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COMMISSION

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PART 2/3

**COMMISSION STAFF WORKING DOCUMENT**

**MONITORING THE APPLICATION OF EU LAW IN MEMBER STATES**

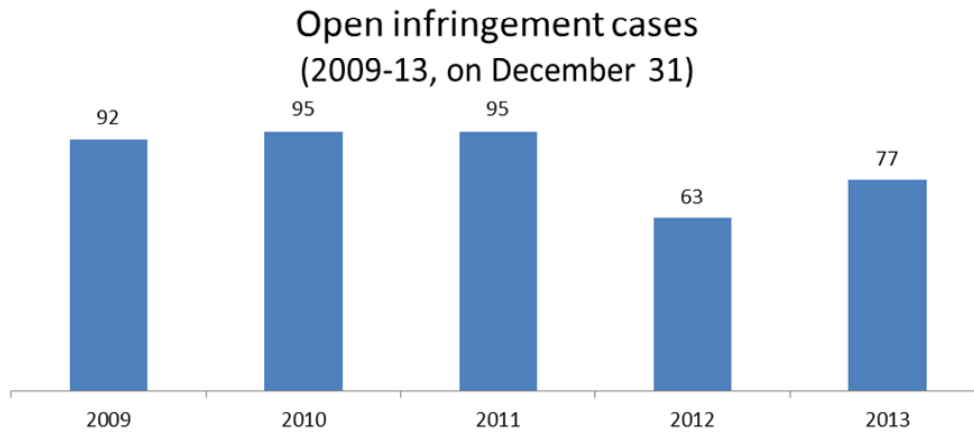
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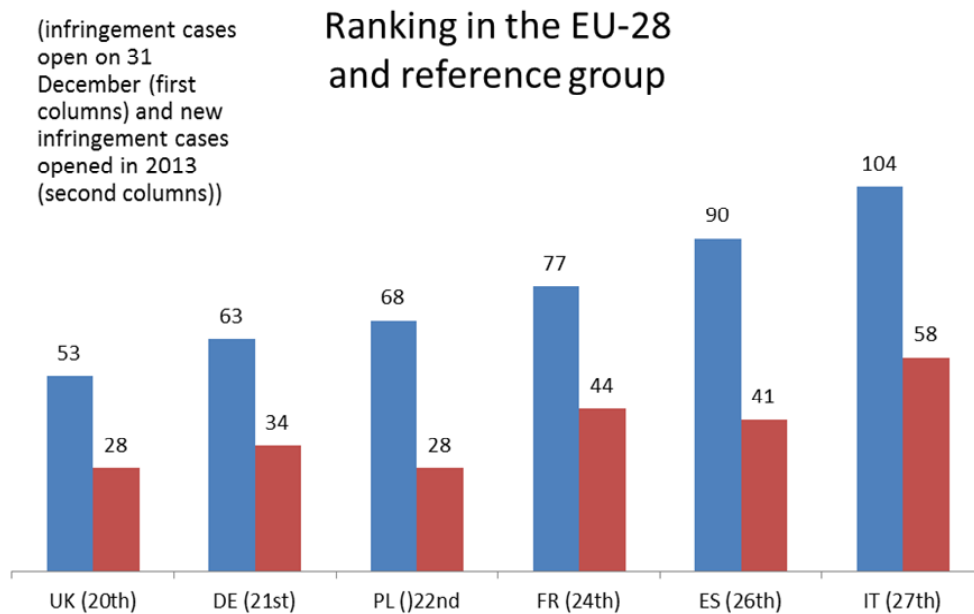
# FRANCE

## I. General statistics

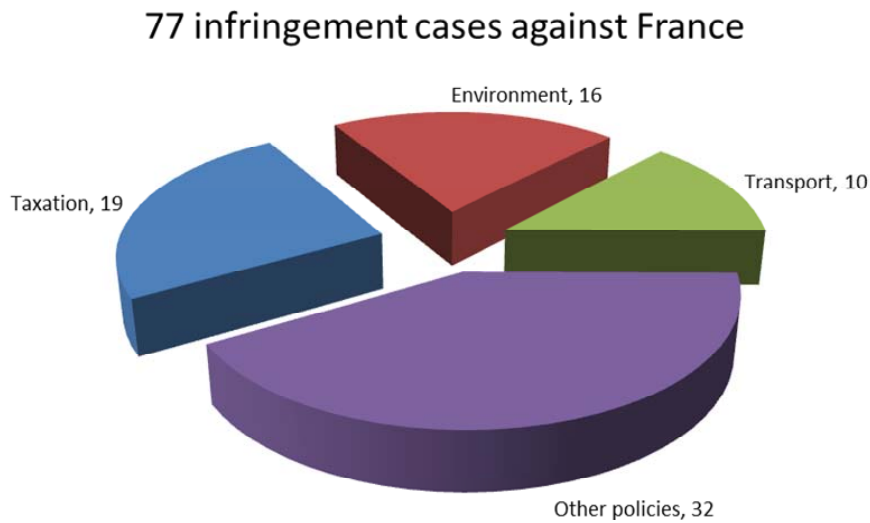
### 1. Open infringement cases against France (2009-13, on 31 December 2013)



### 2. Ranking in the EU-28 and reference group



3. **77** infringement cases open against France



4. Referrals to the Court and key infringement cases

(a) **44** new infringement procedures were launched against France in 2013. They and other major ongoing infringement cases relate to:

- France's refusal to grant welfare benefits to unemployed and under-employed workers from other Member States;
- failure to comply with the Working Time Directive as regards the working conditions of hospital doctors and trainee doctors;
- failure to comply with the Working Time Directive as regards the working conditions of police officers;
- restrictions placed on imports of ambulances complying with standard EN 1789;
- <sup>139</sup>
- the French authorities' refusal to register some kit cars previously registered in other Member States;<sup>140</sup>
- barriers placed on trade for alcohol test kits in cars;<sup>141</sup>
- breach of EU air quality minimum standards in a number of areas and agglomerations;<sup>142</sup>
- inadequate implementation of the directive on minimum standards for the reception conditions of asylum seekers<sup>143</sup> and of the bad implementation of directive on preventing and combating trafficking in human beings;<sup>144</sup>

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<sup>139</sup> [MEMO/13/22](#)

<sup>140</sup> [MEMO/13/1005](#)

<sup>141</sup> [MEMO/14/36](#)

<sup>142</sup> [IP/13/47](#)

<sup>143</sup> Directive [2003/9/EC](#)

<sup>144</sup> Directive [2011/36/EU](#)

- national legislation governing cabotage to Corsica, which does not comply with Union law on the freedom to provide services;
- failure to comply with EU legislation on animal welfare, specifically the requirement that sows are kept in groups during part of their pregnancy;<sup>145</sup>
- failure to transpose the directive on administrative cooperation in the field of taxation;<sup>146</sup>
- discriminatory taxation of futures markets operations on foreign stock exchanges;
- the incorrect implementation of the First Railway Package: France failed to comply with EU rules against excessive track access charges for passenger and freight trains in the Channel Tunnel.

(b) Two cases were referred to the Court under Article 258 TFEU. They relate to:

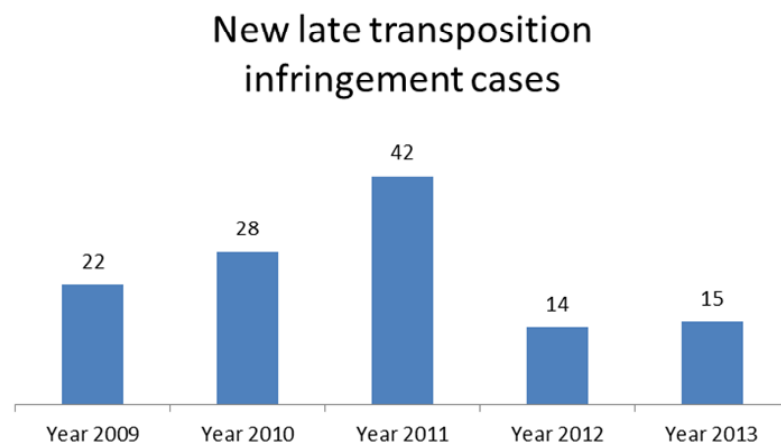
- reduced rates of VAT to e-books;<sup>147</sup>
- discriminatory rules governing the tax paid on investments in new residential property.<sup>148</sup>

(c) Cases referred to the Court under Article 260(2) TFEU:

- none in 2013

## II. Transposition of directives

### 1. New late transposition infringement cases



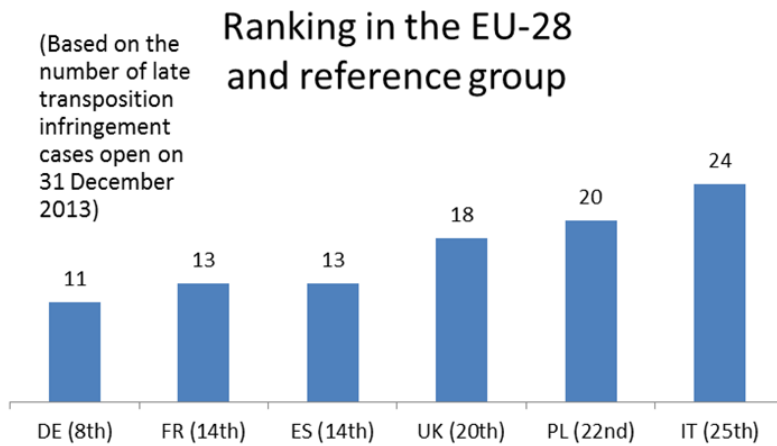
<sup>145</sup> Directive [2008/120/EC](#) and [IP/13/135](#)

<sup>146</sup> Directive [2011/16/EU](#) and [MEMO/13/1005](#)

<sup>147</sup> [IP/13/137](#)

<sup>148</sup> [IP/13/473](#)

2. Ranking in the EU-28 and reference group



3. Policy areas in which most new late transposition infringement cases were opened

13 late transposition cases against France	
Environment	4
Other	9

4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against France

Complaints 2011-13

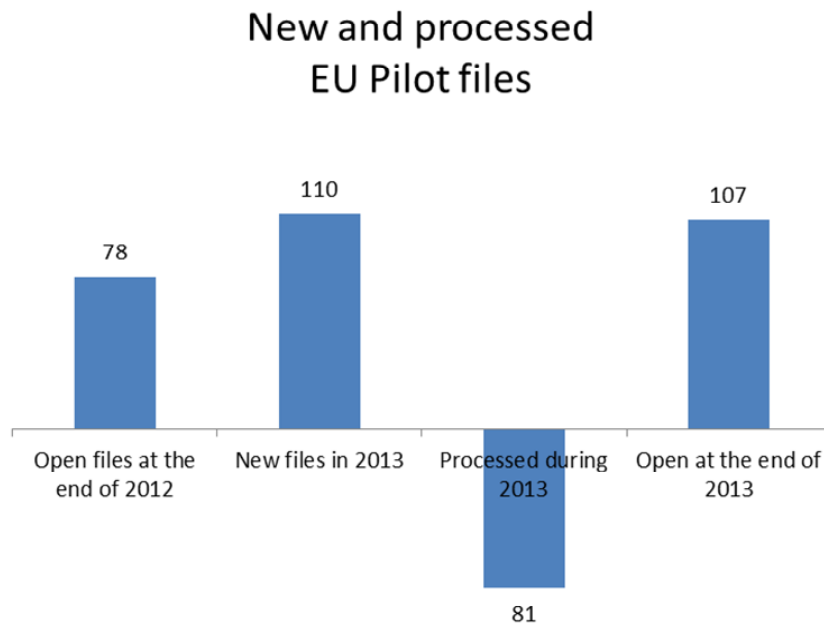


## Main complaint areas

France Total		277
<b>Employment</b>	(discriminatory national pension rights against former French soldiers holding Moroccan nationality, 'prélèvements sociaux' on the real estate income of non-residents and quota of Home Grown Players for professional basketball league clubs)	59
<b>Taxation</b>	(value added tax and taxation of activities and assets situated abroad)	50
<b>Internal market</b>	(regulated professions especially in the area of sport and insurance)	42
<b>Other</b>	(car registration, access to education, environmental impact assessment, waste management, maritime transport services in Corsica, international railway transport and food safety)	126

## IV. EU Pilot

### 1. Progress of files relating to France open in EU Pilot



110 New EU Pilot files during 2013	
<b>Transport</b>	19
<b>Environment</b>	18
<b>Taxation</b>	18
<b>Other</b>	55

Average EU Pilot response	
<b>93</b>	days in 2013
<b>83</b>	days in 2012
<b>84</b>	days in 2011

## V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- a tax imposed on milk producers who exceeded their individual milk quotas set under the single Common Market Organisation (although the national quota had not been exceeded);
- national legislation on the marketing of certain products obtained by distilling lees and marcs (by-products of wine production) as '*eaux-de-vie de vin*';<sup>149</sup>
- the free movement of building materials and the refusal to award subsidies incentivising the purchase of environmentally friendly cars to imported demonstration motor vehicles, in breach of the principle of the free movement of goods. France has amended its legislation to conform to Union law;
- failure to transpose the directive on railway interoperability and the directive on railway safety indicators;
- the identification of horses.

