

COMMISSION STAFF WORKING DOCUMENT

Part III: Member States

Accompanying the document

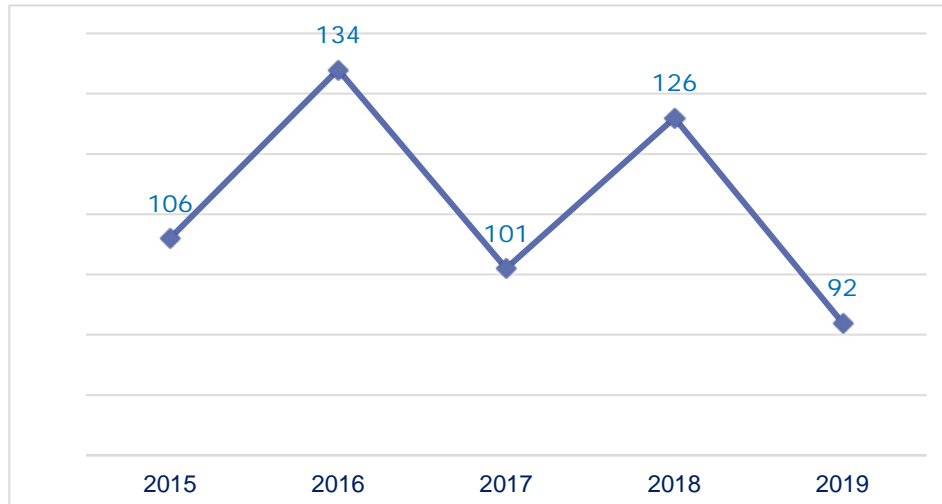
Monitoring the application of European Union law

2019 Annual Report

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## I. COMPLAINTS

### 1. New complaints made against Belgium by members of the public (2015-2019)



### 2. Public complaints against Belgium open at year-end

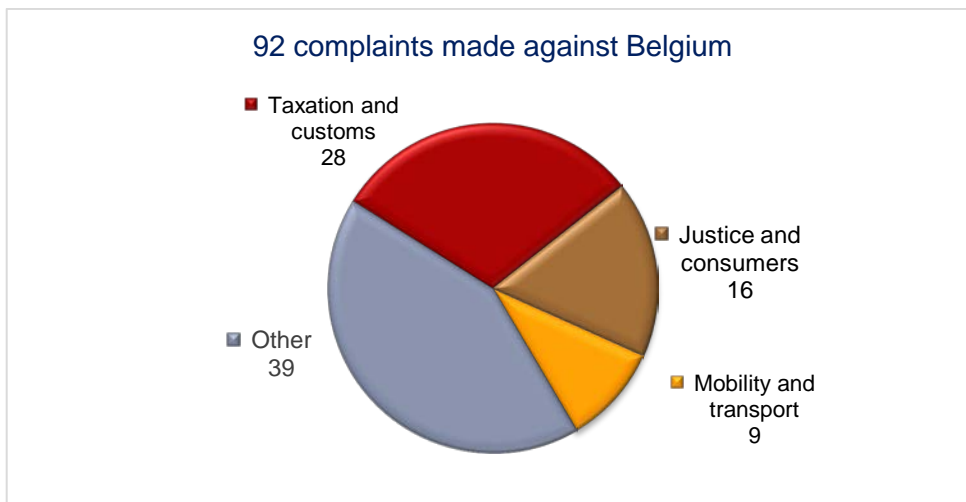
125 ▶ Complaints open at end-2018

92 ▶ New complaints registered in 2019

116 ▶ Complaints handled in 2019

**= 101** ▶ Complaints open at end-2019

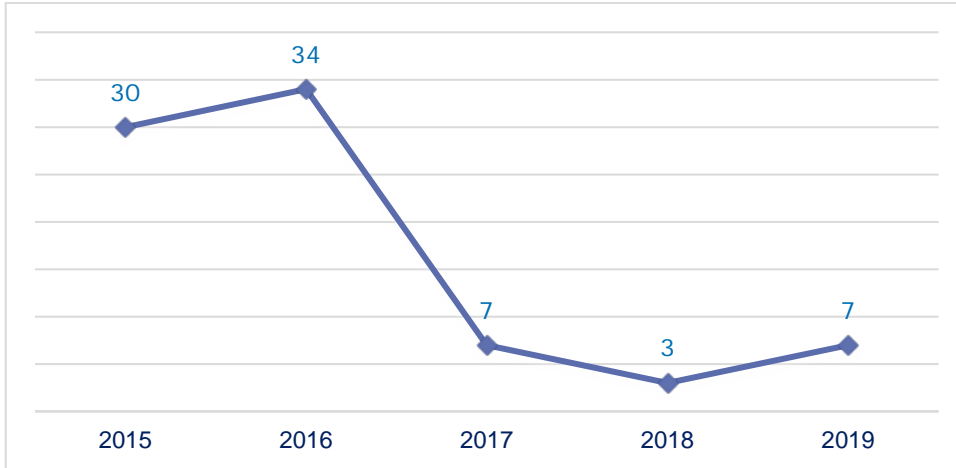
### 3. New complaints registered in 2019: main policy areas



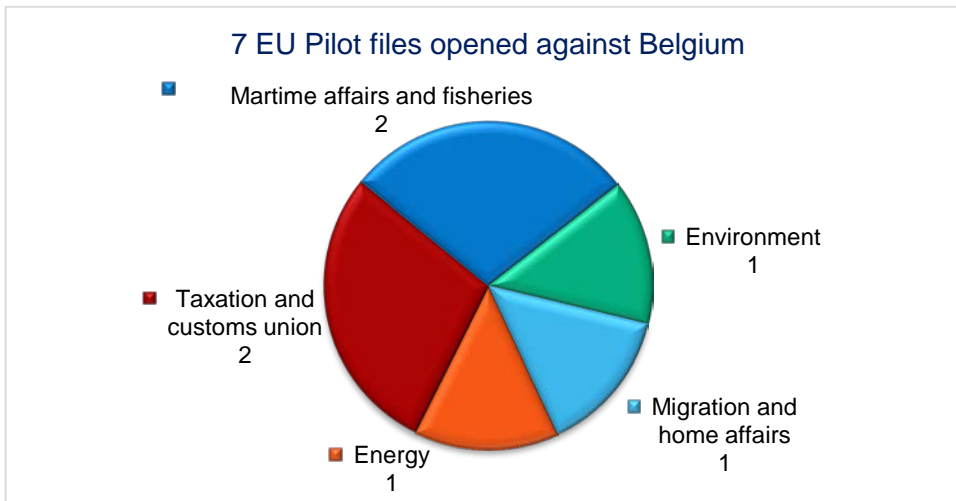
Belgium

II. EU PILOT

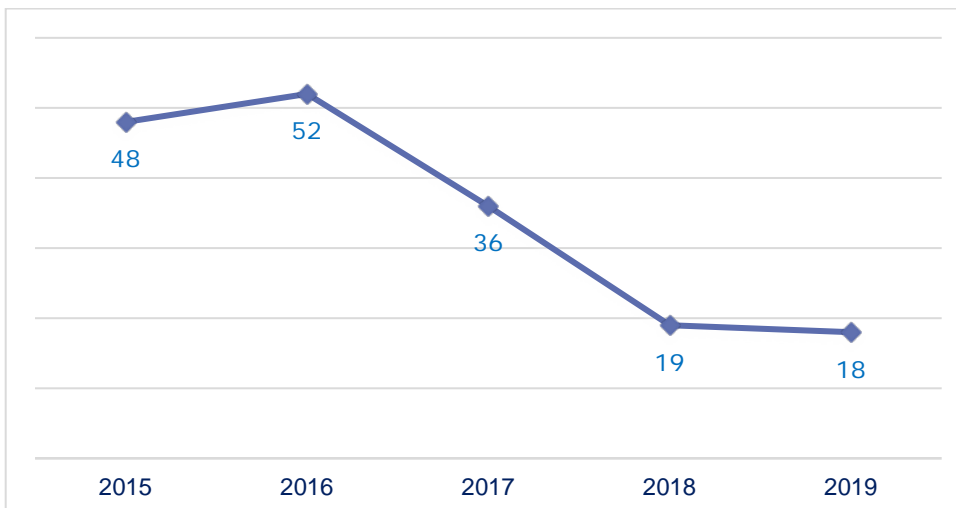
1. New EU Pilot files opened against Belgium (2015-2019)



2. New EU Pilot files opened in 2019: policy areas

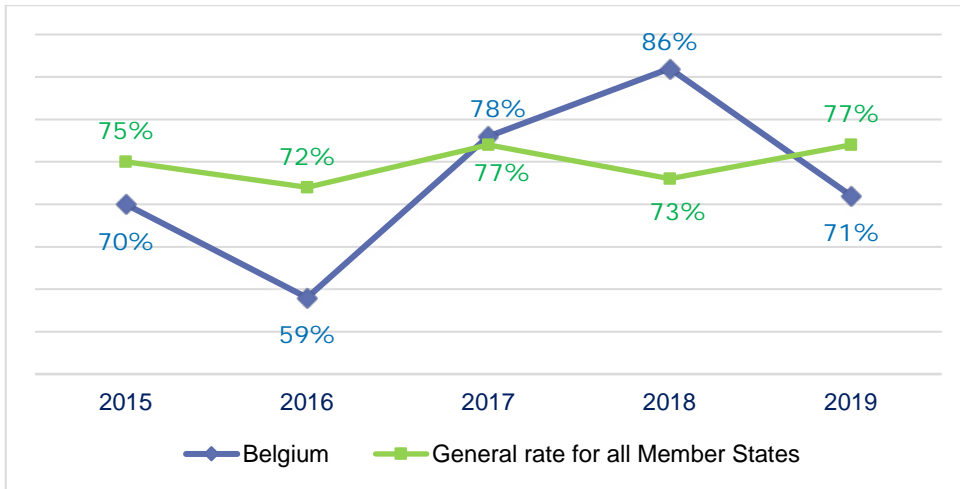


3. Files relating to Belgium open in EU Pilot at year-end



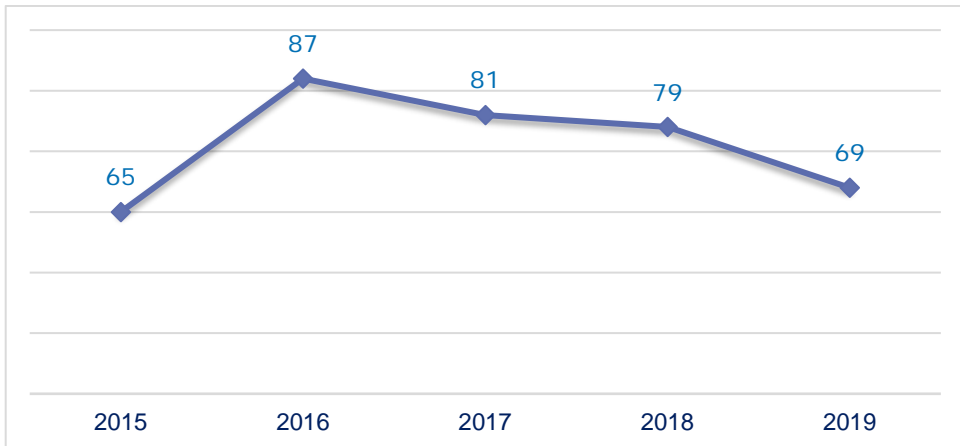
Belgium

4. EU Pilot files: Belgium's resolution rate in 2015-2019

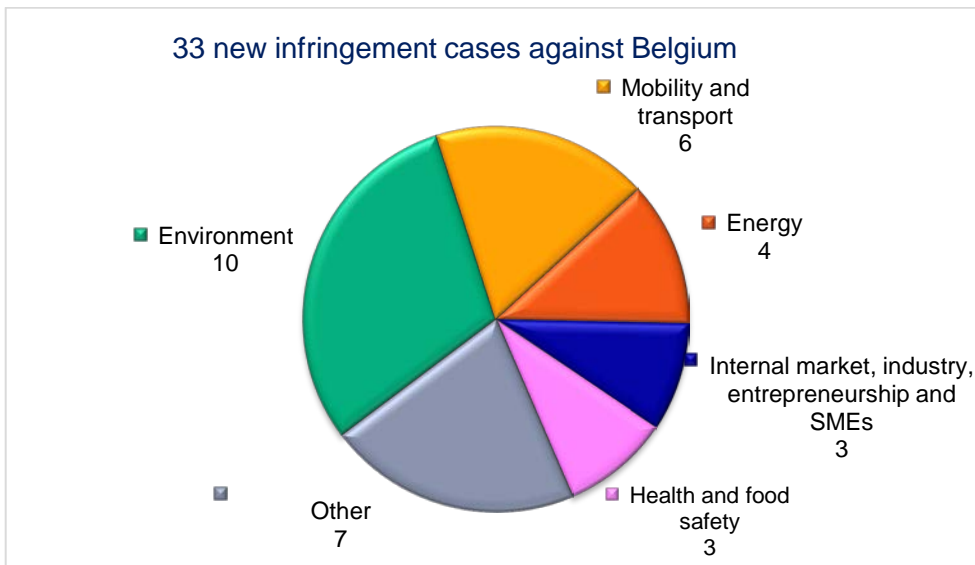


III. INFRINGEMENT CASES

1. Infringement cases against Belgium open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. [The Commission opened 33 new infringement cases against Belgium in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>1</sup>
    - Solvency II Directive<sup>2</sup>
    - Directive on driving licences<sup>3</sup>
    - Airspace Regulation and the Regulation on common rules for the flexible use of airspace<sup>4</sup>
    - Directive on the minimum level of training of seafarers<sup>5</sup>;
  - non-compliance with key provisions of the Noise Directive<sup>6</sup>;
  - failure to protect waters from nitrates pollution<sup>7</sup>;
  - failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>8</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>9</sup>;
  - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy that is compliant with the requirements of the Radioactive Waste Directive<sup>10</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>11</sup>;
  - failure to comply with minimum safety requirements for tunnels in the trans-European road network<sup>12</sup>;
  - non-communication of national measures transposing the
    - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>13</sup>
    - Indirect Land Use Change Directive<sup>14</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>15</sup>
    - Basic Safety Standards Directive<sup>16</sup>.
- b. The Commission referred one case to the Court under Article 258 TFEU. It concerns
- incorrect transposition of the Third Energy Package Directives (Electricity and Gas Directives)<sup>17</sup>.
- c. The Commission referred one case to the Court under Article 260(2) TFEU. It concerns:
- Failure to comply with a judgment of the Court of Justice, which found that Belgian provisions for rental income are in breach of EU law<sup>18</sup>].

<sup>1</sup> Directive [2011/93/EU, INF/19/5950](#).

<sup>2</sup> Directive [2009/138/EC, INF/19/4251](#).

<sup>3</sup> Directive [2006/126/EC, INF/19/5950](#).

<sup>4</sup> Regulation (EC) No [2150/2005](#), Regulation (EC) No [551/2004, MEMO/19/1472](#).

<sup>5</sup> Directive [2008/106/EC, INF/19/4251](#).

<sup>6</sup> Directive [2002/49/EC, INF/19/4251](#).

<sup>7</sup> Directive [91/676/EC, INF/19/6304](#).

<sup>8</sup> Directive (EU) [2016/1148, INF/19/4251](#).

<sup>9</sup> Directive [2012/27/EU, MEMO/19/462](#).

<sup>10</sup> Directive [2011/70/Euratom, INF/19/6304](#).

<sup>11</sup> Regulation (EU) [2016/480, INF/19/6304](#).

<sup>12</sup> Directive [2004/54/EC, INF/19/5950](#).

<sup>13</sup> Directive [2016/801/EU, INF/19/4251](#).

<sup>14</sup> Directive (EU) [2015/1513, INF/19/6304](#).

<sup>15</sup> Directive (EU) [2018/1581](#).

<sup>16</sup> Council Directive [2013/59/Euratom, INF/19/6304](#).

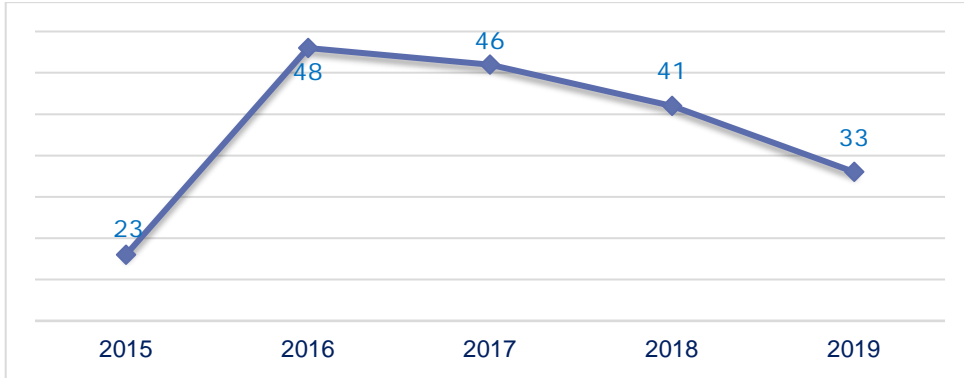
<sup>17</sup> *Commission v Belgium*, [C-767/19](#); Directives [2009/72/EC](#) and [2009/73/EC, IP/19/4254](#).

<sup>18</sup> *Commission v Belgium*, [C-842/19](#).

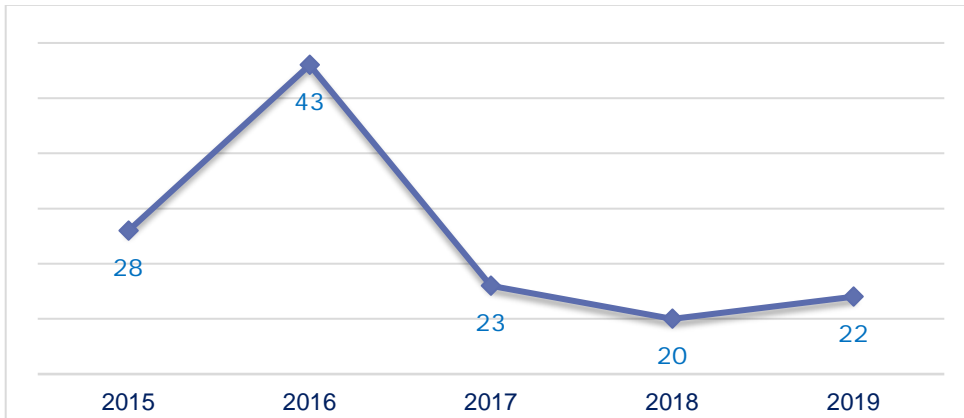
Belgium

IV. TRANSPOSITION OF DIRECTIVES

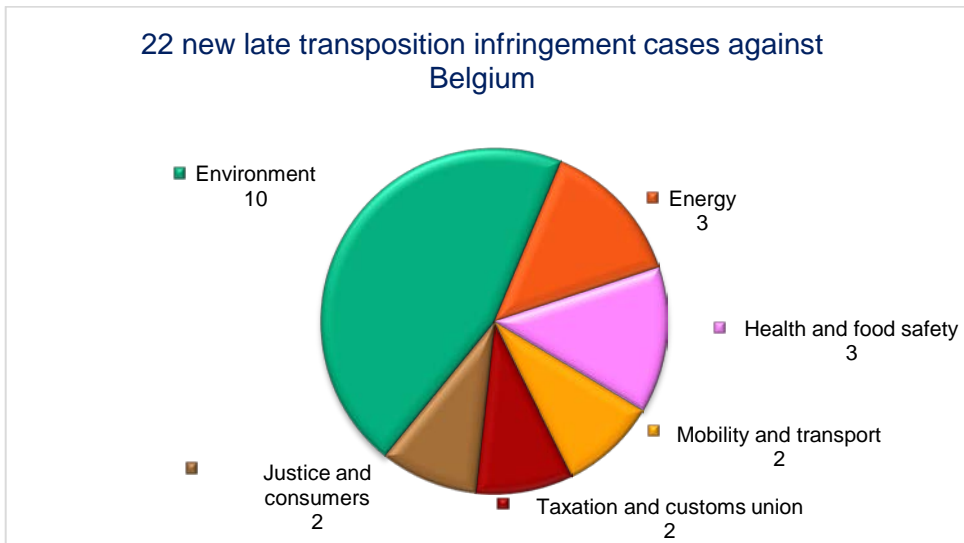
1. Late transposition infringement cases against Belgium open on 31 December (2015-2019)



2. New late transposition infringement cases against Belgium (2015-2019)



3. New late transposition infringement cases opened in 2019: main policy areas



V. REFERRALS TO THE COURT

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

## VI. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2019

These concerned:

- incorrect transposition of the
  - Solvency II Directive<sup>19</sup>
  - Nuclear Safety Directive<sup>20</sup>;
- incorrect application of EU rules concerning civil judicial cooperation and requiring review procedures for the recognition of other Member States' executive measures<sup>21</sup>;
- bad application of the Timber Regulation<sup>22</sup> by not carrying out a significant number of verifications;
- taxation of redistributed income in the form of dividends;
- incorrect application of the provisions on access to the groundhandling market at EU airports<sup>23</sup>.
- non-communication of national measures transposing the:
  - Seasonal Workers Directive<sup>24</sup>
  - Reception Conditions Directive<sup>25</sup>
  - Asylum Procedures Directive<sup>26</sup>
  - Directive on extraction solvents used in the production of foodstuffs<sup>27</sup>
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>28</sup>
  - Mortgage Credit Directive<sup>29</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>30</sup>
  - Single Permit Directive<sup>31</sup>.

## VII. IMPORTANT JUDGMENTS

### 1. Court rulings

The Court ruled that:

- *Belgium* did not fulfil its obligations under EU law by notifying to the Commission only partial transposition measures for the Directive on measures to reduce the cost of deploying high-speed electronic communications networks<sup>32</sup> with respect to the region of Bruxelles-Capitale. The Court applied for the first time the sanction mechanism of Article 260(3) TFEU. This Treaty provision allows the Commission to request the Court to impose financial penalties if Member States fail to fulfil their obligation to notify measures transposing a directive adopted under a legislative procedure. In addition to clarifying that the sanction scheme of Article 260(3) TFEU may also be applied to cases of partial failure to adopt and communicate transposition measures, the Court held that, when notifying national transposition measures to the Commission, Member States

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<sup>19</sup> Directive [2009/138/EC](#).

<sup>20</sup> Directive [2014/87/Euratom](#).

<sup>21</sup> Regulations (EC) No [805/2004](#), (EC) No [1896/2006](#) and (EC) No [4/2009](#).

<sup>22</sup> Regulation (EU) No [995/2010](#).

<sup>23</sup> Directive [96/67/EC](#).

<sup>24</sup> Directive [2014/36/EU](#).

<sup>25</sup> Directive [2013/33/EU](#), [INF/19/4251](#).

<sup>26</sup> Directive [2013/32/EU](#).

<sup>27</sup> Directive (EU) [2016/1855](#).

<sup>28</sup> Directive (EU) [2018/1027](#).

<sup>29</sup> Directive [2014/17/EU](#).

<sup>30</sup> Directive (EU) [2016/1164](#).

<sup>31</sup> Directive [2011/98/EU](#).

<sup>32</sup> Directive [2014/61/EU](#).



must provide sufficiently clear and precise information and state, for each provision of the directive, the national provision(s) ensuring its transposition<sup>33</sup>.

## 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Belgian judiciary: |

- SkypeOut service should be considered an electronic communications service. As a result, SkypeOut is subject to telecoms legislation, in particular to the general authorisation regime. Services offered via software, such as SkypeOut, which allow calling numbers in a national numbering plan, constitute electronic communication services<sup>34</sup>.
- If, within 6 months, national authorities have not decided on the application for family reunification, they must automatically issue a residence permit to the applicant; in these circumstances, there is no need to establish whether the applicant meets the requirements for residence in the host Member State in accordance with EU law<sup>35</sup>.
- In case of serious breaches of the rules of the accommodation centres, as well as violent behaviour by an applicant, a Member State cannot provide for a sanction consisting in the withdrawal, even temporary, of material reception conditions, relating to housing, food or clothing; such sanction would deprive the applicant of his or her most basic needs<sup>36</sup>.
- The formal recognition of the status of refugee implies that the refugee concerned is beneficiary of international protection and has all the rights and advantages provided for in the Qualifications Directive. This directive contains more protective rights than those contained in the Geneva Convention<sup>37</sup>.
- The closure of an airport runway due to petrol spillage constitutes an 'extraordinary circumstance' when the petrol in question does not originate from an aircraft of the carrier operating that flight. It is a circumstance that could not have been avoided even if all reasonable measures had been taken<sup>38</sup>.
- When a passenger boards a train without a ticket, he concludes a contract with the carrier. This covers the situation where access to the train is free<sup>39</sup>.
- The circumstance that the transferee has a choice whether to dismiss employees goes against the objective of the Directive on transfer of undertakings, which provides that dismissals due to the transfer are prohibited<sup>40</sup>.
- A decree by which a body of a Member State establishes, at regional level for its Natura 2000 network, conservation objectives which have an indicative value, whereas the conservation objectives at site level have a statutory value, is not a 'plan or programme', within the meaning of the Strategic Environmental Assessment Directive, for which an assessment under this Directive is mandatory<sup>41</sup>.
- A decree whereby a Member State designates a Special Area of Conservation and makes provision for conservation objectives and certain preventive measures is not a 'plan or programme', within the meaning of the Strategic Environmental Assessment Directive, for which an assessment under this Directive is required<sup>42</sup>.

<sup>33</sup> *Commission v Belgium*, [C-543/17](#).

<sup>34</sup> *Skype Communication*, [C-142/18](#).

<sup>35</sup> *X*, [C-706/18](#).

<sup>36</sup> *Zubair Haqbin*, [C-233/18](#).

<sup>37</sup> *Joined cases M and Others*, [C-391/16](#), [C-77/17](#) and [C-78/17](#).

<sup>38</sup> *Moens*, [C-159/18](#), Regulation (EC) No [261/2004](#).

<sup>39</sup> *joined cases: Kanyeba*, [C-349/18](#), *Nijs*, [C-350/18](#), *Dedroog*, [C-351/18](#), Regulation (EC) No [1371/2007](#), Court press release No [136/2019](#).

<sup>40</sup> *Plessers*, [C-509/17](#).

<sup>41</sup> *Terre wallonne*, [C-321/18](#), Directive [2001/42/EC](#).

<sup>42</sup> *CFE*, [C-43/18](#), Directive [2001/42/EC](#).

Belgium

- National courts have jurisdiction to review the choice of location of air quality measuring stations and to take all necessary measures against the national authority concerned. In assessing whether limit values have been complied with, the pollution level at each sampling point must be taken into account individually<sup>43</sup>.
- The Belgian law extending the operating life of nuclear power stations Doel 1 and Doel 2 was adopted without the required environmental assessments being carried out first. It is not, however, excluded that the effects of the law on extension may provisionally be maintained where there is a genuine and serious threat of an interruption to electricity supply<sup>44</sup>.

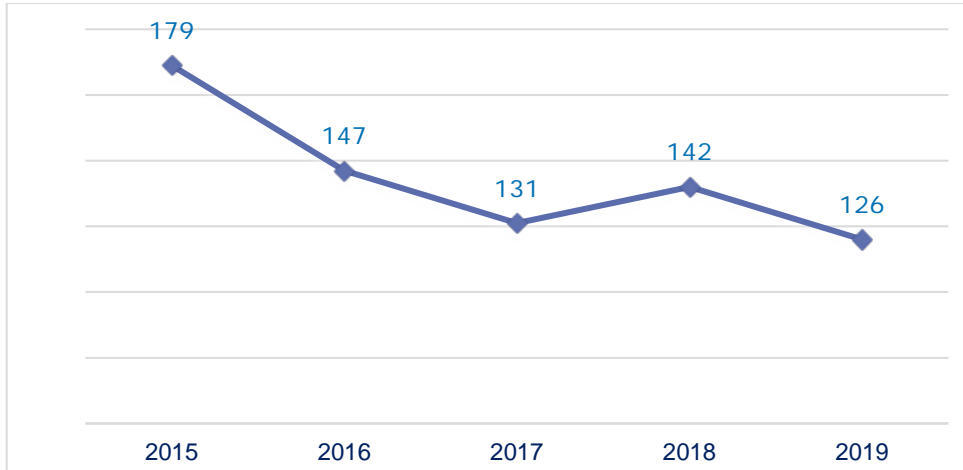
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<sup>43</sup> *Craeynest and Others*, [C-723/17](#) and Court press release No [82/2019](#).

<sup>44</sup> *Inter-Environnement Wallonie and Bond Beter Leefmilieu Vlaanderen*, [C-411/17](#) and Court press release No 100/2019.

## I. COMPLAINTS

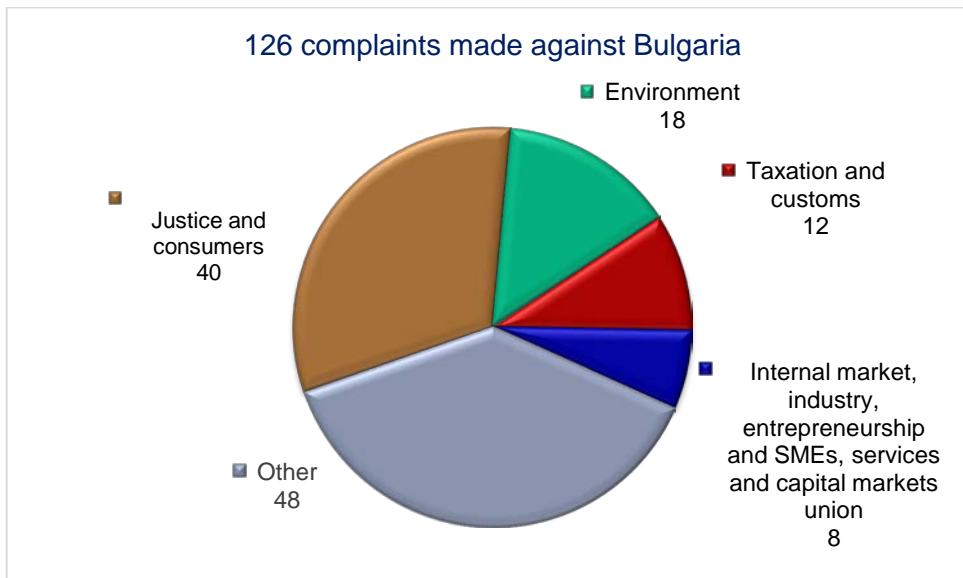
### 1. New complaints made against Bulgaria by members of the public (2015-2019)



### 2. Public complaints against Bulgaria open at year-end

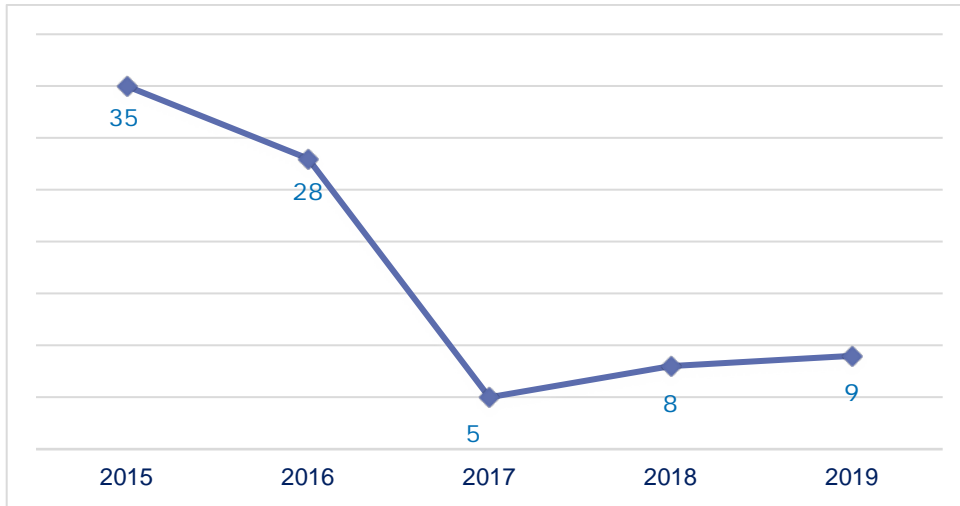
- 114 ▶ Complaints open at end-2018
- 126 ▶ New complaints registered in 2019
- 141 ▶ Complaints handled in 2019
- = 99 ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

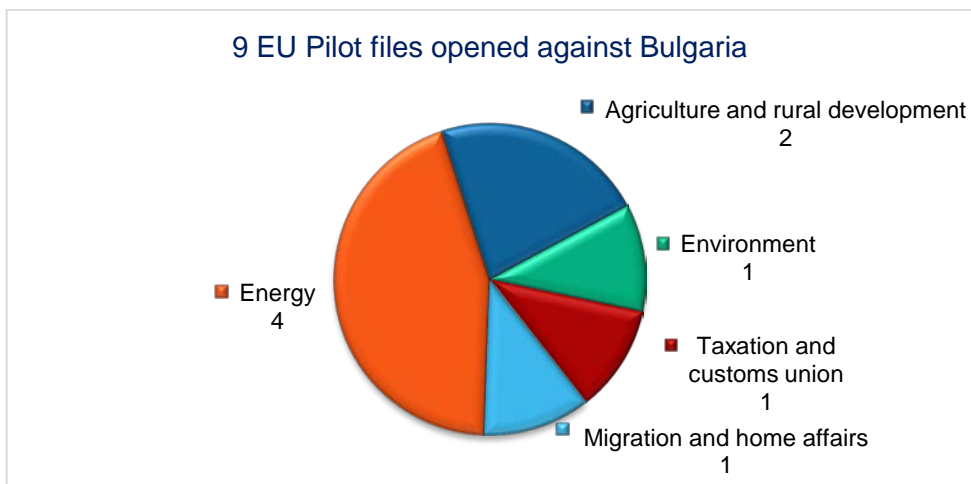


## II. EU PILOT

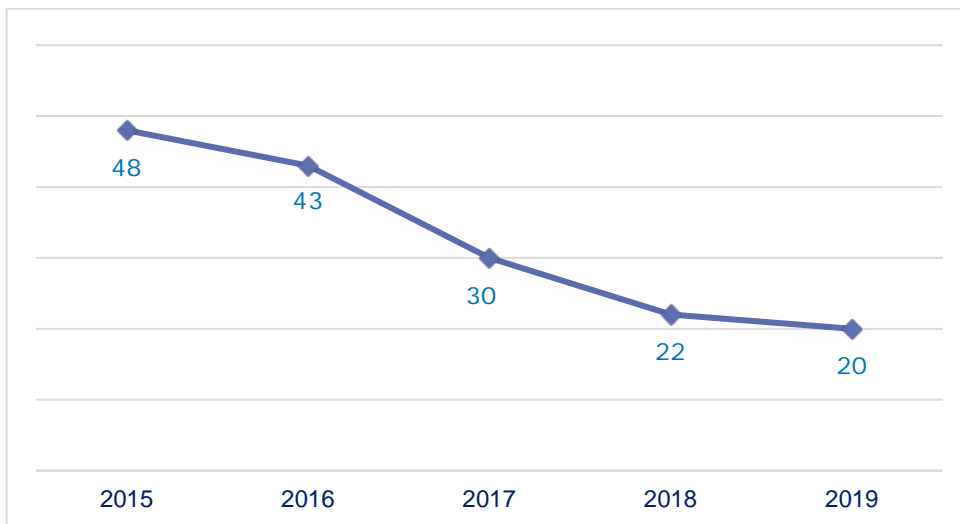
### 1. New EU Pilot files opened against Bulgaria (2015-2019)



### 2. New EU Pilot files opened in 2019: main policy areas

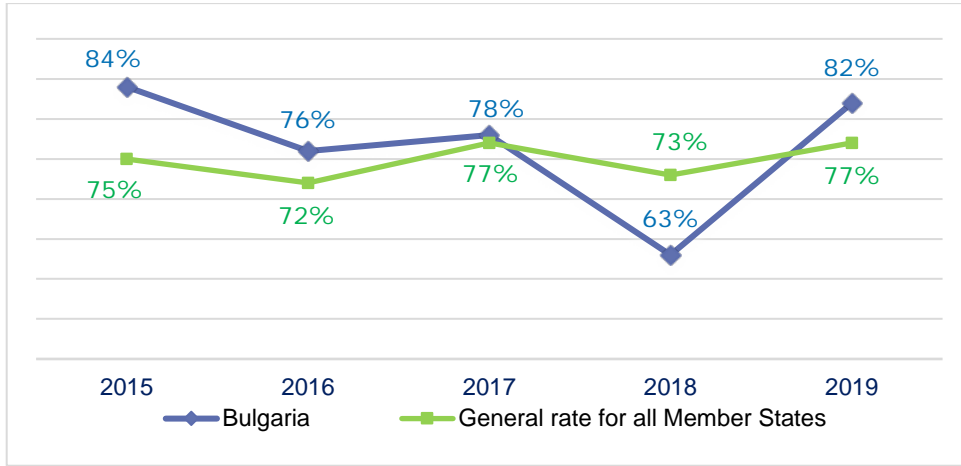


### 3. Files relating to Bulgaria open in EU Pilot at year-end



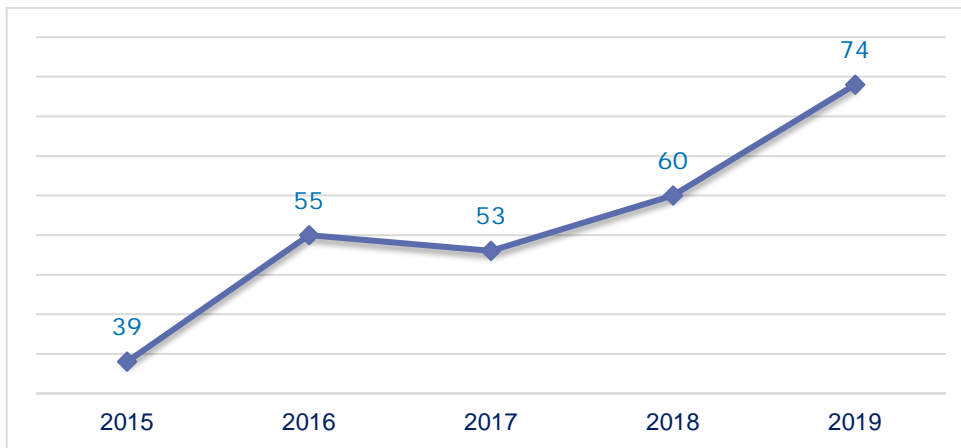
Bulgaria

4. EU Pilot files: Bulgaria's resolution rate in 2015-2019

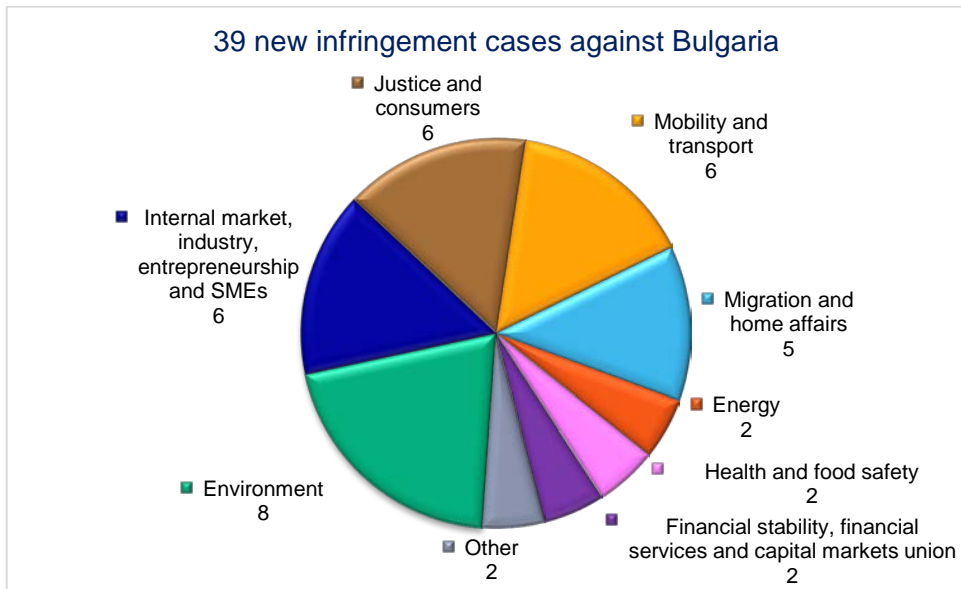


III. INFRINGEMENT CASES

5. Infringement cases against Bulgaria open on 31 December (2015-2019)



6. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 39 new infringement cases against Bulgaria in 2019. These, and other major ongoing infringement cases, include:
- inadequate protection of consumers against unfair terms in contracts, in particular in payment order proceedings; certain creditors can obtain orders for immediate enforcement quasi automatically, with very limited possibilities for the consumers to prevent or challenge the enforcement based on unfair contract terms<sup>45</sup>;
  - incorrect transposition of the Directive on criminal sanctions for market abuse<sup>46</sup>;
  - breach of the EU's exclusive competence in the area of automated DNA, fingerprint and vehicle registration data exchange<sup>47</sup>;
  - non-conformity of national legislation with EU rules on public procurement and concessions<sup>48</sup>;
  - incorrect implementation of the Directive on Attacks against Information Systems<sup>49</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>50</sup>;
  - non communication of national measures transposing **the**:
    - Asylum Procedures Directive<sup>51</sup>
    - Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union<sup>52</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>53</sup>
    - Bank Creditors Hierarchy Directive<sup>54</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>55</sup>;
  - maintaining a national framework on geographical indications, which is not compatible with the EU rules on quality schemes for agricultural products and foodstuffs<sup>56</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>57</sup>;
  - late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>58</sup>;
  - non-conform transposition of the Industrial Emissions Directive<sup>59</sup>;
  - incorrect implementation of the INSPIRE Directive<sup>60</sup>;
  - failure to establish Special Areas of Conservation, as well as conservation objectives and measures to maintain or restore the protected species and habitats to a favourable condition, as required by the Habitats Directive<sup>61</sup>;

<sup>45</sup> [MEMO/19/462](#).

<sup>46</sup> Directive [2014/57/EU](#); [INF/19/4251](#).

<sup>47</sup> [INF/19/5950](#).

<sup>48</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#), [INF/19/6304](#).

<sup>49</sup> Directive [2013/40/EU](#), [INF/19/5950](#).

<sup>50</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>51</sup> Directive [2013/32/EU](#); [INF/19/4251](#)

<sup>52</sup> Directive [2014/42/EU](#).

<sup>53</sup> Directive [2016/2341/EU](#).

<sup>54</sup> Directive [2017/2399/EU](#).

<sup>55</sup> Directive (EU) [2018/1581](#).

<sup>56</sup> Regulation (EU) [1151/2012](#), [MEMO/19/462](#).

<sup>57</sup> Directive [2011/92/EU](#), [MEMO/19/1472](#).

<sup>58</sup> Directive [2008/56/EC](#), [INF/19/5950](#).

<sup>59</sup> Directive [2010/75/EU](#).

<sup>60</sup> Directive [2007/2/EC](#), [MEMO/19/1472](#).

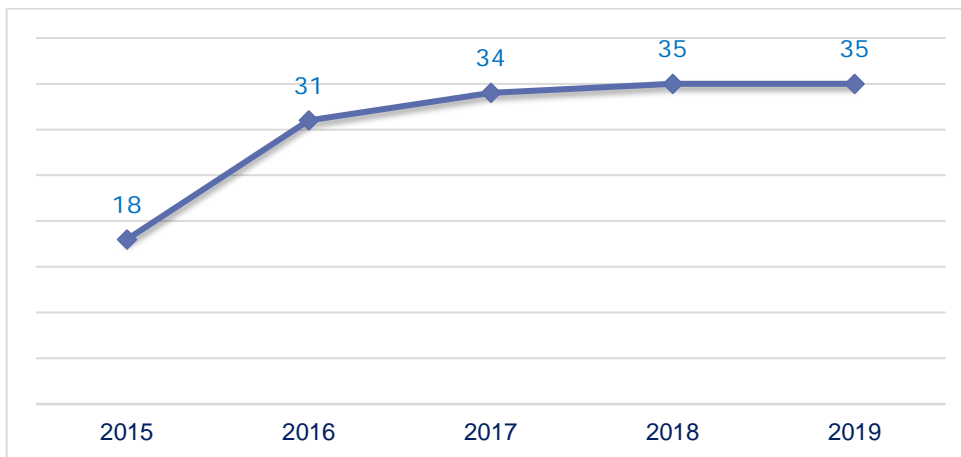
<sup>61</sup> Directive [92/43/EEC](#), [MEMO/19/462](#).

Bulgaria

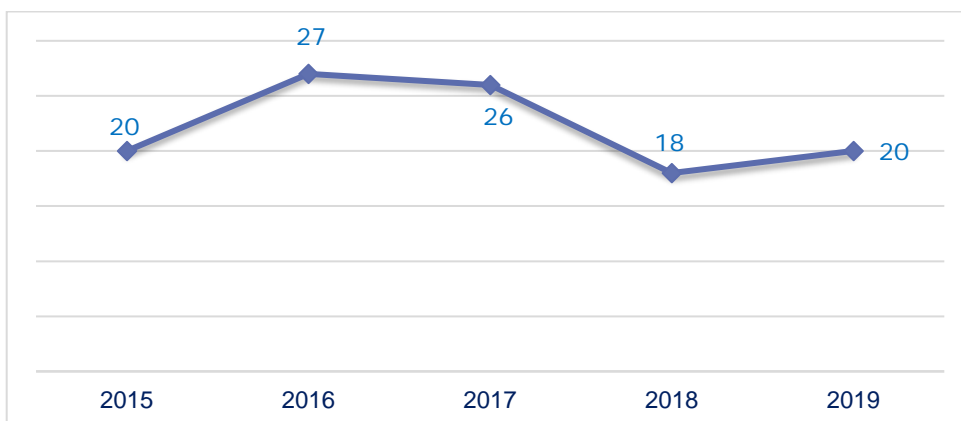
- non-compliance with the requirements of the Energy Efficiency Directive<sup>62</sup>;
  - incorrect application of the Directive on Marine Equipment<sup>63</sup>;
  - failure to comply with minimum safety requirements for tunnels in the trans-European road network<sup>64</sup>;
  - incorrect application of the Directive on Marine Equipment<sup>65</sup>.
- b. The Commission referred two case(s) to the Court under Article 258 TFEU.  
*They involve the following infringements:*
- failure to transpose and comply with EU rules on railway safety as regards the independence of the investigating body<sup>66</sup>;
  - exceedance of sulphur dioxide (SO<sub>2</sub>) limit values set by the Air Quality Directive<sup>67</sup>.
- 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 Bulgaria open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Bulgaria (2015-2019)



<sup>62</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>63</sup> Directive [2014/90/EU](#), [INF/19/5950](#).

<sup>64</sup> Directive [2004/54/EC](#), [INF/19/4251](#).

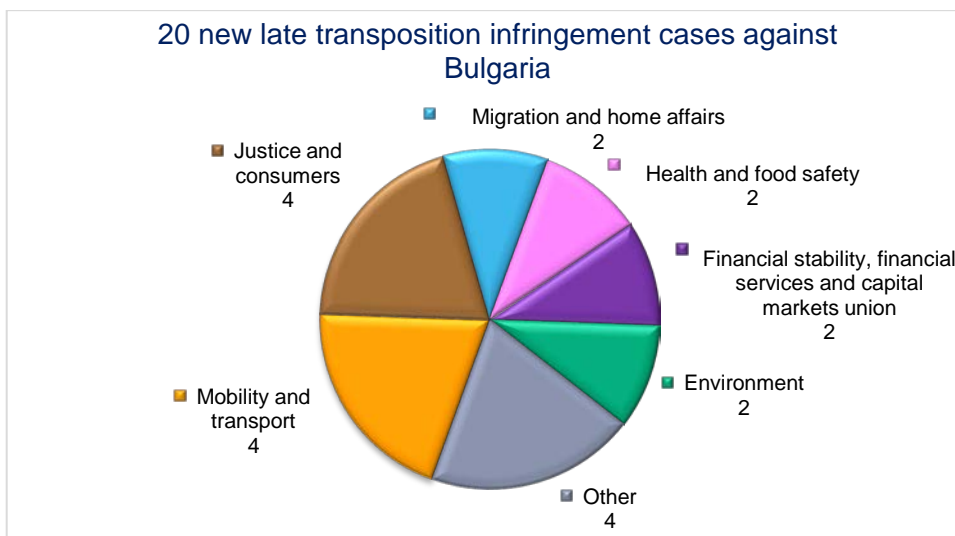
<sup>65</sup> Directive [2014/90/EU](#), [INF/19/5950](#).

<sup>66</sup> *Commission v Bulgaria*, Case [C-33/19](#), Directive [2004/49/EC](#), [IP/18/6252](#).

<sup>67</sup> *Commission v Bulgaria* Case [C-730/19](#), Directive [2008/50/EC](#), [IP/19/4256](#).

Bulgaria

3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-communication of national measures transposing the:
  - Reception Conditions Directive<sup>68</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>69</sup>
  - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>70</sup>
  - Reception Conditions Directive<sup>71</sup>
  - Asylum Procedures Directive<sup>72</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>73</sup>
  - Directive on antitrust damages actions<sup>74</sup>;
- customs duty relief for certain US goods in breach of the Community system of reliefs from customs duty<sup>75</sup>;
- Proportionality of sanctions for not declaring the movement of cash in breach of controls of cash entering or leaving the Community<sup>76</sup>;
- incorrect transposition of the Third Energy Package Directives<sup>77</sup>;
- failure to adopt all transposition measures for the Indirect Land Use Change Directive<sup>78</sup>.

<sup>68</sup> Directive [2013/33/EU](#), [INF/19/4251](#).

<sup>69</sup> Directive (EU) [2018/100](#).

<sup>70</sup> Directive [2011/95/EU](#); [INF/19/4251](#).

<sup>71</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>72</sup> Directive [2013/32/EU](#).

<sup>73</sup> Directive [2014/65/EU](#).

<sup>74</sup> Directive [2014/104/EU](#).

<sup>75</sup> Regulation (EC) [1186/2009](#).

<sup>76</sup> Regulation (EC) [1889/2005](#).

<sup>77</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).



## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

There were no major Court rulings in 2019.

### 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Bulgarian judiciary:

- The Procedural Rights Directives<sup>79</sup> apply to judicial proceedings leading to compulsory medical internment of persons having committed acts representing a danger to society. Because of their mental state, these persons are to be considered vulnerable persons for the purpose of these Directives<sup>80</sup>.
- National legislation obliging apartment owners in buildings in co-ownership to pay for the thermal energy used by the common parts and the internal installation of the building is compatible with EU law, even if the owners do not use that thermal energy in their own apartments. In such buildings, the bills for thermal energy consumption by the internal installation are calculated for each property owner in the building in proportion to the heated volume of their apartment<sup>81</sup>.
- The Court gave guidance as to the relevant criteria under the Electricity Directive to distinguish between transmission and distribution systems<sup>82</sup>.

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<sup>78</sup> Directive (EU) [2015/1513](#).

<sup>79</sup> Directives [2012/13/EU](#), [2013/48/EU](#) and [2016/343/EU](#).

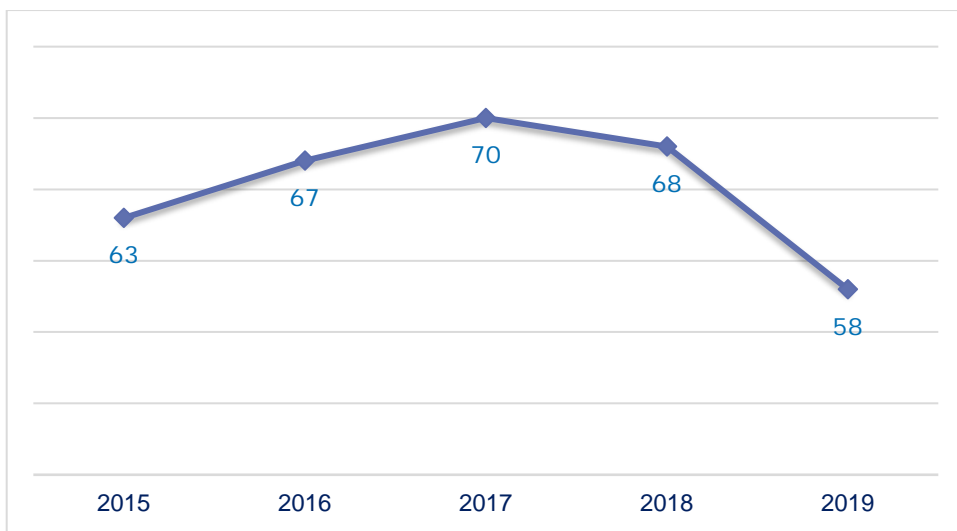
<sup>80</sup> EP Case [C-467/18](#).

<sup>81</sup> Joined cases [C-708/17](#) and [C-725/17](#) *EVN Bulgaria Toplofikatsia and Toplofikatsia Sofia*.

<sup>82</sup> *Elektrorazpredelenie Yug* Case [C-31/18](#), Directive [2009/72/EC](#).

## I. COMPLAINTS

### 1. New complaints made against Czechia by members of the public (2015-2019)



### 2. Public complaints against Czechia open at year-end

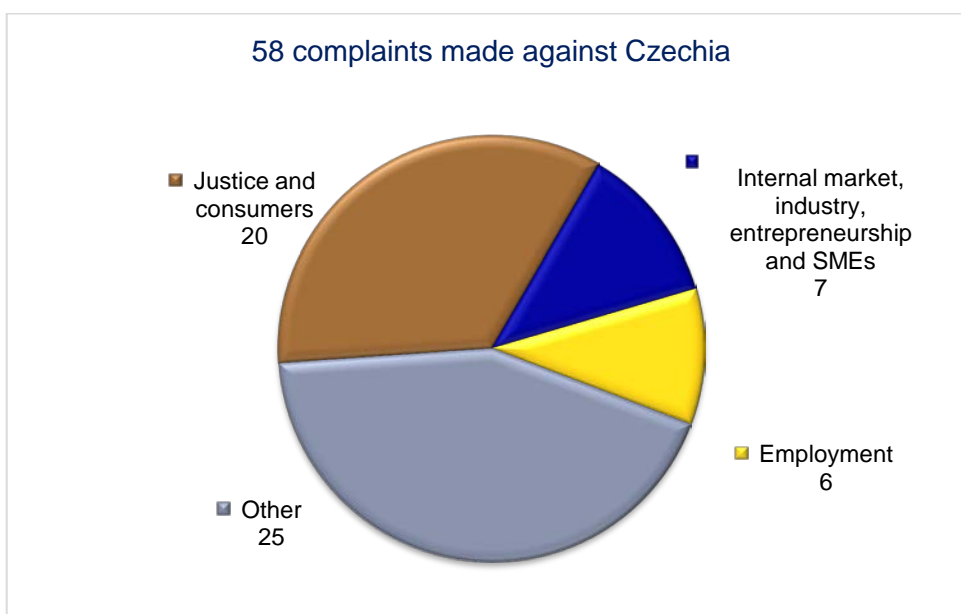
49 ▶ Complaints open at end-2018

58 ▶ New complaints registered in 2019

50 ▶ Complaints handled in 2019

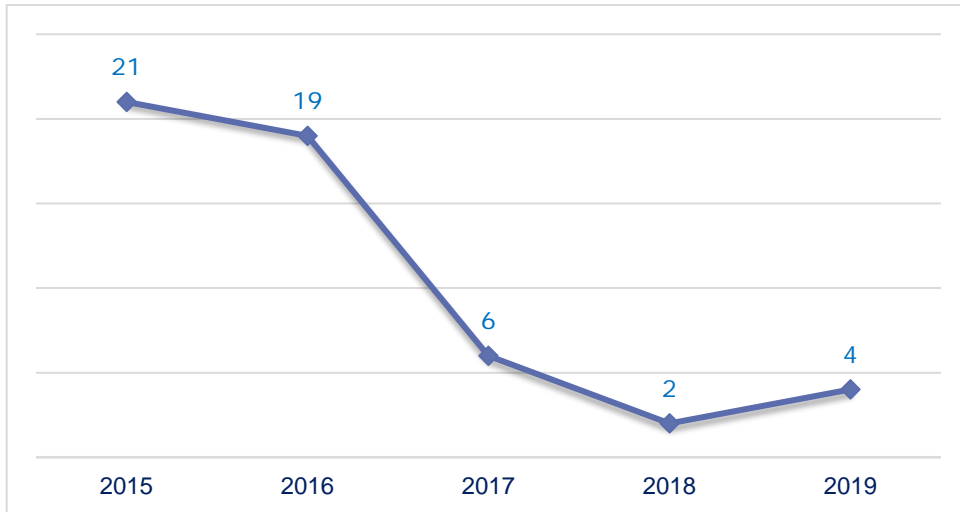
**= 57** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

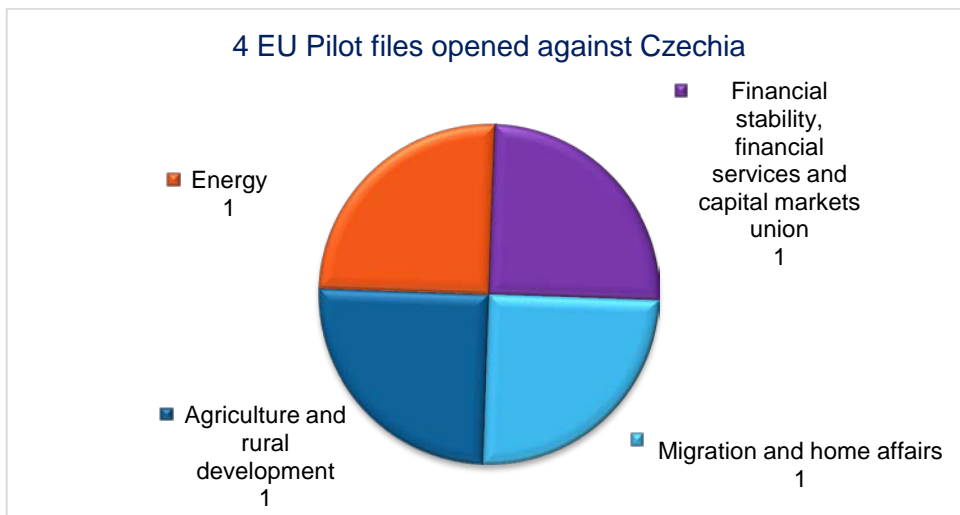


## II. EU PILOT

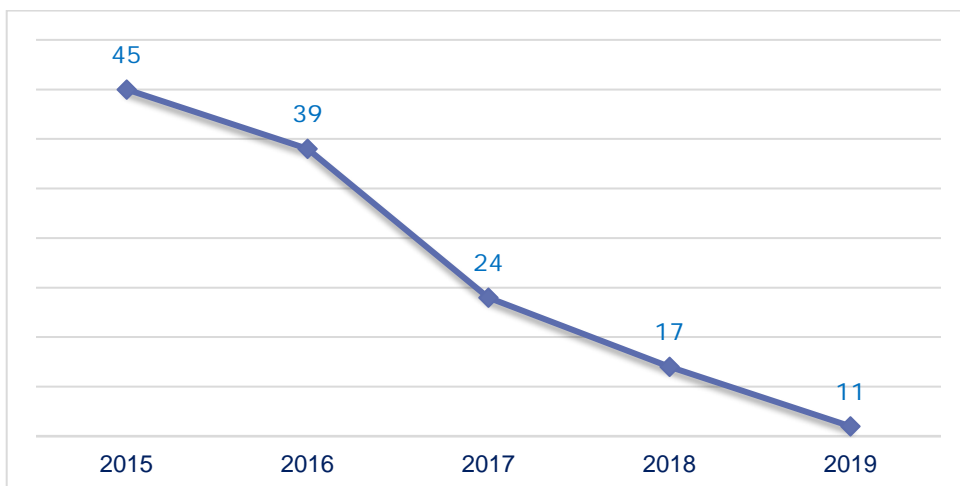
### 1. New EU Pilot files opened against Czechia (2015-2019)



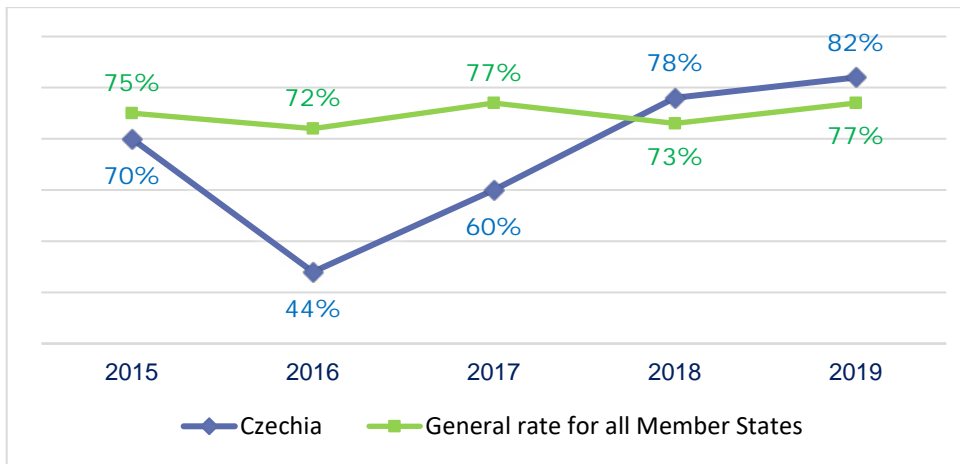
### 2. New EU Pilot files opened in 2019: main policy areas



### 3. Files relating to Czechia open in EU Pilot at year-end

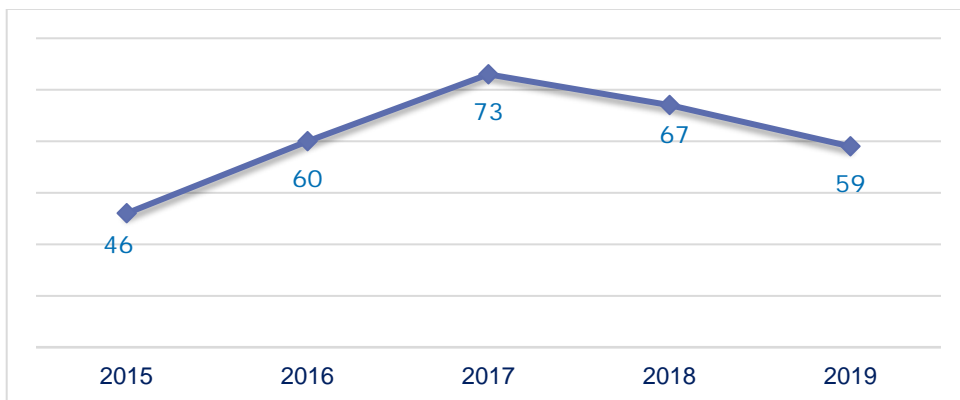


4. EU Pilot files: Czechia's resolution rate in 2015-2019

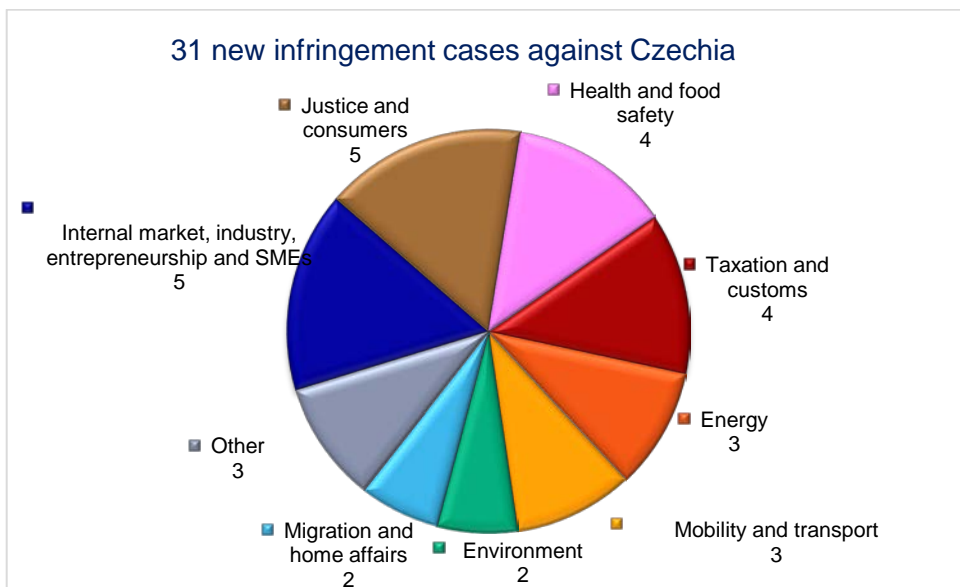


III. INFRINGEMENT CASES

1. Infringement cases against Czechia open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 31 new infringement cases against Czechia in 2019. These, and other major ongoing infringement cases, include:
- non communication of national measures transposing **the**:
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>1</sup>
    - Indirect Land Use Change Directive<sup>2</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>3</sup>;
  - failure to effectively implement the rules on the 112 emergency number, in particular by not ensuring equivalent access for disabled users<sup>4</sup>;
  - non-conformity of national legislation with EU rules on public procurement and concessions<sup>5</sup>;
  - systematic official controls targeting certain foodstuffs coming from another Member State each time such foodstuffs enter Czechia, in breach of EU rules on ensuring compliance with feed and food law, animal health and animal welfare rules<sup>6</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>7</sup>;
  - failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>8</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>9</sup>;
  - failure to establish penalties in accordance with the Invasive Alien Species Regulation<sup>10</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>11</sup>.
- b. The Commission referred one case to the Court under Article 258 TFEU. It involves the following infringement:
- incorrect transposition and application of certain provisions of the Energy Performance of Buildings Directive<sup>12</sup>;
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU.

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<sup>1</sup> Directive [2016/2341/EU](#).

<sup>2</sup> Directive (EU) [2015/1513](#).

<sup>3</sup> Directive (EU) [2018/1581](#).

<sup>4</sup> Directive (EU) [2002/22](#); [INF/19/4251](#).

<sup>5</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#); [INF/19/6304](#).

<sup>6</sup> Regulation (EC) [882/2004](#), [MEMO/19/462](#); [INF/19/4251](#).

<sup>7</sup> Directive [2011/93/EU](#), [MEMO/19/462](#); [INF/19/4251](#) and [INF/19/5950](#).

<sup>8</sup> Directive [92/43/EEC](#), [INF/19/6304](#).

<sup>9</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

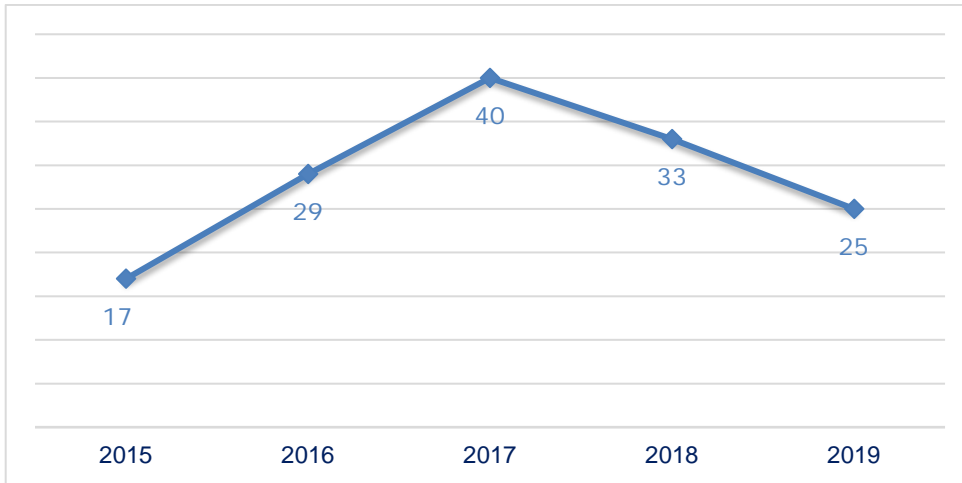
<sup>10</sup> Regulation (EU) [1143/2014](#), [INF/19/6304](#).

<sup>11</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

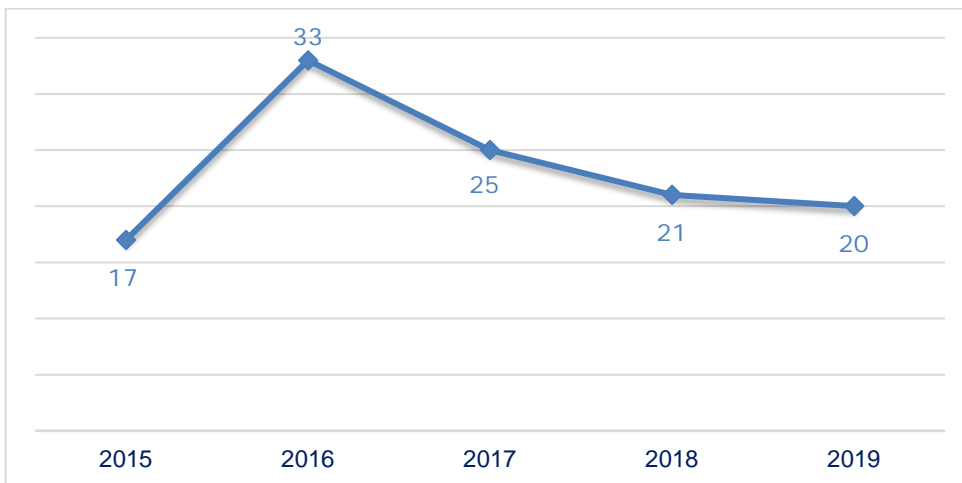
<sup>12</sup> Directive [2010/31/EU](#), Commission v Czechia, [C-305/19](#).

#### IV. TRANSPOSITION OF DIRECTIVES

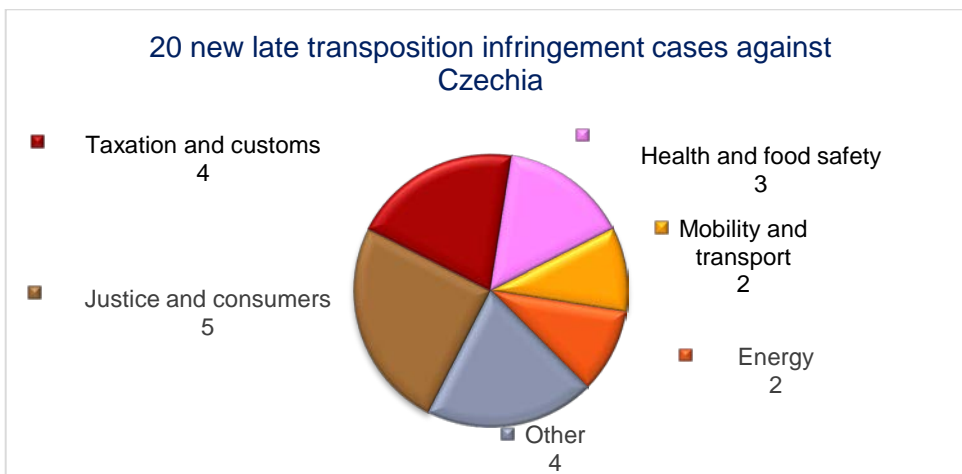
##### 1. Late transposition infringement cases against Czechia open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Czechia (2015-2019)



##### 3. New late transposition infringement cases opened in 2019: 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 2019

*These concerned:*

- non-communication of national measures transposing the:
  - Reception Conditions Directive<sup>13</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>14</sup>
  - Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>15</sup>
  - Directive on tobacco products<sup>16</sup>
  - the Seasonal Workers Directive<sup>17</sup>
  - Asylum Procedures Directive<sup>18</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>19</sup>
- Directive as regards access to anti-money laundering information (DAC5)<sup>20</sup>;
- non-conform implementation of the Directive as regards the mandatory automatic exchange of information in the field of taxation (DAC2)<sup>21</sup>;
- failure to correctly transpose certain requirements of the Radioactive Waste Directive<sup>22</sup>;
- non-compliance of national legislation with the provisions of the Train Drivers Directive<sup>23</sup>;
- failure to provide the required quality management system for operational parts of the flag State-related activities<sup>24</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>25</sup>

*The Court:*

- dismissed the Commission's action against *Czechia* concerning its refusal to ensure the take-back of 20 000 tonnes of a mixture called TPS-NOLO (Geobal) shipped from Czechia to Poland. The Court found that the Commission did not provide sufficient evidence that the respective mixture constitutes waste and, thus, that its shipment constitutes a shipment of waste<sup>26</sup>.

### 2. Preliminary rulings

*The Court addressed the following preliminary rulings to the Czech judiciary:*

- The formal recognition of the status of refugee implies that the refugee concerned is beneficiary of international protection and has all the rights and advantages provided for in the Qualifications

<sup>13</sup> Directive [2013/33/EU, INF/19/4251](#).

<sup>14</sup> Directive (EU) [2018/100](#).

<sup>15</sup> Directive (EU) [2019/523](#).

<sup>16</sup> Directive [2014/40/EU](#).

<sup>17</sup> Directive [2014/36/EU](#).

<sup>18</sup> Directive [2013/32/EU](#).

<sup>19</sup> Directive (EU) [2016/1164](#).

<sup>20</sup> Directive [2016/2258/EU](#).

<sup>21</sup> Directive [2011/16/EU](#).

<sup>22</sup> Council Directive [2011/70/Euratom](#).

<sup>23</sup> Directive [2007/59/EC](#).

<sup>24</sup> Directive [2009/21/EC](#).

<sup>25</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>26</sup> *Commission v Czech Republic*, Case [C-399/17](#) and Court press release [29/19](#).

Directive. This Directive contains more protective rights than those contained in the Geneva Convention<sup>27</sup>;

- Connecting flights that are the subject of a single reservation departing from a Member State to a non-Member State via another non-Member State: the air carrier of the first flight is, in principle, liable to pay compensation to passengers who suffered a long delay in the arrival of the second flight performed by a non-Community air carrier<sup>28</sup>.

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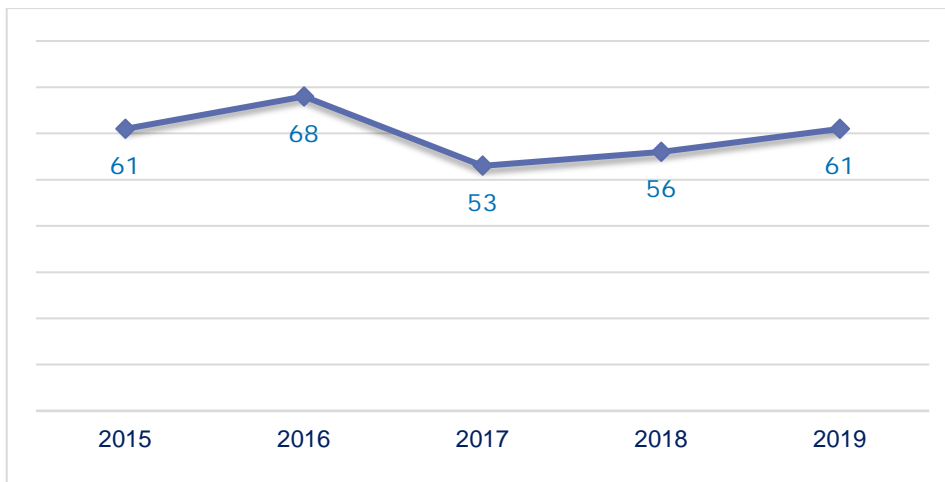
<sup>27</sup> *M and Others*, Joined cases [C-391/16](#), [C-77/17](#) and [C-78/17](#).

<sup>28</sup> *České aerolinie*, Case [C-502/18](#) and Court press release [95/2019](#).



