



## May infringements package: key decisions

Brussels, 14 May 2020

### Overview by policy area

In its regular package of infringement decisions, the European Commission pursues legal action against Member States for failing to comply with their obligations under EU law. These decisions, covering various sectors and EU policy areas, aim to ensure the proper application of EU law for the benefit of citizens and businesses.

The key decisions taken by the Commission are presented below and grouped by policy area. The Commission is also closing 70 cases in which the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

On 30 January 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a 'public health emergency of international concern' and, on 11 March, characterised it as a pandemic. While the Commission has made it clear that it will continue to pursue infringement proceedings in cases it deems necessary, it has also acknowledged that the COVID-19 pandemic and the ensuing measures to combat the pandemic have put a serious strain on national administrations. In particular, in certain cases the crisis may also affect the capacity of the Member States' administrations to ensure the implementation of EU law. In light of this, the Commission recently informed the Member States that the time periods for replies to ongoing infringement procedures launched since the beginning of the year have been extended. And today, it has been decided to give Member States the possibility to reply to each letter of formal notice and reasoned opinion submitted in this infringements package, within four months instead of the usual two months.

For more information on the EU infringement procedure, see the full [MEMO/12/12](#). For more detail on all decisions taken, consult the [infringement decisions' register](#).

### 1. Environment and fisheries

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#### Letters of formal notice

#### **Fisheries: Commission sends letter of formal notice to MALTA over compliance with Bluefin tuna rules**

The Commission decided today to send a letter of formal notice to **Malta** over its failure to comply with the Control Regulation ([Council Regulation \(EC\) No 1224/2009](#)), the Illegal, Unreported and Unregulated fishing (IUU) Regulation ([Council Regulation \(EC\) No 1005/2008](#)) and the Bluefin tuna Regulation ([Regulation \(EU\) No 2016/1627](#)). Malta also failed to comply with two Recommendations by the International Commission for the Conservation of Atlantic Tunas (ICCAT) on Bluefin tuna in the Eastern Atlantic and the Mediterranean ([\[18-02\]](#) and [\[17-07\]](#)). In particular, Malta failed in ensuring the presence of an effective monitoring, control and inspection system in Bluefin tuna farms. Several audit and verification missions undertaken by Commission officials identified a number of serious shortcomings, including failure to allow access of Union inspectors to waters under Maltese jurisdiction in the frame of a specific control and inspection programme, delayed investigations, limited numbers of random control checks and failure to sanction operators. The Commission considers that Malta has not taken the necessary steps to address the above-mentioned deficiencies. Malta now has four months to address the shortcomings raised. Otherwise, the Commission may decide to send a reasoned opinion.

#### **Nature: Commission urges SWEDEN and LATVIA to ensure the respect of EU nature protection laws**

The Commission is asking **Latvia** and **Sweden** to respect their obligations under EU rules for the conservation of natural habitats and protected species included in the Natura 2000 network (the Habitats Directive, [Council Directive 92/43/EEC](#)). Under the Directive, Member States agreed to the development of a coherent European Natura 2000 network by proposing to the Commission adequate Sites of Community Importance. The Natura 2000 network shall also include the Special Areas of Protection designated under the Birds Directive (2009/147/EC). Sweden's Natura 2000 network is

insufficient both as regards habitat types and species under the Habitats Directive as well as birds and sites under the Birds Directive: a number of sites have not yet been designated, including marine sites. While Latvia has designated all 328 Sites of Community importance as Special Areas of Conservation, it has generally and persistently failed to set site-specific detailed conservation objectives and measures that will ensure their effective protection and restoration. Therefore, the Commission is sending a letter of formal notice to both countries, which now have four months to address the shortcomings raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

#### **Nature: Commission asks CROATIA to correctly apply environmental impact assessments**

The Commission is asking **Croatia** to improve its application of the Habitats Directive ([Council Directive 92/43/EEC](#)) concerning assessment of impact of wind farm projects on Natura 2000 sites. The Habitats Directive requires that projects likely to have significant effects on Natura 2000 sites, either individually or in combination with other plans or projects, can be authorised only after having ascertained that the integrity of the site concerned will not be adversely affected. Croatia systematically failed to correctly apply the Habitats Directives when authorising changes to wind farm projects along its coast. In particular, authorisation procedures do not ensure that all relevant impacts on protected species and habitats are considered and are done without sufficient evidence that the projects will not negatively affect the integrity of the sites. Therefore, the Commission is sending a letter of formal notice to Croatia. The country has four months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Access to justice in environmental matters: Commission calls on LITHUANIA to remove barriers to access to justice**

The Commission is urging **Lithuania** to remove barriers to access to justice so that citizens and non-governmental organisations (NGOs) can go to court against administrative acts setting quota to hunt wolves. The EU and its Member States are parties to the Aarhus Convention. The Convention gives the public rights of access to justice in cases of non-compliance with EU environmental law. In line with case law of the Court of Justice, Member States' procedural rules governing actions for safeguarding an individual's rights under EU law must be effective. Therefore, considering that environmental governance plays a key role in enabling the proper functioning of different sectoral rules, the Commission has decided today to send a letter of formal notice to Lithuania. The country has four months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Access to justice in environmental matters: Commission calls on BULGARIA and POLAND to remove barriers to access to justice for citizens and environmental organisations in relation to air quality plans**

The Commission is urging **Bulgaria** and **Poland** to remove barriers to access to justice in relation to air quality plans. Neither of the two countries has ensured that natural or legal persons directly concerned by exceedances of the air pollution limits under [Directive 2008/50/EC](#) on ambient air quality and cleaner air for Europe, are allowed to bring an action before the national courts. Environmental organisations and natural or legal persons in these two Member States are currently not allowed to challenge the consistency of an air quality plan and to require public authorities to establish air quality plans as the Directive requires. Therefore, considering that environmental governance plays a key role in enabling the proper functioning of different sectoral rules, the Commission has decided today to send letters of formal notice to both countries, giving them four months to remedy the situation. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Access to environmental information: Commission urges FRANCE to improve citizens' access to environmental information**

The Commission urges **France** to comply with [Directive 2003/4](#) on public access to environmental information. The Directive aims at increasing public access to environmental information and the dissemination of such information contributing to a greater awareness of environmental matters, a more effective participation by the public in environmental decision-making and, eventually, to a better environment. The Directive foresees that an applicant who considers that his request for information has been ignored, or wrongfully refused, may ask an independent and impartial body to review the case in an expeditious manner. In France, such a procedure exists but the deadline of one month given to the independent body to provide its opinion has been repeatedly exceeded, reaching an average of four months in recent years. Therefore, the Commission decided today to send a letter of formal notice to France, which now has four months to remedy the situation. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Pollution: Commission calls on GERMANY, AUSTRIA and SLOVENIA to improve their rules on pollution arising from industrial activities**

The Commission is asking **Germany, Austria and Slovenia** to correctly enact into national law the EU rules on integrated prevention and control of pollution arising from industrial activities. The Industrial Emissions Directive ([Directive 2010/75/EU](#)) lays down rules on activities which include the prevention or reduction of emissions into air, water and soil and the prevention of waste generation. Germany has not correctly transposed certain provisions of the Directive. Among those, public participation is limited in certain regards, and provisions enabling competent authorities to set, in specific cases, less stringent emission limit values are not correctly transposed. Slovenia has not correctly transposed certain provisions of the Directive. Among those, the condition of the equivalent level of protection of the environment as a whole is not enacted properly, and permit conditions that are installation-specific and resulting from an individual assessment are missing. This renders the scope of the Directive narrower than appropriate. Austria has not correctly transposed a wide range of technical provisions, even if most of the transposition problems do not concern the whole of Austria but only certain sectors or certain *Länder*. Therefore, the Commission is sending letters of formal notice to all three countries. They have four months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Air quality: Commission calls on LATVIA to improve domestic rules on air quality**

