

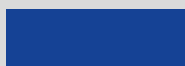


European  
Commission



**Monitoring the application of  
Union law - Methodology and  
explanations**

**2014 Annual Report**



# METHODOLOGY AND EXPLANATIONS

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## I. MAIN REPORT

### 1. BEFORE AN INFRINGEMENT PROCEDURE IS STARTED

#### **First chart: Number of Complaints (2010-14)**

This chart shows the total number of complaints that the Commission registered for the years 2010-2014.

#### **Second chart: Evolution of complaints**

This chart shows the overall 'balance' of complaints at the end of the previous reporting year (first column). The second column shows the number of complaints at the end of the reporting year.

#### **Third chart: New complaints registered in 2014: main policy areas<sup>1</sup>**

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

#### **Fourth chart: Number of EU Pilot files (2011-14)**

This chart shows the total number of EU Pilot files that the Commission opened in the years 2011-2014.

#### **Fifth chart: Evolution of EU Pilot files**

This chart shows the 'balance' of EU Pilot files at the end of the previous reporting year (first column). The second column shows the number of EU Pilot files at the end of the reporting year.

#### **Sixth chart: EU Pilot files opened in 2014: main policy areas**

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

#### **Seventh chart: EU Pilot files: evolution of the EU average resolution rate of EU Pilot files (2011-14)**

This chart shows the evolution of the resolution rate — that is, how many EU Pilot files were closed without the Commission opening an infringement case — for all Member States, for the past four years (2011-2014).

#### **Eighth chart: EU Pilot files: resolution rate by Member State in 2014**

This chart shows the resolution rate by Member State on 31 December 2014.

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<sup>1</sup> The data on policy areas referred to in the main report and in the sections on the Member States is based on the Directorates-General of the European Commission and are referred to as follows: agriculture, budget, climate, communication, competition, education and culture, economic & financial affairs, enlargement, employment, energy, enterprise & industry, environment, home affairs, justice, maritime affairs & fisheries, internal market, mobility & transport, regional policy, health & consumers, taxation & customs and trade.

**Ninth chart: EU Pilot files: response time in days by Member State in 2014**

This chart shows the average response time in EU Pilot (in days) by Member State in 2014.

**2. INFRINGEMENT PROCEDURE**

**First chart: New infringement cases by Member State at 31 December 2014**

This chart shows newly opened infringement cases in the reporting year by Member State.

**Second chart: New infringement cases opened in 2014: main policy areas**

This pie chart shows the policy areas where the most new infringement cases were opened during the reporting year.

**Third chart: Open infringement cases (2010-14)**

This chart shows the number of infringements that remained open on 31 December of the reporting year, from 2010 to 2014.

**Fourth chart: Number of infringements in EU-28 (31 December 2014)**

These figures show all procedures that the Commission started against each Member State by sending a letter of formal notice under Article 258 TFEU in the reporting year or before, and that have not yet closed been by a formal decision, irrespective of the actual procedural phase. The total number of active infringement cases is broken down into infringements for incorrect transposition and/or bad application of EU law and late transposition infringements (by Member State) at the end of the reporting year. Accordingly, this number includes all cases that, on 31 December of the reporting year:

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

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

**Fifth chart: Open infringement cases in 2014: main policy areas**

This pie chart shows the policy areas where the most new infringement cases were still open on 31 December of the reporting year.

### 3. TRANSPOSITION OF DIRECTIVES

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

This chart shows how many directives had to be transposed in the years 2010-2014 and how many new infringement cases for late transposition were opened in the years 2010-2014.

#### **Second chart: Evolution of late transposition infringement cases**

This chart shows the 'balance' of late transposition infringements at the end of the previous reporting year (first column). The second column indicates the number of late transposition infringements at the end of the reporting year.

#### **Third chart: Late transposition of directives in the EU-28 (31 December 2014)**

The chart shows the number of late transposition infringements open on 31 December of the reporting year by Member State, irrespective of the year when the infringement was opened.

