



PRESS RELEASE No 40/25

Luxembourg, 27 March 2025

Judgment of the Court in Case C-515/23 | Commission v Italy (Urban Waste Water Treatment)

Urban waste water treatment: the Court imposes financial penalties on Italy for failing to comply with its collection and treatment obligations for four agglomerations

The Court had already established Italy's failure to fulfil its obligations in a judgment delivered in 2014

The Waste Water Treatment Directive ¹ aims to protect human health and the environment by requiring the collection and treatment of urban waste water before discharge into the environment. In April 2014, ² the Court of Justice held that Italy had failed to implement that directive throughout its territory, in so far as urban waste water was neither properly collected nor treated in 41 agglomerations.

Given that, more than 20 years after the expiry of the transposition periods laid down in the Directive and 9 years after the 2014 Judgment, Italy had still not fully complied with that directive for five agglomerations – Castellammare del Golfo I, Cinisi, Terrasini, Trappeto (Sicily) and Courmayeur (Aosta Valley) – the European Commission brought an action for failure to fulfil obligations aimed at imposing financial penalties.

In its judgment, the Court finds that, for those **five agglomerations, Italy had not taken all the measures necessary to comply with the 2014 judgment** by the date of expiry of the time limit prescribed in the letter of formal notice (18 May 2018), in order to comply with its obligations under the directive, and, **for four agglomerations, ³ that failure was still continuing** on the date of the hearing before the Court (13 November 2024).

Thus, **the Court of Justice orders Italy to pay a lump sum of € 10 million and a penalty payment of € 13 687 500 for every six months of delay in implementing the measures necessary to comply with the 2014 judgment, from today's date until full compliance with the 2014 judgment.**

By fixing the amount of the financial penalties, the Court takes into consideration the seriousness of the infringement, its duration and the capacity of the Member State to pay. It points out, in particular, **that the lack of treatment of urban waste water constitutes damage to the environment and must be regarded as particularly serious.** Although damage to the environment has decreased as a result of the significant reduction in the number of agglomerations, from 41 in 2014 to 4, damage to the environment, albeit less significant, nevertheless persists, particularly since the discharges from the four non-compliant agglomerations flow into sensitive areas.

Moreover, the failure to comply with the 2014 judgment has continued, on the date the Court assesses the facts, for approximately eleven years, which constitutes an excessive length of time, even though account must be taken of the significant period of several years required for the necessary infrastructure works.

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. 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, an abstract](#) of the judgment is 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 91/271/EEC](#), of 21 May 1991, concerning urban waste-water treatment.

² Judgment of the Court of 10 April 2014, *Commission v Italy*, [C-85/13](#).

³ This concerns the agglomerations of Castellammare del Golfo I, Cinisi, Terrasini, Trappeto (Sicily) and Courmayeur (Aosta Valley). As regards the Trappeto agglomeration, the works relating to the waste water treatment plant for that agglomeration have been completed, thus the Court considers that Italy has taken all the necessary measures to bring that agglomeration into line with the obligations arising from the directive.