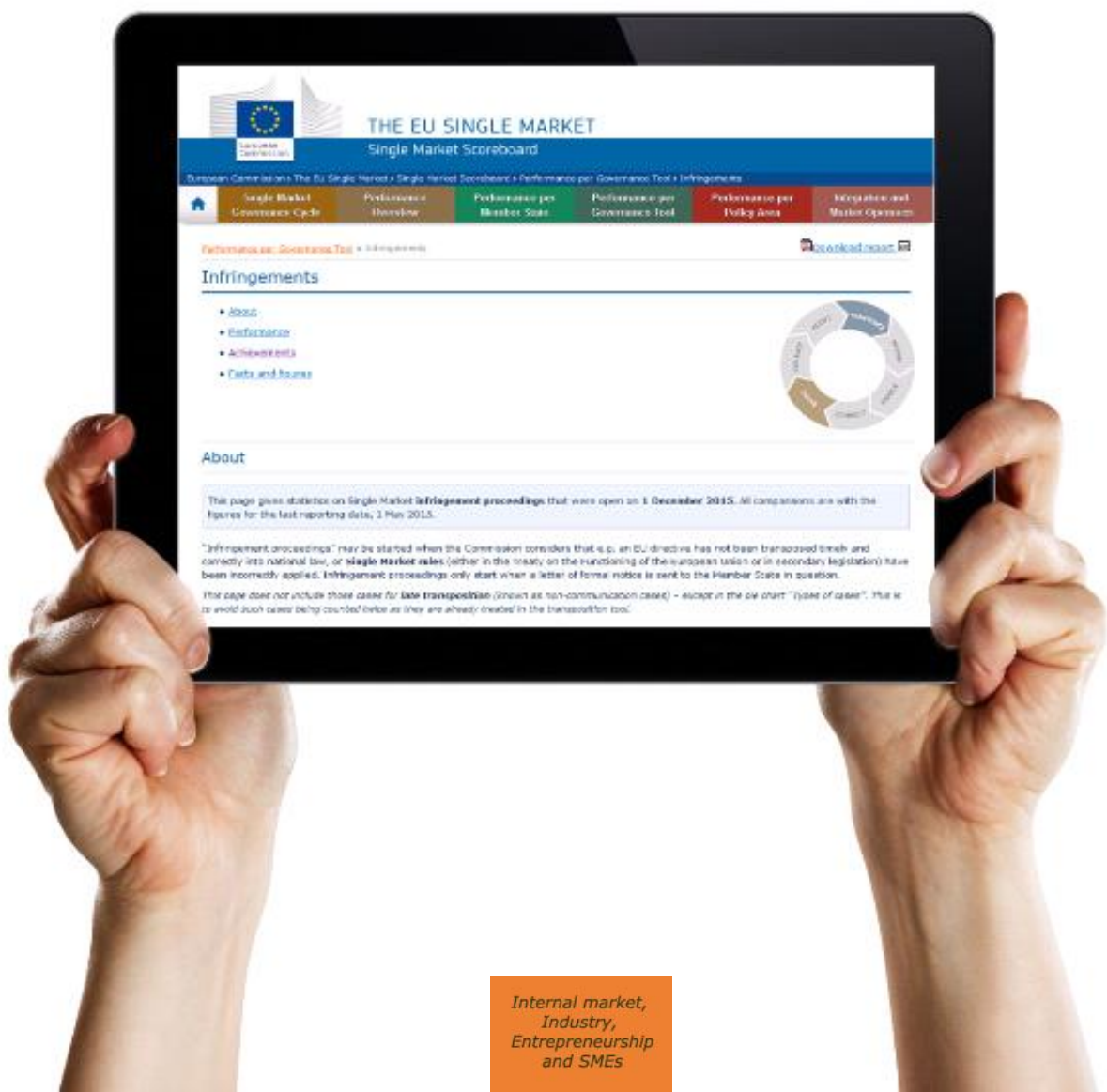


# Single Market Scoreboard

*Performance per governance tool*

## Infringements

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



## About

This page gives statistics on Single Market **infringement proceedings** that were open on **1 December 2015**. All comparisons are with the figures for the last reporting date, 1 May 2015.

The Commission may start ‘infringement proceedings’ if it considers that e.g. a Member State has not transposed an EU directive correctly or on time, or is applying single market rules incorrectly. Infringement proceedings only start when the Commission sends a ‘letter of formal notice’ to the Member State in question.

