



15.10.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0044/2019 by Nayra Caraballero Pérez (Spanish) on marine discharges from the Güímar industrial estate in the Canary Islands**

### 1. Summary of petition

The petitioner denounces the marine discharges from the Güímar industrial estate. The petitioner denounces the discharges of hazardous substances through the sewage system, which end up in an outfall that flows into the sea. The discharges are completely uncontrolled.

### 2. Admissibility

Declared admissible on 5 April 2019. Information requested from Commission under Rule 227(6) (former rule 216(6)).

### 3. Commission reply, received on 16 September 2019

According to the information available to the Commission, the Güímar industrial estate is part of the agglomeration named 'Valle de Güímar'. Consequently, this estate must comply with the urban wastewater collection and treatment obligations pursuant to Council Directive 91/271/EEC<sup>1</sup>, which are applicable to the entire agglomeration in which it is included.

In a judgment of 25 July 2018 (Case C-205/17)<sup>2</sup>, the Court of Justice of the European Union found that 'Valle de Güímar', along with 16 other agglomerations across Spain, was still not

---

<sup>1</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, *OJ L 135, 30.5.1991, p. 40–52*.

<sup>2</sup><http://curia.europa.eu/juris/document/document.jsf?docid=208002&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=10539898>

compliant with a previous judgment<sup>3</sup>, declaring the failure by Spain to comply with the urban wastewater treatment and collection obligations under Council Directive 91/271/EEC. In this judgment of 2018, the Court of Justice of the European Union also decided to impose financial sanctions upon Spain.

#### Conclusion

The Commission is closely following up the developments by the Spanish authorities to enforce the above-mentioned judgment and ensure the correct implementation of Council Directive 91/271/EEC in all the agglomerations concerned, including Valle de Güímar.

#### **4. Commission reply**, received on 15 October 2019

According to the information available to the Commission, the Güímar industrial estate is part of the agglomeration named ‘Valle de Güímar’. Consequently, this estate must comply with the urban wastewater collection and treatment obligations pursuant to Council Directive 91/271/EEC<sup>4</sup> which are applicable to the entire agglomeration in which it is included.

In a judgment of 25 July 2018 (Case [C-205/17](#)), the Court of Justice of the European Union found that ‘Valle de Güímar’, along with 16 other agglomerations across Spain was still not compliant with a previous judgment<sup>5</sup>, declaring the failure by Spain to comply with the urban wastewater treatment and collection obligations under Council Directive 91/271/EEC. In this judgment of 2018, the Court of Justice of the European Union also decided to impose financial sanctions on Spain.

#### Conclusion

The Commission is closely following the developments by the Spanish authorities to enforce the above-mentioned judgment and ensure the correct implementation of Council Directive 91/271/EEC in all the agglomerations concerned, including Valle de Güímar.

---

<sup>3</sup> Judgment of 14 April 2011 (Case C-343/10).

<sup>4</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, *OJ L 135, 30.5.1991, p. 40–52*

<sup>5</sup> Judgment of 14 April 2011 (Case C-343/10).