



Reports of Cases

Case C-487/14

SC Total Waste Recycling SRL

v

Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség

(Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság)

(Reference for a preliminary ruling — Environment — Waste — Shipments — Regulation (EC) No 1013/2006 — Shipments within the European Union — Point of entry different from that specified in the notification and in the prior consent — Essential change to the details of a shipment of waste — Shipments — Proportionality of the administrative fine)

Summary — Judgment of the Court (Seventh Chamber), 26 November 2015

1. *Environment — Waste — Shipments — Regulation No 1013/2006 — Waste which is subject to a procedure requiring prior written notification and prior written consent — Shipments within the European Union — Point of entry different from that specified in the notification and in the prior consent — Lack of information from the competition authorities — Essential change to the details of a shipment of waste — Shipments*

(European Parliament and Council Regulation No 1013/2006, as amended by Regulation No 669/2008, Arts 2(35)(d) and 17(1))

2. *EU law — Interpretation — Texts in several languages — Uniform interpretation — Differences between the various language versions — General scheme and purpose of the rules in question as a reference point*

(European Parliament and Council Regulation No 1013/2006, as amended by Regulation No 669/2008)

3. *Environment — Waste — Shipments — Regulation No 1013/2006 — Illegal shipments — Penalty — Administrative fine — Proportionality — Criteria — Verification a matter for the national court*

(European Parliament and Council Regulation No 1013/2006, as amended by Regulation No 669/2008, Art. 50(1))

1. Article 17(1) of Regulation No 1013/2006 on shipments of waste, as amended by Regulation No 669/2008, must be interpreted as meaning that the shipment of waste, such as that referred to in Annex IV to that regulation, in the country of transit at a different border crossing point than that which is provided in the notification document and which the competent authorities consented to, must be considered to be an essential change made to the details and/or conditions of the shipment which received consent, so that the fact of not having informed the competent authorities of that change results in the shipment of waste being illegal because it was effected in a way which is not

specified materially in the notification within the meaning of Article 2(35)(d) of that regulation. An interpretation to the contrary would deprive the procedures and control regimes established by Regulation No 1013/2006 of any practical effect.

(see paras 43, 49, operative part 1)

2. See the text of the decision.

(see paras. 45-48)

3. Article 50(1) of Regulation No 1013/2006 on shipments of waste, as amended by Regulation No 669/2008, according to which the penalties applied by the Member States for infringement of the provisions of that regulation must be proportionate, must be interpreted as meaning that the imposition of a fine penalising the illegal shipment of waste, such as that referred to in Annex IV to that regulation, in the country of transit at a border crossing point which differs from that provided in the notification document which had been consented to by the competent authorities, of which the basic amount is the same as the fine imposed for a breach of the requirement to obtain consent and to give prior notification in writing, is to be considered to be proportionate only if the circumstances of the infringement make it possible to find that they involve equally serious infringements.

As the specific application of that principle of proportionality is a matter for the national court, which is required to determine whether the national measures are compatible with EU law, it is for that court to determine, by taking into account all the factual and legal circumstances of the case before it, and, in particular, the risks which may be created by that infringement in the field of the protection of the environment and human health, whether the amount of the penalty does not go beyond what is necessary to attain the objectives of ensuring a high level of protection of the environment and human health.

(see paras 54, 57, operative part 2)