



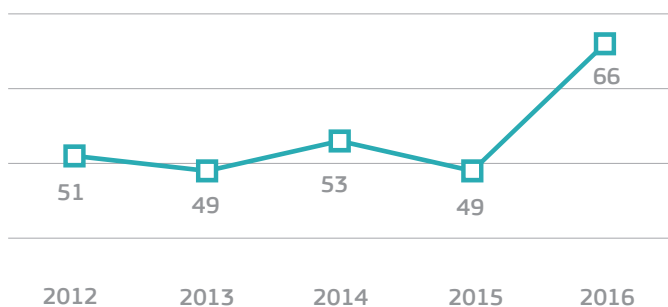
European Commission

# Monitoring the Application of European Union Law

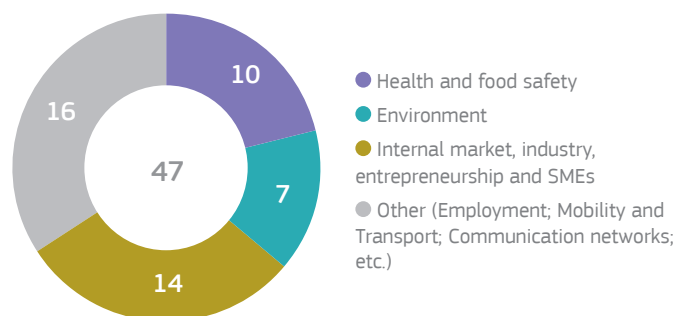
## Annual Report 2016

*New complaints against Austria continued to rise in 2016 from the low point reached in 2014. The number of new EU Pilot files went up only slightly, while open infringement cases at the end of the year saw a sharp increase. New infringement cases for late transposition also rose, to almost triple the number of 2015.*

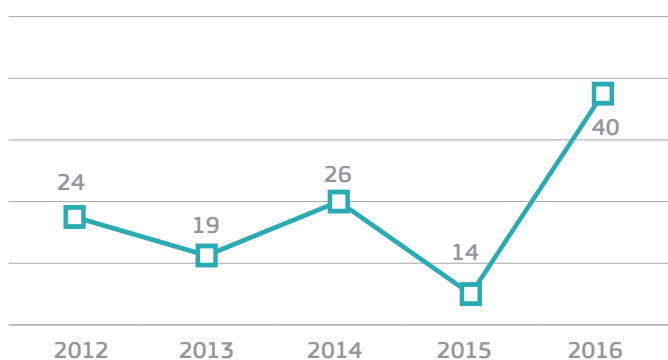
**Infringement cases open on 31 December**



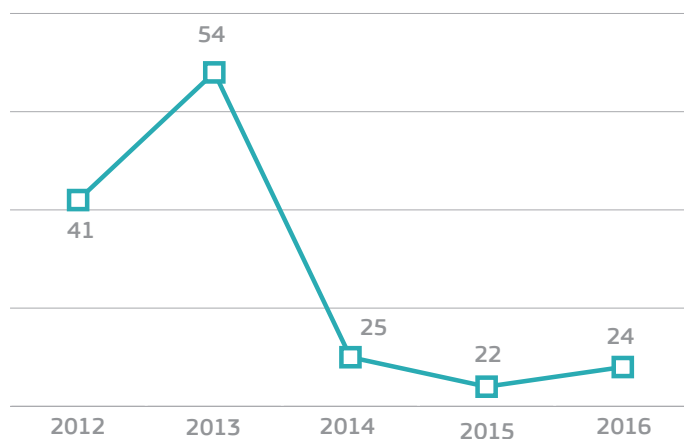
**New infringement cases opened in 2016: main policy areas**



**New late transposition infringement cases**



**New EU Pilot files opened**





## Relevant rulings of the European Courts:

1. The Court ruled that Austria's failure to fulfil obligations under the Water Framework Directive in relation to the authorisation for the construction of a hydropower plant on the Schwarze Sulm River was unfounded.<sup>1</sup>
2. In preliminary rulings, the Court held, amongst others, that:
  - processing of personal data carried out by an undertaking engaged in electronic commerce is governed by the law of the Member State to which that undertaking directs its activities, if it is shown that the undertaking carries out the data processing in question in the context of the activities of an establishment situated in that Member State. It is for the national court to ascertain whether that is the case;<sup>2</sup>
  - old-age benefits provided under an occupational pension scheme of one Member State and those provided under a statutory pension scheme of another Member State are equivalent benefits, where both have the same aim of ensuring that their recipients maintain a standard of living commensurate with that which they enjoyed before retirement;<sup>3</sup>
  - all postal operators may have imposed on them a number of obligations, ranging from a contribution to the financing of the national regulatory authority to compliance with working conditions and requirements on quality, availability and performance.<sup>4</sup>

<sup>1</sup> Directive [2000/60/EC](#); Commission v Austria, [C-346/14](#).

<sup>2</sup> Verein für Konsumenteninformation v Amazon EU Sàrl, [C-191/15](#).

<sup>3</sup> Knauer, [C-453/14](#).

<sup>4</sup> Directive [97/67/EC](#); case [C-2/15](#), DHL Express Austria v. PCK.

### More information:

Staff working document of the European Commission - [Annual Report 2016](#) "Monitoring the application of Union Law" (part II: Member States)