

Action brought on 30 June 2008 — Commission of the European Communities v Hellenic Republic

(Case C-286/08)

(2008/C 223/51)

Language of the case: Greek

Parties

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

Defendant: Hellenic Republic

Form of order sought

- declare 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 that enables such waste to be disposed of by means of the most appropriate methods in order to ensure a high level of protection for the environment and public health, the Hellenic Republic has failed to fulfil its obligations under Articles 1(2) and 6 of Directive 91/689/EEC ⁽¹⁾ on hazardous waste, in conjunction with Articles 5(1) and (2) and 7(1) of Directive 2006/12/EC ⁽²⁾ (formerly Directive 75/442/EEC on waste, as amended by Directive 91/156/EEC);
- declare that, 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 (formerly Directive 75/442/EEC, as amended by Directive 91/156/EEC) and Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC ⁽³⁾ on the landfill of waste, the Hellenic Republic has failed to fulfil its obligations under Article 1(2) of Directive 91/689/EEC on hazardous waste, in conjunction with Articles 4 and 8 of Directive 2006/12/EC (formerly Directive 75/442/EEC on waste, as amended by Directive 91/156/EEC), and its obligations under Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC on the landfill of waste;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

After examining the legislative measures notified by the Hellenic Republic relating to the management of hazardous waste, and in particular the National Management Plan, the Commission found that they did not meet the requirements of the Community provisions relating to the management of hazardous waste.

⁽¹⁾ OJ L 114, 27.4.2006, p. 9.

⁽²⁾ OJ L 182, 16.7.1999, p. 1.

More specifically, the National Management Plan is deficient since it merely contains guidelines which require further elaboration and do not meet the requirement of 'sufficient precision', in breach of Articles 1(2) and 6(1) of Directive 91/689/EEC, in conjunction with Article 7(1) of Directive 2006/12/EC (formerly Directive 75/442/EEC).

Also, the National Management Plan does not provide for an integrated and adequate network of disposal installations, because adequate infrastructure is lacking, there are no assessments relating to the required level of operational capacity and there are deficiencies relating to the establishment and geographical location of appropriate sites, in breach of Article 1(2) of Directive 91/689/EEC, in conjunction with Article 5 of Directive 2006/12/EC (formerly Directive 75/442/EEC).

Furthermore, it has been established that the disposal of hazardous waste in Greece is in practice usually in the form of 'temporary storage', which however, because the relevant permits are renewed in the absence of appropriate landfill sites, has become permanent. It follows that appropriate measures have not been taken for the safe final disposal of hazardous waste without endangering human health and without harming the environment, in breach of Article 1(2) of Directive 91/689/EEC, in conjunction with Articles 4 and 8 of Directive 2006/12/EC (formerly Directive 75/442/EEC), and of Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC on the landfill of waste.

⁽¹⁾ OJ L 377, 31.12.1991, p. 20.

Action brought on 1 July 2008 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-289/08)

(2008/C 223/52)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and A. Sipos)

Defendant: Grand Duchy of Luxembourg