STAGES OF EU INFRINGEMENT PROCEDURE IN A NUTSHELL

I. INITIAL PHASE
- complaints registered
- Own-initiative cases opened by the EC

II. A STRUCTURED DIALOGUE
(EU pilot files; in 2014, the EU average resolution rate for EU Pilot files was 75%)

III. Pre-LITIGATION PROCEDURE
Explanations requested by the EC to a MS concerned
- via LFN (Art. 258 of TFEU)
- via RO (Art. 258 of TFEU)

IV. LITIGATION PROCEDURE (referrals to the Court)
Judgements delivered by the Court:
- under Article 258 of TFEU
- under Article 260(2) of TFEU
- under Article 260(3) of TFEU

KEY
- LFN: a letter of formal notice
- RO: a reasoned opinion
- The Court: the Court of Justice of the EU
- Art 258 of TFEU: a 1st judgment
- Art 260(2) of TFEU: a return of case to the Court if a 1st judgment ignored, a judgment may impose a lump sum or penalty payment
- Art 260(3) of TFEU: a 1st judgment with penalty payment for late transposition of Directives into national law

MONITORING THE APPLICATION OF EU LAW

Detection of possible MS’s incompliance with EU law
Informal bilateral dialogue between the EC and a MS concerned
Explanations requested by the EC to a MS concerned
LITIGATION PROCEDURE (referrals to the Court)
Judgements delivered by the Court:
- under Article 258 of TFEU
- under Article 260(2) of TFEU
- under Article 260(3) of TFEU