



Brussels, 15.7.2016
SWD(2016) 231 final

PART 2/2

COMMISSION STAFF WORKING DOCUMENT

Part II: Member States

Accompanying the document

Report from the Commission

**Monitoring the application of European Union law
2015 Annual Report**

{ COM(2016) 463 final }

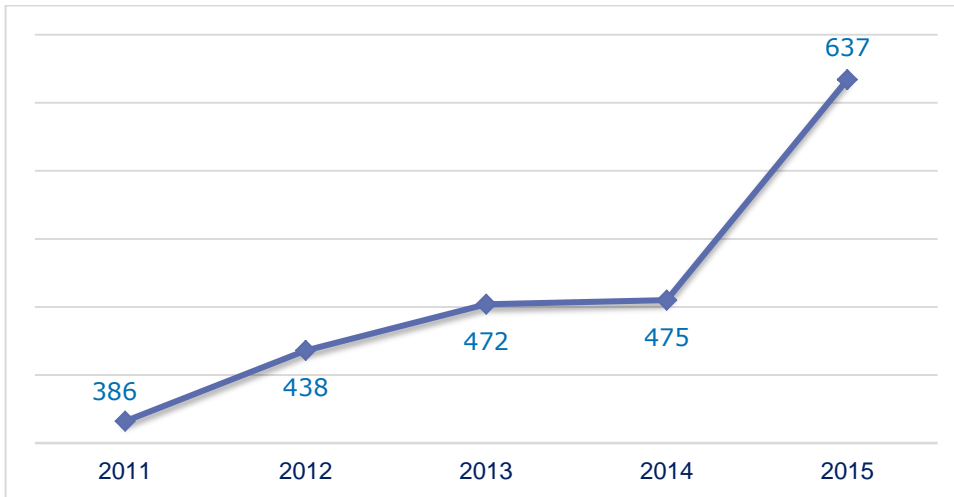
{ SWD(2016) 230 final }

Italy

New complaints against Italy jumped by more than 30 % in 2015 but the number of new EU Pilot files fell by almost half. Open infringement cases held steady at the end-2014 level. New infringement cases for late transposition decreased to a five-year low.

I. COMPLAINTS

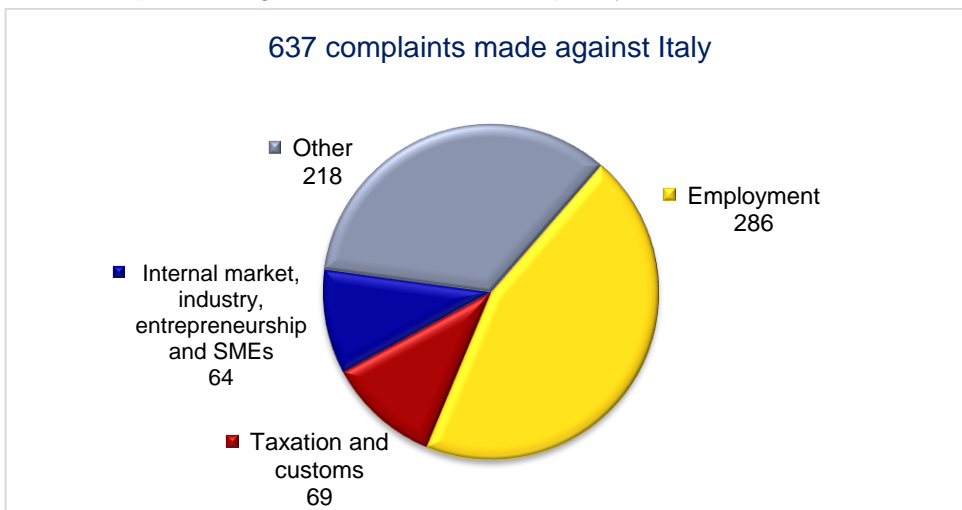
1. New complaints made against Italy by members of the public (2011- 2015)



2. Public complaints against Italy open at year-end

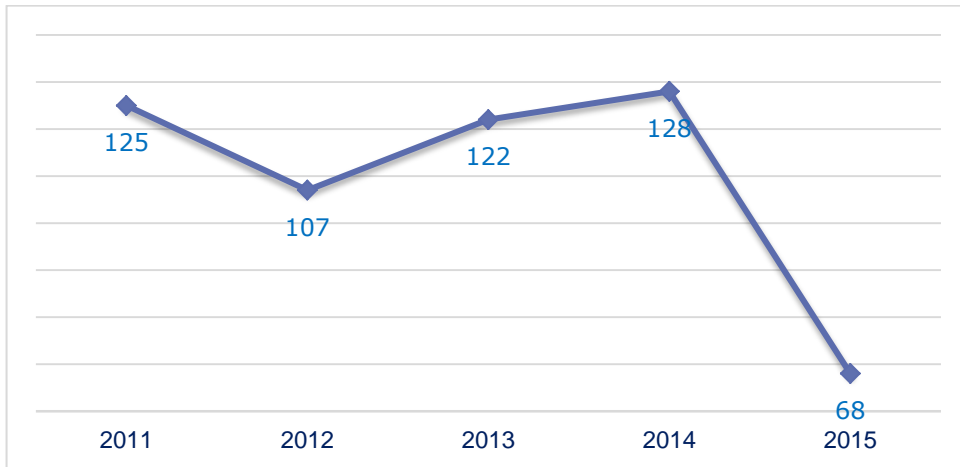
| | | |
|--------------|---|------------------------------------|
| 355 | > | Complaints open at end-2014 |
| 637 | > | New complaints registered in 2015 |
| 484 | > | Complaints handled in 2015 |
| = 508 | > | Complaints open at end-2015 |

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

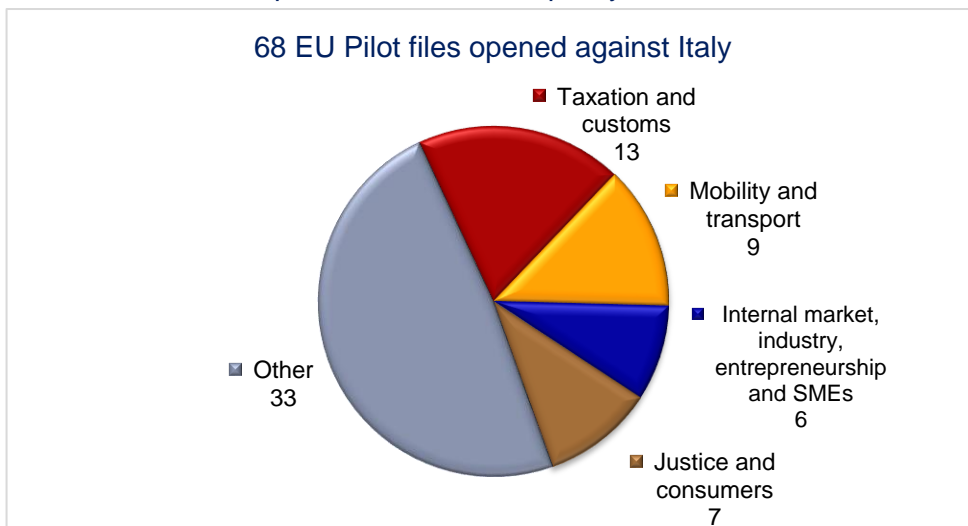
139 > EU Pilot files open at end-2014

68 > New EU Pilot files registered in 2015

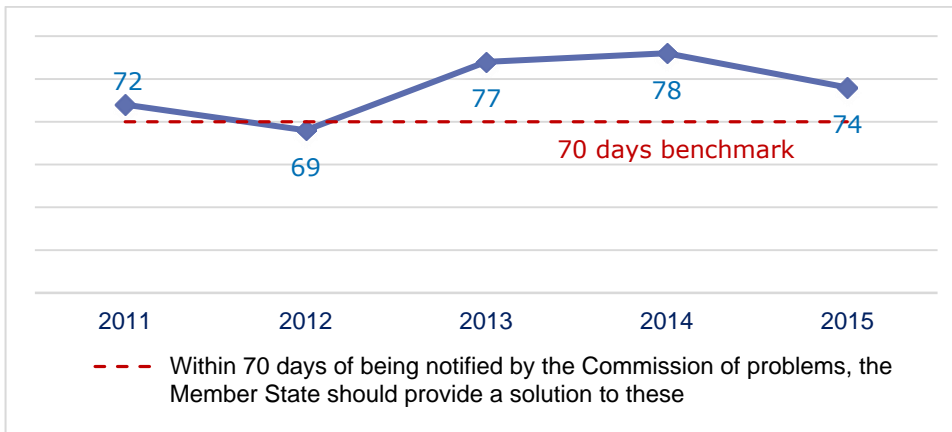
96 > EU Pilot files handled in 2015

= 111 > EU Pilot files open at end-2015

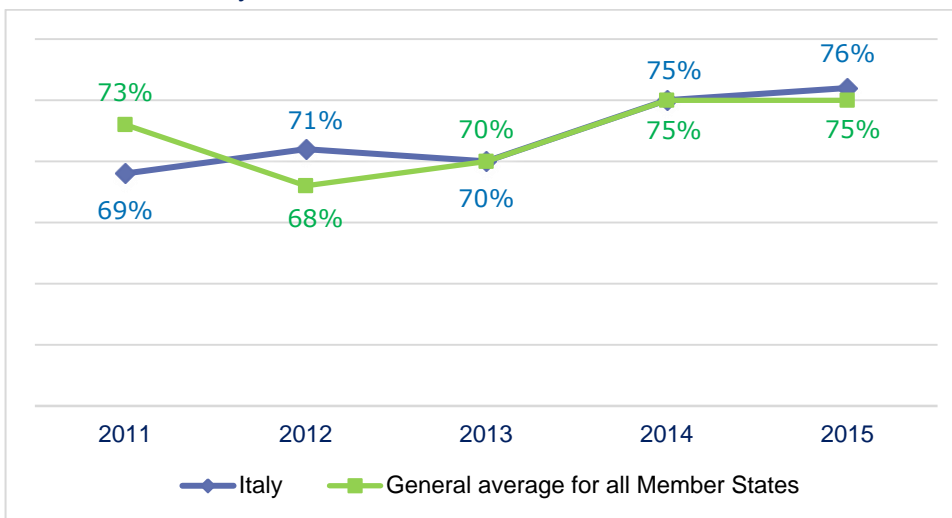
3. New EU Pilot files opened in 2015: main policy areas



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



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

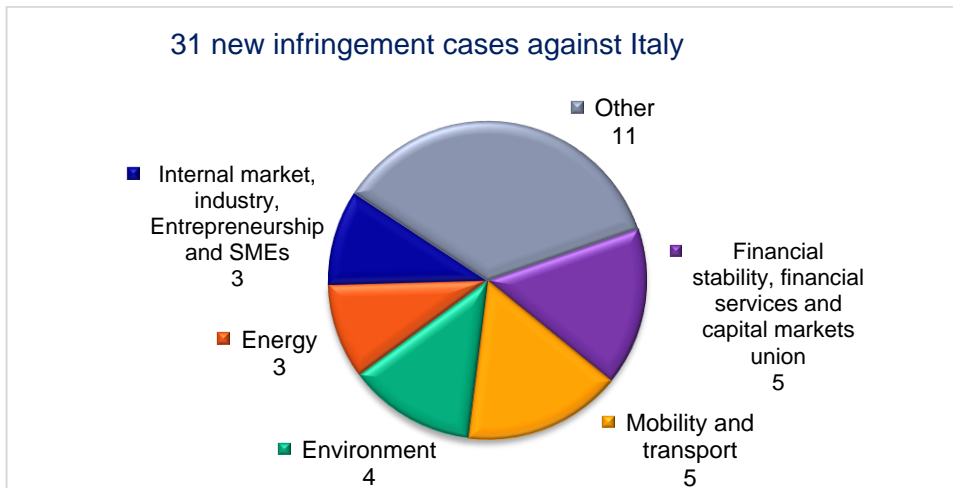


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directive [2010/31/EU](#), [MEMO/15/4871](#).

⁴ Directive [2008/98/EC](#).

⁵ [MEMO/15/5162](#).

⁶ [Directive 92/43/EEC](#).

⁷ Directive No [2008/50/EC](#).

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

⁹ Directive [2014/59/EU](#); [IP/15/5057](#).

¹⁰ Directive [2011/61/EU](#).

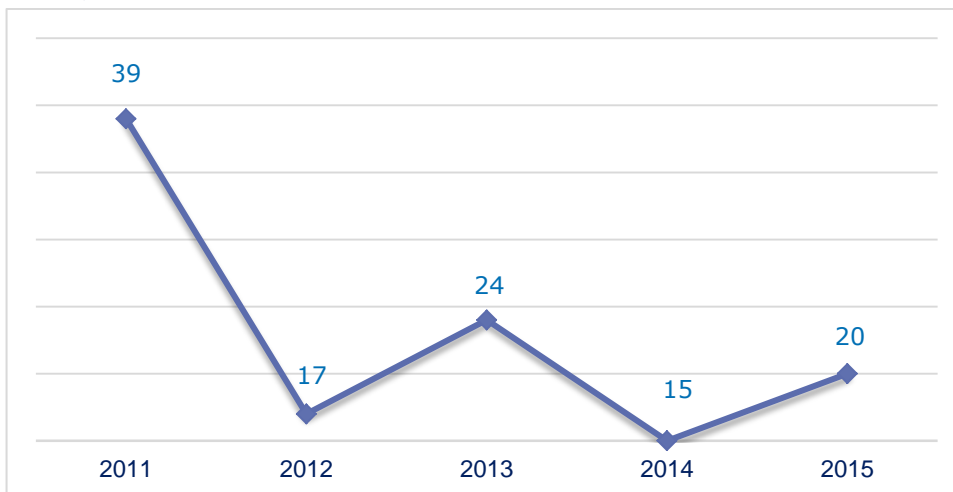
¹¹ Directive [2003/109/EC](#).

¹² [Regulation \(EU\) No 603/2013](#); [IP/15/6276](#).

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

IV. TRANSPOSITION OF DIRECTIVES

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



¹³ Regulation [\(EC\) No 550/2004](#).

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

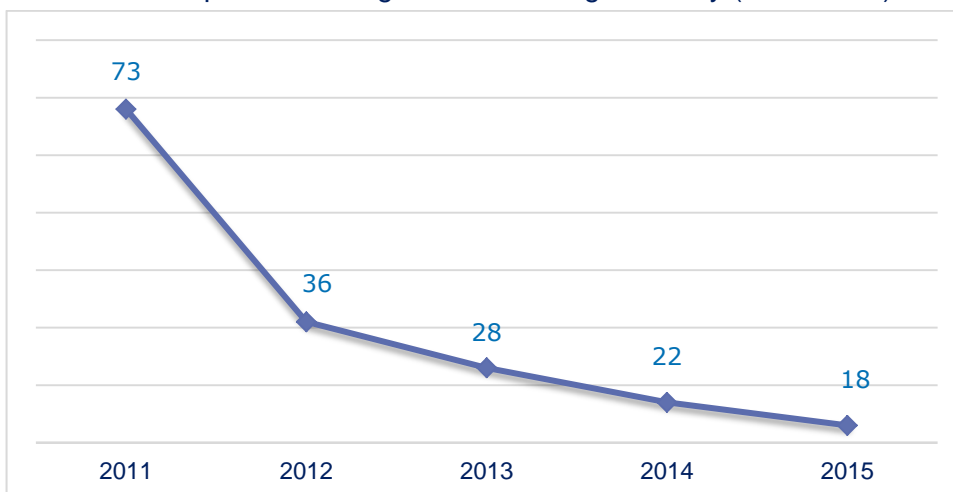
¹⁵ Directive [2009/12/EC](#).

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

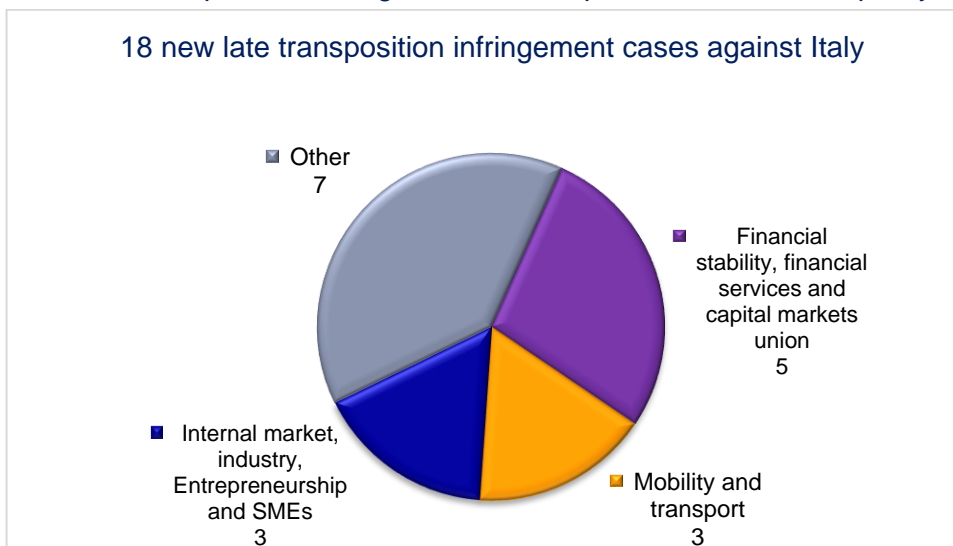
¹⁷ Commission Implementing Decision (EU) [2015/789](#).

¹⁸ Commission v Italy, [C-433/15](#) and [IP/15/4490](#).

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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

¹⁹ Directive [89/391/EEC](#).

²⁰ Directive [2003/88/EC](#).

²¹ Directive [2011/92/EU](#).

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

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁹

The Court:

- ruled that Italy has failed to correctly execute the 2010 judgment of the Court of Justice finding that Italy had failed to adopt, for the region of Campania, all the measures necessary to ensure that waste is recycled and disposed of without endangering human health and without harming the environment. In particular, it has not established a suitable and integrated network of disposal installations. The Court ordered Italy to pay a lump sum of EUR 20 million and a daily penalty payment of EUR 120 000;³⁰
- ruled that, despite a first judgment that Italy had failed to fulfil its obligations, delivered by the Court of Justice in 2011, Italy has still not recovered aid granted between 1995 and 1997 to certain firms in Venice and Chioggia. The Court of Justice ordered Italy to pay a lump sum of EUR 30 million and a penalty of EUR 12 million per half-year of delay in recovering the aid;³¹
- dismissed all arguments brought by Italy alleging the illegality of the Commission’s decision making a financial correction to the regional operational programme in Puglia for the period 2000-2006. The correction amounted to EUR 79 336 741. The Court’s judgment confirmed, among other things, the possibility for the Commission to apply a flat-rate correction when several irregularities in the awarding of public contracts are to be attributed to the systemic failure of the management and control system to protect the EU’s financial interests.³²

2. Preliminary rulings

In preliminary reference procedures the Court held that:

²² Directive [92/57/EEC](#).

²³ Directive [2011/36/EU](#).

²⁴ Regulation (EC) No [1967/2006](#).

²⁵ Directive [2004/49/EC](#).

²⁶ Regulation (EU) No [181/2011](#).

²⁷ Regulation (EU) No [1177/2010](#).

²⁸ Directive [2013/14/EU](#).

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

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

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

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

- the practice of selling and re-selling bananas for the sole purpose of benefiting from the preferential rate of duty for imports, even if formally in line with the letter of the EU rules, are in the end an abuse of those rules;³³
- national legislation is compatible with EU law if it provides that, where it is impossible to identify the polluter of a plot of land, the owner of the land who is not responsible for the pollution cannot be required to adopt preventive and remedial measures;³⁴
- Directive on Long Term Residents,³⁵ must be interpreted as precluding national legislation which requires third-country nationals, when applying for the issue or renewal of a residence permit in the Member State concerned, to pay a fee (varying in amount between EUR 80 and EUR 200), inasmuch as such a fee is disproportionate in the light of the objective pursued by the directive and is liable to create an obstacle to the exercise of the rights conferred by that directive;³⁶
- labelling requirements constitute a barrier to intra-EU trade if goods coming from other Member States have to be given a different label;³⁷
- the Return Directive does not, in principle, preclude national legislation which imposes a prison sentence on a non-EU national who unlawfully enters its territory in breach of an entry ban;³⁸
- if necessary to prevent serious VAT fraud, national courts must disapply the overall limitation in the sanction system and impose effective and dissuasive penalties.³⁹

³³ Cimmino and Others, [C-607/13](#).

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

³⁵ Directive [2003/109/EC](#).

³⁶ CGIL and INCA, [C-309/14](#).

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

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

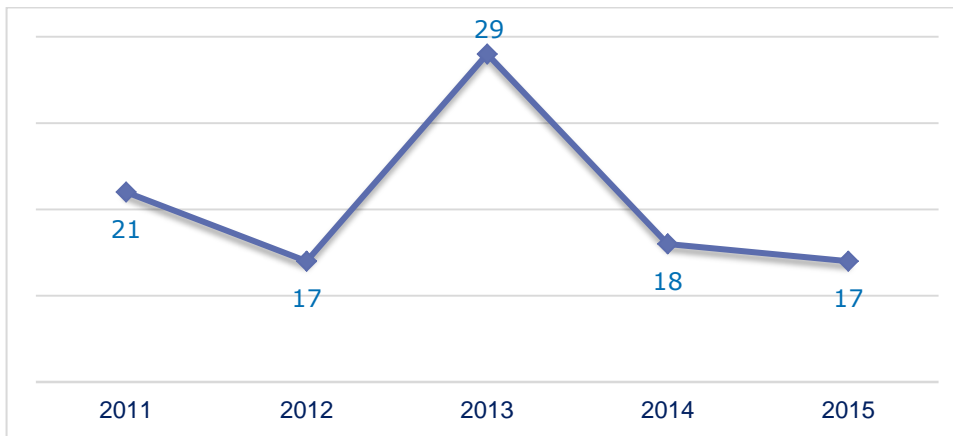
³⁹ Taricco and others, [C-105/14](#) and Court press release No [95/15](#).

Latvia

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

I. COMPLAINTS

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



2. Public complaints against Latvia open at year-end

12 > Complaints open at end-2014

17 > New complaints registered in 2015

11 > Complaints handled in 2015

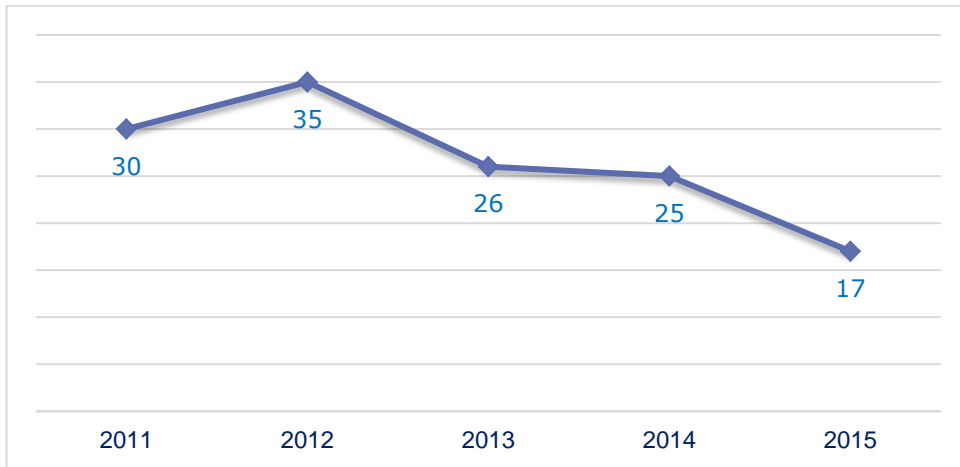
= 18 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

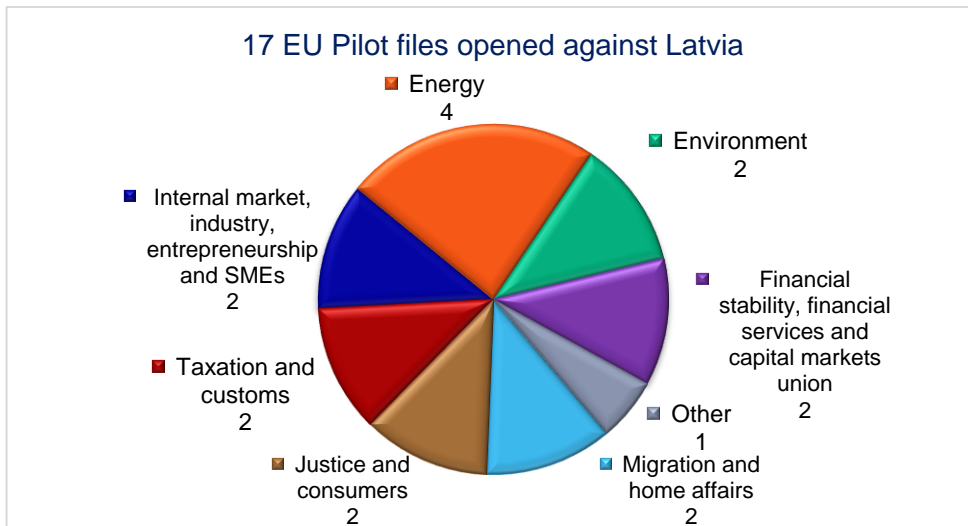
1. New EU Pilot files opened against Latvia (2011-2015)



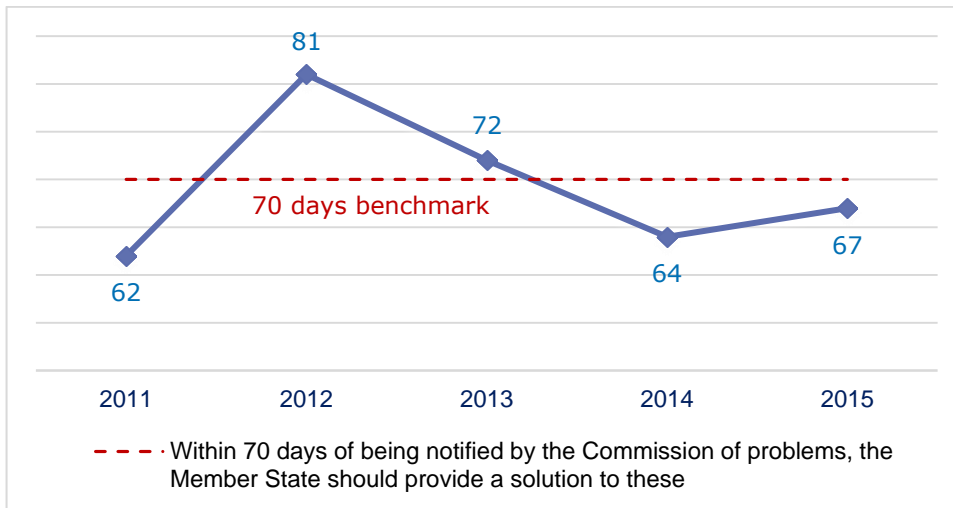
2. Files relating to Latvia open in EU Pilot at year -end

| | | |
|-------------|---|--|
| 23 | > | EU Pilot files open at end-2014 |
| 17 | > | New EU Pilot files registered in 2015 |
| 19 | > | EU Pilot files handled in 2015 |
| = 21 | > | EU Pilot files open at end-2015 |

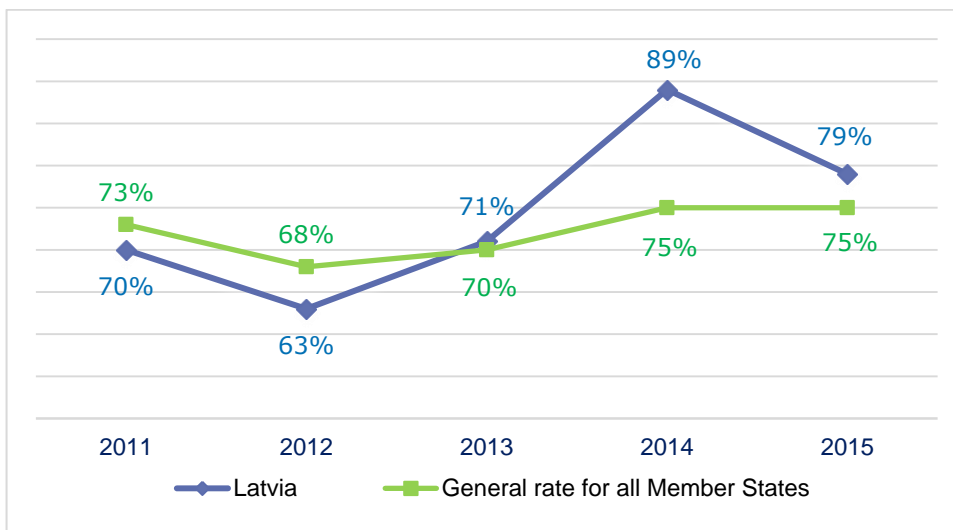
3. New EU Pilot files opened in 2015: main policy areas



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

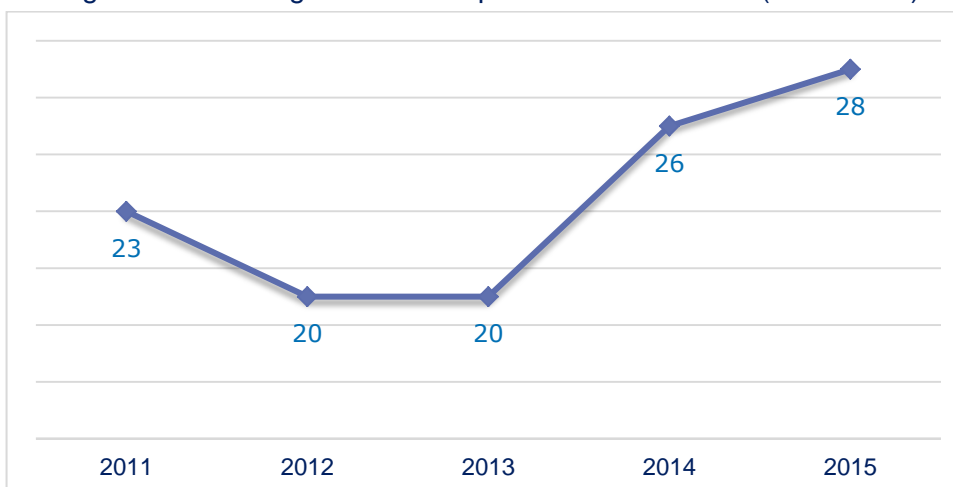


5. EU Pilot files: Latvia's resolution rate in 2011- 2015

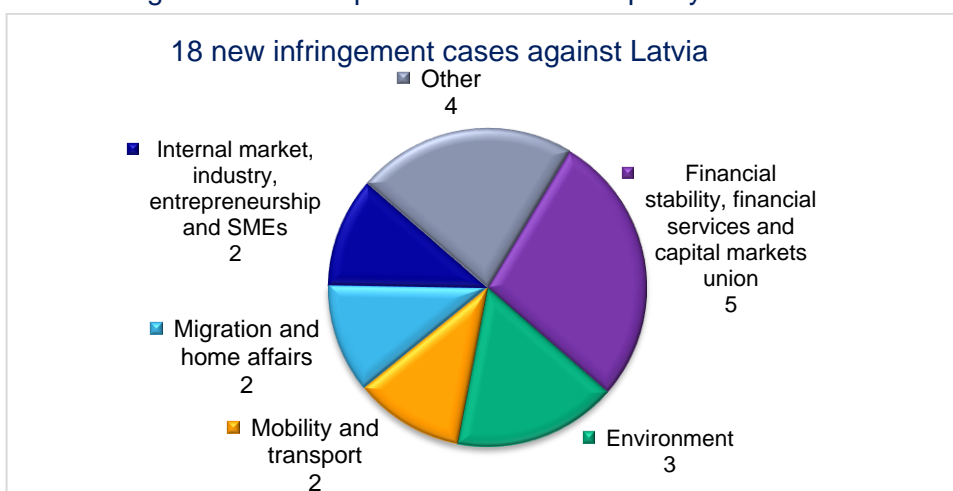


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

¹ Directive [2014/27/EU](#).

² Regulation (EC) No [1272/2008](#)

³ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).

⁴ [MEMO/15/5657](#).

⁵ Directive [2012/33/EU](#), [MEMO/15/4489](#).

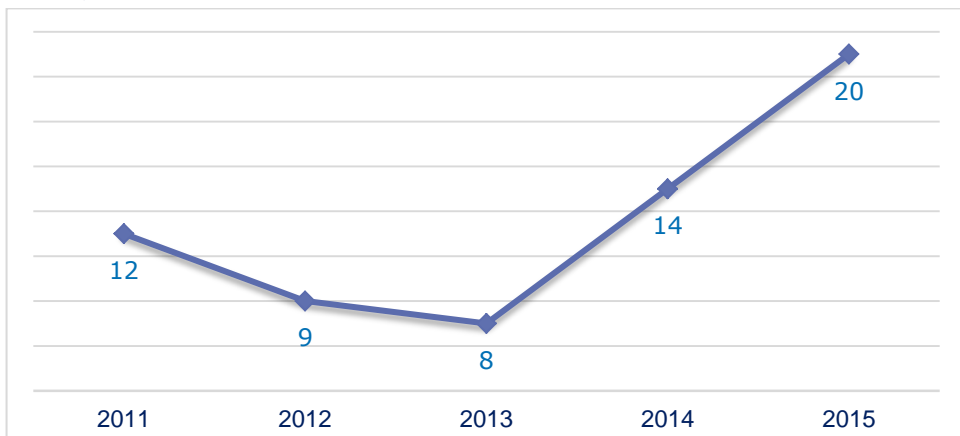
⁶ [IP/15/4673](#).