*This page does not include cases of **late transposition** known as "non-communication cases" – except in the pie chart “Types of cases”. This is to avoid such cases being counted twice as they are already covered in the Transposition governance tool.*

## Performance

### 1. by indicator

[1] Number of pending infringement proceedings [2] Duration of infringement proceedings (in months) [3] Time taken to comply with Court ruling (in months)																													
[1]	37	17	28	14	55	6	17	50	49	49	14	50	14	7	16	11	23	8	22	26	44	37	23	17	27	13	26	31	26
[2]	37.4	26.0	33.3	29.6	32.5	34.1	42.8	41.7	21.2	26.6	7.6	39.2	18.0	23.1	23.0	29.5	22.4	51.2	40.0	27.3	32.9	28.9	26.5	27.2	24.7	25.5	40.9	35.1	30.7
[3]	21.4	9.9	19.2	5.4	18.2	16.5	39.4	32.2	21.9	17.9	n/a	29.6	13.1	n/a	3.6	17.1	12.0	21.0	14.4	9.0	18.9	23.0	n/a	10.8	1.4	10.4	14.8	19.0	21.0
	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] & [2]	<average	average ±10 %	>average	n/a
[3]	< 8 months	8 - 18 months	>18 months	n/a

## 2. overall (all 3 indicators combined)



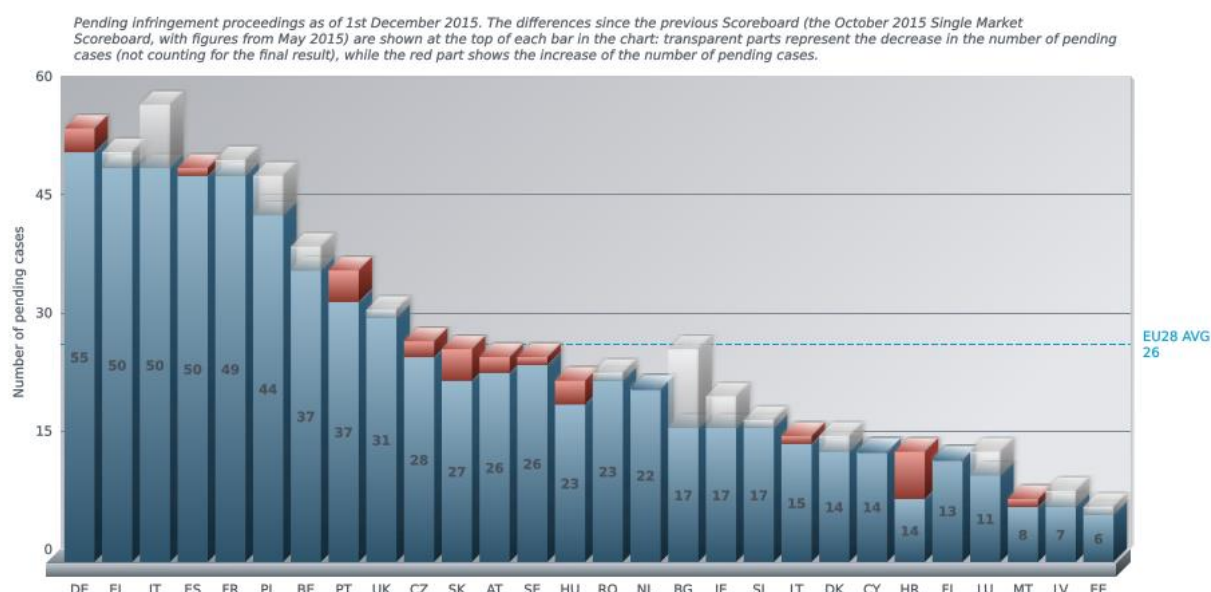
A Member State's **performance across all 3 indicators** is calculated by scoring each indicator in chart 1 as follows:

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]: Number of pending infringement proceedings



**Total number of cases:** down to 732 (from 749 in May 2015)

**Average cases per Member State:** 26 (27 in May 2015)

**Total number of Member States trending up:** 11 (up from 1)

Croatia (+6), Portugal, Slovakia (+4), Germany, Hungary (+3), Czech Republic, Austria (+2), Spain, Lithuania, Malta, Sweden (+1)

