

## MEMBER STATES' COMPLIANCE WITH EU LAW IN 2018 IN THE FIELD OF INTERNAL MARKET

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(Received: August 2018; Accepted: November 2018)

**Abstract:** The present text is dedicated to analysing the situation of Member States' compliance with EU law in the field of Internal Market because it is one of the most important aspects of the process of European consolidation. In the introductory part we presented the central role of the European Commission because it is the institution that monitors the implementation of the EU law in the national legal order of each Member State. At the centre of our analysis is the 2017 Annual Report of the European Commission. Here we presented in a schematic manner the European norms that the Member States had to implement in their legal order in 2017. We concluded our research by presenting the evolution of this complex process with reference to the data furnished by the Single Market Scoreboard. The situation did not know a significant improvement in the process of Member States' compliance with EU law. We can see that things evolved but we consider that this evolution could have been better if Member States would have dedicated more attention to this process.

**Keywords:** European Commission, Member States, monitoring the application of EU law, infringement procedures, national legal order.

### 1. Introduction

A Romanian ambassador stated that the "present situation in Europe proves once again that there is no alternative to the continuous consolidation of the European Construction" [1]. In this process of European consolidation, one of the most important aspects consists in Member State's compliance with EU law.

Referring to the spiritual key aspects of the European construction, D.-I. Ancheș writes about the role of law in this process showing that the value of law confers the European spirituality an identity, a specificity in its relation to other cultures which must be well kept because it is the basis of the entire European thinking. Also, the author agrees with the fact that – as other authors have shown – the theory of law, meaning the study of the concepts, of the principles, of the coherence of the European norms and of the ways to implement them represents in this case a legal European space related to the social and economic integration [2]. Starting with 1984 the European Parliament requested the European Commission to present annual reports in which to monitor the application of the EU law. As a

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consequence of the Commission's reports, the European Parliament adopts a resolution on the matter.

In preparing the annual reports the European Commission centres its attention mainly on the fields in which its action can make a difference for the individuals and businesses.

In the legislative process of the European Union the responsibilities of the EU institutions are very clearly established [3]. Hence, the European Commission has the general responsibility to initiate the legislative process through proposals. The Council and the European Parliament then decide on such proposals. Then, the Member States are responsible for the correct application, implementation and enforcement of EU law in their national legal order. But the role of the European Commission does not stop here because after the adoption of its proposals as EU law it has the responsibility to monitor whether the Member States apply their law in a correct manner and to take action in case they do not. In order to accomplish this task, the European Commission must develop a firm and quick action as any infringement can become an obstacle in front of achieving the EU policy objectives.

According to the provisions of the EU treaties the Commission can initiate infringement procedures – meaning it can take legal action – against a Member State that fail to implement EU law. To this effect the Commission can refer the issue to the Court of Justice of the European Union, which in certain cases can impose financial penalties.

We must also recall that the European Commission cooperates with the Member States in the process of implementing EU law, assisting them in this complex process.

Two of the most effective tools that the European Commission uses in order to monitor Member States' compliance with EU law in the field of the Internal Market are: the Annual Report on Monitoring the application of EU law and the annual Single Market Scoreboard.

In 2018 the EU Single Market celebrates its 25th anniversary – a quarter of century, so it is only natural for the European Commission to present a report on the way EU Member States comply with the European law in this field.

## **2. Short presentation of the Annual Report on Monitoring the application of EU law in 2017**

The Report is structured in seven main parts: jobs, growth and investment; the Digital Single Market; the Energy Union with a forward-looking climate change policy; a deeper and fairer internal market with a strengthened industrial base; the

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Economic and Monetary Union; the area of justice and fundamental rights based on mutual trust; and a new policy on migration [4].

In order to ensure Member State's compliance with EU law, the European Commission adjusted its policy on the use of EU Pilot mechanism. According to this mechanism the Commission raises its concerns regarding possible infringements with the Member States in an informal manner before launching the formal proceedings [5].

