

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Staatsgerichtshof des Fürstentums Liechtenstein dated 20 January 2015 in the Case of the Liechtensteinische Gesellschaft für Umweltschutz v Gemeinde Vaduz

(Case E-3/15)

A request has been made to the EFTA Court by a letter dated 20 January 2015 from Staatsgerichtshof des Fürstentums Liechtenstein (State Court of the Principality of Liechtenstein), which was received at the Court Registry on 22 January 2015, for an Advisory Opinion in the case of the Liechtensteinische Gesellschaft für Umweltschutz v Gemeinde Vaduz, on the following questions:

1. Is Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment applicable in the Principality of Liechtenstein to EIA procedures which are still based, under transitional arrangements, on the Gesetz über die Umweltverträglichkeitsprüfung (Law on Environmental Impact Assessment) of 10 March 1999 (“the old version of the Law on Environmental Impact Assessment”)?
2. If so, is there an unlawful restriction of the right of complaint of environmental organisations under Article 11 of Directive 2011/92/EU in conjunction with Article 20 of the old version of the Law on Environmental Impact Assessment in the present case if the Government takes a general decision on the environmental compatibility of the project pursuant to Article 16 of the old version of the Law on Environmental Impact Assessment in a separate procedure, but – in the form of conditions – reserves the resolution of crucial issues relating to the project’s environmental compatibility to subsequent authorisation procedures under special legislation?
3. If so, does Article 11 of Directive 2011/92/EU have direct effect in respect of the EIA procedure at issue, which forms the basis for the individual complaint to the State Court?
4. What would be the legal consequence, in the present case, of an infringement of the right of complaint under the directive with reference to questions 2 and 3?