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Part I: General Statistical Overview

Accompanying the document

Report from the Commission

**Monitoring the application of European Union law
2018 Annual Report**

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| | | |
|------|--|----|
| I. | Working with Member States to ensure proper implementation of EU law | 2 |
| 1. | Explanatory documents: state of play | 2 |
| 2. | Guidelines..... | 5 |
| 3. | Implementation plans: state of play..... | 5 |
| 4. | Meeting-based compliance tools..... | 6 |
| 4.1. | Committees, networks, expert groups and workshops | 6 |
| 4.2. | Package meetings | 8 |
| 4.3. | Other compliance tools | 8 |
| II. | Infringement procedures | 10 |
| III. | Before an infringement procedure is started | 12 |
| 1. | Detecting problems..... | 12 |
| 1.1. | Complaints..... | 12 |
| 1.2. | Petitions | 14 |
| 2. | EU Pilot..... | 15 |
| IV. | Stages in infringement procedures..... | 18 |
| 1. | Pre-litigation phase | 18 |
| 2. | Judgments of the Court of Justice under Articles 258 and 260(2) TFEU | 21 |
| V. | Transposition of directives | 23 |
| 1. | EU directives to be transposed in 2014-2018..... | 23 |
| 2. | Transposition deadlines | 24 |
| 3. | Transparency..... | 24 |
| 4. | Late transposition infringements | 25 |
| 5. | Referrals to the Court of Justice under Article 258 and 260(3) TFEU | 27 |
| VI. | Methodology and explanations | 28 |

I. Working with Member States to ensure proper implementation of EU law

The Member States and the European Commission share responsibility for ensuring that EU law is complied with. In line with the principle of sincere cooperation set out in Article 4(3) of the Treaty on European Union, they should 'in full mutual respect, assist each other in carrying out tasks which flow from the Treaties'.

The ultimate purpose of the Commission's enforcement actions is to ensure compliance with EU law, and in this sense infringement procedures are an option of last resort to achieve that purpose. In many cases, good cooperation and communication between the Commission and the Member States is more conducive to reaching compliance at an early stage than having to resort to infringement procedures. In its Communication 'EU law: Better results through better application'¹, the Commission committed to strengthening its partnership with Member States.

In line with this approach, the Commission has developed a number of tools to help Member States transpose, apply and implement EU law correctly and on time. These include guidance documents, implementation plans, expert groups, explanatory documents, providing training, organising workshops and holding package meetings. Some of these tools are used to avoid ('prevent') breaches of EU law, while others are intended to be used in parallel with infringement procedures to resolve ('correct') breaches of EU law and to avoid having to refer the matter to the Court of Justice of the European Union. The Commission often uses a combination of these tools to address problems and promote compliance with EU law.

In 2018, in its [landscape review](#) of the Commission's oversight of the application of EU law, the Court of Auditors acknowledged the added value of compliance-promoting tools in ensuring the timely and correct implementation and application of EU legislation. It also suggested that the Commission could ensure more transparency in the use of these compliance-promoting tools. This could be achieved by providing more information in the Commission's annual report on monitoring the application of EU law.

The Commission is committed to better explaining its role as guardian of the treaties and its work with Member States on issues concerning the application and implementation of EU law. Information provided in this section of the report goes beyond the dialogue engaged with the Member States during the formal infringement procedures. It gives a brief overview of other types of actions taken by the Commission in 2018 to assist Member States in implementing and applying EU law.

1. Explanatory documents: state of play

The EU institutions and the Member States agreed in 2011 that Member States, when notifying national transposition measures to the Commission, may also have to provide documents explaining how they have transposed directives into their law². The Commission can ask Member States to submit these 'explanatory documents' in justified cases³.

Explanatory documents play an essential role in allowing the Commission to understand how Member States transpose EU directives. They help to make compliance monitoring easier: without these documents, the Commission would need considerable resources and numerous contacts with national authorities to track the methods of transposition in all Member States. Often, transposing measures must fit into a complex legal framework. The resulting transposition exercise thus produces hundreds of measures that the Commission needs to examine.

¹ [C\(2016\)8600](#); adopted on 13 December 2016 and published in the OJ on 19 January 2017.

² This was established by (1) a Joint Political Declaration of 28 September 2011 between the Commission and the Member States ([OJ 2011/C 369/02](#)) and (2) a Joint Political Declaration of 27 October 2011 between the European Parliament, the Council and the Commission ([OJ 2011/C 369/03](#)).

³ The standard recital in such directives reads as follows: Member States 'undertake to accompany the notification of transposition measures with one or more explanatory documents, which can take the form of correlation tables or other documents serving the same purpose'. The Commission will have 'to justify on a case by case basis, when submitting the relevant proposals, the need for, and the proportionality of, providing such documents'.

In 2018, the Commission requested explanatory documents in 14 out of 37 proposals for directives submitted to the European Parliament and the Council. The 42 directives that the Parliament and the Council adopted during this year included 11 for which the Commission had requested explanatory documents. For all 11 directives, the agreed recital on the need for such documents was maintained in the final text.

During the year Member States had to transpose 50 directives. They had undertaken to submit explanatory documents for 14 of these⁴. In total, Member States notified 2 017 explanatory documents. The process of assessing the national transposition measures for these directives is under way.

Two of the 14 directives for which the Member States had undertaken to provide explanatory documents in 2018 concern **financial markets**. Member States notified to the Commission the following numbers of explanatory documents:

- 18 Member States notified 27 explanatory documents for the Directive on payment services in the internal market⁵;
- 18 Member States submitted 19 explanatory documents for the Directive on insurance distribution⁶, notified by;

Two other of the 14 directives are in the field of **justice and consumers**. The Commission received:

- 14 explanatory documents for the Data Protection Law Enforcement Directive⁷, provided by 11 Member States;
- 12 explanatory documents for the Directive on consular protection for unrepresented European citizens living or travelling outside the EU⁸, submitted by 12 Member States.

In addition, two of the 14 directives concern **transport**. Member States notified to the Commission the following numbers of explanatory documents:

- 22 explanatory documents for the Directive on driving licences⁹, notified by 15 Member States;
- 3 explanatory documents for the Directive on the opening of the market for domestic passenger transport services by rail¹⁰, provided by three Member States.

Two of the 14 directives are in the field of **home affairs**. The Commission received:

- 17 explanatory documents for the Students and Researchers Directive¹¹, provided by 13 Member States;
- 13 explanatory documents for the Asylum Procedures Directive¹², notified by 10 Member States.

One of the 14 directives concerns **environment**. The Commission received 15 explanatory documents from 14 Member States for the Directive on the reduction of national emissions of certain atmospheric pollutants¹³.

⁴ The report takes into account the explanatory documents submitted for these directives between 1 January and 10 December 2018.

⁵ [Directive 2015/2366/EU](#).

⁶ [Directive 2016/97/EU](#).

⁷ [Directive 2016/680/EU](#).

⁸ [Directive 2015/637/EU](#).

⁹ [Directive 2016/1106/EU](#).

¹⁰ [Directive 2016/2370/EU](#).

¹¹ [Directive 2016/801/EU](#).

¹² [Directive 2013/32/EU](#).

Another one of the 14 directives is on **internal market**. The Commission received 13 explanatory documents (including one correlation table) from 11 Member States for the Directive as regards the list of defence-related products¹⁴.

In the field of **energy**, the Commission received 37 explanatory documents from 14 Member States for the Directive laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation¹⁵.

There was also one Directive in the field of occupational health and safety for workers for which 12 Member States submitted 14 explanatory documents¹⁶.

In the area of the **digital economy and society**, nine Member States submitted to the Commission nine explanatory documents for the Directive on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled¹⁷.

There were also two explanatory documents notified by two Member States in the field of **climate action** for the Directive enhancing cost-effective emission reductions and low-carbon investments¹⁸.

The Commission considers that the current framework gives sufficient flexibility on the use of explanatory documents. Unfortunately, in 2018 Member States did not deliver in all cases on their commitment to provide explanatory documents together with the national measures transposing the directives into their legal order. Moreover, the Commission's initial assessment of the explanatory documents it received indicates that their quality is uneven.

The Commission will therefore explore with Member States the benefit of providing guidance on how explanatory documents should be drafted and submitted. This could include the need for a common template and clear rules on the presentation of the relevant information by the Member States. At the same time, the Commission will continue its current practice of actively seeking clarifications from Member States on the transposition of EU directives, in particular in the case of complex and voluminous notifications. The Commission will also continue to report to the Parliament and the Council on explanatory documents in its annual reports on monitoring the application of EU law.

¹³ [Directive 2016/2284/EU](#).

¹⁴ [Directive 2017/2054/EU](#).

¹⁵ Directive [2013/59/EU](#).

¹⁶ Directive [2017/164/EU](#).

¹⁷ Directive [2017/1564/EU](#).

¹⁸ Directive [2018/410/EU](#).

2. Guidelines

The Commission often provides written guidance to Member States on how to implement and apply certain EU legal instruments.

In 2018, the Commission issued guidelines on interpreting and implementing EU law in the following policy areas.

Regarding the **common agricultural policy**, the adoption of the Omnibus Regulation¹⁹ required a revision of the existing guidelines on rural development and direct payments. The revised guidelines covered the performance framework, public procurement, control and penalties in rural development, on-the-spot checks and area measurement, the land parcel identification system, permanent grassland, and aid applications and payment claims. The Commission also issued a guide on how to apply to register a protected designation of origin or protected geographical indication for agricultural product and foodstuffs. Furthermore, the Commission provided guidance on additional controls on organic products from Ukraine, Kazakhstan and Russia and on the implementation of the EU school fruit, vegetables and milk scheme.

In the field of the **digital economy and society** the Commission provided guidance in the form of questions and answers to help Member States implement the Web Accessibility Directive²⁰ and the Geo-blocking Regulation²¹. Anticipating challenges linked to the May 2018 entry into application of the **General Data Protection Regulation**, in January 2018 the Commission issued [extensive guidance](#). This was disseminated through an ongoing awareness-raising campaign targeting in particular individuals and small and medium-sized enterprises.

On **product safety**, the Commission adopted new guidelines in 2018 for the Rapid Alert System for dangerous non-food products (RAPEX)²². The guidelines update the previous guidance issued in 2010. On 20 April 2018, the Commission published a Recommendation on cross-border market access for sub-suppliers and small and medium-sized enterprises in the defence sector, making specific proposals to facilitate cross border market access for small and medium-sized enterprises and intermediate companies in the defence sector in two areas: public procurement by national authorities and industrial policy at national and European level.

In June 2018, the Commission adopted a Recommendation on standards for equality bodies²³. It encourages Member States to strengthen equality bodies' independence and effectiveness. This should help these bodies to perform their key tasks better. These are offering independent assistance to victims of discrimination, promoting equality, conducting independent surveys and issuing independent reports and recommendations.

3. Implementation plans: state of play

The Commission prepares implementation plans for certain legislative proposals for directives and regulations. An implementation plan identifies the challenges that the Member States will face and which need to be taken into account when they prepare to transpose and implement the respective directive or regulation. The plans also provide for a wide range of tools to help Member States implement EU laws, such as guidance documents, expert groups and dedicated websites. Implementation plans could also include actions and monitoring arrangements by the Member States to track progress and report on their implementation.

In 2018, the Commission prepared one implementation plan accompanying its proposal for a Regulation on the alignment of reporting obligations in the field of environment policy²⁴.

¹⁹ Regulation (EU) [2017/2393](#).

²⁰ Directive (EU) [2016/2102](#).

²¹ Regulation (EU) [2018/302](#).

²² [C\(2018\)7334 final](#).

²³ [C\(2018\)3850 final](#).

²⁴ [COM/2018/381 final](#).