**Total number of Member States trending down:** 14 (down from 23)

Bulgaria (-10), Italy (-8), Poland (-5), Ireland (-4), Belgium, Luxembourg (-3), Denmark, Greece, France, Latvia (-2), Estonia, Romania, Slovenia, UK (-1)

**Number of Member States with no change:** 3 (down from 4)

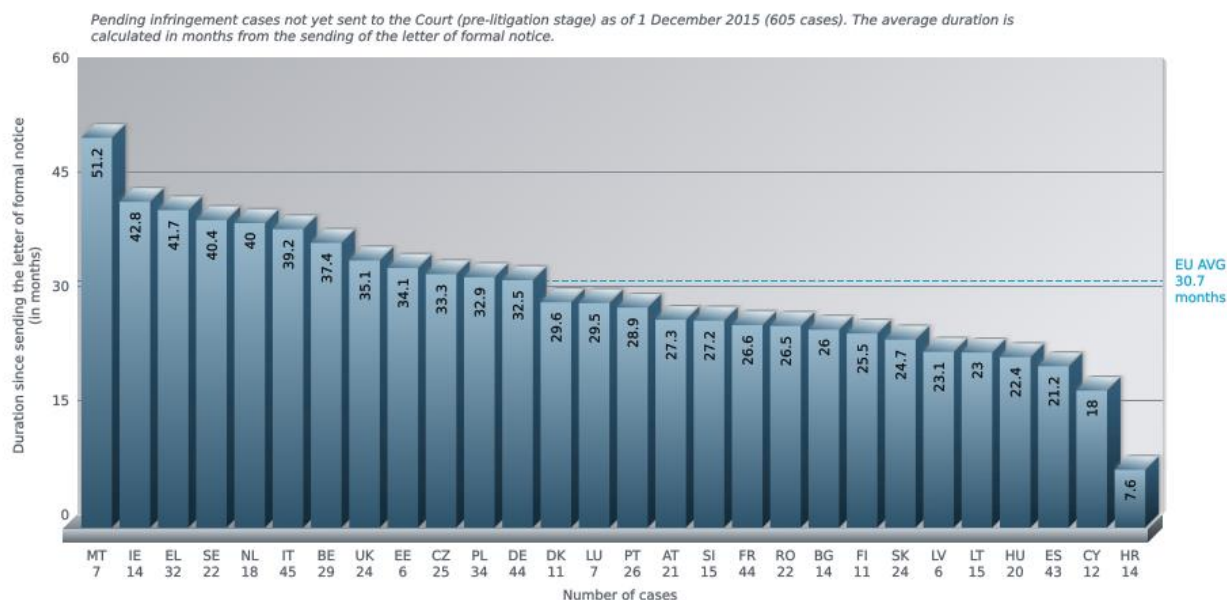
Cyprus, Finland and the Netherlands

### Comments

- The number of pending infringements has never been lower. In December 2015, the total number of cases reached 732, which is 16 less than in the previous Scoreboard. 125 cases out of the 749 pending in May 2015 have since been resolved, in particular in the fields of: transport (36 cases closed), environment (24) and taxation (16). However, the last 6 months have seen the launch of 109 new cases (excluding those for late transposition). 36 of these cases (33%) concerned transport and 18 the environment (16.5%).
- Italy** had the highest number of pending cases during 7 consecutive reporting periods, but has now been replaced by **Germany** with 52 cases – twice the EU average.
- The Member States that made the biggest reduction in the number of cases since the previous Scoreboard were **Bulgaria** (-10 = 37%), followed by **Italy** (-8) and **Poland** (-5).

- The top 5 Member States by the reduction percentage only are **Bulgaria** (-37%), **Latvia** (-22%), **Luxembourg** (-21%), **Ireland** (-19%) and **Estonia** (-14%).
- Six Member States (**Germany, Greece, Italy, Spain, France and Poland**) represent 40% of the total number of cases.

