

Berlin Infringement Database (BID)

CODEBOOK

Prof. Dr. Tanja Börzel

Freie Universität Berlin

Fachbereich Politik und Sozialwissenschaften

Otto-Suhr-Institut für Politikwissenschaft

Arbeitsstelle Europäische Integration

Uhnenstr. 22

14195 Berlin

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Description

The BID captures all stages of the infringement proceedings launched by the European Commission against Member States for non-compliance with EU law under Art. 258 TFEU (ex Art. 226 TEC) that have at least reached the official stage of a reasoned opinion. Information on the procedure under Art. 260(2) TFEU (“second round infringements”) is not covered by the dataset.

The present version 2021.1 encompasses the following data:

Time range

All infringement proceedings launched between 1978-2017 that have reached the reasoned opinion stage by 7 March 2019.

Total observations

13,367

In 2000, the European Commission provided us with all infringement proceedings opened by the Commission between 1978 and 1999 that reached at least the reasoned opinion stage. We manually coded missing data using the Annual Reports on Monitoring the Application of Community Law and judgments by the Court of Justice of the European Union (CJEU). The sources for BID data between 2000 and 2010 are the Annual Reports on Monitoring the Application of Community Law. Since 2011, the Annual Reports only contain aggregated statistics on the application of EU law. BID data are therefore drawn from a newly introduced search engine on European Commission infringement decisions. These latest data have

introduced certain coding challenges, including difficulties in the identification of the legal act concerned, the type of violation or the corresponding proceedings at the CJEU. Commission data are at times inconsistent with official data in the CJEU records. We have thus introduced additional variables on new procedures and data inconsistencies (see below).

If not specified otherwise in this codebook, all variables were coded from the following sources:

- 1978-1999 Internal Commission data, supplemented by Annual Reports on Monitoring the Application of EU law and data on CJEU judgements.
- 2000-2010 Annual Reports on Monitoring the Application of EU law
(https://ec.europa.eu/info/publications/annual-reports-monitoring-application-eu-law_en)
- since 2011 Public Commission database on infringement decisions
(http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/)

Variables

infringementnumber	Infringement number
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Identifier of the infringement proceeding, containing the year when the Commission internally opened a proceeding (does not automatically correspond with the year of the letter of formal notice)

For older cases, a letter was added to the numerical code when the number did not unambiguously identify a proceeding.

typeofviolation	Type of violation
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Type of violation against EU law

- 1 = Late (or incomplete) transposition of Directives / Non-notification of national implementing measures (NIMs)
- 2 = Incorrect transposition of Directives / (Legal) non-conformity
- 3 = Bad application of Directives / (Practical) non-compliance
- 4 = Infringements against Treaties, Regulations, Decisions
- 23 = Type 2 or 3 (“Incorrect transposition and bad application”)

Until 2003, the Annual Reports listed the types of infringement for each individual procedure. Since 2004, types 2 and 3 have no longer been listed separately. Classification since that date

is a manual coding based on press releases or descriptions in the Commission's infringement decision database. The category 23 was assigned where no distinction could be made.

memberstate	Member state
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Member state identifier

A = Austria, B = Belgium, BG = Bulgaria, CY = Cyprus, CZ = Czech Republic, D = Germany, DK = Denmark, E = Spain, EE = Estonia, EL = Greece, F = France, FI = Finland, HR = Croatia, HU = Hungary, I = Italy, IR = Ireland, L = Luxembourg, LT = Lithuania, LV = Latvia, MT = Malta, NL = The Netherlands, P = Portugal, PL = Poland, RO = Romania, S = Sweden, SI = Slovenia, SK = Slovakia, UK = United Kingdom

eu_15	EU-15
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Dummy variable for the EU-15 based on memberstate

1 = 'old' member state (founding member or accession until 1995)

0 = 'new' member state (accession in 2004 or after)

policysector	Policy sector
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ADMI = Administrative Matters

AGRI = Agriculture

BUDG = Budget

COMP = Competition

DEV = Development & Cooperation

EACU = Education & Culture

ECFIN = Economic & Financial Affairs

ELAR = Enlargement

EMPL = Employment & Social Affairs

ENTR = Enterprise & Industry

ENVI = Environment

FISH = Fisheries

FISMA = Financial Stability, Financial Services and Capital Markets Union

GROW = Growth

INSO = Information Society & Media

JAIN = Justice & Home Affairs
 MARK = Internal Market
 OSCE = OSCE
 REGI = Regional Policy
 RELX = External Relations
 SANCO = Health & Consumer Protection
 SJUR = Legal Matters
 TAX = Taxation & Customs Union
 TRAD = Trade
 TRAN_ENE = Transport & Energy

The categorization of policy sectors is based on the Directorate-General (DG) of the European Commission leading the infringement proceeding as recorded in the Commission data. Note that due to reforms of the European Commission's organizational structure DG names are not consistent over time. This concerns most prominently the changing division between MARKT and ENTR (DG GROW), the fusion of 'Justice & Consumers' (DG JUST) and the introduction of a separate DG for 'Home Affairs' (HOME), as well as separate DGs for 'Transport' and 'Energy' Policy (DGs MOVE' & 'ENER). These constitute changes in the available data (especially from 2014 onward) that cannot be easily resolved in the coding process. Any statistical analysis needs to take these issues into account.

title	Title of proceeding
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Title of the infringement proceeding (e.g., "incorrect transposition of Directive XXX")
 Partly available until 2010, completely available only from 2011 onwards.

legalact	Legal act
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Type of legal act(s) concerned

- T = Treaty (CELEX numbers 1.....)
- A = Agreement (CELEX numbers 2....A....)
- R = Regulation (CELEX numbers 3....R....)
- L = Directive (CELEX numbers 3....L....)
- D = Decisions (CELEX numbers 3....D....)
- J = CJEU Judgments (CELEX numbers 6....J....)