The Court of Auditors [landscape review](#) on monitoring the application of EU law highlighted that implementation plans are one of the least frequently used compliance tools, both by the Commission and the Member States.

As the number of implementation plans prepared over recent years has significantly decreased²⁵, the Commission carried out its own assessment of the usefulness and effectiveness of this compliance tool in 2018. This analysis showed that these plans are often prepared too early in the legislative process. In addition, the interaction between the implementation plans drawn up by the Commission and the national implementation plans could be strengthened. This point was also emphasised by the Task Force on Subsidiarity, Proportionality and '[Doing Less More Efficiently](#)'.

Taking into account these findings, the Commission will explore avenues for improving the effectiveness of the implementation plans together with the Member States.

4. Meeting-based compliance tools

The Commission deploys a wide range of meeting-based tools, such as committees, networks, expert groups and workshops, to promote the good implementation of EU law across policy areas.

4.1. Committees, networks, expert groups and workshops

As from May 2018, the Commission undertook further efforts to ensure the proper application of the new **data protection rules**. The Commission received feedback from stakeholders on the implementation of the General Data Protection Regulation²⁶, including through a dedicated multi-stakeholder group composed of representatives from industry, civil society, practitioners and academics. In parallel, the Commission is actively contributing to the work of the [European Data Protection Board](#), composed of the national authorities who are the enforcers of data protection rules.

In the area of **civil law**, the Committee on Public Documents (composed of representatives of the Member States and the Commission) agreed on the implementation measures required for the smooth application of the Regulation simplifying the circulation of certain public documents (in particular on civil status)²⁷. The measures include the development of the multilingual standard forms, the creation of a module in the Internal Market Information system to strengthen the fight against fraudulent public documents, and the adoption by the Commission and the Member States of a common text to inform the public about the Regulation.

In 2018, the Commission worked with Member States to adopt further rules implementing EU legislation on the **property regimes of international couples**, covering both marriages and registered partnerships²⁸. These rules, which become applicable in 2019, establish the forms that members of the public must obtain to have a court decision, authentic instrument or court settlement on property matters from one Member State recognised and/or enforced in another.

In 2018, the Commission made regular use of committees and experts groups to discuss the proper implementation and application of EU legislation on **employment and social affairs**.

The administrative commission (composed of representatives of the Member States) met four times to discuss issues related to the interpretation of EU Regulations on the coordination of social security systems²⁹.

The technical committee on free movement of workers (composed of representatives of the Member States) and the advisory committee on free movement of workers (composed of representatives of social partners at national and European level, as well as representatives of Member States) met twice

²⁵ See the Commission's previous [annual reports on monitoring the application of EU law](#).

²⁶ Regulation (EU) [2016/679](#).

²⁷ Regulation (EU) [2016/1191](#).

²⁸ Regulations (EU) [2016/1103](#) and [2016/1104](#).

²⁹ Regulations (EC) [883/2004](#) and [987/2009](#).

in 2018. The discussions covered, amongst others, issues related to the implementation of directives on the freedom of movement for workers³⁰.

The European network of employment services (EURES) coordination group (composed of representatives of the Member States) met three times in 2018 to discuss, amongst other issues, the implementing acts relating to the EURES Regulation³¹.

The Posting of Workers expert group (composed of representatives of the Member States and including observers from social partners and EFTA states) met three times to discuss the implementation of the Posting of Workers Enforcement Directive.

In 2018, the Senior Labour Inspectors' Committee adopted guidance on topics such as the quality of risk assessments and risk management measures with regard to the prevention of muscular-skeletal disorders or psychosocial risks.

On the **digital economy and society**, the Commission organised meetings to support Member States in the transposition of the Web Accessibility Directive³². The implementation of the Geo-blocking Regulation³³ was discussed in the Consumer Protection Cooperation (CPC) network meeting with national CPC authorities, in the CPC Committee and in the Expert Working Group meeting for the Services Directive. An expert group meeting was organised to prepare the implementation of the Marrakesh Treaty Directive³⁴, which allows people with print disabilities to access more books and other print material in formats that are accessible to them.

In enforcing the **internal market** rules, the Commission continued to strengthen its partnership with the Member States by organising compliance dialogues in different settings (bilateral meetings or sectoral meetings on specific issues concerning all Member States). These meetings allowed the Commission to detect issues of inadequate transposition or implementation and of non-compliance with EU law. This approach helps the Commission to build solid country and sector knowledge and to avoid resorting to infringement procedures. Moreover, together with the experts of the Network of first instance review bodies on public procurement, the Commission developed indicators for monitoring the application of the Remedies Directives³⁵.

During 2018, the Commission also took comprehensive measures to ensure that the EU legislation on **consumer alternative dispute resolution** (ADR) and online dispute resolution (ODR) is properly applied. These measures included improving the European ODR platform and hosting the first-ever ADR Assembly. This two-day networking event gathered more than 350 participants from the European ADR community. The Commission also organised several workshops with national consumer authorities to prepare the entry into application of the new Consumer Protection Cooperation Regulation³⁶.

On **financial services**, the Commission organised two workshops on the implementation of activities and the supervision of institutions for the Occupational Retirement Provision Directive (IORP II)³⁷. The workshops covered issues related to cross-border activities of institutions for occupational retirement provision (IORPs), investment and funding rules, the system of governance of IORPs, information to members and beneficiaries of pension schemes, professional secrecy, and the exchange of information between supervisory authorities.

³⁰ Directives [2014/54/EU](#) and [2014/50/EU](#).

³¹ Regulation (EU) [2016/589](#).

³² Directive [2016/2102/EU](#).

³³ Regulation (EU) [2018/302](#).

³⁴ Directive [2017/1564/EU](#).

³⁵ Directives [89/665/EEC](#) and [92/13/EEC](#) as amended by Directive [2007/66/EC](#).

³⁶ Regulation (EU) [2017/2394](#).

³⁷ Directive [2016/2341/EU](#).

The Commission regularly discussed the implementation of the **energy acquis** with Member States in various committee meetings³⁸. In the field of nuclear safety and radiation protection, the Commission held several meetings of the European Nuclear Safety Regulators Group (ENSREG)³⁹.

Since the introduction of the **common agricultural policy**, the Commission has made intensive use of committees and expert groups to ensure compliance. Apart from their institutional role in the adoption of implementing acts, the committees in the agricultural sector⁴⁰ provide an important forum for discussing, explaining, clarifying and interpreting the applicable rules. In 2018, the Commission services held nearly 170 committee and expert meetings. These included direct payments committees, expert groups for direct payments, cross-compliance expert groups and civil dialogue groups. The discussions covered a broad range of topics with a particular focus on the correct application and implementation of EU law and the exchange of best practices between Member States. The Commission addressed the issue of the relations between trademarks and geographical indications for wines and spirit drinks during a joint conference with the EU Intellectual Property Office in October 2018. The annual seminar for Member States provided an opportunity for training and sharing good practices and experience as part of the Better Training for Safer Food initiative.

In the area of **maritime affairs and fisheries**, expert groups were the preferred fora to discuss with Member States issues concerning the implementation and enforcement of the Control Regulation⁴¹ of the Regulation on the common organisation of the markets in fishery and aquaculture products⁴² and of the Regulation on the European Maritime and Fisheries Fund⁴³.

4.2. Package meetings

On **transport**, the Commission organised eight package meetings in 2018. These meetings have generally led to swifter handling of a number of files and, in certain cases, to a substantial reduction of the number of infringements.

Regarding **energy**, the Commission held technical meetings with Member States to discuss the issues raised in the infringement procedures for incorrect transposition and implementation of the Radioactive Waste Directive⁴⁴ and for failure to adopt transposition measures for the Nuclear Safety Directive⁴⁵.

4.3. Other compliance tools

In the **area of taxation**, the Commission relied on the [OECD Global Forum](#) assessment reports to assess the transposition of the package of [Directives on administrative cooperation](#) by Member States.

In the **area of customs**, the Commission supported the coherent application and effective implementation of EU customs law through the Customs 2020 programme. This provides national customs administrations with the possibility to exchange information and expertise.

³⁸ For example, the Energy Performance of Buildings Committee (C09300) discussed the implementation of the Energy Performance of Buildings Directive [2010/31/EU](#) on 12 June 2018, 25 September 2018 and 23 October 2018.

³⁹ In particular, in cooperation with ENSREG, the Commission supported the effective implementation of the first Topical Peer Review on 'Ageing management of nuclear power plants and research reactors' under the EU amended Nuclear Safety Directive (Directive [2014/87/Euratom](#)). A highlight of this process was the Peer Review Workshop that took place in Luxembourg from 14 to 18 May 2018 involving around 140 participants.

⁴⁰ Such as Committee for the Common Organisation of the Agricultural Markets, Rural Development Committee (RDC), Committee on the Agricultural Funds, Committee for Direct payments, Agricultural Product Quality Policy Committee, Regulatory Committee on Organic Production.

⁴¹ Regulation [\(EC\) No 1224/2009](#).

⁴² Regulation [\(EU\) No 1379/2013](#).

⁴³ Regulation [\(EU\) No 508/2014](#).

⁴⁴ Directive [2011/70/Euratom](#).

⁴⁵ Directive [2014/87/Euratom](#).

In enforcing the EU's **maritime affairs and fisheries** legislation, the Commission relies heavily on a system of verifications, inspections and audits by Commission inspectors⁴⁶. In addition, the control action plans adopted by the Commission in close cooperation with the Member State concerned are a strong tool to promote the correct enforcement of EU legislation and of the sanctioning system. In 2018, the Commission adopted new action plans for several Member States and actively monitored their implementation. On the common organisation of the markets in fishery and aquaculture products, the Commission ensures that Member States carry out regular checks on proper implementation of the relevant EU legislation⁴⁷.

In the **agricultural** sector, the Commission uses audits and financial correction procedures (known as 'conformity clearance') to check whether the Member States have set up control systems ensuring that payments to beneficiaries from the EU funds are made correctly⁴⁸.

Furthermore, Member States regularly notify to the Commission their policy decisions as well as data on their annual implementation of direct payments. The Commission uses these notifications to guide Member States towards more uniform implementation. When the Commission detects systemic deficiencies in the control systems for direct payments, it requests Member States to set up remedial action plans. If a Member State fails to comply with the action plan, the Commission may decide to suspend or reduce payments.

In the area of **civil law**, the Commission launched a wide-ranging campaign in 2018 to raise public awareness of the Citizen's Guide on the Succession Regulation⁴⁹, published in 2017. The campaign triggered a wide response from the public, in particular through online channels.

In 2018, the Commission continued to encourage and support the use of **judicial training** in all areas of EU law. The Commission's target of reaching half (800 000) of all legal practitioners in EU law between 2011 and 2020 was achieved 2 years early⁵⁰.

The Commission continued to support Member States in improving their enforcement and remedies capacity and was involved in a number of joint actions with national bodies to enforce **consumer protection** rules. Following the 'Dieselgate' emission scandal, Volkswagen committed to continue undertaking repairs free of charge until the end of 2020. In 2018, action began against AirBnB to improve the transparency of their pricing and bring their terms of service into line with EU standards.

In the field of **energy**, the Commission used the Concerted Action forum in 2018, which gathers representatives of Member States and other interested parties, to exchange best practices when applying specific EU instruments. Key discussion topics concerned the implementation of the Energy Performance of Buildings Directive⁵¹ and the Energy Efficiency Directive⁵².

⁴⁶ Regulation (EC) No [1224/2009](#).

⁴⁷ Regulation (EU) No [1379/2013](#).

⁴⁸ European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD).

⁴⁹ Regulation (EU) No [650/2012](#).

⁵⁰ [2018 European judicial training report](#).

⁵¹ Directive [2010/31/EU](#).

⁵² Directive [2012/27/EU](#).

