

interest, secures the attainment of the aim in view and does not go beyond that which is necessary in order to attain it, and is applied in a non-discriminatory manner, which it is for the national court to ascertain taking account of the following considerations:

- such legislation is appropriate to attain the aim of preventing money laundering and terrorist financing if it enables the Member State concerned effectively to supervise and suspend suspicious financial transactions concluded by credit institutions offering their services in the national territory and, if appropriate, to pursue and punish those responsible;
- the obligation imposed by that legislation on credit institutions carrying out their activities under the freedom to provide services may constitute a proportionate measure in pursuit of that aim in the absence, at the time of the facts in the main proceedings, of any effective mechanism guaranteeing full and complete cooperation between financial intelligence units.

(¹) OJ C 226, 30.7.2011.

**Judgment of the Court (Tenth Chamber) of 25 April 2013
— European Commission v Slovak Republic**

(Case C-331/11) (¹)

(Failure of a Member State to fulfil obligations — Directive 1999/31/EC — Landfill of waste — Article 14 — Existing landfill — Lack of site conditioning plan — Continued operation)

(2013/C 171/10)

Language of the case: Slovak

Parties

Applicant: European Commission (represented by: A. Marghelis and A. Tokár, acting as Agents)

Defendant: Slovak Republic (represented by: B. Ricziová, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Infringement of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1) — Operation of the Žilina-Považský Chlmec waste site without a site conditioning plan

Operative part of the judgment

The Court:

1. Declares that, by authorising the operation of the Žilina-Považský Chlmec waste site without a site conditioning plan and in the absence of a final decision on the continued operation on the basis of an approved site conditioning plan, the Slovak Republic has failed to comply with its obligations under Article 14(a) to (c) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

2. Orders the Slovak Republic to pay the costs.

(¹) OJ C 282, 24.9.2011.

**Judgment of the Court (Third Chamber) of 25 April 2013
(request for a preliminary ruling from the High Court — Ireland) — Thomas Hogan and Others v Minister for Social and Family Affairs and Others**

(Case C-398/11) (¹)

(Reference for a preliminary ruling — Social policy — Approximation of laws — Protection of employees in the event of the insolvency of their employer — Directive 2008/94/EC — Scope — Supplementary occupational pension schemes — Defined benefit and balance of costs scheme — Insufficiency of resources — Minimum level of protection — Economic crisis — Balanced economic and social development — Obligations of the Member States concerned in the event of insufficiency of resources — Liability of the Member State in the event of incorrect transposition)

(2013/C 171/11)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Plaintiffs: Thomas Hogan, John Burns, John Dooley, Alfred Ryan, Michael Cunningham, Michael Dooley, Denis Hayes, Marion Walsh, Joan Power, Walter Walsh

Defendants: Minister for Social and Family Affairs, Ireland, Attorney General

Re:

Request for a preliminary ruling — High Court (Ireland) — Interpretation of Articles 1(1) and (8) of Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version) (OJ 2008 L 283, p. 36) — Supplementary occupational pension schemes — Insufficiency of resources of those schemes — National legislation which does not provide a legal basis for employees to obtain compensation from their employer in consequence of the insolvency of the undertaking — Obligation of the Member State concerned to adopt the necessary measures to protect the interest of employees — Factors to be taken into account in the national court's assessment of compliance with that obligation

Operative part of the judgment

1. Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer must be interpreted as meaning that it applies to the entitlement of former employees to old-age benefits under a supplementary pension scheme set up by their employer.