



Press and Information

Court of Justice of the European Union

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Judgment in Case C-626/16
Commission v Slovakia

For having delayed in implementing EU law on the landfill of waste, Slovakia is fined a lump sum of €1 000 000 and a penalty payment of €5 000 per day of delay

The Court had already found, in a judgment from 2013, that Slovakia had failed to fulfil its obligations

In a judgment of 25 April 2013,¹ the Court of Justice found that, by authorising the operation of the Žilina – Považský Chlmec landfill site (Slovakia) without a site-conditioning plan and in the absence of a definite decision on its continued operation on the basis of an approved site-conditioning plan, Slovakia had failed to fulfil its obligations under the directive on the landfill of waste.²

Having taken the view that Slovakia had still not taken the measures necessary to comply with the 2013 judgment, the Commission decided, in 2016, to bring before the Court a second action for failure to fulfil obligations against that country, asking for financial penalties to be imposed.

In today's judgment, the Court finds that **Slovakia has not taken all the measures necessary for implementation of the 2013 judgment** in order to comply with its obligations under the directive. On the expiry of the period prescribed by the Commission in its letter of formal notice, that is to say on 21 January 2014, no definite decision on the continued operation or closure of the site in question had been adopted.

The Court considers that, in so far as, over a period of five years, no definite decision relating to the closure of the entire landfill site in question was adopted and the site has not been closed definitively in accordance with the directive,³ Slovakia should be ordered to pay a penalty payment as an appropriate financial means of ensuring full compliance with the 2013 judgment. In addition, notwithstanding the localised nature of the infringement, the infringement by Slovakia of its obligations under the directive is capable of impacting on the environment and human health.

However, the Court considers that account should be taken of the successive efforts of Slovakia to ensure compliance with the 2013 judgment, its cooperation with the Commission during the pre-litigation procedure and the fact that, as of 7 January 2014, operations at the site in question were discontinued.

In those circumstances, the Court finds it appropriate to order Slovakia to pay into the EU budget a **penalty payment in the amount of €5 000 per day of delay** in implementing the measures necessary to comply with the 2013 judgment, from today until full compliance with the 2013 judgment.

In addition, the Court finds it appropriate to order Slovakia to pay into the EU budget a **lump sum of €1 000 000** in order to effectively prevent repetition in the future of similar infringements of EU law.

¹ Case [C-331/11](#) Commission v Slovakia.

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

³ Article 13 of the directive.

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.

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

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

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