

InfringEye

Understanding Eu infringement procedure through data



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Numbers

3,850

complaints against Eu
Member states in 2018

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73%

the average resolution
rate of Eu Pilots

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644

the new infringement
cases opened in 2018

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1,571

pending cases at the end
of 2018. Spain with the
highest number (97)

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74%

of cases are caused by
late transposition of Eu
directives

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57

new cases were opened
at the Ecj in 2018 for
Member states failing to
fulfil obligations

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Introduction

The European member states and the European Commission share responsibility for ensuring compliance with community law. This collaborative spirit is the basis of the fiduciary relationship between nations and institutions. In a certain sense it also represents one of the best ways to check the health of the European Union, for every year a large number of directives and regulations approved by the European institutions must be transposed into member states' national legislations.

Both cultural and regulatory integration form a cornerstone of the relationship between EU member states. In this regard, the topic of European infringement procedures cannot be ignored. The typical narrative doesn't take into account the high cost of non compliance with community law. While there is of course an economic cost, there is also, and above all, an impact on European citizens' quality of life.



Both cultural and regulatory integration form a cornerstone of the relationship between EU member states.

Over the years, there have been efforts to establish a constructive relationship between the Commission and the member states in an effort to limit the number of infringement procedures, and give member states sufficient time to properly comply. This journey, as we'll see, has had mixed results: while the annual number of open procedures has fallen, complaints and reports filed by citizens are rising constantly. At the same time, member states seem to be having difficulty breaking with old habits, with the number of pending infringement procedures rising at the end of each year.

How infringement procedure work

European law is implemented through three tools: decisions, directives and regulations. These tools vary in type, requirements and function. Decisions are binding legal acts which apply to one or more EU countries, companies or citizens. These do not have to be transposed into national law, since they are automatically binding from the day they enter into force.

The same goes for regulations. These are legal acts which automatically and uniformly apply in all EU countries once approved, and do not require transposition into national law. Directives, however, are different: these are measures which require specific results from EU countries. Member states, which have to adopt the necessary measures to integrate directives into national law and achieve the agreed objectives, are free to choose how to realise these goals. However, national authorities must communicate such measures to the European Commission. Transposition into national law must happen within a fixed timeframe, generally two years.

The Commission is responsible for guaranteeing that all member states correctly apply EU law. This is why the Commission is called the “custodian of the treaties”. The Commission can intervene in two cases: when a given directive is not fully transposed by the agreed deadline, or when EU law is incorrectly applied. When either kind of case arises, the Commission can launch formal infringement proceedings.

An infringement procedure can be launched for three different reasons:

- non-communication: when the member state has failed to communicate its transposition measures to the Commission on time;
- non-application: when the European Commission finds that the member state’s legislation is not in line with European legislation;
- misapplication: when European law is not applied, or is applied incorrectly, by the member state;

The process leading to the opening of an infringement procedure can begin in various ways. Besides internal investigations handled by the Commission, citizens, companies, and non-governmental organisations can file a complaint against a country’s non-compliance with European law. The two articles of the Treaty on the functioning of the European Union (TFEU) which regulate the whole process are numbers 258 and 260. If the EU country in question does not communicate its transposition measures for a given directive, or fails to rectify an

alleged violation of EU law, the Commission can launch a formal infringement procedure (Art. 258 TFEU). During the pre-litigation phase the Commission sends a formal notice to the country under investigation, which must then respond with explanations within a fixed term.

In cases where the member state does not respond, or returns an unsatisfactory response, the Commission can decide to send a “reasoned opinion” requesting that the regulatory failings be addressed by a given date. Should the non-compliance continue, the Commission can decide to open a case, with recourse to the European Court of Justice. If the court upholds that the country in question has in fact violated European law, it can pass a sentence and demand that the national authorities in question comply by adopting the right measures.

If, despite the European Court of Justice’s judgement, the country still fails to rectify the situation, the Commission can refer the matter again to the Court (Art. 260 TFEU). When a country is brought to the Court of Justice for the second time, the Commission proposes that the court imposes financial penalties, which can consist of a lump sum and/or daily payments. The fines are calculated according to various factors:

- The importance of the regulation which was violated, and the effect this infringement has on public and private interests;
- The length of time for which EU law has not been applied;
- The ability of the country to pay, in order to ensure that the fines can act as a deterrent.

The sum proposed by the Commission can be modified by the court in its sentence.

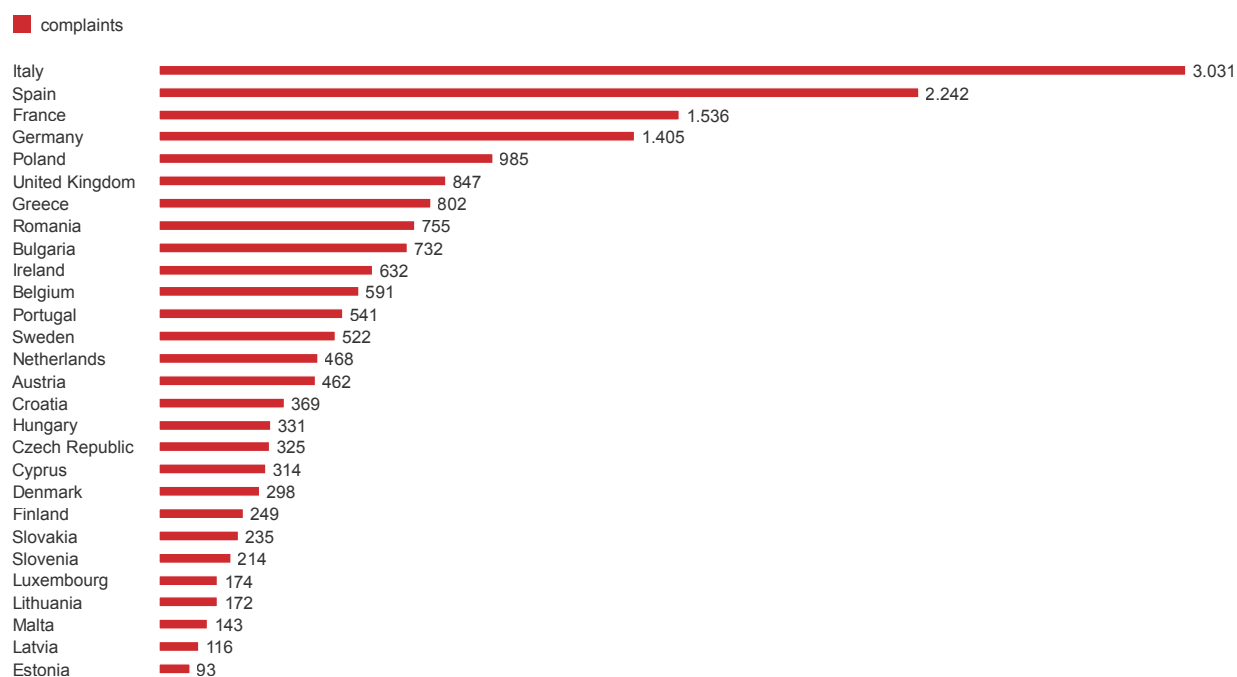
What happens before an infringement procedure

The routes which lead to the opening of an infringement procedure are varied, and can involve many different litigating parties: on the one hand, the Commission itself through special investigations, or on the other, citizens through reports and petitions. The latter are constantly rising in number: on average, more than 3,700 complaints are received every year against members states for potential violations of community law.

Between 2014 and 2018, just three countries were the subject of more than one third of complaints: Italy (16.31 percent), Spain (12.06 percent) and France (8.27 percent). In 2016, Italy was the subject of 753 complaints, the record for a single member state.

Complaints towards Eu Member states

Number of complaints between 2014 and 2018

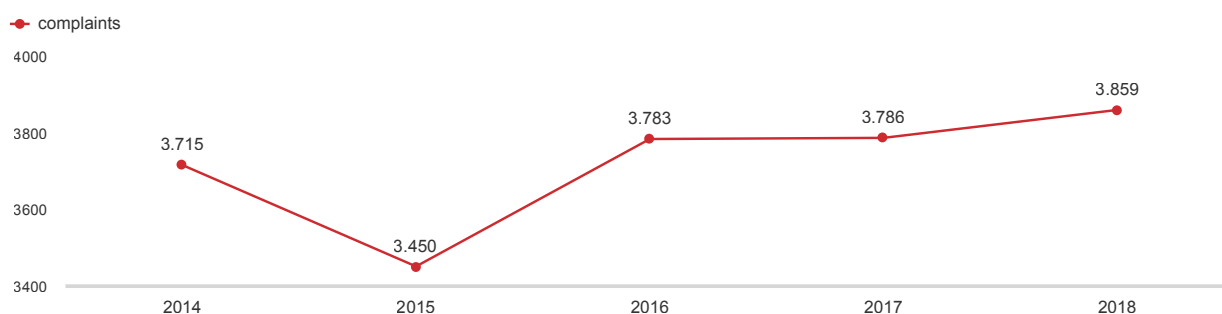


SOURCE: EdjNet-openpolis

While the data for individual countries show very different situations from one to the other, the general trend, as mentioned above, shows strong growth. 2018 saw the highest number since 2014, with 3,859 complaints, 200 more than the previous year's average. Once again, three countries were the subjects of a large proportion of complaints. First is Italy, with 633 complaints, almost half of which concern the internal market. Next is Spain, with 486 complaints, and France with 316.

Trend in complaints about potential breaches of Eu law

Number of complaints between 2014 and 2018



SOURCE: EdjNet-openpolis

More than 20 percent of citizens' complaints between 2014 and 2018 concerned the policy area of "justice and consumers". Last year a record was reached, not just for complaints, but also for complaints concerning this specific policy area, with precisely 943 in total. In this regard, for citizens, and above all consumers, the perception appears increasingly negative. There is a general feeling, shown by the high number of complaints, that member states are not complying with community law, and more specifically that the rights of citizens and consumers are being trampled upon.

4,77%

of complaints led to a formal investigation from the Commission

It is important to stress that the vast majority of these complaints come to nothing. Only 4.77 percent of complaints filed in 2018 led to further investigation by the Commission,

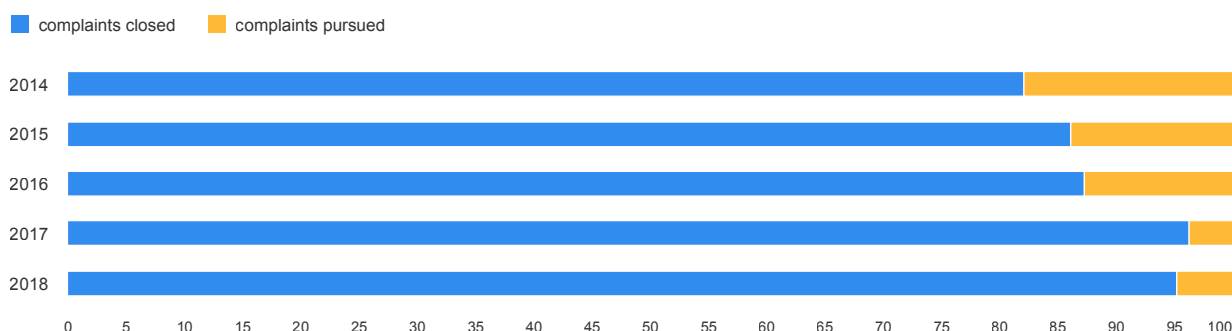
through the EU Pilot mechanism. To make matters worse, while the number of complaints is increasing, the percentage of these leading to the opening of an EU Pilot case is constantly falling. In 2014 the figure was 17.09 percent, in 2016 it fell to 12.75 percent, and in 2018, as mentioned above, it fell 4.77 percent.

