

Operative part of the judgment

Article 45 TFEU must be interpreted as precluding legislation of a Member State, such as that at issue in the case in the main proceedings, in accordance with which a worker residing there is required to register in that Member State a motor vehicle which he owns, but which is already registered in another Member State and is intended essentially for use in that latter State.

⁽¹⁾ OJ C 346, 19.10.2015.

Judgment of the Court (First Chamber) of 1 June 2017 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — proceedings brought by Gert Folk

(Case C-529/15) ⁽¹⁾

(Reference for a preliminary ruling — Environmental liability — Directive 2004/35/EC — Article 17 — Temporal scope of application — Operation of a hydroelectric power plant put into operation before the period for transposing that directive had expired — Article 2(1)(b) — Concept of ‘environmental damage’ — National law excluding all damage covered by an authorisation — Article 12(1) — Access to justice in environmental matters — Locus standi — Directive 2000/60/EC — Article 4(7) — Direct effect)

(2017/C 249/05)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Gert Folk

Operative part of the judgment

1. Article 17 of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, as amended by Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009, must be interpreted as meaning that, subject to investigations which are for the national court, that directive applies *ratione temporis* to the environmental damage that occurred after 30 April 2007 but which was caused by the operation of a facility authorised in accordance with the law governing matters relating to water and put into operation before that date;
2. Directive 2004/35, as amended by Directive 2009/31, and in particular Article 2(1)(b) thereof, must be interpreted as precluding a provision of national law which excludes, generally and automatically, that damage which has a significant adverse effect on the ecological, chemical or quantitative status or ecological potential of the;
3. In the event that an authorisation has been granted pursuant to national provisions without an examination whether the conditions laid down in Article 4(7)(a) to (d) of 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 have been complied with, a national court is not required to itself verify whether the conditions laid down in that article are satisfied in order to determine whether environmental damage within the meaning of Article 2(1)(b) of Directive 2004/35, as amended by Directive 2009/31, has arisen;
4. Article 12 and 13 of Directive 2004/35, as amended by Directive 2009/31, must be interpreted as precluding a provision of national law, such as that at issue in the case in the main proceedings, which does not entitle persons holding fishing rights to initiate a review procedure in relation to environmental damage within the meaning of Article 2(1)(b) of that directive.

⁽¹⁾ OJ C 406, 7.12.2015.