



June infringements package: key decisions

Brussels, 9 June 2021

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 239 cases in which the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

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

1. Environment and fisheries

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Letters of formal notice

Nature: Commission calls on POLAND to take the necessary steps to protect and manage their Natura 2000 networks

The Commission is calling on **Poland** to take measures to protect and manage their Natura 2000 sites to respect the obligations under [Council Directive 92/43/EEC](#) (the Habitats Directive) and under [Directive 2009/147/EC](#) (the Birds Directive) on the conservation of wild birds. Under the Habitats Directive, Member States must propose EU sites of Community importance (SCIs), which are then added to EU biogeographical lists. Within six years from such listing, Member States must designate SCIs as special areas of conservation (SACs), establish conservation objectives and measures to maintain or restore the protected species and habitats present in the sites, to reach favourable conservation status at national biogeographical level. Poland has not yet designated 655 (out of 845) sites of Community importance as SACs and has failed to adopt site-specific conservation objectives and measures for all its sites. The time limit for completing these steps for 845 sites in Poland has long expired. In addition, under the Birds Directive, Member States are obliged to classify special protection areas (SPA) and to adopt special conservation measures and objectives for each of them. Poland has not completed the adoption of special conservation measures for 50 (out of 145 classified) SPAs and has not based conservation measures on the site-specific conservation objectives for all the remaining SPAs. These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. For the reasons mentioned above, the Commission has decided to send a letter of formal notice to Poland. Poland now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Nature: the Commission calls on ESTONIA to improve its rules on environmental assessment

The Commission is calling on **Estonia** to bring its national legislation in line with the EU Habitats Directive ([Directive 92/43/EEC](#)) and the Strategic Environmental Assessment Directive ([Directive 2001/42/EC](#)), in particular with regard to logging activities in Natura 2000 sites. Compliance with EU

nature legislation is crucial for the preservation and restoration of nature and biodiversity. The Habitats Directive contributes to this aim by requiring that all activities with potentially significant effects on a Natura 2000 site are made subject to an appropriate assessment and are authorised only to the extent that they will not significantly affect the site concerned. In addition, strategic environmental assessment shall be performed on plans and programmes that may have significant effect on a Natura 2000 site. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. The Estonian legal system fails to fully implement the environmental assessment requirements of EU law. Economic activities that may have a negative effect on a Natura 2000 site, such as logging, are not subject to an appropriate assessment under Estonian law. The statutory acts of Estonian Natura 2000 sites, the so-called protection rules, often include provisions on logging and other economic activities that may adversely affect the protected site and should thus be subject to the provisions of both Habitats and Strategic Environmental Assessment Directives. The Commission has however identified 217 sets of site-specific protection rules that have been adopted without the environmental assessment as required under EU law. Therefore, the Commission is sending a letter of formal notice to Estonia, which now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Nature: Commission asks CYPRUS to take the necessary steps to protect and manage its Natura 2000 networks

The Commission is calling on **Cyprus** to take measures to protect and manage its Natura 2000 sites, and therefore to respect the obligations under the Habitats Directive ([Directive 92/43/EEC](#)). Under the Habitats Directive, Member States must propose EU sites of Community importance (SCIs), which are then added to EU biogeographical lists. Within six years from such listing, Member States must designate SCIs as special areas of conservation (SACs), establish conservation objectives and measures to maintain or restore the protected species and habitats present in the sites, to reach favourable conservation status at national biogeographical level. These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [EU Biodiversity Strategy for 2030](#) both indicate that it is crucial for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to favourable conservation status. Of its 37 SCIs, Cyprus has failed to designate 3 SCIs as SACs. Furthermore, no conservation objectives have been set for 3 special areas of conservation and the ones set for the other 34 SACs do not fulfil the requirements of Directive, for example they are too vague or do not identify properly the species and habitats they are supposed to target. Cyprus has also not set conservation measures for 33 SACs, and the ones established for 4 SACs are too general to ensure that species and habitats are adequately protected. Therefore, the Commission has decided to send a letter of formal notice to Cyprus. Cyprus now has two months to respond to the letter and take the necessary measures, otherwise, the Commission may decide to issue a reasoned opinion.

Nature: Commission calls on SLOVENIA to classify marine and birdlife special protection areas

The Commission calls on **Slovenia** to correctly apply the Birds Directive ([Directive 2009/147/EC](#)), which requires Member States to classify special protection areas (SPA) with the aim of protecting wild birds. The [European Green Deal](#) and the [European Biodiversity Strategy](#) indicate that it is crucial for the EU to halt biodiversity loss by protecting and restoring biodiversity. In 2016, the Commission launched a dialogue with all Member States, including Slovenia, to address the remaining gaps in SPA designation in the marine environment. Marine protected areas, such as those classified under the Birds Directive, protect important breeding, feeding or migration areas for seabirds, playing a key role in ensuring their good status in EU waters. However, Slovenian authorities have still failed to classify all the necessary SPAs for the "Mediterranean Shag" which is one of the seabirds protected under the Directive, and is therefore failing to fulfil its obligations under the Birds Directive. The Commission has therefore decided to send a letter of formal notice to Slovenia. Slovenia now has two months to respond to the letter and take the necessary measures, otherwise, the Commission may decide to issue a reasoned opinion.

Nature: Commission calls on ITALY to comply with EU nature legislation

The Commission is calling on **Italy** to ensure adequate protection for habitats and species under [Council Directive 92/43/EEC](#) (the Habitats Directive) and under [Directive 2009/147/EC](#) (the Birds Directive). Under the Habitats and Birds Directives, Member States agreed to develop a coherent

European Natura 2000 network by proposing adequate Sites of Community Importance (SCIs) and classifying special protection areas (SPAs). These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. The current Italian Natura 2000 network does not adequately cover the various habitat types and species that need protection. The most serious gaps are related to marine species, such as the Mediterranean monk seal, the loggerhead sea turtle and the bottlenose dolphin, as well as to marine habitats, such as reefs. Designations of marine sites are also missing for several seabird species, such as the Scopoli's Shearwater and the Yelkouan Shearwater. For the reasons mentioned above, the Commission has decided to send a letter of formal notice to Italy. Italy now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Biodiversity: Commission calls on 18 Member States to protect the environment against invasive alien species

The Commission is calling on **Belgium, Bulgaria, Czechia, Germany, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Poland, Portugal, Romania, Slovenia and Slovakia** to implement various provisions of [Regulation 1143/2014](#) on the prevention and management of the introduction and spread of invasive alien species. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. Invasive alien species are plants and animals that as a result of human intervention become established in areas outside their natural range, spreading rapidly and out-competing native species, with severe environmental and economic consequences. All 18 Member States have failed to establish, implement and communicate to the Commission an action plan (or a set of action plans) to address the most important pathways of unintentional introduction and spread of invasive alien species of concern for the EU. Additionally, Bulgaria, Greece and Romania have failed to establish a surveillance system of invasive alien species of concern for the EU, or include it in their existing system. Greece and Romania have failed to put in place fully functioning structures to carry out the official controls necessary to prevent the intentional introduction of species of concern into the EU. Portugal failed to transmit an implementation report. The Commission has, therefore, decided to send each Member State a letter of formal notice giving them two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Prevention of major accidents involving dangerous substances: Commission calls on CZECHIA, POLAND and SLOVENIA to improve its national rules

The Commission calls on **Czechia, Poland and Slovenia** to bring its national legislation in line with [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. Sectors like the chemical and petrochemical industry, and the fuel wholesale and storage sectors are covered by its scope. Different safety regimes apply, depending on the amount of dangerous substances present, with stricter legal requirements applying to installations handling high amounts. The [European Green Deal](#) sets for the EU an ambition of zero pollution, which benefits public health, the environment and climate neutrality. It indicates that the environmental rules adopted must be applied effectively in order to deliver the expected results. The Commission has identified 54 instances of non-conformity in Czechia's application of the Directive. Czechia has not correctly transposed certain definitions (new establishment, hazard and public concerned), the obligation to notify certain information to competent authorities, nor the content of the safety report or the emergency plans. Czechia has also failed to introduce sufficient legislation on public consultation and participation in decision-making as required by the Directive, and has failed to transpose provisions concerning inspections, access to information and access to justice. The Commission has identified 48 instances of non-conformity in Poland's application of the Directive, e.g. concerning obligations of the operator, provisions related to safety reports, emergency plans, land-use planning, information to the public, public consultation and participation in decision-making, actions to be taken by competent authorities following a major accident, as well as provisions concerning inspections. Poland has also not correctly transposed some of the definitions in conformity with the Directive (installation, operator, dangerous substance, major accident). Slovenia has not correctly transposed certain definitions from the Seveso III Directive, the obligation to draw up major accident prevention policy or to send the safety report for new

establishments prior to start of operations in a reasonable time and the obligations concerning the rights of the public to express comments and opinions to the competent authority before a decision is taken on a specific individual project and that the results of the consultations held are duly taken into account in the taking of a decision. This hampers the proper implementation of the Directive. Environmental governance plays a key role in enabling the proper functioning of different sectoral environmental rules and the attainment of their objectives. For the reasons mentioned above, the Commission has decided to send letters of formal notice to Czechia, Poland and Slovenia. The Member States concerned now have two months to respond to the letters and take the necessary measures, otherwise the Commission may decide to issue reasoned opinions.

