

Re:

Reference for a preliminary ruling — Juzgado de lo Social de Madrid — Interpretation of Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9) — Employee on sick leave during the period of annual leave allocated by the undertaking as a result of an accident at work which happened before that period of leave began — Right of the worker to take his annual leave during a different period

Operative part of the judgment

Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as precluding national provisions or collective agreements which provide that a worker who is on sick leave during a period of annual leave scheduled in the annual leave planning schedule of the undertaking which employs him does not have the right, after his recovery, to take his annual leave at a time other than that originally scheduled, if necessary outside the corresponding reference period.

(¹) OJ C 223, 30.8.2008.

Judgment of the Court (Fifth Chamber) of 10 September 2009 — Commission of the European Communities v Hellenic Republic

(Case C-286/08) (¹)

(Failure of a Member State to fulfil obligations — Environment — Directives 2006/12/EC and 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 — Directive 1999/31/EC — Landfill of waste — Disposal of hazardous waste)

(2009/C 267/36)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Patakia and J.-B. Laignelot, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 1(2) and 6 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (OJ 1991 L 377, p. 20) and Articles 5(1) and (2), 7(1), 4 and 8 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ 2006 L 114, p. 9) (formerly Council Directive 75/442/EEC of 15 July 1975, as amended by Council Directive 91/156/EEC of 18 March 1991) — Breach of Articles 3(1), 6 to 9, 13 and 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1) — Failure to draw up a hazardous-waste management plan that accords with the requirements of the Community legislation and to establish an integrated and adequate network of disposal installations for hazardous waste — Failure to fulfil obligations so far as concerns the management and landfill of waste.

Operative part of the judgment

The Court:

1. declares that, by failing to draw up and adopt within a reasonable period a hazardous-waste management plan that accords with the requirements of the relevant Community legislation, and by failing to establish an integrated and adequate network of disposal installations for hazardous waste characterised by the most appropriate methods in order to ensure a high level of protection for the environment and public health, and
2. by failing to take all the necessary measures to ensure, as regards the management of hazardous waste, compliance with Articles 4 and 8 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste and Articles 3(1), 6 to 9, 13 and 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste,

the Hellenic Republic has failed to fulfil its obligations under, first, Articles 1(2) and 6 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, read in conjunction with Articles 5(1) and (2) and 7(1) of Directive 2006/12, second, Article 1(2) of Directive 91/689, read in conjunction with the provisions of Articles 4 and 8 of Directive 2006/12, and, third, Articles 3(1), 6 to 9, 13 and 14 of Directive 1999/31.
3. orders the Hellenic Republic to pay the costs.

(¹) OJ C 223, 30.08.2008.