



Monitoring the Application of UNION LAW

2018 Annual Report
Part III: Member States

#EULaw

COMMISSION STAFF WORKING DOCUMENT

Part III: Member States

Accompanying the document

Monitoring the application of European Union law

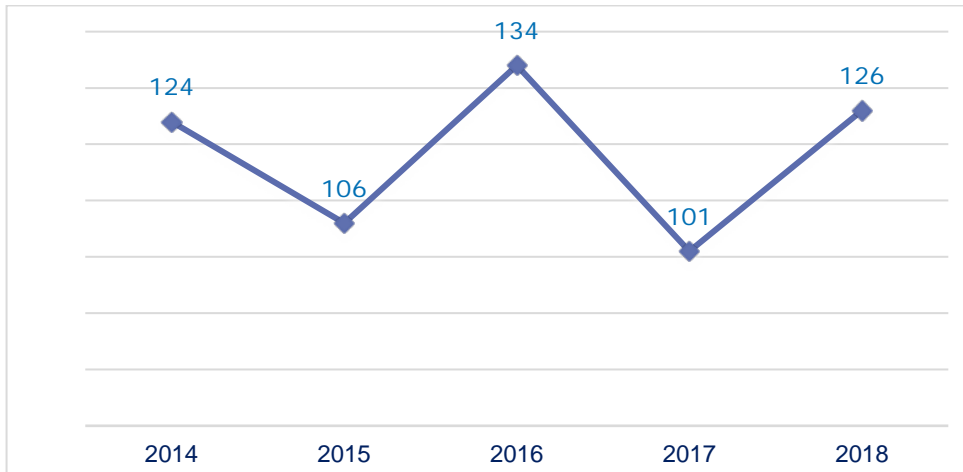
2018 Annual Report

Belgium.....	2
Bulgaria.....	10
Czechia.....	17
Denmark.....	23
Germany.....	29
Estonia.....	38
Ireland.....	44
Greece.....	52
Spain.....	59
France.....	67
Croatia.....	74
Italy.....	80
Cyprus.....	88
Latvia.....	94
Lithuania.....	99
Luxembourg.....	105
Hungary.....	111
Malta.....	118
Netherlands.....	124
Austria.....	131
Poland.....	138
Portugal.....	145
Romania.....	151
Slovenia.....	158
Slovakia.....	165
Finland.....	171
Sweden.....	177
United Kingdom.....	183
Methodology and explanations.....	190

Belgium

I. COMPLAINTS

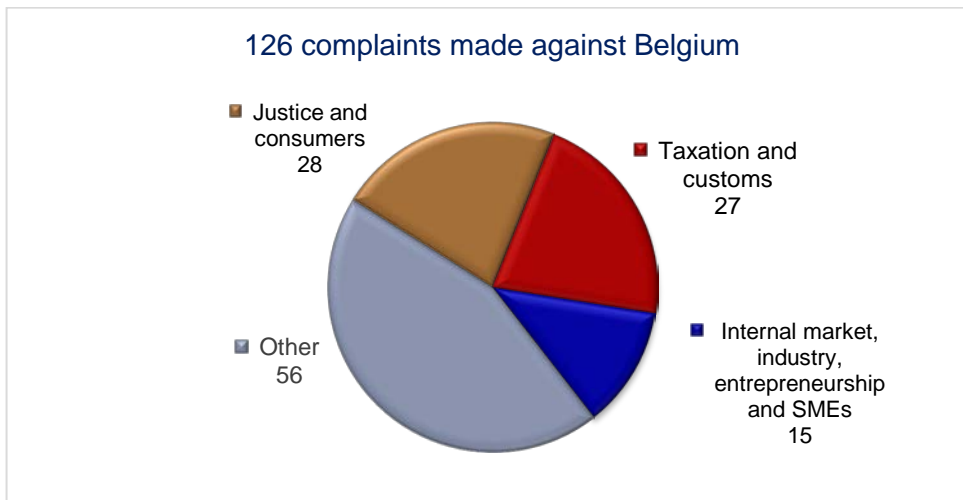
1. New complaints made against Belgium by members of the public (2014-2018)



2. Public complaints against Belgium open at year-end

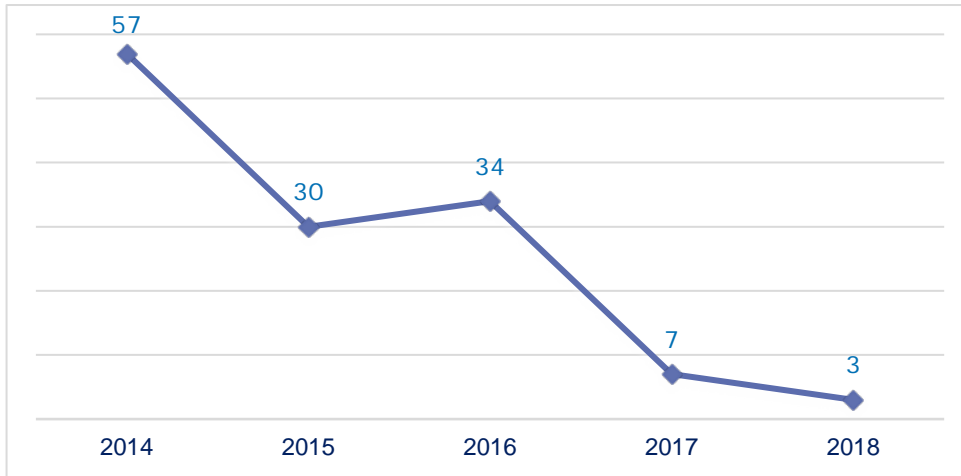
105	>	Complaints open at end-2017
126	>	New complaints registered in 2018
106	>	Complaints handled in 2018
= 125	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

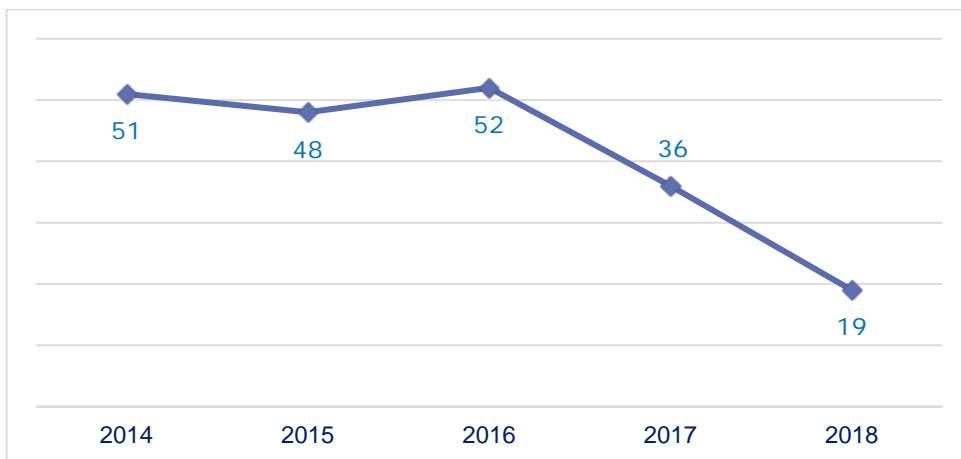


II. EU PILOT

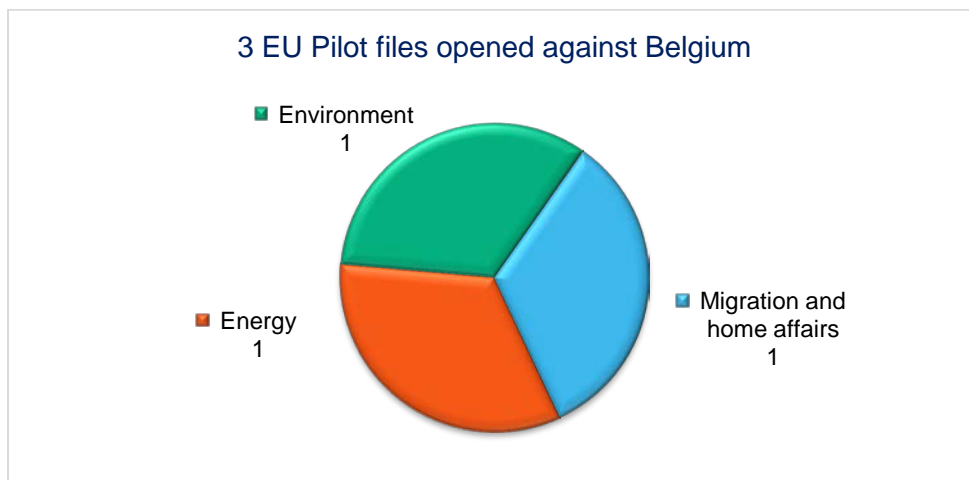
1. New EU Pilot files opened against Belgium (2014-2018)



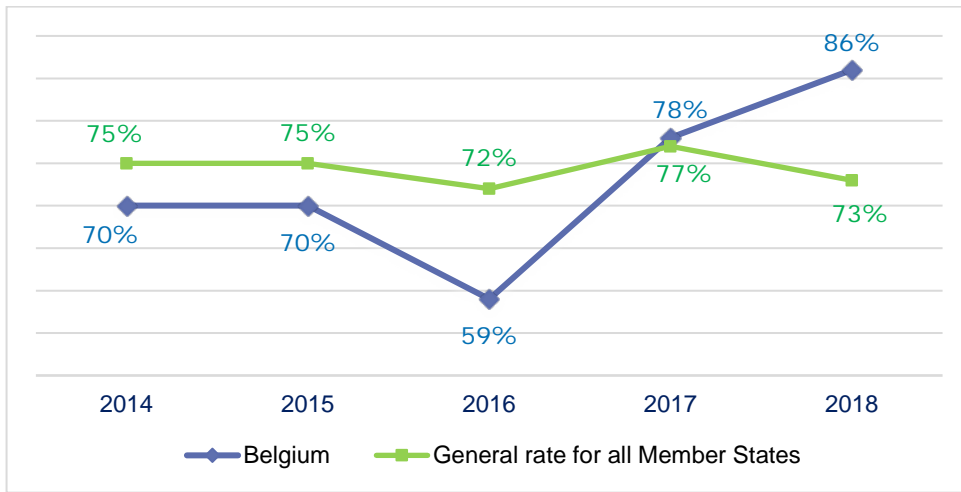
2. Files relating to Belgium open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

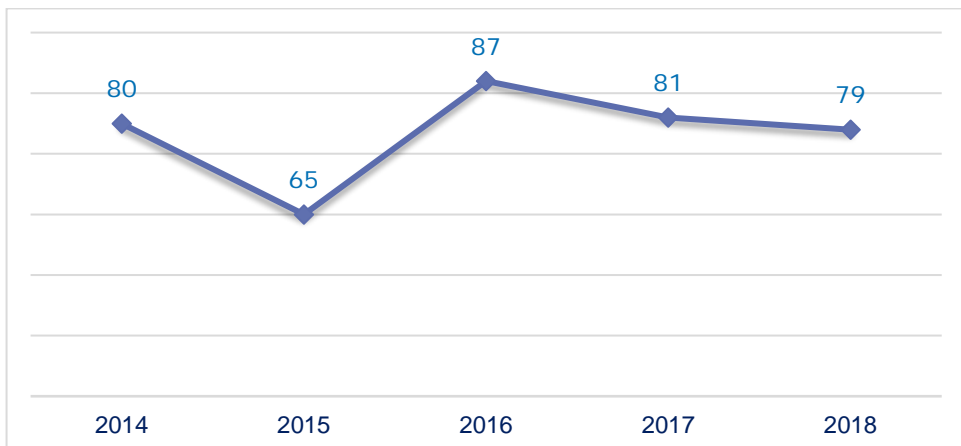


4. EU Pilot files: Belgium's resolution rate in 2014-2018

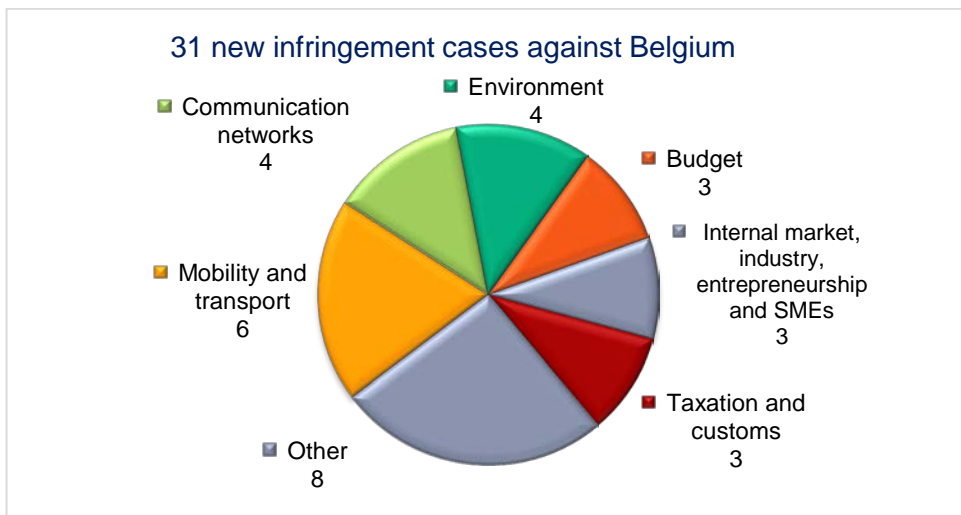


III. INFRINGEMENT CASES

1. Infringement cases against Belgium open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

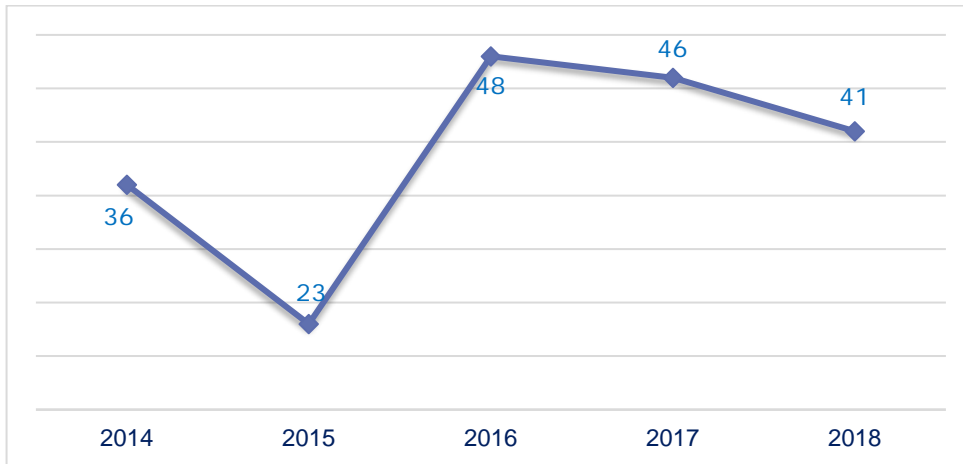
- a) The Commission opened 31 new infringement cases against Belgium in 2018. These, and other major ongoing infringement cases, include:
- non-compliance with the Decision on the use of the 470-790 MHz frequency band in the Union¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications²;
 - incorrect implementation of EU rules on chartering and pricing in inland waterways transport³;
 - failure to comply with the Court of Justice judgment on the evaluation of rental income from immovable property⁴;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁵;
 - failure to comply with the nitrogen dioxide (NO₂) limit values set by the Air Quality Directive⁶;
 - failure to adopt noise maps and action plans on environmental noise⁷;
 - non-communication of national measures transposing the
 - Payment Services Directive⁸;
 - Insurance Distribution Directive⁹;
 - Nuclear Safety Directive¹⁰;
 - Directive on security of network and information systems¹¹;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹²;
 - 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-disabled¹³;
 - Data Protection Law Enforcement Directive¹⁴;
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants¹⁵;
 - Directive on the reduction of national emissions of certain atmospheric pollutants¹⁶.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns
- a provision in the code for accountants prohibiting accounts from carrying out any other economic activity as an insurance broker/real estate agent and all banking and financial services activities, in breach of the Services Directive¹⁷.

¹ Decision (EU) [2017/899](#).
² Directive [2005/36/EC](#), [MEMO/18/4486](#).
³ Directive [1996/75/EC](#); [MEMO/18/349](#).
⁴ [MEMO/18/6247](#); Commission v Belgium, [C-110/17](#).
⁵ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).
⁶ Directive [2008/50/EC](#), [MEMO/18/6247](#).
⁷ Directive [2002/49/EC](#), [MEMO/18/3446](#).
⁸ Directive [2015/2366/EU](#).
⁹ Directive [2016/97/EU](#).
¹⁰ Directive [2014/87/Euratom](#), [MEMO/18/3986](#).
¹¹ Directive [2016/1148/EU](#); [MEMO/18/4486](#).
¹² Directive [2016/2102/EU](#).
¹³ Directive [2017/1564/EU](#).
¹⁴ Directive [2016/680/EU](#).
¹⁵ Directive [2015/2193/EU](#).
¹⁶ Directive [2016/2284/EU](#).

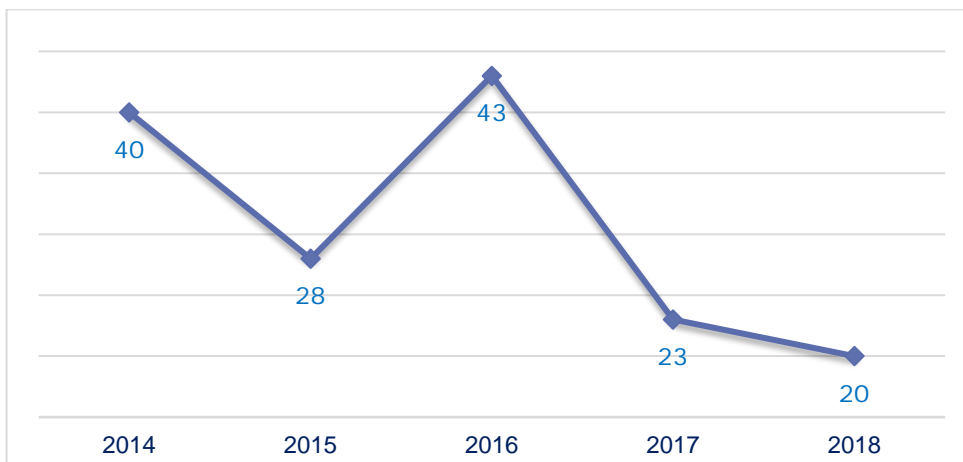
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Belgium open on 31 December (2014-2018)

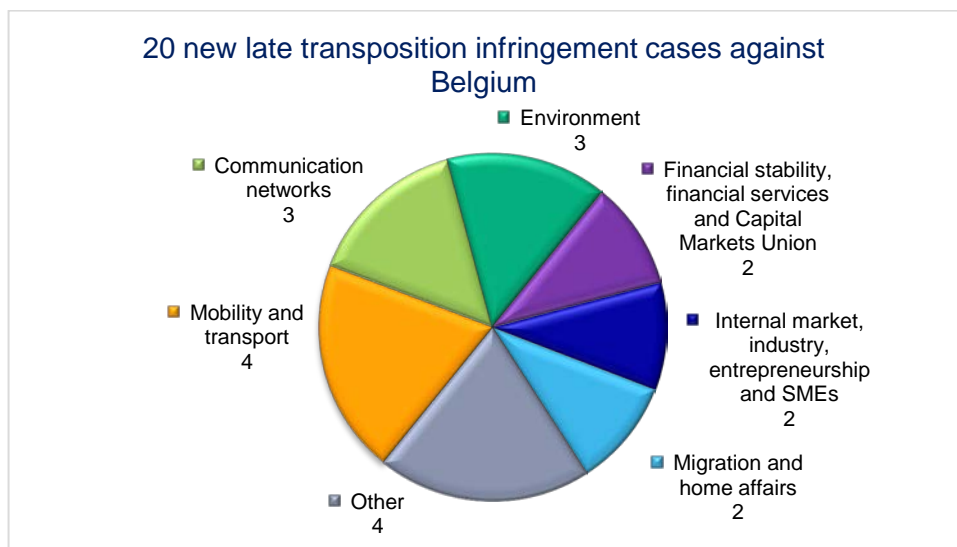


2. New late transposition infringement cases against Belgium (2014-2018)



¹⁷ Commission v Belgium, [C-384/18](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns

- failure to transpose the Directive on the conditions of entry and stay of third country nationals for the purpose of employment as seasonal workers¹⁸.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- imposition of higher yearly tax rate on foreign professional investment funds, in breach of EU law;
- exceedance of the PM₁₀¹⁹ limit values set by the Air Quality Directive²⁰;
- non-communication of national measures transposing the
 - Directive concerning undertakings for collective investment in transferable securities²¹;
 - Directive on radioactive substances in water intended for human consumption²²;
 - Antitrust Damages Directive²³;
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the EU²⁴.

¹⁸ Commission v Belgium, [C-676/18](#), Directive [2014/36/EU](#).

¹⁹ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency)).

²⁰ Directive [2008/50/EC](#).

²¹ Directive [2014/91/EU](#).

²² Directive [2013/51/Euratom](#).

²³ Directive [2014/104/EU](#).

²⁴ Directive [2014/42/EU](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁵

The Court gave the following rulings.

- Belgium has failed to comply with EU rules on the coordination of social security systems²⁶. The Court invalidated Belgian provisions granting national authorities the power to decide unilaterally on the existence of fraud or abuse in the case of posted workers without contacting the authorities of the Member State which had issued the portable document²⁷.
- Belgium has failed to fulfil its obligations under EU law in the way it calculates rental income. It calculates the rental income of Belgian taxpayers from immovable property located abroad on the basis of the actual value, while rental income on property located in Belgium is based on the cadastral value, i.e. calculated by reference to the property description and valuation.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Belgian judiciary.

- On posting of workers, the Court of Justice confirmed the binding nature of the portable document delivered by the Member State of the sending company²⁸. Nevertheless, the receiving Member State can check the validity of that document and contact the issuing Member State in cases of doubt about its validity or the accuracy of the facts on which it is based. The latter is obliged to carry out a proper assessment of the facts and ensure that the information is correct, in accordance with the principle of cooperation laid down in Article 4(3) TEU.
- Ritual slaughter without stunning may take place only in an approved slaughterhouse. The obligation to carry out ritual slaughter in an approved slaughterhouse simply aims, from a technical point of view, to organise and manage the freedom to carry out slaughter without prior stunning for religious purposes. Such a technical framework is not in itself of such a nature as to restrict the right to freedom of religion of practising Muslims²⁹.
- The display of the energy label for vacuum cleaners without specifying the testing conditions that led to the energy classification indicated on the respective label does not constitute an unfair commercial practice. Supplementary labels reproducing or clarifying the information displayed on the energy label can be misleading in certain cases³⁰.
- Member States have to deliver and notify residence cards to non-EU family members of EU citizens within the deadline of 6 months stipulated in Article 10 of the Free Movement Directive³¹. The judicial annulment of the decision does not reopen a new period of 6 months as referred to in that Article³².
- Restrictions on the freedom of movement and residence of an EU citizen, or a family member of an EU citizen, who is suspected of having, in the past, participated in war crimes must also be assessed on a case-by-case basis, as required by the Free

²⁵ These rulings are almost exclusively handed down in infringement procedures.

²⁶ Regulation (EC) No [883/2004](#).

²⁷ Commission v Belgium, [C-356/15](#).

²⁸ Altun and Others, [C-359/16](#).

²⁹ Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen and Others, [C-426/16](#) and [press release](#).

³⁰ Dyson, [C-632/16](#) and Court press release [No 117/18](#).

³¹ Directive [2004/38/EC](#).

³² Diallo, [C-246/17](#).

Movement Directive³³. That assessment requires the threat that the individual concerned represents to the fundamental interests of the host society to be weighed against the protection of the rights of EU citizens and their family members³⁴.

- Regional town planning regulations laying down certain requirements for the completion of building projects fall under the definition of ‘plans and programmes’ which are likely to have significant environmental effects, within the meaning of the Strategic Environmental Assessment Directive. Consequently, they must be subjected to an environmental impact assessment³⁵.
- On the Working Time Directive, the Court of Justice clarified that voluntary firefighters can be regarded as workers if they pursue real, genuine activities for and under direction of another person in return for which they receive remuneration. The stand-by time of a worker at home who is obliged to respond to calls from the employer within a short period must be regarded as ‘working time’. The obligation to remain physically present at the place determined by the employer and the requirement to reach the place of work within a short period very significantly restrict a worker’s opportunities for other activities³⁶.
- Member States are entitled to adopt a return decision as soon as an application for international protection is rejected, provided that the return procedure is suspended pending the outcome of an appeal against that rejection³⁷.
- Requests for family reunification must be examined even if the national of a non-EU country, who is a family member of an EU citizen who has never exercised his right of freedom of movement, is subject to an entry ban. Whether there is a relationship of dependency between the national of a non-EU country and the EU citizen and whether public policy grounds justify the entry ban must be assessed on a case-by-case basis³⁸.

³³ Directive [2004/38/EC](#).

³⁴ Joined cases: [K.](#), [C-331/16](#) and [H.](#), [C-366/16](#).

³⁵ Directive [2001/42/EC](#), Inter-Environnement Bruxelles and Others, [C-671/16](#).

³⁶ Matzak, [C-518/15](#) and Court press release [No 14/18](#).

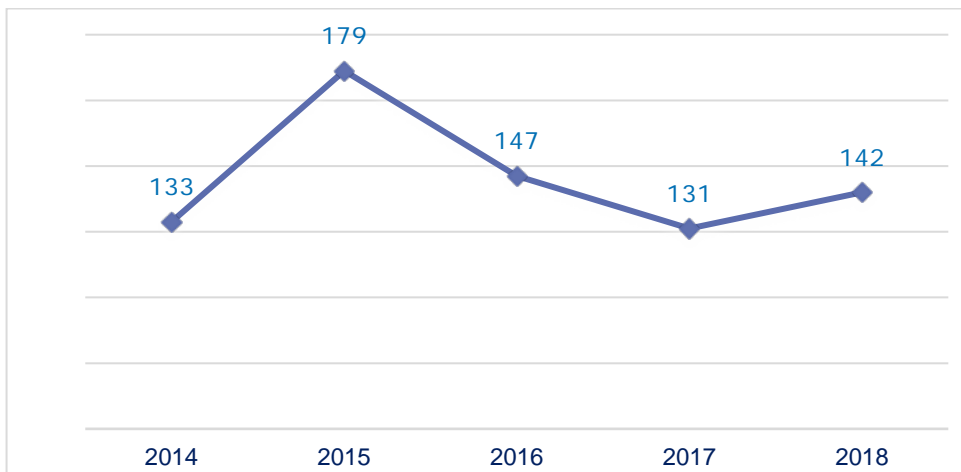
³⁷ Gnandi, [C-181/16](#) and Court press release [No 88/18](#).

³⁸ K.A. and Others, [C-82/16](#) and Court press release [No 64/18](#).

Bulgaria

VII. COMPLAINTS

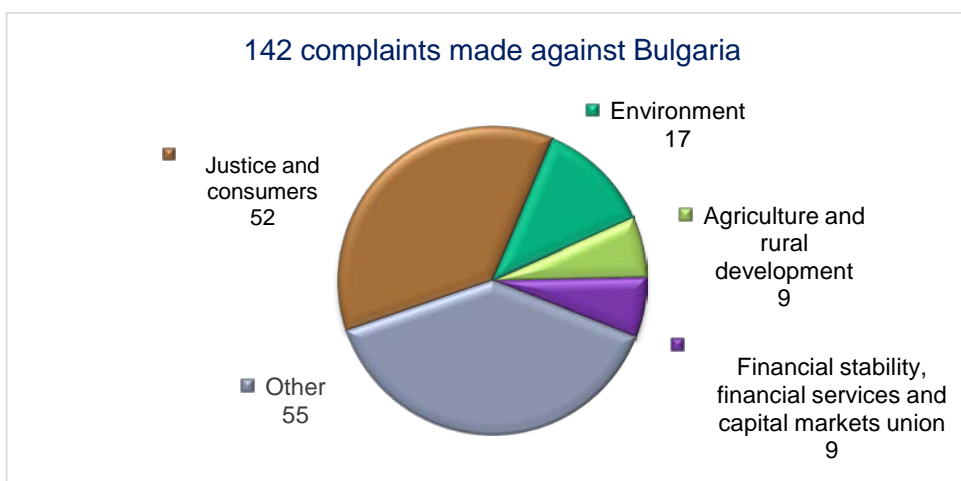
1. New complaints made against Bulgaria by members of the public (2014-2018)



2. Public complaints against Bulgaria open at year-end

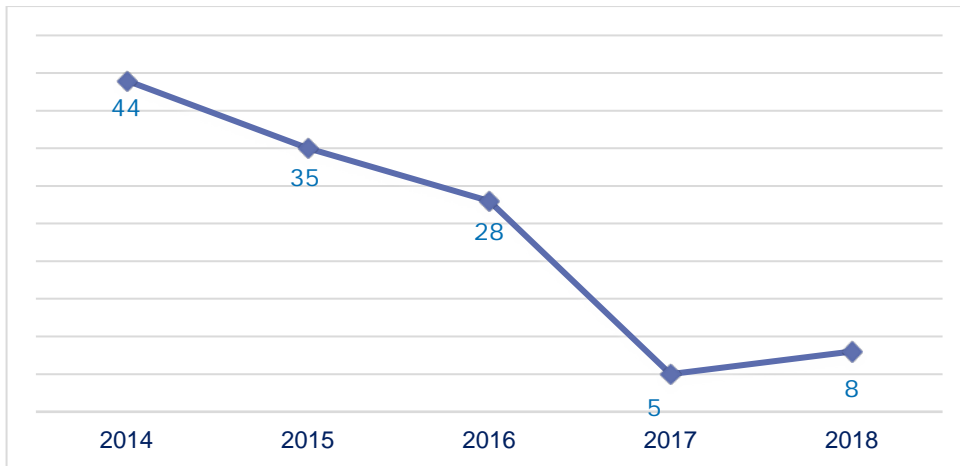
108	>	Complaints open at end-2017
142	>	New complaints registered in 2018
134	>	Complaints handled in 2018
= 116	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

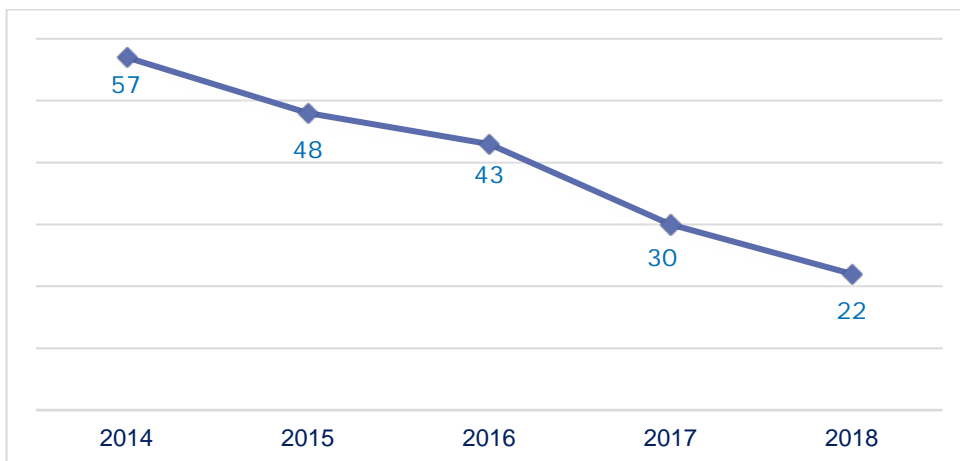


VIII. EU PILOT

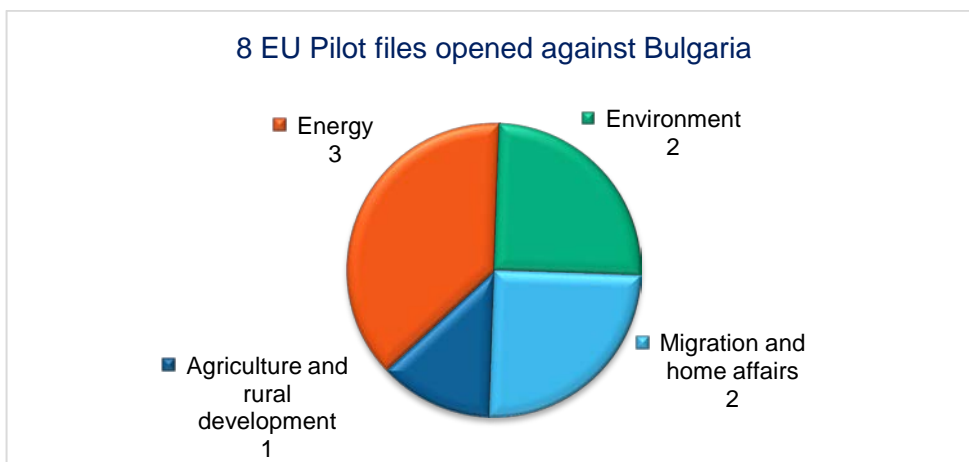
1. New EU Pilot files opened against Bulgaria (2014-2018)



2. Files relating to Bulgaria open in EU Pilot at year-end

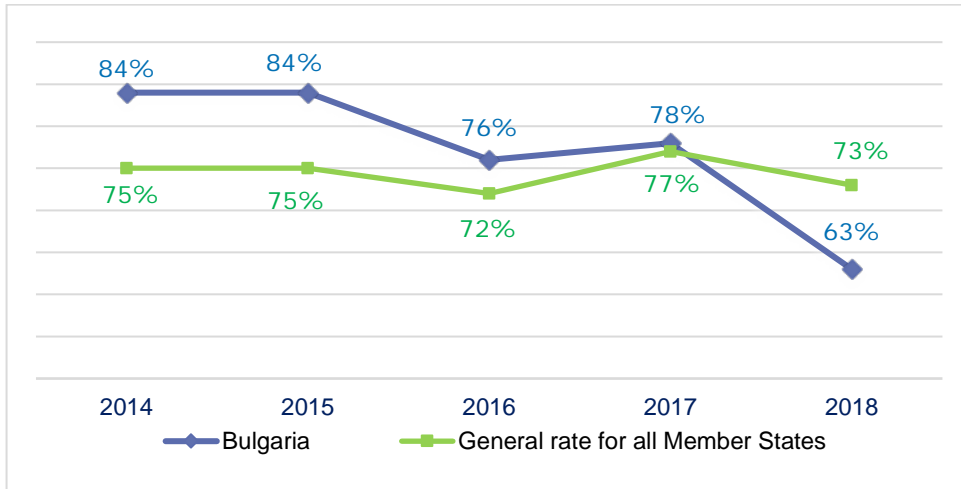


3. New EU Pilot files opened in 2018: main policy areas



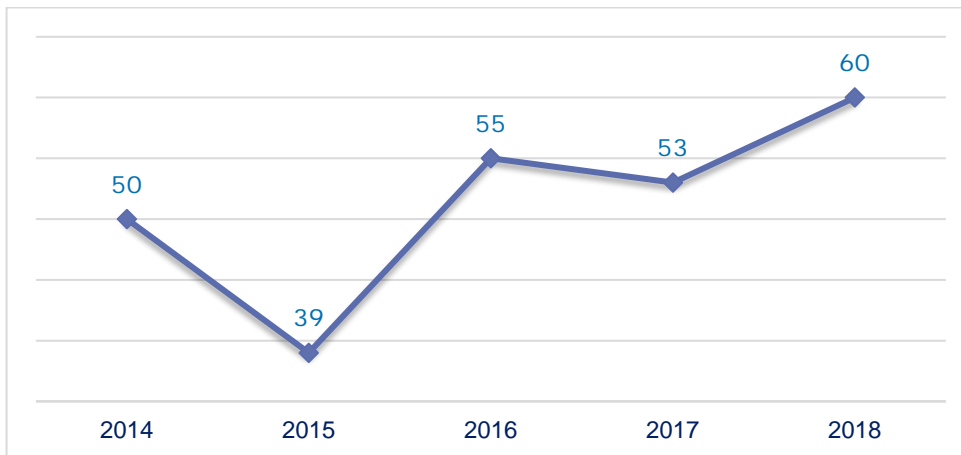
Bulgaria

4. EU Pilot files: Bulgaria's resolution rate in 2014-2018

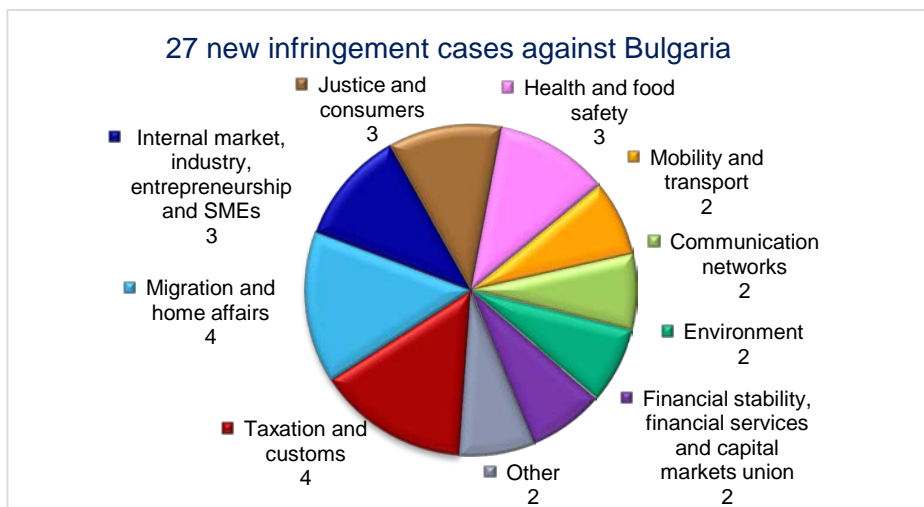


IX. INFRINGEMENT CASES

1. Infringement cases against Bulgaria open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 27 new infringement cases against Bulgaria in 2018. These, and other major ongoing infringement cases, include:
- failure to comply with EU law on railway safety as regards the independence of the investigating body¹;
 - incorrect implementation of the transparency, consultation and non-discrimination requirements of EU rules on airport charges²;
 - maintaining a national framework on geographical indications, which is not compatible with the EU rules on quality schemes for agricultural products and foodstuffs³;
 - non-compliance with the requirements of the Third Energy Package Directives (Electricity and Gas Directives)⁴;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁵;
 - non-compliant transposition of the Air Quality Directive⁶;
 - failure to comply with a Court judgment finding that the PM₁₀⁷ limit values set by the Air Quality Directive have been exceeded⁸;
 - systemic failures in the implementation of EU nature legislation in relation to the authorisation of plans and projects in special protected areas⁹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹⁰;
 - incorrect implementation of EU asylum legislation¹¹;
 - non-communication of national measures transposing the
 - Payment Services Directive¹²;
 - Insurance Distribution Directive¹³;
 - revised Markets in Financial Instruments Directive¹⁴;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁵;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹⁶;
 - Directive on the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species¹⁷;
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union¹⁸;

¹ Directive [2004/49/EC](#); [IP/18/6252](#).

² Directive [2009/12/EC](#); [MEMO/18/6247](#).

³ Regulation (EU) No [1151/2012](#), [MEMO/18/349](#).

⁴ Directives [2009/72/EC](#) and [2009/73/EC](#), [MEMO/18/349](#).

⁵ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁶ Directive [2008/50/EC](#), [MEMO/18/6247](#).

⁷ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency).

⁸ Directive [2008/50/EC](#), [MEMO/18/6247](#), *Commission v Bulgaria*, [C-488/15](#).

⁹ [MEMO/18/4486](#).

¹⁰ Directive [2005/36/EC](#), [MEMO/18/4486](#).

¹¹ [MEMO/18/6247](#).

¹² Directive [2015/2366/EU](#).

¹³ Directive [2016/97/EU](#).

¹⁴ Directive [2014/65/EU](#); [MEMO/18/349](#).

¹⁵ Commission Directive [2016/1214/EU](#).

¹⁶ Commission Implementing Directive [2017/1279/EU](#).

¹⁷ Commission Implementing Directive [2018/100/EU](#).

Bulgaria

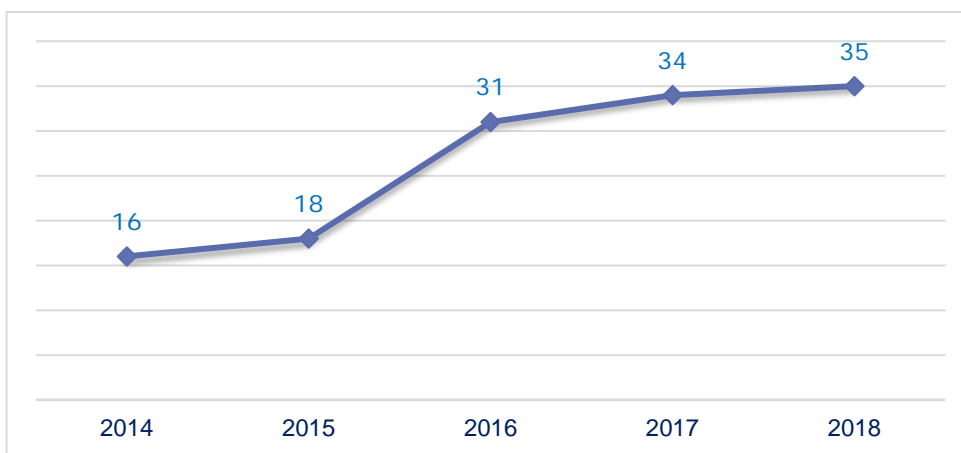
- Directive on security of network and information systems¹⁹;
- Directive on the accessibility of the websites and mobile applications of public sector bodies²⁰;
- Directive on the presumption of innocence²¹;
- Data Protection Law Enforcement Directive²²;

b) The Commission did not refer any cases to the Court under Article 258 TFEU.

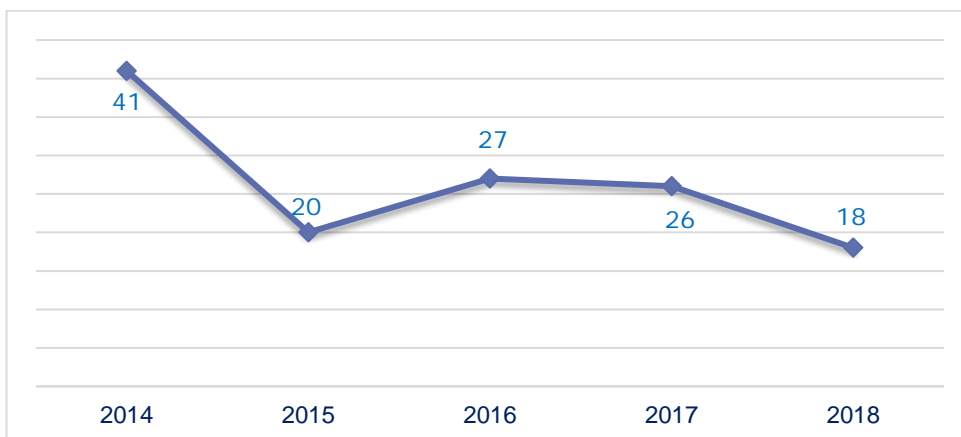
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

X. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Bulgaria open on 31 December (2014-2018)



2. New late transposition infringement cases against Bulgaria (2014-2018)



¹⁸ Directive [2014/42/EU](#).

¹⁹ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

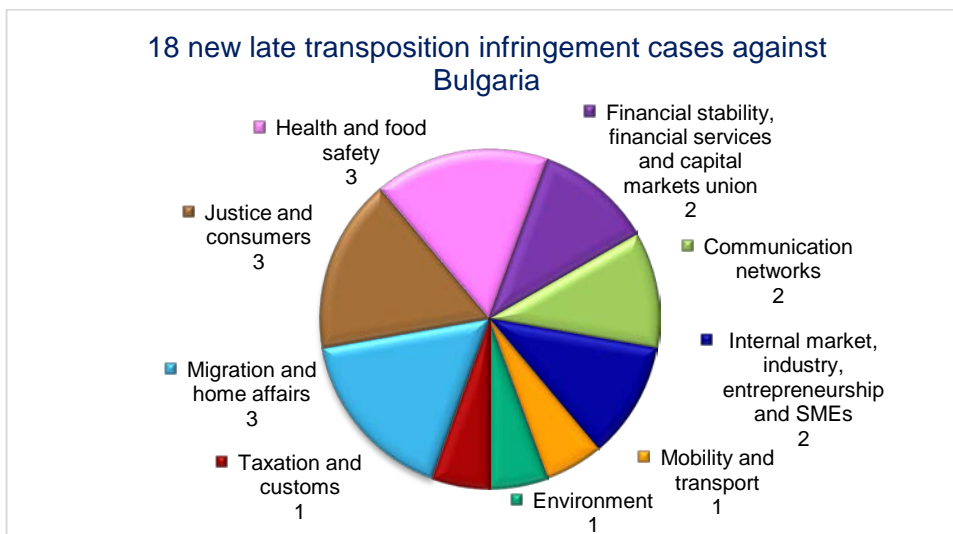
²⁰ Directive [2016/2102/EU](#).

²¹ Directive [2016/343/EU](#).

²² Directive [2016/680/EU](#).

Bulgaria

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred two cases to the Court under Articles 258 and 260(3) TFEU. They concern:

- non-communication of national measures transposing the Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market²³;
- failure to communicate national measures transposing the Maritime Spatial Planning Directive²⁴.

XI. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of the Nitrates Directive though insufficient designation of nitrates vulnerable zones and shortcomings in the action plans²⁵;
- unlawful use of aircraft in breach of noise restrictions set out in the EU legislation²⁶;
- non-communication of national measures transposing the
 - Directive on tobacco products²⁷;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁸;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants²⁹;

²³ Directive [2017/1564/EU](#), Commission v Bulgaria, C-27/18. Subsequently Bulgaria took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

²⁴ Directive [2014/89/EU](#), Commission v Bulgaria, C-61/18. Subsequently Bulgaria took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

²⁵ Directive [91/676/EEC](#).

²⁶ Directive [2006/93/EC](#).

²⁷ Directive [2014/40/EU](#).

²⁸ Commission Directive [2016/1214/EU](#).

²⁹ Commission Implementing Directive [2017/1279/EU](#).

Bulgaria

- Directive concerning undertakings for collective investment in transferable securities³⁰;
- Package Travel Directive³¹;
- Directive on fuel quality reporting requirements and calculation methods³².

XII. IMPORTANT JUDGMENTS

1. Court rulings

The Court ruled that:

- Bulgaria has failed to fulfil its obligations under the Birds Directive by not having classified as a Special Protection Area the entire Important Bird Area covering the Rila Mountains³³.

2. Preliminary rulings

In a preliminary ruling addressed to the Bulgarian judiciary, the Court held that:

- An application for international protection cannot be granted on the ground that one of the applicant's family members has a well-founded fear of being persecuted or faces a real risk of suffering serious harm. However, account must be taken of such threats in respect of one of the applicant's family members for the purpose of determining whether the applicant is, because of his family tie to the person at risk, himself exposed to the threat of persecution or serious harm³⁴.
- An applicant for international protection claiming risk of persecution for religious reasons does not have to submit statements or produce documents concerning all components of the concept of 'religion'. The applicant must however submit evidence allowing the competent authority to conclude that the claims are true. The prohibition, on pain of execution or imprisonment, of conduct which is contrary to the state religion of the applicant's country of origin may constitute an 'act of persecution'³⁵.

³⁰ Directive [2014/91/EU](#).

³¹ Directive [2015/2302/EU](#).

³² Directive [652/2015/EC](#).

³³ Directive [2009/147/EC](#), Commission v Bulgaria, [C-97/17](#).

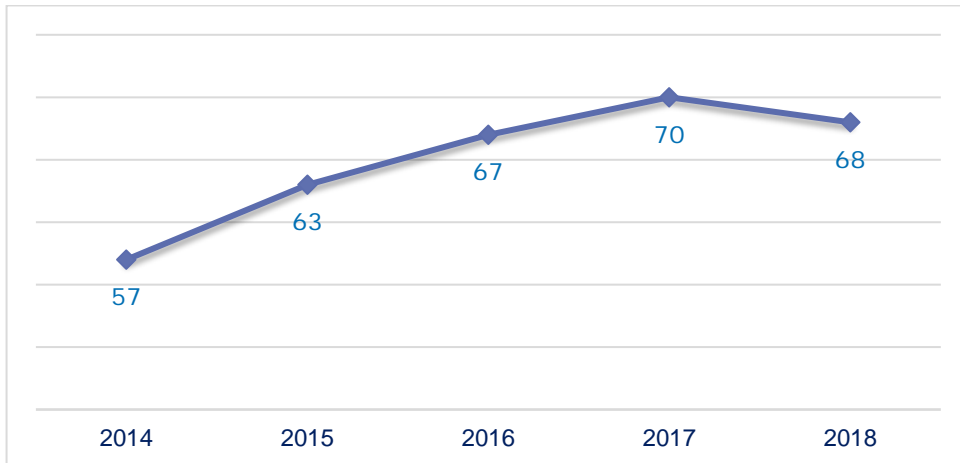
³⁴ Ahmedbekova, [C-652/16](#).

³⁵ Fathi, [C-56/17](#).

Czechia

I. COMPLAINTS

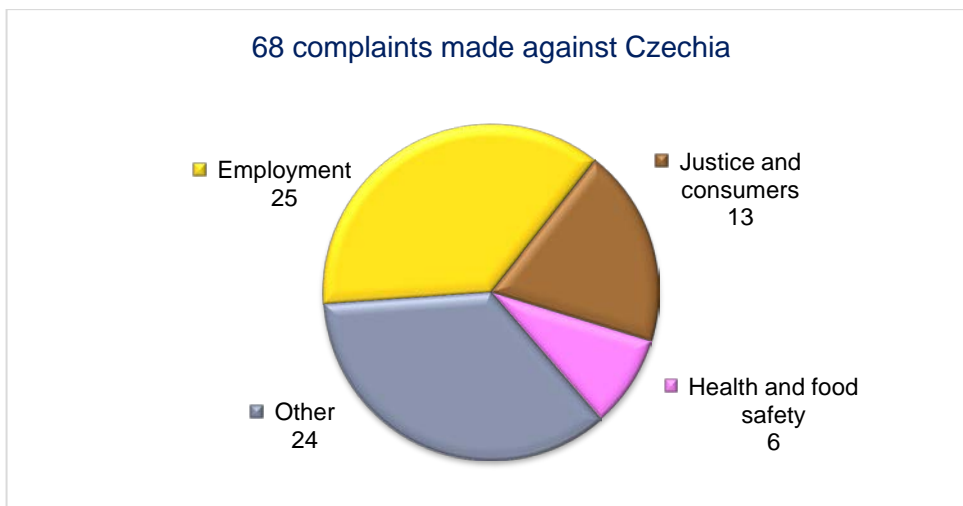
1. New complaints made against Czechia by members of the public (2014-2018)



2. Public complaints against Czechia open at year-end

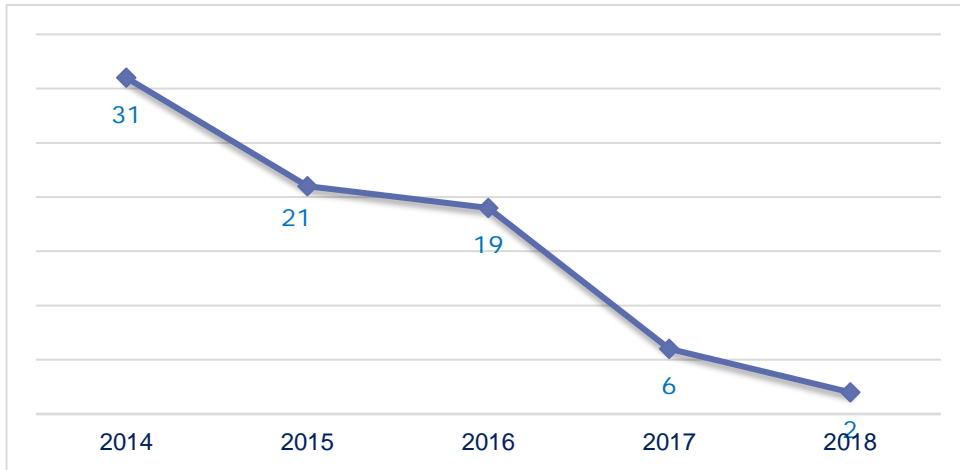
85	>	Complaints open at end-2017
68	>	New complaints registered in 2018
102	>	Complaints handled in 2018
= 51	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

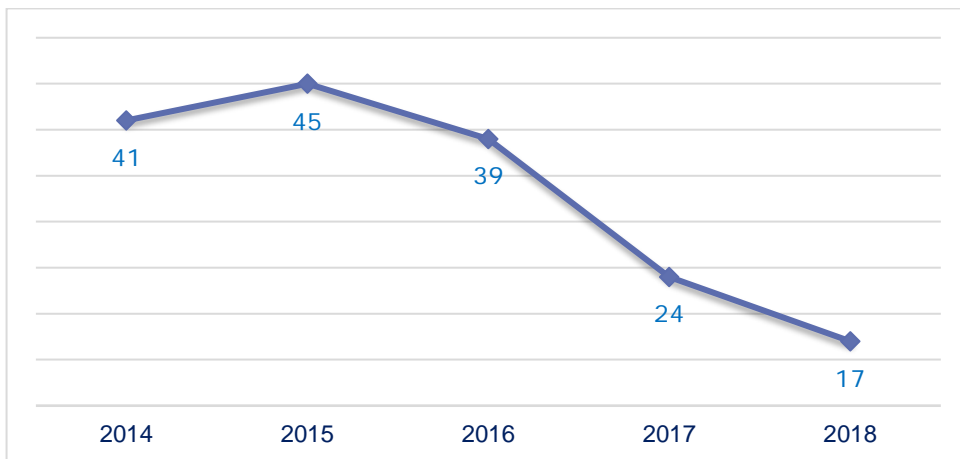


II. EU PILOT

1. New EU Pilot files opened against Czechia (2014-2018)



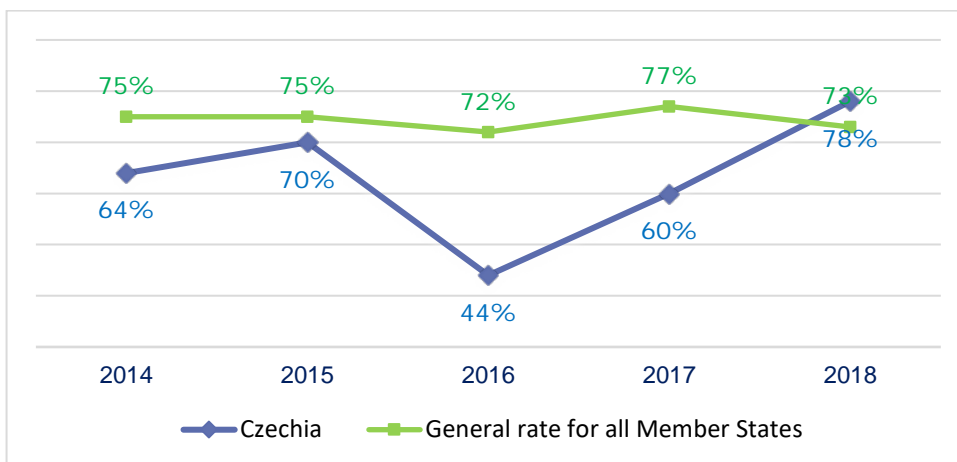
2. Files relating to Czechia open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

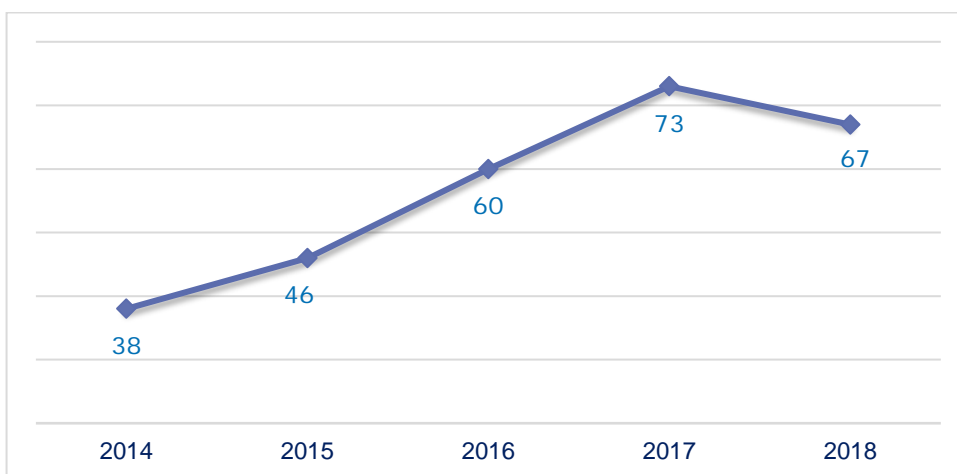
In 2018, the Commission opened two EU Pilot files against Czechia, one in the area of environment and one in the area of energy.

4. EU Pilot files: Czechia's resolution rate in 2014-2018

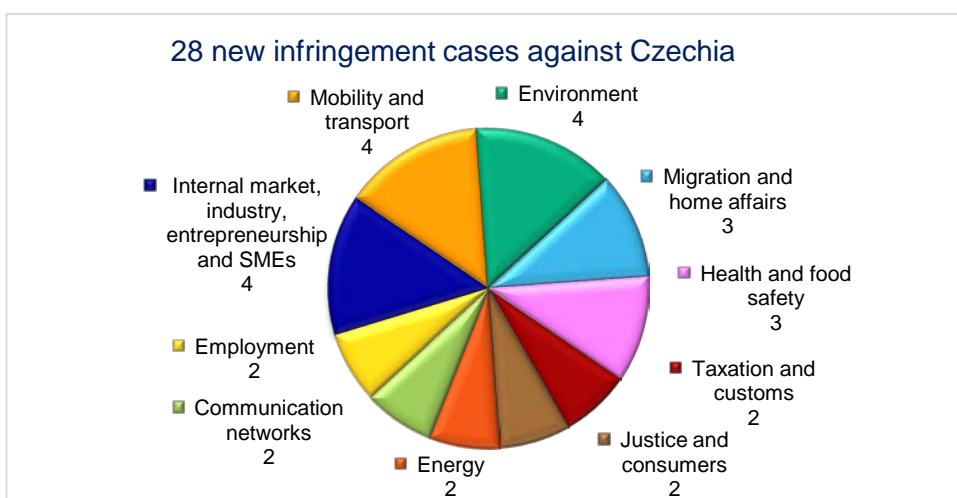


III. INFRINGEMENT CASES

1. Infringement cases against Czechia open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 28 new infringement cases against Czechia in 2018. These, and other major ongoing infringement cases, include:
- failure to comply with EU legislation on Flag State requirements¹;
 - failure to comply with the Air Quality Directive²;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive³;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁴;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁵;
 - non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments⁶;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants⁷;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies⁸;
 - 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-disabled⁹.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2009/21/EC](#); [MEMO/18/4486](#).

² Directive [2008/50/EC](#), [MEMO/18/6247](#).

³ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁵ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁶ Commission Directive [2016/1214/EU](#).

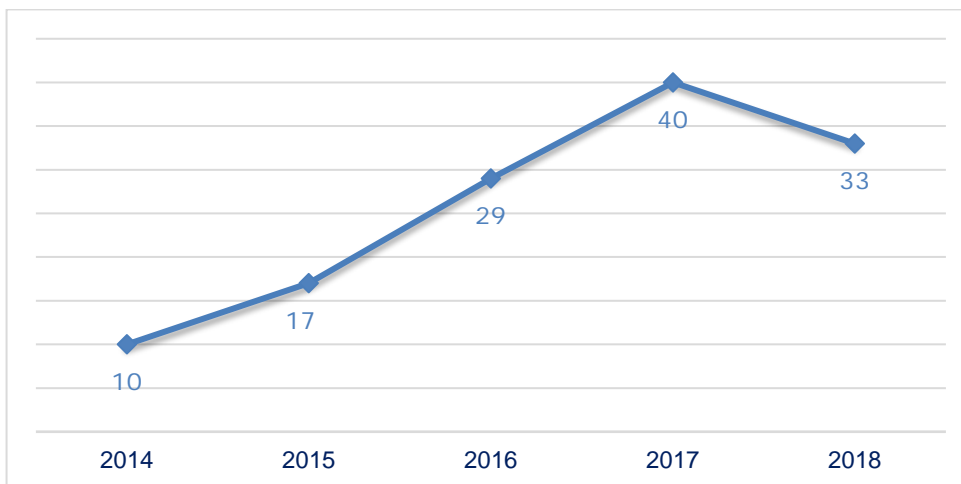
⁷ Commission Implementing Directive [2017/1279/EU](#).

⁸ Directive [2016/2102/EU](#).

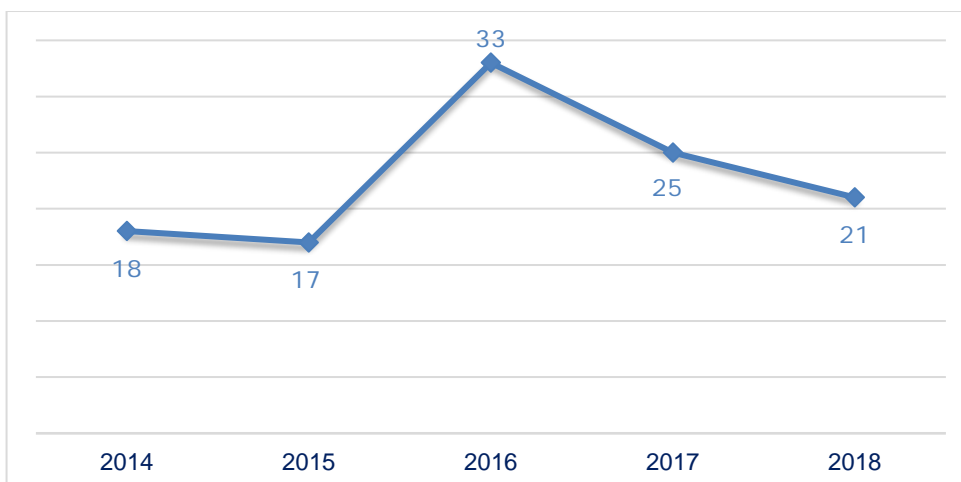
⁹ Directive [2017/1564/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

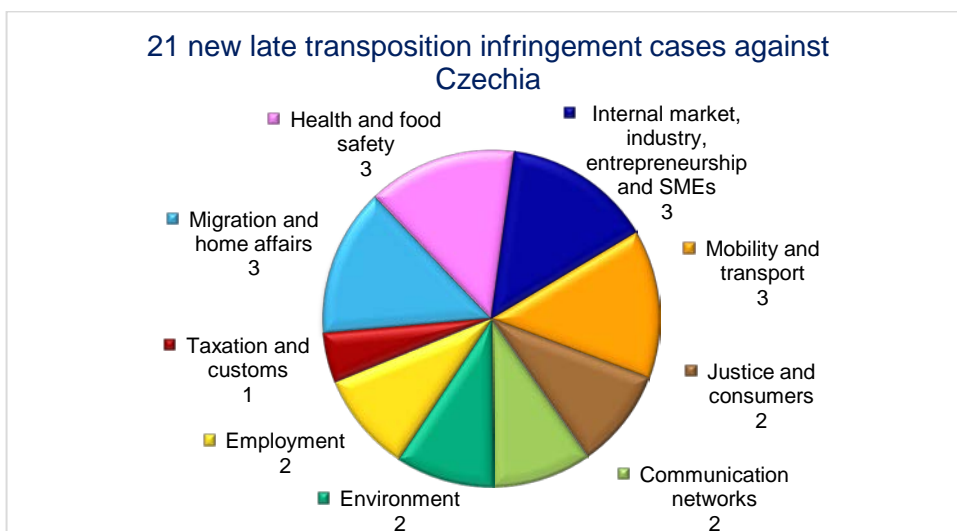
1. Late transposition infringement cases against Czechia open on 31 December (2014-2018)



2. New late transposition infringement cases against Czechia (2014-2018)



3. New late transposition infringement cases opened in 2018: policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-compliance with the Security of Gas Supply Regulation¹⁰;
- non-conformity with the Directive on the authorisation of electronic communications networks and services (Authorisation Directive)¹¹;
- failure to designate competent authorities responsible for the application of the Regulation on compliance measures for the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits from their utilisation¹²;
- non-communication of national measures transposing the
 - Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers¹³;
 - Mortgage Credit Directive¹⁴;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁵;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹⁶;
 - Directive on intra-corporate transfer¹⁷;
 - Unfair Commercial Practices Directive;
 - Antitrust Damages Directive¹⁸.
- Directive on the freezing and confiscation of instrumentalities and proceeds of crime¹⁹.

VI. IMPORTANT JUDGMENTS

1. Court rulings

The Court ruled that:

- Czechia incorrectly implemented the definitions of categories of motor vehicles as set out in the Directive on driving licences²⁰;
- Czechia failed to fulfil its obligations under EU law by imposing a condition of nationality for access to the profession of notary in the Czech legal system²¹.

2. Preliminary rulings

No major preliminary rulings were addressed to the Czech judiciary in 2018.

¹⁰ Regulation (EU) No [994/2010](#).

¹¹ Directive [2002/20/EC](#).

¹² Regulation [511/2014/EU](#).

¹³ Directive [2014/54/EU](#).

¹⁴ Directive [2014/17/EU](#), [MEMO/18/1444](#).

¹⁵ Commission Directive [2016/1214/EU](#).

¹⁶ Commission Implementing Directive [2017/1279/EU](#).

¹⁷ Directive [2014/66/EU](#).

¹⁸ [MEMO/18/1444](#).

¹⁹ Directive [2014/42/EU](#).

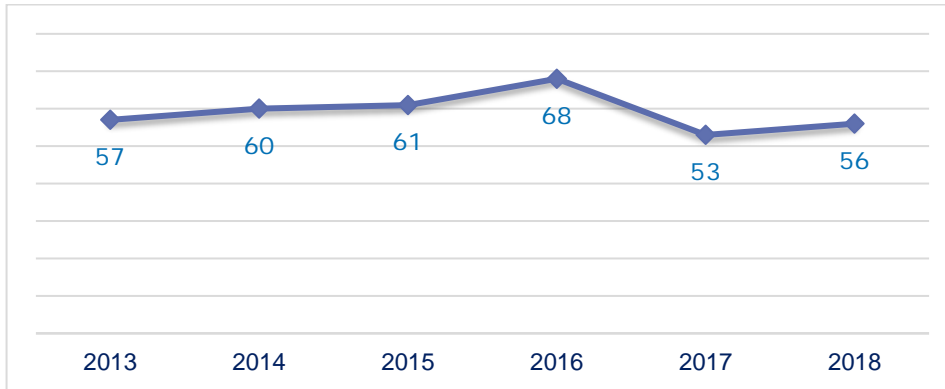
²⁰ Directive [2006/126/EC](#) [nc 2006/126/EC](#), *Commission v Czech Republic*, [C-314/16](#).

²¹ *Commission v Czech Republic*, [C-575/16](#).

Denmark

I. COMPLAINTS

1. New complaints made against Denmark by members of the public (2014-2018)



2. Public complaints against Denmark open at year-end

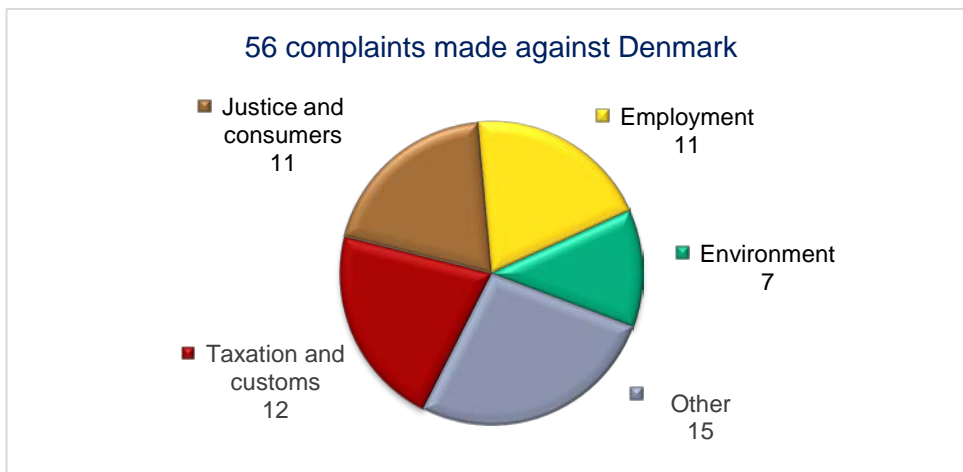
51 > Complaints open at end-2017

56 > New complaints registered in 2018

68 > Complaints handled in 2018

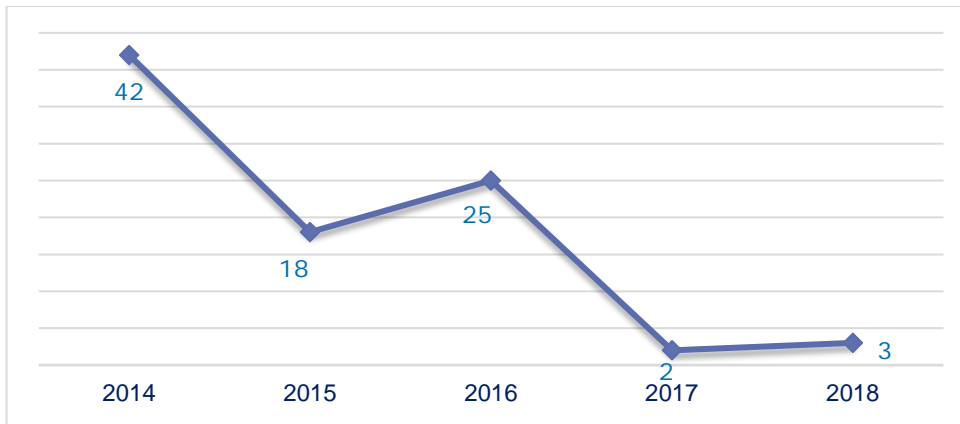
= 39 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

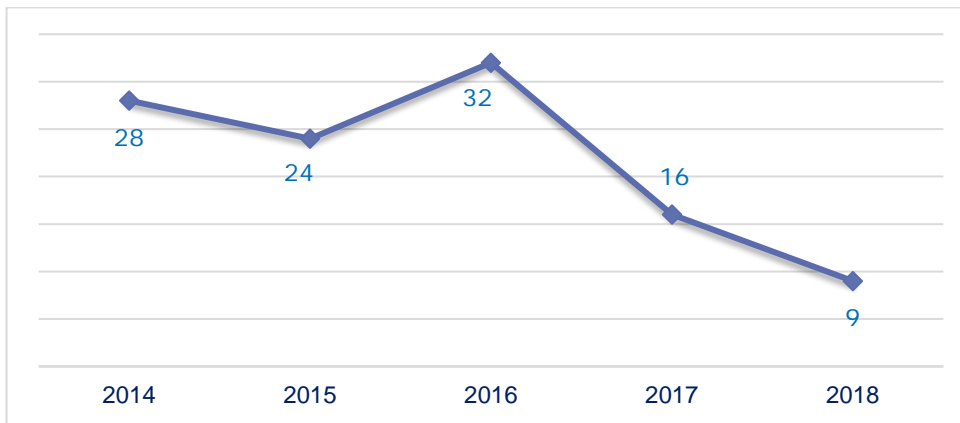


II. EU PILOT

1. New EU Pilot files opened against Denmark (2014-2018)



2. Files relating to Denmark open in EU Pilot at year-end

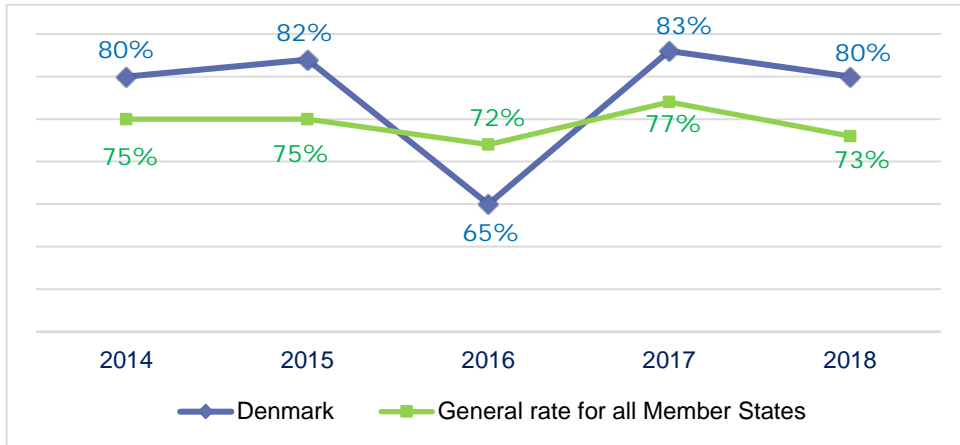


3. New EU Pilot files opened in 2018: main policy areas

In 2018, the Commission opened three EU Pilot files against Denmark: two in the area of energy and one in the area of mobility and transport.