## I. COMPLAINTS

### 1. New complaints made against Denmark by members of the public (2015-2019)



### 2. Public complaints against Denmark open at year-end

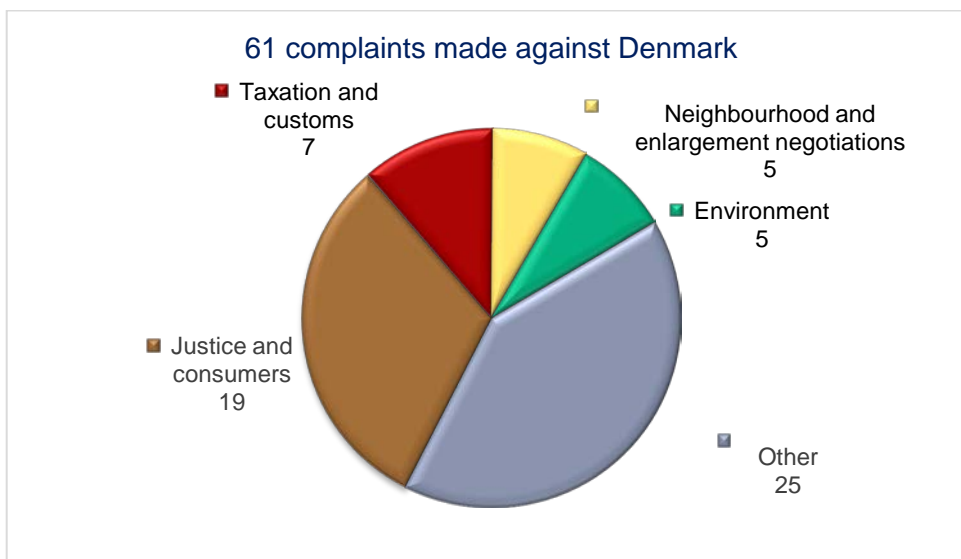
40 ▶ Complaints open at end-2018

61 ▶ New complaints registered in 2019

58 ▶ Complaints handled in 2019

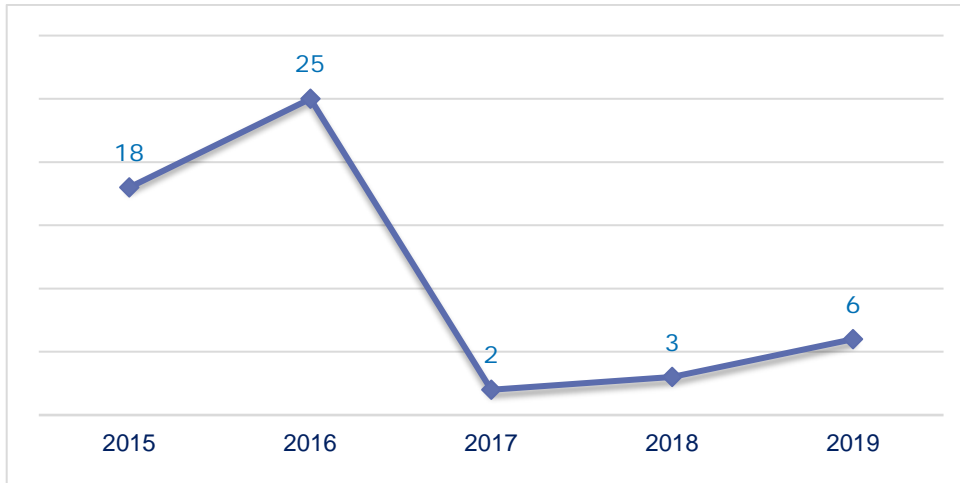
          
 = 43 ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

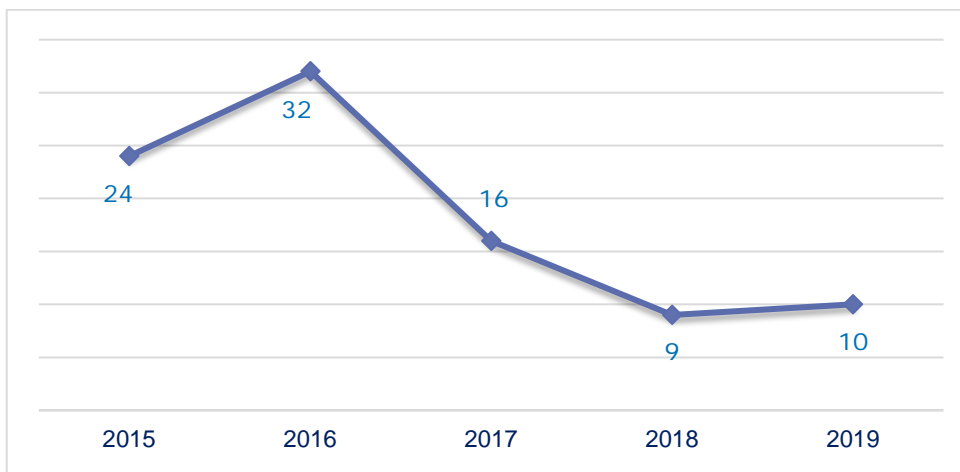


## II. EU PILOT

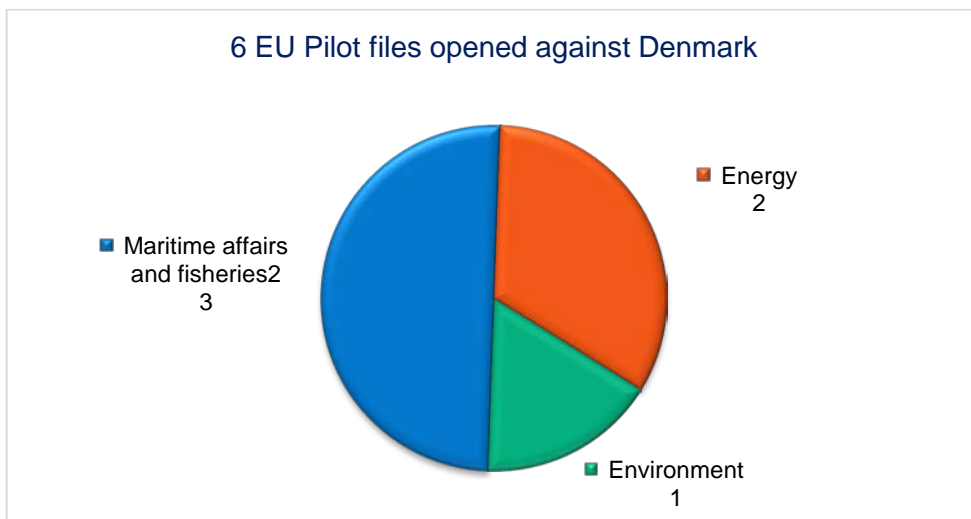
### 1. New EU Pilot files opened against Denmark (2015-2019)



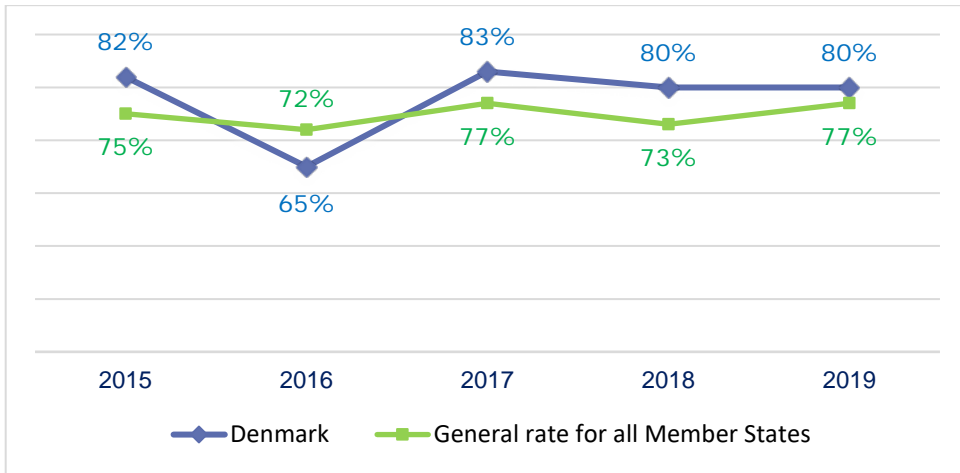
### 2. Files relating to Denmark open in EU Pilot at year-end



### 3. New EU Pilot files opened in 2019: main policy areas

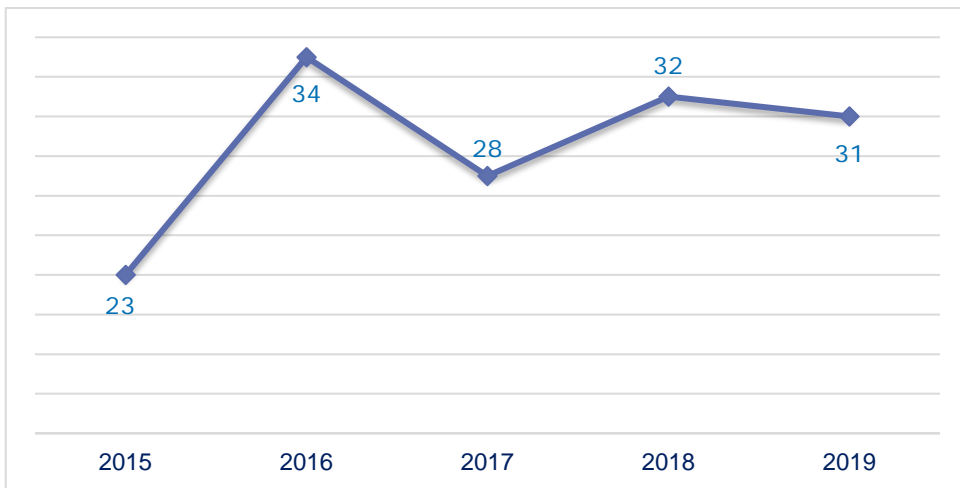


4. EU Pilot files: Denmark's resolution rate in 2015-2019

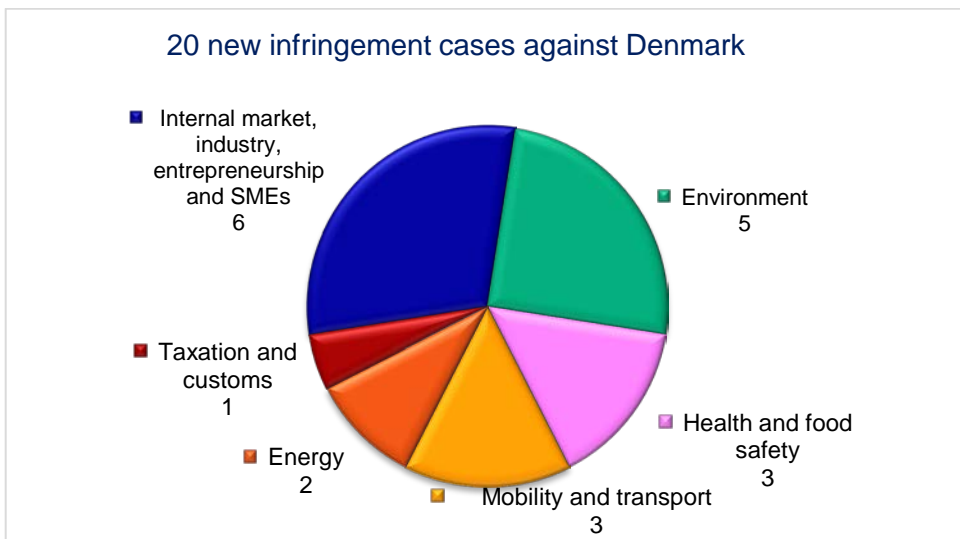


III. INFRINGEMENT CASES

1. Infringement cases against Denmark open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

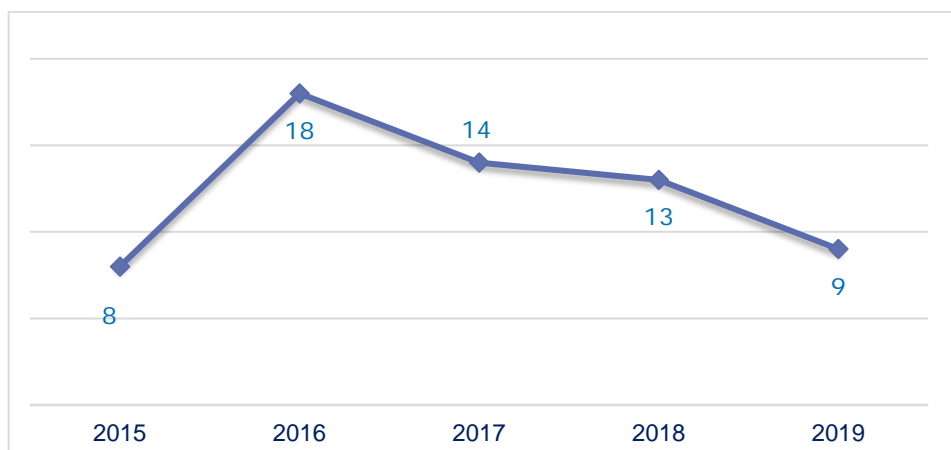


3. Key infringement cases and referrals to the Court

- a. [The Commission opened 20 new infringement cases against Denmark in 2019. These, and other major ongoing infringement cases, include:
- unlawful use of the protected designation of origin 'Feta', in violation of the EU rules on quality schemes for agricultural products and foodstuffs<sup>1</sup>;
  - failure to enforce several important provisions of the EU Control Regulation<sup>2</sup>. The Commission considers that Denmark fails to ensure that all fishery products are weighed at landing and that mandatory catch registration documents record the quantities of each species present, including industrial by-catches. The most serious issues concern fisheries for industrial purposes. These deficiencies significantly undermine the accuracy of catch registration documents, which are necessary for quota deduction purposes and to prevent overfishing. In addition, Denmark does not ensure that the Commission is notified of the quantities of stocks actually landed, with a consequent risk to the sustainability objectives of the common fisheries policy<sup>3</sup>.
  - incorrect transposition of the:
    - Directive on the protection of animals used for scientific purposes<sup>4</sup>
    - revised Environmental Impact Assessment Directive<sup>5</sup>
    - Energy Efficiency Directive<sup>6</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>7</sup>;
  - failure to fulfil the obligations under the EU rules establishing a single European railway area<sup>8</sup>.
- 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 (2015-2019)



2. New late transposition infringement cases against Denmark (2015-2019)

<sup>1</sup> Regulation (EU) No [1151/2012](#), [IP-19-6312](#).

<sup>2</sup> Regulation (EC) No [1224/2009](#).

<sup>3</sup> [MEMO/19/462](#).

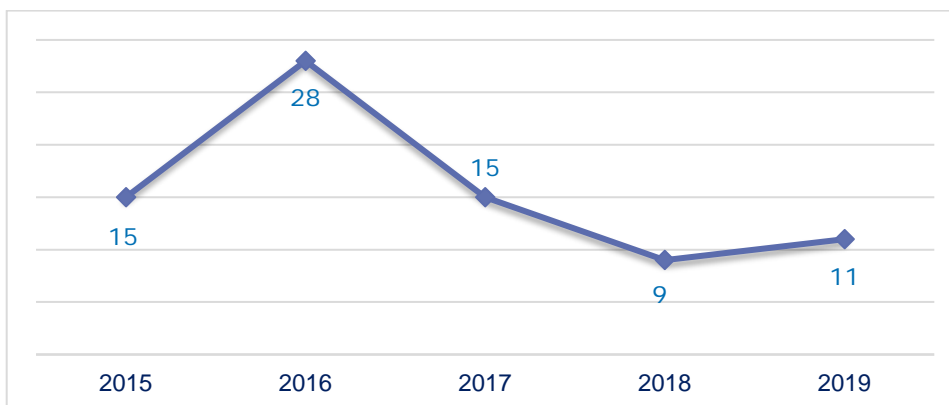
<sup>4</sup> Directive [2010/63/EU](#), [INF/19/5950](#).

<sup>5</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/5950](#).

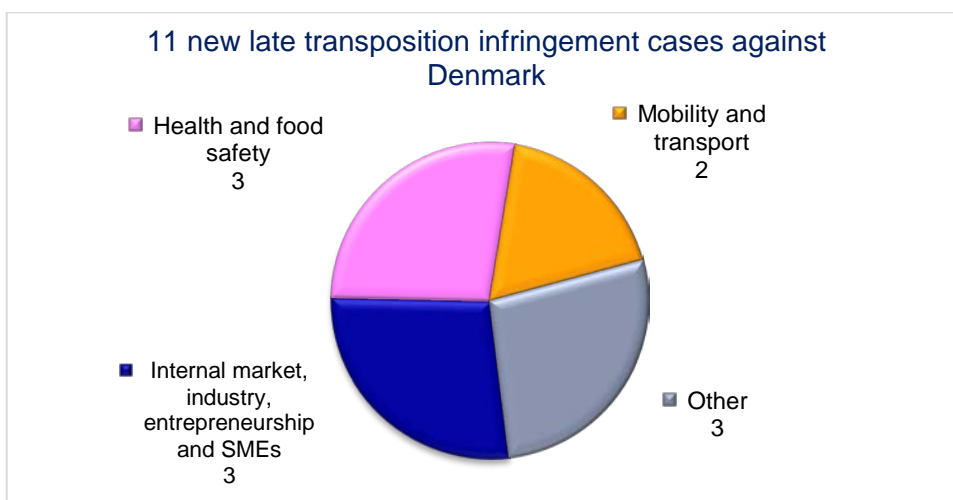
<sup>6</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>7</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

<sup>8</sup> Directive [2012/34/EU](#), [INF/19/4251](#).



### 3. New late transposition infringement cases opened in 2019: main policy areas



### 4. Referrals to the Court

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

## V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2019

*These concerned:*

- non-communication of national measures transposing the:
  - Commission Implementing Directive on characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species<sup>9</sup>
  - Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>10</sup>
  - Indirect Land Use Change Directive<sup>11</sup>;
- exceedances of the nitrogen dioxide (NO<sub>2</sub>) limit values set by the Air Quality Directive<sup>12</sup>;
- incorrect implementation of the Combined Transport Directive<sup>13</sup>.

<sup>9</sup> Directive (EU) [2019/114](#).

<sup>10</sup> Directive (EU) [2019/523](#).

<sup>11</sup> Directive (EU) [2015/1513](#).

<sup>12</sup> Directive [2008/50/EC](#).

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>14</sup>

*There were no major Court rulings in 2019.*

### 2. Preliminary rulings

*The Court addressed the following preliminary ruling to the Danish judiciary:*

- EU law cannot be relied on for abusive or fraudulent objectives. In such cases, national authorities and courts must refuse a taxpayer the exemption from withholding tax on profits distributed by a subsidiary to its parent company, even if there are no domestic or agreement-based provisions providing for such a refusal<sup>15</sup>.

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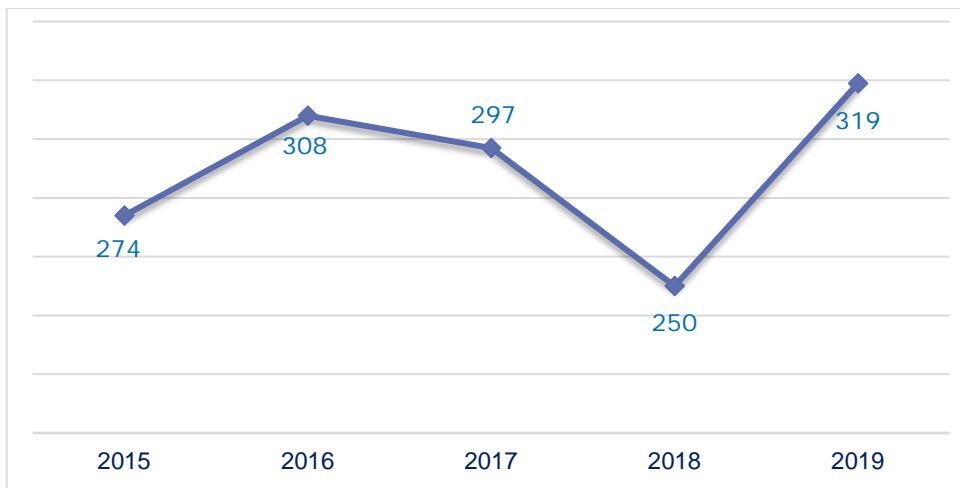
<sup>13</sup> Directive [92/106/EEC](#).

<sup>14</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>15</sup> *Skatteministeriet v T Danmark and Y Denmark Aps*, joined cases [C-116/16 and C-117/16](#).

## I. COMPLAINTS

### 1. New complaints made against Germany by members of the public (2015-2019)



### 2. Public complaints against Germany open at year-end

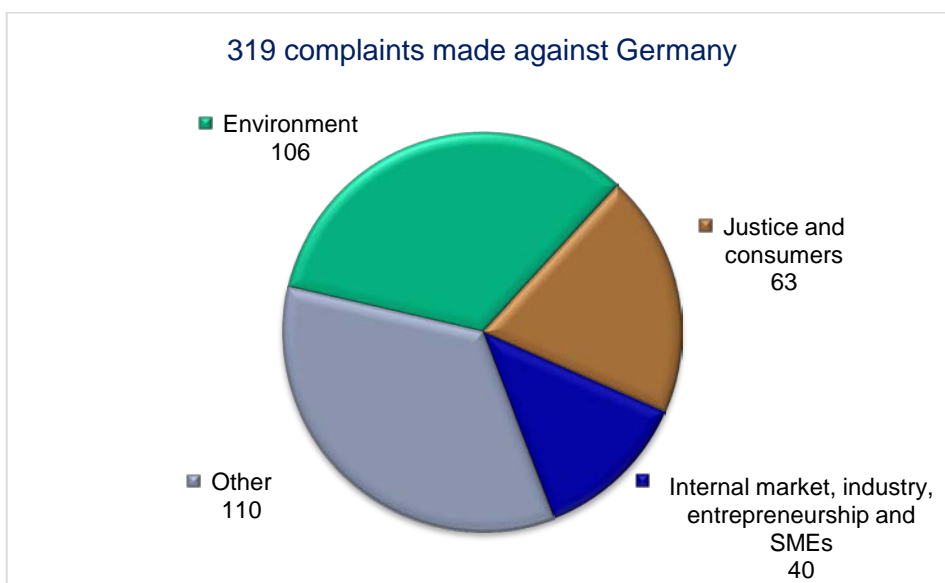
274 ▶ Complaints open at end-2018

319 ▶ New complaints registered in 2019

227 ▶ Complaints handled in 2019

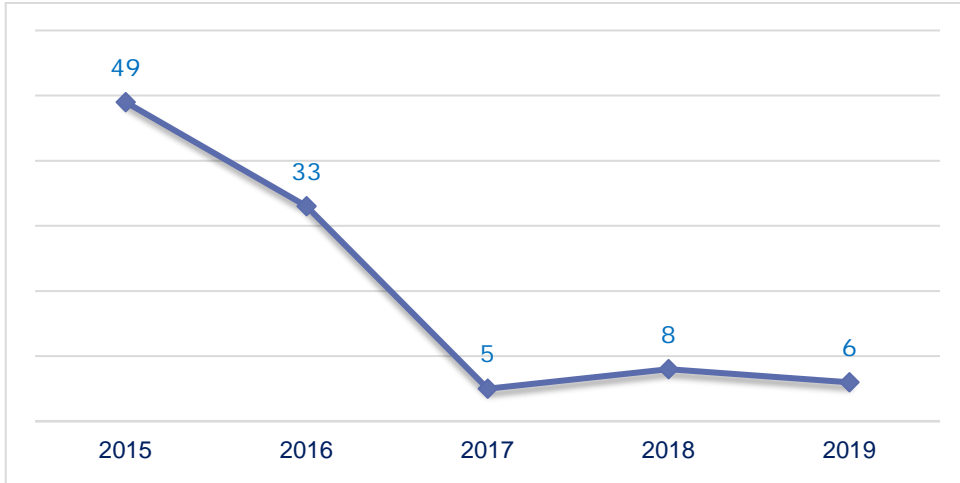
**= 366** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

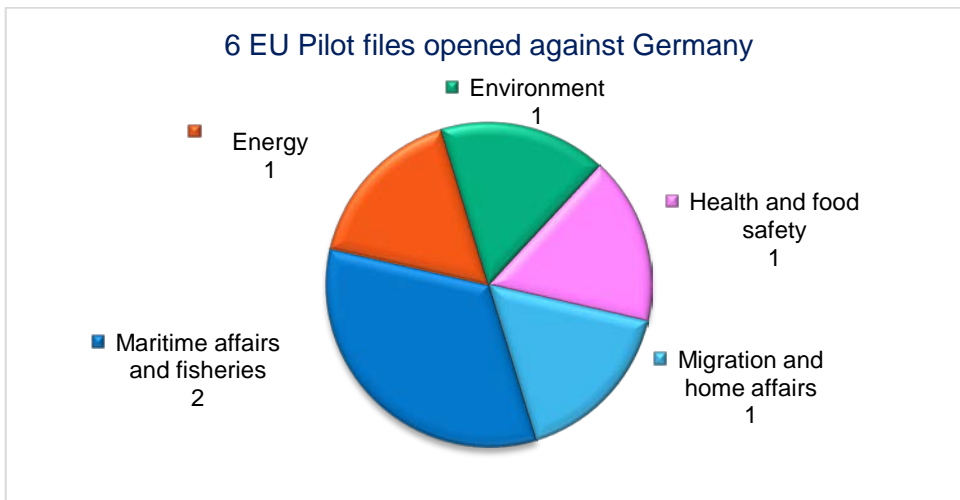


II. EU PILOT

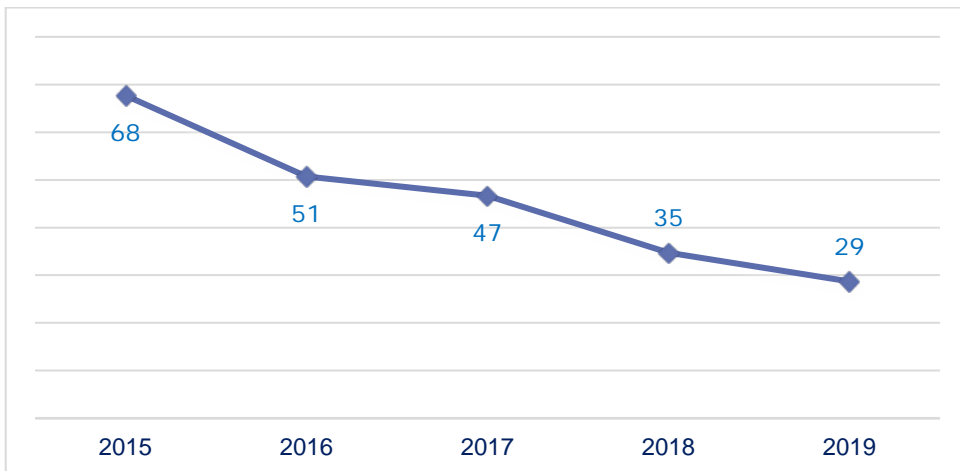
1. New EU Pilot files opened against Germany (2015–2019)



2. New EU Pilot files opened in 2019: main policy areas

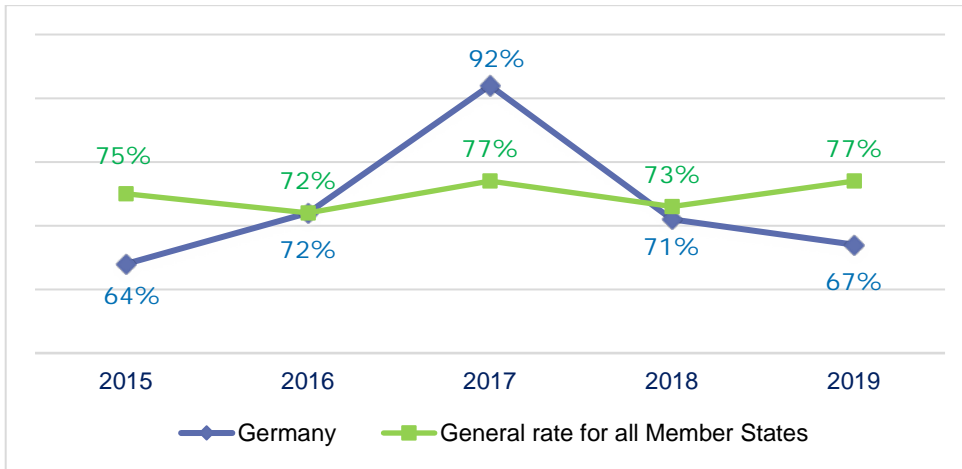


3. Files relating to Germany open in EU Pilot at year-end



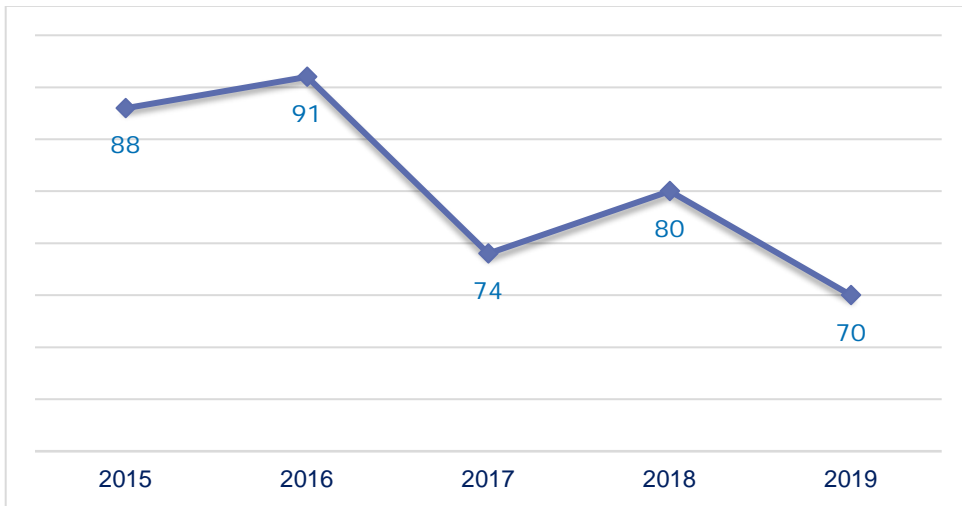


4. EU Pilot files: Germany's resolution rate in 2015-2019

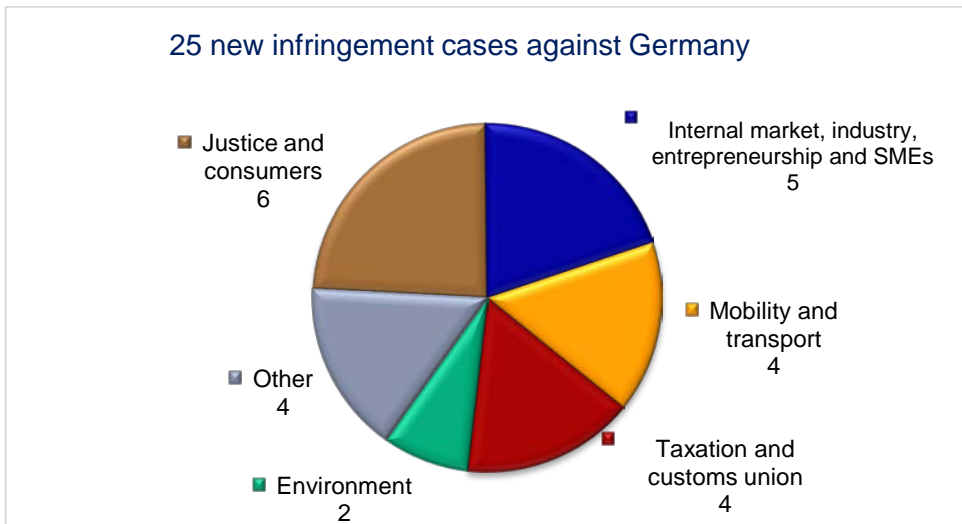


III. INFRINGEMENT CASES

1. Infringement cases against Germany open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 25 new infringement cases against Germany in 2019. These, and other major ongoing infringement cases, include:
- non communication of national measures transposing **the**:
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>1</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>2</sup>;
  - rules on fixed prices for prescription medicines negatively affecting the sale of products by pharmacies established in other EU Member States in violation of Articles 34 and 36 TFEU<sup>3</sup>;
  - failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>4</sup>;
  - restrictions on the import of coffee in violation of the principle of the free movement of goods<sup>5</sup>;
  - non-conformity of national law with EU public procurement rules, forbidding health insurance funds to use procurement procedures to obtain assistive medical devices<sup>6</sup>;
  - failure to effectively implement the rules on the 112 emergency number, in particular by not ensuring equivalent access for disabled users<sup>7</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>8</sup>;
  - Germany's national rules on VAT for distance sales of goods sold through digital marketplaces<sup>9</sup>;
  - impossibility to fulfil formal requirements for qualifying as a group company for German tax consolidation purposes<sup>10</sup>;
  - failure to ensure adequate protection of grasslands, as required by the Habitats Directive<sup>11</sup>;
  - incorrect transposition of the Directive on the protection of animals used for scientific purposes<sup>12</sup>;
  - failure to comply with the principles of fair and non-discriminatory remuneration for European Electronic Toll Service providers<sup>13</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>14</sup>;
  - failure to fulfil the obligations under the EU rules establishing a single European railway area<sup>15</sup>;
  - failure to comply with a Court judgment finding that Germany was in breach of its obligations under the Nitrates Directive by failing to revise an action programme whose measures had proved insufficient<sup>16</sup>;

<sup>1</sup> Directive [2016/2341/EU](#).

<sup>2</sup> Directive (EU) [2018/1581](#).

<sup>3</sup> [MEMO/19/1472](#) and [C-148/15](#).

<sup>4</sup> Directives [2006/123/EC](#) and [2014/23/EU](#), [IP/19/1477](#).

<sup>5</sup> [MEMO/19/462](#).

<sup>6</sup> Directive [2014/24/EU](#), [INF/19/4251](#).

<sup>7</sup> Directive (EU) [2002/22](#); [INF/19/4251](#).

<sup>8</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>9</sup> [IP/19/5950](#).

<sup>10</sup> [IP/19/4251](#).

<sup>11</sup> Directive [92/43/EEC](#), [INF/19/4251](#).

<sup>12</sup> Directive [2010/63/EU](#), [INF/19/4251](#).

<sup>13</sup> Commission Decision [2009/750/EC](#), [INF/19/4251](#).

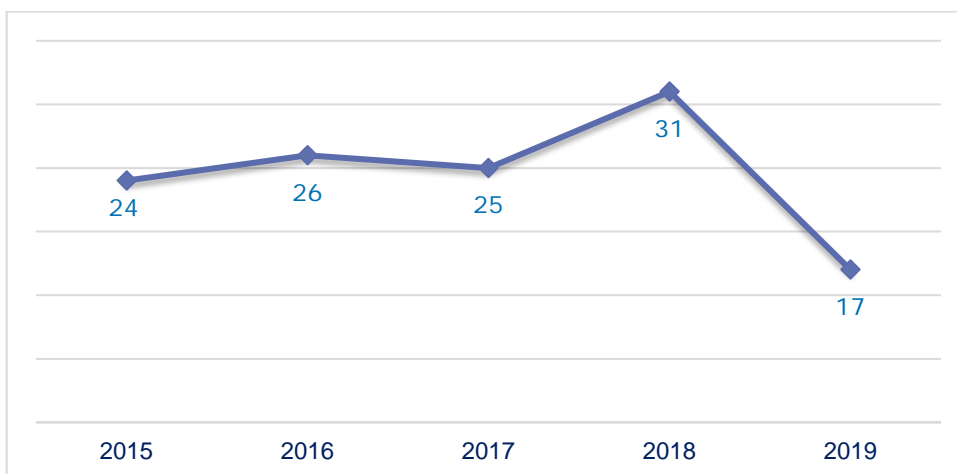
<sup>14</sup> Regulation (EU) [2016/480](#), [INF/19/5950](#).

<sup>15</sup> Directive [2012/34/EU](#), [INF/19/5950](#).

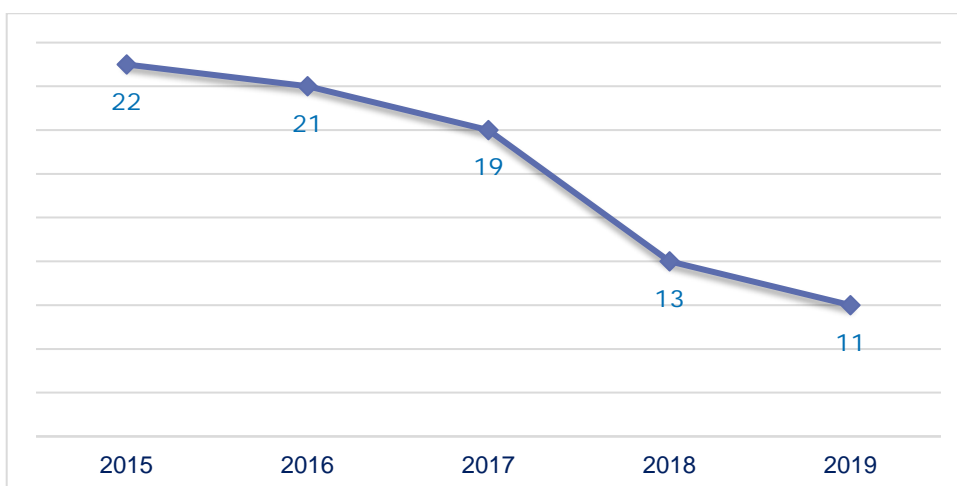
- failure to establish Special Areas of Conservation, as well as conservation objectives and measures to maintain or restore the protected species and habitats to a favourable condition, as required by the Habitats Directive<sup>17</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>18</sup>.
- b. The Commission referred one case to the Court under Article 258 TFEU. It involves the following infringement:
- Rejections of certain applications for VAT refunds for businesses in other Member States<sup>19</sup>.
- c. [The Commission did not refer any cases to the Court under Article 260(2) TFEU.]

#### IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Germany open on 31 December (2015-2019)



2. New late transposition infringement cases against Germany (2015-2019)



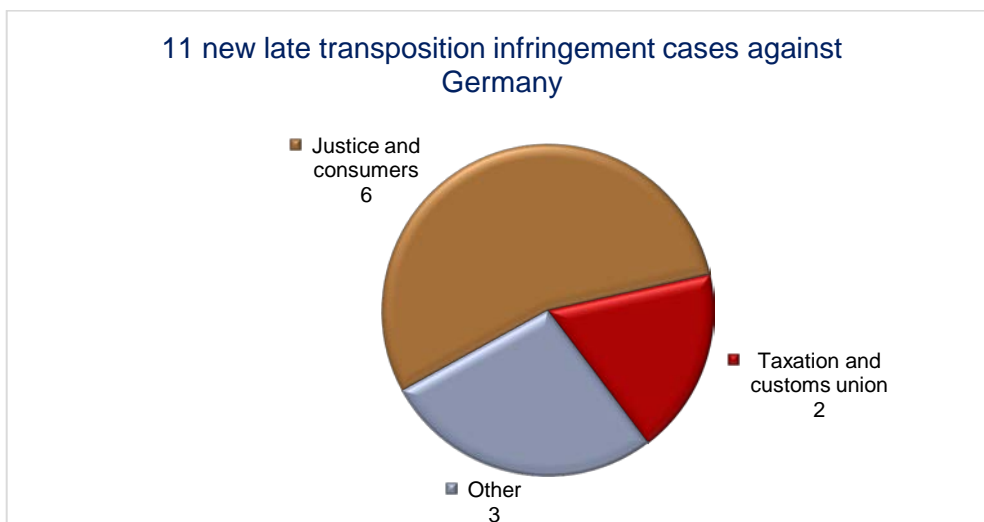
3. New late transposition infringement cases opened in 2019: main policy areas

<sup>16</sup> Directive [91/676/EC](#), [INF/19/4251](#), [C-543/16](#) *Commission v Germany*.

<sup>17</sup> Directive [92/43/EEC](#), [MEMO-19-462](#).

<sup>18</sup> Directive [2012/27/EU](#), [MEMO-19-462](#).

<sup>19</sup> Case [C-371/19](#) *Commission v Germany*.



#### 4. Referrals to the Court

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

### V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2019

*These concerned:*

- non-communication of national measures transposing the:
  - Seasonal Workers Directive<sup>20</sup>
  - Reception Conditions Directive<sup>21</sup>
  - Asylum Procedures Directive<sup>22</sup>;
- incorrect application of the freedom of establishment due to the reservation of certain approval services for some types of motor vehicles in favour of certain technical testing centres<sup>23</sup>
- failure to adopt all transposition measures for the Indirect Land Use Change Directive<sup>24</sup>;
- incorrect transposition of the Driving Licences Directive<sup>25</sup>;

### VI. IMPORTANT JUDGMENTS

#### 1. Court rulings<sup>26</sup>

*The Court ruled that:*

- Germany breached EU law by maintaining fixed tariffs for the planning services of architects and engineers<sup>27</sup>;
- Germany restricted the free movement of goods by introducing an infrastructure use charge and simultaneous relief from motor vehicle tax for vehicles registered in Germany<sup>28</sup>;

<sup>20</sup> Directive [2014/36/EU](#).

<sup>21</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>22</sup> Directive [2013/32/EU](#).

<sup>23</sup> Directive [2007/46/EC](#).

<sup>24</sup> Directive (EU) [2015/1513](#).

<sup>25</sup> Directive [2006/106/EC](#).

<sup>26</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>27</sup> *Commission v Germany*, Case [C-377/17](#).

<sup>28</sup> *Austria v Germany*, Case [C-591/17](#).

- Germany failed to fulfil its obligations under EU law, at the 25th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail, by having voted against the position of the EU, and having publicly opposed that position and the arrangements for the exercise of voting rights<sup>29</sup>;

## 2. Preliminary rulings

*The Court addressed the following preliminary rulings to the German judiciary:*

- prohibiting commercial providers of search engines and commercial service providers, which edit content of online press products, from making press products or parts of them available to the public is a breach of EU law<sup>30</sup>;
- freedom of information and freedom of the press cannot justify a derogation from the author's exclusive rights of reproduction and of communication to the public going beyond the exceptions or limitations provided for in EU law<sup>31</sup>;
- a phonogram producer can prevent the use of a sound sample of his or her phonogram in another phonogram. However, such sample can be used if it is included in the phonogram in a modified form unrecognisable to the ear<sup>32</sup>;
- the Gmail service should not be considered as consisting wholly or mainly in the "conveyance of signals". As a result, Gmail is not an electronic communications service, and is therefore not subject to the general authorisation regime under the current EU telecoms legislation<sup>33</sup>;
- the EU Regulation on shipments of waste<sup>34</sup> does not apply to shipment mixtures of animal by-products and other substances transported between Member States<sup>35</sup>;
- the Austrian system of issuing an European arrest warrant, in which both public prosecutor's offices and courts are involved, is compatible with EU law<sup>36</sup>;
- EU law does not designate directly, or by analogy, the law applicable to the third-party effects of the assignment of claims<sup>37</sup>;
- the operator of a website that features a Facebook 'Like' button can be a controller jointly with Facebook in respect of the collection and transmission to Facebook of the personal data of visitors to its website<sup>38</sup>;
- a pre-ticked box cannot be considered as valid consent to the processing of personal data. The information that the service provider must give to a user includes the duration of the operation of cookies and whether or not third parties may have access to those cookies<sup>39</sup>;
- in case of insolvency of the employer, a reduction in a former employee's old-age benefits must be regarded as being manifestly disproportionate if that person is living, or would have to live, below the at-risk-of-poverty threshold determined by Eurostat for the Member State concerned<sup>40</sup>;
- an applicant 'absconds' if he deliberately evades the reach of the national authorities in order to prevent the transfer. It may be presumed that that is the case if the transfer cannot be carried out due to the fact that the applicant has left the accommodation allocated to him without informing

<sup>29</sup> *Commission v Germany*, Case [C-620/16](#), Decision [2014/699/EU](#).

<sup>30</sup> *VG Media*, Case [C-299/17](#).

<sup>31</sup> *Funke Medien NRW*, Case [C-469/17](#).

<sup>32</sup> *Pelham and others*, Case [C-476/17](#).

<sup>33</sup> *Google*, Case [C-193/18](#).

<sup>34</sup> Regulation (EC) No [1013/2006](#).

<sup>35</sup> *ReFood GmbH & Co. KG v Landwirtschaftskammer Niedersachsen*, Case [C-634/17](#).

<sup>36</sup> *NJ*, Case [C-489/19 PPU](#).

<sup>37</sup> *BNP Paribas*, [C-548/18](#).

<sup>38</sup> *Fashion ID*, Case [C-40/17](#).

<sup>39</sup> *Planet 49*, Case [C-673/17](#).

<sup>40</sup> *Pensions-Sicherungs-Verein*, Case [C-168/18](#).

the competent national authorities, provided that he has been informed of his obligations in that regard<sup>41</sup>;

- the VAT exemption for school and university education does not cover driving school tuition provided by a driving school for the purpose of acquiring driving licences for vehicles in categories B and C1, even if the objective of such tuition is not purely recreational, since possession of such licences is liable to meet, among other things, professional needs<sup>42</sup>;
- the customs authorities may require that an applicant for the status of an 'authorised economic operator' provide them with the tax identification numbers concerning solely the natural persons who are in charge of the applicant or who exercise control over its management and those who are in charge of the applicant's customs matters, and the details of the tax offices responsible for the taxation of all those persons<sup>43</sup>;
- the legislation of a Member State which effectively taxes dividends paid to foreign pension funds at a higher rate than dividends paid to domestic pension funds is contrary to the free movement of capital as established by Article 63 TFEU<sup>44</sup>;
- where EU customs regulations require providing a specific indication of the country of origin for a product (in this case, cultivated mushrooms that had been relocated during the growing process), the country of origin is that where the product was harvested, and that indication as such cannot be regarded as misleading consumers. In such circumstances, no obligations may be imposed on the food business operators to provide information additional to the indication of the country of origin in order to prevent any alleged risk of misleading consumers<sup>45</sup>;
- the protection of the name 'Aceto Balsamico di Modena (PGI)', entered in the register of protected designations of origin and protected geographical indications, does not extend to the use of the individual non-geographical terms of that name, namely 'aceto' and 'balsamico'<sup>46</sup>;
- in relation to the greenhouse gas emission allowance trading system (EU ETS), the Court of Justice confirmed the literal interpretation of an 'electricity generator', which includes an industrial plant even if the main activity of that plant does not fall under the scope of the EU ETS, the plant produces electricity mainly for its own use, and the amount of electricity sold to third parties is minimal<sup>47</sup>;
- an exception from the use of tachographs does not apply to vehicles used for the carriage of live animals directly from farms to local slaughterhouses<sup>48</sup>;
- A Member State may refuse to recognise a driving licence which has been issued by another Member State, without a test of fitness to drive, on the basis of a driving licence issued by another Member State based on the exchange of a driving licence issued by a third country<sup>49</sup>;
- the direct award of contracts for public passenger transport services by bus that do not take the form of service concessions is not subject to the Regulation on public passenger transport services by rail and road<sup>50</sup>;
- an air carrier is only required to compensate passengers for a long delay caused by damage to an aircraft tyre if it fails to prove that it deployed all means at its disposal for limiting the delay of the flight<sup>51</sup>;

<sup>41</sup> *Abubacarr Jawo*, Case [C-163/17](#).

<sup>42</sup> *A & G Fahrschul-Akademie*, Case [C-449/17](#).

<sup>43</sup> *Deutsche Post AG v Hauptzollamt Köln*, Case [C-496/17](#).

<sup>44</sup> *College Pension Plan of British Columbia*, Case [C-641/17](#).

<sup>45</sup> *Zentrale zur Bekämpfung unlauteren Wettbewerbs Frankfurt am Main*, Case [C-686/17](#).

<sup>46</sup> *Consorzio Tutela Aceto Balsamico di Modena*, Case [C-432/18](#) and Court press release [150/19](#).

<sup>47</sup> *ExxonMobil Production Deutschland*, Case [C-682/17](#).

<sup>48</sup> *NK*, [C-231/18](#), Regulation (EC) No [561/2006](#), Regulation (EU) No [165/2014](#).

<sup>49</sup> *Meyn*, [C-9/18](#), Directive [2006/126/EC](#).

<sup>50</sup> Joined cases: [C-266/17](#) and [C-267/17](#) *Verkehrsbetrieb Hüttebräucker and BVR Busverkehr Rheinland*, Court press release [46/2019](#), Regulation (EC) [1370/2007](#).

- the system of airport charges is to be approved by an independent supervisory authority and must be mandatory for all airport users<sup>52</sup>;
- exception from the application of certain social legislation covers only vehicles that are used exclusively, during a particular transport operation, for the purpose of delivering items as part of the universal postal service<sup>53</sup>;
- the coercive detention of a person at the head of the Land of Bavaria for the purpose of enjoining them to adopt measures to improve ambient air quality in Munich can be ordered only if a national legal basis, which is sufficiently accessible, precise and foreseeable in its application, exists and if the detention is proportionate<sup>54</sup>;
- residues in the form of scrap metal and fire-extinguishing water mixed with sludge and cargo residues, attributable to damage occurring on board a ship at sea, must be regarded as waste generated on board ships, within the meaning of the Regulation on shipments of waste. Such waste is, therefore, excluded from the said Regulation's scope until it is offloaded in order to be recovered or disposed of<sup>55</sup>;

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<sup>51</sup> *Germanwings*, Case [C-501/17](#), Court press release [45/2019](#), Regulation (EC) [261/2004](#).

<sup>52</sup> *Deutsche Lufthansa*, Case [C-379/18](#), Directive [2009/12/EC](#).

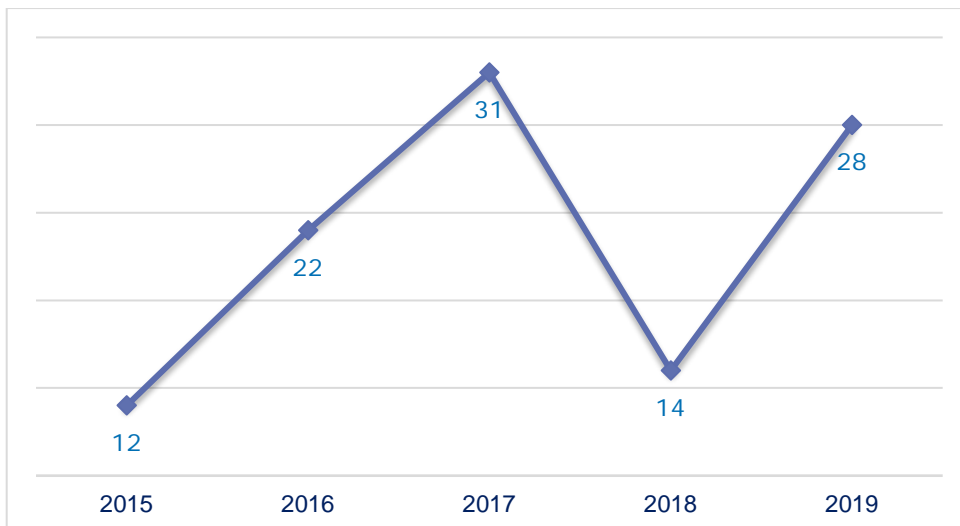
<sup>53</sup> Joined cases *Deutsche Post and Leymann and UPS Deutschland and Others* [C-203/18](#) and [C-374/18](#), Regulation (EC) [561/2006](#).

<sup>54</sup> *Deutsche Umwelthilfe*, Case [C-752/18](#) and Court press release [164/2019](#).

<sup>55</sup> *Conti 11. Container Schifffahrt*, Case [C-689/17](#), Regulation (EC) [1013/2006](#).

## I. COMPLAINTS

### 1. New complaints made against Estonia by members of the public (2015-2019)



### 2. Public complaints against Estonia open at year-end

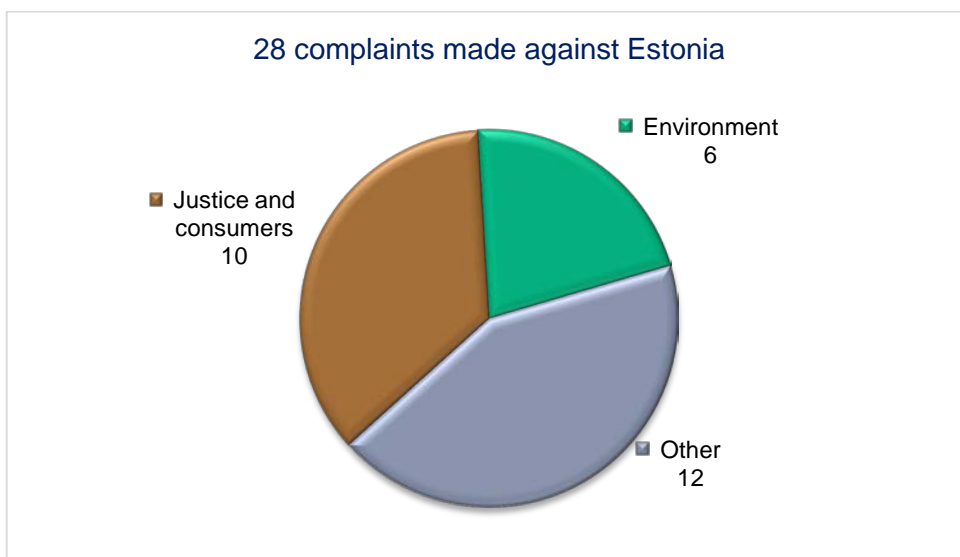
16 ▶ Complaints open at end-2018

28 ▶ New complaints registered in 2019

20 ▶ Complaints handled in 2019

**= 24** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

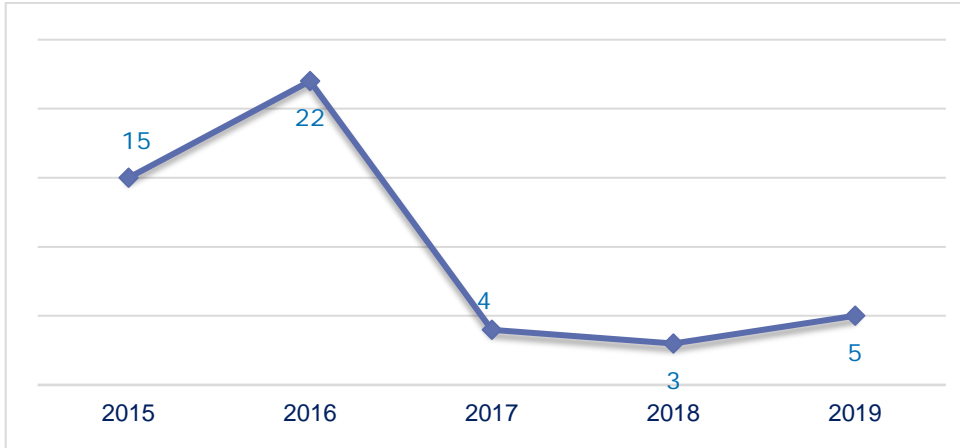




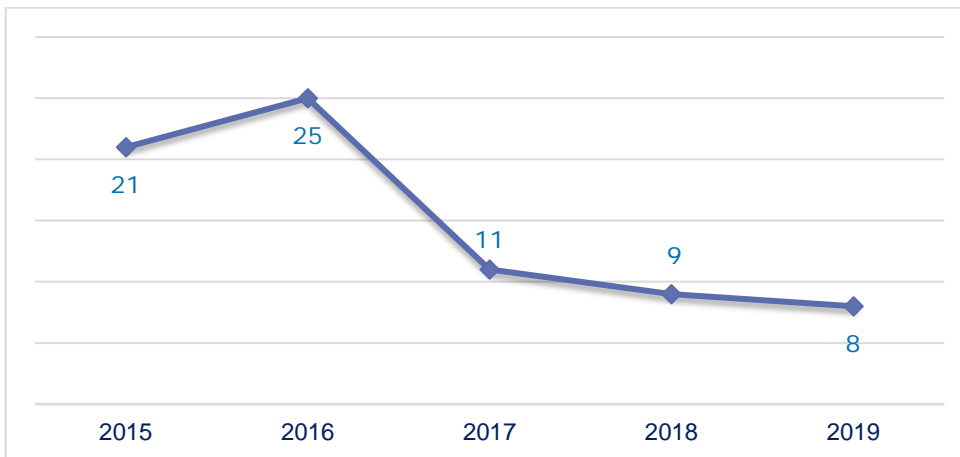
Estonia

II. EU PILOT

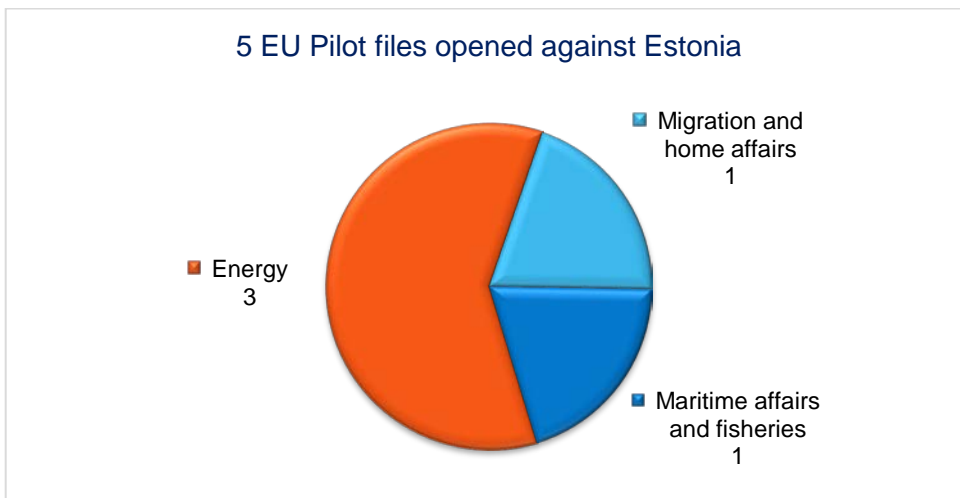
1. New EU Pilot files opened against Estonia (2015-2019)



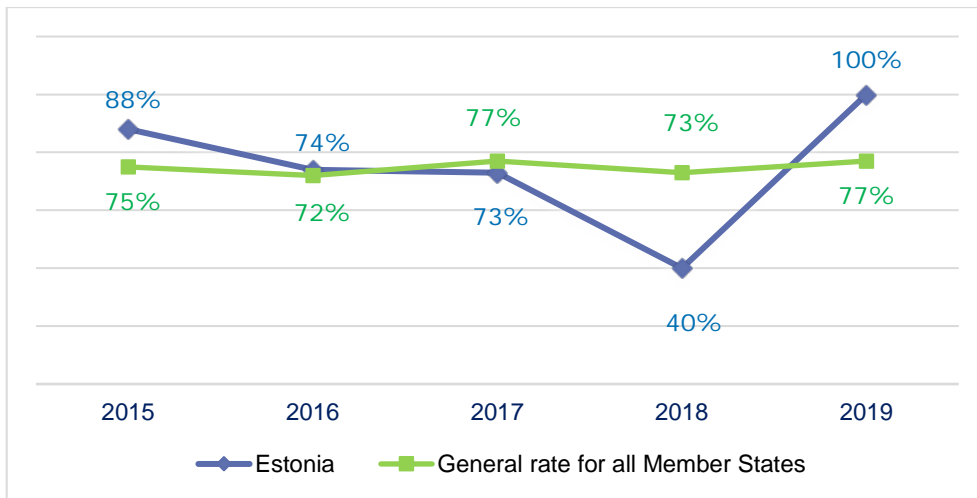
2. Files relating to Estonia open in EU Pilot at year-end



3. New EU Pilot files opened in 2019: main policy areas

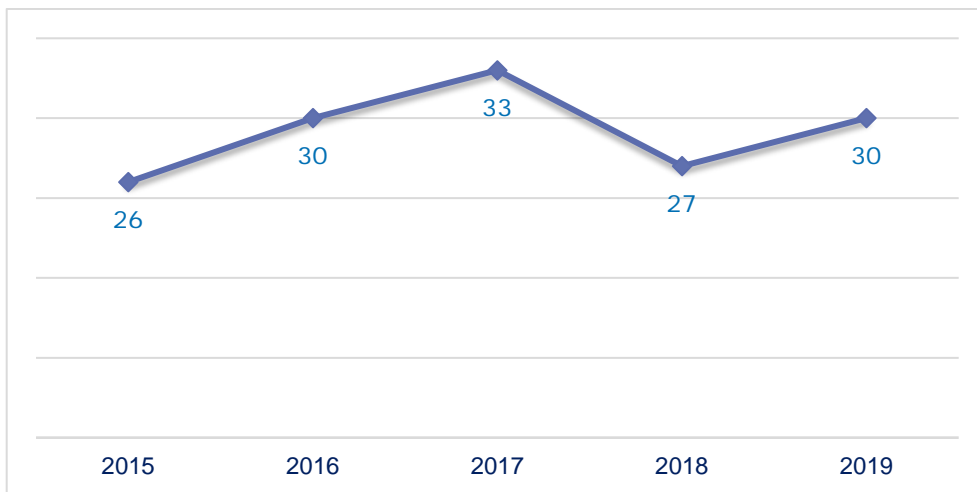


4. EU Pilot files: Estonia's resolution rate in 2015-2019

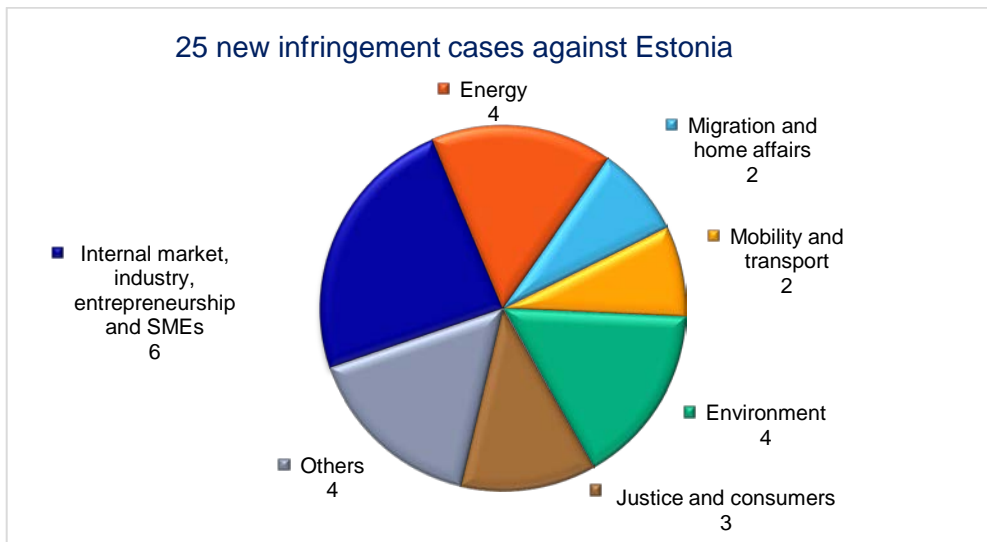


III. INFRINGEMENT CASES

1. Infringement cases against Estonia open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

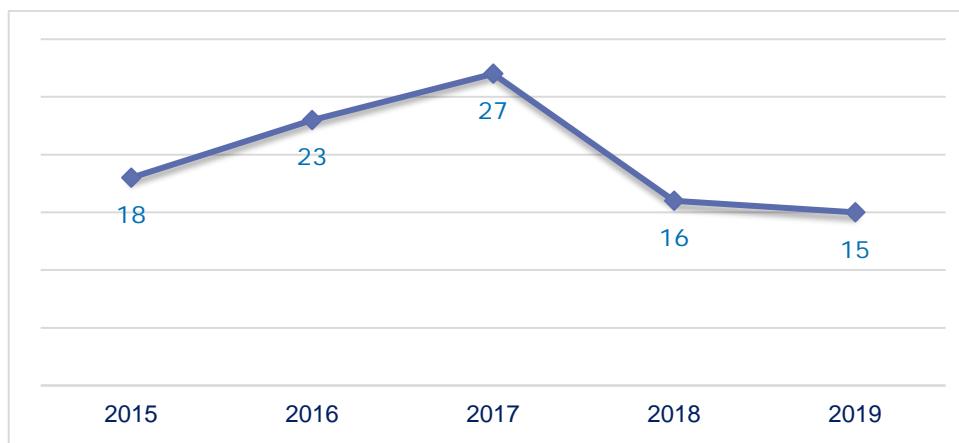


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 25 new infringement cases against Estonia in 2019. These, and other major ongoing infringement cases, include:
- imposition of additional obligations on travellers crossing the external EU border, in breach of the Schengen Borders Code<sup>1</sup>;
  - incorrect transposition of the :
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>2</sup>
    - EU rules on public procurement and concessions<sup>3</sup>
    - Solvency II Directive<sup>4</sup>
    - revised Environmental Impact Assessment Directive<sup>5</sup>
    - Energy Efficiency Directive<sup>6</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>7</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>8</sup>;
  - non-communication of national measures transposing the:
    - Indirect Land Use Change Directive<sup>9</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>10</sup>
    - Basic Safety Standards Directive<sup>11</sup>.
- 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 Estonia open on 31 December (2015-2019)



<sup>1</sup> Regulation (EU) [2016/399](#) ; [MEMO/19/462](#).

<sup>2</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>3</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#), [INF/19/5950](#).

<sup>4</sup> Directive [2009/138/EC](#), [INF/19/4251](#).

<sup>5</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/4251](#).

<sup>6</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>7</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

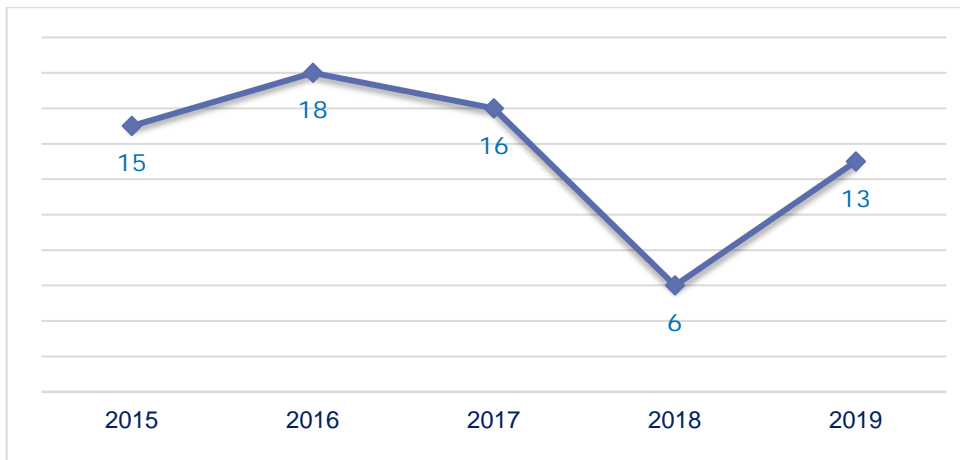
<sup>8</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>9</sup> Directive (EU) [2015/1513](#).

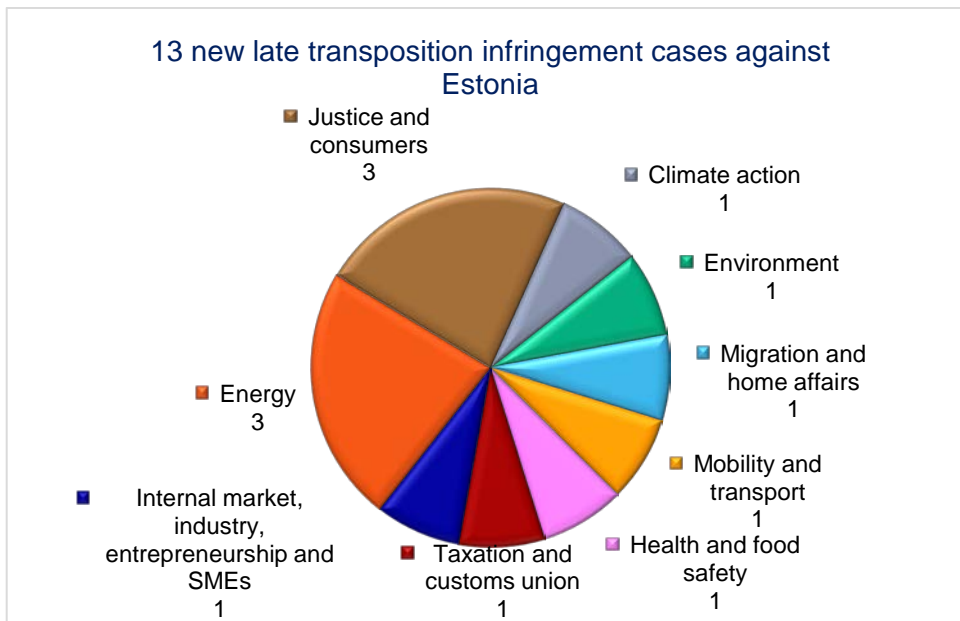
<sup>10</sup> Directive (EU) [2018/1581](#).

<sup>11</sup> Council Directive [2013/59/Euratom](#).

2. New late transposition infringement cases against Estonia (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- failure to communicate national measures transposing the:
  - Reception Conditions Directive<sup>12</sup>
  - Asylum Procedures Directive<sup>13</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>14</sup>;

<sup>12</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>13</sup> Directive [2013/32/EU](#).

<sup>14</sup> Directive [2014/65/EU](#).

- incorrect transposition of the:
  - Third Energy Package Directives<sup>15</sup>
  - Directive on the protection of animals used for scientific purposes<sup>16</sup>
  - Directive on administrative cooperation in the field of taxation (DAC1)<sup>17</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

*There were no major Court rulings in 2019.*

### 2. Preliminary rulings

*The Court addressed the following preliminary ruling to the Estonian judiciary:*

- In the absence of criteria set at EU level to determine the end-of-waste status of a specific type of waste, such end status depends on the existence of criteria laid down in a generally applicable national legal act concerning that type of waste<sup>18</sup>.

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<sup>15</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

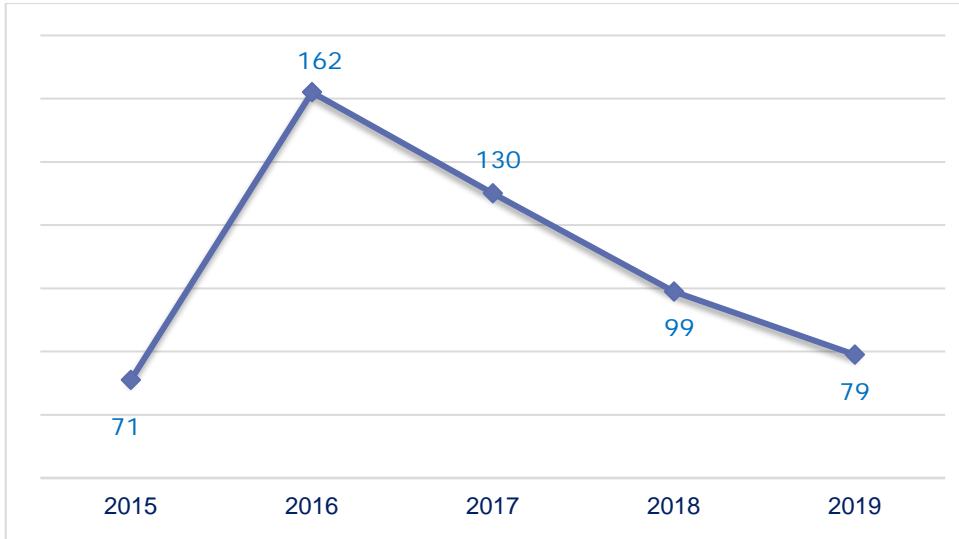
<sup>16</sup> Directive [2010/63/EU](#).

<sup>17</sup> Directive [2014/107/EU](#).

<sup>18</sup> *Tallinna Vesi*, [C-60/18](#).

## I. COMPLAINTS

### 1. New complaints made against Ireland by members of the public (2015-2019)



### 2. Public complaints against Ireland open at year-end

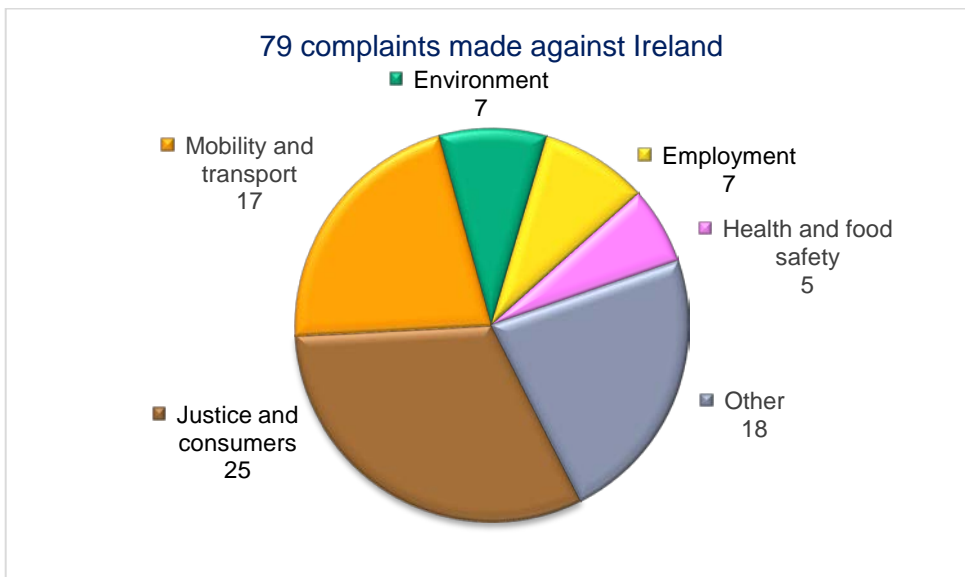
178 ▶ Complaints open at end-2018

79 ▶ New complaints registered in 2019

100 ▶ Complaints handled in 2019

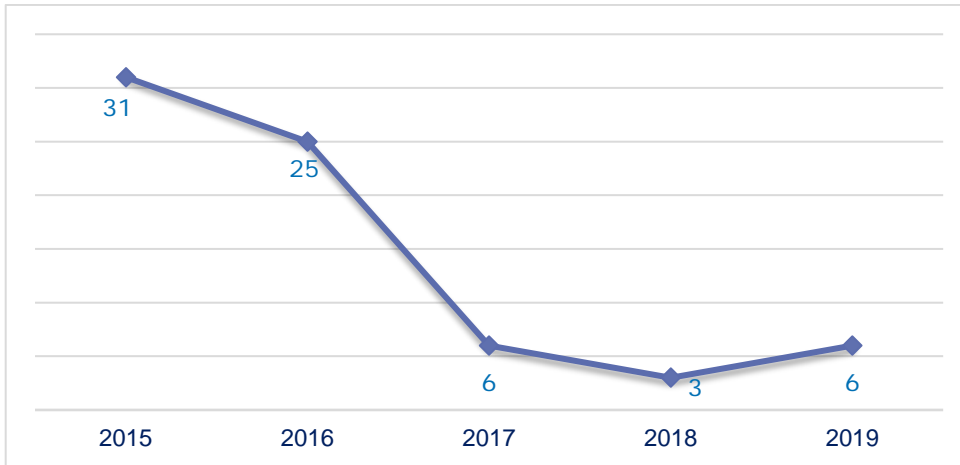
**= 157** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

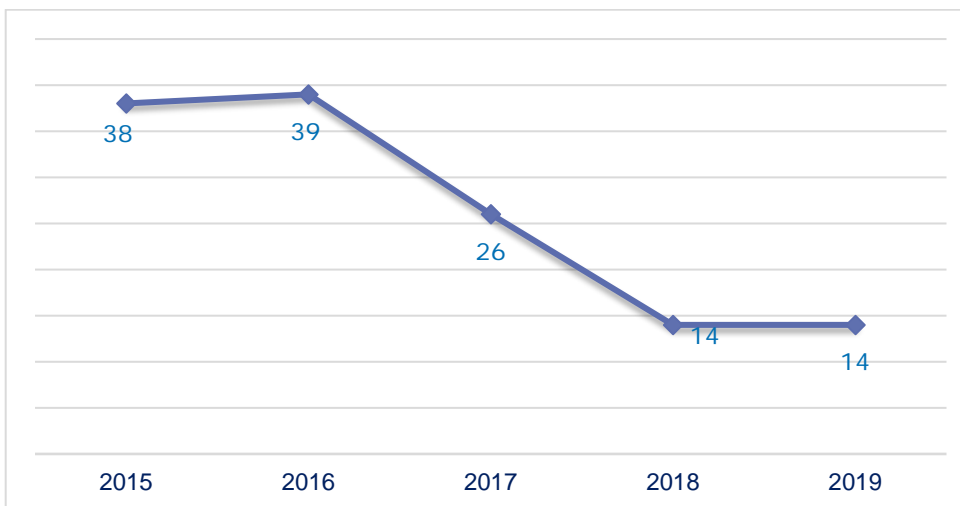


## II. EU PILOT

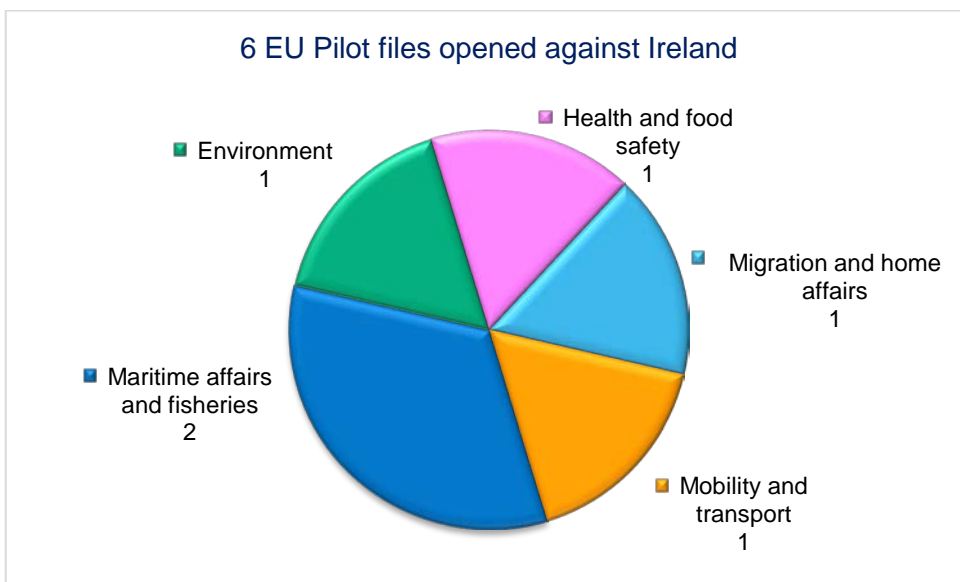
### 1. New EU Pilot files opened against Ireland (2015-2019)



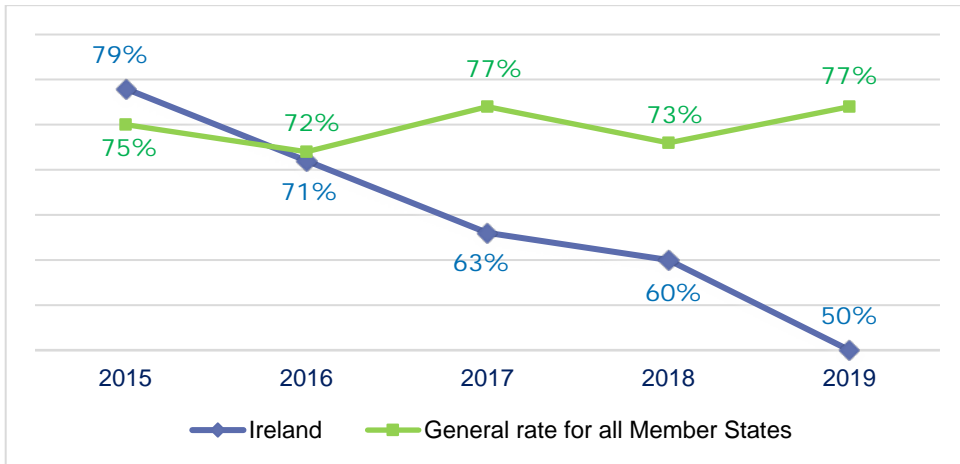
### 2. Files relating to Ireland open in EU Pilot at year-end



### 3. New EU Pilot files opened in 2019: policy areas

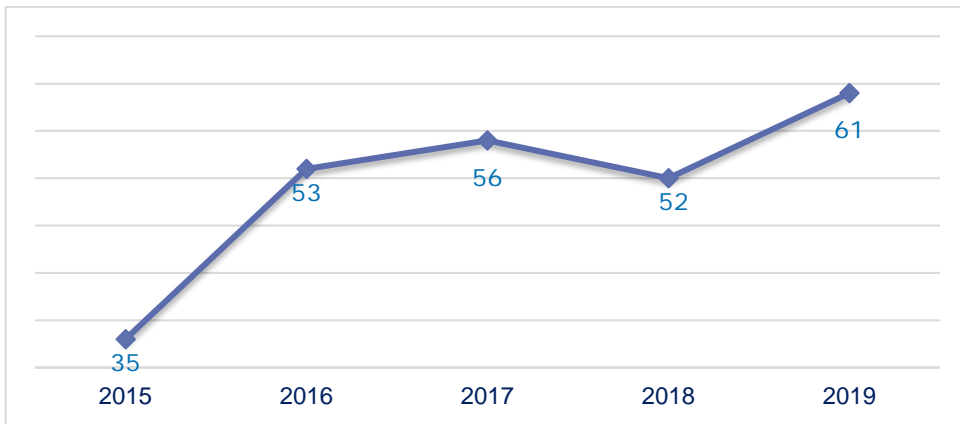


4. EU Pilot files: Ireland's resolution rate in 2015-2019

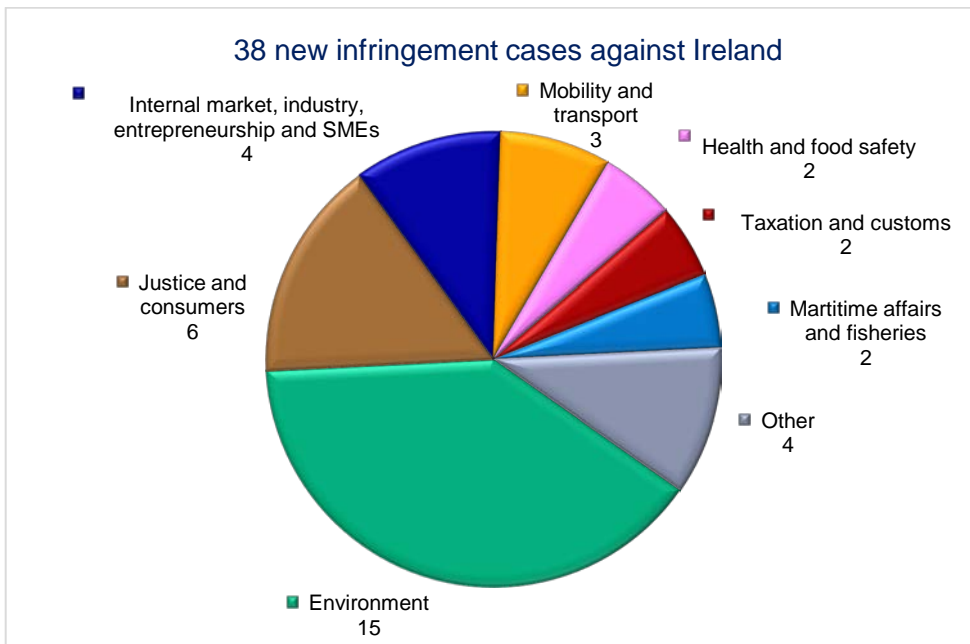


III. INFRINGEMENT CASES

1. Infringement cases against Ireland open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



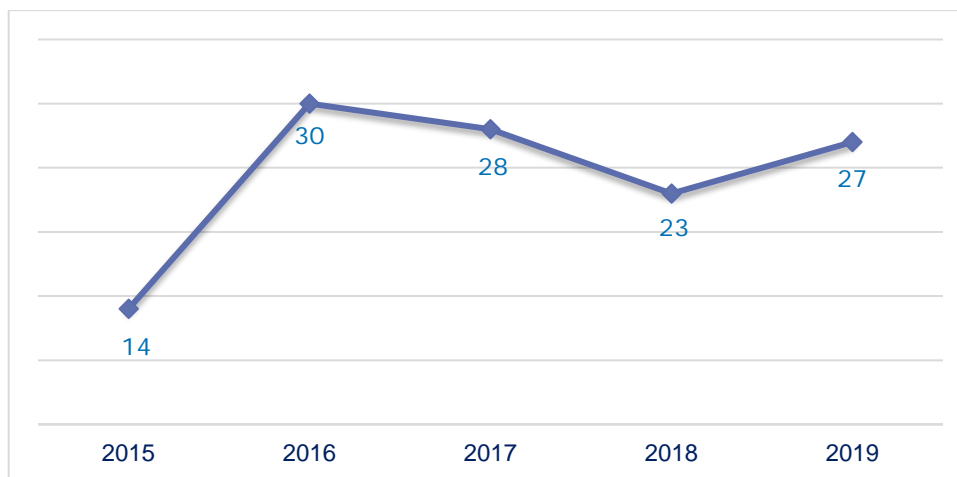


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 38 new infringement cases against Ireland in 2019. These, and other major ongoing infringement cases, include:
- failure to apply the Environmental Impact Assessment Directive to peat extraction operations<sup>19</sup>;
  - incorrect transposition of the Water Framework Directive<sup>20</sup>;
  - late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>21</sup>;
  - failure to fulfil the obligations under the EU rules establishing a single European railway area<sup>22</sup>;
  - failure to establish penalties in accordance with the Invasive Alien Species Regulation<sup>23</sup>;
  - non-communication of national measures transposing the:
    - Directives on human tissues and cells<sup>24</sup>
    - Basic Safety Standards Directive<sup>25</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>26</sup>
    - Bank Creditors Hierarchy Directive<sup>27</sup>.
- b. [The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- failure to correctly implement EU law establishing the fundamental principles governing the investigation of accidents in the maritime transport sector<sup>28</sup>.
- 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 Ireland open on 31 December (2015-2019)



<sup>19</sup> Directive [2011/92/EU](#), [INF/19/4251](#).

<sup>20</sup> Directive [2000/60/EC](#), [MEMO/19/462](#).

<sup>21</sup> Directive [2008/56/EC](#), [INF/19/5950](#).

<sup>22</sup> Directive [2012/34/EU](#), [INF/19/4251](#).

<sup>23</sup> Regulation (EU) No [1143/2014](#), [INF/19/6304](#).

<sup>24</sup> Directive (EU) [2015/565](#) and Directive (EU) [2015/566](#), [MEMO/19/462](#).

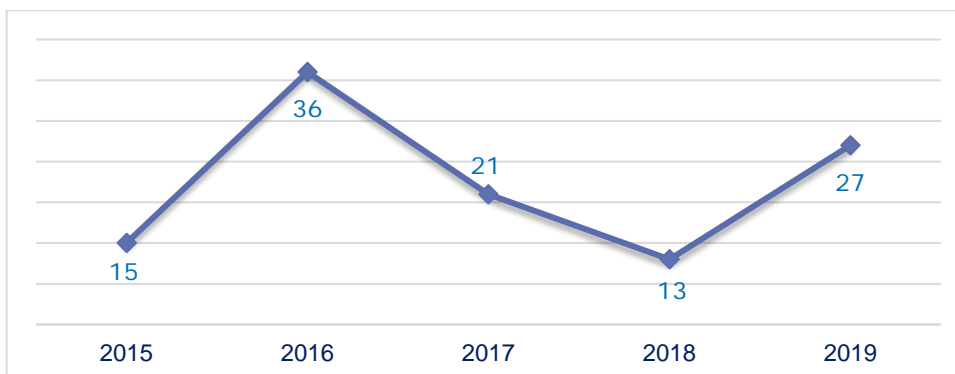
<sup>25</sup> Directive [2013/59/Euratom](#), [MEMO/19/1472](#).

<sup>26</sup> Directive [2016/2341/EU](#).

