

— by systematically exempting works and development programmes and projects which are subject to a declaratory system from that procedure,

the French Republic has failed to fulfil its obligations under Article 6(2) and Article 6(3) respectively of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

2. Dismisses the action as to the remainder;
3. Orders the French Republic to pay two thirds of the costs and the European Commission to pay the other third.

(¹) OJ C 197, 02.08.2008.

Judgment of the Court (Fourth Chamber) of 4 March 2010 — Commission of the European Communities v Italian Republic

(Case C-297/08) (¹)

(Failure of a Member State to fulfil obligations — Environment — Directive 2006/12/EC — Articles 4 and 5 — Waste management — Management plan — Integrated and adequate network of disposal installations — Danger for human health or the environment — Force majeure — Civil disturbances — Organised crime)

(2010/C 113/11)

Language of the case: Italian

Parties

Applicant: European Commission (represented by: C. Zadra, D. Recchia and J.-B. Laignelot, Agents)

Defendant: Italian Republic (represented by: G. Palmieri, acting as Agent, and G. Aiello, avvocato dello Stato)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented by: S. Ossowski, Agent and K. Bacon, Barrister)

Re:

Failure of a Member State to fulfil obligations — Infringement of Articles 4 and 5 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) — Region of Campania

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt, for the region of Campania, all the measures necessary to ensure that waste is recovered and

disposed of without endangering human health and without harming the environment and, in particular, by failing to establish an integrated and adequate network of disposal installations, the Italian Republic has failed to fulfil its obligations under Articles 4 and 5 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste;

2. Orders the Italian Republic to pay the costs;
3. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.

(¹) OJ C 223, 30.8.2008.

Judgment of the Court (Grand Chamber) of 9 March 2010 (reference for a preliminary ruling from the Tribunale amministrativo regionale della Sicilia — Italy) — Raffinerie Mediterranee (ERG) SpA, Polimeri Europa SpA, Syndial SpA v Ministero dello Sviluppo economico, Ministero della Salute, Ministero Ambiente e Tutela del Territorio e del Mare, Ministero delle Infrastrutture, Ministero dei Trasporti, Presidenza del Consiglio dei Ministri, Ministero dell'Interno, Regione siciliana, Assessorato regionale Territorio ed Ambiente (Sicilia), Assessorato regionale Industria (Sicilia), Prefettura di Siracusa, Istituto superiore di Sanità, Commissario Delegato per Emergenza Rifiuti e Tutela Acque (Sicilia), Vice Commissario Delegato per Emergenza Rifiuti e Tutela Acque (Sicilia), Agenzia Protezione Ambiente e Servizi tecnici (APAT), Agenzia regionale Protezione Ambiente (ARPA Sicilia), Istituto centrale Ricerca scientifica e tecnologica applicata al Mare, Subcommissario per la Bonifica dei Siti contaminati, Provincia regionale di Siracusa, Consorzio ASI Sicilia orientale Zona Sud, Comune di Siracusa, Comune di Augusta, Comune di Melilli, Comune di Priolo Gargallo, Azienda Unità sanitaria locale No 8, Sviluppo Italia Aree Produttive SpA, Invitalia (Agenzia nazionale per l'attrazione degli investimenti e lo sviluppo d'impresa) SpA, formerly Sviluppo Italia SpA,

(Case C-378/08) (¹)

(‘Polluter pays’ principle — Directive 2004/35/EC — Environmental liability — Applicability ratione temporis — Pollution occurring before the date laid down for implementation of that directive and continuing after that date — National legislation imposing liability on a number of undertakings for the costs of remedying the damage connected with such pollution — Requirement for fault or negligence — Requirement for a causal link — Public works contracts)

(2010/C 113/12)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale della Sicilia