



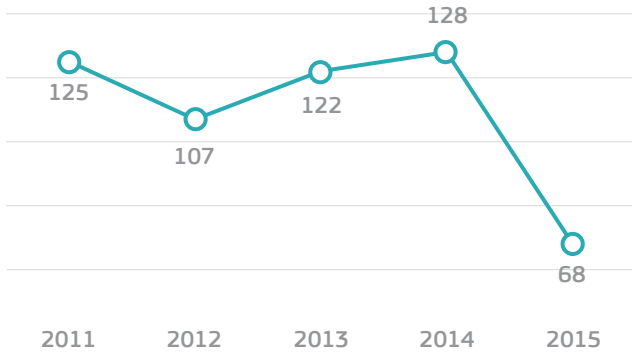
European Commission

Monitoring the Application of European Union Law

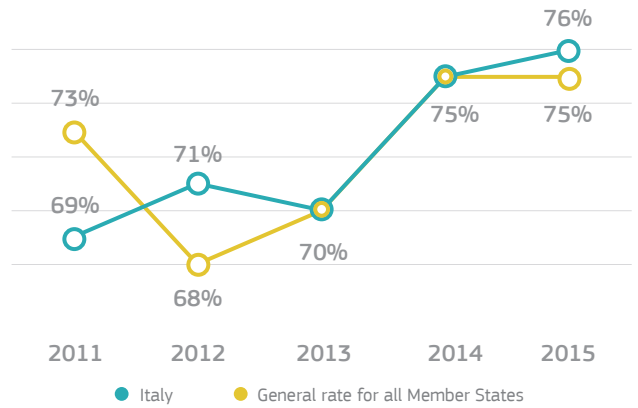
Annual Report 2015

New complaints against Italy jumped by more than 30% in 2015. The number of new EU Pilot files fell by almost half. Open infringement cases held steady at the end-2014 level. New infringement cases for late transposition decreased to a five-year low.

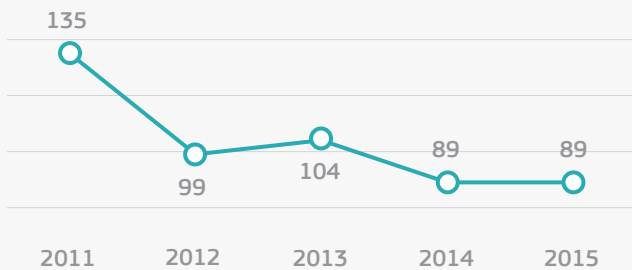
New EU Pilot files opened



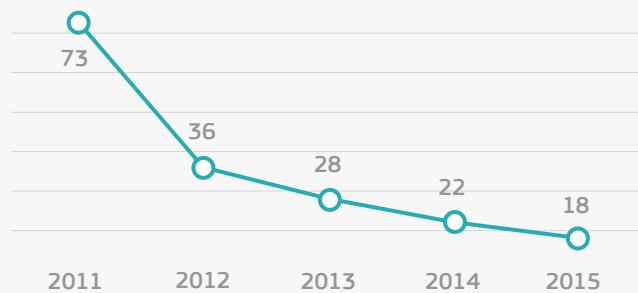
EU Pilot files: evolution of the resolution rate



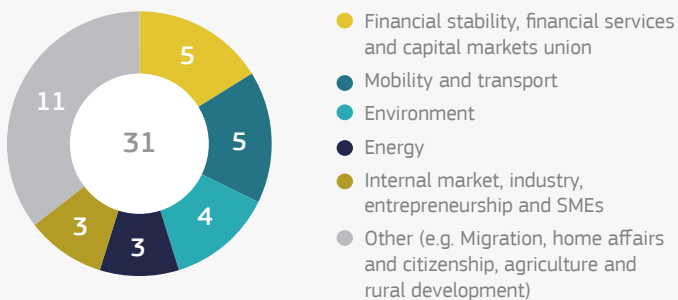
INFRINGEMENT CASES
Infringement cases open on 31 December



