Access to justice falling outside of the scope of EIA, IPPC/IED, access to information and ELD

1.1. Decisions, acts or omissions concerning specific activities falling within the scope of EU environmental legislation outside the scope of the EIA and IED Directives[1]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission and its content (in particular, the conditions to be fulfilled and any time-limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There is no difference between the regulation provided in an administrative law case outside the scope of EIA and IED, access to information and ELD and within. The articles 1:2 GALA on 'interested parties' that have standing and article 6:13 GALA are relevant. In general the level of access to national courts can be considered very effective as administrative court procedures are accessible, not expensive and allow for an active court to investigate the matter. However, recently discussion on the application of article 6:13 GALA has been triggered by the CJEU (case C-826/18), because it ruled that this provision is partly in violation of the Aarhus Convention as it requires interested parties to participate in the preparatory procedure for a decision in order to have access to justice. See explained in more detail in paragraph 1.4 and 1.8.1 sub 7 and 8.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

There is no difference between the regulation provided in an administrative law case outside the scope of EIA and IED, access to information and ELD and within. The scope of administrative review (if applicable) and judicial review will cover procedural and substantive legality as long as grounds for appeal have been brought forward by the appellant.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

The system of judicial review mandates that all administrative review procedures must be used and exhausted before an appeal may be lodged (Article 6:13 GALA). There is no difference between the regulation provided in an administrative law case outside the scope of EIA and IED, access to information and ELD and within. See explained in more detail paragraph 1.3 and 1.4.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

Article 6:13 GALA provides for the general rule that it is necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc. There is no difference between the regulation provided in an administrative law case outside the scope of EIA and IED, access to information and ELD and within. See explained in more detail in paragraph 1.8.1 sub 7 and 8.

5) Are there some grounds/arguments precluded from the judicial review phase?

There are no grounds/arguments precluded from the judicial review phase, however, when a decision consists of multiple parts that may be quashed separately, anyone bringing grounds against such a part of a decision must

have brought grounds against that part in any (administrative preparatory or review) procedure to be admissible (Article 6:13 GALA). There is no difference between the regulation provided in an administrative law case outside the scope of EIA and IED, access to information and ELD and within.

6) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

There is no difference between the rules provided in an administrative law case and the rules applicable to decisions concerning the application of EU law outside of EIA Directive/IED. Dutch courts aim to provide procedures with a fair balance between the parties; in administrative matters this may mean that the courts will be more proactive towards 'weaker' parties and therefore and because of the complex nature of the technical issues in environmental matters are perhaps more inclined to ask an expert advice.

7) How is the notion of "timely" implemented by the national legislation?

There is no specific legislation aimed at implementing the notion of timely with regards to areas addressed by EU law outside the IED and the EIA Directive, as the General Administrative Law Act provides sufficient provisions on timely decision making and timely court procedures.

8) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

There is no specific legislation concerning injunctive relief concerning the issues relevant here. The General Administrative Law Act provides provisions on the possibilities of injunctive relief which have been discussed in more detail in paragraph 1.7.2.

9) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive, and do these include express statutory reference to a requirement that costs should not be prohibitive?

There is no specific legislation concerning the costs of access to justice and the consequences of losing the procedure other than the general provision provided by the GALA. See above. The 'loser pays principle' does not apply in administrative court cases, although the administrative authority will have to pay the court fee for the applicant in most cases when the decision is annulled. Also, in most cases, the authority will have to pay a calculated sum of legal costs (such as the costs related to lawyers representing the applicant) to the applicant if the decision is quashed by the court. The applicant will only be forced to pay for the costs of the public authority when he has obviously misused the possibility of judicial review. This is practically never the case. For third parties, in most cases the costs will not be reimbursed. There is no express statute that requires that costs should not be prohibitive.

1.2. Decisions, acts or omissions concerning the administrative procedures to be followed to comply with national implementing legislation for the Strategic Environmental Assessment (SEA) Directive 2001/42/EC[2]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required other than the general provisions discussed above. This means that administrative review and judicial review is only available against the final decision when it can be considered a decision as defined in Article 1:3 GALA and is not considered a general binding rule or a policy rule (or a plan without direct binding effect for the public). In a large number of cases, there is therefore no administrative review or judicial review available. When there is, however, only an interested party (Article 1:2 GALA) has standing, as is the case in any administrative court procedure. See above.

