



## Reports of Cases

### Judgment of the Court (Sixth Chamber) of 23 November 2016 — Commission v France

(Case C-314/15)<sup>1</sup>

(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Treatment of urban waste water — Article 4(1) and (3) — Secondary treatment or equivalent treatment)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion*  
*(Art. 258 TFEU; Council Directive 91/271, Art. 4(1) and (3))*  
*(see para. 17)*
  
2. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Determination of whether the Member State concerned has fulfilled its obligations — Irrelevant*  
*(Art. 258 TFEU)*  
*(see para. 21)*
  
3. *Environment — Urban waste-water treatment — Directive 91/271 — Implementation by Member States — Obligation to achieve a result — Failure to satisfy that obligation — Failure to fulfil obligations*  
*(Art. 258 TFEU; Council Directive 91/271, Art. 4(1) and (3) and Annex I, point B)*  
*(see paras 22, 23, 25, 26, 30, operative part 1)*

<sup>1</sup> OJ C 294, 7.9.2015.

## Operative part

The Court:

1. Declares that, by failing to ensure secondary treatment or equivalent treatment for urban waste water from the agglomerations of Goyave, Bastelica, Morne-à-l'Eau, Aiguilles-Château-Ville Vieille, Borgo-Nord, Isola, Plombières-les-Bains, Saint-Céré, Vincey, Etueffont, Volx and Villeneuve, either for the entire amount of their discharges, in the case of agglomerations having a population equivalent of between 10 000 and 15 000, or for discharges into fresh water and estuaries, in the case of agglomerations having a population equivalent of between 2 000 and 10 000, the French Republic has failed to fulfil its obligations under Article 4(1) and (3) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008;
2. Dismisses the action as to the remainder;
3. Orders the French Republic to pay the costs.