



Press and Information

Court of Justice of the European Union

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Judgment in Case C-251/17
Commission v Italy

For having failed to implement EU law on the collection and treatment of urban waste water within the time-limit, Italy is ordered to pay a lump sum of €25 million and a fine of more than €30 million for every six months of delay

The Court already found in its first judgment in this matter in 2012 that Italy had failed to fulfil its obligations

By judgment of 19 July 2012,¹ the Court of Justice held that, by having failed to take the measures necessary to guarantee that 109 agglomerations situated in Italian territory are provided, where necessary, with urban waste water collecting systems and/or urban waste water treatment systems meeting the requirements of Directive 91/271,² the Italian Republic has failed to fulfil its obligations under that directive.

Considering that, on expiry of the time-limit on 11 February 2016, Italy had still not taken the measures necessary to comply with the judgment of 2012, the Commission brought before the Court a second action against that country for failure to fulfil its obligations and sought the imposition of financial penalties.

In today's judgment, the Court finds that, on expiry of the time-limit on 11 February 2016, **Italy had not taken all the measures necessary to comply with the judgment of 2012** in order to fulfil its obligations under the directive.

The Court finds that, in addition to having persisted for nearly six years, the failure of Italy to fulfil its obligations is particularly serious in so far as the lack of, or inadequacy of urban waste water collecting or treatment systems could harm the environment. It finds in particular that the number of agglomerations in respect of which, on the date of the hearing,³ Italy had not provided proof of the existence of urban waste water collecting and treatment systems in compliance with the directive (74 agglomerations) is high, even though that number has been reduced in comparison with the judgment of 19 July 2012 (109 agglomerations at that time). Furthermore, the Court notes that the process of making the urban waste water collecting and secondary treatment systems of certain agglomerations compliant with the provisions of the directive should have taken place by 31 December 2000 at the latest.

In those circumstances, the Court considers it appropriate to order Italy to pay into the EU budget a **fine of €30,112,500 for every six months of delay** in implementing the measures necessary to comply with the judgment of 2012, that fine being due from today until the full compliance with the judgment of 2012.

¹ Case: [C-565/10](#) Commission v Italy.

² Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ 1991 L 135, p.40), as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 (OJ 2008 L 311, p.1).

³ The hearing took place on 28 February 2018.

Furthermore, in view of the specific situation and the infringements committed previously by Italy as regards the collecting and treatment of urban waste water,⁴ the Court considers it appropriate to order Italy to pay into the EU budget a **lump sum of €25 million** in order to prevent the future repetition of similar infringements of EU law.

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under European Union 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 of the judgment is published on the CURIA website on the day of delivery.

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⁴ Cases: [C-396/00](#) Commission v Italy see Press Release [37/02](#) and [C-293/05](#) Commission v Italy and [C-85/13](#) Commission v Italy.