

- 1.3. Is Gibraltar to be treated as a third country or territory with the effect that EU law is only engaged in respect of transactions between the two in circumstances where EU law has effect between a Member State and a non-Member State? Alternatively,
 - 1.4. Is the constitutional relationship between Gibraltar and the UK to be treated in some other way for the purposes of Article 49 TFEU?
2. How, if at all, does the answer to the above questions differ when considered in the context of Article 63 TFEU (and consequently as regards the freedom of movement of capital) rather than Article 49 TFEU?

Action brought on 12 April 2016 — European Commission v Hellenic Republic

(Case C-202/16)

(2016/C 200/20)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia and E. Sanfrutos Cano, acting as Agents)

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

- Declare that the Hellenic Republic, by permitting the problematic operation of the sanitary landfill site at Temploni, which does not meet the conditions and requirements of European Union environmental legislation under Article 13 of Directive 2008/98/EC ⁽¹⁾ on waste and repealing certain Directives, and Articles 8(a) and 11(1) of and Annex I to Directive 99/31/EC ⁽²⁾ on the landfill of waste, has failed to fulfil its obligations under those provisions;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. This case concerns the failure of the Hellenic Republic to comply with the obligations stemming from Article 13 of Directive 2008/98/EC on waste and repealing certain Directives, Articles 8(a), 11(1) and Annex I of Directive 99/31/EC on the sanitary landfill of waste. The infringement of those provisions relates to the operation of the sanitary landfill at Articles 8(a), 11(1) and Annex I of Directive 99/31/EC at Temploni in Corfu.
2. The subject matter of this action is the problematic operation of the sanitary landfill site at Temploni and the harmful effects on the environment, in connection with the failure of the Greek authorities to adopt the measures required and laid down by the EU legislation, with a view to the operation of the landfill site being fully compliant with the conditions and requirements of EU legislation.
3. The Commission, in the course of the infringement procedure, had identified various problems in the defective operation of the landfill site, which were confirmed by various inspections carried out between 2009 and 2012 by the competent Greek authorities.

4. In their last response of 23 March 2015 the Greek authorities informed the Commission that:
- a new dossier of amendments to the Decision defining the environmental terms of the landfill site with a view to the specification of various works which must be carried out in order that the landfill site should operate correctly has been adopted;
 - further to the inspection of 8 August 2014 (and the confirmation of new infringements) the procedure for the imposition of administrative penalties, on the operator, has been again initiated by the local authorities;
 - various essential works remain underway, such as for example the works relating to the processing of biogas (the Commission observes that the Greek authorities report now and for the first time that the amendment of the environmental terms of the landfill site is a wholly necessary precondition for the completion of those works);
 - the procedure for finding a site for the new landfill site which has to be installed on the island has still not been completed.
5. The Commission considers that it is clear that the landfill site established at Temploni continues to operate incorrectly and while some defects come to an end, others come to light in the passage of time, with the result that it is impossible to list them exhaustively, since there are ongoing changes. In any event, whatever the exact number of infringements, the Commission considers that it is manifest (and it is not disputed by the Greek authorities) that the operation of the landfill site fails to comply with the requirements of the two abovementioned directives. Notwithstanding the inspections which revealed repeated significant problems in the defective operation of the landfill site, the Greek authorities continue to permit it to operate.

⁽¹⁾ OJ L 312 of 22.11.2008, p. 3.

⁽²⁾ OJ L 182 of 16.7.1999, p. 1.

Order of the President of the Court of 22 February 2016 (request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Autónoma del País Vasco — Spain) — Confederación Sindical ELA, Juan Manuel Martínez Sánchez v Aquarbe S.A.U., Consorcio de Aguas de Busturialdea

(Case C-118/15) ⁽¹⁾

(2016/C 200/21)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 171, 26.5.2015.

Order of the President of the Court of 9 March 2016 (request for a preliminary ruling from the Juzgado Contencioso-Administrativo No 1 de Tarragona — Spain) — Correos y Telégrafos SA v Ayuntamiento de Vila Seca

(Case C-302/15) ⁽¹⁾

(2016/C 200/22)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 294, 7.9.2015.
