



European  
Commission

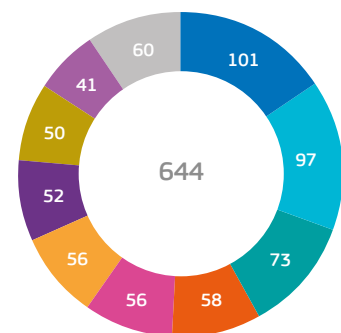
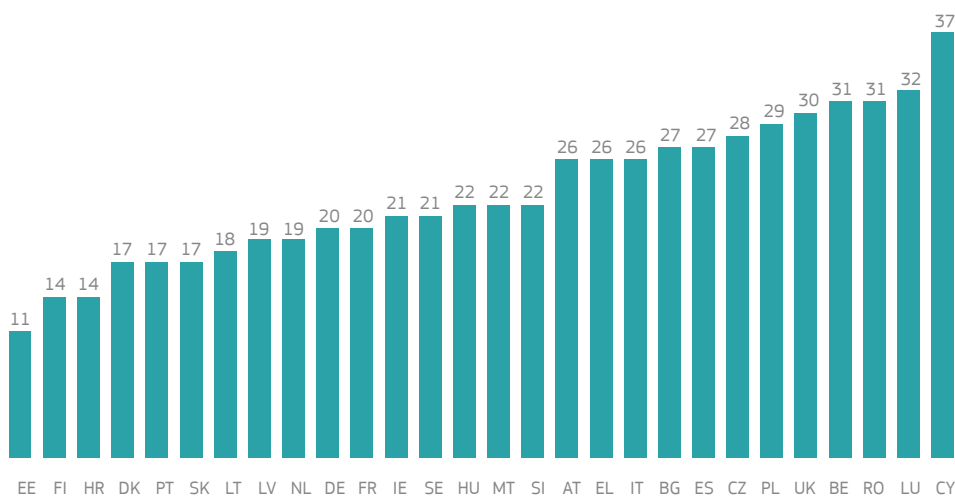
# Monitoring the Application of European Union Law

## Annual Report 2018

### New infringements cases open in 2018

In 2018, the Commission launched 644 new infringement procedures. This is a 10% decrease compared to 2017 when 716 infringement procedures were launched. Furthermore, the Commission sent 157 reasoned opinions in 2018, down from 275 reasoned opinions in 2017.

The graph below shows the main policy areas concerned.



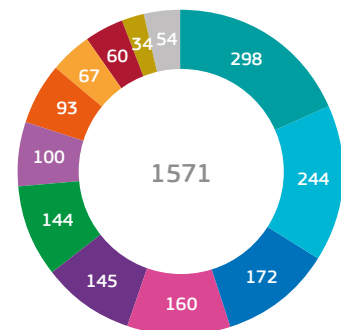
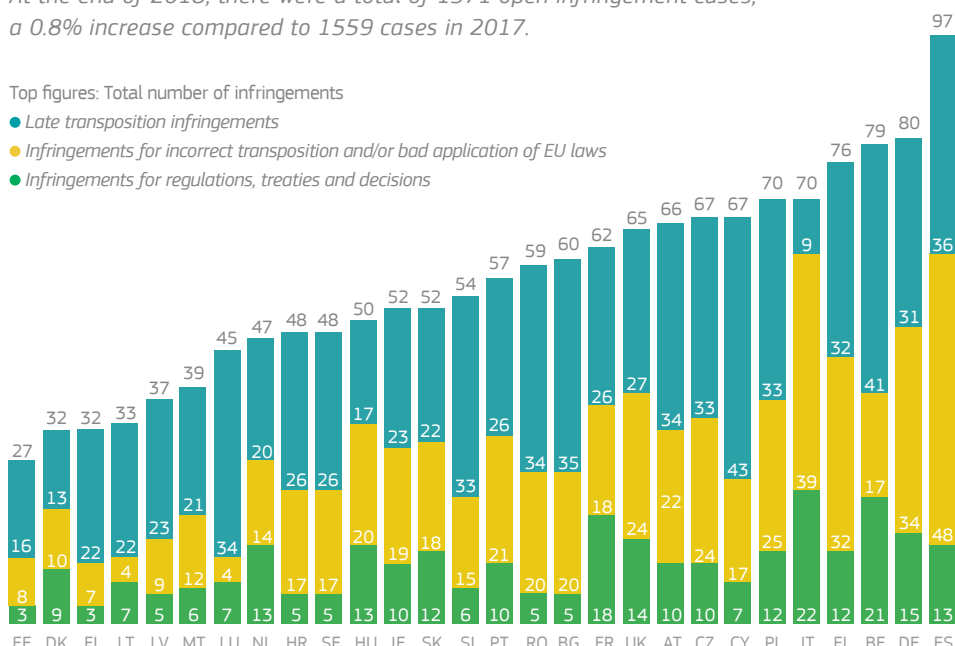
### Infringements cases open on 31/12/2018 (total)

At the end of 2018, there were a total of 1571 open infringement cases, a 0.8% increase compared to 1559 cases in 2017.

The graph below shows the main policy areas concerned.