Environmental Impact Assessment: Commission calls on GERMANY to ensure access to justice when authorising transport infrastructure projects

The Commission is calling on **Germany** to provide the public with appropriate access to justice when authorising by legislative acts transport infrastructure projects that require an environmental impact assessment, according to the Directive on the assessment of the effects of certain public and private projects on the environment ([Directive 2011/92/EU](#)). The Directive allows such projects to be approved through a national legislative act, so they may therefore be exempt from the provisions related to public consultation. However, the Directive specifies that the possibility of a legal review of the project authorisation by a court must still be available. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. In March 2020, the German Federal Parliament adopted a law specifically listing several transport infrastructure projects that may be approved by a Federal law instead of the regular administrative procedure. Authorising infrastructure projects by Federal law, however, significantly reduces access to justice for individuals and NGOs, as Federal laws in Germany may only be repealed by the Federal Constitutional Court. Individuals, and in particular NGOs, which are affected by such projects have only limited possibilities to bring cases directly to the constitutional court. In the Commission's view there are no other arrangements foreseen in the national law, which would ensure that the public concerned, including NGOs, may in any event ask for a legal review of projects which require an environmental impact assessment and were authorised by Federal legislation. Therefore, the Commission is sending a letter of formal notice to Germany. Germany now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Pollution: Commission calls on CZECHIA to improve its rules on pollution arising from industrial activities

The Commission is calling on **Czechia** to bring its national legislation in line with the Industrial Emissions Directive ([Directive 2010/75/EU](#)). Industrial activities have a significant impact on the environment and the Directive lays down rules on activities which include the prevention or reduction of emissions into air, water and soil and the prevention of waste generation. The [European Green Deal](#) has set for the EU a Zero Pollution ambition, putting emphasis on cutting air pollution, which is among the key factors affecting human health. Full implementation of the air quality standards enshrined in EU legislation is key to effectively protect human health and safeguard the natural environment. Czechia has not or has incorrectly transposed certain provisions of the Directive. Among those, the definitions of "the public concerned" or of "residue" are not transposed into national legislation. Moreover, certain rules for the operation of waste incineration plants or waste co-incineration plants are not correctly transposed; and the provisions on the access to information and access to justice of individuals are ambiguous. Therefore, the Commission decided today to send a letter of formal notice to Czechia giving it two months to take the necessary measures to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Air Quality: Commission calls on POLAND to improve its rules against air pollution

The Commission is calling on **Poland** 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 (NOx), non-methane volatile organic compounds (NMVOCs), sulphur dioxide (SO₂), ammonia (NH₃) and fine particulate matter (PM_{2.5}). These air pollutants all lead to significant negative impacts on human health, such as respiratory

problems, cardiovascular diseases and cancer, and damage ecosystems. The [European Green Deal](#) sets for the EU an ambition of zero pollution, which benefits public health, the environment and climate neutrality. Poland has failed to transpose into national law, among others, the Directive's requirement to include obligatory emission reduction measures in the national air pollution control programmes. Moreover, Poland has not transposed the requirement to conduct transboundary consultations on the national air pollution control programmes. Finally, Polish law did not set any penalties for breaches of the Directive. For the reasons mentioned above, the Commission has decided to send a letter of formal notice to Poland. Poland now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Additional letter of formal notice

Aarhus Convention: Commission calls on AUSTRIA to improve its legislation on public participation in decision-making and access to justice in environmental matters

The Commission is calling on **Austria** to correctly implement into national legislation all the requirements of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ([Aarhus Convention](#)). The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. In 2014, the Commission launched an infringement procedure against Austria because it did not grant Non-Governmental Organisations (NGOs) and individuals legal standing before a court to challenge decisions or omissions adopted in violation of EU environmental law. Following the Court's judgement in a related case in 2017, Austria began to integrate the Aarhus Convention into its national legislation implementing EU environmental law. This implementation took a very long time due to the need to modify a large number of legal acts, both at federal and *Länder* level. Although the measures taken by Austria in 2018-2020 are a step in the right direction, the Commission has identified a number of remaining and additional shortcomings. In particular, in several important cases, the Austrian legislation does not ensure the right of the public to a judicial review of decisions potentially contravening environmental law. Furthermore, the judicial review is in principle limited to individual decisions and does not include administrative acts of a regulatory nature. Finally, individuals are in many cases completely excluded from this right. The proper functioning of the access to national courts and their effective judicial review in environmental matters regulated by EU rules is part of EU's environmental governance. Together with the Member States' action, the proper functioning of environmental governance and the private enforcement are indispensable for delivering the European Green Deal in real life. For the reasons mentioned above, the Commission has decided to send a complementary letter of formal notice to Austria. Austria now has two months to respond to the letter and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

Letter of formal notice under Article 260 TFEU

Urban waste water: Commission calls on GREECE to ensure correct treatment of urban waste water

The Commission is calling on **Greece** to comply with the requirements of the Urban Waste Water Treatment Directive ([Directive 91/271/EEC](#) - UWWTD). The Directive requires Member States to ensure that agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. The [European Green Deal](#) and the recently adopted [Zero Pollution Action Plan](#) set as zero pollution ambition for the EU, which benefits public health, the environment and climate neutrality. In 2011, the Commission launched an infringement procedure against Greece for failure to fulfil its obligations to ensure that agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. The Commission is now sending a letter of formal notice to Greece for failing to comply with the ruling of the Court of Justice of 14 September 2017 ([C-320/15](#)). In this ruling, the Court determined that Greece has not ensured proper collection and treatment of urban waste waters in five agglomerations. The Commission has determined that the breach remains for two agglomerations - Prosotsani and Doxato. The Commission has decided to issue today a letter of formal notice to Greece for failing to comply with the ruling of the Court. This is an infringement procedure based on Article 260 (2) TFEU, meaning that the Commission can refer the matter back to the Court and ask for financial sanctions, after giving Greece the opportunity to respond to the letter and take the necessary measures.

Reasoned opinions

Pollution: Commission urges BULGARIA to improve its rules on pollution arising from industrial activities

The Commission is sending a reasoned opinion to **Bulgaria** for its failure to correctly reflect all the elements of the Industrial Emissions Directive ([Directive 2010/75/EU](#)) into national law. Industrial activities have a significant impact on the environment and the Directive lays down rules on activities which include the prevention or reduction of emissions into air, water and soil and the prevention of waste generation. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. Although Bulgaria has correctly transposed most of the Directive's provisions, there are certain aspects which are not correctly reflected. Among these are the explicit requirement to re-assess the emissions derogation for less strict emission limits each time a permit is reviewed, and to carry out inspections investigating serious environmental complaints, accidents, incidents and occurrences of non-compliance as soon as possible instead of within 30 days. Therefore, the Commission has decided today to issue a reasoned opinion to Bulgaria. Bulgaria will have two months to reply and take the necessary measures, otherwise the Commission may refer the case to the Court of Justice.

Urban Waste Water: Commission urges BELGIUM to ensure correct treatment of urban waste water

The Commission is urging **Belgium** to comply with the requirements of the Urban Waste Water Treatment Directive (Directive [91/271/EEC](#) - UWWTD). The Directive requires Member States to ensure that urban agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. Therefore, in line with the [European Green Deal](#), which has set for the EU a Zero Pollution ambition which benefits public health, the environment and climate neutrality, the Commission has decided to issue a reasoned opinion to Belgium for failure to comply with the Urban Waste Water Treatment Directive. Belgium should have been fully compliant with the UWWTD requirements since 2005. Although Belgian authorities have shared monitoring data aimed to show compliance with the requirements of the Directive, for three agglomerations the necessary samples covering a regular period have not been provided. This leads the Commission to conclude that the authorities have failed to provide the required evidence for the alleged compliance for those agglomerations. Of the 12 agglomerations addressed by the Commission in its initial letter of formal notice, only one is now considered compliant with all requirements of the Directive. Therefore, the Commission has decided today to issue a reasoned opinion to Belgium. Belgium will have two months to reply and take the necessary measures, otherwise the Commission may refer the case to the Court of Justice.

Waste: Commission urges 7 Member States to fully enact new EU rules on waste streams into national legislation

The Commission is calling on **Belgium, Greece, Finland, Croatia, Luxembourg, Malta and Slovakia** to bring their national laws in line with modifications included in [Directive 2018/849](#), amending Directives [2000/53/EC](#) on end-of-life vehicles (ELV), [2006/66/EC](#) on batteries and accumulators and waste batteries and accumulators, and [2012/19/EU](#) on waste electrical and electronic equipment (WEEE). The End-of-life vehicles Directive aims to prevent waste from vehicles, to increase the reuse, recycling and recovery of materials and to improve the environmental performance of the economic operators involved in the life cycle of vehicles. The Batteries Directive seeks to improve the environmental performance of batteries and accumulators and of the activities of all economic operators involved in their life cycle. The purpose of the WEEE Directive is to contribute to sustainable production and consumption by the prevention of waste electrical and electronic equipment, its re-use, recycling and recovery, and to improve the environmental performance of all operators involved in the life cycle of such waste streams. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Commission sent letters of formal notice to the 7 Member States mentioned above in October 2020. The Commission has now decided to send reasoned opinions to them. The countries in question have two months to reply and take the necessary measures, otherwise the cases may be referred to the Court of Justice.