## VI. Important judgments

The Court ruled that:

- a special charge imposed on electronic communications operators, set according to the amount of subscription charges and other sums they receive from users for the provision of services, does not constitute an administrative charge within the meaning of the 2002 directive<sup>150</sup> and does therefore not fall within the scope of this directive. Consequently, the Court dismissed the Commission's action;<sup>151</sup>
- a measure introduced by France concerning the import of tobacco products was found to be contrary to the directive on the general arrangements for products subject to excise duty.<sup>152</sup> The Court dismissed the Commission's complaint in so far as it related to a breach of free movement of goods. The Court highlighted that, where a topic has been the subject of exhaustive harmonisation at EU level, any national measure in this area must be assessed in the light of the provisions of the harmonising measure and not those of the Treaty;<sup>153</sup>
- France had fail to the designate a number of areas at risk of having an excessively high concentration of nitrate in the water as such,<sup>154</sup> and the urban wastewater treatment in large agglomerations was inadequate;<sup>155</sup>

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<sup>149</sup> [IP/12/179](#)

<sup>150</sup> Directive [2002/20/EC](#)

<sup>151</sup> Commission v France, [C-485/11](#)

<sup>152</sup> Directive [92/12/EEC](#)

<sup>153</sup> Commission v France, [C-216/11](#)

<sup>154</sup> Commission v France, [C-193/12](#), [IP/12/170](#)

<sup>155</sup> Commission v France, [C-23/13](#)



- France did not respect the provisions of the VAT Directive by affording VAT exemption to vessels that did not navigate in the high seas, which is a condition to such exemption;<sup>156</sup>
- France complied with existing rail legislation as regards the level of independence required for an infrastructure manager in a holding company.<sup>157</sup>

In preliminary rulings addressed to the French judiciary, the Court ruled that:

- the French system for compensating businesses for the additional costs imposed on them by the obligation to purchase wind-generated energy must be qualified as State aid;<sup>158</sup>
- the jurisdiction clause in a contract concluded between the manufacturer and the initial buyer of goods cannot be used to bring a case against the sub-buyer of the goods, even if the contract formed part of a chain of contracts transferring ownership.<sup>159</sup>

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<sup>156</sup> Commission v France, [C-197/12](#)

<sup>157</sup> Directive 91/440/EC, Commission v France, [C-625/10](#)

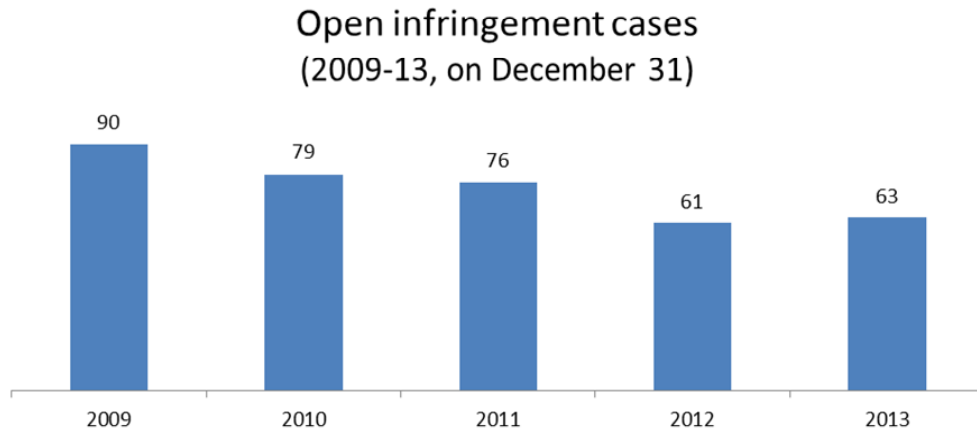
<sup>158</sup> Vent De Colère and Others, [C-262/12](#)

<sup>159</sup> Refcomp, [C-543/10](#)

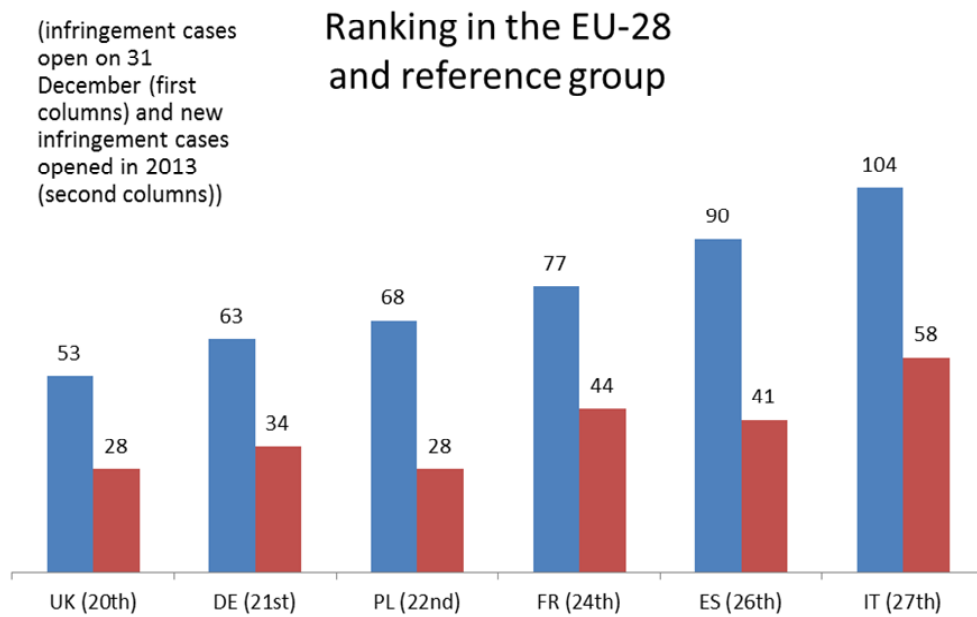
# GERMANY

## I. General statistics

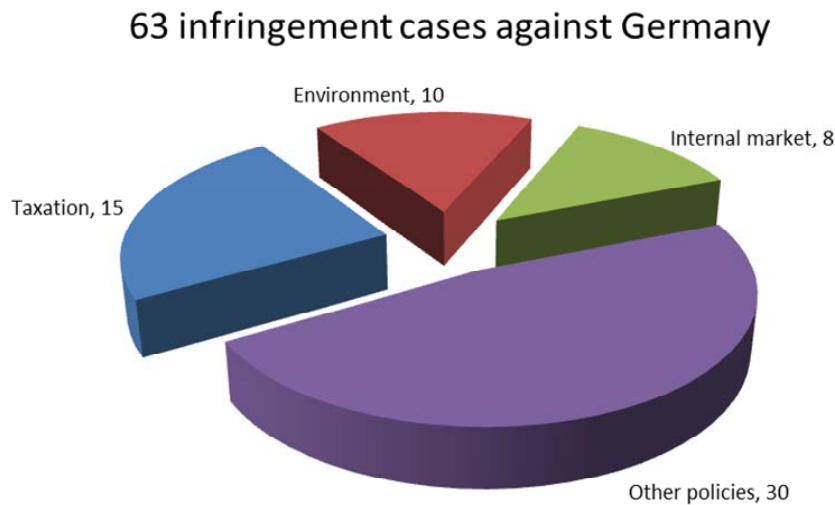
### 1. Open infringement cases against Germany (2009-13, on 31 December 2013)



### 2. Ranking in the EU-28 and reference group



3. 63 infringement cases against Germany



4. Referrals to the Court and key infringement cases

(a) **34** new infringement procedures were launched against Germany in 2013. They and other major ongoing infringement cases relate to:

- the incompatibility with the Working Time Directive of the reference period used by Germany to calculate average weekly working hours;
- Germany's failure to notify the Commission of national measures transposing the directive on combating late payment in commercial transactions;<sup>160</sup>
- a ban on 'off the shell' chemical mixtures containing methylenediphenyl diisocyanate, the selling of which is in breach of the REACH regulation;<sup>161</sup>
- the incorrect application of the directive on mobile air conditioning<sup>162</sup>;
- the application of German pricing rules to pharmacies located in other Member States, in breach of the principle of free movement of goods;
- the separation of accounts of railway undertakings from those of railway infrastructure managers;<sup>163</sup>
- the non-ratification of the EU-US Air Transport Agreement;
- animal welfare and specifically the requirement that sows are kept in groups during part of their pregnancy;<sup>164</sup>
- the discriminatory taxation of outbound dividends.<sup>165</sup>

<sup>160</sup> Directive [2011/7/EC](#) and [MEMO/13/1005](#)

<sup>161</sup> Directive [2006/40/EC](#) and [MEMO/13/820](#)

<sup>162</sup> [MEMO/14/50](#)

<sup>163</sup> [IP/13/1097](#)

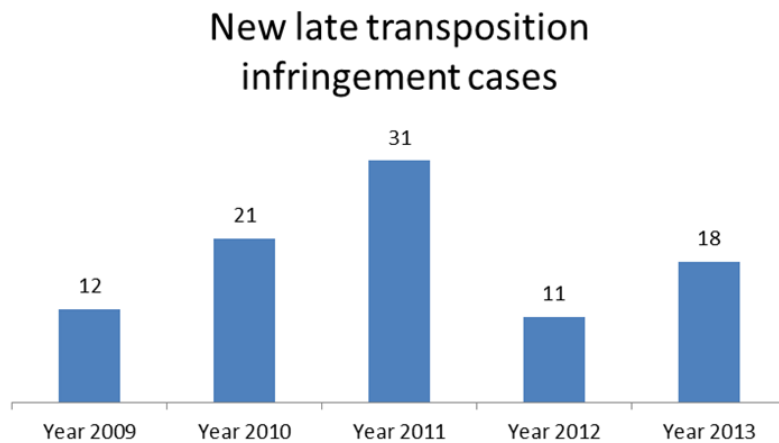
<sup>164</sup> Directive [2008/120/EC](#) and [IP/13/135](#)

<sup>165</sup> [IP/09/435](#) – [IP/07/1152](#)

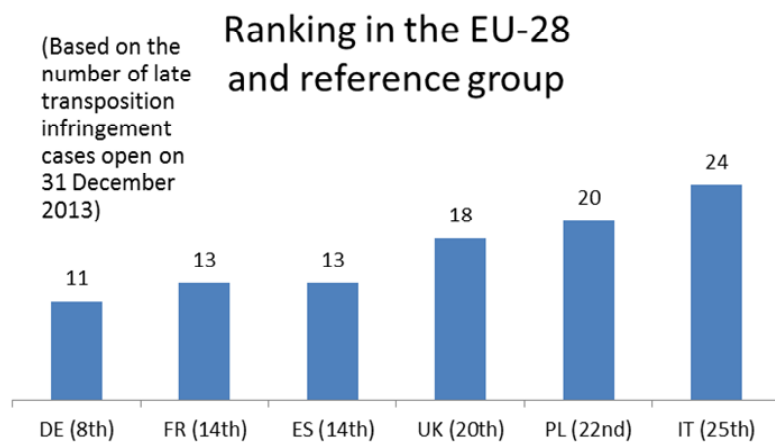
- (b) Two cases were referred to the Court under Article 258 TFEU. They relate to:
- the inadequate implementation of Union law on access to justice in relation to environmental matters;<sup>166</sup>
  - the separation of accounts in the German rail sector.<sup>167</sup>
- (c) Cases referred to the Court under Article 260(2) TFEU:
- none in 2013

## II. Transposition of directives

### 1. New late transposition infringement cases



### 2. Ranking in the EU-28 and reference group



<sup>166</sup> [IP/13/967](#)

<sup>167</sup> [IP/13/1067](#)

3. Policy areas in which most new late transposition infringement cases were opened

11 late transposition cases against Germany	
Home affairs	3
Energy	2
Taxation	2
Other	4

