



Brussels, 9.7.2015  
SWD(2015) 134 final

PART 2/4

**COMMISSION STAFF WORKING DOCUMENT**

**Part I: Policy areas**

*Accompanying the document*

**Report from the Commission**

**Monitoring the application of Union law  
2014 Annual Report**

{COM(2015) 329 final}  
{SWD(2015) 133 final}

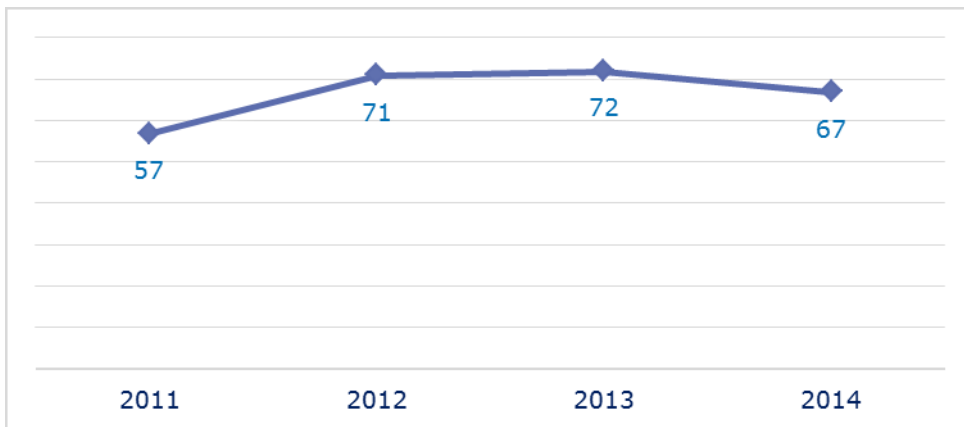
## ENERGY

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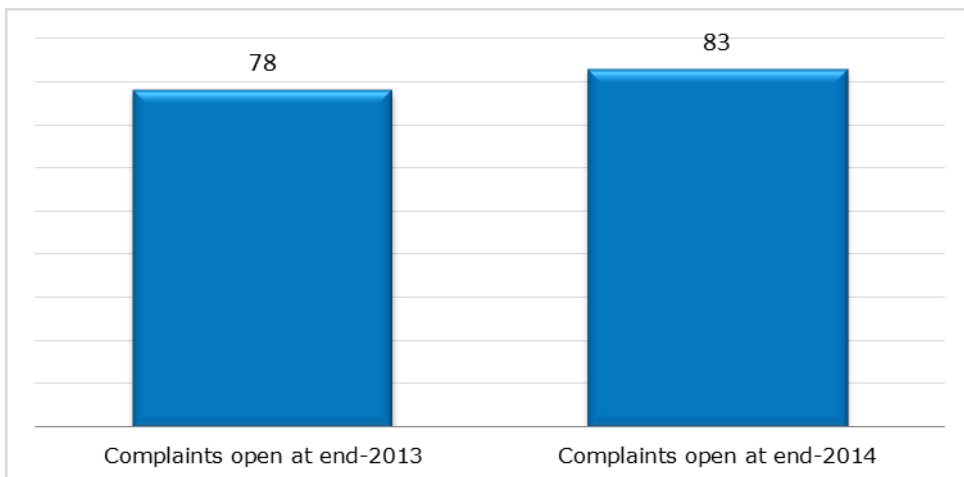
The number of new complaints received in the area of energy remained relatively stable over the last four years. The number of new EU Pilot files continued to increase over this period. After reaching a peak in 2011, the number of pending infringement cases at the end of the year continued to decrease. Similarly, the number of new late transposition infringement cases continued to decrease in 2014, as has been the case since 2011.

### I. COMPLAINTS

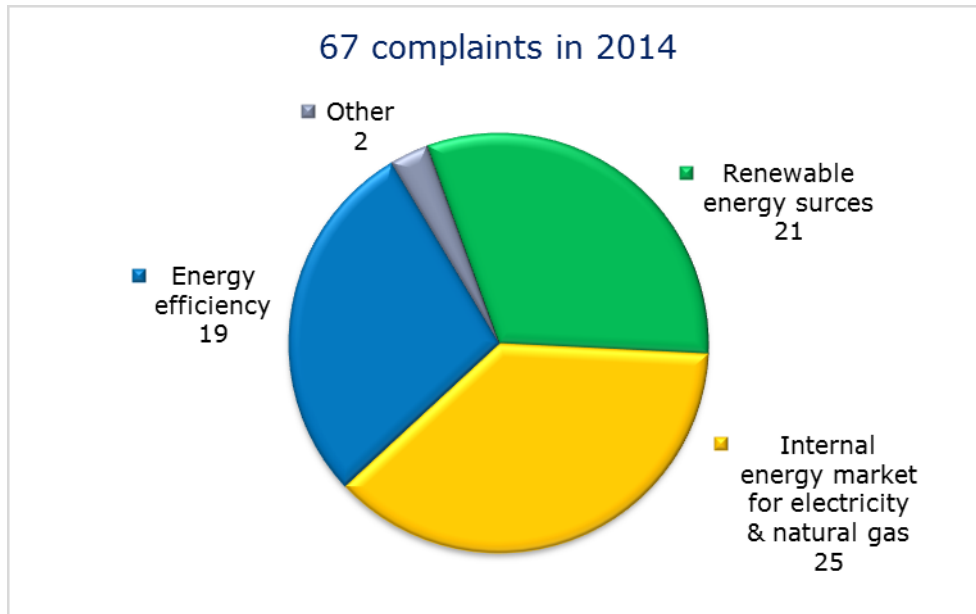
#### 1. New complaints received from members of the public (2011-14)



#### 2. Evolution of complaints

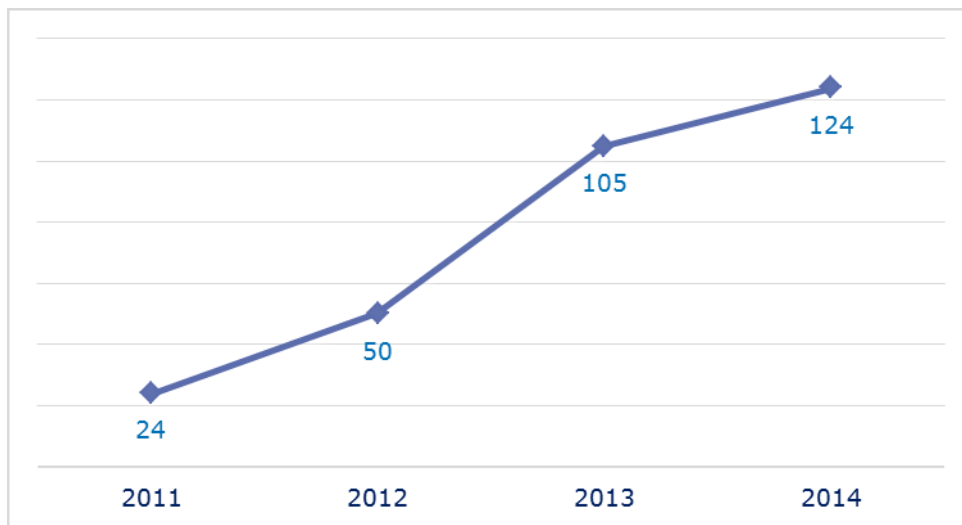


3. New complaints registered in 2014: main policy areas

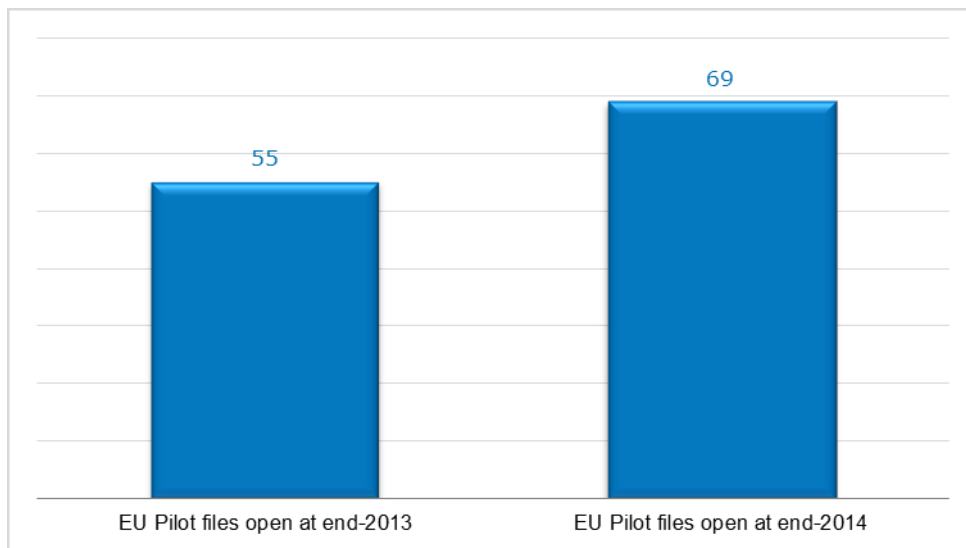


II. EU PILOT

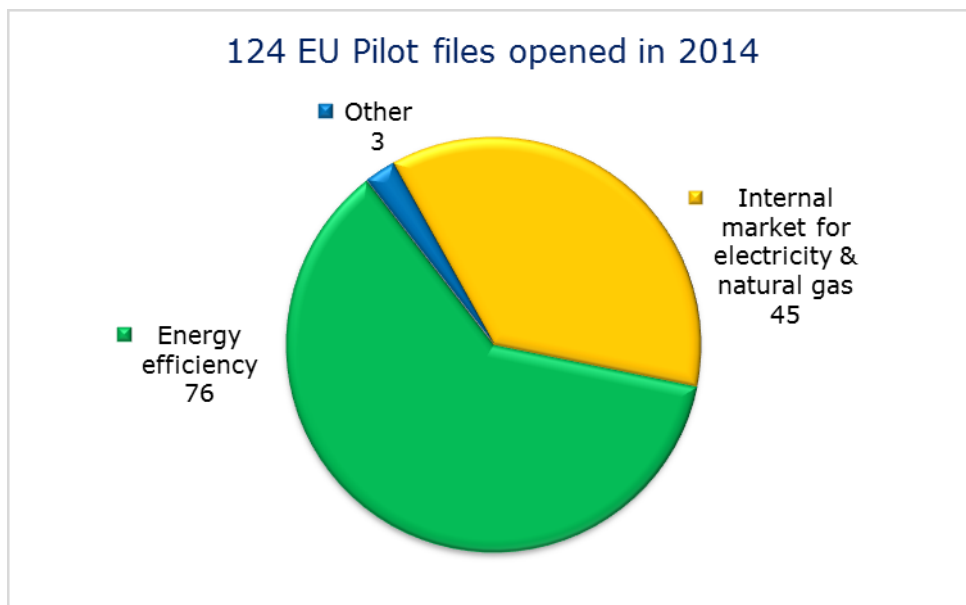
1. New EU Pilot files (2011-14)



## 1. Evolution of files open in EU Pilot<sup>1</sup>

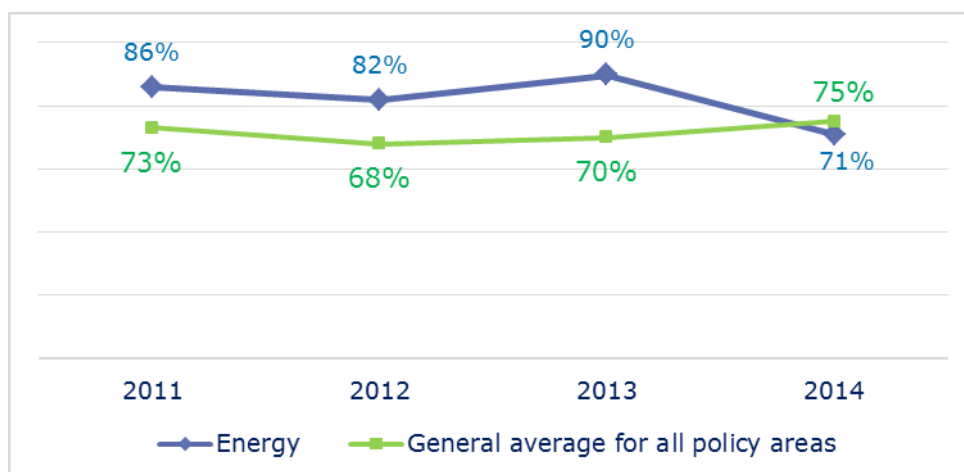


## 2. New EU Pilot files opened in 2014: main policy sectors



<sup>1</sup> The number of files open at the end of 2013 given in the 2013 annual report is different from the current figure. This is because some files were registered late and others have been closed.