Waste: Commission urges 13 Member States to fully enact new EU rules on landfilling into national legislation

The Commission is urging **Austria, Belgium, Czechia, Estonia, Greece, Finland, France, Croatia, Luxembourg, Latvia, Malta, Romania and Slovakia** to bring their national laws in line with modifications included in [Directive 2018/850](#) on the landfill of waste. The Directive introduces restrictions on landfilling of all waste that is suitable for recycling or energy recovery from 2030. It also seeks to limit the share of municipal waste sent to landfill to 10% by 2035, and introduces rules on calculating how municipal waste targets are reached. Furthermore, it requires EU countries to put in place an effective quality control and traceability system for landfilled municipal waste. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Commission sent letters of formal notice to the 13 Member States mentioned above in October 2020. The Commission has now decided to send reasoned opinions to them. The countries in question have two months to reply and take the necessary measures, otherwise the cases may be referred to the Court of Justice.

Waste: Commission urges 17 Member States to fully enact new EU rules on waste management into national legislation

The Commission is urging **Austria, Belgium, Czechia, Estonia, Greece, Spain, Finland, France, Croatia, Lithuania, Luxembourg, Latvia, Malta, Poland, Romania, Slovenia and Slovakia** to bring their national laws in line with modifications included in [Directive \(EU\) 2018/851](#) amending Directive 2008/98/EC on waste. The Directive sets minimum operating requirements for extended producer-responsibility (EPR) schemes and strengthens rules on waste prevention. It also sets new targets on municipal waste recycling, specifying that by 2025, at least 55% of municipal waste by weight will have to be recycled. This target will rise to 60% by 2030 and 65% by 2035. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Commission sent letters of formal notice to the 17 Member States mentioned above in October 2020. The Commission has now decided to send reasoned opinions to them. The countries in question have two months to reply and take the necessary measures, otherwise the cases may be referred to the Court of Justice.

Waste: Commission urges 13 Member States to fully enact new EU rules on preventing of the packaging waste

The Commission is urging **Austria, Estonia, Greece, Spain, Finland, France, Croatia, Lithuania, Luxembourg, Malta, The Netherlands, Poland and Romania** and to bring their national laws in line with modifications included in [Directive 2018/852](#) on packaging and packaging waste. The Directive requires EU countries to take measures to prevent the generation of packaging waste and to minimise the environmental impact of packaging. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Commission sent letters of formal notice to the 13 Member States mentioned above in October 2020. The Commission has now decided to send reasoned opinions to them. The countries in question have two months to reply and take the necessary measures, otherwise the cases may be referred to the Court of Justice.

Waste: Commission calls on GREECE to take the necessary steps to ensure adequate waste management

The Commission is calling on **Greece** to bring its national law in line with the Waste Framework Directive ([Directive 2008/98/CE](#)) and the Landfill Directive ([Directive 1999/31/EC](#)). The Waste Framework Directive establishes a priority order, the so-called “waste hierarchy”, to be applied when drafting legislation and policy initiatives for the prevention and management of waste. Under the “waste hierarchy”, waste prevention is a top priority and recycling is given priority over energy recovery or disposal operations. This, in combination with the targets under the Landfill Directive, means that Member States must take measures to ensure that waste is collected and treated in a way that protects both human health and the environment. The [European Green Deal](#) and the recently adopted [Zero Pollution Action Plan](#) set as zero pollution ambition for the EU, which benefits public health, the environment and climate neutrality. For the past 10 years, the landfill in Mykonos has been functioning poorly, as demonstrated by various inspections carried out by the Greek inspectorate body. Despite some progress, the landfill continues to pollute the environment and pose a risk to human health. For example, leachates pollute the groundwater, biogas is not collected and treated but is directly released in the atmosphere, and waste can be found outside the landfill site. Greece must ensure that proper action is taken so that the landfill can function in a way that does not pose a risk for human health and for the environment. Therefore, the Commission has decided to issue a reasoned opinion to Greece. Greece now has two months to reply and take the necessary measures, otherwise the Commission may refer the case to the Court of Justice.

Floods: Commission calls on SPAIN to ensure review of the preliminary flood risk assessment

The Commission is calling on **Spain** to comply with the requirements of the Floods Directive ([Directive 2007/60/EC](#)). Under this Directive, Member States are required to reduce and manage the risks of floods by carrying out a preliminary flood risk assessment to identify areas at risk of flooding, and to enable the establishment of a proper flood risk management plan. The first preliminary flood risk assessment had to be established by 2011. Member States were required to provide information on the review of their preliminary flood risk assessments by 22 March 2019. The review and update are important so that both the public and the Commission are aware of new flood risk developments. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Commission sent a letter of formal notice to Spain in October 2020, for failing to fulfil this obligation in the Balearic Islands river basin district. Therefore, the Commission has now decided to send a reasoned opinion to Spain today. Spain now has two months to take the necessary measures, otherwise the Commission may decide to refer the case to the Court of Justice.

Nature: Commission calls on LATVIA to ensure that EU nature protection laws are respected

The Commission is calling on **Latvia** to take measures to protect and manage their Natura 2000 sites, and therefore to respect the obligations under the Habitats Directive ([Directive 92/43/EEC](#)). Under the Habitats Directive, Member States must propose EU sites of Community importance (SCIs), which are then added to EU biogeographical lists. Within six years from such listing, Member States must designate SCIs as special areas of conservation (SACs), establish conservation objectives and measures to maintain or restore the protected species and habitats present in the sites, to reach favourable conservation status at national biogeographical level. These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [EU Biodiversity Strategy for 2030](#) both indicate that it is crucial for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. Although Latvia has designated all 328 SCIs concerned by this case as SACs, it has generally and persistently failed to designate them properly. In addition to that, Latvia has failed to set site-specific conservation objectives and the necessary conservation measures that will ensure effective protection and restoration of the designated SACs. Therefore, the Commission has decided to send a reasoned opinion to Latvia. Latvia now has two months to respond and take the necessary measures, otherwise, the Commission may decide to refer the case to the Court of Justice.

Nature: Commission calls on MALTA to discontinue practices affecting protected wild birds

The Commission is calling on **Malta** to correctly apply the Birds Directive ([Directive 2009/147/EC](#)), and discontinue its practice to authorise finch trapping. The Birds Directive requires a general system of protection for wild birds and allows derogations on hunting and trapping only subject to strict conditions. These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [EU Biodiversity Strategy for 2030](#) both indicate that it is crucial for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. Malta has recently authorised finch trapping for research purposes, having previously authorised finch trapping for recreational purposes for several years, an action which was [found to be non-compliant](#) with the Birds Directive by the Court of Justice. In particular, the Commission considers that the new derogation scheme adopted in October 2020 authorising the trapping of finches for research purposes circumvents the judgment of the Court of Justice, by permitting trapping of finches in similar conditions as before this ruling, even if under a different regime. Following the unsatisfactory reply from the Maltese authorities to the letter of formal notice, the Commission has decided to send a reasoned opinion to Malta. Malta now has one month to remedy the situation, otherwise, the Commission may decide to refer the case to the Court of Justice. A shortened deadline aims to prevent serious and irreversible damage to the environment, in case the Republic of Malta intends to open yet another trapping season.

Environmental Impact Assessment: Commission urges BULGARIA to enhance national rules on environmental impact of public and private projects

The Commission is urging **Bulgaria** to correctly transpose the Environmental Impact Assessment

Directive on the assessment of the effects of certain public and private projects on the environment ([Directive 2011/92/EU](#)) into national law. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives, including by mainstreaming environmental considerations in decision-making processes. The Commission sent a letter of formal notice to Bulgaria in March 2019 for failing to correctly transpose the Directive. Bulgaria has rectified some of the grievances set out in the letter, however others remain unaddressed. For example, Bulgaria still does not make some elements of the impact assessment available to the public, which is a requirement of the Directive. The Directive also requires that developers include the results from other existing assessments in the impact assessment report, which Bulgaria is not ensuring. Therefore, the Commission has decided to issue a reasoned opinion to Bulgaria. Bulgaria now has two months to respond and take the necessary measures, otherwise, the Commission may decide to refer the case to the Court of Justice.