II. Infringement procedures

There are four main types of infringements of EU law:

- a) **failure to notify:** a Member State does not notify the Commission on time of its measures to transpose a directive;
- b) **non-conformity/non-compliance:** the Commission considers that a Member State's legislation is not in line with the requirements of EU directives;
- c) **infringement of the Treaties, regulations or decisions:** the Commission considers that a Member State's legislation is not in line with the requirements of the Treaties, EU regulations or decisions;
- d) **incorrect/bad application:** EU law is not applied correctly, or not applied at all, by national authorities.

Infringements may be detected by the Commission's own investigations or brought to its attention by complaints or petitions from members of the public, businesses, NGOs or other organisations.

The Commission actively informs complainants of the decisions taken throughout all stages of the procedure.

The infringement procedure under Article 258 TFEU is divided into a **pre-litigation phase** and a **litigation phase**.

In the **pre-litigation phase**, the Commission first sends a **letter of formal notice** to the Member State requesting an explanation within a given time limit. If the Member State's reply is unsatisfactory or if the Member State does not reply at all, the Commission sends a **reasoned opinion** asking the Member State to comply within a given time limit.

Should the Member State not comply with the reasoned opinion, the Commission may open the **litigation procedure** by bringing the case to the Court of Justice under Article 258 TFEU.

When it brings a case before the Court against a Member State for failing to fulfil its obligations to notify measures transposing a directive adopted under a legislative procedure, the Commission may propose financial penalties under Article 260(3) TFEU.

The Court may agree with the Commission and rule that the Member State has breached its obligations under EU law. If the Court does so but the Member State still has not taken the steps needed to comply, the Commission may continue the infringement procedure under Article 260(2) TFEU. This involves referring the Member State to the Court again, after sending it a letter of formal notice under Article 260(2) TFEU. In such cases the Commission can propose, and the Court can impose, financial sanctions in the form of a lump sum and penalties per day or another specified period.

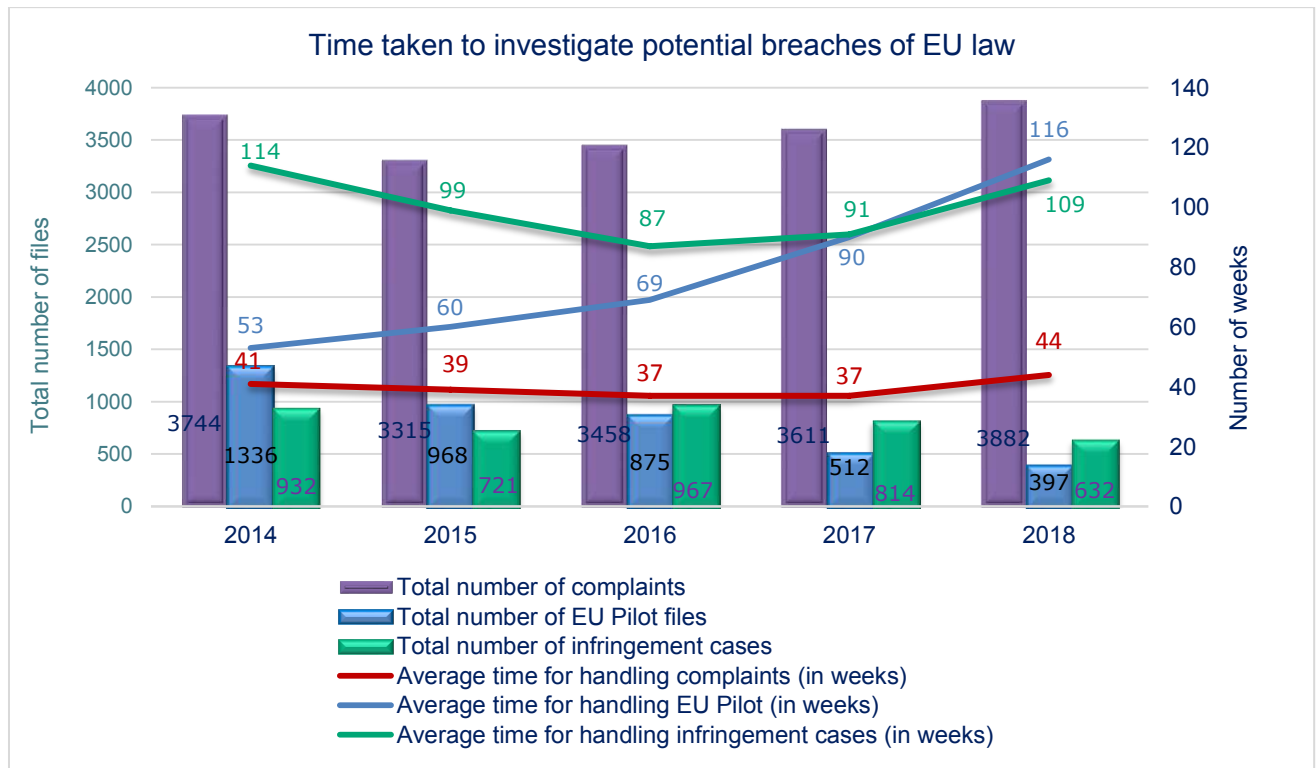
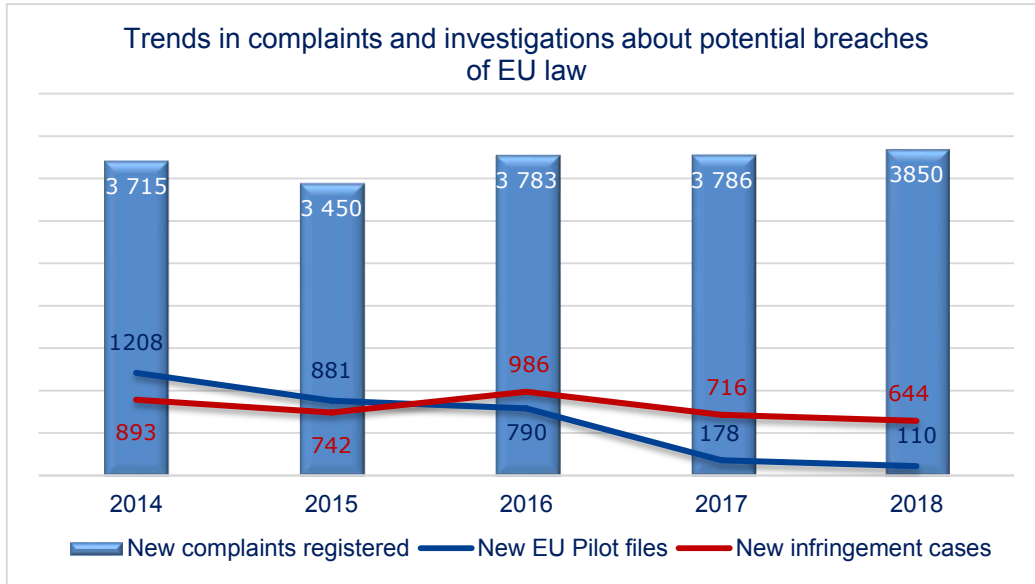
At the request of national courts, the Court of Justice may also issue preliminary rulings under Article 267 TFEU addressing issues of conformity of national laws with EU legislation. While preliminary rulings are distinct from infringement judgments, they give the Commission an additional opportunity to ensure that violations of EU law deriving from national legislation or its application are remedied. The Commission systematically follows up on preliminary rulings where the Court identifies situations of non-conformity of national legislation with EU law.

Over recent years, the Commission has taken concrete measures to improve the transparency of its monitoring activities and decisions on infringement procedures. It has set up a centralised platform for disseminating infringement-related information on the [Europa portal](#). This provides detailed information on the decisions the Commission takes on infringement procedures, including press material on specific cases. Since 2017, the press material covers all formal steps of the infringement procedure.

In addition, every year the Commission provides information in its annual reports on monitoring the implementation of EU legislation, on the follow-up given to complaints and on parliamentary petitions and infringement procedures.

The Commission remains committed to improving the transparency of its enforcement action. At the same time, it has to give due account to the legitimate need for confidentiality with regard to the Member States in infringement procedures, as recognised by the Court of Justice.

Following up on the findings and suggestions made by the Court of Auditors in its [landscape review](#) and by the European Ombudsman, the present report provides additional information on trends in the handling of complaints and investigations about potential breaches of EU law.



III. Before an infringement procedure is started

1. Detecting problems

1.1. Complaints

The Commission registered 3 850 new complaints in 2018. The number of new complaints reached its highest level since 2014.

The chart below shows further key data on complaints from members of the public⁵³:

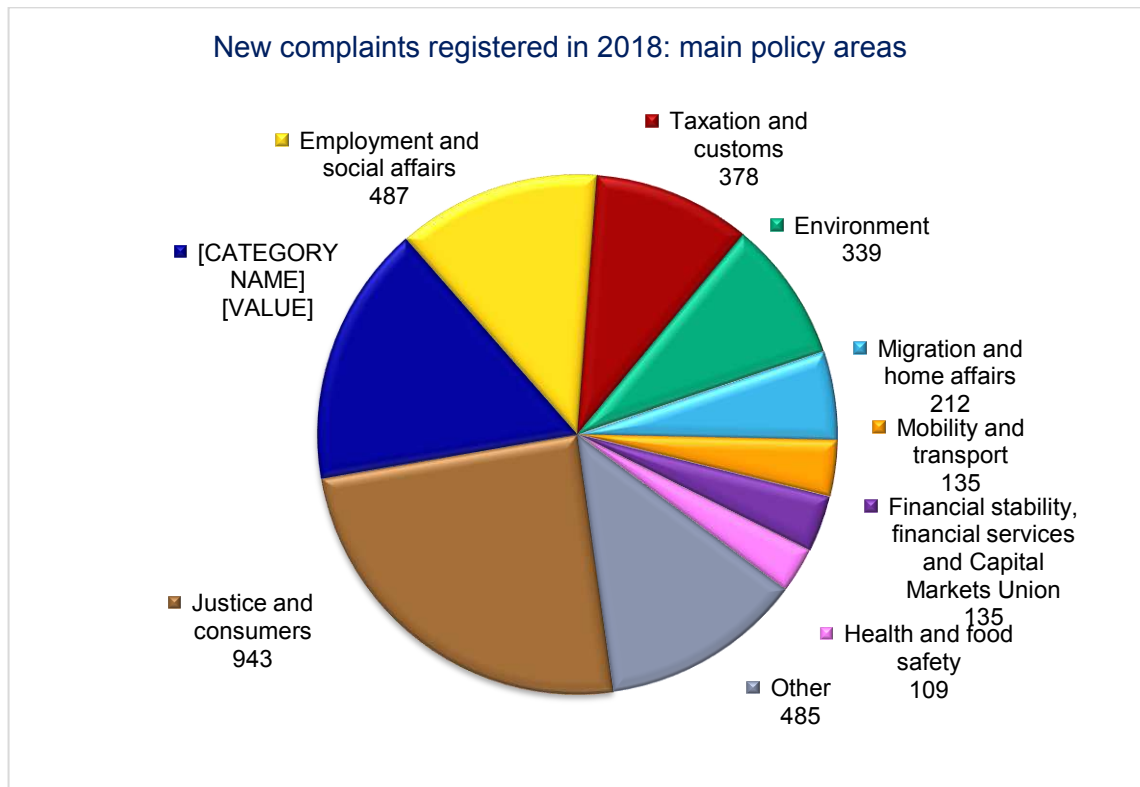
| Public complaints open at year-end | |
|------------------------------------|-------------------------------------|
| 3 598 | > Complaints open at end-2017 |
| 3 850 | > New complaints registered in 2018 |
| 3 882 | > Complaints handled in 2018 |
| <u>3 566</u> | > Complaints open at end-2018 |

The three Member States against which the Commission received the most complaints were Italy, Spain and France.