### Indicator [2]: Duration of infringement proceedings

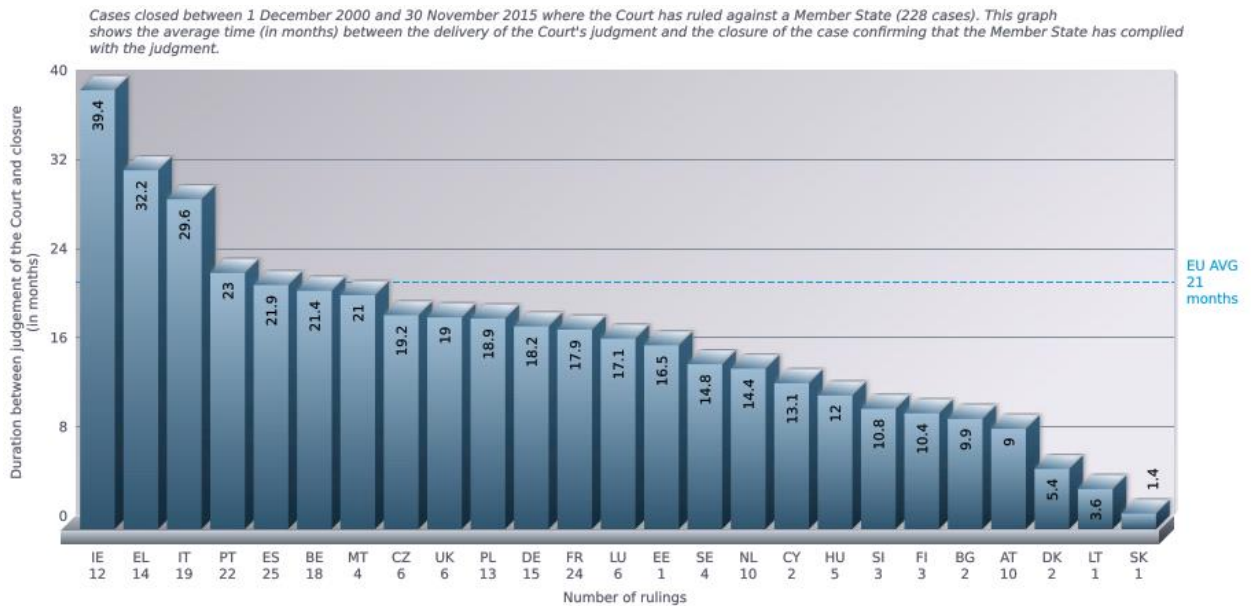


**Change in average case duration:** now 30.7 months, up from 29.1 in May 2015.

#### Comments

- 8 Member States (as in May 2015) reduced the average duration of their cases since the previous Scoreboard: Bulgaria, Denmark, Spain, Latvia, Hungary, Malta, Austria and Portugal. The most impressive is **Malta**, which chopped 7.9 months off its average case length.
- The other 20 Member States had longer average case durations. The average increase is 3.5% on average. The Member States above this average are **Estonia** (+ 8.8 months), **Ireland** (+ 8.3), **Belgium** (+ 7.4), **Greece** and **Italy** (+ 5.2), **Luxembourg** (+ 4.7), **Poland** (+ 4.3), the **Czech Republic** (+ 3.9) and **Croatia** (+3.8).
- Average case duration is **still over 2.5 years**. The Commission and national authorities should join forces to quickly resolve problems over complying with or applying Single Market rules.

### Indicator [3]: Time taken to comply with Court ruling



**Change in average time lag:** further increase from 19.8 months in May 2015 to 21 months

#### Comments

- The average time taken by Member States to comply with a Court of Justice ruling **increased again** for the 6th consecutive period (from 17.4 months 3 years ago to 21 months).
- 5 Member States reduced their average time lag: France, Luxembourg, Austria, Slovenia and the UK. In May 2015 the figure was 7. The most impressive reductions were in **France** (down 4.6 months) and **Luxembourg** (down 3.6 months). The reduction in the other 3 Member States was between 0.3 and 0.9%.
- 12 Member States had longer average time lags: Belgium, Bulgaria, Germany, Ireland, Spain, Greece, Italy, Hungary, the Netherlands, Poland, Portugal and Sweden. In May 2015 the figure was 10. **Ireland's** time lag increased by 15.5 months and **Sweden's** by 9 months. This statistic is based on cases closed in the last five years. Taking a case closed more than five years ago out of the statistics or adding a recently closed one can have a major impact on the results, in particular for Member States with only a few cases.
- For 3 Member States (2 in the last report), the average time lag is over 2 years: **Greece and Italy have been joined by Ireland** which is now back above the threshold.
- The 5 Member States with the biggest time lags are now **Ireland, Greece, Italy, Portugal** and **Spain**. Spain has taken France's place in this group (France now stands in the middle of the rankings).
- In general, Member States with only a few rulings against them need less time to **comply**. But not always: **Malta** (4 rulings only) has a compliance lag twice as long as **Austria's** (10 rulings) although Spain and Malta have similar time lags (21.9 and 21 months respectively), Spain has six times more rulings than Malta (25 against 4).