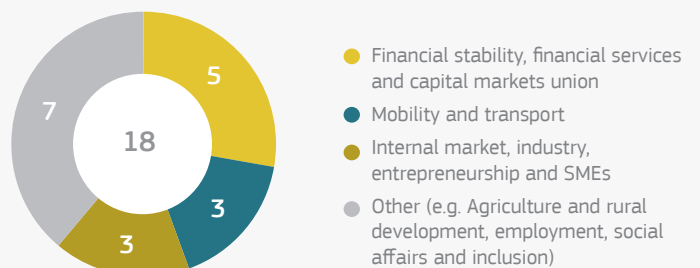
TRANSPOSITION OF DIRECTIVES
New late transposition infringement cases



31 new infringement cases opened in 2015: main policy areas



18 new late transposition infringement cases opened in 2015: main policy areas





The Court:

- ruled that Italy has failed to correctly execute the 2010 judgment of the Court of Justice of the EU finding that Italy had failed to adopt, for the region of Campania, all the measures necessary to ensure that waste is recycled and disposed of without endangering human health and without harming the environment. In particular, it has not established a suitable and integrated network of disposal installations. The Court ordered Italy to pay a lump sum of € 20 million and a daily penalty payment of € 120 000;¹
 - ruled that, despite a first judgment that Italy had failed to fulfil its obligations, delivered by the Court of Justice of the EU in 2011, Italy has still not recovered aid granted to certain firms in Venice and Chioggia between 1995 and 1997.
- The Court of Justice ordered Italy to pay a lump sum of € 30 million and a penalty of € 12 million per half-year of delay in recovering the aid;²
- dismissed all arguments brought by Italy alleging the illegality of the European Commission's decision making a financial correction to the regional operational programme in Puglia for the period 2000-2006. The correction amounted to € 79 336 741. The Court's judgment confirmed, among other things, the possibility for the Commission to apply a flat-rate correction when several irregularities in the awarding of public contracts are to be attributed to the systemic failure of the management and control system to protect the EU's financial interests.³

In preliminary rulings, the Court ruled that:

- national legislation is compatible with EU law if it provides that, where it is impossible to identify the polluter of a plot of land, the owner of the land who is not responsible for the pollution cannot be required to adopt preventive and remedial measures;⁴
- Directive on Long Term Residents⁵ must be interpreted as precluding national legislation which requires third-country nationals, when applying for the issue or renewal of a residence permit in the Member State concerned, to pay a fee (varying in amount between € 80 and € 200), inasmuch as such a fee is disproportionate in the light of the objective pursued by the directive and is liable to create an obstacle to the exercise of the rights conferred by that directive;⁶
- labelling requirements constitute a barrier to intra-EU trade if goods coming from other Member States have to be given a different label;⁷
- the Return Directive does not, in principle, preclude national legislation which imposes a prison sentence on a non-EU national who unlawfully enters its territory in breach of an entry ban;⁸
- if necessary to prevent serious VAT fraud, national courts must disapply the overall limitation in the sanction system and impose effective and dissuasive penalties.⁹

¹ Commission v Italy, [C-653/13](#) and Court press release No [86/15](#).

² Commission v Italy, [C-367/14](#) and Court press release No [103/15](#).

³ Italy v Commission, [T-117/10](#) and Italy v Commission, [C-280/14 P](#).

⁴ Fipa Group and Others, [C-534/13](#) and Court press release No [28/15](#).

⁵ Directive [2003/109/EC](#).

⁶ CGIL and INCA, [C-309/14](#).

⁷ Unione Nazionale Industria Conciaria, [C-95/14](#).

⁸ Skerdjan Celaj, [C-290/14](#) and Court press release No [112/15](#).

⁹ Taricco and others, [C-105/14](#) and Court press release No [95/15](#).

More information:

Staff working document of the European Commission - [Annual Report 2015](#) 'Monitoring the application of Union law' (part II: Member States)