

## WASTE MANAGEMENT

### **Case C-454/14, *Commission v Spain* [2016] C:2016:117**

25 February 2016

Landfill Directive 1999/13 - Article 14 – Existing landfill - Obligation for existing landfills to comply with the Landfill Directive requirements - Decision on whether operations may continue on the basis of the conditioning plan for the site – Failure of a Member State to fulfil its obligations - Disaffection of landfills that were not authorised.

### **Case C-198/14, *Valev Visnapuu* [2015] C:2015:751**

12 November 2015

Reference for a preliminary ruling - Distance selling and transport of alcoholic beverages from another Member State - Excise duty on certain beverage packaging - Exemption where packaging is integrated into a deposit and return system.

Directive 94/62/EC - Articles 1(1), 7 and 15 – Lack of exhaustive harmonisation – Assessment of the Excise duty in the light of the relevant provisions of primary law.

Scope of Articles 34 TFEU and 110 TFEU – Pecuniary charge -Internal taxation within the meaning of Article 110 TFEU.

System of internal dues applied systematically to categories of products - objective criteria applied irrespective of the origin or destination of the products - no direct discrimination – Difficulties encountered by a small trader engaged in distance sales - Domestic and foreign operators facing the same difficulties in joining a return system - no indirect discrimination

### **Case C-145/14, *Commission v Bulgaria* [2015] C:2015:502**

16 July 2015

Landfill Directive 1999/13 - Article 14 – Existing landfill - Obligation for existing landfills to comply with the Landfill Directive requirements - Decision on whether operations may continue on the basis of the conditioning plan for the site – Non hazardous waste - Failure of a Member State to fulfil its obligations -

### **Case C-198/14, *SC Total Waste Recycling SRL* [2015] C:2015:780**

26 November 2015

Reference for a preliminary ruling - Regulation (EC) No 1013/2006 – Waste shipments within the European Union - Point of entry different from that specified in the notification and in the prior consent - Essential change to the details of a shipment of waste - Illegal shipment - Proportionality of the administrative fine – Obligation for the national court, in the context of the review of the proportionality of such penalty, to take particular account of the risks which may be caused by that infringement in the field of protection of the environment and human health.

### **Case C-198/14, *Valev Visnapuu v Kihlakunnansyyttäjä and Suomen valtio* [2015] 2015:751**

12 November 2015

Reference for a preliminary ruling - Excise duty on certain beverage packaging - Exemption for packaging integrated into a functioning return system - Articles 34 TFEU and 110 TFEU – Pecuniary charge constitutes internal taxation within the meaning of Article 110 TFEU - Base and exemption conditions applying identically to beverage packaging from other Member States and to similar domestic products - Compatibility with Article 110 TFEU - Directive 94/62 doesn't preclude legislation establishing an excise duty on certain beverage packaging.

**Case C-653/13 *Commission v Italy* [2015] C:2015:478**

16 July 2015

Article 260.2 TFEU – Non-compliance with a judgment of the Court establishing a general and persistent to fulfil waste management obligations – Financial penalties - Penalty payment.

**Case C-140/14 *Commission v Slovenia* [2015] C:2015:501**

16 July 2015

Directives 2008/98/EC and 1999/31/EC – Contaminated soils – Hazardous waste – Landfilling – Protection of human health and the environment – Obligation to adopt interim measure with a view to prevent environmental damages.

**Case C-385/13P *Commission v Italy* [2014] nyr.**

6 November 2014

Appeal case against a Tribunal decision - Structural Funds – Regulation (EC) n° 1260/1999 laying down general provisions on the Structural Funds – Article 32(3), first indent, f) – Operational regional programme 2000-2006 – Waste management schemes – Campania – Impact of a infringement procedure against Italy on the programme – Commission refusal to carry out intermediary payments – Legality of the decision at issue.

**Case C-196/13 *Commission v Italy* [2014] nyr.**

2 December 2014

Article 260.2 TFEU – Judgment of the Court establishing a general and persistent to fulfil waste management obligations - Non-compliance – Absence of general, long-term structural measures in order to remedy the general and persistent failure – Obligation to close down and to clean up all illegal landfills - Infringement of the health and environmental objectives, of the obligation that waste must be handled by operators carrying out disposal and recovery operations, of the obligation to obtain a permit from the competent authority, and of hazardous waste management requirements – Landfill directive - Article 260(2) TFEU - Financial penalties - Penalty payment - Lump sum payment.

**Case C-378/13 *Commission v Greece* [2014] nyr.**

2 December 2014

Article 260.2 TFEU – Judgment of the Court establishing a general and persistent to fulfil waste management obligations - Non-compliance – Absence of general, long-term structural measures in order to remedy the general and persistent failure – Difficulties faced by the national authorities in

connection with the closure and cleaning up of all the illegal landfills - Article 260(2) TFEU - Financial penalties - Penalty payment - Lump sum payment.

**Case C-323/13 *Commission v Italy* [2014] nyr.**

3 October 2014

Directives 1999/31/EC and 2008/98/EC – Landfill of waste – Obligation to apply treatment reducing as much as possible environment and health impacts – Illegality of compression, grinding and crushing techniques — Absence of an integrated and adequate network of disposal installations.

**Case C-600/12 *Commission v Greece* [2014] nyr.**

17 July 2014

Operation of a landfill within a Natura 2000 site dedicated to the protection of endangered turtles – Violation of Article 13 of the Waste Framework Directive – Obligation to protect the environment and human health – Greece has exceeded the bounds of discretion to which it remains entitled – Significant environmental degradation caused by waste management activities over a long period – Violation of the 1999/31 Directive on waste landfills (Articles 8, 9, 11(1), a), 12 and 14) – Landfilling operations infringing Greek regulations – No conformity checks by the operator of the waste discarded in the landfill – Significant level of pollution.

