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**SUMMARY OF THE DOCTORAL THESIS ENTITLED
INFRINGEMENT PROCEDURE**

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The doctoral thesis titled "Infringement Procedure" examines the most complex and elaborate legal mechanism through which the European Union can sanction member states for non-compliance with EU law. The paper examines both the substantive and procedural dimensions of the mechanism, emphasizing that its purpose goes beyond the strictly punitive function, seeking to show that the procedure has an equally preventive and coercive role, aiming to restore compliance rather than to punish. Structured in seven chapters with clearly defined roles, the thesis provides a systematic overview of the subject, combining theoretical analysis with applied conclusions and developing arguments in a logical and integrated sequence.

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The infringement procedure aims to ensure compliance with the EU *acquis*—the body of EU law—through a mechanism whereby the European Commission verifies compliance with EU obligations and, after an investigation phase, may initiate legal action against Member States that do not comply. Through its systematic and institutional nature, the procedure contributes to the unity and integrity of EU law, ensuring the uniform application of common standards that are essential for the cohesive functioning of the EU.

The doctoral thesis addresses, in an integrated manner, both the substantive and procedural dimensions of the infringement mechanism, highlighting that it is not exclusively punitive: it also has a preventive and coercive function, primarily aimed at restoring compliance. In the dynamic context of European policies—especially environmental ones,

where standards are fundamental to the protection of public health and the environment—the flexibility and adaptability of infringement procedures become crucial to the effectiveness of implementation.

Based on this premise, the research poses two central questions: (1) To what extent are infringement procedures an adequate means of ensuring compliance with the *acquis* by national authorities; and (2) if the answer is negative or partial, what legislative and administrative reforms are necessary for these procedures to remain effective both now and in the long term.

The answer to the first question is based on a statistical analysis carried out by the author, which quantifies the number and evolution of cases at EU level and, in particular, in Romania. With regard to the second question, the thesis proposes reforms aimed at strengthening national compliance monitoring systems, increasing transparency, and clarifying procedural criteria, measures designed to increase the effectiveness of the Commission's interventions and the capacity of Member States to transpose and apply European standards.

Assessing the effectiveness of this legal instrument is essential in order to determine to what extent, and under what conditions, it succeeds in ensuring effective compliance with the EU *acquis* by Member States, in the context of the increasingly complex legal and political challenges facing the European legal order.

The reason for choosing this topic is that the infringement procedure is the essential mechanism through which the European Union ensures the uniform and effective application of Community law.

In addition, it is a particularly topical issue for Romania, as the Romanian state is frequently the subject of infringement proceedings, reflecting persistent difficulties in transposing, applying, and effectively enforcing European Union law. An analysis of this mechanism has become necessary in order to identify the vulnerabilities of the national legal and administrative system and to propose solutions that will prevent sanctions and strengthen compliance with the EU legal order.

From the early years of the European Coal and Steel Community (ECSC), it was considered that control over the actions of European entities was essential to the existence and role of the Court of Justice of the European Union (CJEU). The High Authority (which later became the European Commission) played a key role in almost all of the Community's activities, even taking decisions on breaches of the Treaty rules by Member States, although Member States could then appeal these decisions before the CJEU.

The importance of this new task of controlling the behavior of Member States, even if indirectly, did not go unnoticed. This important and unusual feature of the infringement procedure became "even more essential" when, following the entry into force of the Treaties of Rome - which established the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) – the CJEU became the judicial institution for all three Communities and was given a more important, more significant role in determining the conduct of Member States – essentially, whether or not they had violated the treaties.

The Lisbon Treaty gave the infringement procedure its current form. Thus, Articles 258-260 TFEU (formerly Articles 226-228 TEC):

Article 258 (ex. Article 226 TEC)

If the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, 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 of the European Union.

Article 259 (ex. Article 227 TEC)

A Member State which considers that another Member State has failed to fulfil an obligation under the Treaties may bring the matter before the Court of Justice of the European Union.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under the Treaties, it shall bring the matter before the Commission.

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing.

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court.

Article 260 (ex. Article 228 TEC)

1. If the Court of Justice of the European Union finds that a Member State has failed to fulfil an obligation under the Treaties, the State shall be required to take the necessary measures to comply with the judgment of the Court.

