## MEASURING NON-COMPLIANCE WITH EU LAW

# PHASE 1

# PHASE 2

# PHASE 3

# PHASE 3a

# PHASE 3b



75%
Resolution
Rate

15,665 Proceedings since 2000 6,601 FN 6,539 RO

2,493
Referrals

### Initial Phase

Detection of MS
non-compliance with
EU law by: the EC,
other MS, the EP,
public, NGOs,
businesses, or other
societal
organizations. If a
case is flagged, it
may proceed to the
EU Pilot stage.

### **EU Pilot**

Purpose is to reach resolution ASAP. The EC and MS engage in "informal bilateral dialogues" to solve the issue. The EC will only use the EU Pilot when its deemed useful – otherwise the infringement procedures are launched directly.

### Formal Procedure

If resolution isn't reached, the formal infringement procedure under Art. 258 TFEU is launched. This indicates the MS is either in noncompliance with EU law or has failed to notify the EC of the national provisions transposing EU directives. Two phases: pre-litigation and litigation.

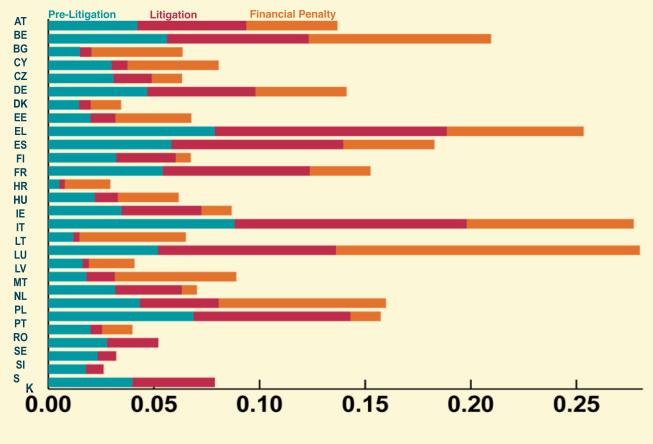
### **Pre-Litigation**

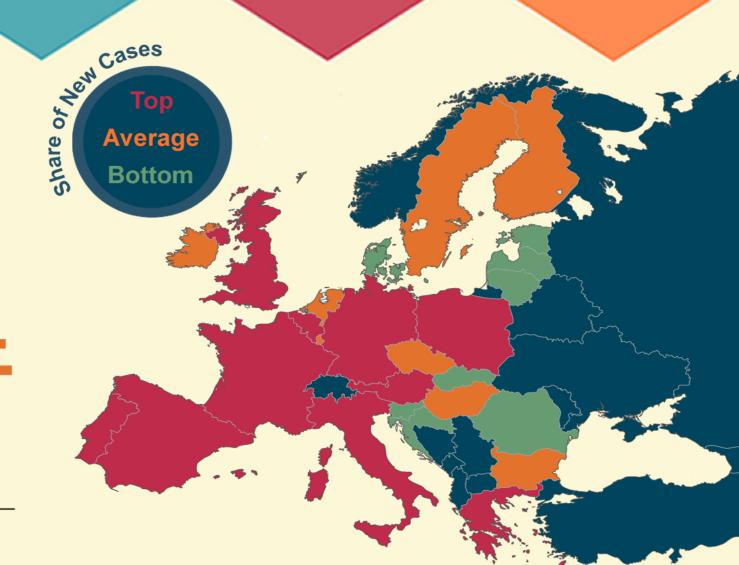
Prior to referring the case to the ECJ the EC sends a letter of formal notice (FN), which a MS is required to reply to within 2 months. Should this fail, the EC issues a reasoned opinion (RO) on the MS's breach of EU law. The MS may either accept this opinion or negotiate it in court.

### Litigation & Penalty

Should adjudication fail, the EC may decide to refer the case to the ECJ under Art. 258 TFEU. If a MS doesn't comply when the ECJ rules in favor of the EC, a 2nd infringement procedure launched via a FN or RO Art. 260 TFEU. The case may be referred a second time to the ECJ which results in financial penalties, or financial penalties may be directly imposed under Art. 260(3).

# Who doesn't comply?





# Financial Penalties

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