

Single Market Scoreboard

Performance per governance tool

Transposition

(Reporting period: 11/2014 - 05/2015)



About

This page takes into account all transposition notifications made by **10 May 2015**, for directives with a transposition deadline of **30 April 2015**. As of this date, **1 115 directives** (together with **2 953 regulations**) were in force to ensure the functioning of the Single Market.

It should be noted that since the last Scoreboard a large number of directives have been repealed in the automotive sector (130). Therefore the total number of internal market directives has reduced by 10% what has an influence on the calculation of all scores.

All comparisons are with the figures for the last reporting date, **November 2014**.

Single Market directives can only have their intended effects if they are **completely and correctly transposed** into Member States' national law by the **deadline set out therein**.

Transposition monitoring helps to provide an overview of Member States' enforcement performance. On the one hand, it shows the **transposition deficit** (the gap between the number of Single Market directives adopted at EU level and those transposed in Member States) and the **compliance deficit** (number of incorrectly transposed directives). On the other hand, it **highlights** Member States' efforts to ensure effective implementation of Single Market law and **encourages** them to improve their performance.

In this way **transposition monitoring** helps to ensure the **functioning of the Single Market**.

Single Market directives

Single Market directives include measures considered to have an impact on the functioning of the Single Market, as defined in Articles 26 and 114(1) TFEU. This includes the four freedoms (freedom of movement of persons, goods, services and capital across borders within the EU), and supporting policies that have a direct impact on the Single Market (such as taxation, employment, social policy, education, culture, public health, consumer protection, energy, transport, environment except nature protection, information society and media).

Performance

1. by indicator

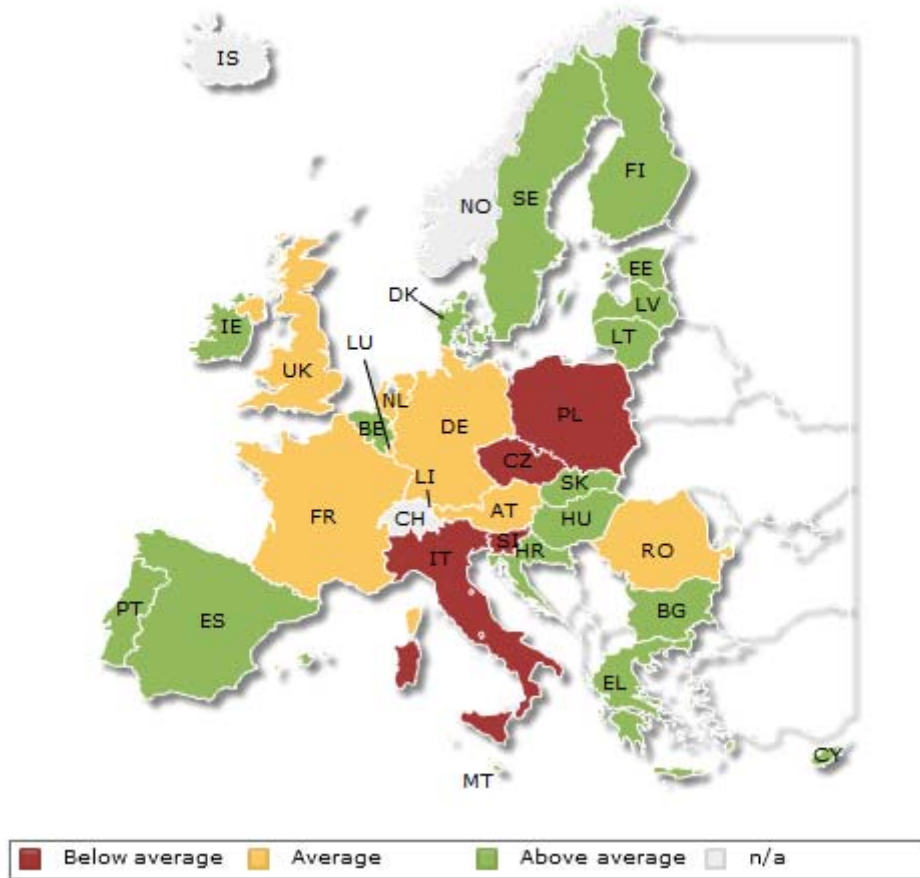
[1] Transposition deficit (% of all directives not transposed)
 [2] Progress over the last 6 months (change in the number of non-transposed directives)
 [3] Long overdue directives (2 years or more)
 [4] Total transposition delay (in months) for overdue directives
 [5] Compliance deficit (% of all directives transposed incorrectly)