4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against Germany

Complaints 2011-13

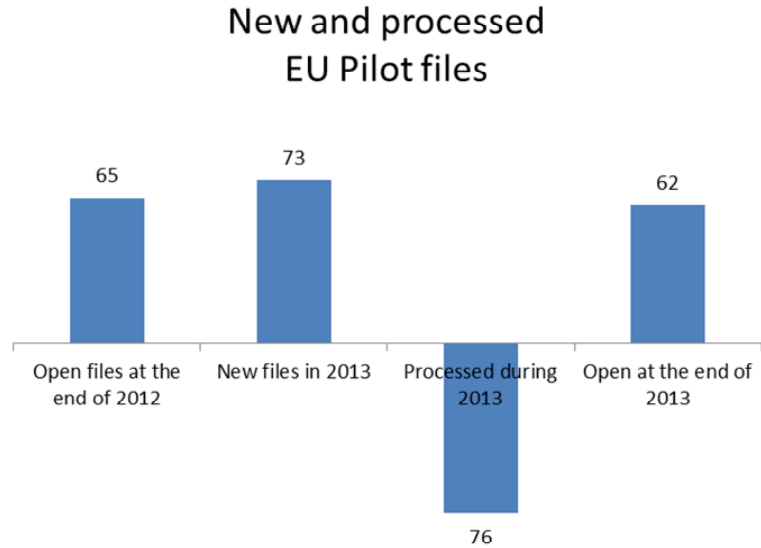


Main complaint areas

Germany Total		297
<b>Justice</b>	(fundamental rights, civil justice and data protection)	64
<b>Internal market</b>	(regulated professions, mainly health professionals and teachers, and public procurement)	57
<b>Environment</b>	(nature protection and environmental impact assessment)	53
<b>Other</b>	(students' travel costs, Schengen Borders Code, Visa Code, asylum, taxation of non-resident German pensioners, posting of workers, levying pensions already subject to deductions in the paying Member State and family benefits for non-resident child)	123

#### IV. EU Pilot

##### 1. Progress of files relating to Germany open in EU Pilot



73 New EU Pilot files during 2013	
<b>Transport</b>	14
<b>Environment</b>	11
<b>Taxation</b>	11
<b>Other</b>	37

Average EU Pilot response	
<b>61</b>	days in 2013
<b>61</b>	days in 2012
<b>65</b>	days in 2011

#### V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- the rules adopted in all German *Länder* to allow benefits to be exported for the blind, the deaf and the disabled non-resident workers and their family members;
- the manufacturer's rebate on some medicines which an enquiry found does not breach the principle of free movement;
- the flawed application of the Habitats Directive<sup>168</sup> in relation to the proposed sites of Community importance in the Lower and Outer Ems area;

<sup>168</sup> Directive [92/43/EEC](#)

- the failure to transpose directives on insurance of ship-owners, on road intelligent transport systems and on railway interoperability.

## VI. Important judgments

The Court ruled:

- in a case concerning a directive of the First Railway Package, following its Advocate General's opinion, that Germany had complied with existing rail legislation as regards the level of independence required for an infrastructure manager in a holding company structure.<sup>169</sup>

In preliminary rulings addressed to the German judiciary, the Court ruled that:

- a Member State can only refuse to issue a uniform visa if one of the grounds for refusal listed in the Visa Code applies to the applicant in question;<sup>170</sup>
- the notion of 'freedom to provide services' in Article 41(1) of the Additional Protocol to the EU-Turkey Association Agreement must be interpreted as not encompassing freedom for Turkish nationals who are the recipients of services to visit a Member State in order to obtain services;<sup>171</sup>
- where the Member State is aware that systemic deficiencies in the asylum procedure and in reception conditions for asylum seekers in the Member State initially identified as being responsible for examining an asylum application would lead to the asylum seeker being subjected to inhuman or degrading treatment, the Member State determining the Member State responsible is required not to transfer the asylum seeker to the Member State initially identified as responsible;<sup>172</sup>
- an entry ban handed down more than five years before the date of the entry into force of national legislation implementing the Return directive cannot lead to impunity under criminal law unless the person constitutes a serious threat to public order, public security or national security;<sup>173</sup>
- EU law does not allow the national courts of the place where a harmful event occurred, which is attributed to one of the presumed perpetrators of damage who is not a party to the dispute, to take jurisdiction over another presumed perpetrator of that damage who has not acted within the jurisdiction of the court hearing the dispute;<sup>174</sup>

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<sup>169</sup> [IP/13/176](#)

<sup>170</sup> Koushkaki, [C-84/12](#)

<sup>171</sup> Demirkan, [C-221/11](#)

<sup>172</sup> Puid, [C-4/11](#)

<sup>173</sup> Filev and Osmani, [C-297/12](#)

<sup>174</sup> Melzer, [C-228/11](#)

- in preliminary rulings on waste, environmental impact assessment, strategic environmental assessment, nature protection and access to justice in environmental matters, case Altrip C-72/12 was referred to.<sup>175</sup>

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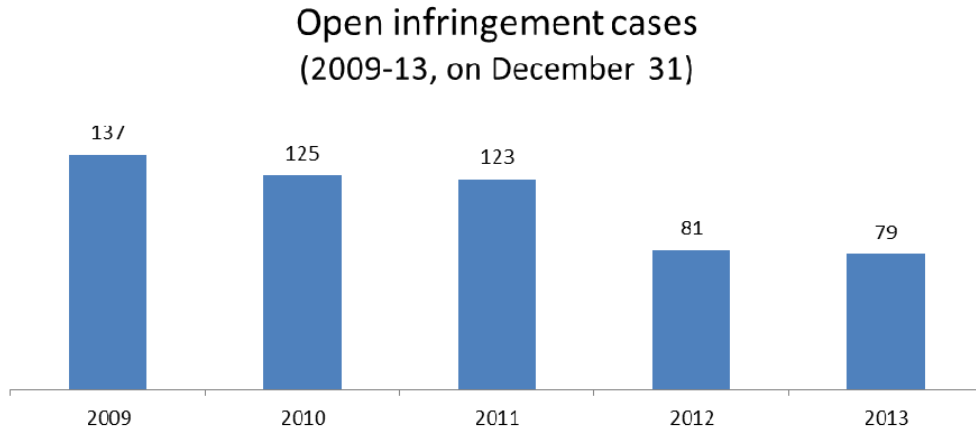
<sup>175</sup> Brady, [C-113/12](#); Ragn-Sells, [C-292/12](#); Leth, [C-420/11](#); Salzburger Flughafen, [C-244/12](#); L v M, [C-463/11](#); Sweetman and Others, [C-258/11](#); Edwards and Pallikaropoulos, [C-260/11](#); Gemeinde Altrip and Others, [C-72/12](#)



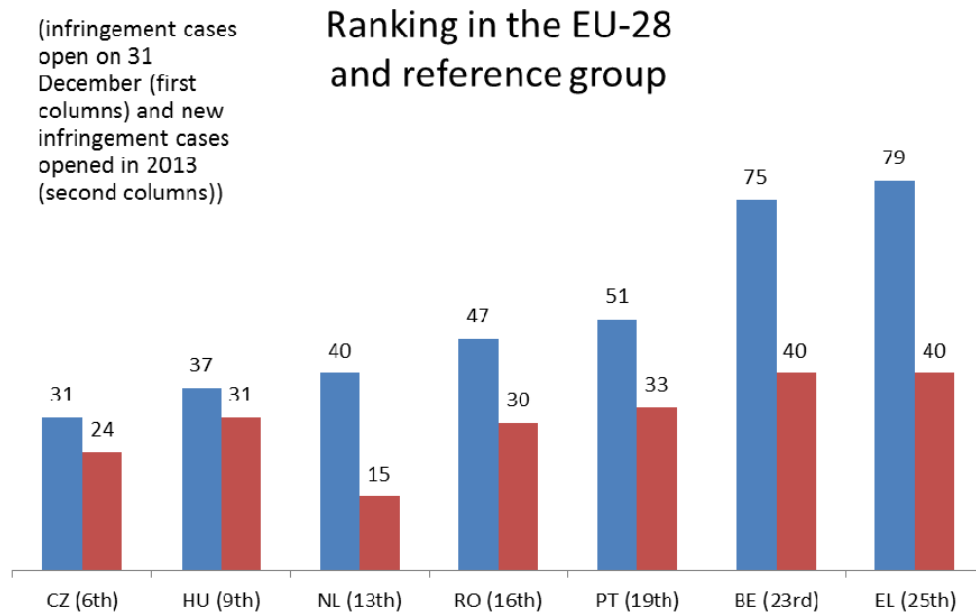
# GREECE

## I. General statistics

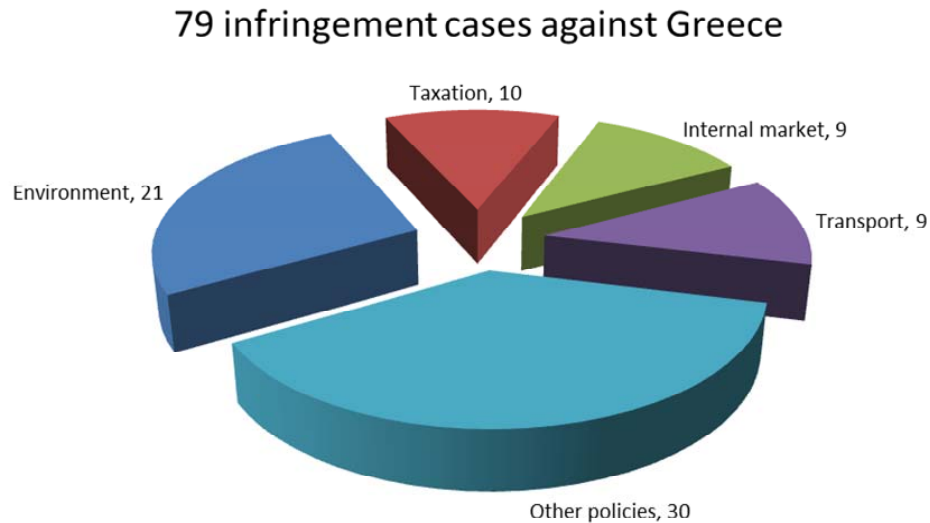
### 1. Open infringement cases against Greece (2009-13, on 31 December 2013)



### 2. Ranking in the EU-28 and reference group



3. 79 infringement cases against Greece



4. Referrals to the Court and key infringement cases

(a) **40** new infringement procedures were launched against Greece in 2013. They and other major ongoing infringement cases relate to:

- the incompatibility with Union law of national legislation from 1934 obliging all wine producers of Samos to be members of the local cooperative and give it their entire production;
- failure to comply with the Working Time Directive as regards the working conditions of hospital doctors;<sup>176</sup>
- the obstacles to exports of pharmaceuticals;<sup>177</sup>
- inadequate hazardous waste management and planning (failure to comply with Court judgment of 10 September 2009 in case C-286/08);
- the implementation of the directive on preventing and combating trafficking in human beings<sup>178</sup> and a case regarding the implementation of the directive to extend its scope to beneficiaries of international protection;<sup>179</sup>
- the violation of the right of EU citizens to stand as candidates in local and European elections in their Member State of residence due to restrictions in their involvement in political parties;
- non-compliance with the fisheries data collection obligation; Greece has since complied with the obligations under the EU data collection framework and put in place the necessary administrative measures to ensure compliance with data

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<sup>176</sup> [IP/13/1108](#)

<sup>177</sup> [MEMO/13/470](#)

<sup>178</sup> Directive [2011/36/EU](#)

<sup>179</sup> Directive [2011/51/EU](#)

collection obligations in the future, enabling the Commission to close the case in October 2013;

- the lack of timely transposition for the Directive on Alternative Investment Fund Managers;<sup>180</sup>
- a breach of the First and the Third Non-life Insurance Directives as regards the organisation and operation of roadside assistance in Greece;<sup>181</sup>
- failure to comply with EU legislation on animal welfare, specifically the requirement that sows are kept in groups during part of their pregnancy;<sup>182</sup>
- restrictions on the marketing of plant-propagating material;
- income tax exemption for companies that operate vessels;
- the non-compliance with the Single European Sky provisions requiring full implementation of Functional Airspace Blocks (FABs).<sup>183</sup>

(b) Four cases were referred to the Court under Article 258 TFEU. They relate to:

- non-compliance with EU rules on limits to working time limits (the Working Time Directive) for doctors in public health services, with Greece failing to ensure that they work no more than 48 hours per week on average, including any overtime;<sup>184</sup>
- a landfill site in Peloponnese;<sup>185</sup>
- nitrate pollution;<sup>186</sup>
- failure to enforce the ban on battery cages for laying hens.<sup>187</sup>

(c) Cases referred to the Court under Article 260(2) TFEU:

- Greece was referred twice to the Court for two long-standing cases, both for not respecting EU law in environmental matters (illegal landfills and urban waste water).<sup>188</sup>

