



Inauguration du Nouveau Palais en 2008

Soudní dvůr EU

24. listopadu 2016



Eric Stein (1981) AJIL

“Tucked away in the fairyland Duchy of Luxemburg and blessed, until recently, with the benign neglect by the powers that be and the mass media, the Court of Justice of the European Communities has fashioned a constitutional framework for a federal-type structure in Europe.”





Terminologie

- Soudní dvůr
- Soud prvního stupně
- Soudní komory

- **LS**: Soudní dvůr, Tribunál, specializované soudy – proč ne Nejvyšší soud, vrchní soud?
- **Nový vývoj!**

Jaký vliv mají státy na SD?

- Složení SD (1958: 7 soudců + 2 GA)
- Jmenování soudců (změny v LS)
- Výbor čl. 255
- Požadavky na soudce
- Disenty?

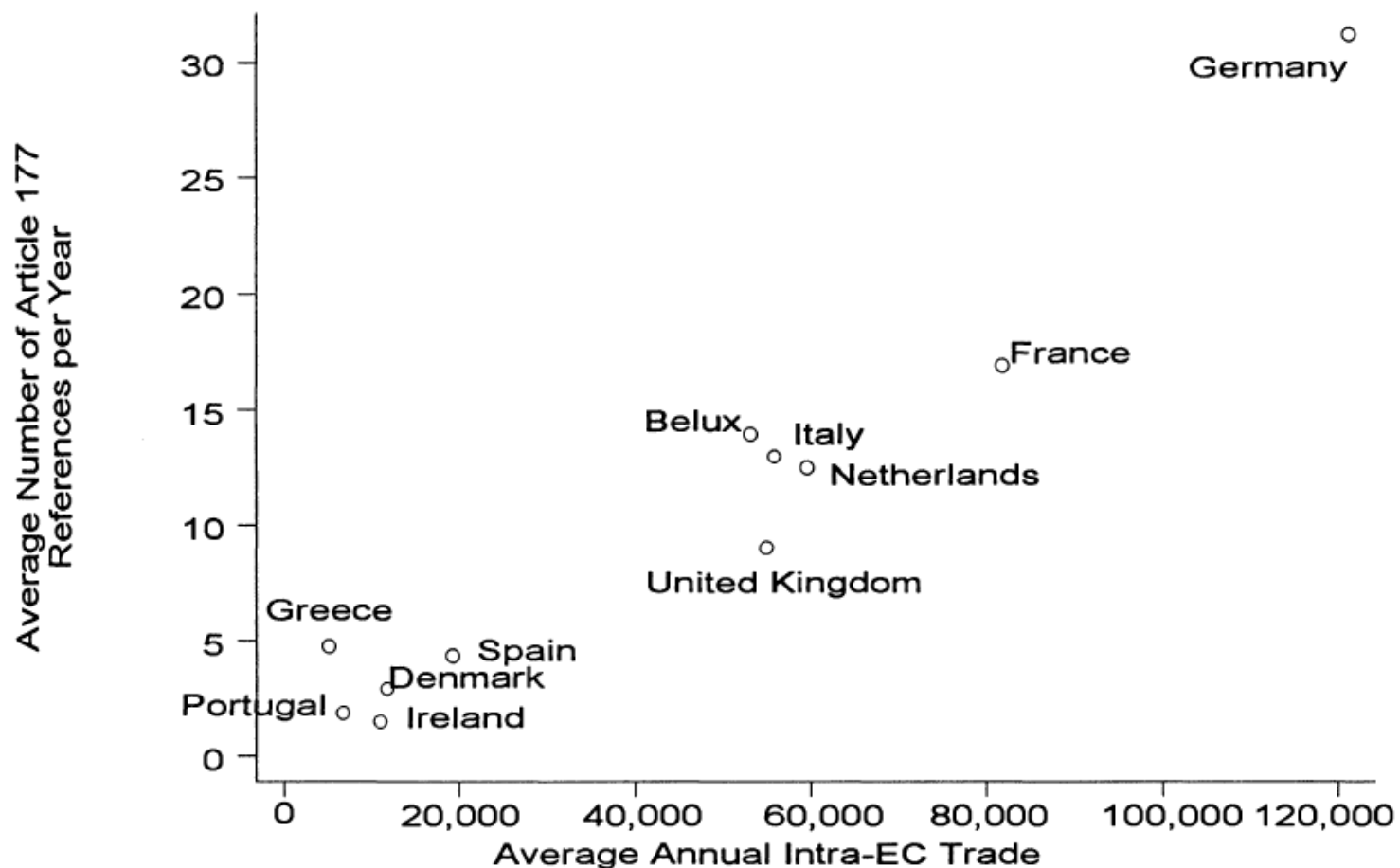
| Issue and Case | Governments | Commission | Advocate General | Court |
|---|--|--|--|-------|
| direct effect: <i>van Gend</i> 1963 | no: Belg., Neth., Lux., Germany | yes | no (Roemer, German) | yes |
| supremacy: (1) <i>Costa v. ENEL</i> 1964 | no: Italy | yes | yes (Lagrange, French) | yes |
| (2) <i>Simmmenthal</i> 1978 | no: Italy | yes | yes (Reischl, German) | yes |
| (3) human rights: <i>Internationale Handelsges.</i> 1966 | unnecessary to decide: Germany, Neth. | yes | yes (Dutheillet de Lamothe, French) | yes |
| expanding direct effect: (1) <i>Lütticke</i> 1966 | no: Belg., Neth., Germany | yes | yes (Gand, French) | yes |
| (2) <i>Reyners</i> 1974 | no: Belg., Lux., Ire., UK yes: Germany, Neth.? | yes | yes (Mayras, French) | yes |
| (3) <i>Walrave</i> 1974 | no position: UK | no | yes (Warner, British) | yes |
| (4) <i>Defrenne</i> 1976 | no: UK, Ire. | yes on public empl., no on private | yes (Trabucchi, Italian) | yes |
| (5) <i>Franz Grad</i> 1970 | no: Germany | yes | yes (Roemer, German) | yes |
| (6) <i>van Duyn</i> 1974 | no: UK | yes | yes (Mayras, French) | yes |
| treaty-making power: <i>ERTA</i> 1970 | no: Council | yes | no (Dutheillet de Lamothe, French) | yes |

TABLE 1. *Average number of preliminary references by county and decade*

| <i>Country</i> | <i>1970–79</i> | <i>1980–89</i> | <i>1990–98</i> |
|----------------------|----------------|----------------|----------------|
| <i>France</i> | 8.6 | 28.2 | 22.56 |
| <i>Belgium</i> | 7.8 | 14.7 | 18.22 |
| <i>Netherlands</i> | 10.8 | 18.5 | 17.33 |
| <i>Germany</i> | 27.5 | 34.6 | 47.44 |
| <i>Italy</i> | 8.4 | 12.4 | 34.11 |
| <i>Luxembourg</i> | 0.4 | 1.7 | 1.67 |
| <i>Denmark</i> | 0.86 | 2.5 | 4.89 |
| <i>Ireland</i> | 0.86 | 1.5 | 1.44 |
| <i>Great Britain</i> | 3.0 | 8.5 | 16.33 |
| <i>Greece</i> | — | 2.33 | 3.33 |
| <i>Spain</i> | — | 1.0 | 11.78 |
| <i>Portugal</i> | — | 0.2 | 2.78 |
| <i>Finland</i> | — | — | 2.5 |
| <i>Sweden</i> | — | — | 5.5 |
| <i>Austria</i> | — | — | 12.0 |

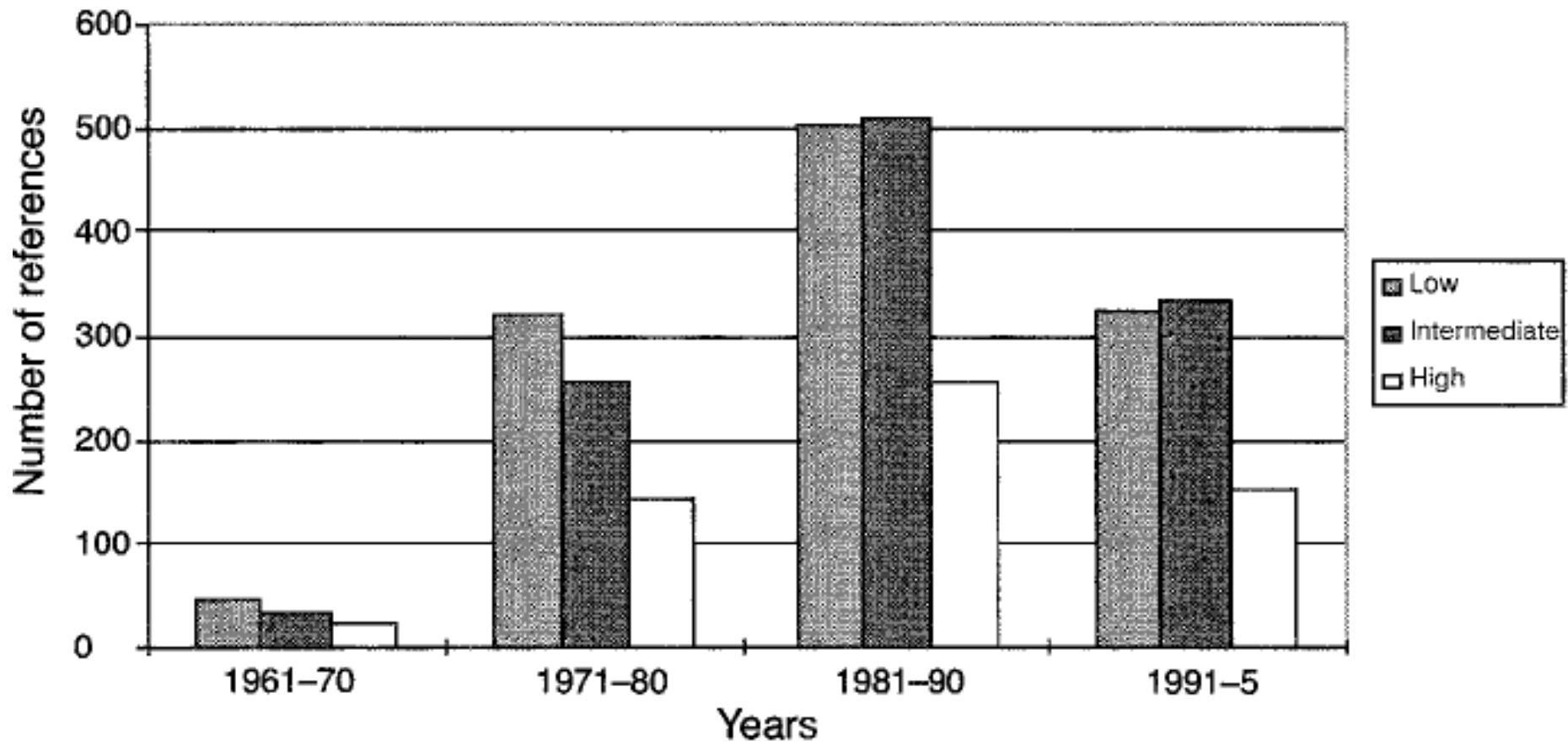
Stone Sweet – Brunell (1998). *APSR*.

FIGURE 2. Intra-EC Trade and Average Number of Article 177 References



Source: Trade data are from *Eurostat: External Trade 1958–93*, Brussels: EC Publications, 1995. The source for article 177 references is data collected by the authors and the ECJ.

Note: For each member-state, the total number of Article 177 references was divided by the number of years in which that member-state has been making references to the ECJ. Belux is Belgium and Luxembourg combined. Trade figures are the annual average of intra-EC imports and exports for each member-state measured in Ecu (European currency unit), 1960–93. The regression equation is $y = .2105 + .0002247(\text{Trade}) + e$. Adjusted $R^2 = .92$, $n = 11$, and the $SEE = 2.46$. The t -statistics are .178 for the constant and 10.8 for intra-EC trade.