In most cases, the uniform extensive public preparation procedure is followed to prepare the decision for which a

Strategic Environmental Impact Assessment is required and in most of those administrative procedure anyone has the right to state their views on a draft decision. In judicial appeal procedures, however, access to justice is provided only for interested parties (article 1:2 GALA). The effectiveness of the level of access is quite high as the costs and the financial risks of lodging an appeal are low and the formal requirements for standing are reasonable. Be that as it may, there are doubts as to whether the system provided by article 6:13 GALA that requires all interested parties to state their views against a draft decision in the preparatory procedure is in accordance with the Aarhus Convention.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required. The scope of administrative review (if applicable) and judicial review will cover procedural and substantive legality as long as grounds for appeal have been brought forward by the appellant. See above for information on the general rules on access to justice in administrative court cases.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

The system of judicial review mandates that all administrative review procedures must be used and exhausted before appeal may be lodged (Article 6:13 GALA). There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required. See above for information on the general rules on access to justice in administrative court cases.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

Article 6:13 GALA provides for the general rule that it is necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc. There is no specific regulation provided for access to justice when a Strategic Environmental Assessment is required. See above for information on the general rules on access to justice in administrative court cases.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

There is no specific legislation concerning injunctive relief. The General Administrative Law Act provides provisions on the possibilities of injunctive relief which have been discussed above. There is no specific regulation provided for access to justice when a Strategic Environmental Assessment is required. See above for information on the general rules on access to justice in administrative court cases.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

There is no specific legislation concerning the costs of access to justice and the consequences of losing the procedure other than the general provision provided by the GALA. See above. The ‘loser pays principle’ does not apply in administrative court cases, although the administrative authority will have to pay the court fee for the applicant in most cases when the decision is annulled. Also, in most cases, the authority will have to pay a calculated sum of legal costs (such as the costs related to lawyers representing the applicant) to the applicant if the decision is quashed by the court. The applicant will only be forced to pay for the costs of the public authority when he has obviously misused the possibility of judicial review. This is practically never the case. For third parties, in most cases the costs will not be reimbursed. There is no express statute that requires that costs should not be prohibitive.

1.3. Decisions, acts or omissions concerning the administrative procedures to be followed to comply with the public participation requirements of Article

7 of the Aarhus Convention in respect of plans and programmes not submitted to the procedures set out in the Strategic Environmental Assessment (SEA) Directive 2001/42/EC[3]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There is no special regulation provided for access to justice whether a Strategic Environmental Assessment is required or not. This means that administrative review and judicial review is only available against the final decision when it can be considered a decision as defined in Article 1:3 GALA and is not considered a general binding rule or a policy rule (or a plan without direct binding effect for the public). In a large number of cases there is therefore no administrative review or judicial review. When there is, only an interested party (Article 1:2 GALA) has standing, as is the case in any administrative court procedure. See above.

In most cases, the uniform extensive public preparation procedure is followed to prepare the decision for which a Strategic Environmental Impact Assessment is required, and in most of those administrative procedures anyone has the right to state their views. In judicial appeal procedures, however, access to justice is provided only for interested parties (article 1:2 GALA). The effectiveness of the level of access is quite high as the costs and the financial risks of lodging an appeal are low and the formal requirements for standing are reasonable. Be that as it may, there are doubts whether the system provided by article 6:13 GALA that requires all interested parties to state their views against a draft decision in the preparatory procedure is in accordance with the Aarhus Convention.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required or when it is not. The scope of administrative review (if applicable) and judicial review will cover procedural and substantive legality as long as grounds for appeal have been brought forward by the appellant. See above for information on the general rules on access to justice in administrative court cases.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

The system of judicial review mandates that all administrative review procedures must be used and exhausted before appeal may be lodged (Article 6:13 GALA). There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required or when it is not. See above for information on the general rules on access to justice in administrative court cases.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

Article 6:13 GALA provides for the general rule that it is necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc. There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required or when it is not. See above for information on the general rules on access to justice in administrative court cases.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

There is no specific legislation concerning injunctive relief. The General Administrative Law Act provides provisions on the possibilities of injunctive relief which have been discussed above. There is no special regulation provided for access to justice when a Strategic Environmental Assessment is required or when it is not. See above for information on the general rules on access to justice in administrative court cases.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

There is no specific legislation concerning the costs of access to justice and the consequences of losing the procedure other than the general provision provided by the GALA. See above. The 'loser pays principle' does not apply in administrative court cases, although the administrative authority will have to pay the court fee for the applicant in most cases when the decision is annulled. Also, in most cases, the authority will have to pay a calculated sum of legal costs (such as the costs related to lawyers representing the applicant) to the applicant if the decision is quashed by the court. The applicant will only be forced to pay for the costs of the public authority when he has obviously misused the possibility of judicial review. This is practically never the case. For third parties, in most cases the costs will not be reimbursed. There is no express statute that requires that costs should not be prohibitive.