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180 Directive [2011/61/EU](#)

181 [MEMO/13/470](#)

182 Directive [2008/120/EC](#), [IP/13/135](#)

183 [IP/13/860](#)

184 [IP/13/1108](#)

185 [IP/13/483](#)

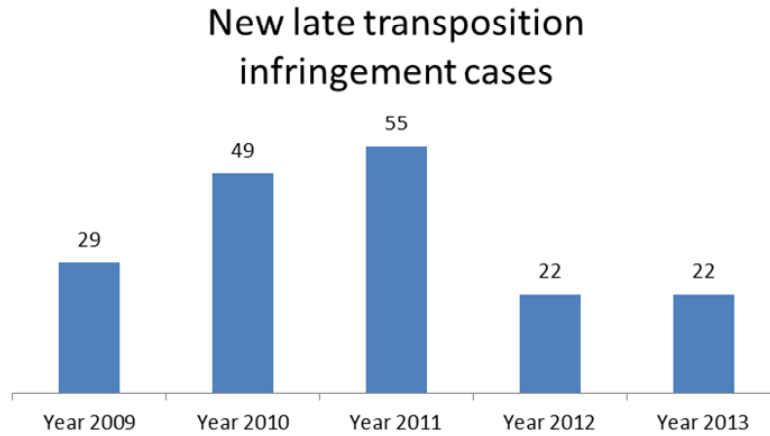
186 [IP/13/576](#)

187 [IP/13/366](#)

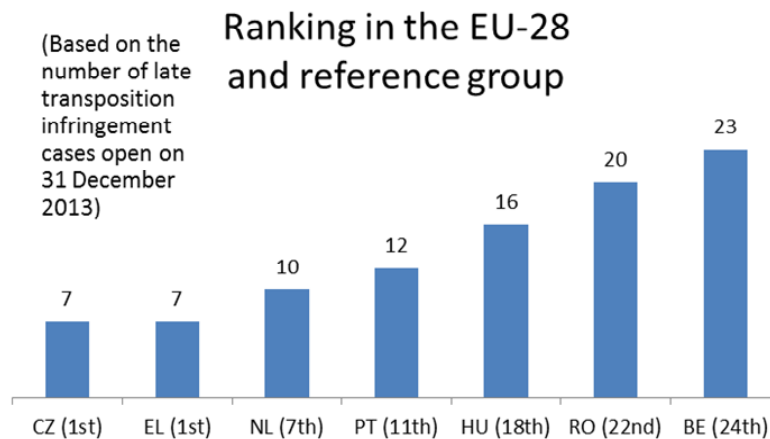
188 [IP/13/143](#), [IP/13/1102](#), Commission v Greece, [C-378/13](#) and Commission v Greece, [C-167/14](#)

## II. Transposition of directives

### 1. New late transposition infringement cases



### 2. Ranking in the EU-28 and reference group



### 3. Policy areas in which most new late transposition infringement cases were opened

<b>7 late transposition cases against Greece</b>	
<b>Energy</b>	2
<b>Home affairs</b>	2
<b>Other</b>	3

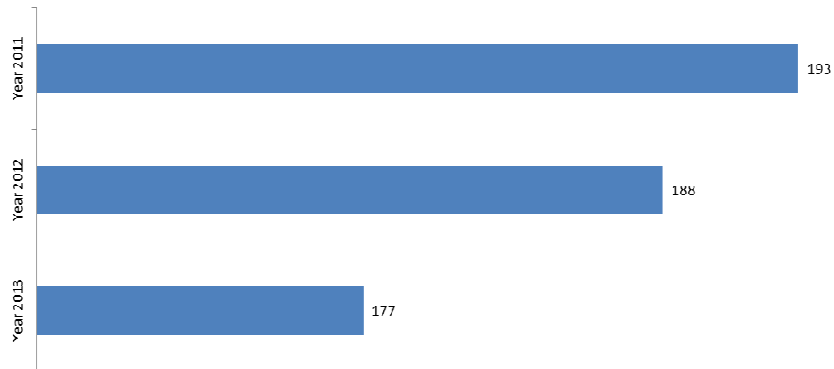
### 4. Court referrals under Articles 258/260(3) TFEU

- none in 2013

### III. Complaints

#### 1. Complaints made against Greece

Complaints 2011-13

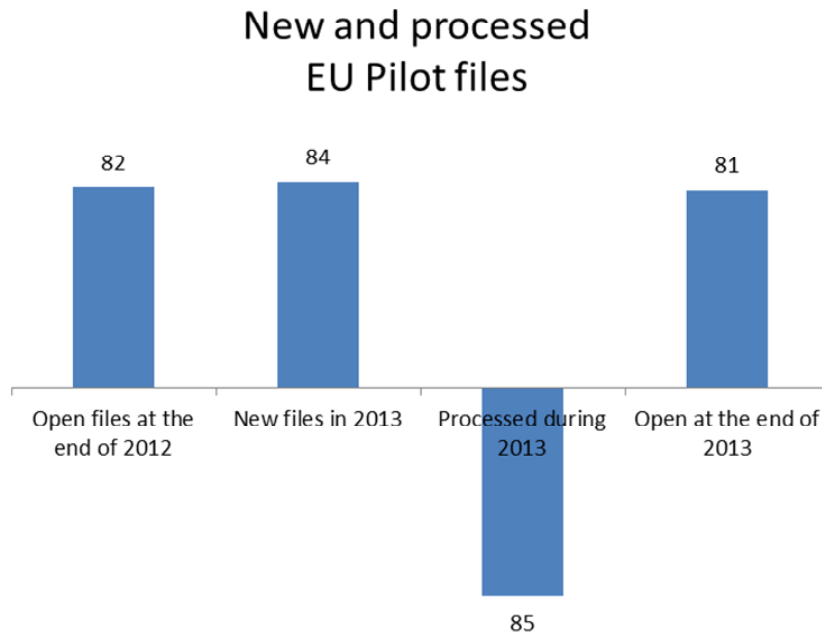


#### Main complaint areas

GREECE Total		177
<b>Internal market</b>	(regulated professions and public procurement)	47
<b>Environment</b>	(nature protection, environmental impact assessment and waste management)	27
<b>Employment</b>	(recognition of foreign post-graduate diploma of public sector workers in their promotion)	22
<b>Other</b>	(e.g. parallel import of pharmaceuticals, discriminatory airport taxes, push-back practices at the borders, food safety and customs fees)	81

#### IV. EU Pilot

##### 1. Progress of files relating to Greece open in EU Pilot



84 New EU Pilot files during 2013	
<b>Environment</b>	28
<b>Transport</b>	9
<b>Enterprise &amp; industry</b>	6
<b>Taxation</b>	6
<b>Other</b>	35

Average EU Pilot response	
<b>67</b>	days in 2013
<b>65</b>	days in 2012
<b>63</b>	days in 2011

## V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- the adoption by the Greek authorities of legislative measures regarding fire safety;
- the procedure for fixing the price of parallel imported pharmaceuticals that created obstacles to these imports, where Greece has changed its legislation on the contested issues;
- Greece's exceeding the ceilings for sulphur dioxide under the National Emissions Reduction Plan;
- the non-conformity of the transposition of the Bathing Water Directive;<sup>189</sup>
- fisheries data collection;
- the recognition of degrees obtained in another Member State in Greece.

## VI. Important judgments

The Court ruled that:

- Greece failed to protect Lake Koroneia (a wetland in the region of Thessaloniki) from pollution.<sup>190</sup>

In a preliminary ruling addressed to the Greek judiciary, the Court ruled that:

- EU law precludes national legislation giving a single entity the exclusive right to offer games of chance, if it does not reduce the number of opportunities for gambling and ensure strict control of the expansion of the sector of games in order to combat criminality.<sup>191</sup>

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<sup>189</sup> Directive [2006/7/EC](#)

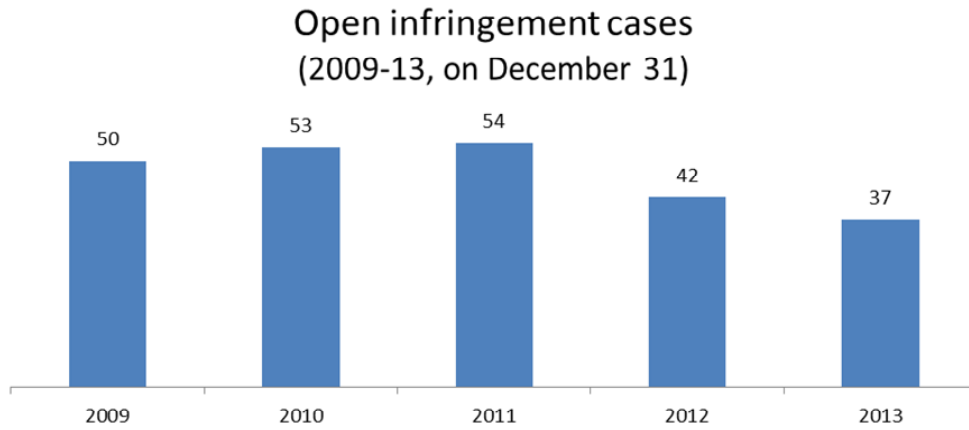
<sup>190</sup> Commission v Greece, [C-517/11](#), [IP/11/89](#)

<sup>191</sup> Stanleybet International and Others, [C-186/11](#) and [C-209/11](#)

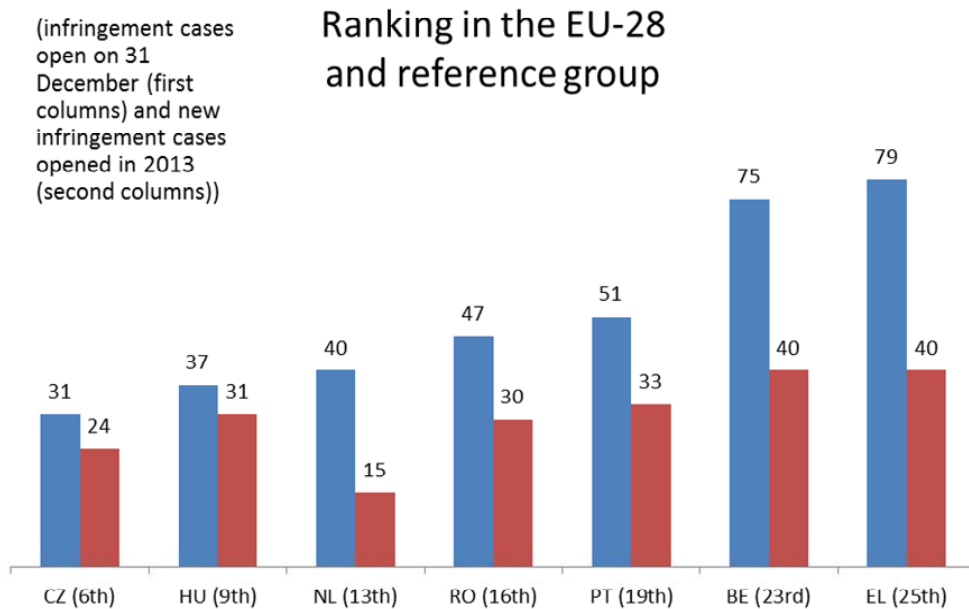
# HUNGARY

## I. General statistics

### 1. Open infringement cases against Hungary (2009-13, on 31 December 2013)



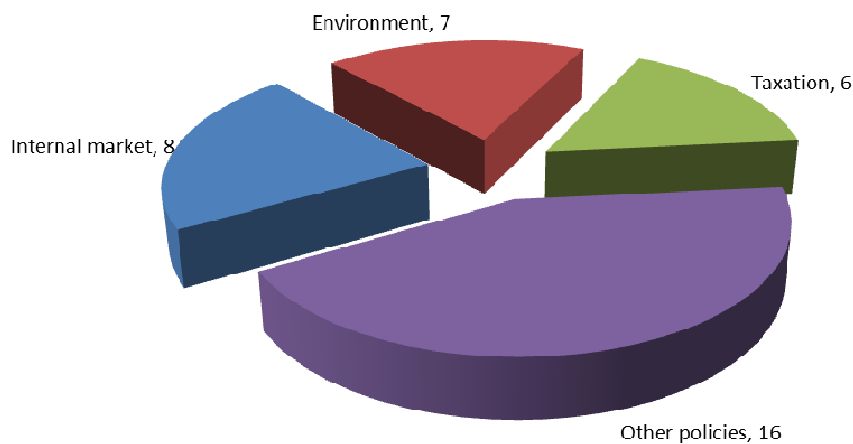
### 2. Ranking in the EU-28 and reference group





3. **37** infringement cases against Hungary

### 37 infringement cases against Hungary



4. Referrals to the Court and key infringement cases

(a) 31 new infringement procedures were launched against Hungary in 2013. They and other major ongoing infringements cases relate to:

- the limit values for PM<sub>10</sub><sup>192</sup> in air being exceeded (air quality);<sup>193</sup> and the transposition measures for the Industrial Emissions Directive;<sup>194</sup>
- the right to appeal against visa decisions;<sup>195</sup> non-compliance with certain provisions of the Asylum Procedures and the Reception Conditions Directives<sup>196</sup> and Article 47 of the Charter of Fundamental Rights;
- transposition of the Directive on Alternative Investment Fund Managers.<sup>197</sup>

(b) Two cases that were referred to the Court under Article 258 TFEU relate to:

- new restrictions on the issuing of meal vouchers and other benefits in-kind;<sup>198</sup>
- tax exemption granted for fruit distillates (*'pálinka'*) produced for personal use (harmonised EU rules only allow tax reductions).<sup>199</sup>

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PM<sub>10</sub> is 'an air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 micrometer. Their small size allows them to make their way to the air passages deep within the lungs where they may be deposited and result in adverse health effects' (Source: [the European Environmental Agency](#)).