These numbers can mean many things, but they certainly indicate that citizens' perception of member states is getting worse, leading them to file an increasing number of complaints, which rarely lead to a genuine investigation by the European Commission.

Of the 3,882 complaints handled in 2018, only 185 led to the opening of an EU Pilot case or infringement procedure. Nearly all of these complaints, 3,697, were dismissed by the institutions, whether due to there not being any violation of European law, or there being an error of some kind, or the complaint being withdrawn.

Complaints leading to investigations

Complaints that led to investigations vs. complaints that did not



SOURCE: EdjNet-openpolis

Following a complaint, or its own internal investigations, the European Commission can decide to launch an EU Pilot investigation. This tool is deployed in order to anticipate and resolve potential difficulties, without having to launch an actual infringement procedure.

The EU Pilot mechanism, established by the Commission and the member states for the exchange of information and resolving problems concerning the application of EU law, or the compliance of national law with EU law, is designed for the phase prior to the formal opening of an infringement procedure.

Despite the fact that this tool has yielded plenty of fruit over the years, the Commission has recently stressed the need to make less use of the EU Pilot, in order to avoid adding more

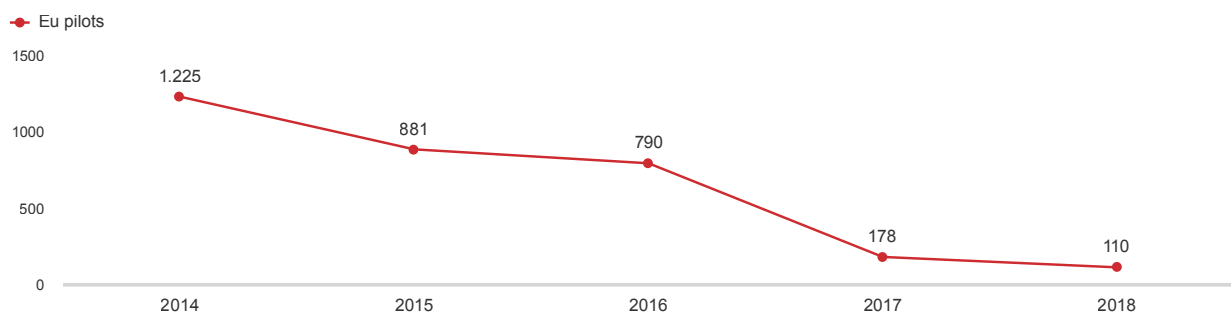
bureaucratic stages before launching an actual infringement procedure. For this reason, in urgent cases, an infringement procedure can be launched without a prior EU Pilot investigation. The Commission's new strategy is all too apparent when we look at specific data: the number of EU Pilot cases went from 1,225 in 2014, to just 110 in 2018. The major drop occurred in 2017, when the number of recorded cases was 178, compared to 790 the previous year (2016).

The EU Pilot mechanism was established by the Commission and the member states for the exchange of information and resolving problems concerning the application of EU law

An EU Pilot case can be opened following a citizens complaint, or on the initiative of the Commission itself. Of the 110 new cases launched in 2018, only 24 reached the attention of the Commission following a citizens complaint, while the remaining 86 cases were launched on the initiative of the Commission itself. Once again, proof of how perception is distorted among European citizens. In concrete terms, when cases finally approach actual infringement procedures, this occurs primarily on the initiative of the Commission, and not due to citizens' complaints. This view is also corroborated by the fact that the number of EU Pilot cases opened for "justice and consumers", the area where citizens' complaints are most numerous, was zero in 2017 and 2018.

Eu Pilot files (2014-2018)

Number of Eu pilots files between 2014 and 2018



SOURCE: EdjNet-openpolis

As mentioned above, the EU Pilot mechanism is based on establishing a constructive dialogue between member states and the Commission, so that infringement procedures might be avoided. In this regard, it is important to look at the resolution rate of EU Pilot cases. The resolution rate is the percentage of EU Pilot cases handled by the Commission where the member states' responses are deemed satisfactory. The higher this percentage is, the more useful an institution like the EU Pilot appears to be, avoiding the opening of infringement procedures through dialogue between member states and the Commission.

73%

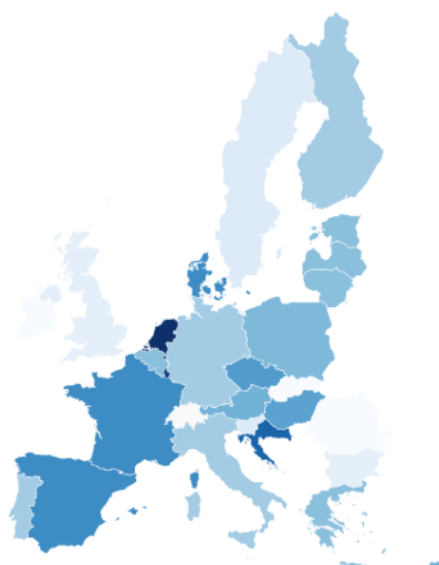
is the average resolution rate of Eu Pilots

At the end of 2018, the EU average was 73%. Among the most skilled countries in this regard are the Netherlands, with a resolution rate of 91%, Luxembourg (89%) and Croatia (85%). Among the larger EU countries, France and Spain also perform well, both having a rate of 80%. Doing less well, however, are Germany and Italy, with 71%, and the UK (63%).

Resolution rate of Eu member states

Data for 2018

60 91



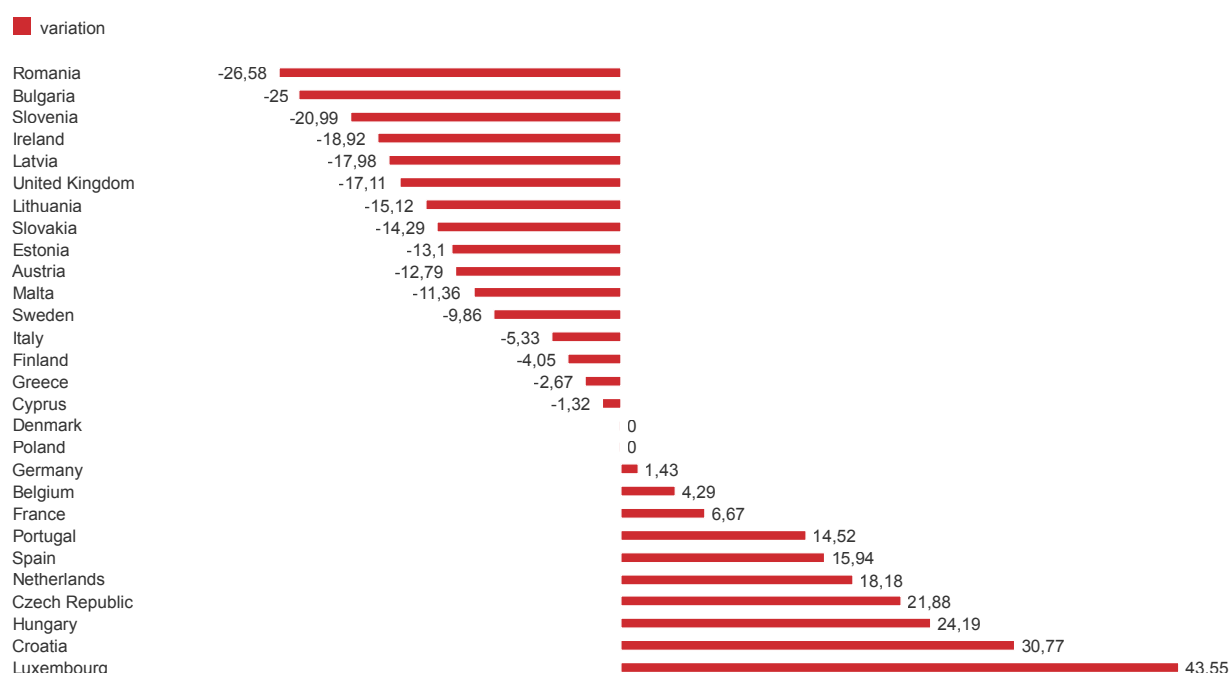
SOURCE: EdjNet-openpolis

It is certainly worth noting how this figure varies over the years. It can be used to trace the capacity of individual countries to respond to the Commission's investigations, hold constructive talks, and avoid infringement procedures.

Overall, on the European level, the resolution rate has fallen by 3 percent from 2014 to 2018, dropping from 75 to 73 percent. 57 percent of EU countries saw their resolution rate worsen over the last four years: Romania above all, whose resolution rate fell from 79 to 58 percent, a drop of 26.58 percent. Bad signs also emerge from Bulgaria (-25 percent) and Slovenia (-20.99 percent). On the other hand, Luxembourg (+43.55 percent), Croatia (+30.77 percent) and Hungary (+24.19 percent) have improved significantly. Among the larger EU countries, the biggest losers are the UK (-17.11 percent) and Italy (-5.33 percent). There has only been a slight improvement for Germany (+1 percent), while France (+7 percent) and Spain (+16 percent) show the greatest improvement.

Variation in resolution rate

Resolution rate variation between 2014 and 2018



SOURCE: EdjNet-openpolis

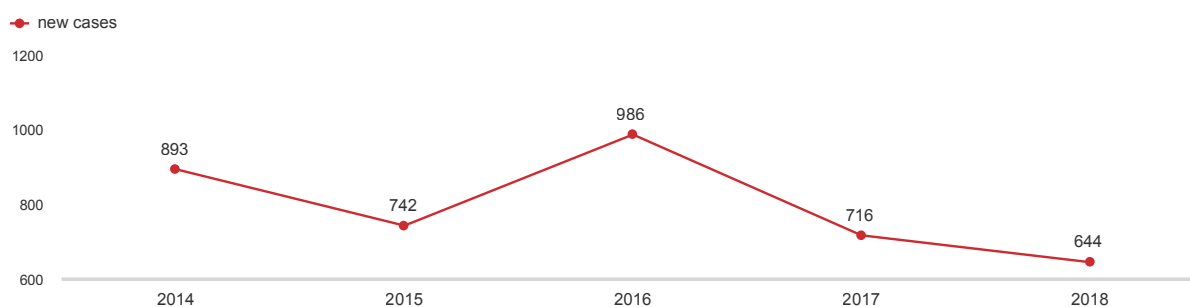
What has happened over the last five years

After all these phases, from citizens complaints to the EU Pilot and European Commission investigations, comes the opening of an infringement procedure.

