



Reports of Cases

Judgment of the Court (Eighth Chamber) of 25 February 2016 —

Commission v 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)

1. *Actions for failure to fulfil obligations — Subject matter of the dispute — Determination during the pre-litigation procedure — Subsequent enlargement — Not permissible (Art. 258 TFEU) (see para. 25)*
2. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (see para. 39)*
3. *Actions for failure to fulfil obligations — Proof of failure — Burden of proof on Commission — Production of evidence showing failure — Incumbent on Member State concerned to refute evidence (Art. 258 TFEU) (see para. 40)*
4. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 258 TFEU) (see para. 45)*

Operative part

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

¹ — OJ C 448, 15.12.2014.

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 Rumblar (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 Guadaira, Sevilla), El Patarín (Alcalá de Guadaira, 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 Guadaira, 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.