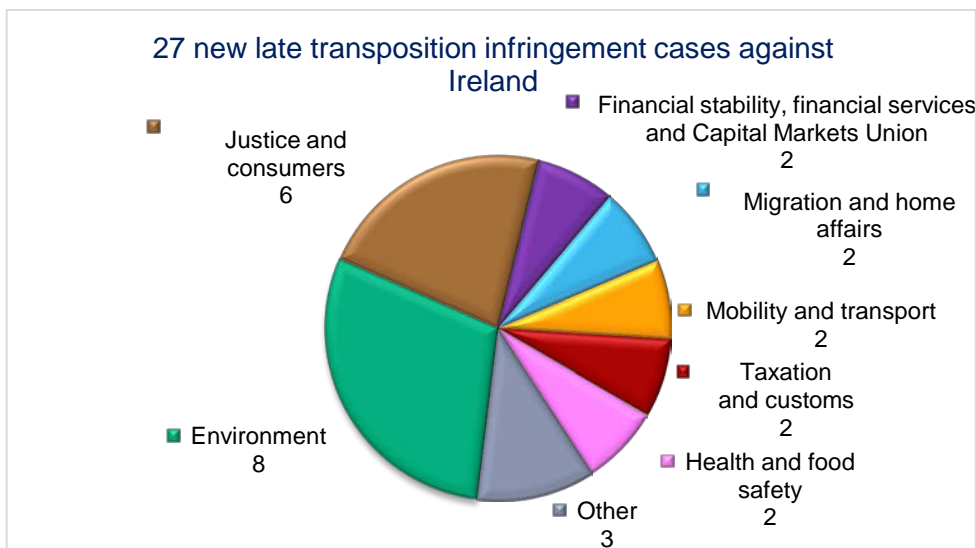
<sup>27</sup> Directive [2017/2399/EU](#).

<sup>28</sup> Directive [2009/18/EC](#), *Commission v Ireland*, [C-257/19](#), [IP/18/4492](#).

## 2. New late transposition infringement cases against Ireland (2015-2019)



## 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-compliance with the Energy Performance of Buildings Directive<sup>29</sup>;
- failure to correctly transpose certain requirements of the Radioactive Waste Directive<sup>30</sup>;
- non-communication of national measures transposing the:
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>31</sup>
  - Commission Implementing Directive on characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species<sup>32</sup>

<sup>29</sup> Directive [2010/31/EU](#).

<sup>30</sup> Directive [2011/70/Euratom](#).

<sup>31</sup> Directive (EU) [2018/100](#).

<sup>32</sup> Directive (EU) [2019/114](#).

- Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>33</sup>
- Directives on human tissues and cells<sup>34</sup>
- minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights<sup>35</sup>
- labour rights for seafarers<sup>36</sup>
- Indirect Land Use Change Directive<sup>37</sup>. ]

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

The Court ruled that:

- Ireland has failed to comply with an earlier Court judgment<sup>38</sup>, which required that a remedial environmental impact assessment be carried out for a large windfarm development in Derrybrien. The Court ordered Ireland to pay a lump sum of EUR 5 000 000 and a periodic penalty payment of EUR 15 000 for every day of delay until compliance is achieved<sup>39</sup>.
- Ireland has not complied with the requirements of the Urban Waste Water Treatment Directive in multiple agglomerations as it had failed to put in place compliant waste water collecting systems to tackle excessive spills from storm water overflows and failed to provide adequate treatment of urban waste waters<sup>40</sup>.

### 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Irish judiciary:

- A third-country national who is married to a Union citizen does not benefit from a right of residence in a Member State any longer if the Union citizen left that Member State. However, the procedural safeguards of the Free Movement Directive applies to the expulsion of that third-country national from the host Member State<sup>41</sup>.
- An EU citizen who acquired in another Member State the status of worker for the activity he pursued there for a period of 2 weeks before becoming involuntarily unemployed retains this status for a further period of no less than 6 months. The citizen must register as a jobseeker with the relevant employment office. Any entitlement under national law to social security benefits or social assistance may be conditional upon a specified period of employment if the same condition is applicable to nationals of the Member State concerned<sup>42</sup>.
- The public prosecutor's offices of a Member State, such as those of Germany, are not an 'issuing judicial authority', as they could be subject, directly or indirectly, to directions or instructions from the executive, such as a Minister for Justice, when issuing a European arrest warrant<sup>43</sup>.
- The Prosecutor General of a Member State, such as that of Lithuania, whose legal position affords him a guarantee of independence from the executive when issuing a European arrest warrant is an 'issuing judicial authority'. When the competent issuing judicial authority under national law is

<sup>33</sup> Directive (EU) [2019/523](#).

<sup>34</sup> Directive (EU) [2015/565](#) and Directive (EU) [2015/566](#).

<sup>35</sup> Directive [2014/50/EU](#).

<sup>36</sup> Directive (EU) [2015/1794](#).

<sup>37</sup> Directive (EU) [2015/1513](#).

<sup>38</sup> *Commission v Ireland*, [C-215/06](#).

<sup>39</sup> *Commission v Ireland*, [C-261/18](#) and Court press release No [142/2019](#).

<sup>40</sup> *Commission v Ireland*, [C-427/17](#), Directive [91/271/EEC](#)

<sup>41</sup> *Nalini Chenchooliah v Minister for Justice and Equality*, [C-94/18](#), Directive [2004/38/EC](#).

<sup>42</sup> *Neculai Tarola v Minister for Social Protection*, [C-483/17](#).

<sup>43</sup> *OG and PI*, [C-508/18](#) and [C-82/19](#).

not itself a court, the decision to issue such a European arrest warrant must be subject to court proceedings, which meet the requirements of effective judicial protection<sup>44</sup>.

- Ireland is not obliged itself to examine an application for international protection under EU rules because the Member State initially responsible for examining the application has notified its intention to withdraw from the European Union<sup>45</sup>.
- It is not necessary for a person to pursue an activity as an employed person in a Member State in order to be entitled to family benefits if his or her children are living in another Member State<sup>46</sup>. |

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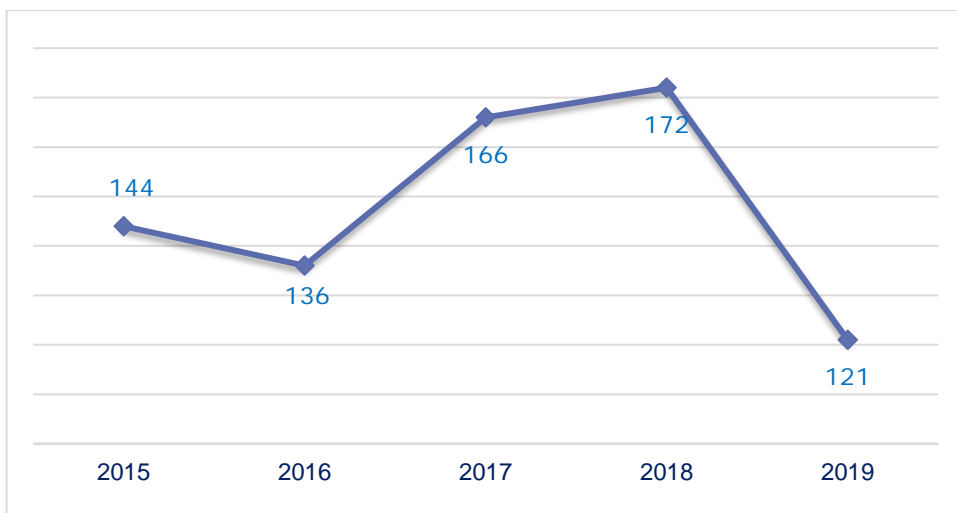
<sup>44</sup> *PF*, [C-509/19](#).

<sup>45</sup> *M.A. and Others*, Case [C-661/17](#).

<sup>46</sup> *Bogatu*, [C-322/17](#).

## I. COMPLAINTS

### 1. New complaints made against Greece by members of the public (2015-2019)



### 2. Public complaints against Greece open at year-end

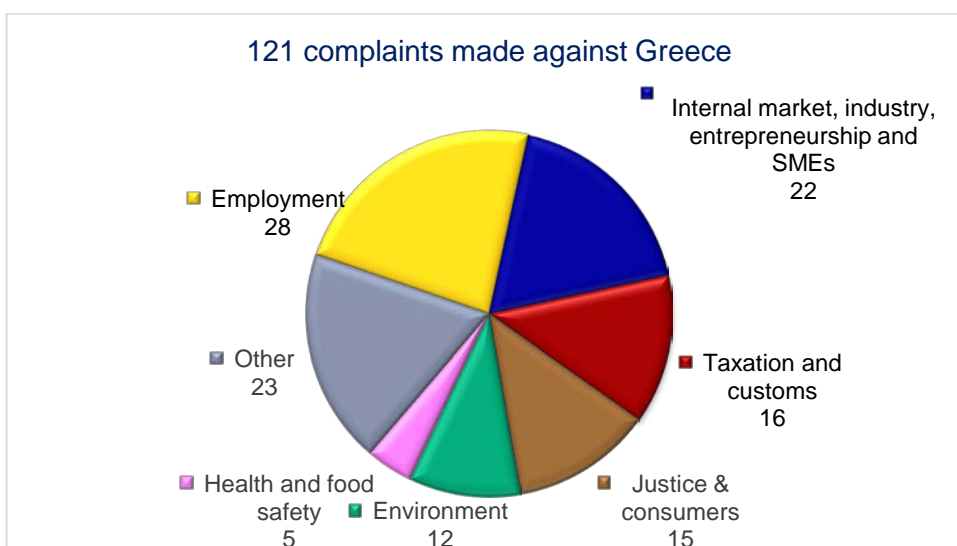
121 ▶ Complaints open at end-2018

121 ▶ New complaints registered in 2019

139 ▶ Complaints handled in 2019

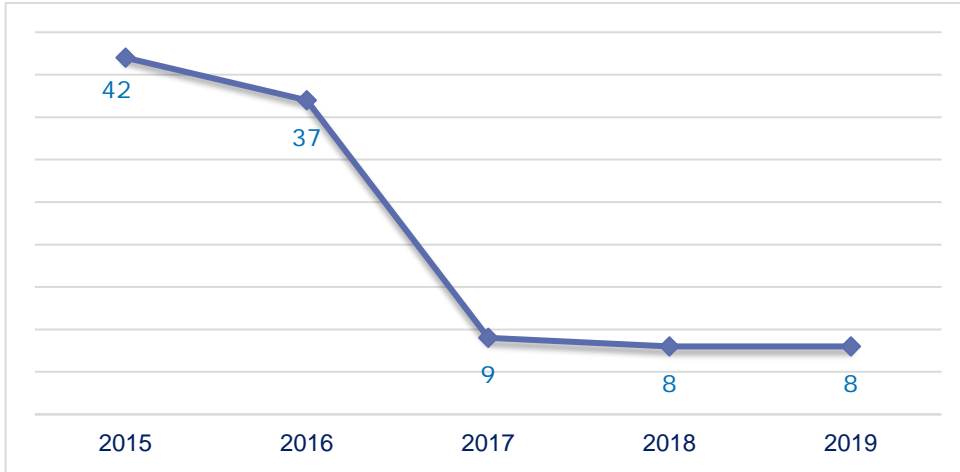
**= 103** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

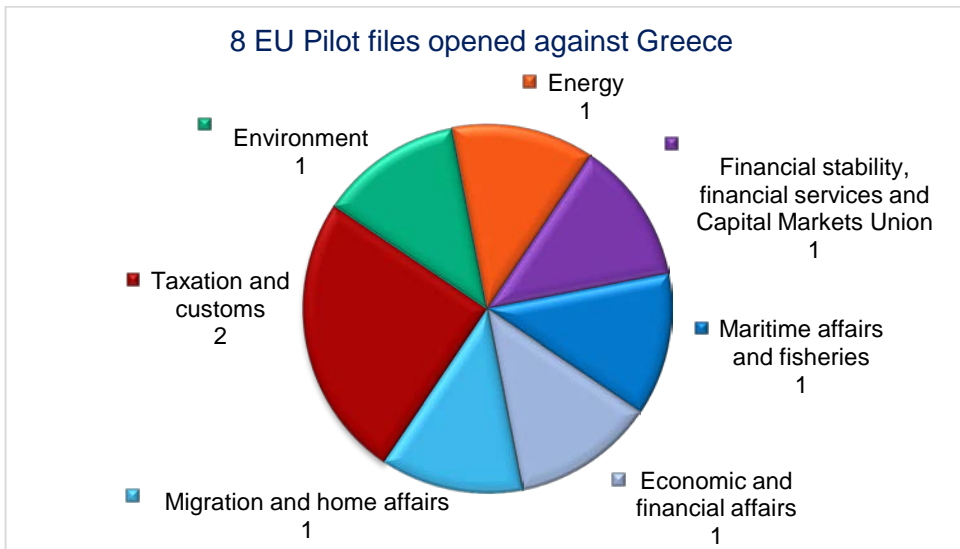


## II. EU PILOT

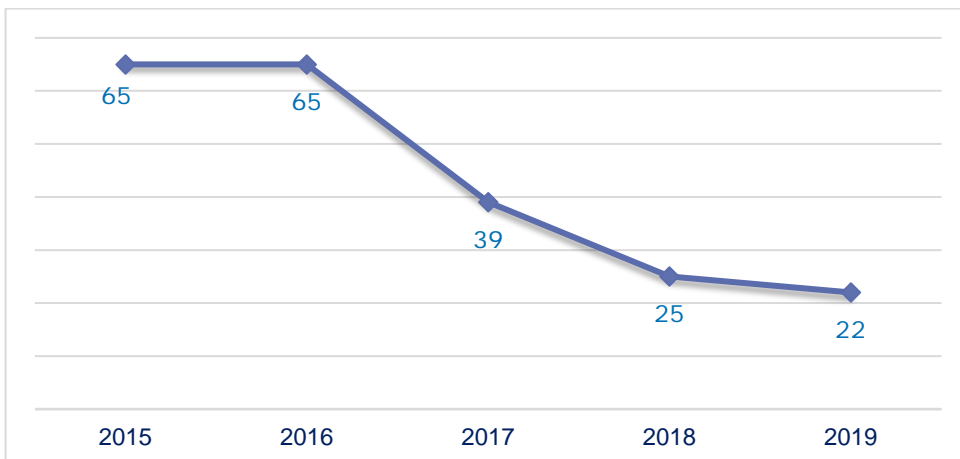
### 1. New EU Pilot files opened against Greece (2015-2019)



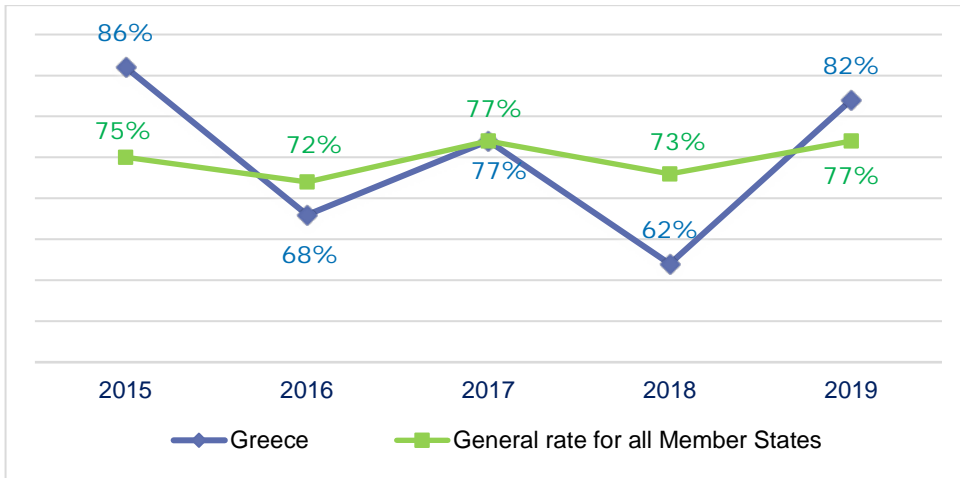
### 2. New EU Pilot files opened in 2019: policy areas



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

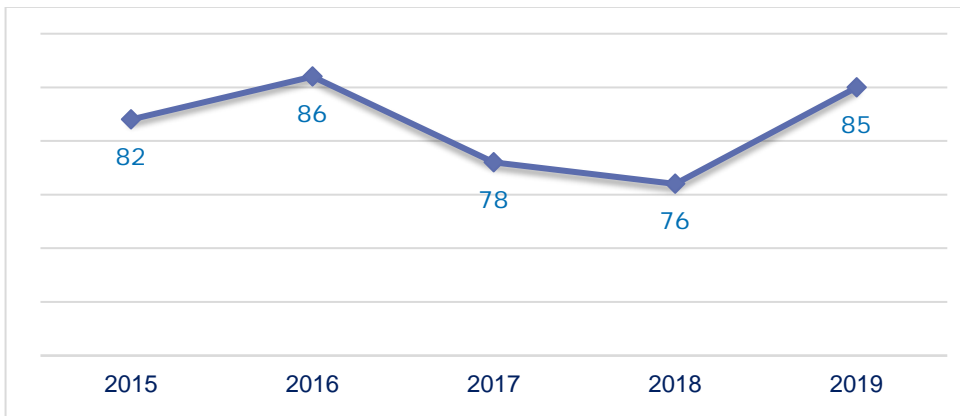


4. EU Pilot files: Greece's resolution rate in 2015-2019

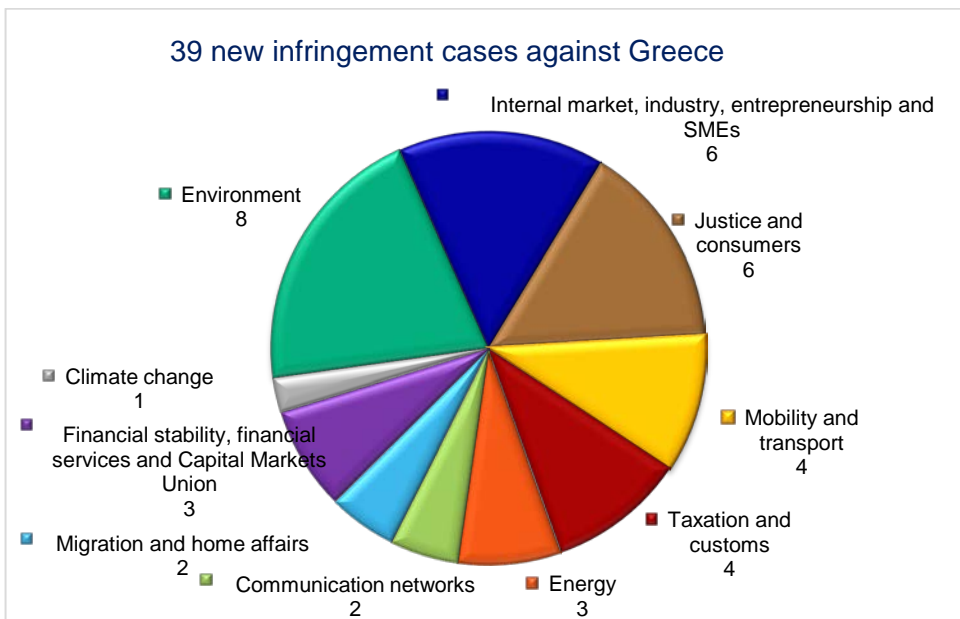


III. INFRINGEMENT CASES

1. Infringement cases against Greece open on 31 December (2015-2019)



2. New infringement cases opened in 2019: policy areas



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

- a. The Commission opened 39 new infringement cases against Greece in 2019. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
    - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>1</sup>
    - Directive on combating terrorism<sup>2</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>3</sup>
    - Basic Safety Standards Directive<sup>4</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>5</sup>;
  - failure to effectively implement the rules on the 112 emergency number, in particular by not ensuring equivalent access for disabled users<sup>6</sup>;
  - failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>7</sup>;
  - incorrect transposition of the Directive on criminal sanctions for market abuse<sup>8</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>9</sup>;
  - obstacles to the recognition of professional qualifications<sup>10</sup>;
  - incorrect implementation of the SEPA Regulation<sup>11</sup>;
  - non-conformity of certain provisions with the third Motor Insurance Directive<sup>12</sup>;
  - lack of measures to address waste problems in Corfu Island<sup>13</sup>;
  - incorrect transposition of the Industrial Emissions Directive and failure to protect citizens from noxious air pollution from several power plants, as required by the said Directive<sup>14</sup>;
  - failure to comply with the nitrogen dioxide (NO<sub>2</sub>) limit values set by the Air Quality Directive, to put in place adequate sampling points to properly monitor NO<sub>2</sub> concentrations and to make available a complete air quality report<sup>15</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>16</sup>;
  - failure to comply with the minimum requirements of control on driving and resting times, and on the use of tachographs<sup>17</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>18</sup>;
  - failure to establish penalties in accordance with the Invasive Alien Species Regulation<sup>19</sup>.

<sup>1</sup> Directive [2016/801/EU](#), [MEMO/19/462](#).

<sup>2</sup> Directive [\(EU\) 2017/541](#), [INF/19/4251](#).

<sup>3</sup> Directive [2016/2341/EU](#), [INF/19/5950](#).

<sup>4</sup> Directive [2013/59/Euratom](#), [INF/19/6304](#).

<sup>5</sup> Directive (EU) [2018/1581](#).

<sup>6</sup> Directive (EU) [2002/22](#), [INF/19/4251](#).

<sup>7</sup> Directive (EU) [2016/1148](#), [INF/19/4251](#).

<sup>8</sup> Directive [2014/57/EU](#), [INF/19/4251](#).

<sup>9</sup> Directive [2011/93/EU](#), [INF/19/5950](#).

<sup>10</sup> Directive [2005/36/EC](#), as amended by Directive [2013/55/EU](#) and [TFEU](#), [INF/19/4251](#).

<sup>11</sup> Regulation (EU) [260/2012](#), [MEMO/19/1472](#).

<sup>12</sup> Directive [2009/103/EC](#).

<sup>13</sup> [MEMO/19/1472](#).

<sup>14</sup> Directive [2010/75/EU](#), [INF/19/4251](#).

<sup>15</sup> Directive [2008/50/EC](#), [MEMO/19/462](#).

<sup>16</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/5950](#).

<sup>17</sup> Directive [2006/22/EC](#), Regulation (EC) No [561/2006](#), Regulation (EU) [165/2014](#), [MEMO/19/1472](#).

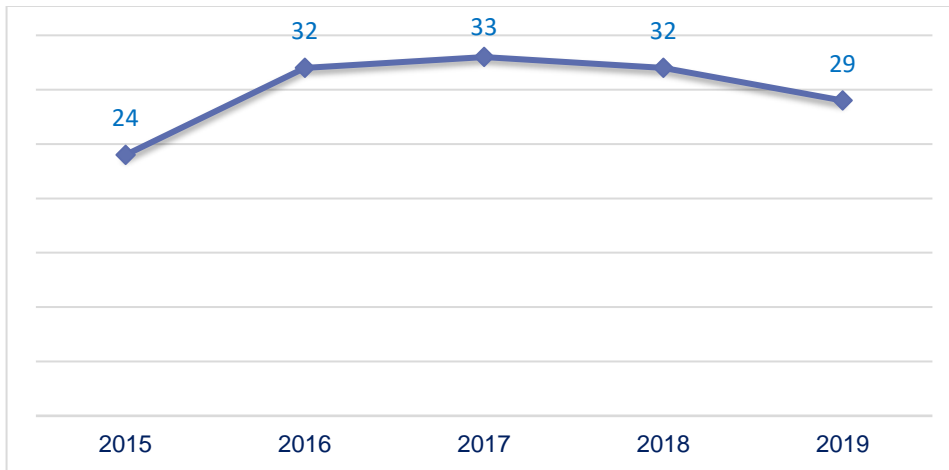
<sup>18</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).



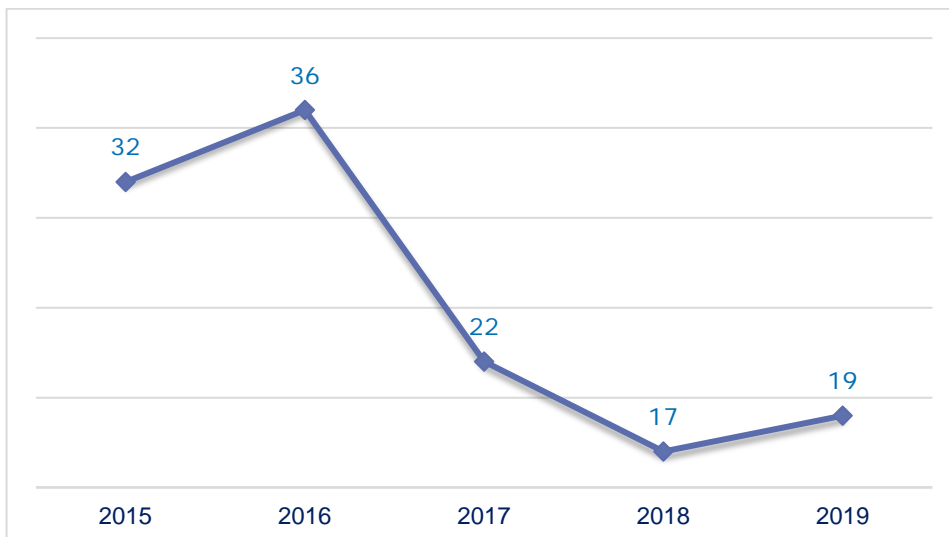
- b. [The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- failure to establish the necessary conservation measures and objectives for all sites designated as Special Areas of Conservation under the Habitats Directive<sup>20</sup>.
- c. [The Commission referred one case to the Court under Article 260(2) TFEU. It concerns:
- failure to comply with a Court judgment establishing that Greece had failed to protect its waters against pollution caused by nitrates from agricultural sources<sup>21</sup>.]

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Greece open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Greece (2015-2019)

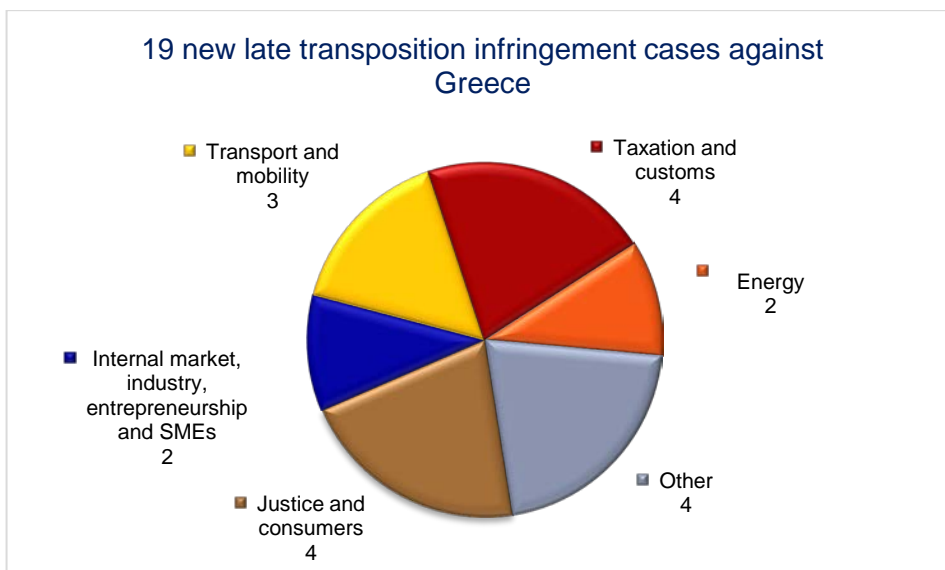


<sup>19</sup> Regulation (EU) No [1143/2014](#), [INF/19/6304](#).

<sup>20</sup> Directive [92/43/EEC](#), Commission v Greece, [C-849/19](#), [IP/19/4257](#).

<sup>21</sup> Commission v Greece, [C-298/19](#), [MEMO/19/1472](#).

### 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-communication of national measures transposing the:
  - Long Term Residents Directive<sup>22</sup>
  - Reception Conditions Directive<sup>23</sup>
  - Asylum Procedures Directive<sup>24</sup>
  - labour rights for seafarers<sup>25</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>26</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>27</sup>
  - Directive as regards access to anti-money laundering information (DAC5)<sup>28</sup>
  - Directive on antitrust damages actions<sup>29</sup>
  - Indirect Land Use Change Directive<sup>30</sup>;
- disproportionate charges for issuance of residence permits;
- failure to establish a general system for the protection of wild birds, prohibiting, in particular, their deliberate killing through poison baits;
- non-compliance with the Energy Performance of Buildings Directive<sup>31</sup>;
- incorrect implementation of EU rules on civil aviation security<sup>32</sup>.

<sup>22</sup> Directive [2011/51/EU](#).

<sup>23</sup> Directive [2013/33/EU](#), [INF/19/4251](#).

<sup>24</sup> Directive [2013/32/EU](#).

<sup>25</sup> Directive (EU) [2015/1794](#).

<sup>26</sup> Directive [2014/65/EU](#).

<sup>27</sup> Directive (EU) [2016/1164](#).

<sup>28</sup> Directive [2016/2258/EU](#).

<sup>29</sup> Directive [2014/104/EU](#).

<sup>30</sup> Directive (EU) [2015/1513](#).

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

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

The Court ruled that:

- Greece introduced illegal additional requirements to the training of mediators, in breach of EU rules<sup>33</sup>.
- Greece's application of a reduced excise duty rate on the spirit drinks, Tsipouro and Tsikoudia, produced by systematic distilleries, and the application of a super-reduced rate to those spirits produced by small occasional distillers are both incompatible with EU law<sup>34</sup>.

### 2. Preliminary rulings

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

- The Directive on the transfer of undertakings may, under certain conditions, apply in a situation where the transferor, the transferee or both envisage not only the pursuit of the activity transferred, but also the future liquidation of the transferee itself<sup>35</sup>.
- When the public is not put in a position to actually participate in the environmental impact assessment for a project, a time limit cannot be imposed on the public to bring proceedings against the decision granting consent for the project<sup>36</sup>.
- Greek legislation prohibiting a monk who has the status of lawyer in another Member State from registering at the bar, on account of the incompatibility between the status of monk and the profession of lawyer, is contrary to EU law<sup>37</sup>.

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<sup>32</sup> Regulation (EC) No [300/2008](#).

<sup>33</sup> Commission v Greece, [C-729/17](#).

<sup>34</sup> Commission v Greece, [C-91/18](#).

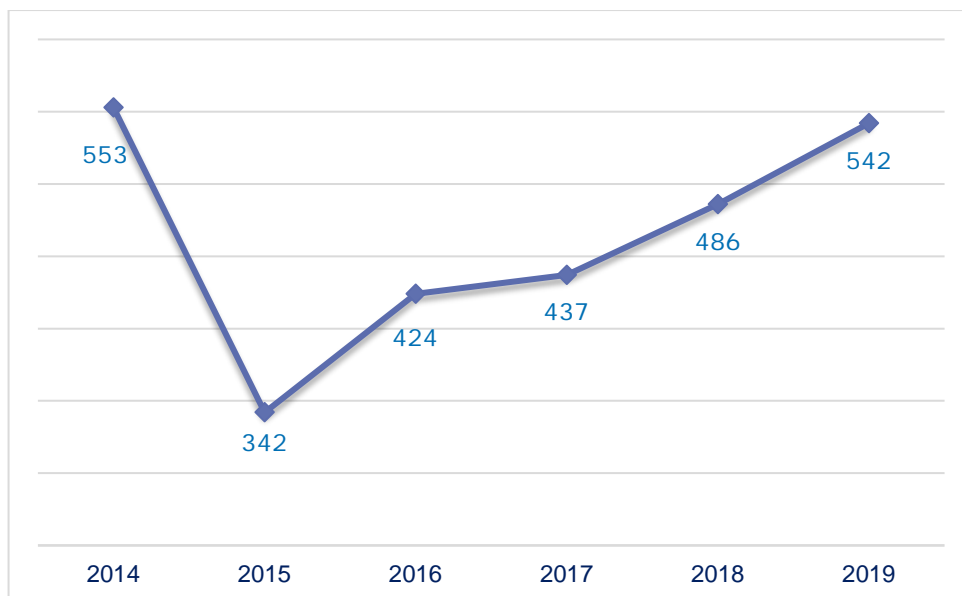
<sup>35</sup> Ellinika Nafpigeia, [C-664/17](#).

<sup>36</sup> Flausch and Others, [C-280/18](#) and Court press release No 137/2019.

<sup>37</sup> Monachos Eirinaios, [C-431/17](#) and Court press release No 56/2019.

## I. COMPLAINTS

### 1. New complaints made against Spain by members of the public (2015-2019)



### 2. Public complaints against Spain open at year-end

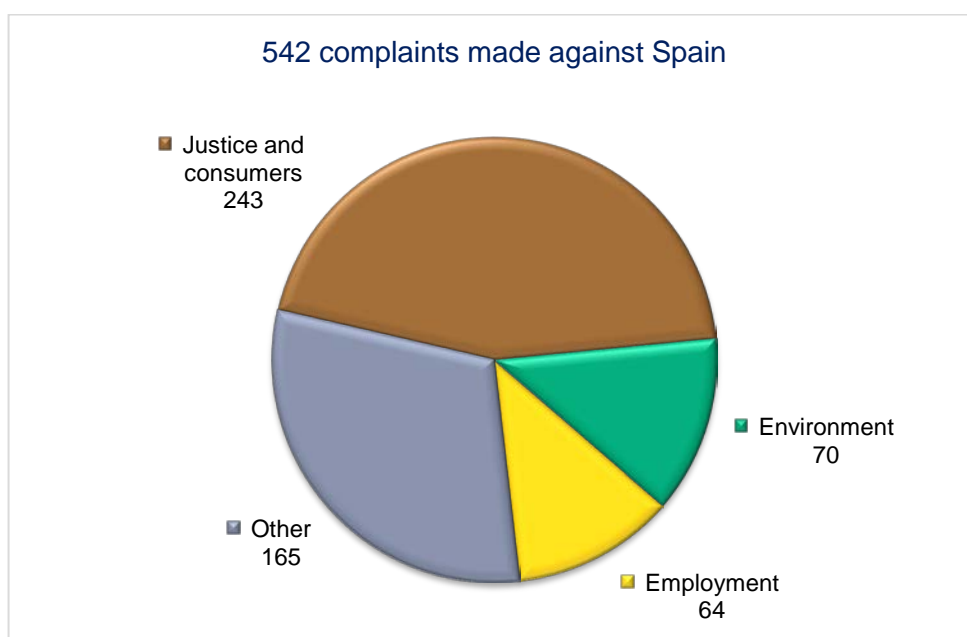
395 ▶ Complaints open at end-2018

542 ▶ New complaints registered in 2019

537 ▶ Complaints handled in 2019

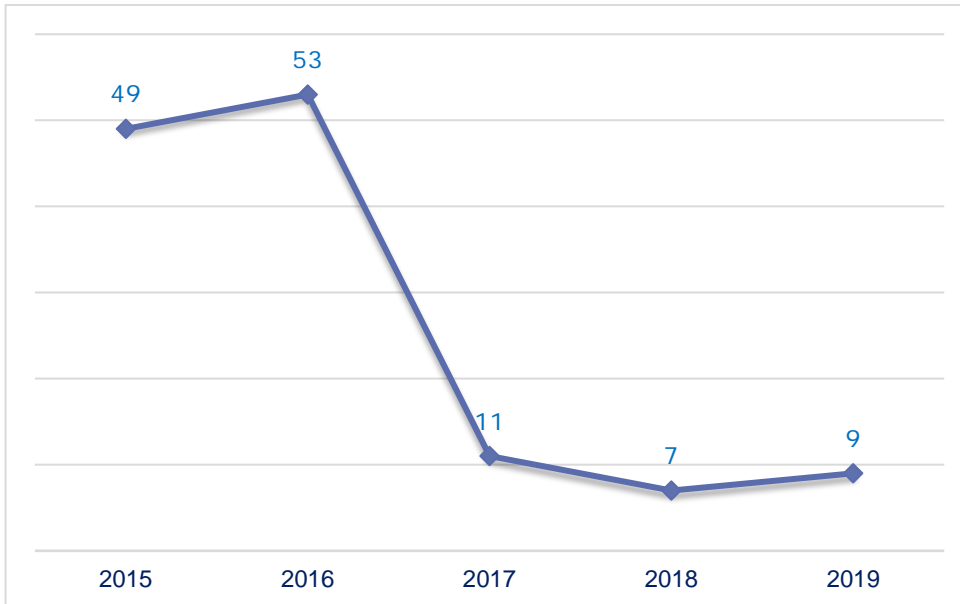
**= 400** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

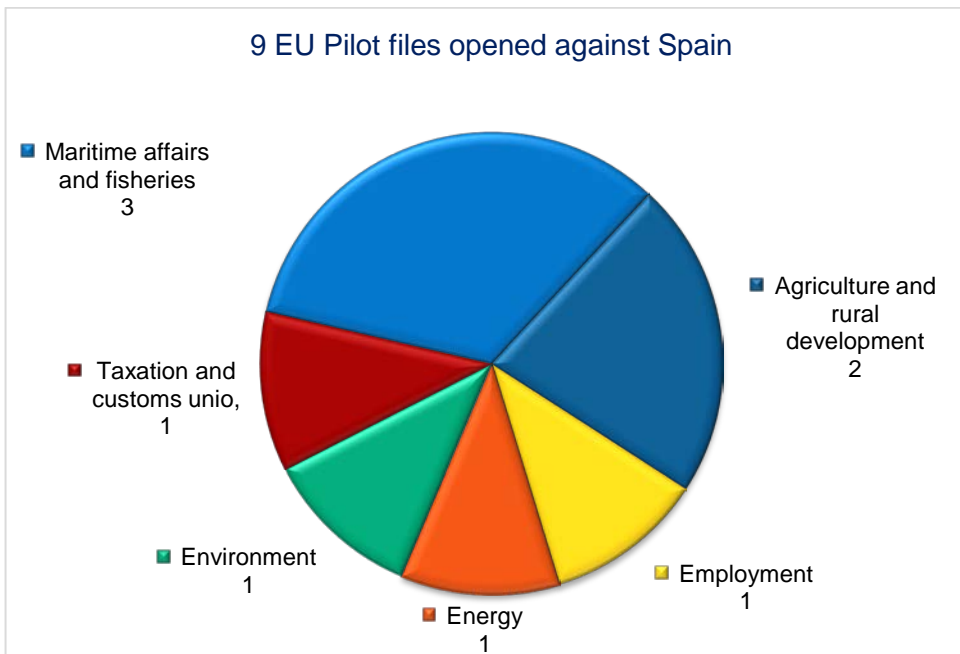


## II. EU PILOT

### 1. New EU Pilot files opened against Spain (2015-2019)

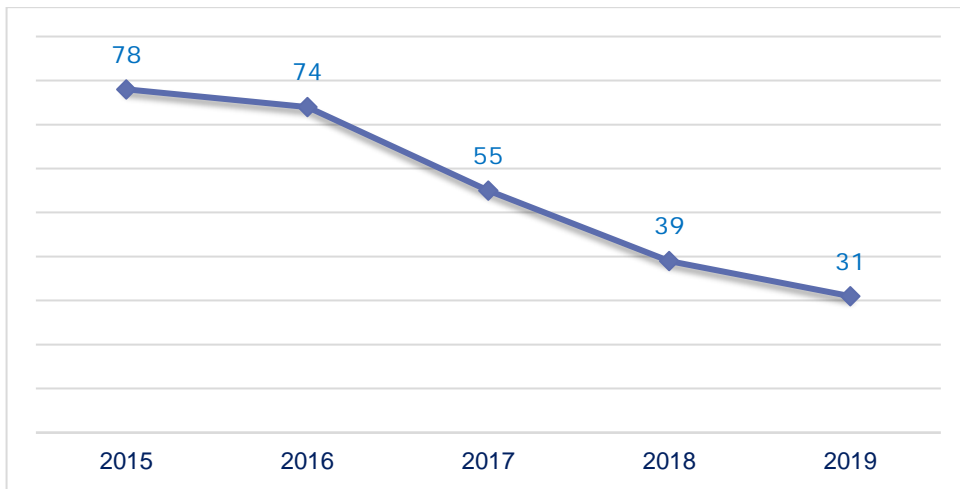


### 2. New EU Pilot files opened in 2019: main policy areas

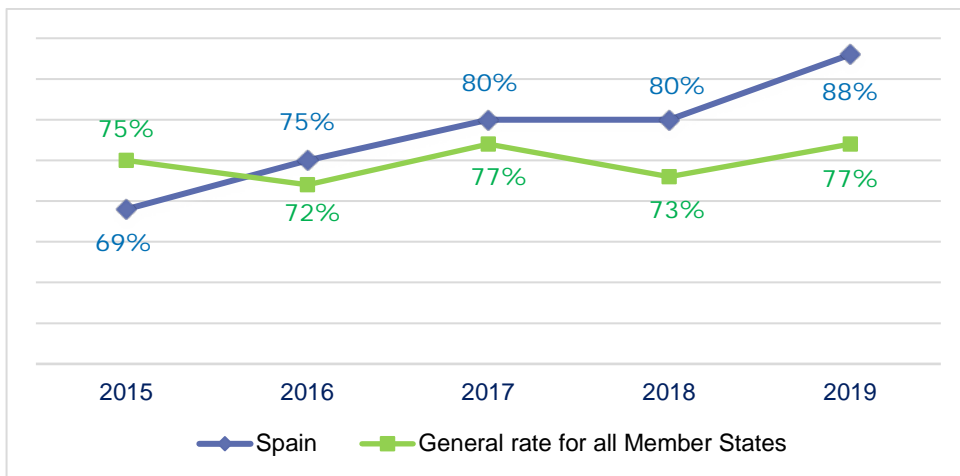


Spain

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

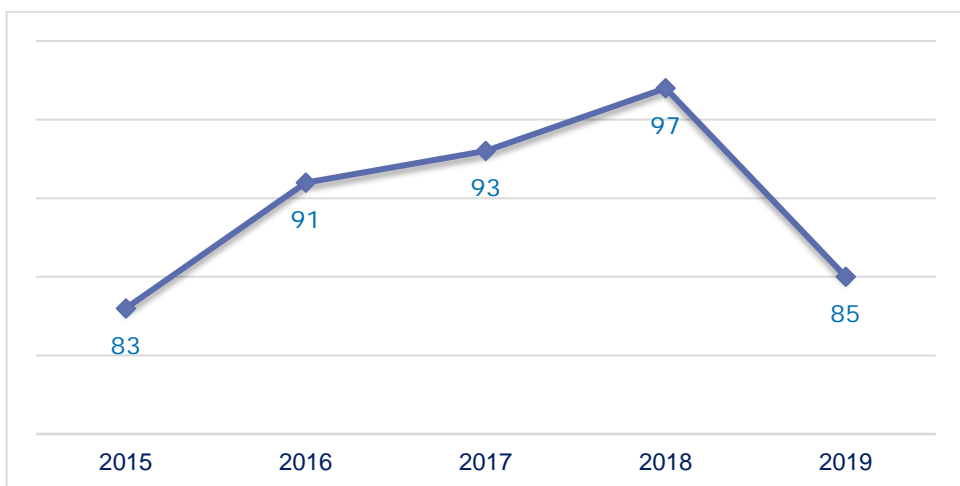


4. EU Pilot files: Spain's resolution rate in 2015-2019

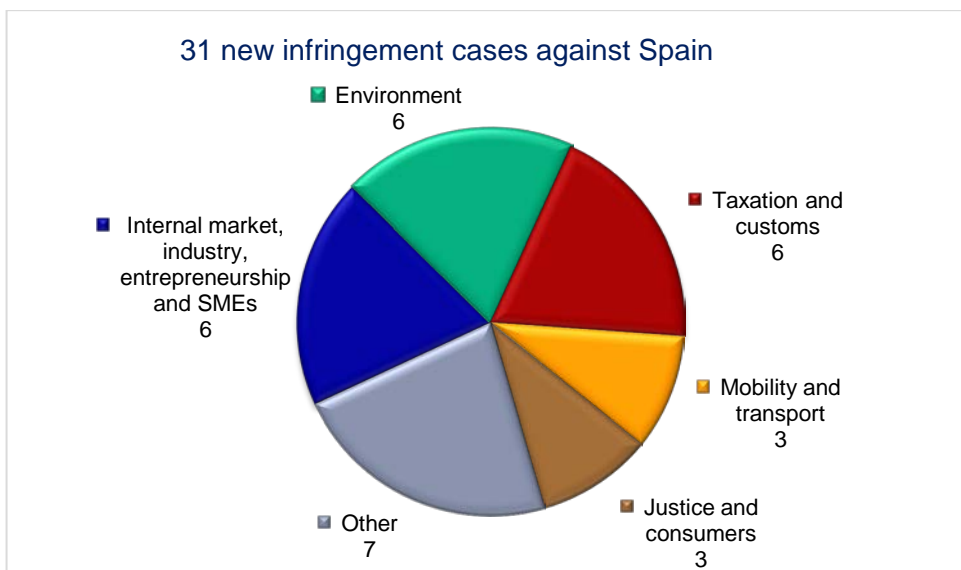


III. INFRINGEMENT CASES

1. Infringement cases against Spain open on 31 December (2015-2019)



## 2. New infringement cases opened in 2019: main policy areas



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

a. [The Commission opened 31 new infringement cases against Spain in 2019.

These, and other major ongoing infringement cases, include:

- incorrect transposition of the:
  - Directive on criminal sanctions for market abuse<sup>1</sup>
  - Directive on combating the sexual abuse and sexual exploitation of children<sup>2</sup>
  - Energy Efficiency Directive<sup>3</sup>
  - EU legislation on railway safety<sup>4</sup>
  - Directive on minimum safety requirements for tunnels in the trans-European road network<sup>5</sup>
  - Universal Service Directive, in particular by not ensuring equivalent access for disabled users to the 112 emergency number<sup>6</sup>;
- incompatibility of national rules on paid annual leave with EU labour legislation<sup>7</sup>;
- delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>8</sup>;
- failure to ensure that urban waste water is adequately collected and treated<sup>9</sup>;
- incorrect application of the Merger Directive<sup>10</sup>;
- failure to take the necessary measures to enhance protection of the species of the turtle dove as required by the Birds Directive<sup>11</sup>;

<sup>1</sup> Directive [2014/57/EU](#); [INF/19/4251](#).

<sup>2</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>3</sup> Directive [2012/27/EU](#); [INF/19/4251](#).

<sup>4</sup> Directive [2004/49/EC](#); [MEMO/19/462](#).

<sup>5</sup> Directive [2004/54/EC](#); [INF/19/5950](#).

<sup>6</sup> Directive (EU) [2002/22](#); [INF/19/4251](#).

<sup>7</sup> Directive [2003/88/EC](#); [INF/19/4251](#).

<sup>8</sup> Regulation (EU) [2018/302](#); [INF/19/4251](#).

<sup>9</sup> Directive [91/271/EEC](#); [INF/19/6304](#).

<sup>10</sup> Directive [90/434/EEC](#); [IP/19/462](#).

<sup>11</sup> Directive [2009/147/EC](#); [INF/19/4251](#).

Spain

- failure to adopt a national programme for the implementation of a spent fuel and radioactive waste management policy that is compliant with the requirements of the Radioactive Waste Directive<sup>12</sup>;
  - discrimination on the taxation of rental income of non-resident individuals in breach of Article 63 TFEU<sup>13</sup>;
  - obligation to appoint a fiscal representative in Spain in violation of Articles 45, 49 and 56 of TFEU<sup>14</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>15</sup>;
  - failure to fulfil the obligations under the EU rules establishing a single European railway area<sup>16</sup>;
  - non-communication of national measures transposing the:
    - Directive on the use of passenger name records<sup>17</sup>
    - Asylum Procedures Directive<sup>18</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>19</sup>
    - Bank Creditors Hierarchy Directive<sup>20</sup>
    - the Basic Safety Standards Directive<sup>21</sup>.
- b. The Commission referred four case(s) to the Court under Article 258 TFEU.  
*They involve the following infringements:*
- failure to take adequate measures to protect the groundwater bodies that feed the Doñana wetlands and to prevent the deterioration of protected habitats in these wetlands, in violation of the Water Framework Directive and the Habitats Directive<sup>22</sup>;
  - absence of flood risk management plans, required under the Floods Directive, for all seven river basin districts in the Canary Islands<sup>23</sup>;
  - failure to comply with the requirements on individual metering in multi-apartment and multi-purpose buildings laid down in the Energy Efficiency Directive<sup>24</sup>;
  - failure to fulfil obligations under Articles 21, 45, 56 and 63 TFEU, and Articles 28, 31, 36 and 40 of the EEA Agreement as regards certain features of the obligation to provide information on assets located abroad (Modelo 720)<sup>25</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU.

<sup>12</sup> Directive [2011/70/Euratom](#), [INF/19/6304](#).

<sup>13</sup> [IP/19/1472](#).

<sup>14</sup> [IP/19/4251](#).

<sup>15</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

<sup>16</sup> Directive [2012/34/EU](#), [INF/19/5950](#).

<sup>17</sup> Directive (EU) [2016/681](#); [MEMO/19/462](#).

<sup>18</sup> Directive [2013/32/EU](#); [INF/19/4251](#).

<sup>19</sup> Directive [2016/2341/EU](#).

<sup>20</sup> Directive [2017/2399/EU](#).

<sup>21</sup> Council Directive [2013/59/Euratom](#).

<sup>22</sup> Directives [2000/60/EC](#) and [92/43/EEC](#), *Commission v Spain*, [C-559/19](#), [IP/19/466](#).

<sup>23</sup> Directive [2007/60/EC](#), *Commission v Spain*, [C-384/19](#), [IP/19/465](#).

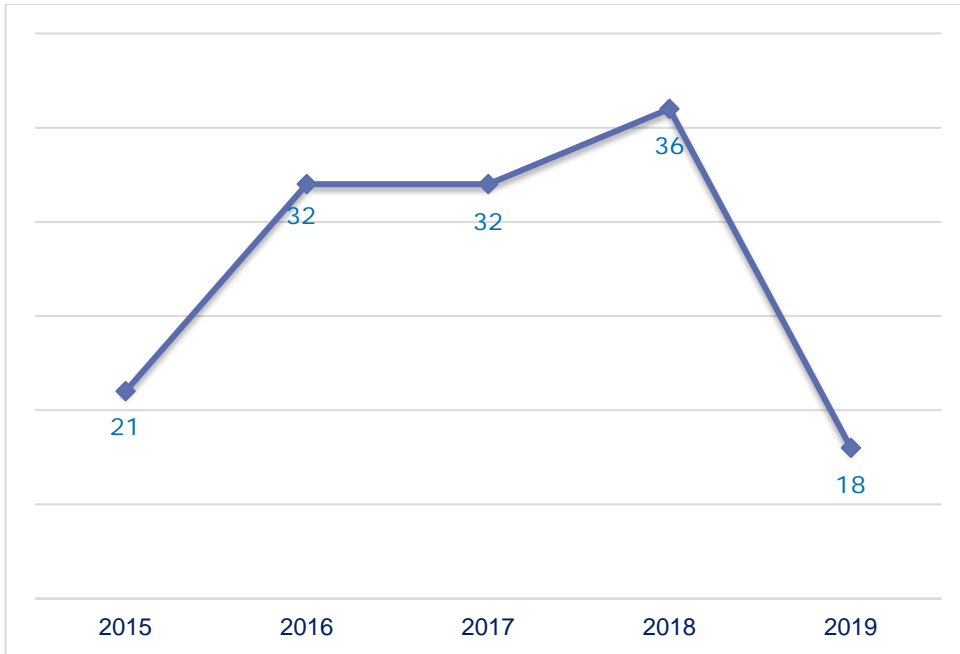
<sup>24</sup> Directive [2012/27/EU](#), *Commission v Spain*, [C-347/19](#); [IP/19/1473](#).

<sup>25</sup> Case [C-788/19](#) *Commission v Spain*, [IP/19/2774](#).

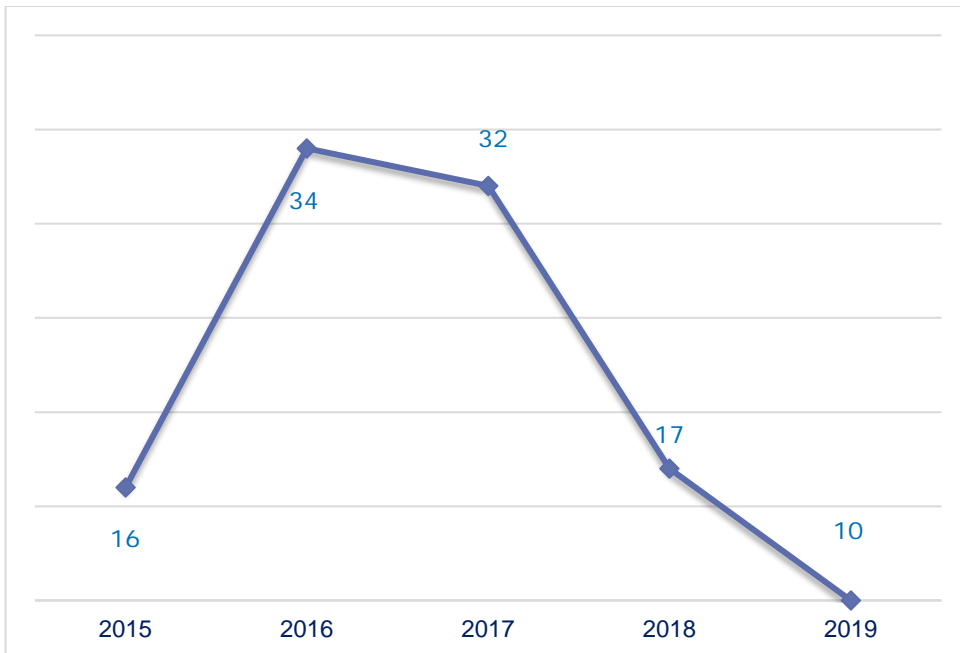


#### IV. TRANSPOSITION OF DIRECTIVES

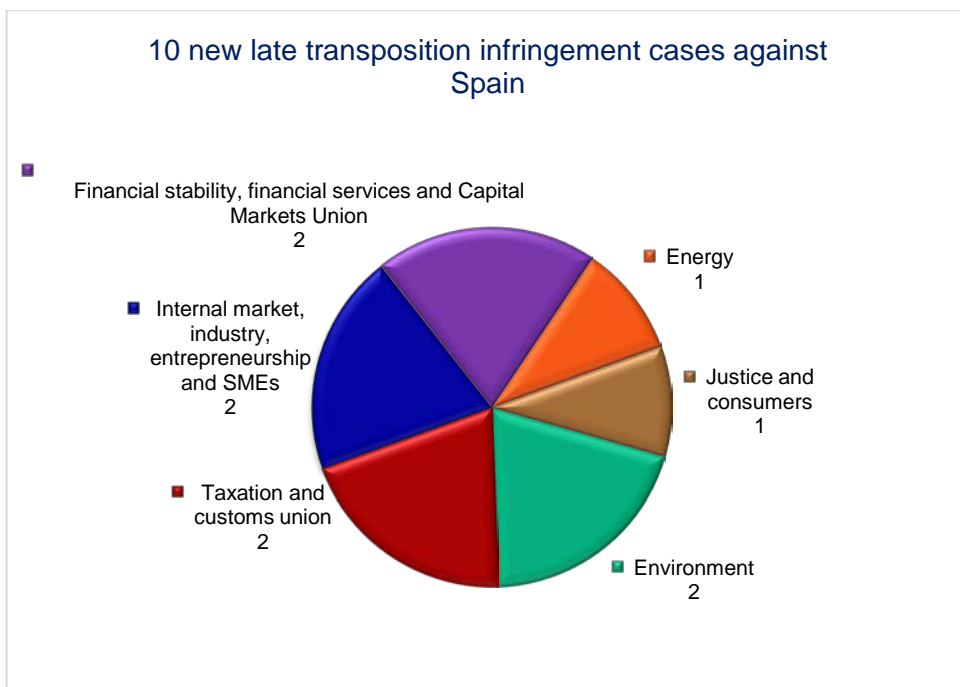
##### 1. Late transposition infringement cases against Spain open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Spain (2015-2019)



### 3. New late transposition infringement cases opened in 2019: main policy areas



## V. REFERRALS TO THE COURT

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU.

- concerned a failure to transpose the Data Protection Law Enforcement Directive<sup>26</sup>;

## VI. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2019

These concerned:

- incorrect transposition of the Third Energy Package Directives<sup>27</sup>;
- incompatibility of the Spanish procedural law with the Directive on unfair contract terms and breach of Article 47 of the EU Charter of Fundamental Rights<sup>28</sup>;
- obstacles to the free movement of food supplements<sup>29</sup>;
- trapping of five species of wild finches beyond the strict conditions set by the Directive on the conservation of wild birds<sup>30</sup>;
- incorrect transposition of the Directive on the protection of animals used for scientific purposes<sup>31</sup>;
- failure to communicate national measures transposing the:
  - Directive on tobacco products<sup>32</sup>
  - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>33</sup>

<sup>26</sup> *Commission v Spain*, [C-658/19](#), [IP/19/4261](#). The Commission has decided to refer Spain and ask both for the payment of a daily penalty (EUR 89 548.20 per day) and a lump-sum: EUR 21 321.00 per day, with a minimum of EUR 5 290 000.

<sup>27</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

<sup>28</sup> Directive [93/13/EEC](#).

<sup>29</sup> Article 34 [TFEU](#).

<sup>30</sup> Directive [2009/147/EC](#).

<sup>31</sup> Directive [2010/63/EU](#).

<sup>32</sup> Directive [2014/40/EU](#).

<sup>33</sup> Directive [2016/801/EU](#).

- Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>34</sup>
- Reception Conditions Directive<sup>35</sup>
- Markets in Financial Instruments Directive (MiFID II)<sup>36</sup>
- Mortgage Credit Directive<sup>37</sup>
- Offshore Safety Directive<sup>38</sup>
- Nuclear Safety Directive<sup>39</sup>.

## VII. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>40</sup>

The Court ruled the following:

- *Spain* has not adopted on time, as required by the Water Framework Directive, the second round of river basin management plans for Lanzarote, Fuerteventura, Gran Canaria, Tenerife, La Gomera, La Palma and El Hierro<sup>41</sup>.
- The Court dismissed the Commission's action against *Spain* concerning the adoption and/or revision of waste management plans. The Court found that the Commission had prematurely opened the pre-litigation stage of the infringement procedure and, consequently, dismissed the action as inadmissible<sup>42</sup>.

### 2. Preliminary rulings

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

- The requirements stemming from the principles of effectiveness and ex officio review of unfair contract terms apply also to proceedings for a European payment order. Therefore, the courts seized with a request to issue a European order for payment must request from the creditor additional information on contract terms, in order to assess the possible unfairness of such terms<sup>43</sup>.
- Figurative signs may trigger directly in the consumer's mind the image of products whose designation of origin is protected, on account of their 'conceptual proximity' to such a designation. Consequently, a protected designation of origin, such as 'queso manchego', may be evoked through the use of figurative signs, including where such figurative signs are used by a producer established in the geographical area associated with the designation of origin, but whose products, similar or comparable to those protected by the designation of origin, are not covered by it<sup>44</sup>.
- On the basis of the Working Time Directive and in light of the Charter of Fundamental Rights of the EU, the Member States must require employers to set up an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured<sup>45</sup>.

<sup>34</sup> Directive [2011/95/EU](#); [INF/19/4251](#).

<sup>35</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>36</sup> Directive [2014/65/EU](#).

<sup>37</sup> Directive [2014/17/EU](#).

<sup>38</sup> Directive [2013/30/EU](#).

<sup>39</sup> Directive [2014/87/Euratom](#).

<sup>40</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>41</sup> *Commission v Spain*, [C-556/18](#).

<sup>42</sup> *Commission v Spain*, [C-642/18](#).

<sup>43</sup> *Bondora*, [C-453/18](#) and [C-494/18](#).

<sup>44</sup> *Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego*, [C-614/17](#) and Court press release [No 55/19](#).

<sup>45</sup> *CCOO*, [C-55/18](#).

- A financial contribution imposed on certain electricity generating undertakings to finance savings and energy efficiency plans managed by a public authority does not constitute a public service obligation under the Electricity Directive<sup>46</sup>]
- National legislation may set taxes on the production and storage of nuclear fuel and waste which apply only to electricity-generating undertakings using nuclear energy and whose main objective is to increase the amount of revenue for the electricity financial system. Such legislation does not violate the principle of non-discrimination provided for by the Electricity Directive<sup>47</sup>.
- EU law does not prohibit a tax on the use of inland waters for the production of electricity which does not incentivise the efficient use of water, nor establish mechanisms for the preservation and protection of public water resources, as it is focused solely and exclusively on the income-generating capacity of hydroelectricity producers. A tax on the use of inland waters to produce electricity which exclusively affects hydroelectricity generators operating in river basins encompassing more than one autonomous community and not those operating in river basins encompassing a single autonomous community is not considered discriminatory<sup>48</sup>.
- Immunity implies lifting the pre-trial detention measure imposed prior to the election of the person concerned as member of the European Parliament, allowing him or her to take part in the inaugural session of the European Parliament. However, if the competent national court considers that the detention measure should be maintained after that person has become member of the European Parliament, it must, as soon as possible, request that the European Parliament waive that immunity<sup>49</sup>.

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<sup>46</sup> Directive [2009/72/EC](#), *Engie Cartagena*, [C-523/18](#).

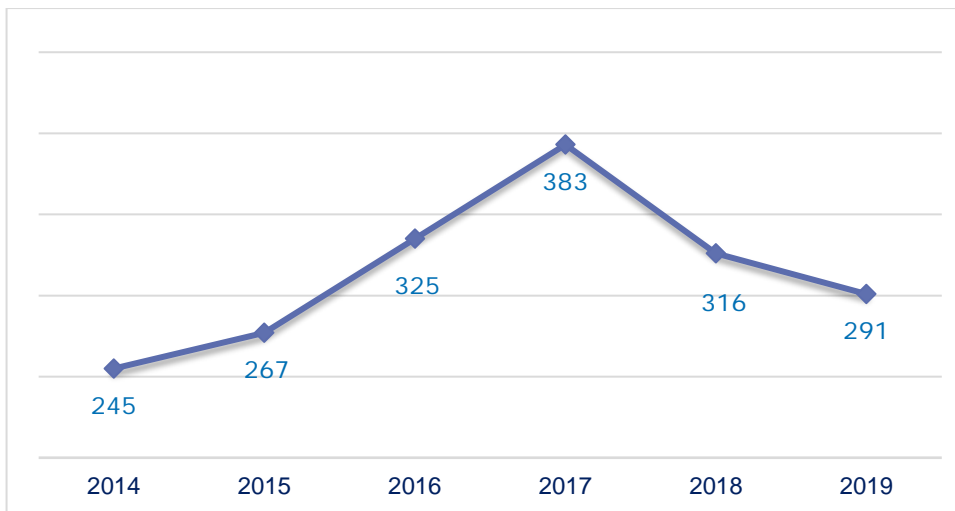
<sup>47</sup> Directive [2009/72/EC](#), joined cases: *UNESA*, [C-80/18](#), *Endesa Generación*, [C-81/18](#), *Endesa Generación*, [C-82/18](#) and *Iberdrola Generación Nuclear*, [C-83/18](#).

<sup>48</sup> Joined cases: *UNESA*, [C-105/18](#), *Engasa*, [C-106/18](#), *Duerocanto*, [C-107/18](#), *Acciona*, [C-108/18](#), *Associació de Productors i Usuaris d'Energia Elèctrica*, [C-109/18](#), *Burgos Pérez and Guinea Bueno*, [C-110/18](#), *Endesa Generación*, [C-111/18](#), *APPA*, [C-112/18](#), *Parc del Segre and Others*, [C-113/18](#).

<sup>49</sup> *Junqueras Vies*, [C-502/19](#).

## I. COMPLAINTS

### 1. New complaints made against France by members of the public (2015-2019)



### 2. Public complaints against France open at year-end

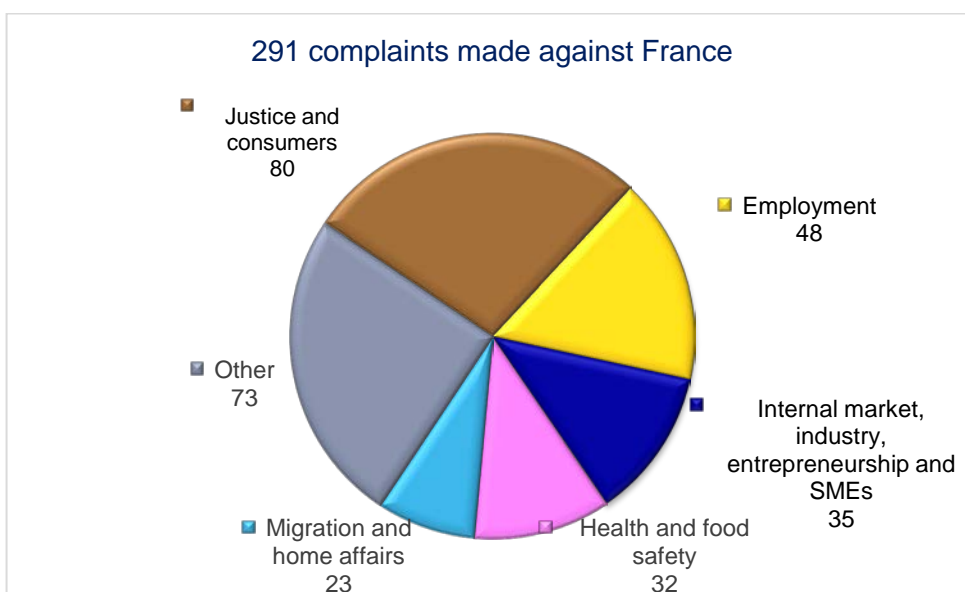
280 ▶ Complaints open at end-2018

291 ▶ New complaints registered in 2019

331 ▶ Complaints handled in 2019

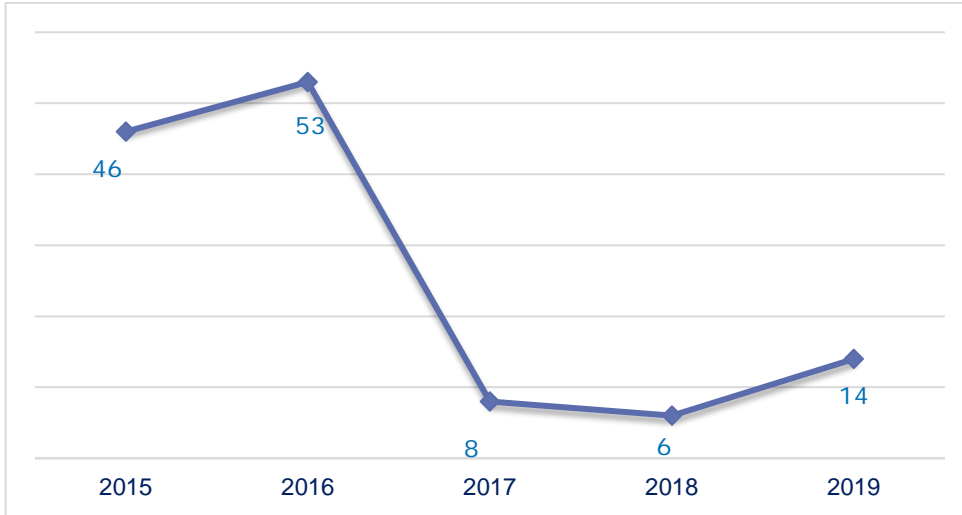
**= 240** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

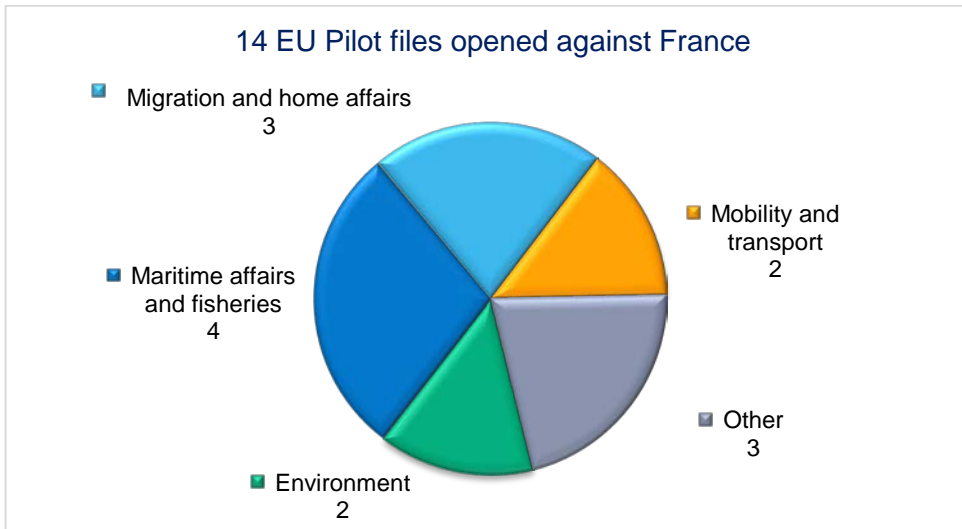


II. EU PILOT

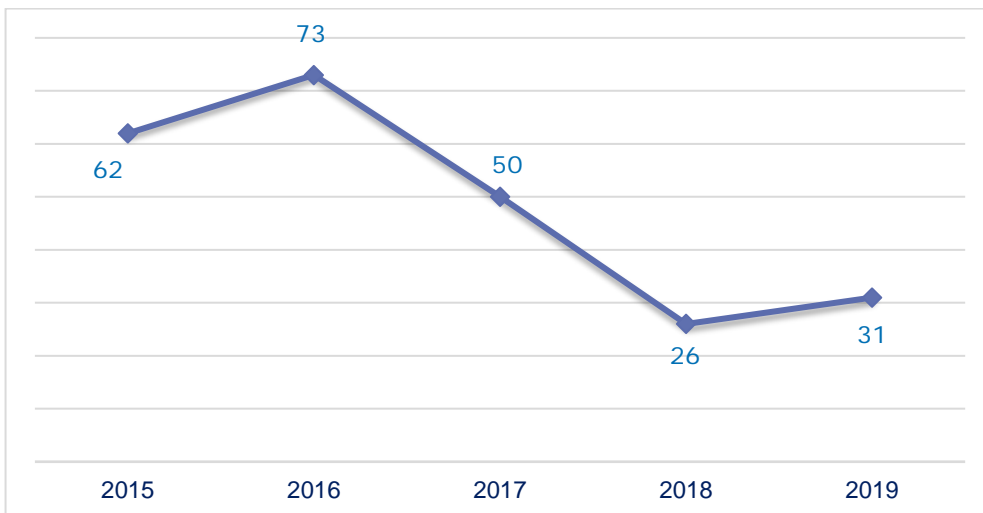
1. New EU Pilot files opened against France (2015-2019)



2. New EU Pilot files opened in 2019: main policy areas

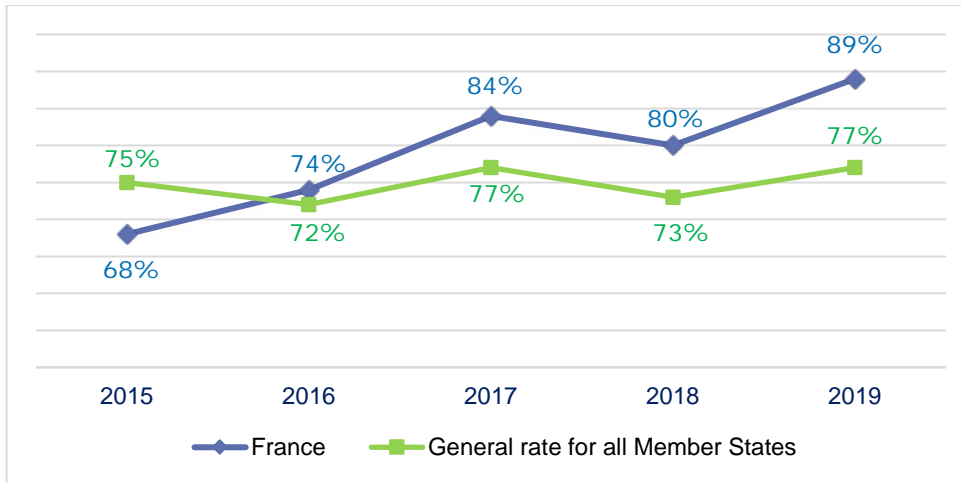


3. Files relating to France open in EU Pilot at year-end



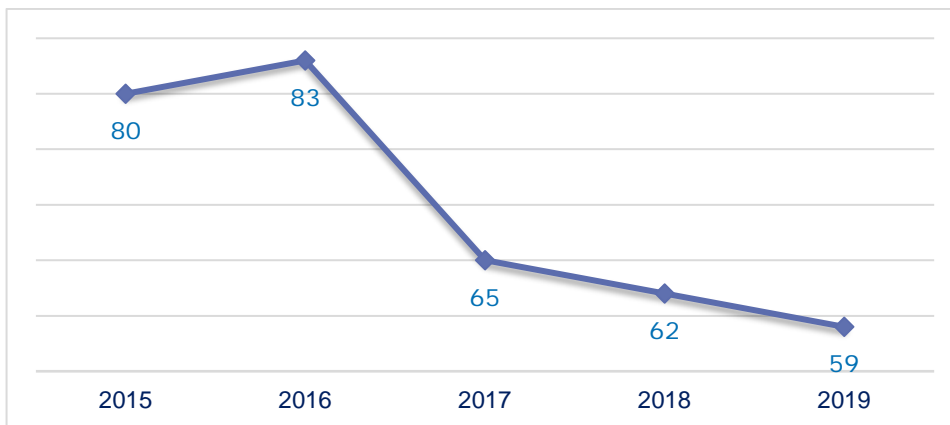
France

4. EU Pilot files: France's resolution rate in 2015-2019

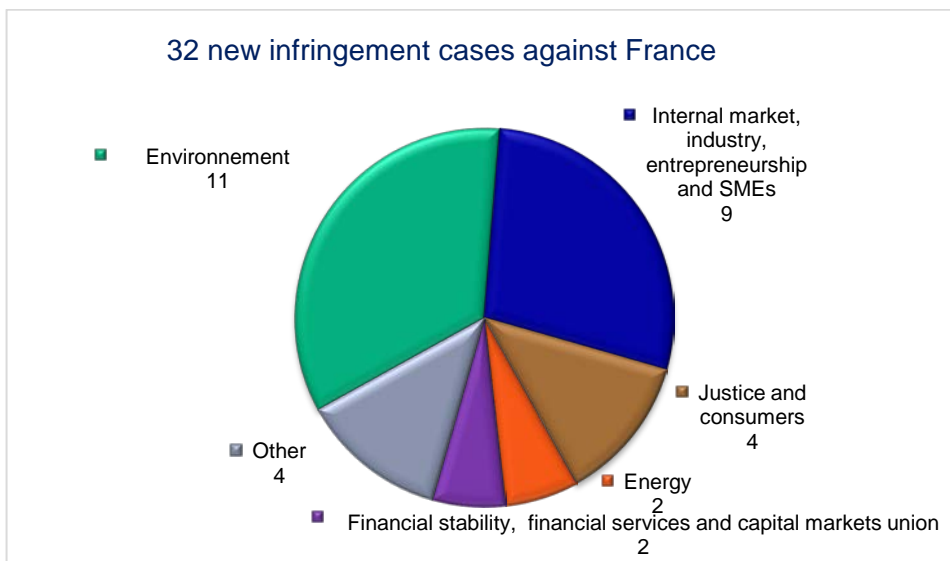


III. INFRINGEMENT CASES

1. Infringement cases against France open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. [The Commission opened 32 new infringement cases against France in 2019. These, and other major ongoing infringement cases, include:
- failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>1</sup>;
  - unjustified restrictions on providers of services related to energy efficiency, in breach of the Services Directive;
  - delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>2</sup>;
  - incorrect transposition of the Free movement Directive<sup>3</sup> as regards the delivery of residence documents<sup>4</sup>;
  - authorisation of non-selective hunting practices which are not in line with the Birds Directive<sup>5</sup>;
    - failure to take the necessary measures to enhance protection of the species of the turtle dove as required by the Birds Directive<sup>6</sup>;
    - failure to comply with the Water Framework Directive concerning the ecological continuity of the Rhine River<sup>7</sup>;
    - failure to fulfil the obligations under the EU rules establishing a single European railway area<sup>8</sup>;
    - tax disadvantages related to personal care and 'help at home' services concerning some resident and non-resident taxpayers<sup>9</sup>;
    - incorrect transposition of the:
      - Directive on criminal sanctions for market abuse<sup>10</sup>
      - Directive on combating the sexual abuse and sexual exploitation of children<sup>11</sup>
      - Directive on public access to environmental information<sup>12</sup>
      - revised Environmental Impact Assessment Directive<sup>13</sup>;
    - non-communication of national measures transposing the:
      - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>14</sup>
      - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>15</sup>
      - Bank Creditors Hierarchy Directive<sup>16</sup>
      - Energy Efficiency Directive<sup>17</sup>.
- 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.]

<sup>1</sup> Directives [2006/123/EC](#) and [2014/23/EU](#); [IP/19/1477](#).

<sup>2</sup> Regulation (EU) [2018/302](#); [INF/19/4251](#).

<sup>3</sup> Directive [2004/38/EC](#).

<sup>4</sup> [INF/19/4251](#).

<sup>5</sup> Directive [2009/147/EC](#), [INF/19/4251](#).

<sup>6</sup> Directive [2009/147/EC](#), [INF/19/4251](#).

<sup>7</sup> Directive [2000/60/EC](#), [INF/19/4251](#).

<sup>8</sup> Directive [2012/34/EU](#), [MEMO/19/462](#).

<sup>9</sup> [IP/19/462](#).

<sup>10</sup> Directive [2014/57/EU](#); [INF/19/4251](#).

<sup>11</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>12</sup> Directive [2003/4/EC](#), [MEMO/19/462](#).

<sup>13</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [MEMO/19/1472](#).

<sup>14</sup> Directive [2016/801/EU](#), [INF/19/4251](#).

<sup>15</sup> Directive [2016/2341/EU](#).

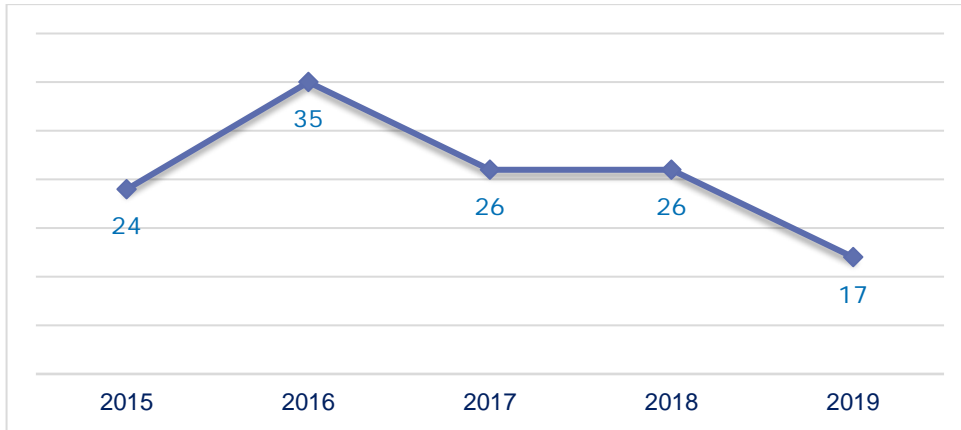
<sup>16</sup> Directive [2017/2399/EU](#).

<sup>17</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

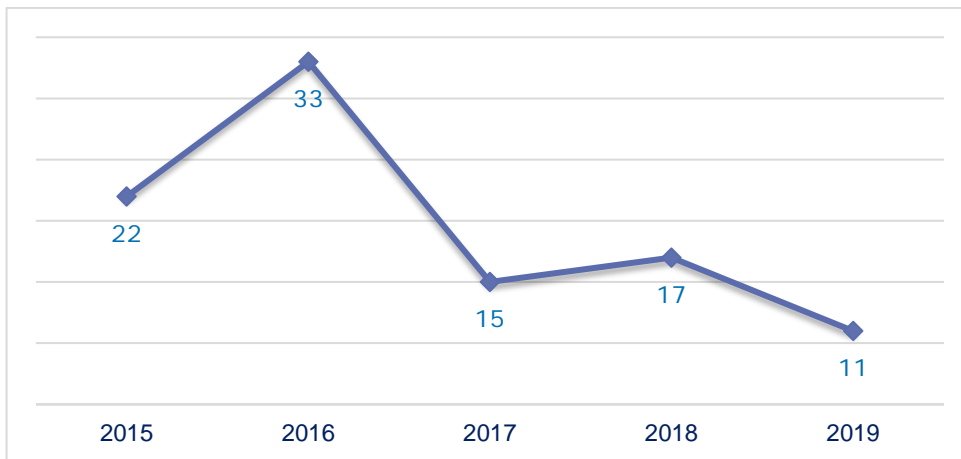


#### IV. TRANSPOSITION OF DIRECTIVES

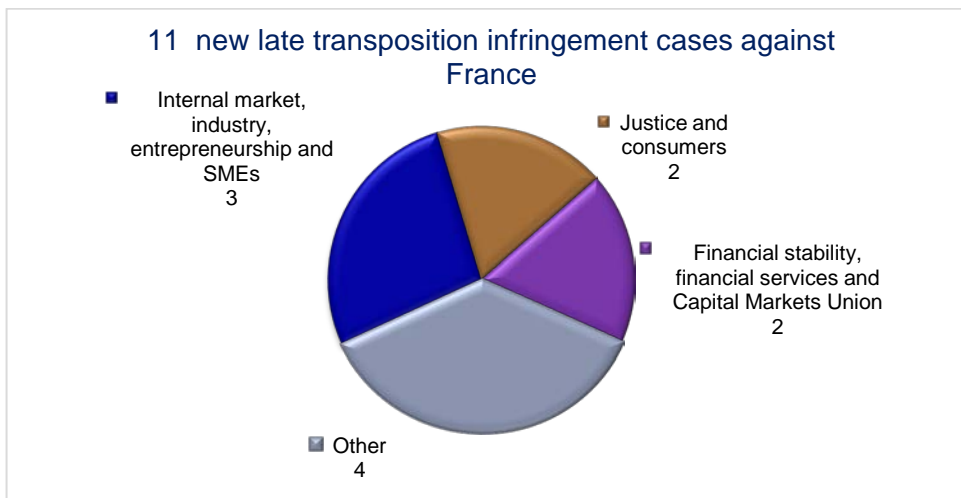
##### 1. Late transposition infringement cases against France open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against France (2015-2019)



##### 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- failure to communicate national measures transposing the:
  - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>18</sup>
  - Reception Conditions Directive<sup>19</sup>
  - Asylum Procedures Directive<sup>20</sup>
  - minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights<sup>21</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>22</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>23</sup>
  - Indirect Land Use Change Directive<sup>24</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>25</sup>

The Court ruled that:

- France has systematically and persistently exceeded the limit values for nitrogen dioxide (NO<sub>2</sub>) since 2010 in 12 agglomerations and air quality zones. It has also failed to take the appropriate measures to keep the exceedance period as short as possible<sup>26</sup>.