The first step of this process sees member states receive a formal notice (Art. 258 TFEU). Between 2014 and 2018, almost 4000 of these letters were dispatched, with an average of 796 per year. The trend is declining, with the lowest number of annual notices during this period occurring in 2018. After a peak in 2016, the number has fallen constantly.

Trend in new infringement procedures

New cases opened between 2014 and 2018



SOURCE: EdjNet-openpolis

15.68 percent of newly opened infringement procedures concern the internal market (101 cases), the policy area with the largest proportion of complaints. Next is mobility and transport (97 cases, or 15.06 percent) and the environment (73 cases, or 11.34 percent). Taken together, these three areas represent more than 40 percent of cases launched in 2018.

211

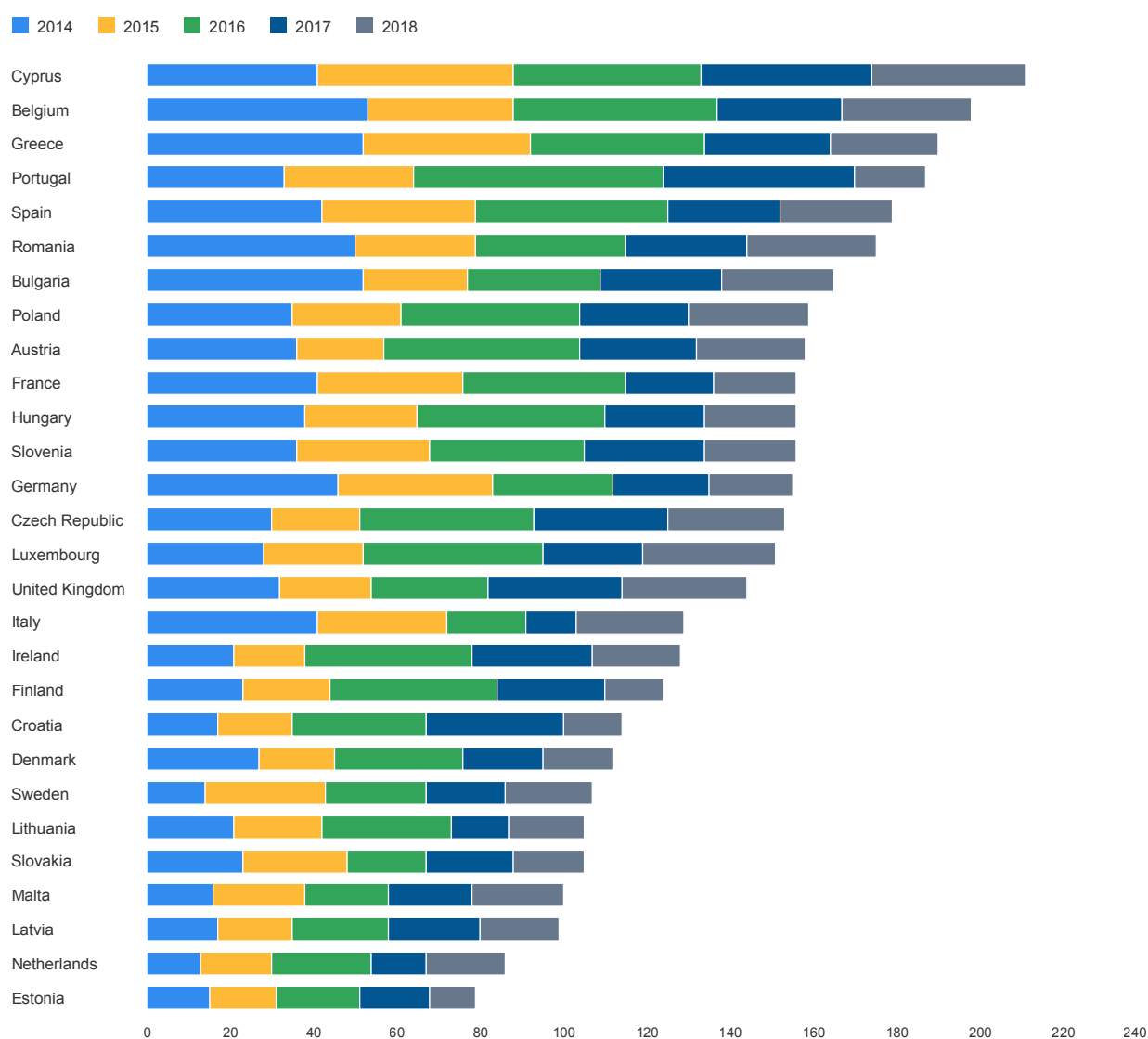
new cases were opened against Cyprus since 2014

Over the last four years, 3,981 new infringement procedures were opened, of which 211 concern Cyprus, the country most frequently targeted by the European Commission in this regard. The average annual number of procedures launched against Cyprus is more than 40,

by far the highest figure for any member state. It is also worth noting the high number of procedures launched against Belgium (198 new procedures opened between 2014 and 2018), and Greece (190). Among the most virtuous countries, meaning those with the fewest new infringement procedures, are Estonia (79 cases opened between 2014 and 2018), the Netherlands (86) and Latvia (99). For the sake of comparison, we should also mention the numbers for Spain (179), France (156), Germany (155) and Italy (129).

Trend in new infringement procedures

New cases opened between 2014 and 2018 by Member states



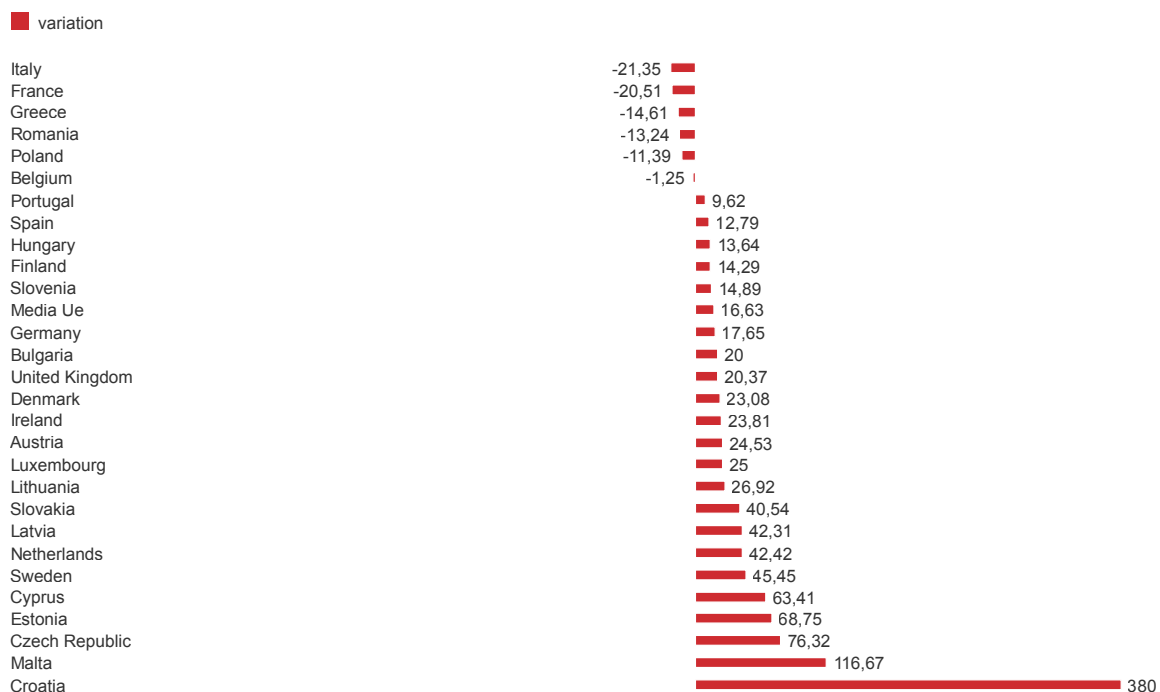
SOURCE: EdjNet-openpolis

The 644 new procedures launched in 2018 brought the number of pending infringement procedures to 1,571. In recent years the amount of open procedures at the end of each year has grown constantly. From 2014 to 2015 the number was 1,350, while from 2016 the number stayed above 1,500. This means that while fewer and fewer procedures are being opened, member states are having difficulty disposing of the procedures opened in previous years.

Between 2014 and 2018, the number of open procedures at the end of each year grew by 16.63 percent. The situation with Croatia would appear to be especially troubling, where this number has grown by 380 percent, rising from 10 pending infringement procedures at the end of 2014, to 48 at the end of 2018. This huge increase can be explained in large part by Croatia's only recent entry into the European Union in 2013: Croatia obviously began 2014 with a significantly smaller number of pending procedures than other member states.

Variation in pending cases

Variation in open pending cases between 2014 and 2018



SOURCE: EdjNet-openpolis

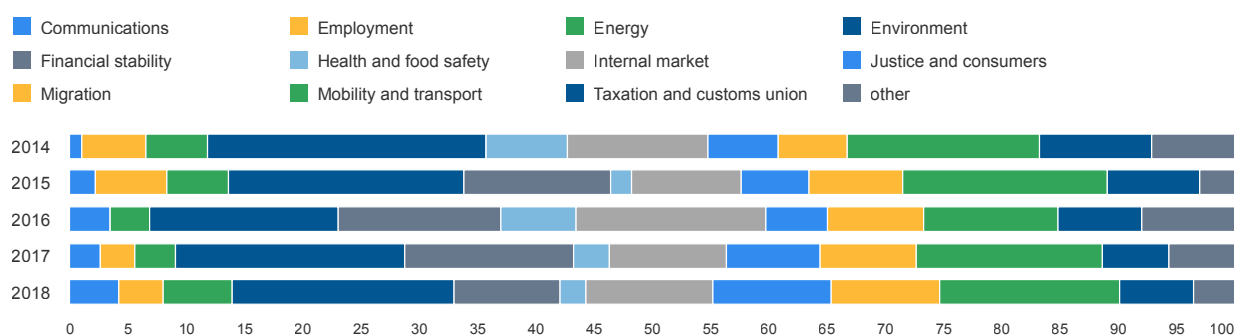
Among the larger EU countries, Italy (-21.35 percent) as well as France (-20.51 percent) seem to have had the greatest success in bringing about policies to reduce the number of disagreements with the Commission. The same can be said for Greece (-14.61 percent), Romania (-13.24 percent), Poland (-11.39 percent) and Belgium (-1.25 percent). The percentages for Germany and the UK, however, are higher than the average. Both countries have seen their total number of pending procedures grow by 17.65 and 20.37 percent respectively.