⁷ Directive [2012/34/EU](#).

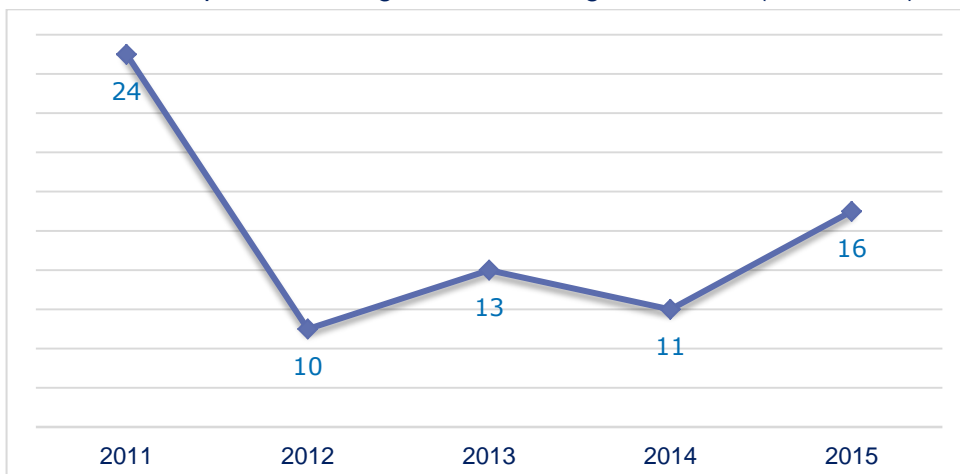
⁸ Directive [2012/36/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

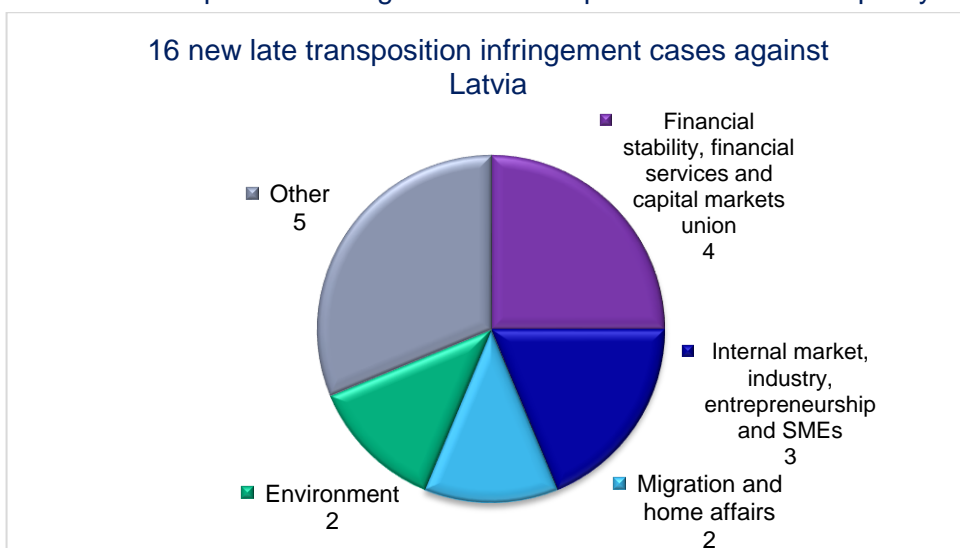
1. Late transposition infringement cases against Latvia open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court ruling¹²

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

2. Preliminary ruling

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

⁹ Directive [2012/19/EU](#).

¹⁰ Directive [2011/99/EU](#).

¹¹ Directive [2008/98/EC](#).

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

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

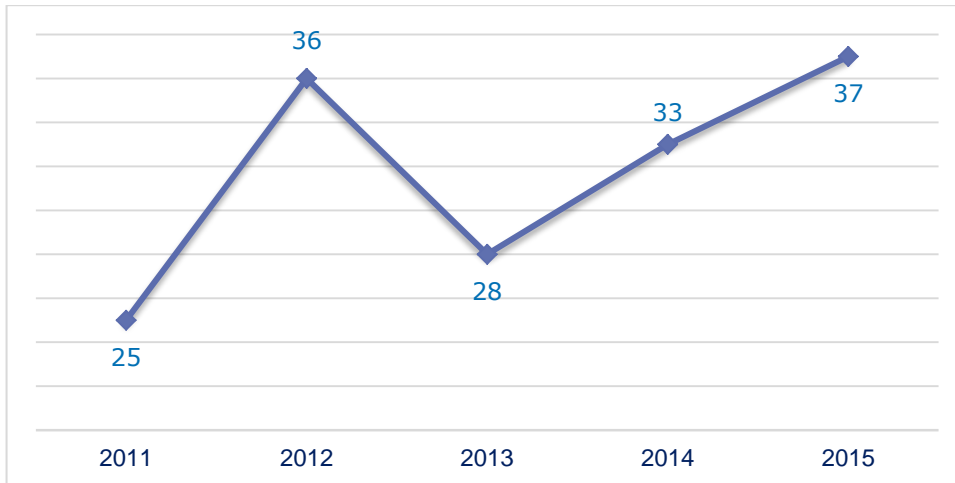
¹⁴ Oliver Medical, [C-547/13](#).

Lithuania

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

I. COMPLAINTS

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



2. Public complaints against Lithuania open at year-end

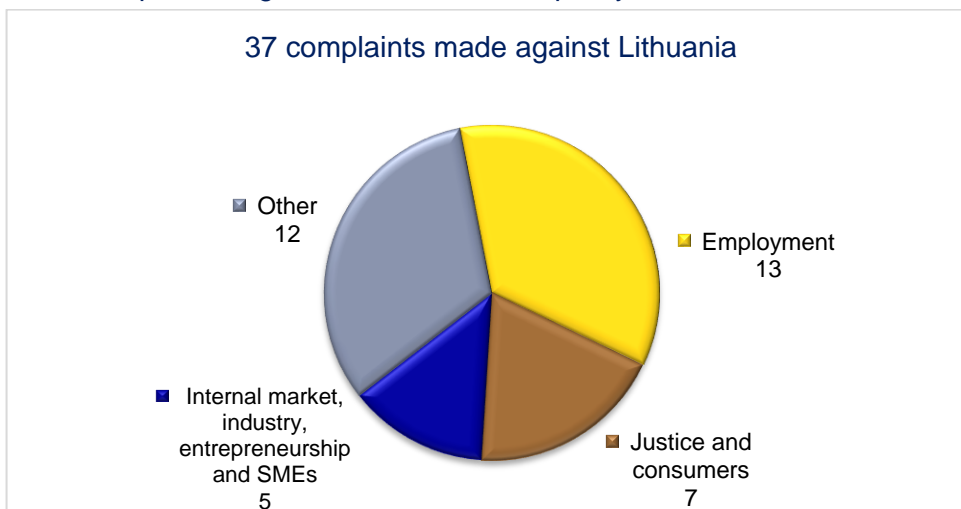
36 > Complaints open at end-2014

37 > New complaints registered in 2015

28 > Complaints handled in 2015

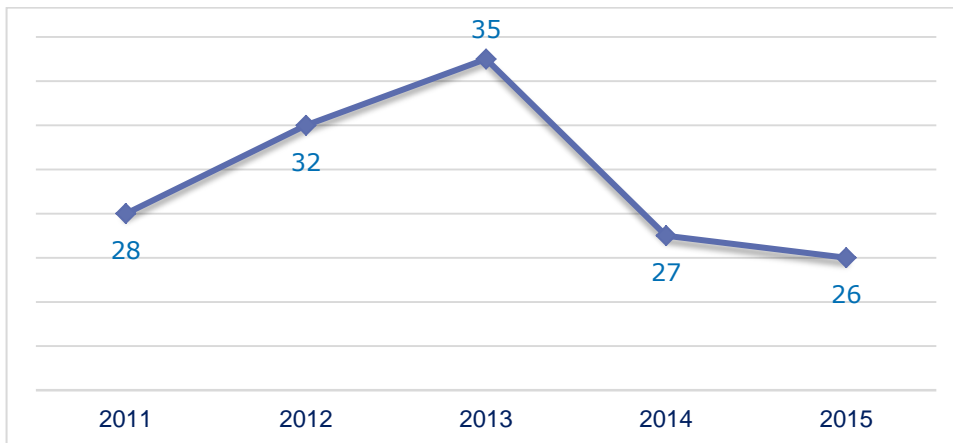
= 45 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

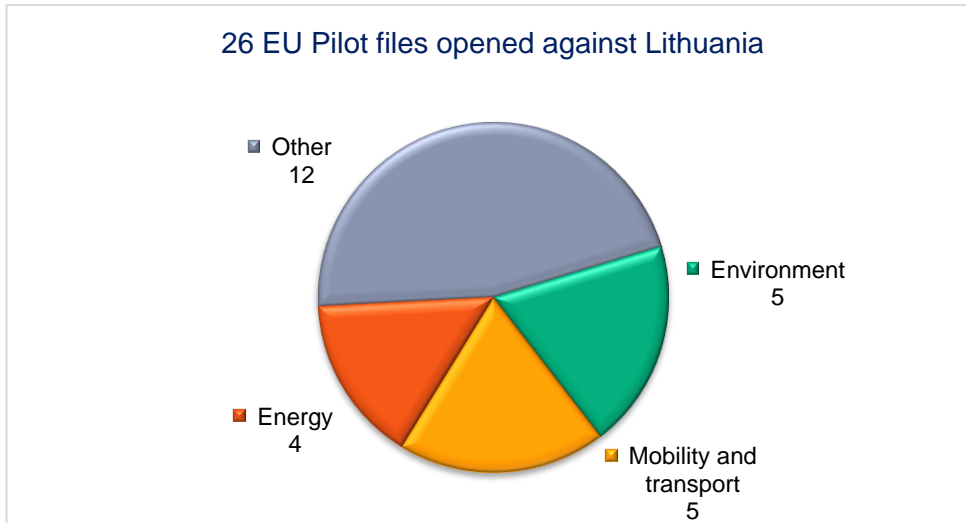
29 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

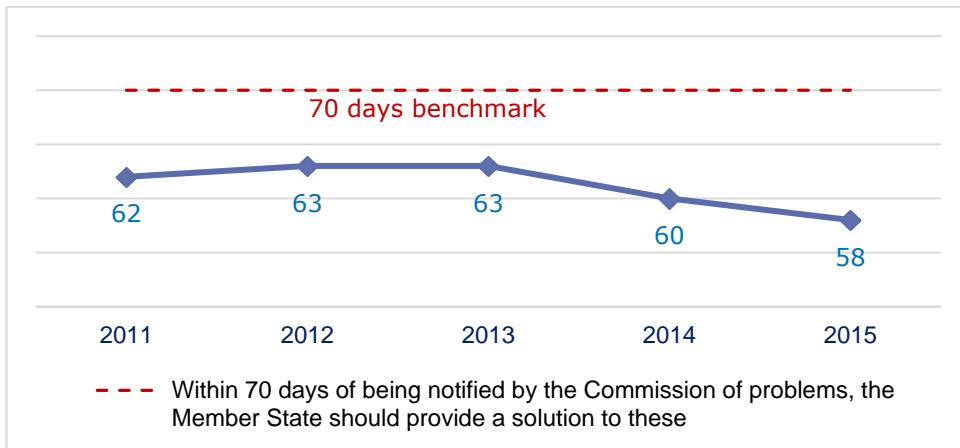
29 > EU Pilot files handled in 2015

= 26 > EU Pilot files open at end-2015

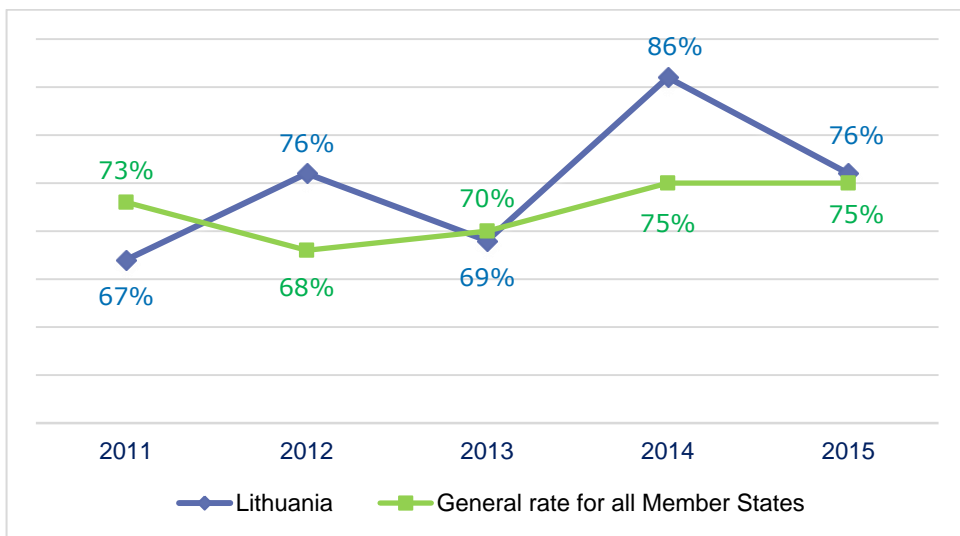
3. New EU Pilot files opened in 2015: main policy areas



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

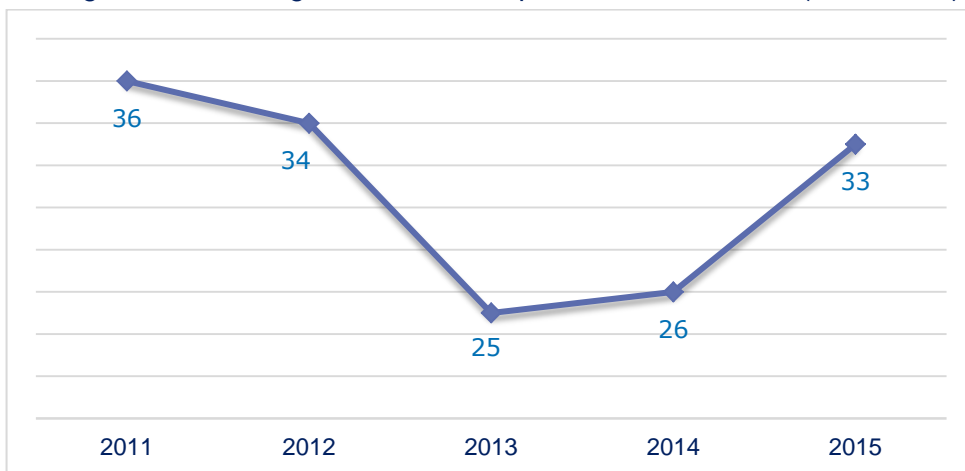


5. EU Pilot files: Lithuania's resolution rate in 2011- 2015

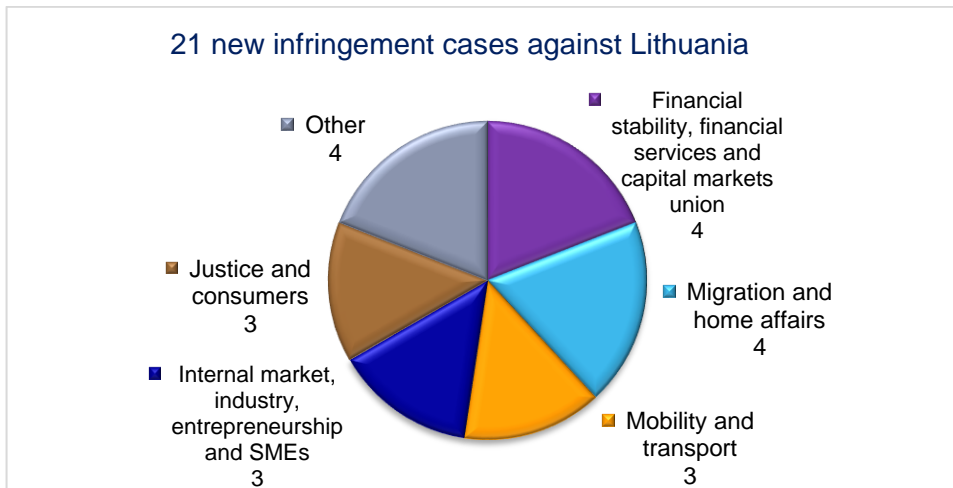


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

² [MEMO/15/5657](#).

³ Directive [2007/2/EC](#).

⁴ [IP/15/4673](#).

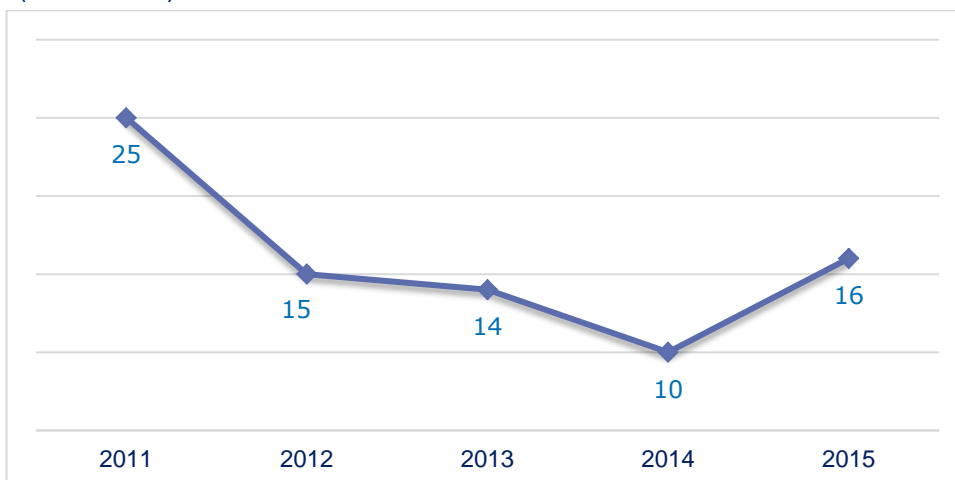
⁵ Directive [2014/59/EU](#); [IP/15/5057](#).

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

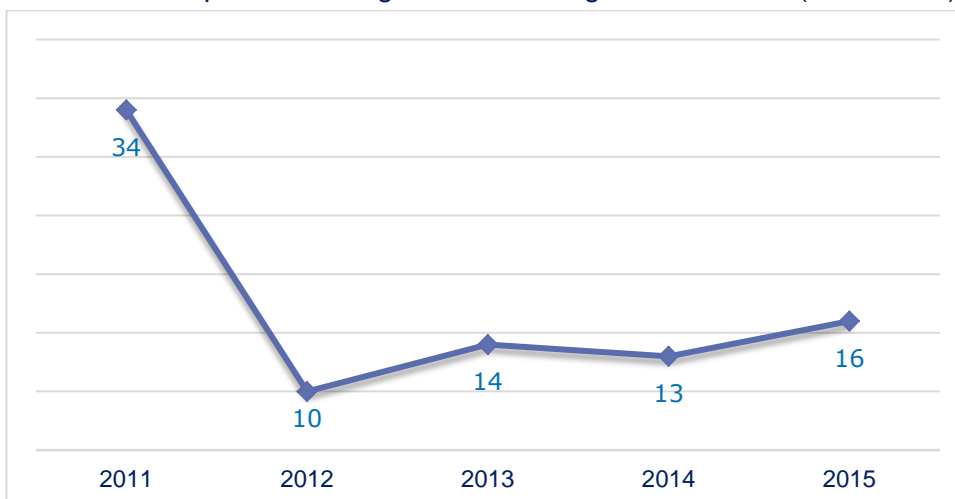
⁷ [MEMO/15/5356](#).

IV. TRANSPOSITION OF DIRECTIVES

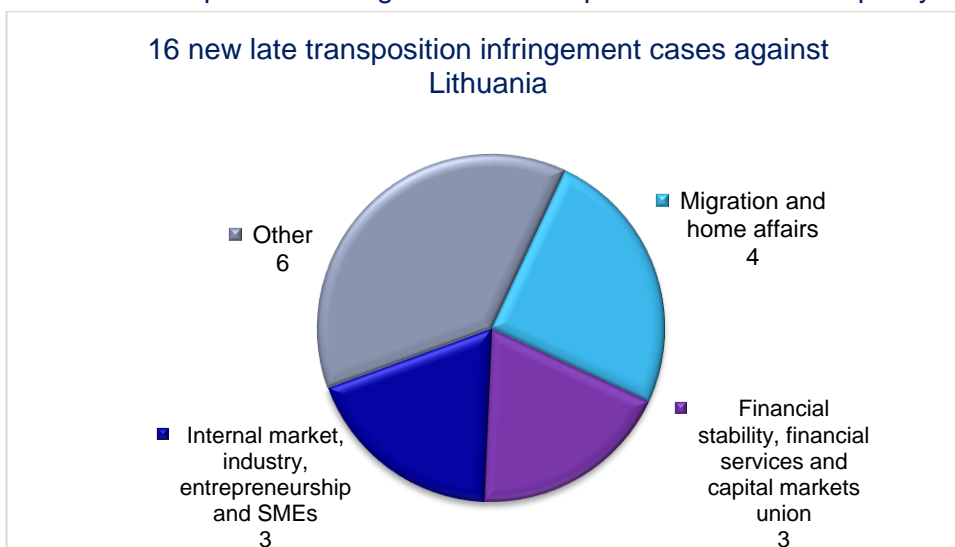
1. Late transposition infringement cases against Lithuania open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁴

There were no major Court rulings in 2015.

2. Preliminary rulings

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

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

⁸ Directive No [2010/75/EU](#).

⁹ Directive [2011/98/EU](#).

¹⁰ Directive [2011/99/EU](#).

¹¹ Directive [2010/75/EU](#).

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

¹³ Directive [2012/36/EU](#).

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

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

¹⁶ Regulation (EC) No [44/2001](#).

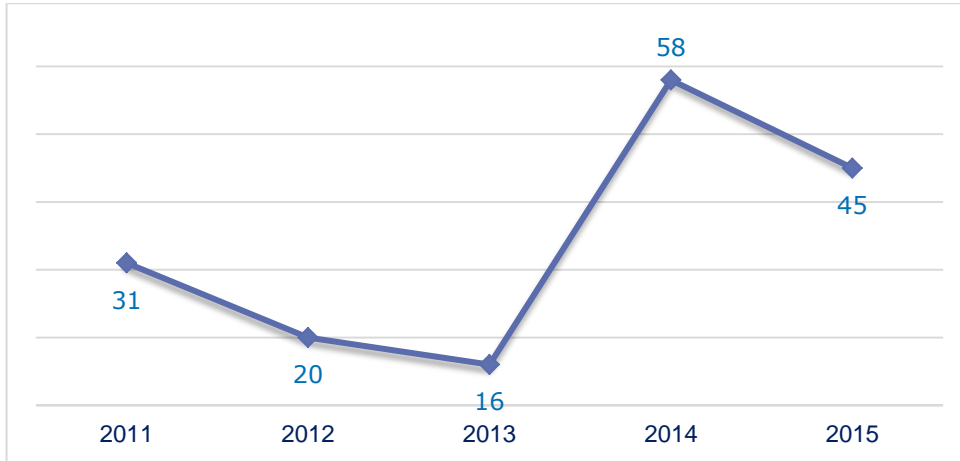
¹⁷ Gazprom, [C-536/13](#).

Luxembourg

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

I. COMPLAINTS

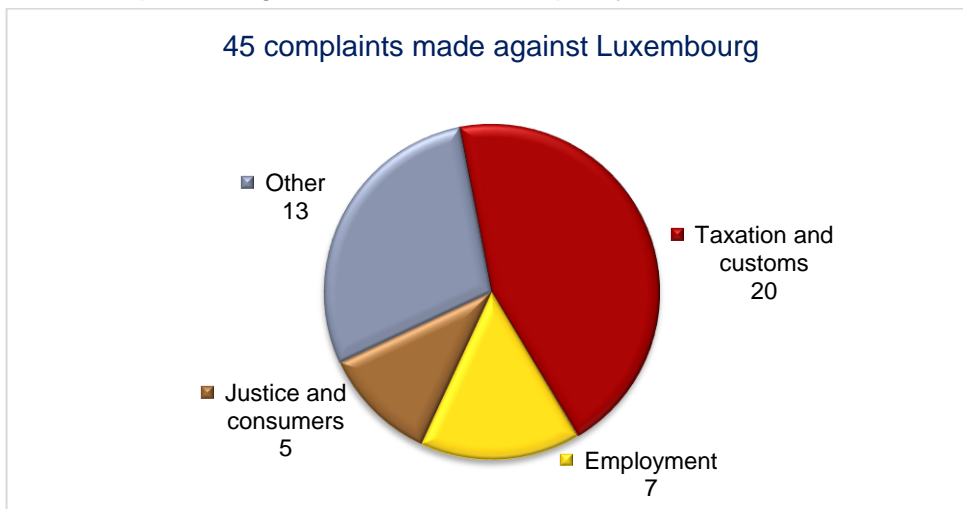
1. New complaints made against Luxembourg by members of the public (2011- 2015)



2. Public complaints against Luxembourg open at year-end

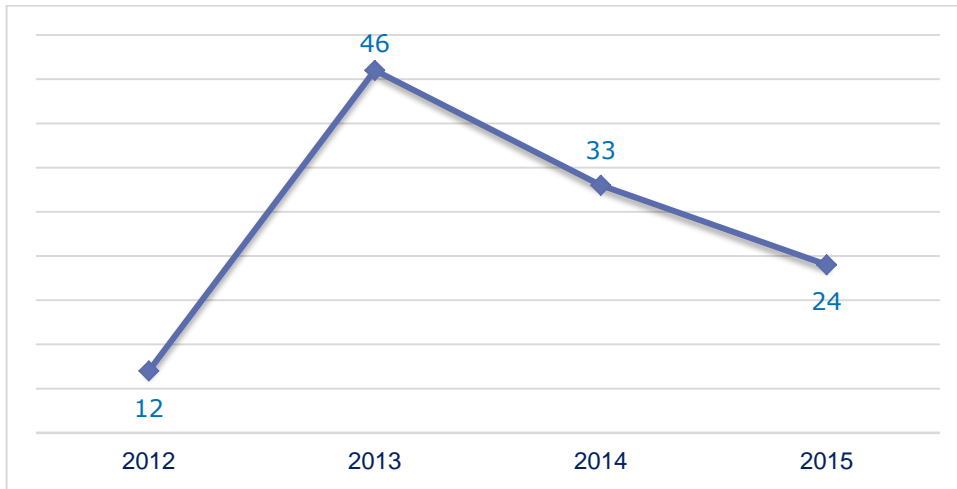
| | | |
|-------------|---|------------------------------------|
| 20 | > | Complaints open at end-2014 |
| 45 | > | New complaints registered in 2015 |
| 24 | > | Complaints handled in 2015 |
| = 41 | > | Complaints open at end-2015 |

3. New complaints registered in 2015: main policy areas



II. EU PILOT

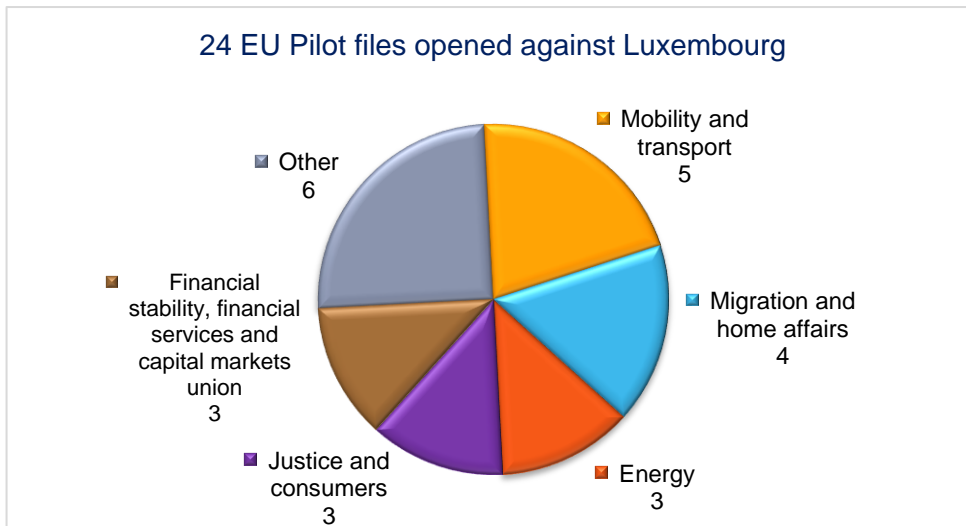
1. New EU Pilot files opened against Luxembourg (2011-2015)



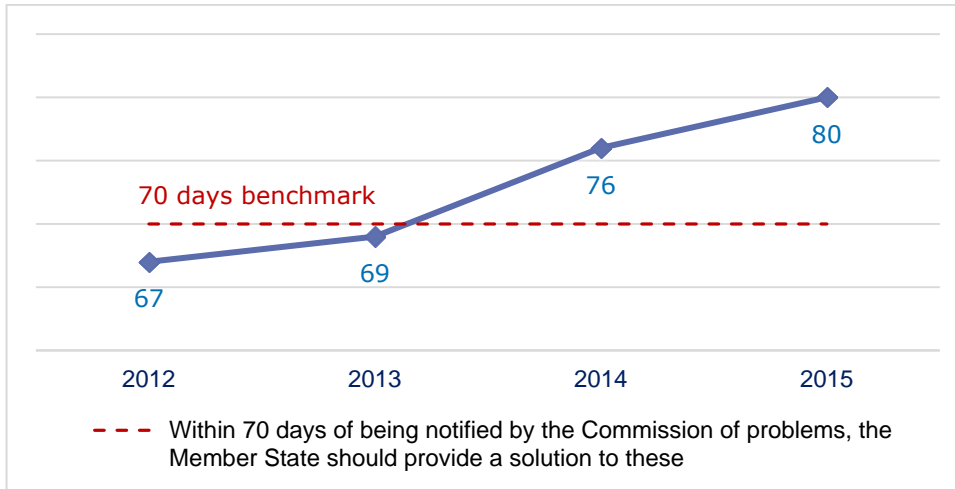
2. Files relating to Luxembourg open in EU Pilot at year -end

| | | |
|-------------|---|--|
| 31 | > | EU Pilot files open at end-2014 |
| 24 | > | New EU Pilot files registered in 2015 |
| 23 | > | EU Pilot files handled in 2015 |
| = 32 | > | EU Pilot files open at end-2015 |

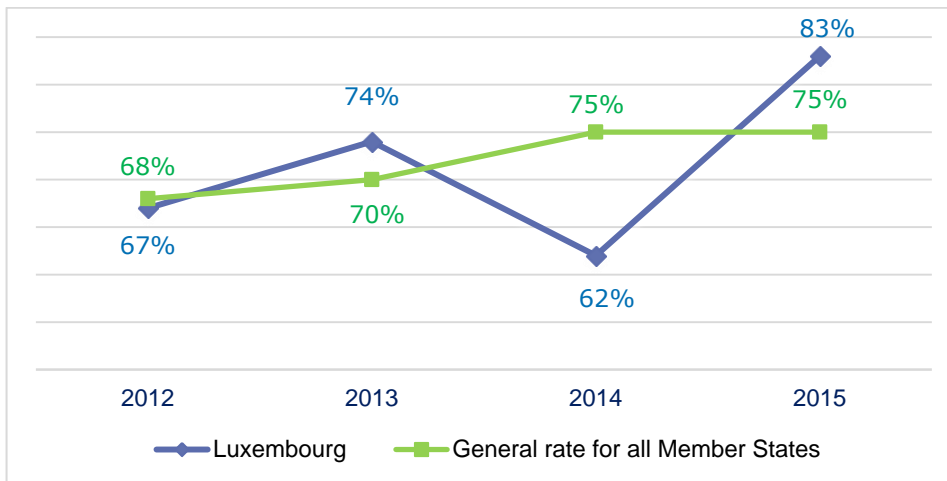
3. New EU Pilot files opened in 2015: main policy areas



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

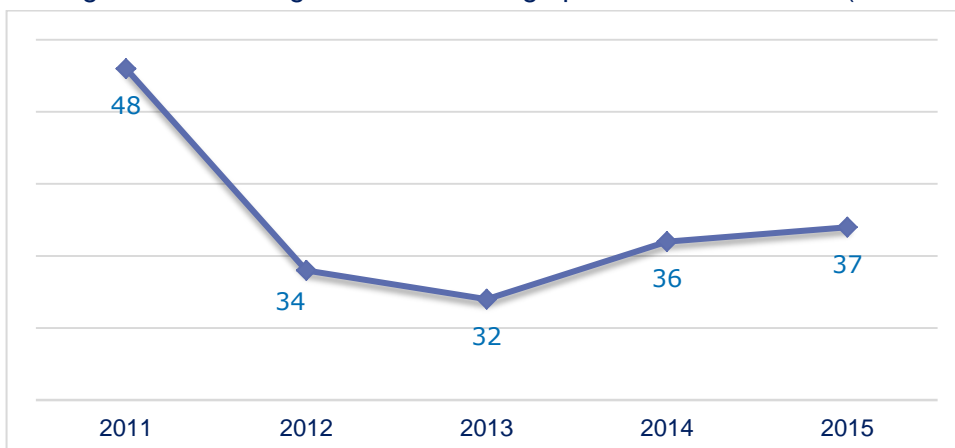


5. EU Pilot files: Luxembourg's resolution rate in 2011- 2015²



III. INFRINGEMENT CASES

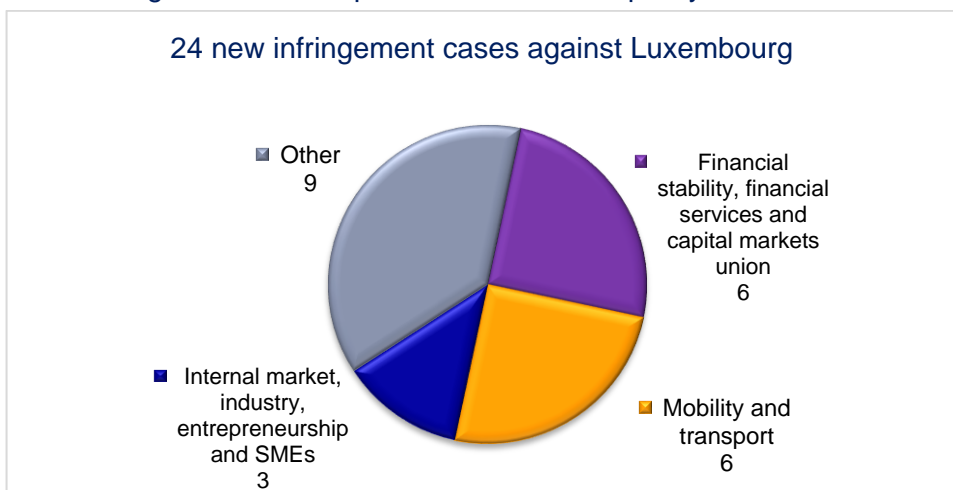
1. Infringement cases against Luxembourg open on 31 December (2011-2015)



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

² See footnote 1

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



3. Key infringement cases and referrals to the Court

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

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

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

⁴ Directive [2014/27/EU](#).

