



Reports of Cases

Judgment of the Court (Sixth Chamber) of 18 October 2018 — Commission v Romania

(Case C-301/17)¹

(Failure of a Member State to fulfil obligations — 2005 Act of Accession — Obligations of the accession States — Environment — Directive 1999/31/EC — Article 14(b) — Operation of landfill sites — Closure of sites which have not been granted a permit to operate a landfill — Closure and after-care procedures)

1. *Accession of new Member States — Romania — Environment — No time limit laid down in the Act of Accession within which to implement Directive 1999/31 — Consequence — Application ab initio and in toto of the directive*

(2005 Act of Accession, Arts 52 and 53; Council Directive 1999/31, Arts 14(b) and (c), 18 and 19)

(see paras 23, 25-27)

2. *Actions for failure to fulfil obligations — Pre-litigation procedure — Subject matter — Periods allowed to the Member State — Requirement that periods be reasonable — Criteria for assessment*

(see paras 32-35)

3. *Environment — Waste — Landfill of waste — Directive 1999/31 — Failure to close unauthorised sites — Failure to fulfil obligations*

(Council Directive 1999/31, Arts 7(g), 13 and 14(b))

(see paras 39, 41, 43, 44, 47)

4. *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*

(see para. 42)

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

¹ OJ C 239, 24.7.2017.

(see para. 45)

Operative part

The Court

1. Declares that, by having failed to comply, as regards the 68 landfill sites in question, with the obligation to adopt all necessary measures to close down as soon as possible, under Article 7(g) and Article 13 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, sites which have not been granted, in accordance with Article 8, a permit to continue to operate, Romania is in breach of its obligations under Article 14(b), in conjunction with Article 13, of that directive;
2. Orders Romania to pay the costs.
- 3.