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Report from the Commission

Monitoring the application of European Union law 2015 Annual Report

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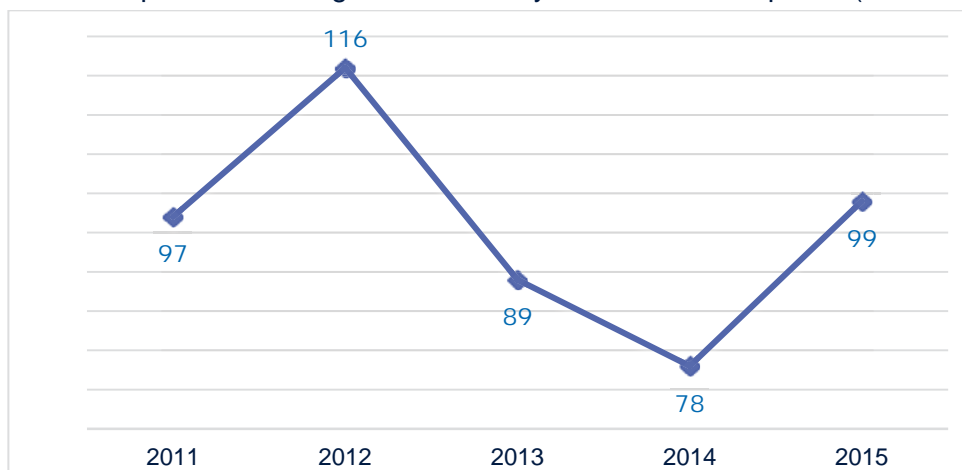
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Austria

New complaints against Austria rose in 2015, reversing falls from the peak reached in 2012. The number of new EU Pilot files fell for the second consecutive year, to less than half their 2013 peak. Open infringement cases eased back down to their 2013 level, while the downward trend in new infringement cases for late transposition since 2011 continued.

I. COMPLAINTS

1. New complaints made against Austria by members of the public (2011- 2015)



2. Public complaints against Austria open at year-end

59 > Complaints open at end-2014

99 > New complaints registered in 2015

83 > Complaints handled in 2015

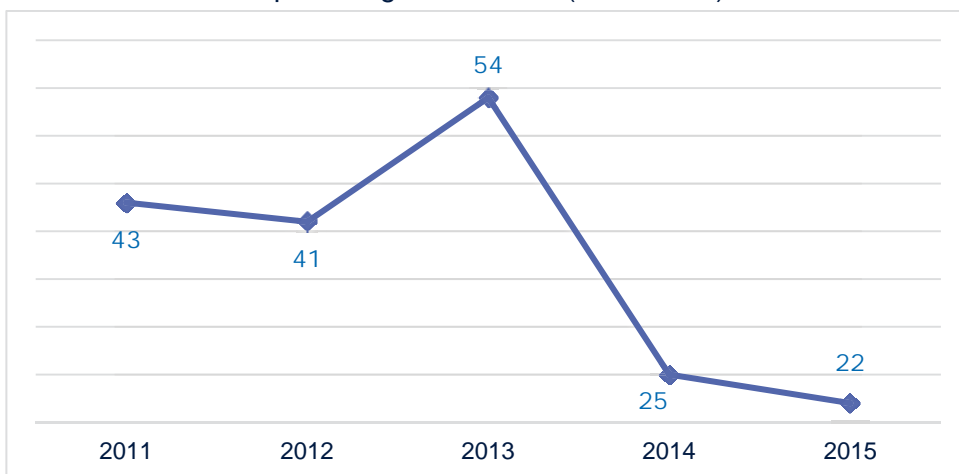
= 75 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Austria (2011-2015)



2. Files relating to Austria open in EU Pilot at year -end

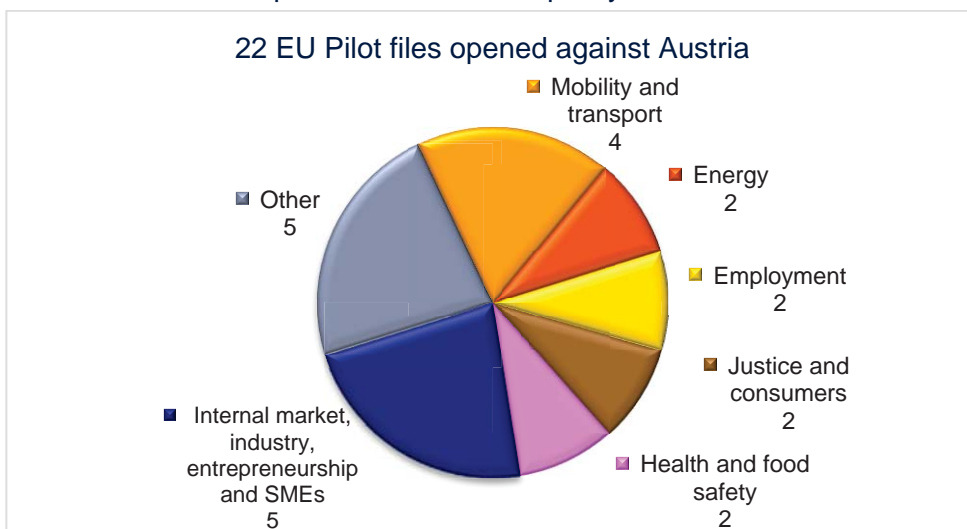
30 > EU Pilot files open at end-2014

22 > New EU Pilot files registered in 2015

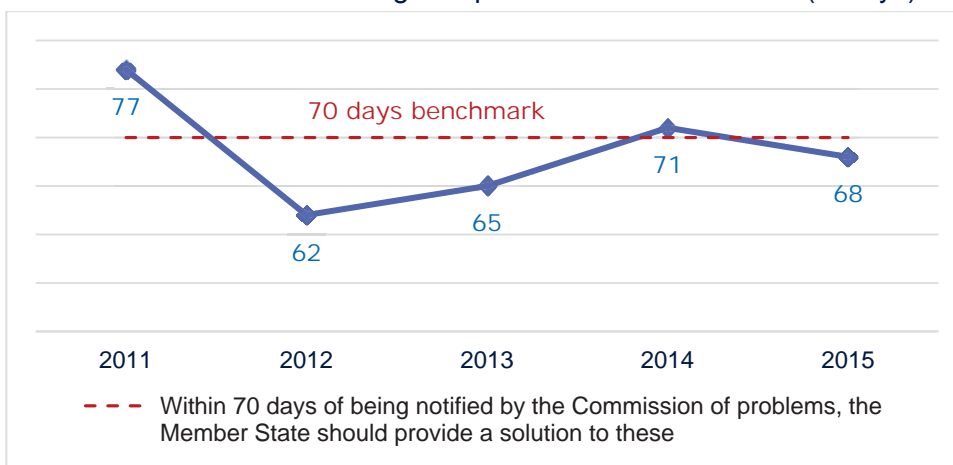
23 > EU Pilot files handled in 2015

29 > EU Pilot files open at end-2015

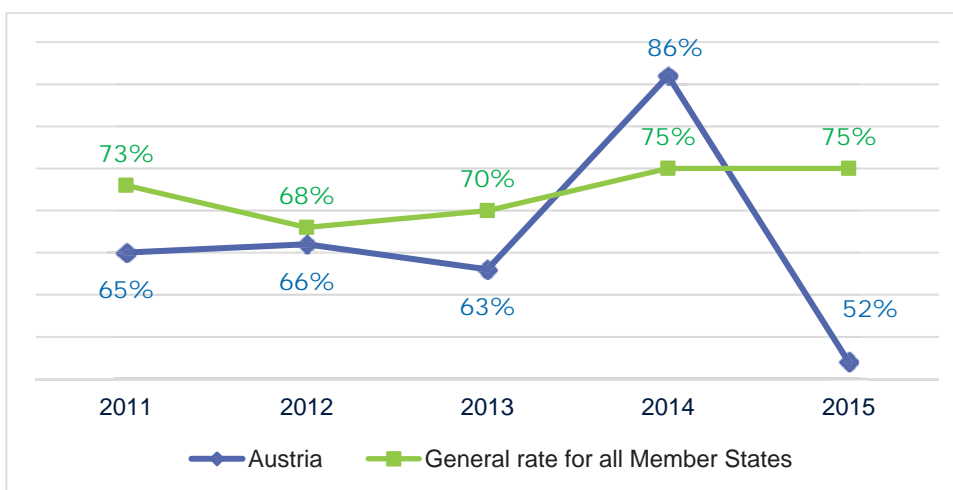
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Austria's average response time in 2011-2015 (in days)

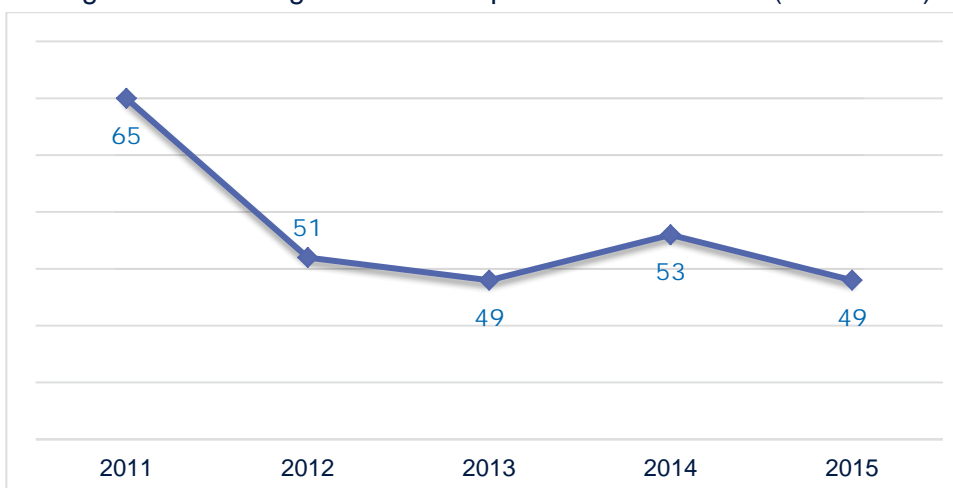


5. EU Pilot files: Austria's resolution rate in 2011- 2015

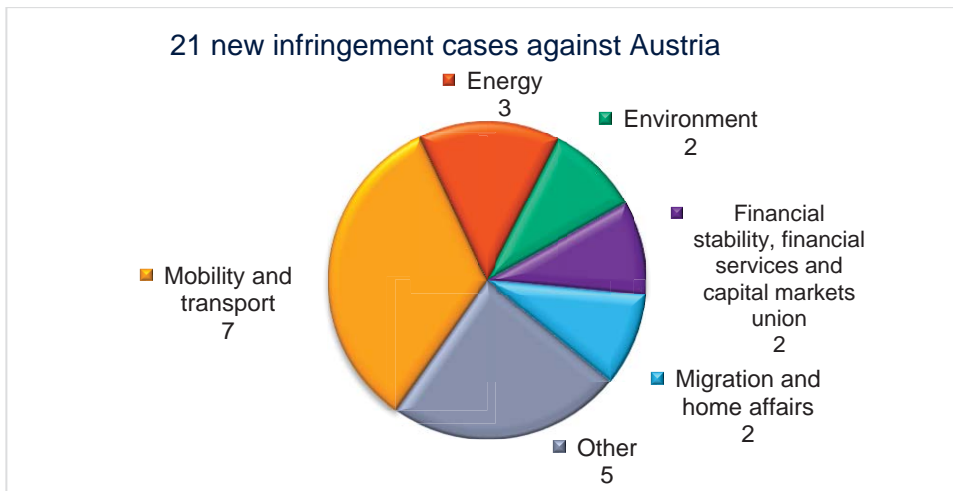


III. INFRINGEMENT CASES

1. Infringement cases against Austria open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against Austria in 2015. These, and other major ongoing infringement cases, concern:
- late transposition of the Directive on honey labelling;¹
 - late and incomplete transposition of the Energy Performance of Buildings Directive² and of the Energy Efficiency Directive;³
 - bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;⁴
 - excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;⁵
 - hindrance of ski instructors' freedom to provide services in Austria;
 - non-compliance of national legislation with provisions of the Train Drivers' Directive;⁶
 - failure to connect the national electronic register of road transport undertakings to the registers of other Member States;
 - late transposition of the recast Reception Conditions Directive⁷
 - incorrect implementation of the Directive on charging of heavy goods on a motorway (night tolls).⁸
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- failure to comply with EU provisions on financial transparency in the rail transport sector;⁹
 - non-compliance with the EU-Turkey association law. The Austrian establishment and residence legislation does not fully reflect the rights of Turkish workers and their families.¹⁰
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2014/63/EU](#).

² Directive [2010/31/EU](#), [MEMO/15/5162](#).

³ Directive [2012/27/EU](#), [MEMO/15/4871](#).

⁴ [IP/15/5198](#) and [MEMO/15/5162](#).

⁵ Directive [2006/123/EC](#) and [IP/15/5199](#).

⁶ Directive [2007/59/EC](#).

⁷ Directive [2013/33/EU](#), [IP/15/5699](#).

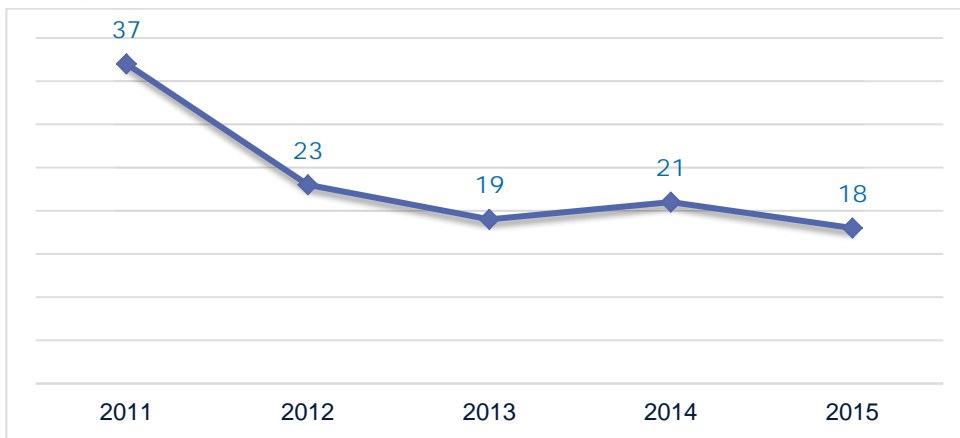
⁸ Directive [1999/62/EC](#).

⁹ Directive [2012/34/EU](#), Commission v Austria, [C-347/15](#), and [IP/14/2132](#).

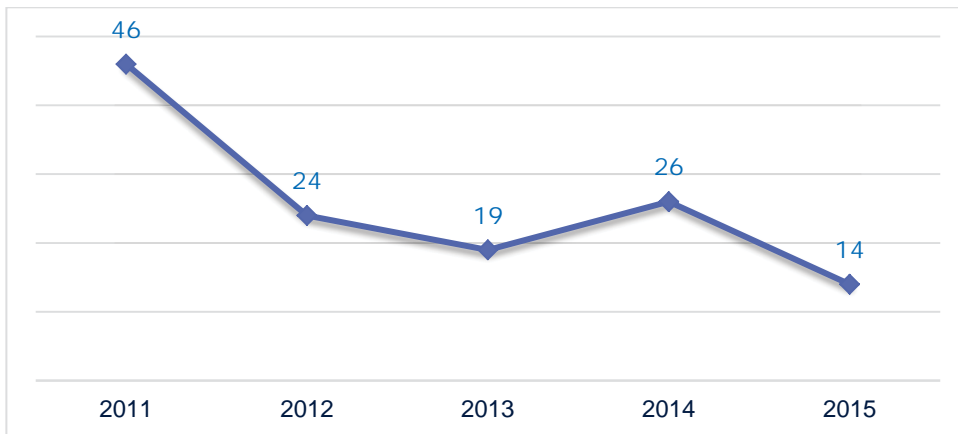
¹⁰ Commission v Austria, [C-1/15](#), [MEMO/14/589](#) and [IP/14/1143](#).

IV. TRANSPOSITION OF DIRECTIVES

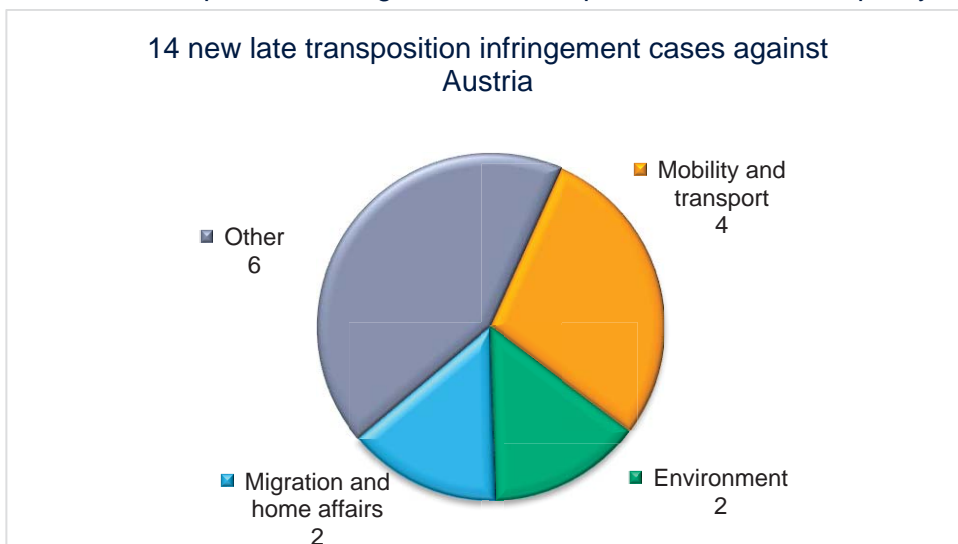
1. Late transposition infringement cases against Austria open on 31 December (2011-2015)



2. New late transposition infringement cases against Austria (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- incorrect transposition of the Health and Safety at Work Framework Directive at the level of the provinces of Salzburg and Lower Austria. Several acts correcting the errors identified were adopted at that level and have entered into force;¹¹
- incomplete transposition of the Council Directive implementing the social partners Framework Agreement on the prevention from sharp injuries in the hospital and healthcare sector;¹²
- failure to fully transpose the Renewable Energy Directive;¹³
- non-respect of the PM₁₀¹⁴ limit values in the Air Quality Directive;¹⁵
- partial communication of national measures transposing the Capital Requirements Directive;¹⁶
- late transposition of the Directive combating trafficking in human beings;¹⁷
- non-conformity with the Railway Safety Directive;¹⁸
- incorrect implementation of EU legislation on the rights of bus and coach passengers¹⁹ and passengers travelling by sea and inland waterways;²⁰
- differentiation of toll rates at the Felbertauern crossing, in breach of the principle of non-discrimination.

VI. IMPORTANT JUDGMENTS

1. Court rulings²¹

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Austrian judiciary, the Court:

- provided clarification on 'programme' and 'principal purpose' as defined in the Audiovisual Media Services Directive.²²²³ The Court also stated that the Authorisation Directive²⁴ should be interpreted as meaning that an undertaking is 'affected' by a national regulatory authority decision and has the right of appeal against that decision under certain circumstances.²⁵ Changes in charges following a price adjustment clause contained in an undertaking's standard terms and conditions and operating by reference to a consumer price index compiled by a public institution does not constitute a 'modification to the contractual conditions' under the Universal Service Directive²⁶ that would give the subscriber the right to withdraw from the contract without penalty;²⁷

¹¹ Directive [89/391/EEC](#).

¹² Directive [2010/32/EU](#).

¹³ Directive [2009/28/EC](#).

¹⁴ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

¹⁵ Directive [2008/50/EC](#).

¹⁶ Directive [2013/36/EU](#).

¹⁷ Directive [2011/36/EU](#).

¹⁸ Directive [2004/49/EC](#).

¹⁹ Regulation (EU) No [181/2011](#).

²⁰ Regulation (EU) No [1177/2010](#).

²¹ These rulings are almost exclusively handed down on infringement procedures.

²² Directive [2010/13/EU](#).

²³ *Walcher Messtechnik v OHIM*, [C-374/14](#).

²⁴ Directive [2002/20/EC](#).

²⁵ *T-Mobile Austria*, [C-282/13](#).

²⁶ Directive [2002/22/EC](#).

²⁷ *Verein für Konsumenteninformation v A1 Telekom Austria AG*, [C-326/14](#) and Court press release [No 142/15](#).

- ruled that exploratory drilling for natural gas, including trial production of natural gas to determine the commercial feasibility of the deposit, does not automatically require an environmental impact assessment. The competent national authorities must nevertheless carry out an evaluation to determine whether an environmental impact assessment is necessary. The cumulative impact of other projects must be considered and assessment must not be confined to municipal boundaries;²⁸
- ruled that an administrative decision not to carry out an environmental impact assessment for a particular project cannot be binding on persons who were precluded from bringing an action against that decision, if they are members of the 'public concerned' who satisfy the criteria laid down by national law concerning 'sufficient interest' or 'impairment of a right';²⁹
- ruled that provisions in national law made it excessively difficult to exercise the right to bring an action for damages under EU procurement rules;³⁰
- provided answers to questions related to the definition of 'passenger' regarding legislation on insurance requirements for air carriers and aircraft operators;³¹
- ruled that allowing the parent company to depreciate the goodwill embedded in the shares of the acquired firm only for domestic subsidiaries restricts the freedom of establishment.³²

²⁸ Marktgemeinde Straßwalchen and Others, [C-531/13](#).

²⁹ Gruber, [C-570/13](#).

³⁰ MedEval, [C-166/14](#).

³¹ Regulation (EC) No [785/2004](#), Wucher Helicopter and Euro-Aviation Versicherungs, [C-6/14](#).

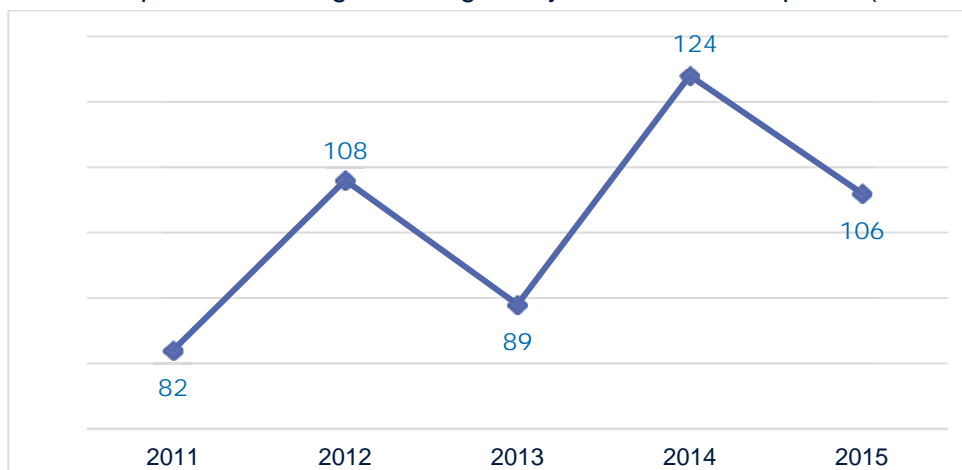
³² Finanzamt Linz, [C-66/14](#).

Belgium

Belgium's application of EU law improved in 2015. New complaints fell from the peak of 2014, while the number of new EU Pilot files decreased sharply, to below the 2011 level. Open infringement cases continued the downward trend seen since 2011. New infringement cases for late transposition fell back to their 2013 level after a sudden spike in 2014.

I. COMPLAINTS

1. New complaints made against Belgium by members of the public (2011- 2015)



2. Public complaints against Belgium open at year-end

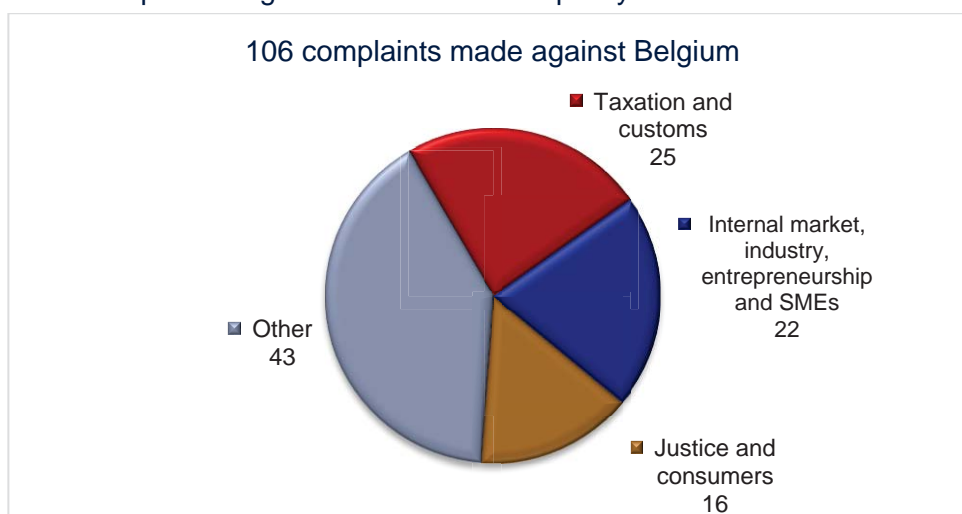
77 > Complaints open at end-2014

106 > New complaints registered in 2015

91 > Complaints handled in 2015

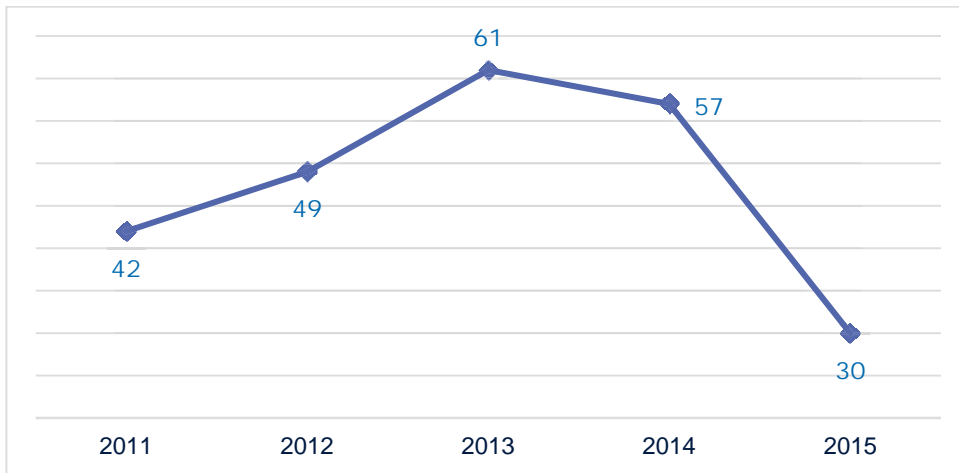
92 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Belgium (2011-2015)



2. Files relating to Belgium open in EU Pilot at year -end

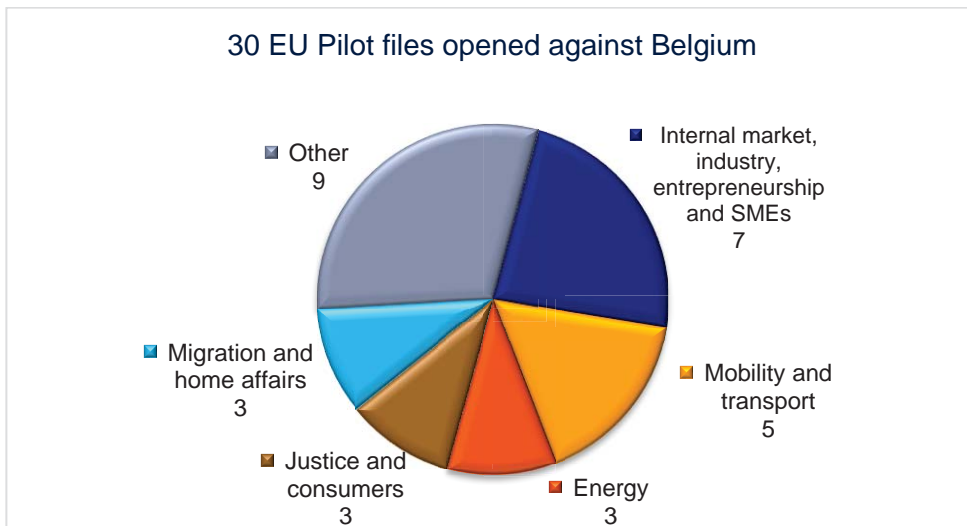
51 > EU Pilot files open at end-2014

30 > New EU Pilot files registered in 2015

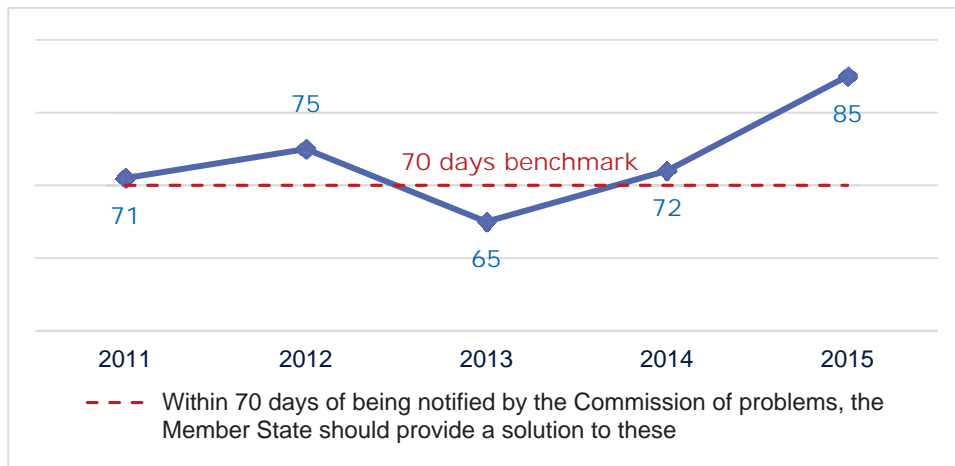
33 > EU Pilot files handled in 2015

= 48 > EU Pilot files open at end-2015

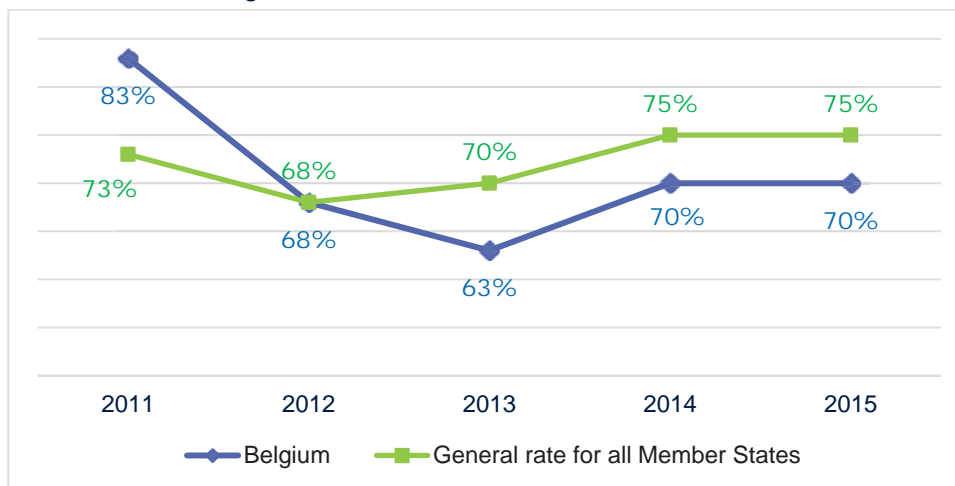
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Belgium's average response time in 2011-2015 (in days)

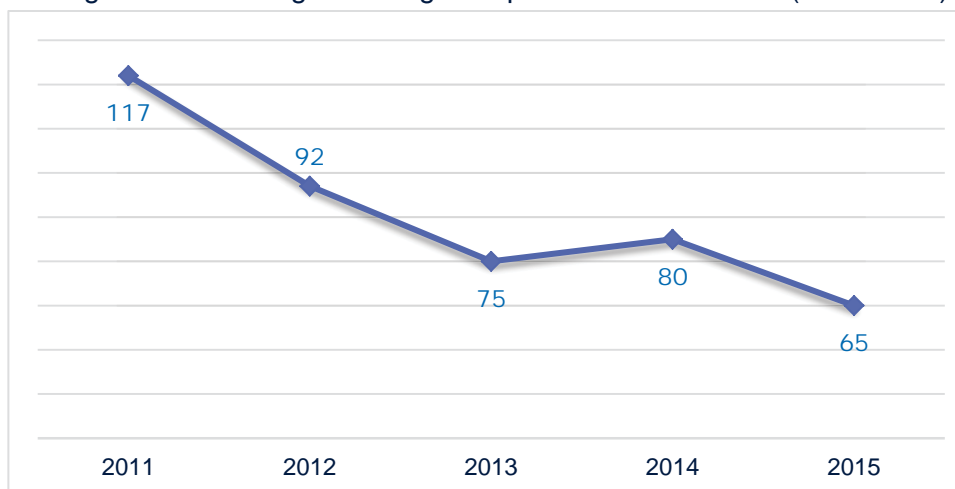


5. EU Pilot files: Belgium's resolution rate in 2011- 2015

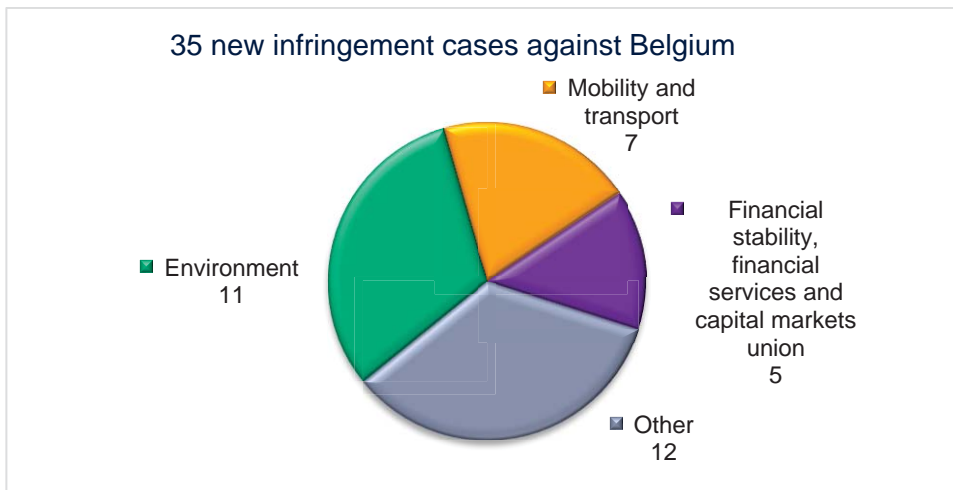


III. INFRINGEMENT CASES

1. Infringement cases against Belgium open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 35 new infringement cases against Belgium in 2015. These, and other major ongoing infringement cases, concern:
- failure to notify the national measures transposing the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
 - late transposition of the Directive on honey labelling;³
 - late and incomplete transposition of the Energy Efficiency Directive;⁴
 - bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁵
 - late transposition of the Seveso III Directive;⁶
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁷
 - the total ban under Belgian law on people simultaneously practising as accountants and
 - insurance brokers/agents, real estate agents or undertaking banking or financial activities, and the ban on mixing the practice of accountant with any craft, agricultural or trade activity. The bans could infringe Article 25 of the Services Directive;⁸
 - late transposition of the recast Asylum Procedures and Reception Conditions Directives;⁹
 - late transposition of the Directive on attacks against information systems;¹⁰
 - late transposition of the Single Permit Directive;¹¹
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹² national air traffic control organisations should work

¹ Directive [2014/27/EU](#).
² Regulation (EC) No [1272/2008](#)
³ Directive [2014/63/EU](#).
⁴ Directive [2012/27/EU](#), [MEMO/15/5826](#).
⁵ Directive [92/43/EEC](#).
⁶ Directive [2012/18/EU](#) and [MEMO/15/6223](#).
⁷ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).
⁸ Directive [2006/113/EC](#).
⁹ Directives [2013/32/EU](#) and [2013/33/EU](#), [IP/15/5699](#).
¹⁰ Directive [2013/40/EU](#).
¹¹ Directive [2011/98/EU](#), [MEMO/15/4871](#).
¹² Regulation (EC) No [550/2004](#).

together in nine regional airspace blocks to improve efficiency, cut costs and reduce emissions;¹³

- late transposition of the Directive¹⁴ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;¹⁵
- restrictions on the freedom of establishment regarding the provision of port services;
- non-compliance with the Directive on inland waterway navigation due to restrictions on the freedom to conclude contracts and negotiate prices.¹⁶

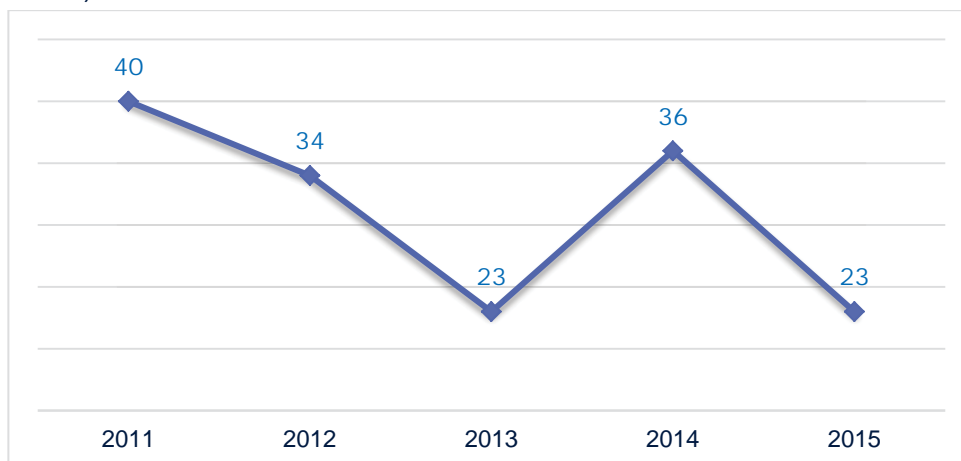
b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:

- national rules which may subject a posted worker to Belgian social security legislation under certain circumstances. This is considered contrary to the EU Regulation on the coordination of social security systems;¹⁷
- tax legislation discriminating against foreign property investments by applying different methods for assessing property-related income depending on whether the real estate is in Belgium or elsewhere in the EU.¹⁸

c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Belgium open on 31 December (2011-2015)



¹³ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

¹⁴ Directive [2014/27/EU](#).

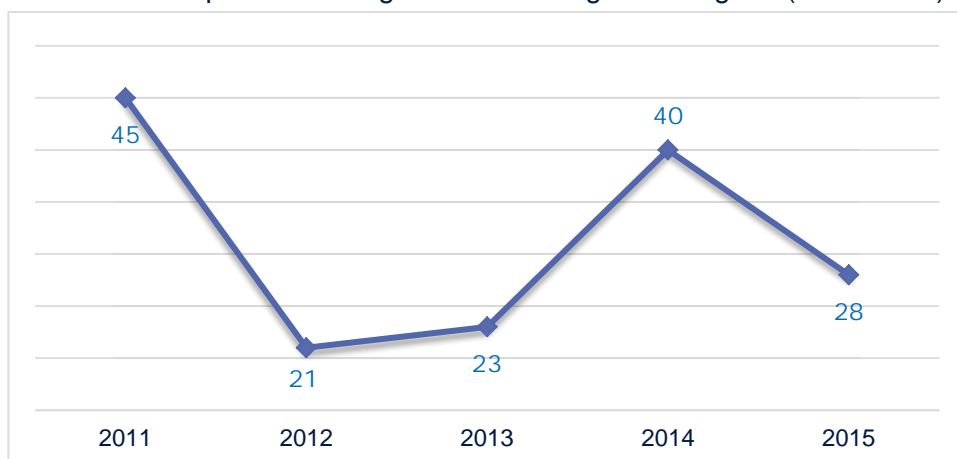
¹⁵ Regulation (EC) No [1272/2008](#).

¹⁶ Directive [96/75/EC](#).

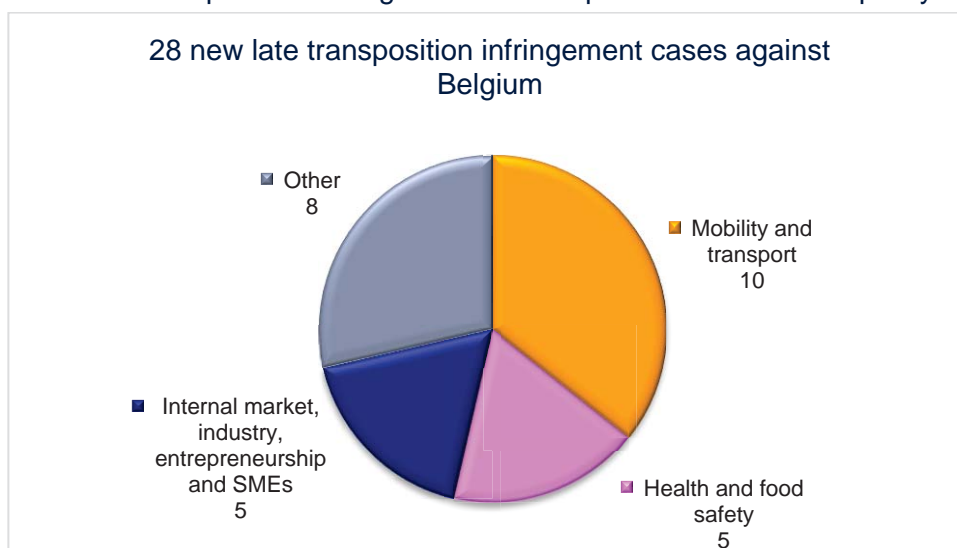
¹⁷ Regulation (EC) No [883/2004](#); Commission v Belgium, [C-356/15](#).

¹⁸ Commission v Belgium, [C-589/14](#) and [IP/15/5201](#).

2. New late transposition infringement cases against Belgium (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- breach of the independence requirements for national regulatory authorities under the Framework Directive for electronic communications networks and services;¹⁹
- non-communication of national measures transposing the Directive²⁰ amending a number of other Directives to align them to the Regulation on classification, labelling and packaging of substances and mixtures;²¹
- non-communication of national measures transposing the Alternative Investment Fund Managers Directive and the Financial Conglomerates Directive;²²
- incomplete transposition of the Energy Performance of Buildings Directive;²³

¹⁹ Directive [2002/21/EC](#).

²⁰ Directive [2014/27/EU](#).

²¹ Regulation (EC) No [1272/2008](#).

²² Directives [2011/61/EU](#) and [2011/89/EU](#).

²³ Directive [2010/31/EU](#).

- late transposition of the Directive 2011/51/EU extending the Long-Term Residents Directive²⁴ to beneficiaries of international protection;
- failure to notify measures transposing the Directive on the right to interpretation and translation in criminal proceedings;²⁵
- non-conformity with the Railway Safety Directive;²⁶
- non-communication of national measures transposing the Directive on charging heavy goods vehicles for use of certain infrastructure;²⁷
- bad application of the Directive on driving licences;²⁸
- laws on the representation rights of customs agents. The relevant provisions were subsequently amended on the specific issues covered by the infringement.

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁹

The Court ruled that:

- requiring proof of language knowledge from candidates for local services posts by means of one particular type of certificate, issued only by one particular Belgian body following an examination conducted by that body, infringes workers' right of free movement;³⁰
- exempting the interest accrued on Belgian debt instruments from a withholding tax on condition that such instruments are deposited or credited to an account opened by a Belgian financial institution is incompatible with the free provision of services.³¹

2. Preliminary rulings

In preliminary rulings addressed to the Belgian judiciary, the Court:

- ruled that a tax imposed on owners of pylons or masts intended for a mobile telecoms network is not covered by the Authorisation Directive³². This is because the tax is not a fee imposed on undertakings providing electronic communications networks and services in return for the right to install facilities.³³ The Directive must be interpreted as not precluding:
 1. a charge on mobile telephony antennae installed being imposed on any natural or legal persons who are proprietors of a 'right in rem' over, or of a right to operate, a mobile telephony antenna;³⁴ and
 2. a charge being imposed on any natural or legal person operating mobile telephony network transmission and reception pylons and units;³⁵
- ruled that, regarding the term 'fair compensation' to be paid to right holders under the Copyright Directive,³⁶ the system has to ensure that the compensation paid corresponds to the actual harm caused;³⁷
- ruled that the Universal Service Directive does not lay down a social pricing obligation for mobile communications and mobile internet subscriptions.³⁸ By contrast, social tariffs must be offered to certain categories of consumers for fixed telephone and internet subscriptions;³⁹

²⁴ Directive [2003/109/EC](#).

²⁵ Directive [2010/64/EU](#).

²⁶ Directive [2004/49/EC](#).

²⁷ Directive [2011/76/EU](#).

²⁸ Directive [2006/126/EC](#).

²⁹ These rulings are almost exclusively handed down on infringement procedures.

³⁰ Commission v Belgium, [C-317/14](#).

³¹ Commission v Belgium, [C-589/14](#).

³² Directive [2002/20/EC](#).

³³ Base, [C-346/13](#).

³⁴ Proximus, [C-454/13](#).

³⁵ Proximus, [C-517/13](#).

³⁶ Directive [2001/29/EC](#).

³⁷ Hewlett-Packard Belgium, [C-572/13](#).

³⁸ Directive [2002/22/EC](#).

³⁹ Base Company and Mobistar, [C-1/14](#) and Court press release [No 68/15](#).

- ruled that reducing or refusing a retirement pension to a retired EU official who has, prior to entering the service, pursued an activity in an employed capacity in the Member State in which she is posted is incompatible with the TFEU;⁴⁰
- ruled that the office of legal secretary at the 'Cour de cassation' is not a 'regulated profession';⁴¹
- ruled that the Maternity Leave Directive precludes a Member State from making entitlement to maternity allowance subject to a prior period of employment;⁴²
- reiterated the conditions set out in Article 19 of the Regulation on a European Enforcement Order for uncontested claims⁴³, including the necessary extensions of time limits for challenging judgments. It thus suggested that Belgian law does not meet the conditions of Article 19.

⁴⁰ Wojciechowski, [C-408/14](#).

⁴¹ Brouillard, [C-298/14](#).

⁴² Rosselle, [C-65/14](#).

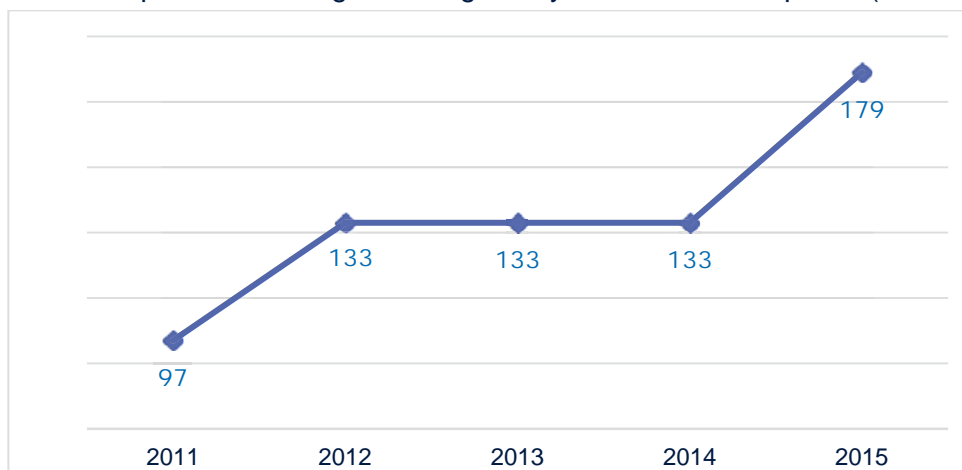
⁴³ Regulation No [805/2004](#), Imtech Marine Belgium, [C-300/14](#).

Bulgaria

New complaints against Bulgaria jumped in 2015 after holding steady for three years. However, fewer new EU Pilot files were opened than in the previous four years. The number of open infringement cases also fell sharply to the lowest level since 2011. In addition, significantly fewer new infringement cases for late transposition were launched than in 2014.

I. COMPLAINTS

1. New complaints made against Bulgaria by members of the public (2011- 2015)



2. Public complaints against Bulgaria open at year-end

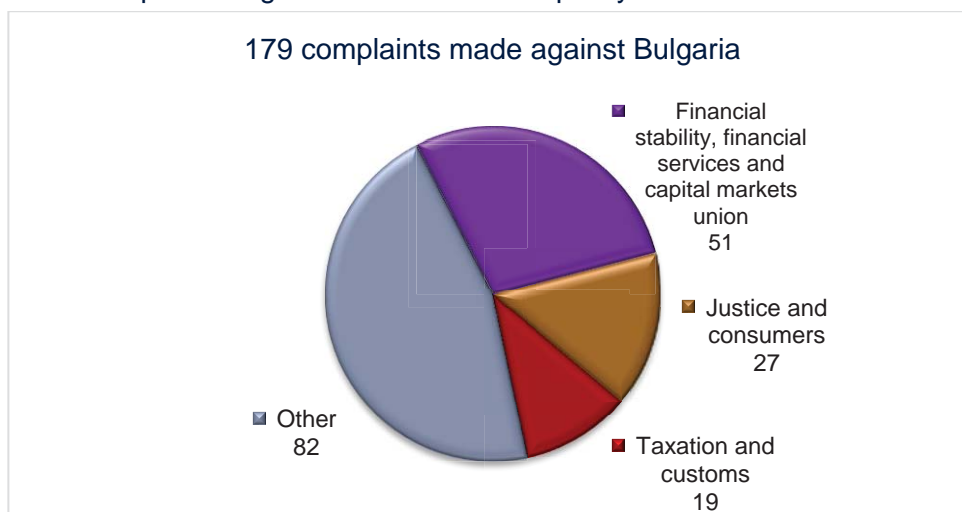
113 > Complaints open at end-2014

179 > New complaints registered in 2015

127 > Complaints handled in 2015

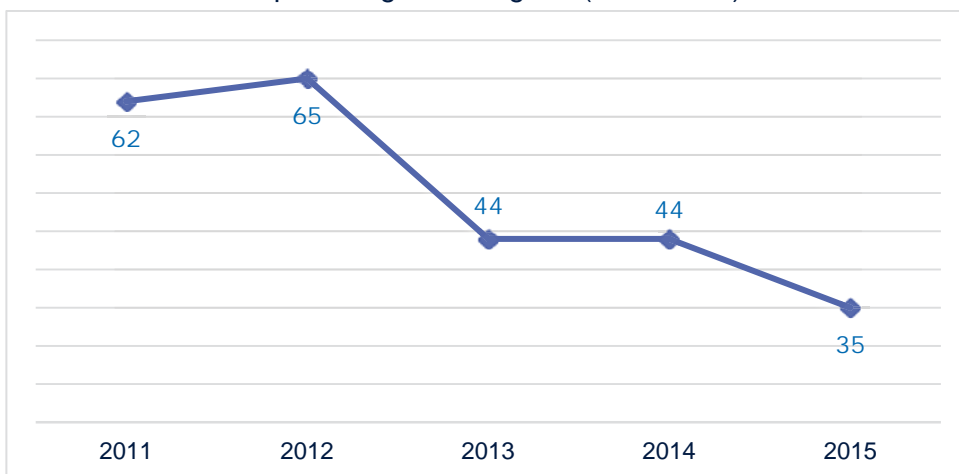
= 165 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Bulgaria (2011-2015)



2. Files relating to Bulgaria open in EU Pilot at year -end

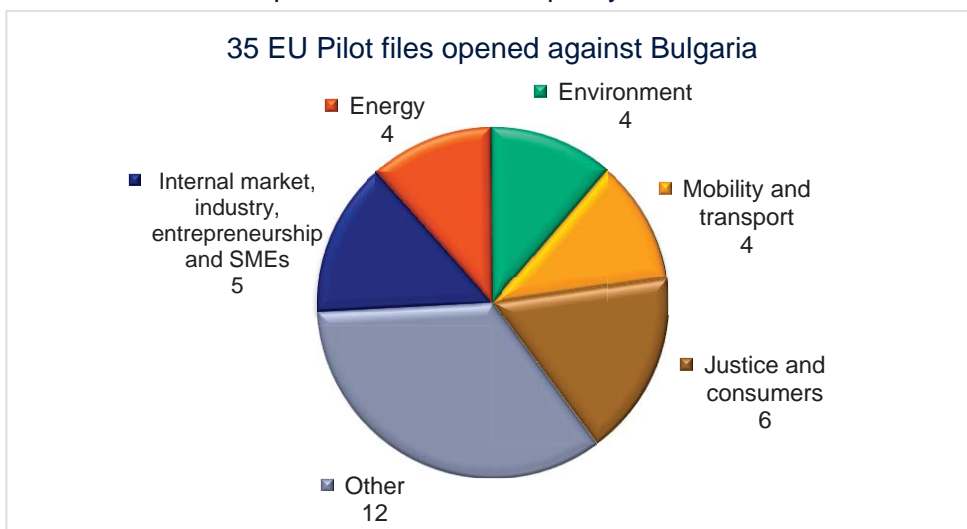
57 > EU Pilot files open at end-2014

35 > New EU Pilot files registered in 2015

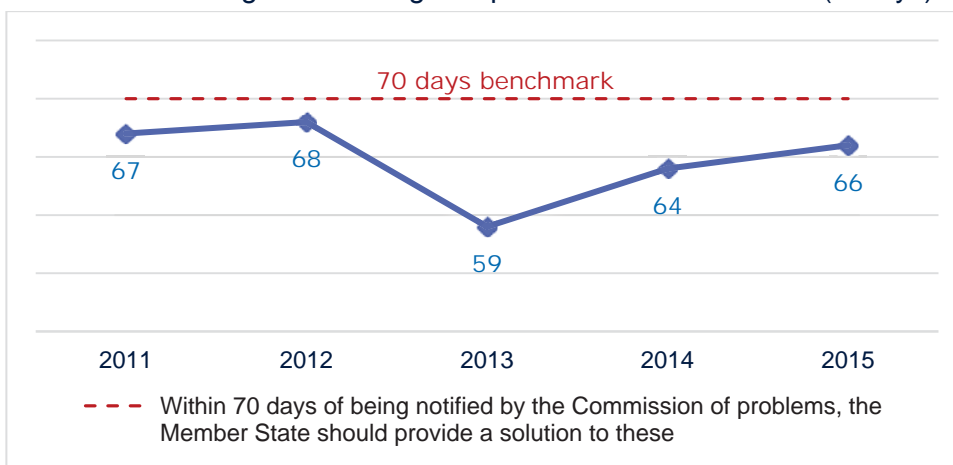
44 > EU Pilot files handled in 2015

= 48 > EU Pilot files open at end-2015

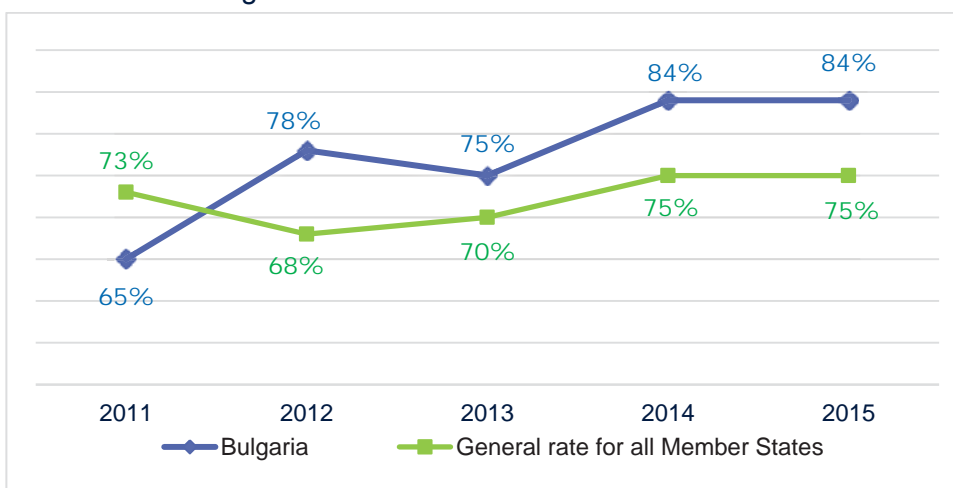
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Bulgaria's average response time in 2011-2015 (in days)

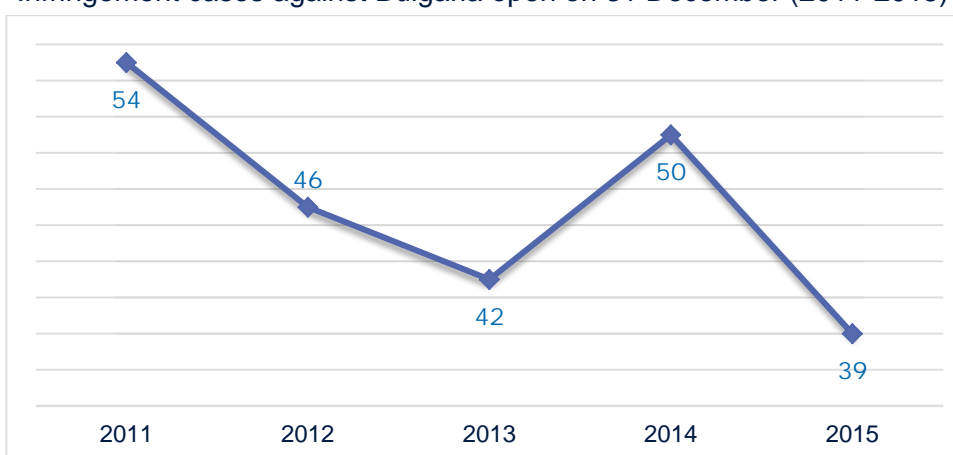


5. EU Pilot files: Bulgaria's resolution rate in 2011- 2015

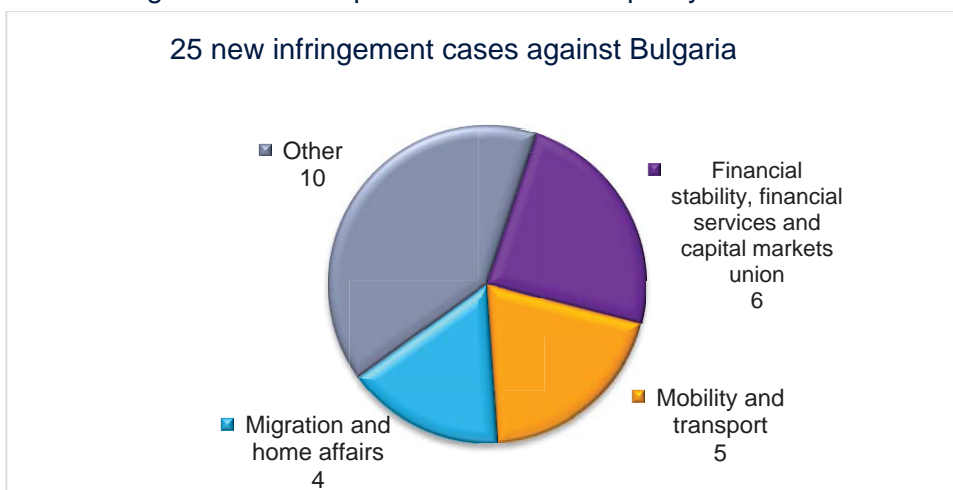


III. INFRINGEMENT CASES

1. Infringement cases against Bulgaria open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 25 new infringement cases against Bulgaria in 2015. These, and other major ongoing infringement cases, concern:
- failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union.¹
 - national restrictions on the acquisition of agricultural land which limit the free movement of capital and freedom of establishment by being discriminatory and/or disproportionate;²
 - failure to notify national measures transposing the Qualifications Directive;³
 - non-communication of national measures transposing the recast Asylum Procedures Directive and Reception Conditions Directive;⁴
 - late transposition of the Directive on attacks against information systems;⁵
 - late and incomplete transposition of the Energy Efficiency Directive;⁶
 - failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services.⁷
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns non-respect of the PM₁₀⁸ limit values in the Air Quality Directive.⁹
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2014/59/EU](#); [IP/15/5057](#).

² [IP/15/4673](#).

³ Directive [2011/95/EU](#) and [IP/15/5699](#).

⁴ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁵ Directive [2013/40/EU](#).

⁶ Directive [2012/27/EU](#), [MEMO/15/5826](#).

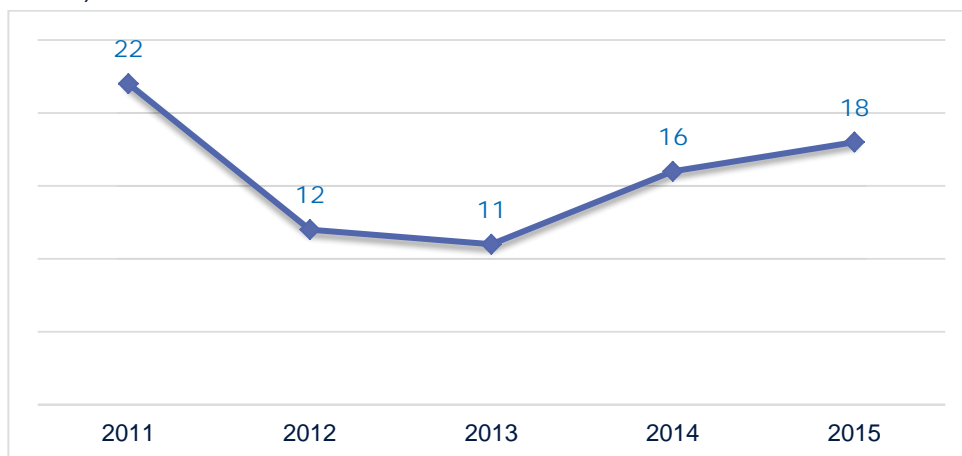
⁷ Directives [2009/138/EC](#) and [2014/51/EU](#), [MEMO/15/6223](#).

⁸ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

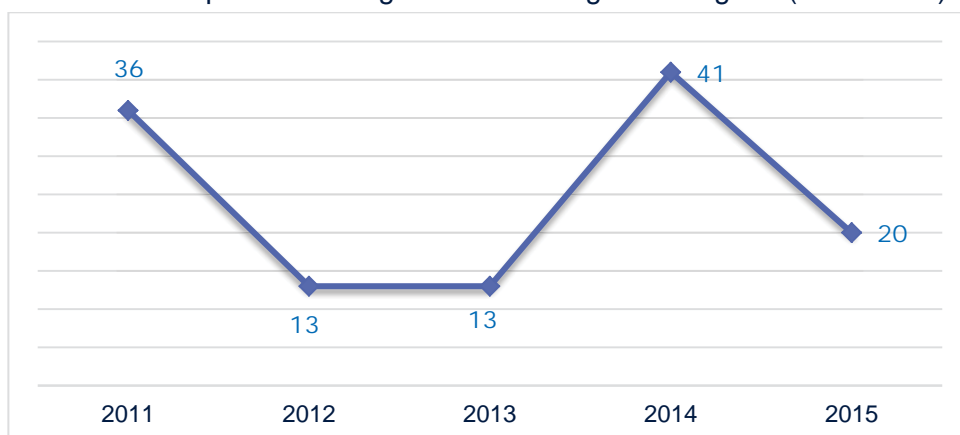
⁹ Directive [2008/50/EC](#).

IV. TRANSPOSITION OF DIRECTIVES

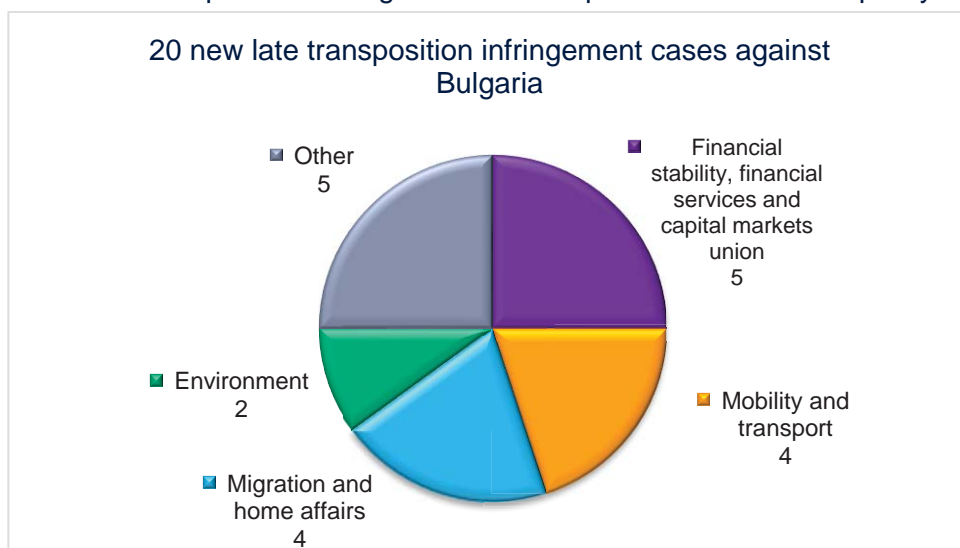
1. Late transposition infringement cases against Bulgaria open on 31 December (2011-2015)



2. New late transposition infringement cases against Bulgaria (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- certain aspects of the organisation of working time of employees of the Bulgarian Ministry of Interior;
- incorrect transposition of the former Directive on deposit-guarantee schemes, in parallel with a disproportionate restriction on free movement of capital relating to the conservatorship and moratorium over Corporate Commercial Bank;¹⁰
- non-communication of national measures transposing the Directive on avoiding over-reliance on credit rating agencies;¹¹
- failure to notify national measures transposing the Directive on the European protection order;¹²
- non-compliance with the requirement to ensure direct electronic exchange of fisheries-related data with other Member States;
- non-conformity of national legislation with the Directive on driving licences, as amended;¹³
- bad application of the 'single European sky' legislation;
- incorrect implementation of the Danube functional airspace block.

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁴

The Court ruled that:

- the procedure followed by Bulgaria in assigning rights of use for digital terrestrial ('DTT') frequencies was based on disproportionately restrictive award conditions. These led to the exclusion of potential candidates and hampered competition;¹⁵
- Bulgaria has failed to comply with the Landfill Directive. It has not adopted the measures needed to ensure that its landfills for non-hazardous waste do not continue to function unless they satisfy the requirements of the Directive.¹⁶

2. Preliminary ruling

In a preliminary ruling addressed to the Bulgarian judiciary, the Court ruled that the principle of equal treatment applies not only to people of a certain ethnic origin but also to those who suffer, together with the former, less favourable treatment or a particular disadvantage on account of a discriminatory measure.

The case concerned the installation of electricity meters at a height of 6 metres in a district densely populated by Roma people. The meters are installed in other districts at normal height. According to the electricity company the installation of meters at 6 metres height was justified by their being increasingly tampered with and damaged, and by the numerous unlawful connections to the network in the district concerned. The Court observed that the company's practice seemed disproportionate to the aims of ensuring the security of the electricity network and the due recording of electricity consumption, and to the legitimate interests of the residents of the district concerned.¹⁷

¹⁰ Directive [1994/19/EC](#).

¹¹ Directive [2013/14/EU](#).

¹² Directive [2011/99/EU](#).

¹³ Directive [2006/126/EC](#).

¹⁴ These rulings are almost exclusively handed down on infringement procedures.

¹⁵ Commission v Bulgaria, [C-376/13](#).

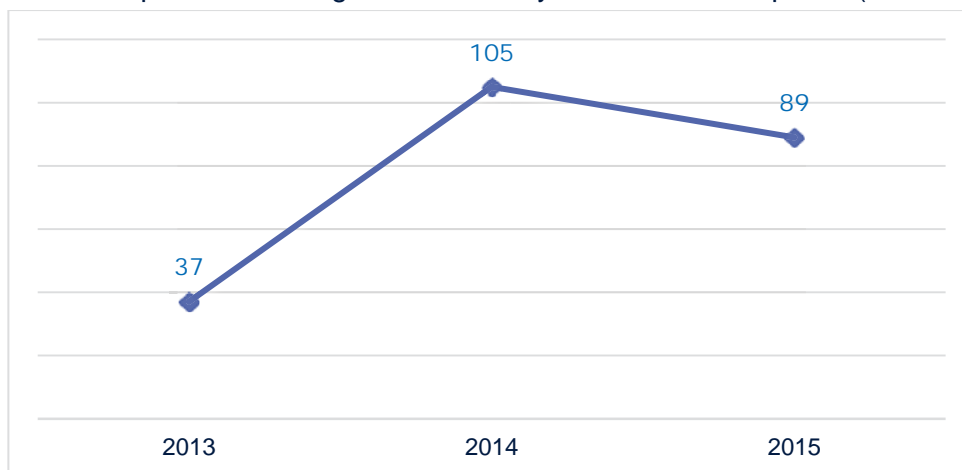
¹⁶ Directive No [1999/31/EC](#), Commission v Bulgaria, [C-145/14](#).

¹⁷ CHEZ Razpredelenie Bulgaria, [C-83/14](#).

Croatia

New complaints against Croatia fell in 2015 after increasing sharply in 2014, its first full year as an EU Member State. The number of new EU Pilot files against Croatia moved in parallel with new complaints. However, twice as many infringement cases were open at the end of 2015 as a year earlier. In contrast, the number of new infringement cases for late transposition halved in 2015.

I. COMPLAINTS

1. New complaints made against Croatia by members of the public (2011- 2015)¹

2. Public complaints against Croatia open at year-end

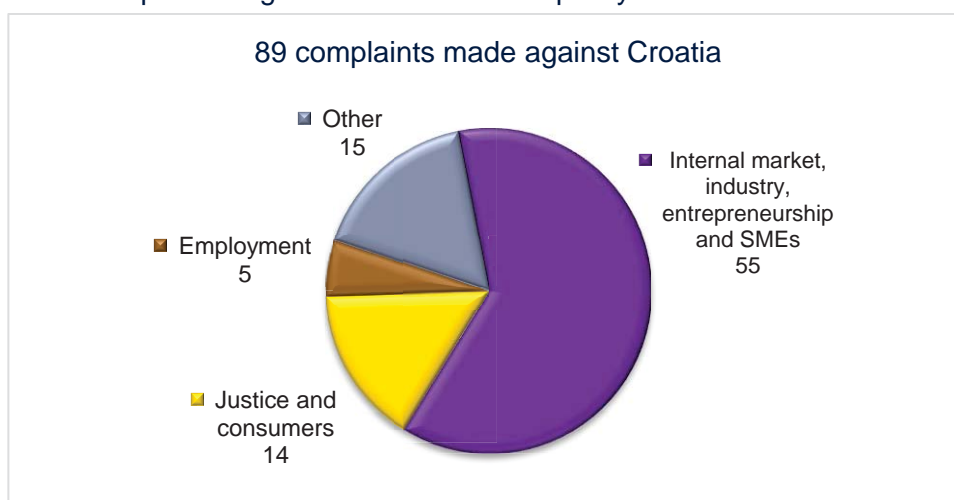
44 > Complaints open at end-2014

89 > New complaints registered in 2015

66 > Complaints handled in 2015

= 67 > Complaints open at end-2015

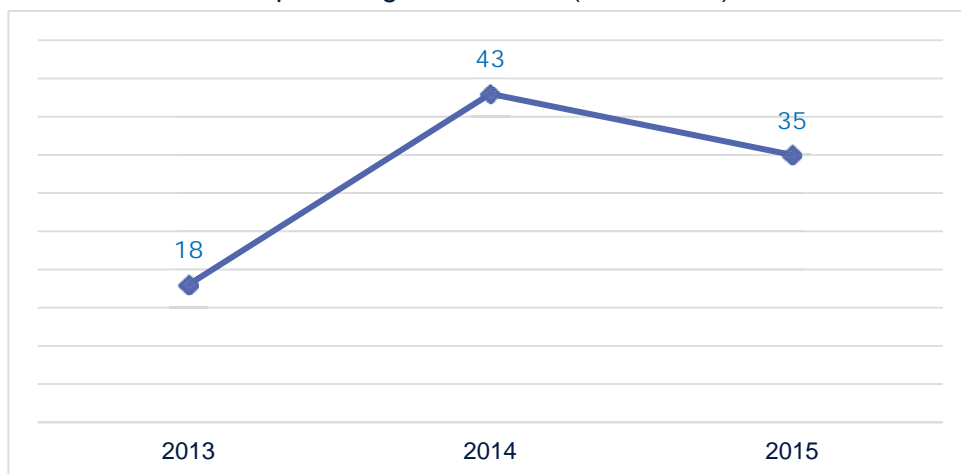
3. New complaints registered in 2015: main policy areas



¹ Croatia joined the EU on 1 July 2013.