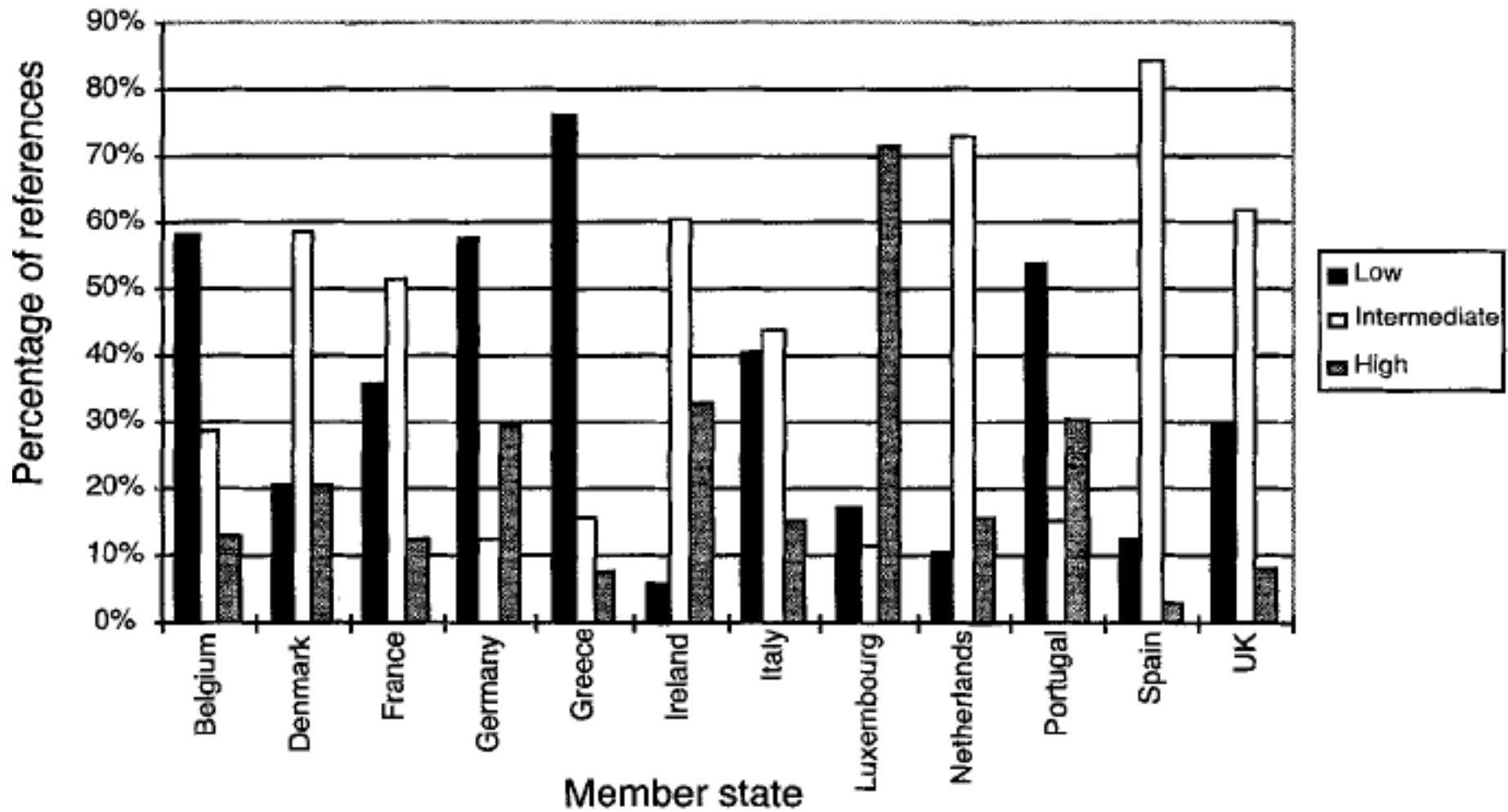
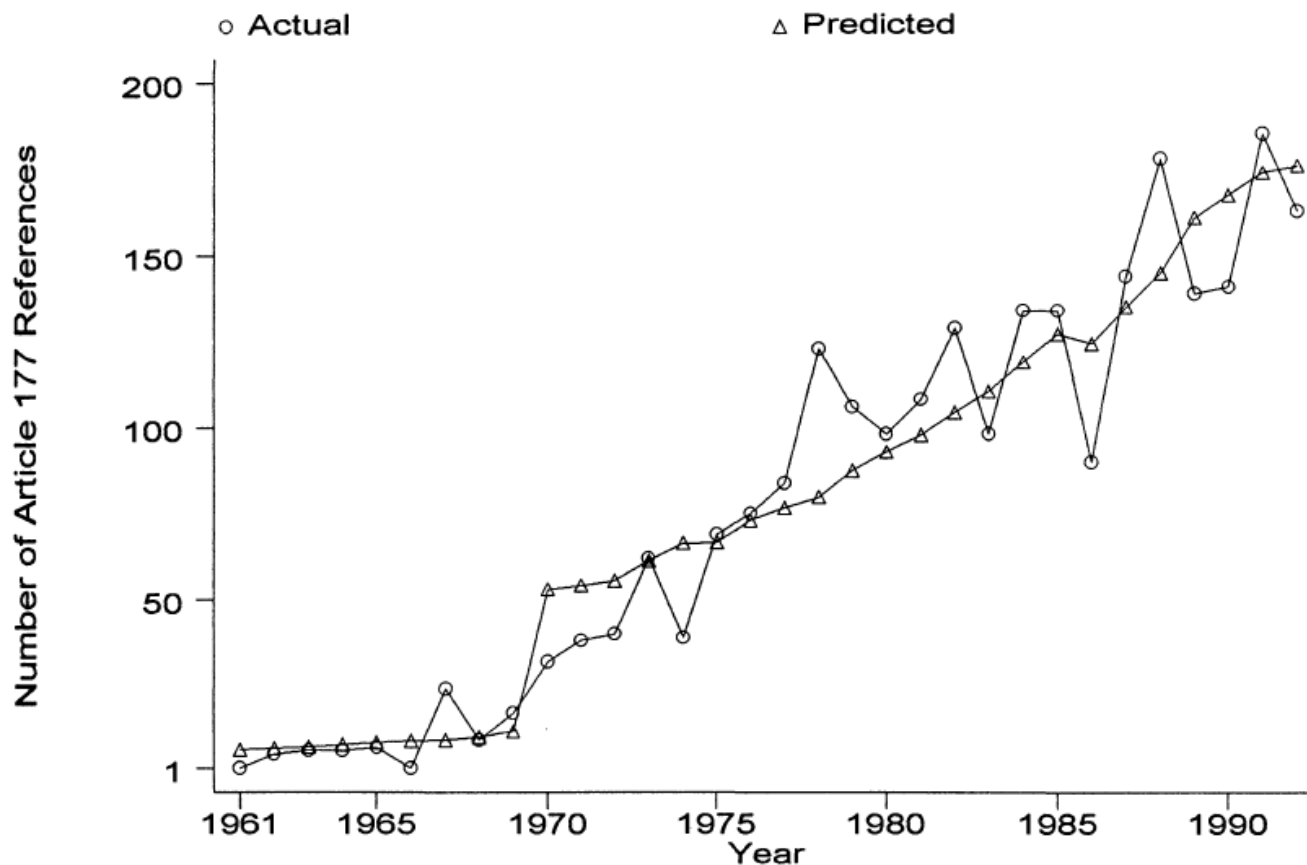
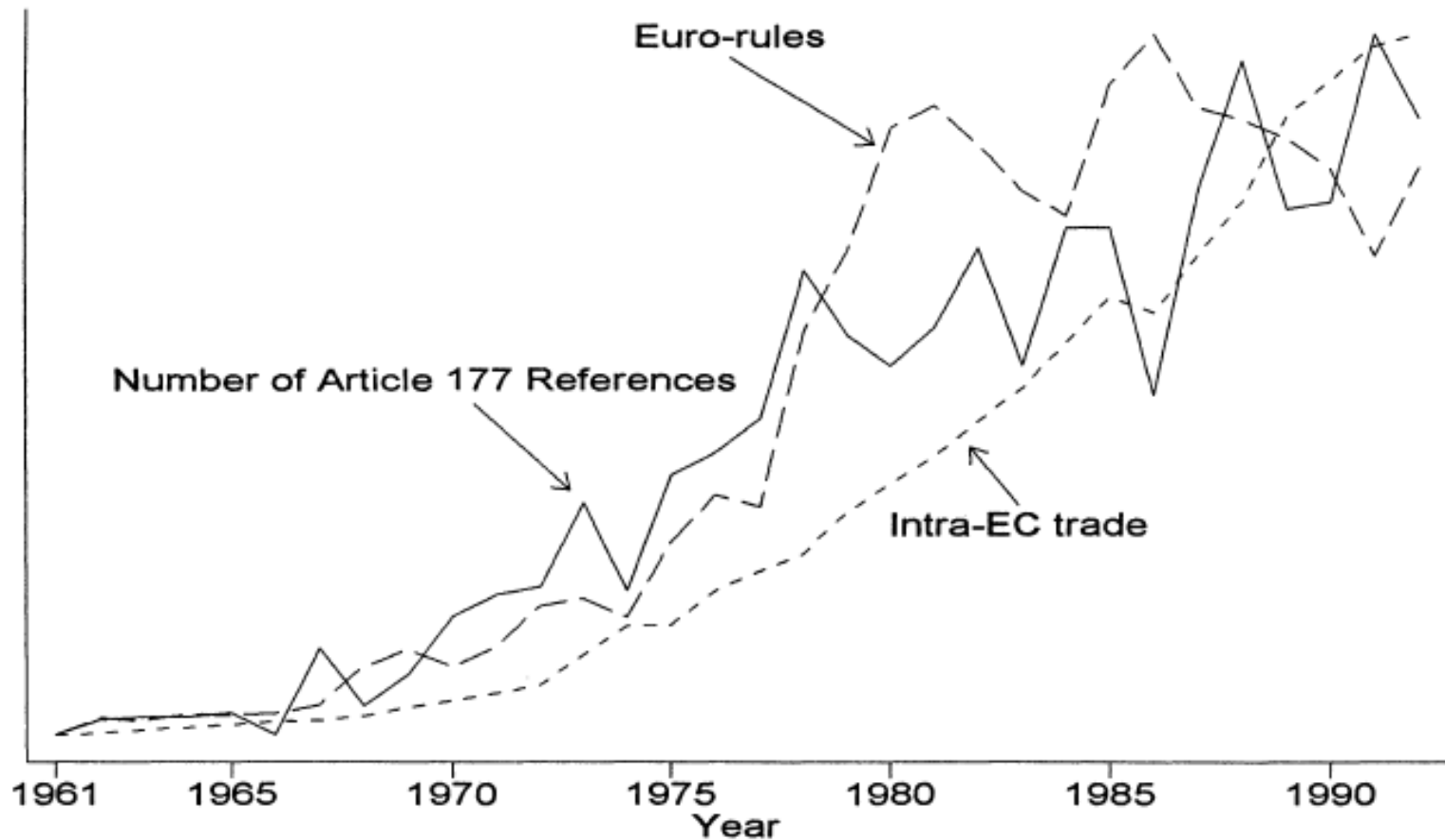


FIGURE 3. Actual and Predicted Annual Levels of Article 177 References from Intra-EC Trade

Source: Trade data are from *Eurostat* (1995). The source for Article 177 references is data collected by the authors and the ECJ.

Note: The actual line plots the yearly number of Article 177 references by national courts to the ECJ, 1961–92. The predicted line plots the number of annual references predicted by the regression analysis in which intra-EC trade and a post-1969 dummy variable (coded 0 from 1961–69 and 1 from 1970–92) are the independent variables, and the dependent variable is the annual number of Article 177 references for the EC as a whole. Levels of aggregate trade begin with the original six member states (Belgium, France, Germany, Italy, Luxembourg, and the Netherlands); as new member states join the EC, their trade figures are included. The regression equation is $y = 3.56 + .0000938(\text{intra-EC Trade}) + 39.93(\text{post-1969 dummy}) + e$. The adjusted $R^2 = .91$, $n = 32$, $SEE = 17.92$, and the Durbin-Watson statistic for the regression equation = 1.85. The t -statistics are 0.59 for the constant, 10.59 for intra-EC trade, and 4.52 for the post-1969 dummy.

