



Press and Information

Court of Justice of the European Union
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Judgment in Case C-600/12
Commission v Greece

By not prohibiting the uncontrolled management of a landfill site in the National Marine Park of Zakynthos (Zante), Greece has infringed European Union environmental legislation

*The overfull landfill site in question is detrimental to the habitat of the sea turtle (*Caretta caretta*)*

EU law¹ requires Member States to take the necessary measures to ensure that waste management is carried out without endangering human health and without harming the environment. Member States are also required to prohibit the abandonment, dumping or uncontrolled management of waste. In addition, all grants of landfill permits are subject to certain conditions,² while the effects of projects likely to affect a site significantly must be appropriately assessed by reference to objectives relating to the conservation of habitats and of wild fauna and flora.³

The National Marine Park of Zakynthos has been part of the Natura 2000 network of sites since 2006 on account of the sea turtles there (*Caretta caretta*). However, environmental problems caused, since 1999, by landfill operations within the park⁴ have had a serious impact on the habitat of those turtles.⁵

The waste management plan for the region of the Ionian Islands has, since 2005 (the planned end-of-life date for the landfill site), in fact provided for the construction of a new landfill site in a different location on Zakynthos. In 2005, the Zakynthos Association for the Management of Solid Waste proposed five possible new landfill sites (two of those sites, which were located in a mountainous area, received positive feedback in 2008). However, the Association failed to submit an environmental impact assessment for the construction of the new landfill site.

The existing landfill site is still operating in the marine park even though the permits and environmental conditions relating thereto expired in 2006. It was decided that, at the same time that rehabilitation and improvement works were being carried out on the site, the existing landfill would continue to receive waste generated on Zakynthos until the new landfill site begins operating (or until 31 December 2015 when the environmental conditions renewed in 2011 by Ministerial Decree expire).

Taking the view that Greece is in breach of EU environmental legislation, the Commission has brought infringement proceedings before the Court of Justice.⁶

¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ 2008 L 312, p. 3).

² Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ 1999 L 182, p. 1).

³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ('Habitats Directive') (OJ 1992 L 206, p. 7).

⁴ That landfill site is located at Griparaiika in the area of Kalamaki.

⁵ Those problems are particularly acute in the vicinity of Sekania beach which has been classified as an absolute protection area.

⁶ Greece has already been found to have infringed EU law by the Court in a case relating to the same species in the same region (see Case [C-103/00 Commission v Greece](#); see also Press Release No [8/02](#)).

In today's judgment, the Court observes that Greece disputes neither the facts relied on by the Commission nor the risk which the failure of the landfill site to function properly poses to health and the environment. It finds that the renewal of the landfill permit endangers the Natura 2000 site.

Consequently, the Court declares that **by keeping in operation, on the Island of Zakynthos, an overfull landfill site which is not functioning properly and which does not comply with EU environmental legislation, Greece has failed to fulfil its obligations** under the Directive on waste and the Directive on the landfill of waste.

Moreover, **by renewing the landfill permit in breach of EU law, Greece has also failed to fulfil its obligations relating to the conservation of habitats and of wild fauna and flora.**

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under European Union law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay.

Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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