EU Pilot is no longer a mechanism to engage in dialogue with Member States on breaches of EU law. Instead, the Commission launched infringement procedures without relying on EU Pilot. This aspect would explain the decrease in the number of new EU Pilot procedures launched by the Commission in 2017 [6].

The Commission's priority is to investigate the situations in which Member States failed to communicate their national measures for transposing the directives. It also strengthened the sanctions regime for these situations [7].

When such infringement cases are brought to the Court of Justice the Commission asks the Court to impose a lump sum and a periodic penalty payment. This policy is applied by the Commission in all the infringement procedures launched after the publication of the Communication "EU law: Better results through better application" on 19 January 2017 [8]. Given the novelty of this policy, the Commission did not refer any case to the Court under the new sanctions regime in 2017 [9].

The main purpose of the infringement procedure is to ensure compliance with EU law by the Member States [10].

An essential role in implementing EU law in the national legal order is played by the national parliaments. This is why the Commission enhanced the dialogue with them on legislative proposals by including specific enforcement – related issues. For example, in 2017 the European Commission clarified its new enforcement policy in its exchange with the German and Czech national parliaments [11].

In the field of jobs, growth and investment, the European Commission has as first priority the stimulation of investments necessary in order to create new jobs and to strengthen European competitiveness. The creation of new jobs and of a legal framework can be undermined by Member States if they do not implement correctly and on time EU rules [12].

In order to ensure fair working conditions across EU, the Working Time Directive regulates the minimum safety and health conditions for organising working time [13]. In April 2017, the Commission presented an "Interpretative Communication" on this Directive and also a Report regarding the way it is implemented by the Member States. The main purpose of the Communication was to help national authorities, legal practitioners and social partners to better interpret the provisions of the Directive. The Court of Justice of the European Union interpreted the

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provisions of the Directive in more than 50 judgements and orders that are used by the national courts in interpreting national law in the field [14].

In the 2017 Annual Report the Commission presented the fact that in 2017 it took legal action against the inadequate implementation of environmental legislation. Here we can mention the case of Bialowieza Forest in Poland in which the Court of Justice of the European Union granted the Commission's request and ordered Poland to immediately cease its active forest management operations, except in those situations of public safety. The Court confirmed for the first time that Poland could face financial penalties in case it did not comply with the decision of the Court [15].

Regarding the obligation of the Member States to improve the air quality for the public, in 2017 the Commission started a total of 30 infringement procedures concerning the excessive levels of different pollutants in the air [16]. Here we can recall the situation of Bulgaria in which case the Court of Justice of the European Union upheld the Commission's enforcement actions [17].

In order to be more operative, we are going to present the other aspects to which the European Commission made reference in the first part of its Report in a table below.

**Table 1 – Member States' compliance with EU law in the field of jobs, growth and investment [18]**

Environmental rules	Collection and treatment of the urban waste water	In 2017, the Court of Justice upheld the Commission's arguments in the cases against United Kingdom and Greece – for insufficient urban waste water treatment. In 2017, the Commission pursued infringement actions against the Member States that did not implement the revised Environmental Impact Assessment Directive in their national legal order.
Agricultural rules	The common agricultural policy and the enforcement of related EU rules for supporting farm income and farming	In 2017, the Commission centred its attention on monitoring how Member States are implementing the reform for direct payments. In 2017, the Commission also adopted a Regulation in the field.
	The marketing standards for caseins and caseinates	In 2017, the European Commission followed infringement procedures against Cyprus, Italy, and the United Kingdom for not implementing on time the marketing standards for caseins and caseinates in their national legal order.

**Table 1 – Member States' compliance with EU law in the field of jobs, growth and investment [18] (continuation)**

Rules on maritime affairs and fisheries	Necessity for the Member States to take immediate and effective measures in order to prevent illegal, unreported and unregulated fishing	In 2017, the Commission launched infringement procedures against Portugal and Romania for disobaing EU's common fisheries policy. In 2017, the Commission also started to monitor the implementation on time of the EU common framework for maritime spatial planning.
Rules on regional policy	Investment in Member States must abide by the same EU laws and standards.	The preconditions imposed by the European Structural and Investment funds must be respected by all Member States. In 2017, the Commission focused on enforcing these preconditions.
Fighting fraud against the EU budget	Fraud Customs duties Value added tax	In 2017, the Commission monitored the cases in which could be encountered a loss of income for the EU budget. OLAF (European Anti-Fraud Office) published a report regarding fraud in 2017. Cases of ongoing fraud in the UK over 2011-2017 – discovered by OLAF and confirmed by the Commission. The Commission referred Netherlands and UK to the Court of Justice for failing to pay a total of 20 million EUR of customs duties to the EU budget.

