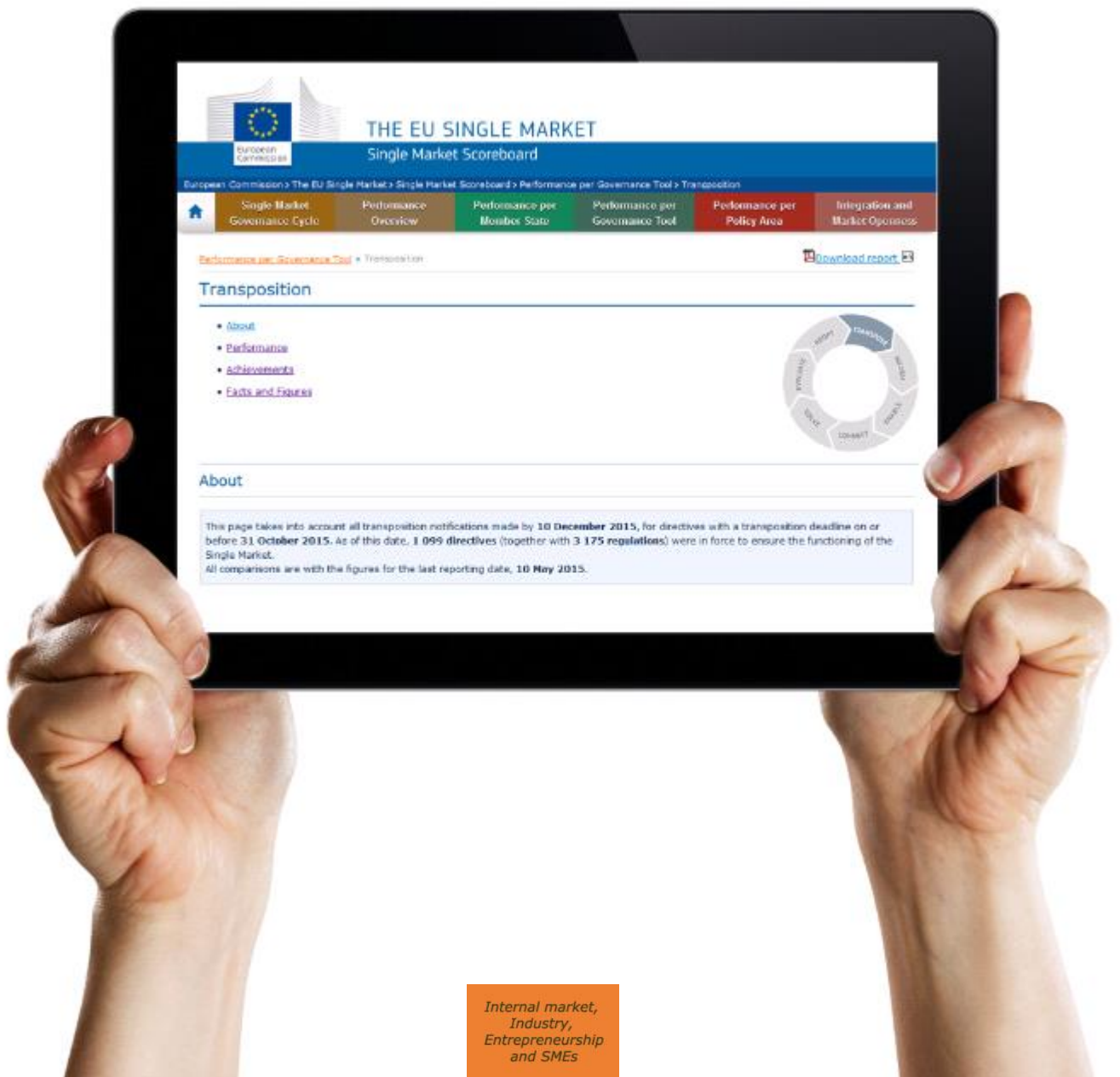


# Single Market Scoreboard

*Performance per governance tool*

## Transposition

*(Reporting period: 05/2015 - 12/2015)*



## About

This page takes into account all transposition notifications made by **10 December 2015** for directives with a transposition deadline on or before **31 October 2015**. As of that date, **1 099 directives** (together with **3 175 regulations**) were in force to ensure the functioning of the Single Market.