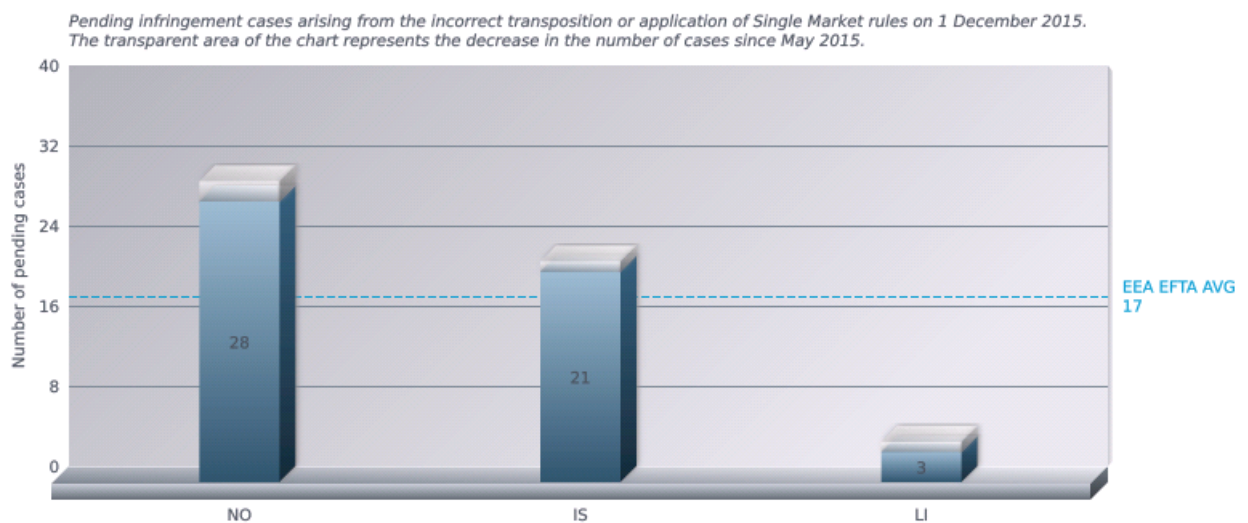


## Iceland, Liechtenstein & Norway

These 3 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. Keep this in mind when comparing this scoreboard and the EEA Scoreboard.

### Number of pending cases



**Total cases open:** 113 (down from 127 in May 2015), of which:

- **incorrect transposition/application:** 52 (see figure above)= 46% of all open infringement cases
- **late transposition** (directives): 22 (Iceland 14, Liechtenstein 7 and Norway 1) = 19.5%
- **late implementation\*** (regulations): 39 (Iceland 33 and Norway 6)= 34.5%

*\* Under Article 7 of the EEA Agreement: regulations incorporated into the Agreement shall "as such" be made part of the internal legal order of the EEA EFTA countries. In Liechtenstein, however, regulations are directly applicable and do not have to be implemented.*

