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Brussels, 12.7.2018
SWD(2018) 379 final

PART 1/2

COMMISSION STAFF WORKING DOCUMENT

Part III: Member States

Accompanying the document

REPORT FROM THE COMMISSION

**Monitoring the application of European Union law
2017 Annual Report**

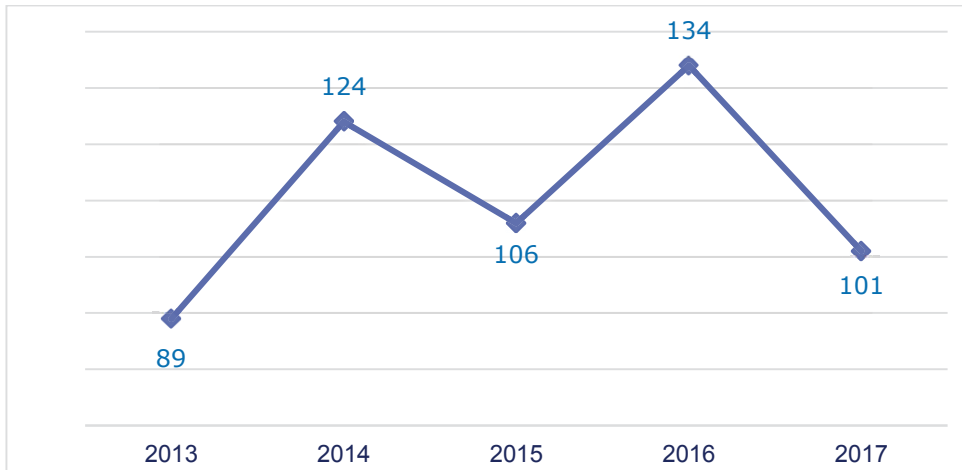
{COM(2018) 540 final} - {SWD(2018) 377 final} - {SWD(2018) 378 final}

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Belgium

I. COMPLAINTS

1. New complaints made against Belgium by members of the public (2013-2017)



2. Public complaints against Belgium open at year-end

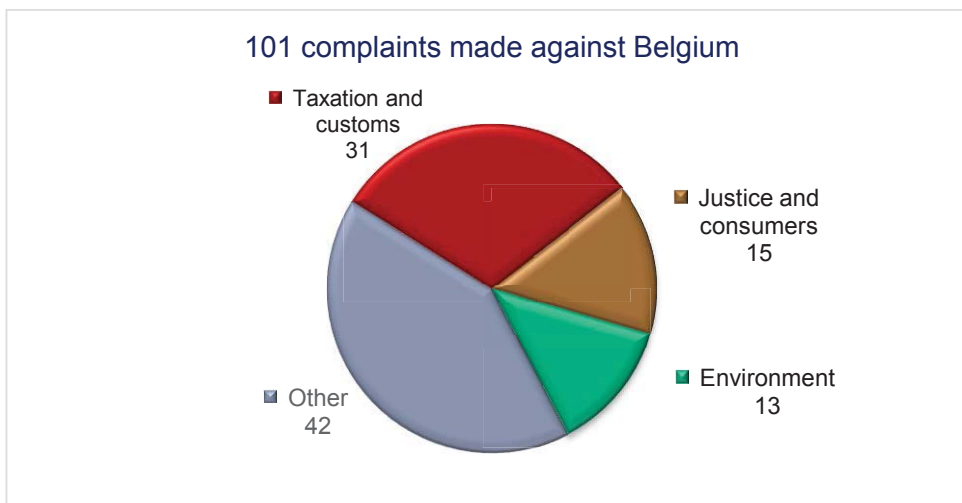
116 > Complaints open at end-2016

101 > New complaints registered in 2017

112 > Complaints handled in 2017

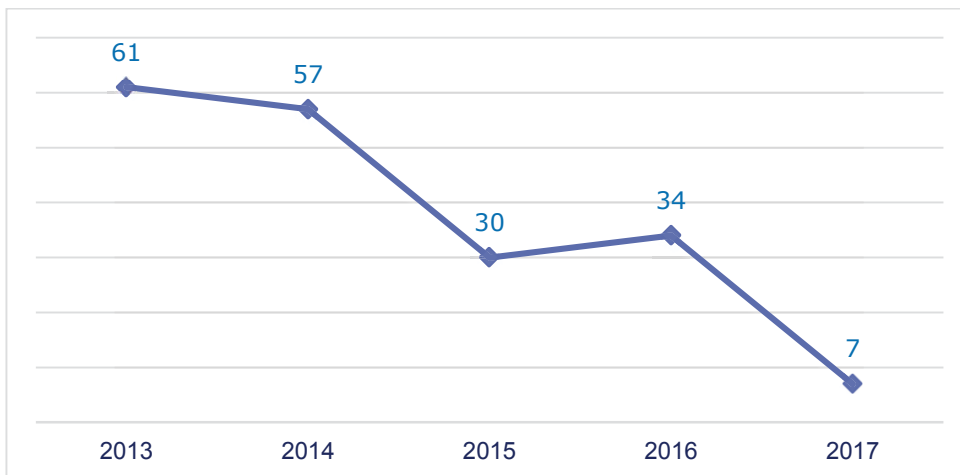
= 105 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

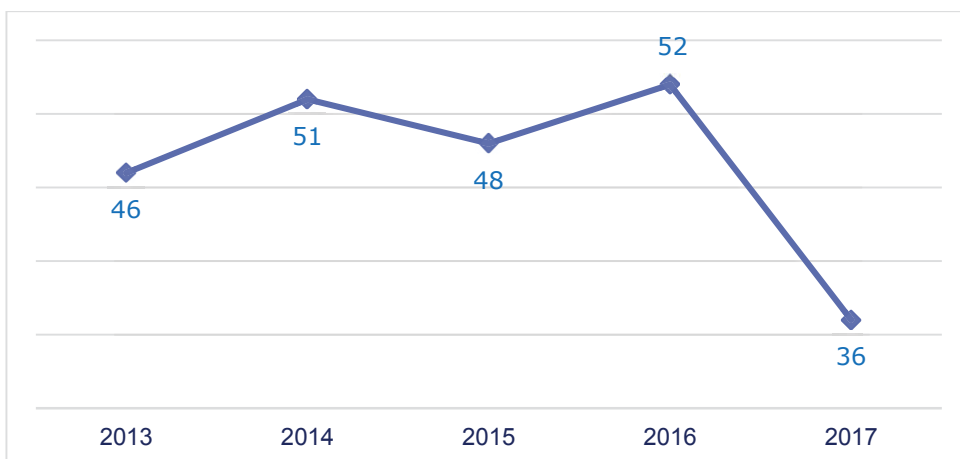


II. EU PILOT

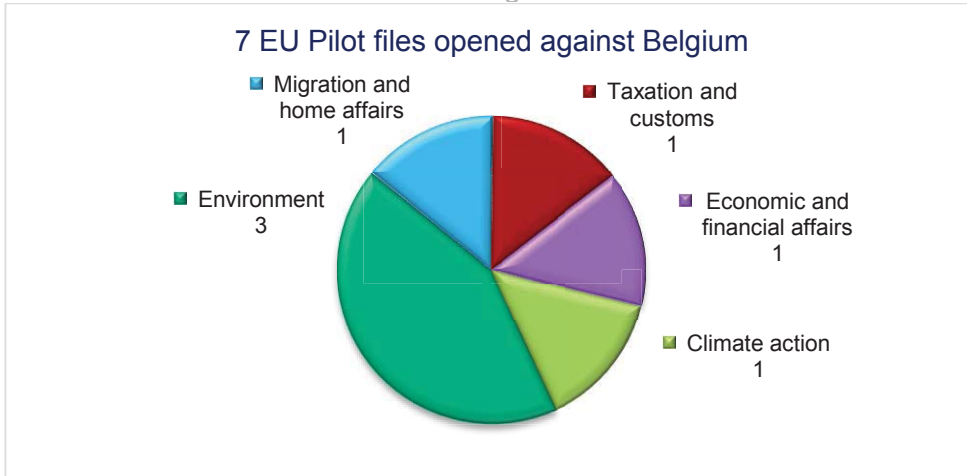
1. New EU Pilot files opened against Belgium (2013-2017)



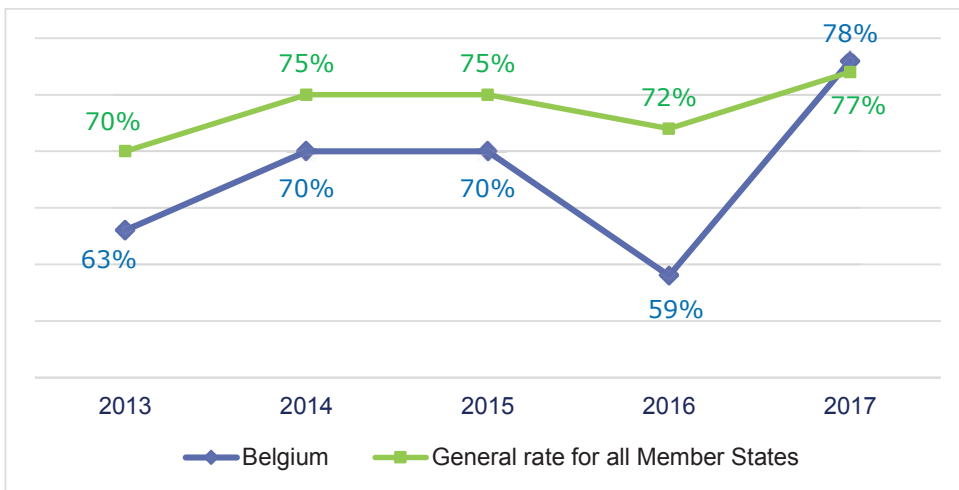
2. Files relating to Belgium open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: policy areas

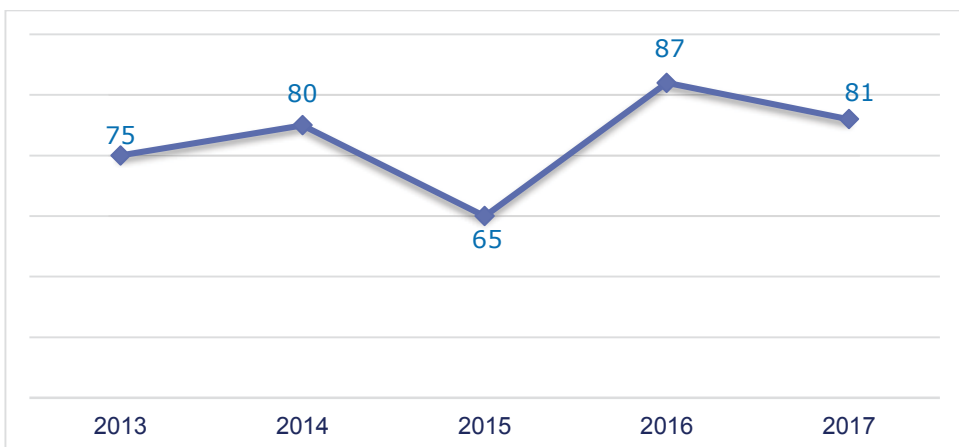


4. EU Pilot files: Belgium's resolution rate in 2013-2017



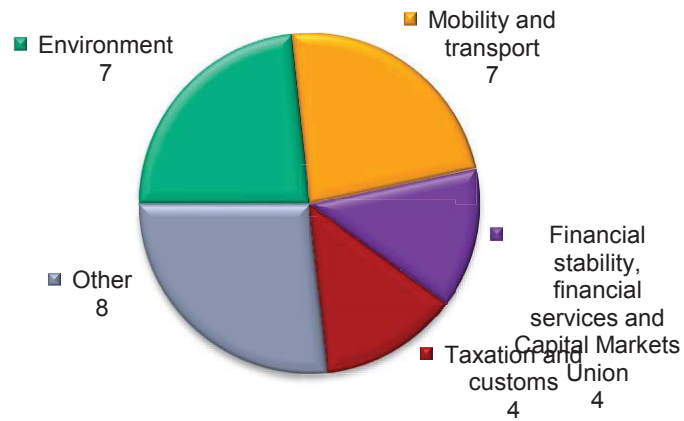
III. INFRINGEMENT CASES

1. Infringement cases against Belgium open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas

30 new infringement cases against Belgium



3. Key infringement cases and referrals to the Court

- a) The Commission opened 30 new infringement cases against Belgium in 2017. These, and other major ongoing infringement cases, include:
- lack of waste management plans and waste prevention programmes required under the Waste Framework Directive¹;
 - failure to establish strategic noise maps and action plans required by the Noise Directive²;
 - bad application of the Directive establishing the fundamental principles governing the investigation of accidents in the maritime transport sector³;
 - incorrect implementation of the Airspace Regulation and the Regulation on common rules for the flexible use of airspace⁴;
 - non-communication of national measures transposing the:
 - Directive on radioactive substances in water intended for human consumption⁵;
 - Markets in Financial Instruments Directive (MiFID II)⁶;
 - Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer⁷;
 - Directive⁸ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁹;
 - Fourth Anti-Money Laundering Directive;¹⁰
 - Payment Accounts Directive¹¹;
 - amending Nuclear Safety Directive¹²
 - failure to carry out analysis of the relevant telecom markets on time¹³.
- b) The Commission referred the following case to the Court under Article 258 TFEU.
- The Belgian tax laws apply different methods when assessing rents earned from real estate. They attribute a higher value to real estate located abroad than to comparable real estate in Belgium. The rules thus favour investments in Belgian real estates over that in other Member States. This may be contrary to the free movement of capital¹⁴.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2008/98/EC](#), [MEMO/17/234](#).

² Directive [2002/49/EC](#).

³ Directive [2009/18/EC](#) amending Council Directive [1999/35/EC](#) and Directive [2002/59/EC](#), [MEMO/17/1045](#).

⁴ Regulation [551/2004](#) and Regulation [2150/2005](#).

⁵ Directive [2014/87/Euratom](#).

⁶ Directive [2014/65/EU](#).

⁷ Directive [2014/66/EU](#); [MEMO/17/3494](#).

⁸ Directive [2015/652/EU](#).

⁹ Directive [98/70/EC](#).

¹⁰ Directive [2015/849/EU](#), [MEMO/17/4767](#).

¹¹ Directive [2014/92/EU](#).

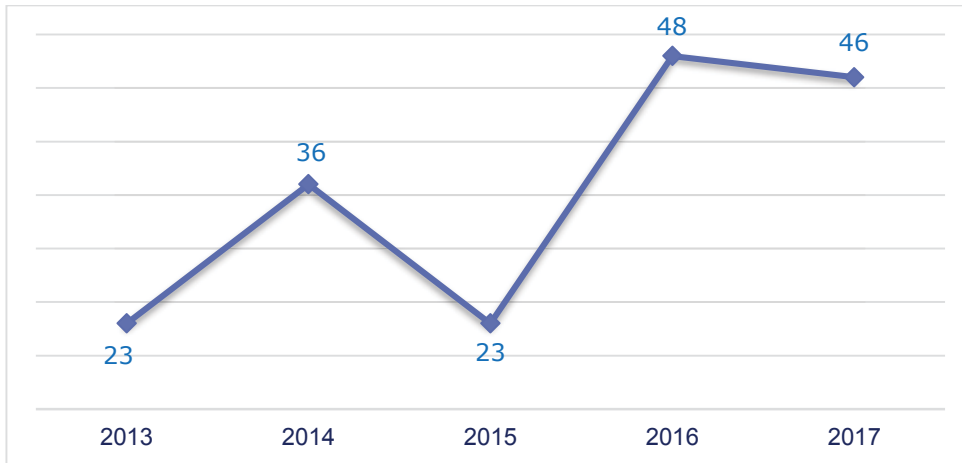
¹² Directive [2014/87/Euratom](#).

¹³ Directive [2002/21/EC](#), [MEMO/17/3494](#).

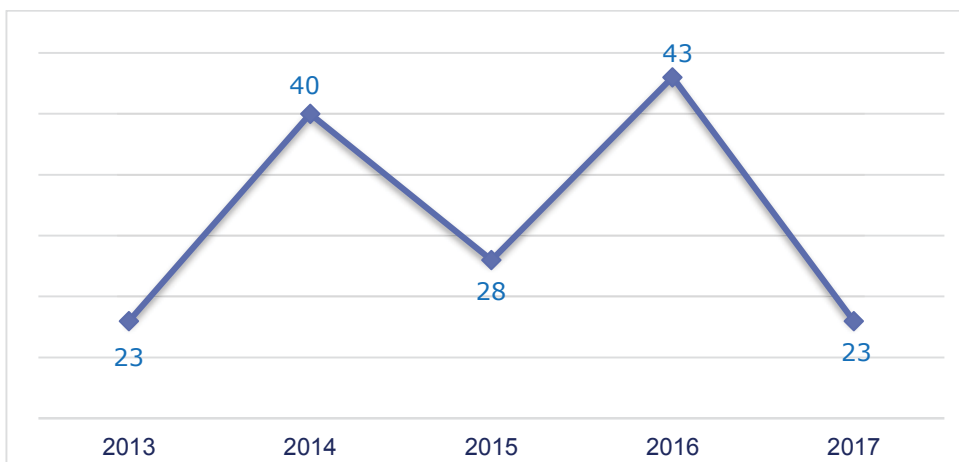
¹⁴ Commission v Belgium, [C-110/17](#).

IV. TRANSPOSITION OF DIRECTIVES

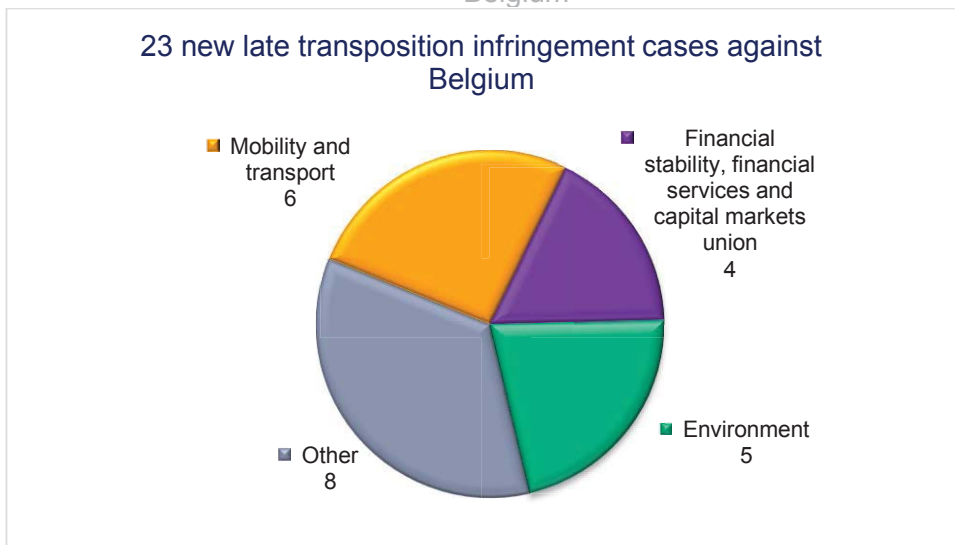
1. Late transposition infringement cases against Belgium open on 31 December (2013-2017)



2. New late transposition infringement cases against Belgium (2013-2017)



3. New late transposition infringement cases opened in 2017: main policy areas



4. Referrals to the Court

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

- failure to fully implement the Single Permit Directive, which introduces simplified procedures and a common set of rights for non-EU workers¹⁵;
- non-communication of measures transposing the Broadband Cost Reduction Directive¹⁶.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2017

These concerned:

- incorrect application of the Directive on the protection of pigs as regards group housing of sows¹⁷;
- aligning the national law on police officers with the Working Time Directive¹⁸;
- non-conform transposition of the Environmental Liability Directive¹⁹;
- incomplete transposition of the Transparency Directive²⁰;
- non-communication of national measures transposing the:
 - Solvency II Directive²¹; Omnibus II Directive in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority²²; Accounting Directive²³; and Transparency Directive²⁴;
 - Directive on port reception facilities for ship-generated waste and cargo residues²⁵.

¹⁵ Directive [2011/98/EU](#), Commission v Belgium, [C-564/17](#), [IP/17/1953](#).

¹⁶ Directive [2014/61/EU](#), Commission v Belgium, [C-543/17](#), [IP/17/1937](#).

¹⁷ Directive [2008/120/EC](#).

¹⁸ Directive [2003/88/EC](#).

¹⁹ Directive [2004/35/CE](#).

²⁰ Directive [2013/50/EU](#).

²¹ Directive [2009/138/EC](#).

²² Directive [2014/51/EU](#).

²³ Directive [2013/34/EU](#).

²⁴ Directive [2013/50/EU](#).

²⁵ Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

- incorrect application of the Railway Safety Directive²⁶.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Belgian judiciary.

- The denial of refugee status due to participation in terrorist activities is not confined to the commitment of a terrorist act. An asylum application can be rejected if the asylum-seeker participated in the activities of a terrorist network, for example by providing logistical support to the terrorist group, even without personally committing or instigating terrorist acts²⁷.
- A general and absolute prohibition of any advertising relating to the provision of oral and dental care services and the establishment of certain requirements of discretion regarding signs of dental practices violates the freedom to provide services²⁸.
- Member States are not required, under EU law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum. They remain free to do so, on the basis of their national law. EU law establishes only the procedures and conditions for issuing visas for transit through or intended stays on the territory of the Member States not exceeding 90 days²⁹.
- Belgian rules are contrary to the free movement of workers in requiring resident workers to register their own car in Belgium, if the car is already registered in another Member State and is intended to be used primarily in that other State³⁰.
- When determining the competent jurisdiction in relation to employment contracts of members of an airline crew, the Court used a set of indicators to determine the “Member State where the employee habitually carries out his work” and retained that the “home base” amounts to a significant indicator. The Court also underlined that the jurisdiction clauses obliging those aircrew members to bring actions in Ireland were not enforceable against the employees as not meeting the conditions of the Regulation in question³¹.
- Article 56 TFEU and Article 36 EEA preclude the Belgian national legislation that imposes discriminatory conditions for savings deposits in order to benefit from a tax exemption³².
- The Parent-Subsidiary Directive³³ precludes the Belgian legislation on the ‘Fairness Tax’. This taxes dividends received from subsidiaries and exempted under the Directive in the hands of the parent company when they are redistributed by that company³⁴.

²⁶ Directive [2014/49/EC](#).

²⁷ Mostafa Lounani, [C-573/14](#).

²⁸ Luc Vanderborght, [C-339/15](#).

²⁹ X and X, [C-638/16](#) and Court press release [No 24/17](#).

³⁰ Criminal proceedings against Mr U, [C-420/15](#).

³¹ Moreno Osacar [C-169/16](#), Nogueira and Others [C-168/16](#).

³² Van der Weegen and Others, [C-580/15](#).

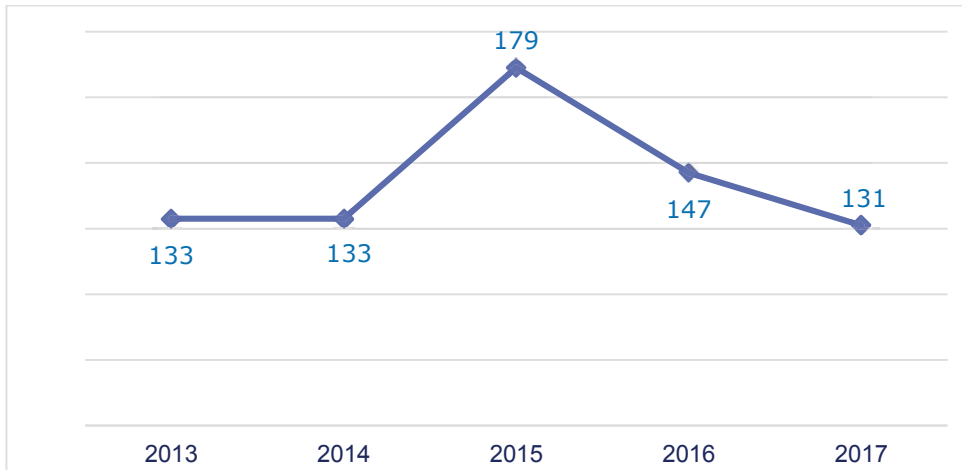
³³ Directive [2011/96/EU](#).

³⁴ X, [C-68/15](#).

Bulgaria

I. COMPLAINTS

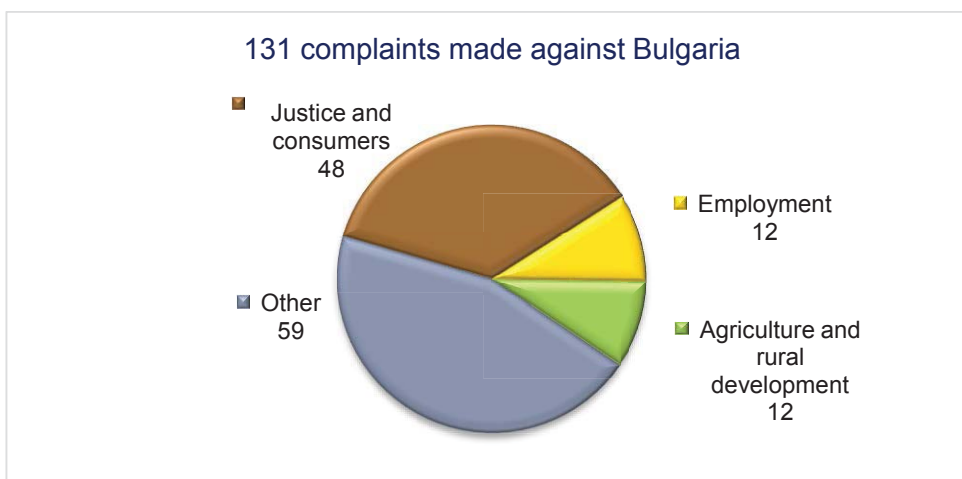
1. New complaints made against Bulgaria by members of the public (2013-2017)



2. Public complaints against Bulgaria open at year-end

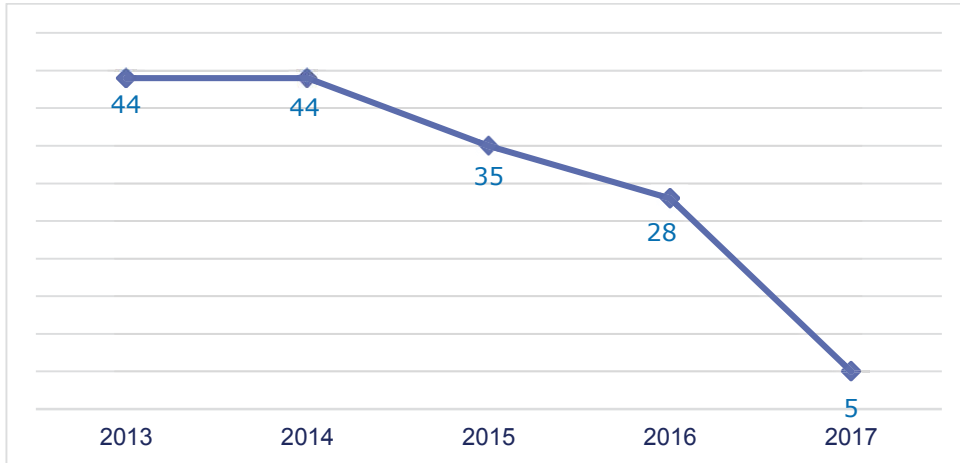
141	>	Complaints open at end-2016
131	>	New complaints registered in 2017
164	>	Complaints handled in 2017
= 108	>	Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

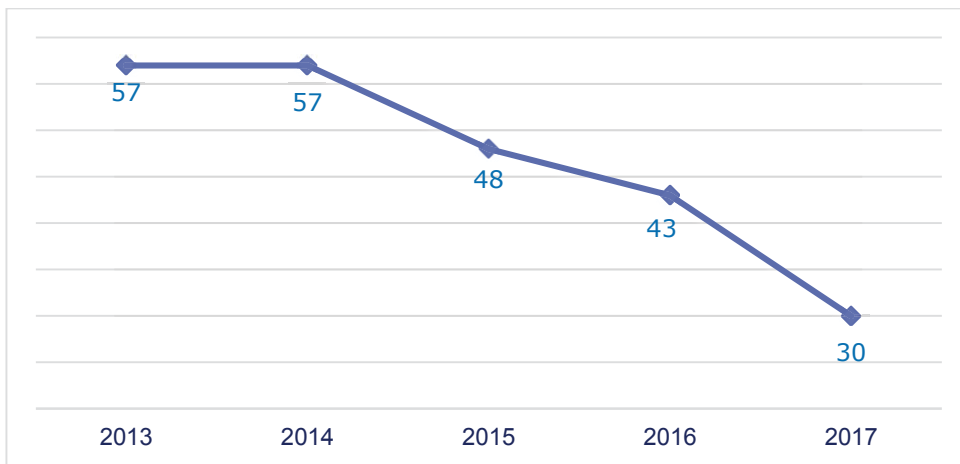


II. EU PILOT

1. New EU Pilot files opened against Bulgaria (2013-2017)

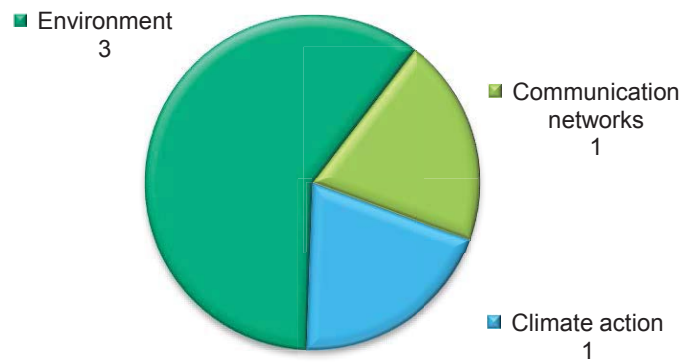


2. Files relating to Bulgaria open in EU Pilot at year-end

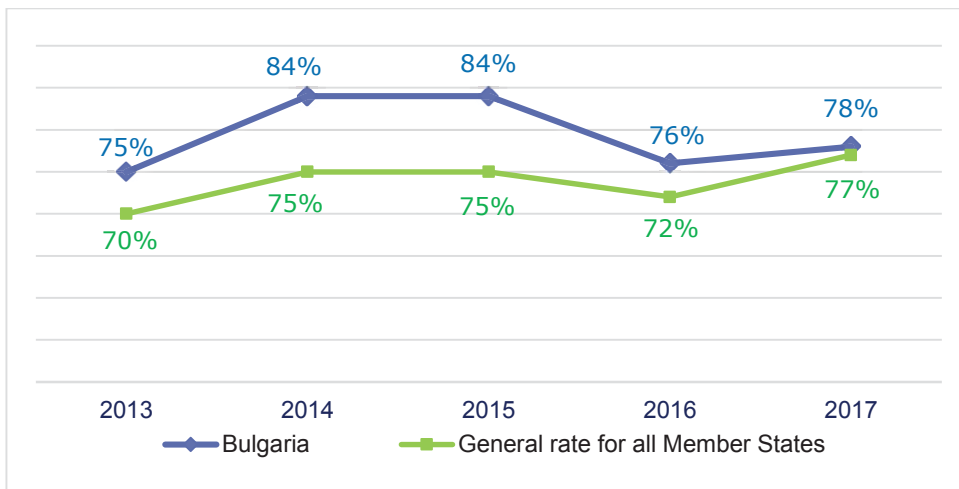


3. New EU Pilot files opened in 2017: main policy areas

5 EU Pilot files opened against Bulgaria

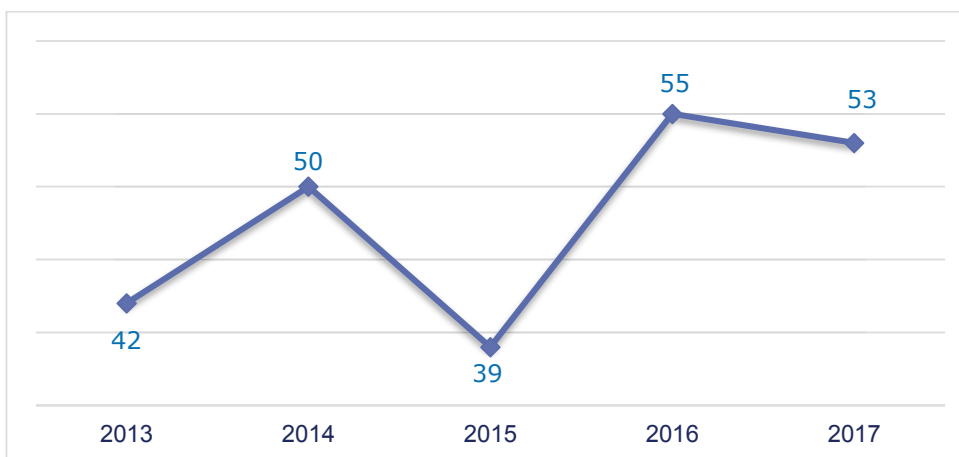


4. EU Pilot files: Bulgaria's resolution rate in 2013-2017

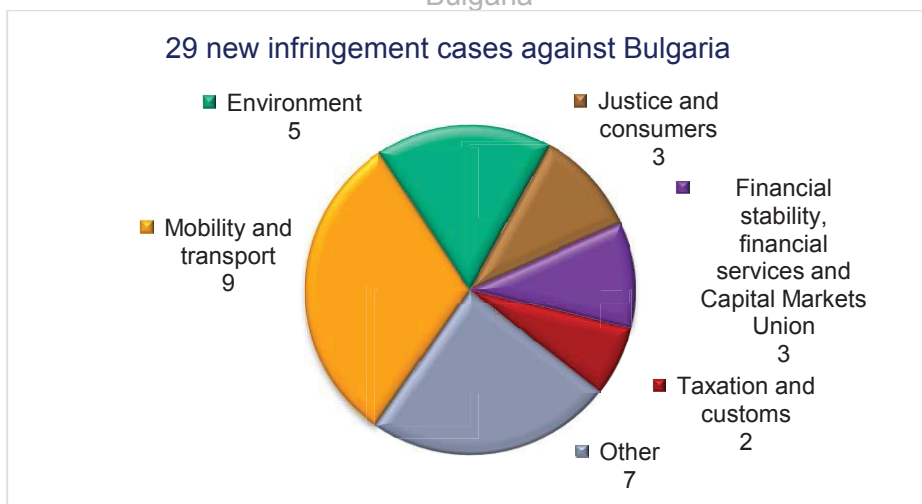


III. INFRINGEMENT CASES

1. Infringement cases against Bulgaria open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 29 new infringement cases against Bulgaria in 2017. These, and other major ongoing infringement cases, include:
- lack of implementation of certain obligations under EU document security legislation¹;
 - non-compliance with the Railway Safety Directive by failing to ensure the independence of the investigating body²;
 - cash control, proportionality of national fines³;
 - non-compliant transposition of the Extractive Waste Directive⁴;
 - failure to ensure that urban waste water is adequately treated⁵;
 - non-communication of national measures transposing the:
 - Fourth Anti-Money Laundering Directive⁶;
 - Maritime Spatial Planning Directive⁷;
 - Directive on caseins and caseinates⁸;
 - Markets in Financial Instruments Directive (MiFID II)⁹;
 - Directive on the organisation of working time in inland waterway transport¹⁰;
 - Directive laying down calculation methods and reporting requirements¹¹ pursuant to a Directive relating to the quality of petrol and diesel fuels¹².
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerned:
- failure to protect unique habitats and important bird species in the Rila Mountains¹³.

¹ Commission Decisions [C \(2013\) 6181](#) and [C \(2013\) 6178](#).

² Directive [2004/49/EC](#), [MEMO/17/3494](#).

³ Regulation (EC) No [1889/2005](#).

⁴ Directive [2006/21/EC](#).

⁵ [MEMO/17/1936](#).

⁶ Directive [2015/849/EU](#), [MEMO/17/4767](#).

⁷ Directive [2014/89/EU](#), [MEMO/17/1935](#).

⁸ Directive [2015/2203/EU](#).

⁹ Directive [2016/1034/EU](#).

¹⁰ Directive [2014/112/EU](#).

¹¹ Directive [2015/652/EU](#).

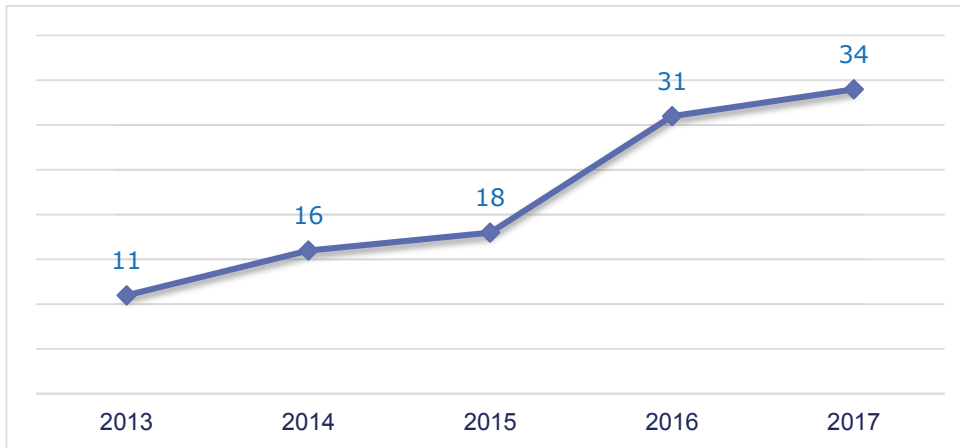
¹² Directive [98/70/EC](#).

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

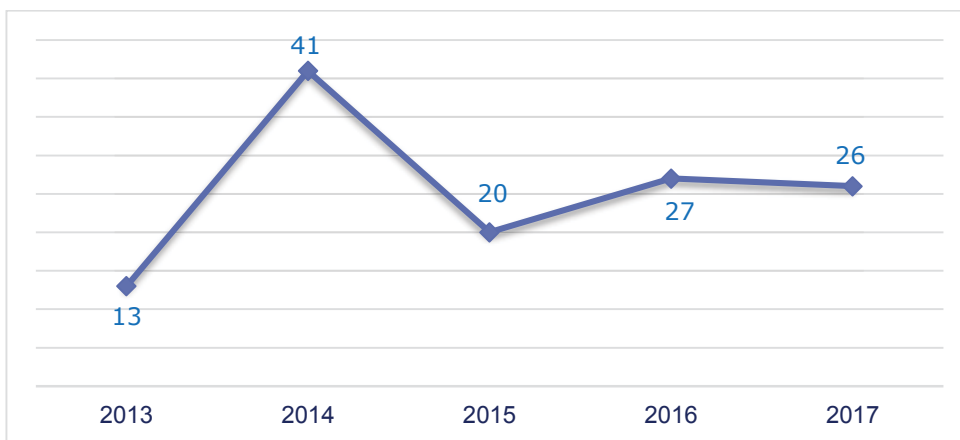
¹³ Directive [1979/409/EEC](#), Commission v Bulgaria, [C-97/17](#); [IP/16/2491](#).

IV. TRANSPOSITION OF DIRECTIVES

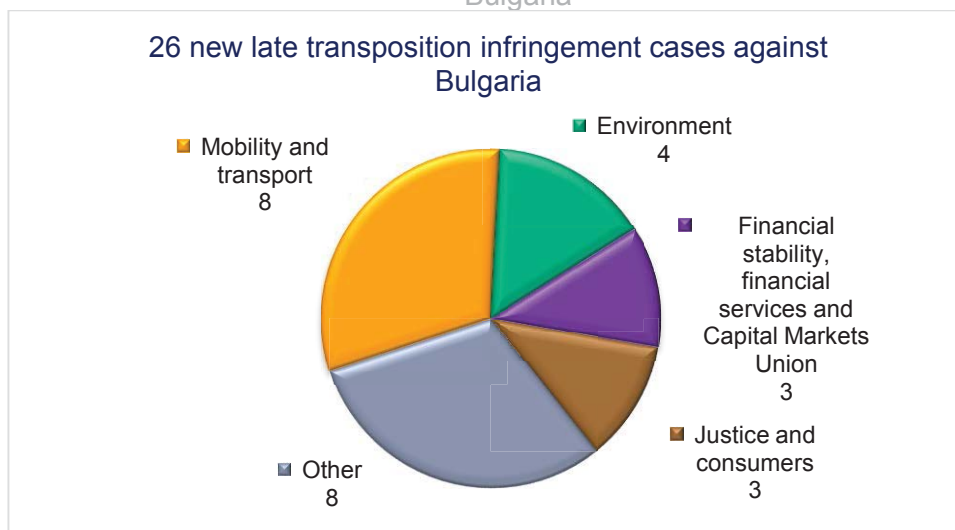
1. Late transposition infringement cases against Bulgaria open on 31 December (2013-2017)



2. New late transposition infringement cases against Bulgaria (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- disproportionate fees for issuing residence permits to third-country nationals;
- failure to correctly transpose and ensure the effective application of the Directive on the energy performance of buildings¹⁴;
- non-conformity with the Audiovisual Media Services Directive¹⁵;
- failure to make available to the Commission flood hazard and risk maps;
- failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹⁶;
- groundhandling services at Sofia Airport¹⁷;
- failure to put in place a procedure for the registration of a European Electronic Toll Service¹⁸;
- non-communication of national measures transposing the:
 - Directive on recognition of professional qualifications¹⁹;
 - Directive on caseins and caseinates²⁰;
 - Commission Directive²¹ amending the Groundwater Directive²²;
 - Solvency II Directive²³;

¹⁴ Directive [2010/31/EU](#).

