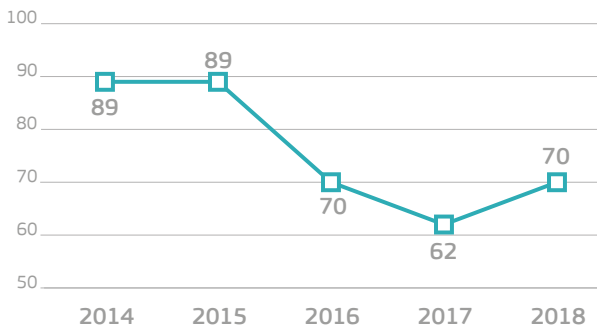


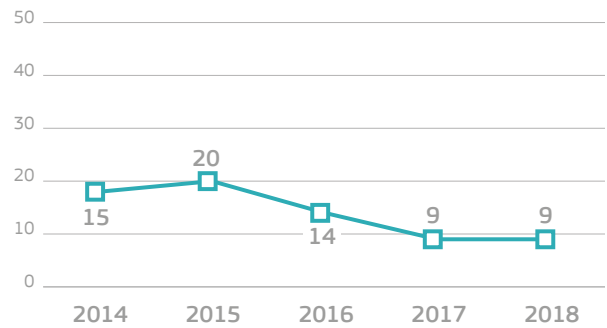
Monitoring the Application of European Union Law

Annual Report 2018

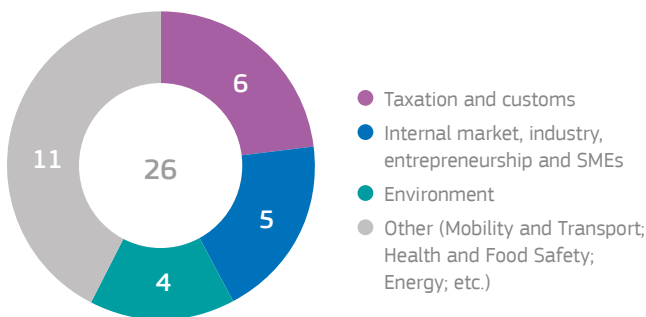
Infringement cases open as of 31 December 2018



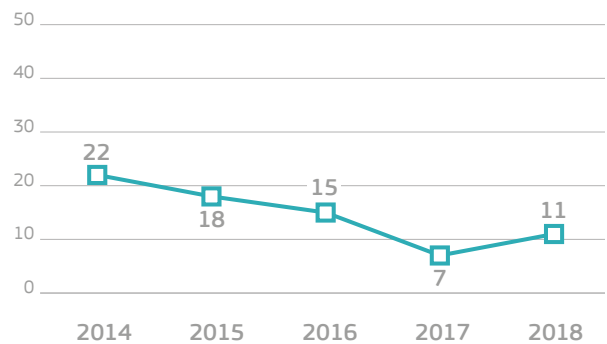
Late transposition¹ infringement cases open as of 31 December 2018



New infringement cases opened in 2018: main policy areas



New late transposition infringement cases opened in 2018



1. Number of infringement cases due to failure to implement an EU Directive into national law on time.



Relevant rulings of the European Courts:

The Court ruled, amongst others, that:

- *Italy failed to recover milk surplus levies from Italian milk producers which exceeded their production quotas for the marketing years from 1995/1996 to 2008/2009².*
- *Italy has failed to comply in full with an earlier Court judgment³ since no proof has been provided of the existence of appropriate urban waste water collection and treatment systems in 74 of the 109 agglomerations concerned by the first judgment. The Court found that Italy's failure to fulfil its obligations is particularly serious in so far as the lack of, or inadequacy of urban waste water collection or treatment systems could harm the environment. The Court ordered Italy to pay a lump sum of €25 million and a penalty payment of €30 112 500 for every 6 months of delay until full compliance is achieved⁴.*

In preliminary rulings, the Court held, amongst others, that:

- *The ne bis in idem principle may be limited for the purpose of protecting the financial interests of the EU. The objective of ensuring the collection of all the VAT due in the territories of Member States can justify a duplication of proceedings and penalties of a criminal nature. However, such a limitation on the principle must not exceed what is strictly necessary to achieve those objectives⁵.*
- *Workers who have been on abusive successive fixed-term contracts are entitled to two types of compensation for the past abuse they have faced: (a) a lump sum compensation and (b) an additional possibility to obtain full compensation for the harm suffered. This harm is presumed to have occurred unless the employer can prove otherwise⁶. National legislation which excludes certain sectors from effective sanction in case of misuse of successive fixed-term contracts is not compliant with the EU rules on the framework agreement on fixed-term work⁷.*
- *The organisation and management of health services are the responsibility of the Member States, as regards setting the prices of medicinal products and their inclusion in the scope of the national healthcare insurance system. In exercising those powers the Member States must comply with EU law⁸.*

2. Commission vs Italy, C-433/15.

3. Commission vs Italy, C-565/10.

4. Commission vs Italy, C-251/17 and Court press release No 74/18.

5. Menci, C-524/15.

6. Santoro, C-494/16.

7. Sciotto, C-331/17; Council Directive 1999/70/EC.

8. Novartis Farma, C-29/17 and press release No 181/18.