Top figures: Total number of infringements

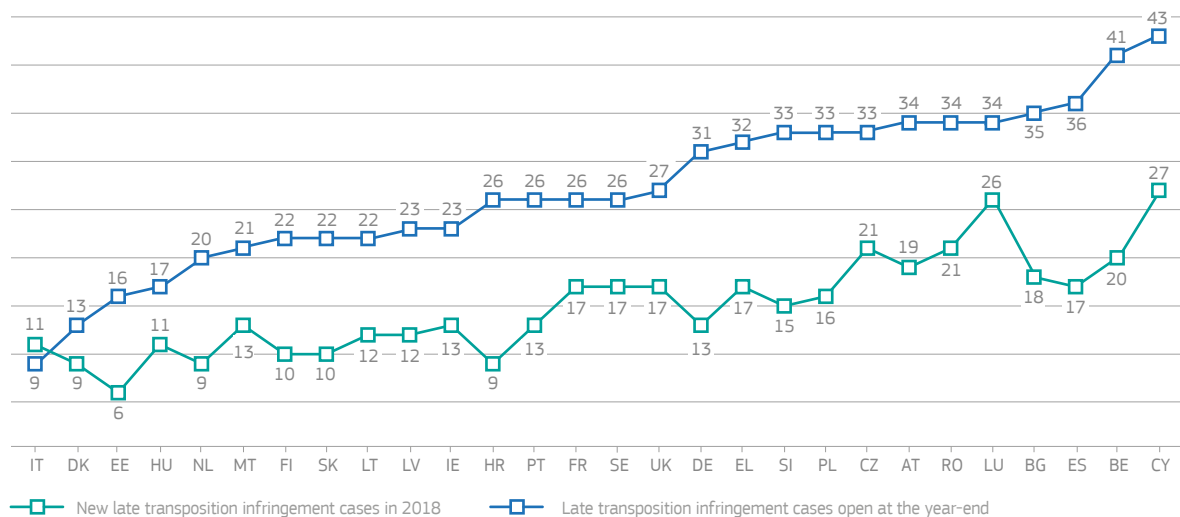
- Late transposition infringements
- Infringements for incorrect transposition and/or bad application of EU laws
- Infringements for regulations, treaties and decisions



- Environment
- Mobility and transport
- Internal market, industry, entrepreneurship and SMEs
- Justice and consumers
- Migration and home affairs
- Financial stability, financial services and capital markets union
- Taxation and customs
- Energy
- Communication networks
- Employment
- Health and food safety
- Other (Competition: 15; Economic and Financial Affairs: 11; Budget and Human Resources: 7; etc.)

## New late transposition<sup>1</sup> infringement cases

The number of new late transposition cases decreased by 25% (419 new cases in 2018) compared to 558 in 2017.



## Judgments and imposed financial penalties by the Court of Justice of the EU

The Court issued 27 judgments under Article 258<sup>2</sup> and five judgments under Article 260(2)<sup>3</sup> of the Treaty on the Functioning of the European Union (TFEU) in 2018. Thirty-one cases were in the Commission's favour<sup>4</sup>.

Under Article 260(2) of TFEU, the Court imposed penalty payments on Greece<sup>5</sup>, Spain<sup>6</sup>, Italy<sup>7</sup>, and Slovakia<sup>8</sup>. At the end of 2018, 13 infringement procedures were still open after a Court ruling under Article 260(2) TFEU.

In 2018, the Commission continued to bring late transposition infringement cases to the Court of Justice of the EU with a request for daily penalties under Article 260(3)<sup>9</sup> of the TFEU. The Commission referred five Member States to the Court in 2018: Slovenia (three cases)<sup>10</sup>, Spain (three cases)<sup>11</sup>, and Belgium<sup>12</sup>, Ireland<sup>13</sup> and Romania<sup>14</sup> (one case each).

In 13 other cases, the Commission took a decision to refer a Member State to Court but following the adoption of the required transposition measures, the Commission withdrew the case before the Court delivered its ruling. These cases concerned late transposition of the following Directives:

- on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market<sup>15</sup>;
- on the award of concession contracts<sup>16</sup>;
- on public procurement<sup>17</sup>;
- on procurement by entities operating in the water, energy, transport and postal services sectors<sup>18</sup>; and
- establishing a framework for maritime spatial planning<sup>19</sup>.

1. New infringement cases opened against 28 EU Member States in 2018 due to failure to implement an EU Directive into national law on time

2. I.e., a first judgment by the Court of Justice of the EU.

3. I.e., a return of a case to the Court if a first judgement is not complied with; a judgement may impose a lump sum or penalty payment. When the Court imposes financial penalties under this Article, the defaulting Member State must pay the lump sum immediately and continue to pay the periodic penalty until it complies fully with the first and second Court judgments.

4. The exception was Commission vs Denmark, C-541/16.

5. Commission vs Greece, C-93/17 and C-328/16.

6. Commission vs Spain, C-205/17.

7. Commission vs Italy, C-565/10.

8. Commission vs Slovakia, C-331/11.

9. I.e., a first judgement with penalty payment for late transposition of Directives into national law.

10. Commission vs Slovenia, C-628/18, the Commission proposed a daily penalty of € 7,224, a lump sum of €1,978 per day, with a minimum amount of €496,000; C-69/18, the Commission proposed a daily penalty of €7 986,60; C-188/18, the Commission proposed a daily penalty of €8 992,32.

11. Commission vs Spain, C-430/18, the Commission proposed a daily penalty of € 48 919,20; C-165/18, the Commission proposed a daily penalty of €123 928,64; C-164/18 the Commission proposed a daily penalty of €61 964,32.

12. Commission vs Belgium, C-676/18: the Commission proposed a daily penalty of €49,906.50.

13. Commission vs Ireland, C-550/18, the Commission proposed a daily penalty of €17,169.60, a lump sum of €4,701.20, with a minimum amount of €1,685,000.

14. Commission vs Romania, C-549/18, the Commission proposed a daily penalty of €21,974.40, a lump sum of €6,016.80, with a minimum amount of €1,887,000.

15. Directive 2014/26/EU.

16. Directive 2014/23/EU.

17. Directive 2014/24/EU.

18. Directive 2014/25/EU.

19. Directive 2014/89/EU.

### More information:

Staff working document of the European Commission - Annual Report 2018 'Monitoring the application of European Union Law' (part I: General statistical overview)