II. EU PILOT

1. New EU Pilot files opened against Croatia (2011-2015)



2. Files relating to Croatia open in EU Pilot at year -end

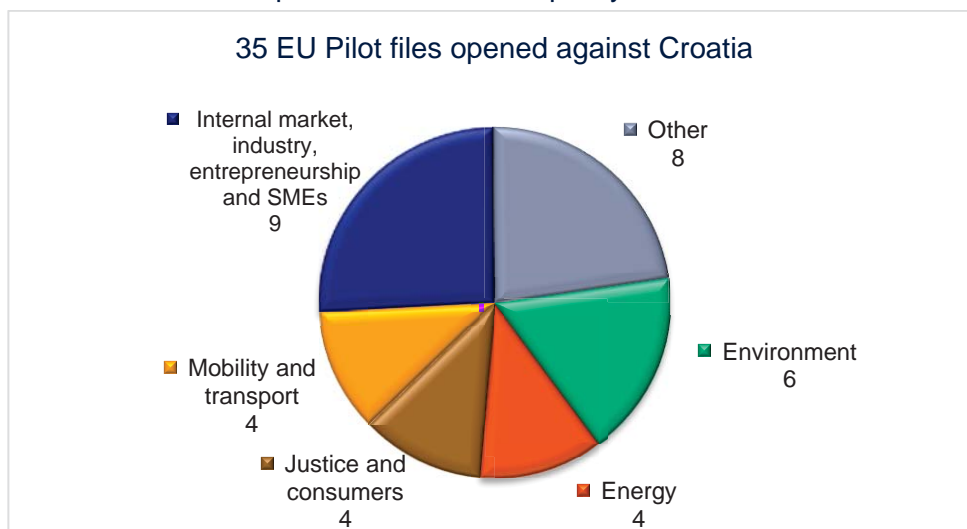
37 > EU Pilot files open at end-2014

35 > New EU Pilot files registered in 2015

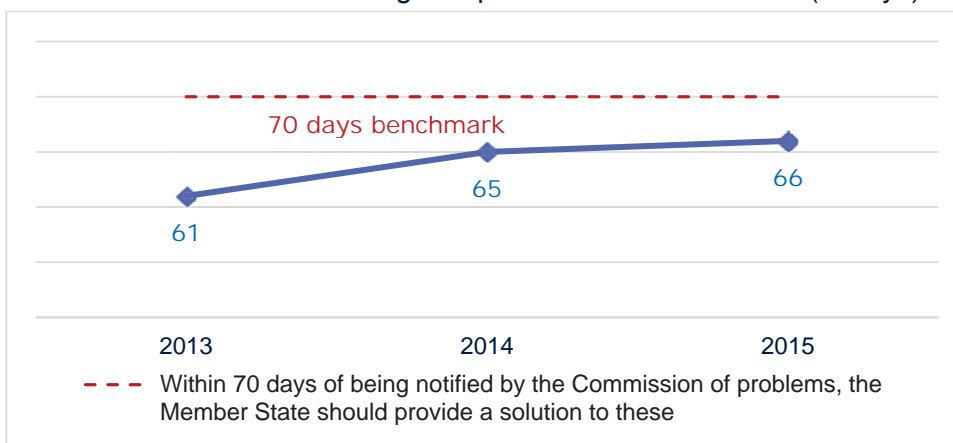
36 > EU Pilot files handled in 2015

= 36 > EU Pilot files open at end-2015

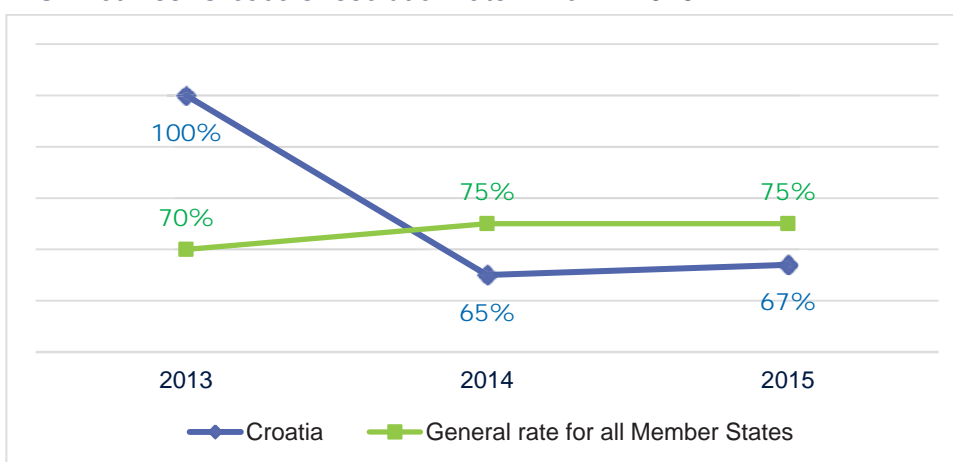
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Croatia's average response time in 2011-2015 (in days)²



5. EU Pilot files: Croatia's resolution rate in 2011- 2015³

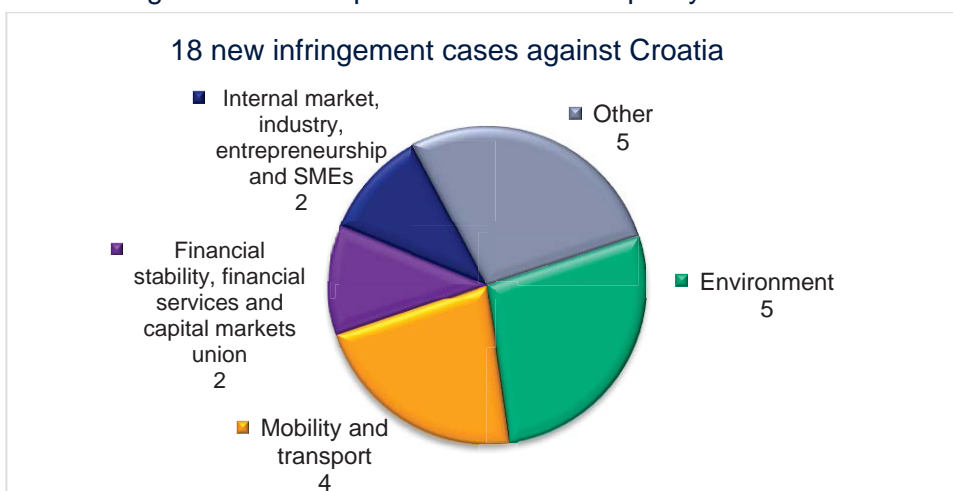


III. INFRINGEMENT CASES

1. Infringement cases against Croatia open on 31 December (2011-2015)

There were 21 infringement cases open against Croatia at the end of 2015, just over double the 10 cases open a year earlier.

2. New infringement cases opened in 2015: main policy areas



² Croatia joined the EU Pilot system in July 2013.

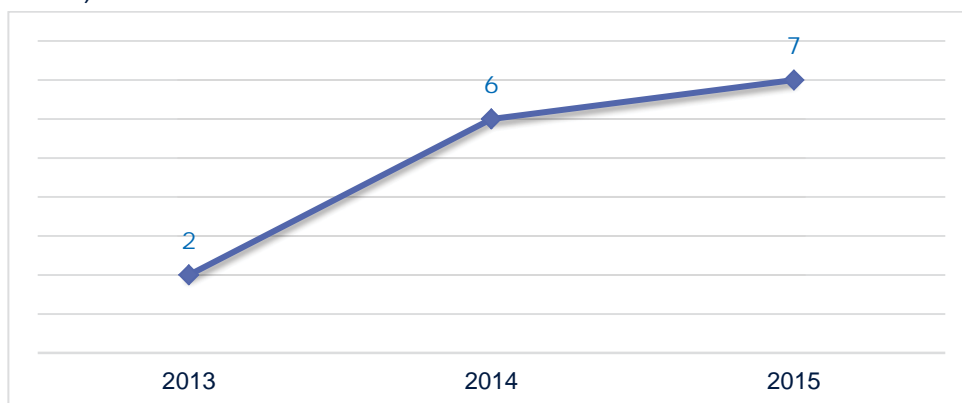
³ Croatia joined the EU Pilot system in July 2013.

3. Key infringement cases and referrals to the Court

- a) The Commission opened 18 new infringement cases against Croatia in 2015. These, and other major ongoing infringement cases, concern:
 - failure to notify the national measures transposing the Directive⁴ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;⁵
 - late and incomplete transposition of the Energy Efficiency Directive;⁶
 - lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁷
 - bad application of the Waste Framework Directive in the Biljane Donje site;⁸
 - failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;⁹
 - failure to correctly implement the 'Eurodac' Regulation;¹⁰
 - incorrect transposition of the Directive on driving licences, as amended;¹¹
 - non-ratification and non-deposition of the ratification instrument of the Protocol of Accession to the Eurocontrol International Convention relating to the Safety of Air Navigation.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Croatia open on 31 December (2011-2015)

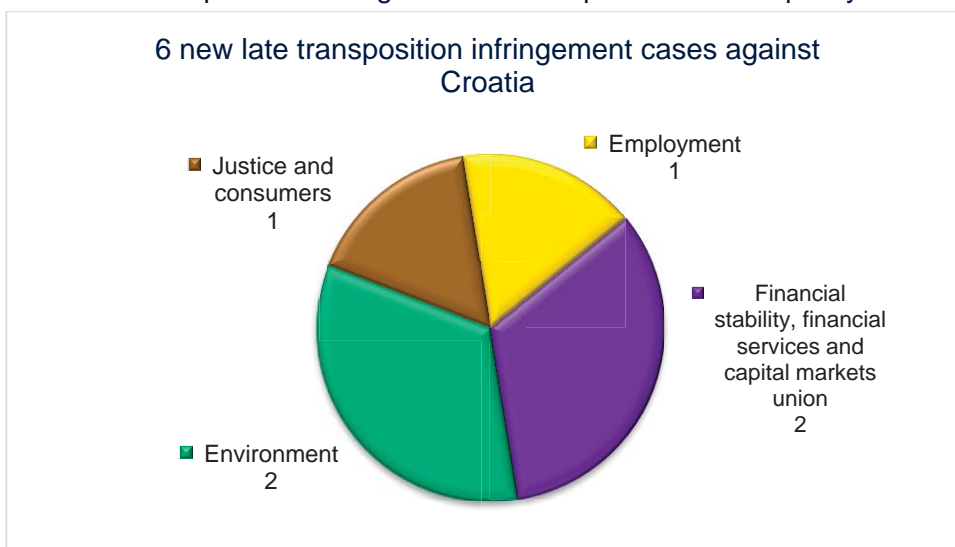


2. New late transposition infringement cases against Croatia (2011-2015)

Six new late transposition infringement cases were opened against Croatia in 2015, just under half the thirteen cases opened a year earlier.

⁴ Directive [2014/27/EU](#).
⁵ Regulation (EC) No [1272/2008](#).
⁶ Directive [2012/27/EU](#); [MEMO/15/4871](#).
⁷ Directive [2008/98/EC](#).
⁸ Directive [2008/98/EC](#).
⁹ Directive [2011/89/EU](#).
¹⁰ Regulation (EU) No [603/2013](#); [IP/15/6276](#).
¹¹ Directive [2006/126/EC](#).

3. New late transposition infringement cases opened in 2015: policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned non-communication of national measures transposing the Directives on control of major-accident hazards involving dangerous substances,¹² patients' rights in cross-border healthcare¹³, and consumer rights.¹⁴

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁵

There were no major Court rulings in 2015.

2. Preliminary rulings

No major preliminary rulings were addressed to the Croatian judiciary in 2015.

¹² Directive No [2012/18/EU](#).

¹³ Directive [2011/24/EU](#).

¹⁴ Directive [2011/83/EU](#).

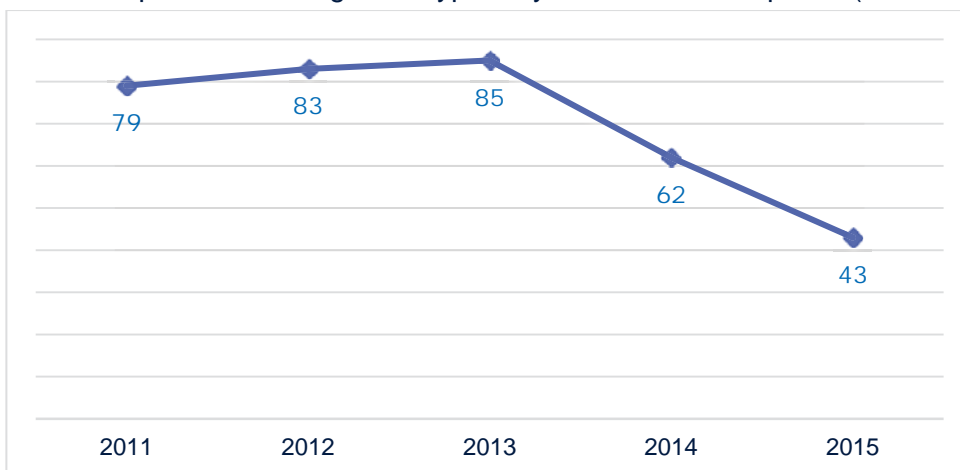
¹⁵ These rulings are almost exclusively handed down on infringement procedures.

Cyprus

New complaints against Cyprus continued to drop in 2015, reaching the lowest level in the last five years. The number of new EU Pilot files was unchanged from 2014. Open infringement cases increased slightly to their highest level since 2012, though they were still below the 2011 peak. The rising trend in the number of new infringement cases for late transposition continued but the 2015 figure remained well below the 2011 level.

I. COMPLAINTS

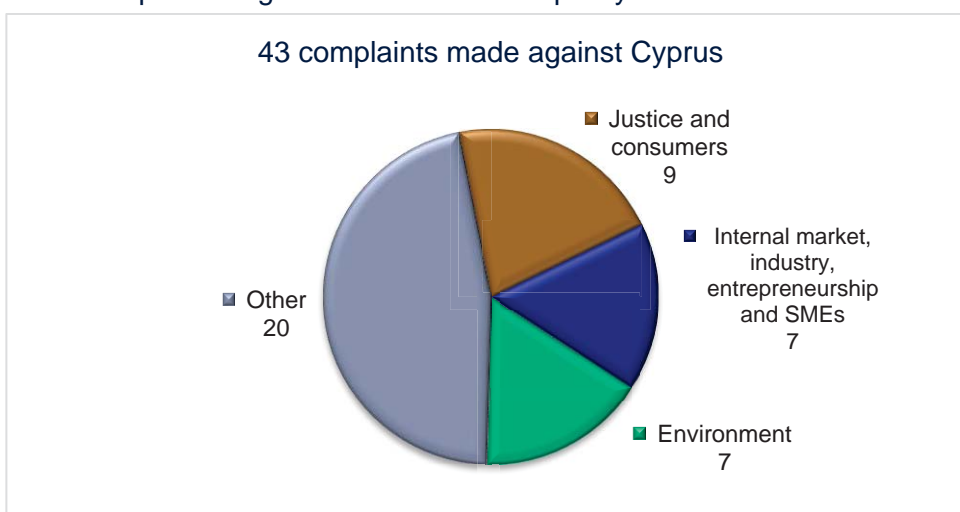
1. New complaints made against Cyprus by members of the public (2011- 2015)



2. Public complaints against Cyprus open at year-end

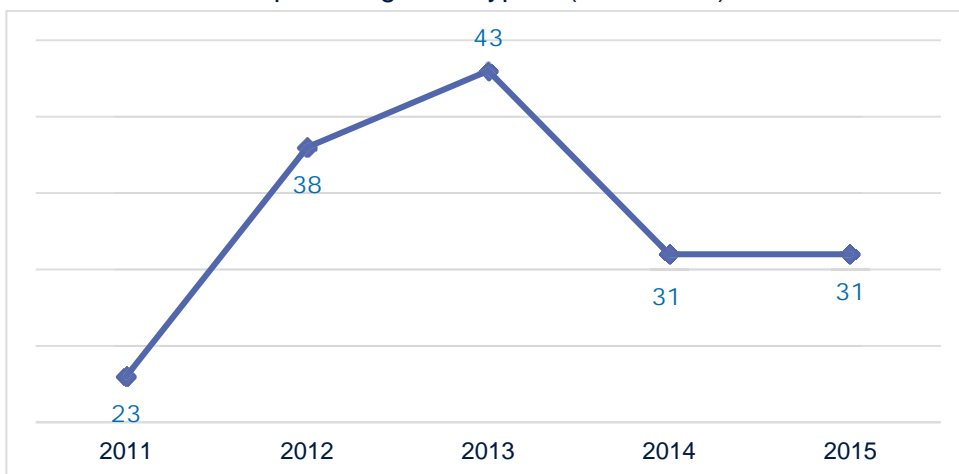
51	>	Complaints open at end-2014
43	>	New complaints registered in 2015
49	>	Complaints handled in 2015
<hr/>		
= 45	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Cyprus (2011-2015)



2. Files relating to Cyprus open in EU Pilot at year -end

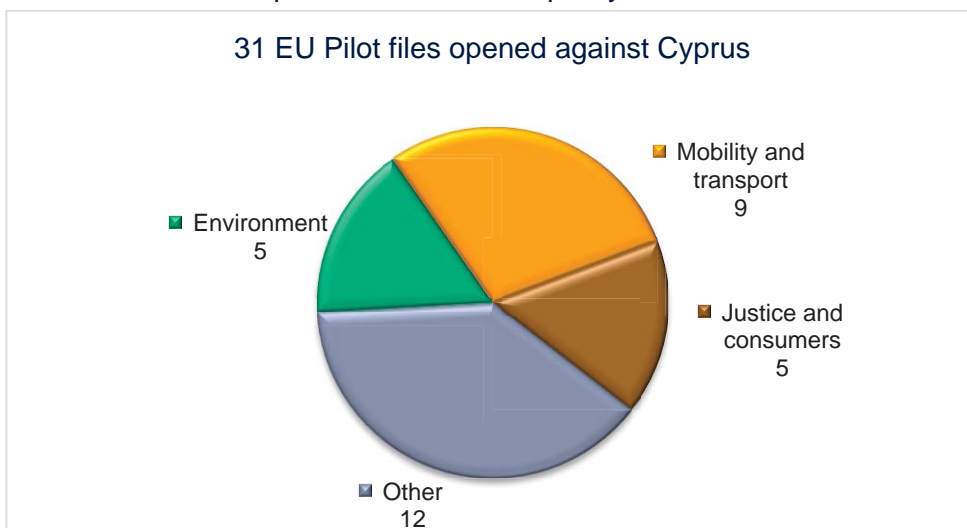
37 > EU Pilot files open at end-2014

31 > New EU Pilot files registered in 2015

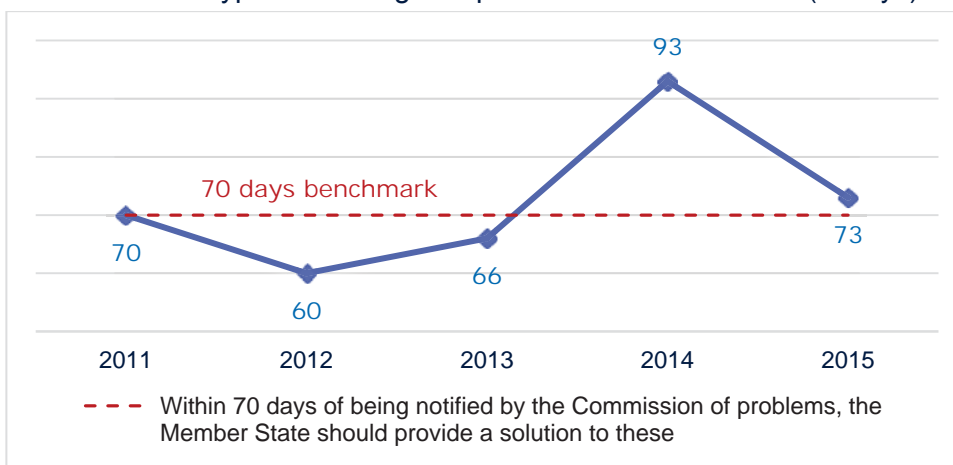
32 > EU Pilot files handled in 2015

36 > EU Pilot files open at end-2015

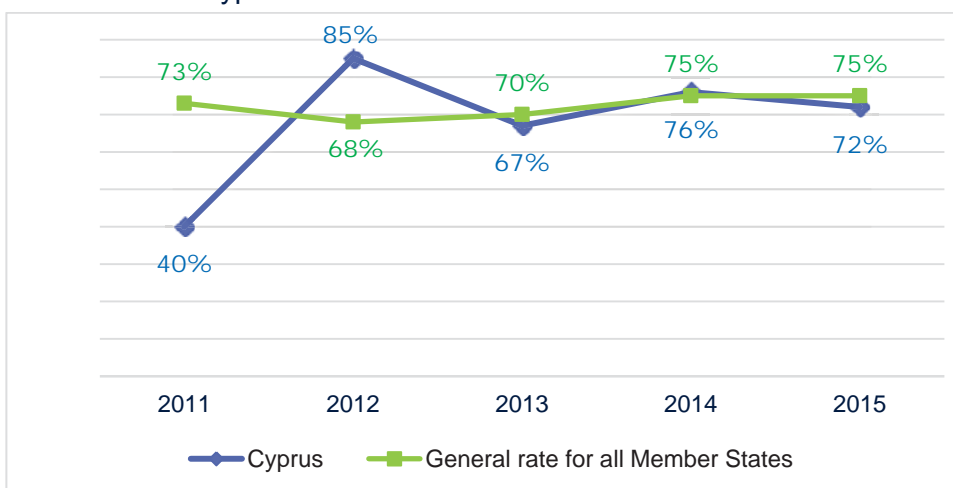
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Cyprus's average response time in 2011-2015 (in days)

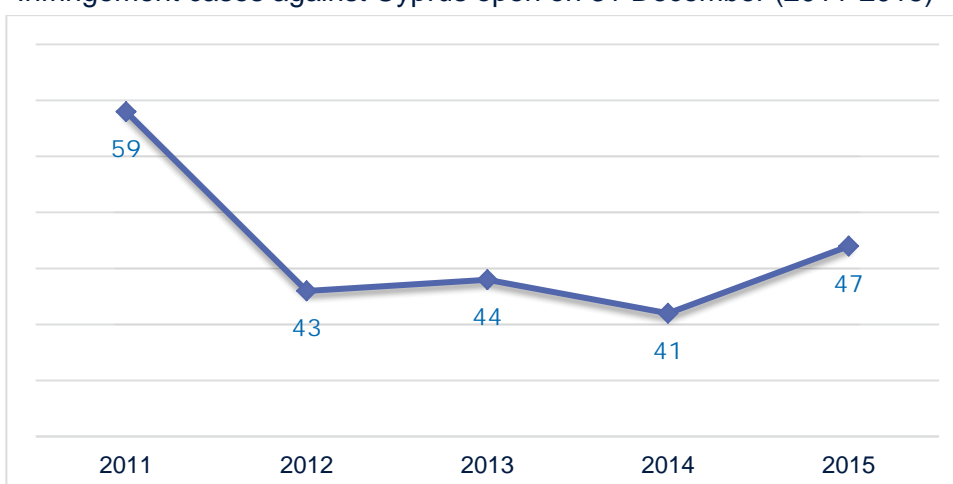


5. EU Pilot files: Cyprus's resolution rate in 2011- 2015

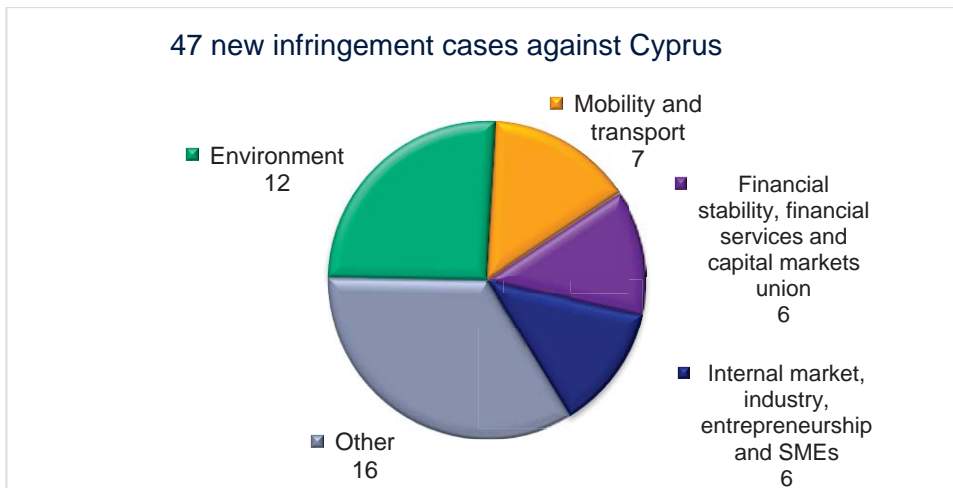


III. INFRINGEMENT CASES

1. Infringement cases against Cyprus open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 47 new infringement cases against Cyprus in 2015. These, and other major ongoing infringement cases, concern:

- late transposition of the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
- non-communication of national measures transposing the Directive on honey labelling;³
- breach of the EU provisions on free movement of workers, by not taking into account, for employment in the public sector, previous professional experience in another Member State;
- late and incomplete transposition of the Energy Efficiency Directive;⁴
- lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁵
- failure to fulfil obligations under the Habitats Directive in relation to a development project in the area of Limni;⁶
- failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁷
- failure to communicate all national measures transposing the Solvency II Directive, which creates a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁸
- excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;⁹
- failure to give full effect to provisions on the free movement of lawyers;
- incorrect application of the Long-Term Residents Directive¹⁰ due to the excessive and disproportionate charges levied;
- failure to correctly implement the 'Eurodac' Regulation;¹¹

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2014/63/EU](#); [MEMO/15/6223](#).

⁴ Directive [2012/27/EU](#); [MEMO/15/5826](#).

⁵ Directive [2008/98/EC](#).

⁶ Directive [92/43/EEC](#); [MEMO/15/4871](#).

⁷ Directive [2014/49/EU](#); [MEMO/15/6223](#) and [IP/15/6253](#).

⁸ Directive [2009/138/EC](#); [MEMO/15/6223](#).

⁹ Directive [2006/123/EC](#); [IP/15/5199](#).

¹⁰ Directive [2003/109/EC](#).

¹¹ Regulation (EU) No [603/2013](#); [MEMO/15/6006](#).

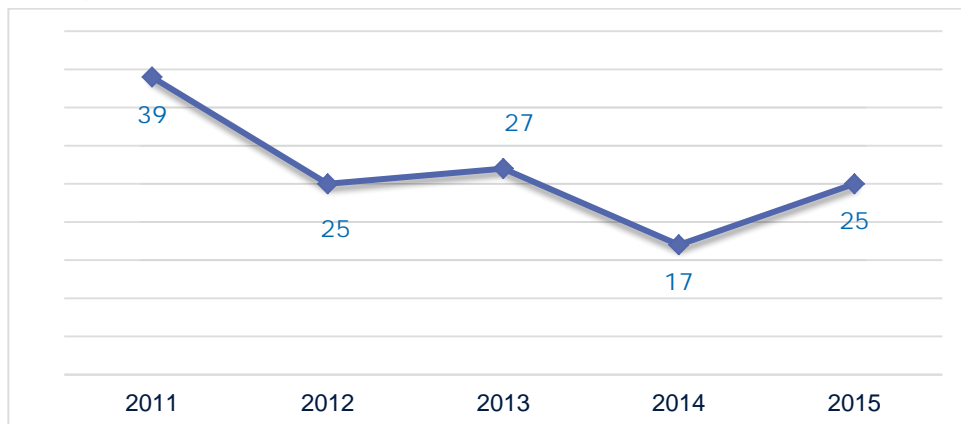
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;¹²
- failure to inform buyers about pre-existing mortgages on properties offered for sale. As a result, buyers who had paid for their property were unable to obtain their title deed;
- failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹³ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁴
- incorrect transposition of the Directive on driving licences, as amended;¹⁵
- failure to fulfil the 'port state control' inspection commitment, as fixed by the Paris Memorandum of Understanding on Port State Control.

b) The Commission did not refer any cases to the Court under Article 258 TFEU.

c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Cyprus open on 31 December (2011-2015)



2. New late transposition infringement cases against Cyprus (2011-2015)



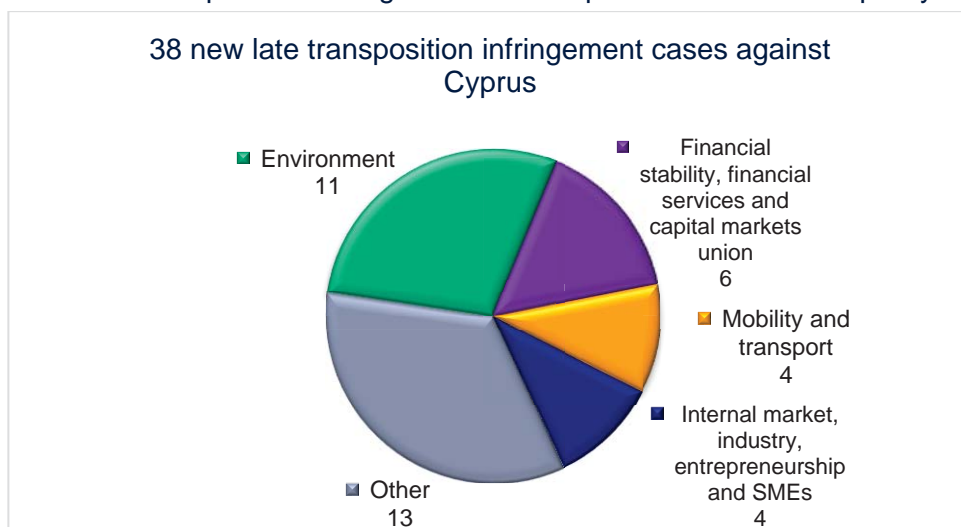
¹² Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

¹³ Regulation (EC) No [550/2004](#).

¹⁴ BLUEMED (the functional airspace block between Italy, Greece, Cyprus, and Malta).

¹⁵ Directive [2006/126/EC](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- failure to recognise professional experience gained in the public health system of another Member State;
- failure to transpose the Directive on waste electrical and electronic equipment;¹⁶
- failure to notify complete national measures transposing the Capital Requirements Directive;¹⁷
- late transposition of the Directive combating the sexual abuse and sexual exploitation of children and child pornography;¹⁸
- failure to notify national transposition measures for the Directive on the right to information in criminal proceedings;¹⁹
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows;²⁰
- bad application of the Directive on driving licences;²¹
- non-conformity of national legislation with EU rules on investigation and prevention of accidents and incidents in civil aviation;
- failure to connect the national electronic register of road transport undertakings with the registers of other Member States.

VI. IMPORTANT JUDGMENTS

1. Court rulings²²

There were no major Court rulings in 2015.

2. Preliminary rulings

No major preliminary rulings were addressed to the Cyprus judiciary in 2015.

¹⁶ Directive No [2012/19/EU](#).

¹⁷ Directive [2013/36/EU](#).

¹⁸ Directive [2011/93/EU](#).

¹⁹ Directive [2012/13/EU](#).

²⁰ Directive [2008/120/EC](#).

²¹ Directive [2006/126/EC](#).

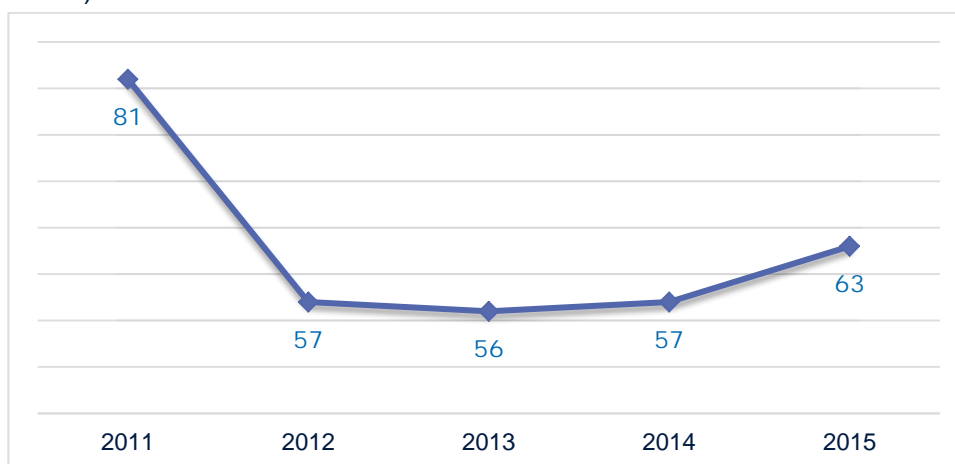
²² These rulings are almost exclusively handed down on infringement procedures.

Czech Republic

New complaints against the Czech Republic have slightly increased from the low reached in 2013 but are still below the level of 2011. In 2015 the number of new EU Pilot files continued falling from its 2013 peak, hitting its lowest point since 2011. However, open infringement cases have been rising steadily since 2013. New infringement cases for late transposition have been relatively stable since 2012.

I. COMPLAINTS

1. New complaints made against Czech Republic by members of the public (2011-2015)



2. Public complaints against Czech Republic open at year-end

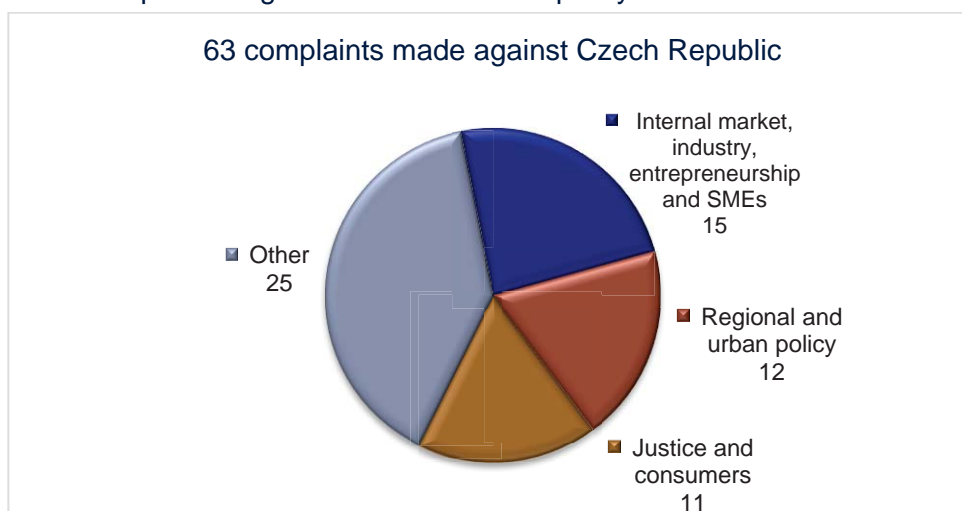
48 > Complaints open at end-2014

63 > New complaints registered in 2015

43 > Complaints handled in 2015

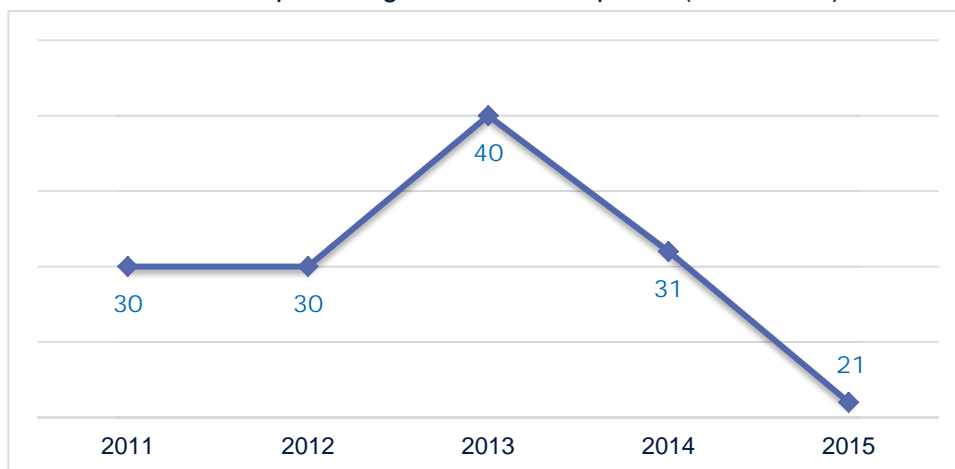
= 68 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Czech Republic (2011-2015)



2. Files relating to Czech Republic open in EU Pilot at year -end

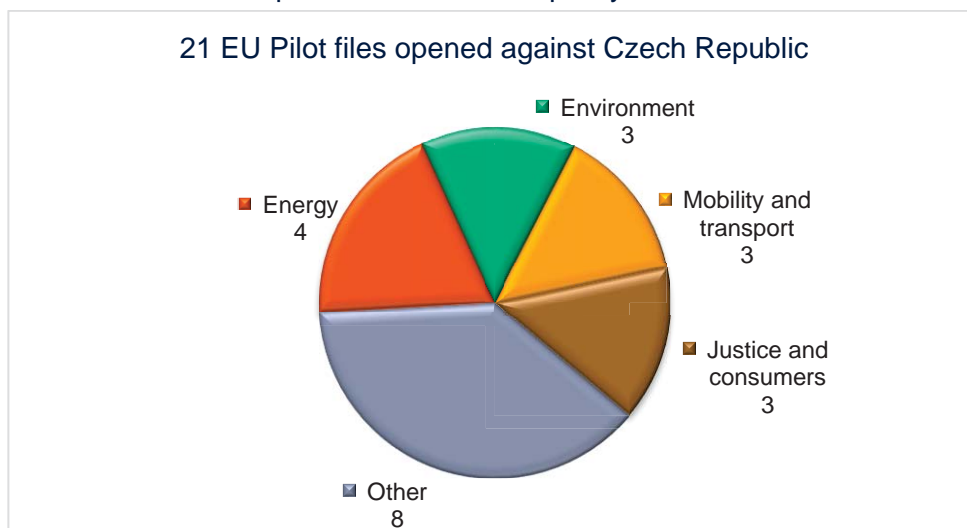
41 > EU Pilot files open at end-2014

21 > New EU Pilot files registered in 2015

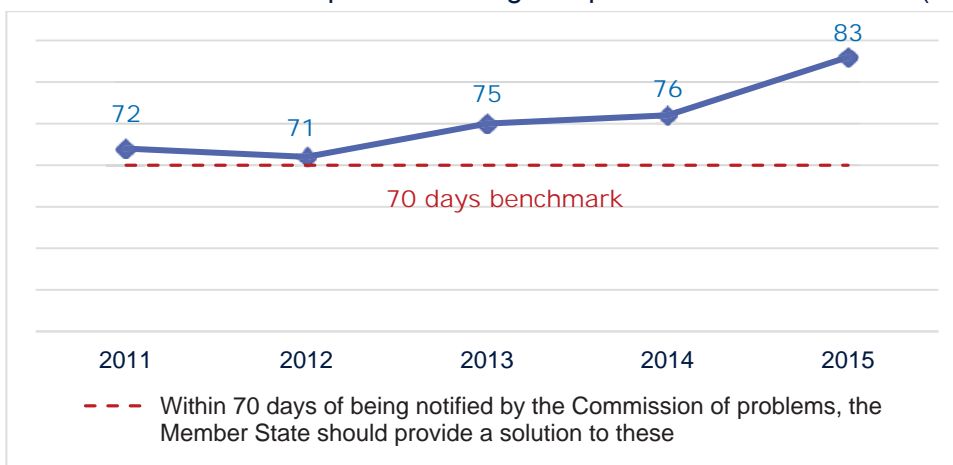
17 > EU Pilot files handled in 2015

= 45 > EU Pilot files open at end-2015

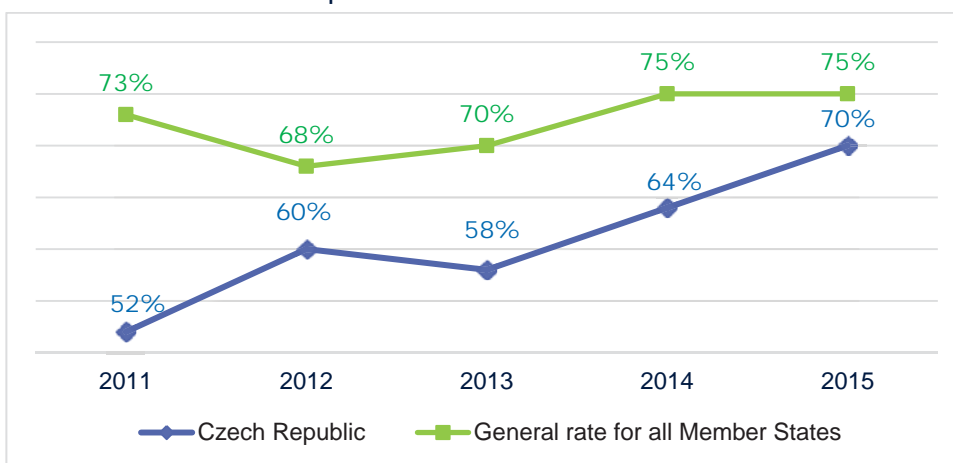
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Czech Republic's average response time in 2011-2015 (in days)

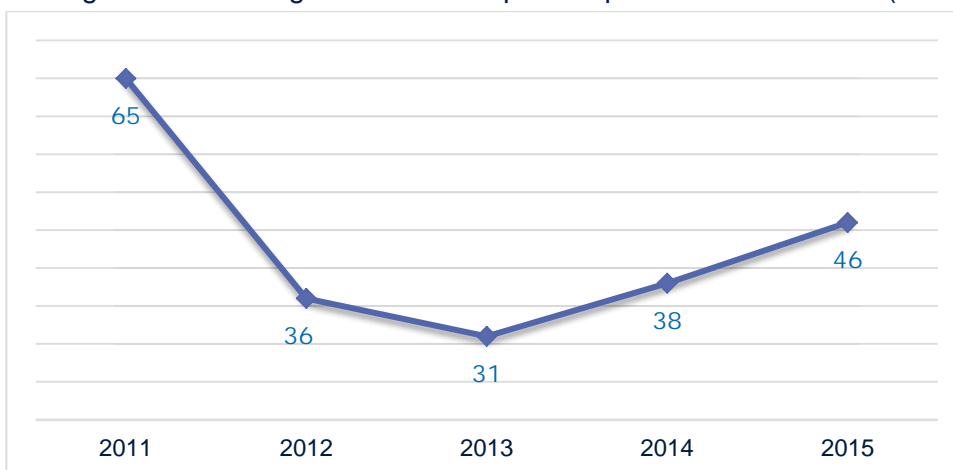


5. EU Pilot files: Czech Republic's resolution rate in 2011- 2015

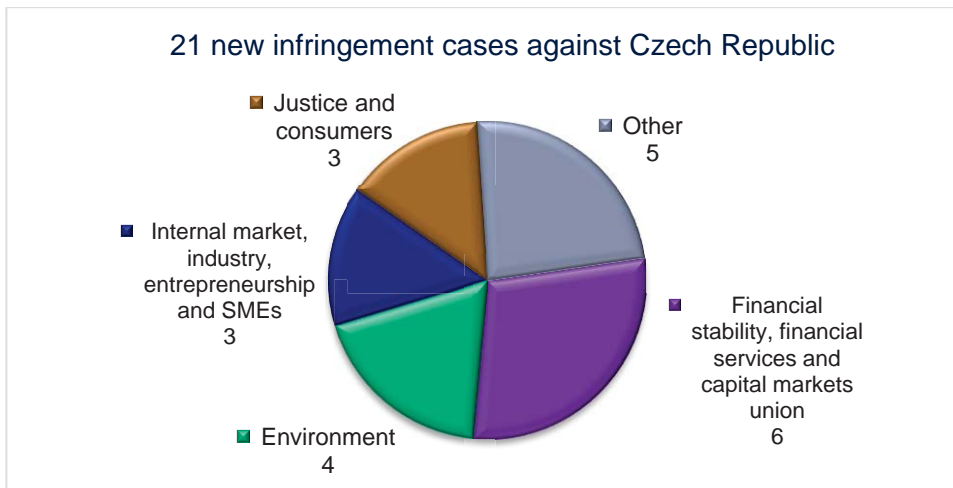


III. INFRINGEMENT CASES

1. Infringement cases against Czech Republic open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against the Czech Republic in 2015. These, and other major ongoing infringement cases, concern:
- late transposition of the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
 - non-conformity of the general authorisation regime for electronic communications with the provisions of the Authorisation Directive,³ in particular the requirement to establish legal residence;⁴
 - non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;⁵
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union.⁶
 - failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;⁷
 - late and incomplete transposition of the Energy Efficiency Directive;⁸
 - non-respect of the PM₁₀⁹ limit values in the Air Quality Directive.¹⁰
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- incorrect transposition and implementation of EU railway safety rules;¹¹
 - failure to establish a national electronic register of road transport undertakings and/or to connect it with the national electronic registers of the other EU Member States.¹²
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2002/20/EC](#).

⁴ [MEMO/15/4871](#).

⁵ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁶ Directive [2014/59/EU](#); [IP/15/5057](#).

⁷ Directive [2011/89/EU](#).

⁸ Directive [2012/27/EU](#), [MEMO/15/5826](#).

⁹ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

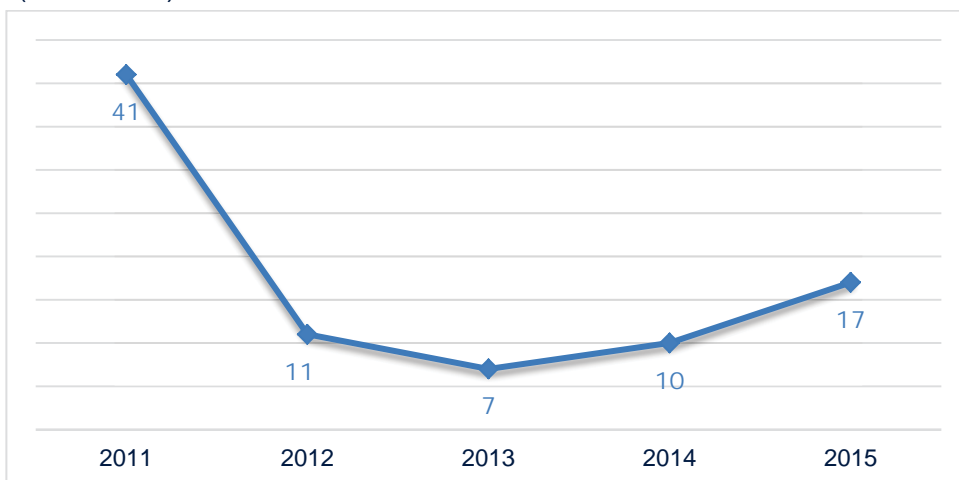
¹⁰ Directive [2008/50/EC](#) and [MEMO/15/4666](#).

¹¹ Directive [2004/49/EC](#), Commission v Czech Republic, [C-606/15](#) and [IP/15/5828](#).

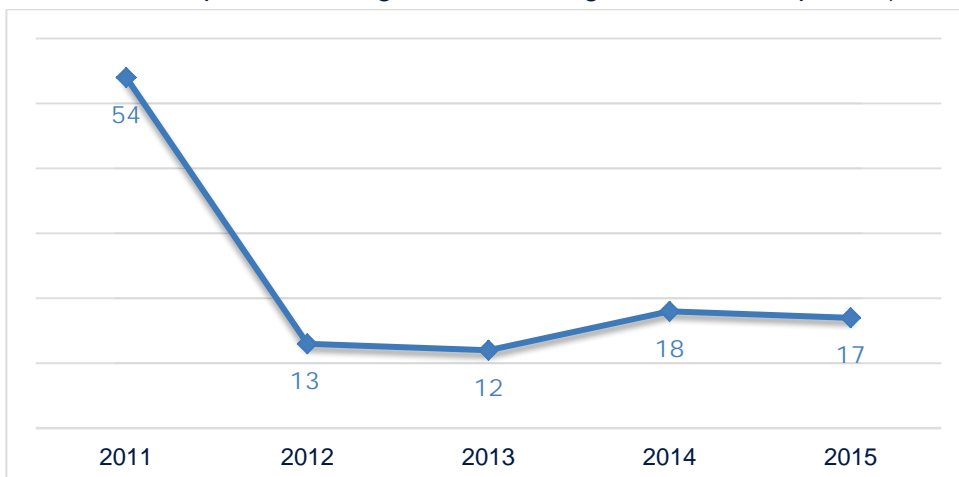
¹² Regulation (EC) No [1071/2009](#), Commission v Czech Republic, [C-581/15](#) and [IP/15/5829](#).

IV. TRANSPOSITION OF DIRECTIVES

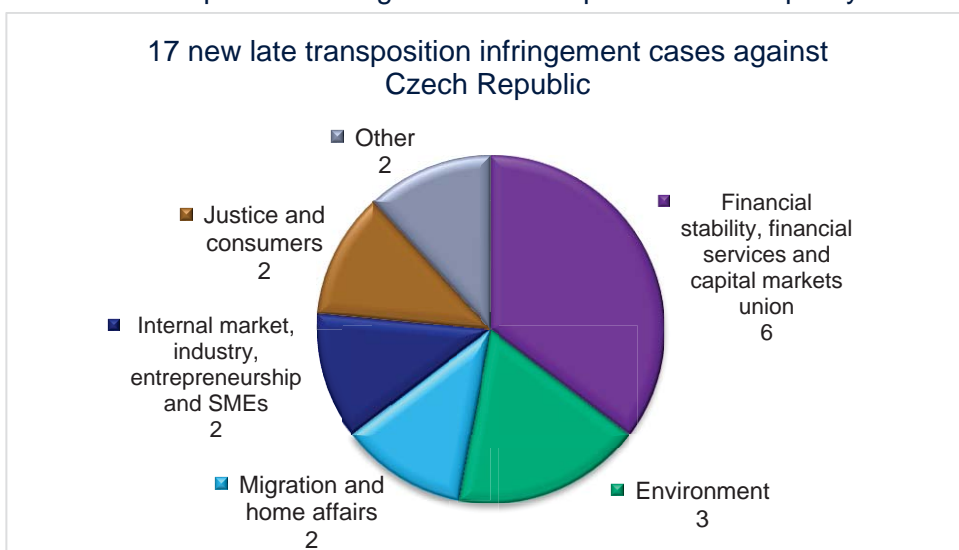
1. Late transposition infringement cases against Czech Republic open on 31 December (2011-2015)



2. New late transposition infringement cases against Czech Republic (2011-2015)



3. New late transposition infringement cases opened in 2015: policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- incomplete transposition measures of the Capital Requirements Directive;¹³
- failure to notify national transposition measures for the Directive on the right to information in criminal proceedings;¹⁴
- failure to notify national transposition measures for the Directive on the European protection order.¹⁵

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁶

There were no major Court rulings in 2015.

2. Preliminary ruling

In a preliminary ruling addressed to the Czech judiciary, the Court ruled that Articles 12 and 13 of the Universal Service Directive¹⁷ are unconditional and sufficiently precise to be recognised as having direct effect.¹⁸

¹³ Directive [2013/36/EU](#).

¹⁴ Directive [2012/13/EU](#).

¹⁵ Directive [2011/99/EU](#).

¹⁶ These rulings are almost exclusively handed down on infringement procedures.

¹⁷ Directive [2002/22/EC](#).

¹⁸ T-Mobile Czech Republic and Vodafone Czech Republic, [C- 508/14](#).

Denmark

New complaints against Denmark have remained relatively stable since 2012. In 2015 the number of new EU Pilot files continued the sharp fall from its 2013 peak, reaching its lowest level for five years. Open infringement cases also continued the overall downward trend seen for the last two years. The number of new late transposition cases rose slightly but held below the 2013 level.

I. COMPLAINTS

1. New complaints made against Denmark by members of the public (2011- 2015)



2. Public complaints against Denmark open at year-end

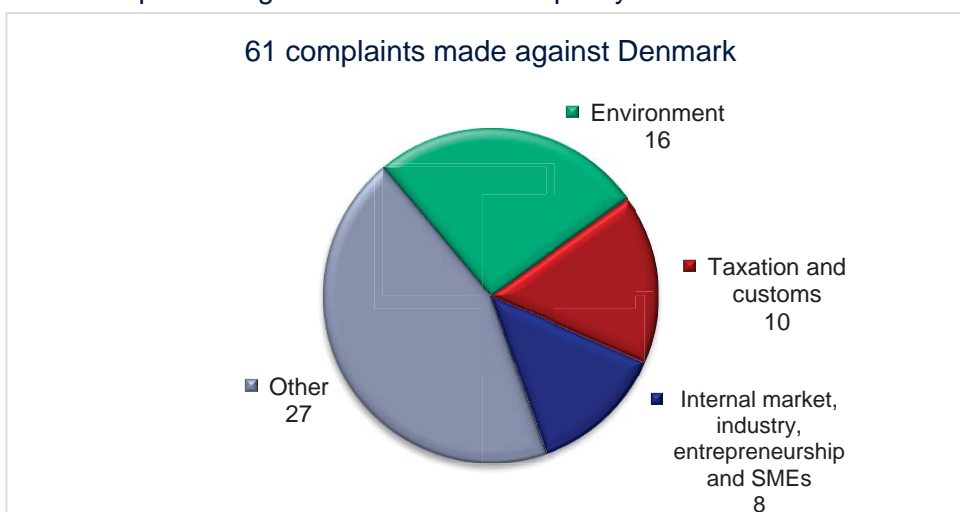
42 > Complaints open at end-2014

61 > New complaints registered in 2015

51 > Complaints handled in 2015

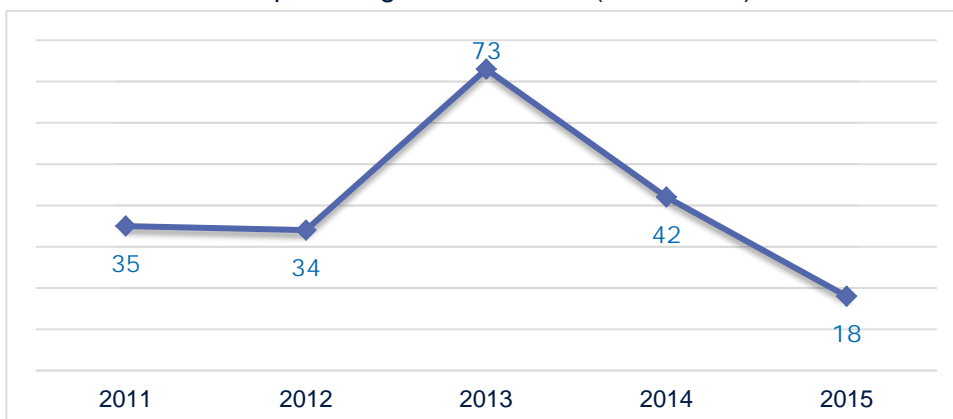
= 52 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Denmark (2011-2015)



2. Files relating to Denmark open in EU Pilot at year -end

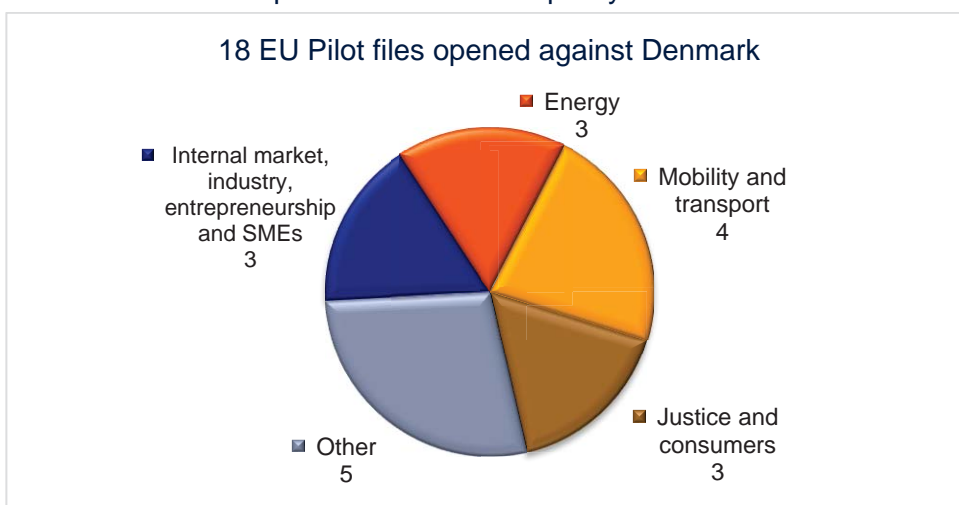
28 > EU Pilot files open at end-2014

18 > New EU Pilot files registered in 2015

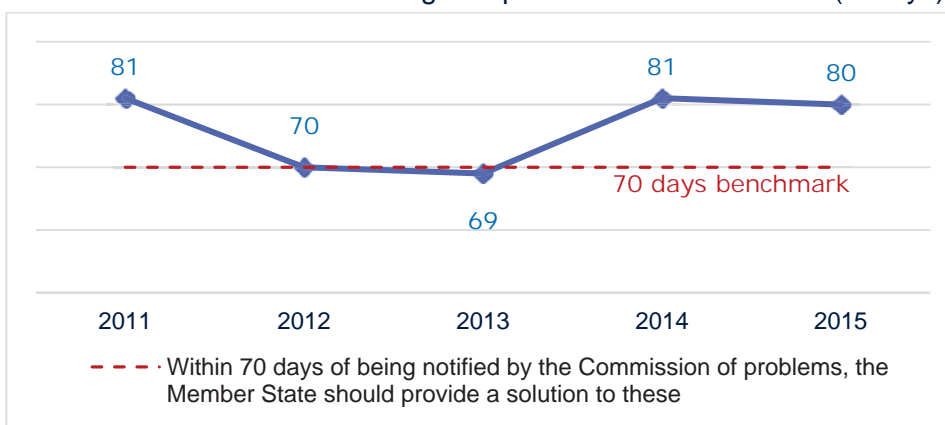
22 > EU Pilot files handled in 2015

24 > EU Pilot files open at end-2015

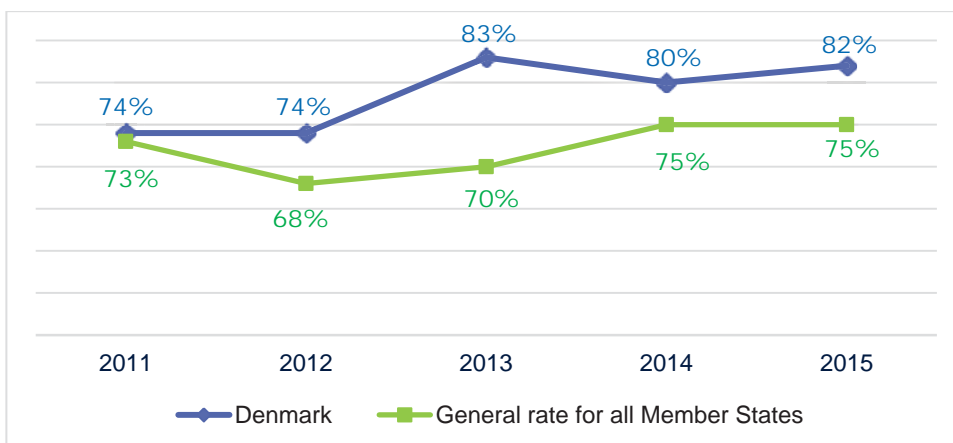
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Denmark's average response time in 2011-2015 (in days)

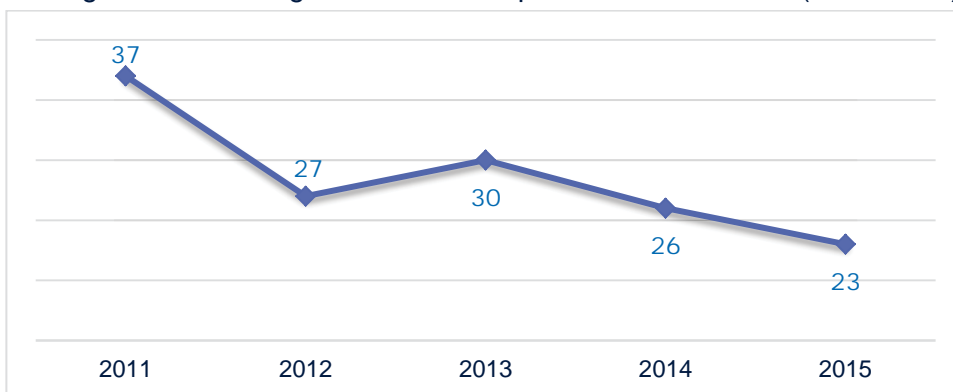


5. EU Pilot files: Denmark's resolution rate in 2011- 2015

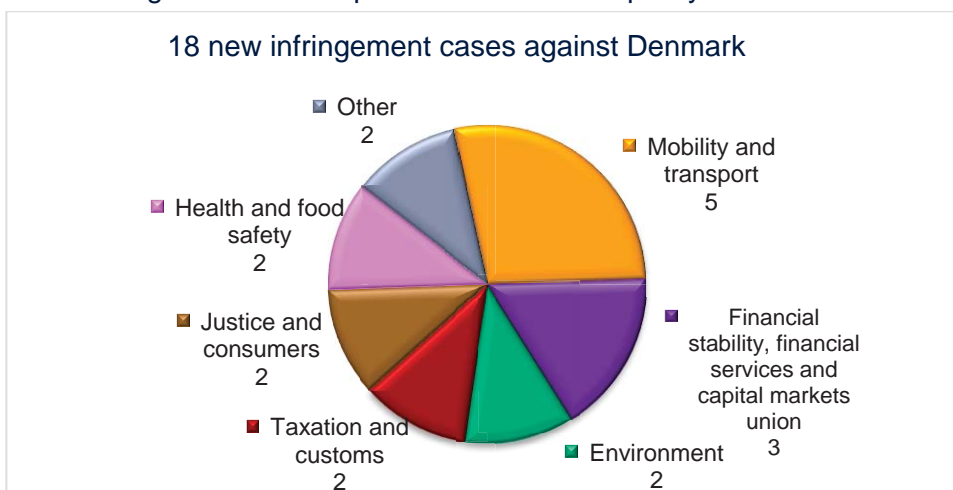


III. INFRINGEMENT CASES

1. Infringement cases against Denmark open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

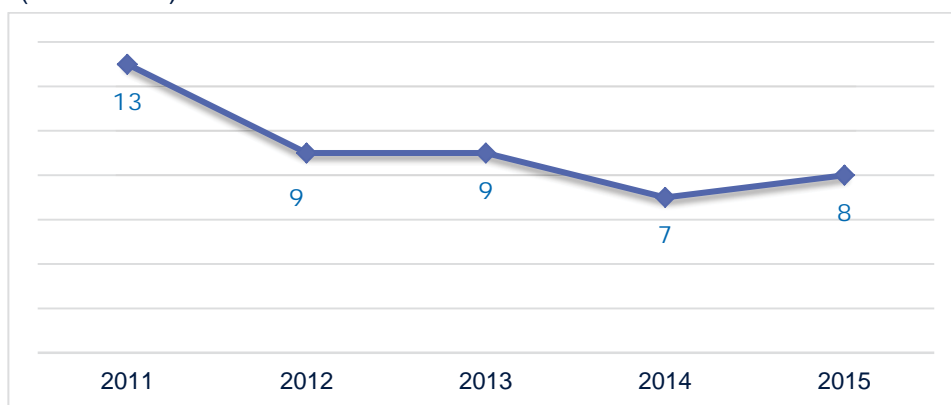
- a) The Commission opened 18 new infringement cases against Denmark in 2015. These, and other major ongoing infringement cases, concern:
 - non-communication of national measures transposing the Directive on honey labelling;¹

¹ Directive [2014/63/EU](#).

- national rules which prevent certain workers, such as those newly entering the Danish labour market and those with fixed-term contracts, from taking annual leave in the first year of employment or at all while employed. This is contrary to the fundamental EU social right to minimum paid annual leave and the Working Time Directive,² which entitles workers to minimum paid annual leave of four weeks;³
 - incorrect transposition of the Directive on driving licences as amended;⁴
 - restrictions and sanctions on non-resident hauliers (cabotage);⁵
 - non-communication of national measures transposing the Directive on requirements applicable to the testing of human tissues and cells.⁶
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Denmark open on 31 December (2011-2015)



2. New late transposition infringement cases against Denmark (2011-2015)



² Directive [2003/88/EC](#).

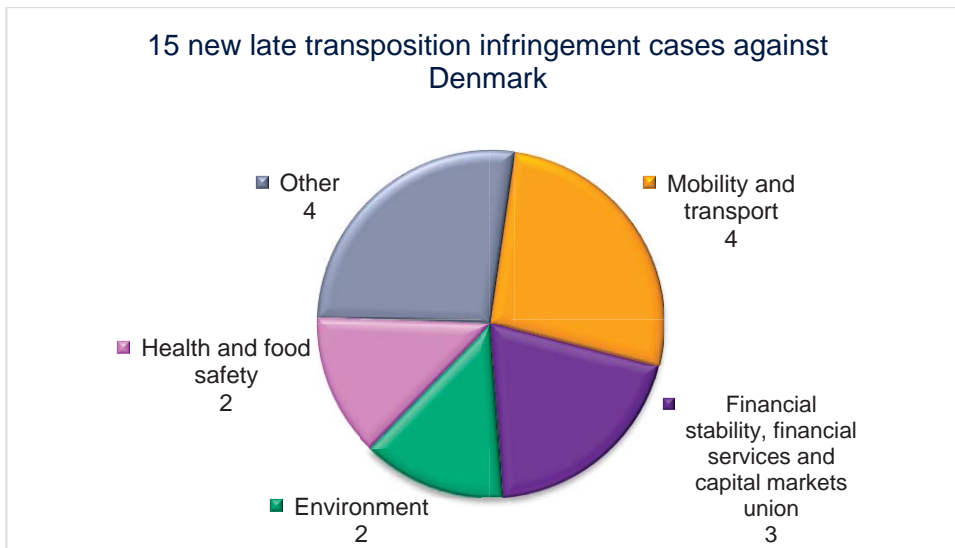
³ [MEMO/15/4871](#).

⁴ Directive [2012/36/EU](#).

⁵ [MEMO/15/5657](#).

⁶ Directive [2012/39/EU](#) and [MEMO/15/4489](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-conformity of the national legislation implementing the Marine Strategy Framework Directive;⁷
- non-communication of national measures transposing the Directive on the charging of heavy goods vehicles for the use of certain infrastructures;⁸
- alleged discriminatory treatment against Dutch traditional sailing vessels over compliance with the safety rules for passenger ships;
- non-compliance of national legislation with the Railway Safety Directive.⁹

VI. IMPORTANT JUDGMENTS

1. Court ruling¹⁰

The Court ruled that Denmark failed to fulfil its obligations by having continued to authorise the sale of loose snus (oral tobacco). EU legislation¹¹ prohibits the sale of snus except in Sweden. Snus is finely ground or cut tobacco sold either loose or in small sachet portions and intended to be consumed by placing between the gum and the lip, without being chewed or smoked. Danish law prohibited the sale of snus packed in porous sachets but allowed the sale of loose snus.¹²

2. Preliminary rulings

In preliminary rulings addressed to the Danish judiciary, the Court ruled that:

- the Copyright Directive¹³ does not preclude national legislation which provides for fair compensation under the exception to the reproduction right for copies made for private use for multi-functional media, such as mobile phone memory cards.¹⁴

⁷ Directive [2008/56/EC](#).

⁸ Directive [2011/76/EU](#).

⁹ Directive [2004/49/EC](#).

¹⁰ These rulings are almost exclusively handed down on infringement procedures.

¹¹ Directive [2001/37/EC](#).

¹² Commission v Denmark, [C-468/14](#).

¹³ Directive [2001/29/EC](#).

¹⁴ Copydan Båndkopi, [C-463/12](#).

Estonia

New complaints against Estonia fell slightly in 2015 and the number of new EU Pilot files dropped for the second consecutive year, reaching its lowest level since 2011. Open infringement cases rose again after being on a downward trend since 2011. Similarly, new infringement cases for late transposition increased but were still below the 2011 level.

I. COMPLAINTS

1. New complaints made against Estonia by members of the public (2011- 2015)



2. Public complaints against Estonia open at year-end

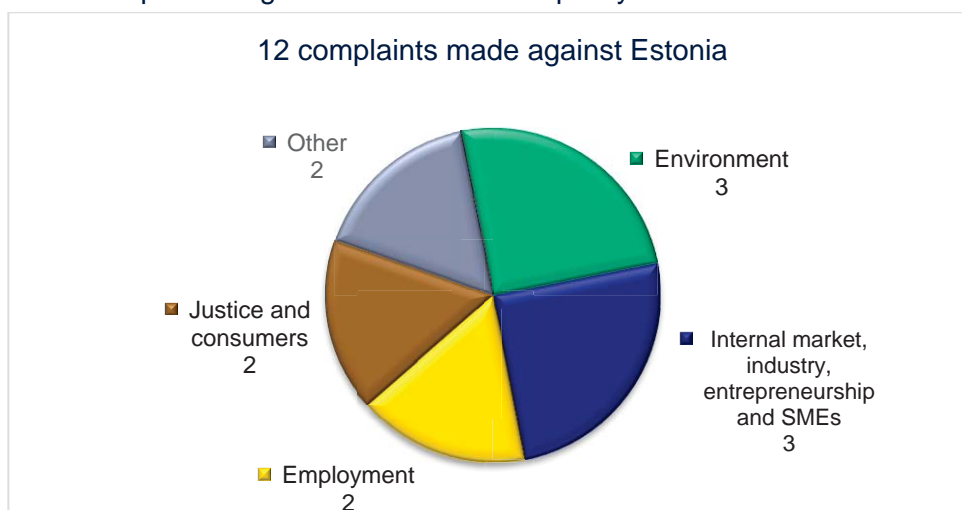
12 > Complaints open at end-2014

12 > New complaints registered in 2015

11 > Complaints handled in 2015

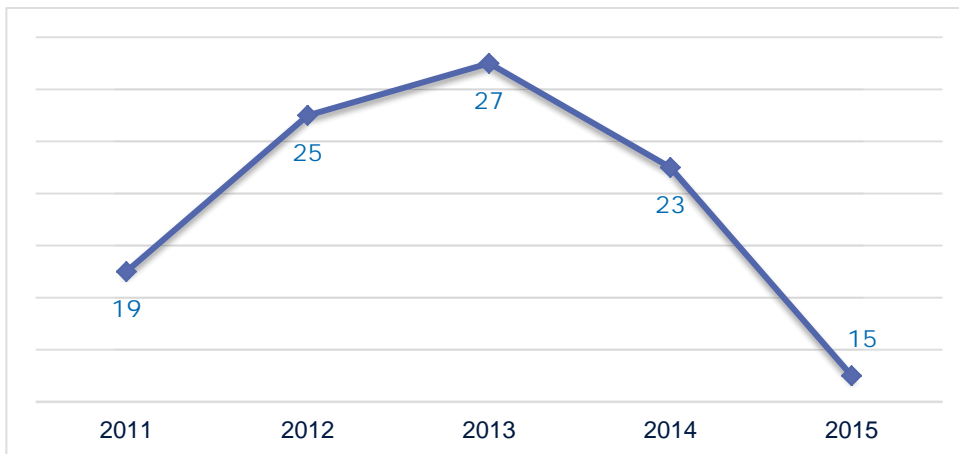
= 13 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Estonia (2011-2015)



2. Files relating to Estonia open in EU Pilot at year -end

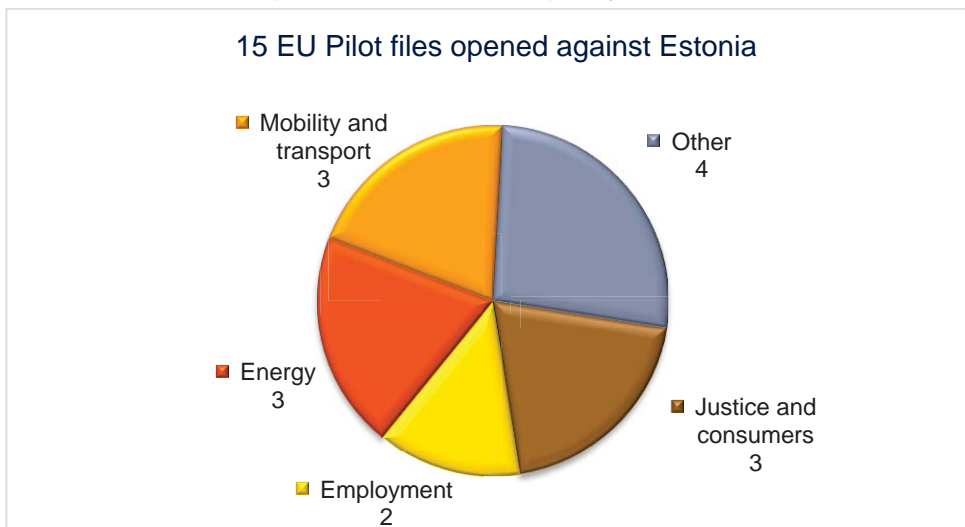
23 > EU Pilot files open at end-2014

15 > New EU Pilot files registered in 2015

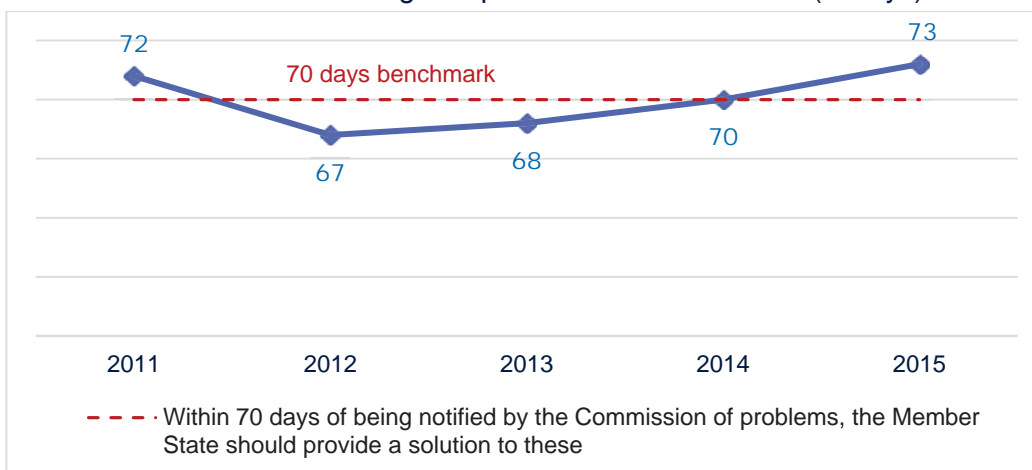
17 > EU Pilot files handled in 2015

21 > EU Pilot files open at end-2015

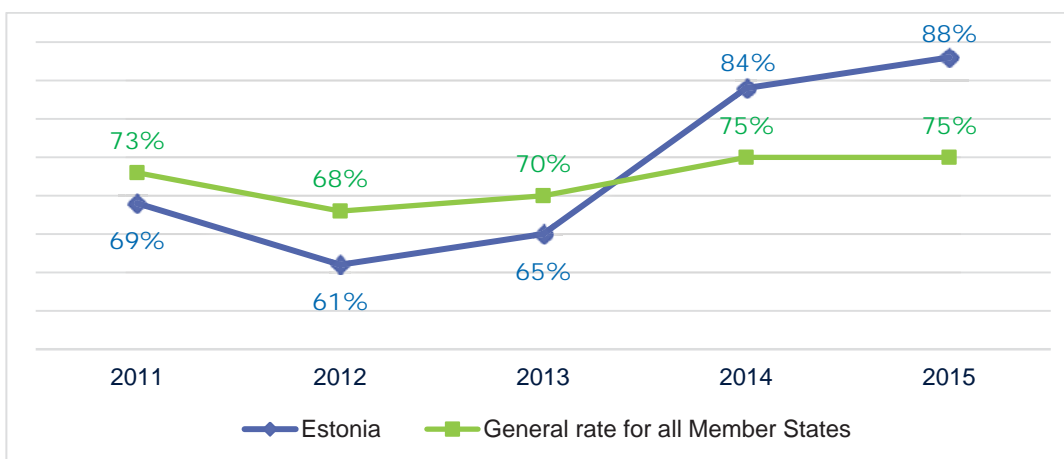
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Estonia's average response time in 2011-2015 (in days)

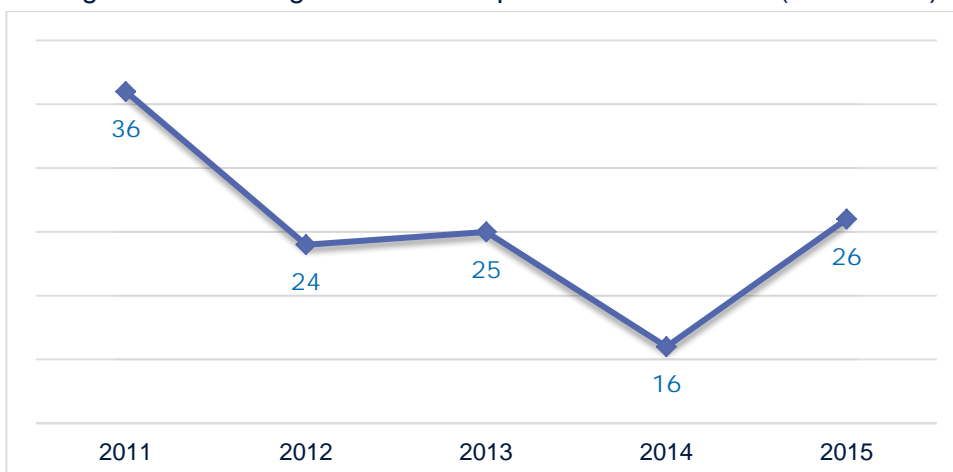


5. EU Pilot files: Estonia's resolution rate in 2011- 2015

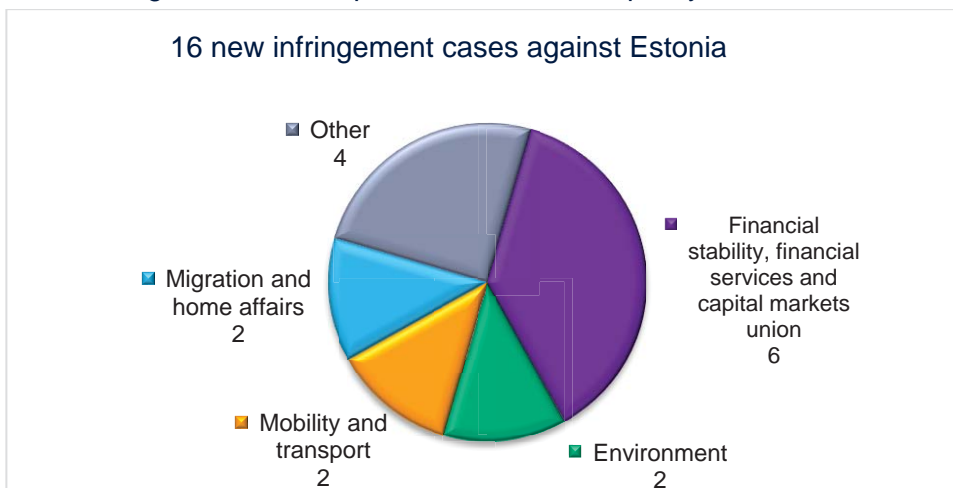


III. INFRINGEMENT CASES

1. Infringement cases against Estonia open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



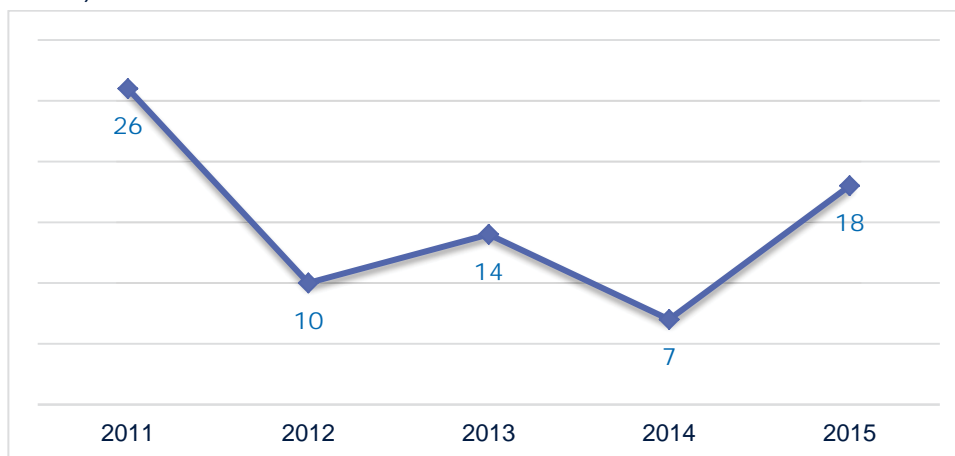
3. Key infringement cases and referrals to the Court

- a) The Commission opened 16 new infringement cases against Estonia in 2015. These, and other major ongoing infringement cases, concern:
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;¹
 - late and incomplete transposition of the Energy Efficiency Directive;²
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;³
 - failure to communicate all national measures transposing the Alternative Investment Fund Managers Directive. This lays down the regulatory and supervisory framework for managers of alternative investment schemes that are addressed to professional investors;⁴
 - non-communication of measures transposing the Directive establishing a single European railway area;⁵
 - failure to communicate national measures transposing the information procedures for the exchange of human organs and transposing the Directive on requirements applicable to the testing of human tissues and cells.⁶
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).
² [MEMO/15/5657](#).
³ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).
⁴ Directive [2011/61/EU](#); [MEMO/15/4666](#).
⁵ Directive [2012/34/EU](#).
⁶ [MEMO/15/4489](#).