¹⁵ Directive [2007/65/EC](#) amending Directive [89/552/EEC](#).

¹⁶ Directive [2014/94/EU](#).

¹⁷ Directive [96/67/EC](#).

¹⁸ Commission Decision [2009/750/EC](#).

¹⁹ Directive [2005/36/EC](#).

²⁰ Directive [2015/2203/EU](#).

²¹ Directive [2014/80/EU](#).

²² Directive [2006/118/EC](#).

²³ Directive [2009/138/EC](#).

Bulgaria

- Omnibus II Directive in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority²⁴;
- Directive on port reception facilities for ship-generated waste and cargo residues²⁵;
- Transparency Directive²⁶;
- Accounting Directive²⁷;
- Directive on driving licences²⁸.

²⁴ Directive [2014/51/EU](#).

²⁵ Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

²⁶ Directive [2013/50/EU](#).

²⁷ Directive [2013/34/EU](#).

²⁸ Directive [2006/126/EC](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁹

The Court ruled that:

- Bulgaria has failed to comply with the Air Quality Directive by exceeding the daily and/or annual limit values for PM₁₀³⁰ concentrations systematically and continuously in certain zones and agglomerations, and by not keeping the exceedance period as short as possible³¹.

2. Preliminary rulings

In a preliminary ruling addressed to the Bulgarian judiciary, the Court held that:

- the Third Energy Package does not preclude national legislation limiting the number of holders of electricity transmission licences for a particular territory³².

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

³⁰ 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).

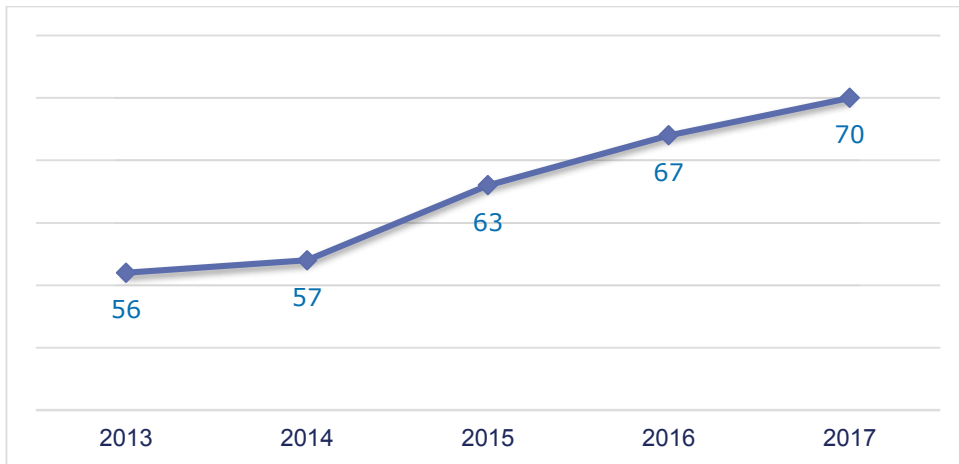
³¹ Directive [2008/50/EC](#), Commission v Bulgaria, [C-488/15](#).

³² Balgarska energiyna borsa AD (BEB), [C-347/16](#).

Czech Republic

I. COMPLAINTS

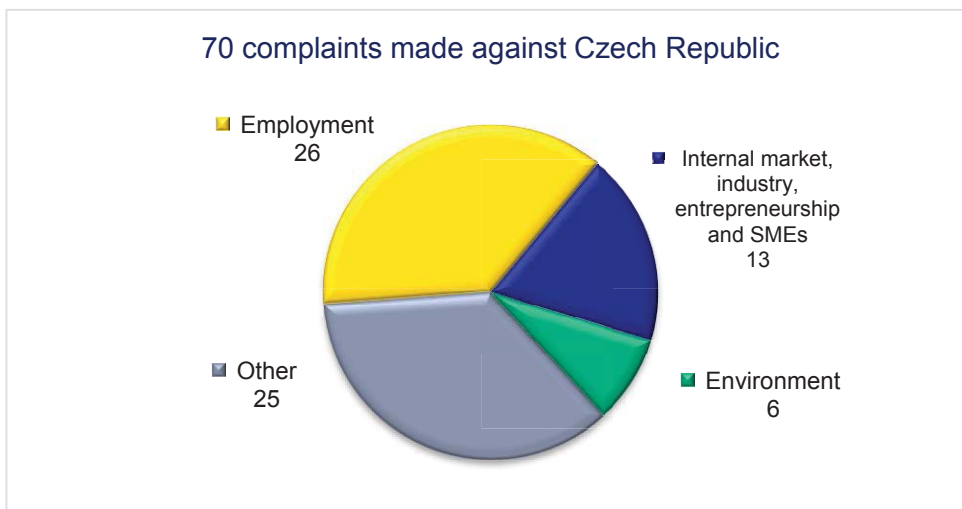
1. New complaints made against the Czech Republic by members of the public (2013-2017)



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

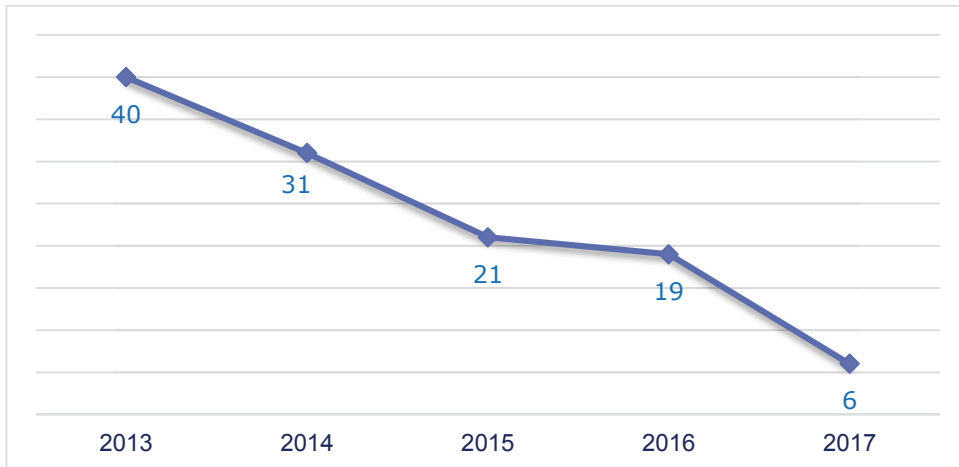
68	>	Complaints open at end-2016
70	>	New complaints registered in 2017
53	>	Complaints handled in 2017
<hr/>		
= 85	>	Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

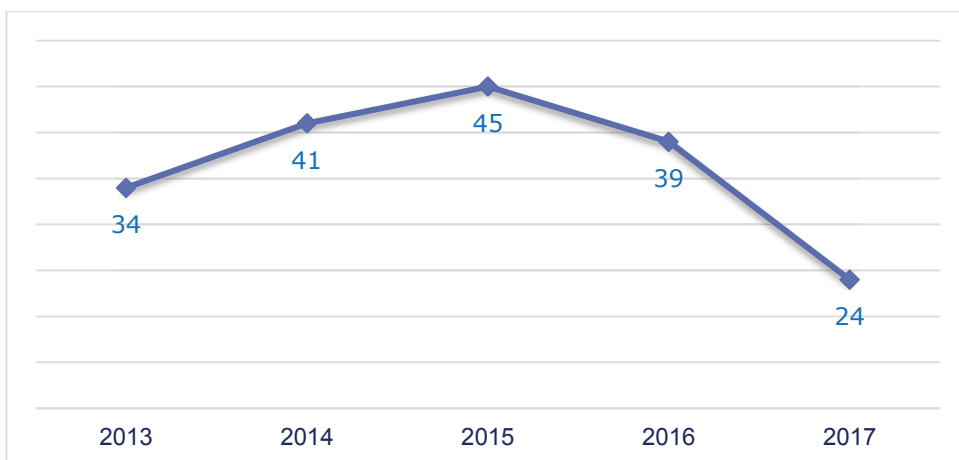


II. EU PILOT

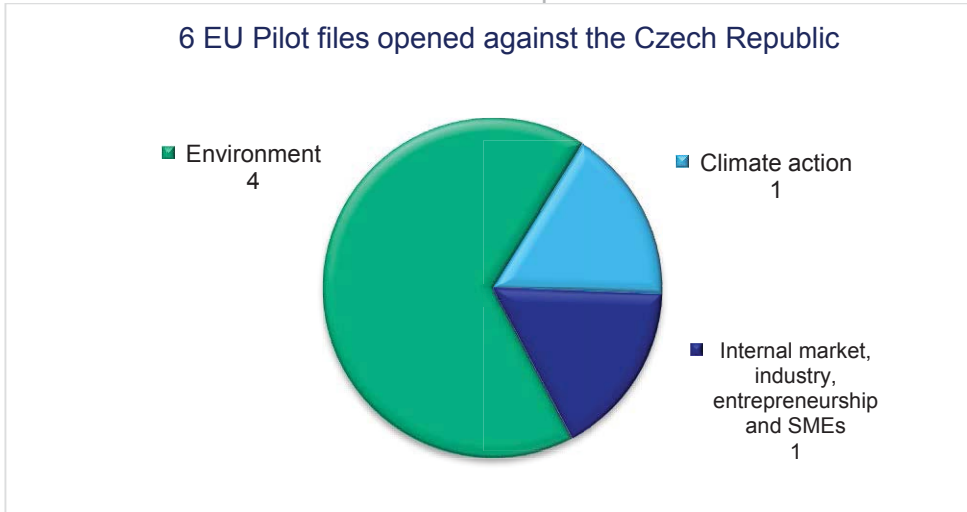
1. New EU Pilot files opened against the Czech Republic (2013-2017)



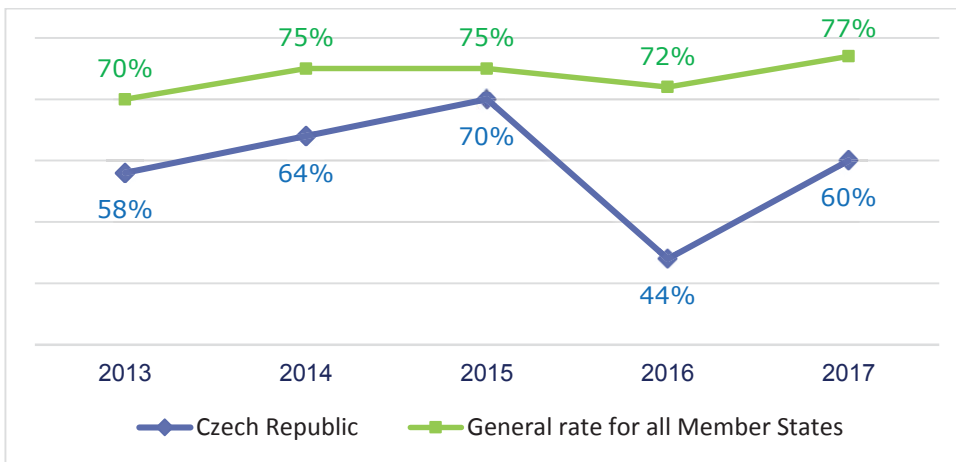
2. Files relating to the Czech Republic open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

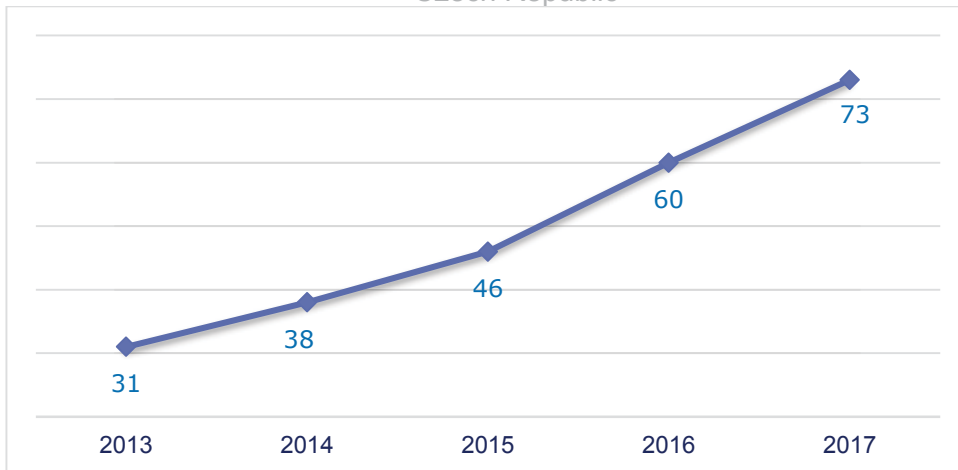


4. EU Pilot files: Czech Republic's resolution rate in 2013-2017

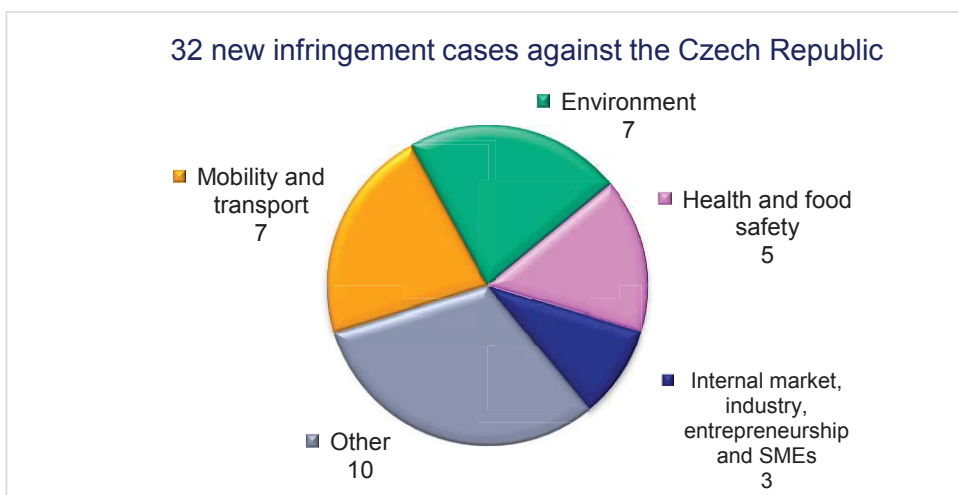


III. INFRINGEMENT CASES

1. Infringement cases against the Czech Republic open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 32 new infringement cases against the Czech Republic in 2017. These, and other major ongoing infringement cases, include:
- non-compliance with the obligations under the 2015 Council Decisions on relocation of migrants from Greece and Italy¹;
 - incorrect transposition and application of the Energy Performance of Buildings Directive²;
 - incorrect transposition and implementation of the Third Energy Package Directives (Electricity and Gas Directives)³;
 - non-compliance with the Directive on the interoperability of the rail system⁴;
 - non-communication of national measures transposing the:

¹ Council Decisions ([EU](#) [2015/1523](#) and [2015/1601](#); [IP/17/5002](#)).

² Directive [2010/31/EU](#).

³ Directive [2009/72/EC](#) and Directive [2009/73/EC](#), [MEMO/17/4767](#).

⁴ Directive [2008/57/EC](#).

Czech Republic

- Directives on the registration of suppliers and of varieties and the common list of varieties, on requirements for the labelling, sealing and packaging of fruit plant propagating material and on the specific requirements for the genus and species of fruit plants⁵;
 - Directive⁶ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁷;
 - Directive on the organisation of working time in inland waterway transport⁸;
 - failure to adopt a national programme for spent fuel and radioactive waste management compliant with the requirement of the Radioactive Waste Directive⁹;
 - failure to establish strategic noise maps and action plans required by the Noise Directive¹⁰.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- non-compliance with the obligations under the 2015 Council Decisions on relocation of migrants from Greece and Italy¹¹;
 - illegal shipment of hazardous waste to Poland¹².
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

⁵ Directives [2014/96/EU](#), [2014/97/EU](#) and Directive [2014/98/EU](#).

⁶ Directive [2015/652/EU](#).

⁷ Directive [98/70/EC](#).

⁸ Directive [2014/112/EU](#).

⁹ Directive [2011/70/Euratom](#), [MEMO/17/1935](#).

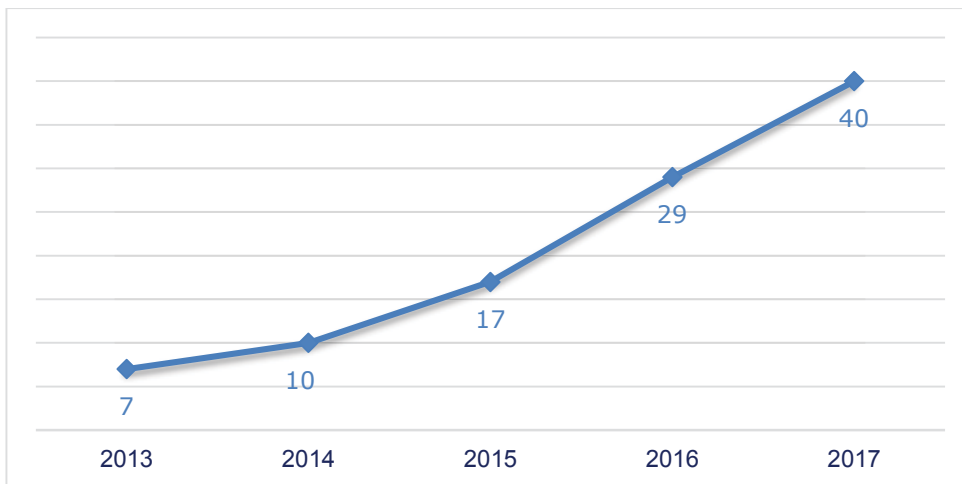
¹⁰ Directive [2002/49/EC](#); [MEMO/17/1577](#).

¹¹ Council Decisions [\(EU\) 2015/1523](#) and [2015/1601](#), Commission v. Czech Republic, [C-719/17](#), [IP/17/5002](#).

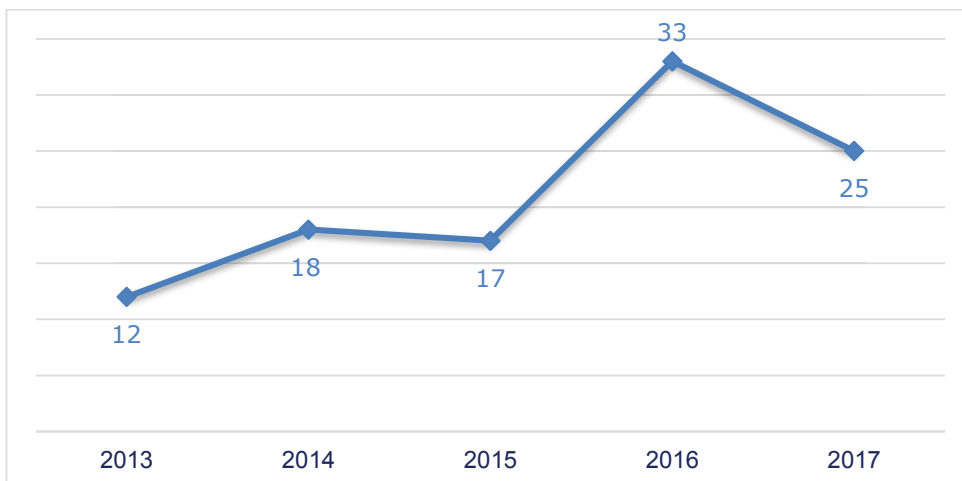
¹² Regulation [\(EC\) No 1013/2006](#), Commission v Czech Republic, [C-399/17](#); [IP/16/2492](#).

IV. TRANSPOSITION OF DIRECTIVES

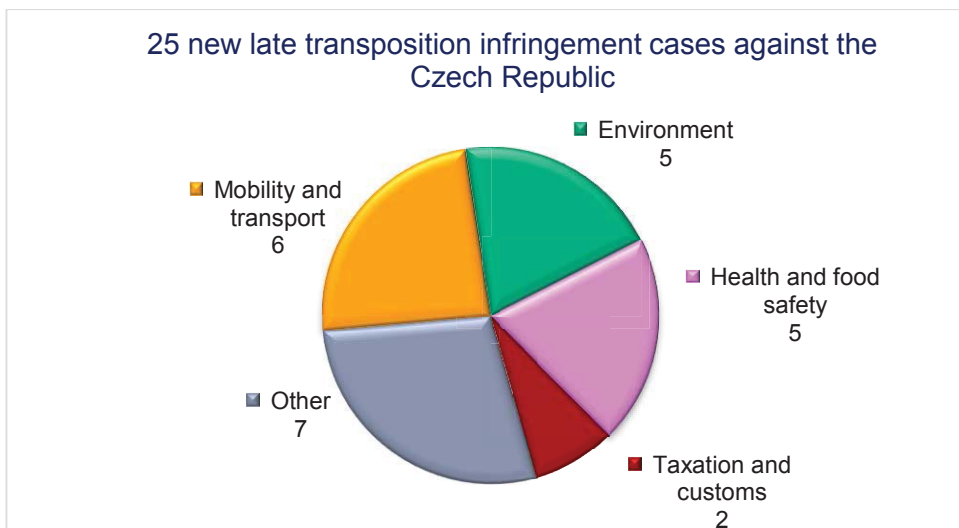
1. Late transposition infringement cases against the Czech Republic open on 31 December (2013-2017)



2. New late transposition infringement cases against the Czech Republic (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- placing on the market of certain plant protection products that were not authorised under EU legislation¹³;
- non-communication of national measures transposing the:
 - Commission Directive¹⁴ amending the Groundwater Directive¹⁵;
 - Transparency Directive¹⁶;
 - Accounting Directive¹⁷.
- bad application of the Directive on driving licences¹⁸.

¹³ Regulation [\(EC\) No 1107/2009](#).

¹⁴ Directive [2014/80/EU](#).

¹⁵ Directive [2006/118/EC](#).

¹⁶ Directive [2013/50/EU](#).

¹⁷ Directive [2013/34/EU](#).

¹⁸ Directive [2006/126/EC](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Czech judiciary.

- A Member State may not detain an applicant for international protection for the purpose of securing a procedure for transferring her to another Member State if the objective criteria for assessing the risk of absconding are not defined in its legislation (even if those criteria are apparent from the case-law or the administrative practice of that Member State)¹⁹.
- A collision between an aircraft and a bird is an extraordinary circumstance exempting the carrier from the obligation to pay compensation in the event of significant delay. That delay cannot be justified by the alleged need to carry out a second check where an authorised expert found that the aircraft was airworthy after the collision²⁰.

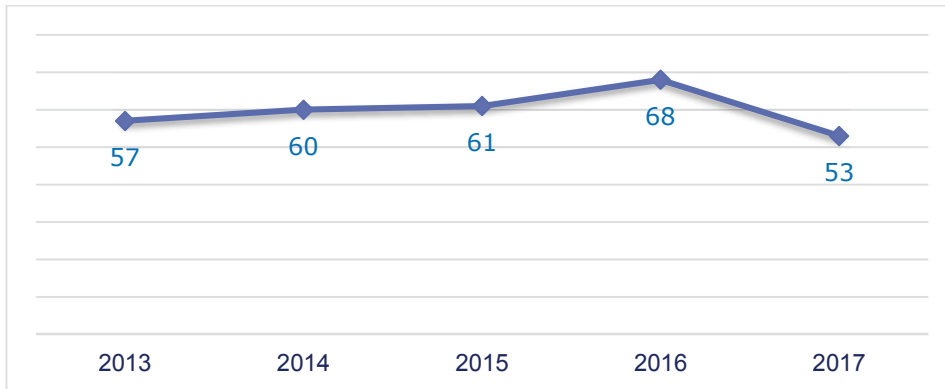
¹⁹ Al Chodor and Others, [C-528/15](#).

²⁰ Pešková and Peška, [C-315/15](#).

Denmark

I. COMPLAINTS

1. New complaints made against Denmark by members of the public (2013-2017)



2. Public complaints against Denmark open at year-end

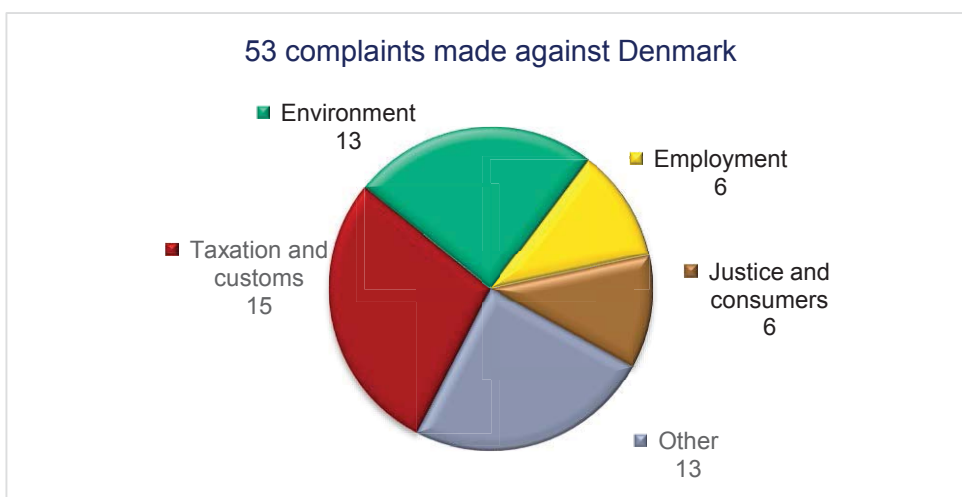
46 > Complaints open at end-2016

53 > New complaints registered in 2017

48 > Complaints handled in 2017

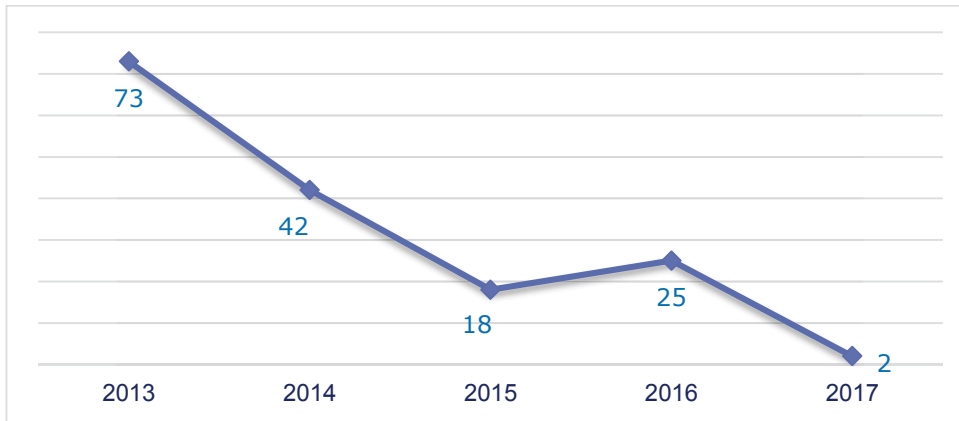
48
= 51 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

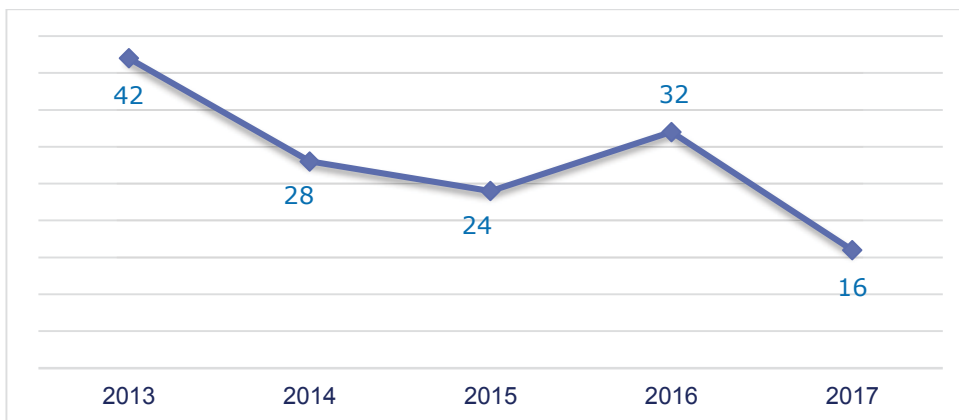


II. EU PILOT

1. New EU Pilot files opened against Denmark (2013-2017)



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

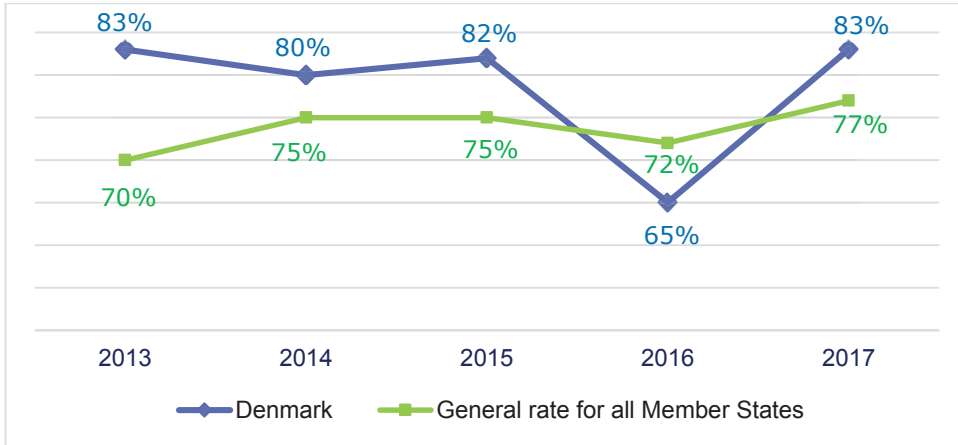


3. New EU Pilot files opened in 2017: main policy areas

In 2017, the Commission opened 2 EU Pilot files against Denmark. Both files were opened in the area of environment.

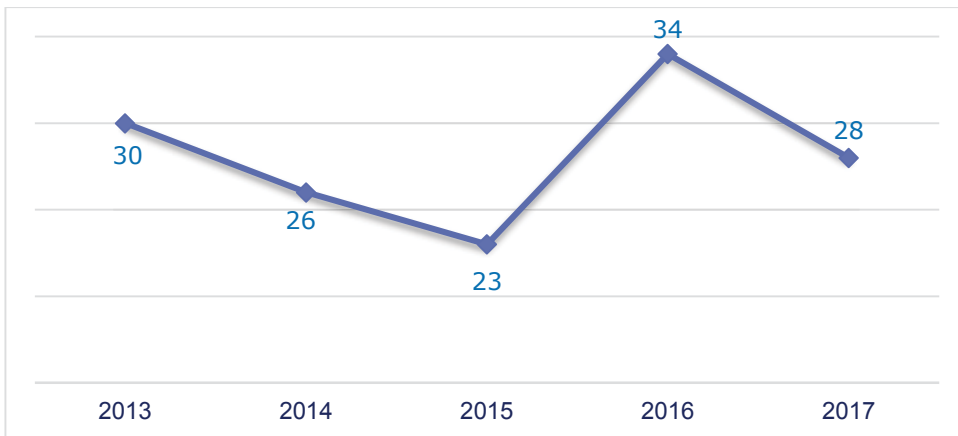
4. EU Pilot files: Denmark's resolution rate in 2013-2017

Denmark

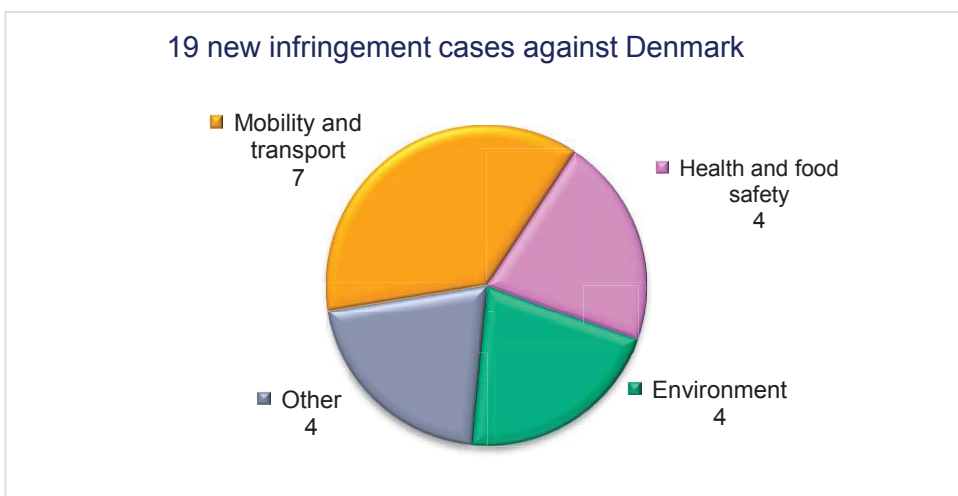


III. INFRINGEMENT CASES

1. Infringement cases against Denmark open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



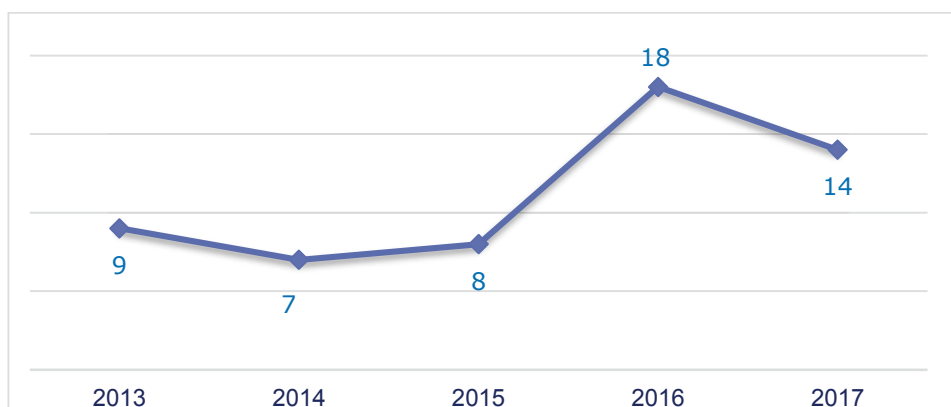
3. Key infringement cases and referrals to the Court

Denmark

- a) The Commission opened 19 new infringement cases against Denmark in 2017. These, and other major ongoing infringement cases, include:
- failure to comply with reporting obligations under EU waste legislation¹;
 - incorrect transposition and implementation of the Third Energy Package Directives (Electricity Directive² and Gas Directive³);
 - failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive⁴;
 - non-conformity of the Danish regime applicable to combined transport operations⁵;
 - non-communication of national measures transposing the amending Nuclear Safety Directive⁶.
- 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 (2013-2017)



2. New late transposition infringement cases against Denmark (2013-2017)

¹ [MEMO/17/1281](#).

² Directive [2009/72/EC](#), [MEMO/17/4767](#).

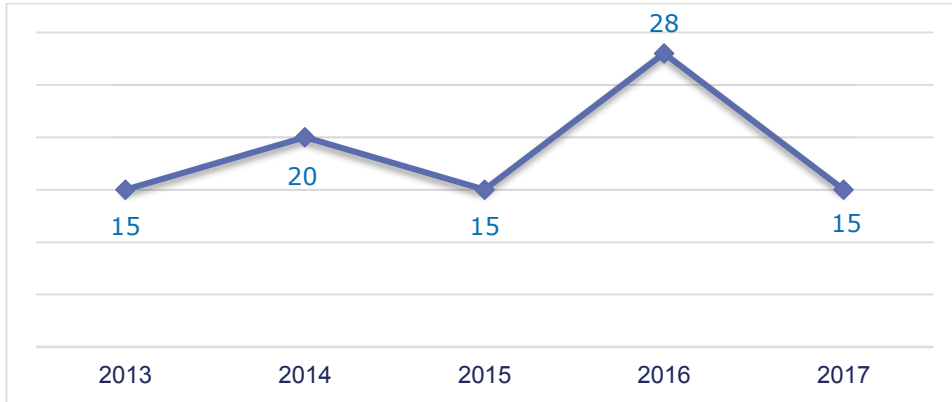
³ Directive [2009/73/EC](#), [MEMO/17/4767](#).

⁴ Directive [2008/56/EC](#).

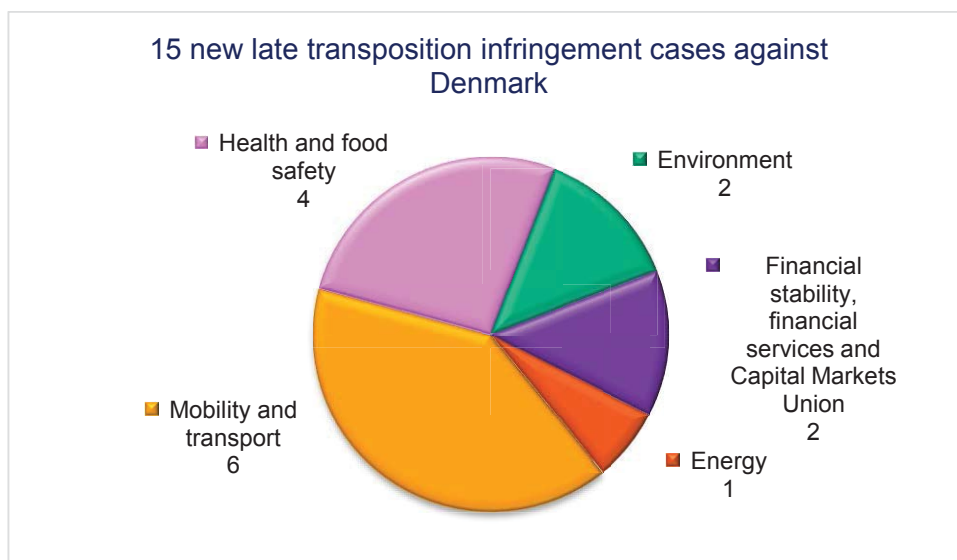
⁵ Directive [92/106/EEC](#).

⁶ Directive [2014/87/Euratom](#).

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Denmark



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- incorrect implementation of the EU Customs Code by not requiring certain data for a customs declaration⁷;
- non-communication of national measures transposing the:
 - Commission Directive⁸ amending the Groundwater Directive⁹;
 - Directive on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms; Banking Recovery and Resolution Directive; and Transparency Directive;¹⁰
 - Directive on placing on the market of explosives for civil uses¹¹;
 - Directive on port reception facilities for ship-generated waste and cargo residues¹².
- failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive¹³;
- failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹⁴;

⁷ Regulation [\(EC\) No 2286/2003](#).

⁸ Directive [2014/80/EU](#).

⁹ Directive [2006/118/EC](#).

¹⁰ Directives [2013/36/EU](#), [2014/59/EU](#) and [2013/50/EU](#).

¹¹ Directive [2014/28/EU](#).

¹² Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

¹³ Directive [2008/56/EC](#).

- incorrect transposition of Driving Licences Directive¹⁵.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

No major preliminary rulings were addressed to the Danish judiciary in 2017.

