

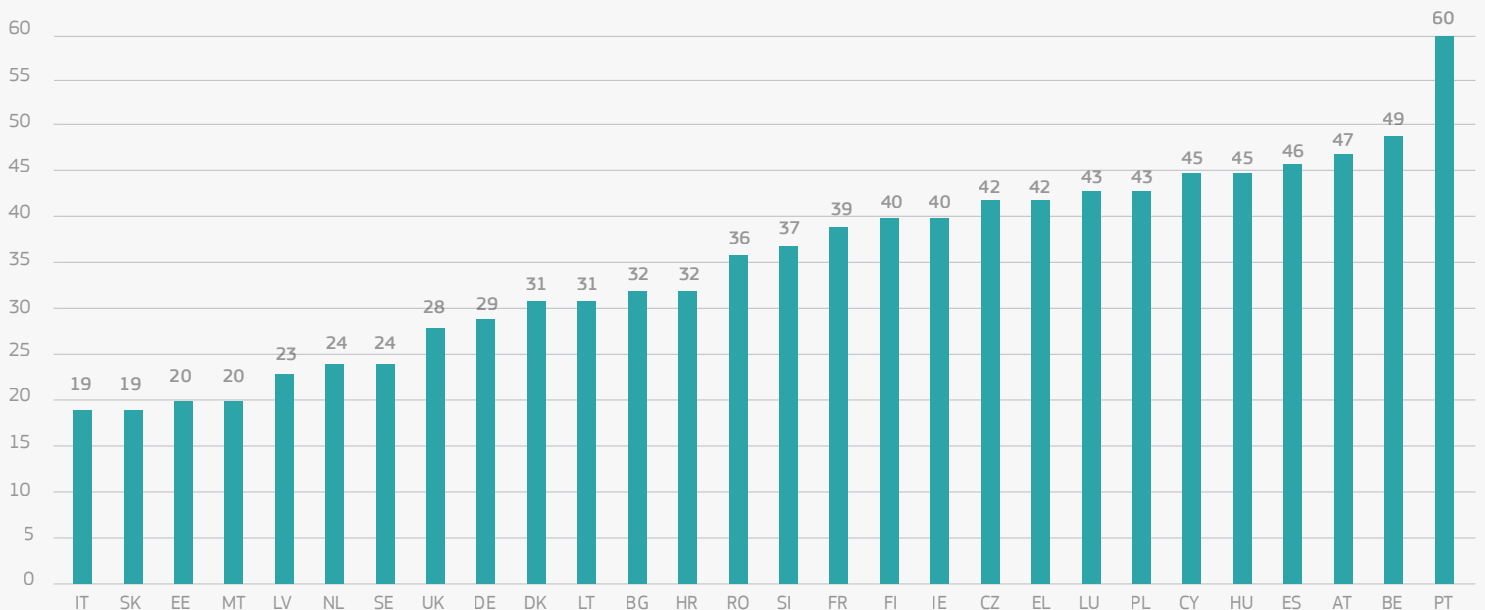
European
Commission

Monitoring the Application of European Union Law

Annual Report 2016

The effective application of EU law is essential to delivering the benefits of EU policies to citizens and businesses. Often, when issues come to the fore, such as car emissions testing, illegal landfills or transport safety and security, it is not the lack of EU legislation that is the problem but rather that EU law is not applied effectively in Member States. In 2016, the Commission launched 986 new procedures - by sending a letter of formal notice - and issued 292 reasoned opinions. At the end of 2016, there were 1657 open infringement cases, which is a considerable increase (21%) from the previous year and higher than all previous years. Also the number of new late transposition cases increased sharply (by 56%), from 543 (in 2015) to 847 (in 2016). Finally, the Court gave 28 judgments under Article 258 [TFEU](#), of which 23 (over 80%) were in the Commission's favour. The Court also delivered 2 judgments under Article 260(2) [TFEU](#) imposing penalty payments on Greece¹ and Portugal, respectively.²

