Judgment of the Court (Eighth Chamber) of 9 June 2011 — Commission v Luxembourg

(Case C-458/10)

(Failure of a Member State to fulfil obligations — Directive 98/83/EC — Water intended for human consumption — Incomplete, incorrect transposition)

Approximation of laws — Quality of water intended for human consumption — Directive 98/83 — Implementation by Member States — Authorisation of derogations from the parametric values fixed by the directive — Conditions — National legislation not observing those conditions — Failure to fulfil obligations (Art. 258 TFEU; Council Directive 98/83, Art. 9(3)) (see paras 28-29

Re:

Failure of a Member State to fulfil its obligations – Incomplete, incorrect transposition of Article 9(3)(b), (c) and (e) of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ 1998 L 330, p. 32) – Distribution of drinking water not meeting the parametric values required – Scheme of derogations.

Operative part

1. Declares that, by failing to transpose correctly and completely Article 9(3)(b), (c) and (e) of Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption, the Grand Duchy of Luxembourg has failed to fulfil its obligations under that directive;

2. Orders the Grand Duchy of Luxembourg to pay the costs.