### 2. Preliminary rulings

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

- Airbnb provides an information society service separate from accommodation services to which it relates. Such a service does not aim only at providing immediate accommodation services, but rather it consists essentially of providing a tool for presenting and finding accommodation for rent, thereby facilitating the conclusion of future rental agreements. Therefore, that type of service is not merely ancillary to an overall accommodation service. Second, an intermediation service, such as the one provided by Airbnb Ireland, is in no way indispensable to the provision of accommodation services, since the guests and hosts have a number of other channels in that respect, some of which are long-standing. Finally, there is no indication that Airbnb sets or caps the amount of the rents charged by the hosts using that platform<sup>27</sup>.
- The procedural rules applicable to the authorisation of plant protection products, in particular products containing glyphosate, are valid; therefore, there are no grounds to question the validity of the regulation on placing plant protection products on the market.<sup>28</sup>
- The organic production logo of the EU cannot be placed on products derived from animals that have been slaughtered in accordance with religious rites without first being stunned. The organic

<sup>18</sup> Directive [2011/95/EU](#); [INF/19/4251](#).

<sup>19</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>20</sup> Directive [2013/32/EU](#).

<sup>21</sup> Directive [2014/50/EU](#).

<sup>22</sup> Directive [2014/65/EU](#).

<sup>23</sup> Directive (EU) [2016/1164](#).

<sup>24</sup> Directive (EU) [2015/1513](#).

<sup>25</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>26</sup> Commission v France, [C-636/18](#) and Court press release [No 132/2019](#).

<sup>27</sup> Airbnb Ireland, case [C – 390/18](#).

<sup>28</sup> Procureur de la République v Blaise and Others, [C-616/17](#).

logo of the EU aims to reassure consumers that products bearing it have been obtained in observance of the highest standards, in particular in the area of animal welfare<sup>29</sup>.

- Mortgage loans reserved for employees of an undertaking and granted for private purposes are protected under the Directive on unfair terms in consumer contracts<sup>30</sup>. The Court confirmed that the notion of 'seller or supplier' has to be interpreted broadly, and it is not necessary that the contract reflect a person's main activity<sup>31</sup>.
- The prohibition on processing certain categories of sensitive personal data applies also to operators of search engines. The search engine operator has, in principle, the obligation to de-reference, if asked by the person concerned. To this end, the search engine operator must carry out a case-by-case assessment to verify if the publication of the 'sensitive' data and personal data on criminal convictions is strictly necessary to protect the freedom of information of internet users potentially interested in accessing this web page by means of such a search<sup>32</sup>.
- The right to be forgotten applies within the EU. Search engine operators have to take sufficiently effective measures to ensure the effective protection of this right, which does not necessarily apply outside of the EU<sup>33</sup>.
- The Gas Directive allows a decision of a regulatory authority settling a dispute between energy companies to extend its effects to the situation of the parties before the emergence of that dispute, by requiring one party to bring a contract for the transmission of natural gas in line with EU law for the entire contractual period<sup>34</sup>.

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<sup>29</sup> Oeuvre d'assistance aux bêtes d'abattoirs, [C-497/17](#) and Court press release [15/19](#)

<sup>30</sup> Directive [93/13/EEC](#).

<sup>31</sup> Pouvin Dijoux, [C-590/17](#).

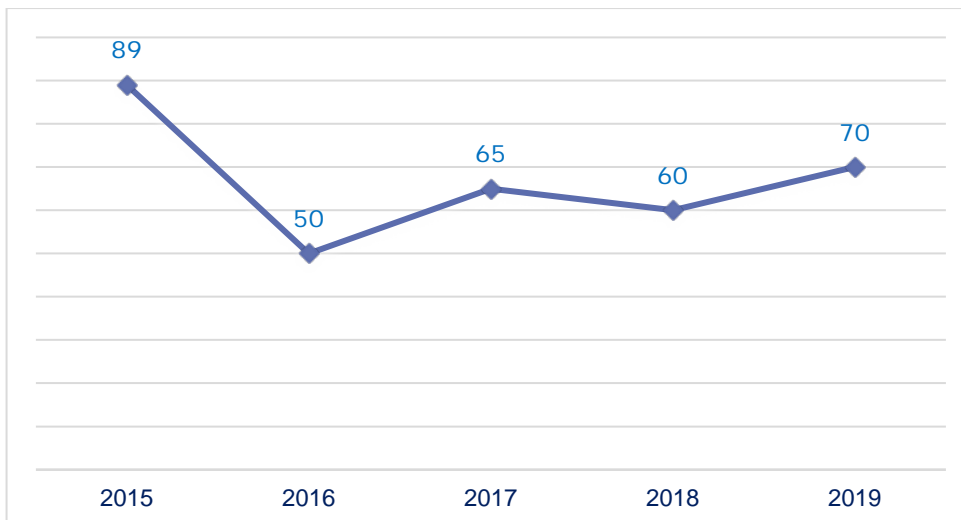
<sup>32</sup> Google 2, [C-136/17](#).

<sup>33</sup> Google 3, [C-507/17](#).

<sup>34</sup> Directive 2009/73/EC, GRDF, [C-236/18](#).

## I. COMPLAINTS

### 1. New complaints made against Croatia by members of the public (2015-2019)<sup>1</sup>



### 2. Public complaints against Croatia open at year-end

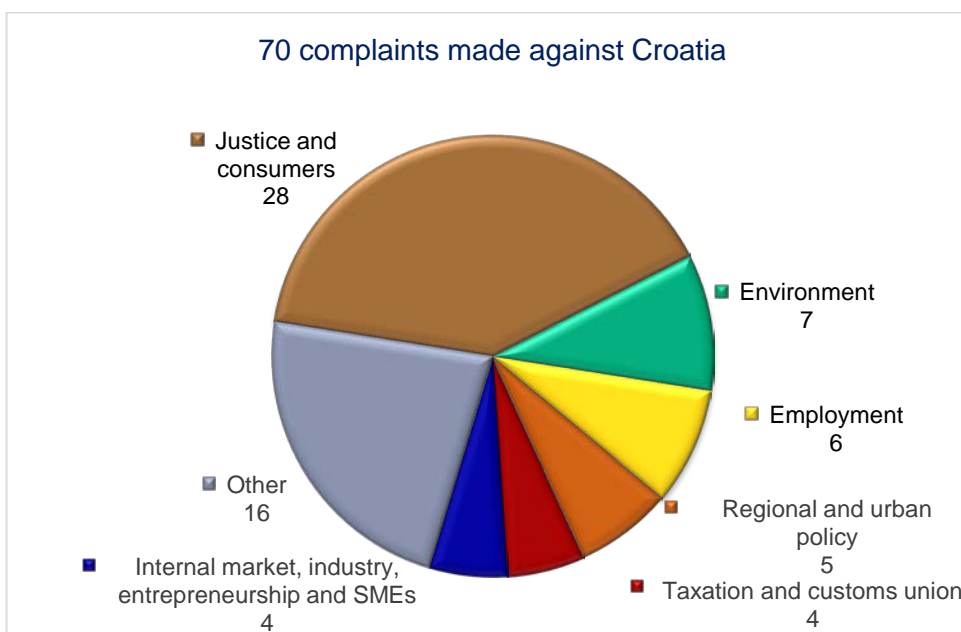
51 ▶ Complaints open at end-2018

70 ▶ New complaints registered in 2019

64 ▶ Complaints handled in 2019

**= 57** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

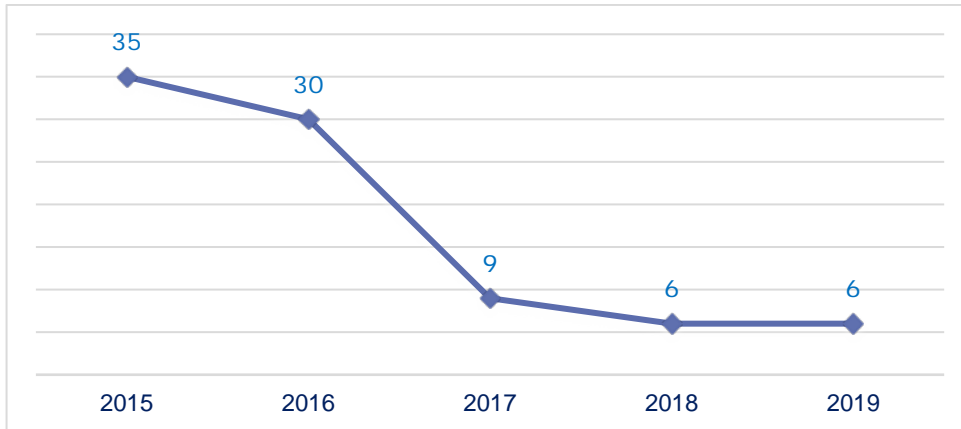


<sup>1</sup> Croatia joined the EU on 1 July 2013.

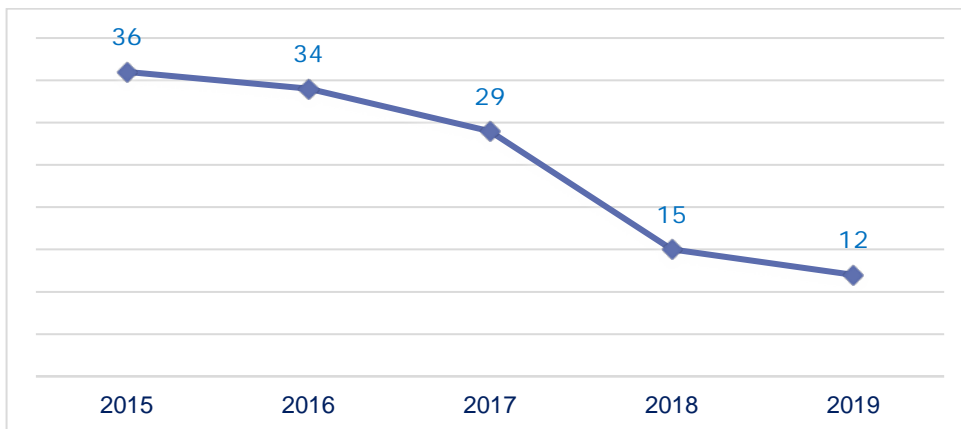
Croatia

II. EU PILOT

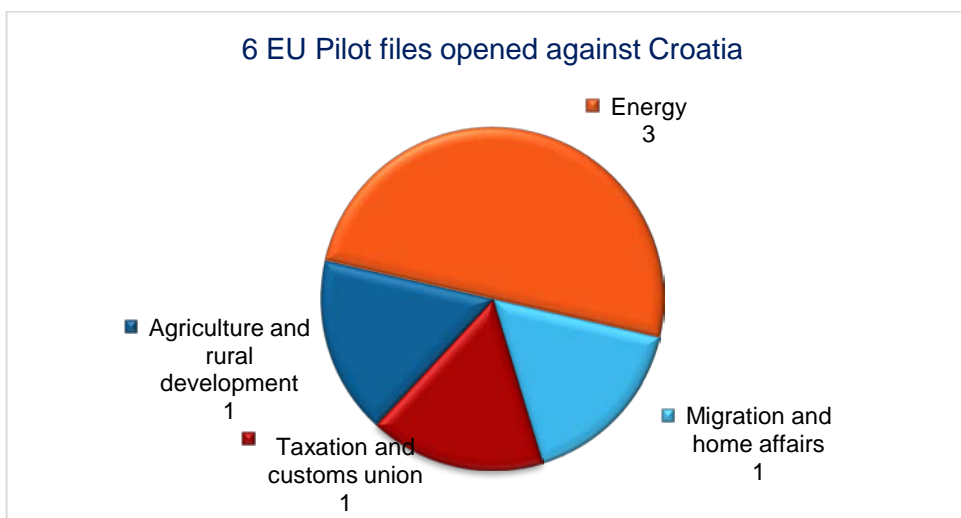
1. New EU Pilot files opened against Croatia (2015-2019)



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

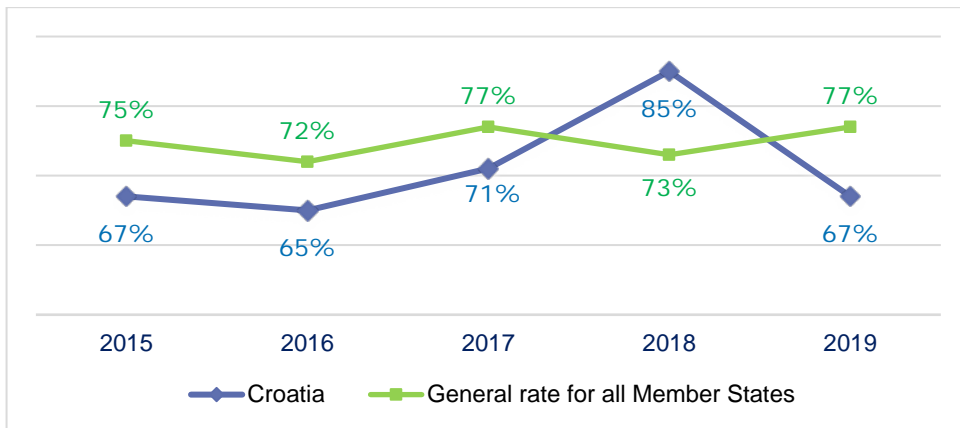


3. New EU Pilot files opened in 2019: policy areas



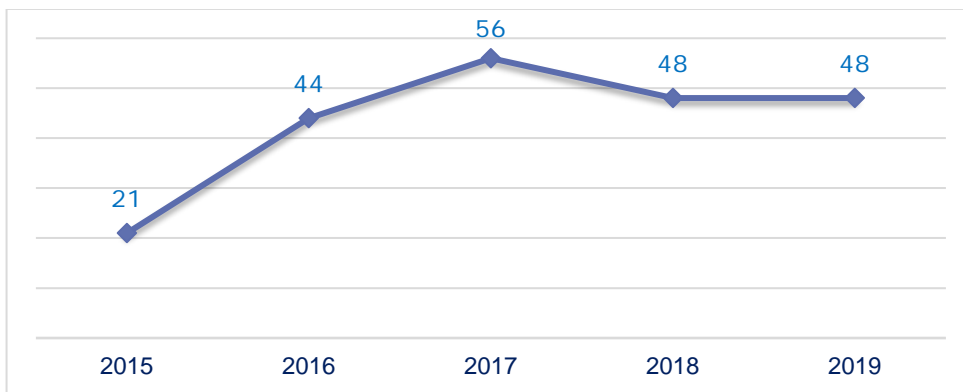
Croatia

4. EU Pilot files: Croatia's resolution rate in 2015-2019<sup>2</sup>

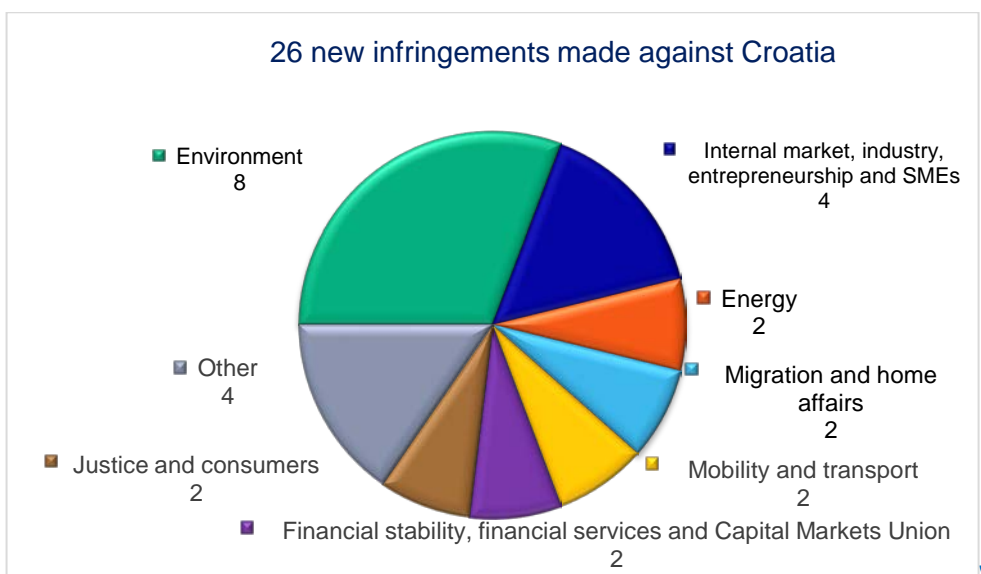


III. INFRINGEMENT CASES

1. Infringement cases against Croatia open on 31 December (2015-2019)



2. New infringement cases opened in 2019: policy areas



<sup>2</sup> Croatia joined the EU Pilot system in July 2015.

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

- a. [The Commission opened 26 new infringement cases against Croatia in 2019. These, and other major ongoing infringement cases, include:
- failure to effectively implement the rules on the 112 emergency number, in particular by not ensuring equivalent access for disabled users<sup>3</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>4</sup>;
  - non-communication of national measures transposing the Bank Creditors Hierarchy Directive<sup>5</sup>;
  - the incorrect transposition of the Solvency II Directive<sup>6</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>7</sup>;
  - failure to submit Croatia's second cost-optimal report required by the Energy Performance of Buildings Directive<sup>8</sup>;
  - non-conformity of the Croatian Water Act with the Environmental Impact Assessment Directive, the Habitats Directive and the Water Framework Directive<sup>9</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>10</sup>;
  - non-conformity of national legislation with the Groundwater Directive<sup>11</sup>;
  - non-conformity of national legislation with the Drinking Water Directive<sup>12</sup>;
  - non-conformity of Croatian legislation with the amended Ambient Air Quality Directive<sup>13</sup>;
  - incorrect transposition of the SEVESO III Directive<sup>14</sup>;
  - late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>15</sup>;
  - failure to fulfil obligations under the Ship Recycling Regulation<sup>16</sup>;
  - failure to comply with minimum safety requirements for tunnels in the trans-European road network<sup>17</sup>.
- 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.]

<sup>3</sup> Directive (EU) [2002/22](#), [INF/19/4251](#).

<sup>4</sup> Directive [2011/93/EU](#), [INF/19/5950](#).

<sup>5</sup> Directive [2017/2399/EU](#).

<sup>6</sup> Directive [2009/138/EC](#), [INF/19/4251](#).

<sup>7</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>8</sup> Directive [2010/31/EU](#), [MEMO/19/462](#).

<sup>9</sup> Directives [2011/92/EU](#), [92/43/EEC](#) and [2000/60/EC](#).

<sup>10</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [MEMO/19/1472](#).

<sup>11</sup> Directive [2006/118/EC](#), [MEMO/19/1472](#).

<sup>12</sup> Directive [98/83/EC](#), [MEMO/19/1472](#).

<sup>13</sup> Directive [2008/50/EC](#), as amended by Directive (EU) [2015/1480](#), [INF/19/4251](#).

<sup>14</sup> Directive [2012/18/EU](#).

<sup>15</sup> Directive [2008/56/EC](#), [MEMO/19/1472](#).

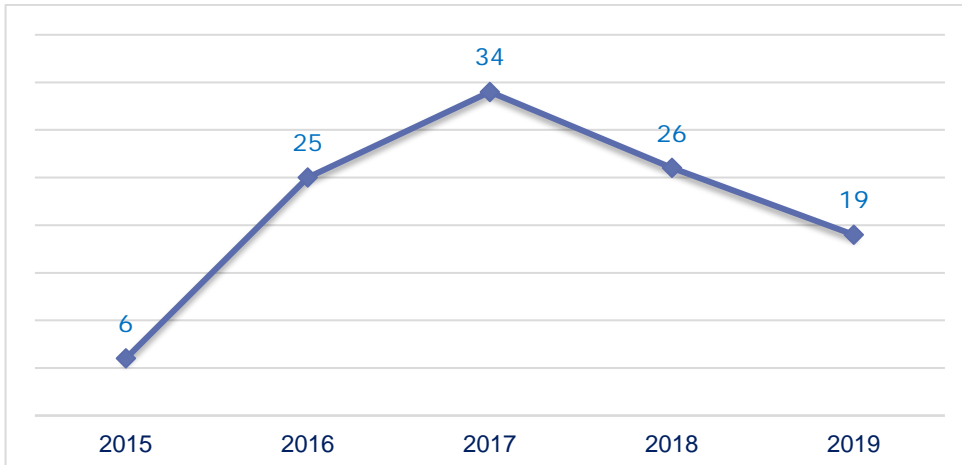
<sup>16</sup> Regulation (EU) No [1257/2013](#), [MEMO/19/2772](#).

<sup>17</sup> Directive [2004/54/EC](#), [INF/19/5950](#).

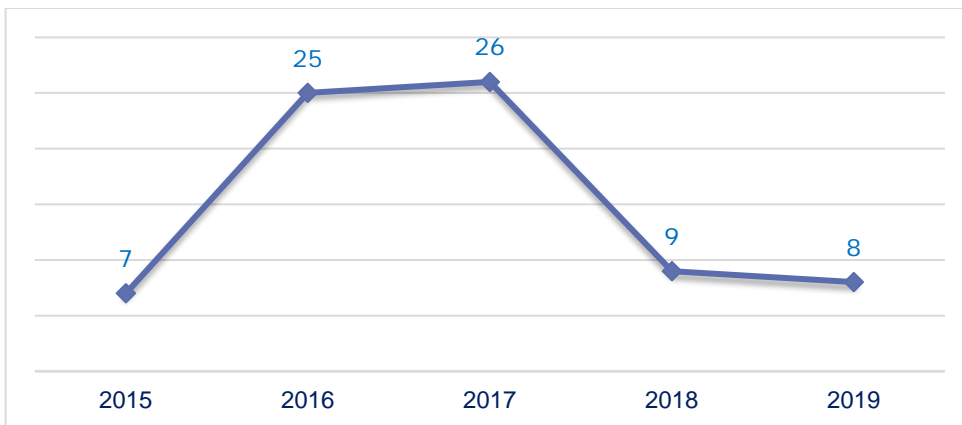
Croatia

IV. TRANSPOSITION OF DIRECTIVES

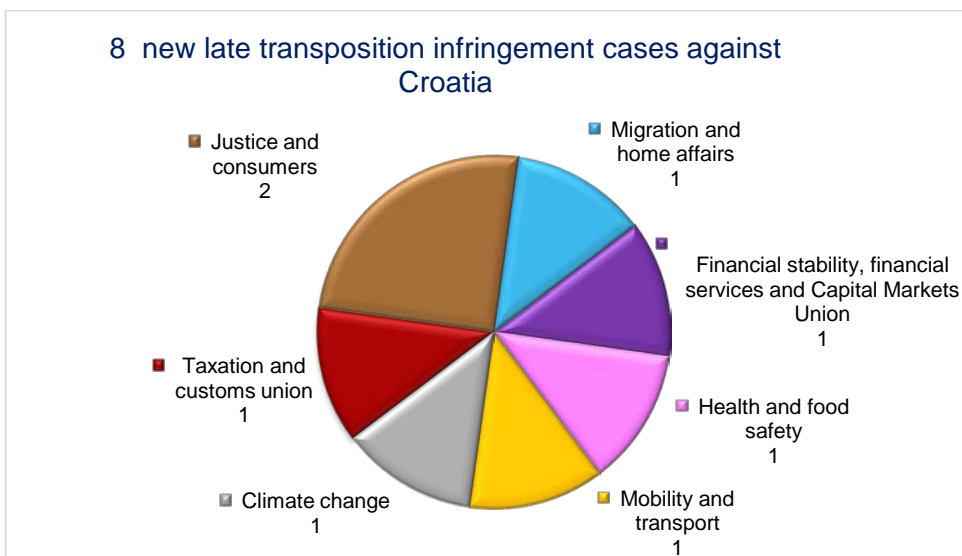
1. Late transposition infringement cases against Croatia open on 31 December (2015-2019)



2. New late transposition infringement cases against Croatia (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-communication of national measures transposing the:
  - Directive on tobacco products<sup>18</sup>
  - labour rights for seafarers<sup>19</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>20</sup>;
- unjustified requirements imposed on the activities of driving schools<sup>21</sup>;
- incorrect transposition of the Directive on unfair commercial practices<sup>22</sup>;
- failure to meet EU obligations on stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime<sup>23</sup>;
- the national law on the privatisation of Industrija Nafta d.d. (INA), which granted special powers to the Croatian State in INA in violation of Articles 49 and 63 TFEU<sup>24</sup>;
- incorrect transposition of the Solvency II Directive<sup>25</sup>;
- incorrect transposition of the Habitats Directive<sup>26</sup>;
- incorrect transposition of the Birds Directive<sup>27</sup>;
- failure to notify the national programme for the implementation of a spent fuel and radioactive waste management policy<sup>28</sup>;
- failure to provide the required quality management system for operational parts of the flag State-related activities<sup>29</sup>. |

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

The Court ruled that:

- Croatia has breached the Waste Framework Directive as it did not classify as waste a large amount of stone-like material deposited in Biljane Donje, it did not take the necessary measures to ensure that waste management is carried out without endangering human health and harming the environment, and it did not ensure that the waste is properly treated by the waste holder<sup>30</sup>.

### 2. Preliminary rulings

No major preliminary rulings were addressed to the Croatian judiciary in 2019. |

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<sup>18</sup> Directive [2014/40/EU](#).

<sup>19</sup> Directive (EU) [2015/1794](#).

<sup>20</sup> Directive [2014/65/EU](#).

<sup>21</sup> Directive [2006/123/EC](#).

<sup>22</sup> Directive [2005/29/EC](#).

<sup>23</sup> Decisions [2008/615/JHA](#) and [2008/616/JHA](#).

<sup>24</sup> [JP/17/1949](#).

<sup>25</sup> Directive [2009/138/EC](#).

<sup>26</sup> Directive [92/43/EEC](#).

<sup>27</sup> Directive [2009/147/EC](#).

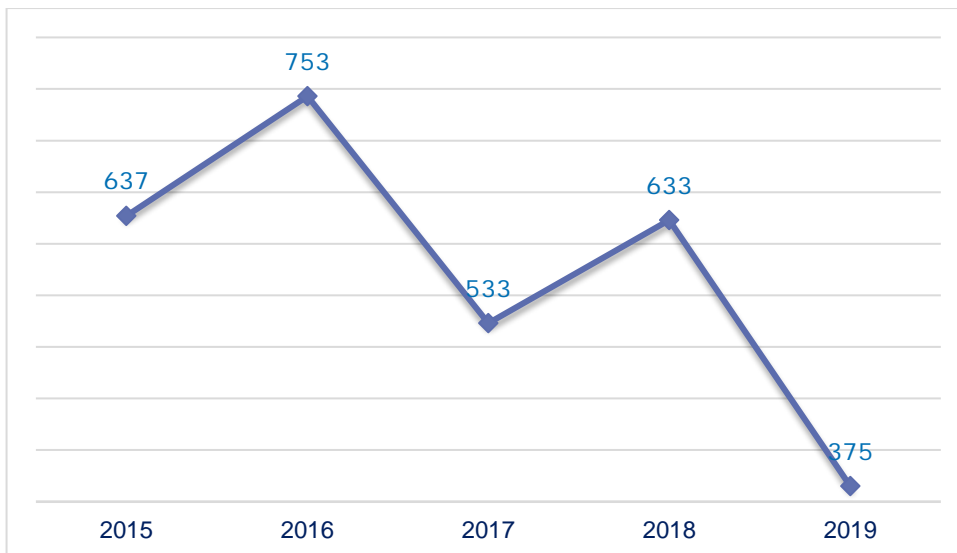
<sup>28</sup> Directive [2011/70/Euratom](#).

<sup>29</sup> Directive [2009/21/EC](#).

<sup>30</sup> Directive [2008/98/EC](#), Commission v Croatia, [C-250/18](#).

## I. COMPLAINTS

### 1. New complaints made against Italy by members of the public (2015-2019)



### 2. Public complaints against Italy open at year-end

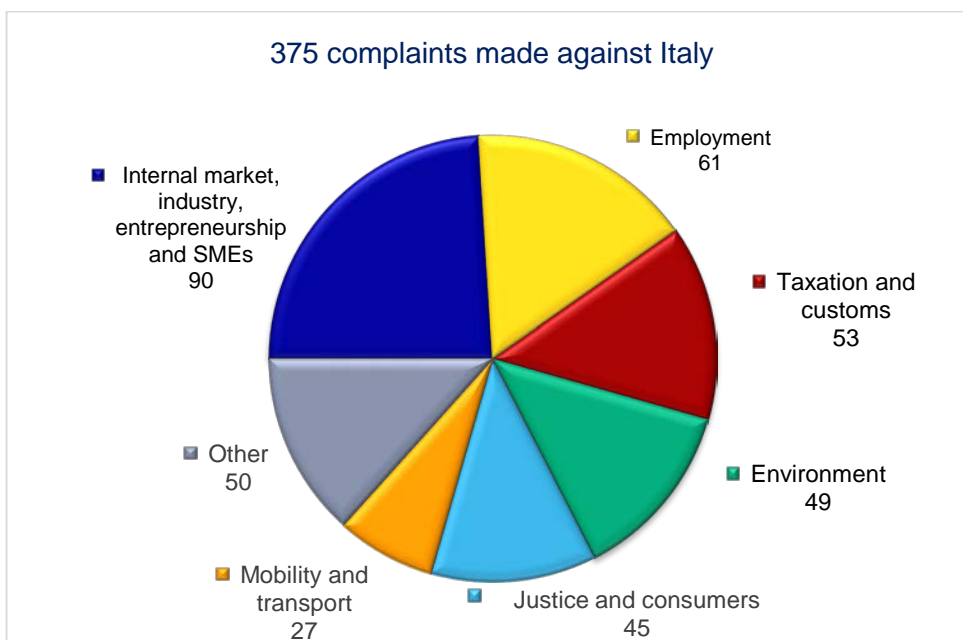
732 ▶ Complaints open at end-2018

375 ▶ New complaints registered in 2019

679 ▶ Complaints handled in 2019

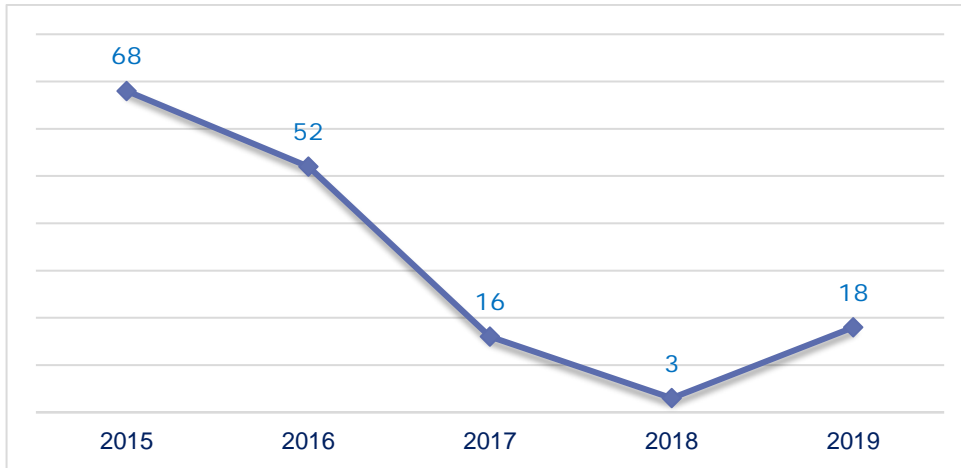
**= 428** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

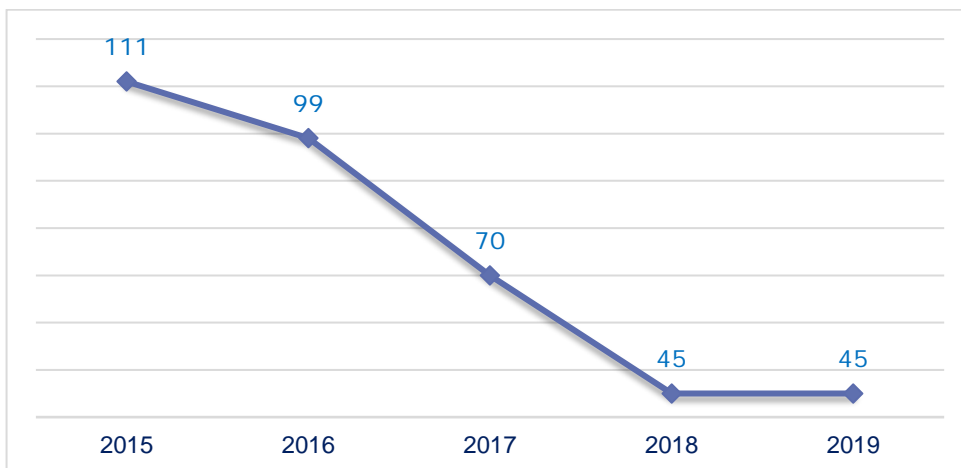


## II. EU PILOT

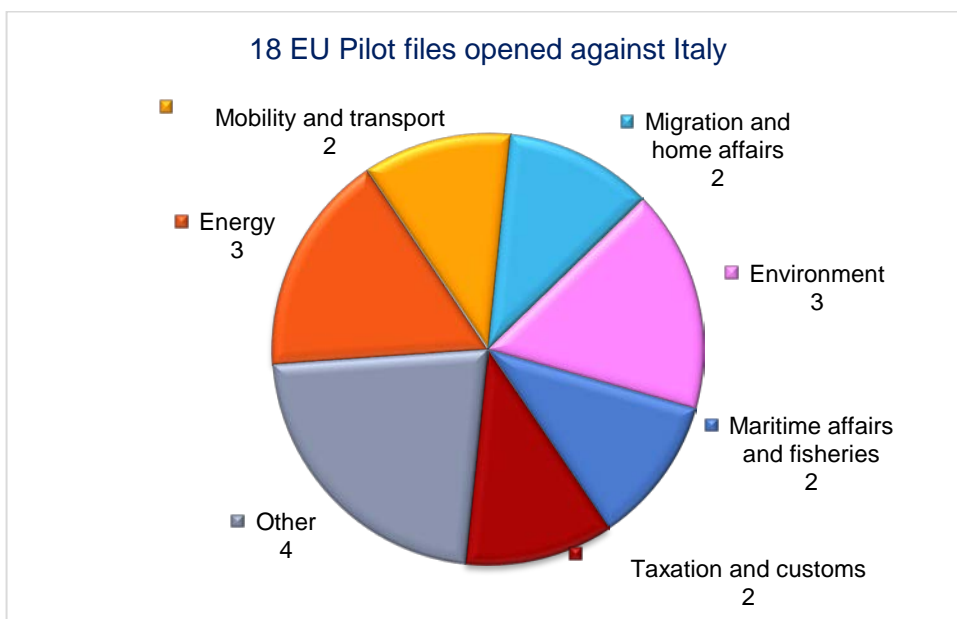
### 1. New EU Pilot files opened against Italy (2015-2019)



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

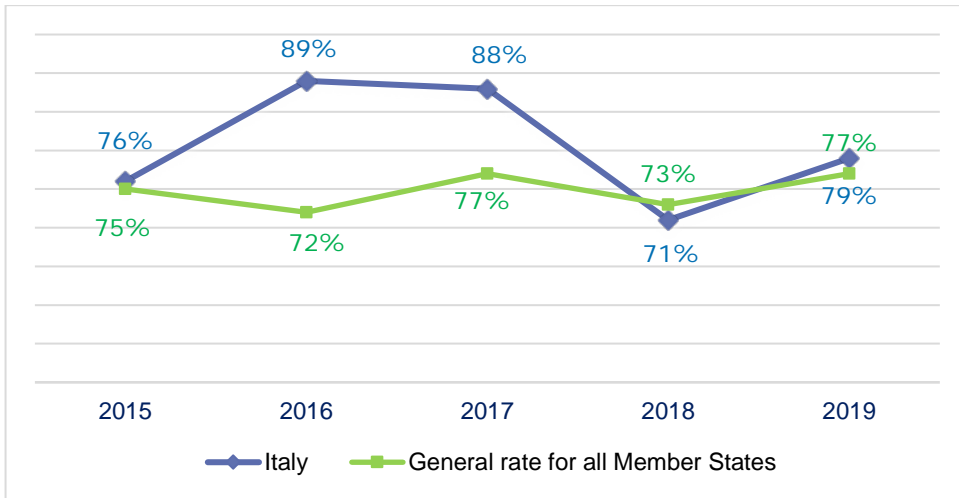


### 3. New EU Pilot files opened in 2019: main policy areas



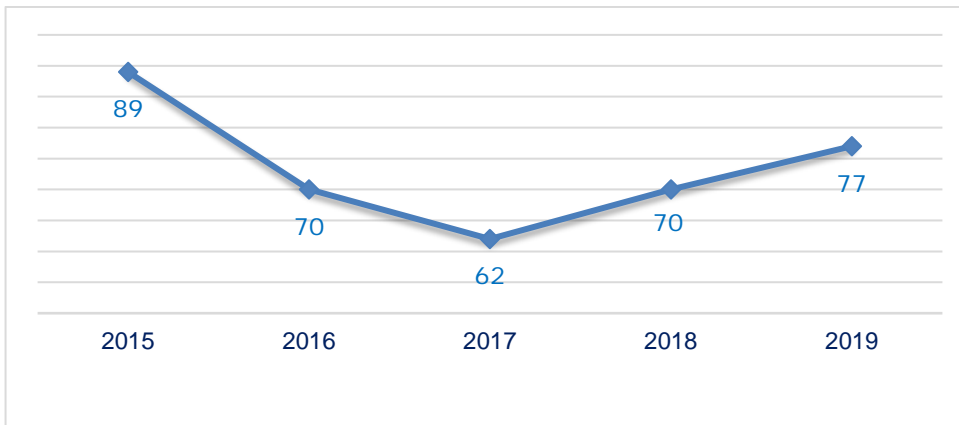
Italy

4. EU Pilot files: Italy's resolution rate in 2015-2019

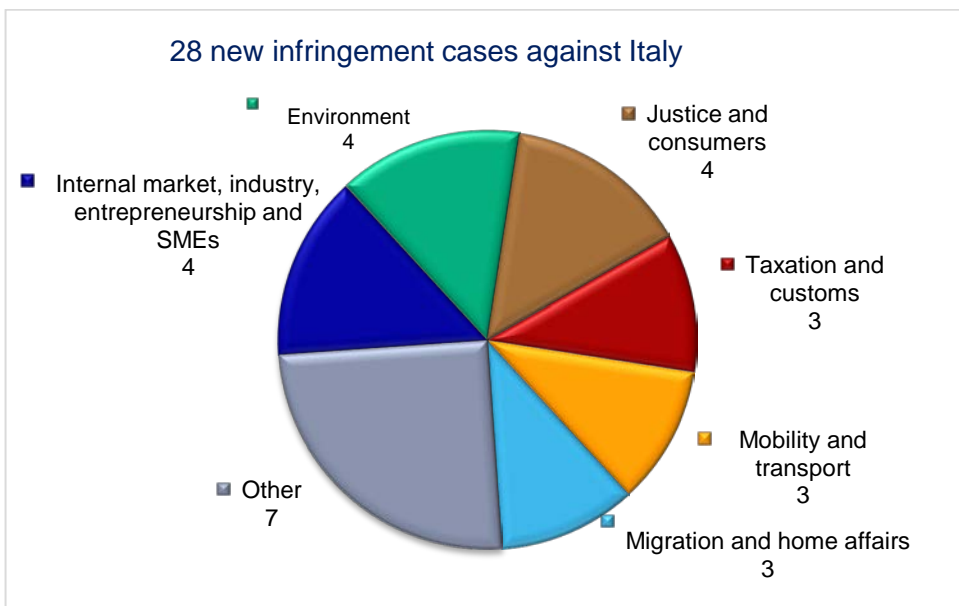


III. INFRINGEMENT CASES

1. Infringement cases against Italy open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 28 new infringement cases against Italy in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Directive on criminal sanctions for market abuse<sup>1</sup>
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>2</sup>
    - Directive on Attacks against Information Systems<sup>3</sup>
    - EU rules on public procurement and concessions<sup>4</sup>
    - Energy Efficiency Directive<sup>5</sup>
    - Fixed-term Work Directive<sup>6</sup>
    - Road Tunnel Safety Directive<sup>7</sup>;
  - failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>8</sup>;
  - failure to establish Special Areas of Conservation, as well as conservation objectives and measures to maintain or restore the protected species and habitats to a favourable condition, as required by the Habitats Directive<sup>9</sup>;
  - failure to upgrade the connection of national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>10</sup>;
  - preferential taxation on property on Italian soil for Italians living abroad<sup>11</sup>;
  - failure to adopt measures on penalties for infringements of the Regulation on fluorinated greenhouse gases<sup>12</sup>;
  - failure to ensure that urban waste water is adequately collected and treated<sup>13</sup>;
  - Non-communication of the:
    - Seafarers Directive<sup>14</sup>
    - Basic Safety Standards Directive<sup>15</sup>.
- b. The Commission referred four cases to the Court under Article 258 TFEU. They involve the following infringements:
- failure to ensure that all agglomerations with a population of more than 2 000 are provided with collecting systems for urban waste water and that urban waste water entering collecting systems is adequately treated before discharge, as required by the Urban Waste Water Treatment Directive<sup>16</sup>;
  - exceedance of nitrogen dioxide (NO<sub>2</sub>) limit values set by the Air Quality Directive<sup>17</sup>;

<sup>1</sup> Directive [2014/57/EU](#); [INF/19/4251](#).

<sup>2</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>3</sup> Directive [2013/40/EU](#), [INF/19/4251](#).

<sup>4</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#), [INF/19/6304](#).

<sup>5</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>6</sup> Directive [1999/70/EC](#), [INF/19/4251](#).

<sup>7</sup> Directive [2004/54/EC](#), [INF/19/5950](#).

<sup>8</sup> Directives [2006/123/EC](#) and [2014/23/EU](#), [IP/19/1477](#).

<sup>9</sup> Directive [92/43/EEC](#), [MEMO/19/462](#).

<sup>10</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

<sup>11</sup> [IP/19/462](#).

<sup>12</sup> Regulation (EU) [517/2014](#).

<sup>13</sup> Directive [91/271/EEC](#), [INF/19/4251](#), [MEMO/19/462](#) and [INF/19/6304](#).

<sup>14</sup> Directive (EU) [2015/1794](#).

<sup>15</sup> Directive [2013/59/Euratom](#), *Commission v Italy*, [C-744/19](#).

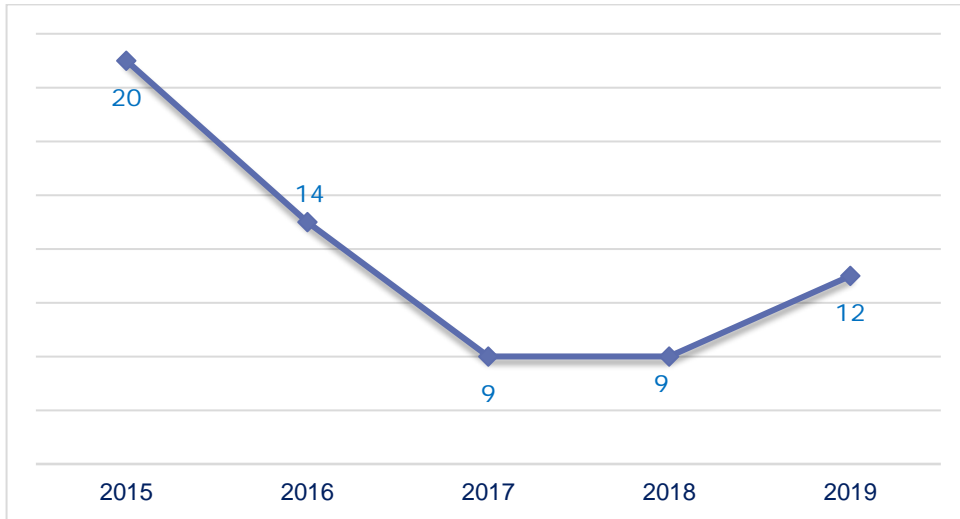
<sup>16</sup> Directive [91/271/EEC](#), *Commission v Italy*, [C-668/19](#), [IP/19/1475](#).

<sup>17</sup> Directive [2008/50/EC](#), *Commission v Italy*, [C-573/19](#), [IP/19/1475](#).

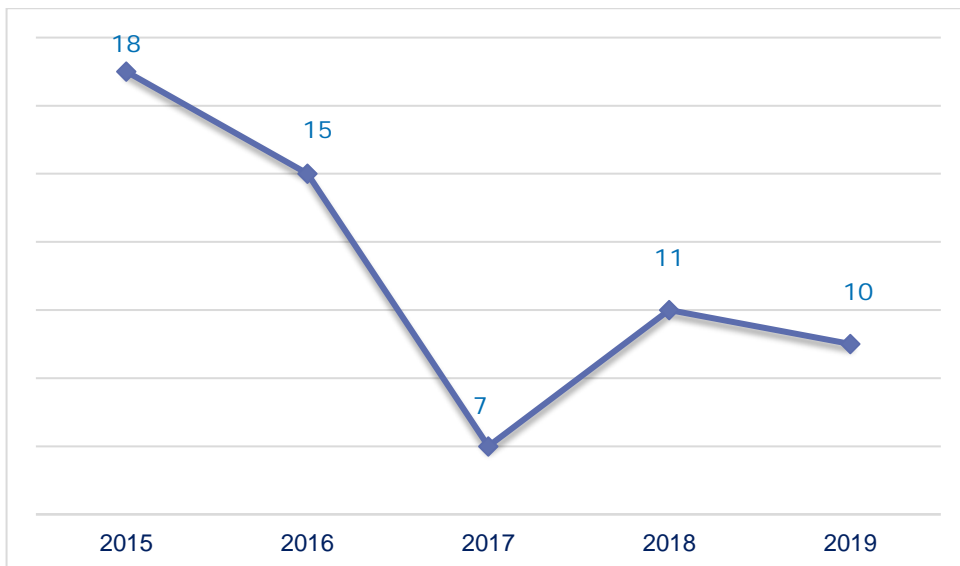
- failure to comply with the rules on the taxation of energy products and electricity by applying a reduction to excise duty for petrol and gas oil used as motor fuel in regional legislation<sup>18</sup>;
  - failure to notify transposition measures under the Basic Safety Standards Directive<sup>19</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU.

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Italy open on 31 December (2015-2019)



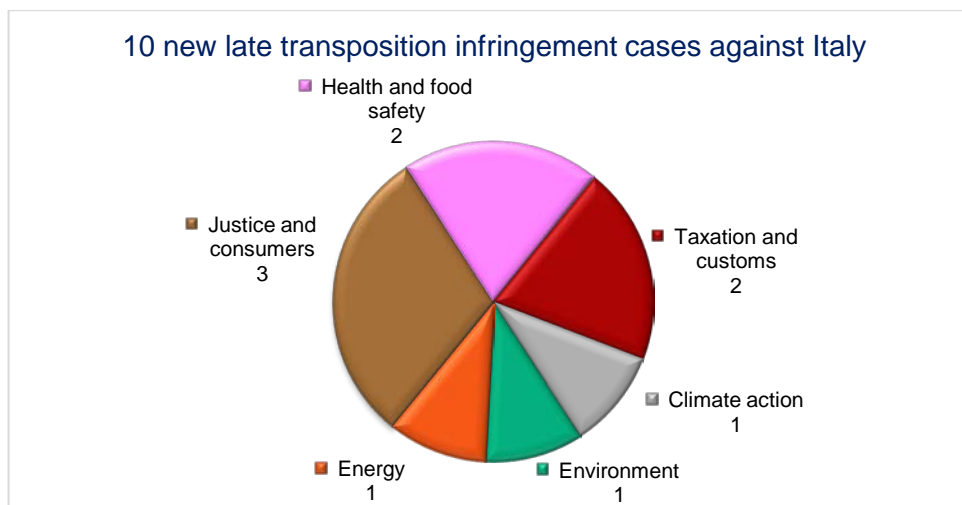
##### 2. New late transposition infringement cases against Italy (2015-2019)



<sup>18</sup> Case [C-63/19 Commission v Italy](#), [IP/19/4265](#).

<sup>19</sup> Directive [2013/59/Euratom](#), [Commission v Italy](#), [C-744/19](#).

### 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- failure to adopt all transposition measures for the Indirect Land Use Change Directive<sup>20</sup>;
- failure to comply with Articles 139, 144 and 148(5) of the Union Customs Code regarding Fast Customs Corridors<sup>21</sup>;
- incorrect transposition of the Directive on unfair commercial practices<sup>22</sup>;
- incorrect application of the Directive on the minimum level of training of seafarers<sup>23</sup>;
- Non-communication of national measures transposing the:
  - Commission Implementing Directive on protective measures against the introduction of organisms harmful to plants<sup>24</sup>
  - Seafarers Directive<sup>25</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>26</sup>

The Court ruled that Italy:

- failed to fulfill its obligations under the Directive on testing of human tissues and cells by failing to adopt the required national transposition measures<sup>27</sup>;
- failed to adequately prevent further spread of the quarantine harmful organism *Xylella fastidiosa* in Apulia<sup>28</sup>;

<sup>20</sup> Directive (EU) [2015/1513](#).

<sup>21</sup> Regulation (EU) [952/2013](#).

<sup>22</sup> Directive [2005/29/EC](#).

<sup>23</sup> Directive [2008/106/EC](#), as amended by Directive [2012/35/EU](#).

<sup>24</sup> Directive (EU) [2019/523](#).

<sup>25</sup> Directive (EU) [2015/1794](#).

<sup>26</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>27</sup> *Commission v Italy*, [C-481/18](#).

- failed to comply with the Radioactive Waste Directive, since it has not notified a final adopted national programme for radioactive waste and spent fuel management<sup>29</sup>;
- had not fulfilled its obligations under the Landfill Directive as regards 44 landfills, by having failed to adopt all measures necessary to close or to bring those landfill sites into line with the Directive<sup>30</sup>;
- failed to fulfil its obligations under Article 8 of the Decision on the system of own resources and Articles 6, 10, 12 and 13 of the Regulation on making own resources available<sup>31</sup>;
- failed to publish a notice on the extension of a motorway concession, thus breaching public procurement legislation<sup>32</sup>.

## 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Italian judiciary: ]

- Member States are obliged, under the Fixed-Term Work Directive, to provide effective measures designed to prevent and punish the misuse of successive fixed-term employment contracts<sup>33</sup>.
- National legislation under which the amount of royalties payable by holders of licences for the extraction of natural gas is calculated on the basis of an index based on the long- and medium-term market prices of oil and other fuels rather than short-term market prices is not incompatible with EU law<sup>34</sup>.
- The Waste Framework Directive<sup>35</sup> and the Renewable Energy Directive<sup>36</sup> do not prevent national legislation from refusing the replacement of methane with a substance derived from the chemical treatment of used vegetable oils, as a power source for an electric power plant producing atmospheric emissions, on the ground that the respective substance is not included in the list of categories of biomass fuels authorised for that purpose<sup>37</sup>.
- National legislation which classifies waste incineration facilities as 'strategic infrastructure and installations of major national importance' is compatible with the 'waste hierarchy' principle under the Waste Framework Directive<sup>38</sup> as long as that legislation is compatible with the other provisions of that Directive which lay down more specific obligations. National legislation which revises upwards the capacity of existing waste incineration facilities and provides for the construction of new installations of that kind constitutes a 'plan or programme', within the meaning of the Strategic Environmental Assessment Directive<sup>39</sup>, likely to have significant environmental effects and must, consequently, be subject to a prior environmental assessment<sup>40</sup>.
- The provisions of the Regulation on public passenger transport services by rail and road which govern the award of public service contracts do not apply to award procedures carried out before 3 December 2019<sup>41</sup>.
- The jurisdiction of a Member State court with respect to passenger rights in the event of denied boarding and of cancellation or long delay of flights must be assessed in light of the Regulation

<sup>28</sup> *Commission v Italy*, [C-443/18](#).

<sup>29</sup> Council Directive [2011/70/Euratom](#), *Commission v Italy*, [C-434/18](#).

<sup>30</sup> Directive [1999/31/EC](#), *Commission v Italy*, [C-498/17](#) and Court press release No 37/2019.

<sup>31</sup> Decision [2014/335/EU](#), Euratom Regulation (EU, Euratom) [609/2014](#), Case *Commission v Italy*, [C-304/18](#).

<sup>32</sup> *Commission v Italy*, Case [C-526/17](#).

<sup>33</sup> *Rossato*, [C-494/17](#).

<sup>34</sup> Directive [94/22/EC](#), joined cases: *Eni*, [C-364/18](#) and *Shell Italia*, [C-365/18](#).

<sup>35</sup> Directive [2008/98/EC](#).

<sup>36</sup> Directive [2009/28/EC](#).

<sup>37</sup> *Prato Nevoso Termo Energy*, [C-212/18](#).

<sup>38</sup> Directive [2008/98/EC](#).

<sup>39</sup> Directive [2001/42/EC](#).

<sup>40</sup> *Associazione "Verdi Ambiente e Società - Aps Onlus" and Others*, [C-305/18](#).

<sup>41</sup> Regulation (EC) No [1370/2007](#), joined cases: *Mobit*, [C-350/17](#) and *Autolinee Toscane*, [C-351/17](#).



on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters<sup>42</sup>.

- National legislation providing for the automatic termination of employment at the age of 60 for aircraft pilots engaged in activities associated with protecting the national security of a Member State is compatible with EU law if it is necessary for public security and does not go beyond what is necessary to achieve this objective<sup>43</sup>.
- National authorities which intend directly to award a public service contract for the transport of passengers by rail are not required to publish or communicate to any interested economic operators all the information necessary<sup>44</sup>.

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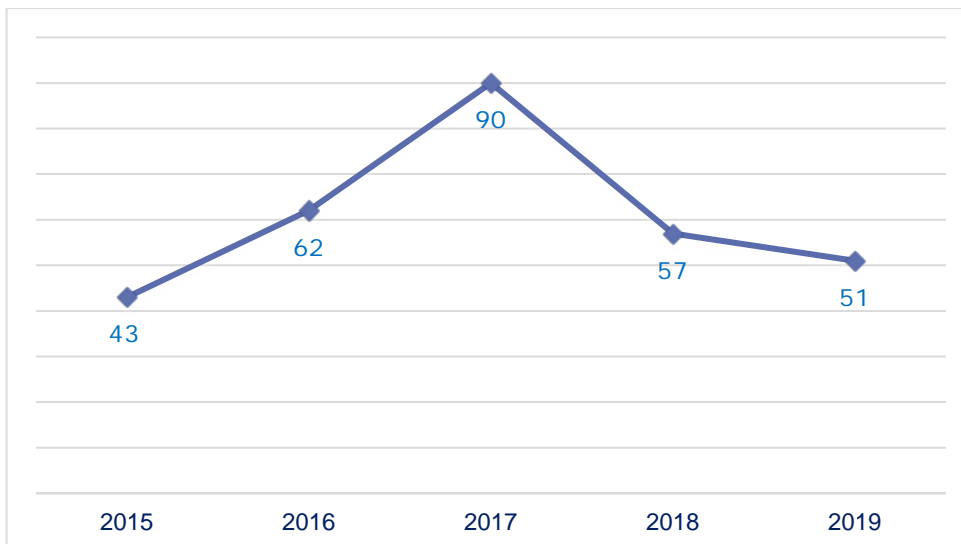
<sup>42</sup> Regulation (EU) No [1215/2012](#), *Guaitoli*, [C-213/18](#).

<sup>43</sup> Regulation (EU) No [1178/2011](#), Directive [2000/78/EC](#), *Cafaro*, [C-396/18](#).

<sup>44</sup> Regulation (EC) No [1370/2007](#), *Autorità Garante della Concorrenza e del Mercato*, [C-515/18](#).

## I. COMPLAINTS

### 1. New complaints made against Cyprus by members of the public (2015-2019)



### 2. Public complaints against Cyprus open at year-end

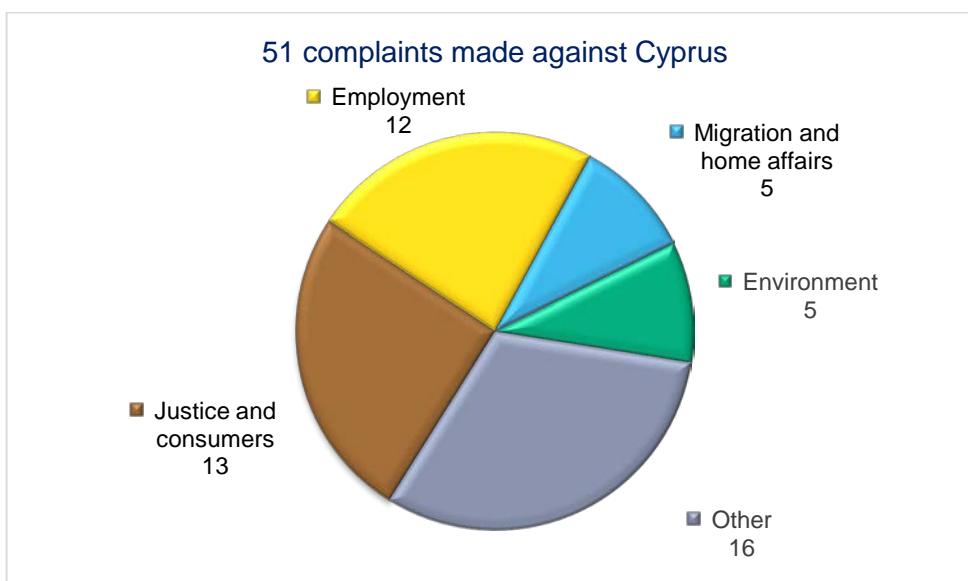
54 ▶ Complaints open at end-2018

51 ▶ New complaints registered in 2019

40 ▶ Complaints handled in 2019

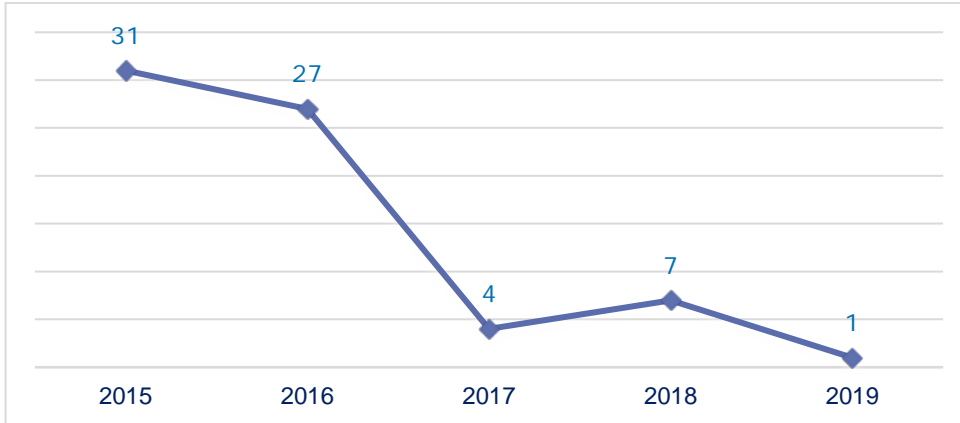
**= 65** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas



## II. EU PILOT

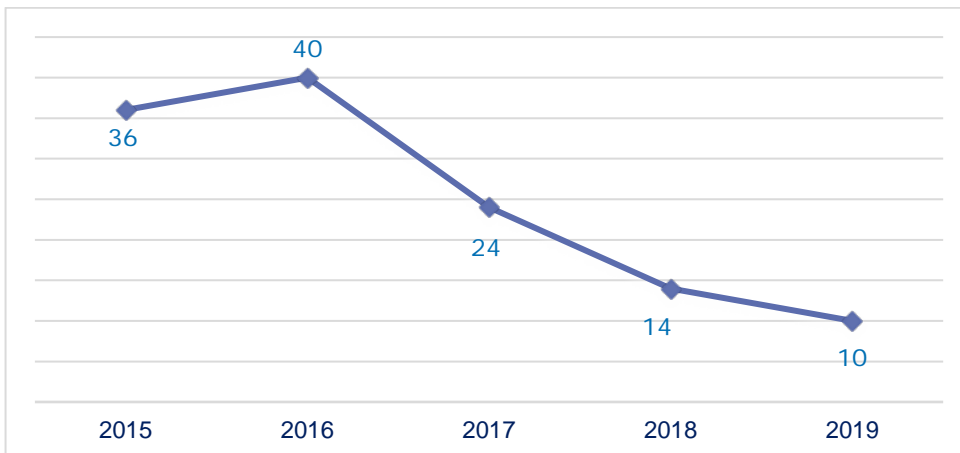
### 1. New EU Pilot files opened against Cyprus (2015-2019)



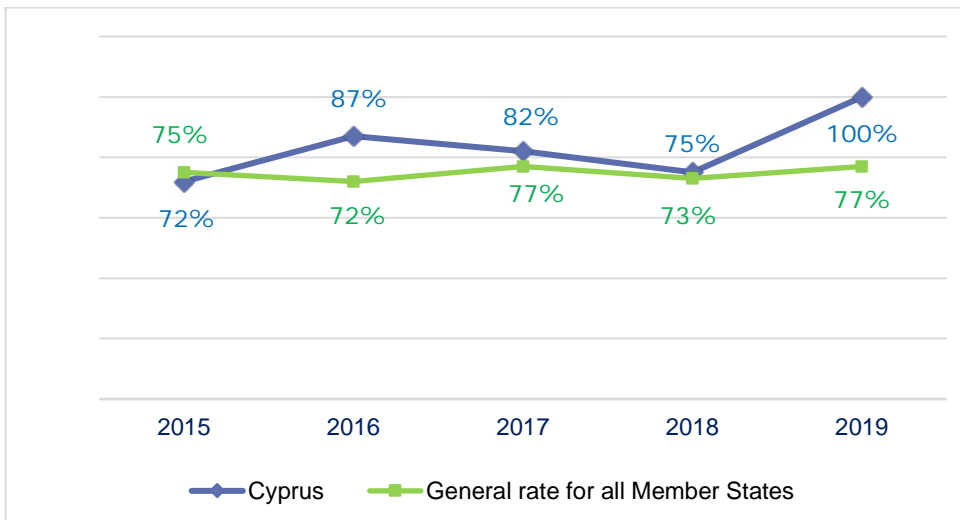
### 2. New EU Pilot files opened in 2019: policy areas

One new EU Pilot file opened in 2019, in the area of energy.

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

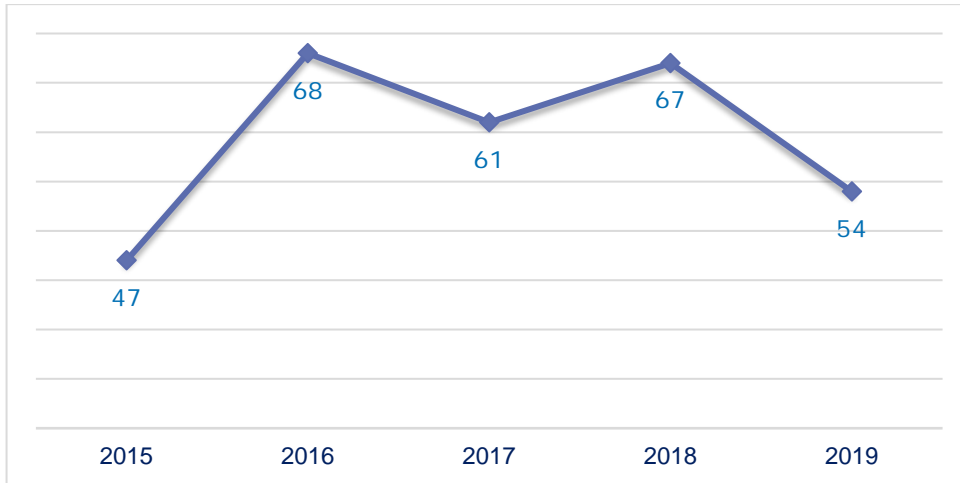


### 4. EU Pilot files: Cyprus's resolution rate in 2015-2019

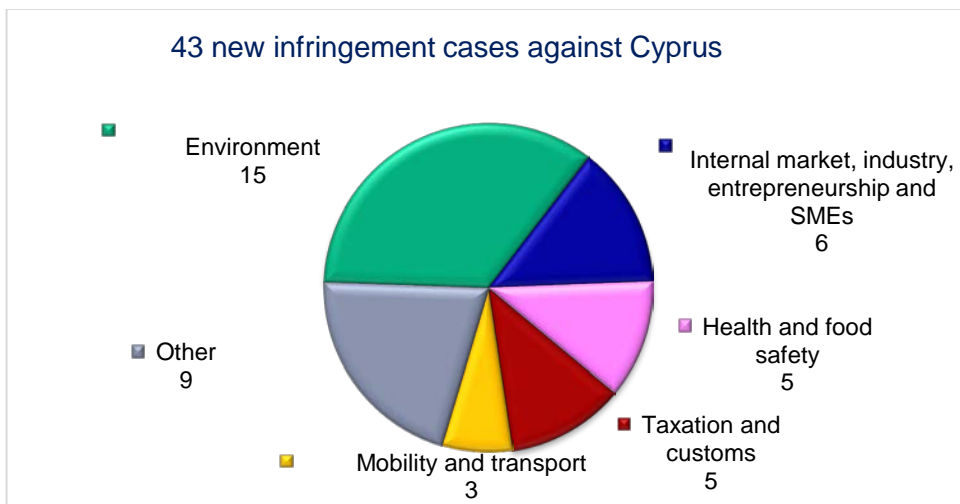


### III. INFRINGEMENT CASES

#### 1. Infringement cases against Cyprus open on 31 December (2015-2019)



#### 2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 43 new infringement cases against Cyprus in 2019. These, and other major ongoing infringement cases, include:
- delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>1</sup>;
  - incorrect application of the Investor Compensation Scheme Directive<sup>2</sup>;
  - general and persistent failure to ensure that plans and projects undergo an appropriate assessment of their implications on Natura 2000 sites, as required by the Habitats Directive<sup>3</sup>;
  - late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>4</sup>;

<sup>1</sup> Regulation (EU) [2018/302](#), [INF/19/4251](#).

<sup>2</sup> Directive [97/9/EC](#), [MEMO/19/1472](#).

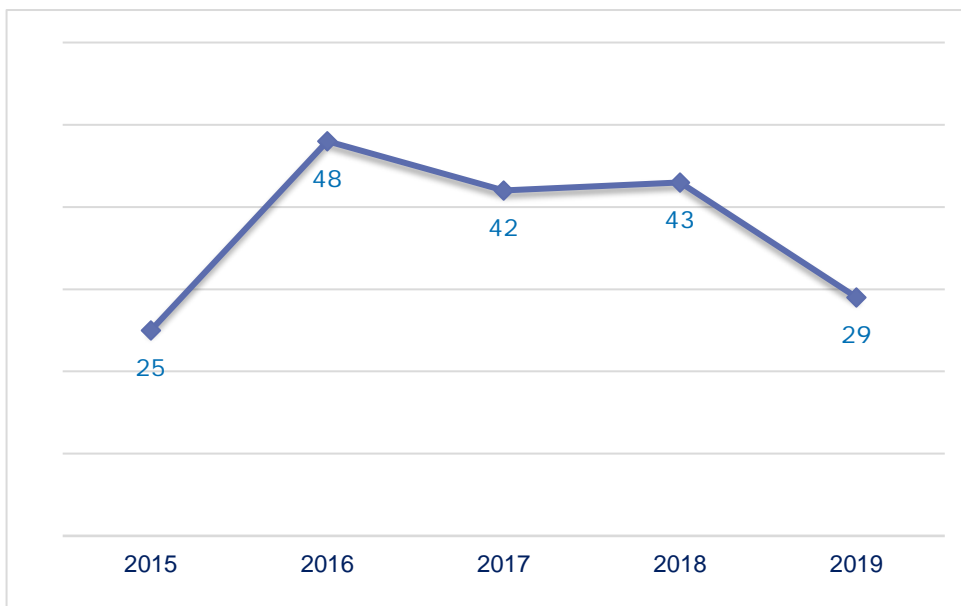
<sup>3</sup> Directive [92/43/EEC](#), [INF/19/6304](#).

<sup>4</sup> Directive [2008/56/EC](#), [INF/19/5950](#).

- failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>5</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>6</sup>;
  - incorrect application of the VAT rules on the lease of yachts<sup>7</sup>;
  - non-communication of national measures transposing the:
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>8</sup>
    - Bank Creditors Hierarchy Directive<sup>9</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>10</sup>
    - Basic Safety Standards Directive<sup>11</sup>.
- b. [The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- lack of proper collection and treatment of urban waste waters of various agglomerations in breach of the Urban Waste Water Directive<sup>12</sup>.
- c. [The Commission did not refer any cases to the Court under Article 260(2) TFEU.]

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Cyprus open on 31 December (2015-2019)



<sup>5</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

<sup>6</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>7</sup> [IP/19/4265](#).

<sup>8</sup> Directive [2016/2341/EU](#).

<sup>9</sup> Directive [2017/2399/EU](#).

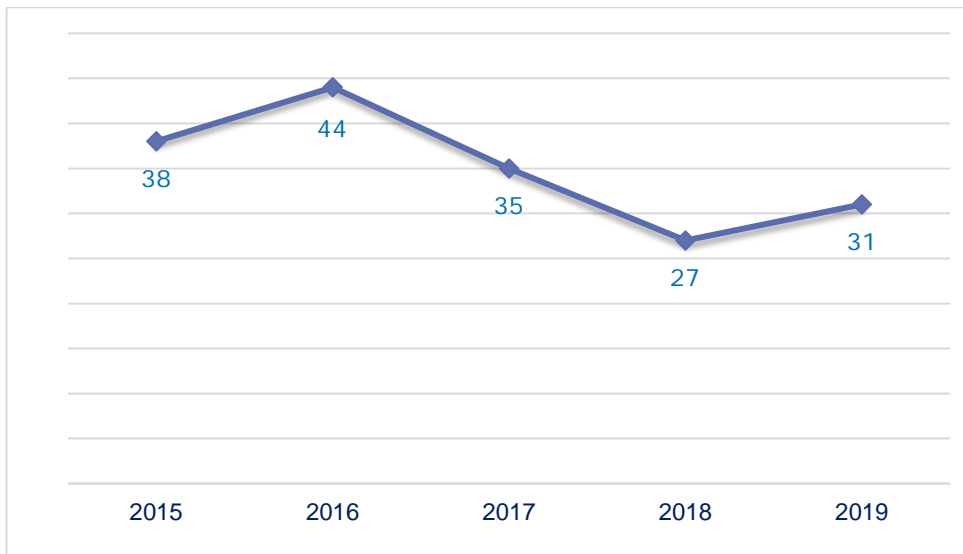
<sup>10</sup> Directive (EU) [2018/1581](#).

<sup>11</sup> Directive [2013/59/Euratom](#), [INF/19/6304](#).

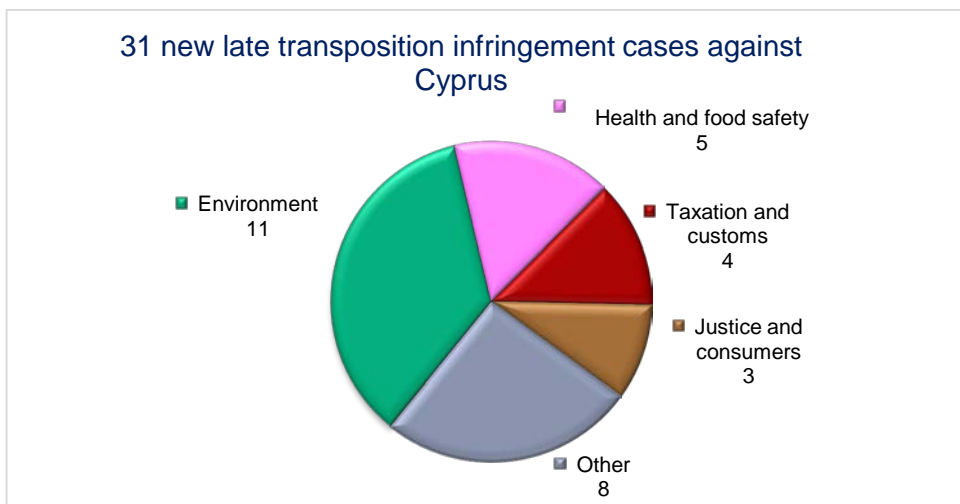
<sup>12</sup> Directive [91/271/EEC](#), *Commission v Cyprus*, C-248/19, [IP/19/1474](#).

Cyprus

2. New late transposition infringement cases against Cyprus (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned: ]

- non-communication of national measures transposing the:
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>13</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>14</sup>
  - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>15</sup>

<sup>13</sup> Directive (EU) [2018/1027](#).

<sup>14</sup> Directive (EU) [2018/100](#).

<sup>15</sup> Directive [2016/801/EU](#).

- Reception Conditions Directive<sup>16</sup>
- Asylum Procedures Directive<sup>17</sup>
- minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights<sup>18</sup>
- Indirect Land Use Change Directive<sup>19</sup>
- Mortgage Credit Directive<sup>20</sup>
- Anti-Tax Avoidance Directive (ATAD1)<sup>21</sup>;
- incorrect transposition of the Third Energy Package Directives<sup>22</sup>;
- failure to provide the required quality management system for operational parts of the flag State-related activities<sup>23</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

There were no major Court rulings in 2019.

### 2. Preliminary rulings

No major preliminary rulings were addressed to the Cyprus judiciary in 2019. ]

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<sup>16</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>17</sup> Directive [2013/32/EU](#).

<sup>18</sup> Directive [2014/50/EU](#).

<sup>19</sup> Directive (EU) [2015/1513](#).

<sup>20</sup> Directive [2014/17/EU](#).

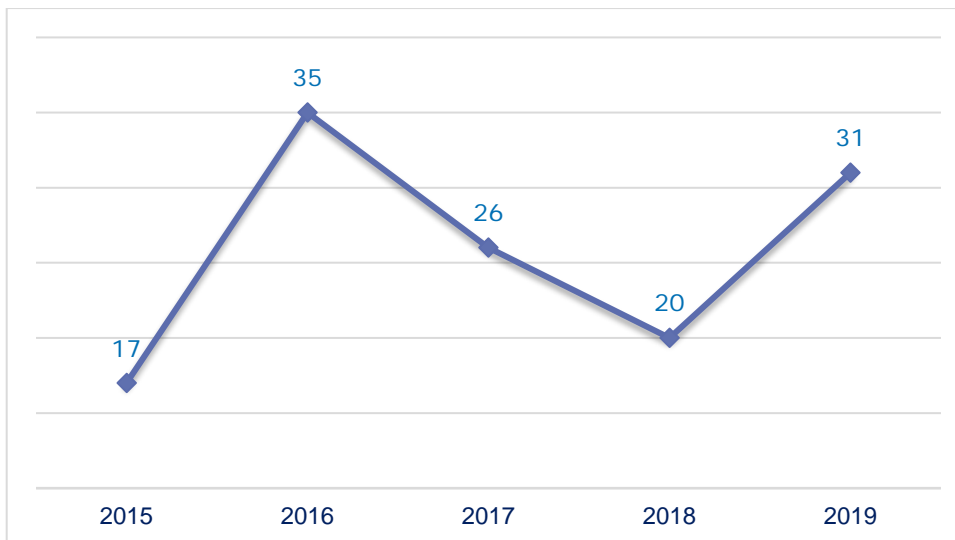
<sup>21</sup> Directive (EU) [2016/1164](#).

<sup>22</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

<sup>23</sup> Directive [2009/21/EC](#).

