

METHODOLOGY AND EXPLANATIONS

I. Annual report

1. Detecting problems

**First chart: Number of complaints (2011-2015)**

This shows the total number of complaints the Commission registered for the years 2011-2015.

**Second chart: Public complaints open at year-end**

This starts with the number of open complaints carried over from the previous reporting year (first column). The second column shows the number of new complaints registered during the reporting year. The third column shows the number of complaints on which the Commission took a decision in the reporting year. The fourth column shows the number of complaints open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

**Third chart: New complaints registered in 2015: policy areas<sup>1</sup>**

This shows the policy areas in which the new complaints were registered during the reporting year.

2. Solving problems

**First chart: Number of EU Pilot files (2011-2015)**

This shows the total number of EU Pilot files the Commission opened in the years 2011-2015.

**Second chart: EU Pilot files open at year-end**

This starts with the number of open EU Pilot files carried over from the previous reporting year (first column). The second column shows the number of new EU Pilot files opened during the reporting year. The third column shows the number of files on which the Commission took a decision. The fourth column shows the number of EU Pilot files open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

**Third chart: EU Pilot files opened in 2015: main policy areas**

This shows the policy areas in which the new EU Pilot files were opened during the reporting year.

**Fourth chart: EU Pilot files: EU average resolution rate (2011-2015)**

This shows the total number of EU Pilot files the Commission closed in the past four years without opening an infringement case.

**Fifth chart: EU Pilot files: Resolution rate versus number of files handled in 2015**

This shows the EU Pilot resolution rate (the number of files the Commission closed without opening an infringement case by Member States in 2015 related to the number of files handled in the same year).

**Sixth chart: EU Pilot files: Member States' response times in 2015 (in days)**

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<sup>1</sup> The data on policy areas referred to in the main report and in the sections on the Member States is based on information provided by the European Commission's Directorates-General. The policy areas are referred to as follows: agriculture and rural development, budget, climate action, communication networks content and technology, competition, education and culture, economic and financial affairs, financial stability and capital markets union, neighbourhood and enlargement negotiations, employment, energy, environment, migration and home affairs, justice and consumers, maritime affairs and fisheries, internal market, industry, entrepreneurship and SMEs, mobility and transport, regional policy, health and food safety, taxation and customs, trade.

This shows the average response time in EU Pilot by Member State in 2015.

### 3. Infringement procedures

#### First chart: New infringement cases at 31 December 2015

This shows the number of new infringement cases opened in the reporting year, by Member State.

#### Second chart: New infringement cases opened in 2015: main policy areas

This shows the main policy areas in which the new infringement cases were opened during the reporting year.

#### Third chart: Infringement cases open at year-end (2011-2015)

This shows the number of infringements that remained open on 31 December of the reporting year, from 2011 to 2015.

#### Fourth chart: Infringement cases open on 31 December 2015

These figures show all procedures that the Commission has started against each Member State by sending a letter of formal notice under Article 258 TFEU. It covers letters sent during the reporting year or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown. For each Member State, the chart distinguishes between infringements for incorrect transposition and/or bad application of EU law, on the one hand, and late transposition infringements, on the other.

Accordingly, the numbers include all cases that, on 31 December of the reporting year:

- a) were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU);
- b) were pending before the Court under Article 258 TFEU or Article 260(3) TFEU;
- c) the Court had ruled on but where the Commission could not yet confirm that the Member State had implemented the judgment correctly;
- d) were in the second pre-litigation procedure (letter of formal notice or referral decision under Article 260(2) TFEU);
- e) were pending before the Court due to a second referral; or
- f) the Court had ruled on for the second time but where the Commission could not yet confirm that the Member State had implemented the second judgment correctly.

This figure does *not* include, for example, open EU Pilot files. It also does not include EU Pilot files for which the Commission rejected the Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

#### Fifth chart: Infringement cases open at end-2015: policy areas

This shows the breakdown, by policy area, of the infringement cases open on 31 December of the reporting year.

### 4. Transposition of directives

#### First chart: Directives and late transposition infringement cases

This shows how many directives had to be transposed in the years 2011-2015 and how many new infringement cases for late transposition were opened in that period.

**Second chart: Late transposition infringement cases open at year-end**

This starts with the number of late transposition infringements carried over from the previous reporting year (first column). The second column shows the number of new late transposition infringements registered during the reporting year. The third column shows the number of complaints on which the Commission took a decision in the reporting year. The fourth column shows the number of late transposition infringements open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

**Third chart: Late transposition infringement cases open on 31 December 2015**

This shows the number of late transposition infringements open on 31 December of the reporting year by Member State, irrespective of the year in which the infringement was opened.