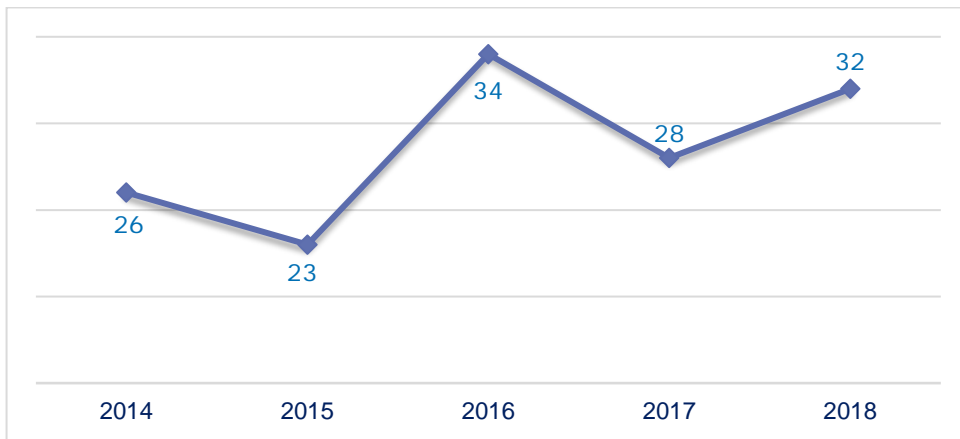
Denmark

4. EU Pilot files: Denmark's resolution rate in 2014-2018

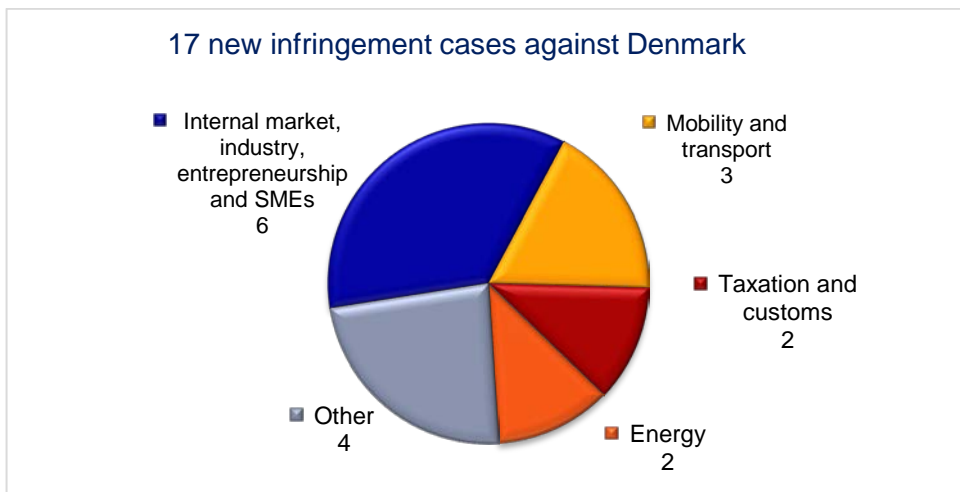


III. INFRINGEMENT CASES

1. Infringement cases against Denmark open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

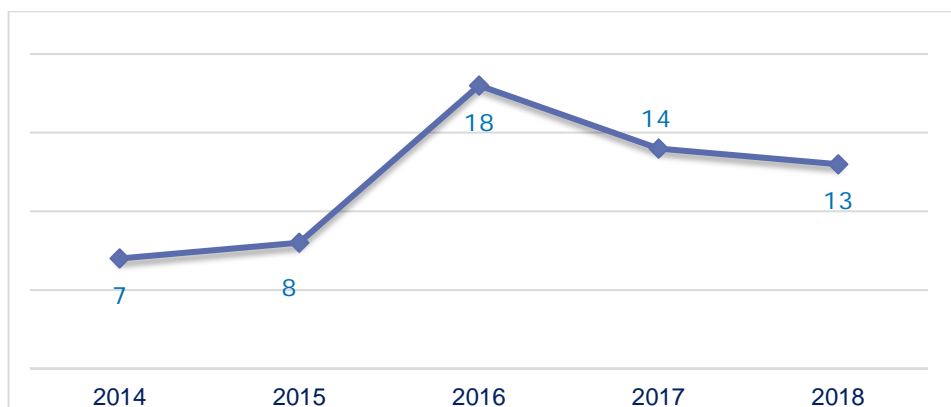
- a) The Commission opened 17 new infringement cases against Denmark in 2018. These, and other major ongoing infringement cases, include:

Denmark

- discrimination against foreign hauliers and violation of the principle of freedom to provide transport services¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications²;
 - exceedances of the limit values for nitrogen dioxide (NO₂) emissions;
 - incorrect transposition of the Environmental Liability Directive³;
 - unjustified restriction on freedom to provide services for foreign self-employed persons⁴;
 - unjustified offset requirements demanding compensation from non-national suppliers when purchasing defence equipment from them⁵;
 - unlawful use of the protected designation of origin 'Feta', in violation of the EU rules on quality schemes for agricultural products and foodstuffs⁶;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁷;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁸; non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments⁹;
 - Directive on security of network and information systems¹⁰.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

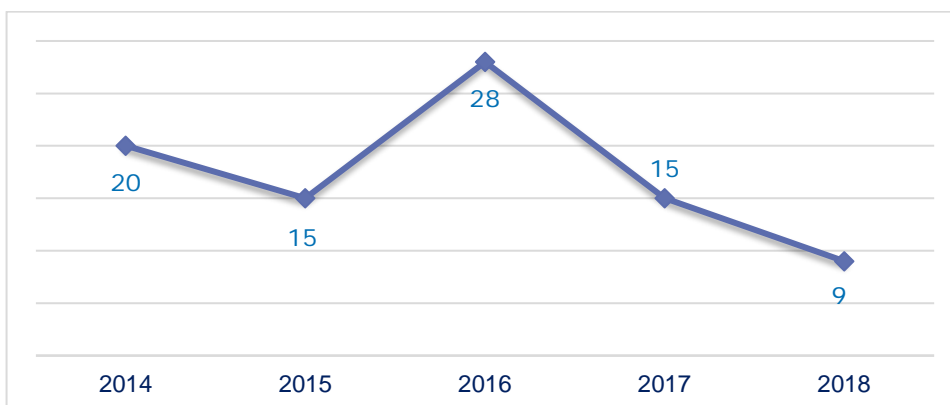
1. Late transposition infringement cases against Denmark open on 31 December (2014-2018)



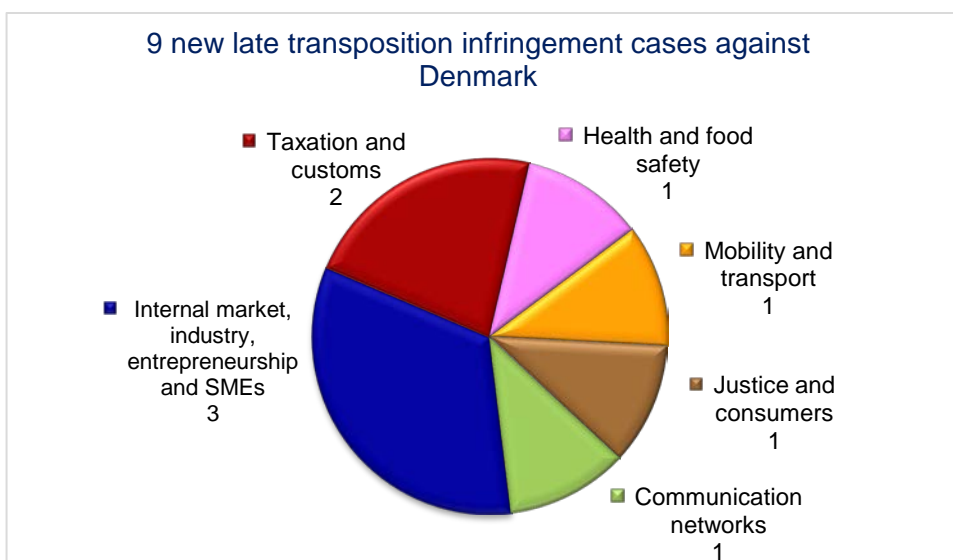
¹ Regulation (EC) [1072/2009](#); [MEMO/18/4486](#).
² Directive [2005/36/EC](#), [MEMO/18/4486](#).
³ Directive [2004/35/EC](#).
⁴ [MEMO/18/6247](#).
⁵ [IP/18/357](#).
⁶ Regulation (EU) No [1151/2012](#), [MEMO/18/349](#).
⁷ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).
⁸ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).
⁹ Commission Directive [2016/1214/EU](#).
¹⁰ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

Denmark

2. New late transposition infringement cases against Denmark (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect transposition of the Directive on the management of waste from the extractive industries¹¹;
- discrimination against foreign hauliers and violation of the principle of freedom to provide transport services¹²;
- non-conformity of national legislation on annual leave entitlements with the Working Time Directive¹³;
- a nut tax with equivalent effect to a customs duty;

¹¹ Directive [2006/21/EC](#).

¹² Regulation (EC) [1072/2009](#).

¹³ Directive [2003/88/EC](#).

Denmark

- non-communication of national measures transposing the
 - Directive on the assessment of the effects of certain public and private projects on the environment¹⁴;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁵;
 - Mortgage Credit Directive¹⁶;
 - Nuclear Safety Directive¹⁷.

VI. IMPORTANT JUDGMENTS

1. Court rulings

The Court ruled that:

- the European Commission failed to establish that Denmark had failed to comply with EU rules on access to the international road haulage market¹⁸.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Danish judiciary.

- A resident company which has not opted for an international joint taxation scheme may deduct from its taxable profits losses incurred by a permanent establishment in another Member State. This is subject to two conditions: i) the company has exhausted the possibilities for deducting those losses available under the law of the Member State in which the establishment is situated; and ii) it has ceased to receive any income from that establishment, so that there is no longer any possibility of the losses being taken into account in that Member State¹⁹.
- EU citizens have the right to be accompanied or joined by their non-EU national family members when returning to their home Member State after having exercised free movement rights in another Member State. EU citizens must have exercised free movement rights genuinely and effectively in another Member State, and must have created or strengthened family life there, before they can invoke similar rights of entry and residence for their family members²⁰.

¹⁴ Directive [2014/52/EU](#).

¹⁵ Commission Directive [2016/1214/EU](#).

¹⁶ Directive [2014/17/EU](#); [MEMO/18/1444](#).

¹⁷ Directive [2014/87/Euratom](#).

¹⁸ Regulation [\(EC\) No 1072/2009](#) (EC) No [1072/2009](#), Commission v Kingdom of Denmark, [C-541/16](#).

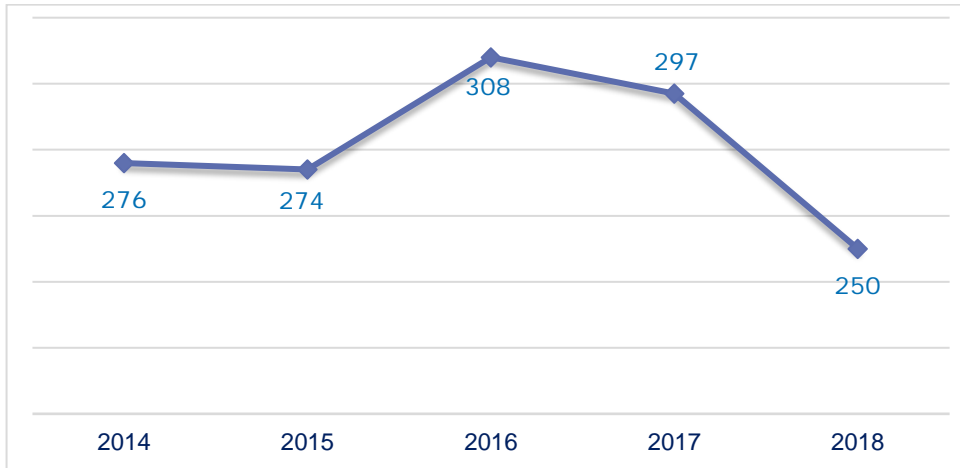
¹⁹ Bevola, [C-650/16](#).

²⁰ Deha Altiner et Ravn, [C-230/17](#).

Germany

I. COMPLAINTS

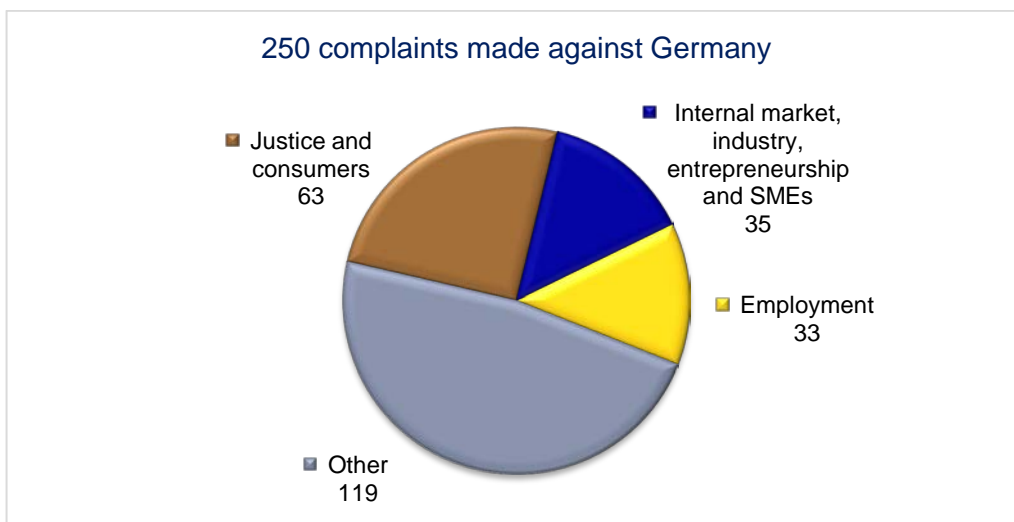
1. New complaints made against Germany by members of the public (2014-2018)



2. Public complaints against Germany open at year-end

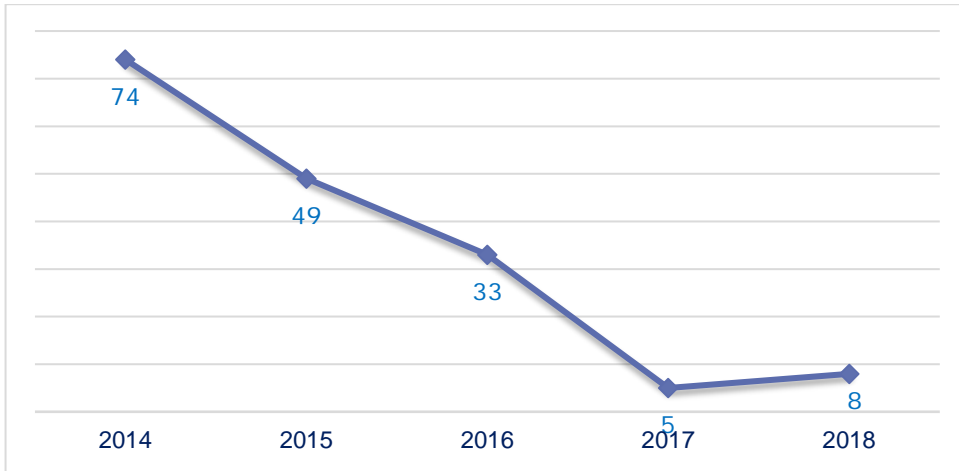
299	>	Complaints open at end-2017
250	>	New complaints registered in 2018
272	>	Complaints handled in 2018
= 277	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

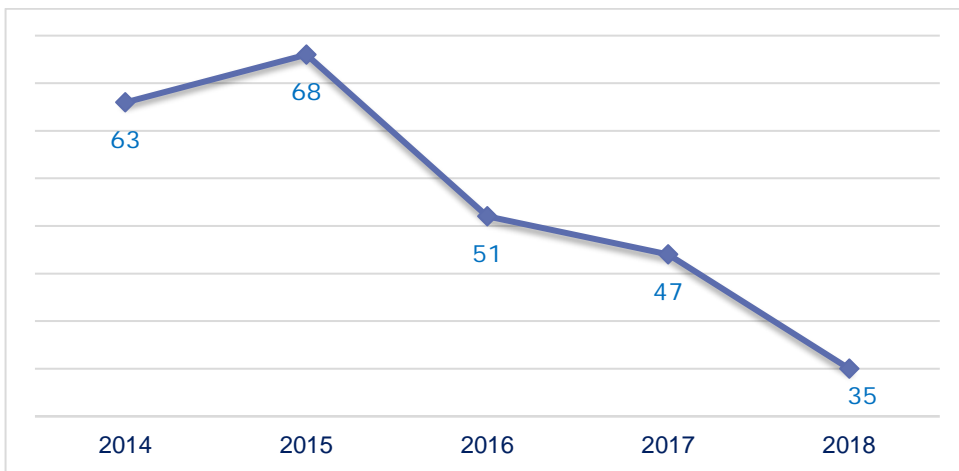


II. EU PILOT

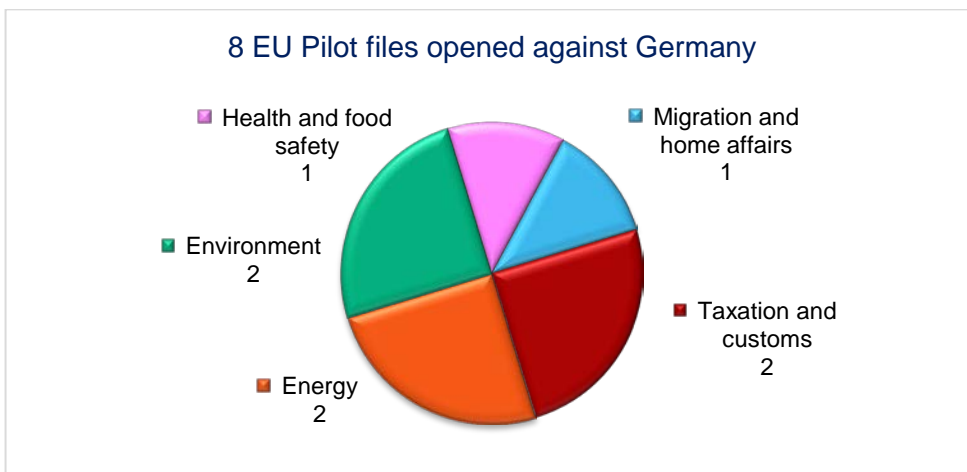
1. New EU Pilot files opened against Germany (2014-2018)



2. Files relating to Germany open in EU Pilot at year-end

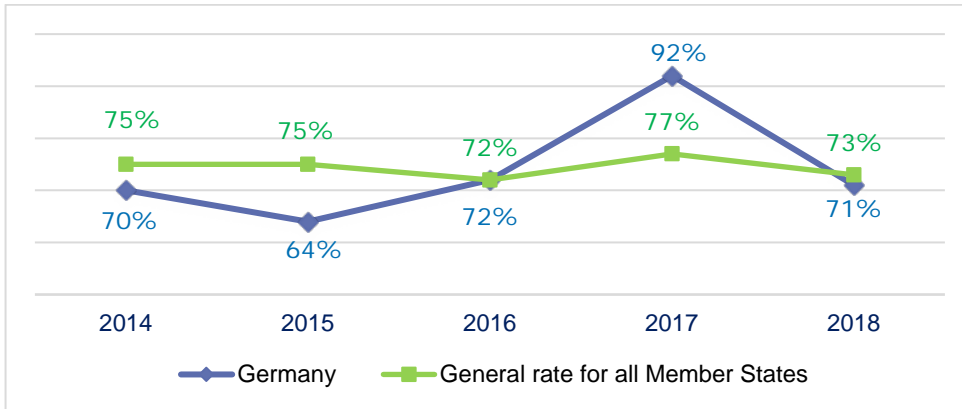


3. New EU Pilot files opened in 2018: main policy areas



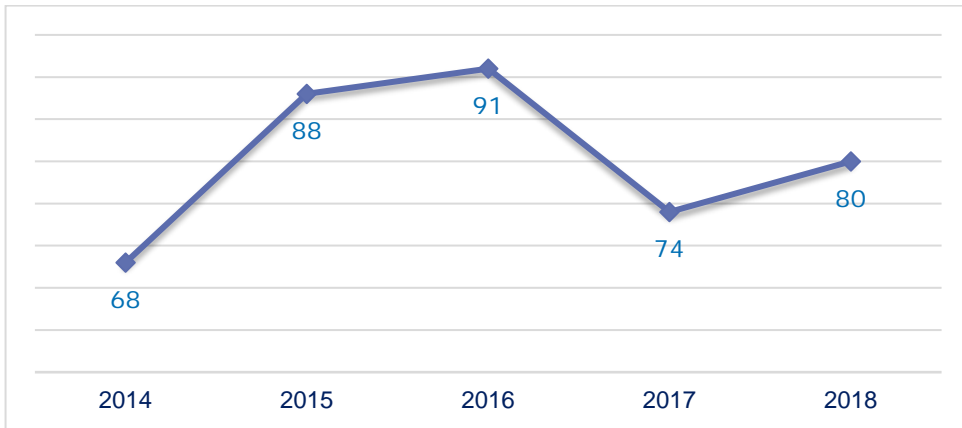
Germany

4. EU Pilot files: Germany's resolution rate in 2014-2018

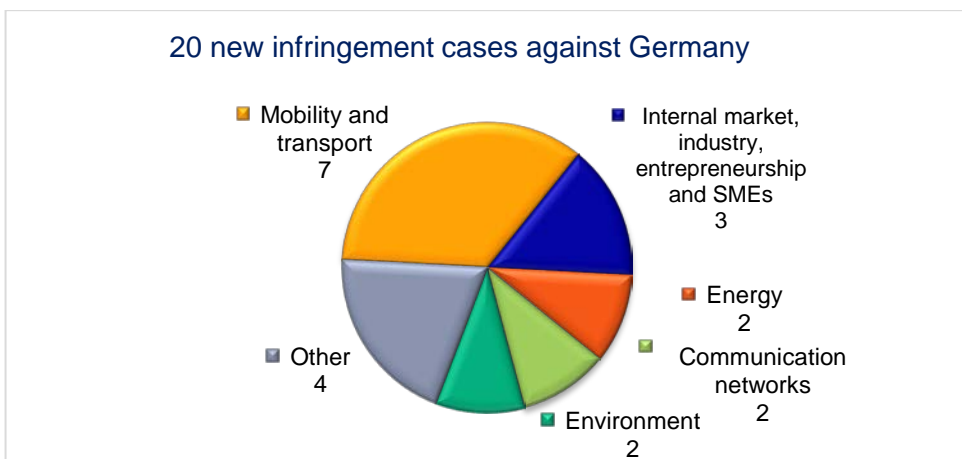


III. INFRINGEMENT CASES

1. Infringement cases against Germany open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 20 new infringement cases against Germany in 2018. These, and other major ongoing infringement cases, include:
- failure to ensure that regional transport networks are subject to the safety requirements set by EU rules on railway safety¹;
 - application of a flat-rate scheme for farmers, in breach of EU rules²;
 - non-compliance with the requirements of the Energy Efficiency Directive³;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁴;
 - incorrect transposition of the Directive on the protection of animals used for scientific purposes⁵;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁶;
 - non-communication of national measures transposing the
 - Insurance Distribution Directive⁷;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies⁸;
 - 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-disabled⁹;
 - Data Protection Law Enforcement Directive¹⁰;
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern
- non-compliance with the requirements of the Third Energy Package Directives (Electricity and Gas Directives)¹¹;
 - exceedance of the nitrogen dioxide (NO₂) limit values set by the Air Quality Directive¹².
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2004/49/EC](#); [MEMO/18/3446](#).

² [MEMO/18/1444](#).

³ Directive [2012/27/EU](#), [MEMO/18/6247](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁵ Directive [2010/63/EU](#), [MEMO/18/4486](#).

⁶ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁷ Directive [2016/97/EU](#).

⁸ Directive [2016/2102/EU](#).

⁹ Directive [2017/1564/EU](#).

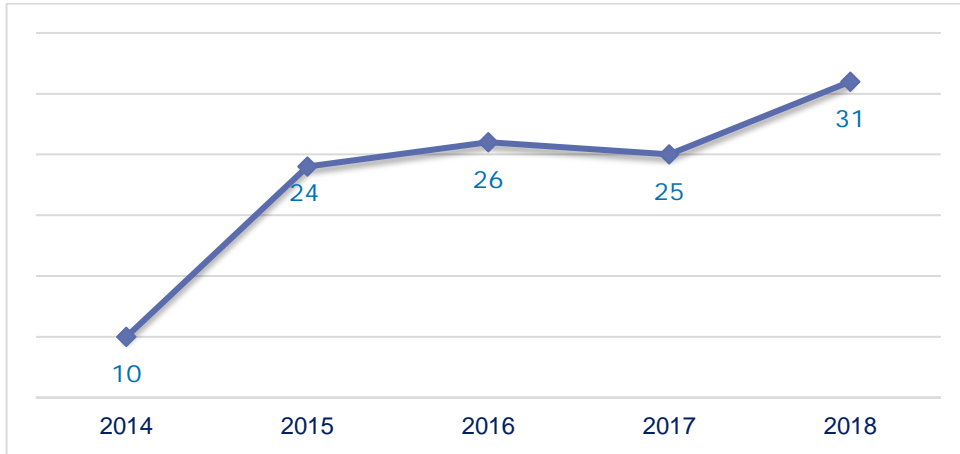
¹⁰ Directive [2016/680/EU](#).

¹¹ Directives [2009/72/EC](#) and [2009/73/EC](#), Commission v Germany, [C-718/18; IP/18/4487](#).

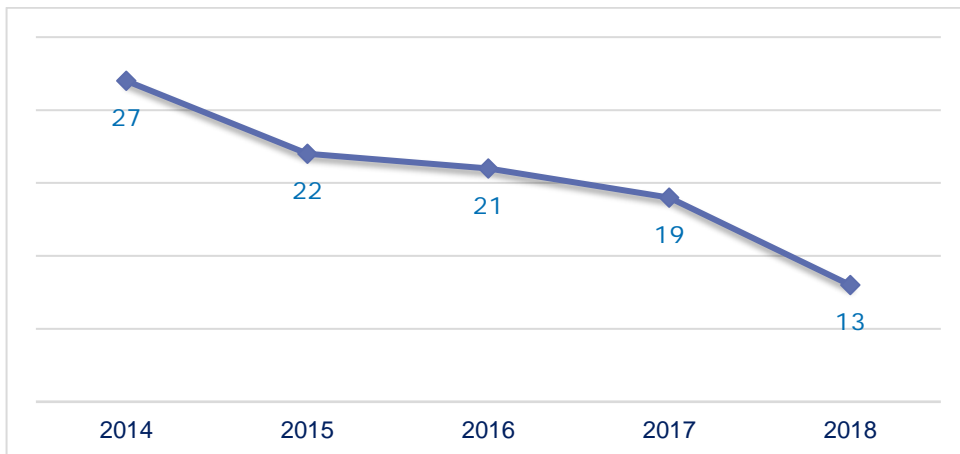
¹² Directive [2008/50/EC](#), Commission v Germany, [C-635/18; IP/18/3450](#).

IV. TRANSPOSITION OF DIRECTIVES

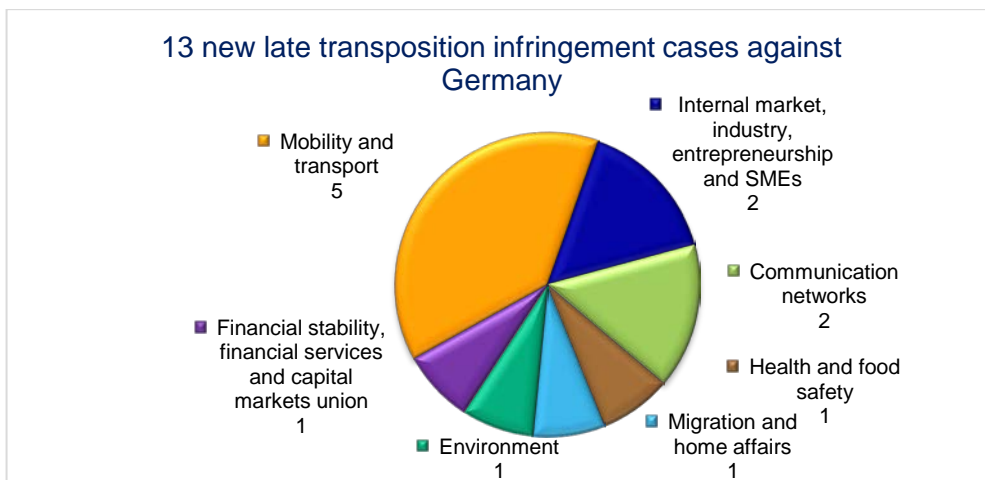
1. Late transposition infringement cases against Germany open on 31 December (2014-2018)



2. New late transposition infringement cases against Germany (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-compliance with the principle of mutual recognition of 'old authorisations' for plant protection products¹³;
- incorrect transposition of the Directive on railway safety¹⁴;
- parallel imports of medicines;¹⁵
- non-communication of national measures transposing the
 - Directive on intra-corporate transfer¹⁶;
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime¹⁷;
 - Directive on fuel quality reporting requirements and calculation methods;¹⁸
 - Antitrust Damages Directive¹⁹.

VI. IMPORTANT JUDGMENTS

1. Court rulings

The Court gave the following rulings:

- Germany has failed to comply with the Nitrates Directive by not having taken additional measures or reinforced action as soon as it became apparent that the action programme was not sufficient to achieve the objectives set by the Directive. These are to reduce water pollution caused by nitrates from agricultural sources and prevent further such pollution²⁰.
- Germany failed to take the necessary measures to re-establish conformity to their approved types of 133 713 vehicles of types 246, 176 and 117, sold by Daimler between 1 January and 26 June 2013. The vehicles were fitted not with the refrigerant R1234yf declared for those approved types but a different refrigerant with a global warming potential of over 150²¹.
- Germany excludes sales of travel services to taxable undertakings from the special scheme for travel agents. Moreover, when applying the special scheme, Germany allows an overall taxable amount to be calculated either for groups of services or for all services provided within a tax period. The Court decided that both measures are incompatible with the VAT Directive²².

¹³ Regulation (EC) No [1107/2009](#).

¹⁴ Directive [2004/49/EC](#).

¹⁵ [IP/18/3459](#).

¹⁶ Directive [2014/66/EU](#).

¹⁷ Directive [2014/42/EU](#).

¹⁸ Directive [652/2015/EC](#)

¹⁹ [MEMO/18/1444](#).

²⁰ Directive [91/676/EEC](#), Commission v Germany, [C-543/16](#).

²¹ Commission v Germany, [C-668/16](#).

²² Commission v Germany, [C-380/16](#).

2. Preliminary rulings

The Court addressed the following preliminary rulings to the German judiciary:

- The Court clarified further the consequences for the right to annual leave of terminating a contract and ruled that Article 31(2) of the Charter of Fundamental Rights of the European Union on the right to a period of paid annual leave has horizontal direct effect and that it can be invoked in disputes between a worker and his or her private sector employer²³.
- During their minimum period of annual leave guaranteed by EU law, workers are entitled to their normal remuneration, in spite of periods of short-time work during the reference period for that leave. A worker who carried out lower-paid short-time work during that period may not receive a lower remuneration for the corresponding annual leave²⁴.
- Churches or other organisations whose ethos is based on religion may impose on their employees different requirements on the basis of religion only if those requirements are genuine, legitimate and justified in the light of the organisation's ethos as well as the nature and context of the specific job²⁵.
- An administrator of a fan page must be regarded as a controller jointly responsible, within the EU, with Facebook Ireland for the processing of personal data through that kind of page²⁶.
- Approval granted to chewing tobacco can only cover products that release their essential ingredients by being chewed²⁷.
- An arbitration clause included in a bilateral agreement between Member States which allows EU investors to bring claims against Member States before arbitral tribunals is not compatible with EU law²⁸.
- An airline which operated only the first leg of a connecting flight in one Member State can be sued before the courts of the final destination in another Member State for compensation for delays²⁹.
- A 'wildcat' strike by flight staff after the surprise announcement by an operating air carrier of a restructuring is not an 'extraordinary circumstance' as restructuring is part of normal business management measures. and the risks arising from the social consequences of such measures must be regarded as inherent in the normal exercise of the activity of the airline. Further, in such circumstances, a spontaneous strike by flight staff cannot be regarded as beyond the carrier's actual control³⁰.
- The common rules on compensation and assistance to passengers apply to passenger transport, from a Member State to a third State, effected under a single

²³ Max-Planck-Gesellschaft zur Förderung der Wissenschaften, [C-684/16](#); Bauer [C-569/16](#).

²⁴ Hein, [C-385/17](#).

²⁵ Egenberger, [C-414/16](#); IR, [C-68/17](#).

²⁶ Wirtschaftsakademie Schleswig-Holstein, [C-2010/16](#).

²⁷ Günter Hartmann Tabakvertrieb, [C-425/17](#).

²⁸ Achmea, [C-284/16](#).

²⁹ Regulation [\(EC\) No 261/2004](#), *flightright GmbH v Air Nostrum, Líneas Aéreas del Mediterráneo SA, Roland Becker v Hainan Airlines Co. Ltd and Mohamed Barkan and Others v Air Nostrum, Líneas Aéreas del Mediterráneo SA*, joined cases [C-274/16](#), [C-447/16](#) and [C-448/16](#), and Court press release [No 28/18](#).

³⁰ Regulation [\(EC\) No 261/2004](#), *Helga Krusemann and Others v TUfly GmbH*, joined cases [C-195/17](#), [C-197/17](#) to [C-203/17](#), [C-226/17](#), [C-228/17](#), [C-254/17](#), [C-274/17](#), [C-275/17](#), [C-278/17](#) to [C-286/17](#) and [C-290/17](#) to [C-292/17](#), and Court press release [No 49/18](#).

Germany

booking and comprising a scheduled stopover outside the EU with a change of aircraft³¹.

- Compensation rights apply in the event of a flight cancellation less than 7 days before the scheduled time of departure where the passenger is subject to a loss of time of less than 3 hours but more than 2 hours as a result of re-routing. This is the case if the actual arrival time is between 2 and 3 hours later than the scheduled arrival³².
- In the case of a long delay, the air company which must pay the compensation owed to passengers is the one which performed the flight (and not the company which leased the aircraft and its crew)³³.
- When a flight is cancelled, the air carrier must reimburse commissions paid to intermediaries provided that the carrier had prior knowledge of those commissions³⁴.
- Airfares for flights within the EU are to be indicated by carriers in euros or in a local currency objectively linked to the service offered³⁵.
- Certain cross-border transactions need to be carried out at 'arm's length', whereas identical domestic transactions are considered to be without any tax effect (i.e. they could also be made not at arm's length). In fact, the tax authorities responsible for enforcing the legislation at stake afford the resident tax payer the opportunity to prove that the terms were agreed on for commercial reasons which could result from its status as a shareholder in the non-resident company³⁶.
- The German anti-abuse measures concerning dividend payments to foreign companies without genuine activity were incompatible, as of 2012, with both the Parent-Subsidiary Directive and the freedom of establishment³⁷.
- The case concerns the requirement to package a product covered by a protected geographical indication, such as 'Schwarzwälder Schinken' ham, only in its geographical area of production. The Court ruled that this requirement is compatible with EU law, despite its restrictive effects on trade, if it is shown to be necessary and proportionate to safeguard the quality of the product at issue, guarantee its origin or ensure the control of the specification of that protected geographical indication³⁸.
- The EU has exclusive competence for fisheries measures taken to implement specific environmental directives (the Habitats Directive and the Environmental Liability Directive)³⁹.
- The case concerns a situation where a third country national who, having lodged a first asylum application in one Member State (Member State 'A') and a second asylum application in another Member State (Member State 'B'), was transferred back to Member State 'A' following which he immediately returned illegally to the second Member State 'B'. The Court ruled that in such a situation a return procedure may be

³¹ Regulation [\(EC\) No 261/2004](#), Claudia Wegener v Royal Air Maroc SA, [C-537/17](#), and Court press release [No 77/18](#).

³² Regulation [\(EC\) No 261/2004](#), flightright, [C-130/18](#).

³³ Regulation [\(EC\) No 261/2004](#), Wirth and Others, [C-532/17](#) and Court press release [No 100/18](#).

³⁴ Regulation [\(EC\) No 261/2004](#), Dirk Harms and Others v Vueling Airlines SA, [C-601/17](#), and Court press release [No 128/18](#).

³⁵ Regulation [\(EC\) No 1008/2008](#), Verbraucherzentrale Baden-Württemberg e.V. v Germanwings GmbH, [C-330/17](#), and Court press release [No 176/18](#).

³⁶ Hornbach, [C-382/16](#).

³⁷ GS, [C-440/17](#).

³⁸ S, [C-367/17](#).

³⁹ Directives [92/43/EEC](#) and [2004/35/EC](#); Deutscher Naturschutzring, [C-683/16](#).

Germany

undertaken in respect of that person, but it is not possible to transfer them again to Member State 'A' without following this procedure⁴⁰.

-
- The imposition of a requirement on coach transport companies providing a regular cross-border service within the Schengen area to check the passports and residence permits of passengers before they cross an internal border in order to prevent the transport of third-country nationals not in possession of those travel documents to the national territory has an effect equivalent to border checks and is therefore prohibited⁴¹.
- This case concerns voluntary remedial measures taken in case where an exclusion ground from participating in public procurement applies. The Court has established that it is compatible with EU law to require cooperation with both investigative and contracting authorities, each in their particular roles, to demonstrate reliability of a tenderer despite the existence of a relevant ground for exclusion as long as the cooperation with the latter is limited to what is necessary in the framework of the examination of re-establishing reliability. Furthermore, the Court has ruled that the maximum period for exclusion by reason of a competition infringement which had been penalised by a competent authority is to be calculated from the date of the decision of that authority⁴².
- Discrimination in education under the Racial Equality Directive also covers conditions for access to education⁴³.

⁴⁰ [Hasan, C-360/16](#).

⁴¹ Joint cases: Touring Tours und Travel, [C-412/17](#) and Sociedad de Transportes, [C-474/17](#).

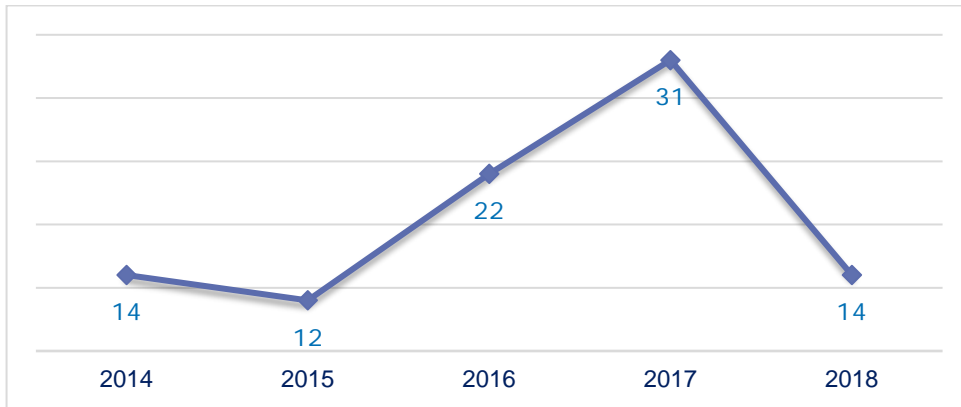
⁴² Vossloh, [C-124/17](#).

⁴³ Maniero, [C-457/17](#).

Estonia

I. COMPLAINTS

1. New complaints made against Estonia by members of the public (2014-2018)

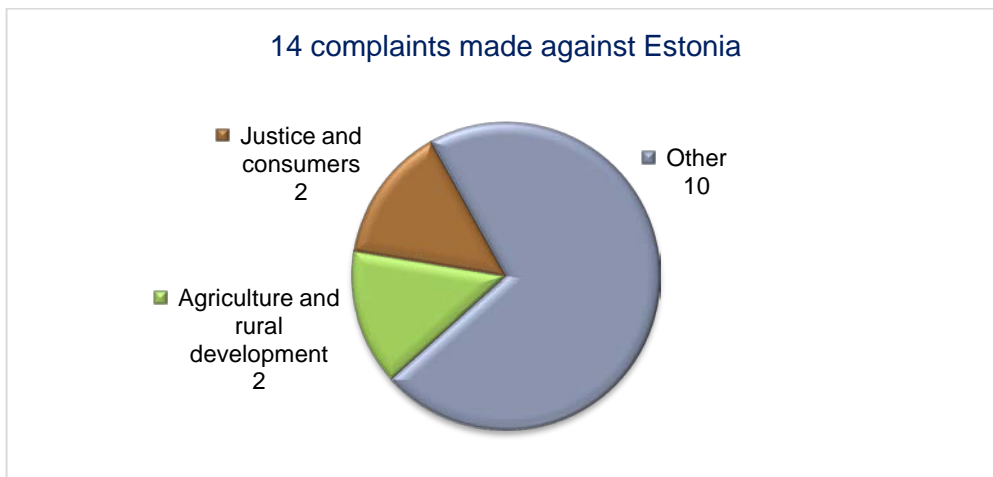


2. Public complaints against Estonia open at year-end

- 18 > Complaints open at end-2017
- 14 > New complaints registered in 2018
- 16 > Complaints handled in 2018

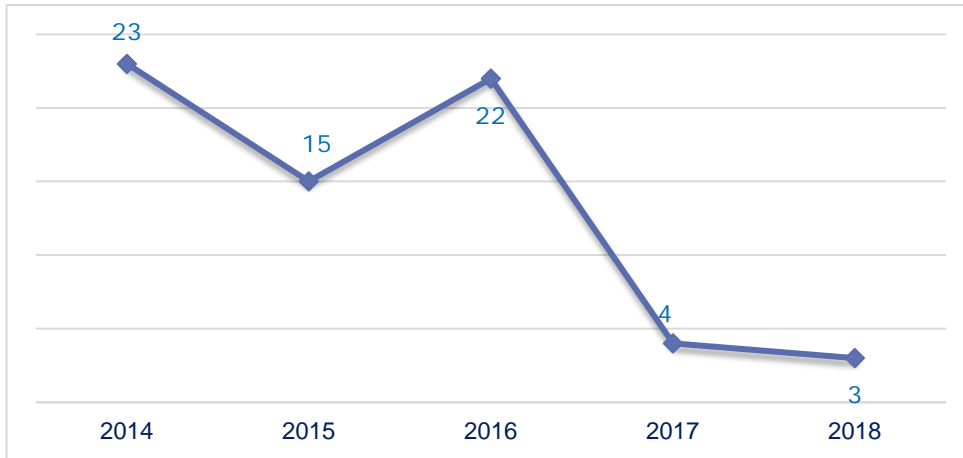
- = 16** > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

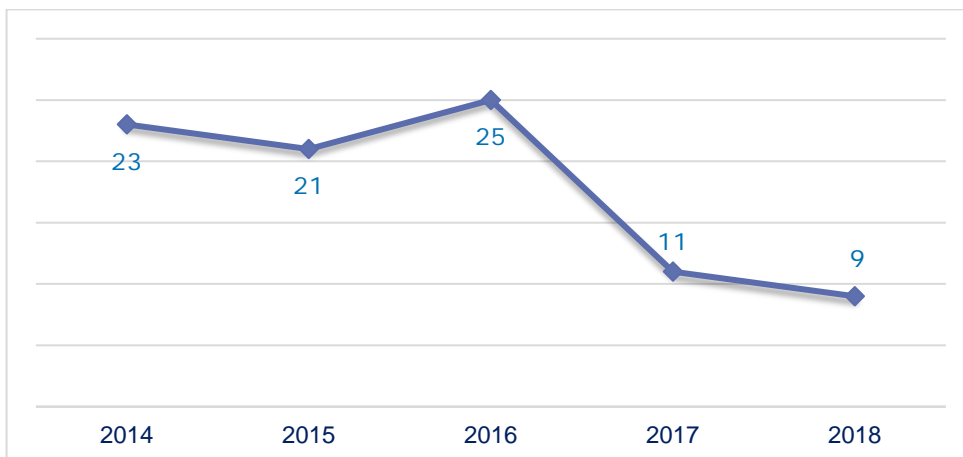


II. EU PILOT

4. New EU Pilot files opened against Estonia (2014-2018)



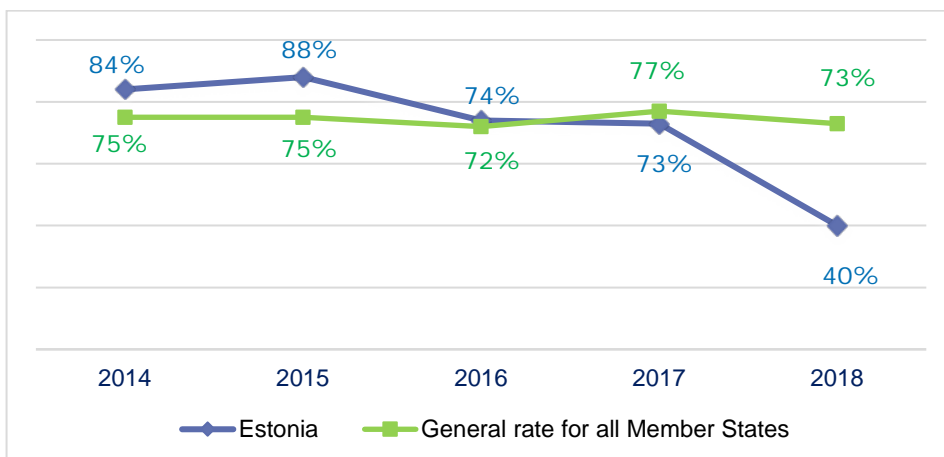
5. Files relating to Estonia open in EU Pilot at year-end



6. New EU Pilot files opened in 2018: main policy areas

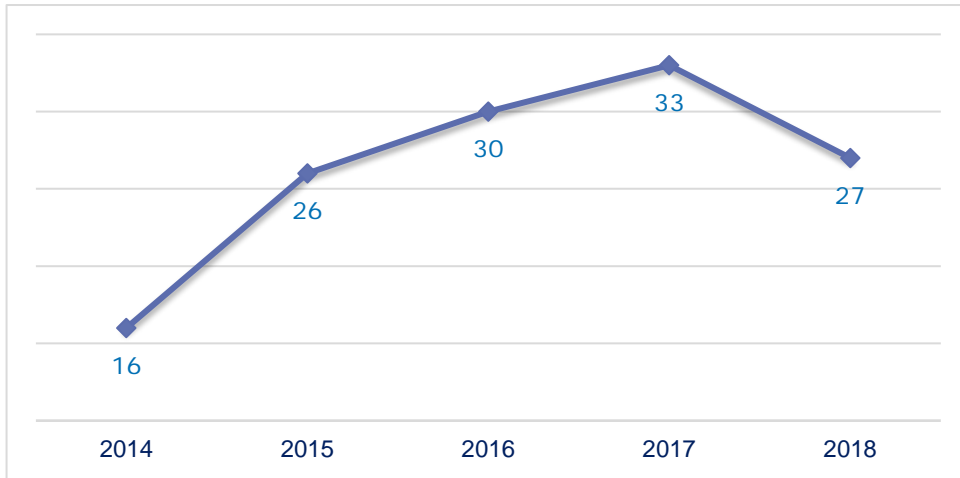
In 2018, the Commission opened three EU Pilot files against Estonia in the area of energy.

7. EU Pilot files: Estonia's resolution rate in 2014-2018

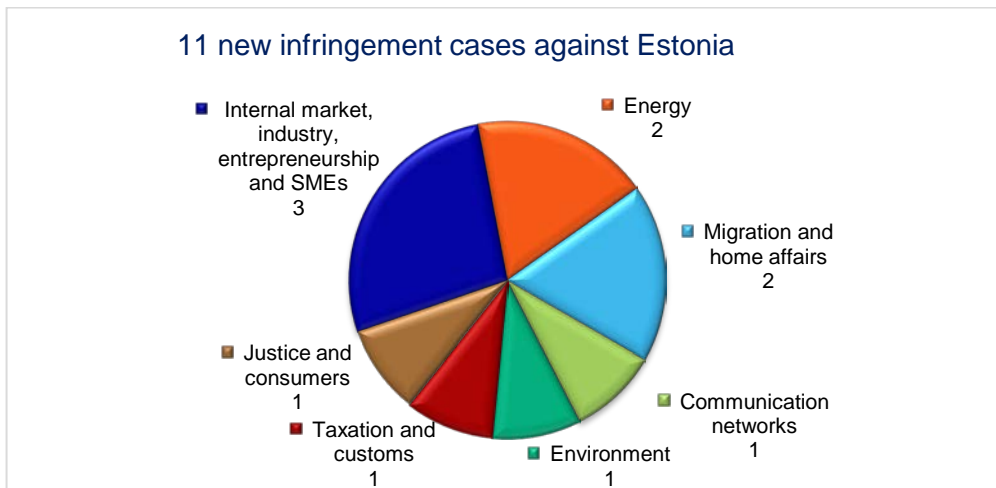


III. INFRINGEMENT CASES

8. Infringement cases against Estonia open on 31 December (2014-2018)



9. New infringement cases opened in 2018: main policy areas

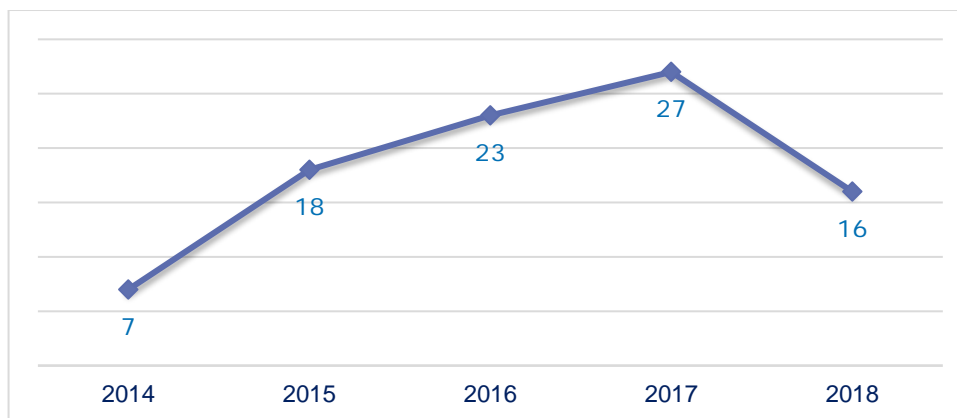


10. Key infringement cases and referrals to the Court

- a) The Commission opened 11 new infringement cases against Estonia in 2018. These, and other major ongoing infringement cases, include:
- failure to correctly transpose certain requirements of the Radioactive Waste Directive¹;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive²;
 - incorrect transposition of the Directive on the protection of animals used for scientific purposes³;
 - failure to ensure that urban waste water is adequately treated⁴;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁵;
 - non-communication of national measures transposing 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-disabled⁶;
 - Data Protection Law Enforcement Directive⁷.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

11. Late transposition infringement cases against Estonia open on 31 December (2014-2018)



¹ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).

² Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

³ Directive [2010/63/EU](#), [MEMO/18/4486](#).

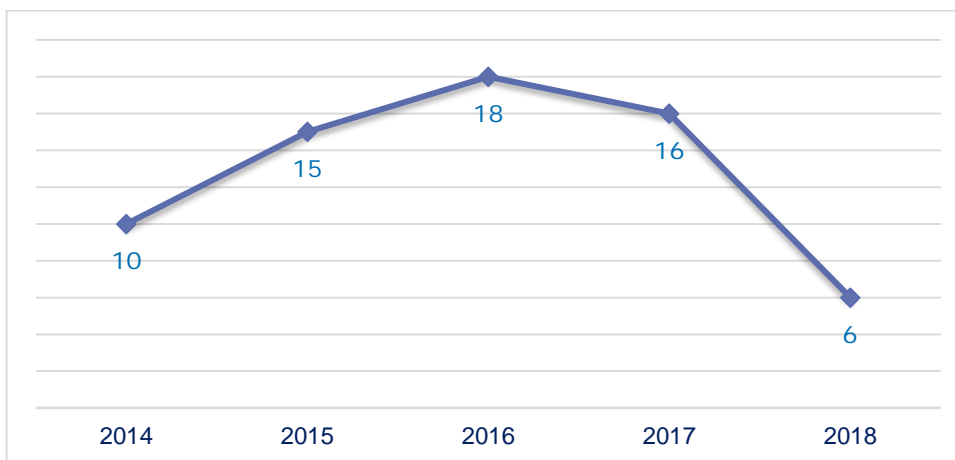
⁴ Directive [91/271/EEC](#), [MEMO/18/3986](#).

⁵ Directive [2005/36/EC](#), [MEMO/18/4486](#).

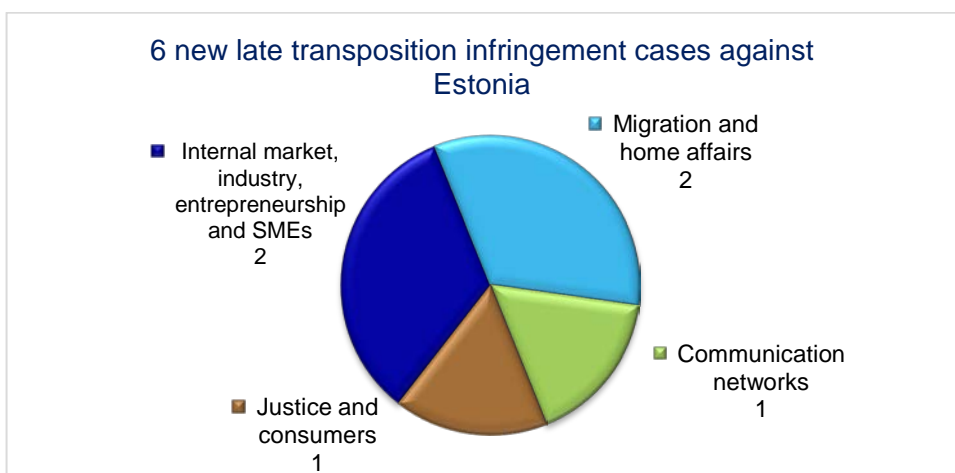
⁶ Directive [2017/1564/EU](#).

⁷ Directive [2016/680/EU](#).

12. New late transposition infringement cases against Estonia (2014-2018)



13. New late transposition infringement cases opened in 2018: main policy areas



14. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-communication of national measures transposing the
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime⁸;
 - Antitrust Damages Directive⁹.

⁸ Directive [2014/42/EU](#).

⁹ Directive [2014/104/EU](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

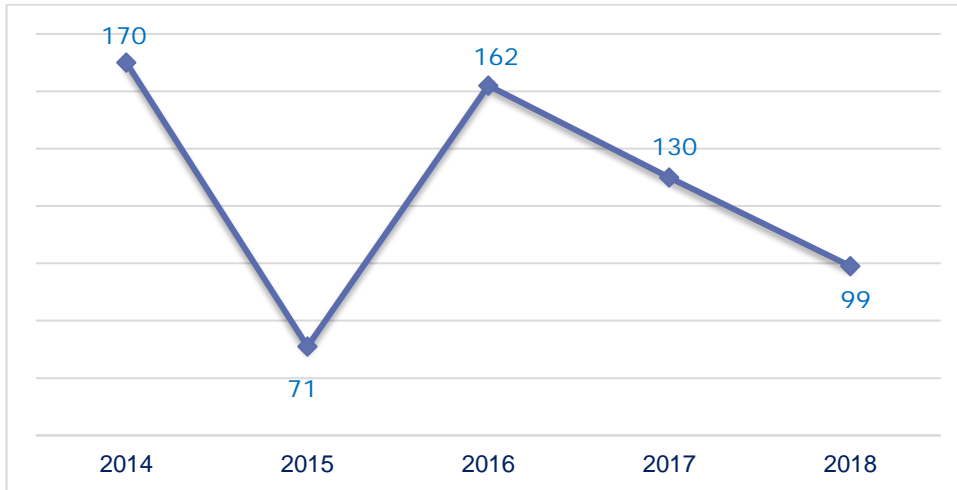
2. Preliminary rulings

No major preliminary rulings were addressed to the Estonian judiciary in 2018.

Ireland

I. COMPLAINTS

15. New complaints made against Ireland by members of the public (2014-2018)

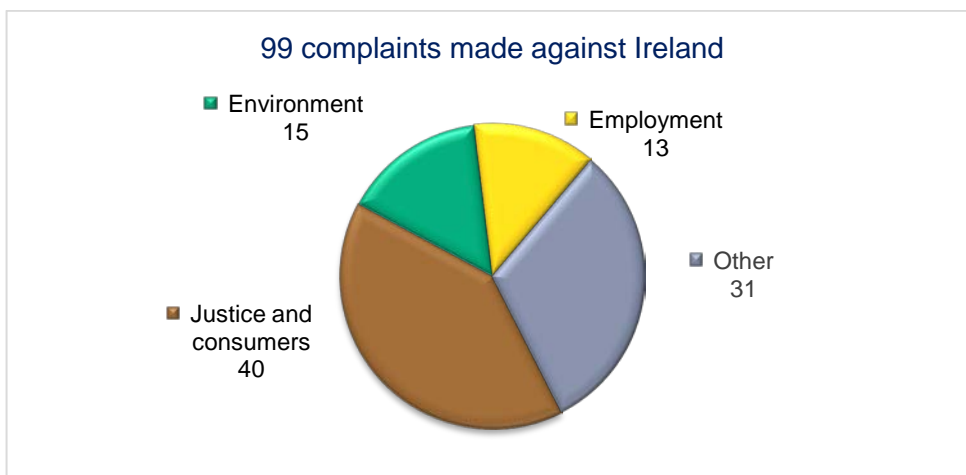


3. Public complaints against Ireland open at year-end

279 > Complaints open at end-2017
 99 > New complaints registered in 2018
 198 > Complaints handled in 2018

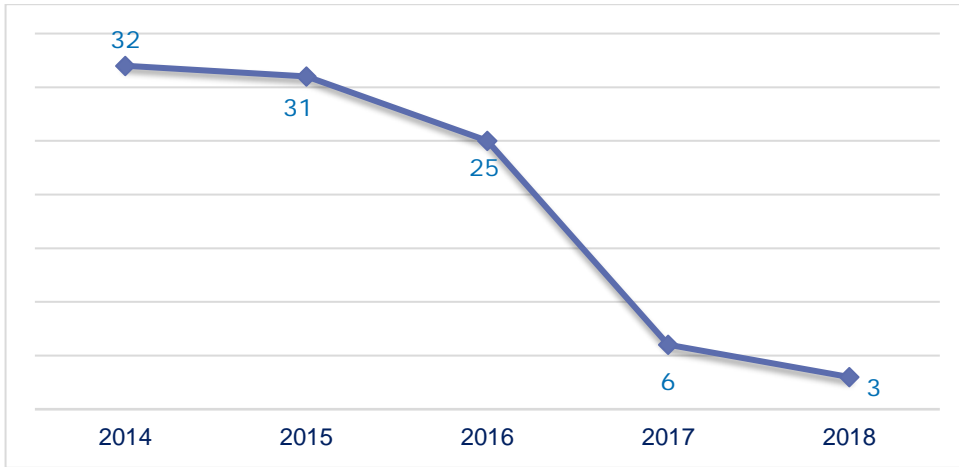
 = 180 > Complaints open at end-2018

4. New complaints registered in 2018: main policy areas

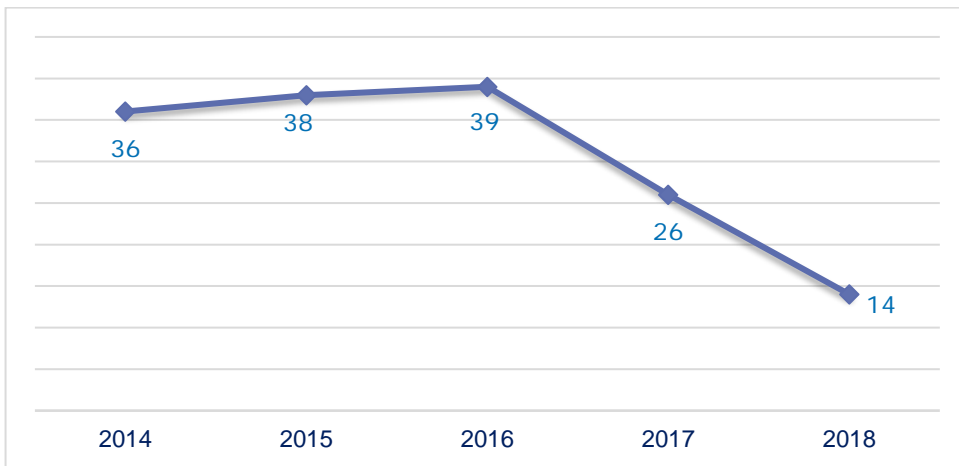


II. EU PILOT

1. New EU Pilot files opened against Ireland (2014-2018)



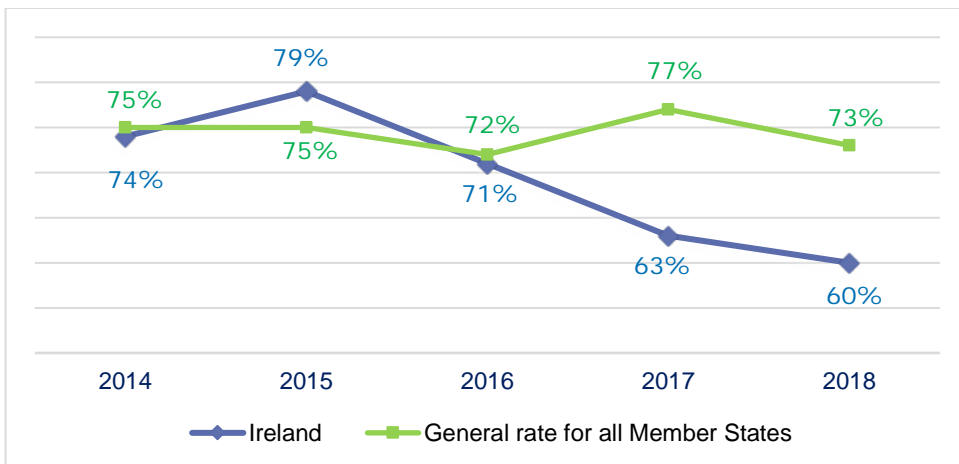
2. Files relating to Ireland open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

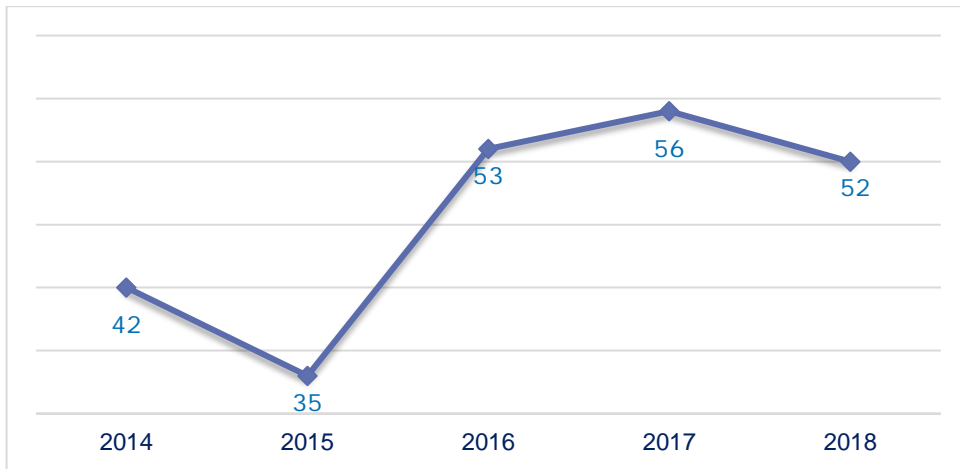
In 2018, the Commission opened three EU Pilot files against Ireland: one in the area of environment and two in the area of energy.

4. EU Pilot files: Ireland's resolution rate in 2014-2018

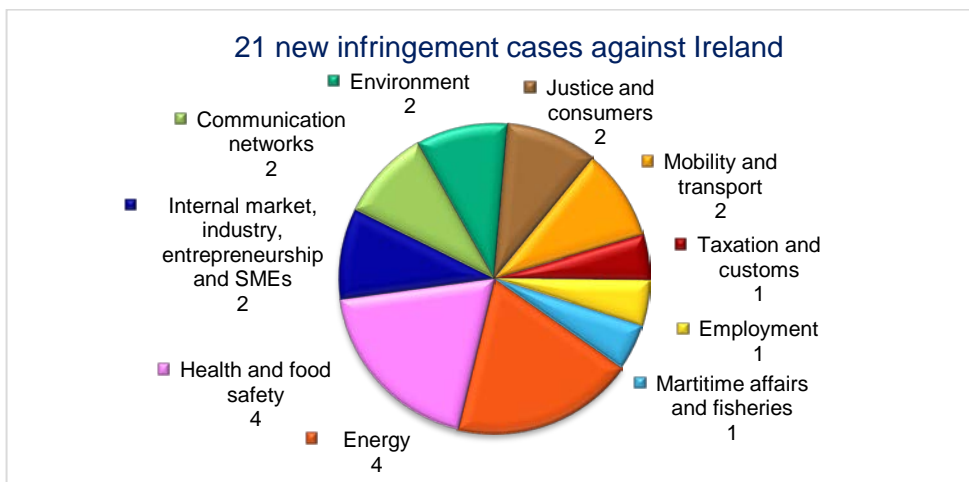


III. INFRINGEMENT CASES

1. Infringement cases against Ireland open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against Ireland in 2018. These, and other major ongoing infringement cases, include:
- incorrect application of the Directive on the investigation of accidents in the maritime transport sector¹;
 - failure to implement a points system for fisheries as required under the EU Control Regulation²;
 - non-compliance with the requirements of the Energy Efficiency Directive³;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁴;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁵;
 - failure to establish Special Areas of Conservation, as well as conservation objectives and measures to maintain or restore the species and habitats to a favourable condition, as required by the Habitats Directive⁶;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁷;
 - excessive amounts of trihalomethanes in drinking water⁸;
 - non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments⁹;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹⁰;
 - Directive on the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species¹¹;
 - Basic Safety Standards Directive¹²;
 - Directive on security of network and information systems¹³;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹⁴;
 - Council Framework Decision on the exchange of criminal records¹⁵;
 - Package Travel Directive¹⁶;
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission referred one case to the Court under Article 260(2) TFEU. It concerns

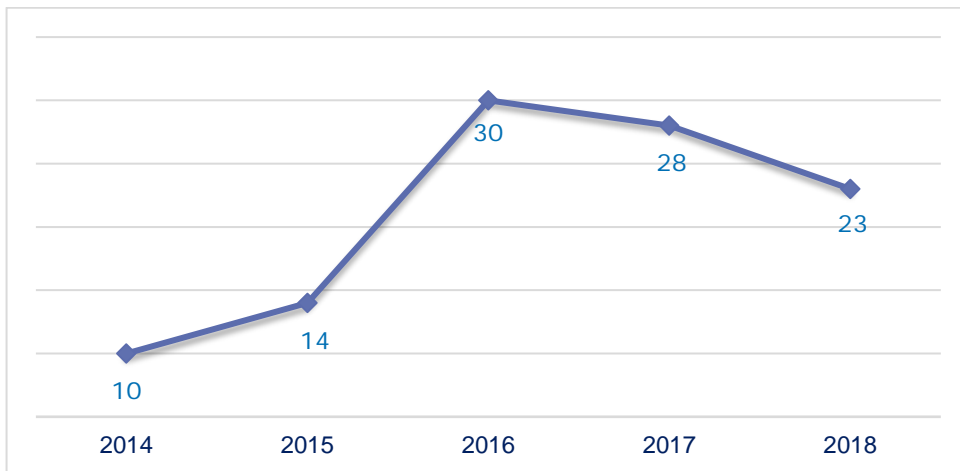
¹ Directive [2009/18/EC](#); [IP/18/4492](#).
² Regulation [\(EC\) No 1224/2009](#), [MEMO/18/3446](#).
³ Directive [2012/27/EU](#), [MEMO/18/4486](#).
⁴ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).
⁵ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).
⁶ Directive [92/43/EEC](#), [MEMO/18/6247](#).
⁷ Directive [2005/36/EC](#), [MEMO/18/4486](#).
⁸ Directive [98/83/EC](#), [MEMO/18/4486](#).
⁹ Commission Directive [2016/1214/EU](#).
¹⁰ Commission Implementing Directive [2017/1279/EU](#).
¹¹ Commission Implementing Directive [2018/100/EU](#).
¹² Directive [2013/59/Euratom](#), [MEMO/18/3446](#).
¹³ Directive [2016/1148/EU](#), [MEMO/18/4486](#).
¹⁴ Directive [2016/2102/EU](#).
¹⁵ Council Framework Decision [2009/315/JHA](#).
¹⁶ Directive [2015/2302/EU](#).

Ireland

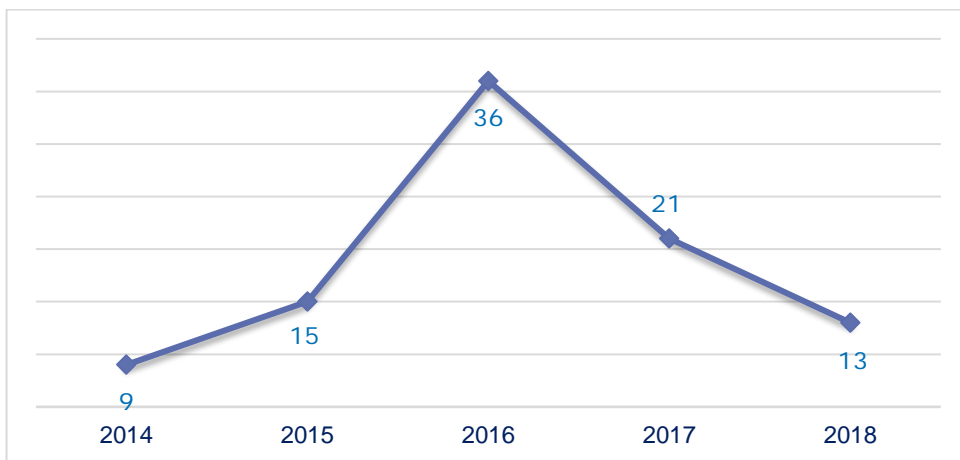
- failure to comply with a Court judgment establishing that Ireland had failed to apply correctly the EU provisions on environmental impact assessments in relation to the Derrybrien windfarm¹⁷.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Ireland open on 31 December (2014-2018)

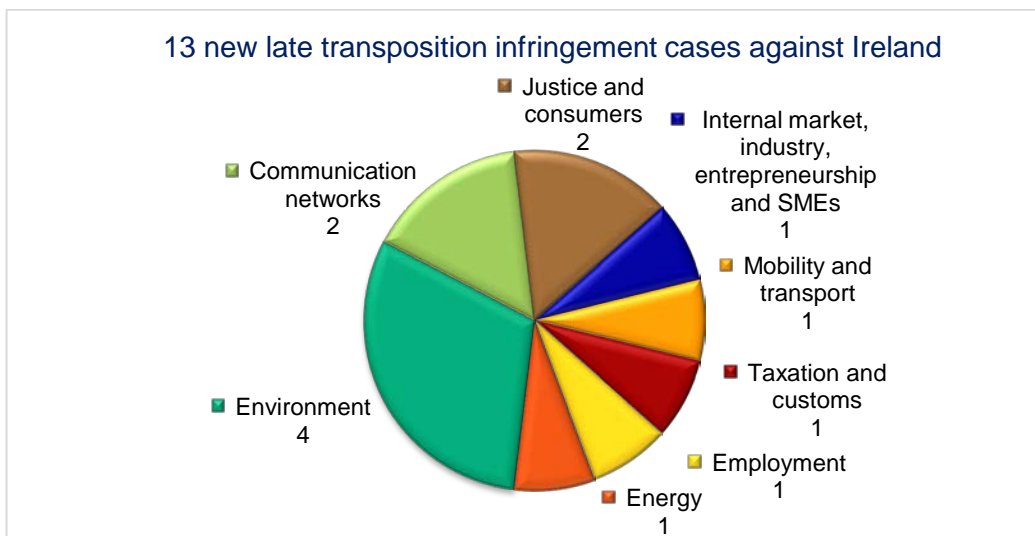


2. New late transposition infringement cases against Ireland (2014-2018)



¹⁷ Directive [85/337/EEC](#) amended by Directive [97/11/EC](#), Commission v Ireland, [C-261/18](#); [IP/18/355](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns

- incomplete transposition of the fourth Anti-Money Laundering Directive¹⁸.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of EU rules on the mutual recognition of seafarers certificates issued by the Member States¹⁹;
- late adoption of the second round of river basin management plans under the Water Framework Directive²⁰;
- failure to establish and notify flood risk management plans under the Floods Directive²¹;
- bad application of the Unfair Commercial Practices Directive in the area of air transport;²²
- non-communication of national measures transposing the
 - Solvency II Directive²³;
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime²⁴;
 - Antitrust Damages Directive²⁵;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁶;

¹⁸ Commission v Ireland, [C-550/18](#).

¹⁹ Directive [2005/45/EC](#).

²⁰ Directive [2000/60/EC](#).

²¹ Directive [2007/60/EC](#).

²² Directive [2005/29/EC](#).

²³ Directive [2009/138/EC](#), [MEMO/18/349](#).

²⁴ Directive [2014/42/EU](#).

²⁵ Directive [2014/104/EU](#).

²⁶ Commission Directive [2016/1214/EU](#).

Ireland

- Directive on protective measures against the introduction into the Community of organisms harmful to plants²⁷.

VI. IMPORTANT JUDGMENTS

1. Court ruling

The Court ruled that:

- Ireland does not properly apply the EU rules on fiscal marking of fuels. The Court found that Ireland has failed to ensure that the minimum levels of taxation applicable to motor fuels are applied and that fuel is marked only when it is subject to an exemption from or reduction in excise duty²⁸.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Irish judiciary.