- **Spain:** 486 complaints, especially in connection with: justice and consumers (142 complaints); employment (99 complaints); and environment (57 complaints);
- **France:** 316 complaints, mainly related to: justice and consumers (72 complaints); employment (44 complaints); and migration and home affairs (43 complaints); and
- **Italy:** 633 complaints, most of them related to: internal market, industry, entrepreneurship and SMEs (312 complaints); environment (75 complaints); and justice and consumers (70 complaints).

⁵³ The number of complaints open at end-2018 (d) is calculated by adding together the number of complaint files open at end-2017 (a) and of new complaints opened in 2018 (b), then subtracting the number of complaints handled during 2018 (c) (a+b-c=d).

The following chart shows the main policy areas in which new complaints were registered in 2018. Together they account for 87 % of all complaints received in 2018.



The Commission handled 3 882 complaints in 2018. Once it has assessed complaints, the Commission may launch an investigation using the EU Pilot mechanism or through formal infringement procedures to clarify whether EU rules have been breached. Not all complaints in 2018 led to such investigations, because either no EU laws were breached (2 574 complaints) or the correspondence did not qualify as a complaint (880)⁵⁴. The Commission did not pursue 223 cases as the complainants withdrew their complaint. It also transferred 20 complaints to other redress mechanisms, such as SOLVIT. The Commission therefore closed **3 697** complaints.

⁵⁴ According to the conditions set out in point 3 of the Annex on administrative procedures for the handling of relations with the complainant regarding the application of European Union law to the Communication *EU law: Better results through better application* (C(2016)8600).

In 2018, the Commission pursued 185 complaints further and launched investigations using the EU Pilot mechanism or the formal infringement procedure.



Complaints leading to investigations using the EU Pilot mechanism were most frequently related to taxation and the customs union; agriculture and rural development; the environment; financial stability, financial services and the Capital Markets Union; and mobility and transport. These complaints mainly concerned Greece, Spain, Bulgaria, France, Germany and Poland.

In 2018, complaints leading to formal infringement procedures were most frequently related to taxation and the customs union; the internal market, industry, entrepreneurship and SMEs; and mobility and transport. These new infringements mainly concerned the United Kingdom, Bulgaria and Italy.

1.2. Petitions

Through petitions and questions, the European Parliament alerted the Commission to shortcomings in the way some Member States were implementing and applying certain EU laws in 2018. The Commission systematically ensures follow-up to the petitions received. However, not all petitions lead to investigations about breaches of EU law, because either no EU laws were breached or the Commission had no power to act. In many cases, the situation presented in a petition is already being investigated by the Commission through EU Pilot or a formal infringement procedure.

This section provides an overview of the follow-up the Commission gave to petitions in 2018 in the policy areas most concerned.

On the **environment**, the Commission received approximately 220 new petitions in 2018. It ensured follow-up and provided 230 replies to new or existing petitions. In some cases, the Commission provided more than one reply per petition. In around 40 % of these cases, the Commission was already pursuing an investigation on the subject raised by the petitioner. Often, petitioners raised individual situations, such as non-compliant landfills, inadequate treatment of urban waste water or bad air quality in certain areas. Such matters were already the subject of infringement action taken by the Commission to address a wider structural problem. In the remaining cases (60 %), petitioners referred to non-implementation aspects of future policy, or to issues that fall outside the scope of EU legislation. In a significant number of these cases, the petitioners raised issues that could be better addressed by other bodies at local, regional or national level.

The Commission handled 85 petitions on the **internal market**. Most of them concerned the services sector. The Commission did not open any investigation following these petitions.

In the area of **employment and social affairs**, the Commission dealt with 62 petitions. It launched one new investigation; for six other petitions the Commission had already launched a formal infringement procedure. In 42 cases, the Commission did not take further action.

On **health and food safety**, the Commission handled 51 petitions in 2018. It launched new investigations in 18 cases. The Commission did not pursue 30 cases further, because either it did not have competence or the current legal framework addressed the concerns raised by the petitioners.

The Commission pursued further five petitions on **energy** concerning nuclear energy and renewable energies.

In **transport**, the Commission had already launched a formal infringement procedure on the matter of compliance with the EU roadworthiness legislation raised by one petitioner.

In the areas of **financial services and the Capital Markets Union** and **maritime affairs and fisheries**, no investigations were launched in 2018. The issues raised in petitions were outside the Commission's competence or no breach of EU law was detected.

2. EU Pilot

The EU Pilot dialogue between the Commission and Member States was set up to quickly resolve potential breaches of EU law at an early stage in appropriate cases. However, the recourse to EU Pilot should not add a lengthy step to the infringement process, which in itself is a means to enter into a problem-solving dialogue with a Member State. In line with the Communication [EU law: Better results through better application](#), the Commission launches infringement procedures without relying on the EU Pilot mechanism, unless recourse to EU Pilot is seen as useful in a given case.

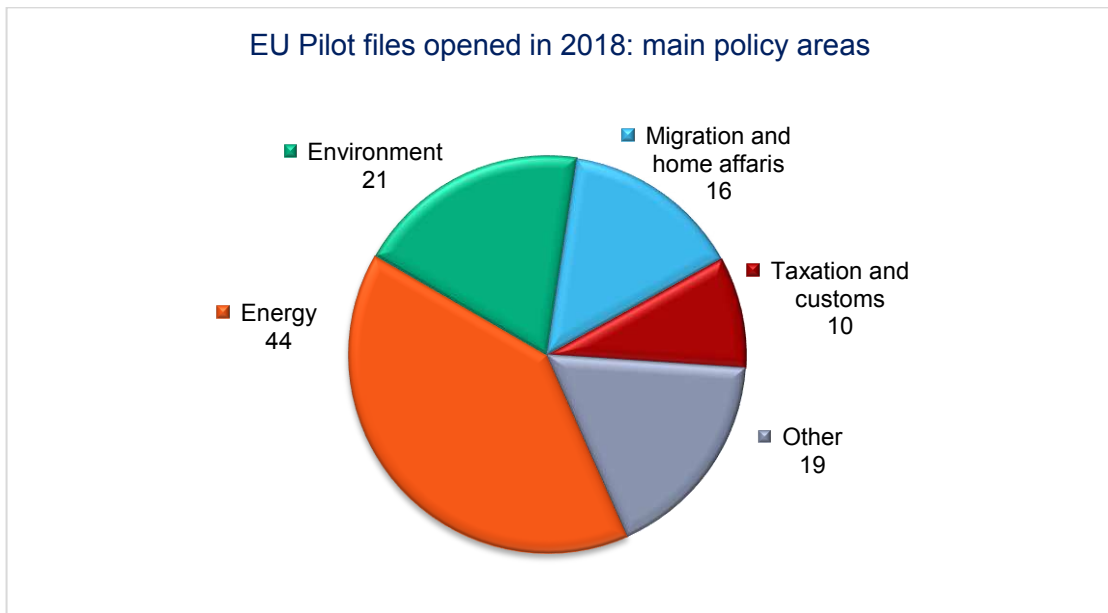
The Commission opened 110 new EU Pilot files in 2018. Of these, 24 were triggered by complaints and 86 were opened by the Commission on its own initiative (against 139 in 2017). The number of new EU Pilot files reached the lowest level since 2014.

The following chart shows the main EU Pilot figures for 2018⁵⁵:

| EU Pilot files open at year-end | |
|---------------------------------|---|
| 841 | > EU Pilot files open at end-2017 |
| 110 | > New EU Pilot files registered in 2018 |
| 397 | > EU Pilot files handled in 2018 |
| = 554 | > EU Pilot files open at end-2018 |

⁵⁵ The number of EU Pilot files open at end-2018 (d) is calculated by adding together the numbers of files open at end-2017 (a) and of new files opened in 2018 (b), then subtracting the number of files handled during 2018 (c) (a+b-c=d).

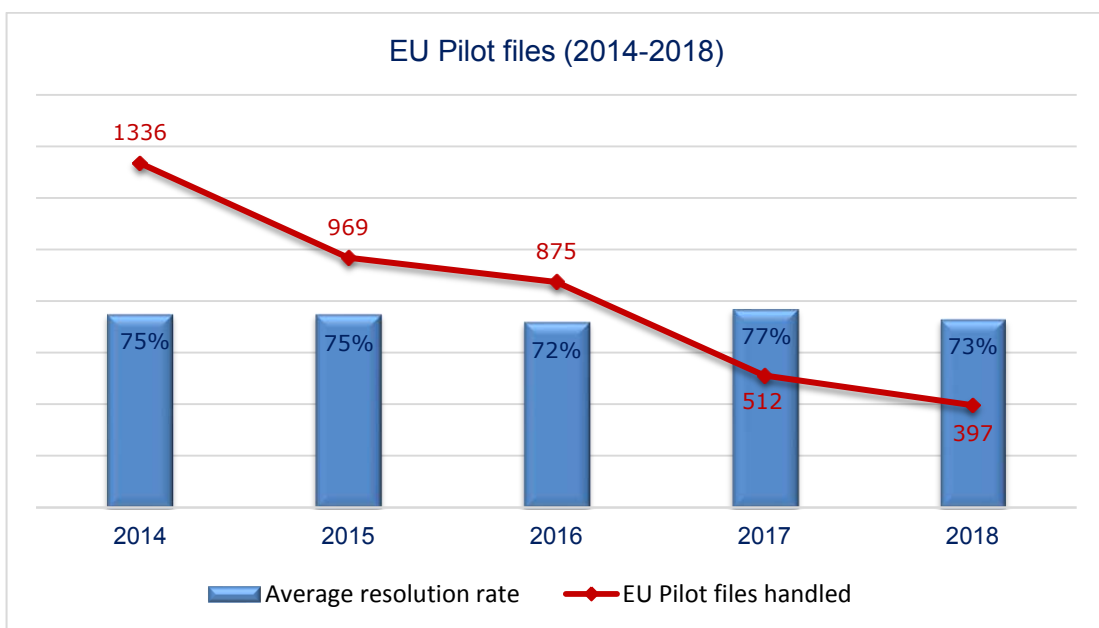
The following pie chart shows the policy areas in which the Commission opened the most new EU Pilot files in 2018:



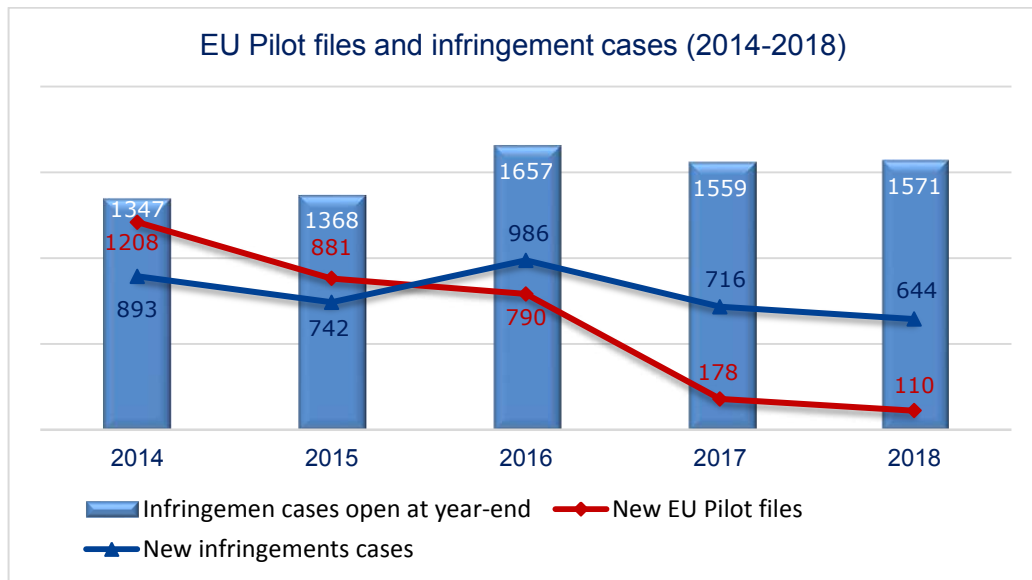
The Commission handled 397 EU Pilot files in 2018. It closed 290 of these after receiving satisfactory answers from the Member States concerned. This gives a resolution rate of **73 %**, which is below the 2017 level.