The policy areas with which the procedures are concerned have also shifted over this period. Historically, the environment has proven the most contentious area for EU countries. At the end of 2018 the highest number (around 19 percent) of pending infringements concerned the environment. However, the number is falling: in 2014, such procedures were 24 percent of the total. The percentages for other policy areas are relatively stable: mobility and transport (~15 percent), the internal market (~10 percent), migration and internal affairs (~9 percent), taxation and customs (~6 percent), and energy (~5 percent).

On the other hand, infringements involving justice and consumers are growing, rising from 6 percent to 10 percent, as are those involving communication networks, content and technology, growing from one percent in 2014 to 4.26 percent in 2018. The latter figure emerges from the growing role that technology plays in everyday life, a reality which has led to an increasing number of approved directives, and consequently a growing number of infringement procedures. In contrast, the percentage of cases involving healthcare and food safety fell from 7 percent in 2014 to 2 percent in 2018.

Policy area of pending cases

Pending cases between 2014 and 2018



SOURCE: EdjNet-openpolis

As mentioned above, at the end of 2018 there were 1,571 pending infringement procedures, with an average of 56 procedures per country.

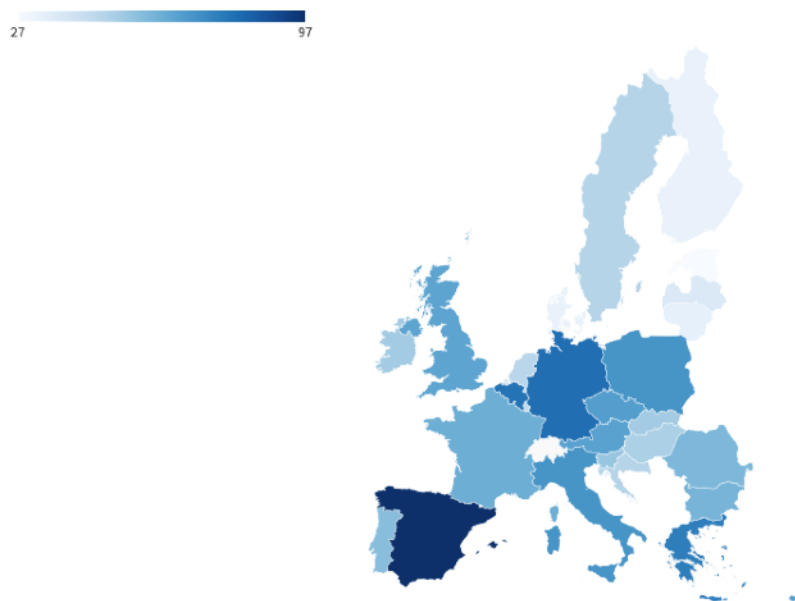
19%

of pending cases at the end of 2018 concerned the environment

The country with the highest number of open procedures was Spain (97 cases), Germany (80) and Belgium (79). The lowest figures in this regard were held by Estonia (27), Finland (32) and Denmark (32).

Pending cases at the end of 2018

By Member state at the end of the year



SOURCE: EdjNet-openpolis

EU infringement procedures in time and numbers

As we've seen, the route leading to the opening of an infringement procedure can be very long. Over the course of a year, many cases appear before the European Commission. But how much work does this involve? According to the substantial record of negotiations and mediations between the institutions and the member states, more than 5000 cases are handled each year, including complaints, EU Pilots and infringement procedures.

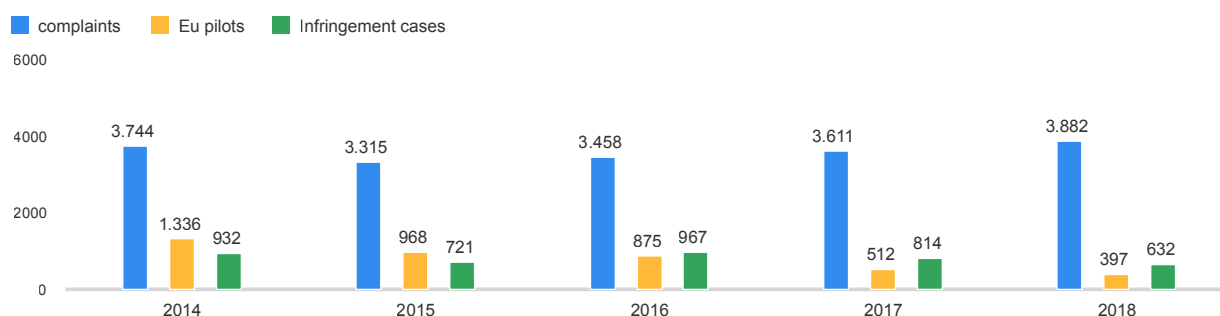
Obviously the dimensions of each phase vary widely. Every year, for example, there are around 3000 reports and complaints from citizens against potential violations of European law handled by the Commission, with processing times of 44 weeks per case last year.

In contrast, the number of EU Pilot cases concluded each year is falling sharply, from 1,336 in 2014, to 397 last year. This, as we've seen, is obviously the result of the Commission's decision to limit the use of this tool. However, while there are fewer EU Pilot cases each year, the work on these cases is also moving at a slower pace: from a processing time of 60 weeks between 2014 and 2016, to more than 100 weeks in the last two years.

As for infringement procedures closed or dismissed each year, the numbers are falling. This helps to explain why the number of pending cases at the end of each year continues to grow. Between 2014 and 2016 the annual number of closed procedures was around 870, while in the last two years this fell to 720. The processing times for these cases have been relatively stable: on average it takes 100 weeks, almost two years, from the opening of a case until its closure.

Complaints, EU Pilot and infringement cases closed in a year

Trend between 2014 and 2018



SOURCE: EdjNet-openpolis

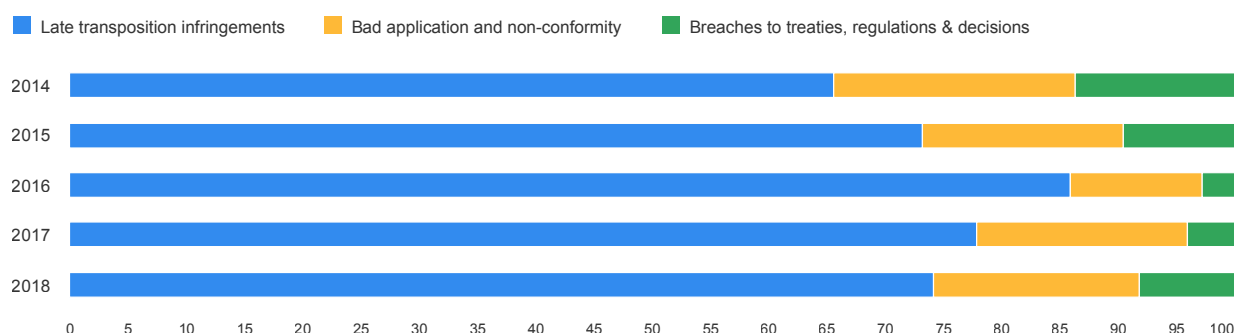
Why so many infringement procedures are opened

As we've seen, the causes leading the Commission to open an infringement procedure vary in type.

Over the years, the percentage of procedures against late implementation of European law has increased: 65 percent of the total in 2014, now 74 percent. This is a growing trend. In 2018, 17.69 percent of cases were launched against misapplication of EU law, and 8.12 percent against violations of European treaties or regulations.

New infringement cases opened during the year

Trend between 2014 and 2018



SOURCE: EdjNet-openpolis

The 419 new procedures launched in 2018 for late transposition of EU directives brought the total of such cases to 758. This is almost half of all open procedures; 48.25 percent to be precise. This percentage has grown significantly over the years. At the end of 2014, such cases accounted for just 31.77 percent of the total, while the percentage surpassed 52 percent in 2016 and 2017. While the absolute number may have fallen, the impact of such cases on the overall situation is rising sharply.

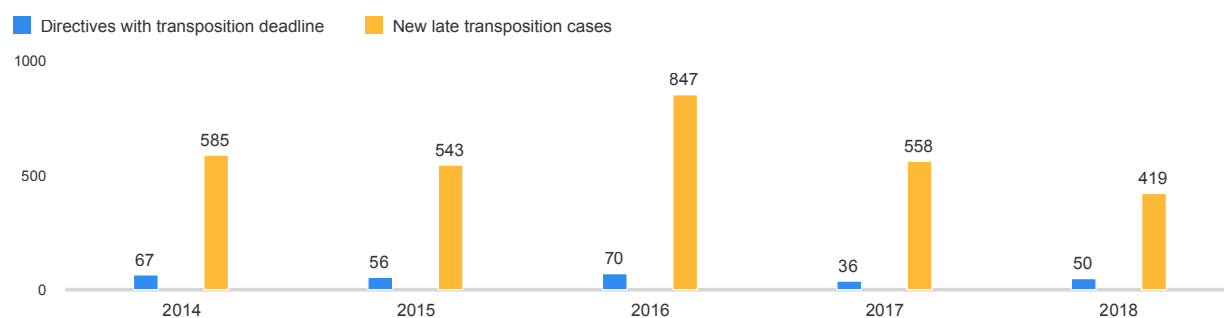
Late transposition infringement cases are the most common

In this regard, it is worth contrasting these figures with the number of directives with an implementation deadline approved by the Commission. How are these numbers related?

Each year on average, the Commission approves around 55 directives with implementation deadlines. At the same time, the number of infringement open procedures against late transposition is around 500. This means that every directive which requires implementation within a given deadline generates ten infringement procedures on average against non-compliant member states.

Directives and late transposition infringement cases

Trend between 2014 and 2018



SOURCE: EdjNet-openpolis

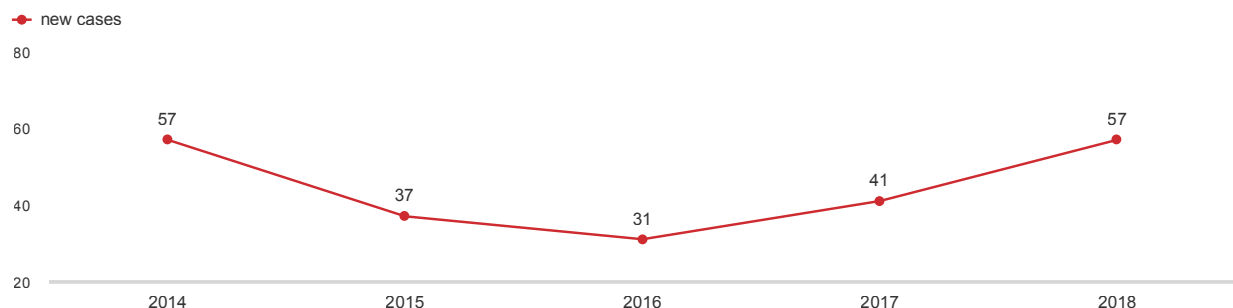
What is the role of the European Court of Justice?