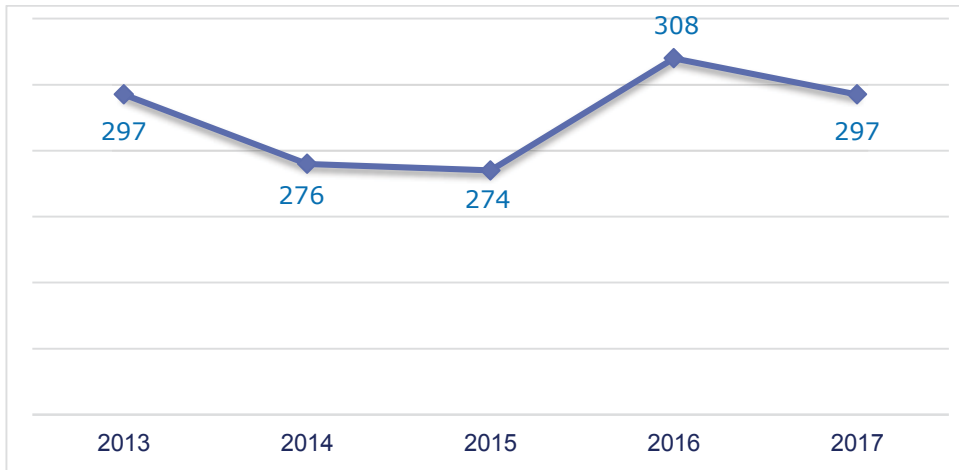
¹⁴ Directive [2014/94/EU](#).

¹⁵ Directive [2006/126/EC](#).

Germany

I. COMPLAINTS

1. New complaints made against Germany by members of the public (2013-2017)

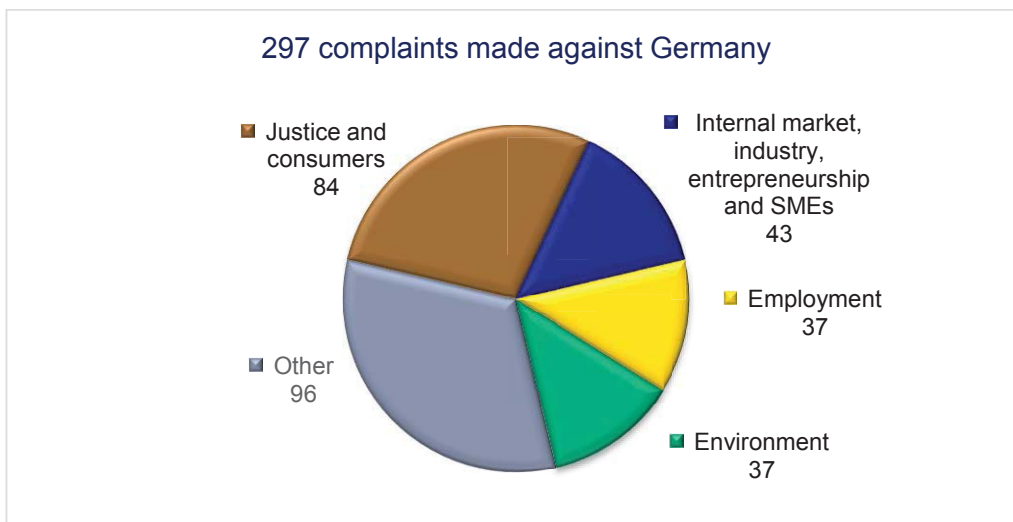


2. Public complaints against Germany open at year-end

254 > Complaints open at end-2016
 297 > New complaints registered in 2017
 252 > Complaints handled in 2017

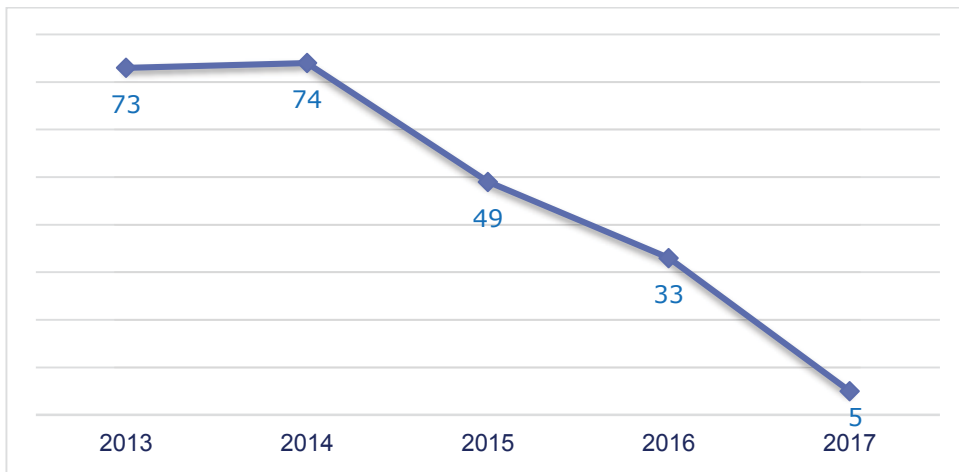
 = 299 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

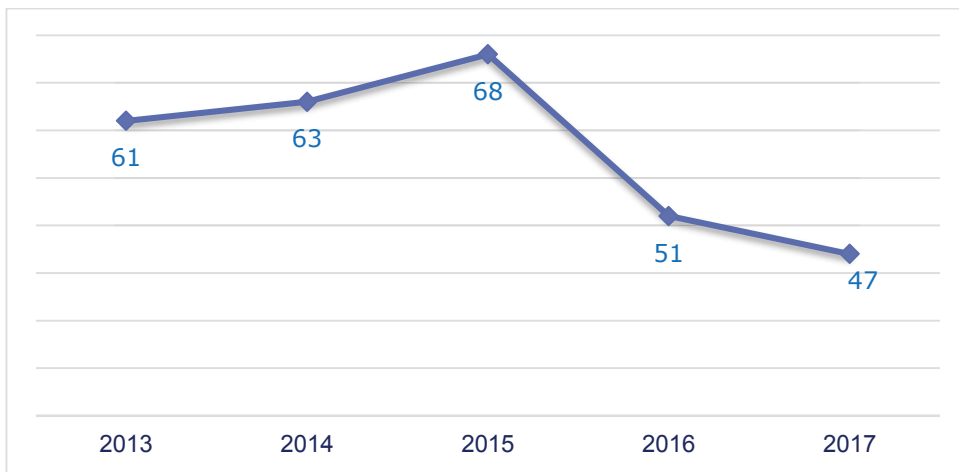


II. EU PILOT

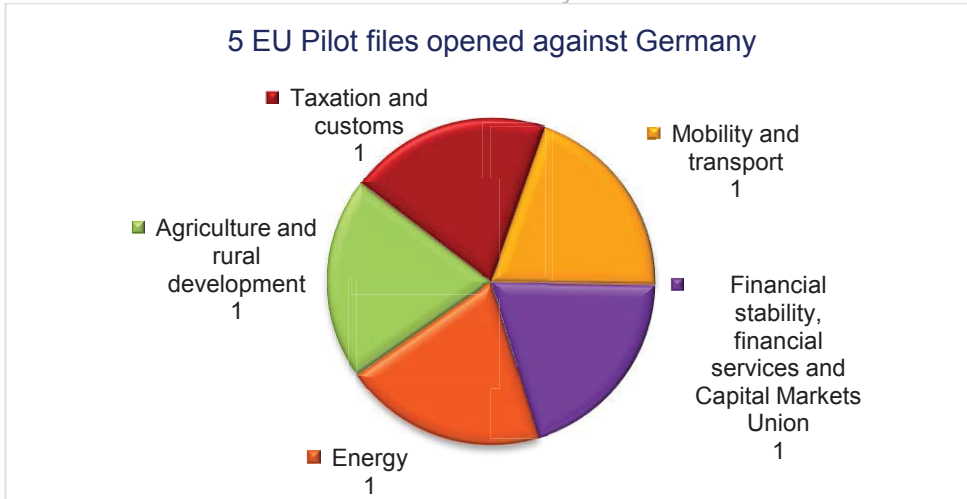
1. New EU Pilot files opened against Germany (2013-2017)



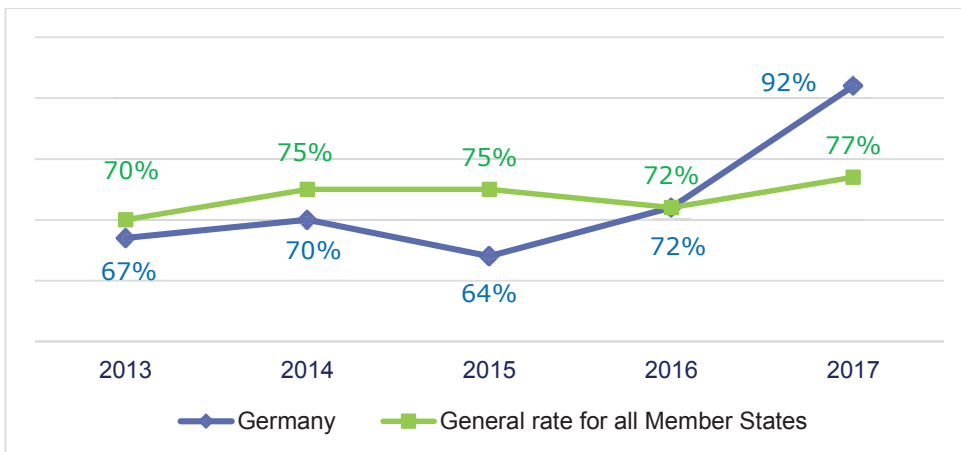
2. Files relating to Germany open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

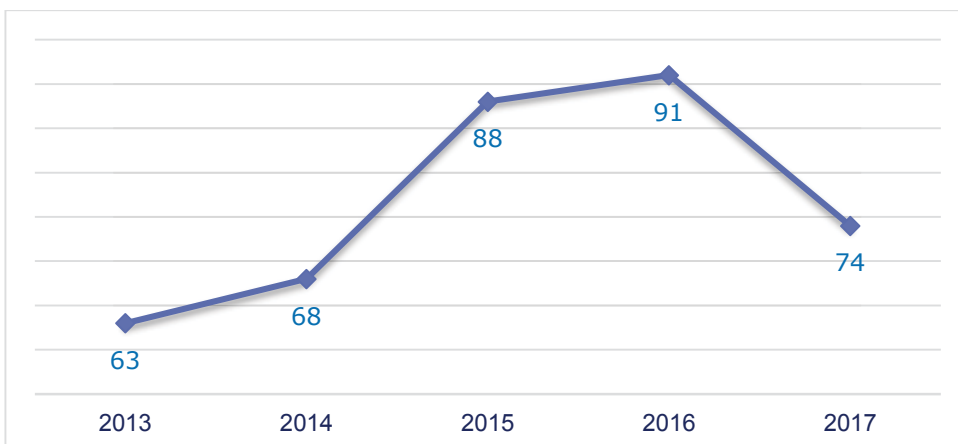


4. EU Pilot files: Germany's resolution rate in 2013-2017

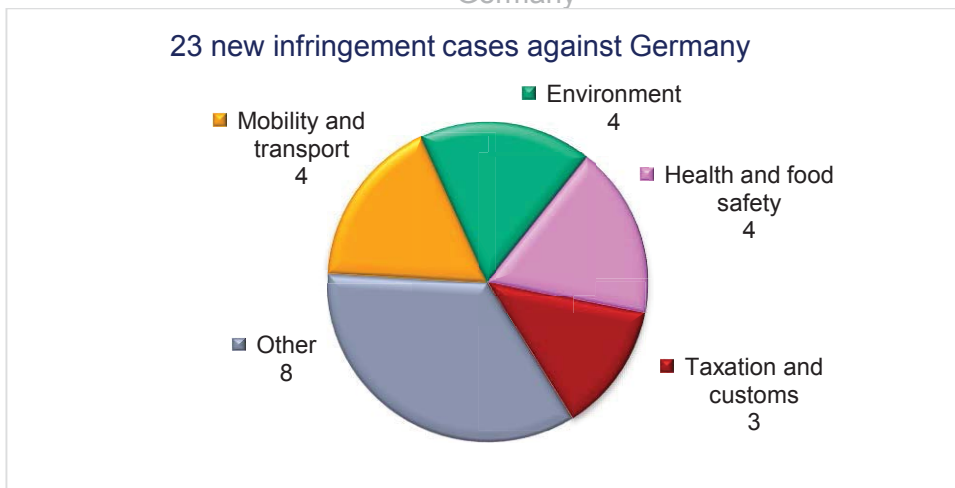


III. INFRINGEMENT CASES

1. Infringement cases against Germany open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 23 new infringement cases against Germany in 2017. These, and other major ongoing infringement cases, include:
- failure to comply with reporting obligations under EU waste legislation¹;
 - failure to comply with the NO₂ limit values set by the Air Quality Directive²;
 - failure to establish action plans required by the Noise Directive³;
 - reluctance by the tax administration to inform VAT refund applicants in certain cases, which may result in EU businesses losing those refund rights;
 - non-compliance with the Directive on the interoperability of the rail system⁴;
 - incorrect transposition of the Railway Safety Directive⁵;
 - non-communication of national measures transposing the:
 - Directive laying down calculation methods and reporting requirements⁶ pursuant to a Directive relating to the quality of petrol and diesel fuels⁷;
 - Directive on the organisation of working time in inland waterway transport⁸;
 - Directives on the registration of suppliers and of varieties and the common list of varieties, on requirements for the labelling, sealing and packaging of fruit plant propagating material and on the specific requirements for the genus and species of fruit plants⁹.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- authorisation of a car manufacturer to place vehicles on the EU market using a banned greenhouse gas in their air-conditioning systems¹⁰;
 - imposition of excessive and unjustified obstacles to the provision of services across the internal market¹¹;

¹ [MEMO/17/1577](#).

² Directive [2008/50/EC](#), [IP/17/238](#).

³ Directive [2002/49/EC](#), [MEMO/17/3494](#).

⁴ Directive [2008/57/EC](#), [MEMO/17/1045](#).

⁵ Directive [2004/49/EC](#).

⁶ Directive [2015/652/EU](#).

⁷ Directive [98/70/EC](#).

⁸ Directive [2014/112/EU](#).

⁹ Directives [2014/96/EU](#), [2014/97/EU](#) and [2014/98/EU](#).

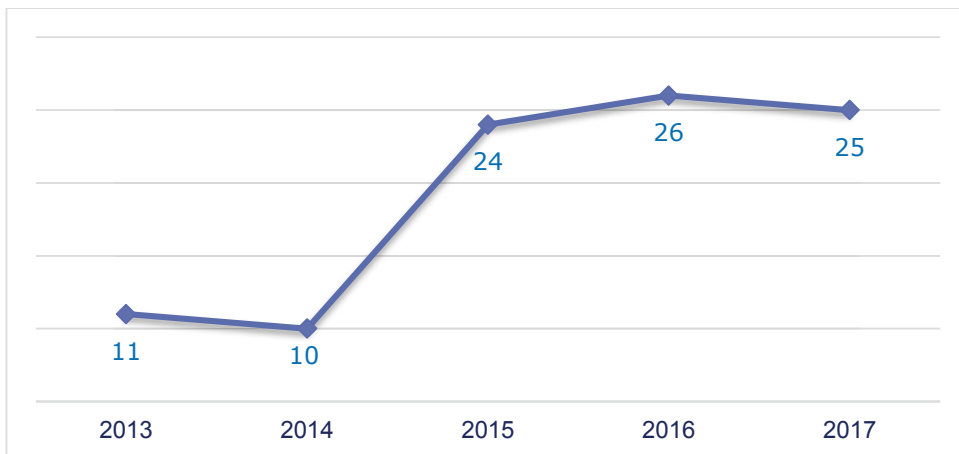
¹⁰ Directive [2006/40/EC](#), *Commission v Germany*, [C-668/2016](#), [IP/15/6290](#).

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

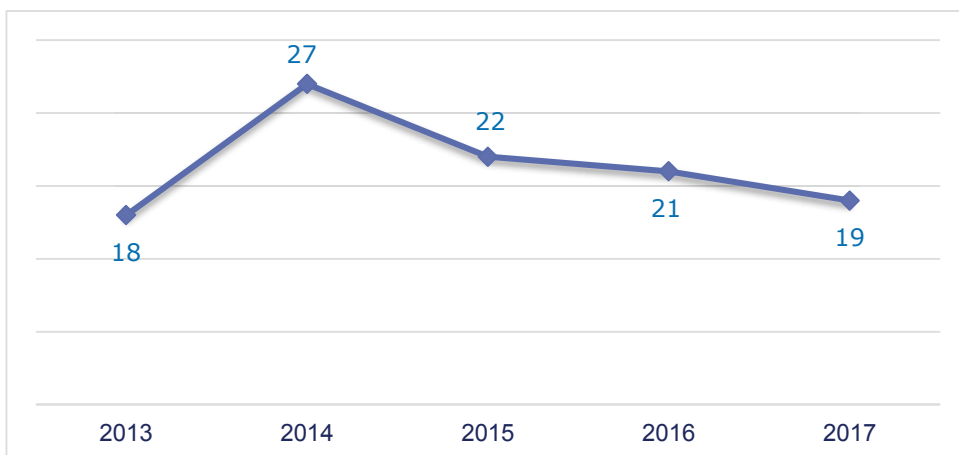
¹¹ Directive [2006/123/EC](#), Commission v Germany, [C-377/2017](#), [IP/16/3646](#), [MEMO/16/3644](#).

IV. TRANSPOSITION OF DIRECTIVES

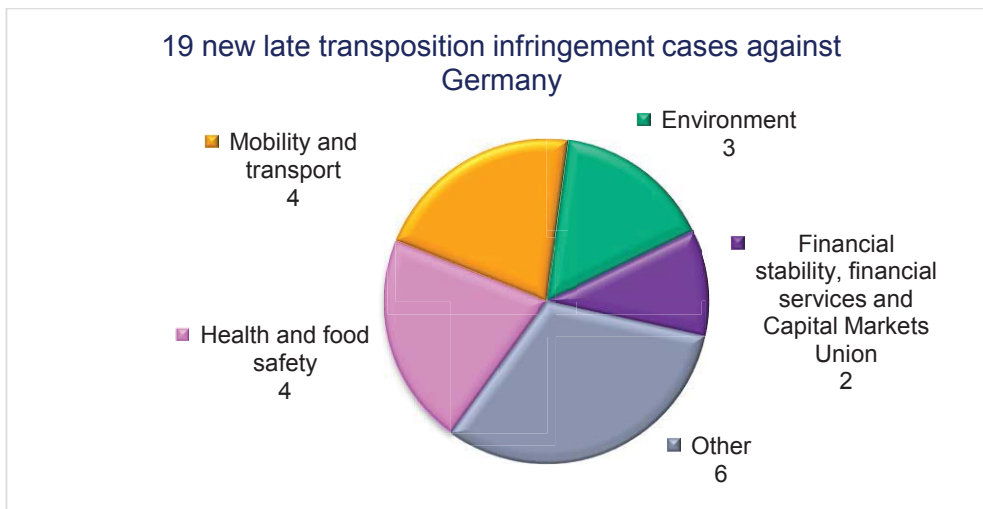
1. Late transposition infringement cases against Germany open on 31 December (2013-2017)



2. New late transposition infringement cases against Germany (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned the following.

- Incorrect transposition into national law of the Directive on unfair commercial practices¹².
- Non-implementation of Regulations in the area of aviation safety (lack of appropriate recourses)¹³.
- Non-compliance with the Schengen Borders Code¹⁴.
- Incorrect transposition of the Waste Framework Directive¹⁵.
- Breach of EU law by German legislation on a user charge for passenger cars ('PKW-Maut').
- Non-ratification and non-deposition of ratification instruments of the Revised Convention and the Protocol of Accession of the EC to the Eurocontrol International Convention.
- Lack of resources to conduct duties attributed to Civil Aviation Competent Authority¹⁶.
- Lack of definition of 'normal residence' for the purpose of temporary car import from another Member State; refusal to exempt from motor vehicle tax the cars of people who return to their non-German place of normal residence every weekend but during the working week commute between their temporary residence and working place, both in Germany.

¹² Directive [2005/29/EC](#).

¹³ Regulation (EU) [748/2012](#) and Regulation [1321/2014](#).

¹⁴ Regulation (EU) [2016/399](#).

¹⁵ Directive [2008/98/EC](#).

¹⁶ Commission Regulations [748/2012](#), [1321/2014](#) and [1178/2011](#).

Germany

- The special maintenance allowance under inheritance law. This was extended to non-German surviving spouses (registered partners) upon inheriting a German estate or investment when neither the deceased nor the heir are tax-resident in Germany¹⁷.

¹⁷ [MEMO/17/3494](#).

- non-communication of measures transposing the:
 - Directive on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles¹⁸;
 - Directive on trafficking in human beings¹⁹;
 - Directive on port reception facilities for ship-generated waste and cargo residues²⁰;
 - Directive on disclosure of non-financial and diversity information by certain large undertakings²¹.

VI. IMPORTANT JUDGMENTS

1. Court rulings²²

The Court gave the following rulings.

- Germany failed to fulfil its obligations under the Habitats Directive by authorising the construction of a coal-fired power plant in Moorburg, near Hamburg, without conducting an appropriate and comprehensive assessment of its implications²³.
- Germany failed to fulfil its port security obligations in relation to port boundaries, port security assessments and port security officers²⁴.
- As the VAT Directive exempts from VAT all services provided by cost-sharing groups²⁵ to their members (under certain common conditions), the German rule that restricted this kind of VAT exemption to cost-sharing groups operating in the medical and healthcare sector violated EU law²⁶.
- Member States have to ensure that the accounts of railway undertakings are kept in a way that makes it possible to monitor the prohibition of transferring public funds earmarked for the management of railway infrastructure to transport services²⁷.
- As the European Commission did not adopt a financial correction decision related to the European Regional Development Fund within the six-month deadline indicated in the relevant Regulation, the decision has been annulled on procedural grounds²⁸.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the German judiciary.

- Purely plant-based products cannot, in principle, be marketed with designations such as 'milk', 'cream', 'butter', 'cheese' or 'yoghurt', which are reserved by EU law for animal products. This prohibition applies even if those designations are accompanied by clarifying or descriptive terms indicating the plant origin of the product concerned. This prohibition however does not apply if the product is mentioned on a list of exceptions set out in a Commission decision²⁹.

¹⁸ Directive [2013/29/EU](#).

¹⁹ Directive [2011/36/EU](#).

²⁰ Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

²¹ Directive [2014/95/EU](#).

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

²³ Directive [92/43/EEC](#), Commission v Germany, [C-142/16](#).

²⁴ Directive [2005/65/EC](#), Commission v Germany, [C-58/16](#).

²⁵ Associations of taxpayers who come together to purchase services from third parties.

²⁶ Commission v Germany, [C-616/15](#), [IP/15/4493](#).

²⁷ Directive [91/440/EEC](#) and Directive [2001/14/EC](#), Commission v Germany, [C-482/14](#).

²⁸ Regulation (EC) No [1083/2006](#) and Cases [T-97/09](#), [T-21-10](#), [T-104/10](#), [T-114/10](#) and [T-116/10](#), Germany v Commission.

²⁹ TofuTown.com, [C-422/16](#) and Court press release [No 63/17](#).

Germany

- A sorbet may be sold under the name 'Champagner Sorbet' if it has, as one of its essential characteristics, a taste attributable primarily to champagne. If that is the case, that product name does not take undue advantage (and therefore does not exploit the reputation) of the protected designation of origin (PDO) 'champagne'. A PDO is protected not only against false or misleading indications which may create a false impression as to the origin of the product, but also against false or misleading indications relating to the nature or essential qualities of the product³⁰.
- Substances which have not been registered at the time of their import into the territory of the EU in accordance with the REACH Regulation may be exported outside that territory³¹.
- The legal aid granted by the Member State of the court hearing a case, in which a natural person domiciled or resident in another Member State has submitted a legal aid application in the context of a cross-border dispute, also covers the costs paid by that person for the translation of the supporting documents necessary for the processing of that application³².
- The Rome III Regulation³³ does not apply to private divorce (i.e. a divorce which is not pronounced by a court or public authority), such as a unilateral declaration made by a spouse before a religious court (for example, under sharia law). The Rome III Regulation aims at facilitating cross-border divorces by determining which national law, of all those potentially applicable, should be applied by the courts of Member States to resolve the divorce³⁴.
- The concept of 'basic rate', referred to in the Directive on consumer rights³⁵, means that charges for the use of a telephone helpline operated by the trader, in order to contact him in relation to a concluded contract, may not exceed the cost of a call to a standard geographic landline or mobile telephone line. This is regardless of whether the relevant trader does or does not make a profit through that telephone helpline³⁶.
- The efficient management of migration flows may justify a national measure requiring nationals of third countries under the age of 16 to hold a residence permit in order to enter and reside in that Member State. However, such a measure is not proportionate when it concerns child nationals of third countries born in the Member State in question and one of whose parents is a Turkish worker lawfully residing in that Member State³⁷.
- Member States enjoy a wide discretion in refusing to admit third country students who plan to carry out research in that Member State in a field that is sensitive for public security, if the elements available provide a sufficiently solid factual basis to fear that the knowledge acquired by that person during research may subsequently be used for purposes contrary to public security³⁸.
- EU law precludes the application of national provisions providing for a review of the equity of charges for the use of railway infrastructure, on a case-by-case basis, by the ordinary courts, and the possibility, if necessary, of amending the amount of those charges, independently of the monitoring performed by the regulatory body provided for in EU law³⁹.
- The representation and collective defence of the employees' interests in the management or supervisory bodies of a company founded under national law is a non-harmonised and non-coordinated field from the point of view of EU law. A Member State

³⁰ Comité Interprofessionnel du Vin de Champagne, [C-393/16](#) and Court press release [No 139/17](#).

³¹ Regulation [\(EC\) No 1907/2006](#), Pinckernelle, [C-535/15](#).

³² Jan Šalplachta, [C-670/15](#).

³³ Regulation [\(EU\) No 1259/2010](#).

³⁴ Sahyouni, [C-372/16](#) and Court press release [No 137/17](#).

³⁵ Directive [2011/83/EU](#).

³⁶ Zentrale zur Bekämpfung des unlauteren Wettbewerbs, [C-568/15](#) and Court press release [No 21/17](#).

³⁷ Tekdemir v Kreis Bergstraße, [C-652/15](#).

³⁸ Fahimian, [C-544/15](#).

³⁹ CTL Logistics GmbH, [C-489/15](#).

may therefore adopt legislation applicable only to workers employed by companies located in its national territory⁴⁰.

- The German anti-abuse measures concerning dividend payments to foreign companies without genuine activity were incompatible, in the respective tax years, with both the Parent-Subsidiary Directive and the freedom of establishment⁴¹.
- It is incompatible with the free movement of workers that the German law does not allow residents working in another Member State to deduct, from their income tax base, their pension and health insurance contributions which were deducted from their wages in the Member State of employment, in contrast to comparable contributions paid to the German social security. This also applies where under a double-taxation Convention the income from the source state must not be taxed in the worker's Member State of residence but merely increases the tax rate to be applied to other income⁴².
- The authorities of a Member State may not refuse to recognise the change of name by a dual EU-national in one of the Member States of his nationalities, subject to the condition that that name must have been acquired during a period of habitual residence in that other Member State, unless there are other provisions of national law which effectively allow the recognition of that name⁴³.
- In relation to customs valuation, a flat-rate adjustment based on transfer pricing arrangements, and made after the accounting period, cannot be taken into account when establishing the transaction value of imported goods⁴⁴.
- The age limit of 65 years established under EU legislation for pilots of commercial aircraft transporting passengers, cargo or mail is justified by the aim of ensuring civil aviation safety⁴⁵.
- The general rules protecting consumers also apply against unfair terms in contracts of carriage by air. When publishing their air fares, air carriers must specify separately the amounts payable in respect of taxes, airport charges and other charges, surcharges or fees⁴⁶.
- For the purpose of calculating compensation payable to passengers in the event of cancellation or long delay of a connecting flight, the concept of 'distance' relates only to the radial distance. This is the distance calculated between the first point of departure and the final destination on the basis of the 'great circle' method and regardless of the actual distance flown⁴⁷.

⁴⁰ Erzberger, [C-566/15](#).

⁴¹ Deister, [C-504/16](#) and Juhler Holding, [C-613/16](#).

⁴² Bechtel & Bechtel, [C-20/16](#).

⁴³ Freitag, [C-541/15](#).

⁴⁴ Hamamatsu Photonics Deutschland GmbH, [C-529/16](#).

⁴⁵ Fries, [C-190/16](#) and Court press release [No 73/17](#).

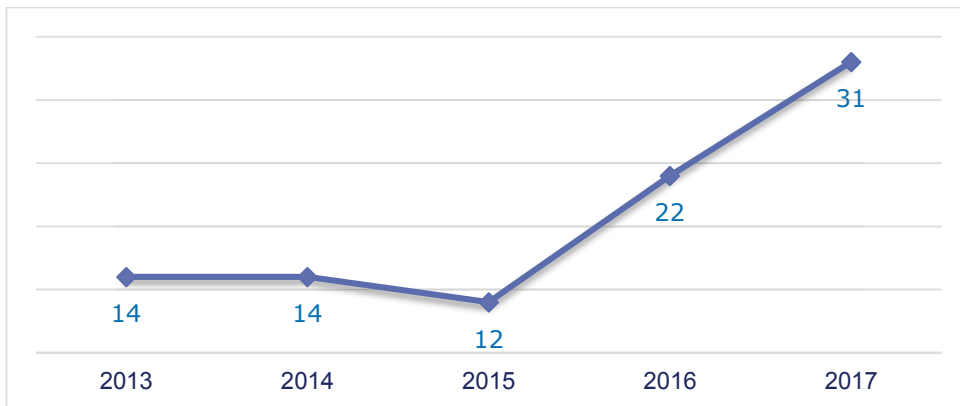
⁴⁶ Air Berlin, [C-290/16](#) and Court press release [No 75/17](#).

⁴⁷ Bossen and Others, [C-559/16](#) and Court press release [No 92/17](#).

Estonia

I. COMPLAINTS

1. New complaints made against Estonia by members of the public (2013-2017)

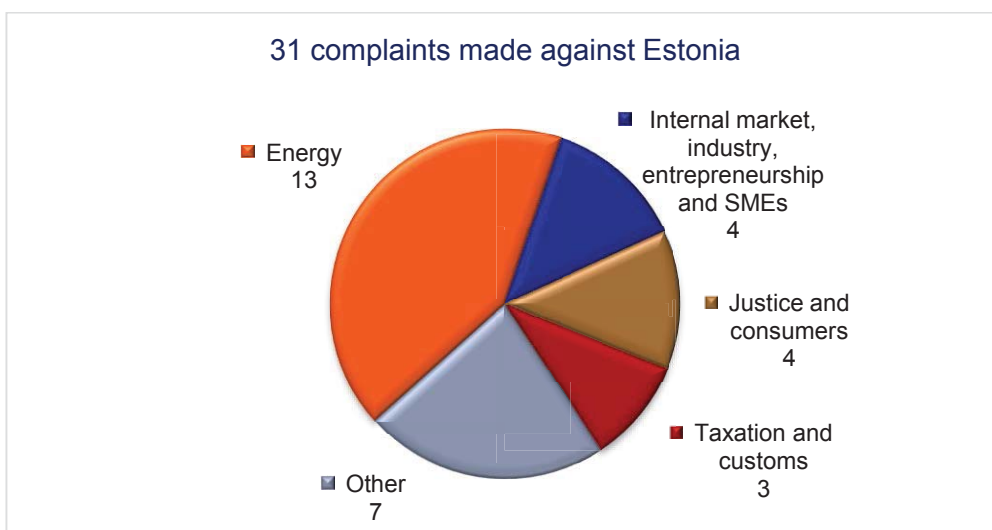


2. Public complaints against Estonia open at year-end

17 > Complaints open at end-2016
 31 > New complaints registered in 2017
 30 > Complaints handled in 2017

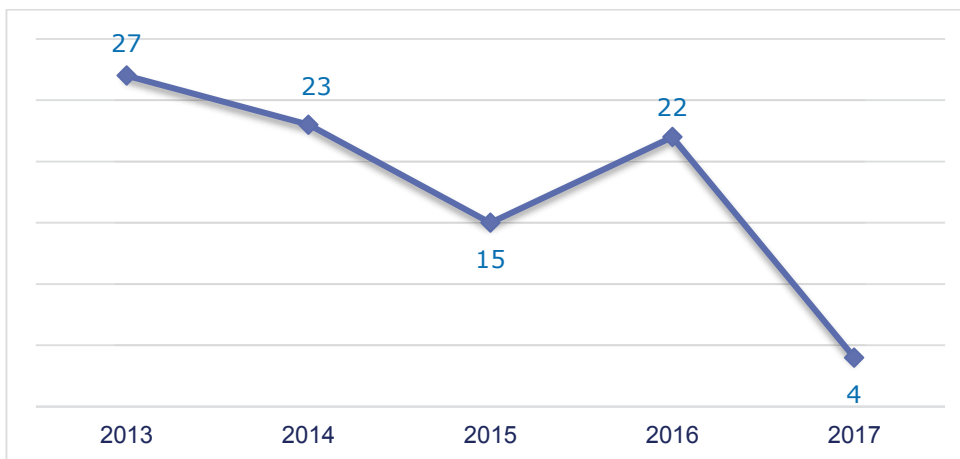
 = 18 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

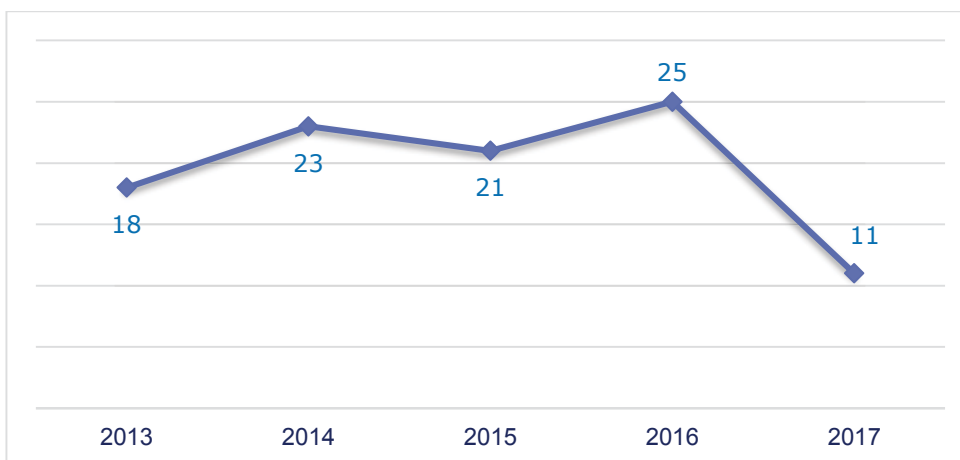


II. EU PILOT

1. New EU Pilot files opened against Estonia (2013-2017)

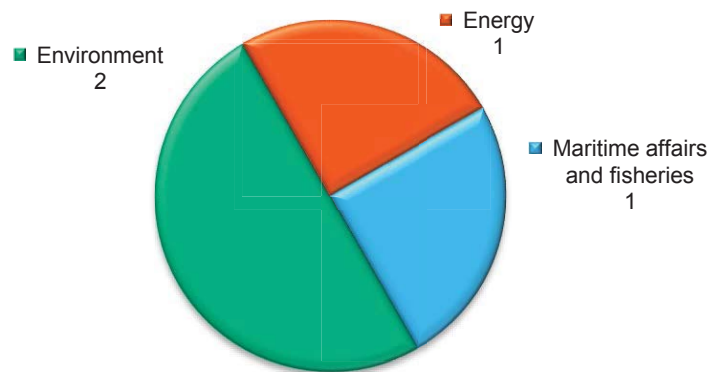


2. Files relating to Estonia open in EU Pilot at year-end

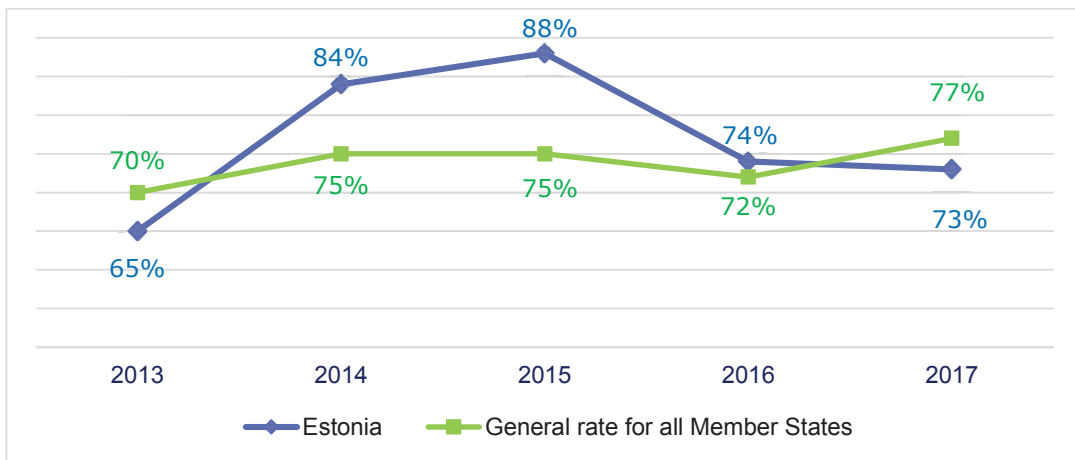


3. New EU Pilot files opened in 2017: main policy areas

4 EU Pilot files opened against Estonia

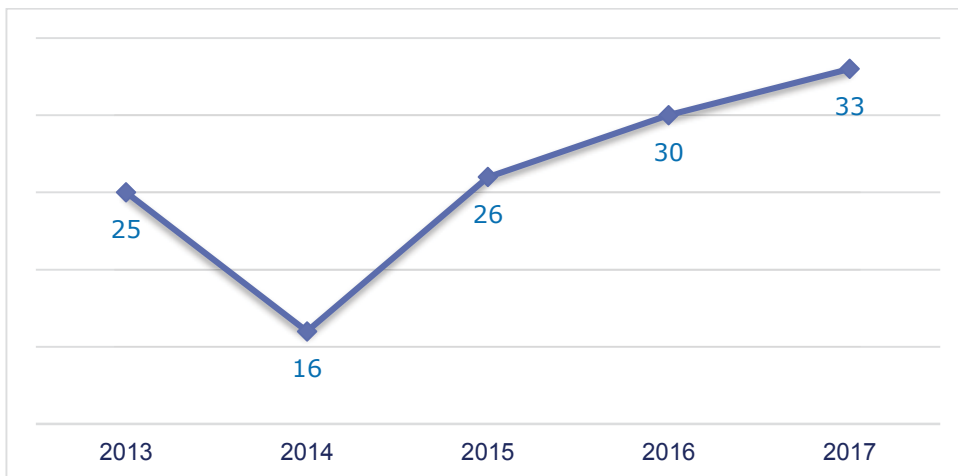


4. EU Pilot files: Estonia's resolution rate in 2013-2017

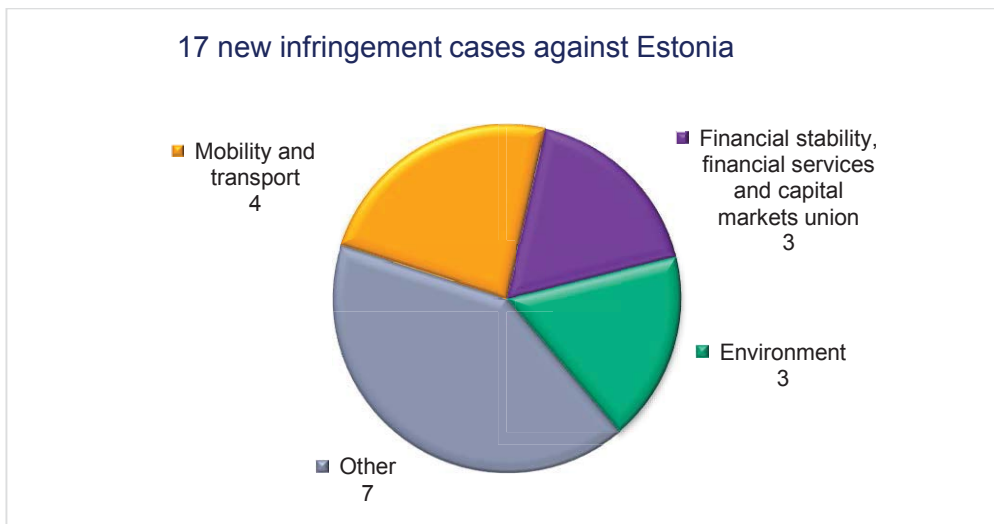


III. INFRINGEMENT CASES

1. Infringement cases against Estonia open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 17 new infringement cases against Estonia in 2017. These, and other major ongoing infringement cases, include:
- incorrect transposition and implementation of the Third Energy Package Directives (Electricity and Gas Directives)¹;
 - non-communication of national measures transposing the:
 - Markets in Financial Instruments Directive (MiFID II) and Audit Directive²;
 - Fourth Anti-Money Laundering Directive³;
 - Directive⁴ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁵;
 - Directive on the organisation of working time in inland waterway transport⁶.
- 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 [2009/72/EC](#) and [2009/73/EC](#), [MEMO/17/1281](#).