IV. TRANSPOSITION OF DIRECTIVES

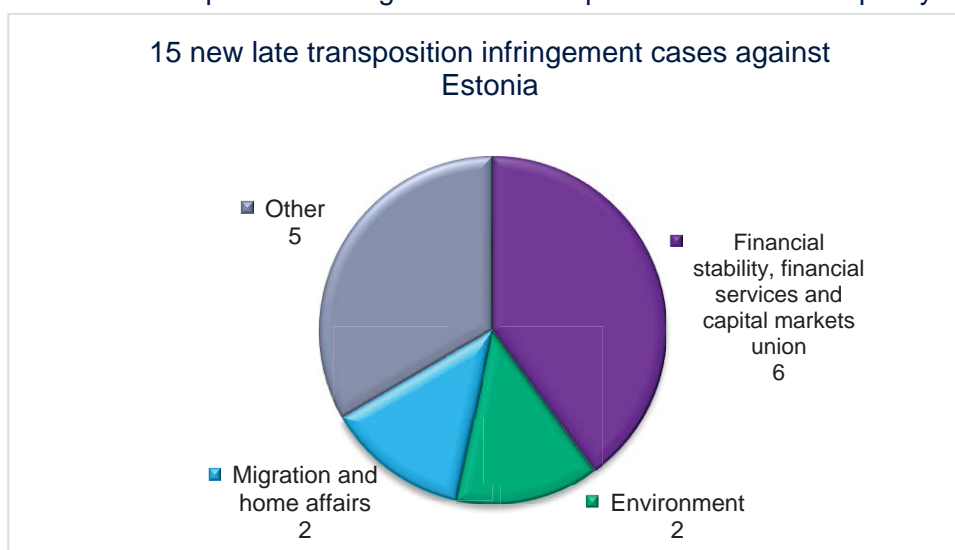
1. Late transposition infringement cases against Estonia open on 31 December (2011-2015)



2. New late transposition infringement cases against Estonia (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- lack of timely transposition of the Marine Strategy Framework Directive;⁷
- non-conformity of national legislation with the Railway Safety Directive;⁸
- obstacles to the parallel imports of medicinal products.

VI. IMPORTANT JUDGMENTS

1. Court rulings⁹

There were no major Court rulings in 2015.

2. Preliminary rulings

No major preliminary rulings were addressed to the Estonian judiciary in 2015.

⁷ Directive [2008/56/EC](#).

⁸ Directive [2004/49/EC](#).

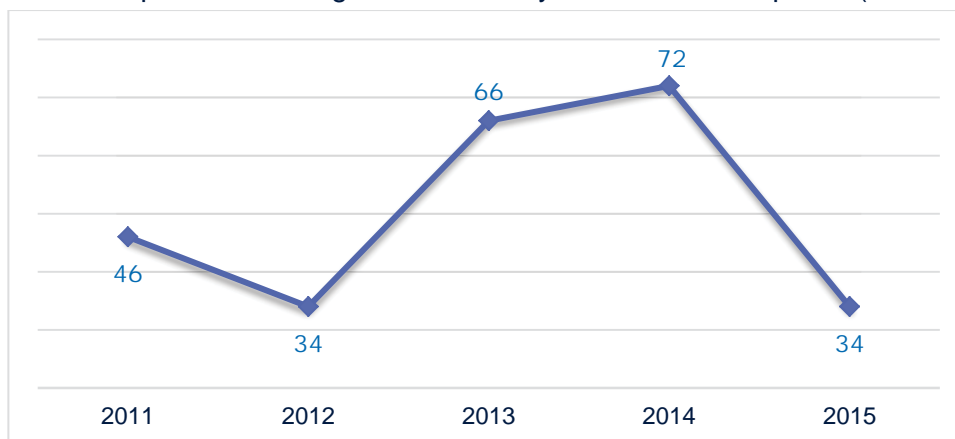
⁹ These rulings are almost exclusively handed down on infringement procedures.

Finland

New complaints against Finland almost halved in 2015, falling back to their 2012 level, the lowest in the past five years. The number of new EU Pilot files held steady at less than half the levels seen in 2012 and 2013. The downward trend in open infringement cases since 2011 came to an end with a slight rise in 2015. New infringement cases for late transposition remained at less than one third of their 2011 peak level.

I. COMPLAINTS

1. New complaints made against Finland by members of the public (2011- 2015)



2. Public complaints against Finland open at year-end

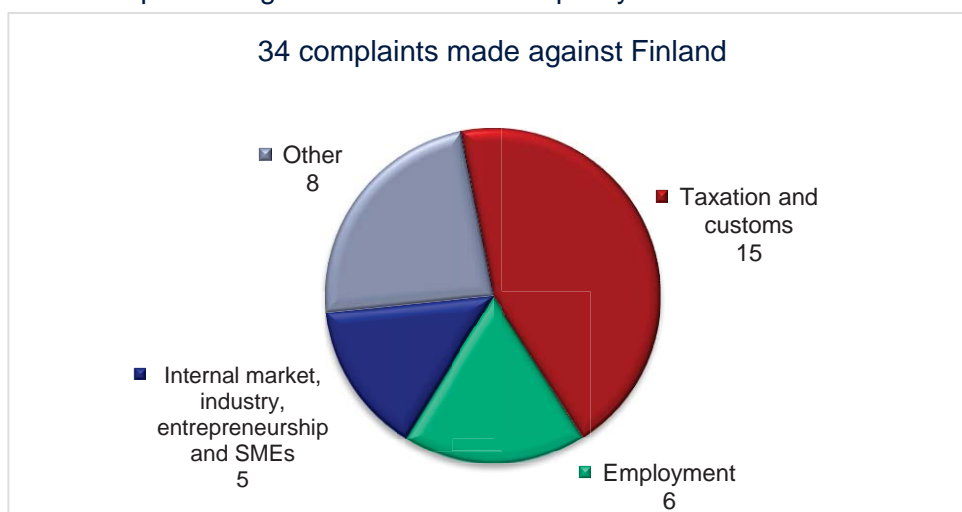
43 > Complaints open at end-2014

34 > New complaints registered in 2015

42 > Complaints handled in 2015

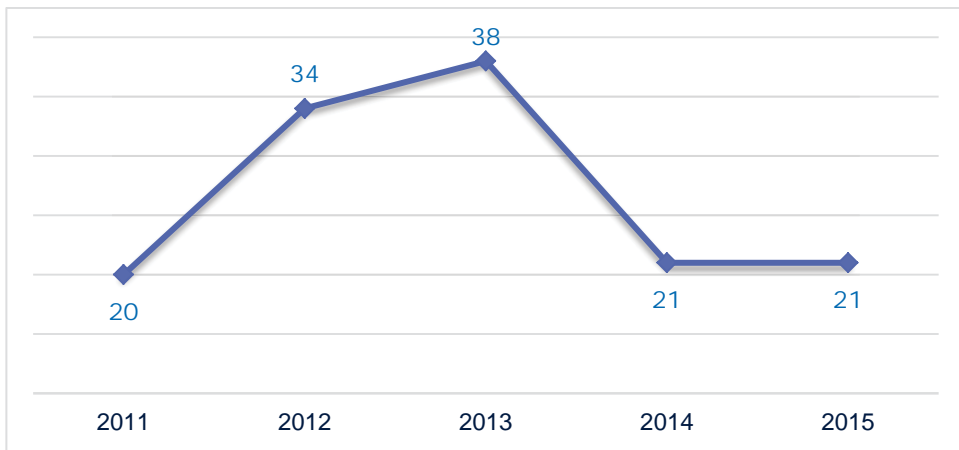
= 35 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Finland (2011-2015)



2. Files relating to Finland open in EU Pilot at year -end

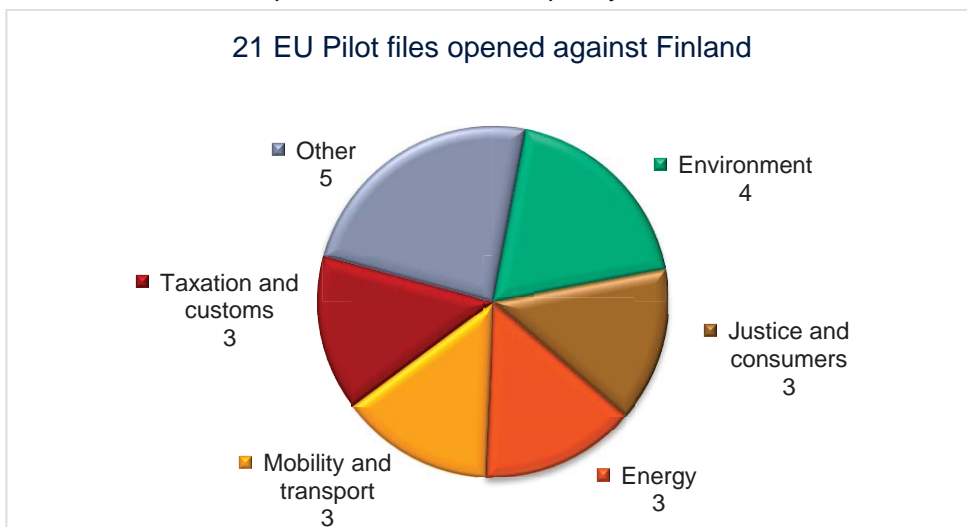
25 > EU Pilot files open at end-2014

21 > New EU Pilot files registered in 2015

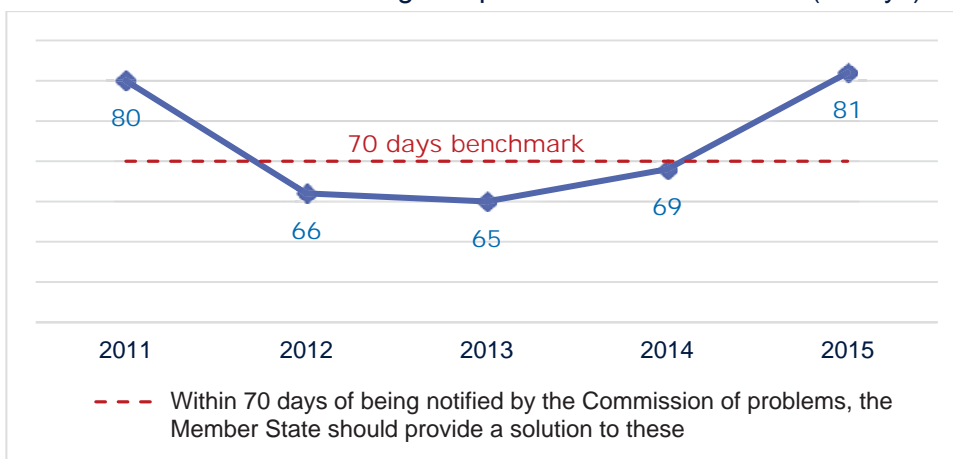
16 > EU Pilot files handled in 2015

= 30 > EU Pilot files open at end-2015

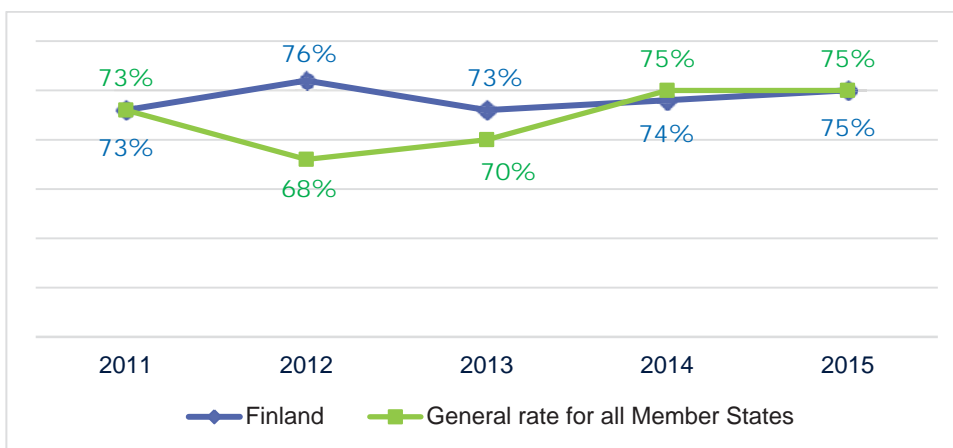
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Finland's average response time in 2011-2015 (in days)

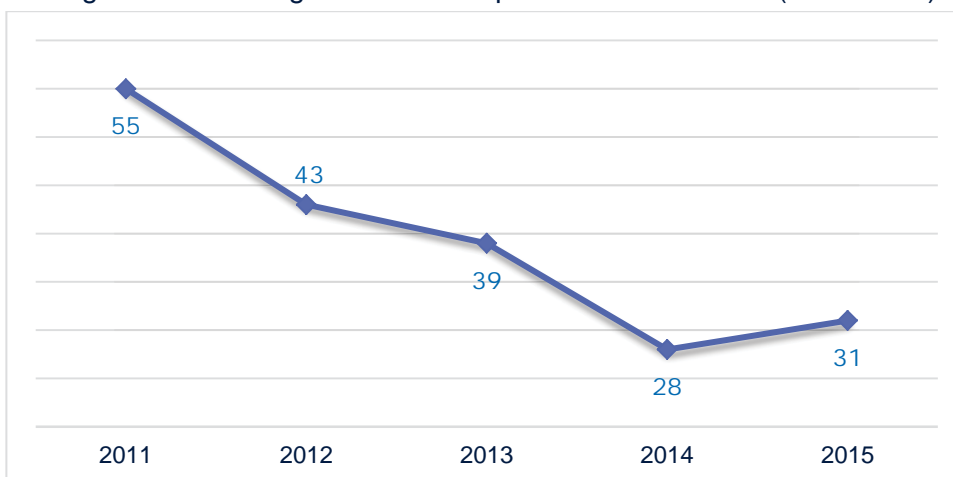


5. EU Pilot files: Finland's resolution rate in 2011- 2015

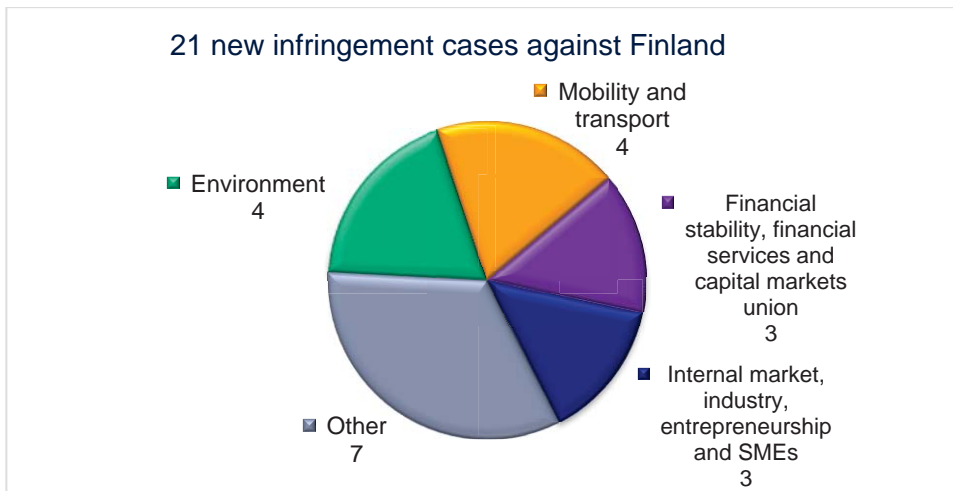


III. INFRINGEMENT CASES

1. Infringement cases against Finland open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against Finland in 2015. These, and other major ongoing infringement cases, concern:
- non-communication of national measures transposing the Directive on honey labelling;¹
 - late and incomplete transposition of the Energy Efficiency Directive;²
 - spring hunting of eider ducks in the province of Åland and summer hunting of eiders on the Finnish mainland in breach of the Wild Birds Directive;³
 - non-compliance with the EU rules on cabotage due to discrimination against non-resident hauliers;⁴
 - non-communication of measures transposing the Directive establishing a single European railway area;⁵
 - non-conformity of national legislation with the Directive on patients' rights in cross-border healthcare. The case relates to the level of costs reimbursed by the Member State of affiliation to an insured person who receives cross-border healthcare;⁶
 - disproportionate vehicle taxes on cars leased or rented from other Member States.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2014/63/EU](#).

² Directive [2012/27/EU](#), [MEMO/15/5826](#).

³ [MEMO/15/4871](#).

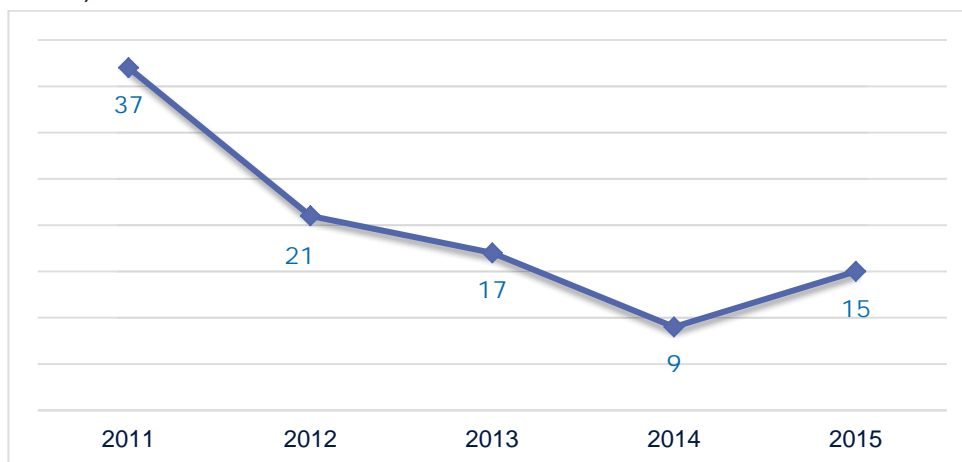
⁴ [MEMO/15/4871](#).

⁵ Directive [2012/34/EU](#).

⁶ Directive [2011/24/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

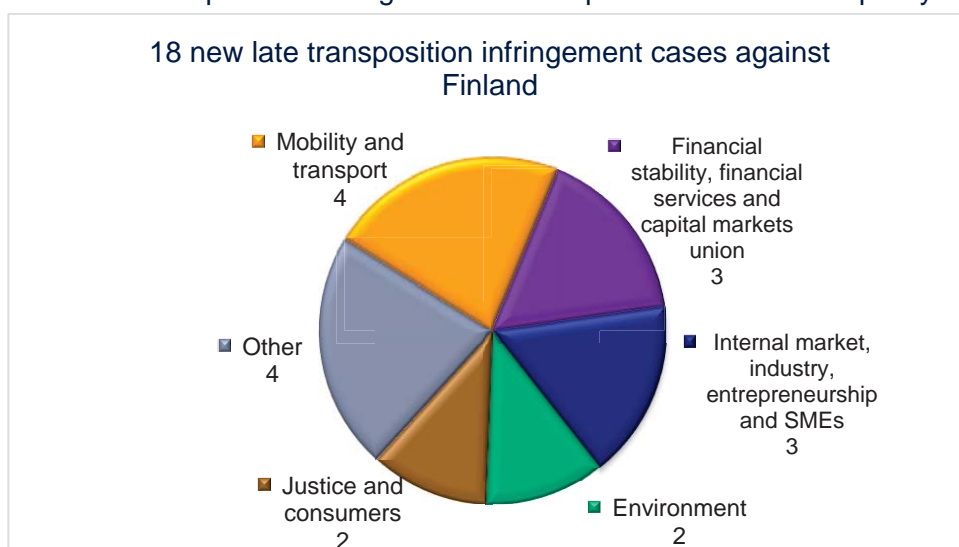
1. Late transposition infringement cases against Finland open on 31 December (2011-2015)



2. New late transposition infringement cases against Finland (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- lack of measures to protect pensions financed through book reserves in case of insolvency of the employer;⁷
- incomplete transposition of the Energy Performance of Buildings Directive;⁸
- failure to transpose the Directive on waste electrical and electronic equipment;⁹
- non-communication of national measures transposing the Industrial Emissions Directive;¹⁰
- non-communication of national measures transposing the Alternative Investment Fund Managers and Financial Conglomerates Directives;¹¹
- failure to notify national measures transposing the Directive on the European protection order.¹²

VI. IMPORTANT JUDGMENTS

1. Court rulings¹³

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Finnish judiciary, the Court ruled that:

- the Posted Workers Directive does not preclude a calculation of the minimum wage for hourly work and/or for piecework which is based on categorising employees into pay groups, provided that the calculation and categorisation are carried out in accordance with rules that are binding and transparent. It is for the national court to verify whether this is the case;¹⁴
- discriminatory measures on distance selling and transport of alcoholic beverages can be justified if they are appropriate and cannot be achieved by less restrictive measures;¹⁵
- complex contractual arrangements can be classified as service proceedings so long as the relevant contracting authority has transferred to the concession holder all, or a significant share of, the risk which it faces.¹⁶

⁷ Directive [2008/94/EC](#).

⁸ Directive [2010/31/EU](#).

⁹ Directive No [2012/19/EU](#).

¹⁰ Directive No [2010/75/EU](#).

¹¹ Directives [2011/61/EU](#) and [2011/89/EU](#).

¹² Directive [2011/99/EU](#).

¹³ These rulings are almost exclusively handed down on infringement procedures.

¹⁴ Sähköalojen ammattiliitto, [C-396/13](#) and Court press release No [17/15](#).

¹⁵ Visnapuu, [C-198/14](#).

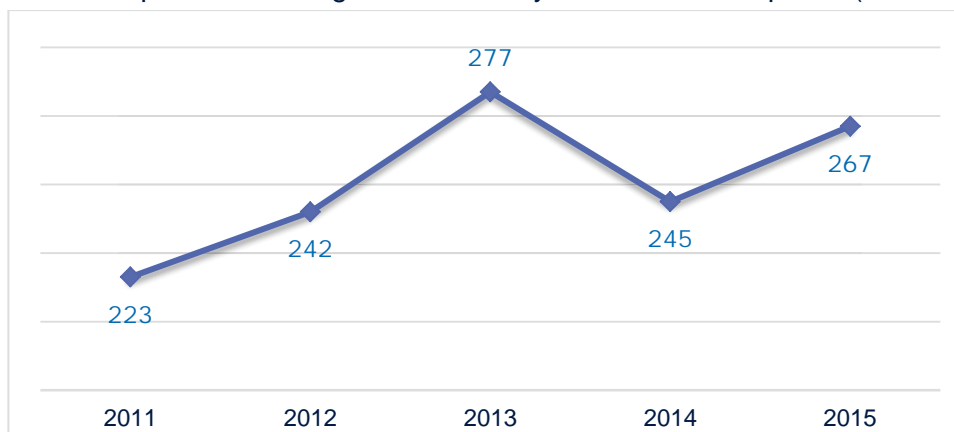
¹⁶ Kansaneläkelaitos, [C-269/14](#).

France

The upward trend since 2011 in new complaints against France continued in 2015, though they did not quite reach the peak seen in 2013. However, new EU Pilot files have been falling since 2012 and reached their lowest level of the past five years. Continuing the trend since 2012, the number of open infringement cases rose slightly, while new infringement cases showed a more marked increase but remained below the 2011 level.

I. COMPLAINTS

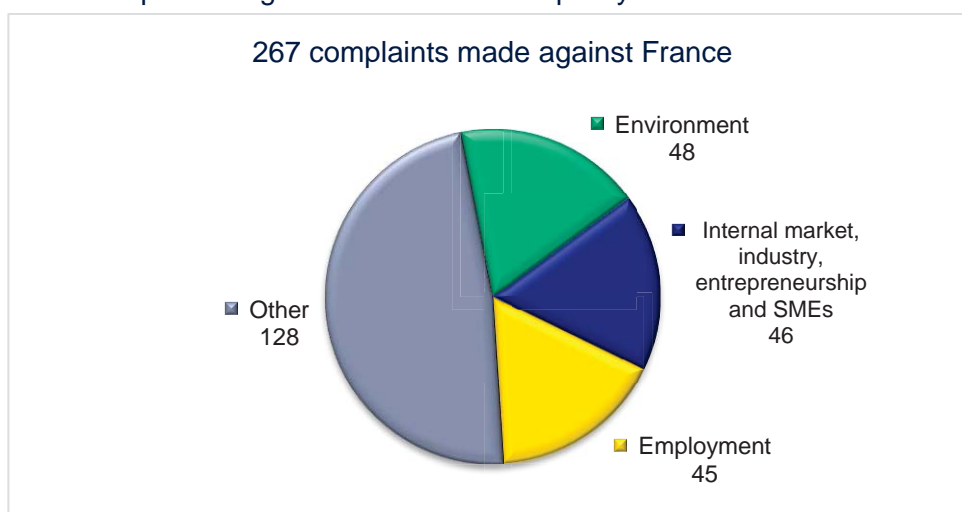
1. New complaints made against France by members of the public (2011- 2015)



2. Public complaints against France open at year-end

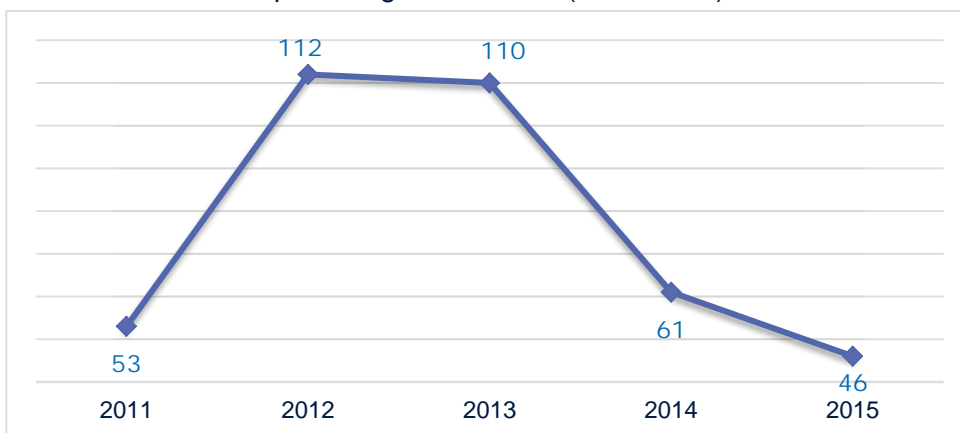
195	>	Complaints open at end-2014
267	>	New complaints registered in 2015
202	>	Complaints handled in 2015
<hr/>		
= 260	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against France (2011-2015)



2. Files relating to France open in EU Pilot at year -end

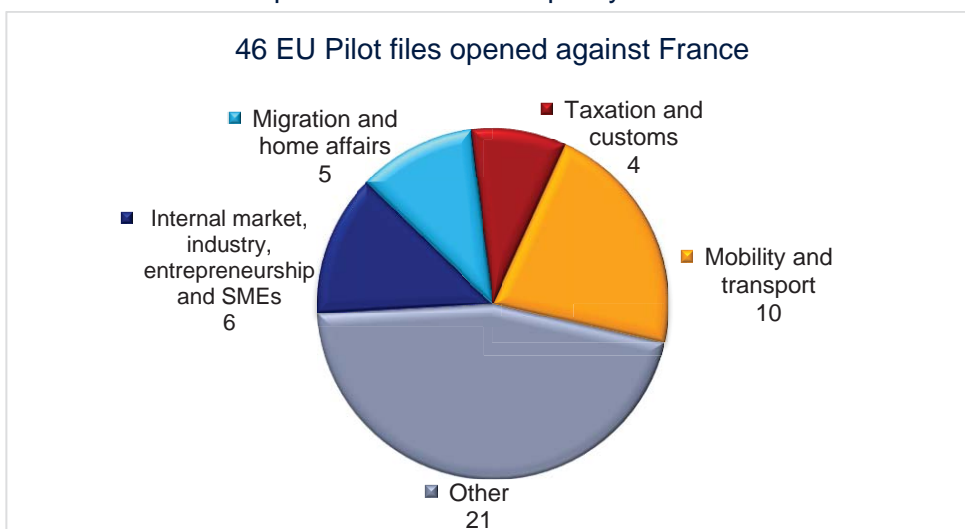
76 > EU Pilot files open at end-2014

46 > New EU Pilot files registered in 2015

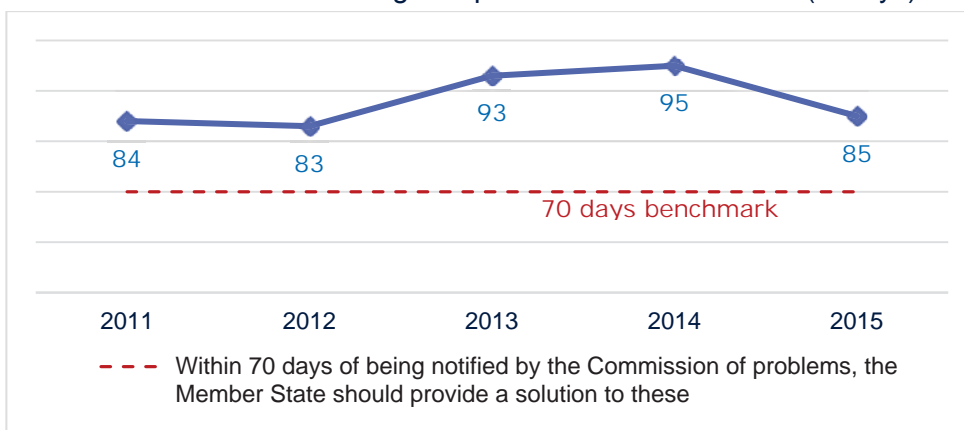
60 > EU Pilot files handled in 2015

= 62 > EU Pilot files open at end-2015

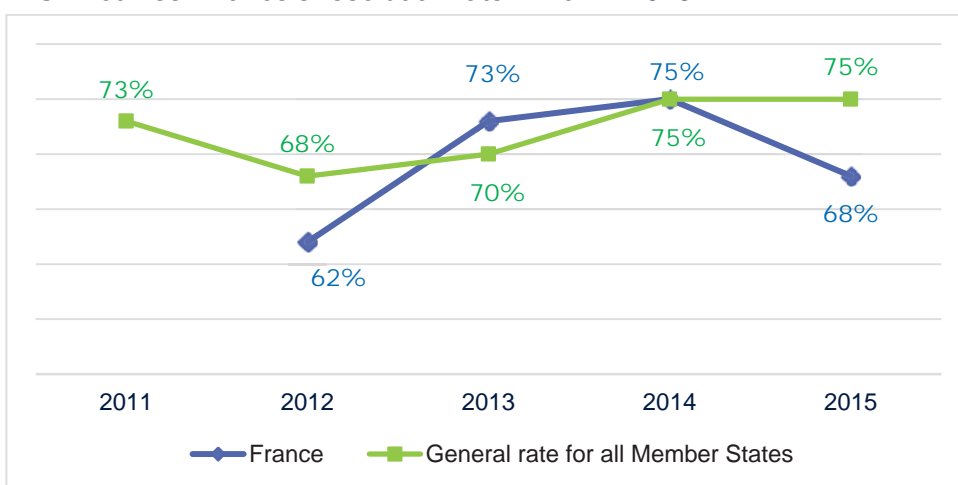
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: France's average response time in 2011-2015 (in days)

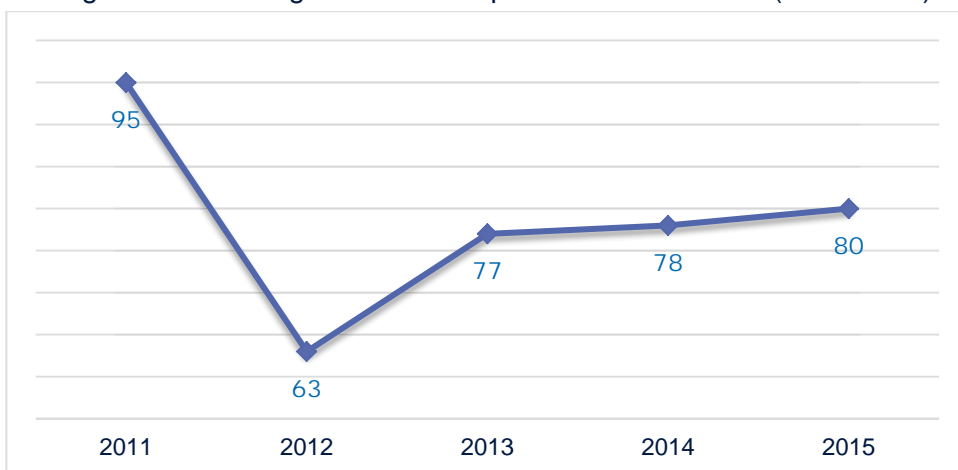


5. EU Pilot files: France's resolution rate in 2011- 2015¹



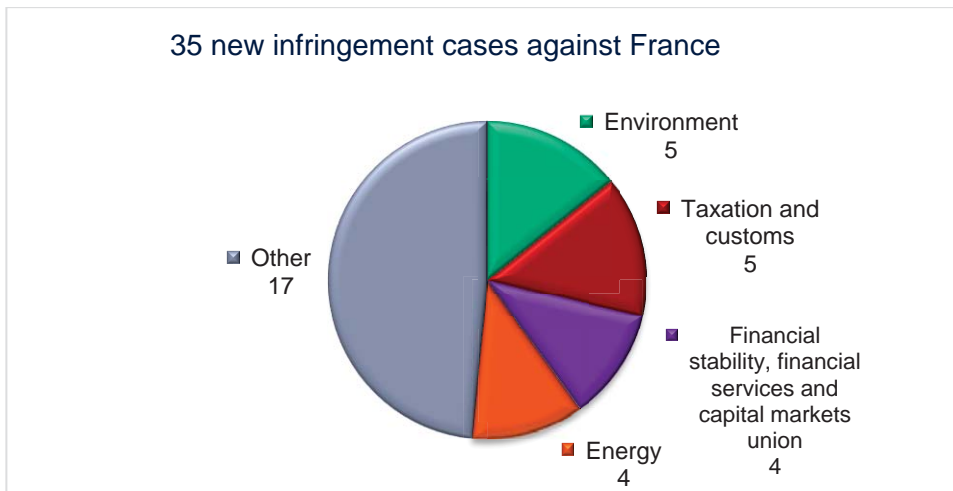
III. INFRINGEMENT CASES

1. Infringement cases against France open on 31 December (2011-2015)



¹ No data on the resolution rate for 2011 are available since France joined the EU Pilot system only in September 2011.

2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 35 new infringement cases against France in 2015. These, and other major ongoing infringement cases, concern:

- late transposition of the Directive² on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;³
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;⁴
- late transposition of the Directive on honey labelling;⁵
- privileged rights granted to a publicly owned company to operate the vast majority of the country's hydropower concessions;
- excluding workers with assisted contracts ('contrats aidés') from the calculation of the headcount of companies. This is considered contrary to the Directive on information and consultation of employees,⁶ as it makes it less likely that staff representation bodies can be set up;
- failure to ensure the principle of unity in applying the social security contribution on income from real estate of EU officials outside the French social security system;
- late and incomplete transposition of the Energy Efficiency Directive;⁷
- late and incomplete transposition of the Radioactive Waste Directive;⁸
- lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁹
- non-respect of the PM₁₀¹⁰ limit values in the Air Quality Directive;¹¹
- non-respect of the NO₂ limit values in the Air Quality Directive;¹²

² Directive [2014/27/EU](#).

³ Regulation (EC) No [1272/2008](#)

⁴ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁵ Directive [2014/63/EU](#).

⁶ Directive [2002/14/EC](#).

⁷ Directive [2012/27/EU](#), [MEMO/15/6006](#).

⁸ Directive [2011/70/Euratom](#) and [MEMO/15/6006](#).

⁹ Directive [2008/98/EC](#).

¹⁰ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

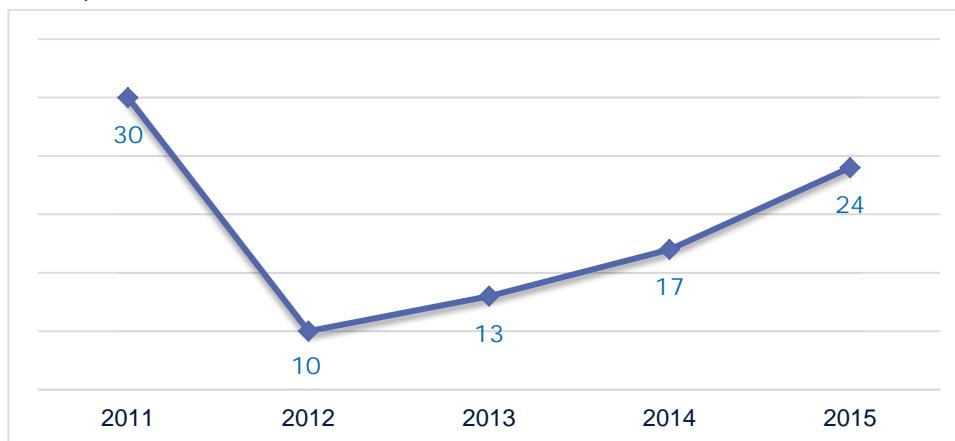
¹¹ Directive [2008/50/EC](#) and [MEMO/15/4871](#).

¹² Directive [2008/50/EC](#).

- discrimination against insurance providers from other Member States by requiring construction companies to buy insurance against potential damage from insurers established in France;¹³
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;¹⁴
 - unjustified restrictions on trade in 'handmade' shoes manufactured and labelled in another Member State;
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹⁵ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁶
 - follow-up to an earlier judgment of the Court,¹⁷ whereby the national court reduces applicants' entitlement to reimbursement. The case involves a failure to take into account the tax paid by some subsidiaries and restrictions on the right to get the amount of the dividend reimbursed;
 - incorrect application of case law¹⁸ by limiting the personal and family benefits of a French resident if she receives income sourced in the EU/European Economic Area;
 - the requirements of proof of payment of withholding tax by the paying agent to the French tax authorities and limitation periods for reimbursement of the withholding tax on securities investments in France (two years for non-residents, three years for residents);
 - the 3 % dividend tax. This seems to be contrary to the Parents-Subsidiary Directive¹⁹ and the freedom of establishment because this tax should not be paid in case of obligation to pay tax in France. As only permanent establishments are exempted from the tax, the freedom to choose the legal form of establishment appears to be restricted as well.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns inadequate urban waste water treatment in smaller agglomerations.²⁰
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against France open on 31 December (2011-2015)



¹³ [MEMO/15/5162](#).

¹⁴ Directive [2014/59/EU](#); IP/15/5057.

¹⁵ Regulation [\(EC\) No 550/2004](#).

¹⁶ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

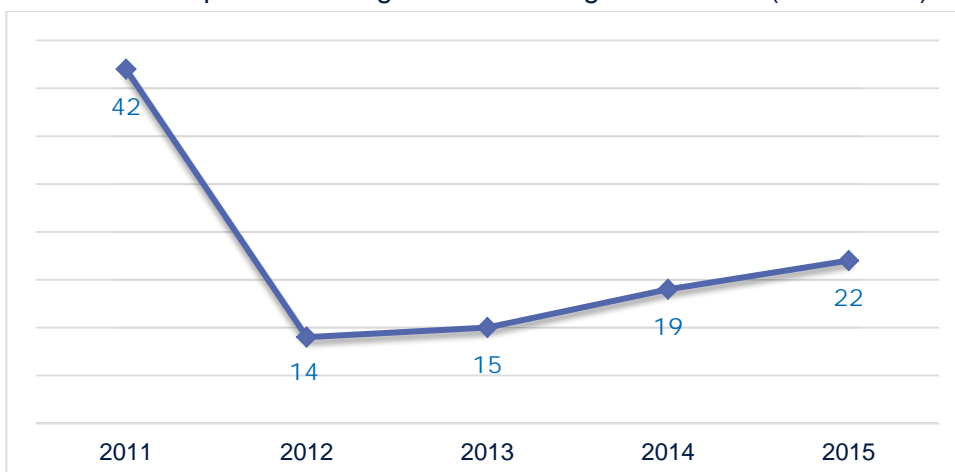
¹⁷ Accor, [C-310/09](#).

¹⁸ de Groot, [C-385/00](#).

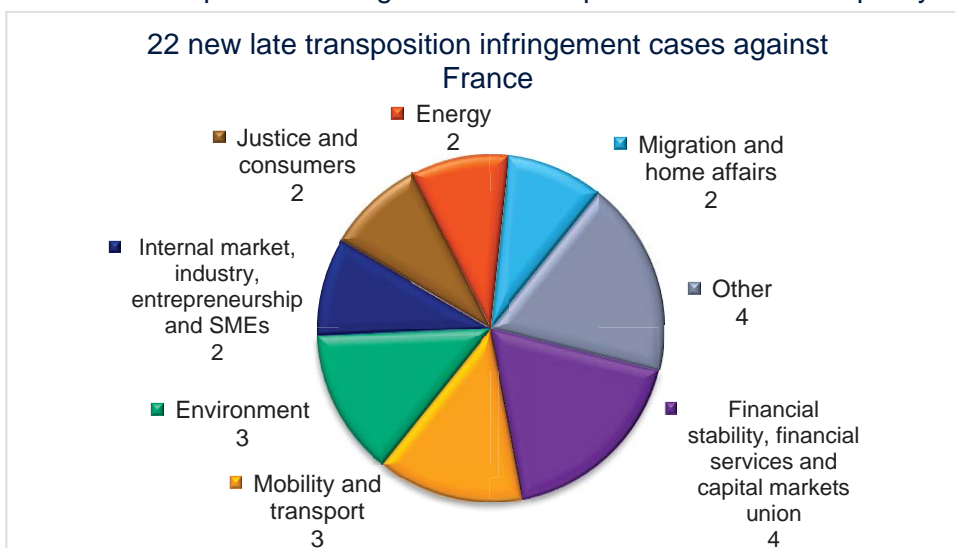
¹⁹ Directive [2003/123/EC](#).

²⁰ Commission v France, [C-314/15](#); IP/15/4873.

2. New late transposition infringement cases against France (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- failure to transpose the Directive on waste electrical and electronic equipment;²¹
- incorrect application of the Water Framework Directive in relation to the Sivens dam project;²²
- non-communication of measures transposing the Directive on over-reliance on credit ratings;²³
- the obligation for French breathalyser kits in cars to conform to a specific French standard;
- obstacles to the importation of antique firearms;
- late transposition of the Directive against trafficking in human beings;²⁴
- incorrect transposition of the Directive on unfair commercial practices;²⁵

²¹ Directive No [2012/19/EU](#).

²² Directive No [2000/60/EC](#).

²³ Directive [2013/14/EU](#).

²⁴ Directive [2011/36/EU](#).

- failure to notify national measures transposing the Directive on the European protection order;²⁶
- non-conformity of national legislation with the Directive on driving licences as amended;²⁷
- failure to ensure compliance with the Regulation on animal welfare during transport;²⁸
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows;²⁹
- the requirement to designate a fiscal representative for various capital transactions, which is considered in case law as a restriction on the freedom of establishment. The requirement was removed;
- the rules on corporate group taxation. These were changed to put French-owned and non-French-owned groups on the same tax footing.

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

The Court ruled that:

- the reduced VAT rate for digital books did not comply with the VAT Directive;³¹
- exempting donations and bequests to public bodies from inheritance tax only if the beneficiary is established in France or in another Member State with which France has concluded a bilateral agreement is incompatible with the free movement of capital.³²

2. Preliminary rulings

In preliminary rulings addressed to the French judiciary, the Court ruled that:

- depriving a French citizen who had been convicted of a serious crime of the right to vote in European elections represents a limitation on the exercise of EU citizens' right to vote in elections to the European Parliament. This right is guaranteed in the Charter of Fundamental Rights of the European Union. However, in the case at hand the ban is proportionate as it takes into account the seriousness of the crime and gives the person the possibility to apply for reinstatement of their voting right;³³
- the income of migrant workers, from professional activity or from assets in the Member State of employment, cannot be made subject to social contributions in the Member State of residence if social contributions were paid in the former Member State;³⁴
- people admitted to a work rehabilitation centre and carrying out activities there must be considered as workers. They are therefore entitled to minimum paid annual leave under the Working Time Directive and the EU's Charter of Fundamental Rights;³⁵
- permanently excluding blood donations from men who have had sexual relations with other men may be justified, depending on the situation in the Member State concerned. Under French law, men who have had sexual relations with other men are permanently excluded from donating blood in France, given the high prevalence of HIV. The French measure may discriminate on grounds of sexual orientation. The permanent exclusion should therefore be assessed in the light of the situation in that Member State and of the proportionality principle. Permanent exclusion from blood donation for men who have had sexual relations with other men may be justified by medical and scientific knowledge and the epidemiological situation prevailing in a Member State and where no

²⁵ Directive [2005/29/EC](#).

²⁶ Directive [2011/99/EU](#).

²⁷ Directive [2006/126/EC](#).

²⁸ Regulation [\(EC\) No 1/2005](#).

²⁹ Directive [2008/120/EC](#).

³⁰ These rulings are almost exclusively handed down on infringement procedures.

³¹ Commission v France, [C-479/13](#), and Court press release No [30/15](#).

³² Commission v France, [C-485/14](#).

³³ Delvigne, [C-650/13](#) and Court press release [No 118/15](#).

³⁴ de Ruyter, [C-623/13](#) and Court press release [No 22/15](#).

³⁵ Fenoll, [C-316/13](#).

effective techniques or less onerous methods exist to address the situation. It is for the national court to determine whether those conditions are met in France.³⁶

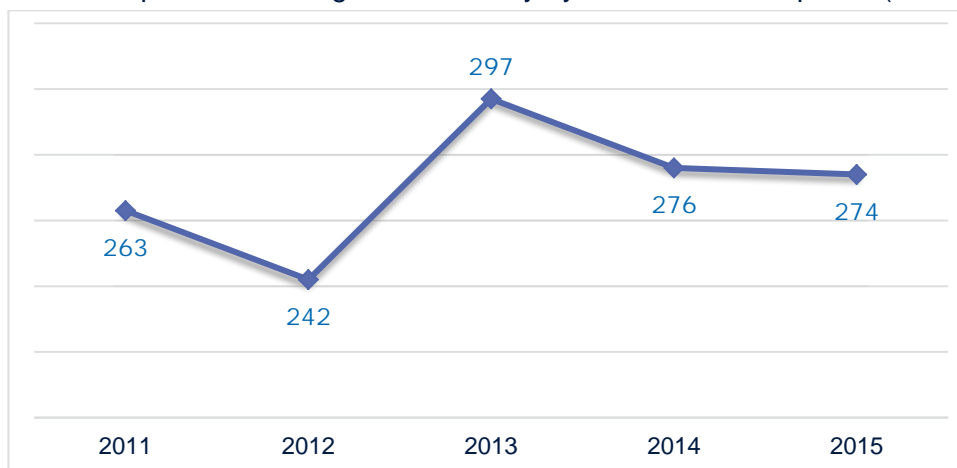
³⁶ Léger, [C-528/13](#) and Court press release No [46/15](#).

Germany

New complaints against Germany in 2015 remained at the previous year's level while the number of new EU Pilot files significantly decreased from its 2014 peak. However, there was a marked increase from 2014 in infringement cases pending at the end of the year. New infringement cases for late transposition fell but were still above the 2012-2013 levels.

I. COMPLAINTS

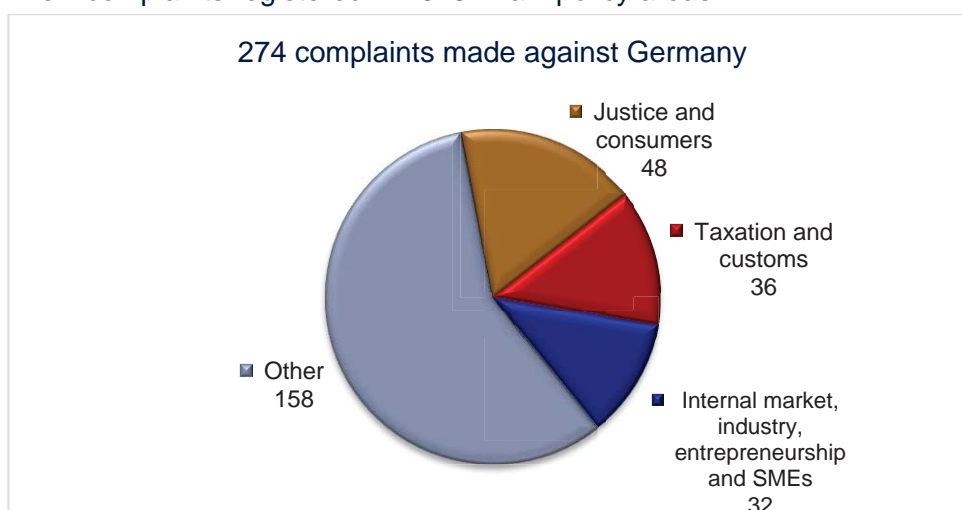
1. New complaints made against Germany by members of the public (2011- 2015)



2. Public complaints against Germany open at year-end

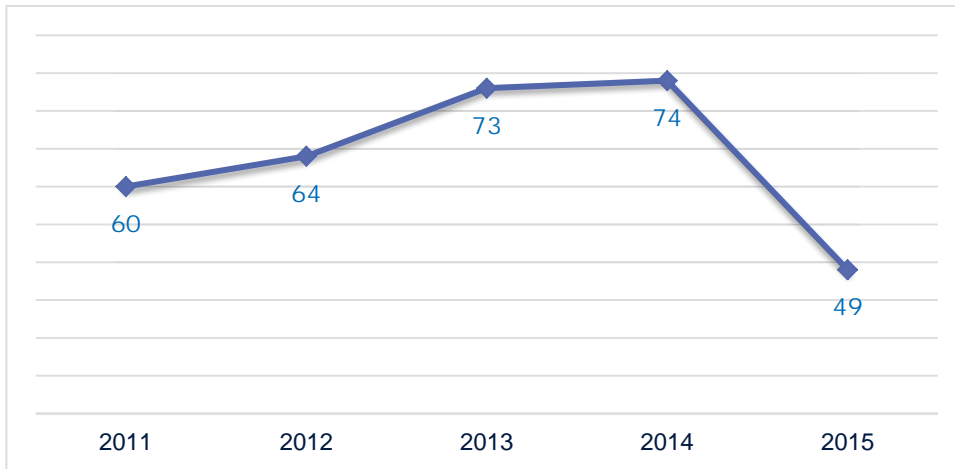
205	>	Complaints open at end-2014
274	>	New complaints registered in 2015
244	>	Complaints handled in 2015
<hr/>		
= 235	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Germany (2011-2015)



2. Files relating to Germany open in EU Pilot at year -end

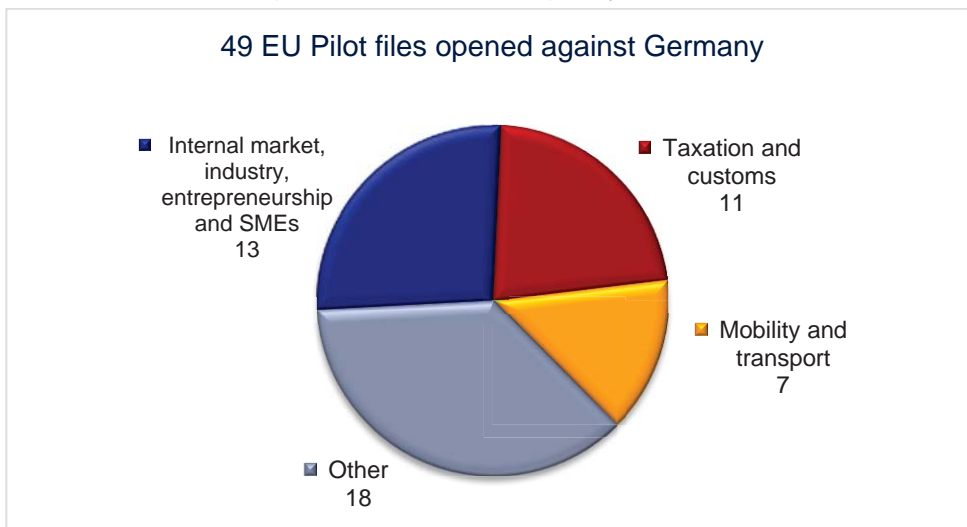
63 > EU Pilot files open at end-2014

49 > New EU Pilot files registered in 2015

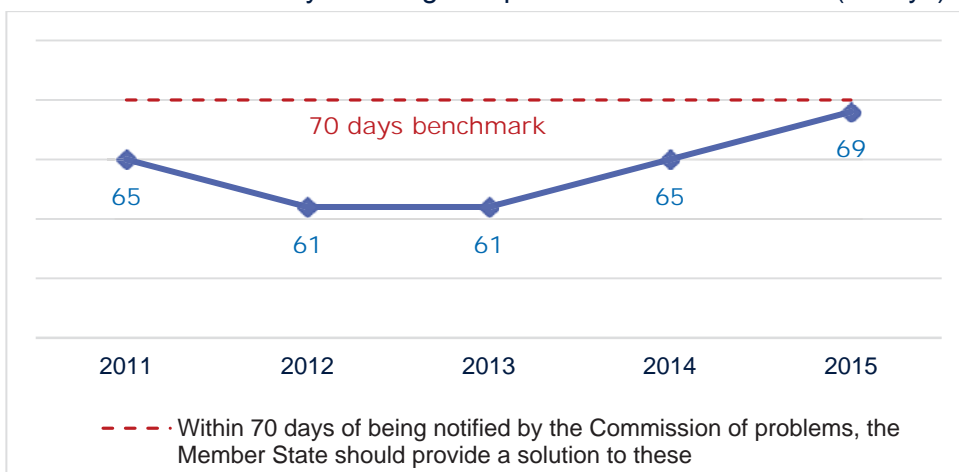
44 > EU Pilot files handled in 2015

63 + 49 - 44 = 68 > EU Pilot files open at end-2015

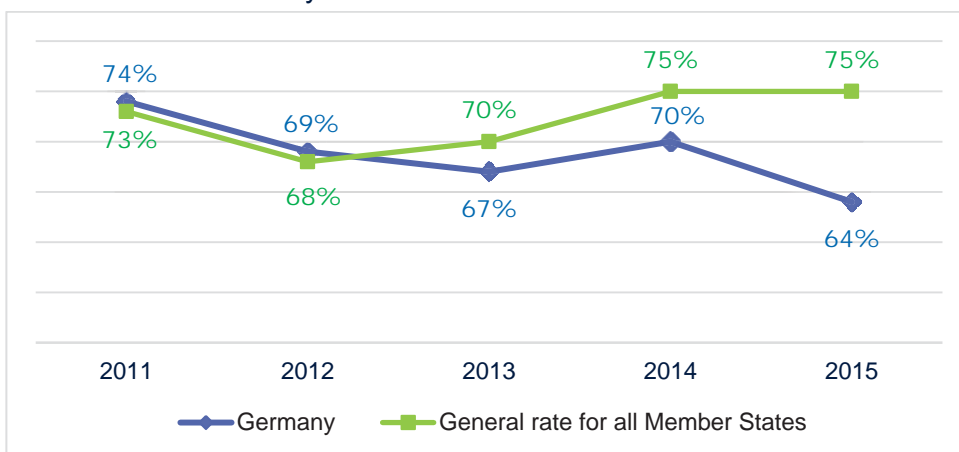
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Germany's average response time in 2011-2015 (in days)

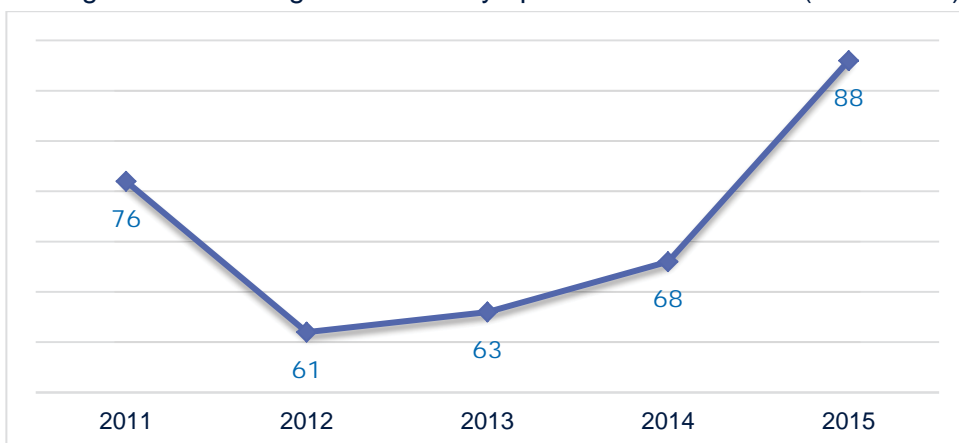


5. EU Pilot files: Germany's resolution rate in 2011- 2015

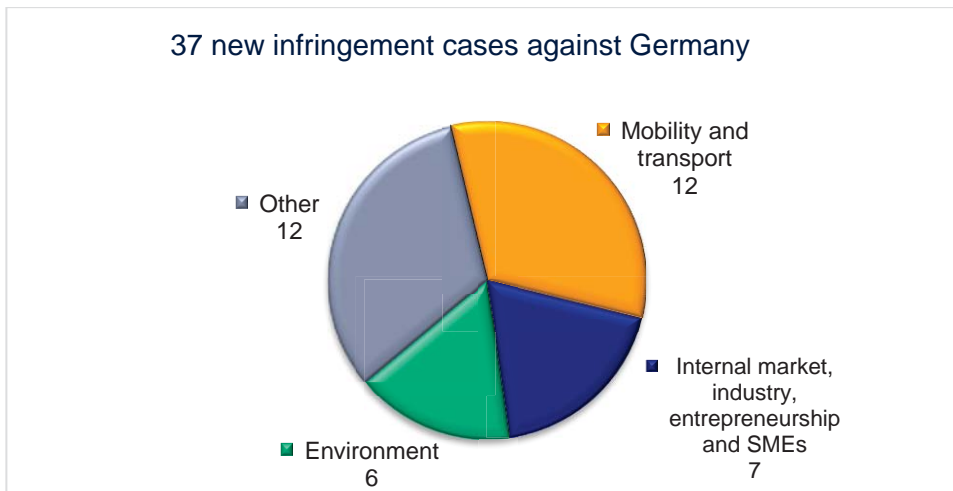


III. INFRINGEMENT CASES

1. Infringement cases against Germany open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 37 new infringement cases against Germany in 2015. These, and other major ongoing infringement cases, concern:

- failure to notify the national measures transposing the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
- non-conformity with the Working Time Directive³ by applying a 12-month reference period for limiting average weekly working time to 48 hours for civil servants. The Directive provides for a 4-month reference period;
- late and incomplete transposition of the Energy Efficiency Directive;⁴
- bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁵
- non-respect of the NO₂ limit values in the Air Quality Directive;⁶
- excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;⁷
- the right to family reunification of non-EU nationals residing lawfully in a Member State;
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;⁸
- incorrect transposition of the Directive ensuring equal access between men and women to goods and services;⁹
- failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹⁰ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹¹

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2003/88/EC](#).

⁴ Directive [2012/27/EU](#), [MEMO/15/5162](#) and [IP/15/5196](#).

⁵ Directive [92/43/EEC](#).

⁶ Directive [No 2008/50/EC](#).

⁷ Directive [2006/123/EC](#) and [IP/15/5199](#).

⁸ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁹ Directive [2004/113/EC](#).

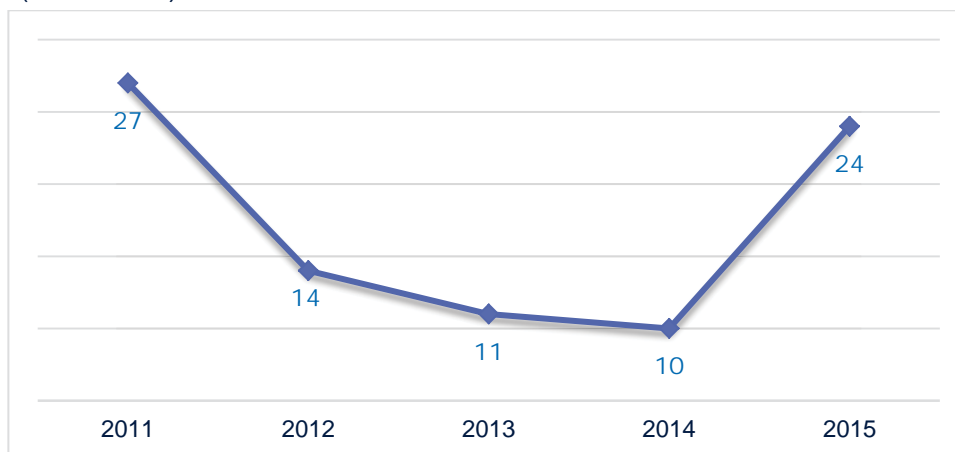
¹⁰ Regulation [\(EC\) No 550/2004](#).

¹¹ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

- discriminatory user charges for passenger cars (introduced by a new road charging scheme known as the Pkw-Maut). These hinder the free movement of persons and goods and the provision of services;¹²
 - restrictions on the provision of transport services and free movement of goods deriving from the German minimum wage law;
 - failure to meet air safety oversight obligations regarding initial and continuous airworthiness;¹³
 - systematic confiscation and subsequent destruction of non-commercial gifts containing tobacco sent by private individuals, without any differentiation based on the circumstances of the case. This is contrary to the principle of proportionality under EU law.¹⁴
- b) The Commission referred three cases to the Court under Article 258 TFEU. They concern:
- the German Explosives Act. This is not compatible with the 'free movement clause' laid down in the Directive on the placing on the market of pyrotechnic articles.¹⁵ The Act provides for a mandatory notification procedure before pyrotechnic articles can be placed on the German market, even where the articles satisfy the requirements of the Directive;¹⁶
 - inadequate monitoring of security controls at some airports. Such monitoring is required by EU legislation;¹⁷
 - application only to the health and medical sector of the VAT exemption granted to cost-sharing associations (taxpayers' groups purchasing services from third parties jointly). This is despite the VAT Directive¹⁸ containing no sector-specific limitations.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Germany open on 31 December (2011-2015)



¹² [MEMO/15/5162](#) and [IP/15/5200](#).

¹³ Regulation [\(EU\) No 748/2012](#) and Regulation [\(EC\) No 1321/2014](#).

¹⁴ [MEMO/15/6223](#).

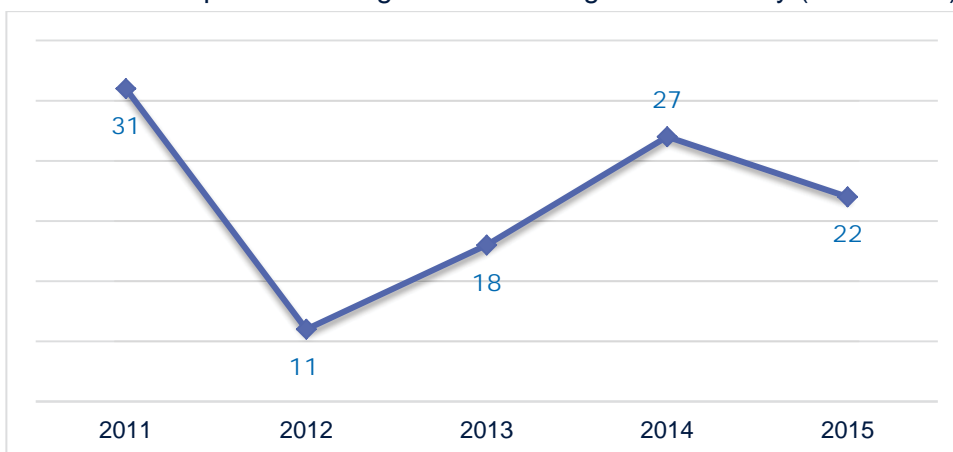
¹⁵ Directive [2007/23/EC](#).

¹⁶ Commission v Germany, [C-220/15](#), and [IP/15/4444](#).

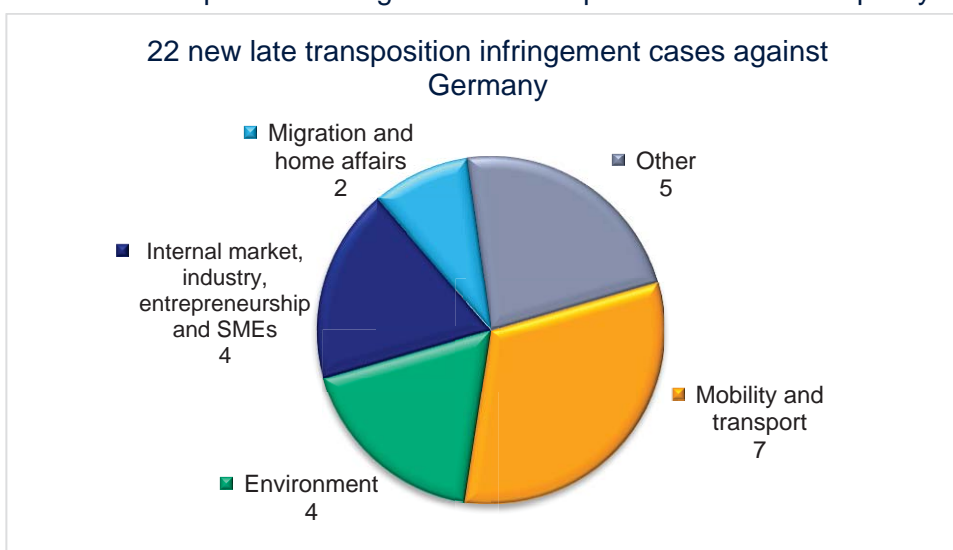
¹⁷ Commission v Germany, [C-481/15](#) and [IP/15/5056](#).

¹⁸ Commission v Germany, [C-616/15](#).

2. New late transposition infringement cases against Germany (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns Germany's failure to transpose the Directive on waste electrical and electronic equipment.¹⁹

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- the award of a waste disposal service contract by the city of Rostock on the basis of discriminatory award criteria;
- non-ratification of the Air Transport Agreement between Germany and the US;
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows.²⁰

¹⁹ Directive No [2012/19/EU](#), Commission v Germany, [C-546/15](#), [IP/15/5054](#). Germany subsequently adopted the necessary legislative measures and the Commission has therefore withdrawn this case from the Court.

²⁰ Directive [2008/120/EC](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²¹

The Court ruled that:

- Germany has incorrectly transposed the requirements of the Environmental Impact Assessment Directive and of the Industrial Emissions Directive with regard to access to justice;²²
- making a tax benefit (a deferral of capital gains tax due on the sale of assets located in Germany) subject to the condition that such gains are reinvested in Germany is incompatible with the right of establishment.²³

2. Preliminary rulings

In preliminary rulings addressed to the German judiciary, the Court ruled that:

- where an infringement of a provision of EU law is discovered only after the prejudice has occurred, the limitation period (after which the case is time-barred) begins to run from the time when both the economic operator's act or omission that infringed EU law and the prejudice caused to the budget of the EU or budgets managed by it occurred;²⁴
- under the Directive on collective redundancies, a person who performs services for and under the direction of another person and receives remuneration in return must be considered as a 'worker'. Consequently, certain managing directors and certain trainees may also count as 'workers';²⁵
- Member States can exclude jobseekers from social assistance benefits who are either first-time jobseekers or who, after having worked for less than one year in the host Member State, no longer retain the status of a worker;²⁶
- a migrant worker who is subject to the legislation of the Member State of employment by virtue of the national legislation of the Member State of residence may receive an old-age pension and family benefits from the state of residence;²⁷
- entitlement to family benefits can be granted to a person not resident in the territory of the Member State responsible for paying those benefits, when all other conditions for the granting of those benefits provided by national law are met;²⁸
- the German nuclear fuel tax is compatible with EU law (Energy Taxation Directive, Euratom Treaty, State aid rules);²⁹
- garage-door operating devices depending on electric current of approximately 220 to 240 volts to work properly, designed to be incorporated into the building structure and apt at any time to be dismantled, re-installed or added to that structure, fall within the scope of the Directive on waste electrical and electronic equipment;³⁰
- the requirements imposed by the Water Framework Directive on the Member States to avoid deterioration in and achieve good status of their water bodies are binding objectives. Individual projects must therefore be assessed against these obligations. A fall by one class in the status of at least one quality element for a body of surface water is enough to determine the conclusion that there is a deterioration in the body's status;³¹
- architects whose qualifications cannot be automatically recognised under the Directive on professional qualifications can still benefit from the general system of recognition set out by the Directive;³²

²¹ These rulings are almost exclusively handed down on infringement procedures.