The Commission is calling on **Latvia** to bring its national legislation in line with [Directive 2008/50/EC](#) on ambient air quality and cleaner air for Europe. Directive 2008/50/EU establishes air quality standards for improving human health and environmental quality and ways of assessing these. Latvia has, among other shortcomings, not correctly transposed the obligation to ensure that the distribution and number of sampling points for PM<sub>2.5</sub> pollution adequately reflect the general population exposure. Therefore, the Commission decided today to send a letter of formal notice to Latvia, giving it four months to remedy the situation. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

#### **Air quality: Commission calls on ROMANIA to protect its population against air pollution**

The Commission is calling on **Romania** to comply with the requirements of [Directive 2008/50/EC](#) on ambient air quality and cleaner air for Europe and reliably measure, inform the public and report about the gravity of air pollution. In particular, Romania has failed to comply with the limit values for nitrogen dioxide (NO<sub>2</sub>) in the agglomerations of Bucharest, Braşov, Iaşi, Cluj-Napoca and Timişoara, and has not taken appropriate measures to keep exceedance periods as short as possible. The Commission is also seeking clarification on the proper monitoring of nitrogen dioxide (NO<sub>2</sub>) concentrations in one agglomeration (Bucharest). High NO<sub>2</sub> concentrations pose risk to human health. Therefore, the Commission decided today to send a letter of formal notice to Romania giving it four months to take the necessary measures to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

#### **Air quality: Commission urges FRANCE, CYPRUS and LITHUANIA to improve their rules against air pollution**

The Commission is asking **France, Cyprus and Lithuania** to correctly transpose into national legislation all the requirements of [Directive \(EU\) 2016/2284](#) on the reduction of national emissions of certain atmospheric pollutants (NEC Directive). The NEC Directive contributes to achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment. In particular, the Directive sets national emission reduction commitments for Member States for five important air pollutants: nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOCs), sulphur dioxide (SO<sub>2</sub>), ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). These air pollutants all lead to significant negative impacts on human health, such as respiratory problems, cardiovascular diseases and cancer, and damage ecosystems. France and Cyprus have, among others, not transposed into national law the Directive's requirement to update their national air pollution control programme at least every four years. Lithuania has not correctly transposed into national law the Directive's provisions which enable Member States to adjust, under certain limited conditions, their air pollutant emission inventories for assessing progress in reducing air pollution in the EU. Therefore, the Commission has decided today to send letters of formal notice to the three countries, which now have four months to remedy the situation. Otherwise, the Commission may decide to send a reasoned opinion.

#### **Prevention of major accidents involving dangerous substances: the Commission calls on GERMANY, ESTONIA, LATVIA, LITHUANIA and AUSTRIA to improve their national rules**

The European Commission urges **Germany, Estonia, Latvia, Lithuania and Austria** to bring their national legislation in line with the [Directive 2012/18/EU](#) on the control of major-accident hazards involving dangerous substances (the Seveso III Directive). The Directive applies to over 12,000 industrial installations across the European Union and lays down rules to prevent major industrial accidents and minimize their harmful impacts on human health and the environment. Germany has not

correctly transposed the Directive in relation to requirements to provide certain information, major-accident prevention policy, information to the public, participation rights in decision-making, and safety reports and emergency plans. In particular, public consultation and participation provisions in relation to new developments around establishments were incorrectly transposed at national and regional level. Estonia has not correctly transposed the Directive in relation to the majority of its provisions, ranging from definitions to time limits for supplying information. Most of the shortcomings concern the fact that some key requirements are either lacking or unclear in the national law. Latvia has not correctly transposed the Directive in relation to, amongst others, the classification of the establishments (existing or new) and public consultation and participation. Lithuania has not correctly transposed the Directive in relation to the provisions concerning non-routine inspections, which are important to verify whether industrial installations fully comply with their obligations. In particular, the rules on the duty to share sufficient and detailed information with other potentially affected Member States in case of accidents have not been correctly transposed into national law. Among other shortcomings, Austria has not correctly transposed the Directive in relation to public consultation and participation in decision-making. Therefore, the Commission is sending letters of formal notice to the Member States concerned, giving them four months to remedy the situation. Otherwise, the Commission may decide to send a reasoned opinion.

### **Urban Waste Water: Commission urges BELGIUM, GREECE and SWEDEN to comply with EU rules for treating urban waste water**

The Commission is urging **Belgium, Greece, and Sweden** to ensure that urban waste water is adequately collected and treated, as required by [Directive 91/271/EEC](#) on the treatment of urban waste water. The Directive protects both water quality and human health by requiring that Member States collect and treat their urban waste water before it is discharged into the environment. For agglomerations of 2,000 people or more, the treatment requires not only elimination of solid matter but also the breaking down of the organic substances by using bacteria. The latest information on compliance received from Belgium revealed that not all water was treated properly in 12 agglomerations. Belgium is asked to ensure full compliance with the Directive. The data provided by Greece reveals that in 289 agglomerations urban waste waters are not properly collected and thus are also not properly treated before being discharged. Eight of these agglomerations are discharging in sensitive areas. Greece is also relying to a great extent on 'Individual and Appropriate Systems' (e.g. septic tanks) without, however, fulfilling the requirements of the Directive for those. During the investigation of another case against Sweden for non-compliance with the Urban Waste Water Treatment Directive which is pending before the Court of Justice of the European Union, it became clear that Sweden had transposed incorrectly a number of rules of the Directive, including on the measuring of treatment parameters. Therefore, the Commission is issuing a letter of formal notice to all three countries. The countries now have four months to reply. Otherwise, the Commission may decide to send a reasoned opinion.

### **Impact Assessment: Commission urges CZECHIA and CYPRUS to correct their systems of environmental impact assessment**

The Commission is urging **Czechia and Cyprus** to bring their national legislation into line with the Environmental Impact Assessment Directive ([Directive 2011/92/EU](#)) as it was amended in April 2014 by [Directive 2014/52/EU](#). The Directive ensures that the impact on the environment of public and private projects is assessed before they are authorised. Since 2014 the administrative burdens are further reduced and the level of environmental protection and public participation improved, while making business decisions on public and private investments more sound, predictable and sustainable. In Czechia, shortcomings in the national law relate, among others, to the absence of the requirement that the competent authority takes into account preliminary verifications and assessments when issuing its screening decision. There is also currently no obligation to make publicly available the mitigating measures, which the developer proposed in order to avoid or prevent significant adverse effects on the environment. In the case of Cyprus, the national legislation does not call for detailed arrangements for consultation with the public to be laid down as required by the Directive, nor does it oblige the competent national authorities to ensure that practical information is made available to the public on access to administrative and judicial review procedures. Therefore, considering the environmental governance has a key role in enabling the proper functioning of different sectoral rules, the Commission has decided to send letters of formal notice to the two Member States, giving them four months to remedy the problems. Otherwise, the Commission may decide to send a reasoned opinion.

### **Waste: Commission urges ROMANIA to implement the Court's judgement on its failure to close illegal landfills**

The Commission urges **Romania** to close, seal and ecologically restore 48 illegal landfills and to comply with the judgement of the Court of Justice of the EU of 18 October 2018. Under the [Waste](#)



[Framework Directive](#) , Member States must recover and dispose of waste in a manner that does not endanger human health and the environment, prohibiting the abandonment, dumping or uncontrolled disposal of waste. Romania was obliged to close and rehabilitate substandard landfills (municipal and industrial landfills) by 16 July 2009. Due to slow progress, the Commission referred the matter to the Court of Justice of the EU in February 2017. The judgement of the Court concerns 68 landfills, out of which only 20 have definitely been closed so far. By January 2020, most of the necessary work for the closure, sealing and regeneration of the rest of the 48 landfills sites had not yet been planned, approved or initiated. Therefore, the Commission is addressing a letter of formal notice following the Court's judgement. Romania has four months to remedy the situation.