² Directives [2016/1034/EU](#) and [2014/56/EU](#).

³ Directive [2015/849/EU](#).

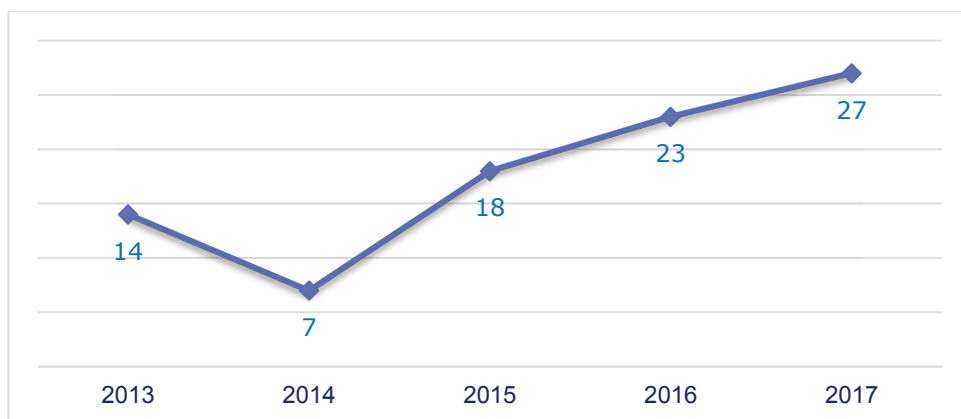
⁴ Directive [\(EU\) 2015/652](#).

⁵ Directive [98/70/EC](#).

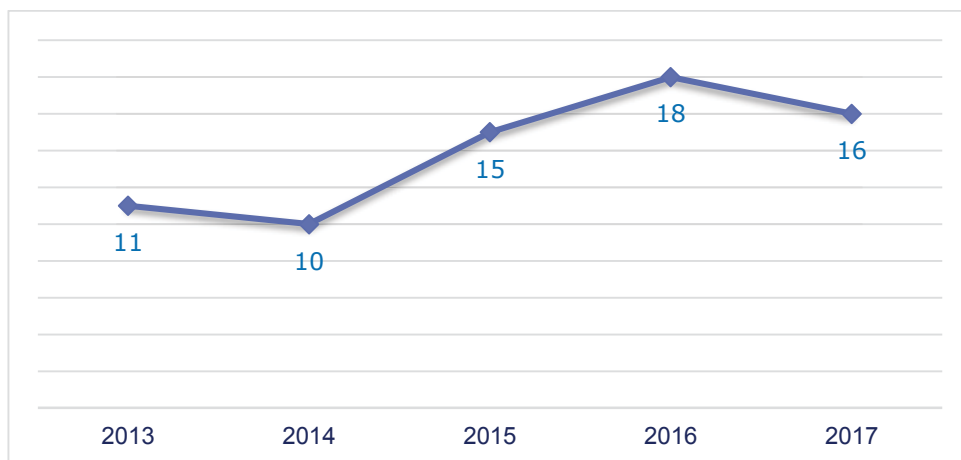
⁶ Directive [2014/112/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

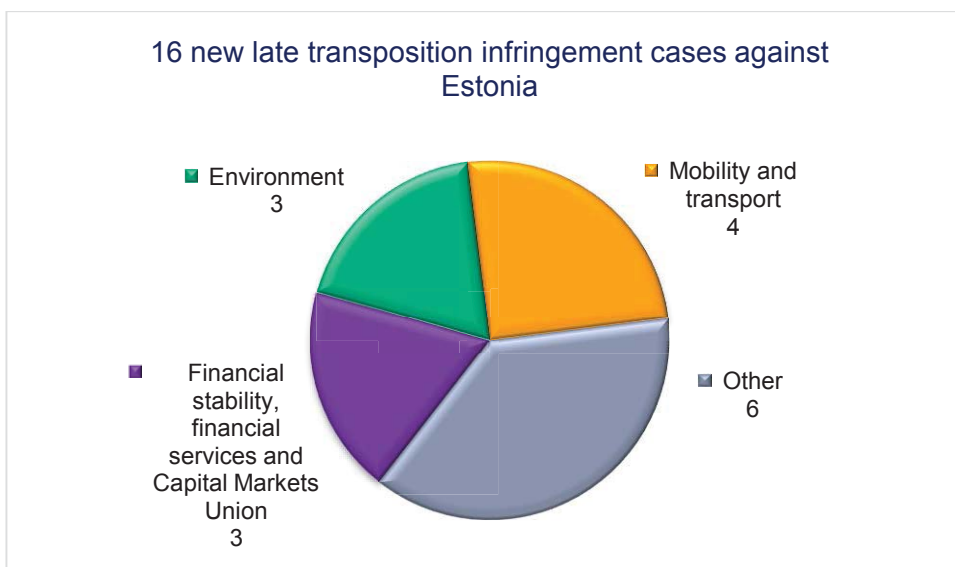
1. Late transposition infringement cases against Estonia open on 31 December (2013-2017)



2. New late transposition infringement cases against Estonia (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- lack of implementation of certain obligations under EU document security legislation⁷;
- non-communication of national measures transposing the:
 - Directive on seasonal workers⁸;
 - Accounting Directive and Directive on undertakings for collective investment in transferable securities⁹;
 - Directive establishing a single European railway area¹⁰;
- failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹¹.

VI. IMPORTANT JUDGMENTS

1. Court rulings¹²

There were no major Court rulings in 2017.

1. Preliminary rulings

⁷ Commission Decisions [C \(2013\) 6181](#) and [C\(2013\)6178](#).

⁸ Directive [2014/36/EU](#).

⁹ Directives [2013/34/EU](#) and [2014/91/EU](#).

¹⁰ Directive [2012/34/EU](#).

¹¹ Directive [2014/94/EU](#).

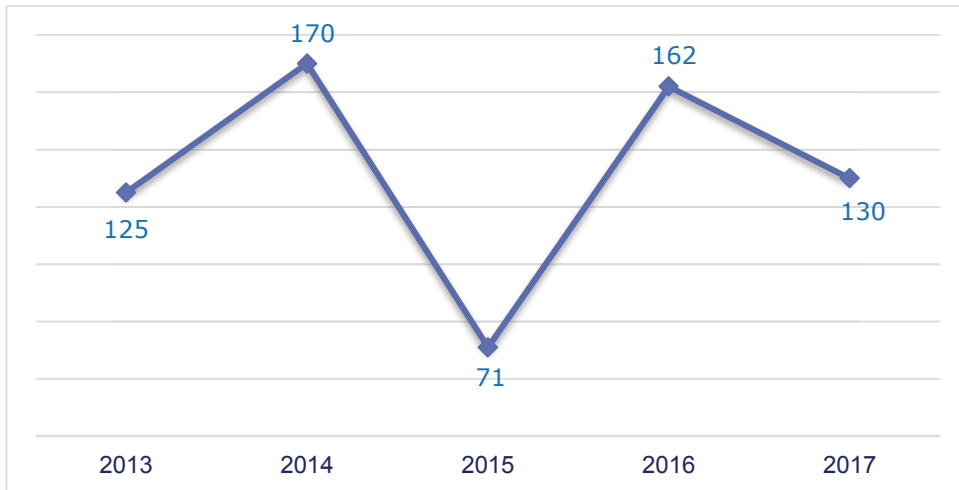
¹² These rulings are almost exclusively handed down in infringement procedures.

No major preliminary rulings were addressed to the Estonian judiciary in 2017.

Ireland

I. COMPLAINTS

1. New complaints made against Ireland by members of the public (2013-2017)



2. Public complaints against Ireland open at year-end

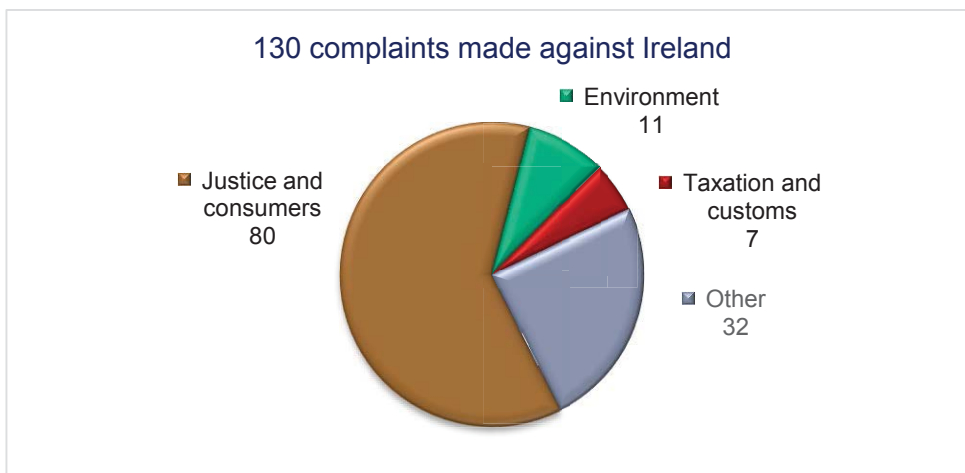
254 > Complaints open at end-2016

130 > New complaints registered in 2017

105 > Complaints handled in 2017

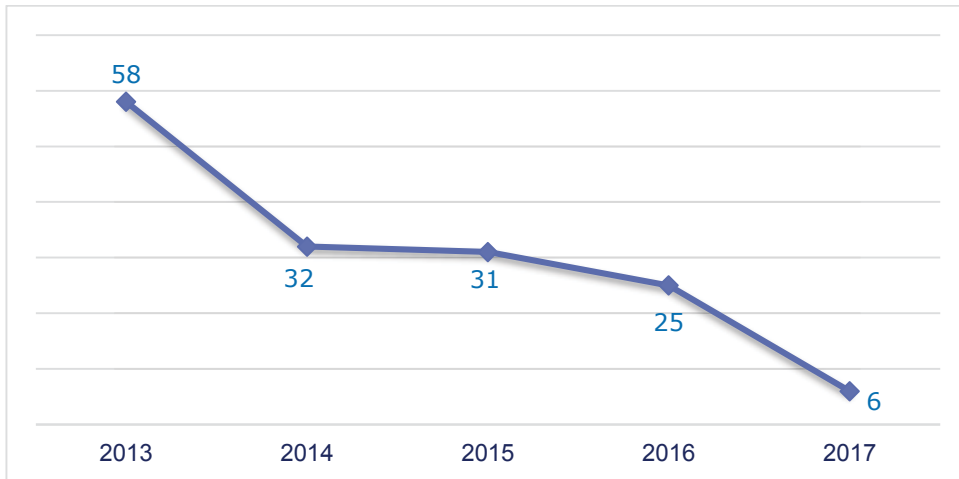
105
= 279 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

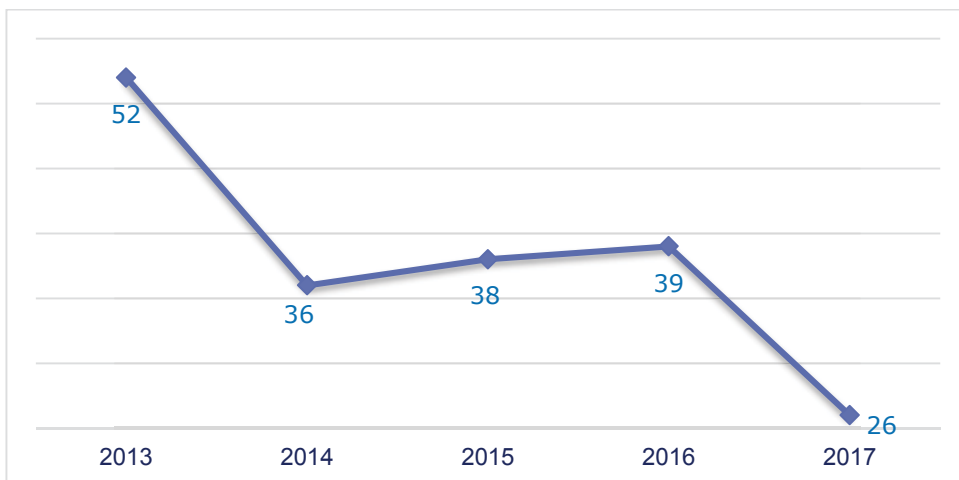


II. EU PILOT

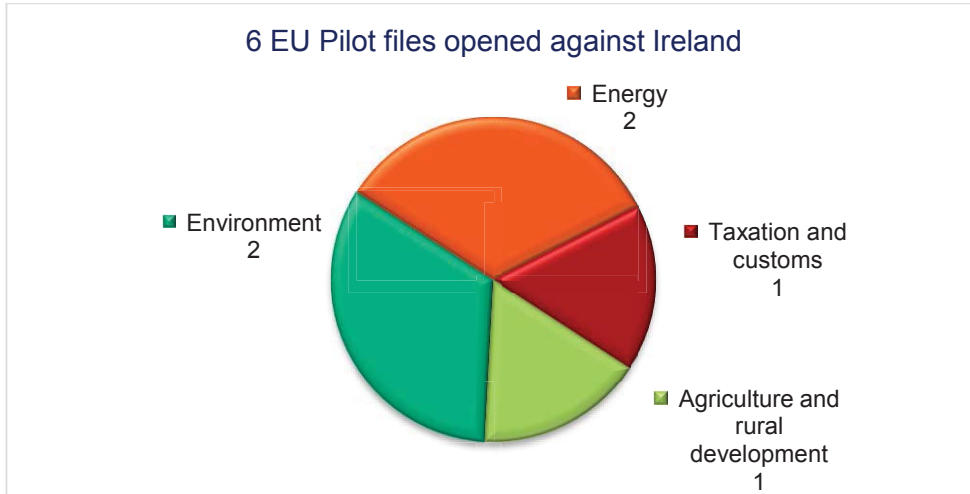
1. New EU Pilot files opened against Ireland (2013-2017)



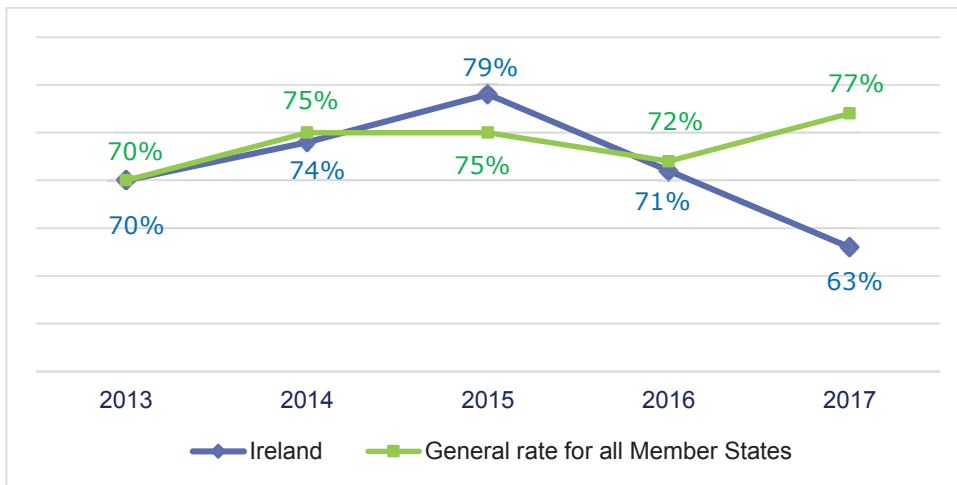
2. Files relating to Ireland open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

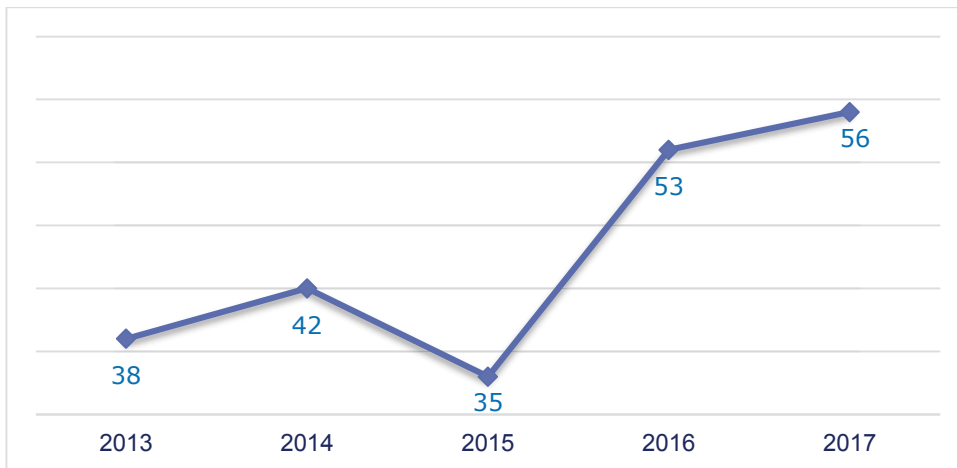


4. EU Pilot files: Ireland's resolution rate in 2013-2017

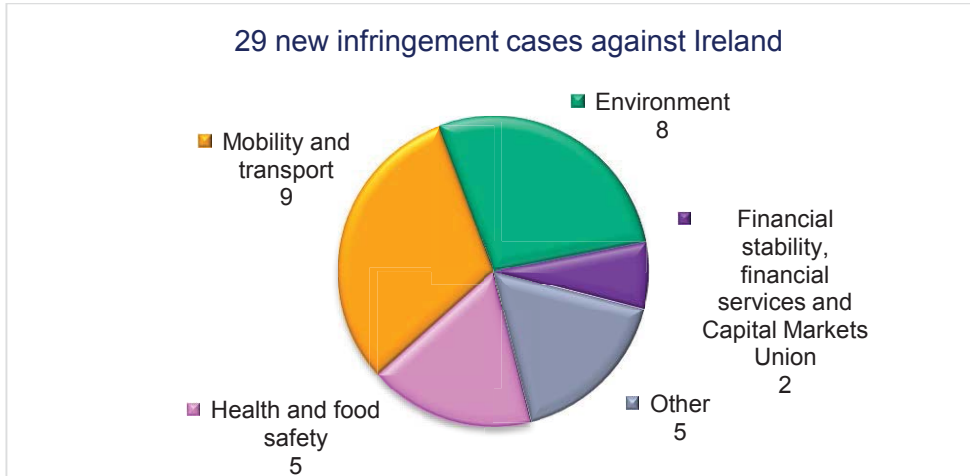


III. INFRINGEMENT CASES

1. Infringement cases against Ireland open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 29 new infringement cases against Ireland in 2017. These, and other major ongoing infringement cases, include:
- failure to implement the Schengen Information System¹;
 - failing to fully implement the Prüm Decisions, which set up an information-exchange tool that can offer automated comparison of DNA profiles, fingerprint data and vehicle registration data²;
 - failure to comply with reporting obligations under EU waste legislation³;
 - non-reporting of flood risk management plans under the Floods Directive⁴;
 - late adoption of the second round of river basin management plans under the Water Framework Directive⁵;
 - incorrect application of the Directive on the mutual recognition of seafarers' certificates issued by Member States⁶;
 - failure to carry out analysis of the relevant telecom markets on time⁷;
 - bad application of the Directive establishing the fundamental principles governing the investigation of accidents in the maritime transport sector⁸;
 - non-communication of national measures transposing the:
 - Fourth Anti-Money Laundering Directive⁹;
 - Directive on disclosure of non-financial and diversity information by certain large undertakings¹⁰;
 - Directive on seafarers¹¹.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They involve the following infringements.
- Failure to ensure adequate collection and treatment of urban waste water¹².
 - Failure to apply properly the EU rules on fiscal marking¹³ of fuel. Under the rules fishing vessels (among others) may benefit from a lower tax rate on their fuels; however, private leisure boats must use fuel subject to a standard rate. In addition, private leisure boats using marked fuel risk heavy penalties abroad charged by the authorities of other Member States¹⁴.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Council Decision [2002/192/EC](#).

² Council Decisions [2008/615/JHA](#) and [2008/616/JHA](#).

³ [MEMO/17/1281](#).

⁴ Directive [2007/60/EC](#).

⁵ Directive [2000/60/EC](#).

⁶ Directive [2005/45/EC](#), [MEMO/17/4767](#).

⁷ Directive [2002/21/EC](#), [MEMO/17/3494](#).

⁸ Directive [2009/18/EC](#), [MEMO/17/1045](#).

⁹ Directive [2015/849/EU](#).

¹⁰ Directive [2014/95/EU](#).

¹¹ Directive [2015/1794/EU](#).

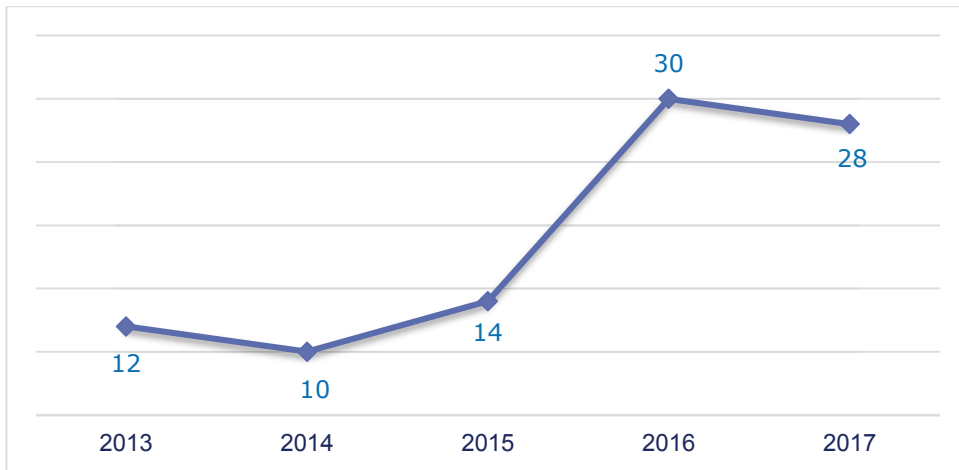
¹² Directive [91/271/EEC](#), Commission v Ireland, [C-427/17](#), [IP/17/236](#).

¹³ The fuel that may benefit from a reduced tax rate has to be marked by coloured dye.

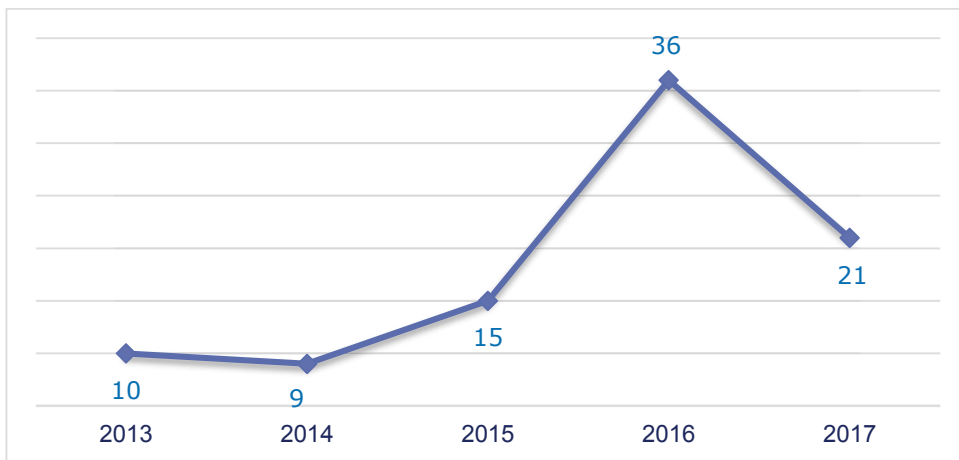
¹⁴ Directive [2003/96/EC](#), Directive [96/60/EC](#), Commission v Ireland, [C-504/17](#), [IP/14/2138](#), [MEMO/14/2130](#).

IV. TRANSPOSITION OF DIRECTIVES

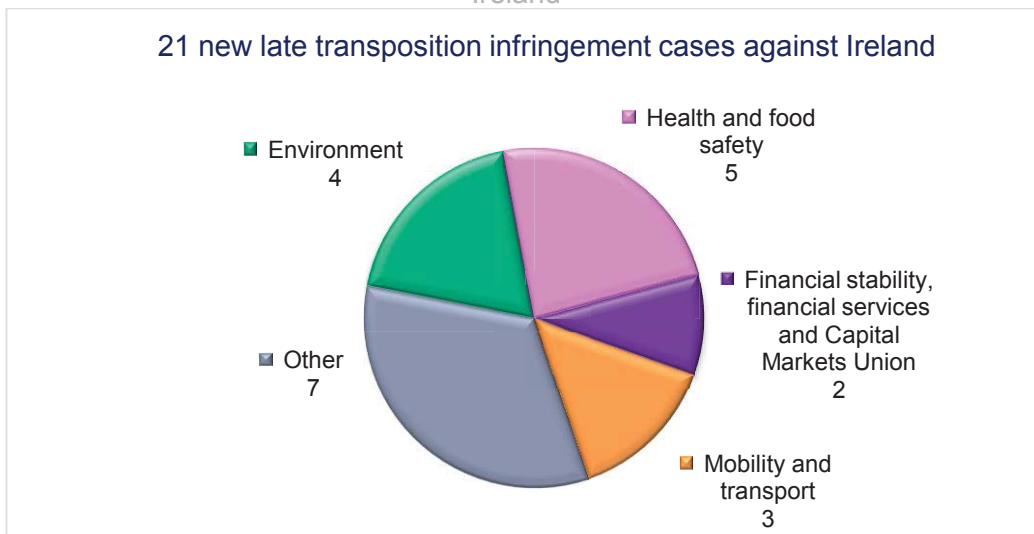
1. Late transposition infringement cases against Ireland open on 31 December (2013-2017)



2. New late transposition infringement cases against Ireland (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹⁵;
- non-communication of national measures transposing the:
 - Directive on recognition of professional qualifications¹⁶;
 - Directive on attacks against information systems¹⁷;
 - Directive on over-reliance on credit ratings¹⁸.

VI. IMPORTANT JUDGMENTS

1. Court ruling¹⁹

- The Court ruled that Ireland's legislation levied the full amount of car tax on leased or rented vehicles even if the precise duration of the lease or rent is known (e.g. based on a leasing or rental contract). Even though the amount levied in excess is refunded once the vehicle is registered in another country, the rules qualify as a disproportionate obstacle to the freedom to provide services²⁰.

2. Preliminary rulings

¹⁵ Directive [2014/94/EU](#).

¹⁶ Directive [2005/36/EC](#).

¹⁷ Directive [2013/40/EU](#).

¹⁸ Directive [2013/40/EU](#).

¹⁹ These rulings are almost exclusively handed down in infringement procedures.

²⁰ Commission v Ireland, [C-552/15](#), [IP/15/5355](#), [MEMO/15/5356](#).

The Court addressed the following preliminary ruling to the Irish judiciary.

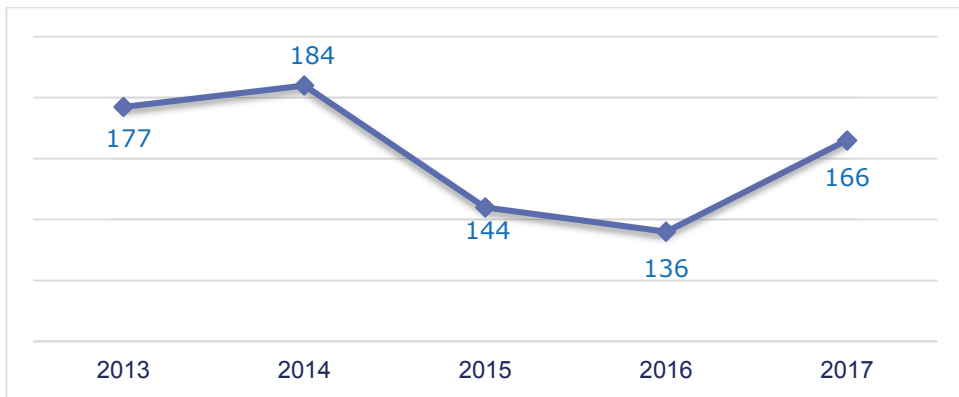
- An EU citizen who, after more than 1 year, has ceased to work in a self-employed capacity in another Member State for reasons beyond his control retains the status of self-employed person and, consequently, a right to reside in that Member State²¹.

²¹ Gusa, [C-442/16](#) and Court press release [No 144/17](#).

Greece

I. COMPLAINTS

1. New complaints made against Greece by members of the public (2013-2017)



2. Public complaints against Greece open at year-end

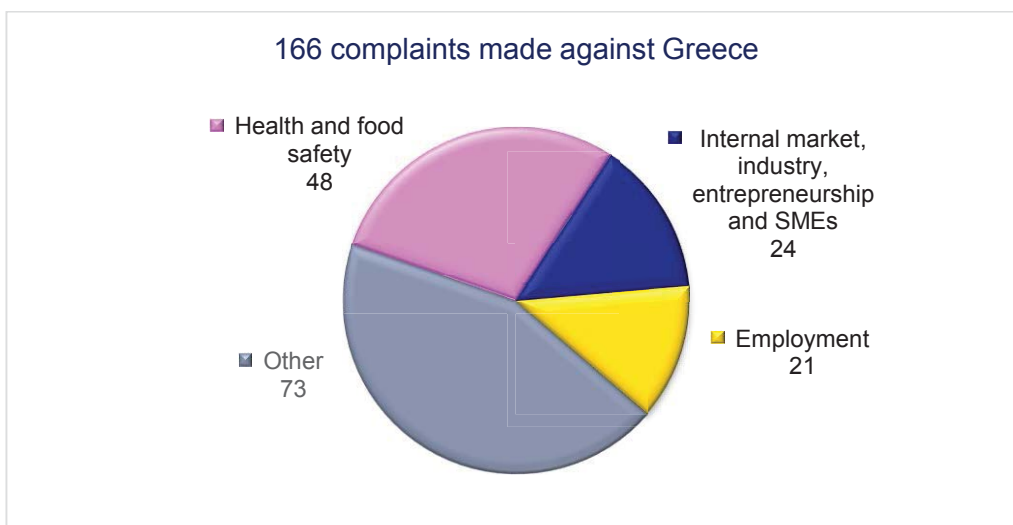
112 > Complaints open at end-2016

166 > New complaints registered in 2017

169 > Complaints handled in 2017

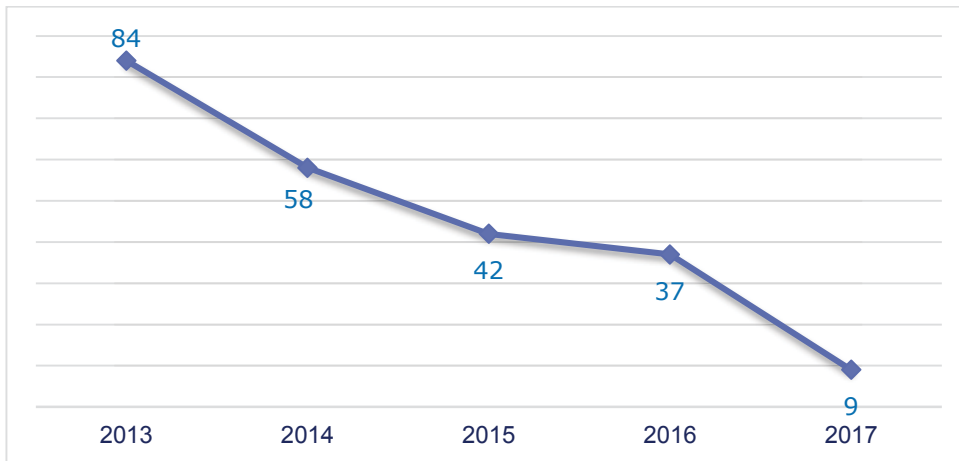
= 109 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

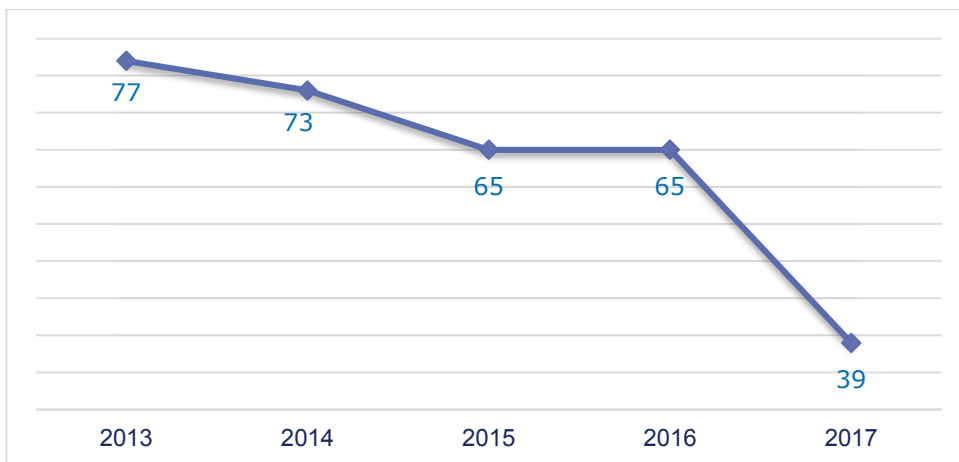


II. EU PILOT

1. New EU Pilot files opened against Greece (2013-2017)

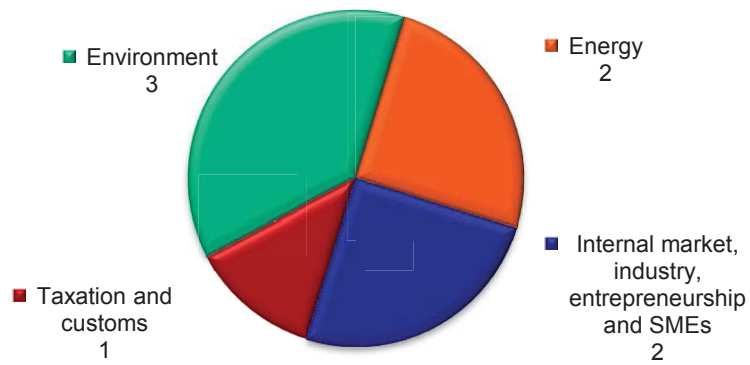


2. Files relating to Greece open in EU Pilot at year-end

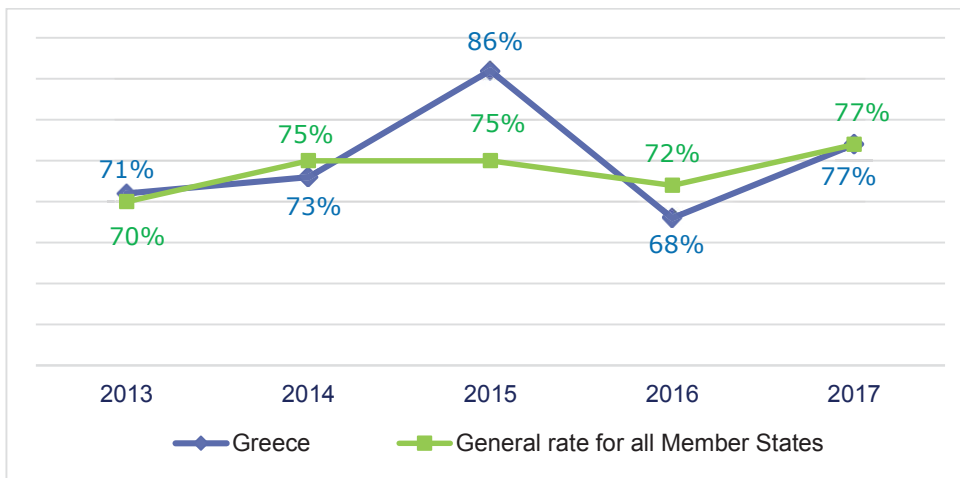


3. New EU Pilot files opened in 2017: main policy areas

9 EU Pilot files opened against Greece

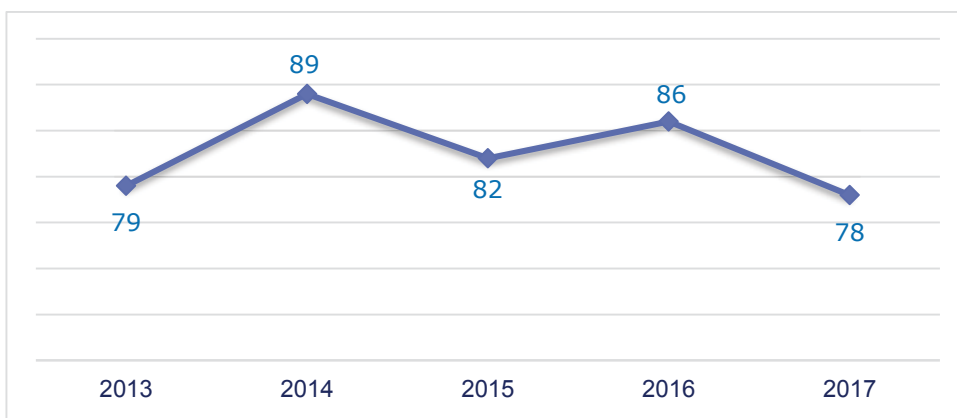


4. EU Pilot files: Greece's resolution rate in 2013-2017



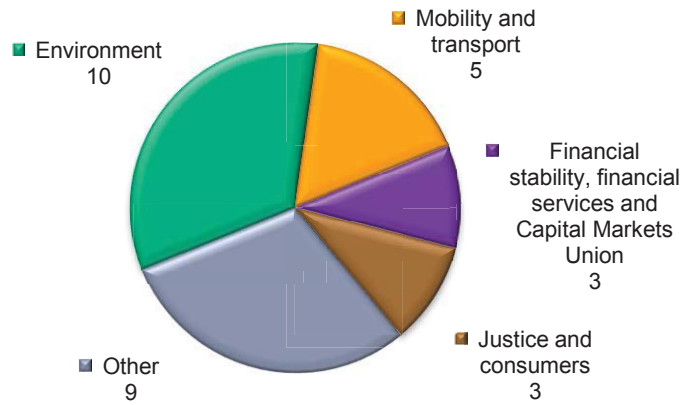
III. INFRINGEMENT CASES

1. Infringement cases against Greece open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas

30 new infringement cases against Greece



3. Key infringement cases and referrals to the Court

- a) The Commission opened 30 new infringement cases against Greece in 2017. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
 - Fourth Anti-Money Laundering Directive¹;
 - Markets in Financial Instruments Directive (MiFID II)²;
 - Directive on seafarers³;
 - Directive⁴ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁵;
 - Directive on recognition of professional qualifications⁶;
 - Maritime Spatial Planning Directive⁷.
 - incorrect transposition and application of the Energy Performance of Buildings Directive⁸;
 - failing to fully implement the Prüm Decisions, which set up an information-exchange tool that can offer automated comparison of DNA profiles, fingerprint data and vehicle registration data⁹;
 - disproportionate charges for residence permits under the Directives on legal migration¹⁰;
 - failure to establish nitrates action programmes for all nitrate vulnerable zones, as required under the Nitrates Directive¹¹;
 - failure to comply with reporting obligations under EU waste legislation¹²;
 - non-reporting of flood risk management plans under the Floods Directive¹³;
 - late adoption of the second round of river basin management plans under the Water Framework Directive¹⁴;
 - failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive¹⁵;
 - failure to establish strategic noise maps and action plans required by the Noise Directive¹⁶;
 - excessive delays in the examination of applications for recognition of professional qualifications from other Member States;
 - failure to comply with EU rules on late payments¹⁷.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission referred one case to the Court under Article 260(2) TFEU.
- This concerns a failure to comply with a 2008 Commission decision ordering the recovery of unlawful State aid from Hellenic Shipyards, and with a 2012 Court ruling finding that Greece had failed to implement the said Commission decision.

¹ Directive [2015/849/EU](#), [MEMO/17/4767](#).

