

2002/5266	Infraction constatée	IRLANDE	Service responsable : ENV 13
Services associés : SGEN/X/00; REGI/X/00; SJUR/X/00			
WASTE - CORK			

Bases juridiques : Directive:31975L0442	
Statut : Mauvaise application - Directives	Financement communautaire : 0
Procédures en relation : dossier père -> 19995112; dossiers fils ->	

Fait Incriminé :
Illegale landfilling at Blackpool, Cork

Etat du dossier au 10/09/2015	Jr.Rs.:	Eq.Jr.:	Ref. Ares(2026)1589654-10/02/2026
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BACKGRROUND

This was one of a number of separate infringement procedures dealing with illegal waste operations in Ireland. When this case began, case 1999/5112 was already before the ECJ. The Commission argued that the several pre-2001 complaints cited in this ECJ case represented evidence of constant bad practice. Ireland contended that not enough examples had been cited and that general conclusions could not be deduced from the cases. However, in the 2 year period since the Court application several other instances emerged further demonstrating the bad practice. These were grouped under A2002/4218 for which a Reasoned Opinion was notified on 9/7/2004.

RELEVANT LEGISLATION

Art 4 of Dir.75/442/EEC as amended by Dir.91/156/EEC requires environmentally safe disposal of waste with safeguards for areas of special interest. It also contains a prohibition on the unauthorised disposal of waste. Holders of waste are required to dispose of it in accordance with the Dir (Art.8). Art 9 requires permits for waste disposal operations, internal for the purpose of giving effect to Art.4. Permit-holders are subject to periodic inspections (Art.13) and must keep records and provide information (Art.14).

ANALYSIS AND CONCLUSION

Although the complaint was originally the subject of a separate infringement, the issues raised were pursued in infringement 1999/5112, in which the CJEU handed down its judgment (Case C-494/01) on 26/04/2005. The Commission considers that the issues raised here have been addressed by Ireland by the measures it has taken to implement the Court's judgment. These measures are described in detail in the Irish Government's "programme of measures" to implement the Court's judgment (see <http://www.environment.ie/en/Publications/Environment/Waste/FileDownload.30458.en.pdf>). Therefore closure of this file is proposed.

Mise en demeure 258 (ex226) :	Mise en demeure 260 (ex228) :
Décision : 02/04/2003 PV(2003)1607 Envoi : 03/04/2003 SG(2003)D/220169 Réponse :	Décision : Envoi : Réponse :
Mise en demeure complémentaire 258 (ex226) :	Mise en demeure complémentaire 260 (ex228) :
Décision : Envoi : Réponse :	Décision : Envoi : Réponse :
Avis motivé 258 (ex226) :	Avis motivé ex228 :
Décision : Envoi : Réponse :	Décision : Envoi : Réponse :
Avis motivé complémentaire 258 (ex226) :	Saisine 260 (ex228) :
Décision : Envoi : Réponse :	Décision : Dépôt décision : Réf Aff : D Arrêt :
Saisine 258 (ex226) :	
Décision : Dépôt décision : Réf Aff : D Arrêt :	

Origine plainte (2 dem) :	Correspondance avec l'état membre (2 dem. évén) :
*5/11/2002 Plainte - Accuse de réception:SG(2002)D/03721 *3/0/2002 Plainte - Réception SG(2002)A/10259	

Historique des décisions (6 dernières décisions) :

18/11/2009 SG(18/112009) Cas traité sous (1999/5112) ;
 07/07/2004 PV(2004)1665 Cas traité sous (2002/4218) ;
 16/12/2003 PV(2003)1639 Report ;
 09/07/2003 PV(2003)1620 Mise en demeure ex226 - P.M.;
 02/04/2003 PV(2003)1607 Mise en demeure 258(ex226);

Etat des consultations :						
	MD258(ex226)	MDC258(ex226)	AM258(ex226)	AMC258(ex226)	MD260(ex228)	MDC260(ex228)
DG -> SJ						
SJ -> DG						
DG -> SG						

Prop. du service responsable :	
Prop. des chefs de cabinet :	
Prop. décision de la Commission :	
Position du service juridique :	