### Reasoned opinions

#### **Urban Waste Water: Commission urges BULGARIA, CZECHIA, FRANCE and POLAND to comply with EU rules for treating urban waste water**

The Commission is urging **Bulgaria, Czechia, France and Poland** to ensure that urban waste water is adequately collected and treated, as required by [Directive 91/271/EEC](#) on the treatment of urban waste water. The Directive protects both water quality and human health by requiring that Member States collect and treat their urban waste water before it is discharged into the environment. For agglomerations of 2,000 people or more, the treatment requires not only elimination of solid matter but also the breaking down of the organic substances by using bacteria. Bulgaria fails to provide a collecting system in 48 big agglomerations, in 69 big agglomerations it fails to ensure that the urban waste water entering collecting systems is subject to appropriate treatment and in 71 big agglomerations – does not ensure that the urban waste water entering collecting systems and discharging into sensitive areas is subject to more stringent treatment. All these agglomerations should have been compliant by 31 December 2010. Regarding Czechia, the case concerns the failure by 425 agglomerations to provide a collecting system and to ensure that the urban waste water entering collecting systems is subject to appropriate treatment. These agglomerations should have been compliant by 31 December 2010. Despite some progress, full compliance is not expected in the near future. In the case of France, non-compliance with the obligations of the Directive is still on a large scale as it relates to 169 agglomerations discharging either in normal or sensitive areas. Despite some progress, full compliance is not expected in the near future. In Poland, 1,183 agglomerations are not provided with a collecting system for urban waste water. Moreover, in 1,282 agglomerations the urban waste water entering collecting systems is not subject to appropriate treatment before discharge. Finally, Poland has not ensured that in 426 agglomerations urban waste water entering collecting systems and discharging into sensitive areas is subject to more stringent treatment. Therefore, the Commission is sending reasoned opinions to all four countries, giving them four months to remedy the situation. Should they fail to take appropriate action, the Commission may decide to refer them to the Court of Justice of the European Union.

#### **Air quality: Commission calls on SLOVENIA to protect its population against air pollution**

The Commission is calling on **Slovenia** to comply with the requirements of [Directive 2008/50/EC](#) on ambient air quality and cleaner air for Europe. The national system should reliably measure, inform the public and report about the gravity of air pollution. In particular, Slovenia has failed to ensure compliance with the limit values for particulate matter (PM10) in Celinsko Območje and has not taken appropriate measures to keep exceedance periods as short as possible. Particulate matter is a mixture of solid and liquid particles suspended in the air, which affect human health and can affect animals in the same way. It also affects plant growth and ecosystem processes, reduce visibility and decrease agricultural yields. Therefore, the Commission decided today to send a reasoned opinion to Slovenia, giving it four months to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to refer the case to the Court of Justice of the European Union.

#### **Drinking Water: Commission urges IRELAND to ensure that water intended for human consumption is clean**

The Commission is urging **Ireland** to take the necessary measures to ensure that water intended for human consumption is wholesome and clean and to take the necessary remedial action as soon as possible to restore the quality of water intended for human consumption. Ireland has failed to fulfil its obligations under the Drinking Water Directive ([Directive 98/83/EC](#)) as regards Trihalomethane (THM) levels in drinking water supply zones and schemes, exposing almost 300,000 inhabitants to potentially health risks. High THM levels have been linked to liver, kidneys and central nervous system diseases, bladder and colon cancer risks, as well as to effects on foetal growth, foetal viability and risks of foetal malformations. Although some progress has been made, Ireland has not been complying with the rules since December 2003. Therefore, the Commission is sending a reasoned opinion to Ireland, which now has four months to remedy the situation. Should Ireland fail to take appropriate action, the

Commission may decide to refer the case to the Court of Justice of the European Union.

## 2. Energy and climate

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### Letter of formal notice

#### **Security of gas supply: Commission calls on Member States to correctly implement EU rules**

The Commission has today decided to send letters of formal notice to **all EU Member States (except for Cyprus, in light of their derogation)** and the **United Kingdom** on account of their failure to comply with some of the provisions of the Security of Gas Supply Regulation ([Regulation \(EU\) 2017/1938](#)), in particular with respect to notification obligations and the application of the solidarity mechanism. The Regulation lays down requirements to prevent and respond to potential gas supply disruptions in the EU. Having preventive action plans and emergency plans in place, as well as clear solidarity arrangements between Member States, is essential. The Commission is closely monitoring the implementation of these obligations at national level. The Member States concerned and the UK have four months to reply to the Commission. As set out in the Withdrawal Agreement, EU law continues to apply in full to the UK for the duration of the transition period. Otherwise, the Commission may decide to send them reasoned opinions.

## 3. Justice

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### Letter of formal notice

#### **Citizens' rights: Commission opens infringement proceedings against the UNITED KINGDOM for failure to comply with EU rules on free movement**

Today the European Commission launched infringement proceedings against the **United Kingdom** for failure to comply with EU law on the free movement of EU citizens and their family members. UK national legislation limits the scope of beneficiaries of EU free movement law in the United Kingdom as well as the possibilities for EU citizens and their family members to appeal administrative decisions restricting free movement rights. The Commission considers that the United Kingdom has thereby breached the [Free Movement Directive 2004/38/EC](#) as well as EU rules on freedom of movement of EU citizens ([Article 21 TFEU](#)), freedom of movement of workers ([Article 45 TFEU](#)) and freedom of establishment ([Article 49 TFEU](#)). EU law on free movement of persons continues to apply to and in the United Kingdom as if it were still an EU Member State during the transition period. Furthermore, the rights of EU citizens resident in the UK after the end of the transition period, as set out in the Withdrawal Agreement, are built on the rights that they currently enjoy in the United Kingdom under EU rules. The United Kingdom's shortcomings in the implementation and transposition of EU free movement law risks therefore also affecting the implementation of the citizens' rights under the Withdrawal Agreement after the end of the transition period. For these reasons, the Commission decided to send a letter of formal notice to the United Kingdom – the first step in the infringement process. The United Kingdom now has four months to take the necessary measures to address the shortcomings identified by the Commission. Otherwise, the Commission may send a reasoned opinion to the UK authorities.

### Reasoned opinions

#### **Procedural rights for children: Commission requests CYPRUS and GREECE to comply with EU rules on procedural safeguards for children suspected or accused in criminal proceedings**

Today the Commission decided to send reasoned opinions to **Cyprus** and **Greece** for failing to communicate on the measures taken to implement the [Directive on procedural safeguards for children suspected or accused in criminal proceedings](#) (Directive (EU) 2016/800). Children involved in criminal proceedings are particularly vulnerable due to their young age. They have difficulties in understanding what is at stake and they cannot easily comprehend the law and their rights. This Directive provides specific rights to children who are suspects and accused persons in criminal proceedings at all stages of criminal proceedings until the final conviction. This Directive is one of six EU procedural rights directives. Member States had to transpose this Directive into their national law by 11 June 2019. In July 2019, the Commission sent a letter of formal notice to Cyprus and Greece for failing to transpose

EU rules into national legislation. Following today's reasoned opinions, Cyprus and Greece have four months to respond and take the relevant action. If they fail to comply with EU rules, the cases may be referred to the Court of Justice of the EU.

