

Action brought on 30 June 2008 — Commission of the European Communities v Hellenic Republic

(Case C-286/08)

(2008/C 223/51)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: M. Patakia and J.-B. Laignelot)

Defendant: Hellenic Republic

Form of order sought

- declare that, by failing to draw up and adopt within a reasonable period a hazardous-waste management plan that accords with the requirements of the relevant Community legislation, and by failing to establish an integrated and adequate network of disposal installations for hazardous waste that enables such waste to be disposed of by means of the most appropriate methods in order to ensure a high level of protection for the environment and public health, the Hellenic Republic has failed to fulfil its obligations under Articles 1(2) and 6 of Directive 91/689/EEC ⁽¹⁾ on hazardous waste, in conjunction with Articles 5(1) and (2) and 7(1) of Directive 2006/12/EC ⁽²⁾ (formerly Directive 75/442/EEC on waste, as amended by Directive 91/156/EEC);
- declare that, by failing to take all the necessary measures to ensure, as regards the management of hazardous waste, compliance with Articles 4 and 8 of Directive 2006/12/EC (formerly Directive 75/442/EEC, as amended by Directive 91/156/EEC) and Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC ⁽³⁾ on the landfill of waste, the Hellenic Republic has failed to fulfil its obligations under Article 1(2) of Directive 91/689/EEC on hazardous waste, in conjunction with Articles 4 and 8 of Directive 2006/12/EC (formerly Directive 75/442/EEC on waste, as amended by Directive 91/156/EEC), and its obligations under Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC on the landfill of waste;
- order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

After examining the legislative measures notified by the Hellenic Republic relating to the management of hazardous waste, and in particular the National Management Plan, the Commission found that they did not meet the requirements of the Community provisions relating to the management of hazardous waste.

⁽¹⁾ OJ L 114, 27.4.2006, p. 9.

⁽²⁾ OJ L 182, 16.7.1999, p. 1.

More specifically, the National Management Plan is deficient since it merely contains guidelines which require further elaboration and do not meet the requirement of 'sufficient precision', in breach of Articles 1(2) and 6(1) of Directive 91/689/EEC, in conjunction with Article 7(1) of Directive 2006/12/EC (formerly Directive 75/442/EEC).

Also, the National Management Plan does not provide for an integrated and adequate network of disposal installations, because adequate infrastructure is lacking, there are no assessments relating to the required level of operational capacity and there are deficiencies relating to the establishment and geographical location of appropriate sites, in breach of Article 1(2) of Directive 91/689/EEC, in conjunction with Article 5 of Directive 2006/12/EC (formerly Directive 75/442/EEC).

Furthermore, it has been established that the disposal of hazardous waste in Greece is in practice usually in the form of 'temporary storage', which however, because the relevant permits are renewed in the absence of appropriate landfill sites, has become permanent. It follows that appropriate measures have not been taken for the safe final disposal of hazardous waste without endangering human health and without harming the environment, in breach of Article 1(2) of Directive 91/689/EEC, in conjunction with Articles 4 and 8 of Directive 2006/12/EC (formerly Directive 75/442/EEC), and of Articles 3(1), 6, 7, 8, 9, 13 and 14 of Directive 1999/31/EC on the landfill of waste.

⁽¹⁾ OJ L 377, 31.12.1991, p. 20.

Action brought on 1 July 2008 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-289/08)

(2008/C 223/52)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: G. Rozet and A. Sipos)

Defendant: Grand Duchy of Luxembourg

Form of order sought

- Declare that, by not drawing up an external emergency plan for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽¹⁾, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 11(1)(c) of that directive;
- order Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The applicant claims that drawing up an emergency plan for the measures to be taken outside establishments subject to Article 9 of Council Directive 96/82/EC is a fundamental requirement of that directive. The Grand Duchy of Luxembourg has failed to fulfil its obligations under the directive since it has not drawn up such plans for eight operational establishments situated on its territory.

⁽¹⁾ OJ 1997, L 10, p. 13.

Action brought on 2 July 2008 — Commission of the European Communities v Republic of Finland

(Case C-293/08)

(2008/C 223/53)

Language of the case: Finnish

Parties

Applicant: Commission of the European Communities (represented by: M. Condou-Durande and I. Koskinen, acting as Agents)

Defendant: Republic of Finland

Form of order sought

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who

otherwise need international protection and the content of the protection granted and ⁽¹⁾, in any event, by failing to inform the Commission thereof, the Republic of Finland has failed to fulfil its obligations under that directive.

- order Republic of Finland to pay the costs.

Pleas in law and main arguments

The time-limit for transposition of the directive expired on 10 October 2006.

⁽¹⁾ OJ L 304, p. 12.

Reference for a preliminary ruling from the Cour d'appel de Montpellier (France) lodged on 3 July 2008 — Ministère public v Ignacio Pédro Santesteban Goicoechea

(Case C-296/08)

(2008/C 223/54)

Language of the case: French

Referring court

Cour d'appel de Montpellier

Parties to the main proceedings

Applicant: Ministère public

Defendant: Ignacio Pédro Santesteban Goicoechea

Questions referred

1. Does the failure of a Member State (in this case Spain) to give notification under Article 31(2) of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States ⁽¹⁾ of its intention to continue to apply bilateral or multilateral agreements preclude, by reason of the word 'replace' in Article 31 of that Framework Decision, that Member State from using with another Member State (in this case France), which has made a statement under Article 32 of the Framework Decision, procedures other than that of the European arrest warrant?