



## Reports of Cases

### Joined Cases C-196/16 and C-197/16

**Comune di Corridonia and Others**

**v**

**Provincia di Macerata**

**and**

**Provincia di Macerata Settore 10 — Ambiente**

(Requests for a preliminary ruling  
from the Tribunale amministrativo regionale per le Marche)

(References for a preliminary ruling — Environment — Directive 85/337/EEC — Directive 2011/92/EU — Possibility of carrying out, a posteriori, an environmental impact assessment of an operational plant for the production of energy from biogas with a view to obtaining a new consent)

Summary — Judgment of the Court (First Chamber), 26 July 2017

*Environment — Assessment of the effects of certain projects on the environment — Directive 85/337 — Obligation of the competent authority to carry out an assessment prior to granting consent — Failure to carry out an assessment — Obligation of the authority to remedy that failure — Scope — Assessment carried out for regularisation purposes after the plant concerned has been constructed and has entered into operation — Conditions*

(Art. 4 TEU; Council Directive 85/337, as amended by Directive 2009/31, Art. 2(1))

In the event of failure to carry out an environmental impact assessment required under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, EU law, on the one hand, requires Member States to nullify the unlawful consequences of that failure and, on the other hand, does not preclude regularisation through the conducting of an impact assessment, after the plant concerned has been constructed and has entered into operation, on condition that:

- national rules allowing for that regularisation do not provide the parties concerned with an opportunity to circumvent the rules of EU law or to dispense with applying them, and
- an assessment carried out for regularisation purposes is not conducted solely in respect of the plant's future environmental impact, but must also take into account its environmental impact from the time of its completion.

(see para. 43, operative part)