FIGURE 5. Annual Levels of Intra-EC Trade, Euro-rules, and Article 177 References

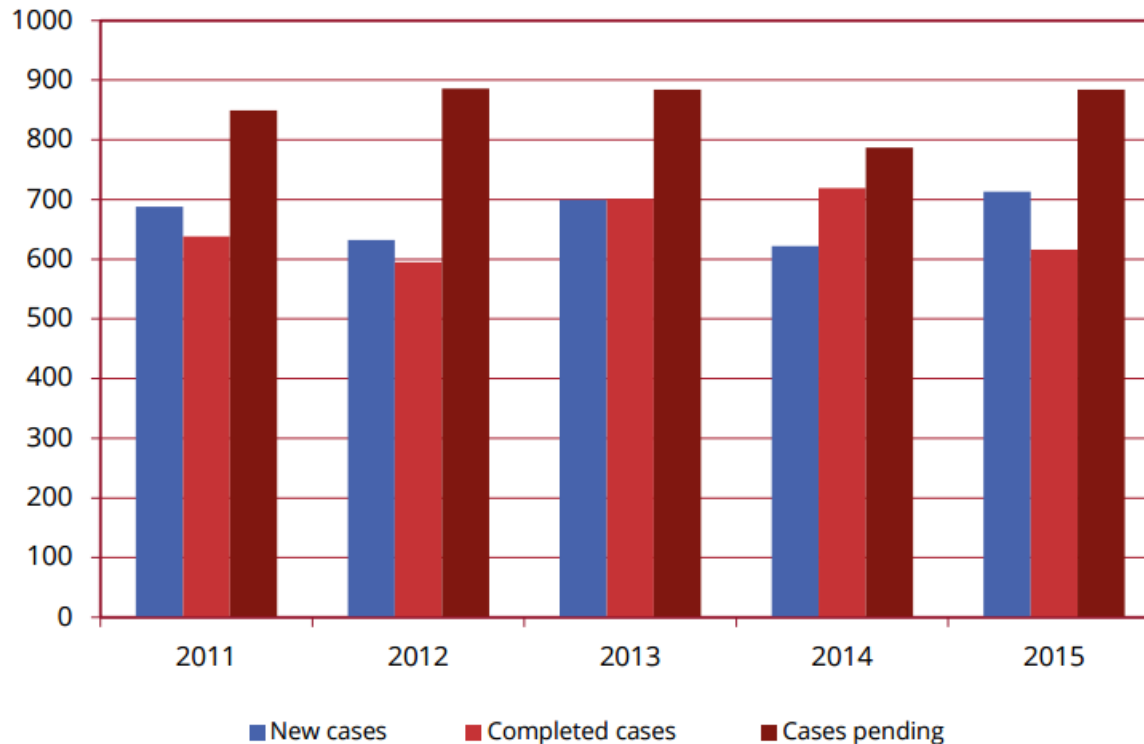


Note: The Article 177 references are the yearly number for the EC as a whole, 1961–92. The Euro-rules are the annual number of directives and regulations promulgated by the EC. The intra-EC trade line plots levels of aggregate intra-EC trade for the EC as a whole. The graph has been rescaled since the variables are on different scales.

Annual Report 2015 – CJ

GENERAL ACTIVITY OF THE COURT OF JUSTICE

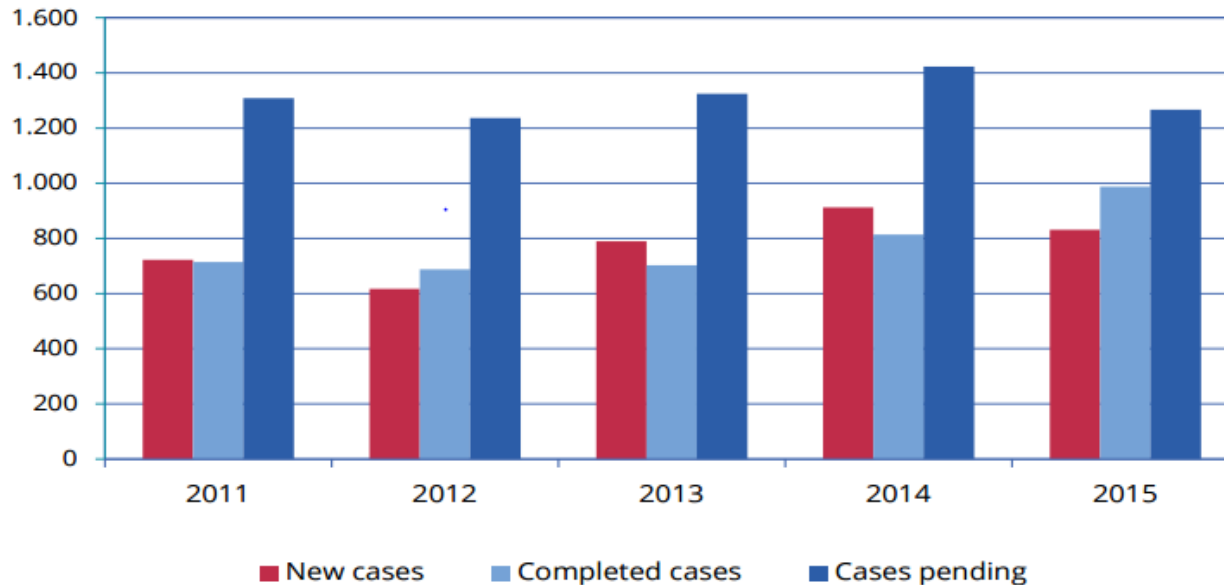
1. NEW CASES, COMPLETED CASES, CASES PENDING (2011–15)⁽¹⁾



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------|------|------|------|------|------|
| New cases | 688 | 632 | 699 | 622 | 713 |
| Completed cases | 638 | 595 | 701 | 719 | 616 |
| Cases pending | 849 | 886 | 884 | 787 | 884 |

Annual Report 2015 – General Court

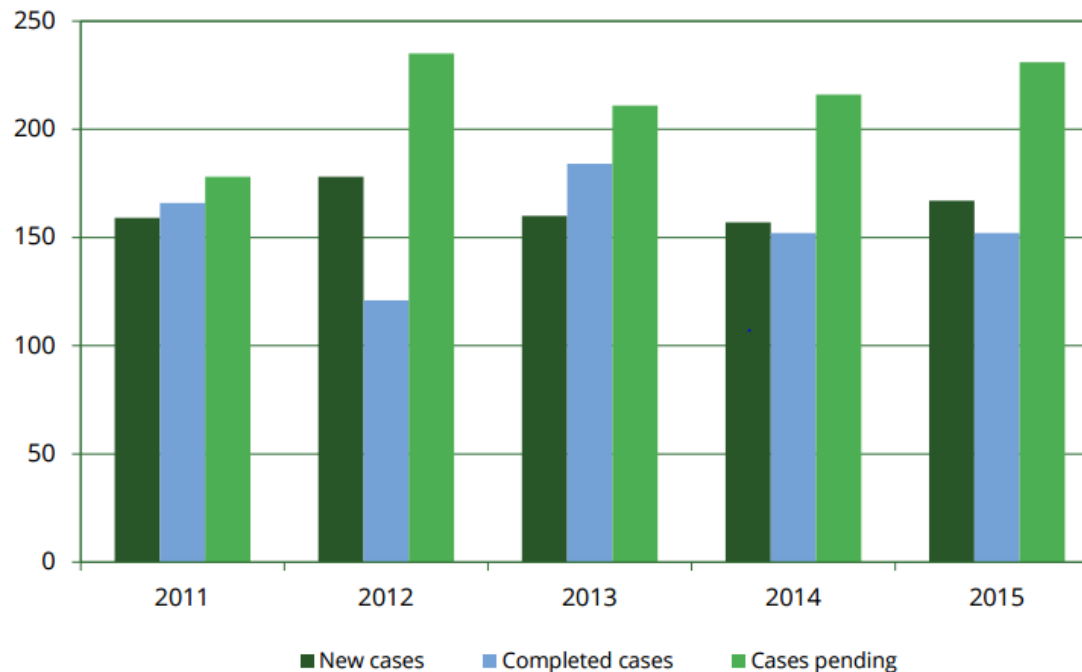
1. GENERAL ACTIVITY OF THE GENERAL COURT — NEW CASES, COMPLETED CASES, CASES PENDING (2011–15) ⁽¹⁾⁽²⁾



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------|-------|-------|-------|-------|-------|
| New cases | 722 | 617 | 790 | 912 | 831 |
| Completed cases | 714 | 688 | 702 | 814 | 987 |
| Cases pending | 1 308 | 1 237 | 1 325 | 1 423 | 1 267 |

Annual Report 2015 – CST

1. GENERAL ACTIVITY OF THE CIVIL SERVICE TRIBUNAL NEW CASES, COMPLETED CASES, CASES PENDING (2011–15)

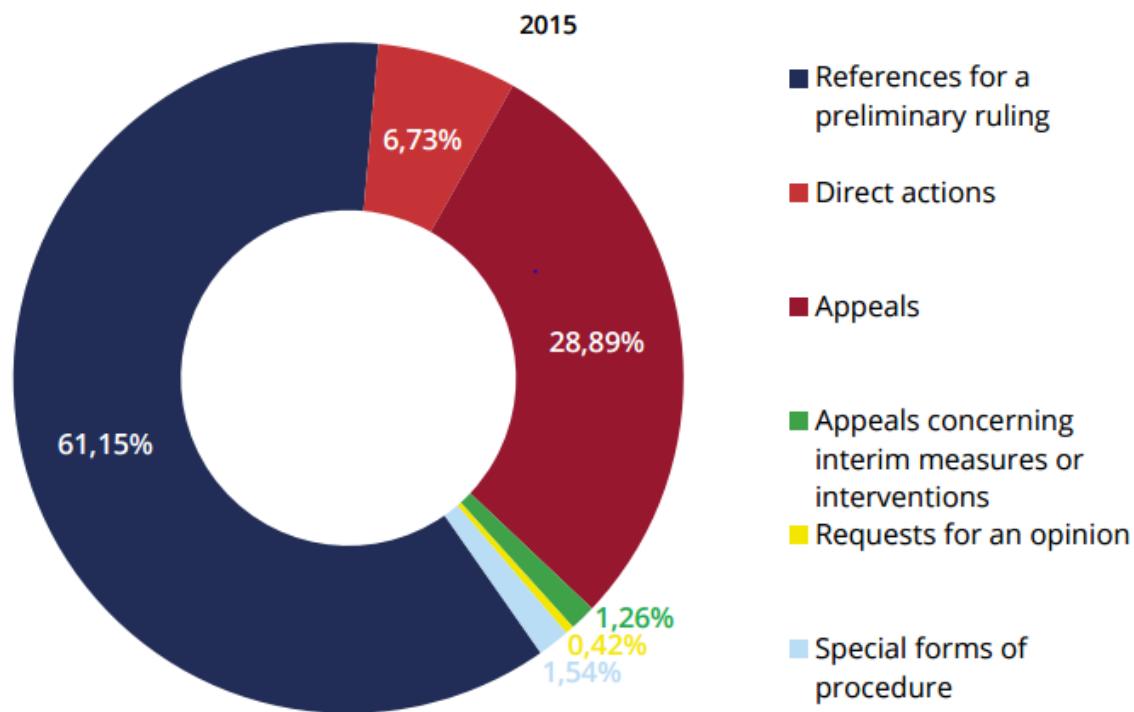


| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------|------|------|------|------|--------------------|
| New cases | 159 | 178 | 160 | 157 | 167 |
| Completed cases | 166 | 121 | 184 | 152 | 152 |
| Cases pending | 178 | 235 | 211 | 216 | 231 ⁽¹⁾ |

The figures given (gross figures) represent the total number of cases, without account being taken of the joinder of cases on the grounds of similarity (one case number = one case).

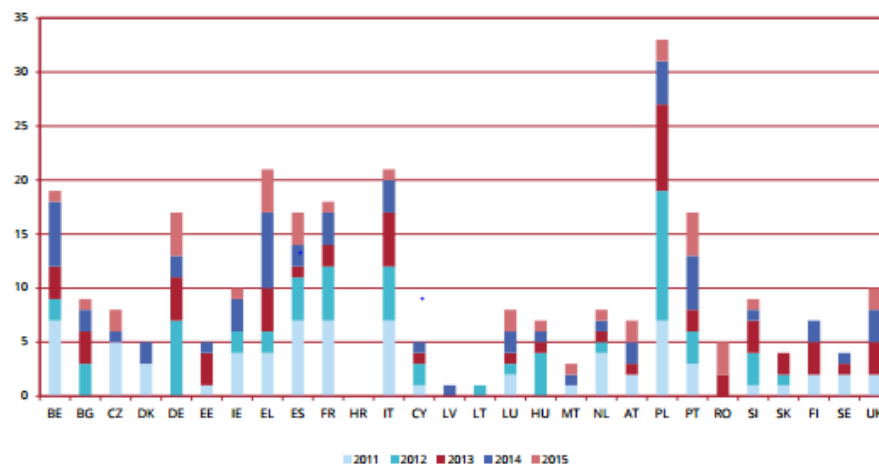
CJ (Annual Report 2015)

2. NEW CASES — NATURE OF PROCEEDINGS (2011–15) ⁽¹⁾



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------------|------------|------------|------------|------------|
| References for a preliminary ruling | 423 | 404 | 450 | 428 | 436 |
| Direct actions | 81 | 73 | 72 | 74 | 48 |
| Appeals | 162 | 136 | 161 | 111 | 206 |
| Appeals concerning interim measures or interventions | 13 | 3 | 5 | | 9 |
| Requests for an opinion | | 1 | 2 | 1 | 3 |
| Special forms of procedure ⁽²⁾ | 9 | 15 | 9 | 8 | 11 |
| Total | 688 | 632 | 699 | 622 | 713 |
| Applications for interim measures | 3 | | 1 | 3 | 2 |