The second part of 2017 Annual Report is dedicated to the field of the Digital Single Market. The strategy of the Union in this field aims to remove online barriers against the free movement of goods and services. In order to achieve this aim, the following issues were considered to be of great necessity:

**Table 2 - Member States' compliance with EU law in the field of Digital Single Market [19]**

The "roam like at home principle"	Since 15 June 2017 – this principle applies to all EU travellers.	In 2017, the Commission monitored the application of the EU Roaming Regulation by all Member States.
Online transactions	<ul style="list-style-type: none"> <li>• The eSignature</li> <li>• Trust services in order to make electronic transactions secure and legally valid</li> </ul>	In 2017, the Commission monitored the application of EU Regulation on trust services in all Member States. It also monitored the functioning and the same legal status in all Member States of the electronic signatures, electronic seals, time stamps, electronic delivery services, and website authentication.
Internet connectivity	The Broadband Cost Reduction Directive – for reducing the cost of Internet.	The Commission launched infringement procedures against Belgium and Slovakia, and they were even brought before the Court of Justice of the EU.
Protection of copyright and other related rights	The Collective Rights Management Directive The Intellectual Property package	The Commission launched infringement procedures against Bulgaria, Spain, Luxembourg, Poland and Romania for failing to implement on time this Directive in their national legal order. The judgement of the Court of Justice of the EU in the Pirate Bay case [20].

The third part of the 2017 Report is dedicated to the field of Energy Union and climate change policy. According to the Commission, the "European Energy Union" has three main objectives. First of all it refers to ensuring "secure, affordable and clean energy for households and businesses by allowing the free flow of energy across national borders within the EU". Second, it is meant to

stimulate the development of new technologies and renewed infrastructure in order to reduce home bills, create new jobs and boost development. Third, it must lead in the future to sustainable energy consumption, by reducing greenhouse gas emissions, pollution and the dependence on fossil fuels. In Table 3 we will shortly present the Commission's actions in the field [21].

**Table 3 - Member States' compliance with EU law in the field of energy and climate change policy [22]**

Towards a safe, secure and sustainable energy sector with the consumer at its centre	In 2017 the Commission's enforcement action in the field of energy focused on the implementation of: <ul style="list-style-type: none"> <li>• The Third Energy Package Directives,</li> <li>• The TEN-E Regulation,</li> <li>• The Energy Efficiency Directive,</li> <li>• The Energy Performance of Buildings Directive,</li> <li>• The Renewable Energy Directive,</li> <li>• The Security of Gas Supply Regulation</li> </ul>	Objectives: <ul style="list-style-type: none"> <li>• A competitive environment for energy suppliers,</li> <li>• Affordable energy prices for homes, businesses, and industries,</li> <li>• Reducing energy consumption,</li> </ul>
	<ul style="list-style-type: none"> <li>• The Energy Efficiency Directive,</li> <li>• The Energy Performance of Buildings Directive,</li> </ul>	Both directives – which contain a set of rules regarding the consumers and their information on their energy needs – were enforced in 2017 through infringement procedures against the Czech Republic, Greece, Spain, Latvia, Malta, and the Netherlands.
	In order to ensure that the Member States have created a national framework for the safe and responsible management of spent fuel and radioactive waste, for the radioactive substances in drinking water, and for the safety requirements for offshore oil and gas operations.	In 2017 the Commission continued the infringement actions started against the Czech Republic, Croatia, Italy, Austria, and Portugal – for failing to adopt national programmes for radioactive waste and fuel management. It also opened infringement actions against Belgium, Denmark, Luxembourg, Austria, Slovenia – for failing to implement on time the Nuclear Safety Directive.