[1]	0.8	0.7	0.5	0.5	0.8	0.5	0.4	0.4	0.8	0.7	0.1	1.6	0.9	0.7	0.3	1.1	0.8	0.4	0.6	0.5	1.5	0.5	1.2	1.5	0.4	0.3	0.4	0.4	0.7
[2]	0	-3	+2	+3	+1	+3	0	+3	0	+1	0	+1	-3	+1	-1	+2	+2	+4	+2	-5	+8	-1	0	0	+2	0	+2	-3	+1
[3]	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	2	1	0	0	2	0	0	0	1	0
[4]	6.4	7.7	8.9	3.9	10.9	6.4	5.8	3.9	5.1	8.6	11.2	8.9	4.9	6.3	5.3	6.7	5.1	2.5	7.7	18.2	10.6	2.4	8.1	8.9	2.9	2.0	2.1	11.9	7.4
[5]	0.9	1.2	0.9	0.5	1.0	0.2	0.7	0.5	1.2	0.9	0.3	1.6	0.2	0.2	0.7	0.5	0.6	0.0	0.5	0.7	2.6	1.0	0.5	0.8	0.7	0.4	0.5	1.0	0.7
	BE	BG	CZ	DK	DE	EE	IE	EL	ES	FR	HR	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	RO	SI	SK	FI	SE	UK	EU

Indicator values

[1]	≤1 %	/	>1 %	→ Target established by the European Council, Brussels 8-9 March 2007
[2]	decrease	no change	increase	
[3]	0	/	>0	→ Target established by the European Council, Barcelona 15-16 March 2002
[4] & [5]	<average	average ±10%	>average	

**2. overall
(all 5 indicators combined)**

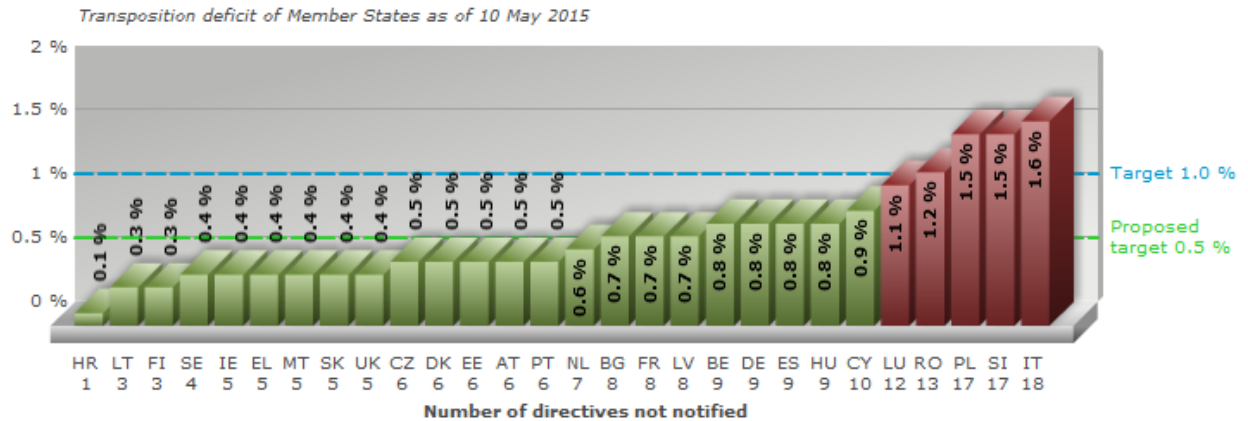


A Member State's **performance across all 5 indicators** is calculated by scoring each indicator in chart 1 as follows:

RED = -1, YELLOW = 0 and GREEN = +1.

The colours on the map thus represent the **sum of these scores**:

2 or higher = above average	-1, 0 or 1 = average	-2 or lower = below average
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Indicator [1]: Transposition deficit

One step back! The average EU transposition deficit is **back to 0.7%** from the record breaking 0.5% in the last reporting period (see also the graph “Evolution on the average transposition deficit” under “Achievements” below).

5 Member States exceed the 1% target.

Comments

Due to the 10% decrease in the total number of internal market directives the 1% transposition deficit is now exceeded with 12 directives not timely transposed against 14 six month ago.