Another important player in European infringement procedures is the European Court of Justice. As we've seen, this is the final body which can not only condemn a member state for violations, but also enforce an economic penalty.

On average, since 2014 around 44 of the new cases involving the Court of Justice involve member states who are unable to comply with community law. Last year, the number was the same as in 2014, with 57 new cases. This figure is growing: 37 in 2015, 31 in 2016, and 41 in 2017.

New cases - Actions for failure of a Member State to fulfil its obligations

Trend between 2014 and 2018

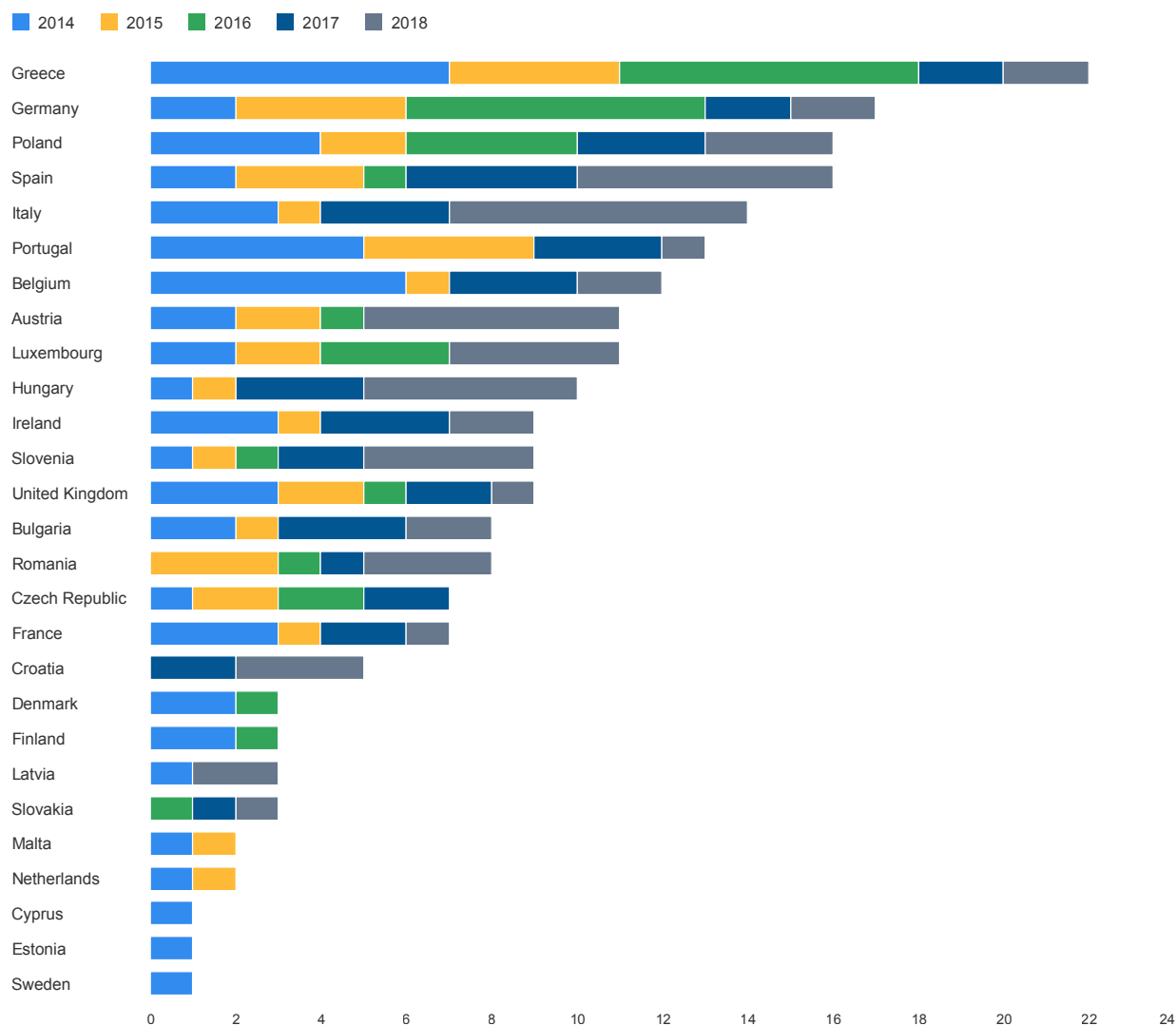


SOURCE: EdjNet-openpolis

Despite improving in recent years, Greece has had more cases than any other with the Court over the last five years; specifically, 22 cases, with 18 opened between 2014 and 2016. Germany is next, with 17 new cases, then Poland and Spain (both with 16 new cases), Italy (14), Portugal (13) and Belgium (12). Between 2014 and 2018, the total number of new cases which reached the Court was 223.

New cases - Actions for failure of a Member State to fulfil its obligations

Trend between 2014 and 2018, by Member state



SOURCE: EdjNet-openpolis

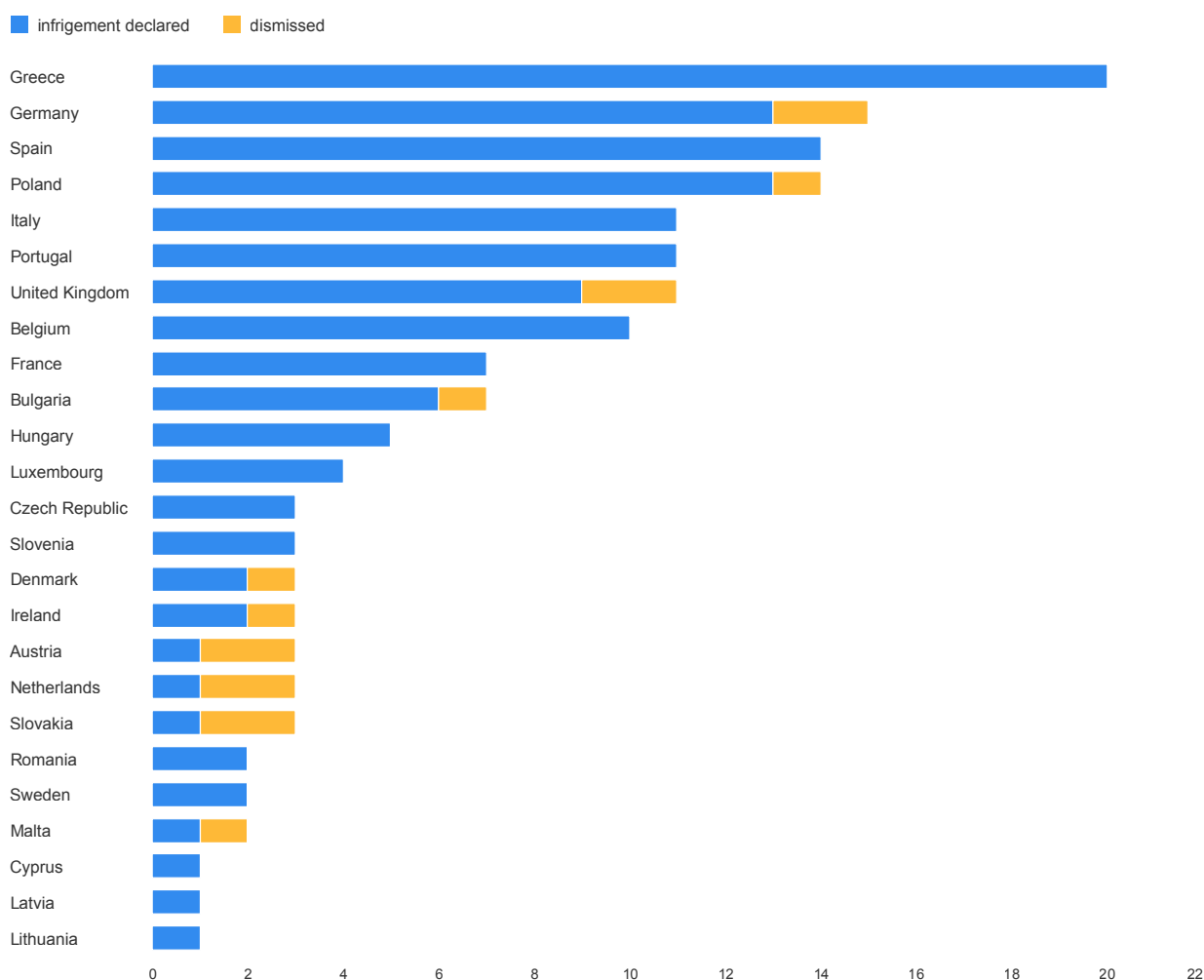
Over the same period, 159 cases were concluded, either by the case being dismissed, or by a sentence being declared. The five countries dealing with the most cases also have the greatest number of closed cases, including both positive and negative outcomes. The leader here is Greece, for which 20 out of 20 cases were judged to involve genuine infringements.

Of the 15 concluded cases involving Germany, two were dismissed, and the remaining thirteen cases found the country guilty as charged. Among the countries receiving the most convictions over the last four years are Spain (14 out of 14 cases), Poland (13 out of 14), Italy (11 out of 11), Portugal (11 out of 11), the UK (9 out of 12), and Belgium (10 out of 10). Of the 159 concluded cases, the Court judged that 144 involved genuine infringement, while the remaining 15 were dismissed.

Completed cases – Judgments concerning failure of a Member

State to fulfil its obligations: outcome

Trend between 2014 and 2018, by Member state

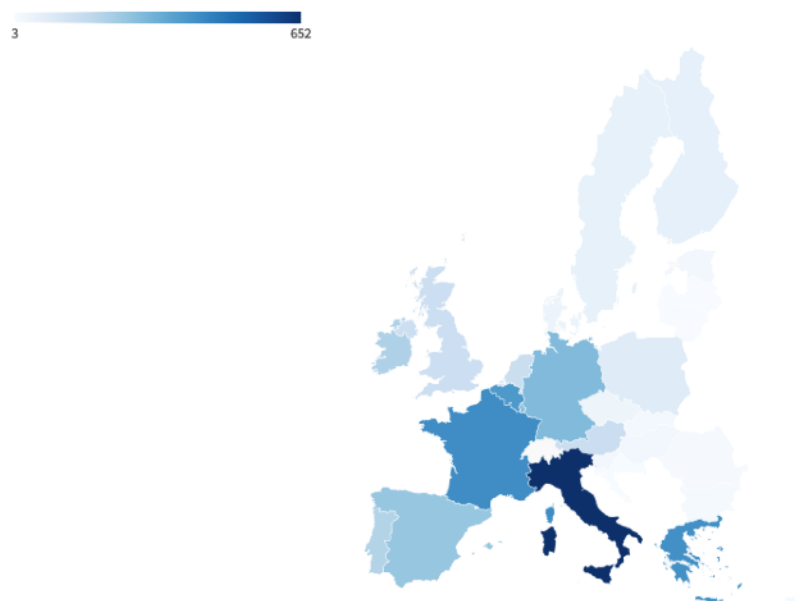


SOURCE: EdjNet-openpolis

Analysing the available data allows us to look even further back in time. From 1952 to 2018, on 3,957 occasions member states have been brought before the European Court of Justice for failing to comply with community law. From this perspective, one country tends to dominate the stage: Italy, with more than 652 cases, or 16.48 percent of the total. Next, at some distance, is France (419 cases, 10.59 percent), then Greece (411, 10.39 percent), Belgium (388, 9.81 percent) and Germany (293, 7.40 percent). These five countries by themselves account for more than half (54.66 percent) of all cases brought before the European Court of Justice from 1952 until today.