### 3. EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)



### III. OWN-INITIATIVE CASES

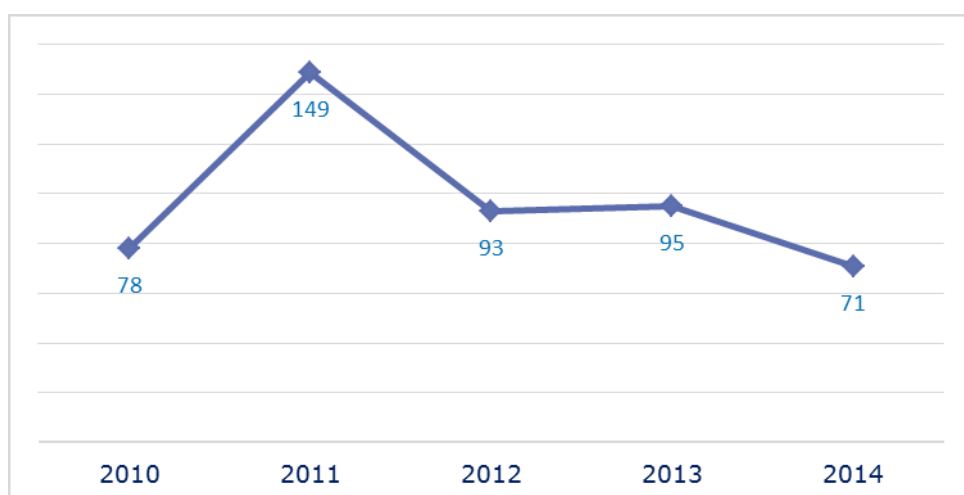
#### New own-initiative infringement cases

In 2014, the Commission opened own-initiative infringement cases concerning:

- the incorrect transposition of the Electricity and Gas Directives;<sup>2</sup>
- failure to comply with obligations under the Regulation on security of gas supply;<sup>3</sup>
- non-compliance with biofuel sustainability criteria under the Renewable Energy Directive;<sup>4</sup>
- failure to comply with obligations under the Energy Performance of Buildings Directive<sup>5</sup> and the Energy Efficiency Directive.<sup>6</sup>

### IV. INFRINGEMENT CASES

#### 1. Infringement cases open on 31 December (2010-14)



<sup>2</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

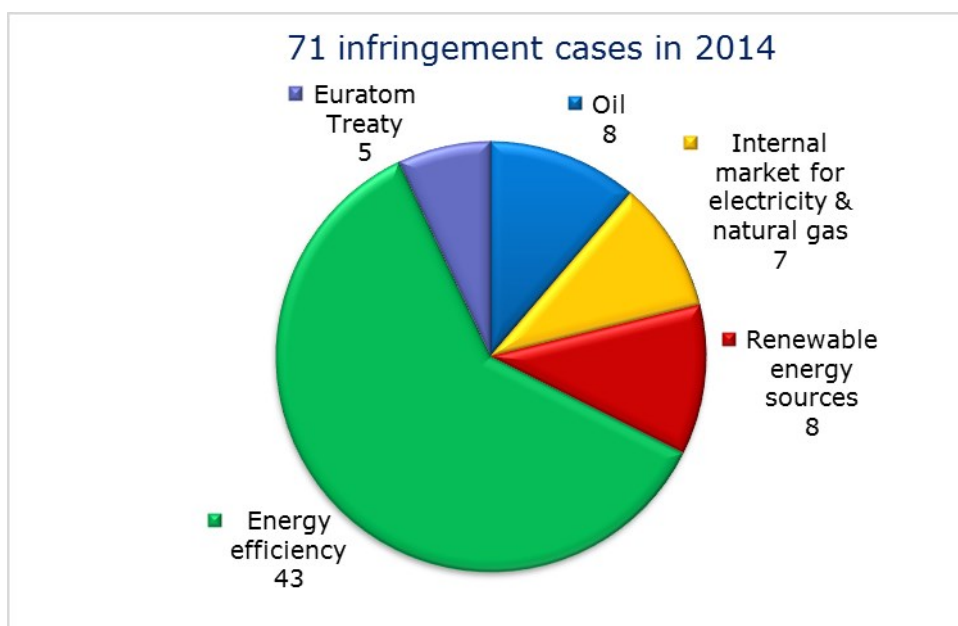
<sup>3</sup> Regulation (EU) No [994/2010](#).

<sup>4</sup> Directive [2009/28/EC](#).

<sup>5</sup> Directive [2010/31/EU](#).

<sup>6</sup> Directive [2012/27/EU](#).

## 2. Infringement cases open on 31 December 2014: main policy sectors



## 3. Key infringement cases and referrals to the Court

- a) The Commission opened 40 new infringement cases in 2014, among which:
- *Belgium and Luxembourg*: incorrect transposition of the Electricity and Gas Directives;<sup>7</sup>
  - *Greece*: failure to comply with reporting obligations under the Energy Performance of Buildings Directive;<sup>8</sup>
  - *Greece, Luxembourg, Portugal, Romania and Slovenia*: failure to communicate to the Commission their long-term strategy for mobilising investment in renovating the national stock of residential and commercial buildings and/or their national energy efficiency action plan, as required under the Energy Efficiency Directive;<sup>9</sup>
  - *Poland, Portugal and Spain*: non-compliance with the biofuels sustainability criteria under the Renewable Energy Directive and the exclusion of certain biofuels from national markets;<sup>10</sup>
  - *Slovenia*: failure to comply with obligations under the regulation on security of gas supply;<sup>11</sup>
  - *United Kingdom*: failure to display energy performance certificates in public buildings, as required under the Energy Performance of Buildings Directive.<sup>12</sup>
- b) The Commission continued to pursue one case referred to the Court under Article 258 TFEU. It concerns:
- *Poland*: the Polish system of regulated gas prices for non-household customers in violation of the Gas Directive.<sup>13</sup>

<sup>7</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

<sup>8</sup> Directive [2010/31/EU](#).

<sup>9</sup> Directive [2012/27/EU](#).

<sup>10</sup> Directive [2009/28/EC](#).

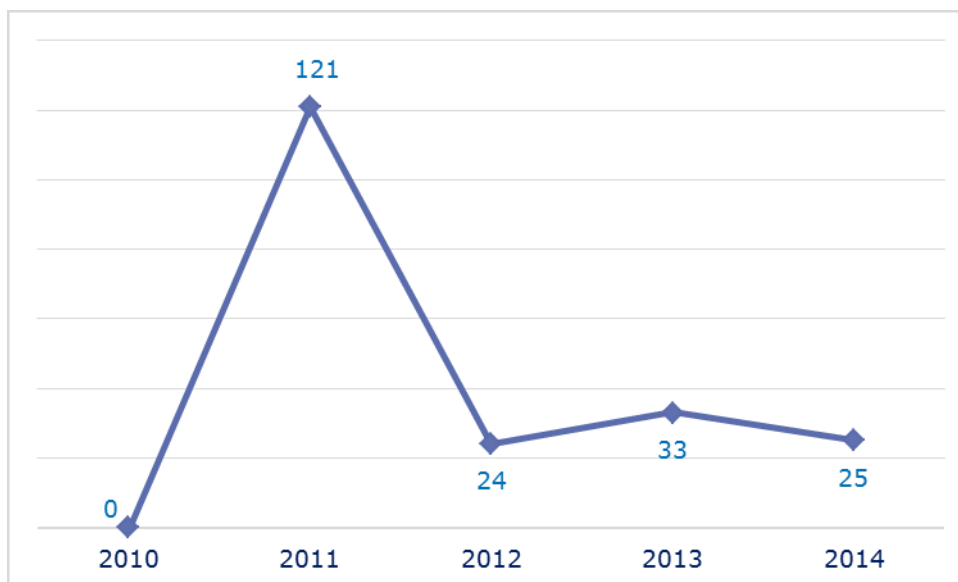
<sup>11</sup> Regulation (EU) No [994/2010](#).

<sup>12</sup> Directive [2010/31/EU](#).

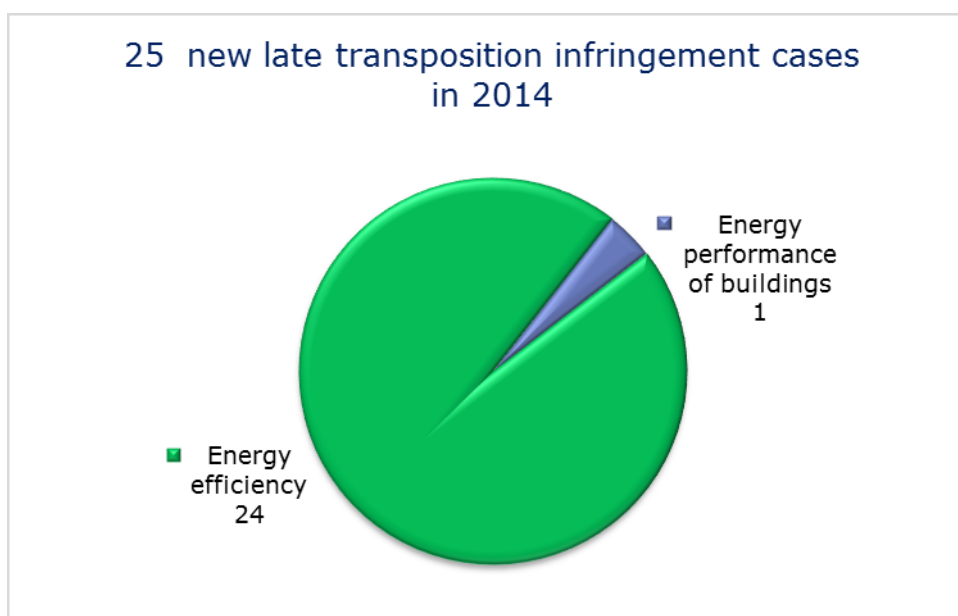
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

## V. TRANSPOSITION OF DIRECTIVES

### 1. New late transposition infringement cases (2010-14)



### 2. New late transposition infringement cases opened in 2014: main policy sectors



### 3. Key infringement cases and referrals to the Court

- a) The Commission opened cases due to the late transposition of:
- the Energy Efficiency Directive (24 Member States);<sup>14</sup>

<sup>13</sup> The Commission decided on 20 June 2013 to refer the case to the Court; the application was filed on 24 January 2014. Commission v Poland, [C-36/14](#), [IP/13/580](#).

<sup>14</sup> Directive [2012/27/EU](#).

- the Energy Performance of Buildings Directive (1 Member State).
- b) The Commission referred four cases to the Court under Articles 258 and 260(3) TFEU. They concern:
- *Belgium and Finland*: failure to fully transpose the Energy Performance of Buildings Directive;<sup>15</sup>
  - *Ireland*: failure to fully transpose the Electricity Directive;<sup>16</sup>
  - *Ireland*: failure to fully transpose the Renewable Energy Directive.<sup>17</sup>

## VI. EARLY RESOLUTION OF INFRINGEMENT CASES

### Major cases closed without a Court judgment in 2014

These concerned:

- *Cyprus*: failure to fully transpose the Oil Stocks Directive and the Renewable Energy Directive;<sup>18</sup>
- *Estonia, Romania and Slovenia*: failure to fully transpose the Electricity and Gas Directives;<sup>19</sup>
- *France*: the existence of regulated gas prices for non-household customers is in breach of the Gas Directive.
- *Ireland*: failure to fully transpose the Electricity Directive.<sup>20</sup>

## VII. IMPORTANT JUDGMENTS

### 1. Court rulings

There were no major Court rulings in 2014.

### 2. Preliminary rulings

In preliminary rulings, the Court ruled that:

- the Renewable Energy Directive does not require Member States to open their support schemes for renewable electricity to producers established in other Member States. The *Swedish* scheme promoting green energy produced domestically is therefore compatible with EU law.<sup>21</sup>
- consumers supplied with electricity and gas under a universal supply obligation must be informed about the scope, reasons and conditions of any price increase, before any such increase comes into effect. By not providing this information, *German* legislation does not comply with the Electricity Directive and the Gas Directive.<sup>22</sup>
- the conclusion of international agreements on Member States' recognition of guarantees of origin issued by non-EU countries is

<sup>15</sup> Commission v Belgium, [C-302/14](#), Commission v Finland, [C-329/14](#), [IP/14/447](#).

<sup>16</sup> Directives [2009/72/EC](#), Commission v Ireland, [C-217/14](#), [IP/14/155](#).

<sup>17</sup> Directive [2009/28/EC](#), Commission v Ireland, [C-236/14](#), [IP/14/44](#). Ireland subsequently adopted the necessary legislative amendments in 2014 and the Commission withdrew the case from the Court.

<sup>18</sup> [IP/14/156](#) and [IP/13/259](#).

<sup>19</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

<sup>20</sup> Directive [2009/72/EC](#), Commission v Ireland, [C-217/14](#), [IP/14/155](#).

<sup>21</sup> Ålands Vindkraft AB v. Energimyndigheten, [C-573/12](#) and Court press release No [90/14](#).

<sup>22</sup> Schulz & Egbringhoff, joined cases [C-359/11](#) and [C-400/11](#) and Court press release No [140/14](#).



liable to affect the correct functioning of the harmonised certification mechanism set up by the Renewable Energy Directive, and the objectives it pursues. This is therefore an exclusive EU external competence.<sup>23</sup>

### VIII. OUTLOOK

#### Important implementation work in 2015 includes:

- active monitoring of the transposition of the directives on the safety of offshore oil and gas operations<sup>24</sup> and on protecting the health of the general public from radioactive substances in water intended for human consumption;<sup>25</sup>
- nonconformity checks for the Third Energy Package Directives, the Renewable Energy Directive, the Energy Performance of Buildings Directive, the Oil Stocks Directive and the directive on the management of spent fuel and radioactive waste;<sup>26</sup>
- follow-up of non-transposition cases concerning the Energy Efficiency Directive;<sup>27</sup>
- monitoring the application of the regulation on guidelines for trans-European energy infrastructure.<sup>28</sup>

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<sup>23</sup> Green Network SpA/Autorità per l'energia elettrica e il gas, [C-66/13](#).

<sup>24</sup> Directive [2013/30/EU](#).

<sup>25</sup> Directive [2013/51/EURATOM](#).

<sup>26</sup> Directives [2009/72/EC](#) and [2009/73/EC](#); Directive [2009/28/EC](#); Directive [2010/31/EU](#); Directive [2009/119/EC](#); Directive [2011/70/EURATOM](#).

<sup>27</sup> Directive [2012/27/EU](#).

<sup>28</sup> Regulation (EU) No [347/2013](#).