²² Directives No [2011/92/EU](#) and [2010/75/EU](#), Commission v Germany, [C-137/14](#).

²³ Commission v Germany, [C-591/13](#).

²⁴ Firma Ernst Kollmer Fleischimport und –export, [C-59/14](#).

²⁵ Balkaya, [C-229/14](#).

²⁶ Alimanovic, [C-67/14](#).

²⁷ Franzen and Others, [C-382/13](#).

²⁸ Trapkowski, [C-378/14](#).

²⁹ Kernkraftwerke Lippe-Ems GmbH v Hauptzollamt Osnabrück, [C-5/14](#) and Court press release [No 62/15](#).

³⁰ Directives No [2002/96/EC](#) and [2012/19/EU](#), Sommer Antriebs- und Funktechnik, [C-369/14](#).

³¹ Directive No [2000/60/EC](#), Bund für Umwelt und Naturschutz Deutschland, [C-461/13](#).

³² Eintragungsausschuss bei der Bayerischen Architektenkammer v Hans Angerer, [C-477/13](#).

- European public procurement legislation does not preclude national legislation that requires tenderers to pay a predetermined minimum wage to staff;³³
- non-corrective colour contact lenses featuring designs are not cosmetics under the Cosmetic Products Regulation;³⁴
- under the Qualifications Directive, an act of persecution can take the form of ‘prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes’. The judgment of the Court clarified the conditions in which a non-EU national who has deserted may be granted asylum in the EU;³⁵
- the Free Movement Directive allows Member States to set limits on the entitlements to social assistance of economically inactive EU citizens moving to another EU Member State, as well as for EU citizens seeking a job. Previously the Court had found that a Member State could, under the Free Movement Directive, deny the benefit to an economically non-active person who never had sufficient resources of their own to enjoy right of residence and who, in addition, had never worked in the host Member State and had no intention of looking for a job there;³⁶
- a computerised booking system must indicate the final price to be paid, not only for the air service selected by the customer but also for each service for which the price is displayed, including when the prices are indicated for the first time;³⁷
- a Member State is not precluded from refusing to recognise the validity of a driving licence issued by another Member State when the holder has engaged in unlawful conduct resulting in unfitness to drive;³⁸
- e-book readers with translation or dictionary functions are classified as ‘electronic apparatus having an individual function not specified elsewhere’ — and are thus subject to a conventional rate of duty amounting to 3.7 % — instead of ‘electrical machine with dictionary function,’ which are duty free;³⁹
- the penalty tax for holding units in investment funds established in certain non-EU countries (such as the Cayman Islands) can result in less favourable treatment, even by restricting the free movement of capital, including the provision of financial services, if the provision already existed on 31 December 1993;⁴⁰
- the staggered taxation of the hidden reserves of assets used for professional purposes over a period of five years, in the event of them being transferred from a German to a Dutch permanent establishment of the same undertaking, is compatible with the freedom of establishment;⁴¹
- as a general rule, final losses of a foreign subsidiary cannot be taken into account at the level of the parent company.⁴²

³³ Regiopost, [C-115/14](#), and Court press release no. [139/15](#).

³⁴ Colena, [C-321/14](#).

³⁵ Shepherd, [C-472/13](#) and Court press release No [20/15](#).

³⁶ Alimanovic, [C-67/14](#) and Court press release No [101/15](#).

³⁷ Air Berlin plc, [C-573/13](#) and Court press release No [4/15](#).

³⁸ Aykul, [C-260/13](#) and Court press release No [40/15](#).

³⁹ Amazon EU, [C-58/14](#).

⁴⁰ Wagner-Raith, [C-560/13](#).

⁴¹ Verder LabTec, [C-657/13](#).

⁴² Timac Agro Deutschland, [C-388/14](#).

Greece

In 2015 new complaints and new EU Pilot files opened against Greece both declined to the lowest level of the last five years. The number of open infringement cases has remained relatively stable since 2012. After the increase registered in 2014, new infringement cases for late transposition dropped slightly in 2015.

I. COMPLAINTS

1. New complaints made against Greece by members of the public (2011- 2015)



2. Public complaints against Greece open at year-end

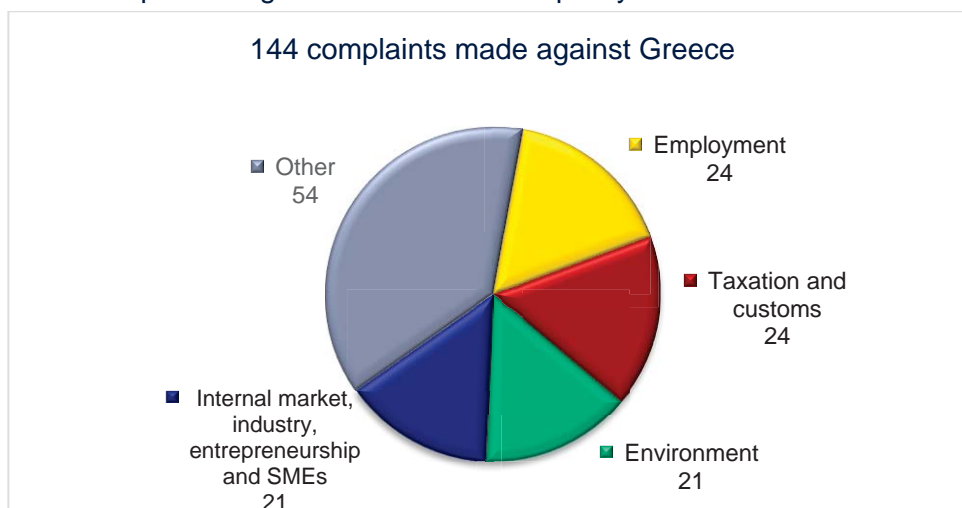
128 > Complaints open at end-2014

144 > New complaints registered in 2015

164 > Complaints handled in 2015

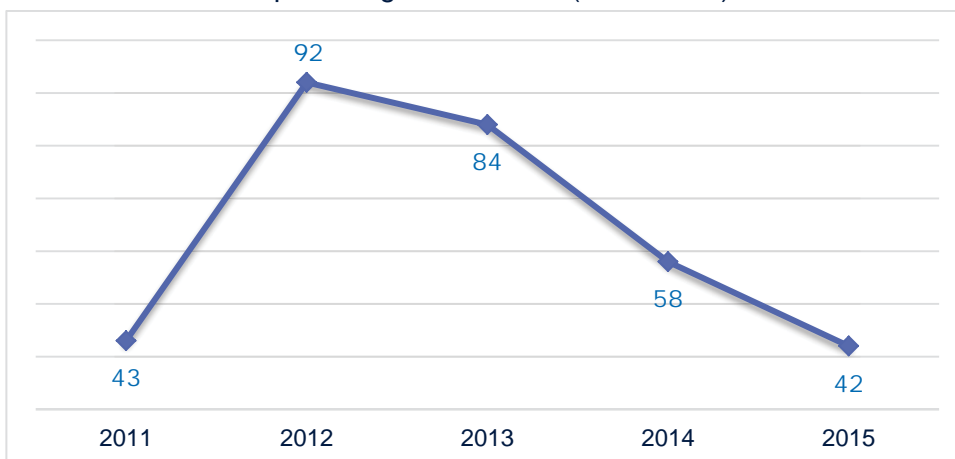
108 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Greece (2011-2015)



2. Files relating to Greece open in EU Pilot at year -end

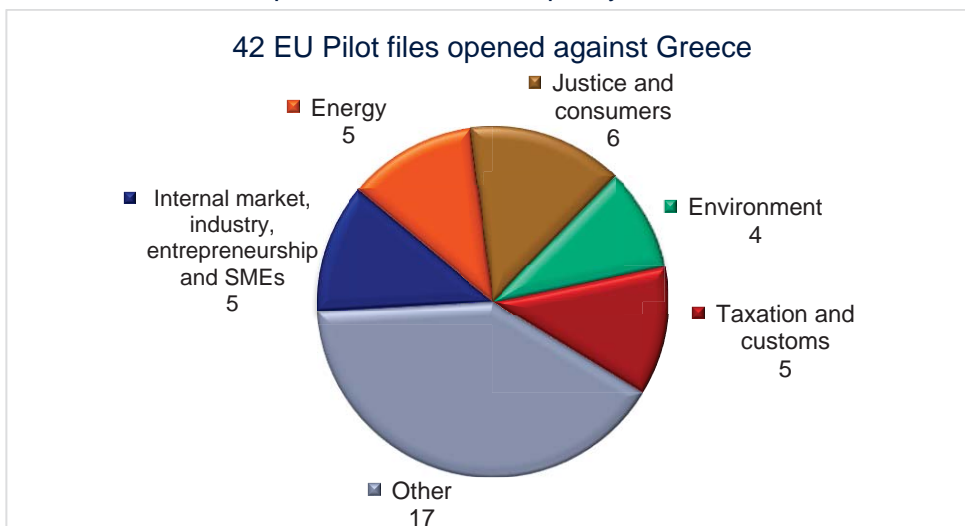
73 > EU Pilot files open at end-2014

42 > New EU Pilot files registered in 2015

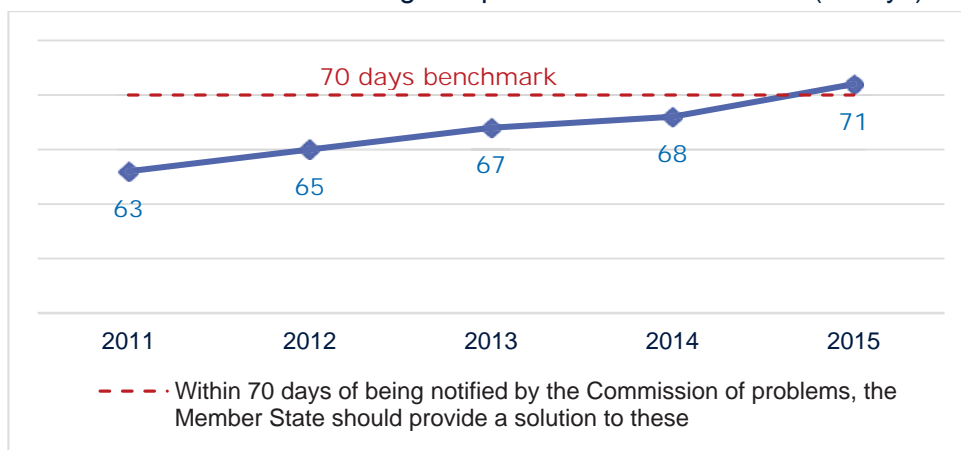
50 > EU Pilot files handled in 2015

65 > EU Pilot files open at end-2015

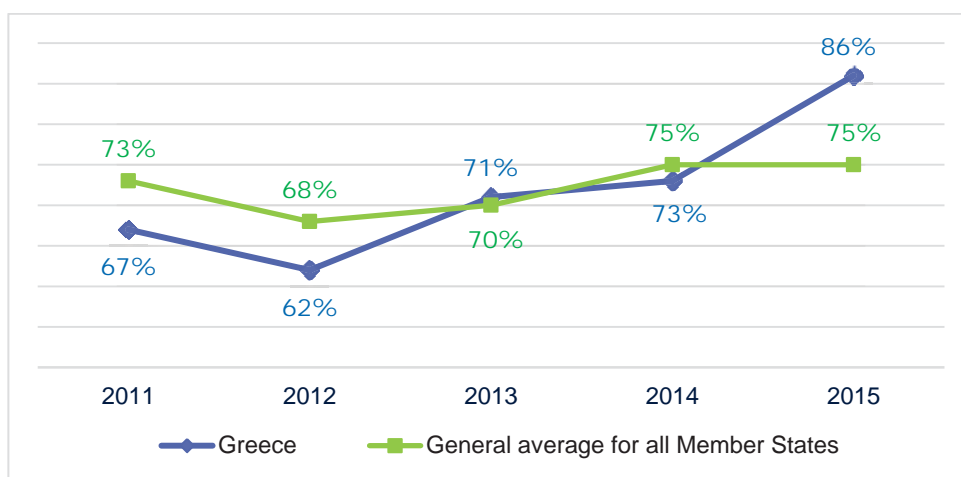
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Greece's average response time in 2011-2015 (in days)

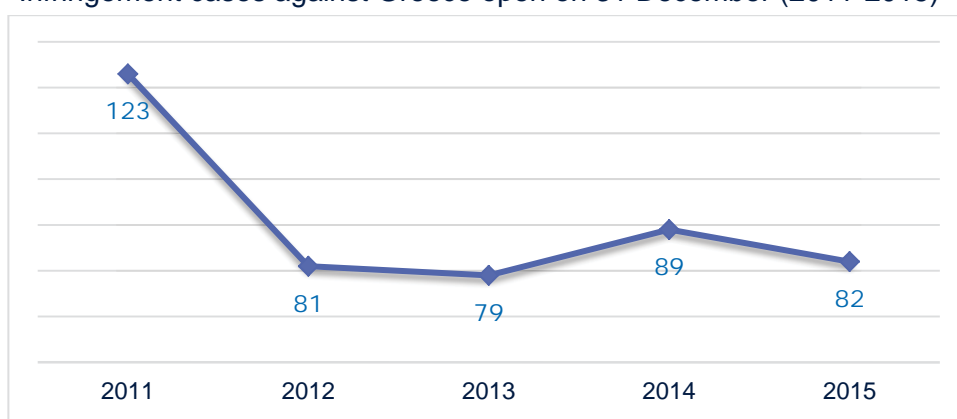


5. EU Pilot files: Greece's resolution rate in 2011- 2015

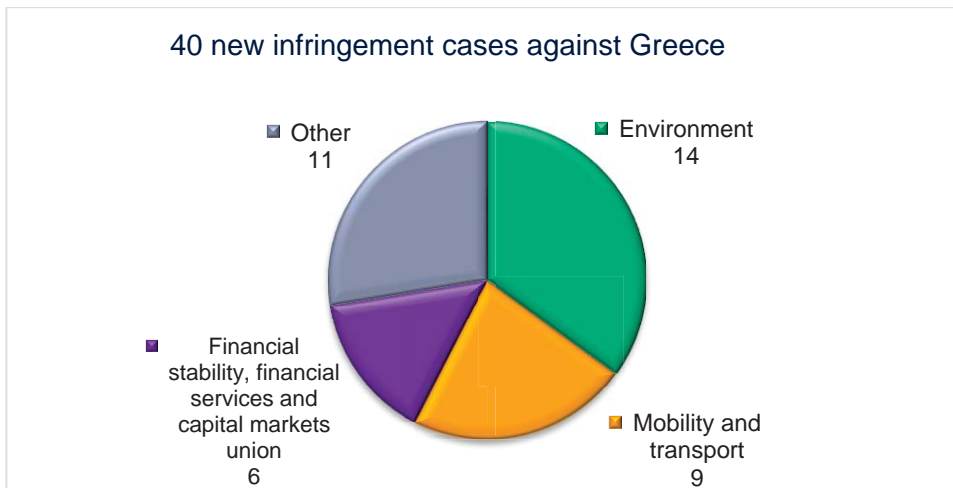


III. INFRINGEMENT CASES

1. Infringement cases against Greece open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 40 new infringement cases against Greece in 2015. These, and other major ongoing infringement cases, concern:

- failure to notify the national measures transposing the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
- late transposition of the Directive on attacks against information systems;³
- bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁴
- failure to submit a cost-optimal report for the energy performance requirements for buildings;⁵
- failure to implement the EU Timber Regulation and the Forest Law Enforcement, Governance and Trade Regulation;⁶
- failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁷
- failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁸
- excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;⁹
- failure to correctly implement the 'Eurodac' Regulation;¹⁰
- serious deficiencies in the Greek asylum system. These concern in particular:
 - the material conditions for receiving applicants for international protection, especially those with special reception needs and vulnerable persons; and
 - structural flaws in the functioning of the guardianship system or legal representation of all unaccompanied minors during the asylum procedure;¹¹

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2013/40/EU](#).

⁴ Directive [92/43/EEC](#).

⁵ [IP/15/6007](#).

⁶ Regulation (EU) No [995/2010](#) and Regulation (EC) No [2173/2005](#); [MEMO/15/5826](#).

⁷ Directive [2014/49/EU](#); [MEMO/15/6223](#).

⁸ Directives [2009/138/EC](#) and [2014/51/EU](#); [MEMO/15/6006](#).

⁹ Directive [2006/123/EC](#); [IP/15/5199](#).

¹⁰ Regulation (EU) No [603/2013](#); [IP/15/6276](#).

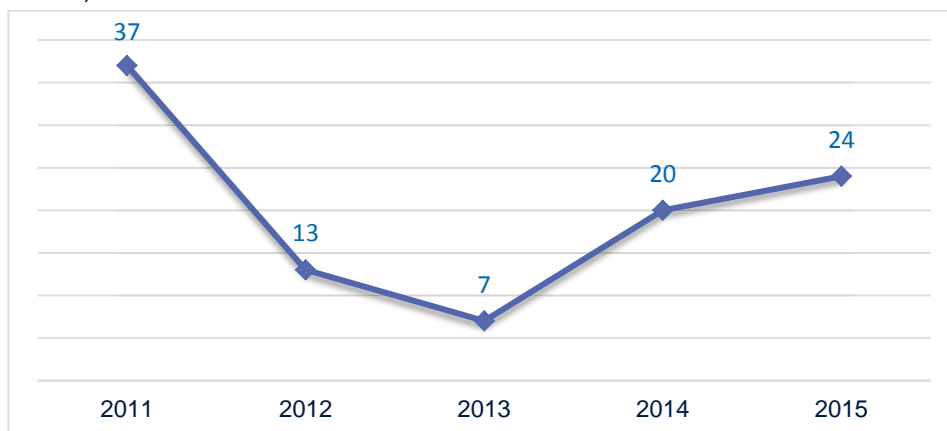
- failure to notify national measures ensuring full transposition of the recast Asylum Procedures Directive¹² and the Reception Conditions Directive;¹³
 - failure to notify national measures ensuring full transposition of the Directive on combating the sexual abuse and sexual exploitation of children and child pornography;¹⁴
 - lack of implementation of certain obligations under EU document-security legislation;¹⁵
 - non-compliance with the Mediterranean Regulation¹⁶ regarding the obligation to adopt a national management plan for fisheries conducted by boat seines within territorial waters;¹⁷
 - incorrect transposition of the Directive on driving licences, as amended;¹⁸
 - failure to establish a registration procedure for the European Electronic Toll Service providers and a toll domain statement;
 - discriminatory airport charges;¹⁹
 - failure to connect the national electronic register of road transport undertakings to the registers of other Member States;²⁰
 - reduced excise duty rate applied to the spirit drinks 'Tsipouro' and 'Tsikoudià', in breach of EU rules.²¹
- b) The Commission referred three cases to the Court under Article 258 TFEU. They concern:
- inadequate urban waste water treatment in smaller agglomerations;²²
 - car registration rules which levy the total registration tax on Greek residents even if they only rent or lease vehicles from non-Greek lessors, instead of requiring proportionate amounts;²³
 - rules granting a tax exemption to people inheriting property in Greece only if they are considered a Greek resident.²⁴

The Commission referred one case to the Court under Article 260(2) TFEU. It concerns Greece's failure to implement a judgment of the Court of Justice finding that it was failing to ensure adequate management of hazardous waste. The Commission proposed the Court should impose a lump sum payment of EUR 14 904 736 and a daily penalty payment of EUR 72 864 until the obligations are fulfilled.²⁵

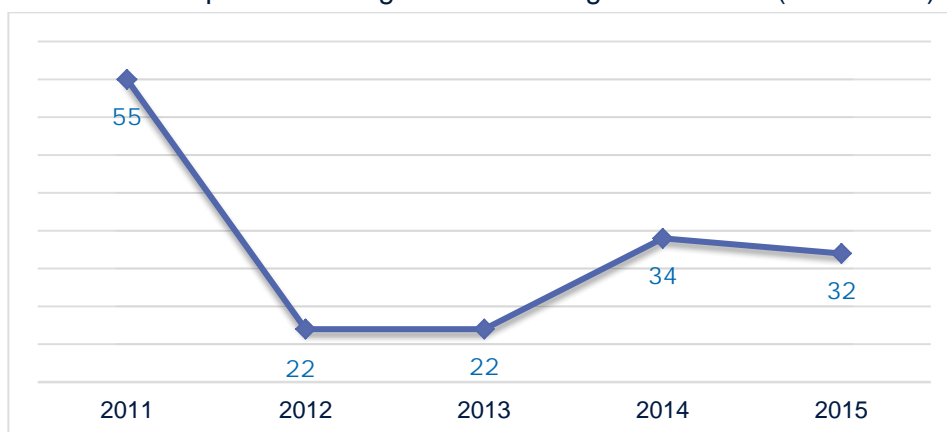
¹¹ [IP/15/5699](#).
¹² Directive [2013/32/EU](#); [IP/15/6276](#).
¹³ Directive [2013/33/EU](#); [IP/15/6276](#).
¹⁴ Directive [2011/92/EU](#); [MEMO/15/5356](#).
¹⁵ [MEMO/15/4871](#).
¹⁶ Regulation (EC) No [1967/2006](#).
¹⁷ [MEMO/15/5162](#).
¹⁸ Directive [2006/126/EC](#).
¹⁹ [MEMO/15/5053](#).
²⁰ [MEMO/15/5053](#).
²¹ [MEMO/15/5657](#).
²² Commission v Greece, [C-320/15](#); [IP/15/4491](#).
²³ Commission v Greece, [C-66/15](#).
²⁴ Commission v Greece, [C-244/15](#); [IP/15/4675](#).
²⁵ Commission v Greece, [C-584/14](#); [IP/14/1037](#).

IV. TRANSPOSITION OF DIRECTIVES

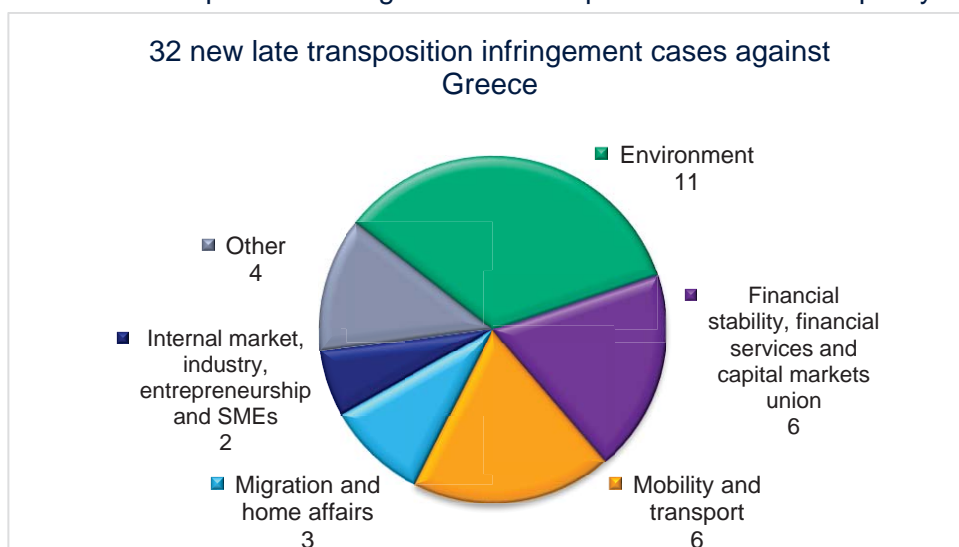
1. Late transposition infringement cases against Greece open on 31 December (2011-2015)



2. New late transposition infringement cases against Greece (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns non-communication of national measures transposing the Energy Efficiency Directive.²⁶

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- failure of a waste landfill in Karvounari (Thesprotie) to comply with EU requirements;
- non-notification of complete national measures transposing the Capital Requirements Directive;²⁷
- non-compliance of Greek law with the Late Payment Directive regarding late payment rules for public hospitals and other public bodies;
- late transposition of the Single Permit Directive;²⁸
- late transposition of the Directive against trafficking in human beings;²⁹
- non-compliance with the requirement to ensure direct electronic exchange of fisheries-related data with other Member States;
- non-conformity with the Railway Safety Directive;³⁰
- incorrect implementation of EU legislation on the rights of bus and coach passengers;³¹
- bad application of the 'single European sky' legislation;
- non-ratification of the European Common Aviation Area Agreement.

VI. IMPORTANT JUDGMENTS

1. Court rulings³²

The Court ruled that:

- Greece failed to comply with the Working Time Directive by making it possible for the working week of doctors to exceed the 48-hour limit, without properly taking into account their on-call hours. The possibility of postponing doctors' 24-hour rest period until a week after their on-call period also failed to comply with the Directive;³³
- Greece has failed to ensure full compliance with the 2007 judgment of the Court of Justice finding that Greece was not ensuring adequate collection and treatment of urban waste water in a number of agglomerations. The Court ordered Greece to pay a lump sum of EUR 10 million and a sliding-scale penalty payment of EUR 20 000 per day, corresponding to EUR 3.64 million per half-year of delay;³⁴
- Greece has failed to fulfil its obligations under the Nitrates Directive by not designating enough zones vulnerable to nitrate pollution and not establishing action programmes to address them.³⁵

2. Preliminary rulings

In preliminary rulings addressed to the Greek judiciary, the Court ruled that:

- only people who have previously produced agricultural products could benefit under the long-term set-aside scheme for agricultural land;³⁶
- a measure containing a plan or programme which falls within the scope of the Strategic Environmental Assessment Directive and modifies an existing plan or programme may

²⁶ Directive [2012/27/EU](#), Commission v Greece, [C-540/15](#); [IP/15/5196](#).

²⁷ Directive [2013/36/EU](#).

²⁸ Directive [2011/98/EU](#).

²⁹ Directive [2011/36/EU](#).

³⁰ Directive [2004/49/EC](#).

³¹ Regulation (EU) No [181/2011](#).

³² These rulings are almost exclusively handed down on infringement procedures.

³³ Commission v Greece, [C-180/14](#) and Court press release No [152/15](#).

³⁴ Directive No [91/271/EEC](#), Commission v Greece, [C-167/14](#) and Court press release No [126/15](#).

³⁵ Directive No [91/676/EEC](#), Commission v Greece, [C-149/14](#).

³⁶ *Agrooikosystimata*, [C-498/13](#).

not be exempted from the obligation to carry out an environmental assessment on the ground that it is intended to give more specific expression to and implement a master plan established by a hierarchically superior measure which has not itself been the subject of such an environmental assessment;³⁷

- parental leave is an individual right which cannot depend on the employment status of the spouse. National legislation which prohibits a male civil servant from taking parental leave when his wife does not work is therefore not compatible with EU law.³⁸

³⁷ Directive [2001/42/EC](#), Dimos Kropias Attikis, [C-473/14](#).

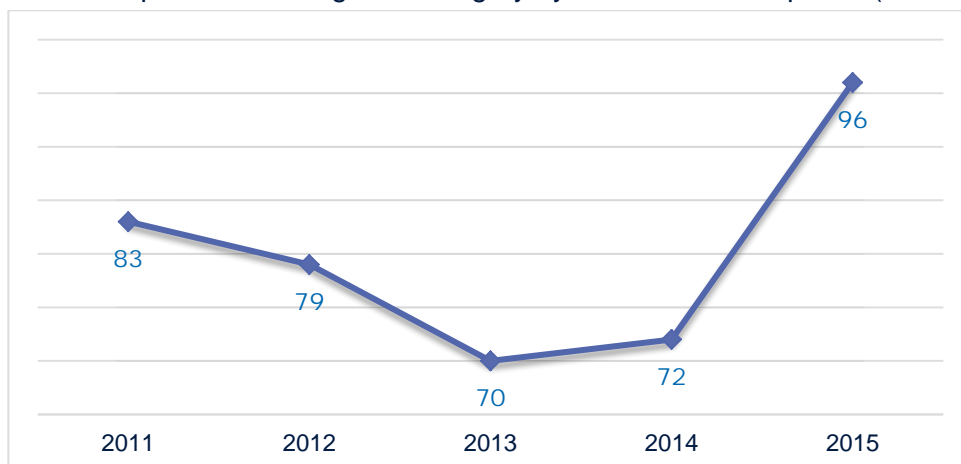
³⁸ Maïstrellis, [C-222/14](#) and Court press release No [89/15](#).

Hungary

New complaints against Hungary increased strongly in 2015 while the number of new EU Pilot files held steady. Open infringement cases fell slightly but remained within the relatively narrow range seen since 2012. New infringement cases for late transposition declined to a five-year low.

I. COMPLAINTS

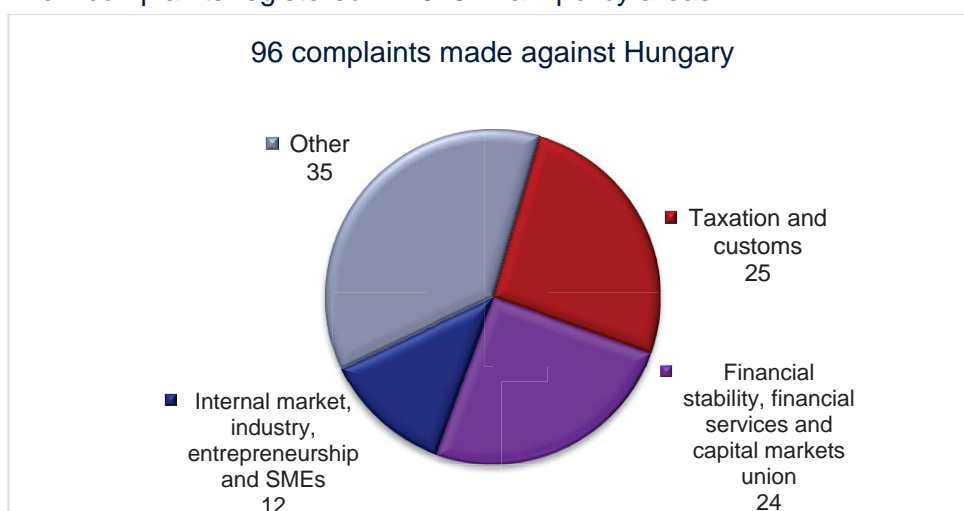
1. New complaints made against Hungary by members of the public (2011- 2015)



2. Public complaints against Hungary open at year-end

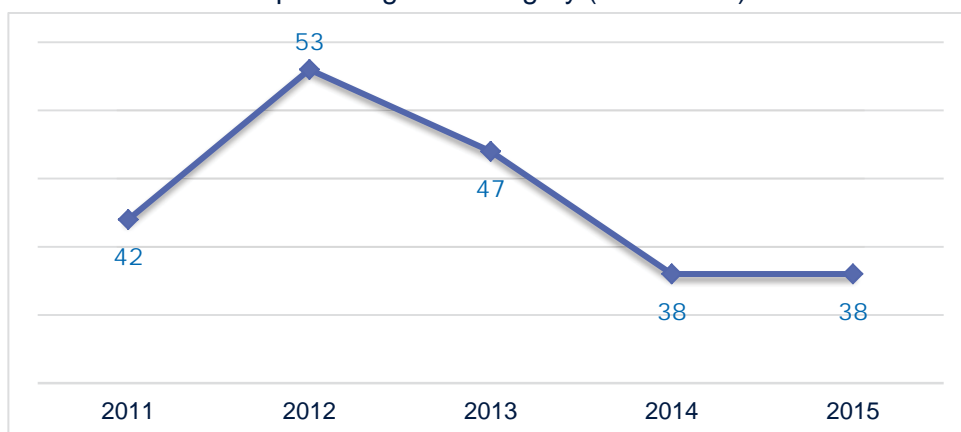
57	>	Complaints open at end-2014
96	>	New complaints registered in 2015
80	>	Complaints handled in 2015
<hr/>		
= 73	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Hungary (2011-2015)



2. Files relating to Hungary open in EU Pilot at year -end

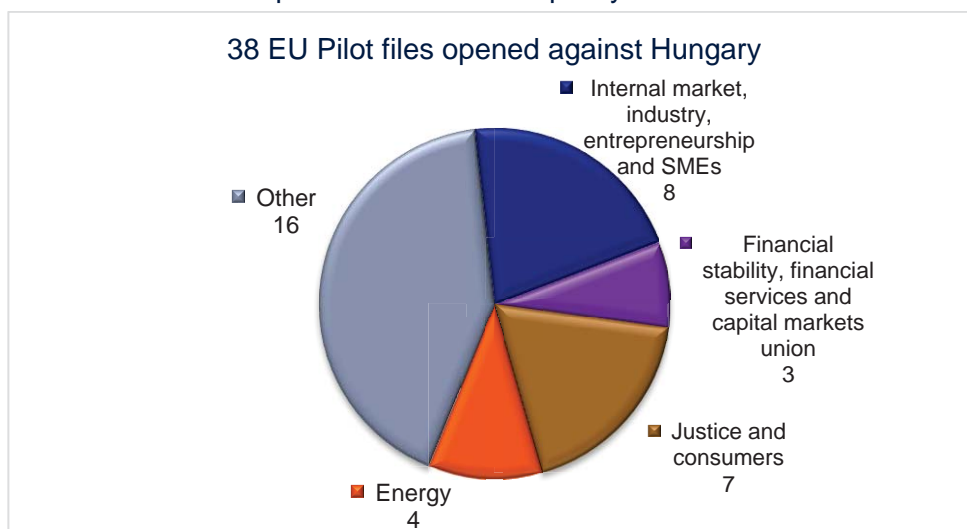
36 > EU Pilot files open at end-2014

38 > New EU Pilot files registered in 2015

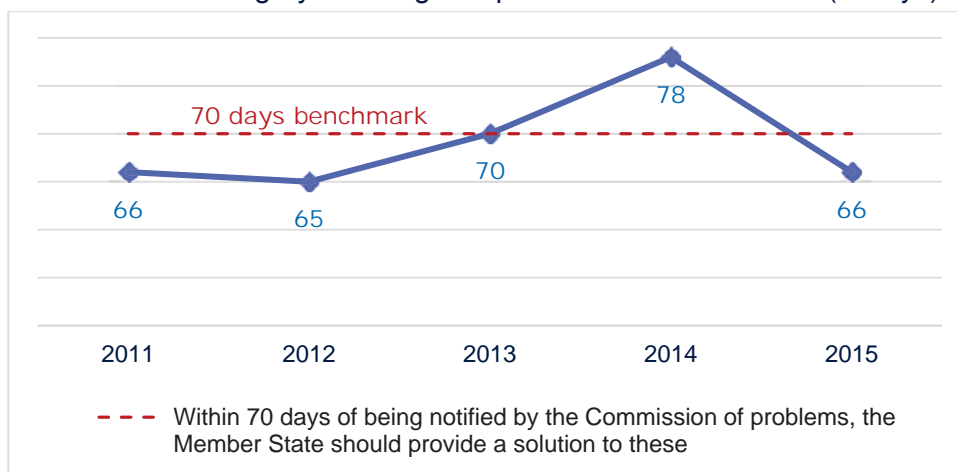
26 > EU Pilot files handled in 2015

= 48 > EU Pilot files open at end-2015

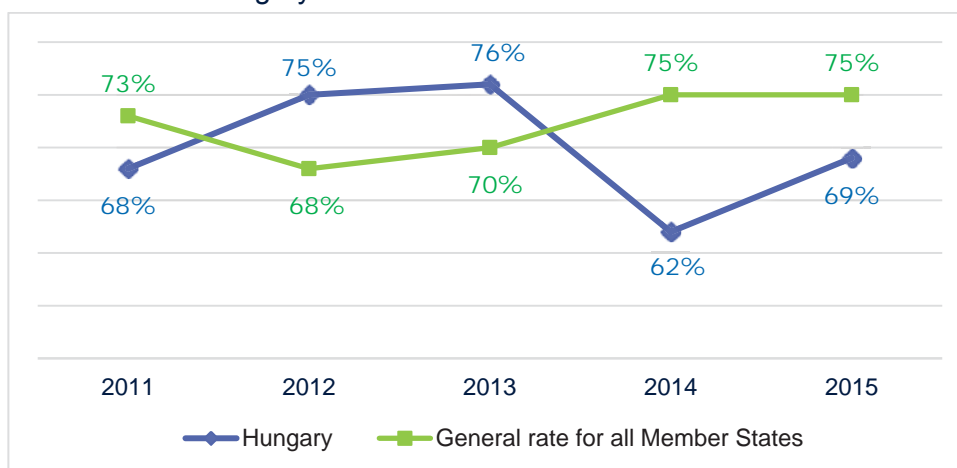
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Hungary's average response time in 2011-2015 (in days)

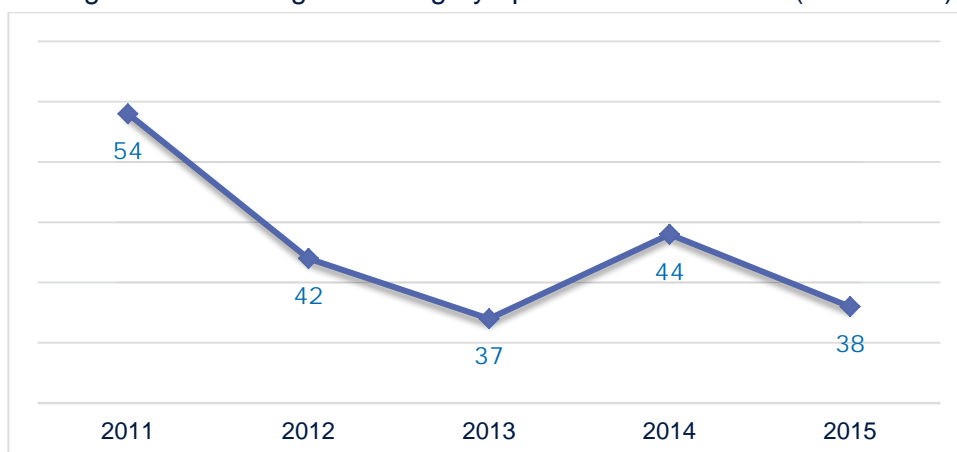


5. EU Pilot files: Hungary's resolution rate in 2011- 2015

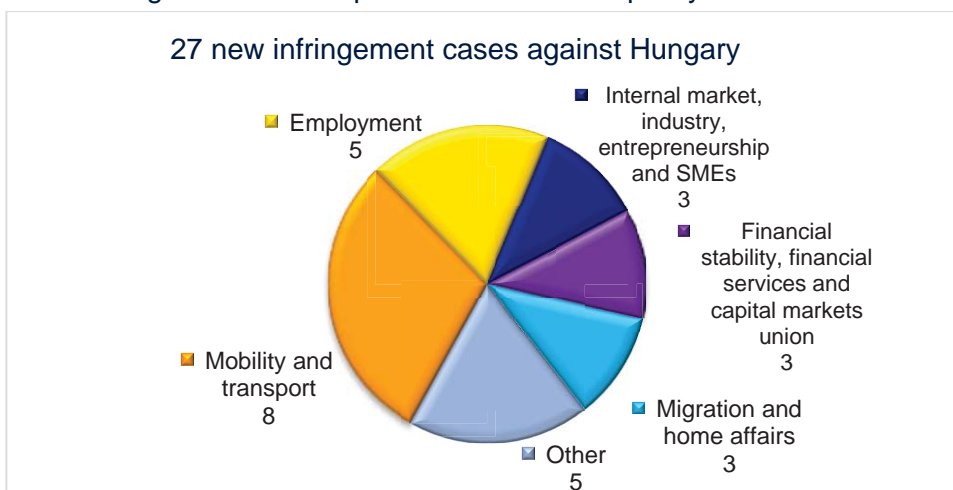


III. INFRINGEMENT CASES

1. Infringement cases against Hungary open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 27 new infringement cases against Hungary in 2015. These, and other major ongoing infringement cases, concern:

- failure to notify the national measures transposing the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
- failure to comply with the Working Time Directive as regards so-called ‘stand-by jobs’ such as security guards or workers in the private security sector. Such workers may be required to work hours that exceed the average weekly working time established in the Directive.³ Such workers may in addition serve 24-hour continuous work shifts without receiving their daily rest period or the equivalent compensatory rest immediately afterwards;
- failure to comply with the Working Time Directive as workers in ‘school cooperatives’ do not receive any entitlement to paid annual leave. Such leave is required by Article 7 of the Directive;
- late and incomplete transposition of the Energy Efficiency Directive;⁴
- failure to submit a national energy efficiency action plan and building renovation strategy under the Energy Efficiency Directive;⁵
- failure to implement the EU Timber Regulation and the Forest Law Enforcement, Governance and Trade Regulation;⁶
- national restrictions on the acquisition of agricultural land which limit the free movement of capital and freedom of establishment by being discriminatory and/or disproportionate;⁷
- national restrictions on the rights of cross-border investors to use agricultural land (usufruct rights), which limit the free movement of capital and freedom of establishment, as well as the right to property as enshrined in the EU Charter of Fundamental Rights;⁸
- failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;⁹

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2003/88/EC](#).

⁴ Directive [2012/27/EU](#), [MEMO/15/5826](#).

⁵ [MEMO/15/4666](#), Directive [2012/27/EU](#).

⁶ Regulation (EU) No [995/2010](#) and Regulation (EC) No [2173/2005](#), [MEMO/15/5826](#).

⁷ [IP/15/4673](#), [MEMO/15/5162](#).

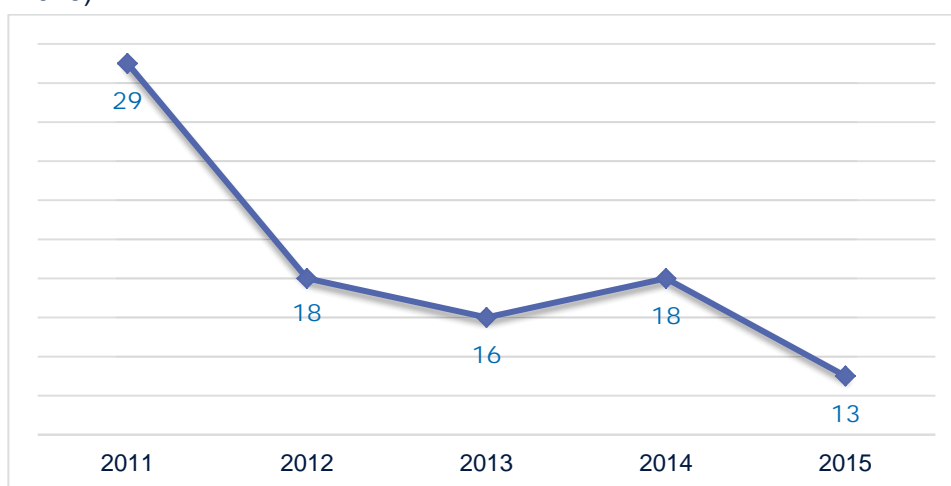
⁸ [MEMO/15/5162](#).

⁹ Directive [2011/89/EU](#).

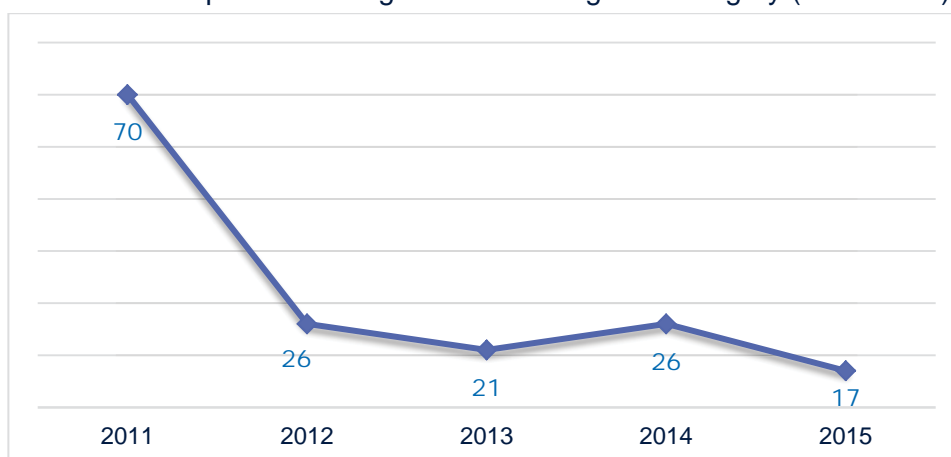
- the direct award of a contract to construct two new reactors and refurbish two others at the Paks II nuclear power plant without a transparent procedure. This is not in compliance with EU public procurement legislation;¹⁰
 - incorrect implementation of the Directives on asylum procedures and on the right to interpretation and translation in criminal proceedings;¹¹
 - failure to comply with the judgment of the Court¹² declaring that exempting fruit distillates ('*pálinka*') from excise duties, whether produced under contract or by private distillation, is incompatible with EU law;
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns the rule that only Hungarian nationals are allowed to take up and practice the profession of notary in Hungary. This excludes nationals from other Member States from doing so.¹³
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Hungary open on 31 December (2011-2015)



2. New late transposition infringement cases against Hungary (2011-2015)



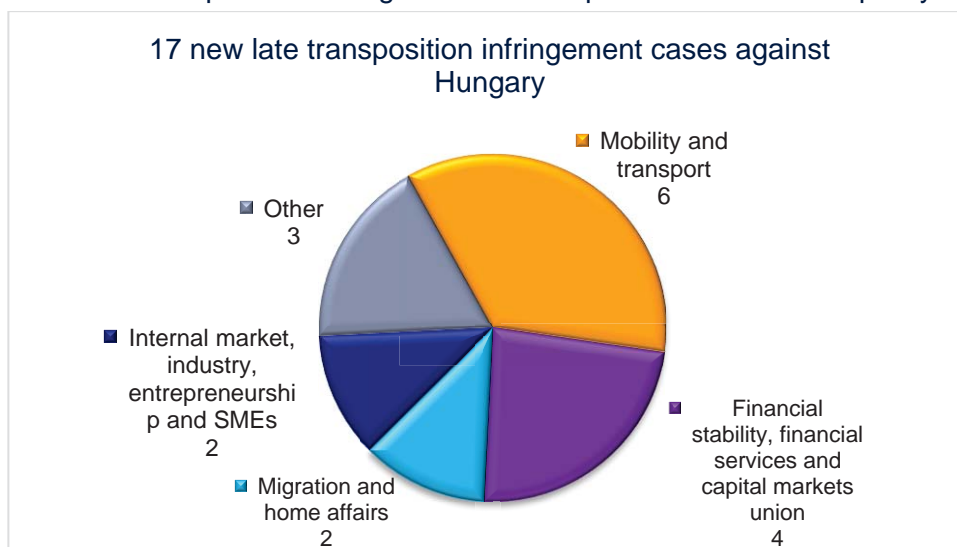
¹⁰ Directives [2004/17/EC](#) and [2004/18/EC](#), [MEMO/15/6006](#).

¹¹ Directive [2011/95/EU](#) and Directive [2010/64/EU](#); [IP/15/6228](#).

¹² Commission v Hungary, [C-115/13](#).

¹³ Commission v Hungary, [C-392/15](#), and [IP/15/4876](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-communication of measures transposing the Directive¹⁴ amending a number of other Directives to align them to the Regulation on classification, labelling and packaging of substances and mixtures;¹⁵
- non-communication of national measures transposing the Industrial Emissions Directive;¹⁶
- non-communication of national measures transposing the Capital Requirements Directive and the Alternative Investment Fund Managers Directive;¹⁷
- national measures which considerably limited the scope of persons to whom foreign exchange mortgage loans could be granted, resulting in restrictions similar to a total ban. The contested provision was abolished and replaced by a proportionate restriction;
- late transposition of the Directive combating the sexual abuse and sexual exploitation of children and child pornography;¹⁸
- non-conformity with the Railway Safety Directive;¹⁹
- failure to connect to the driving licence network;
- measures establishing different excise duty rates for ethyl alcohol, in breach of the Excise Duty Directive on alcohol and alcoholic beverages. The measures were repealed.

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁰

There were no major Court rulings in 2015.

¹⁴ Directive [2014/27/EU](#).

¹⁵ Regulation (EC) No [1272/2008](#).

¹⁶ Directive No [2010/75/EU](#).

¹⁷ Directives [2013/36/EU](#) and [2011/61/EU](#).

¹⁸ Directive [2011/93/EU](#).

¹⁹ Directive [2004/49/EC](#).

²⁰ These rulings are almost exclusively handed down on infringement procedures.

2. Preliminary rulings

In preliminary rulings addressed to the Hungarian judiciary, the Court ruled that:

- the Second Energy Package, interpreted in the light of Article 47 of the Charter of Fundamental Rights, requires national authorities to allow certain market operators to challenge decisions by the national regulatory authorities;²¹
- the shipment of waste in the country of transit at a different border crossing point than the one provided for in the notification document and consented to by the competent authorities represents an essential change to the shipment conditions. If not notified to the competent authorities, the change results in the shipment of waste being illegal. A fine imposed for such an illegal shipment, the basic amount of which is the same as the fine imposed for a breach of the requirement to obtain consent and to give prior notification in writing, can be seen as proportionate only if equally serious infringements are involved;²²
- legislation which prohibits the operation of slot machines outside casinos may be contrary to the principle of freedom to provide services;²³
- the system of fines laid down in Hungarian law to sanction undeclared cash was disproportionate.²⁴

²¹ E.ON Földgáz Trade, [C-510/13](#).

²² Regulation (EC) No [1013/2006](#), Total Waste Recycling, [C-487/14](#).

²³ Berlington Hungary and Others, [C-98/14](#) and Court press release No [69/15](#).

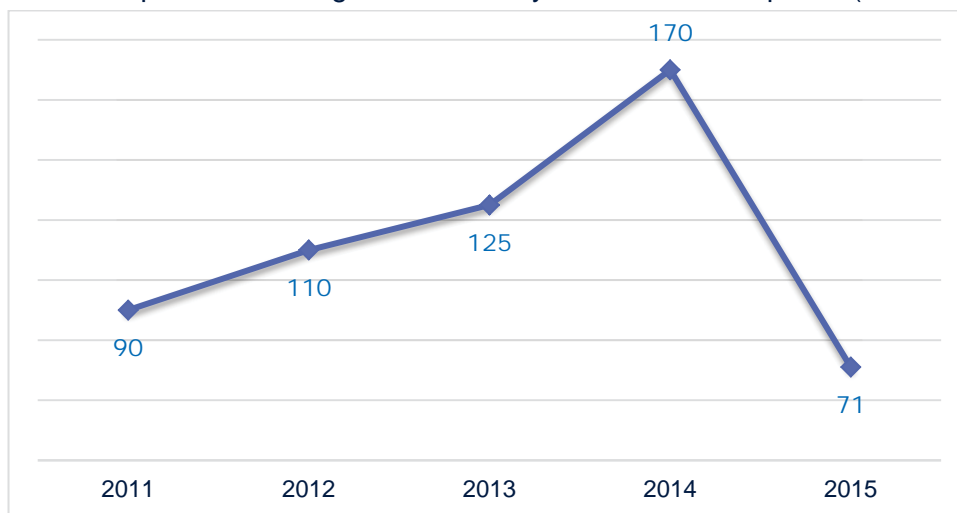
²⁴ Chmielewski, [C-255/14](#) and Court press release No [90/15](#).

Ireland

New complaints against Ireland fell sharply in 2015. The number of new EU Pilot files held around the same level as the year before but open infringement cases dropped to a five-year low. Although the Commission opened more new infringement cases for late transposition of directives, they remained well below the 2011 peak.

I. COMPLAINTS

1. New complaints made against Ireland by members of the public (2011- 2015)



2. Public complaints against Ireland open at year-end

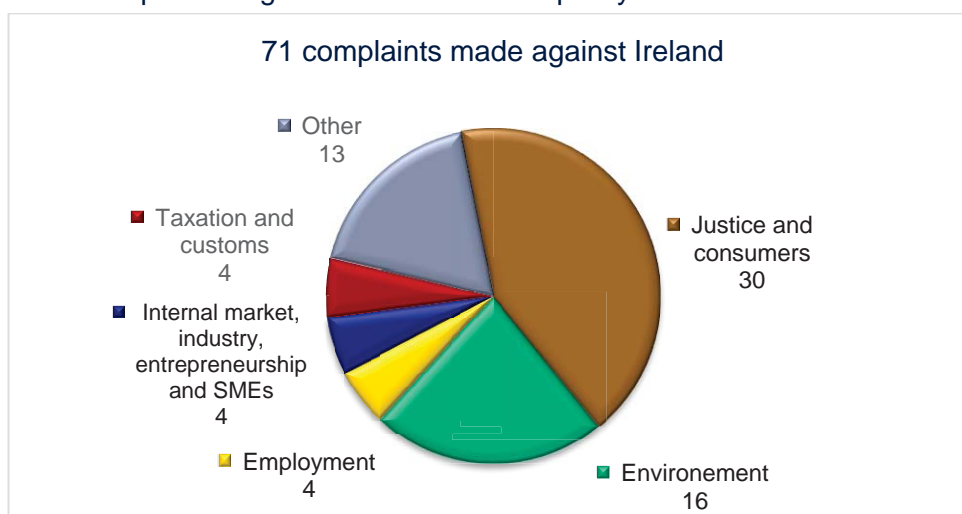
187 > Complaints open at end-2014

71 > New complaints registered in 2015

90 > Complaints handled in 2015

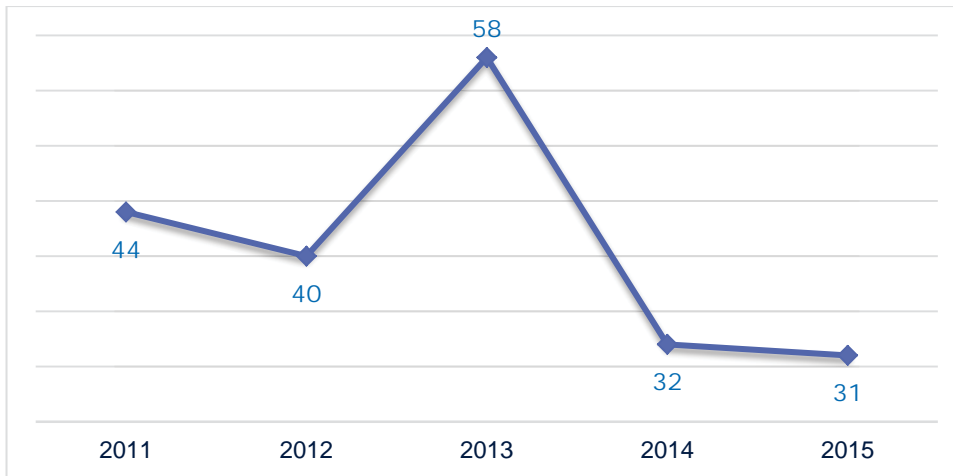
= 168 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Ireland (2011-2015)



2. Files relating to Ireland open in EU Pilot at year -end

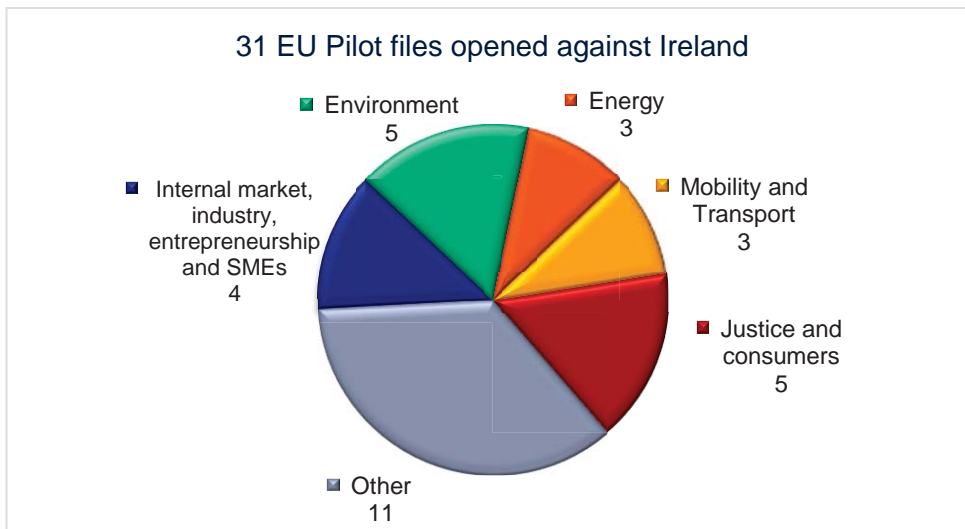
36 > EU Pilot files open at end-2014

31 > New EU Pilot files registered in 2015

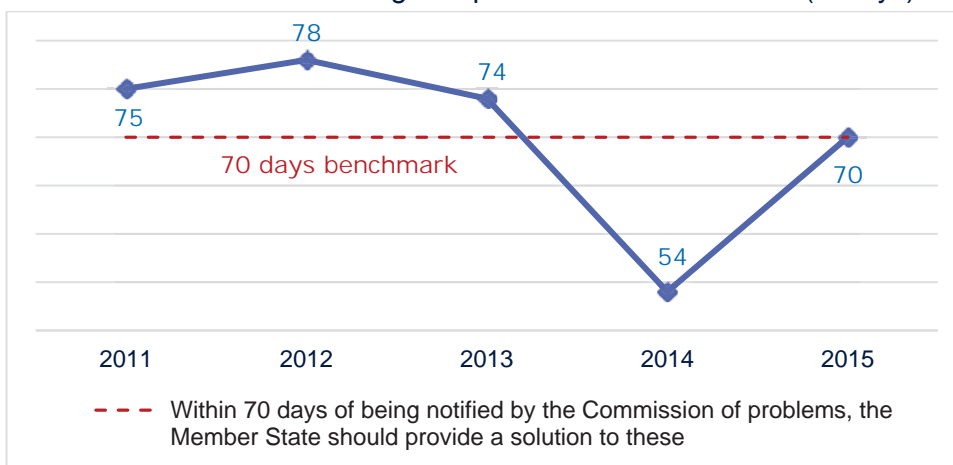
29 > EU Pilot files handled in 2015

= 38 > EU Pilot files open at end-2015

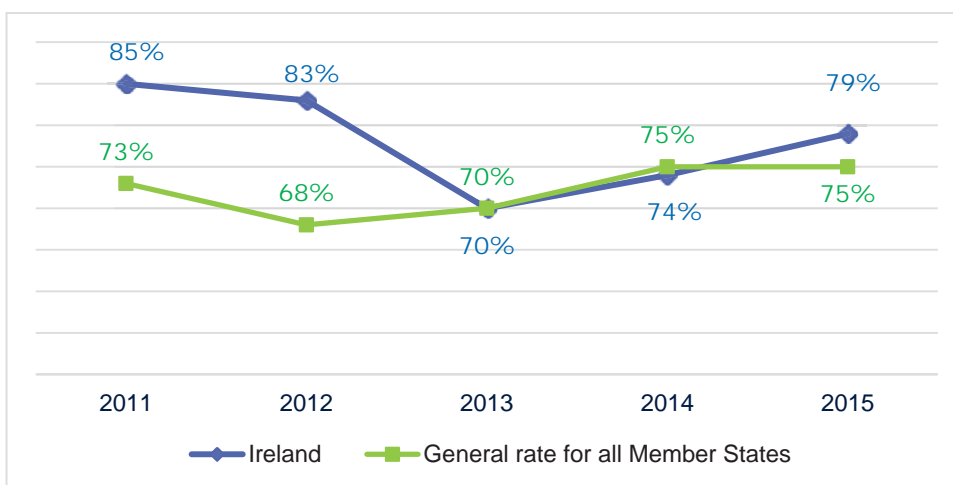
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Ireland's average response time in 2011-2015 (in days)

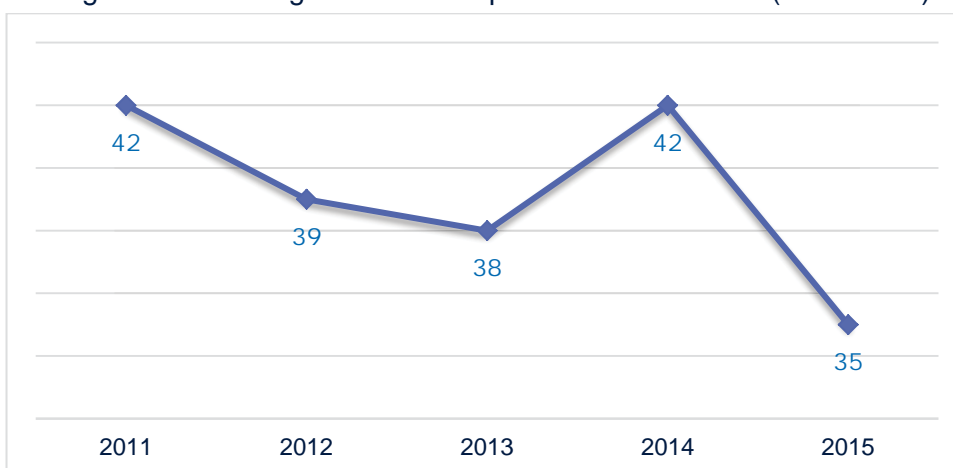


5. EU Pilot files: Ireland's resolution rate in 2011- 2015

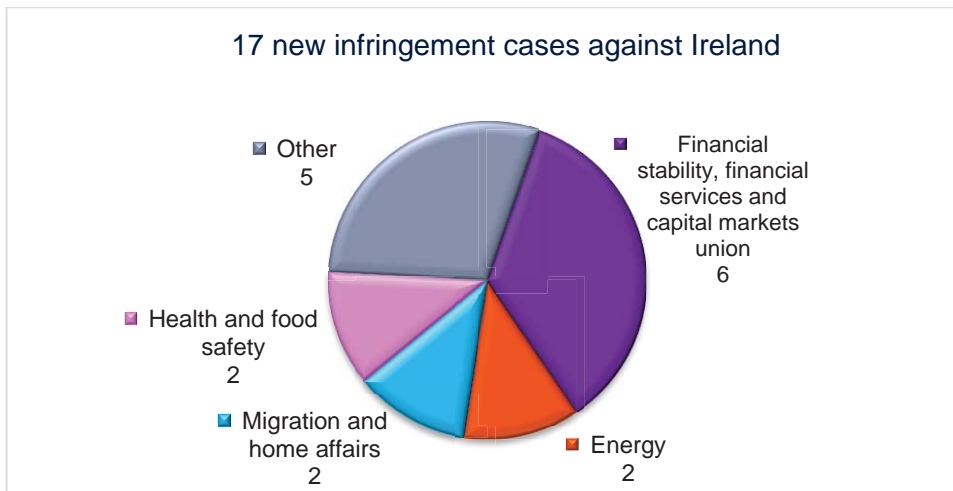


III. INFRINGEMENT CASES

1. Infringement cases against Ireland open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 17 new infringement cases against Ireland in 2015. These, and other major ongoing infringement cases, concern:
- failure to notify the national measures transposing the Directive¹ which protects workers' in the area of health and safety at work to the Regulation on classification, labelling and packaging of substances and mixtures;²
 - late and incorrect transposition of the Energy Efficiency Directive;³
 - bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁴
 - late transposition of the Directive on attacks against information systems;⁵
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,⁶ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions.⁷
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns the rule that the total registration tax is levied for cars rented or leased by Irish residents from lessors in other Member States and that the conditions for a partial refund of this tax at the end of the lease or rental period are unnecessarily harsh (i.e. disproportionate).⁸
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2012/27/EU](#).

⁴ Directive [92/43/EEC](#).

⁵ Directive [2013/40/EU](#).

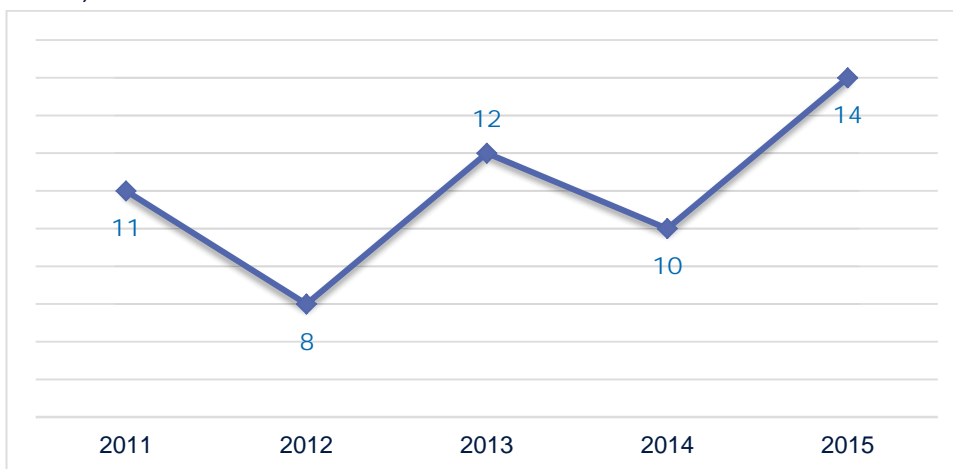
⁶ Regulation (EC) No [550/2004](#).

⁷ The UK/Ireland functional airspace block.

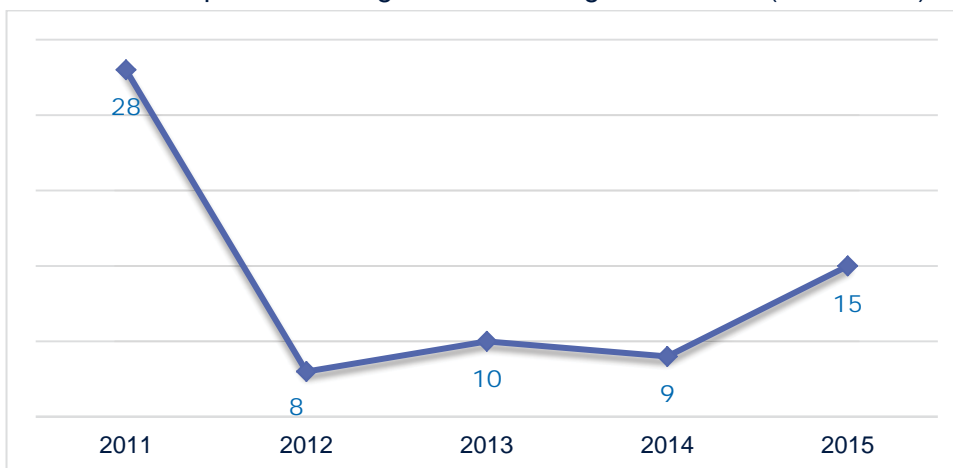
⁸ Commission v Ireland, [C-552/15](#).

IV. TRANSPOSITION OF DIRECTIVES

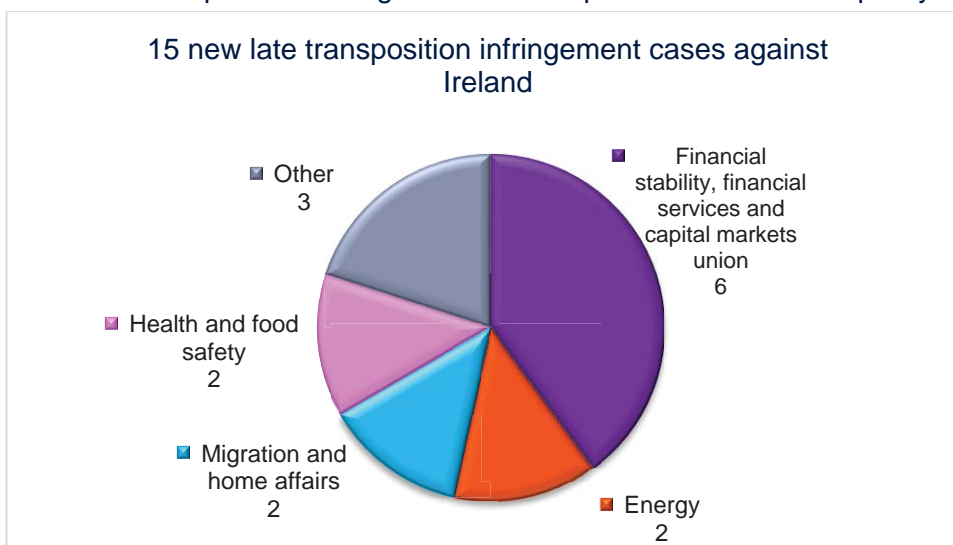
1. Late transposition infringement cases against Ireland open on 31 December (2011-2015)



2. New late transposition infringement cases against Ireland (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-conformity with the Working Time Directive regarding annual leave which was not accrued when employees were on sick leave. The annual leave was lost if not taken due to illness;⁹
- non-conformity with the Working Time Directive regarding the practice of 'rolled-up holiday pay'. Under national rules, a percentage in lieu of holiday pay was included in the hourly rate of part-time and fixed-term teachers. This was not in line with the Directive;
- incomplete transposition of the Electricity Directive;¹⁰
- the requirement that the Voluntary Health Insurance (VHI) Board meet the same regulatory requirements which apply to all companies under the Non-Life Insurance Directives as the conditions for exempting VHI were no longer met;¹¹
- non-communication of national measures transposing the Financial Conglomerates Directive;¹²
- failure to notify national measures transposing the Directive on the right to interpretation and translation in criminal proceedings;¹³
- non-conformity with the Railway Safety Directive;¹⁴
- non-conformity of national legislation with the Directive on driving licences as amended;¹⁵
- failure to connect the national register of road transport undertakings to the national registers of the other Member States;
- failure to ensure compliance with the Regulation on animal welfare during transport;¹⁶
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows.¹⁷

VI. IMPORTANT JUDGMENTS

1. Court ruling¹⁸

The Court ruled that the Commission did not provide sufficient evidence that Ireland had failed to respect the Working Time Directive over non-consultant hospital doctors' minimum rest periods and weekly working time. The case concerned their collective agreement and the standard contract of employment.¹⁹

2. Preliminary rulings

In preliminary rulings addressed to the Irish judiciary, the Court ruled that:

- the expiry of the time-limits for taking a decision on the execution of a European arrest warrant does not free the competent court of its obligation to adopt a decision in that regard. In addition, the expiry of the time-limits does not preclude, in itself, the continued holding of the requested person in custody. However, the Court noted that, in accordance with the fundamental right to liberty and security, the requested person must be released, and the measures necessary to prevent him from absconding ordered, if the duration of the custody is excessive;²⁰

⁹ Directive [2003/88/EC](#).

¹⁰ Directive [2009/72/EC](#).

¹¹ Directives [73/239/EEC](#) and [92/49/EEC](#).

¹² Directive [2011/89/EU](#).

¹³ Directive [2010/64/EU](#).

¹⁴ Directive [2004/49/EC](#).

¹⁵ Directive [2006/126/EC](#).

¹⁶ Regulation (EC) No [1/2005](#).

¹⁷ Directive [2008/120/EC](#).

¹⁸ These rulings are almost exclusively handed down on infringement procedures.

¹⁹ Commission v Ireland, [C-87/14](#) and Court press release No [80/15](#).

²⁰ PPU — Lanigan, [C-237/15](#) and Court press release No [91/15](#).

- the Commission's Safe Harbour Decision²¹ is not valid as it did not contain sufficient findings by the Commission that U.S. public authorities' access to data transferred under the decision was limited or that effective legal protection against such interference existed.²²

²¹ Commission Decision [2000/520/EC](#).

²² Schrems, [C-362/14](#).

Brussels, 15.7.2016
SWD(2016) 231 final

PART 2/2

COMMISSION STAFF WORKING DOCUMENT

Part II: Member States

Accompanying the document

Report from the Commission

Monitoring the application of European Union law 2015 Annual Report

{ COM(2016) 463 final }
{ SWD(2016) 230 final }

Italy

New complaints against Italy jumped by more than 30 % in 2015 but 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.