**Table 3 - Member States' compliance with EU law in the field of energy and climate change policy [22] (continuation)**

Towards a safe, secure and sustainable energy sector with the consumer at its centre	The Energy Labelling Regulation The Security of Gas Supply Regulation	These two regulations were adopted by the European Parliament and the Council in 2017 at the proposal of the Commission. Other legislative proposals were made by the Commission in 2016-2017.
The Paris Agreement on climate change	The Agreement establishes a global action plan for avoiding dangerous climate change.	For the implementation of the Agreement, the Commission proposed an ambitious set of targets in order to reduce the EU's greenhouse gas emissions. In order to achieve these targets the existing climate legislation must be fully implemented by the EU Member States. <ul style="list-style-type: none"> <li>• Directive on fuel quality</li> <li>• Directive on the geological storage of carbon dioxide</li> <li>• Regulation on fluorinated greenhouse gases</li> <li>• Regulation on creating an EU-wide framework for the monitoring, reporting and verification of carbon dioxide emissions from maritime transport</li> </ul>
	At the end of 2017 the Commission adopted: <ul style="list-style-type: none"> <li>• Clean Mobility Package</li> <li>• Directive on the deployment of alternative fuels infrastructure</li> </ul>	21 Member States failed to implement the Directive on time, so the Commission launched infringement procedures against them.



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The fourth part of the 2017 Annual Report is the largest and it is dedicated to the field of the internal market. It encompasses aspects regarding: undistorted competition, free movement of workers, free movement of goods, the freedom of establishment, improved information and assistance for citizens and businesses, the Capital Markets Union, financial services and the free movement of capital, the rules on taxation and customs, the protection of consumers, the protection of the public health, the rules on mobility and transport. A systematic analysis of this field was made in Table 4.

**Table 4 - Member States' compliance with EU law in the field of the Internal Market [23]**

Undistorted competition	The Antitrust Damages Directive (adopted in 2014)	In 2017, the Commission monitored the implementation of this directive in the national legal order of the Member States. As a consequence, at the beginning of 2017 the Commission launched infringement actions against 21 Member States. Most of the Member States concerned by these actions took measures for the implementation of the directive, except Bulgaria, Greece and Portugal.
The free movement of workers	The Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.	In 2017, the Commission continued the infringement actions against eight Member States – Czech Republic, Estonia, Cyprus, Lithuania, Luxembourg, Austria, Portugal and Romania. By the end of 2017 all these Member States took the necessary measures to implement this directive.
	The Enforcement Directive on Posting of Workers – this directive provides national authorities with the tools to fight against abuse and fraud, to improve their administrative cooperation and the exchange of information [24]	In 2017, the Commission continued the infringement procedures started against ten Member States – Czech Republic, Cyprus, Spain, Croatia, Hungary, Luxembourg, Portugal, Slovenia, Sweden and Romania. By the end of 2017 all these Member States took the required measures to implement the directive.

**Table 4 - Member States' compliance with EU law in the field of the Internal Market [23] (continuation)**

The free movement of goods	In the automobile sector	In 2017, the Commission continued the infringement procedures against Germany, Greece, Spain, Luxembourg and United Kingdom – for failing to fulfil their obligations under EU vehicle type-approval legislation. The Commission launched an infringement procedure against Italy for the same reason as above with regard to Fiat Chrysler cars.
The freedom of establishment	Hungary	The Commission launched infringement procedures against Hungary for adopting some national legal provisions that restricted EU and non-EU universities in their activities.
	The Professional Qualifications Directive – that allows the EU citizens to have their professional qualifications recognized in other Member States	The Commission intervened for the application of this directive in: Ireland and Austria. The Commission advanced an enforcement action against Poland The Commission referred Germany to the Court of Justice for imposing fixed tariffs on architects and engineers which apply in Germany.
Information and assistance for citizens and businesses	The SOLVIT Action Plan	Adopted by the Commission in 2017. It is an informal means through which the citizens and businesses can complain to the Commission in case their rights are violated by public authorities.
	A proposal for a Single Digital Gateway	Adopted by the Commission in 2017. It is useful for the better access on the Single Market of the businesses, members of the public and other stakeholders.
	The interconnection of businesses registers (the single European e-Justice portal)	Launched by the Commission in 2017 in close cooperation with the Member States.