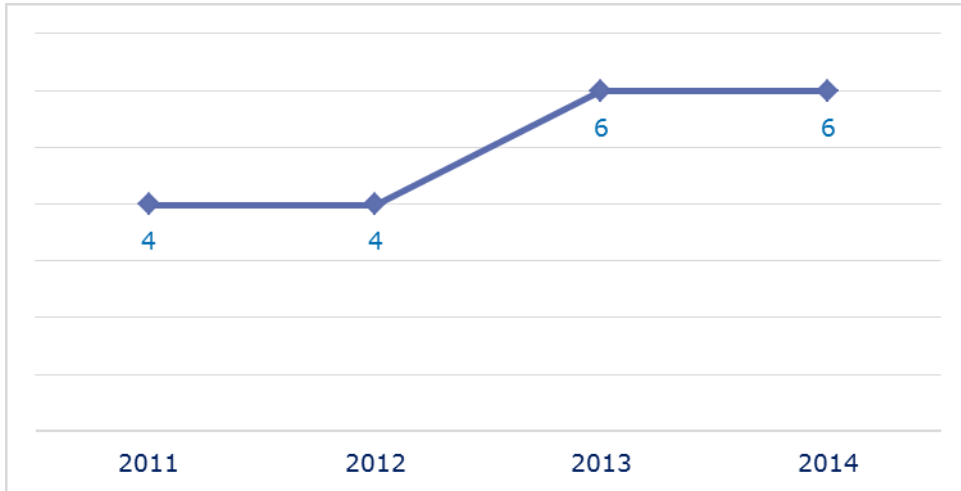
## ENLARGEMENT

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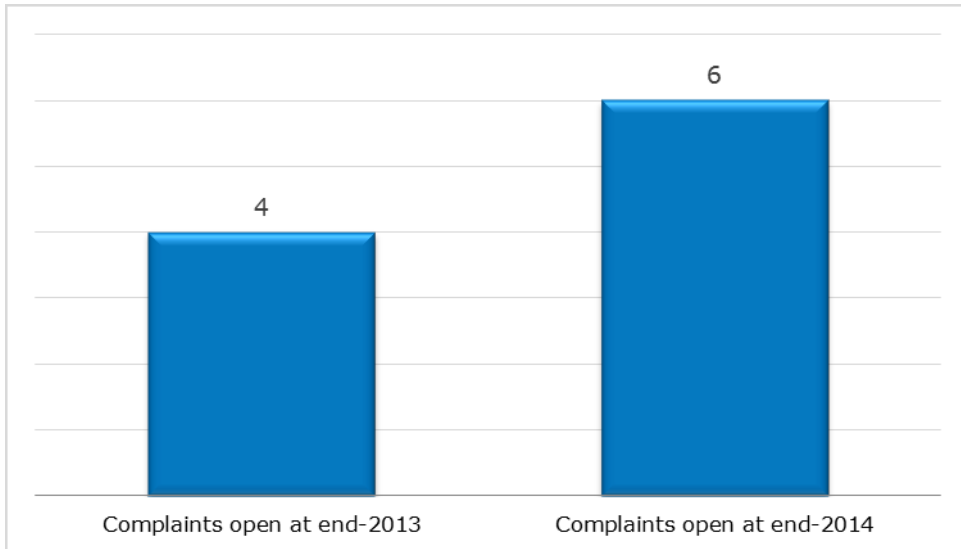
In 2014, the Commission received the same number of new complaints in the field of enlargement as it had 2013. It did not open any new infringement cases in 2014.

### I. COMPLAINTS

#### 1. New complaints received from members of the public (2011-14)

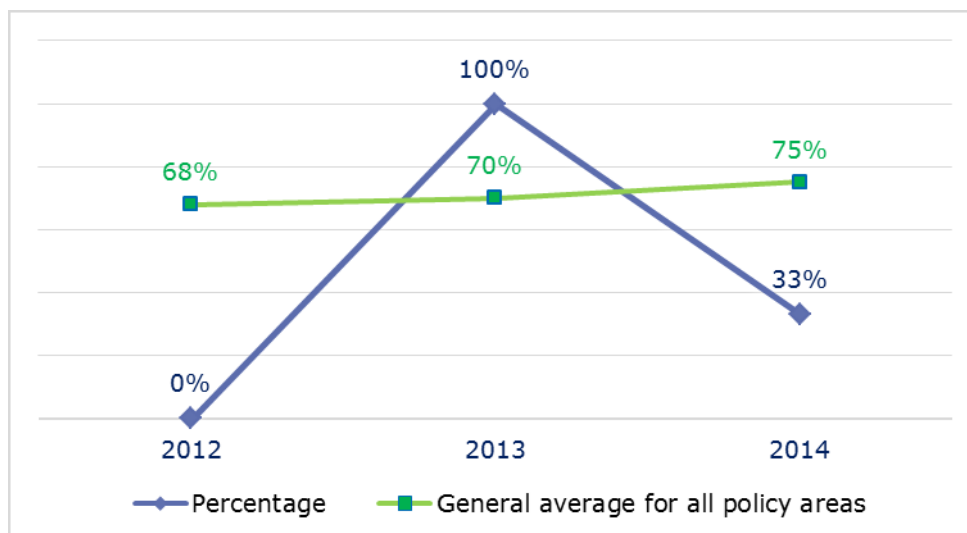


#### 2. Evolution of complaints



II. EU PILOT

EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)<sup>1</sup>



III. OWN-INITIATIVE CASES

[New own-initiative infringement cases in 2014](#)

The Commission did not open any own-initiative infringement cases in 2014.

IV. INFRINGEMENT CASES

[Key infringement cases and referrals to the Court](#)

- a) The Commission did not open any new infringement cases in 2014.
- 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.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

[Major cases closed without a Court judgment in 2014](#)

The Commission did not close any major infringement cases without a Court judgment in 2014.

VI. IMPORTANT JUDGMENTS

1. [Court rulings](#)

There were no Court rulings in 2014 in the area of enlargement.

2. [Preliminary rulings](#)

In a preliminary ruling, the Court ruled that:

- the requirement<sup>2</sup> that the spouse of a Turkish national residing in a Member State should prove their basic knowledge of the official

<sup>1</sup> In 2011, there were no files in EU Pilot so the Member States' combined resolution rate for EU Pilot could not be calculated.

language of that Member State as a condition for issuing a visa for family reunification is disproportionate.<sup>3</sup>

### VII. OUTLOOK

#### Important implementation work in 2015 includes:

- the swift handling of complaints related to the application and interpretation of certain provisions of the EU-Turkey association law, in particular on the alleged violation by a number of Member States of the standstill clauses set out in the 1970 Additional Protocol and the Association Council Decision No 1/80.

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<sup>2</sup> This requirement is not compatible with the 'standstill clause' of the Association Agreement with Turkey.

<sup>3</sup> Dogan, [C-138/13](#) and Court press release No [96/14](#).

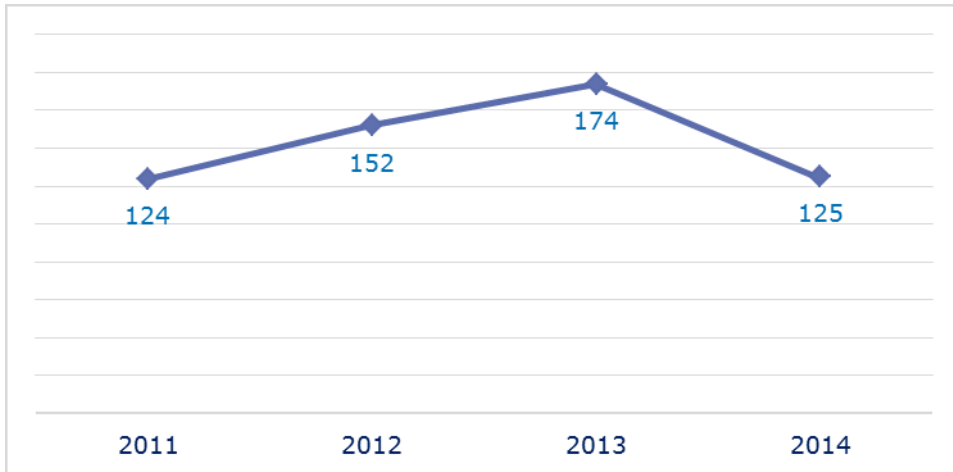
## ENTERPRISE AND INDUSTRY

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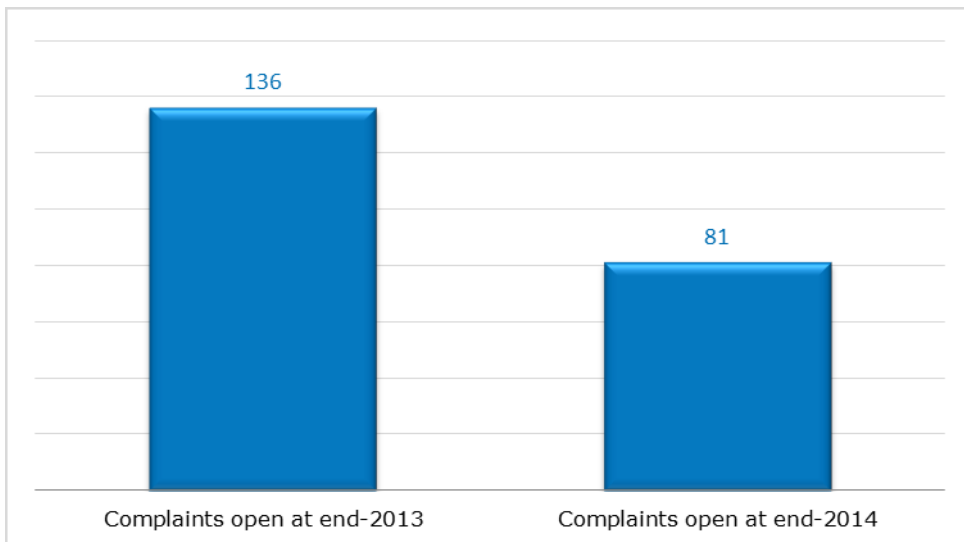
After three years in which the number of new complaints received in the area of enterprise and industry steadily increased, the figure dropped considerably in 2014. The same trend can be seen for the number of new EU Pilot files and the number of infringement cases pending at the end of the year. Conversely, the number of late transposition infringement cases continued to increase over the last three years.

### I. COMPLAINTS

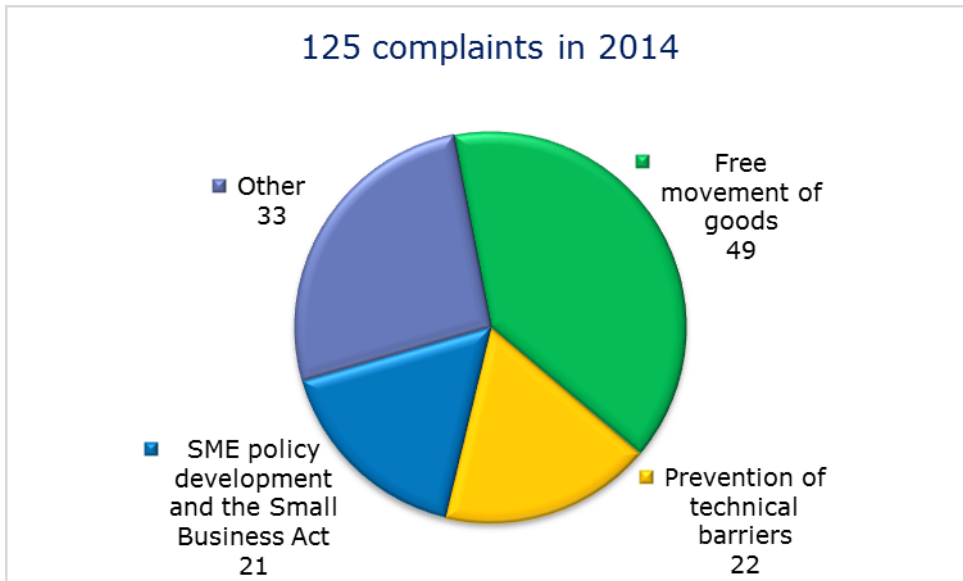
#### 1. New complaints received from members of the public (2010-14)



#### 2. Evolution of complaints

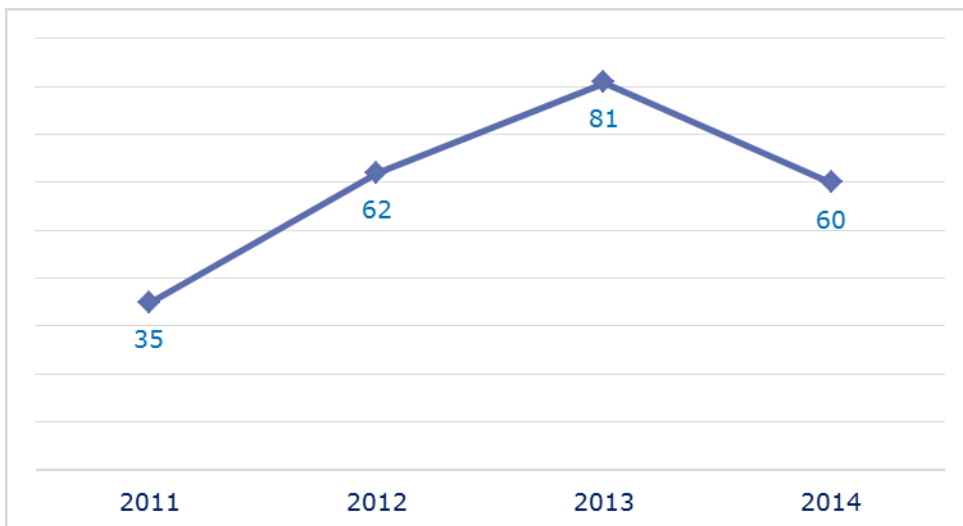


3. New complaints registered in 2014: main policy sectors

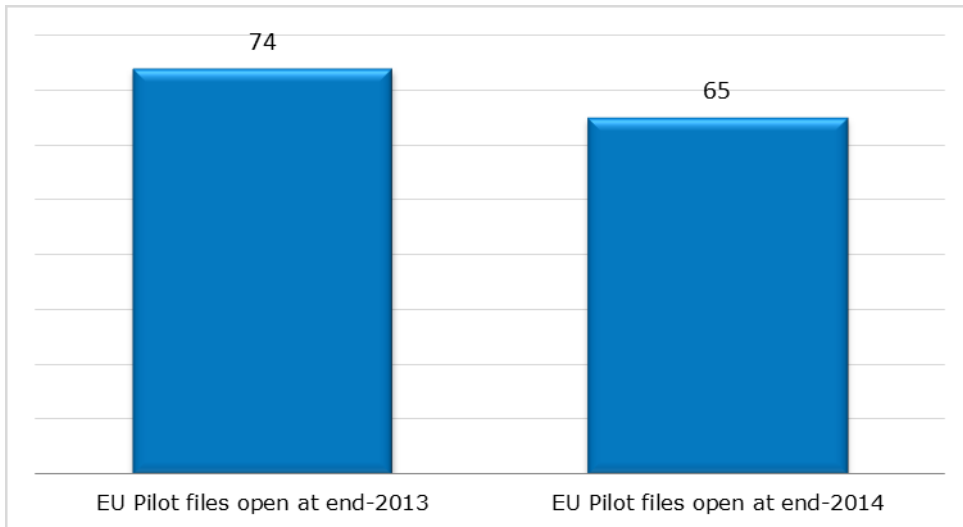


II. EU PILOT

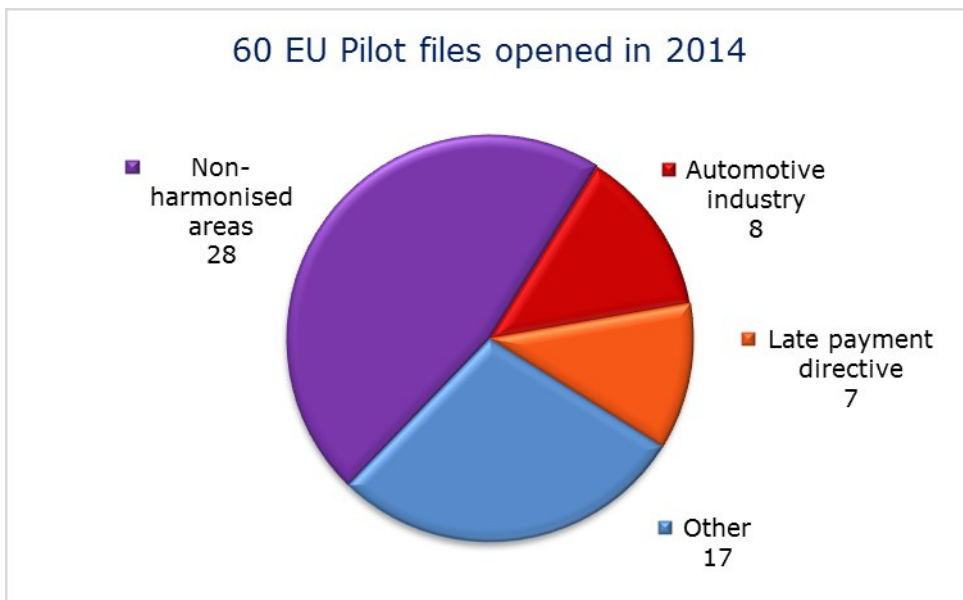
1. New EU Pilot files (2011-14)