2. If the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment of the Court, it may bring the case before the Court after giving that State the opportunity to submit its observations. It shall 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.

If the Court finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it. This procedure shall be without prejudice to Article 259.

3. 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.

If the Court finds that there is an infringement it may impose a lump sum or penalty payment on the Member State concerned not exceeding the amount specified by the Commission. The payment obligation shall take effect on the date set by the Court in its judgment.

In the following years, the importance of "infringement proceedings" (also known as infringement procedures) for the uniform application of Community law was widely recognized and accepted. This is still evident today, considering that in 2024 alone, the European Commission (the Commission) brought 42 infringement cases before the CJEU. Statistically, infringement proceedings accounted for 5.7% of all cases brought before the European Union's highest judicial body in 2024.

The activities of the Commission and the CJEU are clearly essential to the European project. Ensuring that Member States comply with the community acquis is therefore an integral part of the crucial task of strengthening the rule of law throughout the Union. It is also important insofar as Member States bear primary responsibility for the correct and full application of EU law to their citizens. In most cases, it is the authorities of the Member States

that must apply EU rules to citizens, and national courts must ensure that these rules are applied in the event of a dispute, a principle currently codified in Article 291(1) TFEU, according to which „Member States shall take all measures of national law necessary to implement legally binding acts of the Union.”

Infringement proceedings are therefore important for European citizens as well as for EU institutions and Member States. In particular, EU citizens do not only have an indirect interest in such proceedings, but can play a significant role in them and have a direct interest in their outcome. For example, individuals may be the source of a complaint that triggers a Commission investigation and may ultimately lead to proceedings before the CJEU. On the other hand, the outcome of the infringement procedure may also form the basis for damages that they can claim before national courts for breaches of EU law by Member States that have caused them harm.

Each stage of the research process was carefully documented, thus ensuring the transparency and validity of the information presented. The qualitative research methods used are not only appropriate to the specific nature of the subject addressed, but also designed to ensure the scientific coherence of the work.

The doctoral thesis is structured in seven chapters, each with a clear and well-defined role within the whole. This structure allows for a systematic exploration of the research topic, facilitating a logical development of arguments and conclusions. Each chapter addresses different aspects of the subject, providing a clear framework that integrates theoretical analysis with the results obtained.

The first chapter of the paper establishes an essential theoretical framework and justifies the significance of the study on infringement procedures in the European Union. In this context, the complexity of the EU legal system was highlighted, emphasizing the importance of the procedures provided for in Articles 258-260 of the Treaty on the Functioning of the European Union (TFEU). These procedures are indispensable for the optimal functioning of the Union, as they serve to ensure that European legislation is transposed, applied, and uniformly respected by all Member States. In essence, infringement procedures are a crucial mechanism through which the European Commission, as the "guardian of the treaties," ensures Member States' compliance with EU rules. This uniformity is not only a matter of legal rigour, but also a sine qua non condition for the effective functioning of the Single Market.

This chapter, dedicated to the analysis of the regulatory framework of infringement procedures, also explores their evolution over time, comparing the original regulations with the current ones. This examination provides an in-depth understanding of how the legislative framework has adapted to meet contemporary challenges, highlighting the complexity and dynamism of infringement procedures. The aim of this approach is to provide a clear picture of how they work and the impact they have on Member States and on the integrity of European Union legislation.

The second chapter of the thesis focuses on fundamental aspects and constitutes the theoretical and conceptual core of the doctoral thesis. In the first part of the chapter, the thesis sought to define the purpose and nature of infringement procedures, emphasizing the importance of the fact that they are not exclusively punitive in nature. In reality, they perform essential preventive and corrective functions, focusing on promoting compliance rather than imposing direct sanctions.

Focus was placed on the European Commission's discretionary power to initiate infringement proceedings, a subject that often generates intense debate. This power requires a delicate balance between political and legal considerations, which influence the Commission's decision to take action against a Member State.