² Directive [2014/65/EU](#).

³ Directive [2015/1794/EU](#).

⁴ Directive [\(EU\) 2015/652](#).

⁵ Directive [98/70/EC](#).

⁶ Directive [2013/55/EU](#).

⁷ Directive [2014/89/EU](#), [MEMO/17/1935](#).

⁸ Directive [2010/31/EU](#), [MEMO/17/4767](#).

⁹ Council Decisions [2008/615/JHA](#) and [2008/616/JHA](#), [MEMO/17/3494](#).

¹⁰ [MEMO/17/4767](#).

¹¹ Directive [91/676/EEC](#), [MEMO/17/3494](#).

¹² [MEMO/17/1281](#).

¹³ Directive [2007/60/EC](#).

¹⁴ Directive [2000/60/EC](#).

¹⁵ Directive [2008/56/EC](#).

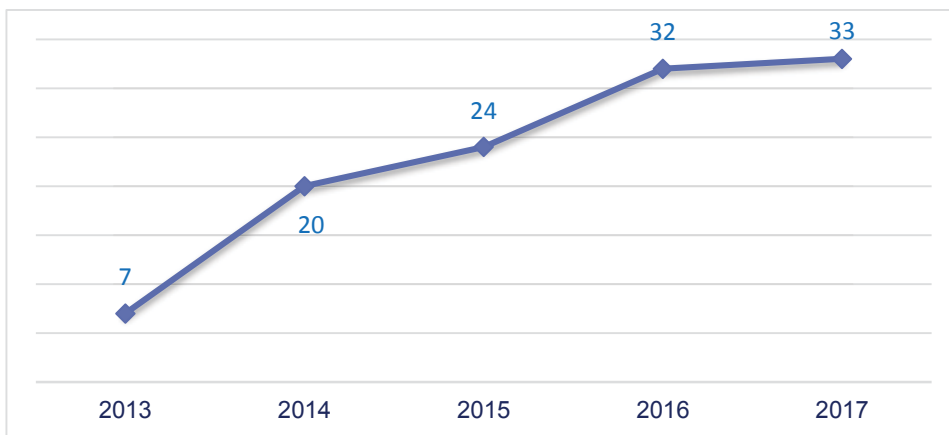
¹⁶ Directive [2002/49/EC](#), [MEMO/17/4767](#).

¹⁷ Directives [2000/35/EC](#) and [2011/7/EU](#), [MEMO/17/1281](#).

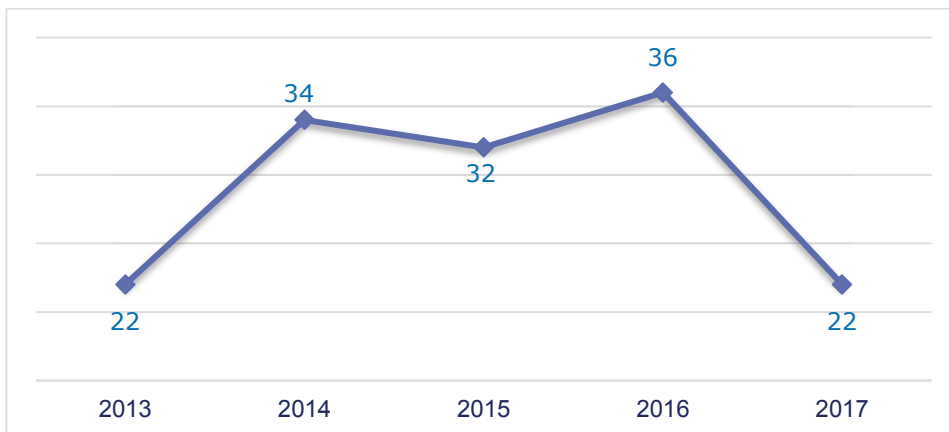
The Commission asked the Court to impose a daily penalty payment of EUR 34 974 until full compliance with EU law is ensured, as well as a lump sum payment. The Commission proposed the latter should be calculated by multiplying EUR 3 828 by the number of days elapsed between the date of the first Court judgment and the date of compliance or the date of the second Court judgment¹⁸.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Greece open on 31 December (2013-2017)

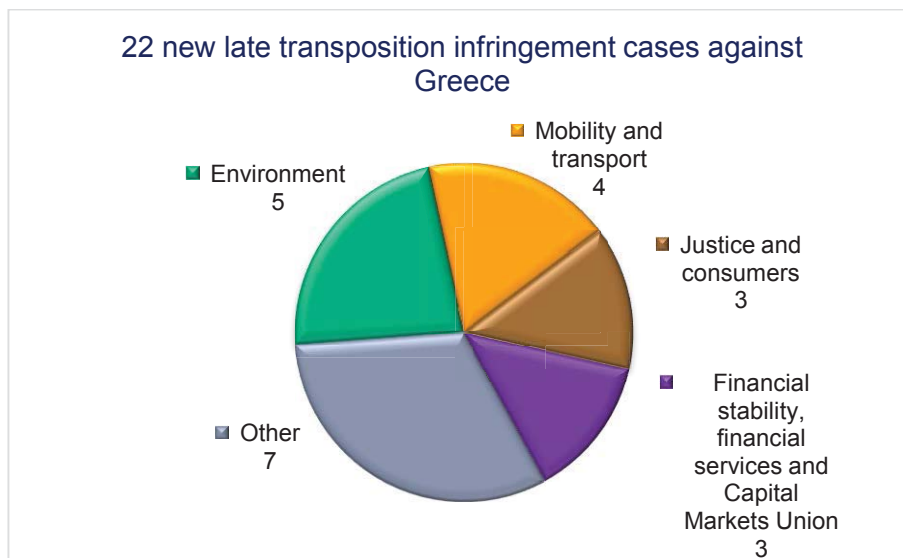


2. New late transposition infringement cases against Greece (2013-2017)



¹⁸ Commission v Greece, [C-93/17](#); [IP/16/2592](#).

3. New late transposition infringement cases opened in 2017: 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 2017

These concerned:

- non-communication of national measures transposing the:
 - Directive on recognition of professional qualifications¹⁹;
 - Directive on explosives for civil uses²⁰;
 - Solvency II Directive²¹;
 - Transparency Directive²²;
 - Accounting Directive²³;
 - Omnibus II Directive, in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority²⁴.
- lack of implementation of certain obligations under EU document security legislation²⁵;
- excessive delays in the examination of applications for recognition of professional qualifications from other Member States;
- non-compliance of national legislation on gambling with EU rules;²⁶

¹⁹ Directive [2005/36/EC](#).

²⁰ Directive [2014/28/EU](#).

²¹ Directive [2009/138/EC](#).

²² Directive [2013/50/EU](#).

²³ Directive [2013/34/EU](#).

²⁴ Directive [2014/51/EU](#).

²⁵ Commission Decisions [C \(2013\) 6181](#) and [C \(2013\) 6178](#).

- failure to make available to the Commission flood hazard and risk maps;
- failure to prepare and communicate the monitoring programmes required by the Marine Strategy Framework Directive²⁷;
- non-compliance with the Regulation on management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea regarding the obligation to adopt a national management plan for fisheries conducted by boat seines within its territorial waters²⁸;
- incorrect application of the Regulation on waterborne passenger rights²⁹;
- restrictions on free movement of capital in the Hellenic Telecommunications Company (OTE).

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

The Court gave the following rulings.

- Greece has failed to fulfil its obligations under EU law by tolerating the operation of the Temploni waste landfill on the island of Corfu, which does not satisfy the conditions and requirements laid down by EU directives on waste³¹.
- Greece has failed to provide adequate treatment of urban waste water in several smaller agglomerations³².
- Greece has failed to calculate and report on the cost-optimal levels for the energy performance requirements in buildings, in violation of the Energy Performance of Buildings Directive³³.
- Legacies bestowed on certain non-profit entities established in Greece benefited automatically from a preferential tax rate of 0.5 %; however, similar non-profit entities from other Member States could benefit from this tax rate only in case of reciprocity (without it, the tax rate varied 20-40 %). As the Greek measure could vastly reduce the value of the bequeathed property, it restricted the free movement of capital³⁴.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Greek judiciary.

- A law that lays down, as a criterion for admission to a police school, a minimum height requirement irrespective of sex may constitute indirect sex discrimination against women. The objective of ensuring the effective accomplishment of the task of the police could be achieved by measures that are less disadvantageous to women, such as a pre-selection of candidates allowing their physical ability to be assessed³⁵.
- A Member State may adopt an order for the removal of a citizen who constitutes a serious threat to public security based on the sole finding that a previous exclusion order was still valid³⁶.

²⁶ [IP/17/5109](#).

²⁷ Directive [2008/56/EC](#).

²⁸ Regulation [\(EC\) No 1967/2006](#).

²⁹ Regulation [\(EU\) No 1177/2010](#).

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

³¹ Directives [2008/98/EC](#) and [1999/31/EC](#), Commission v Greece, [C-202/16](#).

³² Directive [91/271/EEC](#), Commission v Greece, [C-320/15](#).

³³ Commission v Greece, [C-160/16](#).

³⁴ Commission v Greece, [C-98/16](#).

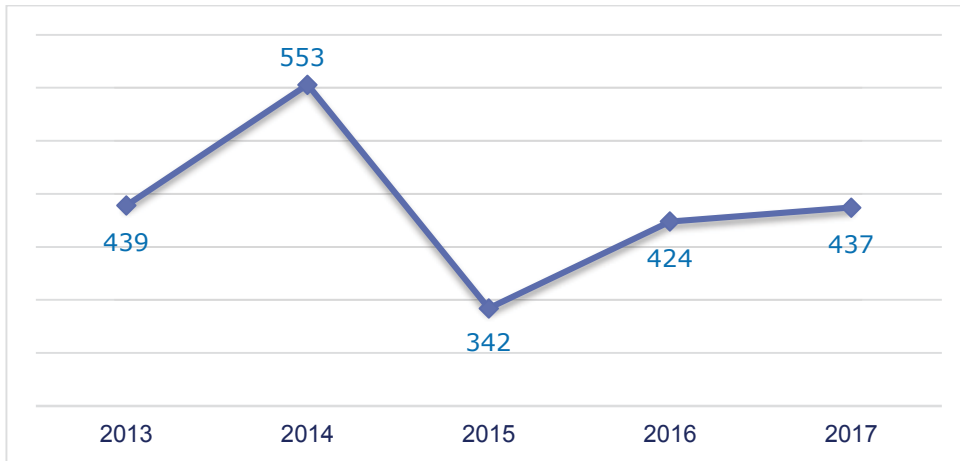
³⁵ Kalliri, [C-409/16](#) and Court press release No [106/17](#).

³⁶ Petrea, [C-184/16](#).

Spain

I. COMPLAINTS

1. New complaints made against Spain by members of the public (2013-2017)



2. Public complaints against Spain open at year-end

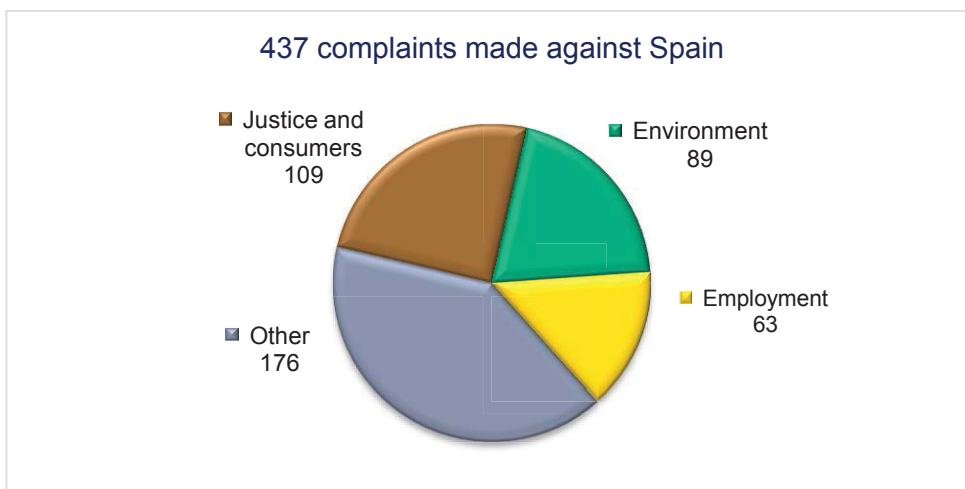
356 > Complaints open at end-2016

437 > New complaints registered in 2017

426 > Complaints handled in 2017

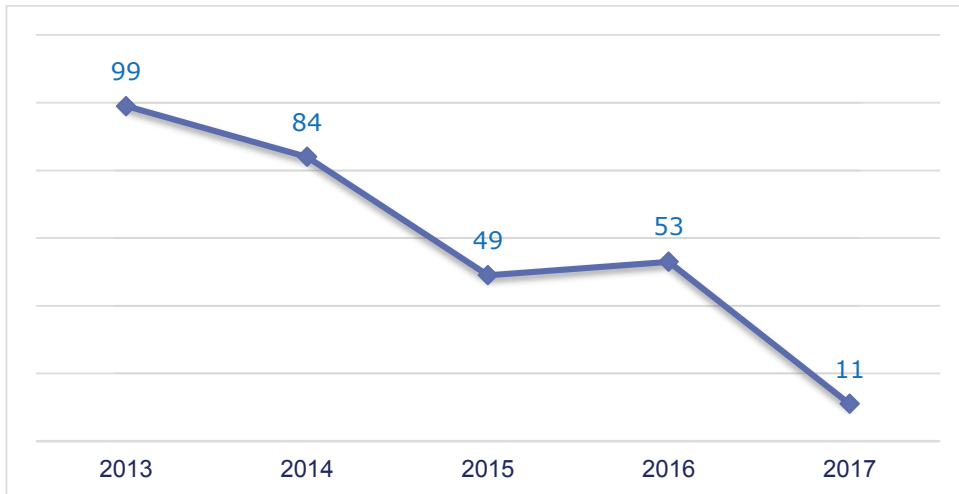
= 367 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

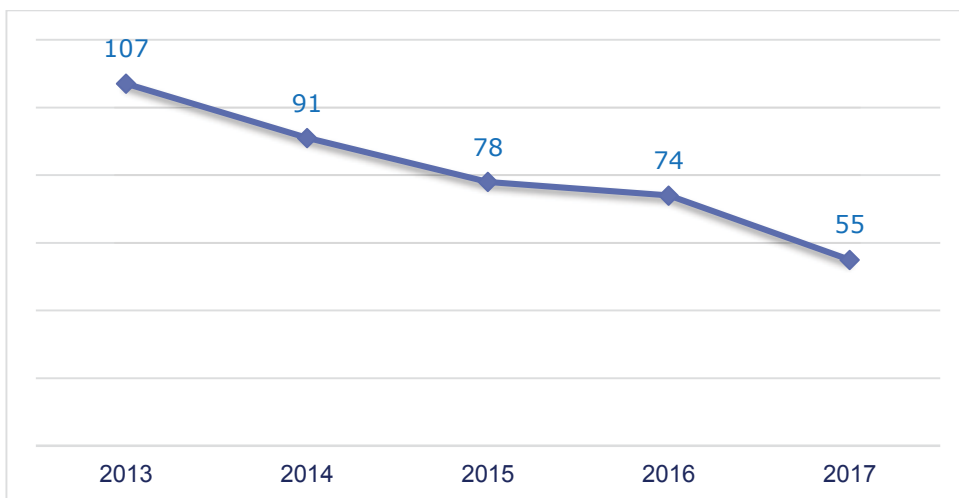


II. EU PILOT

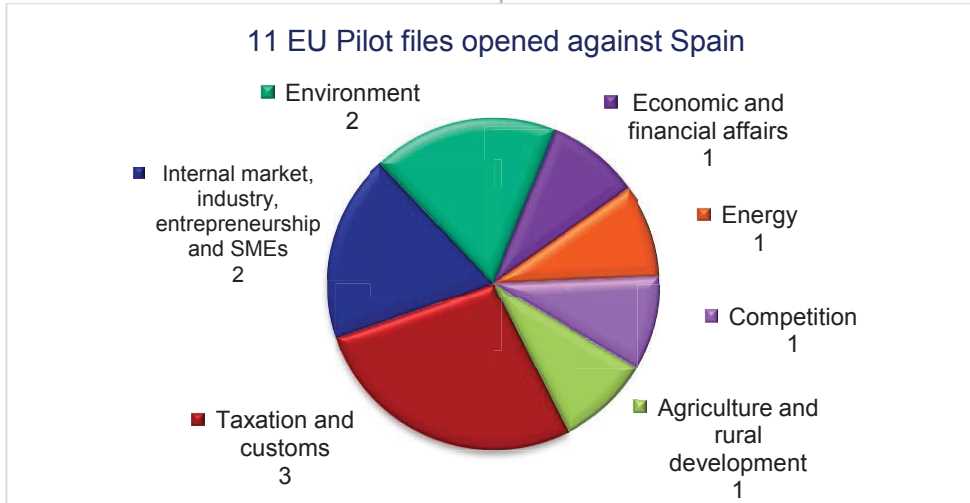
1. New EU Pilot files opened against Spain (2011-2017)



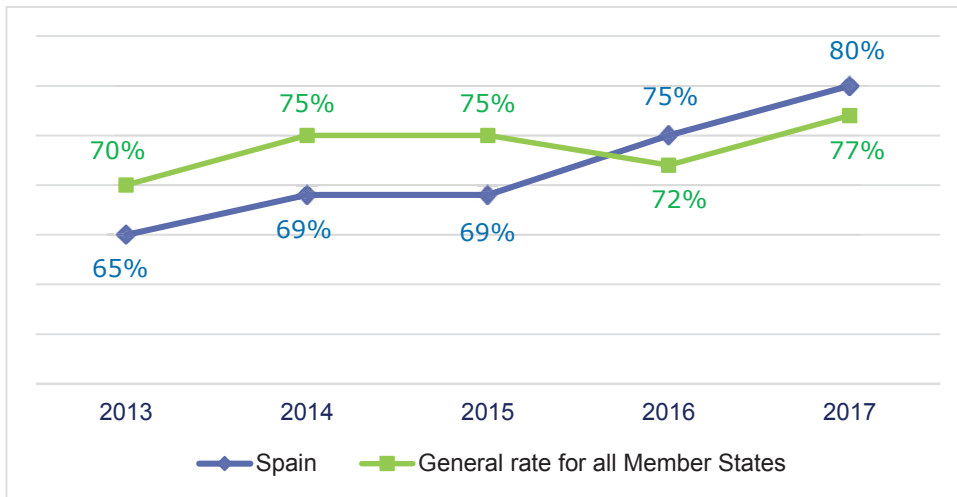
2. Files relating to Spain open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

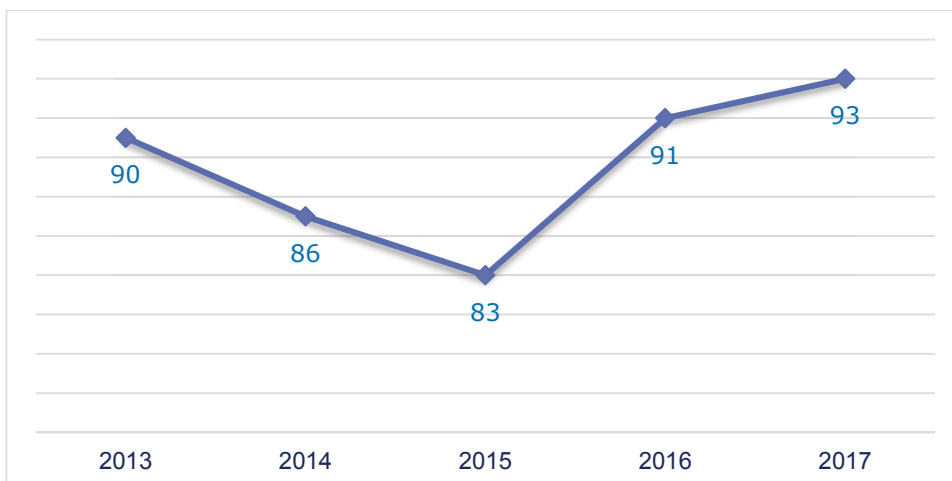


4. EU Pilot files: Spain's resolution rate in 2013-2017

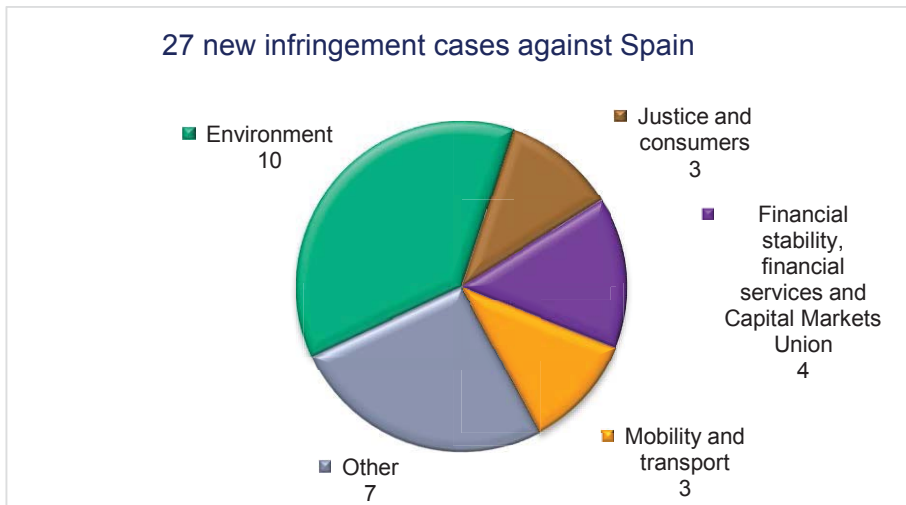


III. INFRINGEMENT CASES

1. Infringement cases against Spain open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 27 new infringement cases against Spain in 2017. These, and other major ongoing infringement cases, include:

- non-communication of national measures transposing the:
 - Fourth Anti-Money Laundering Directive¹;
 - Directive establishing a single European railway area²;
 - Directive on recognition of professional qualifications³;
 - Directive⁴ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁵;
 - Markets in Financial Instruments Directive (MiFID II)⁶;
 - Payment Accounts Directive⁷;
 - Directive on disclosure of non-financial and diversity information by certain large undertakings⁸;
- the penalty regime under the 'Modelo 720' (a compulsory declaration on tax residents' assets located abroad) may be disproportionate and thus contrary to, among other things, the free movement of capital⁹;
- discriminatory practices affecting the marketing of food supplements¹⁰;
- restrictions on imports of homeopathic medicines¹¹;
- failure to comply with the Late Payment Directive¹²;
- failure to carry out analysis of the relevant telecom markets on time¹³;
- failure to comply with the Energy Efficiency Directive¹⁴;

¹ Directive [2015/849/EU](#), [MEMO/17/4767](#).

² Directive [2012/34/EU](#), [MEMO/17/1577](#).

³ Directive [2013/55/EU](#).

⁴ Directive [\(EU\) 2015/652](#).

⁵ Directive [98/70/EC](#).

⁶ Directive [2014/65/EU](#).

⁷ Directive [2014/92/EU](#), [MEMO/17/1045](#).

⁸ Directive [2014/95/EU](#), [MEMO/17/1577](#).

⁹ [MEMO/17/234](#).

¹⁰ [MEMO/17/1935](#).

¹¹ [MEMO/17/4767](#).

¹² Directive [2011/7/EU](#), [IP/17/239](#).

¹³ Directive [2002/21/EC](#), [MEMO/17/3494](#).

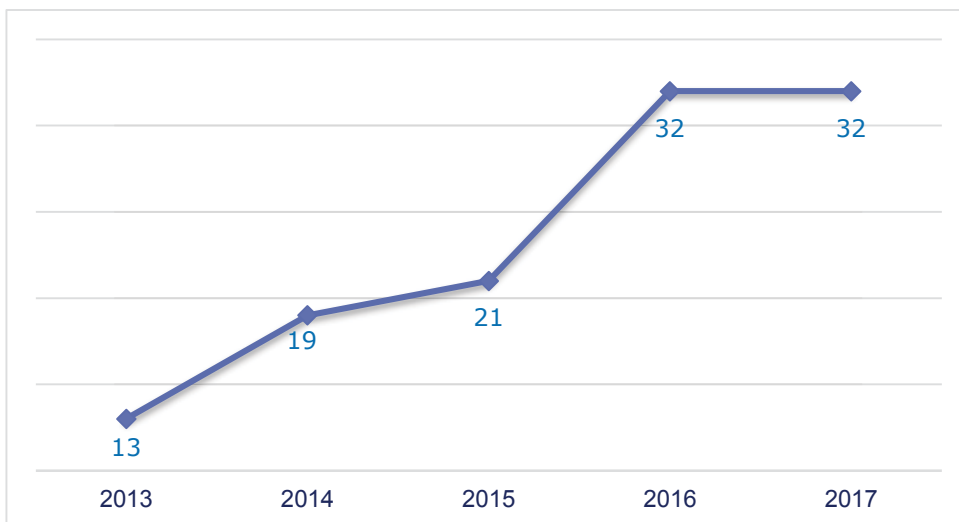
¹⁴ Directive [2012/27/EU](#), [MEMO/17/3494](#).

Spain

- lack of waste management plans required under the Waste Framework Directive¹⁵;
 - failure to comply with reporting obligations under EU waste legislation¹⁶;
 - persistence of illegal waste landfills, in violation of the Waste Framework Directive¹⁷;
 - failure to ensure that urban waste water is adequately treated¹⁸;
 - late adoption of the second round of river basin management plans under the Water Framework Directive¹⁹;
 - failure to comply with the NO₂ limit values set by the Air Quality Directive²⁰.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concerned:
- failure to comply with the rules on access to the occupation of road transport operator²¹;
 - late transposition of the so-called 'Whistle-blowing' Directive²².
- c) The Commission referred one case to the Court under Article 260(2) TFEU.
- This concerns a failure to comply with a Court judgment finding that Spain had failed to adequately collect and treat waste water in a number of agglomerations. The Commission asked the Court to impose a lump sum payment of EUR 46 522 999 and a daily penalty payment of EUR 171 217.20 until Spain fully complies with EU law²³.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Spain open on 31 December (2013-2017)



¹⁵ Directive [2008/98/EC](#), [MEMO/17/1935](#).

¹⁶ [MEMO/17/1281](#).

¹⁷ Directive [2008/98/EC](#), [MEMO/17/3494](#).

¹⁸ [MEMO/17/3494](#).

¹⁹ Directive [2000/60/EC](#), [MEMO/17/3494](#).

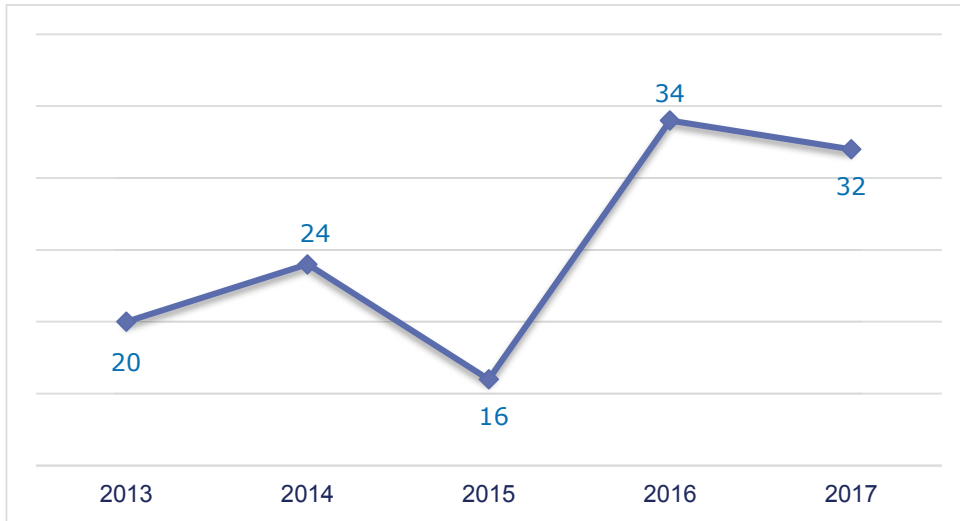
²⁰ Directive [2008/50/EC](#), [IP/17/238](#).

²¹ Regulation [\(EC\) No 1071/2009](#), Commission v Spain, [C-181/17](#); [IP/16/3651](#), [MEMO/16/3644](#).

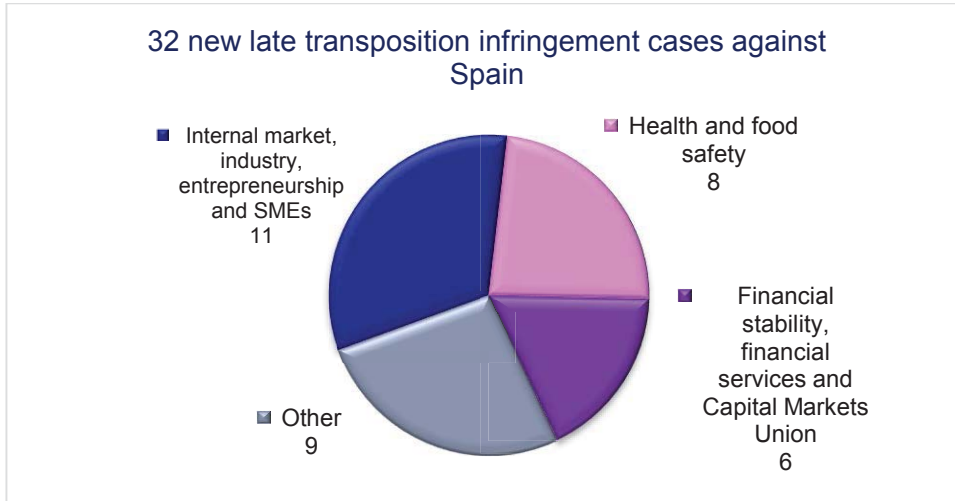
²² Commission Implementing Directive [\(EU\) 2015/2392](#), Commission v Spain, [C-599/17](#), [IP/17/1950](#).

²³ Directive [91/271/EEC](#), Commission v Spain, [C-205/17](#), [MEMO/16/3644](#), [IP/16/3645](#).

2. New late transposition infringement cases against Spain (2013-2017)



3. New late transposition infringement cases opened in 2017: main policy areas



4. Referrals to the Court

The Commission referred Spain to the Court under Articles 258 and 260(3) TFEU in the following case:

- failure to fully transpose the Mortgage Credit Directive²⁴.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2017

These concerned:

- non-communication of national measures transposing the:
 - Directive on recognition of professional qualifications²⁵;
 - Solvency II Directive²⁶;
 - Omnibus II Directive, in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority²⁷;
 - Accounting Directive²⁸;
 - amended Settlement Finality Directive²⁹;
 - Maritime Spatial Planning Directive³⁰;
 - Directive on the return of unlawfully removed cultural goods³¹;
 - Directive on explosives for civil uses³²;

²⁴ Directive [2014/17/EU](#), Commission v Spain, [C-569/17](#); [IP/17/1049](#).

²⁵ Directive [2005/36/EC](#).

²⁶ Directive [2009/138/EC](#).

²⁷ Directive [2014/51/EU](#).

²⁸ Directive [2013/34/EU](#).

²⁹ Directive [98/26/EC](#).

³⁰ Directive [2014/89/EU](#).

³¹ Directive [2014/60/EU](#).

³² Directive [2014/28/EU](#).

Spain

- Directive on radioactive substances in water intended for human consumption³³;
 - the Directive on radioactive substances in water intended for human consumption³⁴.
- The adoption of amended transposition rules applicable to all workers as well as specific texts applicable to police workers in line with the provisions of the Working Time Directive on night work³⁵;
- non-ratification of the Revised Convention and the Protocol of Accession to the Eurocontrol International Convention;
- breach of the free movement of goods by the imposition of specific requirements for components of cigarette papers.

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁶

The Court gave the following rulings.

- Spain has failed to comply with a 2014 Court judgment on freedom of establishment at Spanish ports³⁷. The Court ordered Spain to pay a lump sum of EUR 3 million³⁸;
- Spain has failed to comply with its obligations under the Waste Framework Directive regarding the operation of 61 illegal waste landfill sites³⁹.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Spanish judiciary.

- The fact that a person is imprisoned, without the prospect of being released in the near future, when an expulsion decision is adopted does not exclude that his conduct represents a genuine threat to a fundamental interest of the society of the host Member State. Therefore, expulsion while the person is already in prison may be considered justified⁴⁰.
- An intermediation service whose purpose is to connect, by means of a smartphone application and for remuneration, non-professional drivers using their own vehicle with persons who wish to make urban journeys must be considered as a 'service in the field of transport'. The service in question is consequently covered by the common transport policy⁴¹.
- Under the Fixed-Term Work Directive, and as long as permanent workers are entitled to special leave until the end of their parliamentary term of office, such leave cannot be completely denied to fixed-term workers⁴².
- The Renewable Energy Directive does not prevent a Member State from introducing a regional levy on windmills⁴³.

³³ Directive [2013/51/Euratom](#).

³⁴ Directive [2013/51/Euratom](#).

³⁵ Directive [2003/88/EC](#).

³⁶ These rulings are almost exclusively handed down in infringement procedures.

³⁷ Commission v Spain, [C-576/13](#).

³⁸ Commission v Spain, [C-388/16](#).

³⁹ Directive [2008/98/EC](#), Commission v Spain, [C-563/15](#).

⁴⁰ Directive [2004/38/EC](#), E, [C-193/16](#).

⁴¹ Asociación Profesional Elite Taxi, [C-434/15](#).

⁴² Directive [1999/70/EC](#), Vega Gonzalez, [C-158/16](#).

Spain

- National legislation which gives consumers a time limit of one month to object, on the basis of alleged unfairness of contractual terms, to the enforcement of mortgage proceedings instituted before the entry into force of that legislation is not compatible with the Directive on unfair terms in consumer contracts. The *res judicata* principle does not prevent an appeal court from assessing the potential unfairness of some terms in consumer contracts which have not already been examined by the first instance court⁴⁴.
- National legislation allowing a creditor to waive his right to interest for late payment and compensation for recovery costs in exchange for immediate payment of the principal amount of debts owed is compatible with the Late Payment Directive, on condition that such a waiver is freely agreed to⁴⁵.
- A decision to expel a third-country national who is a long-term resident may not be adopted for the sole reason that he or she has been sentenced to a jail term of more than 1 year⁴⁶. Before taking such decision, Member States must consider the duration of residence, the age of the person, the consequences for the person and family members and links with the country of residence

⁴³ Elecdey Carcelen SA and Others, [C-215/16](#).

⁴⁴ Directive [93/13/EEC](#), Banco Primus, [C-421/14](#).

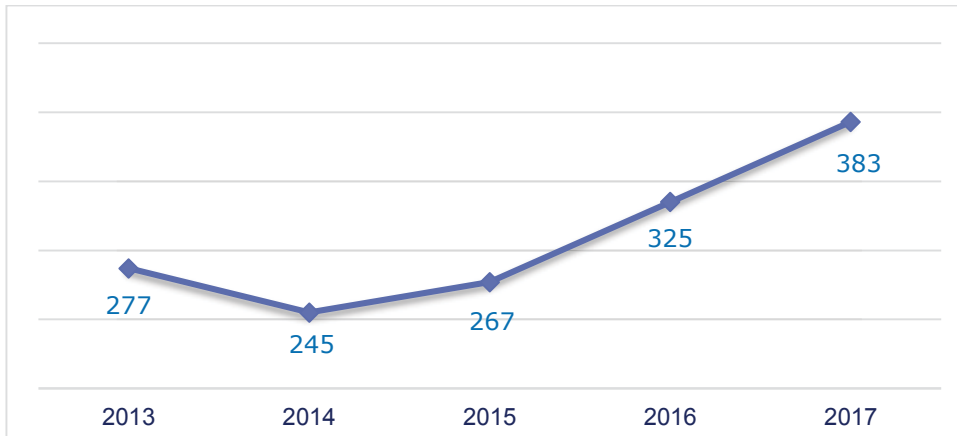
⁴⁵ Directive [2011/7/EU](#), IOS Finance EFC, [C-555/14](#).

⁴⁶ López Pastuzano, [C-636/16](#) and Court press release No [134/17](#).