All comparisons are with the figures for **10 May 2015**, the previous reporting date.

Single Market directives can only achieve 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 by the EU and those transposed in Member States) and the **compliance deficit** (number of incorrectly transposed directives). On the other hand, it **highlights** what Member States are doing to ensure that Single Market law is implemented properly and **encourages** them to improve their performance.

In this way **transposition monitoring** helps make the **Single Market** work.

**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)

	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
[1]	1.1	0.6	0.8	0.3	0.9	0.7	0.3	0.7	0.4	1.0	0.3	0.8	0.7	0.4	0.5	1.5	0.4	0.2	0.6	0.7	1.4	0.3	1.1	1.2	0.4	0.5	0.4	0.5	0.7
[2]	+3	-1	+3	-3	+1	+2	-2	+3	-5	+3	+2	-9	-2	-4	+2	+5	-5	-3	0	+2	-2	-3	-1	-4	-1	+2	0	+1	-1
[3]	0	0	0	0	1	0	1	0	0	2	0	0	0	0	0	0	0	0	2	3	1	0	1	1	0	1	0	1	1
[4]	8.6	8.4	6.8	11.5	21.8	7.2	14.1	6.4	11.5	13.4	9.2	6.6	5.3	11.3	11.9	8.2	8.7	7.0	14.7	18.2	10.0	7.9	8.5	11.4	6.8	9.8	5.8	11.3	10.1
[5]	0.6	0.5	0.8	0.5	0.9	0.2	0.5	0.5	1.0	0.8	0.5	0.8	0.2	0.2	0.8	0.5	0.4	0.1	0.5	1.0	2.2	0.8	0.4	0.6	0.7	0.5	0.6	1.0	0.7

*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)



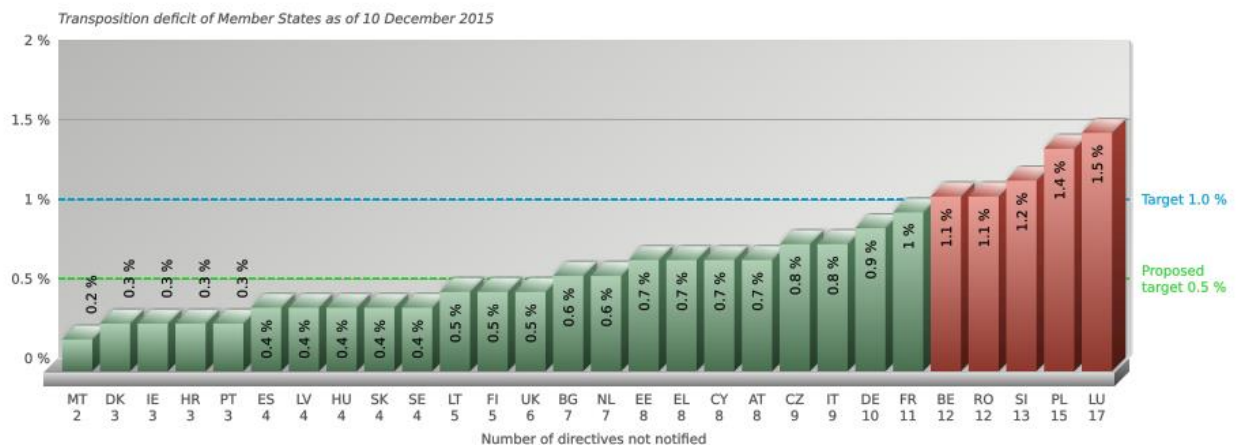
A Member State's **performance across all 5 indicators** is calculated by scoring each indicator in chart 1 as follows:

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

The colours on the map 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



**Status quo!** Over the last six months, the average transposition deficit has remained unchanged at **0.7%** (see also the graph “Changes in the average transposition deficit” under “Achievements” below).

**5 Member States still exceed the 1% target.**

### Comments

A total of 13 Member States have managed to cut their transposition deficit and 3 of them have equaled their results from May 2015. Yet, 12 Member States have a higher transposition deficit now.