- Compared to six months ago, **Belgium, Cyprus and Austria** managed to remain under the 1% threshold while **Italy, Luxembourg, Poland and Romania** are now back in the red zone.
- **Slovenia** increases slightly its transposition deficit but is no longer the worst performer. This place is now occupied by **Italy** which has multiplied its backlog by 3 within the last six months.
- The **best performer in reducing its transposition deficit** is Austria: its high deficit of 1.5% in May 2014 was reduced to 0.9% six months ago and stands now at 0.5%, its lowest ever deficit (see also Best Practices part).
- Only 3 Member States have **matched or beaten their best ever result**: **Croatia** (0.1%), **Austria** (0.9% to 0.5%) and **Portugal** (0.6% to 0.5%). 5 other Member States have **equalled or improved their last score**: Bulgaria (0.9% to 0.7%), Estonia (0.4%), Cyprus (1.0% to 0.9%), Lithuania (0.3%) and the United Kingdom (0.6% to 0.4%). Their performance should be therefore welcomed.
- 14 Member States (up from 13) **met the 0.5% target** proposed by the Commission in the 2011 Single Market Act. The fact that half of Member States have now achieved this objective shows that **it could be reached with a few additional efforts** by the majority of Member States.

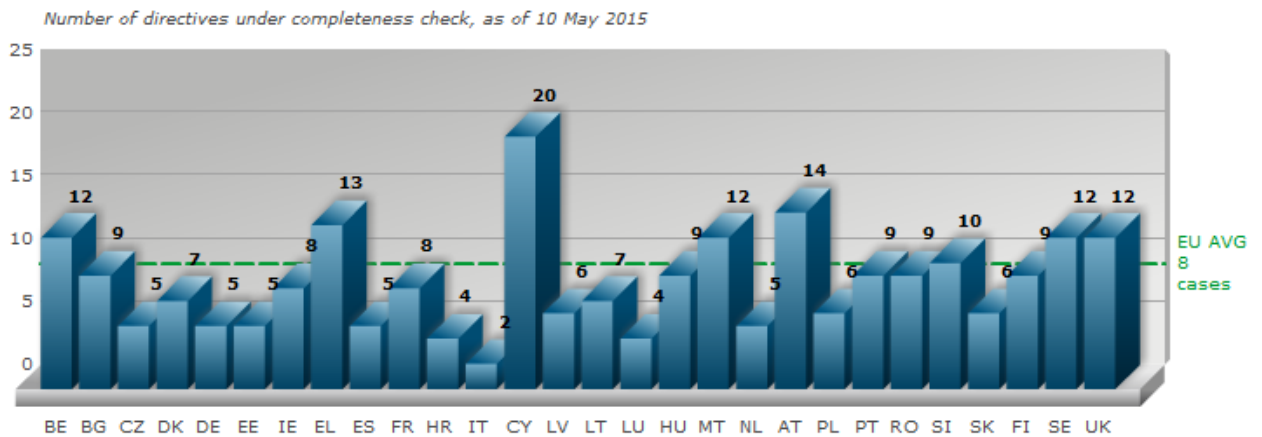
How is the deficit calculated?

To calculate the transposition deficit of each Member State, the Commission services **include**:

- Directives for which no transposition measures have been communicated;
- Directives considered as partially transposed by Member States after notifying some transposition measures;
- Directives considered as completely transposed by Member States, but for which the Commission has opened an infringement procedure for non-communication and the Member State has not notified new transposition measures after the latest procedural step taken by the Commission.

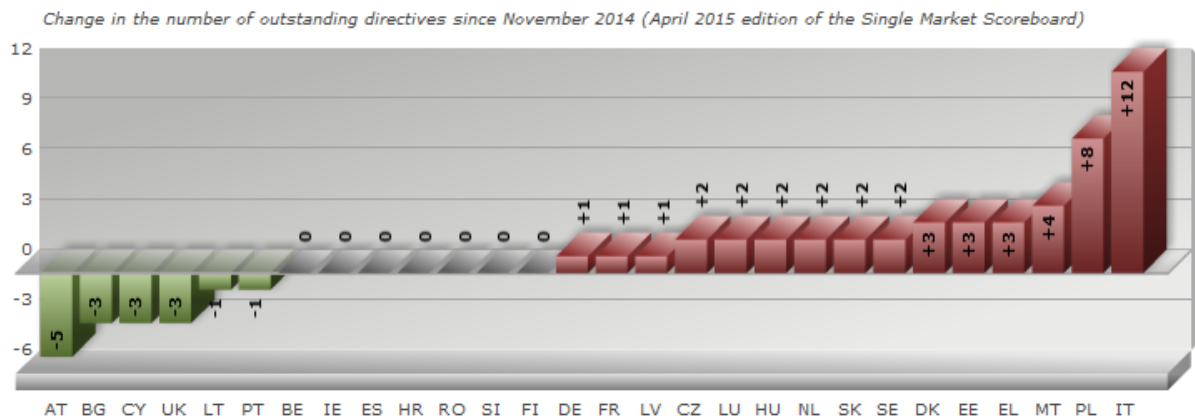
The transposition deficit **does not include** those directives considered as completely transposed by a Member State, but which transposition measures are still under examination by the Commission services (i.e. there has been no procedural step taken after the latest notification).