- When a company intends to acquire the shares of another company in order provide management services subject to VAT to that other company, input VAT paid on consultancy services received in the context of the takeover bid can be deducted, even if ultimately that economic activity was not carried out²⁹.
- If a project to be carried out on a site designated for the protection and conservation of certain species includes measures aiming to ensure that the part of the site likely to provide a suitable habitat for the species will not be reduced and could even be enhanced, those measures do not constitute mitigation measures. Therefore, they may not be taken into account for the purpose of the appropriate assessment of the implications of the project for the site. Such measures may be seen as compensatory measures, necessary to protect the overall coherence of the Natura 2000 network³⁰.
- An 'appropriate assessment' required under the Habitats Directive³¹ must i) catalogue all habitat types and species for which the Natura 2000 site is protected, and ii) examine the implications of the proposed project for the species present on the site (other than those for which the site has been listed) and the implications for habitat types and species outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site. The developer of the project is free to determine later, after the development consent has been granted, certain parameters relating to the construction phase only if those parameters will not adversely affect the integrity of the site. If a scientific expert opinion recommends obtaining additional information and the authority competent to issue the environmental permit rejects these findings, the 'appropriate assessment' must present explicitly and in detail the reasons which led the permitting authority to conclude that there is no reasonable scientific doubt over the effects of the work envisaged on the site concerned. The Environmental Impact Assessment Directive³² requires that the project developer supplies information that expressly addresses the significant effects of the project on all species identified in the environmental impact statement. Studying the 'main alternatives' means that the developer must indicate the reasons for his choice, taking into account at least the environmental effects, whether those alternatives were initially envisaged by him or by the competent authority or whether they were recommended by some stakeholders³³.

²⁷ Commission Implementing Directive [2017/1279/EU](#).

²⁸ Commission v Ireland, [C-504/17](#).

²⁹ Ryanair, [C-249/17](#).

³⁰ Directive [92/43/EEC](#), Grace and Sweetman, [C-164/17](#).

³¹ Directive [92/43/EEC](#).

³² Directive [2011/92/EU](#).

³³ Holohan and Others, [C-461/17](#).

Ireland

- The Habitats Directive does not allow mitigation measures (aiming to avoid or reduce the significant effects of a plan or project) to be taken into account already at the stage when screening is carried out in order to determine whether or not it is necessary to carry out an assessment of the implications of the plan or project on a special area of conservation³⁴.
- The requirement that certain judicial procedures should not be prohibitively expensive applies to a procedure before a court of a Member State in which it is determined whether leave may be granted to bring a challenge in the course of a development consent process concerning a plan or a project. The requirement applies only to the costs relating to the part of the challenge alleging infringement of the rules on public participation. The Aarhus Convention however sets a wider obligation for the Member States in relation to the requirement that certain judicial procedures should not be prohibitively expensive³⁵.
- The rule that legal challenges by a member of the public to an environmental impact assessment procedure should not be prohibitively expensive must be broadly interpreted so that it also applies to the costs arising in a case which was ongoing at the time the deadline for transposing the Directive which introduced this rule had elapsed³⁶.
- The Court found that the notification by a Member State of its intention to leave the EU (Article 50 TEU) does not have as a consequence that another Member State must refuse to execute a European Arrest Warrant issued by the leaving Member State, neither must it postpone its execution pending clarification of the law that will be applicable after the withdrawal³⁷.
- A judicial authority called upon to execute a European Arrest Warrant must refrain from giving effect to it if it considers that there is a real risk that the individual concerned would suffer a breach of his fundamental right to an independent tribunal and, therefore, of the essence of his fundamental right to a fair trial on account of deficiencies liable to affect the independence of the judiciary in the issuing Member State³⁸.

³⁴ People Over Wind and Sweetman, [C-323/17](#).

³⁵ North East Pylon Pressure Campaign and Sheehy, [C-470/16](#).

³⁶ Klohn, [C-167/17](#).

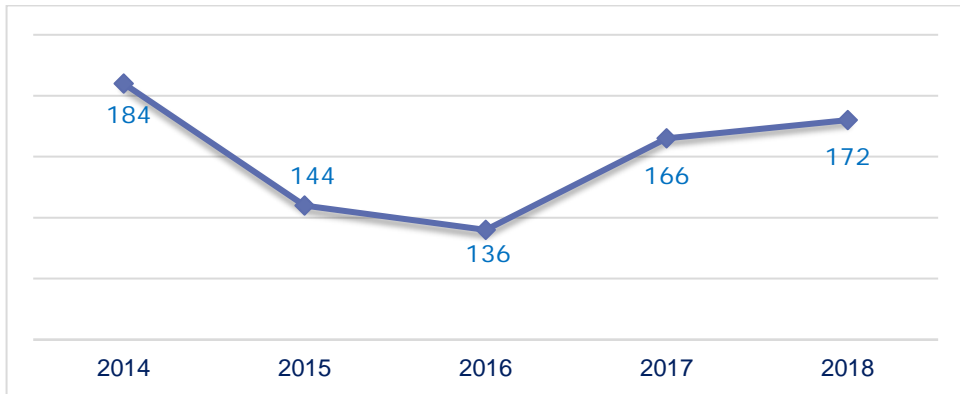
³⁷ PPU - R O, [C-327/18](#).

³⁸ Minister for Justice and Equality, [C-216/18](#) and Court press release [No 113/18](#).

Greece

XIII. COMPLAINTS

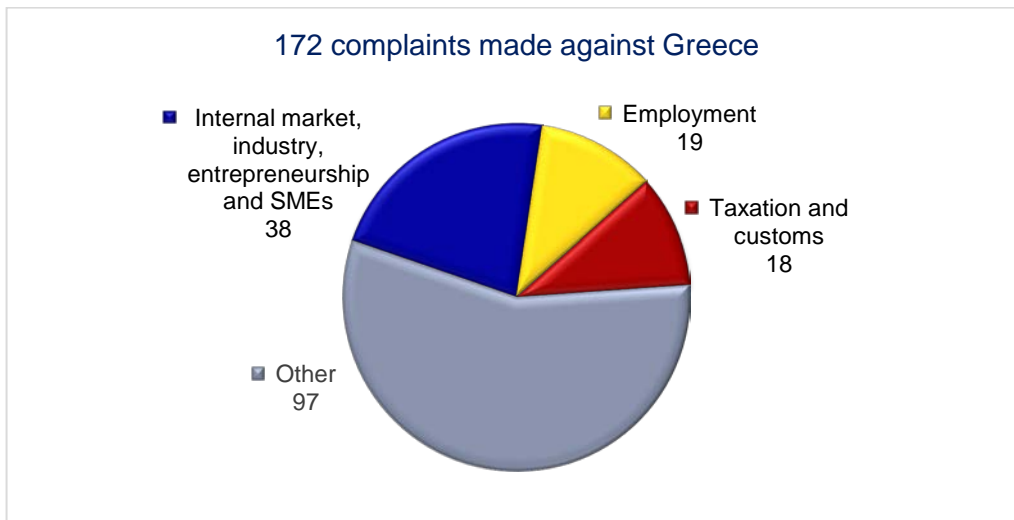
1. New complaints made against Greece by members of the public (2014-2018)



2. Public complaints against Greece open at year-end

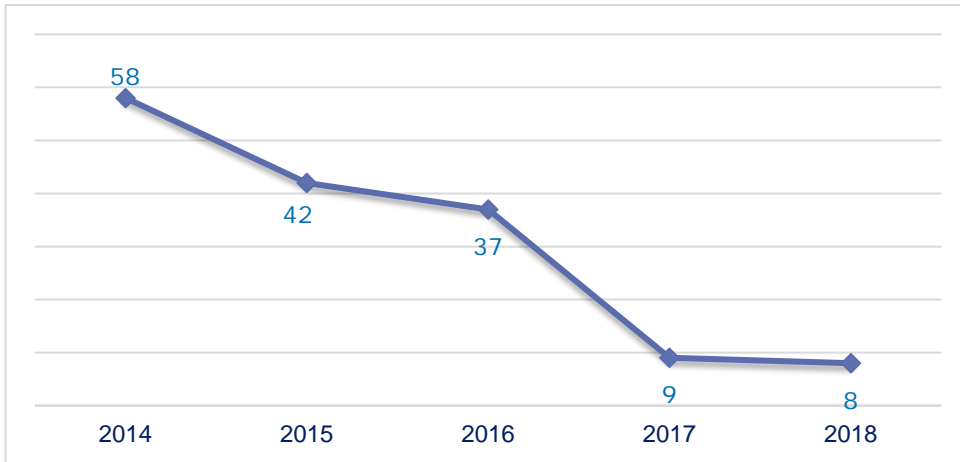
109	>	Complaints open at end-2017
172	>	New complaints registered in 2018
163	>	Complaints handled in 2018
= 118	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

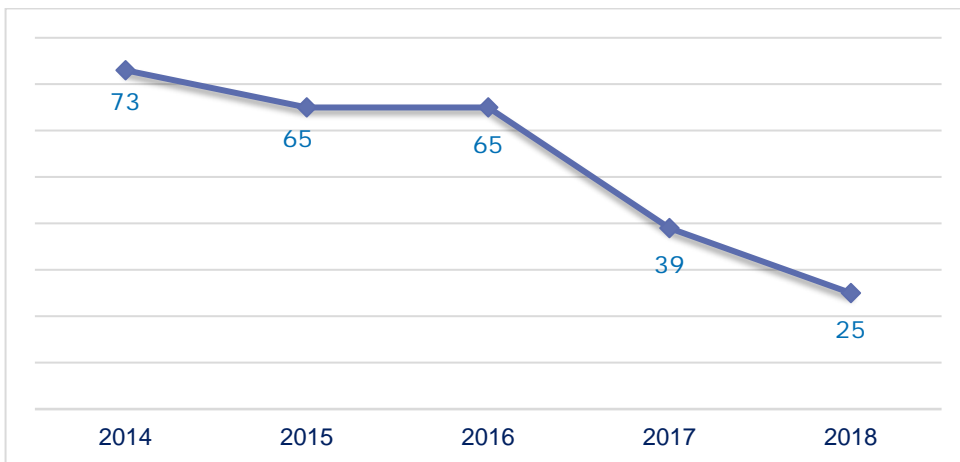


XIV. EU PILOT

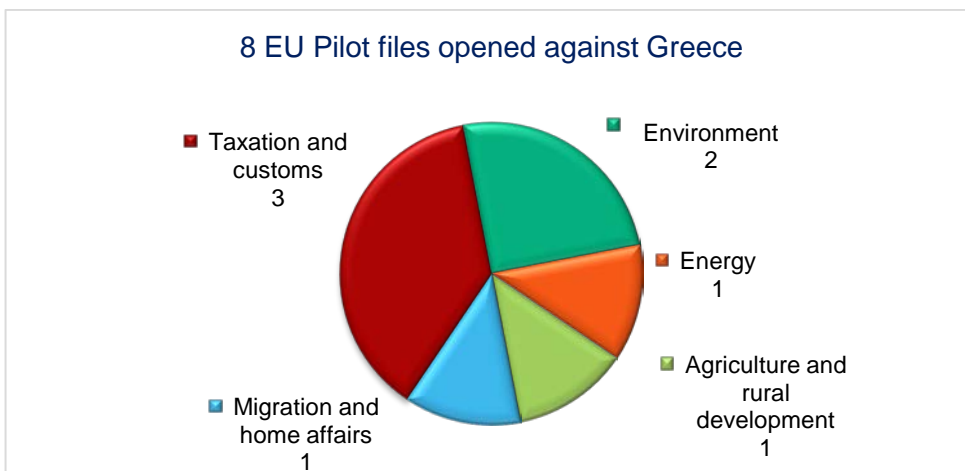
1. New EU Pilot files opened against Greece (2014-2018)



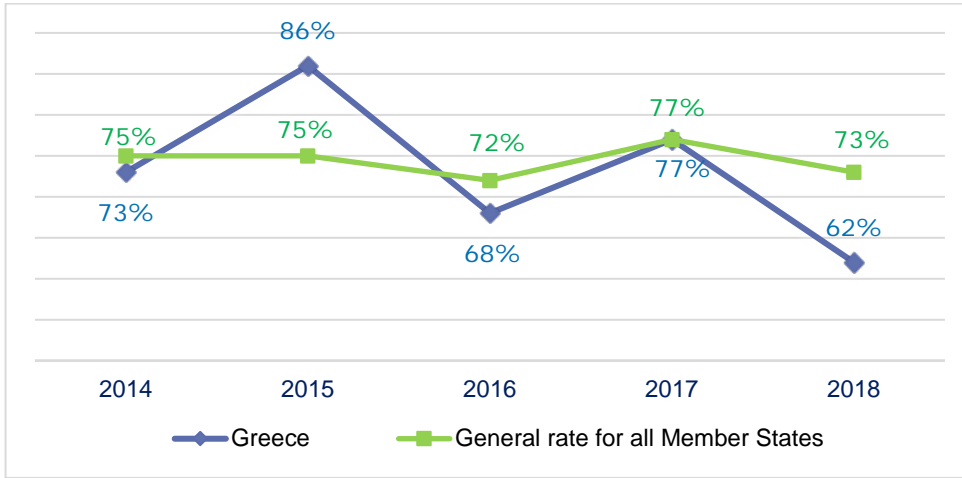
2. Files relating to Greece open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

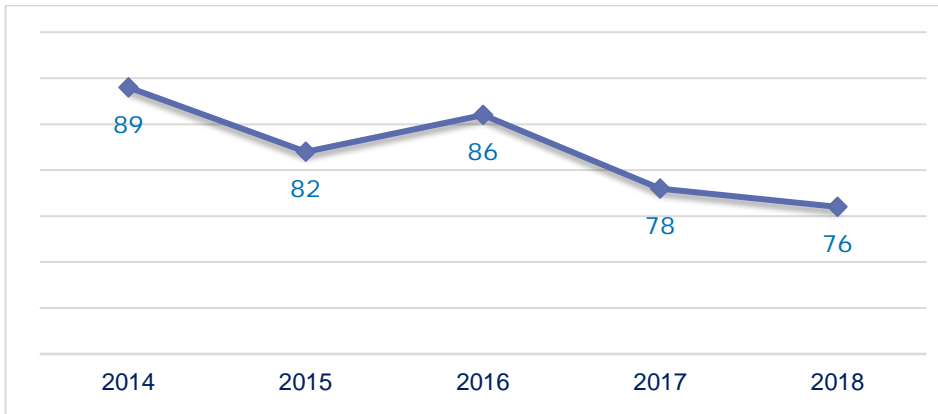


4. EU Pilot files: Greece's resolution rate in 2014-2018

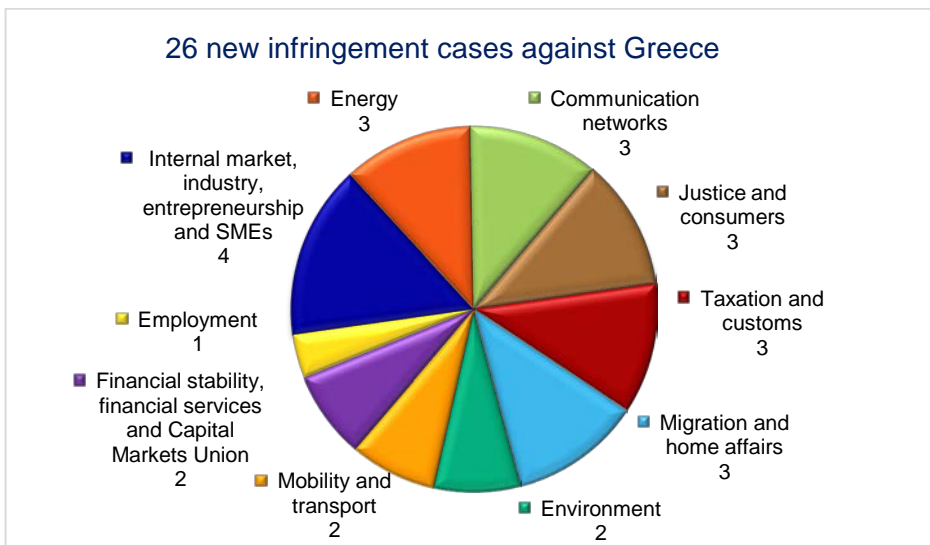


XV. INFRINGEMENT CASES

1. Infringement cases against Greece open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 26 new infringement cases against Greece in 2018. These, and other major ongoing infringement cases, include:
- incorrect application of the VAT rules on the lease of yachts¹;
 - delays in processing applications for recognition of diplomas from other Member States²;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications³;
 - insufficient monitoring of the entities responsible for the implementation of aviation security standards⁴;
 - failure to adopt and notify the long-term renovation strategy in commercial and residential buildings, as required by the Energy Efficiency Directive⁵;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁶;
 - failure to establish Special Areas of Conservation, as well as conservation objectives and measures to maintain or restore the species and habitats to a favourable condition, as required by the Habitats Directive⁷;
 - non-communication of national measures transposing the
 - Payment Services Directive⁸;
 - Insurance Distribution Directive⁹;
 - revised Markets in Financial Instruments Directive¹⁰;
 - Basic Safety Standards Directive¹¹;
 - Directive on security of network and information systems¹²;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹³;
 - 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-disabled¹⁴;
 - Directive on the presumption of innocence¹⁵;
 - Directive on the consular protection of unrepresented EU citizens in third countries¹⁶.

¹ [IP/18/1451](#).

² Directive [2005/36/EC](#).

³ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁴ Regulation (EC) [300/2008](#); [MEMO/18/1444](#).

⁵ Directive [2012/27/EU](#), [MEMO/18/1444](#).

⁶ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁷ Directive [92/43/EEC](#), [MEMO/18/1444](#).

⁸ Directive [2015/2366/EU](#).

⁹ Directive [2016/97/EU](#).

¹⁰ Directive [2014/65/EU](#); [MEMO/18/349](#).

¹¹ Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

¹² Directive [2016/1148/EU](#); [MEMO/18/4486](#).

¹³ Directive [2016/2102/EU](#).

¹⁴ Directive [2017/1564/EU](#).

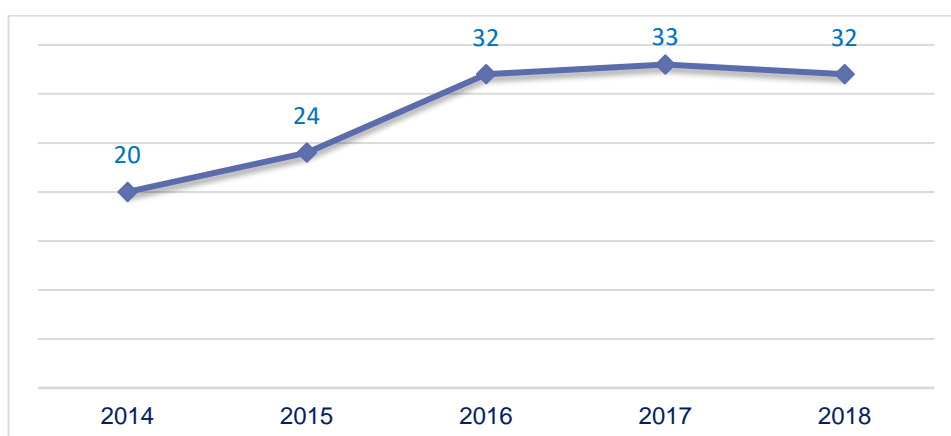
¹⁵ Directive [2016/343/EU](#).

¹⁶ Directive [2015/637/EU](#).

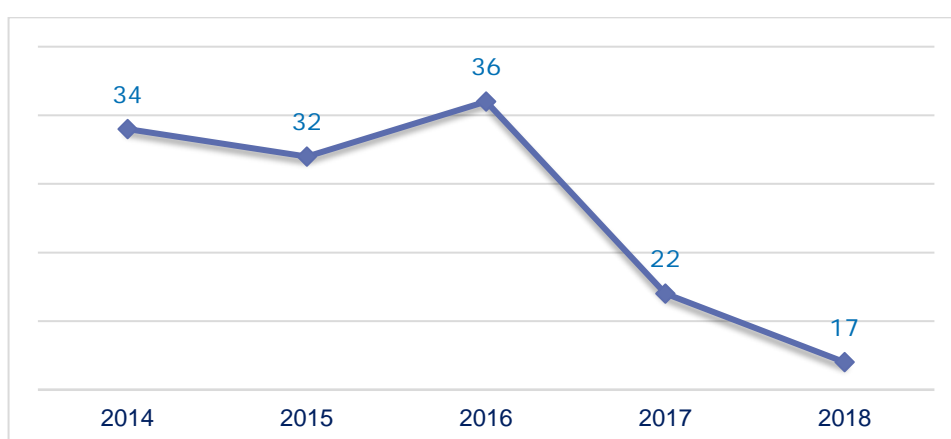
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- obstacles to the freedom of establishment for training bodies for professional mediators contrary to the Services Directive¹⁷ and restrictions on recognising the professional qualifications of mediators¹⁸;
 - wrong imposition of a reduced rate of 50% of the standard rate of excise duty on the spirit drinks Tsipouro and Tsikoudia, in breach of EU law¹⁹.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

XVI. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Greece open on 31 December (2014-2018)



2. New late transposition infringement cases against Greece (2014-2018)

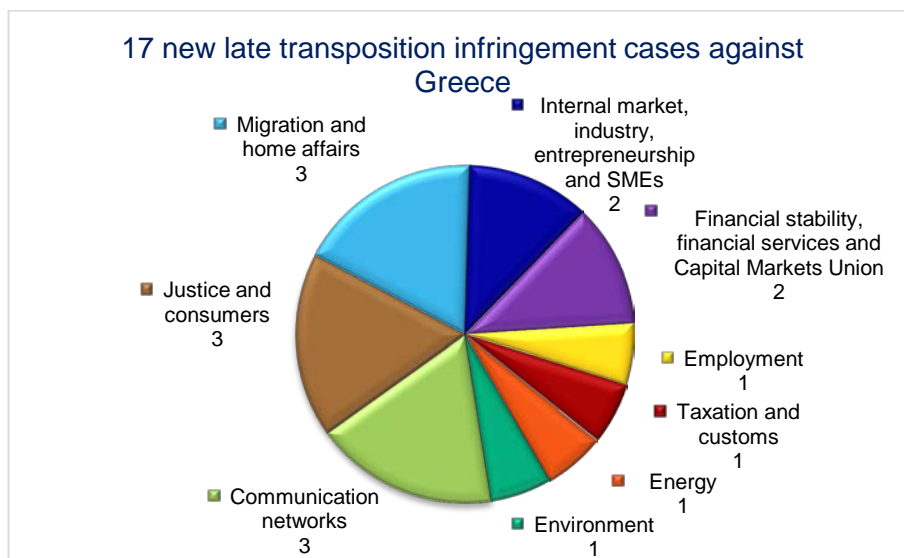


¹⁷ Directive [2006/123/EC](#).

¹⁸ Commission v Greece, [C-729/17](#), Directive [2005/36/EC](#).

¹⁹ Commission v Greece, [C-91/18](#), [IP/17/242](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concerns:

- failure to communicate national measures transposing the Maritime Spatial Planning Directive²⁰.

XVII. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- late adoption of the second round of river basin management plans under the Water Framework Directive²¹;
- non-conformity of the provisions of national legislation on average weekly working time and minimum periods of daily rest or of compensatory rest with the Working Time Directive in the healthcare sector²²;
- failure to communicate national measures transposing the
 - Mortgage Credit Directive;²³
 - Directive concerning undertakings for collective investment in transferable securities;²⁴
 - Directive on intra-corporate transfer²⁵;
 - Directive on reducing the consumption of lightweight plastic carrier bags²⁶;
 - revised Environmental Impact Assessment Directive²⁷;

²⁰ Directive [2014/89/EU](#), Commission v Greece, [C-36/18](#). Greece subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

²¹ Directive [2000/60/EC](#).

²² Directive [2003/88/EC](#).

²³ Directive [2014/17/EU](#), [MEMO/18/1444](#).

²⁴ Directive [2014/91/EU](#).

²⁵ Directive [2014/66/EU](#).

²⁶ Directive [2015/720/EU](#).

²⁷ Directive [2014/52/EU](#).

- Directive on fuel quality reporting requirements and calculation methods²⁸.

XVIII. IMPORTANT JUDGMENTS

1. Court rulings²⁹

The Court gave the following rulings.

- Greece has failed to comply with an earlier Court judgment³⁰ that it had failed to fulfil its obligations under the Urban Waste Water Treatment Directive by not taking the measures necessary for the installation of a collection system for urban waste water from the Thriasio Pedio area and by not subjecting the area's waste water to more stringent treatment before its discharge into the sensitive area of the Gulf of Elefsina, Greece. The Court ordered Greece to pay a lump sum of EUR 5 million and a sliding-scale periodic penalty payment of EUR 3 276 000 for each six-month period of delay until full compliance is achieved³¹.
- The Greek rules allowing the sale of tax-exempt fuel by filling stations located in certain border posts at frontiers with third countries are contrary to the EU provisions on general arrangements for excise duty³².
- Greece has failed to comply with an earlier Court judgment³³ finding that it had failed to implement a Commission decision ordering the recovery of State aid granted to Hellenic Shipyards. The Court ordered Greece to pay a lump sum of EUR 10 million and a penalty payment of EUR 7 294 000 for each 6 months of delay until full compliance is achieved³⁴.

2. Preliminary rulings

No major preliminary rulings were addressed to the Greek judiciary in 2018.

²⁸ Directive [652/2015/EC](#).

²⁹ These rulings are almost exclusively handed down in infringement procedures.

³⁰ Commission v Greece, [C-119/02](#).

³¹ Commission v Greece, [C-328/16](#) and Court press release [No 17/18](#).

³² Commission v Greece, [C-590/16](#).

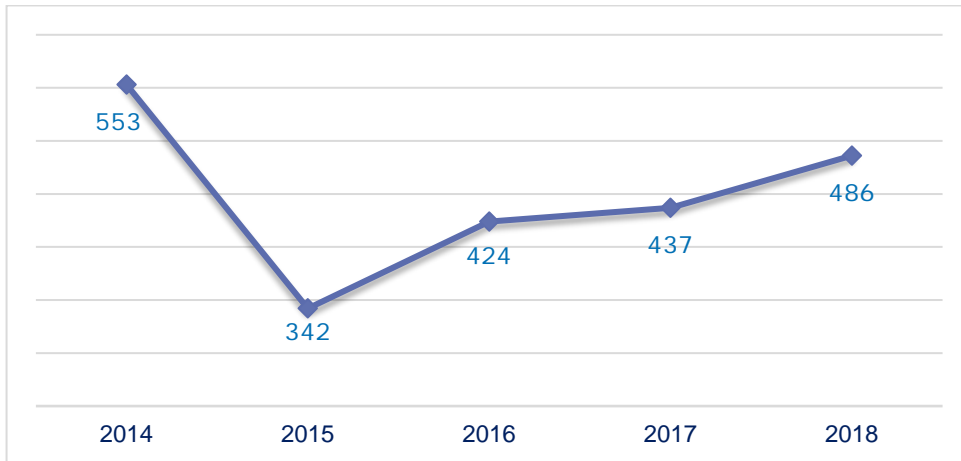
³³ Commission v Greece, [C-485/10](#).

³⁴ Commission v Greece, [C-93/17](#) and Court press release [No 172/18](#).

Spain

XIX. COMPLAINTS

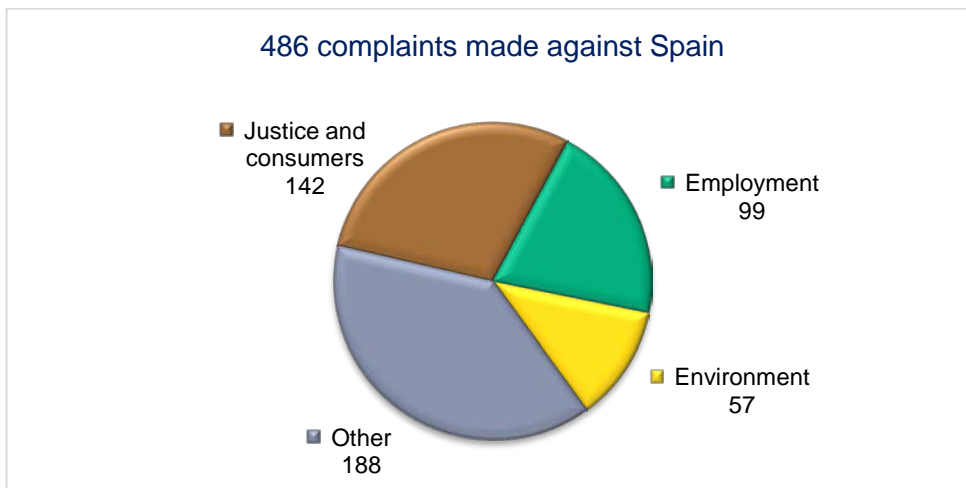
1. New complaints made against Spain by members of the public (2014-2018)



2. Public complaints against Spain open at year-end

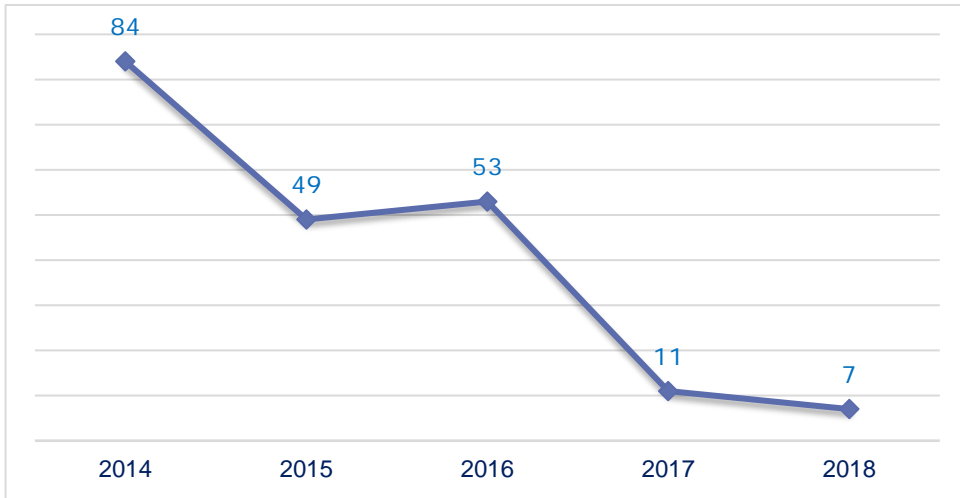
367	>	Complaints open at end-2017
486	>	New complaints registered in 2018
462	>	Complaints handled in 2018
= 391	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

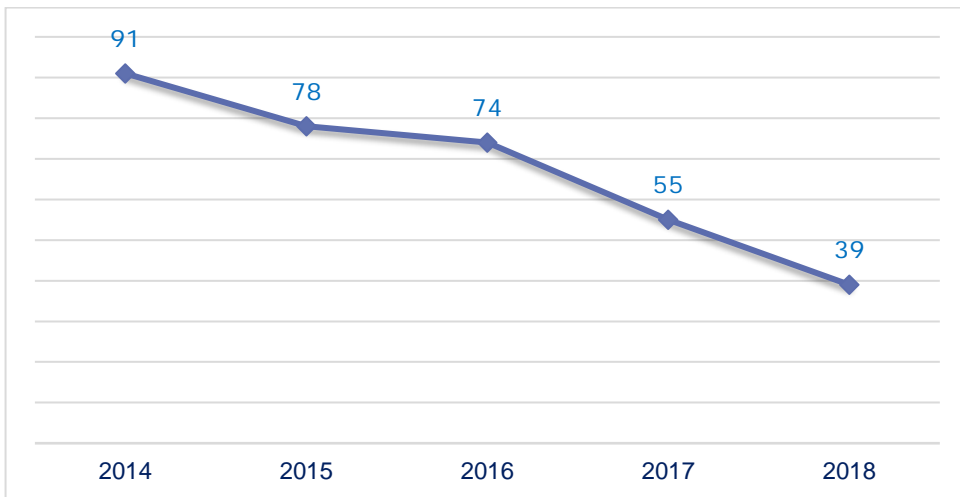


XX. EU PILOT

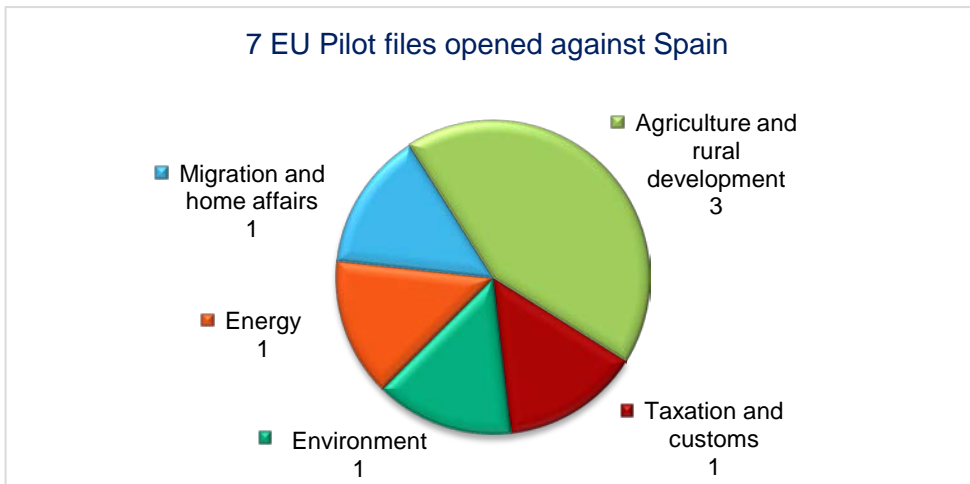
1. New EU Pilot files opened against Spain (2011-2018)



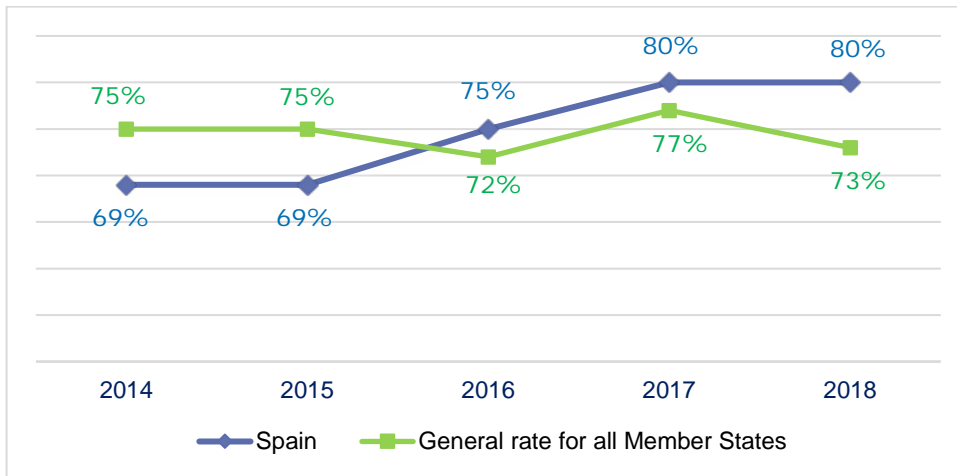
2. Files relating to Spain open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

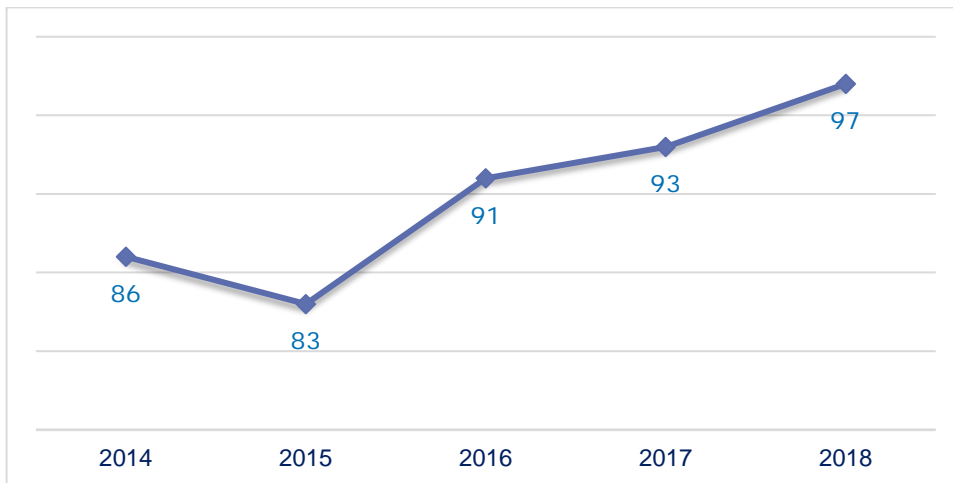


4. EU Pilot files: Spain's resolution rate in 2014-2018

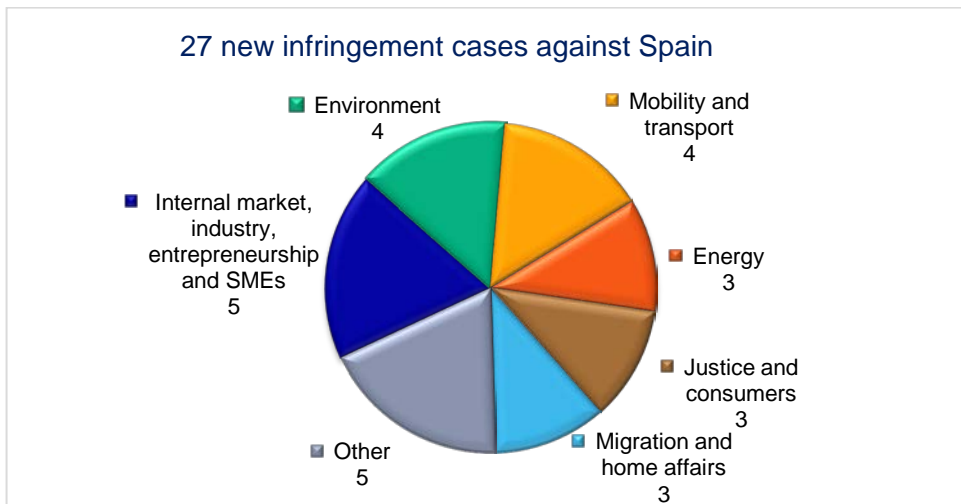


XXI. INFRINGEMENT CASES

1. Infringement cases against Spain open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 27 new infringement cases against in 2018. These, and other major ongoing infringement cases, include:
- failure to comply with EU rules on the minimum level of training of seafarers¹;
 - non-compliance with the requirements of the Energy Efficiency Directive²;
 - non-conformity with the Directive on the recognition of professional qualifications;
 - failure to ensure individual metering and billing for heat energy in multi-apartment buildings, as required under the Energy Efficiency Directive³;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁴;
 - non-communication of flood risk management plans⁵;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁶;
 - incorrect transposition of the Directive on the protection of animals used for scientific purposes⁷;
 - insufficient protection of waters against pollution caused by nitrates from agricultural sources⁸;
 - non-communication of national measures transposing the
 - Payment Services Directive⁹;
 - Insurance Distribution Directive¹⁰;
 - revised Markets in Financial Instruments Directive;¹¹
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments;¹²
 - Nuclear Safety Directive¹³;
 - Directive on security of network and information systems.¹⁴
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern
- failure to adopt waste management plans and to revise these plans in accordance with the Waste Framework Directive¹⁵;
 - failure to adopt and review the river basin management plans for the Canary Islands¹⁶.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2008/106/EC](#), [MEMO/18/3446](#).

² Directive [2012/27/EU](#), [MEMO/18/6247](#).

³ Directive [2012/27/EU](#), [MEMO/18/1444](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁵ Directive [2007/60/EC](#).

⁶ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁷ Directive [2010/63/EU](#), [MEMO/18/4486](#).

⁸ Directive [91/676/EEC](#), [MEMO/18/6247](#).

⁹ Directive [2015/2366/EU](#).

¹⁰ Directive [2016/97/EU](#).

¹¹ Directive [2014/65/EU](#); [MEMO/18/349](#).

¹² Commission Directive [2016/1214/EU](#).

¹³ Directive [2014/87/Euratom](#), [MEMO/18/3986](#).

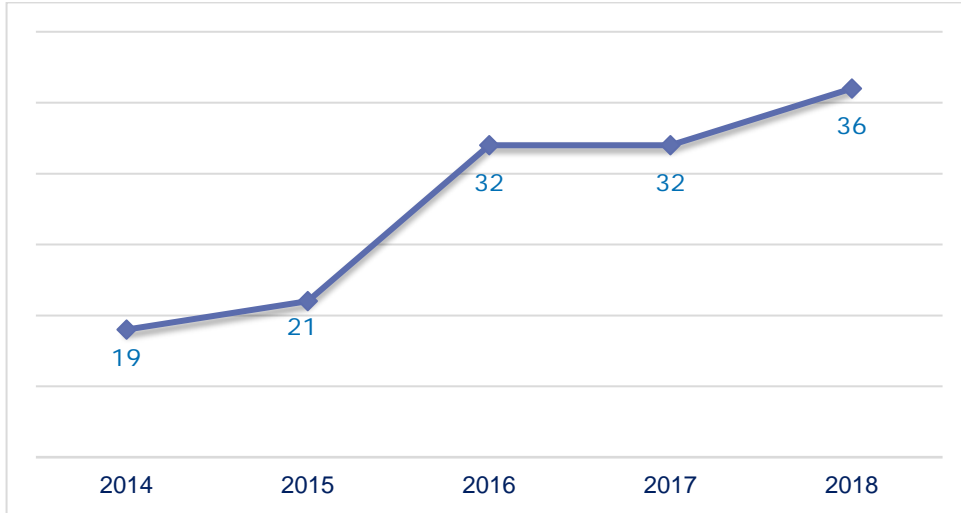
¹⁴ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

¹⁵ Directive [2008/98/EC](#), Commission v Spain, [C-642/18](#); [IP/18/3987](#).

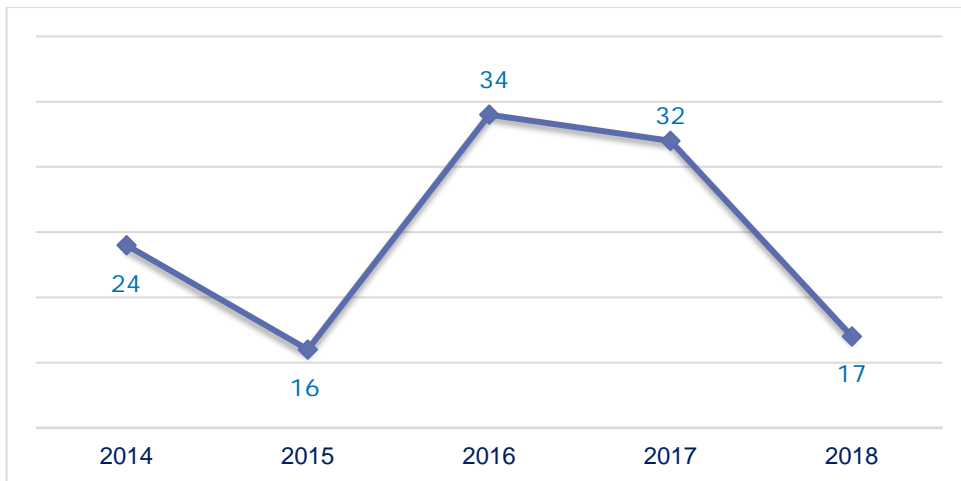
¹⁶ Directive [2000/60/EC](#), Commission v Spain, [C-556/18](#); [IP/18/1445](#).

XXII. TRANSPOSITION OF DIRECTIVES

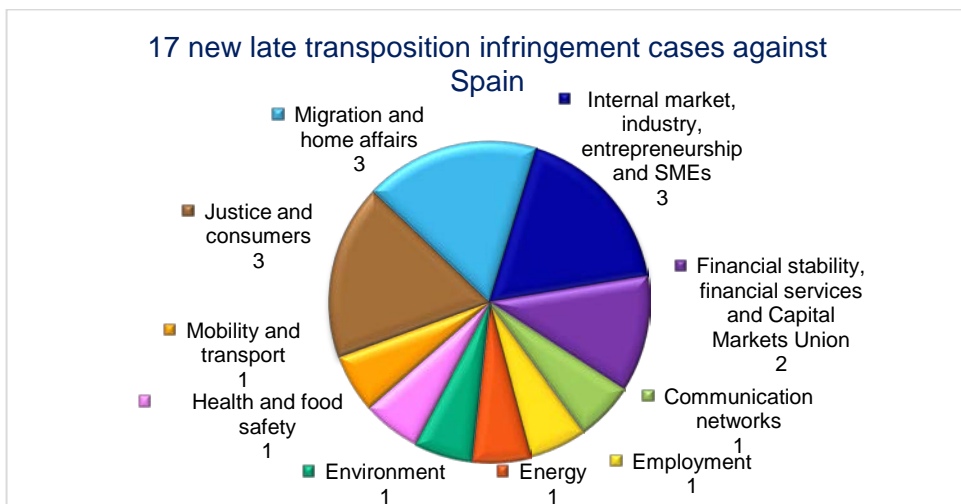
1. Late transposition infringement cases against Spain open on 31 December (2014-2018)



2. New late transposition infringement cases against Spain (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred four cases to the Court under Articles 258 and 260(3) TFEU. They concern non-communication of national measures transposing the:

- Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market¹⁷;
- Directive on the award of concession contracts¹⁸;
- Directive on procurement by entities operating in the water, energy, transport and postal services sectors¹⁹;
- Payments Account Directive;²⁰

XXIII. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-compliance with the Regulation on the marketing and use of explosives precursors²¹;
- delays in conducting market reviews, in breach of the Directive on a common regulatory framework for electronic communications networks and services;²²
- non-conformity with the Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property²³;
- discriminatory and excessive requirements for participation in public procurement of ambulance services²⁴;
- a project to upgrade maritime access to the Port of Seville by dredging the Guadalquivir River, in breach of the Habitats Directive²⁵; non-communication of national measures transposing the:
 - Directive on fuel quality reporting requirements and calculation methods²⁶;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁷;
 - Directive on alternative dispute resolution for consumers disputes²⁸;
 - Antitrust Damages Directive²⁹;
 - Directive on reducing the consumption of lightweight plastic carrier bags³⁰.

¹⁷ Commission v Spain, [C-207/18](#); Directive [2014/26/EU](#). Subsequently Spain took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

¹⁸ Commission v Spain, [C-164/18](#), Directive [2014/23/EU](#).

¹⁹ Commission v Spain, [C-165/18](#), Directive [2014/25/UE](#).

²⁰ Commission v Spain, [C-430/18](#); Directive [2014/92/EU](#).

²¹ Regulation (EU) [98/2013](#).

²² Directive [2002/21/EC](#).

²³ Directive [2006/115/EC](#).

²⁴ Directive [2014/24/EU](#).

²⁵ Directive [92/43/EEC](#).

²⁶ Directive [652/2015/EC](#).

²⁷ Commission Directive [2016/1214/EU](#).

²⁸ Directive [2013/11/EU](#).

²⁹ Directive [2014/104/EU](#); [MEMO/18/1444](#).

³⁰ Directive [2015/720/EU](#).

XXIV. IMPORTANT JUDGMENTS

1. Court rulings³¹

The Court gave the following rulings:

- Spain has not fulfilled its obligations as it failed to take the necessary measures to implement the ‘Whistleblowing’ Directive³² into national legislation on time³³.
- Spain discriminated against small hauliers, excluding them from the road transport market, by requiring hauliers to own a minimum number of vehicles in order to obtain a public transport authorisation³⁴.
- Spain has failed to comply with an earlier Court judgment³⁵ as 17 of the 43 agglomerations of over 15 000 population equivalent concerned by the first judgment had still not been equipped with systems for collecting or treating urban waste water. The Court ordered Spain to pay a lump sum of EUR 12 million and a penalty payment of EUR 10 950 000 per six-month period of delay until full compliance is achieved³⁶.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Spanish judiciary.

- Access, by the police, to data for the purpose of identifying the owners of SIM cards activated with a stolen mobile telephone cannot be defined as ‘serious’ interference with the fundamental rights. Such data do not allow precise conclusions to be drawn about their private lives and such interference may be justified by the objective of preventing, investigating, detecting and prosecuting ‘criminal offences’³⁷.
- The two types of termination of the employment relationship (dismissal under objective reasons and termination of fixed-term contract) are not comparable and, therefore, different levels of compensation can be granted³⁸.
- EU directives apply to a female security agent who does shift work, including night shifts which entail a risk for the agent to breastfeed her baby³⁹.
- National legislation may allow an employer to dismiss a pregnant worker in the context of a collective redundancy, on condition that the employer provides the dismissed pregnant worker with the reasons justifying the redundancy⁴⁰.
- A fine for not declaring cash upon entering or leaving the EU which may be up to double the undeclared amount is contrary to EU law, including the Cash Control Regulation⁴¹.
- Spain’s national legislation may limit the sales designation ‘ibérico de cebo’ to pork products complying with certain conditions imposed by that legislation. This is because it permits the importation and marketing of products from other Member States under the designations they bear pursuant to the rules of the Member State of origin, even if they are similar, comparable or identical to the designations provided for in the respective national legislation⁴².

³¹ These rulings are almost exclusively handed down in infringement procedures.

³² Commission Implementing Directive [2015/2392/EU](#) on Regulation (EU) N°[596/2014](#).

³³ Commission v Spain, [C-599/17](#).

³⁴ Regulation [\(EC\) No 1071/2009](#), Commission v Kingdom of Spain, [C-181/17](#).

³⁵ Commission v Spain, [C-343/10](#).

³⁶ Commission v Spain, [C-205/17 and Court press release No 120/18](#).

³⁷ Ministerio Fiscal [C-207/16](#).

³⁸ Montero Mateos, [C-677/16](#), Grupo Norte Facility, [C-574/16](#) and de Diego Porras, [C-619/17](#).

³⁹ Gonzalez Castro, [C-41/17](#).

⁴⁰ Porras Guisado, [C-103/16](#).

⁴¹ Lu Zheng, [C-190/17](#).

⁴² Asociación Nacional de Productores de Ganado Porcino, [C-169/17](#).

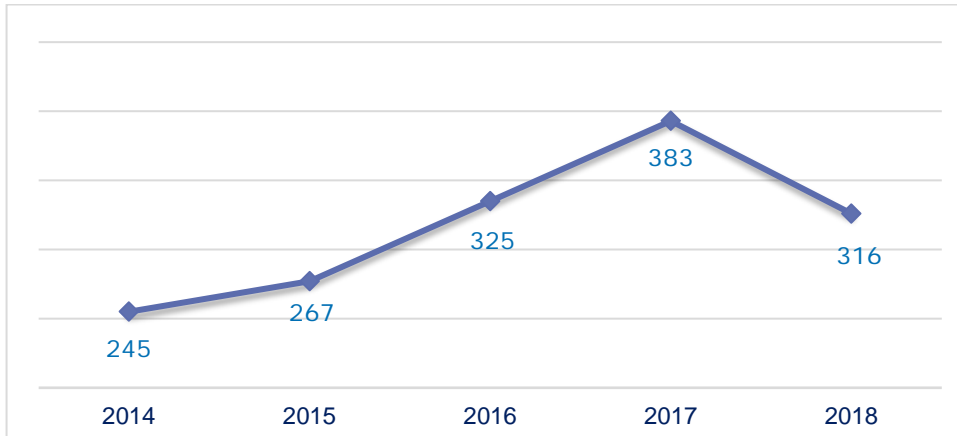
- Member States may require a contribution to an energy efficiency fund from energy undertakings designated on the basis of explicitly stated, objective and non-discriminatory criteria. This obligation, which substitutes an energy efficiency obligation scheme, should nonetheless comply with all the requirements of the Energy Efficiency Directive and reach the same level of savings⁴³.

⁴³ Directive [2012/27/EU](#), *Saras Energía*, [C-561/16](#).

France

XXV. COMPLAINTS

1. New complaints made against France by members of the public (2014-2018)



2. Public complaints against France open at year-end

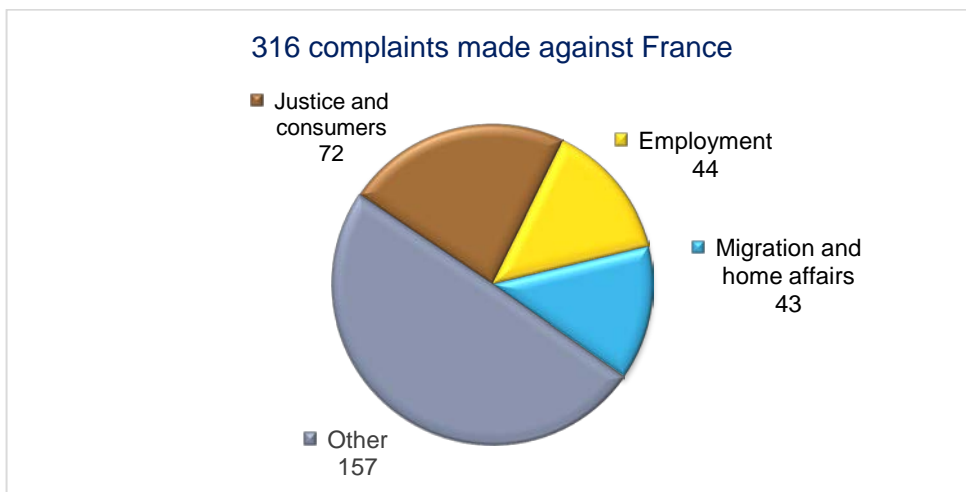
313 > Complaints open at end-2017

316 > New complaints registered in 2018

347 > Complaints handled in 2018

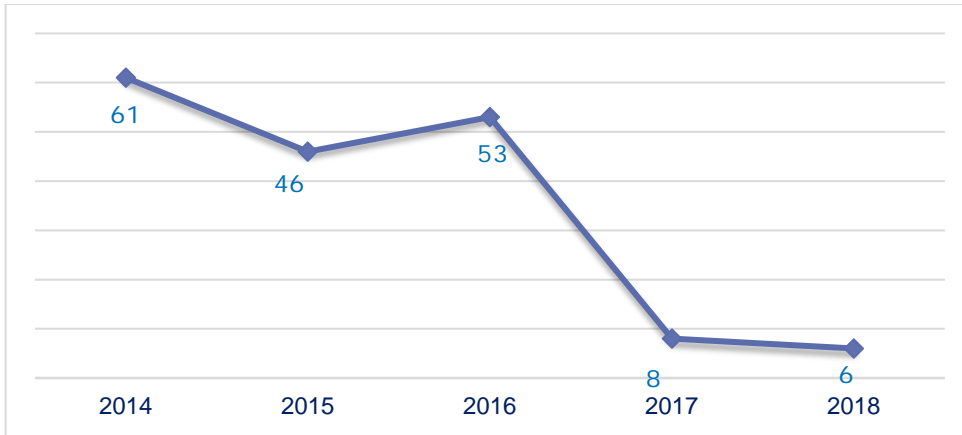
= 282 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

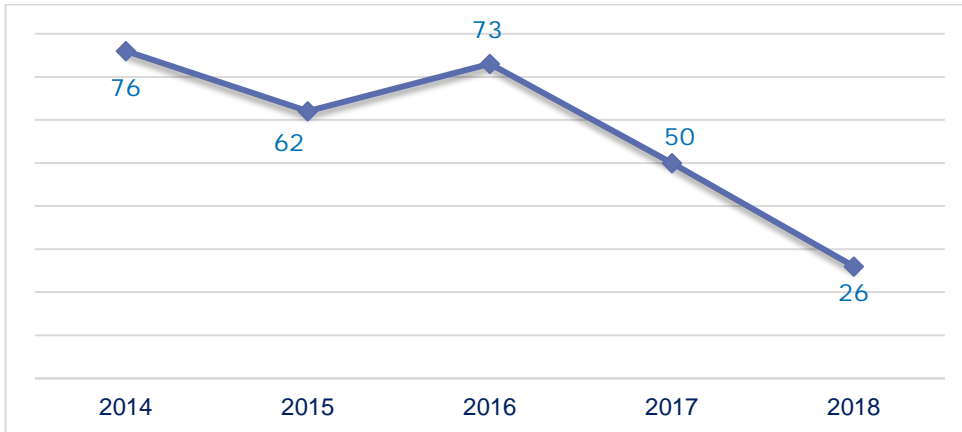


XXVI. EU PILOT

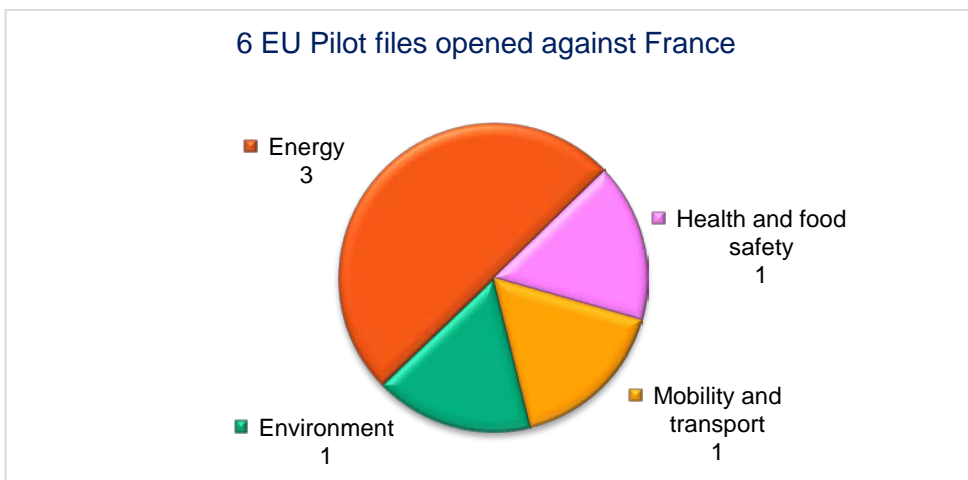
1. New EU Pilot files opened against France (2014-2018)



2. Files relating to France open in EU Pilot at year-end

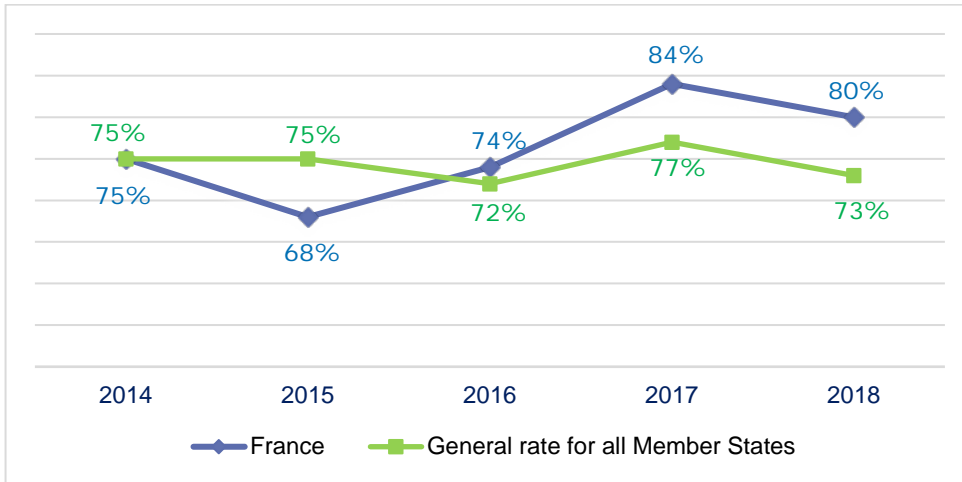


3. New EU Pilot files opened in 2018: main policy areas



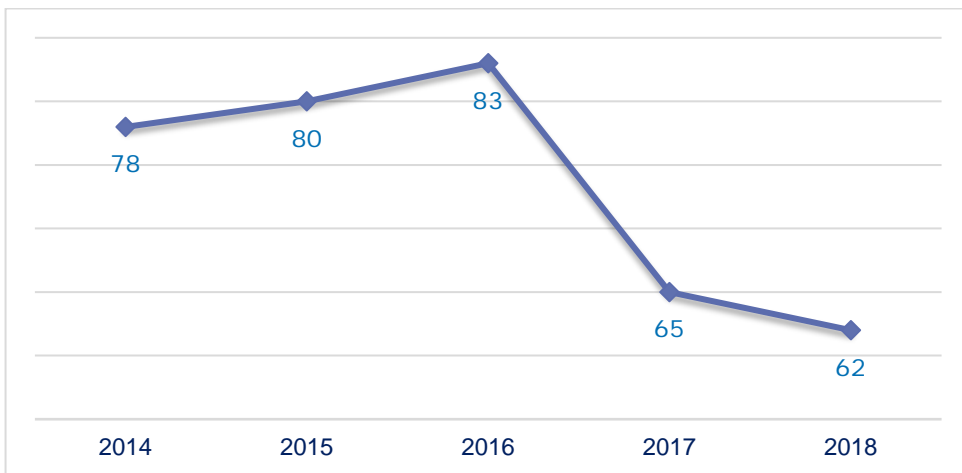
France

4. EU Pilot files: France's resolution rate in 2014-2018

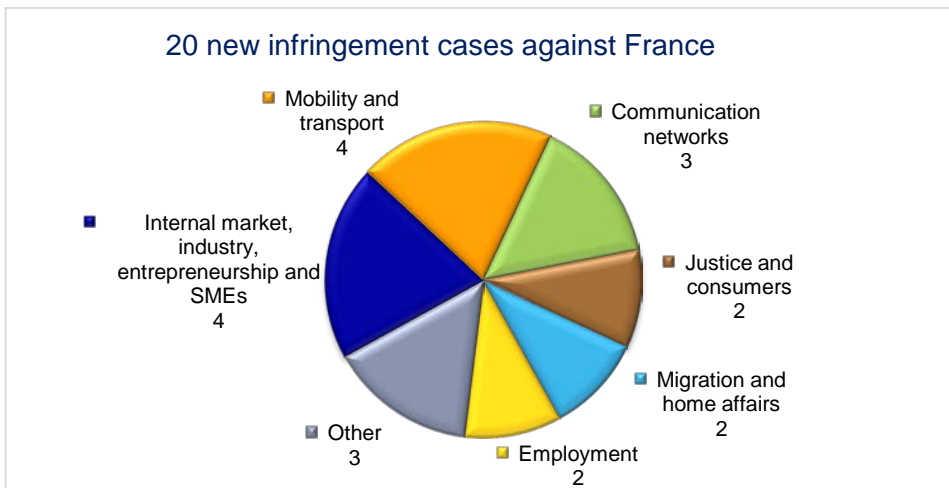


XXVII. INFRINGEMENT CASES

1. Infringement cases against France open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 20 new infringement cases against France in 2018. These, and other major ongoing infringement cases, include:
- exceedances of PM¹⁰ emission limits, in breach of the Directive on ambient air quality and cleaner air for Europe¹;
 - failure to adopt and update waste management plans, in breach of the Waste Framework Directive²;
 - failure to adopt noise maps and action plans as required by the Noise Directive³; noise directive;⁴
 - failure to comply with the obligations regarding treatment of waste water as regards 373 agglomerations;⁵
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications;⁶
 - non-communication of national measures transposing the
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants⁷;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments⁸;
 - Insurance Distribution Directive⁹;
 - Directive on security of network and information systems¹⁰;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹¹;
 - 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-disabled¹²;
 - fourth Anti-Money Laundering Directive¹³;
 - Directive establishing a fourth list of indicative occupational exposure limit values to protect workers from risks arising from exposure to hazardous chemicals¹⁴.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- exceedance of the nitrogen dioxide (NO₂) limit values set by the Air Quality Directive¹⁵.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2008/50/EC](#).

² Directive [2008/98/EC](#).

³ Directive [2002/49/EC](#).

⁴ Directive [2002/49/EC](#).

⁵ Directive [91/271/EEC](#).

⁶ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁷ Directive [2015/2193/EU](#), [MEMO/18/3986](#).

⁸ Commission Directive [2016/1214/EU](#).

⁹ Directive [2016/97/EU](#).

¹⁰ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

¹¹ Directive [2016/2102/EU](#).

¹² Directive [2017/1564/EU](#).

¹³ Directive [2015/849/EU](#).

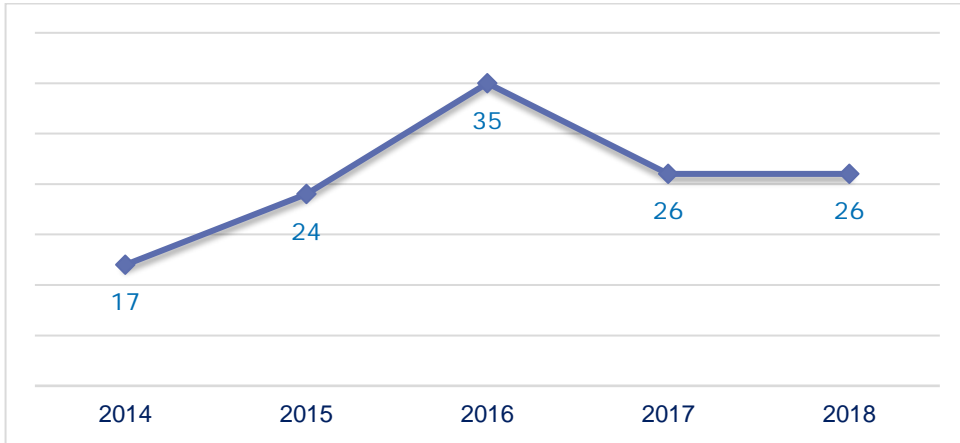
¹⁴ Commission Directive [2017/164/EU](#).

¹⁵ Directive [2008/50/EC](#), Commission v France, [C-636/18](#); [IP/18/3450](#).

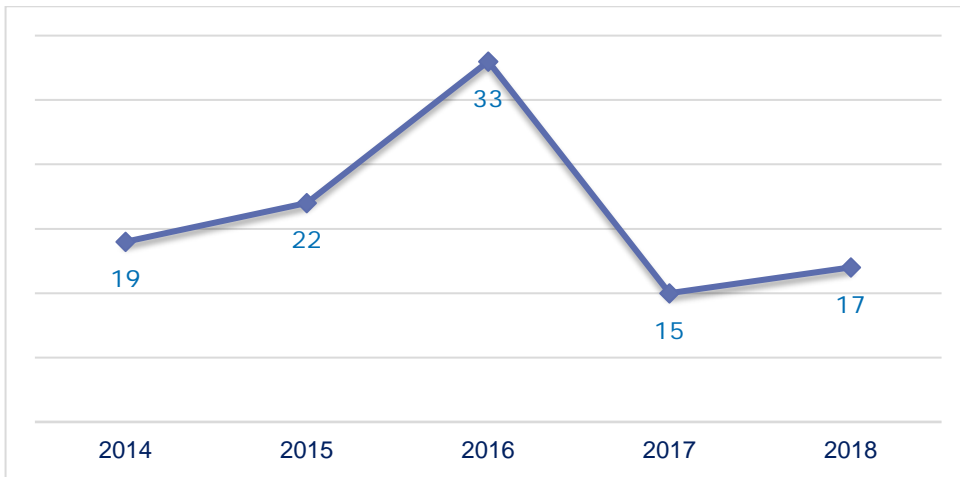
France

XXVIII. TRANSPOSITION OF DIRECTIVES

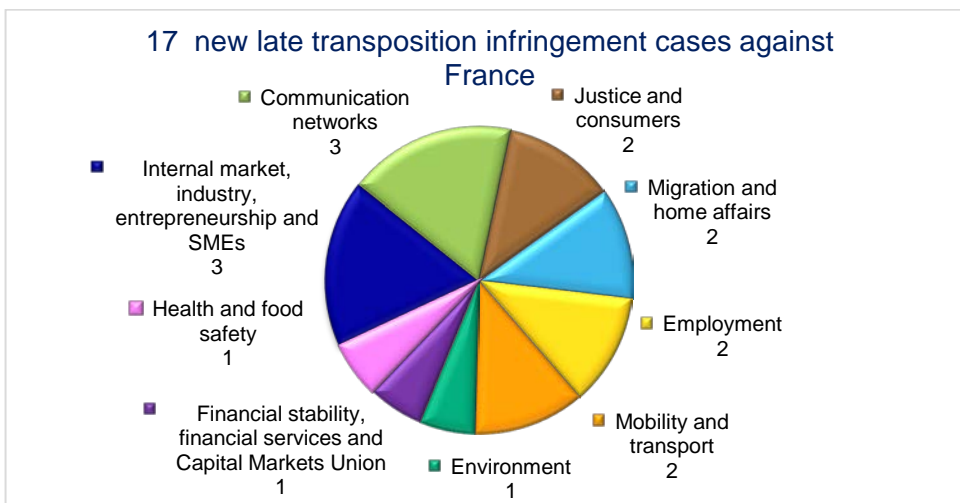
1. Late transposition infringement cases against France open on 31 December (2014-2018)



2. New late transposition infringement cases against France (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

XXIX. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of VAT rules on aesthetic medicine and surgery procedures;
- incorrect implementation of the Directive on the reduction of national emissions of certain atmospheric pollutants¹⁶;
- incorrect transposition of the Third Energy Package Directives¹⁷;
- import of second-hand cars which were previously registered in another Member State;
- non-communication of national measures transposing the
 - Antitrust Damages Directive¹⁸;
 - Directive on collective management of copyright and related rights¹⁹;
 - Directive on fuel quality reporting requirements and calculation methods²⁰;
 - Directive on tobacco products²¹;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments.²²

XXX. IMPORTANT JUDGMENTS

1. Court rulings

The Court ruled that:

- France has failed to fulfil its obligations under EU law over the way it applied the mechanism for the avoidance of economic double taxation of distributed foreign dividends²³.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the French judiciary.

- Only part of the French public electricity service tax (CSPE) may be considered as another indirect tax for specific purposes, namely its environmental objective (and in the proportion in which revenue raised from the tax was allocated to this objective). The taxable persons concerned are entitled to a reimbursement of the other part of the tax, provided that they did not directly pass on that tax to their own consumers²⁴.
- French withholding tax on dividends received by loss-making non-resident companies is incompatible with free movement of capital. The Court ruled that different ways to

¹⁶ Directive [2016/2284/EU](#).

¹⁷ Directives [2009/72/EC](#) and [2009/73/EC](#).

¹⁸ Directive [2014/104/EU](#); [MEMO/18/1444](#).

¹⁹ Directive [2014/26/EU](#); [IP/18/353](#).

²⁰ Directive [652/2015/EC](#)

²¹ Directive [2014/40/EU](#).

²² Commission Directive [2016/1214EU](#).

²³ Commission v France (Précompte mobilier), [C-416/17](#).

²⁴ Messer, [C-103/17](#).

France

collect taxes between resident and non-resident taxpayers are allowed only if they do not result in heavier taxation of the latter²⁵.

- Member States may prohibit and punish as a matter of criminal law the illegal exercise of transport activities by the UberPop service, without notifying the Commission in advance of the draft legislation laying down criminal penalties for the exercise of such activities;²⁶
- An applicant for international protection who moves to another Member State after lodging their application cannot be returned to the first Member State before the second Member State has agreed to the request to take that person back, explicitly or implicitly²⁷.
- Under the EU rules on the common organisation of the market in wine, the fact that an on-the-spot check can be carried out unannounced means at the very most that it can take place at any time, without the control official having given notice of his visit. However, officials carrying out on-the-spot checks cannot enter agricultural land without having obtained the vine grower's permission;²⁸.
- Organisms obtained by mutagenesis are genetically modified organisms and are, in principle, subject to the obligations laid down by the GMO Directive²⁹. However, organisms obtained by mutagenesis techniques that have conventionally been used in a number of applications and have a long safety record are exempt from those obligations. Member States are nevertheless free to subject them, in compliance with EU law, to the obligations laid down by the Directive or to other obligations³⁰.

²⁵ SOFINA, [C-575/17](#).

²⁶ Directive [98/34/EC](#) and Directive [2006/123/EC](#), Criminal proceedings against Uber France, [C-320/16](#) and Court press release [No 39/18](#).

²⁷ Hassan, [C-647/16](#).

²⁸ SCI Château du Grand Bois, [C-59/17](#).

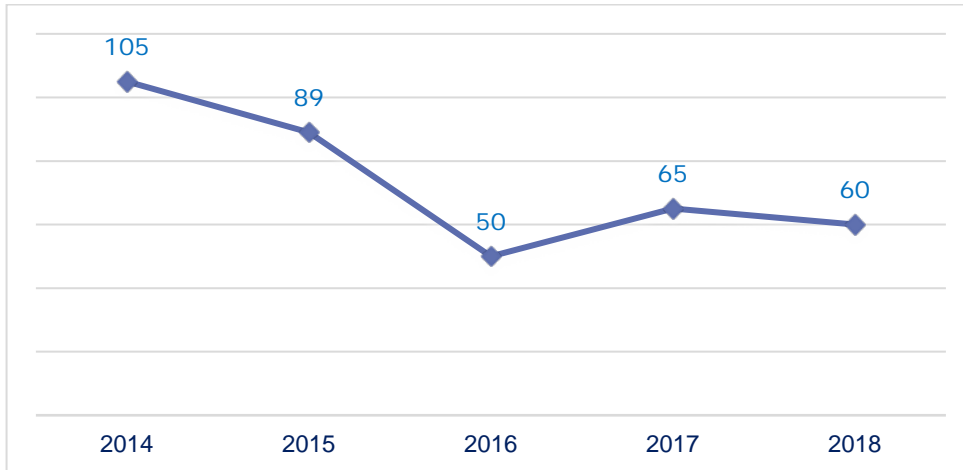
²⁹ Directive [2001/18/EC](#).

³⁰ Confédération paysanne and Others, [C-528/16](#) and [press release](#).