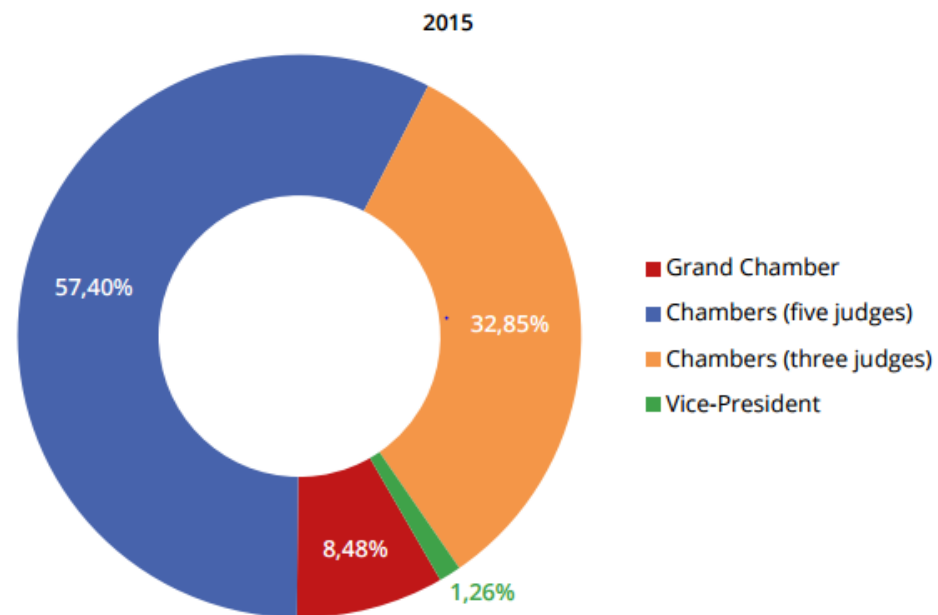
4. NEW CASES — ACTIONS FOR FAILURE OF A MEMBER STATE TO FULFIL ITS OBLIGATIONS (2011–15) ⁽¹⁾



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|----------------|-----------|-----------|-----------|-----------|-----------|
| Belgium | 7 | 2 | 3 | 6 | 1 |
| Bulgaria | | 3 | 3 | 2 | 1 |
| Czech Republic | 5 | | | 1 | 2 |
| Denmark | 3 | | | 2 | |
| Germany | | 7 | 4 | 2 | 4 |
| Estonia | 1 | | 3 | 1 | |
| Ireland | 4 | 2 | | 3 | 1 |
| Greece | 4 | 2 | 4 | 7 | 4 |
| Spain | 7 | 4 | 1 | 2 | 3 |
| France | 7 | 5 | 2 | 3 | 1 |
| Croatia | | | | | |
| Italy | 7 | 5 | 5 | 3 | 1 |
| Cyprus | 1 | 2 | 1 | 1 | |
| Latvia | | | | 1 | |
| Lithuania | | 1 | | | |
| Luxembourg | 2 | 1 | 1 | 2 | 2 |
| Hungary | | 4 | 1 | 1 | 1 |
| Malta | 1 | | | 1 | 1 |
| Netherlands | 4 | 1 | 1 | 1 | 1 |
| Austria | 2 | | 1 | 2 | 2 |
| Poland | 7 | 12 | 8 | 4 | 2 |
| Portugal | 3 | 3 | 2 | 5 | 4 |
| Romania | | | 2 | | 3 |
| Slovenia | 1 | 3 | 3 | 1 | 1 |
| Slovakia | 1 | 1 | 2 | | |
| Finland | 2 | | 3 | 2 | |
| Sweden | 2 | | 1 | 1 | |
| United Kingdom | 2 | | 3 | 3 | 2 |
| Total | 73 | 58 | 54 | 57 | 37 |

1) The figures given (gross figures) represent the total number of cases, without account being taken of the joinder of cases on the ground of similarity (one case number = one case).

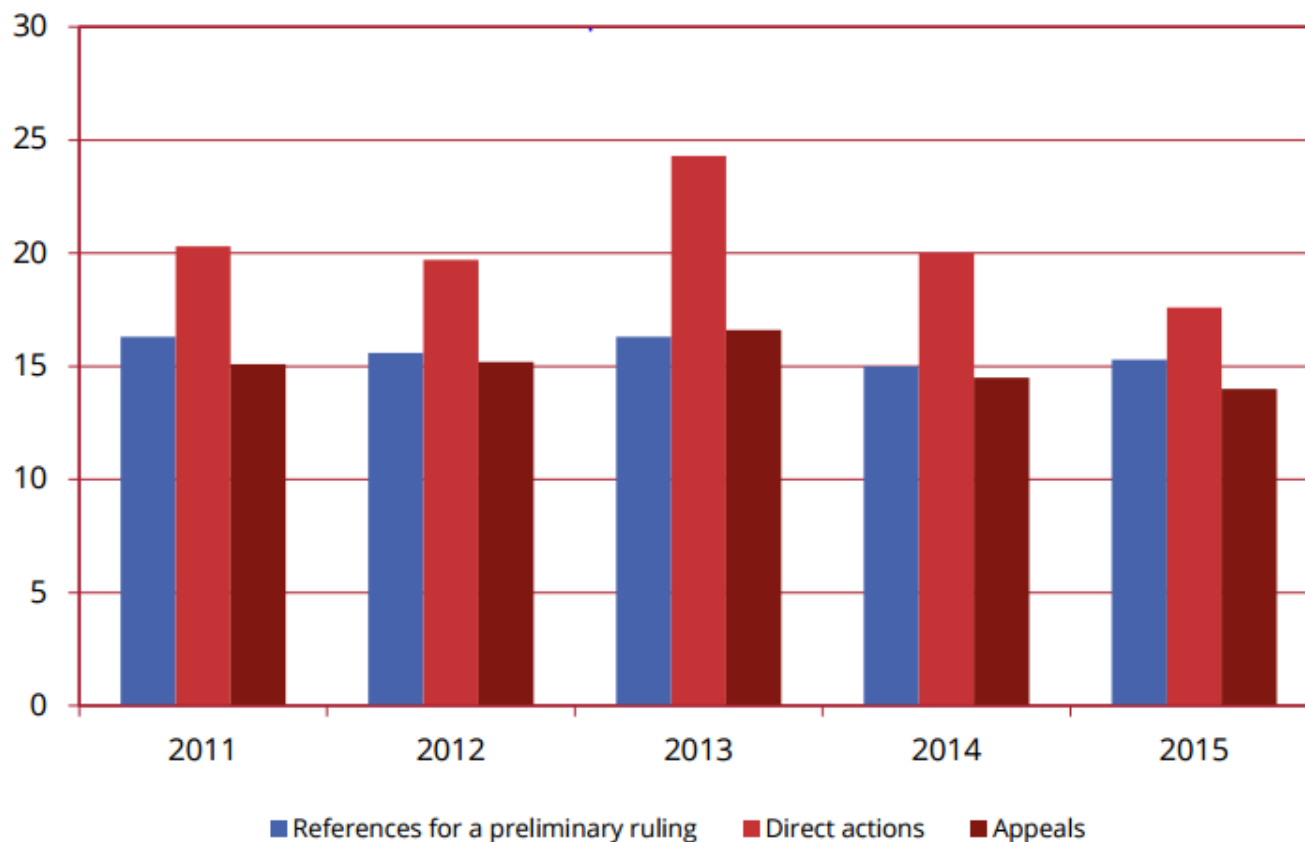
7. COMPLETED CASES — BENCH HEARING ACTION (2011–15) ⁽¹⁾



| | 2011 | | | 2012 | | | 2013 | | | 2014 | | | 2015 | | |
|-------------------------|--------------------|-----------------------|------------|--------------------|-----------------------|------------|--------------------|-----------------------|------------|--------------------|-----------------------|------------|--------------------|-----------------------|------------|
| | Judgments/opinions | Orders ⁽²⁾ | Total | Judgments/opinions | Orders ⁽²⁾ | Total | Judgments/opinions | Orders ⁽²⁾ | Total | Judgments/opinions | Orders ⁽²⁾ | Total | Judgments/opinions | Orders ⁽²⁾ | Total |
| Full Court | 1 | | 1 | 1 | | 1 | | | | 1 | | 1 | | | |
| Grand Chamber | 62 | | 62 | 47 | | 47 | 52 | | 52 | 51 | 3 | 54 | 47 | | 47 |
| Chambers (five judges) | 290 | 10 | 300 | 275 | 8 | 283 | 348 | 18 | 366 | 320 | 20 | 340 | 298 | 20 | 318 |
| Chambers (three judges) | 91 | 86 | 177 | 83 | 97 | 180 | 91 | 106 | 197 | 110 | 118 | 228 | 93 | 89 | 182 |
| President | | 4 | 4 | | 12 | 12 | | | | | | | | | |
| Vice-President | | | | | | | | 5 | 5 | | 1 | 1 | | 7 | 7 |
| Total | 444 | 100 | 544 | 406 | 117 | 523 | 491 | 129 | 620 | 482 | 142 | 624 | 438 | 116 | 554 |

12. COMPLETED CASES — DURATION OF PROCEEDINGS (2011–15) IN MONTHS AND TENTHS OF MONTHS ⁽¹⁾

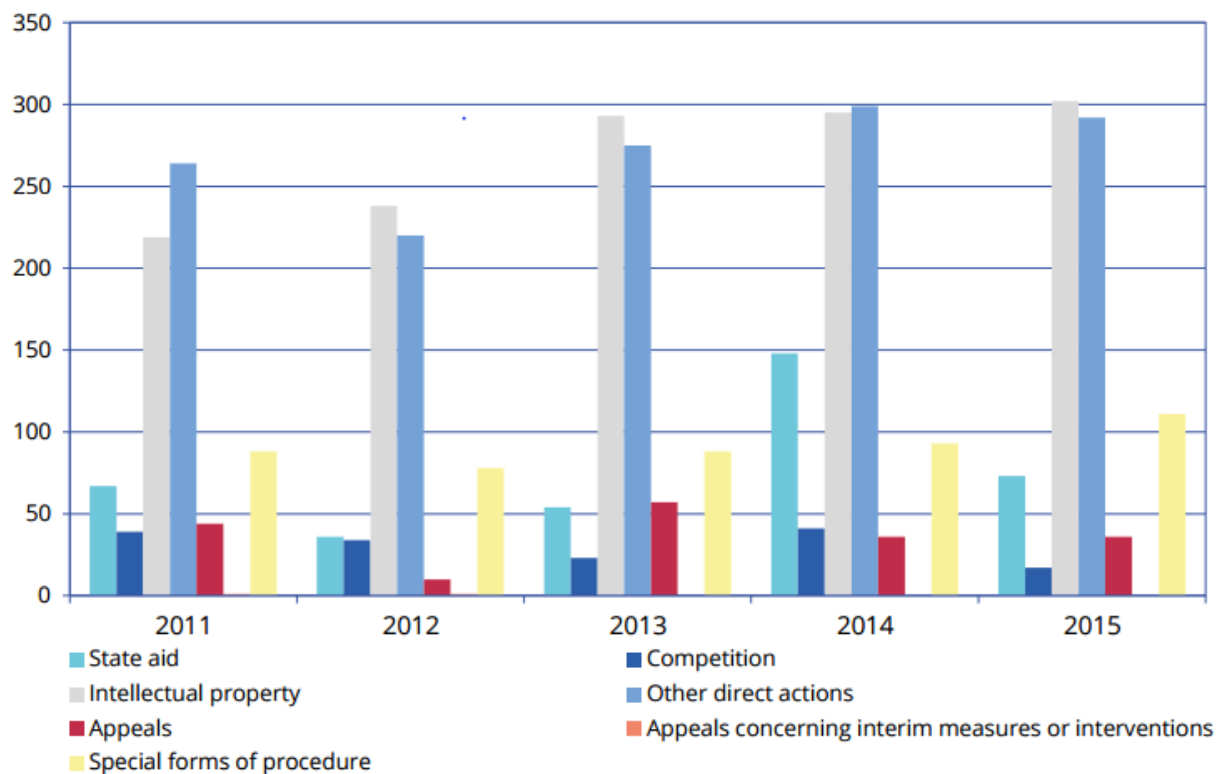
(JUDGMENTS AND ORDERS INVOLVING A JUDICIAL DETERMINATION)



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-------------------------------------|------|------|------|------|------|
| References for a preliminary ruling | 16.3 | 15.6 | 16.3 | 15.0 | 15.3 |
| Urgent preliminary ruling procedure | 2.5 | 1.9 | 2.2 | 2.2 | 2.1 |
| Direct actions | 20.3 | 19.7 | 24.3 | 20.0 | 17.6 |
| Appeals | 15.1 | 15.2 | 16.6 | 14.5 | 14.0 |