⁵ Regulation (EC) No [1272/2008](#)

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

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

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

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

¹⁰ Directive [2013/14/EU](#).

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

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

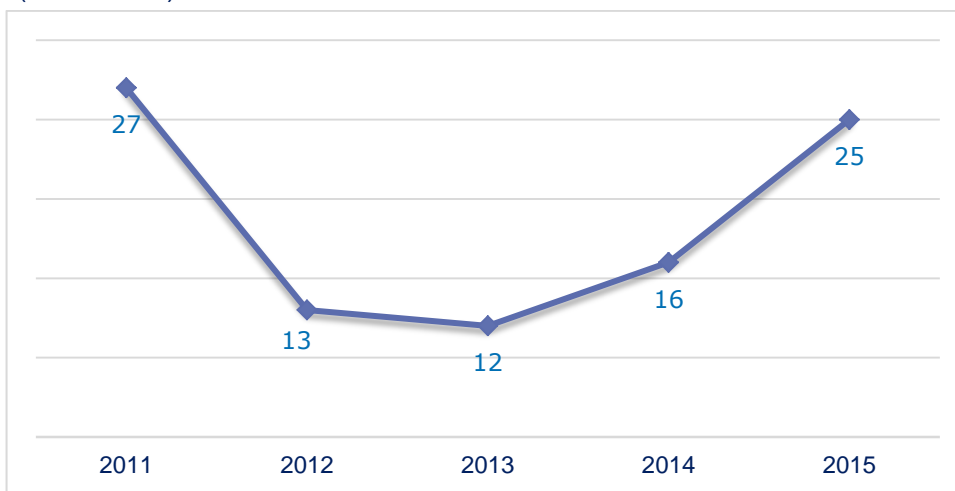
¹³ Regulation [\(EC\) No 550/2004](#).

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

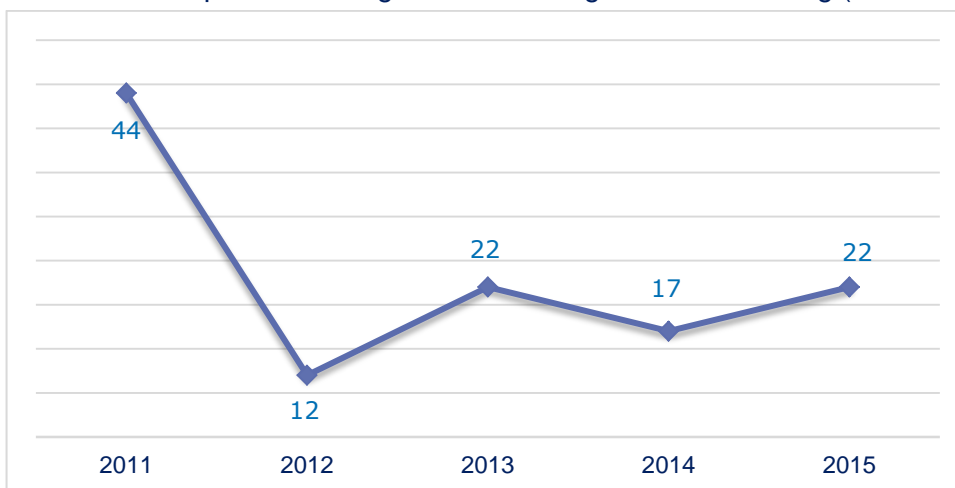
- non-compliance with several provisions of the Railway Safety Directive.¹⁵
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns national VAT rules. These seem to contract the VAT Directive by:
- limiting the reception of VAT-free services to members of a cost-sharing group whose taxed activities remain below 30 % (in certain cases 45 %) of their annual turnover; and
 - allowing group members to deduct VAT charged to the group.¹⁶
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

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



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

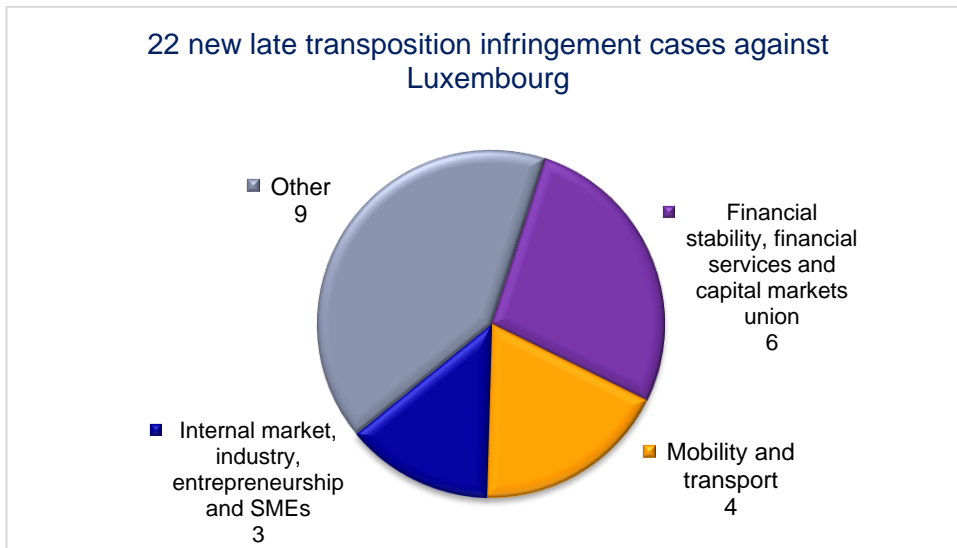


¹⁴ FABEC (the functional airspace block between Germany, Belgium, France, Netherlands, Luxembourg and Switzerland) — [MEMO/15/5356](#).

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

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

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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

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

¹⁸ Directive [2003/88/EC](#).

¹⁹ Directive [2011/36/EU](#).

²⁰ Directive [2012/13/EU](#).

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

²² Regulation (EU) No [181/2011](#).

²³ Directive [2008/57/EC](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁴

The Court ruled that:

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

2. Preliminary rulings

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

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

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

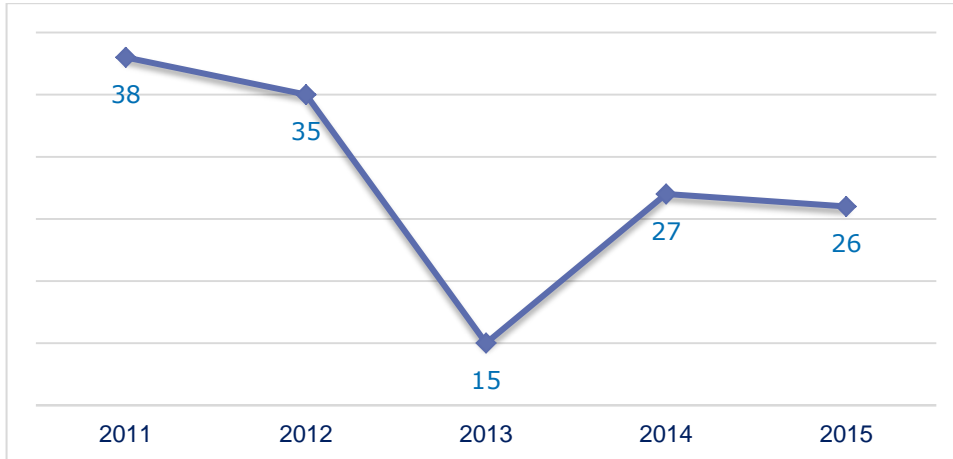
²⁶ Commission v Luxembourg, [C-502/13](#).

Malta

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

I. COMPLAINTS

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



2. Public complaints against Malta open at year-end

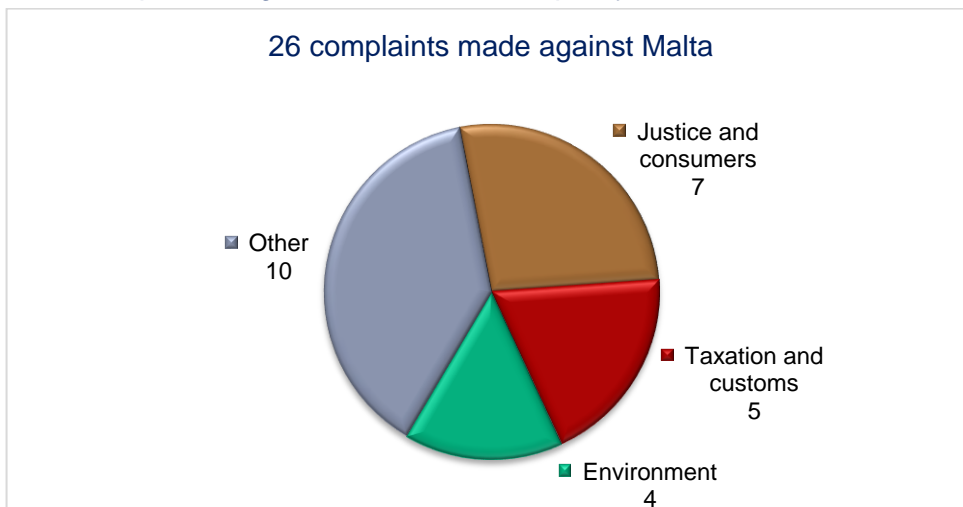
13 > Complaints open at end-2014

26 > New complaints registered in 2015

17 > Complaints handled in 2015

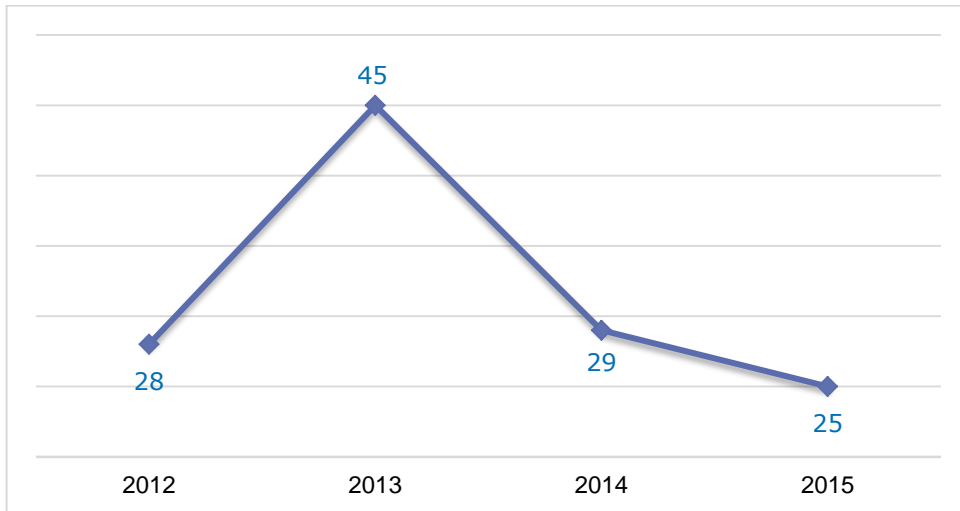
= 22 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

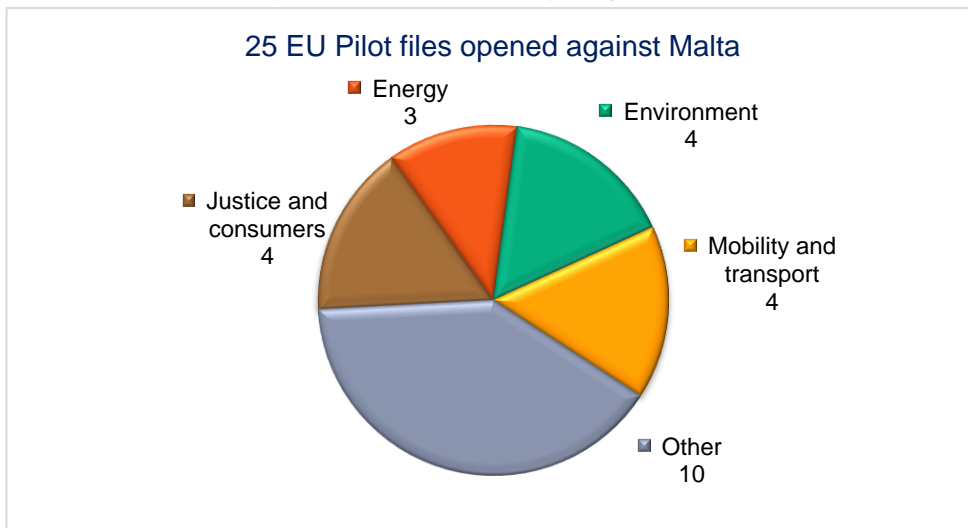
21 > EU Pilot files open at end-2014

25 > New EU Pilot files registered in 2015

23 > EU Pilot files handled in 2015

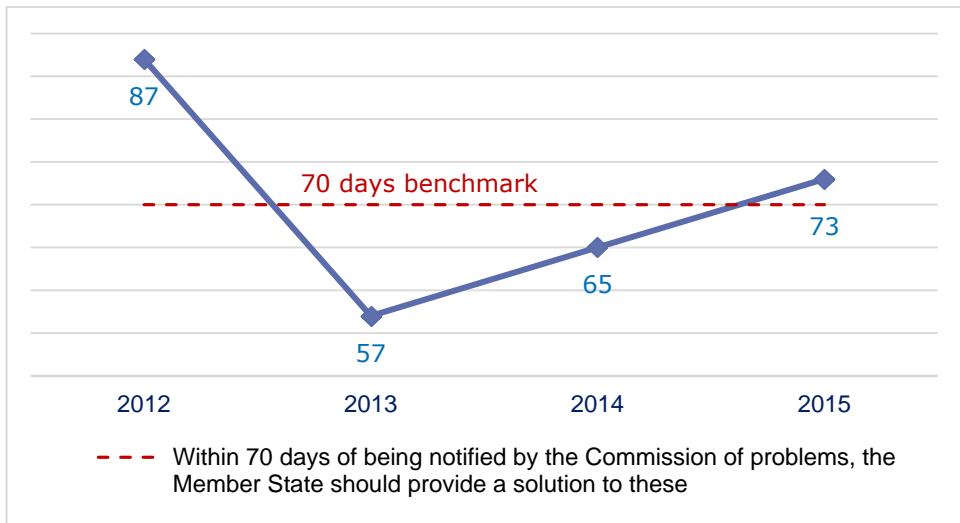
= 23 > EU Pilot files open at end-2015

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

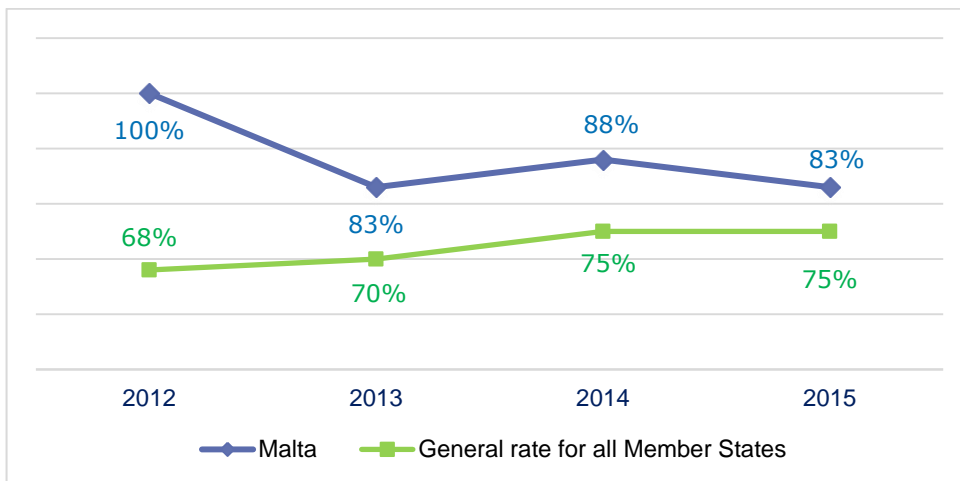


¹ No data are available for 2011 as Malta joined the EU Pilot system only in June 2012.

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

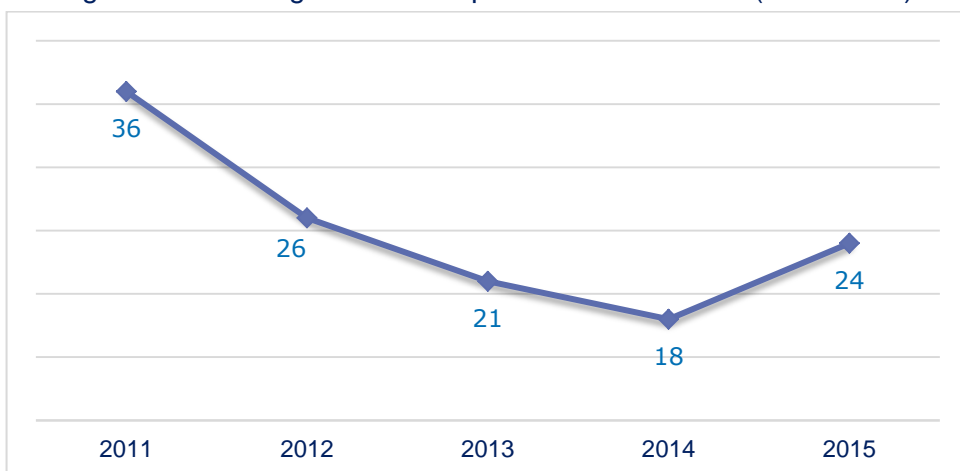


5. EU Pilot files: Malta's resolution rate in 2011- 2015³



III. INFRINGEMENT CASES

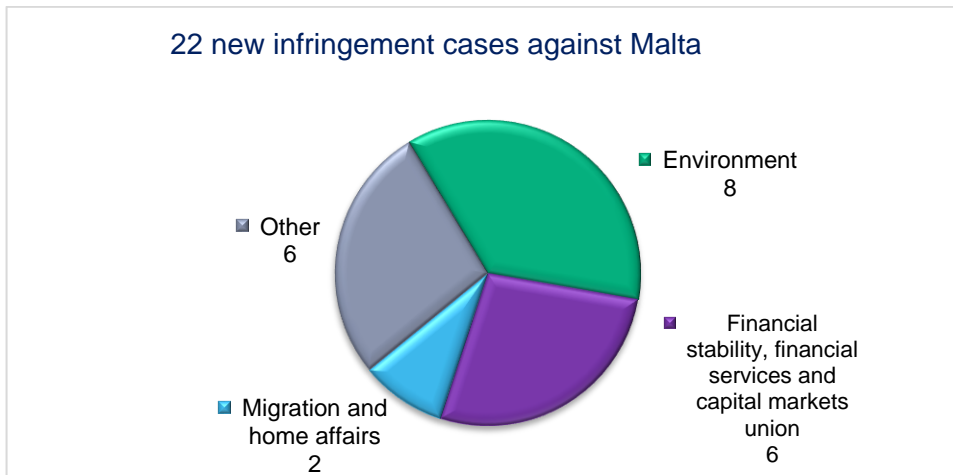
1. Infringement cases against Malta open on 31 December (2011-2015)



² See footnote 1.

³ See footnote 1.

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



3. Key infringement cases and referrals to the Court

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

⁴ Directive [2014/63/EU](#).

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

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

⁷ Directive [2003/109/EC](#).

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

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

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

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

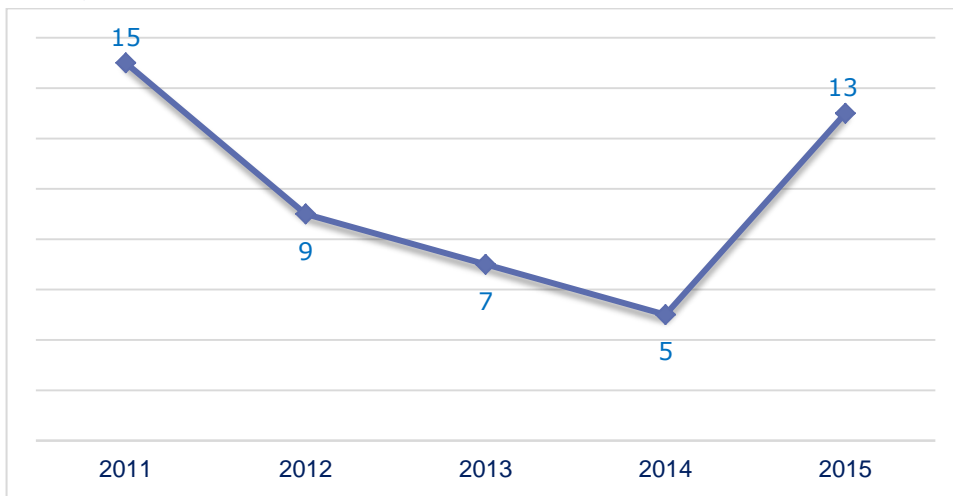
¹² BLUEMED (the functional airspace block between Italy, Greece, Cyprus and Malta).

¹³ Directive [2006/126/EC](#).

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

IV. TRANSPOSITION OF DIRECTIVES

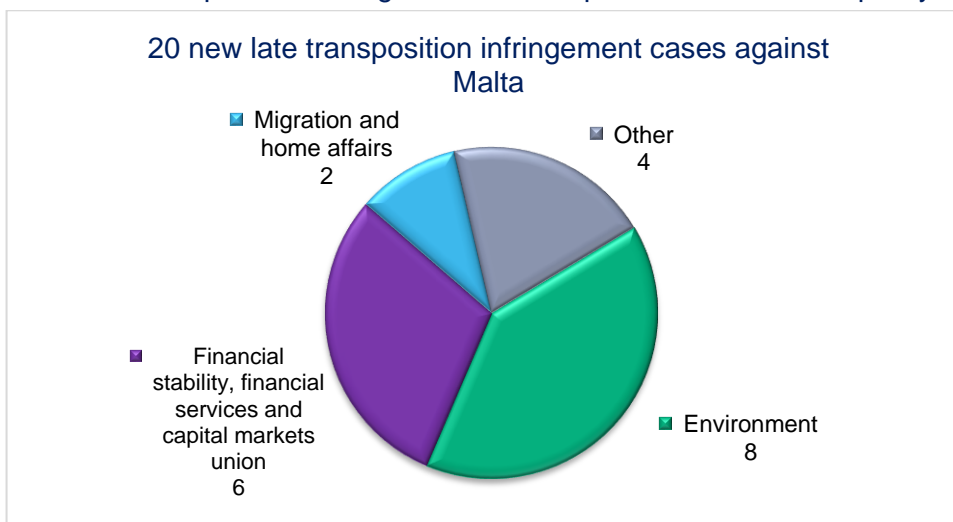
1. Late transposition infringement cases against Malta open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁷

There were no major Court rulings in 2015.

2. Preliminary rulings

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

¹⁵ Directive [2001/80/EC](#).

¹⁶ Directive [2003/109/EC](#).

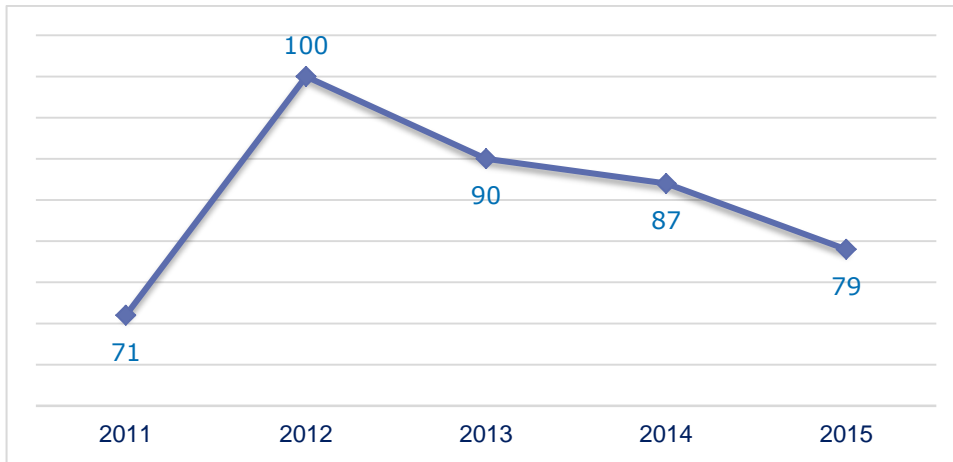
¹⁷ These rulings are almost exclusively handed down on infringement procedures.

Netherlands

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

I. COMPLAINTS

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



2. Public complaints against Netherlands open at year-end

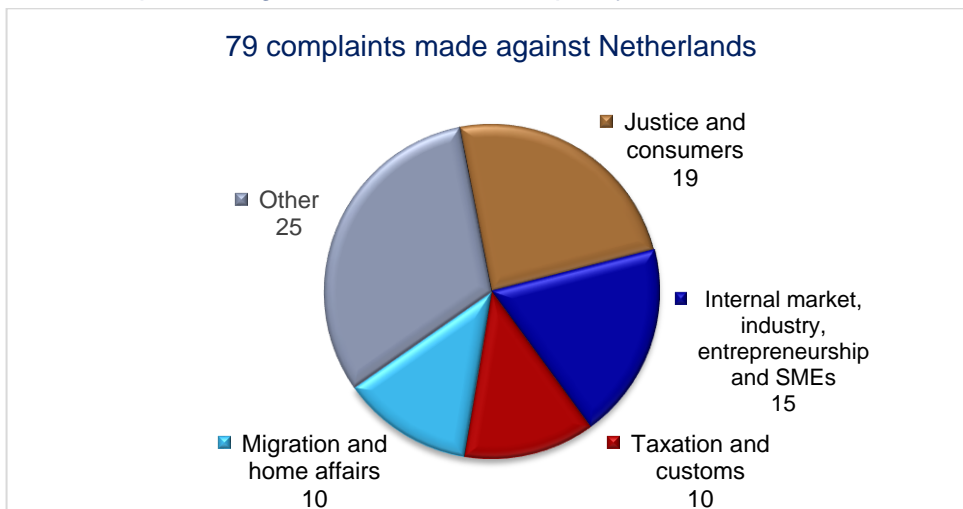
53 > Complaints open at end-2014

79 > New complaints registered in 2015

66 > Complaints handled in 2015

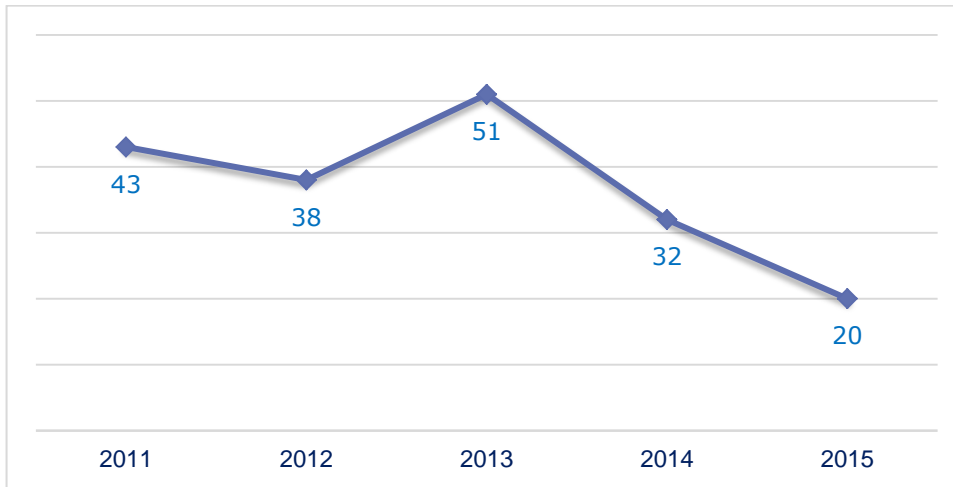
= 66 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

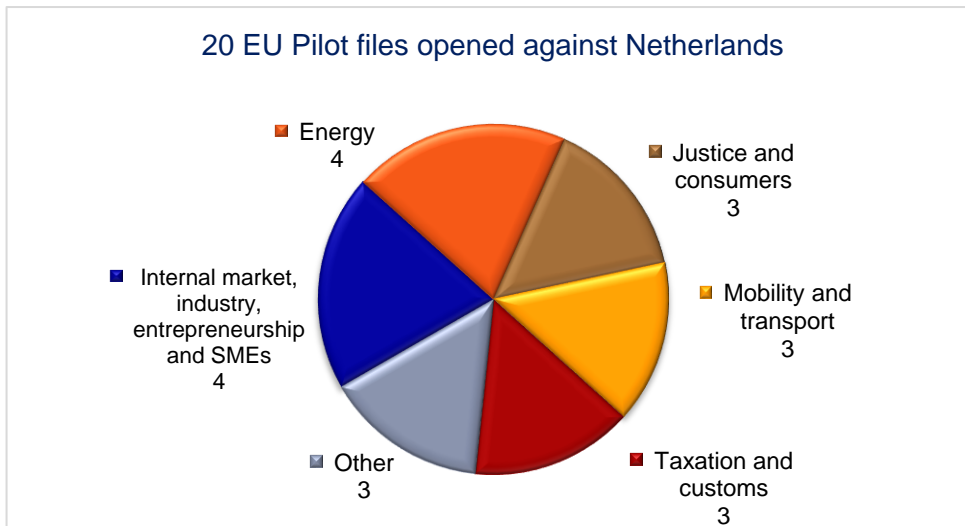
41 > EU Pilot files open at end-2014

20 > New EU Pilot files registered in 2015

32 > EU Pilot files handled in 2015

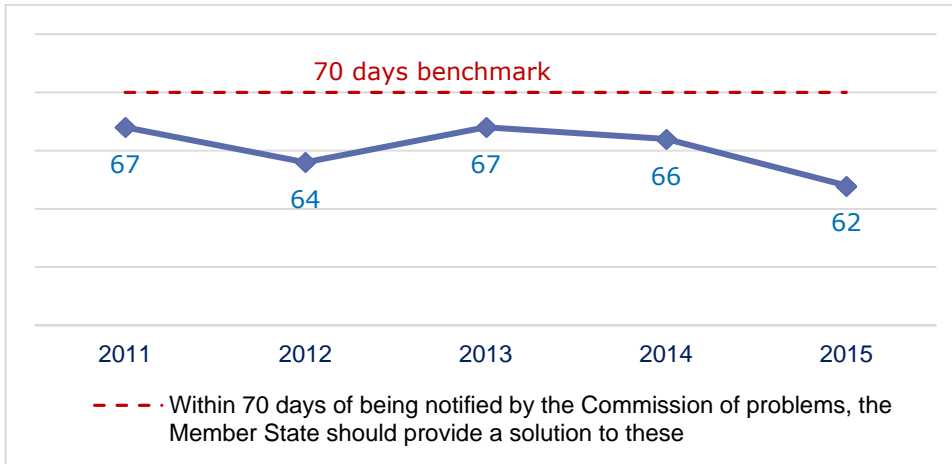
= 29 > EU Pilot files open at end-2015

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

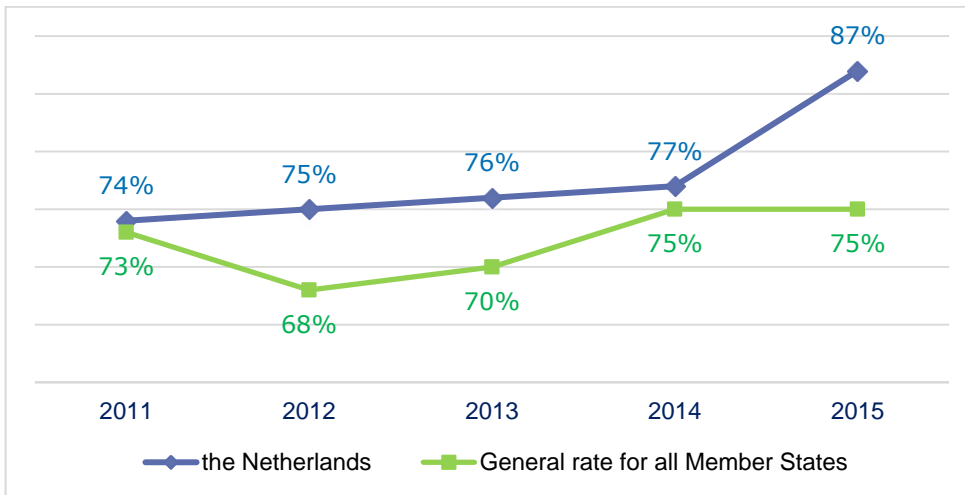


¹ No data are available for 2011 as Netherlands joined the EU Pilot system only in June 2012.