**Table 4 - Member States' compliance with EU law in the field of the Internal Market [23] (continuation)**

<p>The Capital Markets Union, financial services and the free movement of capital</p>	<ul style="list-style-type: none"> <li>• The Accounting and Audit Directives,</li> <li>• The Mortgage Credit Directive,</li> <li>• The Payment Accounts Directive,</li> <li>• The Directive on disclosure of non-financial information by certain large undertakings amending the Accounting Directive</li> </ul>	<p>In 2017 all Member States adopted measures for the implementation of these directives in their national legal order after the Commission opened infringement procedures in many cases.</p>
	<p>The Markets in Financial Instruments Directive – considered to be „a cornerstone” of the reforms that the EU adopted in order to improve investor protection [25].</p>	<p>The Commission launched infringement procedures against 19 Member States for not transposing on time the provisions of this directive in their national legal order.</p>
	<p>The compliance of the Member States with the principle of the free movement of capital</p>	<p>This aspect was monitored by the Commission in 2017. Hungary was referred to the Court of Justice because it failed to comply with the EU rules regarding the rights of cross-border investors in agricultural land.</p>
<p>The rules on taxation and customs</p>	<p>The correct and uniform application of the Union Customs Code</p>	<p>The Commission opened an infringement procedure against Italy and against Hungary. Also, the Commission opened an enquiry in Denmark.</p>
	<p>The Directive on administrative cooperation – considered to be „the core transparency tool to combat the tax evasion practices” [26]</p>	<p>In 2017 the Commission monitored the application of this directive. By the end of the year, almost all Member States adopted the required measures. In 2017, the Commission closed infringement procedures against Germany and Greece because they complied with the Commission's demands.</p>

**Table 4 - Member States' compliance with EU law in the field of the Internal Market [23] (continuation)**

The protection of consumers	The New Deal for Consumers	Presented by the Commission in 2018
	The new Package Travel Directive – adopted in 2015 – and it must be implemented by the Member States by January 2018. It is applicable from July 2018.	In 2017, the Commission closed infringement procedures against Italy – for complying with the provisions of the 1990 Package Travel Directive.
	The Goods Package	Adopted by the Commission in 2017. This Package helps to improve enforcement of the EU's harmonized rules on product safety.
The protection of public health	Tabacco Products Directive	The Commission monitored the application of this directive into the national legal order of the Member States. In 2017, the Commission closed infringement procedures against Belgium, Denmark, Greece, Cyprus, Lithuania, Poland, Romania and Slovenia because they implemented on time the provisions of this directive.
	The Cross-border Healthcare Directive	In 2017, the Commission monitored the implementation of this directive.
Mobility and transport	The EU rules on the rights of passengers travelling by sea	In 2017 the Commission asked Greece to apply these rules
	The roadworthiness package – it aims to prevent accidents linked to technical failure	It was adopted by the Commission in 2014. The Commission opened infringement procedures against 24 Member States for failing to implement on time this package

**Table 4 - Member States' compliance with EU law in the field of the Internal Market [23] (continuation)**

Mobility and transport	In the railway sector – the Decision of the Court of Justice – which confirmed that Member States must ensure the keeping of the accounts of railway undertakings in a way that allows the monitoring of the prohibition to transfer public funds earmarked for the management of infrastructure to transport services.	The Commission must monitor the implementation of this decision by the Member States.
	The decision of the Court of Justice regarding the intermediation services provided by the electronic platform Uber	Member States must regulate the conditions in which these intermediation services can be provided in conformity with the Treaty on the Functioning of the European Union.

The fifth part of the 2017 Annual Report is dedicated to the Economic and Monetary Union and it contains aspects regarding the enforcement of the Economic and Monetary Union rules and of the Banking Union rules.

