

Italian State condemned for non-compliance with the Drinking Water Directive

The infringed directive requires member states to ensure that water intended for human consumption is wholesome and clean, and requires that drinking water is free from microorganisms and parasites, or substances that could pose a danger to human health.

In a ruling on 7 September, the EU Court of Justice ruled in Case C-197/22 that the Italian State had failed to comply with the parameters set out in Directive 98/83/EC (the so-called Drinking Water Directive) for arsenic and fluoride in the water of several municipalities in Lazio.

The Brussels Commission had already referred Italy to the Court of Justice in 2011, denouncing the dangerous nature of the waters of Bagnoregio, Civitella d'Agliano, Fabrica di Roma, Farnese, Ronciglione and Tuscania, all in the province of Viterbo.

The infringement procedure has, unfortunately, lasted a good seven years, exposing those Latium citizens to the risk of using dangerous and unhealthy water.

The infringed directive, in fact, requires member states to ensure that water intended for human consumption is wholesome and clean, and requires that drinking water is free of microorganisms and parasites, or substances that could pose a danger to human health.

According to the Court of Justice, Italy did not comply either with the legal parameters, as regards the level of arsenic concentration and the level of fluoride concentration in water.

Acute exposure to arsenic has a severe neurotoxic effect, which has been widely known and documented for centuries. At lower doses, prolonged exposure to arsenic results in a variety of adverse effects on various systems, foetal development, glucose metabolism, skin pigmentation (hyperpigmentation and hypopigmentation) and peripheral vascular disease. Epidemiological studies on populations living in areas with groundwater containing high arsenic concentrations show a clear association between arsenic exposure and increased risk of lung, bladder and kidney cancer. Inorganic arsenic compounds have been classified by the International Agency for Research on Cancer (IARC) in Group 1 (human carcinogens) based on sufficient evidence of carcinogenicity in humans and limited evidence of carcinogenicity in animals.

There are numerous epidemiological studies on the possible long-term effects of exposure to fluorides by ingestion through water. These studies clearly establish that fluoride mainly produces effects on skeletal tissues (bones and teeth). Low concentrations provide protection against dental caries, especially in children, before and after their occurrence. These effects increase with fluoride

concentrations in drinking water above 2 mg/L. The minimum required concentration and the level of fluoride concentration in water.

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A particularly interesting reading of the ruling is that:

- "the high levels of arsenic and fluoride had been known to the Italian authorities since 2009;
- in 2010 a state of emergency had been decreed and, by an order of the President of the Council of Ministers, the President of the Lazio Region was appointed 'delegated commissioner for the arsenic emergency' and a series of measures were envisaged to enable, through the construction of dearsenification plants, the supply of drinking water to the population;
- the note of the Italian authorities of 26 June 2018, shows that those authorities were aware that the persistent failure to comply with those values in the abovementioned municipalities was due, in particular, to the fact that the water purification plants built in the territories of those municipalities had not yet been transferred to the operator designated by the Regione Lazio."

But, again according to the EU Court of Justice, 'the Republic did not take the necessary measures to restore the quality of the drinking water in the areas concerned'. This was followed by the condemnation, including the payment of costs.

Nothing new in the Italy of the third millennium.

Here is the ruling

<https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A62022CJ0197&qid=1695834125406>

Here the Directive 98/83/EC

<https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:31998L0083>