



Project no. CIT1-CT-2004-506392

NEWGOV **New Modes of Governance**

Integrated Project
Priority 7 – Citizens and Governance in the Knowledge-based Society

**The European Court and Enforcement Actions: Data Set with Codebook on
Infringement Proceedings (Art. 226), 1958-2005**
reference number: LTF II/D03

Due date of deliverable: February 2007
Actual submission date: 31 August 2007

Start date of project: 1 September 2004

Duration: 48 months

Organisation name of lead contractor for this deliverable:
European University Institute. Authors: Alec Stone Sweet and Thomas L. Brunell

Project co-funded by the European Commission within the Sixth Framework Programme (2002-2006)		
Dissemination Level		
PU	Public	X
PP	Restricted to other programme participants (including the Commission Services)	
RE	Restricted to a group specified by the consortium (including the Commission Services)	
CO	Confidential, only for members of the consortium (including the Commission Services)	

Summary

This data set contains the first 2,647 Art. 226 infringement proceedings (enforcement actions) filed. In these, the European Commission raised 5,002 separate claims that Member States were in violation of one or more provisions of EC law (see the discussion of legal domains [matters] in Appendix C below). The last claim in our dataset is case 50 filed in 2006. The data set, available at this website, includes information on, among others, date, the target Member State, the legal domain or subject matter (e.g., competition, environmental protection, free movement of goods), and the official docket number given to the case by the European Court of Justice.

Cite as: Alec Stone Sweet and Thomas L. Brunell: Set on Infringement Proceedings in EC Law, NEWGOV Project, Robert Schuman Centre, European University Institute (San Domenico di Fiesole, Italy, 2007).

Contents

CODEBOOK: INTRODUCTION AND OVERVIEW	3
ERRORS IN THE DATA SET AND CODING	4
APPENDICES	5
A: MEMBER-STATES	5
B: CURRENT STATUS OF PROCEEDINGS.....	6
C: SUBSTANTIVE AREAS OF EC LAW	7
<i>ECSC Treaty</i>	8
<i>EAEC Treaty</i>	9
<i>EEC and Union Treaty</i>	10
<i>Miscellanea</i>	13

Codebook: Introduction and Overview

This data set contains the first 2,647 Art. 226¹ infringement proceedings (enforcement actions) filed. In these, the European Commission raised 5,002 separate claims that Member States were in violation of one or more provisions of EC law (see the discussion of legal domains [matters] in Appendix C below). The last claim in our dataset is case 50 filed in 2006.

At this website, you will be able to download the data set in Excel format (http://www.eu-newgov.org/database/DELIV/LTFIID3b_Data_Set_Infringement_Proceedings_Art226_1958-2005.xls). You can then translate the file into a statistics program, such as STATA or SPSS, in order to search and sort cases along any one dimension, or combination of dimensions, including the following: date, the target Member State, the legal domain or subject matter (e.g., competition, environmental protection, free movement of goods), and the official docket number given to the case by the European Court of Justice. Thus, if you were doing research in the area of free movement of workers, you could instantly call up a list of all enforcement actions brought, and be in the position to compare Art. 226 litigation across time, Member State, and legal domain. You could also obtain information on whether the enforcement action led to a judgement of the Court, is still pending, or was removed from the docket (normally because the Member State settled the matter to the Commission's satisfaction).

To take an example, the first case in the dataset will have the following information:

defendant	9
refdate	1961
case	7
dcsntyp	1
dcsnmnth	12
dcsnyr	1961
matter1	369
matter2	.
matter3	.
matter4	.
matter5	.
agri	0
freemove	1
compet	0
external	0
socsec	0
socprov	0
environ	0
estab	0
movework	0
tax	0
transprt	0

¹ Article 226 TEC reads as follows:

If the Commission considers that a Member State has failed to fulfil an obligation under this Treaty, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice.

compolc	0
apprlaw	0

This entry is to be read as follows:

- Line 1 ("defendant") provides a code for the Member State that the Commission has sued, in this case "9," which is Italy. Codes for Member States are listed in Appendix A.
- Line 2 ("refdate") gives the year that the Commission filed the action with the ECJ, in this case "1961,"
- Line 3 ("case") gives the number assigned to the enforcement action, that year, by the European Court of Justice, in this case, "7."
- Line 4 ("dcsntyp") tells you that the case was disposed of by a judgement of the Court, which is coded "1," as opposed to pending (coded "3") or having been withdrawn (coded "4"). Codes for "decision" are listed in Appendix B.
- Line 5 ("dcsnmnth ") represents the month that the ECJ delivered its decision for the case. For this example 12 signifies the month of December. If the case was "removed" (dcsntyp=4) then there is no decision date listed.
- Lines 6 ("dcsnyr") represents the year that the ECJ delivered its decision for the case, here the year is 1961. If the case was "removed" (dcsntyp=4) then there is no decision date listed.
- Lines 7-11, marked "matter1," "matter2," etc., concern the substantive area of EC law in which the Member State is alleged by the Commission to be in violation, in this case free movement of goods/quantitative restrictions, which is coded "369". Codes for legal domains (subject matters) are listed in Appendix C. Art. 226 proceedings may allege violations in more than one area of the law; our data set makes it possible to code up to five different substantive claims.
- Lines 12-24 indicate the 13 different "metacategories" that we coded based on the variables in lines 7-11 (see description below). For this case there is only a single matter in lines 7-11 and it falls under the "free movement of goods" section of the treaty so all of these variables are coded zero except "freemove" which takes on the value of 1.

Errors in the Data Set and Coding

Errors in the Data Set and Coding: Please signal errors by emailing us at: alec.sweet@yale.edu r tbrunell@utdallas.edu.

Appendices

A: Member-States

We coded the target Member State of each infringement proceeding as follows:

COUNTRY	CODE
Austria	1
Belgium	2
Denmark	3
Finland	4
France	5
Germany	6
Greece	7
Ireland	8
Italy	9
Luxembourg	10
Netherlands	11
Portugal	12
Spain	13
Sweden	14
United Kingdom	15
Cyprus	16
Estonia	17
Hungary	18
Lativa	19
Lithuania	20
Malta	21
Poland	22
Czech Republic	23
Slovakia	24
Slovenia	25

*Note that in the dataset through 2005 many of the newest member states do not occur in the dataset as no infringement proceedings have been filed against them.

B: Current Status of Proceedings

Art. 226 enforcement actions were coded in terms of their current judicial status, as follows:

STATUS	CODE
Cases ended by a judgement of the Court	1
Cases ended by an order of the Court	2
Cases whose resolution is pending	3
Cases removed from the register	4
Cases joined to another case	5

NOTE: We are using the system developed for Art. 234 references here. The updated data set may be coded differently, given that some of these categories do not apply to Art. 226 proceedings.

C: Substantive Areas of EC Law

We coded information on the substantive area of EC law being litigated in Art. 226 proceedings using a classification system developed by the European Court. The Court classifies each enforcement action in terms of one or more legal domains, or legal subject matters, as delimited by the treaties, using a system of abbreviations. We have given each of these classifications a number. Infringement proceedings falling within the purview of the ECSC comprise a 100-series; those falling within the purview of the EAEC make up a 200-series; and those on EEC law constitute a 300-series. In the 100-series (ECSC), you will find two 300-series (EEC) codes (for "industrial policy" and "state aids") cross referenced with 100-series codes; and, in one case (transportation), a 300-series code substitutes for a 100-series code. This occurs because the Court itself has coded some proceedings with the same abbreviation, without regard to treaty. One can determine the treaty-basis of the action only by reading the case, if it has been decided.

In our analyses of the data published for Article 226 proceedings, we commonly aggregated actions that fell with the same legal domain, by constructing a system of ordinal variables that would, for example, sort all enforcement actions falling within the 302-335 code range into a meta, *agriculture* category (variable labeled "agri"), and those falling within the 367-375 range into a meta, *free movement of goods* category (variable labeled "freemove"). These meta-categories are marked with the variable label on the first line of any sub-grouping of subject matters, and continue until that group is set off by a blank space. We combined same or similar categories across treaties: thus, enforcement actions falling within the meta category for competition in the ECSC (coded 103-109) were combined with those falling within the meta category for competition in the EC (coded 343-350).

Taken together, the meta-categories contain roughly 67% of the total number of claims raised by the Commission in Art. 226 actions. For each, coded entries consist of a number between 0 and 5, with 0 indicated that none of the claims fall within the subject matter denoted by that metacategory, and 1 through 5 indicating how many different claims fall within a single metacategory of EC law. Thus, if the Commission alleges a violation in both UNDERTAKINGS (coded as 346) and DOMINANT POSITION (coded as 348) with the competition domain, you would find a "2" entered after the metacategory "compet." In other words, a metacategory is a counting variable.