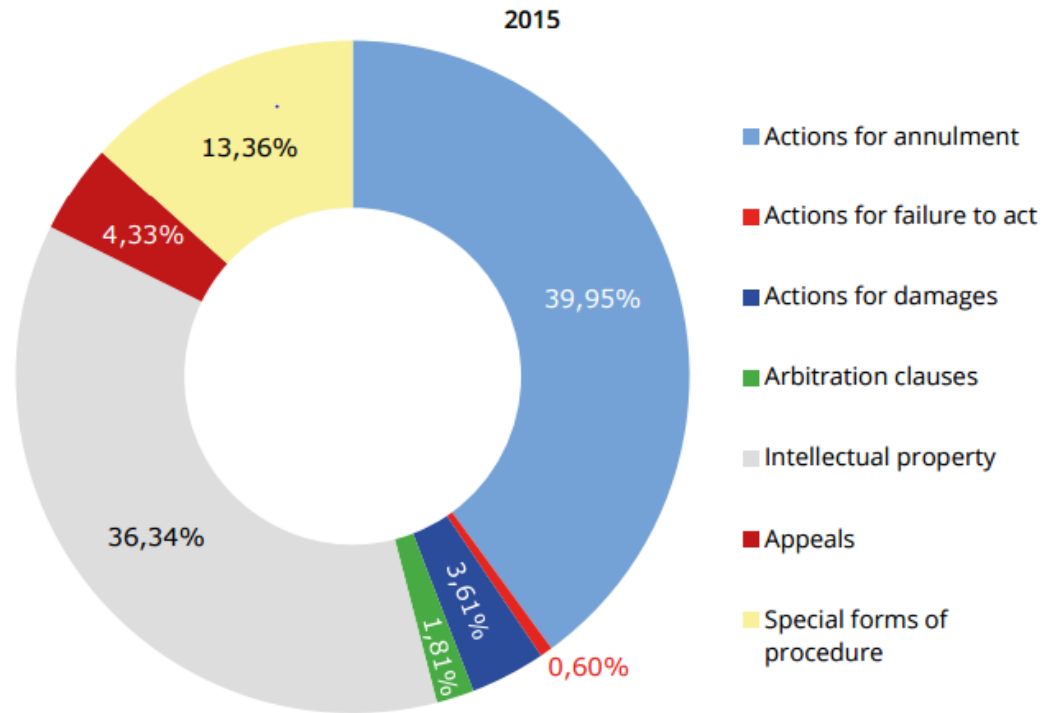
General Court (Annual Report 2015)

2. NEW CASES — NATURE OF PROCEEDINGS (2011–15)



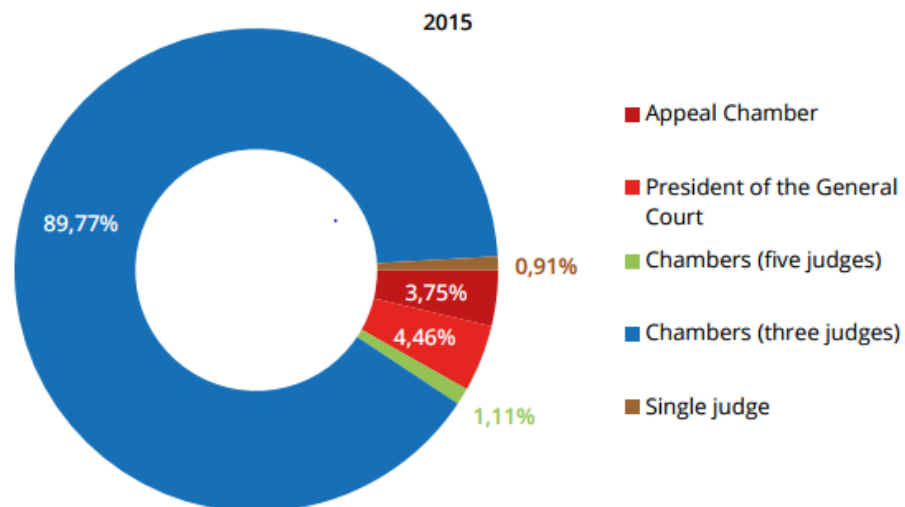
| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------------|------------|------------|------------|------------|
| State aid | 67 | 36 | 54 | 148 | 73 |
| Competition | 39 | 34 | 23 | 41 | 17 |
| Intellectual property | 219 | 238 | 293 | 295 | 302 |
| Other direct actions | 264 | 220 | 275 | 299 | 292 |
| Appeals | 44 | 10 | 57 | 36 | 36 |
| Appeals concerning interim measures or interventions | 1 | 1 | | | |
| Special forms of procedure | 88 | 78 | 88 | 93 | 111 |
| Total | 722 | 617 | 790 | 912 | 831 |

3. NEW CASES — TYPE OF ACTION (2011–15)



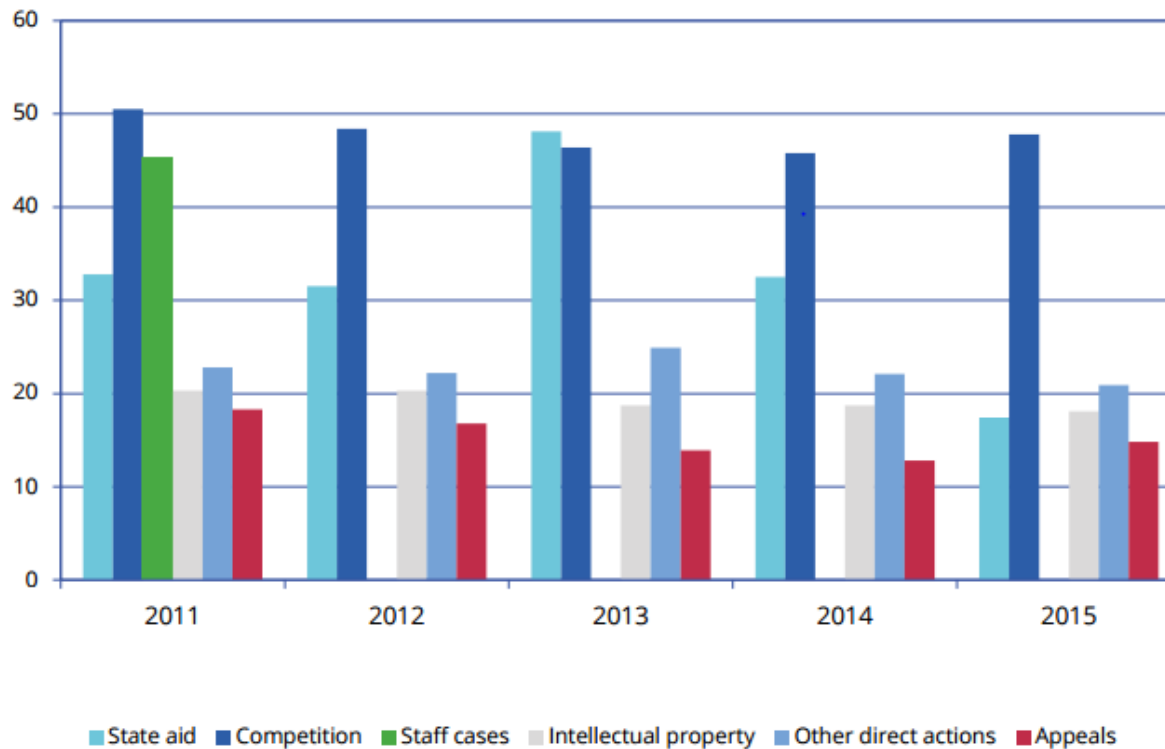
| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------------|------------|------------|------------|------------|
| Actions for annulment | 341 | 257 | 319 | 423 | 332 |
| Actions for failure to act | 8 | 8 | 12 | 12 | 5 |
| Actions for damages | 16 | 17 | 15 | 39 | 30 |
| Arbitration clauses | 5 | 8 | 6 | 14 | 15 |
| Intellectual property | 219 | 238 | 293 | 295 | 302 |
| Appeals | 44 | 10 | 57 | 36 | 36 |
| Appeals concerning interim measures or interventions | 1 | 1 | | | |
| Special forms of procedure | 88 | 78 | 88 | 93 | 111 |
| Total | 722 | 617 | 790 | 912 | 831 |

8. COMPLETED CASES — BENCH HEARING ACTION (2011–15)



| | 2011 | | | 2012 | | | 2013 | | | 2014 | | | 2015 | | |
|--------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | Judgments | Orders | Total | Judgments | Orders | Total | Judgments | Orders | Total | Judgments | Orders | Total | Judgments | Orders | Total |
| Appeal Chamber | 15 | 16 | 31 | 17 | 23 | 40 | 13 | 47 | 60 | 21 | 32 | 53 | 23 | 14 | 37 |
| President of the General Court | | 54 | 54 | | 47 | 47 | | 38 | 38 | | 46 | 46 | | 44 | 44 |
| Chambers (five judges) | 19 | 6 | 25 | 9 | | 9 | 7 | 1 | 8 | 9 | 7 | 16 | 8 | 3 | 11 |
| Chambers (three judges) | 359 | 245 | 604 | 328 | 264 | 592 | 378 | 218 | 596 | 398 | 301 | 699 | 538 | 348 | 886 |
| Single judge | | | | | | | | | | | | | 1 | 8 | 9 |
| Total | 393 | 321 | 714 | 354 | 334 | 688 | 398 | 304 | 702 | 428 | 386 | 814 | 570 | 417 | 987 |

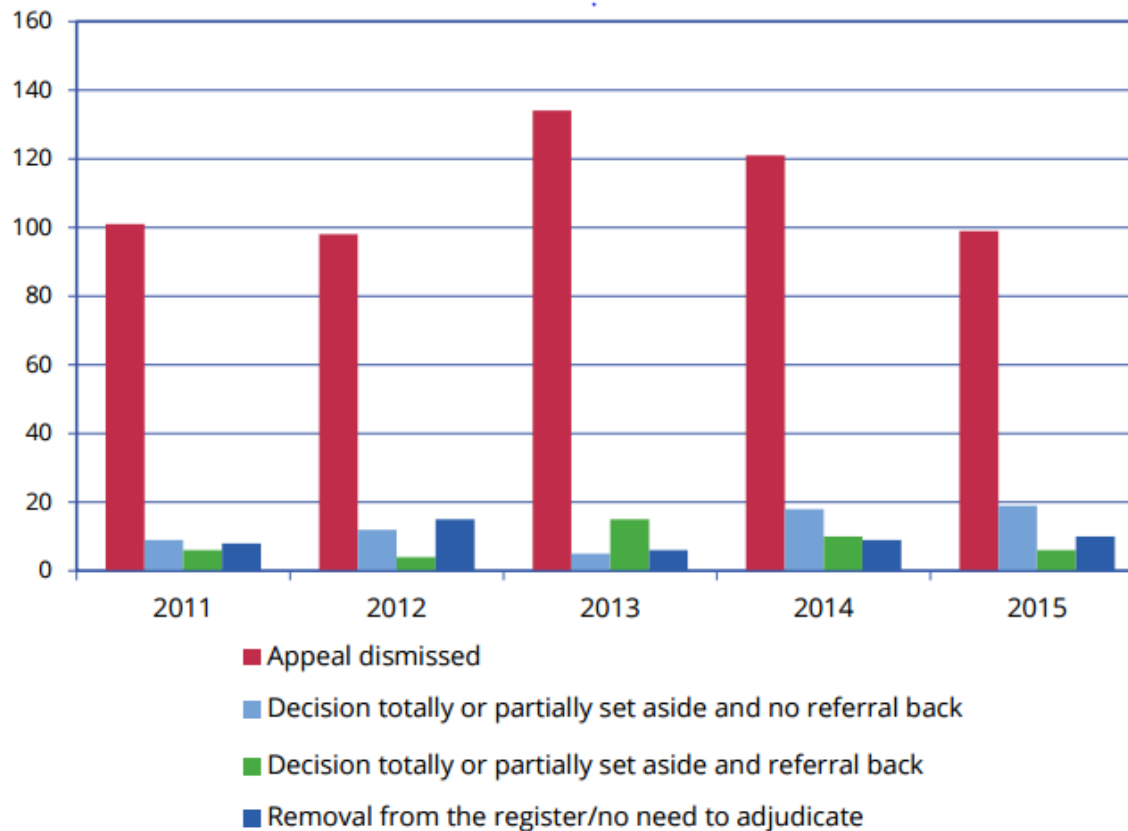
9. COMPLETED CASES — DURATION OF PROCEEDINGS IN MONTHS
(2011–15) ⁽¹⁾
(JUDGMENTS AND ORDERS)



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|-----------------------|-------------|-------------|-------------|-------------|-------------|
| State aid | 32.8 | 31.5 | 48.1 | 32.5 | 17.4 |
| Competition | 50.5 | 48.4 | 46.4 | 45.8 | 47.8 |
| Staff cases | 45.3 | | | | |
| Intellectual property | 20.4 | 20.3 | 18.7 | 18.7 | 18.1 |
| Other direct actions | 22.8 | 22.2 | 24.9 | 22.1 | 20.9 |
| Appeals | 18.4 | 16.8 | 13.9 | 12.8 | 14.8 |
| All cases | 26.7 | 24.8 | 26.9 | 23.4 | 20.6 |

