

**Order of the Court (Eighth Chamber) of 6 October 2015 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero della Salute, Ministero dello Sviluppo economico v Ediltecnica SpA**

(Case C-592/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Article 191(2) TFEU — Directive 2004/35/EC — Environmental liability — National legislation which does not provide for the possibility for the administrator to require the owners of contaminated sites who are not responsible for the contamination to implement preventive and remedial measures and which provides only for the obligation to reimburse the measures carried out by the administration — Compatibility with the ‘polluter pays’ principle, the precautionary principle, the principle of preventive action and the principle that environmental damage should as a priority be rectified at source)*

(2016/C 038/15)

Language of the case: Italian

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicant:* Ministero dell’Ambiente e della Tutela del Territorio e del Mare, Ministero della Salute, Ministero dello Sviluppo economico

*Defendant:* Ediltecnica SpA

**Operative part of the order**

*Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage must be interpreted as not precluding national legislation such as that at issue in the main proceedings which, in circumstances in which it is impossible to identify the polluter of a site or to have that person adopt remedial measures, do not permit the competent authority to require the owner of that site (who is not responsible for the pollution) to implement preventive and remedial measures, the latter being held responsible only for the reimbursement of expenses related to decontamination measures carried out by the competent authority within the limit of the market value of the site, determined after those measures have been carried out.*

<sup>(1)</sup> OJ C 52, 22.2.2014.

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**Order of the Court (Eighth Chamber) of 6 October 2015 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Tamoil Italia SpA v Ministero dell’Ambiente e delle Tutela del Territorio e del Mare**

(Case C-156/14) <sup>(1)</sup>

*Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Article 191(2) TFEU — Directive 2004/35/EC — Environmental liability — National legislation under which no provision is made for the administrative authorities to require owners of polluted land who have not contributed to that pollution to carry out preventive and remedial measures, and the sole obligation imposed concerns the reimbursement of the measures undertaken by those authorities — Whether compatible with the ‘polluter pays’ principle, the precautionary principle and the principles that preventive action should be taken and that environmental damage should be rectified at source as a matter of priority*

(2016/C 038/16)

Language of the case: Italian

**Referring court**

Consiglio di Stato