- A total of 13 Member States cut their transposition deficit and 3 of them equaled their results from May 2015. By contrast, 12 Member States now have a higher transposition deficit.
- Compared to six months ago, **Italy** dropped back well under the 1% threshold while **Belgium** is back in the red zone one year after leaving it. **Romania**, **Slovenia** and **Poland** have slightly improved their score but not enough to reach the 1% target.
- **Luxembourg** further increased its already high transposition deficit (from 1.1% in May 2010 to 1.5%) and stands now at the very bottom of the ranking.
- Six months after being in last place, **Italy** is now the best performer in reducing its transposition deficit. It managed to halve its high 1.6% deficit from May 2015 which stands now at 0.8%.
- All Member States achieved scores below their best ever result, apart from **Portugal** which achieved its best score (0.3%) and **Spain** which equalled it (0.4%).
- 13 Member States (down from 14) **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 **with some additional efforts** most Member States could reach it.

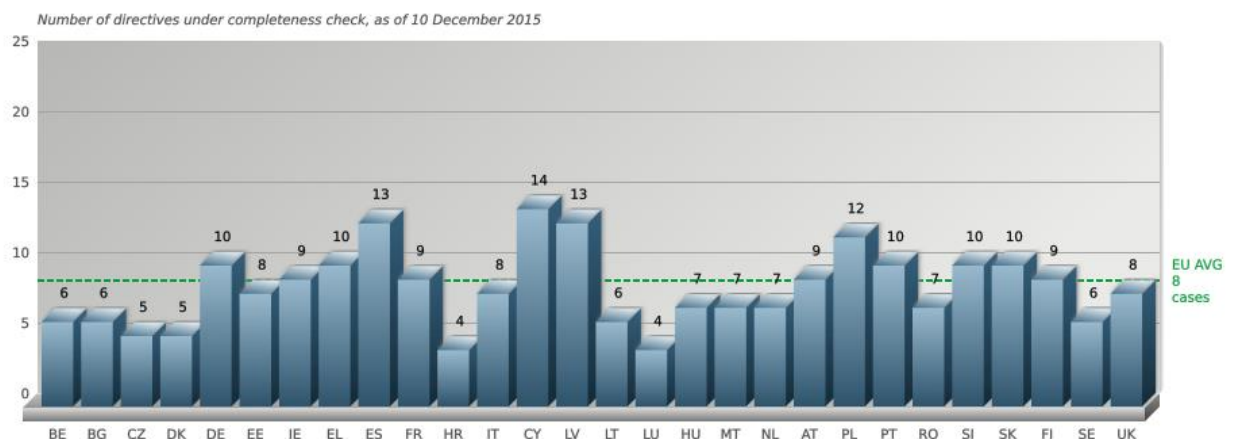
### How is the deficit calculated?

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

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

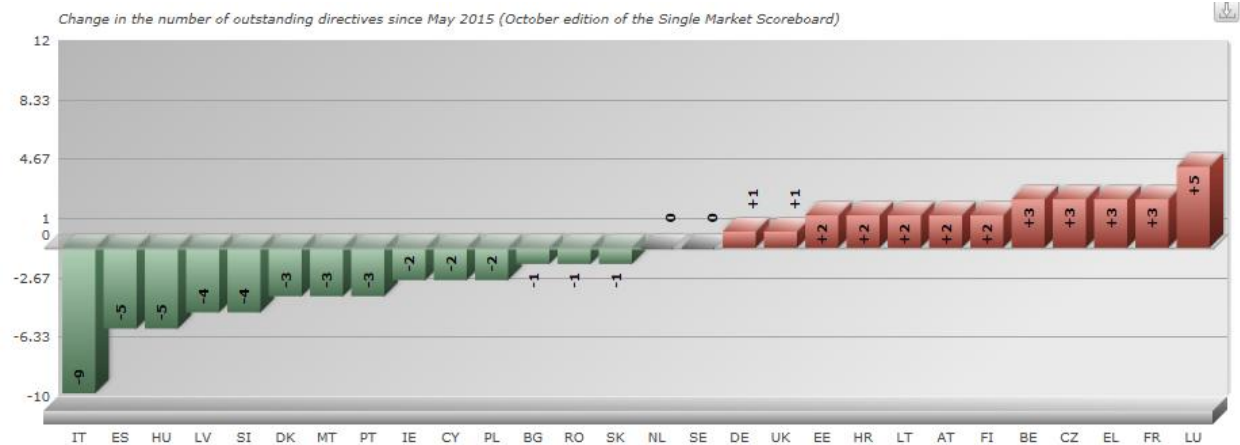
The transposition deficit **does not include** directives considered as completely transposed by a Member State, but for which transposition measures are still under examination by the Commission (i.e. no procedural step since the latest notification).