18. MISCELLANEOUS — RESULTS OF APPEALS BEFORE THE COURT OF JUSTICE (2011-15)

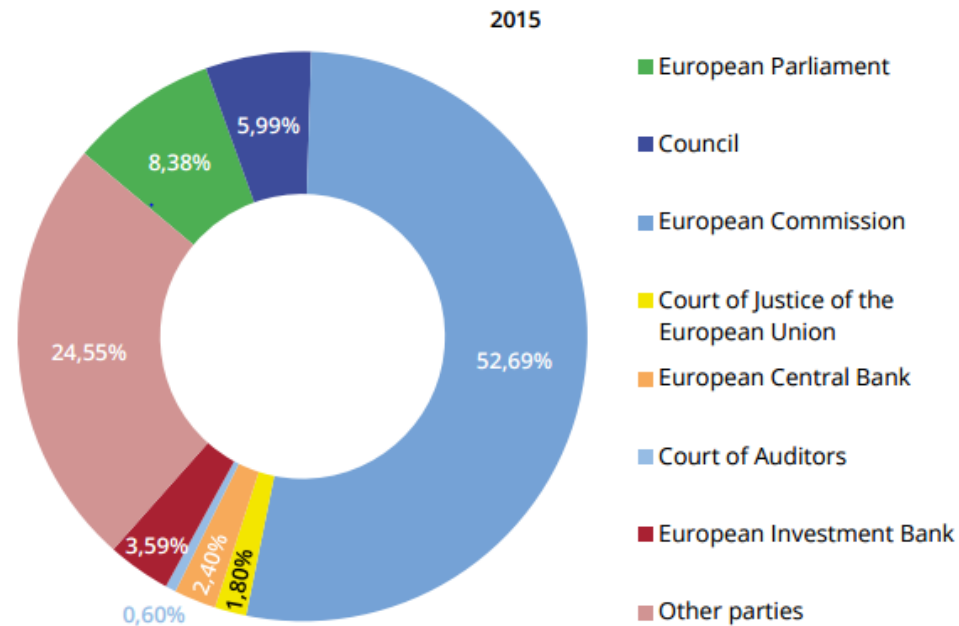
(JUDGMENTS AND ORDERS)



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|------------|------------|------------|------------|------------|
| Appeal dismissed | 101 | 98 | 134 | 121 | 99 |
| Decision totally or partially set aside and no referral back | 9 | 12 | 5 | 18 | 19 |
| Decision totally or partially set aside and referral back | 6 | 4 | 15 | 10 | 6 |
| Removal from the register/ no need to adjudicate | 8 | 15 | 6 | 9 | 10 |
| Total | 124 | 129 | 160 | 158 | 134 |

CST (Annual Report 2015)

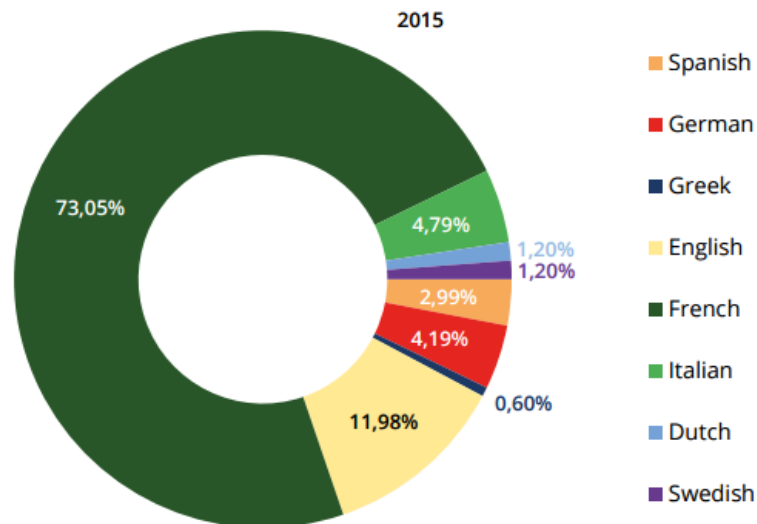
2. NEW CASES — PERCENTAGE OF THE NUMBER OF CASES PER PRINCIPAL DEFENDANT INSTITUTION (2011–15)



| | 2011 | 2012 | 2013 | 2014 | 2015 |
|--|-------------|-------------|-------------|-------------|-------------|
| European Parliament | 6.29% | 6.11% | 5.66% | 11.80% | 8.38% |
| Council | 6.92% | 3.89% | 3.77% | 8.70% | 5.99% |
| European Commission | 66.67% | 58.33% | 49.69% | 45.96% | 52.69% |
| Court of Justice of the European Union | 1.26% | | 0.63% | | 1.80% |
| European Central Bank | 2.52% | 1.11% | 1.89% | 1.24% | 2.40% |
| Court of Auditors | 0.63% | 2.22% | 0.63% | 1.24% | 0.60% |
| European Investment Bank | 4.32% | 4.44% | 5.03% | 1.24% | 3.59% |
| Other parties | 11.40% | 23.89% | 32.70% | 29.81% | 24.55% |
| Total | 100% | 100% | 100% | 100% | 100% |

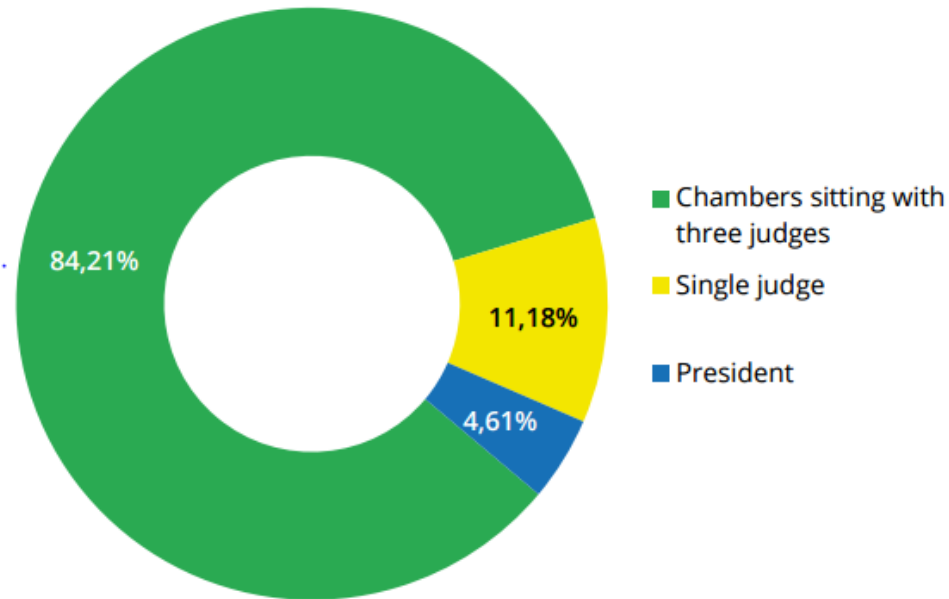
3. NEW CASES — LANGUAGE OF THE CASE (2011–15)

The language of the case corresponds to the language in which the proceedings were brought and not to the applicant's mother tongue or nationality.



| Language of the case | 2011 | 2012 | 2013 | 2014 | 2015 |
|----------------------|------------|------------|------------|------------|------------|
| Bulgarian | | 2 | | | |
| Spanish | 2 | 3 | | 2 | 5 |
| German | 10 | 5 | 2 | 9 | 7 |
| Greek | 4 | 1 | 4 | 2 | 1 |
| English | 23 | 14 | 26 | 23 | 20 |
| French | 87 | 108 | 95 | 113 | 122 |
| Italian | 29 | 35 | 21 | 8 | 8 |
| Hungarian | 1 | | | | |
| Dutch | 1 | 6 | 12 | | 2 |
| Polish | 1 | 2 | | | |
| Romanian | | 2 | | | |
| Slovak | 1 | | | | |
| Swedish | | | | | 2 |
| Total | 159 | 178 | 160 | 157 | 167 |

4. COMPLETED CASES — JUDGMENTS AND ORDERS — BENCH HEARING ACTION (2015)



| | Judgments | Orders for removal from the register, following amicable settlement ⁽¹⁾ | Other orders terminating proceedings | Total |
|------------------------------------|-----------|--|--------------------------------------|------------|
| Full court | | | | |
| Chambers sitting with three judges | 60 | 14 | 54 | 128 |
| Single judge | 15 | | 2 | 17 |
| Cases not yet assigned | | | | |
| President | | | 7 | 7 |
| Total | 75 | 14 | 63 | 152 |

7. COMPLETED CASES — DURATION OF PROCEEDINGS IN MONTHS (2015)

| Completed cases | | Average duration | |
|-----------------|------------|----------------------------|--|
| | | Duration of full procedure | Duration of procedure, not including duration of any stay of proceedings |
| Judgments | 75 | 16.1 | 15.9 |
| Orders | 77 | 9.9 | 8.3 |
| Total | 152 | 13.0 | 12.1 |

Transposition of EU directives

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] | 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 |
| | 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)



[Leaflet](#) | Credit: EC-GISCO, © EuroGeographics for the administrative boundaries

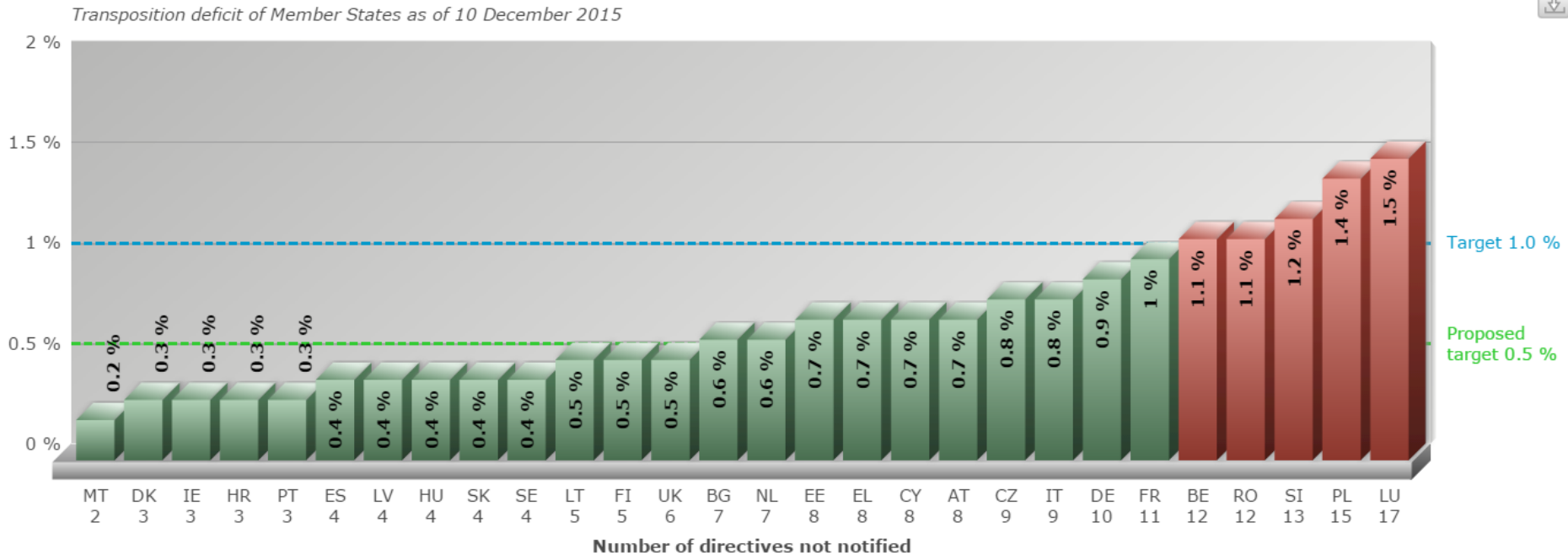
A Member State's **performance across all 5 indicators** is calculated by scoring each indicator in chart 1 as follows:
RED = -1, YELLOW = 0 and GREEN = +1.