## I. COMPLAINTS

### 1. New complaints made against Latvia by members of the public (2015-2019)



### 2. Public complaints against Latvia open at year-end

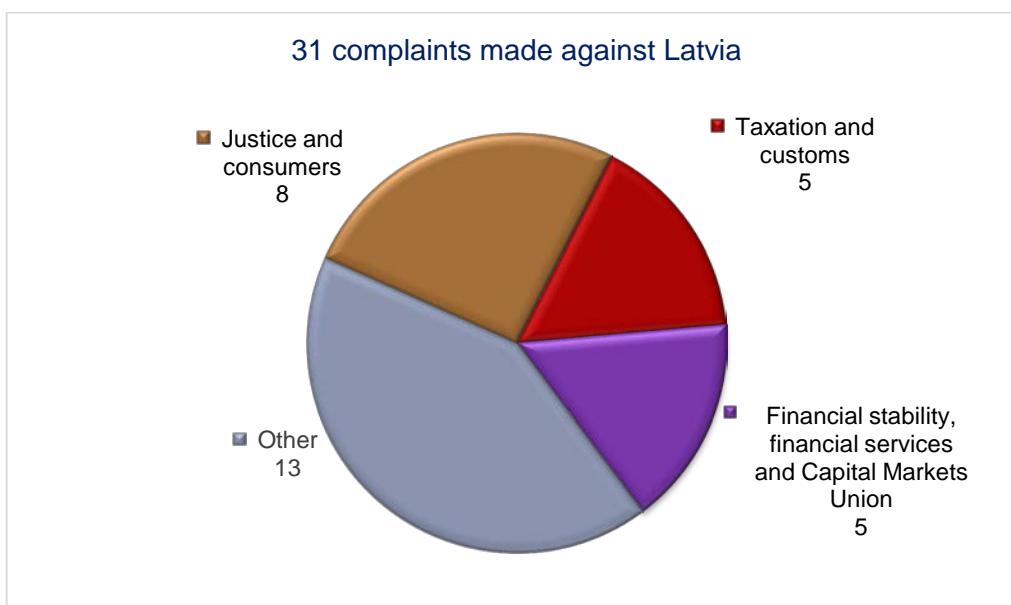
20 ▶ Complaints open at end-2018

31 ▶ New complaints registered in 2019

27 ▶ Complaints handled in 2019

**= 24** ▶ Complaints open at end 2019

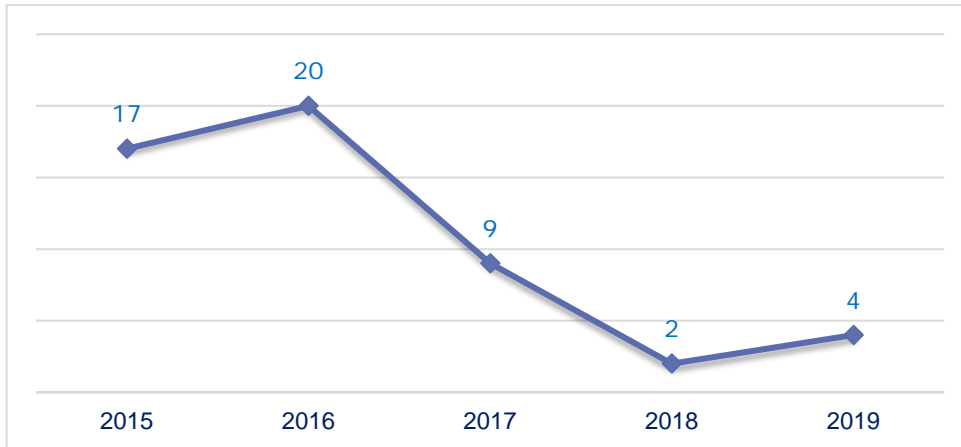
### 3. New complaints registered in 2019: main policy areas



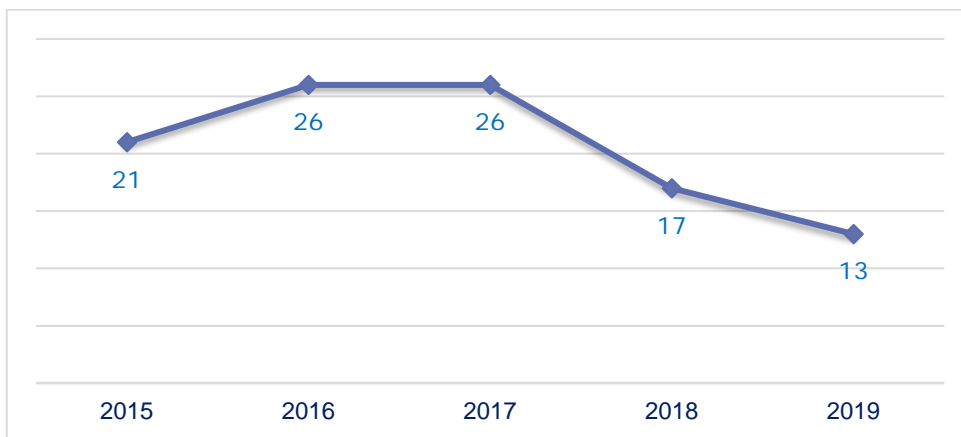


## I. EU PILOT

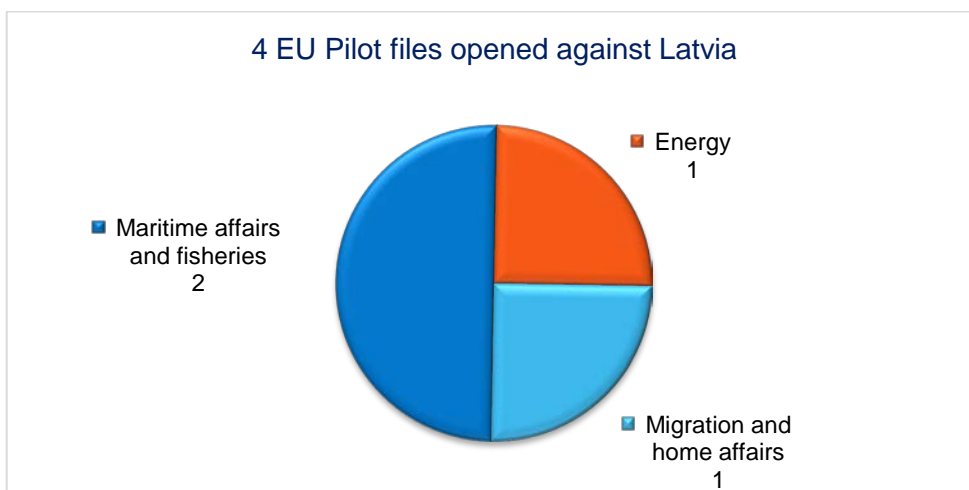
### 1. New EU Pilot files opened against Latvia (2015-2019)



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

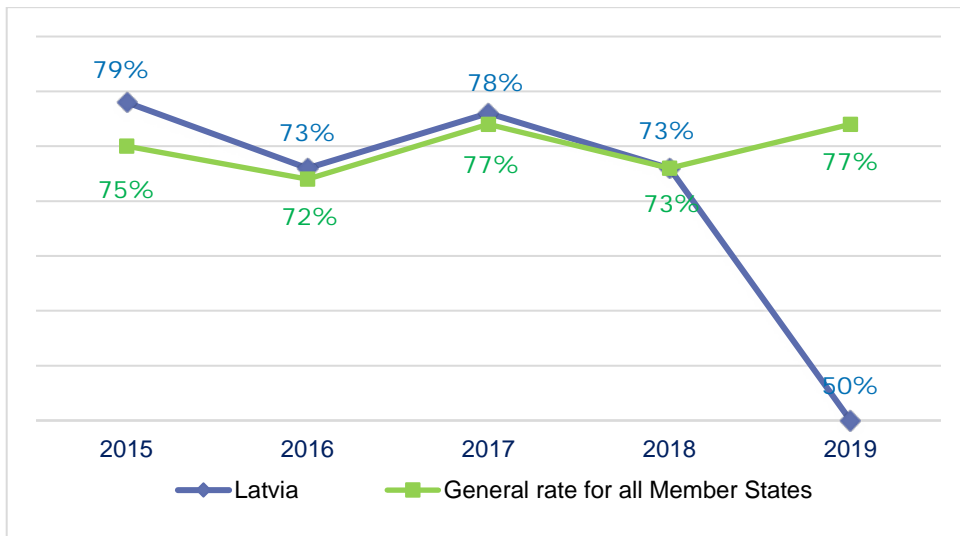


### 3. New EU Pilot files opened in 2019: policy areas



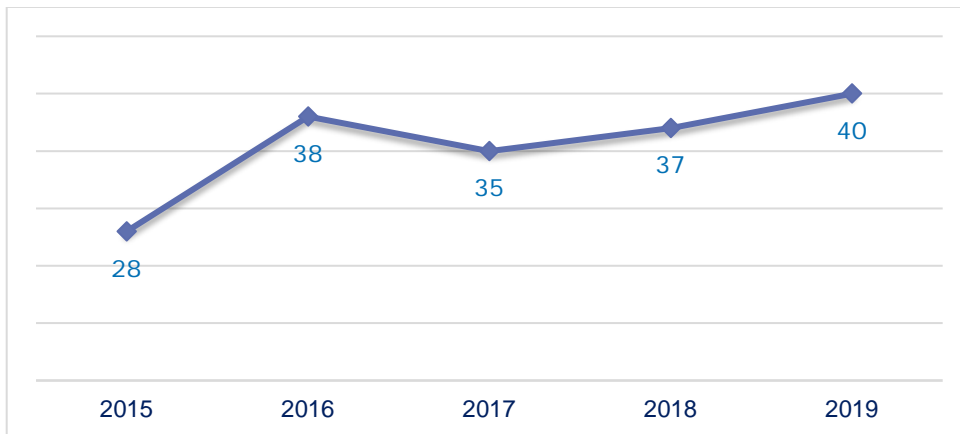
Latvia

4. EU Pilot files: Latvia's resolution rate in 2015-2019

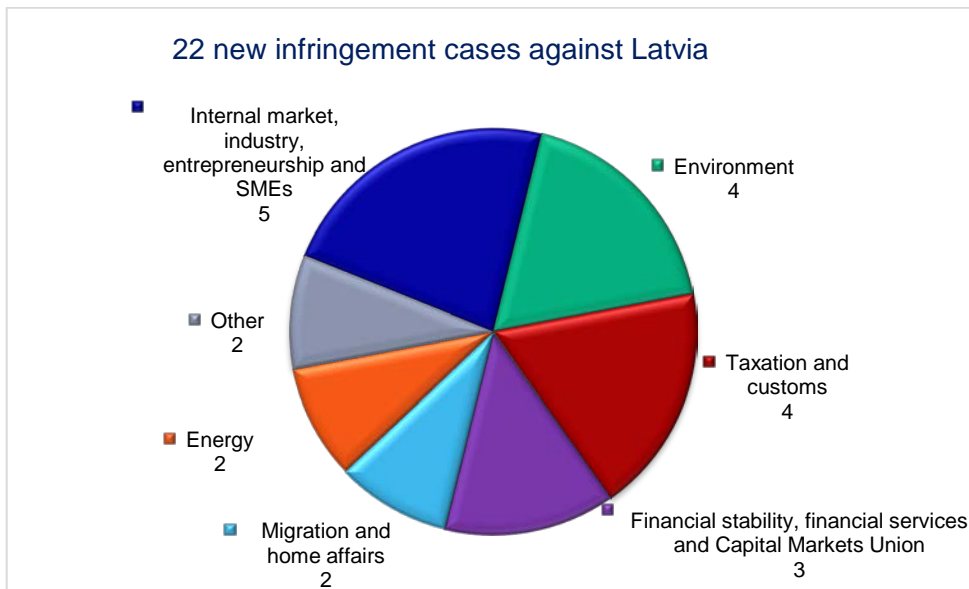


II. INFRINGEMENT CASES

1. Infringement cases against Latvia open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

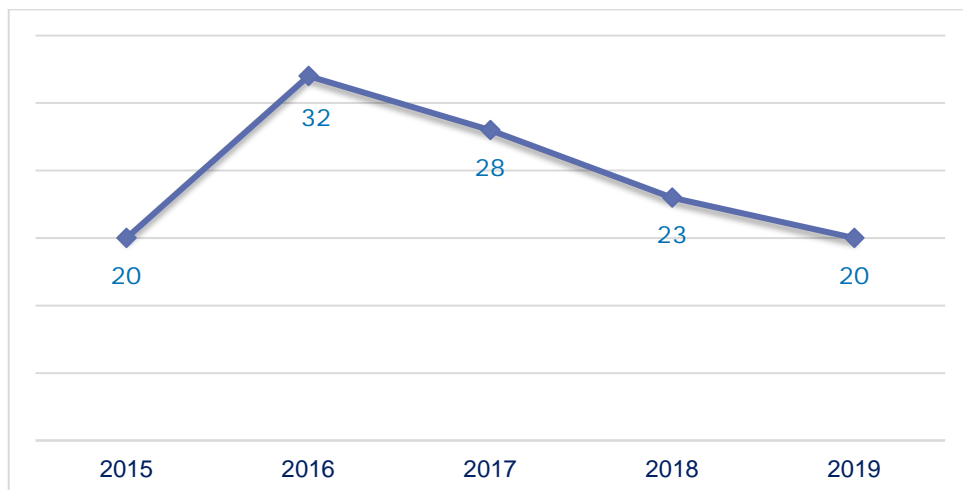


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 22 new infringement cases against Latvia in 2019. These, and other major ongoing infringement cases, include:
- failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>1</sup>
  - failure to ensure that urban waste water is adequately collected and treated<sup>2</sup>
  - incorrect implementation of the SEPA Regulation<sup>3</sup>;
  - incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>4</sup>
    - EU rules on public procurement and concessions<sup>5</sup>
    - Directive on the protection of animals used for scientific purposes<sup>6</sup>
    - Energy Efficiency Directive<sup>7</sup>
    - Radioactive Waste Directive<sup>8</sup>;
  - non-communication of national measures transposing the:
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>9</sup>
    - Bank Creditors Hierarchy Directive<sup>10</sup>.
- 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.]

## III. TRANSPOSITION OF DIRECTIVES

### 1. Late transposition infringement cases against Latvia open on 31 December (2015-2019)



<sup>1</sup> [INF/19/6304](#).

<sup>2</sup> Directive [91/271/EEC](#), [MEMO/19/462](#).

<sup>3</sup> Regulation (EU) [260/2012](#), [MEMO/19/1472](#).

<sup>4</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>5</sup> [INF/19/5950](#); Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#).

<sup>6</sup> Directive [2010/63/EU](#), [INF/19/5950](#).

<sup>7</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

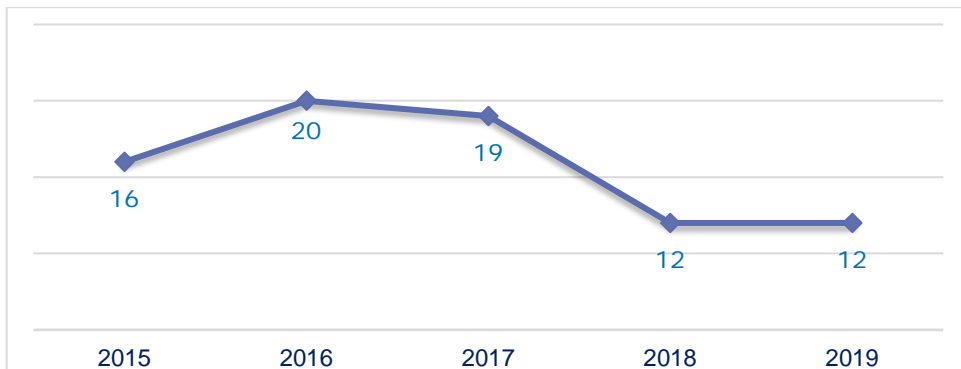
<sup>8</sup> Directive [2011/70/Euratom](#), [MEMO/19/462](#).

<sup>9</sup> Directive [2016/2341/EU](#).

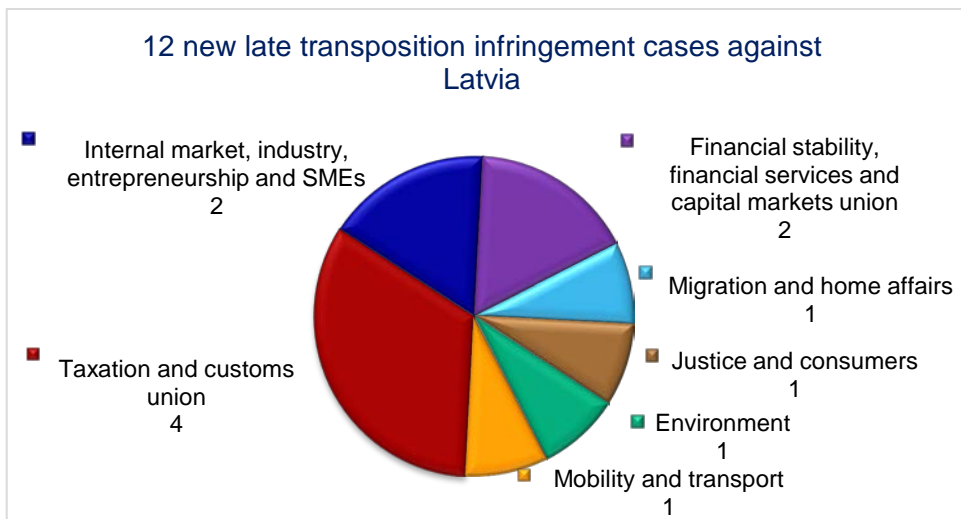
<sup>10</sup> Directive [2017/2399/EU](#).

Latvia

2. New late transposition infringement cases against Latvia (2015-2019)



3. New late transposition infringement cases opened in 2019: 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.

IV. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2019

These concerned:

- restrictions to registration of right hand drive cars<sup>11</sup>;
- discriminatory taxation of real estate in Riga City;
- non-compliance with the Energy Performance of Buildings Directive<sup>12</sup>;
- non-communication of national measures transposing the:
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>13</sup>
  - Reception Conditions Directive<sup>14</sup>
  - Asylum Procedures Directive<sup>15</sup>
  - Anti-tax avoidance Directive<sup>16</sup>.

<sup>11</sup> Directive [2007/46/EC](#).

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

<sup>13</sup> Directive (EU) [2018/1027](#).

<sup>14</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>15</sup> Directive [2013/32/EU](#).

## V. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>17</sup>

There were no major Court rulings in 2019.

### 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Latvian judiciary:

- recording of a video of police officers in a police station, while a statement is being made, and the publication of that video on a video website, on which users can send, watch and share videos, are covered by the EU rules on data protection. Further, such recording and such publication on a video website may constitute a processing of personal data solely for journalistic purposes<sup>18</sup>.
- where the customs value of goods such as medicinal products is calculated by applying the deductive method (this is one of the methods used for calculating the customs value), the competent national customs administration must, in order to identify 'similar goods', take into account any relevant element. Such elements could be the respective composition of these goods, their substitutability with regard to their effects and their commercial interchangeability<sup>19</sup>.

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<sup>16</sup> Directive (EU) [2016/1164](#).

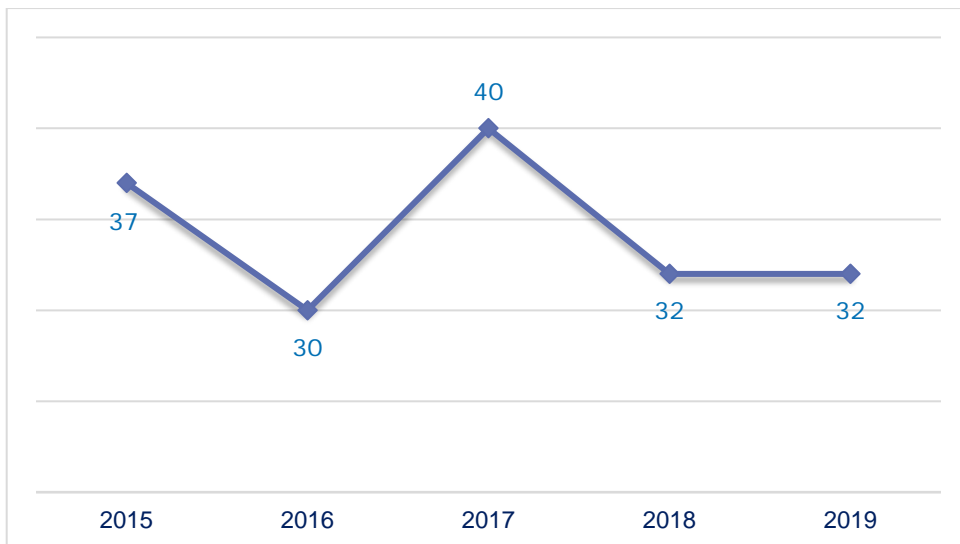
<sup>17</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>18</sup> Buivids, [C-345/17](#).

<sup>19</sup> SIA Oribalt Rīga v Valsts ieņēmumu dienests, [C-1/18](#).

## I. COMPLAINTS

### 1. New complaints made against Lithuania by members of the public (2015-2019)



### 2. Public complaints against Lithuania open at year-end

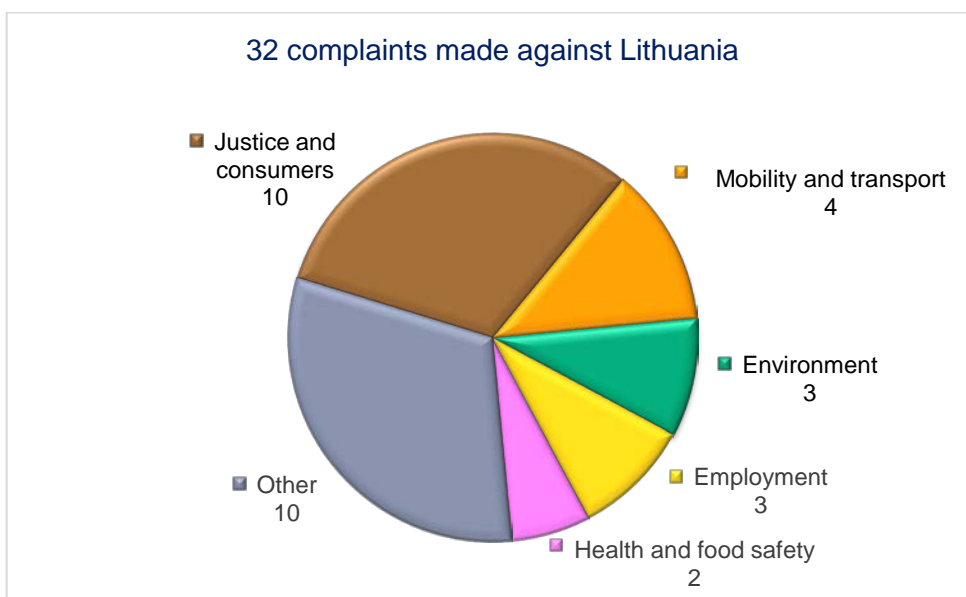
30 ▶ Complaints open at end-2018

32 ▶ New complaints registered in 2019

33 ▶ Complaints handled in 2019

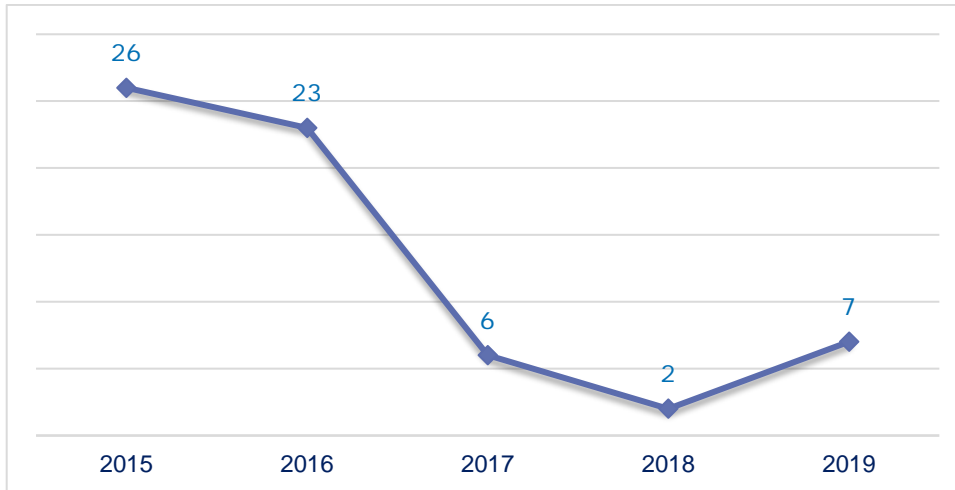
33  
= 29 ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

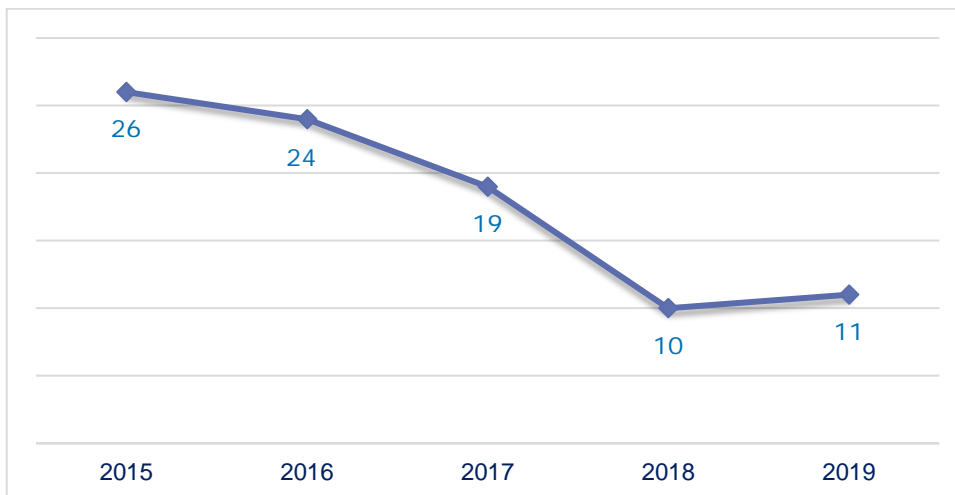


## II. EU PILOT

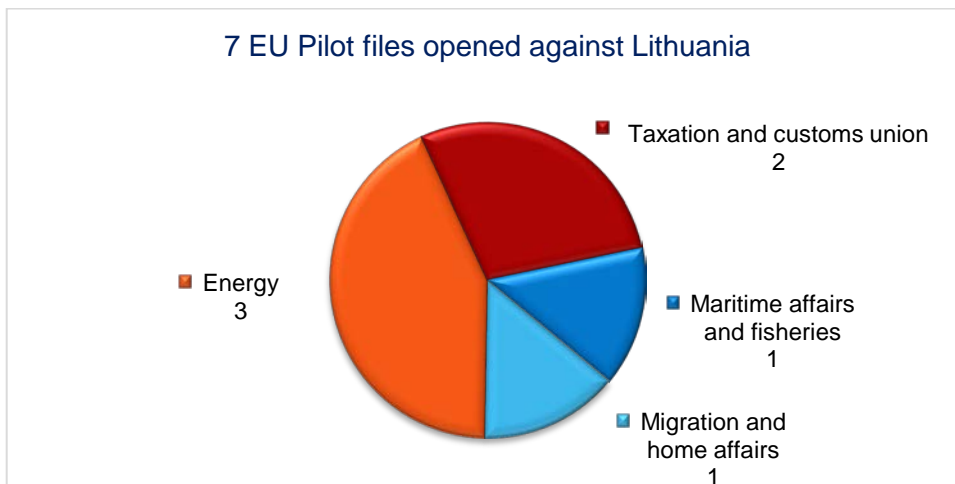
### 1. New EU Pilot files opened against Lithuania (2015-2019)



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

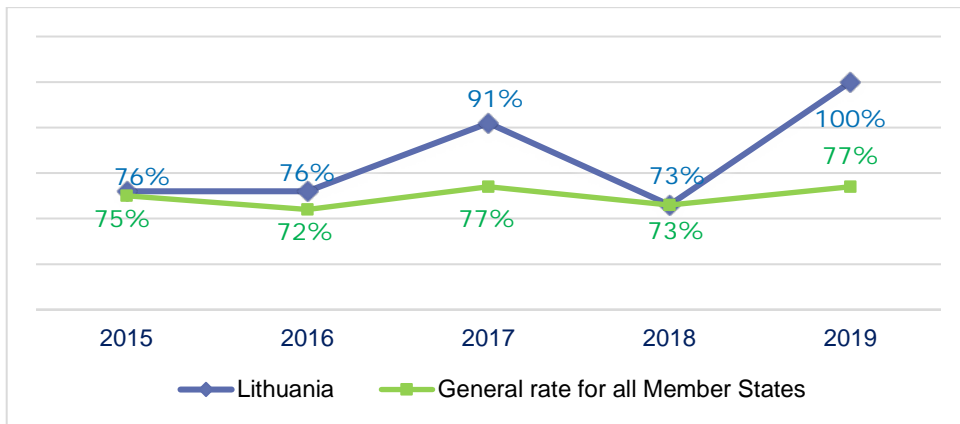


### 3. New EU Pilot files opened in 2019: main policy areas



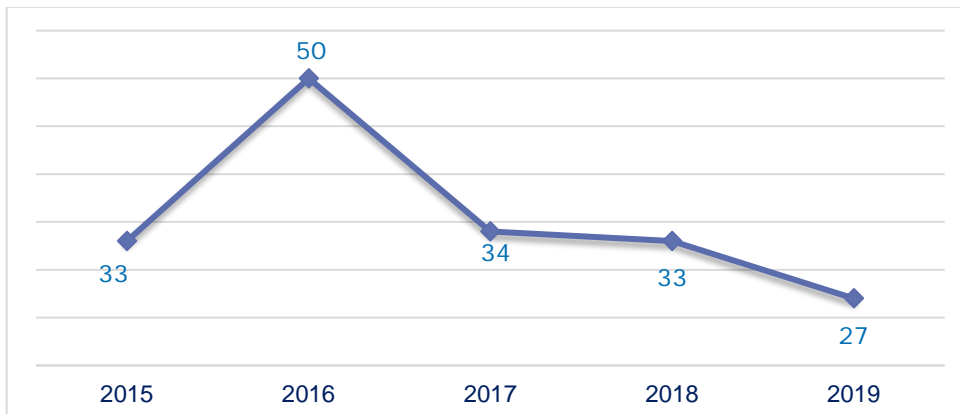
Lithuania

4. EU Pilot files: Lithuania's resolution rate in 2015-2019

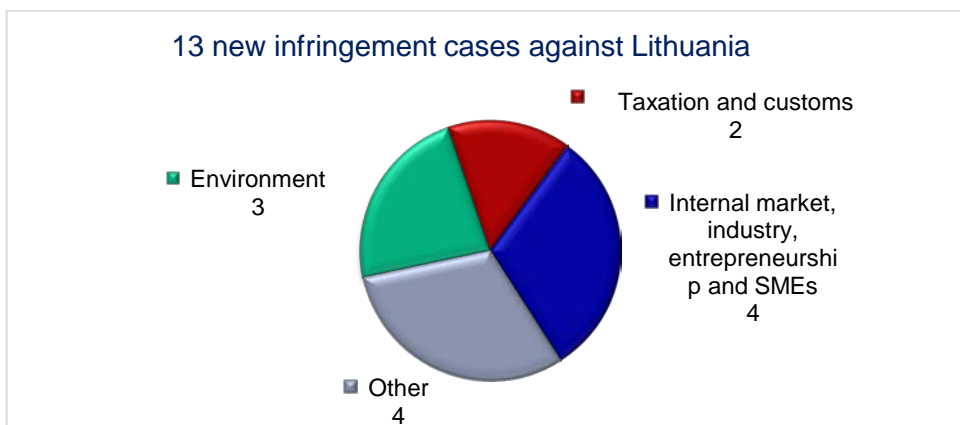


III. INFRINGEMENT CASES

1. Infringement cases against Lithuania open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



3. Key infringement cases and referrals to the Court

- a. The Commission opened 13 new infringement cases against Lithuania in 2019. These, and other major ongoing infringement cases, include:
- failure to ensure that urban waste water is adequately collected and treated<sup>1</sup>;

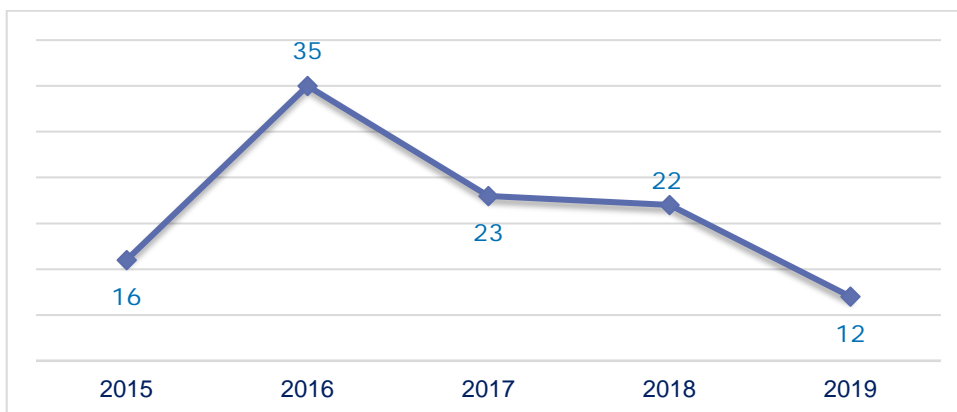
<sup>1</sup> Directive [91/271/EEC](#), [MEMO/19/462](#).



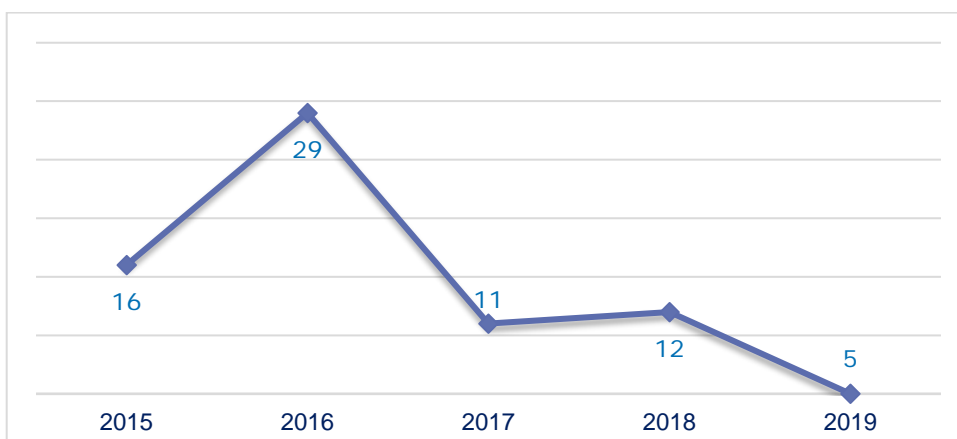
- late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>2</sup>;
  - incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>3</sup>
    - EU rules on public procurement and concessions<sup>4</sup>
    - Energy Efficiency Directive<sup>5</sup>;
  - **non-communication of national measures transposing the:**
    - Reception Conditions Directive<sup>6</sup>
    - Bank Creditors Hierarchy Directive<sup>7</sup>.
- 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 Lithuania open on 31 December (2015-2019)



2. New late transposition infringement cases against Lithuania (2015-2019)



3. New late transposition infringement cases opened in 2019: main policy areas

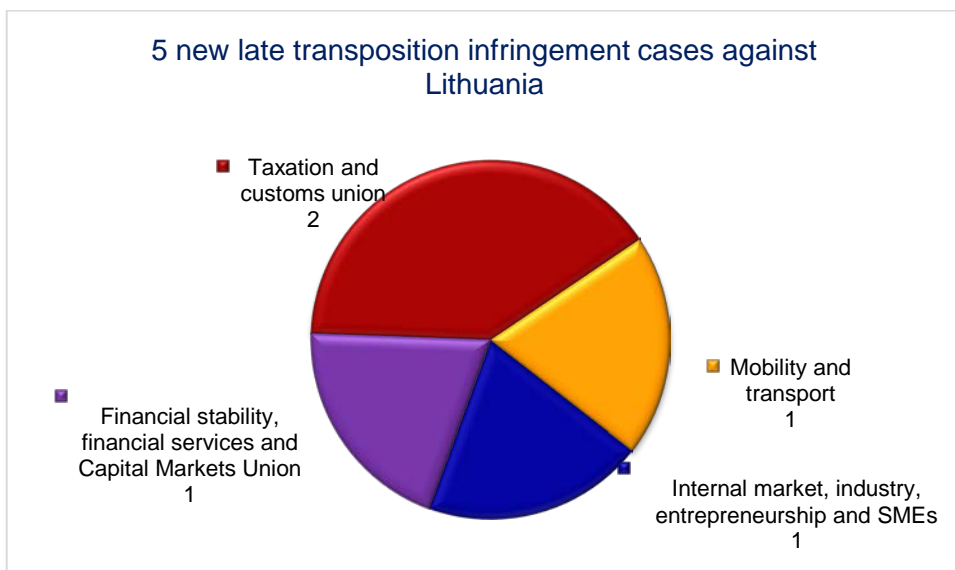
<sup>2</sup> [Directive 2008/56/EC](#), [INF/19/5950](#).

<sup>3</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#), [INF/19/5950](#); Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#).

<sup>4</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>5</sup> Directive [2013/33/EU](#).

<sup>6</sup> Directive [2017/2399/EU](#).



#### 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 2019

These concerned:

- restrictions to the acquisition of agricultural land;
- failure to communicate national measures transposing the:
  - Asylum Procedures Directive<sup>8</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>9</sup>
  - Council Directive on tax dispute resolution mechanisms in the European Union<sup>10</sup>.

### VI. IMPORTANT JUDGMENTS

#### 1. Court rulings<sup>11</sup>

There were no major Court rulings in 2019.

#### 2. Preliminary rulings

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

- The Court clarified the conditions upon which *in-house* transactions concluded by public authorities are compatible with EU public procurement legislation<sup>12</sup>.
- A Member State may, on grounds of public policy such as combating the incitement to hatred, impose a requirement to temporarily distribute or retransmit a television channel from another Member State only in pay-to-view packages<sup>13</sup>.
- Telecommunications companies are required to transmit location information for free to the 112 emergency call authorities, even if the call is received from a mobile phone which is not

<sup>8</sup> Directive [2013/32/EU](#).

<sup>9</sup> Directive [2014/65/EU](#).

<sup>10</sup> Directive (EU) [2017/1852](#).

<sup>11</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>12</sup> *Irgita*, Case [C-285/18](#).

<sup>13</sup> *Baltic Media Alliance*, case [C-622/17](#).

equipped with a SIM card. When determining accuracy and reliability criteria, Member States need to ensure that the location information is useful for emergency services to intervene<sup>14</sup>.

- National legislation to combat unfair commercial practices may prohibit buyers of raw milk to pay a different purchase price to producers who, on the basis of the daily quantity of raw milk sold that is of identical composition and quality and delivered via the same method, must be regarded as belonging to the same group<sup>15</sup>.
- Member States should tax as cigars or cigarillos tobacco products with an outer wrapper of natural tobacco partially covered, at the filter, by an additional paper layer, which may make them visually similar to cigarettes<sup>16</sup>.
- The exemption from excise duty applies to denatured ethyl alcohol contained in cosmetics or mouthwashes which are nevertheless consumed as alcoholic beverages, although not intended for human consumption, even if the importer of products from another Member State labelled them with a view to increasing the sales<sup>17</sup>. ]

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<sup>14</sup> AW and Others, case [C- 417/18](#).

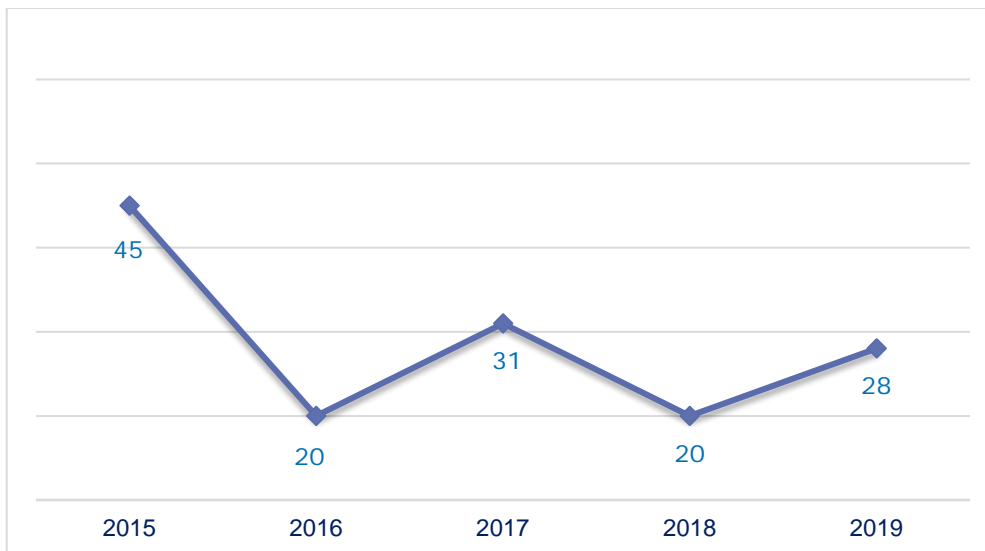
<sup>15</sup> Lietuvos Respublikos Seimo narių grupė, [C-2/18](#).

<sup>16</sup> Skonis ir kvapas, [C-638/17](#).

<sup>17</sup> Bene Factum, [C-567/17](#).

## I. COMPLAINTS

### 1. New complaints made against Luxembourg by members of the public (2015-2019)



### 2. Public complaints against Luxembourg open at year-end

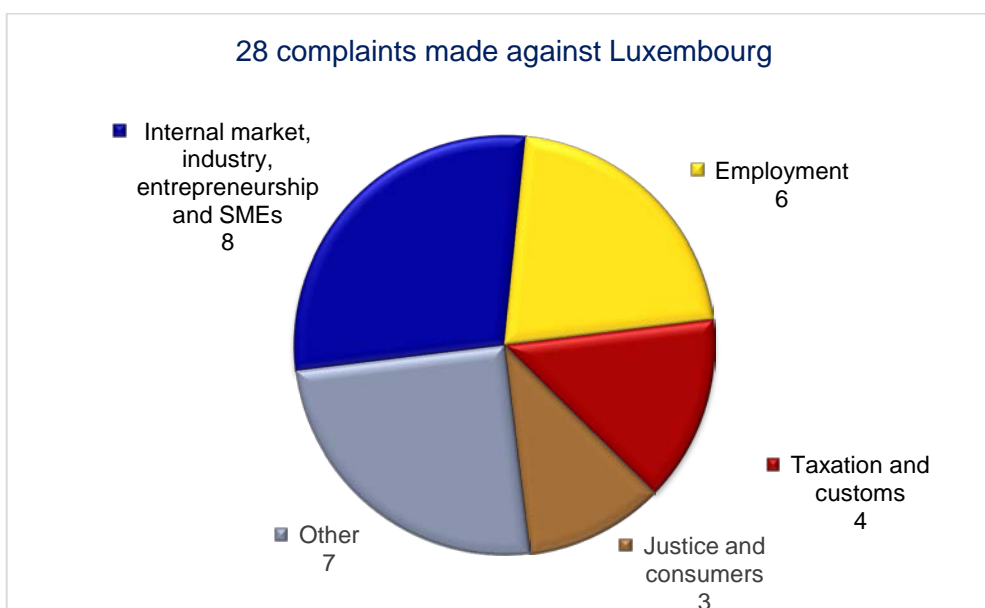
47 ▶ Complaints open at end-2018

28 ▶ New complaints registered in 2019

34 ▶ Complaints handled in 2019

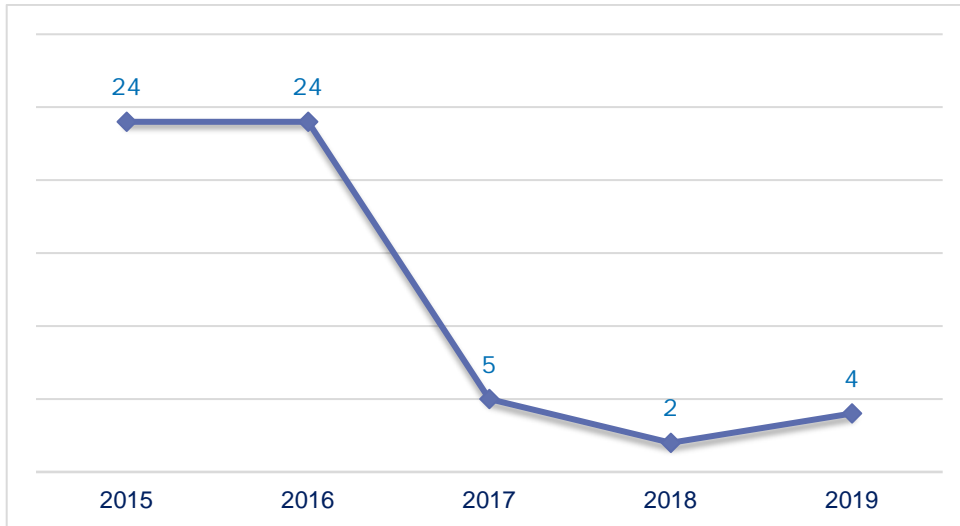
**= 41** ▶ Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

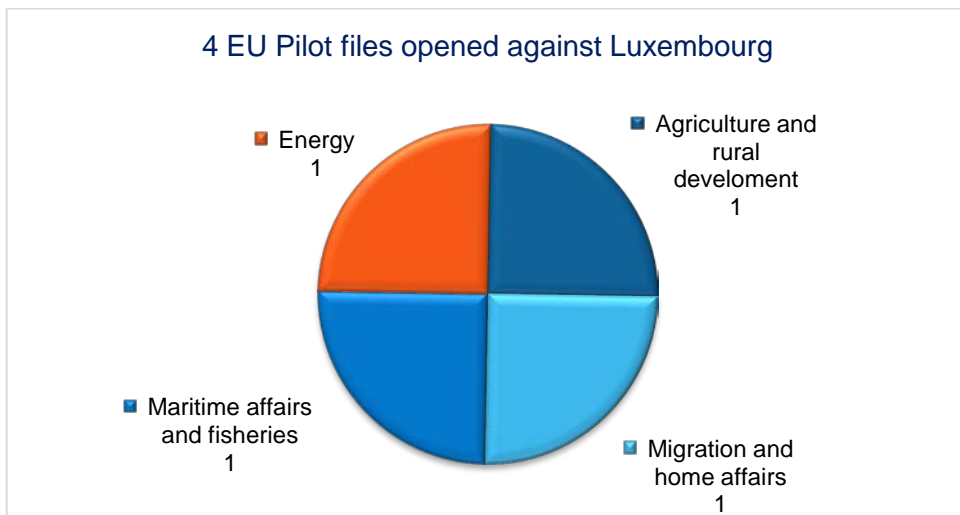


## II. EU PILOT

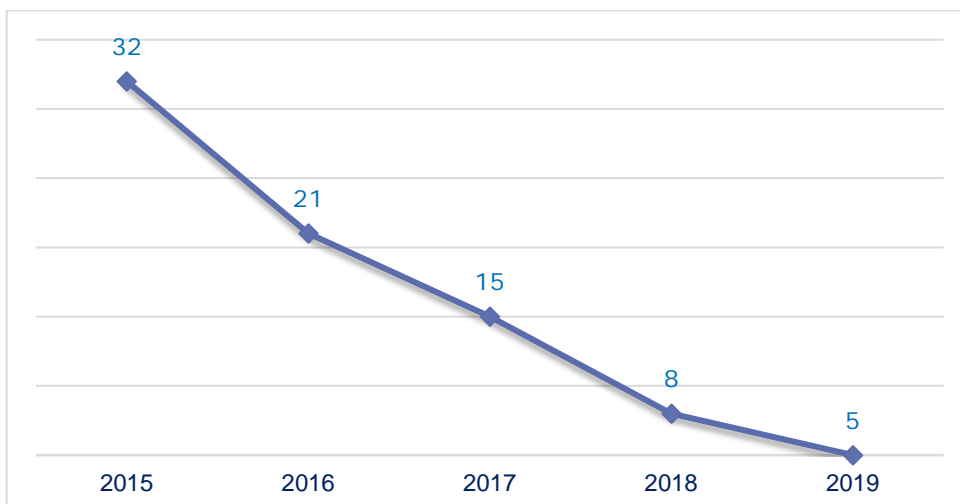
### 1. New EU Pilot files opened against Luxembourg (2015-2019)



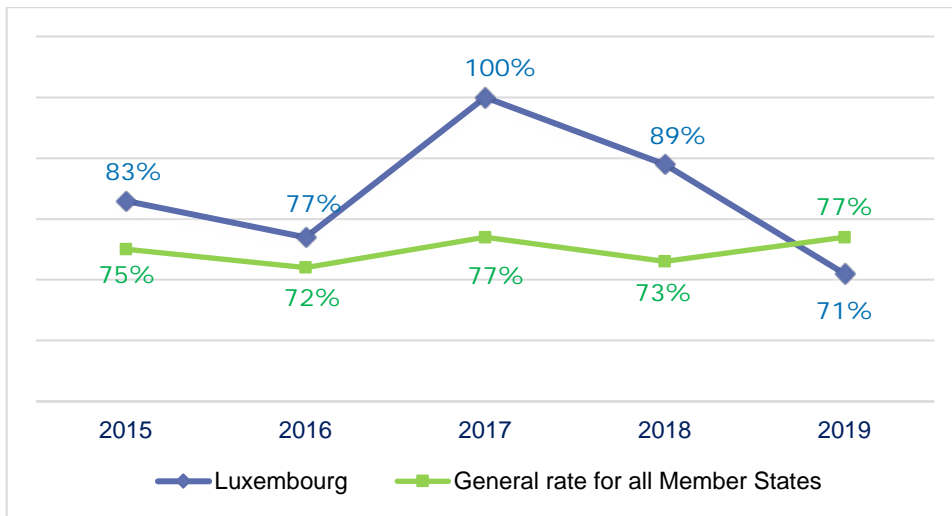
### 2. New EU Pilot files opened in 2019: main policy areas



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

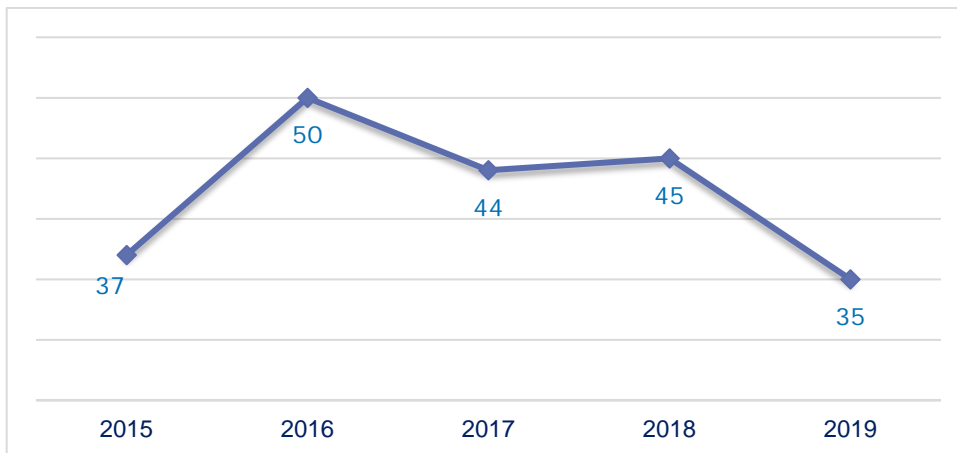


4. EU Pilot files: Luxembourg's resolution rate in 2015-2019

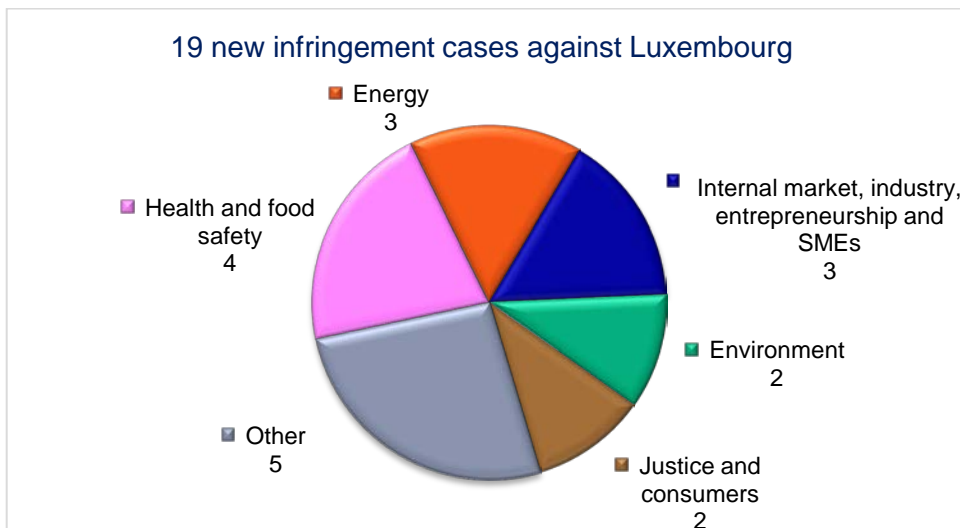


III. INFRINGEMENT CASES

1. Infringement cases against Luxembourg open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

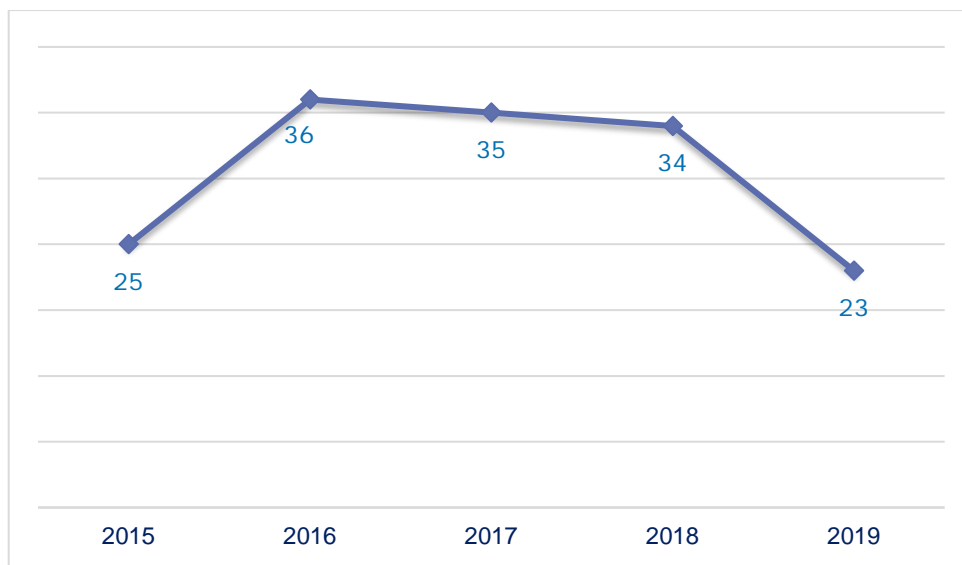


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 32 new infringement cases against Luxembourg in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>1</sup>
    - Environmental Quality Standards Directive<sup>2</sup>
    - revised Environmental Impact Assessment Directive<sup>3</sup>,
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>4</sup>;
  - non-communication of national measures transposing the:
    - Directive on combating terrorism<sup>5</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>6</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>7</sup>.
- b. The Commission did not refer any cases to the Court under Article 258 TFEU and Article 260(2) TFEU.]

## IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Luxembourg open on 31 December (2015-2019)



<sup>1</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>2</sup> Directive [2008/105/EC](#), [INF/19/6304](#).

<sup>3</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/5950](#).

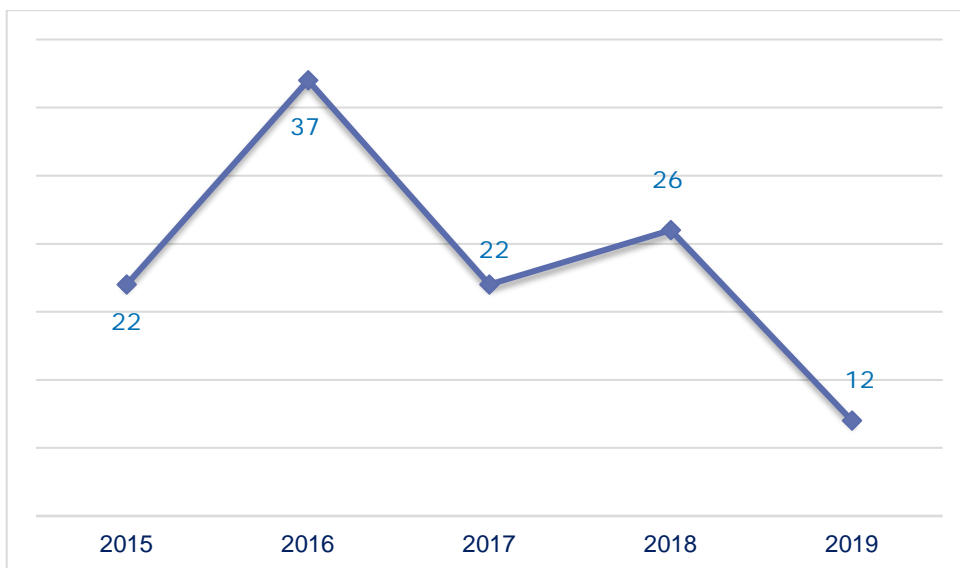
<sup>4</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>5</sup> Directive [\(EU\) 2017/541](#); [INF/19/4251](#).

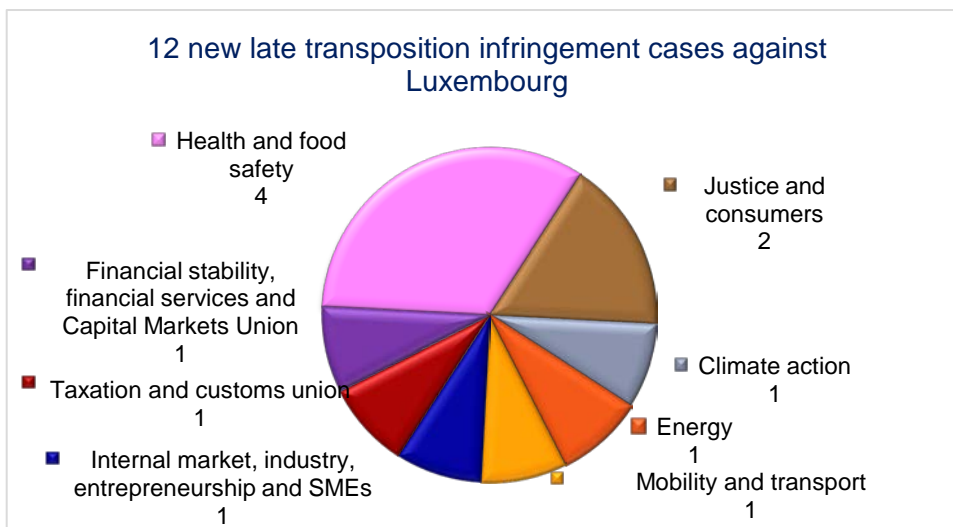
<sup>6</sup> Directive [2016/2341/EU](#).

<sup>7</sup> Directive (EU) [2018/1581](#).

## 2. New late transposition infringement cases against Luxembourg (2015-2019)



## 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- failure to submit their second cost-optimal report required by the Energy Performance of Buildings Directive<sup>8</sup>;
- failure to communicate national measures transposing the:
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>9</sup>

<sup>8</sup> Directive [2010/31/EU](#), [MEMO/19/1472](#)

<sup>9</sup> Directive (EU) [2018/1027](#).



- Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>10</sup>
- Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants
- Reception Conditions Directive<sup>11</sup>
- Asylum Procedures Directive<sup>12</sup>
- Markets in Financial Instruments Directive (MiFID II)<sup>13</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>14</sup>

There were no major Court rulings in 2019.

### 2. Preliminary rulings

The Court addressed the following preliminary ruling to the Luxembourgish judiciary:

- the French public prosecutor's office is regarded as an 'issuing judicial authority', since the independence of French public prosecutors is not called into question<sup>15</sup>.

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<sup>10</sup> Directive (EU) [2018/100](#).

<sup>11</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>12</sup> Directive [2013/32/EU](#).

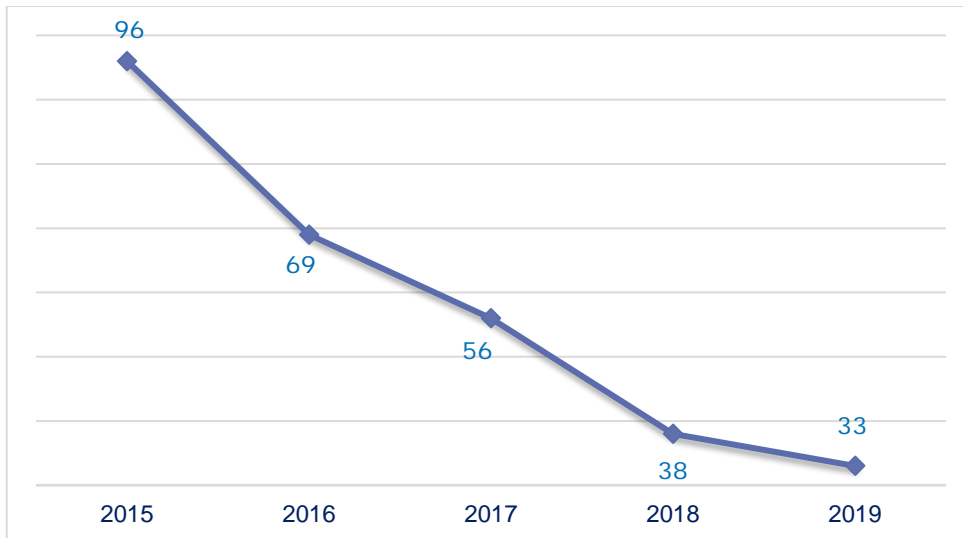
<sup>13</sup> Directive [2014/65/EU](#).

<sup>14</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>15</sup> JR and YC, [C-566/19 PPU](#) and [C-626/19 PPU](#).

## I. COMPLAINTS

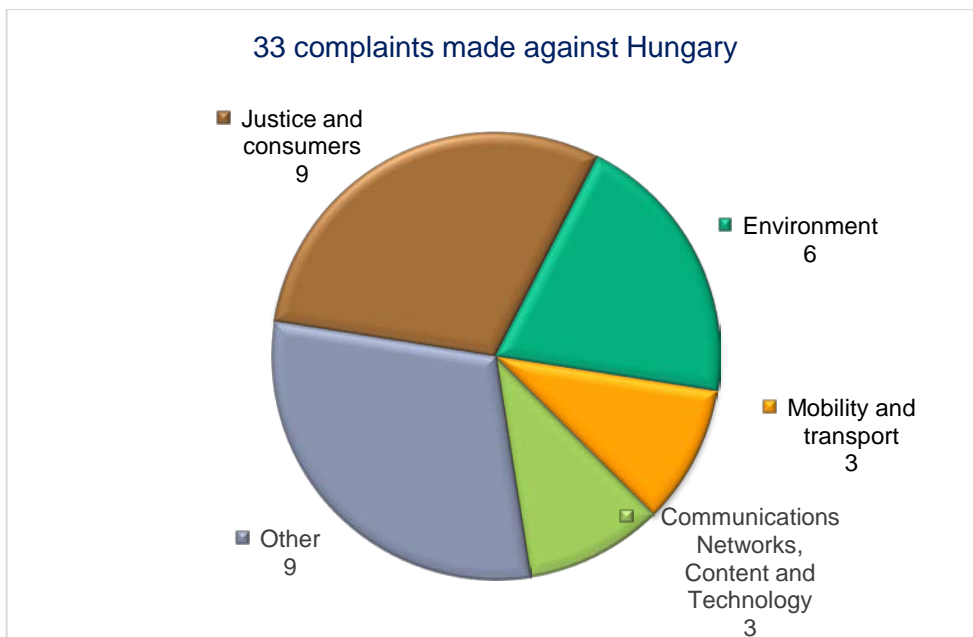
### 1. New complaints made against Hungary by members of the public (2015-2019)



### 2. Public complaints against Hungary open at year-end

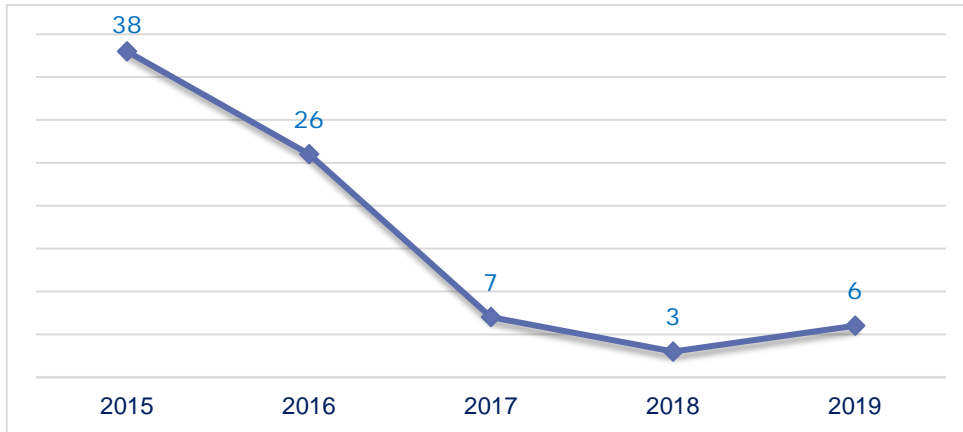
40	>	Complaints open at end-2018
33	>	New complaints registered in 2019
36	>	Complaints handled in 2019
<b>= 37</b>	>	Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

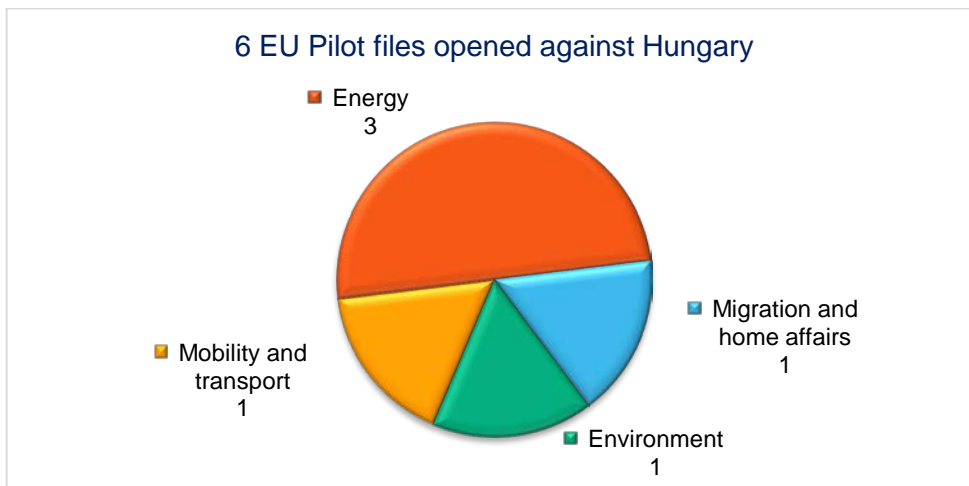


## II. EU PILOT

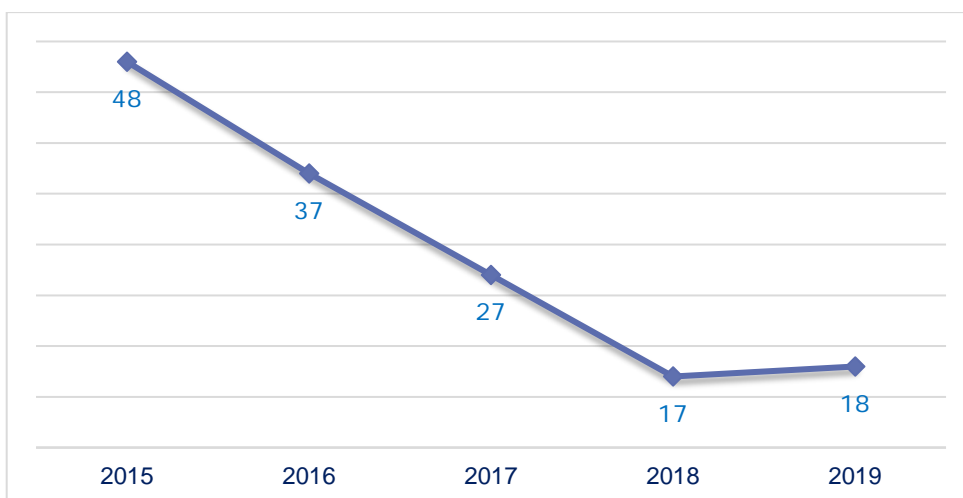
### 1. New EU Pilot files opened against Hungary (2015-2019)



### 2. New EU Pilot files opened in 2019: policy areas

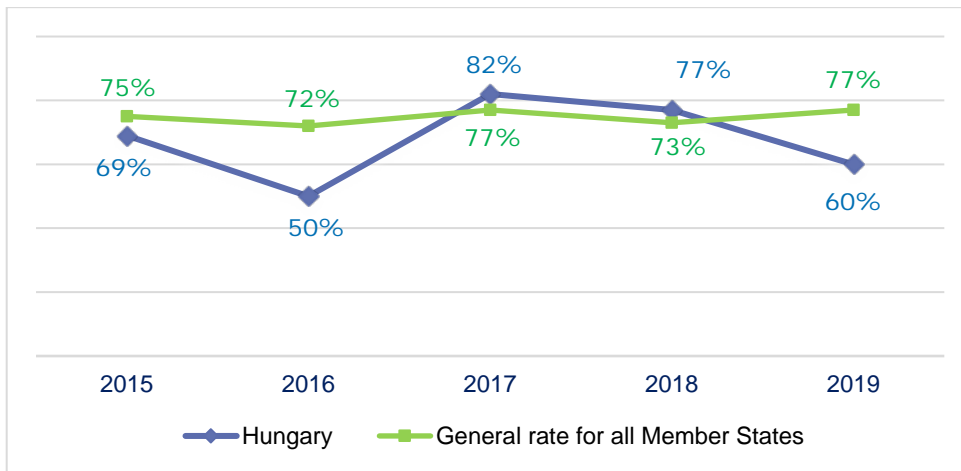


### 3. Files relating to Hungary open in EU Pilot at year-end



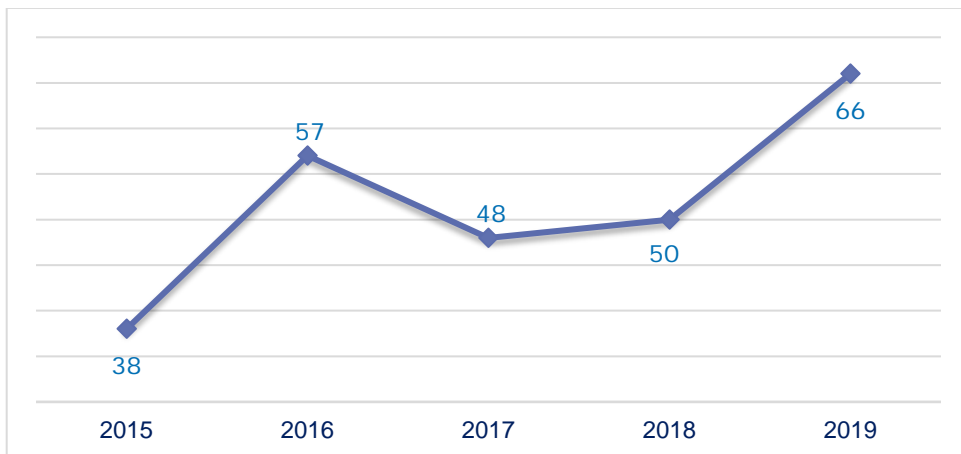
Hungary

4. EU Pilot files: Hungary's resolution rate in 2015-2019

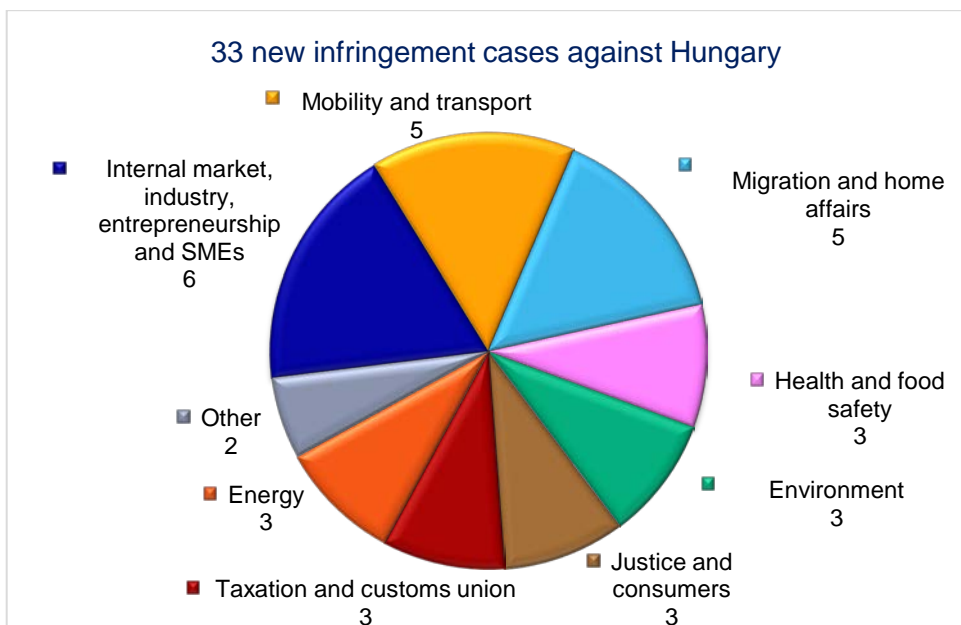


III. INFRINGEMENT CASES

1. Infringement cases against Hungary open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 33 new infringement cases against Hungary in 2019. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
    - Indirect Land Use Change Directive<sup>16</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>17</sup>
    - Basic Safety Standards Directive<sup>18</sup>
    - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>19</sup>
    - Mortgage Credit Directive<sup>20</sup>;
  - failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>21</sup>;
  - non-provision of food to persons held in the Hungarian transit zones at the border with Serbia, in breach of the Charter of fundamental rights<sup>22</sup>;
  - breach of the EU exclusive competence in the area of automated DNA, fingerprint and vehicle registration data exchange<sup>23</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>24</sup>;
  - failure to comply with a judgement of the Court of Justice, in which the Court ruled that the Hungarian legislation on the provision of mobile payment services did not comply with the principles of the freedom of establishment and the freedom to provide services<sup>25</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>26</sup>;
  - failure to put in place effective penalties for infringements related to the use of tachographs in road transport<sup>27</sup>;
  - non-implementation of technical requirements and administrative procedures related to air operations<sup>28</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>29</sup>;
  - discriminatory tax treatment of foreign foundations<sup>30</sup>.
- b. The Commission referred four cases to the Court under Article 258 TFEU. These concern:
- obstacles to retailers of imported agricultural and food products in breach of EU law on the free movement of goods<sup>31</sup>;
  - exclusion of non-EU nationals with long-term resident status from exercising the veterinary profession, in breach of EU legislation on long-term residence<sup>32</sup>;

<sup>16</sup> Directive (EU) [2015/1513](#).

<sup>17</sup> Directive (EU) [2018/1581](#).

<sup>18</sup> Directive [2013/59/Euratom](#).

<sup>19</sup> Directive [2011/95/EU](#); [MEMO/19/462](#)

<sup>20</sup> Directive [2014/17/EU](#).

<sup>21</sup> Directive (EU) [2016/1148](#), [INF/19/4251](#).

<sup>22</sup> [IP/19/5994](#).

<sup>23</sup> [INF/19/5950](#).

<sup>24</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>25</sup> [INF/19/4251](#).

<sup>26</sup> Directive [2011/92/EU](#), [INF/19/4251](#).

<sup>27</sup> Regulation (EU) [165/2014](#), [INF/19/4251](#).

<sup>28</sup> Regulation (EU) [965/2012](#), [INF/19/5950](#).

<sup>29</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

<sup>30</sup> [IP/19/1472](#).

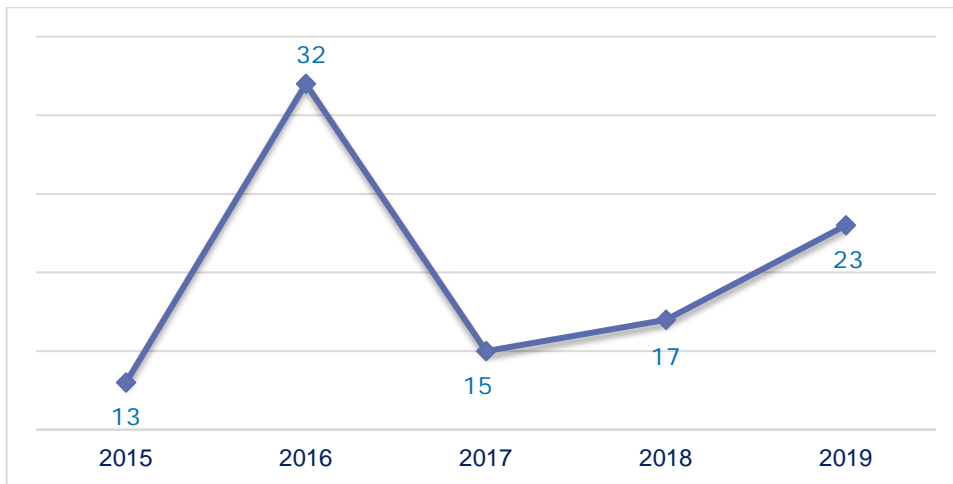
<sup>31</sup> Case *Commission v Hungary*, [C-400/19](#).

Hungary

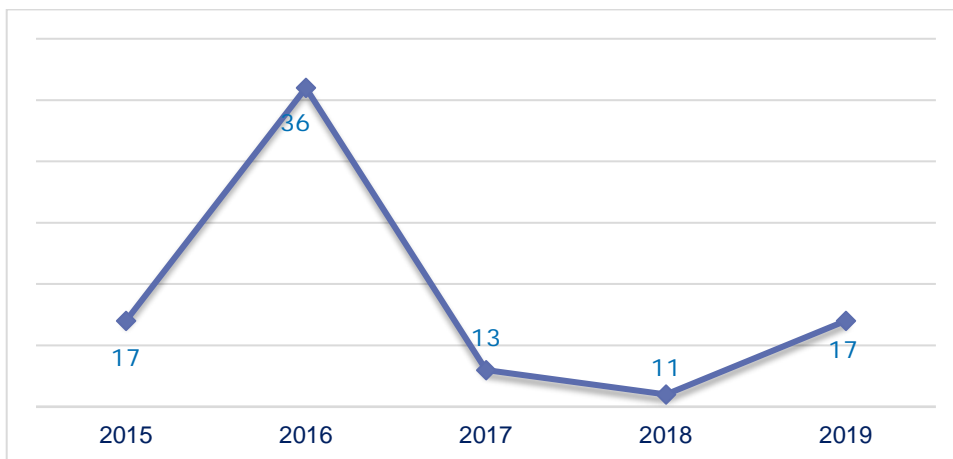
- incorrect implementation of EU asylum rules by adopting legislation that criminalises activities in support of asylum applications and further restricts the right to request asylum<sup>33</sup>;
  - failure to apply an excise duty on cigarettes below the minimum EU threshold of 60% of the applicable weighted average retail price, despite the end of the transitional period allowed for the gradual increase of that duty<sup>34</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU. |

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Hungary open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Hungary (2015-2019)

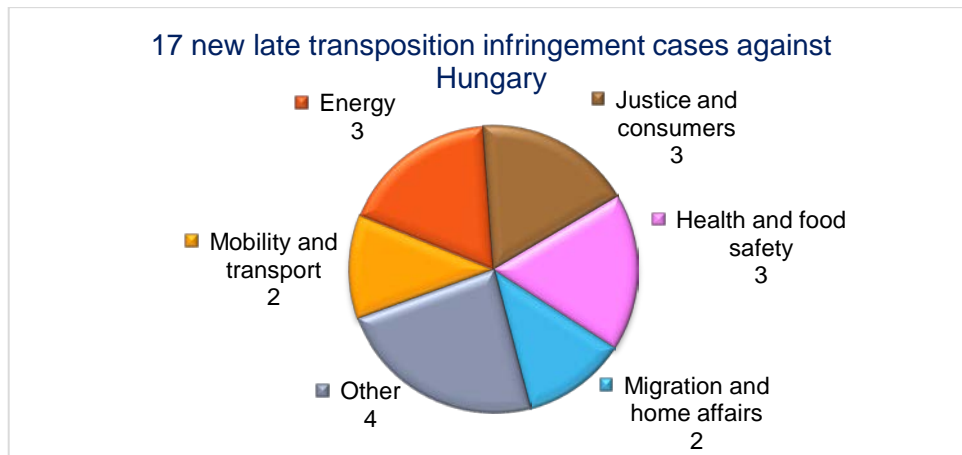


<sup>32</sup> Case *Commission v Hungary*, [C-761/19](#); [IP/19/4260](#).

<sup>33</sup> Case *Commission v Hungary*, [C-821/19](#); [IP/19/4260](#).

<sup>34</sup> Case [C-856/19](#) *Commission v Hungary*.

### 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-communication of national measures transposing the:
  - Commission Implementing Directive on characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species<sup>35</sup>
  - Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>36</sup>;
- discriminatory taxation of spirit drinks in violation of Article 110 of the Treaty by exempting from the public health tax fruit distillates (such as the national drink pálinka) and herbal drinks produced predominantly on its territory;
- incorrect transposition of the Directive on the protection of animals used for scientific purposes<sup>37</sup>;
- failure to submit the national implementation plans required by EU legislation on the technical specifications concerning accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility, and the operation and traffic management of the rail system<sup>38</sup>.

## VI. IMPORTANT JUDGMENTS

### 5. Court rulings<sup>39</sup>

The Court ruled that:

- EU law does not require a national court to set aside domestic rules of procedure conferring finality on a judgment, even if to do so would make it possible to remedy a domestic situation which is incompatible with EU law<sup>40</sup>.

<sup>35</sup> Directive (EU) [2019/114](#).

<sup>36</sup> Directive (EU) [2019/523](#).

<sup>37</sup> Directive 2010/63/EU.

<sup>38</sup> Regulation (EU) [1300/2014](#) and Regulation (EU) [2015/995](#).

<sup>39</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>40</sup> *Hochtief*, Case [C-620/17](#).

## Hungary

- The Court concluded that by cancelling the rights of usufruct over agricultural land in its territory that are held, directly or indirectly, by nationals of other Member States, Hungary has failed to fulfil its obligations arising from the principle of the free movement of capital and the right to property guaranteed by the Charter. A Member State seeking to justify a restriction of a fundamental freedom under the TFEU Treaty must also ensure compliance with the fundamental rights guaranteed by the Charter of Fundamental Rights<sup>41</sup>.

### 6. Preliminary rulings

The Court addressed the following preliminary rulings to the Hungarian judiciary:

- Hungary: Member States may authorise the family reunification of a refugee's sister only if she is unable to provide for her own needs, and that the refugee is providing the material support required<sup>42</sup>.
- Minor restrictive effects, provided they are neither too indirect nor too uncertain, suffice to show the existence of a measure having equivalent effect within Article 35 TFEU. Such a measure needs to be justified on grounds relating to the protection of public health, and dispensing medicinal products on the basis of order forms other than nominative medical prescriptions may undermine public health<sup>43</sup>.
- A Member State is acting in breach of EU law if it imposes lesser penalties to resident road transport enterprises than to non-resident road transport enterprises for infringements to the rules on the use of tachographs that have the same degree of gravity<sup>44</sup>. ]

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<sup>41</sup> [C-235/17](#), Commission v Hungary.

<sup>42</sup> TB, Case [C-519/18](#).

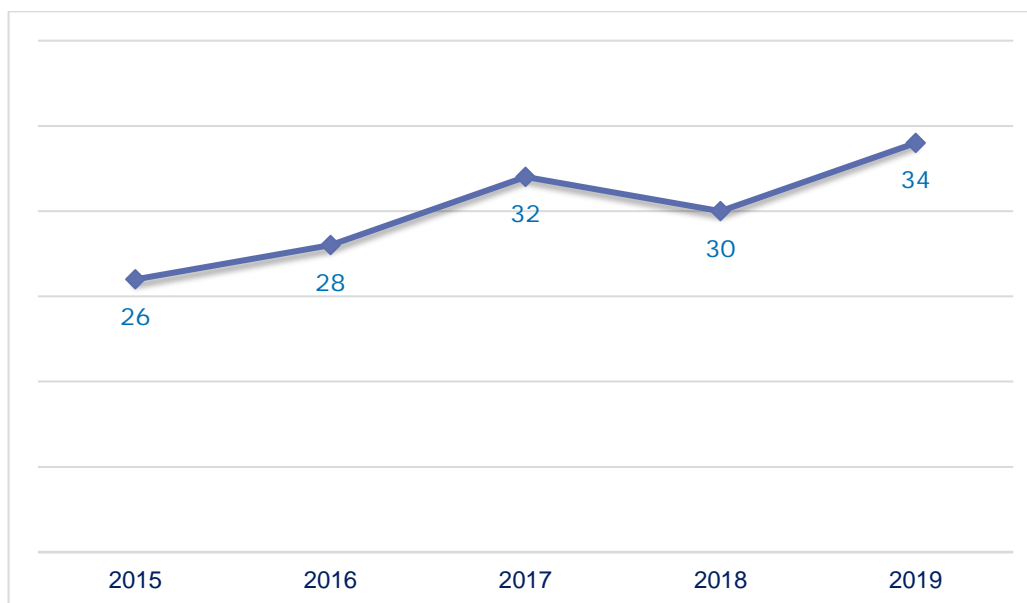
<sup>43</sup> *VIPA*, Case [C-222/18](#).

<sup>44</sup> Regulation (EU)No [165/2014](#), UTEP 2006, [C-600/18](#).



