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EUROOPA ÜHENDUSTE KOHUS  
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COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES  
COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EORPACH  
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EIROPAS KOPIENU TIESA



EUROPOS BENDRIJŲ TEISINGUMO TEISMAS  
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HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN  
TRYBUNAŁ SPRAWIEDLIWOŚCI WSPÓLNOT EUROPEJSKICH  
TRIBUNAL DE JUSTIÇA DAS COMUNIDADES EUROPEIAS  
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EUROPEISKA GEMENSKAPERNAS DOMSTOL

Press and Information

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Judgment of the Court of Justice in Case C-494/01

*Commission of the European Communities v Ireland*

**THE COURT GIVES JUDGMENT AGAINST IRELAND FOR GENERAL AND PERSISTENT BREACHES OF THE WASTE DIRECTIVE**

*The lack of an effective permit system for waste undertakings is a breach of the Directive, which has in addition led to other general and persistent breaches*

The Community directive of 1975 on waste <sup>1</sup> sets out the regime applicable to waste in the territory of the Community. The directive imposes on the Member States a number of obligations regarding waste management, including the following: to ensure that waste is recovered or disposed of without causing risks; to prohibit the abandonment or uncontrolled disposal of waste; to establish an integrated and adequate network of disposal installations; to take necessary measures to ensure that any holder of waste has it handled by a private or public waste collector or recovers or disposes of it himself; to introduce a system of permits for undertakings disposing of or recovering waste and a registration system for undertakings which collect or transport waste; and to ensure that undertakings keep a record of all the details of their operations (the quantity, nature and origin of the waste) and are subject to periodic inspections.

Between 1997 and 2000 the Commission received 12 complaints concerning waste management in a number of places in Ireland. In July 2001 the Commission brought all the complaints together in a reasoned opinion which alleged that Ireland had failed generally to fulfil the obligations arising under the waste directive; the Commission stated that the 12 complaints did not constitute the only cases of non-compliance with the directive and that it reserved the right to cite other examples in order to illustrate the breaches of a general nature in implementing the directive.

Since the Commission took the view that Ireland had not complied with the reasoned opinion, it brought an action for failure to fulfil obligations before the Court of Justice of the European Communities.

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<sup>1</sup> Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32).

The Court holds that Ireland **did not meet its obligation**, by which it has been bound since 1977, **to ensure that all municipal landfills hold the permit** required by the directive. The directive was transposed extremely late. The permit procedure was slow (taking 808 days on average and sometimes almost four years) and there was a lack of appropriate measures for ensuring that facilities were promptly made subject to the domestic system finally set up. Furthermore, as is revealed in particular by the specific breaches of the directive which the Court finds, the Irish authorities **have tolerated unauthorised activities** in numerous places in Ireland, often over long periods, failing to require that those activities be brought to an end. **Such a failure to fulfil obligations is general and persistent in nature.**

The Court concludes that Ireland has failed to fulfil its obligation to ensure that only duly authorised undertakings dispose of or recover waste.

Furthermore, it follows from the lack of an effective permit system and the tolerance of unauthorised activities that Ireland has not ensured that **other obligations** imposed by the directive are performed. The disposal or recovery of waste without risk to public health and the environment, the establishment of an integrated and adequate network for waste disposal and the inspection of waste holders and of operators dealing with waste **are possible only within the framework of an effective permit system.**

Consequently, the Court concludes that **Ireland has failed to comply with its obligations under the waste directive.**

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: EN, FR*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

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