### **Procedural Rights: Commission calls on GREECE to comply with EU rules on legal aid**

Today the Commission decided to send a reasoned opinion to **Greece** for failing to communicate on the measures taken to implement the [Directive on legal aid](#) (Directive (EU) 2016/1919). Legal aid is essential to ensure that the right of access to a lawyer is an effective right. The Directive provides for a right to legal aid in particular at the early stages of criminal proceedings, at the latest before questioning by the police, thus at a stage when suspects and accused are particularly vulnerable. In European arrest warrant proceedings, a right to legal aid applies both in the Member States that executes it and in the Member State where it has been issued. This Directive is one of [six EU procedural rights directives](#). Member States had to transpose the Directive into their national law by 5 May 2019. As the Greek authorities missed the initial deadline, the Commission decided to open an infringement procedure by sending a letter of formal notice in July 2019. Greece has now four months to respond to the reasoned opinion and take the relevant action. If it does not comply with EU law, the Commission may decide to refer the case to the Court of Justice of the EU.

### **Market abuse: Commission requests AUSTRIA and FRANCE to enact EU law on criminal sanctions for market abuse**

Today the Commission decided to send a reasoned opinion to **Austria** and **France** following their failure to fully comply with EU rules on criminal sanctions for market abuse ([Directive 2014/57/EU](#)). Together with the [Market Abuse Regulation](#), the Directive guarantees the efficiency, transparency and trustworthiness of European financial markets and contributes to the completion of the [Capital Markets Union](#). Under the Directive, Member States are required to ensure that insider dealing, unlawful disclosure of inside information and market manipulation, including the manipulation of benchmarks, is a criminal offence and is punishable with effective and consistent sanctions. The laws in these two countries are insufficient on the scope of and the sanctions for criminal offences in the field of market abuse. The Commission opened the infringement procedures by sending a letter of formal notice to Austria and France in July 2019. Following today's reasoned opinions, the Member States concerned have four months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to refer the case to the Court of Justice of the EU.

### **Data protection: Commission urges GERMANY and SLOVENIA to complete the transposition of the Data Protection Law Enforcement Directive**

Today the Commission decided to send a reasoned opinions to **Germany** and **Slovenia** for failing to fully transpose the Data Protection Law Enforcement Directive ([Directive \(EU\) 2016/680- LED](#)). This Directive protects citizens' fundamental right to data protection whenever criminal law enforcement authorities use personal data for law enforcement purposes. These EU rules ensure that the personal data of victims, witnesses, and suspects of crime are duly protected. The introduction of similar data protection standards across the EU facilitates the exchange of personal data for cross-border cooperation in the fight against crime and terrorism. Member States had until 6 May 2018 to transpose the Directive into their national law. The Commission sent a Letter of Formal Notice to Germany on 25 July 2019. To this day, Germany still has to notify the Commission of transposition measures in five of the sixteen 'Länder'. In the case of Slovenia, following the Commission's Reasoned Opinion of 24 January 2019, the Commission decided to send an additional Reasoned Opinion to urge Slovenia to finalise the transposition of the Directive. Germany and Slovenia have four months to respond and take the relevant action. Otherwise, both cases may be referred to the Court of Justice of the EU.

### Closures

### **Fight against fraud: Commission closes infringement procedures against four Member States as they have notified full transposition of EU rules on the fight against fraud to the Union's budget by means of criminal law**

Today the Commission decided to close the infringement proceedings against **Estonia, France, Luxembourg** and the **Netherlands** after complete transposition of Directive (EU) 2017/1371. Member States had to transpose [Directive \(EU\) 2017/1371](#) on the fight against fraud to the Union's budget by means of criminal law ('the PIF Directive') into their national laws by 6 July 2019. These rules increase the level of protection of the EU budget by harmonising the definitions, sanctions and limitation periods of criminal offences affecting the Union's financial interests. Not only is the Directive an essential instrument for the harmonisation of the criminal law of the Member States in the area of crimes against the Union budget, but it also lays the foundation for the future [European Public Prosecutor's](#)

[Office \(EPPO\)](#), which will investigate, prosecute and enforce the offences in practice. The Commission opened infringement proceedings against Estonia, France, Luxembourg and the Netherlands by sending letters of formal notice on 19 September 2019 for non-communication.

#### **Data protection: Commission closes two infringement procedures against Austria as it transposed EU rules on violations of the former Data Protection Directive\***

Today the Commission decided to close two infringement procedures against **Austria** concerning the former Data Protection Directive (Directive (EC) 1995/46) which has since been replaced by the [General Data Protection Regulation \(EU\) 2016/679](#) (GDPR). The cases remained open because the issues – which concerned several limitations to data subjects' rights due to the Austrian Data Protection Law of 2000 and some sectorial Austrian legislation – were still relevant for the implementation of the GDPR. The GDPR regulates the processing of personal data by an individual, a company or organisation as well as most public authorities in the EU. With the entry into application of the GDPR, there is now one set of data protection rules for most public authorities and all private sector players operating in the EU, regardless of where they are based. This had to be completed by Member States by 25 May 2018. The Commission considers that the new Austrian data protection provisions, by which the GDPR is being implemented, solved the issues concerned in the infringement procedures. Therefore the Commission decided to close the cases.

*\*[Updated on 15-05-2020, at 13:10]*

## **4. Internal Market, Industry, Entrepreneurship and SMEs**

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### Reasoned opinion

#### **Professional qualifications: Commission asks BELGIUM and SPAIN to comply with EU rules on recognition of professional qualifications**

Today the Commission decided to send a reasoned opinion to **Belgium** and **Spain** for non-compliance of their national legislation and practice with the Directive on the recognition of professional qualifications ([2005/36/EC](#)). The EU rules facilitate recognition of professional qualifications in EU countries, making it easier for professionals to provide their services around Europe, whilst guaranteeing a high level of protection for consumers and citizens. The reasoned opinion to Belgium concerns, among others, a number of issues related to non-compliance with EU rules on free provision of services (e.g. for detectives and special security services), freedom of establishment (e.g. for driving instructors established in other Member States), recognition of professional qualifications on the basis of harmonised minimum training requirements and recognition of professional traineeships. The reasoned opinion to Spain concerns non-compliance with EU rules on freedom of establishment, procedure for the mutual recognition of professional qualifications and rules on knowledge of languages. Additionally, several issues of non-compliance with the EU rules were identified in relation to the profession of sworn translator/interpreter. Belgium and Spain have now one month to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to refer Belgium and Spain to the Court of Justice of the EU.

### Letters of formal notice

#### **Free movement of goods and freedom of establishment: Commission asks BULGARIA to remove discriminatory measures obliging retailers to favour domestic food products**

The Commission is sending today a letter of formal notice to **Bulgaria** regarding discriminatory measures imposed on retailers, obliging them to favour domestic food products. Bulgarian law obliges retailers to offer distinct exposure and sale space for domestic food products, such as milk, fish, fresh meat and eggs, honey, fruits and vegetables, and to purchase 90% of milk and dairy products from domestic producers. Such obligations restrict the free movement of goods, enshrined in Article 34 of the Treaty on the Functioning of the EU ([TFEU](#)), as it creates more advantageous and competitive marketing conditions for domestic food products, discriminating against similar imported products. It further restricts the freedom of establishment under Article 49 TFEU, in restricting the freedom of retailers to decide on their assortment, on the lay out of their sales surface, and to adapt their supply chain. Such restrictions may only be justified by overriding reasons of general interest, such as public health, and must be suitable and necessary for attaining that objective. Due to the extraordinary circumstances due to the coronavirus sanitary situation and the weakening of EU economies, it is an imperative to preserve the free movement of goods and the freedom of establishment. Unjustified obstacles can undermine our collective efforts to keep freight moving freely and efficiently across the



EU, and our capacity to fight this unprecedented crisis, in the spirit of European solidarity. Therefore, Bulgaria has one month to reply to the concerns raised by the Commission. Without a satisfactory response, the European Commission may decide to send to Bulgaria a reasoned opinion.