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

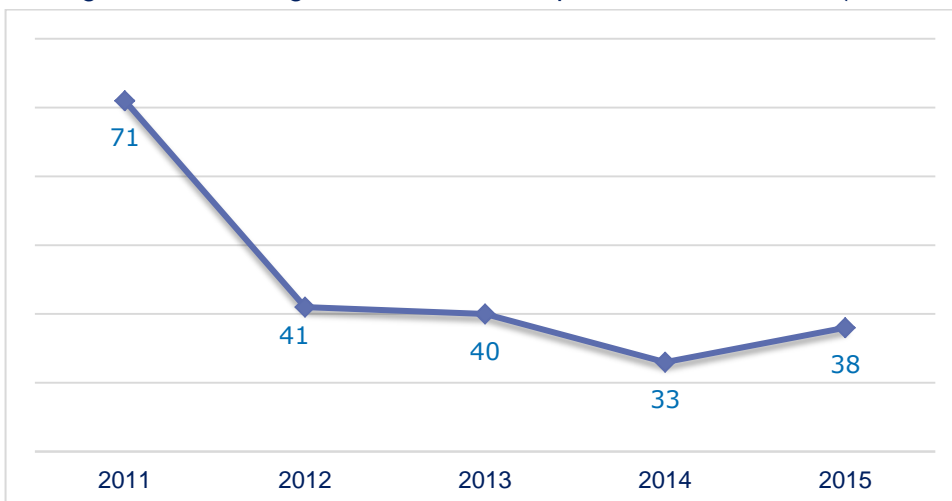


5. EU Pilot files: Netherlands's resolution rate in 2011- 2015

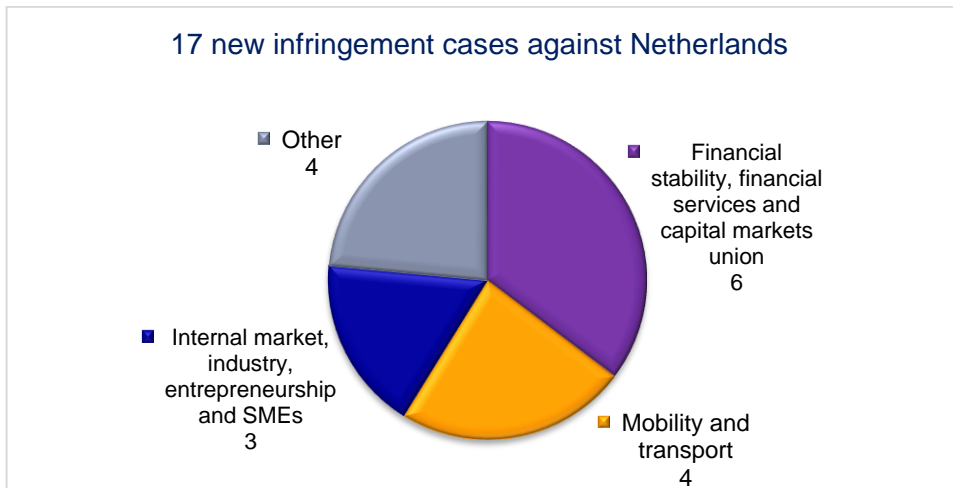


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

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

² Directive [2014/27/EU](#).

³ Regulation (EC) No [1272/2008](#)

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

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

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

⁷ [IP/15/5198](#).

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

⁹ Regulation (EC) No [550/2004](#).

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

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

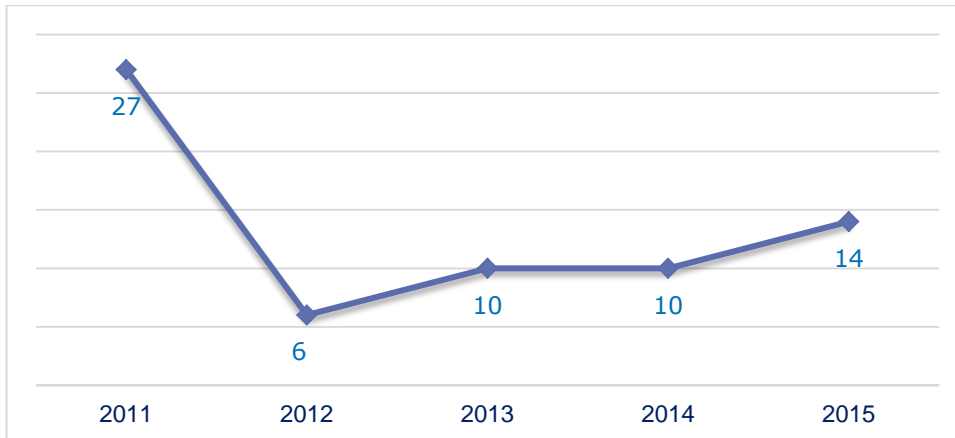
¹² Directive [2006/112/EC](#).

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

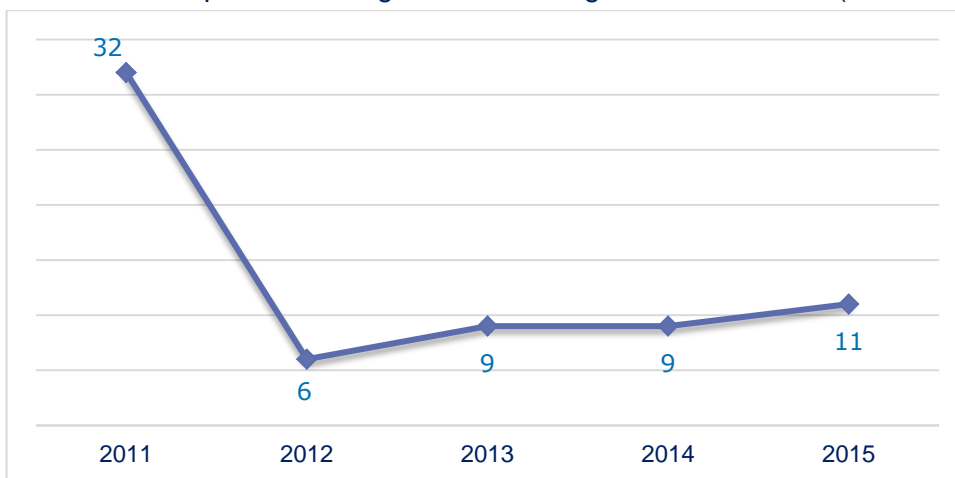
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

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

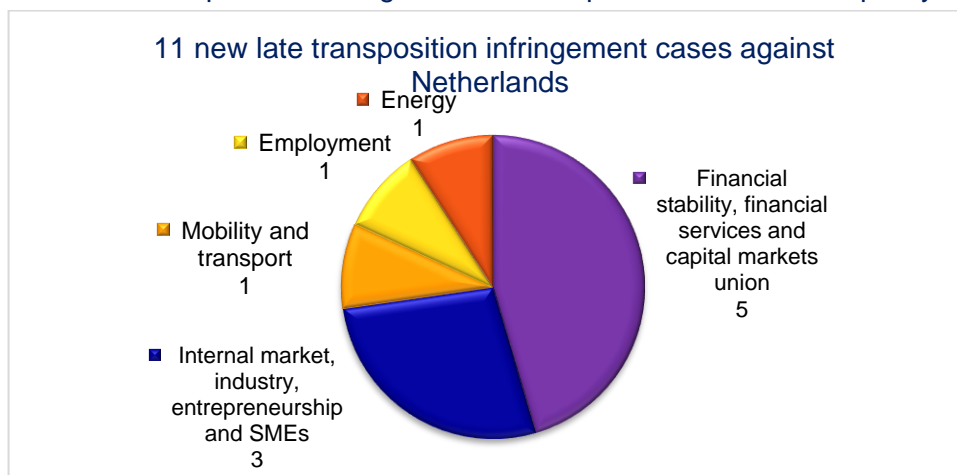


2. New late transposition infringement cases against Netherlands (2011-2015)



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

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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁸

There were no major Court rulings in 2015.

2. Preliminary rulings

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

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

¹⁴ Directive [2014/27/EU](#).

¹⁵ Regulation (EC) No [1272/2008](#).

¹⁶ Directive [2010/63/EU](#).

¹⁷ Directive [2011/93/EU](#).

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

¹⁹ Directive [2002/22/EC](#).

²⁰ KPN, [C-85/14](#).

²¹ Evans, [C-179/13](#).

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

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

²² Kik, [C-266/13](#).

²³ Fischer-Lintjens, [C-543/13](#).

²⁴ Mertens, [C-655/13](#).

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

²⁶ Demirci [C-171/13](#).

²⁷ Bouman [C-114/13](#).

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

²⁹ Willems and Others, [C-446/12](#).

³⁰ Directive 1999/44/EC.

³¹ Faber [C-497/13](#).

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

³³ Directive [2003/109/EC](#).

³⁴ P and S, [C-579/13](#).

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

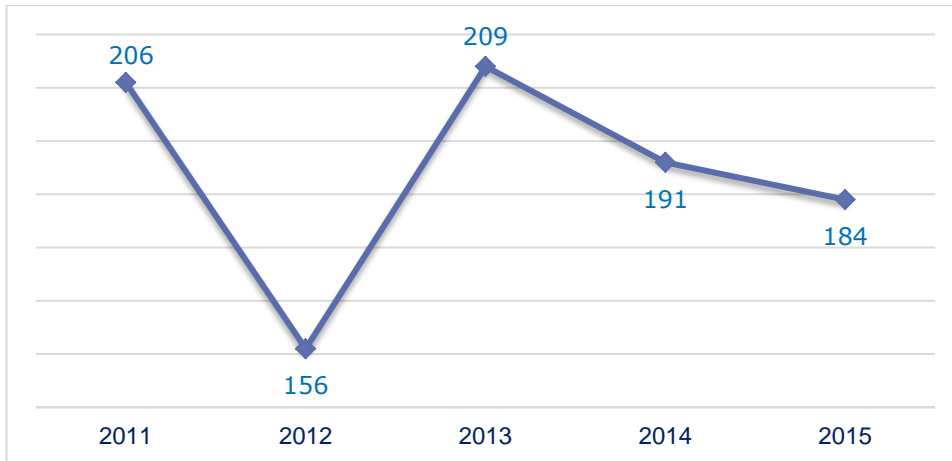
³⁵ van der Lans, [C-257/14](#) and Court press release No [105/15](#).

Poland

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

I. COMPLAINTS

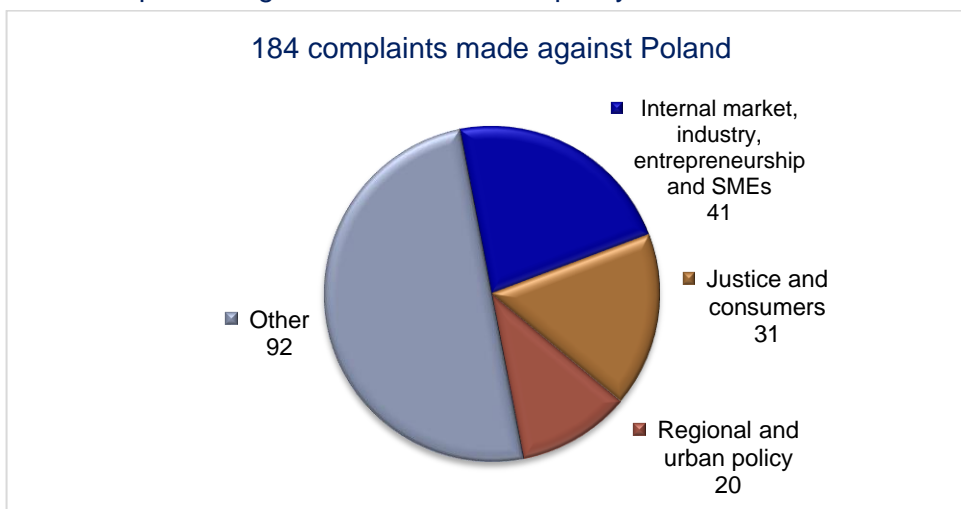
1. New complaints made against Poland by members of the public (2011- 2015)



2. Public complaints against Poland open at year-end

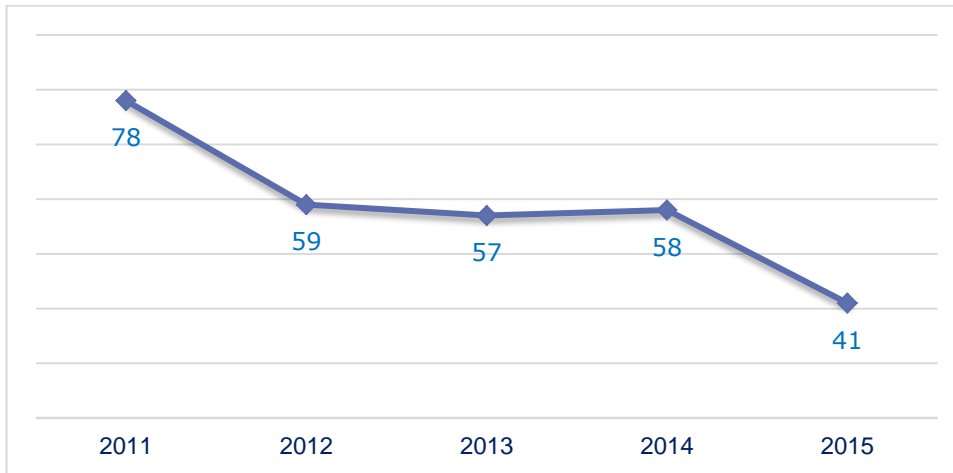
| | | |
|--------------|---|-----------------------------------|
| 178 | > | Complaints open at end-2014 |
| 184 | > | New complaints registered in 2015 |
| 195 | > | Complaints handled in 2015 |
| = 167 | > | Complaints open at end-2015 |

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

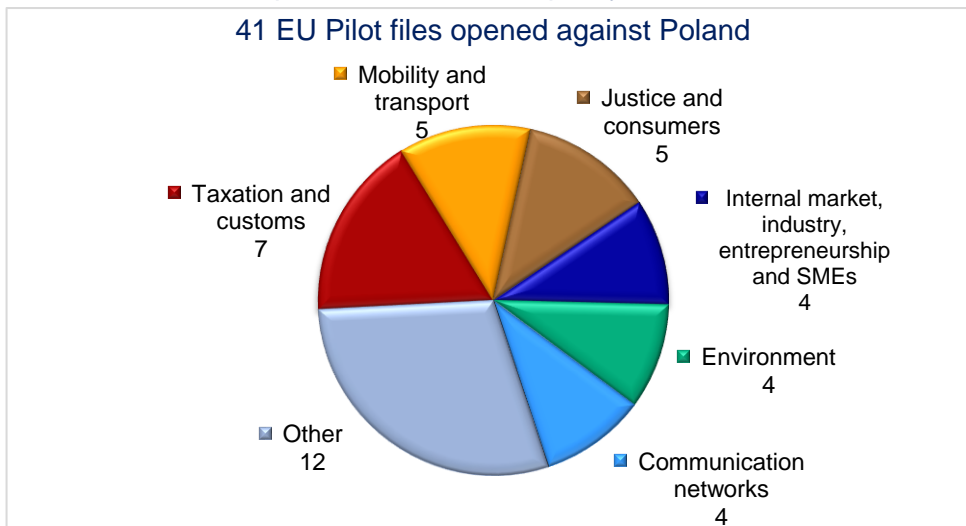
73 > EU Pilot files open at end-2014

41 > New EU Pilot files registered in 2015

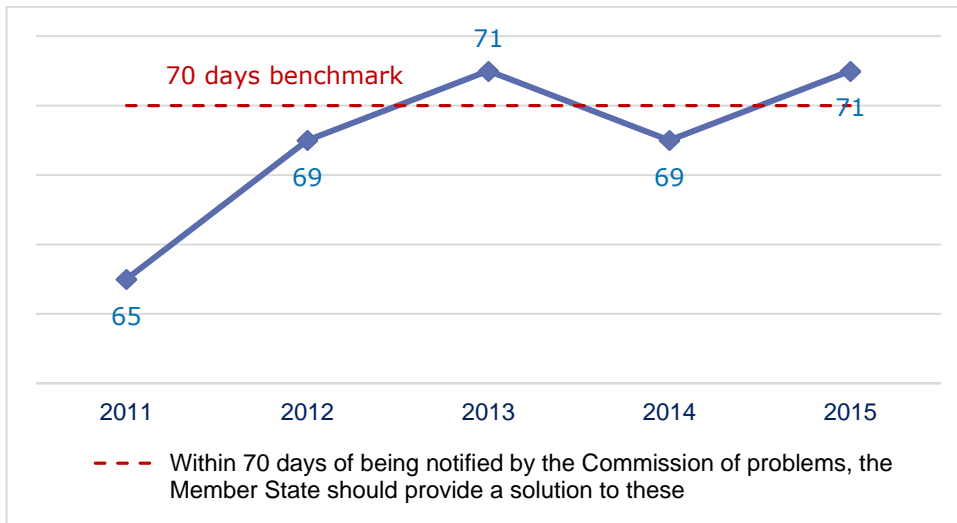
40 > EU Pilot files handled in 2015

= 74 > EU Pilot files open at end-2015

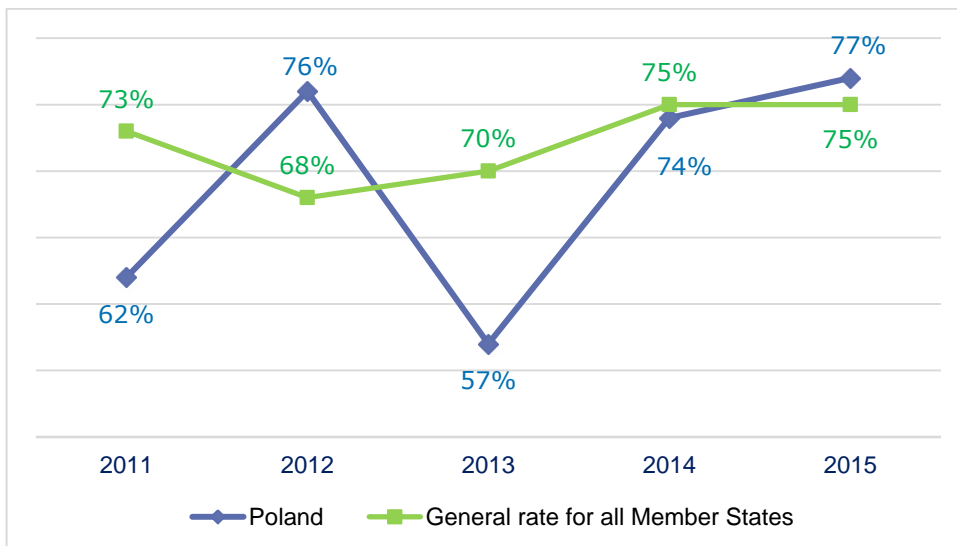
3. New EU Pilot files opened in 2015: main policy areas



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

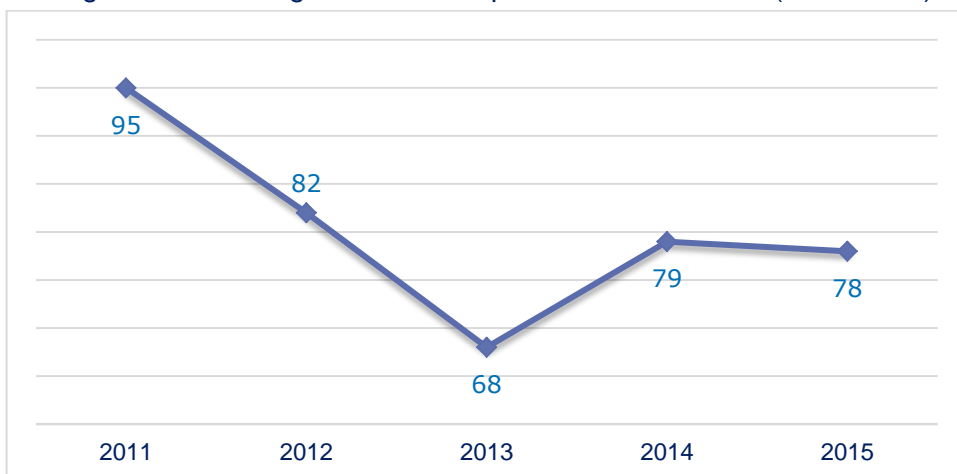


5. EU Pilot files: Poland's resolution rate in 2011- 2015

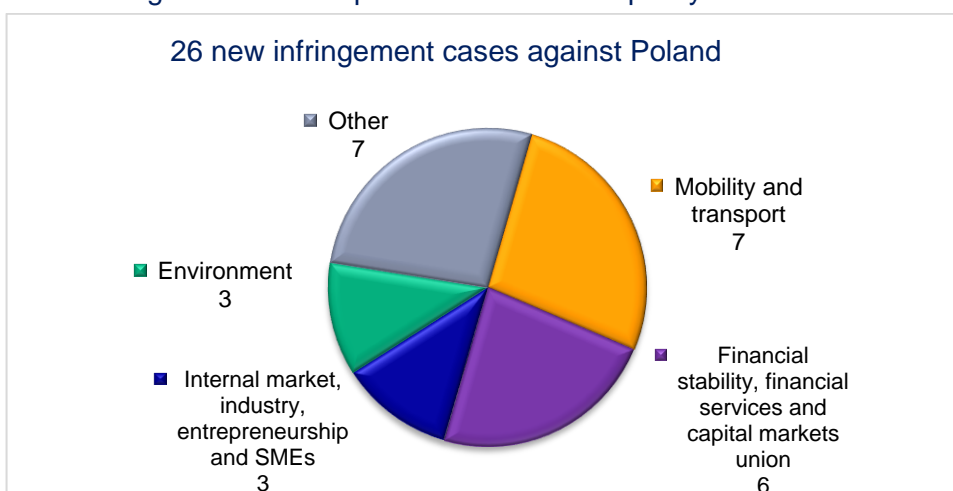


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

¹ Directive [2012/28/EU](#).

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

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

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

⁵ Regulation (EC) [380/2008](#).

⁶ Directive (EC) [2009/28/EC](#).

⁷ [MEMO/15/4871](#).

⁸ [MEMO/15/4489](#).

⁹ [MEMO/15/4489](#).

¹⁰ Directive [2011/89/EU](#).

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

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

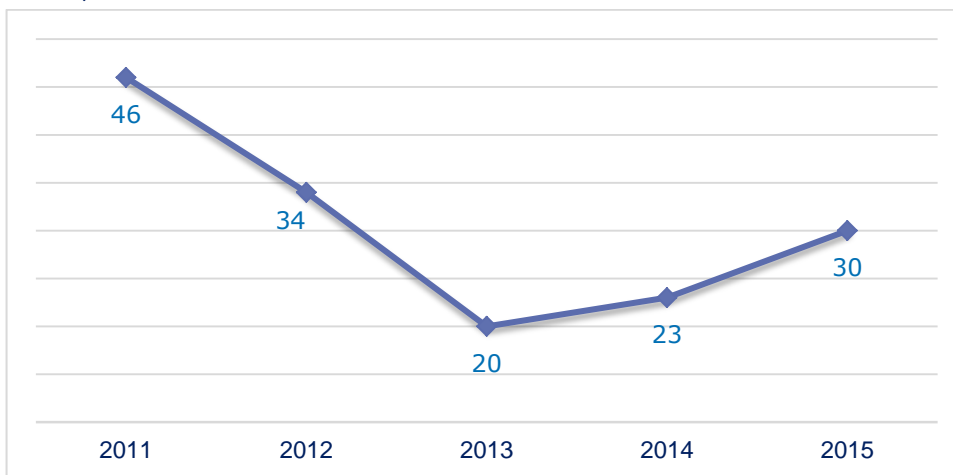
- incorrect transposition of the provisions on the interoperability of the rail system;¹⁴
- incorrect application of the European Electronic Toll Service Directive;¹⁵
- non-compliance of national legislation with the Railway Safety Directive;¹⁶
- non-compliance with the provisions on maximum authorised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

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

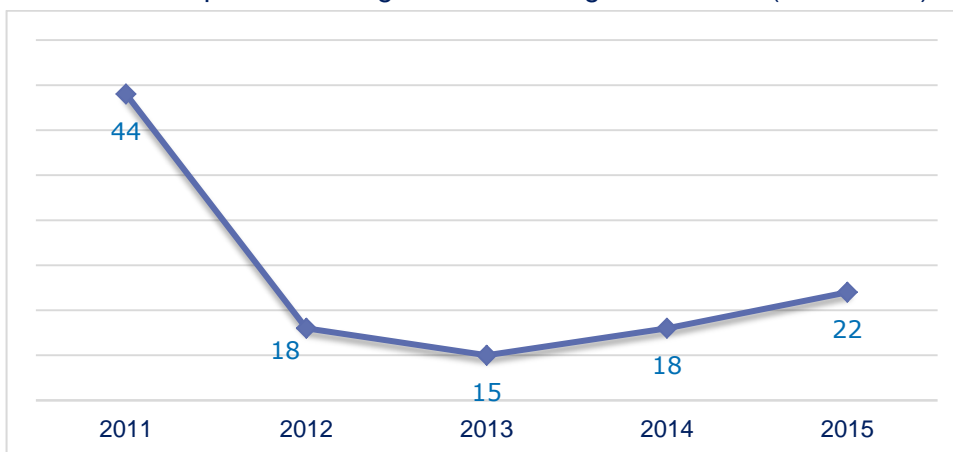
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

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



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



¹³ [IP/15/5199](#).

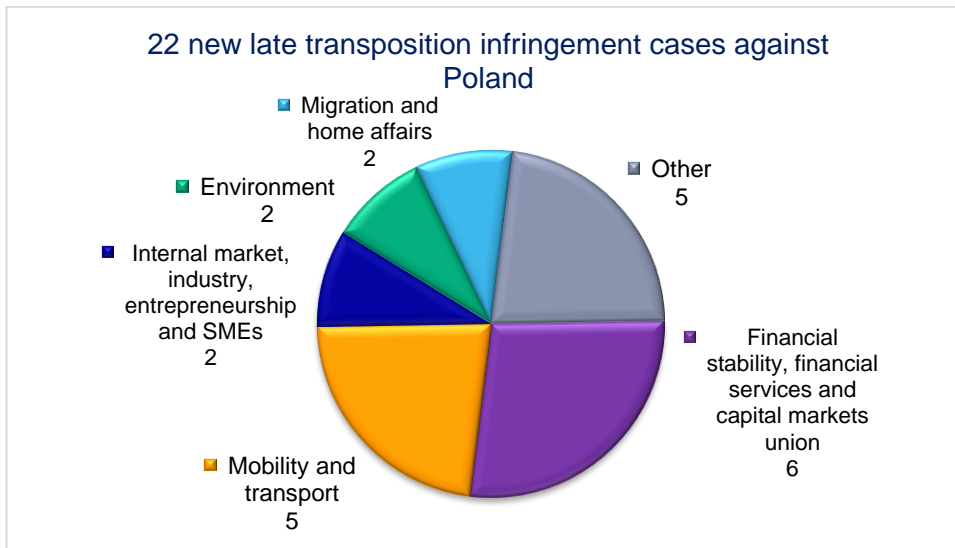
¹⁴ Directive [2008/57/EC](#).

¹⁵ [MEMO/15/6006](#).

¹⁶ Directive [2004/49/EC](#).

¹⁷ Directive [96/53/EC](#).

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



4. Referrals to the Court

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

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

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

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

²⁰ Directive [2009/29/EC](#).

²¹ Directive [2009/31/EC](#).

²² Directive No [2006/66/EC](#).

²³ Directive No [2010/75/EU](#).

²⁴ Directive [2003/109/EC](#).

²⁵ Directive [2008/120/EC](#).

²⁶ Directive [1999/70/EC](#).

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

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

The Court ruled that:

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

2. Preliminary rulings

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

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

²⁷ [IP/15/4499](#).

²⁸ Directive [2000/53/EC](#).

²⁹ Regulation (EU) No [181/2011](#).

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

³¹ Regulation (EC) No [842/2006](#).

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

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

³⁴ Commission v Poland, [C-36/14](#).

³⁵ Commission v Poland, [C-29/14](#).

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

³⁷ Directive [2002/21/EC](#).

³⁸ Directive [2002/22/EC](#).

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

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

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

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

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

⁴² Oil Trading Poland, [C-349/13](#).

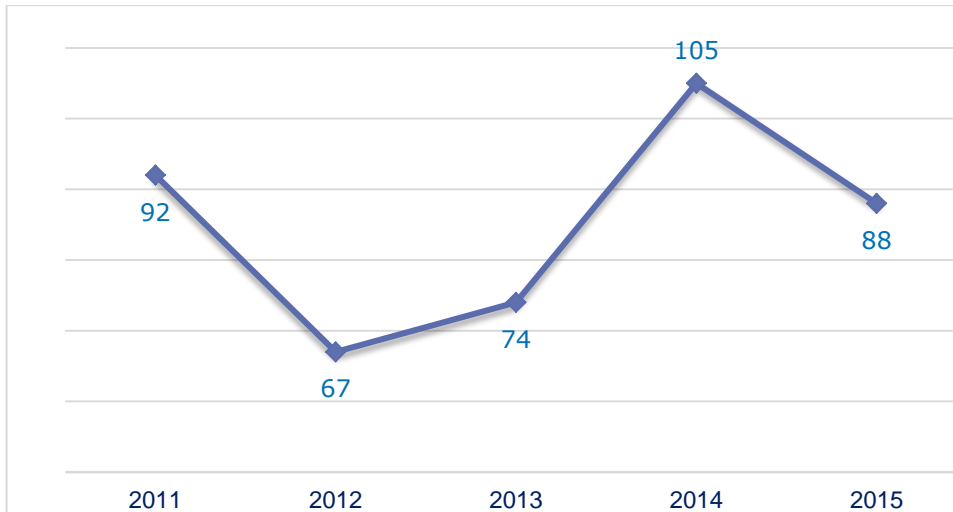
⁴³ Gmina Wrocław, [C-276/14](#).