The analysis goes on to identify the various sources of infringements, given that these problems may arise in the legislative, executive, or administrative spheres. It also examines the role of national courts and the impact of a possible misinterpretation of European Union law. Attention is also paid to more complex situations in which private entities may be involved and whether their failure can be attributed to the state, particularly in cases where there are shortcomings in regulation or in the proper application of the rules. The section on "Offenses" details the various forms that violations can take, including explicit non-compliance with EU rules, general conduct by Member States (whether acts or omissions), and the improper, incomplete, or delayed transposition of directives. It also examines breaches of general principles of law, such as proportionality and legal certainty, and of fundamental rights, as well as failure to fulfill the obligation of loyal cooperation—a fundamental principle in the relationship between the Union and the Member States.

In addition, this chapter also addresses special cases of infringement in areas such as the Common Foreign and Security Policy (CFSP) and Freedom, Security, and Justice (FSJ),

investigating the particularities of these situations and their involvement in the general framework of EU law.

Finally, the main defenses that Member States can use in infringement proceedings, such as implementation difficulties, force majeure, or insufficient resources, were discussed.

Chapter three focuses on structuring a detailed "map" of the infringement procedure, providing a systematic exploration of the stages involved. This procedure begins with a presentation of the general framework established by Article 258 of the Treaty on the Functioning of the European Union (TFEU), structured in three essential stages.

The first stage is informal, involving initial dialogue and unofficial contacts between the European Commission and the Member State concerned, with the aim of resolving the issues identified before they escalate into legal disputes. The next stage is administrative, which includes sending a Letter of Formal Notice, representing the first official notification to the Member State. This is followed by a Reasoned Opinion, which is a formal request for compliance, accompanied by a reasonable deadline to allow the Member State to correct the non-compliance. If the Member State fails to meet the requirements, the litigation stage is triggered. This phase involves written proceedings before the Court of Justice of the European Union (CJEU), which may also include oral proceedings, where the parties present their arguments before the court, culminating in a court ruling.

The analysis goes on to look at the procedure set out in Article 259 TFEU, which gives a Member State the option to take another Member State to court. This procedure is pretty rare and complex, which makes it a really interesting part of the study. In addition, other special forms of procedure are explored, such as the EU Pilot mechanism, an informal system for the early resolution of disputes.

A central aspect of the chapter is the analysis of the consequences of CJEU rulings. The obligations of Member States to comply with the decisions of the European court are outlined, as well as the principle of their liability for damages caused by infringements of Union law. It also examines in detail the mechanism of financial penalties, as provided for in Article 260 TFEU. This analysis included an assessment of the type and amount of penalties imposed and provides a comprehensive understanding of the legal and financial implications of non-compliance with European legislation.

Chapter four of the paper is devoted to a rigorous quantitative analysis of a statistical nature, which transforms raw data into meaningful information related to trends and the

effectiveness of infringement procedures. Based on an extensive database, the paper presents a series of parameters and statistical results, with the aim of providing an overview of the dynamics of these procedures and their impact on Member States.

Establishing a clear reference period, the paper analyzes the total number of infringement cases recorded, their evolution over time, and identifies peak moments when the number of infringement cases reached maximum levels. It also examines the distribution of cases by policy area, such as environmental protection, the internal market, entrepreneurship, and transport.

A particularly important aspect of the chapter is the analysis of types of infringements, such as non-transposition, incorrect transposition, or misapplication of European legislation. This provides a detailed insight into the nature of the problems encountered by Member States and how they relate to EU rules. The chapter also pays particular attention to annual trends, exploring how different factors, such as the adoption of new directives, the priorities set by the Commission, or economic crises, influence the number and type of infringement cases. Closed infringement cases are also examined, with the aim of understanding the stages at which most problems are resolved, as well as the average time required for compliance after a CJEU ruling and the average total duration of infringement proceedings.

The chapter concludes with a series of relevant conclusions drawn from the analysis of the data. These conclusions highlight both the strengths and weaknesses of the mechanism for enforcing EU law, providing a solid basis for assessing the effectiveness of infringement proceedings.

The fifth chapter is dedicated to an in-depth case study focusing on the analysis of Romania's situation regarding violations of European Union environmental legislation. This analysis begins with a quantitative assessment of infringement cases recorded in this area, comparing Romania not only with other Member States, but also with the European Union average. The purpose of this comparison is to identify Romania's position in the broader context of environmental legislation compliance at European level.