Additional reasoned opinions

Urban Waste Water: Commission calls on SPAIN to ensure correct treatment of urban waste water

The Commission is calling on **Spain** to comply with the requirements of the Urban Waste Water Treatment Directive (Directive [91/271/EEC](#) - UWWTD). The Directive requires Member States to ensure that agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. The [European Green Deal](#) and the recently adopted [Zero Pollution Action Plan](#) set as zero pollution ambition for the EU, which benefits public health, the environment and climate neutrality. Spain should have been fully compliant with the UWWTD requirements since 2005. Overall, after a letter of formal notice sent in 2012 and a first reasoned opinion sent in 2015, Spain is still failing to fulfil its obligations regarding the collection and treatment for 332 agglomerations. 30 agglomerations lack collection systems for their urban waste waters, relying mostly or entirely on Individual Appropriate Systems (IAS) to treat waste water. Spain has failed to explain that non-establishing a collection system is justified under the Directive. Furthermore, the examination of the referred IAS have shown that they cannot achieve the same level of environmental protection of a collection system, a requirement imposed by the Directive. These 30 agglomerations are therefore not equipped with a system enabling all their urban waste water to be collected and treated in accordance with the Directive. In addition, the 302 other agglomerations also fail to comply with the requirements of the Directive, as waste water does not enter the urban waste water collection systems, and/or is not treated correctly and fails to meet post-treatment standards. Based on the available information at the time, the Commission issued a first reasoned opinion to Spain in February 2015, which concerned 606 agglomerations. Since then, the Commission has reduced the number of agglomerations that fail to comply with the Directive. The Commission has today decided to issue an additional reasoned opinion to Spain for the outstanding agglomerations. Spain has two months to reply and take the necessary measures, otherwise the Commission may refer the case to the Court of Justice.

Referrals to the Court of Justice

Drinking water: Commission decides to refer ITALY to the Court of Justice over unsafe drinking water

The European Commission has today decided to refer **Italy** to the Court of Justice for failure to comply with the requirements of the Drinking Water Directive ([Directive 98/83/EC](#)). The Directive requires Member States to ensure that water intended for human consumption is wholesome and clean. It requires that drinking water is free from micro-organisms and parasites, and from substances which could pose a potential danger to human health. The [European Green Deal](#) sets for the EU a Zero Pollution ambition. Full implementation of the standards enshrined in EU legislation is important to effectively protect human health and safeguard the natural environment. The Commission is referring Italy to the Court of Justice as in some areas of Lazio Region, Viterbo County levels of arsenic and fluoride in drinking water have since long exceeded the parametric values established in the Drinking Water Directive. This exceedance can harm human health, in particular the health of children. Six areas continue to exceed safe levels of arsenic in drinking water: Bagnoregio, Civitella d'Agliano, Fabrica di Roma, Farnese, Ronciglione, and Tuscania. The areas of Bagnoregio and Fabrica di Roma have also exceeded safe levels of fluoride. Whilst the Commission welcomes the fact that Italy has adopted measures to prohibit or restrict water supply in the areas concerned and has informed consumers of the situation, six water supply zones still do not fully comply with the Directive. It is therefore referring Italy to the Court of Justice. More information is available in the [press release](#).

Urban Waste Water: Commission decides to refer HUNGARY to the Court of Justice over waste water treatment

The European Commission has today decided to refer **Hungary** to the Court of Justice for failure to comply with the requirements of the Urban Waste Water Treatment Directive (Directive [91/271/EEC](#)). The Directive requires Member States to ensure that urban agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. The [European Green Deal](#) sets for the EU a Zero Pollution ambition. Full implementation of the standards enshrined in EU legislation is important to effectively protect human health and safeguard the natural environment. In Hungary, 22 agglomerations are still not compliant with the Directive, as these agglomerations do not provide all their residents with a collecting system for urban waste water or an alternative with the same level of environmental protection. As they are not properly collected, the waste waters cannot be treated as required by EU law. In addition, Hungary is in breach of ensuring more stringent treatment for five other agglomerations. Although the Hungarian authorities have closely cooperated with the Commission, the low ratio of connections to collecting systems already built and the high ratio of individual or appropriate systems (IAS) usage led the Commission to conclude, that the authorities have failed to reach compliance for the above-mentioned agglomerations. Therefore, the Commission is referring Hungary to the Court of Justice. More information is in the [press release](#).

Urban Waste Water: Commission decides to refer FRANCE to the Court of Justice over waste water treatment

The European Commission has today decided to refer **France** to the Court of Justice for failure to comply with the requirements of the Urban Waste Water Treatment Directive (Directive [91/271/EEC](#)). The Directive requires Member States to ensure that urban agglomerations (towns, cities, settlements) properly collect and treat their waste waters, thus eliminating or reducing all their undesirable effects. The [European Green Deal](#) sets the EU a Zero Pollution ambition. Full implementation of the standards enshrined in EU legislation is important to effectively protect human health and safeguard the natural environment. France should have been fully compliant with the Urban Waste Water Treatment Directive requirements since 2005. However, more than 100 agglomerations with a population of over 2000 do not comply with such requirements because urban waste water entering collecting systems is not subject to the appropriate level of treatment before being discharged, or because, even if the appropriate level is applied, treated waste waters do not reach the Directive's requirements. Fifteen of these agglomerations also fail to meet additional requirements of the Directive related to the protection of sensitive areas from nutrients. Although the French authorities have shared monitoring data aimed at showing compliance with the requirements of the Directive for some of the agglomerations initially identified, the deficiencies and gaps remaining therein lead the Commission to conclude that the authorities have failed to reach compliance for the above-mentioned agglomerations. Therefore, the Commission is referring France to the Court of Justice. More information is in the [press release](#).

Fisheries

Letter of formal notice

Common Fisheries Policy: Commission calls on France to make its fleet compliant

The Commission calls on France to comply with, inter alia, the Control Regulation ([Council Regulation \(EC\) No 1224/2009](#)) and the Regulation on illegal, unreported and unregulated fishing (IUU Regulation - [Council Regulation \(EC\) No 1005/2008](#)). The Control Regulation establishes an EU fisheries control system to ensure that the rules of the Common Fisheries Policy (CFP) are applied correctly so that fishing activities are environmentally, economically and socially sustainable and can provide a source of healthy food for EU citizens. Fisheries rules and control systems are implemented by Member States through their national control systems. Control measures include, inter alia, the monitoring and registration of catches that are extracted from the seas and oceans by the EU fishing fleet. Under the IUU Regulation, only marine fishery products accompanied by catch certificates validated by the competent flag state can be imported into the EU. The [European Green Deal](#) supports the ambition for sustainable fisheries and for a zero tolerance approach against illegal, unreported and unregulated fishing. France has failed to ensure effective monitoring and control of the French external fleet and the enforcement of rules on the catch reporting i.e. the so-called

margin of tolerance of 10% per individual fish species and the submission of sales notes within 48 hours after first sale and of logbook and landing declarations. In addition, France does not ensure the automatic and systematic documentary checks necessary to monitor the fishing activities of its fishing vessels, which results in inconsistencies in the data declared at various occasions. This lack of proper control of the activities of the French fleet may lead to non-compliances with catch quotas and to overfishing, with consequences for the sustainability of fish stocks concerned. The Commission has therefore decided to send a letter of formal notice to France. France now has two months to respond to the letter and take the necessary measures, otherwise, the Commission may decide to issue a reasoned opinion.

2. Internal Market, Industry, Entrepreneurship and SMEs

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Letters of formal notice and Referrals to the Court of Justice

Public procurement: Commission asks POLAND and SLOVENIA to comply with EU rules

The Commission has decided today to address **Poland** and **Slovenia** regarding the conformity of their national legislation with EU rules on public procurement and concessions. The rules ([Directive 2014/24/EU](#), [Directive 2014/25/EU](#) and [Directive 2014/23/EU](#)) had to be transposed by Member States into national law by 18 April 2016. Following the compliance check conducted by the Commission, there are doubts whether the transposed national rules comply with the EU Directives. The Commission has also decided to refer Poland to the Court of Justice on considering that the Polish legislation transposing the Public Procurement Directives is still not fully compliant with the EU legislation. Please find [here](#) a press release on this Commission's decision. The Commission has also decided to send a letter of formal notice to Slovenia. Slovenia now has two months to reply to the arguments put forward by the Commission. Otherwise, the Commission may decide to follow up with the sending of a Reasoned Opinion.

Public procurement: Commission asks AUSTRIA to comply with EU rules

Today, the Commission has decided to send a letter of formal notice to **Austria**, requesting it to comply with the [EU rules on public procurement](#). Recently, Austria tendered out printing services for security documents such as ID cards in a way that seems to be designed to exactly and only fit the former service provider Österreichische Staatsdruckerei. If confirmed, such procurement would hinder competition and would not be in line with the public procurement provisions. In 2018, the Court of Justice of the European Union had already ruled in [case C-187/16](#) that a legal monopoly of Österreichische Staatsdruckerei was against the EU public procurement law. Austria has now two months to respond to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

Services: Commission asks FRANCE to comply with EU rules in the area of veterinary services

The Commission has decided to send a letter of formal notice to **France**, requesting it to align its national legislation in the area of veterinary services with EU rules on services. In the letter of formal notice, the Commission points out the violations of the shareholding requirements and advertising rules, stemming from the EU [Services Directive](#) ([Directive 2006/123/EC](#)) as well as the Treaty on the Functioning of the European Union ([TFEU](#)). The objective of the Services Directive is to realise the full potential of services markets in Europe by removing legal and administrative barriers to cross-border trade, while at the same time allowing for national safeguards which are justified, such as for example public security or public health, and which are proportionate to the objective pursued. The letter of formal notice addresses the unjustified and disproportionate nature of the French legislation concerning the shareholding requirements and management structure combined with the compulsory membership in the French order of veterinaries. Consequently, veterinary companies are limited in their choice of how to best organise themselves internally and veterinary companies from another Member State are placed in a disadvantageous position. The infringement also covers the rules on commercial communication, in particular the total prohibition of the comparative advertising and advertising relying on third party statements. France has now two months to respond to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission

may decide to send a reasoned opinion.