Actions for failure to fulfil obligations

Trend between 1952 and 2018, by Member state



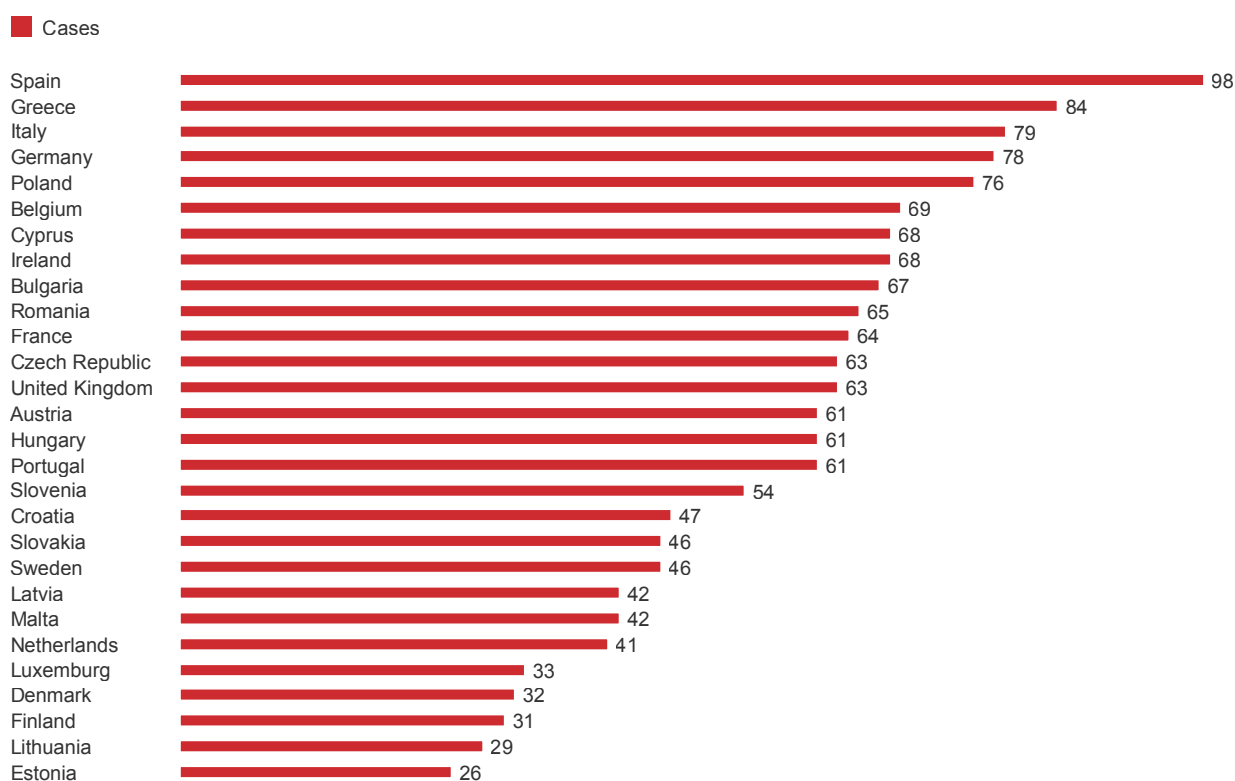
SOURCE: EdjNet-openpolis

The current situation, country by country

At the start of September there were 1,594 pending infringement procedures against EU member states, a figure slightly higher than at the end of 2018. The figures for all the larger EU countries topping the infringement ranking are also growing. Spain has gone from 97 to 98 pending procedures, Greece from 76 to 84, and Italy from 70 to 79. The numbers for Germany and Belgium, however, have fallen. More than 20 percent of these infringement procedures involve the environment, which is also the most prevalent policy area. There are 245 cases involving the internal market (15.37 percent of the total), 215 involving mobility and transport (13.49%), and 171 involving justice (10.73%).

Ongoing pending cases

By Member state, on September 1st 2019



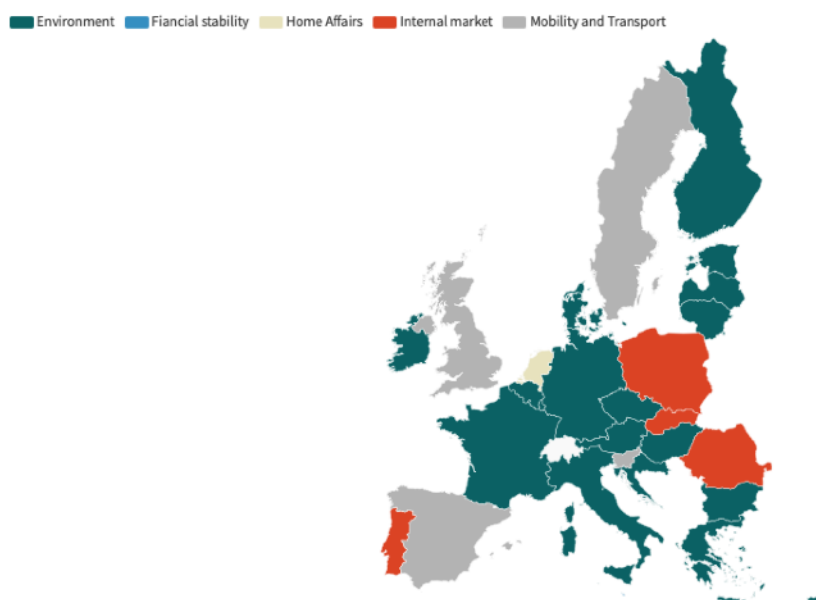
SOURCE: EdjNet-openpolis

As we have already seen, environmental regulations have proven the most difficult for member states to adopt. This situation has an obvious impact on individual countries. For

precisely 64.29 percent of member states (18 out of 28), the environment currently represents the leading policy area for pending procedures. Next, far behind, is the internal market, with cases mainly concerning four particular member states, and then infringements involving mobility and transport. The path towards infringement procedures is long, and involves numerous stages, making the variety of potential violations under investigation rather diverse. For this precise reason, it is worth paying attention to cases which are nearing their conclusion, or those for which a decision has just been reached by the European Court of Justice, in accordance with article 260 of the TFEU. In total, there are 18 such cases, of which seven concern Italy and six concern Greece. Of these cases, 11 involve the environment, ranging from complaints concerning waste disposal, to those concerning urban waste water treatment. Some of these infringements have already led to the payment of fines. More importantly, however, some of these cases have been open for many years, 11 on average. Among these, infringement procedure 20012273, involving Greece and unauthorised dumping, was launched on June 26 2002, more than 17 years ago.

Most recurrent policy area of ongoing pending cases

Member state, on September 1st 2019



SOURCE: EdjNet-openpolis

Austria

Eu ranking: 14th out of 28

CURRENT INFRINGEMENTS: 61

Policy area

area	number	%
Environment	13	21,31%
Internal Market, Industry, Entrepreneurship and SMEs	11	18,03%
Mobility and Transport	10	16,39%
Justice, Fundamental Rights and Citizenship	8	13,11%
Taxation and Customs Union	5	8,20%
Financial Stability, Financial Services and Capital Markets Union	4	6,56%
Home Affairs	4	6,56%
Communication Networks, Content and Technology	2	3,28%
Energy	2	3,28%
Employment, Social Affairs and Equal Opportunities	1	1,64%
Health and Food Safety	1	1,64%
total	61	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	40	65,57%
Reasoned opinion Art. 258 TFEU	12	19,67%
Referral to Court Art. 258 TFEU	8	13,11%
Formal notice Art. 260 TFEU	1	1,64%

Belgium

Eu ranking: 6th out of 28

CURRENT INFRINGEMENTS: 69

Policy area		
area	number	%
Mobility and Transport	15	21,74%
Environment	13	18,84%
Financial Stability, Financial Services and Capital Markets Union	6	8,70%
Internal Market, Industry, Entrepreneurship and SMEs	6	8,70%
Justice, Fundamental Rights and Citizenship	6	8,70%
Home Affairs	5	7,25%
Communication Networks, Content and Technology	4	5,80%
Taxation and Customs Union	4	5,80%
Budget	3	4,35%
Energy	3	4,35%
Legal Service	2	2,90%
Economic and Financial Affairs	1	1,45%
Education and Culture	1	1,45%
Total	69	100,00%

Step of procedure		
phase	number	%
Formal notice Art. 258 TFEU	45	65,22%
Reasoned opinion Art. 258 TFEU	15	21,74%
Referral to Court Art. 258 TFEU	4	5,80%
Referral to Court Art. 258 TFEU - 260(3) TFEU	2	2,90%
Formal notice Art. 260 TFEU	1	1,45%
Modified financial sanction	1	1,45%
Referral to Court Art. 260 TFEU	1	1,45%

Bulgaria

Eu ranking: 9th out of 28

CURRENT INFRINGEMENTS: 67

Policy area

area	number	%
area	number	%
Environment	16	23,88%
Justice, Fundamental Rights and Citizenship	10	14,93%
Internal Market, Industry, Entrepreneurship and SMEs	9	13,43%
Financial Stability, Financial Services and Capital Markets Union	8	11,94%
Home Affairs	7	10,45%
Mobility and Transport	7	10,45%
Energy	3	4,48%
Taxation and Customs Union	3	4,48%
Agriculture and Rural Development	1	1,49%
Communication Networks, Content and Technology	1	1,49%
Competition	1	1,49%
Economic and Financial Affairs	1	1,49%
total	67	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	44	65,67%
Reasoned opinion Art. 258 TFEU	14	20,90%
Referral to Court Art. 258 TFEU	6	8,96%
Additional reasoned opinion Art. 258 TFEU	2	2,99%
Formal notice Art. 260 TFEU	1	1,49%

