

**Action brought on 29 October 2010 — European Commission v French Republic**

**(Case C-515/10)**

(2011/C 30/27)

*Language of the case: French*

**Parties**

*Applicant:* European Commission (represented by: G. Rozet and A. Marghelis, acting as Agents)

*Defendant:* French Republic

**Form of order sought**

— declare that, by failing to adopt the laws, regulations and administrative provisions necessary to ensure that asbestos-cement waste is treated in suitable landfills, the French Republic failed to fulfil its obligations under Article 2(e), the first subparagraph of Article 3 and Article 6(d) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste <sup>(1)</sup> and the provisions of Council Decision of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC <sup>(2)</sup>;

— order French Republic to pay the costs.

**Pleas in law and main arguments**

The Commission relies on a single plea in law in support of its action alleging an incorrect interpretation of the provisions of Directive 1999/31/EC and, in particular, of the definition of ‘waste’.

The applicant disputes the interpretation of the French authorities according to which the waste can be both inert waste and hazardous waste at the same time. According to the Commission, the directive recognises on the contrary the existence of three different categories of waste, ‘hazardous’, ‘non-hazardous’ and ‘inert’, resulting in different obligations and a precise distinction in the conditions of acceptance of different waste to landfill. Thus, asbestos-cement waste should be considered to be ‘hazardous waste’ in accordance with the list of wastes established by Decision 2000/532/EC <sup>(3)</sup>, as amended by Decision 2001/573/EC <sup>(4)</sup>, and the particular precautions necessary for the disposal thereof. The national

legislation classifying asbestos-cement waste as inert and authorising its acceptance in a landfill for inert waste therefore does not comply with the requirements of the directive.

<sup>(1)</sup> OJ 1999 L 182, p. 1.

<sup>(2)</sup> OJ 2002 L 11, p. 27.

<sup>(3)</sup> Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ 2000 L 226, p. 3).

<sup>(4)</sup> Council Decision of 23 July 2001 amending Commission Decision 2000/532/EC as regards the list of wastes (OJ 2001 L 203, p. 18).

**Reference for a preliminary ruling from the Tribunal Superior de Justicia de Canarias (Spain) lodged on 2 November 2010 — María Luisa Gómez Cueto v Administración del Estado**

**(Case C-517/10)**

(2011/C 30/28)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de Canarias

**Parties to the main proceedings**

*Applicant:* María Luisa Gómez Cueto

*Defendant:* Administración del Estado

**Questions referred**

1. Is Council Directive 1999/70/EC <sup>(1)</sup> of 28 June 1999 applicable to staff of the public authorities who, by their administrative-law relationship with those authorities, have the status of civil servants?
2. If the first question is answered in the affirmative, is a national law which does not provide for a rule implementing Directive 1999/70/EC to have retroactive effect from the date by which the Directive was to be transposed into domestic law contrary to Community law?

<sup>(1)</sup> concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p.43).