

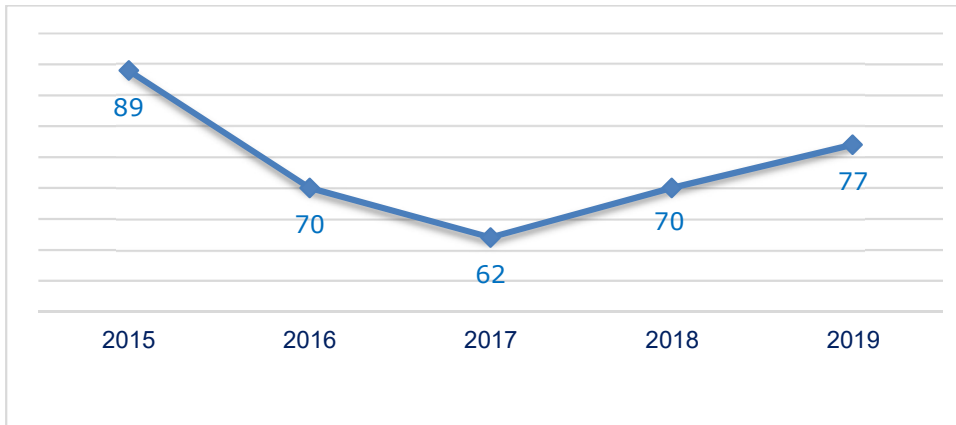
ITALY

Monitoring the Application of EUROPEAN UNION LAW

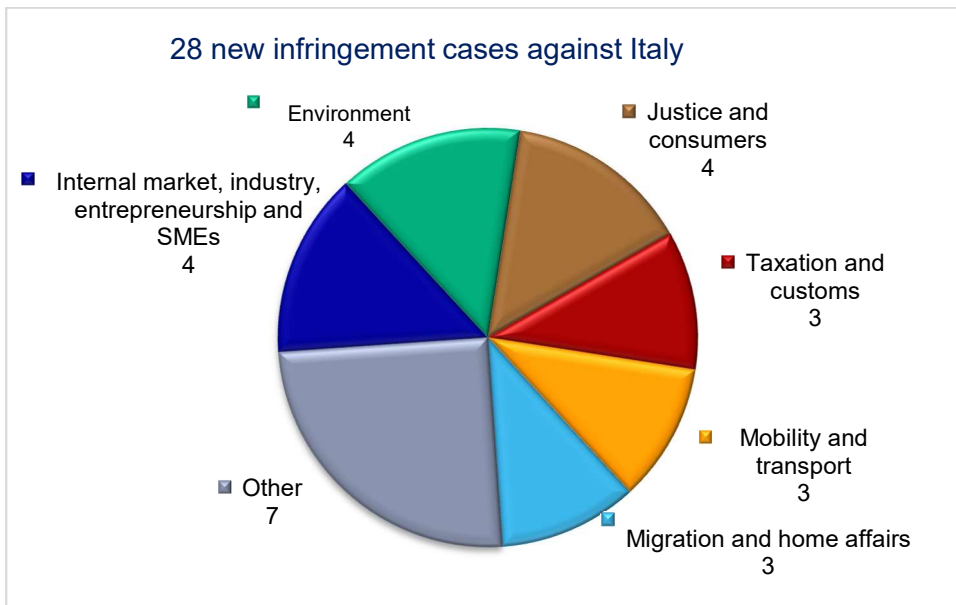
2019 Annual Report

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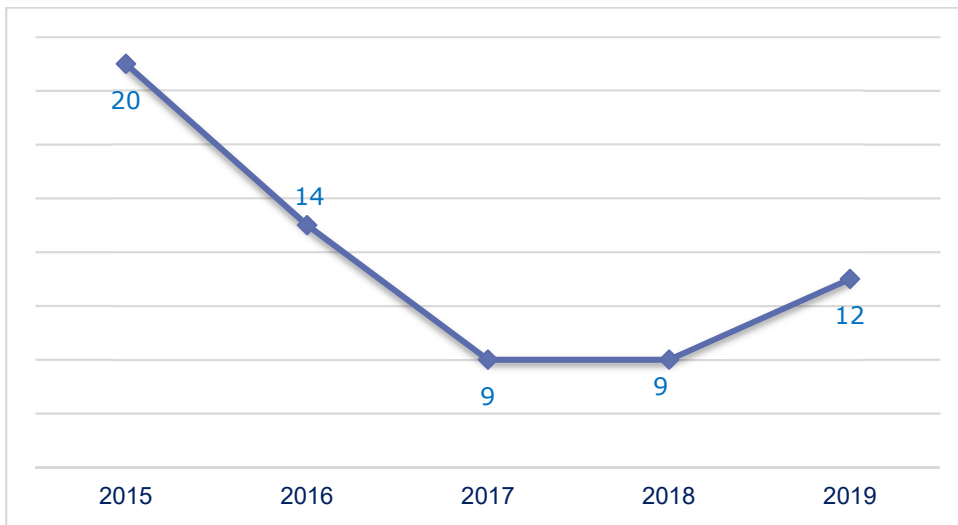
Infringement cases against Italy open on 31 December (2015-2019)