1.4. Decisions, acts or omissions also concerning plans and programmes required to be prepared under EU environmental legislation[4]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the content of the plan (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation. This means that administrative review and judicial review is only available against the final decision when it can be considered a decision as defined in Article 1:3 GALA and is not considered a general binding rule or a policy rule (or a plan without direct binding effect for the public). In a large number of cases there is therefore no administrative review or judicial review, e.g. air quality plans. When there is, e.g. against a management plan for a Natura 2000 area when it implies that certain activities will not require a permit on the basis of the implementation of the Habitats Directive, only an interested party (Article 1:2 GALA) has standing, as is the case in any administrative court procedure. See above.

In most cases, the uniform extensive public preparation procedure is followed to prepare the decision and in most of those administrative procedures anyone has the right to state their views. In judicial appeal procedures, however, access to justice is provided only for interested parties (article 1:2 GALA). The effectiveness of the level of access is quite high as the costs and the financial risks of lodging an appeal are low and the formal requirements for standing are reasonable. Be that as it may, there are doubts whether the system provided by article 6:13 GALA that requires all interested parties to state their views against a draft decision in the preparatory procedure is in accordance with the Aarhus Convention.

2) Does the form in which the plan or programme is adopted make a difference in terms of legal standing (see also Section 2.5 below)?

Relevant for the competence of the Dutch administrative courts is primarily the question whether the plan or the programme can be considered a decision as defined in Article 1:3 GALA that does not consist of general binding rules or policy rules. Plans and or programmes that are required by EU environmental law are often considered either policy documents to allow government to achieve a certain goal or provide an (indirect) assessment framework for assessing the applications for a permit or for adopting a zoning scheme that affect citizens (directly) and which decisions can be challenged in court. In many cases, however, the plans and programmes are not considered to be a decision against which interested parties should be awarded the possibility of judicial review. This is not just the case because the plans and programmes will be followed by decisions that can be challenged but also because in the procedure of judicial review of these decisions, the interested party may introduce a plea of illegality concerning the plan or programme that was the basis for the decision. Only if the plan or programme itself does directly provide citizens with binding legal consequences, e.g. the management plan of a Natura 2000 area that will allow certain activities without a permit, judicial review will be open for an interested party (Article 1:2 GALA).

3) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation. In a procedure of judicial review of a decision the applicant may enter a plea of illegality concerning a plan or programme and the administrative court must assess whether that ground of appeal is well-founded. It is generally thought that this assessment is done with more deference for the public authority that adopted the plan or programme and will still cover both procedural and substantive legality, although procedural flaws are considered less relevant for the question whether the competent authority could apply the plan of programme to take the contested decision.

4) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

The system of judicial review mandates that all administrative review procedures must be used and exhausted before appeal may be lodged (Article 6:13 GALA). There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation. See above.

5) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

Article 6:13 GALA provides for the general rule that it is necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc. There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation.

6) Are there some grounds/arguments precluded from the judicial review phase?

There are no grounds/arguments precluded from the judicial review phase, however, when a decision consists of multiple parts that may be quashed separately, anyone bringing grounds against such a part of a decision must have brought grounds against that part in any (administrative preparatory or review) procedure to be admissible. There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation. The general provisions stipulated in GALA are applicable.

7) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

There is no difference between the rules provided in an administrative law case and the rules applicable to plans and programmes. Dutch courts aim to provide procedures with a fair balance between the parties; in administrative matters this may mean that the courts will be more proactive towards ‘weaker’ parties and therefore and because of the complex nature of the technical issues in environmental matters are perhaps more inclined to ask an expert advice.

8) How is the notion of “timely” implemented by the national legislation?

There is no specific legislation aimed at implementing the notion of timely with regards to plans and programmes required by European Law, as the General Administrative Law Act provides sufficient provisions on timely decision making and timely court procedures. There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation.

9) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

There is no specific legislation concerning injunctive relief. The General Administrative Law Act provides provisions on the possibilities of injunctive relief which have been discussed in paragraph 1.7.2 above. There is no special general regulation provided for access to justice concerning plans and programmes that are required by EU environmental legislation.

10) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible

consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

There is specific legislation concerning the costs of access to justice and the consequences of losing the procedure other than the general provision provided by the GALA. See above. The 'loser pays principle' does not apply in administrative court cases, although the administrative authority will have to pay the court fee for the applicant in most cases when the decision is annulled. Also, in most cases, the authority will have to pay a calculated sum of legal costs (such as the costs related to lawyers representing the applicant) to the applicant if the decision is quashed by the court. The applicant will only be forced to pay for the costs of the public authority if he has obviously misused the possibility of judicial review. This is practically never the case. For third parties the costs will in most cases not be reimbursed. There is no express statute that requires that costs should not be prohibitive.

