

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 11 September 2003

**in Case C-114/01 (Reference for a preliminary ruling from the Korkein hallinto-oikeus): AvestaPolarit Chrome Oy, formerly Outokumpu Chrome Oy** <sup>(1)</sup>

*(Approximation of laws — Directives 75/442/EEC and 91/156/EEC — Meaning of ‘waste’ — Production residue — Mine — Use — Storage — Article 2(1)(b) — Meaning of ‘other legislation’ — National legislation outside the framework of Directives 75/442/EEC and 91/156/EEC)*

(2003/C 264/10)

(Language of the case: Finnish)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-114/01: Reference to the Court under Article 234 EC by the Korkein hallinto-oikeus (Finland) for a preliminary ruling in the proceedings brought before that court by AvestaPolarit Chrome Oy, formerly Outokumpu Chrome Oy, on the interpretation of Articles 1(a) and 2(1)(b) of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32), the Court (Sixth Chamber), composed of: J.-P. Puissechet (Rapporteur), President of the Chamber, R. Schintgen, V. Skouris, F. Macken and J.N. Cunha Rodrigues, Judges; F.G. Jacobs, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 11 September 2003, in which it has ruled:

1. *In a situation such as that at issue in the main proceedings, the holder of leftover rock and residual sand from ore-dressing operations from the operation of a mine discards or intends to discard those substances, which must consequently be classified as waste within the meaning of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, unless he uses them lawfully for the necessary filling in of the galleries of that mine and provides sufficient guarantees as to the identification and actual use of the substances to be used for that purpose.*
2. *In so far as it does not constitute a measure of application of Directive 75/442, as amended by Directive 91/156, and in particular Article 11 of that directive, national legislation must be regarded as ‘other legislation’ within the meaning of Article 2(1)(b) of that directive covering a category of waste*

*mentioned in that provision, if it relates to the management of that waste as such within the meaning of Article 1(d) of Directive 75/442, and if it results in a level of protection of the environment at least equivalent to that aimed at by that directive, whatever the date of its entry into force.*

<sup>(1)</sup> OJ C 173 of 16.6.2001.

## JUDGMENT OF THE COURT

(Fifth Chamber)

of 18 September 2003

**in Case C-125/01 (Reference for a preliminary ruling from the Sozialgericht Leipzig): Peter Pflücke v Bundesanstalt für Arbeit** <sup>(1)</sup>

*(Protection of workers — Insolvency of the employer — Guarantee of payment of outstanding salary — National provision laying down a two-month time-limit for lodging applications for payment and providing for an extension of that time-limit)*

(2003/C 264/11)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-125/01: Reference to the Court under Article 234 EC by the Sozialgericht Leipzig (Germany) for a preliminary ruling in the proceedings pending before that court between Peter Pflücke and Bundesanstalt für Arbeit, on the interpretation of Article 9 of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer (OJ 1980 L 283, p. 23), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C.W.A. Timmermans, D.A.O. Edward (Rapporteur), P. Jann and A. Rosas, Judges; J. Mischo, Advocate General; R. Grass, Registrar, has given a judgment on 18 September 2003, in which it has ruled:

1. *Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer does not preclude the application of a time-limit laid down by national law for the lodging of an application by an employee seeking to obtain, in accordance with the detailed rules laid down in that directive, a compensation payment in respect of outstanding salary claims resulting from his employer's insolvency, provided that the time-limit is no less favourable than those governing similar domestic applications (principle of equivalence) and is not framed in such a way as to render impossible in practice the exercise of rights conferred by Community law (principle of effectiveness);*