### Directives under completeness check



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

## Indicator [2]: Progress over the last 6 months



### Half of the Member States decreased their May 2015 backlog

#### Comments

- Compared to six months ago, 14 Member States decreased their number of outstanding directives (up from 6) while 12 Member States increased the number (down from 15).
- **Denmark, Latvia, Hungary, Malta, Poland and Slovakia**, which had an increasing backlog six months ago, reversed this trend and managed to improve their transposition rate. The same efforts are evident from **Italy's** significant reduction of its backlog which went from the biggest rise in May 2015 to the biggest fall today.
- By contrast, progress made last time by **Lithuania, Austria and the UK** has been replaced by an increased backlog.
- **Bulgaria, Cyprus and Portugal** managed to reduce further the improved backlog they achieved six months ago.

Transposition requires a permanent effort. Any let-up results in a quick rise in the deficit.



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

Directives with transposition deadlines before November 2013

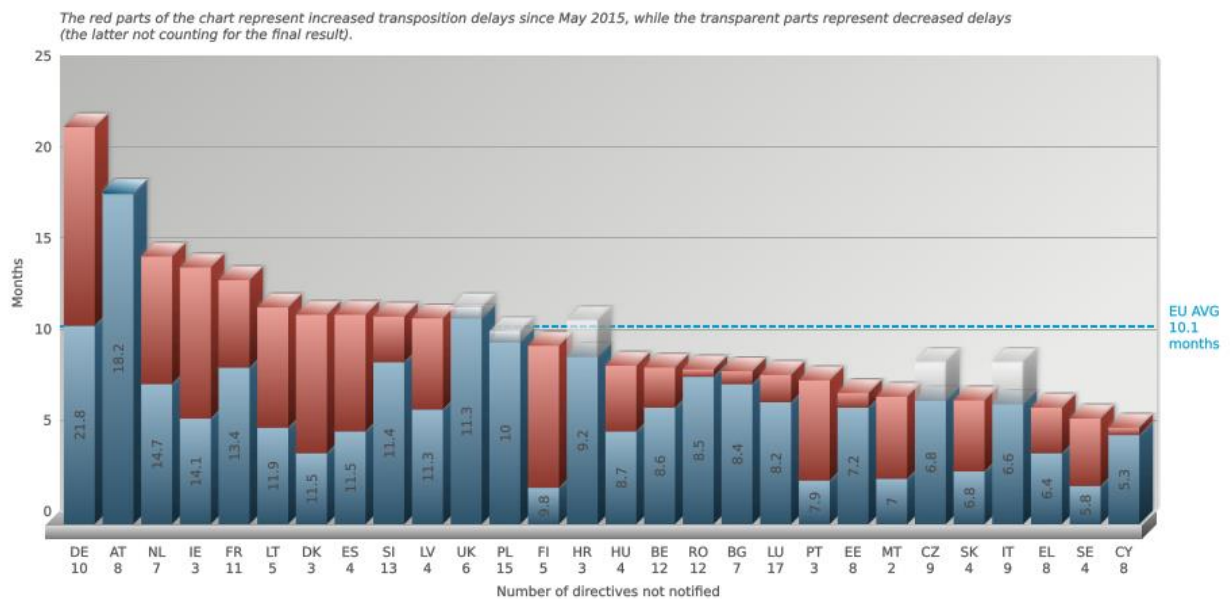
Number	Title	Not fully transposed by	Transposition deadline
2000/60/EC	Establishment of a framework for Community action in the field of water policy	DE	22/12/2003
2009/31/EC	Geological storage of carbon dioxide	AT	25/06/2011
2010/78/UE	Powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority)	UK	31/12/2011
2009/119/EC	Imposition of an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products	IE, FR, FI	31/12/2012
2010/75/UE	Industrial emissions (integrated pollution prevention and control)	AT, SI	07/01/213
2011/61/EU	Alternative Investment Fund Managers	PL	22/07/2013
2011/70/EUR	Establishment of a Community framework for the responsible and safe management of spent fuel and radioactive waste	FR, AT	22/08/2013
2011/76/EU	Charging of heavy goods vehicles for the use of certain infrastructures	RO	16/10/2013
2011/24/EU	Application of patients' rights in cross-border healthcare	NL	25/10/2013
2012/52/EU	Measures to facilitate the recognition of medical prescriptions issued in another Member State	NL	25/10/2013

**More directives and Member States are concerned.** 10 Member States have long-overdue directives (up from 7 six months ago) and 10 long overdue directives are not fully notified (up from 5).