## I. COMPLAINTS

### 1. New complaints made against Malta by members of the public (2015-2019)



### 2. Public complaints against Malta open at year-end

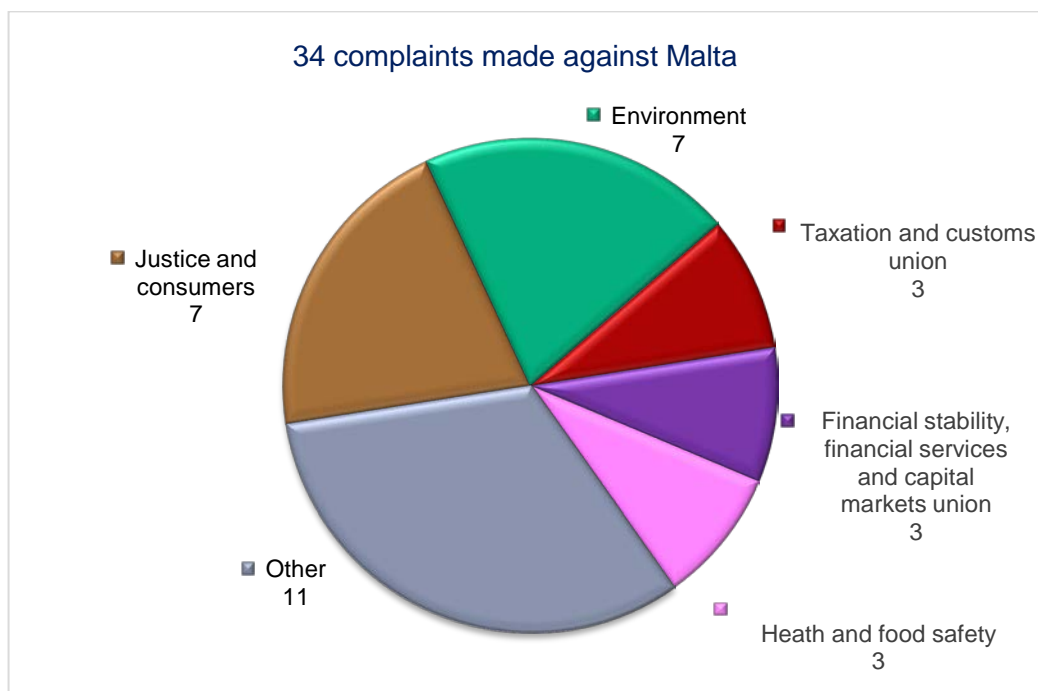
24 > Complaints open at end-2018

34 > New complaints registered in 2019

29 > Complaints handled in 2019

**= 29** > Complaints open at end-2019

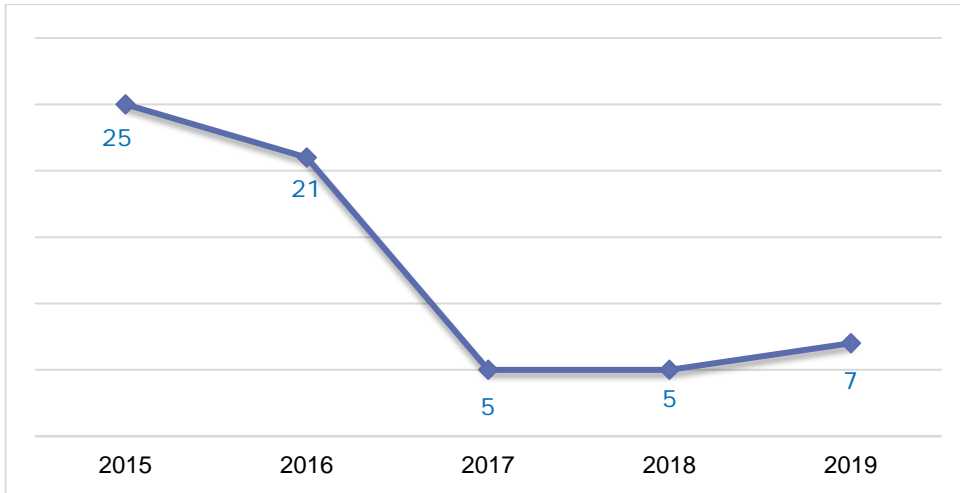
### 3. New complaints registered in 2019: main policy areas



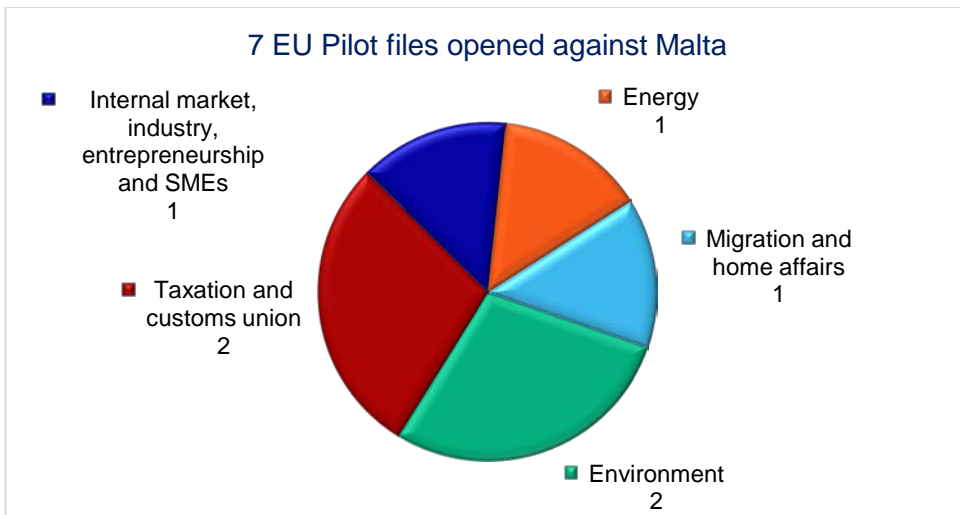
Malta

II. EU PILOT

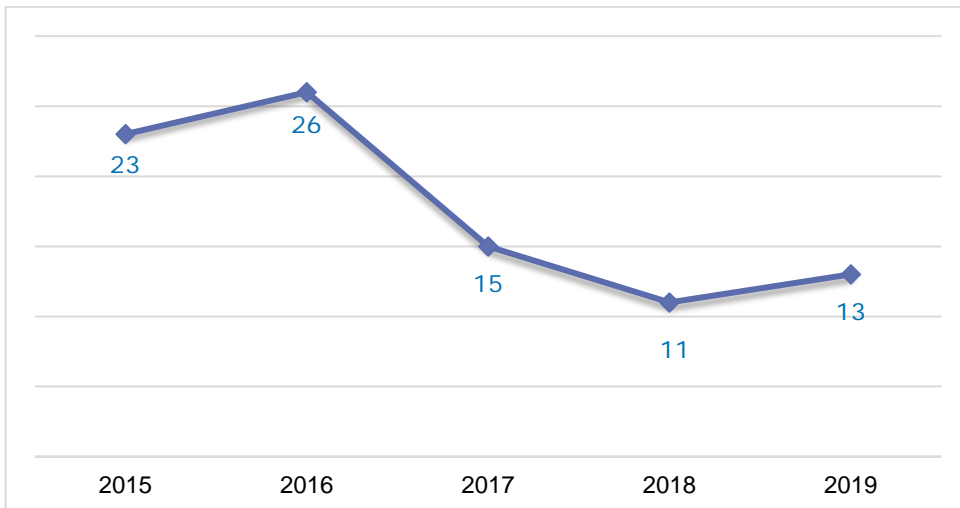
1. New EU Pilot files opened against Malta (2015-2019)



2. New EU Pilot files opened in 2019: main policy areas

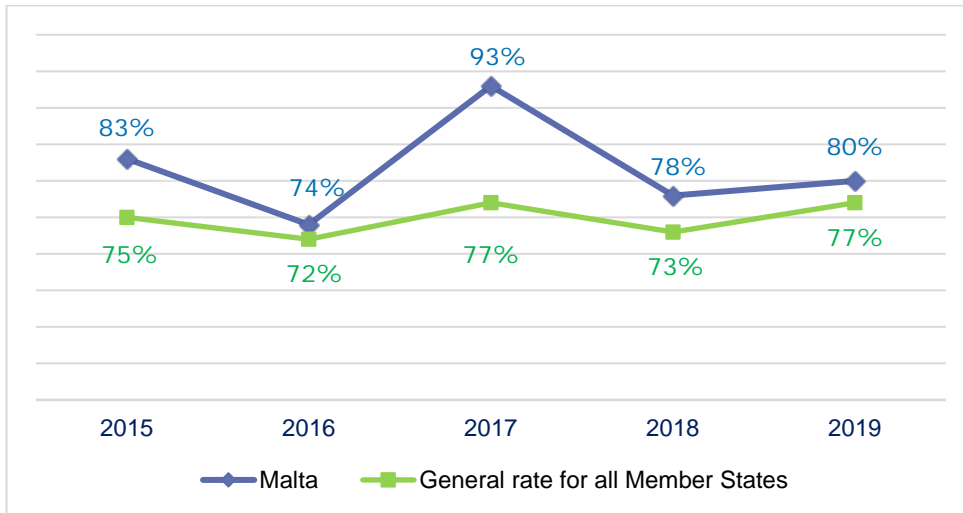


3. Files relating to Malta open in EU Pilot at year-end



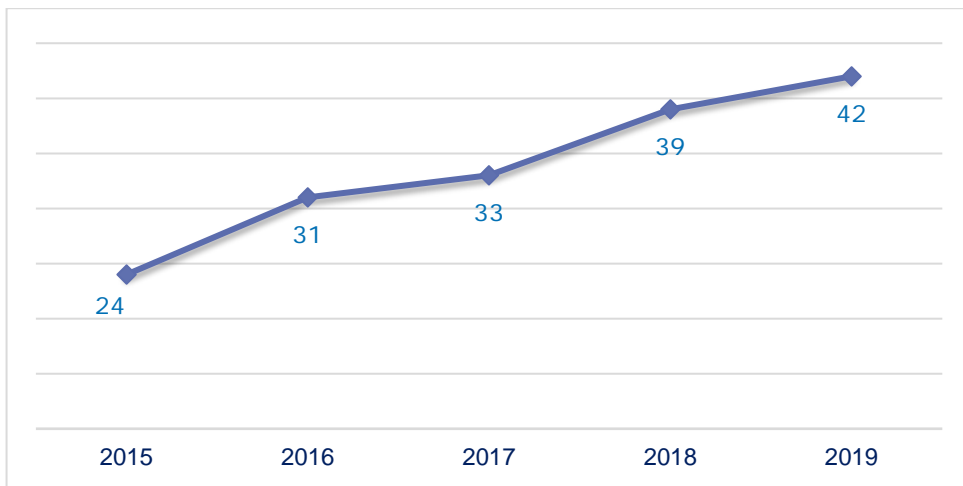
Malta

4. EU Pilot files: Malta's resolution rate in 2015-2019

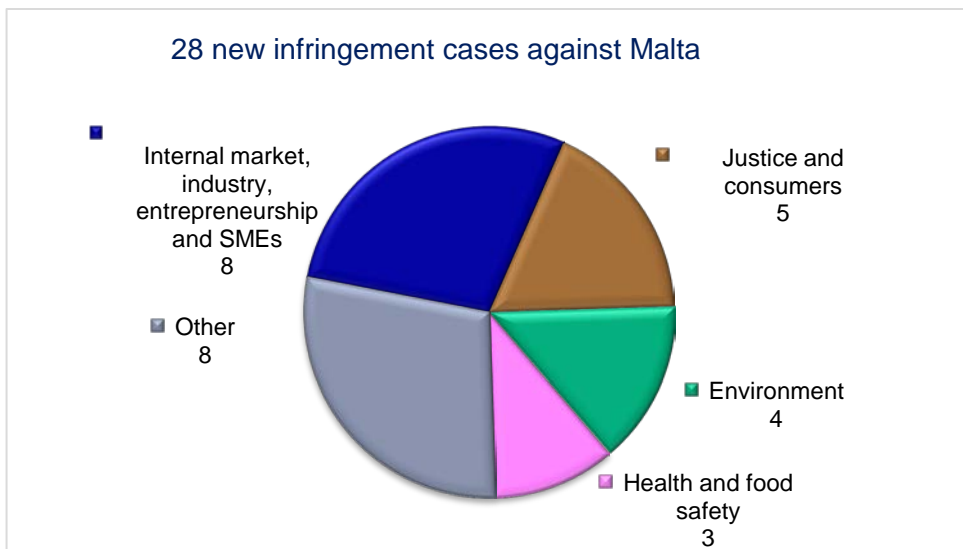


III. INFRINGEMENT CASES

1. Infringement cases against Malta open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



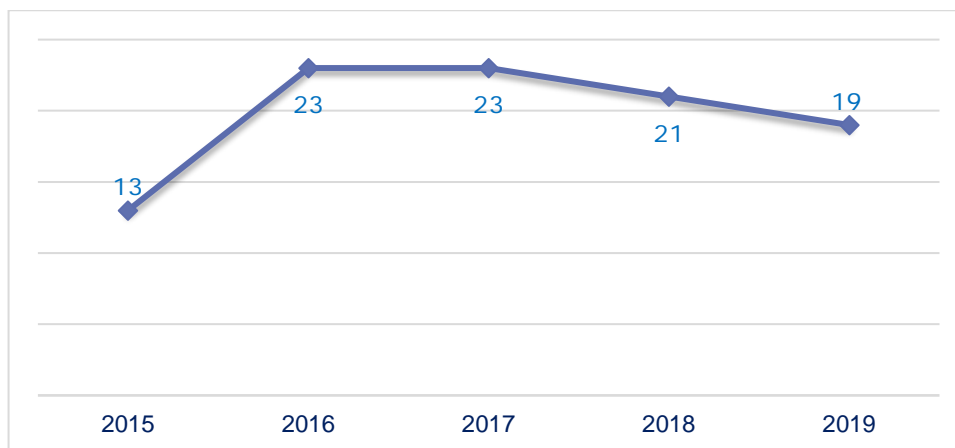
Malta

3. Key infringement cases and referrals to the Court

- a. [The Commission opened 28 new infringement cases against Malta in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>1</sup>;
  - incorrect transposition of the SEVESO III Directive<sup>2</sup>;
  - failure to comply with reporting obligations under EU waste legislation<sup>3</sup>;
  - failure to submit their second cost-optimal report required by the Energy Performance of Buildings Directive<sup>4</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>5</sup>;
  - late reporting on the environmental status of marine waters under the Marine Strategy Framework Directive<sup>6</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>7</sup>;
  - incorrect application of the Directive on marine equipment<sup>8</sup>;
  - non-communication of national measures transposing the:
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>9</sup>
    - Indirect Land Use Change Directive<sup>10</sup>
    - Basic Safety Standards Directive<sup>11</sup>.
- 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 Malta open on 31 December (2015-2019)



<sup>1</sup> Directive [2011/93/EU](#), [INF/19/4251](#).

<sup>2</sup> Directive 2012/18/EU.

<sup>3</sup> [INF/19/5950](#).

<sup>4</sup> Directive [2010/31/EU](#), [INF/19/4251](#).

<sup>5</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/4251](#).

<sup>6</sup> Directive [2008/56/EC](#), [INF/19/5950](#).

<sup>7</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

<sup>8</sup> Directive [2014/90/EU](#), [INF/19/4251](#).

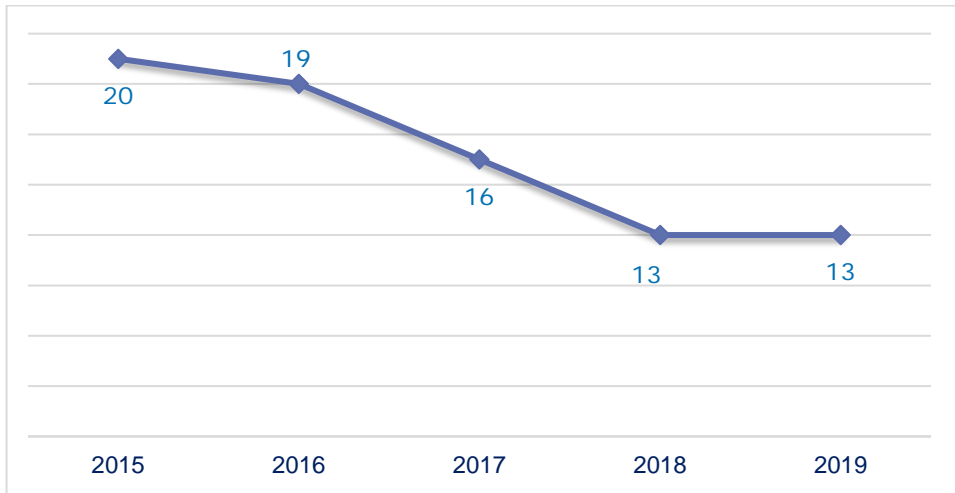
<sup>9</sup> Directive [2016/2341/EU](#).

<sup>10</sup> Directive (EU) [2015/1513](#), [INF/19/4251](#).

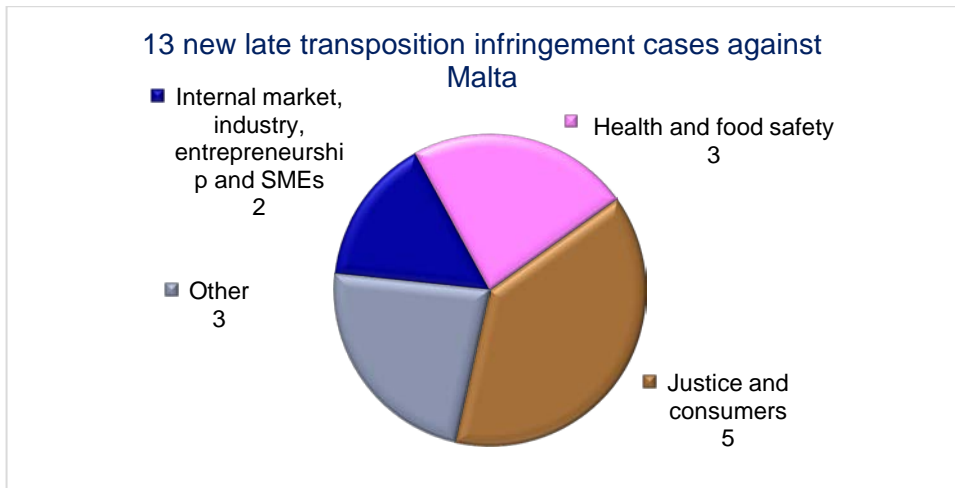
<sup>11</sup> Directive [2013/59/Euratom](#), [INF/19/6304](#).

Malta

2. New late transposition infringement cases against Malta (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- non-communication of national measures transposing the:
  - Mortgage Credit Directive<sup>12</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>13</sup>
  - Commission Implementing Directive on characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species<sup>14</sup>

<sup>12</sup> Directive [2014/17/EU](#).

<sup>13</sup> Directive (EU) [2018/100](#).

<sup>14</sup> Directive (EU) [2019/114](#).

Malta

- Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>15</sup>
- Reception Conditions Directive<sup>16</sup>
- Asylum Procedures Directive<sup>17</sup>;
- non-compliance with the Energy Performance of Buildings Directive<sup>18</sup>;
- failure to correctly transpose certain requirements of the Radioactive Waste Directive<sup>19</sup>;
- non-compliance with the Energy Efficiency Directive<sup>20</sup>;
- incorrect application of the Directive on the minimum level of training of seafarers<sup>21</sup>. |

## VI. IMPORTANT JUDGMENTS

### 1. Court ruling

[There were no major Court rulings in 2019.]

### 2. Preliminary rulings

[No major preliminary rulings were addressed to the Maltese judiciary in 2019.] |

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<sup>15</sup> Directive (EU) [2019/523](#).

<sup>16</sup> Directive [2013/33/EU](#), [INF/19/4251](#).

<sup>17</sup> Directive [2013/32/EU](#).

<sup>18</sup> Directive [2010/31/EU](#).

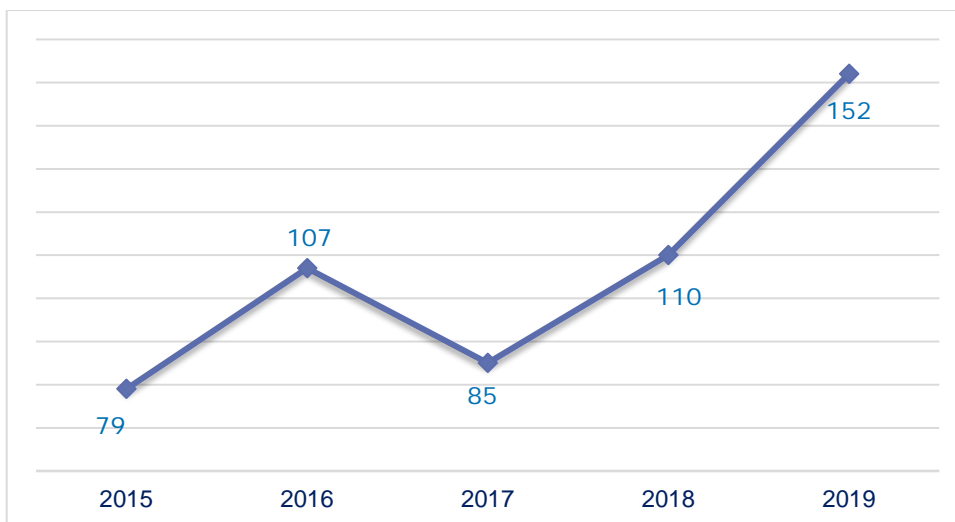
<sup>19</sup> Council Directive [2011/70/Euratom](#).

<sup>20</sup> Directive [2012/27/EU](#).

<sup>21</sup> Directive [2008/106/EC](#), as amended by Directive [2012/35/EU](#).

## I. COMPLAINTS

### 1. New complaints made against the Netherlands by members of the public (2015-2019)



### 2. Public complaints against the Netherlands open at year-end

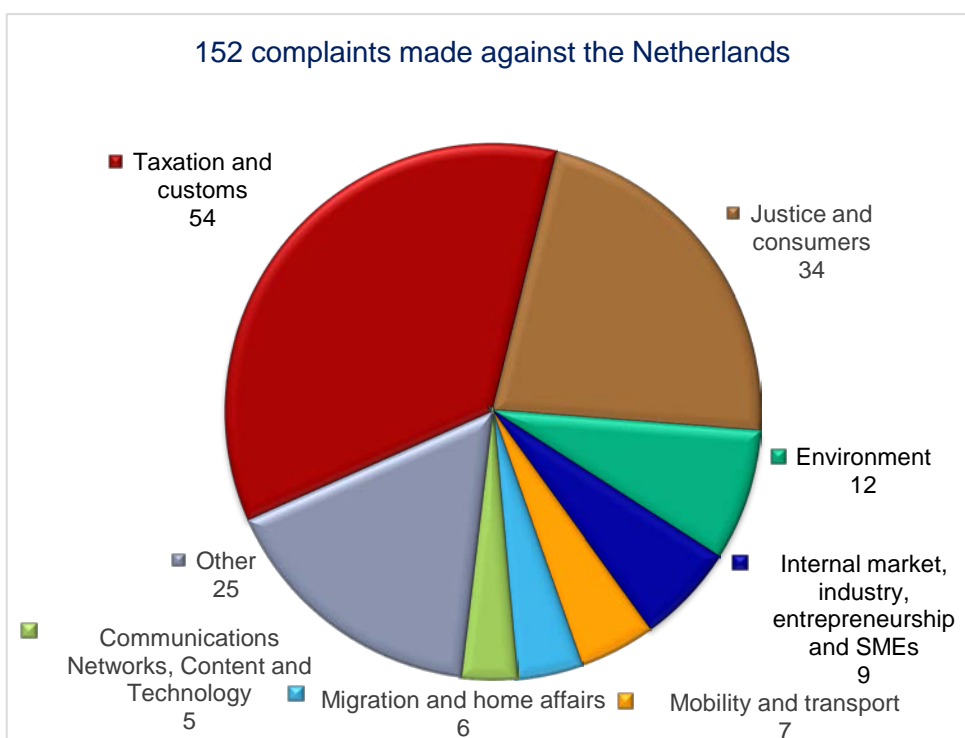
64 > Complaints open at end-2018

152 > New complaints registered in 2019

97 > Complaints handled in 2019

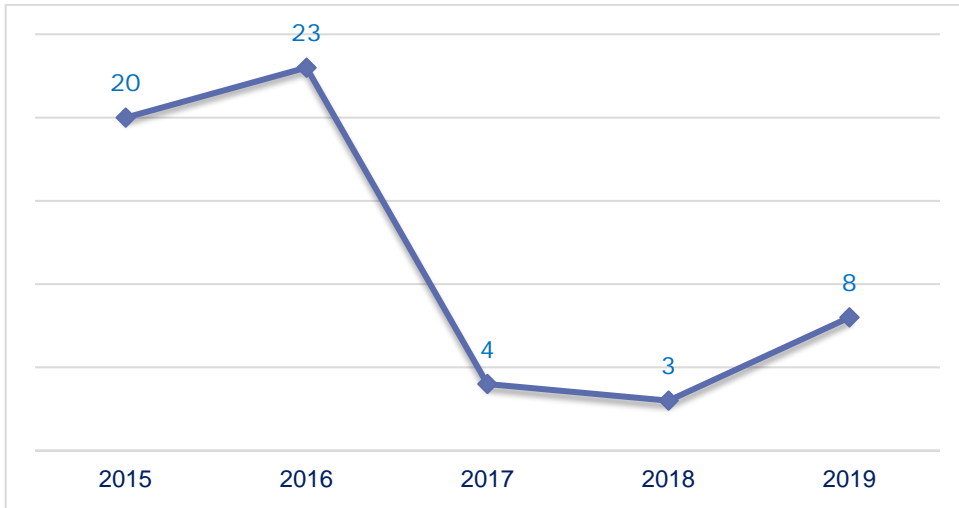
**= 119** > Complaints open at end-2019

### 3. New complaints registered in 2019: main policy area

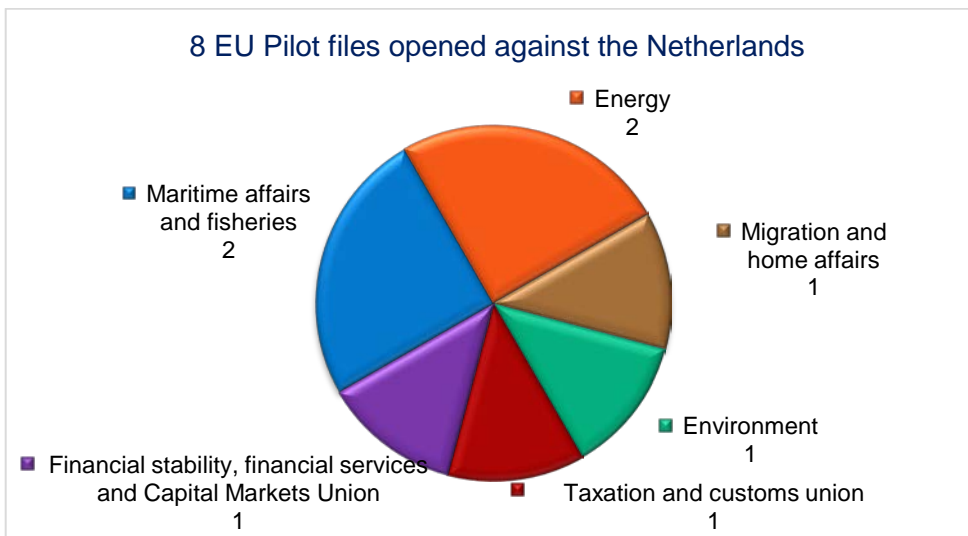


II. EU PILOT

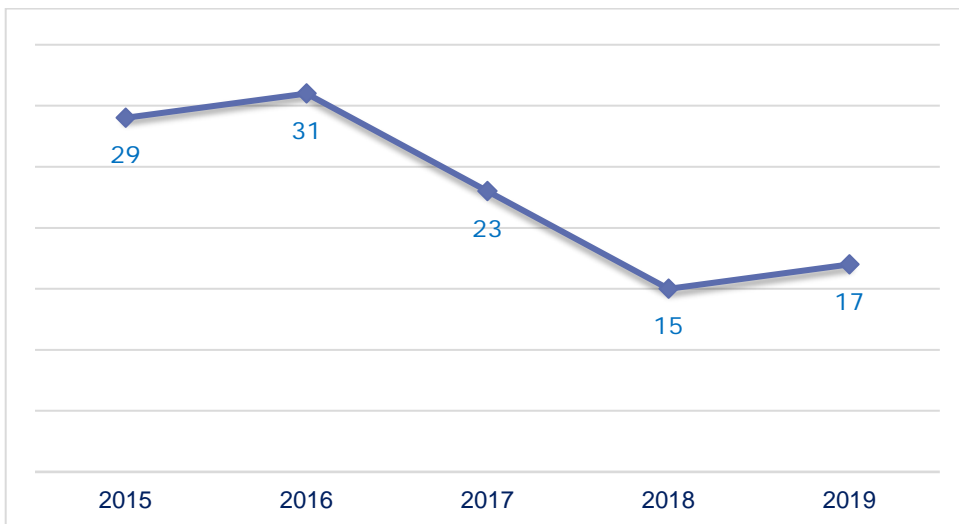
1. New EU Pilot files opened against the Netherlands (2015-2019)



2. New EU Pilot files opened in 2019: policy areas



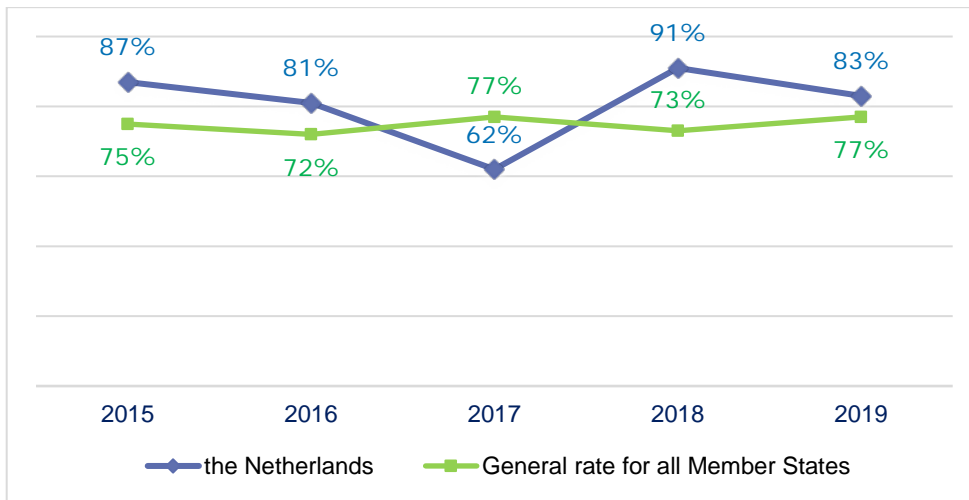
3. Files relating to the Netherlands open in EU Pilot at year-end





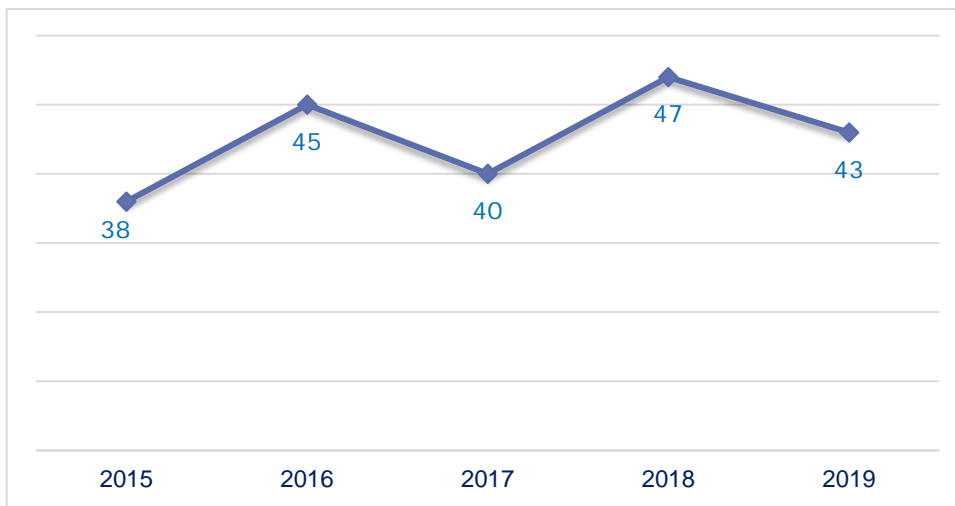
Netherlands

4. EU Pilot files: Netherlands' resolution rate in 2015-2019

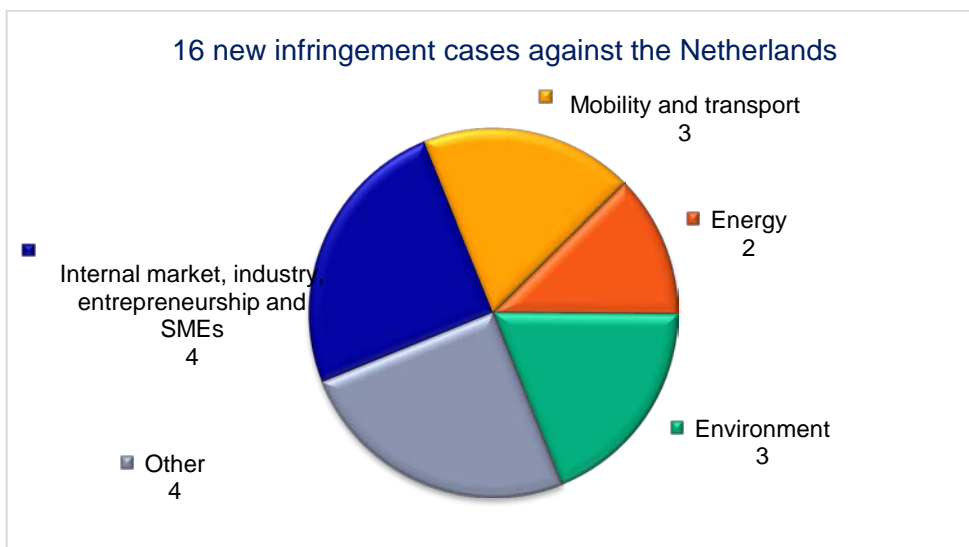


III. INFRINGEMENT CASES

1. Infringement cases against the Netherlands open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

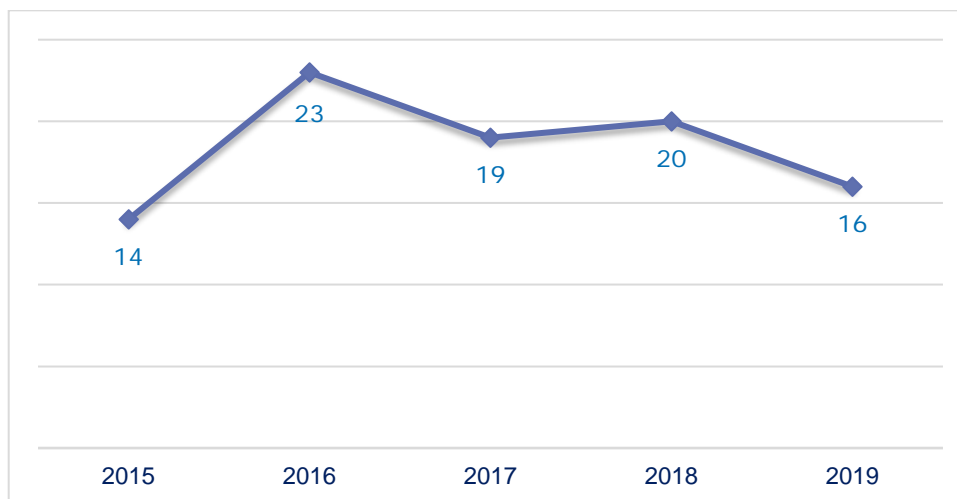


### 3. Key infringement cases and referrals to the Court

- a. The Commission opened 16 new infringement cases against the Netherlands in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Cross-border Health Directive<sup>1</sup>
    - revised Environmental Impact Assessment Directive<sup>2</sup>
    - obligations under the EU rules establishing a single European railway area<sup>3</sup>;
  - Dutch housing authorities are in breach of EU public procurement rules, as they are not considered as contracting authorities<sup>4</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>5</sup>;
  - non-communication of national measures transposing the:
    - Directive on the use of passenger name records<sup>6</sup>
    - Directive on the activities and supervision of institutions for the occupational retirement provision (IORPs II Directive)<sup>7</sup>
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>8</sup>.
- b. The Commission did not refer any cases to the Court under Article 258 TFEU and Article 260(2) TFEU.]

## IV. TRANSPOSITION OF DIRECTIVES

### 1. Late transposition infringement cases against the Netherlands open on 31 December (2015-2019)



<sup>1</sup> Directive [2011/24/EU](#), [MEMO-19-462](#).

<sup>2</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [MEMO/19/1472](#).

<sup>3</sup> Directive [2012/34/EU](#), [INF/19/4251](#).

<sup>4</sup> Directives [2014/23/EU](#) and [2014/24/EU](#), [MEMO/19/462](#).

<sup>5</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

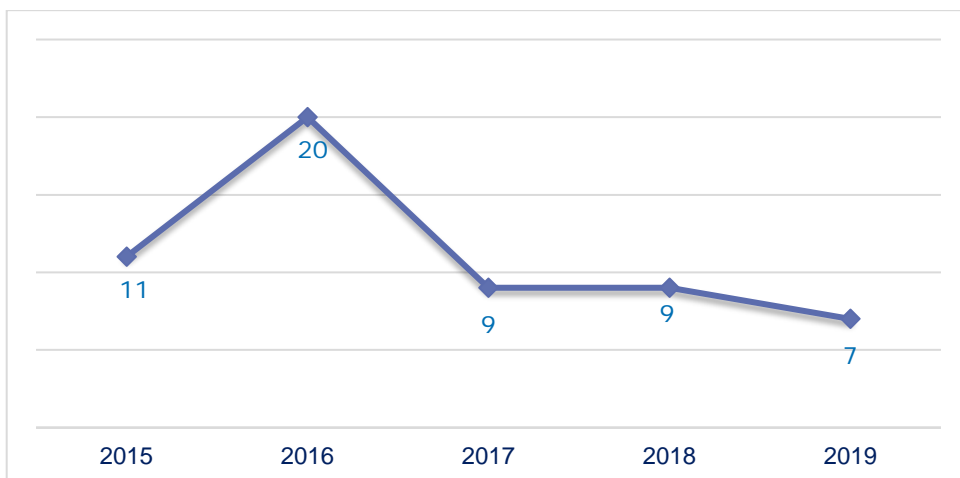
<sup>6</sup> Directive [2016/681/EU](#); [MEMO/19/1472](#).

<sup>7</sup> Directive [2016/2341/EU](#).

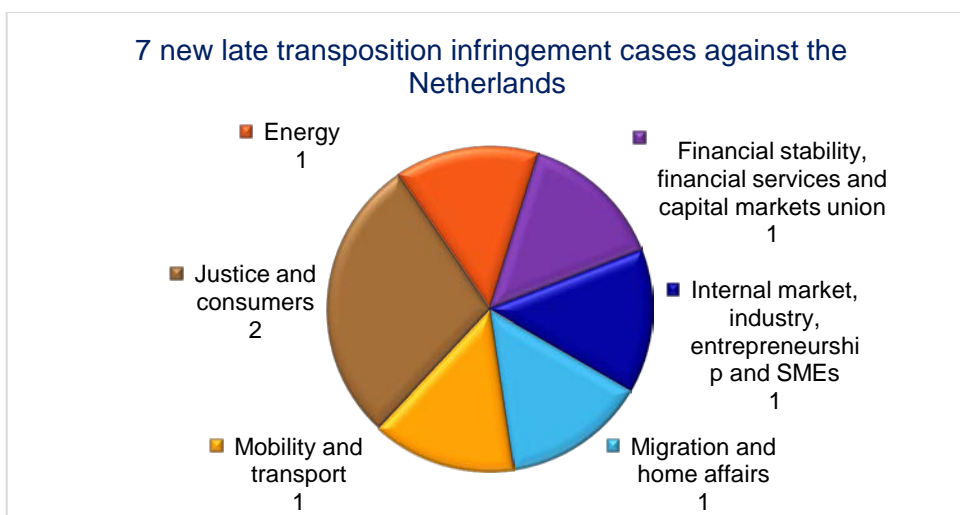
<sup>8</sup> Directive [2018/1581/EU](#).

Netherlands

2. New late transposition infringement cases against the Netherlands (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- Incorrect transposition of the:
  - Energy Performance of Buildings Directive<sup>9</sup>
  - Driving Licences Directive<sup>10</sup>;
- disproportionate charges for the issuance of residence permits;
- non-communication of national measures transposing the:
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>11</sup>

<sup>9</sup> Directive [2010/31/EU](#).

<sup>10</sup> Directive [2006/106/EC](#), as amended by Directive (EU) [2015/653](#).

<sup>11</sup> Directive (EU) [2018/100](#).

- Seasonal Workers Directive<sup>12</sup>
- Mortgage Credit Directive<sup>13</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>14</sup>

There were no major Court rulings in 2019.

### 2. Preliminary rulings

[The Court addressed the following preliminary rulings to the Dutch judiciary:

- The sale of second-hand e-books through a website constitutes communication to the public that is subject to authorisation by the author<sup>15</sup>.
- Meat after slaughter must be chilled in the slaughterhouse until it has reached a temperature throughout of 7 °C before being loaded into a refrigerated truck<sup>16</sup>.
- The French public prosecutor's office is regarded as an 'issuing judicial authority', since the independence of French public prosecutors is not called into question<sup>17</sup>.
- Applications for family reunification cannot be rejected solely on the ground that the sponsor has not provided official documentary evidence of the death of the minor's biological parents and, consequently, that the sponsor has an actual family relationship with the minor<sup>18</sup>.
- The Member State can withdraw residence permits from family members of a third-country national who have obtained their permits further to submitting falsified documents. The fact that the beneficiaries of those permits were unaware of the fraud is irrelevant<sup>19</sup>.
- An EU country may withdraw the supplementary benefit to a Turkish national who returns to Turkey and who holds, at the date of his departure from the host EU country, long-term resident status<sup>20</sup>.
- National authorities may issue a return decision to a third-country national not subject to a visa requirement, who is present on the territory of the Member States for a short stay; such a decision could be justified if that national is considered to be a threat to public policy because he or she is suspected of having committed a criminal offence<sup>21</sup>.
- The competent authorities may, on grounds of public policy, reject an application for entry and residence on the basis of a criminal conviction imposed during a previous stay on the territory of that Member State concerned; in addition, they could withdraw a residence permit or refuse to renew it where a sentence sufficiently severe in comparison with the duration of the stay has been imposed on the applicant<sup>22</sup>.
- Third-country nationals legally staying (but not residing) and working in a Member State are to be issued A1 certificates for their posting in other Member States<sup>23</sup>.

<sup>12</sup> Directive [2014/36/EU](#).

<sup>13</sup> Directive [2014/17/EU](#).

<sup>14</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>15</sup> *Nederlands Uitgeversverbond and Groep Algemene Uitgevers*, case [C-263/18](#).

<sup>16</sup> *T. Boer & Zonen BV v Staatssecretaris van Economische Zaken*, [C-98/18](#).

<sup>17</sup> *JR and YC*, [C-566/19 PPU](#) and [C-626/19 PPU](#).

<sup>18</sup> *E*, Case [C-635/17](#).

<sup>19</sup> *Y.Z. and Others*, Case [C-557/17](#).

<sup>20</sup> *M. Çoban*, Case [C-677/17](#).

<sup>21</sup> *EP*, Case [C-380/18](#).

<sup>22</sup> *G.S. and V.G.*, Joined Cases [C-381/18](#) and [C-382/18](#).

<sup>23</sup> *Balandin*, Case [C-477/17](#).

Netherlands

- A person residing in his/her own Member State, employed in another Member State but working in international waters falls under the applicable legislation of the Member State of residence of that person<sup>24</sup>.
- The shipment to a third country of a consignment of electrical and electronic appliances constitutes a 'shipment of waste' within the meaning of the Regulation on shipments of waste read in conjunction with the Waste Framework Directive, where that consignment contains appliances whose good working condition has not been previously ascertained or which are not adequately protected from transport damage<sup>25</sup>.
- Passengers who have the right to hold their tour organiser liable for reimbursement of the cost of their air tickets cannot also claim reimbursement of the cost of those tickets from the air carrier<sup>26</sup>.

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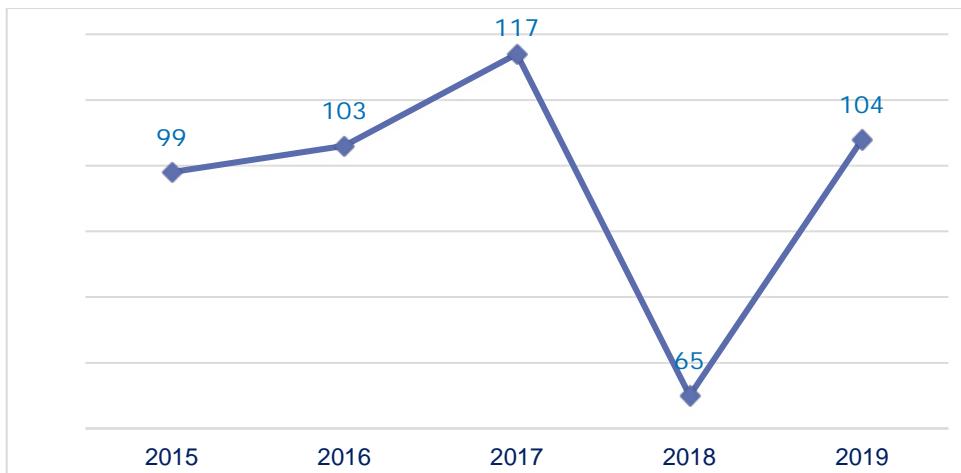
<sup>24</sup> *SF v Inspecteur van de Belastingdienst*, Case [C-631/17](#).

<sup>25</sup> Regulation (EC) No [1013/2006](#) and Directive [2008/98/EC](#), *Tronex*, [C-624/17](#).

<sup>26</sup> *Aegean Airlines*, [C-163/18](#) and press Court release No 91/2019.

## I. COMPLAINTS

### 1. New complaints made against Austria by members of the public (2015-2019)



### 2. Public complaints against Austria open at year-end

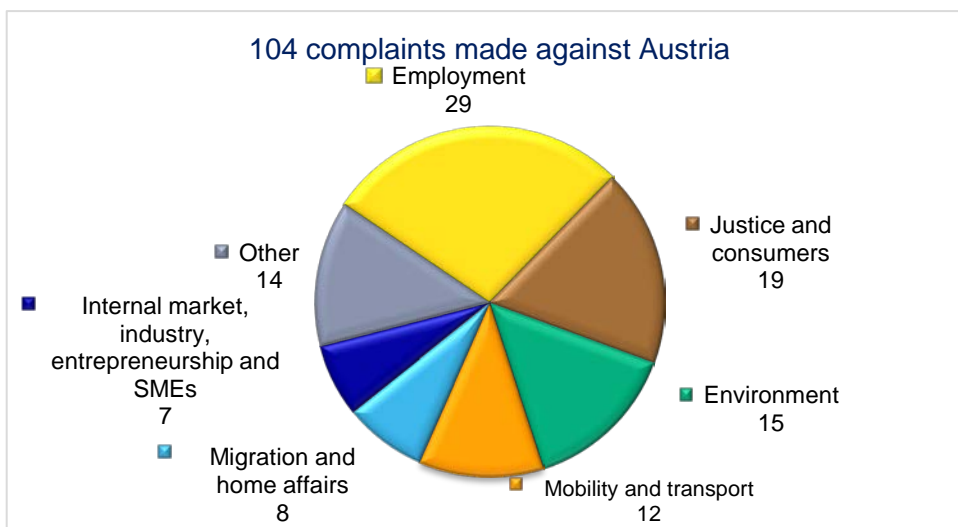
103 > Complaints open at end-2018

104 > New complaints registered in 2019

107 > Complaints handled in 2019

100 > Complaints open at end-2019

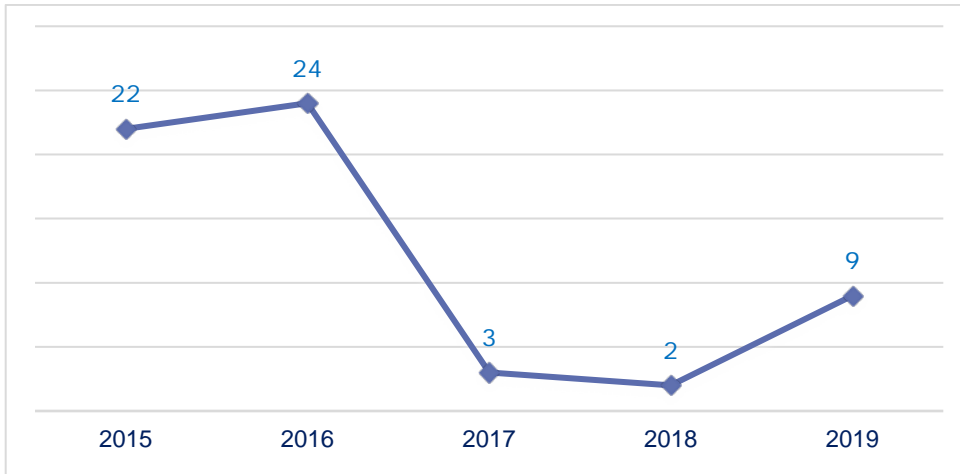
### 3. New complaints registered in 2019: main policy areas



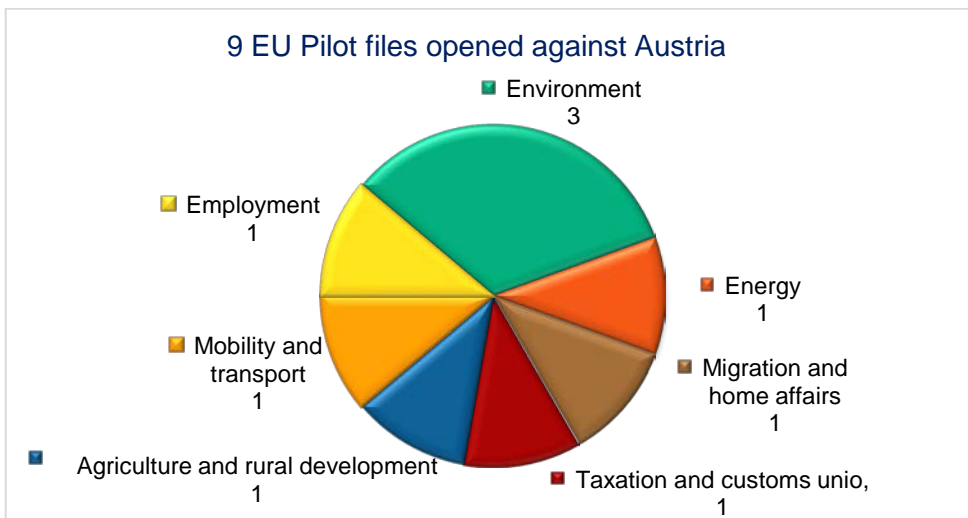
Austria

II. EU PILOT

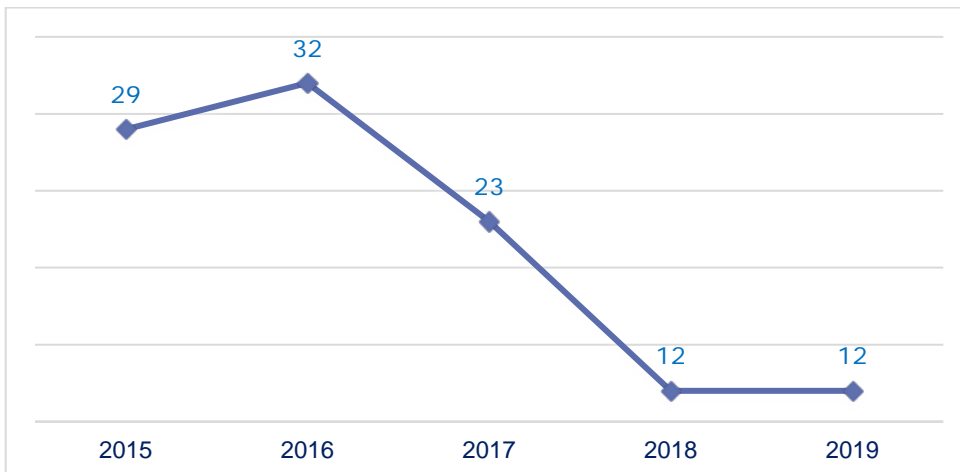
1. New EU Pilot files opened against Austria (2015-2019)



2. New EU Pilot files opened in 2019: policy areas

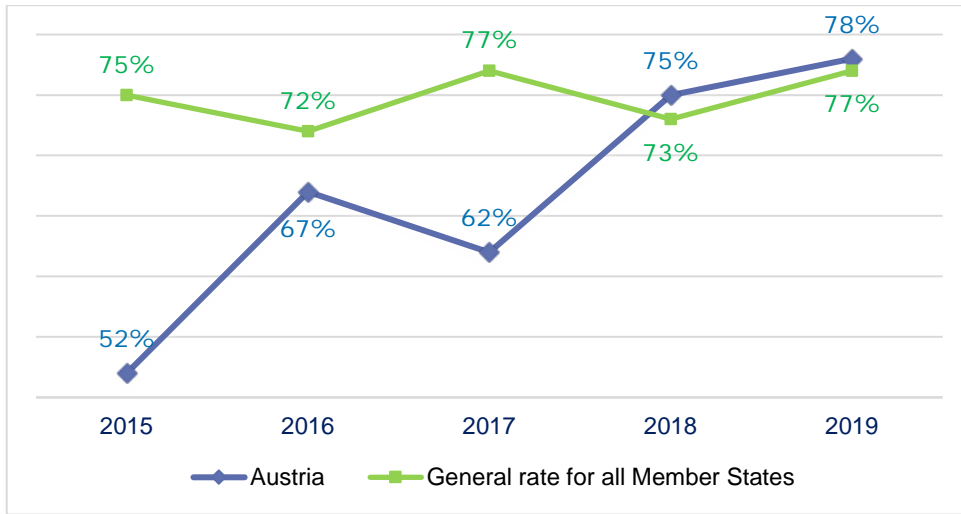


3. Files relating to Austria open in EU Pilot at year-end



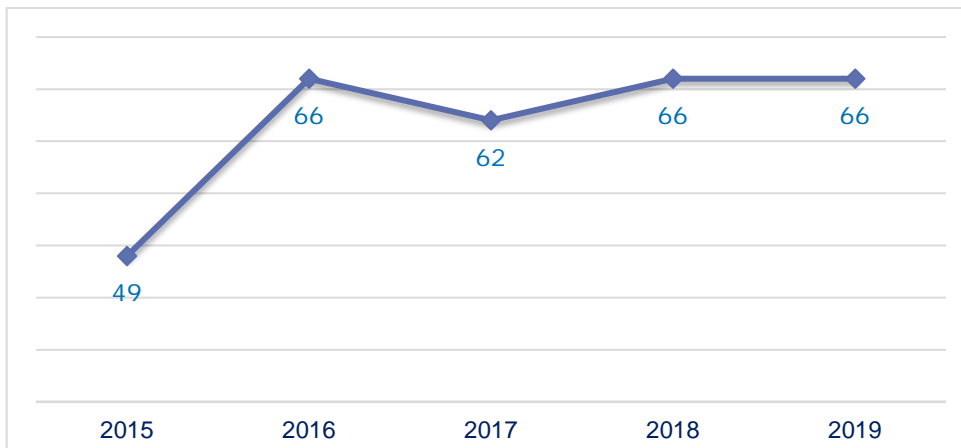
Austria

4. EU Pilot files: Austria's resolution rate in 2015-2019

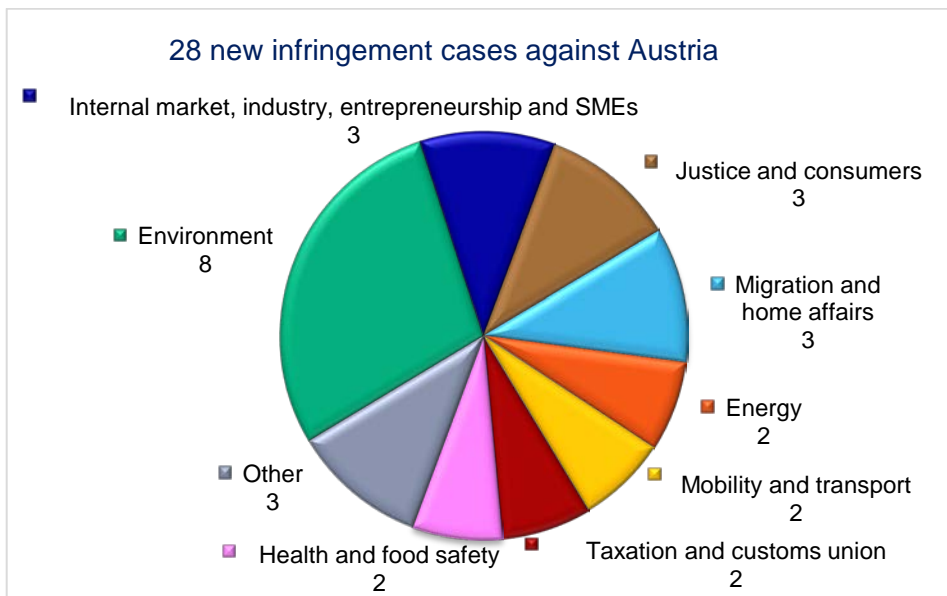


III. INFRINGEMENT CASES

1. Infringement cases against Austria open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas





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

- a. The Commission opened 28 new infringement cases against Austria in 2019. These, and other major ongoing infringement cases, include:
- non communication of national measures transposing the:
    - Directive amending the Oil Stocks Directive as regards the methods for calculating stockholding obligations<sup>1</sup>
    - Basic Safety Standards Directive<sup>2</sup>;
  - failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>3</sup>;
  - failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>4</sup>;
  - incorrect transposition of the Cross-border Health Directive<sup>5</sup>, as Austria does not reimburse patients who seek healthcare in another Member State to the same level of the costs, if the healthcare had been provided in this country<sup>6</sup>;
  - incorrect transposition of the Directive on criminal sanctions for market abuse<sup>7</sup>;
  - breach of the EU's exclusive competence in the automated exchange of DNA, fingerprint and vehicle registration data<sup>8</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>9</sup>;
  - breach of the rules on the free movement of workers and social security by indexing the calculation of eligible family allowances, child tax credit and family tax deduction for children who are not permanently resident in Austria<sup>10</sup>;
  - incorrect transposition of the Directive on the protection of animals used for scientific purposes<sup>11</sup>;
  - failure to provide for a strategic environmental assessment of plans in the energy sector as required by the Strategic Environmental Assessments Directive<sup>12</sup>;
  - restrictions regarding access to justice in environmental procedures, not in line with the Environmental Impact Assessment Directive<sup>13</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>14</sup>;
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>15</sup>.
- b. The Commission referred four cases to the Court under Article 258 TFEU. They involve the following infringements:
- breach of EU public procurement rules due to construction without prior competition<sup>16</sup>;
  - failure to correctly apply the special VAT scheme for travel agents<sup>17</sup>;

<sup>1</sup> Directive (EU) [2018/1581](#).

<sup>2</sup> Directive [2013/59/Euratom](#).

<sup>3</sup> Directive (EU) [2016/1148](#), [INF/19/4251](#).

<sup>4</sup> [IP/19/1477](#); Directives [2006/123/EC](#) and [2014/23/EU](#).

<sup>5</sup> Directive [2011/24/EU](#).

<sup>6</sup> Directive [2011/24/EU](#), [MEMO-19-462](#).

<sup>7</sup> Directive [2014/57/EU](#); [INF/19/4251](#).

<sup>8</sup> [INF/19/5950](#).

<sup>9</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>10</sup> Regulation (EC) [883/2004](#), Regulation (EU) [492/2011](#), [IP/19/463](#).

<sup>11</sup> Directive [2010/63/EU](#), [INF/19/5950](#).

<sup>12</sup> Directive [2001/42/EU](#), [INF/19/4251](#).

<sup>13</sup> Directive [2011/92/EU](#), [INF/19/4251](#).

<sup>14</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/5950](#).

<sup>15</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>16</sup> Case *Commission v Austria*, [C-537/19](#).

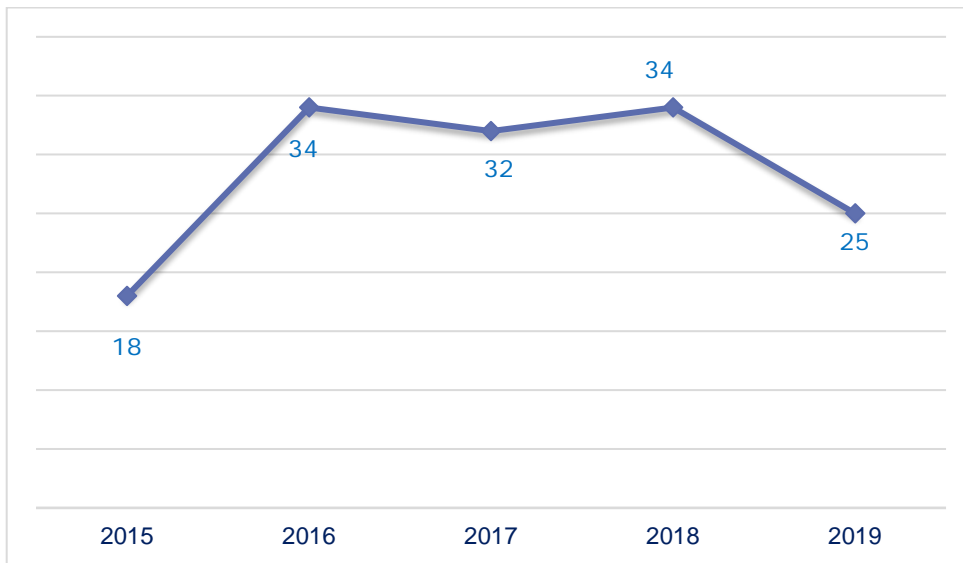
<sup>17</sup> Case [C-787/19](#) *Commission v Austria*.

Austria

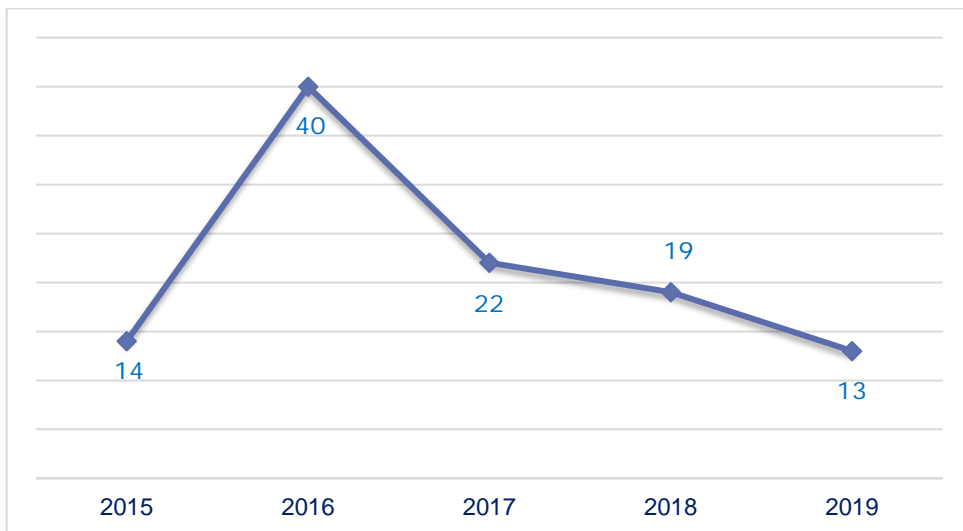
- hunting of woodcock during its reproductive period in the Land of Lower Austria, in breach of the Birds Directive<sup>18</sup>;
  - failure to comply with several provisions of the Train Drivers' Directive<sup>19</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU.]

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Austria open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Austria (2015-2019)

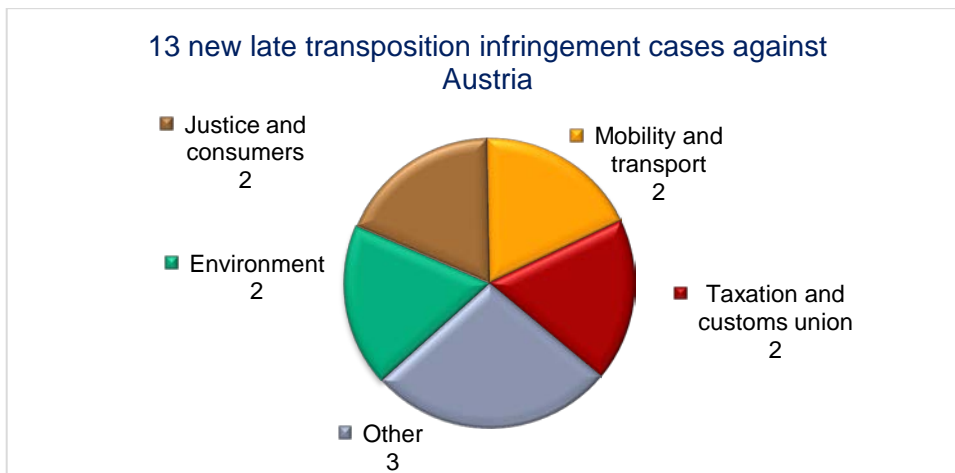


<sup>18</sup> Directive [2009/147/EC](#), Commission v Austria, [C-161/19](#), [IP/18/3449](#).

<sup>19</sup> Directive [2007/59/EC](#), Commission v Austria, [C-796/19](#), [IP/19/4262](#).

Austria

3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- incorrect transposition of the Consumer Rights Directive<sup>20</sup>;
- non communication of national measures transposing the:
  - Long Term Residents Directive<sup>21</sup>
  - Reception Conditions Directive<sup>22</sup>;
- incorrect transposition of the Solvency II Directive<sup>23</sup>;
- failure to adopt all transposition measures for the Indirect Land Use Change Directive<sup>24</sup>;
- incomplete Natura 2000 network;

## VI. IMPORTANT JUDGMENTS

1. Court rulings<sup>25</sup>

The Court gave the following rulings:

- Austria failed to fulfil its obligations under EU law by setting restrictions on the location of the seat, legal form and shareholding requirements for professional companies of architects, engineers, patent attorneys, veterinarians<sup>26</sup>.

<sup>20</sup> Directive [2011/83/EU](#).

<sup>21</sup> Directive [2011/51/EU](#).

<sup>22</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>23</sup> Directive [2009/138/EC](#), [MEMO/18/349](#).

<sup>24</sup> Directive (EU) [2015/1513](#).

<sup>25</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>26</sup> *Commission v Austria*, Case [C-209/18](#).

## 2. Preliminary rulings

The Court addressed the following preliminary rulings to the Austrian judiciary:

- A Member State which granted subsidiary protection status based on incorrect facts must revoke it; the fact that the person concerned cannot be accused of having misled the Member State is irrelevant<sup>27</sup>.
- The limitation on the recognition of previous periods of professionally relevant experience completed in another Member State for determining the entry salary for the migrant worker is possible only if the limitation applies equally to national and migrant workers and the work-related experience from another Member State is not fully comparable with the new employment position<sup>28</sup>.
- Natural and legal persons directly concerned by the pollution of groundwaters can rely, before national courts, on certain provisions of the Nitrates Directive<sup>29</sup>.
- An airline is liable for the harm caused by a spilt cup of hot coffee. It is not necessary for that accident to relate to a hazard typically associated with flight<sup>30</sup>.
- Workers providing services on board international trains, pursuant to a contract concluded between their employer and an undertaking established in another Member State, are not posted workers if they carry out a significant part of the work inherent to those services in the Member State where their employer is established and if they begin or end their shifts there<sup>31</sup>.
- The use of passenger platforms is part of the 'minimum access package' under the Single European Railway Directive, and infrastructure managers are required to make them available to all train operators<sup>32</sup>.

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<sup>27</sup> *Mohammed Bilali*, [C-720/17](#), Directive [2006/123/EC](#).

<sup>28</sup> *Krah*, [C-703/17](#).

<sup>29</sup> Directive [91/676/EEC](#), *Wasserleitungsverband Nördliches Burgenland and Others*, C-197/18.

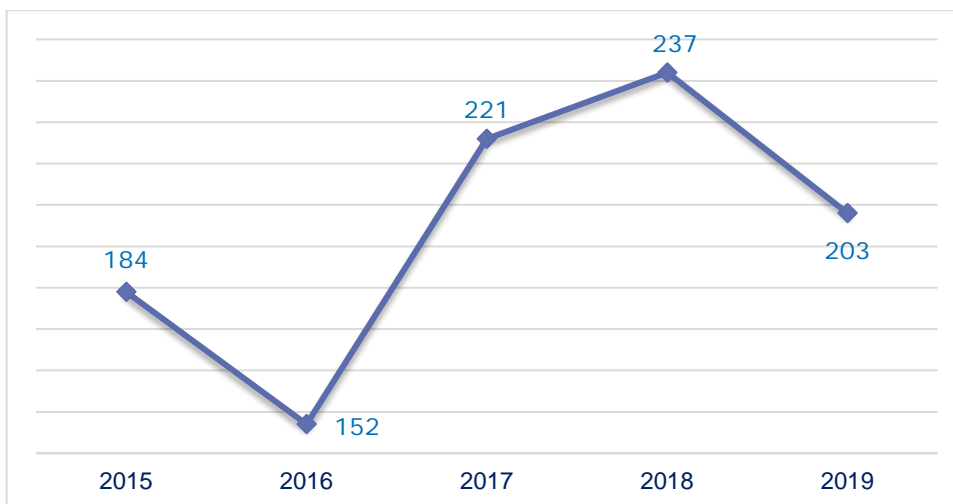
<sup>30</sup> *Niki Luftfahrt*, [C-532/18](#) and Court press release 163/2019.

<sup>31</sup> Directive [96/71/EC](#), *Dobersberger*, [C-16/18](#).

<sup>32</sup> Directive [2012/34/EU](#), *WESTbahn Management*, [C-210/18](#).

## I. COMPLAINTS

### 1. New complaints made against Poland by members of the public (2015-2019)



### 2. Public complaints against Poland open at year-end

169 > Complaints open at end-2018

203 > New complaints registered in 2019

214 > Complaints handled in 2019

**= 158** > Complaints open at end-2019

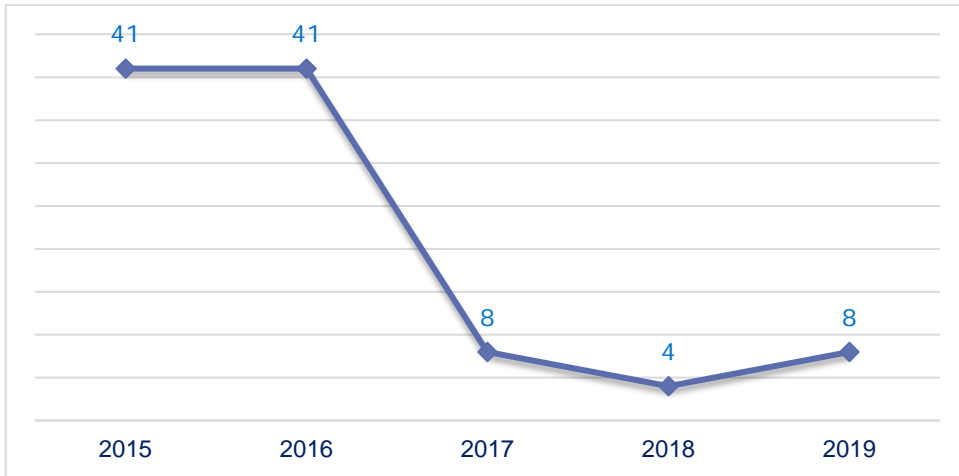
### 3. New complaints registered in 2019: main policy areas



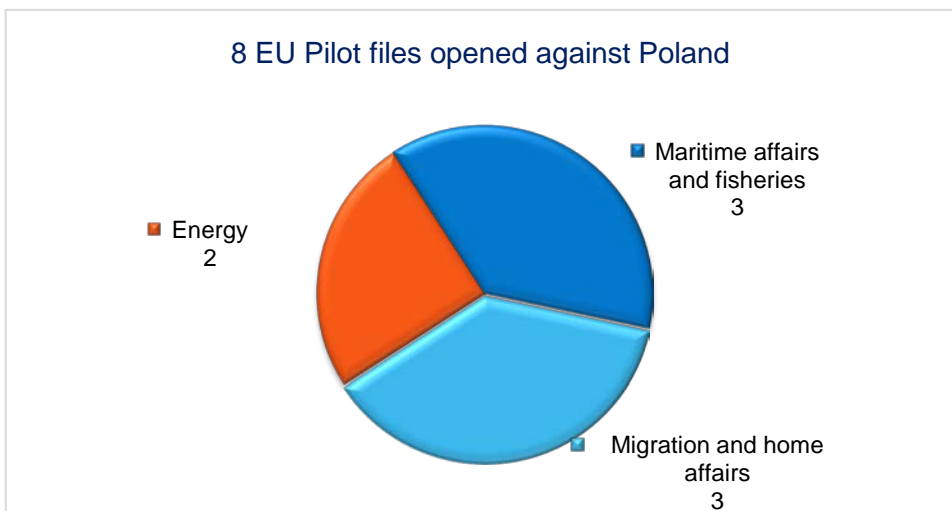
Poland

II. EU PILOT

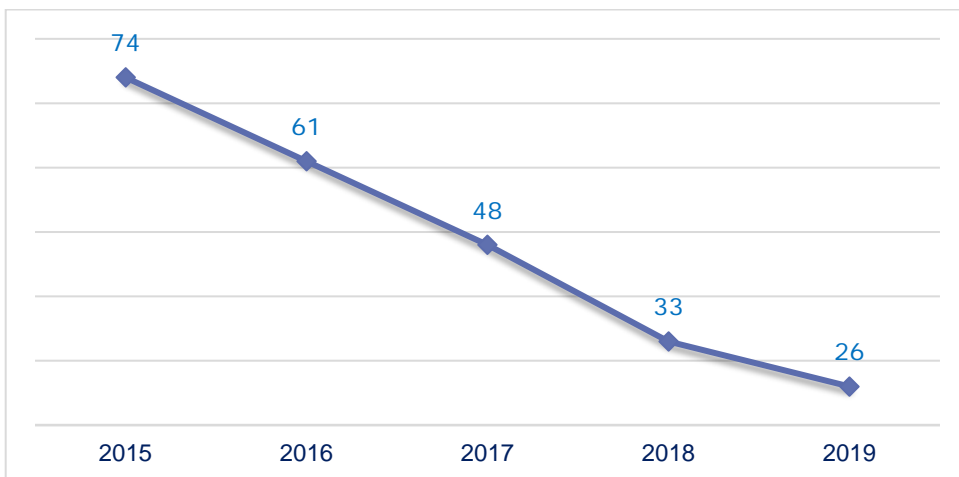
1. New EU Pilot files opened against Poland (2015-2019)



2. New EU Pilot files opened in 2019: policy areas

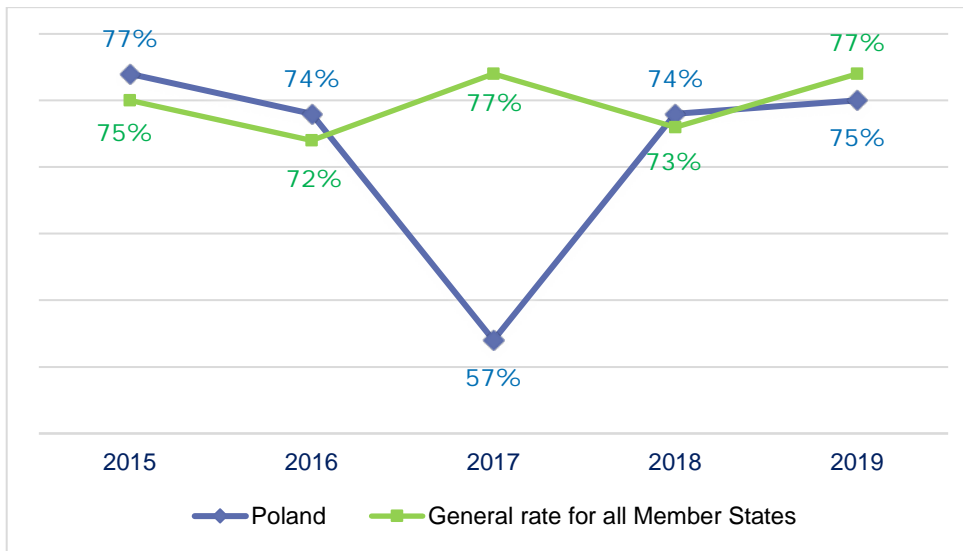


3. Files relating to Poland open in EU Pilot at year-end



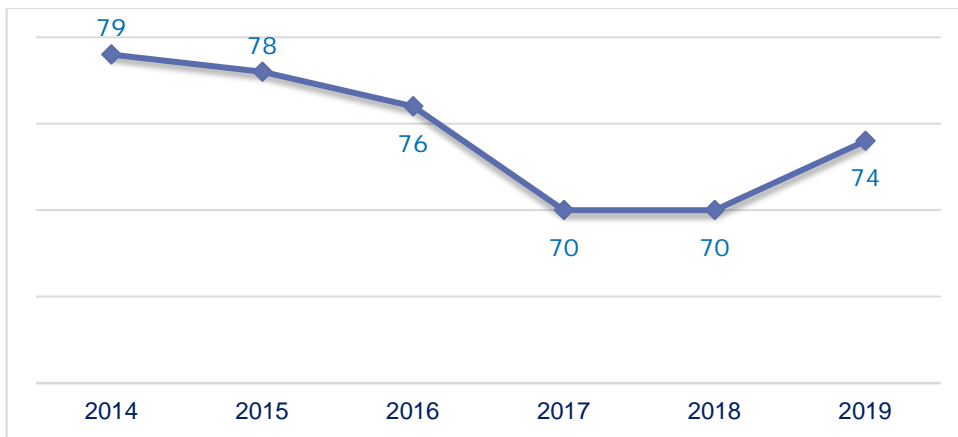
Poland

4. EU Pilot files: Poland's resolution rate in 2015-2019

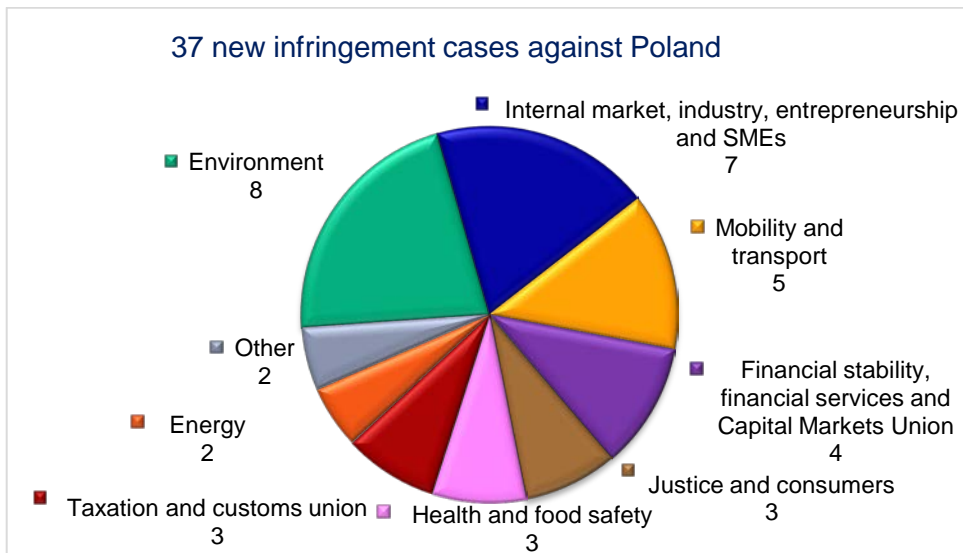


III. INFRINGEMENT CASES

1. Infringement cases against Poland open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 37 new infringement cases against Poland in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>1</sup>
    - EU rules on public procurement and concessions<sup>2</sup>
    - Solvency II Directive<sup>3</sup>
    - SEPA Regulation<sup>4</sup>
    - common rules for access to the international market for coach and bus services<sup>5</sup>
    - revised Environmental Impact Assessment Directive<sup>6</sup>
    - Directive on the protection of animals used for scientific purposes<sup>7</sup>
    - obligations establishing a single European railway area<sup>8</sup>
    - Energy Efficiency Directive<sup>9</sup>;
  - delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>10</sup>;
  - the new disciplinary regime for judges in Poland which undermines the judicial independence of Polish judges by not offering necessary guarantees to protect them from political control, as required by the Court of Justice of the European Union<sup>11</sup>;
  - failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>12</sup>
  - failure to comply with EU rules on landfills<sup>13</sup>;
  - bad application of the Inspire Directive<sup>14</sup>;
  - failure to establish penalties in accordance with the Invasive Alien Species Regulation<sup>15</sup>;
  - failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>16</sup>;
  - failure to establish adequate safeguards to protect forests and its plant and animal species, as required under the Birds and Habitats Directives. Also, failure to provide access to justice with regard to forest management plans<sup>17</sup>;
  - failure to comply with a Court judgment finding that Poland had breached its obligations under the Ambient Air Quality Directive<sup>18</sup>;
  - failure to fully comply with EU rules on reviewing environmental decisions<sup>19</sup>;
  - non-compliance with key provisions of the Noise Directive<sup>20</sup>;

<sup>1</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>2</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#), [INF/19/6304](#).

<sup>3</sup> Directive [2009/138/EC](#), [INF/19/4251](#).

<sup>4</sup> Regulation (EU) [260/2012](#), [MEMO/19/1472](#).

<sup>5</sup> Regulation (EC) No [2009/1073](#), [MEMO/19/462](#).

<sup>6</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [MEMO/19/1472](#).

<sup>7</sup> Directive [2010/63/EU](#), [INF/19/4251](#).

<sup>8</sup> Directive [2012/34/EU](#), [INF/19/4251](#).

<sup>9</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>10</sup> Regulation (EU) [2018/302](#); [INF/19/4251](#).

<sup>11</sup> [IP/19/1957](#).

<sup>12</sup> Directives [2006/123/EC](#) and [2014/23/EU](#), [IP/19/1477](#).

<sup>13</sup> Council Directive [1999/31/EC](#), [MEMO/19/1472](#).

<sup>14</sup> Directive [2007/2/EC](#), [MEMO/19/1472](#).

<sup>15</sup> Regulation (EU) No [1143/2014](#), [INF/19/6304](#).

<sup>16</sup> [INF/19/4251](#).

<sup>17</sup> Directives [92/43/EEC](#) and [2009/147/EC](#), [INF/19/4251](#).

<sup>18</sup> Directive [2008/50/EC](#), [INF/19/4251](#), *Commission v Poland*, [C-336/16](#).

<sup>19</sup> Directive [2011/92/EU](#), [MEMO/19/1472](#).

<sup>20</sup> Directive [2002/49/EC](#), [MEMO/19/462](#).