Croatia

XXXI. COMPLAINTS

1. New complaints made against Croatia by members of the public (2014-2018)¹



2. Public complaints against Croatia open at year-end

69 > Complaints open at end-2017

60 > New complaints registered in 2018

75 > Complaints handled in 2018

= 54 > Complaints open at end-2018

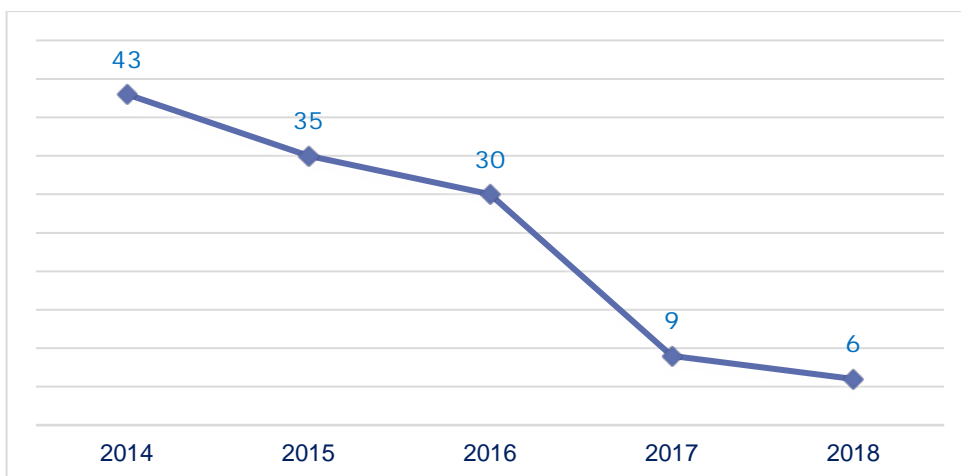
3. New complaints registered in 2018: main policy areas



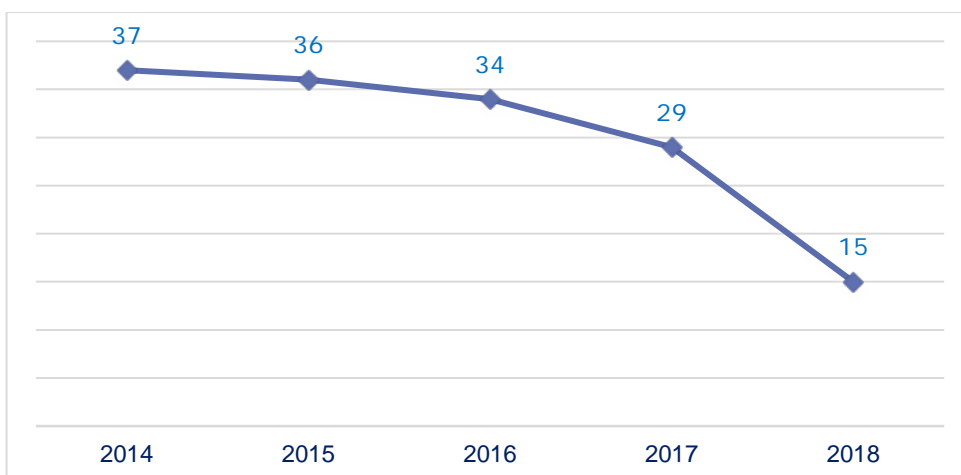
¹ Croatia joined the EU on 1 July 2014.

XXXII. EU PILOT

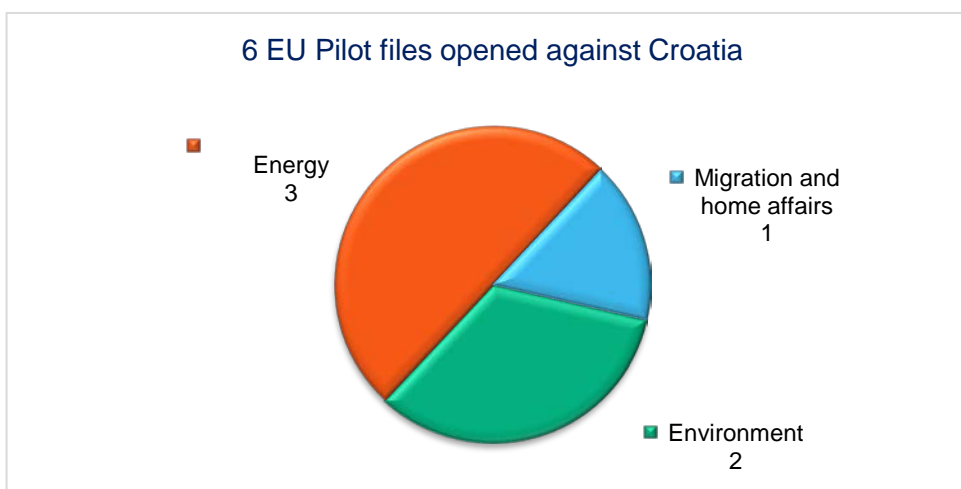
1. New EU Pilot files opened against Croatia (2014-2018)



2. Files relating to Croatia open in EU Pilot at year-end

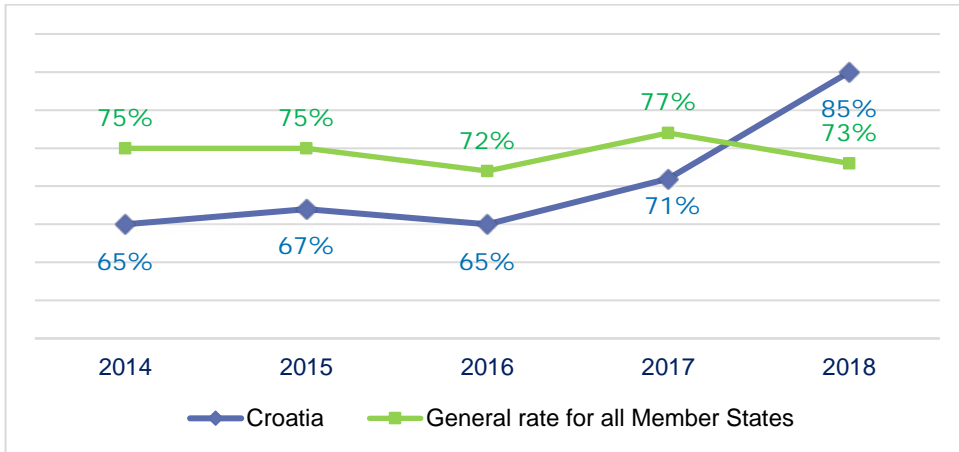


3. New EU Pilot files opened in 2018: main policy areas



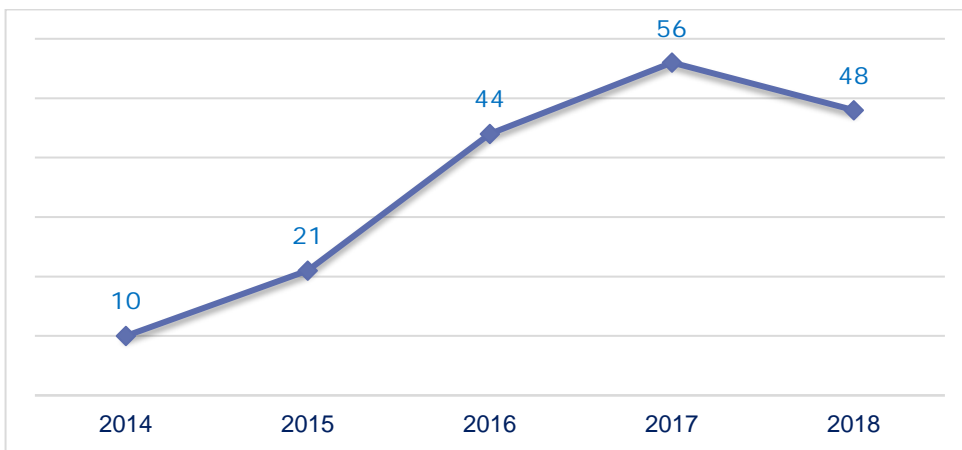
Croatia

4. EU Pilot files: Croatia's resolution rate in 2014-2018²

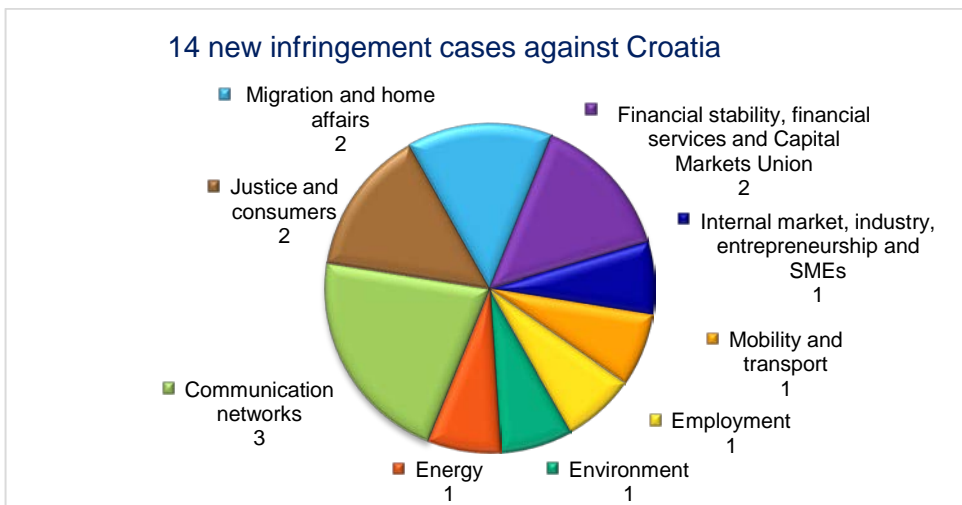


XXXIII. INFRINGEMENT CASES

1. Infringement cases against Croatia open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



² Croatia joined the EU Pilot system in July 2014.

3. Key infringement cases and referrals to the Court

- a) The Commission opened 14 new infringement cases against Croatia in 2018. These, and other major ongoing infringement cases, include:
- non-conformity with the Habitats Directive³, the Birds Directive⁴ and the Environmental Impact Assessment Directive⁵;
 - failure to comply with EU legislation on Flag State requirements⁶;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁷;
 - non-compliance with EU rules on the spectrum Decision⁸;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁹;
 - non-communication of national measures transposing the
 - Payment Services Directive¹⁰;
 - Insurance Distribution Directive¹¹;
 - revised Markets in Financial Instruments Directive¹²;
 - Directive on security of network and information systems¹³;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹⁴;
 - Data Protection Law Enforcement Directive¹⁵;
 - Directive on the presumption of innocence¹⁶.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern
- failure to ensure adequate protection of human health and the environment from industrial waste in Biljane Donje¹⁷;
 - failure to notify the national programme for the implementation of a spent fuel and radioactive waste management policy¹⁸.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

³ Directive [92/43/EEC](#).

⁴ Directive [2009/147/EC](#).

⁵ Directive [2011/92/EU](#).

⁶ Directive [2009/21/EC](#); [MEMO/18/4486](#)

⁷ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).

⁸ Decision [2017/899/EU](#); [MEMO/18/6247](#).

⁹ Directive [2005/36/EC](#), [MEMO/18/4486](#).

¹⁰ Directive [2015/2366/EU](#).

¹¹ Directive [2016/97/EU](#).

¹² Directive [2014/65/EU](#); [MEMO/18/349](#).

¹³ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

¹⁴ Directive [2016/2102/EU](#).

¹⁵ Directive [2016/680/EU](#).

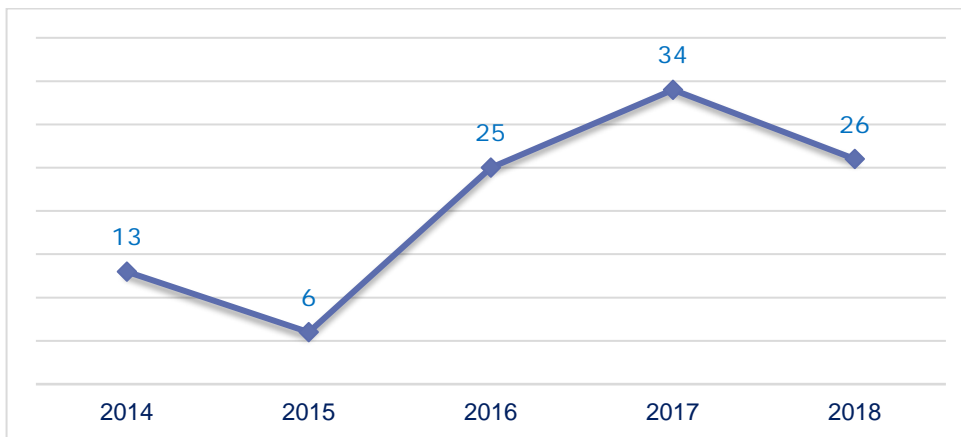
¹⁶ Directive [2016/343/EU](#).

¹⁷ Directive [2008/98/EC](#), Commission v Croatia, [C-250/18](#); [IP/18/1448](#).

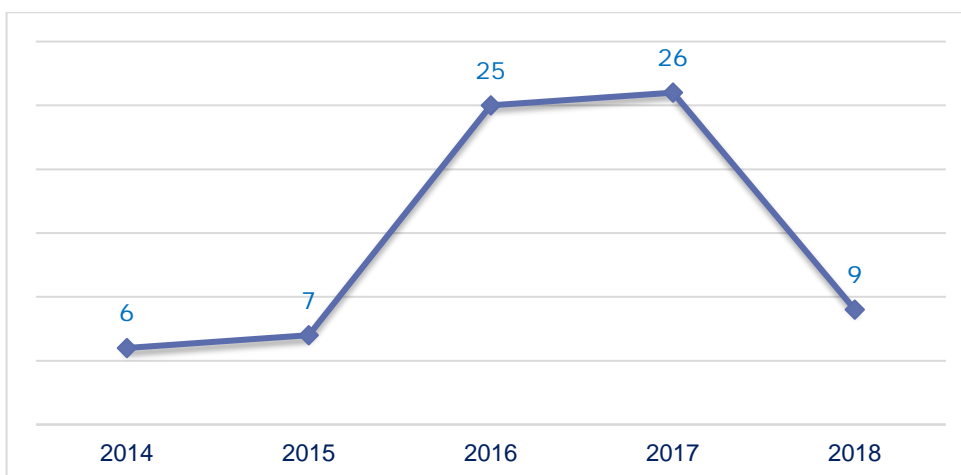
¹⁸ Directive [2011/70/Euratom](#), Commission v Croatia; [C-391/18](#), [MEMO/18/3446](#).

XXXIV. TRANSPOSITION OF DIRECTIVES

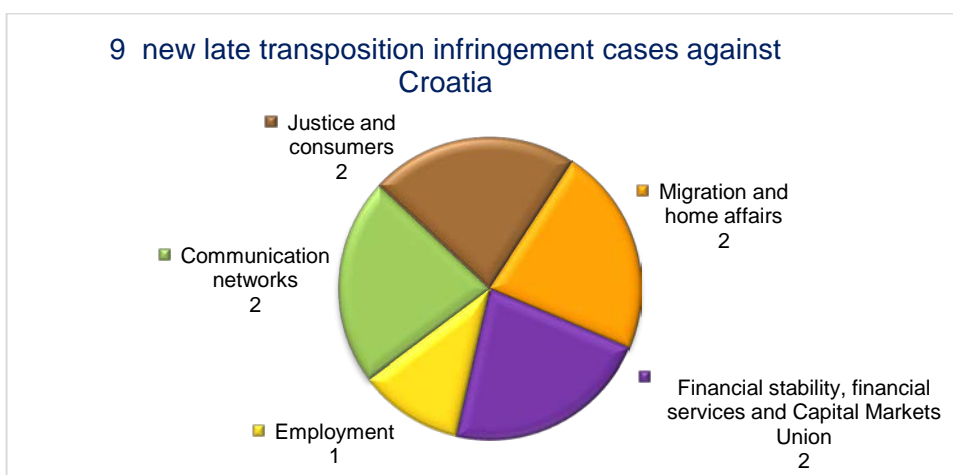
1. Late transposition infringement cases against Croatia open on 31 December (2014-2018)



2. New late transposition infringement cases against Croatia (2014-2018)



3. New late transposition infringement cases opened in 2018: policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

XXXV. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect implementation of EU common rules on civil aviation security¹⁹;
- discriminatory prices of fishing licences for non-residents;
- failure to designate competent authorities responsible for the application of EU rules for users from the Nagoya Protocol on Access to Genetic Resources²⁰;
- non-conformity with the Directive on waste²¹;
- failure to adopt and communicate noise maps and action plans²²;
- failure to report the programmes of measures under the Marine Strategy Framework Directive²³;
- non-communication of national measures transposing the
 - Antitrust Damages Directive²⁴;
 - Mortgage Credit Directive²⁵;
 - Offshore Safety Directive²⁶;
 - Directive on alternative dispute resolution for consumers disputes²⁷;
 - Directive on intra-corporate transfer²⁸;
 - Directive on reducing the consumption of lightweight plastic carrier bags²⁹.

XXXVI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

2. Preliminary rulings

No major preliminary rulings were addressed to the Croatian judiciary in 2018.

¹⁹ Regulation [\(EC\) No 300/2008](#) , [IP/18/1450](#), [MEMO/18/1444](#).

²⁰ Regulation (EU) No [511/2014](#).

²¹ Directive [2008/98/EC](#).

²² Directive [2002/49/EC](#).

²³ Directive [2008/56/EC](#).

²⁴ Directive [2014/104/EU](#); [MEMO/18/1444](#).

²⁵ Directive [2014/17/EU](#); [MEMO/18/1444](#).

²⁶ Directive [2013/30/EU](#).

²⁷ Directive [2013/11/EU](#).

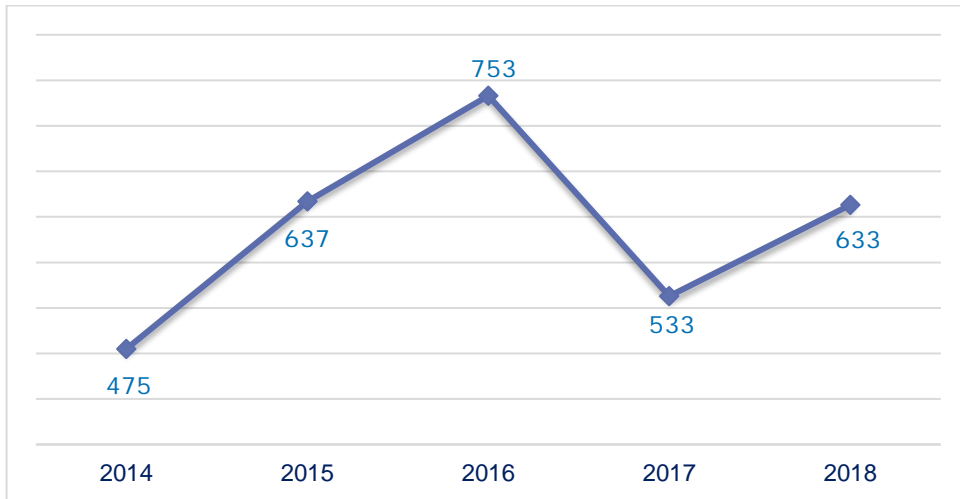
²⁸ Directive [2014/66/EU](#).

²⁹ Directive [2015/720/EU](#).

Italy

XXXVII. COMPLAINTS

1. New complaints made against Italy by members of the public (2014-2018)

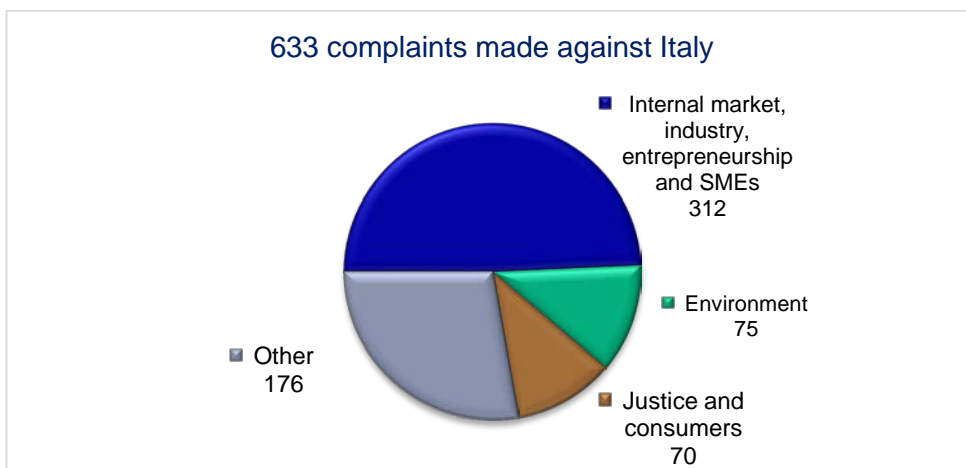


2. Public complaints against Italy open at year-end

582 > Complaints open at end-2017
 633 > New complaints registered in 2018
 488 > Complaints handled in 2018

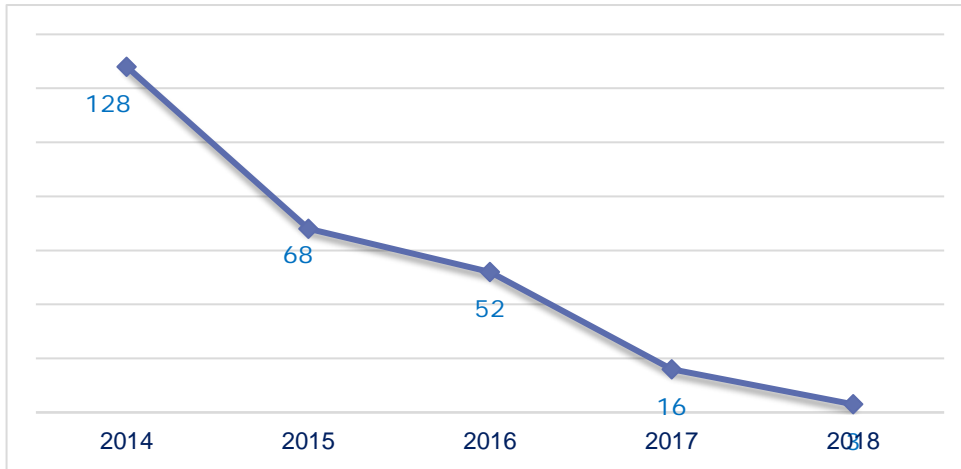
 = 727 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

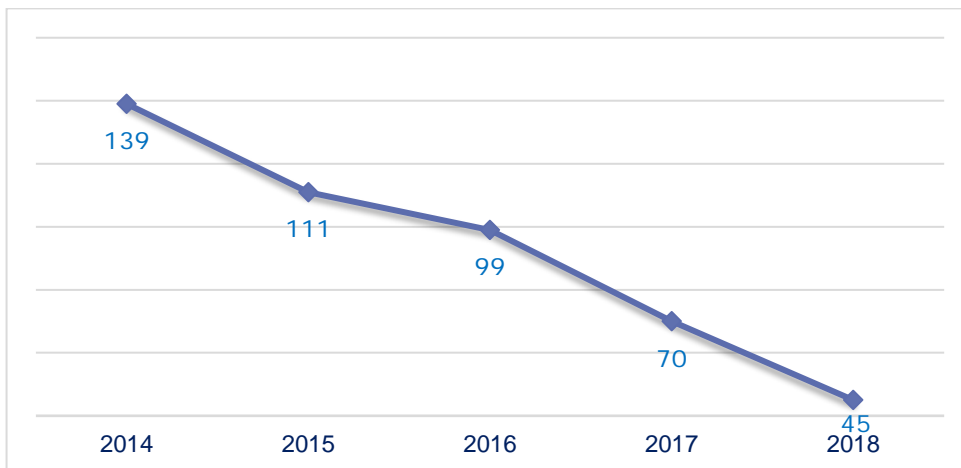


XXXVIII. EU PILOT

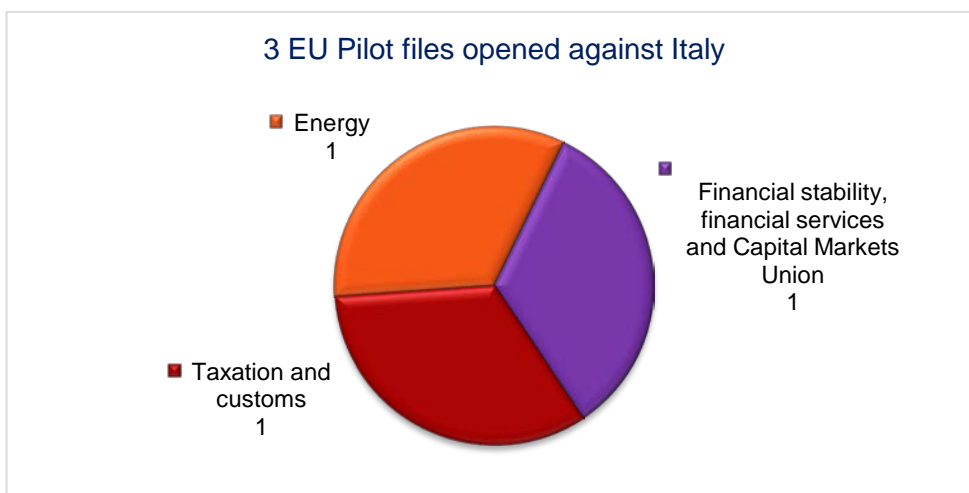
1. New EU Pilot files opened against Italy (2014-2018)



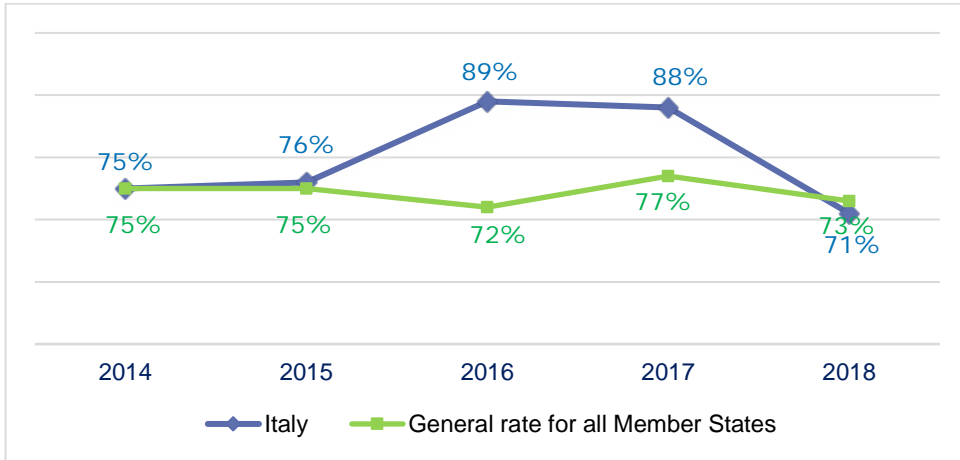
2. Files relating to Italy open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

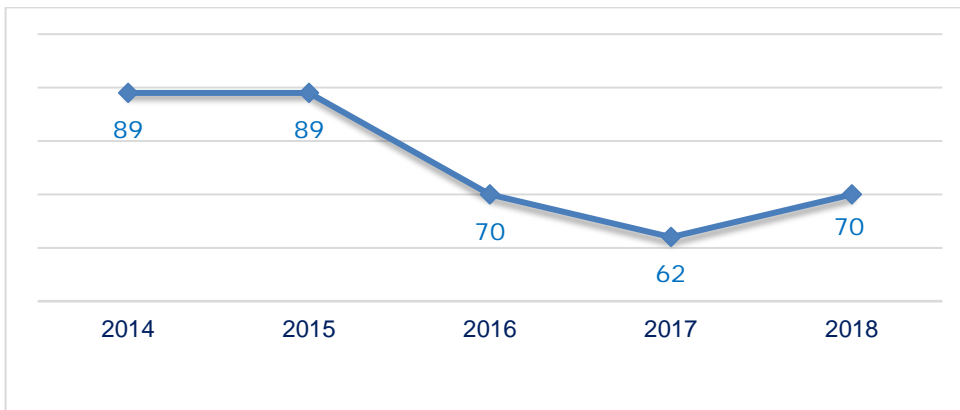


4. EU Pilot files: Italy's resolution rate in 2014-2018

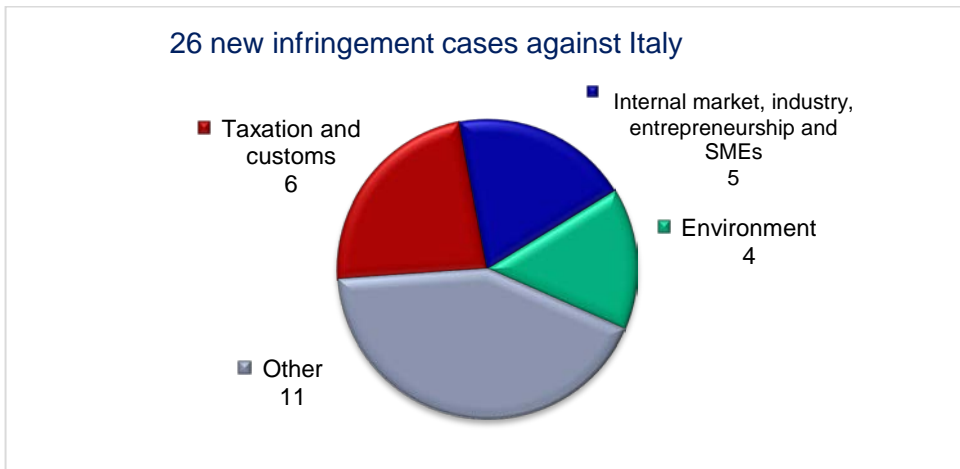


XXXIX. INFRINGEMENT CASES

1. Infringement cases against Italy open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 26 new infringement cases against Italy in 2018. These, and other major ongoing infringement cases, include:
- incorrect application of the VAT rules on the lease of yachts¹;
 - illegal excise duty exemption for fuel used by private pleasure craft²;
 - use of ‘fast corridors’ to move goods long distances without presentation to customs authorities upon arrival and assigning the goods to a customs procedure at the customs office of entry;
 - failure to comply with EU rules on the minimum level of training of seafarers³;
 - direct award of a number of defence contracts to national suppliers in breach of the Defence Procurement Directive⁴;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁵;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁶;
 - failure to submit reports on time under the Marine Strategy Framework Directive⁷;
 - insufficient protection of waters against pollution caused by nitrates from agricultural sources⁸;
 - failure to ensure that urban waste water is adequately treated⁹;
 - failure to comply with a Court judgment finding that urban waste water is not adequately collected and treated¹⁰;
 - non-communication of national measures transposing the
 - Directive on end-of-life vehicles¹¹;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹²;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹³;
 - Basic Safety Standards Directive¹⁴;
 - 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-disabled¹⁵;
 - Directive on working conditions of seafarers¹⁶;
 - Package Travel Directive¹⁷;

¹ [IP/18/6265](#).

² [IP/18/6265](#).

³ Directive [2008/106/EC](#), [MEMO/18/3446](#).

⁴ Directive [2009/81/EC](#); [IP/18/357](#).

⁵ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁶ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁷ Directive [2008/56/EC](#).

⁸ Directive [91/676/EEC](#), [MEMO/18/6247](#).

⁹ Directive [91/271/EEC](#), [MEMO/18/4486](#).

¹⁰ Directive [91/271/EEC](#), [MEMO/18/3446](#), Commission v Italy, [C-85/13](#).

¹¹ Directive [2017/2096/EU](#).

¹² Commission Directive [2016/1214/EU](#).

¹³ Commission Implementing Directive [2017/1279/EU](#).

¹⁴ Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

¹⁵ Directive [2017/1564/EU](#).

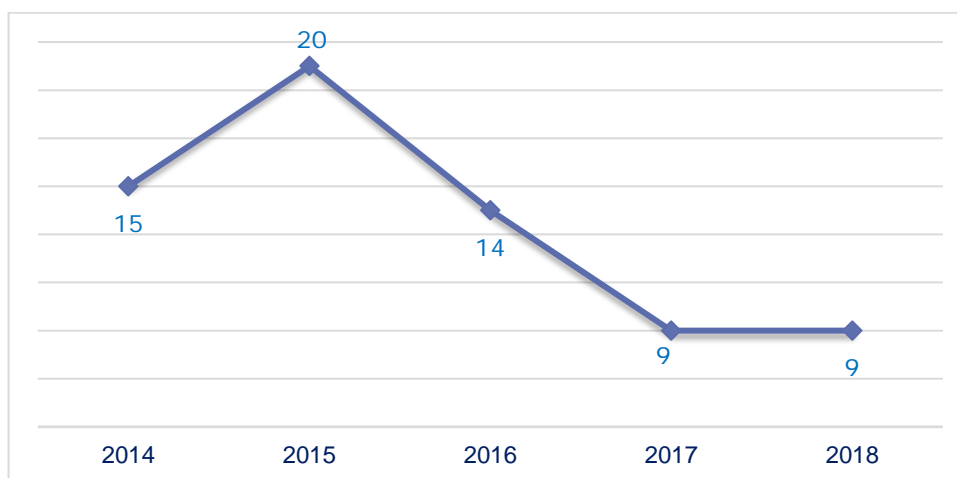
¹⁶ Directive [2015/1794/EU](#), [MEMO/18/3446](#).

¹⁷ Directive [2015/2302/EU](#).

- o Directive establishing a fourth list of indicative occupational exposure limit values to protect workers from risks arising from exposure to hazardous chemicals¹⁸
- b) The Commission referred six cases to the Court under Article 258 TFEU. They concern
- failure to notify the national programme for the implementation of a spent fuel and radioactive waste management policy¹⁹;
 - exceedance of the PM₁₀²⁰ limit values set by the Air Quality Directive²¹;
 - non-communication of national measures transposing certain technical requirements on testing of human tissues and cells²²;
 - failure to adequately prevent further spread of the quarantine harmful organism *Xylella fastidiosa* in Apulia²³;
 - delays in payments made by the Italian public authorities to their suppliers, in breach of the Directive on late payment in commercial transactions²⁴;
 - refusal to compensate the loss of traditional own resources resulting from failure to properly enforce an amount of customs duties²⁵.
- c) The Commission referred one case to the Court under Article 260(2) TFEU. It concerns
- failure to implement the Commission's decision requiring Italy to recover illegal State aid granted to the hotel industry in Sardinia²⁶.

XL. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Italy open on 31 December (2014-2018)



¹⁸ Commission Directive [2017/164/EU](#).

¹⁹ Directive [2011/70/Euratom](#), Commission v Italy, [C-434/18](#), [MEMO/18/3446](#).

²⁰ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency)).

²¹ Directive [2008/50/EC](#), Commission v Italy, [C-644/18](#); [IP/18/3450](#).

²² Commission v Italy, [C-481/18](#), [IP/18/3806](#).

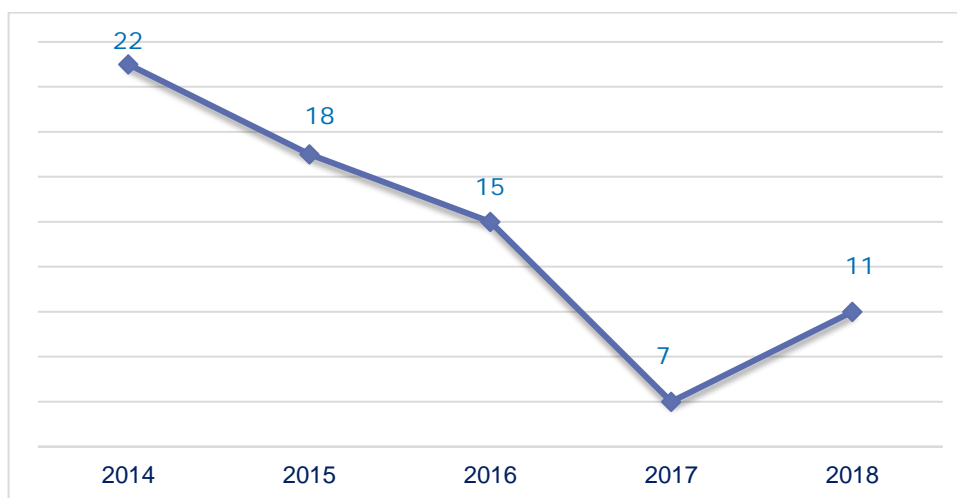
²³ Commission v Italy, [C-443/18](#), [IP/18/3805](#).

²⁴ Commission v Italy, [C-122/18](#), Directive [2011/7/EU](#).

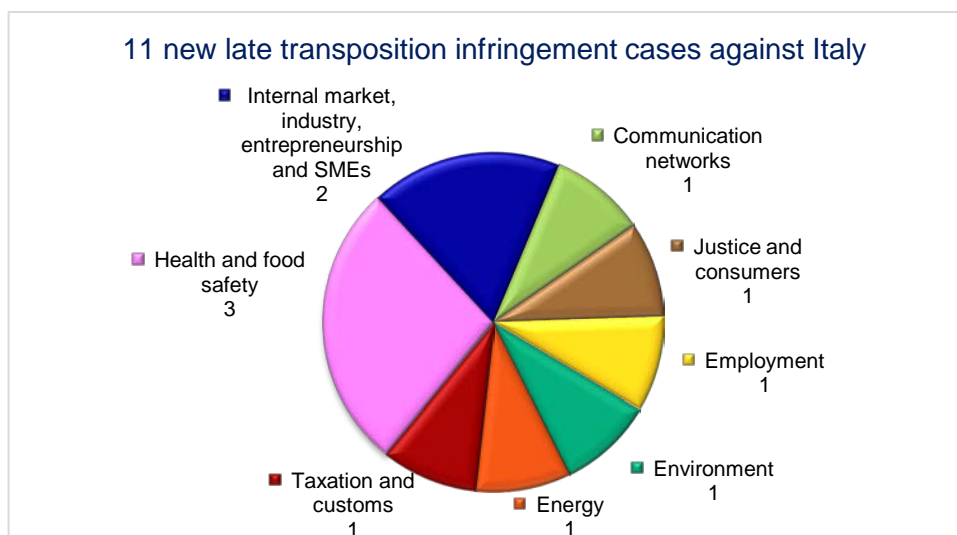
²⁵ Commission v Italy, [C-304/18](#).

²⁶ Commission v Italy, [C-576/18](#).

2. New late transposition infringement cases against Italy (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

XLI. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-compliance with the provisions of the Directive on waste;²⁷
- unjustified restrictions on VAT reimbursement;
- non-communication of national measures transposing the
 - Antitrust Damages Directive;²⁸

²⁷ Directive [2008/98/EC](#).

²⁸ Directive; [2014/104/EU](#); [MEMO/18/1444](#).

- Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁹;
- Directive on caseins and caseinates³⁰;
- Directive on protective measures against the introduction into the Community of organisms harmful to plants³¹.

XLII. IMPORTANT JUDGMENTS

1. Court rulings

The Court made the following rulings.

- Italy failed to recover milk surplus levies from Italian milk producers which exceeded their production quotas for the marketing years from 1995/1996 to 2008/2009³².
- Italy has failed to comply in full with an earlier Court judgment³³ since no proof has been provided of the existence of appropriate urban waste water collection and treatment systems in 74 of the 109 agglomerations concerned by the first judgment. The Court found that Italy's failure to fulfil its obligations is particularly serious in so far as the lack of, or inadequacy of urban waste water collection or treatment systems could harm the environment. The Court ordered Italy to pay a lump sum of EUR 25 million and a penalty payment of EUR 30 112 500 for every 6 months of delay until full compliance is achieved³⁴.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Italian judiciary.

- The *ne bis in idem* principle may be limited for the purpose of protecting the financial interests of the EU. The objective of ensuring the collection of all the VAT due in the territories of Member States can justify a duplication of proceedings and penalties of a criminal nature. However, such a limitation on the principle must not exceed what is strictly necessary to achieve those objectives³⁵.
- Workers who have been on abusive successive fixed-term contracts are entitled to two types of compensation for the past abuse they have faced: (a) a lump sum compensation and (b) an additional possibility to obtain full compensation for the harm suffered. This harm is presumed to have occurred unless the employer can prove otherwise³⁶. National legislation which excludes certain sectors from effective sanction in case of misuse of successive fixed-term contracts is not compliant with the EU rules on the framework agreement on fixed-term work³⁷.
- Any period of full-time or part-time specialist medical training begun in 1982 and continued up to 1990 must be subject to appropriate remuneration³⁸.
- Member States whose legislation creates a requirement to pursue full-time training and a prohibition on being enrolled in two courses at the same time, must

²⁹ Commission Directive [2016/1214/EU](#).

³⁰ Directive [2015/2203/EU](#).

³¹ Commission Implementing Directive [2017/1279/EU](#).

³² Commission v Italy, [C-433/15](#).

³³ Commission v Italy, [C-565/10](#).

³⁴ Commission v Italy, [C-251/17](#) and Court press release [No 74/18](#).

³⁵ Menci, [C-524/15](#).

³⁶ Santoro, [C-494/16](#).

³⁷ Sciotto, [C-331/17](#); Council Directive [1999/70/EC](#).

³⁸ Pantuso, [C-616/16](#).

automatically, recognise qualifications issued by another Member State on the completion of partially concurrent training³⁹.

- The organisation and management of health services are the responsibility of the Member States, as regards setting the prices of medicinal products and their inclusion in the scope of the national healthcare insurance system. In exercising those powers the Member States must comply with EU law⁴⁰.
- The Court ruled on the compatibility with the freedom to provide services, the freedom of establishment and the principles of non-discrimination, transparency and proportionality of certain national rules imposing limits as regards the concession granted for the management of the national lottery Lotto. The Court establishes that imposing a sole concessionaire model, a high basic contract value, as well as providing for the withdrawal of the concession in case of certain criminal or fraudulent activities can be justified on public policy grounds if they fulfil the principles of proportionality and transparency⁴¹.

³⁹ Preindl, [C-675/17](#).

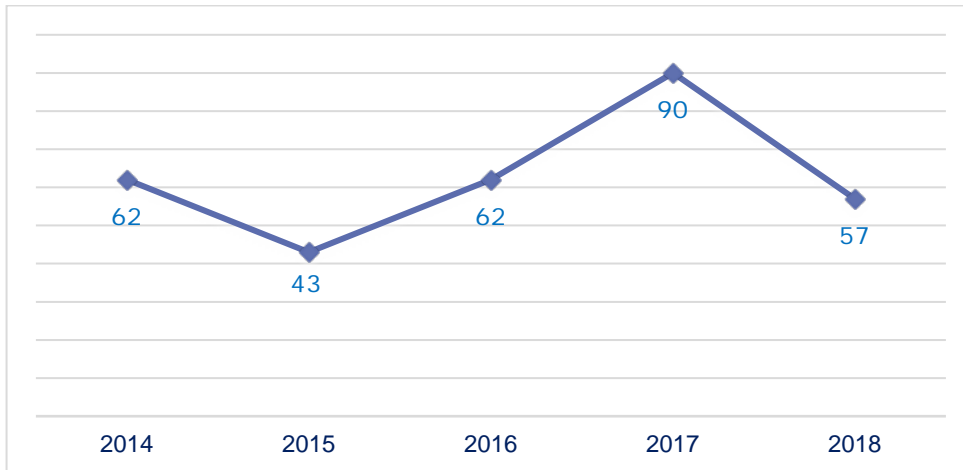
⁴⁰ Novartis Farma, [C-29/17](#) and [press release](#).

⁴¹ Stanley International Betting, [C-375/17](#).

Cyprus

XLIII. COMPLAINTS

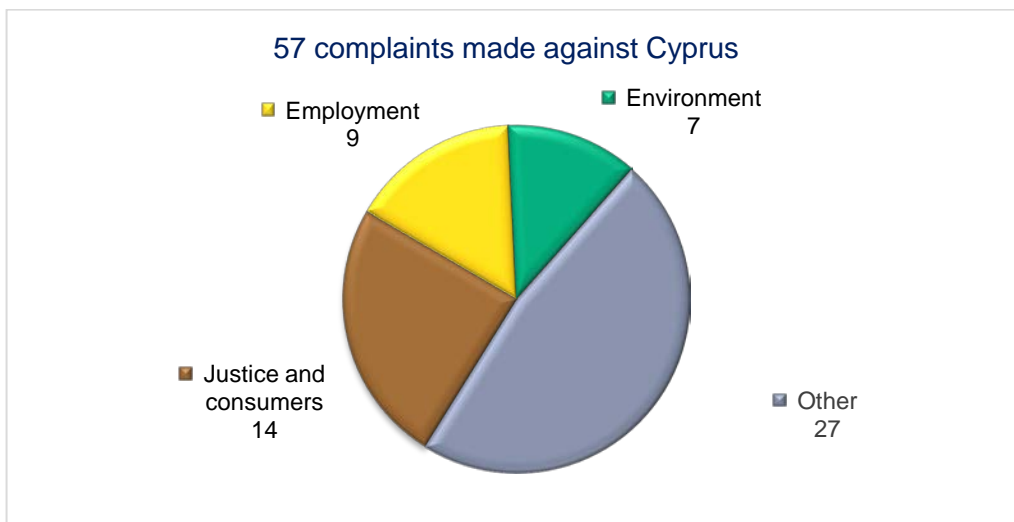
1. New complaints made against Cyprus by members of the public (2014-2018)



2. Public complaints against Cyprus open at year-end

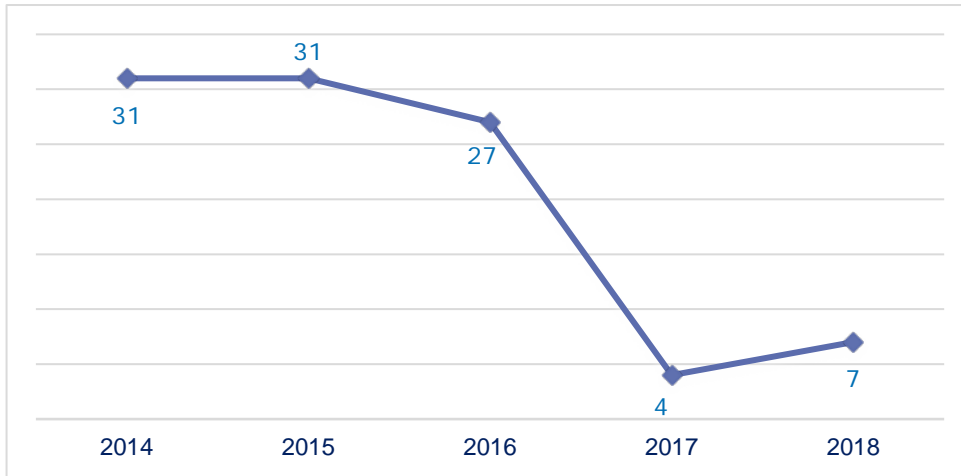
58	>	Complaints open at end-2017
57	>	New complaints registered in 2018
60	>	Complaints handled in 2018
= 55	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

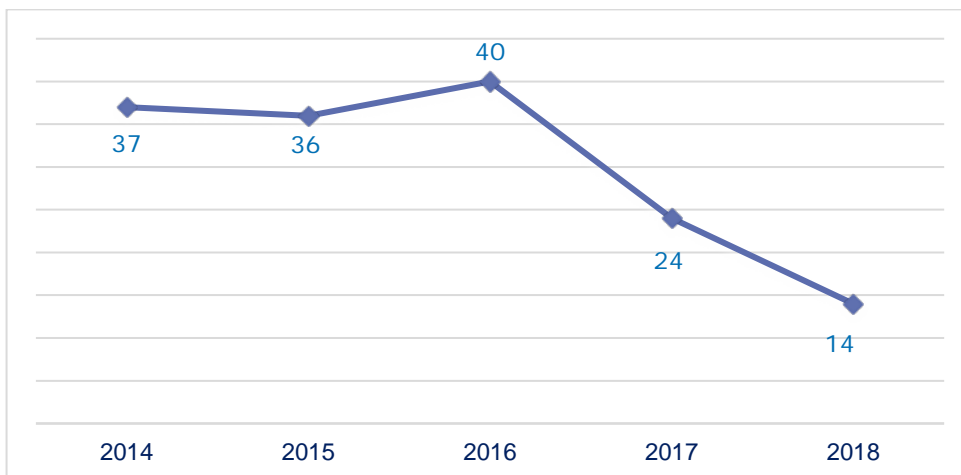


XLIV. EU PILOT

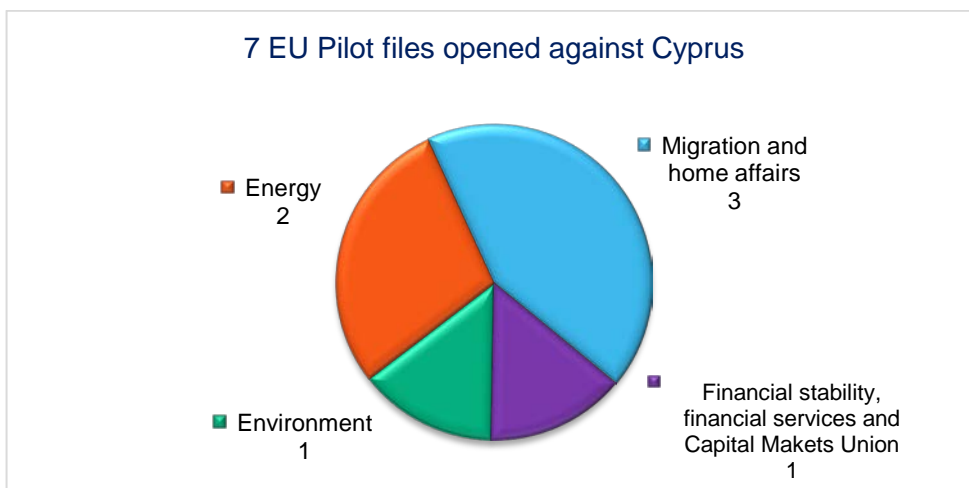
1. New EU Pilot files opened against Cyprus (2014-2018)



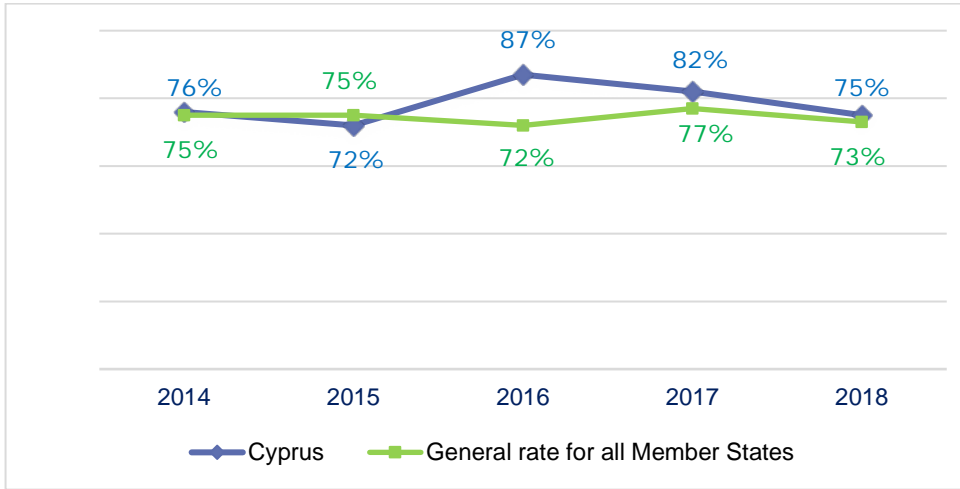
2. Files relating to Cyprus open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

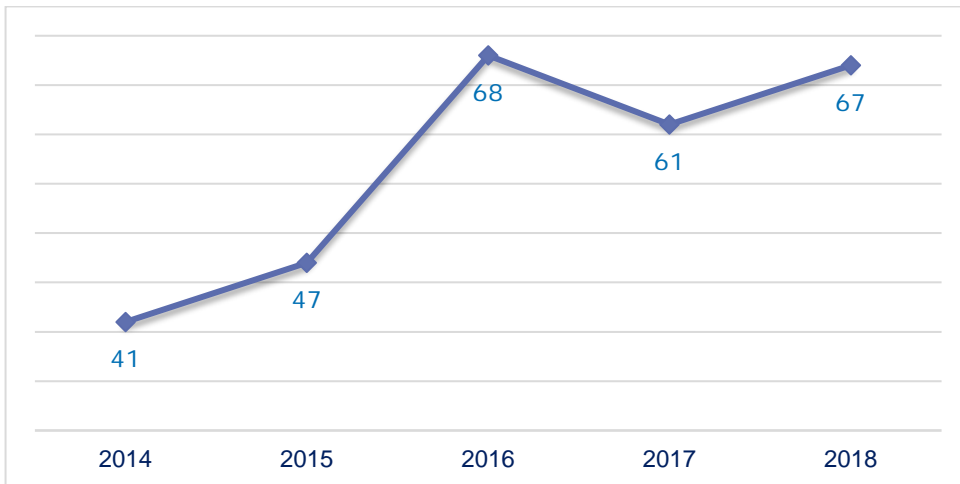


4. EU Pilot files: Cyprus's resolution rate in 2014-2018

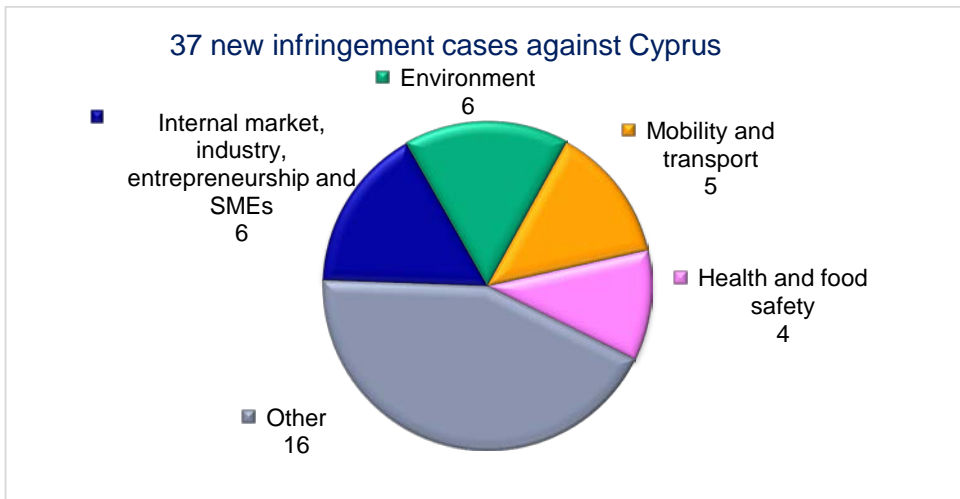


XLV. INFRINGEMENT CASES

1. Infringement cases against Cyprus open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 37 new infringement cases against Cyprus in 2018. These, and other major ongoing infringement cases, include:
- incorrect application of the Investor Compensation Schemes Directive¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications²;
 - failure to comply with EU legislation on Flag State requirements³;
 - incorrect application of the VAT rules on the lease of yachts and the incorrect taxation of purchases of yachts⁴;
 - non-compliance with the requirements of the Energy Efficiency Directive⁵;
 - failure to ensure adequate protection of indigenous habitats and species by designating Sites of Community Importance under the Habitats Directive⁶;
 - failure to ensure that urban waste water is adequately treated⁷;
 - non-communication of national measures transposing the
 - Payment Services Directive⁸;
 - Insurance Distribution Directive⁹;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁰;
 - Directive concerning the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species¹¹;
 - Basic Safety Standards Directive¹²;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹³;
 - 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-disabled¹⁴;
 - Directive on the presumption of innocence¹⁵;
 - Data Protection Law Enforcement Directive¹⁶.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [97/9/EC](#).

² Directive [2005/36/EC](#), [MEMO/18/4486](#).

³ Directive [2009/21/EC](#); [MEMO/18/4486](#).

⁴ [IP/18/1451](#).

⁵ Directive [2012/27/EU](#), [MEMO/18/4486](#).

⁶ Directive [92/43/EEC](#), [MEMO/18/3446](#).

⁷ Directive [91/271/EEC](#), [MEMO/18/3986](#).

⁸ Directive [2015/2366/EU](#).

⁹ Directive [2016/97/EU](#).

¹⁰ Commission Directive [2016/1214/EU](#).

¹¹ Commission Implementing Directive [2018/100/EU](#).

¹² Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

¹³ Directive [2016/2102/EU](#).

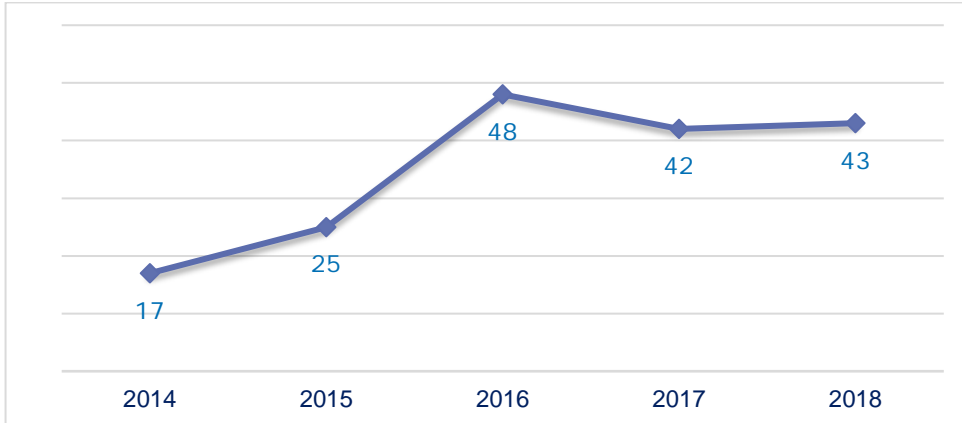
¹⁴ Directive [2017/1564/EU](#).

¹⁵ Directive [2016/343/EU](#).

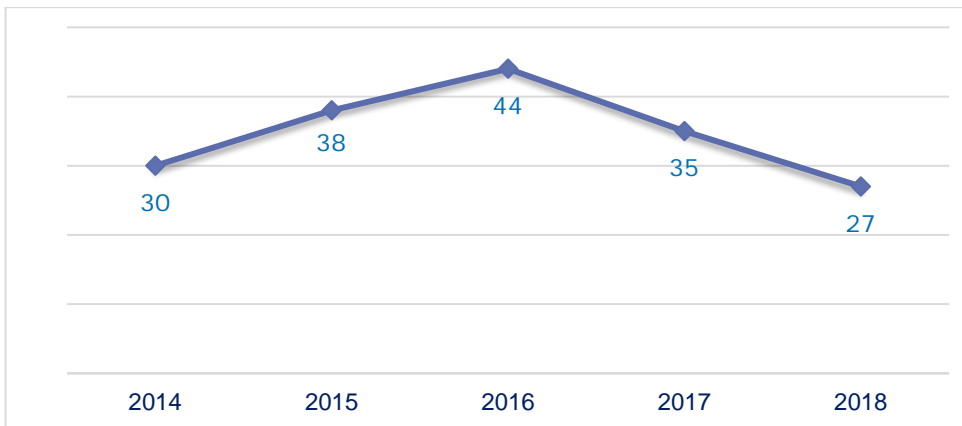
¹⁶ Directive [2016/680/EU](#).

XLVI. TRANSPOSITION OF DIRECTIVES

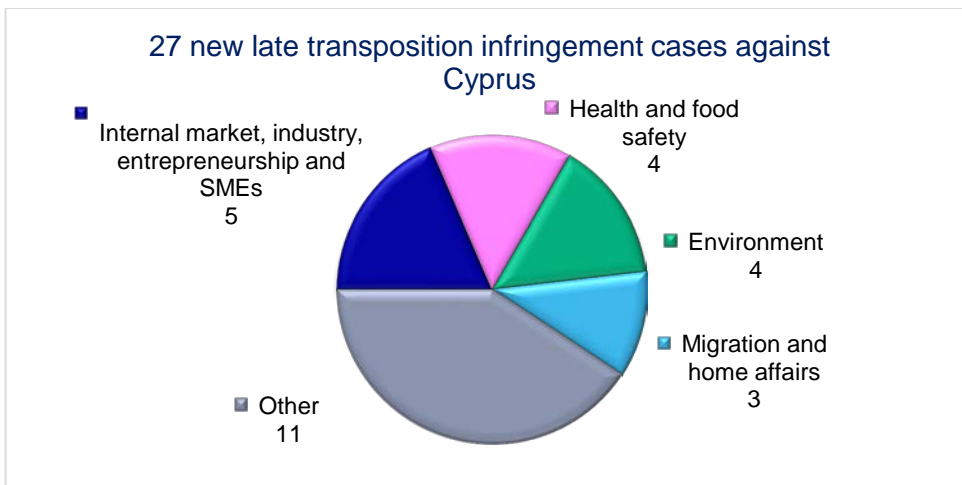
1. Late transposition infringement cases against Cyprus open on 31 December (2014-2018)



2. New late transposition infringement cases against Cyprus (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

XLVII. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- operation of the Port State Control system¹⁷;
- insufficient designation of Akamas as a Site of Community Importance under the Habitats Directive¹⁸;
- failure to communicate national measures transposing the
 - Solvency II Directive¹⁹;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁰;
 - Directive on caseins and caseinates²¹;
 - Antitrust Damages Directive²²;
 - Directive on seasonal workers²³;
 - Directive on reducing the consumption of lightweight plastic carrier bags²⁴;
 - Directive on fuel quality reporting requirements and calculation methods²⁵.

XLVIII. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

2. Preliminary rulings

No major preliminary rulings were addressed to the Cyprus judiciary in 2018.

¹⁷ Directive [2009/16/EC](#).

¹⁸ Directive [92/43/EEC](#).

¹⁹ Directive [2009/138/EC](#), [MEMO/18/349](#).

²⁰ Commission Directive [2016/1214/EU](#).

²¹ Directive [2015/2203/EU](#).

²² Directive [2014/104/EU](#), [MEMO/18/1444](#).

²³ Directive [2014/36/EU](#).

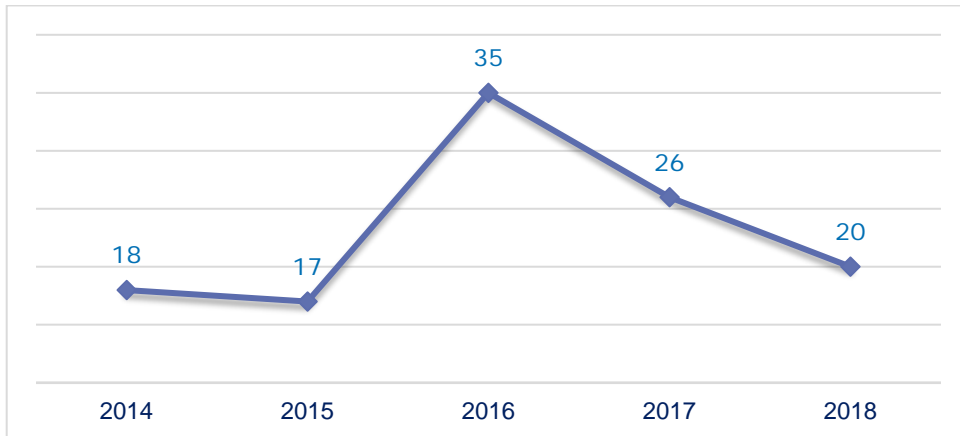
²⁴ Directive [2015/720/EU](#).

²⁵ Directive [652/2015/EC](#).

Latvia

XLIX. COMPLAINTS

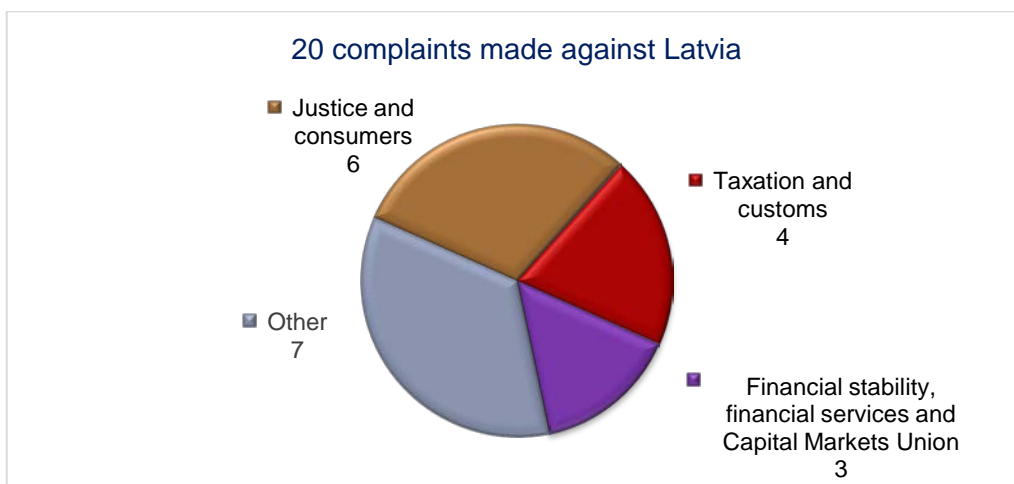
1. New complaints made against Latvia by members of the public (2014-2018)



2. Public complaints against Latvia open at year-end

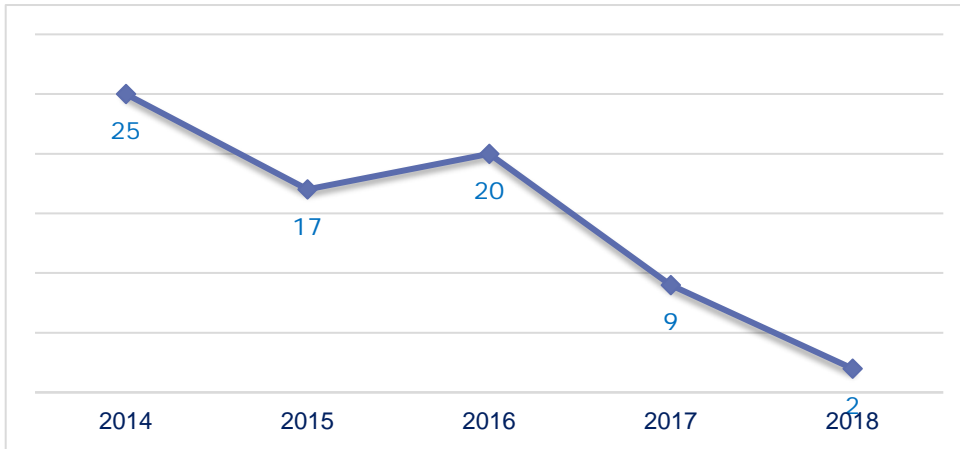
23	>	Complaints open at end-2017
20	>	New complaints registered in 2018
24	>	Complaints handled in 2018
= 19	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

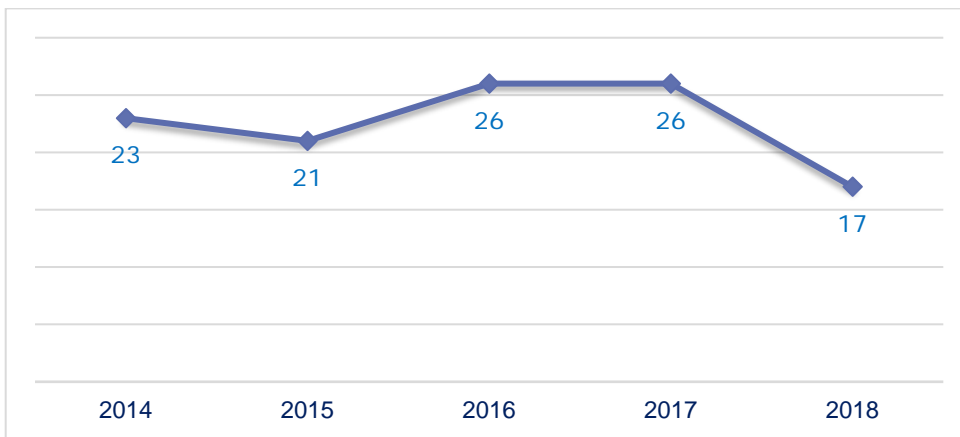


L. EU PILOT

1. New EU Pilot files opened against Latvia (2014-2018)



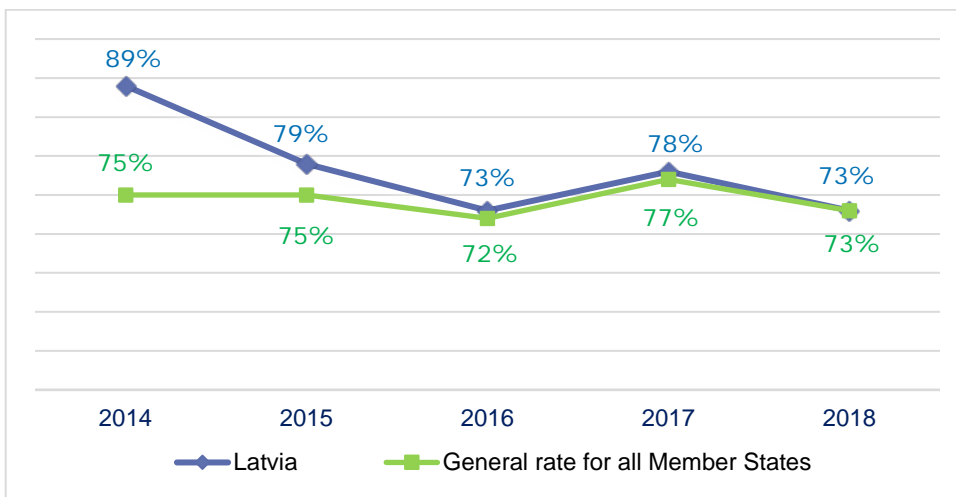
2. Files relating to Latvia open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

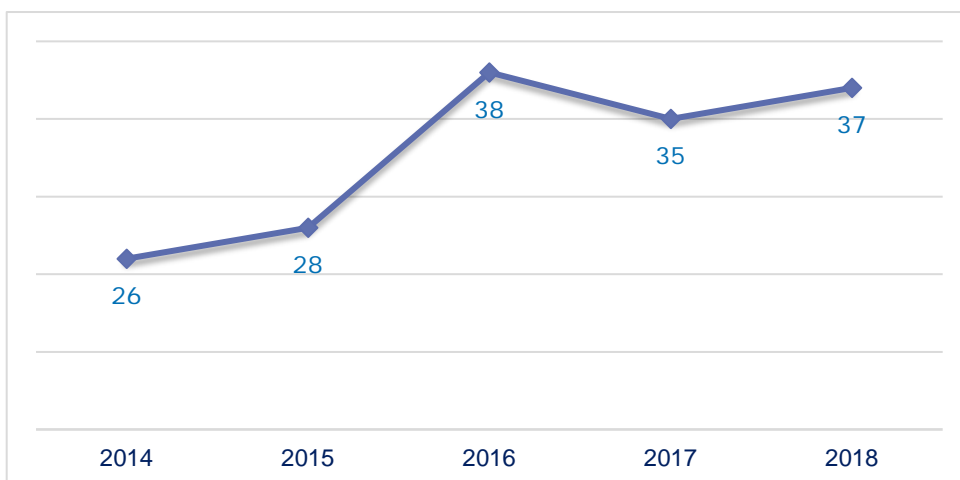
In 2018, the Commission opened two EU Pilot files against Latvia: one in the area of energy and one in the area of taxation and customs.

4. EU Pilot files: Latvia's resolution rate in 2014-2018

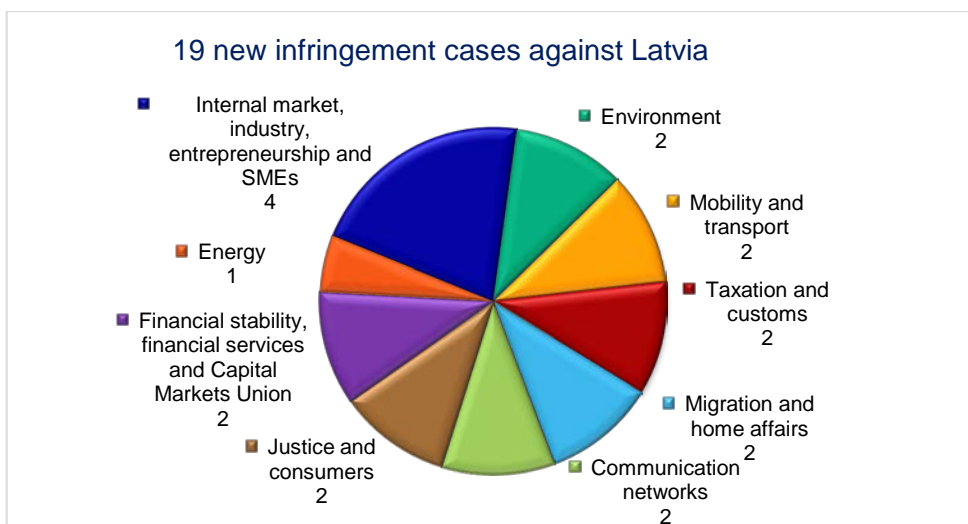


LI. INFRINGEMENT CASES

1. Infringement cases against Latvia open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 19 new infringement cases against Latvia in 2018. These, and other major ongoing infringement cases, include:

- failure to comply with EU rules on the minimum level of training of seafarers¹ ;
- application of a VAT reverse-charge mechanism in breach of EU rules²;
- failure to correctly transpose certain requirements of the Radioactive Waste Directive³;
- non-communication of national measures transposing the:
 - Payment Services Directive⁴;
 - Insurance Distribution Directive⁵;

¹ Directive [2008/106/EC](#), [MEMO/18/3446](#).

² [MEMO/18/3986](#).

³ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).

⁴ Directive [2015/2366/EU](#).

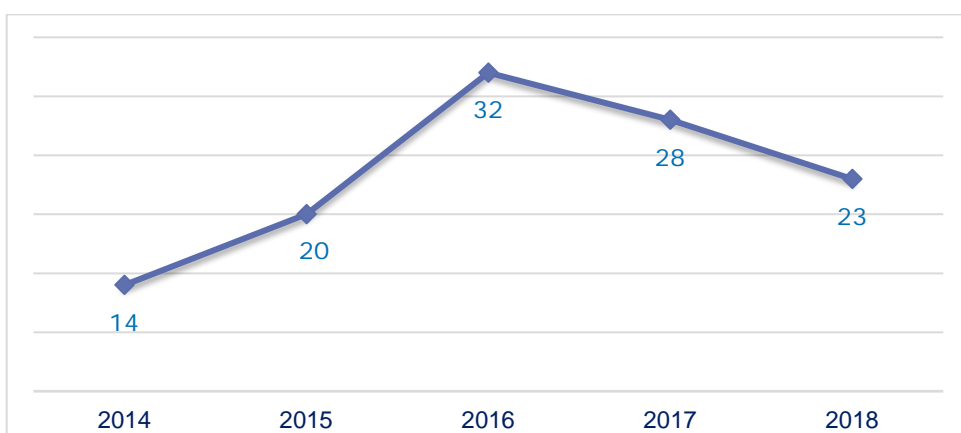
- revised Markets in Financial Instruments Directive⁶;
- Directive on security of network and information systems⁷;
- Directive on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled⁸;
- Directive on end-of life vehicles⁹.

b) The Commission did not refer any cases to the Court under Article 258 TFEU.