#### Comments

- The number of these long overdue directives remains too high, considering the "**zero tolerance**" target set by the European Council in 2002 for delays of 2 years or more in transposing directives. Particular attention should be paid to such directives
- Compared to six months ago, the **Czech Republic** and **Italy** each managed to transpose their long overdue directive. By contrast, 5 Member States (**Germany, Ireland, France, Romania** and **Finland**) moved in the opposite direction: each now has 1 or 2 long overdue directives. **The Netherlands** and **Austria** both added 1 long overdue directive to their existing backlog while **Slovenia** removed 1 from its list.
- By November 2016, **5 new long overdue directives** risk being added to the backlog of some Member States.

### Indicator [4]: Total transposition delays



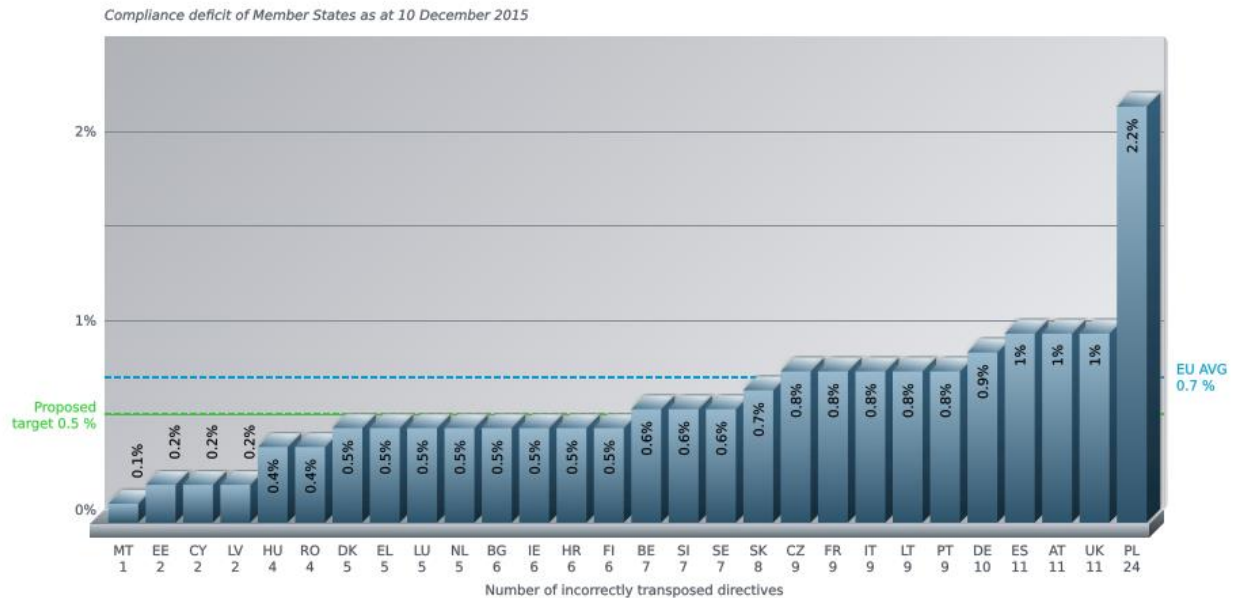
**The average transposition delay significantly increased.** Outstanding directives are now late by 10.1 months on average (up from 7.4 six months ago).