Directives under completeness check



This graph shows, by Member State, the number of directives not included in its transposition deficit. For these directives, the Commission is examining whether the notification is complete, leading either to a formal step in the infringement procedure, or its closure. If the Commission decides to continue with an infringement case, or to launch an infringement procedure, the directives concerned will be included in the transposition deficit in the next report.

Indicator [2]: Progress over the last 6 months



Only few Member States decrease their November 2014 backlog

Comments

- Compared to six months ago, 6 Member States have decreased their number of outstanding directives (down from 16) while 15 Member States have increased it (up from 4).
- **Bulgaria** and **the United Kingdom**, which had an increasing backlog six months ago, have reversed this trend and managed to improve their transposition rate. The same efforts are evident from the significant reduction of **Austria**'s backlog which went from the biggest rise in May 2014 to the biggest fall today (as it was already the case six months ago).
- In the opposite direction, progress made last time by **Poland** and **Italy** has been replaced by a sharply increase of their backlog. This is also the case - although to a lesser extent – for **Malta**.
- **Belgium** managed to maintain the reduced backlog it achieved six months ago.

Transposition requires a permanent effort, and any let-up in effort results in a quick rise in the deficit.

Indicator [3]: Long overdue directives (2 years or more)

Directives with transposition deadlines before May 2013

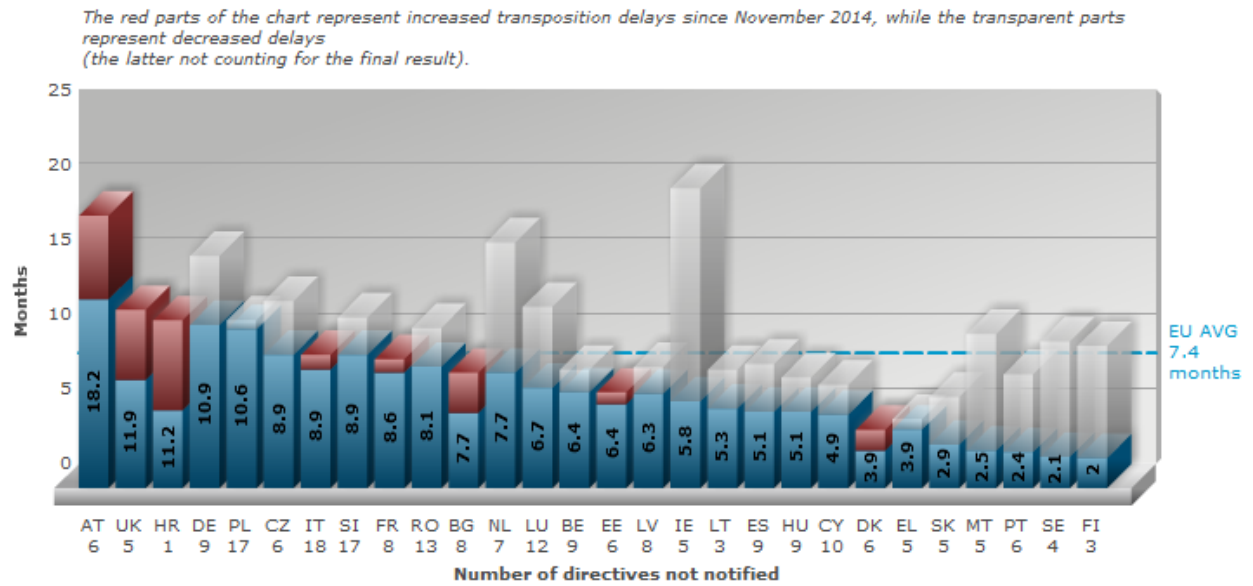
Number	Subject	Not fully transposed by	Transposition deadline
2009/31/EC	Geological storage of carbon dioxide	AT	25/06/2011
2010/78/UE	Powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)	UK	31/12/2011
2010/31/UE	Energy performance of buildings	CZ, IT, NL, PL	09/07/2012
2010/53/UE	Standards of quality and safety of human organs intended for transplantation	SI	27/08/2012
2010/75/UE	Industrial emissions (integrated pollution prevention and control)	AT, SI	07/01/2013

Less directives and Member States are concerned. 7 Member States have long-overdue directives (down from 9 six months ago) and 5 long overdue directives are not fully notified (down from 8).