Croatia

Eu ranking: 18th out of 28

CURRENT INFRINGEMENTS: 47

Policy area

area	number	%
Environment	9	19,15%
Financial Stability, Financial Services and Capital Markets Union	7	14,89%
Energy	6	12,77%
Justice, Fundamental Rights and Citizenship	6	12,77%
Internal Market, Industry, Entrepreneurship and SMEs	5	10,64%
Home Affairs	4	8,51%
Mobility and Transport	4	8,51%
Taxation and Customs Union	3	6,38%
Communication Networks, Content and Technology	2	4,26%
Economic and Financial Affairs	1	2,13%
total	47	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	36	76,60%
Reasoned opinion Art. 258 TFEU	10	21,28%
Referral to Court Art. 258 TFEU	1	2,13%

Cyprus

Eu ranking: 7th out of 28

CURRENT INFRINGEMENTS: 68

Policy area

area	number	%
Environment	17	25,00%
Internal Market, Industry, Entrepreneurship and SMEs	10	14,71%
Justice, Fundamental Rights and Citizenship	8	11,76%
Mobility and Transport	7	10,29%
Financial Stability, Financial Services and Capital Markets Union	6	8,82%
Home Affairs	5	7,35%
Taxation and Customs Union	5	7,35%
Communication Networks, Content and Technology	3	4,41%
Energy	3	4,41%
Employment, Social Affairs and Equal Opportunities	2	2,94%
Health and Food Safety	2	2,94%
total	68	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	55	80,88%
Reasoned opinion Art. 258 TFEU	11	16,18%
Formal notice Art. 260 TFEU	1	1,47%
Referral to Court Art. 258 TFEU	1	1,47%

Czech Republic

Eu ranking: 12th out of 28

CURRENT INFRINGEMENTS: 63

Policy area

area	number	%
Environment	14	22,22%
Mobility and Transport	10	15,87%
Home Affairs	8	12,70%
Internal Market, Industry, Entrepreneurship and SMEs	8	12,70%
Justice, Fundamental Rights and Citizenship	8	12,70%
Energy	5	7,94%
Communication Networks, Content and Technology	3	4,76%
Financial Stability, Financial Services and Capital Markets Union	3	4,76%
Taxation and Customs Union	2	3,17%
Economic and Financial Affairs	1	1,59%
Health and Food Safety	1	1,59%
total	63	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	48	76,19%
Reasoned opinion Art. 258 TFEU	12	19,05%
Referral to Court Art. 258 TFEU	3	4,76%

Denmark

Eu ranking: 25th out of 28

CURRENT INFRINGEMENTS: 32

Policy area

area	number	%
Mobility and Transport	8	25,00%
Internal Market, Industry, Entrepreneurship and SMEs	7	21,88%
Energy	4	12,50%
Environment	4	12,50%
Justice, Fundamental Rights and Citizenship	3	9,38%
Financial Stability, Financial Services and Capital Markets Union	2	6,25%
Taxation and Customs Union	2	6,25%
Agriculture and Rural Development	1	3,13%
Maritime Affairs and Fisheries	1	3,13%
total	32	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	27	84,38%
Reasoned opinion Art. 258 TFEU	4	12,50%
Formal notice Art. 260 TFEU	1	3,13%

Estonia

Eu ranking: 28th out of 28

CURRENT INFRINGEMENTS: 26

Policy area

area	number	%
Home Affairs	5	19,23%
Energy	4	15,38%
Internal Market, Industry, Entrepreneurship and SMEs	4	15,38%
Mobility and Transport	4	15,38%
Financial Stability, Financial Services and Capital Markets Union	3	11,54%
Justice, Fundamental Rights and Citizenship	3	11,54%
Environment	2	7,69%
Taxation and Customs Union	1	3,85%
total	26	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	22	84,62%
Reasoned opinion Art. 258 TFEU	4	15,38%

Finland

Eu ranking: 26th out of 28

CURRENT INFRINGEMENTS: 31

Policy area

area	number	%
Internal Market, Industry, Entrepreneurship and SMEs	7	22,58%
Mobility and Transport	5	16,13%
Environment	4	12,90%
Financial Stability, Financial Services and Capital Markets Union	4	12,90%
Home Affairs	3	9,68%
Justice, Fundamental Rights and Citizenship	3	9,68%
Energy	2	6,45%
Communication Networks, Content and Technology	1	3,23%
Health and Food Safety	1	3,23%
Taxation and Customs Union	1	3,23%
total	31	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	21	67,74%
Reasoned opinion Art. 258 TFEU	7	22,58%
Referral to Court Art. 258 TFEU	2	6,45%
Formal notice Art. 260 TFEU	1	3,23%

France

Eu ranking: 11th out of 28

CURRENT INFRINGEMENTS: 64

Policy area

area	number	%
Environment	15	23,44%
Internal Market, Industry, Entrepreneurship and SMEs	13	20,31%
Mobility and Transport	7	10,94%
Justice, Fundamental Rights and Citizenship	6	9,38%
Taxation and Customs Union	6	9,38%
Financial Stability, Financial Services and Capital Markets Union	5	7,81%
Home Affairs	4	6,25%
Employment, Social Affairs and Equal Opportunities	3	4,69%
Communication Networks, Content and Technology	2	3,13%
Energy	2	3,13%
Competition	1	1,56%
total	64	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	46	71,88%
Reasoned opinion Art. 258 TFEU	14	21,88%
Referral to Court Art. 258 TFEU	3	4,69%
Additional formal notice Art. 260 TFEU	1	1,56%

Germany

Eu ranking: 4th out of 28

CURRENT INFRINGEMENTS: 78

Policy area

area	number	%
Mobility and Transport	18	23,08%
Environment	14	17,95%
Internal Market, Industry, Entrepreneurship and SMEs	14	17,95%
Taxation and Customs Union	12	15,38%
Justice, Fundamental Rights and Citizenship	8	10,26%
Home Affairs	4	5,13%
Energy	3	3,85%
Communication Networks, Content and Technology	2	2,56%
Financial Stability, Financial Services and Capital Markets Union	2	2,56%
Employment, Social Affairs and Equal Opportunities	1	1,28%
total	78	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	42	53,85%
Reasoned opinion Art. 258 TFEU	23	29,49%
Referral to Court Art. 258 TFEU	10	12,82%
Formal notice Art. 260 TFEU	3	3,85%

Greece

Eu ranking: 2nd out of 28

CURRENT INFRINGEMENTS: 84

Policy area

area	number	%
Environment	23	27,38%
Internal Market, Industry, Entrepreneurship and SMEs	11	13,10%
Justice, Fundamental Rights and Citizenship	10	11,90%
Financial Stability, Financial Services and Capital Markets Union	8	9,52%
Mobility and Transport	8	9,52%
Home Affairs	6	7,14%
Energy	4	4,76%
Taxation and Customs Union	4	4,76%
Communication Networks, Content and Technology	3	3,57%
Competition	3	3,57%
Health and Food Safety	2	2,38%
Agriculture and Rural Development	1	1,19%
Economic and Financial Affairs	1	1,19%
total	84	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	48	57,14%
Reasoned opinion Art. 258 TFEU	16	19,05%
Referral to Court Art. 258 TFEU	7	8,33%
Formal notice Art. 260 TFEU	6	7,14%
Referral to Court Art. 260 TFEU	6	7,14%
Referral to Court Art. 258 TFEU - 260(3) TFEU	1	1,19%

Hungary

Eu ranking: 15th out of 28

CURRENT INFRINGEMENTS: 61

Policy area

area	number	%
Mobility and Transport	12	19,67%
Home Affairs	10	16,39%
Internal Market, Industry, Entrepreneurship and SMEs	10	16,39%
Environment	9	14,75%
Justice, Fundamental Rights and Citizenship	5	8,20%
Energy	4	6,56%
Taxation and Customs Union	4	6,56%
Communication Networks, Content and Technology	3	4,92%
Financial Stability, Financial Services and Capital Markets Union	3	4,92%
Employment, Social Affairs and Equal Opportunities	1	1,64%
total	61	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	39	63,93%
Reasoned opinion Art. 258 TFEU	11	18,03%
Referral to Court Art. 258 TFEU	10	16,39%
Formal notice Art. 260 TFEU	1	1,64%

Ireland

Eu ranking: 8th out of 28

CURRENT INFRINGEMENTS: 68

Policy area

area	number	%
Environment	21	30,88%
Mobility and Transport	10	14,71%
Justice, Fundamental Rights and Citizenship	8	11,76%
Internal Market, Industry, Entrepreneurship and SMEs	7	10,29%
Energy	4	5,88%
Taxation and Customs Union	4	5,88%
Employment, Social Affairs and Equal Opportunities	3	4,41%
Financial Stability, Financial Services and Capital Markets Union	3	4,41%
Home Affairs	3	4,41%
Communication Networks, Content and Technology	2	2,94%
Economic and Financial Affairs	1	1,47%
Health and Food Safety	1	1,47%
Maritime Affairs and Fisheries	1	1,47%
total	68	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	39	57,35%
Reasoned opinion Art. 258 TFEU	22	32,35%
Referral to Court Art. 258 TFEU	4	5,88%
Modified financial sanction	1	1,47%
Reasoned opinion ex Art. 228 EC	1	1,47%
Referral to Court Art. 260 TFEU	1	1,47%

Italy

Eu ranking: 3rd out of 28

CURRENT INFRINGEMENTS: 79

Policy area

area	number	%
Environment	19	24,05%
Taxation and Customs Union	11	13,92%
Internal Market, Industry, Entrepreneurship and SMEs	10	12,66%
Mobility and Transport	8	10,13%
Competition	6	7,59%
Energy	5	6,33%
Home Affairs	5	6,33%
Justice, Fundamental Rights and Citizenship	5	6,33%
Employment, Social Affairs and Equal Opportunities	3	3,80%
Agriculture and Rural Development	2	2,53%
Health and Food Safety	2	2,53%
Budget	1	1,27%
Climate Action	1	1,27%
Maritime Affairs and Fisheries	1	1,27%
total	79	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	43	54,43%
Referral to Court Art. 258 TFEU	15	18,99%
Reasoned opinion Art. 258 TFEU	14	17,72%
Referral to Court Art. 260 TFEU	7	8,86%

Latvia

Eu ranking: 21st out of 28

CURRENT INFRINGEMENTS: 42

Policy area

area	number	%
Financial Stability, Financial Services and Capital Markets Union	9	21,43%
Internal Market, Industry, Entrepreneurship and SMEs	7	16,67%
Environment	5	11,90%
Justice, Fundamental Rights and Citizenship	5	11,90%
Taxation and Customs Union	5	11,90%
Energy	4	9,52%
Mobility and Transport	3	7,14%
Home Affairs	2	4,76%
Climate Action	1	2,38%
Employment, Social Affairs and Equal Opportunities	1	2,38%
total	42	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	28	66,67%
Reasoned opinion Art. 258 TFEU	14	33,33%

