

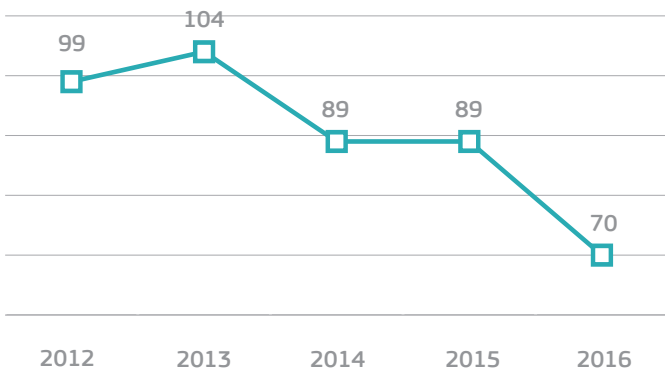


# Monitoring the Application of European Union Law

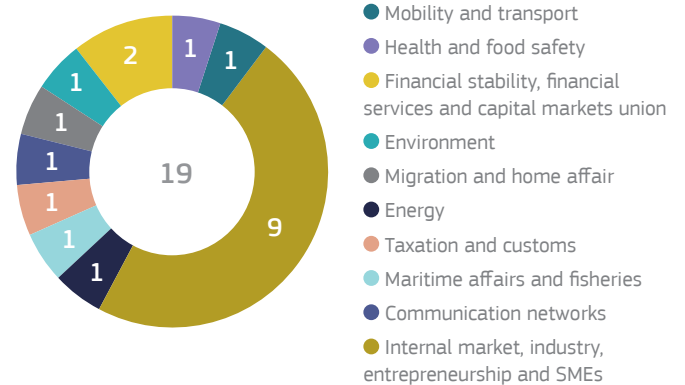
## Annual Report 2016

New complaints against Italy increased again in 2016, by approximately 20 % from the 2015 level and by around 50 % from the 2012-2014 levels. By contrast, the numbers of new EU Pilot files and of open infringement cases at year-end were down. New infringement cases for late transposition fell again to a five-year low.

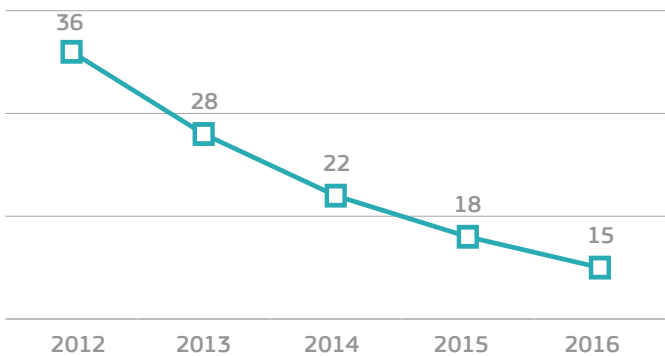
Infringement cases open on 31 December



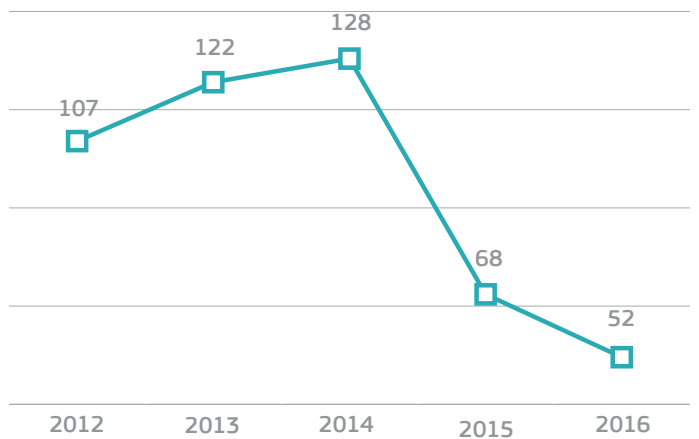
New infringement cases opened in 2016: main policy areas



New late transposition infringement cases



New EU Pilot files opened





## Relevant rulings of the European Courts:

1. The Court ruled that Italy has failed to fulfil its obligations under EU law by failing to guarantee just and appropriate compensation for victims of all violent intentional crimes committed in cross-border situations. The Directive on compensation to victims of crime<sup>1</sup> requires that all violent intentional crimes, as defined in the national legislation of each Member State, should give access to compensation from the state. Member States may not limit the scope of the compensation scheme for victims to only certain violent intentional crimes. The Court also confirmed that the principle of the prohibition of discrimination on the basis of nationality should be observed as regards access to compensation for the victims of crime in cross-border situations.<sup>2</sup>
2. In preliminary rulings, the Court held, amongst others, that:
  - the Commission may require Member States to remove all plants capable of being infected by the *Xylella fastidiosa* bacterium, even when there are no symptoms of infection, when such plants are in the vicinity of plants already affected by that bacterium. That measure is proportionate to the objective of protecting plant health in the European Union and is justified by the precautionary principle, taking into consideration the scientific evidence available to the Commission when the measure was adopted;<sup>3</sup>
  - the Services Directive<sup>4</sup> is also applicable to maritime concessions.<sup>5</sup>

<sup>1</sup> Directive [2004/80/EC](#).

<sup>2</sup> Commission v Italy, [C-601/14](#) and Court press release No [109/16](#).

<sup>3</sup> Joined Cases [C-78/16](#), Pesce and Others.

<sup>4</sup> Directive [2006/123/EC](#).

<sup>5</sup> Joined cases [C-458/14](#) and [C-67/15](#), Promoimpresa /Comune di Loiri, Court press release No [77/2016](#).