Comments

- Considering the "**zero tolerance**" target set up by the European Council in 2002 for delays of 2 years or more in transposing directives, the number of these long overdue directives remains too high.
- Compared to six months ago, **Germany, Ireland, Luxembourg and Romania** managed to transpose their long overdue directives. 2 Member States (**Italy and Poland**) have moved in the opposite direction: each now finds itself with a long overdue directive. **Austria and Slovenia** added both a second long overdue directive to their existing backlog.
- By November 2015, **9 new long overdue directives** risk being added to the backlog of some Member States (32011L0024, 32011L0061, 32011L0070, 32011L0076, 32011L0089, 32012L0026, 32013L0002, 32013L0025 and 32013L0028).

Indicator [4]: Total transposition delays

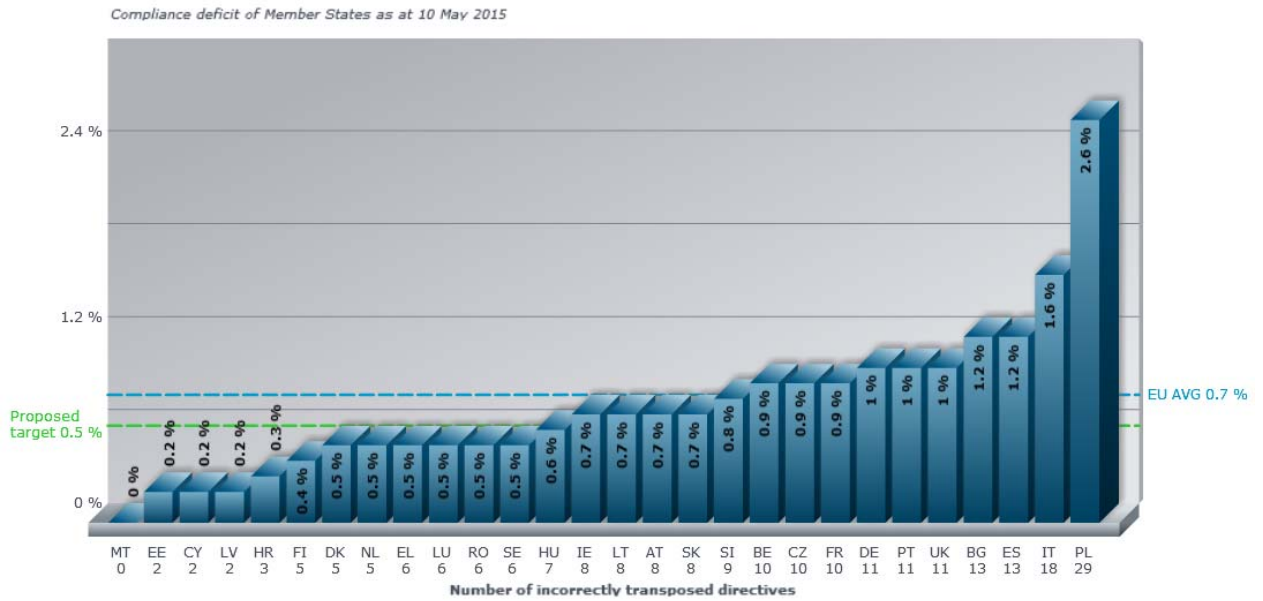


The average transposition delay has significantly decreased. Outstanding directives are now late by 7.4 months on average (up from 9.2 six months ago).