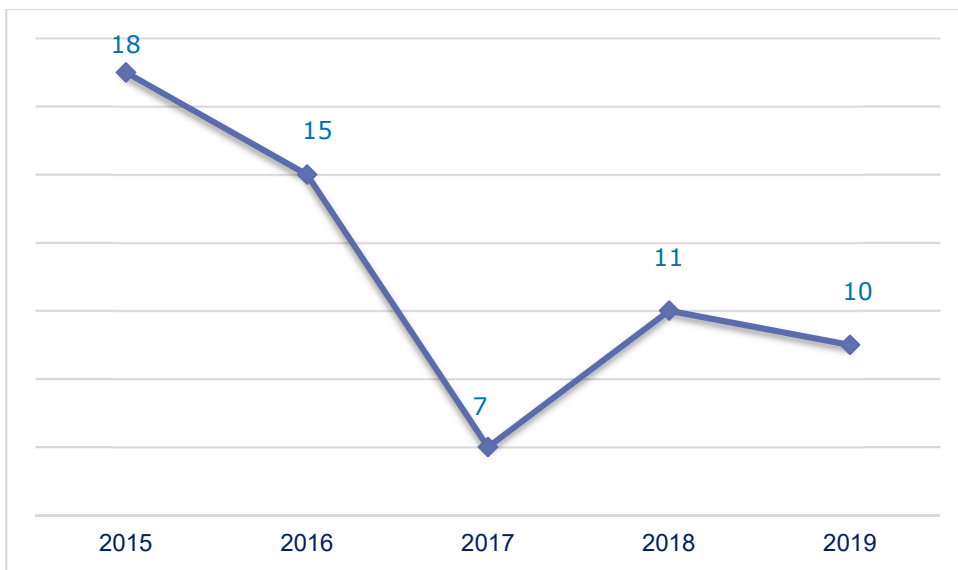
New infringement cases opened in 2019: main policy areas



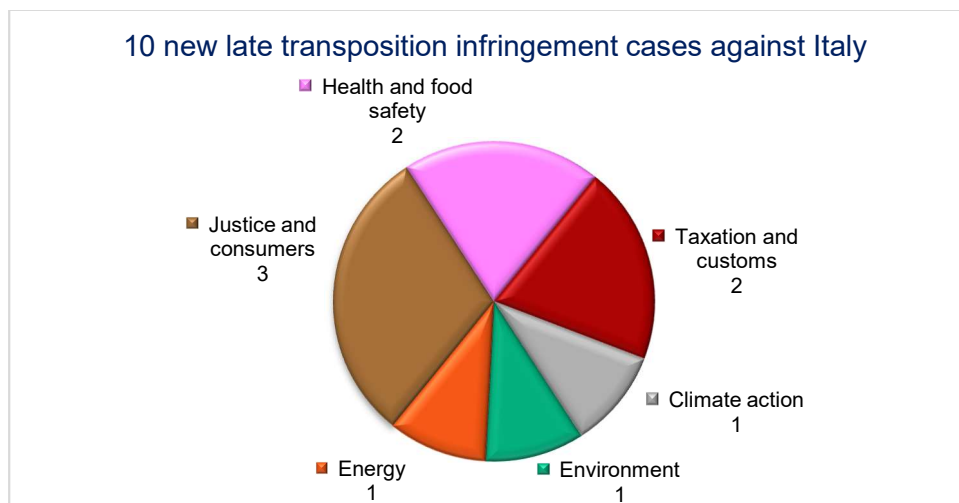
Late transposition infringement cases against Italy open on 31 December (2015-2019)



New late transposition infringement cases against Italy (2015-2019)



New late transposition infringement cases opened in 2019: main policy areas



IMPORTANT JUDGMENTS

Court rulings¹

The Court ruled that Italy:

- failed to fulfill its obligations under the Directive on testing of human tissues and cells by failing to adopt the required national transposition measures²;
- failed to adequately prevent further spread of the quarantine harmful organism *Xylella fastidiosa* in Apulia³;
- failed to comply with the Radioactive Waste Directive, since it has not notified a final adopted national programme for radioactive waste and spent fuel management⁴;
- had not fulfilled its obligations under the Landfill Directive as regards 44 landfills, by having failed to adopt all measures necessary to close or to bring those landfill sites into line with the Directive⁵;
- failed to fulfil its obligations under Article 8 of the Decision on the system of own resources and Articles 6, 10, 12 and 13 of the Regulation on making own resources available⁶;
- failed to publish a notice on the extension of a motorway concession, thus breaching public procurement legislation⁷.