I. COMPLAINTS

1. New complaints made against Italy by members of the public (2011- 2015)



2. Public complaints against Italy open at year-end

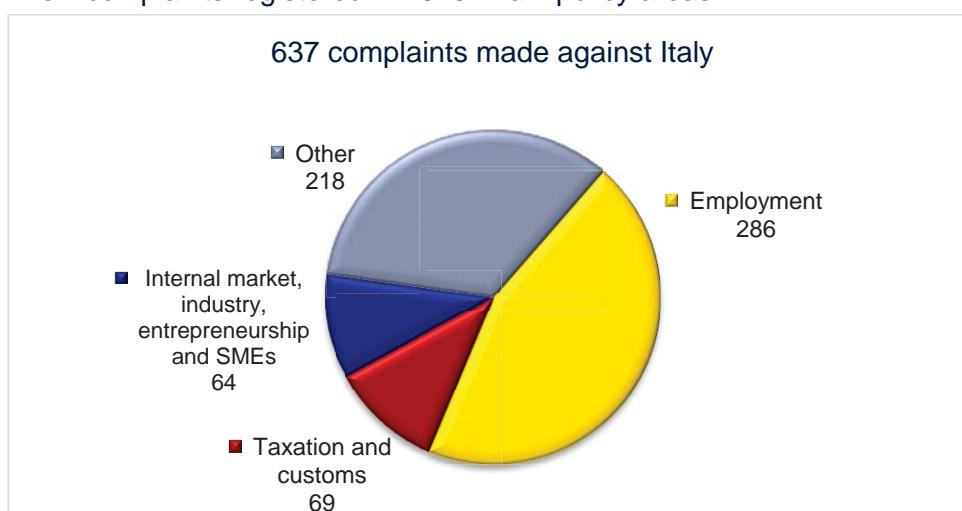
355 > Complaints open at end-2014

637 > New complaints registered in 2015

484 > Complaints handled in 2015

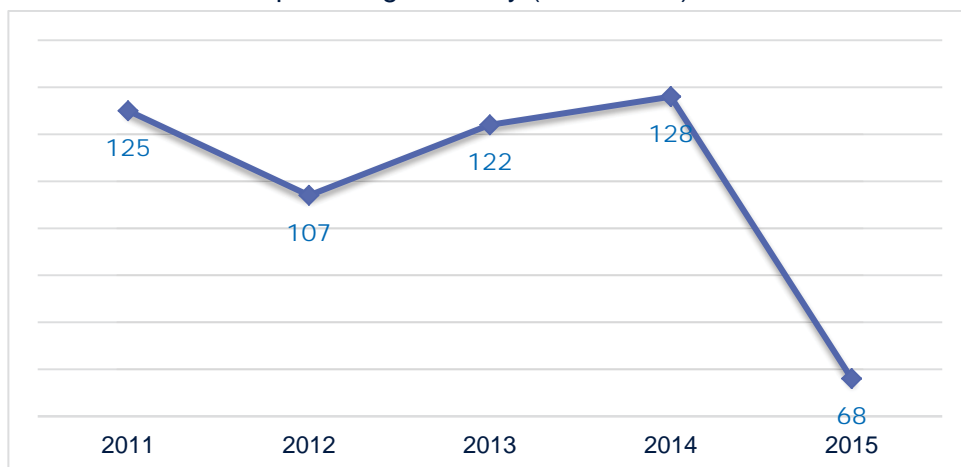
= 508 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Italy (2011-2015)



2. Files relating to Italy open in EU Pilot at year -end

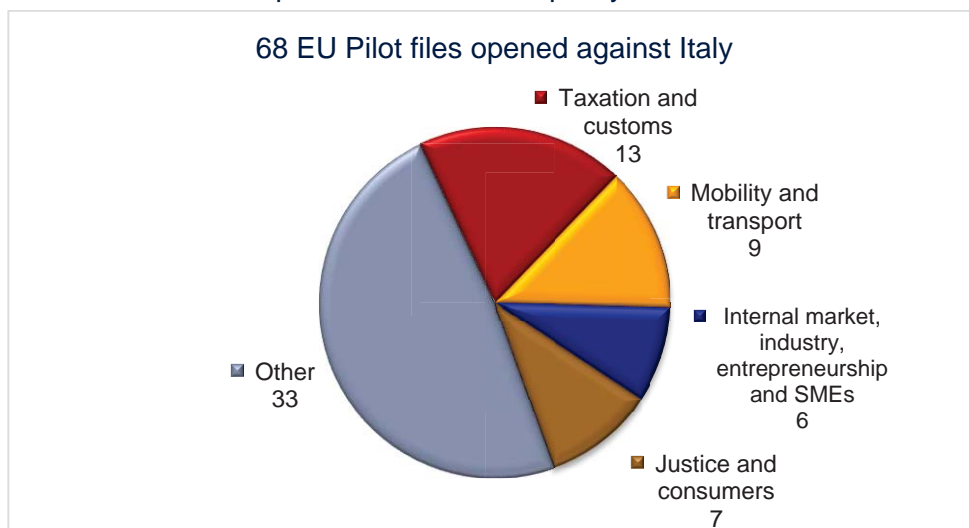
139 > EU Pilot files open at end-2014

68 > New EU Pilot files registered in 2015

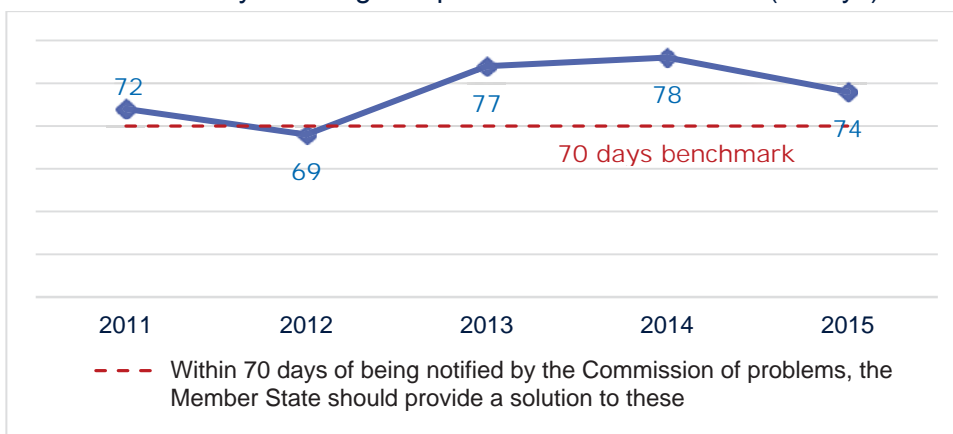
96 > EU Pilot files handled in 2015

= 111 > EU Pilot files open at end-2015

3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Italy's average response time in 2011-2015 (in days)



5. EU Pilot files: Italy's resolution rate in 2011- 2015

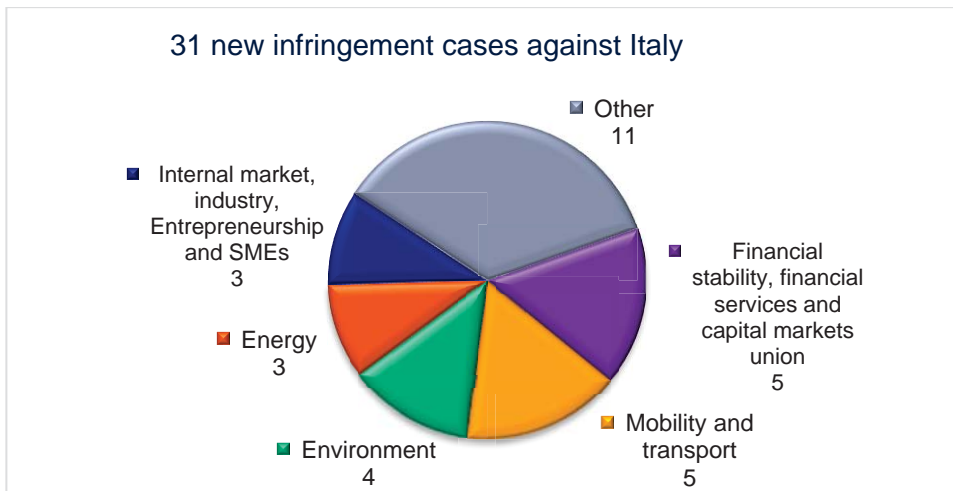


III. INFRINGEMENT CASES

1. Infringement cases against Italy open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

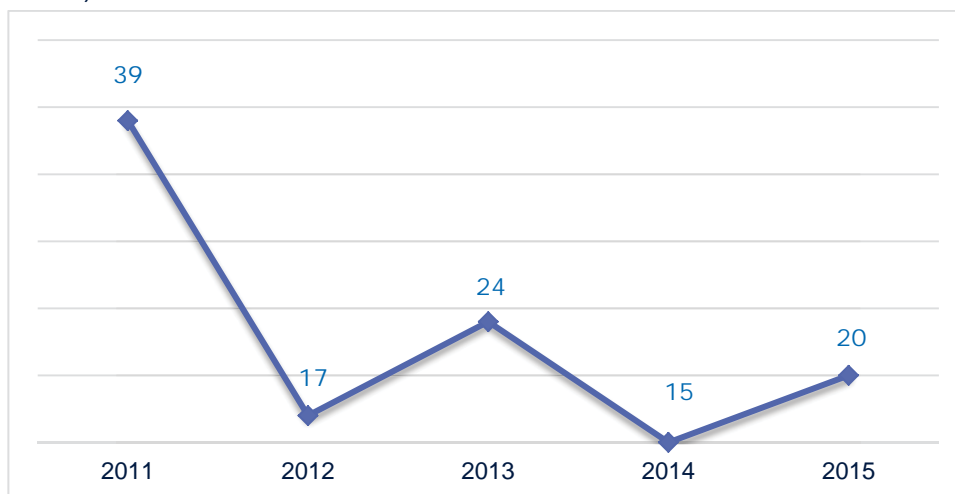
- a) The Commission opened 31 new infringement cases against Italy in 2015. These, and other major ongoing infringement cases, concern:
- a ban on the use of condensed and powdered milk in the manufacture of dairy products;
 - failure to notify the national measures transposing the Directive¹ aligning several EU Directive in the area of health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
 - late and incomplete transposition of the Energy Performance of Buildings Directive;³
 - lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁴
 - failure to ensure that waste landfills operate in line with EU standards;⁵
 - bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁶
 - non-respect of the NO₂ limit values in the Air Quality Directive;⁷
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁸
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁹
 - failure to communicate all national measures transposing the Alternative Investment Fund Managers Directive. This lays down the regulatory and supervisory framework for managers of alternative investment schemes that are addressed to professional investors;¹⁰
 - incorrect application of the Long-Term Residents Directive¹¹ due to the levy of excessive and disproportionate charges;
 - failure to correctly implement the 'Eurodac' Regulation;¹²

¹ Directive [2014/27/EU](#).
² Regulation (EC) No [1272/2008](#).
³ Directive [2010/31/EU](#), [MEMO/15/4871](#).
⁴ Directive [2008/98/EC](#).
⁵ [MEMO/15/5162](#).
⁶ Directive [92/43/EEC](#).
⁷ Directive No [2008/50/EC](#).
⁸ Directive [2014/49/EU](#); [MEMO/15/4666](#) and [IP/15/6253](#).
⁹ Directive [2014/59/EU](#); [IP/15/5057](#).
¹⁰ Directive [2011/61/EU](#).
¹¹ Directive [2003/109/EC](#).
¹² Regulation (EU) No [603/2013](#); [IP/15/6276](#).

- pension reform which provides for 'early retirement' after a number of years of financial contributions which differ depending on the sex of the worker;
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹³ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁴
 - failure to correctly implement the Airport Charges Directive;¹⁵
 - non-compliance with the Commission's Decision on measures to prevent the introduction into and the spread within the EU of *Xylella fastidiosa*.¹⁶ The case specifically relates to the removal of plants, survey activities and the ongoing rapid spread of the disease;¹⁷
 - non-communication of national measures transposing the Directive on certain technical requirements for testing human tissues and cells;
 - failure to fully recover State aid illegally granted to the Sardinian shipping sector in the form of loans and leases.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns the failure to recover milk levies due from Italian producers.¹⁸
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Italy open on 31 December (2011-2015)



¹³ Regulation (EC) No 550/2004.

¹⁴ BLUEMED (the functional airspace block between Italy, Greece, Cyprus and Malta).

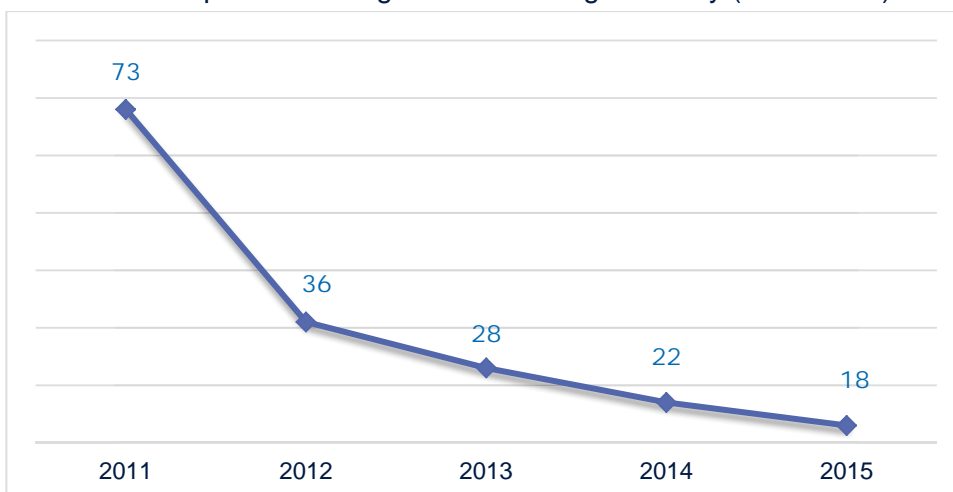
¹⁵ Directive 2009/12/EC.

¹⁶ *Xylella fastidiosa* is one of the most dangerous plant bacteria worldwide, causing a variety of diseases, with huge economic impact for agriculture.

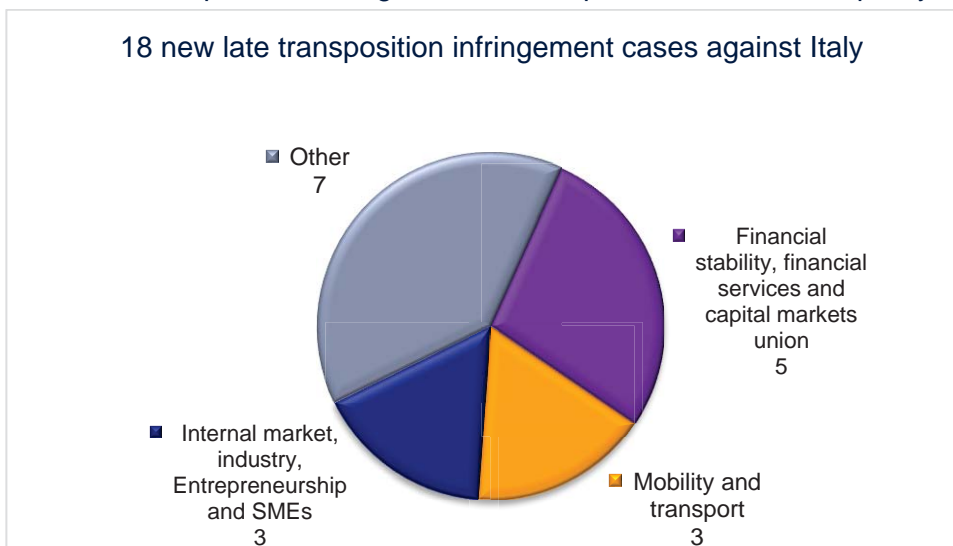
¹⁷ Commission Implementing Decision (EU) 2015/789.

¹⁸ Commission v Italy, C-433/15 and IP/15/4490.

2. New late transposition infringement cases against Italy (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- incorrect transposition of the Health and Safety at Work Framework Directive;¹⁹
- incompatibility with the Working Time Directive due to the exclusion of healthcare staff from the right to maximum weekly working hours and minimum daily rest periods;²⁰ This exclusion has now been removed in order to comply with the Working Time Directive;
- discriminatory treatment of fixed-term school staff and abuse of fixed-term employment. National authorities adopted the 'Buona Scuola' schools reform to eliminate such treatment;
- non-conformity of the national legislation with the Environmental Impact Assessment Directive;²¹

¹⁹ Directive [89/391/EEC](#).

²⁰ Directive [2003/88/EC](#).

²¹ Directive [2011/92/EU](#).

- incorrect transposition of the Construction Sites Directive²² as regards the scope of application of the national implementing measures. Legislative amendments have been adopted to resolve the issue;
- provisions in national law hindering the sale of plastic chimneys or flue ducts;
- late transposition of the Directive against trafficking in human beings;²³
- non-compliance with the Mediterranean Regulation²⁴ as regards the obligation to adopt a national management plan for fisheries conducted by dredges within territorial waters;
- non-conformity with the Railway Safety Directive;²⁵
- incorrect implementation of EU legislation on the rights of bus and coach passengers;²⁶
- incorrect implementation of EU legislation on the rights of passengers travelling by sea and inland waterways;²⁷
- non-communication of measures transposing the Directive on over-reliance on credit ratings;²⁸
- higher excise duties on certain categories of cigarettes. These were removed by applying a uniform duty as required by the Excise Duty Directive on manufactured tobacco products;
- tax treatment of resident taxpayers and 'Schumacker non-residents'. Tax laws subsequently introduced comparable procedural and substantial rules for the two categories.

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁹

The Court:

- ruled that Italy has failed to correctly execute the 2010 judgment of the Court of Justice 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 EUR 20 million and a daily penalty payment of EUR 120 000;³⁰
- ruled that, despite a first judgment that Italy had failed to fulfil its obligations, delivered by the Court of Justice in 2011, Italy has still not recovered aid granted between 1995 and 1997 to certain firms in Venice and Chioggia. The Court of Justice ordered Italy to pay a lump sum of EUR 30 million and a penalty of EUR 12 million per half-year of delay in recovering the aid;³¹
- dismissed all arguments brought by Italy alleging the illegality of the Commission's decision making a financial correction to the regional operational programme in Puglia for the period 2000-2006. The correction amounted to EUR 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.³²

2. Preliminary rulings

In preliminary reference procedures the Court held that:

²² Directive [92/57/EEC](#).

²³ Directive [2011/36/EU](#).

²⁴ Regulation (EC) No [1967/2006](#).

²⁵ Directive [2004/49/EC](#).

²⁶ Regulation (EU) No [181/2011](#).

²⁷ Regulation (EU) No [1177/2010](#).

²⁸ Directive [2013/14/EU](#).

²⁹ These rulings are almost exclusively handed down on infringement procedures.

³⁰ Commission v Italy, [C-653/13](#) and Court press release No [86/15](#).

³¹ Commission v Italy, [C-367/14](#) and Court press release No [103/15](#).

³² Italy v Commission, [T-117/10](#) and Italy v Commission, [C-280/14 P](#).

- the practice of selling and re-selling bananas for the sole purpose of benefiting from the preferential rate of duty for imports, even if formally in line with the letter of the EU rules, are in the end an abuse of those rules;³³
- 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;³⁴
- Directive on Long Term Residents,³⁵ 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 EUR 80 and EUR 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;³⁶
- labelling requirements constitute a barrier to intra-EU trade if goods coming from other Member States have to be given a different label;³⁷
- 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;³⁸
- if necessary to prevent serious VAT fraud, national courts must disapply the overall limitation in the sanction system and impose effective and dissuasive penalties.³⁹

³³ Cimmino and Others, [C-607/13](#).

³⁴ Fipa Group and Others, [C-534/13](#) and Court press release No [28/15](#).

³⁵ Directive [2003/109/EC](#).

³⁶ CGIL and INCA, [C-309/14](#).

³⁷ Unione Nazionale Industria Conciaria, [C-95/14](#).

³⁸ Skerdjan Celaj, [C-290/14](#) and Court press release No [112/15](#).

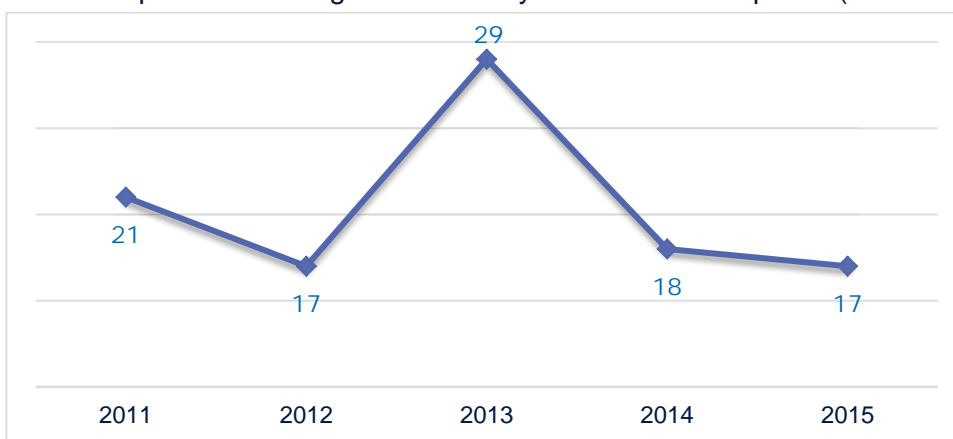
³⁹ Taricco and others, [C-105/14](#) and Court press release No [95/15](#).

Latvia

New complaints against Latvia continued falling in 2015, reaching their lowest level since 2011. New EU Pilot files also continued the steady decrease seen since 2011. However, the numbers of open infringement cases and of new late transposition cases both rose.

I. COMPLAINTS

1. New complaints made against Latvia by members of the public (2011- 2015)



2. Public complaints against Latvia open at year-end

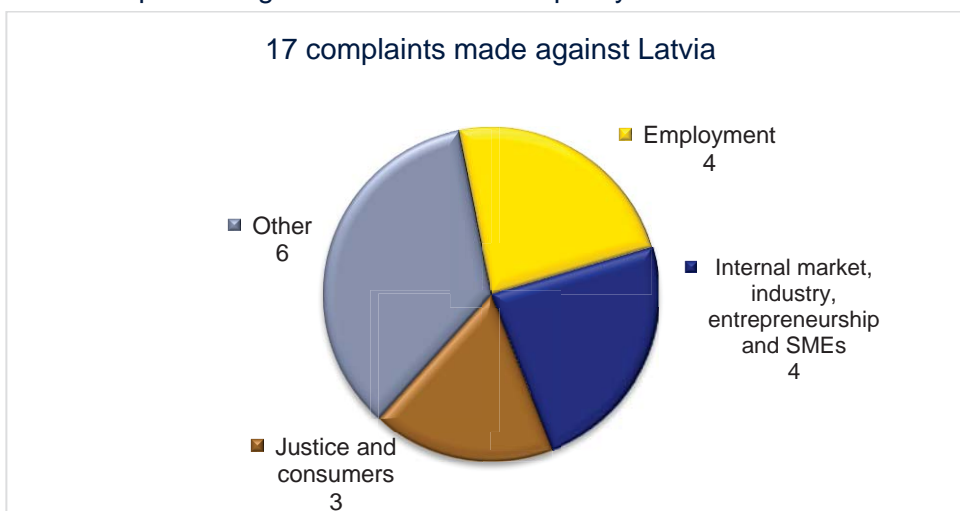
12 > Complaints open at end-2014

17 > New complaints registered in 2015

11 > Complaints handled in 2015

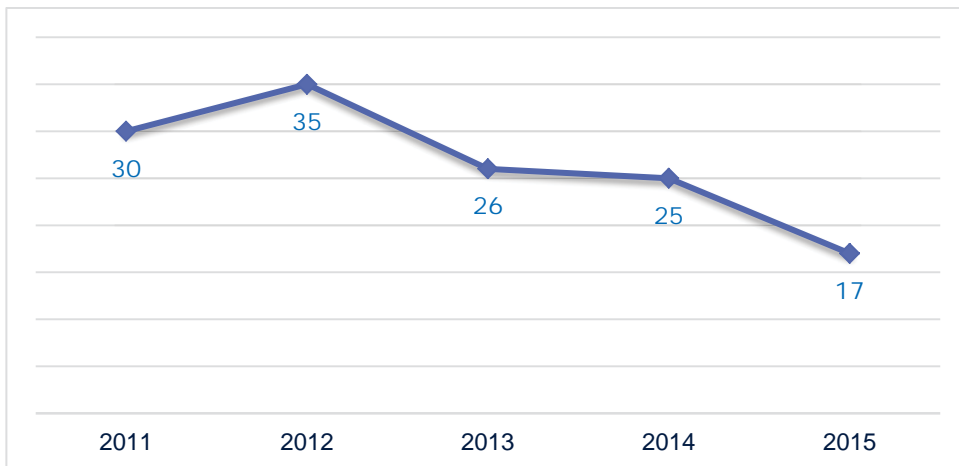
= 18 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Latvia (2011-2015)



2. Files relating to Latvia open in EU Pilot at year -end

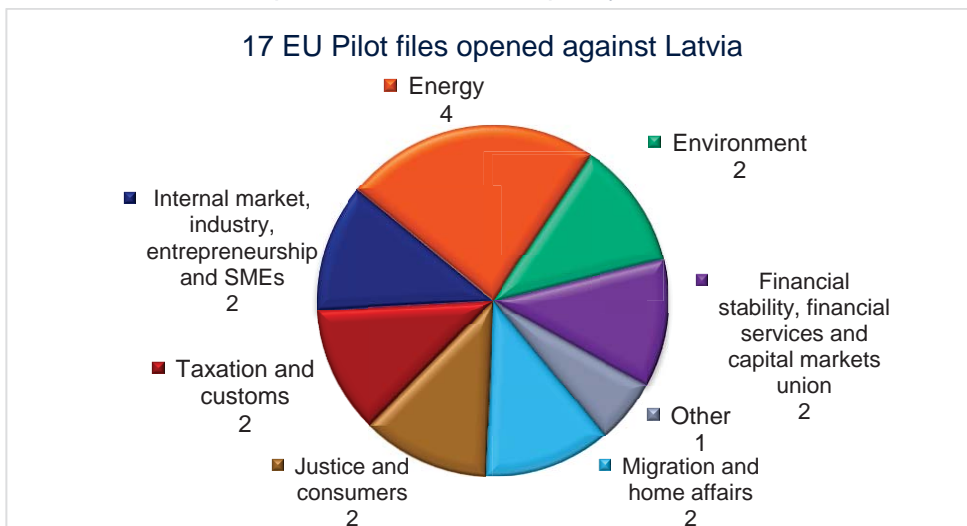
23 > EU Pilot files open at end-2014

17 > New EU Pilot files registered in 2015

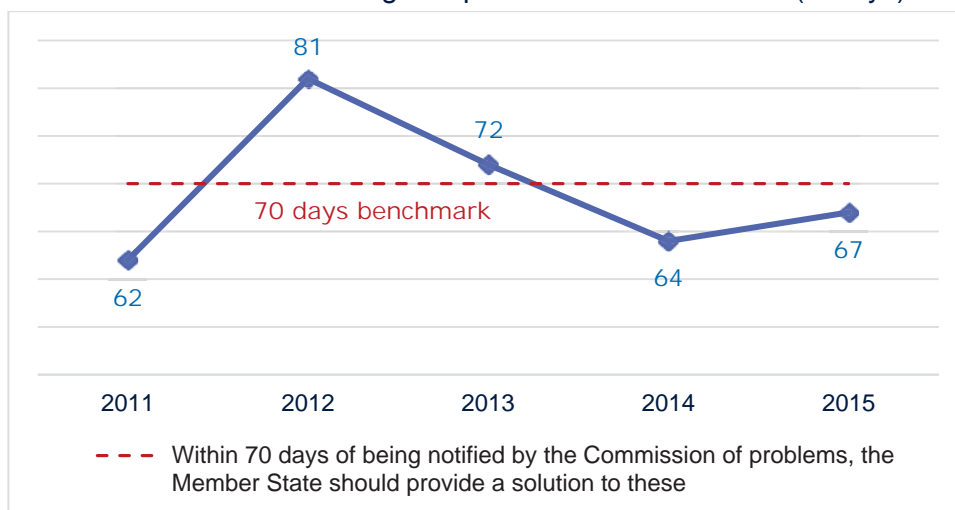
19 > EU Pilot files handled in 2015

= 21 > EU Pilot files open at end-2015

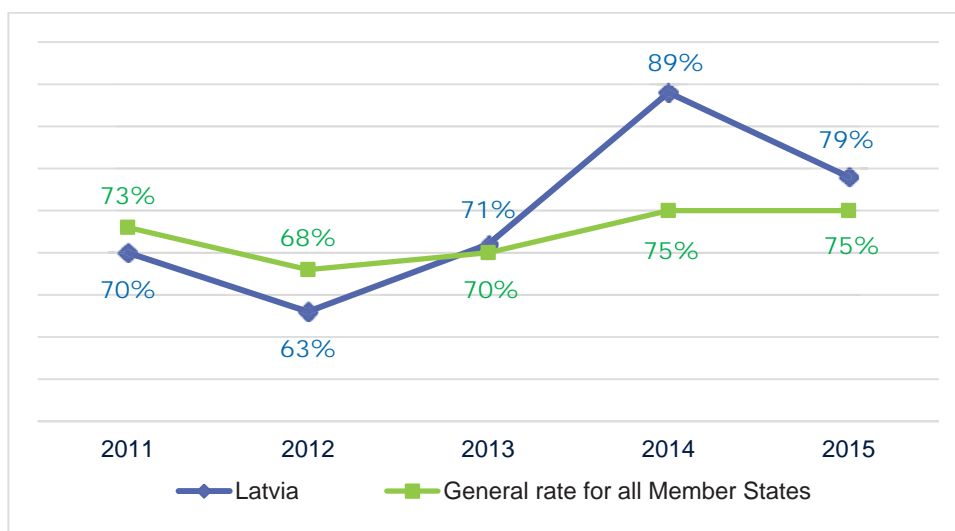
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Latvia's average response time in 2011-2015 (in days)

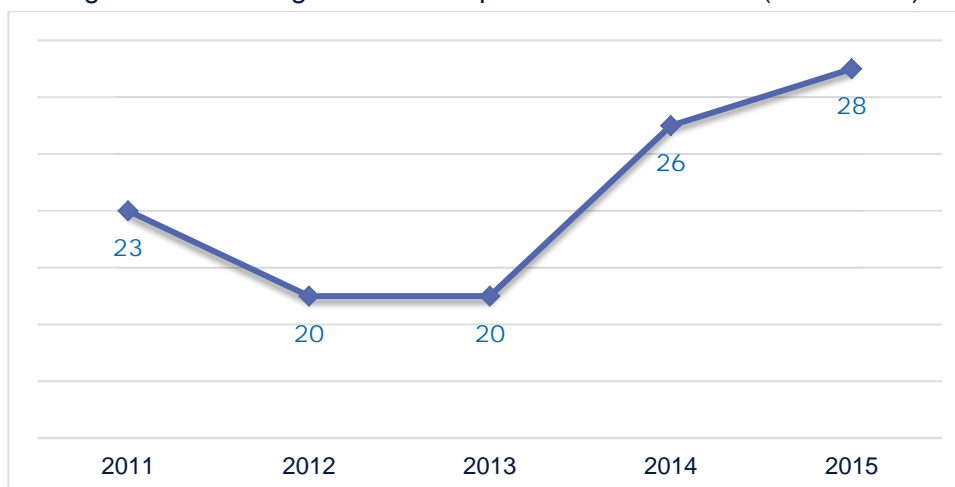


5. EU Pilot files: Latvia's resolution rate in 2011- 2015

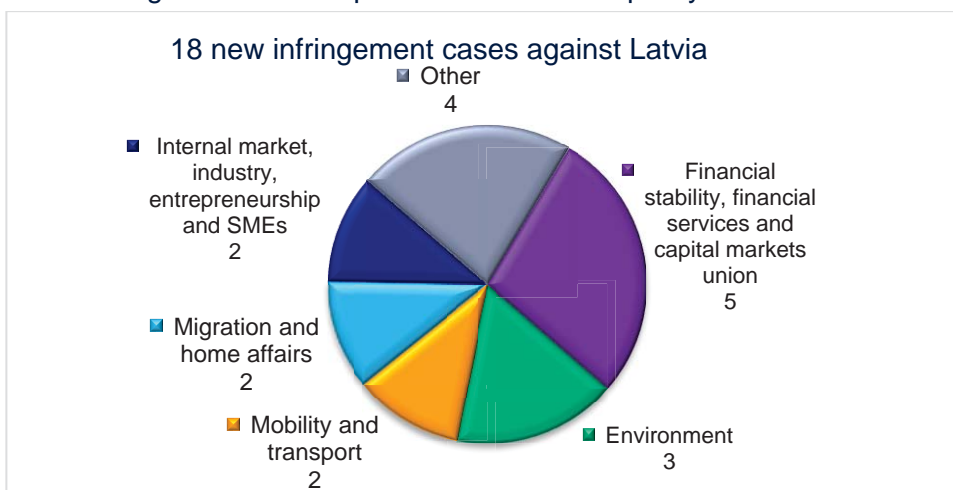


III. INFRINGEMENT CASES

1. Infringement cases against Latvia open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



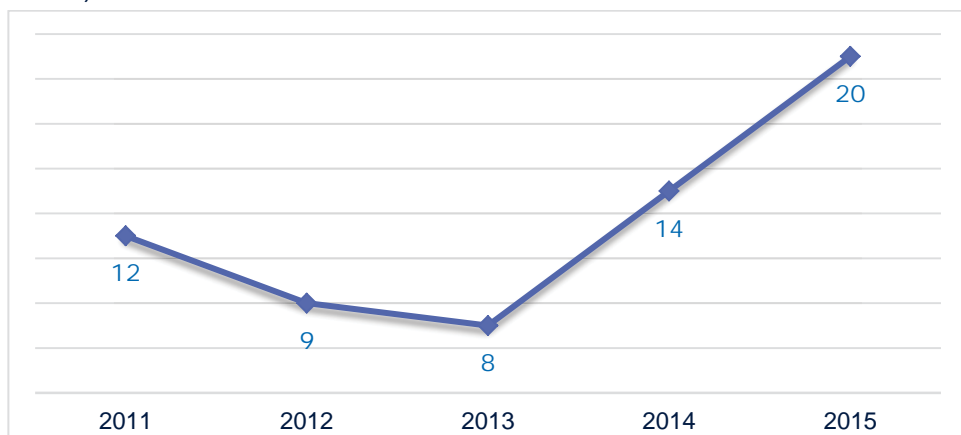
3. Key infringement cases and referrals to the Court

- a) The Commission opened 18 new infringement cases against Latvia in 2015. These, and other major ongoing infringement cases, concern:
- failure to notify the national measures transposing the Directive¹ on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;²
 - non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;³
 - late and incomplete transposition of the Energy Efficiency Directive;⁴
 - lack of timely transposition of the Directive on the sulphur content of marine fuels;⁵
 - national restrictions on the acquisition of agricultural land which limit the free movement of capital and freedom of establishment by being discriminatory and/or disproportionate;⁶
 - non-communication of measures transposing the Directive establishing a single European railway area;⁷
 - non-conformity of national legislation with the Directive on driving licences as amended.⁸
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

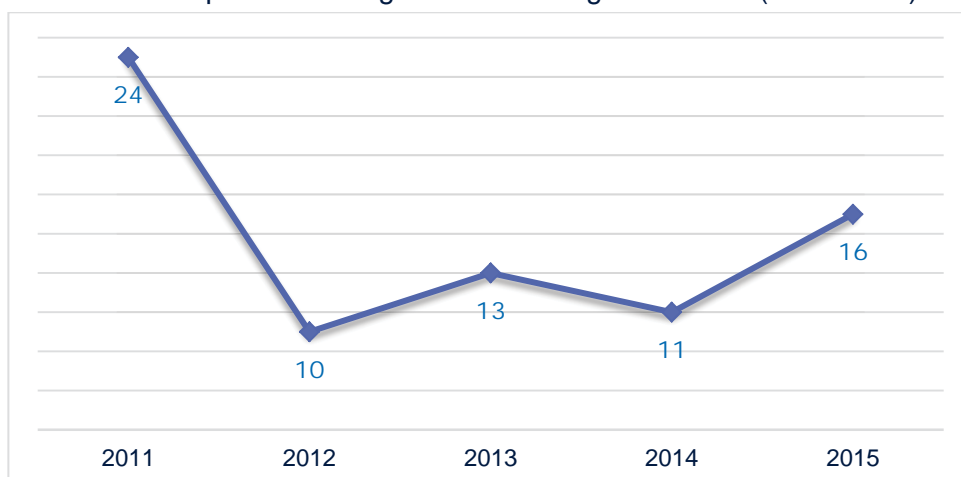
¹ Directive [2014/27/EU](#).
² Regulation (EC) No [1272/2008](#)
³ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).
⁴ [MEMO/15/5657](#).
⁵ Directive [2012/33/EU](#), [MEMO/15/4489](#).
⁶ [IP/15/4673](#).
⁷ Directive [2012/34/EU](#).
⁸ Directive [2012/36/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

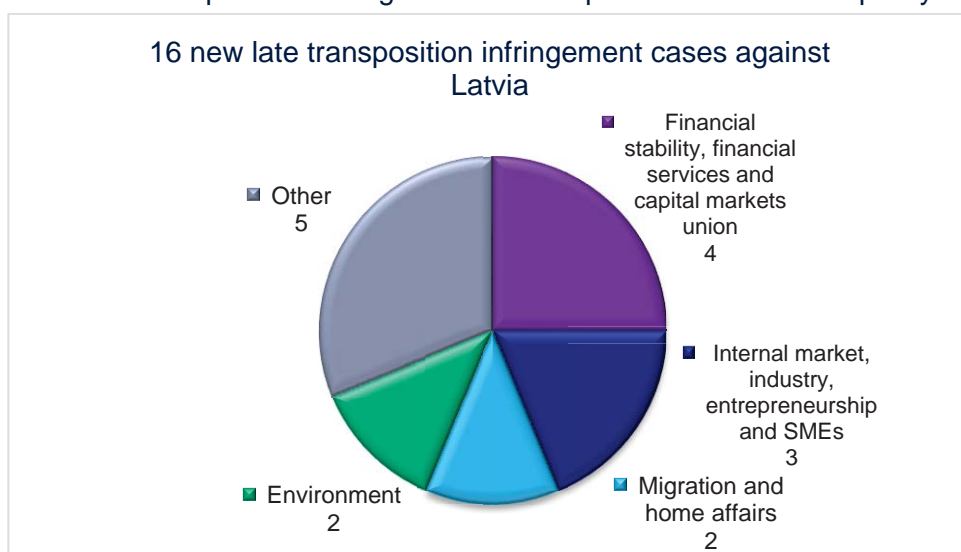
1. Late transposition infringement cases against Latvia open on 31 December (2011-2015)



2. New late transposition infringement cases against Latvia (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- failure to transpose the Directive on waste electrical and electronic equipment;⁹
- failure to notify national transposition measures for the Directive on the European protection order;¹⁰
- non-conformity of national legislation with the Waste Framework Directive;¹¹
- failure to put into place a registration procedure for European Electronic Toll Service providers;
- restrictions on the provision of towage services in the port of Riga.

VI. IMPORTANT JUDGMENTS

1. Court ruling¹²

The Court ruled that the requirement to hold Latvian nationality to exercise the profession of notary is a discrimination based on nationality prohibited by Article 49 TFEU.¹³

2. Preliminary ruling

In a preliminary ruling addressed to the Latvian judiciary, the Court ruled that the fact that a product bears a CE mark certifying conformity with the Directive on medical devices cannot be regarded as decisive regarding its assessment for tariff classification purposes.¹⁴

⁹ Directive [2012/19/EU](#).

¹⁰ Directive [2011/99/EU](#).

¹¹ Directive [2008/98/EC](#).

¹² These rulings are almost exclusively handed down on infringement procedures.

¹³ Commission v Latvia, [C-151/14](#).

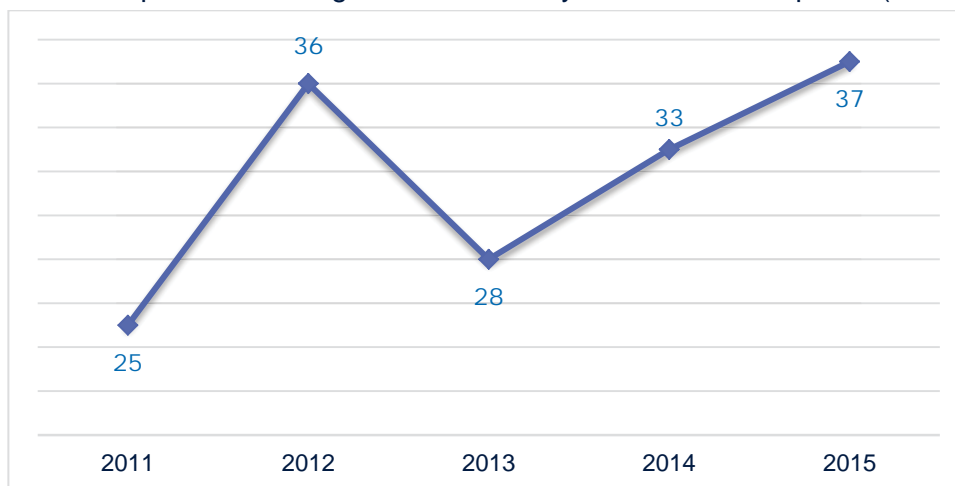
¹⁴ Oliver Medical, [C-547/13](#).

Lithuania

New complaints against Lithuania increased in 2015, reaching their highest level since 2011. By contrast, the number of new EU Pilot files fell slightly, to the lowest for five years. Both open infringements and new late transposition cases rose in 2015 but the numbers were still below their 2011 levels.

I. COMPLAINTS

1. New complaints made against Lithuania by members of the public (2011- 2015)



2. Public complaints against Lithuania open at year-end

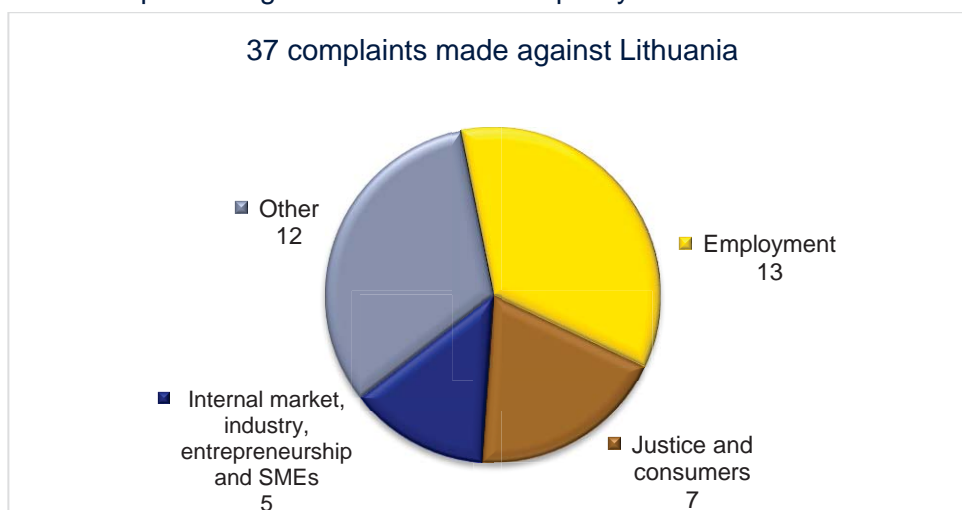
36 > Complaints open at end-2014

37 > New complaints registered in 2015

28 > Complaints handled in 2015

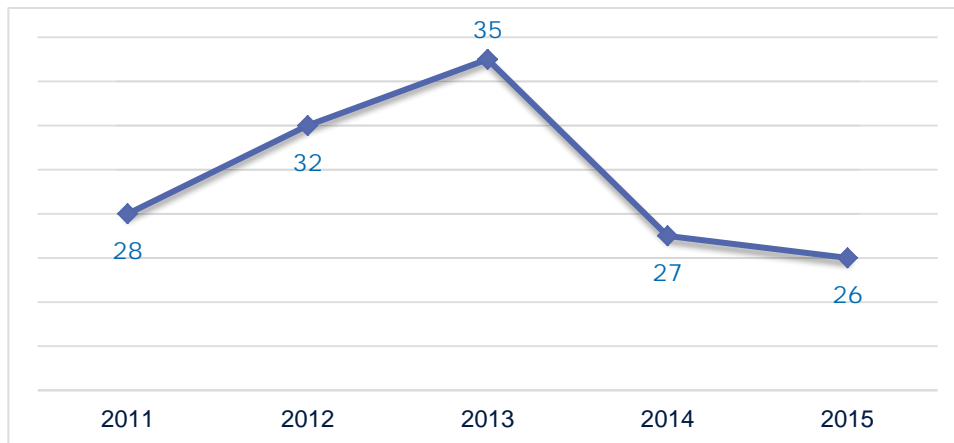
= 45 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Lithuania (2011-2015)



2. Files relating to Lithuania open in EU Pilot at year -end

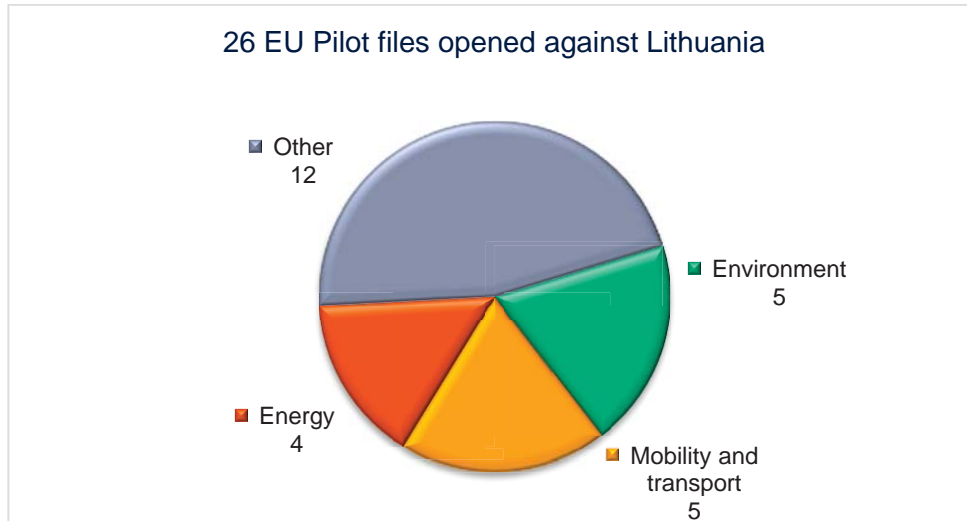
29 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

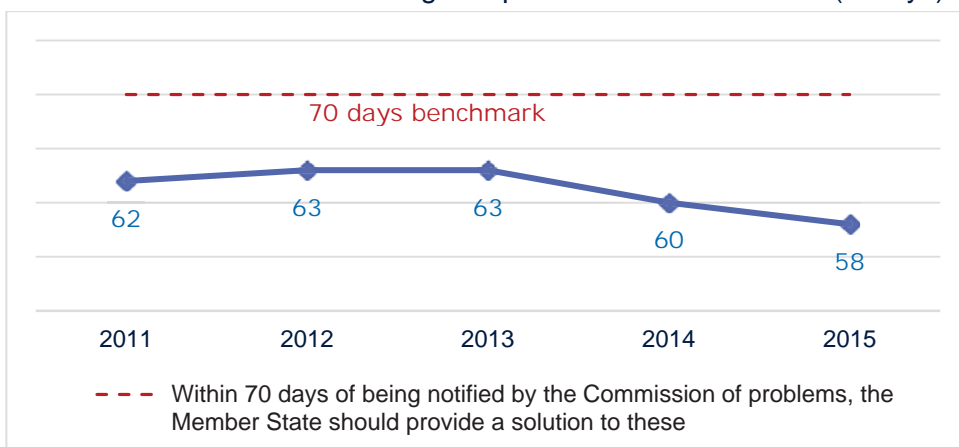
29 > EU Pilot files handled in 2015

= 26 > EU Pilot files open at end-2015

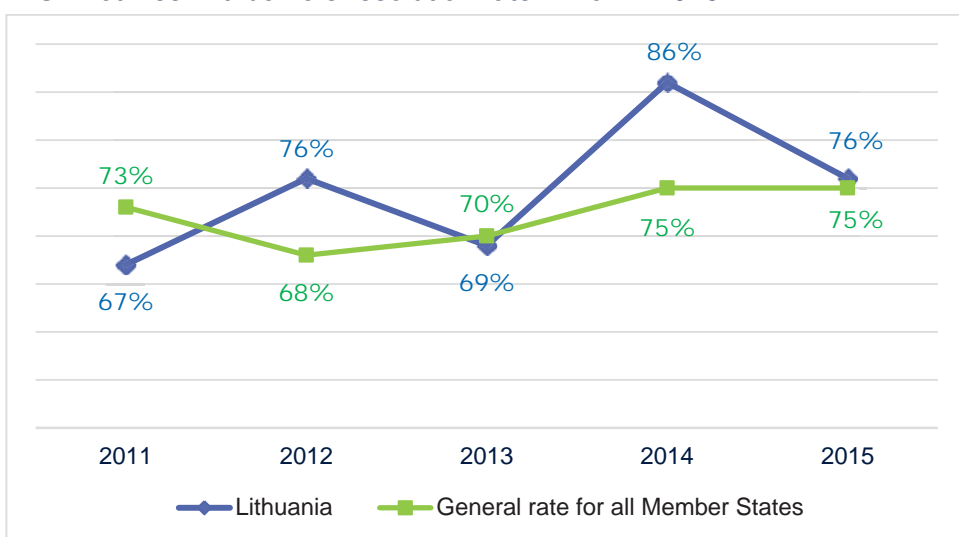
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Lithuania's average response time in 2011-2015 (in days)

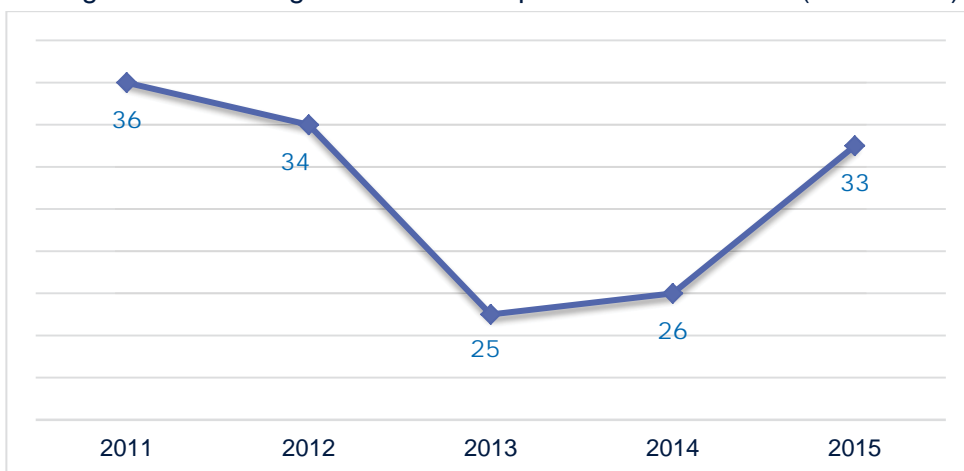


5. EU Pilot files: Lithuania's resolution rate in 2011- 2015

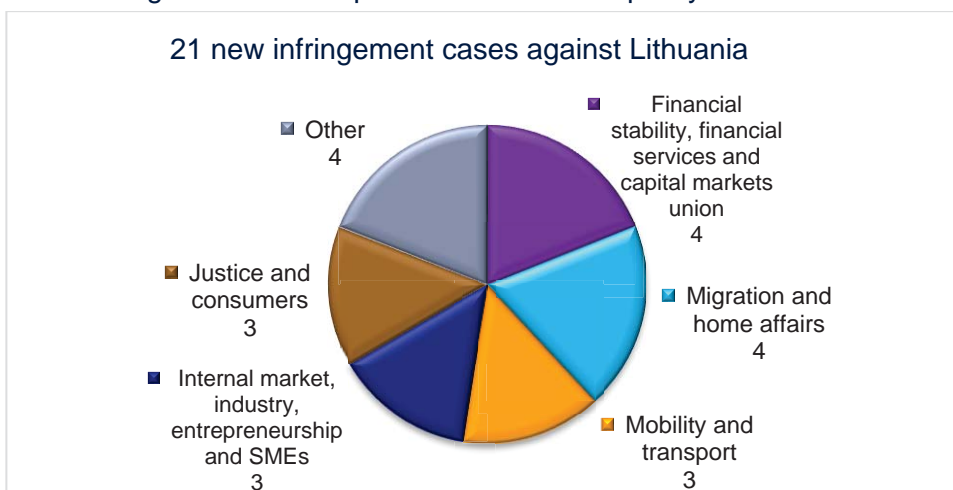


III. INFRINGEMENT CASES

1. Infringement cases against Lithuania open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against Lithuania in 2015. These, and other major ongoing infringement cases, concern:
- failure to provide sufficient guarantees for the reimbursement of consumers affected by the insolvency of a package travel organiser;
 - non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;¹
 - late and incomplete transposition of the Energy Efficiency Directive;²
 - non-conformity of national transposition measures with the Directive on infrastructure for spatial information;³
 - national restrictions on the acquisition of agricultural land which limit the free movement of capital and freedom of establishment by being discriminatory and/or disproportionate;⁴
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁵
 - incorrect implementation of the Baltic functional airspace block;
 - failure to fulfil air safety oversight obligations under the Regulations on airworthiness;⁶
 - restrictions on freedom of establishment at the Klaipeda seaport;
 - incorrect transposition into national legislation of the Directives on quality and safety standards for human tissues and cells.⁷
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

² [MEMO/15/5657](#).

³ Directive [2007/2/EC](#).

⁴ [IP/15/4673](#).

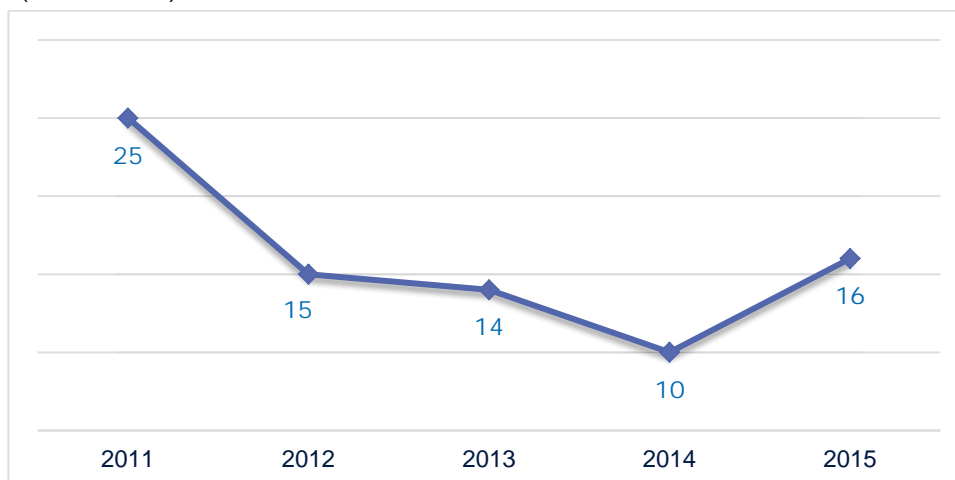
⁵ Directive [2014/59/EU](#); [IP/15/5057](#).

⁶ Commission Regulations (EU) No [748/2012](#) and No [1321/2014](#).

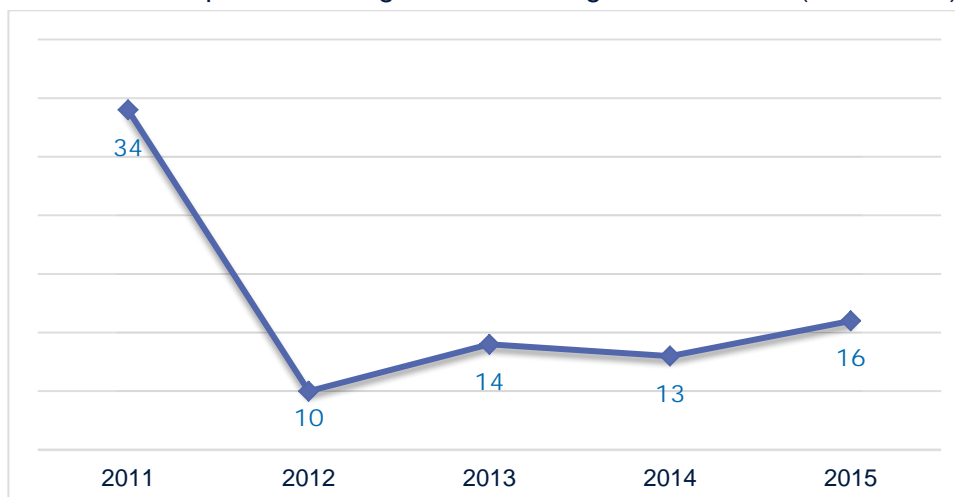
⁷ [MEMO/15/5356](#).

IV. TRANSPOSITION OF DIRECTIVES

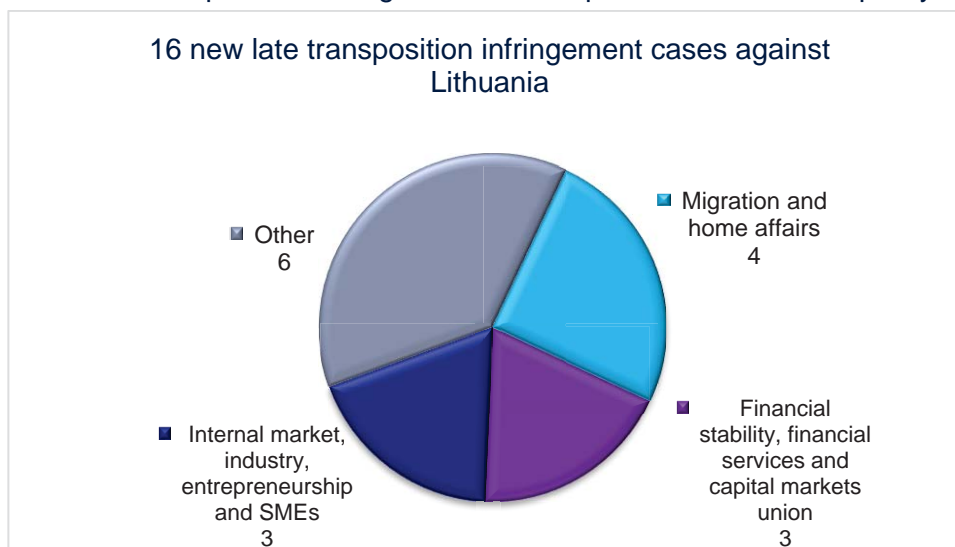
1. Late transposition infringement cases against Lithuania open on 31 December (2011-2015)



2. New late transposition infringement cases against Lithuania (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-communication of national measures transposing the Industrial Emissions Directive;⁸
- late transposition of the Single Permit Directive;⁹
- failure to notify national transposition measures for the Directive on the European protection order;¹⁰
- lack of timely transposition of the Industrial Emissions Directive;¹¹
- non-communication of national measures transposing the Directives on alternative investment fund managers and over-reliance on credit ratings;¹²
- non-conformity of national legislation with the Directive on driving licences as amended.¹³

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁴

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Lithuanian judiciary, the Court ruled that:

- a national law that makes entitlement to compensation under the Investor Compensation Schemes Directive conditional on the credit institution concerned having transferred or used the funds or securities in question without the investor's consent is not compatible with the Directive;¹⁵
- the Brussels I Regulation on jurisdiction in civil and commercial law¹⁶ was intended to prevent conflicts of jurisdiction between courts of the EU Member States and not conflicts between a court and an arbitral tribunal. Recognition of arbitral awards is governed by national law or, as the case may be, by the 1965 New York Convention. In the case at hand, after one party initiated court proceedings in Lithuania, the other party, Gazprom, commenced arbitral proceedings in Sweden. The arbitral tribunal found that the Lithuanian court proceedings were in breach of the arbitral agreement and issued an injunction against the suit. Gazprom then sought recognition of that arbitral award in Lithuania. The Lithuanian High Court made a preliminary reference to the Court of Justice asking whether the Brussels I Regulation can be invoked by the court to refuse recognition of anti-suit injunctions ordered by the arbitral tribunal.¹⁷

⁸ Directive No [2010/75/EU](#).

⁹ Directive [2011/98/EU](#).

¹⁰ Directive [2011/99/EU](#).

¹¹ Directive [2010/75/EU](#).

¹² Directives [2011/61/EU](#) and [2013/14/EU](#).

¹³ Directive [2012/36/EU](#).

¹⁴ These rulings are almost exclusively handed down on infringement procedures.

¹⁵ Indėlių ir investicijų draudimas and Nemaniūnas, [C-671/13](#).

¹⁶ Regulation (EC) No [44/2001](#).

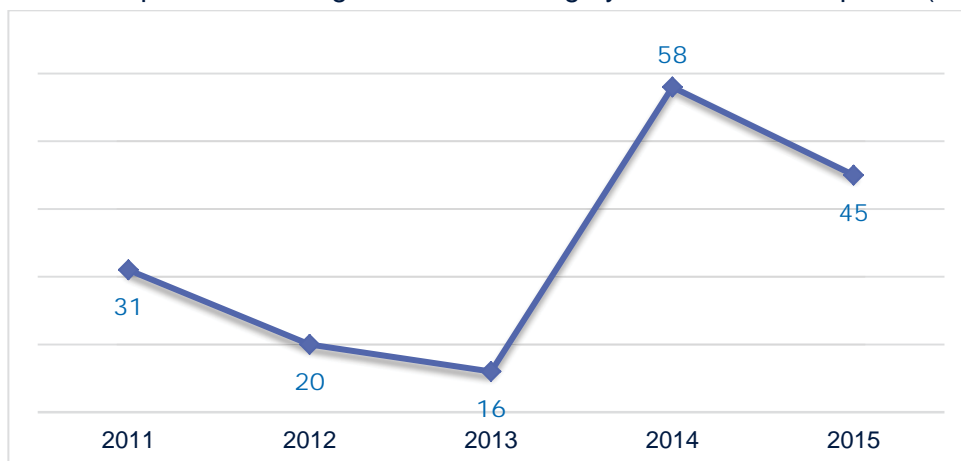
¹⁷ Gazprom, [C-536/13](#).

Luxembourg

New complaints against Luxembourg in 2015 fell from the previous year's peak, while the number of new EU Pilot files continued its recent downward trend. Open infringement cases have been relatively stable since 2012, although slightly on the rise. New infringement cases for late transposition also showed a small increase, almost rising back to their 2011 peak.

I. COMPLAINTS

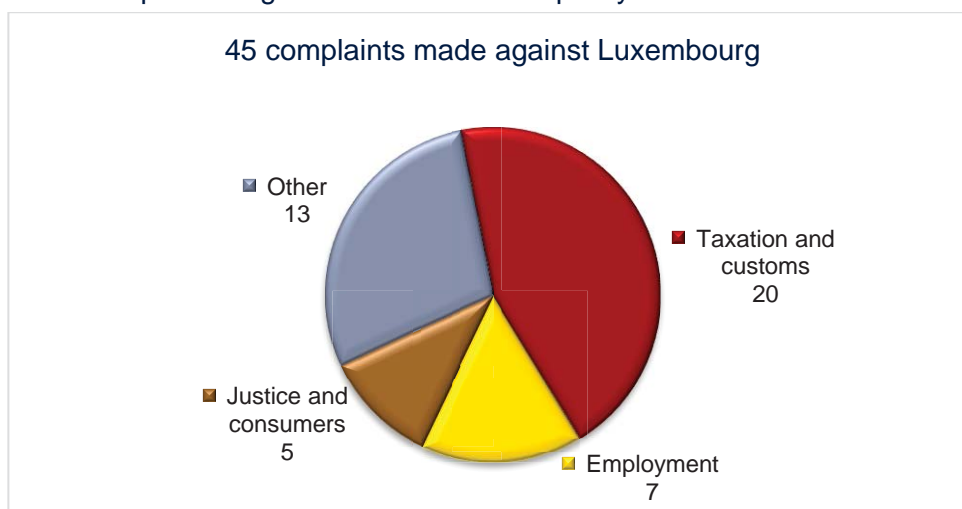
1. New complaints made against Luxembourg by members of the public (2011- 2015)



2. Public complaints against Luxembourg open at year-end

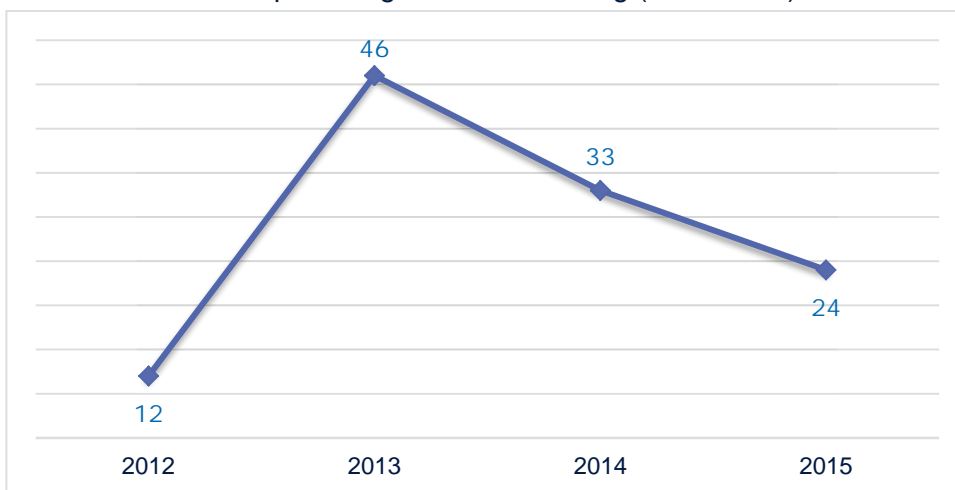
20	>	Complaints open at end-2014
45	>	New complaints registered in 2015
24	>	Complaints handled in 2015
<hr/>		
= 41	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Luxembourg (2011-2015)



2. Files relating to Luxembourg open in EU Pilot at year -end

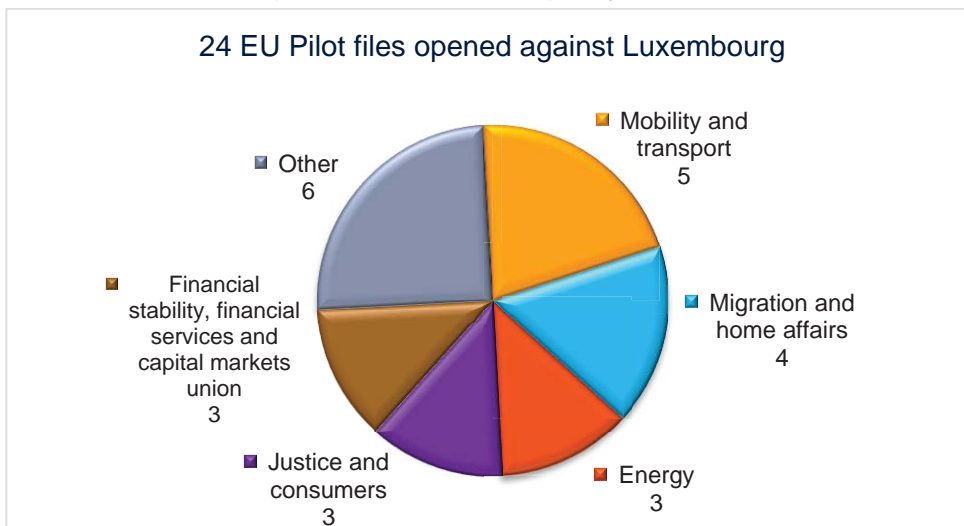
31 > EU Pilot files open at end-2014

24 > New EU Pilot files registered in 2015

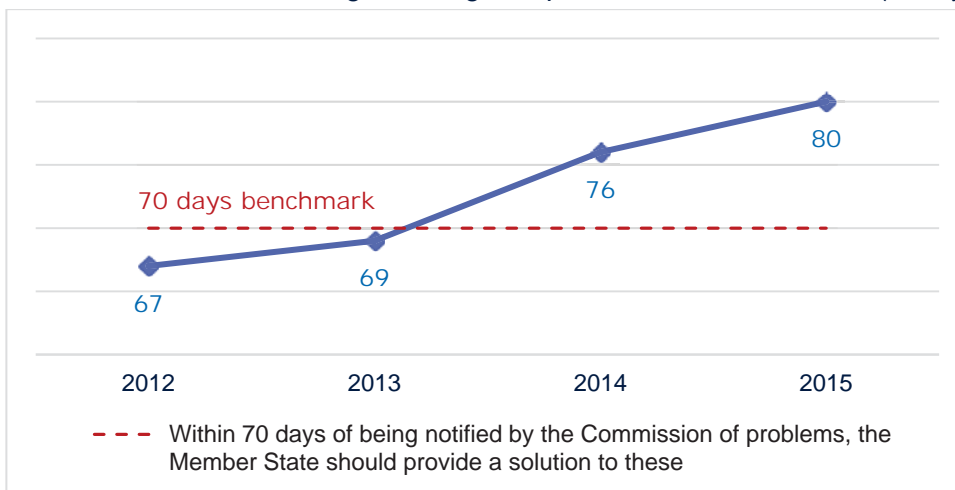
23 > EU Pilot files handled in 2015

= 32 > EU Pilot files open at end-2015

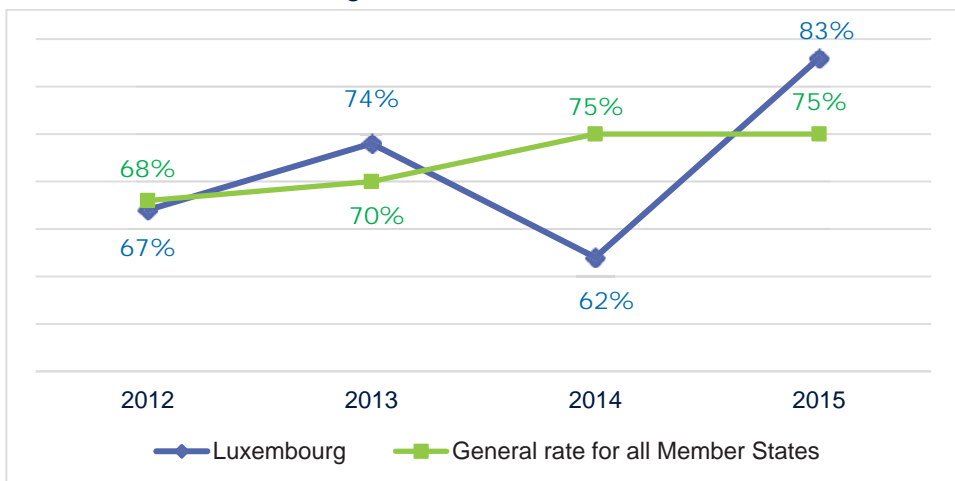
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Luxembourg's average response time in 2011-2015 (in days)¹

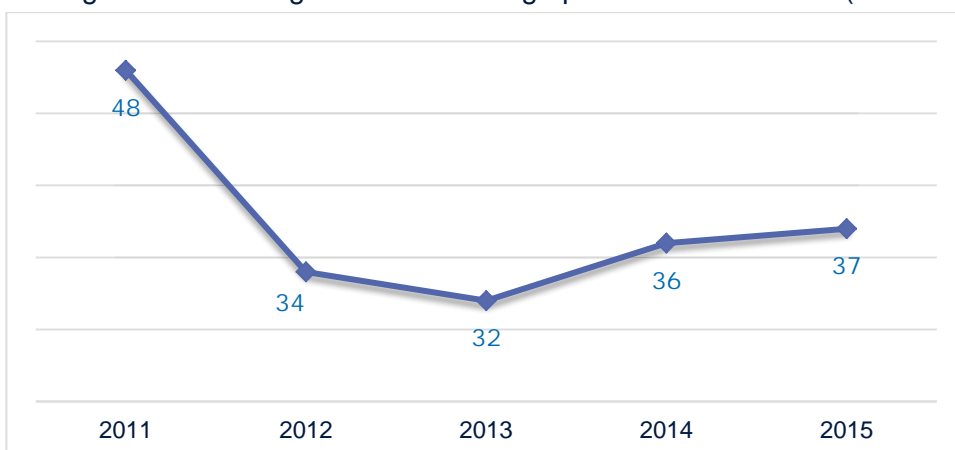


5. EU Pilot files: Luxembourg's resolution rate in 2011- 2015²



III. INFRINGEMENT CASES

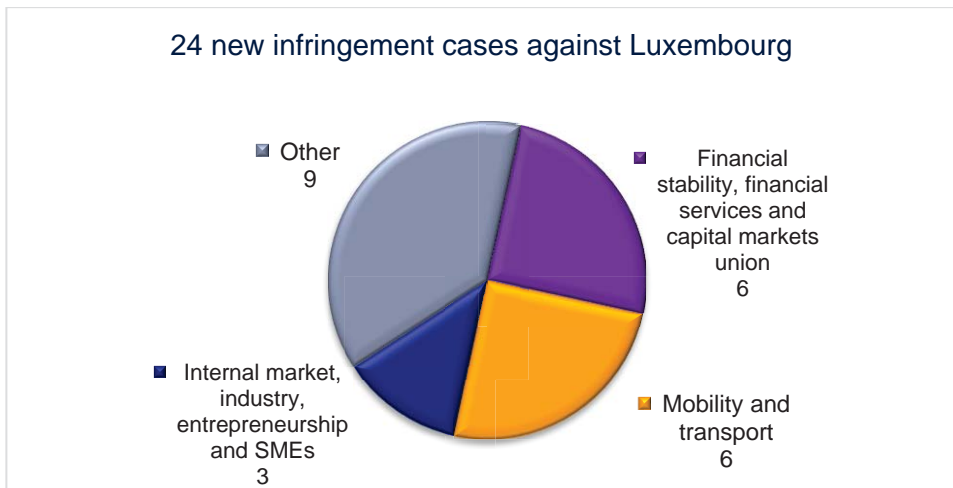
1. Infringement cases against Luxembourg open on 31 December (2011-2015)



¹ No data for 2011 are available as Luxembourg joined the EU Pilot system only in June 2012.

² See footnote 1

2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 24 new infringement cases against Luxembourg in 2015. These, and other major ongoing infringement cases, concern:

- non-communication of measures transposing the Directive on orphan works into national legislation;³
- failure to notify the national measures transposing the Directive⁴ amending several EU Directives in the area of health and safety at work to align them to the Regulation on classification, labelling and packaging of substances and mixtures;⁵
- late transposition of the recast Asylum Procedures and Reception Conditions Directives;⁶
- late and incomplete transposition of the Energy Efficiency Directive;⁷
- failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁸
- failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁹
- failure to communicate all national measures transposing the Directive on reducing over-reliance on credit rating agencies;¹⁰
- non-communication of national measures transposing the first amendment of the Financial Conglomerates Directive;¹¹
- failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;¹²
- failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹³ national air traffic control organisations should work

³ Directive [2012/28/EC](#); [MEMO/15/5053](#).

⁴ Directive [2014/27/EU](#).

⁵ Regulation (EC) No [1272/2008](#)

⁶ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁷ Directive [2012/27/EU](#), [MEMO/15/5826](#).

⁸ [MEMO/15/4666](#) and [IP/15/6253](#).

⁹ Directives [2009/138/EC](#) and [2014/51/EU](#).

¹⁰ Directive [2013/14/EU](#).

¹¹ Directive [2011/89/EU](#); [MEMO/15/6223](#).

¹² Directive [2014/59/EU](#); [IP/15/5057](#), [Commission v Luxembourg, C-684/15](#).

