

2. Articles 49 EC and 50 EC are to be interpreted as meaning that they do not in principle preclude rules of a Member State, such as those at issue in the main proceedings, under which expenditure incurred on board, lodging, travel, visitors tax and the making of a final medical report in connection with a health cure, whether taken in that Member State or in another Member State, is made only where the health spa concerned is listed in the Register of Health Spas. However, it is for the national court to ensure that any conditions to which the registration of a health spa in such a register may be subject are objective and do not have the effect of making the provision of services between Member States more difficult than the provision of services purely within the Member State concerned.
3. Articles 49 EC and 50 EC are to be interpreted as meaning that they preclude the application of national rules under which the reimbursement of expenditure incurred on board, lodging, travel, visitors tax and the making of a final medical report in connection with a health cure taken in another Member State is precluded where the person concerned has not awaited the conclusion of the court proceedings brought against the decision refusing to recognise that expenditure as eligible for assistance before commencing the cure in question.

⁽¹⁾ OJ C 84 of 6.04.2002.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 1 April 2004

in Joined Cases C-53/02 and C-217/02 (reference for a preliminary ruling from the Conseil d'Etat): Commune de Braine-le-Château (C-53/02), and Michel Tillieut and Others (C-217/02) ⁽¹⁾

(Directives 75/442/EEC and 91/156/EEC — Waste — Management plans — Suitable sites and installations for waste disposal — Permit granted in the absence of a management plan containing a map specifying planned locations for disposal sites)

(2004/C 106/08)

(Language of the case: French)

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

In Joined Cases C-53/02 and C-217/02 – references to the Court under Article 234 EC by the Conseil d'État (Belgium) for a preliminary ruling in the proceedings pending before that

court between **Commune de Braine-le-Château** (C-53/02), **Michel Tillieut and Others** (C-217/02) and **Région wallonne**, interveners: **BIFFA Waste Services SA** (C-53/02), **Philippe Feron** (C-53/02), **Philippe De Codt** (C-53/02) and **Propreté, Assainissement, Gestion de l'environnement SA (PAGE)** (C-217/02) – on the interpretation 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: C. Gulmann, acting for the President of the Sixth Chamber, J.N. Cunha Rodrigues (Rapporteur), J.-P. Puissochet, R. Schintgen and F. Macken, Judges; J. Mischo, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 1 April 2004, in which it ruled:

1) Article 7 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, must be interpreted to mean that the management plan or plans which the competent authorities of the Member States are required to draw up under that provision must include either a geographical map specifying the exact location of waste disposal sites or location criteria which are sufficiently precise to enable the competent authority responsible for issuing a permit under Article 9 of the Directive to determine whether the site or installation in question falls within the management framework provided for by the plan.

2) Article 7(1) of Directive 75/442, as amended by Directive 91/156, must be interpreted as requiring Member States to draw up waste management plans within a reasonable period, which may go beyond the time-limit for transposing Directive 91/156 laid down in the first subparagraph of Article 2(1) of the latter.

3) Articles 4, 5 and 7 of Directive 75/442, as amended by Directive 91/156, read in conjunction with Article 9 thereof, must be interpreted as not precluding a Member State which has not adopted, within the period prescribed, one or more waste management plans relating to suitable sites or installations for waste disposal from issuing individual permits to operate such sites and installations.

⁽¹⁾ OJ C 109 of 4.5.2002.

OJ C 191 of 10.8.2002.