The doctoral thesis also focuses on Romania's active infringement cases brought before the Court of Justice of the European Union (CJEU), with a detailed exploration of some representative cases. These include INFR(2012)2007 on waste management and the closure of non-compliant landfills, INFR(2009)2296 on air quality and exceeding the limit values for PM10 particles, and INFR(2018)2109 addressing issues related to water quality and

wastewater treatment. Each of these cases is analyzed to understand the specific nature of the infringement and its impact on the environment and public health.

The chapter concludes by presenting the economic and social causes underlying these infringements. From an economic perspective, factors such as the costs associated with the transition from one economic system to another, development gaps in relation to Western European countries, which lead to underfunding of environmental infrastructure, and pressure for rapid economic growth are examined. On the social side, it addresses issues such as low public awareness of environmental issues, indifference to environmental standards, and gaps in the promotion of citizens' rights in the context of environmental protection.

Through this approach, the paper not only examines the facts themselves, but also analyzes the broader context influencing these violations, providing an integrated perspective on the environmental issues facing Romania.

The analysis developed in subchapter 5.2, Romania's active infringement cases brought before the CJEU, has identified recurring features of the Romanian state's conduct in relation to the mechanisms for applying EU law, as manifested in the judicial phase of infringement proceedings.

Analysis of this conduct led to the conclusion that reform is necessary. This reform would consist of establishing an internal rule according to which, after the CJEU has handed down its judgment, any defensive or justificatory logic must be abandoned and the state's action must be directed exclusively towards rapid and complete compliance. This separation is essential to prevent the perpetuation of delaying behavior that leads to financial penalties.

In conclusion, the reform of the Romanian state's conduct towards CJEU judgments must start from the recognition of their enforcement as an autonomous and priority legal obligation, not as a negotiable stage of the infringement procedure. The institutionalization of an internal regime for the rapid and full enforcement of the Court's judgments would contribute decisively to reducing the escalation to financial penalties, strengthening the rule of law, and increasing Romania's credibility in the legal order of the European Union.

In chapter six, the author critically assesses the current system of infringement procedures, while also offering suggestions for improvement. The study begins by identifying and detailing the criticisms made of the infringement procedure, which include: (i) the excessive length of the procedures, which not only prolongs the period of infringement but also diminishes the effectiveness of these measures; (ii) the discretionary power of the European

Commission, which, although necessary to adapt to different situations, is considered to lead to a lack of predictability or even to the politicization of the process; (iii) the lack of transparency in the procedure, particularly in informal stages such as EU Pilot, which contributes to the perception of a "black box"; and (iv) the limited rights granted to individual complainants to initiate or directly pursue cases, which affects the accessibility of the system.

Based on these fundamental criticisms, concrete proposals for change are made, with the aim of improving the efficiency, transparency, and fairness of the infringement procedure system. At the same time, potential obstacles to the implementation of these reforms are analyzed, including limitations related to human and financial resources, the complexity of the language regime in a multilingual European Union, and the current powers of the European Commission and the Court of Justice of the European Union (CJEU).

Chapter seven presents the final overview of the research results, concluding that, although the European Union's infringement procedures are crucial for ensuring compliance with the *acquis communautaire*, they face various structural limitations. These include the excessive length of the procedures, lack of transparency, and the insufficiently consolidated position of individuals within the mechanism.

Given the increasingly acute challenges and resource constraints, it is proposed a substantial reform based on three main pillars: simplifying and shortening the infringement procedure, increasing accountability and transparency, and strengthening the position of individuals. The conclusions presented in this chapter provide coherent answers to the two research questions set by the author of the paper, highlighting the directions in which the system could evolve to become more efficient and better adapted to current needs.

At the end of chapter seven, there is also an answer to the two central questions. In a less conventional manner, an answer was provided to the second question, in the sense that if the infringement procedure is to retain its essential role in ensuring compliance with the EU *acquis*, infringement procedures need to be reformed with a clear objective by achieving certain key objectives: simplifying and speeding up the process; increasing the accountability and transparency of the procedure; and strengthening the position of citizens in its conduct.