These counting variables are as follows:

- Agriculture (labeled "agri")
- Free Movement of Goods (labeled "freemove")
- Competition and Dumping (labeled "compet")
- External Relations (labeled "external")
- Social Security (labeled "socsec")
- Social Provisions (labeled "socprov")
- Environment (labeled "environ")
- Establishment (labeled "estab")
- Free Movement of Workers and Persons (labeled "movework")
- Taxation (labeled "tax")
- Transportation (labeled "transprt")
- Commercial Policy (labeled "compolc")
- Approximation of Laws (labeled "apprxlaw")

ECSC Treaty

<u>ABBREVIATION</u>	<u>SUBJECT MATTER (TREATY ARTICLE)</u>	<u>CODE</u>
CECA	THE EUROPEAN COAL AND STEEL COMMUNITY	101
COMB	FUEL - COAL	102
CONC ENCO	COMPETITION (65-66)	COMPET 103
CONC ENCO EXL	EXCLUSIVE CONTRACTS	104
CONC ENCO POSI	DOMINANT POSITION	105
CONC ENCO PRAT	CONCERTED PRACTICES	106
CONC PROP	INDUSTRIAL AND COMMERCIAL POLICY	107 (350)
CONC AIDE	STATE AIDS (67)	108 (344)
CONC SOCI	SOCIAL PROVISIONS (68)	109
DGEN	GENERAL PROVISIONS (80--94, 96-100)	110
FINC	FINANCIAL PROVISIONS (78-78H)	111
FINC PREL	LEVIES AND LOANS (49-53)	112
FINC PERE	PRICE ADJUSTMENTS OF SCRAP (53)	113
FINC PRET	LOANS AND SUBSIDIES (54-56)	114
IMPK	PROVISIONS APPLYING ART. 95 ECSC	115
INF	INFORMATION GATHERING (47-48)	116
INST	INSTITUTIONAL PROVISIONS (7-45)	364
LCT	FREE MOVEMENT OF PERSONS (69)	MOVEWORK 376
PCOM	COMMERCIAL POLICY (71-75)	COMMPOLC 119 (356)
PCOM	PROTECTIVE MEASURES	120
PCOM	DUMPING	121 (357)
PENU	TIMES OF SHORTAGE	122
PRIN	PRINCIPLES, AIMS, AND MISSION (1-6)	123
PRIX	PRICES (60-64)	124
QUOT	PRODUCTION QUOTAS (58)	125
SIDE	IRON AND STEEL INDUSTRY	126
TRAN	TRANSPORT (70)	TRANSPRT 397
TUC	STANDARD COMMON TARIFF	128

EAEC Treaty

<u>ABBREVIATION</u>	<u>SUBJECT MATTER (TREATY ARTICLE)</u>	<u>CODE</u>
CEEA	EUROPEAN ATOMIC ENERGY COMMUNITY	201
APPR	SUPPLY AGENCY (52-76)	202
DIFF	DISSEMINATION OF KNOWLEDGE (12-23)	203
ENTC	JOINT UNDERTAKINGS (45-51)	204
EXT	EXTERNAL RELATIONS (101-106)	EXTERNAL 412
FIN	FINANCIAL PROVISIONS (171-183)	206
INST	PROVISIONS ON INSTITUTIONS (107-170)	207
INV	INVESTMENT (40-44)	208
NUCL	NUCLEAR COMMON MARKET (92-100)	209
PROP	INDUSTRIAL AND COMMERCIAL PROPERTY (86-91)	210
RECH	RESEARCH AND TRAINING (4-11)	211
SANI	HEALTH AND SAFETY (30-39)	212
SECR	SECURITY SYSTEM (24-27)	213
SECU	SAFEGUARD OF WORKERS AND THE PUBLIC (77-85)	214

