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**Request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany) lodged on
14 November 2016 – INEOS Köln GmbH v Bundesrepublik Deutschland
(Case C-572/16)**

*Language of the case: German***Referring court**

Verwaltungsgericht Berlin

Parties to the main proceedings*Applicant:* INEOS Köln GmbH*Defendant:* Bundesrepublik Deutschland**Question referred**

Do the provisions of Article 10a of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC ¹ and the provisions of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC ² preclude legislation enacted by a Member State which, for the 2013-2020 trading period, prescribes a mandatory substantive time limit applicable to out-of-time applications for the allocation of free emissions allowances to existing installations, thereby making it impossible to correct errors or to supplement (incomplete) data in the allocation application in cases where such shortcomings are not established until after the time limit laid down by the Member State has expired?

¹ OJ 2003 L 275, p. 32.

² OJ 2011 L 130, p. 1.