France

I. COMPLAINTS

1. New complaints made against France by members of the public (2013-2017)

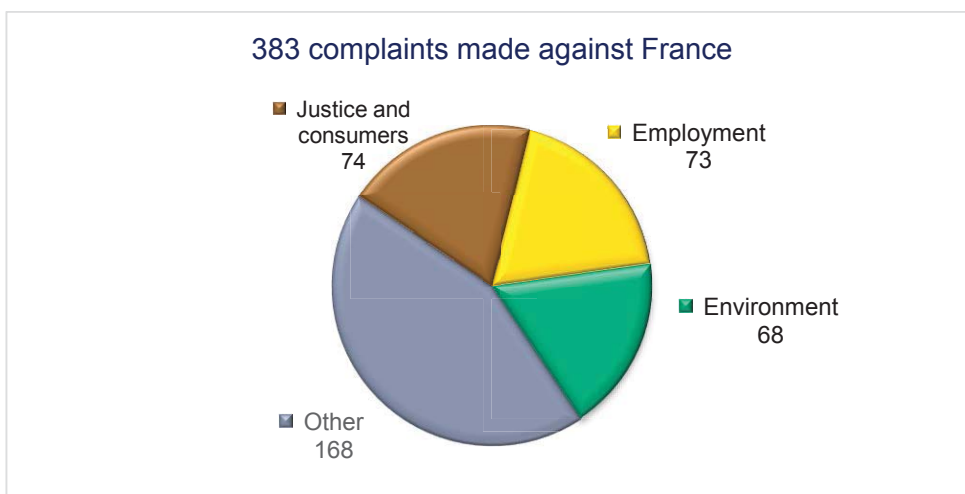


2. Public complaints against France open at year-end

266 > Complaints open at end-2016
 383 > New complaints registered in 2017
 336 > Complaints handled in 2017

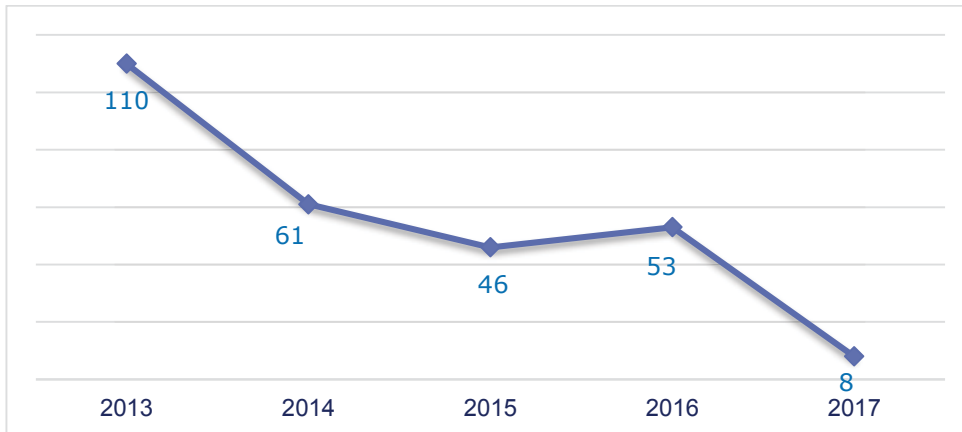
 = 313 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

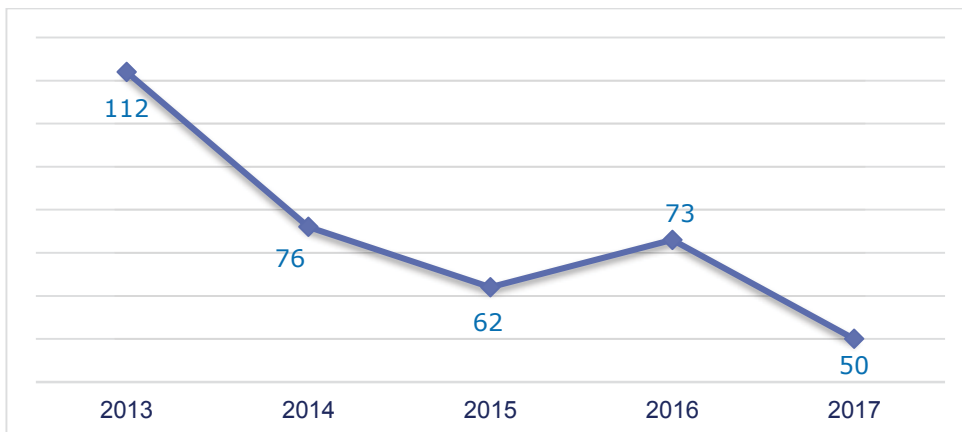


II. EU PILOT

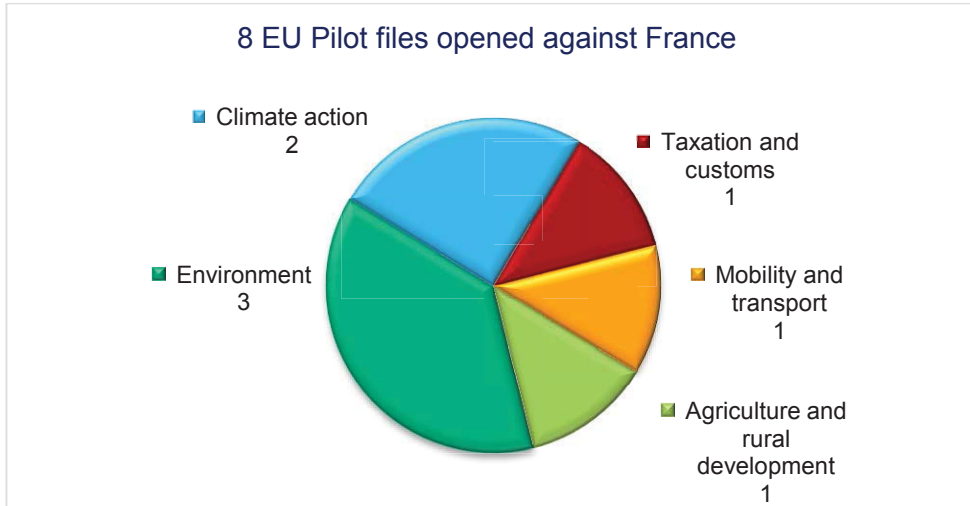
1. New EU Pilot files opened against France (2013-2017)



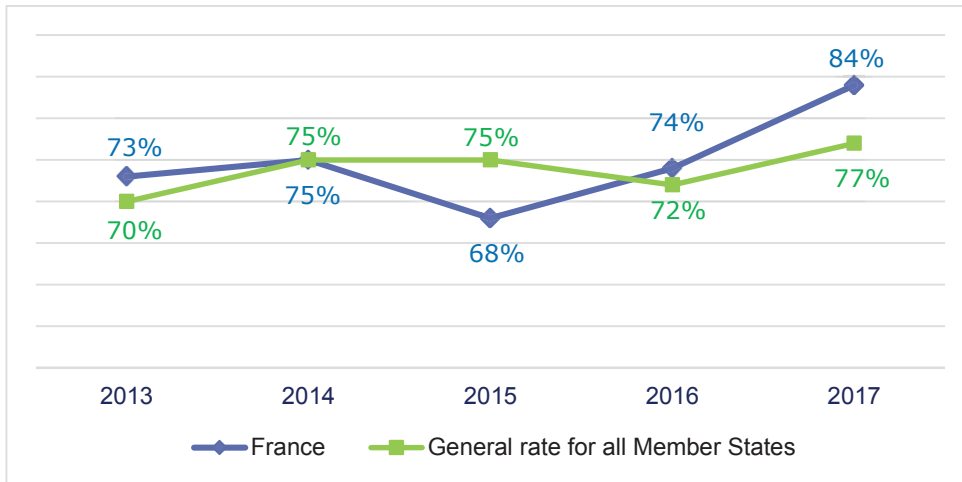
2. Files relating to France open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

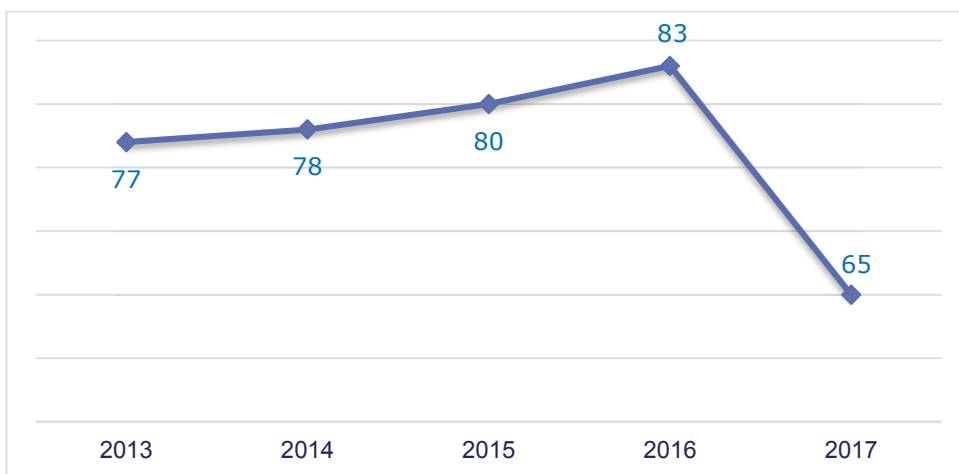


4. EU Pilot files: France's resolution rate in 2013-2017



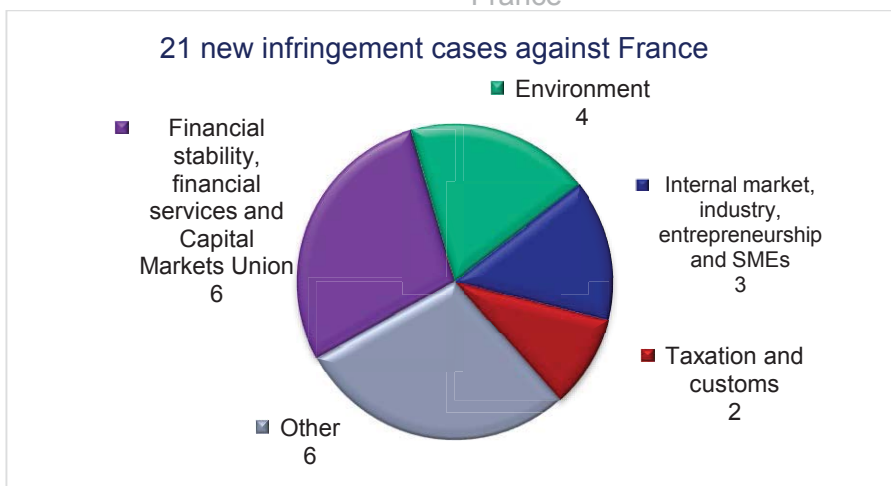
III. INFRINGEMENT CASES

1. Infringement cases against France open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas

France



3. Key infringement cases and referrals to the Court

a) The Commission opened 21 new infringement cases against France in 2017. These, and other major ongoing infringement cases, include:

- failure to fully implement the Regulation on explosives precursors. This restricts and controls access to several dangerous chemicals which could be used by terrorists to manufacture homemade explosives¹;
- prohibiting the transfer of public funds from infrastructure management to transport activities, and ensuring that funds paid for activities relating to the provision of passenger transport services are shown separately in the relevant accounts²;
- failure to comply with reporting obligations under EU waste legislation³;
- failure to ensure that urban waste water is adequately treated⁴;
- on-communication of national measures transposing the:
 - Directive⁵ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁶;
 - Markets in Financial Instruments Directive (MiFID II)⁷;
- failure to comply with the NO₂ limit values set by the Air Quality Directive⁸;
- failure to establish action plans required by the Noise Directive⁹.

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

- Failure to address continued violations of the EU legislation on the conservation of wild birds¹⁰.
- The following criteria laid down in an earlier Court judgment¹¹ on tax treatment of dividends were not respected by France: First, the tax already paid by non-

¹ [MEMO/17/234](#).

² Directive [2012/34/EU](#).

³ [MEMO/17/1281](#).

⁴ [MEMO/17/3494](#).

⁵ Directive [2015/652/EU](#).

⁶ Directive [98/70/EC](#).

⁷ Directive [2014/65/EU](#).

⁸ Directive [2008/50/EC](#), [IP/17/238](#).

⁹ Directive [2002/49/EC](#); [MEMO/17/4767](#).

¹⁰ Directive [2009/147/CE](#), Commission v France, [C-420/17](#), [IP/16/4213](#). France subsequently took the necessary measure to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court; [MEX/17/4652](#).

France

French subsidiaries is not taken into account. Second, the tax credit is limited to one third of the dividend redistributed by a non-French subsidiary, which discriminates between dividends received from companies in other Member States and those of French origin. Finally, the requirement of proof is still maintained to restrict the companies' right to a refund¹².

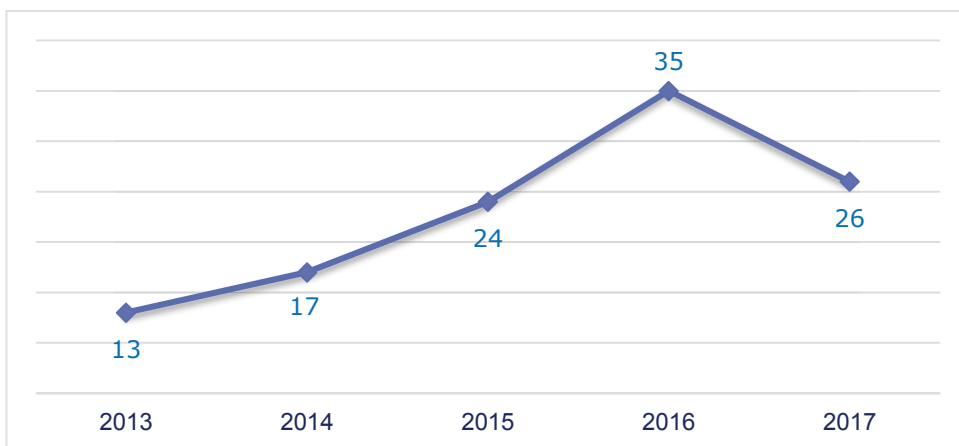
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹¹ Accor SA, [C-310/09](#).

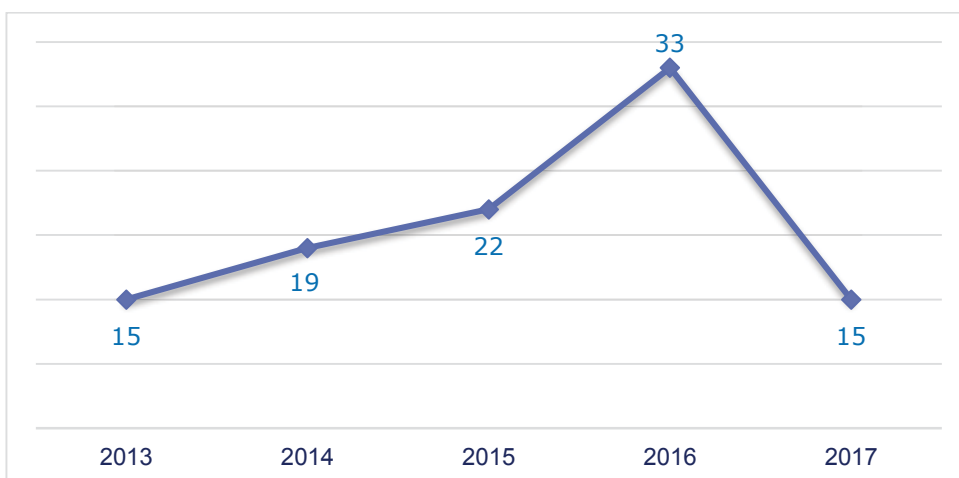
¹² Commission v France, [C-416/17](#), [IP/16/4216](#).

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against France open on 31 December (2013-2017)

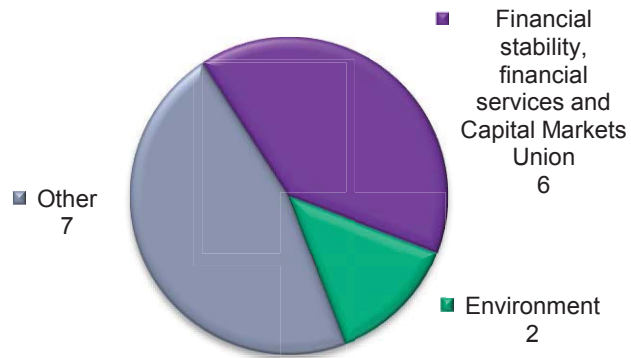


2. New late transposition infringement cases against France (2013-2017)



3. New late transposition infringement cases opened in 2017: main policy areas

15 new late transposition infringement cases against
France



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 2017

These concerned:

- failure to implement completely the Regulation on explosives precursors, which restricts and controls access to several dangerous chemicals that could be used by terrorists to manufacture homemade explosives;
- non-communication of national measures transposing the:
 - Intra-Corporate Transfer Directive¹³;
 - Long-Term Residents Directive¹⁴;
 - Maritime Spatial Planning Directive¹⁵;
 - Seveso-III Directive¹⁶;
 - Transparency Directive¹⁷;
 - Accounting Directive¹⁸;
 - Directive on the undertakings for collective investment in transferable securities (UCITS)¹⁹;
- incorrect transposition of certain requirements of the Directive on the energy performance of buildings²⁰.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the French judiciary.

- Concertation on price and quantities between several organisations of agricultural producers and associations of such organisations may constitute an agreement, decision or concerted practice for the purposes of competition law. However, such practice is permitted within the same producer organisation or association of producer organisations if it is proportionate to the objectives assigned to that organisation. Such practice is not proportionate to the objectives of stabilising prices and concentrating supply if the

¹³ Directive [2014/66/EU](#), [MEMO/17/3494](#).

¹⁴ Directive [2011/51/EU](#).

¹⁵ Directive [2014/89/EU](#).

¹⁶ Directive [2012/18/EU](#).

¹⁷ Directive [2013/50/EU](#).

¹⁸ Directive [2013/34/EU](#).

¹⁹ Directive [2014/91/EU](#).

²⁰ Directive [2010/31/EU](#).

collective fixing of minimum sale prices within a producer organisation or association of producer organisations:

- does not allow producers to sell their own products at a lower price than those minimum prices; and
 - has the effect of reducing the already low level of competition in the markets for agricultural products²¹.
- Member States may establish gas storage requirements which go beyond the minimum standard established by the Security of Gas Supply Regulation, provided that all the proportionality conditions of the Regulation are met. The Court further clarified that operators must have the effective possibility to satisfy their gas storage obligations at regional or EU level²².
 - The case concerned a refusal to issue a router for access to the private virtual network for lawyers to a lawyer duly registered at a Bar of another Member State, for the sole reason that that lawyer is not registered at a Bar of the first Member State, in which he wishes to practise his profession as a free provider of services. The Court held that the refusal constitutes a restriction on the freedom to provide services under Council Directive [77/249/EEC](#)²³.
 - The Parent-Subsidiary Directive²⁴ precludes a tax measure providing for the levy of a tax on dividends redistributed by a French parent company coming from that company's non-resident subsidiaries²⁵.
 - An E101 or A1 certificate issued by a competent authority in view of the posting of workers (in accordance with Regulation [883/2004](#)) is binding on both the social security institutions of the Member State in which the work is carried out and the courts of that Member State. This remains so even if those courts find that the worker's employment conditions clearly demonstrate that he does not fall under the category of posted workers²⁶.

²¹ APVE and Others, [C-671/15](#) and Court press release [No 120/17](#).

²² Eni SpA and Others, [C-226/16](#).

²³ Jean-Philippe Lahorgue, [C-99/16](#).

²⁴ Directive [2011/96/EU](#).

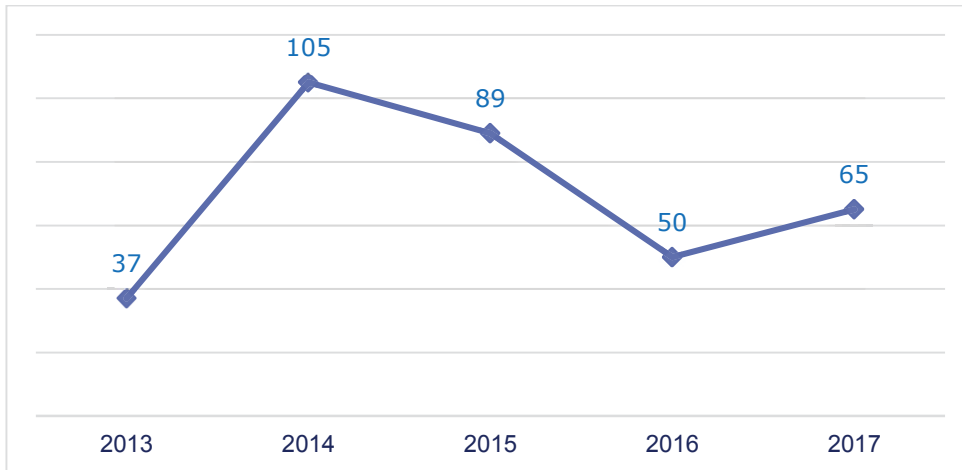
²⁵ AFEP and Others, [C-365/16](#).

²⁶ A-ROSA, [C-620/15](#).

Croatia

I. COMPLAINTS

1. New complaints made against Croatia by members of the public (2013-2017)¹



2. Public complaints against Croatia open at year-end

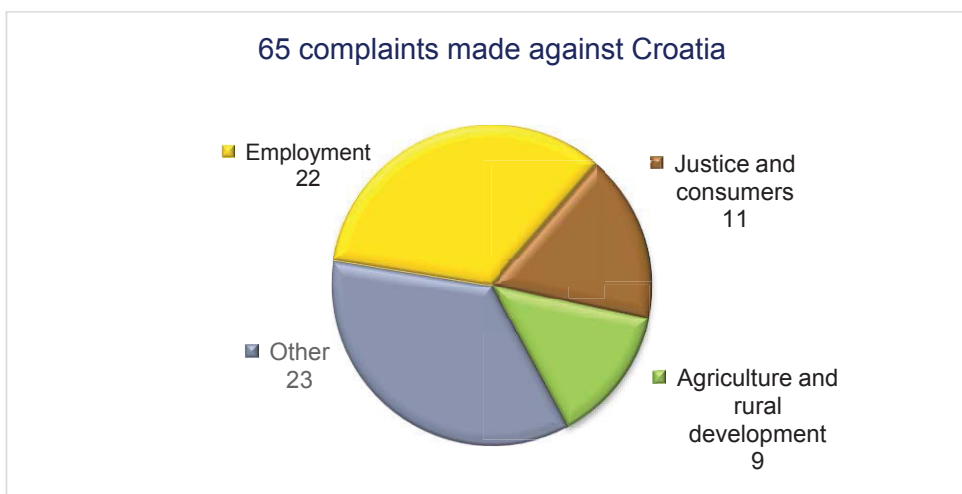
77 > Complaints open at end-2016

65 > New complaints registered in 2017

73 > Complaints handled in 2017

= 69 > Complaints open at end-2017

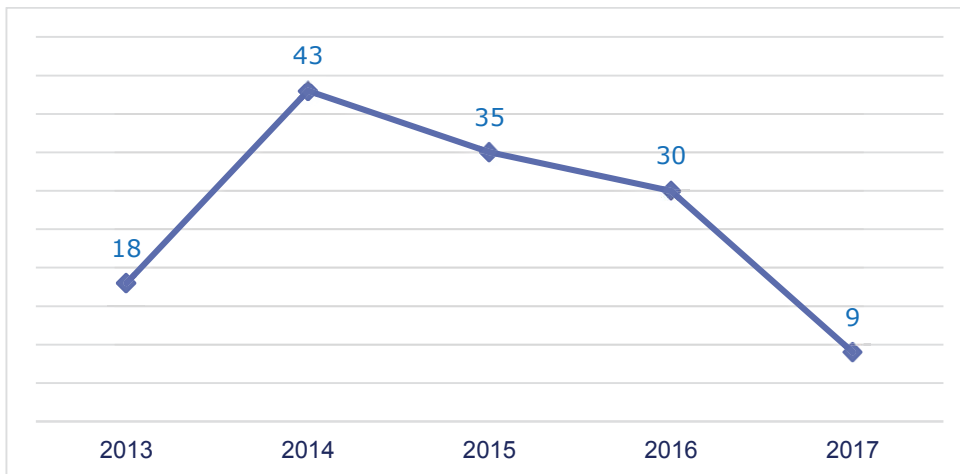
3. New complaints registered in 2017: main policy areas



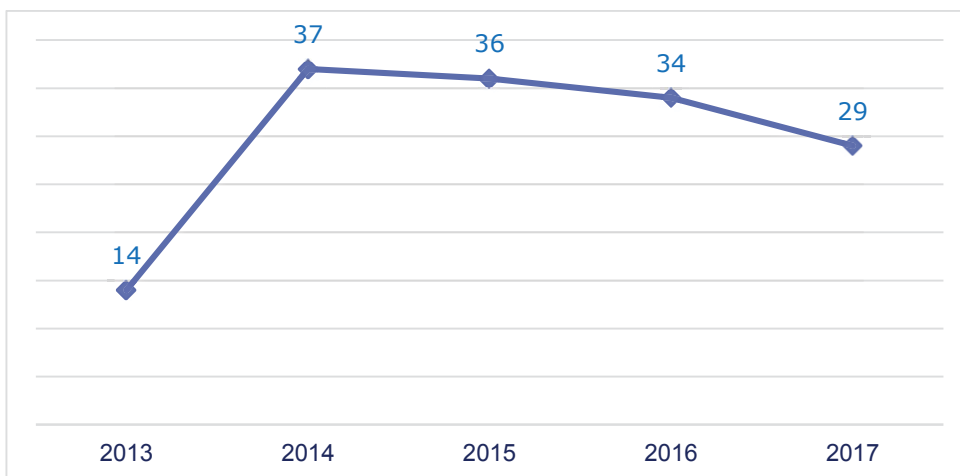
¹ Croatia joined the EU on 1 July 2013.

II. EU PILOT

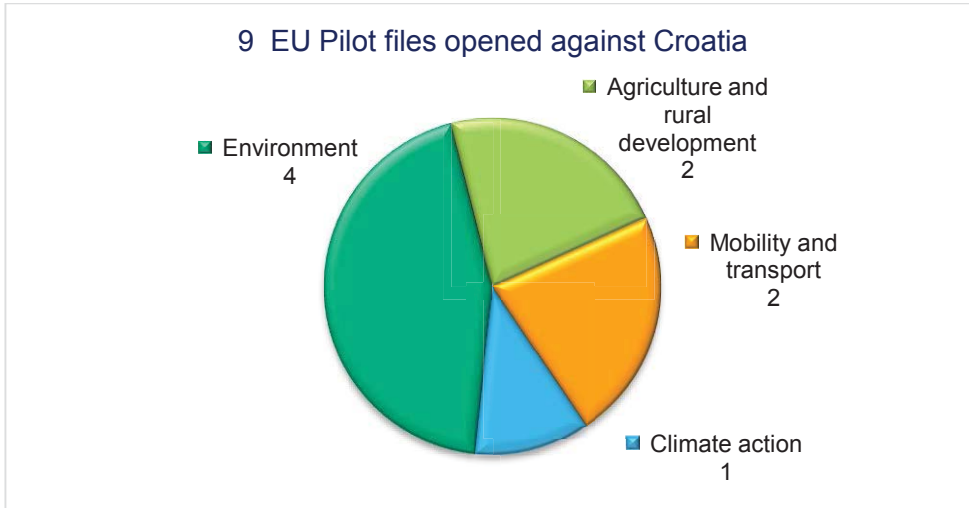
1. New EU Pilot files opened against Croatia (2013-2017)



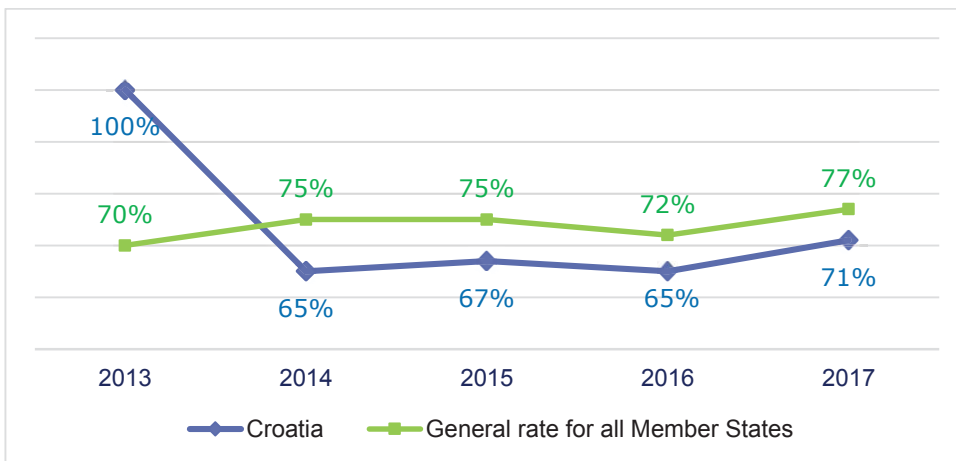
2. Files relating to Croatia open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas



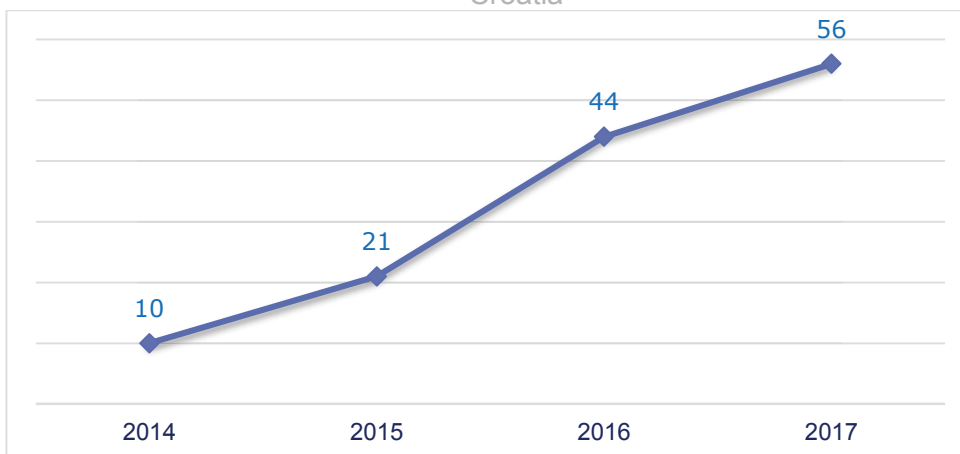
4. EU Pilot files: Croatia's resolution rate in 2013-2017²



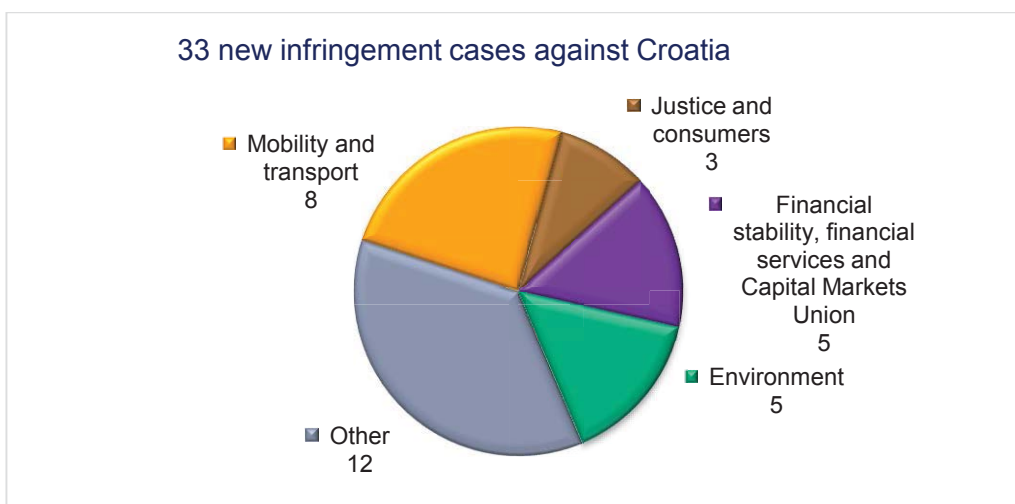
III. INFRINGEMENT CASES

1. Infringement cases against Croatia open on 31 December (2014-2017)

² Croatia joined the EU Pilot system in July 2013.



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 33 new infringement cases against Croatia in 2017. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
 - Seasonal Workers Directive³;
 - Spatial Planning Directive⁴;
 - Markets in Financial Instruments Directive (MiFID II)⁵;
 - Payment Accounts Directive⁶;
 - Directive on seafarers⁷;
 - Fourth Anti-Money Laundering Directive⁸.
 - failure to correctly fingerprint asylum seekers and irregular migrants apprehended after crossing an external border and to transmit this data to the central Eurodac database⁹;

³ Directive [2014/36/EU](#), [MEMO/17/1935](#).

⁴ Directive [2014/89/EU](#), [MEMO/17/1935](#).

⁵ Directive [2014/65/EU](#).

⁶ Directive [2014/92/EU](#), [MEMO/17/1045](#).

⁷ Directive [2015/1794/EU](#).

⁸ Directive [2015/849/EU](#).

⁹ [MEMO/17/1577](#).

- failing to fully implement the Prüm Decisions, which set up an information-exchange tool that can offer automated comparison of DNA profiles, fingerprint data and vehicle registration data¹⁰;
 - incorrect transposition and implementation of the Third Energy Package Directives (Electricity and Gas Directives);¹¹
 - non-conformity of national legislation with the Birds and Habitats Directives¹²;
 - failure to establish strategic noise maps and action plans required by the Noise Directive¹³;
 - failure to adopt a national programme for spent fuel and radioactive waste management compliant with the requirements of the Radioactive Waste Directive¹⁴;
 - failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive¹⁵;
 - failure to fully implement EU legislation establishing common rules in the field of aviation security¹⁶;
 - national legislation restricting access to and pursuit of the profession of lawyer¹⁷.
- 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.

¹⁰ Council Decisions [2008/615/JHA](#) and [2008/616/JHA](#), [MEMO/17/1280](#).

¹¹ Directives [2009/72/EC](#) and [2009/73/EC](#), [MEMO/17/1936](#).

¹² Directives [2009/147/EC](#) and [92/43/EEC](#), [MEMO/17/1045](#).

¹³ Directive [2002/49/EC](#).

¹⁴ Directive [2011/70/Euratom](#), [MEMO/17/1935](#).

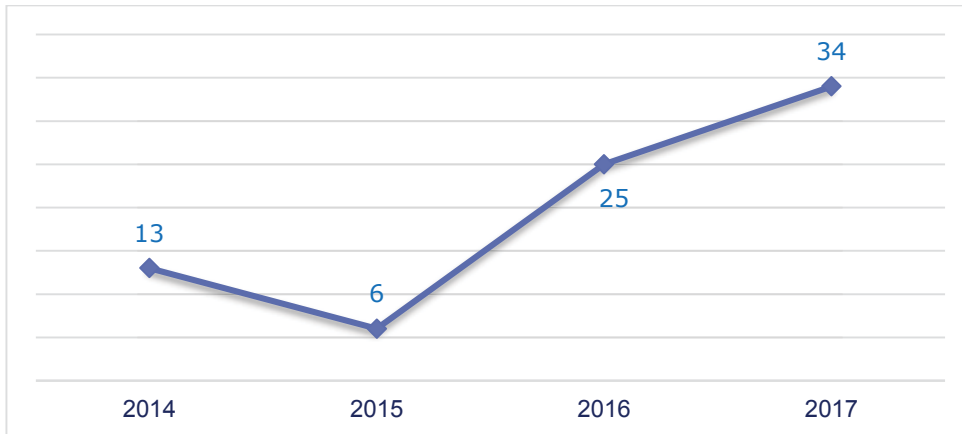
¹⁵ Directive [2008/56/EC](#).

¹⁶ Regulation (EC) No 300/2008; [MEMO/17/3494](#).

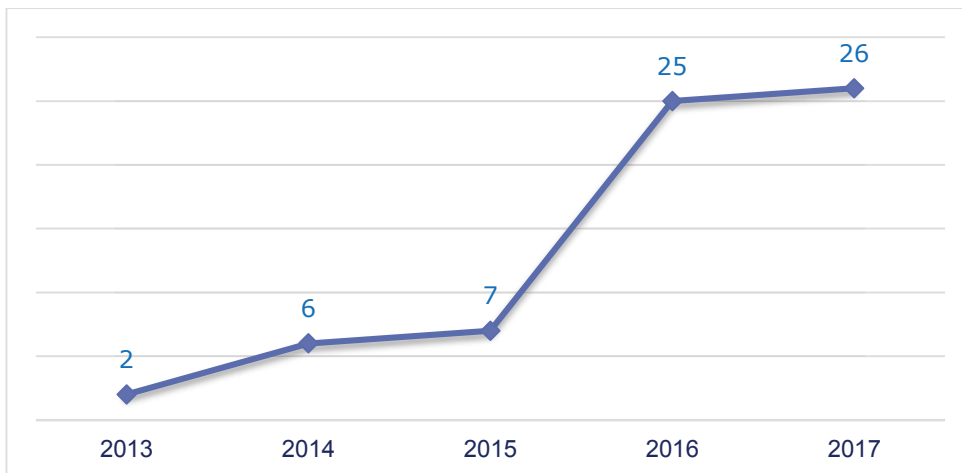
¹⁷ [MEMO/17/1936](#).

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Croatia open on 31 December (2013-2017)

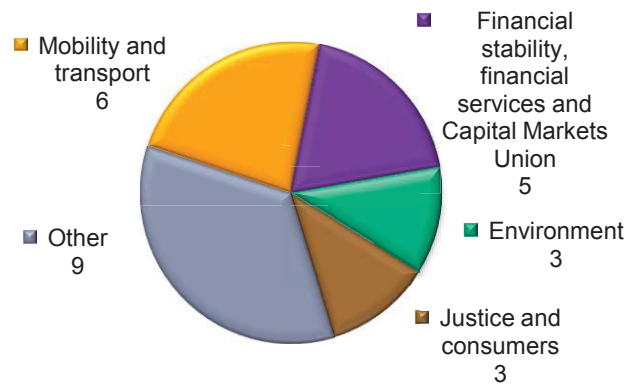


2. New late transposition infringement cases against Croatia (2013-2017)



3. New late transposition infringement cases opened in 2017: policy areas

26 new late transposition infringement cases against Croatia



4. Referrals to the Court

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

- the Mortgage Credit Directive¹⁸; and
- the Audit Directive¹⁹.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2017

These concerned:

- non-communication of national measures transposing the:
 - Public Procurement Directive²⁰;
 - Directive on procurement by entities operating in the water, energy, transport and postal services sectors²¹;
 - Directive on the deployment of alternative fuels²²;
 - Directive on explosives for civil uses²³;
 - Directive on port reception facilities for ship-generated waste and cargo residues²⁴;
 - Maritime Spatial Planning Directive²⁵;
 - Directive²⁶ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality²⁷.
- non-ratification of the Protocol of Accession to the Eurocontrol International Convention;
- failure to correctly transpose the European rules on driving licences²⁸;
- failure to revise the national waste management plan and to adopt a waste prevention programme.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Croatian judiciary.

¹⁸ Directive [2014/17/EU](#), Commission v Croatia, [C-381/17](#), [IP/17/1049](#).

¹⁹ Directive [2014/56/EU](#), Commission v Croatia, [C-415/17](#); [IP/17/1579](#).

²⁰ Directive [2014/24/EU](#).

²¹ Directive [2014/25/EU](#).

²² Directive [2014/94/EU](#).

²³ Directive [2014/28/EU](#).

²⁴ Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

²⁵ Directive [2014/89/EU](#).

²⁶ Directive [\(EU\) 2015/652](#).

²⁷ Directive [98/70/EC](#).

²⁸ Directive [2006/126/EC](#).

Croatia

- Notaries, acting within the framework of the powers conferred on them by national law in enforcement proceedings based on an 'authentic document', do not fall within the concept of 'court' within the meaning of EU legislation²⁹. Thus, the writs of execution which they issue may not be recognised or enforced in other Member States as judicial decisions³⁰.
- National legislation which provides for a fee calculated on the basis of an estimate of the volume of waste generated, and not on the basis of the quantity of waste actually produced and presented for collection, is in principle compatible with the Waste Framework Directive. However, it is for the national courts to verify whether such a fee triggers costs for certain waste holders which are manifestly disproportionate to the volumes or nature of the waste that they are liable to produce³¹.

²⁹ Regulations [\(EC\) No 805/2004](#) and [\(EU\) No 1215/2012](#).

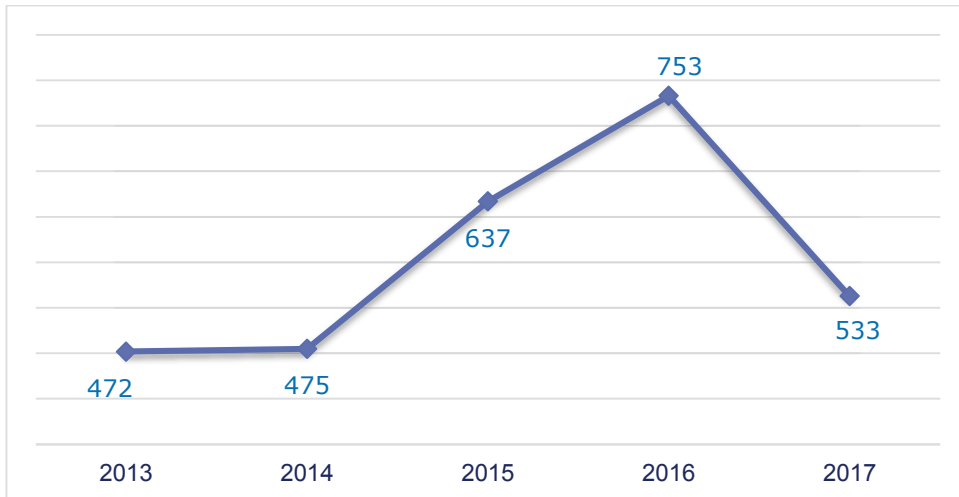
³⁰ Pula Parking, [C-551/15](#) and Court press release No [25/17](#).

³¹ Directive [2008/98/EC](#), VG Čistoća, [C-335/16](#).