Where several types of legal acts were concerned, the variable was coded in the corresponding combination (eg. 'TRL'), according to the hierarchy above.

celexnumber	CELEX number
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CELEX number(s) of the legal act(s) concerned

Contains all legal acts mentioned in the European Commission's Annual Reports (-2010) and database on infringement decisions (2011-)

celex_1st	First CELEX
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CELEX identifier of the earliest/oldest legal act concerned

Directives only

celex_last	Last CELEX
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CELEX identifier of the latest/newest legal act concerned

Directives only

year_c_1st	Year of first CELEX
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Year of first earliest/oldest legal act concerned

Directives only

year_c_last	Year of last CELEX
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Year of latest/newest legal act concerned

Directives only

yearin	Year of infringement proceeding
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Year when the infringement proceeding was opened (based on infringementnumber)

Format: YYYY

ro	Reasoned opinion
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Date of the reasoned opinion

Format: YYYY-MM-DD

yearro	Year of reasoned opinion
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ro abridged to year

Format: YYYY

referral	CJEU referral
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Date of the referral to the CJEU

Source of this information is the date of the Commission's application to the Court of Justice of the European Union the as recorded in the court's database (<https://curia.europa.eu>), not the date of the Commission's decision to refer, which is recorded in the European Commission's database on infringement decisions (cf. below).

Format: YYYY-MM-DD

yearrefer	Year of CJEU referral
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referral abridged to year

Format: YYYY

ecj	CJEU proceeding
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Dummy variable based on referral

1 = infringement proceeding including a CJEU proceeding

0 = infringement proceeding not including a CJEU proceeding

refercom	Referral (Commission decision)
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Date of decision to refer as recorded in the European Commission's database on infringement decisions

Format: YYYY-MM-DD

As opposed to the European Commission's Annual Reports – where referral dates normally corresponded to those stated in the CJEU's register – the Commission's database on

infringement decisions apparently records the Commission’s decision to refer, rather than the actual application to the CJEU. As a consequence, there are several cases in which the Commission database records a decision to refer a case to the CJEU, but the procedure was terminated before an application was actually lodged with the CJEU. This variable captures information on the Commission’s decisions to refer.

referecj	Referral (CJEU records)
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Existence of a corresponding application in the CJEU’s records

1 = Yes (case found, see referral for date)

0 = No (no case found & proceeding terminated)

refer260_3	Referral under 260(3)
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Dummy variable for 260(3) Referrals

1 = Referral for non-notification with application for penalties according to 260(3) TFEU

0 = Referral for non-notification without application for penalties or referral for other types of violation

The Lisbon Treaty (in force since 1 December 2009) introduced a new procedure in order to accelerate infringement proceedings for cases of non-notification (recorded in the BID as typeofviolation = 1). According to Art. 260(3), the European Commission may ask the CJEU to impose financial penalties in its first referral, while for other types of violations this remains an exclusive feature of the second procedure:

“When the Commission brings a case before the Court pursuant to Article 258 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure, it may, when it deems appropriate, specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances. [...]” (Art. 260(3) TFEU)

case_id	CJEU case identifier
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Case number of the CJEU proceeding

Source: Court of Justice of the European Union (<https://curia.europa.eu>)

Format: CJEU:C:YYYY:XXXX (where Y is the year and X is the identifier)

This format allows for chronological sorting. Note that the BID format is the reverse of the CJEU's format. In order to identify a case in the records of the CJEU, year and identifier have to be switched (e.g., CJEU:C:2002:0087 in the BID equals C-87/02 in the CJEU's records).

withdrawal	CJEU withdrawal
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Date of withdrawal from the CJEU

Source of this information is the date of the court's order for a case to be removed from the Register of the Court as recorded in the CJEU's database (<https://curia.europa.eu>):

Format: YYYY-MM-DD

yearwithdraw	Year of CJEU withdrawal
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withdrawal abridged to year

Format YYYY

withcom	258: Withdrawal (Commission Decisions)
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Date of withdrawal as recorded in the European Commission's database on infringement decisions

Format: YYYY-MM-DD

judgment	CJEU judgment
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Date of the CJEU's judgment

Source of this information is the date of the CJEU's judgment as recorded in the court's database (<https://curia.europa.eu>)

Format YYYY-MM-DD

yearjudge	Year of CJEU judgment
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judgment abridged to year

Format: YYYY

comwin	Judgment in favour of the Commission
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Outcome of the CJEU judgement coded in terms of Commission success

1 = Commission won (even partially)

Existence of non-compliance (partially) confirmed in judgment (“[MS] has failed to fulfill its obligations under...”)

0 = Commission lost

Existence of non-compliance rejected in its entirety (“Dismisses the application”)

status	Status of proceeding
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Status as of 7 March 2019

Open = Proceeding is pending / not yet (officially) terminated

Terminated = Proceeding has been terminated

Handled as ... = Proceeding continued under different number

enddate	Date of termination
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Date when the infringement proceeding was terminated

Format: YYYY-MM-DD