**Case C-225/13 *Ville d’Ottignies-Louvain-la-Neuve and Others v Région wallonne* [2014] nyr.**

9 April 2014

Reference for a preliminary ruling - Directive 75/442/EEC - Article 7(1) - Rule that no landfills may be authorised except on the sites provided for in the waste management plan - Renew permits for operating landfills already authorised at the date of entry into force of the waste management plan – Absence of an organised and coherent system for achieving the objectives inherent in a ‘waste management plan’ within the meaning of Article 7(1).

Landfill Directive 1999/31/EC – Article 8 - Landfill permit can be issued only if the landfill project is in line with the relevant waste management plan or plans referred to in Article 7 of Directive 75/442 - Article 14 - Landfills which have been granted a permit, or which are already in operation at the time of transposition of that directive can continue to operate and obtain new permits, even if they do not appear in the list of sites provided for in that waste management plan.

**Case C-292/12 *Ragn-Sells AS v Sillamäe Linnavalitsus* [2014] nyr**

12 December 2013

Reference for a preliminary ruling - Shipment of waste - Mixed municipal waste - Industrial waste and construction waste - Procedure for awarding a service concession for the collection and transport of waste produced on the territory of a municipality - Obligation for the future concessionaire to transport waste collected in the treatment facilities designated by the concession-granting authority - Nearest appropriate treatment facilities – Application of the principle of proximity - Directive 2008/98/EC (Article 16(3)) - Regulation (EC) No 1013/2006 (Article 11(1)(a)).

**Case C-113/12 *Donald Brady* [2013] nyr**

3 October 2013

Reference for a preliminary ruling - Directive 75/442/EEC - Slurry produced in a piggery and stored there pending its transfer to farmers who use it as fertiliser on their land - Classification as 'waste' or 'by-product' - Conditions to qualify the slurry as a by-product- Burden of proof - Failure to transpose Nitrates Directive 91/676/EEC - Livestock effluent produced while operating a pig farm cannot be considered to be, by virtue of the existence of the latter directive, 'covered by other legislation' - Personal liability of the producer as to compliance by those farmers with European Union law concerning the management of waste and fertilisers – Obligation to possess a permit to hold the waste.

**Case C-195/12, *Industrie du bois de Vielsalm & Cie (IBV) SA v Région wallonne*.**

26 September 2013

Reference for a preliminary ruling - Directive 2004/8/EC on the promotion of cogeneration based on a useful heat demand in the internal energy market - Scope - Cogeneration and high efficiency cogeneration - Article 7 - Regional support scheme providing for the grant of 'green certificates' to cogeneration plants - Grant of a larger number of green certificates to cogeneration plants processing principally forms of biomass other than wood or wood waste - Principle of equality and non-discrimination - Articles 20 and 21 of the Charter of Fundamental Rights of the European Union – Absence of discrimination.

**Case C-331/11, *Commission v Slovak Republic* [2015] C:2013:271**

25 April 2013

Directive 1999/13 - Article 14 – Existing landfill - Obligation for existing landfills to comply with the Landfill Directive requirements - Lack of site conditioning plan Continued operation - Failure of a Member State to fulfil its obligations.

**Case C-358/11 *Lapin elinkeino-, liikenne- ja ympäristökeskuksen liikenne ja infrastruktuuri – vastuualue v Lapin luonnonsuojelupiiri ry* [2013] nyr**

7 March 2013

Reference for a preliminary ruling - Directive 2008/98/EC - Hazardous waste – Old telecommunications poles treated with copper-chromium-arsenic solutions – Registration, evaluation and authorisation of chemicals – Regulation (EC) No 1907/2006 (REACH Regulation) – List of uses for treated wood in Annex XVII to the REACH Regulation – Old telecommunications poles used as underlay for duckboards.

**Case C-391/11 *Commission v Belgium* [2012] nyr**

4 October 2012

Directive 2000/53/EC –Article 2, point 3 – End-of-Life vehicles – Notion of producer.

**Case C-121/11 *Pro-Braine ASBL and Others v The Commune of Braine-le-Château* [2012] nyr**

19 April 2012

Reference for a preliminary ruling - Landfill Directive 1999/31/EC – Landfill of waste – EIA Directive 85/337/EEC – Assessment of the effects of certain public and private projects on the environment – Decision relating to the carrying on of operations at an authorized landfill site, in the absence of an Environmental Impact Assessment – Concept of 'consent'.

**Case C-1/11 *Interseroh Scrap and Metals Trading GmbH* [2012] nyr**

29 March 2012

Reference for a preliminary ruling - Regulation (EC) No 1013/2006 – Article 18(1) and (4) – Shipments of certain waste – Article 3(2) – Mandatory information – Identity of waste producers – Information not provided by the intermediary dealer – Protection of business secrets.

**Case C-405/10 *Öslem Garenfeld* [2011] nyr**

10 November 2011

Protection of the environment – Regulations (EC) Nos 1013/2006 and 1418/2007 – Control of shipments of waste – Prohibition on the shipment of spent catalysts to Lebanon.

**Joined Cases C-165/09 to C-167/09 *Stichting Natuur en Milieu e.a.* [2011] ECR I-4599**

26 May 2011

Reference for a preliminary ruling - Waste Framework Directive 2008/1/EC – Permit for the construction and operation of a power station – Directive 2001/81/EC – National emission ceilings for certain atmospheric pollutants – Power of the Member States during the transitional period – Direct effect.

**Case C-35/10 *Commission v France* [2010] ECR I-105**

29 July 2010

Directive 2006/21/EC – Mining extraction – Failure to transpose within the prescribed period.

**Case C-515/09 *Commission v Estonia* [2010] ECR I-101**

29 July 2010

Directive 2006/21/EC – Mining extraction – Management of waste from extractive industries – Failure to transpose within the prescribed period.

**Case C-37/09 *Commission v Portugal* [2010] ECR I-76**

10 June 2010

Directive 2006/21/EC – Mining extraction – Management of waste illegally tipped – Directive 80/68/EEC.

**Case C-64/09 *Commission v France* [2010] ECR I-3283**

15 April 2010

Failure of a Member State to fulfil obligations – Directive 2000/53/EC – Articles 5(3) and (4), 6(3) and 7(1) – Defective transposition.