Portugal

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

I. COMPLAINTS

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



2. Public complaints against Portugal open at year-end

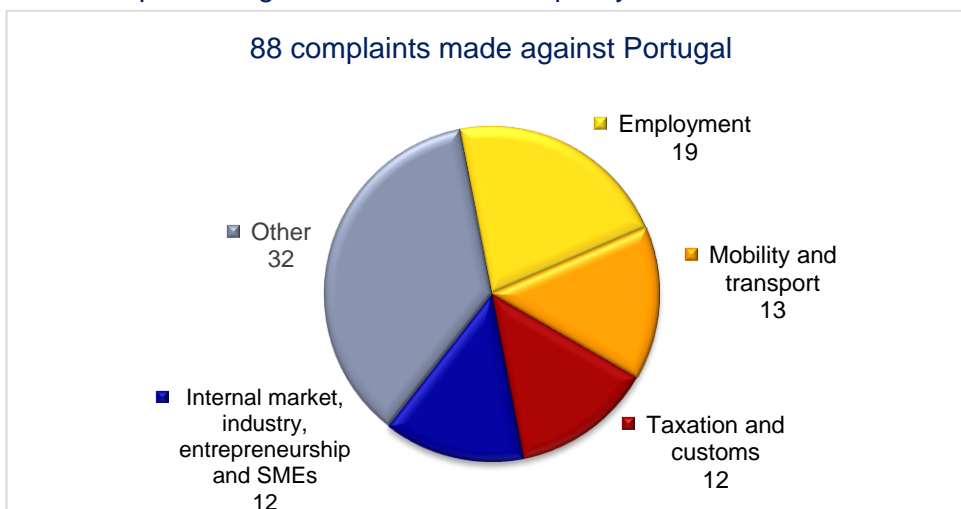
78 > Complaints open at end-2014

88 > New complaints registered in 2015

88 > Complaints handled in 2015

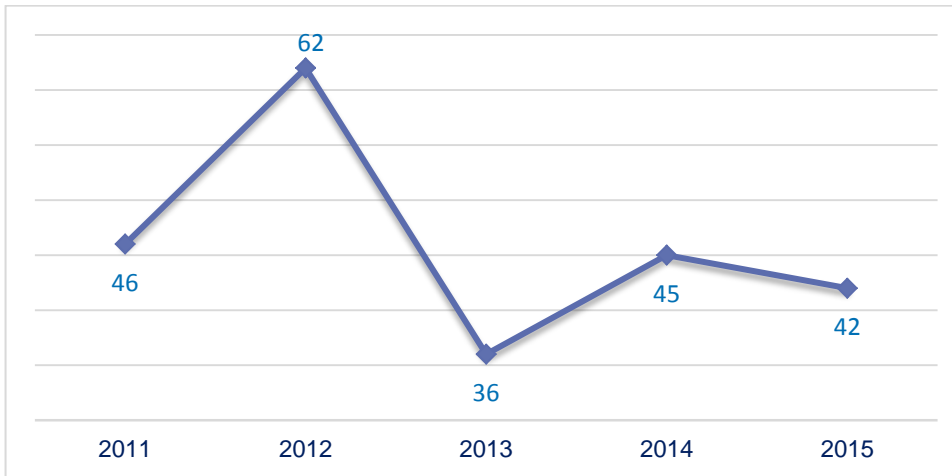
= 78 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

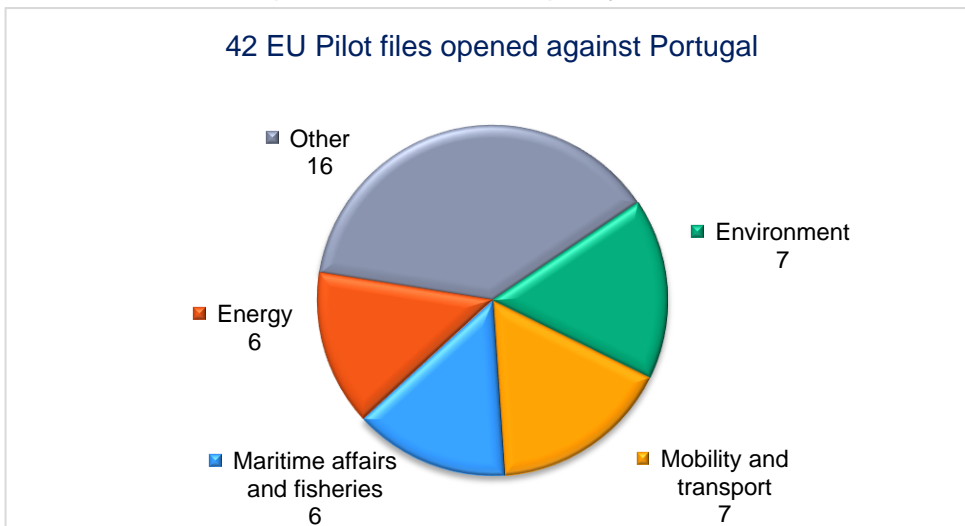
55 > EU Pilot files open at end-2014

42 > New EU Pilot files registered in 2015

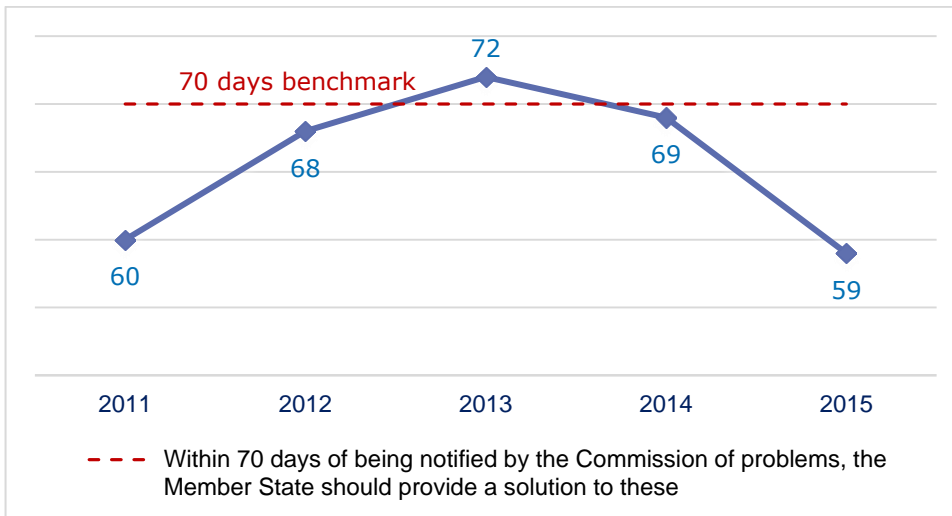
40 > EU Pilot files handled in 2015

= 57 > EU Pilot files open at end-2015

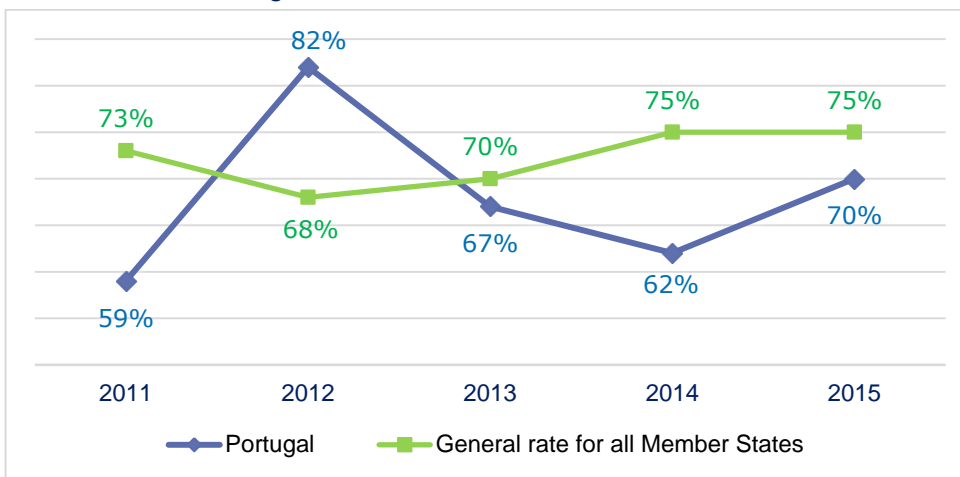
3. New EU Pilot files opened in 2015: main policy areas



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

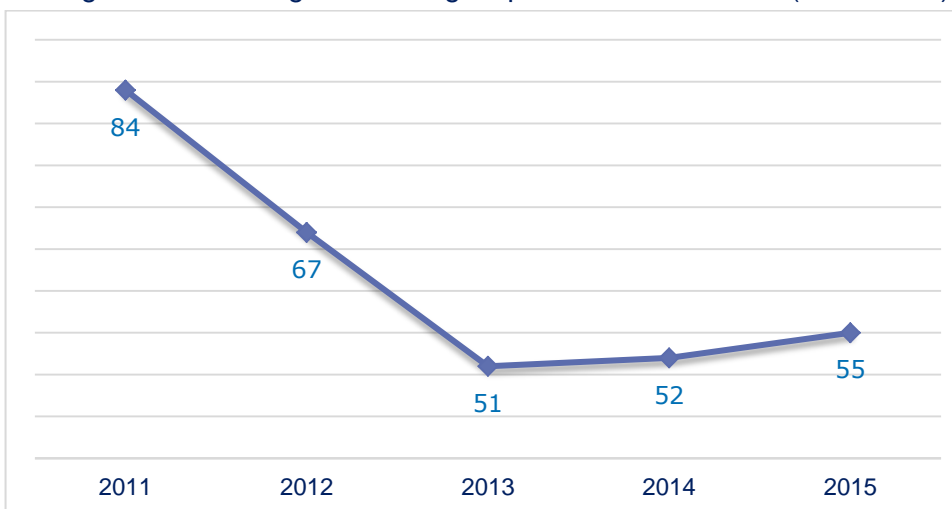


5. EU Pilot files: Portugal's resolution rate in 2011- 2015

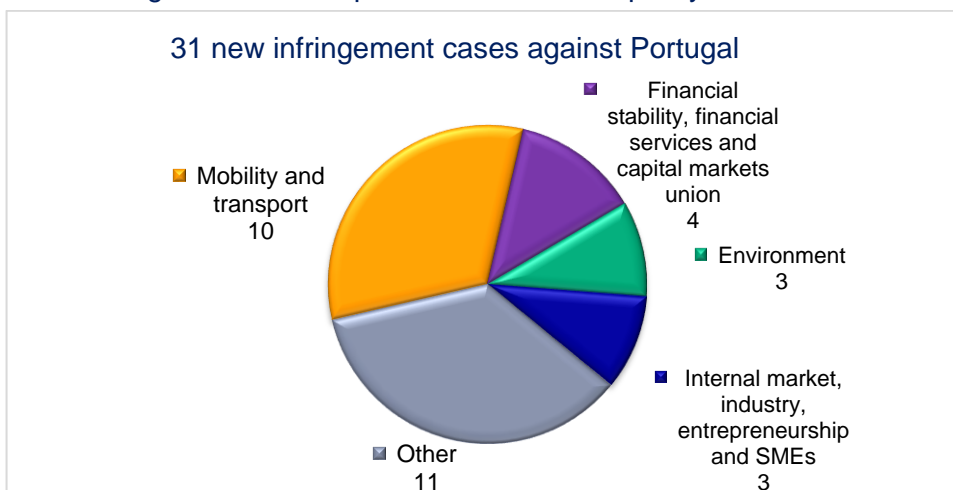


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

¹ Directive [2002/22/EC](#).

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

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

⁴ [Directive 92/43/EEC](#).

⁵ Directive [2008/50/EC](#).

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

⁷ Regulation [\(EC\) No 550/2004](#).

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

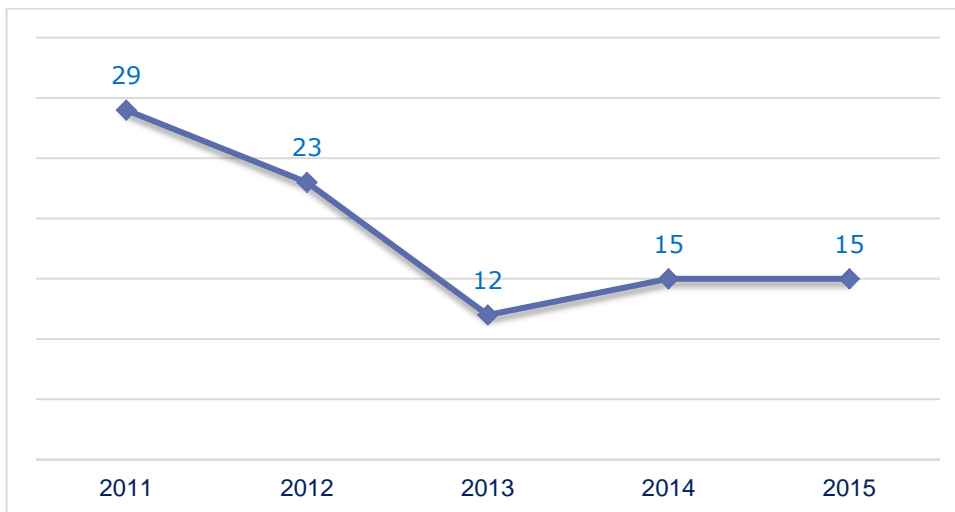
⁹ Directive [2006/126/EC](#).

¹⁰ Directive [2012/34/EU](#).

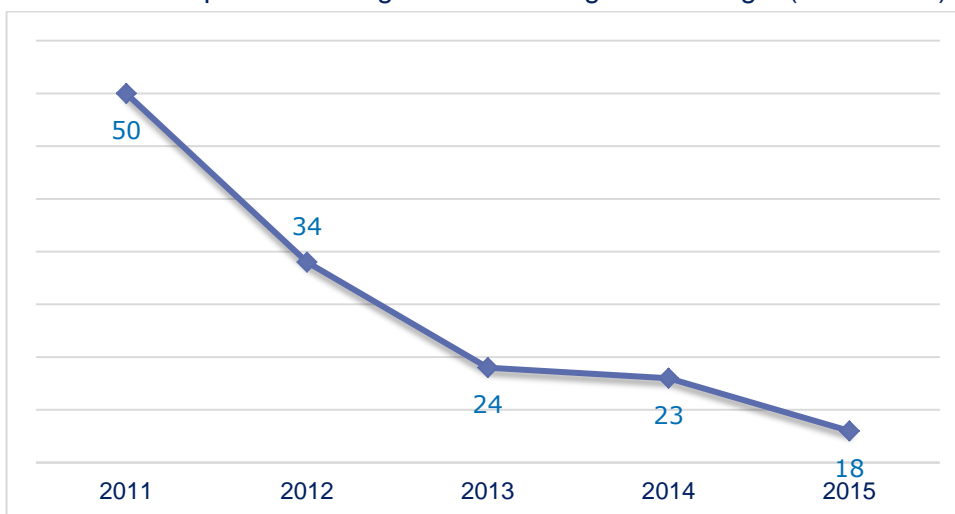
- b) The Commission referred four cases to the Court under Article 258 TFEU. They concern:
- failure to connect to the EU driving licences network;¹¹
 - failure to connect a national electronic register of road transport undertakings with the national electronic registers of the other EU Member States;¹²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

IV. TRANSPOSITION OF DIRECTIVES

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



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



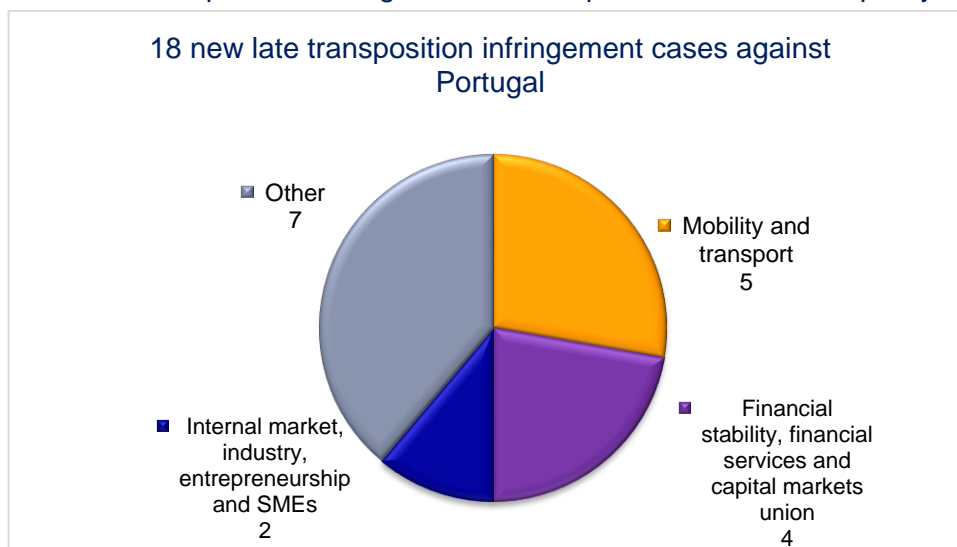
¹¹ Directive [2006/126/EC](#), Commission v Portugal, [C-665/15](#) and [IP/15/6013](#).

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

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

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

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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings²³

There were no major Court rulings in 2015.

2. Preliminary rulings

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

¹⁵ Directive [2012/18/EU](#).

¹⁶ Directive [2011/92/EC](#).

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

¹⁸ Directive [2011/36/EU](#).

¹⁹ Directive [2011/99/EU](#).

²⁰ Directive [2004/49/EC](#).

²¹ Regulation (EU) No [181/2011](#).

²² Directive [2008/57/EC](#).

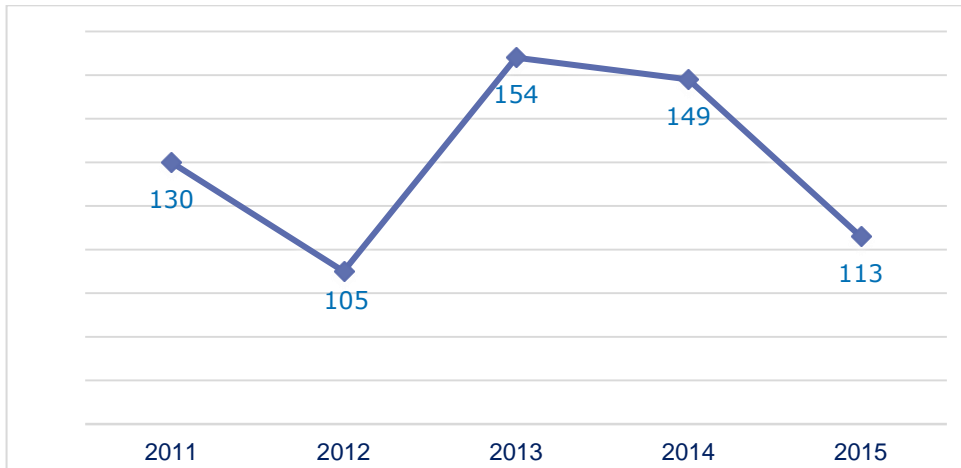
²³ These rulings are almost exclusively handed down on infringement procedures.

Romania

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

I. COMPLAINTS

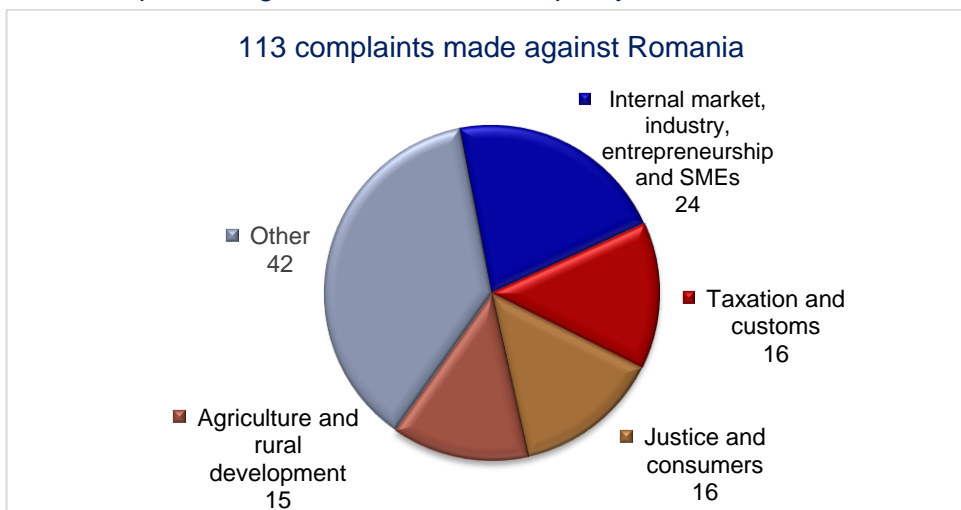
1. New complaints made against Romania by members of the public (2011- 2015)



2. Public complaints against Romania open at year-end

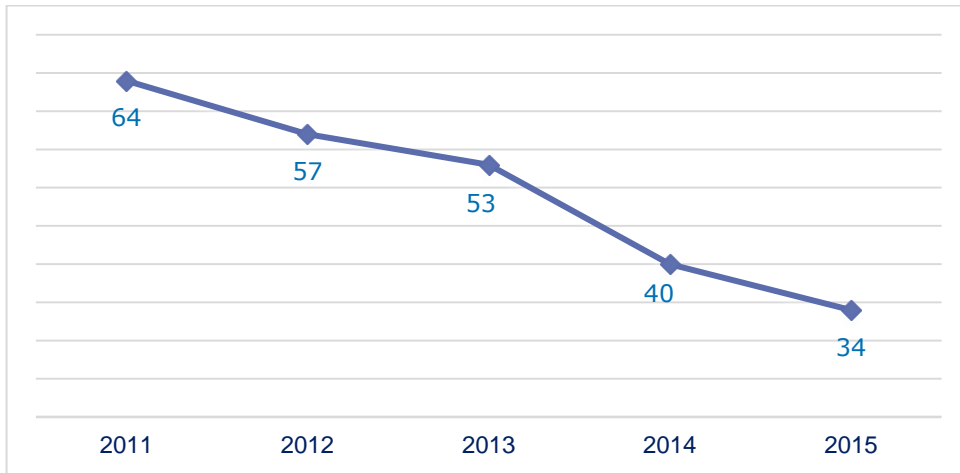
| | | |
|-------------|---|-----------------------------------|
| 110 | > | Complaints open at end-2014 |
| 113 | > | New complaints registered in 2015 |
| 125 | > | Complaints handled in 2015 |
| = 98 | > | Complaints open at end-2015 |

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

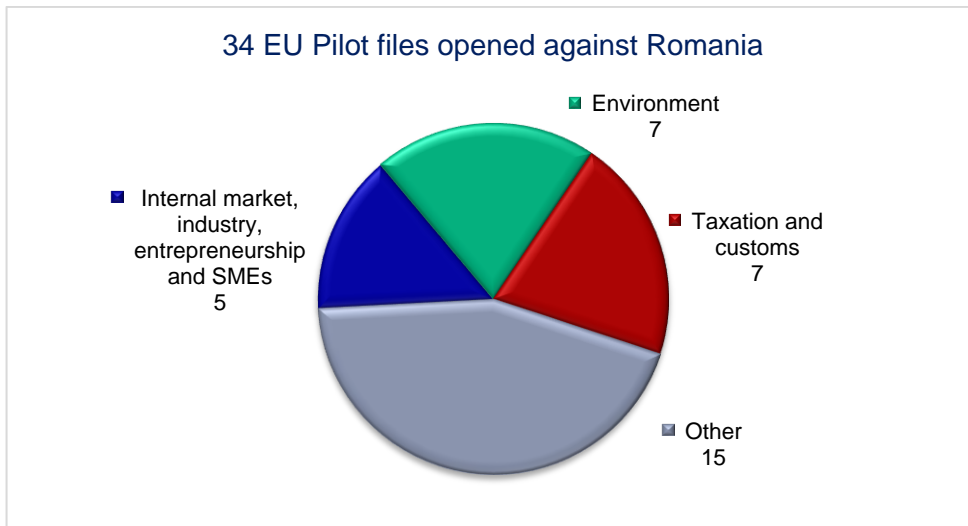
50 > EU Pilot files open at end-2014

34 > New EU Pilot files registered in 2015

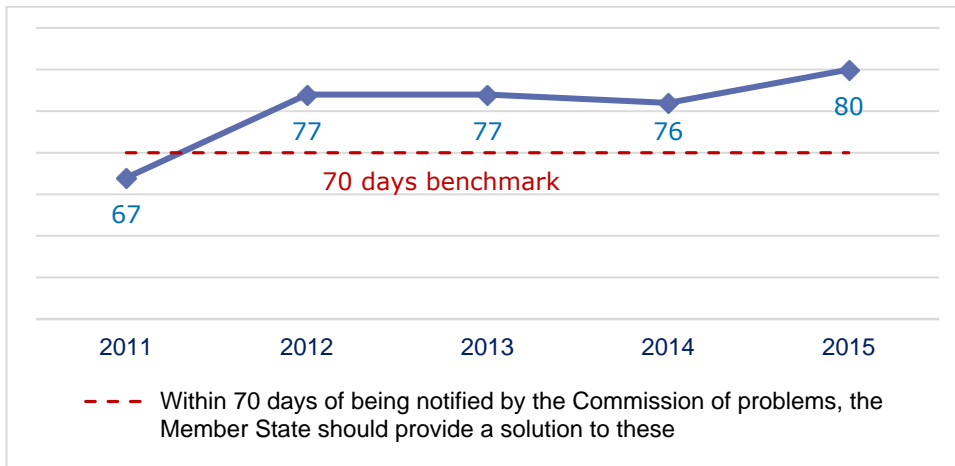
31 > EU Pilot files handled in 2015

= 53 > EU Pilot files open at end-2015

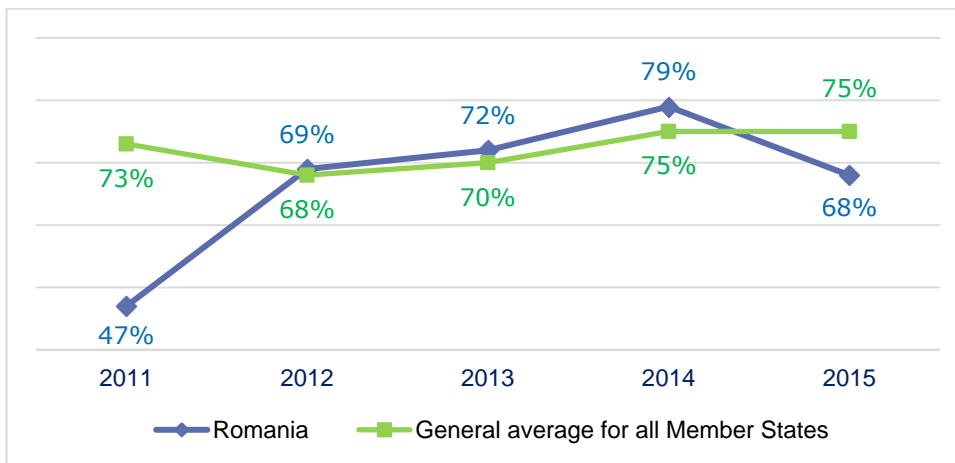
3. New EU Pilot files opened in 2015: main policy areas



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

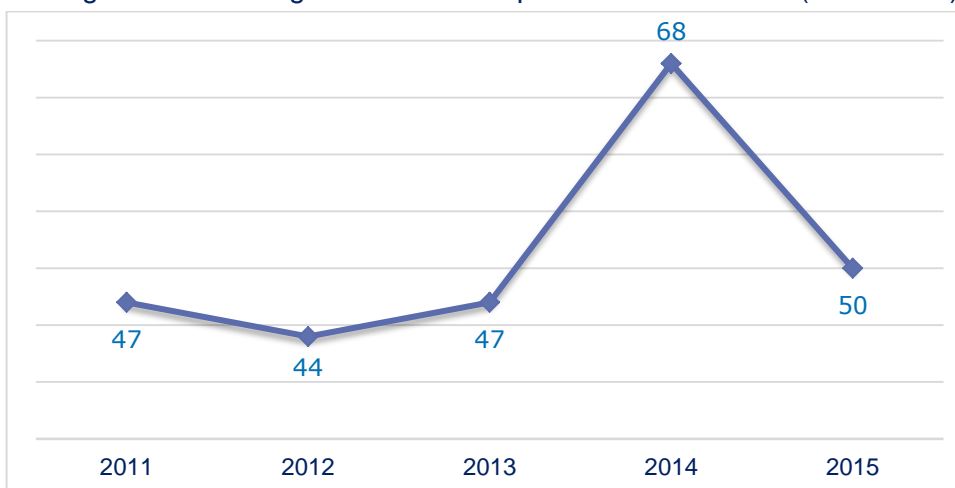


5. EU Pilot files: Romania's resolution rate in 2011- 2015

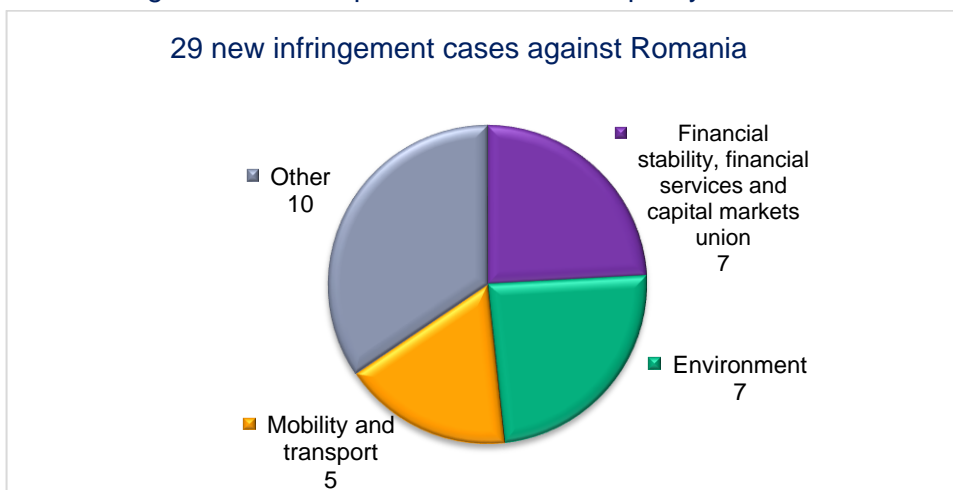


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

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

³ Directive [2011/93/EU](#).

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

⁵ [MEMO/15/5657](#).

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

⁷ Directive [2008/98/EC](#).

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

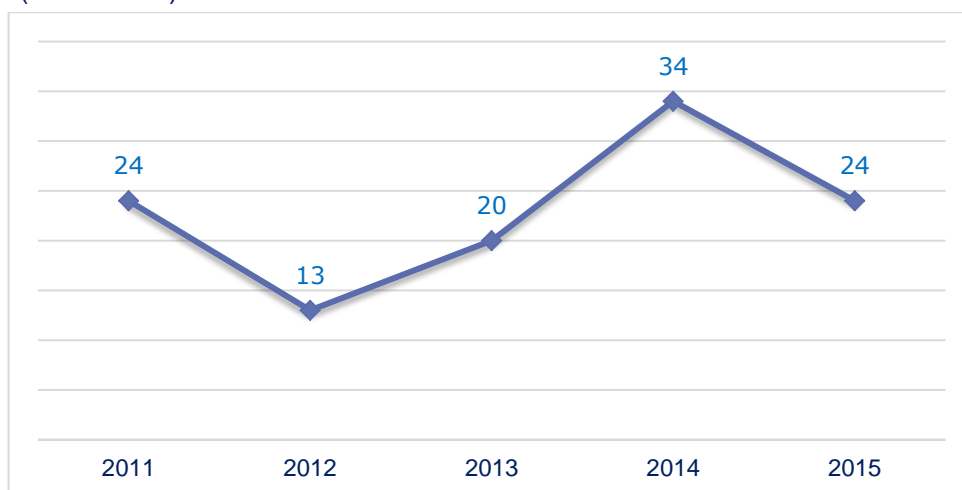
⁹ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).

¹⁰ Regulation (EC) No [1370/2007](#).

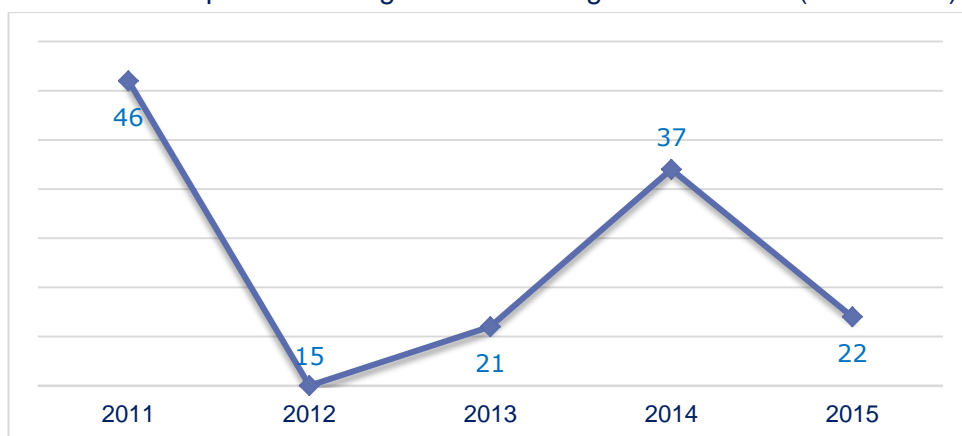
- b) The Commission referred three cases to the Court under Article 258 TFEU. They concern:
- failure to comply with the Directive on the management of waste from extractive industries in relation to a tailings pond in Moldova Noua;¹¹
 - failure to ensure timely transposition of the Directive on end-of-life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

IV. TRANSPOSITION OF DIRECTIVES

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



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

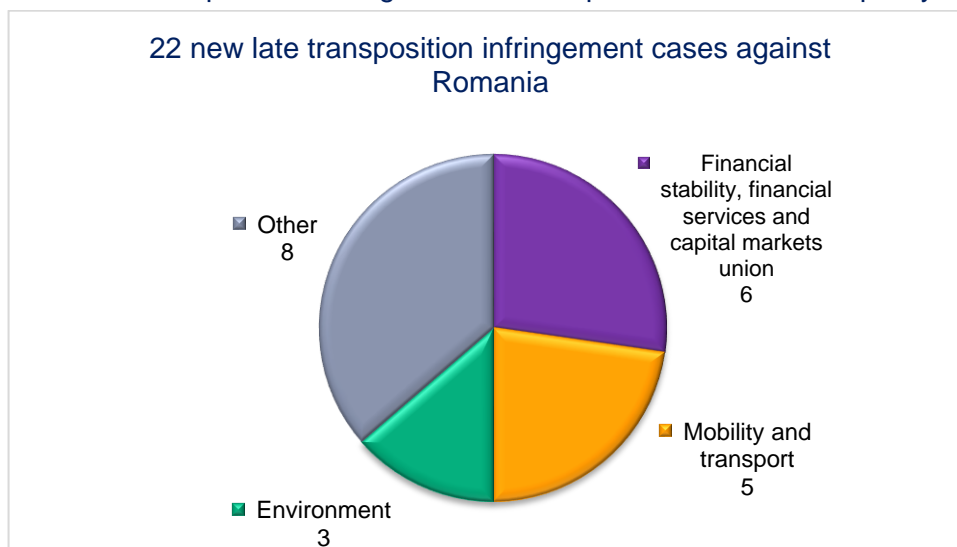


¹¹ Directive No [2006/21/EC](#), Commission v Romania, [C-104/15](#); [IP/14/1149](#).

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

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

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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁰

There were no major Court rulings in 2015.

2. Preliminary rulings

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

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

¹⁴ Directive No [2012/19/EU](#).

¹⁵ Directive [2010/41/UE](#).

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

¹⁷ Directive [2006/126/EC](#).

¹⁸ Directive [2004/49/EC](#).

¹⁹ [MEMO/13/820](#).

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

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

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

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

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

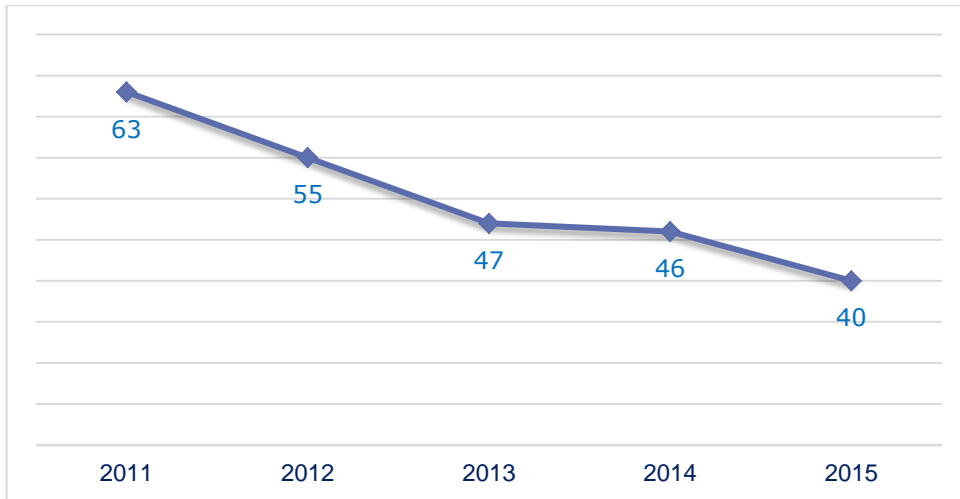
²³ Capoda Import-Export, [C-354/14](#).

