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Judgment of the Court in Case C-109/22 | Commission v Romania (Closure of landfills)

Waste: the Court imposes financial penalties on Romania for having failed to close down unauthorised landfills

The Court had already found that Romania had failed to fulfil its obligations under EU law in a judgment delivered in 2018

EU law ¹ aims to prevent or reduce as far as possible the negative effects of the landfill of waste on the environment.

In 2018 ², the Court held that Romania had failed to fulfil the obligation to put a stop to the landfill of waste and to close down 68 landfills whose operation was not authorised. In 2022, taking the view that Romania had still not complied with the 2018 judgment, the European Commission brought a further action for failure to fulfil obligations.

In its judgment, the Court of Justice notes that Romania has still not closed 31 sites not authorised to be in operation. It orders Romania to pay a lump sum of €1.5 million and a penalty payment of €600 per landfill and per day of delay.

In fixing the amount of **the penalty payment**, the Court takes into account the seriousness of the infringement, its duration and Romania's ability to pay.

The incomplete implementation of the 2018 judgment entails **a significant risk of pollution and serious consequences for human health**, in particular through the release of harmful chemicals into soil, air and water. In addition, the failure to fulfil obligations **has persisted for more than four years**, which is a considerable duration.

Due to the risk to the environment and human health posed by that failure to fulfil obligations, and in order to prevent the recurrence of similar infringements, the Court also orders Romania to pay a **lump sum appropriate to the circumstances and proportionate to the infringement committed**.

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under EU 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.

NOTE: 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 and, as the case may be, the abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Council Directive 1999/31/EC](#) of 26 April 1999 on the landfill of waste.

² Judgment of 18 October 2018, [C-301/17](#), Commission v Romania.