

**Judgment of the Court (Sixth Chamber) of 2 December 2010 — European Commission v Portuguese Republic**

(Case C-526/09) <sup>(1)</sup>

*(Failure of a Member State to fulfil its obligations — Environment — Directive 91/271/EEC — Urban waste-water treatment — Article 11(1) and (2) — Discharge of industrial waste water into collecting systems and urban waste water treatment plants — Subject to prior regulations and/or specific authorisations — Lack of authorisation)*

(2011/C 30/13)

Language of the case: Portuguese

**Parties**

*Applicant:* European Commission (represented by: S. Pardo Quintillán and G. Braga da Cruz, acting as Agents)

*Defendant:* Portuguese Republic (represented by: L. Inez Fernandes, acting as Agent)

**Re:**

Failure of a Member State to fulfil its obligations — Infringement of Article 11(1) and (2) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ 1991 L 135, p. 40) — Licence to discharge waste water — 'Estação de Serviço Sobritos'

**Operative part of the judgment**

The Court:

1. declares that, by permitting the discharge of industrial waste water from the industrial site Estação de Serviço Sobritos L<sup>da</sup>, situated in the Matosinhos urban area, without adequate authorisation to that effect, the Portuguese Republic has failed to fulfil its obligations under Article 11(1) and (2) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment;
2. orders the Portuguese Republic to pay the costs.

<sup>(1)</sup> OJ C 51, 27.02.2010.

**Judgment of the Court (Eighth Chamber) of 2 December 2010 — European Commission v Hellenic Republic**

(Case C-534/09) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 2008/1/EC — Pollution prevention and control — Requirements for the granting of permits for existing installations)*

(2011/C 30/14)

Language of the case: Greek

**Parties**

*Applicant:* European Commission (represented by: M. Patakia and A. Alcover San Pedro, acting as Agents)

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

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Article 5(1) of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (OJ 2008 L 24, p. 8) — Requirements for the granting of permits for existing installations — Obligation to ensure that such installations operate in accordance with the requirements of the directive

**Operative part of the judgment**

The Court:

1. Declares that, by failing to take the necessary measures to ensure that the competent national authorities see to it, by means of permits in accordance with Articles 6 and 8 of Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (Codified version) or, as appropriate, by reconsidering and, where necessary, by updating the conditions, that existing installations operate in accordance with the requirements of Articles 3, 7, 9, 10 and 13, Article 14(a) and (b) and Article 15(2) of that directive, not later than 30 October 2007, without prejudice to specific Community legislation, the Hellenic Republic has failed to fulfil its obligations under Article 5(1) of that directive;
2. Orders the Hellenic Republic to pay the costs.

<sup>(1)</sup> OJ C 37, 13.2.2010.