EEC and Union Treaty

<u>ABBREVIATION</u>	<u>SUBJECT MATTER (TREATY ARTICLE)</u>	<u>CODE</u>
ADH	ACCESSION (237)	301
AGRI	AGRICULTURE (38-47)	AGRI 302
AGRI AL-A	ANIMAL FEED	303
AGRI ALCO	ALCOHOL	304
AGRI BOV	BEEF AND VEAL	305
AGRI CERE	CEREALS	306
AGRI COMP	COMPENSATORY AMOUNTS	307
AGRI D-AL	FOODSTUFFS	308
AGRI F-L	FRUIT AND VEGETABLES	309
AGRI FDES	DEHYDRATED FOOD GRAIN	310
AGRI FEOG	EUR. AGR. GUIDANCE AND GUAR. FUND	311
AGRI FLT	PROCESSED FRUIT AND VEGETABLES	312
AGRI HORS	PRODUCTS OUTSIDE ANNEX II OF TREATY	313
AGRI HOUB	HOPS	314
AGRI L-CH	FLAX AND HEMP	315
AGRI LAIT	MILK PRODUCTS	316
AGRI MGRA	OILS AND FATS	317
AGRI MONA	MONETARY MEASURES	318
AGRI O-V	EGGS AND POULTRY	319
AGRI OVIN	SHEEPMEAT AND GOATMEAT	320
AGRI P-F	PLANTS, FLOWERS, AND FOLIAGE	321
AGRI PDET	POTATOES	322
AGRI PECH	FISHERIES	323
AGRI PHYT	PLANT-HEALTH	324
AGRI POIS	PEAS AND FIELD BEANS	325
AGRI PORC	PIGMEAT	326
AGRI RIZ	RICE	327
AGRI SEME	SEED AND PLANTS	328
AGRI SILV	FORESTRY PRODUCTS	329
AGRI STRA	AGRICULTURAL STRUCTURES	330
AGRI SUCR	SUGAR	331
AGRI TABA	TOBACCO	332
AGRI VETE	VETERINARY LEGISLATION	333
AGRI VIN	WINE	334
AGRI VSOI	SILKWORMS	335
BEI	EUROPEAN INVESTMENT BANK (198D-E [129-130])	336
BPAI	BALANCE OF PAYMENTS (104-109)	337
CDEV	DEVELOPMENT COOPERATION (130U-Y)	338
CIT	EUROPEAN CITIZENSHIP (8-8E)	339
COES	ECONOMIC AND SOCIAL COHESION (130A-E)	340
FEDE	EUROPEAN REGIONAL DEVELOPMENT FUND (130C)	341
COHE	STRUCTURAL FUNDS (130D)	342
CONC	COMPETITION (85-94)	COMPET 343
CONC AIDE	STATE AIDS (92-94)	344

CONC	DUMP	DUMPING (91)		345
CONC	ENTR	UNDERTAKINGS (85-90)		346
CONC	ENTR EXCL	EXCLUSIVE CONTRACTS		347
CONC	ENTR POSI	DOMINANT POSITION		348
CONC	ENTR PRAT	CONCERTED PRACTICES		349
CONC	PROP	INDUSTRIAL AND COMMERCIAL PROPERTY		350
CONJ		CONJUNCTURAL POLICY (103)		351
CULT		CULTURE (128)		352
DOM		FRENCH OVERSEAS DEPARTMENTS (227)		353
EFPJ		EDUCATION, VOCATIONAL, YOUTH (126-127)		354
ENV		ENVIRONMENT (130R-T)	ENVIRON	355
EXT	PCOM	COMMERCIAL POLICY (110-116)	COMMPOLC	356
EXT	PCOM DUMP	DUMPING (113)		357
FIN		FINANCIAL (199-209)		358
FIN	BUDG	BUDGET		359
FIN	RPRO	EC'S OWN RESOURCES		360
FISC		TAX PROVISIONS (95-99)	TAX	361
FISC	TVA	VALUE-ADDED TAX		362
FSE		EUROPEAN SOCIAL FUND (123-125 [123-128 EEC])		363
INST		PROVISIONS CONCERNING THE EC (137-198E)		364
J-AI		JUSTICE AND HOME AFFAIRS (K)		365
LCC		FREE MOVEMENT OF CAPITAL (67-73H)		366
LCM		FREE MOVEMENT OF GOODS (9-37)	FREEMOVE	367
LCM	PROP	INDUSTRIAL AND COMMERCIAL PROPERTY		368
LCM	RSTR	QUANTITATIVE RESTRICTIONS (30-37)		369
LCM	RSTR MEEQ	MEASURES HAVING EQUIVALENT EFFECT (30-36)		370
LCM	RSTR MNOP	MONOPOLIES OF A COMMERCIAL CHARACTER (37)		371
LCM	UD	CUSTOMS UNION (12-29)		372
LCM	UD TEEQ	CHARGES HAVING EQUIVALENT EFFECT (12-17)		373
LCM	UD TDC	COMMON CUSTOMS UNION (18-29)		374
LCM	UD VA	VALUE FOR CUSTOM'S PURPOSES		375
LCT		FREE MOVEMENT OF WORKER'S (48-50)	MOVEWORK	376
LES		FREEDOM OF ESTABLISHMENT, SERVICES (52-66)	ESTAB	377
LES	ETAB	FREEDOM OF ESTABLISHMENT (52-58)		378
LES	SERV	FREEDOM TO PROVIDE SERVICES (59-66)		379
PEM		ECONOMIC AND MONETARY POLICY (102A-109M)		380
PEM	BCE	CENTRAL EUROPEAN BANK		381
PEM	IME	EUROPEAN MONETARY INSTITUTE		382
PEM	SEBC	EUROPEAN SYSTEM OF CENTRAL BANKS		383
PESC		COMMON FOREIGN AND SECURITY POLICY (J)		384