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

http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/transposition/index_en.htm

Indicator [1]: Transposition deficit

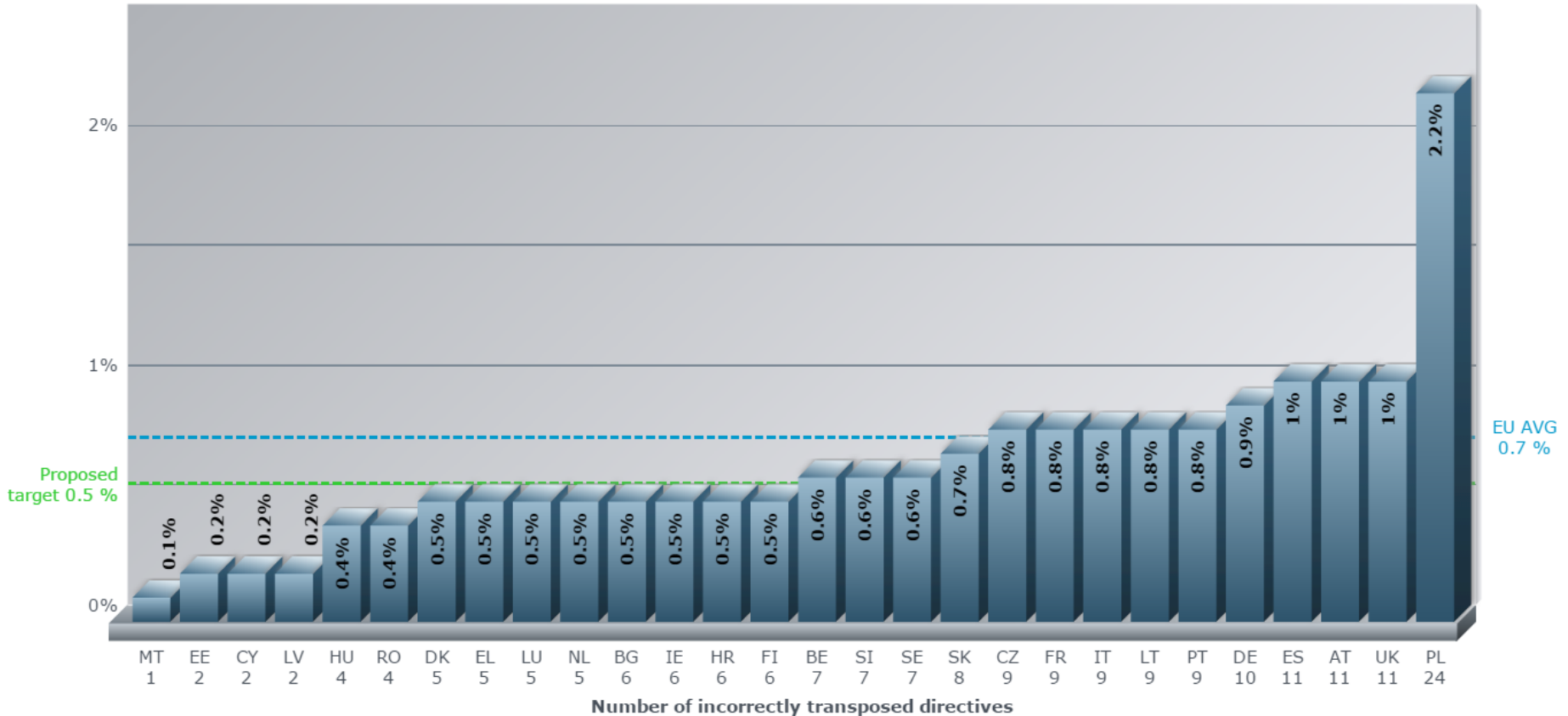


Status quo! Over the last six months, the average transposition deficit has remained unchanged at **0.7%** (see also the graph "Changes in the average transposition deficit" under "Achievements" below).

5 Member States still exceed the 1% target.

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

Compliance deficit of Member States as at 10 December 2015



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

Compliance with EU law

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)

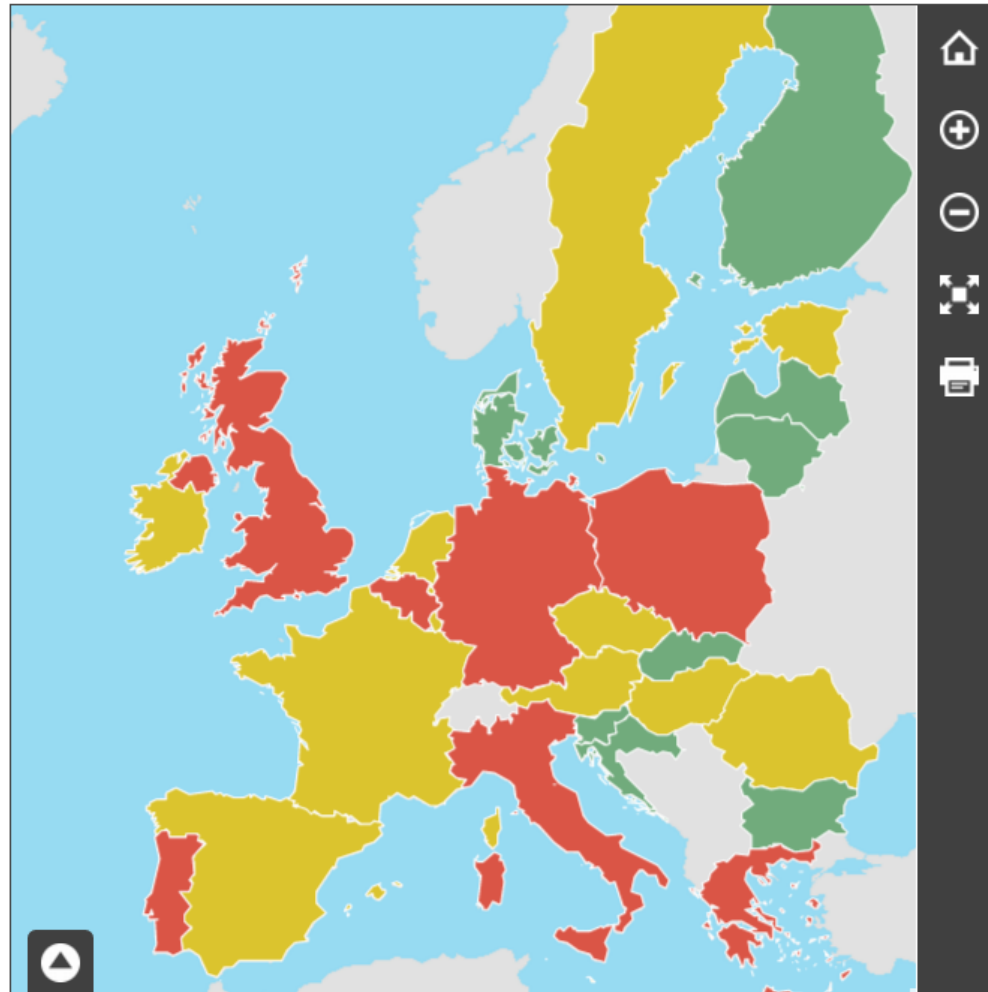


| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|------|------|------|------|------|------|------|------|------|------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| [1] | 37 | 17 | 28 | 14 | 55 | 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)



[Leaflet](#) | Credit: EC-GISCO, © EuroGeographics for the administrative boundaries

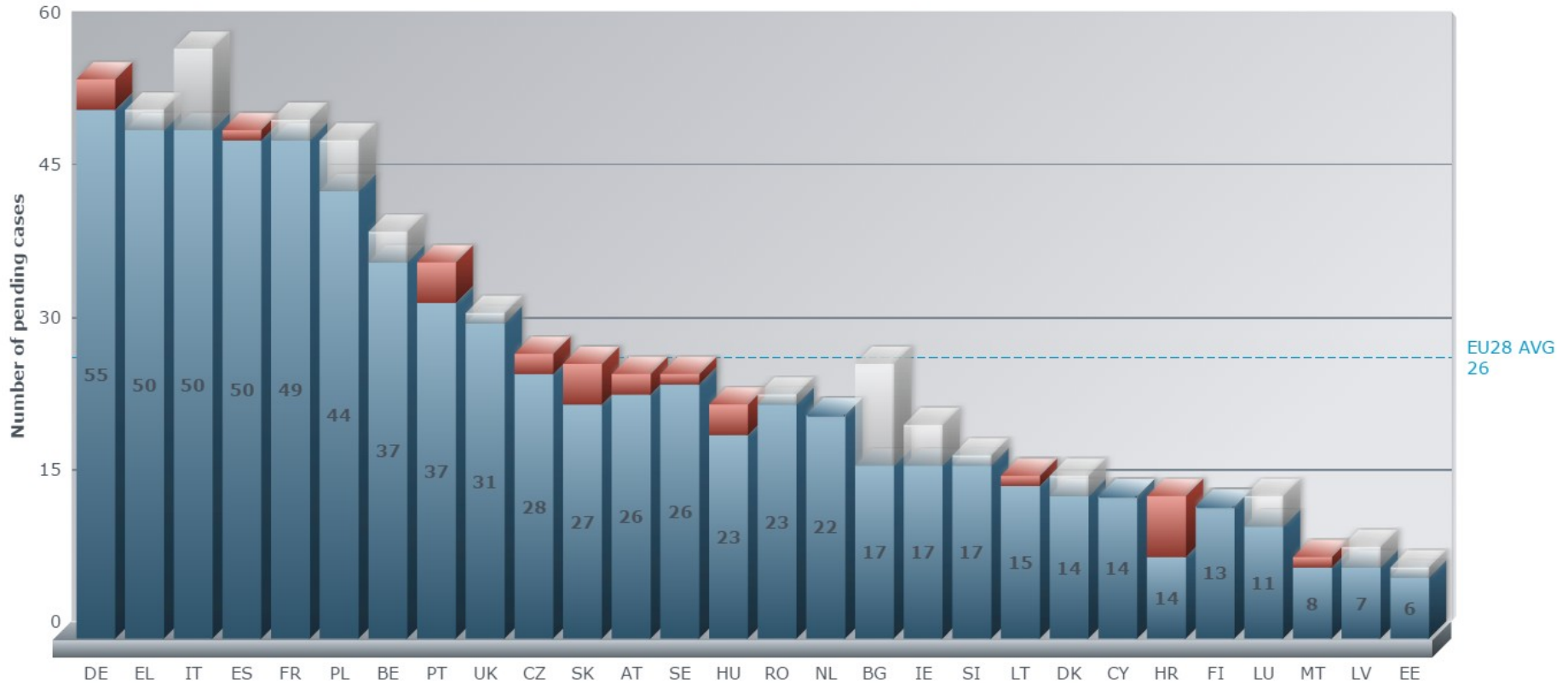
A Member State's **performance across all 3 indicators** is calculated by scoring each indicator in chart 1 as follows:
RED = -1, YELLOW = 0 and GREEN = +1.

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

Indicator [1]: Number of pending infringement proceedings

Pending infringement proceedings as of 1st December 2015. The differences since the previous Scoreboard (the October 2015 Single Market Scoreboard, with figures from May 2015) are shown at the top of each bar in the chart: transparent parts represent the decrease in the number of pending cases (not counting for the final result), while the red part shows the increase of the number of pending cases.



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

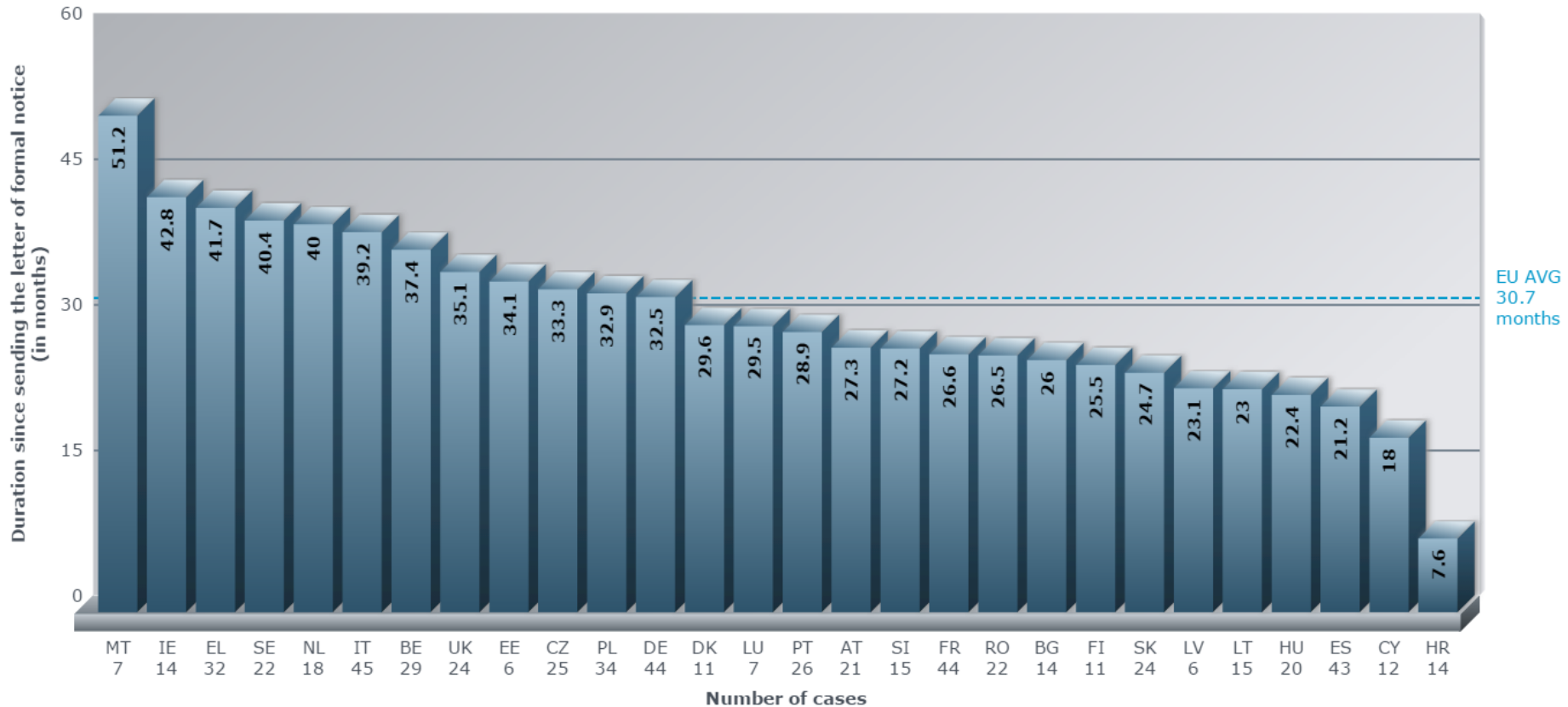
Average cases per Member State: 26 (27 in May 2015)

