

Judgment of the Court (First Chamber) of 7 November 2019 (Request for a preliminary ruling from the Symvoulio tis Epikrateias — Greece) — Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others

(Case C-280/18) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Assessment of the effects of certain projects on the environment — Public participation in decision-making and access to justice — Date from which the time for bringing proceedings starts to run)

(2020/C 10/12)

Language of the case: Greek

Referring court

Symvoulio tis Epikrateias

Parties to the main proceedings

Applicants: Alain Flausch, Andrea Bosco, Estienne Roger Jean Pierre Albrespy, Somateio 'Syndesmos Iiton', Somateio 'Elliniko Diktyo — Filoi tis Fysis', Somateio 'Sylogos Prostatias kai Perithalpsis Agrias Zois — SPPAZ'

Defendants: Ypourgos Perivallontos kai Energeias, Ypourgos Oikonomikon, Ypourgos Tourismou, Ypourgos Naftilias kai Nisiotikis Politikis

Operative part of the judgment

1. Article 6 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 precluding a Member State from carrying out the procedures for public participation in decision-making that relate to a project at the level of the headquarters of the competent regional administrative authority, and not at the level of the municipal unit within which the site of the project falls, where the specific arrangements implemented do not ensure that the rights of the public concerned are actually complied with, a matter which is for the national court to establish.
2. Articles 9 and 11 of Directive 2011/92 must be interpreted as precluding legislation, such as that at issue in the main proceedings, which results in a period for bringing proceedings that starts to run from the announcement of consent for a project on the internet being relied on against members of the public concerned where they did not previously have an adequate opportunity to find out about the consent procedure in accordance with Article 6(2) of that directive.

⁽¹⁾ OJ C 231 du 2.7.2018

Judgment of the Court (Sixth Chamber) of 7 November 2019 — Rose Vision SL v European Commission

(Case C-346/18 P) ⁽¹⁾

(Appeal — Projects financed by the European Union in the area of research — Seventh Framework programme for research and technological development (2007-2013) — Grant agreements relating to the FIRST, FutureNEM, sISI, 4NEM and SFERA projects — Audits finding irregularities in the implementation of certain projects — European Commission decisions suspending payment of the amounts payable under other projects — Action for compensation and annulment)

(2020/C 10/13)

Language of the case: Spanish

Parties

Appellant: Rose Vision, SL (represented by J.J. Marín López, abogado)

Other party to the proceedings: European Commission (represented initially by R. Lyal, J. Estrada de Solá, P. Rosa Plaza and M. Siekierzyńska, and subsequently by R. Lyal, J. Estrada de Solá and M. Siekierzyńska, acting as Agents, and J. Rivas, abogado)

Operative part of the judgment

The Court:

1. Annuls the judgment of the General Court of the European Union of 8 March 2018, *Rose Vision v Commission* (T-45/13 RENV and T-587/15, not published, EU:T:2018:124) in so far as, by that judgment, the General Court ruled, in paragraph 160 thereof, that, on the basis of Article 340, first paragraph, TFEU, the appellant had not suffered damage ... as a result of the breach of paragraph II.22(1) of the general terms and conditions that form an integral part of the agreements concluded between Rose Vision SL and the European Commission, under the Seventh Framework programme, adopted by Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013);
2. Dismisses the appeal as to the remainder;
3. Finds that the European Commission breached the grant agreement relating to the FutureNEM project in so far as concerns the confidentiality of Audit 11-INFS-025;
4. Orders Rose Vision SL to bear its own costs and pay half of those incurred by the European Commission in relation to the proceedings at first instance and on appeal.

(¹) OJ C 268, 30.7.2018.

Judgment of the Court (Fifth Chamber) of 7 November 2019 (requests for a preliminary ruling from the Vredegerecht te Antwerpen — Belgium) — Nationale Maatschappij der Belgische Spoorwegen (NMBS) v Mbutuku Kanyebe (C-349/18), Larissa Nijs (C-350/18), Jean-Louis Anita Dedroog (C-351/18)

(Joined Cases C-349/18 to C-351/18) (¹)

(References for a preliminary ruling — Rail transport — Passengers' rights and obligations — Regulation (EC) No 1371/2007 — Article 3(8) — Transport contract — Concept — Passenger without a ticket at the time of boarding a train — Unfair terms in consumer contracts — Directive 93/13/EEC — Article 1(2) and Article 6(1) — General conditions of carriage of a railway undertaking — Mandatory statutory or regulatory provisions — Penalty clause — Powers of the national court)

(2020/C 10/14)

Language of the case: Dutch

Referring court

Vredegerecht te Antwerpen

Parties to the main proceedings

Applicant: Nationale Maatschappij der Belgische Spoorwegen (NMBS)

Defendants: Mbutuku Kanyebe (C-349/18), Larissa Nijs (C-350/18), Jean-Louis Anita Dedroog (C-351/18)

Operative part of the judgment

1. Article 3(8) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations must be interpreted as meaning that a situation in which a passenger boards a freely accessible train for the purposes of travel without acquiring a ticket comes within the concept of a 'transport contract' for the purposes of that provision;