

Action brought on 20 April 2017 — European Commission v Kingdom of Spain**(Case C-205/17)**

(2017/C 195/21)

*Language of the case: Spanish***Parties***Applicant:* European Commission (represented by: E. Manhaeve and E. Sanfrutos Cano, acting as Agents)*Defendant:* Kingdom of Spain**Form of order sought**

The Commission claims that the Court should:

- declare that, by not taking all of the measures necessary to ensure compliance with the judgment of 14 April 2011, *Commission v Spain* (C-343/10, ECLI:EU:C:2011:260), the Kingdom of Spain has failed to fulfil its obligations under Article 260(1) TFEU;
- order the Kingdom of Spain to pay to the Commission a penalty payment in the amount of EUR 171 217,20 for each day of delay in ensuring compliance with the judgment of 14 April 2011, *Commission v Spain* (C-343/10, ECLI:EU:C:2011:260), from the date of judgment in the present case until the date on which the judgment in Case C-343/10 is complied with;
- order the Kingdom of Spain to pay to the Commission a lump sum payment of EUR 19 303,90 per day, from the date of delivery of the judgment of 14 April 2011, *Commission v Spain* (C-343/10, ECLI:EU:C:2011:260) until the date of the judgment in the present case or until the date of full compliance with the judgment in Case C-343/10, if the latter occurs earlier;
- order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The Commission takes the view that the Kingdom of Spain has failed to take all of the measures necessary to ensure compliance with the judgment of the Court of Justice concerning the lack of collection systems for urban waste water in the agglomeration of Valle de Güimar, in accordance with Article 3 of Directive 91/271 ⁽¹⁾, and the lack of urban waste water treatment for the agglomerations of Alhaurín el Grande, Barbate, Isla Cristina, Matalascañas, Tarifa, Valle de Güimar, Peníscola, Aguiño-Carreira-Ribeira, Estepona (San Pedro de Alcántara), Coín, Nerja, Gijón-Este, Noreste (Valle Guerra), Benicarló, Teulada-Moraira, Vigo and Santiago, in accordance with Article 4(1), 4(3) and, as applicable, 4(4) of Directive 91/271.

⁽¹⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, OJ 1991 L 135, p. 40.