As for the first question, whether infringement procedures are an appropriate means of ensuring compliance with the EU *acquis* by Member State authorities, the answer was simpler, namely YES.

The central pillar of the thesis consists of doctrinal and jurisprudential legal analysis, a classic method essential for building a solid theoretical and legal foundation. This approach chosen explores the normative frameworks governing infringement procedures, in order to provide a comprehensive understanding of this mechanism. The research process will begin with a rigorous analytical approach, both of primary legislation, including the relevant articles of the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU), and of secondary EU legislation, such as directives and regulations that impose obligations on Member States.

Particular emphasis is placed on the case law of the Court of Justice of the European Union, which is recognised as an important primary source for the interpretation and application of EU law. The analysis of relevant judgments issued by the EU court helps to systematise the evolution of the principles, conditions of admissibility and legal consequences arising from infringement proceedings.

In addition, the doctoral thesis contains a critical analysis of the specialized literature, with the aim of clarifying the discussions and identifying the main directions in the field. The method used is predominantly systematic, aiming at a coherent interpretation of the rules and principles, complemented by a jurisprudential analysis that will follow the evolution of the interpretation made by the CJEU.

In order to provide an overview of the efficiency and dynamism of infringement procedures, the thesis also contains quantitative empirical research based on concrete evidence. This involves the use of statistical data to identify trends, recurring patterns, and possible anomalies in the application of EU law. The main sources of data include the European Commission's annual reports on the application of EU law, as well as public statistical databases and official documents that record the number of cases, the stage of proceedings, and the policy areas concerned.

The statistical analysis is supplemented by a comparative analysis with the specific situation in Romania, thus providing a context for the results obtained. Software tools dedicated to statistical analysis were used to process and visualize these data.

This thesis benefits from extensive documentation, which is strictly necessary in a context where the aim is to argue both the existence and necessity of the current form of the infringement procedure and the solutions and proposals identified for the proposals to reform the procedure.

Efforts were made to identify, procure, and utilize various bibliographic resources, written in different languages, works known and cited in the literature dedicated to European studies.

In the final part of the doctoral thesis, the author conducts a normative analysis that goes beyond the analytical stage and focuses on formulating concrete and implementable solutions. This component is a natural extension of the findings obtained from previous legal and empirical analyses. The writer proposes reforms aimed at improving the effectiveness, transparency, and accountability of infringement procedures. Each proposal is supported by solid legal arguments based on fundamental principles.

These proposed solutions aimed at improving the current infringement procedure are complemented by an integrated synthesis of the results obtained, with the aim of formulating the general conclusions of the research. This objective is not only to present a clear picture of the results, but also to provide coherent and evidence-based answers to the two research questions set out in the introduction. These questions concern the adequacy of infringement procedures in their current form and, where shortcomings are identified, the outline of the reforms needed to improve them.

By integrating and presenting the results obtained from legal, statistical, and qualitative analyses, the thesis succeeds in providing a comprehensive overview. The conclusions highlight both the theoretical and practical implications of the research, thus emphasizing its contribution to a deeper understanding and improved application of European Union law. By formulating concrete recommendations based on rigorous analysis, the thesis aims to support the development of more effective policies and contribute to the development of a legislative framework that better responds to current challenges in the field of environmental law and European law in general.

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115. Opinion of Advocate General Kokott in Case C-334/08, *Commission v Italy*, [2010], EU:C:2010: 187, 44, 115, 173.
116. Opinion of Advocate General Sharpston in Case C-350/08, *Commission v Lithuania* [2010], EU:C:2010: 214, 32, 36, 348.
117. Opinion of Advocate General Sharpston in Joined Cases C-189, 193, 236, 269, 293, 293, 296, 309 and 450/11, *Commission v. Spain and Others* [2013], EU:C:2013:365, 37, 198, 292.
118. Opinion of Advocate General Kokott in Cases C-196 and 378/13, *Commission v Italy and Greece* [2014], EU:C:2014:2162, 97, 129, 150, 159, 169, 193, 195, 241, 244.
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