**Fourth chart: New late transposition infringement cases**

This figure shows the number of letters of formal notice addressed to each Member State under Article 258 TFEU for missing or partial notifications of national transposition measures during the reporting year. This figure is already included in the total number of new infringement cases initiated against the Member State in the reporting year, so it should *not* be added to the figure shown in the first chart of the general statistics section.

Please note that not all of these new infringement cases for late transposition were necessarily still open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2015 by sending a letter of formal notice, this would be added to the new infringement cases even if the Commission closed the case in October 2015 as a result of the Member State notifying complete transposition.

**Fifth chart: New late transposition infringement cases opened in 2015: main policy areas**

This shows the main policy areas in which the procedures for late transposition were launched during the reporting year.

## ANNEX I — POLICY AREAS

### 1. COMPLAINTS

#### **First chart: New complaints received from members of the public (2011-2015)**

This shows the number of public complaints the Commission registered in relation to the given policy field in 2011-2015.

#### **Second chart: Public complaints open at year-end**

This starts with the number of open complaints carried over from the previous reporting year (first column). The second column shows the number of new complaints registered during the reporting year. The third column shows the number of complaints on which the Commission took a decision in the reporting year. The fourth column shows the number of complaints open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

#### **Third chart: New complaints registered in 2015: main policy sectors**

The number of registered complaints for the current reporting year is broken down by policy sector. In general, this breakdown shows the three policy sectors in which the most complaints were received during the reporting year. Four (or more) policy sectors are mentioned if two (or more) policy sectors attracted the third highest number of complaints. The number of sectors covered varies according to the breadth of each policy area.

### 2. EU PILOT

#### **First chart: New EU Pilot files (2011-2015)**

This shows the number of EU Pilot files the Commission opened in the given policy area in 2011-2015.

#### **Second chart: EU Pilot files open at year-end**

This starts with the number of open EU Pilot files carried over from the previous reporting year (first column). The second column shows the number of new EU Pilot files opened during the reporting year. The third column shows the number of such files on which the Commission took a decision. The fourth column shows the number of EU Pilot files open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

#### **Third chart: New EU Pilot files opened in 2015: main policy sectors**

The number of new EU Pilot files opened in the current reporting year is broken down by policy sector. This breakdown shows the three policy sectors in which the most EU Pilot files were opened during the reporting year. Four (or more) policy sectors are included if two (or more) policy sectors tied for the third highest number of new EU Pilot files.

#### **Fourth chart: EU Pilot files: policies' combined resolution rate in 2011-2015**

The Member States' combined resolution rate in the given policy field is the percentage of EU Pilot files handled for which the Commission accepted the Member States' responses. The chart shows the combined resolution rate for the last four years.

### 3. OWN-INITIATIVE CASES

#### **New own-initiative cases**

This section contains a list of the most important infringement cases the Commission launched in the given policy area during the reporting year. The list is not exhaustive.

### 4. INFRINGEMENT CASES

#### **First chart: Infringement cases open on 31 December (2011-2015)**

These figures include all procedures the Commission initiated in the policy area by sending a letter of formal notice under Article 258 TFEU. It covers letters sent during the reporting year or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown.

Accordingly, this number includes all cases that, on 31 December of the years 2011-2015:

- were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU);
- were pending before the Court under Article 258 TFEU and Article 260(3) TFEU;
- the Court had ruled on but where the Commission could not yet confirm that the Member State had implemented the judgment correctly;
- were in the second pre-litigation procedure (letter of formal notice or referral decision under Article 260(2) TFEU);
- were pending before the Court due to a second referral; and
- the Court had ruled on for the second time but where the Commission could not yet confirm that the Member State had implemented the second judgment correctly.

This figure does not include, for example, open EU Pilot files in the policy area. It also does not include EU Pilot files for which the Commission had already rejected a Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

#### **Second chart: Infringement cases open on 31 December 2015: main policy sectors**

This shows, for the given policy area, the sectors in which the most infringement cases were still open on 31 December of the reporting year. The number of sectors varies according to the breadth of each policy area.

#### **Second chart: New infringement cases opened in 2015: main policy sectors**

This shows, for the given policy area, the sectors in which the most infringement cases were launched during the reporting year.