## 5. Security Union

(For more information: Adalbert Jahnz – Tel.: + 32 229 53156; Laura Berard – Tel.: + 32 229 55721; Ciara Bottomley – Tel.: +32 229 699)

Reasoned opinion and letter of formal notice

### **Security Union: Commission calls on BELGIUM and GREECE to fully transpose and implement EU rules on forensic service providers**

The European Commission has decided to address today a letter of formal notice to **Belgium** and a reasoned opinion to **Greece** for the non-communication of national measures to implement the Framework Decision on the Accreditation of forensic service providers carrying out laboratory activities ([Council Framework Decision 2009/905/JHA](#)). These EU rules allow for intensified exchange of forensic information and ensure that the results of laboratory activities carried out by accredited forensic service providers in one Member State are recognised by the law enforcement authorities in other Member States, making their work more effective. Member States agreed to transpose these rules and communicate national transposition measures by 30 May 2016. Belgium and Greece now have four months to notify the Commission of measures taken to ensure full implementation of the Framework Decision. Otherwise, the Commission may decide to send a reasoned opinion to Belgium and to refer Greece to the Court of Justice of the EU.

## 6. Financial Stability, Financial Services and Capital Markets Union

(For more information: Daniel Ferrie – Tel.: +32 2 298 65 00, Aikaterini Apostola Tel.: +32 2 298 76 24)

Letters of Formal Notice

### **Anti-Money Laundering: Commission urges 8 MEMBER STATES and the UK to fully transpose the 5th Anti-Money Laundering Directive**

Today, the Commission has sent letters of formal notice to **Belgium, Czechia, Estonia, Ireland, Greece, Luxembourg, Austria, Poland** and **the UK** for having only partially transposed the [5th Anti-Money Laundering Directive](#). The Commission had previously also addressed letters of formal notice to Cyprus, Hungary, the Netherlands, Portugal, Romania, Slovakia, Slovenia and Spain because these Member States had not communicated any transposition measures. The fight against money laundering and terrorist financing is instrumental to ensuring financial stability and security in Europe. Recent money laundering scandals have revealed the need for stricter rules at EU level. Legislative gaps occurring in one Member State have an impact on the EU as a whole. That is why EU rules should be implemented and supervised efficiently in order to combat crime and protect our financial system. The Commission [published a six-point Action Plan](#) on 7 May to further strengthen the EU's fight against money laundering and terrorist financing. All Member States had to implement the rules of the 5th Anti-Money Laundering Directive by 10 January 2020. The Commission regrets that the Member States in question have failed to transpose the Directive in a timely manner and encourages them all to do so urgently, bearing in mind the importance of these rules for the EU's collective interest. Without a satisfactory response from Member States within four months, the Commission may decide to send reasoned opinions.

### **Anti-Money Laundering: Commission urges ESTONIA to amend its transposition of the 4th Anti-Money Laundering Directive**

The Commission has today sent a letter of formal notice to **Estonia** on the grounds that it incorrectly transposed the 4th Anti-Money Laundering Directive ([4th AML](#)). Estonia notified a complete transposition of the Directive on 14 January 2019. Nevertheless, the Commission has concluded that Estonia has not correctly transposed the Directive into national law in relation to some important issues linked to the treatment of politically exposed persons (PEPs), beneficial owners, the performance of risk assessments and risk management systems, and access rights of the Financial Intelligence Units (FIUs) to information. The fight against money laundering and terrorism financing is instrumental for ensuring financial stability and security in Europe. Recent money laundering scandals have revealed the need for stricter rules at EU level. Legislative gaps occurring in one Member State have an impact on the EU as a whole. That is why EU rules should be implemented and supervised efficiently in order to combat crime and protect our financial system. The Commission [published a six-point Action Plan](#) on

7 May to further strengthen the EU's fight against money laundering and terrorist financing. This is the first time observations on conformity of the transposition of the 4th AML have been communicated formally to a Member State. This is part of the Commission's in-depth analysis of how completely and correctly Member States have transposed 4th AML. Without a satisfactory response from Estonia within four months, the Commission may decide to address a reasoned opinion.

### **Financial services: Commission requests SPAIN to correctly apply the SEPA Regulation for tax payments**

The Commission has today decided to send a letter of formal notice to **Spain** on the grounds that Spanish tax legislation prevents individuals from paying their taxes through direct debits if their bank account is from a bank outside Spain. To date, Spanish law states that an individual's payment service provider, i.e. a bank, needs to be authorised by the Spanish tax authorities as a "collaborating entity". In practice, this is either very difficult or cumbersome for foreign payment service providers to establish. As a result, these rules actually prevent the use of EU bank accounts outside Spain. This is contrary to the provisions of the SEPA Regulation ([Regulation \(EU\) No 260/2012](#)). The SEPA Regulation establishes technical and business requirements for credit transfers and direct debits in euro, underpinning the functioning of the Single Market for the processing of payment transactions in euro. Spain has four months now to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

### **Intra-EU BITs: Commission urges FINLAND and the UNITED KINGDOM to terminate their Bilateral Investment Treaties with other EU Member States**

The Commission has today sent letters of formal notice to **Finland** and the **United Kingdom** for failing to effectively remove intra-EU Bilateral Investment Treaties (BITs) from their legal orders. It has been the Commission's long-standing position that BITs between EU Member States overlap and conflict with Union law because they discriminate between EU investors on the basis of nationality. Following the judgment of the Court of Justice of the European Union in *Achmea* ([C-284/16](#)), in their Declarations of 15 and 16 January 2019, all Member States committed to terminate their intra-EU BITs in a coordinated manner by means of a plurilateral treaty, unless bilateral terminations were considered mutually more expedient. The Commission regrets that the United Kingdom and Finland did not sign the plurilateral treaty alongside other Member States and that they have failed to engage in any discussion with the Member States concerned to proceed with the bilateral termination of their intra-EU BITs. The Commission urges the United Kingdom and Finland to take all necessary actions to urgently remove the intra-EU BITs from their legal order, bearing in mind their incompatibility with Union law. Without a satisfactory response from them within four months, the Commission may decide to address reasoned opinions. Under the Withdrawal Agreement, EU law continues to apply to the United Kingdom during the transition period.

### **Financial services: Commission calls on CYPRUS to fully apply EU rules on the publication of financial statements, management reports and audit reports by limited liability companies**

The Commission has today decided to send a letter of formal notice to **Cyprus** on the grounds that Cypriot law does not comply with EU rules on the publication of financial statements, management reports and audit reports by limited liability companies ([Directive 2013/34/EU](#) "Accounting Directive", in conjunction with [Directive 2017/1132/EU](#) "Company Law Directive"). Pursuant to EU law, the publication of limited liability companies' accounting documents must take place within a reasonable period of time, not exceeding 12 months after the end of their fiscal year. The Commission has determined that Cypriot law may entail publication beyond this period. Moreover, based on exchanges with the Cypriot authorities and other investigations, it appears that the accounting documents of several Cypriot investment firms are not yet publicly available via the Cypriot business register (Department of the Registrar of Companies and Official Receiver of the Ministry of Energy, Commerce, Industry and Tourism) for fiscal years ending more than 12 months ago. Cyprus has four months now to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

#### Reasoned opinions

### **Prudential rules for insurance companies: Commission requests POLAND to correctly transpose Solvency II rules**

The Commission has today sent a reasoned opinion to **Poland** for not having correctly transposed the [Solvency II Directive](#). The Solvency II rules are crucial for the protection of insurance policyholders and the functioning of the Single Market for insurance products. Incorrect transposition in one Member State can have an impact on the EU as a whole. The Single Market for insurance products requires that the supervisory authorities of Member States exchange information with each other and

coordinate their decisions. In particular, where national supervisory authorities decide – in the absence of a Commission equivalence decision – on the equivalence of third countries' regimes for the supervision of insurance groups, the decisions by other Member States regarding the same third countries should not contradict each other. However, the Commission is of the view that Poland has failed to ensure that the Polish supervisory authority's decisions are consistent with other Member States' authorities. The Commission regrets that Poland has failed to fully transpose the Solvency II Directive and encourages it to do so urgently, bearing in mind the importance of these rules for the EU's collective interest. Without a satisfactory response within four months, the Commission may decide to refer the matter to the Court of Justice of the European Union.