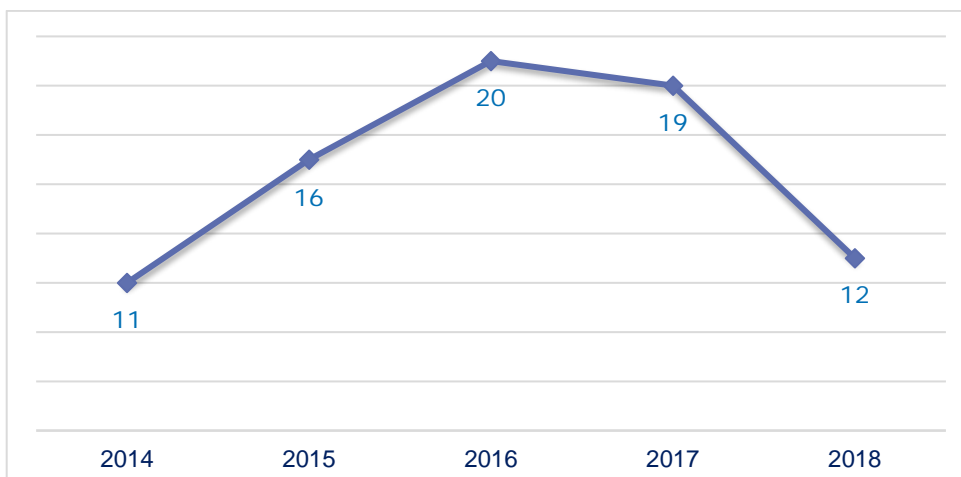
c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

LII. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Latvia open on 31 December (2014-2018)



2. New late transposition infringement cases against Latvia (2014-2018)



⁵ Directive [2016/97/EU](#).

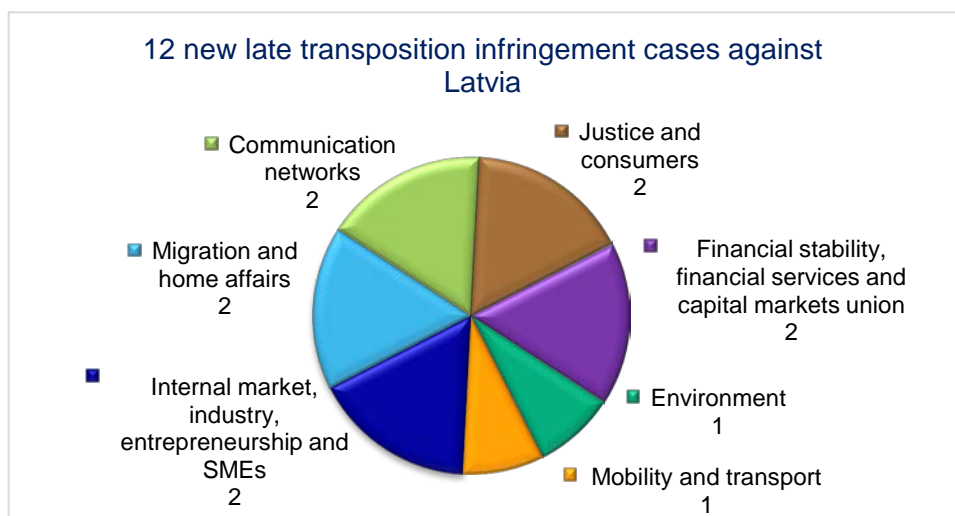
⁶ Directive [2014/65/EU](#); [MEMO/18/349](#)

⁷ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

⁸ Directive [2017/1564/EU](#).

⁹ Directive [2017/2096/EU](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

LIII. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- failure to communicate national measures transposing the
 - Solvency II Directive¹⁰;
 - Directive concerning undertakings for collective investment in transferable securities¹¹;
 - Directive on tobacco products;¹²
 - Radioactive Waste Directive¹³;
 - Antitrust Damages Directive¹⁴.

LIV. IMPORTANT JUDGMENTS

1. Court ruling

There were no major Court rulings in 2018.

2. Preliminary ruling

No major preliminary rulings were addressed to the Latvian judiciary in 2018.

¹⁰ Directive [2009/138/EC](#), [MEMO/18/349](#).

¹¹ Directive [2014/91/EU](#).

¹² Directive [2014/40/EU](#).

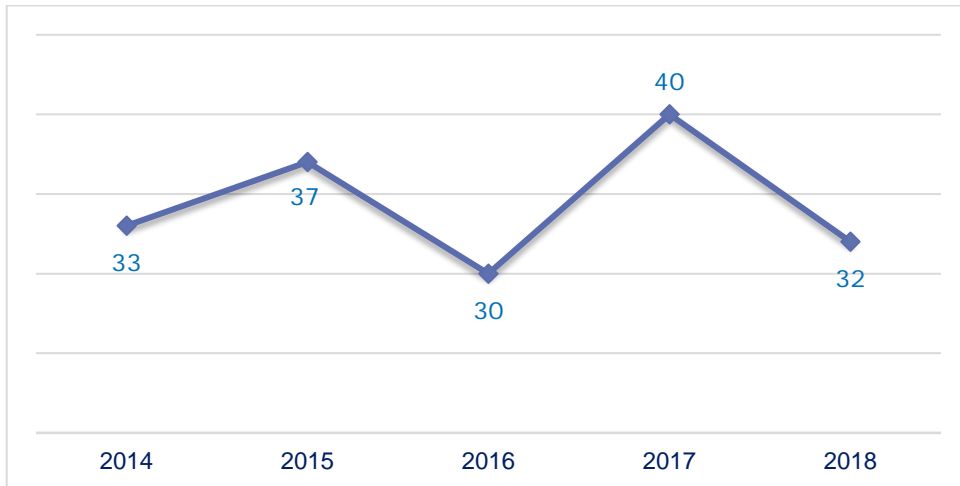
¹³ Directive [2011/70/Euratom](#).

¹⁴ Directive [2014/104/EU](#), [MEMO/18/1444](#).

Lithuania

LV. COMPLAINTS

1. New complaints made against Lithuania by members of the public (2014-2018)



2. Public complaints against Lithuania open at year-end

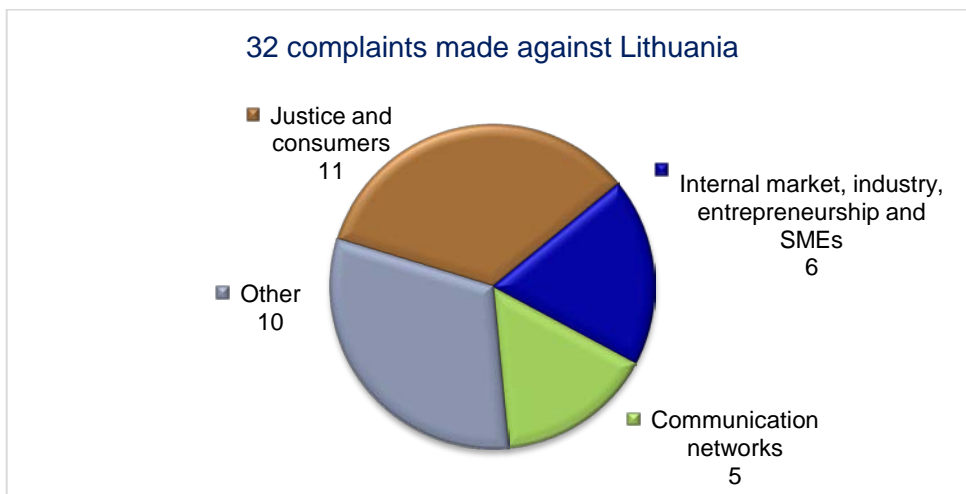
36 > Complaints open at end-2017

32 > New complaints registered in 2018

35 > Complaints handled in 2018

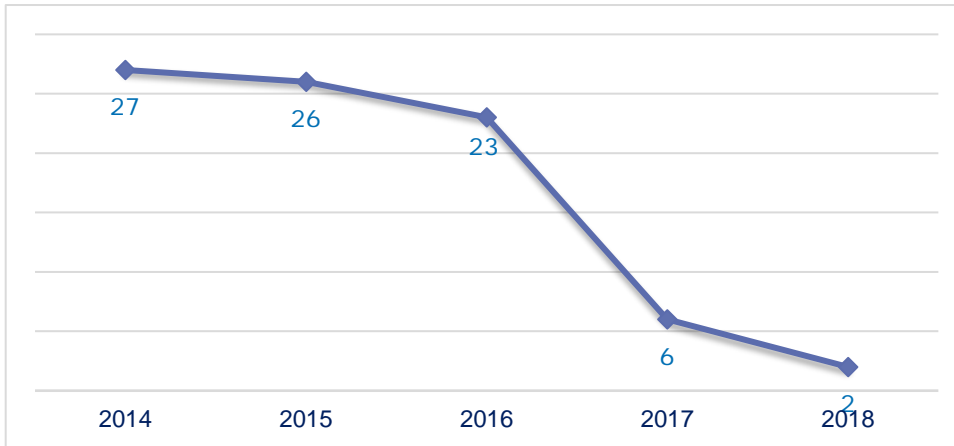
= 33 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

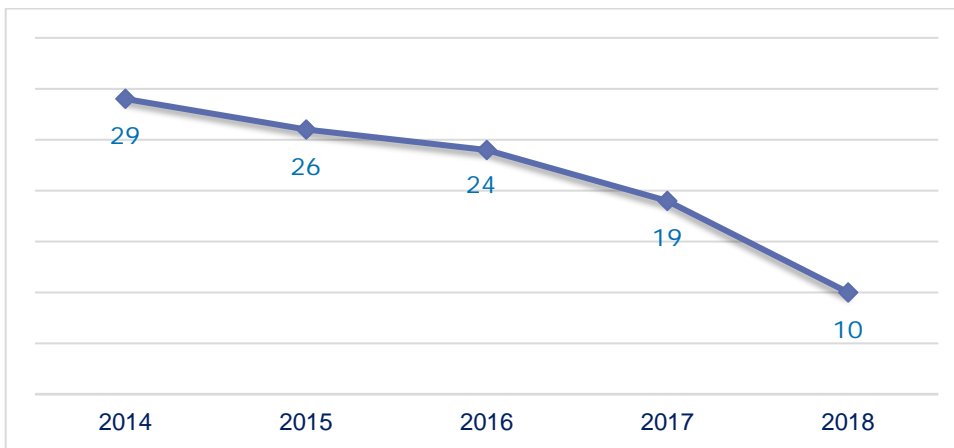


LVI. EU PILOT

1. New EU Pilot files opened against Lithuania (2014-2018)



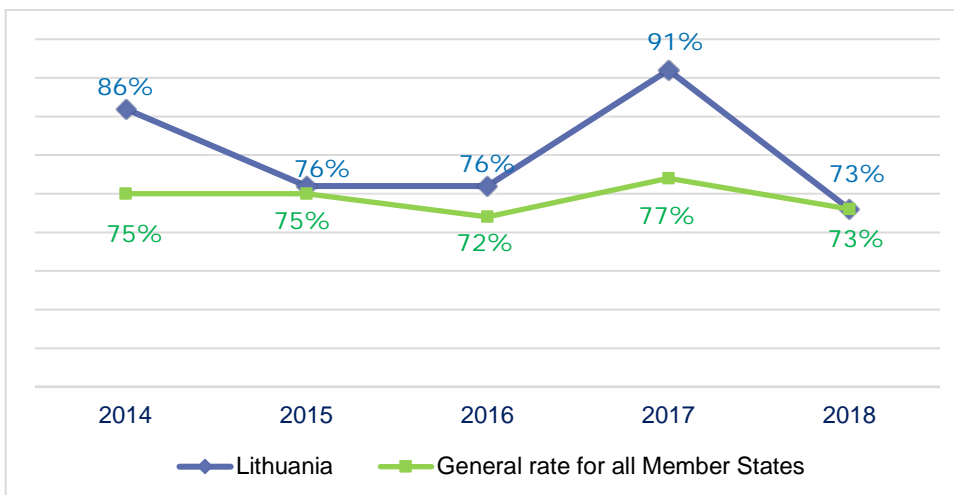
2. Files relating to Lithuania open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

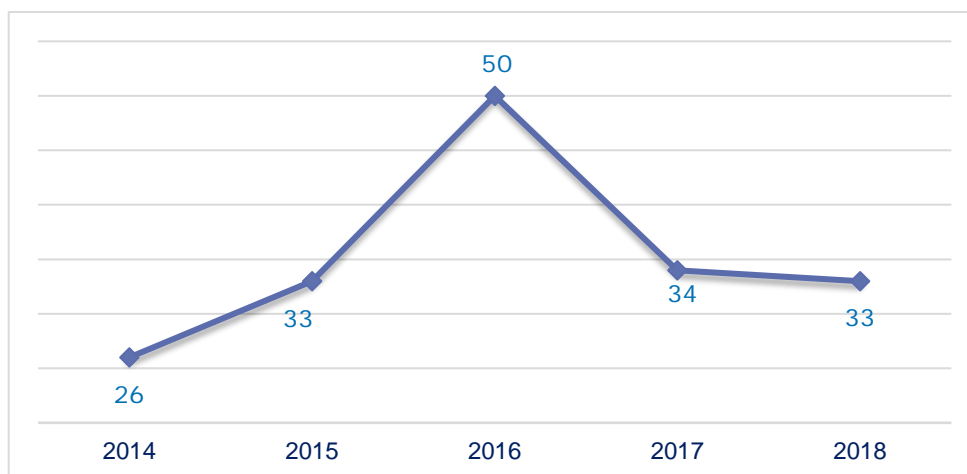
In 2018, the Commission opened two EU Pilot files against Lithuania in the area of energy.

4. EU Pilot files: Lithuania's resolution rate in 2014-2018

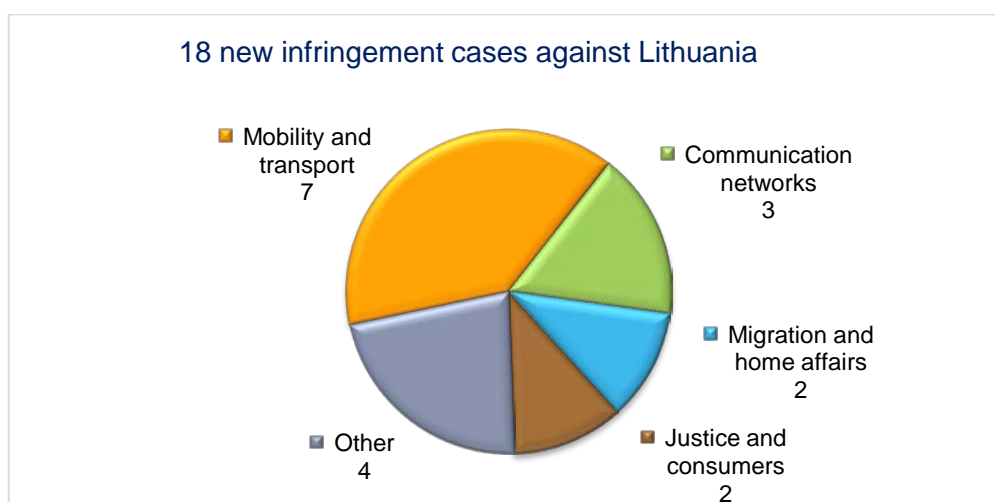


LVII. INFRINGEMENT CASES

1. Infringement cases against Lithuania open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 18 new infringement cases against Lithuania in 2018. These, and other major ongoing infringement cases, include:
- failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive¹;
 - failure to ensure adequate protection of indigenous habitats and species by designating Sites of Community Importance under the Habitats Directive²;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications³;
 - breach of the right of EU citizens to become members of a political party or to form one in the Member State of residence⁴;

¹ Directive [2011/70/Euratom, MEMO/18/3446](#).

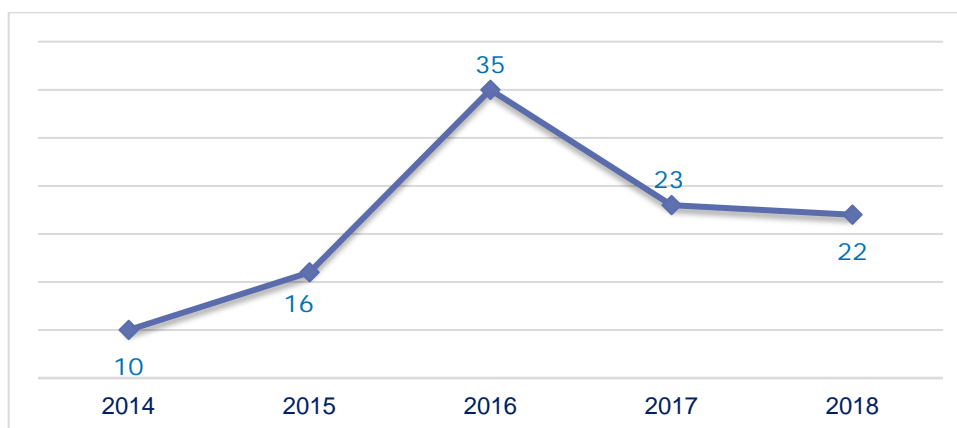
² Directive [92/43/EEC, MEMO/18/3446](#).

³ Directive [2005/36/EC, MEMO/18/4486](#).

- non-communication of national measures transposing the
 - Payment Services Directive⁵;
 - revised Markets in Financial Instruments Directive⁶;
 - Directive on security of network and information systems⁷;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies⁸;
 - 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-disabled⁹;
 - Data Protection Law Enforcement Directive¹⁰;
 - Package Travel Directive¹¹.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

LVIII. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Lithuania open on 31 December (2014-2018)



⁴ [MEMO/18/349](#).

⁵ Directive [2015/2366/EU](#).

⁶ Directive [2014/65/EU](#), [MEMO/18/349](#).

⁷ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

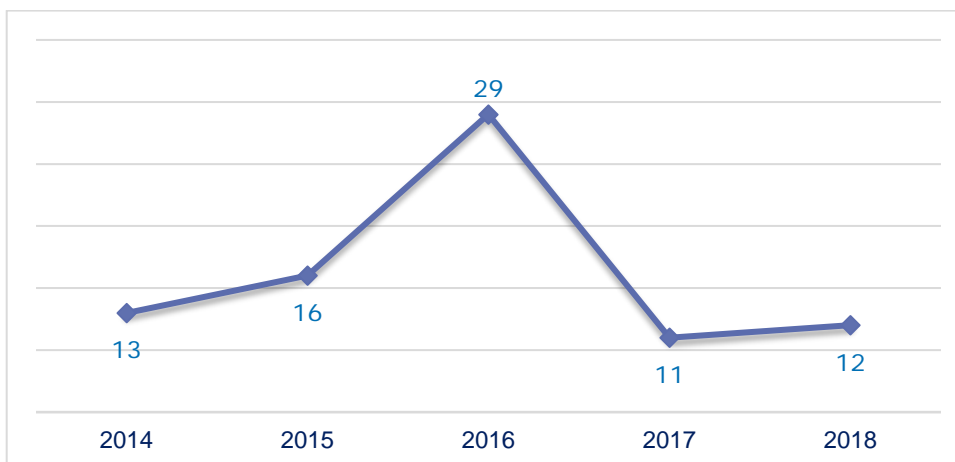
⁸ Directive [2016/2102/EU](#).

⁹ Directive [2017/1564/EU](#).

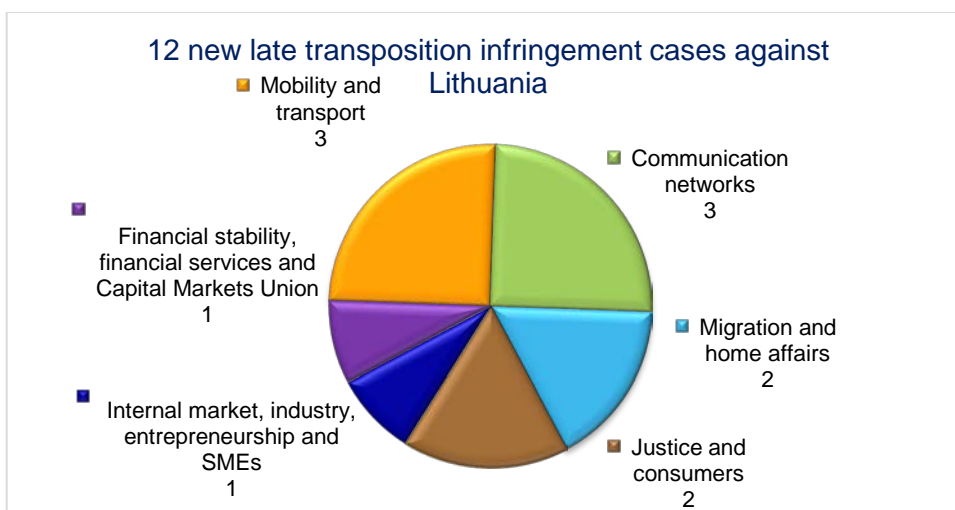
¹⁰ Directive [2016/680/EU](#).

¹¹ Directive [2015/2302/EU](#).

2. New late transposition infringement cases against Lithuania (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

LIX. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of the EU rules on the investigation of maritime accidents relating to the independent investigation body¹²;
- non-respect of the EU rules on freedom to provide port services¹³;
- non-communication of national measures transposing the
 - Directives on the quality and safety of reproductive cells¹⁴;
 - Directive on intra-corporate transfer¹⁵;

¹² Directive [2009/18/EC](#).

¹³ Regulation (EEC) [4055/86](#).

¹⁴ Directives [2004/23/EC](#), [2006/17/EC](#) and [2006/86/EC](#).

- Directive on seasonal workers¹⁶;
- Procedural Rights Directives (right to interpretation and right to information)¹⁷;
- Nuclear Safety Directive¹⁸.

LX. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Lithuanian judiciary.

- Member States can decide to base the allocation of fishing quotas under the Common Fisheries Policy Regulation¹⁹ in connection with the Charter of Fundamental Rights of the EU, on the criterion of historic catches, but not exclusively on that criterion. Such an allocation method is permitted if it pursues one or more general interests recognised by the EU and respects the principle of proportionality²⁰.
- The ruling concerns the handling of potential collusion within a public procurement procedure. Although contracting authorities observing indications of potential collusion are obliged to verify them sufficiently, the related tenderers submitting offers in the same procedure are not obliged to spontaneously disclose details of their links²¹.
- Technical specifications in public procurement cannot be tailored to an individual provider. It is up to contracting authorities/entities to assure fair competition, either through a detailed technical description or functional specification, or by defining an outcome, or through a combination of them²².

¹⁵ Directive [2014/66/EU](#).

¹⁶ Directive [2014/36/EU](#).

¹⁷ Directives [2010/64/EU](#) and [2012/13/EU](#).

¹⁸ Directive [2014/87/Euratom](#).

¹⁹ Regulation [\(EU\) 1380/2013](#).

²⁰ Spika and Others, [C-540/16](#).

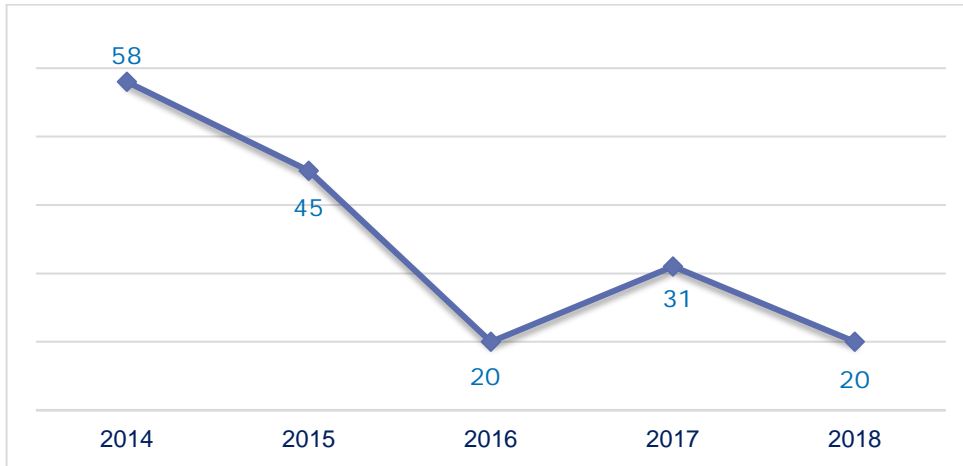
²¹ Specializuotas transportas, [C-531/16](#).

²² Roche Lietuva, [C-413/17](#).

Luxembourg

LXI. COMPLAINTS

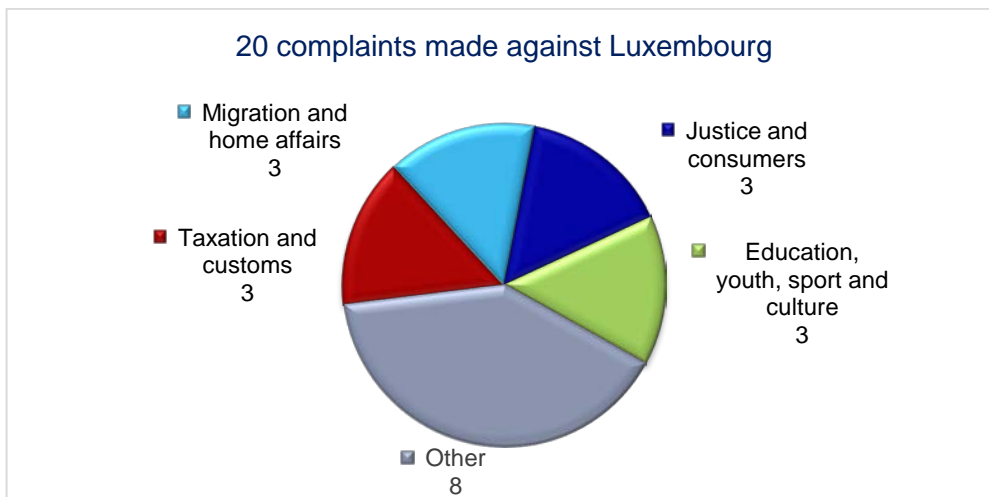
1. New complaints made against Luxembourg by members of the public (2014-2018)



2. Public complaints against Luxembourg open at year-end

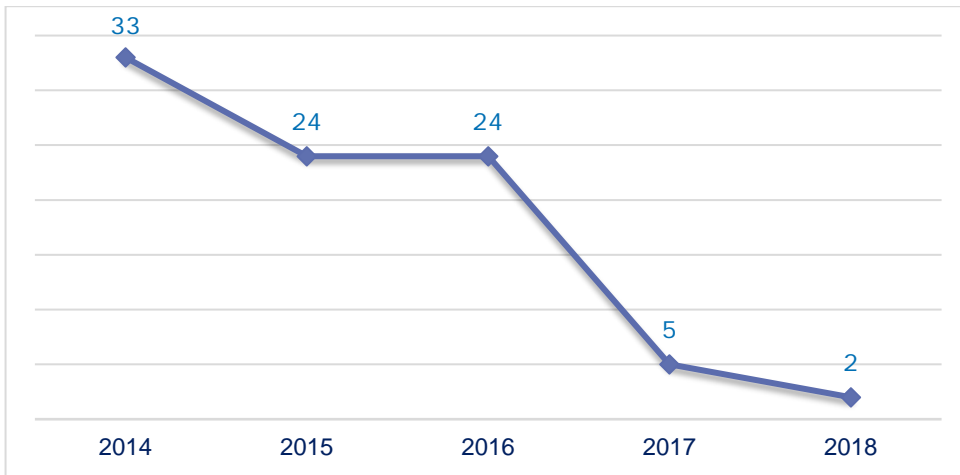
48	>	Complaints open at end-2017
20	>	New complaints registered in 2018
22	>	Complaints handled in 2018
= 46	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

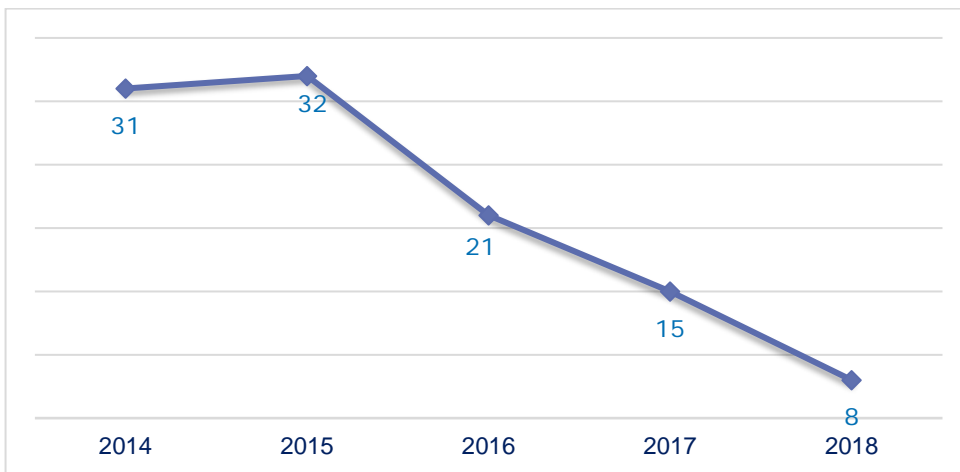


LXII. EU PILOT

1. New EU Pilot files opened against Luxembourg (2014-2018)



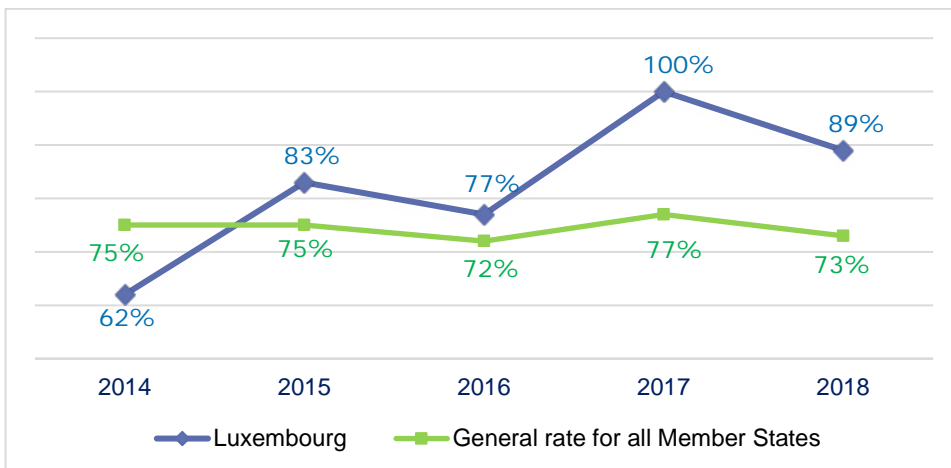
2. Files relating to Luxembourg open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

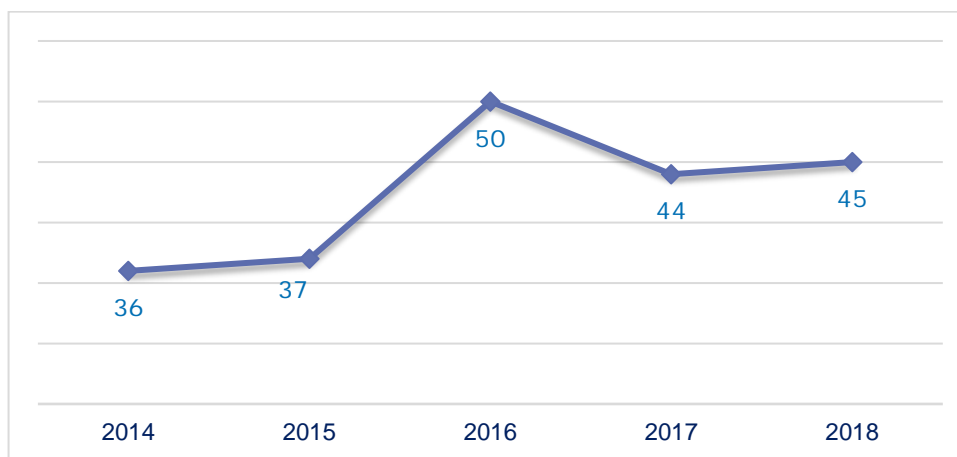
In 2018, the Commission opened two EU Pilot files against Luxembourg in the area of energy.

4. EU Pilot files: Luxembourg's resolution rate in 2014-2018

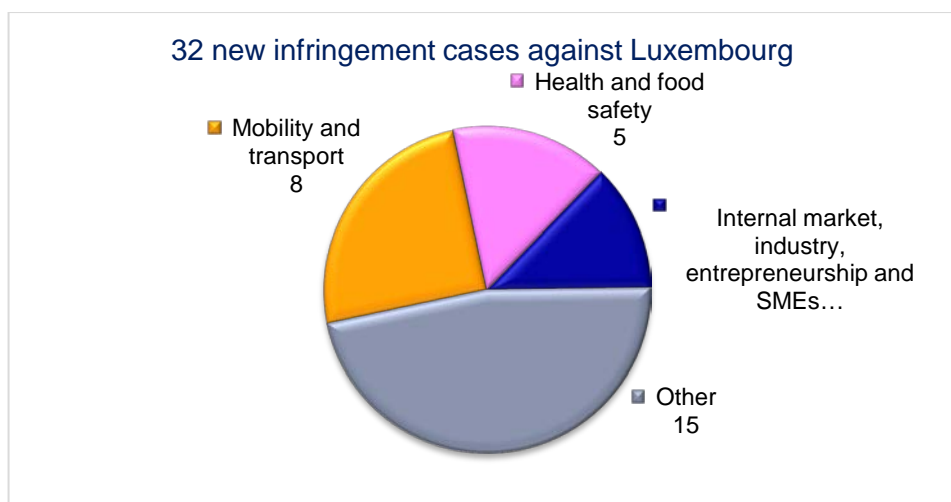


LXIII. INFRINGEMENT CASES

1. Infringement cases against Luxembourg open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

a) The Commission opened 32 new infringement cases against Luxembourg in 2018. These, and other major ongoing infringement cases, include:

- non-conformity of national transposition measures with the Directive on the recognition of professional qualifications;¹
- non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants³;
 - Payment Services Directive⁴;

¹ Directive [2005/36/EC](#).

² Commission Directive [2016/1214/EU](#).

³ Commission Implementing Directive [2017/1279/EU](#).

Luxembourg

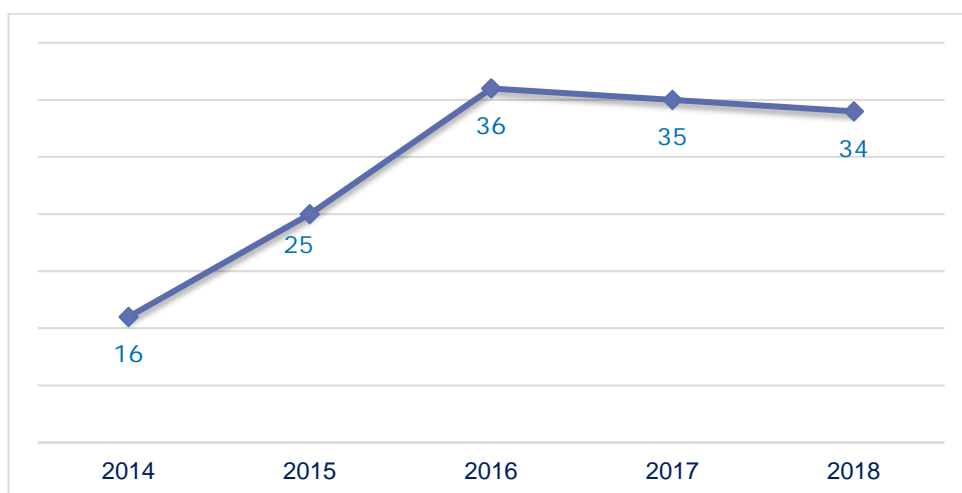
- Insurance Distribution Directive⁵;
- revised Markets in Financial Instruments Directive⁶;
- Basic Safety Standards Directive⁷;
- Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants⁸;
- Directive on security of network and information systems⁹;
- Directive on the accessibility of the websites and mobile applications of public sector bodies¹⁰;
- 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-disabled¹¹;
- Package Travel Directive¹²;
- Directive on the European Investigation Order¹³.

b) The Commission did not refer any cases to the Court under Article 258 TFEU:

c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

LXIV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Luxembourg open on 31 December (2014-2018)



⁴ Directive [2015/2366/EU](#).

⁵ Directive [2016/97/EU](#).

⁶ Directive [2014/65/EU](#); [MEMO/18/349](#).

⁷ Directive [2013/59/Euratom](#), [MEMO/18/3446](#)

⁸ Directive [2015/2193/EU](#).

⁹ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

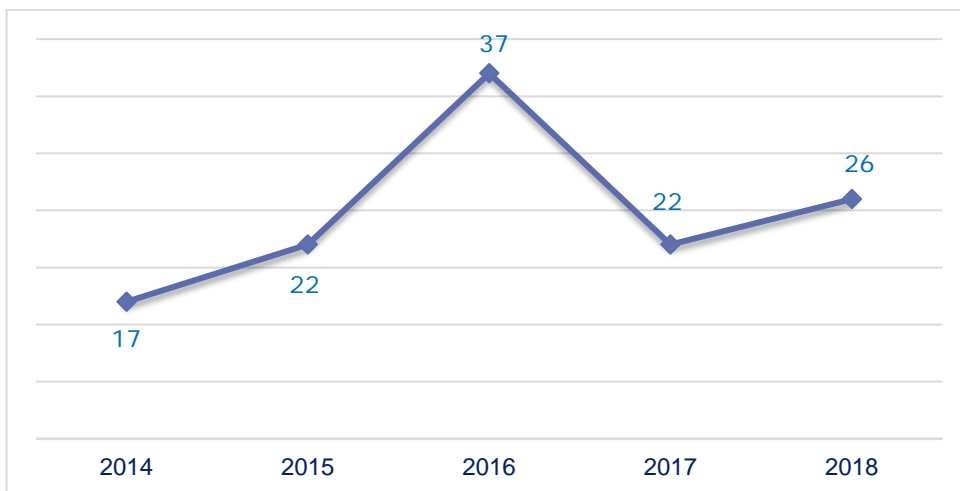
¹⁰ Directive [2016/2102/EU](#).

¹¹ Directive [2017/1564/EU](#).

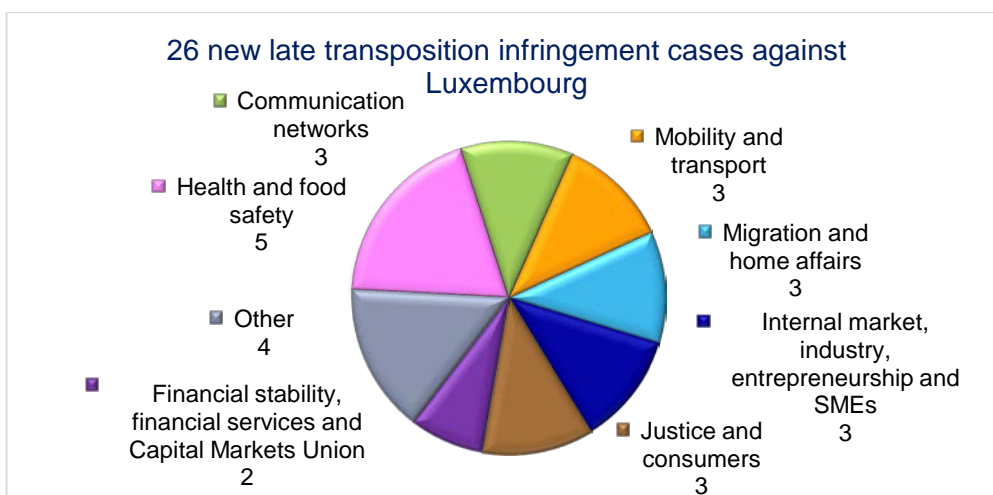
¹² Directive [2015/2302/EU](#).

¹³ Directive [2014/41/EU](#); [MEMO/18/349](#).

2. New late transposition infringement cases against Luxembourg (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred four cases to the Court under Articles 258 and 260(3) TFEU. They concern failure to communicate national measures transposing the Directives on

- collective management of copyright and related rights¹⁴;
- the award of concession contracts¹⁵;
- public procurement¹⁶;
- procurement by entities operating in the water, energy, transport and postal services sectors¹⁷.

¹⁴ Commission v Luxembourg, [C-20/18](#). Luxembourg subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

¹⁵ Commission v Luxembourg, [C-86/18](#). Luxembourg subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

¹⁶ Commission v Luxembourg, [C-87/18](#). Luxembourg subsequently took the necessary measures and the case has been withdrawn from the Court.

¹⁷ Commission v Luxembourg, [C-88/18](#). Luxembourg subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

LXV. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned the following:

- non-communication of national measures transposing the:
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁸;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹⁹;
 - Mortgage Credit Directive²⁰;
 - Broadband Cost Reduction Directive²¹;
 - Directive on mandatory automatic exchange of information in the field of taxation as regards Member State tax authorities' access to anti-money-laundering information²²;
 - Directive on the assessment of the effects of certain public and private projects on the environment²³;
 - Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers; ²⁴
 - Procedural Rights Directives (right to interpretation and right to information)²⁵;
 - 'Swedish initiative' on the exchange of information and intelligence between Member States' law enforcement authorities²⁶.

LXVI. IMPORTANT JUDGMENTS

1. Court rulings²⁷

There were no major Court rulings in 2018.

2. Preliminary rulings

No major preliminary rulings were addressed to the Luxembourgish judiciary in 2018.

¹⁸ Commission Directive [2016/1214/EU](#).

¹⁹ Commission Implementing Directive [2017/1279/EU](#).

²⁰ Directive [2014/17/EU](#), [MEMO/18/1444](#).

²¹ Directive ; [2014/61/EU](#), [IP/18/352](#).

²² Council Directive [2016/2258/EU](#) ; [MEMO/18/6247](#).

²³ Directive [2014/52/EU](#).

²⁴ Directive [2014/54/EU](#).

²⁵ Directives [2010/64/EU](#) and [2012/13/EU](#).

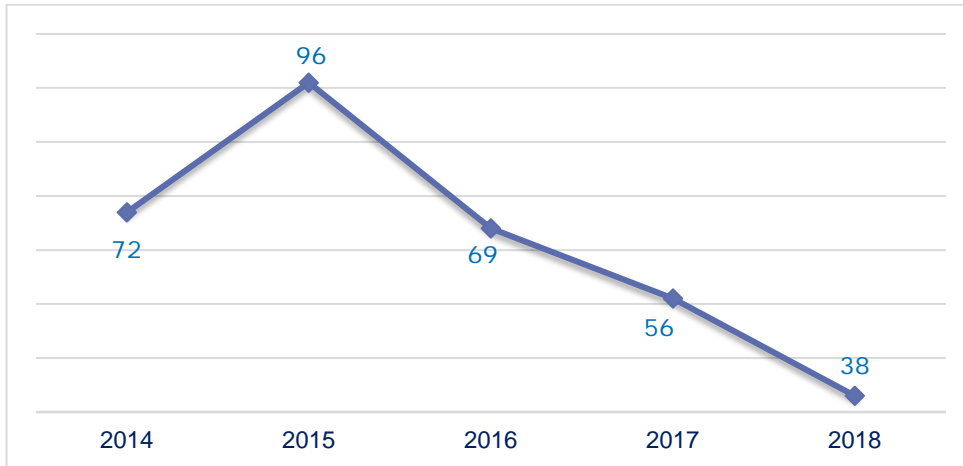
²⁶ Framework decision [2006/960/JHA](#).

²⁷ These rulings are almost exclusively handed down on infringement procedures.

Hungary

I. COMPLAINTS

1. New complaints made against Hungary by members of the public (2014-2018)

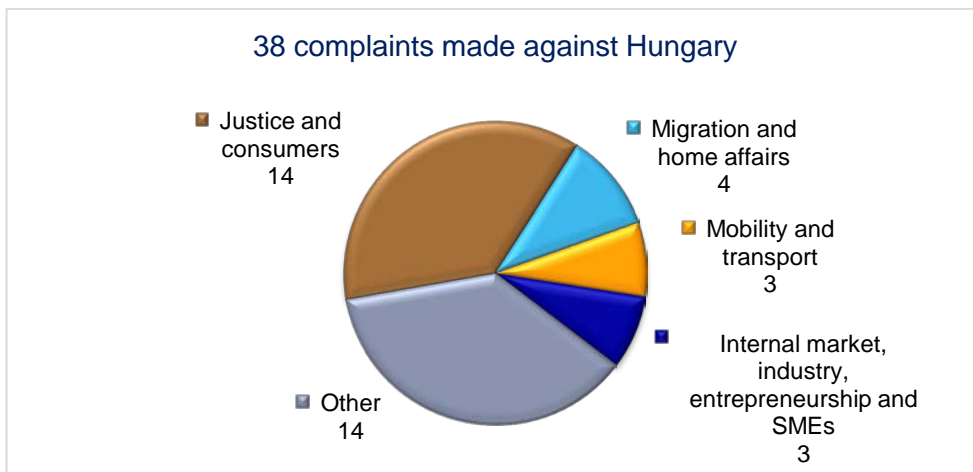


2. Public complaints against Hungary open at year-end

65 > Complaints open at end-2017
 38 > New complaints registered in 2018
 62 > Complaints handled in 2018

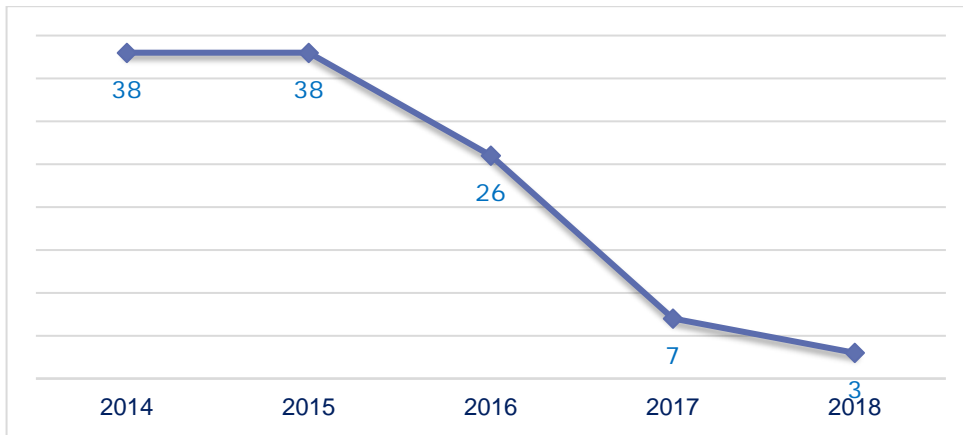
 = 41 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

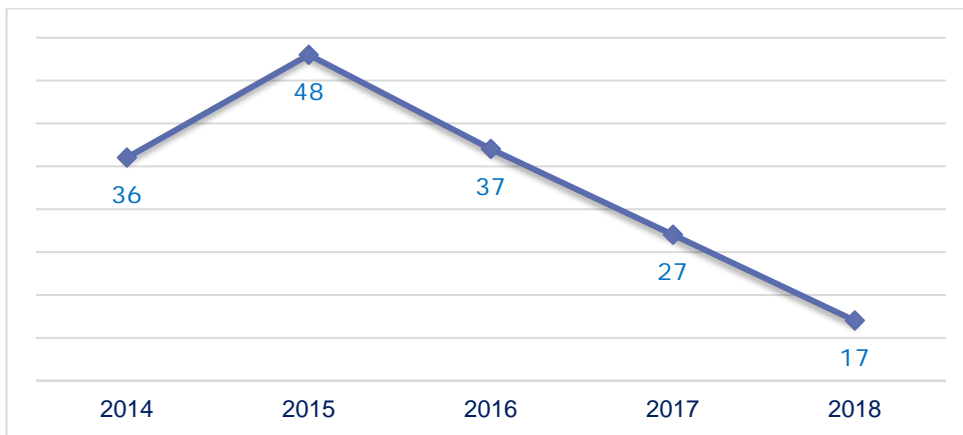


II. EU PILOT

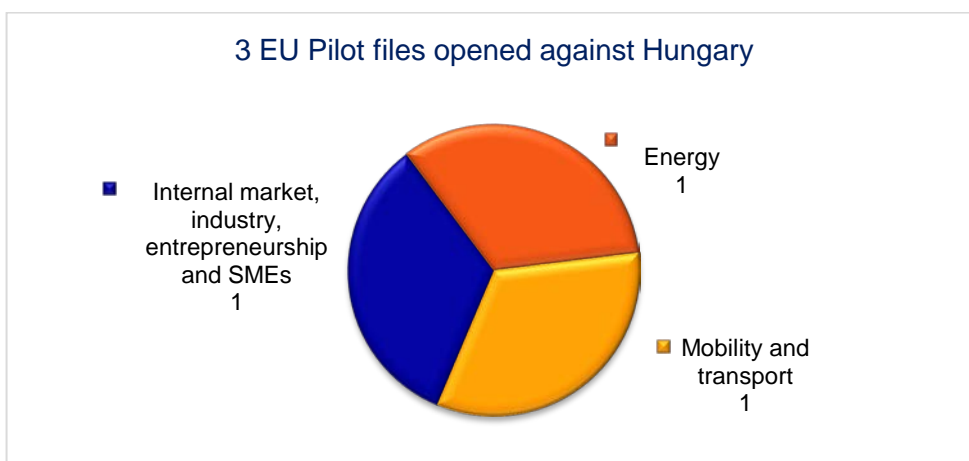
1. New EU Pilot files opened against Hungary (2014-2018)



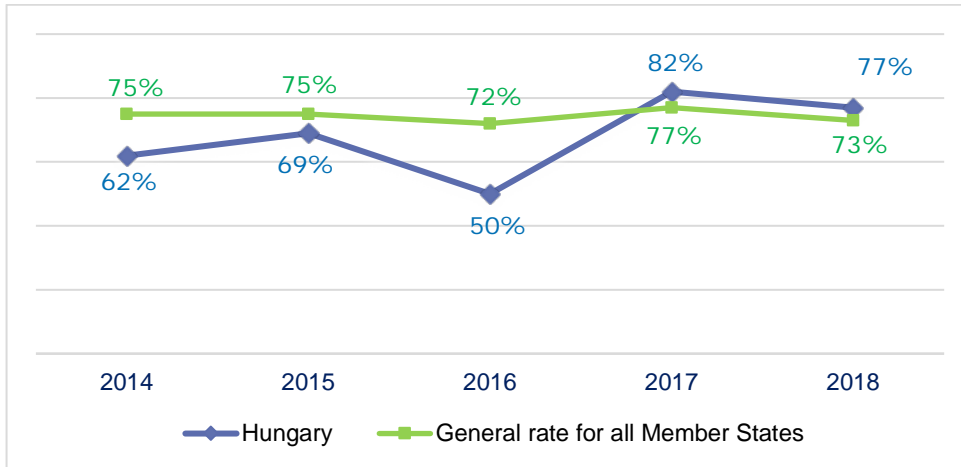
2. Files relating to Hungary open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

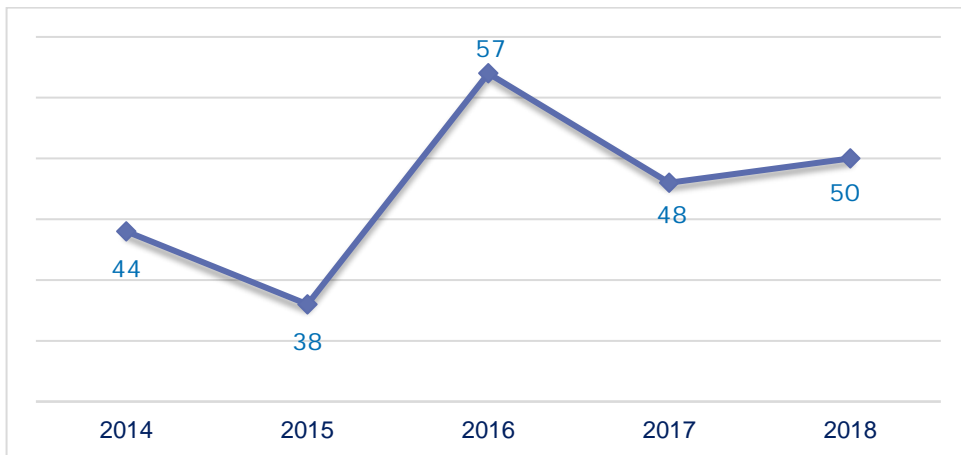


4. EU Pilot files: Hungary's resolution rate in 2014-2018

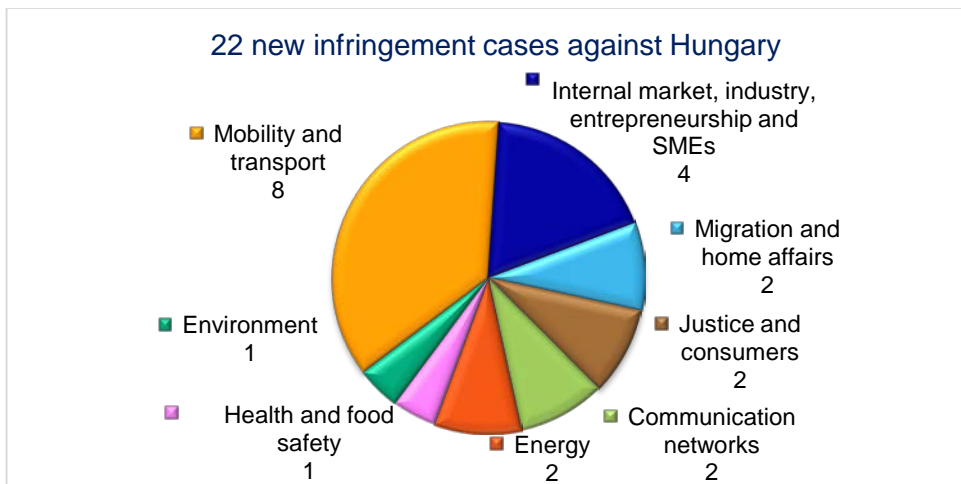


III. INFRINGEMENT CASES

1. Infringement cases against Hungary open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against Hungary in 2018. These, and other major ongoing infringement cases, include:
- failure to verify compliance with air safety requirements¹;
 - failure to comply with EU legislation on Flag State requirements²;
 - non-compliance with the requirements of the Energy Efficiency Directive³;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁴;
 - failure to fulfil obligations under the Long-Term Residents Directive⁵ since Hungarian law precludes third country nationals who are long-term residents from access to employment or self-employed activities in the veterinary sector;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁶;
 - incompatibility of domestic legislation with the EU provisions on asylum and free movement, as well as the EU Charter of Fundamental Rights⁷;
 - non-communication of national measures transposing the
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants⁸;
 - Directive on end-of life vehicles⁹;
 - Directive on security of network and information systems¹⁰;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹¹.
- b) The Commission referred five cases to the Court under Article 258 TFEU. They concern
- the introduction of conditions on the transparency of organisations supported from abroad, in violation of the free movement of capital and the Charter of Fundamental Rights¹²;
 - non-compliance with the requirements of the Third Energy Package Directives (Electricity and Gas Directives)¹³;
 - exceedance of the PM₁₀¹⁴ limit values set by the Air Quality Directive¹⁵;
 - non-compliance of asylum and return legislation with EU law¹⁶;
 - amendments of the Hungarian Higher Education Act (CCIV), which violate EU law by restricting the operations of EU and non-EU higher education institutions¹⁷.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Regulation (EU) [965/2012](#), [MEMO/18/4486](#).

² Directive [2009/21/EC](#), [MEMO/18/4486](#).

³ Directive [2012/27/EU](#), [MEMO/18/6247](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁵ Directive [2003/109/EC](#), [MEMO/18/4486](#).

⁶ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁷ [IP/18/4522](#).

⁸ Commission Implementing Directive [2017/1279/EU](#).

⁹ Directive [2017/2096/EU](#).

¹⁰ Directive [2016/1148/EU](#), [MEMO/18/4486](#).

¹¹ Directive [2016/2102/EU](#).

¹² Commission v Hungary, [C-78/18](#).

¹³ Directives [2009/72/EC](#) and [2009/73/EC](#), Commission v Hungary, [C-771/18](#); [IP/18/4487](#).

¹⁴ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency).

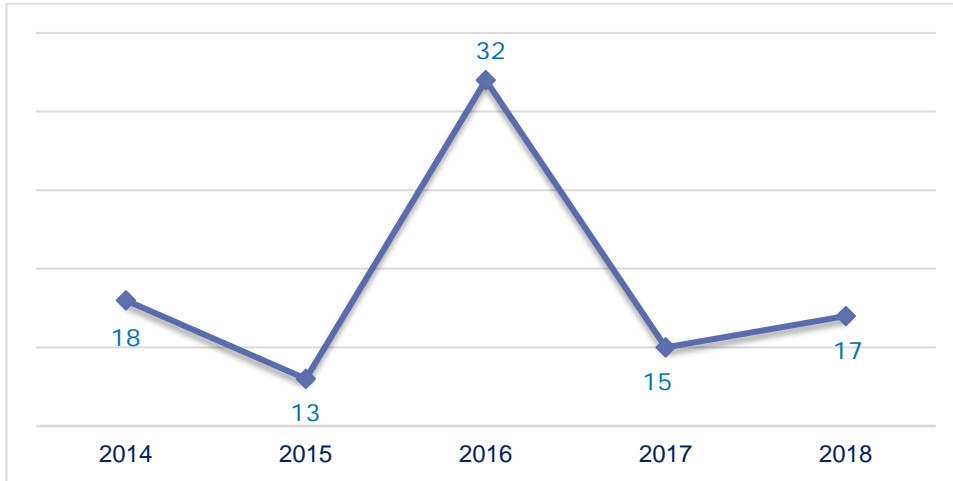
¹⁵ Directive [2008/50/EC](#), Commission v Hungary, [C-637/18](#); [IP/18/3450](#).

¹⁶ Commission v Hungary, [C-808/18](#).

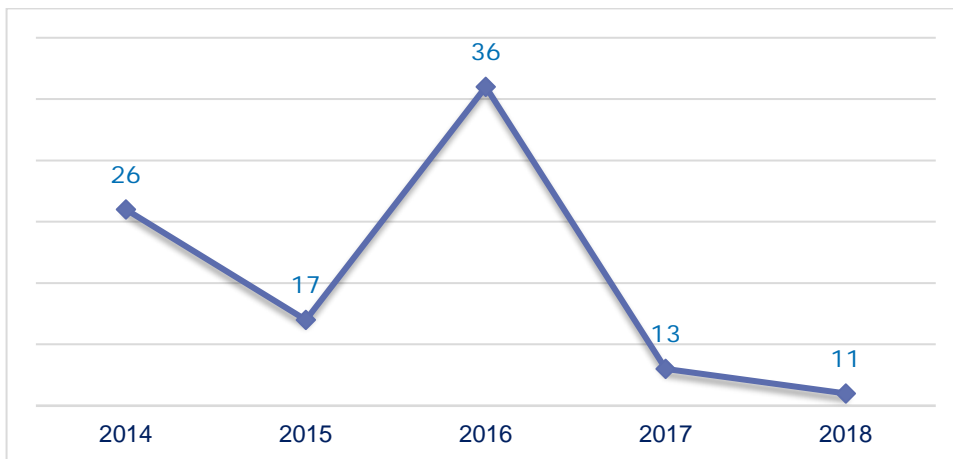
¹⁷ Commission v Hungary, [C-66/18](#).

IV. TRANSPOSITION OF DIRECTIVES

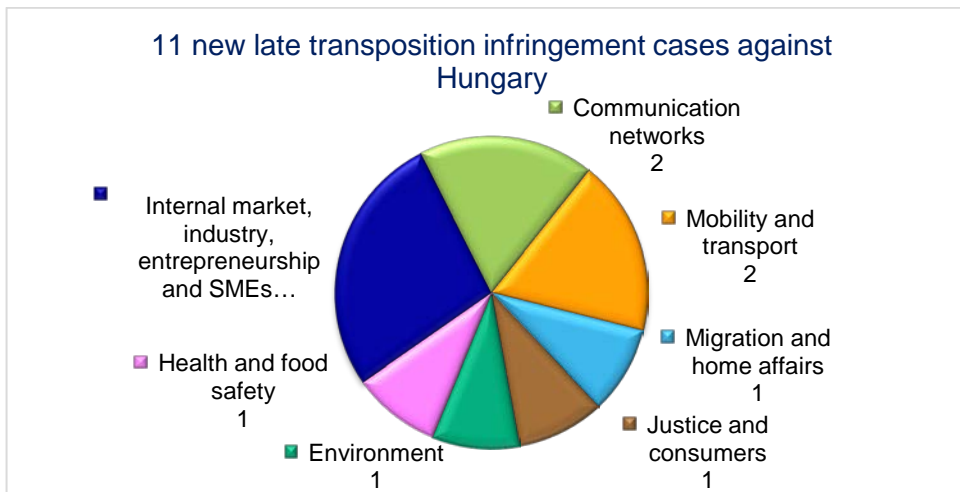
1. Late transposition infringement cases against Hungary open on 31 December (2014-2018)



2. New late transposition infringement cases against Hungary (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-communication of national measures transposing the Directives on
 - tobacco products¹⁸;
 - protective measures against the introduction into the Community of organisms harmful to plants¹⁹;
 - the freezing and confiscation of instrumentalities and proceeds of crime²⁰;
- incorrect transposition of the Directive on the protection of the environment through criminal law²¹;
- incorrect transposition of the EU rules on maternity leave.

VI. IMPORTANT JUDGMENTS

1. Court rulings

The Court ruled that:

- *Hungary* breached its obligations under the Services Directive by adopting legislation creating a monopoly by a State-owned entity on the provision of mobile payments services for public parking and other activities²².

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Hungarian judiciary.

- Recourse to a psychologist's expert report for the purpose of assessing the veracity of a claim made by an asylum seeker as to his sexual orientation constitutes an interference with that person's right to respect for his private life and is not consistent with EU law²³.
- Any decision to exclude a person from refugee status or subsidiary protection must be preceded by a full investigation into all the circumstances of his individual case and cannot be taken automatically. The penalty provided for a specific crime under the law of the particular Member State may not constitute the sole criterion to determine whether the person claiming subsidiary protection may be excluded from it²⁴.
- National legislation restricting usufructuary rights over agricultural land breaches the free movement of capital. The Court concluded that the claimants could enjoy the property in which they invested capital and the national legislation was potentially discriminatory as it favoured close family members of the landowners, who were mainly Hungarian citizens²⁵.

¹⁸ Directive [2014/40/EU](#).

¹⁹ Commission Implementing Directive [2017/1279/EU](#).

²⁰ Directive [2014/42/EU](#).

²¹ Directive [2008/99/EC](#).

²² Commission v Hungary, [C-171/17](#).

²³ F, [C-473/16](#).

²⁴ Ahmed, [C--369/17](#).

²⁵ SEGRO, [C-52/16](#).

Luxembourg

- The requirement of proportionality concerning the system of penalties applicable set out in the Directive on the charging of heavy goods vehicles for the use of certain infrastructures does not have direct effect²⁶.
- When businesses fulfil the conditions of the special exemption scheme for small enterprises, for the scheme to apply the taxable person must opt for its application. In the absence of doing so, the normal VAT obligations apply by default²⁷.
- The case concerns a national procedural rule which submits the possibility of asserting a claim under civil law in the event of an infringement of the rules governing public procurement and the award of public contracts to the condition that the infringement be definitively established by a court decision. The Court ruled that the rule can be considered compatible with EU legislation²⁸.
- The unfairness of an unclear contractual term which places the exchange rate risk on the borrower and does not reflect statutory provisions may be subject to judicial review²⁹.

²⁶ Directive [1999/62/EC](#), *Dooel Uvoz-Izvoz Skopje Link Logistic N&N v Budapest Rendőrfőkapitánya*, [C-384/17](#).

²⁷ *Vámos*, [C-566/16](#).

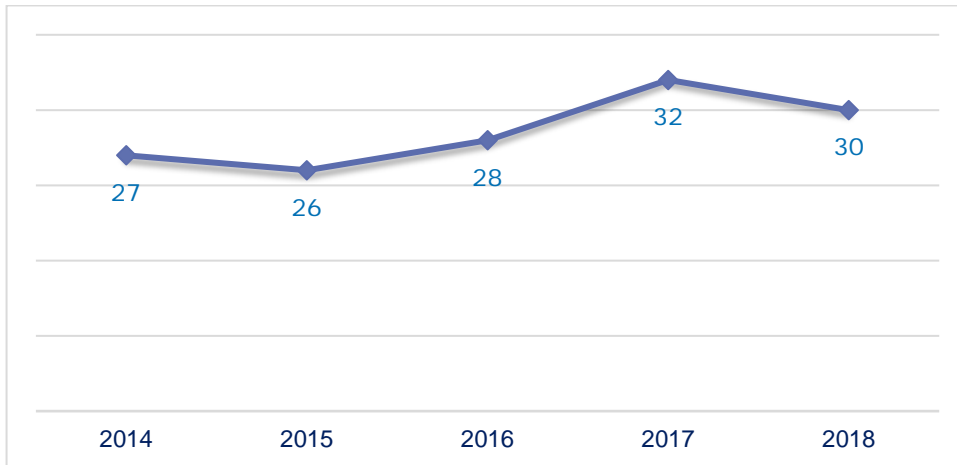
²⁸ *Hochtief*, [C-300/17](#).

²⁹ *OTP Bank and OTP Faktoring*, [C-51/17](#) and Court press release [No 137/18](#).

Malta

I. COMPLAINTS

1. New complaints made against Malta by members of the public (2014-2018)

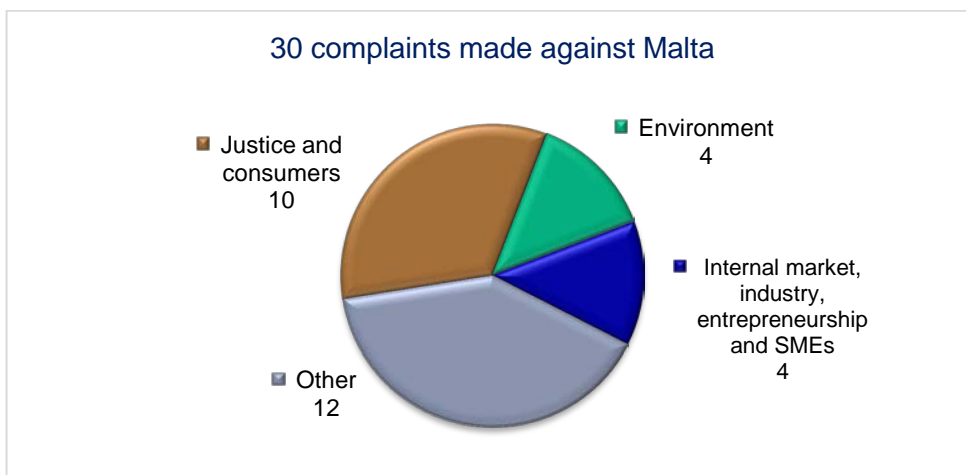


2. Public complaints against Malta open at year-end

24 > Complaints open at end-2017
 30 > New complaints registered in 2018
 29 > Complaints handled in 2018

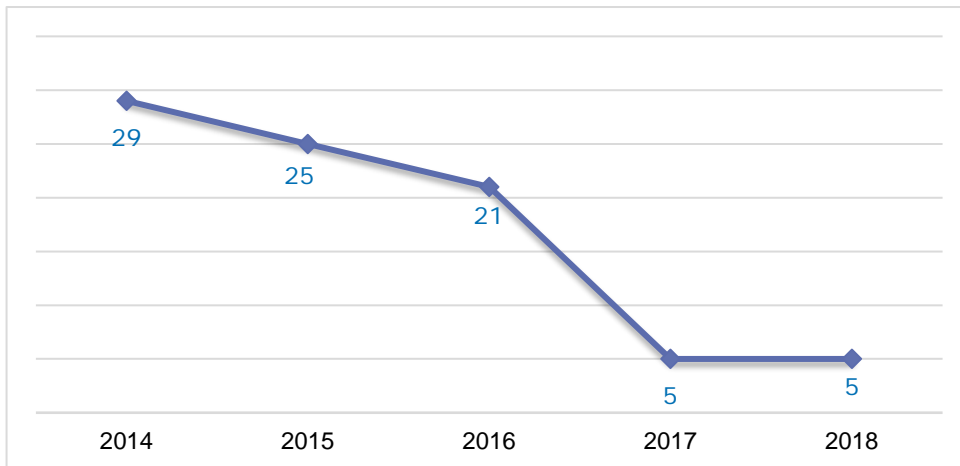
 = 25 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

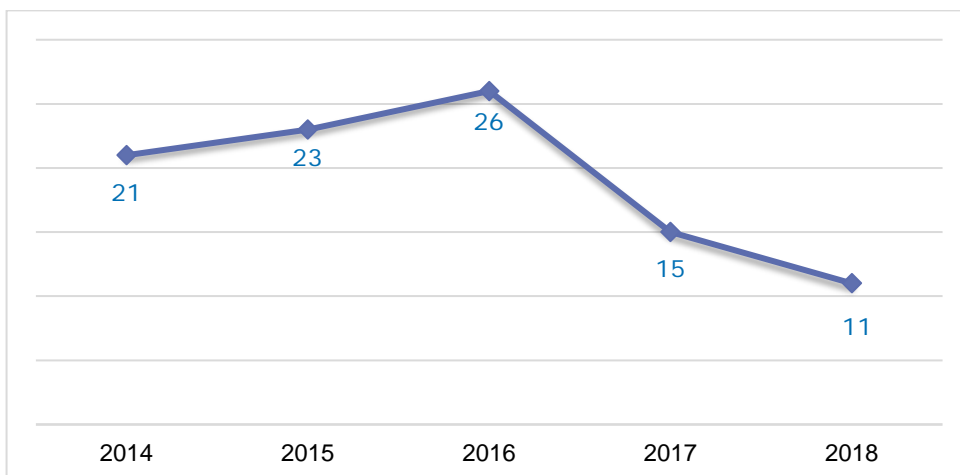


II. EU PILOT

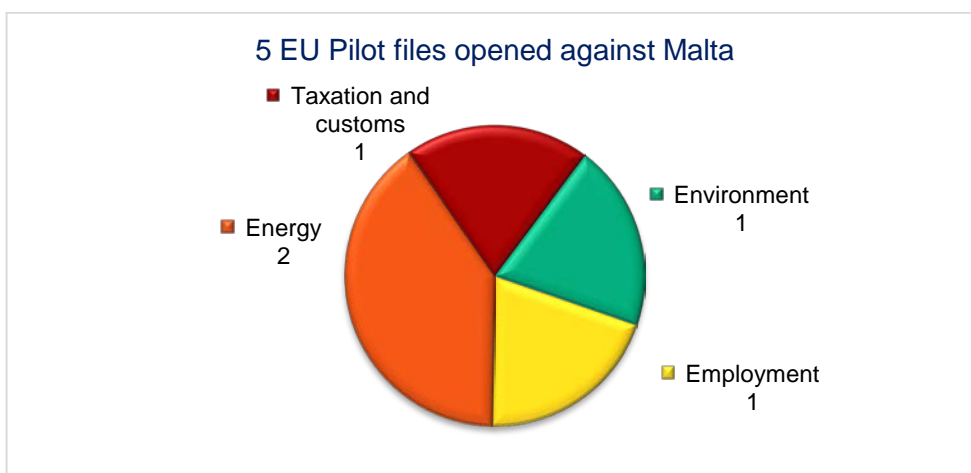
1. New EU Pilot files opened against Malta (2014-2018)



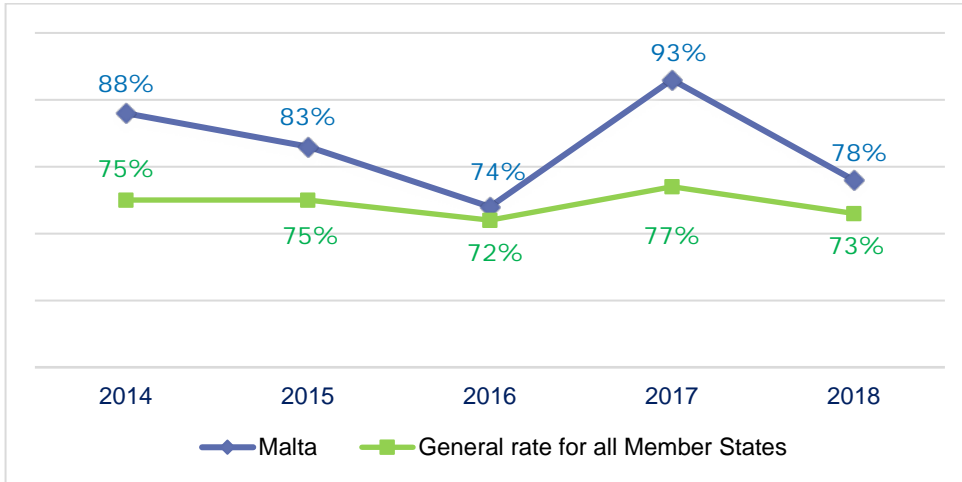
2. Files relating to Malta open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

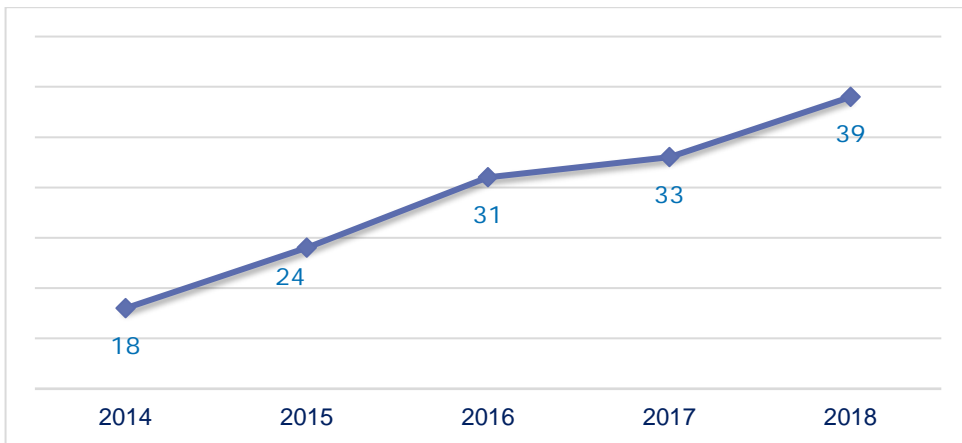


4. EU Pilot files: Malta's resolution rate in 2014-2018

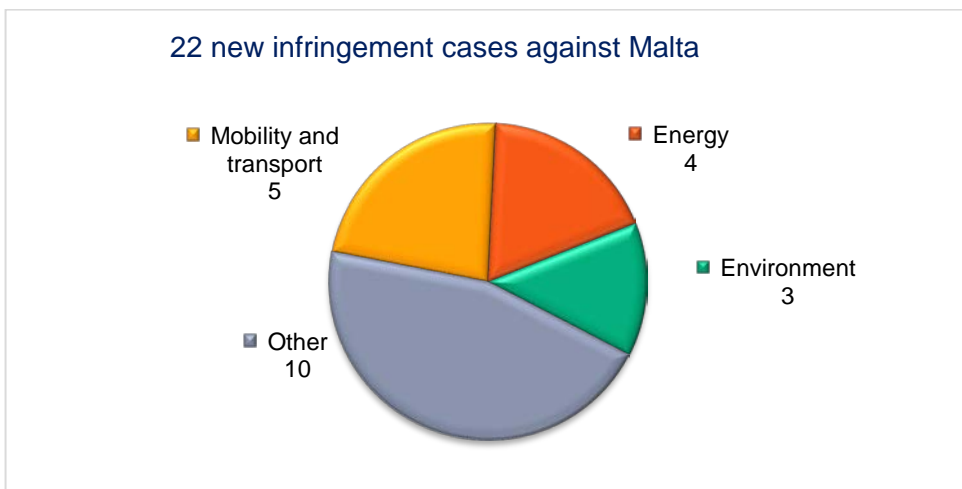


III. INFRINGEMENT CASES

1. Infringement cases against Malta open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against Malta in 2018. These, and other major ongoing infringement cases, include:
- incorrect application of the VAT rules on the lease of yachts and the incorrect taxation of purchases of yachts¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications²;
 - non-compliance with the requirements of the Energy Efficiency Directive³;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁴;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁵;
 - failure to notify the national policy framework as required under the Directive on the deployment of alternative fuels infrastructure⁶;
 - non-communication of national measures transposing the:
 - Payment Services Directive⁷;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants⁸;
 - Directive as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species⁹;
 - Directive on end-of life vehicles¹⁰;
 - Directive on the reduction of national emissions of certain atmospheric pollutants¹¹;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹²;
 - Basic Safety Standards Directive¹³.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ [IP/18/1451](#).