#### **Key infringement cases and referrals to the Court**

This section has three parts:

Part a) shows the number of new infringement cases launched in the policy area during the reporting year and lists the most important new cases under Article 258 TFEU.

Part b) lists the cases which the Commission referred to the Court *solely* under Article 258 TFEU by 31 December of the reporting year. The cases submitted to the Court under Article 258 *and* 260(3) TFEU are discussed in the 'transposition of directives' section (see below).

Part c) contains the cases which the Commission referred to the Court under Article 260(2) TFEU by 31 December of the reporting year.

## 5. TRANSPOSITION OF DIRECTIVES

### First chart: New late transposition infringement cases (2011-2015)

This shows the number of letters of formal notice sent to Member States under Article 258 TFEU for missing or partial notification of national measures transposing directives in the given policy area. This figure is already included in the total number of new infringement cases initiated in the policy area during the reporting year, so it should *not* be added to the figure shown in the first chart of the general statistics section.

Please note that not all of these new infringement cases for late transposition were necessarily still open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2015 by sending a letter of formal notice, this would be added to the new infringement cases even if the Commission closed the case in October 2015 as a result of the Member State notifying complete transposition.

### Second chart: New late transposition infringement cases opened in 2015: main policy sectors

This shows the policy sectors in which the most late transposition procedures were launched during the reporting year.

### Key infringement cases and referrals to the Court

This section has two parts:

Part a) lists, for the given policy area, the most important directive(s) regarding which the Commission had to launch infringement procedures against a relatively high number of Member States.

Part b) lists the cases which the Commission referred to the Court under Article 258 TFEU and Article 260(3) by 31 December of the reporting year.

## 6. EARLY RESOLUTION OF INFRINGEMENT CASES

### Major cases closed without a Court judgment in 2015

This section contains a list of the most important infringement cases the Commission closed in the given policy area during the reporting year without a Court judgment. The list is not exhaustive.

## 7. IMPORTANT JUDGMENTS

This section contains two lists:

The first list contains the Court's most important judgments in the given policy area in the reporting year. These judgments are almost exclusively handed down under Article 258 or Articles 260(2) TFEU.

The second list contains the most important preliminary rulings that the Court issued to the Member State's judiciary in the given policy area.

These lists are not necessarily exhaustive.

## ANNEX II — MEMBER STATES

### 1. COMPLAINTS

#### **First chart: New complaints made against the Member State by members of the public (2011-2015)**

This shows the number of public complaints the Commission registered against the Member State for the years 2011-2015.

#### **Second chart: Public complaints against the Member State open at year-end**

This starts with the number of open complaints against the Member State carried over from the previous reporting year (first column). The second column shows the number of new complaints registered during the reporting year. The third column shows the number of complaints on which the Commission took a decision in the reporting year. The fourth column shows the number of complaints against the Member State that were open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

#### **Third chart: New complaints registered in 2015: main policy areas**

The number of complaints registered in the current reporting year is broken down by policy area. Generally, this breakdown shows the three policy areas which attracted the most complaints during the reporting year. However, four (or more) policy areas are mentioned if two (or more) policy areas tied for the third highest number of complaints.

### 2. EU PILOT

#### **First chart: New EU Pilot files opened against the Member State (2011-2015)**

This analyses the number of EU Pilot files the Commission opened against the Member State for the years 2011-2015.

#### **Second chart: EU Pilot files relating to the Member State open at year-end**

This starts with the number of open EU Pilot files concerning the Member State carried over from the previous reporting year (first column). The second column shows the number of new EU Pilot files opened during the reporting year. The third column shows the number of files on which the Commission took a decision on the Member State's responses. The fourth column shows the number of EU Pilot files open at the end of the reporting year (calculated by taking the first figure, adding the second and subtracting the third).

#### **Third chart: New EU Pilot files opened in 2015: main policy areas**

The figure on the number of new EU Pilot files opened against the Member State in the current reporting year is broken down by policy area. Generally, this breakdown shows the three policy areas in which the most EU Pilot files were opened during the reporting year. However, four (or more) policy areas are mentioned if two (or more) policy areas tied for the third highest number of EU Pilot files or if the top three policy areas do not correspond to more than 50 % of the cases.

#### **Fourth chart: EU Pilot files: Member State's average response time in 2011-2015 (in days)**

This shows how the Member State's average response time in EU Pilot has changed over the past four years.