#### 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**. The doubling in the number of long overdue directives explains this overall deterioration.
- 22 of the Member States increased their average delay (up from 8 six months ago) while 5 decreased it (down from 20) and 1 remained stable. **Italy** achieved the most impressive reduction (from 8.9 to 6.6 months), followed by **the Czech Republic** (from 8.9 to 6.8 months) and **Croatia** (from 11.2 to 9.2 months).
- In June 2015 the Commission decided to send a new letter of formal notice to **Germany** for still not having fully transposed Directive 200/60/EC on the establishment of a framework for Community action in the field of water policy. This Directive should have been fully notified in 2003 and weighs heavily in the calculation of the average delay, which doubled compared with six months ago (from 10.9 to 21.8 months).
- **The Czech Republic** and **Italy** have now transposed all their long overdue directives: This is reflected in the reduction of their average delay. However, delays lengthened in **Ireland, France, the Netherlands, Romania** and **Finland**, which all added 1 (2 for France) long overdue directive to their backlog.
- Quite logically, the 5 Member States with the highest transposition delays have all at least **1 long overdue directive**. By contrast, the 11 Member States with the lowest delays have no directives overdue for 2 years or more.



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



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

### Comments

- 20 Member States (up from 13) improved or equaled their score of May 2015. Of the 20, 8 reached or equaled their best ever result: **Belgium** (0.9% to 0.6%), **Bulgaria** (1.2% to 0.5%), **Estonia** and **Latvia** (still 0.2%), **Ireland** (0.7% to 0.5%), **Greece** (still 0.5%), **Italy** (1.6% to 0.8%) and **Hungary** (0.6% to 0.4%).
- 14 Member States (up from 12) **now have a compliance deficit of 0.5% or less**. Belgium, Slovenia and Sweden are also very close to this target, which was proposed in the 2011 Single Market Act.
- Like six months ago, **Poland** shows the **highest deficit** (more than 1%) but is now alone in the group. The most impressive improvement comes from **Italy** (from 1.6% to 0.8%) and **Bulgaria** (from 1.2% to 0.5%). With 1.0%, **Spain** has edged below its previous compliance deficit of 1.2%, but **Austria** has now hit the 1% mark (coming from 0.7%). No change to report for the **UK**.

### 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'.

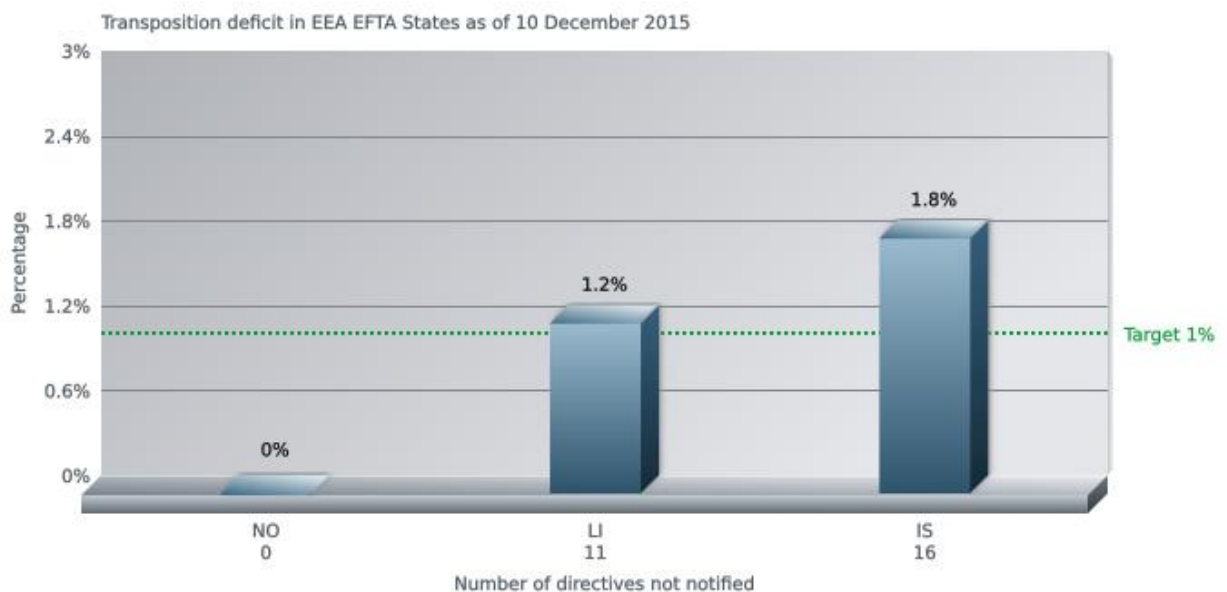
However, only the Court of Justice can rule definitively that a directive has not been transposed correctly. This should be kept in mind when interpreting the statistics on compliance deficit.