Altogether, **107 EU Pilot files** were closed because the Commission rejected the responses provided by Member States. Of these, 37 were followed up by launching formal infringement procedures. While four of these procedures were based on complaints, the Commission launched the remaining 33 on its own initiative.

Most EU Pilot files which led to formal infringement procedures concerned the policy areas of energy (15 cases) and environment (14). Romania and Spain had the highest number of files in EU Pilot which were pursued further through infringement procedures (three files each), followed by Cyprus, Finland, Germany, Ireland, Italy, Poland, Slovakia, Slovenia, Sweden and the United Kingdom (two files each).



At the end of 2018, 554 EU Pilot files were open. The main Member States concerned were Italy (45), Spain (39) and Germany (35). The main policy area concerned continued to be environment (180 open files), followed by justice and fundamental rights (84), migration and home affairs (46) and internal market, industry, entrepreneurship and SMEs (43).

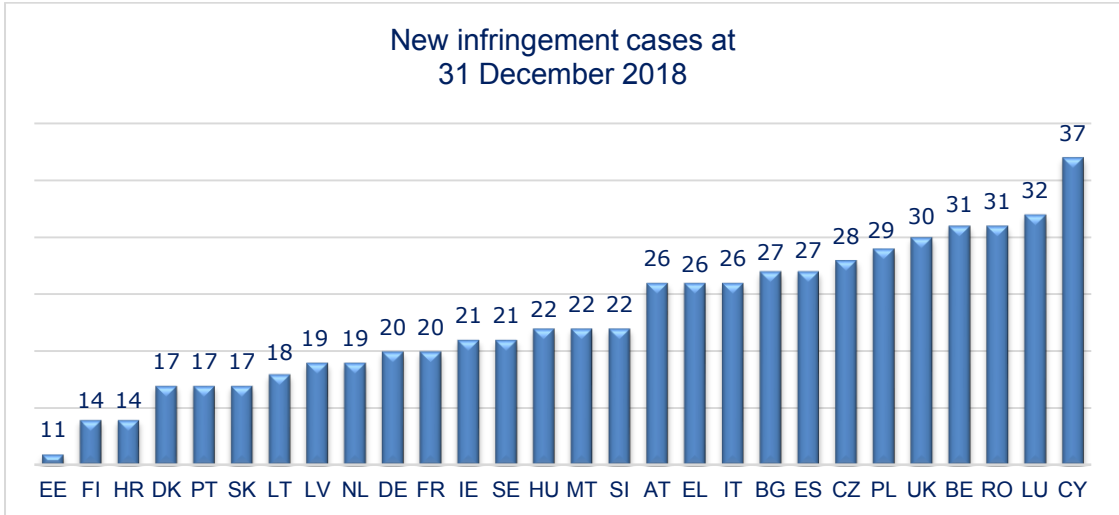


IV. Stages in infringement procedures

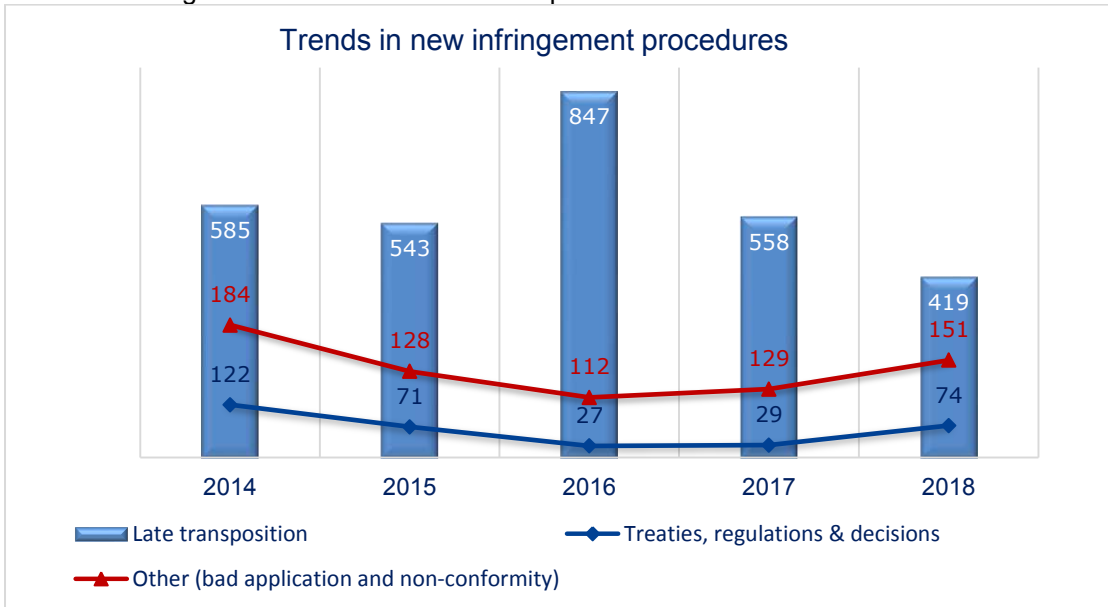
1. Pre-litigation phase

The Commission launched **644** new procedures by sending a letter of formal notice in 2018. Out of these, the Commission launched procedures on its own initiative in **156** cases.

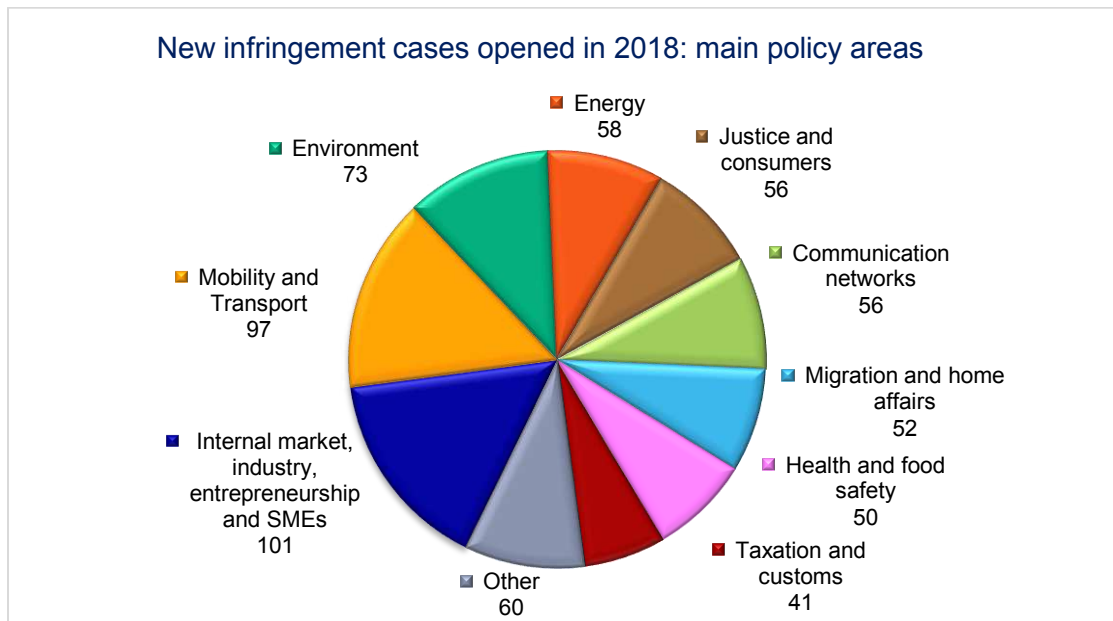
The following chart gives the breakdown by Member State.



Most new infringement cases are for late transposition of EU directives.

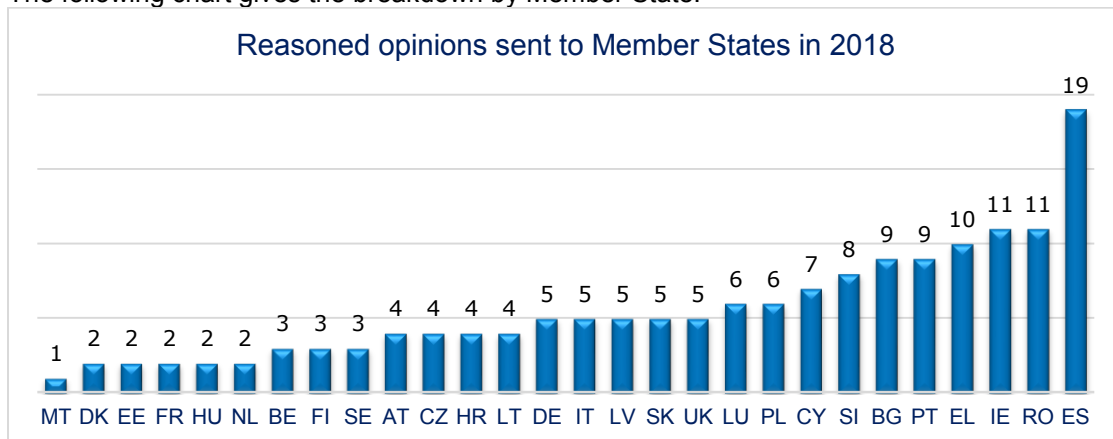


The following chart shows the main policy areas in which new procedures were opened.

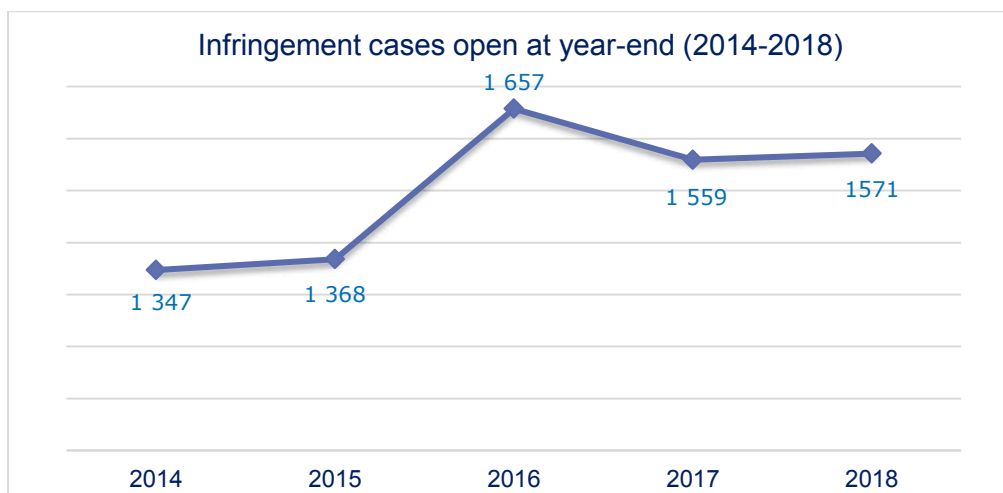


The Commission also sent 157 reasoned opinions to Member States in 2018. The main policy areas concerned were financial stability, financial services and the Capital Markets Union (37), environment (30), mobility and transport (26), and justice and consumers (19).