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

Indicator [2]: Duration of infringement proceedings



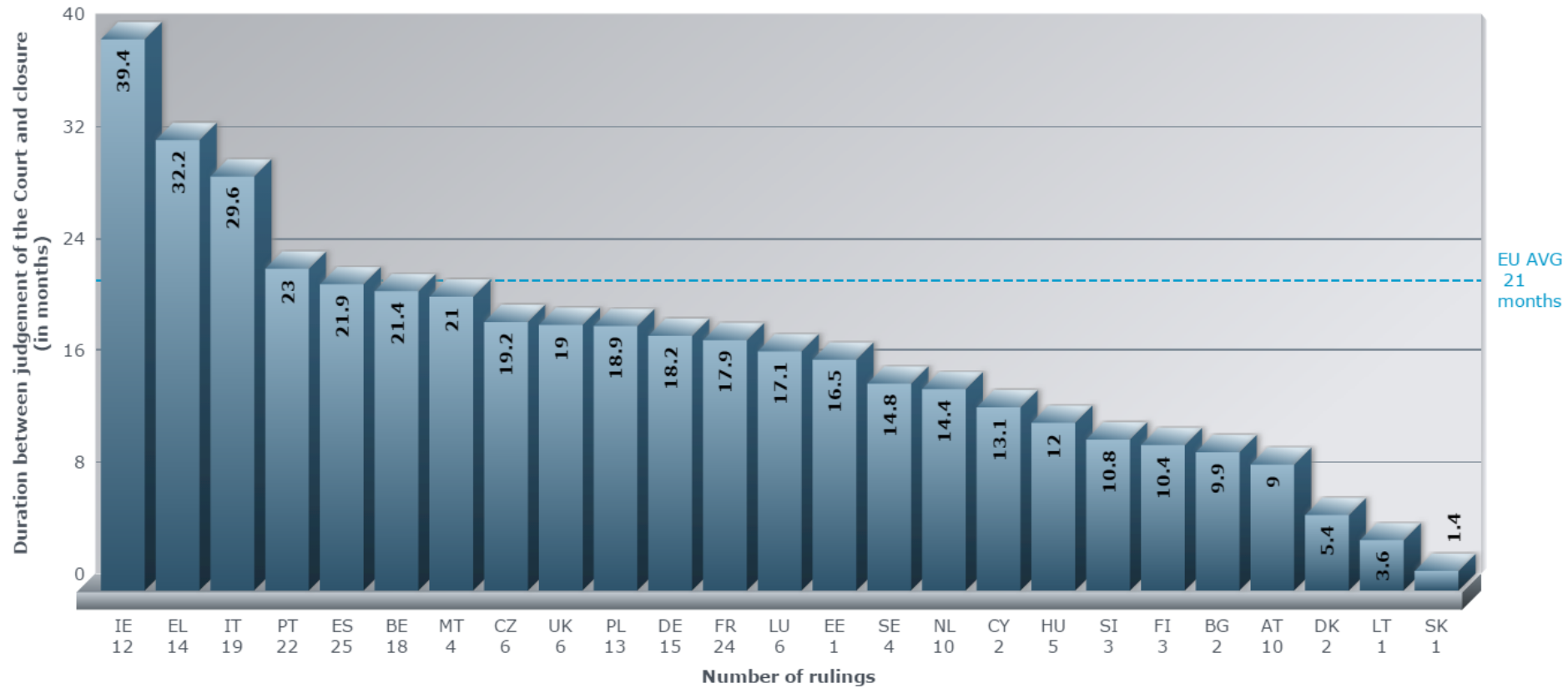
Pending infringement cases not yet sent to the Court (pre-litigation stage) as of 1 December 2015 (605 cases). The average duration is calculated in months from the sending of the letter of formal notice.



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

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

Cases closed between 1 December 2000 and 30 November 2015 where the Court has ruled against a Member State (228 cases). This graph shows the average time (in months) between the delivery of the Court's judgment and the closure of the case confirming that the Member State has complied with the judgment.



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

Cases by sector

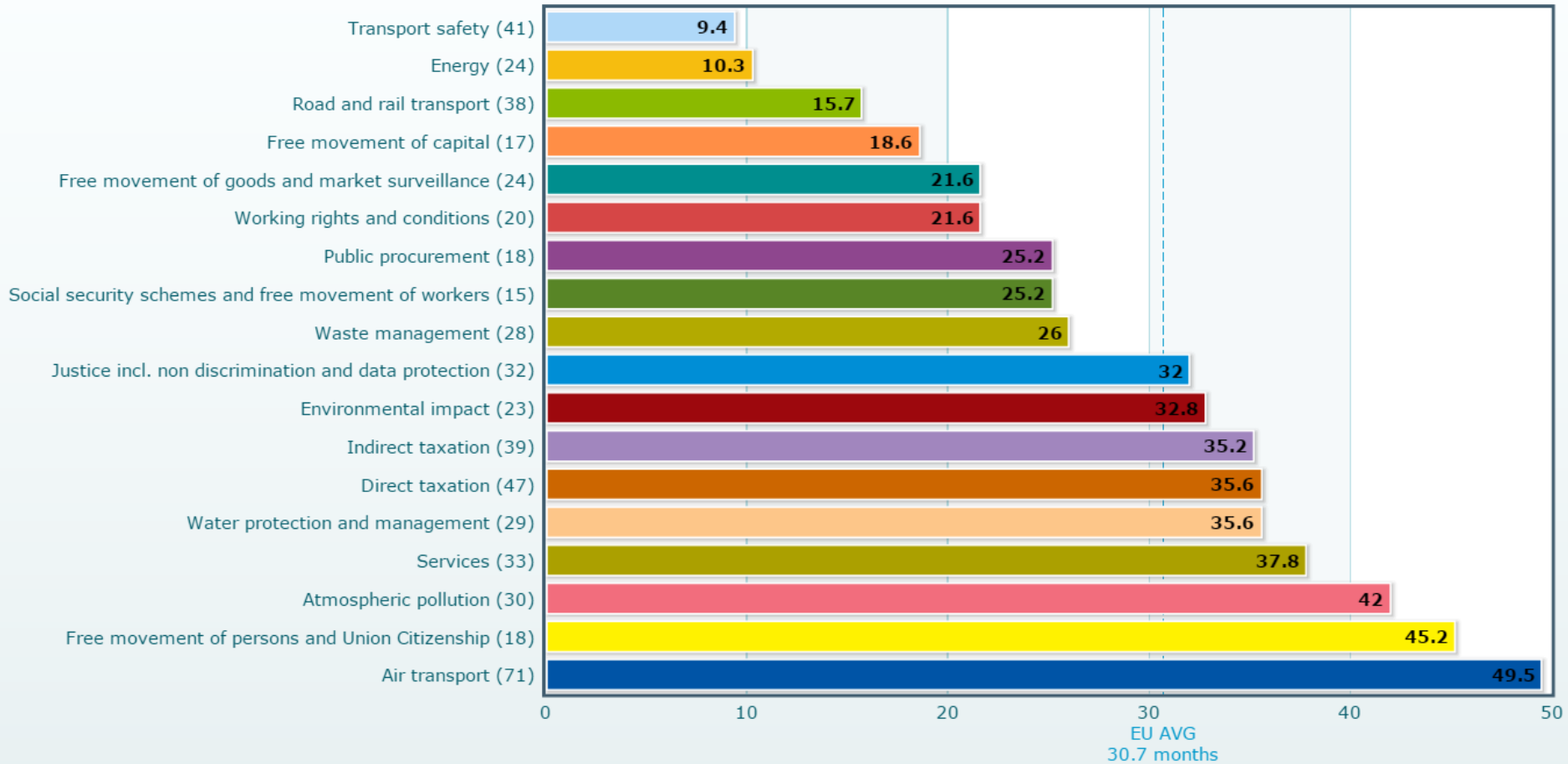
This table shows the total number of infringement cases for each Member State, broken down by sector, as of 1 December 2015. Sectors with only a few infringement proceedings are included in "other fields". The highlighted figures show the sector(s) with the highest number of infringement cases in each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

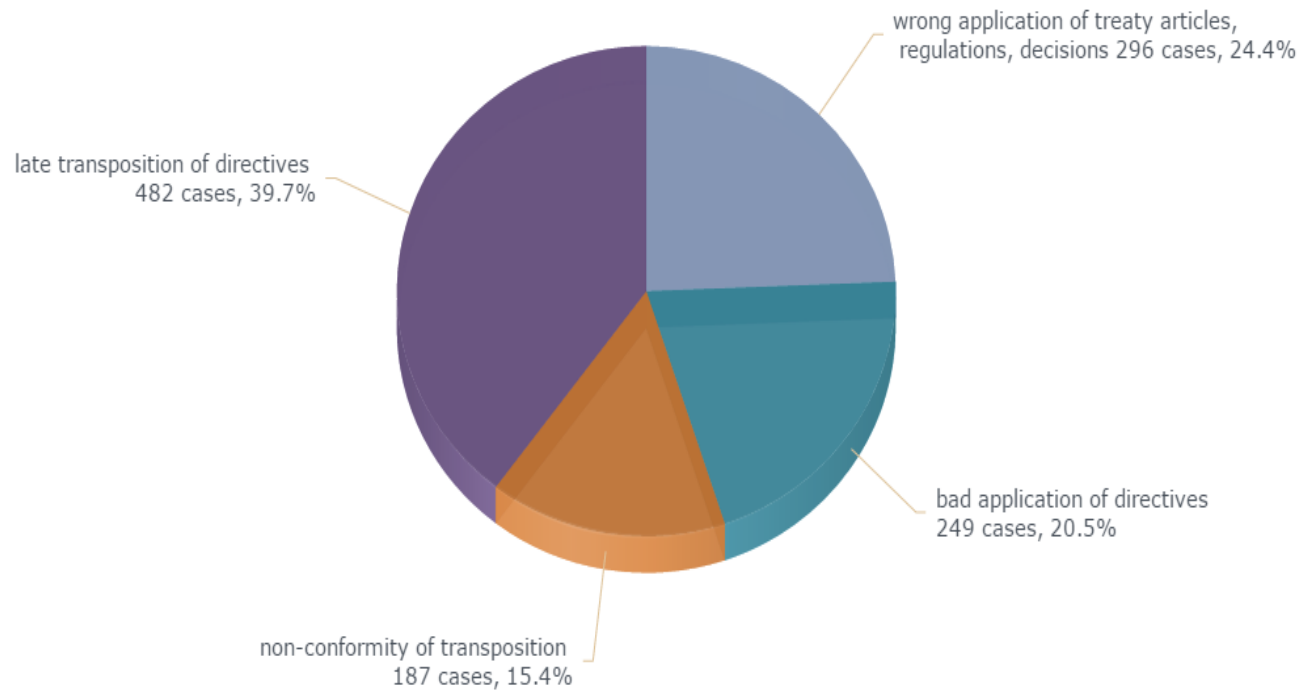
Average duration by sector

Pending infringement cases not yet sent to the Court (still in the pre-litigation phase) as of 1 December 2015, broken down by sectors including at least 15 cases (547 cases). The average duration is calculated in months from the sending of the letter of formal notice.
 (#) = number of cases



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 (1 214 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