### **Financial services: Commission requests GREECE and POLAND to correctly implement the SEPA Regulation for payment services users**

The European Commission has today requested that **Greece** and **Poland** put in place a competent authority to address infringements of the SEPA Regulation ([Regulation \(EU\) No 260/2012](#)) by payment services users (that are not consumers). The SEPA Regulation establishes technical and business requirements for credit transfers and direct debits in euro, underpinning the functioning of the Single Market for the processing of payment transactions in euro. To date, Greece and Poland have not put in place such a competent authority capable of dealing with individual complaints against payment services users, such as utility companies or public authorities, for non-compliance with the SEPA Regulation. The Commission has therefore decided to send a reasoned opinion to both Greece and Poland on this matter. Without a satisfactory response within four months, the Commission may decide to refer the matter to the Court of Justice of the European Union.

## **7. Taxation and Customs Union**

(For more information: Daniel Ferrie – Tel.: +32 2 298 65 00, Nerea Artamendi Erro – Tel.: +32 2 299 09 64)

*Letters of formal notice*

### **Taxation: Commission requests LUXEMBOURG and PORTUGAL to amend their legislation transposing the Anti-Tax Avoidance Directive**

The Commission decided today to send letters of formal notice to **Luxembourg** and **Portugal** asking them to correctly transpose the interest limitation rule of the Anti-Tax Avoidance Directive (Article 4 of the [Council Directive \(EU\) 2016/1164](#)). Both Member States make use of the possibility to exempt financial undertakings from the interest limitation rules in the Anti-Tax Avoidance Directive. The respective pieces of domestic legislation, however, go beyond the allowed exemptions and provide unlimited deductibility of interest for the purpose of Corporate Income Tax, including securitisation entities, which do not qualify as “financial undertakings” under the Anti-Tax Avoidance Directive. If Luxembourg and Portugal do not act within the next four months, the Commission may send a reasoned opinion to the Luxembourgish and Portuguese authorities.

### **Taxation: Commission requests DENMARK to amend its rules on the taxation of dividends paid to charities**

The Commission decided today to send a letter of formal notice to **Denmark** asking it to amend its legislation regarding the taxation of dividends paid to charitable organisations. Under Danish tax law, dividends paid to domestic charities are exempt from tax, whereas dividends paid to charities established in other EU Member States or EEA States are taxed at a rate of 22%, or at a reduced rate of 15%, if the competent authority in the state in which the charity is domiciled exchanges information with Danish authorities. This difference in treatment of domestic and cross-border dividend distributions constitutes a restriction on the free movement of capital, guaranteed in Article [63 TFEU](#) and Article [40 EEA](#). If Denmark does not act within the next four months, the Commission may send a reasoned opinion to the Danish authorities.

### **Taxation: Commission requests LUXEMBOURG to amend discriminatory tax rules concerning securitisation enterprises**

The Commission decided today to send a letter of formal notice to **Luxembourg** for taxing more heavily securitisation enterprises with taxable operations in Luxembourg whose statutory seat is in another EU or EEA Member State. The Commission considers that the legislation at issue is not compatible with the freedom of establishment of the TFEU and the EEA (Articles [49 TFEU](#) and [31 EEA](#)). If Luxembourg does not act within the next four months, the Commission may send a reasoned opinion to the Luxembourgish authorities (case number 2020/4015).

### **Taxation: Commission takes further action against the UNITED KINGDOM for failure to comply with EU rules on marked fuel**

The European Commission decided today, under [Article 260 of TFEU](#), to send a new letter of formal notice to the **United Kingdom** for not properly applying both the rules on fiscal marking on fuel and the ruling of the Court of Justice on 17 October 2018 (Commission vs United Kingdom, C-503/17) in which the Court found that the UK, by allowing the use of marked fuel for the purposes of propelling private pleasure craft - even where that fuel is not subject to any exemption from or reduction in excise duty - has failed to fulfil its obligations under [Council Directive 95/60/EC](#) of 27 November 1995. The UK has four months to reply to the letter of formal notice. Otherwise, the Commission may refer the case back with proposed financial sanctions to the Court of Justice of the EU.

### Reasoned opinions

#### **Taxation: Commission urges ROMANIA to take the necessary measures for the development of a new IT system for monitoring the circulation of excise goods**

The Commission decided today to send a reasoned opinion to **Romania** for failing to fund and develop an IT system – according to the agreed timeline – for monitoring the EU-wide circulation of excise goods (alcohol, tobacco and energy products). EU rules (mainly [Council Directive 2008/118/EC](#)) allow excise goods to circulate under the deferral of the payment of excise duties provided that the electronic documents are duly processed in the Member States of dispatch and of arrival. The IT system also allows Member States to communicate information on the operators authorised to engage in such movements and to cooperate between each other in order to fight fraud. Romania is already running an outdated version of the IT system and has not taken the necessary measures to use the new version. The failure for Romania to act in time could have serious internal market consequences, as excise goods would normally only be allowed to circulate with duty paid to or from Romania. It could also harm all the other Member States who need to send and receive administrative information from Romania. If Romania does not act within the next four months, the Commission may decide to refer the case to the Court of Justice of the EU.

#### **Taxation: Commission requests FINLAND to bring its rules on tax deductibility of group contributions in line with EU law**

The Commission decided today to send a reasoned opinion to **Finland** regarding its legislation providing for deductibility of group contributions between affiliated companies only if the company receiving the contribution is resident in Finland. Such group contributions made to affiliated companies in other EU/EEA States are not deductible even in situations where these cover definitive losses incurred by the latter. The lack of deductibility in such situations constitutes a restriction on the freedom of establishment (Article [49 TFEU](#) and Article [31 EEA](#)). If Finland does not provide a tangible proposal to remedy the infringement within the next four months, the Commission may decide to bring the case before the Court of Justice of the EU.

### Referral to the Court of Justice of the European Union

#### **Taxation: The Commission refers the NETHERLANDS to the Court for taxing the transfer of pension capital to other Member States, but not domestic transfers**

The Commission decided today to refer the **Netherlands** to the Court of Justice for taxing the transfers of pension capital by mobile workers. Under EU law, mobile workers are free to take up jobs in Member States that allow full or partial lump sum out-payments of pensions. 12 Member States allow out-payments of pensions as lump sums: Belgium, Denmark, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Austria, Slovakia, Spain and Czechia. Taxing transfers of pension capital to these Member States, while not taxing domestic transfers is a serious obstacle to the free movement of workers, the freedom to provide services and the free movement of capital ([Articles 45, 56, 63 TFEU](#)). The Dutch legislation in question is, therefore, a restriction of the freedom of movement of workers (Article 45 TFEU), the freedom to provide services (Article 56 TFEU) and the free movement of capital (Article 63 TFEU). The European Commission sent a letter of formal notice on 21 November 2012, followed by [a reasoned opinion on 19 July 2018](#). Since the Netherlands has not yet complied, the Commission is now bringing the matter before the Court of Justice of the European Union.