Italy

I. COMPLAINTS

1. New complaints made against Italy by members of the public (2013-2017)



2. Public complaints against Italy open at year-end

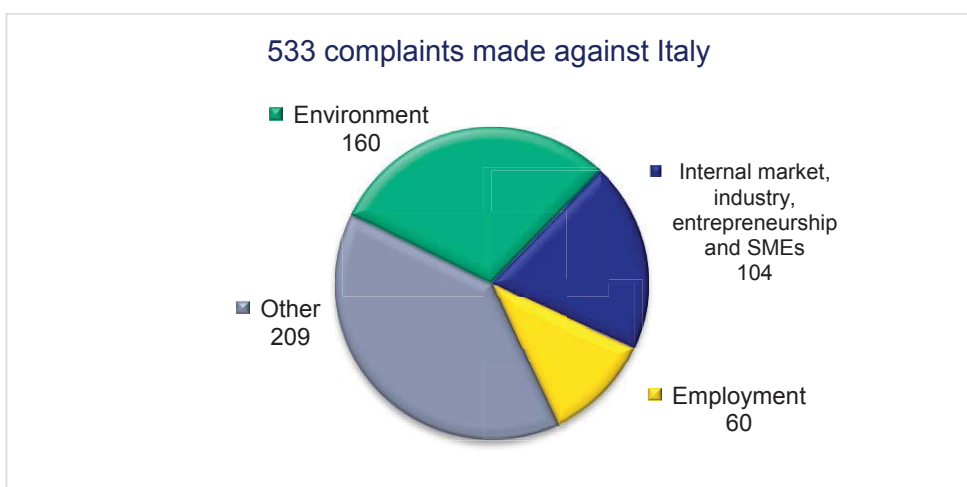
669 > Complaints open at end-2016

533 > New complaints registered in 2017

620 > Complaints handled in 2017

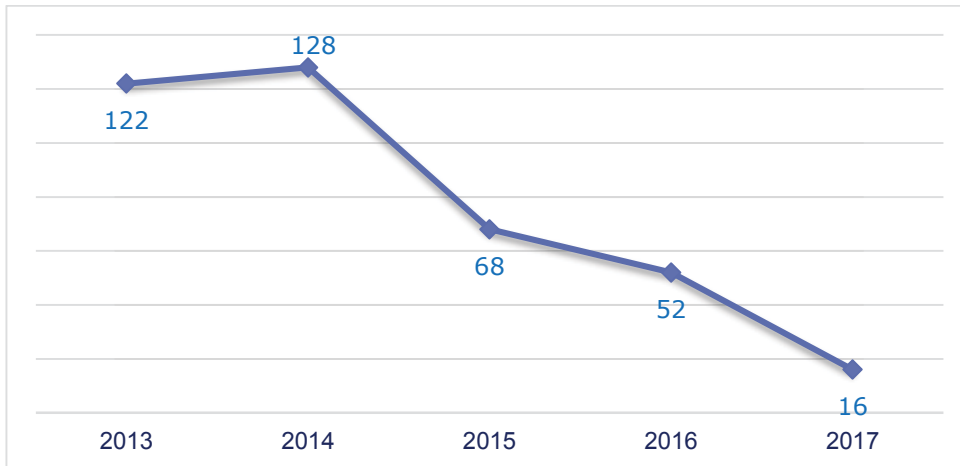
= 582 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

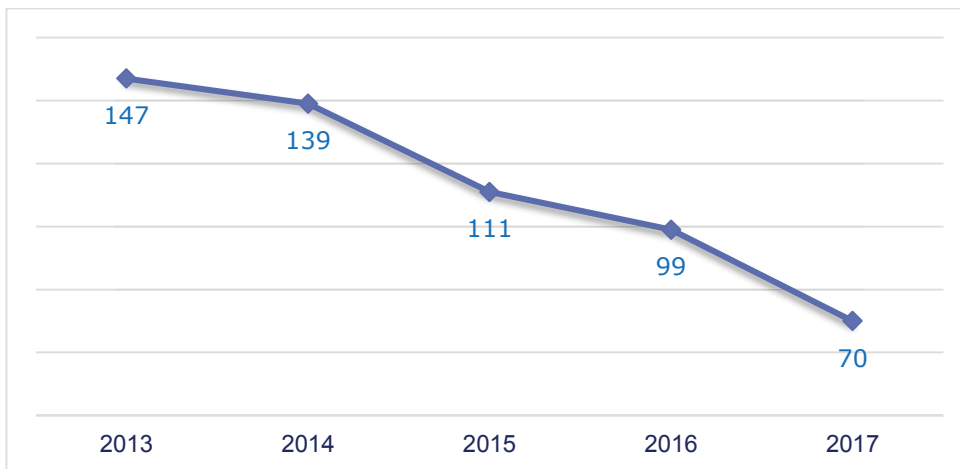


II. EU PILOT

1. New EU Pilot files opened against Italy (2013-2017)

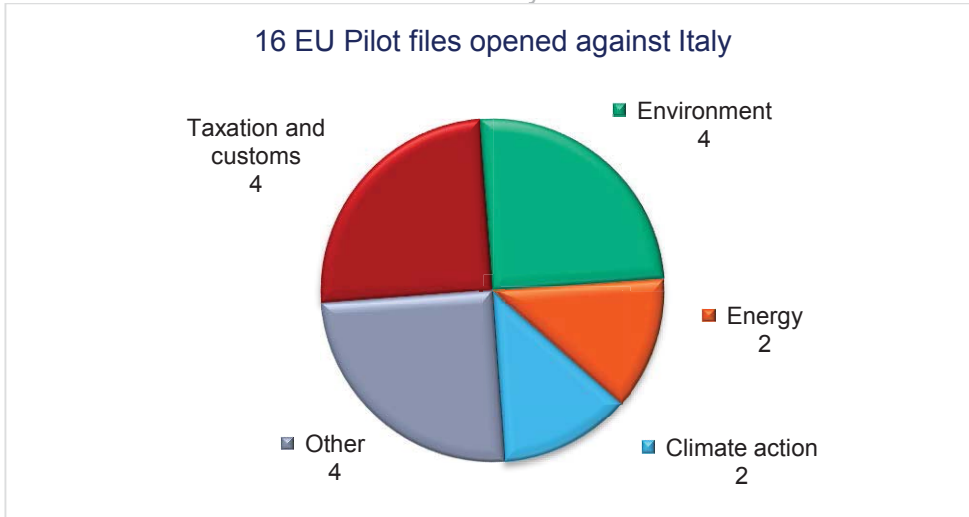


2. Files relating to Italy open in EU Pilot at year-end

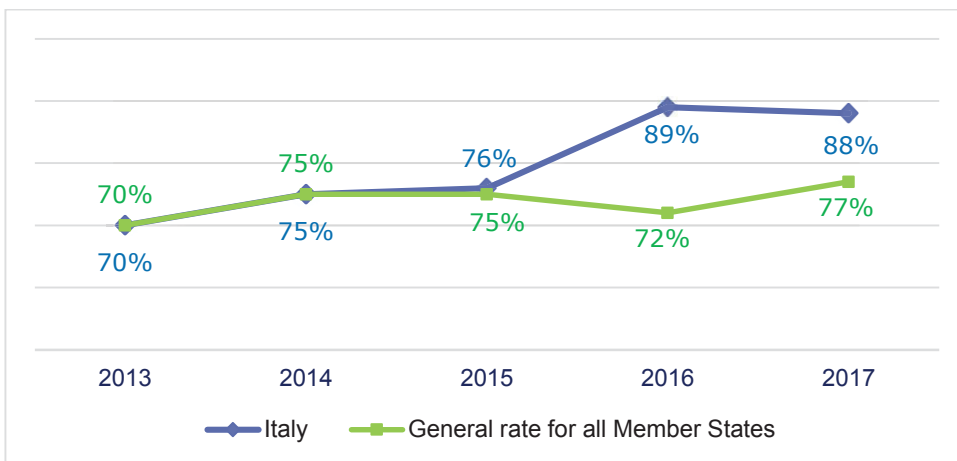


3. New EU Pilot files opened in 2017: main policy areas

Italy

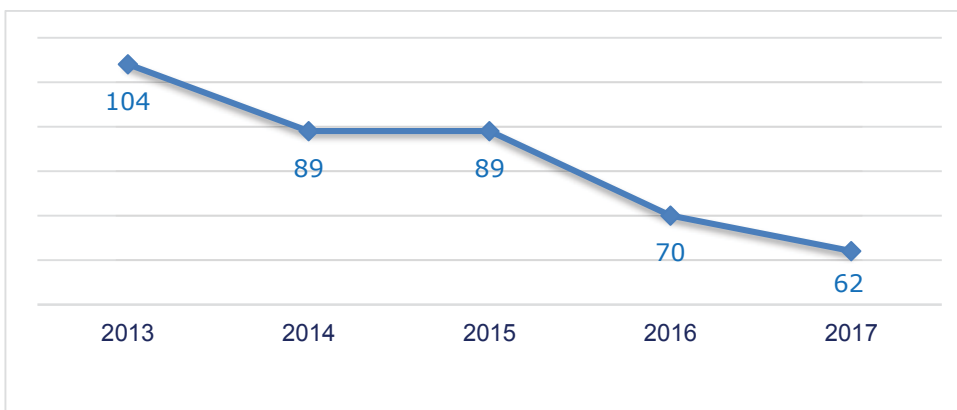


4. EU Pilot files: Italy's resolution rate in 2013-2017



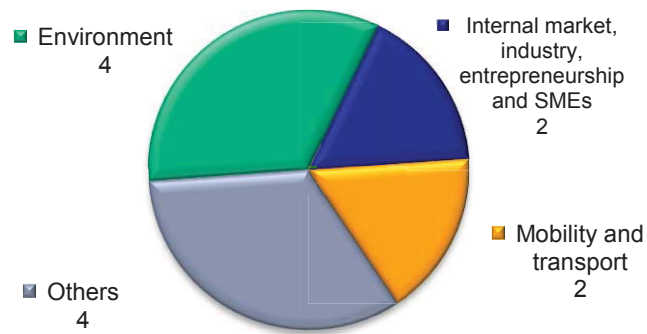
III. INFRINGEMENT CASES

1. Infringement cases against Italy open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas

12 new infringement cases against Italy



3. Key infringement cases and referrals to the Court

- a) The Commission opened 12 new infringement cases against Italy in 2017. These, and other major ongoing infringement cases, include:
- failure to adopt a national programme for spent fuel and radioactive waste management compliant with the requirements of the Radioactive Waste Directive¹;
 - non-compliance with the Commission's decision on measures to prevent the spread within the EU of the plant bacterium *Xylella fastidiosa*²;
 - failing to fully implement the Prüm Decisions, which set up an information-exchange tool that can offer automated comparison of DNA profiles, fingerprint data and vehicle registration data³;
 - the prohibition on the transfer of public funds from infrastructure management to transport activities and the need to ensure that funds paid for activities relating to the provision of passenger transport services are shown separately in the relevant accounts⁴;
 - lack of waste management plans required under the Waste Framework Directive⁵;
 - failure to comply with reporting obligations under EU waste legislation⁶;
 - failure to ensure that urban waste water is adequately treated⁷;
 - failure to comply with the PM₁₀⁸ limit values set by the Air Quality Directive⁹;
 - failure to comply with the NO₂ limit values set by the Air Quality Directive¹⁰;
 - incorrect application of the Directive on the mutual recognition of seafarers' certificates issued by Member States¹¹;
 - discriminatory fiscal treatment of green electricity and discriminatory taxation rules against non-Italian citizens relating to real estate;
 - non-communication of national measures transposing the:
 - Directive on caseins and caseinates¹²;
 - Directive on seafarers¹³.
- b) The Commission referred two cases to the Court under Article 258 TFEU. These concern:
- failure to rehabilitate or close non-compliant waste landfills posing a serious risk for human health and the environment¹⁴;
 - extension of a motorway concession contract without a prior call for tenders¹⁵.
- c) The Commission referred one case to the Court under Article 260(2) TFEU.

¹ Directive [2011/70/Euratom](#), [MEMO/17/1935](#).

² Commission Implementing Decision (EU)2015/789, [MEMO/17/1935](#).

³ Council Decisions [2008/615/JHA](#) and [2008/616/JHA](#).

⁴ Directive [2012/34/EU](#).

⁵ Directive [2008/98/EC](#), [MEMO/17/234](#).

⁶ [MEMO/17/1281](#).

⁷ [MEMO/17/1280](#).

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](#).

¹⁰ Directive [2008/50/EC](#), [IP/17/238](#).

¹¹ Directive [2005/45/EC](#), [MEMO/17/4767](#).

¹² Directive [2015/2203/EU](#), [MEMO/17/1935](#).

¹³ Directive [2015/1794/EU](#).

¹⁴ Directive [1999/31/EC](#), Commission v Italy, [C-498/17](#), [IP/17/1283](#).

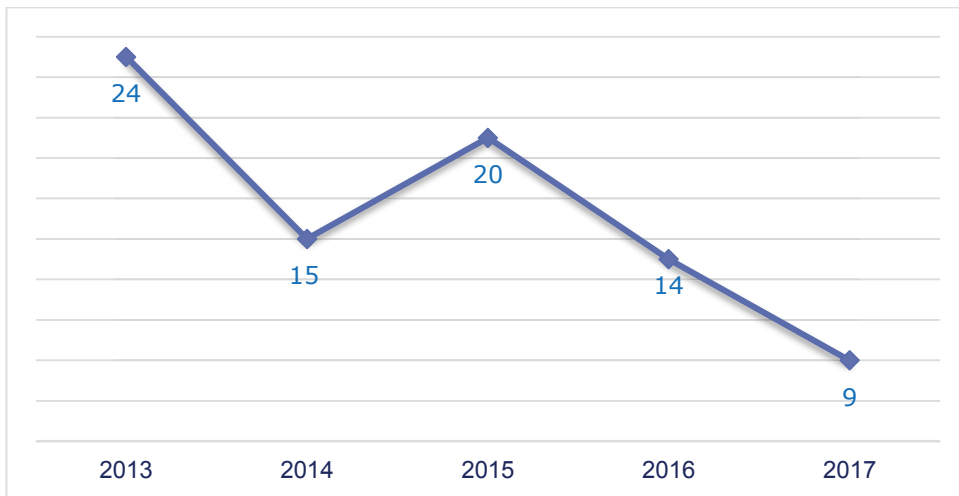
¹⁵ Directive [2004/18/EC](#), Commission v Italy, [C-526/2017](#), [IP/17/1284](#).

Italy

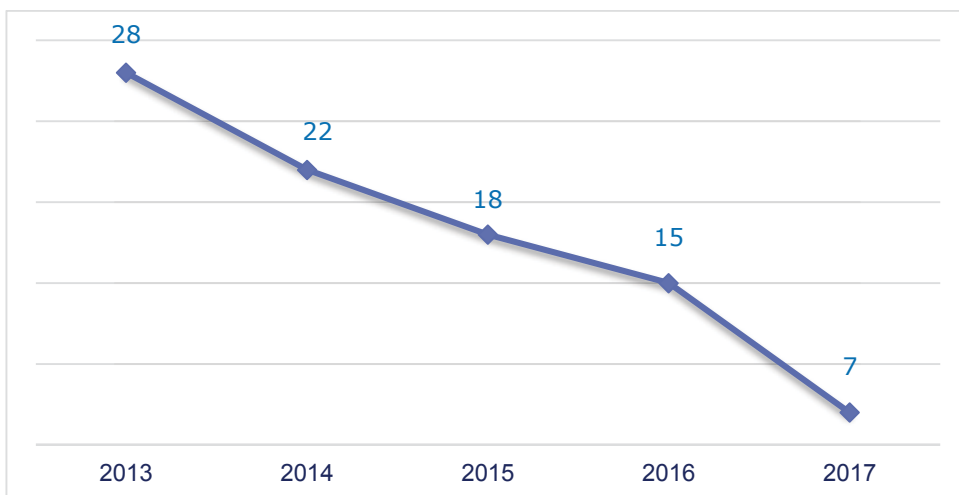
This concerns a failure to comply with a Court judgment finding that Italy had failed to adequately collect and treat waste water discharged by numerous agglomerations. The Commission asked the Court to impose a lump sum payment of EUR 62 699 421.40 and a daily penalty payment of EUR 346 922.40 until Italy fully complies with EU law¹⁶.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Italy open on 31 December (2013-2017)

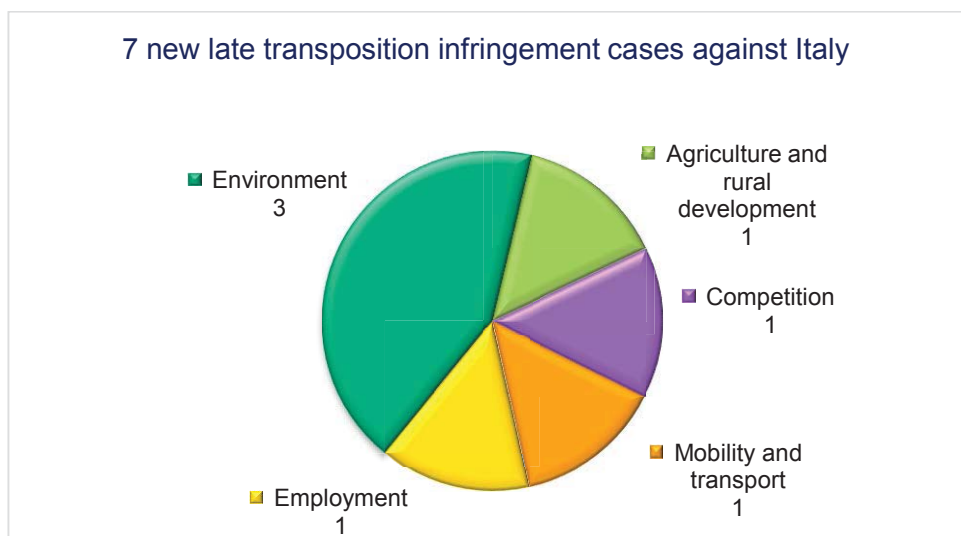


2. New late transposition infringement cases against Italy (2013-2017)



¹⁶ Directive [91/271/EEC](#), Commission v Italy, [C-251/17](#); [IP/16/4212](#).

3. New late transposition infringement cases opened in 2017: 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 2017

These concerned the following.

- Incorrect transposition into national law of the Directive on package travel¹⁷. Under the Directive, organisers of package tours must have insolvency protection guaranteeing that consumers receive a refund and are repatriated if the organiser becomes insolvent¹⁸.
- Disproportionate fees for issuing residence permits to third-country nationals.
- Alleged violations of obligations under the Dublin Regulation and the Directive on asylum procedures¹⁹.
- Systematic and unexplained refusal of applications from customs agents to operate as direct representatives in the simplified customs procedures.
- Special rights of the state in the privatisation law.
- Failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure²⁰.
- Non-communication of national measures transposing the:
 - 'Qualifications' Directive²¹;
 - Long-Term Residents Directive²²;
 - Solvency II Directive²³;

¹⁷ Council Directive [90/314/EEC](#).

¹⁸ [MEMO/17/4767](#).

¹⁹ Regulation [No 343/2003/EC](#) and Directive [2005/85/EC](#).

²⁰ Directive [2014/94/EU](#).

²¹ Directive [2011/95/EU](#).

²² Directive [2011/51/EU](#).

- Omnibus II Directive in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority²⁴;
- Banking Recovery and Resolution Directive²⁵;
- Deposit Guarantee Schemes' Directive²⁶;
- Transparency Directive²⁷.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Italian judiciary.

- National courts may dismiss an appeal against a decision rejecting a manifestly unfounded application for international protection without hearing the applicant. In such case, the factual circumstances should leave no doubt as to whether that decision was well founded and during the proceedings at first instance, the applicant should have given the opportunity of a personal interview²⁸.
- The Italian measures regarding the allocation of digital TV frequencies may violate in several regards the EU law on the internal market²⁹.
- An online platform allowing users to store copies of TV programmes in a private cloud space cannot be deemed covered by the private copying exception. This exception applies to the reproduction right, but not the right to make available a protected work. EU rules³⁰ preclude national legislation which permits a commercial undertaking to provide private individuals with a cloud service for the remote recording of private copies of works protected by copyright, by means of a computer system, by actively involving itself in the recording, without the right holder's consent³¹.
- Restrictions imposed on gambling concession holders through new legislation may be compliant with the TFEU principles provided they are justified by overriding reasons relating to the general interest and are enacted proportionately i.e. with an amendment to the concession providing for a transitional period of sufficient length³².
- In line with the principle of equal treatment, a third-country national holding a single permit should also be entitled to the benefit for households³³.
- In the event of failure to carry out an environmental impact assessment, Member States are required to nullify the unlawful consequences of that failure. EU law does not prevent the conduct of an impact assessment after the plant concerned has been constructed and has entered into operation, as long as the relevant national rules do not

²³ Directive [2009/138/EC](#).

²⁴ Directive [2014/51/EU](#).

²⁵ Directive [2014/59/EU](#).

²⁶ Directive [2014/49/EU](#).

²⁷ Directive [2013/50/EU](#).

²⁸ *Moussa Sacko*, [C-348/16](#).

²⁹ *Europa Way and Persidera*, [C-560/15](#) and *Persidera*, [C-112/16](#).

³⁰ Directive [2001/29/EC](#).

³¹ *VCAST Limited v RTI SpA*, [C-265/16](#).

³² *Global Starnet*, [C-322/16](#).

³³ *Martínez Silva*, [C-449/16](#).

Italy

allow the requirements of EU law to be circumvented and the assessment covers both the past and future environmental impact of the plant³⁴.

- EU law does not preclude national provisions which do not require a public selection procedure to be conducted prior to the allocation of areas within airports to be used for groundhandling services for which no remuneration is to be paid by the manager of the airport³⁵.

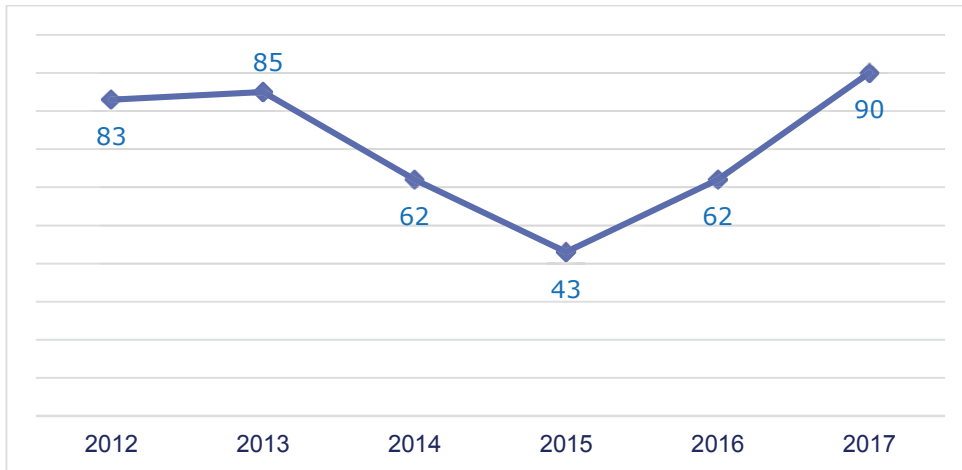
³⁴ Joined cases Comune di Corridonia, [C-196/16](#), Bartolini and Others, [C-197/16](#).

³⁵ Malpensa Logistica Europa, [C-701/15](#).

Cyprus

I. COMPLAINTS

1. New complaints made against Cyprus by members of the public (2013-2017)

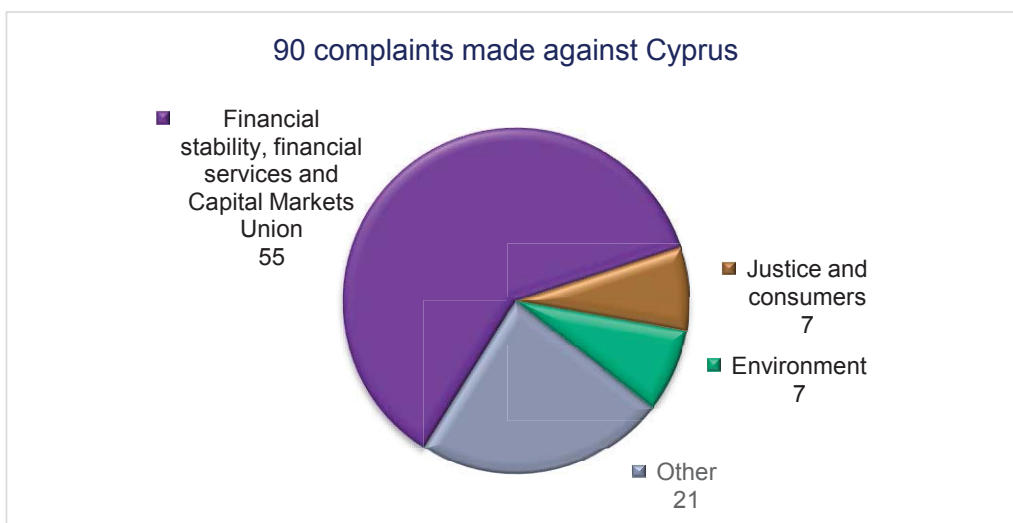


2. Public complaints against Cyprus open at year-end

37 > Complaints open at end-2016
 90 > New complaints registered in 2017
 69 > Complaints handled in 2017

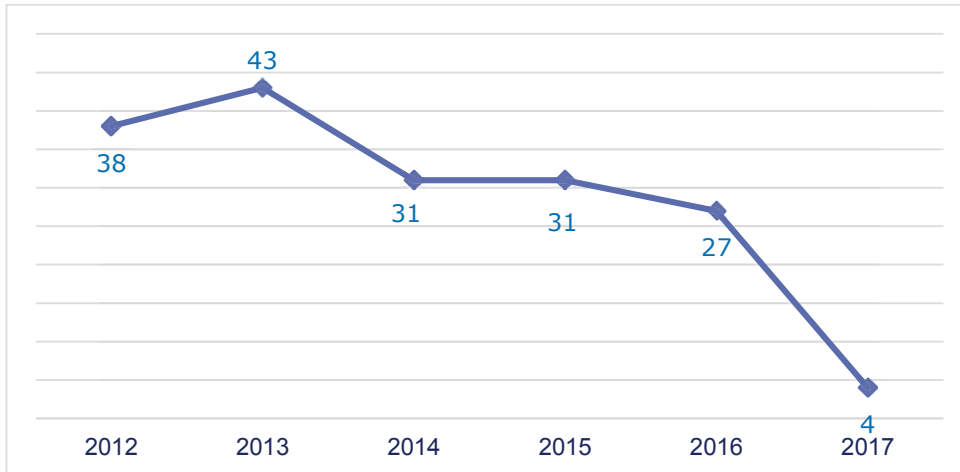
 = 58 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

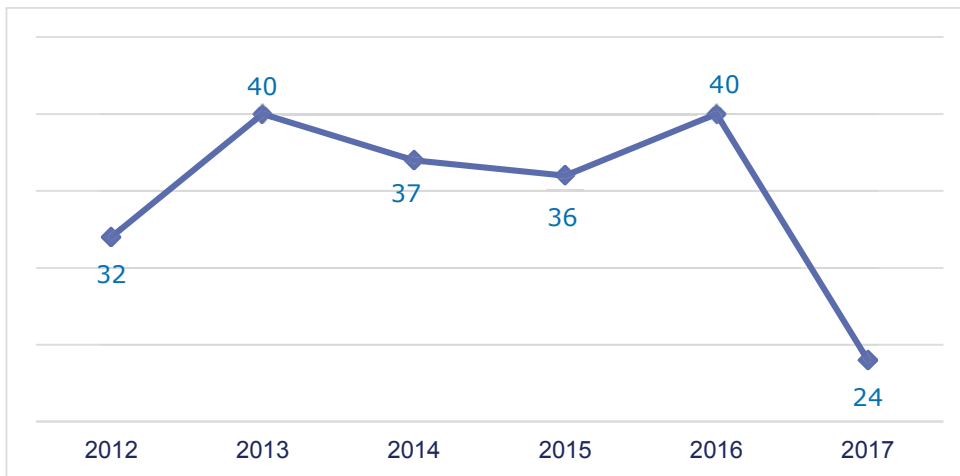


II. EU PILOT

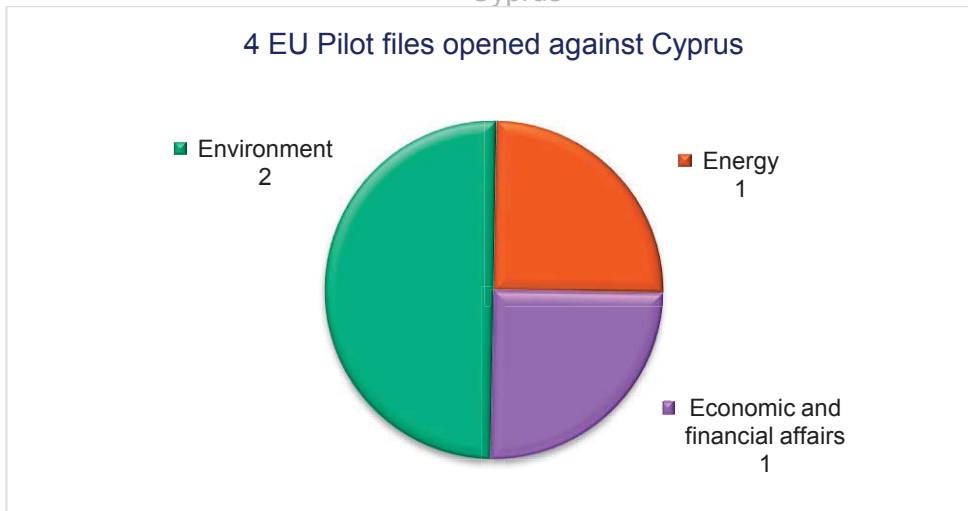
1. New EU Pilot files opened against Cyprus (2013-2017)



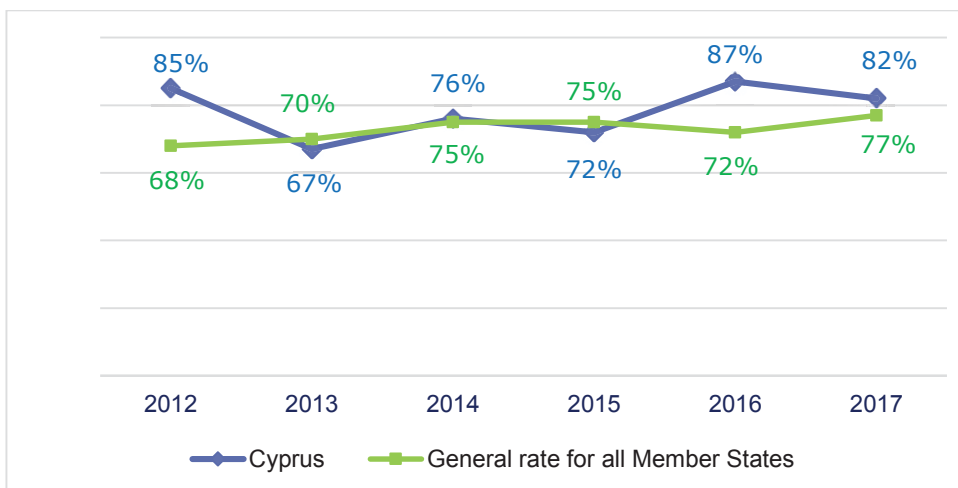
2. Files relating to Cyprus open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: policy areas



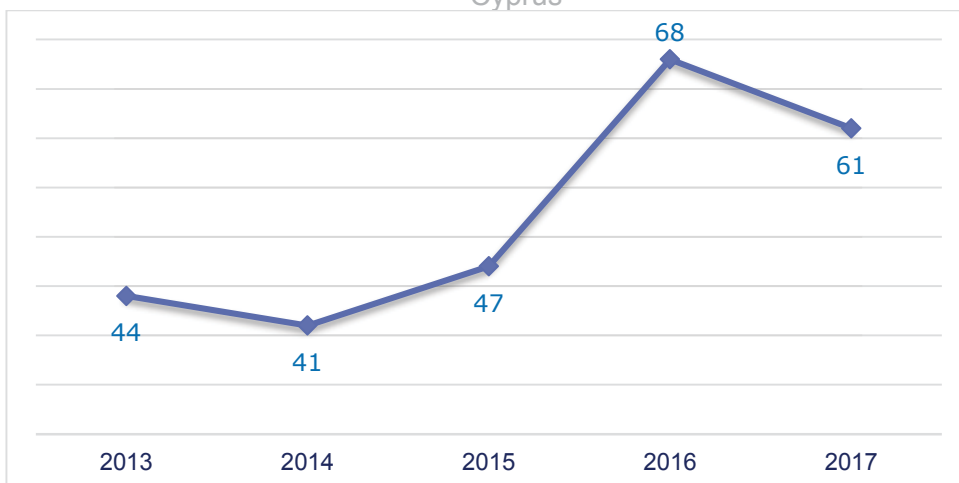
4. EU Pilot files: Cyprus's resolution rate in 2013-2017



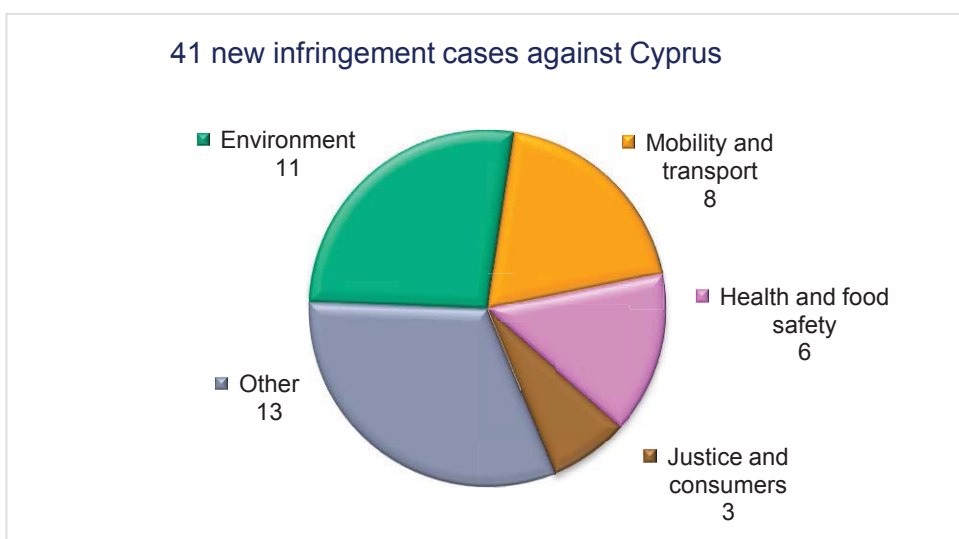
III. INFRINGEMENT CASES

1. Infringement cases against Cyprus open on 31 December (2013-2017)

Cyprus



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 41 new infringement cases against Cyprus in 2017. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
 - Directive on caseins and caseinates¹;
 - Fourth Anti-Money Laundering Directive²;
 - Maritime Spatial Planning Directive³;
 - Payment Accounts Directive⁴;
 - Directive on disclosure of non-financial and diversity information by certain large undertakings⁵;
 - Audit Directive⁶;
 - Directive on seafarers⁷;

¹ Directive [2015/2203/EU](#).

² Directive [2015/849/EU](#); [MEMO/17/4767](#).

³ Directive [2014/89/EU](#); [MEMO/17/1935](#).

⁴ Directive [2014/92/EU](#); [MEMO/17/1045](#).

⁵ Directive [2014/95/EU](#); [MEMO/17/1577](#).

⁶ Directive [2014/56/EU](#); [MEMO/17/234](#).

Cyprus

- Directive⁸ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁹;
 - incorrect transposition and implementation of the Third Energy Package Directives (Electricity and Gas Directives)¹⁰;
 - failure to ensure that waste landfills operate in compliance with EU standards;
 - failure to fully implement the Regulation on explosives precursors, which restricts and controls access to several dangerous chemicals that could be used by terrorists to manufacture homemade explosives¹¹;
 - non-recognition of the professional training in engineering and architecture acquired abroad by Cypriot citizens¹²;
 - failure to comply with reporting obligations under EU waste legislation¹³;
 - failure to ensure that urban waste water is adequately treated¹⁴;
 - failure to establish strategic noise maps and action plans required by the Noise Directive¹⁵.
- 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.

⁷ Directive [2015/1794/EU](#).

⁸ Directive [2015/652/EU](#).

⁹ Directive [98/70/EC](#).

¹⁰ Directives [2009/72/EC](#) and [2009/73/EC](#); [MEMO/17/4767](#).

¹¹ [MEMO/17/234](#).

¹² Directive [2005/36/EC](#); [IP/17/4773](#).

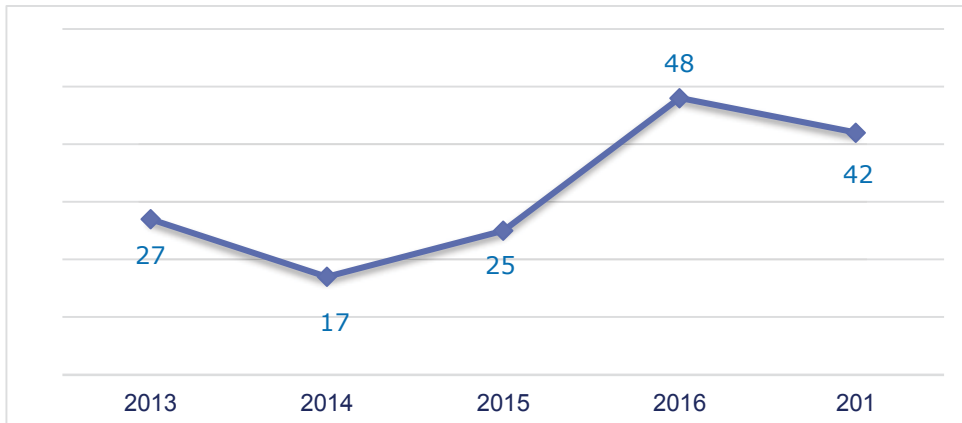
¹³ [MEMO/17/1281](#).

¹⁴ [MEMO/17/1936](#).

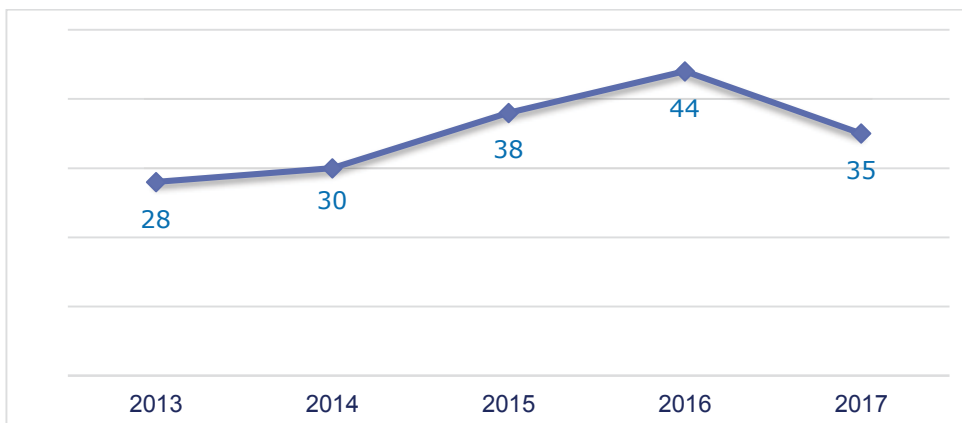
¹⁵ Directive [2002/49/EC](#), [MEMO/17/3494](#).

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Cyprus open on 31 December (2013-2017)

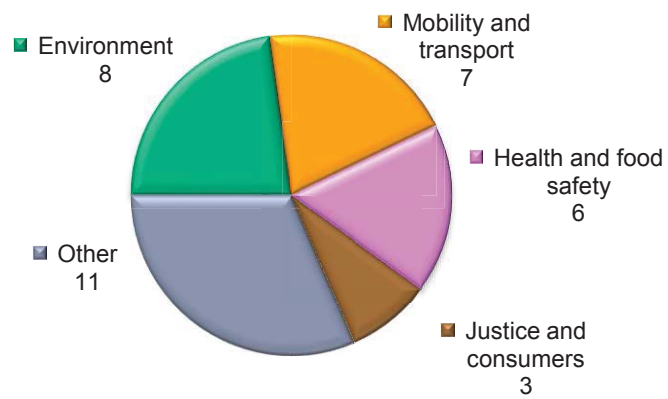


2. New late transposition infringement cases against Cyprus (2013-2017)



3. New late transposition infringement cases opened in 2017: main policy areas

35 new late transposition infringement cases against
Cyprus



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 2017

These concerned:

- non-communication of national measures transposing the:
 - intra-corporate transfer Directive¹⁶;
 - 'Qualifications' Directive¹⁷;
 - Directive on procurement by entities operating in the water, energy, transport and postal services sectors¹⁸;
 - Directive on recognition of professional qualifications¹⁹;
 - Directive on lifts²⁰;
 - Directive on electromagnetic compatibility²¹;
 - Low Voltage Directive²²;
 - Directive on the return of unlawfully removed cultural goods²³;
 - Transparency Directive²⁴;
 - Banking Recovery and Resolution Directive²⁵;
 - Accounting Directive²⁶;
 - Directive on port reception facilities for ship-generated waste and cargo residues²⁷;
 - Deposit Guarantee Schemes Directive²⁸;
 - amended Settlement Finality Directive²⁹;
- failure to implement completely the Regulation on explosives precursors, which restricts and controls access to several dangerous chemicals that could be used by terrorists to manufacture homemade explosives;
- incomplete transposition of the Accounting Directive³⁰;
- national requirements obstructing the free movement of lawyers;
- shareholding requirement imposed on engineering companies which are incorporated in Cyprus, in breach of the freedom of establishment and the Services Directive³¹;
- non-compliance of national legislation on gambling with EU rules³²;
- failure to notify a national policy framework under the Directive on the deployment of alternative fuels³³;
- failure to correctly transpose the EU rules on driving licences³⁴.

¹⁶ Directive [2014/66/EU](#), [MEMO/17/3494](#).

¹⁷ Directive [2011/95/EU](#).

¹⁸ Directive [2014/25/EU](#).

¹⁹ Directive [2013/55/EU](#).

²⁰ Directive [2014/33/EU](#).

²¹ Directive [2014/30/EU](#).

