Judgment of the Court (Second Chamber) of 18 December 2025 – European Commission v Spain (Calculation of the PE)

(Case C-433/23) ([1])

(Failure to fulfil obligations – Article 258 TFEU – Directive 91/271/EEC – Collection and treatment of urban waste water – Articles 3 to 5 and 15 – Update to the pollution load generated by agglomerations, expressed as a population equivalent (PE) – Dismissal)

(C/2026/907)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: initially, C. Hermes and E. Sanfrutos Cano, acting as Agents, and subsequently by E. Sanfrutos Cano and M. N. Ruiz García, acting as Agents)

Defendant: Kingdom of Spain (represented by: A. Gavela Llopis, M. Morales Puerta and A. Pérez-Zurita Gutiérrez, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the necessary measures to ensure that the agglomerations of Acorán; Adeje-Arona; Añaza; Candelaria-Casco; Candelaria-Punta Larga; Golf del Sur; Guía de Isora Litoral; La Esperanza-La Laguna Sur-Santa Cruz-Valles (La Laguna, El Rosario, Santa Cruz); Puerto de Santiago-Playa la Arena; San Isidro-Litoral; Sueño Azul; and Valle de la Orotava in the Canary Islands, and in Medio-Andarax are equipped with urban waste water collecting systems, the Kingdom of Spain has failed to fulfil its obligations under Article 3 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, as amended by Council Directive 2013/64/EU of 17 December 2013;

2. Declares that, by failing to adopt the necessary measures so that, in the agglomerations of Acantilado de los Gigantes; Adeje-Arona; Almansa; Almodóvar del Campo; Almodóvar del Río; Alto Nerbioi-Amurrio; Alto Nerbioi-Laudio; Candelaria-Casco; Candelaria-Punta Larga; Consuegra; Donostia-San Sebastián; Estepa; Genil-Cubillas; Golf del Sur; Guareña-Oliva de Mérida-Cristina; Guía de Isora Litoral; Jódar; La Esperanza-La Laguna Sur-Santa Cruz-Valles (La Laguna, El Rosario, Santa Cruz); Lora del Río; Los Yébenes; Martos; Medio-Andarax; Posadas; Puerto de Santiago-Playa la Arena; Quintanar de la Orden; Rambla (La)-Montalbán; San Isidro-Litoral; San Roque; Santoña; Sueño Azul; Torredonjimeno; Trebujena; Trujillo; Valle de la Orotava; Venta de Baños, and Villanueva del Río-Alcolea del Río, urban waste water entering collecting systems is before discharge to be subject to secondary treatment or an equivalent treatment, the Kingdom of Spain has failed to fulfil its obligations under Article 4(1) and (3) of Council Directive 91/271, as amended by Council Directive 2013/64;

3. Declares that, by failing to adopt the necessary measures so that, in the agglomerations of Almodóvar del Campo; Argamasilla de Alba; Cáceres; Condado de Huelva II (Chucena-Escacena-Paterna-Manzanilla); Consuegra; Don Benito-Villanueva de la Serena; Guareña-Oliva de Mérida-Cristina; Guillena; Los Yébenes; Madridejos; Mérida; Montcada; Montijo-Puebla Calzada; Palma del Condado; Quintanar de la Orden; Rubí; Sonseca; Soria; Trujillo; Venta de Baños, and Villafranca de los Barros, urban waste water entering collecting systems before discharge into sensitive areas or into their catchment areas is subject to more stringent treatment than secondary treatment or an equivalent treatment, the Kingdom of Spain has failed to fulfil its obligations under Article 5 of and Annex I.B to Directive 91/271, as amended by Directive 2013/64;

4. Declares that, by failing to monitor discharges of urban waste water from the agglomerations of Acantilado de los Gigantes, Adeje-Arona, Almansa, Almodóvar del Campo, Almodóvar del Río, Alto Nerbioi-Amurrio, Alto Nerbioi-Laudio, Argamasilla de Alba, Bargas-Cabañas-Mocejón-Olías-Magán-Villaseca, Cáceres, Candelaria-Casco, Candelaria-Punta Larga, Condado de Huelva II (Chucena-Escacena-Paterna-Manzanilla), Consuegra, Don Benito-Villanueva de la Serena, Donostia-San Sebastián, Estepa, Genil-Cubillas, Golf del Sur, Guareña-Oliva de Mérida-Cristina, Guía de Isora Litoral, Guillena, Jódar, La Esperanza-La Laguna Sur-Santa Cruz-Valles (La Laguna, El Rosario,

([1]) OJ C 321, 11.9.2023.

Santa Cruz), Lora del Río, Los Yébenes, Madridejos, 77 Martos, Medio-Andarax, Mérida, Montijo-Puebla Calzada, Montcada, Palma del Condado, Posadas, Puerto de Santiago-Playa la Arena, Quintanar de la Orden, Rambla (La)-Montalbán, Rubí, San Isidro-Litoral, San Roque, Santoña, Sonseca, Soria, Sueño Azul, Torredonjimeno, Trebujena, Trujillo, Valle de la Orotava, Villanueva del Río-Alcolea del Río, Venta de Baños, and Villafranca de los Barros. Valle de la Orotava, Villanueva del Río-Alcolea del Río, Venta de Baños and Villafranca de los Barros in order to ascertain the conformity thereof with the requirements under Annex I.B to Directive 91/271, as amended by Directive 2013/64, following the monitoring methods laid down in point D of that annex, the Kingdom of Spain has failed to fulfil its obligations under Article 15 of Directive 91/271, as amended, read in conjunction with Annex I.D to Directive 91/271, as amended;

5. Dismisses the action as to the remainder;

6. Orders the Kingdom of Spain to bear its own costs and pay three quarters of those incurred by the European Commission;

7. Orders the European Commission to bear one quarter of its own costs.