**Case C-91/08 *Wall AG v Stadt Frankfurt am Main* [2010] ECR I-2815**

13 April 2010

Reference for a preliminary ruling - Service concessions – Award procedure – Obligation of transparency – Subsequent replacement of a subcontractor.

**Case C-297/08 *Commission v Italy* [2010] ECR I-1749**

4 March 2010

Waste Framework Directive 2006/12/EC – Articles 4 and 5 – Management plan – Integrated and adequate network of disposal installations – Danger for human health or the environment – Force majeure – Civil disturbances – Organised crime.

**Case C-172/08 *Pontina Ambiente Srl v Regione Lazio* [2010] ECR I-1175**

25 February 2010

Reference for a preliminary ruling - Landfill Directive 1999/31/EC – Article 10 – Special levy on the disposal of solid waste in landfills – Operator of a landfill subject to that levy – Operating costs of a landfill – Directive 2000/35/EC – Default interest.

**Case C-209/09 *Lahti Energia Oy* [2010] ECR I-1429**

25 February 2010

Reference for a preliminary ruling - Directive 2000/76/EC – Incineration of waste – Incineration plant – Co-incineration plant – Complex comprising a gas plant and a power plant – Incineration in the power plant of non-purified gas produced from the thermal treatment of waste in the gas plant.

**Case C-259/09 *Commission v United Kingdom* [2010] ECR I-16**

4 February 2010

Directive 2006/21/EC – Management of waste from extractive industries – Failure to transpose or to communicate national transposition measures.

**Case C-248/08 *Commission v Greece* [2009] ECR I-221**

17 December 2009

Animal by-products Regulation (EC) No 1774/2002 – Articles 4(2)(a) and (c), 5(2)(c), 6(2)(b), 10 to 15, 17, 18 and 26 — Burial without prior treatment – Lack of official controls – Plants for the safe management of animal by-products – Operation – Lack of authorisation – Incineration of specified risk materials – No adequate process.

**Case C-188/08 *Commission v Ireland* [2009] ECR I-172**

29 October 2009

Waste Framework Directive 75/442/EEC – Domestic wastewaters discharged through septic tanks in the countryside – Waste not covered by other legislation – Failure to transpose.

**Case C-286/08 *Commission v Greece* [2009] ECR I-142**

10 September 2009

Waste Framework Directive 2006/12/EC and Hazardous Waste Directive 91/689/EEC – Hazardous waste – Obligation to draw up and adopt a hazardous-waste management plan – Obligation to establish an integrated and adequate network of disposal installations for hazardous waste – Landfill Directive 1999/31/EC – Landfill of waste – Disposal of hazardous waste.

**Case C-573/07 *Sea Srl v Comune di Ponte Nossa* [2009] ECR I-8127**

10 September 2009

Reference for a preliminary ruling - Public procurement – Award procedures – Contract relating to a service for the collection, transport and disposal of urban waste – Awarded without any call for tenders – Awarded to a company limited by shares whose capital is wholly owned by public bodies but under whose statutes a private capital holding is possible.

**Case C-411/06 *Commission v European Parliament and Council* [2009] ECR I-7585**

8 September 2009

Transfrontier Shipment of Waste Regulation (EC) No 1013/2006 – Action for annulment – Choice of legal basis – Common Commercial Policy (Article 133 EC, now Article 207 TFEU) and Environmental Policy (Article 175(1) EC, now Article 192 TFEU).

**Case C-254/08 *Futura Immobiliare srl Hotel Futura and Others v Comune di Casoria* [2009] ECR I-6995**

16 July 2009

Reference for a preliminary ruling - Waste Framework Directive 2006/12/EC – Article 15(a) – Waste disposal costs not allocated on the basis of actual production of waste – Compatibility with the ‘polluter pays’ principle.

**Case C-385/07 P *Der Grüne Punkt – Duales System Deutschland GmbH v Commission* [2009] ECR I-6155**

16 July 2009

Reference for a preliminary ruling - Competition – Abuse of dominant position – Article 102 TFUE (82 EC) – System for the collection and recovery of used packaging in Germany – ‘Der Grüne Punkt’ logo – Fee payable under a trade mark agreement – Abuse of dominant position – Exclusive right of the proprietor of a trade mark – Excessive duration of the proceedings before the Court of First Instance – Reasonable time – Principle of effective legal protection – Articles 58 and 61 of the Statute of the Court of Justice.

**Case C-480/06 *Commission v Germany* [2009] ECR I-4747**

9 June 2009

Directive 92/50/EEC – No formal European tendering procedure for the award of waste treatment services – Cooperation between local authorities – Failure of a Member State to fulfill obligations.

**Case C-283/07 *Commission v Italy* [2008] ECR I-198**

22 December 2008

Waste Framework Directive 75/442/EEC – Article 1 – Concept of ‘waste’ – Scrap intended for use in iron and steel activities – High-quality refuse-derived fuel – Incorrect transposition.

**Case C-480/07 *Commission v Spain* [2008] ECR I-184**

11 December 2008

Directive 2000/59/EC – Port reception facilities for ship-generated waste and cargo residues – Failure to have developed, implemented or approved waste reception and handling plans for all ports.

**Case C-387/07 *MI.VER Srl and Daniele Antonelli v Provincia di Macerata* [2008] ECR I-9597**

11 December 2008

Reference for a preliminary ruling - Waste Framework Directive 75/442/EEC – Concept of ‘temporary storage’ – Possibility of mixing together items of waste covered by different codes – Concept of ‘mixed packaging’.

**Case C-368/07 *Commission v Italy* [2008] ECR I-130**

25 September 2008

Directive 2000/59/EC – Port reception facilities for ship-generated waste and cargo residues – Failure to develop and implement waste reception and handling plans for all ports.