¹³ Regulation (EC) No [550/2004](#).

together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁴

- non-compliance with several provisions of the Railway Safety Directive.¹⁵

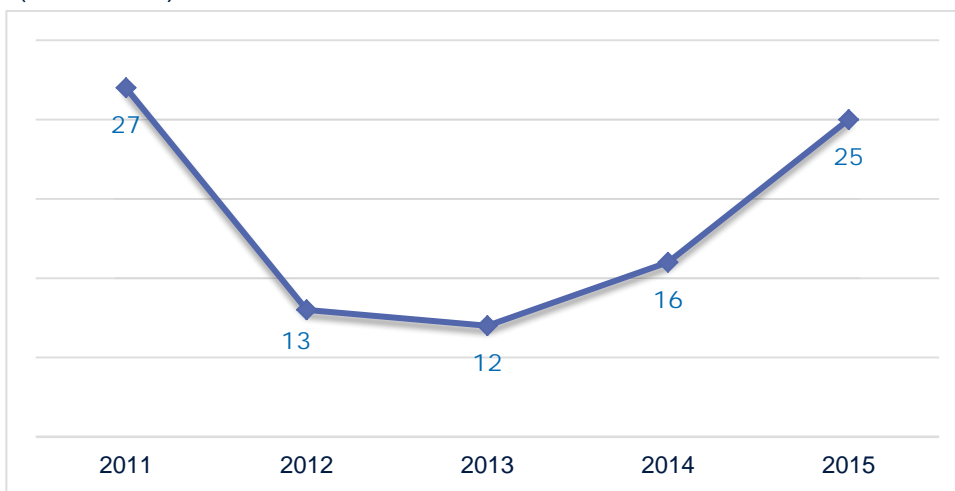
b) The Commission referred one case to the Court under Article 258 TFEU. It concerns national VAT rules. These seem to contract the VAT Directive by:

- limiting the reception of VAT-free services to members of a cost-sharing group whose taxed activities remain below 30 % (in certain cases 45 %) of their annual turnover; and
- allowing group members to deduct VAT charged to the group.¹⁶

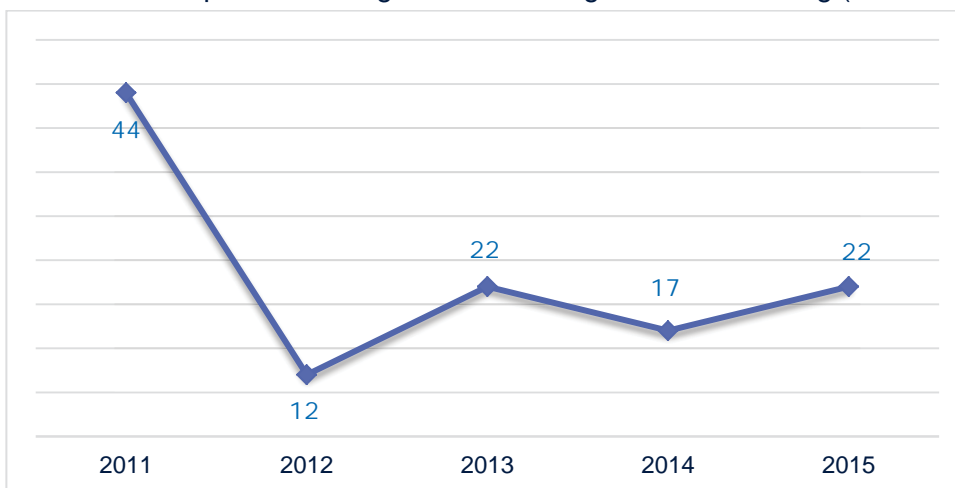
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Luxembourg open on 31 December (2011-2015)



2. New late transposition infringement cases against Luxembourg (2011-2015)

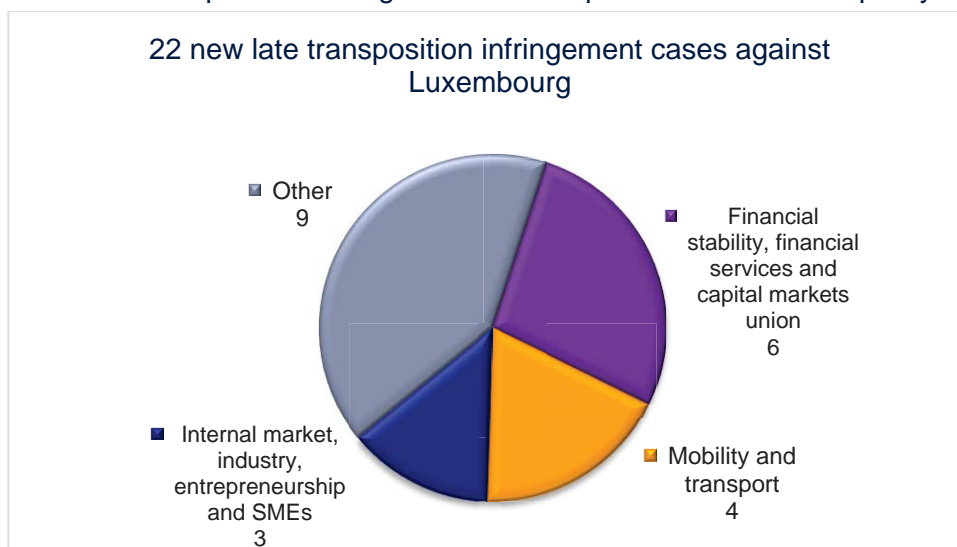


¹⁴ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

¹⁵ Directive [2004/49/EC](#) and [MEMO/14/470](#).

¹⁶ Commission v Luxembourg, [C-274/15](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns failure to transpose the Directive establishing a framework for the recovery and resolution of credit institutions and investment firms.¹⁷

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- the method of calculating the allowance in lieu of annual leave under the Working Time Directive;¹⁸
- late transposition of the Directive against trafficking in human beings;¹⁹
- failure to notify national transposition measures for the Directive on the right to information in criminal proceedings;²⁰
- failure to transpose the Directive implementing the principle of equal treatment between men and women in the access to and supply of goods and services in the light of the decision of the Court of Justice in the 'Test-Achats' ruling;²¹
- incorrect implementation of EU legislation on the rights of bus and coach passengers;²²
- failure to connect to the driving licence network;
- non-conformity with the Directive on the interoperability of the rail system.²³

¹⁷ Directive No [2014/59/UE](#), Commission v Luxembourg, [C-684/15](#).

¹⁸ Directive [2003/88/EC](#).

¹⁹ Directive [2011/36/EU](#).

²⁰ Directive [2012/13/EU](#).

²¹ Directive [2004/113/EC](#); Test-Achats, [C-236/09](#).

²² Regulation (EU) No [181/2011](#).

²³ Directive [2008/57/EC](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁴

The Court ruled that:

- the absence of measures to prevent the abuse of successive fixed-term employment contracts in the case of occasional workers in the entertainment arts infringes the Fixed-Term Work Directive;²⁵
- the reduced VAT rate on digital books did not comply with the VAT Directive.²⁶

2. Preliminary rulings

No major preliminary rulings were addressed to the Luxembourgish judiciary in 2015.

²⁴ These rulings are almost exclusively handed down on infringement procedures.

²⁵ Commission v Luxembourg, [C-238/14](#).

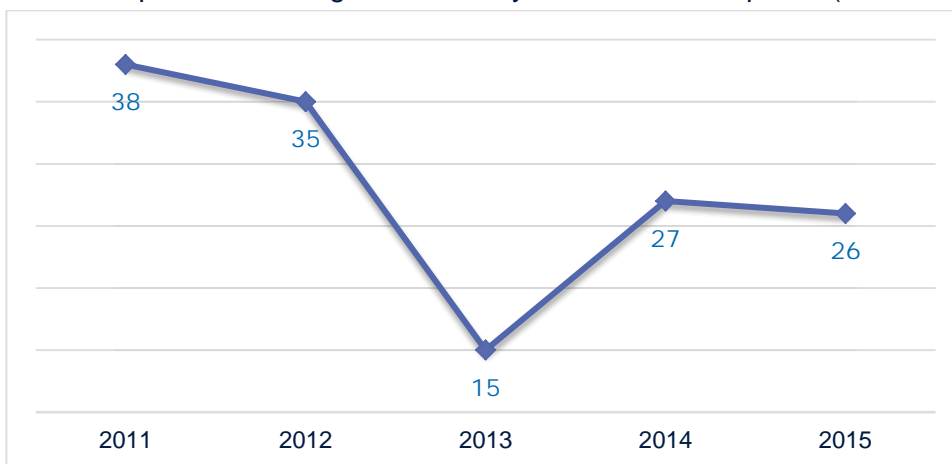
²⁶ Commission v Luxembourg, [C-502/13](#).

Malta

New complaints against Malta decreased slightly in 2015 but remained above their 2013 low. The number of new EU Pilot files continued to fall, reaching its lowest level since 2012. However, open infringement cases and new late transposition cases both rose in 2015 after falling steadily since 2011.

I. COMPLAINTS

1. New complaints made against Malta by members of the public (2011- 2015)



2. Public complaints against Malta open at year-end

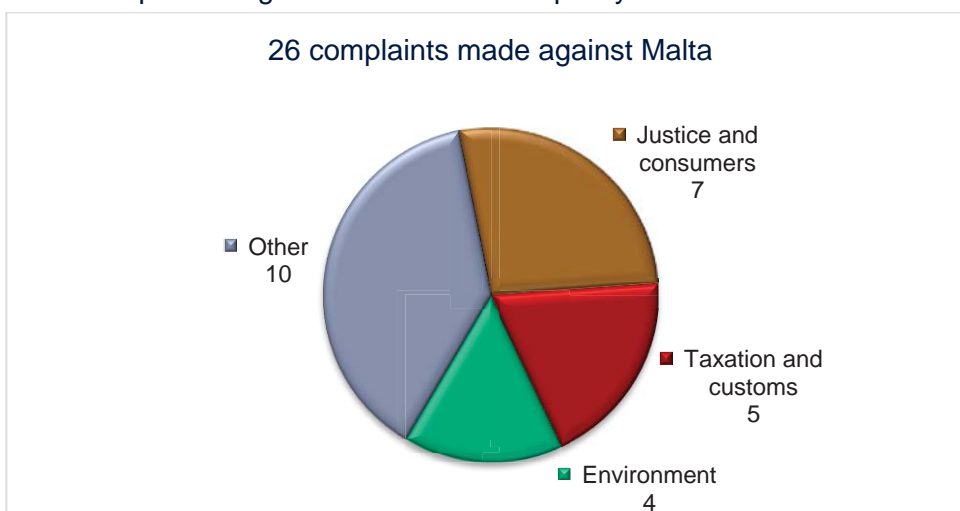
13 > Complaints open at end-2014

26 > New complaints registered in 2015

17 > Complaints handled in 2015

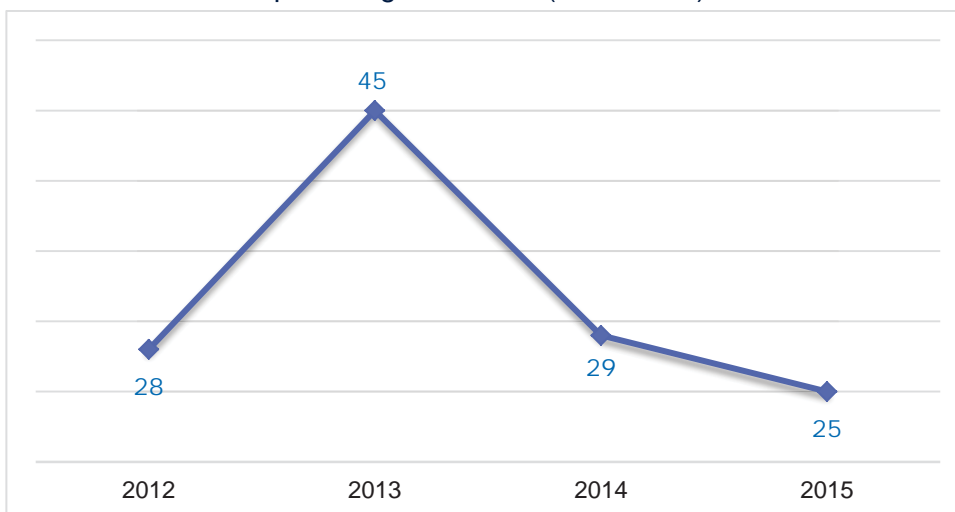
17
= 22 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Malta (2011-2015)¹



2. Files relating to Malta open in EU Pilot at year -end

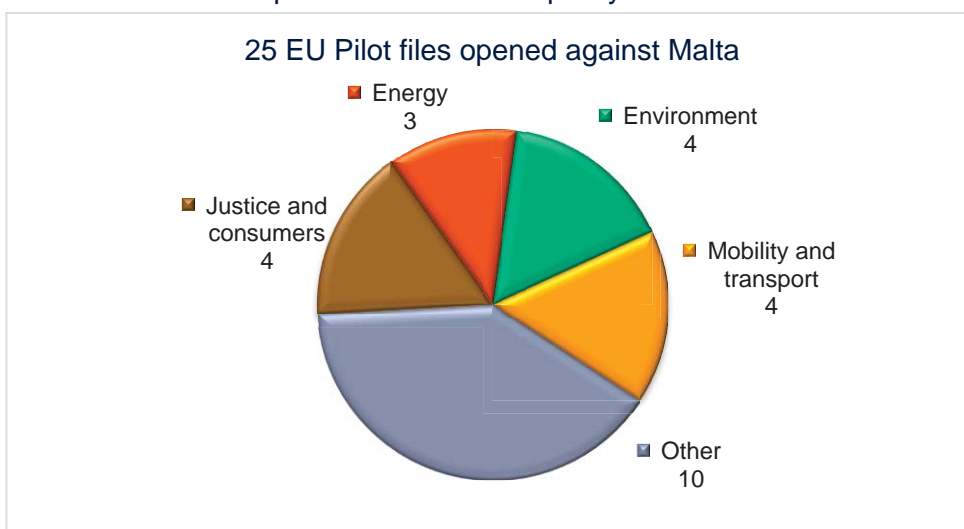
21 > EU Pilot files open at end-2014

25 > New EU Pilot files registered in 2015

23 > EU Pilot files handled in 2015

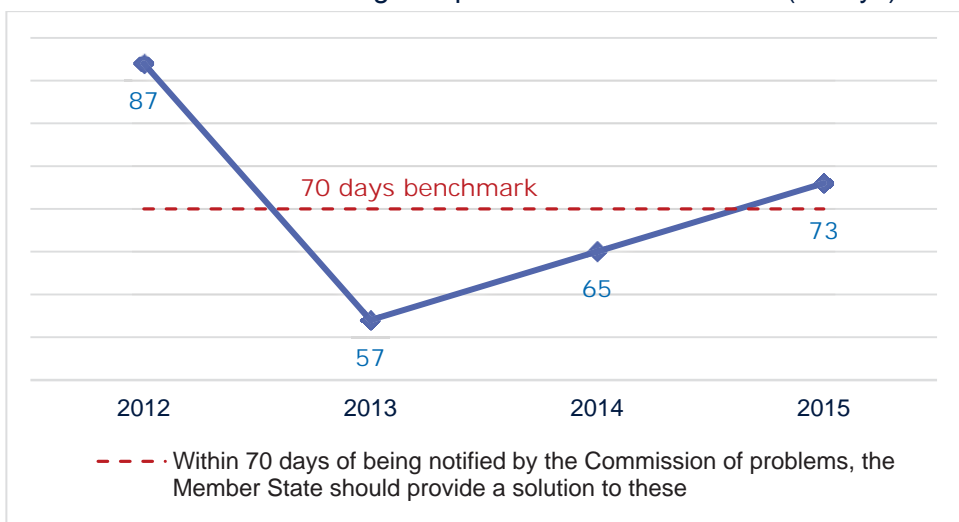
= 23 > EU Pilot files open at end-2015

3. New EU Pilot files opened in 2015: main policy areas

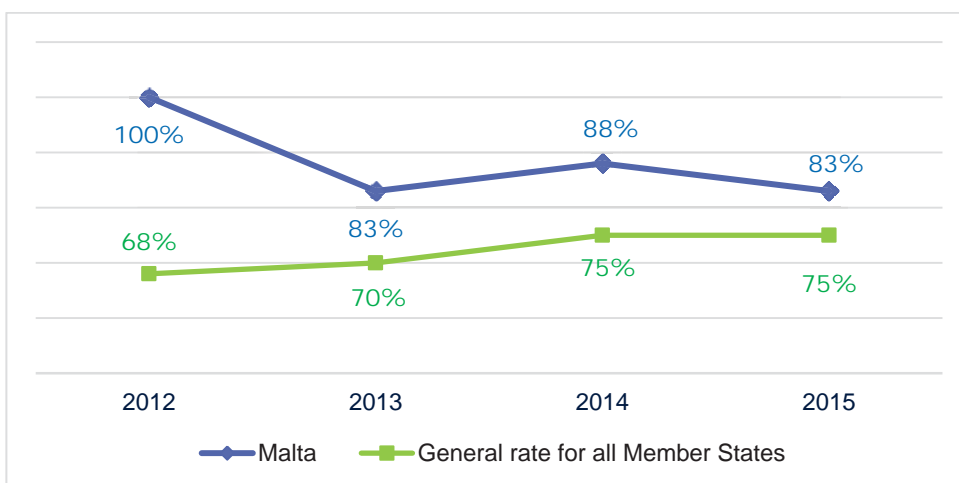


¹ No data are available for 2011 as Malta joined the EU Pilot system only in June 2012.

4. EU Pilot files: Malta's average response time in 2011-2015 (in days)²

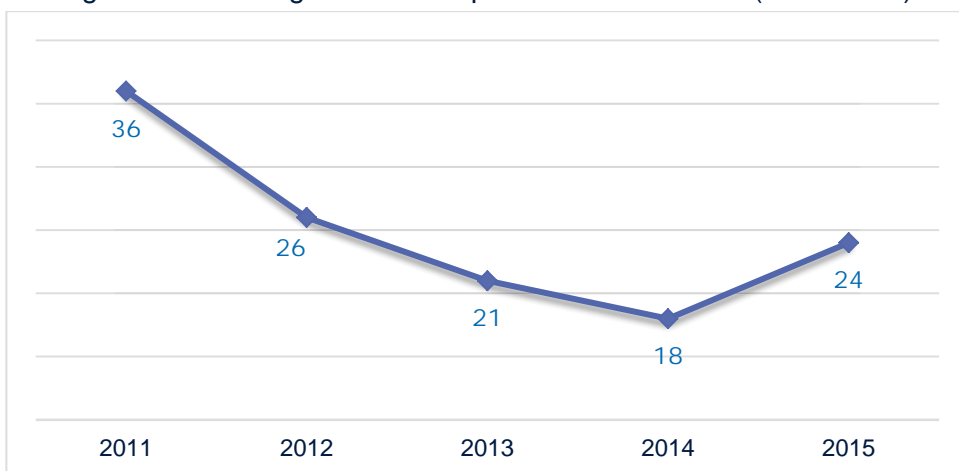


5. EU Pilot files: Malta's resolution rate in 2011- 2015³



III. INFRINGEMENT CASES

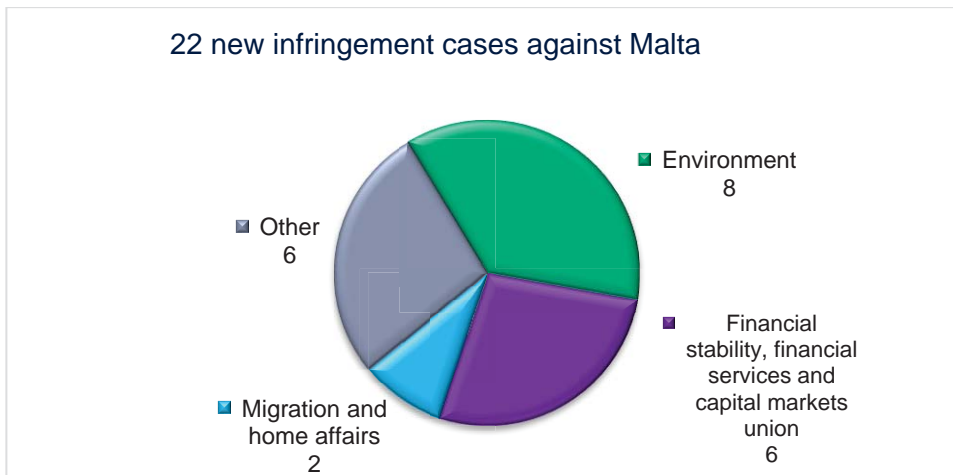
1. Infringement cases against Malta open on 31 December (2011-2015)



² See footnote 1.

³ See footnote 1.

2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against Malta in 2015. These, and other major ongoing infringement cases, concern:
- non-communication of national measures transposing the Directive on honey labelling;⁴
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁵
 - excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;⁶
 - incorrect application of the Long-Term Residents Directive⁷ as regards implementing the requirements on stable and regular resources and appropriate accommodation;
 - failure to notify national measures ensuring full transposition of the recast Asylum Procedures Directive⁸ and the Reception Conditions Directive⁹ and the Directive on combating the sexual abuse and sexual exploitation of children and child pornography;¹⁰
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹¹ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹²
 - non-conformity of national legislation with the Directive on driving licences as amended.¹³
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns trapping of seven species of finch in breach of the Wild Birds Directive.¹⁴
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

⁴ Directive [2014/63/EU](#).

⁵ Directive [2014/59/EU](#); [IP/15/5057](#).

⁶ Directive [2006/123/EC](#); [IP/15/5199](#).

⁷ Directive [2003/109/EC](#).

⁸ Directive [2013/32/EU](#); [IP/15/6276](#).

⁹ Directive [2013/33/EU](#); [IP/15/6276](#).

¹⁰ Directive [2011/93/EU](#); [MEMO/15/5356](#).

¹¹ Regulation [\(EC\) No 550/2004](#).

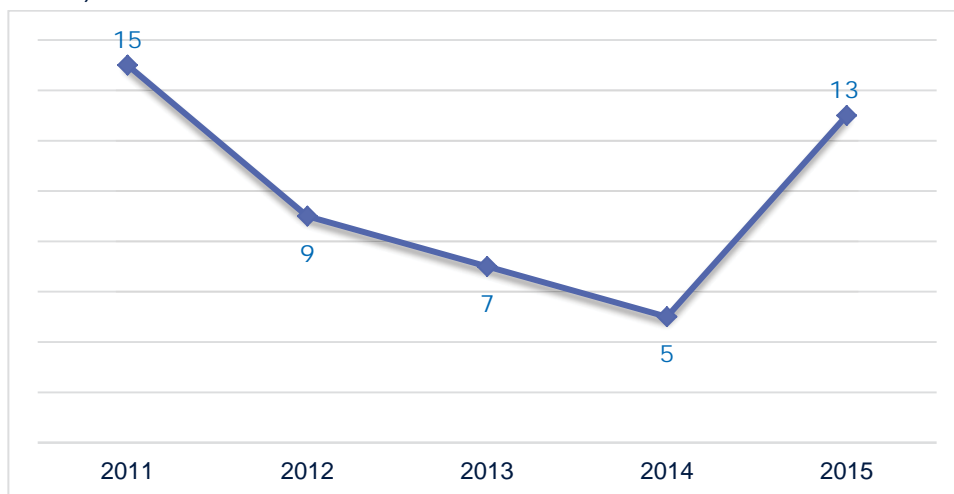
¹² BLUEMED (the functional airspace block between Italy, Greece, Cyprus and Malta).

¹³ Directive [2006/126/EC](#).

¹⁴ Directive [2009/147/EC](#), Commission v Malta, [C-557/15](#); [IP/15/5658](#).

IV. TRANSPOSITION OF DIRECTIVES

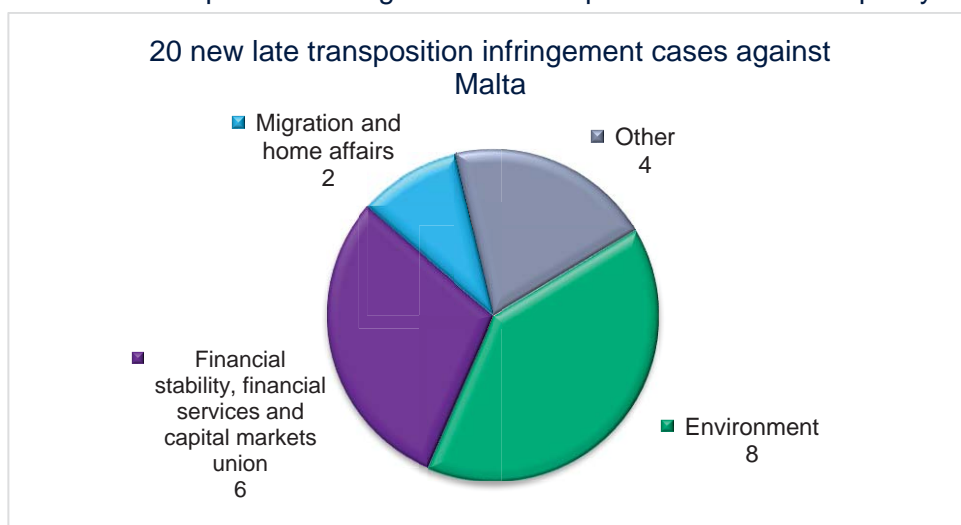
1. Late transposition infringement cases against Malta open on 31 December (2011-2015)



2. New late transposition infringement cases against Malta (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- breach of the Large Combustion Plants Directive through operation of the Marsa Power Station beyond the limited lifetime derogation period;¹⁵
- late transposition of Directive 2011/51/EU extending the Long-Term Residents Directive¹⁶ to beneficiaries of international protection.

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁷

There were no major Court rulings in 2015.

2. Preliminary rulings

No major preliminary rulings were addressed to the Maltese judiciary in 2015.

¹⁵ Directive [2001/80/EC](#).

¹⁶ Directive [2003/109/EC](#).

¹⁷ These rulings are almost exclusively handed down on infringement procedures.

Netherlands

New complaints against the Netherlands in 2015 continued the steady fall seen since their peak in 2012. The number of new EU Pilot files fell for the second consecutive year, to their lowest level since 2011. Open infringement cases have been relatively stable since 2012. New infringement cases for late transposition rose in 2015 but the number was still well below the 2011 level.

I. COMPLAINTS

1. New complaints made against Netherlands by members of the public (2011- 2015)



2. Public complaints against Netherlands open at year-end

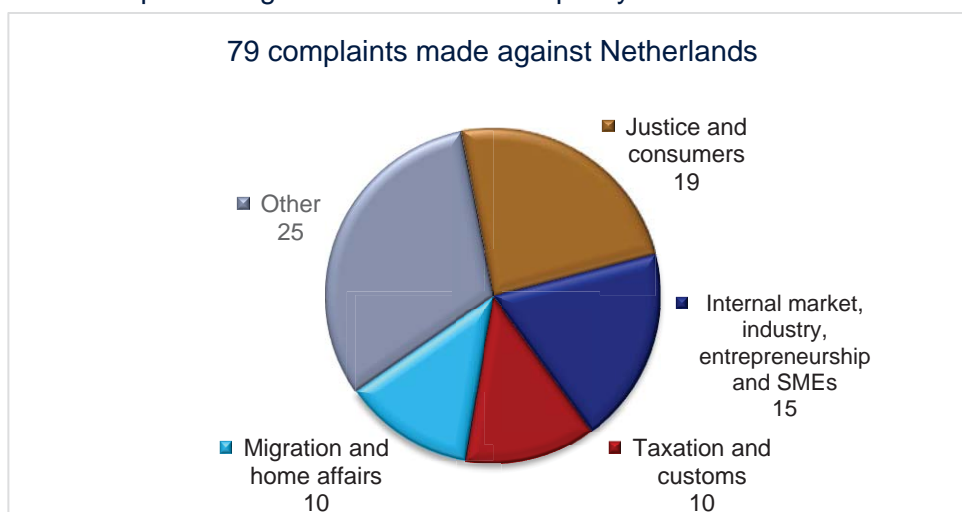
53 > Complaints open at end-2014

79 > New complaints registered in 2015

66 > Complaints handled in 2015

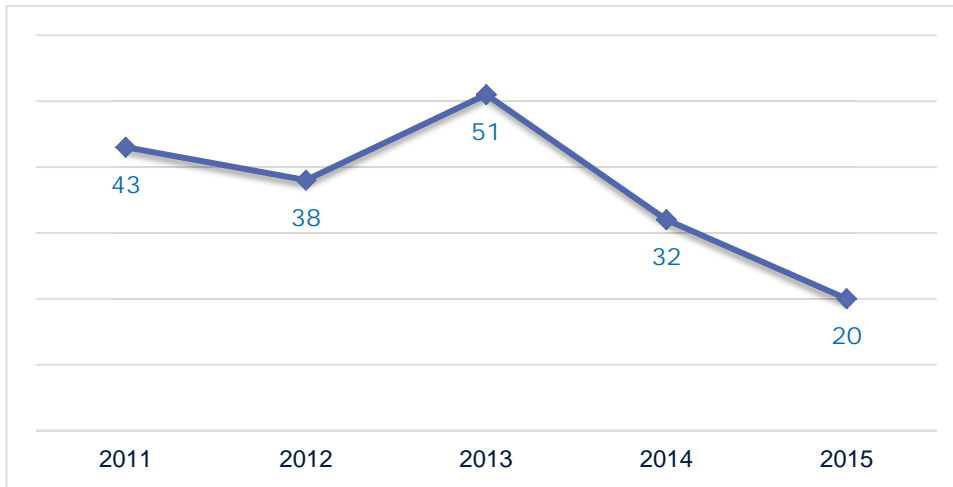
= 66 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Netherlands (2011-2015)¹



2. Files relating to Netherlands open in EU Pilot at year -end

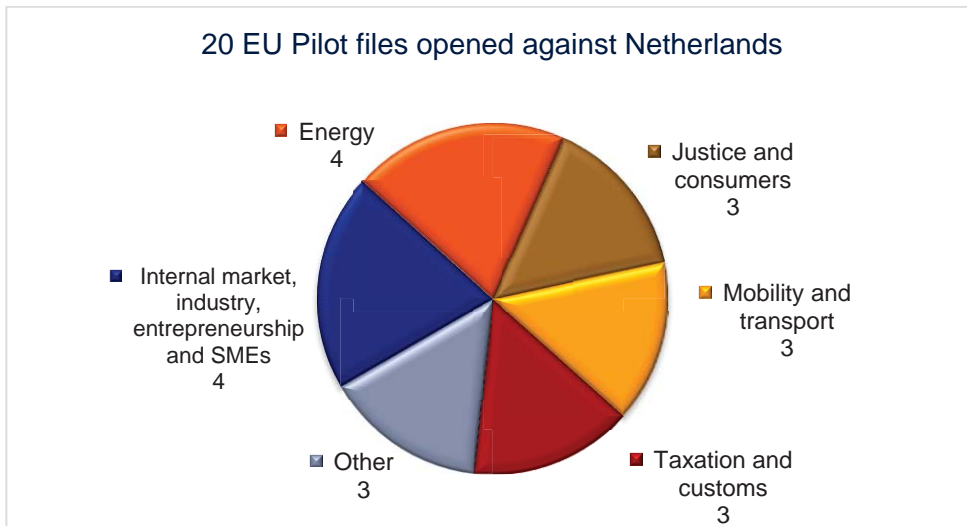
41 > EU Pilot files open at end-2014

20 > New EU Pilot files registered in 2015

32 > EU Pilot files handled in 2015

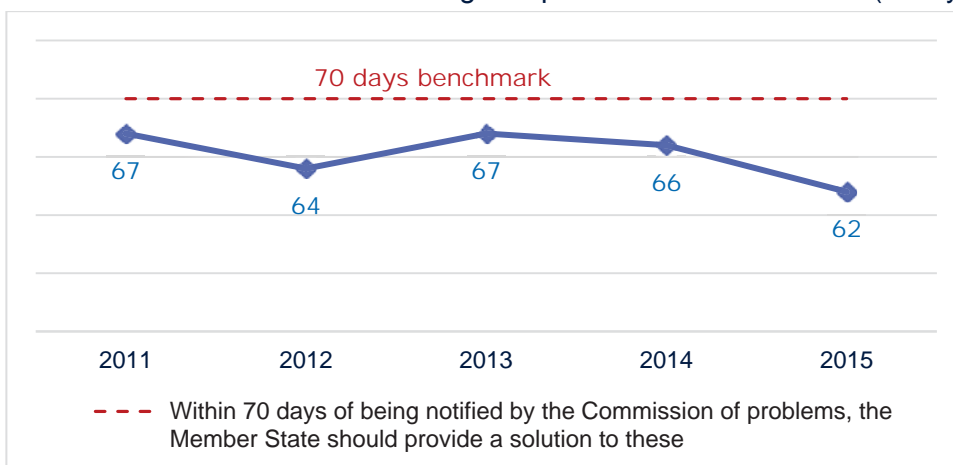
= 29 > EU Pilot files open at end-2015

3. New EU Pilot files opened in 2015: main policy areas

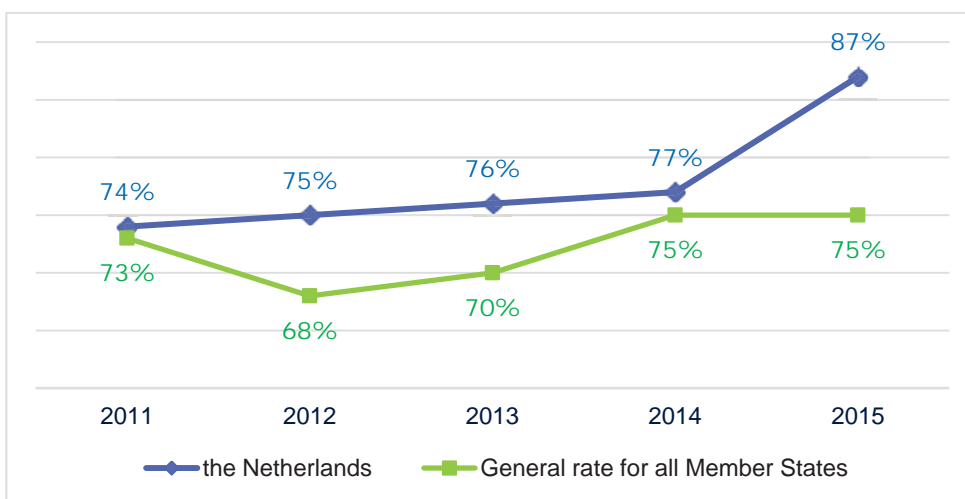


¹ No data are available for 2011 as Netherlands joined the EU Pilot system only in June 2012.

4. EU Pilot files: Netherlands's average response time in 2011-2015 (in days)

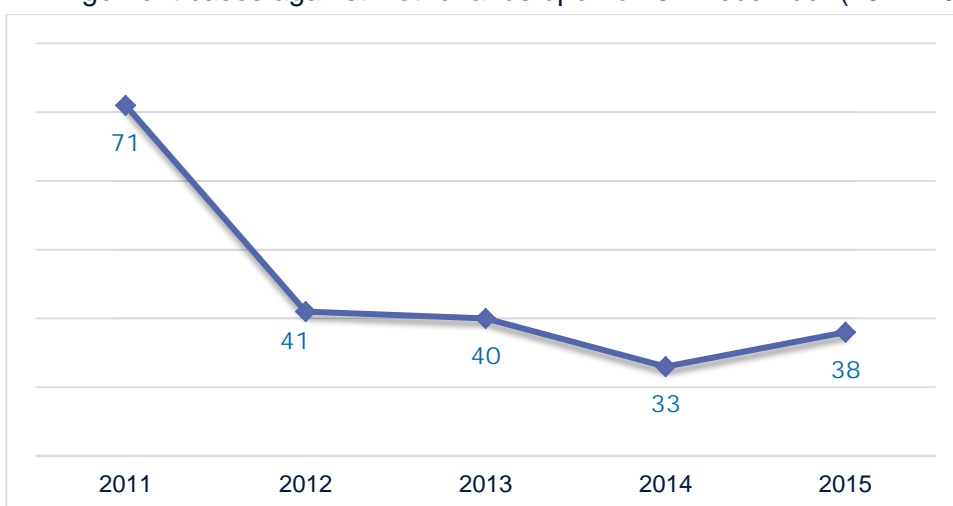


5. EU Pilot files: Netherlands's resolution rate in 2011- 2015

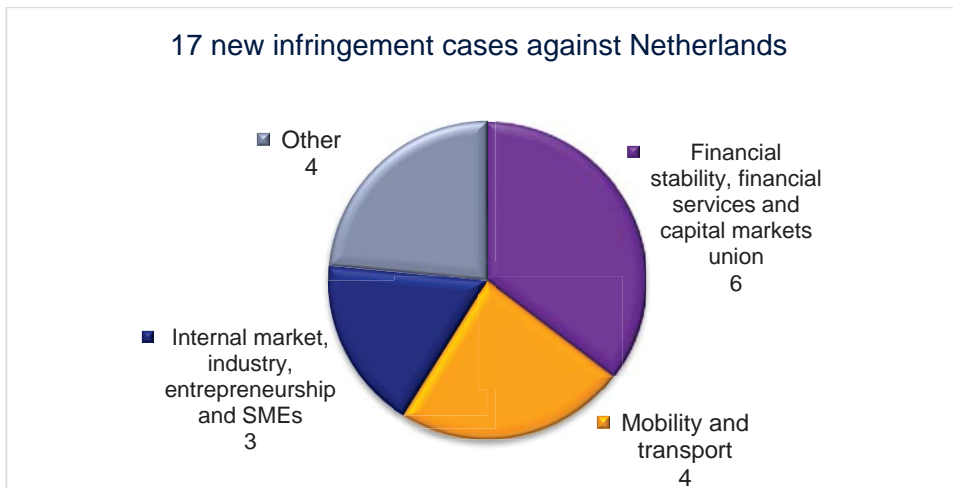


III. INFRINGEMENT CASES

1. Infringement cases against Netherlands open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 17 new infringement cases against the Netherlands in 2015. These, and other major ongoing infringement cases, concern:

- failure to notify the national measures transposing the Directive² on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;³
- late and incomplete transposition of the Energy Efficiency Directive;⁴
- late and incomplete transposition of the Energy Performance of Buildings Directive;⁵
- non-communication of national measures transposing the Bank Recovery and Resolution Directive;⁶
- bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;⁷
- failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁸
- failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,⁹ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁰
- non-compliance with several provisions of the Railway Safety Directive;¹¹
- the 'limitation on benefits' clause in the Dutch-Japanese Tax Treaty. This grants better treatment to companies held by shareholders resident in Dutch territory (or listed on Dutch stock exchanges) than to comparable companies held by non-resident EU shareholders (or traded on other EU stock exchanges).

b) The Commission referred one case to the Court under Article 258 TFEU. It concerns the exemption in the VAT Directive¹² for the supply of sport or physical education

² Directive [2014/27/EU](#).

³ Regulation (EC) No [1272/2008](#)

⁴ Directive [2012/27/EU](#), [MEMO/15/6006](#).

⁵ Directive [2010/31/EU](#), [MEMO/15/4871](#).

⁶ Directive [2014/59/EU](#); [IP/15/5057](#).

⁷ [IP/15/5198](#).

⁸ Directive [2014/59/EU](#); [IP/15/5057](#).

⁹ Regulation (EC) No [550/2004](#).

¹⁰ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

¹¹ Directive [2004/49/EC](#) and [MEMO/14/470](#).

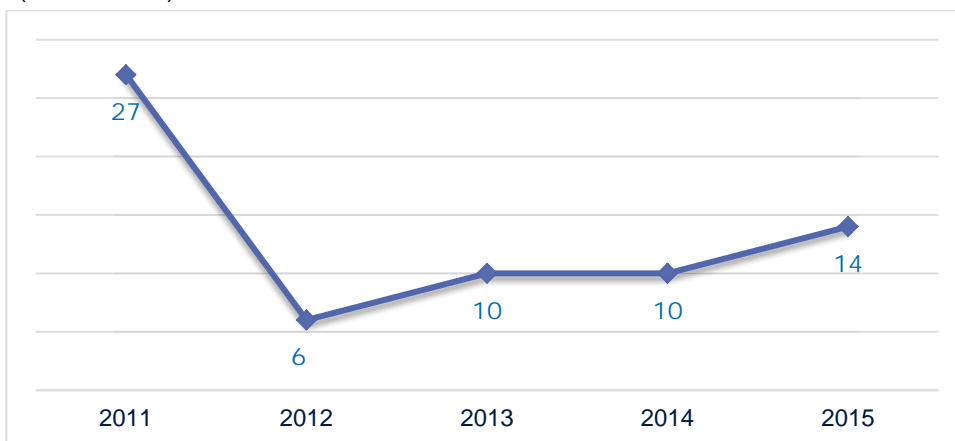
¹² Directive [2006/112/EC](#).

services by non-profit-making organisations. The Dutch rules both restrict and expand this exemption. On the one hand, exemptions are granted only to organisations where volunteers supplied these services; on the other hand, the letting of berths and moorings for vessels was VAT-free even for non-sport purposes.¹³

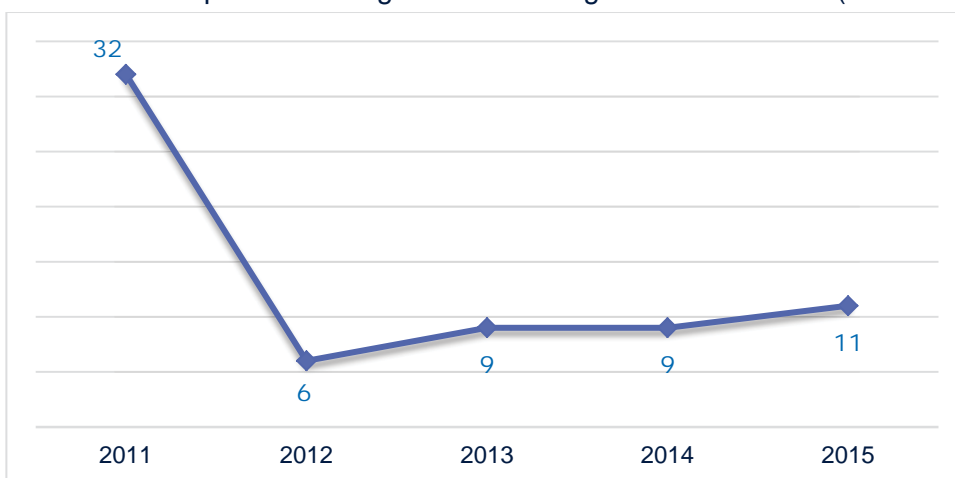
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Netherlands open on 31 December (2011-2015)

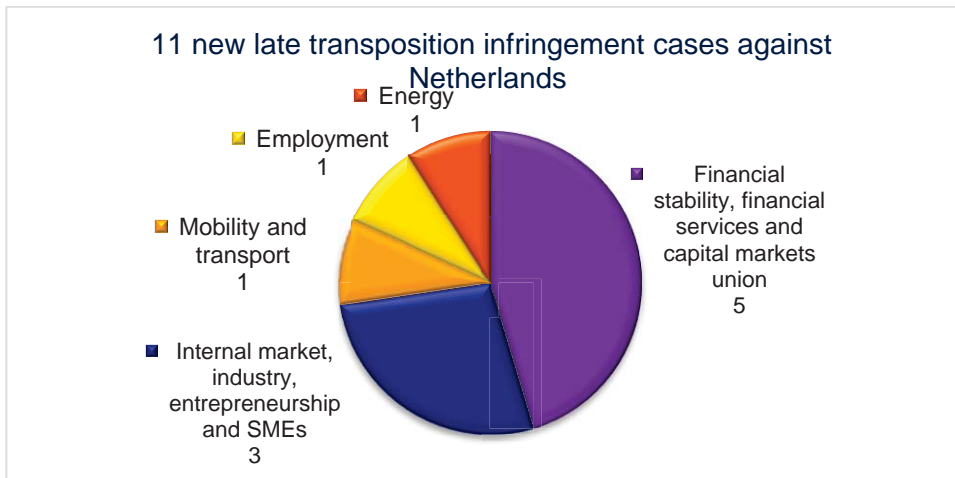


2. New late transposition infringement cases against Netherlands (2011-2015)



¹³ Commission v Netherlands, [C-22/15](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-communication of national measures transposing the Directive¹⁴ amending a number of other Directives to align them to the Regulation on classification, labelling and packaging of substances and mixtures;¹⁵
- lack of timely transposition of the Directive on the protection of animals used for scientific purposes;¹⁶
- late transposition of the Directive combating the sexual abuse and sexual exploitation of children and child pornography.¹⁷

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁸

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Dutch judiciary, the Court:

- ruled that national regulatory authorities are allowed to impose a tariff obligation under the Universal Service Directive¹⁹ to remove an obstacle to calling non-geographic numbers within the EU where this is necessary for end-users to access such numbers;²⁰
- clarified the social security legislation applicable to a national of a Member State who was employed at a consular post of a third State established in the territory of a Member State of which he is not a national, but in whose territory he resides;²¹
- clarified legislation applicable to a national of a Member State, in which he resides and in which his income is subject to tax, who was previously employed by an undertaking established in his Member State of residence. He then changed employer and is

¹⁴ Directive [2014/27/EU](#).

¹⁵ Regulation (EC) No [1272/2008](#).

¹⁶ Directive [2010/63/EU](#).

¹⁷ Directive [2011/93/EU](#).

¹⁸ These rulings are almost exclusively handed down on infringement procedures.

¹⁹ Directive [2002/22/EC](#).

²⁰ KPN, [C-85/14](#).

²¹ Evans, [C-179/13](#).

employed by an undertaking established in Switzerland, whilst continuing to reside in the same Member State and to sail on a vessel flying the flag of a third State and operating in various parts of the world;²²

- ruled that a pension is considered 'payable' from the commencement of the period in respect of which that pension was actually paid to that person. This is the case even if the pension was awarded retroactively and the Member State must enable the recipient of the pension to become affiliated to compulsory healthcare insurance with the same retroactive effect;²³
- ruled that a frontier worker who, immediately after the end of a full-time employment relationship with an employer in a Member State, is employed on a part-time basis by another employer in that same Member State, has the status of a partially unemployed frontier worker within the meaning of that provision;²⁴
- ruled that a certificate issued by the competent institution of a Member State to certify that a worker is subject to the social security legislation of that Member State, when that worker comes within the scope of the Agreement concerning the Social Security of Rhine Boatmen, is not binding on the institutions of other Member States;²⁵
- clarified the residence requirements for access to special non-contributory benefit for Turkish workers in regular employment in a Member State;²⁶
- provided clarification on national rules against overlapping of benefits;²⁷
- ruled that the operator of an installation may be given a time extension to implement a scheme to reduce emissions of volatile organic compounds when substitutes which may reduce these emissions are under development. This applies even though for that installation a constant solid content of product can be used to define the reference point for emission reductions;²⁸
- ruled that the security requirements concerning biometric data collected for issuing passports and travel documents do not apply to identity cards issued by a Member States to its nationals, such as Dutch identity cards. This applies regardless of the period of validity and the possibility of using them for the purposes of travel outside that State;²⁹
- ruled that the Sales and Guarantees Directive³⁰ requires a national court to determine whether the purchaser may be classified as a consumer even if the purchaser has not relied on that status;³¹ as soon as that court has at its disposal the matters of law and of fact necessary for that purpose or may obtain them simply by making a request for clarification. The CJEU also decided that Article 5 (3) of the Directive, which provides that, within six months of the delivery, the trader has to prove that a lack of conformity did not exist at the time of delivery, is of equal standing to a national public policy rule and that national courts, therefore, must apply it of their own motion;
- ruled that Member States may require non-EU nationals to pass a civic integration examination prior to family reunification. However, the exercise of the right to reunification must not be made impossible or excessively difficult;³²
- Council Directive³³ concerning the status of third-country nationals who are long-term residents does not preclude the imposition of an obligation to pass a civic integration examination, provided that the means of implementing that obligation are not liable to jeopardise the achievement of the objectives pursued by the directive;³⁴

²² Kik, [C-266/13](#).

²³ Fischer-Lintjens, [C-543/13](#).

²⁴ Mertens, [C-655/13](#).

²⁵ X and Van Dijk, joined cases [C-72/14](#) and [C-197/14](#).

²⁶ Demirci [C-171/13](#).

²⁷ Bouman [C-114/13](#).

²⁸ Nannoka Vulcanus Industries, [C-81/14](#).

²⁹ Willems and Others, [C-446/12](#).

³⁰ Directive 1999/44/EC.

³¹ Faber [C-497/13](#).

³² K&A, [C-153/14](#) and Court press release No [78/15](#).

³³ Directive [2003/109/EC](#).

³⁴ P and S, [C-579/13](#).

- ruled that a technical problem which occurs unexpectedly, is not due to defective maintenance and was not detected during regular tests does not exempt a carrier from its obligation to compensate passengers in the event of a flight cancellation.³⁵

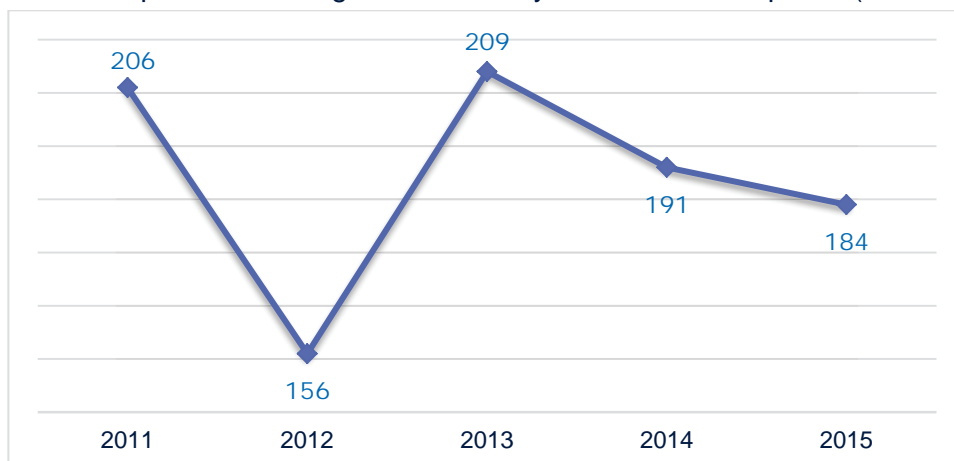
³⁵ van der Lans, [C-257/14](#) and Court press release No [105/15](#).

Poland

New complaints against Poland fell slightly further from 2013's peak while new EU Pilot files continued the downward trend seen since 2011. The number of open infringement cases held steady. New infringement cases for late transposition continued to rise gradually but were no more than half the 2011 level.

I. COMPLAINTS

1. New complaints made against Poland by members of the public (2011- 2015)



2. Public complaints against Poland open at year-end

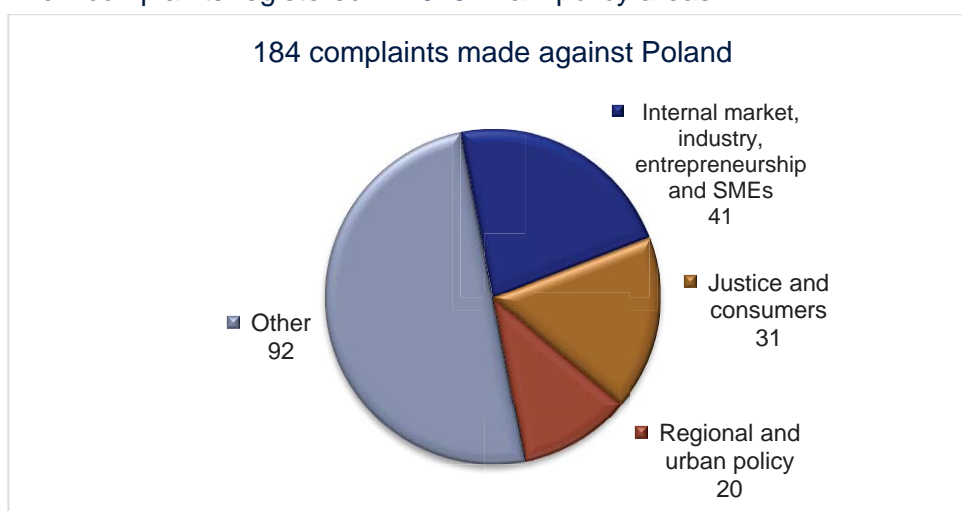
178 > Complaints open at end-2014

184 > New complaints registered in 2015

195 > Complaints handled in 2015

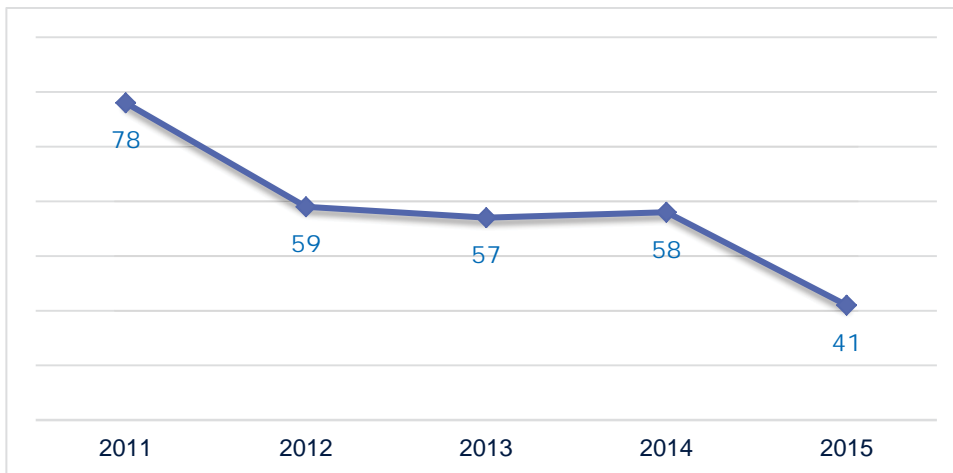
= 167 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Poland (2011-2015)



2. Files relating to Poland open in EU Pilot at year -end

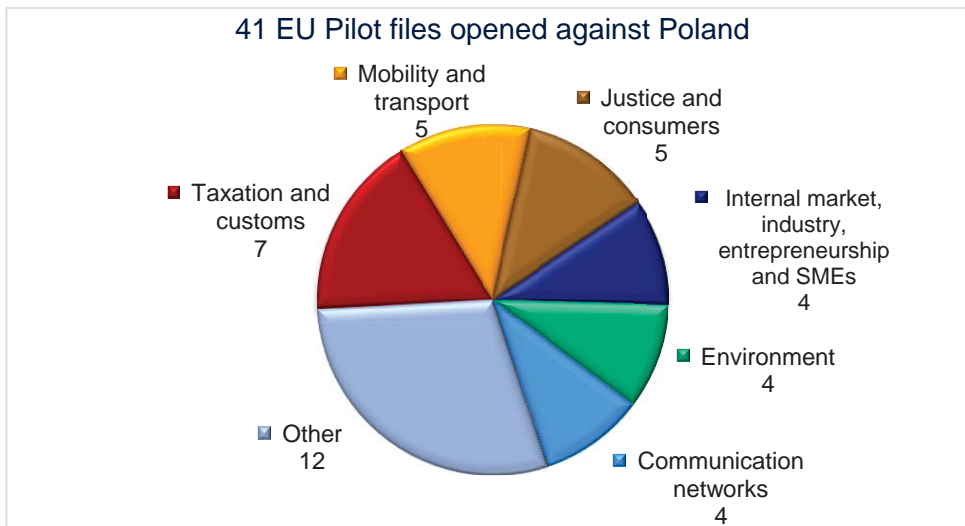
73 > EU Pilot files open at end-2014

41 > New EU Pilot files registered in 2015

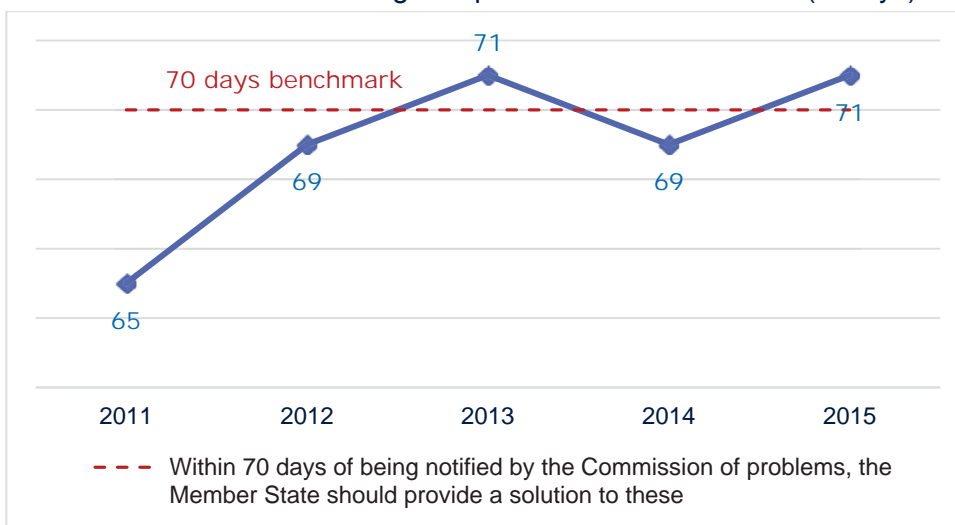
40 > EU Pilot files handled in 2015

= 74 > EU Pilot files open at end-2015

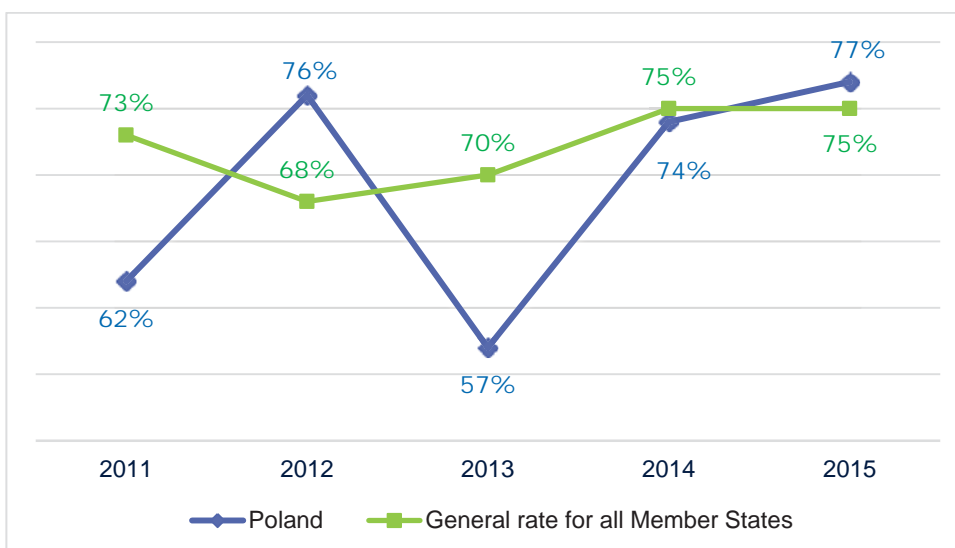
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Poland's average response time in 2011-2015 (in days)

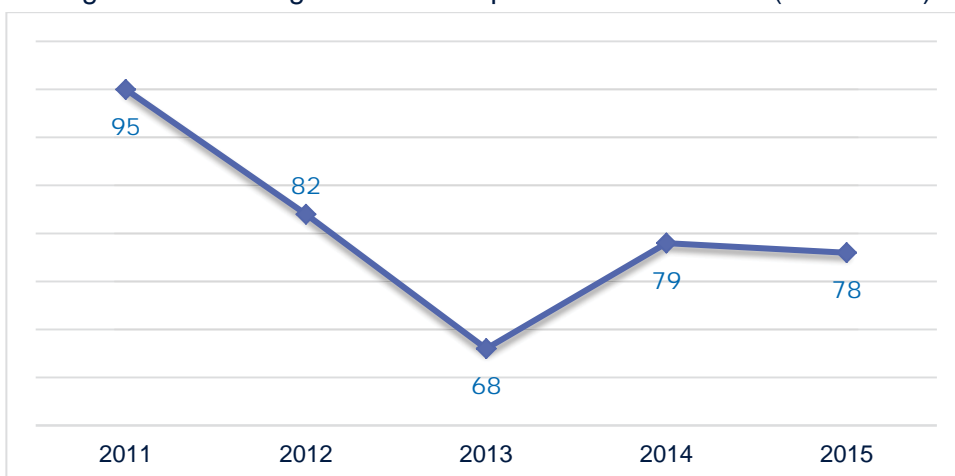


5. EU Pilot files: Poland's resolution rate in 2011- 2015

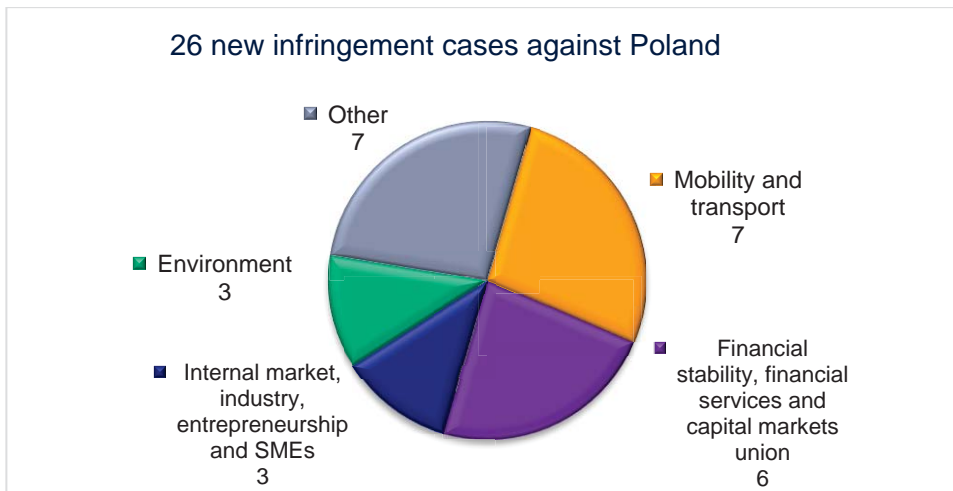


III. INFRINGEMENT CASES

1. Infringement cases against Poland open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 26 new infringement cases against Poland in 2015. These, and other major ongoing infringement cases, concern:

- non-communication of measures transposing the Directive on orphan works into national legislation;¹
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;²
- late and incomplete transposition of the Energy Efficiency Directive;³
- late and incomplete transposition of the Energy Performance of Buildings Directive;⁴
- lack of implementation of certain obligations under EU document-security legislation;⁵
- incorrect implementation of the Renewable Energy Directive⁶ due to discriminatory treatment of second-generation biofuels;⁷
- widespread non-respect of EU air quality limit values for dust particles (PM¹⁰);⁸
- breach of the Environmental Impact Assessment Directive by failing to ensure that exploratory drilling activities are carried out with due regard to EU standards;⁹
- failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;¹⁰
- failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;¹¹
- failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;¹²
- breach of the Services Directive due to minimum compulsory tariffs restricting access to the profession of patent agent;¹³

¹ Directive [2012/28/EU](#).

² Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

³ Directive [2012/27/EU](#), [MEMO/15/6006](#).

⁴ Directive [2010/31/EU](#), [MEMO/15/4871](#).

⁵ Regulation (EC) [380/2008](#).

⁶ Directive (EC) [2009/28/EC](#).

⁷ [MEMO/15/4871](#).

⁸ [MEMO/15/4489](#).

⁹ [MEMO/15/4489](#).

¹⁰ Directive [2011/89/EU](#).

¹¹ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).

¹² Directive [2014/59/UE](#), Commission v Poland, [C-683/15](#).

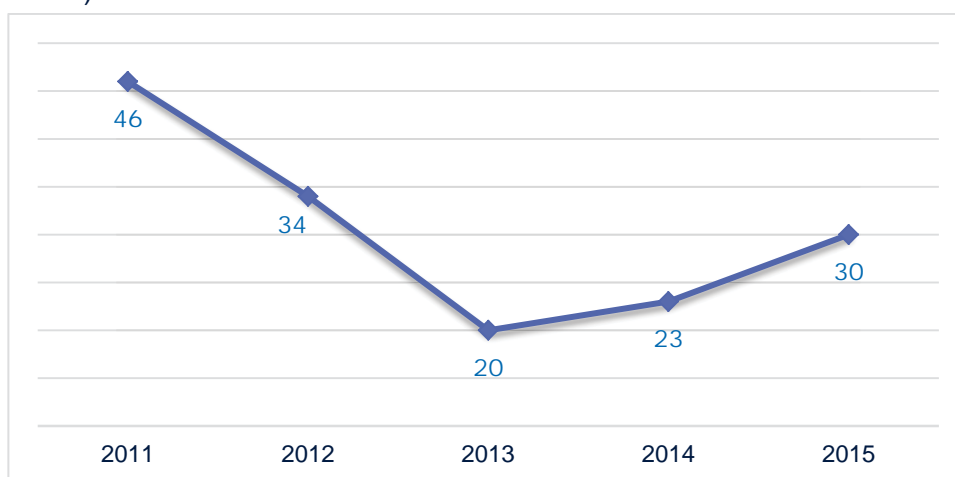
- incorrect transposition of the provisions on the interoperability of the rail system;¹⁴
- incorrect application of the European Electronic Toll Service Directive;¹⁵
- non-compliance of national legislation with the Railway Safety Directive;¹⁶
- non-compliance with the provisions on maximum authorised weights and restrictions on the free movement of goods;¹⁷
- discriminatory airport charges in several Polish airports.

b) The Commission did not refer any cases to the Court under Article 258 TFEU.

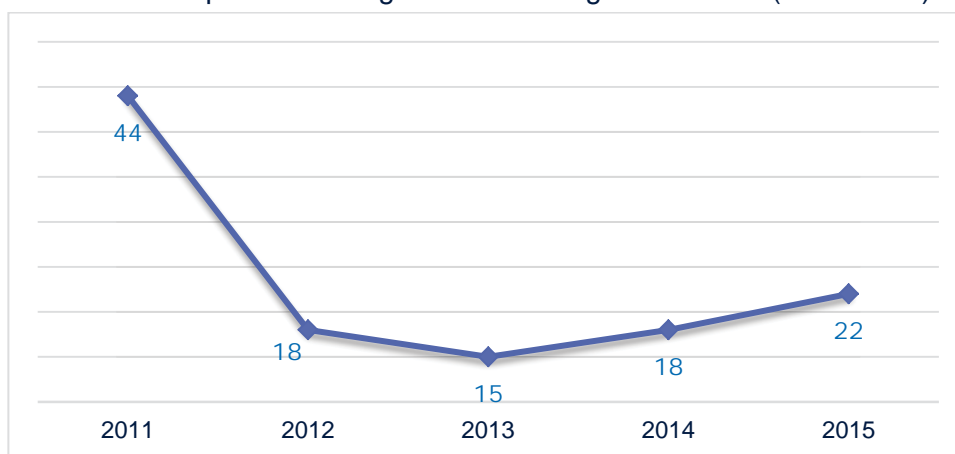
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Poland open on 31 December (2011-2015)



2. New late transposition infringement cases against Poland (2011-2015)



¹³ IP/15/5199.

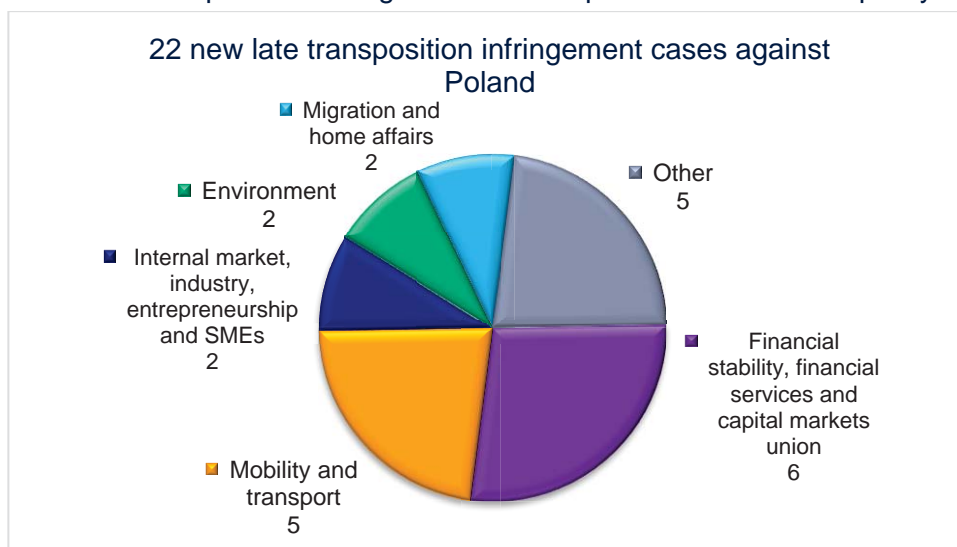
¹⁴ Directive [2008/57/EC](#).

¹⁵ [MEMO/15/6006](#).

¹⁶ Directive [2004/49/EC](#).

¹⁷ Directive [96/53/EC](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission referred two cases to the Court under Articles 258 and 260(3) TFEU. They concern failure to transpose:

- the Directive on waste electrical and electronic equipment;¹⁸
- the Directive establishing a framework for the recovery and resolution of credit institutions and investment firms.¹⁹

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- barriers to the recognition of professional experience acquired by lawyers in another Member State;
- late transposition of the Directive extending the EU emissions trading scheme;²⁰
- discriminatory treatment of fixed-term employees and a lack of effective measures to prevent abusive successions of fixed-term employment contracts. The concerns identified were remedied following a reform of the Labour Code;
- late transposition of the Directive on the geological storage of carbon dioxide;²¹
- incorrect transposition of the Batteries Directive;²²
- non-communication of national measures transposing the Industrial Emissions Directive;²³
- late transposition of the Directive 2011/51/EU extending the Long-Term Residents Directive²⁴ to beneficiaries of international protection;
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows;²⁵
- the incompatibility of national legislation with the EU rules on fixed-term employment;²⁶
- failure to fully transpose into national legislation the Renewable Energy Directive;²⁷

¹⁸ Directive No [2012/19/EU](#), Commission v Poland, [C-545/15](#), [IP/15/4875](#). Poland subsequently adopted the necessary legislative measures and the Commission has therefore withdrawn this case from the Court.

¹⁹ Directive [2014/59/UE](#), Commission v Poland, [C-683/15](#).

²⁰ Directive [2009/29/EC](#).

²¹ Directive [2009/31/EC](#).

²² Directive No [2006/66/EC](#).

²³ Directive No [2010/75/EU](#).

²⁴ Directive [2003/109/EC](#).

²⁵ Directive [2008/120/EC](#).

²⁶ Directive [1999/70/EC](#).

- non-conformity of the national legislation transposing the Directive on end-of-life vehicles;²⁸
- incorrect application of the Regulation on the rights of bus and coach passengers.²⁹

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

The Court ruled that:

- Poland failed to comply with the Regulation on fluorinated greenhouse gases³¹ and its implementing regulations.³² It has not notified to the Commission the required information on certification bodies, titles of certificates and penalties applicable to breaches of these provisions;³³
- Poland's regulated prices for gas for non-household customers did not comply with the requirements of the Gas Directive (Third Energy Package);³⁴
- the exclusion of legal obligations concerning reproductive cells, foetal tissues and embryonic tissues from the scope of national transposition legislation causes a public health concern. This is because the relevant medical procedures (e.g. in-vitro fertilisation) in Poland are not subject to the legal requirements of quality and safety complying with EU law. Since Polish legislation does not prohibit assisted reproduction procedures, Poland must ensure the correct transposition of the EU directives without delay;³⁵
- the VAT exemption for certain medical equipment and pharmaceutical products went beyond the scope of what is allowed under the VAT Directive.³⁶

2. Preliminary rulings

In preliminary rulings addressed to the Polish judiciary, the Court ruled that:

- Under the Framework Directive for electronic communications and services,³⁷ the obligation to implement consolidation of the internal market for electronic communications arises from the content of the measure and its possible effect on intra-EU trade. A national regulatory authority must follow the EU consolidation procedure if, in resolving a dispute, it intends to impose obligations for access to non-geographic numbers under Article 28 of the Universal Service Directive³⁸ and those obligations may affect trade between Member States. A regulatory authority's measure ensuring end-users' access to non-geographic numbers under Article 28 of the Directive affects trade between Member States if it may have, other than in an insignificant manner, an influence, direct or indirect, actual or potential, on that trade;³⁹
- in principle, the real estate rent and the costs of public services (e.g. electricity, heating, water and garbage collection) must be regarded as several distinct and independent supplies, to be assessed separately for VAT purposes;⁴⁰
- the Polish 'partnership limited by shares' must be regarded as a capital company for the purposes of the Directive concerning indirect taxes on the raising of capital, even if only

²⁷ [IP/15/4499](#).

²⁸ Directive [2000/53/EC](#).

²⁹ Regulation (EU) No [181/2011](#).

³⁰ These rulings are almost exclusively handed down on infringement procedures.

³¹ Regulation (EC) No [842/2006](#).

³² Regulations (EC) no [303/2008](#), [304/2008](#), [305/2008](#), [306/2008](#), [307/2008](#) and [308/2008](#).

³³ Commission v Poland, [C-303/14](#). Poland subsequently adopted the necessary legislative measures and the Commission has closed the case.

³⁴ Commission v Poland, [C-36/14](#).

³⁵ Commission v Poland, [C-29/14](#).

³⁶ Commission v Poland, [C-678/13](#).

³⁷ Directive [2002/21/EC](#).

³⁸ Directive [2002/22/EC](#).

³⁹ Prezes Urzędu Komunikacji Elektronicznej and Telefonía Dialog, [C-3/14](#).

⁴⁰ Wojskowa Agencja Mieszkaniowa w Warszawie, [C-42/14](#).

some of its capital and members are able to satisfy the conditions laid down in the Directive,⁴¹

- EU Directives on excise duty do not preclude a Member State from applying an identical tax system for products outside the scope of those Directives (such as lubricating oils not used in vehicles or for heating),⁴²
- public law bodies, such as budgetary entities carrying out economic activities in the name and on behalf of a municipality, cannot be regarded as taxable persons for the purposes of VAT.⁴³

⁴¹ Drukarnia Multipress, [C-357/13](#).

⁴² Oil Trading Poland, [C-349/13](#).