² Directive [2005/36/EC](#), [MEMO/18/4486](#).

³ Directive [2012/27/EU](#), [MEMO/18/4486](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3986](#).

⁵ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁶ Directive [2014/94/EU](#), Commission v Malta, [IP/18/358](#), [MEMO/18/349](#).

⁷ Directive [2015/2366/EU](#).

⁸ Commission Implementing Directive [2017/1279/EU](#).

⁹ Commission Implementing Directive [2018/100/EU](#).

¹⁰ Directive [2017/2096/EU](#).

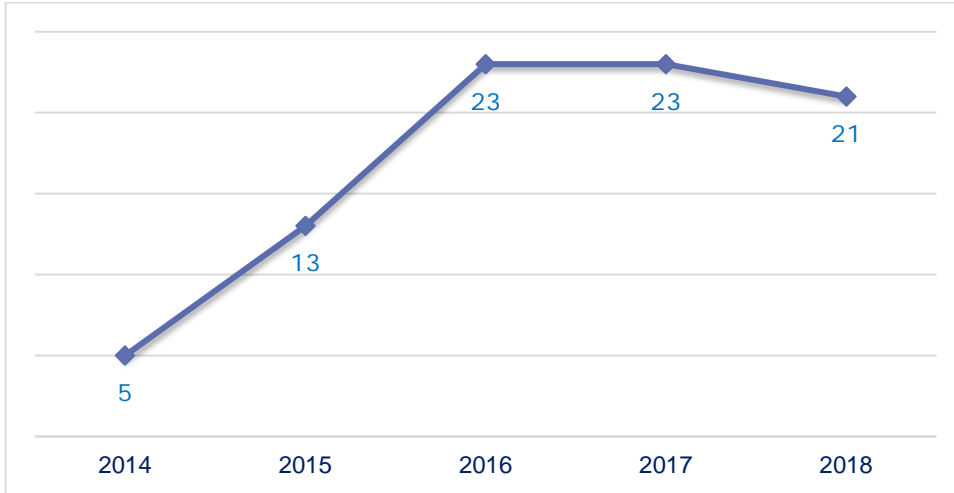
¹¹ Directive [2016/2284](#).

¹² Directive [2016/2102/EU](#).

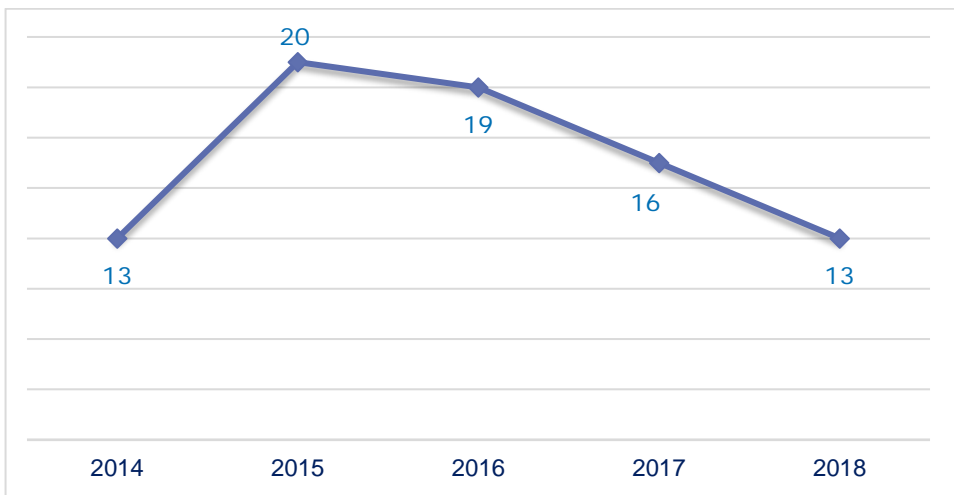
¹³ Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

IV. TRANSPOSITION OF DIRECTIVES

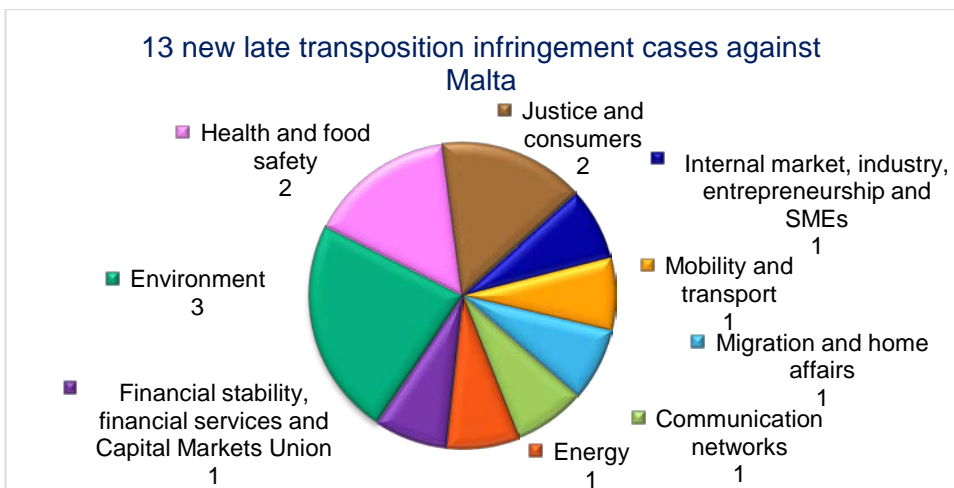
1. Late transposition infringement cases against Malta open on 31 December (2014-2018)



2. New late transposition infringement cases against Malta (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned non-communication of national measures transposing the Directives:

- concerning undertakings for collective investment in transferable securities¹⁴;
- on end-of-life vehicles¹⁵;
- on protective measures against the introduction into the Community of organisms harmful to plants¹⁶;
- on the deployment of alternative fuels infrastructure¹⁷;
- on the assessment of the effects of certain public and private projects on the environment¹⁸;
- Antitrust Damages Directive¹⁹;
- on fuel quality reporting requirements and calculation methods²⁰.

VI. IMPORTANT JUDGMENTS

1. Court ruling

The Court ruled that:

- *Malta* has failed to comply with the Birds Directive in adopting a certain derogation regime allowing the capture of seven species of wild birds²¹.

2. Preliminary rulings

No major preliminary rulings were addressed to the Maltese judiciary in 2018.

¹⁴ Directive [2014/91/EU](#).

¹⁵ Directive [2016/774/EU](#).

¹⁶ Commission Implementing Directive [2017/1279/EU](#).

¹⁷ Directive [2014/94/EU](#), [IP/18/358](#), [IP/18/358](#)

¹⁸ Directive [2014/52/EU](#).

¹⁹ Directive [2014/104/EU](#), [MEMO/18/1444](#).

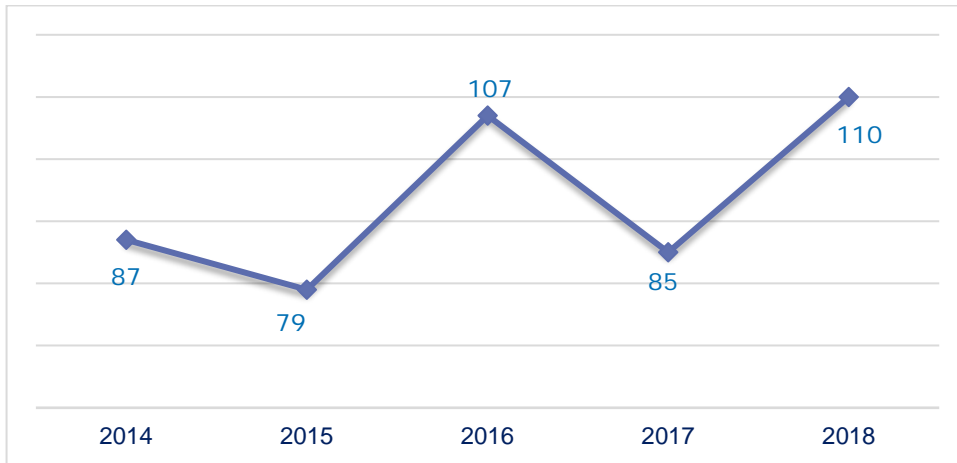
²⁰ Directive [652/2015/EC](#).

²¹ Directive [2009/147/EC](#), Commission v Malta, [C-557/15](#) and [Court press release No 90/18](#).

Netherlands

I. COMPLAINTS

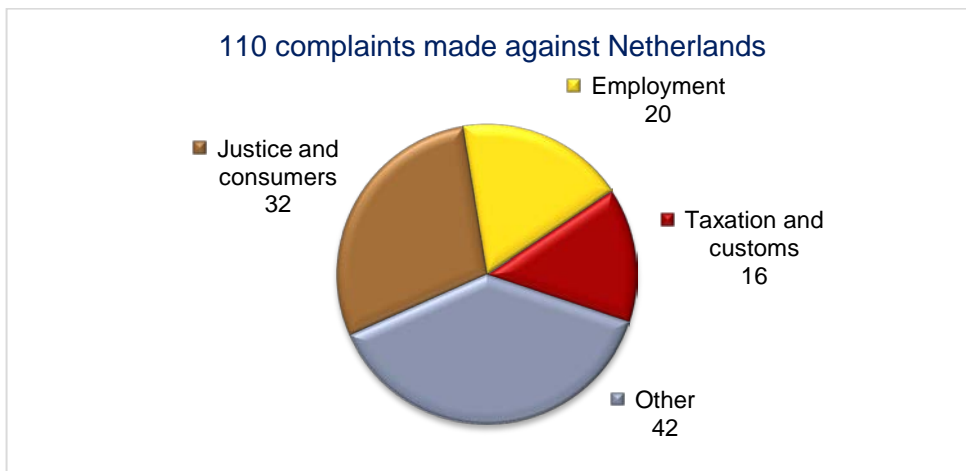
1. New complaints made against the Netherlands by members of the public (2014-2018)



2. Public complaints against the Netherlands open at year-end

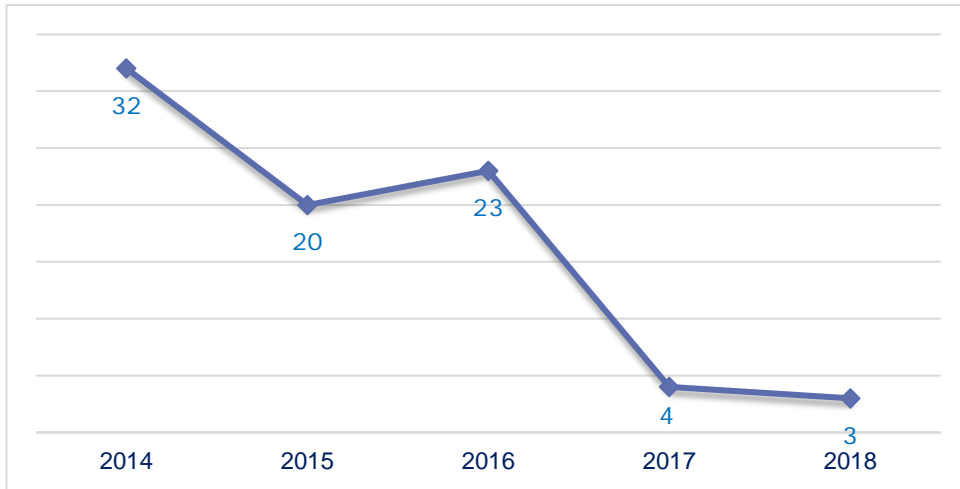
68	>	Complaints open at end-2017
110	>	New complaints registered in 2018
110	>	Complaints handled in 2018
= 68	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy area

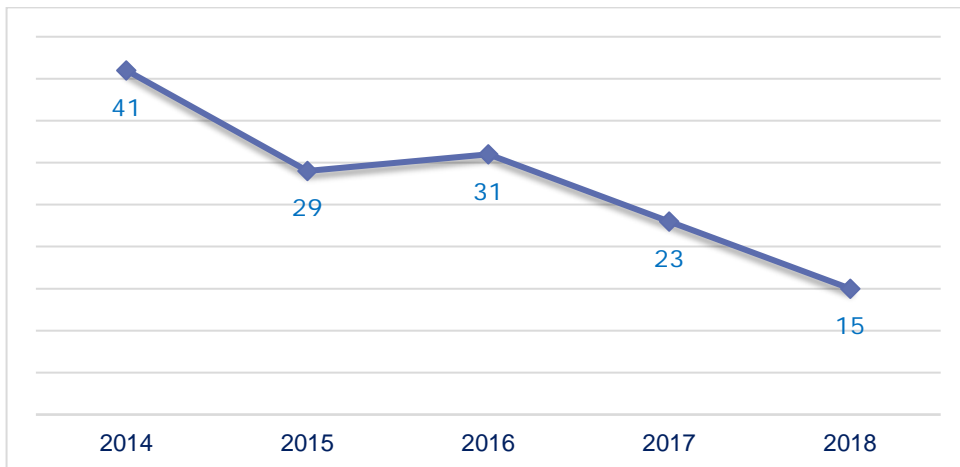


II. EU PILOT

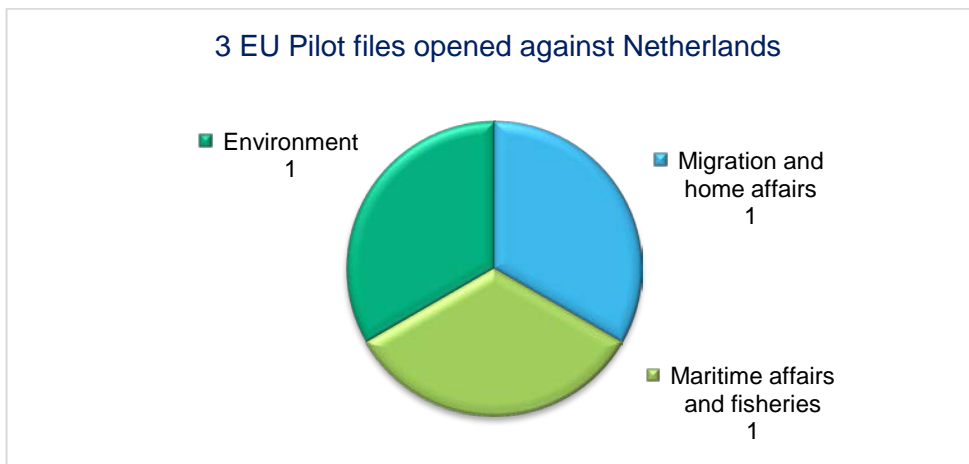
1. New EU Pilot files opened against the Netherlands (2014-2018)



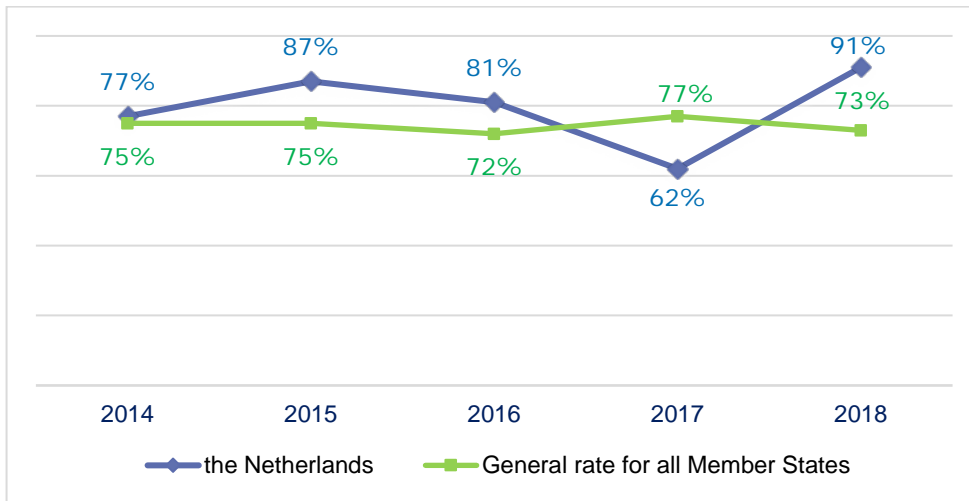
2. Files relating to the Netherlands open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

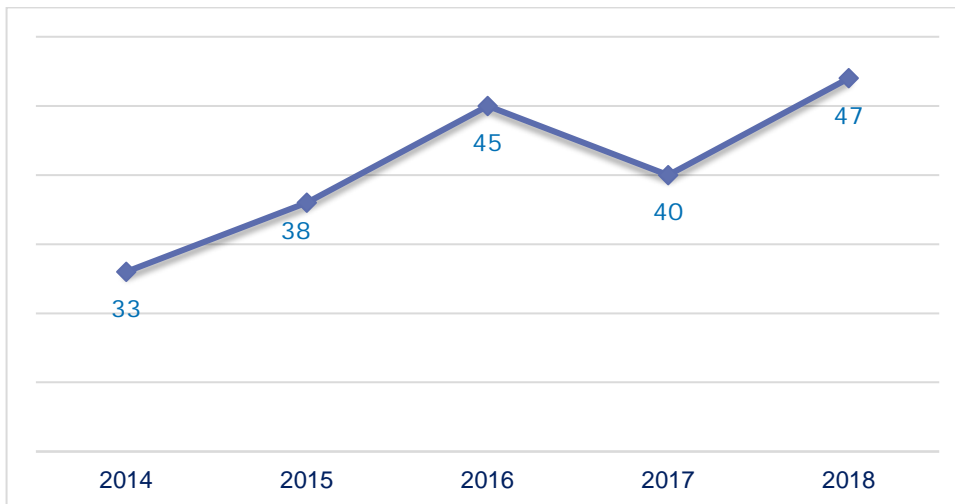


4. EU Pilot files: Netherlands' resolution rate in 2014-2018

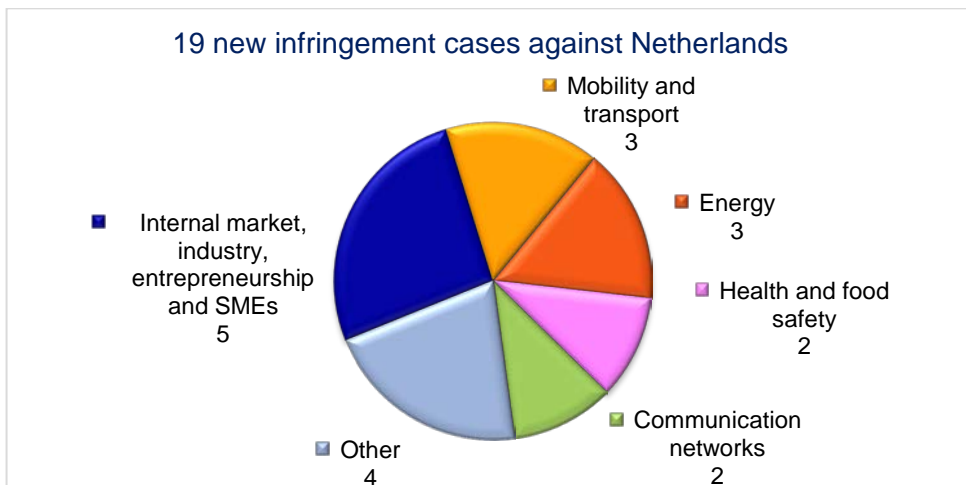


III. INFRINGEMENT CASES

1. Infringement cases against the Netherlands open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 19 new infringement cases against the Netherlands in 2018. These, and other major ongoing infringement cases, include:
- excessive fees for issuing resident permits¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications ²;
 - non-compliance with the requirements of the:
 - Energy Efficiency Directive³;
 - Energy Performance of Buildings Directive⁴;
 - European radio spectrum rules⁵;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁶;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁷;
 - unjustified offset requirements demanding compensation from non-national suppliers when purchasing defence equipment from them⁸;
 - non-communication of national measures transposing the :
 - Payment Services Directive⁹;
 - Directive as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species;¹⁰
 - Directive on security of network and information systems ¹¹;
 - the Data Protection Law Enforcement Directive¹²;
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directives [2004/114/EC](#) and [2005/71/EC](#); [MEMO/18/3446](#).

² Directive [2005/36/EC](#), [MEMO/18/4486](#).

³ Directive [2012/27/EU](#), [MEMO/18/4486](#).

⁴ Directive [2010/31/EU](#), [MEMO/18/3446](#).

⁵ Decision [2017/899/EU](#).

⁶ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁷ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

⁸ [IP/18/357](#).

⁹ Directive [2015/2366/EU](#).

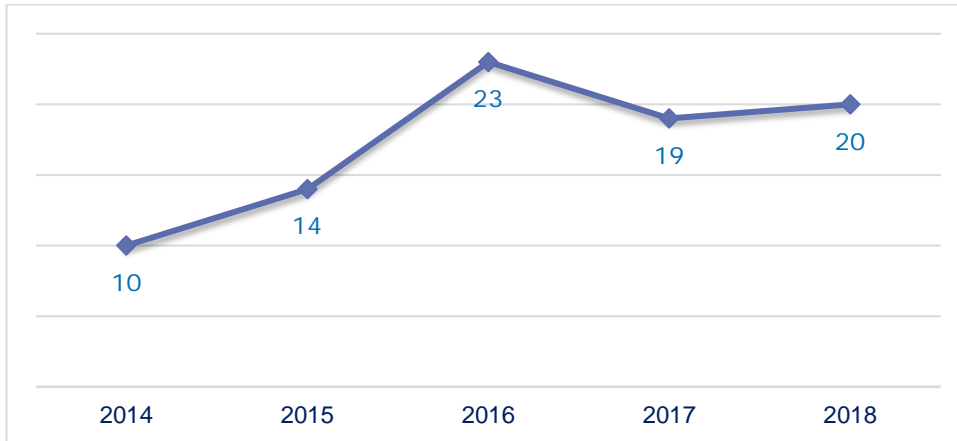
¹⁰ Commission Implementing Directive [2018/100/EU](#).

¹¹ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

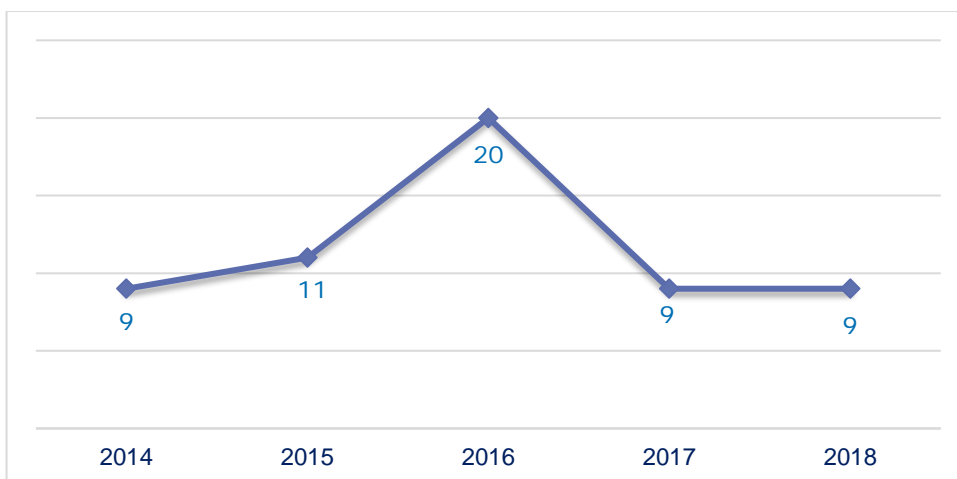
¹² Directive [2016/680/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

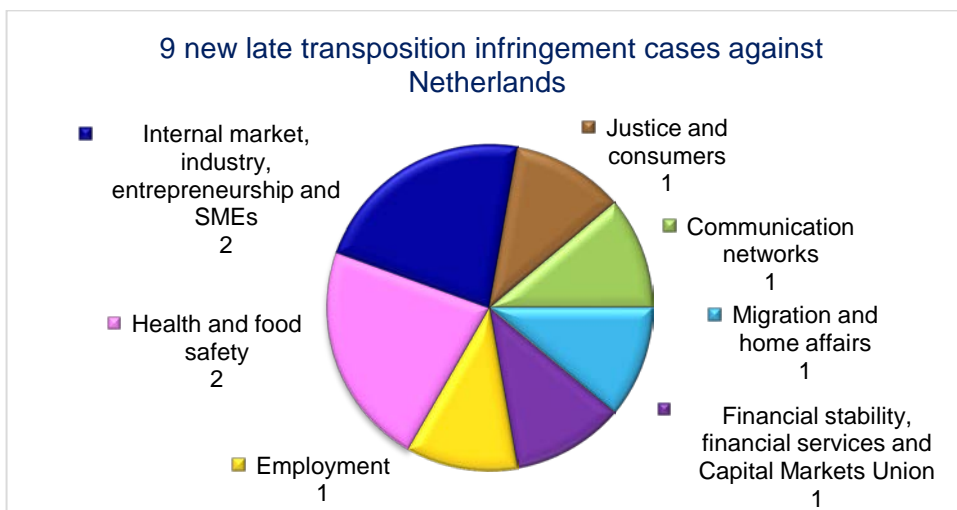
1. Late transposition infringement cases against the Netherlands open on 31 December (2014-2018)



2. New late transposition infringement cases against the Netherlands (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- failure to stop ongoing deterioration of a Natura 2000 site at Westerschelde in breach of the Habitats Directive¹³;
- incorrect transposition of the Third Energy Package Directives¹⁴;
- the Antitrust Damages Directive¹⁵.

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁶

There were no major Court rulings in 2018.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Dutch judiciary.

- The taste of a food product can be protected by copyright if it can be classified as a 'work' within the meaning of the Directive on rights in the information society. Classification as a 'work' requires that the subject matter concerned is an original intellectual creation. Secondly, there must be an 'expression' of that original intellectual creation¹⁷.
- Retail is a service and falls within the scope of the Services Directive¹⁸. The provisions on the freedom of establishment apply also to situations where only one Member State is concerned; the Directive applies also to Member States which regulate the establishment of retail shops through planning rules. A zoning plan rule, such as to reserve a specific location for the sale of bulky items, does not amount to an economic needs test within the meaning of Article 14(5) of the Directive¹⁹.
- A decision rejecting refugee status on the grounds that there are serious reasons to believe that the applicant committed a war crime or a crime against humanity may fall within the scope of the concept of public policy or public security. However, a case-by-case assessment is necessary before a measure based on grounds of public policy or public security is adopted²⁰.
- The Member State in which a new application for international protection has been lodged is responsible for examining that application, when no take back request has been made within the periods laid down in the Dublin Regulation²¹.

¹³ Directive [92/43/EEC](#).

¹⁴ Directives [2009/72/EC](#) and [2009/73/EC](#).

¹⁵ Directive [2014/104/EU](#), [MEMO/18/1444](#).

¹⁶ These rulings are almost exclusively handed down in infringement procedures.

¹⁷ Directive [2001/29/EC](#), Levola Hengelo, [C-310/17](#).

¹⁸ Directive [2006/123/EC](#).

¹⁹ joined cases: X, [C-360/15](#) and Visser Vastgoed Beleggingen, [C-31/16](#).

²⁰ Joint cases: K, [C-331/16](#) and H., [C-366/16](#).

²¹ X, [C-213/17](#), Regulation No [604/2013](#).

- For the purpose of family reunification of refugees, what counts is that the third country national is below 18 at the time of his or her entry into the territory of a Member State and of the introduction of his or her asylum application in that State²².
- An application for an autonomous residence permit, lodged by a third country national who has resided for over 5 years in a Member State by virtue of family reunification, may be rejected on the grounds that he has not shown that he has passed a civic integration test on the language and society²³.
- An application for family reunification lodged on behalf of a member of a refugee's family may be rejected on the grounds that that application was lodged more than 3 months after the sponsor was granted refugee status, whilst affording the possibility of lodging a fresh application under a different set of rules provided that certain conditions are met²⁴.

²² A and S, [C-550/16](#).

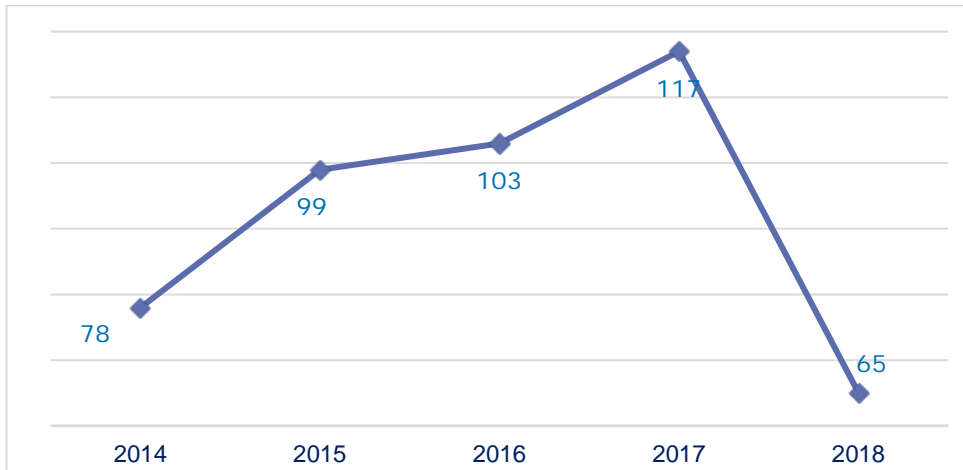
²³ C and A, [C-257/17](#) and K, [C-484/17](#).

²⁴ K and B, [C-380/17](#).

Austria

I. COMPLAINTS

1. New complaints made against Austria by members of the public (2014-2018)



2. Public complaints against Austria open at year-end

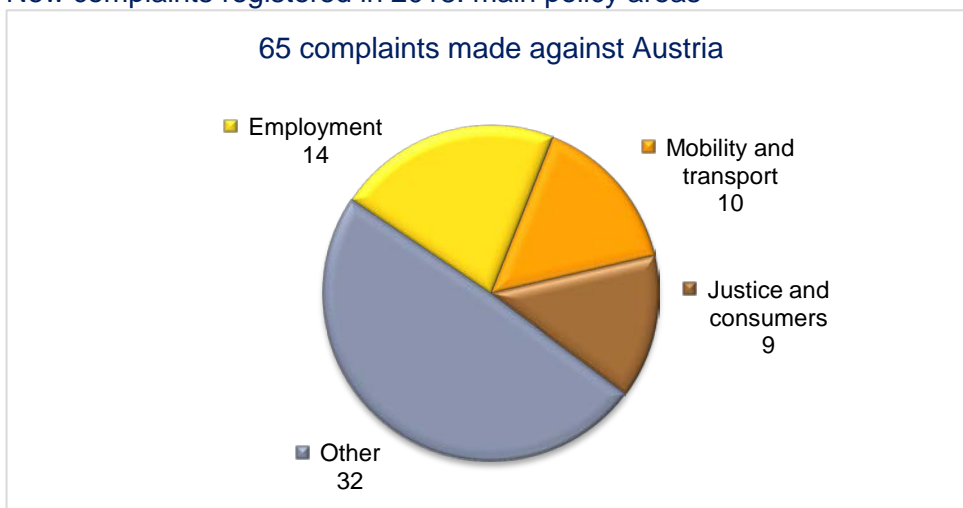
122 > Complaints open at end-2017

65 > New complaints registered in 2018

85 > Complaints handled in 2018

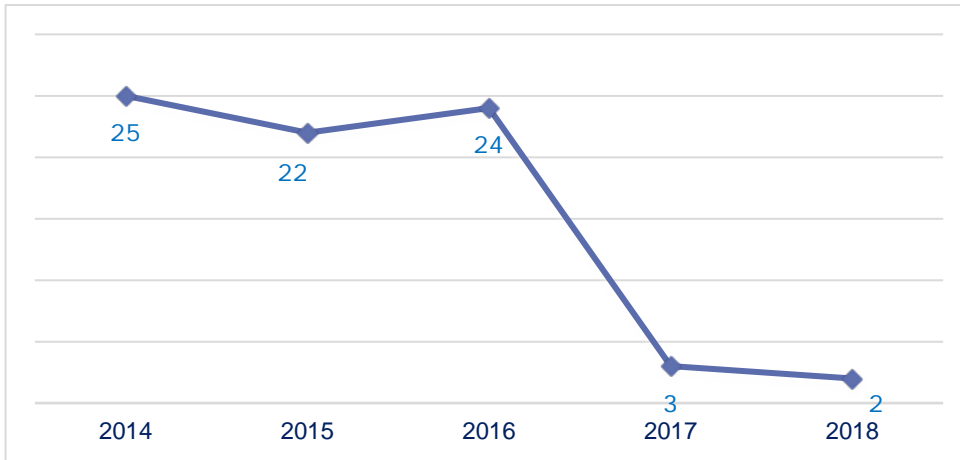
= 102 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

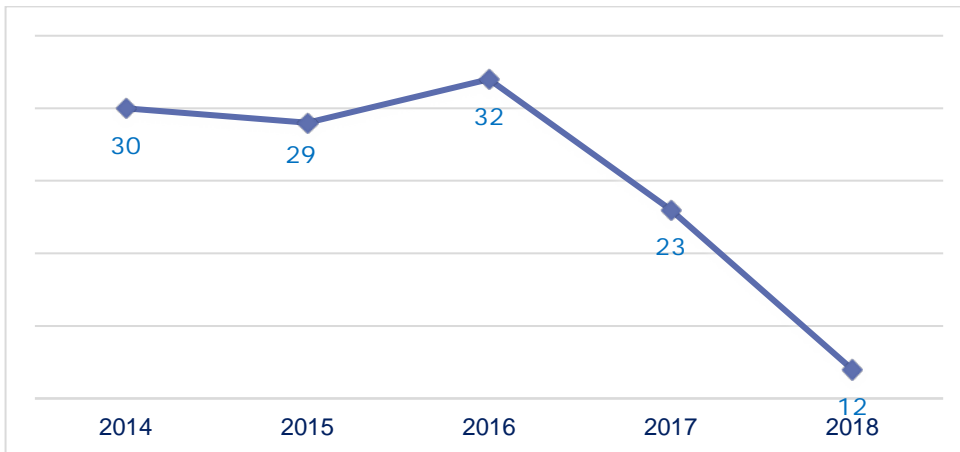


II. EU PILOT

1. New EU Pilot files opened against Austria (2014-2018)



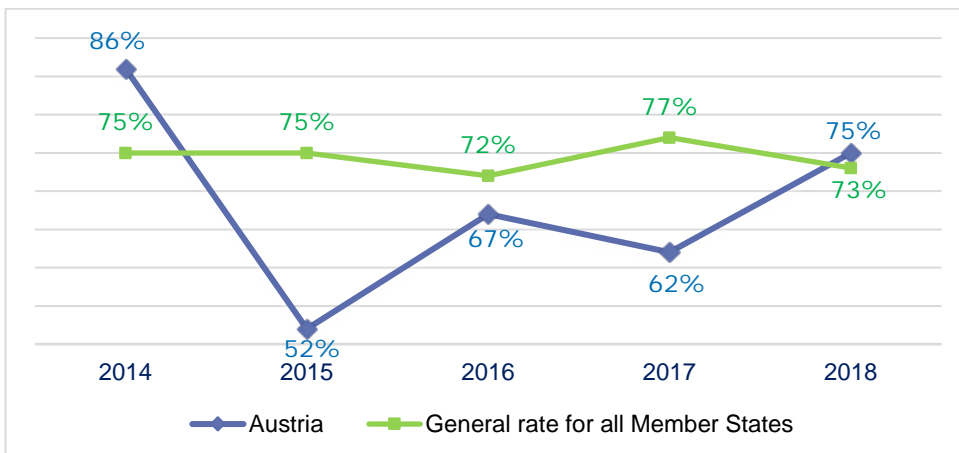
2. Files relating to Austria open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

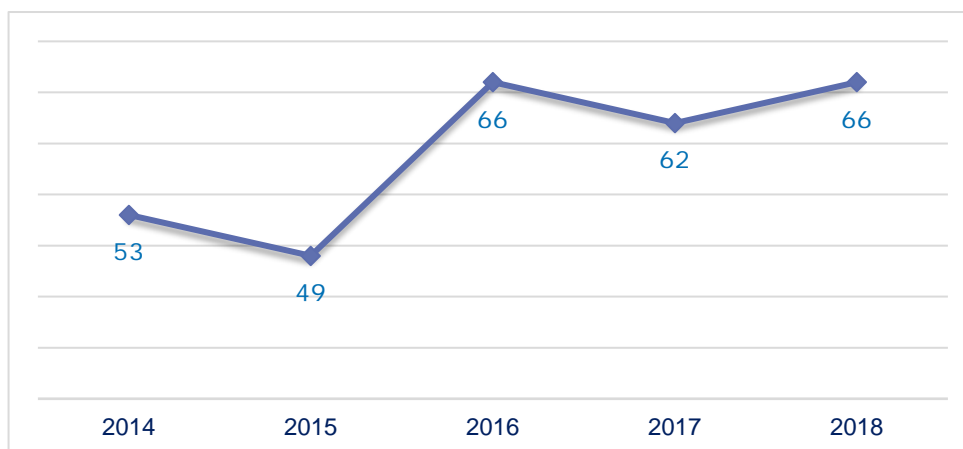
In 2018, the Commission opened two EU Pilot files against Austria: one in the area of energy and one in the area of environment.

4. EU Pilot files: Austria's resolution rate in 2014-2018

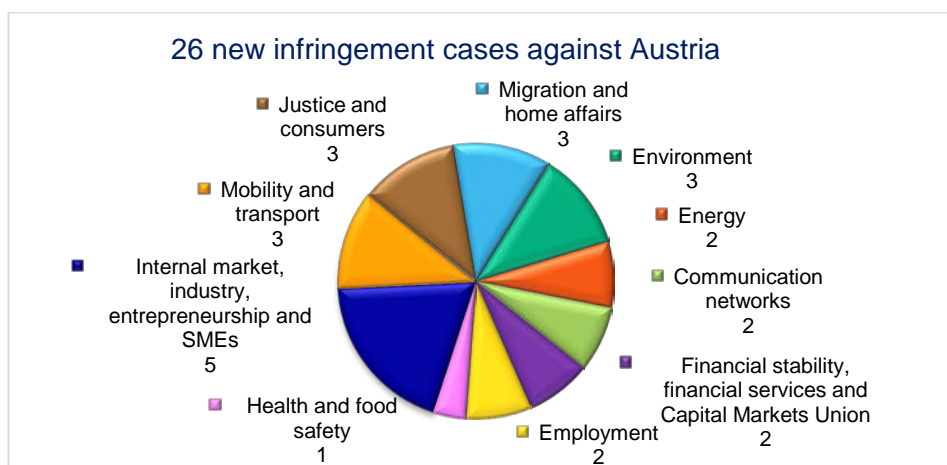


III. INFRINGEMENT CASES

1. Infringement cases against Austria open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 26 new infringement cases against Austria in 2018. These, and other major ongoing infringement cases, include:
- non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹;
 - failure to adopt and notify the long-term renovation strategy under the Energy Efficiency Directive²;
 - non-compliance with the requirements of the Energy Efficiency Directive³;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁴;
 - lack of equal access for bidders to tender specifications (public procurement);
 - non-conformity of national measures with the Directive on the assessment of the effects of certain public and private projects on the environment⁵;

¹ Directive [2005/36/EC](#), [MEMO/18/4486](#).

² Directive [2012/27/EU](#), [MEMO/18/1444](#).

³ Directive [2012/27/EU](#), [MEMO/18/6247](#).

⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

- failure to submit a list of proposed sites under the Habitats Directive⁶;
 - incorrect application of the Habitats Directive in the authorisation procedure for a hydro power plant in Ferschnitz⁷;
 - non-communication of national measures transposing the:
 - Payment Services Directive⁸;
 - Insurance Distribution Directive⁹;
 - Directive on security of network and information systems¹⁰;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹¹;
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants¹²;
 - Directive on the reduction of national emissions of certain atmospheric pollutants¹³.
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- failure to notify the national programme for the implementation of a spent fuel and radioactive waste management policy¹⁴;
 - incorrect application of the Services Directive¹⁵ by imposing unjustified requirements concerning the registered office, legal form and share capital ownership for companies in a number of professions – architects, engineers, patent attorneys and veterinarians¹⁶.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Austria open on 31 December (2014-2018)

⁵ Directive [2011/92/EU](#).

⁶ Directive [92/43/EEC](#).

⁷ Directive [92/43/EEC](#).

⁸ Directive [2015/2366/EU](#).

⁹ Directive [2016/97/EU](#).

¹⁰ Directive [2016/1148/EU](#).

¹¹ Directive [2016/2102/EU](#).

¹² Directive [2015/2193/EU](#).

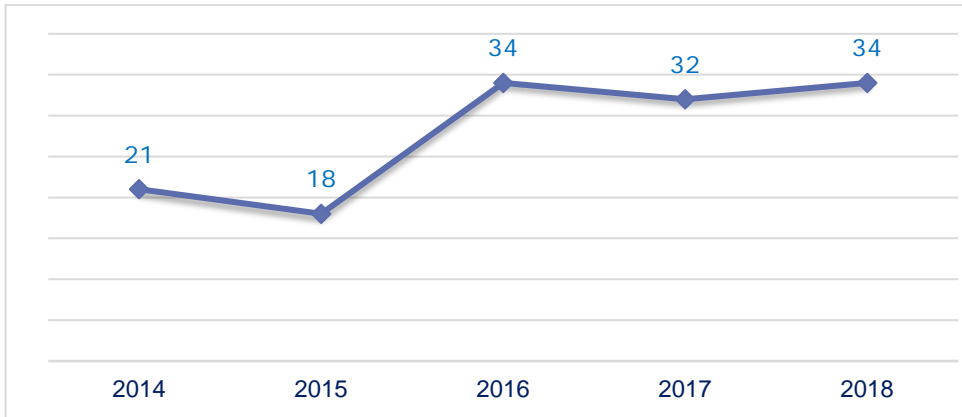
¹³ Directive [2016/2284](#).

¹⁴ Directive [2011/70/Euratom](#), Commission v Austria; [C-487/18](#), [MEMO/18/3446](#). Austria subsequently took the necessary steps to notify its national programme and the Commission has therefore withdrawn this case from the Court.

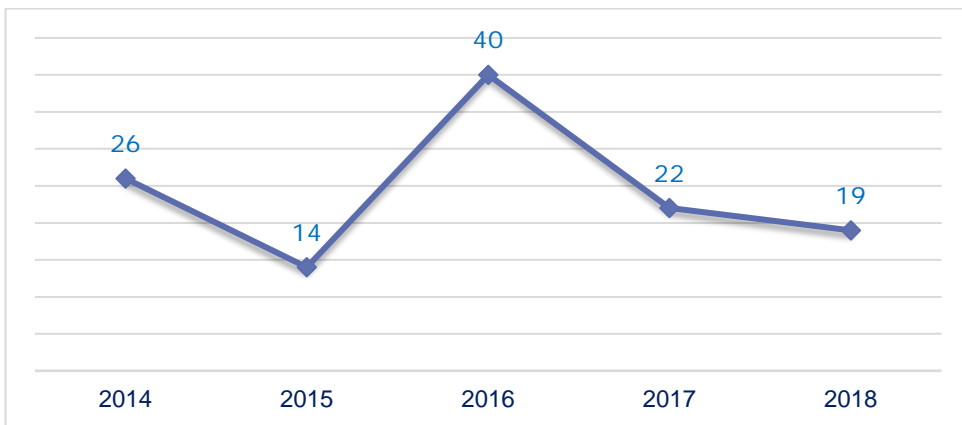
¹⁵ Directive [2006/123/EC](#).

¹⁶ Commission v Austria, [C-209/18](#).

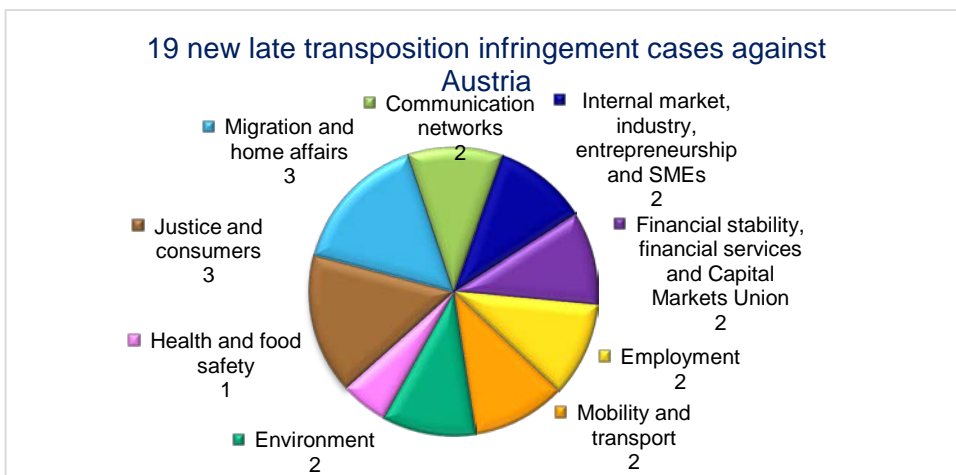
Monitoring the application of European Union law
2018 Annual Report
Austria



2. New late transposition infringement cases against Austria (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred three cases to the Court under Articles 258 and 260(3) TFEU. They concern failure to communicate national measures transposing the Directives on

- the award of concession contracts¹⁷;

¹⁷ Commission v Austria, [C-79/18](#). Austria subsequently took the necessary measures and the case has been withdrawn from the Court; Directive [2014/23/EU](#).

- public procurement¹⁸;
- procurement by entities operating in the water, energy, transport and postal services sectors¹⁹.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned non-communication of national measures transposing the:

- Directive on fuel quality reporting requirements and calculation methods²⁰;
- Directive on seasonal workers²¹;
- Unfair Commercial Practices Directive;
- Directive on intra-corporate transfer²²; Antitrust Damages Directive²³;
- Nuclear Safety Directive²⁴.

VI. IMPORTANT JUDGMENTS

1. Court rulings

The Court gave two rulings:

- *Austria* breached its obligations under the EU directives on public procurement by awarding service contracts for the production of identity documents and other official documents without holding an EU-wide call for tenders²⁵.
- *Austria* levies VAT on the royalties paid to the author of an original artistic work upon its resale, within the framework of the resale right. However, the royalty depends entirely on the price paid in the resale, the amount of which cannot be influenced by the author. The author (or his heirs) is entitled to the royalty without having to, or even being able to, undertake any service, either by action or by inaction. The Court decided that the resale right is not subject to VAT.²⁶

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Austrian judiciary:

- A worker posted by an employer to carry out work in another Member State and who is sent to replace a worker posted by a different employer cannot remain subject to the social security legislation of the Member States in which his employer usually carries on its activities²⁷.
- The obligation to provide prior information laid down in the Regulation on public passenger transport services by rail and by road also applies to contracts for public

¹⁸ Commission v Austria, [C-77/18](#). Austria subsequently took the necessary measures and the case has been withdrawn from the Court. Directive [2014/24/EU](#).

¹⁹ Commission v Austria, [C-76/18](#). Austria subsequently took the necessary measures and the case has been withdrawn from the Court. Directive [2014/25/EU](#).

²⁰ Directive [652/2015/EC](#).

²¹ Directive [2014/36/EU](#).

²² Directive [2014/66/EU](#).

²³ [MEMO/18/1444](#).

²⁴ Directive [2014/87/Euratom](#).

²⁵ Commission v Austria, [C-187/16](#).

²⁶ Commission v Austria, [C-51/18](#).

²⁷ Alpenrind and Others, [C-527/16](#).

transport services by bus. However, an infringement of that obligation does not always entail the annulment of the call for tenders concerned²⁸.

- In the case of two successive supplies giving rise to only one intra-Community transport, only one of the two supplies can give rise to the intra-Community transport and be exempted from VAT²⁹.
- The owner of an internet connection used for copyright infringements through file-sharing cannot be held liable to pay damages if he can name at least one family member who might have had access to that connection, without providing further details as to when and how the internet was used by that family member³⁰.
- A recipient of services can be ordered to suspend payments and pay a security to guarantee payment of a possible fine which might be imposed by the host Member State on a provider of services established in another Member State. The ruling concerned the application of the Services Directive in matters related to labour law³¹.
- national legislation which provides that refugees with a temporary right of residence in a Member State are to be granted social security benefits which are less than those received by nationals of that Member State and refugees who have a permanent right of residence in that Member State is contrary to EU legislation³².

²⁸ Regulation [\(EC\) No 1370/2007](#), Directive [2014/24/EU](#) and Directive [2014/25/EU](#), Stefan Rudigier, [C-518/17](#).

²⁹ Kreuzmayr, [C-628/16](#).

³⁰ Bastei Lübbe, [C-149/17](#).

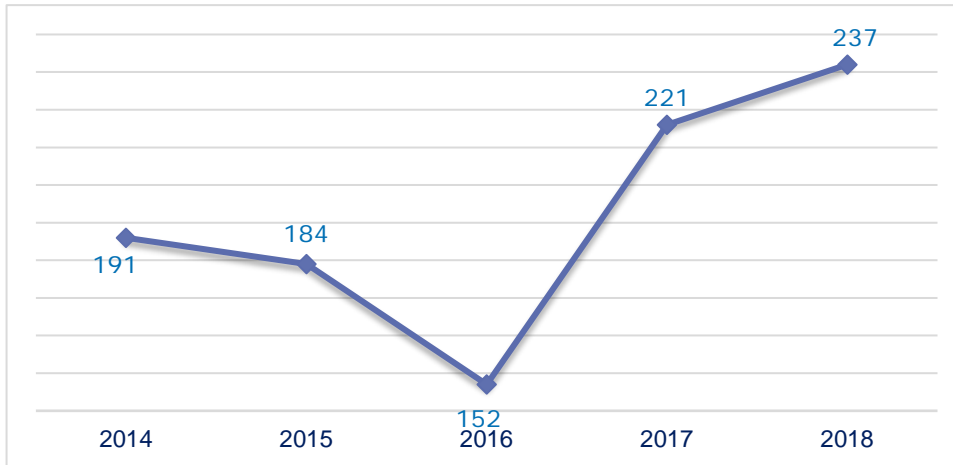
³¹ Čepelnik, [C-33/17](#).

³² Ayubi, [C-713/17](#).

Poland

I. COMPLAINTS

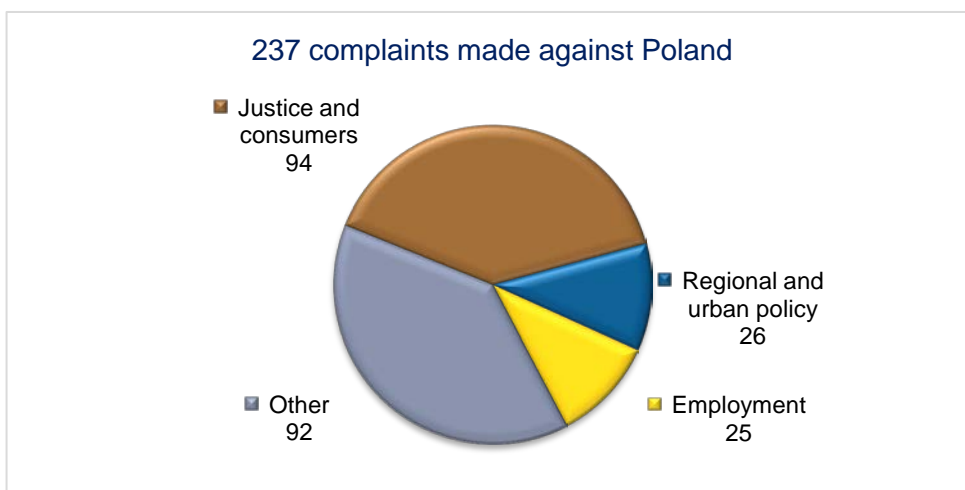
1. New complaints made against Poland by members of the public (2014-2018)



2. Public complaints against Poland open at year-end

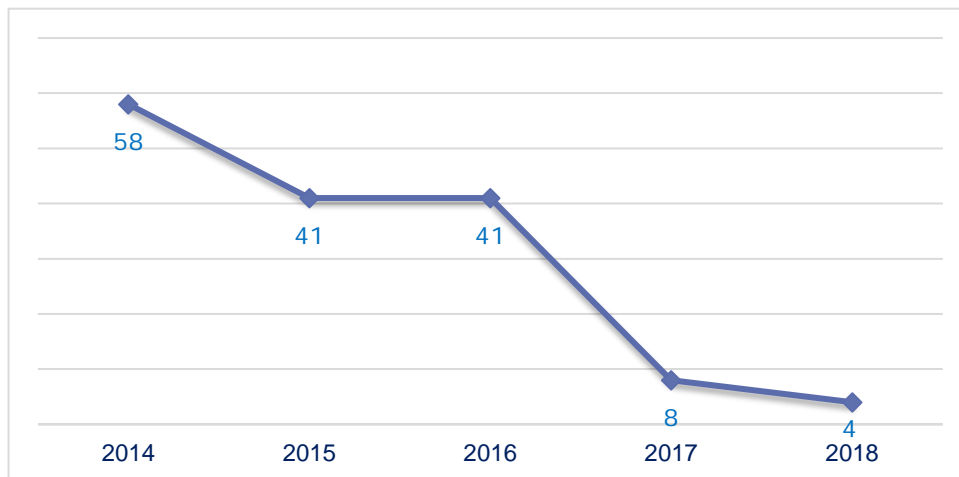
170	>	Complaints open at end-2017
237	>	New complaints registered in 2018
243	>	Complaints handled in 2018
= 164	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

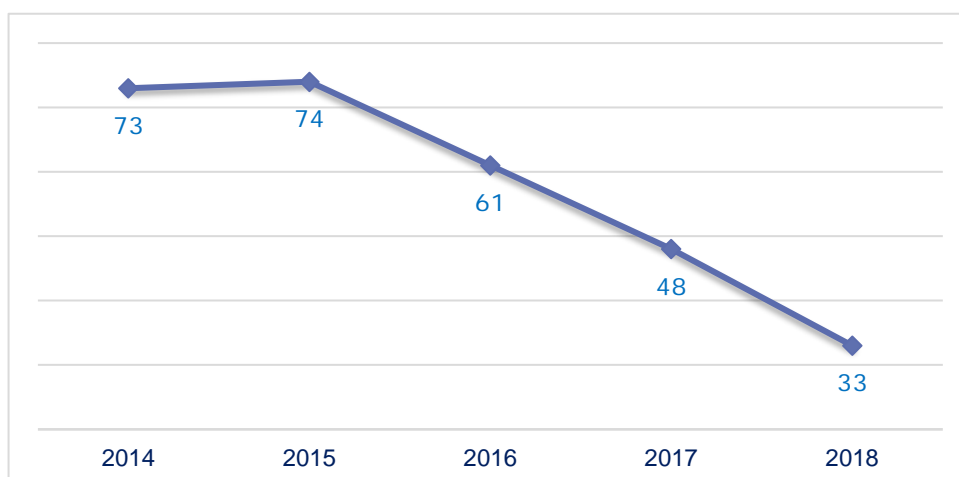


II. EU PILOT

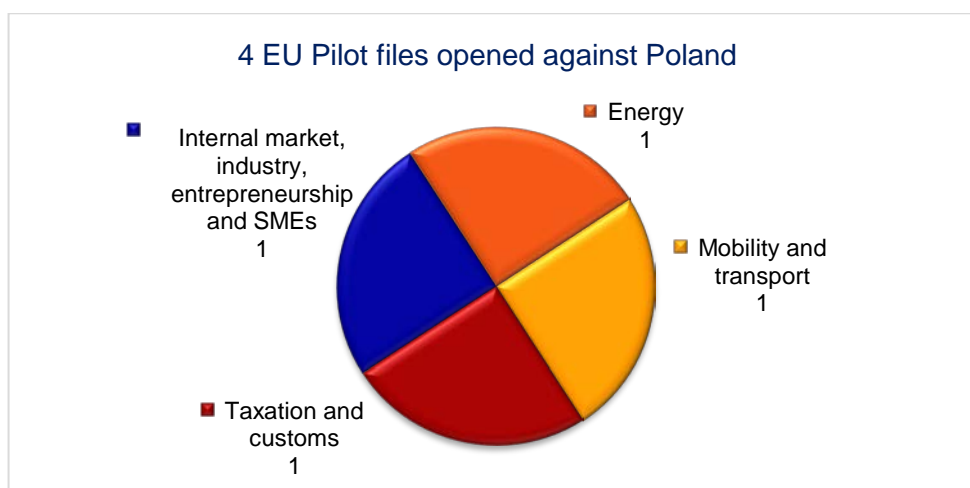
1. New EU Pilot files opened against Poland (2014-2018)



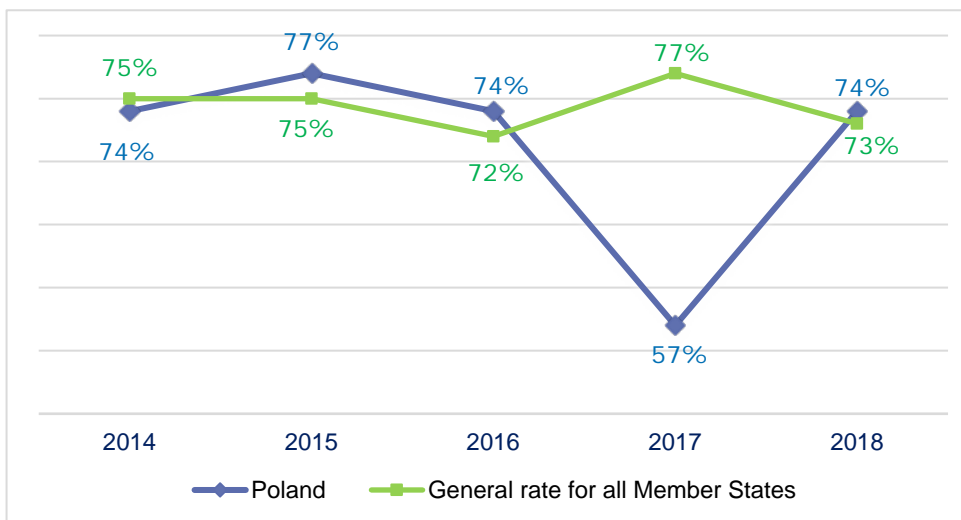
2. Files relating to Poland open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

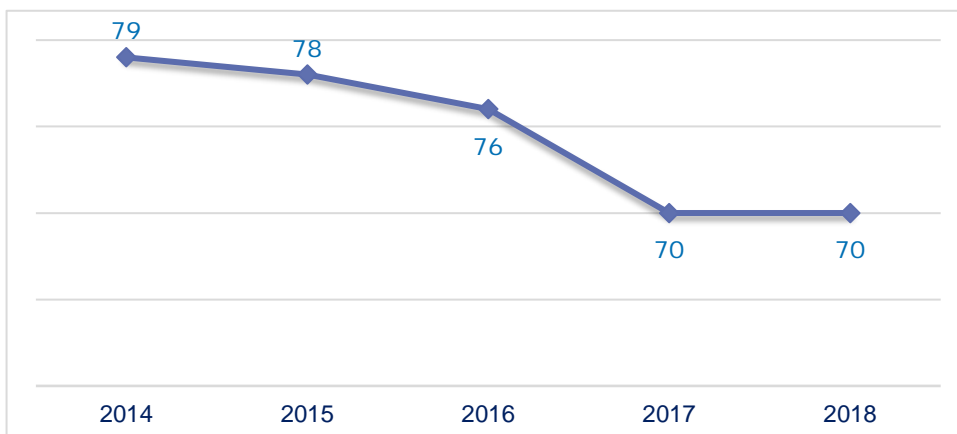


4. EU Pilot files: Poland's resolution rate in 2014-2018

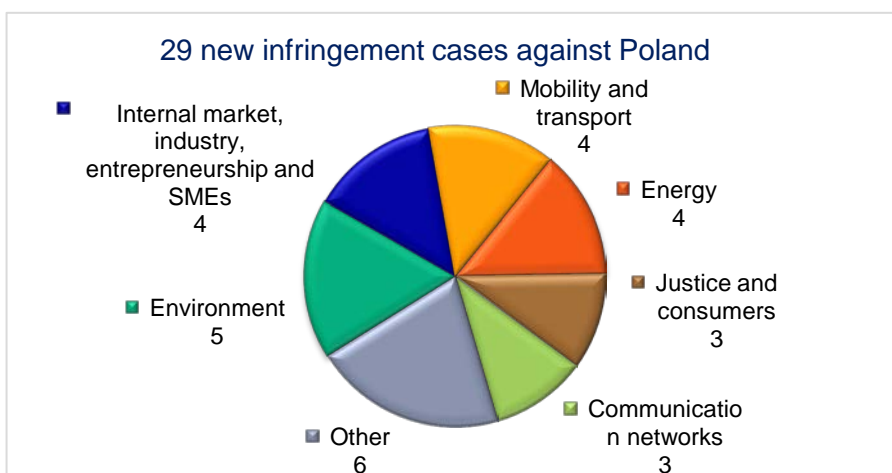


III. INFRINGEMENT CASES

1. Infringement cases against Poland open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

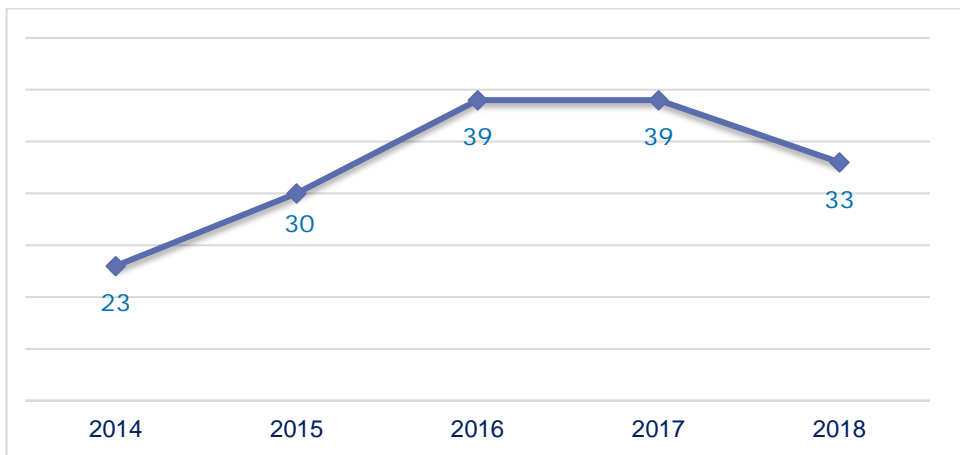
- a) The Commission opened 29 new infringement cases against Poland in 2018. These, and other major ongoing infringement cases, include:
- non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹;
 - failure to comply with the EU requirements on the security of gas supply²;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the Radioactive Waste Directive³;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁴;
 - failure to ensure that urban waste water is adequately treated⁵ ;
 - direct award of a number of defence contracts to national suppliers in breach of the Defence Procurement Directive⁶;
 - non-compliance with the Consumer Rights Directive;
 - failure to ensure that vehicles are dismantled and recycled in an environmentally friendly way when they reach the end of their useful life, in accordance with the Directive on end-of-life vehicles⁷;
 - failure to comply with the EU legislation on the environmental impact assessment of certain public and private projects⁸;
 - non-communication of national measures transposing the :
 - Payment Services Directive⁹;
 - revised Markets in Financial Instruments Directive¹⁰;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹¹;
 - the Nuclear Safety Directive¹²;
 - Directive on security of network and information systems¹³;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹⁴;
 - 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-disabled¹⁵.

¹ Directive [2005/36/EC](#), [MEMO/18/4486](#).
² Regulation (EU) No [994/2010](#), [MEMO/18/1444](#).
³ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).
⁴ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).
⁵ Directive [91/271/EEC](#), [MEMO/18/349](#).
⁶ [IP/18/357](#).
⁷ Directive [2000/53/EC](#).
⁸ Directive [2011/92/EU](#).
⁹ Directive [2015/2366/EU](#).
¹⁰ Directive [2014/65/EU](#); [MEMO/18/349](#).
¹¹ Commission Directive [2016/1214/EU](#).
¹² Directive [2014/87/Euratom](#), [MEMO/18/3986](#).
¹³ Directive [2016/1148/EU](#); [MEMO/18/4486](#).
¹⁴ Directive [2016/2102/EU](#).
¹⁵ Directive [2017/1564/EU](#).

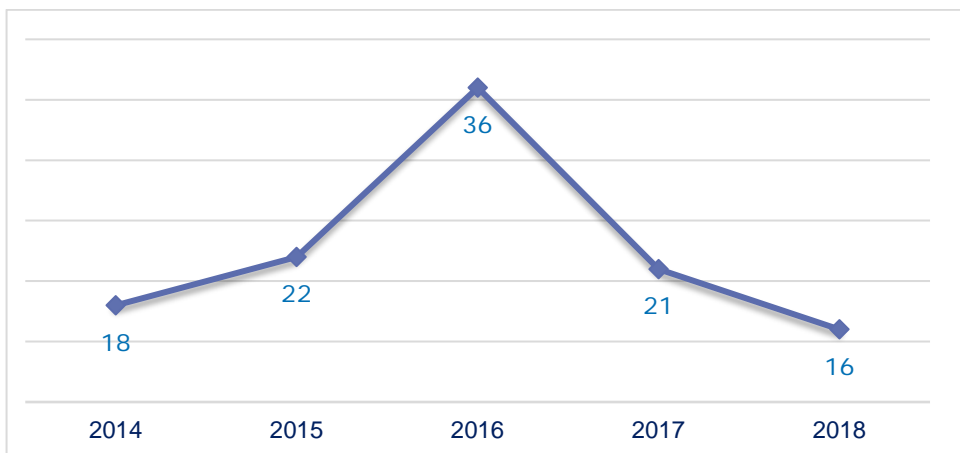
- b) The Commission referred two cases to the Court under Article 258 TFEU. They concern:
- the adoption of provisions in the Ordinary Courts Organisation law adversely affecting the independence of the Polish judiciary and of provisions which are incompatible with the EU legislation on non-discrimination¹⁶;
 - the national law on the Supreme Court in relation in particular to the retirement regime, in breach of the principle of judicial independence, including the irremovability of judges¹⁷.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Poland open on 31 December (2014-2018)



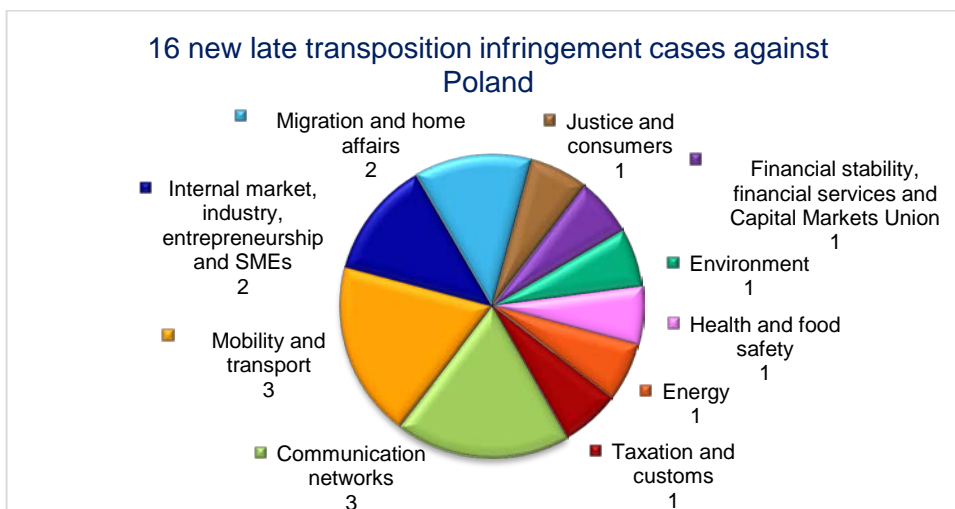
2. New late transposition infringement cases against Poland (2014-2018)



¹⁶ Commission v Poland (Indépendance des juridictions de droit commun), [C-192/18](#).

¹⁷ Commission v Poland, [C-619/18](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred one case to the Court under Articles 258 and 260(3) TFEU. It concern

- non-communication of national measures transposing the Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market¹⁸.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of the Nitrates Directive through insufficient designation of nitrate vulnerable zones and shortcomings in the action plans¹⁹;
- parallel imports of medicines²⁰;
- failure to communicate national measures transposing the
 - Alternative Investment Fund Managers Directive²¹;
 - Directive on intra-corporate transfer²²;
 - Directive concerning undertakings for collective investment in transferable securities²³;
 - Directive on quality system standards and specifications for blood establishments²⁴;
 - Antitrust Damages Directive²⁵;
 - Data Protection Law Enforcement Directive²⁶;

¹⁸ Commission v. Poland, [C-206/18](#). Poland subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

¹⁹ Directive [91/676/EEC](#).

²⁰ [IP/18/3459](#).

²¹ Directive [2011/61/EU](#), [MEMO/18/349](#).

²² Directive [2014/66/EU](#).

²³ Directive [2014/91/EU](#).

²⁴ Commission Directive [2016/1214/EU](#).

²⁵ [MEMO/18/1444](#).

²⁶ Directive [2016/680/EU](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings²⁷

The Court gave the following rulings.

- Poland failed to ensure that the investigating body is independent of railway undertakings and rail infrastructure managers controlled by the minister of transport²⁸.
- Poland has been persistently exceeding the EU air quality limit values for particulate matter (PM₁₀²⁹) in several zones and agglomerations throughout the whole country. Furthermore, Poland has failed to incorporate in its air quality programmes appropriate measures to ensure that the exceedance period is kept as short as possible³⁰.
- Poland has incorrectly transposed into national legislation the requirements of the Environmental Impact Assessment Directive on exploratory drilling. The national legislation found to be non-compliant excludes exploratory works for shale gas carried out at a depth of up to 5 000 m, with the exception of drilling to a depth of at least 1 000 m for projects in 'sensitive' areas, such as nature protection zones or water protection zones³¹.
- Poland has failed to fulfil its obligations under the Habitats and Birds Directives regarding management of the Białowieża Forest. The operations at issue resulted in the loss of a part of the respective Natura 2000 site and therefore could not constitute conservation measures³².

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Polish judiciary.

- In Poland, to determine the basis for assessing flavoured beers according to the Plato scale, the dry extract of the finished product including aromatic substances and sugar syrup added after the completion of the fermentation process is taken into consideration. However, the Court decided that in such cases the dry extract of the original wort must be taken into consideration but not the aromatic substances or sugar syrup added after the completion of fermentation³³.
- The Court confirmed its case law on effective remedies against unfair contract terms. In relation to payment order proceedings, it found that national rules that prevent national courts from assessing of their own motion whether the relevant contract terms are unfair before issuing the payment order do not comply with the Directive on unfair terms in consumer contracts³⁴.

²⁷ These rulings are almost exclusively handed down in infringement procedures.

²⁸ Directive [2004/49/EC](#) *nc* [2004/49/EC](#), *Commission v Republic of Poland*, [C-530/16](#).

²⁹ PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency).

³⁰ *Commission v Poland*, [C-336/16](#) and Court press release [No 19/18](#).

