

**Request for a preliminary ruling from the Verwaltungsgericht Berlin (Germany) lodged on
3 February 2017 — INEOS Köln GmbH v Bundesrepublik Deutschland**

(Case C-58/17)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: INEOS Köln GmbH

Defendant: Bundesrepublik Deutschland

Question referred

Must Commission Decision 2011/278/EU [1](#) 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 of the European Parliament and of the Council be interpreted as meaning that the definition of ‘process emissions sub-installation’ in Article 3(h) of Decision 2011/278/EU covers only incompletely oxidised carbon in a gaseous state, or does it also include incompletely oxidised carbon in a liquid state?

¹ OJ 2011 L 130, p. 1.