

Other party to the proceedings: European Commission (represented by: T. Maxian Rusche and C. Egerer, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 409, 17.11.2014.

Judgment of the Court (Eighth Chamber) of 25 February 2016 — European Commission v Kingdom of Spain

(Case C-454/14) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Environment — Directive 1999/31/EC — Article 14 — Landfill of waste — Non-conformity of existing landfills — Closure and after-care procedures)

(2016/C 145/11)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: L. Pignataro-Nolin, E. Sanfrutos Cano and D. Loma-Osorio Lerena, acting as Agents)

Defendant: Kingdom of Spain (represented by: L. Banciella Rodríguez-Miñón, acting as Agent)

Operative part of the judgment

The Court:

- 1) Declares that, by failing to adopt, for each of the landfill sites at issue, namely those in Urtuella (Basque Country) and in Zurita and Juan Grande (Canary Islands), the measures necessary to request the operator to prepare a conditioning plan and ensure full implementation of that plan in accordance with the requirements of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, with the exception of those listed in Annex I, point 1, of that directive, within eight years after the date laid down in Article 18(1) of that directive, the Kingdom of Spain has failed to fulfil its obligations under Article 14(c) of that directive in relation to each of those landfill sites;
- 2) Declares that, by failing to adopt, for each of the landfill sites at issue, namely those in Vélez Rubio (Almería), Alcolea de Cinca (Huesca), Sariñena (Huesca), Tamarite de Litera (Huesca), Somontano — Barbastro (Huesca), Barranco de Sedases (Fraga, Huesca), Barranco Seco (Puntallana, La Palma), Jumilla (Murcia), y Legazpia (Guipuzkoa), Sierra Valleja (Arcos de la Frontera, Cádiz), Carretera Pantano del Rumbalar (Baños de la Encina, Jaén), Barranco de la Cueva (Bélmez de la Moraleda, Jaén), Cerrajón (Castillo de Locution, Jaén), Las Canters (Jimena y Bed mar, Jaén), Hoya del Pine (Siles, Jaén), Bellavista (Finca El Coronel, Alcalá de Guadaíra, Sevilla), El Patarín (Alcalá de Guadaíra, Sevilla), Carretera de Arahal-Morón de la Frontera (Arahal, Sevilla), Carretera de Almadén de la Plata (Cazalla de la Sierra, Sevilla), El Chaparral (Écija, Sevilla), Carretera A-92, KM 57,5 (Morón de la Frontera, Sevilla), Carretera 3118 Fuente Leona — Cumbres mayores (Colina Barragona, Huelva), Llanos del Campo (Grazalema — Benamahoma, Cádiz), Andrada Baja (Alcalá de Guadaíra, Sevilla), Carretera de los Villares (Andújar, Jaén), La Chacona (Cabra, Córdoba) and el Chaparral — La Sombrerera (Puerto Serrano, Cádiz), the measures necessary to close as soon as possible, pursuant to the first line of Article 7(g) and Article 13 of Directive 1999/31, the sites which had not been granted, under Article 8 of that directive, a permit to continue to operate, the Kingdom of Spain has failed to fulfil its obligations, in respect of each of those landfills, under Article 14(b) of that directive;

3) Orders the Kingdom of Spain to pay the costs.

⁽¹⁾ OJ C 448, 15.12.2014.

Judgment of the Court (Fourth Chamber) of 25 February 2016 — European Commission v Kingdom of the Netherlands

(Case C-22/15) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Value added tax — Directive 2006/112/EC — Exemptions — Article 132(1)(m) — Supply of services closely linked to sport or physical education — Exemption for the hiring out of berths and sites for the storage of boats to the members of water sports associations in the context of sailing or leisure activities which cannot be equated with the practice of sport or physical education — Exemption limited to the members of water sports associations which have no employees for delivery of their services — Excluded — Point (d) of the first paragraph of Article 133)

(2016/C 145/12)

Language of the case: Dutch

Parties

Applicant: European Commission (represented by: L. Lozano Palacios and G. Wils, acting as Agents)

Defendant: Kingdom of the Netherlands (represented by: M. Bulterman and M. Noort, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that:

- by exempting from value added tax, in the context of sailing or leisure activities which cannot be equated with the practice of sport or physical education, the hiring out of berths and sites for the storage of boats to the members of water sports associations which have no employees for delivery of their services, and
- by limiting, in cases where the berths and sites for the storage of boats are hired out to persons taking part in sport and that hiring-out is closely linked to and essential for the practice of that sport, the exemption for hiring-out to water sports associations which have no employees for delivery of their services,

the Kingdom of the Netherlands has failed to fulfil its obligations under Articles 2(1), 24(1) and 133 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, in conjunction with Article 132(1)(m) thereof;

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

⁽¹⁾ OJ C 228, 13.7.2015.