PIND	INDUSTRIAL POLICY (130)		385
PRIN	PRINCIPLES (1-7C)		386
PROT	CONSUMER PROTECTION (129A)		387
PTOM	OVERSEAS COUNTRIES AND TERRITORIES (131-136BIS)		388
RAPL	APPROXIMATION OF LAWS (100-102)	APPRXLAW	389
RDT	RESEARCH AND TECHNOLOGY (130F-Q)		390
RESP	CONTRACTUAL LIABILITY (215)		391
RTR	TRANSEUROPEAN NETWORKS (129B-D)		392
SANT	PUBLIC HEALTH (129)		393
SAUV	PROTECTIVE MEASURES (226)		394
SESO	SOCIAL SECURITY FOR WORKERS (51)	SOCSEC	395
SOCI	SOCIAL PROVISIONS (117-122)	SOCPROV	396
TRAN	TRANSPORT (74-84)	TRANSPRT	397

Miscellanea

ACTE	MEASURES ADOPTED BY INSTITUTIONS	401
CAFE	COFFEE	402
CECC	BRUSSELS CONVENTION OF 27 SEPTEMBER 1968	403
CECC COMT	JURISDICTION	404
CECC EXEC	ENFORCEMENT	405
CLUG	LUGANO CONVENTION OF 16 SEPTEMBER 1988	406
COTO	COTTON	407
CROM	ROME CONVENTION OF 19 JUNE 1980	408
DDLH	HUMAN RIGHTS	409
DROI	GENERAL PRINCIPLES OF LAW	410
ENER	ENERGY	411
EXT	EXTERNAL POLICY	EXTERNAL 412
EXT ACP	AFRICAN, CARRIBEAN, AND PACIFIC STATES	413
EXT AELE	EUROPEAN FREE TRADE AGREEMENT	414
EXT ALIM	FOOD AID	415
EXT ASSO	ASSOCIATION	416
EXT CONT	QUOTAS - THIRD COUNTRIES	417
EXT EAMA	AFRICAN STATES AND MADAGASCAR	418
EXT FED	EUROPEAN DEVELOPMENT FUND	419
EXT GATT	GATT	420
FEVT	FOUNDATION FOR IMPROVEMENT OF CONDITIONS	421
MARC	EC PUBLIC WORKS CONTRACTS	422
PIM	INTEGRATED MEDITERRANEAN PROGRAMMES	423
PREG	REGIONAL POLICY	424
PRIV	PRIVILEGES AND IMMUNITIES	425
RECO	JUDICIAL PROCEDURE	426
RESP	LIABILITY (215EEC, 40ECSC, 188EAEC)	427
STAT	STAFF REGULATIONS	428
TXTL	TEXTILES	429
MARQ	EC TRADEMARKS	430
VISA	FREEDOM, JUSTICE, AND SECURITY	431
COJC	JUDICIAL COOPERATION IN CIVIL MATTERS (61, 65 EC)	432

COMP	COMPENSATION PAYMENTS – ACCESSION EC	433
CODO	CUSTOMS COOPERATION (135 EC)	434
CORE	STRENGTHENING OF COOPERATION (43-45 EU)	435
EMPL	EMPLOYMENT (125, 130 EC)	436
EURF	EURO FOUNDATIONS FOR IMPROVEMENT LIFE/WORK	437
PROC	PROCEDURAL PROVISIONS	438