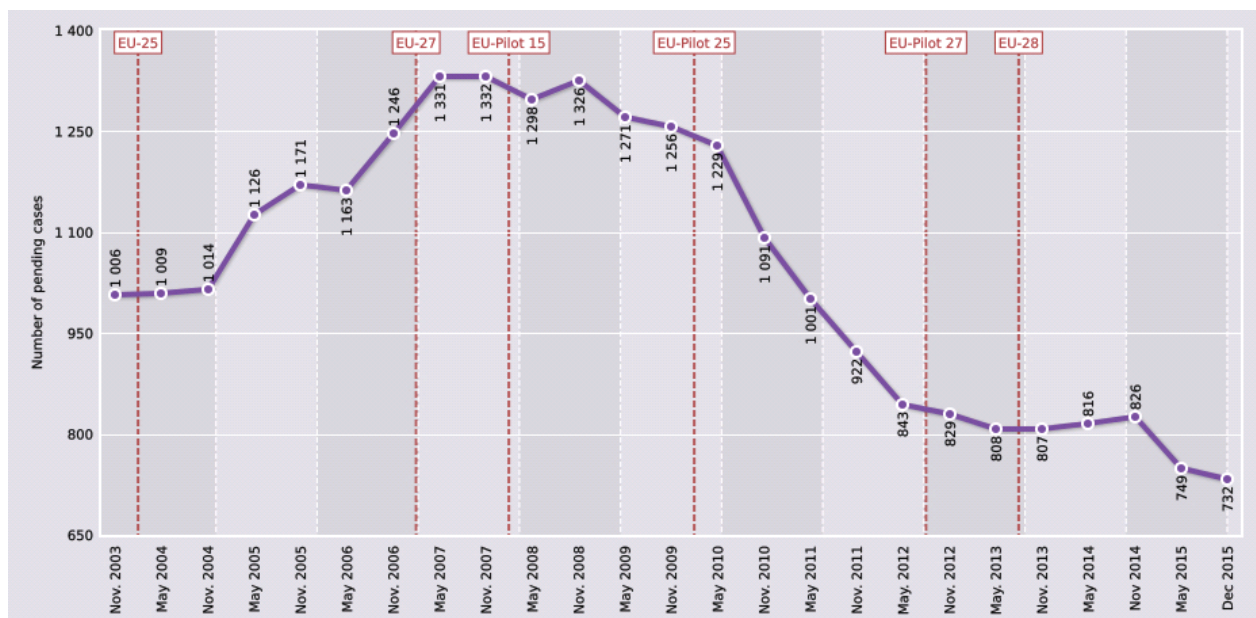
#### Comments

- Since November 2014, the EEA EFTA countries have slowly reduced their total number of infringement cases for incorrect transposition or application of Single Market rules. However, December 2015's figure of 52 cases almost doubles the 28 cases reported in May 2011.

- The EEA EFTA countries improved their performance concerning the number of late transposition cases: 22 pending infringement cases in this Scoreboard, compared to 41 in the previous one.
- However, the EEA EFTA countries did not maintain the considerable improvement in incorporating regulations that was observed in the previous period. Instead, they registered a slight increase in the number of cases (9 cases).
- Problematic sectors - goods – technical barriers (8 cases), services (7 cases), transport (6), food and feed safety (6), animal health and welfare (6), social security (6).

## Achievements

Number of pending cases



The current report shows a significant decrease in the number of infringement proceedings (2% within the last six months). This is in line with the overall reduction of cases since **systems to solve problems early** were put in place. For example, cases have gone down by 44% since the EU-Pilot was launched in April 2008, initially with the participation of 15 Member States. In fact, the purpose of initiatives like SOLVIT or EU-Pilot is to ensure that the Member States and the Commission cooperate over non-compliance or incorrect application of EU law before infringement proceedings are launched.

In general, the number of resolved Single Market-related infringements is more or less balanced with the number of new cases from one report to the next. That is the case this time also: 125 cases of the 749 pending in May 2015 were resolved while only 190 new cases (excluding those for late transposition) were initiated in the last 6 months.



## Facts and Figures

### Cases by sector

This table shows the total number of infringement cases for each Member State, broken down by sector, as of 1 December 2015. Sectors with only a few infringement proceedings are included in "other fields". The highlighted figures show the sector(s) with the highest number of infringement cases in each Member State.