## Iceland, Liechtenstein and Norway

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

However, there is a time lag between when a legal act is adopted or repealed in the EU and when it is added to or removed from the EEA Agreement. This means that the body of EU law that applies in Iceland, Liechtenstein and Norway may differ from what applies in the EU. As of **1 November 2015**, **904 directives** (together with **2 205 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% (down from 1.1% in the last period)

- Norway: 0% (matching the figure from the previous period) - perfect score for the second time in a row and best performance of the EEA EFTA countries.
- Liechtenstein: 1.2% (up from 1.1%) – a slight decrease since the previous Scoreboard, putting Liechtenstein just above the 1% transposition deficit target.
- Iceland: 1.8% (down from 2.1%) – a reduction of 0.3 percentage points since the last period but Iceland's deficit is still the highest of the EEA EFTA countries.

**Total late directives:** 27 (down from 32 in the previous period)

- Norway : 0 (matching the figure from the previous period)
- Liechtenstein : 11 (matching the figure from the previous period)
- Iceland : 16 (down from 21)

**Average delay:** 13.3 months (down from 15.4 months in the last period)

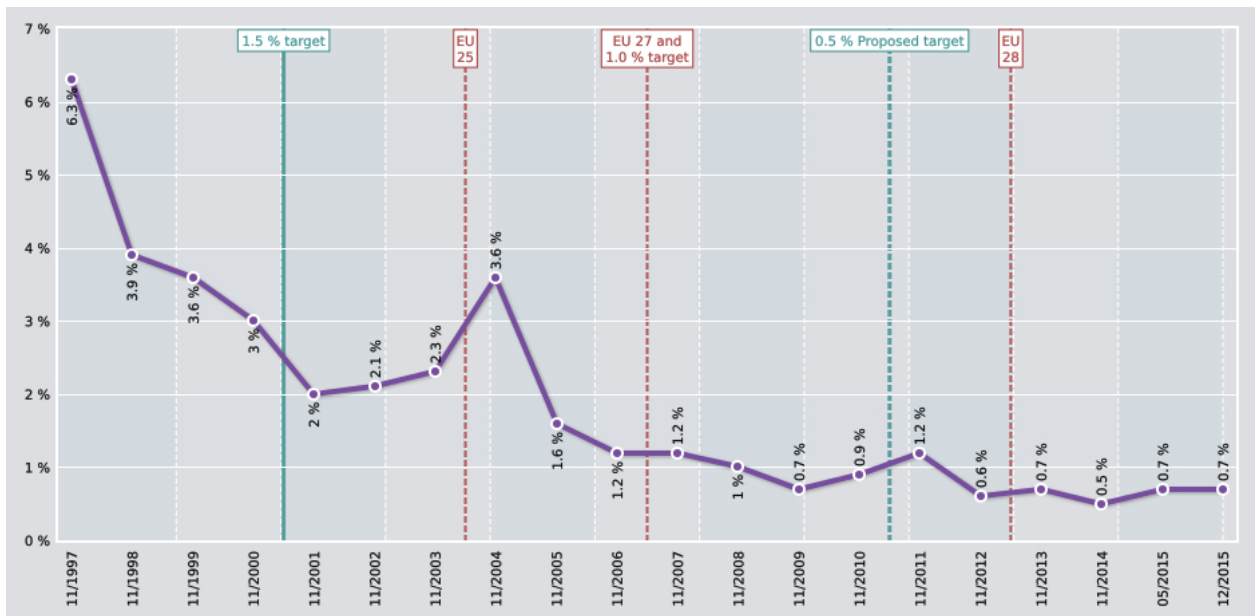
- Norway: 0 months (matching the figure from the previous period)
- Liechtenstein: 22 months (down from 22.7)
- Iceland: 18 months (down from 23.4)

*Comments*

- Only Norway met the 1% target.
- “Zero tolerance target”: in total the EEA EFTA countries have 5 directives that are outstanding for 2 years or more (different directives for Iceland: 2 and Liechtenstein: 3).
- Directives outstanding from previous period: Iceland: 11, Liechtenstein: 8; Norway: 0.
- Average delay decreased by 2.1, reflecting the fact that the number of directives outstanding for 2 years or more has been reduced by 4.