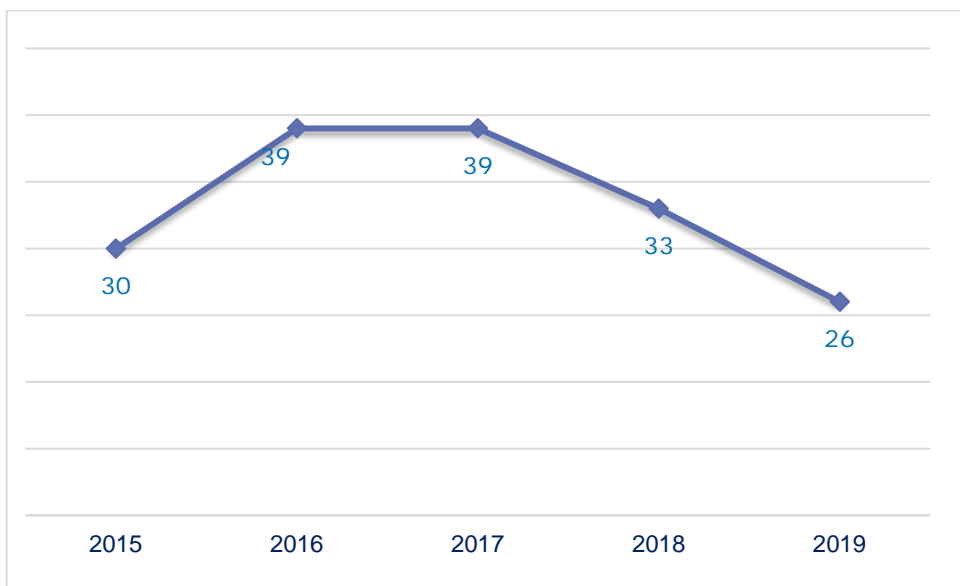


Poland

- failure to comply with EU requirements on the security of gas supply<sup>21</sup>;
- **non-communication of national measures transposing the:**
  - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>22</sup>
  - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>23</sup>
  - Indirect Land Use Change Directive<sup>24</sup>
  - Bank Creditors Hierarchy Directive<sup>25</sup>.
- b. [The Commission referred two cases to the Court under Article 258 TFEU. They involve the following infringements:
  - exemption from energy taxes for highly polluting industries on the ground that they are covered by the European Emission Trading Scheme;
  - violation of the Rule of Law principles and Article 19 TFEU by the new disciplinary regime for judges in Poland<sup>26</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU. ]

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Poland open on 31 December (2015-2019)



<sup>21</sup> Regulation (EU) [2017/1938](#), [INF/19/6304](#).

<sup>22</sup> Directive [2011/95/EU](#); [MEMO/19/462](#).

<sup>23</sup> Directive [2016/2341/EU](#).

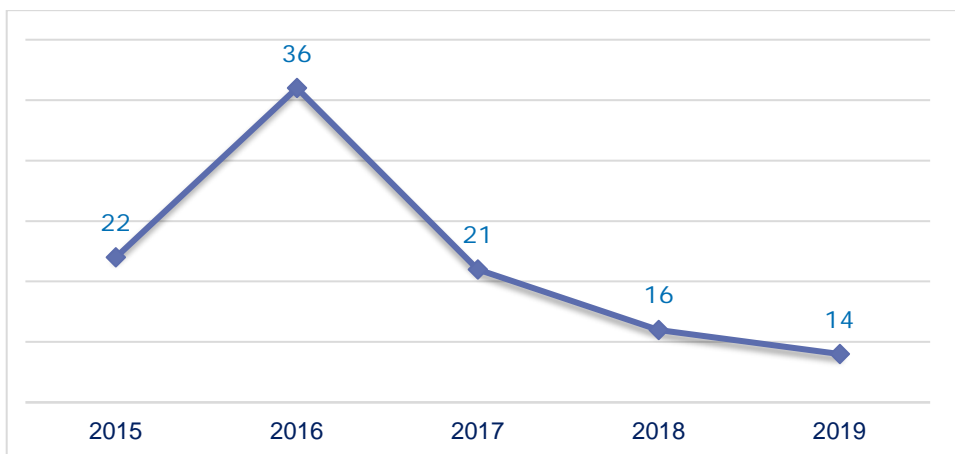
<sup>24</sup> Directive (EU) [2015/1513](#) amending Directive [98/70/EC](#) and amending Directive [2009/28/EC](#).

<sup>25</sup> Directive [2017/2399/EU](#).

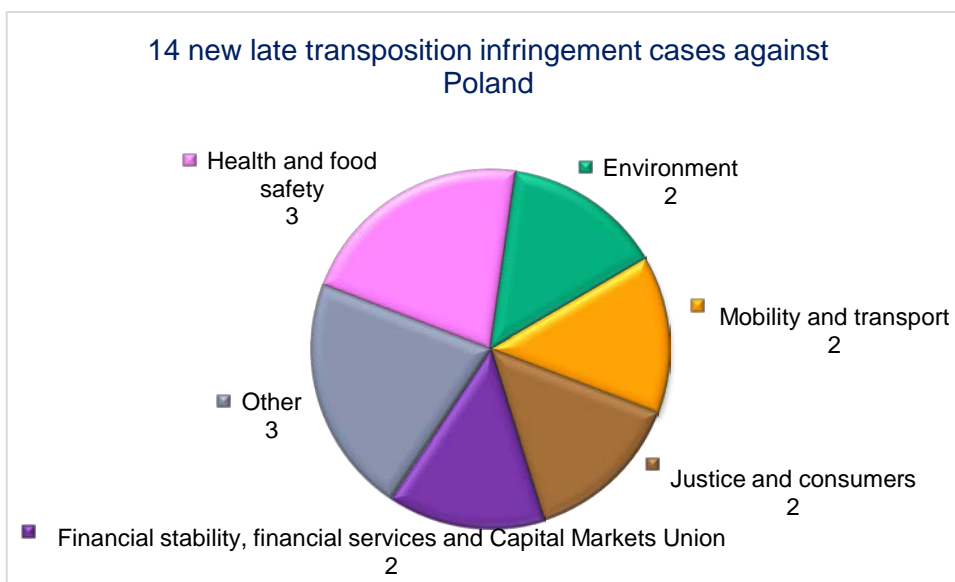
<sup>26</sup> *Commission v Poland*, [C-791/19](#), [IP/19/6033](#).

Poland

2. New late transposition infringement cases against Poland (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- incorrect transposition of the Consumer Rights Directive<sup>27</sup>;
- incorrect application of the Habitats Directive by authorisation and commencing the construction of a coal mine near Natura 2000 sites<sup>28</sup>;
- failure to ensure the effective application of obligations under the Directive on end-of-life vehicles<sup>29</sup>;

<sup>27</sup> Directive [2011/83/EU](#).

<sup>28</sup> Directive [92/43/EEC](#).

<sup>29</sup> [https://ec.europa.eu/commission/presscorner/detail/EN/INF\\_19\\_6304](https://ec.europa.eu/commission/presscorner/detail/EN/INF_19_6304).

- non-communication of national measures transposing the:
  - Seasonal Workers Directive<sup>30</sup>
  - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>31</sup>
  - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>32</sup>
  - Reception Conditions Directive<sup>33</sup>
  - Asylum Procedures Directive<sup>34</sup>
  - labour rights for seafarers<sup>35</sup>
  - Directive on Antitrust Damages Actions<sup>36</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>37</sup>
  - Directive as regards access to anti-money laundering information (DAC5)<sup>38</sup>
  - Offshore Safety Directive<sup>39</sup>
  - Nuclear Safety Directive<sup>40</sup>

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>41</sup>

The Court ruled that/gave the following rulings:

- *Poland* failed to fulfil its obligations under EU law, first, by establishing a different retirement age for men and women who were judges or public prosecutors in Poland and, second, by lowering the retirement age of judges of the ordinary courts while conferring on the Minister for Justice the power to extend the period of active service of those judges<sup>42</sup>.
- *Poland* failed to fulfil its obligations under EU law by lowering the retirement age of judges of the Supreme Court<sup>43</sup>.
- *Poland* failed to fulfil its obligations under the Directive on weights and dimensions in national and international traffic. The restrictions set on access to the Polish road network for vehicles complying with the maximum axle weights laid down in the Directive are not justified<sup>44</sup>.

### 2. Preliminary rulings

*[The Court addressed the following preliminary rulings to the Polish judiciary:*

- National legislation cannot exempt commercial transactions financed with EU funds from the scope of the Late Payments Directive<sup>45</sup>]
- The issuance of a parallel import license cannot be conditional upon the imported medicine and domestic reference products sharing the same 'registration status'. If the Member State of import can establish that the imported medicine and domestic reference product, 'without being totally

<sup>30</sup> Directive [2014/36/EU](#).

<sup>31</sup> Directive [2016/801/EU](#).

<sup>32</sup> Directive [2011/95/EU](#); [INF/19/4251](#).

<sup>33</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>34</sup> Directive [2013/32/EU](#).

<sup>35</sup> Directive (EU) [2015/1794](#).

<sup>36</sup> Directive [2014/104/EU](#).

<sup>37</sup> Directive (EU) [2016/1164](#).

<sup>38</sup> Directive [2016/2258/EU](#).

<sup>39</sup> Directive [2013/30/EU](#).

<sup>40</sup> Directive [2014/87/Euratom](#).

<sup>41</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>42</sup> *Commission v Poland*, [C-192/18](#), Court press release [No 134/19](#).

<sup>43</sup> *Commission v Poland*, [C-619/18](#); Court press release [No 81/19](#).

<sup>44</sup> Directive [96/53/EC](#), *Commission v Poland*, [C-127/17](#).

<sup>45</sup> *KROL*, Case [C-722/18](#).

identical', are manufactured with the same formulation, then the imported product may be granted a parallel import license<sup>46</sup>.

- In a case concerning loan contracts concluded in Poland and indexed to a foreign currency, the unfair contract terms relating to the difference in exchange rates cannot be replaced by general provisions of Polish civil law in order to preserve the validity of the contract<sup>47</sup>.
- The lack of transparency of a contract term is an important element in assessing its unfairness. The national courts must examine the unfairness of contract terms. Thus, in payment order proceedings based on a promissory note, national courts need to assess the promissory note agreement, even where national law or case law does not permit this<sup>48</sup>.
- A notary who draws up a certificate of succession at the unanimous request of all the parties to the procedure conducted by the notary does not constitute a 'court' and, consequently, such a deed does not constitute a 'decision' but an 'authentic instrument'<sup>49</sup>.

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<sup>46</sup> *Delfarma*, Case [C-387/18](#).

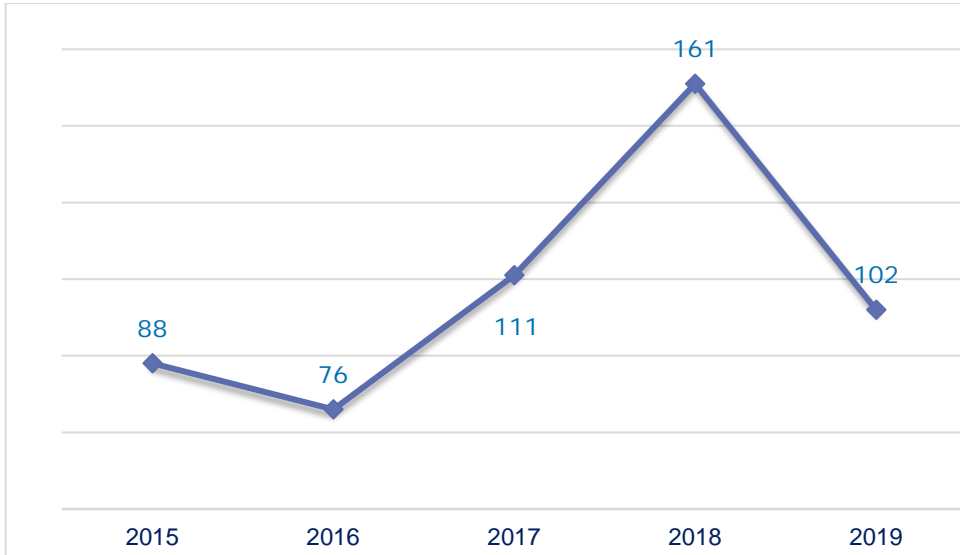
<sup>47</sup> *Dziubak*, [C-260/18](#).

<sup>48</sup> *Profi Credit Polska*, [C-419/18](#) and [C-483/18](#).

<sup>49</sup> *WB*, [C-658/17](#).

I. COMPLAINTS

1. New complaints made against Portugal by members of the public (2015-2019)



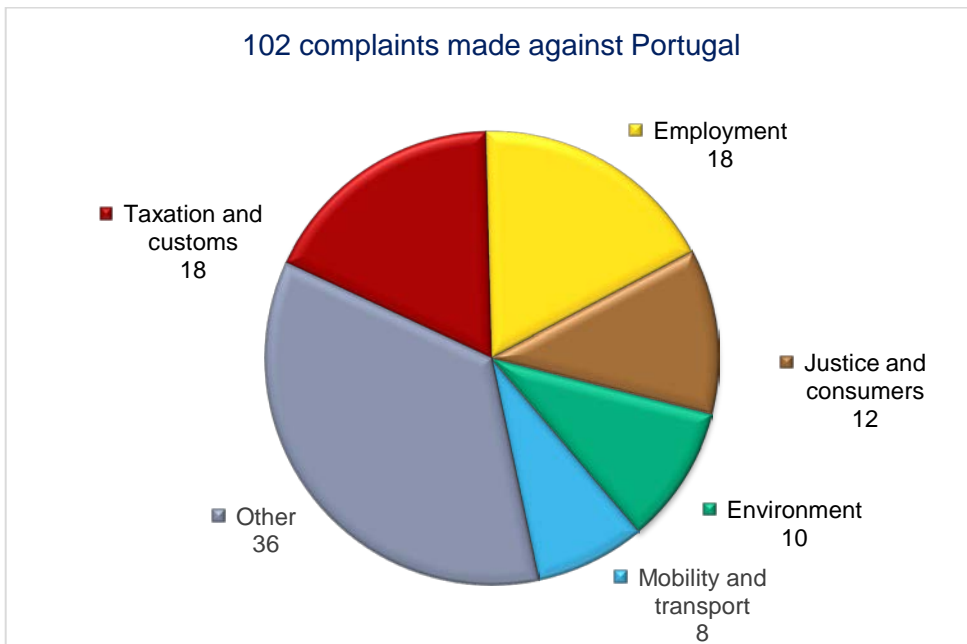
2. Public complaints against Portugal open at year-end

76 > Complaints open at end-2018  
 102 > New complaints registered in 2019  
 100 > Complaints handled in 2019  


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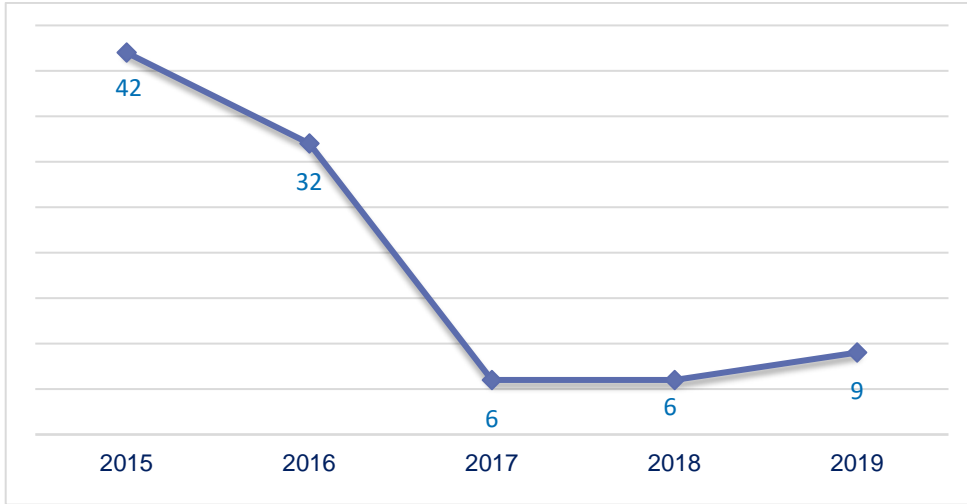
 = 78 > Complaints open at end-2019

3. New complaints registered in 2019: main policy areas

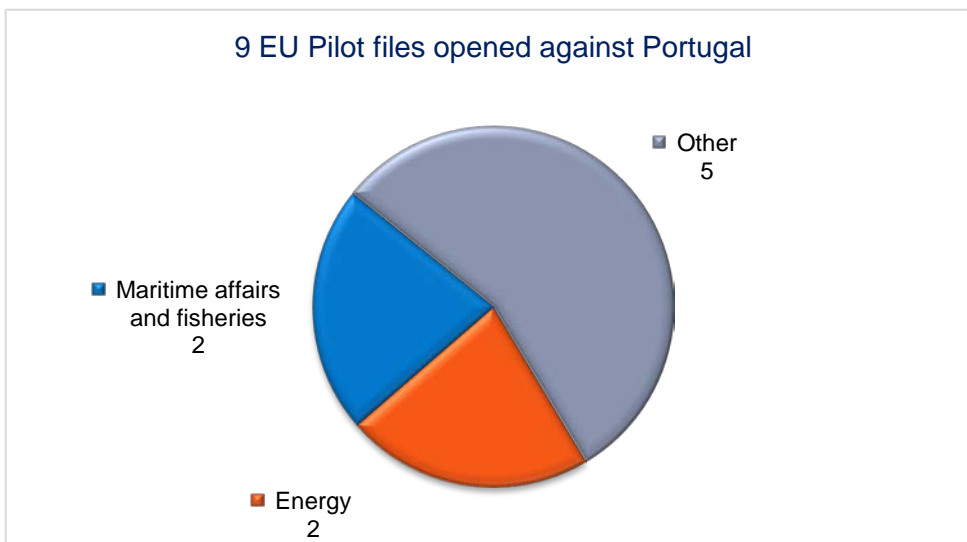


## II. EU PILOT

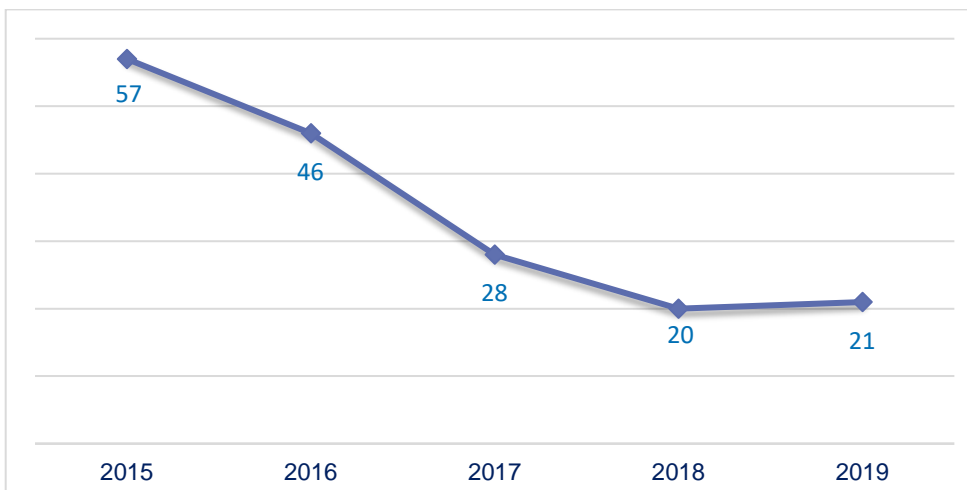
### 1. New EU Pilot files opened against Portugal (2015-2019)



### 2. New EU Pilot files opened in 2019: main policy areas

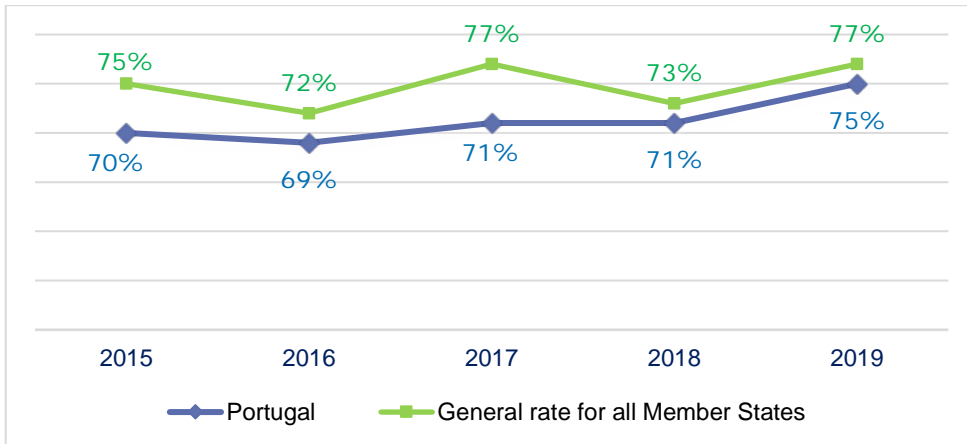


### 3. Files relating to Portugal open in EU Pilot at year-end



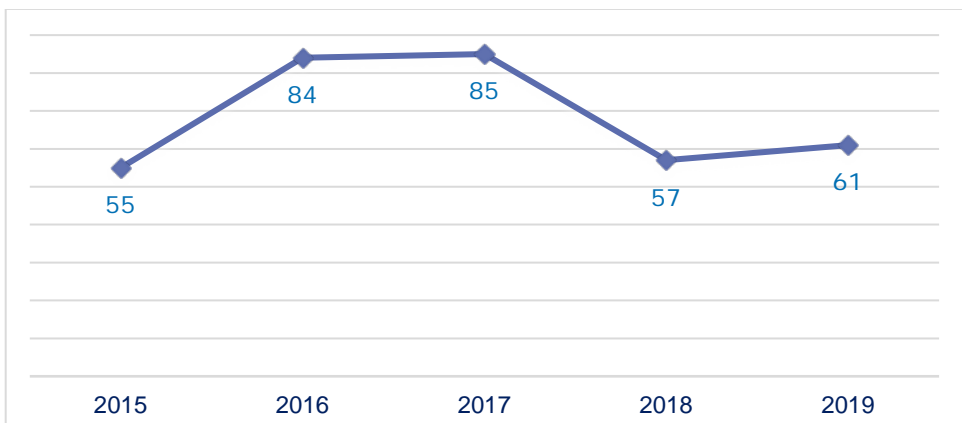
Portugal

4. EU Pilot files: Portugal's resolution rate in 2015-2019

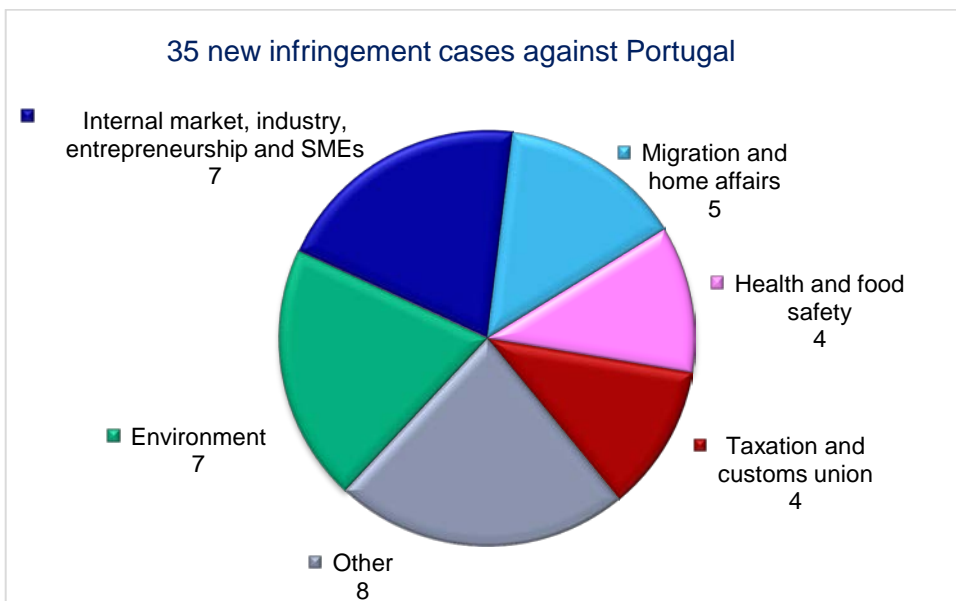


III. INFRINGEMENT CASES

1. Infringement cases against Portugal open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 35 new infringement cases against Portugal in 2019. These, and other major ongoing infringement cases, include:
- incorrect transposition of the:
    - Directive on Attacks against Information Systems<sup>50</sup>
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>51</sup>
    - EU rules on public procurement and concessions<sup>52</sup>
    - revised Environmental Impact Assessment Directive<sup>53</sup>
    - Energy Efficiency Directive<sup>54</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>55</sup>;
  - failure to submit their second cost-optimal report required by the Energy Performance of Buildings Directive<sup>56</sup>;
  - failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>57</sup>;
  - failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>58</sup>;
  - failure to comply with Article 63 of TFEU and the EEA as regards tax rules for the sale of real estate by non-residents<sup>59</sup>;
  - excessive and disproportionate fees for issuing residence permits<sup>60</sup>;
  - Non-communication of national measures transposing the:
    - Basic Safety Standards Directive<sup>61</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>62</sup>
    - Bank Creditors Hierarchy Directive<sup>63</sup>.
- b. The Commission referred one case to the Court under Article 258 TFEU. This concerns a failure to align the system of financing universal services to the Universal Service Directive<sup>64</sup>.
- c. The Commission did not refer any cases to the Court under Article 260(2) TFEU. |

<sup>50</sup> Directive [2013/40/EU](#), [INF/19/5950](#).

<sup>51</sup> Directive [2011/93/EU](#), [MEMO/19/462](#) [INF/19/4251](#) and [INF/19/5950](#).

<sup>52</sup> Directives [2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#), [INF/19/5950](#).

<sup>53</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/5950](#).

<sup>54</sup> Directive [2012/27/EU](#), [MEMO/19/462](#).

<sup>55</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

<sup>56</sup> Directive [2010/31/EU](#), [MEMO/19/1472](#).

<sup>57</sup> Directive [2003/109/EC](#), [INF/19/4251](#).

<sup>58</sup> Directives [2006/123/EC](#) and [2014/23/EU](#), [IP/19/1477](#).

<sup>59</sup> [IP/19/462](#).

<sup>60</sup> [INF/19/4251](#).

<sup>61</sup> Directive [2013/59/Euratom](#).

<sup>62</sup> Directive [2016/2341/EU](#).

<sup>63</sup> Directive [2017/2399/EU](#).

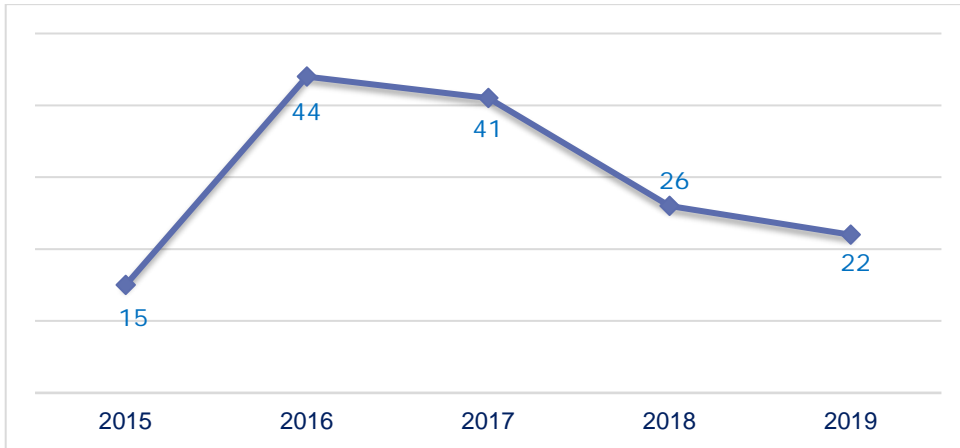
<sup>64</sup> Case *Commission v Portugal*, [C-49/19](#).



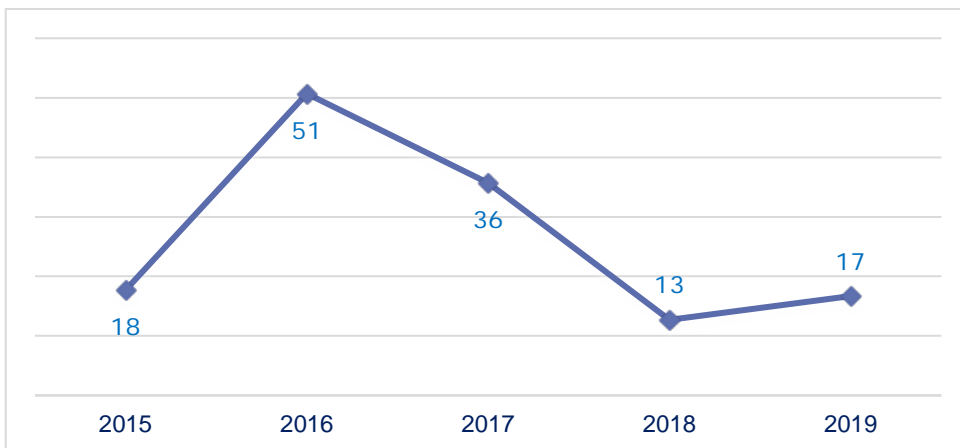
Portugal

IV. TRANSPOSITION OF DIRECTIVES

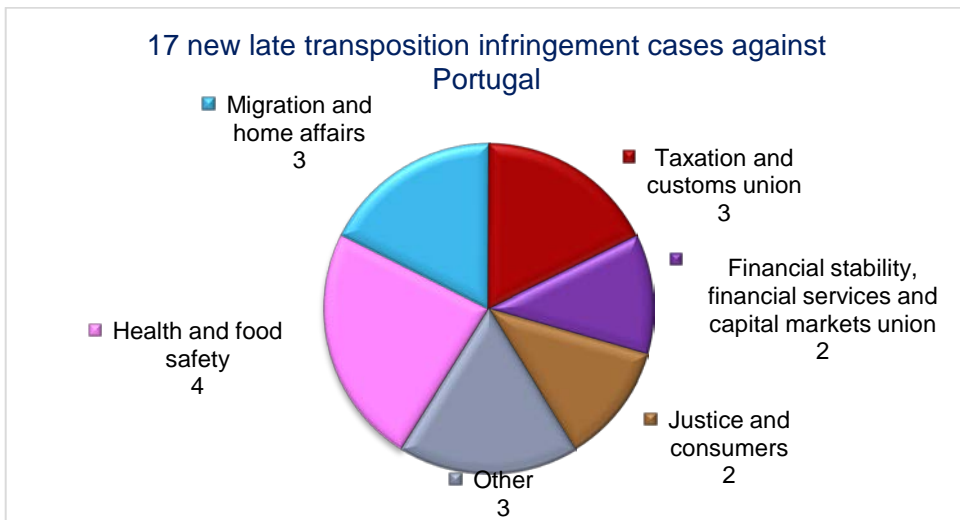
1. Late transposition infringement cases against Portugal open on 31 December (2015-2019)



2. New late transposition infringement cases against Portugal (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

*These concerned:*

- incorrect transposition of the:
  - Directive on unfair commercial practices<sup>65</sup>
  - Indirect Land Use Change Directive<sup>66</sup>
  - EU legislation on the investigation of accidents in the maritime sector<sup>67</sup>;
- measures to prevent the spread of the pine wood nematode;
- failure to meet the EU obligations on stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime<sup>68</sup>;
- failure to communicate national measures transposing the:
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>69</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>70</sup>
  - Commission Implementing Directive on characteristics to be covered as a minimum by the examination and minimum conditions for examining certain varieties of agricultural plant species<sup>71</sup>
  - Commission Implementing Directive on protective measures against the introduction into the Community of organisms harmful to plants<sup>72</sup>
  - Seasonal Workers Directive<sup>73</sup>
  - Seafarers Directive<sup>74</sup>
  - Mortgage Credit Directive<sup>75</sup>
  - Anti-tax avoidance Directive. ]

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

*[The Court ruled that/gave the following rulings:*

- Portugal has failed to fulfil its obligations under the Habitats Directive as it had not designated its Sites of Community Interest as Special Areas of Conservation and it had not established the necessary conservation measures for these zones<sup>76</sup>.]

### 2. Preliminary rulings

*[The Court addressed the following preliminary rulings to the Portuguese judiciary:*

- Member States cannot add additional requirements for granting copyright protection to designs, such as the clothing designs of jeans, which already meet the requirements for copyright protection under EU law<sup>77</sup>.]

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<sup>65</sup> Directive [2005/29/EC](#).

<sup>66</sup> Directive (EU) [2015/1513](#).

<sup>67</sup> Directive [2009/18/EC](#).

<sup>68</sup> Decisions [2008/615/JHA](#) and [2008/616/JHA](#).

<sup>69</sup> Directive (EU) [2018/1027](#).

<sup>70</sup> Directive (EU) [2018/100](#).

<sup>71</sup> Directive (EU) [2019/114](#).

<sup>72</sup> Directive (EU) [2019/523](#).

<sup>73</sup> Directive [2014/36/EU](#).

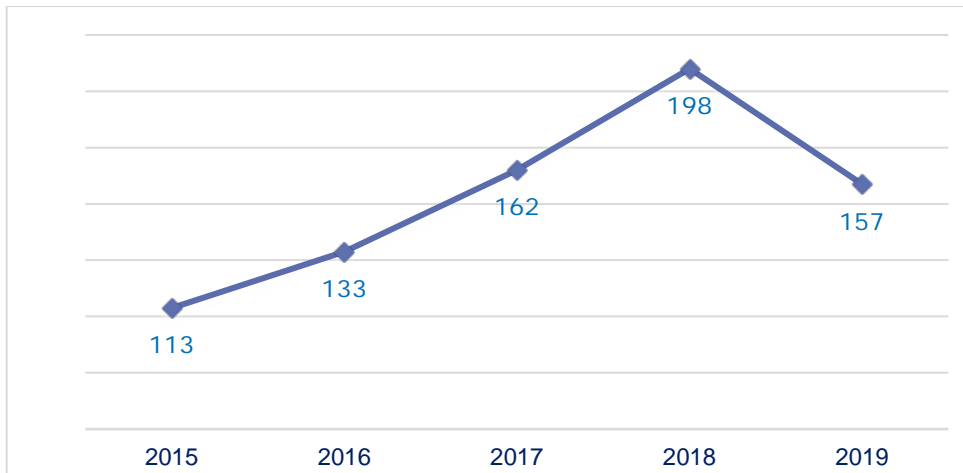
<sup>74</sup> Directive (EU) [2015/1794](#).

<sup>75</sup> Directive [2014/17/EU](#).

<sup>76</sup> *Commission v Portugal*, [C-290/18](#).

## I. COMPLAINTS

### 1. New complaints made against Romania by members of the public (2015-2019)



### 2. Public complaints against Romania open at year-end

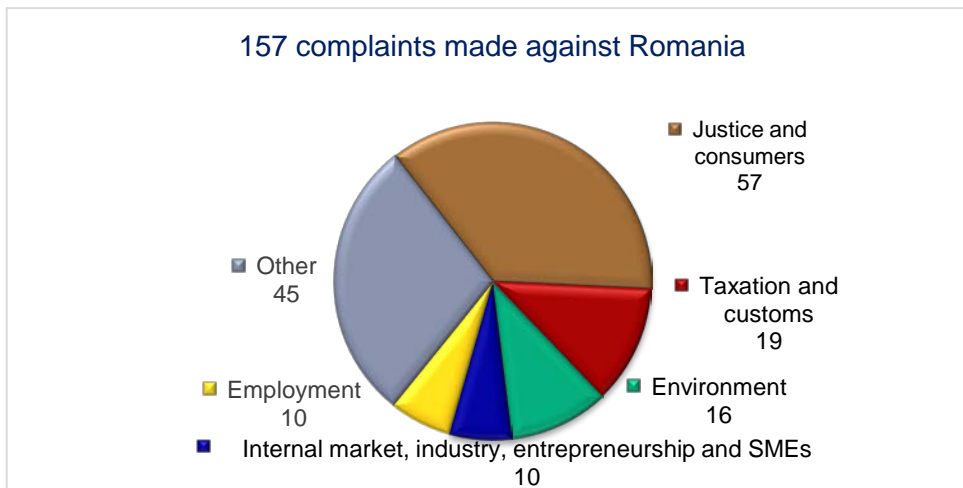
139 > Complaints open at end-2018

157 > New complaints registered in 2019

203 > Complaints handled in 2019

**= 93** > Complaints open at end-2019

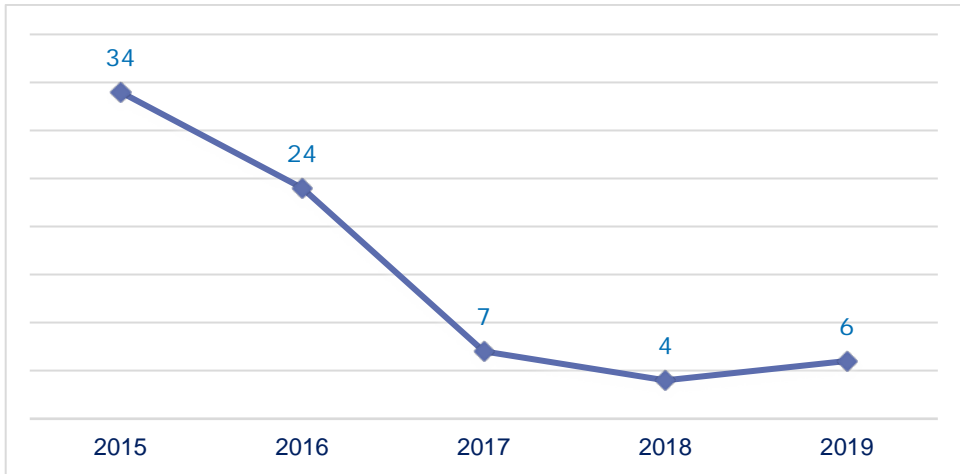
### 3. New complaints registered in 2019: main policy areas



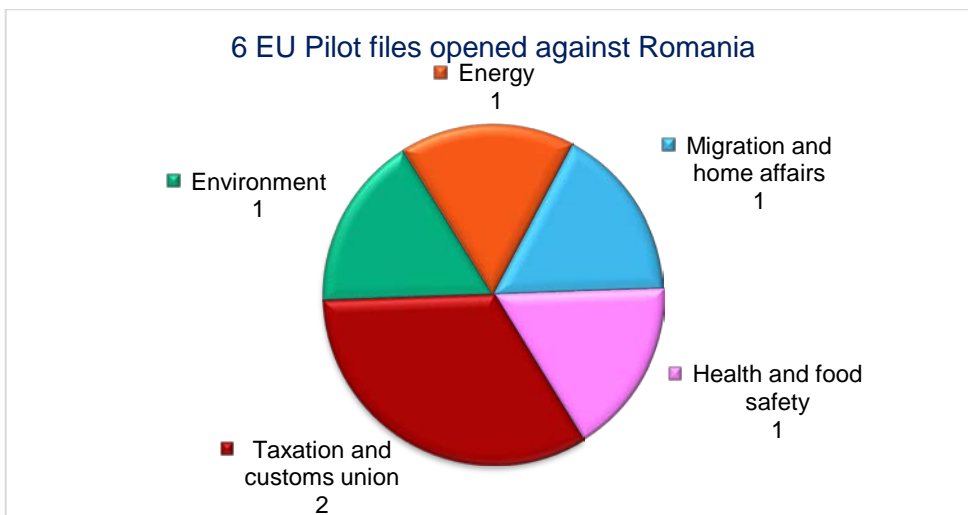
<sup>77</sup> Cofemel, case [C-683/17](#).

## II. EU PILOT

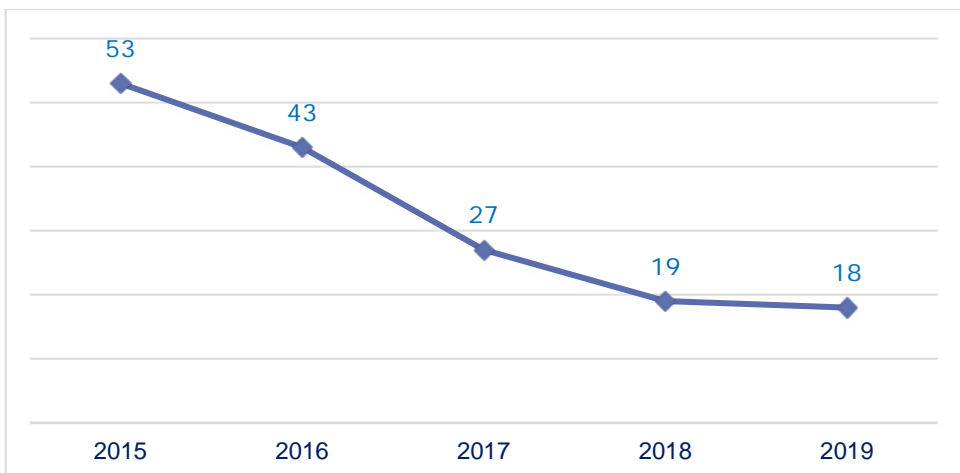
### 1. New EU Pilot files opened against Romania (2015-2019)



### 2. New EU Pilot files opened in 2019: policy areas

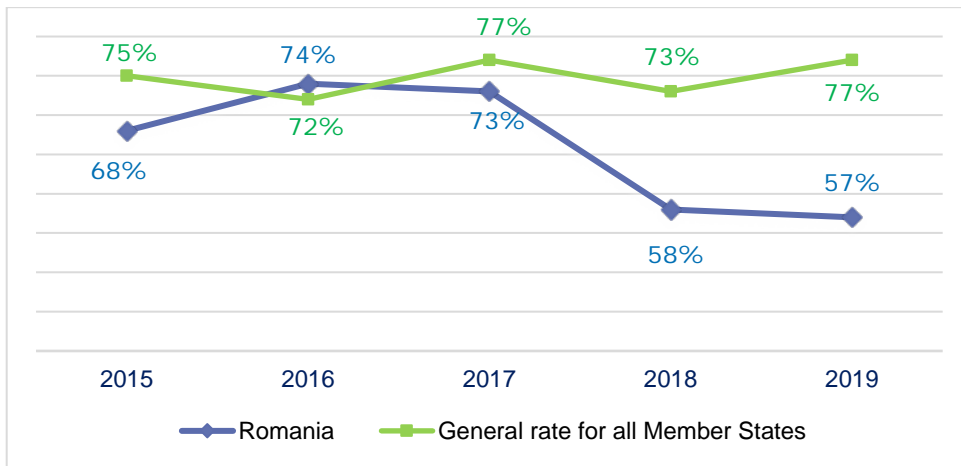


### 3. Files relating to Romania open in EU Pilot at year-end



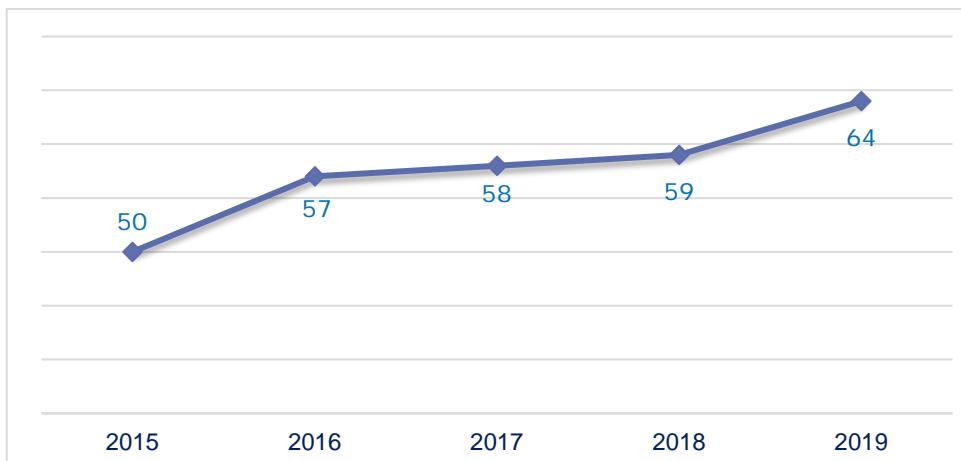
Romania

4. EU Pilot files: Romania's resolution rate in 2015-2019

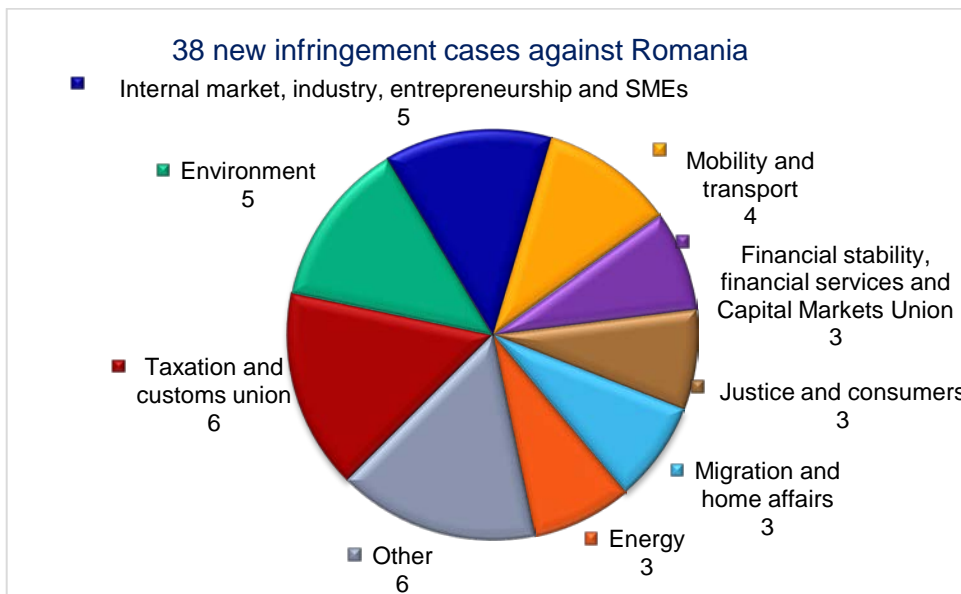


III. INFRINGEMENT CASES

1. Infringement cases against Romania open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 38 new infringement cases against Romania in 2019. These, and other major ongoing infringement cases, include:
- delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>78</sup>;
  - failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>79</sup>;
  - failure to adopt fees for the processing of applications on biocidal products, as required by EU rules. As a result, applications for national authorisation of biocidal products could not be processed<sup>80</sup>;
  - incorrect implementation of provisions relating to the rejection of applications for residence permits and the obligation to justify the reasons for refusal under the EU Directives on legal migration<sup>81</sup>;
  - breach of the EU's exclusive competence in the automated exchange of DNA, fingerprint and vehicle registration data<sup>82</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>83</sup>;
  - failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>84</sup>;
  - failure to ensure that installations under the Industrial Emissions Directive operate with appropriate permits<sup>85</sup>;
  - systemic failure to monitor air pollution as required by EU legislation on ambient air quality<sup>86</sup>;
  - a national law setting limitations for the distribution of insurance products in Romania by insurance distributors from other Member States, in breach of the freedom to provide services<sup>87</sup>;
  - failure to correctly implement certain requirements of the Third Energy Package (the Gas Directive) and the Security of Gas Supply Regulation<sup>88</sup>;
  - non-compliance of national measures restricting the export of natural gas with the requirements of the Third Energy Package (the Gas Directive) and Articles 35 and 36 TFEU<sup>89</sup>;
  - failure to submit their second cost-optimal report required by the Energy Performance of Buildings Directive<sup>90</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>91</sup>;
  - failure to adopt measures on penalties for infringements of the Regulation on fluorinated greenhouse gases<sup>92</sup>;

<sup>78</sup> Regulation (EU) [2018/302](#) ; [INF/19/4251](#).

<sup>79</sup> Directive (EU) [2016/1148](#), [INF/19/4251](#).

<sup>80</sup> Regulation (EU) [528/2012](#), [MEMO-19-462](#).

<sup>81</sup> [INF/19/4251](#).

<sup>82</sup> [INF/19/5950](#).

<sup>83</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>84</sup> [INF/19/4251](#).

<sup>85</sup> Directive [2010/75/EU](#), [INF/19/4251](#).

<sup>86</sup> Directives [2004/107/EC](#) and [2008/50/EC](#), [INF/19/4251](#).

<sup>87</sup> [INF/19/5950](#).

<sup>88</sup> Directive [2009/73/EC](#), Regulation (EU) [2017/1938](#), [MEMO/19/1472](#).

<sup>89</sup> Directive [2009/73/EC](#), [INF/19/4251](#).

<sup>90</sup> Directive [2010/31/EU](#), [MEMO/19/462](#).

<sup>91</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

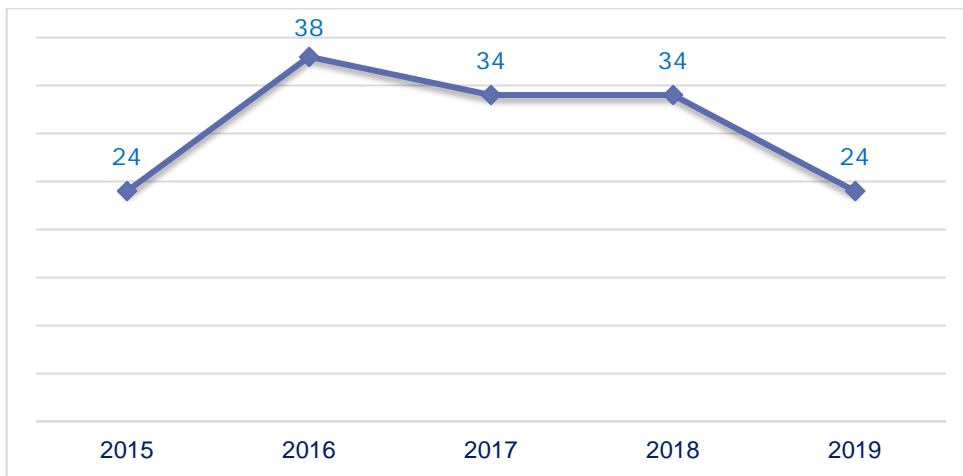
<sup>92</sup> Regulation (EU) [517/2014](#).

Romania

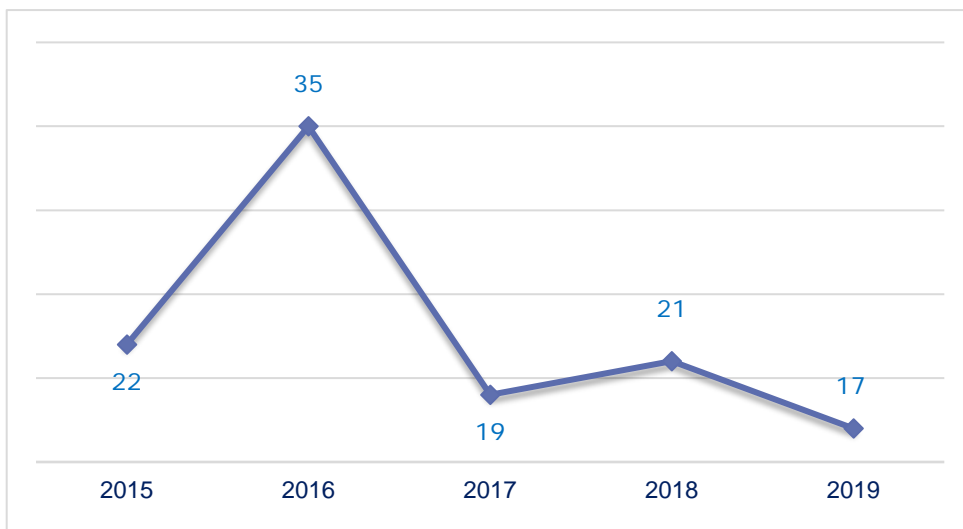
- time limit for the notification of customs debts;
- non-communication of national measures transposing the:
  - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>93</sup>
  - Bank Creditors Hierarchy Directive<sup>94</sup>
  - Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union<sup>95</sup>.
- 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 Romania open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Romania (2015-2019)

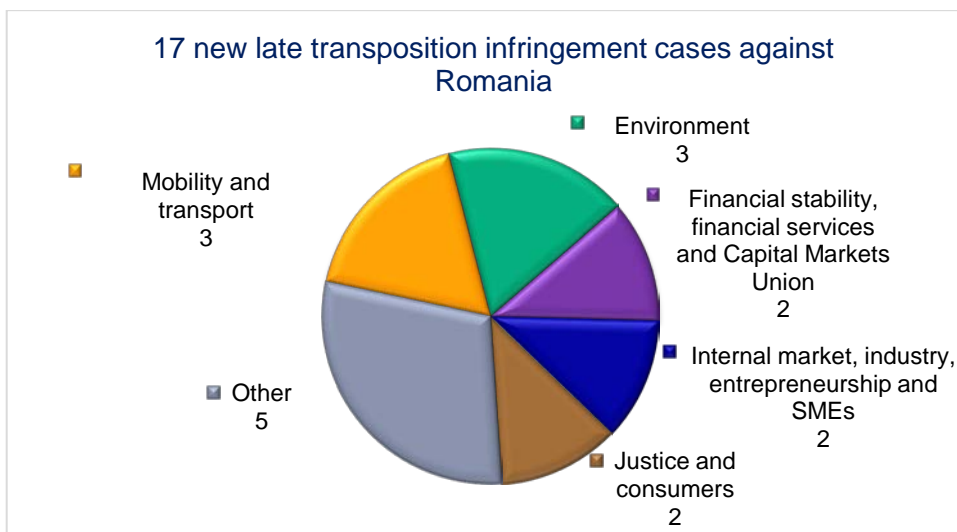


<sup>93</sup> Directive [2016/2341/EU](#).

<sup>94</sup> Directive [2017/2399/EU](#).

<sup>95</sup> Directive [2014/42/EU](#).

### 3. New late transposition infringement cases opened in 2019: 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 2019

*These concerned:*

- non-compliance with the Oil Stocks Directive<sup>96</sup>;
- failure to submit their second cost-optimal report required by the Energy Performance of Buildings Directive<sup>97</sup>;
- non-communication of national measures transposing the:
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>98</sup>
  - Reception Conditions Directive<sup>99</sup>
  - Asylum Procedures Directive<sup>100</sup>
  - labour rights for seafarers<sup>101</sup>
  - minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights<sup>102</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>103</sup>
  - Indirect Land Use Change Directive<sup>104</sup>
  - Directive on administrative cooperation in tax matters<sup>105</sup>.

<sup>96</sup> Directive [2009/119/EC](#).

<sup>97</sup> Directive [2010/31/EU](#).

<sup>98</sup> Directive (EU) [2018/100](#).

<sup>99</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>100</sup> Directive [2013/32/EU](#).

<sup>101</sup> Directive (EU) [2015/1794](#).

<sup>102</sup> Directive [2014/50/EU](#).

<sup>103</sup> Directive [2014/65/EU](#).

<sup>104</sup> Directive (EU) [2015/1513](#).

<sup>105</sup> Directive [2016/2258/EU](#).



## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>106</sup>

*There were no major Court rulings in 2019.*

### 2. Preliminary rulings

*[The Court addressed the following preliminary ruling to the Romanian judiciary:*

- The amount of the compensation provided by EU rules for cases of denied boarding or cancellation of a flight is not intended to compensate for damage such as loss of earnings, and that damage may be the subject of further compensation. In case of denied boarding, it is the responsibility of the operating air carrier to provide complete information to passengers on their right to reimbursement or re-routing. The passengers have no obligation to actively contribute to the search for information to that effect<sup>107</sup>].

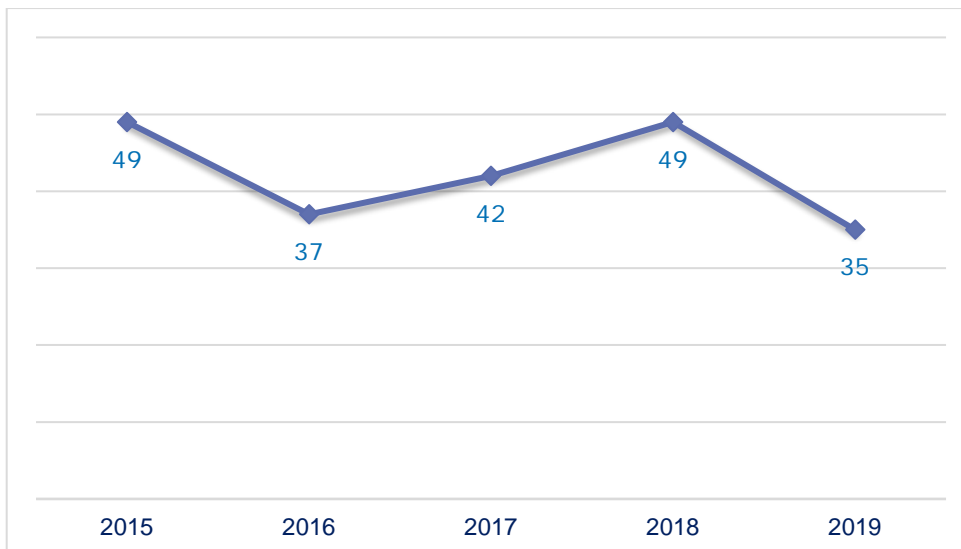
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<sup>106</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>107</sup> Regulation (EC) No [261/2004](#), Rusu, [C-354/18](#).

## I. COMPLAINTS

### 1. New complaints made against Slovenia by members of the public (2015-2019)



### 2. Public complaints against Slovenia open at year-end

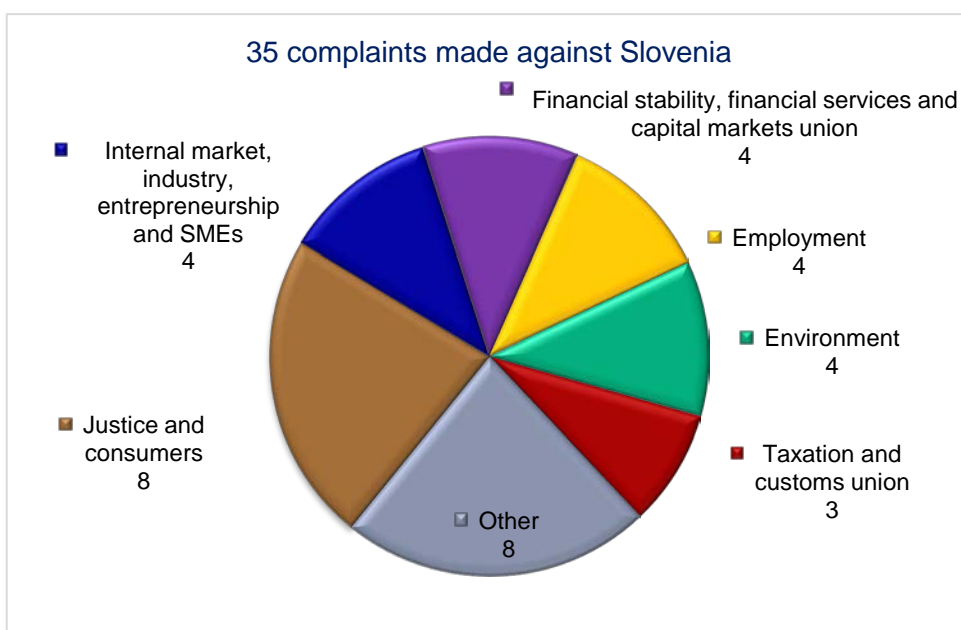
45 > Complaints open at end-2018

35 > New complaints registered in 2019

37 > Complaints handled in 2019

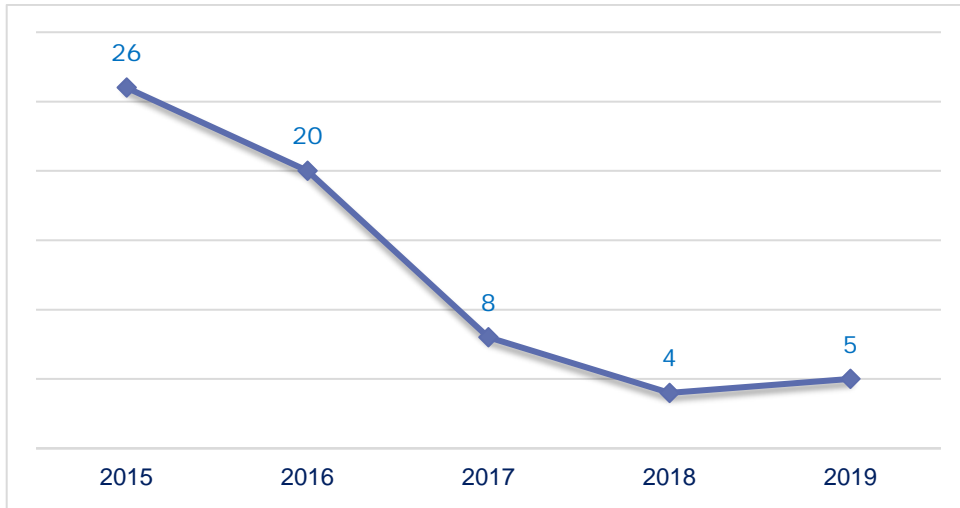
**= 43** > Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

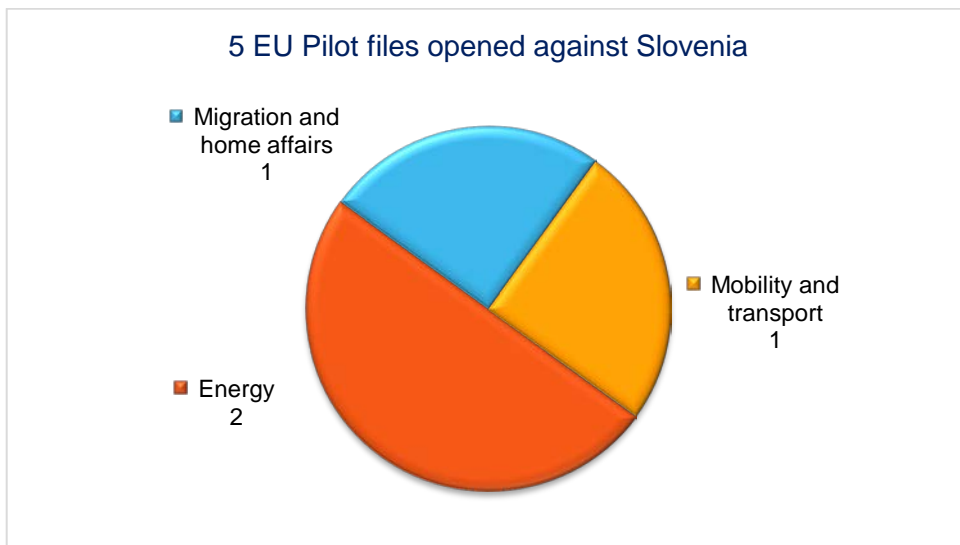


## II. EU PILOT

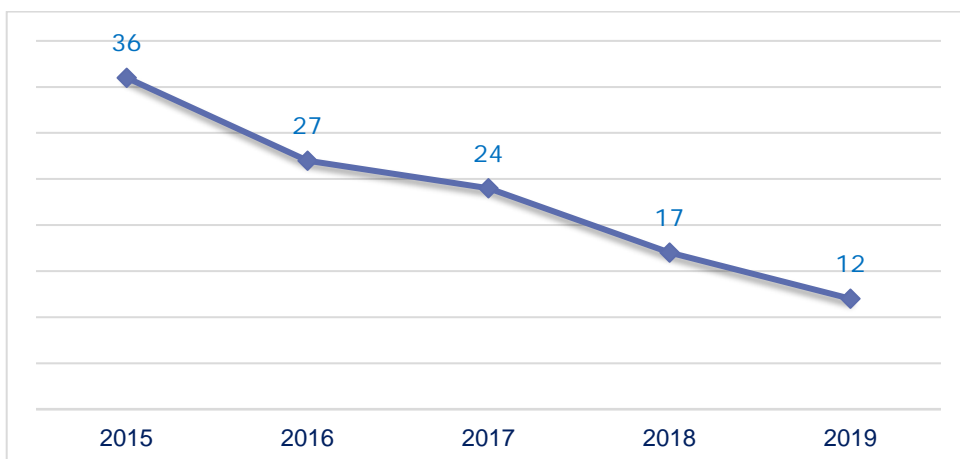
### 1. New EU Pilot files opened against Slovenia (2015-2019)



### 2. New EU Pilot files opened in 2019: policy areas

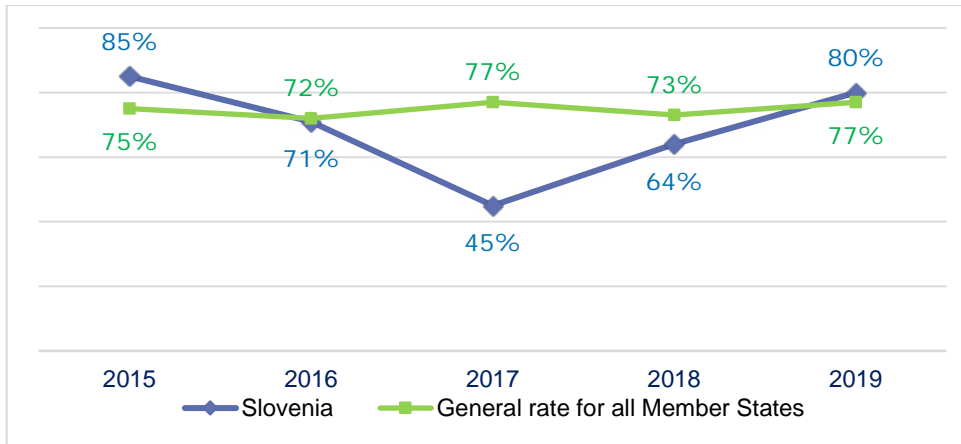


### 3. Files relating to Slovenia open in EU Pilot at year-end



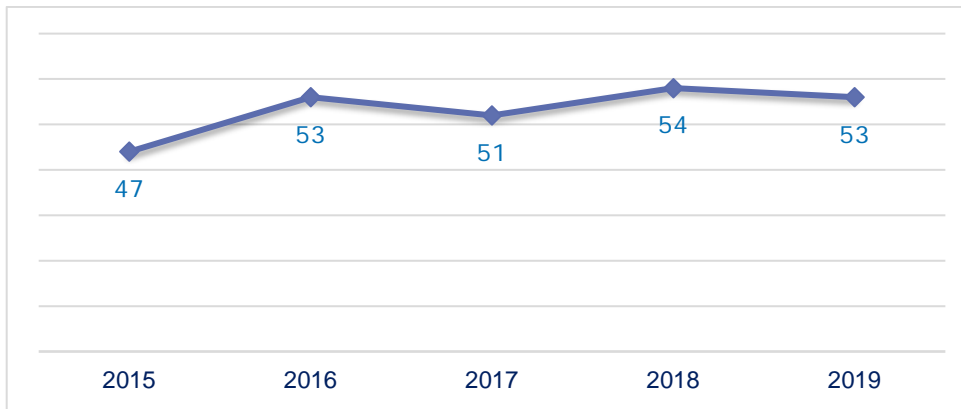
Slovenia

4. EU Pilot files: Slovenia's resolution rate in 2015-2019

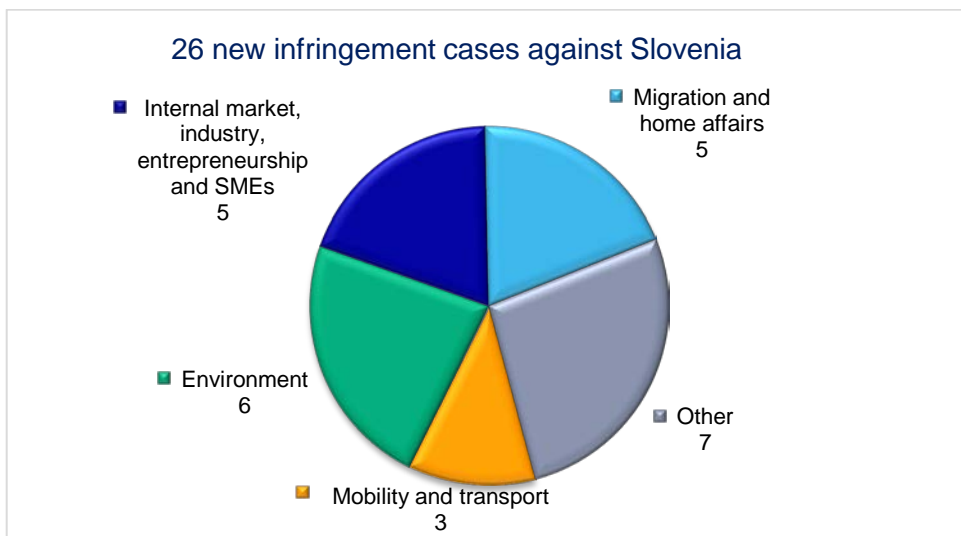


III. INFRINGEMENT CASES

1. Infringement cases against Slovenia open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



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

- a. [The Commission opened 26 new infringement cases against Slovenia in 2019. These, and other major ongoing infringement cases, include:
- failure to submit information about operators of essential services identified under the EU law on the security of network and information systems<sup>1</sup>;
  - incorrect implementation of the Directive on Attacks against Information Systems<sup>2</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>3</sup>;
  - non-communication of national measures transposing the:
    - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>4</sup>
    - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>5</sup>
    - Reception Conditions Directive<sup>6</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>7</sup>
    - Bank Creditors Hierarchy Directive<sup>8</sup>
    - Directive establishing common noise assessment methods<sup>9</sup>;
  - failure to ensure adequate protection of grasslands, as required by the Habitats Directive<sup>10</sup>;
  - incorrect transposition of the revised Environmental Impact Assessment Directive<sup>11</sup>;
  - late reporting on updates under the Marine Strategy Framework Directive<sup>12</sup>;
  - failure to fulfil obligations under the Ship Recycling Regulation<sup>13</sup>;
  - incorrect application of the Directive on urban waste water treatment (UWWT)<sup>14</sup>;
  - incorrect transposition of the Habitats and Birds Directives<sup>15</sup>;
  - incorrect transposition of the Directive on the protection of animals used for scientific purposes<sup>16</sup>.
- b. The Commission referred two cases to the Court under Article 258 TFEU. They involve the following infringements:
- violation of Protocol No 7 on the Privileges and Immunities as regards the documents of the European Central Bank<sup>17</sup>
  - incorrect transposition and application of certain provisions of the Energy Performance of Buildings Directive<sup>18</sup>.
- c. [The Commission did not refer any cases to the Court under Article 260(2) TFEU.]

<sup>1</sup> Directive (EU) [2016/1148](#), [INF/19/4251](#).

<sup>2</sup> Directive [2013/40/EU](#), [INF/19/4251](#).

<sup>3</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>4</sup> Directive [2016/801/EU](#), [INF/19/4251](#).

<sup>5</sup> Directive [2011/95/EU](#); [MEMO/19/462](#).

<sup>6</sup> Directive [2013/33/EU](#).

<sup>7</sup> Directive [2016/2341/EU](#).

<sup>8</sup> Directive [2017/2399/EU](#).

<sup>9</sup> Directive (EU) [2015/996](#).

<sup>10</sup> Directive [92/43/EEC](#), [INF/19/4251](#).

<sup>11</sup> Directive [2011/92/EU](#), [INF/19/5950](#).

<sup>12</sup> Directive [2008/56/EC](#), [MEMO/19/1472](#).

<sup>13</sup> Regulation (EU) [1257/2013](#), [MEMO/19/2772](#).

<sup>14</sup> Directive [91/271/EEC](#), [MEMO/19/1472](#).

<sup>15</sup> Directives [92/43/EEC](#) and [2009/147/EC](#), [INF/19/4251](#).

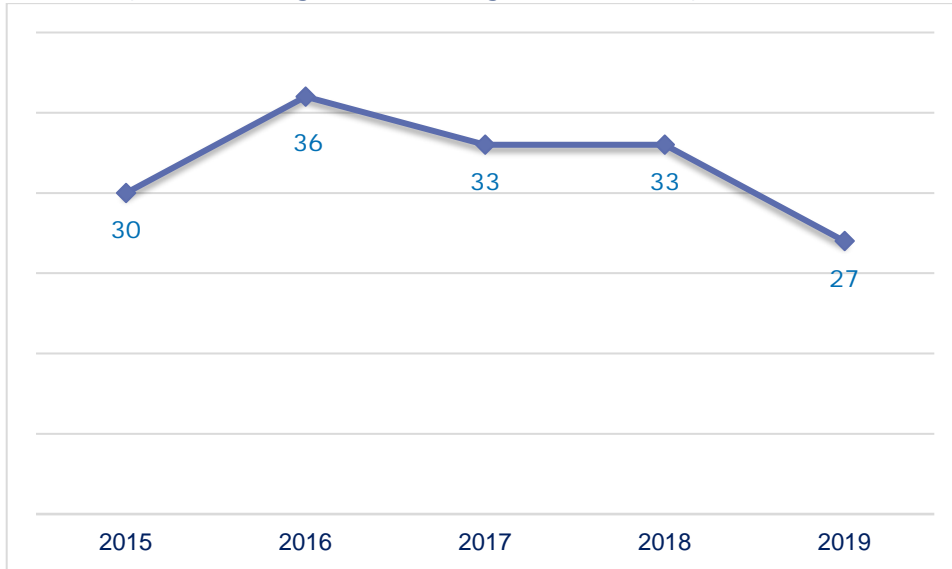
<sup>16</sup> Directive [2010/63/EU](#), [INF/19/5950](#).

<sup>17</sup> Case [C-316/19](#) *Commission v Slovenia*.

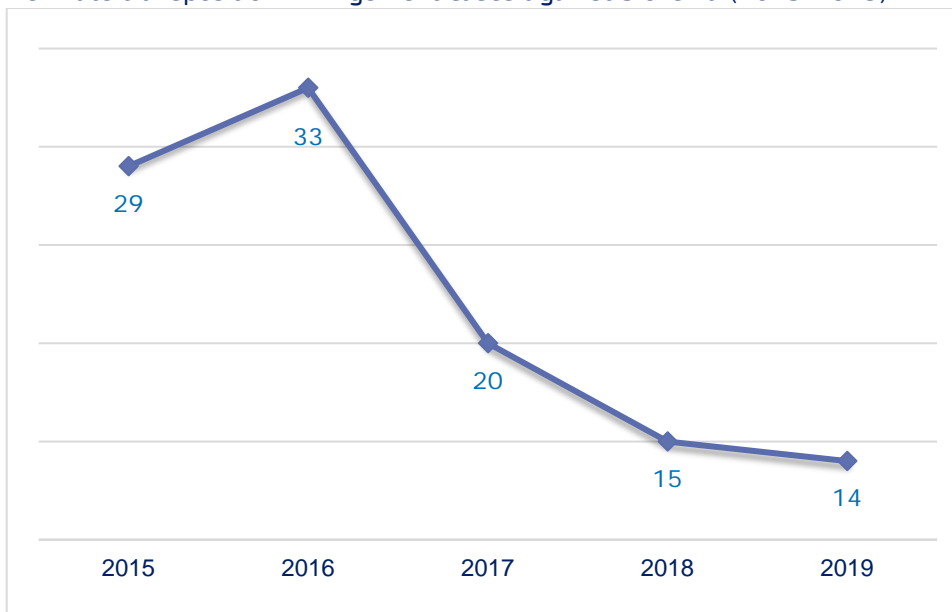
<sup>18</sup> Case [C-413/19](#) *Commission v Slovenia*, Directive [2010/31/EU](#), [IP/19/464](#).

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Slovenia open on 31 December (2015-2019)

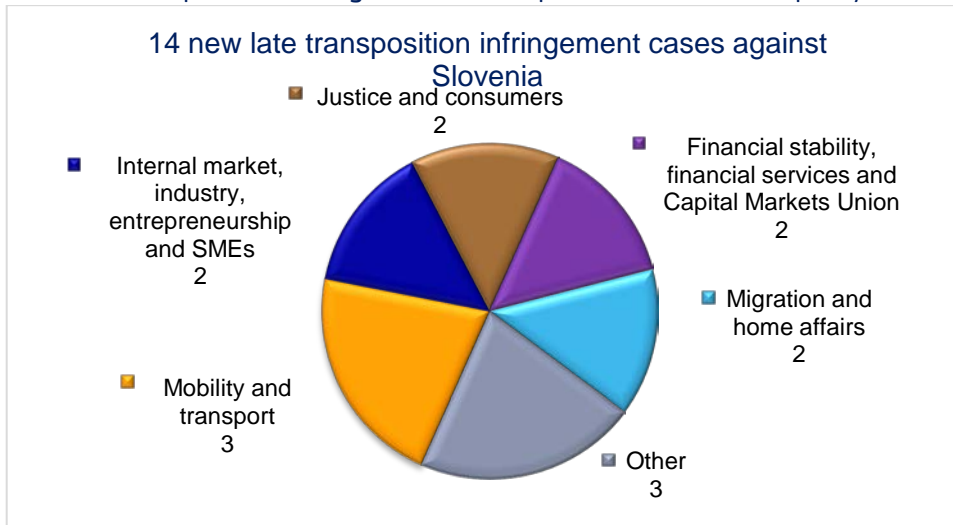


##### 2. New late transposition infringement cases against Slovenia (2015-2019)



Slovenia

3. New late transposition infringement cases opened in 2019: main policy areas



4. Referral 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 2019

[These concerned:

- failure to communicate national measures transposing the:
  - Seasonal Workers Directive<sup>19</sup>
  - Directive on standards for the qualification of third-country nationals as beneficiaries of international protection<sup>20</sup>
  - Long Term Residents Directive<sup>21</sup>
  - Asylum Procedures Directive<sup>22</sup>
  - Mortgage Credit Directive<sup>23</sup>;
- incorrect transposition of the EIA Directive<sup>24</sup>;
- non-compliance with the Energy Performance of Buildings Directive<sup>25</sup>.

VI. IMPORTANT JUDGMENTS

1. Court ruling<sup>26</sup>

*There were no major Court rulings in 2019.*

2. Preliminary rulings

*[The Court addressed the following preliminary rulings to the Slovenian judiciary:*

- When enforcing mortgages based on a directly enforceable notarial instrument, the preventive checks by notaries cannot replace effective judicial protection. Obstacles for

<sup>19</sup> Directive [2014/36/EU](#).

<sup>20</sup> Directive [2011/95/EU](#); [MEMO/19/462](#).

<sup>21</sup> Directive [2011/51/EU](#).

<sup>22</sup> Directive [2013/32/EU](#).

<sup>23</sup> Directive [2014/17/EU](#).

<sup>24</sup> Directive [2011/92/EU](#).

<sup>25</sup> Directive [2010/31/EU](#).

<sup>26</sup> These rulings are almost exclusively handed down in infringement procedures.

effective remedies against such enforcement are, for instance, costs for legal representation, the absence of legal aid or strict conditions for the suspension of the enforcement<sup>27</sup>.

- A transfer of financial instruments and other client assets between stock exchange intermediaries may constitute a transfer within the meaning of the Directive on transfer of undertakings where there is a transfer of clients<sup>28</sup>.]

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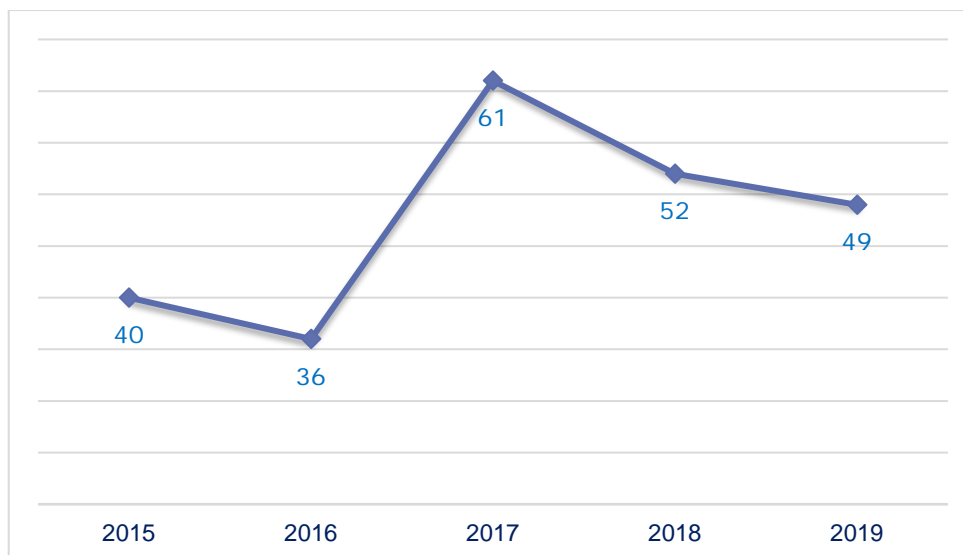
<sup>27</sup> Case [C-407/18](#), *Kuhar*.

<sup>28</sup> Case [C-194/18](#), *Dodič*.