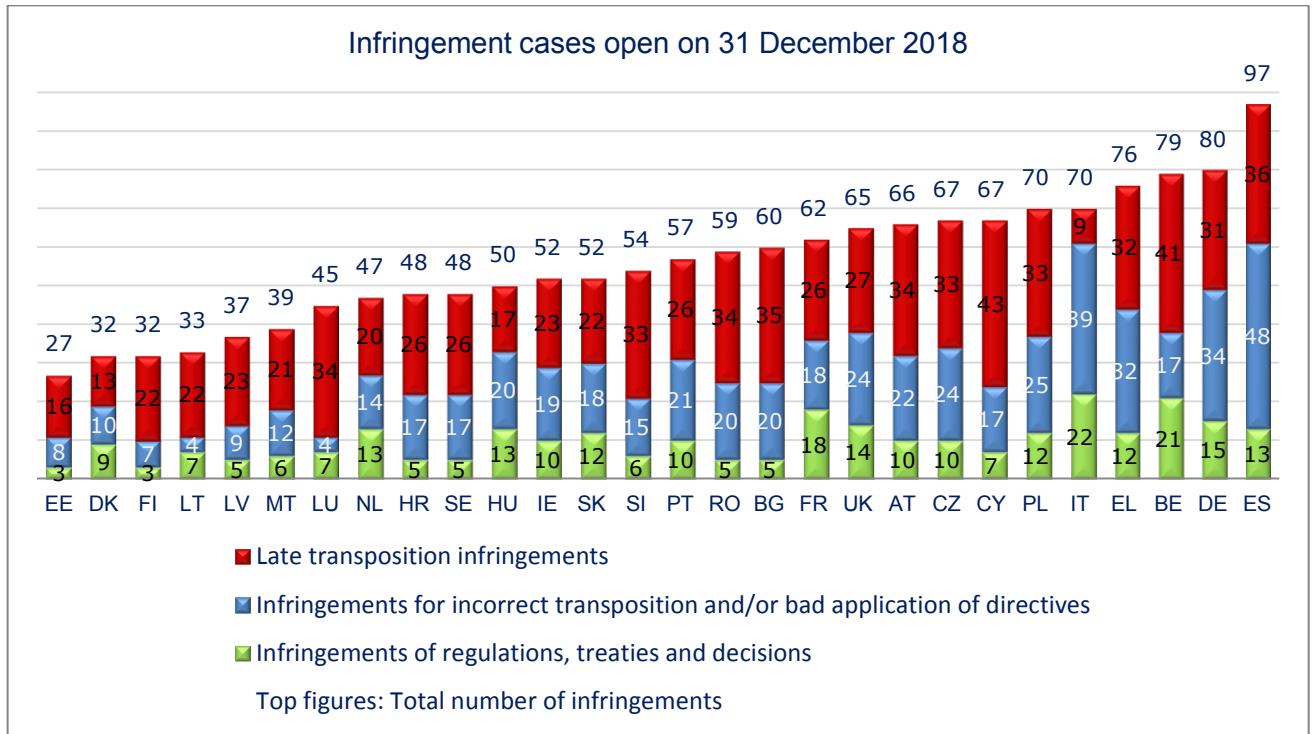
The following chart gives the breakdown by Member State.



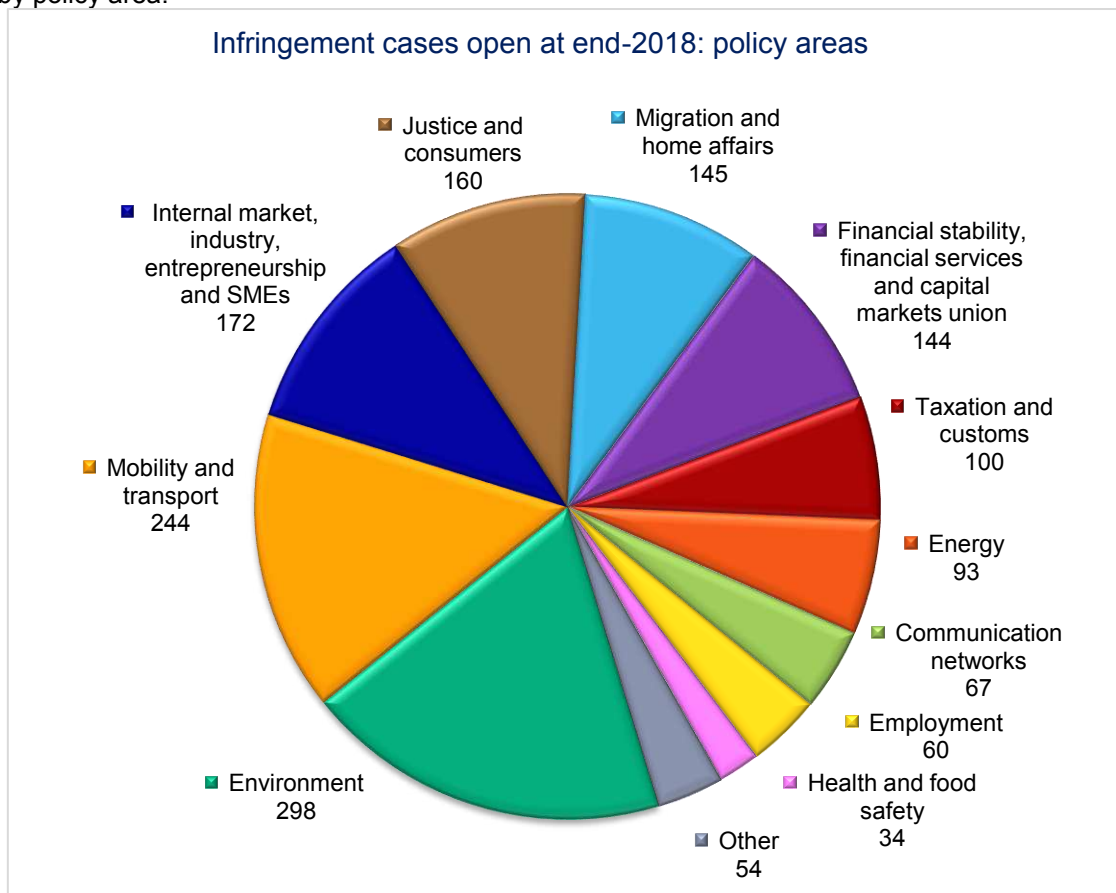
At the end of 2018, **1 571** infringement cases remained open. This is a slight increase from the previous year, as the following chart shows.



The following chart shows the number of open infringement cases by Member State at the end of 2018:



The following chart shows the breakdown of the infringement cases open at the end of 2018, by policy area:



Even after it has launched an infringement procedure, the Commission continues its dialogue with the Member State in order to seek compliance. Statistics confirm that Member States make serious efforts to settle their infringements before the Court hands down its ruling.

In 2018, the Commission closed:

- 355 infringements after sending letters of formal notice⁵⁶;
- 219 cases after sending reasoned opinions;
- 18 cases after deciding to refer the case to the Court but before submitting the application and 19 cases following a Court judgment. In addition, the Commission withdrew 21 cases from the Court before the latter handed down its ruling. The Commission withdrew these cases as the Member States concerned took the necessary measures to comply with EU law.

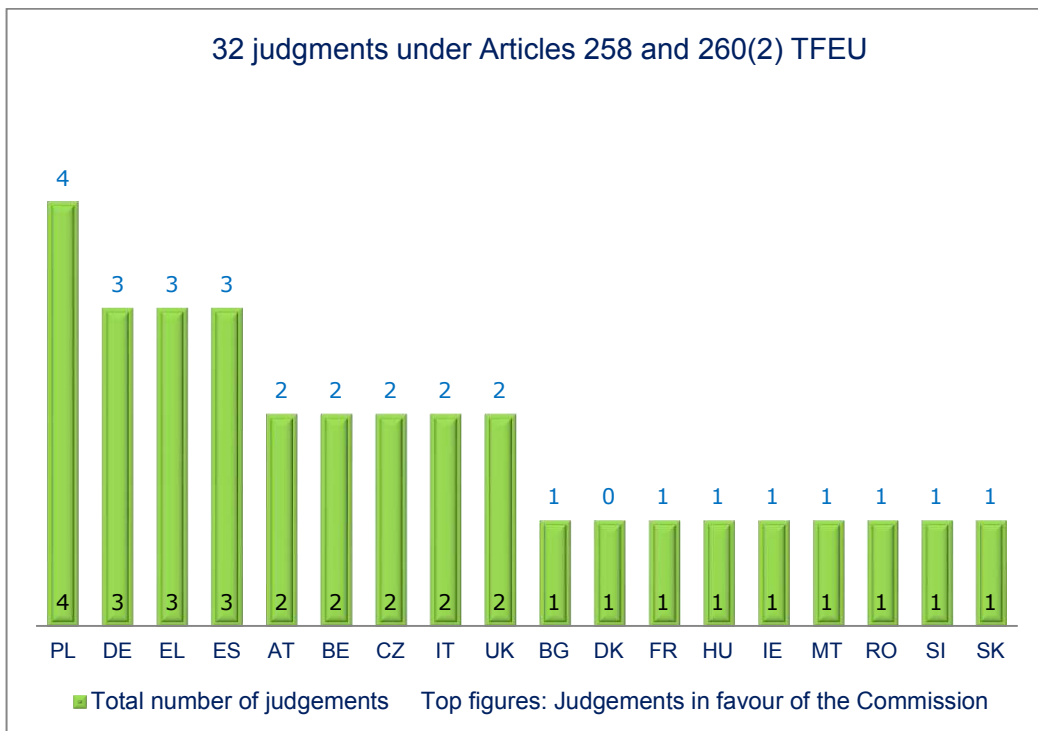
In 2018, the Commission referred and submitted 30 cases to the Court under Article 258 TFEU.

The Commission referred two cases to the Court under Article 260(2) TFEU and 23 cases under Articles 258 and 260(3) with financial sanctions.

2. Judgments of the Court of Justice under Articles 258 and 260(2) TFEU

In 2018 the Court issued 27 judgments under Article 258 TFEU and five judgments under Article 260(2) TFEU. Thirty-one were in the Commission's favour, one was in the Member State's favour⁵⁷.

Poland (four), Germany (three), Spain (two), and Austria (two) were the subject of the most Court judgments under Article 258 TFEU in 2018.



⁵⁶ Includes six letters of formal notice under Article 260 TFEU.

⁵⁷ Commission v Denmark, [C-541/16](#).

Member States frequently take the measures needed to comply with a Court judgment promptly. However, at the end of the year, 99 infringement procedures were still open after a Court ruling because the Commission considered that the Member States concerned had not yet complied with judgments under Article 258 TFEU. The main Member States concerned were Greece (16) Spain (10), Germany (eight), Italy (eight) and the United Kingdom (seven) These cases mainly related to environment (53), transport and mobility (13), taxation and customs (11), and internal market, industry, entrepreneurship and SMEs (six).

Of these 99 cases, 14 had already been referred to the Court for the second time. When the Court imposes financial penalties under Article 260(2) TFEU, the defaulting Member State must pay the lump sum immediately and continue to pay the periodic penalty until it complies fully with the first and second Court judgments. In 2018, the Court delivered five judgments under Article 260(2) TFEU. It imposed penalty payments on Greece⁵⁸, Spain⁵⁹, Italy⁶⁰, and Slovakia⁶¹. At the end of 2018, 13 infringement procedures were still open after a Court ruling under Article 260(2) TFEU.

⁵⁸ Commission v Greece, [C-93/17](#) and [C-328/16](#).

⁵⁹ Commission v Spain, [C-205/17](#).

⁶⁰ Commission v Italy, [C-565/10](#).