Comments

- In general, Member States showing an increasing average delay have transposed directives with quite recent transposition dates and failed to transpose several **older directives**.
- 20 of the Member States have reduced their average delay while 8 have increased it. The most impressive reduction comes from **Ireland** (from 20 to 5.8 months), followed by **the Netherlands** (from 16.4 to 7.7 months).
- As **Austria** managed to significantly reduce its general backlog, its 2 long overdue directives (including 1 directive due since 4 years) weigh in the calculation of the average delay.
- **Germany, Ireland, Luxembourg and Romania** have now transposed all their long overdue directives which is reflected in the reduction of their average delay. However, delays have lengthened in **Italy and Austria**, both having added 1 long overdue directive to their backlog.
- Quite logically, the 2 Member States with the highest transposition delays have both at least **1 long overdue directive** (between 2 and 4 years overdue). **Croatia** has the third longer average delay because its single overdue directive should have been notified in June 2014 (11.2 months ago).

Indicator [5]: Compliance deficit (incorrectly transposed directives)



The level of average compliance deficit stands at 0.7% for the fourth consecutive time.

Comments

- 13 Member States (up from 6) improved or equalled their score of November 2014: **Bulgaria, the Czech Republic, Estonia, Greece, Italy, Latvia, Luxembourg, Malta, the Netherlands, Austria, Romania, Slovenia and the United Kingdom.** From them, 5 reached or equalled their best ever result: Estonia (0.3% to 0.2%), Greece (0.6% to 0.5%), Italy (1.8% to 1.6%), Latvia (0.3% to 0.2%) and Malta (still 0%).
- 12 Member States (up from 11) **now have a compliance deficit of 0.5% or less.** Hungary is also very close to this target, which was proposed in the 2011 Single Market Act.
- Like six months ago, **Poland, Italy, Bulgaria and Spain** show the **highest deficits** (more than 1%). **Slovakia** has edged below its previous compliance deficit of 1%, but **Germany and Portugal** have now hit the 1% mark. No change to report for the **United Kingdom.**

Compliance deficit

This measures the number of directives transposed where infringement proceedings **for non-conformity** have been initiated by the Commission, as a percentage of the number of Single Market directives notified to the Commission as either 'transposed' or 'not requiring any further implementation measures'.

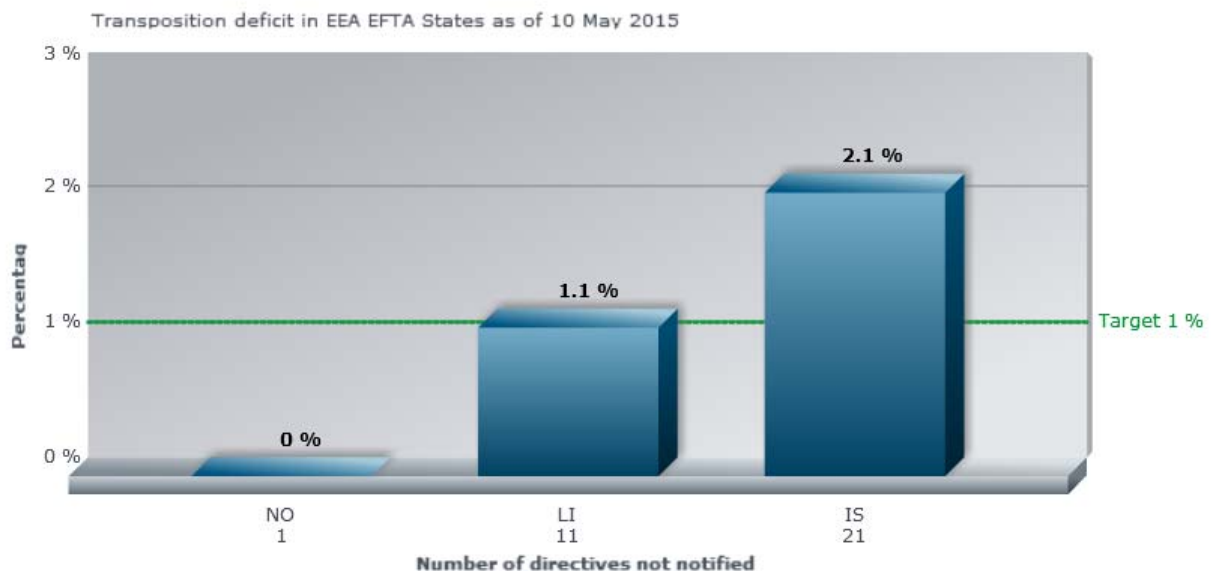
However, only the Court of Justice can rule definitively that a directive has not been transposed correctly. This should be kept in mind when interpreting the statistics on compliance deficit.

Iceland, Liechtenstein and Norway

These 3 countries are also subject to Single Market rules under the EEA Agreement. They are monitored by the EFTA Surveillance Authority.