#### **Fourth chart: New late transposition infringement cases in the EU-28**

This figure shows the number of letters of formal notice addressed to each Member State under Article 258 TFEU due to missing or partial notifications of national transposition measures during the reporting year. This figure is already included in the total number of new infringement cases initiated against the Member State in the reporting year, so it should *not* be added to the figure shown in the first chart of the general statistics section. It should be noted that not all of these new infringement cases for late transposition were necessarily open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2014 by sending a letter of formal notice it would be added to new infringement cases even if the case was closed in October 2014 due to the Member State's full notification.

#### **Fifth chart: New late transposition infringement cases opened in 2014: main policy areas**

This chart shows the policy areas where the most procedures for late transposition were launched during the reporting year.

## ANNEX I — POLICY AREAS

### 1. COMPLAINTS

#### **First chart: New complaints received from members of the public (2011-14)**

This chart shows the number of public complaints that the Commission registered in relation to the given policy field in 2011–14.

#### **Second chart: Evolution of complaints**

This chart starts from the policy area's 'balance' of complaints at the end of the previous reporting year (first column). The second column shows the 'balance' of the policy area's complaints at the end of the reporting year.

#### **Third chart: New complaints registered in 2014: main policy sectors**

The number of registered complaints for the current reporting year is broken down by policy sector. In general, this breakdown shows the three policy sectors where the most complaints were received during the reporting year. Four (or more) policy sectors are mentioned if two (or more) policy sectors had the second-highest number of incoming complaints. The number of sectors included varies according to the portfolio of each policy area.

### 2. EU PILOT

#### **First chart: New EU Pilot files (2011-14)**

This chart shows the number of EU Pilot files that the Commission opened in the given policy area for 2011-14.

#### **Second chart: Evolution of files open in EU Pilot**

This chart starts from the policy area's 'balance' of EU Pilot files at the end of the previous reporting year (first column). The second column shows the 'balance' of the policy area's EU Pilot files at the end of the reporting year.

#### **Third chart: New EU Pilot files opened in 2014: main policy sectors**

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

#### **Fourth chart: EU Pilot files: evolution of the Member States' combined resolution rate (2011-14)**

From the ratio of the accepted Member State responses and the total number of EU Pilot files processed, the Member States' combined resolution rate in the given policy field is calculated as a percentage. The chart shows the evolution of this combined resolution rate for the last four years (2011-14).

### 3. OWN-INITIATIVE CASES

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

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

## 4. INFRINGEMENT CASES

### First chart: infringement cases open on 31 December (2010-14)

The figures for 2010-14 include all procedures that the Commission initiated in the policy area by sending a letter of formal notice under Article 258 TFEU in the reporting year or before, and that have not yet been closed by a formal decision, irrespective of the actual procedural phase. Accordingly, this number includes all cases that, on 31 December of the above years:

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

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

### Second chart: New infringement cases open in 2014: main policy sectors

The chart shows the policy sectors within the policy areas where the most infringement cases were still open on 31 December of the reporting year. The number of sectors varies based on the portfolio of each policy area.

### Key infringement cases and referrals to the Court

This section has three parts:

The first part starts with the number of new infringement cases launched in the policy area during the reporting year and lists the most important new cases under Article 258 TFEU.

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

The third part contains the cases which the Commission referred to the Court under Article 260(2) TFEU *and* which were already submitted to the Court by 31 December of the reporting year.

## 5. TRANSPOSITION OF DIRECTIVES

### First chart: New late transposition infringement cases (2010-14)

This figure shows the number of letters of formal notice sent to Member States under Article 258 TFEU due to missing or partial notification of national measures transposing directives in the given policy area. This figure is already included in the total number of new infringement cases initiated in the policy area during the reporting year, so it should not be added to the figure shown in the first chart of the general statistics section. It should be noted that not all of these new infringement cases for late transposition were necessarily still open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2014 by

sending a letter of formal notice, it would be added to the new infringement cases even if the case was closed in October 2014 due to the Member State's full notification.

### **Second chart: New late transposition infringement cases opened in 2014: main policy sectors**

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

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

This section has two parts:

The first part lists the most important directive(s) in the given policy field where the Commission had to launch infringement procedures against a relatively high number of Member States.

The second part lists the cases which the Commission referred to the Court under Article 258 TFEU and Article 260(3) and which were submitted to the Court by 31 December of the reporting year.