DE	4	2	6	1	1		7	1	1	6	4	2	5	4	1	5	1	2	1	1	55
EL	4	1	3	1	1	1	1		4	4	2	2	3	2		2	7	9	1	2	50
ES	5	2	4	3	5		2	1		2		3	2	1		2	3	5	6	4	50
IT	4	4		1	1	1	1			5	3	5	1	2	3	3	6	4		6	50
FR	3	3	11	2	2		4		1	5		1	2		5		1	4	3	2	49
PL	5	1	1	2	3		2	2	4	3	1		6	3		1	1	5		4	44
BE	5	1	11	1				2	1	2	3			3	2			2		4	37
PT	6	2	1	2			2		2	3	3		3		1	4	2	3	3	3	37
UK	3	3	2	2	1		1	2		3	1		2		1	2	2	3	1	2	31
CZ	3	2			2		2	2	1		3		4	1		1	2	2		3	28
SK	3	2			1	3	2	1		1	3	1	1		2	2	1	4			27
AT	3		1	2	1	3	1	1		3	1	1	3	1	1		1		3	3	26
SE	3	1	3			2		1	1	1	2	2		3	1	1		3	1	1	26
HU	3	1	1	2		2				1		1	2	4			1		3	2	23
RO	1	2	1	2	2	1	2				1		1	2	1		3	1	1	2	23
NL	3		6			1			1	3	1		2	1	1	2				1	22
BG	2	2				2	1			1		1	1				2	2		3	17
IE	3				2			1		2	1		1	2	1			2	2		17
SI	2	3		1	2						1			1		3	4				17
LT	2			1		1	2	2	1		1		1	1		1				3	16
DK	2		3						1		1		1			2	1	1	2		14
CY	2									1	1			2	2	2	2			2	14
HR	2			1		1				1	1		1	1		2	3			1	14
FI	2				1	1			2	1	1		1			1		1		2	13
LU	3			1						1			2			1		1	1	1	11
MT	3							1		1				1	1	1					8
LV		1				1		1		1						1				2	7
EE	1									1						2		1	1		6
	82	33	54	25	25	20	30	18	20	52	35	19	45	35	22	42	42	56	23	54	732
Air transport																					
Atmospheric pollution																					
Direct taxation																					
Energy																					
Environmental impact																					
Free movement of capital																					
Free movement of goods & market surveillance																					
Free movement of persons & union citizenship																					
Health & consumers																					
Indirect taxation																					
Justice incl. non discrimination & data protection																					
Public procurement																					
Road and rail transport																					
Services																					
Social security schemes & free movement of workers																					
Transport safety																					
Waste management																					
Water protection & management																					
Working rights and conditions																					
Other fields																					
TOTAL																					

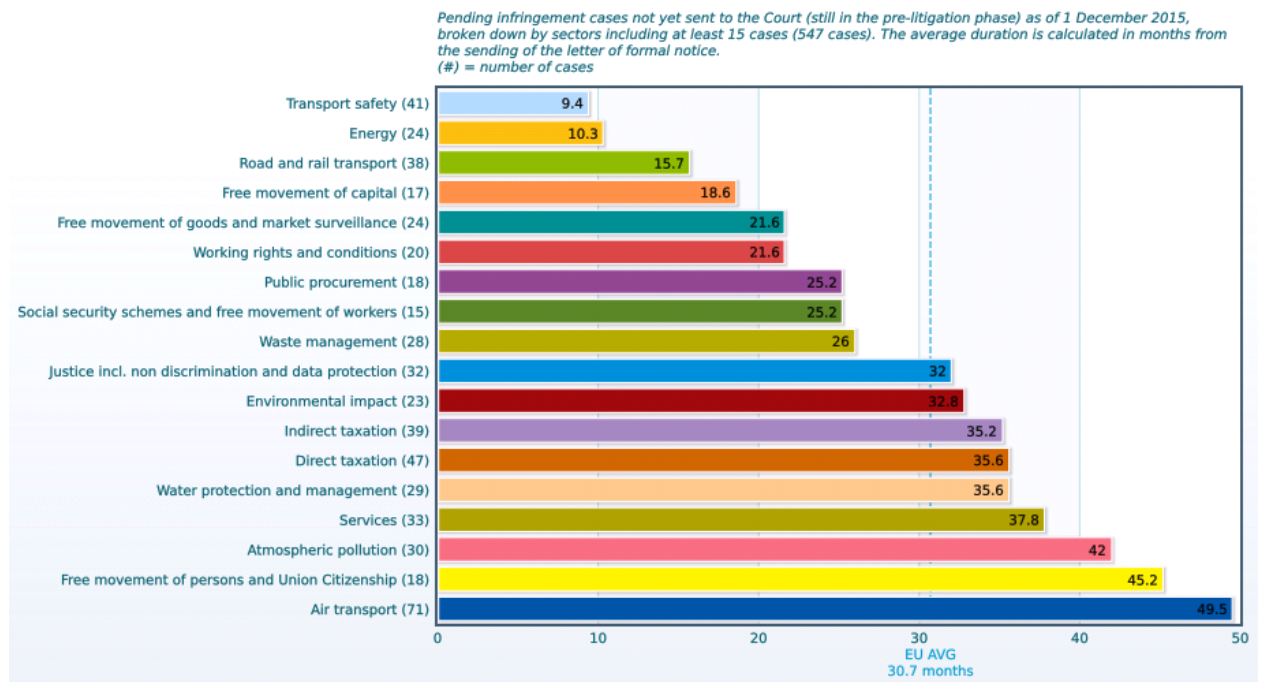
### Sectors with the most infringement cases

