

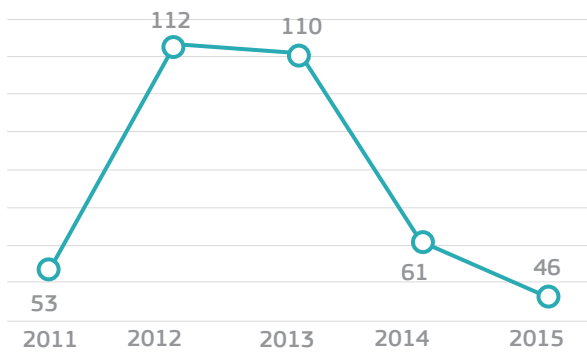


# Monitoring the Application of European Union Law

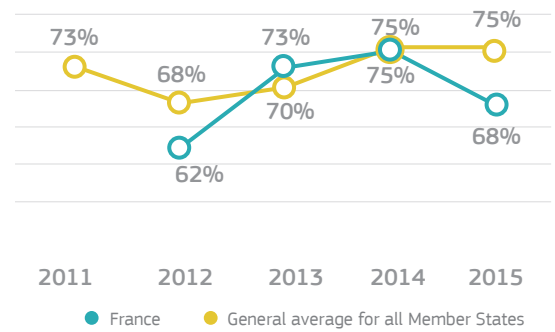
## Annual Report 2015

The upward trend in new complaints against France since 2011 continued in 2015, though not quite reaching the peak of 2013. However, new EU Pilot files have been falling since 2012 and reached their lowest level of the past five years. Continuing the trend since 2012, the number of open infringement cases rose slightly while new infringement cases showed a more marked increase but remained below the 2011 level.

New EU Pilot files opened

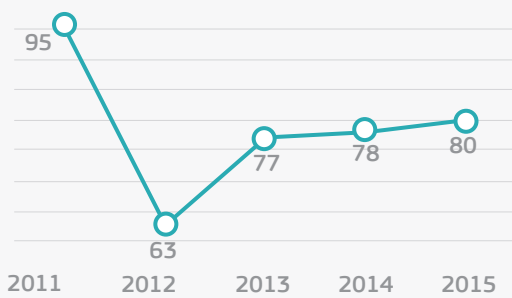


EU Pilot files: evolution of the resolution rate



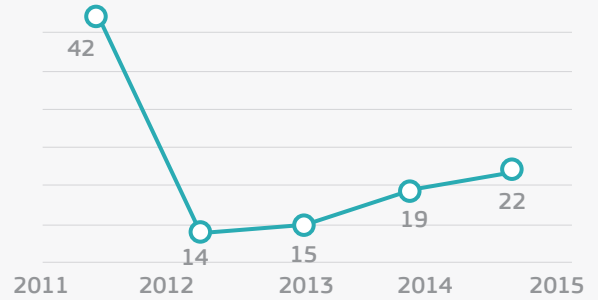
### INFRINGEMENT CASES

Infringement cases open on 31 December

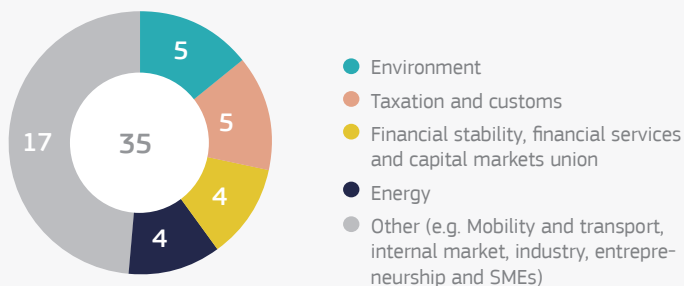


### TRANSPOSITION OF DIRECTIVES

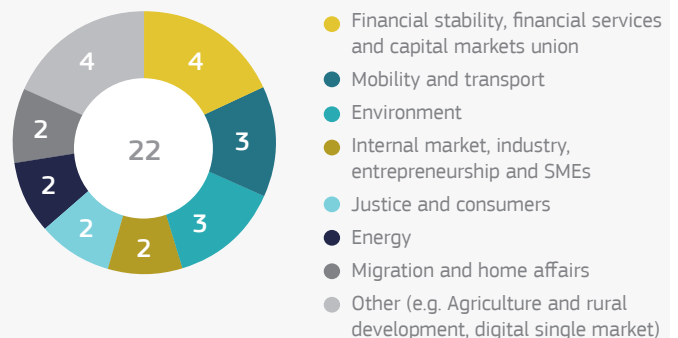
New late transposition infringement cases



35 new infringement cases opened in 2015: main policy areas



22 new late transposition infringement cases opened in 2015: main policy areas





### The Court ruled that:

- the reduced VAT rate for digital books did not comply with the VAT Directive;<sup>1</sup>
- exempting donations and bequests to public bodies from inheritance tax only if the beneficiary is established in France or in another Member

State with which France has concluded a bilateral agreement is incompatible with the free movement of capital.<sup>2</sup>

### In preliminary rulings, the Court ruled that:

- depriving a French citizen who had been convicted of a serious crime of the right to vote in European elections represents a limitation on the exercise of EU citizens' right to vote in elections to the European Parliament. This right is guaranteed in the Charter of Fundamental Rights of the European Union. However, in the case at hand the ban is proportionate as it takes into account the seriousness of the crime and gives the person the possibility to apply for reinstatement of their voting right;<sup>3</sup>
- the income of migrant workers, from professional activity or from assets in the Member State of employment, cannot be made subject to social contributions in the Member State of residence if social contributions were paid in the former Member State;<sup>4</sup>
- people admitted to a work rehabilitation centre and carrying out activities there must be considered as workers. They are, therefore, entitled to minimum paid annual leave under the Working Time Directive and the Charter of Fundamental Rights of the EU;<sup>5</sup>
- permanently excluding blood donations from men who have had sexual relations with other men may be justified, depending on the situation in the Member State concerned. Under French law, men who have had sexual relations with other men are permanently excluded from donating blood in France, given the high prevalence of HIV. The French measure may discriminate on grounds of sexual orientation. The permanent exclusion should, therefore, be assessed in the light of the situation in that Member State and of the proportionality principle. Permanent exclusion from blood donation for men who have had sexual relations with other men may be justified by medical and scientific knowledge and the epidemiological situation prevailing in a Member State and where no effective techniques or less onerous methods exist to address the situation. It is for the national court to determine whether those conditions are met in France.<sup>6</sup>

<sup>1</sup> Commission v France, [C-479/13](#), and Court press release [No 30/15](#).

<sup>2</sup> Commission v France, [C-485/14](#).

<sup>3</sup> Delvigne, [C-650/13](#) and Court press release [No 118/15](#).

<sup>4</sup> de Ruyter, [C-623/13](#) and Court press release [No 22/15](#).

<sup>5</sup> Fenoll, [C-316/13](#).

<sup>6</sup> Léger, [C-528/13](#) and Court press release [No 46/15](#).