



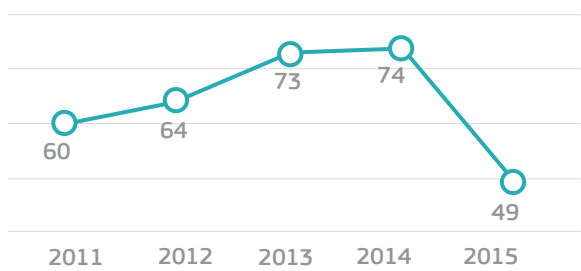
European Commission

Monitoring the Application of European Union Law

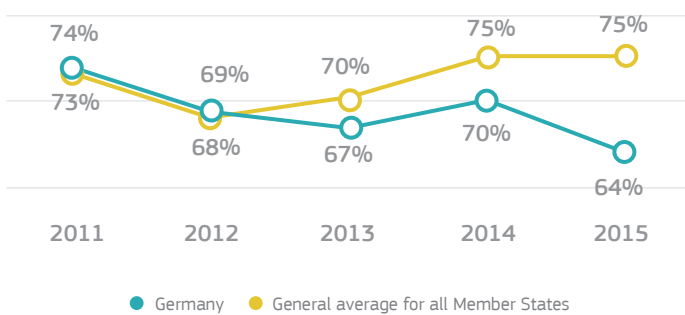
Annual Report 2015

In 2015, new complaints against Germany remained at the previous year's level while the number of new EU Pilot files significantly decreased from its 2014 peak. However, there was a marked increase in infringement cases pending at the end of the year compared to 2014. New infringement cases for late transposition fell but were still above the 2012-2013 levels.

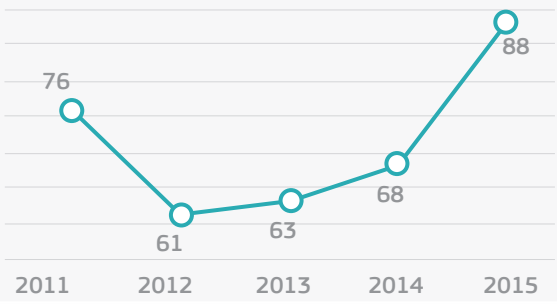
New EU Pilot files opened



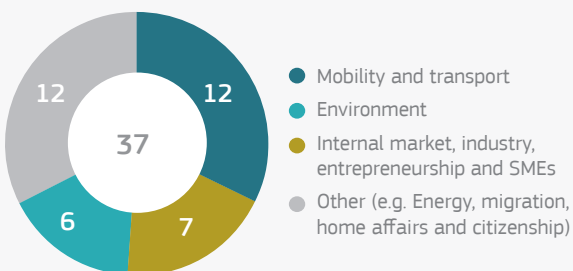
EU Pilot files: evolution of the resolution rate



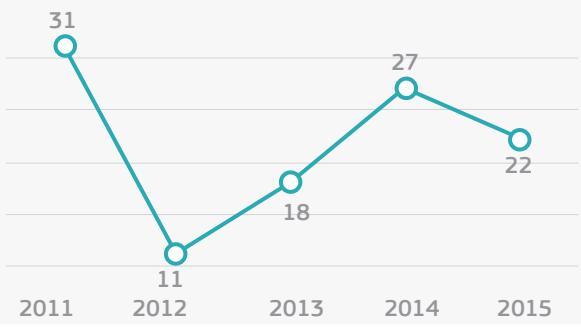
INFRINGEMENT CASES
Infringement cases open on 31 December



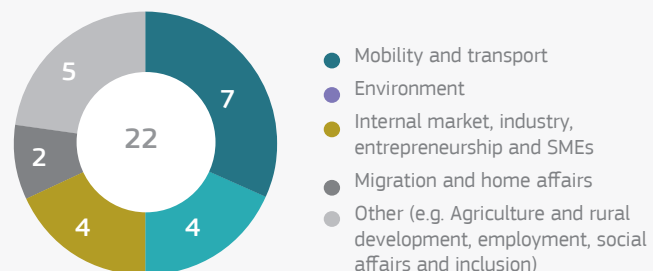
37 new infringement cases opened in 2015: main policy areas



TRANSPOSITION OF DIRECTIVES
New late transposition infringement cases



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





The Court ruled that:

- Germany has incorrectly transposed the requirements of the Environmental Impact Assessment Directive and of the Industrial Emissions Directive with regard to access to justice;¹
- making a tax benefit (a deferral of capital gains tax due on the sale of assets located in Germany) subject to the condition that such gains are reinvested in Germany is incompatible with the right of establishment.²

In preliminary rulings, the Court ruled that:

- where an infringement of a provision of EU law is discovered only after the prejudice has occurred, the limitation period (after which the case is time-barred) begins to run from the time when both the economic operator's act or omission that infringed EU law and the prejudice caused to the budget of the EU or budgets managed by it occurred;³
- under the Directive on collective redundancies, a person who performs services for and under the direction of another person and receives remuneration in return must be considered as a 'worker'. Consequently, certain managing directors and certain trainees may also count as 'workers';⁴
- Member States can exclude jobseekers from social assistance benefits who are either first-time jobseekers or who, after having worked for less than one year in the host Member State, no longer retain the status of a worker;⁵
- the Free Movement Directive allows Member States to set limits on the entitlements to social assistance of economically inactive EU citizens moving to another EU Member State, as well as for EU citizens seeking a job. Previously the Court had found that a Member State could, under the Free Movement Directive, deny the benefit to an economically non-active person who never had sufficient resources of their own to enjoy right of residence and who, in addition, had never worked in the host Member State and had no intention of looking for a job there;⁶
- a migrant worker who is subject to the legislation of the Member State of employment by virtue of the national legislation of the Member State of residence may receive an old-age pension and family benefits from the state of residence;⁷
- entitlement to family benefits can be granted to a person not resident in the territory of the Member State responsible for paying those benefits, when all other conditions for the granting of those benefits provided by national law are met;⁸
- the German nuclear fuel tax is compatible with EU law (Energy Taxation Directive, Euratom Treaty, State aid rules);⁹
- the requirements imposed by the Water Framework Directive on the Member States to avoid deterioration in and achieve good status of their water bodies are binding objectives. Individual projects must, therefore, be assessed against these obligations. A fall by one class in the status of at least one quality element for a body of surface water is enough to determine the conclusion that there is a deterioration in the body's status;¹⁰
- architects whose qualifications cannot be automatically recognised under the Directive on professional qualifications can still benefit from the general system of recognition set out by the Directive;¹¹
- European public procurement legislation does not preclude national legislation that requires tenderers to pay a predetermined minimum wage to staff;¹²
- under the Qualifications Directive, an act of persecution can take the form of 'prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes'. The judgment of the Court clarified the conditions in which a non-EU national who has deserted may be granted asylum in the EU;¹³
- a computerised booking system must indicate the final price to be paid, not only for the air service selected by the customer but also for each service for which the price is displayed, including when the prices are indicated for the first time;¹⁴
- a Member State is not precluded from refusing to recognise the validity of a driving licence issued by another Member State when the holder has engaged in unlawful conduct resulting in unfitness to drive;¹⁵
- as a general rule, final losses of a foreign subsidiary cannot be taken into account at the level of the parent company.¹⁶

¹ Directives [No 2011/92/EU](#) and [2010/75/EU](#), *Commission v Germany*, [C-137/14](#).

² *Commission v Germany*, [C-591/13](#).

³ *Firma Ernst Kollmer Fleischimport und -export*, [C-59/14](#).

⁴ *Balkaya*, [C-229/14](#).

⁵ *Alimanovic*, [C-67/14](#).

⁶ *Alimanovic*, [C-67/14](#) and Court press release [No 101/15](#).

⁷ *Franzen and Others*, [C-382/13](#).

⁸ *Trapkowski*, [C-378/14](#).

⁹ *Kernkraftwerke Lippe-Ems GmbH v Hauptzollamt Osnabrück*, [C-5/14](#) and Court press release [No 62/15](#).

¹⁰ Directive [No 2000/60/EC](#), *Bund für Umwelt und Naturschutz Deutschland*, [C-461/13](#).

¹¹ *Eintragungsausschuss bei der Bayerischen Architektenkammer v Hans Angerer*, [C-477/13](#).

¹² *Regiopost*, [C-115/14](#), and Court press release [no.139/15](#).

¹³ *Shepherd*, [C-472/13](#) and Court press release [No 20/15](#).

¹⁴ *Air Berlin plc*, [C-573/13](#) and Court press release [No 4/15](#).

¹⁵ *Aykul*, [C-260/13](#) and Court press release [No 40/15](#).

¹⁶ *Timac Agro Deutschland*, [C-388/14](#).

More information:

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