<sup>193</sup> [IP/13/47](#)

<sup>194</sup> Directive [2010/75/EU](#) and [MEMO/13/583](#)

<sup>195</sup> This case was closed later in 2013 due to compliance.

<sup>196</sup> Directives [2005/85/EC](#) and [2003/9/EC](#)

<sup>197</sup> Directive [2011/61/EU](#)

<sup>198</sup> [IP/13/578](#)

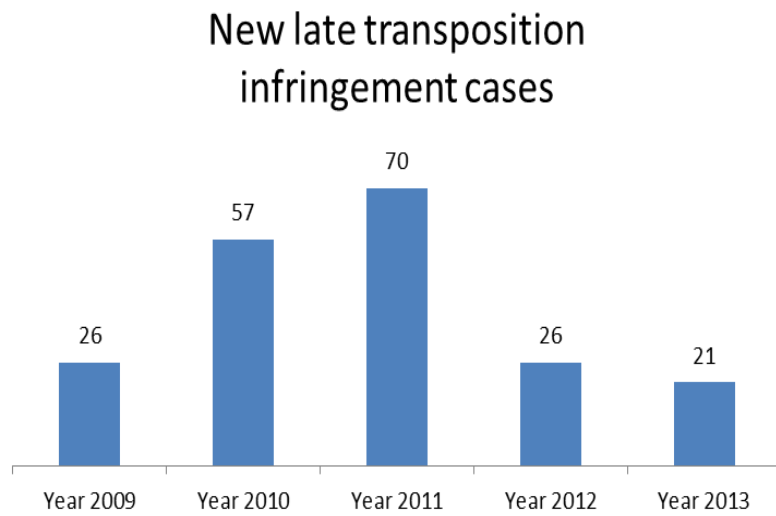
<sup>199</sup> [IP/13/138](#)

(c) Cases referred to the Court under Article 260(2) TFEU:

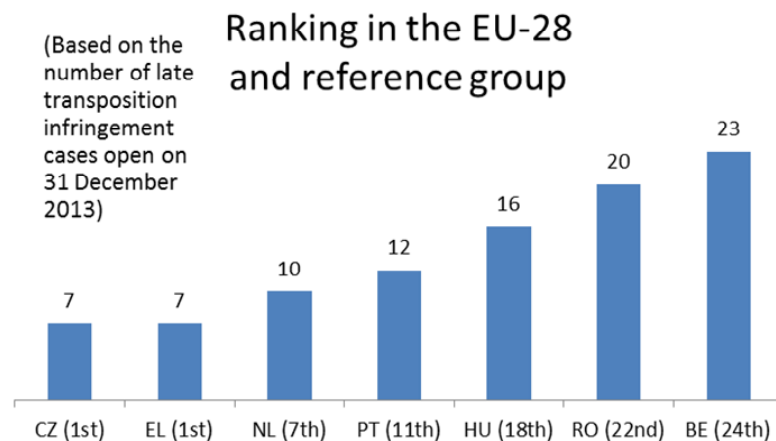
- none in 2013

## II. Transposition of directives

### 1. New late transposition infringement cases



### 2. Ranking in the EU-28 and reference group



3. Policy areas in which most new late transposition infringement cases were opened

16 late transposition cases against Hungary	
<b>Environment</b>	4
<b>Internal market</b>	3
<b>Other</b>	9

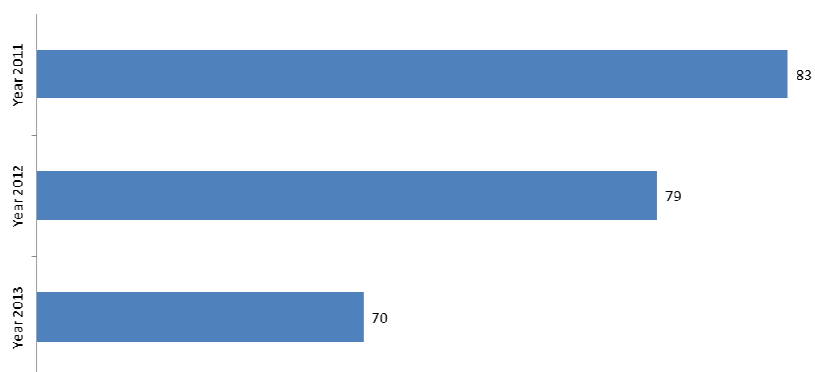
4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against Hungary

Complaints 2011-13

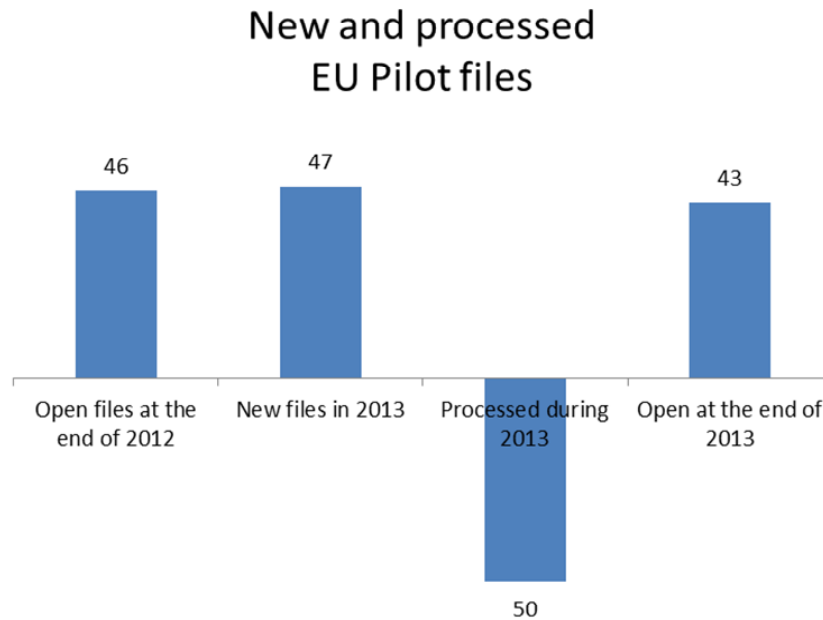


#### Main complaint areas

HUNGARY Total		70
<b>Internal market</b>	(public procurement, online gambling, financial services and free movement of services)	13
<b>Regional policy</b>	(cohesion policy)	12
<b>Taxation</b>	(excise duties)	11
<b>Other</b>	(rural development, academic tuition fees, authorisation of electronic communication, posting of workers, asylum-seekers' integration measures and work obligation of students in state-funded studies)	34

#### IV. EU Pilot

##### 1. Progress of files relating to Hungary open in EU Pilot



47 New EU Pilot files during 2013	
<b>Environment</b>	9
<b>Justice</b>	8
<b>Transport</b>	8
<b>Other</b>	22

Average EU Pilot response	
<b>70</b>	days in 2013
<b>65</b>	days in 2012
<b>66</b>	days in 2011

#### V. Early resolution of infringement cases

The cases closed without a Court judgment related to:

- late transposition of the Directive on preventing sharp injuries in the hospital and healthcare sector;<sup>200</sup>
- late transposition of the Directive establishing minimum standards on sanctions and measures against employers of illegal third-country nationals;<sup>201</sup>

<sup>200</sup> Directive [2010/32/EU](#)

<sup>201</sup> Directive [2009/52/EC](#)

- the Environmental Impact Assessment Directive,<sup>202</sup> and more specifically the incorrect interpretation of 'development consent' and the exclusion of sewerage projects from the scope of urban development projects.

## VI. Important judgments

The Court ruled against Hungary in the area of railway transport because of:

- failing to lay down conditions to ensure that the accounts of railway infrastructure managers were balanced and to ensure that these managers were provided with incentives to reduce their management costs and network access charges. In addition, Hungary failed to ensure that the charges for the minimum access package and track access to service facilities were set at the cost that was directly incurred as a result of operating the service.<sup>203</sup>

In a preliminary ruling on local border traffic at the EU's external borders of the Member States addressed to the Hungarian judiciary, the Court ruled that:

- the limitation of stays in the Schengen area (a maximum of three months over a six-month period) does not apply to those foreign nationals who benefit from the local border traffic system and who are not subject to visa requirements. The holders of a local border traffic permit are entitled to move freely within the border area for a continuous period up to three months; in addition, they have a new right to a three-month stay each time such a stay is interrupted.<sup>204</sup>

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<sup>202</sup> Directive [2011/92/EU](#)

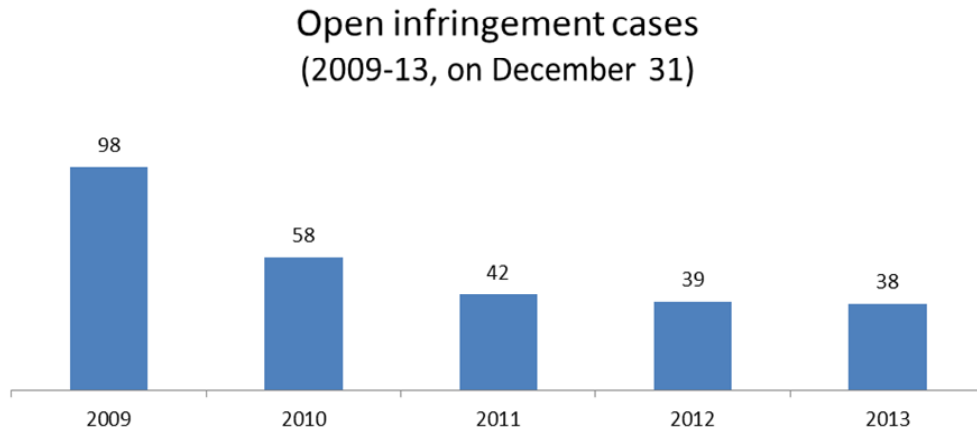
<sup>203</sup> Commission v Hungary, [C-473/10](#)

<sup>204</sup> Shomodi, [C-254/11](#) (Court press release No [35/13](#))

