

2. In the circumstances in the present proceedings, may or must, as held by this Chamber, the question be referred to the Court of Justice?

<sup>(1)</sup> Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products (OJ 1995 L 35, 15.2.1995, p. 1).

**Action brought on 30 September 2014 — European Commission v Kingdom of Spain**

**(Case C-454/14)**

(2014/C 448/12)

*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

**Form of order sought**

The applicant claims that the Court should:

- declare that, by failing to adopt, for each of the landfill sites identified in point 26 of the present application (non-hazardous waste landfills in Urtuella in the Basque Country, and in Zurita and Juan Grande in the Canary Islands), the measures necessary to request the relevant operator to prepare a conditioning plan and ensure full implementation of that plan in accordance with the requirements of the directive, with the exception of those listed in Annex I, point 1, within eight years after the date laid down in Article 18(1) of Council Directive 1999/31/EC <sup>(1)</sup> of 26 April 1999 on the landfill of waste, the Kingdom of Spain has failed to fulfil its obligations under Article 14(c) of the directive in relation to each of the landfill sites listed.
- declare that, by failing to adopt, for each of the landfill sites identified in point 37 of the present application (9 non-hazardous waste landfills (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)) and 19 inert waste landfills (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), Bella vista (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), Las Zorreras (Aldeira, Granada), 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 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 the landfills listed in Article 14(b) of the directive.
- order the Kingdom of Spain to pay the costs.

### Pleas in law and main arguments

The investigations conducted by the Commission in the course of infringement proceedings 2001/2071 and the analysis of the Spanish authorities' responses enabled the finding that the Kingdom of Spain had failed to fulfil its obligations under Article 14(a) and (c), as set out in the letter of formal notice, and those under Article 14(b) of the directive.

The present action also relates to the landfill of Barranco de Sedases, which is the subject of infringement proceedings 2012/4068 and the infringement proceedings referred to above. The Commission submits that the Kingdom of Spain has failed to fulfil its obligations under Article 14(b) of Directive 1999/31 in relation to that landfill.

The analysis of those responses enabled the Commission to remove from the proceedings 45 landfill sites which either could not be considered to be existing landfills on 16 July 2001, or had been authorised and conditioned in accordance with Directive 1999/31. However, in the light of the continuing non-compliance — given the Spanish authorities' failure, in certain cases, to adopt the measures necessary to request that the relevant operator prepare a conditioning plan and ensure full implementation of that plan in accordance with the requirements of the directive, and in other cases to take the measures necessary to close as soon as possible the sites which had not been granted a permit to continue to operate, and, accordingly, the Kingdom of Spain's failure to fulfil its obligations under Article 14(c) and (b) of Directive 1999/31 — the Commission has decided to bring the present action before the Court of Justice.

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<sup>(1)</sup> OJ 1999 L 182, p. 1.

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**Appeal brought on 29 September 2014 by H against the order of the General Court (Ninth Chamber)  
delivered on 10 July 2014 in Case T-271/10: H v Council of the European Union, European  
Commission, European Police Mission in Bosnia-Herzegovina ('EUPM')**

**(Case C-455/14 P)**

(2014/C 448/13)

*Language of the case: English*

### Parties

*Appellant:* H (represented by: M. Velardo, avvocato)

*Other parties to the proceedings:* Council of the European Union, European Commission

### Form of order sought

The applicant claims that the Court should:

- set aside the order of the General Court of 10 July 2014 in Case T-271/10 H v. Council of the European Union, European Commission and 'EUPM', insofar as it rejects the Applicant's action seeking the annulment of the decision of 7 April 2010, signed by the Head of the personnel of the EUPM, by which the Applicant was redeployed to the post of 'Criminal Justice Adviser-Prosecutor' in the regional office of Banja Luka (Bosnia and Herzegovina) and, if necessary, of the decision of 30 April 2010, signed by the Head of Mission, referred to in Article 6 of the Council Decision 2009/906/CFSP of 8 December 2009, on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) <sup>(1)</sup>, and second, for damages;