

OPINION OF ADVOCATE GENERAL
TIZZANO

delivered on 11 September 2001 ¹

1. In this action, which it brought on 8 February 2000 under Article 226 EC, the European Commission seeks a declaration that, by not adopting all the measures necessary to establish waste management plans and/or by not notifying them to the Commission, the United Kingdom has failed to fulfil its obligations under Article 7 of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ 1975 L 194, p. 39), as amended by Council Directive 91/156/EEC of 18 March 1991 (OJ 1991 L 78, p. 32), Article 6 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste (OJ 1991 L 377, p. 20), and Article 14 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ 1994 L 365, p. 10).

2. The United Kingdom does not contest the Commission's complaint, but assures the Court that the competent authorities are currently engaged on the measures necessary for full transposition of the directives in question.

3. It is however established that, at the expiry of the period set by the Commission's reasoned opinion of 23 April 1999, the United Kingdom had not complied with its obligations under the directives in question. That is sufficient, according to the settled case-law of the Court, to hold that the Commission's action is well founded.

4. The parties have agreed, however, that it is appropriate to exclude from these proceedings the question of the application of Directive 94/62 to Gibraltar, because that matter is the subject of another case.

5. Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs, if they have been applied for in the successful party's pleadings. Since the Commission has applied for costs and the United Kingdom has been unsuccessful, it must be ordered to pay the costs.

1 — Original language: Italian.

Conclusion

6. In the light of the foregoing considerations I therefore propose that the Court should:

- (1) declare that, by not adopting all the measures necessary to implement Article 7 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, Article 6 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, and Article 14 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste, the United Kingdom has failed to fulfil its obligations under the said directives;
- (2) order the United Kingdom to pay the costs.