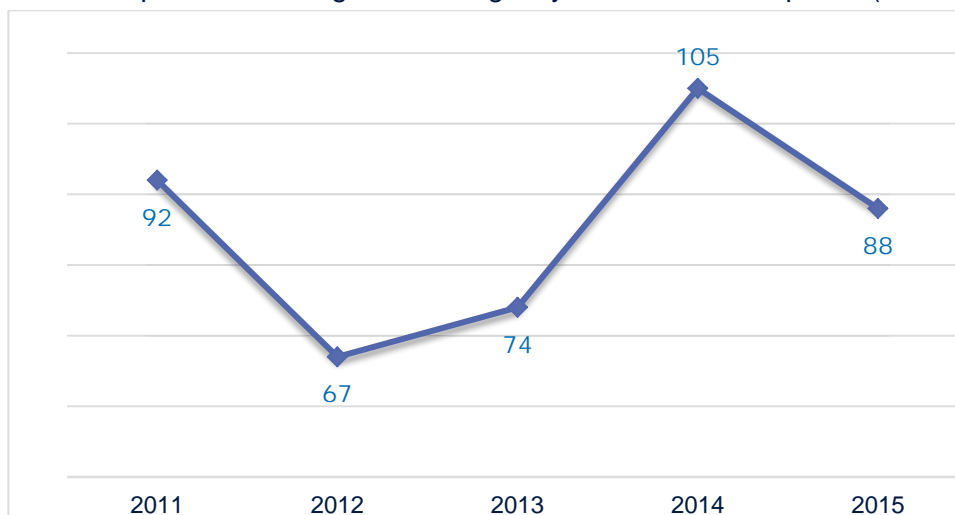
⁴³ Gmina Wrocław, [C-276/14](#).

Portugal

New complaints against Portugal fell in 2015 from the previous year's peak, while new EU Pilot files declined slightly. The number of infringement cases open at the end of 2015 rose marginally but remained well below the 2011 peak. New infringement cases for late transposition continued the steady decrease seen each year since 2011.

I. COMPLAINTS

1. New complaints made against Portugal by members of the public (2011- 2015)



2. Public complaints against Portugal open at year-end

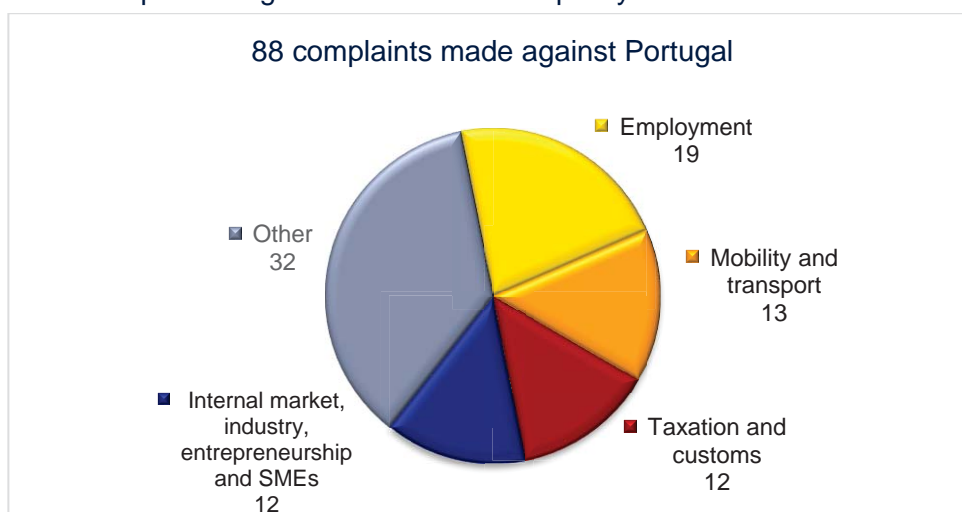
78 > Complaints open at end-2014

88 > New complaints registered in 2015

88 > Complaints handled in 2015

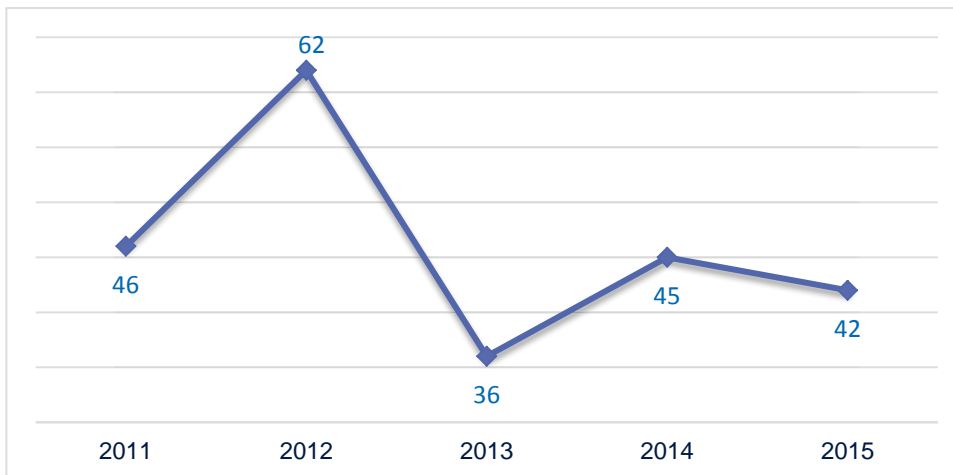
= 78 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Portugal (2011-2015)



2. Files relating to Portugal open in EU Pilot at year -end

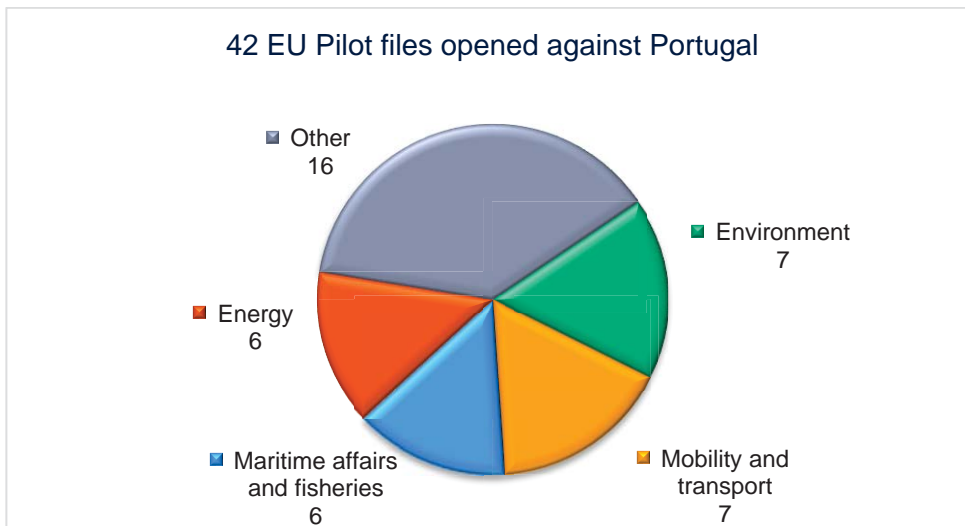
55 > EU Pilot files open at end-2014

42 > New EU Pilot files registered in 2015

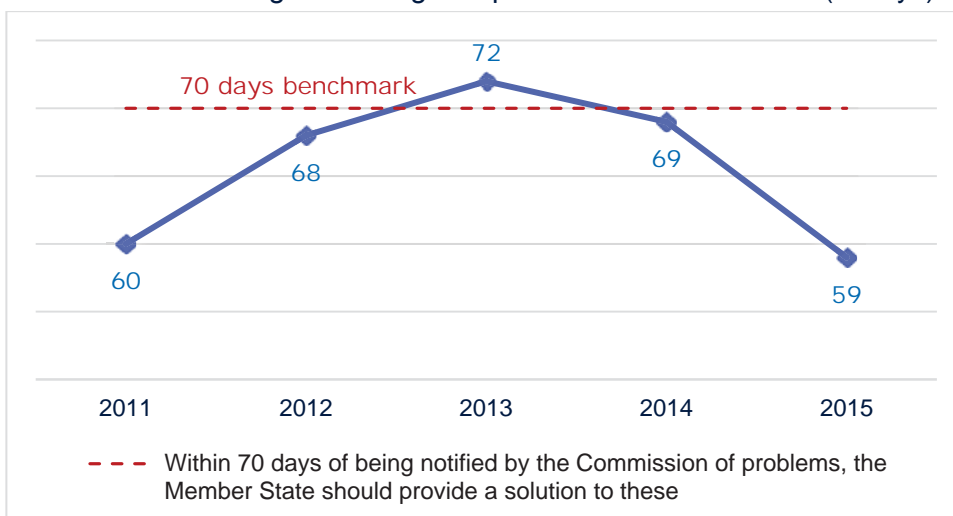
40 > EU Pilot files handled in 2015

= 57 > EU Pilot files open at end-2015

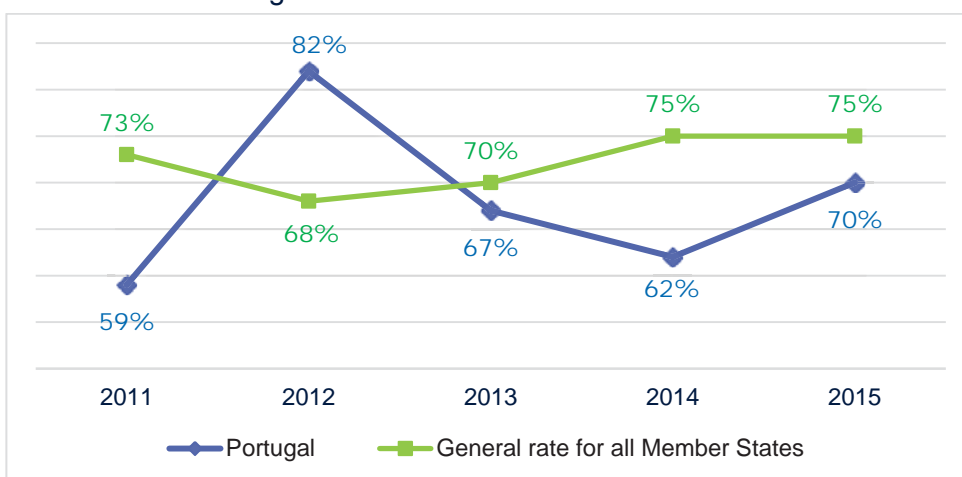
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Portugal's average response time in 2011-2015 (in days)

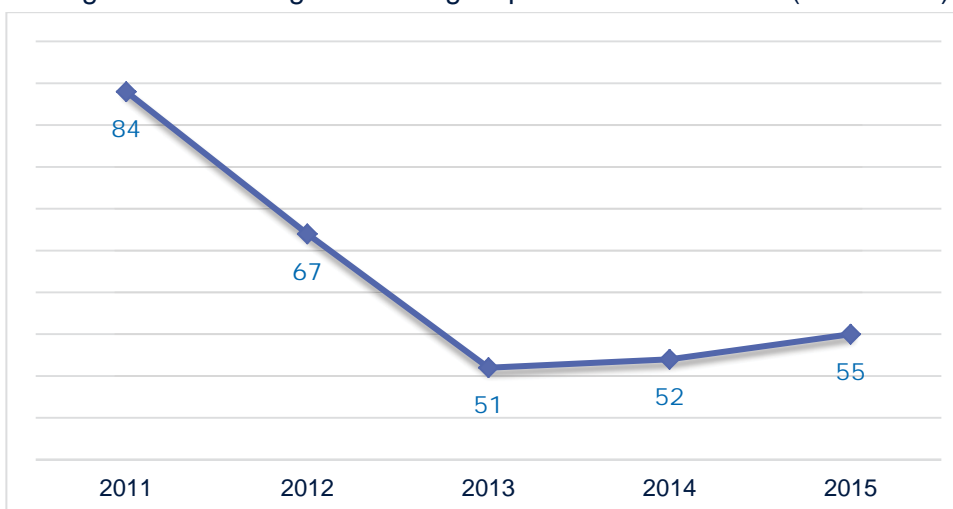


5. EU Pilot files: Portugal's resolution rate in 2011- 2015

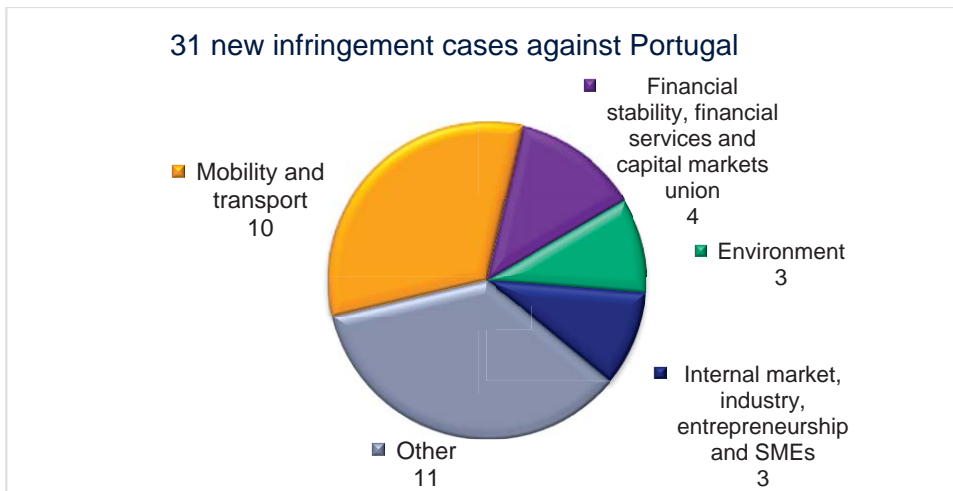


III. INFRINGEMENT CASES

1. Infringement cases against Portugal open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 31 new infringement cases against Portugal in 2015. These, and other major ongoing infringement cases, concern:

- non-conformity of national law with the general principles of transparency, least market distortion, non-discrimination and proportionality as set out in the Universal Service Directive;¹
- preference given to workers with an employment relationship in the Portuguese public sector for access to advanced studies in public management;
- late and incomplete transposition of the Energy Efficiency Directive;²
- failure to correctly transpose the Energy Performance of Buildings Directive;³
- bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁴
- non-respect of the NO₂ limit values in the Air Quality Directive;⁵
- restrictions on the parallel importation of medicines into Portugal;
- non-communication of national measures transposing the Directive on combating the sexual abuse and sexual exploitation of children and child pornography;⁶
- non-respect of the EU's exclusive competence for the conservation of marine biological resources;
- failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,⁷ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;⁸
- incorrect transposition of the Directive on driving licences, as amended;⁹
- non-communication of measures transposing the Directive establishing a single European railway area.¹⁰

¹ Directive [2002/22/EC](#).

² Directive [2012/27/EU](#); [MEMO/15/4489](#), [MEMO/15/5826](#).

³ Directive [2010/31/EU](#); [MEMO/15/6223](#).

⁴ [Directive 92/43/EEC](#).

⁵ Directive [2008/50/EC](#).

⁶ Directive [2011/93/EU](#); [MEMO/15/5356](#).

⁷ Regulation [\(EC\) No 550/2004](#).

⁸ SOUTHWEST (the functional airspace block between Spain and Portugal).

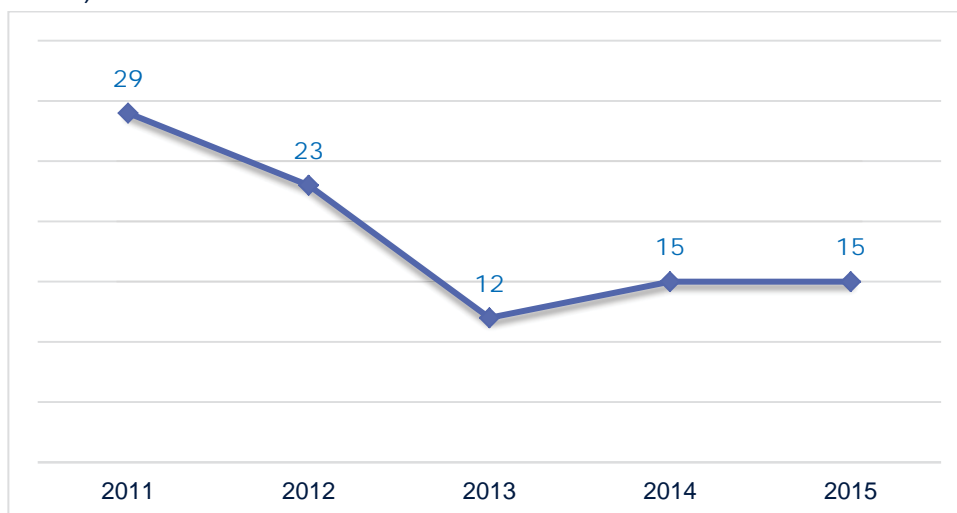
⁹ Directive [2006/126/EC](#).

¹⁰ Directive [2012/34/EU](#).

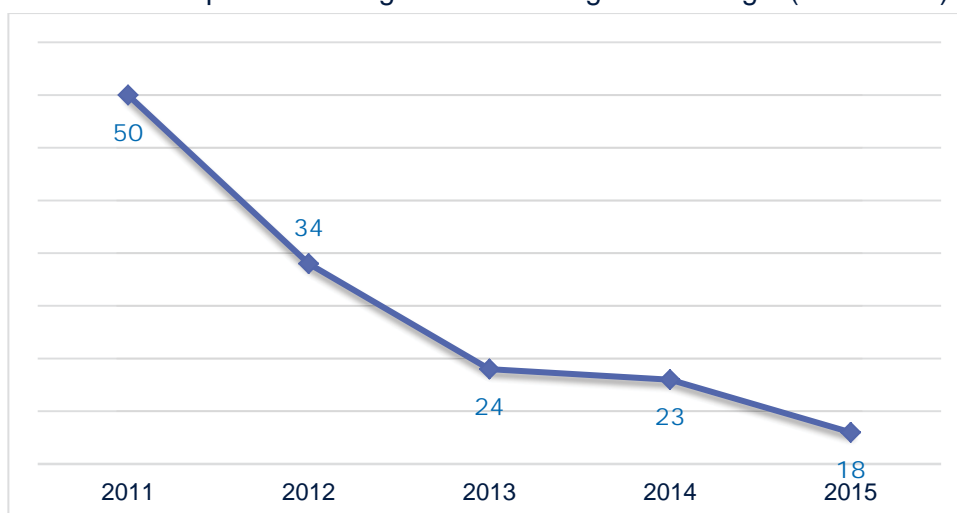
- b) The Commission referred four cases to the Court under Article 258 TFEU. They concern:
- failure to connect to the EU driving licences network;¹¹
 - failure to connect a national electronic register of road transport undertakings with the national electronic registers of the other EU Member States;¹²
 - breach of the Excise Duties Directive. The regular change of fiscal stamps on cigarettes seems to operate as a de facto sales and marketing prohibition which cannot be justified by the objective of combating fraud;¹³
 - the depreciation rates on imported second-hand vehicles. These do not seem to be calculated on the basis of the real value of the vehicle (i.e. no depreciation for cars less than one year old and a uniform rate for all cars older than five years).¹⁴
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Portugal open on 31 December (2011-2015)



2. New late transposition infringement cases against Portugal (2011-2015)



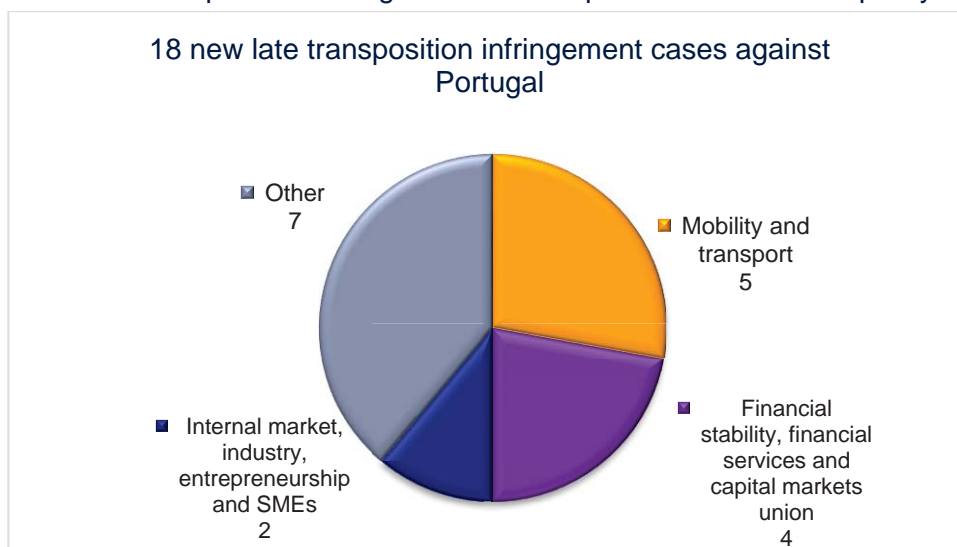
¹¹ Directive [2006/126/EC](#), Commission v Portugal, [C-665/15](#) and [IP/15/6013](#).

¹² Regulation (EC) No [1071/2009](#), Commission v Portugal, [C-583/15](#) and [IP/15/5829](#).

¹³ Commission v Portugal, [C-126/15](#).

¹⁴ Commission v Portugal, [C-200/15](#).

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- less favourable treatment and lack of protection against abusive successive fixed-term employment of fixed-term teachers in public schools;
- non-communication of national measures transposing the Seveso III Directive;¹⁵
- non-conformity of the national legal regime regulating windfarms with the requirements of the Environmental Impact Assessment Directive;¹⁶
- non-communication of national measures transposing the Alternative Investment Fund Managers and Financial Conglomerates Directives;¹⁷
- late transposition of the Directive against trafficking in human beings;¹⁸
- failure to notify national transposition measures for the Directive on the European protection order;¹⁹
- non-conformity of national legislation with the Railway Safety Directive;²⁰
- incorrect implementation of EU legislation on the rights of bus and coach passengers;²¹
- the interoperability of the rail system.²²

VI. IMPORTANT JUDGMENTS

1. Court rulings²³

There were no major Court rulings in 2015.

2. Preliminary rulings

No major preliminary rulings were addressed to the Portuguese judiciary in 2015.

¹⁵ Directive [2012/18/EU](#).

¹⁶ Directive [2011/92/EC](#).

¹⁷ Directives [2011/61/EU](#) and [2011/89/EU](#).

¹⁸ Directive [2011/36/EU](#).

¹⁹ Directive [2011/99/EU](#).

²⁰ Directive [2004/49/EC](#).

²¹ Regulation (EU) No [181/2011](#).

²² Directive [2008/57/EC](#).

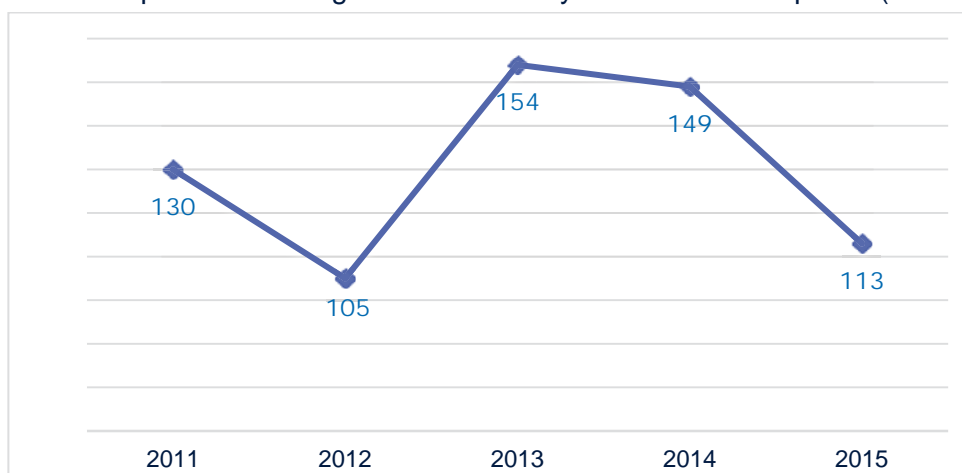
²³ These rulings are almost exclusively handed down on infringement procedures.

Romania

In 2015 new complaints against Romania decreased further from the 2013 peak and new EU Pilot files continued their steady fall since 2011. The trend of rising numbers of open infringements and new infringement cases for late transposition was broken.

I. COMPLAINTS

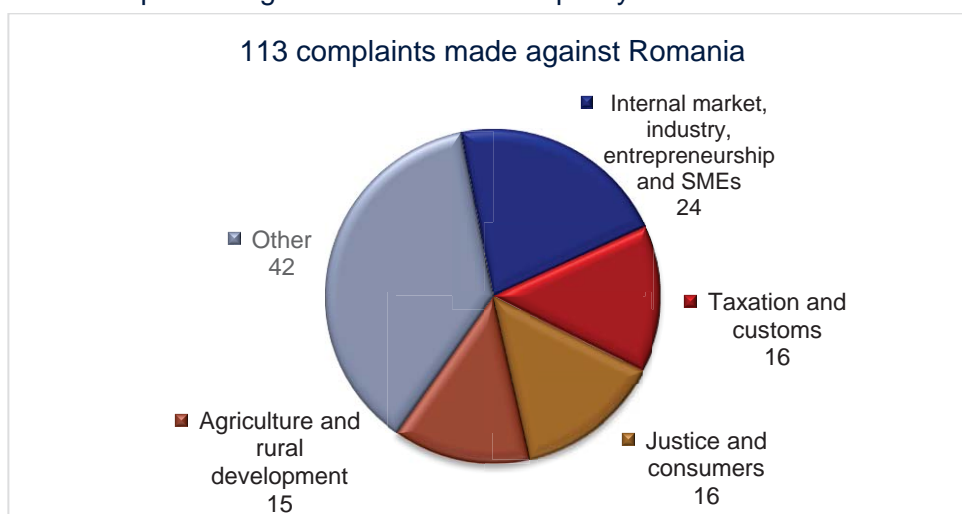
1. New complaints made against Romania by members of the public (2011- 2015)



2. Public complaints against Romania open at year-end

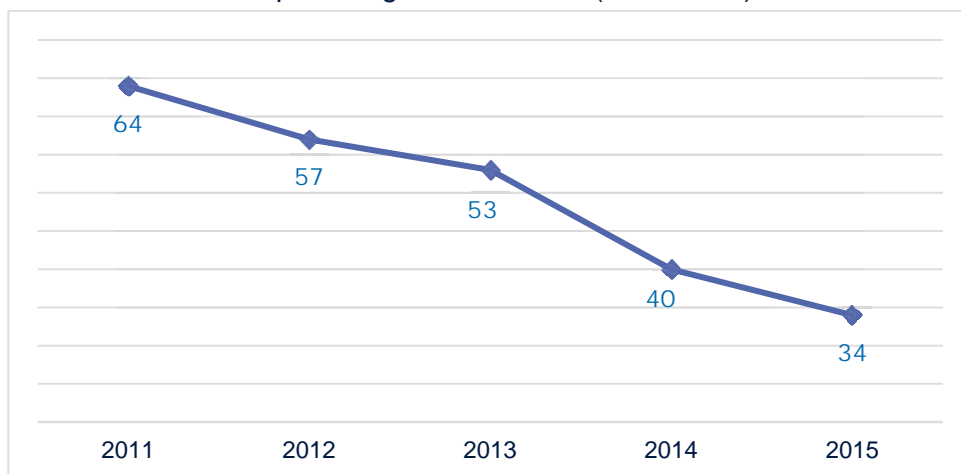
110	>	Complaints open at end-2014
113	>	New complaints registered in 2015
125	>	Complaints handled in 2015
<hr/>		
= 98	>	Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Romania (2011-2015)



2. Files relating to Romania open in EU Pilot at year -end

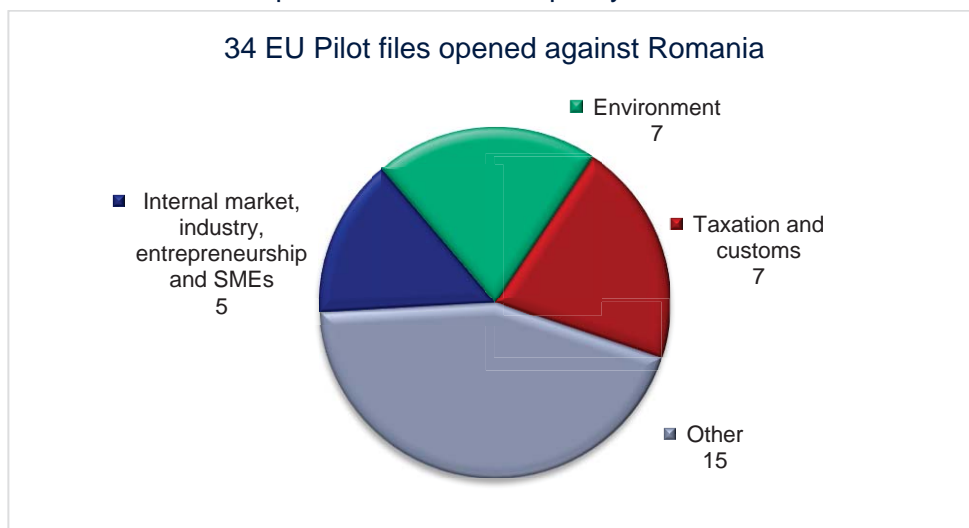
50 > EU Pilot files open at end-2014

34 > New EU Pilot files registered in 2015

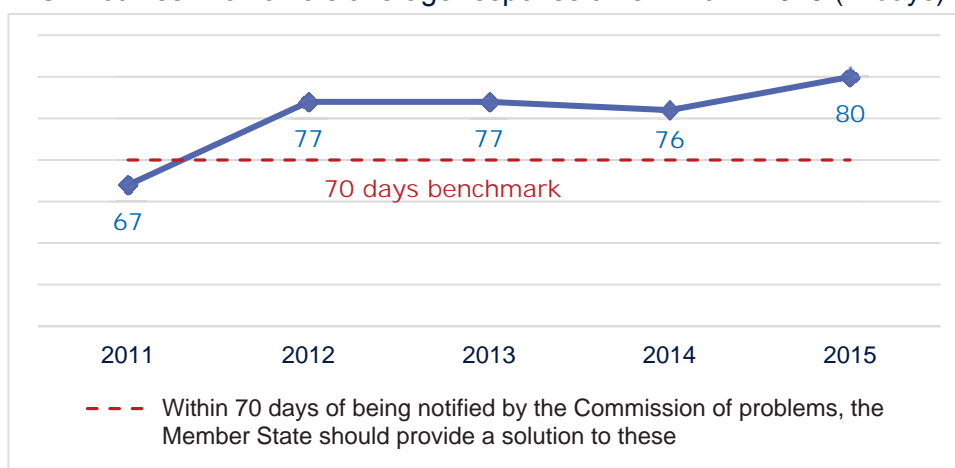
31 > EU Pilot files handled in 2015

= 53 > EU Pilot files open at end-2015

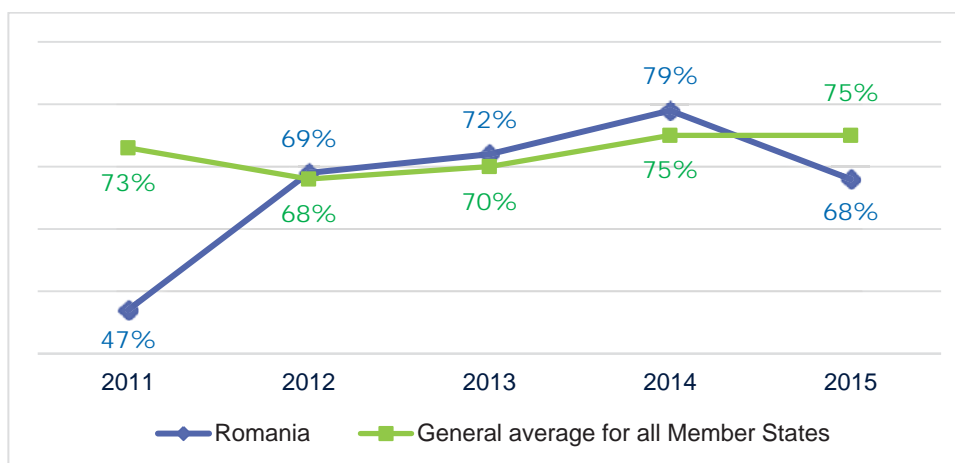
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Romania's average response time in 2011-2015 (in days)

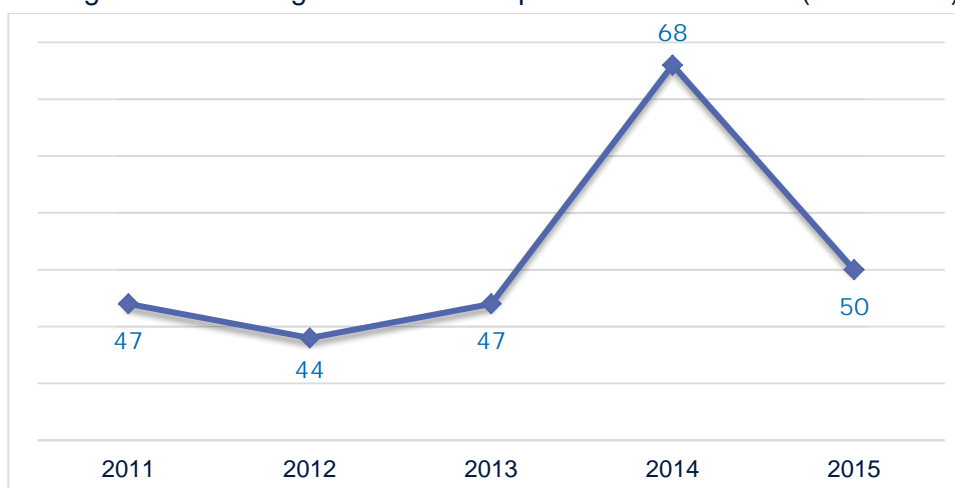


5. EU Pilot files: Romania's resolution rate in 2011- 2015

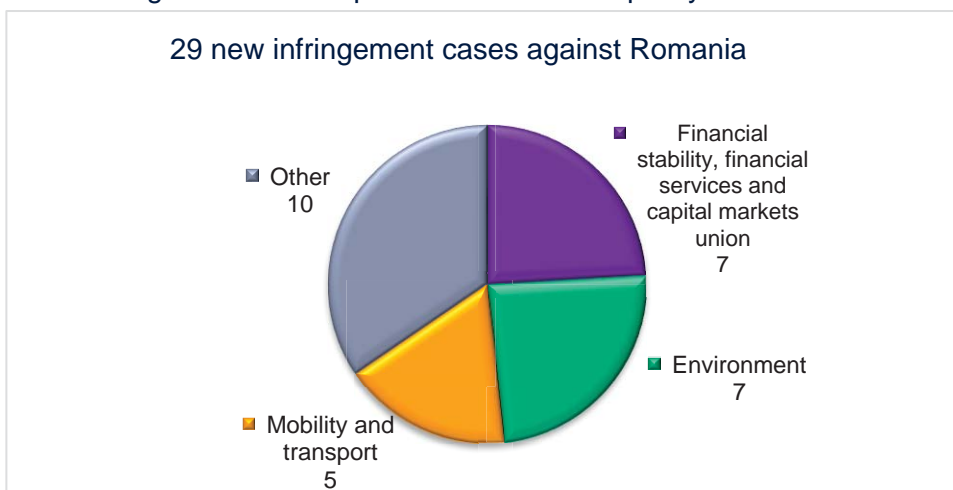


III. INFRINGEMENT CASES

1. Infringement cases against Romania open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 29 new infringement cases against Romania in 2015. These, and other major ongoing infringement cases, concern:
- bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;¹
 - non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;²
 - non-communication of national measures transposing the Directive on combating the sexual abuse and sexual exploitation of children and child pornography;³
 - late and incomplete transposition of the Energy Efficiency Directive;⁴
 - failure to adopt an emergency plan in case of gas supply disruption;
 - failure to ensure that waste landfills operate in line with EU standards;⁵
 - failure to implement the EU Timber Regulation and the Forest Law Enforcement, Governance and Trade Regulation;⁶
 - lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁷
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union. The Directive equips national authorities with the tools and powers to mitigate and manage the distress or failure of banks or large investment firms without taxpayers having to pay for such failures.⁸
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁹
 - incorrect application of the Regulation on public rail and road passenger transport services to the organisation of public bus services in the Bucharest metropolitan area.¹⁰

¹ [IP/15/5198](#) and [MEMO/15/5162](#).

² Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

³ Directive [2011/93/EU](#).

⁴ Directive [2012/27/EU](#) and [MEMO/15/4871](#).

⁵ [MEMO/15/5657](#).

⁶ Regulation (EU) No [995/2010](#) and Regulation (EC) No [2173/2005](#).

⁷ Directive [2008/98/EC](#).

⁸ Directive [2014/59/EU](#); [IP/15/5057](#).

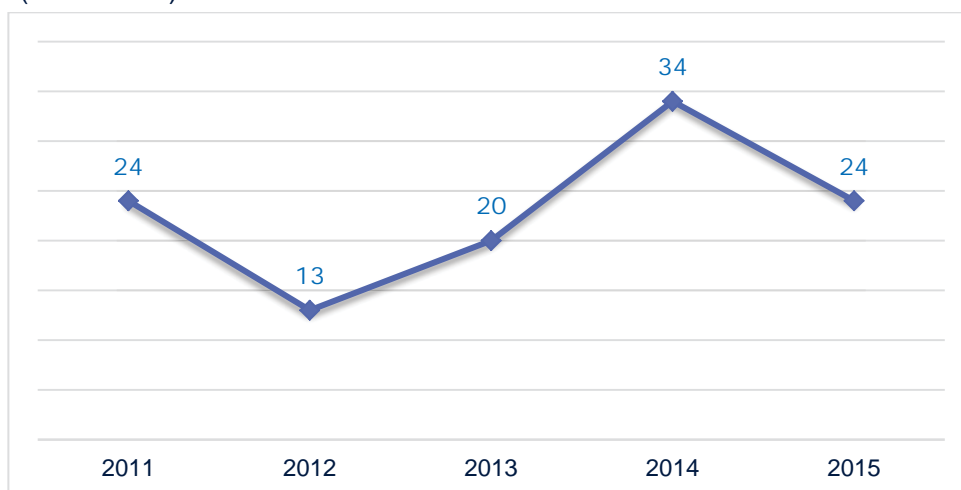
⁹ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).

¹⁰ Regulation (EC) No [1370/2007](#).

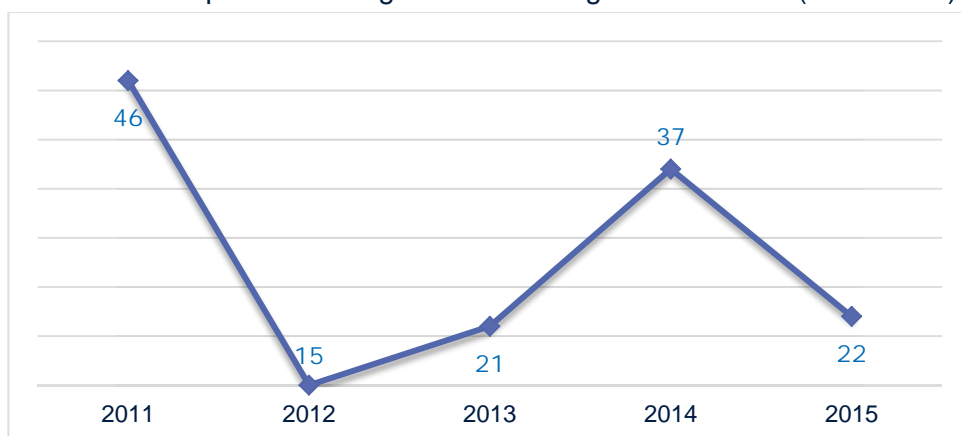
- b) The Commission referred three cases to the Court under Article 258 TFEU. They concern:
- failure to comply with the Directive on the management of waste from extractive industries in relation to a tailings pond in Moldova Noua;¹¹
 - failure to ensure timely transposition of the Directive on end-of-life vehicles;¹²
 - failure to enact revised EU legislation on packaging waste into domestic law.¹³
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Romania open on 31 December (2011-2015)



2. New late transposition infringement cases against Romania (2011-2015)

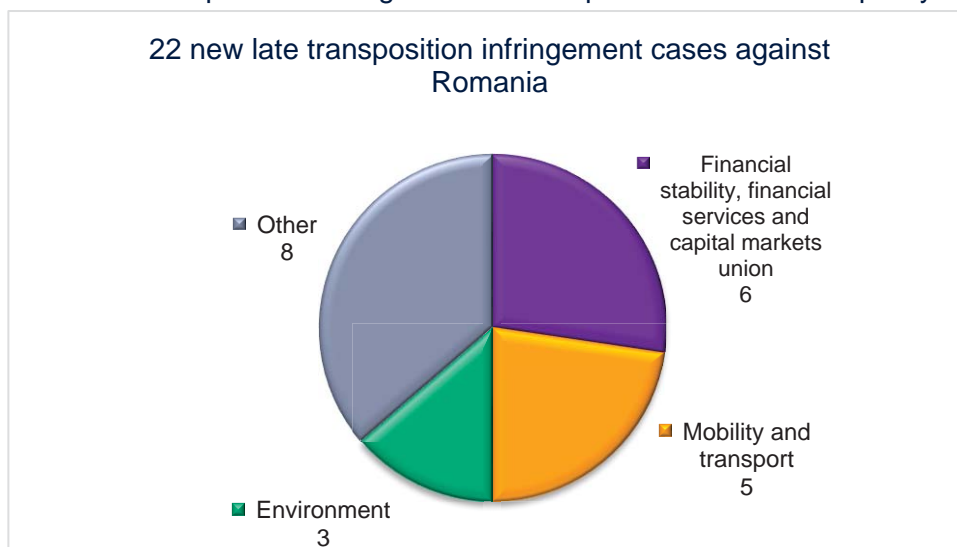


¹¹ Directive No [2006/21/EC](#), Commission v Romania, [C-104/15](#); [IP/14/1149](#).

¹² Directive No [2013/28/EU](#), Commission v Romania, [C-366/15](#); [IP/15/5055](#). Romania subsequently adopted the necessary legislative amendments and the Commission withdrew the case from the Court.

¹³ Directive No [2013/2/EU](#), Commission v Romania, [C-306/15](#); [IP/15/4874](#). Romania subsequently adopted the necessary legislative amendments and the Commission withdrew the case from the Court.

3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- failure to transpose the Directive on waste electrical and electronic equipment;¹⁴
- non-communication of national measures transposing the Directive on the equal treatment between men and women;¹⁵
- non-communication of national measures transposing the Directives on capital requirements, alternative investment fund managers and over-reliance on credit ratings;¹⁶
- non-compliance with the requirement to ensure direct electronic exchange of fisheries-related data with other Member States;
- non-conformity of national legislation with the Directive on driving licences as amended;¹⁷
- incorrect implementation of the Danube functional airspace block;
- non-conformity of national legislation with the Railway Safety Directive;¹⁸
- unreasonable delays in VAT refunds. Effective measures have been taken to ensure refunds are made within a reasonable time;¹⁹

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁰

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Romanian judiciary, the Court ruled that:

- people whose personal data are subject to transfer and processing between two public administrative bodies must be informed in advance. The Romanian tax authority

¹⁴ Directive No [2012/19/EU](#).

¹⁵ Directive [2010/41/UE](#).

¹⁶ Directives [2013/36/EU](#), [2011/61/EU](#) and [2013/14/EU](#).

¹⁷ Directive [2006/126/EC](#).

¹⁸ Directive [2004/49/EC](#).

¹⁹ [MEMO/13/820](#).

²⁰ These rulings are almost exclusively handed down on infringement procedures.

transferred data on self-employed workers' declared income to the National Health Insurance Fund, which then required the payment of arrears of contributions to the health insurance regime. Those affected contested the lawfulness of the transfer under the Data Protection Directive;²¹

- a bilateral agreement on social security benefits for political refugees who were repatriated to their State of origin before the bilateral agreement was concluded no longer applies;²²
- legislation imposing an approval or homologation procedure on products constitutes a trade barrier unless exceptions are laid down for Member States where such products are lawfully produced and marketed.²³

²¹ Bara, [C-201/14](#) and Court press release [No 110/15](#).

²² Balazs, [C-401/13](#) and [C-432/13](#).

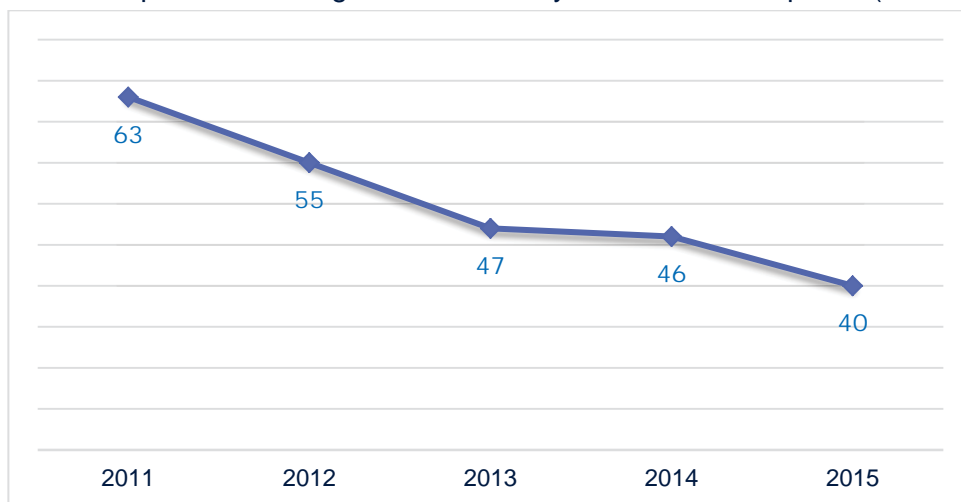
²³ Capoda Import-Export, [C-354/14](#).

Slovakia

New complaints against Slovakia in 2015 continued the steady fall seen since 2011. New EU Pilot files have decreased since 2012 and are now at their lowest for five years. By contrast, open infringement cases increased sharply to above the previous peak in 2011. New infringement cases for late transposition also rose but were still below the 2011 level.

I. COMPLAINTS

1. New complaints made against Slovakia by members of the public (2011- 2015)



2. Public complaints against Slovakia open at year-end

39 > Complaints open at end-2014

40 > New complaints registered in 2015

43 > Complaints handled in 2015

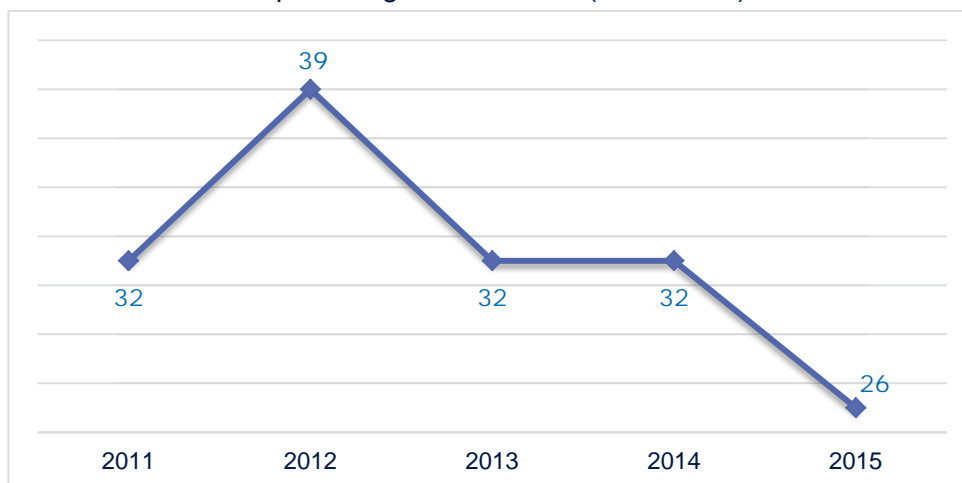
= 36 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Slovakia (2011-2015)



2. Files relating to Slovakia open in EU Pilot at year -end

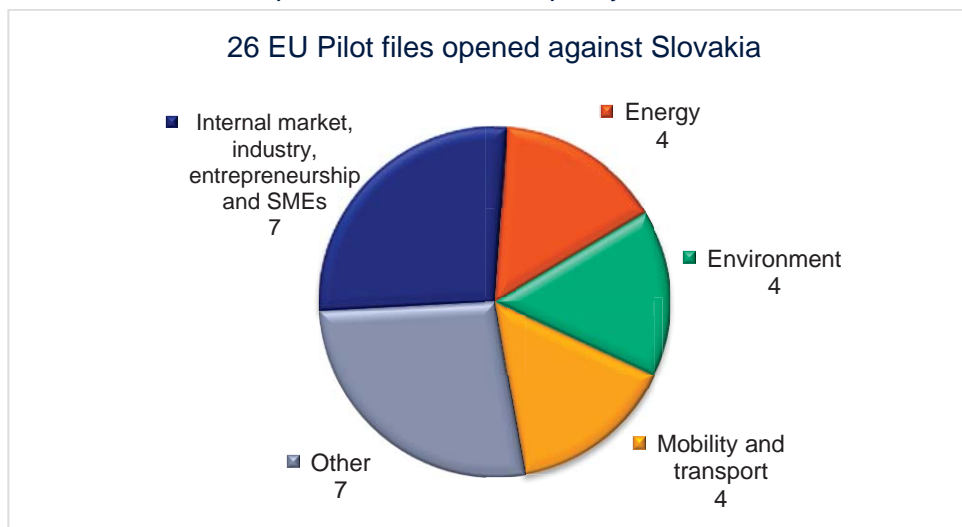
39 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

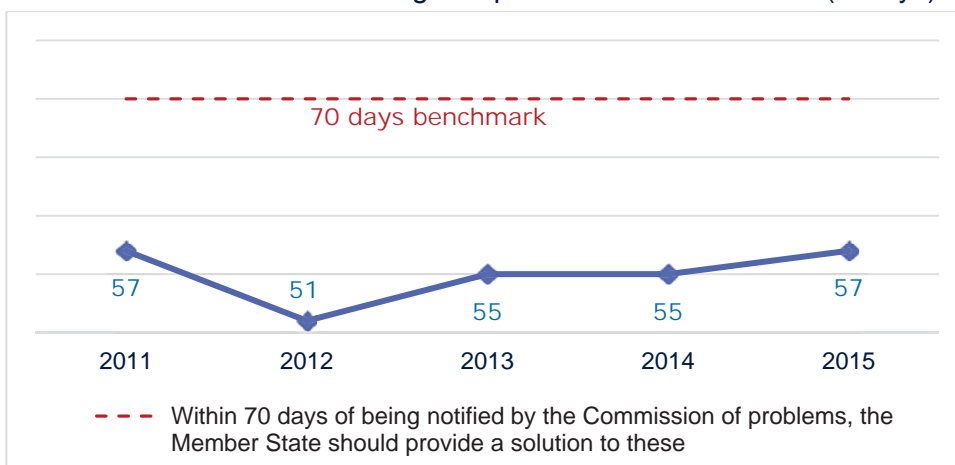
29 > EU Pilot files handled in 2015

= 36 > EU Pilot files open at end-2015

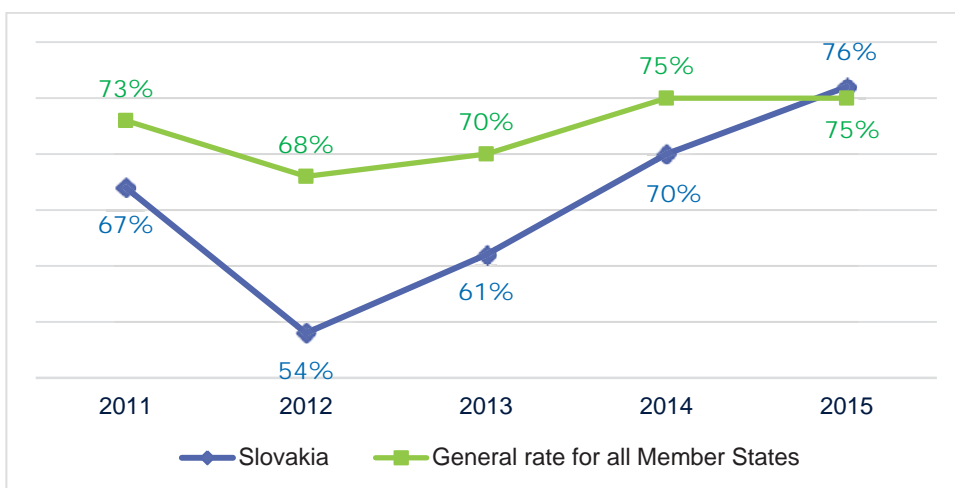
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Slovakia's average response time in 2011-2015 (in days)

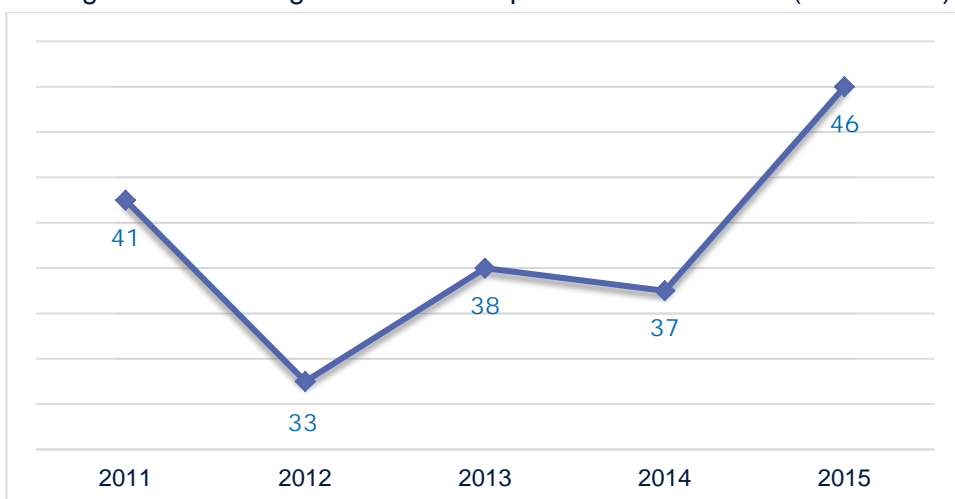


5. EU Pilot files: Slovakia's resolution rate in 2011- 2015

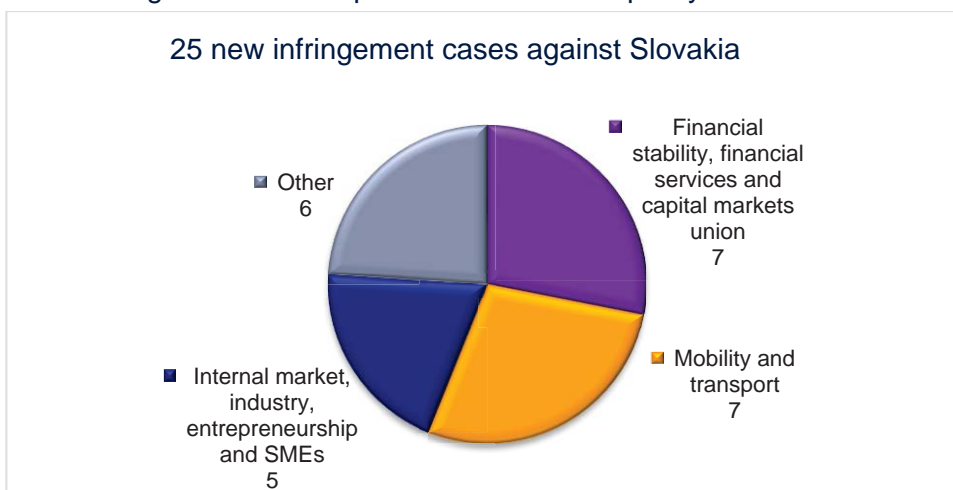


III. INFRINGEMENT CASES

1. Infringement cases against Slovakia open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 25 new infringement cases against Slovakia in 2015. These, and other major ongoing infringement cases, concern:
- failure to ensure timely transposition of the Directive on waste electrical and electronic equipment;¹
 - bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;²
 - national restrictions on the acquisition of agricultural land which limit the free movement of capital and freedom of establishment by being discriminatory and/or disproportionate;³
 - requirements for retailers with high turnover to publish and report information on the origin of food products. These breach provisions on the free movement of goods;⁴
 - discrimination against Roma children in education;
 - failure to fulfil air safety oversight obligations regarding initial and continuous airworthiness.⁵
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2012/19/EU](#) and [MEMO/15/4871](#).

² [IP/15/5198](#) and [MEMO/15/5162](#).

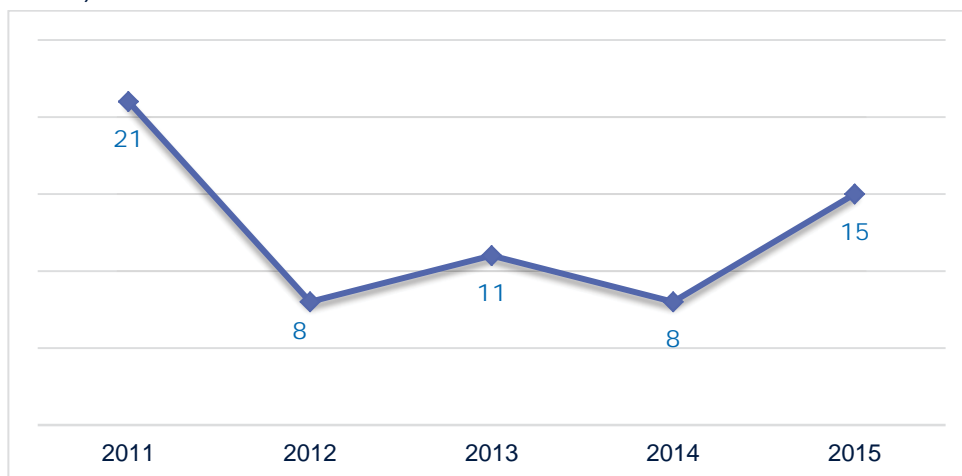
³ [IP/15/4673](#).

⁴ [MEMO/15/6006](#).

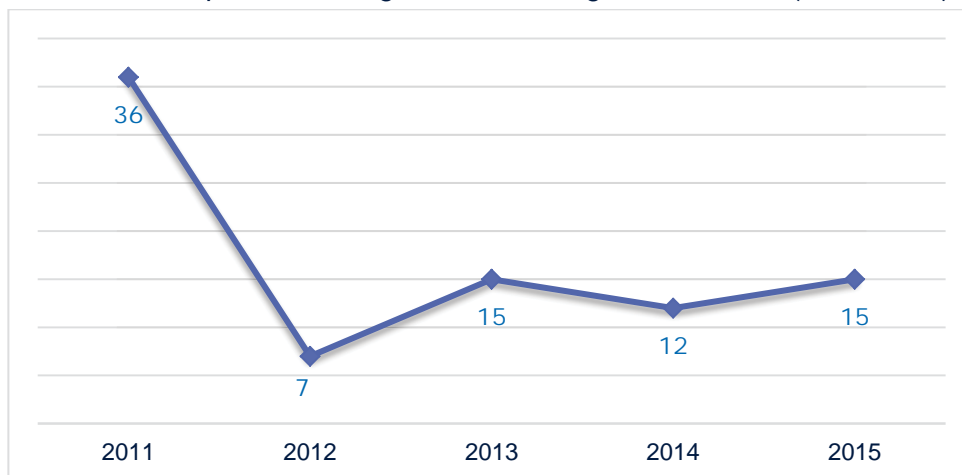
⁵ Regulation (EU) No [748/2012](#) and Regulation (EC) No [1321/2014](#).

IV. TRANSPOSITION OF DIRECTIVES

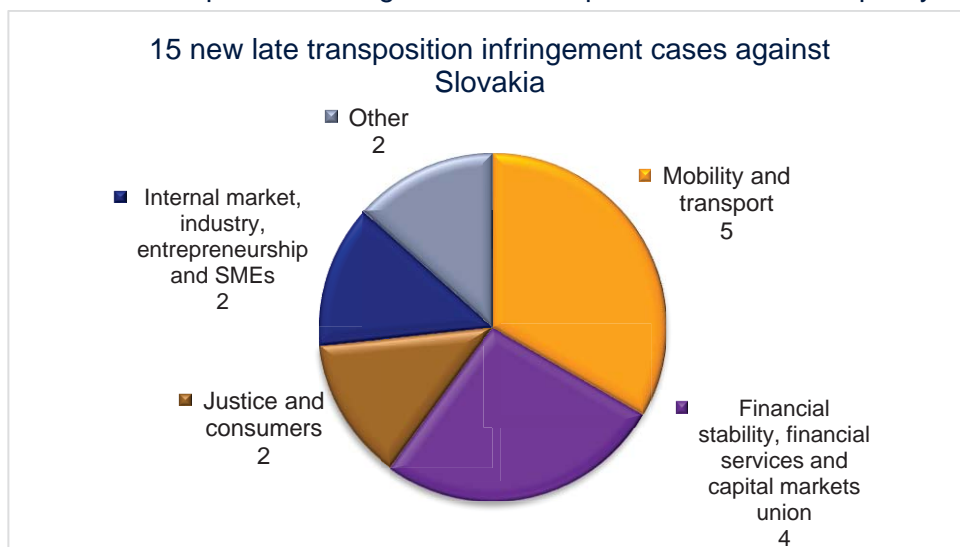
1. Late transposition infringement cases against Slovakia open on 31 December (2011-2015)



2. New late transposition infringement cases against Slovakia (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- incorrect transposition of the Late Payment Directive;⁶
- incorrect transposition of the Batteries Directive;⁷
- late transposition of the Directive against trafficking in human beings;⁸
- failure to notify national transposition measures for the Directive on the right to information in criminal proceedings;⁹
- connection to the driving licence network.

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁰

The Court ruled that:

- entitling only Slovak residents to the Christmas bonus does not infringe the Social Security Regulation as the bonus is not paid exclusively to recipients of old-age pensions;¹¹
- entitling only Slovak residents to the disabled persons' benefit does not infringe the Social Security Regulation as the competent authority is able to take into consideration the claimant's personal circumstances, in addition to objective criteria, when granting the benefit.¹²

2. Preliminary rulings

No major preliminary rulings were addressed to the Slovak judiciary in 2015.

⁶ Directive [2011/7/EU](#).

⁷ Directive No [2006/66/EC](#).

⁸ Directive [2011/36/EU](#).

⁹ Directive [2012/13/EU](#).

¹⁰ These rulings are almost exclusively handed down on infringement procedures.

¹¹ Commission v Slovakia, [C-361/13](#).

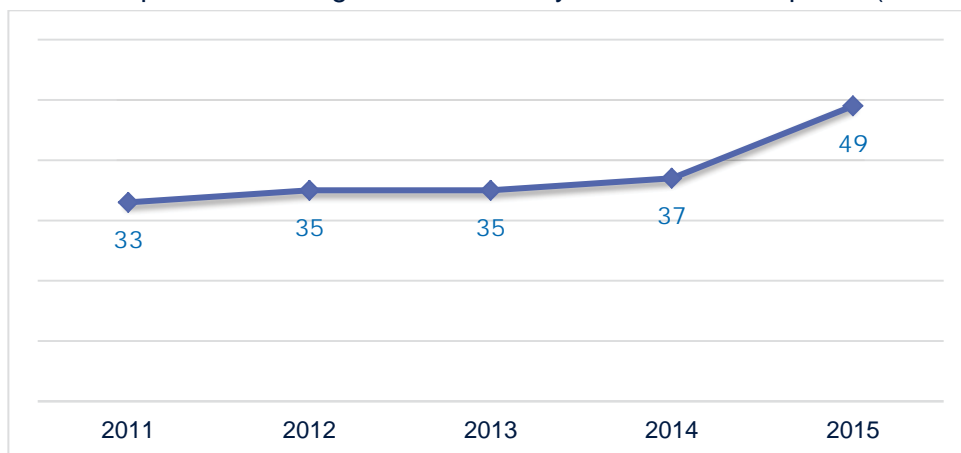
¹² Commission v Slovakia, [C-433/13](#).

Slovenia

New complaints against Slovenia increased more strongly in 2015 but the decline in new EU Pilot files since 2011 also accelerated. The number of open infringement cases has been stable since 2013, and new infringement cases for late transposition were unchanged from the 2014 level.

I. COMPLAINTS

1. New complaints made against Slovenia by members of the public (2011- 2015)



2. Public complaints against Slovenia open at year-end

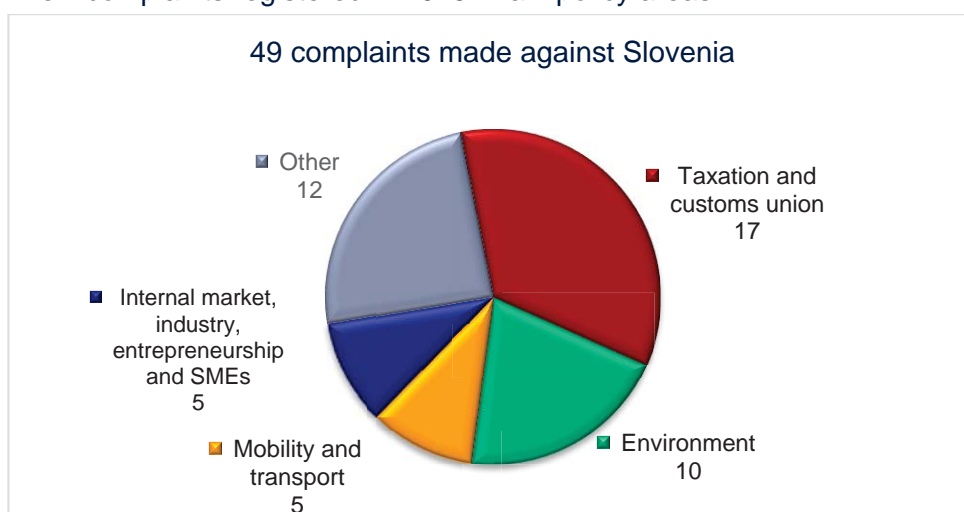
21 > Complaints open at end-2014

49 > New complaints registered in 2015

28 > Complaints handled in 2015

= 42 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Slovenia (2011-2015)



2. Files relating to Slovenia open in EU Pilot at year -end

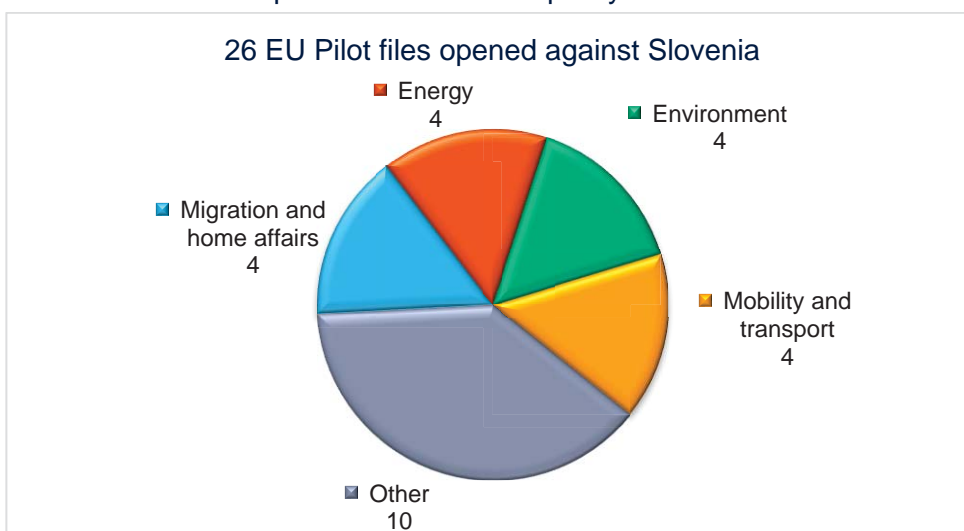
37 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

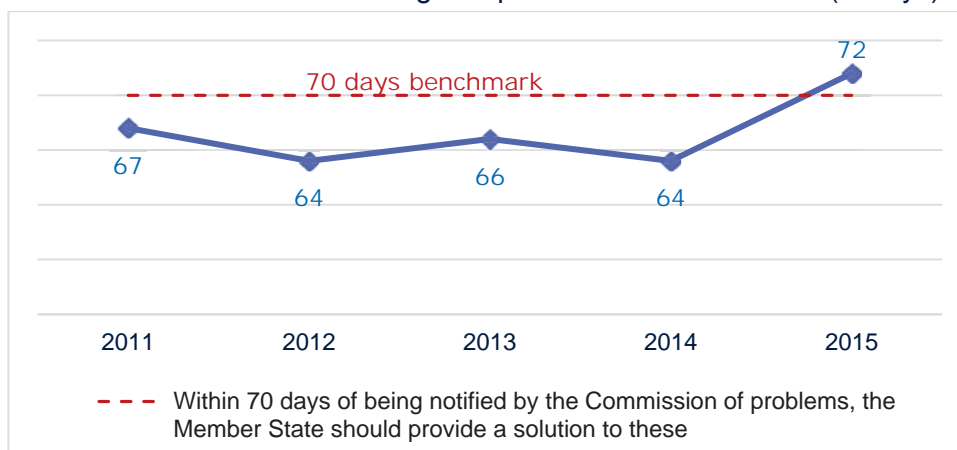
27 > EU Pilot files handled in 2015

= 36 > EU Pilot files open at end-2015

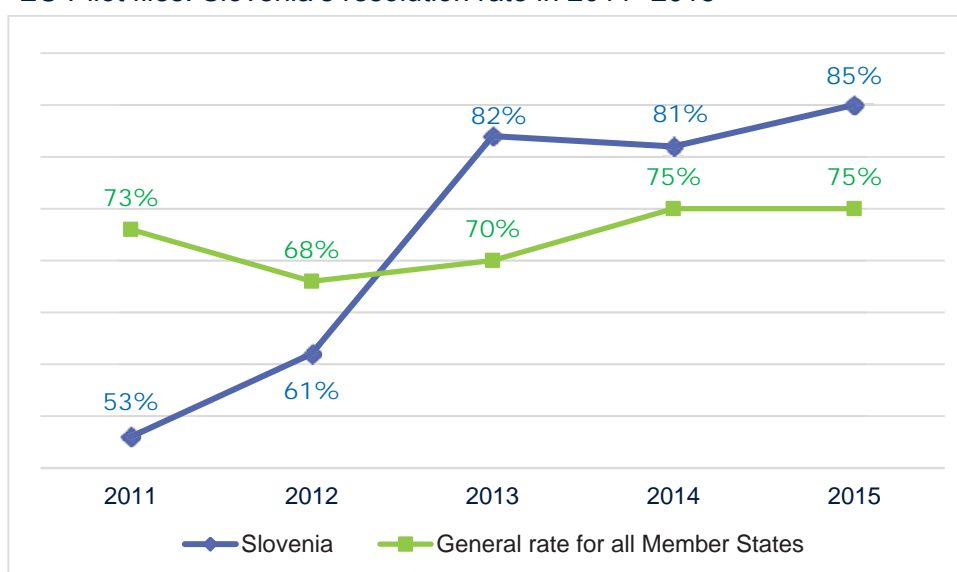
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Slovenia's average response time in 2011-2015 (in days)



5. EU Pilot files: Slovenia's resolution rate in 2011- 2015

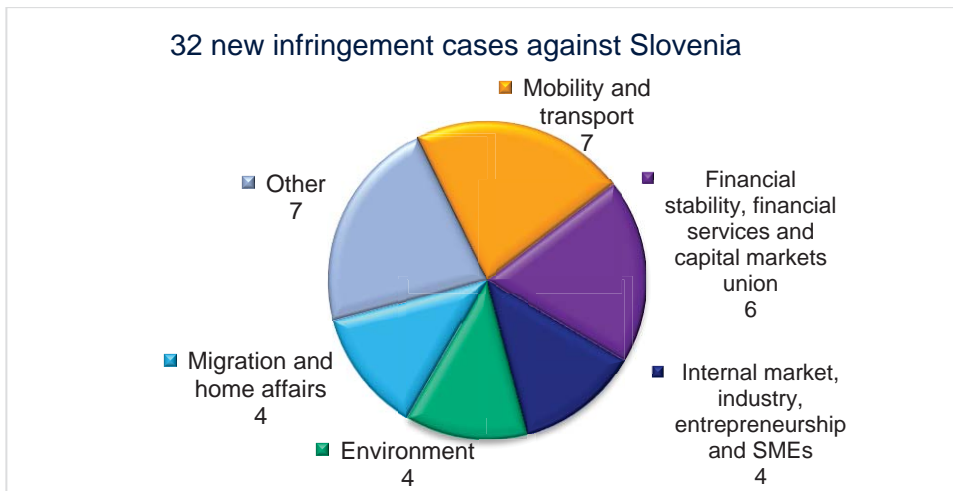


III. INFRINGEMENT CASES

1. Infringement cases against Slovenia open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 32 new infringement cases against Slovenia in 2015. These, and other major ongoing infringement cases, concern:

- late and incomplete transposition of the Energy Efficiency Directive;¹
- failure to notify the national measures transposing the Directive² on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;³
- late transposition the recast Asylum Procedures Directive and Reception Conditions Directive;⁴
- late transposition of the Directive on attacks against information systems;⁵
- failure to submit a national energy efficiency action plan and building renovation strategy under the Energy Efficiency Directive;⁶
- lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁷
- failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁸
- failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁹
- failure to set up an independent and effective equality body in conformity with the Anti-Discrimination Directives;¹⁰
- failure to fulfil air safety oversight obligations regarding initial and continuous airworthiness.¹¹

b) The Commission did not refer any cases to the Court under Article 258 TFEU.

c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2012/27/EU](#), [MEMO/15/4489](#) and [MEMO/15/5657](#).

² Directive [2014/27/EU](#).

³ Regulation (EC) No [1272/2008](#)

⁴ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁵ Directive [2013/40/EU](#).

⁶ [MEMO/15/4666](#), Directive [2012/27/EU](#).

⁷ Directive [2008/98/EC](#).

⁸ Directive [2014/49/EU](#); [MEMO/15/4666](#) and [IP/15/6253](#).

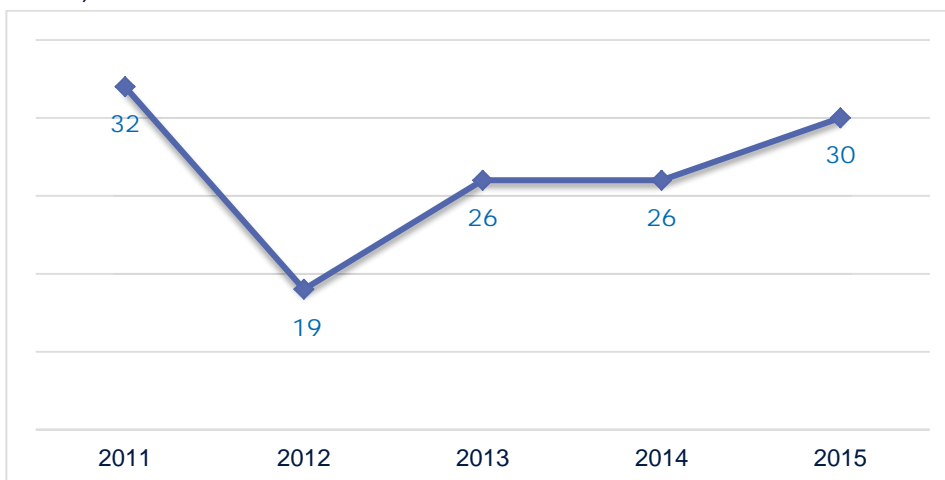
⁹ Directives [2009/138/EC](#) and [2014/51/EU](#); [MEMO/15/6223](#).