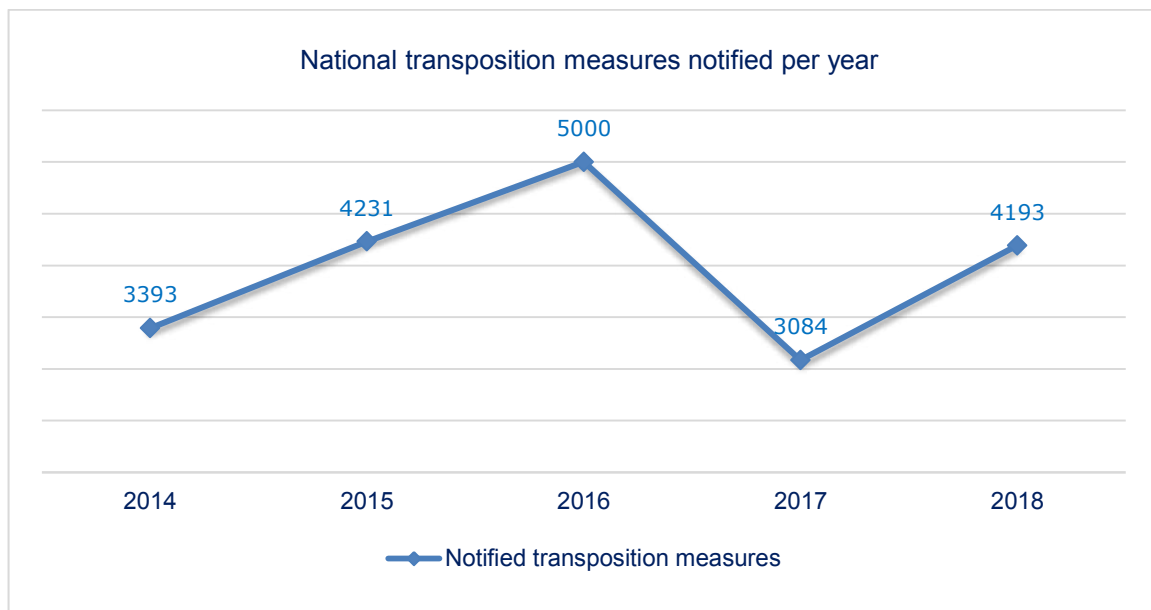
⁶¹ Commission v Slovakia, [C-331/11](#).

V. Transposition of directives

1. EU directives to be transposed in 2014-2018

In 2018, the Parliament and the Council adopted 42 directives. Most of these directives modify existing laws; there were four new directives and one codifying directive (which does not impose a new transposition deadline). Most of these directives were in the areas of environment (11), taxation and customs union and health and food safety (six directives each). Eleven directives required explanatory documents.

At the same time, there were **50** directives to be transposed in 2018, up from 36 in 2017. For these directives, Member States notified **4 193** national transposition measures to the Commission by the end of 2018⁶². On average, Member States notified **83 measures** per directive.



In 2018, the highest number of notifications were submitted by the **Czech Republic (598 notifications)**, **Hungary (355)** and **Lithuania (301)**. The lowest number of notifications were submitted by **Cyprus (36)**, **Ireland (42)** and **Greece (47)**.

The transposition of the Directive on safety standards for protection against the dangers arising from exposure to ionising radiation triggered the highest number of notifications (**561 notifications**)⁶³. The two directives with the next highest number of notifications were the Directive on combating terrorism (**410 notifications**)⁶⁴ and the Students and researchers Directive (**388 notifications**)⁶⁵.

⁶² There is a difference between the number of all measures notified by the Member States to the Commission and the number of measures visible on EUR-Lex. Not all measures notified by the Member State are visible on the EUR-Lex website: the explanatory documents and administrative provisions that are not public in the Member States are not transmitted for publication.

⁶³ Directive [2013/59/Euratom](#).

⁶⁴ Directive [2017/541/EU](#).

⁶⁵ Directive [2014/65/EU](#).

2. Transposition deadlines

Out of 50 directives to be transposed in 2018 there were **nine directives** with a transposition deadline shorter than one year from the moment of their publication.

The average period to transpose directives was **19 months**. The directive with the longest transposition period and deadline in 2018 (**60 months**) was the Asylum Procedures Directive⁶⁶. This directive however had two different transposition deadlines⁶⁷.

A short transposition period does not always result in an increased number of infringement for late transposition. Out of three directives with a transposition period of less than three months, only one triggered a significant number of late transposition infringement cases (**11 cases** — Directive laying down technical requirements for inland waterway vessels)⁶⁸. For the two other directives⁶⁹, the Commission launched only **three** late transposition infringement cases in total.

3. Transparency

In 2018, the Commission took concrete measures to enhance transparency of its decisions on infringement procedures and to encourage Member States to be more transparent as regards the national measures transposing EU directives. The Commission invited Member States to agree to the publication of the text of these measures on EUR-Lex. Up to now, eight Member States have already agreed to do so: Estonia, Greece, Spain, Cyprus, Latvia, Luxembourg, Austria and Slovakia. The Commission also invited Member States to make their declaration of transposition public on EUR-Lex⁷⁰, which accompanies the national transposition measures notified to the Commission. Only Greece has already agreed to do so.

In line with the commitments taken in the Inter-Institutional Agreement on Better Law-making, the Commission encouraged Member States to identify which provisions stem from an EU directive and which are in no way related to that Union legislation. Members of the public have an interest in knowing which national transposition measures go beyond the requirements of EU directives. Up to now, only two Member States provided this information to the Commission⁷¹.

⁶⁶ Directive [2013/32/EU](#).

⁶⁷ The first transposition deadline concerned the majority of the Directive's provisions. The second transposition deadline concerned provisions related to the duration of the examination procedure for asylum applications at the national level.

⁶⁸ Directive [2018/970/EU](#).

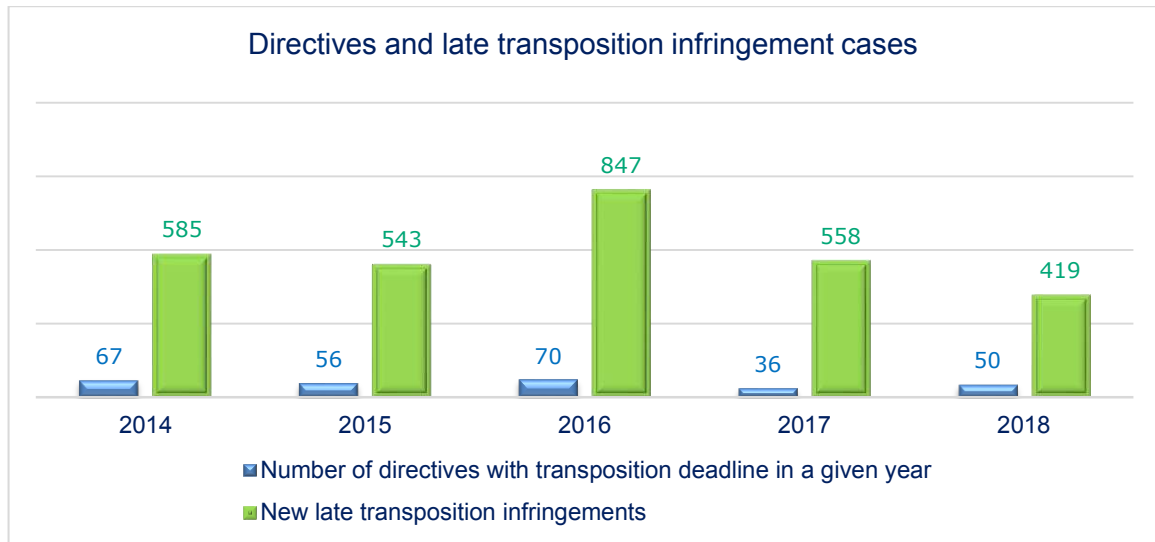
⁶⁹ Directives [2018/597/EU](#) and [2018/912](#).

⁷⁰ By this declaration, the Member State informs the Commission whether it considers that the transposition is complete.

⁷¹ Belgium for Directive [2010/63/EU](#) and the United Kingdom for Directives [2016/680/EU](#) and [2016/681/EU](#).

4. Late transposition infringements

Combating late transposition is a long-established priority for the Commission. The Commission therefore proposes financial sanctions whenever it refers a Member State to the Court of Justice under Articles 258 and 260(3) TFEU for not having communicated on time its measures to transpose a directive adopted under a legislative procedure (see details in subsection V.5).



New number of late transposition infringements decreased from 558 in 2017 to 419 in 2018⁷².

At the end of 2018, **758 late transposition infringement cases were still open**, a 6 % decrease from the 808 cases open at the end of 2017.

808 > Late transposition cases open at end-2017

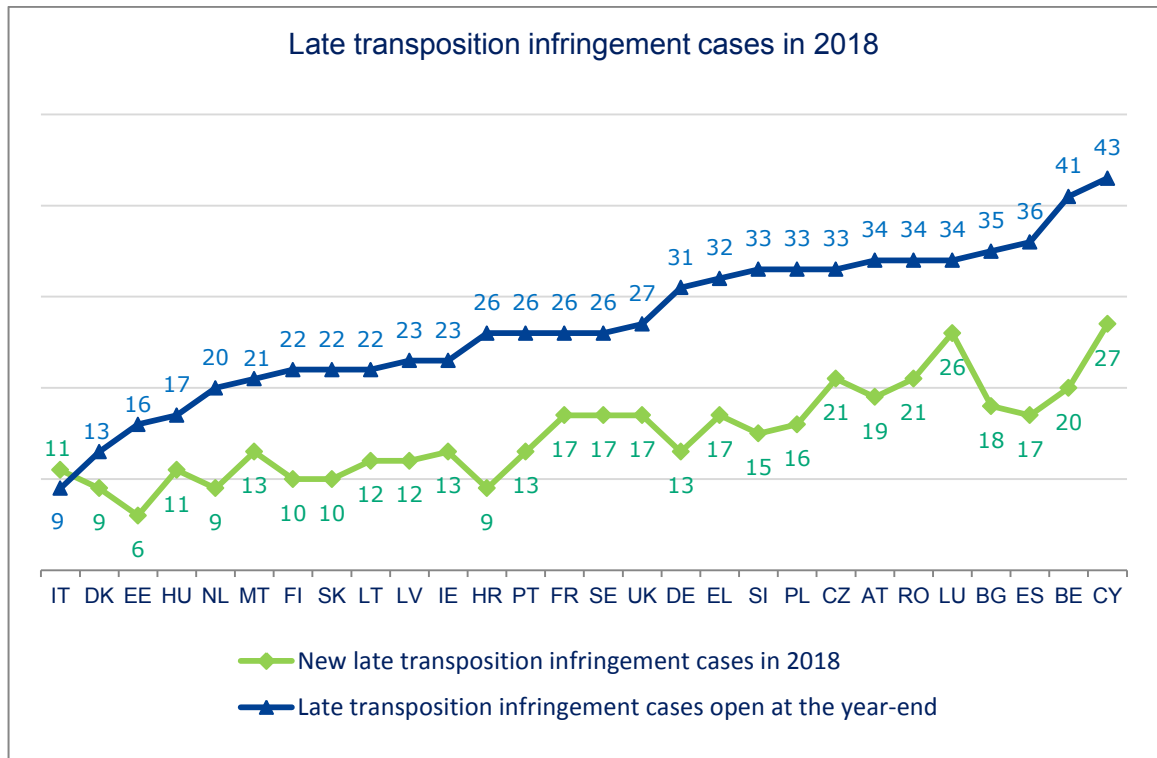
419 > New late transposition cases registered in 2018