**Achievements**

**Evolution on the average transposition deficit**



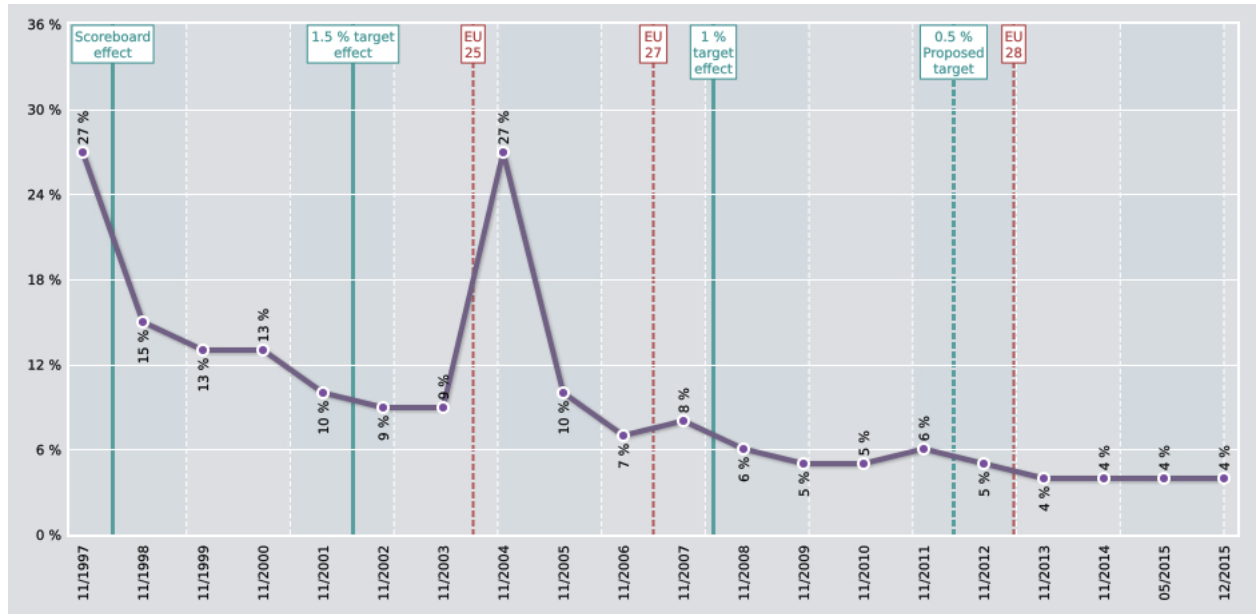
- The EU average deficit has been **decreasing steadily for the last 18 years** (since 1997). It is more or less stable since November 2012 (between 0.5 and 0.7 %)
- The Member States have **beaten the average 1% target** for the 8<sup>th</sup> consecutive period (3 years in total). A new intermediate lower target could lead to a further improvement of the current transposition deficit.

*Possible reasons for this improved performance*

1. Over the years, the Commission has observed a **strong political commitment** to transposition in most Member States as well as the introduction of **effective administrative procedures** and **improved coordination**.
2. **Targets set by the European Council:** 1.5% and 1% (*the green lines in the graph above*) – half of the Member States have now reached the 0.5% average transposition deficit proposed in the 2011 Single Market Act. This shows that the Commission's proposal was realistic.
3. **Financial sanctions** – Under the Lisbon treaty, financial sanctions are **already possible** at the point when a Member State is first referred to the Court of Justice for failing to notify transposition of a directive adopted under a legislative procedure.

## Facts and Figures

### Incompleteness rate



- Thanks to Member States' improved transposition performance, the incompleteness rate has remained **low (4%)** for the 6th consecutive reference period.
- In absolute terms, 43 directives were not transposed on time in at least 1 Member State (down from 46 directives last time). This means that for those sectors, the Single Market is not a reality.

**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.

#### Main problem areas

- **Financial services:** 9 non-transposed directives out of 78 in force (11.5%)
- **Environment:** 10 out of 113 (8.8%)
- **Transport:** 9 out of 123 (7.3%)
- **Employment and social policy:** 5 out of 75 (6.7%)

#### Directives subject to notification by next Scoreboard

New directives will soon be added to today's transposition deficit – new directives to be transposed by **30 November 2016**.