972 on the Implementation of Law 24/1972 of 21 June 1972 concerning general social security system benefits), of 23 June 1972, is not applicable to a benefit calculated in accordance with Article 46(1)(a)(i) of that regulation when that benefit is not referred to in Annex IV, part D, to that regulation.

<sup>(1)</sup> OJ C 402, 31.10.2016.

**Judgment of the Court (First Chamber) of 15 March 2018 (request for a preliminary ruling from the High Court (Ireland) — Ireland) — North East Pylon Pressure Campaign Limited, Maura Sheehy v An Bord Pleanála, Minister for Communications, Energy and Natural Resources, Ireland, Attorney General**

(Case C-470/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Assessment of the effects of certain projects on the environment — Directive 2011/92/EU — Right of members of the public concerned to a review procedure — Premature challenge — Concepts of a not prohibitively expensive procedure and of decisions, acts or omissions subject to the public participation provisions of the directive — Applicability of the Aarhus Convention)*

(2018/C 166/11)

Language of the case: English

**Referring court**

High Court (Ireland)

**Parties to the main proceedings**

*Applicants:* North East Pylon Pressure Campaign Limited, Maura Sheehy

*Defendants:* An Bord Pleanála, Minister for Communications, Energy and Natural Resources, Ireland, Attorney General

*Notice party:* EirGrid plc

**Operative part of the judgment**

1. Article 11(4) of 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 must be interpreted as meaning that the requirement that certain judicial procedures not be prohibitively expensive applies to a procedure before a court of a Member State, such as that in the main proceedings, in which it is determined whether leave may be granted to bring a challenge in the course of a development consent process, a fortiori where that Member State has not determined at what stage a challenge may be brought.
2. Where an applicant raises both pleas alleging infringement of the rules on public participation in decision-making in environmental matters and pleas alleging infringement of other rules, the requirement that certain judicial procedures not be prohibitively expensive laid down in Article 11(4) of Directive 2011/92 applies only to the costs relating to the part of the challenge alleging infringement of the rules on public participation.
3. Article 9(3) and (4) of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, signed in Aarhus on 25 June 1998 and approved on behalf of the European Community by Council Decision 2005/370/EC of 17 February 2005, must be interpreted as meaning that, in order to ensure effective judicial protection in the fields covered by EU environmental law, the requirement that certain judicial procedures not be prohibitively expensive applies to the part of a challenge that would not be covered by that requirement, as it results, under Directive 2011/92, from the answer given in point 2 of the present operative part, in so far as the applicant seeks, by that challenge, to ensure that national environmental law is complied with. Those provisions do not have direct effect, but it is for the national court to give an interpretation of national procedural law which, to the fullest extent possible, is consistent with them.
4. A Member State cannot derogate from the requirement that certain judicial procedures not be prohibitively expensive, laid down by Article 9(4) of the Convention on access to information, public participation in decision-making and access to justice in environmental matters and Article 11(4) of Directive 2011/92, where a challenge is deemed frivolous or vexatious, or where there is no link between the alleged breach of national environmental law and damage to the environment.

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<sup>(1)</sup> OJ C 428, 21.11.2016.

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**Judgment of the Court (First Chamber) of 14 March 2018 (request for a preliminary ruling from the Oberlandesgericht Innsbruck — Austria) — Georg Stollwitzer v ÖBB Personenverkehr AG**

(Case C-482/16) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social policy — Article 45 TFEU — Principle of non-discrimination on grounds of age — Charter of Fundamental Rights of the European Union — Article 21(1) — Directive 2000/78/EC — Articles 2, 6 and 16 — Reference date for the purpose of advancement — Discriminatory legislation of a Member State which does not allow periods of activity completed before reaching the age of 18 to be taken into account for the purpose of determining remuneration — Abolition of provisions that are contrary to the principle of equal treatment)*

(2018/C 166/12)

Language of the case: German

**Referring court**

Oberlandesgericht Innsbruck