**Case C-188/07 *Commune de Mesquer v Total France SA and Total International Ltd* [2008] ECR I-4501**

24 June 2008

Reference for a preliminary ruling - Waste Framework Directive 75/442/EEC – Waste management – Concept of waste – ‘Polluter pays’ principle – Holder – Previous holders – Producer of the product from which the waste came – Hydrocarbons and heavy fuel oil – Shipwreck – International Convention on Civil Liability for Oil Pollution Damage – International Oil Pollution Compensation Fund.

**Case C-442/06 *Commission v Italy* [2008] ECR I-2413**

10 April 2008

Landfill Directive 1999/31/EC – Landfill of waste – National legislation concerning existing landfill sites – Incorrect transposition.

**Case C-357/06 *Frigerio Luigi & C. Snc v Comune di Triuggio* [2007] ECR I-12311**

18 December 2007

Reference for a preliminary ruling - Directive 92/50/EEC – Public service contracts – National legislation restricting the award of local public services of economic interest to companies with share capital – Compatibility.

**Case C-263/05 *Commission v Italy* [2007] ECR I-11745**

18 December 2007

Waste Framework Directives 75/442/EEC and 91/156/EEC – Concept of ‘waste’ – Substances or objects intended for disposal or recovery operations – Production residues capable of re-use.

**Case C-195/05 *Commission v Italy* [2007] ECR I-11699**

18 December 2007

Waste Framework Directives 75/442/EEC and 91/156/EEC – Concept of ‘waste’ – Food scraps from the agro-food industry intended for the production of animal feed – Leftovers from the preparation of food in kitchens, intended for shelters for pet animals.

**Case C-194/05 *Commission v Italy* [2007] ECR I-11661**

18 December 2007

Waste Framework Directives 75/442/EEC and 91/156/EEC – Concept of ‘waste’ – Excavated earth and rocks intended for re-use.

**Case C-106/07 *Commission v France* [2007] ECR I-184**

6 December 2007

Directive 2000/59/EC – Port reception facilities for ship-generated waste and cargo residues – Failure to develop and implement waste reception and handling plans for all ports.

**Case C-508/06 *Commission v Malta* [2007] ECR I-172**

29 November 2007

Directive 96/59/EC – Article 11 – Disposal of polychlorinated biphenyls and polychlorinated terphenyls – Failure to communicate the required plans and outlines.

**Case C-221/06 *Stadtgemeinde Frohnleiten* [2007] ECR I-9643**

8 November 2007

Reference for a preliminary ruling - Levy on the long-term depositing of waste at a waste disposal site – Levy payable by the operator of the waste disposal site and calculated according to the weight of the waste being deposited and the state of the waste disposal site – Exemption from the levy in respect of



the deposit of waste from contaminated sites in Austria – No exemption for the deposit of waste from contaminated sites located in other Member States – Article 110 TFUE (90 EC) – Internal taxation – Discrimination.

**Case C-248/05 *Commission v Ireland* [2007] ECR I-9261**

25 October 2007

Directive 80/68/EEC – Protection of underground water against pollution caused by hazardous substances – Failure of a Member State to fulfill its obligations.

**Case C-523/06 *Commission v Finland* [2007] ECR I-135**

4 October 2007

Directive 2000/59/EC – Port reception facilities for ship-generated waste and cargo residues – Failure to have developed and implemented waste reception and handling plans for all ports.

**Case C-382/05 *Commission v Italy* [2007] ECR I-6657**

18 July 2007

Public service contracts – Directive 92/50/EEC – Agreements concerning the treatment of municipal waste – Classification – Public contract – Service concession – Advertising measures.

**Case C-255/05 *Commission v Italy* [2007] ECR I-5767**

5 July 2007

Waste Framework Directive 75/442/EEC, EIA Directive 85/337/EEC and Waste Incineration Directive 2000/76/EC – Assessment of the effects of certain projects on the environment – Waste recovery – Implementation of the ‘third line’ of the Brescia waste incinerator – Publicity for the application for a permit.

**Case C-259/05 *Criminal proceedings v Omni Metal Service* [2007] ECR I-4945**

21 June 2007

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Cables composed of copper and PVC – Export to China for purposes of recovery – Heading GC 020 – Mixed waste – Combination of two materials mentioned in the green list of wastes – Such mixed waste not included on the green list.

**Case C-82/06 *Commission v Italy* [2007] ECR I-83**

14 June 2007

Waste Framework Directive 75/442/EEC and Hazardous waste Directive 91/689/EEC – Obligation to draw up and communicate waste management plans – Failure of a Member State to fulfill its obligations.

**Case C-361/05 *Commission v Spain* [2007] ECR I-71**

24 May 2007

Waste Framework Directive 75/442/EEC and Landfill Directive 1999/31/EC – Illegal and uncontrolled waste tips – Waste tips at Níjar, Hoyo de Miguel and Cueva del Mojón.

**Case C-252/05 *Thames Water Utilities Ltd v Bromley Magistrates’ Court* [2007] ECR I-3883**

10 May 2007

Reference for a preliminary ruling - Directives 75/442/EEC, 91/156/EEC and 91/271/EEC – Waste water which escapes from a sewerage network – Classification as a waste.

**Case C-135/05 *Commission v Italy* [2007] ECR I-3475**

26 April 2007

Directives 75/442/EEC, 91/689/EEC and 1999/31/EC – Failure of a Member State to fulfill its obligations.

**Case C-423/05 *Commission v France* [2007] ECR I-47**

29 March 2007

Waste Framework Directive 75/442/EEC and Landfill Directive 1999/31/EC – Unlawful or unsupervised landfill sites.

**Case C-176/05 *KVZ retec GmbH v Republik Österreich* [2007] ECR I-1721**

1 March 2007

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Supervision and control of shipments of waste – Meat-and-bone meal.

**Case C-486/04 *Commission v Italy* [2006] ECR I-11025**

23 November 2006

Waste Framework Directive 75/442/EEC and EIA Directive 85/337/EEC – Assessment of the effects of certain projects on the environment – Waste recovery – Installation for the production of electricity by the incineration of combustible materials derived from waste and biomass in Massafra (Taranto).

