

Finally, the proceedings before the Court contain breaches of procedural rules. Several documents produced in support of the appellant's arguments were not taken into consideration. In addition, the statement and legal arguments of the European Parliament, which the appellant adopted, were simply ignored.

⁽¹⁾ Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ 1993 L 169).

Action brought on 24 March 2014 — Commission of the European Communities v Portuguese Republic

(Case C-140/14)

(2014/C 184/17)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by: E. Sanfrutos and M. Žebre)

Defendant: Republic of Slovenia

Form of order sought

The Commission claims that the Court should:

- declare that the Republic of Slovenia, by failing since April 2009 to adopt sufficient measures to prevent and remove the deposit of 13 600 m³ of excavated earth including 7 605.73 m³ classifiable as waste under number 17 05 06 (excavation material not falling under number 17 05 05) and some 6 000 m³ classifiable as waste under number 17 05 05* (excavation material containing hazardous substances) at the site of construction work on the municipal infrastructure for the commercial area at Gaberje-jug, has failed to fulfil its obligations under Articles 12, 13, 15(1), 17 and 36 of Directive 2008/98/EC,⁽¹⁾ and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC⁽²⁾), 7, 8, 9, 11 and 12 of Directive 1999/31/EC⁽³⁾ and Annexes I, II and III to the latter;
- declare that the Republic of Slovenia, by authorising the deposit of excavated earth, that is to say, activity that takes the form of the recovery of waste, on plot No 115/1 in the municipal land register of Teharje, without ensuring that other waste had not previously or at the same time been deposited at that site, and by failing to adopt measures for the removal of waste not covered by the site permit, classifiable as illegal landfilling, has failed to fulfil its obligations under Articles 13 and 36(1) of Directive 2008/98/EC on waste and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter;
- order the Republic of Slovenia to pay the costs.

Pleas in law and main arguments

The Republic of Slovenia, by failing since April 2009 to adopt sufficient measures to prevent and remove the deposit of 13 600 m³ of excavated earth including 7 605.73 m³ classifiable as waste under number 17 05 06 (excavation material not falling under number 17 05 05) and some 6 000 m³ classifiable as waste under number 17 05 05* (excavation material containing hazardous substances) at the site of construction work on the municipal infrastructure for the commercial area at Gaberje-jug, has failed to fulfil its obligations under Articles 12, 13, 15(1), 17 and 36 of Directive 2008/98/EC, and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter. In addition, the Republic of Slovenia, by authorising the deposit of excavated earth, that is to say, activity that takes the form of the recovery of waste, on plot No 115/1 in the municipal land register of Teharje, without ensuring that other waste had not previously or at the same time been deposited at that site, and by failing to adopt measures for the removal of waste not covered by the site permit, classifiable as illegal landfilling, has failed to fulfil its obligations under Articles 13 and 36(1) of Directive 2008/98/EC on waste and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter.

⁽¹⁾ OJ 2008 L 312, p. 3.

⁽²⁾ OJ 2003 L 11.

⁽³⁾ OJ 1999 L 182, p. 1.