¹⁰ Directives [2000/43/EC](#), [2004/113/EC](#) and [2006/54/EC](#).

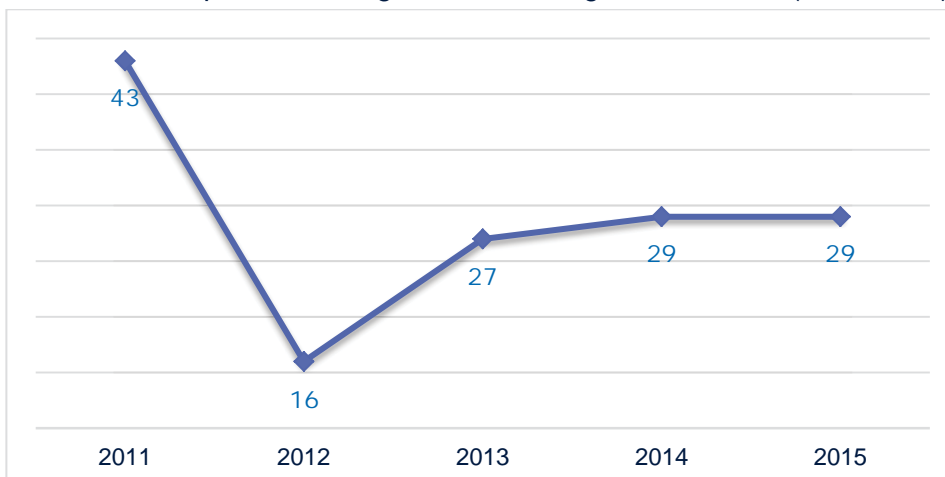
¹¹ Regulation [\(EU\) No 748/2012](#) and Regulation [\(EC\) No 1321/2014](#).

IV. TRANSPOSITION OF DIRECTIVES

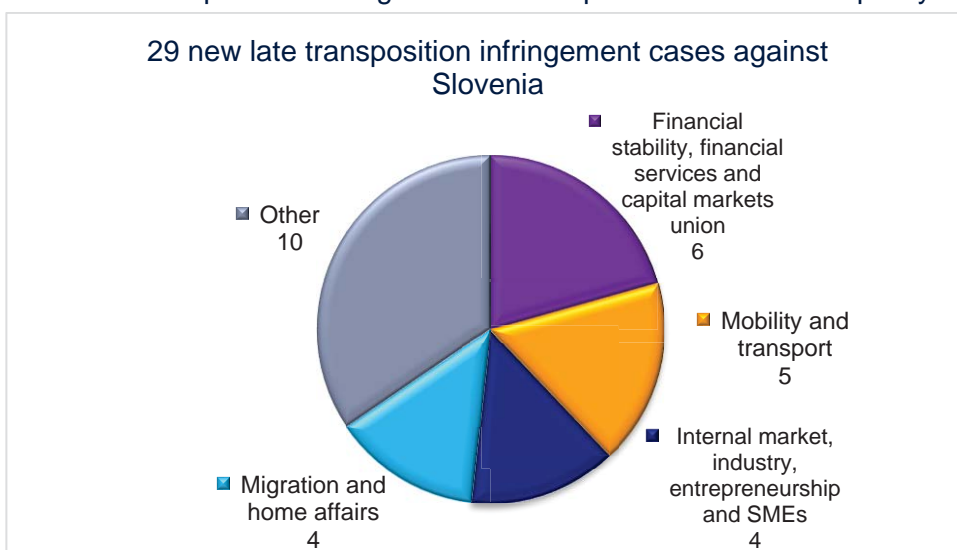
1. Late transposition infringement cases against Slovenia open on 31 December (2011-2015)



2. New late transposition infringement cases against Slovenia (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referral to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns Slovenia's failure to transpose the Directive on waste electrical and electronic equipment.¹²

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- non-communication of national measures transposing the Directive¹³ amending a number of other Directives to align them to the Regulation on classification, labelling and packaging of substances and mixtures;¹⁴
- insufficient designation of special protection areas under the Wild Birds Directive;¹⁵
- notification of national measures transposing the Directives on Alternative Investment Fund Managers and Financial Conglomerates;¹⁶
- late transposition of the Single Permit Directive;¹⁷
- failure to notify the national transposition measures for Directives on the right to information in criminal proceedings and on the right to interpretation and translation in criminal proceedings;¹⁸
- failure to notify the national transposition measures for the Directive on the European protection order;¹⁹
- non-compliance with the requirement to ensure direct electronic exchange of fisheries-related data with other Member States;
- failure to apply correctly the Directive on the protection of pigs as regards group housing of sows;²⁰
- incorrect implementation of EU legislation on establishing a single European railway area.²¹

VI. IMPORTANT JUDGMENTS

1. Court ruling²²

The Court ruled that Slovenia has infringed the Waste Framework Directive and the Landfill Directive due to the operation of two illegal landfills in Celje.²³

2. Preliminary rulings

No major preliminary rulings were addressed to the Slovenian judiciary in 2015.

¹² Directive No [2012/19/EU](#), Commission v Slovenia, [C-357/15](#), [IP/15/4875](#). Slovenia subsequently adopted the necessary legislative measures and the Commission has therefore withdrawn these cases from the Court.

¹³ Directive [2014/27/EU](#).

¹⁴ Regulation [\(EC\) No 1272/2008](#).

¹⁵ Directive No [2009/147/EC](#).

¹⁶ Directive [2011/61/EU](#) and [2011/89/EU](#).

¹⁷ Directive [2011/98/EU](#).

¹⁸ Directive [2012/13/EU](#) and [2010/64/EU](#).

¹⁹ Directive [2011/99/EU](#).

²⁰ Directive [2008/120/EC](#).

²¹ Directive [2012/34/EU](#).

²² These rulings are almost exclusively handed down on infringement procedures.

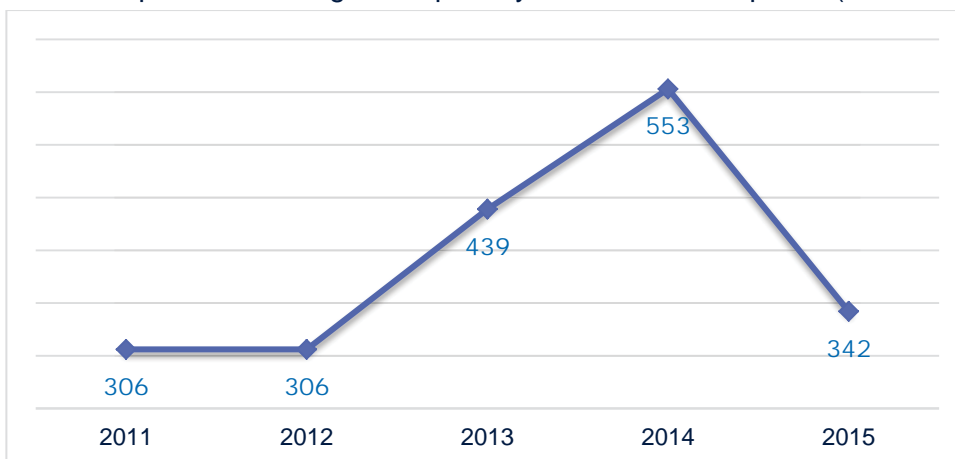
²³ Directives No [2008/98/EC](#) and [1999/31/EC](#), Commission v Slovenia, [C-140/14](#).

Spain

In 2015 new complaints against Spain dropped sharply, reversing much of the strong increase of the previous two years. New EU Pilot files and the number of open infringement cases continued the downward trend seen since 2011, with both reaching their lowest level in five years. After rising for two years new infringement cases for late transposition fell back to the 2012 level, the lowest in the last five years.

I. COMPLAINTS

1. New complaints made against Spain by members of the public (2011- 2015)



2. Public complaints against Spain open at year-end

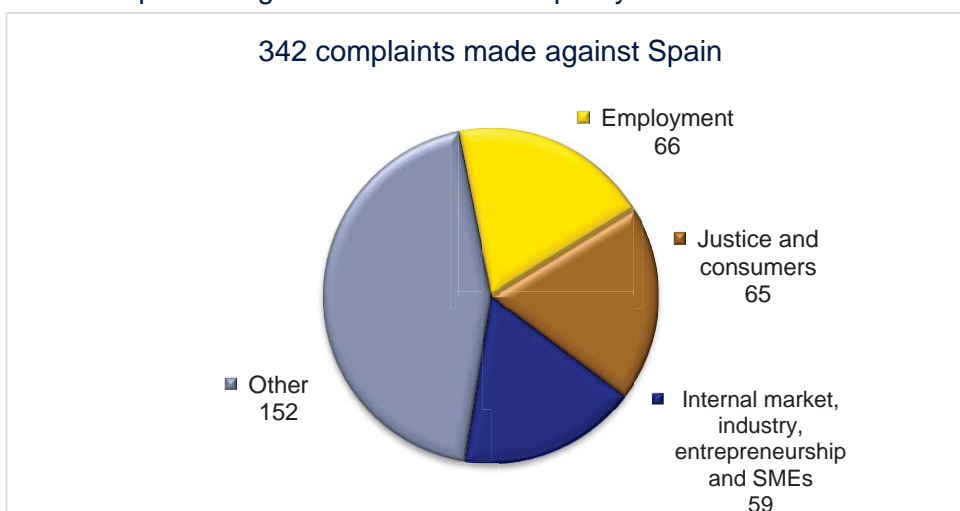
544 > Complaints open at end-2014

342 > New complaints registered in 2015

610 > Complaints handled in 2015

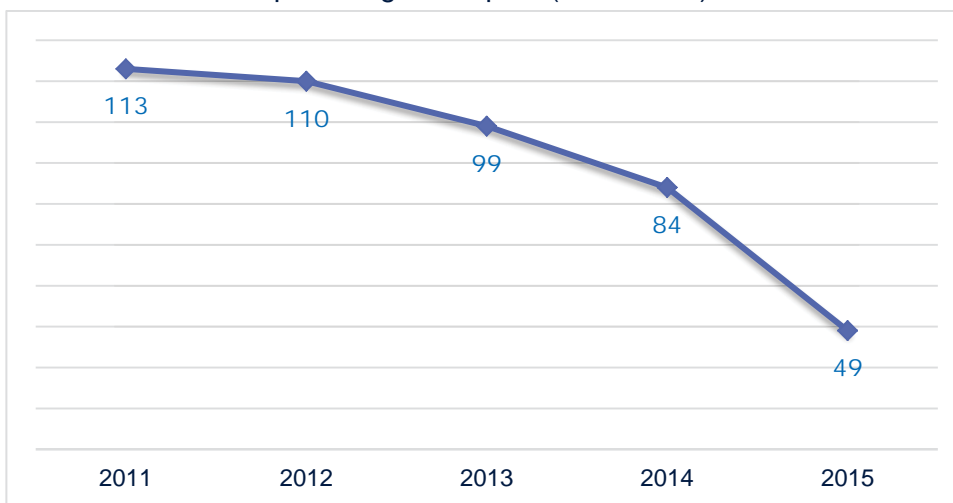
= 276 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Spain (2011-2015)



2. Files relating to Spain open in EU Pilot at year -end

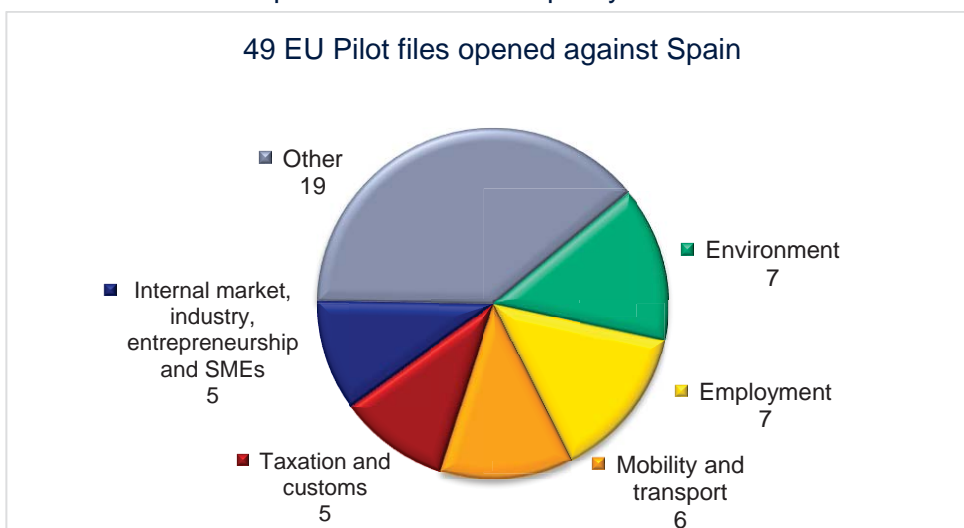
91 > EU Pilot files open at end-2014

49 > New EU Pilot files registered in 2015

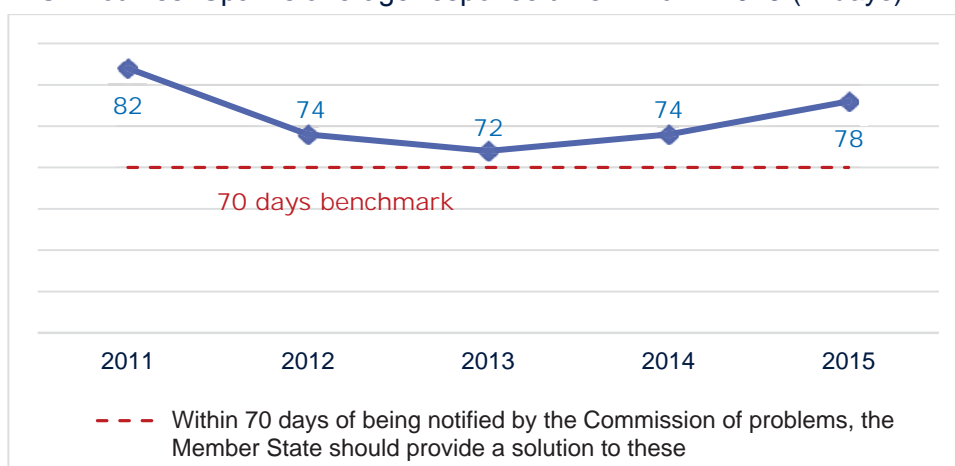
62 > EU Pilot files handled in 2015

= 78 > EU Pilot files open at end-2015

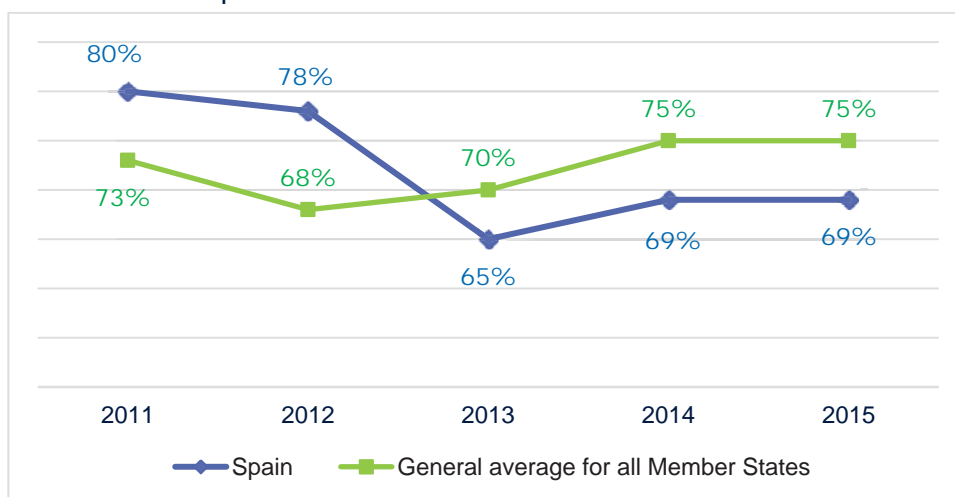
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Spain's average response time in 2011-2015 (in days)



5. EU Pilot files: Spain's resolution rate in 2011- 2015

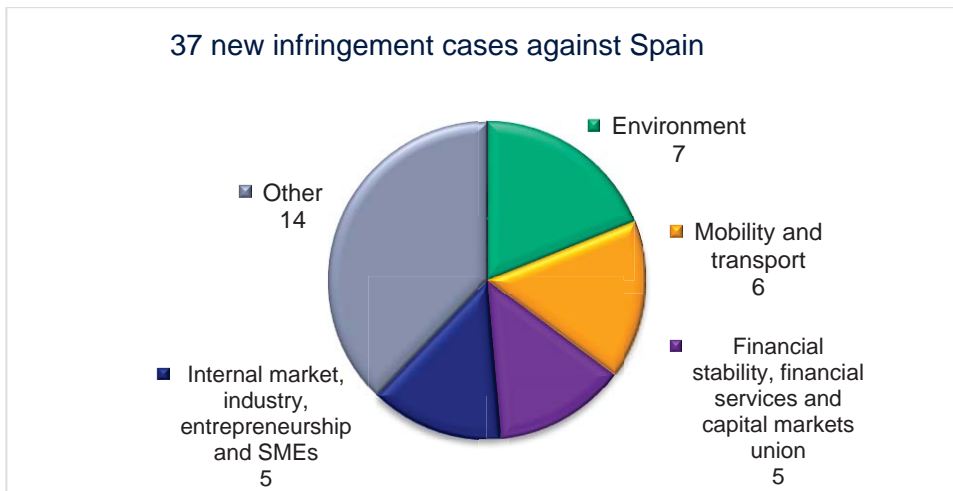


III. INFRINGEMENT CASES

1. Infringement cases against Spain open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 37 new infringement cases against Spain in 2015. These, and other major ongoing infringement cases, concern:

- non-transposition of the time limit for night work (eight hours maximum) in works involving special hazards or heavy strain for workers and the police. In addition, no sufficiently effective procedure considered to be in place for police employees to request daytime work for health-related reasons;¹
- non-compliance with the Fixed-Term Work Directive, as in the Commission's view, fixed-term officials are treated less favourably than permanent officials.²
- lack of measures that effectively limit abusive successions of fixed-term employment of substitute court clerks. This is contrary to Clause 5 of the Framework Agreement annexed to the Fixed-Term Work Directive;³
- incorrect implementation of the Working Time Directive's provisions on minimum paid annual leave for public sector workers;⁴
- late and incomplete transposition of the Energy Efficiency Directive;⁵
- late and incomplete transposition of the Oil Stocks Directive;⁶
- incorrect transposition of the biofuels sustainability requirements of the Renewable Energy Directive;⁷
- incorrect application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;⁸
- non-respect of the NO₂ limit values in the Air Quality Directive;⁹
- failure to implement the EU Timber Regulation and the Forest Law Enforcement, Governance and Trade Regulation;¹⁰
- inadequate urban waste water treatment in a large number of smaller agglomerations;¹¹
- excessive and unjustified obstacles in the area of professional services that run counter to the Services Directive;¹²

¹ [MEMO/15/5053](#).

² [Directive 1999/70/EC](#).

³ [Directive 1999/70/EC](#).

⁴ [Directive 2003/88/EC](#); [MEMO/15/5053](#).

⁵ [Directive 2012/27/EU](#); [MEMO/15/5826](#).

⁶ [Directive 2009/119/EC](#); [MEMO/15/5162](#).

⁷ [Directive 2009/28/EC](#); [MEMO/15/4666](#).

⁸ [Directive 92/43/EEC](#).

⁹ [Directive 2008/50/EC](#).

¹⁰ [Regulation \(EU\) No 995/2010](#) and [Regulation \(EC\) No 2173/2005](#); [MEMO/15/6223](#).

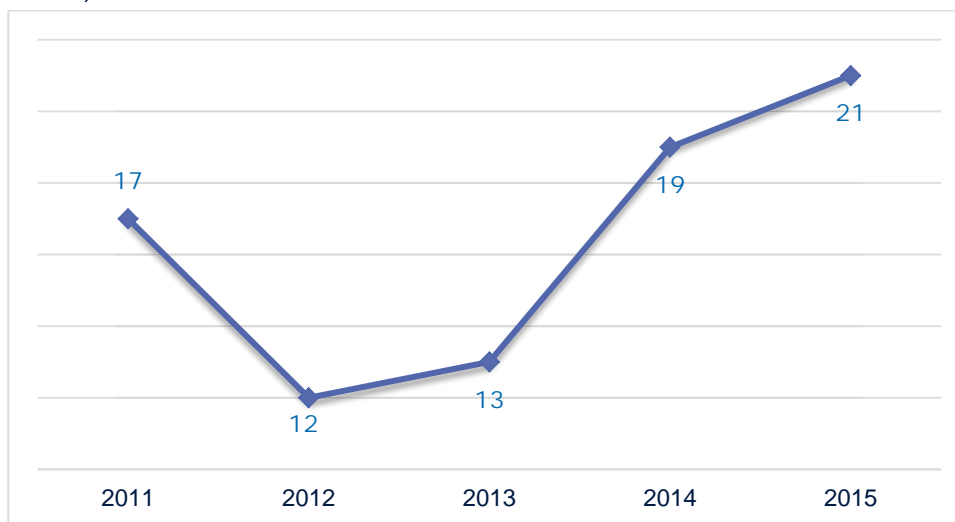
¹¹ [MEMO/15/4489](#).

¹² [Directive 2006/123/EC](#); [IP/15/5199](#).

- breach of the Public Procurement Directive. Certain companies were favoured by receiving key information to prepare their tenders for clothing for the Army well before the information was published;¹³
 - rules subjecting firearms considered as 'historic' in other Member States to additional marking when brought into Spain;¹⁴
 - failure to notify national measures transposing the Qualifications Directive, the recast Asylum Procedures Directive and the Reception Conditions Directive;¹⁵
 - non-communication of national measures transposing the Directive on combating the sexual abuse and sexual exploitation of children and child pornography;¹⁶
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,¹⁷ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;¹⁸
 - restrictions on the freedom of establishment regarding the provision of port services;
 - the penalty regime introduced for the '*Modelo 720*' compulsory informative declaration of foreign assets. This may restrict the fundamental EU freedoms of Spanish tax residents.
- b) The Commission referred three cases to the Court under Article 258 TFEU. These concern:
- inadequate urban waste water treatment in sensitive areas;¹⁹
 - the continued existence of illegal and uncontrolled landfill sites, in breach of the Waste Framework Directive;²⁰
 - the adoption and implementation of some port security plans.²¹
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Spain open on 31 December (2011-2015)



¹³ Directive [2004/18/EC](#); [MEMO/15/5162](#).

¹⁴ [MEMO/15/4489](#).

¹⁵ Directives [2011/95/EU](#), [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

¹⁶ Directive [2011/93/EU](#); [MEMO/15/5356](#).

¹⁷ Regulation [\(EC\) No 550/2004](#).

¹⁸ SOUTHWEST (the functional airspace block between Spain and Portugal).

¹⁹ Commission v Spain, [C-38/15](#); [IP/14/2129](#).

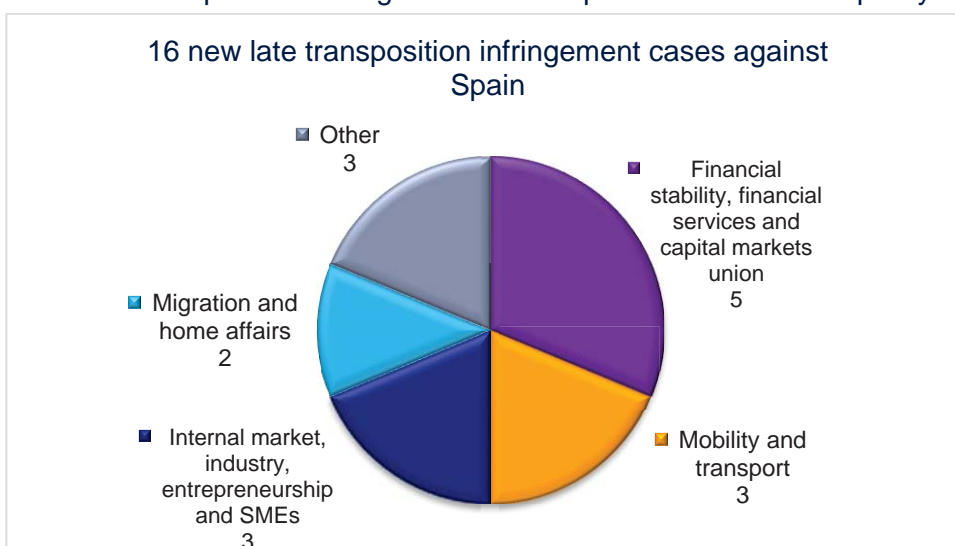
²⁰ Directive No [2008/98/EC](#), Commission v Spain, [C-563/15](#); [IP/15/5354](#).

²¹ Directive No [2005/65/EC](#), Commission v Spain, [C-172/15](#) and [IP/14/1039](#). Spain subsequently adopted the necessary measures and the Commission withdrew the case from the Court.

2. New late transposition infringement cases against Spain (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- incorrect application of the Health and Safety at Work Framework Directive;²²
- failure to transpose the Directive on waste electrical and electronic equipment;²³
- obstacles to manufacturing, importing and exporting, selling, installing and operating game machines;
- restrictions on the establishment of commercial buildings in Andalusia;
- late transposition of the Single Permit Directive;²⁴
- late transposition of the Directive against trafficking in human beings;²⁵

²² Directive [89/391/EEC](#).

²³ Directive [2012/19/EU](#).

²⁴ Directive [2011/98/EU](#).

²⁵ Directive [2011/36/EU](#).

- failure to notify national transposition measures for the Directive on the right to information in criminal proceedings and the Directive on the right to interpretation and translation in criminal proceedings;²⁶
- the interoperability of the rail system;²⁷
- incorrect implementation of the EU legislation on establishing a single European railway area;²⁸
- lack of separation of accounts between railway infrastructure and transport services;
- limitations on airlines providing certain categories of services for themselves at Madrid airport;
- incompatibility with EU law of national provisions on contracts for public passenger transport services by rail and road;²⁹
- the general VAT exemption on medical equipment. This was not confined, in line with the VAT Directive, to devices that were used exclusively by disabled persons.

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

There were no major Court rulings in 2015.

2. Preliminary rulings

In preliminary rulings addressed to the Spanish judiciary, the Court ruled that:

- for workers without a fixed or habitual workplace, the journeys made from their homes to the first customer and from the last customer to their homes constitute working time;³¹
- the rule that takes the undertaking (and not the establishment) as the only criterion to determine whether dismissals constitute a collective redundancy is contrary to the Directive on collective redundancies where this deprives workers of their right to information and consultation;³²
- any termination of an employment contract not sought by the worker is a 'redundancy' within the meaning of the Directive on collective redundancies. This includes cases where the worker agrees to the termination following a substantial worsening of his working conditions imposed by the employer;³³
- vehicle roadworthiness testing activities are excluded from the scope of application of the Services Directive³⁴ and cannot be regarded as connected with the exercise of official authority. This is the case even if operators of the centres where these activities take place have the power to take vehicles off the road in the case of safety defects creating an imminent danger. The Court also clarified that the TFEU precludes national legislation which makes the authorisation of an undertaking to open a vehicle roadworthiness testing centre subject to the conditions that:
 - there is a minimum distance between the centre in question and centres belonging to that undertaking which are already authorised, and
 - the undertaking would not hold a market share of over 50 % unless it is established that these conditions are genuinely necessary and proportionate;³⁵

²⁶ Directive [2012/13/EU](#) and Directive [2010/64/EU](#).

²⁷ Directive [2008/57/EC](#).

²⁸ Directive [2012/34/EU](#).

²⁹ Regulation [\(EC\) No 1370/2007](#).

³⁰ These rulings are almost exclusively handed down on infringement procedures.

³¹ Federación de Servicios Privados del sindicato Comisiones obreras, [C-266/14](#) and Court press release No [99/15](#).

³² Rabal Cañas, [C-392/13](#) and Court press release No [55/15](#).

³³ Pujante Rivera, [C-422/14](#).

³⁴ Directive [2006/123/EC](#).

³⁵ Grupo Itevelesa and Others, [C-168/14](#).

- the Return Directive must be interpreted as precluding national legislation which provides, in the event of non-EU nationals illegally staying in that Member State, for either a fine or their removal. The two measures are mutually exclusive;³⁶
- the legislation on the calculation of permanent invalidity pensions complies with EU law. Spanish law provides that, for calculating an invalidity pension, some periods of unemployment of the worker can be taken into account and (as a fiction) be considered as periods when the person was working and paying social security contributions. If the person was working full-time before she became unemployed, the unemployment period is counted as if she had been employed full-time. But if the person was working only part-time, the unemployment period is considered only at a reduced rate;³⁷
- when assessing whether a time-limit for opposing enforcement proceedings makes it excessively difficult for consumers to rely on protection against unfair contract terms, both the duration of the time-limit and the mechanism adopted to start that period running have to be taken into account. The Court considered that mere publication of a new law in the Spanish Official Journal, establishing an additional time-limit calculated to run from the day following the publication of that law, without the consumers being informed personally of that time-limit was incompatible with the principle of effectiveness, in circumstances where the previously applicable time-limit had been drawn to the individual attention of the consumers concerned. It created the risk that the time-limit would expire before they were able effectively and usefully to exercise their rights through legal action.³⁸

³⁶ Zaizoune, [C-38/14](#).

³⁷ Cachaldora Fernandez, [C-527/13](#) and Court press release No [36/15](#).

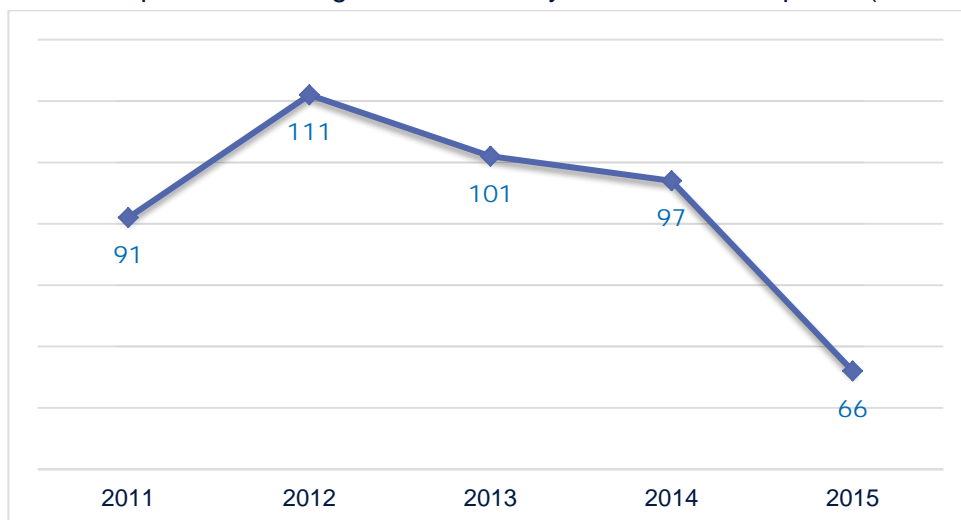
³⁸ BBVA S.A., [C-8/14](#) and Court press release No [130/15](#).

Sweden

New complaints against Sweden fell significantly in 2015, accelerating the recent trend. New EU Pilot files also continued to decline from their 2013 peak. Open infringements and new infringement cases for late transposition both rose in 2015 but remained below their 2011 levels.

I. COMPLAINTS

1. New complaints made against Sweden by members of the public (2011- 2015)



2. Public complaints against Sweden open at year-end

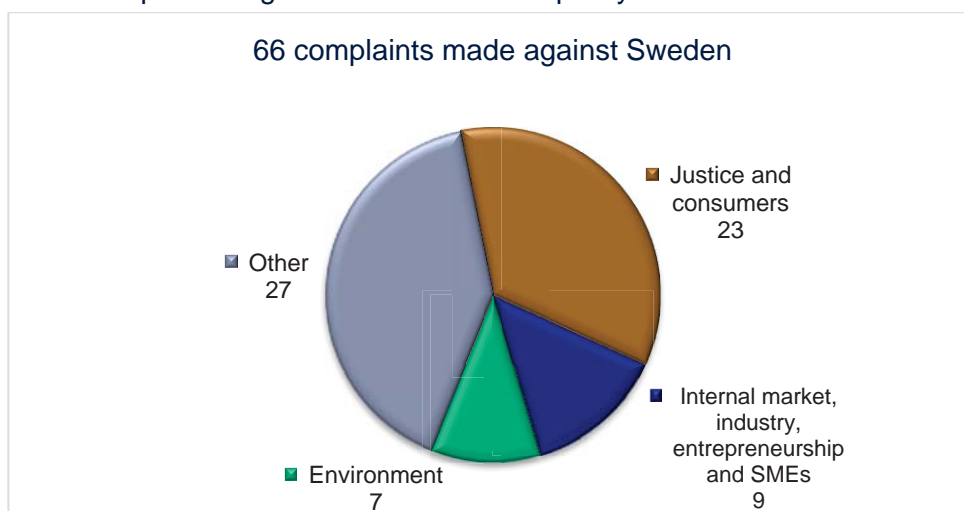
92 > Complaints open at end-2014

66 > New complaints registered in 2015

78 > Complaints handled in 2015

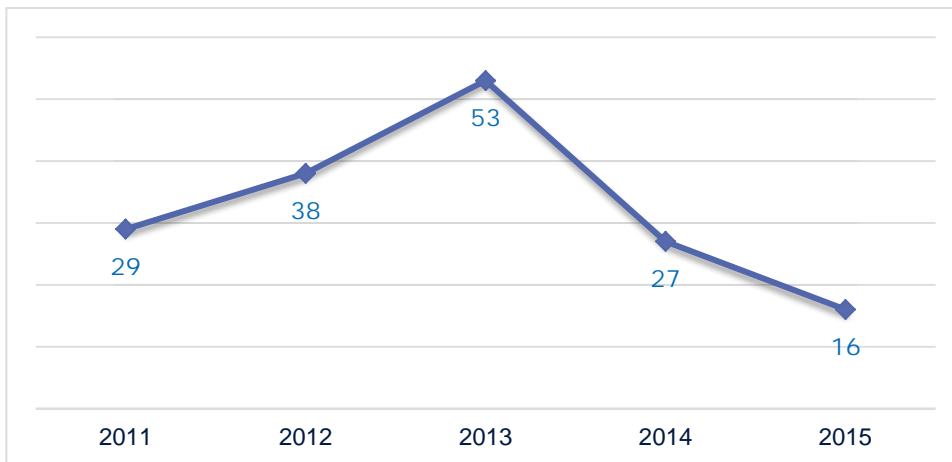
= 80 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against Sweden (2011-2015)



2. Files relating to Sweden open in EU Pilot at year -end

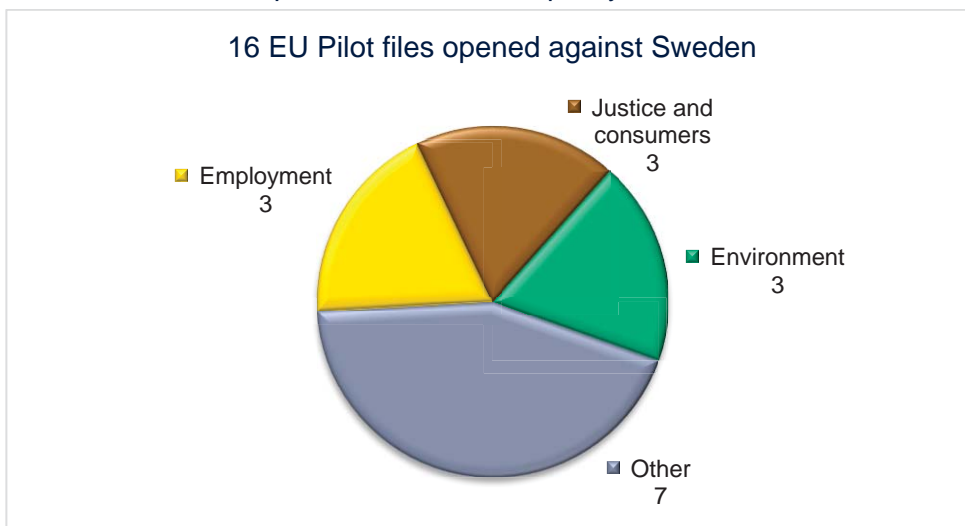
39 > EU Pilot files open at end-2014

16 > New EU Pilot files registered in 2015

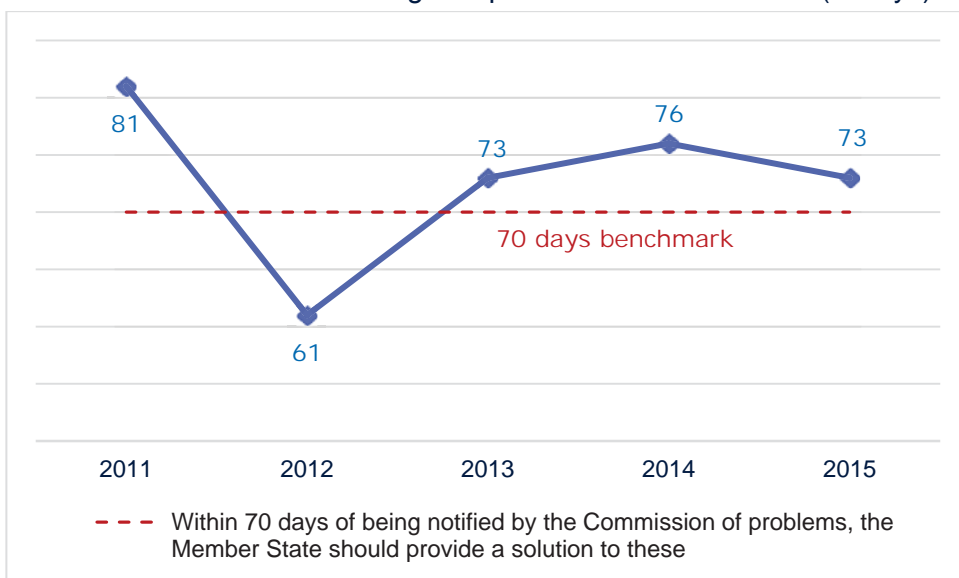
26 > EU Pilot files handled in 2015

=29 > EU Pilot files open at end-2015

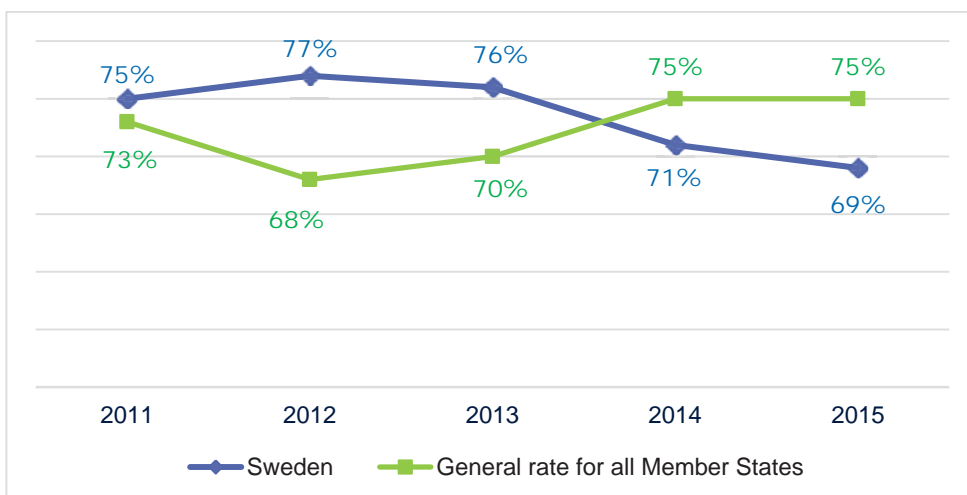
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: Sweden's average response time in 2011-2015 (in days)

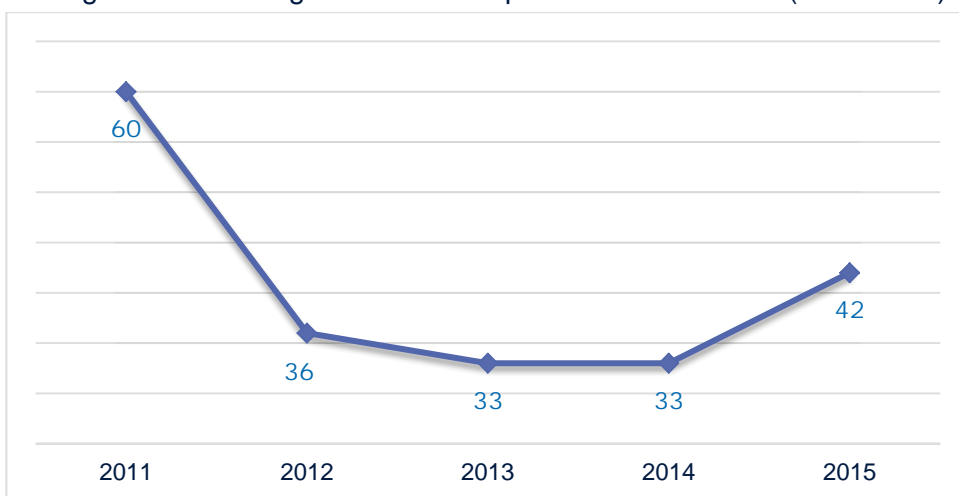


5. EU Pilot files: Sweden's resolution rate in 2011- 2015

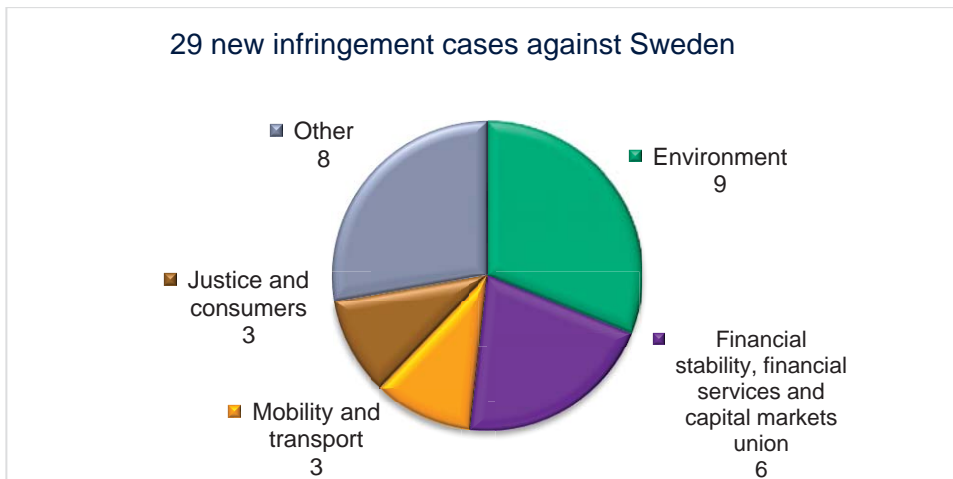


III. INFRINGEMENT CASES

1. Infringement cases against Sweden open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 29 new infringement cases against Sweden in 2015. These, and other major ongoing infringement cases, concern:
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;¹
 - wolf hunting in breach of the EU Habitats Directive;²
 - non-respect of the PM₁₀³ limit values in the Air Quality Directive;⁴
 - bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;⁵
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁶
 - failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁷
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁸
 - non-conformity of national legislation with the Directive on driving licences as amended;⁹
 - incorrect implementation of the Airport Charges Directive and of the Directive on ground-handling services at Stockholm Arlanda Airport.¹⁰
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

² [Directive 92/43/EEC](#) and [MEMO/15/5162](#).

³ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

⁴ Directive No [2008/50/EC](#) and [IP/15/5197](#).

⁵ [IP/15/5198](#).

⁶ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).

⁷ Directives [2009/138/EC](#) and [2014/51/EU](#); [MEMO/15/6223](#).

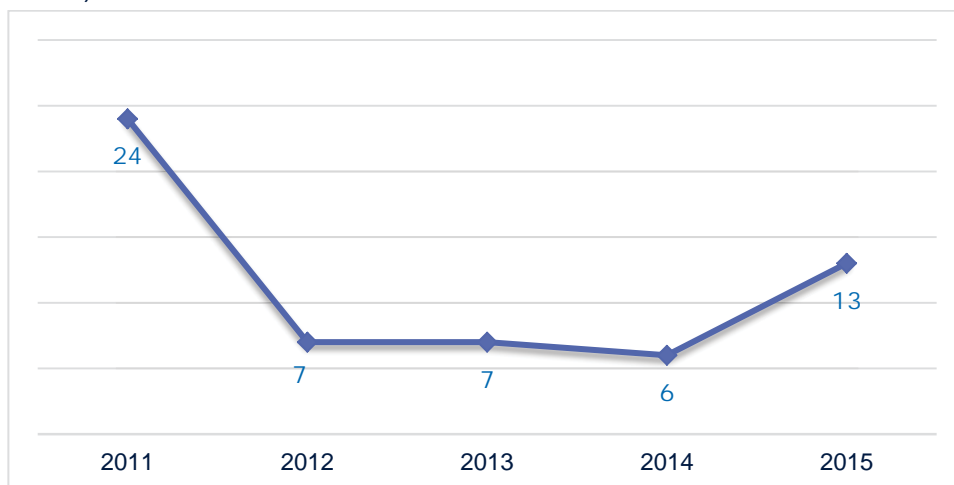
⁸ Directive [2014/59/EU](#); [IP/15/5057](#).

⁹ Directive [2006/126/EC](#).

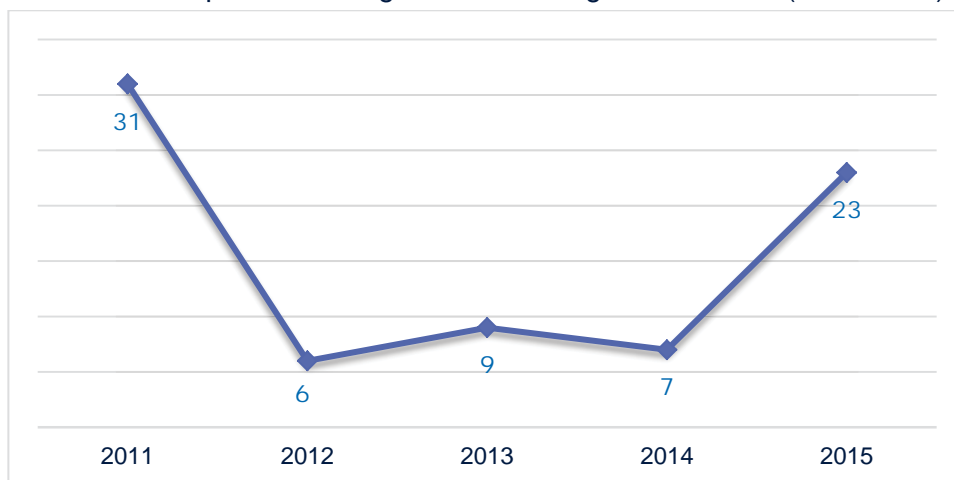
¹⁰ Directives [2009/12/EC](#) and [96/67/EC](#).

IV. TRANSPOSITION OF DIRECTIVES

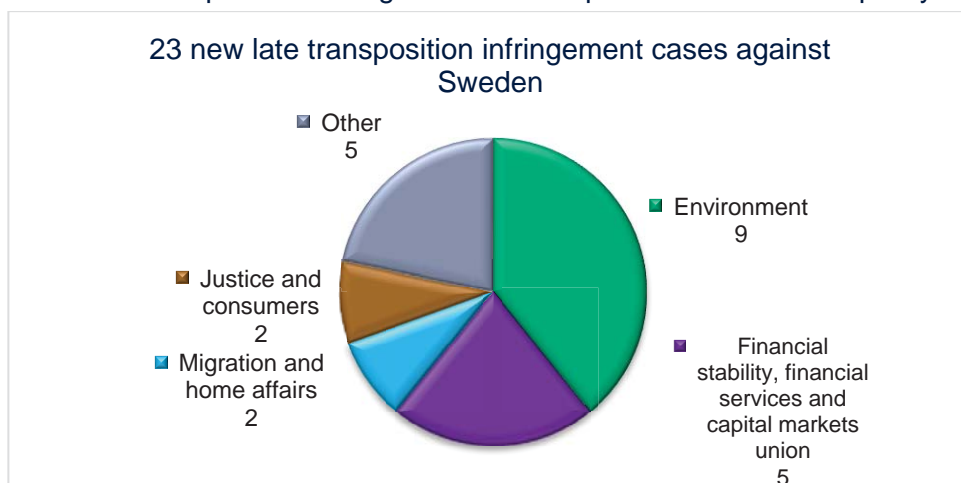
1. Late transposition infringement cases against Sweden open on 31 December (2011-2015)



2. New late transposition infringement cases against Sweden (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- late transposition of the Directive on the geological storage of carbon dioxide;¹¹
- non-communication of national measures transposing the Industrial Emissions Directive;¹²
- non-communication of national transposition measures for Directive¹³ extending the Long-Term Residents Directive¹⁴ to beneficiaries of international protection;
- incorrect implementation of EU legislation on the rights of bus and coach passengers.¹⁵

VI. IMPORTANT JUDGMENTS

1. Court ruling¹⁶

The Court ruled that the provider of the 'universal postal service' should have been exempted from VAT in line with the VAT Directive.¹⁷

2. Preliminary rulings

In preliminary rulings addressed to the Swedish judiciary, the Court ruled that:

- the exchange of traditional currency for units of the 'bitcoin' virtual currency and vice versa constitutes a supply of services exempt from VAT;¹⁸
- if capital gains on holdings for business purposes are exempted from tax under national rules, the Member State is not obliged to grant a deduction if losses occur on such holdings, even if they are due to currency changes;¹⁹
- Sweden's tax on the thermal power of nuclear reactors is compatible with EU law as it falls outside the scope of the Energy Taxation Directive.²⁰

¹¹ Directive [2009/31/EC](#).

¹² Directive No [2010/75/EU](#).

¹³ Directive [2011/51/EU](#).

¹⁴ Directive [2003/109/EC](#).

¹⁵ Regulation [\(EU\) No 181/2011](#).

¹⁶ These rulings are almost exclusively handed down on infringement procedures.

¹⁷ Commission v Sweden, [C-114/14](#).

¹⁸ Skatteverket v David Hedqvist, [C-264/14](#) and and Court press release No [128/15](#).

¹⁹ X AB v Skatteverket, [C-686/13](#).

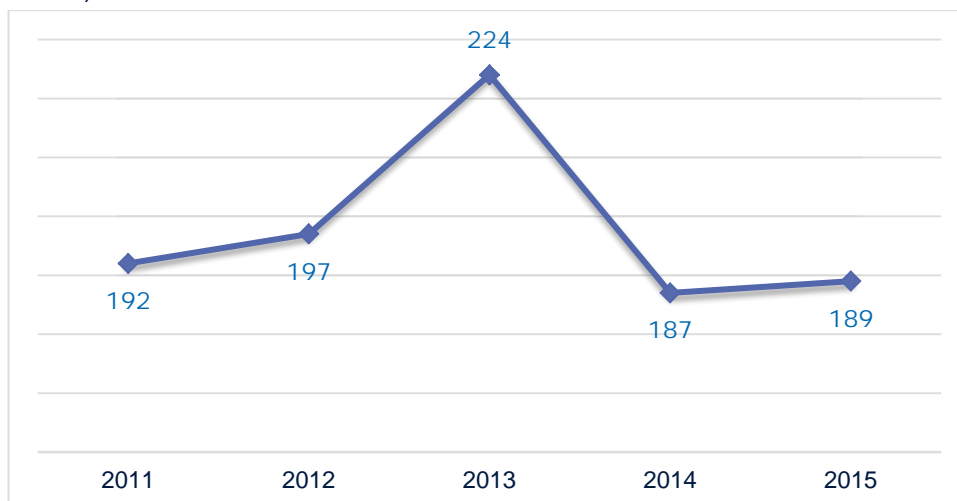
²⁰ Portovesme Srl v European Commission, [C-606/14](#).

United Kingdom

New complaints against the United Kingdom rose marginally in 2015 but remained well below their 2013 peak. New EU Pilot files continued the downward trend seen since 2011, reaching a five-year low. The same goes for open infringement cases and new infringement cases for late transposition.

I. COMPLAINTS

1. New complaints made against United Kingdom by members of the public (2011-2015)



2. Public complaints against United Kingdom open at year-end

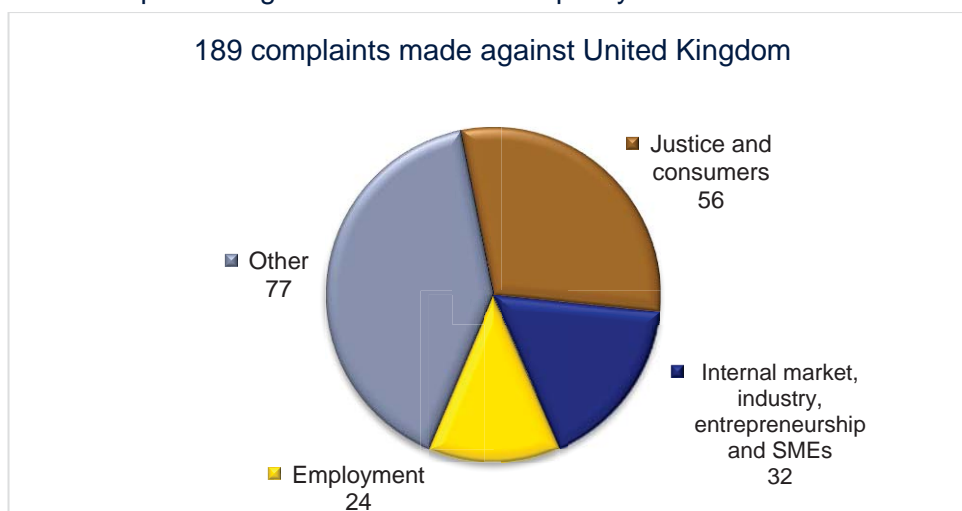
172 > Complaints open at end-2014

189 > New complaints registered in 2015

175 > Complaints handled in 2015

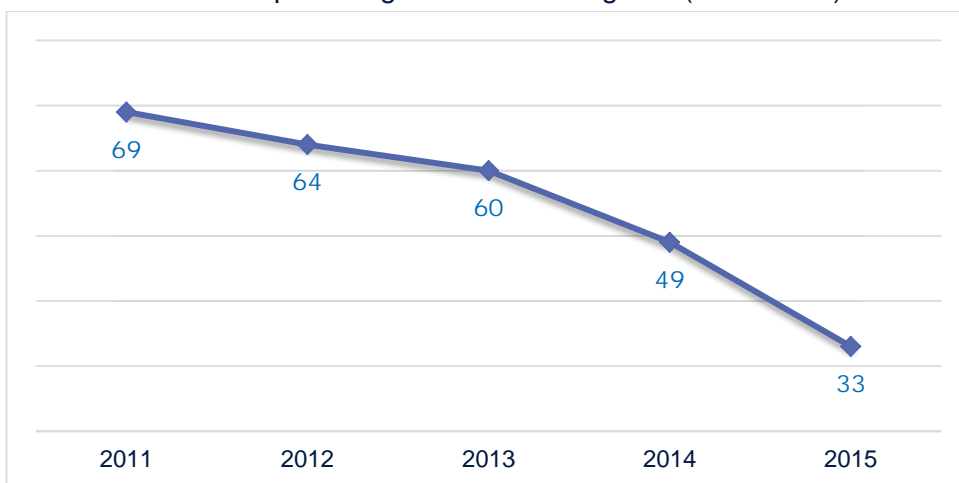
= 186 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

1. New EU Pilot files opened against United Kingdom (2011-2015)



2. Files relating to United Kingdom open in EU Pilot at year -end

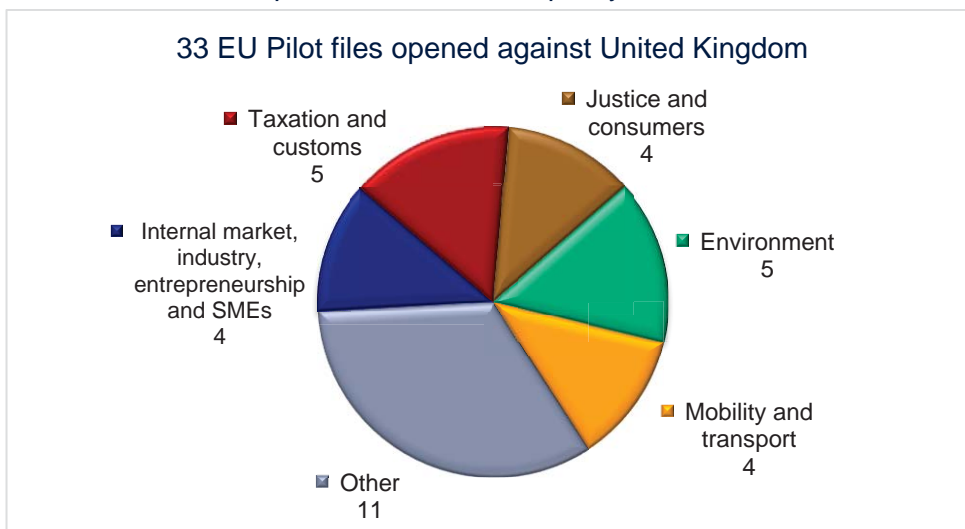
67 > EU Pilot files open at end-2014

33 > New EU Pilot files registered in 2015

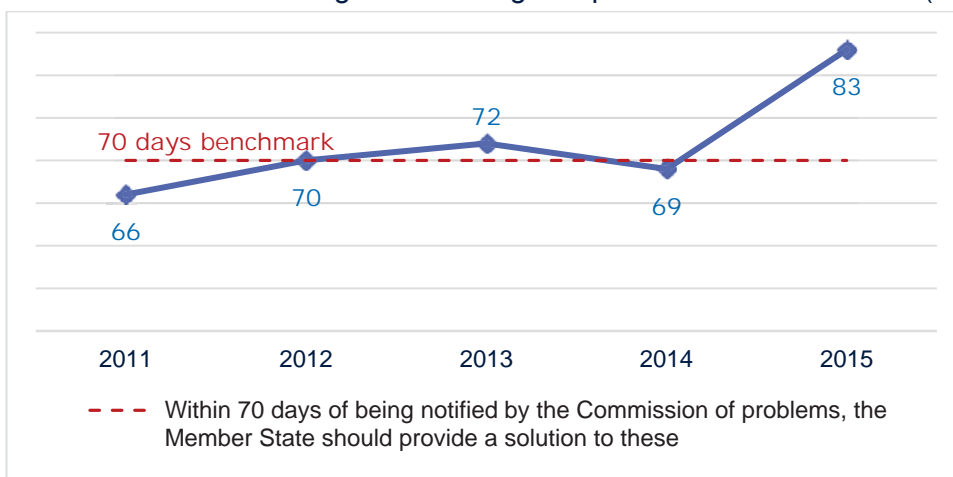
43 > EU Pilot files handled in 2015

=57 > EU Pilot files open at end-2015

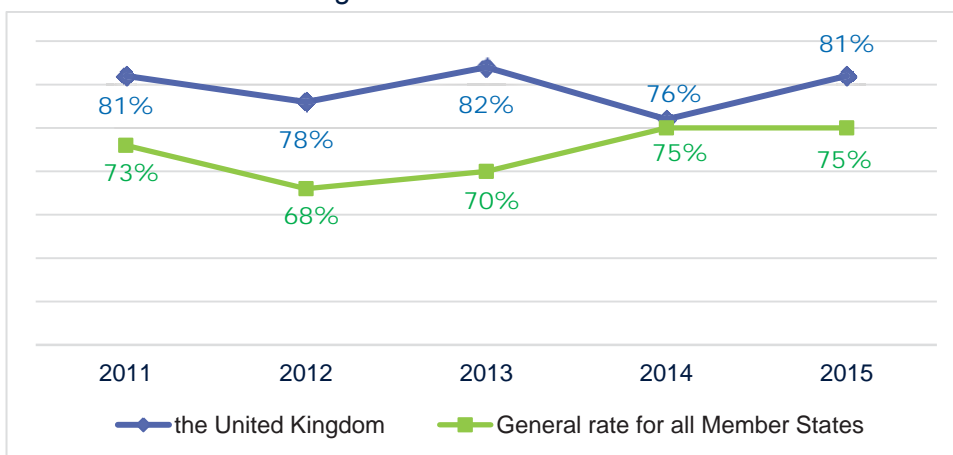
3. New EU Pilot files opened in 2015: main policy areas



4. EU Pilot files: United Kingdom's average response time in 2011-2015 (in days)

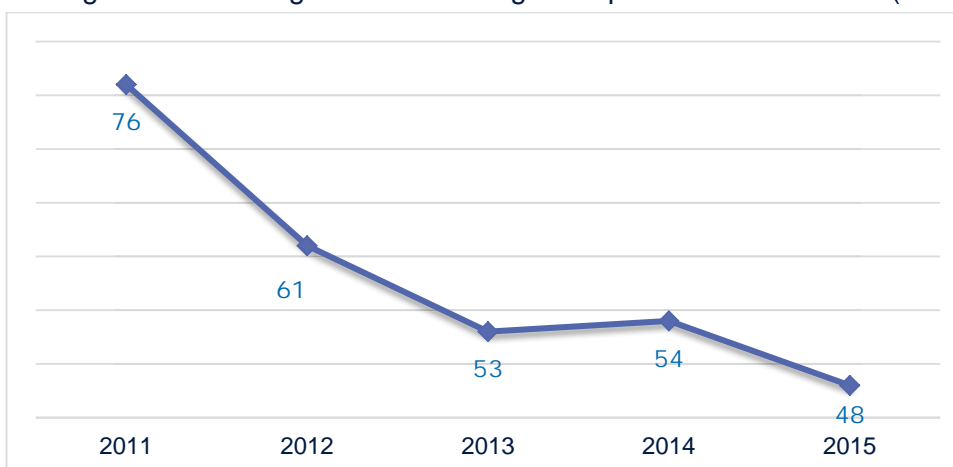


5. EU Pilot files: United Kingdom's resolution rate in 2011- 2015

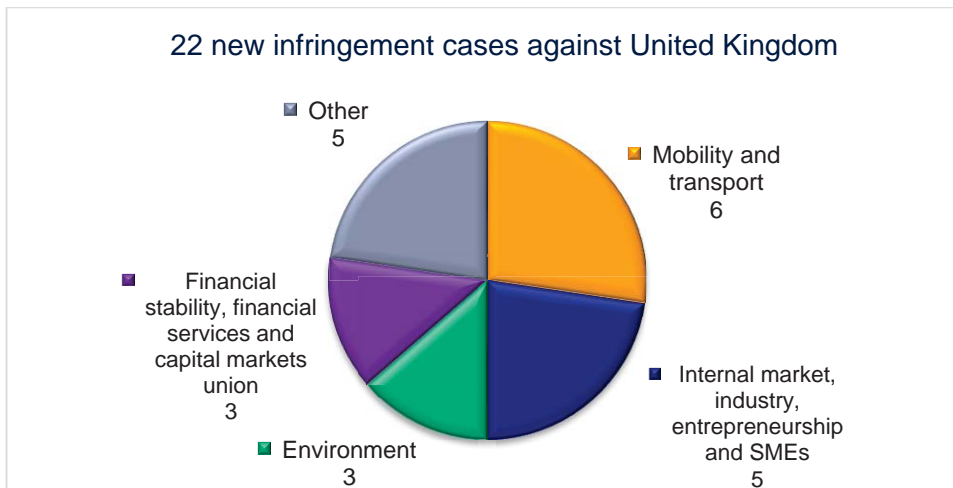


III. INFRINGEMENT CASES

1. Infringement cases against United Kingdom open on 31 December (2011-2015)



2. New infringement cases opened in 2015: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against the United Kingdom in 2015. These, and other major ongoing infringement cases, concern:
- late and incomplete transposition of the Oil Stocks Directive;¹
 - failure to ensure energy performance certificates are displayed in buildings frequently visited by the public, as required by the Energy Performance of Buildings Directive;²
 - bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;³
 - non-compliant transposition of the Water Framework Directive;⁴
 - failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;⁵
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,⁶ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;⁷
 - non-conformity with the Excise Duty Directive on alcohol and alcoholic beverages. UK excise duty legislation covering producers of small quantities of cider for sale does not permit Member States to apply favourable treatment to such producers.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- exceedance of the emission limit value for nitrogen oxides at the Aberthaw coal-fired power station in Wales, in breach of the Large Combustion Plants Directive;⁸
 - poor urban waste water collection and treatment in a number of agglomerations.⁹
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2009/119/EC](#) and [MEMO/15/5162](#).

² [MEMO/15/5162](#) and Directive [2010/31/EU](#).

³ Directive No [92/43/EEC](#).

⁴ Directive No [2000/60/EC](#), [MEMO/15/5826](#).

⁵ Directive [2011/89/EU](#).

⁶ Regulation [\(EC\) No 550/2004](#).

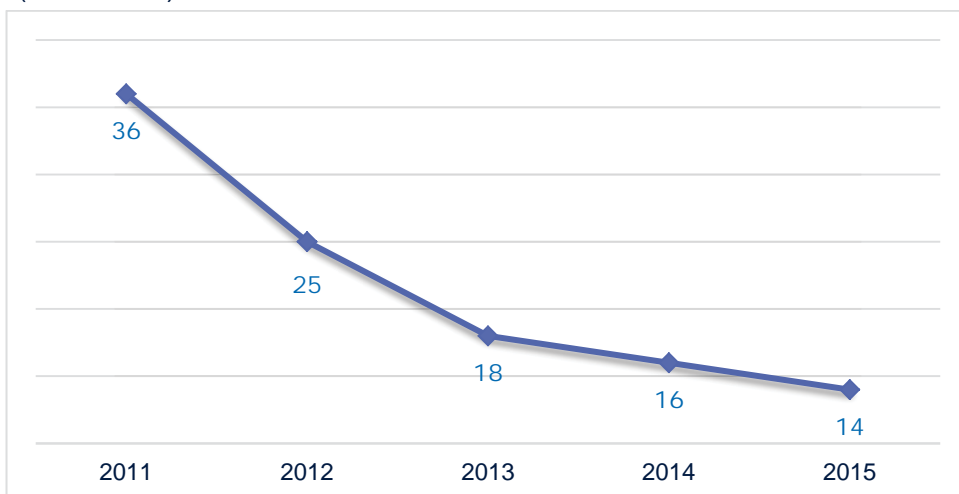
⁷ The UK/Ireland functional airspace block.

⁸ Directive No [2001/80/EC](#), Commission v United Kingdom, [C-304/15](#); [IP/15/4670](#).

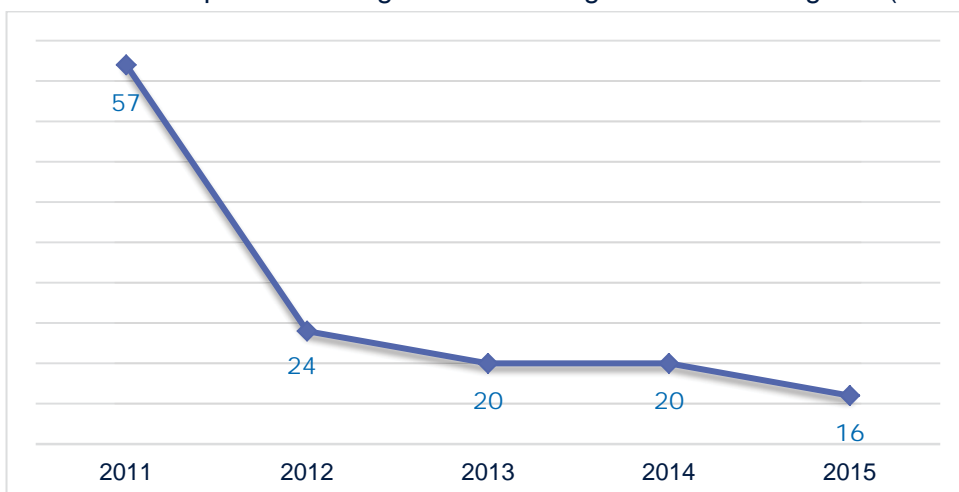
⁹ Commission v United Kingdom, [C-502/15](#); [IP/15/4672](#).

IV. TRANSPOSITION OF DIRECTIVES

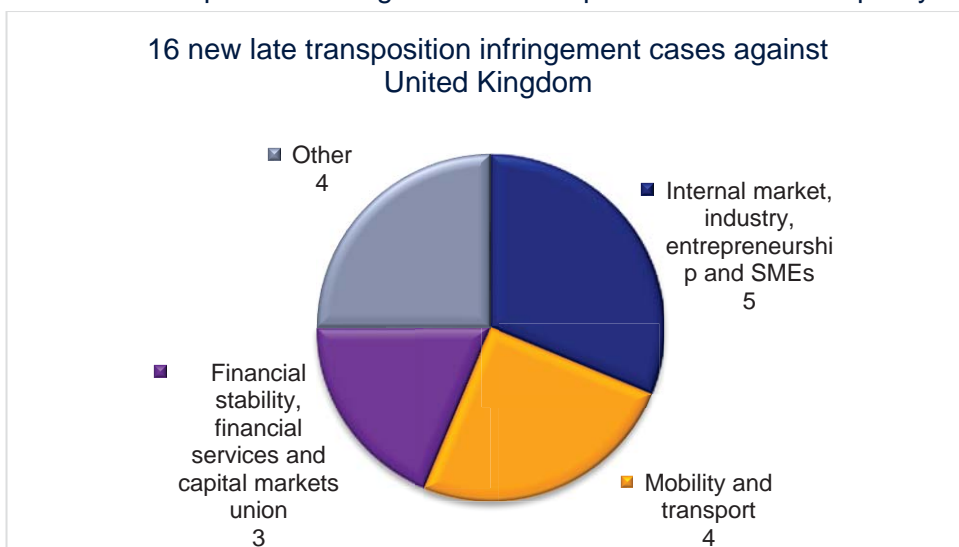
1. Late transposition infringement cases against United Kingdom open on 31 December (2011-2015)



2. New late transposition infringement cases against United Kingdom (2011-2015)



3. New late transposition infringement cases opened in 2015: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- late transposition of the Directive combating the sexual abuse and sexual exploitation of children and child pornography;¹⁰
- entitlements to annual leave in case of sick leave/maternity leave/parental leave;
- refusal to pay sickness benefits in cash to UK pensioners resident abroad;
- non-conformity of national legislation transposing the Directive on the management of bathing water quality;¹¹
- failure to correctly apply the end-of-waste criteria for the production and use of processed fuel oil.¹²

VI. IMPORTANT JUDGMENTS

1. Court rulings¹³

The Court:

- ruled that applying reduced VAT rates for the supply of energy-efficient products in houses did not comply with the VAT Directive;¹⁴
- dismissed the Commission's claim that it is virtually impossible for non-resident companies to obtain cross-border group relief.¹⁵

2. Preliminary rulings

In preliminary rulings addressed to the UK judiciary, the Court ruled that:

- the Common Market Organisation Regulation¹⁶ does not preclude a national measure imposing a minimum price per unit of alcohol for retail sales of wines, provided that this measure is appropriate to secure the objective of protecting human life and health and does not go beyond what is necessary to attain that objective. Nonetheless, such a measure constitutes an obstacle to the free movement of goods which cannot be seen as justified if it is possible to protect health equally effectively by tax measures which restrict trade and competition less;¹⁷
- in calculating the leave entitlement of a part-time worker who has increased his or her working hours, Member States may decide whether the leave already accumulated by that worker should be adjusted proportionally to the increased working hours;¹⁸
- the Directive on collective redundancies obliges employers to inform and consult staff ahead of collective redundancies only if at least 20 workers are dismissed in a single establishment, and not in the whole company;¹⁹
- a charge for supplying environmental information may not include the cost of maintaining a database, but may include the overheads attributable to the time spent by the staff of the public authority on answering individual requests for information. It is possible to limit the extent of administrative and judicial review on a charge for supplying environmental information, but only in limited circumstances;²⁰
- the Scottish legislation introducing a minimum price per unit of alcohol is contrary to EU law if less trade-restrictive tax measures can be used;²¹

¹⁰ Directive [2011/93/EU](#).

¹¹ Directive [2006/7/EC](#).

¹² Directive [2008/98/EC](#).

¹³ These rulings are almost exclusively handed down on infringement procedures.

¹⁴ Commission v United Kingdom, [C-161/14](#).

¹⁵ Commission v United Kingdom, [C-172/13](#).

¹⁶ Regulation (EU) No [1308/2013](#).

¹⁷ The Scotch Whisky Association, [C-333/14](#).

¹⁸ Greenfield, [C-219/14](#).

¹⁹ USDAW and Wilson, [C-80/14](#) and Lyttle and Others, [C-182/13](#).

²⁰ East Sussex County Council, [C-71/14](#).

²¹ Scotch Whisky Association and Others v Lord Advocate, [C-333/14](#) and Court press release No [155/15](#).

- where non-EU nationals hold a 'residence card of a family member of a Union citizen', the Member States cannot require them to first obtain a visa before entering their territory. Even if Member States are faced with a high number of cases of abuse of rights or fraud, the adoption of measures of 'general prevention' are not justified without a specific assessment of the conduct of the person concerned. The family members of EU citizens who fulfil the conditions laid down in the Free Movement Directive enjoy the rights granted by this Directive without constraints due to the mere fact that they belong to a particular group of persons (non-EU nationals). Measures that automatically impose additional conditions disregard the very substance of the primary and individual right of EU citizens to move and reside freely within the territory of the Member States.