Lithuania

Eu ranking: 27th out of 28

CURRENT INFRINGEMENTS: 29

Policy area

area	number	%
Environment	5	17,24%
Financial Stability, Financial Services and Capital Markets Union	4	13,79%
Home Affairs	4	13,79%
Internal Market, Industry, Entrepreneurship and SMEs	4	13,79%
Justice, Fundamental Rights and Citizenship	4	13,79%
Mobility and Transport	3	10,34%
Energy	2	6,90%
Communication Networks, Content and Technology	1	3,45%
Employment, Social Affairs and Equal Opportunities	1	3,45%
Taxation and Customs Union	1	3,45%
total	29	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	20	68,97%
Reasoned opinion Art. 258 TFEU	9	31,03%

Luxembourg

Eu ranking: 24th out of 28

CURRENT INFRINGEMENTS: 33

Policy area

area	number	%
Internal Market, Industry, Entrepreneurship and SMEs	7	21,21%
Justice, Fundamental Rights and Citizenship	5	15,15%
Home Affairs	4	12,12%
Mobility and Transport	4	12,12%
Communication Networks, Content and Technology	3	9,09%
Energy	3	9,09%
Financial Stability, Financial Services and Capital Markets Union	3	9,09%
Economic and Financial Affairs	1	3,03%
Environment	1	3,03%
Health and Food Safety	1	3,03%
Taxation and Customs Union	1	3,03%
total	33	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	23	69,70%
Reasoned opinion Art. 258 TFEU	9	27,27%
Formal notice Art. 260 TFEU	1	3,03%

Malta

Eu ranking: 22nd out of 28

CURRENT INFRINGEMENTS: 42

Policy area

area	number	%
Internal Market, Industry, Entrepreneurship and SMEs	9	21,43%
Justice, Fundamental Rights and Citizenship	6	14,29%
Energy	5	11,90%
Mobility and Transport	5	11,90%
Environment	4	9,52%
Financial Stability, Financial Services and Capital Markets Union	4	9,52%
Home Affairs	4	9,52%
Taxation and Customs Union	3	7,14%
Communication Networks, Content and Technology	1	2,38%
Economic and Financial Affairs	1	2,38%
total	42	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	38	90,48%
Reasoned opinion Art. 258 TFEU	4	9,52%

Netherlands

Eu ranking: 23rd out of 28

CURRENT INFRINGEMENTS: 41

Policy area

area	number	%
Internal Market, Industry, Entrepreneurship and SMEs	10	24,39%
Mobility and Transport	7	17,07%
Energy	5	12,20%
Financial Stability, Financial Services and Capital Markets Union	5	12,20%
Justice, Fundamental Rights and Citizenship	4	9,76%
Taxation and Customs Union	4	9,76%
Home Affairs	2	4,88%
Budget	1	2,44%
Communication Networks, Content and Technology	1	2,44%
Environment	1	2,44%
Health and Food Safety	1	2,44%
total	41	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	27	65,85%
Reasoned opinion Art. 258 TFEU	13	31,71%
Referral to Court Art. 258 TFEU	1	2,44%

Poland

Eu ranking: 5th out of 28

CURRENT INFRINGEMENTS: 76

Policy area

area	number	%
Environment	19	25,00%
Mobility and Transport	11	14,47%
Financial Stability, Financial Services and Capital Markets Union	9	11,84%
Justice, Fundamental Rights and Citizenship	9	11,84%
Internal Market, Industry, Entrepreneurship and SMEs	8	10,53%
Energy	7	9,21%
Taxation and Customs Union	6	7,89%
Communication Networks, Content and Technology	3	3,95%
Home Affairs	3	3,95%
Employment, Social Affairs and Equal Opportunities	1	1,32%
total	76	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	48	63,16%
Reasoned opinion Art. 258 TFEU	20	26,32%
Referral to Court Art. 258 TFEU	6	7,89%
Formal notice Art. 260 TFEU	2	2,63%

Portugal

Eu ranking: 16th out of 28

CURRENT INFRINGEMENTS: 61

Policy area

area	number	%
Environment	13	21,31%
Internal Market, Industry, Entrepreneurship and SMEs	10	16,39%
Financial Stability, Financial Services and Capital Markets Union	7	11,48%
Home Affairs	6	9,84%
Justice, Fundamental Rights and Citizenship	6	9,84%
Mobility and Transport	6	9,84%
Energy	4	6,56%
Taxation and Customs Union	4	6,56%
Communication Networks, Content and Technology	2	3,28%
Employment, Social Affairs and Equal Opportunities	2	3,28%
Maritime Affairs and Fisheries	1	1,64%
total	61	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	39	63,93%
Reasoned opinion Art. 258 TFEU	17	27,87%
Referral to Court Art. 258 TFEU	2	3,28%
Formal notice Art. 260 TFEU	2	3,28%
Referral to Court Art. 260 TFEU	1	1,64%

Romania

Eu ranking: 10th out of 28

CURRENT INFRINGEMENTS: 65

Policy area

area	number	%
Environment	14	21,54%
Internal Market, Industry, Entrepreneurship and SMEs	9	13,85%
Financial Stability, Financial Services and Capital Markets Union	8	12,31%
Energy	7	10,77%
Home Affairs	6	9,23%
Mobility and Transport	6	9,23%
Justice, Fundamental Rights and Citizenship	5	7,69%
Taxation and Customs Union	4	6,15%
Communication Networks, Content and Technology	3	4,62%
Climate Action	1	1,54%
Employment, Social Affairs and Equal Opportunities	1	1,54%
Health and Food Safety	1	1,54%
total	65	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	48	73,85%
Reasoned opinion Art. 258 TFEU	13	20,00%
Referral to Court Art. 258 TFEU	2	3,08%
Formal notice Art. 260 TFEU	1	1,54%
Referral to Court Art. 258 TFEU - 260(3) TFEU	1	1,54%

Slovakia

Eu ranking: 19th out of 28

CURRENT INFRINGEMENTS: 46

Policy area

area	number	%
Environment	14	30,43%
Internal Market, Industry, Entrepreneurship and SMEs	9	19,57%
Justice, Fundamental Rights and Citizenship	6	13,04%
Mobility and Transport	6	13,04%
Communication Networks, Content and Technology	3	6,52%
Financial Stability, Financial Services and Capital Markets Union	3	6,52%
Energy	2	4,35%
Economic and Financial Affairs	1	2,17%
Employment, Social Affairs and Equal Opportunities	1	2,17%
Home Affairs	1	2,17%
total	46	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	29	63,04%
Reasoned opinion Art. 258 TFEU	16	34,78%
Referral to Court Art. 260 TFEU	1	2,17%

Slovenia

Eu ranking: 17th out of 28

CURRENT INFRINGEMENTS: 54

Policy area

area	number	%
Environment	12	22,22%
Internal Market, Industry, Entrepreneurship and SMEs	9	16,67%
Home Affairs	8	14,81%
Financial Stability, Financial Services and Capital Markets Union	6	11,11%
Justice, Fundamental Rights and Citizenship	5	9,26%
Mobility and Transport	5	9,26%
Energy	3	5,56%
Communication Networks, Content and Technology	2	3,70%
Economic and Financial Affairs	2	3,70%
Employment, Social Affairs and Equal Opportunities	2	3,70%
total	54	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	38	70,37%
Reasoned opinion Art. 258 TFEU	8	14,81%
Referral to Court Art. 258 TFEU	5	9,26%
Referral to Court Art. 258 TFEU - 260(3) TFEU	2	3,70%
Formal notice Art. 260 TFEU	1	1,85%

Spain

Eu ranking: 1st out of 28

CURRENT INFRINGEMENTS: 98

Policy area

area	number	%
Environment	26	26,53%
Internal Market, Industry, Entrepreneurship and SMEs	16	16,33%
Justice, Fundamental Rights and Citizenship	10	10,20%
Taxation and Customs Union	10	10,20%
Financial Stability, Financial Services and Capital Markets Union	9	9,18%
Mobility and Transport	9	9,18%
Home Affairs	7	7,14%
Employment, Social Affairs and Equal Opportunities	4	4,08%
Communication Networks, Content and Technology	3	3,06%
Energy	3	3,06%
Legal Service	1	1,02%
total	98	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	55	56,12%
Reasoned opinion Art. 258 TFEU	22	22,45%
Referral to Court Art. 258 TFEU	10	10,20%
Referral to Court Art. 258 TFEU - 260(3) TFEU	5	5,10%
Formal notice Art. 260 TFEU	4	4,08%
Reasoned opinion ex Art. 228 EC	1	1,02%
Referral to Court Art. 260 TFEU	1	1,02%

Sweden

Eu ranking: 20th out of 28

CURRENT INFRINGEMENTS: 46

Policy area

area	number	%
Environment	10	21,74%
Financial Stability, Financial Services and Capital Markets Union	9	19,57%
Internal Market, Industry, Entrepreneurship and SMEs	7	15,22%
Mobility and Transport	6	13,04%
Justice, Fundamental Rights and Citizenship	4	8,70%
Energy	3	6,52%
Home Affairs	3	6,52%
Communication Networks, Content and Technology	2	4,35%
Taxation and Customs Union	2	4,35%
total	46	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	32	69,57%
Reasoned opinion Art. 258 TFEU	11	23,91%
Referral to Court Art. 258 TFEU	2	4,35%
Formal notice Art. 260 TFEU	1	2,17%

United Kingdom

Eu ranking: 13th out of 28

CURRENT INFRINGEMENTS: 63

Policy area

area	number	%
Environment	19	30,16%
Mobility and Transport	11	17,46%
Taxation and Customs Union	9	14,29%
Internal Market, Industry, Entrepreneurship and SMEs	8	12,70%
Justice, Fundamental Rights and Citizenship	5	7,94%
Employment, Social Affairs and Equal Opportunities	4	6,35%
Energy	3	4,76%
Budget	2	3,17%
Financial Stability, Financial Services and Capital Markets Union	1	1,59%
Maritime Affairs and Fisheries	1	1,59%
total	63	100,00%

Step of procedure

phase	number	%
Formal notice Art. 258 TFEU	39	61,90%
Reasoned opinion Art. 258 TFEU	13	20,63%
Referral to Court Art. 258 TFEU	9	14,29%
Formal notice Art. 260 TFEU	2	3,17%

More about openpolis

The **mission of the openpolis foundation** (based in Italy) is to promote free access to data and information, in order to improve the culture of transparency and democratic participation, and therefore empower citizens. This mission means collecting relevant data concerning democracy and society, in order to build a freely accessible data repository capable of producing and distributing data-based information.

We analyze data regarding power, politics, economy, territories and local communities. We believe in increasing public awareness on data use, in order to create data-knowledgeable communities. We see technology and data as digital commons. We monitor political power, analyzing traditional institutions and new actors. We think, design, develop and manage data based ICT platforms in order to produce information, tell stories, carry out investigations and improve public awareness on specific matters.