



Press and Information

Court of Justice of the European Union

**PRESS RELEASE No 37/19**

Luxembourg, 21 March 2019

Judgment in Case C-498/17  
Commission v Italy

## **Italy has failed to fulfil its obligations under the directive on the landfill of waste as regards 44 landfill sites**

In 2012, the Commission sent a letter of formal notice to Italy, stating there were 102 existing landfill sites in that Member State operating in breach of Article 14 of Directive 1999/31 on the landfill of waste.<sup>1</sup>

That directive seeks to prevent or to reduce as far as possible negative effects on the environment or human health from landfilling of waste by introducing strict technical requirements. Thus, in accordance with that directive, Member States were, by 16 July 2009 at the latest, to bring existing landfills (that is to say, those which, before 16 July 2001, had already been authorised or were already in operation) into line with the requirements laid down in the directive<sup>2</sup> or to close them.

After an exchange of correspondence, the Commission granted Italy until 19 October 2015 to reply, stating that **the proceedings in question relate to the so-called completion obligations**, that is to say, the obligations to implement the measures which the Member State has already adopted in respect of a particular landfill. Those completion obligations, depending on the landfill site concerned, therefore consist in either the implementation of the measures necessary to its closure, or the carrying out of the work necessary to bring it into line with that directive, where it has been authorised to continue to operate.<sup>3</sup>

In 2017, in the light of the replies provided by Italy, the Commission brought an action before the Court of Justice for a declaration that Italy had failed to fulfil its obligations on the ground that it had still not brought **44 landfill sites** into line with the directive or closed them.

By today's Judgment, **the Court declares that Italy has failed to fulfil its obligations under that directive in respect of those 44 landfill sites.**

With regard to the principles, the Court recalls that the existence of a failure to fulfil obligations must be assessed by reference to the situation in the Member State as it stood at the end of the period laid down by the Commission and that a Member State may not plead situations in its internal legal order in order to justify a failure to comply with obligations and time limits arising under EU law.

In the present case, the Court finds that the time limit laid down by the Commission for completion of the obligations was 19 October 2015. At that date, Italy had not adopted the measures necessary to bring the 44 landfills concerned into line with Directive 1999/31, thus failing to fulfil its obligations under that directive.

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

<sup>2</sup> With the exception of the requirements set out in Annex I, point 1, to the directive concerning the siting of landfills.

<sup>3</sup> Case: [C-196/13](#) Commission v Italy see press release No [163/14](#) concerned the obligation on the competent authorities to adopt, in respect of certain landfills, a decision either authorising them to continue to operate or closing them.

The Court notes, in particular, first, that the parties agree that 31 landfills<sup>4</sup> had not been closed at the date of 19 October 2015 and had still not been brought into line with the directive at the date on which the Commission brought its action. Second, the Court observes that it has been confirmed by the parties that the works to bring 7 other landfills<sup>5</sup> into line with the directive were completed during 2017 and 2018, namely after 19 October 2015. Third, as regard 6 other landfills,<sup>6</sup> the Court considers that Italy did not place the Commission in a position to be aware of documents showing that those landfill sites had been brought into line with the directive and that, even if that is proven, they were brought into line after 19 October 2015.

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**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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<sup>4</sup> The relevant landfill sites are those of Avigliano (area of Serre Le Brece), 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), Potenza (area of Montegrosso-Pallareta), Rapolla (area of Albero in Piano), Sant'Angelo Le Fratte (area of Farisi), Capistrello (area of Trasolero), Francavilla (Valle Anzuca), L'Aquila (area of Ponte delle Grotte), Canosa (CO.BE.MA), Torviscosa (company Caffaro), Corleto Perticara (area of Tempa Masone), Marsico Nuovo (area of Galaino), Matera (area of La Martella), Rionero in Volture (area of Ventaruolo), Salandra (area of Piano del Governo), Senise (area of Palomabara), Tito (area of Aia dei Monaci), Capestrano (area of Tirassegno), Castellalto (area of Colle Coccu), Castelvecchio 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) and Torviscosa (area of La Valletta).

<sup>5</sup> The landfills concerned are those of Andria (D'Oria G. & C.) Bisceglie (CO.GE.SER), Andria (F.Ili Acquaviva), Trani (BAT-Igea), Atella (area of Cafaro), Pescopagano (area of Domacchia), Tito (area of Valle del Forno).

<sup>6</sup> The landfills in question are those of Potenza (area of Montegrosso-Pallareta), Roccanova (area of Serre), Campotosto (area of Reperduso), San Mauro Forte (area of Priati), San Bartolomeo in Galdo (area of Serra Pastore) and of Trivignano (formerly Cava Zof).