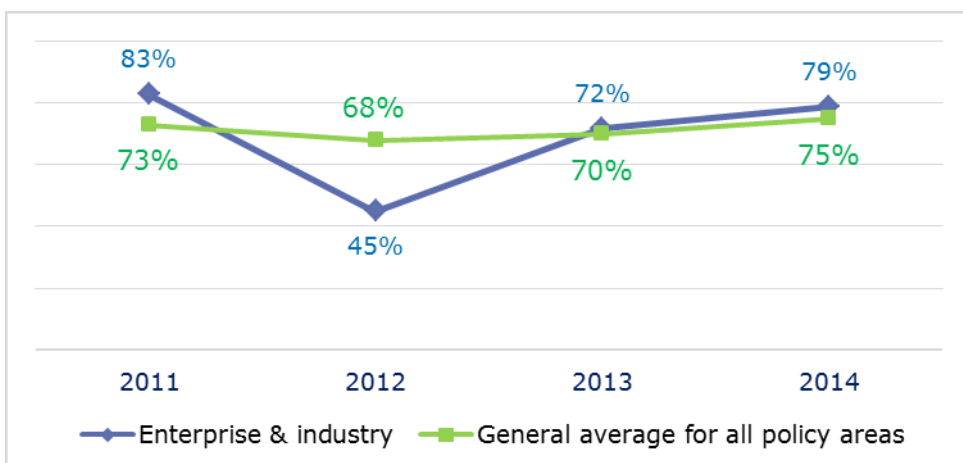
2. Evolution of files open in EU Pilot



3. New EU Pilot files opened in 2014: main policy sectors



4. EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)



III. OWN-INITIATIVE CASES

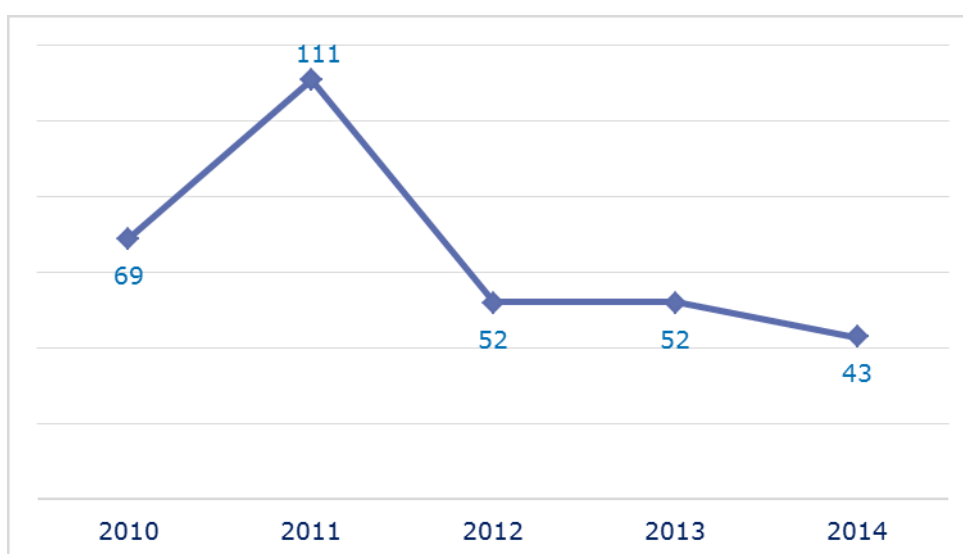
New own-initiative infringement cases

In 2014, the Commission opened major own-initiative infringement cases concerning:

- The correct and full application of the Late Payment Directive, which continued to be a priority for the Commission in 2014.<sup>1</sup> 25 Member States were contacted through the EU Pilot system because the assessment of their national transposing measures for the directive raised concerns.
- *Germany's* application of the directive on mobile air conditioning.<sup>2</sup>

IV. INFRINGEMENT CASES

1. Infringement cases open on 31 December (2010-14)

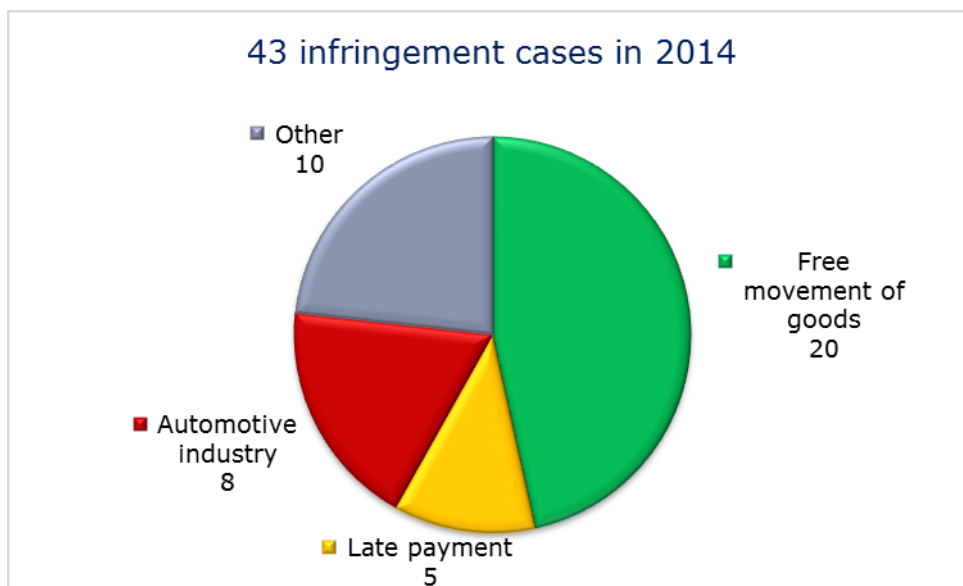


<sup>1</sup> Directive [2011/7/EU](#).

<sup>2</sup> Directive [2006/40/EC](#).



## 2. Infringement cases open on 31 December 2014: main policy sectors



## 3. Key infringement cases and referrals to the Court

- a) The Commission opened 56 new infringement cases in 2014, among which:
- *France*: restricting the sale of alcohol test kits to those certified in France;<sup>3</sup>
  - *Germany*: ban on online sales of UK veterinary products to customers located in Germany;
  - *Germany*: non-compliance with the directive on mobile air conditioning. Germany allowed a German manufacturer to market vehicles in the EU in the first half of that did not comply with the directive, and decided not to impose any remedial measures on the manufacturer;<sup>4</sup>
  - *Germany*: incomplete transposition of the Toy Safety Directive;<sup>5</sup>
  - *Italy* and *Slovakia*: incorrect application/implementation of the Late Payment Directive;<sup>6</sup>
  - *Romania*: a requirement to submit gas transactions for prior checks and approval, which acts as a barrier to the export of natural gas;<sup>7</sup>
  - *United Kingdom*: the front-of-pack food-labelling scheme, which colour-codes certain nutrients using a traffic-light system. The scheme may make the marketing of some products more difficult and thus hinder or impede trade between Member States.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- rules on the hallmarking of jewellery in the Czech Republic. The Czech Assay Office requires certain articles of jewellery imported from another EU country to be stamped with an additional

<sup>3</sup> [MEMO/14/36](#).

<sup>4</sup> [MEMO/14/537](#).

<sup>5</sup> Directive [2009/48/EC](#), [MEMO/14/589](#).

<sup>6</sup> [IP/14/689](#).

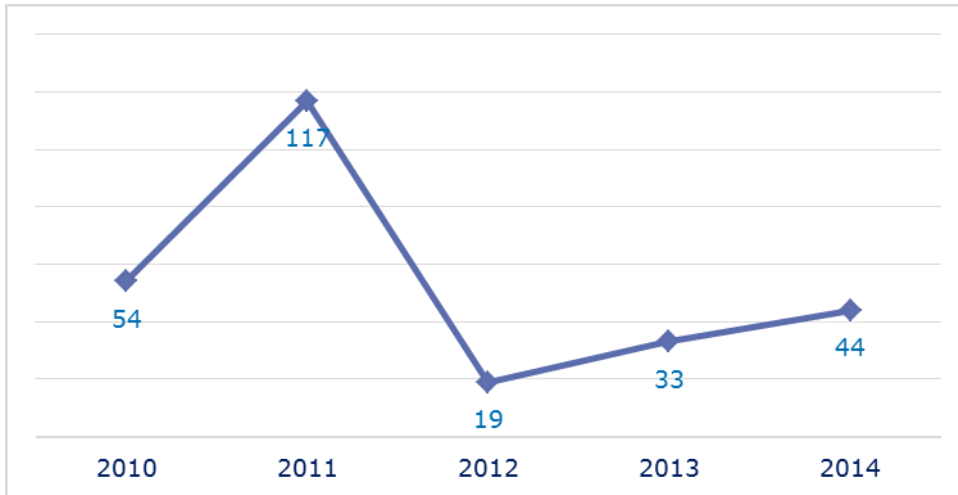
<sup>7</sup> [MEMO/14/470](#).

national hallmark even when they have already been lawfully hallmarked and marketed within the EU.<sup>8</sup>

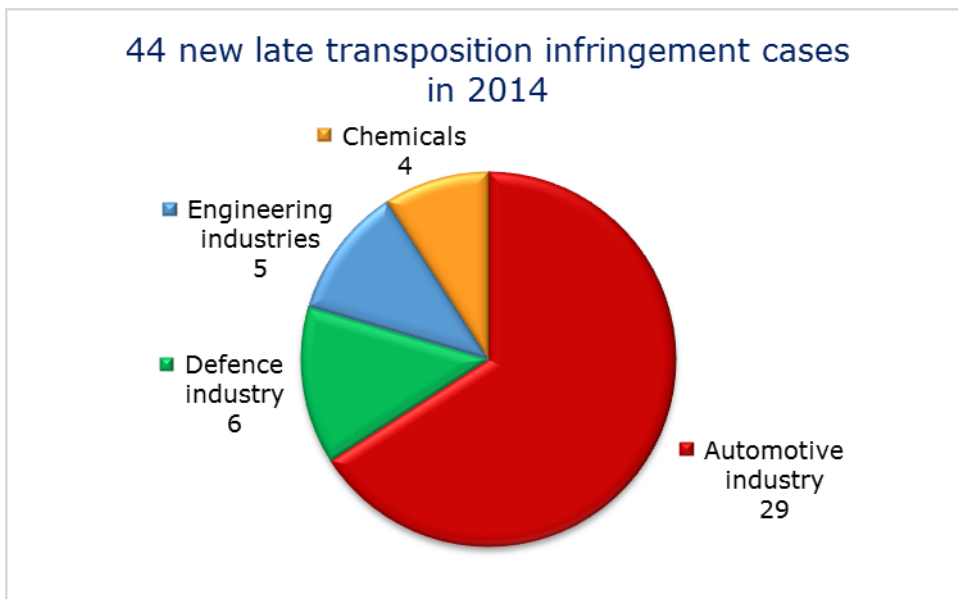
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

V. TRANSPOSITION OF DIRECTIVES

1. New late transposition infringement cases (2010-14)



2. New late transposition infringement cases opened in 2014: main policy sectors



3. Key infringement cases and referrals to the Court

- a) The Commission opened 44 cases for late transposition in 2014. Most concern:
- two directives in the automotive sector;<sup>9</sup>
  - the directive on aerosol dispensers;<sup>10</sup>

<sup>8</sup> Commission v Czech Republic, [C-525/14](#), [IP/14/785](#).

<sup>9</sup> Directives [2013/60/EU](#) and [2013/8/EU](#).

- the directive on defence-related products.<sup>11</sup>

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

## VI. EARLY RESOLUTION OF INFRINGEMENT CASES

### Major cases closed without a Court judgment in 2014

These concerned:

- *Belgium and Germany*: non-communication of national measures transposing the Late Payment Directive;
- *France*: additional requirements for 'battery tests' on cars imported from another Member State where they had already been subject to a roadworthiness check;
- *Ireland*: incorrect implementation of the Late Payment Directive;
- *Netherlands*: restrictions on importing and possessing airsoft devices;
- *Spain*: failure to comply with the regulation setting out the requirements for accreditation and market surveillance for the marketing of products.<sup>12</sup>

## VII. IMPORTANT JUDGMENTS

### 1. Court rulings

The Court ruled that:

- the German obligation for CE-marked construction products to meet supplementary national requirements for construction products (*Bauregellisten*) violates EU rules on the free movement of goods;<sup>13</sup>
- the Polish and Lithuanian obligation to move the steering wheel of right-hand drive vehicles to the left-hand side for road safety reasons infringes EU law since it is not considered necessary for road safety;<sup>14</sup>
- the Spanish road transport authorisation rules state that the first vehicle in a company's fleet must have been registered less than five months before authorisation for supplementary private transport is requested; this is in breach of Article 34 TFEU on the free movement of goods.<sup>15</sup>

### 2. Preliminary rulings

In preliminary rulings, the Court ruled that:

- the free movement of goods principle does not permit national legislation (here Lithuanian) that requires precious metal articles to be controlled and stamped again when they have been imported from another Member State where they have already

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<sup>10</sup> Directive [2013/10/EU](#).