**Case C-215/04 *Marius Pedersen A/S v Miljøstyrelsen* [2006] ECR I-1465**

16 February 2006

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Transfer of waste – Waste intended for recovery operations – Concept of ‘notifier’ – Notifier’s obligations.

**Case C-29/04 *Commission v Austria* [2005] ECR I-9705**

10 November 2005

Directive 92/50/EEC – Articles 8, 11(1) and 15(2) – Procedure for the award of public service contracts – Contract relating to waste disposal – Absence of call for tenders.

**Case C-416/02 *Commission v Spain* [2005] ECR I-7487**

8 September 2005

Waste Framework Directives 75/442/EEC and 91/156/EEC – Meaning of ‘waste’ – EIA Directives 85/337/EEC and 97/11/EC – Assessment of the effects of certain public and private projects on the environment – Directive 80/68/EEC – Protection of groundwater against pollution caused by certain dangerous substances – Directive 91/271/EEC – Urban waste-water treatment – Directive 91/676/EEC – Protection of waters against pollution caused by nitrates from agricultural sources – Pollution caused by a pig farm.

**Case C-121/03 *Commission v Spain* [2005] ECR I-7569**

8 September 2005

Waste Framework Directives 75/442/EEC and 91/156/EEC – Meaning of ‘waste’ – EIA Directives 85/337/EEC and 97/11/EC – Assessment of the effects of certain public and private projects on the environment – Directive 80/68/EEC – Protection of groundwater against pollution caused by certain dangerous substances – Directive 80/778/EEC – Quality of water intended for human consumption.

**Case C-270/03 *Commission v Italy* [2005] ECR I-5233**

9 June 2005

Waste Framework Directive 75/442/EEC as amended by Directive 91/156/EEC – Transport and collection of waste – Article 12.

**Case C-494/01 *Commission v Ireland* [2005] ECR I-3331**

26 April 2005

Waste Framework Directive 75/442/EEC as amended by Directive 91/156/EC – Articles 4, 5, 8, 9, 10, 12, 13 and 14.

**Case C-163/03 *Commission v Greece* [2005] unpublished**

14 April 2005

Directive 80/68/EEC – Protection of underground waters against pollution caused by certain dangerous substances – Articles 3, 4 and 5 – Directive 91/689/EEC – Dangerous waste – Articles 2, paragraph 1, and 6, paragraph 1 – Failure of a Member State to fulfill its obligations.

**Case C-449/03 *Commission v France* [2005] unpublished**

10 March 2005

Waste Framework Directives 75/442/EEC and 91/156/EEC – Rubbish tip of Saint-Laurent du Maroni – Failure of a Member State to fulfill its obligations.

**Case C-92/03 *Commission v Portugal* [2005] ECR I-867**

27 January 2005

Directive 75/439/EEC – Disposal of waste oils – Priority to processing by regeneration – Failure of a Member State to fulfill its obligations

**Case C-15/03 *Commission v Austria* [2005] ECR I-837**

27 January 2005

Directive 75/439/EEC – Disposal of waste oils – Priority to processing by regeneration – Failure of a Member State to fulfill its obligations.

**Case C-62/03 *Commission v United Kingdom* [2004] unpublished**

16 December 2004

Waste Framework Directives 75/442/EEC and 91/156/EEC – Transposition.

**Case C-277/02 *EU-Wood-Trading GmbH* [2004] ECR I-11957**

16 December 2004

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation Regulation (EEC) No 259/93 – Waste intended for recovery – Objections – Powers of the authority of dispatch – Recovery contravening the requirements of Article 4 of Directive 75/442/EEC or those of national provisions – Power of the authority of dispatch to raise such objections

**Case C-463/01 *Commission v Germany* [2004] ECR I-11705**

14 December 2004

Free movement of goods – Packaging and packaging waste – Directive 94/62/EC – Exploitation and marketing of natural mineral waters – Directive 80/777/EEC – Deposit and return obligations for non-reusable packaging that depend on the overall percentage of reusable packaging.

**Case C-309/02 *Radlberger Getränkegesellschaft mbH & Co. and S. Spitz KG v Land Baden-Württemberg* [2004] ECR I-11763**

14 December 2004

Reference for a preliminary ruling - Free movement of goods – Packaging and packaging waste – Directive 94/62/EC – Deposit and return obligations for non-reusable packaging that depend on the overall percentage of reusable packaging.

**Case C-447/03 *Commission v Italy* [2004] unpublished**

25 November 2004

Waste management – Industrial area and rubbish tip in the province of Foggia – Waste Framework Directive 75/442/EEC as amended by Directive 91/156/EEC – Articles 4 and 8.

**Case C-420/02 *Commission v Greece* [2004] ECR I-11175**

18 November 2004

Failure of a Member State to fulfill its obligations – Unlawful deposit of waste at the ‘Pera Galini’ site – Waste Framework Directive 75/442/EEC as amended by Directive 91/156/EEC – Articles 4 and 9.

**Case C-457/02 *Criminal proceedings against Antonio Niselli* [2004] ECR I-10853**

11 November 2004

Reference for a preliminary ruling - Waste Framework Directives 75/442/EEC and 91/156/EEC – Definition of ‘waste’ – Reusable production or consumption residues – Scrap metal.

**Case C-185/02 *Commission v Portugal* [2004] unpublished**

28 October 2004

Directive 96/59/EC – polychlorinated biphenyls and polychlorinated terphenyls – Failure of a Member State to fulfill its obligations.

**Case C-472/02 *Siomab SA v Institut bruxellois pour la gestion de l’environnement* [2004] ECR I-9971**

19 October 2004

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Competence of the authority of dispatch to verify the classification of the purpose of a shipment (recovery or disposal) and to object to a shipment based on an incorrect classification – Objection procedure.