## **8. Mobility and Transport**

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### A referral to the Court of Justice of the European Union

**Road transport: European Commission refers CYPRUS, the NETHERLANDS and PORTUGAL to**



## **Court for failing to upgrade road transport registers**

The Commission has decided to refer **Cyprus, the Netherlands** and **Portugal** to the Court of Justice of the EU as they did not upgrade their registers of road transport companies. All Member State should have upgraded the connection between their registers and the revised European Registers of Road Transport Undertakings ([ERRU](#)), by 30 January 2019, as required by the [Commission Implementing Regulation \(EU\) 2016/480](#). The ERRU allows information exchange between Member States on road transport companies established in the EU. It is an essential instrument to ensure enforcement of EU legislation and fair competition among operators in the road transport sector. The decision to refer the matter to the Court follows the failure of Cyprus, the Netherlands and Portugal to bring their legislation in line with EU law following the Commission's reasoned opinion. For more information, please refer to the full [press release](#).

### *Letters of formal notice*

## **Rail transport: Commission calls on GERMANY to properly implement EU legislation**

The Commission is urging **Germany** to bring its national legislation in line with Directive (EU) 2016/797 on the interoperability of the rail system within the European Union (Recast of Directive 2008/57/EC). The railway interoperability Directives (EU) 2016/797 and 2008/57/EC set out the conditions to be met to achieve interoperability within the Union rail system. These conditions concern the design, construction, placing in service, upgrading, renewal, operation and maintenance of the parts of this system, as well as the professional qualifications and health and safety conditions for the staff who contribute to its operation and maintenance. In this case, the Commission considers that national provisions concerning requirements for freight wagon braking equipment are not compliant with EU law and hamper interoperability efforts. Germany now has four months to reply to the arguments raised by the Commission, otherwise the Commission may decide to send a reasoned opinion.

## **Rail Transport: European Commission calls on PORTUGAL to correctly apply EU rules on railway safety**

The Commission is urging **Portugal** to correctly apply and comply with the requirements of [Directive 2004/49/EC](#). This Directive requires Member States among other things to allocate safety responsibilities to different stakeholders of the railway sector, and to define common principles for the management, regulation and supervision of railway safety. Shortcomings have been identified concerning the supervision of the safety management systems of railway undertakings and infrastructure managers, the follow-up to safety recommendations issued by the investigating bodies and the organisational capacity of Portugal's national safety authority. Portugal now has four months to reply and to correct its legislation and current practices; otherwise, the Commission may decide to send a reasoned opinion to the Portuguese authorities.

## **Road transport: Commission calls on 10 MEMBER STATES and the UNITED KINGDOM to correctly apply rules on road safety traffic information**

The Commission has sent letters of formal notice to **Belgium, Bulgaria, Croatia, Cyprus, Italy, Latvia, Malta, Portugal, Romania, Slovenia** and the **United Kingdom** for having applied rules on road safety related traffic information incorrectly. The rules are required by [Delegated Regulation \(EU\) N° 886/2013](#), adopted under the Intelligent Transport Systems (ITS) Directive. Access to road safety-related traffic data is key to improving safety on European roads and providing information services to road users. This legislation requires Member States to make such data available for exchange and re-use through single, national access points. This helps ensure that information services are compatible and consistent across the EU. The countries concerned now have four months to reply to the letter of formal notice; otherwise, the Commission may consider adopting a reasoned opinion.

## **Intelligent transport: Commission requests 7 MEMBER STATES and the UNITED KINGDOM to correctly apply EU rules on real-time traffic information services**

The Commission has sent letters of formal notice to **Belgium, Bulgaria, Croatia, Latvia, Poland, Portugal, Romania** and the **United Kingdom** as they have applied EU rules on the provision of EU-wide real-time traffic information services incorrectly. The rules are required by [Delegated Regulation \(EU\) N° 2015/962](#), adopted under the Intelligent Transport Systems (ITS) Directive. This Regulation seeks to improve the accessibility, exchange, re-use and update of the data required to provide high-quality and continuous real-time traffic information services across the EU via single, national access points. Real-time traffic information services help reduce congestion, air pollution and noise stemming from transport. Real-time information is also key to producing up-to-date and accurate digital maps, which are crucial for smart mobility applications. The countries concerned now have four months to reply to the letter of formal notice; otherwise, the Commission may consider adopting a reasoned

opinion.

### **Intelligent transport: Commission urges 10 MEMBER STATES to correctly apply EU rules on the provision of EU-wide multimodal travel information services**

The Commission has sent letters of formal notice to **Bulgaria, Croatia, Cyprus, Greece, Italy, Latvia, Malta, Portugal, Romania and Slovenia** for having applied EU rules on the provision of EU-wide multimodal travel information services incorrectly. The rules are required by [Delegated Regulation \(EU\) No 2017/1926](#), which was adopted under the Intelligent Transport Systems (ITS) Directive. Travellers in Europe often lack door-to-door travel information. This is why Member States are required to establish national access points that make multimodal travel information accessible. Ultimately, multimodal travel information services will help provide travellers with an overview of all travel options available to them, while highlighting the most sustainable ones. This information will also ensure that passengers are better prepared should disruptions occur, and support travellers with disabilities or reduced mobility. The countries concerned now have four months to reply to the letter of formal notice; otherwise, the Commission may consider adopting a reasoned opinion.

### **Road transport: Commission calls on 7 MEMBER STATES and the UNITED KINGDOM to implement rules on information services for safe and secure parking places**

The Commission has decided today to send letters of formal notice to **Bulgaria, Estonia, Greece, Italy, Latvia, Romania, Slovenia and the United Kingdom** for failing to communicate information on safe and secure parking. More specifically, these Member States failed to make digitally available, through National Access Points, information related to parking places (e.g. location of parking areas and available facilities and amenities) as well as to parking places providing dynamic information (e.g. availability of parking spaces or priority zones). This is required by [Regulation \(EU\) No 885/2013](#) which was adopted under the Intelligent Transport Systems (ITS) Directive. Truck drivers in Europe are often confronted with insufficient parking facilities and information on such facilities, and therefore often park in non-secured zones or unsafe locations. The concerned countries now have four months to reply to the letter of formal notice; otherwise, the Commission may consider adopting a reasoned opinion.

### **Sustainable transport: Commission calls on ITALY, PORTUGAL and the UNITED KINGDOM to report on the implementation of their national policy frameworks on alternative fuels infrastructure**

The Commission today decided to request that **Italy, Portugal** and the **United Kingdom** implement European rules on alternative fuels infrastructure ([Directive 2014/94/EU](#)) correctly. The Alternative Fuels Infrastructure Directive (Article 10.1) required Member States to submit a report on the implementation of their national policy frameworks to the Commission by 18 November 2019. The concerned two Member States and the United Kingdom have so far failed to deliver this report. They now have four months to comply with this obligation under the Directive; otherwise, the Commission may decide to send a reasoned opinion.

### **Aviation security: European Commission takes measures against SLOVENIA**

The European Commission today decided to send a letter of formal notice to **Slovenia**, inviting the country to fully implement [Regulation \(EC\) No 300/2008](#) that establishes common rules in civil aviation security. This Regulation requires Member States to regularly update their national aviation security legislation. Such legislation defines organisational structures, responsibilities and mechanisms to monitor compliance at national airports, airlines and aviation security-related entities. This is to ensure that any security issue is swiftly detected and corrected. Slovenia has not formally updated its aviation security legislation, and therefore does not fulfil all required conditions to effectively ensure that aviation security measures are implemented correctly. The Commission has therefore decided to send a letter of formal notice to Slovenia, giving it four months to address the Commission's concerns. Otherwise, the Commission may decide to send a reasoned opinion.