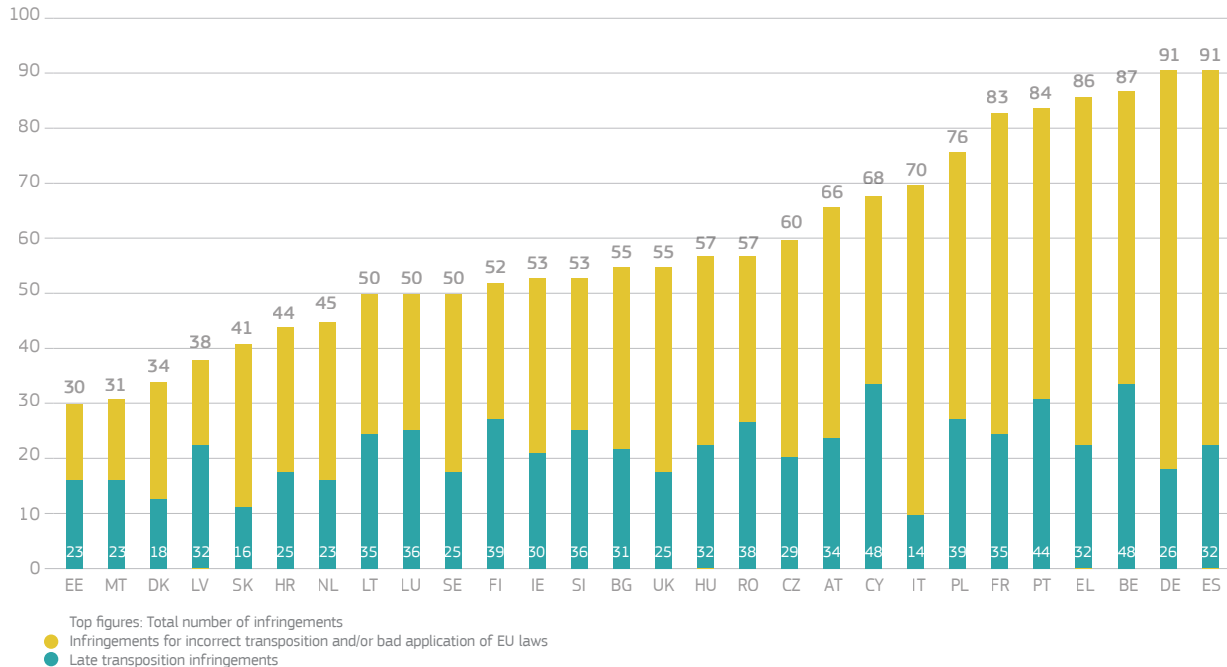
New infringement cases by Member State on 31 December 2016



¹ Commission v Greece, [C-584/14](#) (lump sum payment of € 10 million; penalty: €30 000 for each day of delay adopting the measures necessary to comply with the judgment under Article 258 [TFEU](#)).

² Commission v Portugal, [C-557/14](#) (lump sum payment of € 3 million; penalty: € 8 000 for each day of delay in implementing the measures necessary to comply with the judgment under Article 258 [TFEU](#)).

Number of infringement cases in EU-28 on 31 December 2016



1657 open infringement cases in 2016: main policy areas



Conclusions

- The high number of infringement procedures, which in 2016 rose to a five-year peak, remains a serious concern. Failure to ensure timely and correct transposition of EU legislation ultimately deprives citizens and businesses of their benefits under EU law. The Commission therefore attaches great importance to ensuring the effective application of the law.
- The task of applying, implementing and enforcing EU legislation is shared by the EU and the Member States. The Commission will continue to provide the Member States with the support and assistance they need during the implementation phase. In line with the Communication EU law: Better results through better application, the Commission will focus its efforts

on problems where enforcement action can make a real difference. At the same time, it will strengthen its response when pursuing breaches of EU law through infringement procedures. To ensure swifter compliance and to be able to deliver on its policy priorities, the Commission will henceforth launch infringement procedures without relying on the EU Pilot mechanism, unless recourse to EU Pilot is seen as useful in a given case. The Commission has also reinforced the sanctions regime under Article 260(3) TFEU for when Member States fail to communicate on time their measures transposing a directive adopted under a legislative procedure.

- This more strategic approach to enforcement, combined with timely and effective Commission action, aims at ensuring better application of EU law for the benefit of all.

More information:

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