



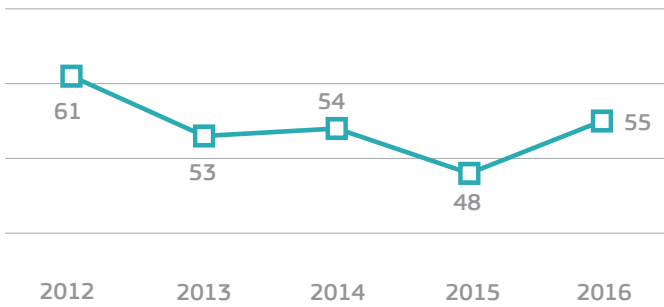
European Commission

Monitoring the Application of European Union Law

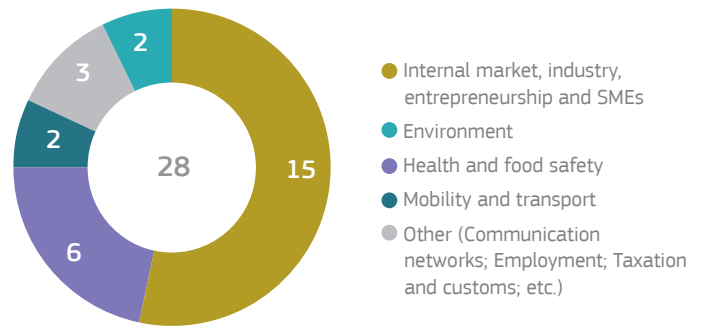
Annual Report 2016

New complaints against the United Kingdom decreased markedly in 2016 to a five-year low. The number of new EU Pilot files continued its downward trend since 2012, also reaching a five-year low. Open infringement cases at the end of 2016 increased somewhat whilst new infringement cases for late transposition went up.

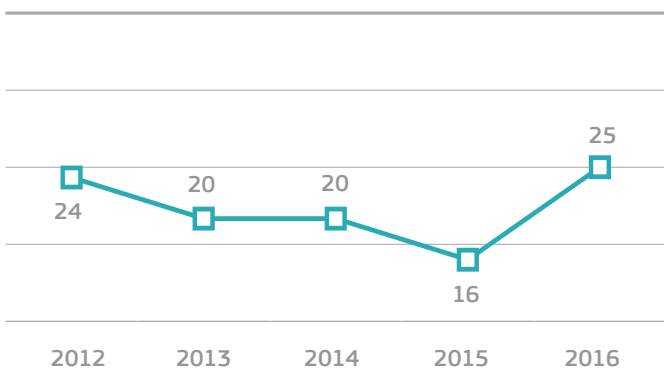
Infringement cases open on 31 December



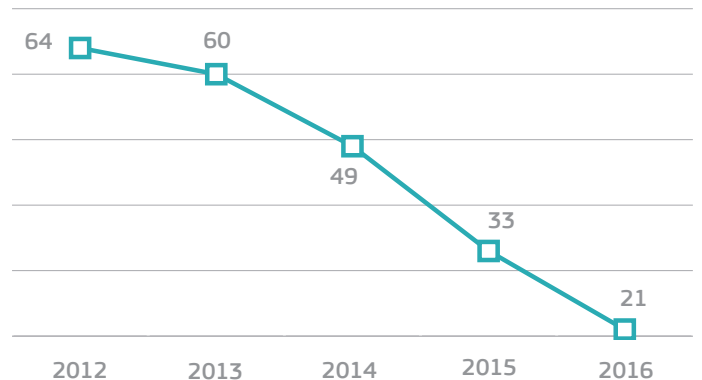
New infringement cases opened in 2016: main policy areas



New late transposition infringement cases



New EU Pilot files opened





Relevant rulings of the European Courts:

1. The Court ruled that :

- the United Kingdom has incorrectly applied the Large Combustion Plants Directive to the Aberthaw Power Station in Wales, by not respecting the emission limit value for nitrogen oxides (NOx);¹
- the United Kingdom did not violate the Regulation on the coordination of social security systems² by requiring a person claiming certain social benefits (child benefit and child tax credit) to satisfy the so-called right to reside test in order to be treated as habitually resident in the UK.³

2. In preliminary rulings, the Court held, amongst others, that:

- under the Directive on privacy and electronic communications⁴ Member States may establish, as a preventive measure, a targeted retention of data solely for the purpose of fighting serious crime, provided that such retention is limited to what is strictly necessary regarding the categories of data to be retained, means of communication affected, persons concerned and duration of the retention period. The Court further clarified that the access of national authorities to the retained data must be subject to conditions, including prior review by an independent authority, and that the data must be retained within the EU;⁵
- the placing on the EU market of cosmetic products containing some ingredients that have been tested on animals outside the EU in order to market those products in third countries may be prohibited if the data resulting from that testing is used to prove the safety of the products concerned for the purposes of placing them on the EU market.⁶

¹ Directive [2001/80/EC](#), Commission v United Kingdom, [C-304/15](#).

² Regulation (EC) No [883/2004](#).

³ Commission v United Kingdom, [C-308/14](#).

⁴ Directive [2002/58/EC](#).

⁵ Tele2 Sverige, joined case [C-203/15](#) and [C-698/15](#), Court press release [No 145/16](#).

⁶ European Federation for Cosmetic Ingredients v Secretary of State for Business, Innovation and Skills and Attorney General, [C-592/14](#), Court press release [No 105/2016](#).