### **Single European railway area: Commission calls on CROATIA, SLOVENIA, and SPAIN to correctly transpose EU law**

The Commission today decided to send a letter of formal notice to **Croatia, Slovenia, and Spain** for failing to correctly transpose certain provisions of the EU rules on establishing a Single European Railway Area ([Directive 2012/34/EU](#)). The Directive aims at creating a more competitive framework, by covering the regulatory oversight and financial architecture within the railway sector, the power of national regulators, the framework for investment in rail, and fair and non-discriminatory access to rail infrastructure and rail related services. In November 2012, Member States adopted the Directive and agreed to transpose these rules into national law by 16 June 2015. The Member States concerned now have four months to reply. Otherwise, the Commission may decide to send a reasoned opinion.

### **Single European Sky: Commission urges 11 MEMBER STATES to comply with EU rules on the provision of data link services**

The Commission has decided to send a letter of formal notice to **Bulgaria, Cyprus, Finland, France, Greece, Lithuania, Malta, Portugal, Romania, Slovakia** and **Slovenia** for failing to provide and operate data link services for all operators of aircraft flying within airspace under their responsibility, and which are capable of data link communications. Each Member State is required by [Commission Implementing Regulation \(EU\) 29/2009](#) to provide these services. Data link services are communications between aircraft and ground that are conveyed through data links, complementing the voice communications used traditionally within air traffic control. The deployment of this interoperable technology in Europe is essential to improving the efficiency of communications between pilots and controllers, thereby increasing air traffic control capacity. The deadline for providers of air traffic services to provide and operate data link services expired on 5 February 2018. A lack of equipment in certain control centres is effectively preventing aircraft operators from using data link services, for which the operators have been required to equip as of 5 February 2020. The Member States concerned now have four months to address the Commission's concerns. Otherwise, the Commission may decide to send a reasoned opinion.

#### *Reasoned opinion and letters of formal notice*

#### **Civil aviation: European Commission urges 11 MEMBER STATES to designate a just culture body**

The European Commission today decided to send a reasoned opinion to **Ireland** as it has failed to designate a body referred to in Article 16(12) of [Regulation \(EU\) No 376/2014](#). Member States should designate a 'just-culture body' to ensure that anyone reporting safety-relevant events (occurrences) in civil aviation is not penalised by their employers or by the Member States' authorities, subject to specific exceptions mentioned in the Regulation. The body is also responsible for ensuring that every organisation active in the field of civil aviation and based in a Member State adopts internal rules describing the implementation of just culture principles within the organisation. Ireland now has four months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to bring the matter before the Court of Justice of the EU. The Commission also decided to send letters of formal notice to **Austria, Belgium, Bulgaria, Cyprus, Germany, Greece, Italy, Luxembourg, Malta** and **Spain**, as these Member States have also failed to designate a 'just culture body' in accordance with [Regulation \(EU\) No 376/2014](#). The Commission invites the Member States to comply fully with the relevant EU rules. The Member States now have four months to reply to the arguments raised by the Commission. Otherwise, the Commission may send reasoned opinions.

#### *Reasoned opinion*

#### **Road transport: European Commission requests that DENMARK lift its 25-hour limit on lorry parking**

The Commission has decided to send a reasoned opinion to **Denmark**, which has been limiting the period for which lorries can park in state-owned rest areas to a maximum of 25 hours. The Danish measure restricts the freedom to provide services as guaranteed by EU road transport legislation ([Regulation \(EC\) No 1072/2009](#)), as it creates barriers to foreign hauliers carrying out international operations. Since these hauliers do not have an operating centre in Denmark, they need parking space to carry out their activities and to comply with the EU obligations on driving and rest times. The Commission considers that the rule is not appropriate, necessary or proportionate to the objectives. Denmark now has four months to reply. Otherwise, the Commission may decide to bring the matter before the Court of Justice of the EU.

#### *Additional reasoned opinion*

#### **Road transport: European Commission calls on HUNGARY to comply with common rules on national registers for road transport undertakings**

The Commission has decided to send a complementary letter of formal notice to **Hungary** for failing to upgrade the connection between its national register on road transport undertakings and the new version of European Registers of Road Transport Undertakings ([ERRU](#)), as required by the [Commission Implementing Regulation \(EU\) 2016/480](#). The ERRU allows the exchange of information between Member States on road transport undertakings established within the EU. It is essential for ensuring enforcement of EU legislation and fair competition among road transport undertakings. The implementation of a new and enhanced version of ERRU requires Member States to adapt their systems at national level. The deadline for establishing an upgraded connection of national electronic registers expired on 30 January 2019. If the authorities from Hungary fail to send a satisfactory response within four months, the Commission may refer the Member State to the Court of Justice of

the EU.

## 9. Employment

(For more information: Marta Wieczorek – Tel.: +32 229 58197, Siobhan Millbright - Tel.: +32 229 57361)

A referral to the Court of Justice of the European Union

### **Employment: Indexation of family benefits, child tax credit and family tax credits: Commission takes AUSTRIA to Court for discrimination**

The European Commission has decided to refer **Austria** to the Court of Justice of the EU. The Commission considers that the Austrian law on the indexation of family benefits and tax credits is not allowed under EU rules and is discriminatory. On 1 January 2019, Austria introduced a mechanism indexing the amount of family benefits, child tax credits and family tax credits for EU nationals who work in Austria and have children living abroad. The Commission finds that such an indexation mechanism is against current rules on social security coordination and against the EU rules on freedom of movement for workers and on the coordination of social security systems. The mechanism is discriminatory as it means that some mobile EU workers in Austria who fully contribute to the Austrian economy, workforce and social security system receive lower benefits compared to those workers whose children are living in Austria. Today's referral to Court is the last step in the infringement procedure that started in January 2019, when the Commission sent a letter of formal notice to Austria. As the response given by Austria in March 2019 was considered unsatisfactory, the Commission followed up with a reasoned opinion in July 2019. Having analysed the Austrian reply received in October 2019, the Commission considers that its concerns have not been addressed. Hence, the decision was taken to refer Austria to the Court of Justice of the EU. For more information, please refer to the full [press release](#).

## 10. Competition

(For more information: Arianna Podesta – Tel.: +32 229 87024, Maria Tsoni - Tel.: +32 229 90 526)

Closures

### **Antitrust: Commission closes infringement procedures against ITALY and BULGARIA concerning assignment of TV frequencies**

The European Commission has decided to close the infringement proceedings against **Italy and Bulgaria** concerning the assignment of digital terrestrial television (DTT) frequencies as they have taken steps to address the Commission's concerns regarding their compliance with the 'Competition Directive' ([2002/77/EC](#)), 'Authorisation Directive' ([2002/20/EC](#)) and 'Framework Directive' ([2002/21/EC](#)). In 2007 and 2012 the Commission sent reasoned opinions to [Italy](#) and [Bulgaria](#) respectively. In 2013 the Commission referred [Bulgaria](#) to the EU's Court of Justice. In 2015 the Court confirmed the Commission's findings. Both Italy and Bulgaria took steps to address the Commission's concerns, including the launch and finalization of an auction for the assignment of DTT frequencies in Italy, an amendment to the legislation at issue and the withdrawal of one of the disputed licenses in Bulgaria. Moreover, significant changes can be expected in the DTT sector in the context of the ongoing "reforming" process whereby Member States need to move DTT frequencies from the 700 MHz frequency band, which will be used for mobile communications. Following a careful examination of the facts of the cases as well as relevant market, regulatory and judicial developments, the Commission found that it is no longer opportune to continue the proceedings. The Commission continues monitoring the broadcasting markets across Europe, with a view to ensuring a level playing field. The closure of these cases does not prevent the Commission from opening new infringement proceedings, should further concerns about the compliance of Italy or Bulgaria with Union law arise.

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