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

### **Major cases closed without a Court judgment in 2014**

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

## **7. IMPORTANT JUDGMENTS**

This section contains two lists:

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

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

These lists are not necessarily exhaustive.

## ANNEX II — MEMBER STATES

### 1. COMPLAINTS

**First chart: New complaints made against the Member State by members of the public (2011-14)**

This chart shows the number of public complaints that the Commission registered against the Member State for the years 2011-2014.

**Second chart: Evolution of complaints against the Member State**

This chart starts from the Member State's 'balance' of complaints at the end of the previous reporting year (first column). The second column shows the 'balance' of the Member State's complaints at the end of the reporting year.

**Third chart: New complaints registered in 2014: main policy areas**

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

### 2. EU PILOT

**First chart: New EU Pilot files opened against the Member State (2011-14)**

This chart analyses the number of EU Pilot files that the Commission opened against the Member State for the years 2011-2014.

**Second chart: Evolution of files relating to the Member State open in EU Pilot**

This chart starts from the Member State's 'balance' of EU Pilot files at the end of the previous reporting year (first column). The second column indicates the 'balance' of the Member State's EU Pilot files at the end of the reporting year.

**Third chart: New EU Pilot files opened in 2014: main policy areas**

The figure on the number of new EU Pilot files that were opened against the Member State for the current reporting year is broken down by policy area. Generally, this breakdown shows the three policy areas where the most EU Pilot files were opened during the reporting year. However, four (or more) policy areas are mentioned if two (or more) policy areas have the third highest number of EU Pilot files.

**Fourth chart: EU Pilot files: average response time in days (2011-14)**

This chart shows how the Member State's average response time in EU Pilot (in days) has changed over the past four years (2011-2014).



**Fifth chart: EU Pilot files: evolution of the resolution rate by the Member State (2011-14)**

This chart shows the evolution of the resolution rate by the Member State of EU Pilot files — that is, how many EU Pilot files were closed without the Commission opening an infringement case — by 31 December of each year from 2011 to 2014.

**3. INFRINGEMENT CASES**

**First chart: Infringement cases against the Member State open on 31 December (2011-14)**

The figures for the years 2010-2014 include all procedures that the Commission initiated against the Member State by sending a letter of formal notice under Article 258 TFEU in the reporting year or before, and that have not yet been closed by a formal decision, irrespective of the actual procedural phase. Accordingly, this number includes all cases that, on 31 December of the above years:

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

This figure does *not* include, for example, open EU Pilot files or EU Pilot files where the Commission had already rejected the Member State’s response in EU Pilot but had not yet sent the letter of formal notice under Article 258 TFEU.

**Second chart: New infringement cases opened in 2014: main policy areas**

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

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

This section has three parts:

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

The second part lists the cases which the Commission referred to the Court solely under Article 258 TFEU and which were submitted to the Court by 31 December of the reporting year. It should be noted that cases submitted to the Court under Article 258 *and* 260(3) TFEU are discussed in the ‘Transposition of directives’ section (see below).

The third part lists the cases which the Commission referred to the Court under Article 260(2) TFEU and which were submitted to the Court by 31 December of the reporting year.

## 4. TRANSPOSITION OF DIRECTIVES

### **First chart: New late transposition infringement cases against the Member State (2010-14)**

This figure shows the number of letters of formal notice sent to the Member State under Article 258 TFEU due to missing or partial notifications of national transposition measures during the reporting year. This figure is already included in the total number of new infringement cases initiated against the Member State in the reporting year, so it should not be added to the figure shown in the first chart of the general statistics section. It should be noted that not all of these new infringement cases for late transposition were necessarily open on 31 December of the reporting year. For example, if the Commission opened a late transposition infringement procedure in March 2014 by sending a letter of formal notice it would be added to the new infringement cases even if the case was closed in October 2014 due to the Member State's full notification.

### **Second chart: New late transposition infringement cases opened in 2014: main policy areas**

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

### **Referrals to the Court**

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

## 5. EARLY RESOLUTION OF INFRINGEMENT CASES

### **Major cases closed without a Court judgment in 2014**

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

## 6. IMPORTANT JUDGMENTS

This section contains two lists:

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

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

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