

**Judgment of the Court (Fifth Chamber) of 25 October 2007 —
Commission v Greece**

(Case C-440/06)

Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Pollution and nuisance — Treatment of urban waste water — Articles 3 and 4

1. *Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 16)*
2. *Actions for failure to fulfil obligations — Proof of failure — Burden of proof on the Commission (Art. 226 EC) (see paras 27, 28)*

Re:

FAILURE of a Member State to fulfil obligations — Breach of Articles 3 and 4 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water (OJ 1991 L 135, p. 40) — Failure to have ensured appropriate treatment of urban waste water in 24 agglomerations.

Operative part

The Court:

1. Declares that, by failing to ensure that the agglomerations of Artemida, Chrysoupoli, Igoumenitsa, Heraklion (Crete), Katerini, Koropi, Lefkimmi, Litochoro (Prieria), Malia, Markopoulo, Megara, Nea Kidonia (Crete), Navpaktos, Nea Makri, Parikia (Paros), Poros-Galatas, Rafina, Thessaloniki (tourist zone), Tripoli, Zakynthos, Alexandria (Imathia), Edessa and Kalymnos are, where appropriate, provided with collecting systems for

urban waste water meeting the requirements of Article 3 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water and/or urban waste water treatment systems satisfying the requirements of Article 4 of that directive, the Hellenic Republic has failed to fulfil its obligations under those articles.

2. Dismisses the remainder of the action;
3. Orders the Hellenic Republic to pay the costs.

**Order of the Court (Seventh Chamber) of 25 October 2007 —
Nijs v Court of Auditors**

(Case C-495/06 P)

Appeal — Promotion — 2003 promotion procedure — Staff report — Decision establishing the definitive version of the report — Decision to promote another official to the grade of Translator-reviser — Claim for compensation for damage — Appeal in part manifestly inadmissible and in part manifestly unfounded

1. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.) (see para. 60)*
2. *Appeals — Grounds — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Inadmissible (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court of Justice, Art. 112(1)(c)) (see paras 64-68)*