**Case C-113/02 *Commission v Netherlands* [2004] ECR I-9707**

14 October 2004

Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Waste Framework Directive 75/442/EEC – National measure providing for objections to shipments of waste for recovery where 20% of the waste is recoverable in the Member State and the percentage of waste recoverable in the country of destination is lower – Measure of a Member State classifying an operation under point R1 (recovery by incineration) of Annex IIB to Directive 75/442 or under point D10 (disposal by incineration) of Annex IIA to that directive not according to the criterion of actual use but according to the calorific value of the incinerated waste.

**Case C-431/02 *Commission v United Kingdom* [2004] unpublished**

12 October 2004

Directive 91/689/EEC – Hazardous waste – Failure of a State to fulfill its obligations.

**Case C-375/02 *Commission v Spain* [2004] unpublished**

9 September 2004

Waste Framework Directive 75/442/EEC as modified by directive 91/156/EEC – Articles 4 and 8 – Waste management – Rubbish tip of Castelliri – Failure of a Member State to fulfill its obligations.

**Case C-383/02 *Commission v Spain* [2004] unpublished**

9 September 2004

Waste Framework Directive 75/442/EEC as modified by directive 91/156/EEC – Articles 4 and 8 – Waste management – Rubbish tip of Rodano – Failure of a Member State to fulfill its obligations.

**Case C-1/03 *Paul Van de Walle and Others v Texaco Belgium SA* [2004] ECR I-07613**

7 September 2004

Waste Framework Directives 75/442/EEC and 91/156/EEC – Meaning of ‘waste’, ‘producer of waste’ and ‘holder of waste’ – Soil infiltrated by leaked hydrocarbons – Independent operation of a service station belonging to a petroleum company – Channeling of civil liability – polluter pays principle.

**Case C-454/01 *Commission v Germany* [2004] unpublished**

10 June 2004

Directive 96/59/EC – Disposal of polychlorinated biphenyls and polychlorinated terphenyls.

**Case C-398/02 *Commission v Spain* [2004] unpublished**

27 May 2004

Framework Directive 75/442/EEC – Failure of a Member State to fulfill its obligations.

**Case C-341/01 *Plato Plastik Robert Frank GmbH v Caropack Handelsgesellschaft mbH* [2004] ECR I-4883**

29 April 2004

Reference for a preliminary ruling - Directive 94/62/EC – Packaging and packaging waste – Plastic carrier bags – National legislation on the collection and recovery of used packaging and packaging waste – Collection and recovery of used packaging and packaging waste – Obligation to use an authorised undertaking or to organise a collection system – Admissibility.

**Case C-194/01 *Commission v Austria* [2004] ECR I-4579**

29 April 2004

Waste Framework Directive 75/442/EEC – Definition of waste – European Waste Catalogue – Directive 91/689/EEC – List of hazardous waste – Failure of a Member State to fulfill its obligations.

**Joined Cases C-53/02 and C-217/02 *Commune de Braine-le-Château and Michel Tillieut and Others v Région wallonne* [2004] ECR I-3251**

1 April 2004

Reference for a preliminary ruling - Waste Framework Directives 75/442/EEC and 91/156/EEC – Waste – Management plans – Suitable sites and installations for waste disposal – Permit granted in the absence of a management plan containing a map specifying planned locations for disposal sites.

**Case C-114/01 *Proceedings against AvestaPolarit Chrome Oy, formerly Outokumpu Chrome Oy* [2003] ECR I-8725**

11 September 2003

Waste Framework Directives 75/442/EEC and 91/156/EEC – Meaning of ‘waste’ – Production residue – Mine – Use – Storage – Article 2(1)(b) – Meaning of other legislation – National legislation outside the framework of Directives 75/442/EEC and 91/156/EEC.

**Case C-444/00 *Mayer Parry Recycling Ltd* [2003] ECR I-6163**

19 June 2003

Reference for a preliminary ruling - Waste Framework Directive 75/442/EEC, as amended by Directive 91/156/EEC and Decision 96/350/EC – Directive 94/62/EC – Concept of waste – Concept of recycling – Processing of metal packaging waste.

**Case C-446/01 *Commission v Spain* [2003] ECR I-6053**

12 June 2003

Waste Framework Directive 75/442/EEC – Environment – Waste management – Failure of a Member State to fulfill its obligations.

**Joined Cases C-20/01 and C-28/01 *Commission v Germany* [2003] ECR I-3609**

10 April 2003

Directive 92/50/EEC – Procedures for the award of public service contracts – Negotiated procedure without prior publication of a contract notice – Conditions.

**Case C-392/99 *Commission v Portugal* [2003] ECR I-3373**

10 April 2003

Directive 75/439/EEC – Disposal of waste oils – Incomplete transposition.

**Case C-116/01 *SITA EcoService Nederland BV, formerly Verol Recycling Limburg BV v Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer* [2003] ECR I-2969**

3 April 2003

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation (EEC) No 259/93 – Waste Framework Directive 75/442/EEC – Treatment of waste in several stages – Use of waste as fuel in the cement industry and use of incineration residues as raw material in cement manufacture – Classification as a recovery operation or as a disposal operation – Concept of the use of waste principally as a fuel or other means to generate energy.

**Case C-174/01 *Commission v Luxembourg* [2002] ECR I-11171**

5 December 2002

First indent of Article 11(1) of Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) – Failure of a Member State to fulfill its obligations.

**Case C-139/00 *Commission v Spain* [2002] ECR I - 6407**

11 July 2002

Directive 89/369/EEC - Atmospheric pollution - Municipal waste incineration plants on the island of La Palma.

**Case C-33/01 *Commission v Greece* [2002] ECR I-5447**

13 June 2002

Management of hazardous waste - Failure to provide information required under Article 8(3) of Directive 91/689.

**Case C-292/99 *Commission v France* [2002] ECR I-4097**

2 May 2002

Directives 75/442/EEC, 91/156/EEC, 91/689/EEC and 94/62/EC - Waste management plans – Failure of a Member State to fulfill its obligations.

**Case C-9/00 *Palin Granit Oy* [2002] ECR I-03533**

18 April 2002

Reference for a preliminary ruling - Waste Framework Directives 75/442/EEC and 91/156/EEC - Concept of 'waste' - Production residue - Quarry - Storage - Use of waste - No risk to health or the environment - Possibility of recovery of waste.

