

**Judgment of the Court (Fourth Chamber) of 9 June 2016 (request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Court of Public Administration and Labour, Hungary)) — Nutrivet D.O.O.E.L. v Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség**

(Case C-69/15) <sup>(1)</sup>

*(References for a preliminary ruling — Environment — Waste — Transfers — Regulation (EC) No 1013/2006 — Article 2(35)(g)(iii) — Illegal shipment — Incorrect or inconsistent information entered in the document listed in Annex VII to that regulation — Article 50(1) — Penalties applicable in the event of infringement of the provisions of that regulation — Proportionality)*

(2016/C 296/17)

Language of the case: Hungarian

### Referring court

Fővárosi Közigazgatási és Munkaügyi Bíróság (Budapest Court of Public Administration and Labour, Hungary)

### Parties to the main proceedings

Applicant: Nutrivet D.O.O.E.L.

Defendant: Országos Környezetvédelmi és Természetvédelmi Főfelügyelőség

### Operative part of the judgment

1. Article 2(35)(g)(iii) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, as amended by Commission Regulation (EU) No 255/2013 of 20 March 2013, must be interpreted as meaning that shipments of waste, such as those referred to in Annex III to that regulation, intended for recovery, must be considered illegal within the meaning of that provision when the document referred to in Annex VII to that same regulation relating to a shipment contains incorrect or inconsistent information, such as that contained in the accompanying documents at issue in the main proceedings, regarding the importer/consignee, the recovery facility and the countries/States concerned, irrespective of whether that information is given correctly in other documents made available to the competent authorities, the intention to mislead the authorities and the implementation of the procedures provided for in Article 24 of that same regulation by the authorities.
2. Article 50(1) of Regulation No 1013/2006, as amended by Regulation No 255/2013, under which the penalties imposed by the Member States in the event of infringement of the provisions of that regulation must be proportionate, must be interpreted as meaning that a waste shipment for which the accompanying document referred to in Annex VII thereto contains incorrect or inconsistent information may, in principle, be penalised by a fine the amount of which is the same as the fine imposed for infringement of the obligation to complete that document. In the review of proportionality of such a penalty, the referring court must take particular account of the risks which may be caused by that infringement in the field of protection of the environment and human health.

<sup>(1)</sup> OJ C 138, 27.4.2015.