#### **Fifth chart: EU Pilot files: Member State's resolution rate in 2011-2015**

This shows how many EU Pilot files the Commission closed without opening an infringement case by 31 December of each year from 2011 to 2015.



### 3. INFRINGEMENT CASES

#### First chart: Infringement cases against the Member State open on 31 December (2011-2015)

These figures include all procedures the Commission initiated against the Member State by sending a letter of formal notice under Article 258 TFEU. It covers letters sent during the reporting year or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown.

Accordingly, these numbers include all cases that, on 31 December of the years 2011-2015:

- were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU);
- were pending before the Court under Article 258 TFEU and Article 260(3) TFEU;
- the Court had ruled on but where the Commission could not yet confirm that the Member State had implemented the judgment correctly;
- were in the second pre-litigation procedure (letter of formal notice or referral decision under Article 260(2) TFEU);
- were pending before the Court due to a second referral; and
- the Court had ruled on for the second time but where the Commission could not yet confirm that the Member State had implemented the second judgment correctly.

These figures do *not* include, for example, open EU Pilot files in the policy area. They also do not include EU Pilot files for which the Commission had already rejected a Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

#### Second chart: New infringement cases opened in 2015: main policy areas

As a rule, this chart shows the three policy areas in which the most infringements were open on 31 December of the reporting year. Four (or more) policies are mentioned if two (or more) policies tied for the third highest number of open infringements. Only two policies are highlighted if too many policies tied for the third highest number, or if this would make the chart very fragmented (this might occur in Member States with relatively few infringements).

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

This section has three parts:

Part a) shows the number of new infringement cases opened against the Member State in the reporting year and lists the major new and ongoing infringement cases at the stage of letter of formal notice or reasoned opinion (under Article 258 TFEU).

Part b) lists the cases which the Commission referred to the Court solely under Article 258 TFEU by 31 December of the reporting year. The cases submitted to the Court under Article 258 *and* 260(3) TFEU are discussed in the 'Transposition of directives' section (see below).

Part c) lists the cases which the Commission referred to the Court under Article 260(2) TFEU by 31 December of the reporting year.

### 4. TRANSPOSITION OF DIRECTIVES

#### First chart: Late transposition infringement cases against the Member State open on 31 December (2011-2015)

This shows the number of letters of formal notice sent to the Member State under Article 258 TFEU for missing or partial notification of national transposition measures. It covers letters sent during the reporting year or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown.



Accordingly, the number includes all cases that, on 31 December of the above years:

- were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU and Article 260(3) TFEU),
- were pending before the Court under Article 258 TFEU and Article 260(3) TFEU.

This figure is already included in the total number of infringement cases open against the Member State in the reporting year. It should therefore *not* be added to the figure shown in the first chart of the general statistics section.

### **Second chart: New late transposition infringement cases against the Member State (2011-2015)**

This shows the number of new letters of formal notice sent during the reporting year to the Member State under Article 258 TFEU for missing or partial notifications of national transposition measures. This figure is already included in the total number of new infringement cases initiated against the Member State in the reporting year. It should therefore *not* be added to the figure shown in the second chart of the general statistics section.

Please note that not all of these new infringement cases for late transposition were necessarily still open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2015 by sending a letter of formal notice, this would be added to the new infringement cases even if the Commission closed the case in October 2015 as a result of the Member State notifying complete transposition.

### **Third chart: New late transposition infringement cases opened in 2015: main policy areas**

As a rule, this chart shows the three policy areas in which the most infringement procedures for late transposition were launched during the reporting year. Four (or more) policies are mentioned if two (or more) policies tied for the third highest number of open infringements. Only two policy areas are highlighted if too many policy areas tied for the third highest number, or if this would make the chart very fragmented (this might occur in Member States with relatively few infringements).

### **Referrals to the Court**

This section contains the cases which the Commission referred to the Court under Article 258 TFEU and Article 260(3) by 31 December of the reporting year.

## **5. EARLY RESOLUTION OF INFRINGEMENT CASES**

### **Major cases closed without a Court judgment in 2015**

This section contains a list of the major infringement cases the Commission closed during the reporting year without a Court judgment. The list is not exhaustive.

## **6. IMPORTANT JUDGMENTS**

This section contains two lists:

The first list contains the Court's most important judgments against the Member State in the reporting year. These judgments are almost exclusively handed down under Article 258 or Articles 260(2) TFEU.

The second list contains the most important preliminary rulings the Court has issued to the Member State's judiciary. These lists are not necessarily exhaustive.

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