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Judgment of the Court in Case C-626/22 | Ilva and Others

The operation of the Ilva steelworks must be suspended if it poses serious and significant threats to the environment and human health

It is for the Milan District Court to assess whether that is the case

The concept of 'pollution' within the meaning of the Directive on industrial emissions includes adverse effects on the environment and on human health. The prior assessment of the effects of the activity of an installation such as the Ilva steelworks in southern Italy must therefore be an integral part of the procedures for the grant and reconsideration of the operating permit provided for by that directive. In the reconsideration procedure, it is necessary to take account of polluting substances linked to the installation's activity, even if those substances were not assessed in the initial authorisation procedure. In the event of serious and significant threats to the integrity of the environment and human health, the operation of the installation must be suspended.

The Ilva steelworks is located in Taranto, in southern Italy. It started activity in 1965. With approximately 11 000 employees and covering an area of almost 1 500 hectares, it is one of the largest steelworks in Europe.

In 2019, the European Court of Human Rights found that the steelworks had a significant negative impact on the environment and the health of local residents ¹. Measures to reduce its impact have been provided for since 2012, but the deadlines for their implementation have been repeatedly extended.

Many residents of the area are taking action before the Milan District Court against the continued operation of the steelworks. They submit that its emissions are damaging their health and that the installation does not comply with the requirements of the Directive on industrial emissions ².

The Milan District Court raises the issue of whether the Italian legislation and the special derogating rules applicable to the Ilva steelworks in order to ensure its continuity contravene the Directive. It has therefore referred questions to the Court of Justice in this connection.

The Court draws attention, first, to **the close link between the protection of the environment and that of human health**, which constitute **key objectives of EU law**, guaranteed in the Charter of Fundamental Rights of the European Union. It observes that the Directive contributes to the achievement of those objectives and to safeguarding the right to live in an environment that is adequate for personal health and well-being.

While, according to the Italian Government, the Directive makes no mention of an Assessment of Adverse Effects on Health, the Court observes that the concept of 'pollution' within the meaning of that directive includes harm both to the environment and to human health. Thus, **the prior assessment of the effects of the activity of an installation such as the Ilva steelworks on both those aspects must be an integral part of the procedures for granting or reconsidering the operating permit**. However, according to the Milan District Court, that prerequisite has not been observed so far as concerns the adverse effects on health. The operator must also assess those effects throughout the period of operation of its installation.

Furthermore, according to the Milan District Court, the special rules applicable to the Ilva steelworks enabled it to be granted an environmental permit and for that permit to be reconsidered without taking account of certain pollutants or of their harmful effect on the surrounding population. The Court observes that **the operator** of an installation **must provide, in its initial application for a permit, information on the nature, quantity and potential harmful effect of the emissions likely to be produced by its installation.** Only the polluting substances considered to have a negligible effect on human health and the environment may be excluded from having to comply with the emission limit values in the operating permit.

The Court takes the view that, contrary to what Ilva and the Italian Government claim, the **permit reconsideration procedure** cannot be limited to setting limit values for polluting substances the emission of which was foreseeable. **Account must also be taken of the emissions actually generated by the installation concerned during its operation and relating to other polluting substances.**

In the event of a breach of the installation operating permit conditions, **the operator must immediately take the measures necessary to ensure that the compliance of its installation with those conditions is restored within the shortest possible time.**

Where there are serious and significant threats to the integrity of the environment and human health, **the deadline for the purposes of applying the protective measures** provided for by the operating permit **cannot be repeatedly extended, and the operation of the installation must be suspended.**

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ Assessments of the Adverse Effects on Health dating from 2017, 2018 and 2021 establish that there is a causal link between the alteration of the health of the inhabitants of the Taranto region and the emissions of the Ilva steelworks, particularly so far as concerns fine PM₁₀ particulate matter, and sulphur dioxide (SO₂) of industrial origin. Other pollutants linked to the activity of the steelworks have been detected, such as copper, mercury and naphthalene as well as fine PM_{2.5} and PM₁₀ particulate matter. In a report of January 2002 of the Human Rights Council of the United Nations, the agglomeration of Taranto is listed as a ‘sacrifice zone’. These are zones characterised by extreme levels of pollution and contamination by toxic substances in which vulnerable and marginalised groups bear a disproportionate burden of the health, human rights and environmental consequences as a result of exposure to pollution and hazardous substances.

² [Directive 2010/75/EU](#) of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).