

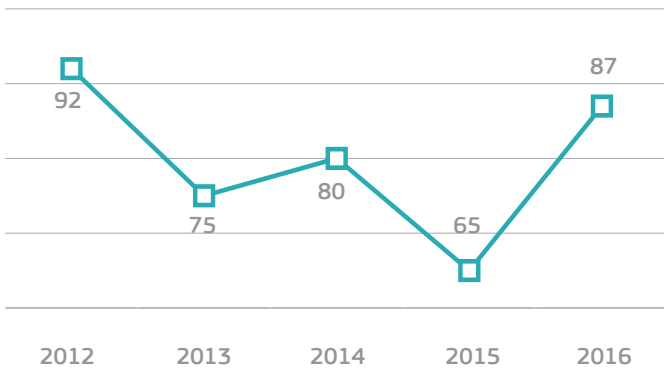


Monitoring the Application of European Union Law

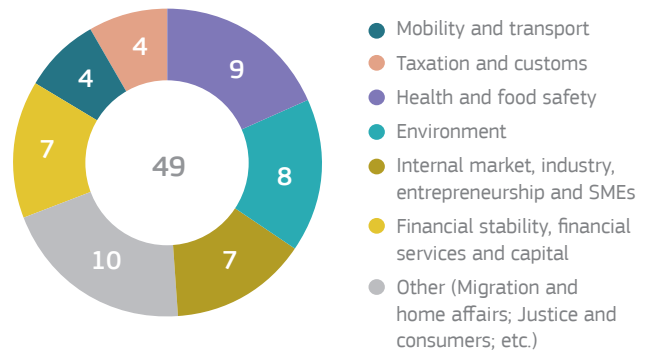
Annual Report 2016

New complaints against Belgium rose to the highest in 5 years, while new EU Pilot files increased only slightly. Open infringement cases also increased, to their highest level since 2012. New infringement cases for late transposition rose again after the previous year's dip, and are at a five-year peak.

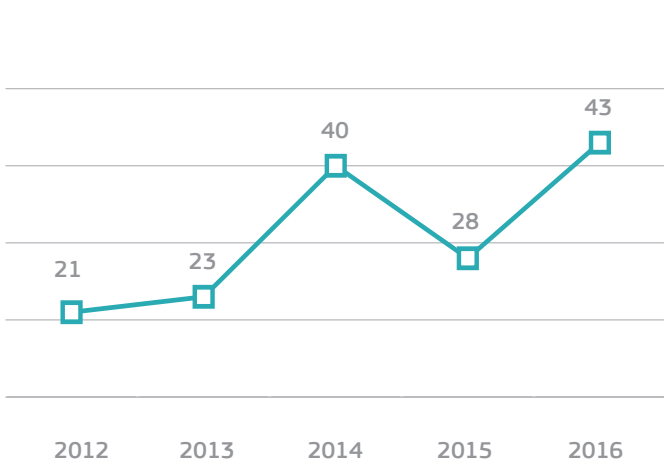
Infringement cases open on 31 December



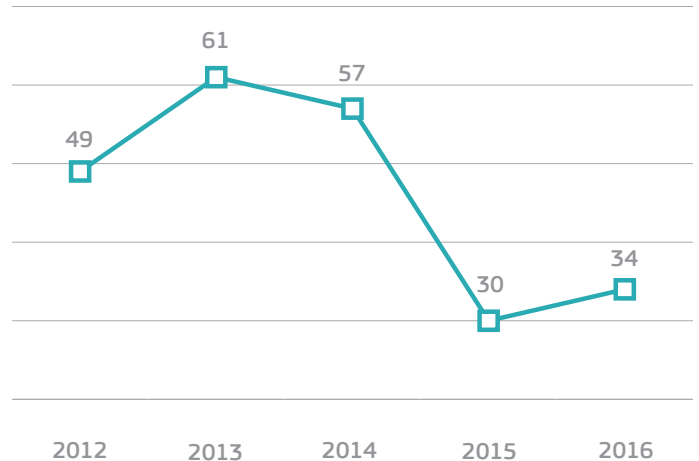
New infringement cases opened in 2016: main policy areas



New late transposition infringement cases



New EU Pilot files opened





Relevant rulings of the European Courts:

1. The Court of Justice of the EU ruled that Belgium has failed to fulfil its obligations under the Protocol on the Privileges and Immunities of the European Union, by not exempting the EU institutions from the regional contributions in respect of the supply of electricity and gas.¹
2. In preliminary rulings, the Court held, amongst others, that:
 - under the Consumer Sales Directive,² the concept of ‘seller’ also covers a trader acting as an intermediary on behalf of a private individual if the trader has not duly informed the consumer of the fact that the owner of the goods sold is a private individual. The Court’s clarifications on intermediaries seem relevant for other areas of consumer law as well,³
 - the exemption of distribution charges limited to green electricity produced in Flanders is incompatible with EU law. It fails to achieve the objective of increasing the production of green electricity and is thus considered non-proportionate discrimination against imported electricity;⁴
 - a person making a train journey while not in possession of a ticket for that purpose, and who fails to regularise his situation within the periods laid down in national provisions, may be deemed to not have a contractual relationship with the railway undertaking;⁵
 - national legislation which prohibits retailers from selling tobacco products at a unit price lower than the price indicated by the manufacturer or importer on the revenue stamp affixed to those products, in so far as that price has been freely determined by the importer, is compatible with EU law;⁶
 - national legislation by a federated entity of a Member State, which requires every undertaking that has its place of establishment within the territory of that entity to draw up all the details on invoices relating to cross-border transactions exclusively in the official language of that entity, failing which those invoices are to be declared null and void by the national courts of their own motion, is incompatible with EU law.⁷

¹ Commission v Belgium, [C-163/14](#).

² Directive [1999/44/EC](#).

³ Wathelet, [C-149/15](#).

⁴ Essent Belgium NV v Vlaams Gewest and Others, [C-492/14](#).

⁵ Nationale Maatschappij der Belgische Spoorwegen NV v Gregory Demey, [C-261/15](#).

⁶ Etablissements Fr. Colruyt, [C-221/15](#).

⁷ [C-15/15](#), New Valmar BVBA, Court press release No [66/2016](#).

More information:

Staff working document of the European Commission - [Annual Report 2016](#) “Monitoring the application of Union Law” (part II: Member States)