

2. Article 10(h) of Directive 2014/24 must be interpreted as meaning, first, that it precludes public aid associations recognised in national law as civil protection and defence associations from being regarded as 'non-profit organisations or associations', within the meaning of that provision, in so far as, under national law, recognition as having public aid association status is not subject to not having a profit-making purpose and, second, that organisations or associations whose purpose is to undertake social tasks, which have no commercial purpose and which reinvest any profits in order to achieve the objective of that organisation or association constitute 'non-profit organisations or associations' within the meaning of that provision.

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(<sup>1</sup>) OJ C 330, 2.10.2017.

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**Judgment of the Court (Tenth Chamber) of 28 March 2019 (request for a preliminary ruling from the Corte  
suprema di cassazione — Italy) — Criminal proceedings against Alfonso Verlezza and Others**

**(Joined Cases C-487/17 to C 489/17) (<sup>1</sup>)**

**(Reference for a preliminary ruling — Environment — Directive 2008/98/EC and Decision 2000/532/EC —  
Waste — Classification as hazardous waste — Waste which may be assigned codes for both hazardous waste and  
non-hazardous waste)**

(2019/C 187/19)

*Language of the case: Italian*

**Referring court**

Corte suprema di cassazione

**Parties to the main criminal proceedings against**

Alfonso Verlezza, Riccardo Traversa, Irene Cocco, Francesco Rando, Carmelina Scaglione, Francesco Rizzi, Antonio Giuliano, Enrico Giuliano, Refecta Srl, E. Giovi Srl, Vetreco Srl, SE.IN Srl

**Operative part of the judgment**

1. Annex III to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as amended by Commission Regulation (EU) No 1357/2014 of 18 December 2014, and the Annex to Commission Decision 2000/532/EC 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, as amended by Commission Decision 2014/955/EU of 18 December 2014, must be interpreted to the effect that a holder of waste which may be classified under either hazardous waste codes or non-hazardous waste codes, but the composition of which is not immediately known, must, in view of that classification, determine that composition and ascertain the hazardous substances which may reasonably be found

in that waste in order to establish whether that waste has hazardous properties and may, for that purpose, use the sampling, chemical analyses and tests provided for in Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), or any other internationally recognised sampling, chemical analysis or test.

2. The precautionary principle must be interpreted to the effect that where, following an assessment of the risks, which is as complete as possible having regard to the particular circumstances of the case, it is impossible, in practical terms, for a holder of waste which may be classified under either hazardous waste codes or non-hazardous waste codes to determine the presence of hazardous substances or to assess the hazardous property of that waste, it must be classified as hazardous waste.

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(<sup>1</sup>) OJ C 374, 6.11.2017.

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**Judgment of the Court (Fifth Chamber) of 21 March 2019 — European Commission v Italian Republic**

(Case C-498/17) (<sup>1</sup>)

**(Failure of a Member State to fulfil obligations — Directive 1999/31/EC — Article 14(b) and (c) — Landfill of waste — Existing landfill sites — Infringement)**

(2019/C 187/20)

*Language of the case: Italian*

**Parties**

*Applicant:* European Commission (represented by: G. Gattinara, F. Thiran and E. Sanfrutos Cano, acting as Agents)

*Defendant:* Italian Republic (represented by: G. Palmieri, acting as Agent, and G. Palatiello, avvocato dello Stato)

**Operative part of the judgment**

The Court:

1. Declares that, by having failed to adopt, with regard to the landfill sites of Avigliano (area of Serre Le Breccie), Ferrandina (area of Venita), Genzano di Lucania (area of Matinella), Latronico (area of Torre), Lauria (area of Carpineto), Maratea (area of Montescuro), Moliterno (area of Tempa La Guarella), both landfill sites of Potenza (area of Montegrosso-Pallareta), the landfill sites of Rapolla (area of Albero in Piano), Roccanova (area of Serre), Sant'Angelo Le Fratte (area of Farisi), Campotosto (area of Reperduoso), Capistrello (area of Trasolero), Francavilla (Valle Anzuca), L'Aquila (area of Ponte delle Grotte), Andria (D'Oria G. & C. Snc), Canosa (CO.BE.MA), Bisceglie (CO.GE.SER), Andria (F.lli Acquaviva), Trani (BAT-Igea Srl), Torviscosa (Caffaro (undertaking)), Atella (area of Cafaro), Corleto Perticara (area of Tempa Masone), Marsico Nuovo (area of Galaino), Matera (area of La Martella), Pescopagano (area of Domacchia), Rionero in Vulture (area of Ventaruolo), Salandra (area of Piano del Governo), San Mauro Forte (area of Priati), Senise (area of Palomabara), Tito (area of Aia dei Monaci), Tito (area of Valle del Forno), Capestrano (area of Tirassegno), Castellalto (area of Colle Coccu), Castelvechio Calvisio (area of Termine), Corfinio (area of Cannucce), Corfinio (area of Case querceto), Mosciano S. Angelo (area of Santa Assunta), S. Omero (area of Ficcadenti), Montecorvino Pugliano (area of Parapotì), San Bartolomeo in Galdo (area of Serra Pastore), Trivigano (formerly Cava Zof) and Torviscosa (area of La Valletta), all the measures necessary in order that, as soon as possible, in accordance with Article 7(g) and Article 13 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, those landfill sites in the above list which have not