



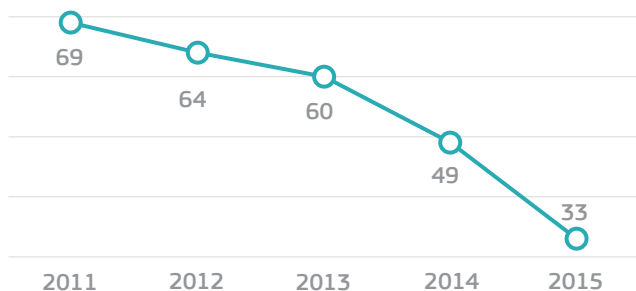
European Commission

Monitoring the Application of European Union Law

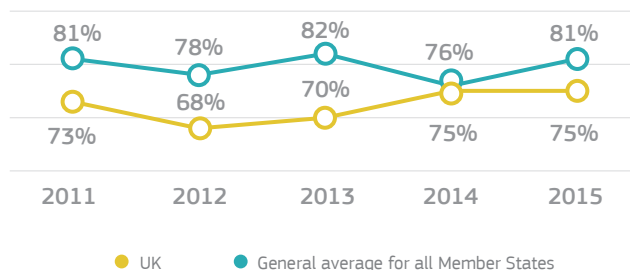
Annual Report 2015

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.

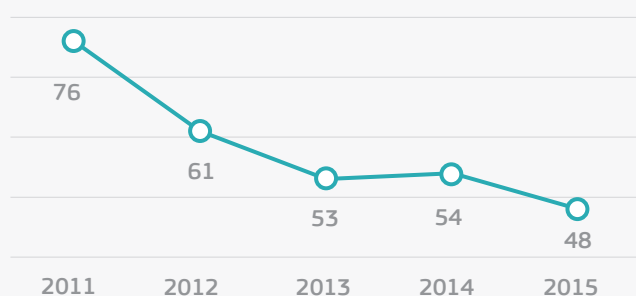
New EU Pilot files opened



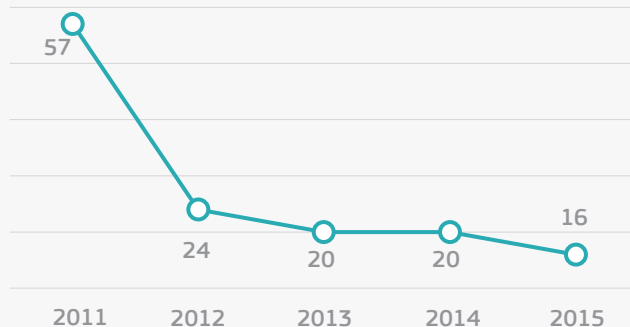
EU Pilot files: evolution of the resolution rate



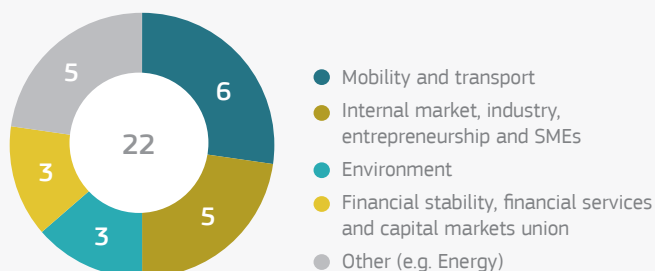
INFRINGEMENT CASES
Infringement cases open on 31 December



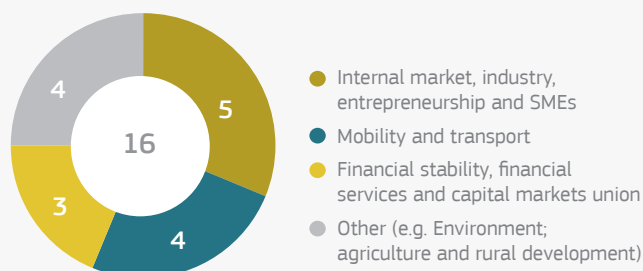
TRANSPOSITION OF DIRECTIVES
New late transposition infringement cases



22 new infringement cases opened in 2015: main policy areas



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





The Court ruled

- that applying reduced VAT rates for the supply of energy-efficient products in houses did not comply with the VAT Directive.¹
- dismissed the European Commission's claim that it is virtually impossible for non-resident companies to obtain cross-border group relief.²

In preliminary rulings, the Court ruled that:

- 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.³ The Common Market Organisation Regulation⁴ 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;⁵
- 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;⁶
- 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;⁷
- 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.

¹ Commission v United Kingdom, [C-161/14](#).

² Commission v United Kingdom, [C-172/13](#).

³ Scotch Whisky Association and Others v Lord Advocate, [C-333/14](#) and Court press release No [155/15](#).

⁴ Regulation (EU) No [1308/2013](#).

⁵ The Scotch Whisky Association, [C-333/14](#).

⁶ Greenfield, [C-219/14](#).

⁷ USDAW and Wilson, [C-80/14](#) and Lyttle and Others, [C-182/13](#).

More information:

European Commission Staff Working document - [Annual Report 2015](#) 'Monitoring the application of European Union law' (part II: Member States)