Slovakia

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

I. COMPLAINTS

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



2. Public complaints against Slovakia open at year-end

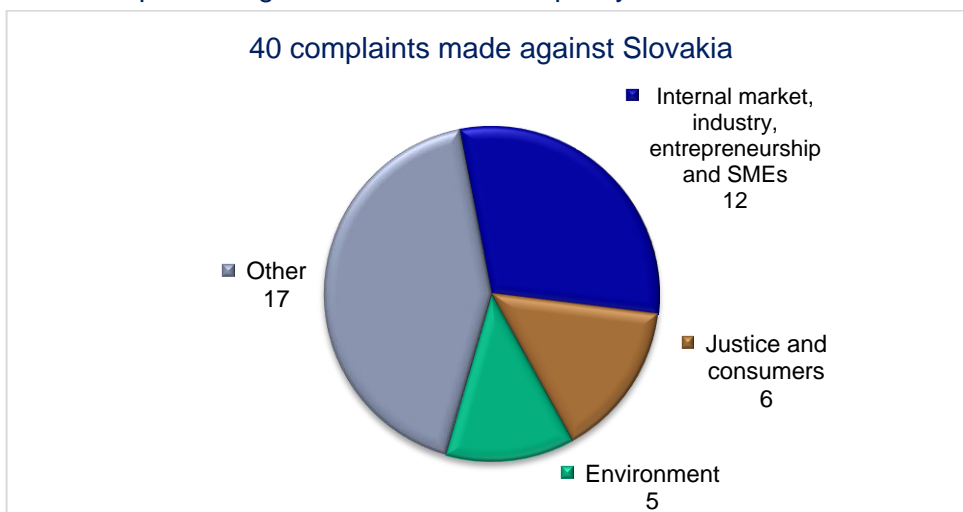
39 > Complaints open at end-2014

40 > New complaints registered in 2015

43 > Complaints handled in 2015

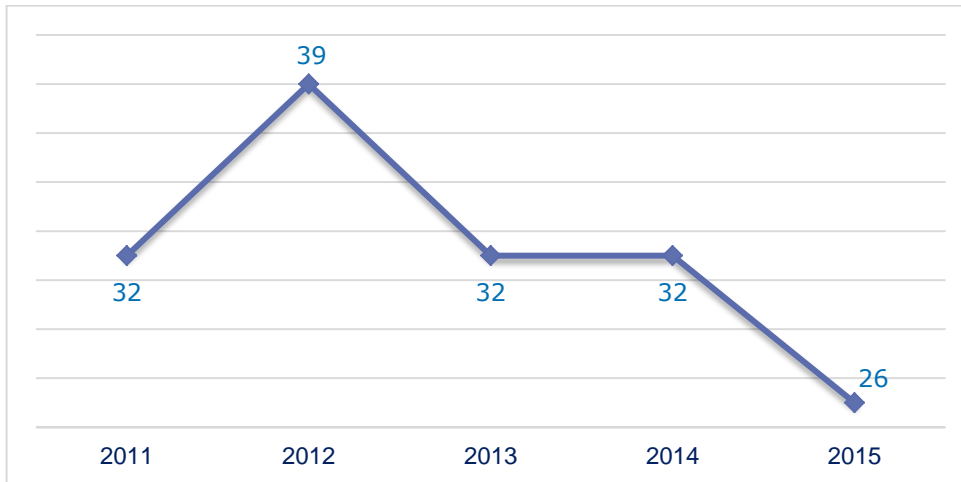
= 36 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

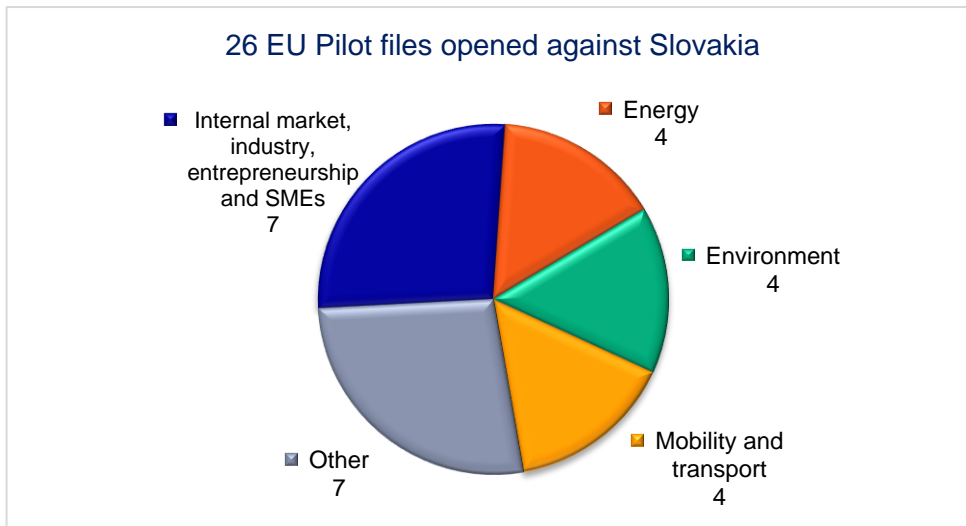
39 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

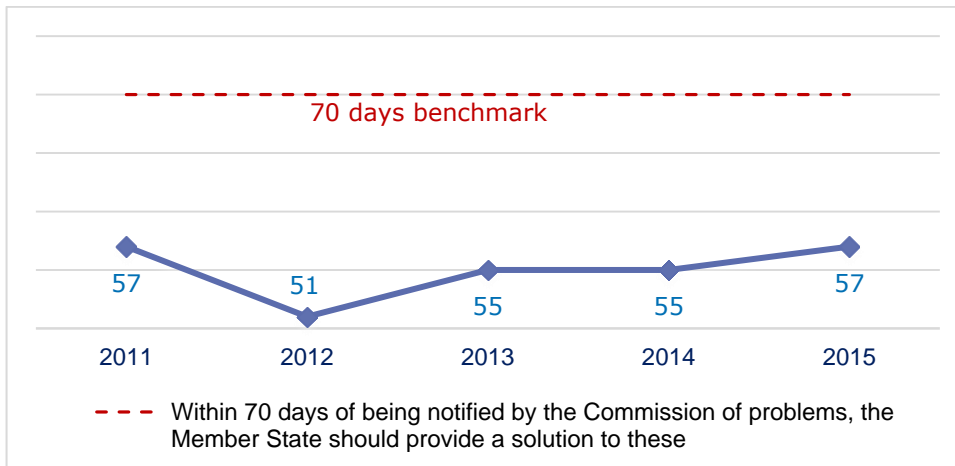
29 > EU Pilot files handled in 2015

= 36 > EU Pilot files open at end-2015

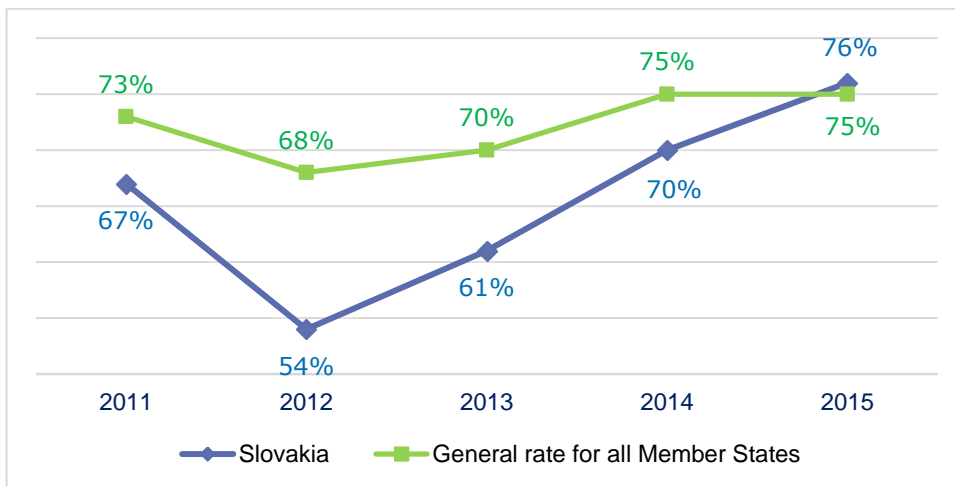
3. New EU Pilot files opened in 2015: main policy areas



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

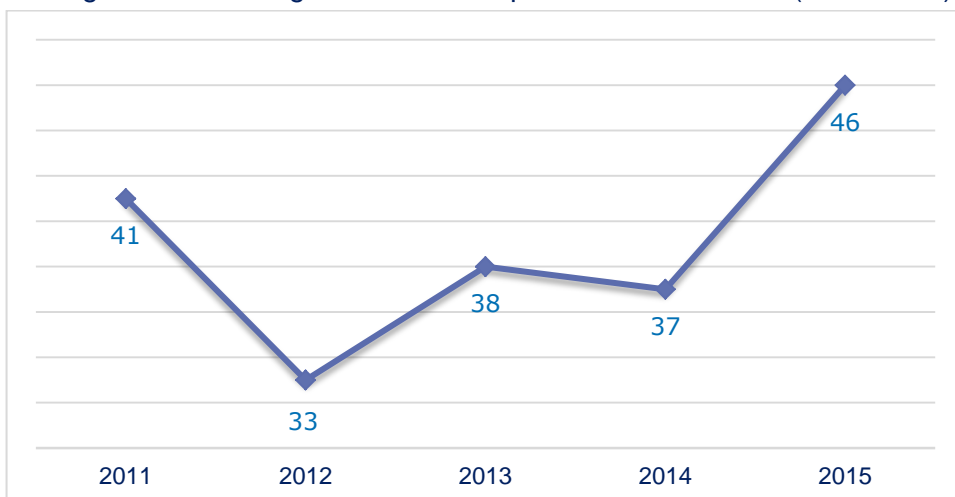


5. EU Pilot files: Slovakia's resolution rate in 2011- 2015

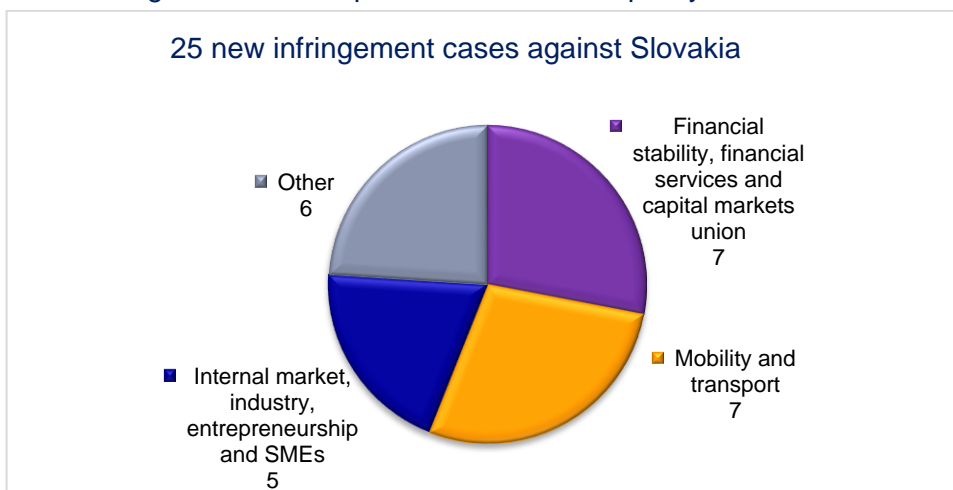


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

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

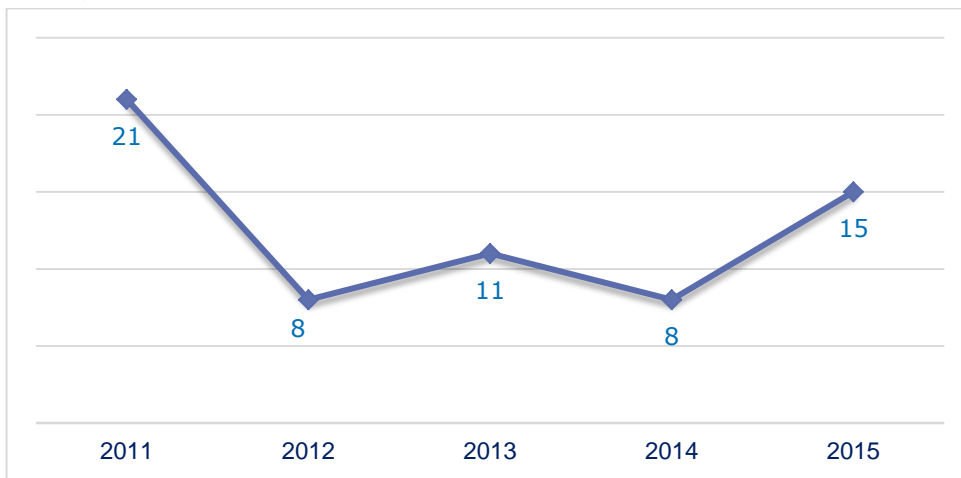
³ [IP/15/4673](#).

⁴ [MEMO/15/6006](#).

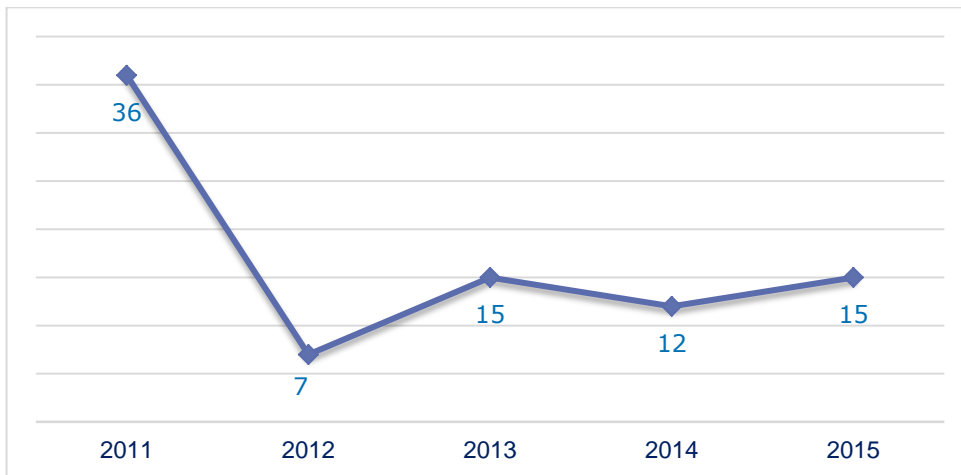
⁵ Regulation (EU) No [748/2012](#) and Regulation (EC) No [1321/2014](#).

IV. TRANSPOSITION OF DIRECTIVES

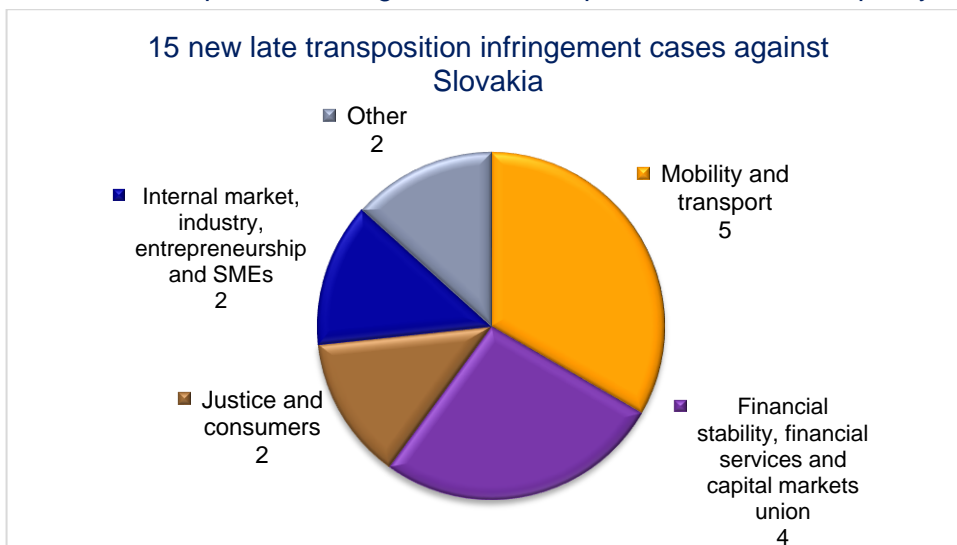
1. Late transposition infringement cases against Slovakia open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁰

The Court ruled that:

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

2. Preliminary rulings

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

⁶ Directive [2011/7/EU](#).

⁷ Directive No [2006/66/EC](#).

⁸ Directive [2011/36/EU](#).

⁹ Directive [2012/13/EU](#).

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

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

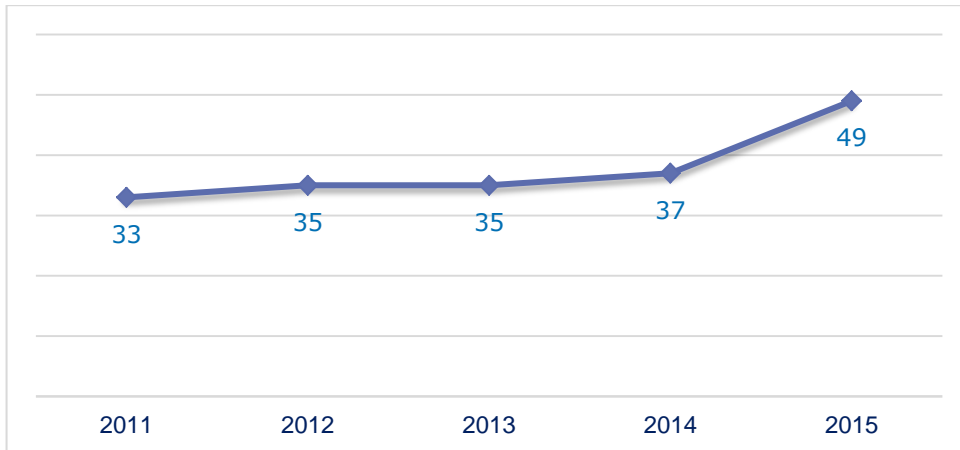
¹² Commission v Slovakia, [C-433/13](#).

Slovenia

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

I. COMPLAINTS

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



2. Public complaints against Slovenia open at year-end

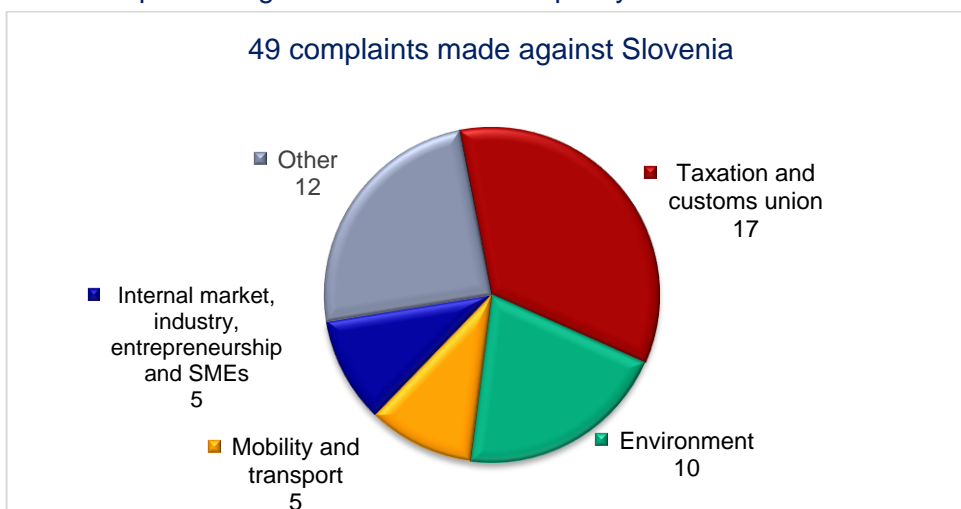
21 > Complaints open at end-2014

49 > New complaints registered in 2015

28 > Complaints handled in 2015

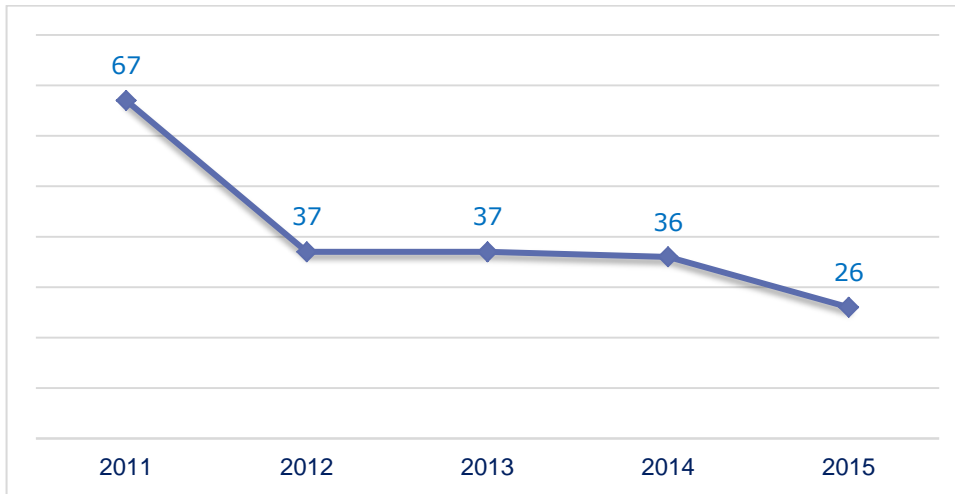
= 42 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

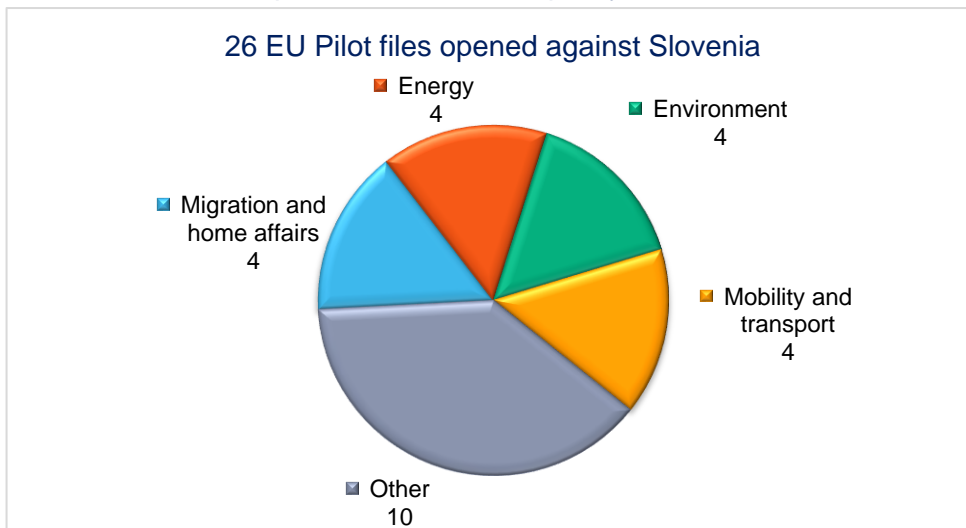
37 > EU Pilot files open at end-2014

26 > New EU Pilot files registered in 2015

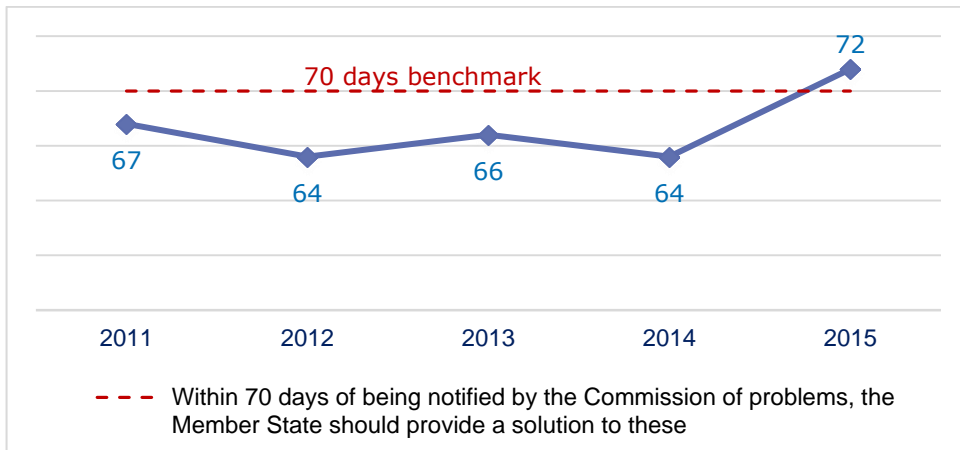
27 > EU Pilot files handled in 2015

= 36 > EU Pilot files open at end-2015

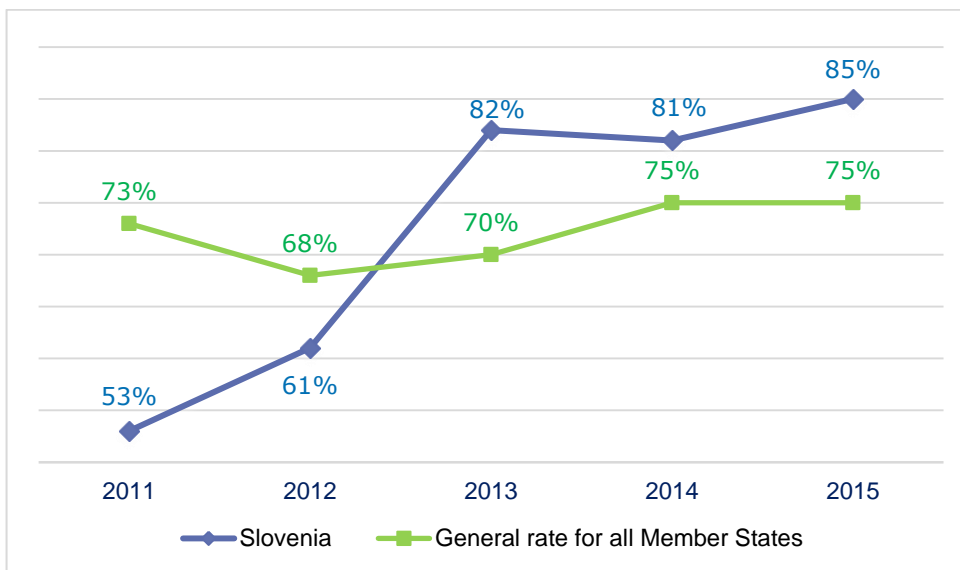
3. New EU Pilot files opened in 2015: main policy areas



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

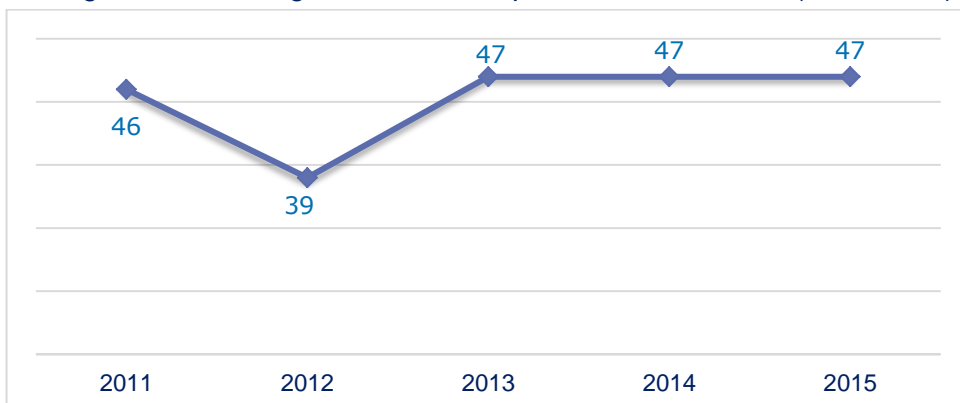


5. EU Pilot files: Slovenia's resolution rate in 2011- 2015

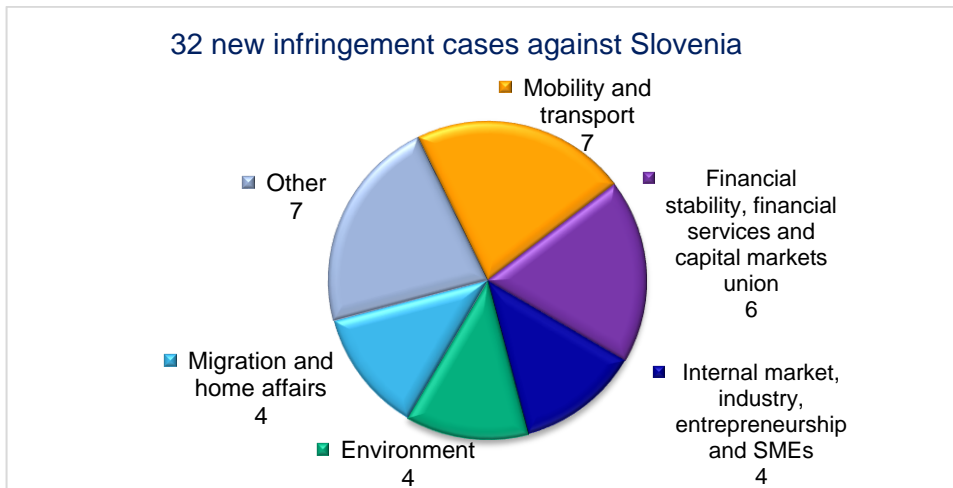


III. INFRINGEMENT CASES

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



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



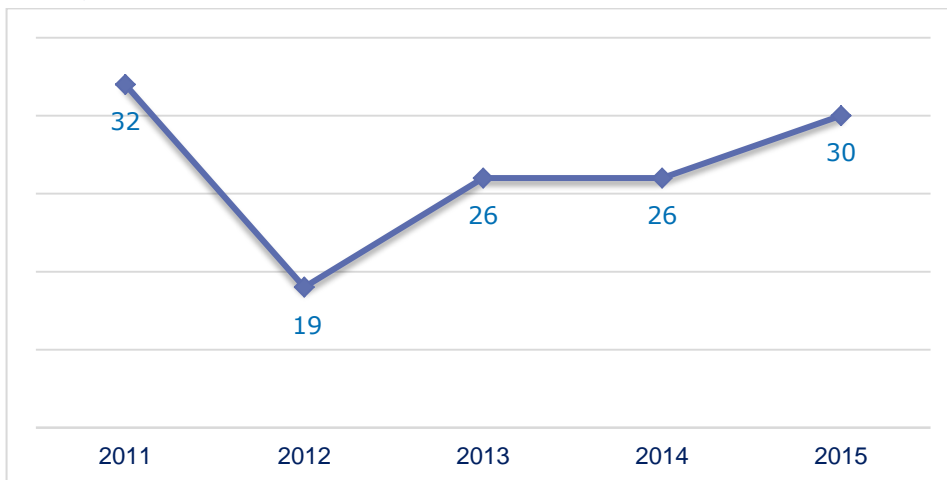
3. Key infringement cases and referrals to the Court

- a) The Commission opened 32 new infringement cases against Slovenia in 2015. These, and other major ongoing infringement cases, concern:
- late and incomplete transposition of the Energy Efficiency Directive;¹
 - failure to notify the national measures transposing the Directive² on the alignment of several EU health and safety at work directives to the Regulation on classification, labelling and packaging of substances and mixtures;³
 - late transposition the recast Asylum Procedures Directive and Reception Conditions Directive;⁴
 - late transposition of the Directive on attacks against information systems;⁵
 - failure to submit a national energy efficiency action plan and building renovation strategy under the Energy Efficiency Directive;⁶
 - lack of waste management plans and waste prevention programmes required under the Waste Framework Directive;⁷
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁸
 - failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁹
 - failure to set up an independent and effective equality body in conformity with the Anti-Discrimination Directives;¹⁰
 - failure to fulfil air safety oversight obligations regarding initial and continuous airworthiness.¹¹
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

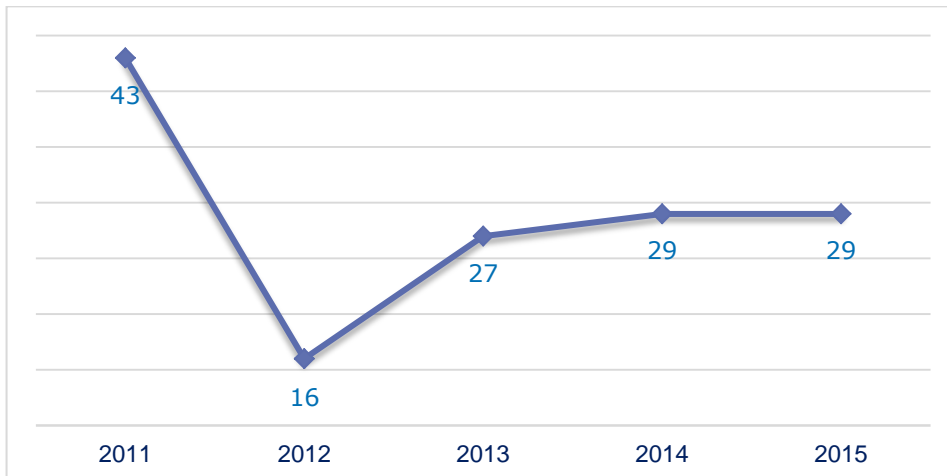
¹ Directive [2012/27/EU](#), [MEMO/15/4489](#) and [MEMO/15/5657](#).
² Directive [2014/27/EU](#).
³ Regulation (EC) No [1272/2008](#)
⁴ Directives [2013/32/EU](#) and [2013/33/EU](#); [IP/15/5699](#).
⁵ Directive [2013/40/EU](#).
⁶ [MEMO/15/4666](#), Directive [2012/27/EU](#).
⁷ Directive [2008/98/EC](#).
⁸ Directive [2014/49/EU](#); [MEMO/15/4666](#) and [IP/15/6253](#).
⁹ Directives [2009/138/EC](#) and [2014/51/EU](#); [MEMO/15/6223](#).
¹⁰ Directives [2000/43/EC](#), [2004/113/EC](#) and [2006/54/EC](#).
¹¹ Regulation [\(EU\) No 748/2012](#) and Regulation [\(EC\) No 1321/2014](#).

