

Judgment of the Court (Third Chamber) of 16 July 2015 — European Commission v Republic of Slovenia

(Case C-140/14) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directives 2008/98/EC and 1999/31/EC — Prevention and elimination of the depositing of excavated earth and rubble and other waste — Landfill — Failure to adopt measures for the disposal and storage of that waste — Use of judicial remedies)

(2015/C 311/10)

Language of the case: Slovenian

Parties

Applicant: European Commission (represented by: E. Sanfrutos Cano and M. Žebre, acting as Agents)

Defendant: Republic of Slovenia (represented by: J. Morela, acting as Agent)

Operative part of the judgment

The Court:

(1) Declares that the Republic of Slovenia,

- by authorising the deposit of excavated earth on plot No 115/1 in the municipal land register of Teharje (Bukovžlak), without ensuring that other waste had not previously or at the same time been deposited at that site, and since no other measure has been adopted to remove from that site the waste not covered by the permit issued, that site must be considered as constituting an illegal landfill which does not comply with the conditions and requirements laid down, first, by Articles 13 and 36(1) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, and secondly, by Articles 5(3)(e), 6, read in conjunction with Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC, 7 to 9, 11 and 12 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, and by Annexes I to III to that directive, and
- by failing, since April 2009, to adopt sufficient measures to prevent, and then to remove the deposit of excavated earth classifiable as waste under item number 17 05 06 (dredging spoil other than those mentioned in 17 05 05) and item number 17 05 05 (dredging spoil containing dangerous substances) at the site of construction work on the municipal infrastructure for the commercial area at Gaberje-jug, so that that site must also be considered to be an illegal landfill which does not comply with the abovementioned provisions of Directives 1999/31 and 2008/98 or with Articles 12, 15 and 17 of Directive 2008/98,

has failed to fulfil its obligations under all of those provisions;

(2) Orders the Republic of Slovenia to pay the costs.

⁽¹⁾ OJ C 184, 16.6.2014.