Late payment in public procurement: Commission calls on ITALY and SPAIN to ensure that businesses are paid on time

The Commission has decided today to send a Letter of Formal Notice to **Italy** and a Reasoned Opinion to **Spain** for non-conformity of national legislation with the Late Payment Directive ([Directive 2011/7/EU](#)). Late payments have negative effect on businesses, as they reduce their liquidity, prevent them from growing, hamper their resilience and their capacity to become more green and digital. Under the current economic context, even more than before, businesses and SMEs rely on regular payments to operate and keep employment. The Late Payments Directive obliges public authorities to pay their invoices within 30 days (or 60 days for public hospitals). Under the Late Payment Directive, public authorities have a "special obligation" to pay their suppliers on time and set the good example in the fight against bad payment culture in the business environment. The Commission is fully committed to combat late payments in commercial transactions, and has already opened [infringement procedures](#) against Member States whose public administrations do not pay their suppliers on time.

The Commission has decided today to send a Letter of Formal Notice to Italy since national regulations on expenses of judicial authorities exclude from the scope of the Directive the renting of equipment for wiretapping in criminal investigations. The Commission believes that excluding such transactions from the scope of the Directive constitutes a breach of the Directive itself as it deprives the renting companies to make recourse to the rights provided under the Directive. Italy now has two months to reply to the letter and take the necessary measures. Otherwise, the Commission may decide to notify a reasoned opinion. The Commission is also taking further steps against Spain to ensure the correct application of the [Late Payment Directive](#) ([Directive 2011/7/EU](#)) and prevent losses to businesses – particularly, small and medium-sized businesses (SMEs) - in this country. The Commission is sending a reasoned opinion to Spain, in the context of the infringement procedure opened in 2015 for the excessive payment delays of its public authorities. The Commission acknowledges the efforts made by Spain in the past 6 years to improve the payment performance of its public sector. However, while over this time central authorities have made very good progress, the Commission is concerned about the persistent delays of the regional and local authorities, since their payment performance is still not in conformity with the Directive's obligations. Spain has now two months to respond to the arguments put forward by the Commission. In the absence of a satisfactory response, the Commission may decide to refer Spain to the Court of Justice.

Reasoned opinion

Public procurement: Commission requests the NETHERLANDS to comply with EU rules

The Commission has decided today to send a reasoned opinion to the Netherlands regarding its rules on housing corporations. Under Dutch law, housing corporations are not considered to be contracting authorities and, as a result, do not follow EU public procurement rules. However, they qualify as bodies governed by public law falling in the remit of the EU public procurement directives and need to apply the provisions of the directives. Therefore, the Commission considers that the Netherlands has breached EU law ([Directive 2014/23/EU](#) and [Directive 2014/24/EU](#)), in particular the transparency obligation requiring housing corporations to publish their calls for tenders to allow equal opportunities for businesses and get best value for money in their purchases. The Commission sent a first letter of formal notice in [December 2017](#), followed by an additional letter of formal notice in [January 2019](#). After analysing the replies, the Commission decided to issue a reasoned opinion. The Netherlands now has two months to take the necessary steps to comply. Otherwise, the Commission may decide to bring the case to the Court of Justice.

3. Migration, Home Affairs and Security Union

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Letters of formal notice

Counter-terrorism: Commission urges BULGARIA, GERMANY, POLAND and PORTUGAL to ensure correct transposition of EU rules on counter-terrorism

The Commission decided today to open infringement procedures by sending letters of formal notice to **Bulgaria, Germany, Poland and Portugal** for failing to correctly transpose certain elements of the EU rules on combating terrorism ([Directive \(EU\) 2017/541](#)), namely on the definition of terrorist offences and the rights of victims of terrorism. The Directive on combating terrorism is a key element of the EU's [Counter-Terrorism Agenda](#) and includes provisions that criminalise and sanction terrorist-related offences, such as travelling abroad to commit a terrorist offence, returning to or travelling within the EU for such activities, training for terrorist purposes and financing terrorism. In addition, EU rules set out special provisions for victims of terrorism to ensure they have access to reliable information as well as professional and specialist support services, in the immediate aftermath of an attack and for as long as necessary. Member States had to transpose the Directive into national law by 8 September 2018. Bulgaria, Germany, Poland and Portugal now have two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Fight against cybercrime: Commission calls on AUSTRIA, BELGIUM, CZECHIA, ESTONIA, LUXEMBOURG, POLAND and SWEDEN to comply with the EU Cyberattacks Directive

Today, the Commission decided to open infringement procedures by sending letters of formal notice to **Austria, Belgium, Czechia, Estonia, Luxembourg, Poland and Sweden** concerning the incorrect implementation of the Directive on Attacks against Information Systems ([Directive 2013/40/EU](#)). The Directive is an essential part of the EU's legal framework in the fight against cybercrime and requires Member States to strengthen national cybercrime laws and to introduce tougher criminal sanctions, including for large-scale cyber-attacks. Member States are also obliged to designate points of contact, available 24 hours a day 7 days a week, to ensure improved cooperation between national authorities. The Commission considers that Austria, Belgium, Czechia, Estonia, Luxembourg, Poland and Sweden have incorrectly transposed the measures set out in the Directive into their national laws, in particular when it comes to the provisions regarding the required penalty levels, illegal interception as well as the criminalisation of the production and use of certain tools to commit the offences referred to in the Directive. Austria, Belgium, Czechia, Estonia, Luxembourg, Poland and Sweden now have two months to respond to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Legal migration: Commission urges LITHUANIA, MALTA and SLOVENIA to correctly transpose EU rules on long-term residents

Today, the Commission decided to send letters of formal notice to **Lithuania and Slovenia**, and an additional letter of formal notice to **Malta**, for failing to correctly transpose the [Long-Term Residents Directive](#) (Directive 2003/109/EC). The Directive defines the conditions under which non-EU nationals can obtain [long-term resident](#) status and defines their right to equal treatment to support their integration. Under the Directive, Member States grant long-term resident status to non-EU nationals legally and continuously residing within its territory for 5 years immediately prior to their application. Lithuanian legislation only considers residence based on a 'temporary residence permit' as relevant for granting this status and excludes people with long stay visas. However, any period of legal and continuous residence should count towards the period of 5 years under the Directive, unless such residence does not reflect any intention to settle on a long-term basis in the territory of the Member State concerned. Slovenian legislation concerning access to immovable property, such as real estate, by non-Slovenian citizens relies on a number of conditions which - if unfulfilled - exclude long-term residents. However, the Long-Term Residents Directive does not allow any derogation from equal treatment based on such conditions. Finally, Member States have a certain discretion in establishing integration conditions, however within the limits of the principle of proportionality. Under Maltese legislation, applicants for long-term residency must prove a certain knowledge of the Maltese language, while applicants for Maltese citizenship by naturalisation have the choice between providing evidence of their Maltese or English language skills. The additional language requirement for long-term residents does not comply with the principle of proportionality. This additional letter of formal notice extends the scope of the [initial infringement procedure](#) opened on 2 July 2020. Lithuania, Malta and Slovenia now have two months to respond to the arguments put forward by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion in each case.

Asylum: Commission calls on HUNGARY to implement the Court of Justice ruling in the area of procedures for granting international protection and return

The Commission has decided today to send a letter of formal notice to **Hungary** for failing to comply

with the [ruling of the Court of Justice](#) of 17 December 2020. This infringement procedure is based on Article 260 (2) of the Treaty on the Functioning of the European Union, meaning that the Commission can refer the matter to the Court and ask for financial sanctions, after giving the Member State the opportunity to explain itself. **In its ruling, the Court found that Hungary failed to fulfil its procedural obligations under EU law in relation to granting international protection and returning non-EU nationals who do not have the right to remain in the EU. The Commission considers that Hungary has not taken the necessary measures to comply with the judgment, in particular as regards the infringement of the relevant provisions of the Asylum Procedures, Reception Conditions, and Return Directives.** As a result, the Commission has decided today to send a letter of formal notice urging Hungary to take and implement all required measures to remedy the situation. Hungary has two months to reply to the concerns raised by the Commission. Otherwise, the Commission may decide to refer the case back to the Court of Justice with proposed financial sanctions.

Letter of formal notice and reasoned opinion

Asylum: Commission calls on HUNGARY to fully implement the Asylum Procedures Directive

The Commission has decided today to send a reasoned opinion and a letter of formal notice to **Hungary** for failing to fully transpose the [Asylum Procedures Directive](#) which sets out common procedures for examining applications for international protection across the EU. The reasoned opinion follows the [letter of formal notice](#) sent by the Commission in September 2015, covering provisions on the personal interview, the medical screening and guarantees for unaccompanied children and teenagers. And the letter of formal notice covers additional provisions on the asylum examination procedure which had to be transposed at a later stage. Hungary now has two months to notify the Commission of the measures taken to ensure the full transposition of the Directive. In the absence of a satisfactory response, the Commission may refer the case to the Court of Justice for the first part and send a reasoned opinion for the rest of the provisions yet to be implemented.