Preliminary rulings

The Court addressed the following preliminary rulings to the Italian judiciary: |

- Member States are obliged, under the Fixed-Term Work Directive, to provide effective measures designed to prevent and punish the misuse of successive fixed-term employment contracts⁸.
- National legislation under which the amount of royalties payable by holders of licences for the extraction of natural gas is calculated on the basis of an index based on the long- and medium-term market prices of oil and other fuels rather than short-term market prices is not incompatible with EU law⁹.
- The Waste Framework Directive¹⁰ and the Renewable Energy Directive¹¹ do not prevent national legislation from refusing the replacement of methane with a substance derived from the chemical treatment of used vegetable

¹ These rulings are almost exclusively handed down in infringement procedures.

² *Commission v Italy*, [C-481/18](#).

³ *Commission v Italy*, [C-443/18](#).

⁴ Council Directive [2011/70/Euratom](#), *Commission v Italy*, [C-434/18](#),

⁵ Directive [1999/31/EC](#), *Commission v Italy*, [C-498/17](#) and Court press release No 37/2019.

⁶ Decision [2014/335/EU](#), Euratom Regulation (EU, Euratom) [609/2014](#), Case *Commission v Italy*, [C-304/18](#).

⁷ *Commission v Italy*, Case [C-526/17](#).

⁸ *Rossato*, [C-494/17](#).

⁹ Directive [94/22/EC](#), joined cases: *Eni*, [C-364/18](#) and *Shell Italia*, [C-365/18](#).

- oils, as a power source for an electric power plant producing atmospheric emissions, on the ground that the respective substance is not included in the list of categories of biomass fuels authorised for that purpose¹².
- National legislation which classifies waste incineration facilities as 'strategic infrastructure and installations of major national importance' is compatible with the 'waste hierarchy' principle under the Waste Framework Directive¹³ as long as that legislation is compatible with the other provisions of that Directive which lay down more specific obligations. National legislation which revises upwards the capacity of existing waste incineration facilities and provides for the construction of new installations of that kind constitutes a 'plan or programme', within the meaning of the Strategic Environmental Assessment Directive¹⁴, likely to have significant environmental effects and must, consequently, be subject to a prior environmental assessment¹⁵.
 - The provisions of the Regulation on public passenger transport services by rail and road which govern the award of public service contracts do not apply to award procedures carried out before 3 December 2019¹⁶.
 - The jurisdiction of a Member State court with respect to passenger rights in the event of denied boarding and of cancellation or long delay of flights must be assessed in light of the Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters¹⁷.
 - National legislation providing for the automatic termination of employment at the age of 60 for aircraft pilots engaged in activities associated with protecting the national security of a Member State is compatible with EU law if it is necessary for public security and does not go beyond what is necessary to achieve this objective¹⁸.
 - National authorities which intend directly to award a public service contract for the transport of passengers by rail are not required to publish or communicate to any interested economic operators all the information necessary¹⁹.

¹⁰ Directive [2008/98/EC](#).

¹¹ Directive [2009/28/EC](#).

¹² *Prato Nevoso Termo Energy*, [C-212/18](#).

¹³ Directive [2008/98/EC](#).

¹⁴ Directive [2001/42/EC](#).

¹⁵ *Associazione "Verdi Ambiente e Società - Aps Onlus" and Others*, [C-305/18](#).

¹⁶ Regulation (EC) No [1370/2007](#), joined cases: *Mobit*, [C-350/17](#) and *Autolinee Toscane*, [C-351/17](#).

¹⁷ Regulation (EU) No [1215/2012](#), *Guaitoli*, [C-213/18](#).

¹⁸ Regulation (EU) No [1178/2011](#), Directive [2000/78/EC](#), *Cafaro*, [C-396/18](#).

¹⁹ Regulation (EC) No [1370/2007](#), *Autorità Garante della Concorrenza e del Mercato*, [C-515/18](#).