³¹ *Commission v Poland*, [C-526/16](#).

³² *Commission v Poland*, [C-441/17](#) and Court press release [No 48/18](#).

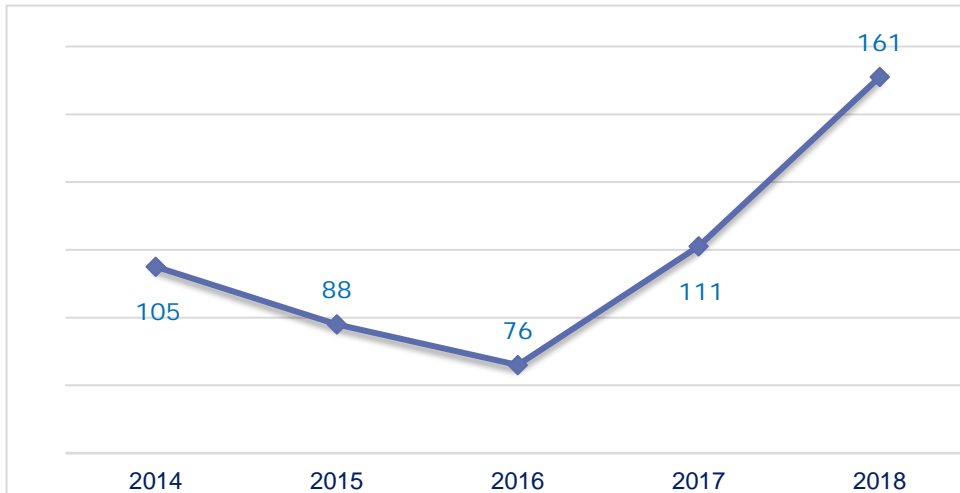
³³ *Kompania Pivowarska*, [C-30/17](#).

³⁴ *Profi Credit Polska* [C-176/17](#) and *PKO Bank Polski*, [C-632/17](#).

Portugal

I. COMPLAINTS

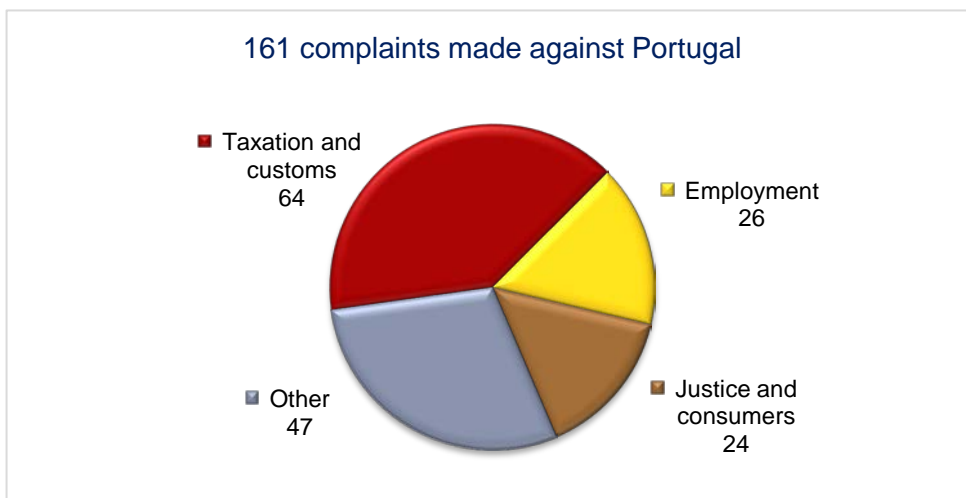
1. New complaints made against Portugal by members of the public (2014-2018)



2. Public complaints against Portugal open at year-end

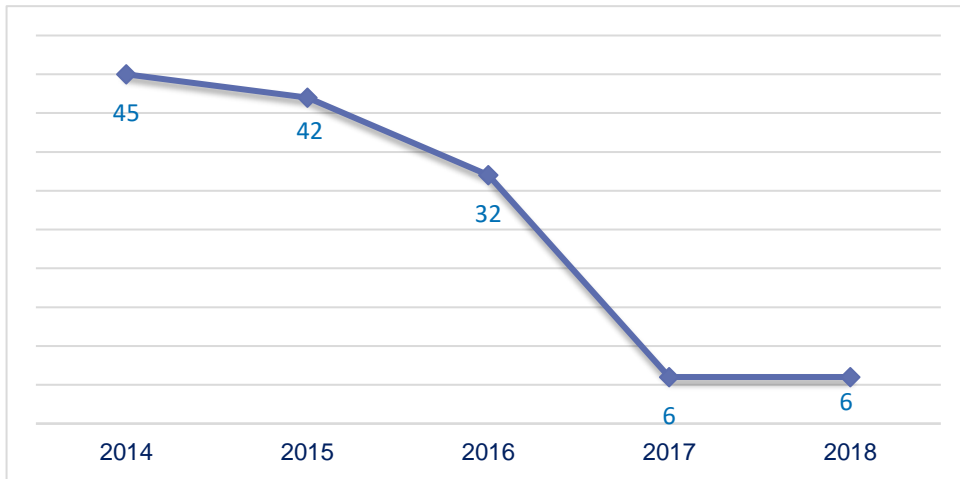
86	>	Complaints open at end-2017
161	>	New complaints registered in 2018
169	>	Complaints handled in 2018
= 78	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

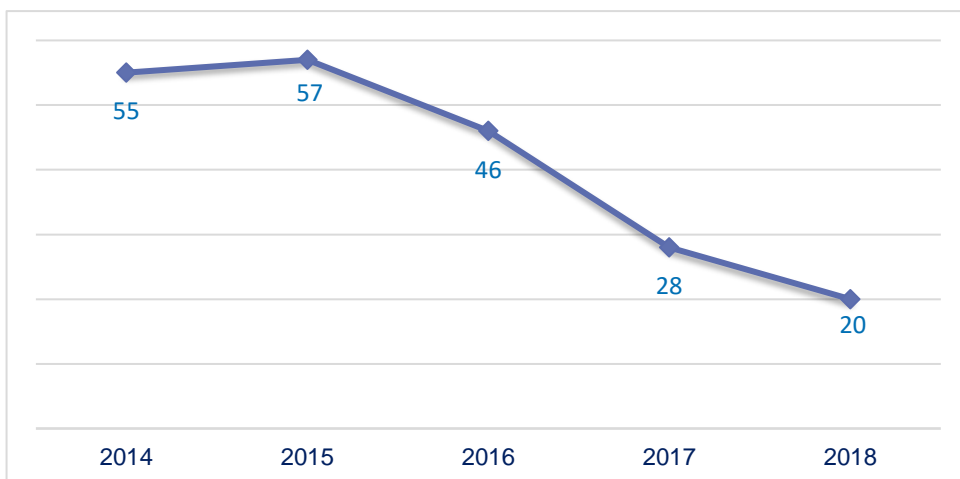


II. EU PILOT

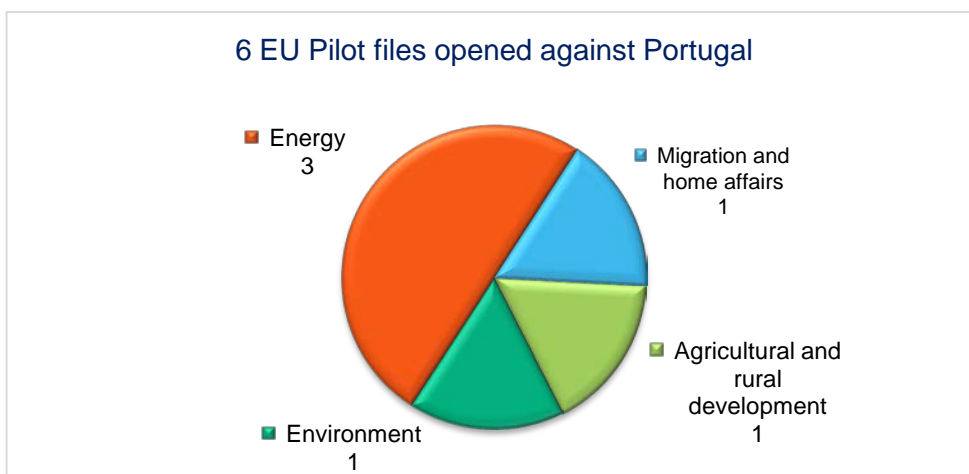
1. New EU Pilot files opened against Portugal (2014-2018)



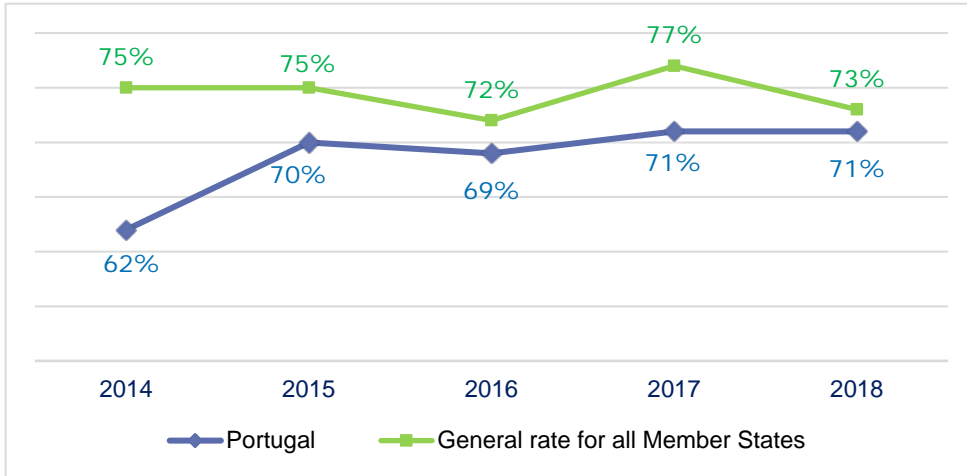
2. Files relating to Portugal open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

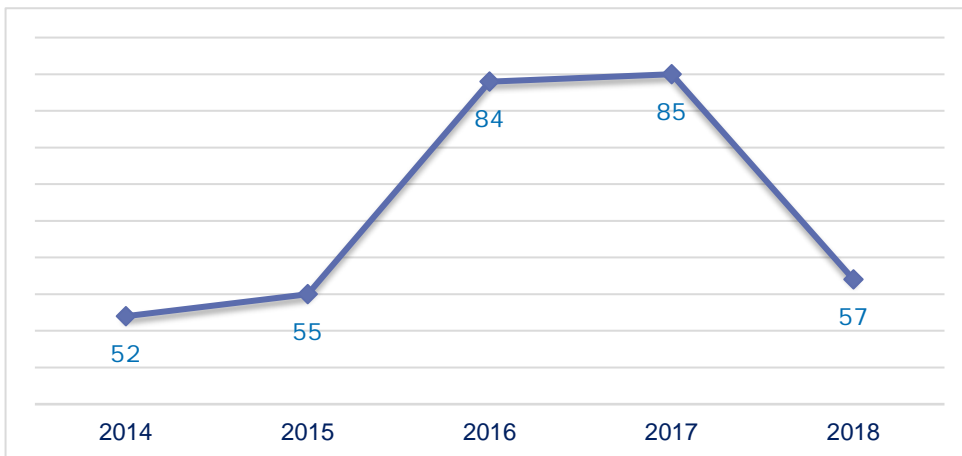


4. EU Pilot files: Portugal's resolution rate in 2014-2018

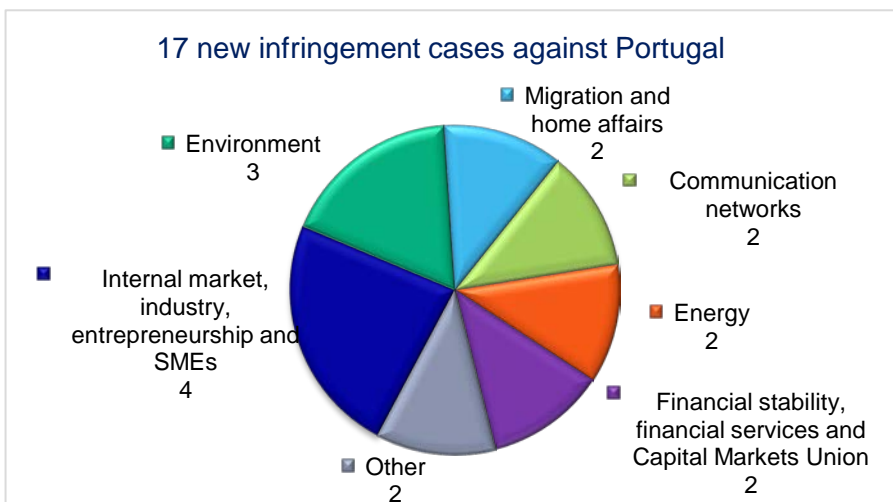


III. INFRINGEMENT CASES

1. Infringement cases against Portugal open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 17 new infringement cases against Portugal in 2018. These, and other major ongoing infringement cases, include the following.
- Incorrect transposition of the:
 - Directive on the protection of animals used for scientific purposes¹;
 - Radioactive Waste Directive².
 - Non-conformity of national transposition measures with the Directive on the recognition of professional qualifications³.
 - Direct award of a number of defence contracts to national suppliers in breach of the Defence Procurement Directive⁴.
 - Non-respect of the EU's exclusive competence for the conservation of marine biological resources. Portugal undertook direct démarches towards the North East Atlantic Fisheries Commission (NEAFC) and the International Council for the Exploration of the Sea in the context of an ongoing process at NEAFC aiming to prevent significant impacts of bottom fishing activities on vulnerable marine ecosystems⁵.
 - Non-communication of national measures transposing the
 - Directive on working conditions of seafarers⁶;
 - Payment Services Directive⁷;
 - Insurance Distribution Directive⁸;
 - revised Markets in Financial Instruments Directive⁹;
 - Basic Safety Standards Directive¹⁰;
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants¹¹;
 - Directive on the reduction of national emissions of certain atmospheric pollutants¹²;
 - Directive on security of network and information systems¹³;
 - 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-disabled¹⁴;
 - Data Protection Law Enforcement Directive¹⁵.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns
- failure to establish Special Areas of Conservation for the protection of natural habitats and species, and to establish the necessary conservation measures for these sites, as required by the Habitats Directive¹⁶.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2010/63/EU](#), [MEMO/18/4486](#).

² Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

³ Directive [2005/36/EC](#), [MEMO/18/4486](#).

⁴ [IP/18/357](#)

⁵ [MEMO/18/349](#).

⁶ Directive [2015/1794/EU](#); [MEMO/18/3446](#).

⁷ Directive [2015/2366/EU](#).

⁸ Directive [2016/97/EU](#).

⁹ Directive [2014/65/EU](#); [MEMO/18/349](#).

¹⁰ Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

¹¹ Directive [2015/2193/EU](#).

¹² Directive [2016/2284/EU](#).

¹³ Directive [2016/1148/EU](#); [MEMO/18/4486](#).

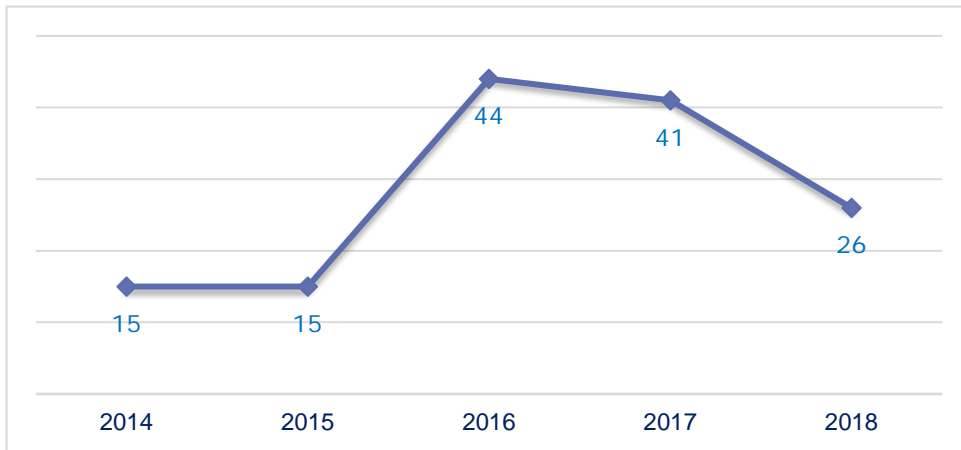
¹⁴ Directive [2017/1564/EU](#).

¹⁵ Directive [2016/680/EU](#).

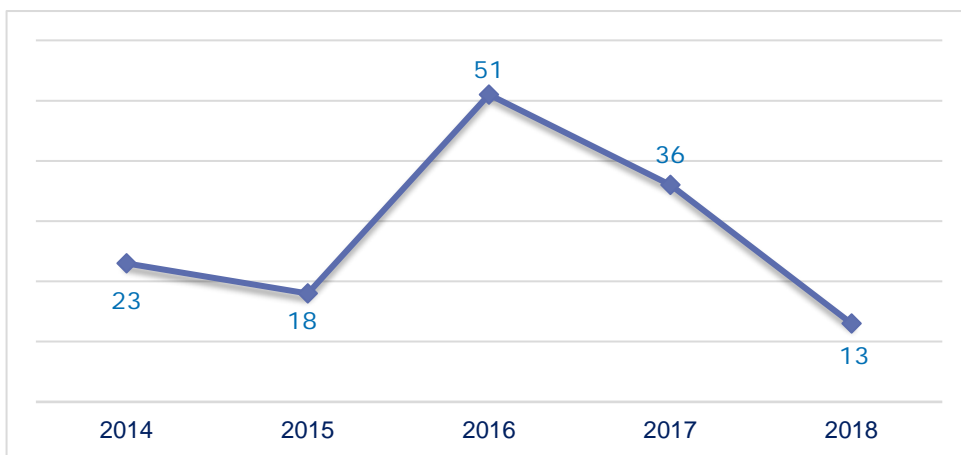
¹⁶ Directive [92/43/EEC](#), *Commission v Portugal*, [C-290/18](#); [IP/18/356](#).

IV. TRANSPOSITION OF DIRECTIVES

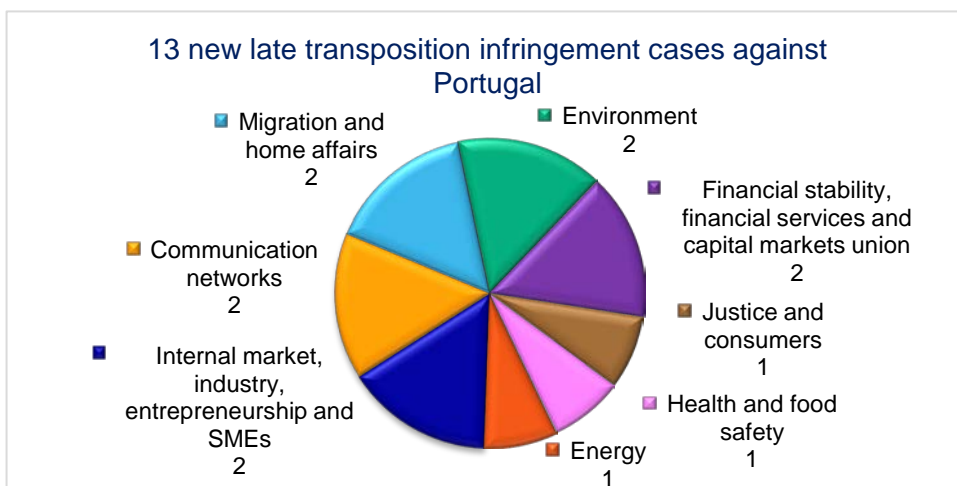
1. Late transposition infringement cases against Portugal open on 31 December (2014-2018)



2. New late transposition infringement cases against Portugal (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- operation of the Port State Control system¹⁷;
- restricted access to the groundhandling market at Porto, Lisbon and Faro airports¹⁸;
- lack of a quality management system for the maritime administration's Flag States-related activities¹⁹;
- incorrect transposition of the Third Energy Package Directives²⁰;
- obligation to notify the export of medicines;
- failure to communicate national measures transposing the:
 - Solvency II Directive²¹;
 - Directive on intra-corporate transfer²²;
 - Directive concerning undertakings for collective investment in transferable securities²³;
 - Directive on reducing the consumption of lightweight plastic carrier bags²⁴;
 - revised Environmental Impact Assessment Directive²⁵;
 - Commission Directive²⁶ amending the Drinking Water Directive²⁷.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

2. Preliminary rulings

No major preliminary rulings were addressed to the Portuguese judiciary in 2018.

¹⁷ Directive [2009/16/EC](#).

¹⁸ Directive [1996/67/EC](#).

¹⁹ Directive [2009/21/EC](#).

²⁰ Directives [2009/72/EC](#) and [2009/73/EC](#).

²¹ Directive [2009/138/EC](#), [MEMO/18/349](#).

²² Directive [2014/66/EU](#).

²³ Directive [2014/91/EU](#).

²⁴ Directive [2015/720/EU](#).

²⁵ Directive [2014/52/EU](#).

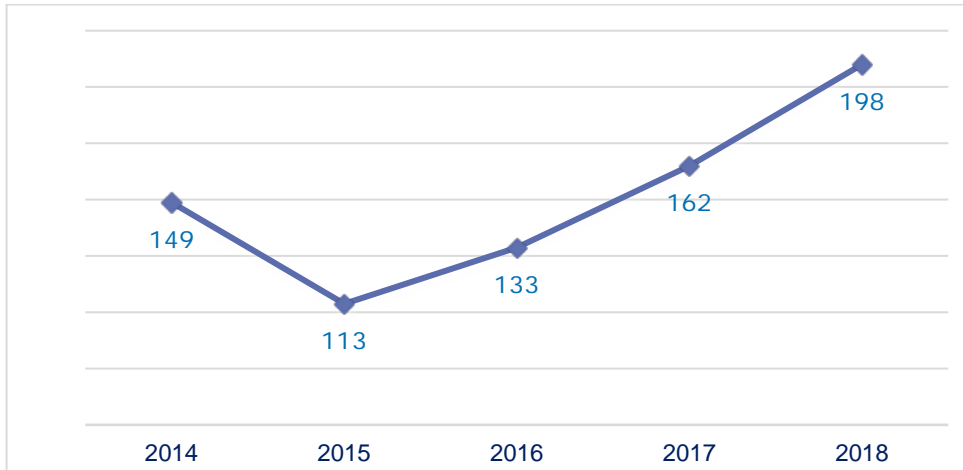
²⁶ Commission Directive [2015/1787/EU](#).

²⁷ Directive [98/83/EC](#).

Romania

I. COMPLAINTS

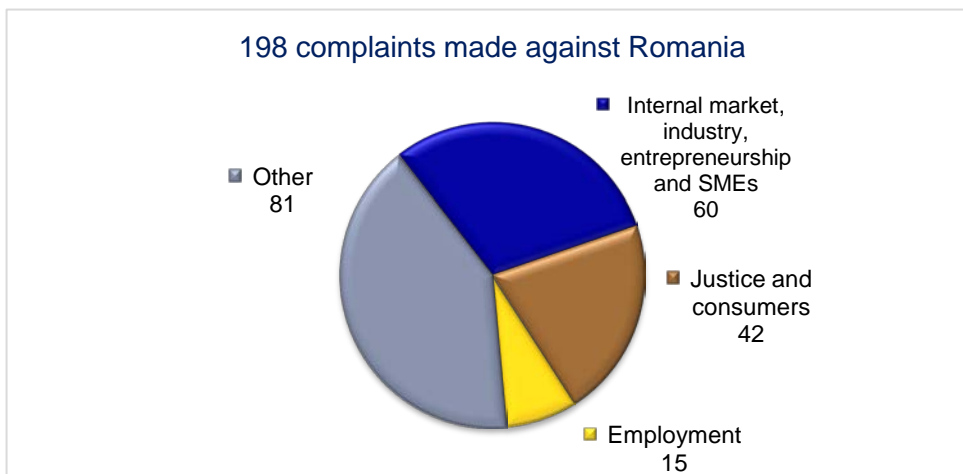
1. New complaints made against Romania by members of the public (2014-2018)



2. Public complaints against Romania open at year-end

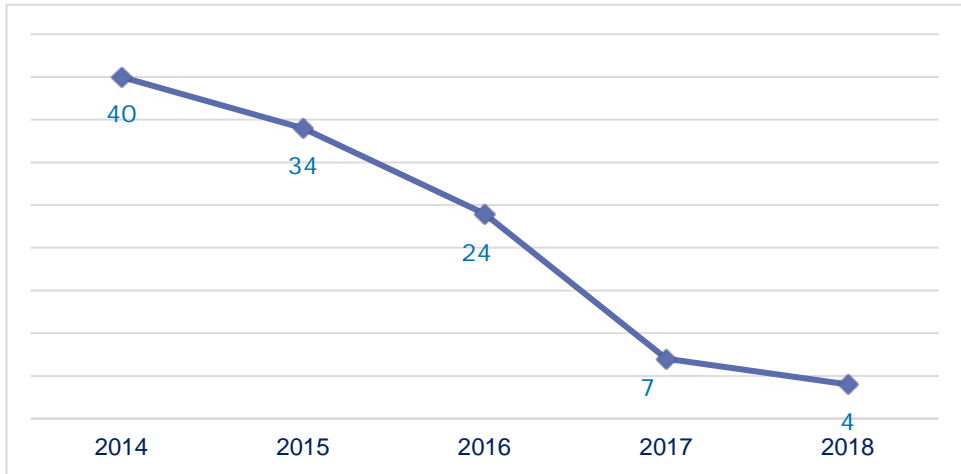
114	>	Complaints open at end-2017
198	>	New complaints registered in 2018
172	>	Complaints handled in 2018
= 140	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

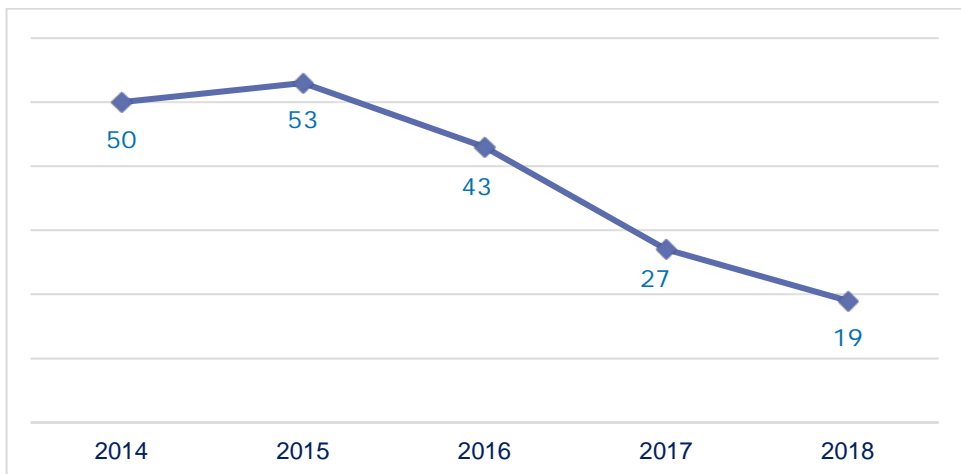


II. EU PILOT

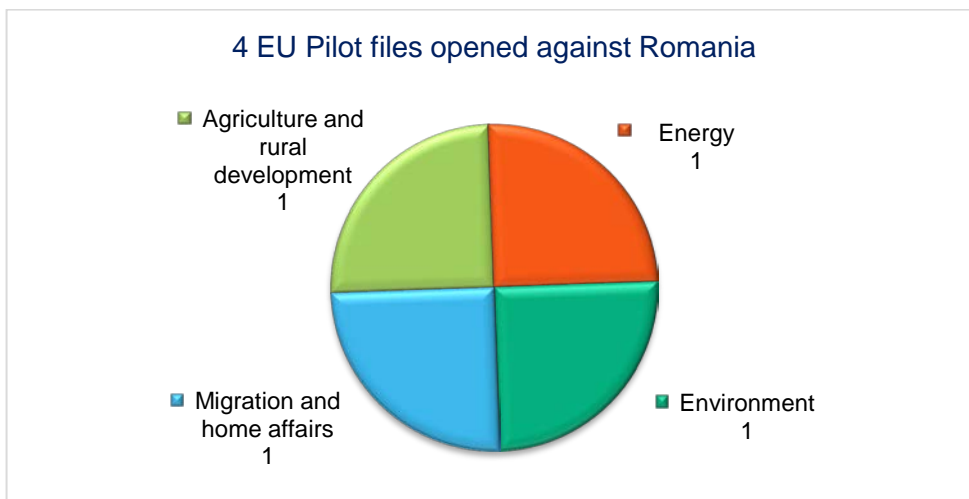
1. New EU Pilot files opened against Romania (2014-2018)



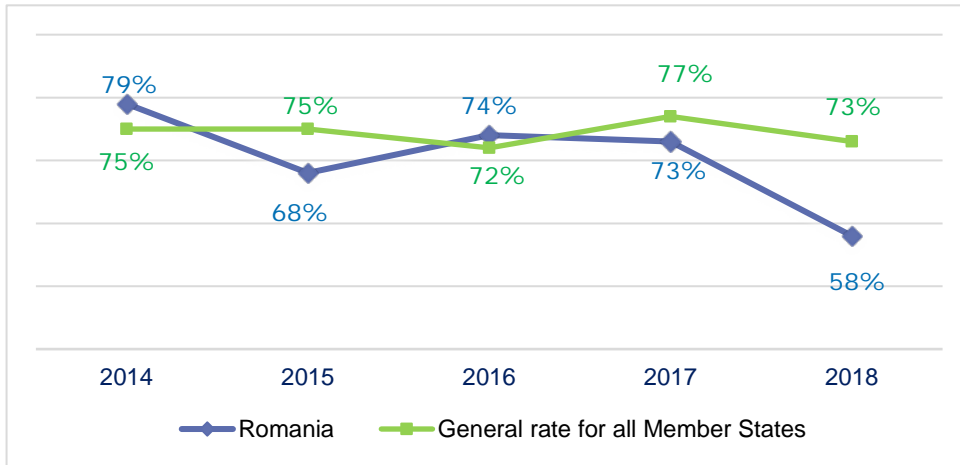
2. Files relating to Romania open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

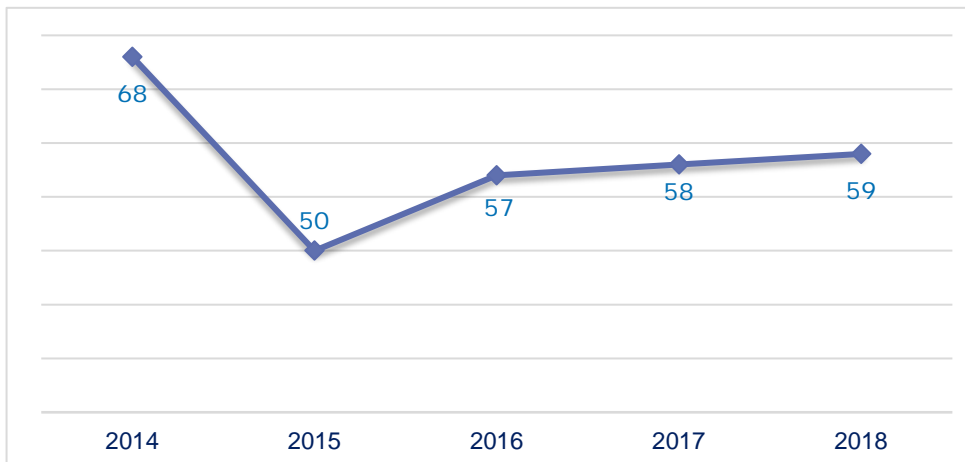


4. EU Pilot files: Romania's resolution rate in 2014-2018

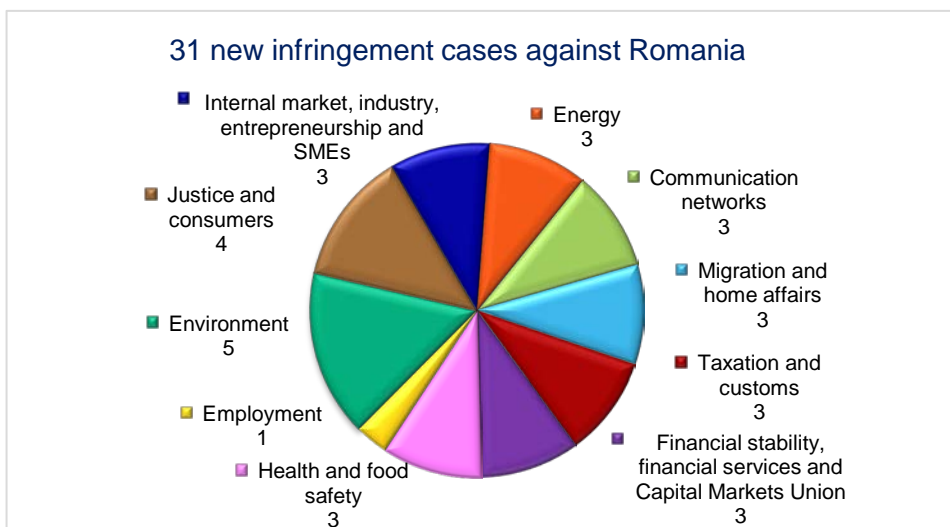


III. INFRINGEMENT CASES

1. Infringement cases against Romania open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 31 new infringement cases against Romania in 2018. These, and other major ongoing infringement cases, include:
- application of a split-payment mechanism for VAT in breach of EU rules¹;
 - failure to control emissions of sulphur dioxide from two large combustion plants²;
 - failure to ensure that urban waste water is adequately treated³;
 - non-conformity of certain provisions of domestic legislation on motor third-party liability insurance with the provisions of the Solvency II and Motor Insurance Directives⁴;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁵;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁶;
 - failure to correctly transpose certain requirements of the Radioactive Waste Directive⁷;
 - non-compliance with the requirements of the
 - Energy Efficiency Directive⁸;
 - Oil Stocks Directive⁹;
 - incorrect transposition of the Directive on the protection of animals used for scientific purposes¹⁰;
 - non-communication of national measures transposing the:
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants;¹¹
 - Directive on security of network and information systems;¹²
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹³;
 - Directive as regards quality system standards and specifications for blood establishments;¹⁴
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants;¹⁵
 - Payment Services Directive¹⁶;
 - Insurance Distribution Directive¹⁷;
 - revised Markets in Financial Instruments Directive;¹⁸

¹ [MEMO/18/6247](#).

² Directive [2010/75/EU](#); [MEMO/18/4486](#).

³ Directive [91/271/EEC](#); [MEMO/18/3986](#).

⁴ Directives [2009/138/EC](#) and [2009/103/EC](#); [MEMO/18/4486](#).

⁵ Directive [2005/36/EC](#); [MEMO/18/4486](#).

⁶ Directive [2011/70/Euratom](#); [MEMO/18/3446](#).

⁷ Directive [2011/70/Euratom](#); [MEMO/18/3446](#).

⁸ Directive [2012/27/EU](#); [MEMO/18/6247](#).

⁹ Directive [2009/119/EC](#); [MEMO/18/349](#).

¹⁰ Directive [2010/63/EU](#); [MEMO/18/4486](#).

¹¹ Directive [2015/2193/EU](#); [MEMO/18/4486](#).

¹² Directive [2016/1148/EU](#); [MEMO/18/4486](#).

¹³ Directive [2016/2102/EU](#).

¹⁴ Commission Directive [2016/1214/EU](#).

¹⁵ Commission Implementing Directive [2017/1279/EU](#).

¹⁶ Directive [2015/2366/EU](#).

¹⁷ Directive [2016/97/EU](#).

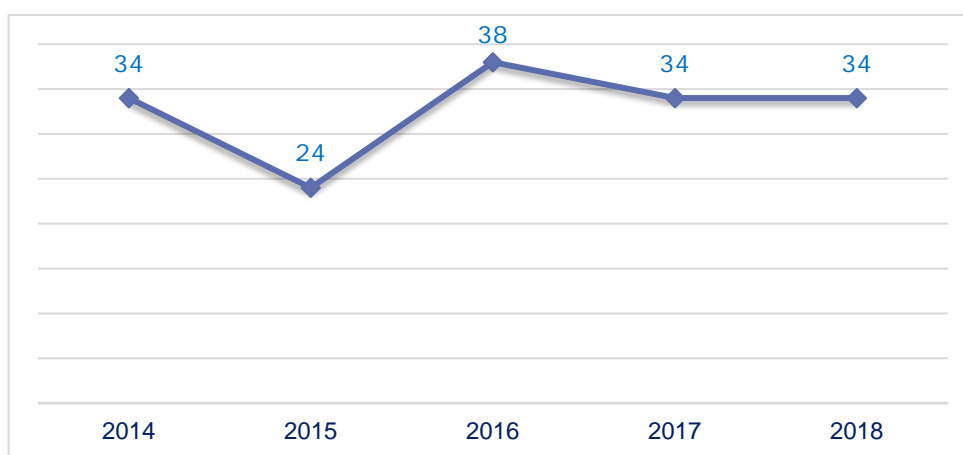
¹⁸ Directive [2014/65/EU](#); [MEMO/18/349](#).

Romania

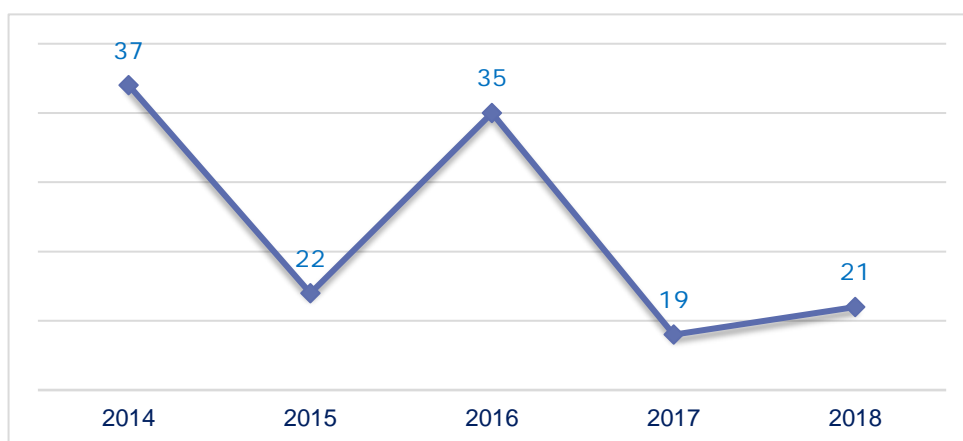
- Directive on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled¹⁹;
 - Directive on the freezing and confiscation of instrumentalities and proceeds of crime²⁰;
 - Package Travel Directive.²¹
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns
- exceedance of the PM₁₀²² limit values set by the Air Quality Directive²³.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Romania open on 31 December (2014-2018)



2. New late transposition infringement cases against Romania (2014-2018)



¹⁹ Directive [2017/1564/EU](#).

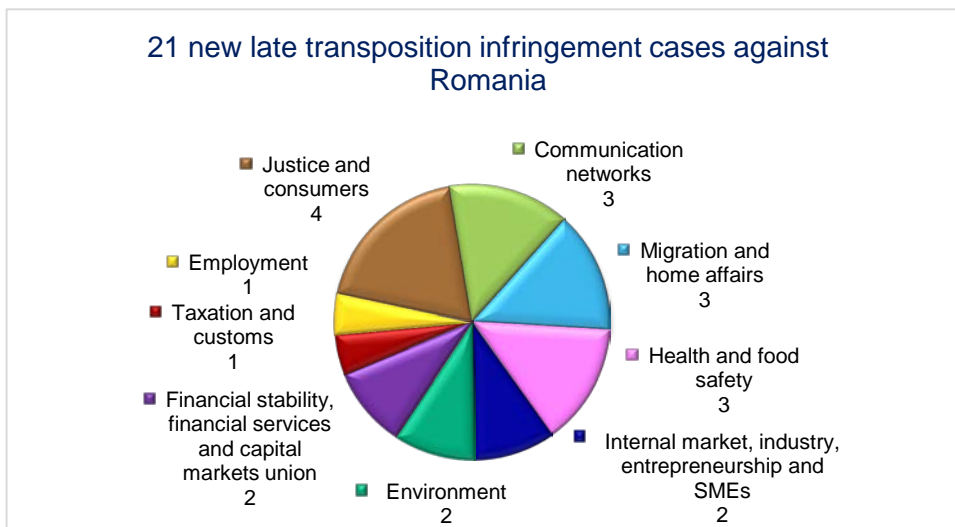
²⁰ Directive [2014/42/EU](#).

²¹ Directive [2015/2302/EU](#).

²² PM₁₀ is an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometres. The particles' small size allows them to penetrate deep into the lungs where they may be deposited and cause adverse health effects. (Source: European Environment Agency)

²³ Directive [2008/50/EC](#), Commission v Romania, [C-638/18; IP/18/3450](#).

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission referred two cases to the Court under Articles 258 and 260(3) TFEU. They concern

- failure to communicate national measures transposing the Directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use²⁴;
- failure to communicate national measures transposing the Fourth Anti-Money Laundering Directive²⁵.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned the following:

- failure to comply with the Waste Framework Directive regarding the adoption of waste management plans and waste prevention programmes²⁶;
- failure to notify the national policy framework as required by EU legislation on the deployment of alternative fuels infrastructure²⁷;
- unjustified restrictions on veterinary pharmacies;
- obstacles to the marketing of LPG fuel stations;
- parallel imports of medicines²⁸;
- failure to communicate national measures transposing the
 - Antitrust Damages Directive²⁹;
 - Directive on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations³⁰;

²⁴ Commission v Romania, [C-116/18](#) -. Romania subsequently took the necessary steps to ensure compliance with EU law and the Commission has therefore withdrawn this case from the Court.

²⁵ Commission v Romania, [C-549/18](#), [IP/18/4491](#).

²⁶ Directive [2008/98/EC](#).

²⁷ Directive [2014/94/EU](#), [IP/18/358](#), [IP/18/358](#)

²⁸ [IP/18/3459](#).

²⁹ Directive [2014/104/EU](#); [MEMO/18/1444](#).

³⁰ Directive [2014/99/EU](#).

Romania

- Directive on quality system standards and specifications for blood establishments³¹;
- Directive on protective measures against the introduction into the Community of organisms harmful to plants³²;
- Directive concerning undertakings for collective investment in transferable securities³³;
- Offshore Safety Directive³⁴.

VI. IMPORTANT JUDGMENTS

1. Court rulings³⁵

The Court ruled that:

- Romania has breached the Landfill Directive by failing to close down 68 landfills which had not received authorisation to continue operating³⁶.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Romanian judiciary.

- The work performed by a foster parent under an employment contract with a public authority is not covered by the provisions of the Working Time Directive³⁷.
- The term 'spouse' in the Free Movement Directive also applies to a person of the same sex as the EU citizen to whom he or she is married. The obligation for a Member State to recognise a same-sex marriage concluded in another Member State, for the sole purpose of granting a right of residence to a non-EU national, does not undermine the institution of marriage in the first Member State³⁸.
- A worker on parental leave does not accrue the right to paid annual leave under the provisions of the Working Time Directive³⁹.

³¹ Commission Directive [2016/1214/EU](#).

³² Commission Implementing Directive [2017/1279/EU](#).

³³ Directive [2014/91/EU](#).

³⁴ Directive [2013/30/EU](#).

³⁵ These rulings are almost exclusively handed down in infringement procedures.

³⁶ Directive [1999/31/EC](#), Commission v Romania, [C-301/17](#).

³⁷ Sindicatul Familia Constanța and Others, [C-147/17](#).

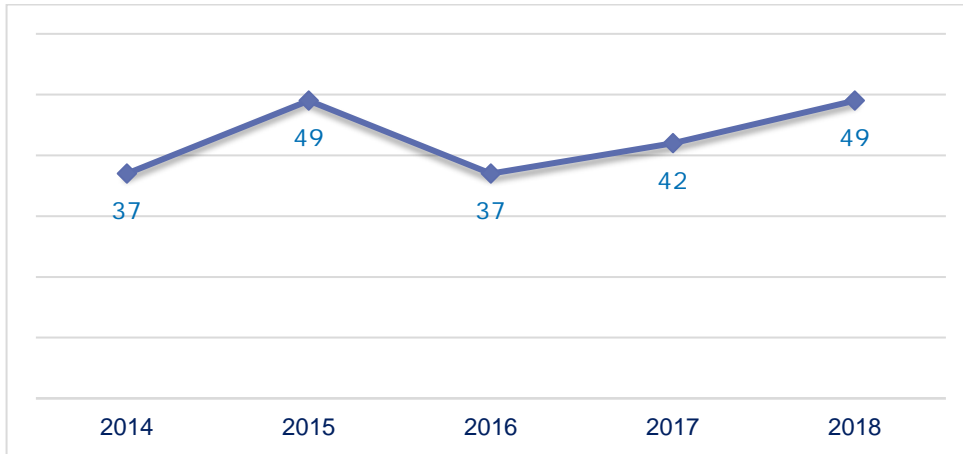
³⁸ Coman, [C-673/16](#).

³⁹ Dicu, [C-12/17](#).

Slovenia

I. COMPLAINTS

1. New complaints made against Slovenia by members of the public (2014-2018)



2. Public complaints against Slovenia open at year-end

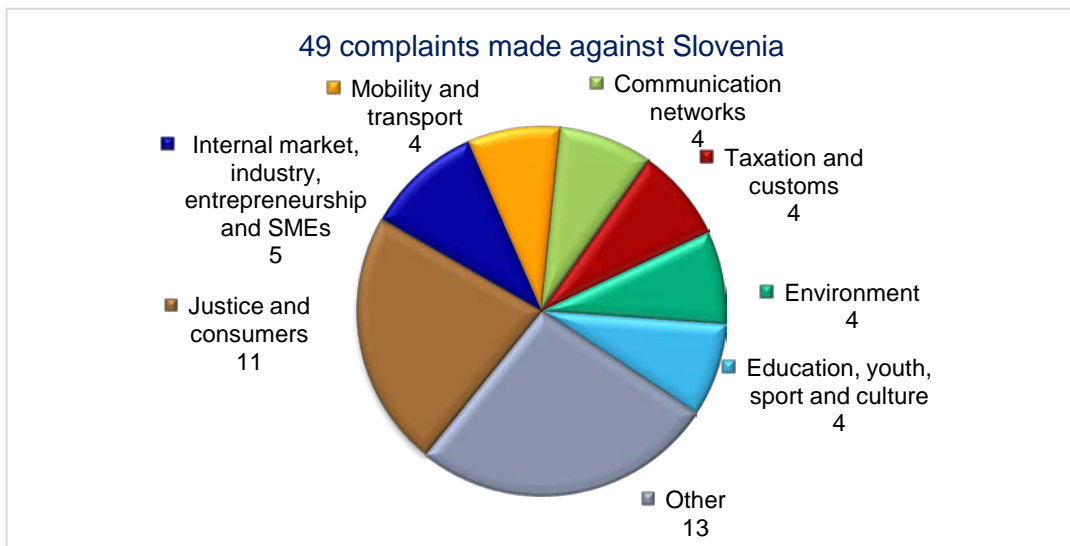
47 > Complaints open at end-2017

49 > New complaints registered in 2018

51 > Complaints handled in 2018

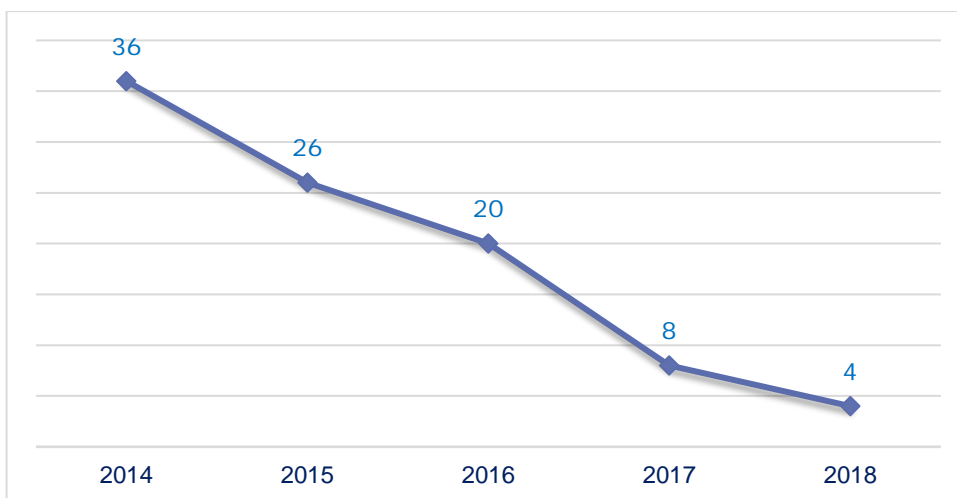
= 45 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

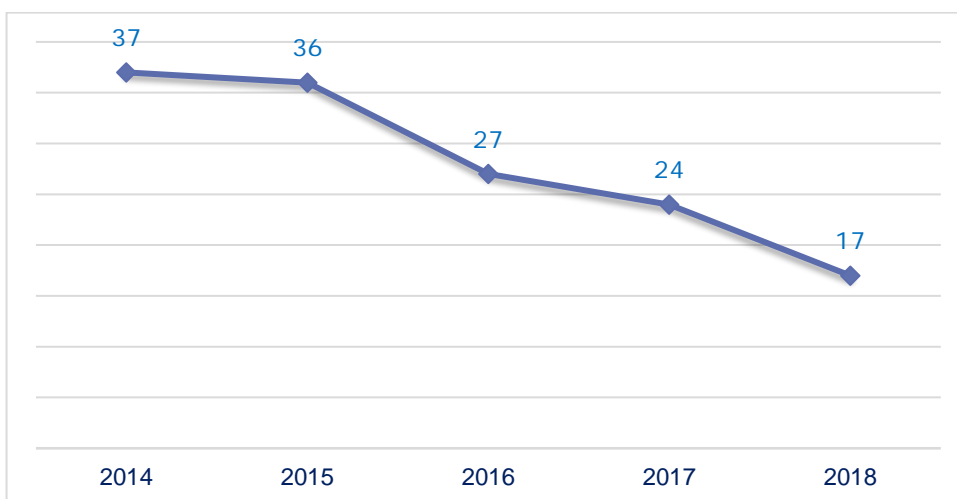


II. EU PILOT

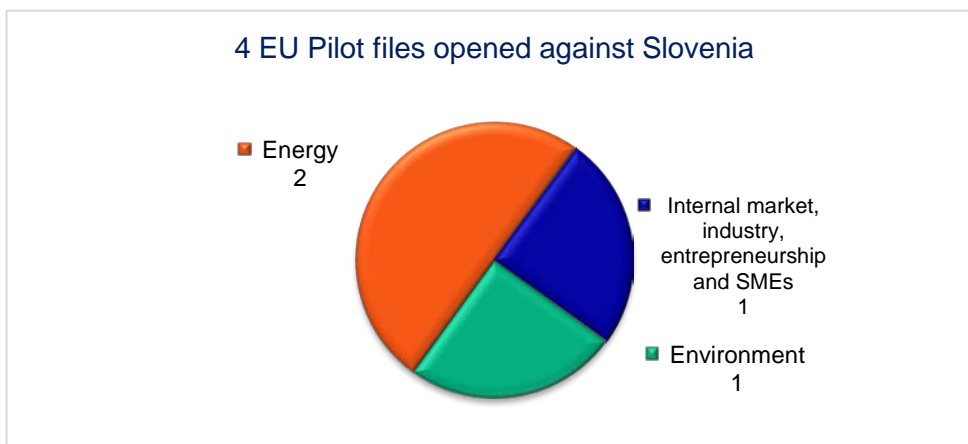
1. New EU Pilot files opened against Slovenia (2014-2018)



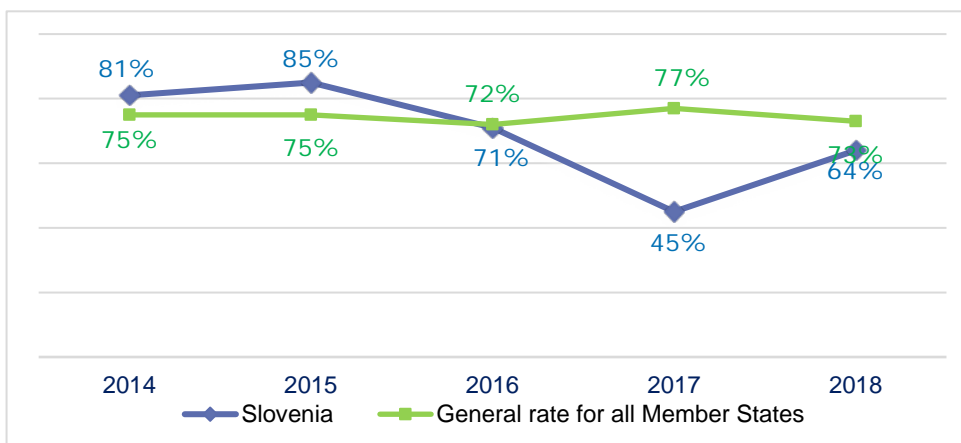
2. Files relating to Slovenia open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

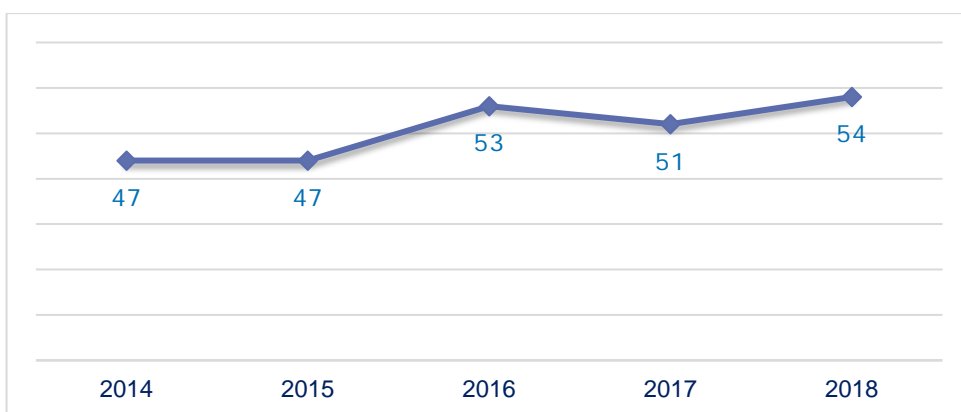


4. EU Pilot files: Slovenia's resolution rate in 2014-2018

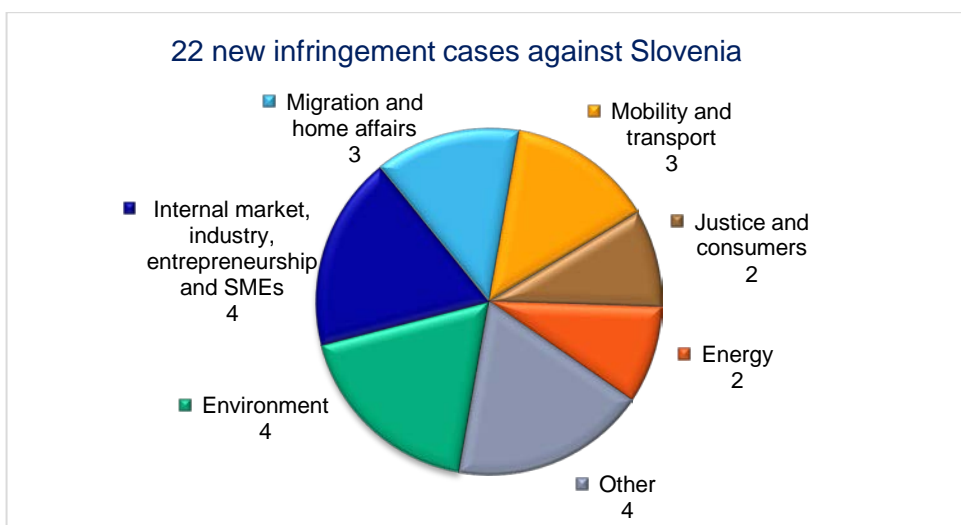


III. INFRINGEMENT CASES

1. Infringement cases against Slovenia open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 22 new infringement cases against Slovenia in 2018. These, and other major ongoing infringement cases, include:
- non-communication of national measures transposing the:
 - Insurance Distribution Directive¹;
 - revised Markets in Financial Instruments Directive²;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments³;
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants⁴;
 - 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-disabled⁵;
 - Package Travel Directive⁶;
 - Data Protection Law Enforcement Directive⁷.
 - failure to comply with the judgment of the Court of Justice and rehabilitate an illegal landfill in Bukovžlak, Celje⁸;
 - failure to adopt a national programme for the implementation of spent fuel and radioactive waste management policy compliant with the requirements of the Radioactive Waste Directive⁹;
 - non-compliance with the requirements of the
 - Energy Efficiency Directive¹⁰;
 - Energy Performance of Buildings Directive¹¹;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹².
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns:
- failure to communicate national measures transposing the Delegated Directive implementing the Markets in Financial Instruments Directive¹³.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

¹ Directive [2016/97/EU](#).

² Directive [2014/65/EU](#); [MEMO/18/349](#).

³ Commission Directive [2016/1214/EU](#).

⁴ Directive [2015/2193/EU](#).

⁵ Directive [2017/1564/EU](#).

⁶ Directive [2015/2302/EU](#).

⁷ Directive [2016/680/EU](#).

⁸ Commission v Slovenia, [C-140/14](#), [MEMO/18/3986](#).

⁹ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

¹⁰ Directive [2012/27/EU](#), [MEMO/18/4486](#).

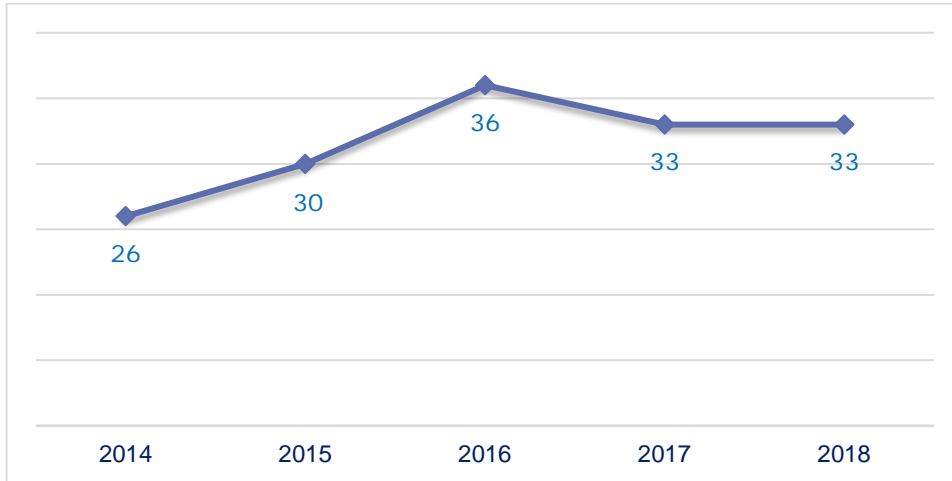
¹¹ Directive [2010/31/EU](#), [MEMO/18/349](#).

¹² Directive [2005/36/EC](#); [MEMO/18/4486](#).

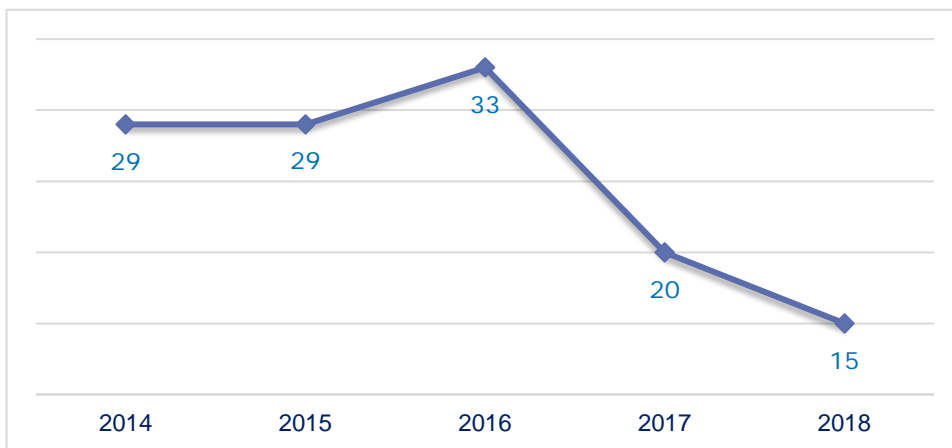
¹³ Commission v Slovenia, [C-631/18](#); Directive [2017/593/EU](#).

IV. TRANSPOSITION OF DIRECTIVES

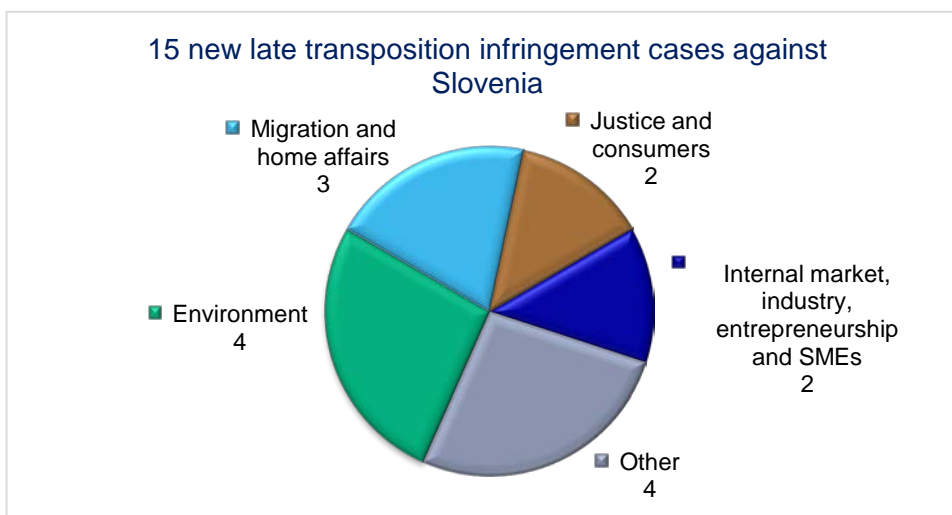
1. Late transposition infringement cases against Slovenia open on 31 December (2014-2018)



2. New late transposition infringement cases against Slovenia (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referral to the Court

The Commission referred three cases to the Court under Articles 258 and 260(3) TFEU. They concern failure to communicate national measures transposing the

- o revised Markets in Financial Instruments Directive¹⁴;
- o Audit Directive¹⁵;
- o Directive on the award of concession contracts¹⁶.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect application of the Directive on environmental noise due to the lack of noise action plans¹⁷;
- incorrect transposition of the Strategic Environmental Assessment Directive and the Environmental Impact Assessment Directive as regards public participation and access to justice in spatial planning¹⁸;
- non-communication of national measures transposing the
 - o Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁹;
 - o Directive on the freezing and confiscation of instrumentalities and proceeds of crime²⁰;
 - o Antitrust Damages Directive²¹;
 - o Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants²²;
 - o Directive²³ amending the Environmental Impact Assessment Directive;
 - o Directive on requirements for budgetary frameworks of the Member States²⁴;
 - o Directive on intra-corporate transfer²⁵;
 - o Nuclear Safety Directive²⁶.

VI. IMPORTANT JUDGMENTS

1. Court ruling²⁷

The Court ruled that

- Slovenia has failed to fulfil its obligations under the Landfill Directive. Twenty landfills which had not been granted authorisation to continue operation have not been closed

¹⁴ Commission v Slovenia [C-628/18](#); Directive [2014/65/EU](#); [IP/18/4530](#).

¹⁵ Commission v Slovenia [C-69/18](#); [Directive 2014/56/EU](#).

¹⁶ Commission v Slovenia, [C-188/18](#); [Directive 2014/23/EU](#).

¹⁷ [Directive 2002/49/EC](#).

¹⁸ [Directives 2001/42/EC and 2011/92/EU](#).

¹⁹ Commission Directive [2016/1214/EU](#).

²⁰ [Directive 2014/42/EU](#).

²¹ [Directive 2014/104/EU](#); [MEMO/18/1444](#).

²² [Directive 2015/2193/EU](#).

²³ [Directive 2014/52/EU](#).

²⁴ [Directive 2011/85/EU](#).

²⁵ [Directive 2014/66/EU](#).

²⁶ [Directive 2014/87/Euratom](#).

²⁷ These rulings are almost exclusively handed down in infringement procedures.

Slovenia

and rehabilitated, and another landfill has not been brought into compliance with the requirements of the Directive²⁸.

2. Preliminary rulings

The Court addressed the following preliminary ruling to the Slovenian judiciary.

- Subsidiary protection status, granted under the legislation of a Member State, does not offer the 'same rights and benefits as those offered by the refugee status under Union and national law'²⁹.

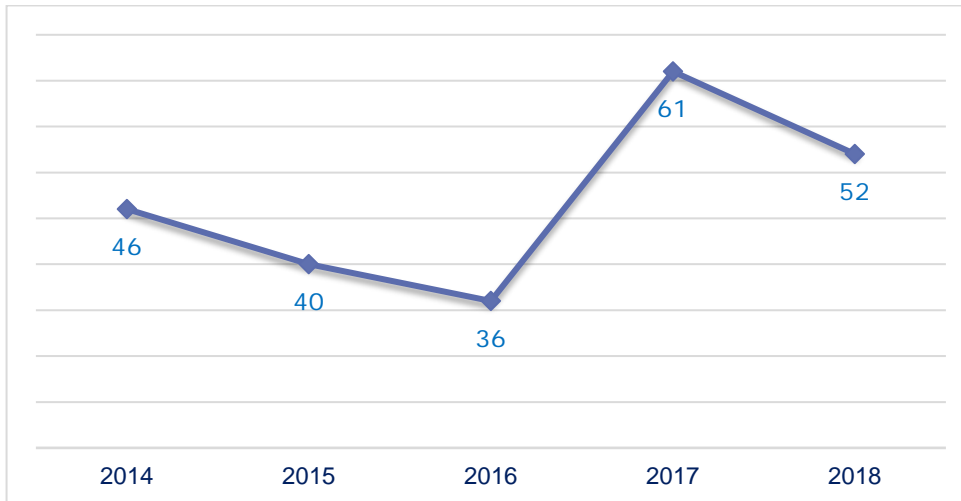
²⁸ Directive [1999/31/EC](#), Commission v Slovenia, [C-506/17](#).

²⁹ E.G. v Republika Slovenija, [C-662/17](#).

Slovakia

I. COMPLAINTS

1. New complaints made against Slovakia by members of the public (2014-2018)



2. Public complaints against Slovakia open at year-end

49 > Complaints open at end-2017

52 > New complaints registered in 2018

56 > Complaints handled in 2018

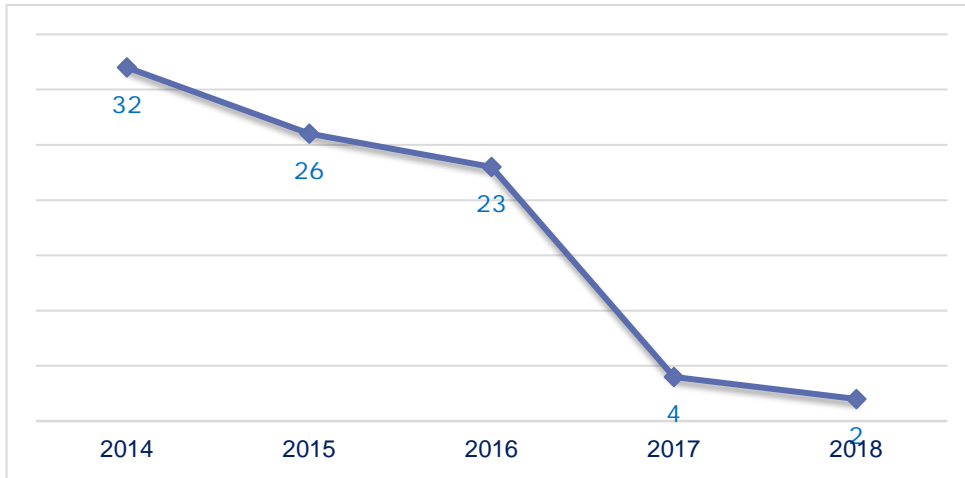
= 45 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

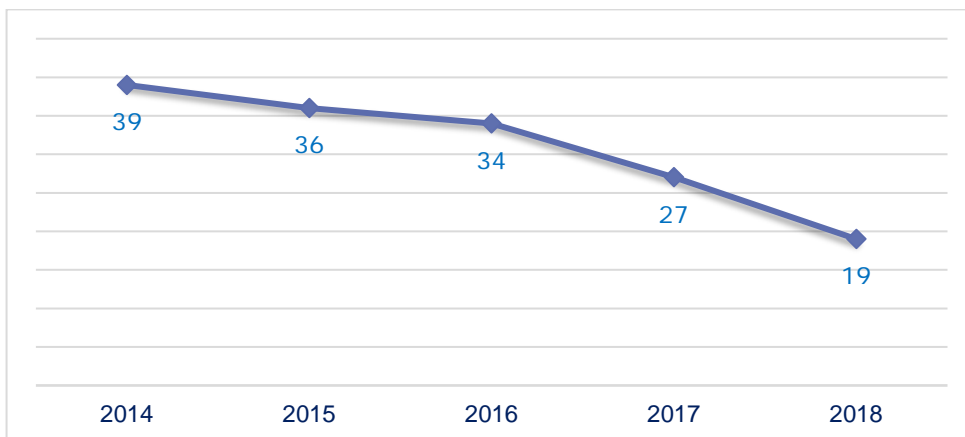


II. EU PILOT

1. New EU Pilot files opened against Slovakia (2014-2018)



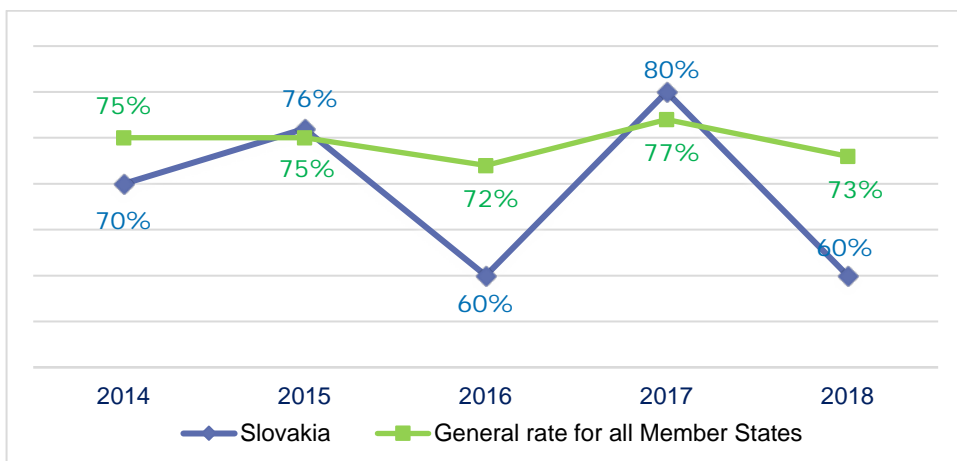
2. Files relating to Slovakia open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

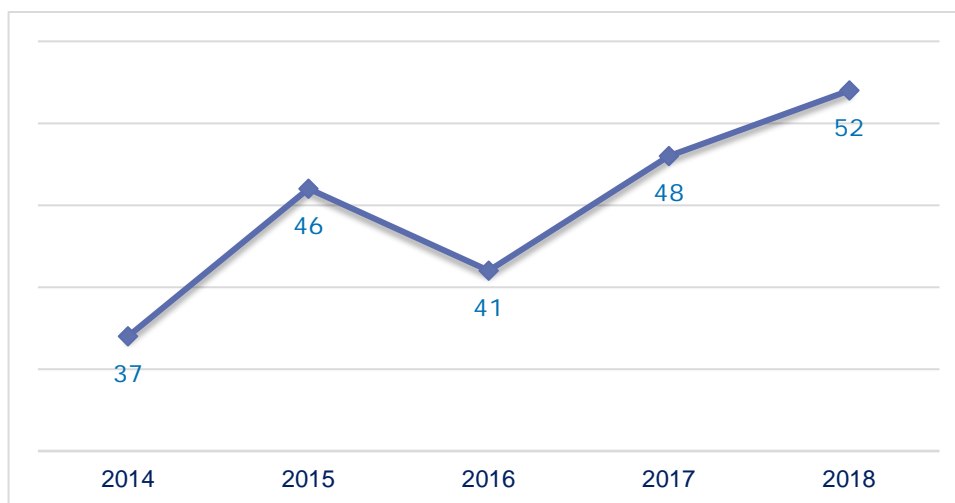
In 2018, the Commission opened two EU Pilot files against Slovakia: one in the area of environment and one in the area of migration and home affairs.

4. EU Pilot files: Slovakia's resolution rate in 2014-2018

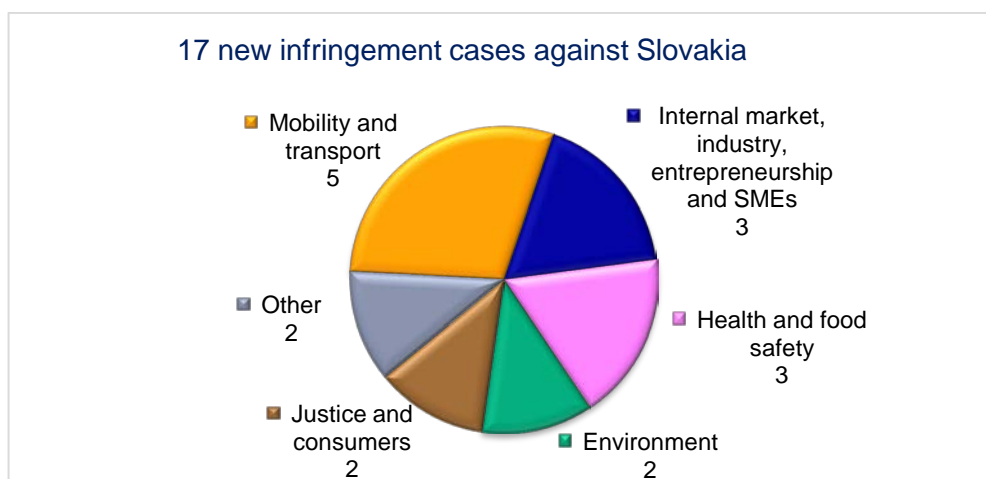


III. INFRINGEMENT CASES

1. Infringement cases against Slovakia open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 17 new infringement cases against Slovakia in 2018. These, and other major ongoing infringement cases, include:
- non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹;
 - non-compliance with the requirements of the Energy Efficiency Directive²;
 - incorrect transposition of the Directive on the protection of animals used for scientific purposes³;
 - non-conformity of domestic legislation with the Habitats Directive and incorrect application of the Habitats Directive and the Birds Directive⁴;
 - non-communication of national measures transposing the

¹ Directive [2005/36/EC](#), [MEMO/18/4486](#).