IV. TRANSPOSITION OF DIRECTIVES

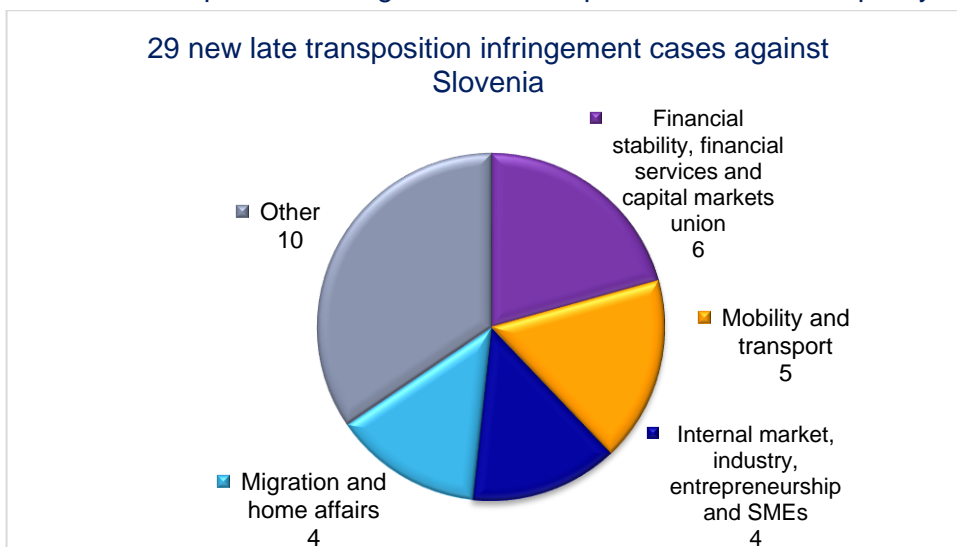
1. Late transposition infringement cases against Slovenia open on 31 December (2011-2015)



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



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



4. Referral to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

VI. IMPORTANT JUDGMENTS

1. Court ruling²²

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

2. Preliminary rulings

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

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

¹³ Directive [2014/27/EU](#).

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

¹⁵ Directive No [2009/147/EC](#).

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

¹⁷ Directive [2011/98/EU](#).

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

¹⁹ Directive [2011/99/EU](#).

²⁰ Directive [2008/120/EC](#).

²¹ Directive [2012/34/EU](#).

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

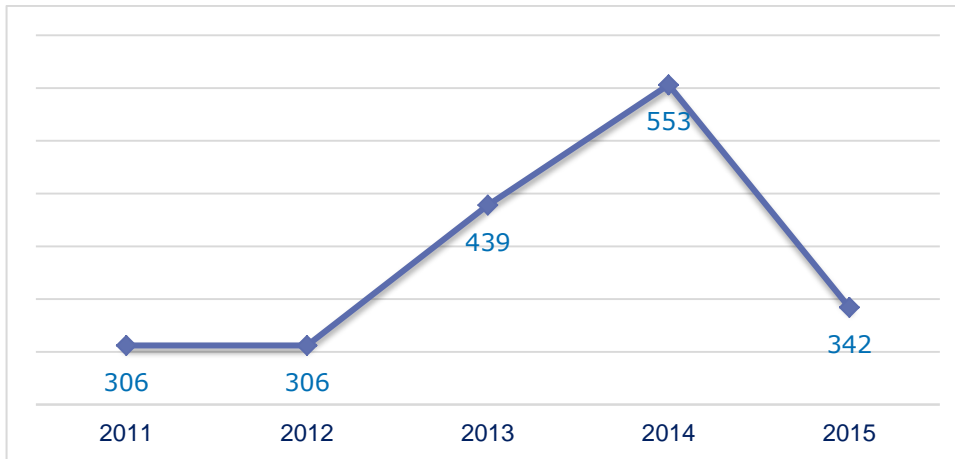
²³ Directives No [2008/98/EC](#) and [1999/31/EC](#), Commission v Slovenia, [C-140/14](#).

Spain

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

I. COMPLAINTS

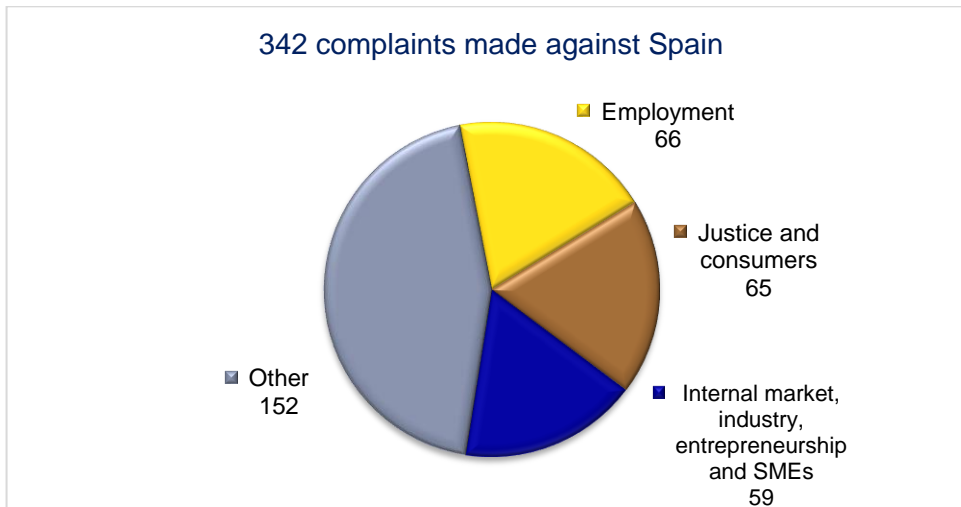
1. New complaints made against Spain by members of the public (2011- 2015)



2. Public complaints against Spain open at year-end

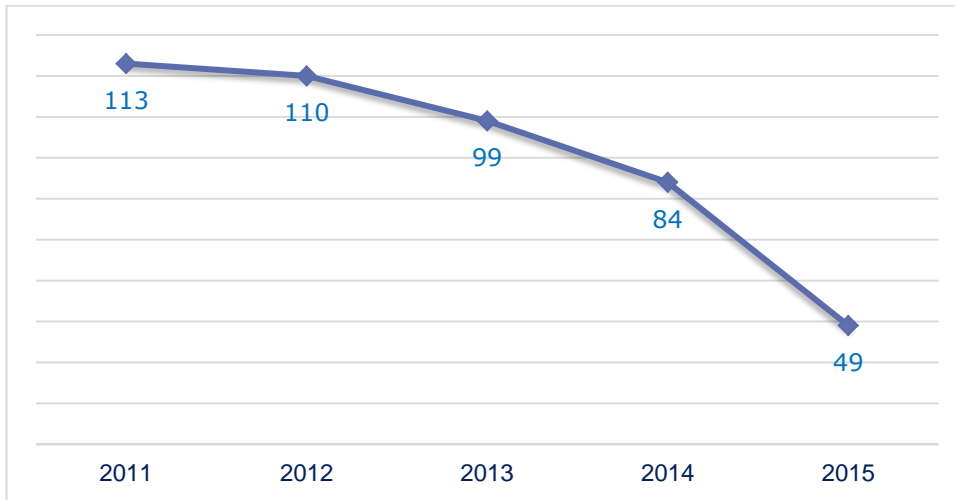
| | | |
|--------------|---|------------------------------------|
| 544 | > | Complaints open at end-2014 |
| 342 | > | New complaints registered in 2015 |
| 610 | > | Complaints handled in 2015 |
| = 276 | > | Complaints open at end-2015 |

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

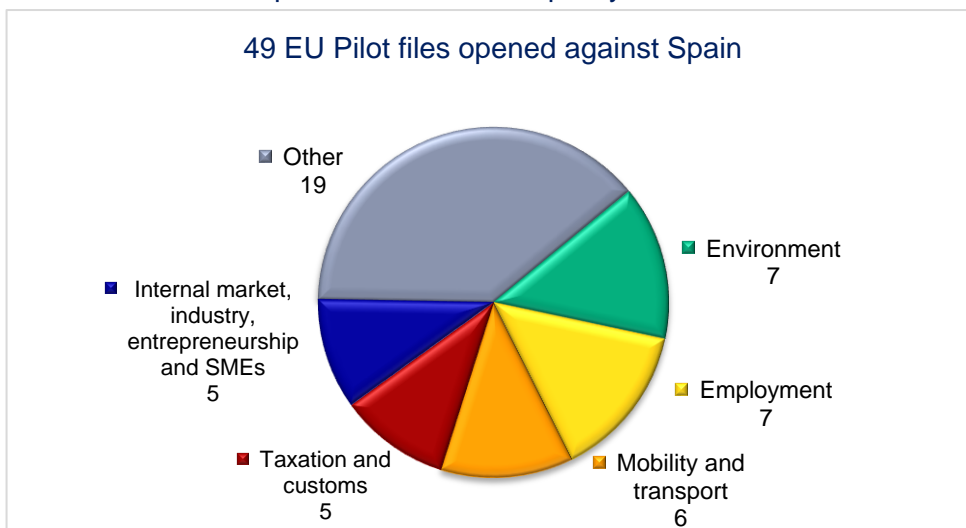
91 > EU Pilot files open at end-2014

49 > New EU Pilot files registered in 2015

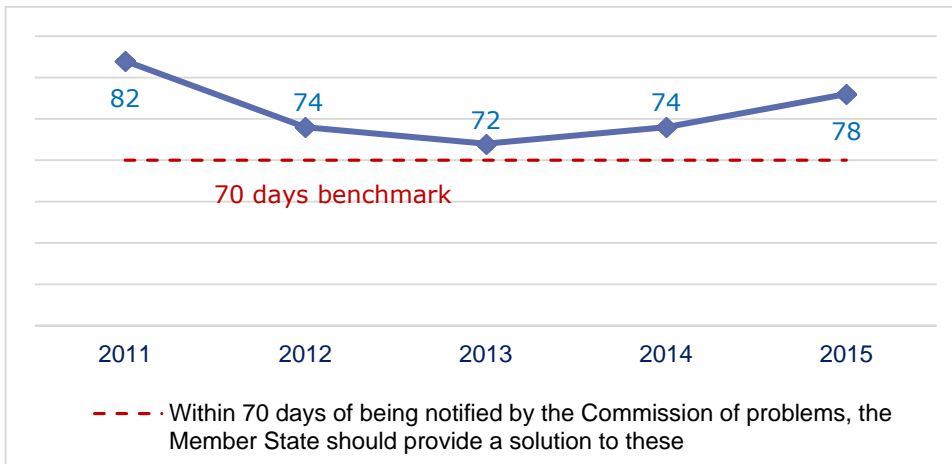
62 > EU Pilot files handled in 2015

= 78 > EU Pilot files open at end-2015

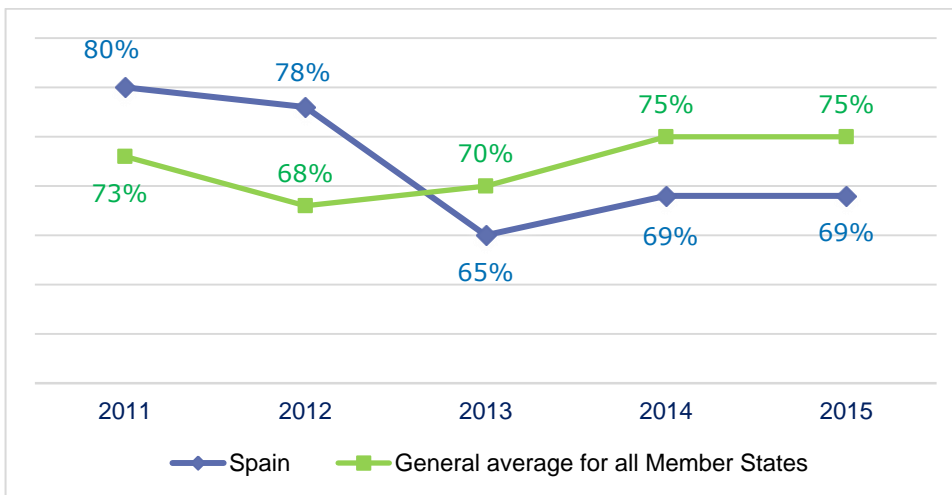
3. New EU Pilot files opened in 2015: main policy areas



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

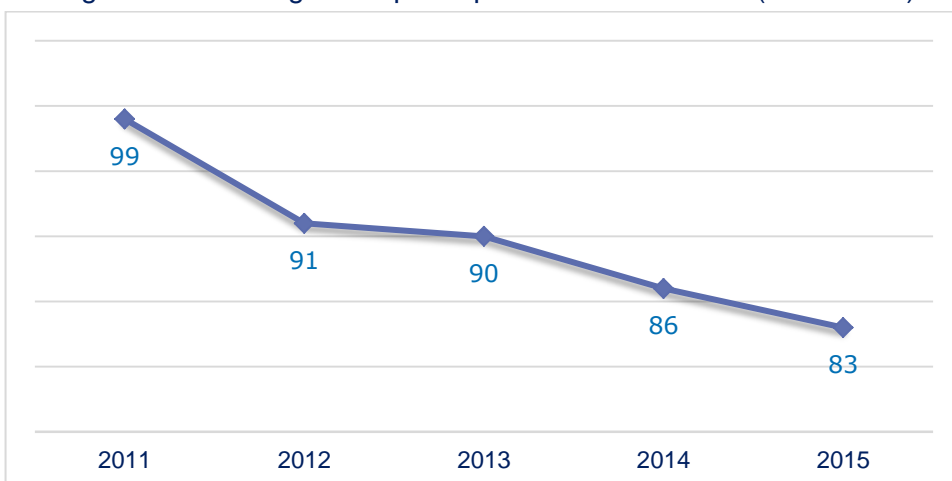


5. EU Pilot files: Spain's resolution rate in 2011- 2015

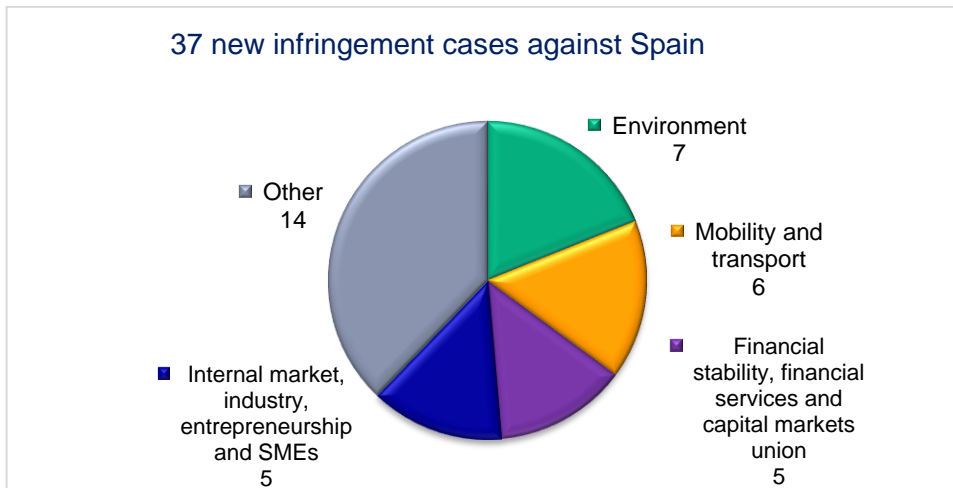


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

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

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

¹ [MEMO/15/5053](#).

² [Directive 1999/70/EC](#).

³ [Directive 1999/70/EC](#).

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

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

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

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

⁸ [Directive 92/43/EEC](#).

⁹ [Directive 2008/50/EC](#).

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

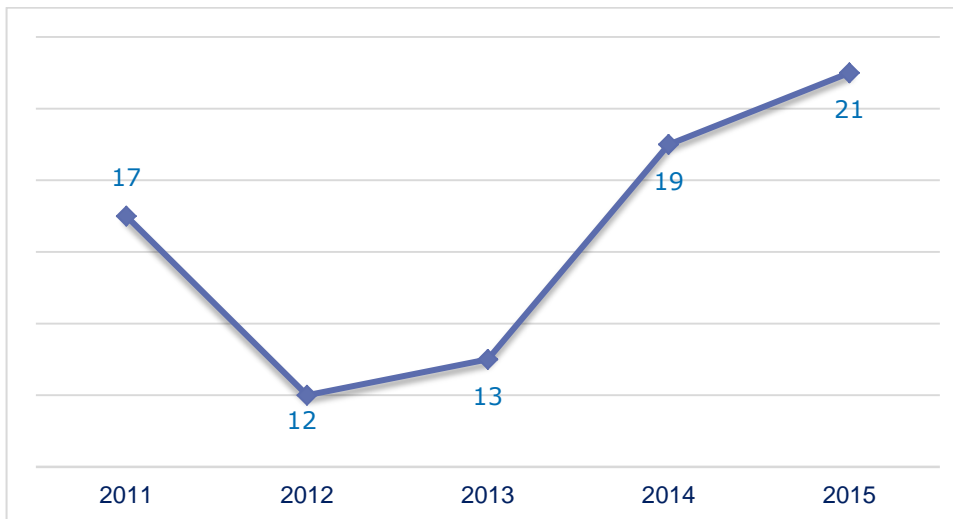
¹¹ [MEMO/15/4489](#).

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

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

IV. TRANSPOSITION OF DIRECTIVES

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



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

¹⁴ [MEMO/15/4489](#).

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

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

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

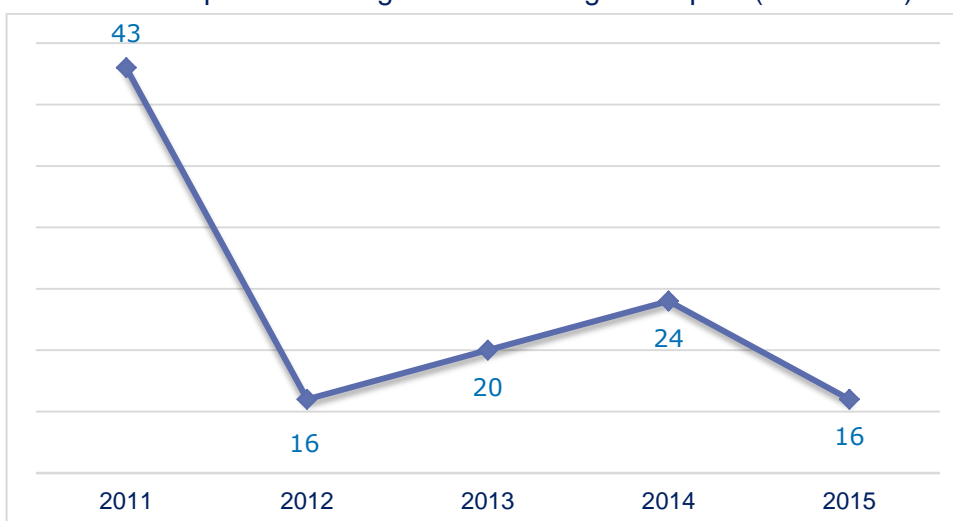
¹⁸ SOUTHWEST (the functional airspace block between Spain and Portugal).

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

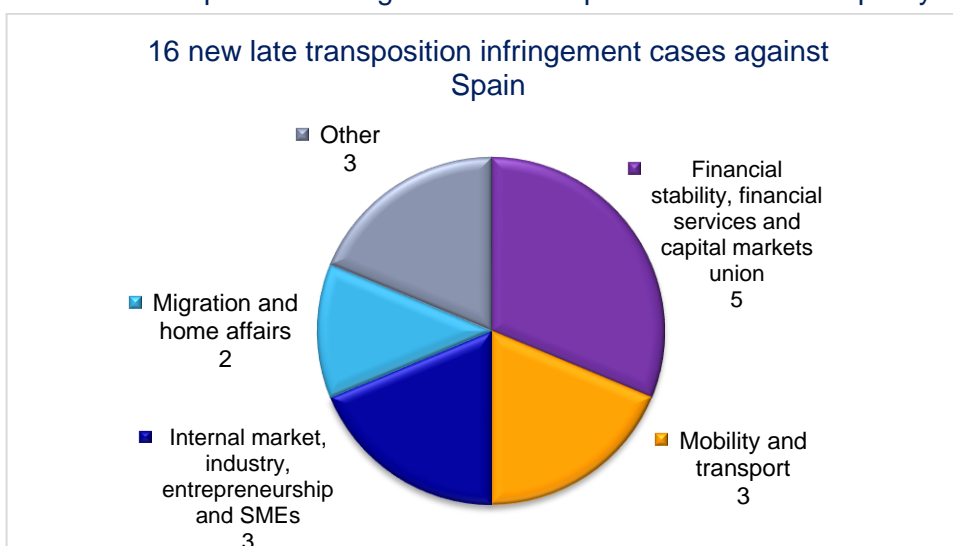
²⁰ Directive No [2008/98/EC](#), Commission v Spain, [C-563/15](#); [IP/15/5354](#).

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

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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

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

²² Directive [89/391/EEC](#).

²³ Directive [2012/19/EU](#).

²⁴ Directive [2011/98/EU](#).

²⁵ Directive [2011/36/EU](#).

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

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁰

There were no major Court rulings in 2015.

2. Preliminary rulings

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

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

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

²⁷ Directive [2008/57/EC](#).

²⁸ Directive [2012/34/EU](#).

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

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

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

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

³³ Pujante Rivera, [C-422/14](#).

³⁴ Directive [2006/123/EC](#).

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

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

³⁶ Zaizoune, [C-38/14](#).

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

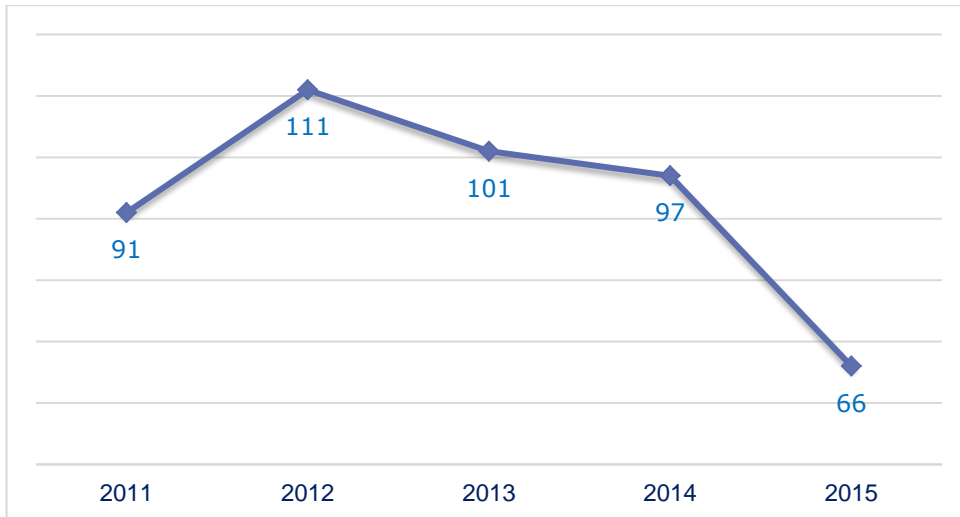
³⁸ BBVA S.A., [C-8/14](#) and Court press release No [130/15](#).

Sweden

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

I. COMPLAINTS

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



2. Public complaints against Sweden open at year-end

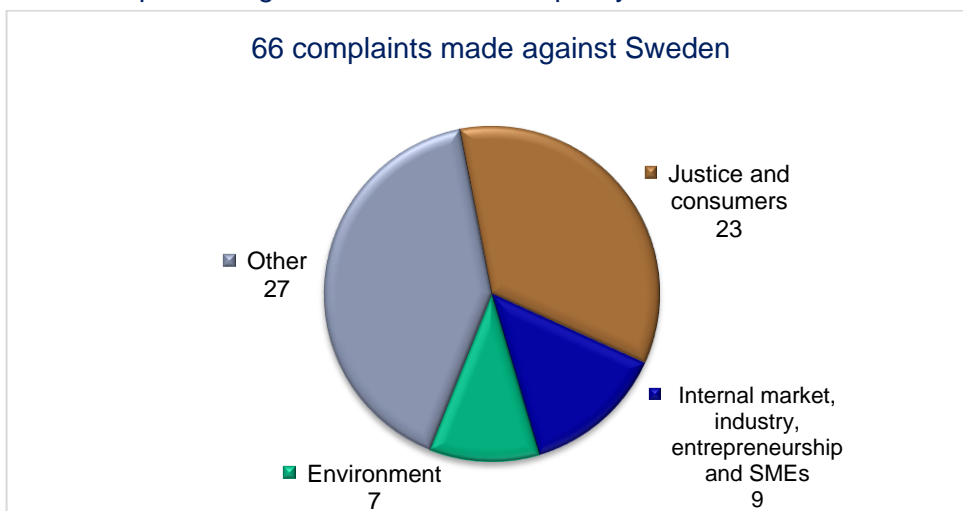
92 > Complaints open at end-2014

66 > New complaints registered in 2015

78 > Complaints handled in 2015

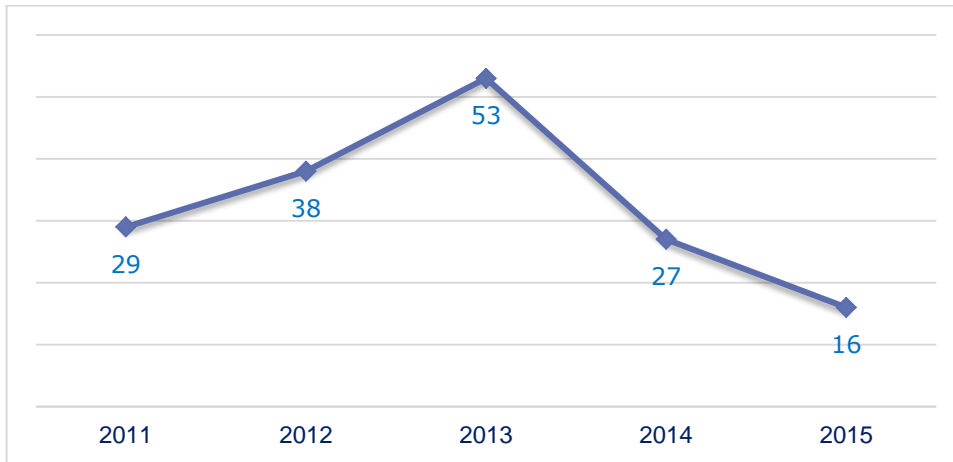
= 80 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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

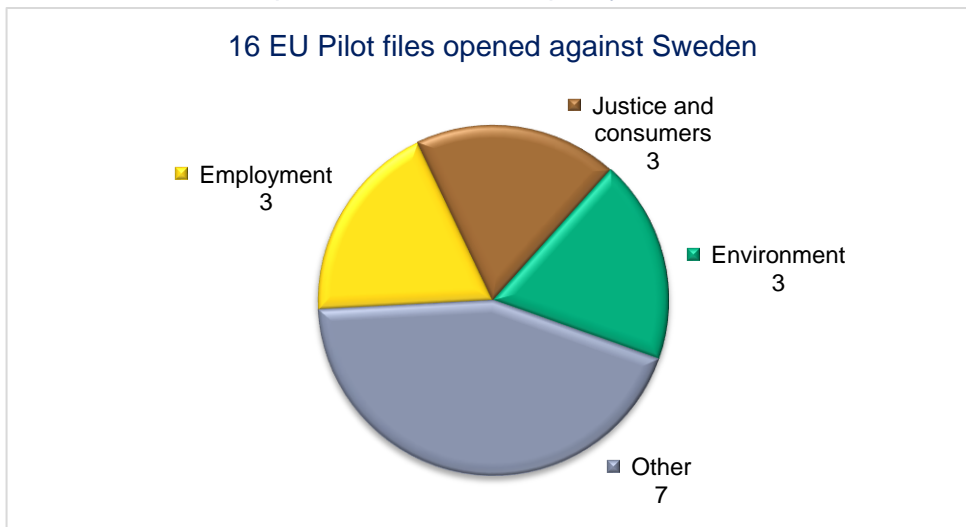


2. Files relating to Sweden open in EU Pilot at year -end

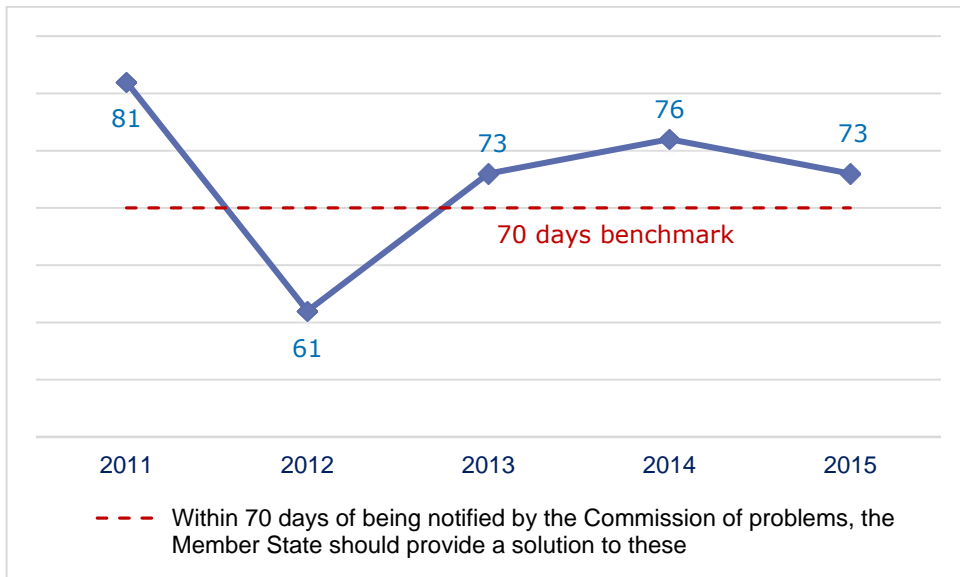
- 39 > EU Pilot files open at end-2014
- 16 > New EU Pilot files registered in 2015
- 26 > EU Pilot files handled in 2015

- =29 > EU Pilot files open at end-2015

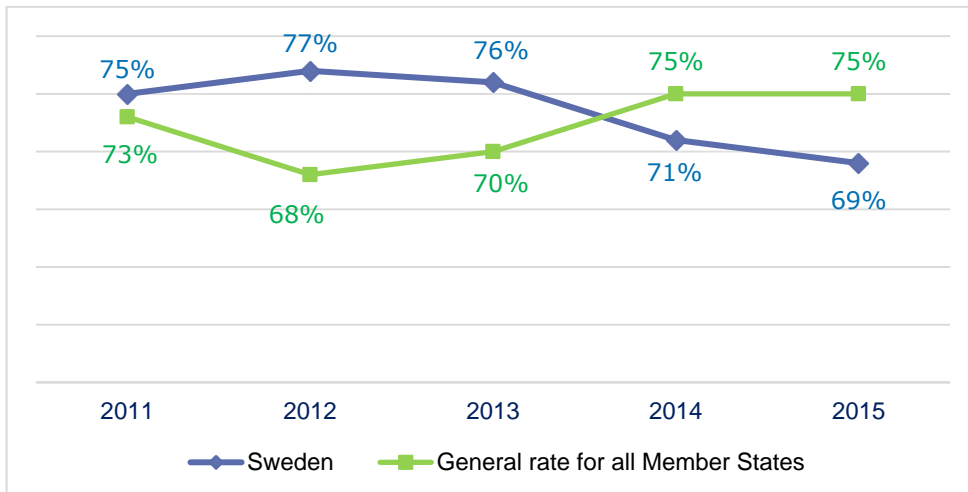
3. New EU Pilot files opened in 2015: main policy areas



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

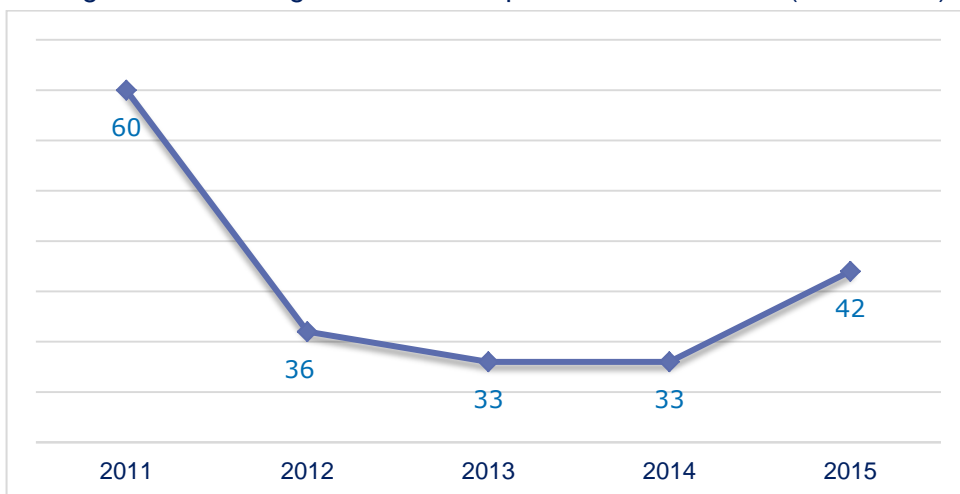


5. EU Pilot files: Sweden's resolution rate in 2011- 2015

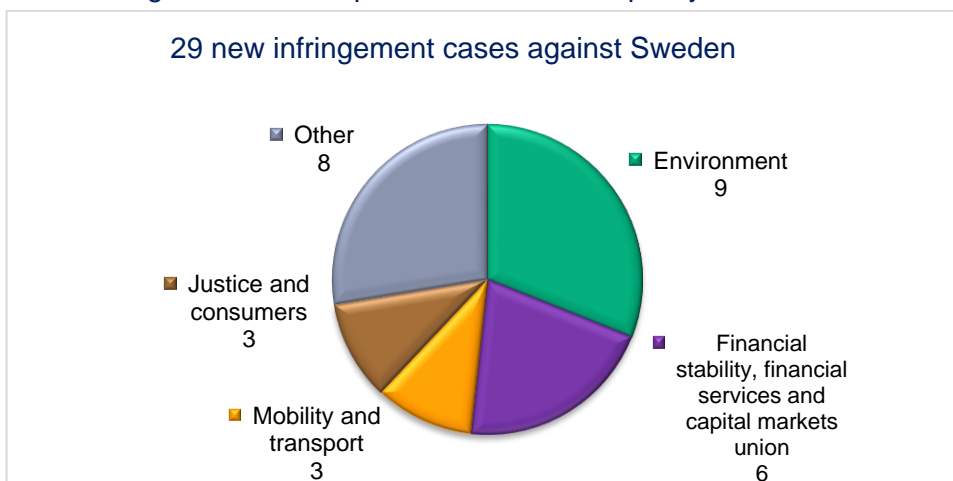


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

- a) The Commission opened 29 new infringement cases against Sweden in 2015. These, and other major ongoing infringement cases, concern:
- non-communication of national measures transposing the recast Asylum Procedures and Reception Conditions Directives;¹
 - wolf hunting in breach of the EU Habitats Directive;²
 - non-respect of the PM₁₀³ limit values in the Air Quality Directive;⁴
 - bilateral investment treaties, signed before all state parties became members of the EU, which overlap and conflict with the EU single market law on cross-border investments;⁵
 - failure to communicate all national measures transposing the Deposit Guarantee Schemes Directive. This is a precondition for the future use of the European Deposit Insurance Scheme proposed by the Commission;⁶
 - failure to communicate all national measures transposing the Solvency II Directive and the Omnibus II Directive. These create a harmonised prudential framework for insurance firms in the EU to facilitate development of a single market in insurance services;⁷
 - failure to communicate all national measures transposing the Bank Recovery and Resolution Directive, a centrepiece of the EU banking union;⁸
 - non-conformity of national legislation with the Directive on driving licences as amended;⁹
 - incorrect implementation of the Airport Charges Directive and of the Directive on ground-handling services at Stockholm Arlanda Airport.¹⁰
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

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

² [Directive 92/43/EEC](#) and [MEMO/15/5162](#).

³ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: [European Environment Agency](#)).

⁴ Directive No [2008/50/EC](#) and [IP/15/5197](#).

⁵ [IP/15/5198](#).

⁶ Directive [2014/49/EU](#); [IP/15/6253](#) and [MEMO/15/6223](#).

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

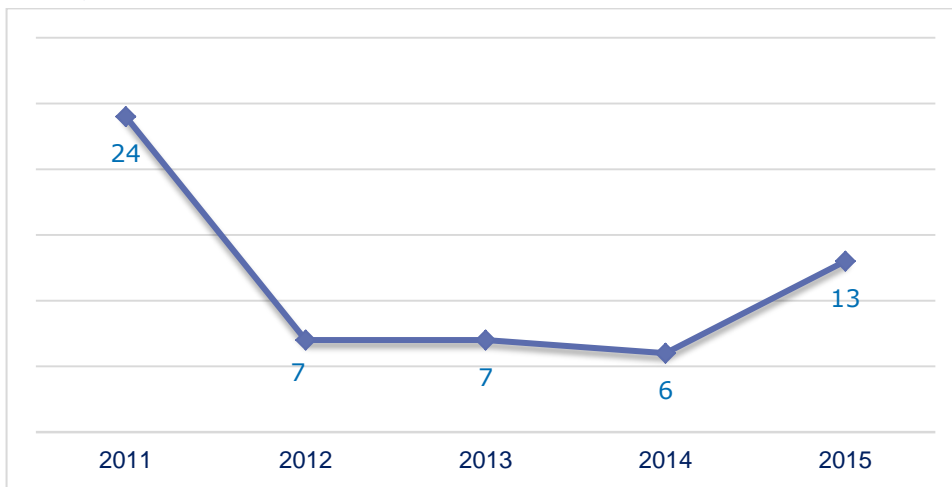
⁸ Directive [2014/59/EU](#); [IP/15/5057](#).

⁹ Directive [2006/126/EC](#).

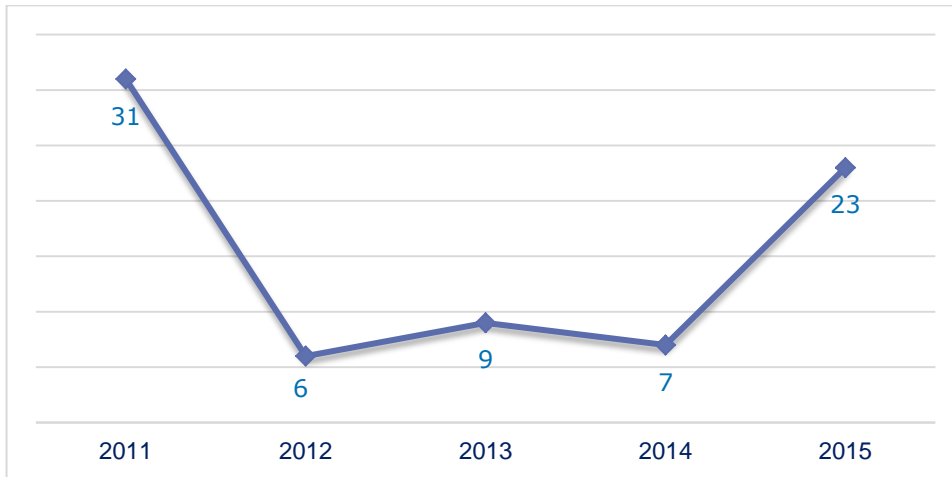
¹⁰ Directives [2009/12/EC](#) and [96/67/EC](#).

IV. TRANSPOSITION OF DIRECTIVES

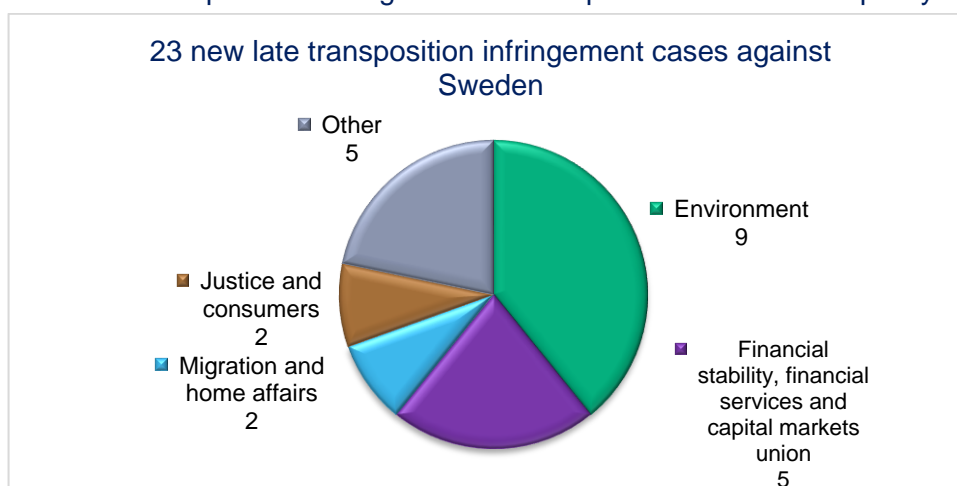
1. Late transposition infringement cases against Sweden open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- late transposition of the Directive on the geological storage of carbon dioxide;¹¹
- non-communication of national measures transposing the Industrial Emissions Directive;¹²
- non-communication of national transposition measures for Directive¹³ extending the Long-Term Residents Directive¹⁴ to beneficiaries of international protection;
- incorrect implementation of EU legislation on the rights of bus and coach passengers.¹⁵

VI. IMPORTANT JUDGMENTS

1. Court ruling¹⁶

The Court ruled that the provider of the 'universal postal service' should have been exempted from VAT in line with the VAT Directive.¹⁷

2. Preliminary rulings

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

- the exchange of traditional currency for units of the 'bitcoin' virtual currency and vice versa constitutes a supply of services exempt from VAT;¹⁸
- if capital gains on holdings for business purposes are exempted from tax under national rules, the Member State is not obliged to grant a deduction if losses occur on such holdings, even if they are due to currency changes;¹⁹
- Sweden's tax on the thermal power of nuclear reactors is compatible with EU law as it falls outside the scope of the Energy Taxation Directive.²⁰

¹¹ Directive [2009/31/EC](#).

¹² Directive No [2010/75/EU](#).

¹³ Directive [2011/51/EU](#).

¹⁴ Directive [2003/109/EC](#).

¹⁵ Regulation [\(EU\) No 181/2011](#).

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

¹⁷ Commission v Sweden, [C-114/14](#).

¹⁸ Skatteverket v David Hedqvist, [C-264/14](#) and and Court press release No [128/15](#).

¹⁹ X AB v Skatteverket, [C-686/13](#).

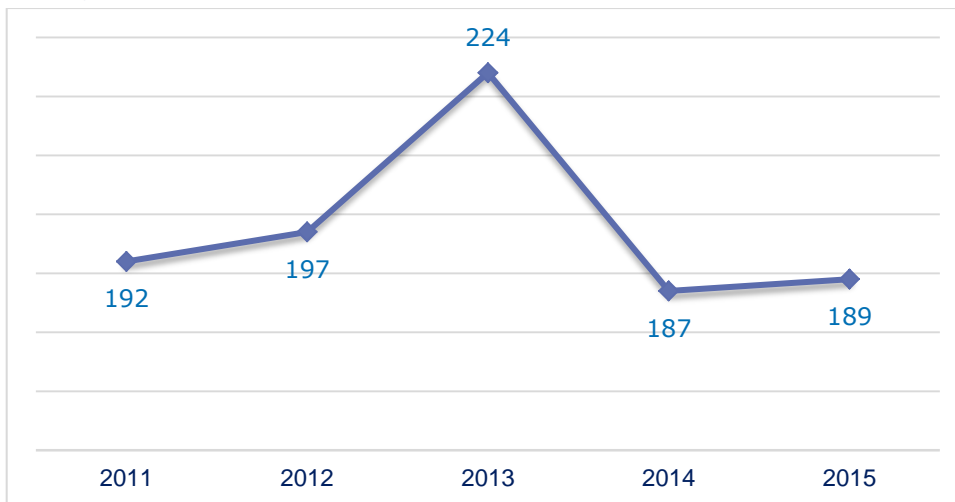
²⁰ Portovesme Srl v European Commission, [C-606/14](#).

United Kingdom

New complaints against the United Kingdom rose marginally in 2015 but remained well below their 2013 peak. New EU Pilot files continued the downward trend seen since 2011, reaching a five-year low. The same goes for open infringement cases and new infringement cases for late transposition.

I. COMPLAINTS

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



2. Public complaints against United Kingdom open at year-end

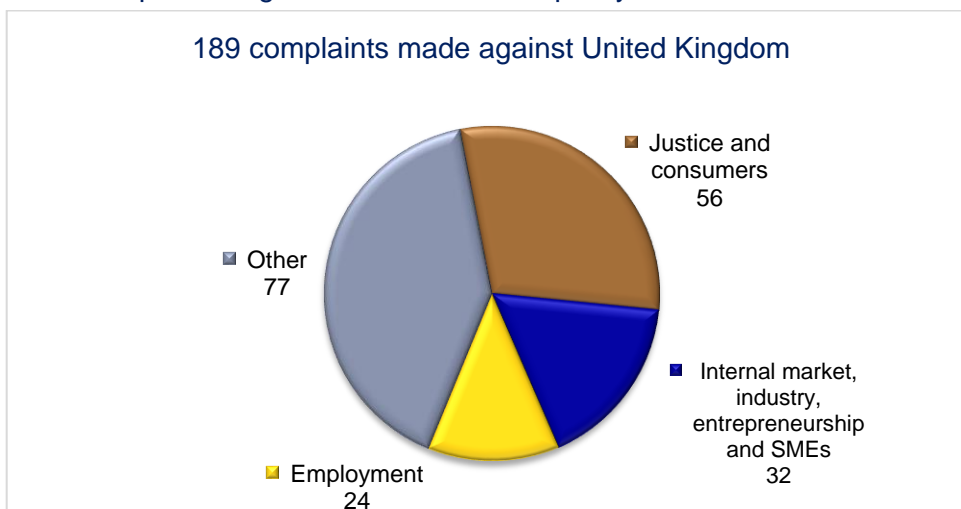
172 > Complaints open at end-2014

189 > New complaints registered in 2015

175 > Complaints handled in 2015

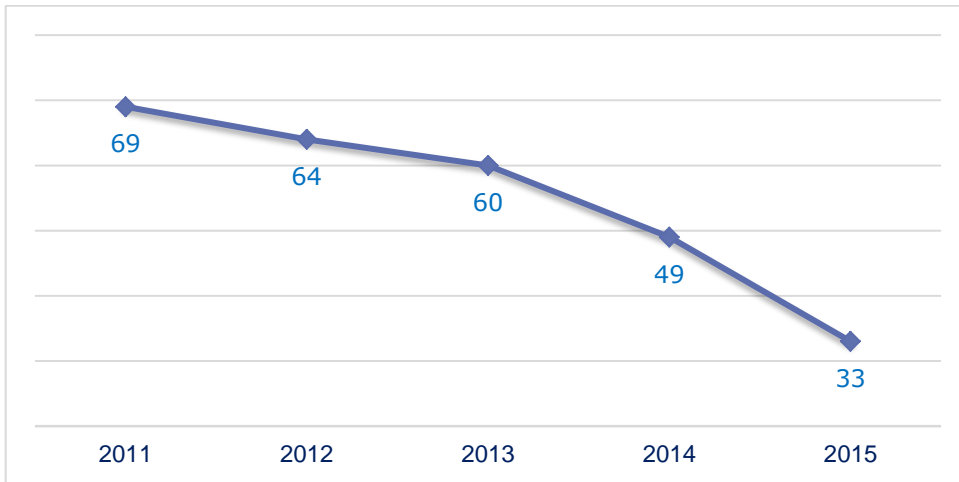
= 186 > Complaints open at end-2015

3. New complaints registered in 2015: main policy areas



II. EU PILOT

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



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

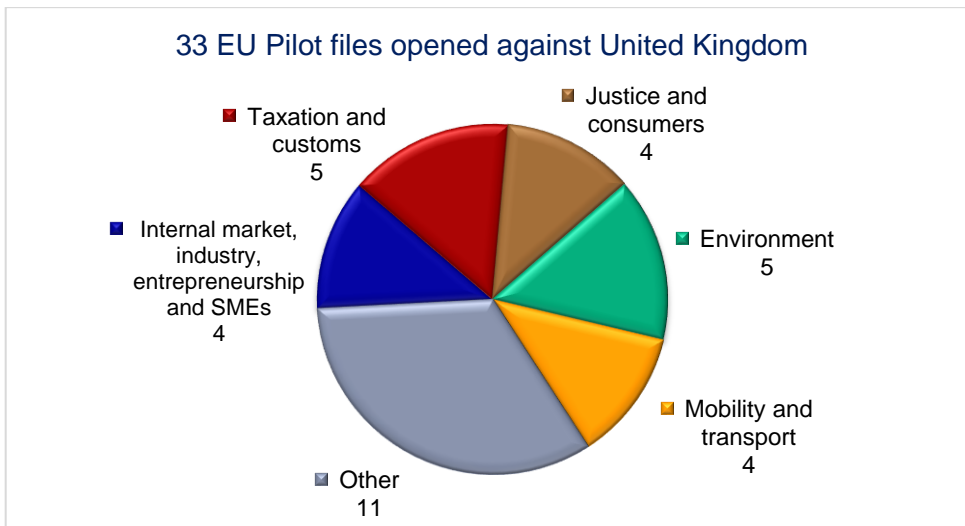
67 > EU Pilot files open at end-2014

33 > New EU Pilot files registered in 2015

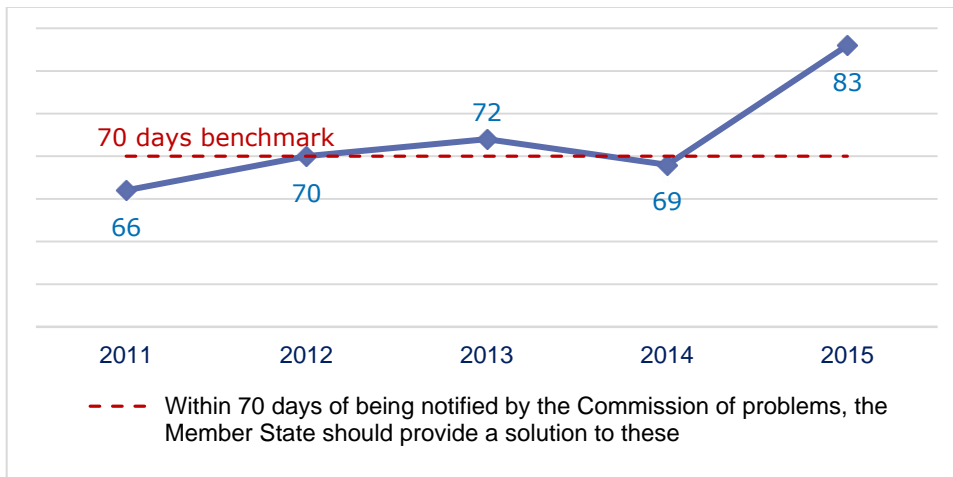
43 > EU Pilot files handled in 2015

=57 > EU Pilot files open at end-2015

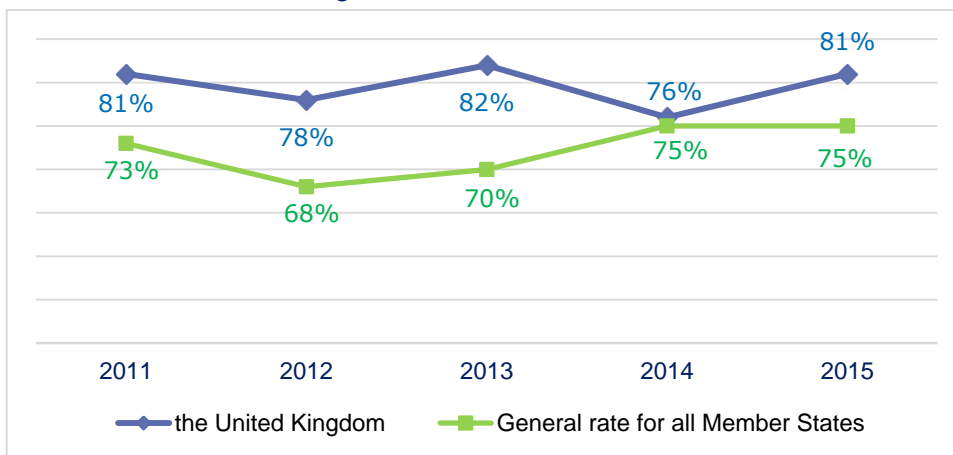
3. New EU Pilot files opened in 2015: main policy areas



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

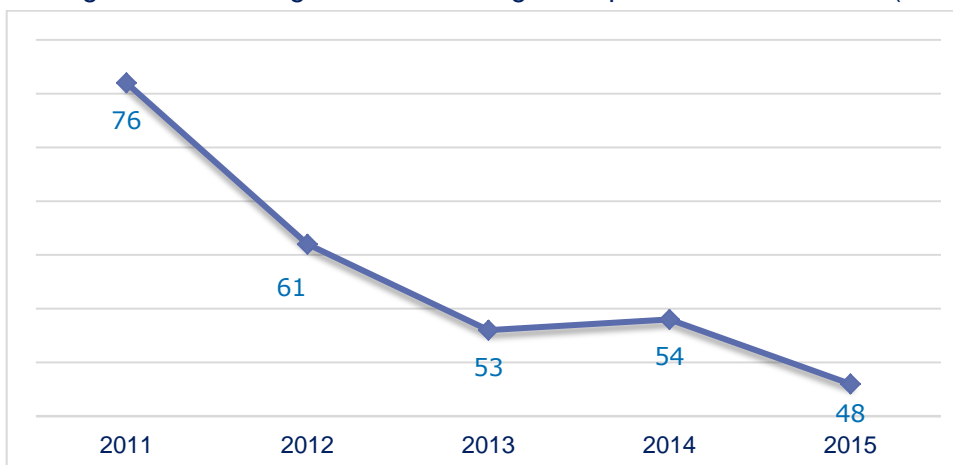


5. EU Pilot files: United Kingdom's resolution rate in 2011- 2015

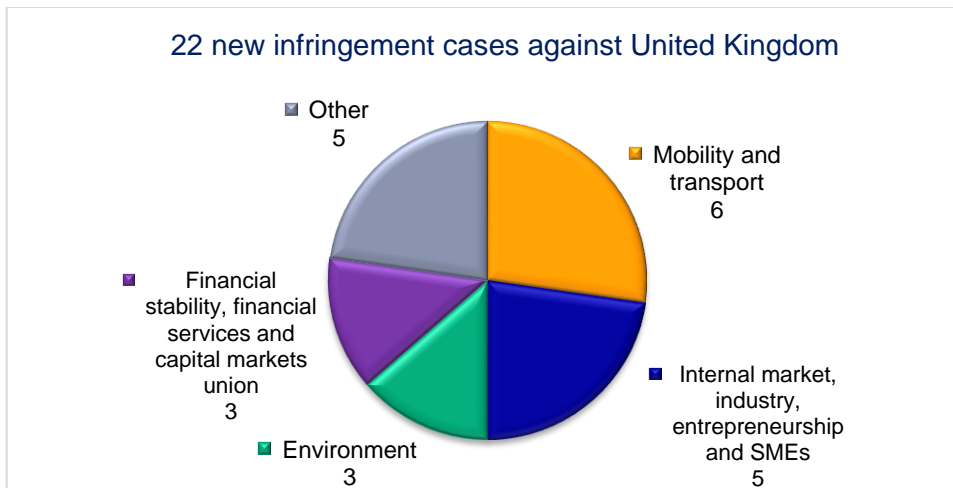


III. INFRINGEMENT CASES

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



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



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against the United Kingdom in 2015. These, and other major ongoing infringement cases, concern:
- late and incomplete transposition of the Oil Stocks Directive;¹
 - failure to ensure energy performance certificates are displayed in buildings frequently visited by the public, as required by the Energy Performance of Buildings Directive;²
 - bad application of the Habitats Directive as regards designating special areas of conservation and establishing the necessary conservation measures;³
 - non-compliant transposition of the Water Framework Directive;⁴
 - failure to communicate all national measures transposing the first amendment of the Financial Conglomerates Directive. This aims to remedy gaps in supplementary supervision revealed during the financial crisis;⁵
 - failure to implement functional airspace blocks effectively. Under the 'single European sky' legislation,⁶ national air traffic control organisations should work together in nine regional airspace blocks to increase efficiency, cut costs and reduce emissions;⁷
 - non-conformity with the Excise Duty Directive on alcohol and alcoholic beverages. UK excise duty legislation covering producers of small quantities of cider for sale does not permit Member States to apply favourable treatment to such producers.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- exceedance of the emission limit value for nitrogen oxides at the Aberthaw coal-fired power station in Wales, in breach of the Large Combustion Plants Directive;⁸
 - poor urban waste water collection and treatment in a number of agglomerations.⁹
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2009/119/EC](#) and [MEMO/15/5162](#).

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

³ Directive No [92/43/EEC](#).

⁴ Directive No [2000/60/EC](#), [MEMO/15/5826](#).

⁵ Directive [2011/89/EU](#).

⁶ Regulation [\(EC\) No 550/2004](#).

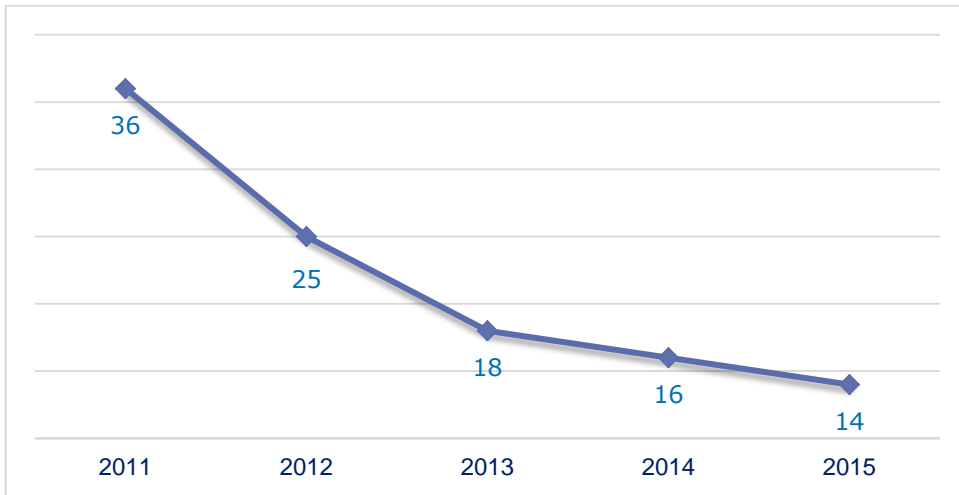
⁷ The UK/Ireland functional airspace block.

⁸ Directive No [2001/80/EC](#), Commission v United Kingdom, [C-304/15](#); [IP/15/4670](#).

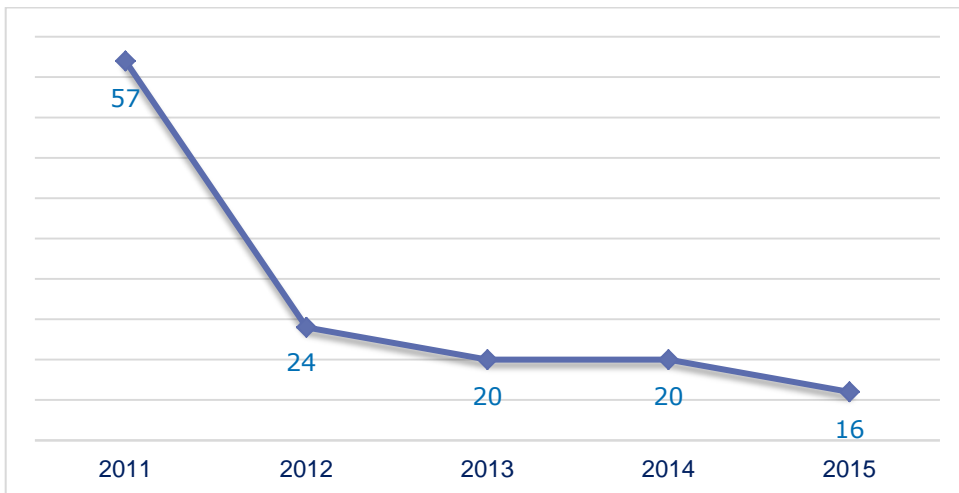
⁹ Commission v United Kingdom, [C-502/15](#); [IP/15/4672](#).

IV. TRANSPOSITION OF DIRECTIVES

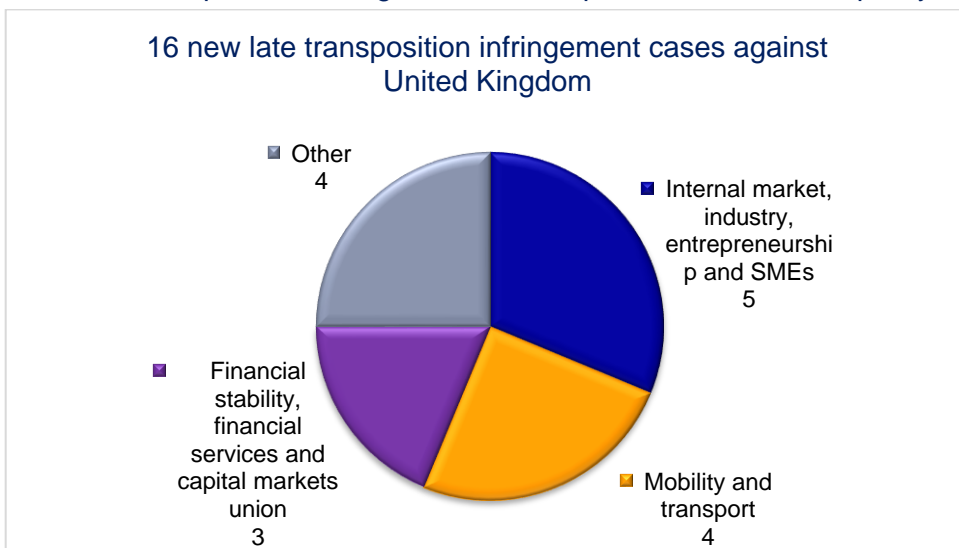
1. Late transposition infringement cases against United Kingdom open on 31 December (2011-2015)



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



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



4. Referrals to the Court

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

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2015

These concerned:

- late transposition of the Directive combating the sexual abuse and sexual exploitation of children and child pornography;¹⁰
- entitlements to annual leave in case of sick leave/maternity leave/parental leave;
- refusal to pay sickness benefits in cash to UK pensioners resident abroad;
- non-conformity of national legislation transposing the Directive on the management of bathing water quality;¹¹
- failure to correctly apply the end-of-waste criteria for the production and use of processed fuel oil.¹²

VI. IMPORTANT JUDGMENTS

1. Court rulings¹³

The Court:

- ruled that applying reduced VAT rates for the supply of energy-efficient products in houses did not comply with the VAT Directive;¹⁴
- dismissed the Commission's claim that it is virtually impossible for non-resident companies to obtain cross-border group relief.¹⁵

2. Preliminary rulings

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

- the Common Market Organisation Regulation¹⁶ does not preclude a national measure imposing a minimum price per unit of alcohol for retail sales of wines, provided that this measure is appropriate to secure the objective of protecting human life and health and does not go beyond what is necessary to attain that objective. Nonetheless, such a measure constitutes an obstacle to the free movement of goods which cannot be seen as justified if it is possible to protect health equally effectively by tax measures which restrict trade and competition less;¹⁷
- in calculating the leave entitlement of a part-time worker who has increased his or her working hours, Member States may decide whether the leave already accumulated by that worker should be adjusted proportionally to the increased working hours;¹⁸
- the Directive on collective redundancies obliges employers to inform and consult staff ahead of collective redundancies only if at least 20 workers are dismissed in a single establishment, and not in the whole company;¹⁹
- a charge for supplying environmental information may not include the cost of maintaining a database, but may include the overheads attributable to the time spent by the staff of the public authority on answering individual requests for information. It is possible to limit the extent of administrative and judicial review on a charge for supplying environmental information, but only in limited circumstances;²⁰
- the Scottish legislation introducing a minimum price per unit of alcohol is contrary to EU law if less trade-restrictive tax measures can be used;²¹

¹⁰ Directive [2011/93/EU](#).

¹¹ Directive [2006/7/EC](#).

¹² Directive [2008/98/EC](#).

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

¹⁴ Commission v United Kingdom, [C-161/14](#).

¹⁵ Commission v United Kingdom, [C-172/13](#).

¹⁶ Regulation (EU) No [1308/2013](#).

¹⁷ The Scotch Whisky Association, [C-333/14](#).

¹⁸ Greenfield, [C-219/14](#).

¹⁹ USDAW and Wilson, [C-80/14](#) and Lyttle and Others, [C-182/13](#).

²⁰ East Sussex County Council, [C-71/14](#).

²¹ Scotch Whisky Association and Others v Lord Advocate, [C-333/14](#) and Court press release No [155/15](#).

- where non-EU nationals hold a 'residence card of a family member of a Union citizen', the Member States cannot require them to first obtain a visa before entering their territory. Even if Member States are faced with a high number of cases of abuse of rights or fraud, the adoption of measures of 'general prevention' are not justified without a specific assessment of the conduct of the person concerned. The family members of EU citizens who fulfil the conditions laid down in the Free Movement Directive enjoy the rights granted by this Directive without constraints due to the mere fact that they belong to a particular group of persons (non-EU nationals). Measures that automatically impose additional conditions disregard the very substance of the primary and individual right of EU citizens to move and reside freely within the territory of the Member States.