However, the acquis applicable to these countries may differ from that applicable in the EU as a result of the time between the adoption (or repeal) of legal acts in the EU and their incorporation into (or deletion from) the EEA Agreement. As of **1 May 2015**, **978 directives** (together with **1 915 regulations**) were in force to ensure the functioning of the Single Market in the EEA. This should be borne in mind when comparing this Scoreboard and the EEA Scoreboard.

Transposition deficit



Average deficit (all 3 countries): 1.1% (down from 2.0% in the last period)

- Norway: 0% (down from 2.0%) - the lowest deficit of the EEA States and Norway's best performance ever.
- Liechtenstein: 1.1% (down from 1.2%) – a slight decrease since the last Scoreboard putting Liechtenstein just above the 1% transposition deficit target.
- Iceland: 2.1% (down from 2.8%) – a reduction of 0.7 percentage points since the last period but nevertheless Iceland's deficit remains very high.

Total late directives: 32 (down from 67 in the last period)

- Norway : 0 (down from 23)
- Liechtenstein : 11 (down from 13)
- Iceland : 21 (down from 31)

Average delay: 15.4 months (up from 10.8 months in the last period)

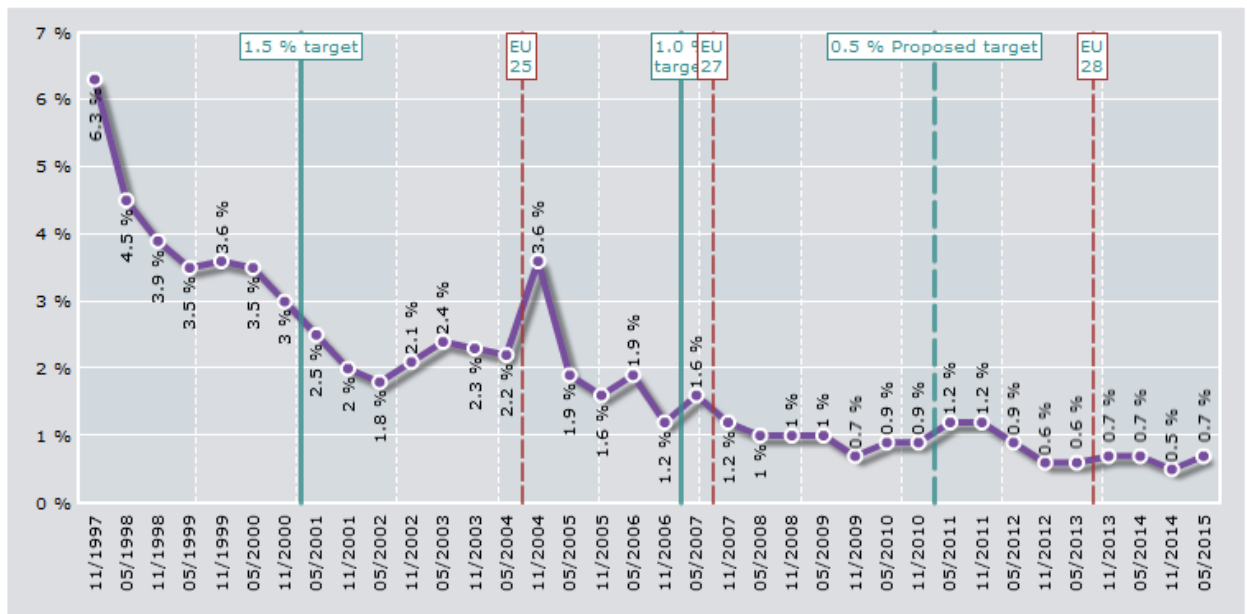
- Norway: 0 months (down from 6.1)
- Liechtenstein: 22.7 months (up from 11.3)
- Iceland: 23.4 months (up from 15.1)

Comments

- Only Norway met the 1% target.
- “Zero tolerance target”: in total the EEA EFTA States have 9 Directives that are outstanding for 2 years or more (different Directives for Iceland: 6 and Liechtenstein: 3).
- Directives outstanding from previous period: IS: 20, LI: 10; NO: 0.
- Average delay increased by 4.6 months mainly due to the number of Directives that are outstanding for 2 years or more, most of which are overdue for considerably longer.

