

Reference for a preliminary ruling from High Court (Ireland) made on 3 May 2022 — NN v An Bord Pleanála, Ireland and the Attorney General

(Case C-301/22)

(2022/C 276/10)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Applicant: NN

Respondents: An Bord Pleanála, Ireland and the Attorney General

Notice parties: Bradán Beo Teoranta and Galway County Council

Questions referred

1. (a) Are member states required to characterise and subsequently classify all water bodies, irrespective of size, and in particular is there a requirement to characterise and classify all lakes with a topological surface area below 0,5 km²?
(b) To what extent is the position different with respect to water bodies in a protected area, if at all?
2. If the answer to question 1(a) is yes, can a competent authority for the purposes of development consent grant development consent for a project that may affect the water body prior to it being categorised and classified?
3. If the answer to question 1(a) is no, what are the obligations on a competent authority when deciding upon an application for development consent that potentially affects a water body not characterised and/or classified?

Request for a preliminary ruling from the Højesteret (Denmark) lodged on 10 May 2022 — Anklagemyndigheden v PO and Moesgaard Meat 2012 A/S

(Case C-311/22)

(2022/C 276/11)

Language of the case: Danish

Referring court

Højesteret

Parties to the main proceedings

Applicant: Anklagemyndigheden

Defendants: PO and Moesgaard Meat 2012 A/S

Questions referred

1. Is point 6.4(a) of Annex I to Directive 2010/75/EU⁽¹⁾ of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) to be interpreted as meaning that 'carcass production' covers the slaughter process, which begins when the animal is removed from lairage, stunned and killed and ends when the large standard cuts are produced, so that the weight of the slaughter animal is to be calculated before the neck and head as well as the organs and entrails are removed, or does 'carcass production' mean the production of pig carcasses after the organs and entrails as well as the neck and head have been removed, and after exsanguination and chilling, so that the weight of the slaughter animal should only be calculated at this point in time?

2. Is point 6.4(a) of Annex I to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) to be interpreted as meaning that when determining the number of production days included in the capacity 'per day', this should take into account only the days when stunning, killing and immediate cutting up of the slaughter pig are carried out, or should this take into account the days when the operations for dressing the slaughter pigs are carried out, which includes preparing the animal for slaughter, chilling the slaughtered animal and removing the animal's head and neck?
3. Is point 6.4(a) of Annex I to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) to be interpreted as meaning that the 'capacity' of a slaughterhouse is to be calculated as the maximum production per day within 24 hours, subject to the physical, technical or legal constraints actually complied with by the slaughterhouse, but not lower than its achieved production, or can the slaughterhouse's 'capacity' be lower than its achieved production, for example, where the production achieved by a slaughterhouse has been carried out in disregard of the physical, technical or legal constraints on production that are assumed when calculating the slaughterhouse's 'capacity'?

(¹) OJ 2010 L 334, p. 17.

**Request for a preliminary ruling from the Tribunale di Como (Italy) lodged on 11 May 2022 — Gabel
Industria Tessile SpA, Canavesi SpA v A2A Energia SpA and Others**

(Case C-316/22)

(2022/C 276/12)

Language of the case: Italian

Referring court

Tribunale di Como

Parties to the main proceedings

Applicants: Gabel Industria Tessile SpA, Canavesi SpA

Defendants: A2A Energia SpA, Energit SpA, Agenzia delle Dogane e dei Monopoli

Questions referred

1. In general, does the system of sources of European Union law and, specifically, the third paragraph of Article 288 TFEU preclude the disapplication by a national court, in a dispute between private individuals, of a provision of national law that is contrary to a clear, precise and unconditional provision of a directive that has not been transposed or has been incorrectly transposed, thereby imposing an additional obligation on an individual, where that constitutes, according to the national legal system (Article 14(4) of Legislative Decree No 504/1995), a prerequisite for the latter to be able to assert against the State the rights conferred on him or her by that directive?
2. Does the principle of effectiveness preclude national legislation (Article 14(4) of Legislative Decree No 504/1995) that does not allow a final consumer to seek reimbursement of undue tax directly from the State, but grants him or her only the option of bringing a civil action for recovery against the taxable person, who alone is entitled to obtain reimbursement from the tax authority, where the sole ground for the unlawfulness of the tax — namely the fact that it is contrary to a [Union] directive — can be relied on only in the relationship between the person liable to pay and the tax authority, but not in the relationship between the person liable to pay and the final consumer, thus effectively preventing the application of the reimbursement or, in order to ensure compliance with that principle, should the final consumer be recognised as having direct standing in such a case to bring an action against the Treasury, as a case where it is impossible or excessively difficult to obtain from the supplier a refund of the tax unduly paid?