**Case C-6/00 *Abfall Service AG* [2002] ECR I-1961**

27 February 2002

Environment - Waste - Regulation (EEC) No 259/93 on shipments of waste - Competence of the authority of dispatch to scrutinise the classification of the purpose of a shipment (recovery or disposal) and to object to a shipment on the ground of an incorrect classification - Directive 75/442/EEC on waste - Classification of deposit of waste in a disused mine.

**Case C-65/00 *Commission v Italy* [2002] ECR I-1795**

21 February 2002

Waste Framework Directive 75/442/EEC and Hazardous Waste Directive 91/689/EEC - Failure by a Member State to fulfill its obligations.

**Case C-35/00 *Commission v United Kingdom* [2002] ECR I-953**

24 January 2002

Directives 75/442/EEC, 91/689/EEC and 94/62/EC - Waste management plans - Failure by a Member State to fulfill its obligations.

**Case C-466/99 *Commission v Italy* [2002] ECR I-851**

24 January 2002

Directives 75/442/EEC, 91/689/EEC and 94/62/EC - Waste management plans - Failure by a Member State to fulfill its obligations.

**Case C-196/01 *Commission v Luxembourg* [2002] ECR I-00569**

15 January 2002

Waste Framework Directive 75/442/EEC - Decision 94/3/EC - European Waste Catalogue - Failure by a Member State to fulfill its obligations.

**Case C-324/99 *DaimlerChrysler AG v Land Baden-Württemberg* [2001] ECR I-9897**

13 December 2001

Transfrontier Shipment of Waste Regulation (EEC) No 259/93 - Conditions justifying prohibitions or restrictions on the export of waste - National legislation imposing the obligation to offer waste to an approved body.

**Case C-429/97 *Commission v France* [2001] ECR I-637**

25 January 2001

VAT - Eighth Directive - Refund of VAT paid in another Member State - Sixth Directive - Place of supply - Services relating to the collection, sorting, transport and disposal of waste.

**Case C-318/98 *Criminal proceedings against Giancarlo Fornasar, Andrea Strizzolo, Giancarlo Toso, Lucio Mucchino, Enzo Peressutti and Sante Chiarcosso* [2000] ECR I-4785**

22 June 2000

Reference for a preliminary ruling - Directive 91/689/EEC - Decision 94/904/EC - Definition of hazardous waste - More stringent measures of protection.

**Case C-387/97 *Commission v Greece* [2000] ECR I-5047**

4 July 2000

Failure of a Member State to fulfill its obligations - Judgment of the Court establishing such failure - Non-compliance - Article 171 of the EC Treaty (now Article 260 TFEU) - Financial penalties - Periodic penalty payment - Directives 75/442/EEC and 78/319/EEC.

**Joined cases C-418/97 and C-419/97 *ARCO Chemie Nederland Ltd* [2000] ECR I-4475**

15 June 2000

Reference for a preliminary ruling - Directives 75/442/EEC and 91/156/EEC - Concept of "waste".

**Case C-209/98 *Entreprenørforeningens Affalds/Miljøsektion (FFAD) v Københavns Kommune* [2000] ECR I-3743**

23 May 2000

Reference for a preliminary ruling - Article 90 of the EC Treaty (now Article 106 TFEU) in conjunction with Articles 34 of the EC Treaty (now, after amendment, Article 34 TFEU) and 86 of the EC Treaty (now Article 102 TFEU) - Directive 75/442/EEC - Regulation (EEC) No 259/93 - Special or exclusive right to collect building waste.

**Case C-365/97 *Commission v Italy* [1999] ECR I-7773**

9 November 1999

Directives 75/442/EEC and 91/156/EEC - Failure of a Member State to fulfill its obligations.

**Joined cases C-175/98 and C-177/98 *Criminal proceedings against Paolo Lirussi and Francesca Bizzaro* [1999] ECR I-6881**

5 October 1999

Reference for a preliminary ruling - Directives 75/442/EEC and 91/689/EEC - Definition of temporary storage, pending collection, on the site where it is produced - Definition of waste management.

**Case C-108/98 *RI.SAN. Srl v Comune di Ischia, Italia Lavoro SpA and Ischia Ambiente SpA* [1999] ECR I-5219**

9 September 1999

Reference for a preliminary ruling - Freedom of establishment - Freedom to provide services - Organisation of urban waste collection service.

**Case C-178/98 *Commission v France* [1999] ECR I-4853**

8 July 1999



Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances - Failure of a Member State to adopt the programmes provided for by Article 6 of the Directive.

**Case C-360/96 *Gemeente Arnhem and Gemeente Rheden v BFI Holding BV* [1998] ECR I-6821**

10 November 1998

Reference for a preliminary ruling - Public service contracts - Meaning of contracting authority - Body governed by public law.

**Case C-203/96 *Chemische Afvalstoffen Dusseldorp BV* [1998] ECR I-4075**

25 June 1998

Reference for a preliminary ruling - Transfrontier Shipment of Waste Regulation - Shipments of waste for recovery - Principles of self-sufficiency and proximity.

**Case C-192/96 *Beside BV and I.M. Besselsen* [1998] ECR I-4029**

25 June 1998

Reference for a preliminary ruling - Management, transport and storage of municipal/household waste - Illegal traffic.

**Case C-298/97 *Commission v Spain* [1998] ECR I-3301**

28 May 1998

Directive 91/157/EEC - Failure by a Member State to adopt programmes provided for in Article 6 of the directive.

**Joined Cases C-304/94, C-330/94, C-342/94 and C-224/95 *Euro Tombesi and Adino Tombesi and others* [1997] unpublished**

25 June 1997

Waste – Definition – Council Directives 91/156/EEC and 91/689/EEC – Council Regulation (EEC) No 259/93.