<sup>11</sup> Directive [2014/18/EU](#).

<sup>12</sup> Regulation (EC) No [765/2008](#).

<sup>13</sup> Commission v Germany, [C-100/13](#).

<sup>14</sup> Commission v Poland, [C-639/11](#) and Commission v Lithuania, [C-61/12](#) and Court press release No [37/14](#).

<sup>15</sup> Commission v Spain, [C-428/12](#).

been authorised to be put on the market and stamped with a hallmark in accordance with that Member State's legislation.<sup>16</sup>

## VIII. OUTLOOK

### Important implementation work in 2015 includes:

- enforcement of the Court's judgment in case C-100/13 concerning the German obligation for CE-marked construction products to meet additional national requirements for construction products;
- monitoring the adoption of the necessary national measures to comply with the judgments concerning the impossibility of registering right-hand-drive vehicles in Poland and Lithuania;
- monitoring Germany's application of the requirements of the directive on toy safety.<sup>17</sup>

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<sup>16</sup> UAB 'Juvelta' v VĮ 'Lietuvos prabavimo rūmai', [C-481/12](#).

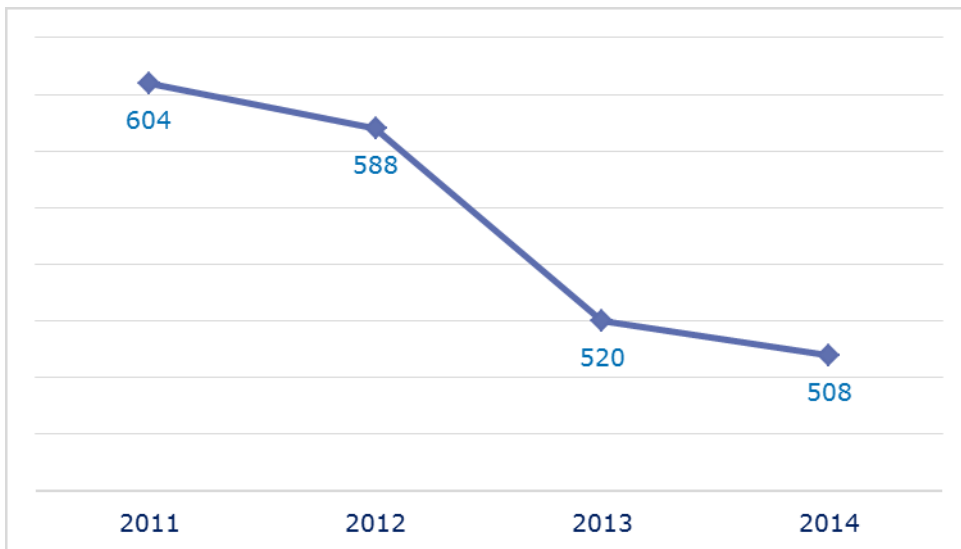
<sup>17</sup> Directive [2009/48/EC](#).

## ENVIRONMENT

In 2014, the Commission received its lowest number of new complaints in the area of environment since 2011. Between 2011 and 2014, the number of new EU Pilot files opened decreased further. The number of infringement cases pending at the end of 2014 was slightly lower than at the end of 2013, but the figure remains higher than in 2012, when the lowest number of cases was registered. The trend is similar for late transposition cases.

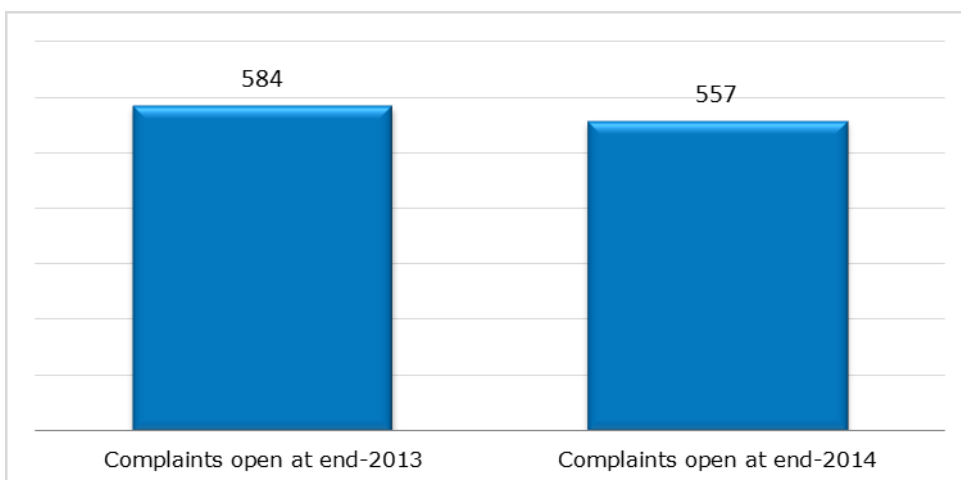
### I. COMPLAINTS

#### 1. New complaints received from members of the public (2011-14)

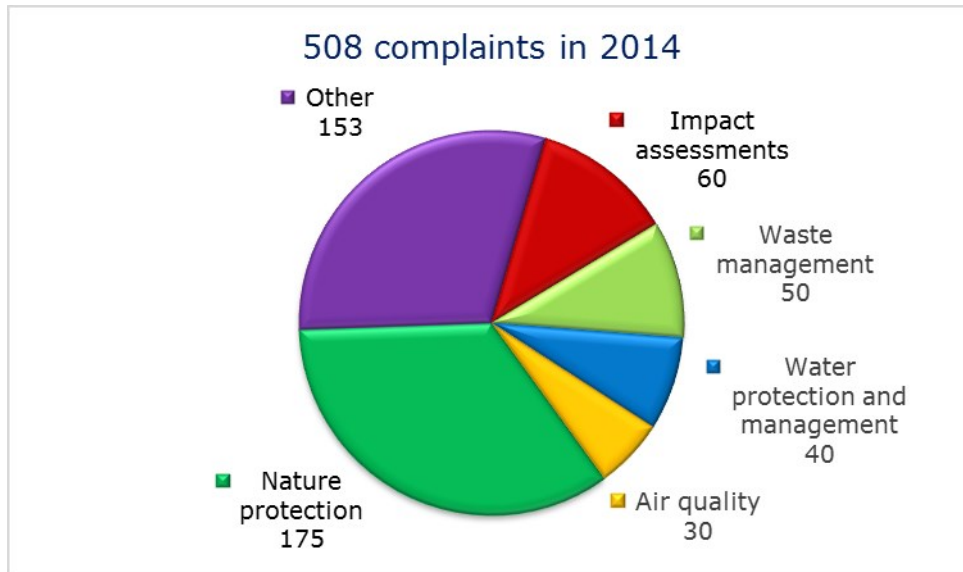


#### 2. Evolution of complaints

Upon petitions received from Parliament, three letters of formal notice were sent in 2014 relating to the authorisation of various development projects in France. In addition, in 13 cases concerning waste management, water protection and impact assessments, the Commission initiated bilateral dialogues with the Member States. The majority of these files were addressed to Italy, France, Luxembourg and Spain.

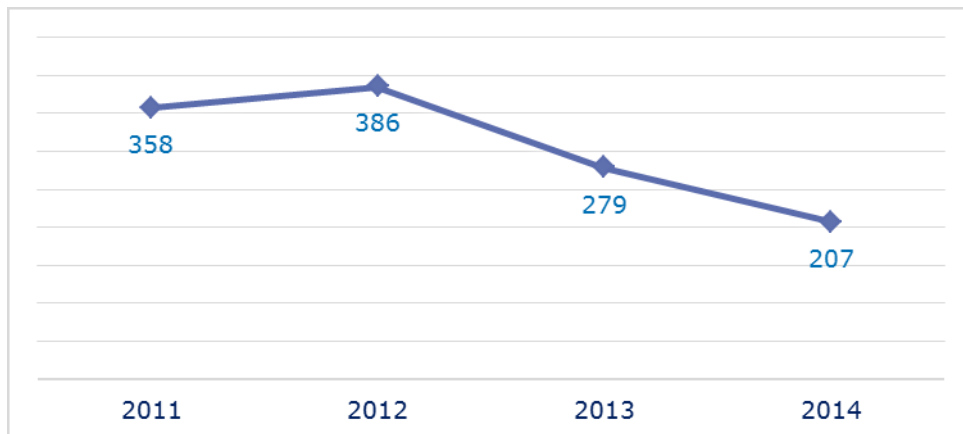


3. New complaints registered in 2014: main policy sectors

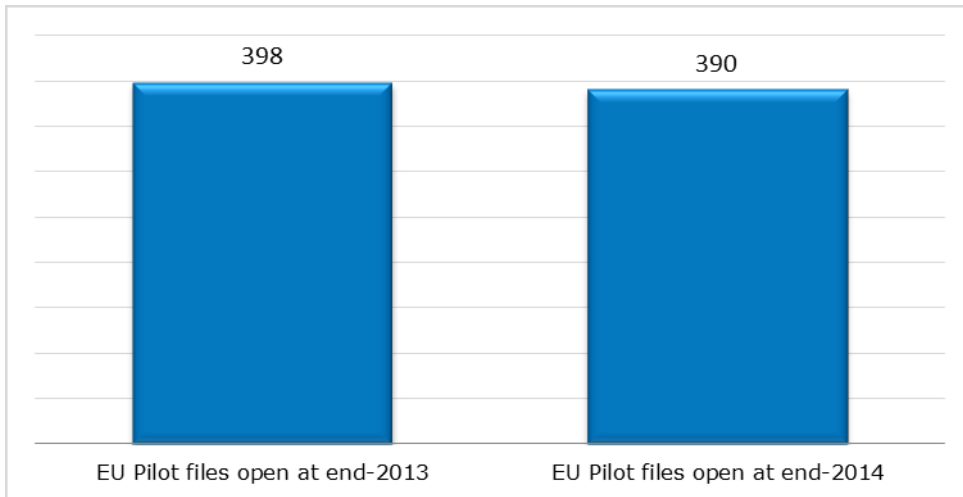


II. EU PILOT

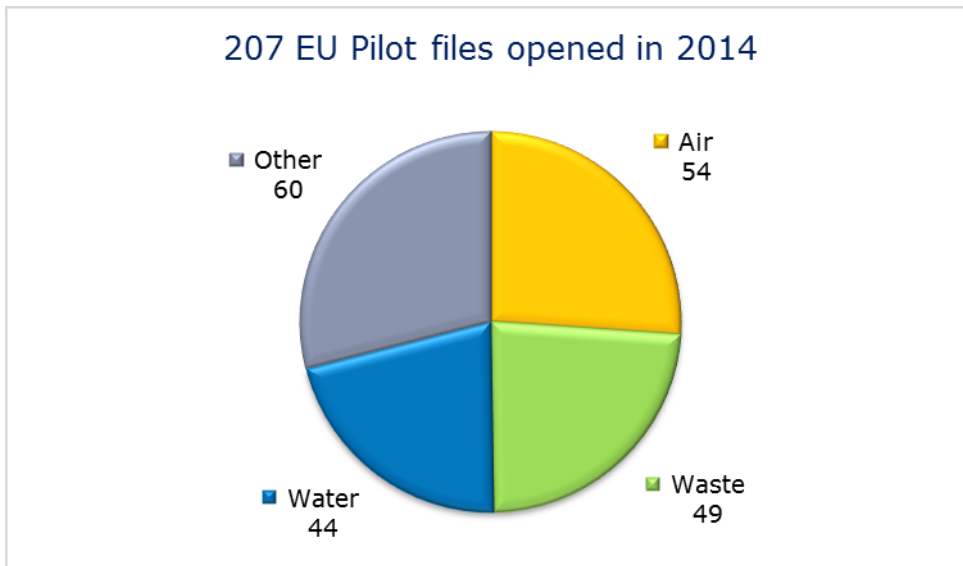
1. New EU Pilot files (2011-14)



2. Evolution of files open in EU Pilot<sup>1</sup>

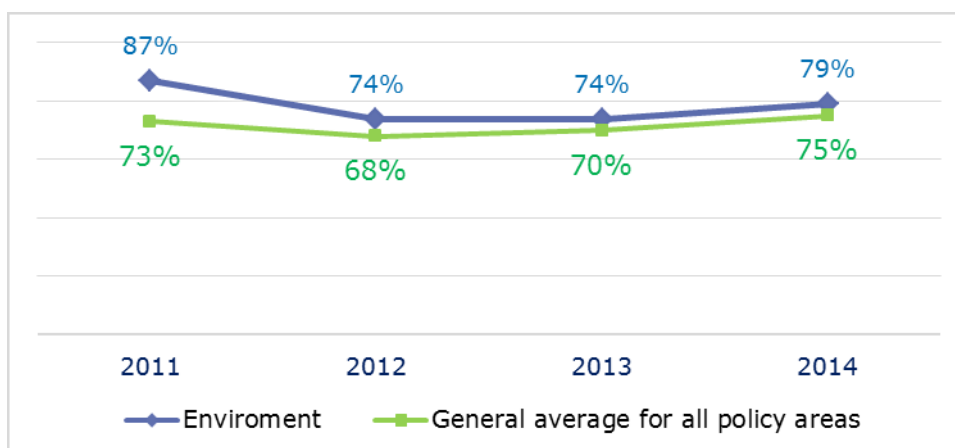


3. New EU Pilot files opened in 2014: main policy sectors



<sup>1</sup> The number of files open at the end of 2013 given in the 2013 annual report is different from the current figure. This is because some files were registered late and others have been closed.

4. EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)



III. OWN-INITIATIVE CASES

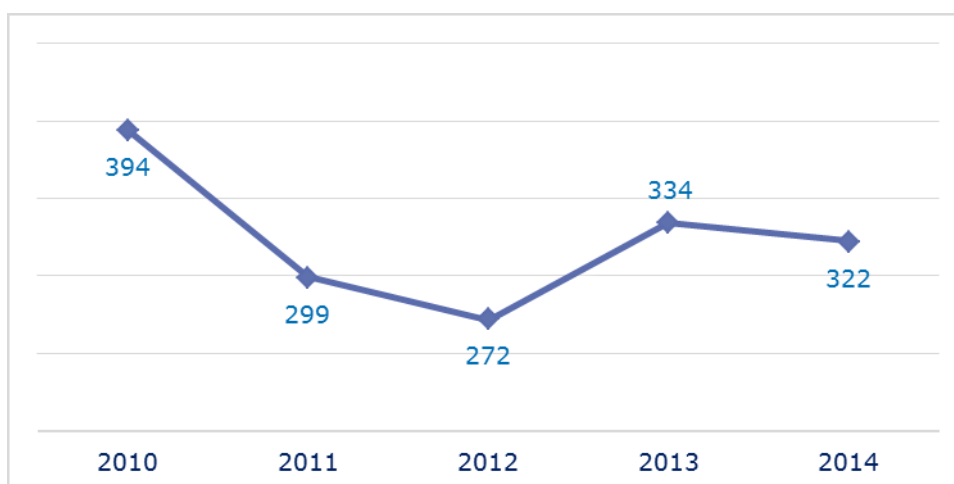
New own-initiative infringement cases

In 2014, the Commission opened own-initiative infringement cases concerning:

- lack of timely transposition of the directive on waste from electrical and electronic equipment (the WEEE Directive);<sup>2</sup>
- non-respect of the PM<sub>10</sub><sup>3</sup> limit values in the Air Quality Directive.<sup>4</sup>

IV. INFRINGEMENT CASES

1. Infringement cases open on 31 December (2010-14)



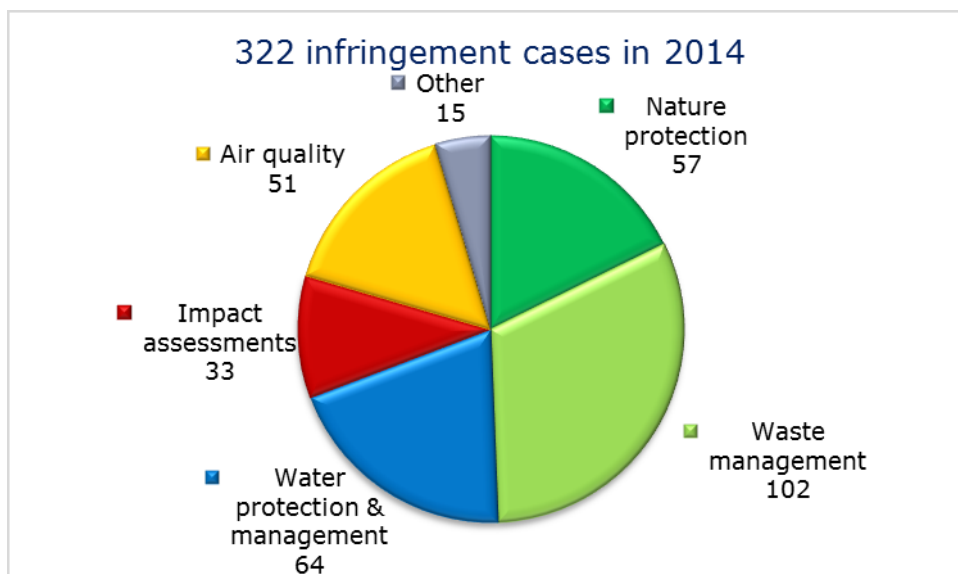
<sup>2</sup> Directive [2012/19/EU](#).

<sup>3</sup> PM<sub>10</sub> is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. 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](#)).

<sup>4</sup> Directive [2008/50/EC](#).



## 2. Infringement cases open on 31 December 2014: main policy sectors



## 3. Key infringement cases and referrals to the Court

- a) The Commission opened 174 new infringement cases in 2014, among which:
- *Czech Republic*: nonconformity of national transposition measures with the Waste Framework Directive;<sup>5</sup>
  - *Denmark*: nonconformity of national transposition measures with the Marine Strategy Framework Directive;<sup>6</sup>
  - *France*: incorrect application of the directives on environmental impact assessment and strategic environmental assessment in relation to the Notre-Dame des Landes airport project;<sup>7</sup>
  - *France*: incorrect application of the Water Framework Directive in relation to the Sivens dam project;<sup>8</sup>
  - *Germany*: incorrect application of the Habitats Directive in relation to the authorisation of the coal power plant in Hamburg/Moorburg;<sup>9</sup>
  - *Greece*: inadequate planning of windfarm projects;
  - *Italy*: the trapping of birds with nets for use as live decoys;<sup>10</sup>
  - *Italy*: failure to comply with the Urban Waste Water Treatment Directive in 900 agglomerations covering all of Italy's territory;<sup>11</sup>
  - *Italy*: incorrect application of the Drinking Water Directive (arsenic and fluoride in drinking water);<sup>12</sup>
  - *Malta*: finch trapping, which is a practice prohibited under EU legislation on the conservation of wild birds;<sup>13</sup>
  - *Poland*: inadequate river basin management plans, which are required under the Water Framework Directive;<sup>14</sup>

<sup>5</sup> Directive [2008/98/EC](#).

<sup>6</sup> Directive [2008/56/EC](#).

<sup>7</sup> Directives [2001/42/EC](#) and [2011/92/EU](#).

<sup>8</sup> Directive [2000/60/EC](#).

<sup>9</sup> Directive [92/43/EEC](#), [MEMO/14/589](#).

<sup>10</sup> [MEMO/14/2130](#).

<sup>11</sup> Directive [91/271/EEC](#).

<sup>12</sup> Directive [98/83/EC](#), [IP/14/816](#).

<sup>13</sup> [IP/14/1154](#).

<sup>14</sup> Directive [2000/60/EC](#).

- *Romania*: incorrect application of the Environmental Impact Assessment Directive in relation to lignite quarries in the Gorj Region;<sup>15</sup>
  - *Slovakia*: incorrect transposition of the Floods Directive;<sup>16</sup>
  - *Spain*: deterioration of the habitats of the Doñana wetlands in Andalusia;
  - *Spain*: inadequate management of saline waste from potash extraction in central Catalonia;
  - *United Kingdom*: non-respect of EU air quality standards (nitrogen dioxide limit values).<sup>17</sup>
- b) The Commission referred 11 cases to the Court under Article 258 TFEU. They concern:
- *Austria*: a proposed hydro power plant which would cause serious deterioration in the quality of the Schwarze Sulm river in Styria;<sup>18</sup>
  - *Bulgaria*: breach of the Landfill Directive due to the continuing operation of numerous non-compliant landfill sites;<sup>19</sup>
  - *Bulgaria*: failure to protect unique habitats and endangered species;<sup>20</sup>
  - *Denmark*: lack of river basin management plans, which are required under the Water Framework Directive;<sup>21</sup>
  - *Estonia*: incorrect transposition of the directive on public access to environmental information;<sup>22</sup>
  - *Germany*: nonconformity with EU law of the German legislation on access to justice in environmental matters;<sup>23</sup>
  - *Greece*: failure to designate a number of zones vulnerable to nitrate pollution and failure to adopt measures to effectively combat nitrate pollution in these zones;<sup>24</sup>
  - *Greece*: failure to provide adequate protection for endangered sea turtles;<sup>25</sup>
  - *Slovenia*: breach of EU legislation on waste due to the operation of two illegal landfill sites;<sup>26</sup>
  - *Spain*: numerous landfills operating in breach of the Landfill Directive;<sup>27</sup>
  - *Spain*: planned rail link between Seville and Almería, for which no adequate environmental impact assessment has been carried out.<sup>28</sup>

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<sup>15</sup> Directive [2011/92/EU](#).

<sup>16</sup> Directive [2007/60/EC](#).

<sup>17</sup> Directive [2008/50/EC](#), [IP/14/154](#).

<sup>18</sup> Commission v Austria, [C-346/14](#), [IP/14/448](#).

<sup>19</sup> Directive [1999/31/EC](#), Commission v Bulgaria, [C-145/14](#), [IP/14/47](#).

<sup>20</sup> The Commission decided on 17 October 2013 to refer the case to the Court; the application was filed on 25 March 2014. [C-141/14](#), [IP/13/966](#).

<sup>21</sup> Commission v Denmark, [C-323/11](#) and [C-190/14](#), [IP/14/157](#).

<sup>22</sup> Directive [2003/4/EC](#), Commission v Estonia, [C-206/14](#), [IP/14/158](#). Estonia subsequently adopted the necessary legislative amendments and the Commission withdrew the Court application.

<sup>23</sup> Directive [2003/35/EC](#), the Commission decided on 17 October 2013 to refer the case to the Court; the application was filed on 21 March 2014. Commission v Germany, [C-137/14](#), [IP/13/967](#).

<sup>24</sup> Directive [1991/676/EEC](#), the Commission decided on 20 June 2013 to refer the case to the Court; the application was filed on 31 March 2014. Commission v Greece, [C-149/14](#), [IP/13/576](#).

<sup>25</sup> Commission v Greece, [C-504/14](#), [IP/14/324](#).

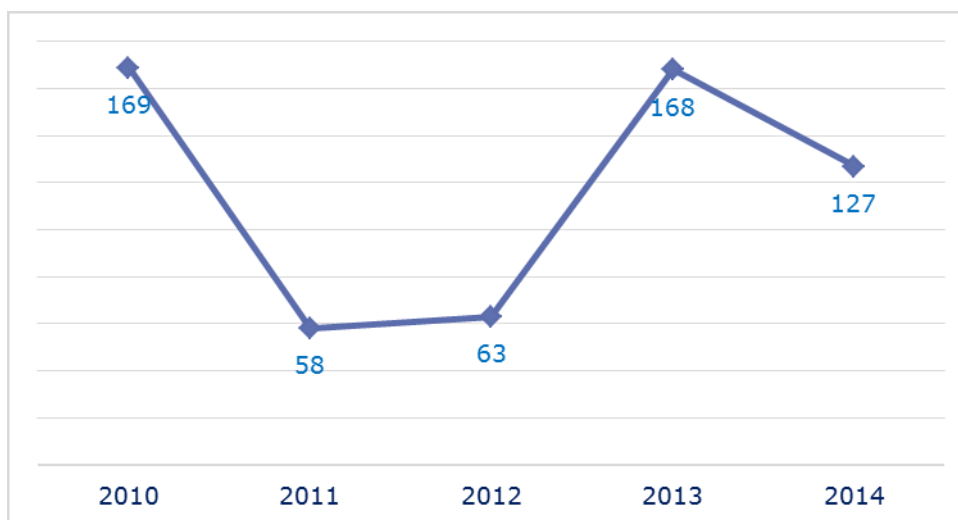
<sup>26</sup> Commission v Slovenia, [C-140/14](#), [IP/14/51](#).

<sup>27</sup> Commission v Spain, [C-454/14](#), [IP/14/814](#).

- c) The Commission referred two cases to the Court under Article 260(2) TFEU. They concern:
- *Greece*: failure to implement a judgment of the Court of Justice finding that Greece was failing in its obligation to treat and dispose of urban waste water adequately, with 23 agglomerations across the country lacking the necessary collection and treatment systems. The Commission proposed a lump sum of EUR 11 514 081 and a daily penalty payment of EUR 47 462 until the obligations are fulfilled.<sup>29</sup>
  - *Portugal*: failure to implement a judgment of the Court of Justice finding that Portugal was failing in its obligation to collect, treat and dispose of urban waste water in an adequate way, since seven agglomerations across the country with populations of more than 15 000 lacked the necessary collection systems and 15 lacked adequate treatment systems. The Commission proposed a lump sum of EUR 4 458 828 and a daily penalty payment of EUR 20 196 until the obligations are fulfilled.<sup>30</sup>

## V. TRANSPOSITION OF DIRECTIVES

### 1. New late transposition infringement cases (2010-14)

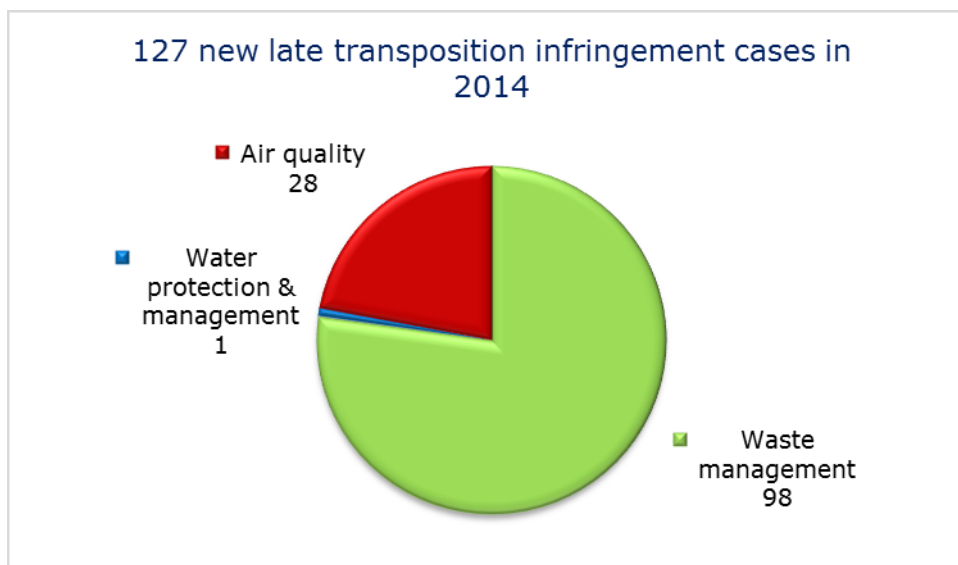


<sup>28</sup> Commission v Spain, [C-461/14](#), [IP/14/814](#).

<sup>29</sup> The Commission decided on 20 November 2013 to refer the case to the Court; the application was filed on 9 April 2014. Commission v Greece, [C-167/14](#), [IP/13/1102](#).

<sup>30</sup> Commission v Portugal, [C-557/14](#), [IP/14/1142](#).

## 2. New late transposition infringement cases opened in 2014: main policy sectors



## 3. Key infringement cases and referrals to the Court

- a) The Commission opened 127 cases for late transposition in 2014. Most concern:
  - the WEEE Directive;<sup>31</sup>
  - the directive on the sulphur content of marine fuels.<sup>32</sup>
- b) The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

## VI. EARLY RESOLUTION OF INFRINGEMENT CASES

### Major cases closed without a Court judgment in 2014

These concerned:

- *Austria*: incomplete transposition of the Strategic Environmental Assessment Directive;<sup>33</sup>
- *Bulgaria, Cyprus, France, Italy, Luxembourg and Romania*: non-communication of national measures transposing the Industrial Emissions Directive;<sup>34</sup>
- *Bulgaria*: illegal construction of ski resorts in the Rila Mountain;
- *Finland*: failure to ensure appropriate protection of the Saimaa ringed seal;
- *Germany*: inadequate urban waste water treatment in small agglomerations;
- *Latvia, Finland, Portugal and Sweden*: incorrect transposition of the Mining Waste Directive;<sup>35</sup>
- *Lithuania*: insufficient designation of special protection areas (SPAs) under the Birds Directive;<sup>36</sup>

<sup>31</sup> Directive [2012/19/EU](#).