Referral to the Court of Justice

Fighting crime: Commission decides to refer LUXEMBOURG to the Court of Justice for failing to transpose EU rules on seizing criminals' profits

The European Commission has decided today to refer **Luxembourg** to the Court of Justice and to request the Court to order the payment of financial penalties for failing to notify all national measures necessary to transpose EU rules on the freezing and confiscation of proceeds of crime ([Directive 2014/42/EU](#)). **These** rules make it easier for Member States' authorities to recover the profits that criminals make from serious and organised crime. Freezing and confiscating revenues and property acquired through a criminal offence deprives criminals of their illegally acquired assets. It is a crucial tool to break criminals' business models and combat organised crime. It is also a way to stop the proceeds of crime being laundered and reinvested in legal or illegal business activities. It helps protect the economy against criminal infiltration and corruption and return criminal profits to public authorities providing services for citizens. The Directive also introduces specific safeguards and judicial remedies to guarantee the fundamental rights of persons affected. Member States were required to transpose the Directive by 4 October 2016. The Commission launched the infringement procedure against Luxembourg in November 2016 and followed up with a reasoned opinion in March 2019. To date, Luxembourg has not notified the Commission of the full transposition of the Directive into its national law. A full [press release](#) is available online.

4. Justice

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Letters of formal notice

Primacy of EU law: Commission sends letter of formal notice to GERMANY for breach of fundamental principles of EU law

Today, the European Commission has decided to send a letter of formal notice to **Germany** for violation of fundamental principles of EU law, in particular the principles of autonomy, primacy, effectiveness and uniform application of Union law, as well as the respect of the jurisdiction of the

European Court of Justice under Article 267 TFEU. On 5 May 2020 the German Federal Constitutional Court handed down its judgement on the Public Sector Purchase Programme (PSPP) of the European Central Bank (ECB) declaring it to be 'ultra vires', going beyond its competence. In the same judgement the German Constitutional Court also declared a judgment of the Court of Justice ("Heinrich Weiss and Others") to be 'ultra vires' - without referring the matter back to the Court of Justice. As a consequence, the German Court deprived a judgment of the European Court of Justice of its legal effect in Germany, breaching the principle of the primacy of EU law. This is the reason now for starting this infringement procedure. By order of 29 April 2021, the German Constitutional Court rejected two requests seeking an order of execution for the judgment of 5 May 2020. However, the order of 29 April 2021 of the German Constitutional Court does not reverse the breaches concerning the principle of primacy of Union law. The Commission considers that the judgment of the German Constitutional Court constitutes a serious precedent, both for the future practice of the German Constitutional court itself, and for the supreme and constitutional courts and tribunals of other Member States. Germany now has two months to reply to the concerns raised by the Commission.

Combating racism and xenophobia: Commission calls on GREECE, the NETHERLANDS and LITHUANIA to fully transpose EU law criminalising hate speech and hate crimes

Today, the Commission decided to send letters of formal notice to **Greece, the Netherlands and Lithuania** as their national laws do not fully or accurately transpose EU rules on combating racism and xenophobia by means of criminal law ([Council Framework Decision 2008/913/JHA](#)). The purpose of this Framework Decision is to ensure that serious manifestations of racism and xenophobia, such as public incitement to violence or hatred, are punishable by effective, proportionate and dissuasive criminal penalties. At present, the Dutch legal system still fails to criminalise the specific forms of hate speech mentioned in the Framework Decision, namely the public condoning, denial or gross trivialisation of international crimes and the Holocaust. The Lithuanian legal framework deviates from the EU rules on combating racism and xenophobia in several ways. Mainly, it still fails to criminalise hate speech and hate crime when based on the grounds of ethnic origin and/or colour. Moreover, Lithuania criminalises the conduct of condoning, denial, and gross trivialisation of international crimes and the Holocaust only when public order is disrupted. Finally, the Lithuanian legal framework criminalises those conducts with regard to the Holocaust only when perpetrated in the territory of Lithuania or against Lithuanian citizens. The Greek legal system criminalises hate speech only when public incitement to violence or hatred endangers public order or poses a threat to life, freedom or physical integrity of persons. Greece, the Netherlands and Lithuania will have two months to take the necessary measures to address the shortcomings identified by the Commission. Failing this, the Commission may decide to take the infringement procedure to the next step, by sending a reasoned opinion. The Commission has already launched infringements on this instrument against seven Member States and continues to assess the transposition of this Framework Decision in other Member States as part of its enhanced effort to address racism and xenophobia. For more information about the measures to combat racism and xenophobia, click [here](#).

Non-discrimination: Commission calls on HUNGARY to amend its legislation sanctioning discrimination in the field of education and vocational training

Today, the Commission has decided to send a letter of formal notice to **Hungary** as its national legislation does not fully comply with EU rules prohibiting discrimination on the grounds of racial or ethnic origin. In the Commission's view, the Hungarian legislation fails to comply with the Racial Equality Directive ([Directive 2000/43/EC](#)) and with the Directive on Equal Treatment in employment and occupation ([Directive 2000/78/EC](#)). The two Directives require that Member States lay down effective, proportionate and dissuasive sanctions for discrimination on the ground of racial or ethnic origin. They also include a non-regression clause, which means that the level of protection of victims of discrimination cannot decrease when implementing the Directives. In July 2020, Hungary amended the national sanction regime, obliging courts to award moral compensation for discrimination in the field of education and vocational training only in the form of training or education services and not in form of a one-time payment. For violations in other fields, moral compensation continues to be granted in the form of a one-time payment. The Commission believes that the new sanction regime does not comply with the requirements set by the Directives and decided to open an infringement procedure against Hungary by sending a letter of formal notice. Hungary will have two months to take the necessary measures to address the shortcomings identified by the Commission. Failing this, the Commission may decide to take the next step in the infringement procedure by sending a reasoned opinion.

European arrest warrant: Commission opens an infringement procedure against five EU countries for transposing the framework decision incompletely or incorrectly

Today, the European Commission has decided to send a letter of formal notice to **Belgium, Greece, the Netherlands, Hungary and Spain** for failing to complete the transposition of the Framework Decision on the European arrest warrant and the surrender procedures between Member States ([2002/584/JHA](#)). The European arrest warrant provides for streamlined cross-border judicial surrender procedures: if a judge or magistrate of any Member State issues a warrant for the arrest and detention of a suspect who has committed a serious crime, this warrant is valid in the entire territory of the EU. Operational since 1 January 2004, the warrant has replaced the lengthy extradition procedures that used to exist between EU Member States. To ensure the proper functioning of the European arrest warrant, it is essential that all Member States fully and correctly incorporate all provisions of the Framework Decision into their national law. Upon the finalization of its analysis of the transposition of the Framework Decision in Belgium, Greece, the Netherlands, Hungary and Spain the Commission identified several conformity issues. They concern the non-transposition or non-conformity of some articles, in particular, incorrect transposition on the grounds of non-execution. The five Member States now have two months to clarify the measures taken to ensure the correct and complete implementation of the Framework Decision on the European arrest warrant, failing which the Commission may decide to send them a reasoned opinion. The Commission sent letters of formal notice to Austria, Czechia, Estonia, Ireland, Italy, Lithuania and Poland as regards this instrument in October and December 2020, and to Cyprus, Germany and Sweden on 18 February 2021 and these cases remain open. The Commission continues to assess the transposition of this Framework Decision in other Member States. More information on the European arrest warrant can be found [here](#).

Data Protection: Commission opens an infringement procedure against BELGIUM on the independence of its Data Protection Authority

Today, the European Commission has decided to send a letter of formal notice to **Belgium** for violating Article 52 of the General Data Protection Regulation (GDPR) ([Regulation \(EU\) 2016/679](#)), which states that the data protection supervisory authority shall perform its tasks and exercise its powers independently. The independence of data protection authorities requires that they remain free from any external influence, direct or indirect, that can potentially affect their decisions. In March 2021, Didier Reynders, Commissioner for Justice, sent a letter to the Belgian authorities expressing concerns that the Belgian data protection authority was not independent. Some of its members cannot be regarded as free from external influence because they either report to a management committee depending on the Belgian government; they take part in governmental projects on COVID-19 contact tracing; or they are members of the Information Security Committee. The information provided in the reply from the Belgian authorities in April 2021 did not allay those concerns. Belgium now has two months to clarify the measures taken to ensure full independence of the Data Protection Authority, failing which the Commission may decide to send Belgium a reasoned opinion. More information can be found online on [EU data protection rules](#).

