

**Order of the Court (Third Chamber) of 10 September 2009 —
C.A.S. v Commission**

(Case C-204/07 P-DEP)

(Taxation of costs)

Procedure — Costs — Taxation — Recoverable costs (Rules of Procedure of the Court of Justice, Art. 73(b)) (see paras 11-45)

Re:

Article 74 of the Rules of Procedure — Action on taxation of costs following judgment of the Court of 25 July 2008.

Operative part

The total costs to be reimbursed by the Commission of the European Communities to C.A.S. SpA are fixed at EUR 29 568.

**Judgment of the Court (Third Chamber) of 10 September 2009 —
Commission v Belgium**

(Case C-100/08)

(Failure of a Member State to fulfil its obligations — Articles 28 EC and 30 EC —
Protection of species of wild fauna and flora — Legislation on the keeping and
marketing of birds born and bred in captivity legally placed on the market in other
Member States)

1. *Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Meaning (Art. 28 EC) (see paras 81, 82)*
2. *Free movement of goods — Quantitative restrictions — Measures having equivalent effect (Arts 28 EC and 30 EC; Council Regulation No 338/97; Commission Regulation No 865/2006) (see paras 84-88, 91-93, 96-103, 110-113)*
3. *Environment — Conservation of wild birds — Directive 79/409 — Scope (Council Directive 79/409) (see para. 106)*

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 28 EC — Protection of species of wild fauna and flora — Prohibition of keeping certain birds legally placed on the market in other Member States.

Operative part

The Court:

1. Declares that,
 - by making the import, keeping and sale of specimens of birds born and bred in captivity legally placed on the market in other Member States subject to restrictive conditions that require the market participants concerned to alter the marking of the birds so as to satisfy the conditions specifically required by the Belgium legislation, and by failing to recognise the marking accepted in other Member States or certificates issued in accordance with Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein; and

— by denying traders the opportunity to obtain exemptions from the prohibition of keeping indigenous European birds legally placed on the market in other Member States,

the Kingdom of Belgium has failed to fulfil its obligations under Article 28 EC

2. Orders the Kingdom of Belgium to pay the costs.

**Judgment of the Court (Fifth Chamber) of 10 September 2009 —
Commission v Greece**

(Case C-286/08)

(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)

1. *Environment — Hazardous waste — Directives 91/689 and 2006/12 (European Parliament and Council Directive 2006/12, Arts 7 and 9; Council Directive 91/689, Art. 6(1)) (see paras 43, 47)*
2. *Environment — Waste — Directive 2006/12 (European Parliament and Council Directive 2006/12, Arts 4 and 5) (see paras 57, 58, 72-74, 76)*

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