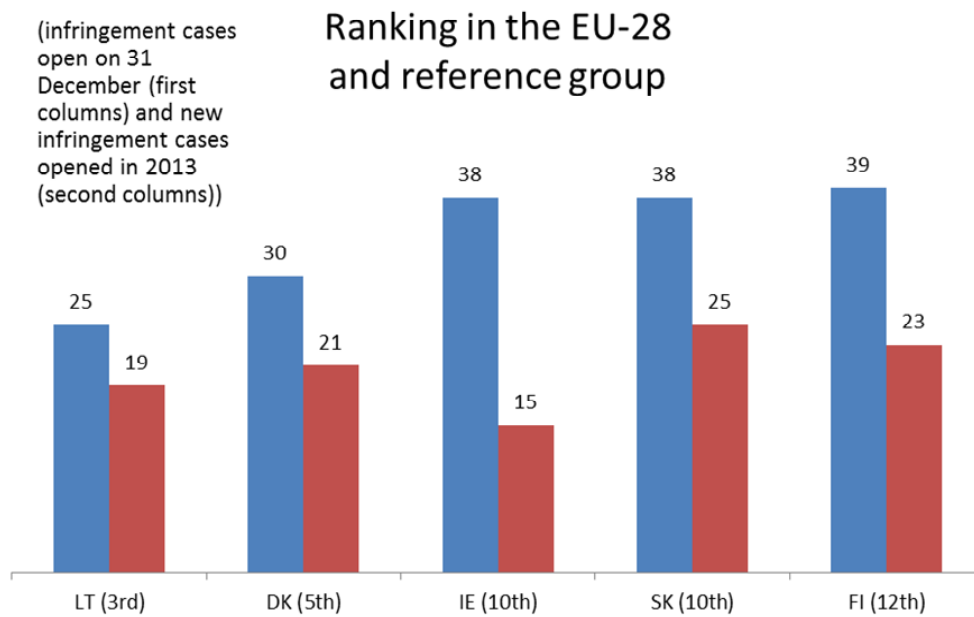
# IRELAND

## I. General statistics

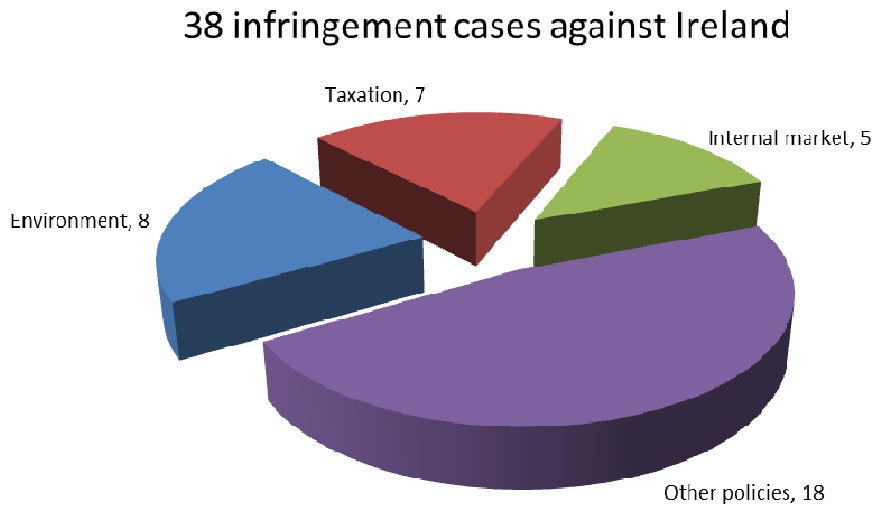
### 1. Open infringement cases against Ireland (2009-13, on 31 December 2013)



### 2. Ranking in the EU-28 and reference group



3. **38** infringement cases against Ireland



4. Referrals to the Court and key infringement cases

(a) 15 new infringement procedures were launched against Ireland in 2013. They and other major ongoing infringement cases relate to:

- the non-exportability of long-term care benefits (carer's allowance) to insured people residing outside of Ireland;
- inadequate urban wastewater treatment in several agglomerations;
- Ireland's failure to transpose the directive on preventing and combating trafficking in human beings;<sup>205</sup>
- unjustified restrictions imposed on operators and travel agents who are established in other Member States and intend to provide cross-border travel agency services in Ireland;<sup>206</sup>
- violation of the directive on the protection of pigs,<sup>207</sup> which requires that sows be kept in groups during part of their pregnancy.<sup>208</sup>

(b) One case was referred to the Court under Article 258 TFEU. It relates to:

- Ireland's failure to apply the rules of the Working Time Directive<sup>209</sup> to doctors in training and other non-consultant hospital doctors.<sup>210</sup>

<sup>205</sup>

Directive [2011/36/EU](#)

<sup>206</sup>

[MEMO/13/820](#) — Case closed in 2014, following Ireland's compliance with EU legislation.

<sup>207</sup>

Directive [2008/120/EC](#)

<sup>208</sup>

[IP/13/135](#)

<sup>209</sup>

Directive [2003/88/EC](#)

<sup>210</sup>

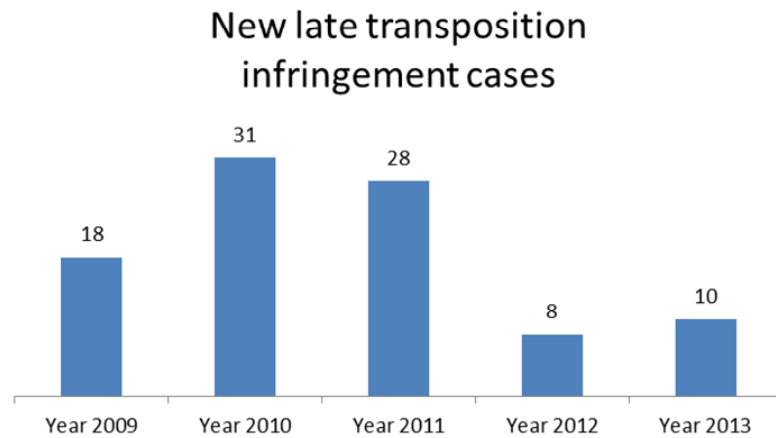
[IP/13/1109](#)

(c) Cases referred to the Court under Article 260(2) TFEU:

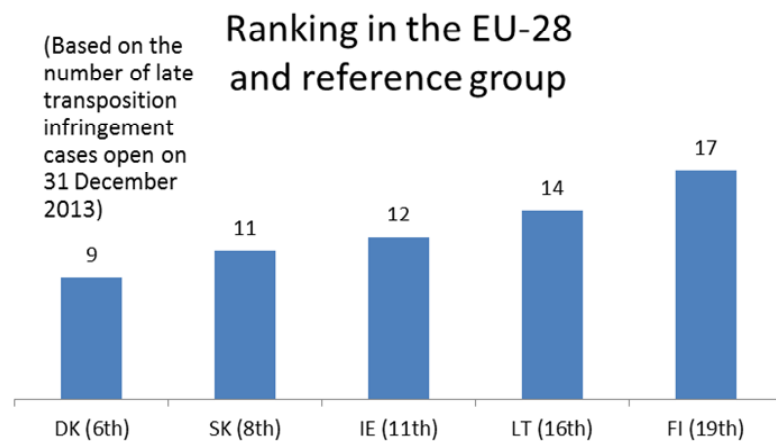
- none in 2013

## II. Transposition of directives

### 1. New late transposition infringement cases



### 2. Ranking in the EU-28 and reference group



### 3. Policy areas in which most new late transposition infringement cases were opened

<b>12 late transposition cases against Ireland</b>	
<b>Energy</b>	3
<b>Health &amp; consumers</b>	2
<b>Other</b>	7



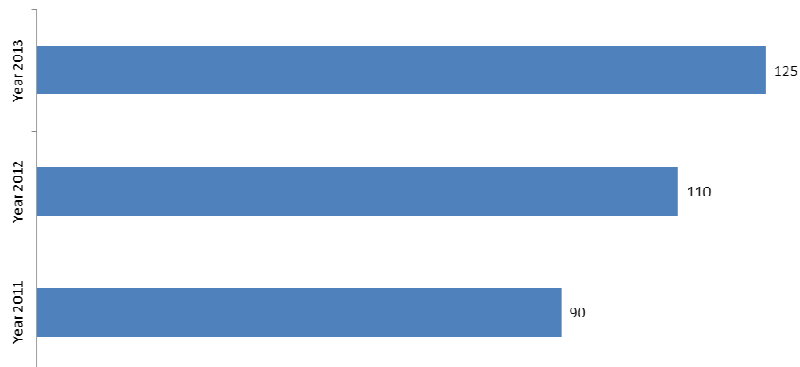
4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against Ireland

Complaints 2011-13

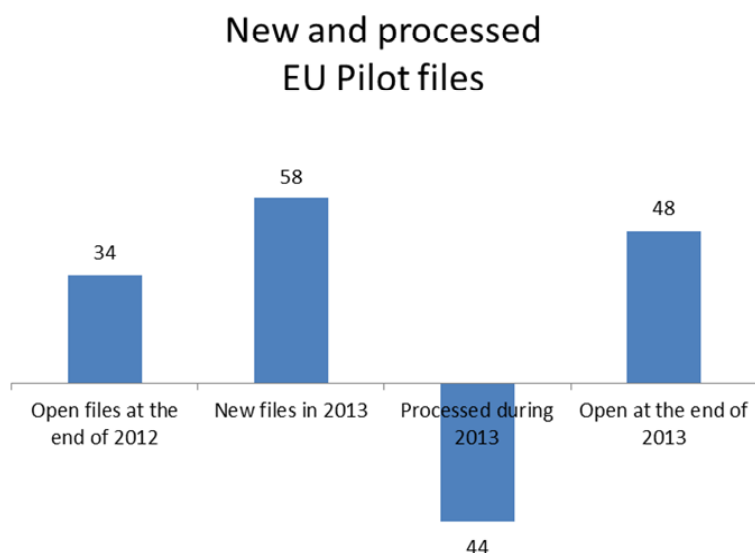


Main complaint areas

IRELAND Total		125
<b>Environment</b>	(environmental impact assessment and nature protection)	39
<b>Justice</b>	(free movement of people, then data protection and equality)	25
<b>Internal market</b>	(regulated professions, mostly architects)	21
<b>Other</b>	(recognition of public service undertaken in other Member State when calculating seniority, excessive delays in asylum procedures)	40

#### IV. EU Pilot

##### 1. Progress of files relating to Ireland open in EU Pilot



58 New EU Pilot files during 2013	
<b>Environment</b>	15
<b>Transport</b>	11
<b>Taxation</b>	11
<b>Other</b>	21

Average EU Pilot response	
<b>74</b>	days in 2013
<b>78</b>	days in 2012
<b>75</b>	days in 2011

#### V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- minimum safety and health requirements at temporary or mobile constructions sites;<sup>211</sup>
- obligations under the Electricity Regulation<sup>212</sup> (*i.a.* as regards lack of congestion management and transparency concerning access to the network for cross-border exchanges in electricity);

<sup>211</sup> Directive [92/57/EEC](#)

- transparency of conditions for access to the natural gas transmission networks, under the Gas Regulation;<sup>213</sup>
- the application of harmonised standards, including technical specifications, under the Machinery Directive.<sup>214</sup>

## VI. Important judgments

The Court ruled that Ireland:

- had allowed pig-rearing and poultry-rearing installations to operate without or with outdated permits, in breach of the Directive on integrating pollution prevention and control;<sup>215</sup>
- failed to fulfil its obligations under the VAT Directive,<sup>216</sup> by applying a reduced rate of value-added tax of 4.8% to supplies related to greyhounds and horses, and to the hire of horses and certain insemination services;<sup>217</sup>
- failed to correctly implement EU rules on excise duties on fuel by granting an exemption for fuel used by disabled people for motor vehicles, without respecting the minimum levels of taxation.<sup>218</sup>

In preliminary rulings addressed to the Irish judiciary, the Court clarified:

- the meaning of a number of provisions of the directive on protecting employees in the event of the insolvency of their employer;<sup>219</sup>
- the concept of waste, including in situations where slurry produced and held by a pig farm is to be classified as 'waste'<sup>220</sup> under EU waste legislation.<sup>221</sup>

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<sup>212</sup> Regulation (EC) No [1228/2003](#) (replaced by Regulation (EC) No [714/2009](#) as of 3 March 2011)

<sup>213</sup> Regulation (EC) No [1775/2005](#) (replaced by Regulation (EC) No [715/2009](#) as of 3 March 2011)

<sup>214</sup> Directive [98/37/EC](#) (replaced by Directive [2006/42/EC](#) as of 29 December 2009)

<sup>215</sup> Directive [2008/1/EC](#); Commission v Ireland, [C-158/12](#)

<sup>216</sup> Directive [2006/112/EC](#)

<sup>217</sup> Commission v Ireland, [C-108/11](#)

<sup>218</sup> Directive [2003/96/EC](#) as amended by Directive [2004/74/EC](#); Commission v Ireland, [C-55/12](#)

<sup>219</sup> Directive [2008/94/EC](#); Hogan and Others, [C-398/11](#)

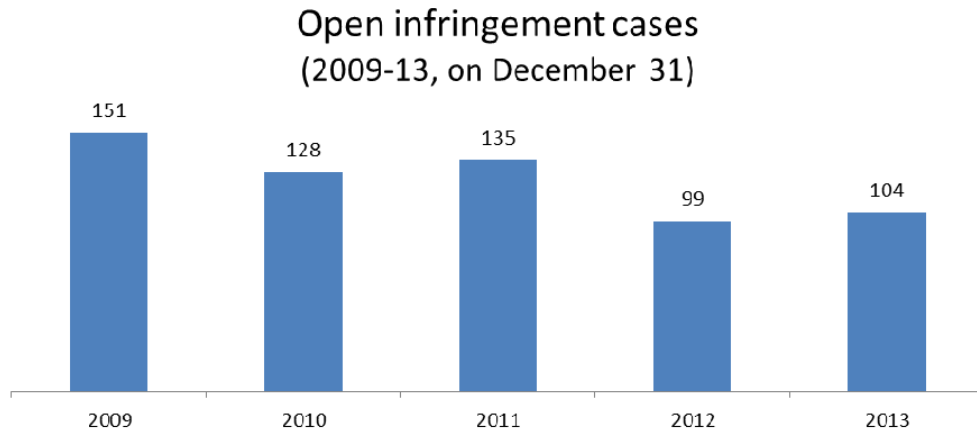
<sup>220</sup> Brady, [C-113/12](#)