As the Economic and Monetary Union is at the centre of the European integration process, the achievement of an Economic and Monetary Union represents the means to provide stability and stronger, sustainable and inclusive growth in the euro area [27].

As a consequence of the financial crisis in 2008 at the level of the European Union there were adopted a series of legal acts - the 2011 "Six-Pack" and the 2013 "Two Pack" – with the purpose of reinforcing the EU's economic governance framework. In 2017, the European Commission directed its attention towards monitoring the implementation of two important directives: the Directive on requirements for budgetary frameworks of the Member States and the Directive on the protection of the euro and other currencies against counterfeiting by criminal law. Infringement procedures were launched by the Commission against Bulgaria, Croatia, Luxembourg and Slovenia for failing to implement on time the second directive mentioned above [28].

With respect to the Banking Union rules and their implementation by the Member States, the 2017 Annual Report shows that the Commission will continue to monitor the implementation of three important directives: the Capital Requirements Directive IV, the Deposit Guarantee Schemes Directive and the Bank Recovery and Resolution Directive. All these directives are meant to ensure that banks become stronger and better supervised [29].

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Another aspect that was approached in this field by the Annual Report concerns the independence and autonomy of the central banks of the Member States. In 2017, the Commission opened an infringement procedure against Slovenia with respect to maintaining a balance between the duty of loyal cooperation between central banks and the public authorities during criminal investigations. The independence and autonomy of central banks in the Member States is an important aspect that will continue to be monitored by the European Commission in the future [30].

The sixth chapter of the 2017 Annual Report is dedicated to the area of justice and fundamental rights. Here the Commission analysed the following aspects: the rule of law and fundamental rights, data protection, combating discrimination, the area of security. We will shortly present in Table 5 the way in which the Commission perceives Member States' compliance with EU law in this field.

**Table 5 - Member States' compliance with EU law in the field of the area of justice and fundamental rights [31]**

The rule of law and fundamental rights	The need to respect: <ul style="list-style-type: none"> <li>• The rule of law</li> <li>• The Charter of Fundamental Rights</li> </ul>	The Commission monitors their respect in all Member States. In 2017, the Commission continued its dialogue with Poland under the rule of law framework. The Commission launched an infringement procedure against Poland for breaches of EU law in the Polish law on the Ordinary Courts Organisation (gender discrimination between female and male judges; the independence of Polish courts). Also, the Commission launched an infringement procedure against Hungary for the compatibility of the laws with the EU Treaty provisions on the free movement of capital and on different other rights provided by the Charter.
	The European Semester exercise	Under it the Commission encourages Member States to improve the effectiveness of their enforcement capacities. This concerns especially the independence, quality and efficiency of the national justice systems.

**Table 5 - Member States' compliance with EU law in the field of the area of justice and fundamental rights [31] (continuation)**

Data protection	The General Data Protection Regulation [32] – May 2018	This Regulation introduces a single set of EU rules on data protection, reinforces the trust and security of individuals, and it establishes uniform rules for business. In 2017, Commission supported the Member States in preparing its application.
	The Directive for police and criminal justice authorities concerning processing and free movement of personal data [33]	This Directive aims to ensure the protection of the data of victims, witnesses and suspects of crimes during criminal investigations. It will also facilitate cross-border cooperation in combating crime and terrorism. The Commission supported Member States in the process of implementing the provisions of this directive.
	The Communication on international data flows [34]	It was adopted by the Commission in January 2017. It is meant to ensure a high level of data protection in the field of trade and law enforcement.
Combating discrimination	The Racial Equality Directive [35]	This directive is considered to be “a key piece of EU legislation for combating discrimination on the grounds of racial or ethnic origin and giving effect to the principle of equal treatment” [36]. It mainly refers to the access of Roma community to education and housing. In 2017, the Commission monitored the application of this directive by the Member States.
	The Court of Justice: <ul style="list-style-type: none"> <li>• Judgement of the Court, 14 March 2017 – Achbita [37];</li> <li>• Judgement of the Court, 14 March 2017 – Bougnaoui [38].</li> </ul>	Through these two decisions the Court clarified the EU rules applicable to non-discrimination of women at work – the issue of the Islamic headscarves at work.