Additional letter of formal notice and reasoned opinion

Investor citizenship schemes: European Commission urges CYPRUS and MALTA to stop "selling" EU citizenship

Today, the European Commission has decided to take further steps in the infringement procedures against **Cyprus and Malta** regarding their investor citizenship schemes, also referred to as "golden passport" schemes. The Commission considers that by establishing and operating investor citizenship schemes that offer citizenship in exchange for pre-determined payments and investments, these two Member States fail to fulfil their obligations under the principle of sincere cooperation ([Article 4\(3\) TEU](#)) and the definition of citizenship of the Union as laid down in the Treaties ([Article 20 TFEU](#)). While Cyprus and Malta remain responsible to decide who may become Cypriot and Maltese, the Court of Justice has made it clear on multiple occasions that rules on the acquisition of the nationality of a Member State must do so having "*due regard to EU law*". The Commission [launched these infringement procedures](#) against Cyprus and Malta by sending letters of formal notice in October 2020. While Cyprus has repealed its scheme and stopped receiving new applications on 1 November 2020, it continues processing pending applications. Hence, today the Commission decided to take the next step in the procedure against Cyprus by issuing a reasoned opinion. The Commission considers that the concerns set out in the letter of formal notice were not addressed by Cyprus. The Commission also decided to take further steps against Malta. While the previous investor citizenship scheme is no longer in force, Malta established a new scheme at the end of 2020. Commission has decided today to issue an additional letter of formal notice to expand

the concerns set out in the letter of formal notice to a new scheme operated by Malta. Both Member States have now 2 months to take the necessary measures to address the Commission's concerns. In case of Cyprus, if the reply is not satisfactory, the Commission may bring the matter before the Court of Justice. In case of Malta, if the reply is not satisfactory, the Commission may take next step and issue a reasoned opinion in this matter.

Referrals to the Court of Justice

EU citizens' electoral rights: European Commission refers CZECHIA and POLAND to the Court of Justice of the EU

Today, the European Commission decided to refer **Czechia** and **Poland** to the Court of Justice of the European Union, because in these two Member States EU citizens are not allowed to join a domestic political party. As a result of this restriction, citizens from other EU Member States residing in Czechia or Poland cannot fully exercise their right to stand as candidates in local elections and in elections to the European Parliament under the same conditions as nationals of those States. Czechia and Poland are the only two Member States where such a ban remains in place. The Commission launched the infringement procedure against Czechia in 2012 and Poland in 2013 and followed up with reasoned opinions for both countries in [April 2014](#). Both Czechia and Poland replied stating that their respective laws are in line with EU law. Most recently, on 2 December 2020, the Commission sent political letters to both Czechia and Poland asking for an update, within two months, on any legislative changes. Whilst Poland replied and reiterated its earlier position, no reply has been received by the Commission from Czechia and there has been no notification of any legislative developments addressing the issue. The Commission maintains that the restrictions hindering non-Czech and non-Polish EU citizens in Czechia and Poland respectively to join a political party are contrary to EU law as they breach [Articles 20\(2\)\(b\) and 22 of the Treaty on the Functioning of the European Union](#) and the principle of non-discrimination on grounds of nationality. The full press release is available [online](#).

Refund for cancelled travel during the pandemic: European Commission refers SLOVAKIA to the Court of Justice of the EU

Today, the European Commission has decided to refer **Slovakia** to the European Court of Justice because its national rules infringe EU law on package travel rights ([Directive \(EU\) 2015/2302](#)). Although initially Slovakia had announced an amendment to its temporary provision to be adopted in March 2021, it subsequently informed the Commission that the draft was not adopted and a new legislative process would be initiated. This means that the provisions on reimbursement for package holidays cancelled because of COVID-19 adopted in May 2020 remain in force. In July 2020, [the Commission launched an infringement procedure](#) against Slovakia (and 9 other Member States) for its rules on package travel, which were in breach of the EU [Package Travel Directive](#). In October 2020, the Commission proceeded to the next stage of the infringement procedure and sent Slovakia a [reasoned opinion](#). In its reply to the reasoned opinion, Slovakia shared a draft legislative amendment. It was planned that the amendment would be adopted in March 2021 and enter into force on 1 May 2021. At the end of March 2021, the Slovak authorities informed the European Commission that the draft amendment had not been adopted and that a new legislative process would be initiated. As Slovakia has not yet amended its legislation, the Commission decided today to refer Slovakia to the Court of Justice of the EU to ensure that this important consumer right on package travel becomes a reality again under Slovak legislation. The full press release is available [online](#).

5. Energy and climate

(For more information: Tim McPhie – Tel.: +32 229 58602; Ana Crespo Parrondo – Tel.: +32 229 81325)

Letters of formal notice and reasoned opinions

Basic safety standards: Commission calls on AUSTRIA, BELGIUM, GERMANY, GREECE and SPAIN to transpose EU radiation protection legislation

The Commission decided today to send letters of formal notice to **Germany** and **Greece** and reasoned opinions to **Austria, Belgium and Spain** requesting the correct and complete

transposition of the revised Basic Safety Standards Directive ([Council Directive 2013/59/Euratom](#)) into their respective national legislation. Member States were required to transpose the Directive by 6 February 2018, but the Commission considers Greece has not complied with certain of the requirements thereof and Austria, Belgium, Germany and Spain have not transposed it in a complete manner. The Directive, which modernises and consolidates EU radiation protection legislation, lays down basic safety standards to protect members of the public, workers and patients against the dangers arising from exposure to ionising radiation. It also includes emergency preparedness and response provisions that were strengthened following the Fukushima nuclear accident. The Member States concerned have two months to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to send a reasoned opinion to Germany and Greece and refer Austria, Belgium and Spain to the Court of Justice.

Energy efficiency: Commission urges GREECE and HUNGARY to comply with EU rules

The Commission decided today to send reasoned opinions to **Greece** and **Hungary** requesting the correct implementation of EU energy efficiency rules ([Energy Efficiency Directive, Directive 2012/27/EU](#)). This Directive establishes a common framework of measures for the promotion of energy efficiency within the EU in order to ensure the achievement of the Union's energy efficiency targets and pave the way for further improvements in this area. The Directive also aims to help remove barriers and overcome market failures that impede efficiency in the supply and use of energy. Shortcomings have been identified concerning mainly public bodies' buildings, end-use energy savings calculation, heating and cooling and split incentives provisions. The Member States concerned have two months to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to refer the case to the Court of Justice.

Radioactive waste: Commission calls on DENMARK and LATVIA to transpose EU radioactive waste management legislation

The Commission decided to send reasoned opinions to **Denmark** and **Latvia** for failing to correctly transpose certain requirements of the Spent Fuel and Radioactive Waste Directive ([Council Directive 2011/70/Euratom](#)). Radioactive waste is generated from the production of electricity in nuclear power plants, but also from the non-power-related use of radioactive materials for medical, research, industrial and agricultural purposes. This means that all EU Member States generate radioactive waste. The Directive establishes a Community framework requiring the responsible and safe management of spent fuel and radioactive waste to ensure a high level of safety and avoid imposing undue burdens on future generations. The Directive requires in particular Member States to draw up and implement national programmes for the management of all spent fuel and radioactive waste generated on their territory, from generation to disposal. The aim is to protect workers and the general public from the dangers arising from ionising radiation. Member States were required to transpose the Directive by 23 August 2013 and to notify their national programmes for the first time to the Commission by 23 August 2015. The Member States concerned have two months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to refer the case to the Court of Justice.

Internal energy market: Commission calls on AUSTRIA to fully transpose the amending Gas Directive

The Commission decided to send a reasoned opinion to **Austria** for failure to transpose the amending Gas Directive ([Directive \(EU\) 2019/692](#)) into their national legal order. This Directive seeks to address obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries. Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 February 2020. Austria did not inform the Commission of the provisions adopted to comply with it. As a result, a letter of formal notice was sent in May 2020. An assessment of the replies to the letter of formal notice indicates that transposition measures have still not been adopted, no formal notification having been made to the Commission to this effect. In the absence of a satisfactory response within two months, the Commission may refer Austria to the Court of Justice.

6. Taxation and Customs Union

Letters of formal notice

Taxation: Commission takes action against GREECE for failure to comply with EU VAT rules on postal services

The European Commission has decided to send a letter of formal notice to **Greece** for its failure to properly apply EU rules regarding the VAT exemption of postal services. According to the Court of Justice, the exemption provided for in the VAT Directive (Article 132(1)(a) of Council Directive 2006/112/EC) is intended to encourage specific activities in the public interest. This general objective takes the form, in the postal sector, of offering postal services that meet the essential needs of the population at a reduced cost. It follows that postal services provided by the Universal Service Provider, the Hellenic Post ('EATA') for which the terms have been individually negotiated (such as bulk mail, special discounts, commercial agreements with specific organisations), and other services which are not part of the universal postal service,) do not constitute activities of public interest since those services, by their very nature, meet the special needs of the users concerned. The Court of Justice has clearly ruled that the option to negotiate contracts with customers individually does not correspond, in principle, with the concept of universal service provision. Therefore, such services do not qualify for the VAT exemption. In consequence, by exempting all postal services provided by the Hellenic Post (including those not meeting the essential needs of the users concerned), Greece has failed to fulfil its obligations under [Council Directive 2006/112/EC](#) of 28 November 2006 on the common system of VAT. Greece has two months to address the shortcomings identified in this letter of formal notice. If Greece does not act within the next two months, the Commission may decide to send a reasoned opinion.