469 > Late transposition cases closed in 2018

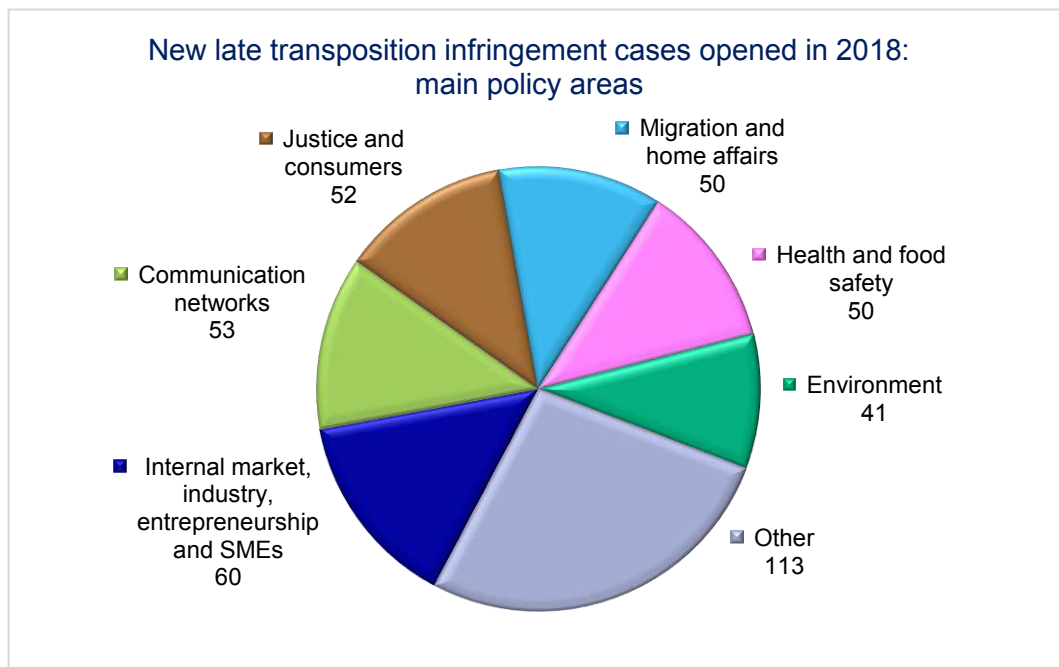
= 758 > Late transposition cases open at end-2018

⁷² The current annual report does not cover the late transposition infringement cases opened for directives that had a transposition deadline in November and December 2018 (17 directives). The Commission launched these cases in January 2019. Therefore, they will be included in the next annual report.

The following chart shows the number of late transposition infringement cases open at the end of 2018, by Member State, irrespective of the year in which the case was opened and new late transposition infringement cases (419 in total) opened in 2018, by Member State.



The policy areas in which the new cases were launched in 2018 are shown in the following chart:



New cases were launched against 19 Member States for late transposition of the Directive on the protection of natural persons with regard to the processing of personal data by competent

authorities (for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties)⁷³, Directive on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition⁷⁴ and Web accessibility Directive⁷⁵. The Commission launched procedures against 17 Member States over the late transposition of the Students and researchers Directive⁷⁶ and the Directive concerning measures for a high common level of security of network and information systems across the Union⁷⁷.

5. Referrals to the Court of Justice under Article 258 and 260(3) TFEU

Under Article 260(3) TFEU, the Commission may propose financial penalties even when it refers a case for the first time to the Court of Justice under Article 258 TFEU on the ground that a Member State has failed to transpose a legislative Directive. This innovation, introduced in the Treaty of Lisbon, aims to give Member States a greater incentive to transpose directives on time. The Commission proposes the level of financial to the Court in line with the policy laid down in its Communications on the implementation of Article 260(3) TFEU and on the calculation method for lump sum payments and daily penalty payments⁷⁸.

In 2018, the Commission continued to bring late transposition infringement cases to the Court of Justice with a request for daily penalties under Article 260(3) TFEU. It referred five Member States to the Court in 2018: Slovenia (three cases)⁷⁹, Spain (three cases)⁸⁰, and Belgium⁸¹, Ireland⁸² and Romania⁸³ (one case each).

In 13 other cases, the Commission took a decision to refer them to Court but the Member States concerned adopted the required transposition measures, prompting the Commission to withdraw the case before the Court delivered its ruling. These cases concerned late transposition of the following Directives: i) on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market⁸⁴; ii) on the award of concession contracts⁸⁵; iii) on public procurement⁸⁶; iv) on procurement by entities operating in the water, energy, transport and postal services sectors⁸⁷; and v) establishing a framework for maritime spatial planning⁸⁸.

⁷³ Directive [2016/680/EU](#).

⁷⁴ Directive [2016/943/EU](#).

⁷⁵ Directive [2016/2102/EU](#).

⁷⁶ Directive [2016/801/EU](#).

⁷⁷ Directive [2016/1148/EU](#).

⁷⁸ OJ, C 12, 15.01.2011, p.1-5.

⁷⁹ Commission v Slovenia, [C-628/18](#), the Commission proposed a daily penalty of EUR 7.224, a lump sum of EUR 1.978 per day, with a minimum amount of EUR 496.000; [C-69/18](#), the Commission proposed a daily penalty of EUR 7 986.60; [C-188/18](#), the Commission proposed a daily penalty of EUR 8 992.32.

⁸⁰ Commission v Spain, [C-430/18](#), the Commission proposed a daily penalty of EUR 48 919.20; [C-165/18](#), the Commission proposed a daily penalty of EUR 123 928.64; [C-164/18](#), the Commission proposed a daily penalty of EUR 61 964.32.

⁸¹ Commission v Belgium, [C-676/18](#); the Commission proposed a daily penalty of EUR 49.906.50.

⁸² Commission v Ireland, [C-550/18](#), the Commission proposed a daily penalty of EUR 17.169.60, a lump sum of EUR 4.701.20, with a minimum amount of EUR 1.685.000.

⁸³ Commission v Romania, [C-549/18](#), the Commission proposed a daily penalty of EUR 21.974.40, a lump sum of EUR 6.016.80, with a minimum amount of EUR 1.887.000.

⁸⁴ Directive [2014/26/EU](#).

⁸⁵ Directive [2014/23/EU](#).

⁸⁶ Directive [2014/24/EU](#).

⁸⁷ Directive [2014/25/EU](#).

⁸⁸ Directive [2014/89/EU](#).

VI. Methodology and explanations

Infringement procedures

First chart: Trends in complaints and investigations about potential breaches of EU law

This chart shows aggregated data over a five-year period covering new complaints registered, new EU Pilot files and new infringement cases.

Second chart: Time taken to investigate potential breaches of EU law

This shows the total number of files (complaints, EU Pilot and infringement cases) closed in a given year with the average time in weeks needed before taking a decision to close them. This means that certain files are potentially counted in all three categories, if the initial complaint becomes an infringement.

Before an infringement procedure is started

Complaints

First chart: Complaints open at year-end

This starts with the number of open complaints carried over from 2017 (first line). The second line shows the number of new complaints registered in 2018. The third line shows the number of complaints on which the Commission took a decision in 2018. The fourth line shows the number of complaints open at the end of 2018 (calculated by taking the first figure, adding the second and subtracting the third).

Second chart: New complaints registered in 2018 (main policy areas)⁸⁹

This shows the main policy areas for which new complaints were registered in 2018.

Third chart: Complaints leading to investigations

This shows the number of complaints, which the Commission pursued them further by launching an investigation about breaches of EU law (via EU Pilot mechanism or launching a formal infringement procedure).

EU Pilot

First chart: EU Pilot files open at year-end

This starts with the number of open EU Pilot files carried over from 2017 (first line). The second line shows the number of new EU Pilot files opened in 2018. The third line shows the number of files on which the Commission took a decision in 2018. The fourth line shows the number of EU Pilot files open at the end of 2018 (calculated by taking the first figure, adding the second and subtracting the third).

⁸⁹ The data on policy areas referred to in the main report and in the sections on the Member States is based on information provided by the European Commission's directorates-general. The policy areas are referred to as follows: agriculture and rural development; budget; climate action; communication networks, content and technology; competition; education and culture; economic and financial affairs; financial stability and Capital Markets Union; neighbourhood and enlargement negotiations; employment; energy; environment; migration and home affairs; justice and consumers; maritime affairs and fisheries; internal market, industry, entrepreneurship and SMEs; mobility and transport; regional policy; health and food safety; taxation and customs; trade.

Second chart: EU Pilot files opened in 2018 (main policy areas)

This shows the policy areas in which the new EU Pilot files were opened in 2018.

Third chart: EU Pilot files (2014-2018)

This shows the number of EU Pilot files processed in a given year and the resolution rate in that year. The resolution rate is the percentage of EU Pilot files handled for which the Commission accepted the Member States' responses.

Fourth chart: EU Pilot files and infringement cases

This compares the number of new EU Pilot files and new infringement cases in an overlay with the total number of infringement cases open at the year-end.

Stages in infringement procedures

First chart: New infringement cases at 31 December 2018

This shows the number of new infringement cases opened in 2018, by Member State.

Second chart: Trends in new infringement procedures

This shows comparison — over a five-year period — between different types of infringement cases originating as late transposition cases, breaches of regulations and treaties and bad application or non-conformity with directives.

Third chart: New infringement cases opened in 2018 (main policy areas)

This shows the main policy areas in which the new infringement cases were opened in 2018.

Fourth chart: Reasoned opinions sent to Member States in 2018

This shows the number of reasoned opinions sent to Member States in 2018.

Fifth chart: Infringement cases open at year-end (2014-2018)

This shows the number of infringements that remained open on 31 December of each year from 2014 to 2018.

Sixth chart: Infringement cases open on 31 December 2018

These figures show all procedures that the Commission has started against each Member State by sending a letter of formal notice under Article 258 TFEU. It covers letters sent in 2018 or before, irrespective of the stages the cases have reached. Only cases which have not yet been closed by a formal decision are shown. For each Member State, the chart distinguishes between infringements for incorrect transposition and/or bad application of EU law, late transposition infringements and breaches of regulations and treaties.

Accordingly, the numbers include all cases that, on 31 December 2018:

- were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU);
- were pending before the Court under Article 258 TFEU or Article 260(3) TFEU;
- the Court had ruled on but where the Commission could not yet confirm that the Member State had implemented the judgment correctly;
- were in the second pre-litigation procedure (letter of formal notice or referral decision under Article 260(2) TFEU);
- were pending before the Court due to a second referral; or

- the Court had ruled on for the second time but where the Commission could not yet confirm that the Member State had implemented the second judgment correctly.

This figure does *not* include, for example, open EU Pilot files. It also does not include EU Pilot files for which the Commission rejected the Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

Seventh chart: Infringement cases open at end-2018: policy areas

This shows the breakdown, by policy area, of the infringement cases open on 31 December 2018.

Eighth chart: Court of Justice judgments under Article 258 and 260(2) TFEU in 2018

This shows the total number of Court of Justice judgments and the number of judgments in favour of the Commission and the Member States.

Transposition of directives

Late transposition infringements

First chart: National transposition measures notified per year

This shows the total number of national transposition measures submitted by Member States to the Commission in a given year.

Second chart: Directives and late transposition infringement cases

This shows how many directives had to be transposed in the years 2014-2018 and how many new infringement cases for late transposition were opened in that period.

Third chart: Late transposition infringement cases open at year-end

This starts with the number of late transposition infringements carried over from 2017 (first line). The second line shows the number of new late transposition infringements registered in 2018. The third line shows the number of complaints on which the Commission took a decision in 2018. The fourth line shows the number of late transposition infringements open at the end of 2018 (calculated by taking the first figure, adding the second and subtracting the third).

Fourth chart: Late transposition infringement cases in 2018

This shows the number of late transposition infringements open at year-end for each Member State, irrespective of the year in which the infringement was opened. In addition, it also shows new late transposition infringement cases opened in 2018 for each Member State.

Fifth chart: New late transposition infringement cases opened in 2018 (main policy areas)

This shows the main policy areas in which the procedures for late transposition were launched in 2018.