**Table 5 - Member States' compliance with EU law in the field of the area of justice and fundamental rights [31] (continuation)**

Rules in the area of security	The European Agenda on Security The development of the Security Union	The key to ensuring a high level of security in the EU is the implementation of the EU rules in this area. So, in 2017, the Commission continued the infringement procedures started in 2016 against Greece, Ireland, Croatia, Italy and Luxembourg regarding police cooperation and its instruments. Also, the Commission regularly reports to the European Parliament, the European Council and the Council of the EU on the progress in creating a Security Union.
	The Directive on the European Investigation Order in criminal matters [39]	In 2017 the Commission opened infringement procedures against 14 Member States for failing to implement the provisions of this directive in their national legal order on time.
	The Fourth Anti-Money Laundering Directive [40]	In 2017, the Commission launched infringement procedures against 18 Member States for failing to implement on time in their national legal order the Fourth Anti-Money Laundering Directive. In December 2017 the Commission continued the infringement procedures started against Bulgaria, Greece, Cyprus, Luxembourg, Malta, Netherlands, Poland and Romania because they did not notify any transposition measures of this last directive.

The last chapter of the 2017 Annual Report is dedicated to the issue of migration and under the title "Towards a new policy on migration" the European Commission is trying to develop a medium and long term policy in the field.

At European level, the actions were centred in the following directions [41]:

- Monitoring the application of the Council Decisions on relocation – which gave birth to infringement procedures against the Czech Republic, Hungary and Poland because they failed to comply with the provisions of these decisions.
- Monitoring the implementation of the Asylum Procedures Directive [42]; the Reception Conditions Directive [43]; and the Return Directive [44]. This activity gave birth to infringement procedures against Hungary.

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- Monitoring the correct implementation of Eurodac Regulation which is very important for the well functioning of the Dublin Regulation. In 2017 the Commission continued the infringement procedures started against Croatia.
- Monitoring the implementation of the Directive on the conditions of entry and residence of third-country nationals in the framework of a intra-corporate transfer. In 2017 the Commission launched infringement procedures against 17 Member States for failing to notify the way of implementing this directive.
- Monitoring the implementation of other directives – an activity which determined other infringement procedures against different Member States.
- In 2017 the Commission closed the infringement procedures started against Bulgaria and Italy in the field.

According to a Press release since 12 July 2018, the European Commission concludes that the situation of Member States' compliance with EU law has improved at the present moment but there is a lot of work in this sense for the future [45].

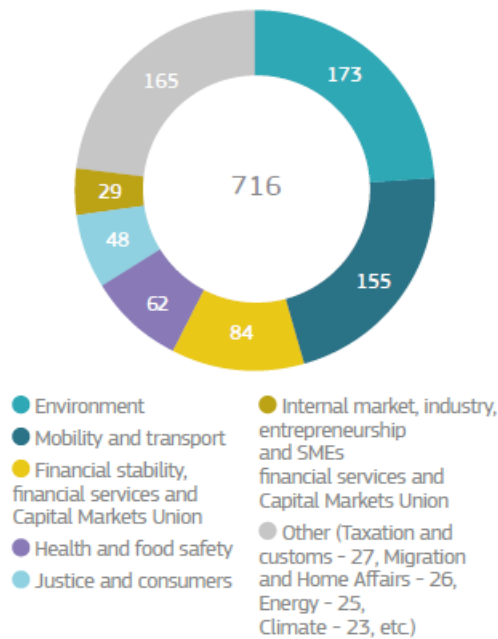
### 3. Conclusions

As it is shown in the research literature, European integration is a process which implies the consent of the Member States to align to the conditions imposed by EU's treaties [46]. In this process a huge role is exercised by the European Commission which besides being part of the „decision triangle” created by the Lisbon treaty, has the main attribution to ensure the best Member States' compliance with the European legal provisions [47].

The Single Market Scoreboard shows an improvement in some fields because the barriers to the free movement of persons, services, goods and capital were eliminated, but at the same time it shows that in some fields the situation is stalling or even worsening [48].