1.5. Executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts[5]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedure for adopting or the content of the decision, act or omission of the national regulatory act (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There is no special general regulation provided for access to justice concerning executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts. This means that administrative review and judicial review is only available against the final decision when it can be considered a decision as defined in Article 1:3 GALA and is not considered a general binding rule or a policy rule (or a plan without direct binding effect for the public). In a large number of cases, there is therefore no administrative review or judicial review. When there is, only an interested party (Article 1:2 GALA) has standing, as is the case in any administrative court procedure. See above.

In cases where general binding rules are used, there is no competence of the administrative courts and the uniform extensive public preparation procedure is not applicable as there are separate provisions on the preparation of general binding rules in the Netherlands. In many other cases where a decision has to be taken, the uniform extensive public preparation procedure is followed to prepare the decision and in most of those administrative procedure anyone has the right to state their views. There is no direct access to administrative courts for judicial review and therefore the effectiveness is dependent on the judicial review of decisions based on the binding normative instruments (general binding rules).

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

There is no special general regulation provided for access to justice concerning executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts. In a procedure of judicial review of a decision based on the general binding rules implementing European law, however, the appellant may enter a plea of illegality concerning these executive and/or generally applicable legally binding normative instruments and the administrative court must assess whether that ground of appeal is well-founded. It is generally thought that this assessment is done with more deference for the public authority that adopted the normative instrument. It will still cover both procedural and substantive legality, although procedural flaws are considered less relevant for the question of whether the competent authority could apply the plan of programme to take the contested decision.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

The system of judicial review mandates that all administrative review procedures must be used and exhausted before appeal may be lodged (Article 6:13 GALA). However, this requirement is irrelevant here, as there is no special general regulation provided for access to administrative courts concerning executive regulations and/or

generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

Article 6:13 GALA provides for the general rule that it is necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc. However, this requirement is irrelevant here, as there is no special general regulation provided for access to administrative courts concerning executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

There is no specific legislation concerning injunctive relief. The General Administrative Law Act provides provisions on the possibilities of injunctive relief which have been discussed in paragraph 1.7.2 above. There is no special general regulation provided for access to administrative courts concerning executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory act.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

There is specific legislation concerning the costs of access to justice and the consequences of losing the procedure other than the general provision provided by the GALA. The 'loser pays principle' does not apply in administrative court cases, although the administrative authority will have to pay the court fee for the applicant in most cases when the decision is annulled. Also, in most cases, the authority will have to pay a calculated sum of legal costs (such as the costs related to lawyers representing the applicant) to the applicant if the decision is quashed by the court. The applicant will only be forced to pay for the costs of the public authority if he has obviously misused the possibility of judicial review. This is practically never the case. For third parties, in most cases the costs will not be reimbursed. There is no express statute that requires that costs should not be prohibitive.

7) Is it possible to bring a legal challenge before a national court concerning any related EU regulatory act with a view to a validity reference under Article 267 TFEU, and if so how[6]?

There is no special general regulation provided for access to justice concerning executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts. Also, the preliminary reference procedure is not codified in Dutch procedural law. In a procedure of judicial review of a decision, the applicant may enter a plea of illegality concerning an EU (regulatory) act or decision and the administrative court must assess whether that ground of appeal is well-founded and whether a preliminary reference procedure with the ECJ is deemed necessary.

[1] This category of case reflects recent case-law of the CJEU such as *Protect C-664/15, the Slovak brown bear case C-240/09, see as described under the Commission Notice C/2017/2616 on access to justice in environmental matters*

[2] The SEA Directive relates to plans and programmes. These are also covered by Article 7 and Article 9(3) of the Aarhus Convention.

[3] See findings under ACCC/C/2010/54 for an example of a plan not submitted to SEA but subject to the public participation requirements of Article 7 of the Aarhus Convention.

[4] These fall within the scope of both Article 7 and Article 9(3) of the Aarhus Convention. See also relevant case-law of the Court of Justice of the European Union such as Case C-237/97, Janecek and cases such as Boxus and Solvay C-128/09-C-131/09 and C-182/10, as referred to under the Commission Notice C/2017/2616 on access to justice in environmental matters.

[5] Such acts come within the scope of Article 8 and Article 9(3) of the Aarhus Convention. An example of such an act concerns the decision of the national administration that featured in Case C-281/16, *Vereniging Hoekschewaards Landschap*, ECLI:EU:C:2017:774.

[6] For an example of such a preliminary reference see Case C-281/16, *Vereniging Hoekschewaards Landschap*, ECLI:EU:C:2017:774.

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