- **Transport:** 24.3% of all cases (especially air transport)
- **Environment:** 22.3% (especially water protection & waste management)
- **Taxation:** 14.7% (fairly balanced between direct & indirect taxation)

### Problematic sectors by Member State

- **Taxation:** 40% of the Netherlands' cases, around one third of Belgium's and France's total cases, also an issue for Germany (22% of total cases).
- **Environment:** Greece, Spain, Italy and Poland

## Average duration by sector



### Longest average duration (in months):

- air transport (from 43.6 to 49.5),
- free movement of persons and Union citizenship (from 38.2 to 45.2)
- atmospheric pollution (from 41.8 to 42)

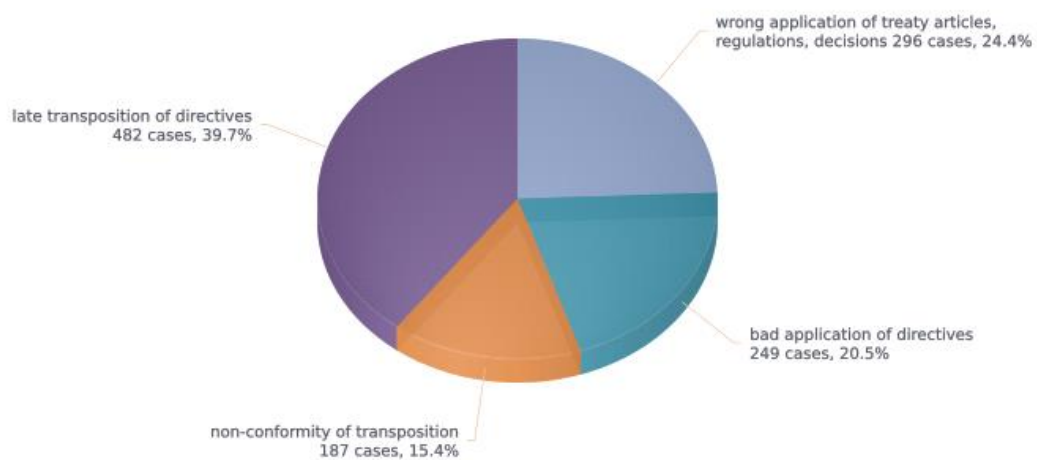
Compared to six months ago, free movement of persons and Union citizenship have replaced indirect taxation in the top 3 while.

### Comments

- **Air transport** – in many cases the figure was inflated by factors outside the control of either the national authorities or the Commission. The number of pending cases is stable since May 2015 and the average duration has increased by 6 months.
- The average duration of **atmospheric pollution** cases slightly increased from 41.8 to 42 months during the last six months. The number of cases also went up slightly (+1). Compared to 1.5 year ago, the duration of cases increased by 27% (33.1 to 42 months).
- Despite high number of cases (38) the average duration of infringement proceedings on **road and rail transport** is one of the shortest (15.7 months). The same goes for **transport safety** which has the third highest number of cases but the lowest duration.

## Types of cases

Number of pending infringement cases open for late or wrong transposition of Single Market directives plus number of cases open for wrong application of rules – situation as of 1 December 2015 (1214 cases).



- **55%** of cases are for late or incorrect transposition of directives
- **76%** of cases relate to directives
- **24%** concern regulations, decisions and Treaty articles

### Comments

- The number of pending infringement cases for late transposition (482) is higher than the number of cases where no transposition measures were notified to the Commission (204 cases – see the ‘Transposition deficit’ indicator in the ‘Transposition’ governance tool). This is because the Commission needs time to assess the measures and possibly close the proceedings.
- Good cooperation between Member States and the Commission can help decrease the time needed to assess national legislation implementing a directive, which can bring down the number of pending cases. In particular, the information Member States provide when notifying national transposition measures must be as clear and specific as possible: for example, indicating precisely which laws, regulations and administrative provisions will in their view satisfy the various requirements of the directive.