## I. COMPLAINTS

### 1. New complaints made against Slovakia by members of the public (2015-2019)



### 2. Public complaints against Slovakia open at year-end

45 > Complaints open at end-2018

49 > New complaints registered in 2019

46 > Complaints handled in 2019

**= 48** > Complaints open at end-2019

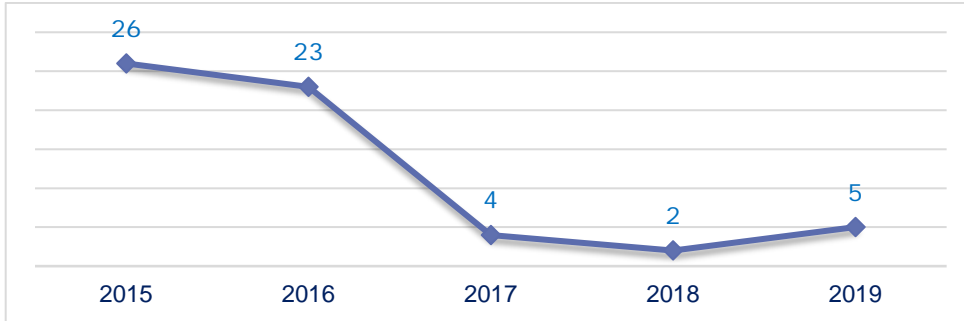
### 3. New complaints registered in 2019: main policy areas



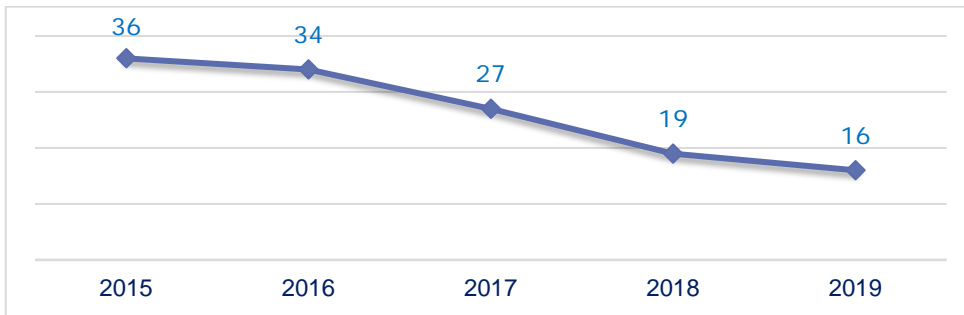
Slovakia

II. EU PILOT

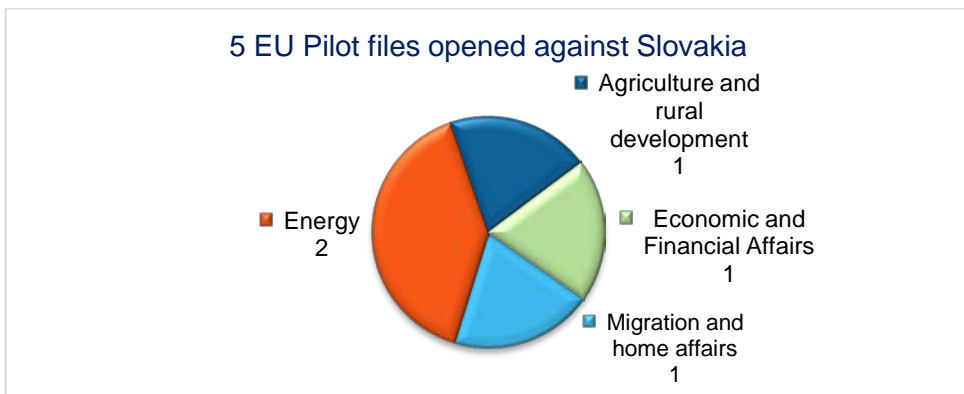
1. New EU Pilot files opened against Slovakia (2015-2019)



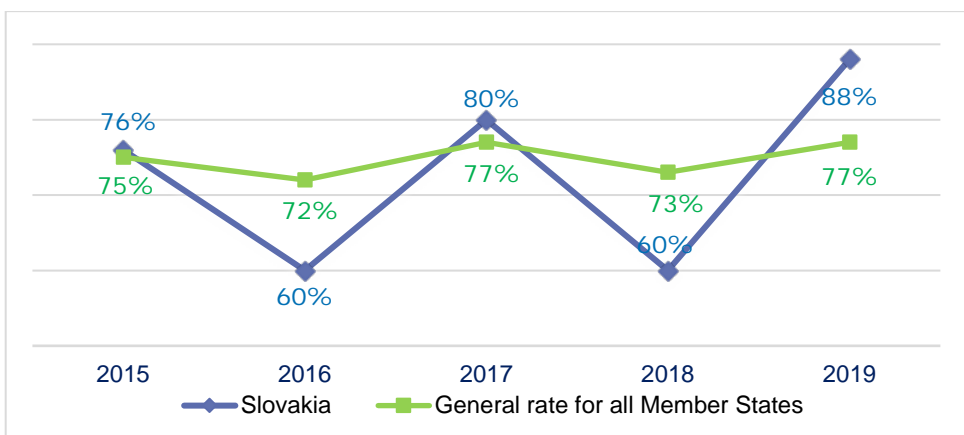
2. Files relating to Slovakia open in EU Pilot at year-end



3. New EU Pilot files opened in 2019: main policy areas

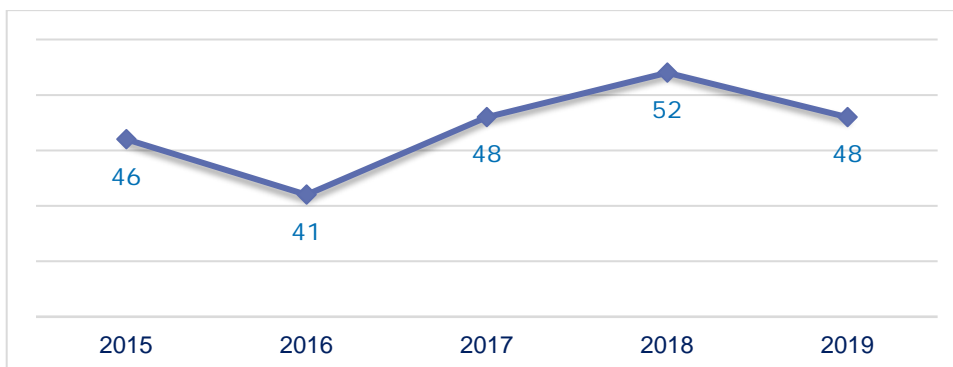


4. EU Pilot files: Slovakia's resolution rate in 2015-2019

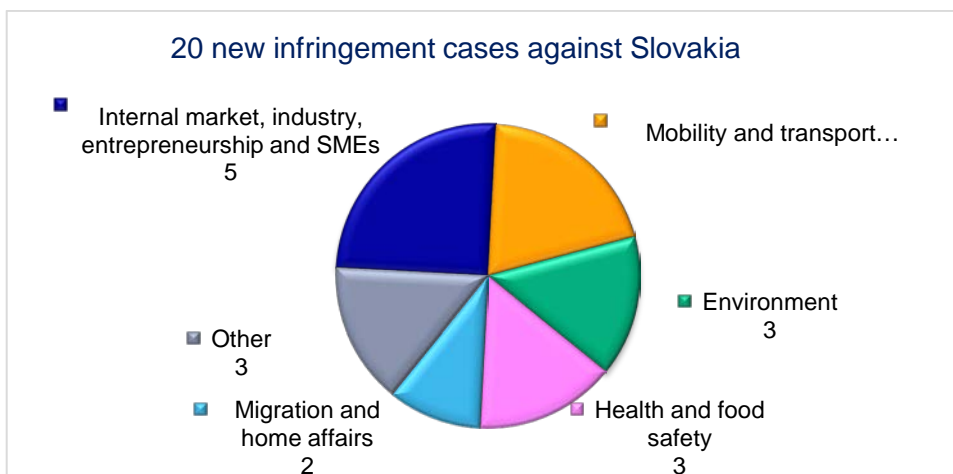


### III. INFRINGEMENT CASES

#### 1. Infringement cases against Slovakia open on 31 December (2015-2019)



#### 2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 20 new infringement cases against Slovakia in 2019. These, and other major ongoing infringement cases, include:
- delays in the implementation of the Geo-blocking Regulation, by failing to provide for measures and mechanisms for consumer protection<sup>1</sup>;
  - Racial discrimination against Roma children in education in violation of the Racial Equality Directive<sup>2</sup>;
  - incorrect transposition of the Directive on combating the sexual abuse and sexual exploitation of children<sup>3</sup>;
  - failure to ensure adequate protection of habitats and species of EU interest by designating nature protection areas to complete the NATURA 2000 network<sup>4</sup>;
  - Designation of Special Areas of Conservation in Slovakia<sup>5</sup>;
  - failure to provide for an appropriate assessment of the effects that projects within Natura 2000 sites, such as forest logging activities, may have on the protected areas, which resulted in a significant fall in bird numbers<sup>6</sup>;

<sup>1</sup> Regulation (EU) 2018/302 ; [INF/19/4251](#).

<sup>2</sup> Directive 2000/43/EC, [INF/19/5950](#).

<sup>3</sup> Directive 2011/93/EU, [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>4</sup> [INF/19/4251](#).

<sup>5</sup> [INF/19/4251](#).

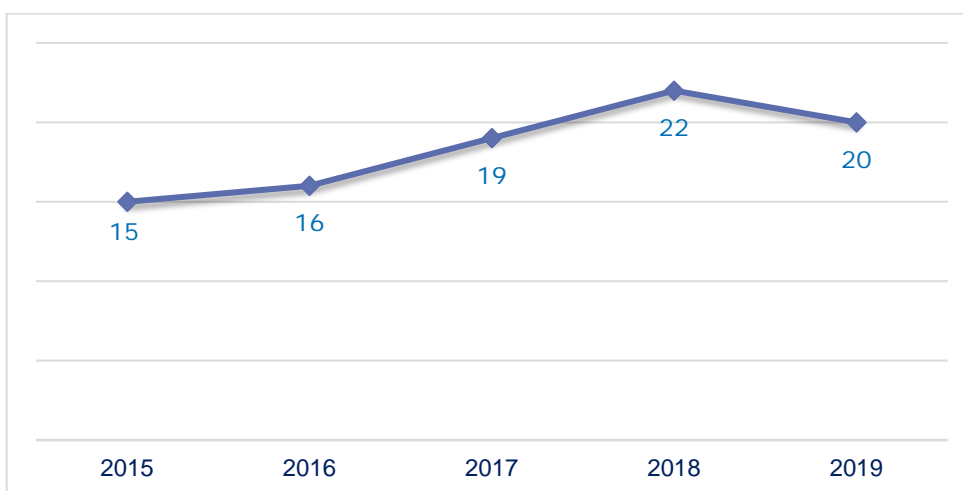
Slovakia

- incorrect transposition of the revised Environmental Impact Assessment Directive<sup>7</sup>;
- failure to ensure that urban waste water is adequately collected and treated<sup>8</sup>;
- failure to comply with EU rules on landfills<sup>9</sup>;
- non-compliance with the requirements of the Energy Efficiency Directive<sup>10</sup>;
- failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>11</sup>;
- Non-communication of national measures transposing the Indirect Land Use Change Directive<sup>12</sup>.

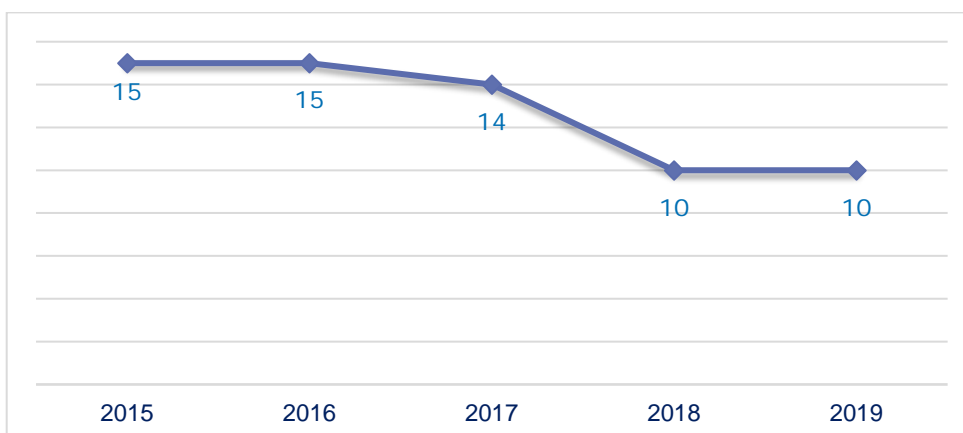
b. The Commission did not refer any cases to the Court under Article 258 TFEU<sup>13</sup>

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Slovakia open on 31 December (2015-2019)



##### 2. New late transposition infringement cases against Slovakia (2015-2019)



<sup>6</sup> [MEMO/19/462](#).

<sup>7</sup> Directive [2011/92/EU](#), [INF/19/5950](#).

<sup>8</sup> Directive [91/271/EEC](#), [INF/19/6304](#).

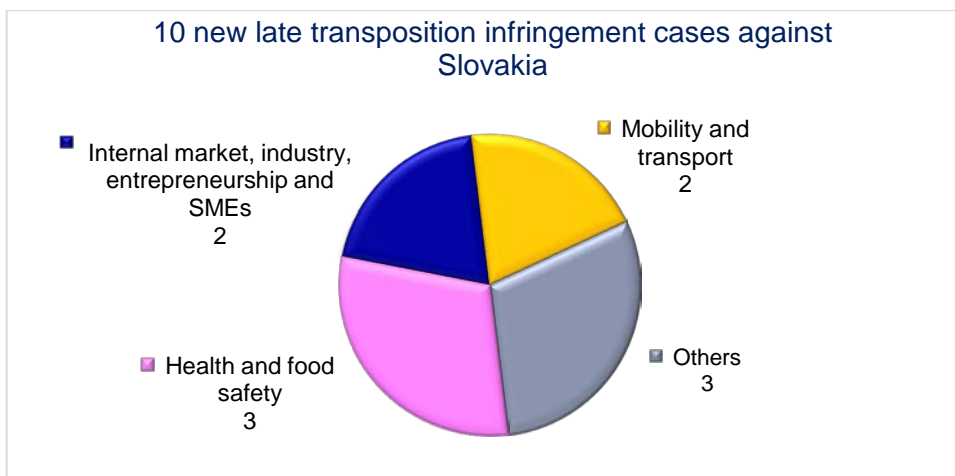
<sup>9</sup> Directive [1999/31/EC](#), [MEMO/19/1472](#).

<sup>10</sup> Directive [2012/27/EU](#), [INF/19/4251](#).

<sup>11</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

<sup>12</sup> Directive (EU) [2015/1513](#).

### 3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- failure to communicate national measures transposing the:
  - Commission Implementing Directive as regards isolation distances for Sorghum spp<sup>13</sup>
  - Commission Implementing Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>14</sup>
  - Seasonal Workers Directive<sup>15</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>16</sup>;
- incorrect transposition of the Directive on unfair commercial practices<sup>17</sup>;
- incorrect transposition and implementation of the Nitrates Directive<sup>18</sup>;
- National legislation on the acquisition of agricultural land in violation of the free movement of capital and freedom of establishment<sup>19</sup>.

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings<sup>20</sup>

[There were no major Court rulings in 2019.]

### 2. Preliminary rulings

No major preliminary rulings were addressed to the Slovak judiciary in 2019 ]

<sup>13</sup> Directive (EU) [2018/1027](#).

<sup>14</sup> Directive (EU) [2018/100](#).

<sup>15</sup> Directive [2014/36/EU](#).

<sup>16</sup> Directive [2014/65/EU](#).

<sup>17</sup> Directive [2005/29/EC](#).

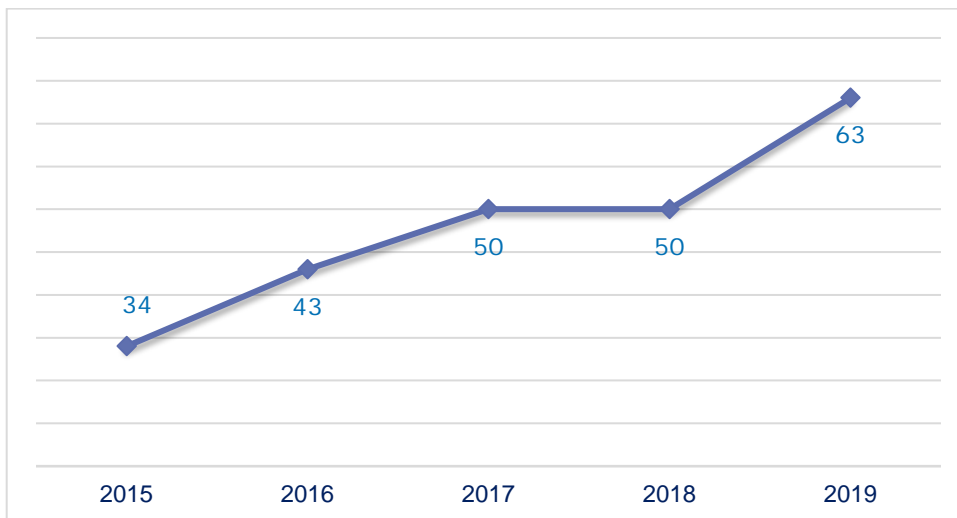
<sup>18</sup> Directive [91/676/EEC](#).

<sup>19</sup> [MEMO/16/1823](#).

<sup>20</sup> These rulings are almost exclusively handed down on infringement procedures.

## I. COMPLAINTS

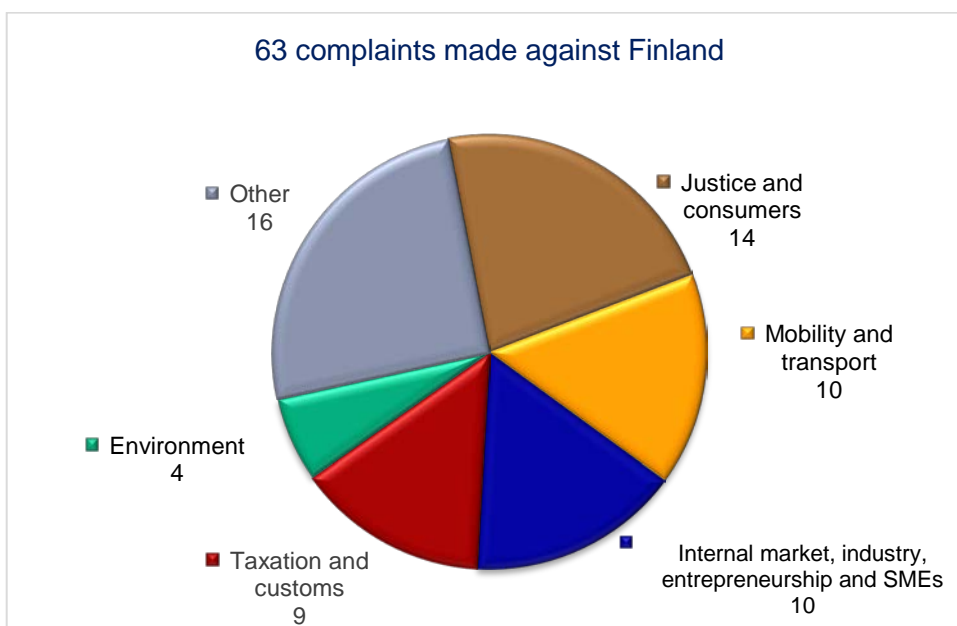
### 1. New complaints made against Finland by members of the public (2015-2019)



### 2. Public complaints against Finland open at year-end

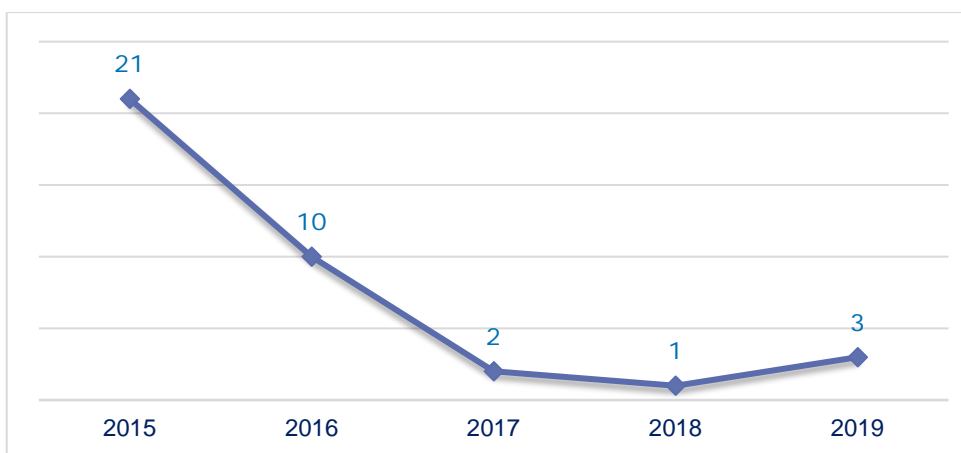
40	>	Complaints open at end-2018
63	>	New complaints registered in 2019
53	>	Complaints handled in 2019
<b>= 50</b>	>	Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

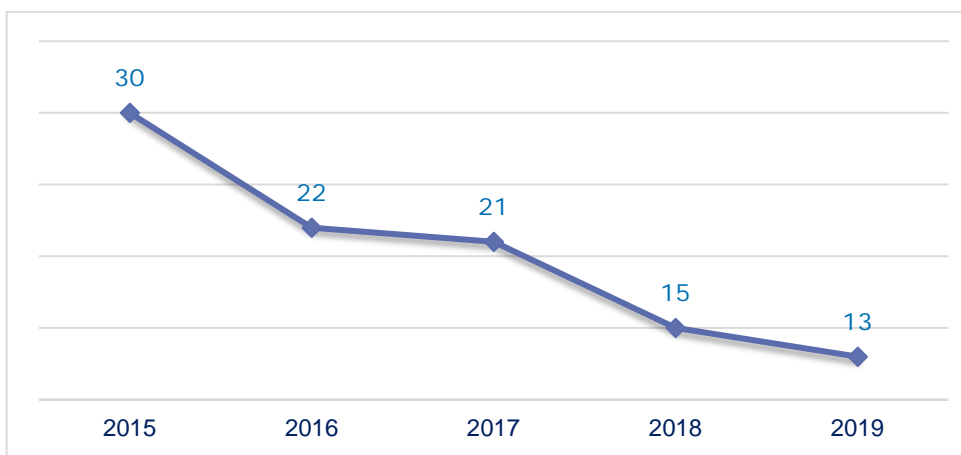


## II. EU PILOT

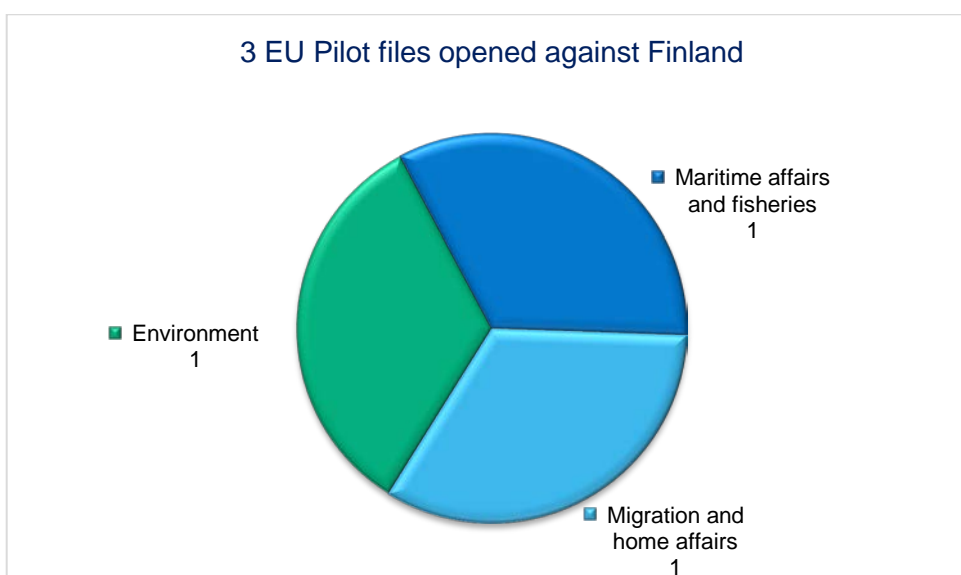
### 1. New EU Pilot files opened against Finland (2015-2019)



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

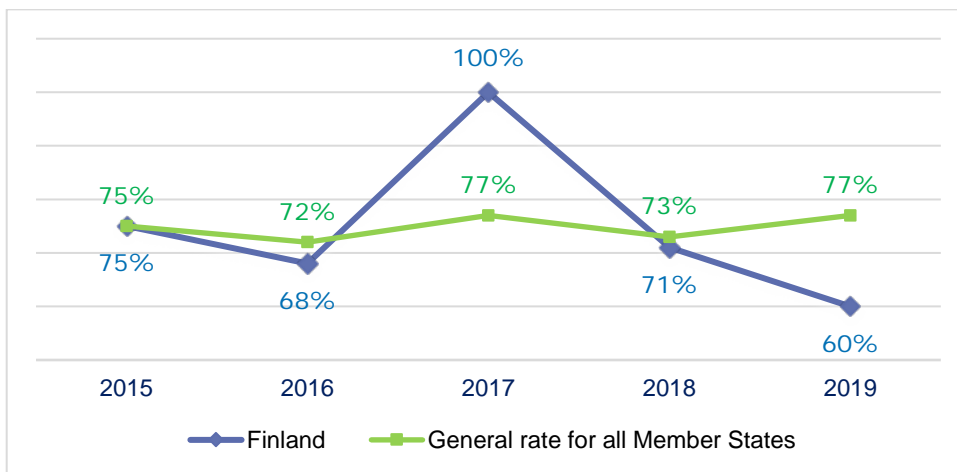


### 3. New EU Pilot files opened in 2019: policy areas



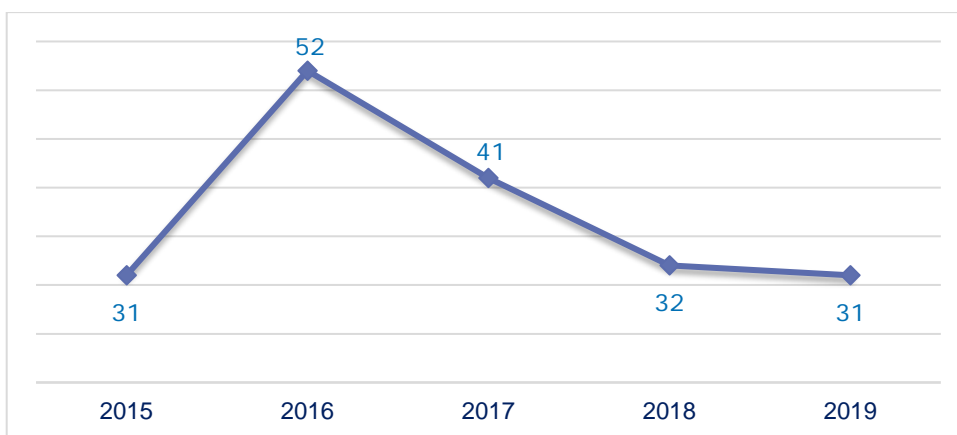
Finland

4. EU Pilot files: Finland's resolution rate in 2015-2019

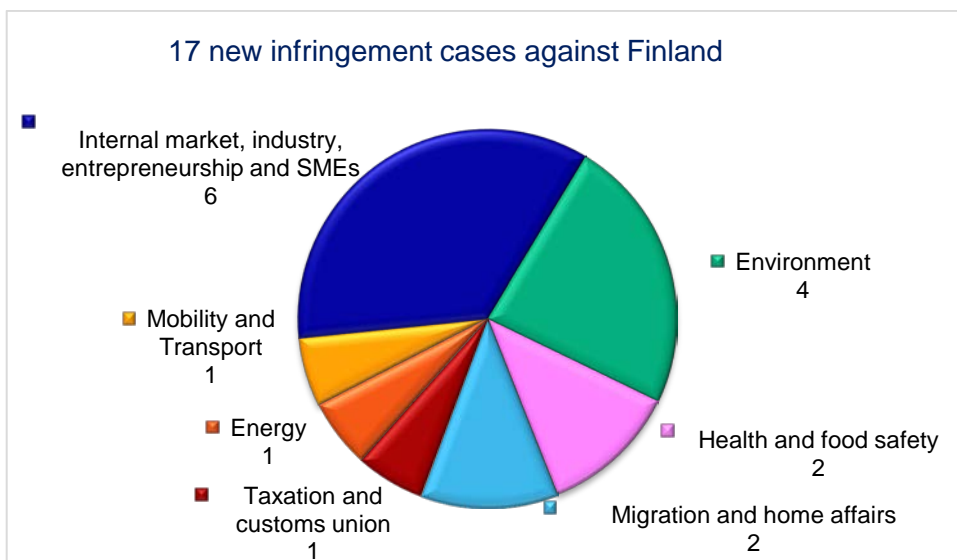


III. INFRINGEMENT CASES

1. Infringement cases against Finland open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas



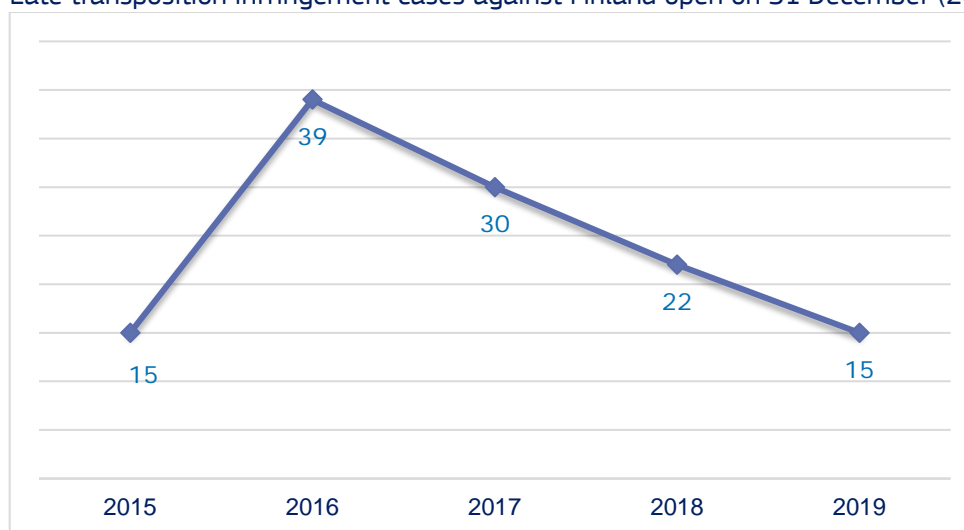


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 17 new infringement cases against Finland in 2019. These, and other major ongoing infringement cases, include:
- legislation on the tax deductibility of group contributions between affiliated domestic companies in breach of freedom of establishment<sup>1</sup>;
    - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>2</sup>;
    - incorrect transposition of the:
      - Directive on combating the sexual abuse and sexual exploitation of children<sup>3</sup>
      - Directive on the protection of animals used for scientific purposes<sup>4</sup>
      - revised Environmental Impact Assessment Directive<sup>5</sup>
      - Marine Strategy Framework Directive<sup>6</sup>
    - non-communication of national measures transposing the Directive on the use of passenger name records<sup>7</sup>.
- b. [The Commission referred one case to the Court under Article 258 TFEU. They involve the following infringements:
- illegal spring hunting of male eiders in the province of Åland, in violation of the Birds Directive<sup>8</sup>.
- 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 Finland open on 31 December (2015–2019)



<sup>1</sup> [MEMO/19/1472](#).

<sup>2</sup> Regulation (EU) [2016/480](#), [INF/19/4251](#).

<sup>3</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

<sup>4</sup> Directive [2010/63/EU](#), [INF/19/5950](#).

<sup>5</sup> Directive [2011/92/EU](#), as amended by Directive [2014/52/EU](#), [INF/19/6304](#).

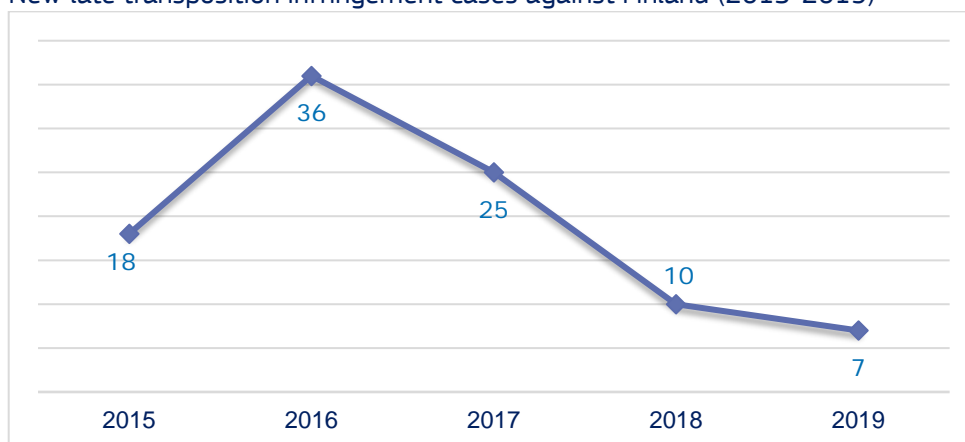
<sup>6</sup> Directive [2008/56/EC](#).

<sup>7</sup> Directive (EU) [2016/681](#); [MEMO/19/1472](#).

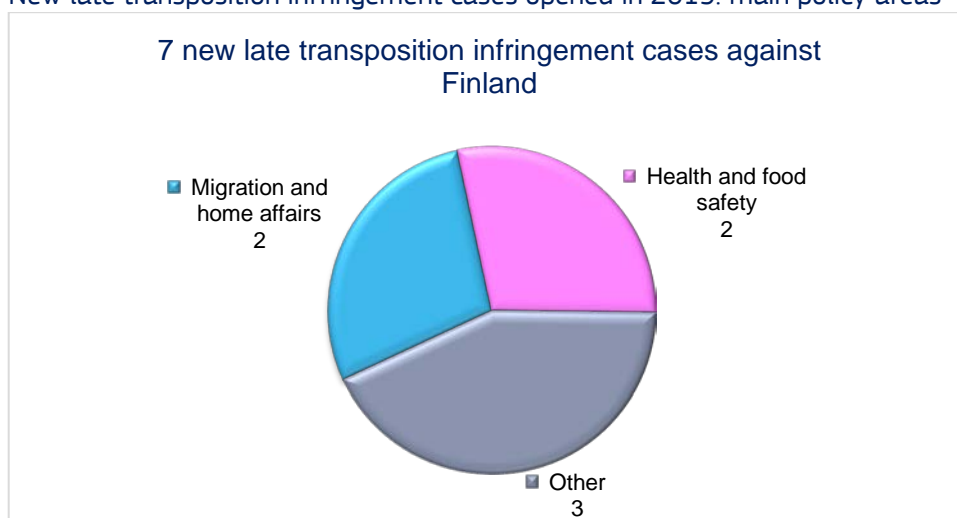
<sup>8</sup> Directive [2009/147/EC](#), Commission v Finland, [C-217/19](#), [IP/18/1446](#).

Finland

2. New late transposition infringement cases against Finland (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

These concerned:

- Non-conform transposition of the Waste Framework Directive (case 2016/2139)
- non-communication of national measures transposing the:
  - Indirect Land Use Change Directive<sup>9</sup>
  - Directive on the assessment of the effects of certain private and public projects on the environment<sup>10</sup>.
- non-compliance with the Energy Efficiency Directive<sup>11</sup>.

<sup>9</sup> Directive (EU) [2015/1513](#).

<sup>10</sup> Directive [2014/52/EU](#).

<sup>11</sup> Directive [2012/27/EU](#).

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

*[There were no major Court rulings in 2019.]*

### 2. Preliminary rulings

*[The Court addressed the following preliminary rulings to the Finnish judiciary:]*

- Wolf hunting for population management purposes, the objective of which is to combat poaching, is not compliant with the Habitats Directive where the strict conditions for derogations from the protection system are not fulfilled. There are very strict limitations to the use of derogations for the hunting of wolves and other large carnivores, and the possibility to use hunting as a management tool for wolf conservation is very limited<sup>12</sup>.
- The Energy Efficiency Directive does not prevent energy companies from giving customers discounts to encourage the uptake of electronic billing delivery methods<sup>13</sup>.

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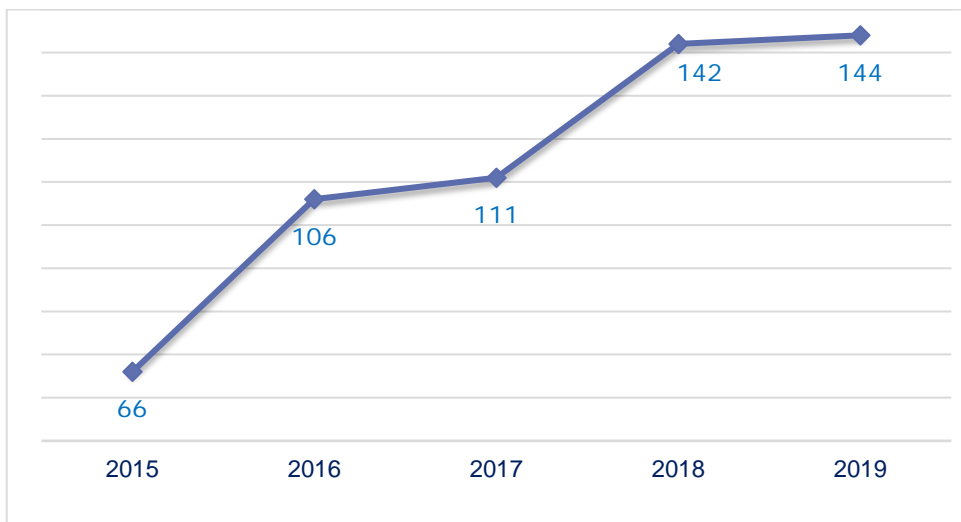
<sup>12</sup> Directive [92/43/EEC](#), Luonnonsuojeluyhdistys Tapiola, [C-674/17](#).

<sup>13</sup> Directive [2012/27/EU](#), Oulun Sähkömyynti, [C-294/18](#).

Sweden

## I. COMPLAINTS

### 1. New complaints made against Sweden by members of the public (2015-2019)



### 2. Public complaints against Sweden open at year-end

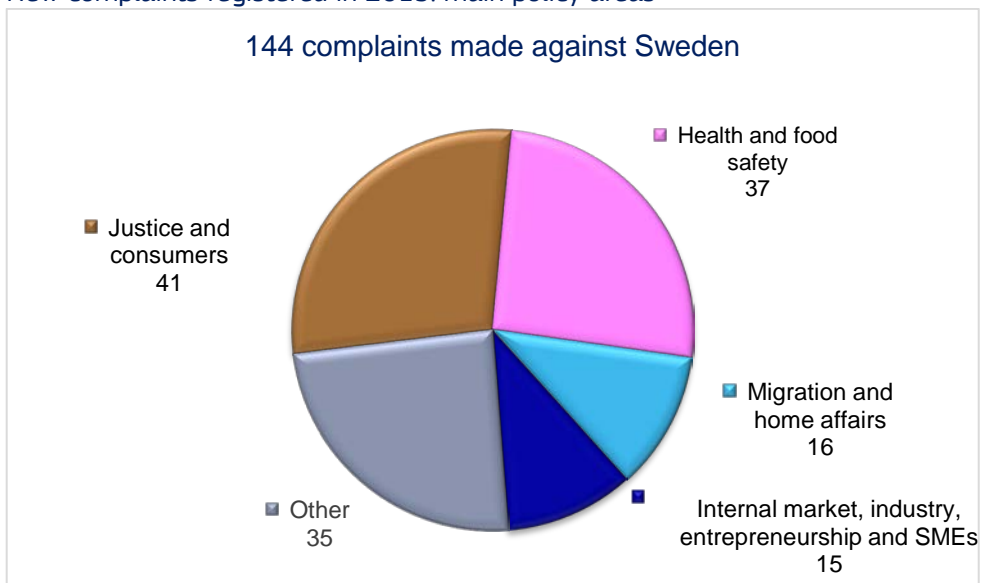
139 > Complaints open at end-2018

144 > New complaints registered in 2019

163 > Complaints handled in 2019

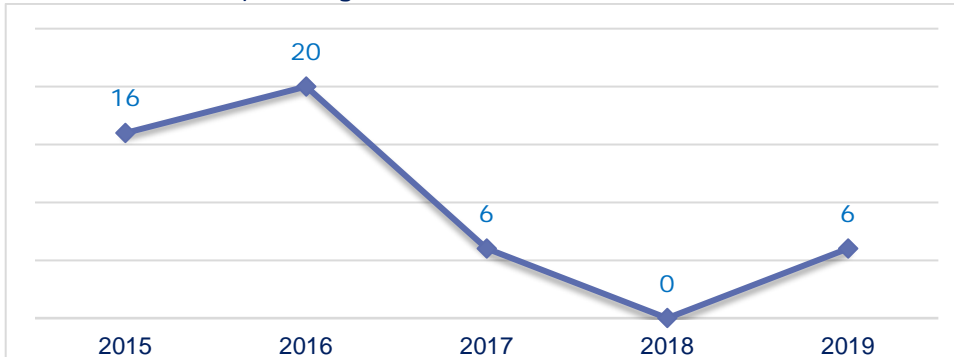
**= 120** > Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

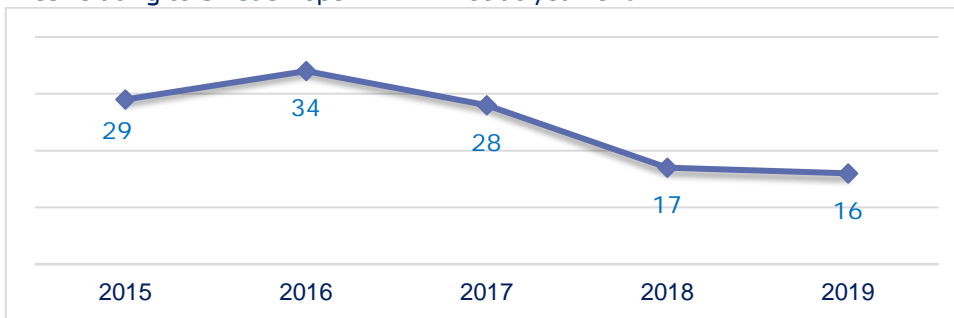


## II. EU PILOT

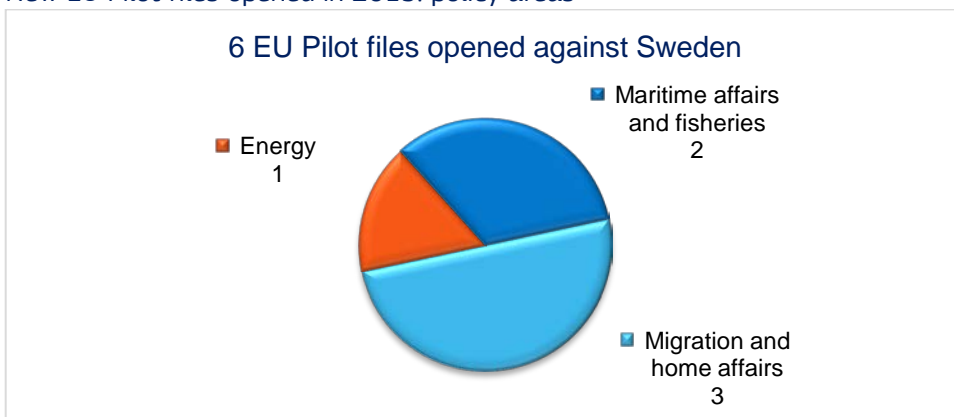
### 1. New EU Pilot files opened against Sweden (2015-2019)



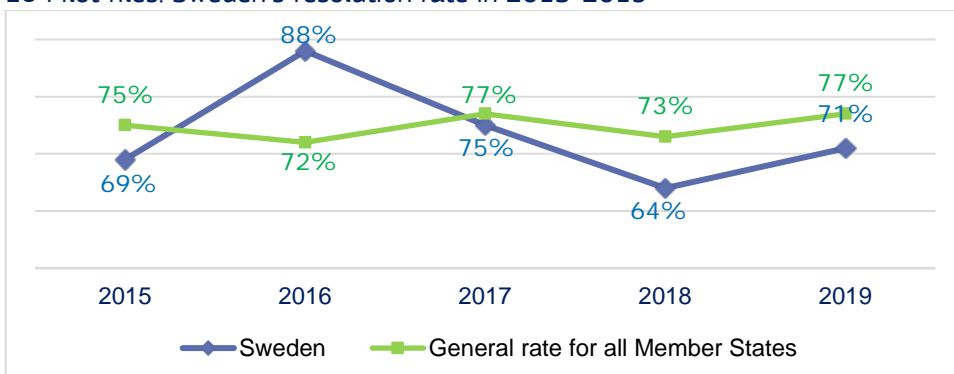
### 2. Files relating to Sweden open in EU Pilot at year-end



### 3. New EU Pilot files opened in 2019: policy areas

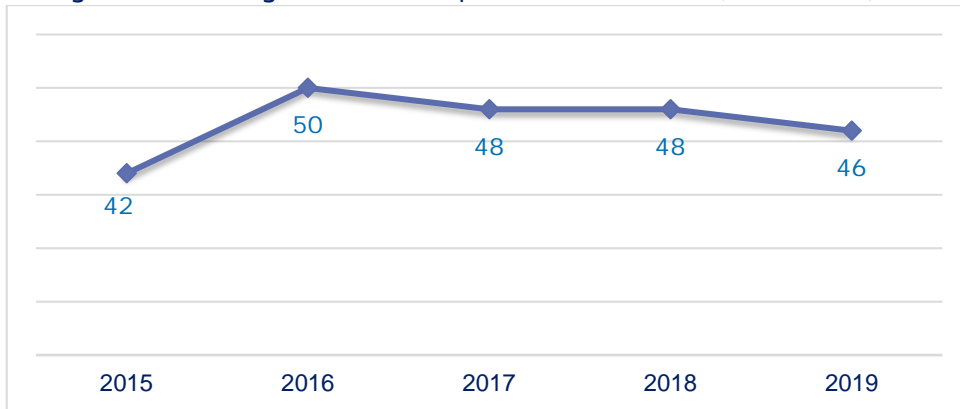


### 4. EU Pilot files: Sweden's resolution rate in 2015-2019

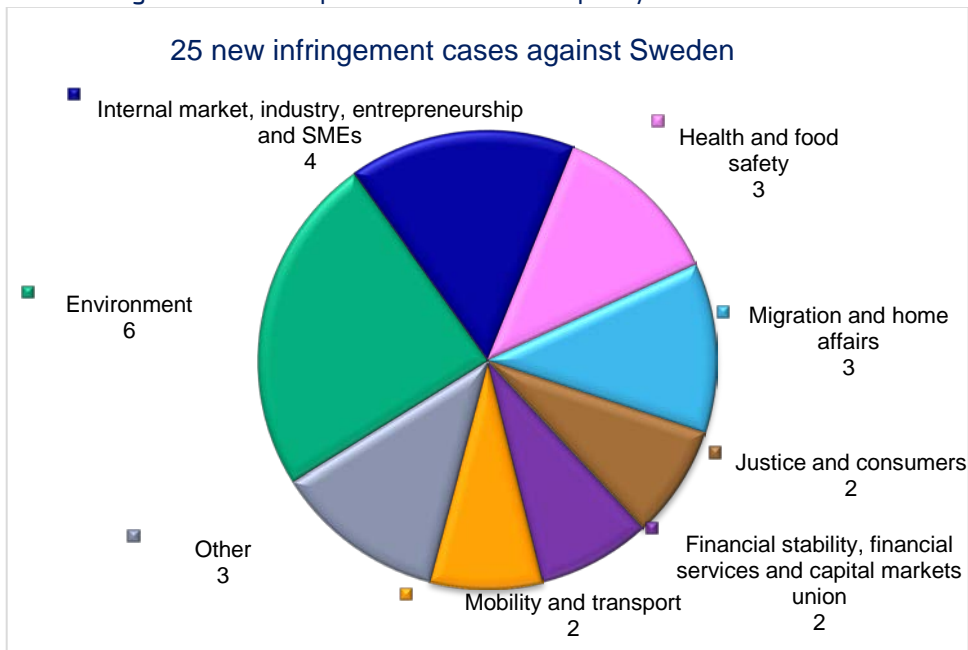


### III. INFRINGEMENT CASES

#### 1. Infringement cases against Sweden open on 31 December (2015-2019)



#### 2. New infringement cases opened in 2019: main policy areas



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

- a. The Commission opened 25 new infringement cases against Sweden in 2019. These, and other major ongoing infringement cases, include:
- failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>1</sup>;
  - incorrect transposition of several directives in the field of legal migration<sup>2</sup>, in particular as regards the processing applications for permits, as well as restrictions to equal treatment of certain categories of non-EU nationals<sup>3</sup>;
  - incorrect transposition of the:
    - Directive on combating the sexual abuse and sexual exploitation of children<sup>4</sup>

<sup>1</sup> [IP/19/1477](#); Directives [2006/123/EC](#) and [2014/23/EU](#).

<sup>2</sup> Directives [2011/98/EU](#), [2003/86/EC](#), [2003/109/EC](#), [2009/50/EC](#), [2014/36/EU](#) and [2014/66/EU](#).

<sup>3</sup> [INF/19/4251](#).

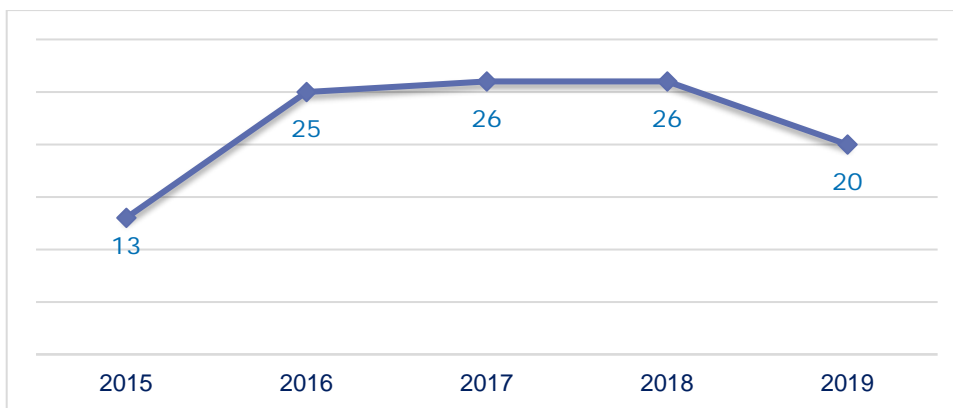
<sup>4</sup> Directive [2011/93/EU](#), [MEMO/19/462](#), [INF/19/4251](#) and [INF/19/5950](#).

Sweden

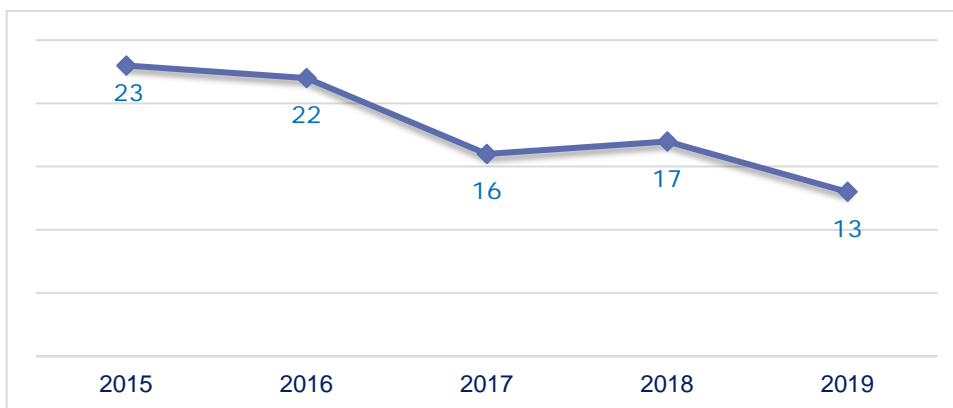
- Solvency II Directive<sup>5</sup>
  - revised Environmental Impact Assessment Directive<sup>6</sup>
  - Energy Efficiency Directive<sup>7</sup>;
  - non-communication of national measures transposing the:
    - Directive on conditions of entry and residence of third-country nationals for research and studies<sup>8</sup>
    - Directive on the activities and supervision of institutions for occupational retirement provision (IORPs II Directive)<sup>9</sup>;
- b. [The Commission referred one case to the Court under Article 258 TFEU. This concerns:
- urban waste water treatment in certain large and small agglomerations in Sweden (2009/2310)<sup>10</sup>;

#### IV. TRANSPOSITION OF DIRECTIVES

##### 1. Late transposition infringement cases against Sweden open on 31 December (2015-2019)



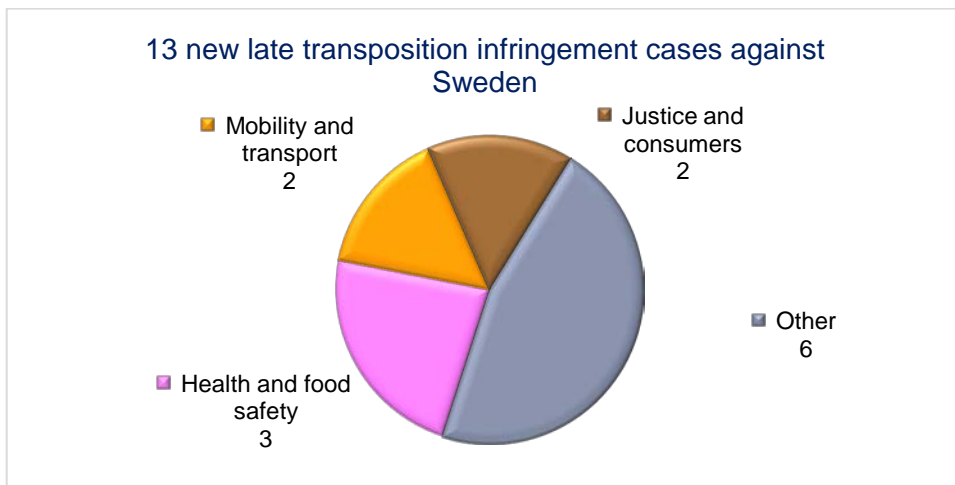
##### 2. New late transposition infringement cases against Sweden (2015-2019)



##### 3. New late transposition infringement cases opened in 2019: main policy areas

<sup>5</sup> Directive [2009/138/EC](#), [INF/19/4251](#).  
<sup>6</sup> Directive [2011/92/EU](#), [INF/19/5950](#).  
<sup>7</sup> Directive [2012/27/EU](#), [MEMO-19-462](#).  
<sup>8</sup> Directive [2016/801/EU](#), [INF/19/4251](#).  
<sup>9</sup> Directive [2016/2341/EU](#).  
<sup>10</sup> [IP/19/4258](#).

Sweden



#### 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 2019

*These concerned:*

- failure to communicate national measures transposing the:
  - Directive on tobacco products<sup>11</sup>
  - Reception Conditions Directive<sup>12</sup>
  - Asylum Procedures Directive<sup>13</sup>
  - Markets in Financial Instruments Directive (MiFID II)<sup>14</sup>;
- incorrect transposition of the:
  - Directive on unfair commercial practices<sup>15</sup>
  - Third Energy Package Directives<sup>16</sup>;
- incorrect application of the provisions on access to the groundhandling market at EU airports<sup>17</sup>.

### VI. IMPORTANT JUDGMENTS

#### 1. Court rulings<sup>18</sup>

*[There were no major Court rulings in 2019.]*

#### 2. Preliminary rulings

*[No major preliminary rulings were addressed to the Swedish judiciary in 2019.]*

<sup>11</sup> Directive [2014/40/EU](#).

<sup>12</sup> Directive [2013/33/EU](#); [INF/19/4251](#).

<sup>13</sup> Directive [2013/32/EU](#).

<sup>14</sup> Directive [2014/65/EU](#).

<sup>15</sup> Directive [2005/29/EC](#).

<sup>16</sup> Directives [2009/72/EC](#) and [2009/73/EC](#).

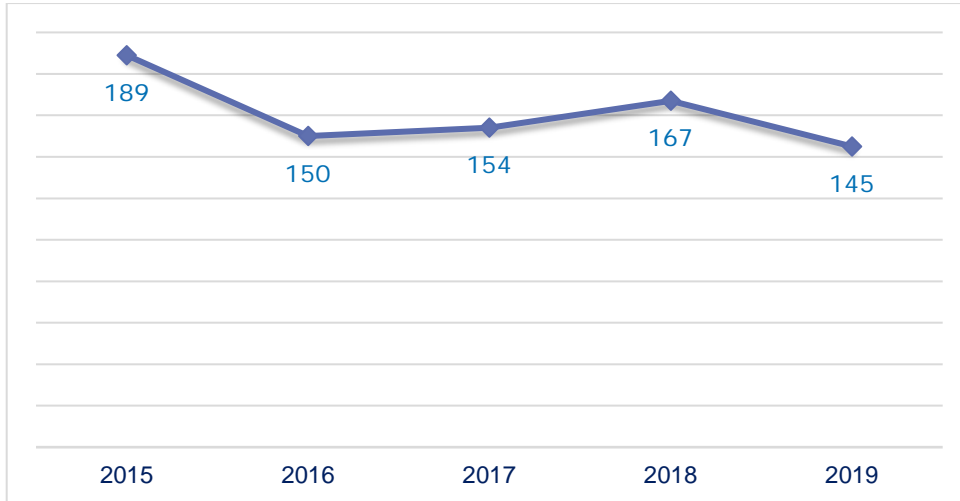
<sup>17</sup> Directive [96/67/EC](#).

<sup>18</sup> These rulings are almost exclusively handed down in infringement procedures.



## I. COMPLAINTS

### 1. New complaints made against the United Kingdom by members of the public (2015-2019)



### 2. Public complaints against the United Kingdom open at year-end

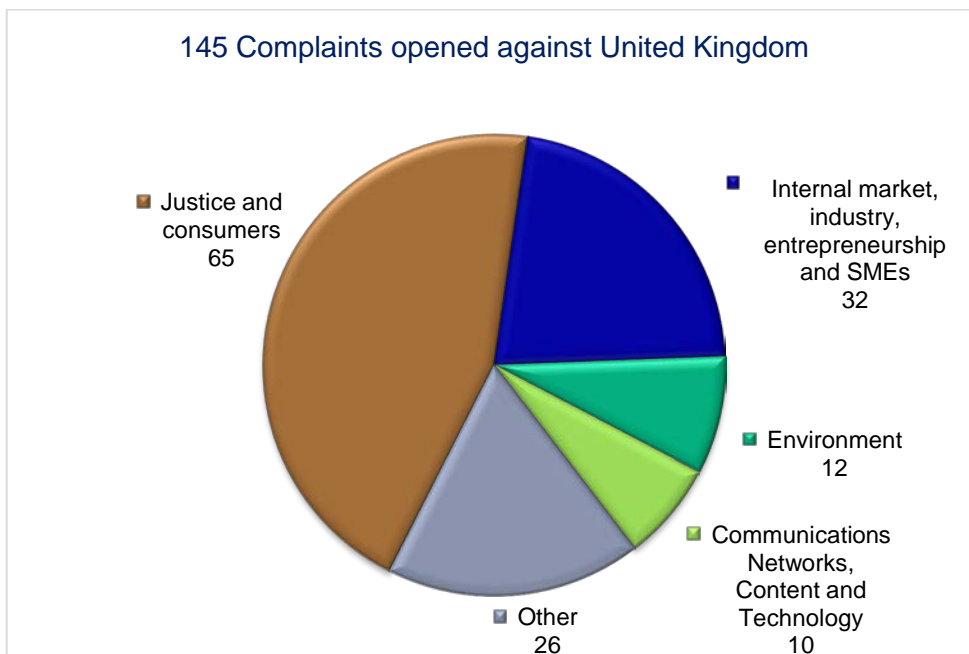
184 > Complaints open at end-2018

145 > New complaints registered in 2019

132 > Complaints handled in 2019

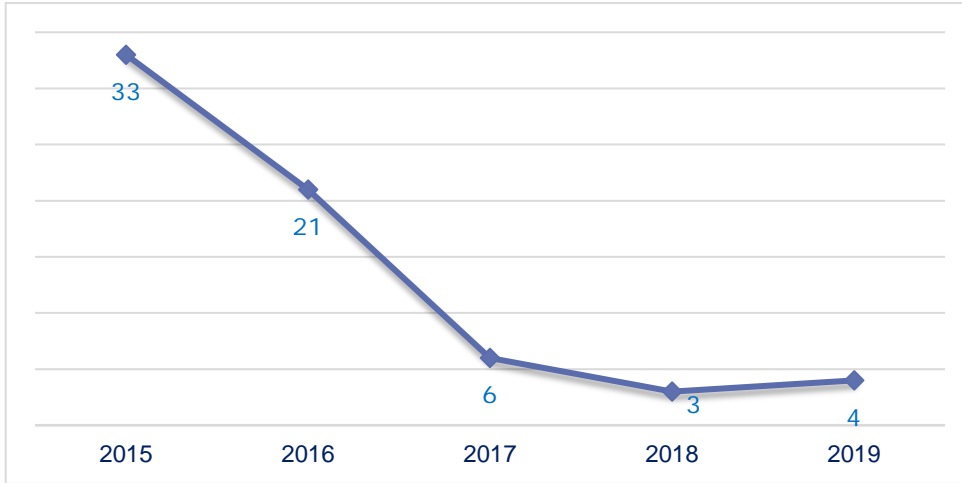
**= 197** > Complaints open at end-2019

### 3. New complaints registered in 2019: main policy areas

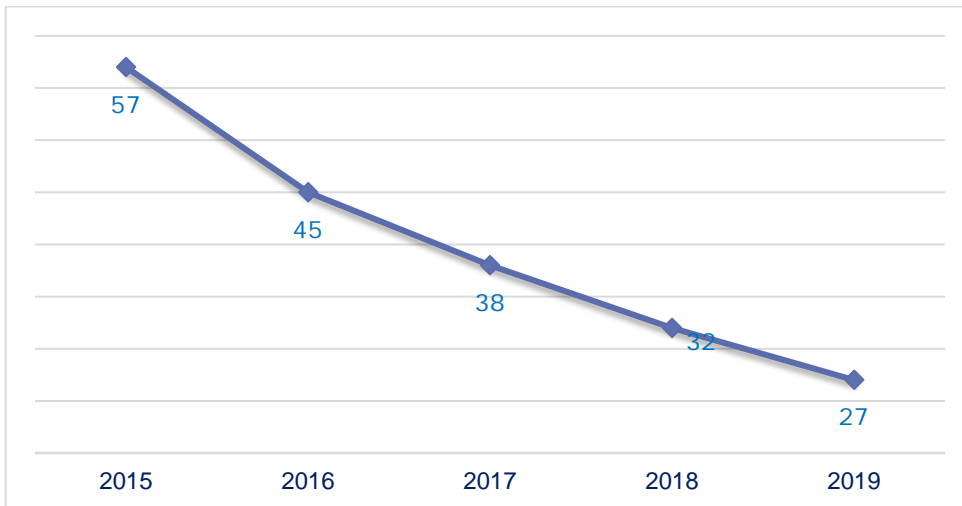


## II. EU PILOT

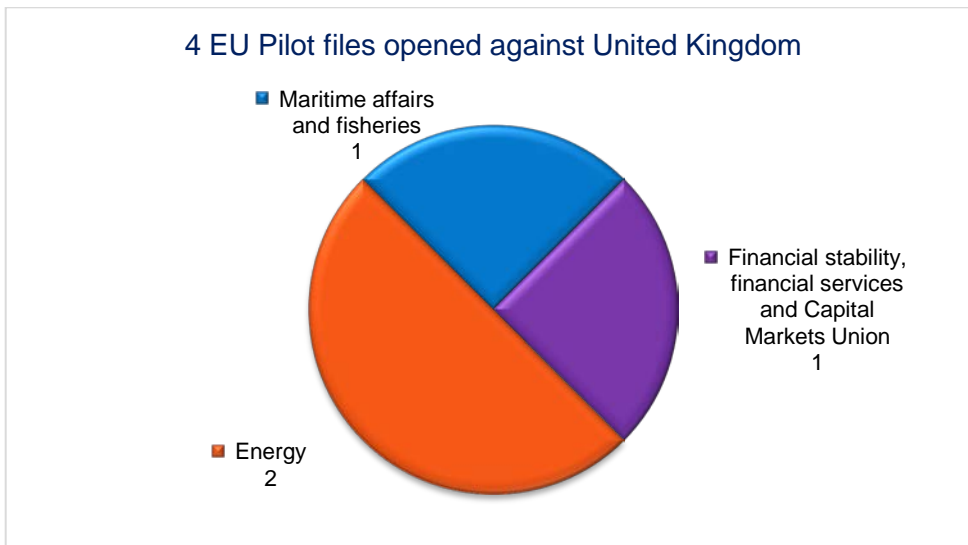
### 1. New EU Pilot files opened against the United Kingdom (2015-2019)



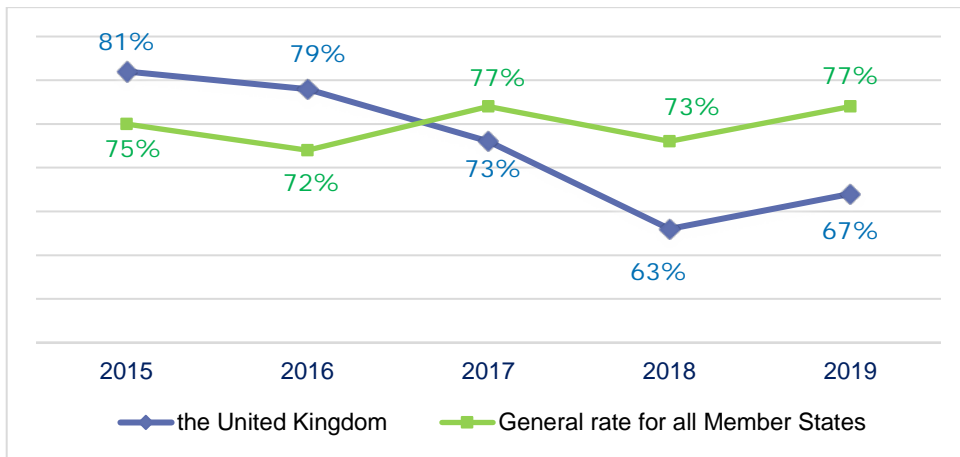
### 2. Files relating to the United Kingdom open in EU Pilot at year-end



### 3. New EU Pilot files opened in 2019: policy areas

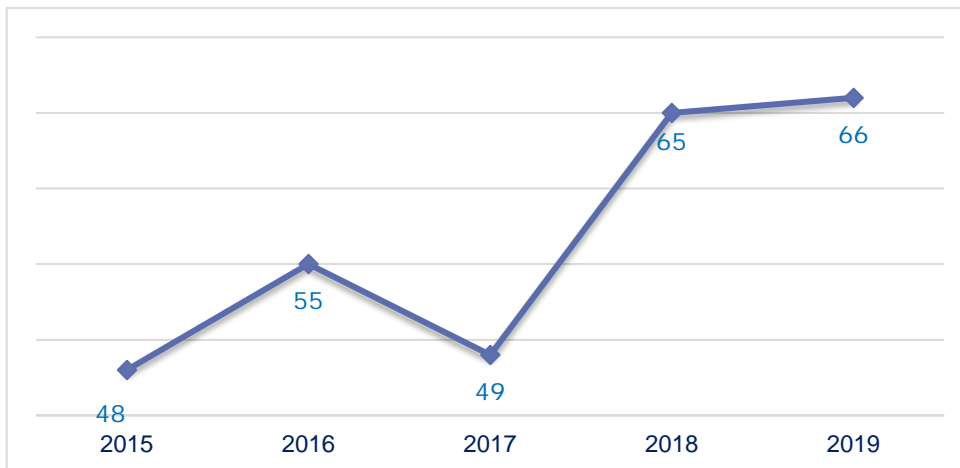


4. EU Pilot files: United Kingdom's resolution rate in 2015-2019

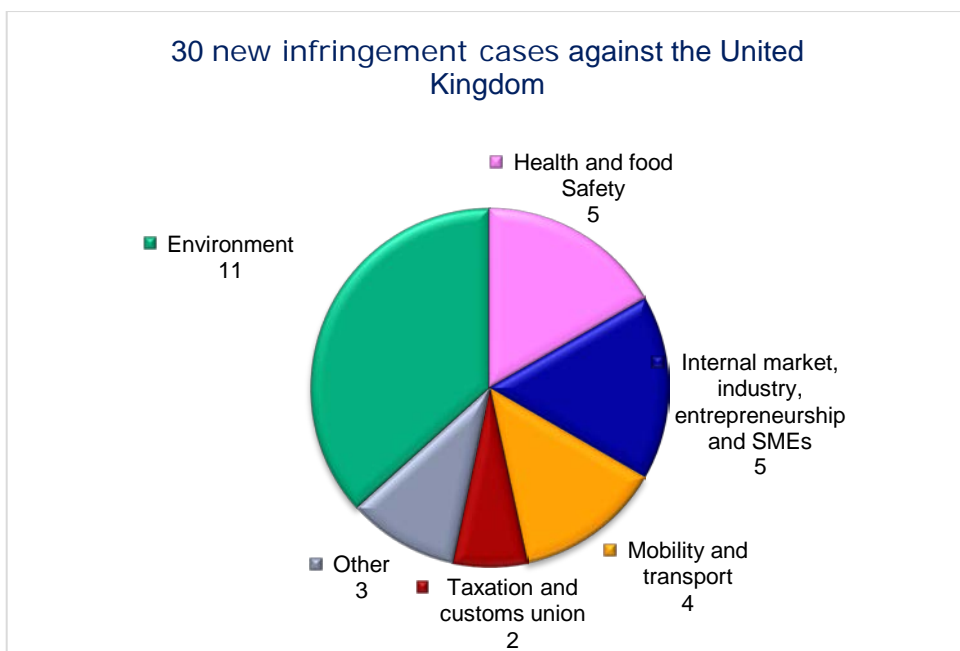


III. INFRINGEMENT CASES

1. Infringement cases against the United Kingdom open on 31 December (2015-2019)



2. New infringement cases opened in 2019: main policy areas

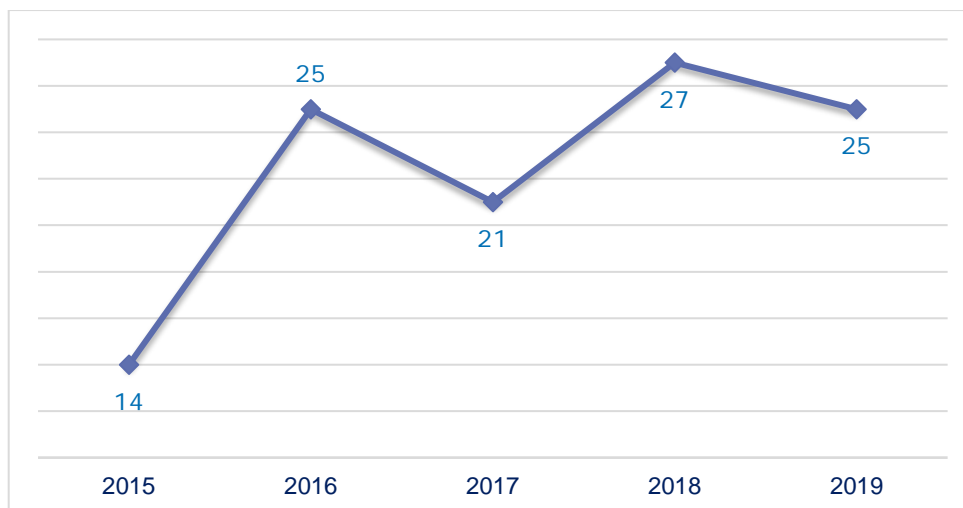


### 3. Key infringement cases and referrals to the Court

- a. [The Commission opened 30 new infringement cases against the United Kingdom in 2019. These, and other major ongoing infringement cases, include:
- failure to award authorisations and concessions in the hydroelectric power sector in line with the Services Directive and public procurement rules<sup>1</sup>;
  - failure to comply with a Court judgment finding that the United Kingdom had breached its obligations under EU law as regards collection and treatment of urban waste water in London and Whitburn<sup>2</sup>;
  - failure to upgrade the connection of their national electronic registers on road hauliers to the new version of European Registers of Road Transport Undertakings (ERRU)<sup>3</sup>;
  - United Kingdom (2017/2109) (IP/19/470): VAT - Derogations related to certain terminal markets;
  - United Kingdom (2018/4046) (IP/19/462): Income tax relief for losses on disposal of shares;
  - United Kingdom (2018/4047) (IP/19/462): Relief for loans for traders;
  - Late reporting under the Marine Strategy Framework Directive<sup>4</sup>.
  - non-compliance with the requirements of the Energy Efficiency Directive<sup>5</sup>;
- b. [The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- extending the scope of a VAT derogations for certain commodity markets<sup>6</sup>;
  - losses to the Union budget caused by failure to enter into the accounts the correct amounts of customs duties and to make available the correct amount of traditional own resources and VAT-based own resources in respect of certain imports of goods<sup>7</sup>.
- 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 the United Kingdom open on 31 December (2015-2019)



<sup>1</sup> Directives [2006/123/EC](#) and [2014/23/EU](#). [IP/19/1477](#).

<sup>2</sup> Directive [91/271/EEC](#), [MEMO/19/462](#), Commission v United Kingdom, [C-301/10](#).

<sup>3</sup> Regulation (EU) [2016/480](#), [INF/19/6304](#).

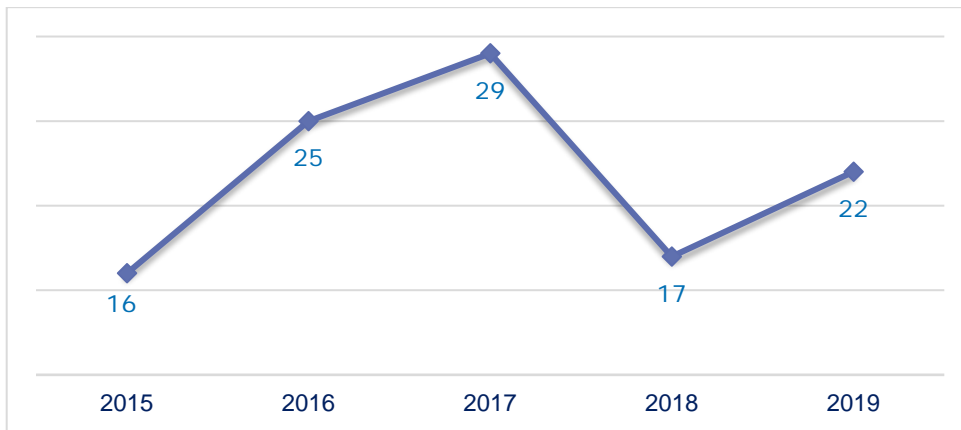
<sup>4</sup> [MEMO/19/1472](#)

<sup>5</sup> Directive [2012/27/EU](#), [INF/19/4251](#).

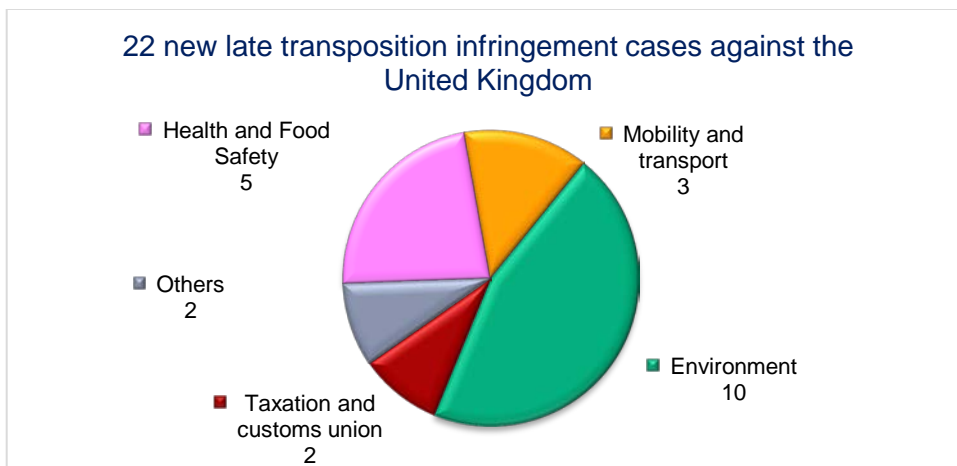
<sup>6</sup> Commission v United Kingdom, [C-276/19](#).

<sup>7</sup> Commission v United Kingdom, [C-213/19](#), [IP/18/5807](#).

2. New late transposition infringement cases against the United Kingdom (2015-2019)



3. New late transposition infringement cases opened in 2019: 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 2019

*These concerned:*

- non-communication of national measures transposing the:
  - Directive on extraction solvents used in the production of foodstuffs<sup>8</sup>
  - Commission Implementing Directive as regards isolation distances for Sorghum spp.<sup>9</sup>
  - Directive on minimum conditions for examining certain varieties of agricultural plant species<sup>10</sup>
  - Anti-Tax Avoidance Directive (ATAD1)<sup>11</sup>.
- failure to provide the required quality management system for operational parts of the flag State-related activities<sup>12</sup>.

<sup>8</sup> Directive (EU) [2016/1855](#).

<sup>9</sup> Directive (EU) [2018/1027](#).

<sup>10</sup> Directive (EU) [2018/100](#).

<sup>11</sup> Directive (EU) [2016/1164](#).

<sup>12</sup> Directive [2009/21/EC](#).

## VI. IMPORTANT JUDGMENTS

### 1. Court rulings

*The Court ruled that:*

- Member States which have special relations with the overseas countries and territories (OCT) are obliged to compensate the loss of EU own resources caused by the wrongful issue of export certificates by the local authorities of those OCTs based on the principle of sincere cooperation as laid down in Article 4(3) TEU (2013/2103 and 2013/2165)<sup>13</sup>.

### 2. Preliminary rulings

*The Court addressed the following preliminary rulings to the United Kingdom judiciary:*

- The concept of a 'direct descendant' of a citizen of the Union does not include a minor who has been placed in permanent legal guardianship under the Algerian kafala system, because that placement does not create any parent-child relationship between them. However, where the EU citizen has exercised his/her right to free movement to a Member State other than the one of which he/ she is a national, the citizen's Member State of residence must facilitate the minor's entry to and residence in its territory as one of the 'other family members' pursuant to the Free Movement Directive<sup>14</sup>.
- A Union citizen minor has sufficient resources not to become an unreasonable burden on the social assistance system of the host Member State during his period of residence, despite his resources stemming from income obtained from the unlawful employment of his third-country national parent who does not hold a residence and work permit<sup>15</sup>.
- A third-country national who in the past has been tortured by the authorities of his or her country of origin but no longer faces a risk of being tortured if returned to that country is eligible for subsidiary protection. This is the case if there is a real risk of this person being intentionally deprived, in his or her country of origin, of appropriate care for the physical and mental after-effects of that torture<sup>16</sup>.
- C-677/18 *Amoena Ltd v Commissioners for Her Majesty's Revenue and Customs (UK)*: The court clarifies that, when adopting a tariff classification regulation, the Commission cannot be bound by a judgment of a court of a Member State, including a supreme court. It is settled case law that such a regulation is adopted by the Commission, following the opinion of the CCC, when the classification in the CN of a particular product is such as to give rise to difficulty or to be a matter for dispute, since such a situation of legal uncertainty may in particular exist in the event of case law or administrative divergences between the Member States concerning the tariff classification of the same product.

<sup>13</sup> Cases [C-391/17](#), *Commission v United Kingdom* and [C-395/17](#), *Commission v Netherlands*.

<sup>14</sup> Directive [2004/38/EC](#), *SM v Entry Clearance Officer, UK Visa Section*, [C-129/18](#).

<sup>15</sup> *Bajratari*, [C-93/18](#).

<sup>16</sup> *MP*, [C-353/16](#).

## ANNEX II — MEMBER STATES

### COMPLAINTS

#### **First chart: New complaints made against the Member State by members of the public (2015-2019)**

This shows the number of public complaints the Commission registered against the Member State for the years 2015-2019.

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

This starts with the number of open complaints against the Member State at the end of 2018 (first column)<sup>805</sup>. The second column shows the number of new complaints registered in 2019. The third column shows the number of complaints on which the Commission took a decision in 2019. The fourth column shows the number of complaints against the Member State that were open at the end of 2019 (calculated by taking the first figure, adding the second and subtracting the third).

#### **Third chart: New complaints registered in 2019: main policy areas**

The number of complaints registered in 2019 is broken down by policy area. Generally, this breakdown shows the three policy areas which attracted the most complaints. However, four (or more) policy areas are mentioned if two (or more) policy areas tied for the third highest number of complaints.

### EU PILOT

#### **First chart: New EU Pilot files opened against the Member State (2015-2019)**

This analyses the number of EU Pilot files the Commission opened against the Member State for the years 2015-2019.

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

This analyses the number of EU Pilot files still pending at year-end against the Member State for the years 2015-2019.

#### **Third chart: New EU Pilot files opened in 2019: main policy areas**

The figure for the number of new EU Pilot files opened against the Member State in 2019 is broken down by policy area. Generally, this breakdown shows the three policy areas in which the most EU Pilot files were opened in 2019.

#### **Fourth chart: EU Pilot files: Member State's resolution rate in 2015-2019**

The resolution rate per Member State is the percentage of EU Pilot files handled for which the Commission accepted that Member State's response. The chart shows the resolution rate for the last 5 years.

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<sup>805</sup> In some instances a difference between the figures from the preceding annual report may be due to delayed, double or erroneous registration at the moment of extracting statistical data.

## INFRINGEMENT CASES

### **First chart: Infringement cases against the Member State open on 31 December (2015-2019)**

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 in 2019 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 2015 to 2019:

- 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 2019: main policy areas**

As a rule, this chart shows the three policy areas in which the most infringements were open on 31 December 2019. 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 2019 and lists the major new and ongoing infringement cases at the stage of letters of formal notice or reasoned opinions (under Article 258 TFEU).

Part b) lists the cases which the Commission referred to the Court solely under Article 258 TFEU by 31 December 2019. 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 2019.



## TRANSPOSITION OF DIRECTIVES

### **First chart: Late transposition infringement cases against the Member State open on 31 December (2015-2019)**

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 in 2019 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 years 2015 to 2019:

- 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 2019. 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 (2015-2019)**

This shows the number of new letters of formal notice sent in 2019 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 2019. 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 2019. For example, if the Commission opened a late transposition infringement procedure in March 2019 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 2019 as a result of the Member State notifying complete transposition.

### **Third chart: New late transposition infringement cases opened in 2019: main policy areas**

As a rule, this chart shows the three policy areas in which the most infringement procedures for late transposition were launched in 2019. 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 2019.

## EARLY RESOLUTION OF INFRINGEMENT CASES

### **Major cases closed without a Court judgment in 2019**

This section contains a list of the major infringement cases the Commission closed in 2019 without a Court judgment. The list is not exhaustive.

## IMPORTANT JUDGMENTS

This section contains two lists:

The first list contains the Court's most important judgments against the Member State in 2019. These judgments are almost exclusively handed down under Article 258 or Article 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.