²² Directive [2014/35/EU](#).

²³ Directive [2014/60/EU](#).

²⁴ Directive [2013/50/EU](#).

²⁵ Directive [2014/59/EU](#).

²⁶ Directive [2013/34/EU](#).

²⁷ Directive [2015/2087/EU](#) amending Directive [2000/59/EC](#).

²⁸ Directive [2014/49/EU](#).

²⁹ Directive [98/26/EC](#).

³⁰ Directive [2013/34/EU](#).

³¹ Directive [2006/123/EC](#), [IP/17/4772](#).

³² [IP/17/5109](#).

³³ Directive [2014/94/EU](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

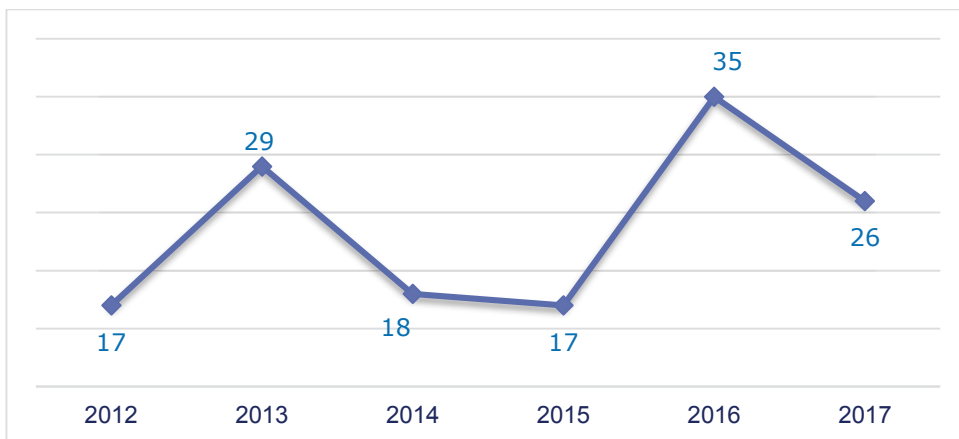
No major preliminary rulings were addressed to the Cyprus judiciary in 2017.

³⁴ Directive [2006/126/EC](#).

Latvia

I. COMPLAINTS

1. New complaints made against Latvia by members of the public (2013-2017)

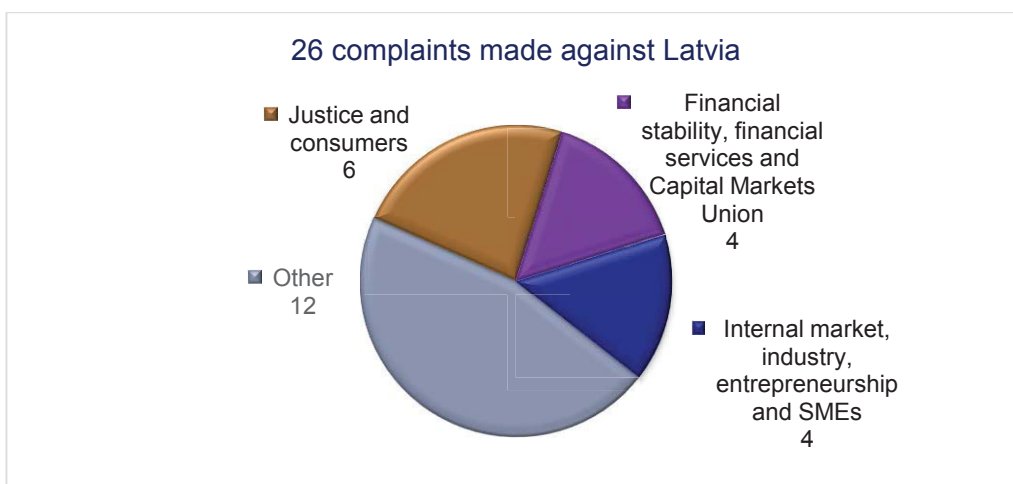


2. Public complaints against Latvia open at year-end

26 > Complaints open at end-2016
 26 > New complaints registered in 2017
 29 > Complaints handled in 2017

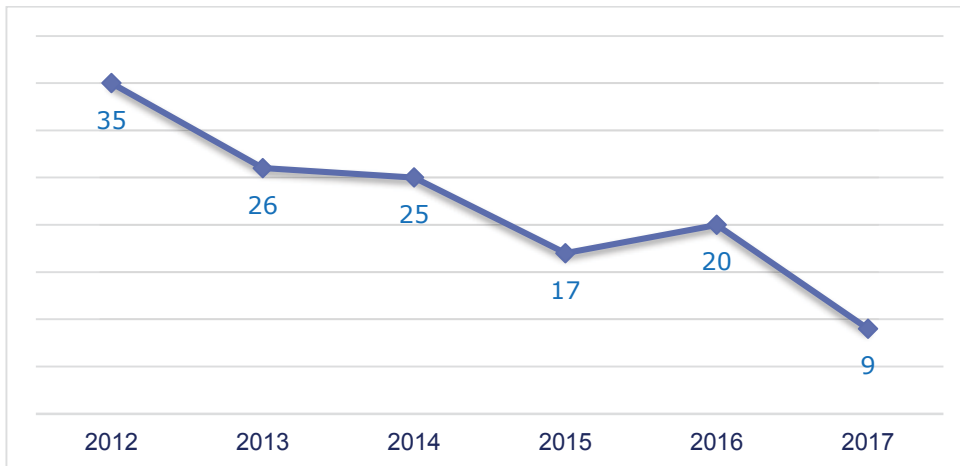
 = 23 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

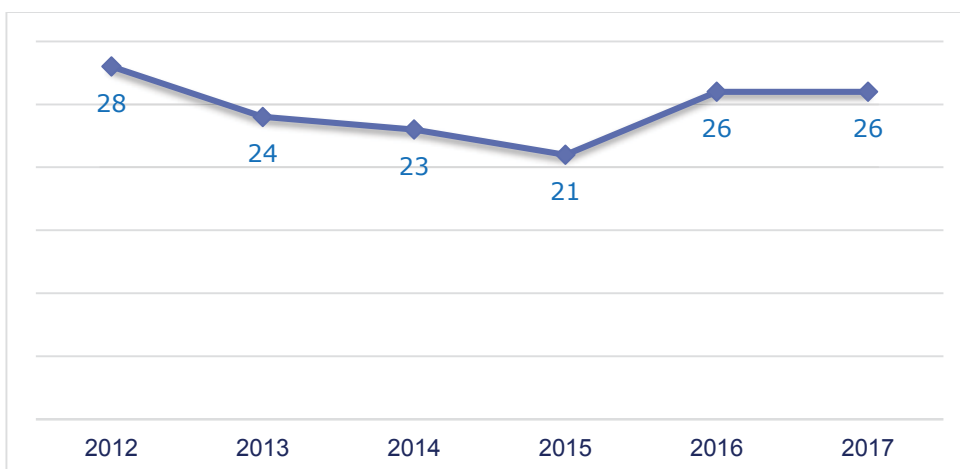


II. EU PILOT

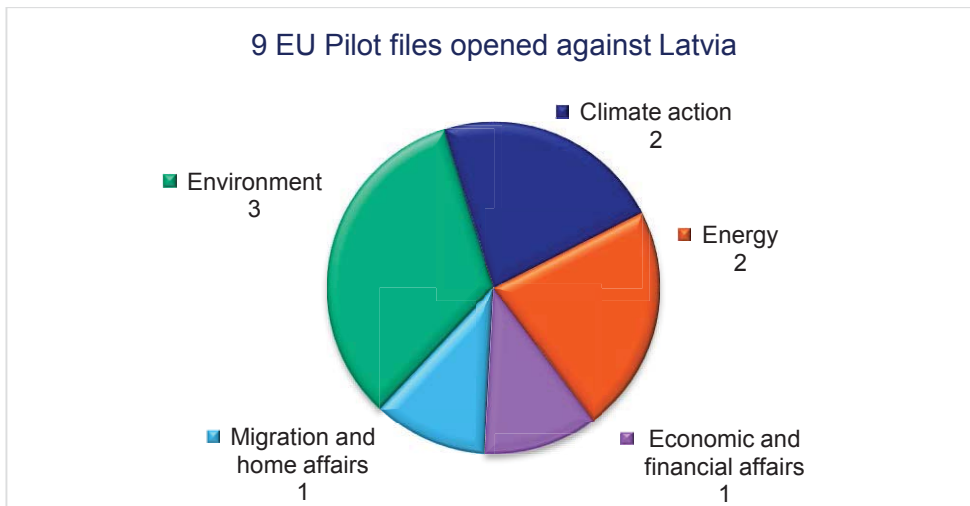
1. New EU Pilot files opened against Latvia (2013-2017)



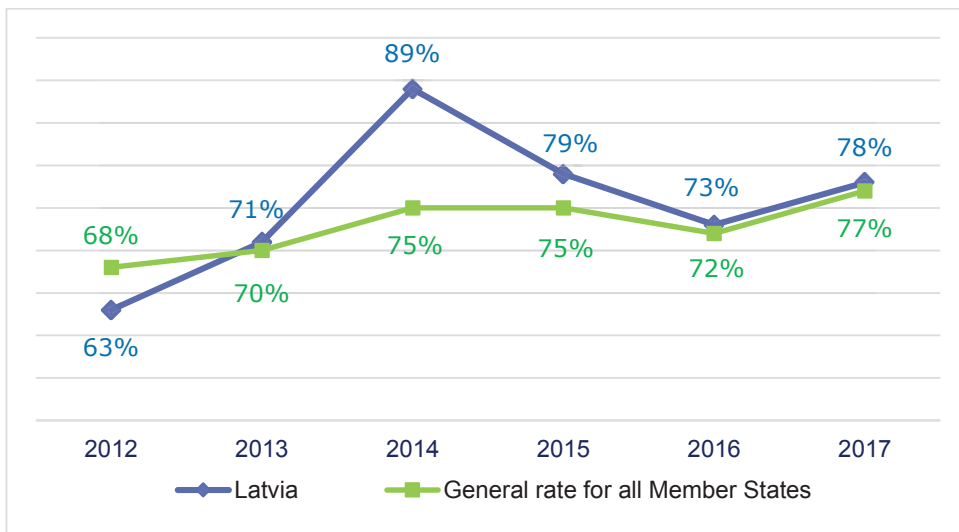
2. Files relating to Latvia open in EU Pilot at year-end



3. New EU Pilot files opened in 2017: main policy areas

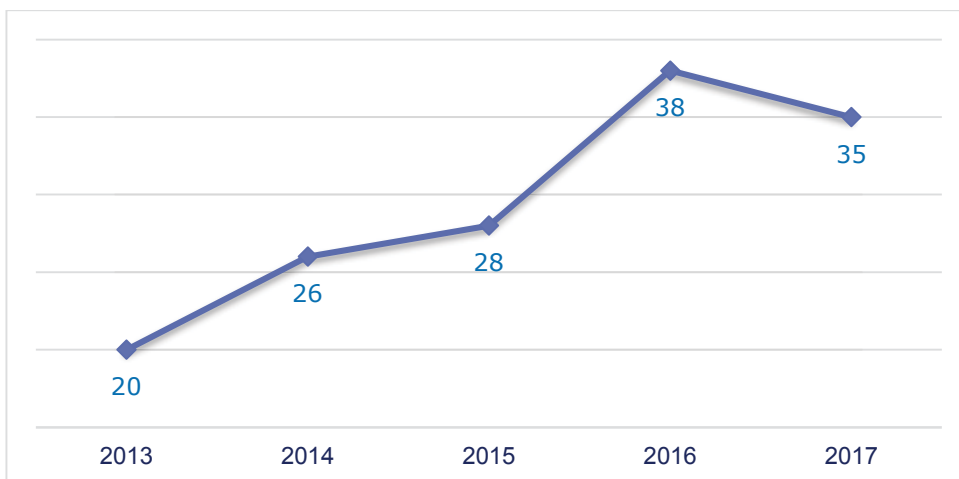


4. EU Pilot files: Latvia's resolution rate in 2013-2017

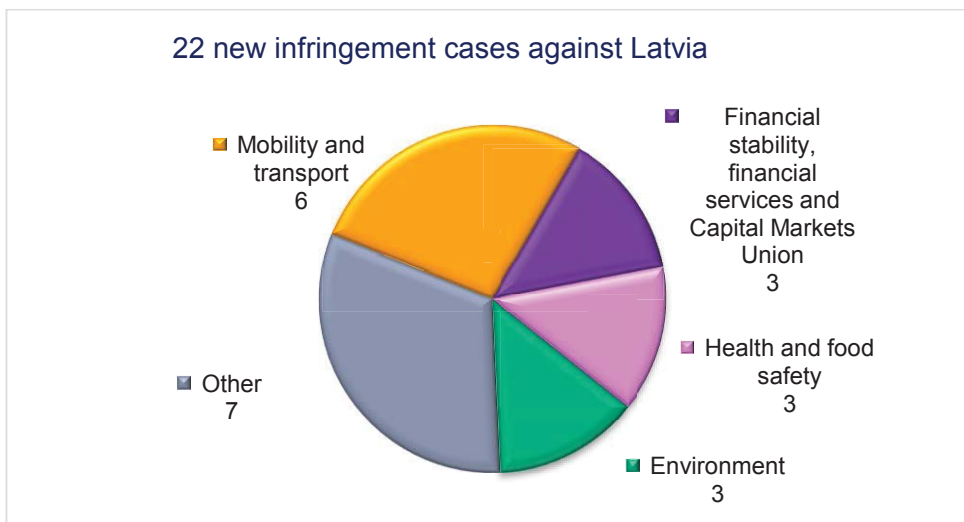


III. INFRINGEMENT CASES

1. Infringement cases against Latvia open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against Latvia in 2017. These, and other major ongoing infringement cases, include:
- failure to ensure that urban waste water is adequately treated;
 - incorrect transposition and application of the Energy Performance of Buildings Directive¹;
 - non-communication of national measures transposing the:
 - Markets in Financial Instruments Directive (MiFID II)²;
 - Fourth Anti-Money Laundering Directive³;
 - Directive⁴ laying down calculation methods and reporting requirements pursuant to the Directive on fuels quality⁵;
 - non-compliance with EU rules on indirect taxes on the raising of capital⁶.
- 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 [2010/31/EU](#).

² Directive [2014/65/EU](#).

³ Directive [2015/849/EU](#).

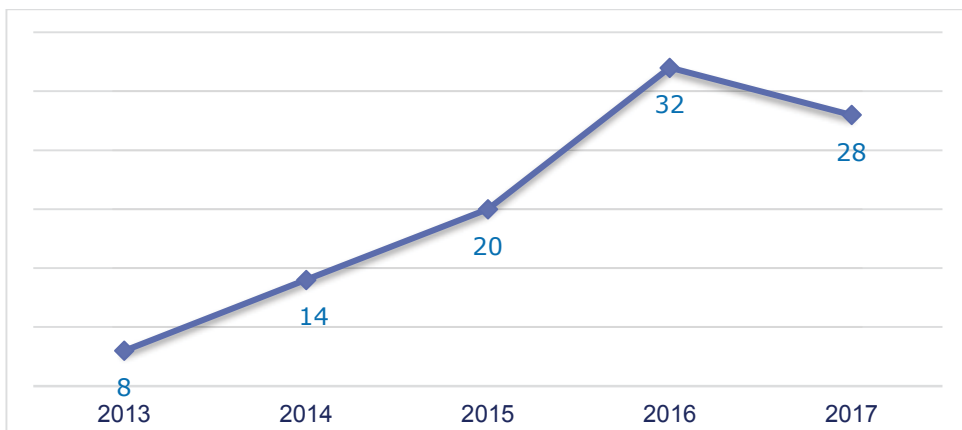
⁴ Directive [2015/652/EU](#).

⁵ Directive [98/70/EC](#).

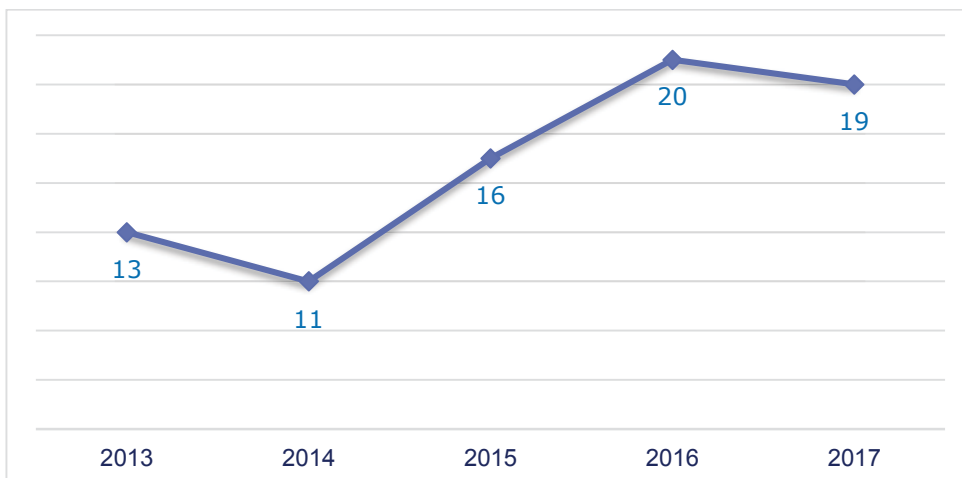
⁶ Directive [2008/7/EC](#), [MEMO/17/4767](#).

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Latvia open on 31 December (2013-2017)

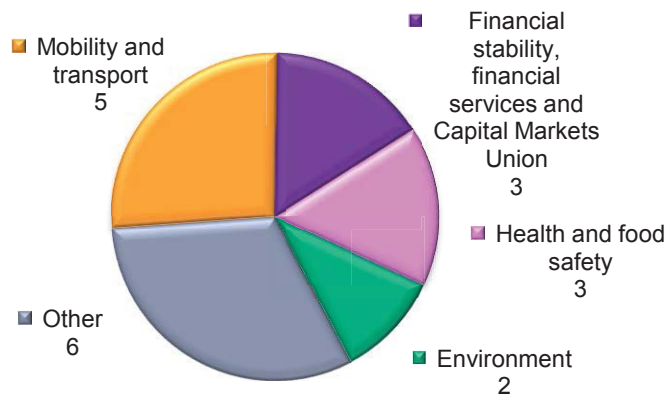


2. New late transposition infringement cases against Latvia (2013-2017)



3. New late transposition infringement cases opened in 2017: main policy areas

19 new late transposition infringement cases against
Latvia



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 2017

These concerned:

- non-communication of national measures transposing the:
 - Intra-Corporate Transfer Directive⁷;
 - Directive on seasonal workers⁸;
 - Long-Term Residents Directive⁹;
 - Directive on recognition of professional qualifications¹⁰;
 - Transparency Directive, Accounting Directive and Directive on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms¹¹;
 - Directive establishing a single European railway area¹²;
 - Directives on recognition of professional qualifications and on defence-related products¹³;
- failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹⁴
- failure to adopt a national programme for spent fuel and radioactive waste management compliant with the requirements of the Radioactive Waste Directive¹⁵.

VI. IMPORTANT JUDGMENTS

1. Court ruling

There were no major Court rulings in 2017.

2. Preliminary ruling

No major preliminary rulings were addressed to the Latvian judiciary in 2017.

⁷ Directive [2014/66/EU](#); [MEMO/17/3494](#).

⁸ Directive [2014/36/EU](#).

⁹ Directive [2011/51/EU](#).

¹⁰ Directive [2005/36/EC](#).

¹¹ Directive [2013/50/EU](#), [2013/34/EU](#) and [2013/36/EU](#).

¹² Directive [2012/34/EU](#).

¹³ Directives [2013/55/EU](#) and [2016/970/EU](#).

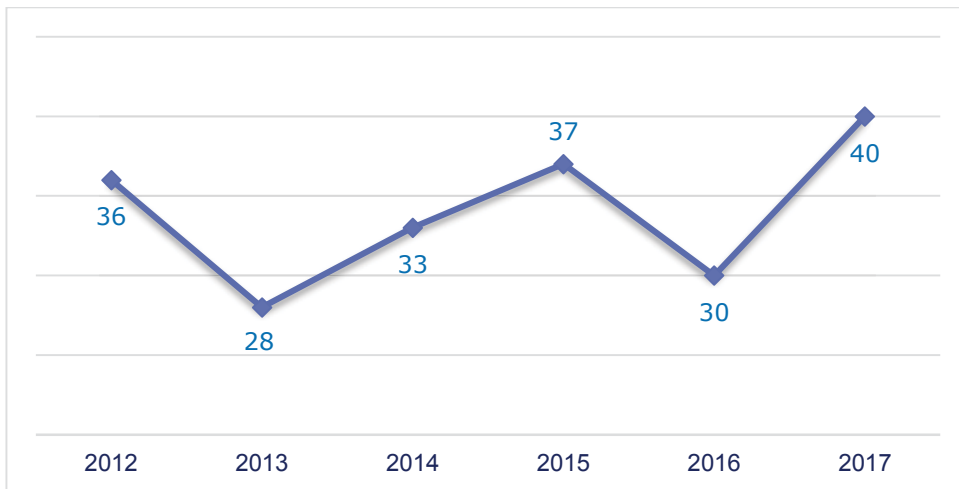
¹⁴ Directive [2014/94/EU](#).

¹⁵ Directive [2011/70/Euratom](#).

Lithuania

I. COMPLAINTS

1. New complaints made against Lithuania by members of the public (2013-2017)



2. Public complaints against Lithuania open at year-end

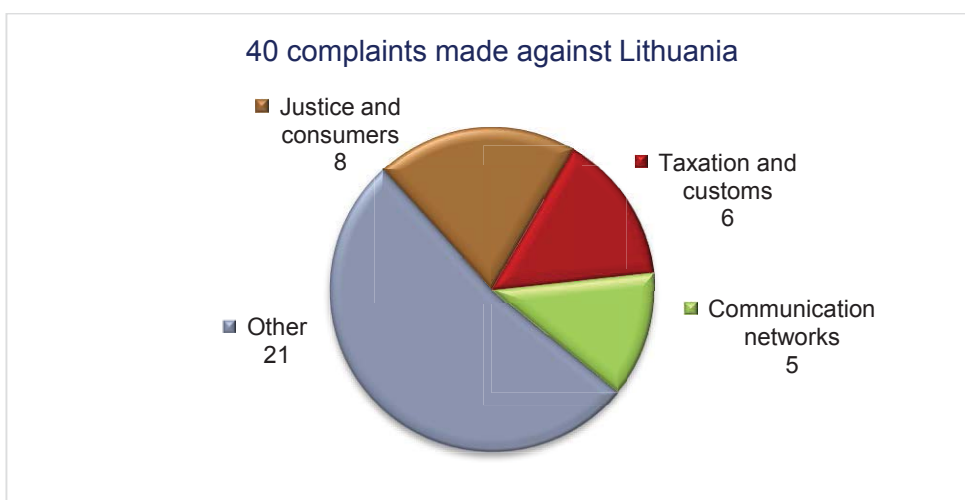
39 > Complaints open at end-2016

40 > New complaints registered in 2017

43 > Complaints handled in 2017

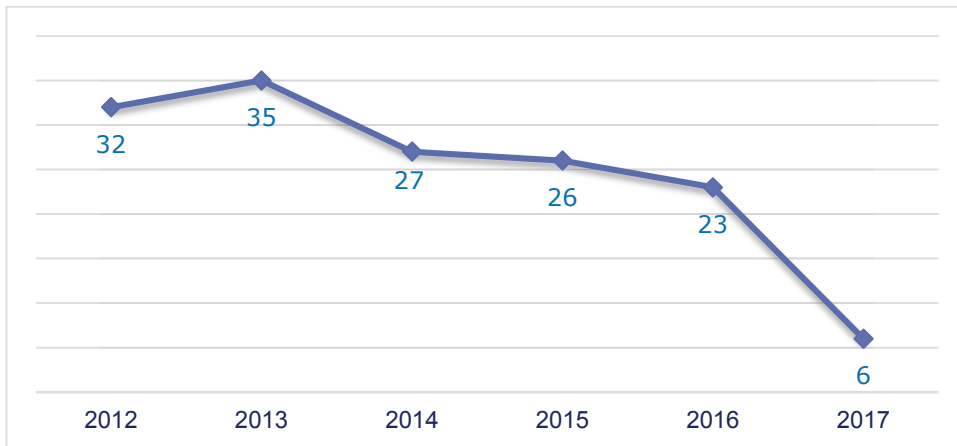
= 36 > Complaints open at end-2017

3. New complaints registered in 2017: main policy areas

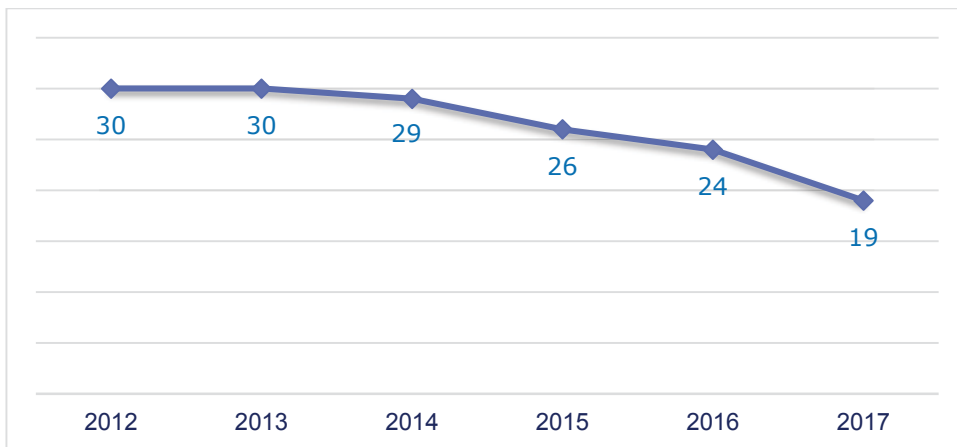


II. EU PILOT

1. New EU Pilot files opened against Lithuania (2013-2017)

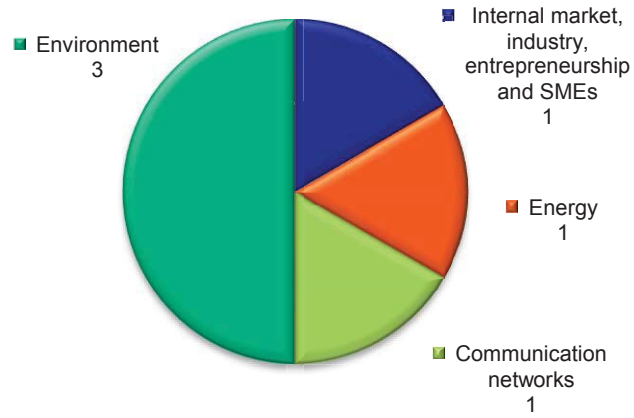


2. Files relating to Lithuania open in EU Pilot at year-end

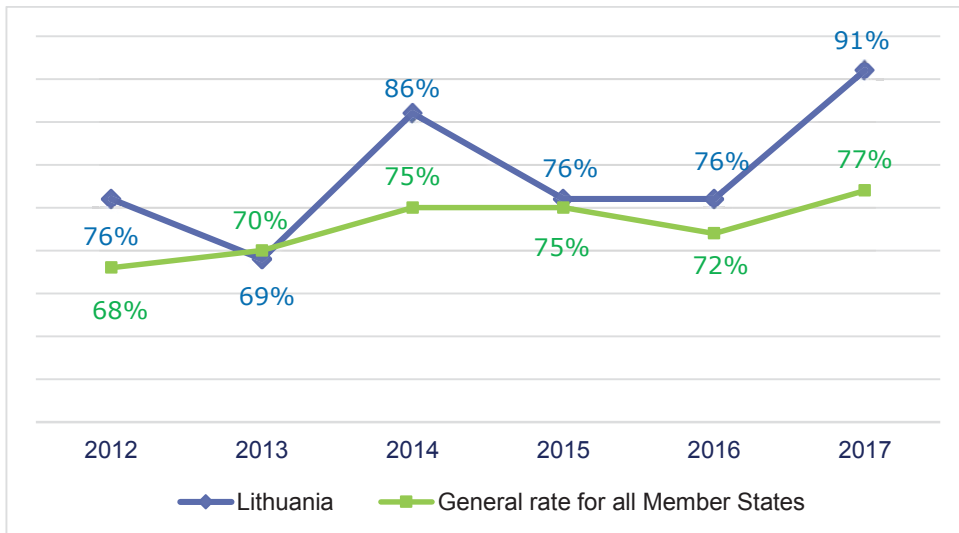


3. New EU Pilot files opened in 2017: main policy areas

6 EU Pilot files opened against Lithuania

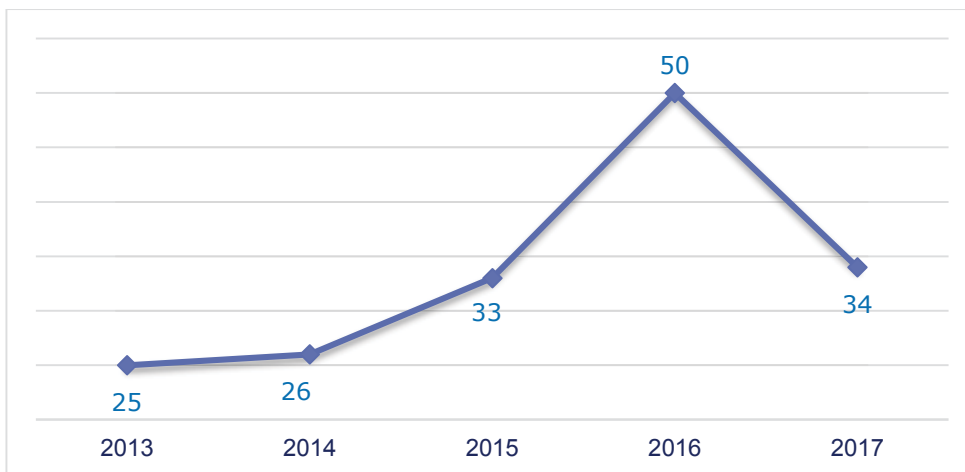


4. EU Pilot files: Lithuania's resolution rate in 2013-2017

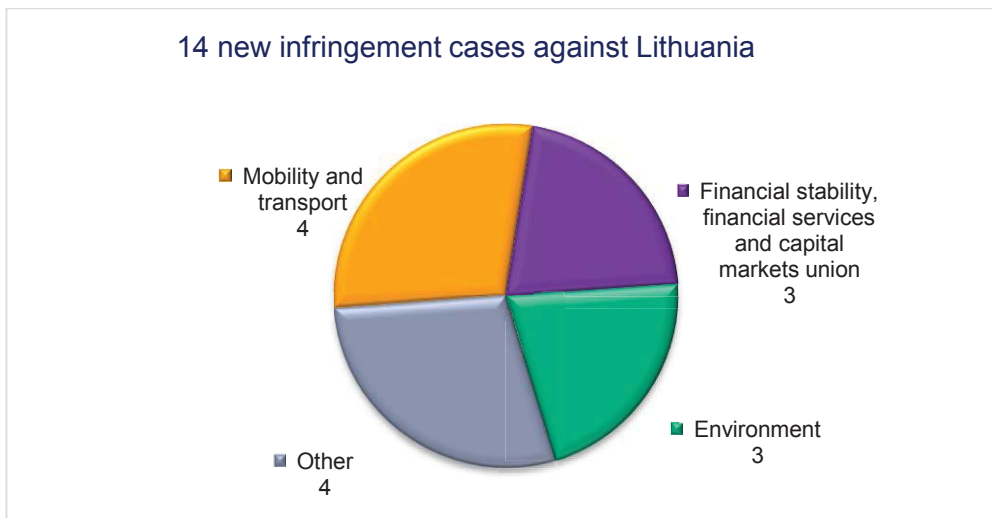


III. INFRINGEMENT CASES

1. Infringement cases against Lithuania open on 31 December (2013-2017)



2. New infringement cases opened in 2017: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 14 new infringement cases against Lithuania in 2017. These, and other major ongoing infringement cases, include:
- failure to ensure that urban waste water is adequately treated;
 - failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive¹;
 - incorrect transposition and application of the Energy Performance of Buildings Directive²;
 - incorrect transposition and implementation of the Third Energy Package Directives (Electricity and Gas Directives)³;
 - non-communication of national measures transposing the:
 - Markets in Financial Instruments Directive (MiFID II)⁴;
 - Fourth Anti-Money Laundering Directive⁵.
- 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 [2008/56/EC](#).

² Directive [2010/31/EU](#).

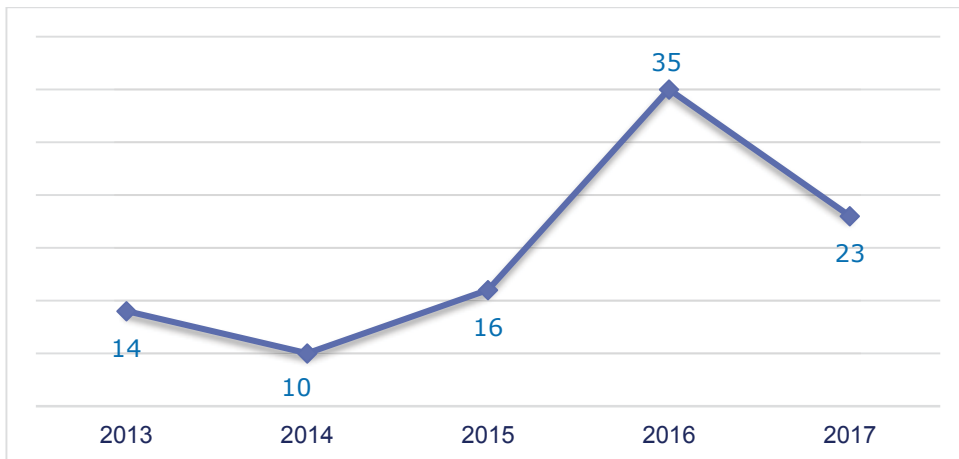
³ Directives [2009/72/EC](#) and [2009/73/EC](#).

⁴ Directive [2014/65/EU](#).

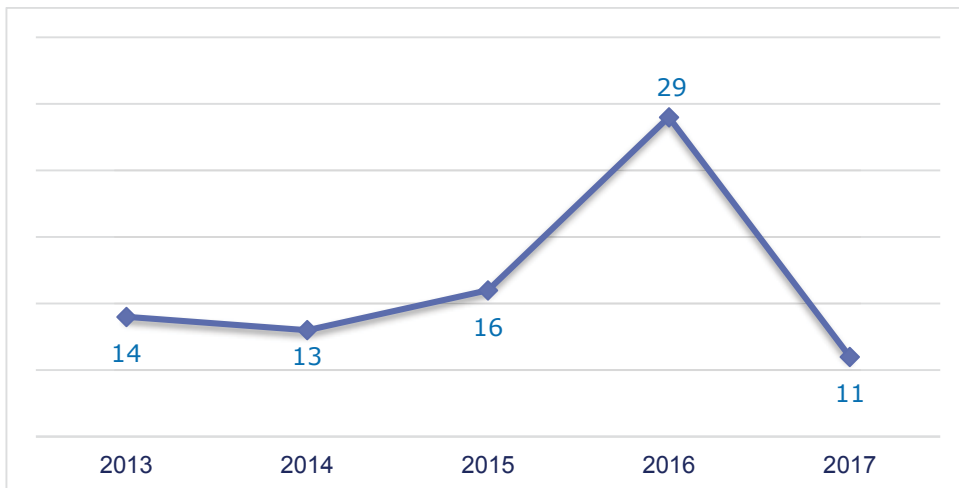
⁵ Directive [2015/849/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

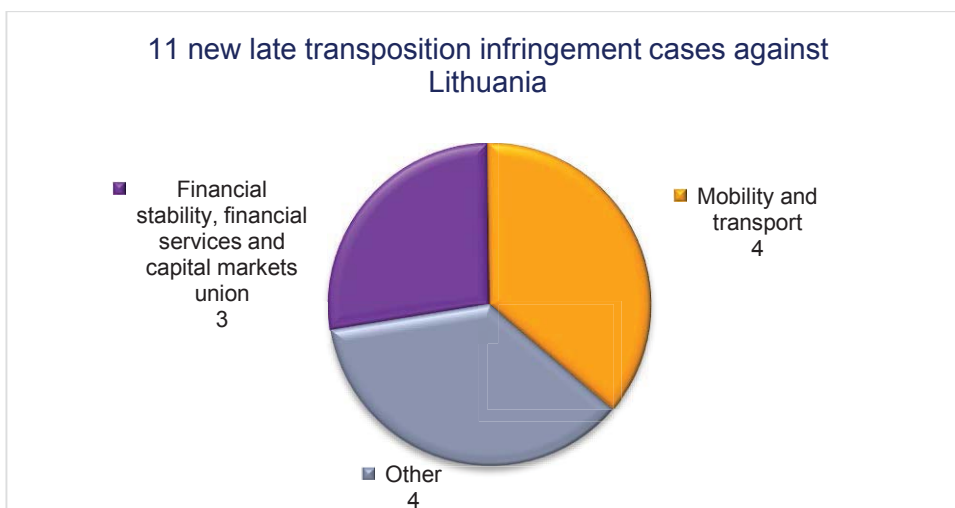
1. Late transposition infringement cases against Lithuania open on 31 December (2013-2017)



2. New late transposition infringement cases against Lithuania (2013-2017)



3. New late transposition infringement cases opened in 2017: 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 2017

These concerned the following.

- Incorrect transposition into national law of the Directive on package travel⁶. Under the Directive, organisers of package tours must have insolvency protection guaranteeing that consumers receive a refund and are repatriated if the organiser becomes insolvent⁷.
- Incorrect transposition of Directives on common rules for the internal market in electricity⁸ and natural gas⁹.
- Non-conformity with the Audiovisual Media Services Directive¹⁰.
- Lack of implementation of certain obligations under EU document security legislation¹¹.
- Failure to implement completely the Regulation on explosives precursors, which restricts and controls access to several dangerous chemicals that could be used by terrorists to manufacture homemade explosives.
- Non-communication of national measures transposing the:
 - Intra-Corporate Transfer Directive¹²;
 - Directive on seasonal workers¹³;
 - Maritime Spatial Planning Directive¹⁴;
 - Transparency Directive, Deposit Guarantee Schemes Directive and Directive on undertakings for collective investment in transferable securities¹⁵;
 - Directive establishing a single European railway area¹⁶;

⁶ Council Directive [90/314/EEC](#).

⁷ [MEMO/17/4767](#).

⁸ Directive [2009/72/EC](#).

⁹ Directive [2009/73/EC](#).

¹⁰ Directive [2007/65/EC](#) amending Directive [89/552/EEC](#).

¹¹ Commission Decisions [C \(2013\) 6181](#) and [C \(2013\) 6178](#).

¹² Directive [2014/66/EU](#).

¹³ Directive [2014/36/EU](#).

¹⁴ Directive [2014/89/EU](#).

¹⁵ Directives [2013/50/EU](#), [2014/49/EU](#) and [2014/91/EU](#).

- Directive on placing on the market of explosives for civil uses¹⁷.
- Failure to develop and report on the programmes of measures required by the Marine Strategy Framework Directive.
- Failure to adopt a national policy framework for the development and deployment of alternative fuels infrastructure¹⁸.
- Non-compliant transposition of Directive establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)¹⁹.
- Non-compliance of national legislation on gambling with EU rules²⁰.

¹⁶ Directive [2012/34/EU](#).

¹⁷ Directive [2014/28/EU](#).

¹⁸ Directive [2014/94/EU](#).

¹⁹ Directive [2007/2/EC](#).

²⁰ [IP/17/5109](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2017.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Lithuanian judiciary.

- The practices of a debt collection agency are subject to the Unfair Commercial Practices Directive. This includes the situation where the debt of a consumer, who has defaulted under a consumer credit agreement, has been assigned to a debt collection agency regardless of whether the existence of the debt was confirmed by a court decision²¹.
- The excise exemption provided by EU law is applicable to the fuel used to sail a ship, without cargo, from a port of a Member State, where that ship was built, to a port of another Member State in order to take on cargo to be transported to a port of a third Member State²².

²¹ Directive [2005/29/EC](#), UAB Gelvora, [C-357/16](#).

²² Directive [2003/96/EC](#), Vakarų Baltijos laivų statykla, [C-151/16](#).