



Reports of Cases

Judgment of the Court (Tenth Chamber) of 27 April 2017 — *Commission v Greece*

(Case C-202/16)¹

(Failure of a Member State to fulfil obligations — Environment — Waste management — Directives 2008/98/EC and 1999/31/EC — Waste disposal site in Temploni (Greece))

1. *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. 37)

2. *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. 38)

3. *Environment — Waste — Landfill of waste — Directive 1999/31 — Obligation to ensure the stability of the landfill body — Scope — Exceeding the maximum height laid down by national law — Failure to fulfil obligations — Infringement of the obligations to ensure the conformity of landfill sites with the requirements of the directive and the procedure for accepting waste at a landfill site*

(Council Directive 1999/31, Arts 8(a) and 11(1) and Annex I, point 6)

(see paras 42-44)

4. *Environment — Waste — Directive 2008/98 — Obligation on Member States to ensure that waste is recovered or disposed of — Obligation to achieve a result — Discretion of the Member States regarding the measures to be taken — Limits — Continuation of a non-compatible situation over a prolonged period leading to a significant deterioration in the environment — Failure to fulfil obligations*

¹ OJ C 200, 6.6.2016.

(European Parliament and Council Directive 2008/98, Art. 13)

(see paras 47-49)

5. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible*

(Art. 258 TFEU)

(see para. 52)

Operative part

The Court:

1. Declares that, by tolerating the operation of the waste disposal site in Temploni (Greece), which does not satisfy the conditions and requirements laid down in the environmental legislation of the European Union, the Hellenic Republic has failed to fulfil its obligations under Article 13 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, and Article 8(a), Article 11(1) and Annex I to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;
2. Orders the Hellenic Republic to pay the costs.