<sup>221</sup> Directive [75/442/EEC](#) as amended by Decision [96/350/EC](#)

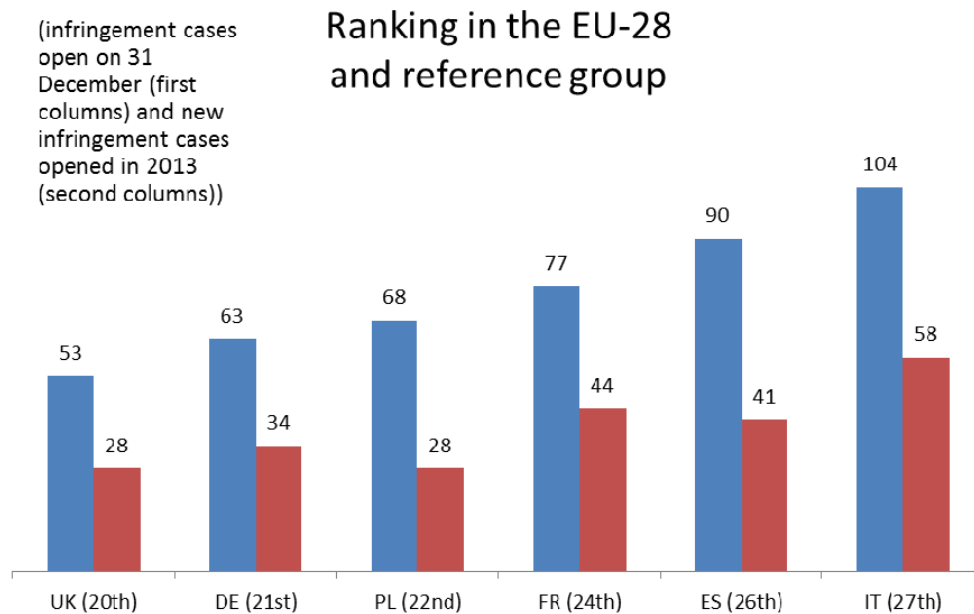
# ITALY

## I. General statistics

1. Open infringement cases against Italy (2009-13, on 31December 2013)

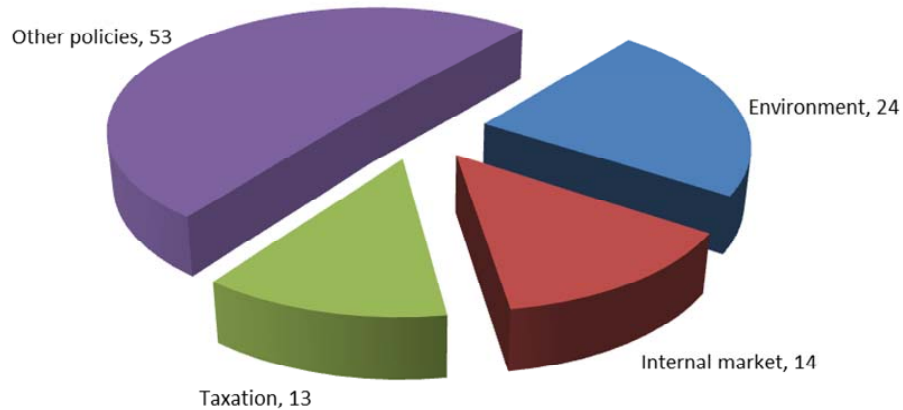


2. Ranking in the EU-28 and reference group



3. **104** infringement cases against Italy

### 104 infringement cases against Italy



4. Referrals to the Court and key infringement cases

(a) 58 new infringement procedures were launched against Italy in 2013. They and other major ongoing infringement cases relate to:

- the environmental impact of the ILVA steel plant in Taranto, Europe’s largest iron and steel works;<sup>222</sup>
- shortcomings in the recovery of surplus levies owed by dairy producers who exceeded their individual quotas when Italy overran its national dairy quota. An estimated EUR 1.42 billion needs to be returned to the Italian budget;<sup>223</sup>
- different pension conditions for men and women taking early retirement, in breach of the directive on equality between men and women at work;<sup>224</sup>
- Italy’s failure to adopt measures to comply with EU law on human trafficking;<sup>225</sup>
- the non-compliance with the Single European Sky provisions requiring full implementation of Functional Airspace Blocks (FABs).<sup>226</sup>

(b) Two cases have been referred to the Court under Article 258 TFEU. They relate to:

- Italy’s failure to comply with EU waste legislation owing to its narrow interpretation of ‘sufficient treatment of waste’, which means the Malagrotta landfill site in Rome and other landfill sites in the Lazio region are being filled with waste that has not undergone the treatment required under EU law, posing a serious threat to human health and the environment;<sup>227</sup>

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<sup>222</sup> [IP/13/866](#)

<sup>223</sup> [IP/13/577](#)

<sup>224</sup> Directive [2006/54/EC](#) (recast)

<sup>225</sup> Directive [2011/36/EU](#)

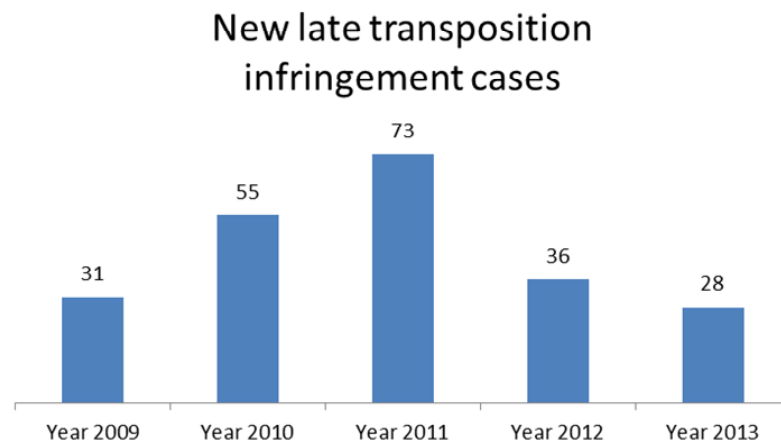
<sup>226</sup> [IP/13/860](#)

<sup>227</sup> [IP/13/250](#)

- the failure to correctly implement the Laying Hens Directive<sup>228</sup> banning battery cages.<sup>229</sup>
- (c) Two cases were referred to the Court under Article 260(2) TFEU. They relate to:
- waste management<sup>230</sup> in the Campania region where new waste crises are still possible and systemic problems have not been fully addressed;<sup>231</sup>
  - the failure to recover illegal State aid given to Venice and Chioggia in the form of relief on social security contributions.<sup>232</sup>

## II. Transposition of directives

### 1. New late transposition infringement cases



<sup>228</sup> Directive [1999/74/EC](#)

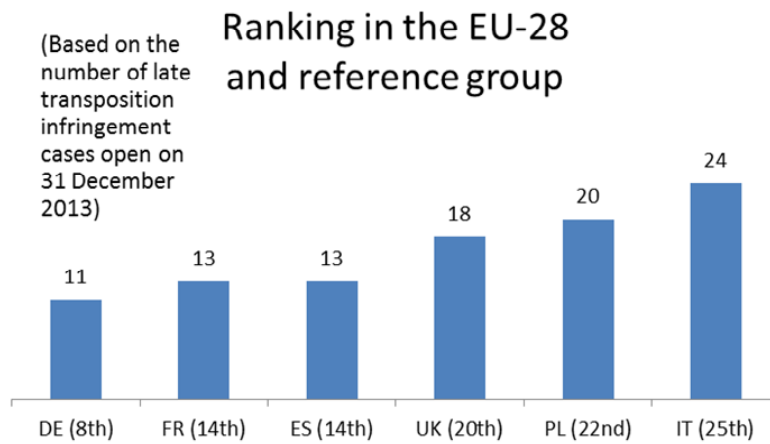
<sup>229</sup> [IP/13/366](#)

<sup>230</sup> Directive [2008/98/EC](#)

<sup>231</sup> [IP/11/1102](#)

<sup>232</sup> [IP 13/1103](#)

2. Ranking in the EU-28 and reference group



3. Policy areas in which most new late transposition infringement cases were opened

24 late transposition cases against Italy	
Environment	8
Energy	3
Other	13

4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against Italy

Complaints 2011-13

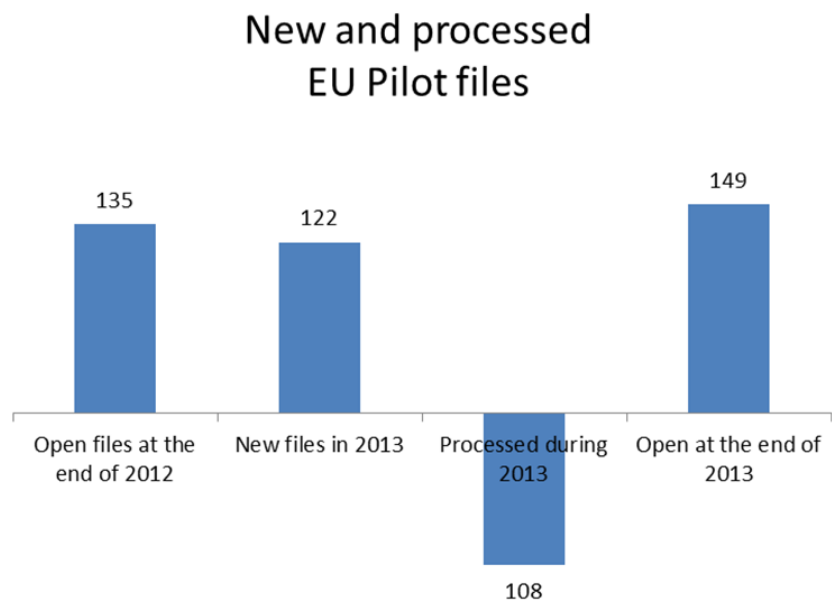


## Main complaint areas

ITALY Total		472
<b>Employment</b>	(recognition of professional experience acquired abroad, assessment of occupational accidents and health & safety at temporary or mobile construction sites)	120
<b>Internal market</b>	(regulated professions, mainly teachers and engineers, and public procurement)	81
<b>Environment</b>	(nature protection, environmental impact assessment and waste management)	64
<b>Other</b>	(taxation of immovable property, air passengers' rights, Late Payment Directive, equal treatment of third country nationals, funding conditions for studies abroad, rural development and Schengen Borders Code)	207

## IV. EU Pilot

### 1. Progress of files relating to Italy open in EU Pilot



122 New EU Pilot files during 2013	
<b>Environment</b>	35
<b>Internal market</b>	17
<b>Transport</b>	17
<b>Other</b>	53

Average EU Pilot response	
<b>77</b>	days in 2013
<b>69</b>	days in 2012
<b>72</b>	days in 2011



## V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- the transposition of the directive concerning the status of third-country nationals who are long-term residents<sup>233</sup> by the province of Verona and the region of Friuli-Venezia Giulia;
- the breach of the equal treatment principle in relation to access to public housing under the directive on the status of third-country nationals who are long-term residents;
- the non-recognition of certain diplomas obtained in other EU Member States for placement on reserve lists of teachers;
- the legislation relating to pyrotechnics products, which imposed additional requirements to those in the directive concerned.<sup>234</sup>

## VI. Important judgments

The Court ruled that Italy had:

- breached the directive on equal treatment in employment<sup>235</sup> by failing to oblige employers to adopt practical and effective measures covering different aspects of work for all persons with disabilities, enabling them to participate in employment;
- failed to make the provision of an energy performance certificate obligatory when a building is being sold or rented out, in breach of the Energy Performance of Buildings Directive;<sup>236</sup>
- not ensured the independence of the railway infrastructure manager as part of steps taken to liberalise the EU rail sector.<sup>237</sup>

In a preliminary ruling addressed to the Italian judiciary, the Court ruled that:

Member States must take account of any period of work in an international organisation located in another Member State when establishing entitlement to an old-age pension.<sup>238</sup>

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<sup>233</sup> Directive [2003/109/EC](#)

<sup>234</sup> Directive [2007/23/EC](#)

<sup>235</sup> Directive [2000/78/EC](#), Commission v Italy, [C-312/11](#); Court press release No [82/13](#)

<sup>236</sup> Directive [2002/91/EC](#), Commission v Italy, [C-345/12](#)