**Joined cases C-58/95, C-75/95, C-112/95, C-119/95, C-123/95, C-135/95, C-140/95, C-141/95, C-154/95 and C-157/95 *Criminal proceedings against Sandro Gallotti and others* [1996] ECR I-4345**

12 September 1996

Reference for a preliminary ruling - Waste - Directive 91/156/EEC.

**Case C-209/94 P *Buralux SA, Satrod SA and Ourry SA v Council* [1996] ECR I-615**

15 February 1996

Reference for a preliminary ruling - Transfer of waste - Non-contractual liability – Article 173 CE - Individually concerned - Inadmissibility of the action.

**Case C-187/93 *European Parliament v Council* [1994] ECR I-2857**

28 June 1994

Regulation on shipments of waste - Legal basis of the Regulation – Choice between the internal market legal basis and the environmental legal basis.

**Case C-260/93 *Commission v Belgium* [1994] ECR I-1613**

3 May 1994

Member States - Obligations - Implementation of directives - Failure to fulfill obligations not disputed.

**Case 155/91 *Commission v Council* [1993] ECR I-939**

17 March 1993

Framework Waste Directive - Legal basis of the Directive – Choice between the internal market legal basis (Article 100A EEC) and the environmental legal basis (Article 130s EEC).

**Case C-2/90 *Commission v Belgium* [1992] ECR I-4431**

9 July 1992

Prohibition of tipping waste originating in another Member State – Free movement of goods – Measure having equivalent effect to a quantitative restriction – Justification – Article 36 TFUE (former Article 30 EEC) – Health Protection – Principles of proximity and self-sufficiency – Full Harmonisation of Hazardous Waste Transfers.

**Case C-45/91 *Commission v Greece* [1992] ECR I-2509**

7 April 1992

Directive - Toxic and dangerous waste - Failure of a Member State to fulfill its obligations.

**Case 33/90 *Commission v Italy* [1991] ECR I-5987**

13 December 1991

Failure of a Member State to fulfill its obligations - Directives - Waste - Toxic and dangerous waste - Obligation to forward information to the Commission.

**Case 300/89 *Commission v Council* [1991] ECR I-2867**

11 June 1991

Directive on waste from the titanium dioxide industry – Choice between the internal market legal basis (Article 100A EEC) and the environmental legal basis (Article 130s EEC)

**Joined cases 206/88 and 207/88 *Procédures pénales v G. Vessosso and G. Zanetti* [1990] ECR I-1461**

28 March 1990

Reference for a preliminary ruling - Directives 75/442 and 78/319 - Concept - Objects capable of economic reutilization.

**Case 359/88 *Procédure pénale v E. Zanetti e.a.* [1990] ECR I-1509**

28 March 1990

Reference for a preliminary ruling - Waste - Concept - Authorization and supervision of waste disposal.

**Case 380/87 *Enichem Base e.a. v Comune di Anisella Balsamo* [1989] ECR 2492**

13 July 1989

Reference for a preliminary ruling - Prevention and disposal of waste - Plastic bags – Waste Framework Directive – Absence of a right to sell or use plastic bags and other containers – Communication to the European Commission of national measures – Non observance of this obligation does not give rise to any right which might be infringed.

**Case 302/88 *Commission v Denmark* [1988] ECR 46**

20 September 1988

Interpretation of Article 34 of the EEC Treaty - Non-reimbursement or partial reimbursement of contributions in the case of export of petroleum products.

**Joined cases 227, 228, 229 and 230/85 *Commission v Belgium* [1988] ECR 1**

14 January 1988

Failure of a State to fulfill its obligations - Failure to comply with judgments of the Court.

**Case 118/86 *Openbaar Ministerie v Nertsvoedersfabriek Nederland* [ECR] 3883**

6 October 1987

Reference for a preliminary ruling - Free movement of goods - Poultry offal – Export restrictions – Justifications – Public health.

**Joined cases 372 to 374/85 *Ministère public v Oscar Traen e.a.* [ECR] 2141**

12 May 1987

Reference for a preliminary ruling - Waste Framework Directive – Licensing of economic operators managing waste – Authorities granting the license.

**Case 240/83 *Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)* [1985] ECR 531**

7 February 1985

Reference for a preliminary ruling - Free movement of goods – Prohibition of exporting waste oils – Justification – Health concerns – Environmental Concerns.

**Case 90/83 *Michael Paterson and others v W. Weddel & Company Limited and others* [1984] ECR 1567**

22 March 1984

Reference for a preliminary ruling - Transport by road of animal carcasses and waste.

**Case 295/82 *Groupement économique « Rhône-Alpes Huiles » e.a. v Syndicat national des fabricants raffineurs d'huiles de graissage e.a.* [1984] ECR 575**

9 February 1984

Reference for a preliminary ruling - Free movement of goods - Waste oils – Prohibition of exporting waste oils – Justification.

**Case 172/82 *Syndicat national des fabricants raffineurs d'huiles de graissage et autres v Groupement d'intérêt économique « Inter-Huiles » e.a.* [1983] ECR 555**

10 March 1983

Reference for a preliminary ruling - Free movement of goods - Waste oils – Prohibition of exporting waste oils – Justification.

**Case 68/81 *Commission v Belgium* [1982] ECR 153**

2 February 1982

Non-implementation of a directive on waste from the titanium dioxide industry.

**Case 69/81 *Commission v Belgium* [1982] ECR 163**

2 February 1982

Failure of a State to fulfill its obligations - Non-implementation of a directive on waste.

**Case 70/81 *Commission v Belgium* [1982] ECR 169**

2 February 1982

Failure of a State to fulfill its obligations - Non-implementation of a directive on the disposal of waste oils.

**Case 71/81 *Commission v Belgium* [1982] ECR 175**

2 February 1982

Failure of a State to fulfill its obligations - Disposal of polychlorinated biphenyls and polychlorinated terphenyls.

**Joined cases 30/81 to 34/81 *Commission v Italy* (“Huiles usagées italiennes”) [1981] ECR 3379**

17 December 1981

Failure to fulfill an obligation - Implementation of harmonization directives.