According to the conclusions of the European Commission, in its activity of monitoring the application of the European Union Law in all the Member States, in 2017 there were launched 716 new infringement procedures. The main policy areas concerned were: environment, mobility and transport, financial stability, financial services and Capital Markets Union, health and food safety, justice and consumers, internal market, industry, entrepreneurship and SMEs and others – which include taxation and customs, migration and home affairs, energy, and climate [49]. In order to see the numbers of the infringement procedures in each case we recommend following the graphic below.

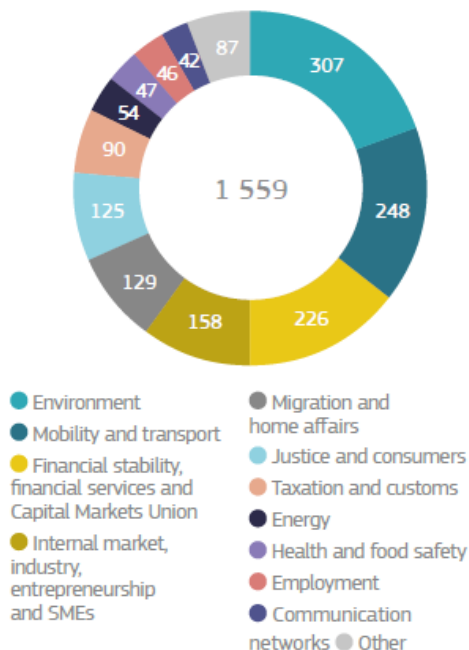
**Graphic 1 – The main policy areas concerned by the new infringement procedures launched by the Commission in 2017 [50]**



The number of infringement procedures is smaller in comparison with 2016 when there was recorded a number of 986 such procedures.

At the end of 2017, there were opened a number of 1559 infringement procedures for incorrect transposition and bad application of EU laws or for late transposition in the following policy areas: environment, mobility and transport, financial stability, financial services and Capital Markets Union, Internal Market, industry, entrepreneurship and SMEs, migration and home affairs, justice and consumers, taxation and customs, energy, health and food safety, employment, communication networks and other [51]. This situation is presented in the graphic below along with the number of infringement procedures for each policy area stipulated above.

**Graphic 2 - The main policy areas concerned by the infringement procedures opened at the end of 2017 [52]**



The number of infringement procedures launched at the end of 2017 – on 31.12.2017 – is smaller than the number of such procedures initiated at the end of 2016 – when there were 1657 infringement procedures.

With reference to the number of new late transposition cases decreased in 2017 by 34% compared to 2016. So, in 2016 there were 847 such cases while in 2017 there were 558 [53]. These numbers refer to the new infringement cases opened against all Member States in 2017 as a consequence of the failure in implementing EU law on time in their national legal order.

With respect to the decisions of the Court of Justice of the European Union, in 2017 the Court issued 17 judgements under Article 258 of the Treaty on the Functioning of the European Union – all in favour of the European Commission [54]. Also, the Court issued one judgement under Article 260 (2)3 of the Treaty on the Functioning of the European Union, imposing penalty payments on Spain [55]. We must also take into consideration the number of European norms that had to be implemented by the Member States in 2017 in comparison with 2016. So, in 2017 Member States had to transpose 39 directives, while in 2016 they had to transpose

66 new directives. This is one aspect that caused great difficulties in the process of transposing directives on time [56].

To conclude with, we can say that after analysing the 2017 Annual Report of the European Commission the situation did not know a significant improvement in the process of Member States' compliance with EU law. We can see that things evolved but we consider that this evolution could have been better if Member States would have dedicated more attention to this process. It is a slow but certain evolution.

One of the most important principles of the European law – the principle of subsidiarity – is at the basis of the development of the European construction. According to this principle, the Union must provide itself with the means necessary to attain its objectives and carry through its policies [57]. As one of the objectives of the Union is European legal integration, according to this principle, the Union must find the most appropriate ways to ensure the best Member States' compliance with EU law.

#### 4. References

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