Achievements

Evolution on the average transposition deficit



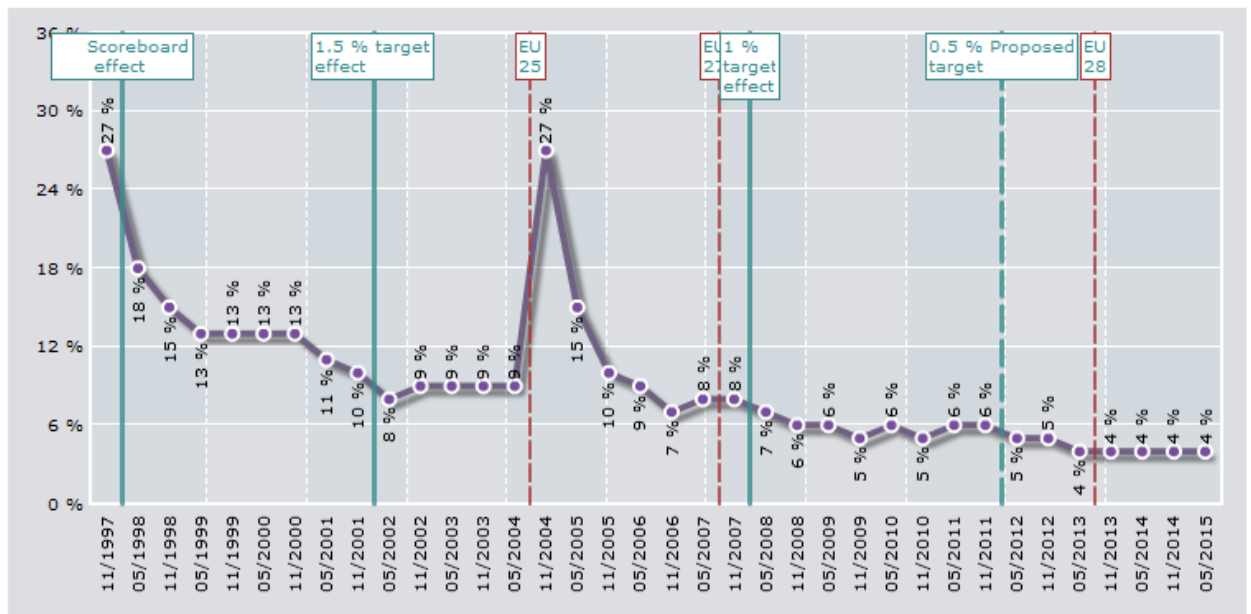
- The EU average deficit has been **decreasing steadily for the last 16 years** (since 1997). It is more or less stable since November 2012 (between 0.5 and 0.7 %)
- The Member States have **beaten the average 1% target** for the 7th consecutive period (3 years in total).
- After lowest ever score of **0.5%** reached in November 2014, the current score stands at 0.7%. This slight increase is partly due to the noticeable reduction of the total number of internal market directives.

Commission’s opinion on reasons for this improved performance

1. Over the years, the Commission has observed a **strong political commitment** for transposition in most Member States as well as the introduction of **effective administrative procedures** and **improved coordination**.
2. **Targets indicated by the European Council:** 1.5% and 1% (*the green lines in the graph above*) – The 0.5% average transposition deficit proposed in the 2011 Single Market Act is now reached by half of the Member States, which shows that the Commission’s proposal was realistic.
3. **Financial sanctions** – Since the entry into force of the Lisbon treaty, the Commission may propose and the Court of Justice may impose financial sanctions (under Article 260(3) TFEU) already in the context of a first referral to the Court under Article 258 TFEU for failure to notify transposition of a directive adopted under a legislative procedure.

Facts and Figures

Incompleteness rate



- Thanks to the improved transposition performance by EU Member States, the rate of incompleteness has remained **at a low level (4%)** for the 5th consecutive period.
- In absolute terms, 46 directives have not been transposed on time in at least 1 Member State (from 45 directives last time). This means that for the sectors concerned, the internal market is not a reality.

Main problem areas

- **Financial services:** 8 non-transposed directives out of 74 in force (10.8%)
- **Environment:** 8 out of 111 (7.2%)
- **Employment and social policy:** 5 out of 73 (6.8%)
- **Transport:** 8 out of 123 (6.5%)

Incompleteness rate

This records, EU-wide, the number of outstanding directives which one or more Member States have failed to transpose, as a percentage of the total number of Single Market directives.

It measures the extent to which the Single Market is not a reality in the areas covered by those directives.

Directives subject to notification by next Scoreboard

In addition to today's transposition deficit, it is also important to look at new directives coming on stream, i.e. new directives that must be transposed by **31 October 2015**.