<sup>32</sup> Directive [2012/33/EU](#).

<sup>33</sup> Directive [2001/42/EC](#).

<sup>34</sup> Directive [2010/75/EU](#).

<sup>35</sup> Directive [2006/21/EC](#).

<sup>36</sup> Directive [2009/147/EC](#).

- *Slovenia*: incorrect application of the Environmental Impact Assessment Directive in relation to a waste treatment facility in Ljubljana;
- *United Kingdom*: incorrect application of the Environmental Impact Assessment Directive regarding risk assessment of the liquefied natural gas terminal and tankers in Milford Haven, Wales.

### VII. IMPORTANT JUDGMENTS

#### 1. Court rulings

The Court ruled that:

- *Belgium* and *Italy* failed to ensure adequate collection and treatment of urban wastewater.<sup>37</sup>
- *Denmark* failed to comply with the Water Framework Directive, because it failed to adopt and notify the river basin management plans required under it.<sup>38</sup>
- *France and Poland* failed to adequately implement the Nitrates Directive.<sup>39</sup>
- *Germany* has not failed to fulfil its obligations under Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, particularly Articles 2(38) and 9, by excluding certain services from the concept of 'water services'.<sup>40</sup>
- *Greece* failed to fully comply with the 2005 judgment of the Court of Justice finding that it breached the Waste Directive by continuing to operate illegal landfill sites. In addition to a lump sum of EUR 10 million the Court ordered Greece to make a penalty payment until it complies with the judgment in full. The actual amount will depend on the progress Greece makes; if there is no progress, it will be more than EUR 14 million for each six-month period of delay.<sup>41</sup>
- *Italy* did not implement the 2007 judgment of the Court of Justice that found Italy had failed to fulfil obligations under the Waste Directives. The Court ordered Italy to pay a lump sum of EUR 40 million and a penalty of 42.8 million for each six-month period of delay in implementing the measures necessary for compliance.<sup>42</sup>
- *Italy* failed to ensure adequate treatment of waste landfilled in Malagrotta and in other Lazio landfills.<sup>43</sup>
- *Sweden* did not implement a judgment of the Court of Justice finding that it had transposed the directive on integrated pollution prevention and control incorrectly.<sup>44</sup> The Court ordered Sweden to pay a lump sum of EUR 2 million and a daily penalty of EUR

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<sup>37</sup> Directive [91/271/EEC](#), Commission v Italy, [C-85/13](#) and Commission v Belgium, [C-395/13](#).

<sup>38</sup> Commission v Denmark, [C-190/14](#).

<sup>39</sup> Directive [91/676/EEC](#), Commission v France, [C-237/12](#) and Commission v Poland, [C-356/13](#).

<sup>40</sup> Commission v Germany, [C-525/12](#)

<sup>41</sup> Commission v Greece, [C-378/13](#) and Court press release No [164/14](#).

<sup>42</sup> Commission v Italy, [C-196/13](#) and Court press release No [163/14](#).

<sup>43</sup> Commission v Italy, [C-323/13](#).

<sup>44</sup> Directive [2008/1/EC](#).

4000 for each day it delayed implementing the measures necessary to comply with the first judgment.<sup>45</sup>

- *The United Kingdom's* system of costs for environmental plaintiffs bringing a case to court was excessive.<sup>46</sup>

### 2. Preliminary rulings

In preliminary rulings, the Court ruled that:

- an import permit that does not comply with the conditions set out in the regulation on protecting species of wild fauna and flora by regulating trade in them is void only in respect of those animals that are actually affected by its invalidity.<sup>47</sup> These animals are the only ones that may be seized and possibly confiscated by the competent authority of the Member State in which they are situated. The national proceedings concerned Hungary's decision to invalidate the permits issued by Bulgaria on the import of animals and to confiscate the animals.<sup>48</sup>
- if a site of EU importance has lost its ecological value due to natural causes and not because a Member State has failed to protect it, the Member State is required to propose to the Commission that the site be declassified.<sup>49</sup>
- a plan or project that has negative implications for a natural habitat on a 'Natura 2000' site and that provides for the creation of an area of equal or greater size of the same natural habitat type within the same site has an effect on the integrity of that site. Protective measures that are included in a project and aim to compensate for the project's negative effects on a Natura 2000 site cannot be taken into account in the project's impact assessment. Such measures can be categorised as 'compensatory measures' within the meaning of the Habitats Directive if the conditions it sets out are met.<sup>50</sup>
- the Air Quality Directive's ambient air quality standard for nitrogen dioxide is binding and national courts must take the necessary measures to ensure that each Member State's competent authority develops the required air quality plans.<sup>51</sup>

## VIII. OUTLOOK

### Important implementation work in 2015 includes:

- transposition checks for the WEEE Directive and the new Seveso Directive;<sup>52</sup>
- compliance checks on the implementation of the Waste Framework Directive, the Air Quality Directive and the Industrial Emissions Directive;
- follow-up on the expected Court judgments on operating non-standard landfill sites<sup>53</sup> and on waste management;<sup>54</sup>

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<sup>45</sup> Commission v Sweden, [C-243/13](#) and Court press release No [166/14](#).

<sup>46</sup> Commission v United Kingdom, [C-530/11](#).

<sup>47</sup> Regulation (EC) No [338/97](#).

<sup>48</sup> Sofia Zoo, [C-532/13](#).

<sup>49</sup> Cascina Tre Pini, [C-301/12](#).

<sup>50</sup> Directive [92/43/EEC](#), Briels and Others, [C-521/12](#).

<sup>51</sup> ClientEarth, [C-404/13](#).

<sup>52</sup> Directive [2012/18/EU](#).

<sup>53</sup> Commission v Spain, [C-454/14](#) and Commission v Bulgaria, [C-145/14](#).

<sup>54</sup> Commission v Italy, [C-653/13](#).

- legal action against several Member States over the insufficient designation of special areas of conservation under the Habitats Directive;
- further steps in the ongoing infringement cases against several Member States over their continued failure to respect the PM<sub>10</sub> limit values in the Air Quality Directive;<sup>55</sup>
- focus on addressing certain Member States' failure to respect the nitrogen dioxide limit values in the Air Quality Directive.

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<sup>55</sup> PM<sub>10</sub> is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers. 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](#)).

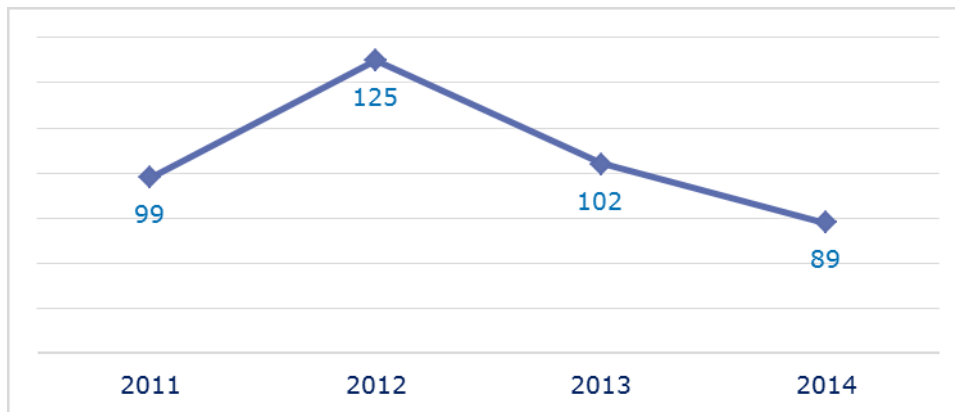
## HEALTH AND CONSUMERS

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In 2014, the Commission received its lowest number of new complaints in the area of health and consumer protection since 2011. Over the same period, the number of new EU Pilot files continued to decrease (in 2014 it was half of the 2011 figure). The number of infringement cases pending at the end of 2014 was higher than at the end of 2011 and 2013. The number of new late transposition cases reverses the decreasing trend seen since 2010 and 2011, with a clear increase in 2014.

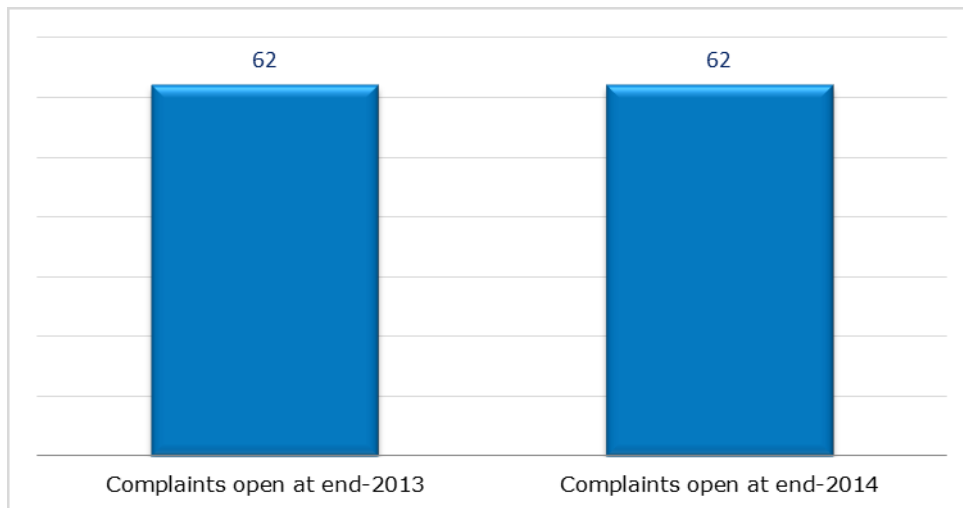
### I. COMPLAINTS

#### 1. New complaints received from members of the public (2011-14)



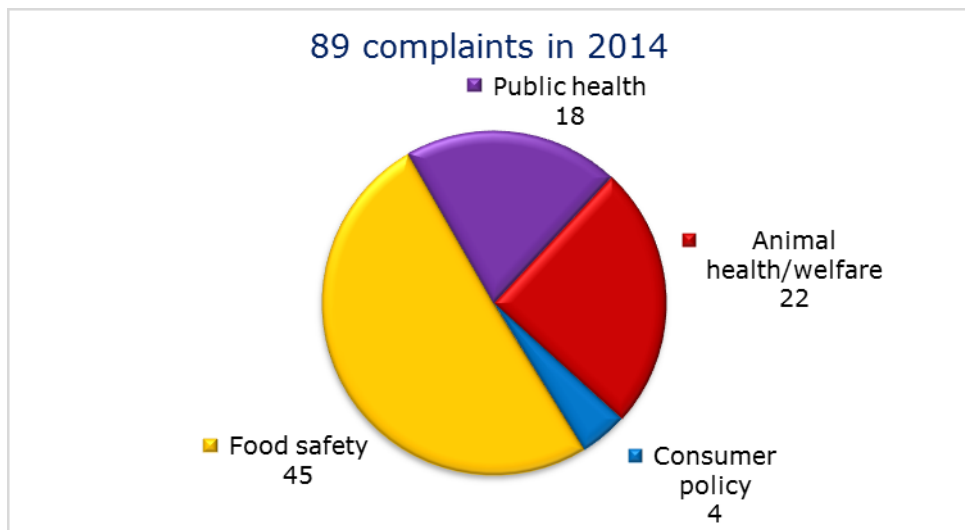
#### 2. Evolution of complaints

Petitions from the European Parliament revealed potential infringement of EU rules on animal welfare and food safety.



