



Press and Information

Court of Justice of the European Union  
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Judgment in Case C-601/14  
European Commission v Italian Republic

**By failing to guarantee just and appropriate compensation for victims of all violent intentional crimes committed in cross-border situations, Italy has failed to fulfil its obligations under EU law**

*The Member States must guarantee victims not only access to compensation in accordance with the principle of the prohibition of discrimination, but also a minimum level of compensation for all types of violent crime*

Under an EU directive,<sup>1</sup> the victims of violent intentional crimes are to be entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the EU the crime was committed. The Member States have to bring into force the laws, regulations and administrative provisions necessary to comply with that directive.

In Italy, several 'special laws' provide, under certain conditions, for the grant of compensation payable by the Italian State to victims of certain types of violent intentional crimes (in particular, crimes linked to terrorism and to organised crime). From the time of the transposition of the directive in Italy, those laws have also been applicable to cross-border situations (in general, where the victim of a crime committed on Italian territory is a national of another Member State).

The Commission has brought an action against Italy for failure to fulfil obligations before the Court of Justice. The Commission claims that, by failing to establish a general compensation scheme covering all types of violent intentional crimes in cross-border situations (such as rape, serious sexual assault, homicide, serious assault and battery and, generally, any crime that does not fall within the scope of the 'special laws'), Italy has failed to fulfil its obligations under EU law.

Italy, on the other hand, contends that it has complied with the obligations flowing from the directive. According to Italy, under the directive the Member States are merely required to enable EU citizens residing in another Member State to have access to the compensations systems already provided for in the legislation adopted in respect of their nationals.

In today's judgment, the Court points out that the system of cooperation established by the directive requires that the principle of the prohibition of discrimination on the basis of nationality be observed as regards access to compensation for the victims of crime in cross-border situations. It adds that, in such situations, the directive also requires each Member State to adopt, with a view to safeguarding the freedom of movement of persons within the European Union, a national scheme guaranteeing a minimum level of fair and appropriate compensation for victims of any violent intentional crime committed on its territory.

The Member States have, in principle, the competence to define the scope of the concept of 'violent intentional crime' in their domestic law. However, they may not limit the scope of the compensation scheme for victims to only certain violent intentional crimes.

The Court concludes that, by failing to adopt all the measures necessary to guarantee the existence, in cross-border situations, of a compensation scheme for victims of all violent intentional crimes committed on its territory, Italy has not transposed the directive correctly.

<sup>1</sup> Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (OJ 2004 L 261, p. 15).

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**NOTE:** An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under European Union law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay.

Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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