

2000/4158	Infraction constatée	IRLANDE	Service responsable : ENVI/A/02
Services associés : SJUR/X/00			
WATER - WASTE WATER GREYSTONES			

Bases juridiques : Directive:31975L0442; Directive:31985L0337; Directive:31991L0271; Directive:31997L0011; Directive:32003L0035; Directive:32006L0012	
Stade : Mauvaise application - Directives	Financement communautaire : O
Procédures en relation : dossier père -> ; dossiers fils -> 20054478; 20025422; 20025292; 20044678;	

Fait Incriminé :
Failure of Community co-financed urban waste water treatment plant to comply with environmental safeguards proposed in the environmental impact assessment for the project

Etat du dossier au 28/10/2010	Jr.Rs.:	Eq.Jr.: Mi	Resp. Int.: LCO	Resp. Ext.:
BACKGROUND				
On 29/10/2009, the ECJ ruled that Irish legislation and practice was not compliant with Article 4 and 8 of the Waste Directive, 75/442/EEC, now codified in Dir. 2006/12/EC. More specifically, it ruled that: "by failing to adopt, save in County Cavan, all the laws, regulations and administrative provisions necessary to comply with Articles 4 and 8 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, as regards domestic waste waters disposed of in the countryside through septic tanks and other individual waste water treatment systems, Ireland has failed to fulfil its obligations under that directive."				
The case arose out of a complaint that a major Community co-financed urban waste water treatment project at Greystones built in the mid-1990s would involve enclosure of all areas likely to give rise to foul odours. However, according to the complainant, storm tanks were never enclosed, and there have been severe odour problems. The Commission services identified lack of Community and domestic legislation justifying the non-application of Dir 75/442/EEC to the control of odours from waste-water treatment plants.				
RELEVANT LEGISLATION				
Art.4 of Dir. requires MS to take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. Art.8 of Dir requires MS to take the necessary measures to ensure that any holder of waste has it handled by a private or public waste collector or by an undertaking which carries out the operations of disposal or recovery listed in Annexes IIA and IIB, or recovers of it himself in accordance with the provisions thereof.				

Mise en demeure 258 (ex226) :	Mise en demeure 260 (ex228) :
Décision : 16/10/2002:PV(2002)1585 Envoi : 18/10/2002:SG(2002)D/220747 Réponse :	Décision : 24/11/2010:E/2010/8176;C(2010)7997 Envoi : Réponse :
Mise en demeure complémentaire 258 (ex226) :	Mise en demeure complémentaire 260 (ex228) :
Décision : 16/12/2003:PV(2003)1639 Envoi : 19/12/2003:SG(2003)D/233715 Réponse :	Décision : Envoi : Réponse :
Avis motivé 258 (ex226) :	Avis motivé ex228 :
Décision : 09/07/2003:PV(2003)1620 Envoi : 11/07/2003:SG(2003)D/220418 Réponse :	Décision : Envoi : Réponse :
Avis motivé complémentaire 258 (ex226) :	Saisine 260 (ex228) :
Décision : 14/12/2004:PV(2004)1683 Envoi : 22/12/2004:SG(2004)D/206148 Réponse : 23/12/2009:Ares(2009)397657	Décision : Dépot décision : Réf.Aff. : D.Arrêt :
Saisine 258 (ex226) :	
Décision : 16/03/2005:PV(2005)1694 Dépot décision : 06/05/2008:JURM (2008) 8191 Réf.Aff. : C-2008/188 D.Arrêt : 29/10/2009:COMMISSION	
Origine plainte (2 dern.):	Correspondance avec l'état membre (2 dern. évén.):
07/03/2000:Plainte - Accusé de réception:SG(2000)D/20592 22/01/2000:Plainte - Réception:SG(2000)A/02290	10/08/2001:EM - Envoi lettre rappel: 11/04/2001:EM - Envoi lettre

Historique des décisions (6 dernières décisions) :
24/11/2010:E/2010/8176;C(2010)7997:Mise en demeure 260(ex228):
27/06/2007:PV(2007)1794:Saisine 258(ex226) - Exécution sans délai:
12/12/2006:PV(2006)1769:Saisine 258(ex226) - Fin sursis + Exécution sans délai:
28/06/2006:PV(2006)1751:Saisine ex226 - Continuer sursis:
04/04/2006:PV(2006)1740:Saisine 258(ex226) - Sursis:
13/12/2005:PV(2005)1726:Saisine 258(ex226) - Exécution sans délai (aut. de contact) :

Etat des consultations :	Prop. du service responsable :
MD258(ex226)	Prop. des chefs de cabinet :
DG -> SJ	Prop. décision de la Commission :
SJ -> DG	Position du service juridique :

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