<sup>237</sup> Commission v Italy, [C-369/11](#), Court press release No [127/13](#)

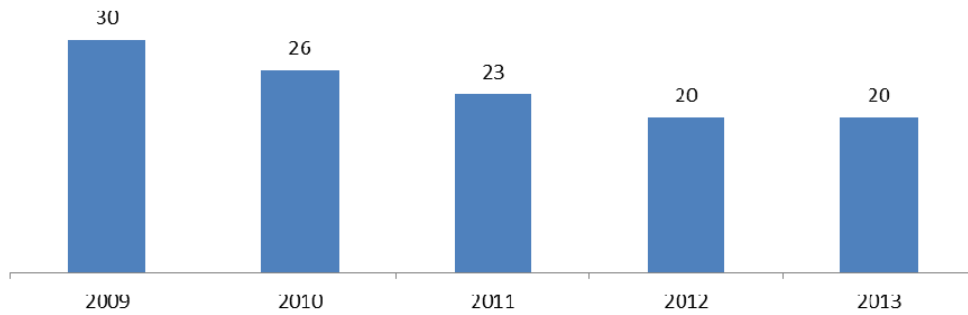
<sup>238</sup> Gardella, [C-233/12](#)

# LATVIA

## I. General statistics

1. Open infringement cases against Latvia (2009-13, on 31December 2013)

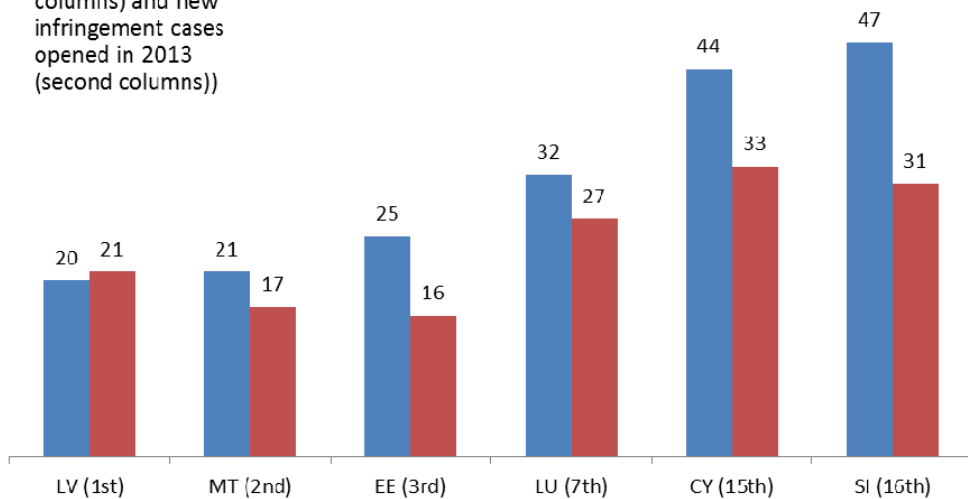
Open infringement cases  
(2009-13, on December 31)



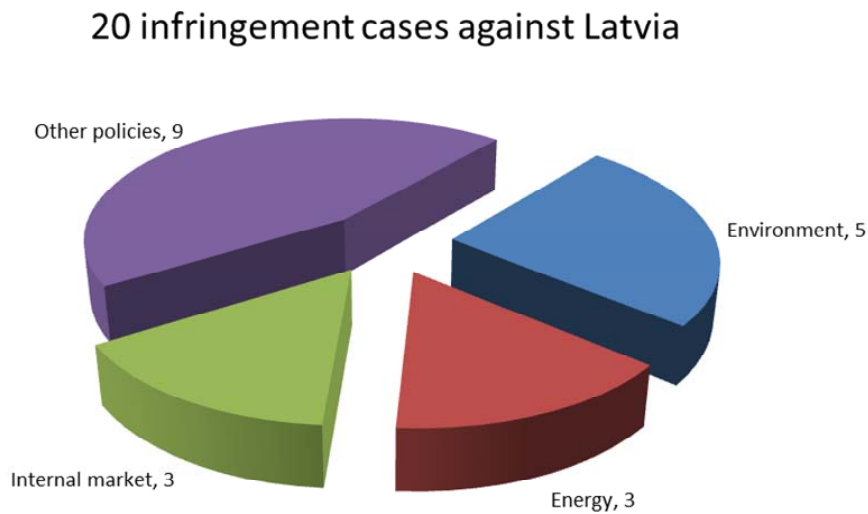
2. Ranking in the EU-28 and reference group

(infringement cases open on 31 December (first columns) and new infringement cases opened in 2013 (second columns))

Ranking in the EU-28 and reference group



3. **20** infringement cases against Latvia



4. Referrals to the Court and key infringement cases

(a) 21 new infringement procedures were launched against Latvia in 2013. They and other major ongoing infringement cases relate to:

- inadequate transposition and implementation of the Nitrates Directive;<sup>239</sup>
- breach of EU air quality standards (maximum PM<sub>10</sub> values) in one agglomeration;<sup>240</sup>
- alleged violation of the Local Border Traffic Regulation;<sup>241</sup>
- failure to implement the provisions of the directive amending the directive on the status of non-EU nationals who are long-term residents<sup>242</sup> to extend its scope to beneficiaries of international protection;
- violation of EU citizens' right to stand as candidates in local and European elections in their Member State of residence, this being prevented by restrictions placed on their involvement in political parties;
- restrictions placed on the freedom of establishment in relation to the provision of towage services in the port of Riga;
- late transposition of the provisions contained in the Directive on Alternative Investment Fund Managers<sup>243</sup> and the directive on administrative cooperation in the field of taxation.<sup>244</sup>

<sup>239</sup> Directive [91/676/EEC](#)

<sup>240</sup> [IP/13/47](#)

<sup>241</sup> Regulation (EC) No [1931/2006](#)

<sup>242</sup> Directive [2003/109/EC](#)

<sup>243</sup> Directive [2011/61/EU](#)

(b) Cases referred to the Court under Article 258 TFEU:

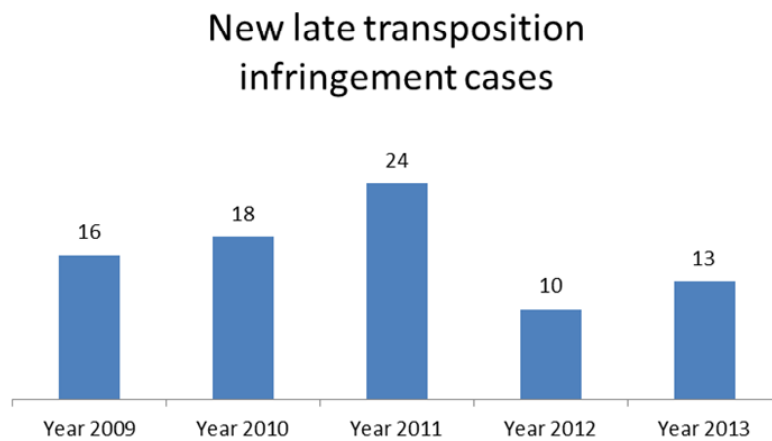
- none in 2013

(c) Cases referred to the Court under Article 260(2) TFEU:

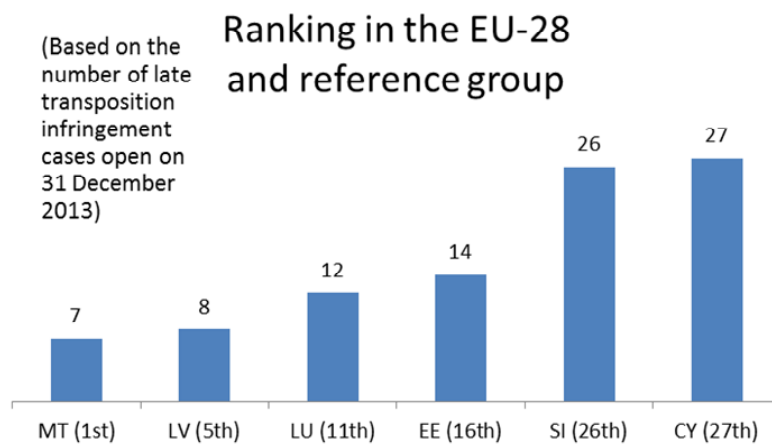
- none in 2013

## II. Transposition of directives

### 1. New late transposition infringement cases



### 2. Ranking in the EU-28 and reference group



3. Policy areas in which most new late transposition infringement cases were opened

<b>8 late transposition cases against Latvia</b>	
<b>Energy</b>	3
<b>Internal market</b>	2
<b>Other</b>	3

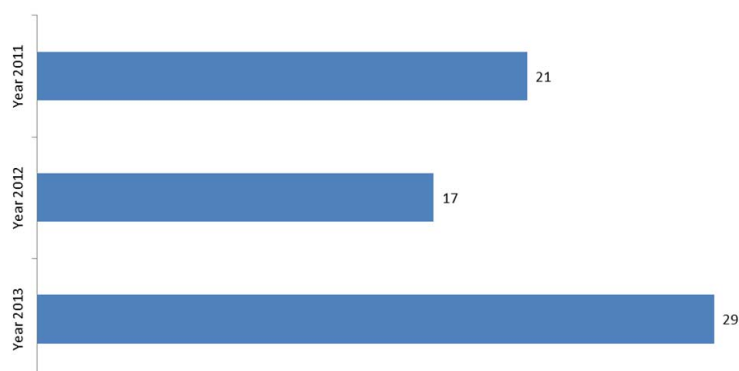
4. Court referrals under Articles 258/260(3) TFEU:

- none in 2013

### III. Complaints

1. Complaints made against Latvia

Complaints 2011-13



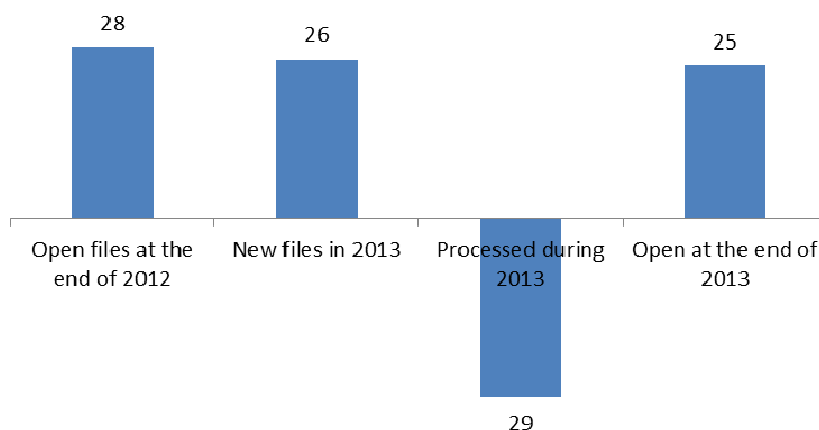
#### Main complaint areas

	<b>LATVIA Total</b>	<b>29</b>
<b>Energy</b>	(not respecting the obligations vis-à-vis the consumers in the internal market of electricity)	5
<b>Internal market</b>	(public procurement and regulated professions)	4
<b>Justice</b>	(consumer protection )	4
<b>Other</b>	(protection of animals, requirements going beyond the rules of the Local Border Traffic Regulation, provision of towage services in the port of Riga)	16

#### IV. EU Pilot

##### 1. Progress of files relating to Latvia open in EU Pilot

### New and processed EU Pilot files



26 New EU Pilot files during 2013	
<b>Justice</b>	6
<b>Transport</b>	6
<b>Energy</b>	5
<b>Other</b>	9

Average EU Pilot response	
<b>72</b>	days in 2013
<b>81</b>	days in 2012
<b>62</b>	days in 2011

#### V. Early resolution of infringement cases

The cases closed without a Court judgment in 2013 related to:

- failure to notify the Commission of measures taken to transpose the directive on late payment<sup>245</sup> and the directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;<sup>246</sup>
- incorrect transposition of rules on hunting laid down in the Wild Birds Directive.<sup>247</sup>

<sup>245</sup> Directive [2011/7/EU](#)

<sup>246</sup> Directive [2009/50/EC](#)

<sup>247</sup> Directive [2009/147/EC](#)

## VI. Important judgments

In preliminary rulings addressed to the Latvian judiciary, the Court ruled that:

- Article 13(3) of the Regulation establishing a Community Code on the rules governing the movement of persons across borders<sup>248</sup> obliges Member States to establish a means of obtaining redress only against decisions to refuse entry.<sup>249</sup>

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<sup>248</sup> Regulation (EC) No [562/2006](#)

<sup>249</sup> Zakaria, [C-23/12](#)