² Directive [2012/27/EU](#), [MEMO/18/6247](#).

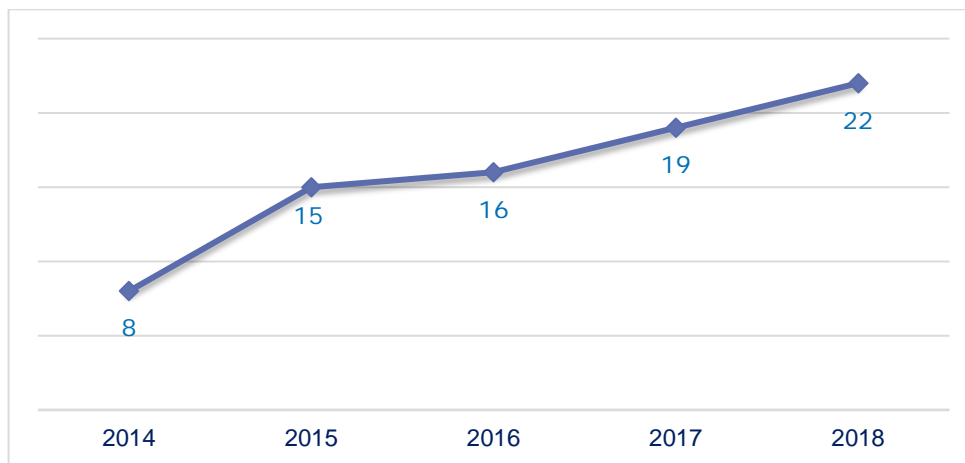
³ Directive [2010/63/EU](#), [MEMO/18/4486](#).

⁴ Directives [92/43/EEC](#) and [2009/147/EC](#).

- Directive on the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species⁵;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants⁶;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies⁷;
 - Package Travel Directive⁸;
 - Directive on the presumption of innocence⁹.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns
- lack of proper judicial remedies against refusals, annulments or revocation of visas¹⁰.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Slovakia open on 31 December (2014-2018)



⁵ Commission Implementing Directive [2018/100/EU](#).

⁶ Commission Implementing Directive [2017/1279/EU](#).

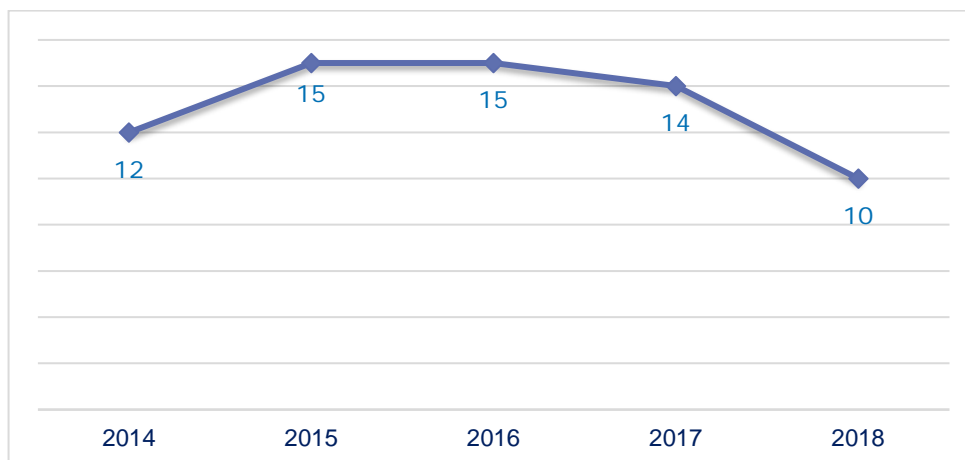
⁷ Directive [2016/2102/EU](#).

⁸ Directive [2015/2302/EU](#).

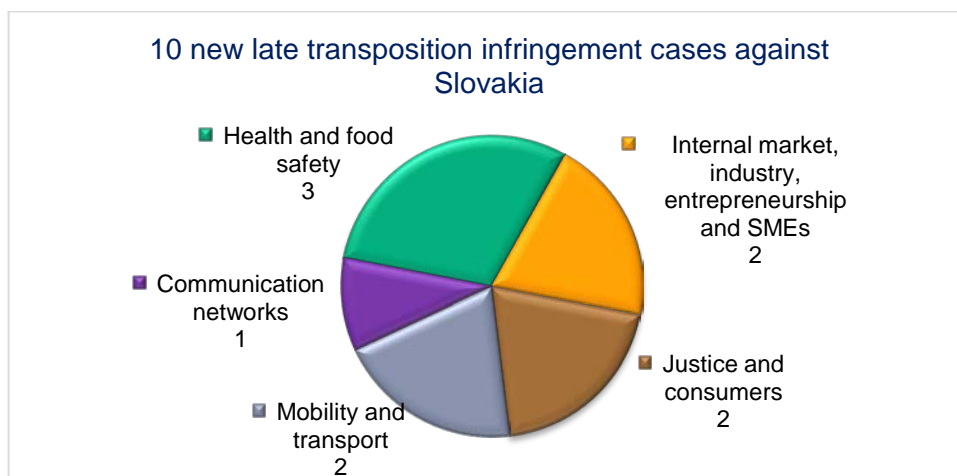
⁹ Directive [2016/343/EU](#).

¹⁰ Commission v Slovakia, [C-614/18](#).

2. New late transposition infringement cases against Slovakia (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned

- parallel imports of medicines¹¹;
- registration of right-hand drive vehicles;
- non-communication of national measures transposing the Directives on
 - protective measures against the introduction into the Community of organisms harmful to plants¹²;
 - the freezing and confiscation of instrumentalities and proceeds of crime¹³.

¹¹ [IP/18/3459](#).

¹² Commission Implementing Directive [2017/1279/EU](#).

¹³ Directive [2014/42/EU](#).

VI. IMPORTANT JUDGMENTS

1. Court rulings¹⁴

The Court ruled that

- *Slovakia* has failed to comply with an earlier Court judgment¹⁵ that it had failed to fulfil its obligations under the Landfill Directive by authorising the operation of the Žilina-Považský Chlmec landfill site without a site-conditioning plan and in the absence of a definite decision on its continued operation on the basis of an approved site-conditioning plan. The Court ordered Slovakia to pay a lump sum of EUR 1 000 000 and a daily penalty of EUR 5 000 until full compliance is achieved¹⁶.

2. Preliminary rulings

The Court addressed the following preliminary ruling to the Slovak judiciary.

- Member States may not impose a charge on the export of electricity generated in their own territory¹⁷.

¹⁴ These rulings are almost exclusively handed down on infringement procedures.

¹⁵ Commission v Slovakia, [C-331/11](#).

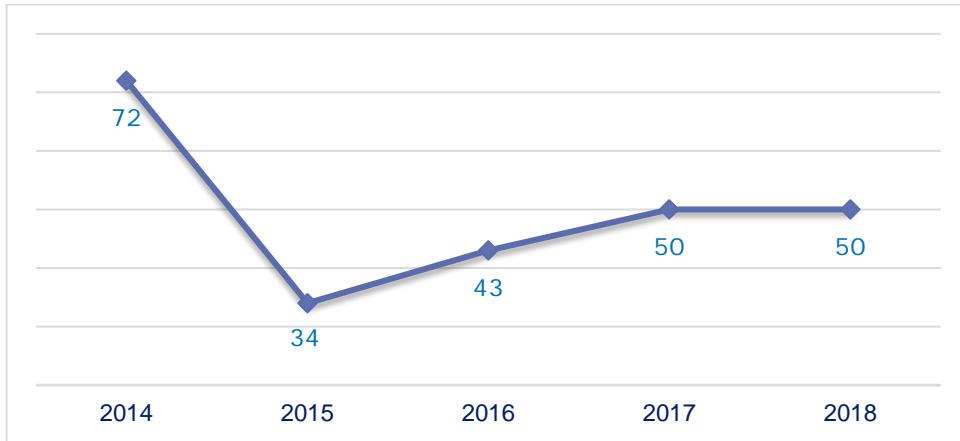
¹⁶ Directive [1999/31/EC](#), Commission v Slovakia, [C-626/16](#) and Court press release [No 99/18](#).

¹⁷ FENS, [C-305/17](#) and Court press release [No 189/18](#).

Finland

I. COMPLAINTS

1. New complaints made against Finland by members of the public (2014-2018)

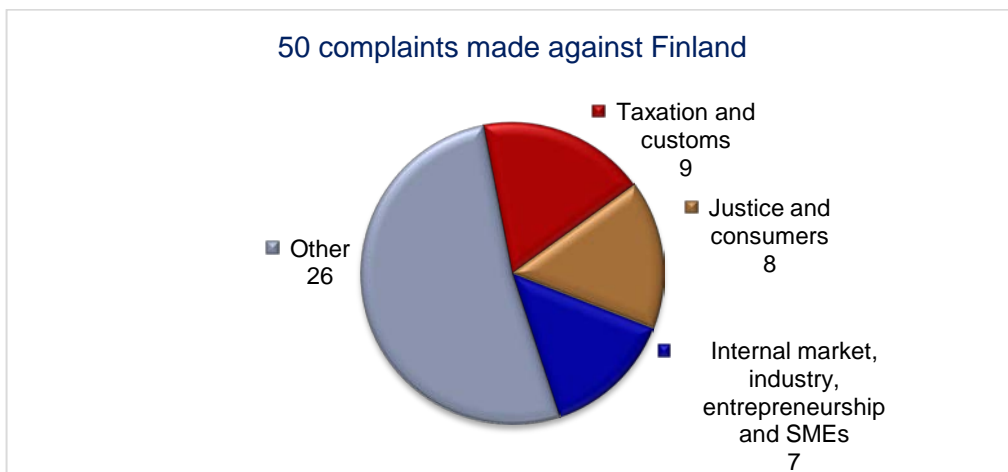


2. Public complaints against Finland open at year-end

- 41 > Complaints open at end-2017
- 50 > New complaints registered in 2018
- 51 > Complaints handled in 2018

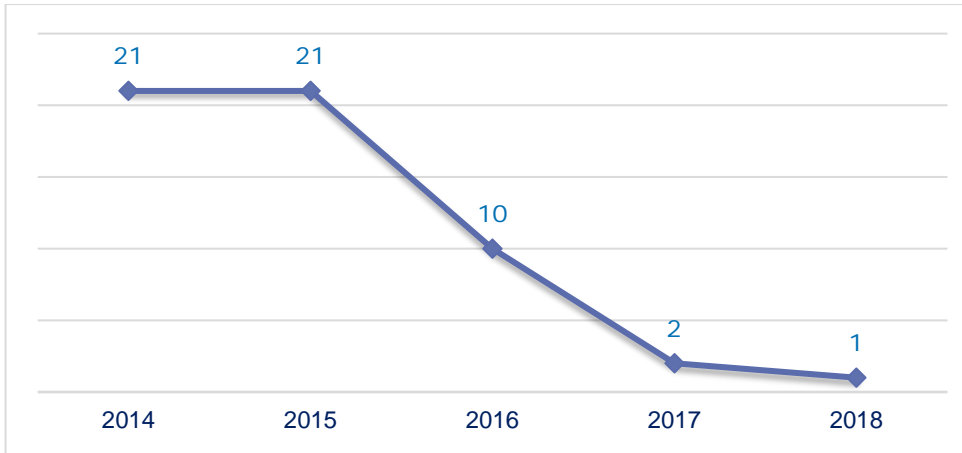
- = 40 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

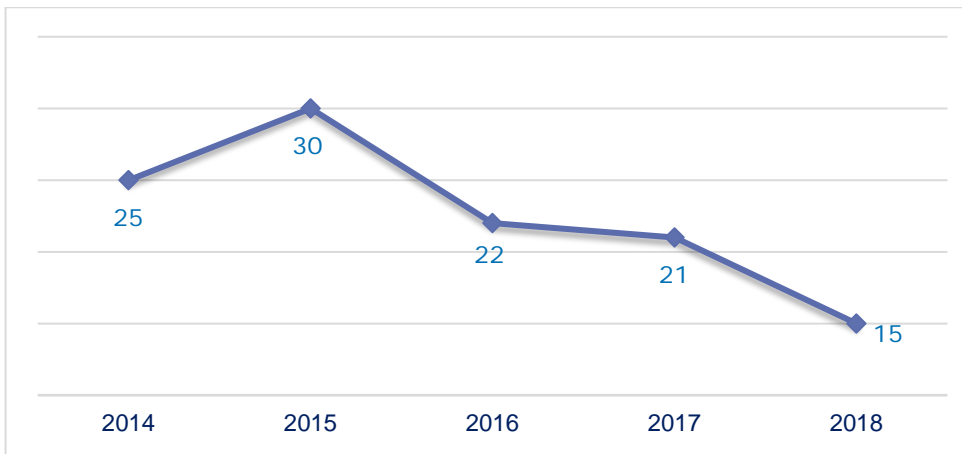


II. EU PILOT

1. New EU Pilot files opened against Finland (2014-2018)



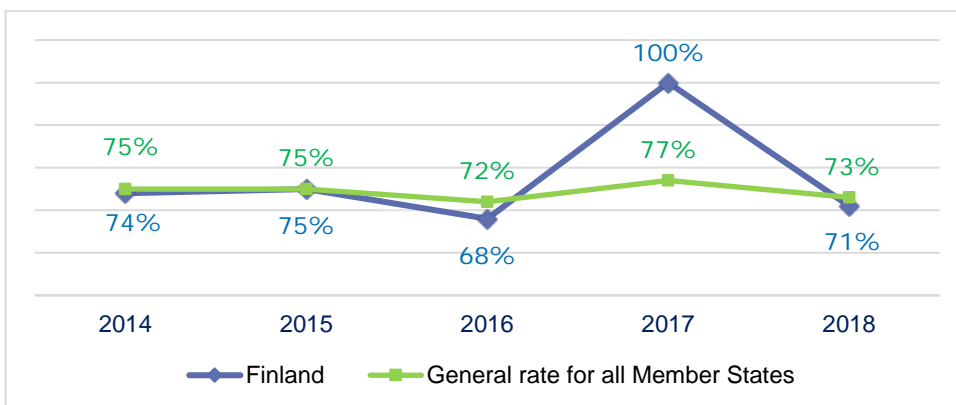
2. Files relating to Finland open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

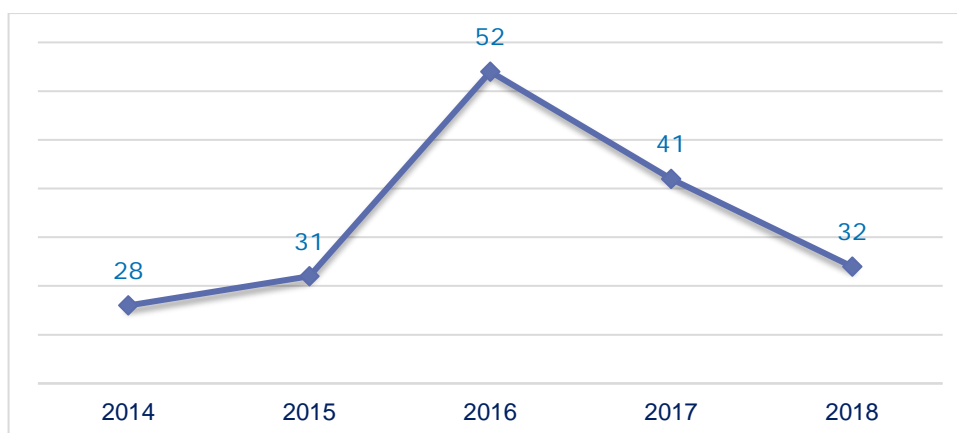
In 2018, the Commission opened one EU Pilot files against Finland in the area of energy.

4. EU Pilot files: Finland's resolution rate in 2014-2018

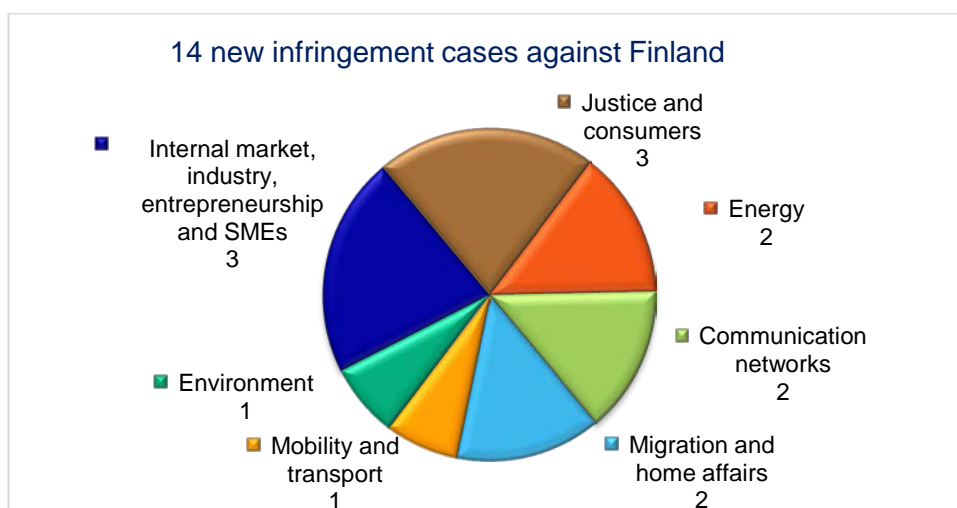


III. INFRINGEMENT CASES

1. Infringement cases against Finland open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 14 new infringement cases against Finland in 2018. These, and other major ongoing infringement cases, include:
- non-compliance with the requirements of the Energy Efficiency Directive¹;
 - hunting of wild birds in breach of the Birds Directive²;
 - non-compliance with the Consumer Rights Directive³;
 - non-conformity of national transposition measures with the Directive on the recognition of professional qualifications⁴;
 - non-communication of national measures transposing the:
 - Basic Safety Standards Directive⁵;
 - Directive on the reduction of national emissions of certain atmospheric pollutants⁶;

¹ Directive [2012/27/EU](#), [MEMO/18/6247](#).

² Directive [2009/147/EC](#), [IP/18/1446](#).

³ Directive [2011/83/EU](#).

⁴ Directive [2005/36/EC](#), [MEMO/18/4486](#).

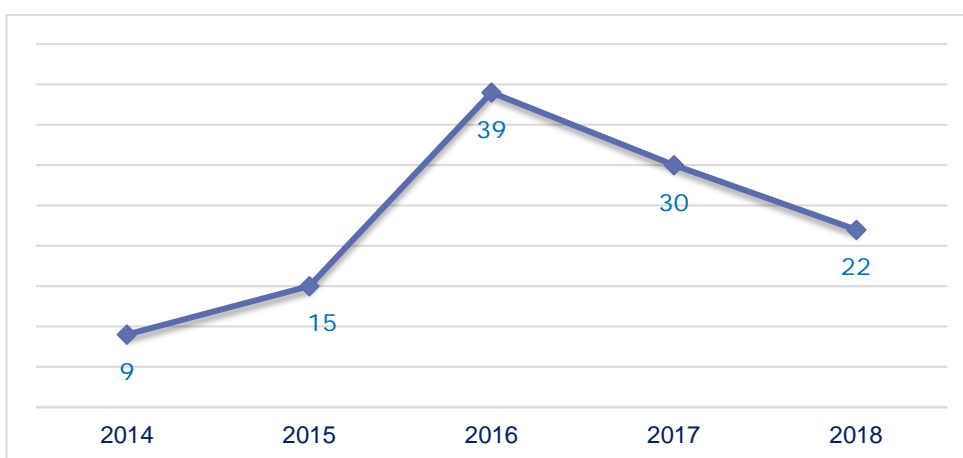
⁵ Directive [2013/59/Euratom](#), [MEMO/18/3446](#).

Finland

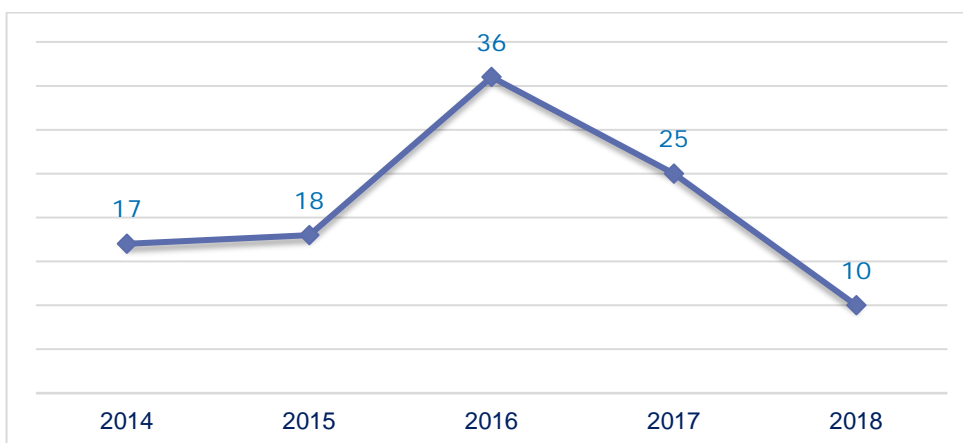
- Directive on the accessibility of the websites and mobile applications of public sector bodies⁷;
 - Directive on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled⁸;
 - Data Protection Law Enforcement Directive⁹.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Finland open on 31 December (2014-2018)



2. New late transposition infringement cases against Finland (2014-2018)



⁶ Directive [2016/2284/EU](#).

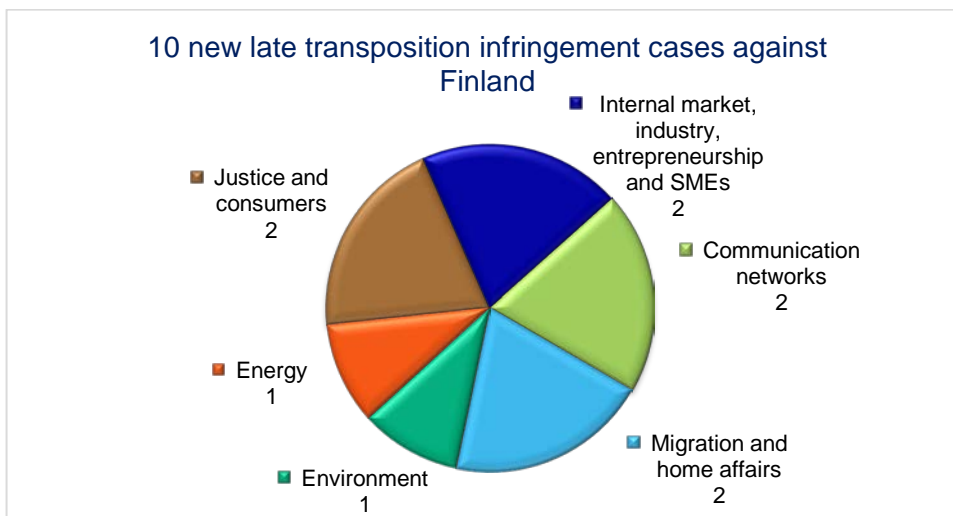
⁷ Directive [2016/2102/EU](#).

⁸ Directive [2017/1564/EU](#).

⁹ Directive [2016/680/EU](#).

Finland

3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- non-compliant transposition of the
 - Directive on public access to environmental information¹⁰;
 - Unfair Commercial Practices Directive¹¹;
- incorrect application of the Airport Charges Directive¹²;
- failure to communicate national measures transposing the:
 - Mortgage Credit Directive;¹³
 - Directive on tobacco products;¹⁴
 - Directive on seasonal workers¹⁵;
 - Directive on intra-corporate transfer¹⁶.

VI. IMPORTANT JUDGMENTS

1. Court rulings

There were no major Court rulings in 2018.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the Finnish judiciary.

¹⁰ Directive [2003/4/EC](#).

¹¹ Directive [2005/29/EC](#).

¹² Directive [2009/12/EC](#).

¹³ Directive [2014/17/EU](#), [MEMO/18/1444](#).

¹⁴ Directive [2014/40/EU](#).

¹⁵ Directive [2014/36/EU](#).

¹⁶ Directive [2014/66/EU](#).

Finland

- Complaints against an air carrier under Article 31 of the Montreal Convention must be made in writing¹⁷.
- The case concerned a situation where an extradition request has been made by a third country for an EU citizen who has exercised his/her right to free movement. The Court ruled that the requested Member State is required to ensure that that EU citizen, provided that he resides permanently in its territory, receives the same treatment as that accorded to its own nationals in relation to extradition¹⁸.
- A return decision accompanied by an entry ban may be enforced against a person holding a residence permit from another Member State, even though the consultation procedure with the latter Member State is ongoing, if the third country national is regarded by the Member State issuing the alert as a threat to public order or national security, without prejudice to that person's entitlement to rely on the rights he derives from that residence permit, after a reasonable time from the initiation of the consultation procedure and in the absence of a response from the Member State consulted, the Member State issuing the alert for the purposes of refusing entry must withdraw it and, if necessary, put the third-country national on its national list of alerts¹⁹.
- Data protection legislation covers a set of personal data collected in the course of door-to-door preaching. A religious community is a controller, jointly with its members who engage in preaching, of the processing of personal data carried out by the latter through door-to-door preaching²⁰.

¹⁷ Convention for the Unification of Certain Rules for International Carriage by Air, concluded at Montreal on 28 May 1999 and approved on behalf of the European Community by Council Decision [2001/539/EC](#), *Finnair Oyj v Keskinäinen Vakuutusyhtiö Fennia*, [C-258/16](#).

¹⁸ *Raugevicius*, [C-247/17](#).

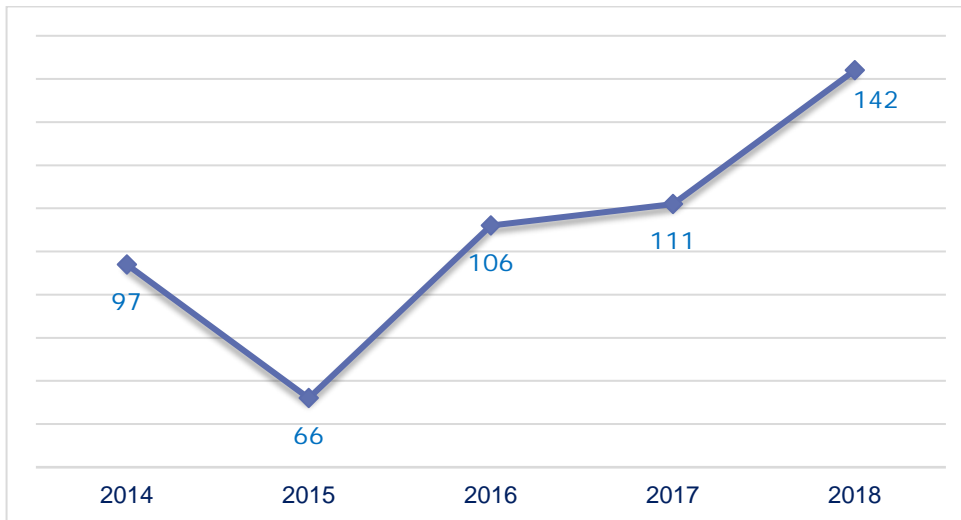
¹⁹ *E*, [C-240/17](#).

²⁰ *Jehovan todistajat*, [C-25/17](#).

Sweden

I. COMPLAINTS

1. New complaints made against Sweden by members of the public (2014-2018)

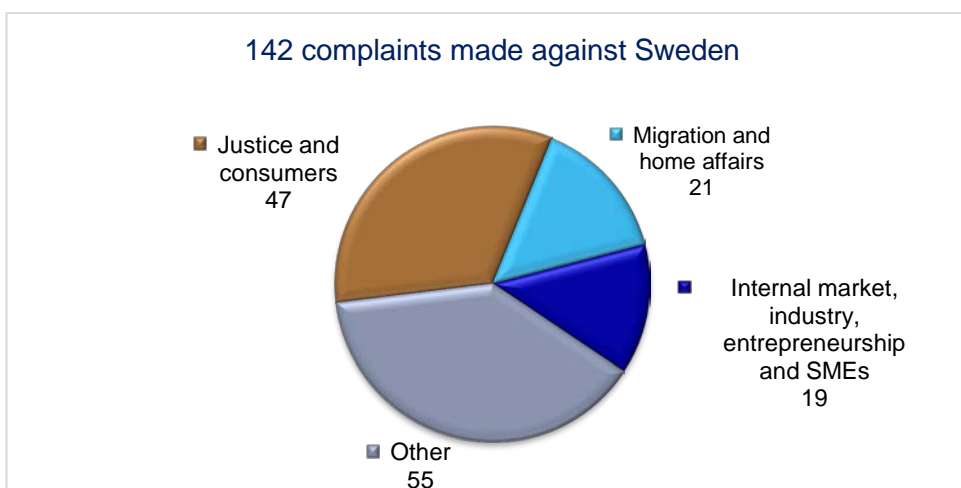


2. Public complaints against Sweden open at year-end

115 > Complaints open at end-2017
 142 > New complaints registered in 2018
 114 > Complaints handled in 2018

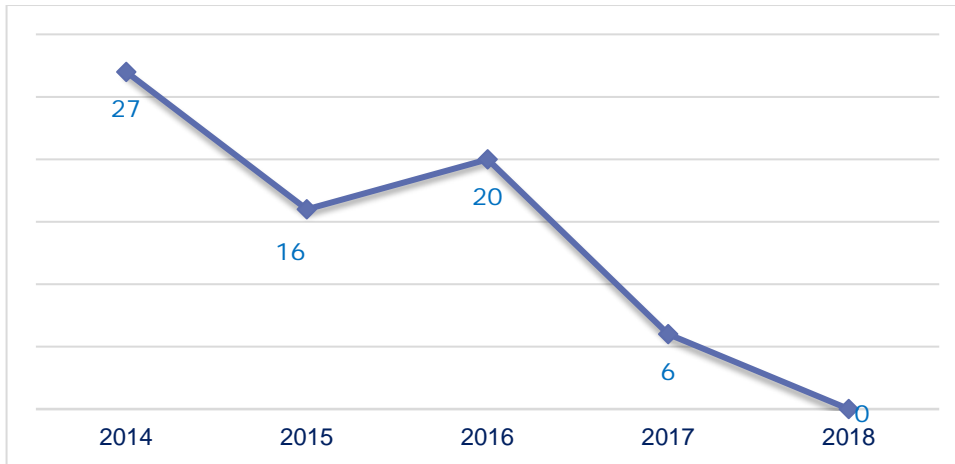
 = 143 > Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

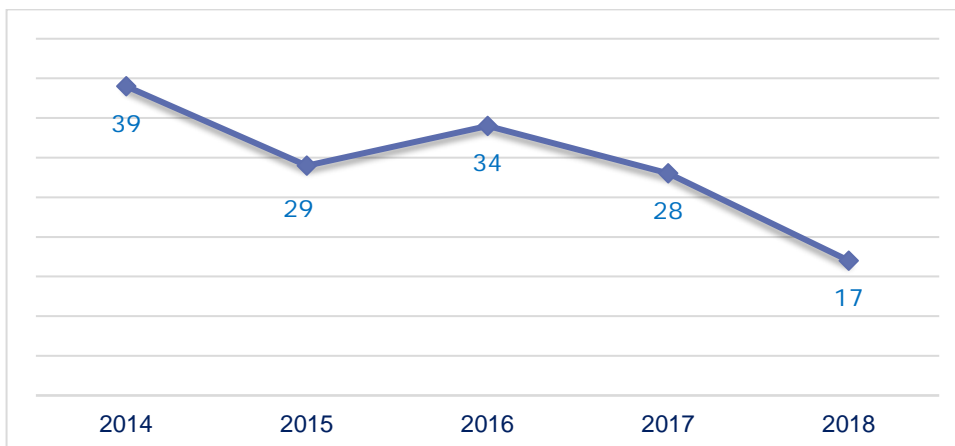


II. EU PILOT

1. New EU Pilot files opened against Sweden (2014-2018)



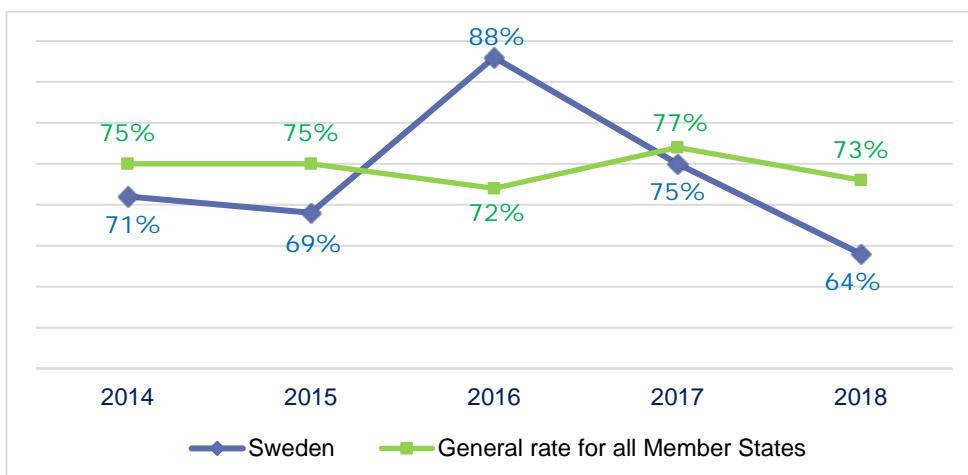
2. Files relating to Sweden open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: policy areas

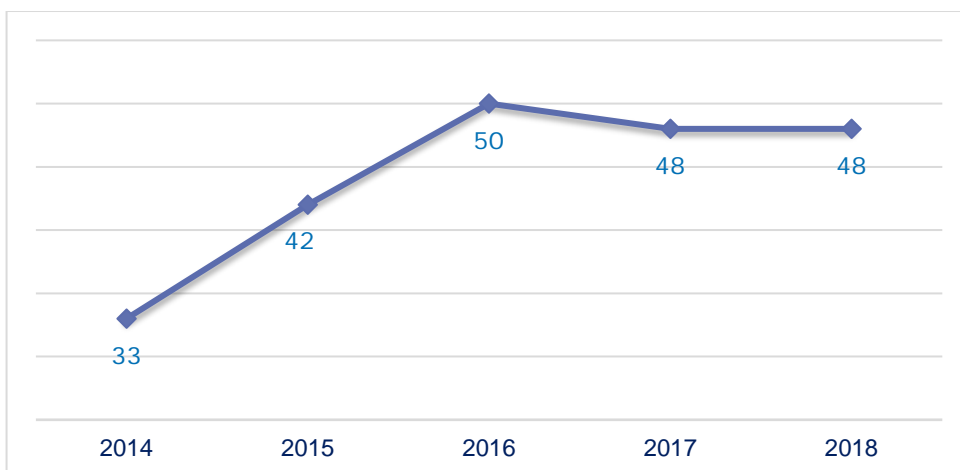
In 2018 the Commission did not open any new EU Pilot files against Sweden.

4. EU Pilot files: Sweden's resolution rate in 2014-2018

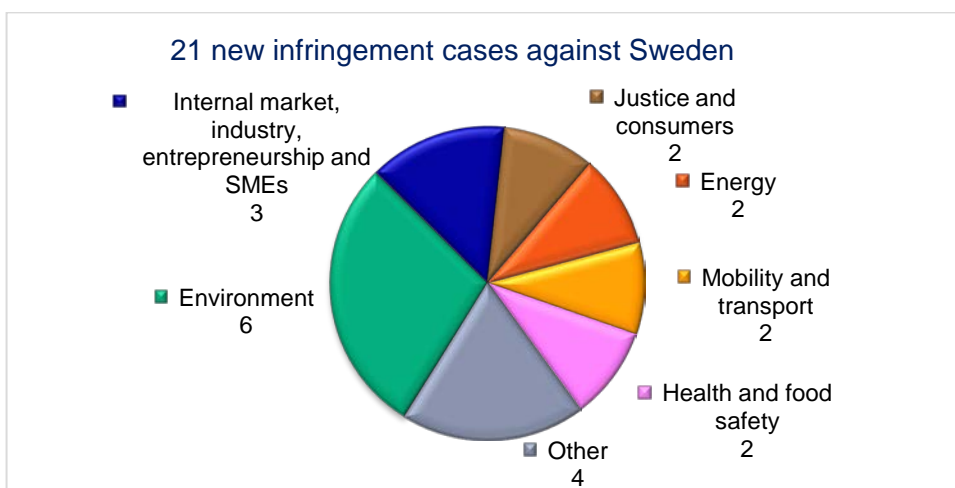


III. INFRINGEMENT CASES

1. Infringement cases against Sweden open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 21 new infringement cases against Sweden in 2018. These, and other major ongoing infringement cases, include:
- failure to comply with the requirements of the Urban Waste Water Treatment Directive in 20 agglomerations¹;
 - non-conformity of national legislation with the
 - Water Framework Directive²;
 - Environmental Liability Directive;³
 - Unfair Commercial Practices Directive⁴;
 - Directive on the recognition of professional qualifications⁵;

¹ Directive [91/271/EEC](#); [MEMO/18/6247](#).

² Directive [2000/60/EC](#); [MEMO/18/349](#).

³ Directive [2004/35/EC](#), [MEMO/18/4486](#).

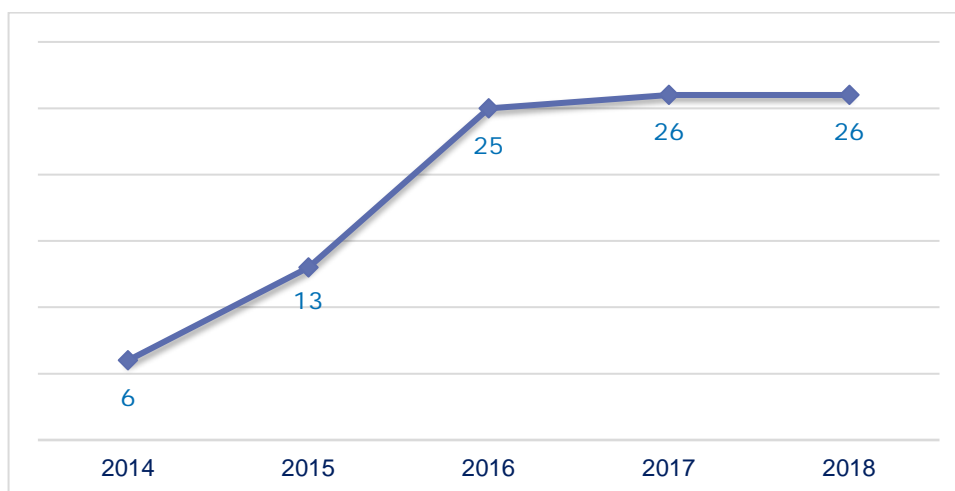
⁴ Directive [2005/29/EU](#).

⁵ Directive [2005/36/EC](#), [MEMO/18/4486](#).

- non-compliance with the requirements of the Energy Efficiency Directive⁶;
 - failure to communicate national measures transposing the
 - Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants⁷;
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments⁸;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants⁹;
 - Payment Services Directive¹⁰;
 - revised Markets in Financial Instruments Directive;¹¹
 - Basic Safety Standards Directive¹²;
 - Directive on the accessibility of the websites and mobile applications of public sector bodies¹³;
 - Package Travel Directive¹⁴;
 - Directive on the presumption of innocence¹⁵.
- b) The Commission did not refer any cases to the Court under Article 258 TFEU.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

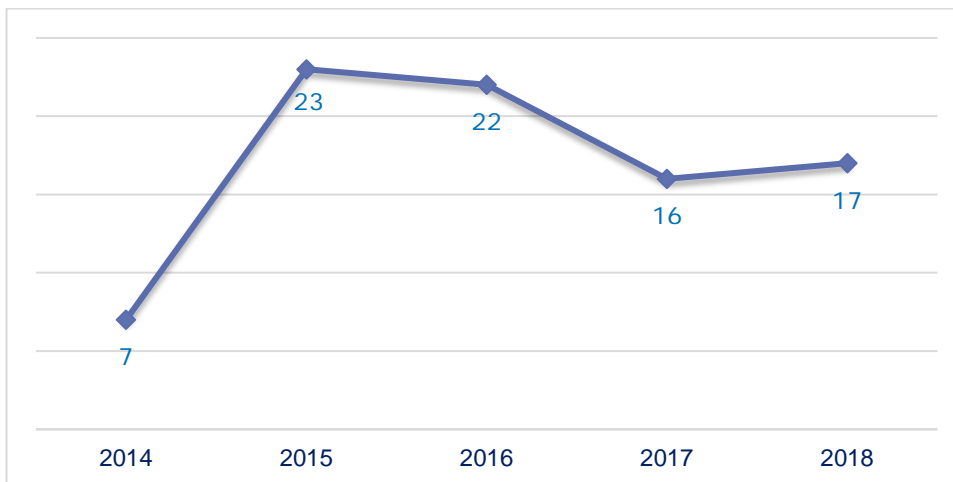
IV. TRANSPOSITION OF DIRECTIVES

1. Late transposition infringement cases against Sweden open on 31 December (2014-2018)

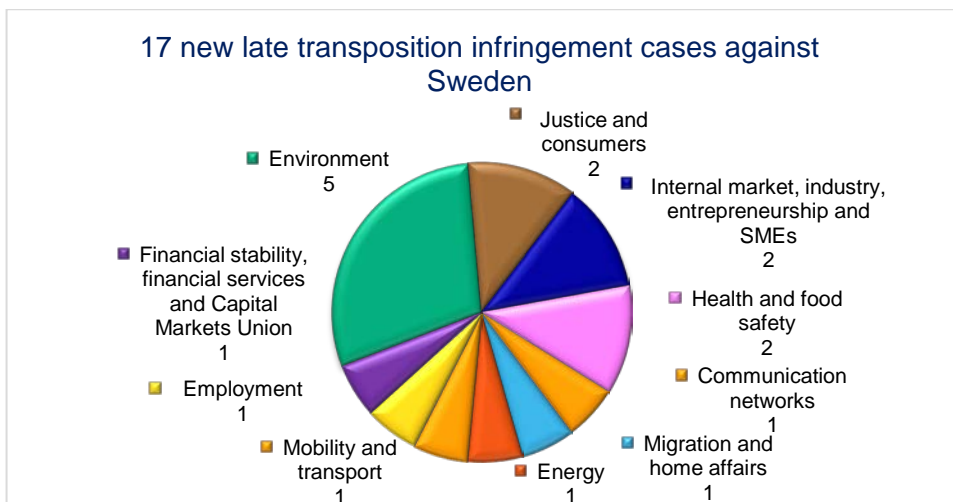


⁶ Directive [2012/27/EU](#), [MEMO/18/4486](#).
⁷ Directive [2015/2193/EU](#).
⁸ Directive [2016/1214/EU](#).
⁹ Commission Implementing Directive [2017/1279/EU](#).
¹⁰ Directive [2015/2366/EU](#).
¹¹ Directive [2014/65/EU](#); [MEMO/18/349](#).
¹² Directive [2013/59/Euratom](#), [MEMO/18/3446](#).
¹³ Directive [2016/2102/EU](#).
¹⁴ Directive [2015/2302/EU](#).
¹⁵ Directive [2016/343/EU](#).

2. New late transposition infringement cases against Sweden (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- incorrect implementation of the Free Movement Directive;
- non-communication of national measures transposing the
 - Directive amending the Environmental Impact Assessment Directive¹⁶;
 - Directive on intra-corporate transfer¹⁷;
 - Directive on fuel quality reporting requirements and calculation methods¹⁸;

¹⁶ Directive [2014/52/EU](#).

¹⁷ Directive [2014/66/EU](#).

- Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹⁹;
- Directive on protective measures against the introduction into the Community of organisms harmful to plants²⁰;
- Directive on seasonal workers²¹.

VI. IMPORTANT JUDGMENTS

1. Court rulings²²

There were no major Court rulings in 2018.

2. Preliminary rulings

The Court addressed the following preliminary ruling to the Swedish judiciary.

- An application for international protection must not be regarded as manifestly unfounded when, firstly, it is apparent from the information on the applicant's country of origin that acceptable protection can be ensured for him in that country and, secondly, the applicant has provided insufficient information to justify the grant of international protection²³.

¹⁸ Directive [652/2015/EC](#).

¹⁹ Directive [2016/1214/EU](#).

²⁰ Commission Implementing Directive [2017/1279/EU](#).

²¹ Directive [2014/36/EU](#).

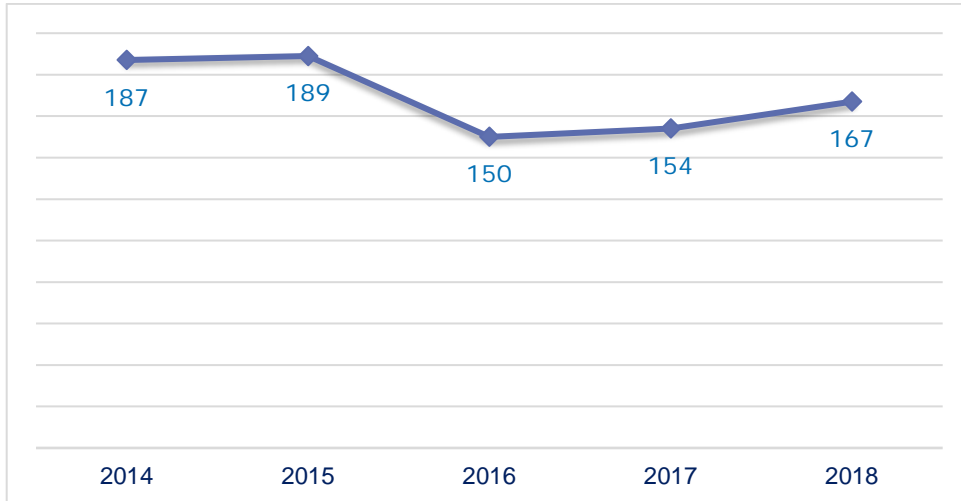
²² These rulings are almost exclusively handed down in infringement procedures.

²³ A v Migrationsverket, [C-404/17](#).

United Kingdom

I. COMPLAINTS

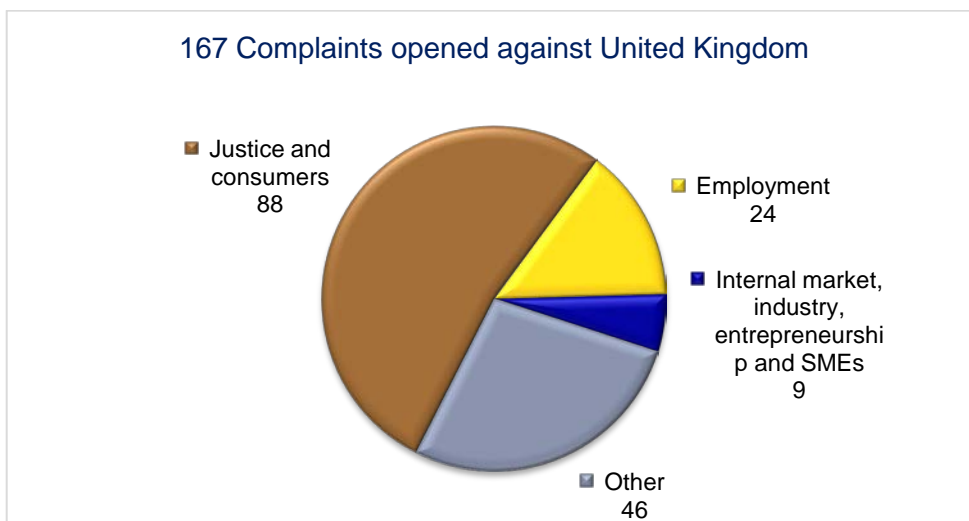
1. New complaints made against the United Kingdom by members of the public (2014-2018)



2. Public complaints against the United Kingdom open at year-end

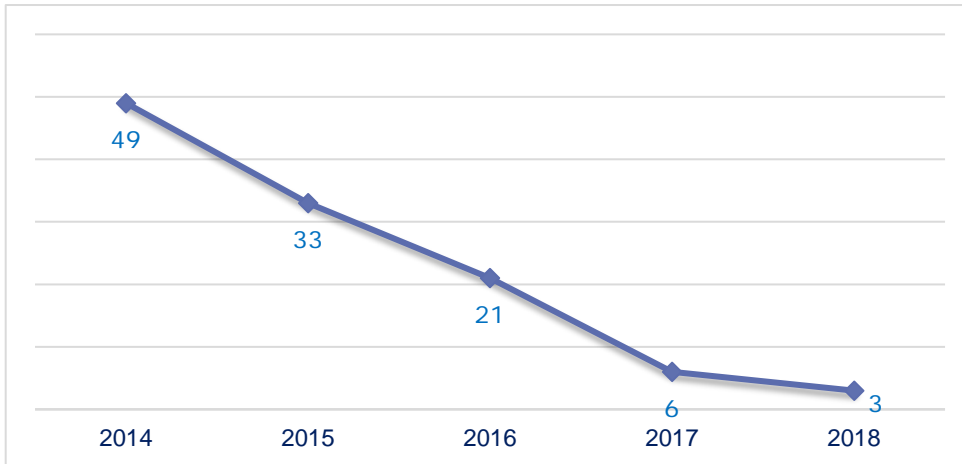
188	>	Complaints open at end-2017
167	>	New complaints registered in 2018
168	>	Complaints handled in 2018
= 187	>	Complaints open at end-2018

3. New complaints registered in 2018: main policy areas

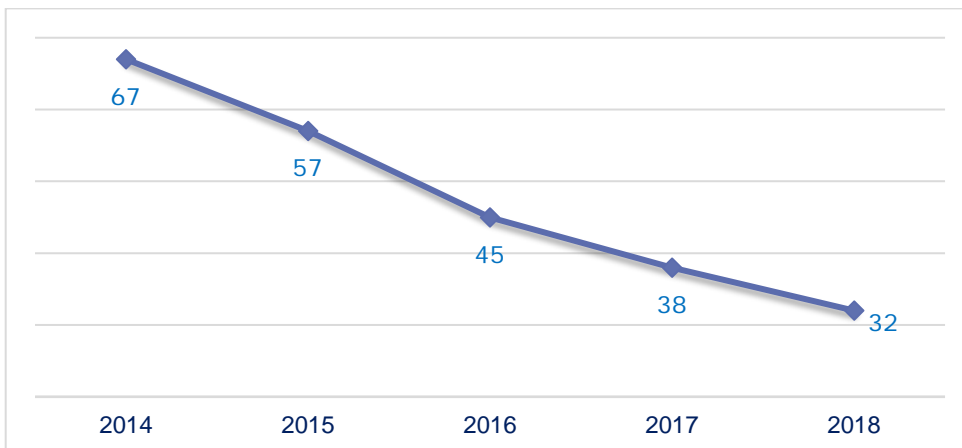


II. EU PILOT

1. New EU Pilot files opened against the United Kingdom (2014-2018)



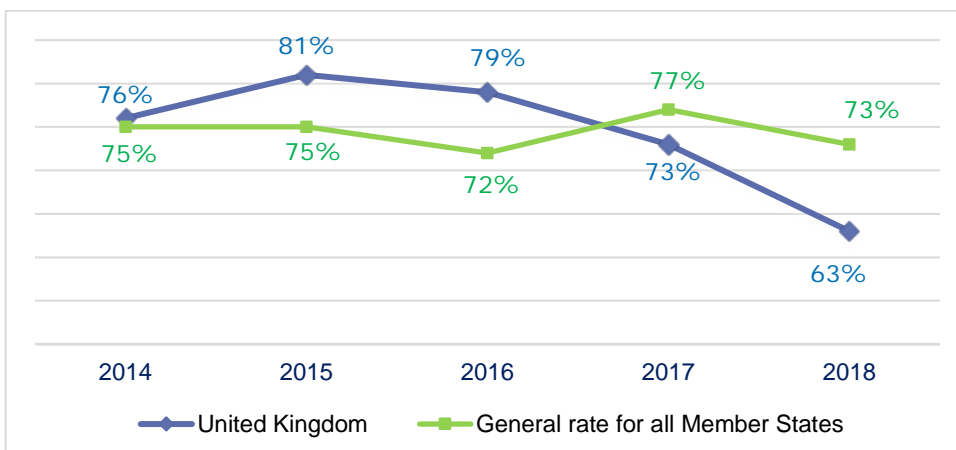
2. Files relating to the United Kingdom open in EU Pilot at year-end



3. New EU Pilot files opened in 2018: main policy areas

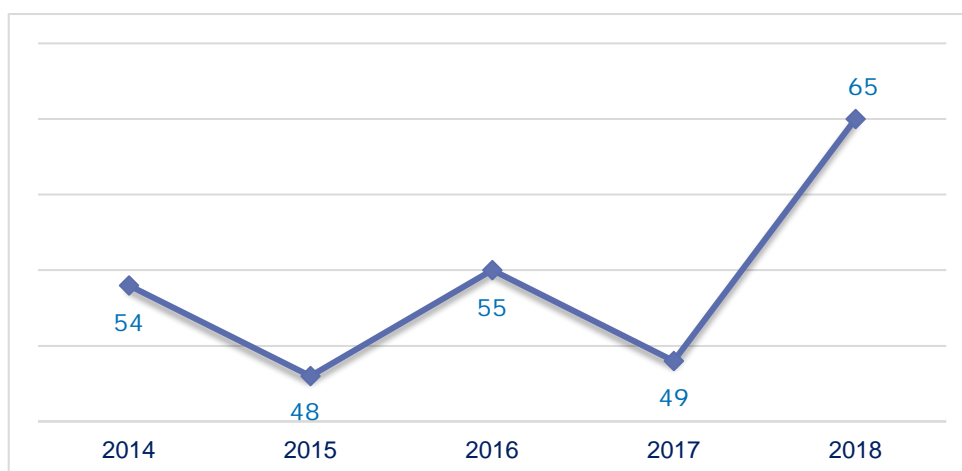
In 2018, the Commission opened three EU Pilot files against United Kingdom: two in the area of energy and one in the area of migration and home affairs.

4. EU Pilot files: United Kingdom's resolution rate in 2014-2018

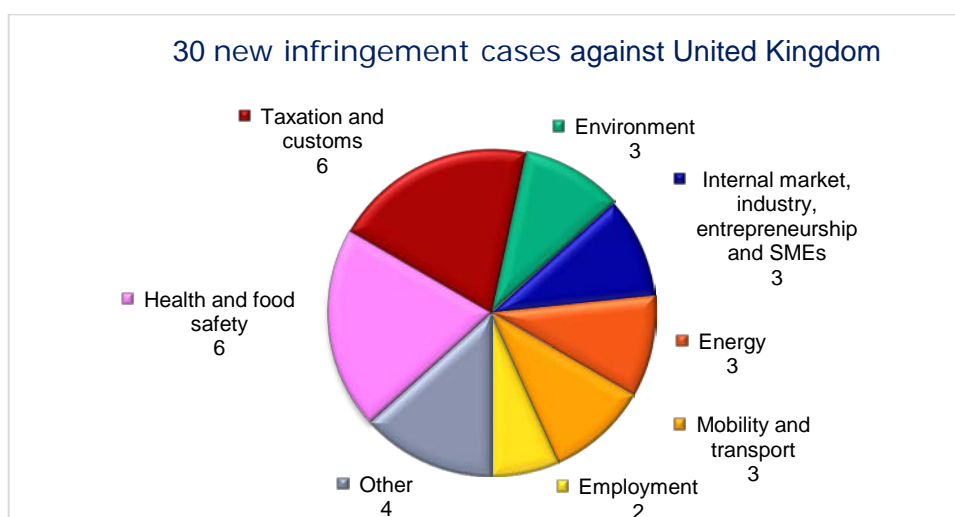


III. INFRINGEMENT CASES

1. Infringement cases against the United Kingdom open on 31 December (2014-2018)



2. New infringement cases opened in 2018: main policy areas



3. Key infringement cases and referrals to the Court

- a) The Commission opened 30 new infringement cases against the United Kingdom in 2018. These, and other major ongoing infringement cases, include the following.
- Discrimination on the grounds of nationality between workers from EU Member States.¹ The United Kingdom's rules on housing benefit treat beneficiaries who temporarily leave their home but stay within Great Britain (England, Scotland and Wales) more favourably than those who leave those areas during a temporary absence leave those areas. These rules therefore disadvantage workers from other Member States since they are more likely than workers of UK nationality to leave the United Kingdom temporarily².
 - Abusive VAT practices in the Isle of Man in the supply and leasing of aircraft³.

¹ Article 45 TFEU and Regulation (EU) No [492/2011](#).

² [MEMO/18/6247](#).

³ [IP/18/6265](#).

- Failure to comply with a Court of Justice judgment and control excessive spills from waste water collection systems in London, Whitburn, Llanelli and Gowerton⁴.
 - Failure to comply with a Court of Justice judgment and failure to provide waste water treatment in Gibraltar⁵.
 - Failure to comply with EU legislation on Flag State requirements⁶.
 - Failure to carry out appropriate checks and ensure compliance with the conditions for recognition of fishery producer organisations under the Regulation on the common organisation of the markets in fishery and aquaculture products⁷.
 - Non-compliance with the requirements of the Energy Efficiency Directive⁸.
 - Failure to correctly transpose certain requirements of the Radioactive Waste Directive⁹.
 - Failure to make available to the EU budget own resources lost due to undervalued imports¹⁰.
 - Non-conformity of national transposition measures with the Directive on the recognition of professional qualifications¹¹.
 - Non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments¹²;
 - Directive on protective measures against the introduction into the Community of organisms harmful to plants¹³;
 - Directive as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species¹⁴;
 - Commission Directive¹⁵ establishing a fourth list of indicative occupational exposure limit values to protect workers from risks arising from exposure to hazardous chemicals;
 - 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-disabled¹⁶.
- b) The Commission referred one case to the Court under Article 258 TFEU. It concerns
- exceedance of the nitrogen dioxide (NO₂) limit values set by the Air Quality Directive¹⁷.
- c) The Commission did not refer any cases to the Court under Article 260(2) TFEU.

⁴ Commission v United Kingdom, [C-301/10](#).

⁵ Commission v United Kingdom, [C-502/15](#).

⁶ Directive [2009/21/EC](#); [MEMO/18/4486](#).

⁷ Regulation (EU) No 1379/2013, [MEMO/18/3446](#), [MEMO/18/6247](#).

⁸ Directive [2012/27/EU](#), [MEMO/18/4486](#).

⁹ Directive [2011/70/Euratom](#), [MEMO/18/3446](#).

¹⁰ [MEMO/18/1444](#), [IP/18/5807](#); [C-213/19](#).

¹¹ Directive [2005/36/EC](#), [MEMO/18/4486](#).

¹² Commission Directive [2016/1214/EU](#).

¹³ Commission Implementing Directive [2017/1279/EU](#).

¹⁴ Commission Implementing Directive [2018/100/EU](#).

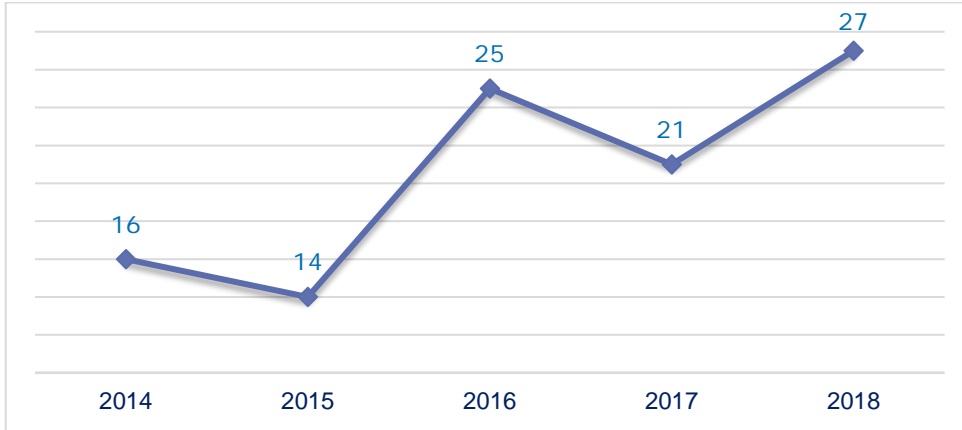
¹⁵ Commission Directive [2017/164](#).

¹⁶ Directive [2017/1564/EU](#).

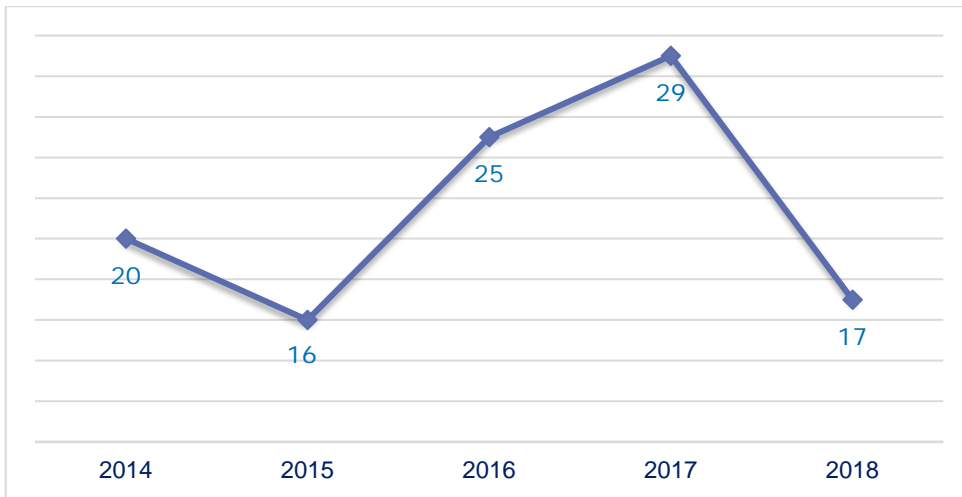
¹⁷ Directive [2008/50/EC](#), Commission v United Kingdom, [C-664/18](#); [IP/18/3450](#).

IV. TRANSPOSITION OF DIRECTIVES

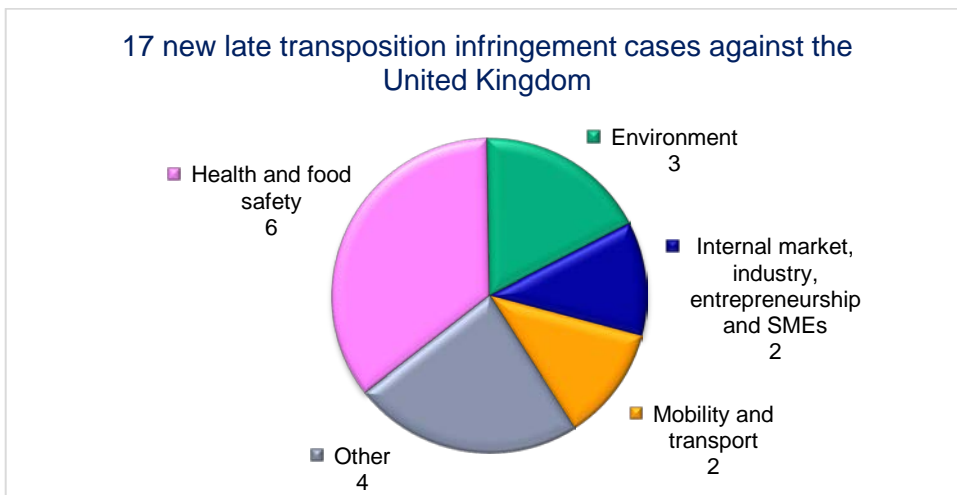
1. Late transposition infringement cases against the United Kingdom open on 31 December (2014-2018)



2. New late transposition infringement cases against the United Kingdom (2014-2018)



3. New late transposition infringement cases opened in 2018: main policy areas



4. Referrals to the Court

The Commission did not refer any cases to the Court under Articles 258 and 260(3) TFEU.

V. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

These concerned:

- breaches of the Large Combustion Plant Directive at the Aberthaw coal-fired power station in Wales¹⁸;
- failure to correctly transpose and apply the Strategic Environmental Assessment Directive regarding decided on by Parliament¹⁹;
- non-communication of national measures transposing the
 - Commission Directive amending the Directive on quality system standards and specifications for blood establishments²⁰;
 - Directive on caseins and caseinates²¹;
 - Directive on fuel quality reporting requirements and calculation methods²².

VI. IMPORTANT JUDGMENTS

1. Court rulings²³

The Court ruled that

- The United Kingdom has not proposed a sufficient number of Sites of Community Importance under the Habitats Directive for the species harbour porpoise. It has thereby failed to contribute to the creation of the Natura 2000 network in proportion to the representation of the habitats of that species within its territory²⁴.
- The United Kingdom has not properly applied the EU rules on fiscal marking of fuels. The Court found that the UK has failed to ensure that fuel is marked only when it is subject to an exemption from or reduction in excise duty²⁵.

2. Preliminary rulings

The Court addressed the following preliminary rulings to the UK judiciary:

- When a Member State has notified the European Council of its intention to withdraw from the European Union, as the UK has done, that Member State is free to revoke unilaterally that notification. That possibility exists for as long as a withdrawal agreement concluded between the EU and that Member State has not entered into force or, if no such agreement has been concluded, for as long as the two-year period from the date of the notification of the intention to withdraw from the EU, and any possible extension, has not expired.²⁶

¹⁸ Directive [2001/80/EC](#).

¹⁹ Directive [2001/42/EC](#).

²⁰ Directive [2016/1214/EU](#).

²¹ Directive [2015/2203/EU](#).

²² Directive [652/2015/EC](#).

²³ These rulings are almost exclusively handed down in infringement procedures.

²⁴ Directive [92/43/EEC](#), Commission v United Kingdom, [C-669/16](#).

²⁵ Commission v. United Kingdom, [C-503/17](#).

²⁶ Wightman and Others, [C-621/18](#).

- A prohibition on placing on the market tobacco products for oral use is intended not to restrict the right to health but, on the contrary, to give expression to that right and, consequently, to ensure a high level of protection of health for all consumers²⁷.
- A product composed of several active ingredients with a combined effect is 'protected by a basic patent in force', even if the combination of active ingredients of which that product is composed is not expressly mentioned in the claims of the basic patent²⁸.
- A supplementary protection certificate for medicinal products is to be interpreted as meaning that an end of procedure notice issued by the reference Member State before the expiry of the basic patent may not be treated as equivalent to a marketing authorisation. Consequently, a supplementary protection certificate may not be obtained on the basis of such a notice²⁹.
- The fisheries agreement concluded between the EU and Morocco is valid in so far as it is not applicable to Western Sahara and its adjacent waters³⁰.
- Extended family members of EU citizens who return to the Member State of nationality from another Member State can, like other family members, such as spouses, also avail themselves of the protection of EU law on free movement of EU citizens and can apply to have their entry and residence facilitated in accordance with national law³¹.
- A third country national who in the past has been tortured by the authorities of his country of origin and no longer faces a risk of being tortured if returned to that country, but whose physical and psychological health could, if so returned, seriously deteriorate, leading to a serious risk of him committing suicide on account of trauma resulting from the torture he was subjected to, is eligible for subsidiary protection. This is conditional on a real risk of him being intentionally deprived, in his country of origin, of appropriate care for the physical and mental after-effects of that torture, that being a matter for the national court to determine³².
- A national law that requires transgender persons to be unmarried is contrary to EU rules on sex equality provisions in relation to social security³³.

²⁷ Swedish Match, [C-151/17](#) and [press release](#).

²⁸ Teva UK and Others, [C-121/17](#).

²⁹ Merck Sharp, [C-567/16](#).

³⁰ Western Sahara Campaign UK, [C-266/16](#) and Court press release [No 21/18](#).

³¹ Banger, [C-89/17](#).

³² MP (Protection subsidiaire d'une victime de tortures passées), [C-353/16](#).

³³ MB (Changement de sexe et pension de retraite), [C-451/16](#).

Methodology and explanations

ANNEX II — MEMBER STATES

1. COMPLAINTS

First chart: New complaints made against the Member State by members of the public (2014-2018)

This shows the number of public complaints the Commission registered against the Member State for the years 2014-2018.

Second chart: Public complaints against the Member State open at year-end

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

Third chart: New complaints registered in 2018: main policy areas

The number of complaints registered in 2018 is broken down by policy area. Generally, this breakdown shows the three policy areas which attracted the most complaints. However, four (or more) policy areas are mentioned if two (or more) policy areas tied for the third highest number of complaints.

2. EU PILOT

First chart: New EU Pilot files opened against the Member State (2014-2018)

This analyses the number of EU Pilot files the Commission opened against the Member State for the years 2014-2018.

Second chart: EU Pilot files relating to the Member State open at year-end

This analyses the number of EU Pilot files still pending at year-end against the Member State for the years 2014-2018.

Third chart: New EU Pilot files opened in 2018: main policy areas

The figure for the number of new EU Pilot files opened against the Member State in 2018 is broken down by policy area. Generally, this breakdown shows the three policy areas in which the most EU Pilot files were opened in 2018. However, four (or more) policy areas are mentioned if two (or more) policy areas tied for the third highest number of EU Pilot files or if the top three policy areas do not account for more than 50 % of the cases.

Fourth chart: EU Pilot files: Member State's resolution rate in 2014-2018

The resolution rate per Member State is the percentage of EU Pilot files handled for which the Commission accepted that Member State's response. The chart shows the resolution rate for the last 5 years.

3. INFRINGEMENT CASES

First chart: Infringement cases against the Member State open on 31 December (2014-2018)

These figures include all procedures the Commission initiated against the 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.

Accordingly, these numbers include all cases that, on 31 December of the years 2014 to 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 and 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; and
- 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.

These figures do *not* include, for example, open EU Pilot files in the policy area. They also do not include EU Pilot files for which the Commission had already rejected a Member State's response but had not yet sent a letter of formal notice under Article 258 TFEU.

Second chart: New infringement cases opened in 2018: main policy areas

As a rule, this chart shows the three policy areas in which the most infringements were open on 31 December 2018. Four (or more) policies are mentioned if two (or more) policies tied for the third highest number of open infringements. Only two policies are highlighted if too many policies tied for the third highest number, or if this would make the chart very fragmented (this might occur in Member States with relatively few infringements).

Key infringement cases and referrals to the Court

This section has three parts.

Part a) shows the number of new infringement cases opened against the Member State in 2018 and lists the major new and ongoing infringement cases at the stage of letters of formal notice or reasoned opinions (under Article 258 TFEU).

Part b) lists the cases which the Commission referred to the Court solely under Article 258 TFEU by 31 December 2018. The cases submitted to the Court under Article 258 *and* 260(3) TFEU are discussed in the 'Transposition of directives' section (see below).

Part c) lists the cases which the Commission referred to the Court under Article 260(2) TFEU by 31 December 2018.

4. TRANSPOSITION OF DIRECTIVES

First chart: Late transposition infringement cases against the Member State open on 31 December (2014-2018)

This shows the number of letters of formal notice sent to the Member State under Article 258 TFEU for missing or partial notification of national transposition measures. 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.

Accordingly, the number includes all cases that, on 31 December of the years 2014 to 2018:

- were in the pre-litigation phase (letter of formal notice, reasoned opinion or decision on referral to the Court under Article 258 TFEU and Article 260(3) TFEU);
- were pending before the Court under Article 258 TFEU and Article 260(3) TFEU.

This figure is already included in the total number of infringement cases open against the Member State in 2018. It should therefore *not* be added to the figure shown in the first chart of the general statistics section.

Second chart: New late transposition infringement cases against the Member State (2014-2018)

This shows the number of new letters of formal notice sent in 2018 to the Member State under Article 258 TFEU for missing or partial notifications of national transposition measures. This figure is already included in the total number of new infringement cases initiated against the Member State in 2018. It should therefore *not* be added to the figure shown in the second chart of the general statistics section.

Please note that not all of these new infringement cases for late transposition were necessarily still open on 31 December 2018. For example, if the Commission opened a late transposition infringement procedure in March 2018 by sending a letter of formal notice, this would be added to the new infringement cases even if the Commission closed the case in October 2018 as a result of the Member State notifying complete transposition.

Third chart: New late transposition infringement cases opened in 2018: main policy areas

As a rule, this chart shows the three policy areas in which the most infringement procedures for late transposition were launched in 2018. Four (or more) policies are mentioned if two (or more) policies tied for the third highest number of open infringements. Only two policy areas are highlighted if too many policy areas tied for the third highest number, or if this would make the chart very fragmented (this might occur in Member States with relatively few infringements).

Referrals to the Court

This section contains the cases which the Commission referred to the Court under Article 258 TFEU and Article 260(3) by 31 December 2018.

5. EARLY RESOLUTION OF INFRINGEMENT CASES

Major cases closed without a Court judgment in 2018

This section contains a list of the major infringement cases the Commission closed in 2018 without a Court judgment. The list is not exhaustive.

6. IMPORTANT JUDGMENTS

This section contains two lists, neither of which are necessarily exhaustive.

The first list contains the Court's most important judgments against the Member State in 2018. These judgments are almost exclusively handed down under Article 258 or Articles 260(2) TFEU.

The second list contains the most important preliminary rulings the Court has issued to the Member State's judiciary.