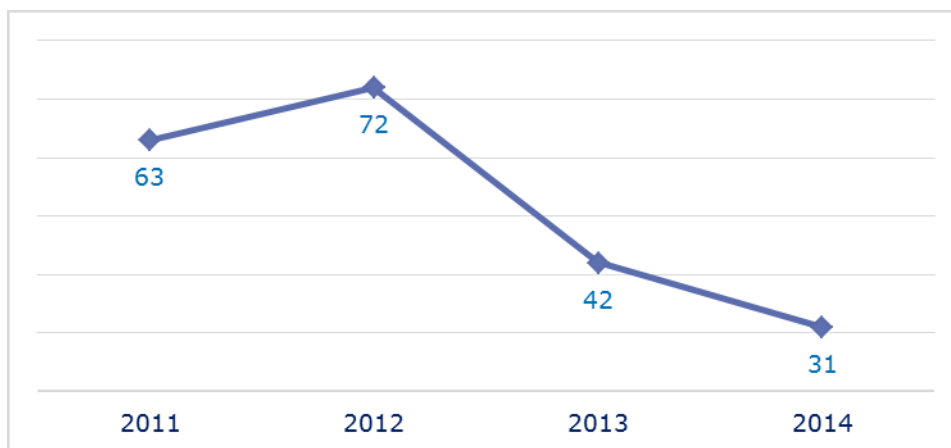


3. New complaints registered in 2014: main policy sectors

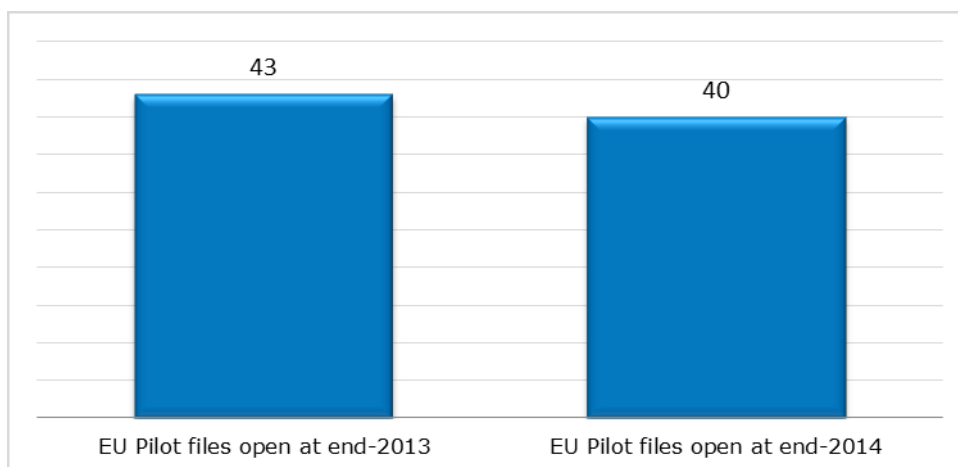


II. EU PILOT

1. New EU Pilot files (2011-14)

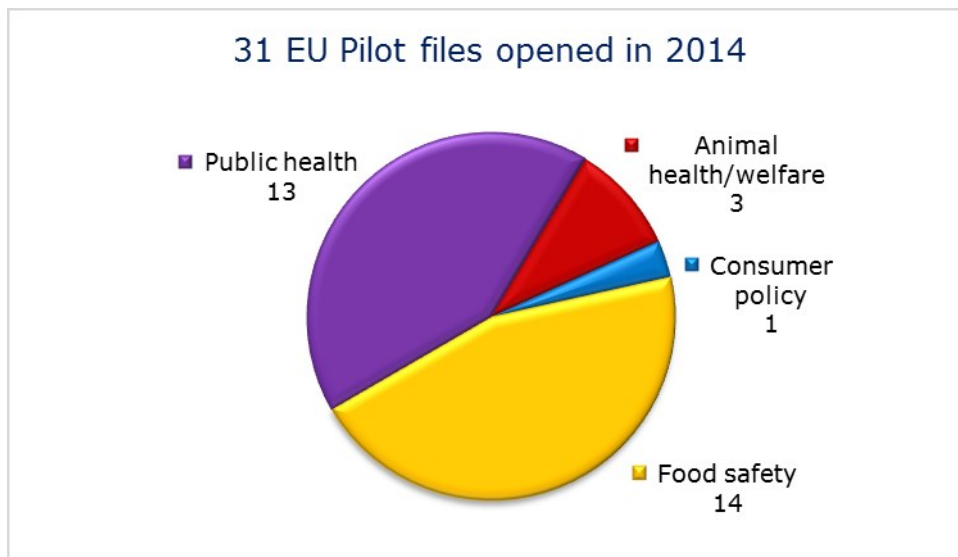


2. Evolution of files open in EU Pilot<sup>1</sup>

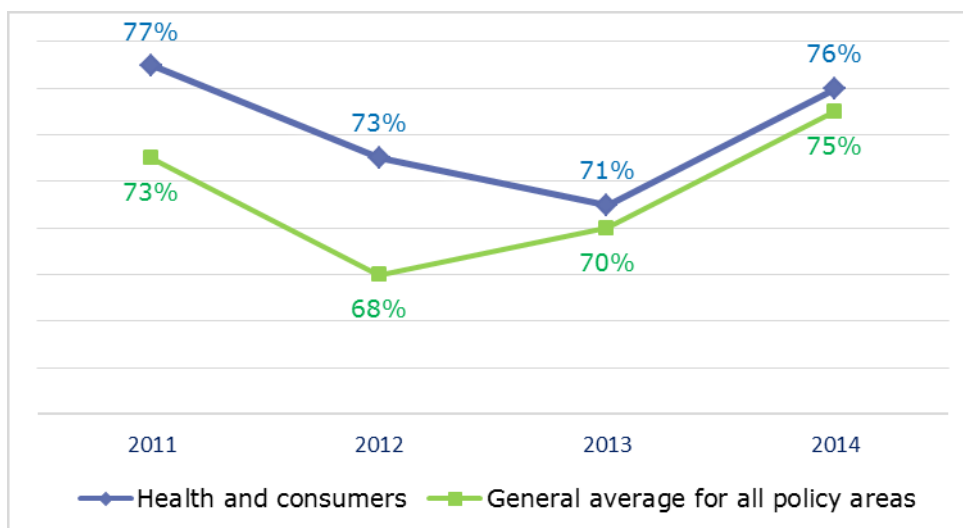


<sup>1</sup> The number of files open at the end of 2013 given in the 2013 annual report is different from the current figure. This is because some files were registered late and others have been closed.

3. New EU Pilot files opened in 2014: main policy sectors



4. EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)



III. OWN-INITIATIVE CASES

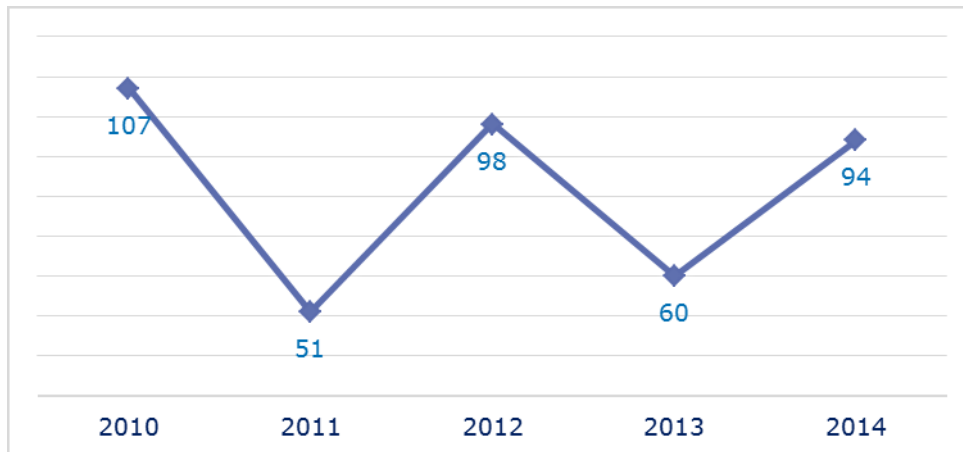
New own-initiative infringement cases

In 2014, the Commission opened own-initiative infringement cases on implementing EU legislation on human tissues and cells.<sup>2</sup>

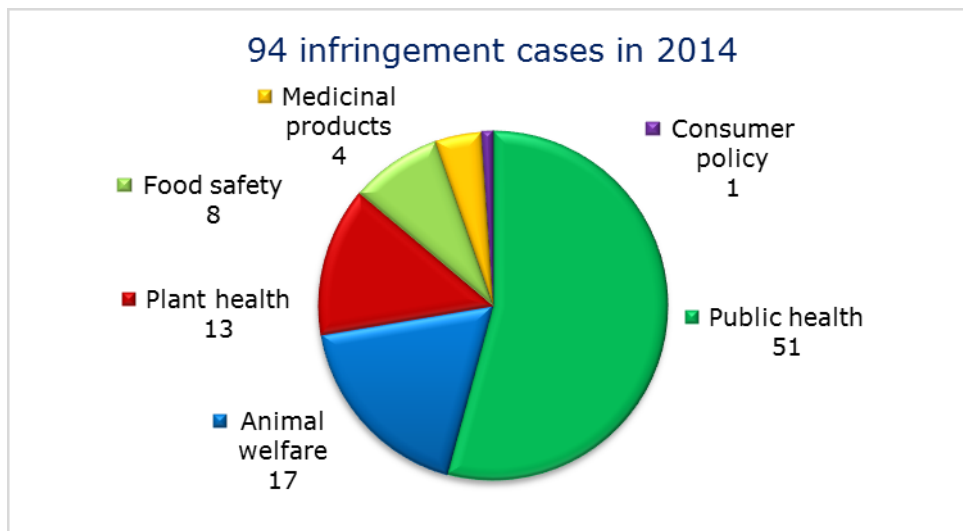
<sup>2</sup> Directive [2004/23/EC](#) and Commission directives [2006/17/EC](#) and [2006/86/EC](#).

## IV. INFRINGEMENT CASES

## 1. Infringement cases open on 31 December (2010-14)



## 2. Infringement cases open on 31 December 2014: main policy sectors



## 3. Key infringement cases and referrals to the Court

- a) The Commission opened 134 new infringement cases in 2014, among which:
  - *Finland and Slovenia*: failure to implement animal welfare rules, in particular the obligation to keep sows in groups during part of their pregnancy;<sup>3</sup>
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
  - *Denmark*: failure to amend its national legislation to ban all forms of snus;<sup>4</sup>
  - *Poland*: failure to comply with EU legislation on the quality and safety of human tissues and cells.<sup>5</sup>

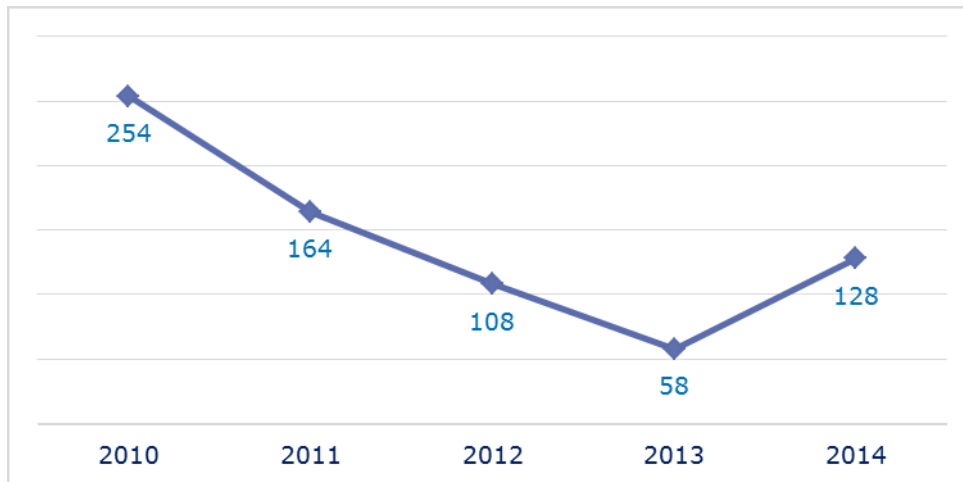
<sup>3</sup> Directive [2008/120/EC](#) and [MEMO/14/36](#).

<sup>4</sup> *Commission v Denmark*, [C-468/14](#), [IP/14/812](#).

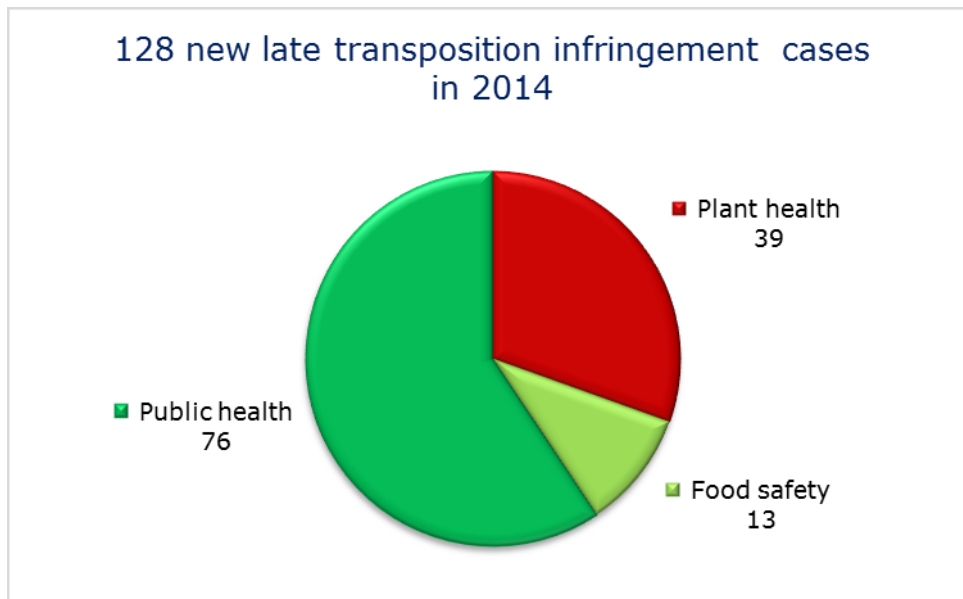
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

## V. TRANSPOSITION OF DIRECTIVES

### 1. New late transposition infringement cases (2010-14)



### 2. New late transposition infringement cases opened in 2014: main policy sectors



### 3. Key infringement cases and referrals to the Court

- a) The Commission opened 128 cases for late transposition in 2014, among which:
- the Cross-border Healthcare Directive (26 Member States) and the directive on recognition of medical prescriptions issued in another Member State (9 Member States);<sup>6</sup>
  - the directive on cross-border exchange of human organs intended for transplantation (17 Member States);<sup>7</sup>

<sup>5</sup> The Commission decided on 26 September 2013 to refer the case to the Court; the application was filed on 21 January 2014. Commission v Poland, [C-29/14](#), [IP/13/873](#).

<sup>6</sup> Directives [2011/24/EU](#) and [2012/52/EU](#).

- the directive on certain technical requirements for the testing of human tissues and cells (10 Member States).<sup>8</sup>

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

### VI. EARLY RESOLUTION OF INFRINGEMENT CASES

#### Major cases closed without a Court judgment in 2014

These concerned:

- *Denmark*: in the animal welfare sector, incorrect implementation of the requirement to keep sows in groups during part of their pregnancy;
- *Greece*: restrictions on the marketing of plant-propagating material;
- *Romania*: incorrect application of the directive on veterinary checks in intra-Community trade; Romania had confiscated meat originating in Denmark.<sup>9</sup>

### VII. IMPORTANT JUDGMENTS

#### 1. Court rulings

The Court ruled that:

- *Greece* and *Italy* failed to comply with the directive on protecting laying hens by not ensuring that they are no longer reared in unenriched cages;<sup>10</sup>
- *Poland* was in breach of the directive on the deliberate release of GMOs into the environment because producers were not legally obliged to inform the authorities if they cultivated genetically modified crops and no register was set up to list the locations where such crops were grown.<sup>11</sup>

#### 2. Preliminary rulings

In preliminary rulings, the Court ruled that:

- on the concept of certain meat-processing techniques, in particular on whether they should qualify as 'mechanically separated meat' or 'meat preparation' under the regulation on hygiene rules for food of animal origin.<sup>12</sup>

### VIII. OUTLOOK

#### Important implementation work in 2015 includes:

- monitoring the correct transposition of the Cross-border Healthcare Directive.<sup>13</sup>

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<sup>7</sup> Directive [2012/25/EU](#).

<sup>8</sup> Directive [2012/39/EU](#).

<sup>9</sup> Directive [89/662/EEC](#).

<sup>10</sup> Directive [1999/74/EC](#), and *Commission v Italy*, [C-339/13](#) and *Commission v Greece*, [C-351/13](#).

<sup>11</sup> Directive 2001/18/EC and *Commission v Poland*, [C-478/13](#).

<sup>12</sup> Regulation (EC) No [853/2004](#) and *Newby Foods*, [C-453/13](#).

<sup>13</sup> Directive [2011/24/EU](#).