Taxation: Commission requests BULGARIA to abolish exemption for undertaxed subsidiaries

The Commission has today decided to send a letter of formal notice to **Bulgaria** drawing its attention to the tax treatment of undertaxed subsidiaries. The taxation of such companies is required under [Council Directive \(EU\) 2016/1164](#). The anti-avoidance rules allow the Member State where a parent company is based to tax not only the profits of that parent company, but also the profits of its subsidiaries that do not pay sufficient corporate tax (or no tax) in their jurisdiction of residence. The current legislation transposing this Directive in Bulgaria includes an undue exemption for subsidiaries (also known as controlled foreign companies), which are subject to "alternative forms of taxation". Such an exemption is not allowed by the Directive. The Commission therefore considers that the undue exemption of subsidiaries that are subject to "alternative forms of taxation" constitutes an infringement to the Anti-Tax Avoidance Directive. Bulgaria has two months to address the shortcomings identified by the Commission after which the Commission may decide to send a reasoned opinion.

Additional letter of formal notice

Taxation: Commission requests SWEDEN to amend its rules limiting tax deductibility of interest paid to affiliated companies established in other EU/EEA States

Today, the Commission has decided to send a complementary letter of formal notice to **Sweden**, drawing its attention to the incompatibility of its legislation limiting tax deductibility of cross-border intra-group interest payments with [Union law](#). Under this scheme, interest deductibility is denied in relation to loan arrangements between affiliated companies established within the EU/EEA, irrespective of whether the terms and conditions of those arrangements remain at arm's length or not. In its ruling of 20 January 2021 in case [C-484/19 Lexel](#), the Court of Justice held that the scheme amounts to an unjustifiable restriction on the freedom of establishment set out in Article [49](#) TFEU. While Sweden introduced some modifications to the rules in question as of 2019, their general design remains unchanged and the infringement is yet to be remedied. The Commission had sent a letter of formal notice in 2014. Sweden has two months to address the shortcomings identified by the Commission, after which the Commission may decide to send a reasoned opinion.

Reasoned opinions

Taxation: Commission urges GERMANY to communicate all measures implementing the

rules against tax avoidance practices that directly affect the functioning of the Single Market and as regards hybrid mismatches with third countries in the EU

The Commission has today decided to send a reasoned opinion to **Germany** for failure to communicate all required national measures fully implementing the exit tax rules in Article 5 of Council Directive (EU) 2016/1164 of 12 July 2016, laying down rules against tax avoidance practices that directly affect the functioning of the Single Market ([ATAD1](#)). Germany also failed to communicate all required national measures implementing Council Directive (EU) 2017/952 of 29 May 2017 amending Directive 2016/1164 (ATAD1) as regards hybrid mismatches with third countries ([ATAD2](#)). The deadline for the communication of the measures was 31 December 2019. In the absence of full communication of all national implementing measures, the Commission may decide to refer the case to the Court of Justice.

Car taxation: Commission urges MALTA to change its legislation on car taxation

The Commission decided today to send a reasoned opinion to **Malta** for failing to amend its rules on car taxation. The Commission considers that Maltese legislation is not compatible with [Article 110 of TFEU](#) prohibiting discrimination against imported products since cars imported from other Member States are taxed more heavily compared to domestic cars. Under the national provisions currently in force, cars first registered in Malta from 1st January 2009 are subject to a generally higher annual circulation tax than those registered before that date, due to a difference in the way the tax is calculated. The Maltese car taxation system does not take into account the date of first registration of the vehicle, where registration took place in another Member State. Consequently, the Maltese car taxation system has a discriminatory effect with respect to motor vehicles coming from other Member States. If Malta does not act within the next two months, the Commission may decide to refer the case to the Court of Justice.

7. Mobility and Transport

(For more information: Stefan de Keersmaecker – Tel.: +32 229 84680, Stephan Meder - Tel.: +32 229 13917)

Letters of formal notice

Freedom to provide services: Commission asks DENMARK to withdraw its interpretation of temporary cabotage in transport services provided by bus and coach

The Commission today decided to send a letter of formal notice to **Denmark** regarding its interpretation of the concept of 'temporary cabotage' in passenger transport by buses and coaches, as limited to "seven consecutive days in one calendar month". Following the relevant Court of Justice case-law, before the temporary character of the cabotage operations can be defined, account must be taken of all the elements and circumstances associated with a specific operation, and in particular duration, frequency, periodicity and continuity. The Danish interpretation would ensure that cabotage operations were temporary. However, its strict, isolated and automatic application could result in a situation in which cabotage operations that are temporary in nature are not treated as such by the Danish authorities – for example, in cases where the cabotage service is provided for a single period of one month in one year. Therefore, Denmark has failed to fulfil its obligations under Article 15(b) of [Regulation \(EC\) No 1073/2009](#). Denmark now has two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.

Rail transport: Commission asks DENMARK and the NETHERLANDS to correctly transpose EU rules on market opening and infrastructure governance

The Commission today decided to send a letter of formal notice to **Denmark** and to **the Netherlands** regarding their incorrect transposition of [Directive 2016/2370/EU](#). This Directive amends Directive 2012/34/EU on the opening of the market for domestic passenger transport services by rail, and the governance of railway infrastructure. It establishes a general right for railway undertakings established in one Member State to operate all types of passenger services anywhere in the EU, and it strengthens rules regarding the impartiality of infrastructure managers. Denmark and the Netherlands now have two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.

Maritime transport: Commission calls on the NETHERLANDS to comply with EU rules on minimum level of training for seafarers

The Commission today decided to send a letter of formal notice to **the Netherlands** for failing to comply with the EU rules on the minimum level of training for seafarers ([Directive 2008/106/EC](#), as amended). These rules aim to ensure that training standards are respected across the EU and are in line with standards already agreed at international level. The Commission considers that the Netherlands has not fulfilled its obligations in relation to seafarer certification and its requirements, revalidation and endorsement of certificates, communication of information to the Commission and the monitoring and evaluation of training and assessment by the maritime administration. The Netherlands now has two months to respond to the concerns raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Ports: Commission calls on CROATIA, ITALY and SLOVENIA to comply with notification obligations

The Commission today decided to send letters of formal notice to **Croatia, Italy** and **Slovenia** for failing to fully comply with certain notification obligations under [Regulation \(EU\) 2017/352](#) (Port Services Regulation). The Regulation is intended to level the playing field in the port sector, provide port operators with legal certainty, and create a climate more conducive to efficient public and private investment. It requires Member States to foresee an effective procedure for handling complaints and ensuring that port users and stakeholders are informed as to which authority is in charge. Member States are also required to lay down rules on penalties in case of breaches of the Regulation. None of the three Member States have fully complied with their notification obligations. Croatia, Italy, and Slovenia now have two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.

Road transport: Commission calls on LITHUANIA to duly implement EU rules on the maximum weights and dimensions of certain road vehicles

The Commission today decided to send an additional letter of formal notice to **Lithuania**, asking for the correct transposition into national law of the updated European rules on the maximum weight and dimensions of certain road vehicles ([Directive 2015/719/EU](#)). These rules, which concern international traffic, are important for the functioning of the internal market and the free movement of goods in Europe. Among other measures, the Directive introduces derogations for heavy goods vehicles powered by alternative fuels, and for those involved in intermodal transport operations. The derogations are intended to ensure cleaner vehicles are not penalised if they are longer or heavier than conventional ones, and to encourage intermodal transport operations. The deadline for implementing the Directive was 7 May 2017. Lithuania now has two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.

Air transport: Commission calls on DENMARK to apply EU legislation on foreign-registered aircraft correctly

The Commission today decided to send a letter of formal notice to **Denmark** regarding sections of national legislation that obstruct the freedom to provide services and the free movement of goods. Under the Danish Air Navigation Act, aircraft operators are required to register aircraft in Denmark, if they are based there. This obligation undermines the freedom to provide services enshrined in Article 56 of the Treaty on the Functioning of the European Union (TFEU), as well as the free movement of goods as enshrined in Article 34 of the TFEU. The requirement imposed by Denmark entails a considerable burden for an owner of a foreign-registered aircraft, and in effect discourages them from basing their aircraft and from receiving services in Denmark. The requirement imposed by Denmark has an equivalent effect to quantitative restrictions prohibited under Article 34 TFEU. The Court holds that where the full harmonisation of law at Union level has already taken place, such as in civil aviation, Member States cannot invoke Article 36 TFEU to justify measures restricting free movement of goods. Denmark now has two months to reply to the concerns raised by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

Single European Railway Area: Commission urges DENMARK to apply EU rules correctly

The Commission today decided to send a letter of formal notice to **Denmark** for incorrectly applying EU rules on the Single European Railway Area. The rules are stipulated in [Directive 2012/34/EU](#),

which aims to create a single European rail area, notably on competition issues, regulatory oversight and financial architecture of the railway sector, the power of national regulators, improved framework for investment in rail, and fair and non-discriminatory access to rail infrastructure and rail related services. Denmark has failed to fully transpose the Directive's provisions, and it now has two months to reply to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

Reasoned opinions

Aviation Safety: European Commission urges Austria, Cyprus and Greece to fully implement 'just culture' in aviation

The European Commission today decided to send reasoned opinions to **Austria, Cyprus and Greece** as these Member States have failed to designate a 'just culture body' as required in Article 16(12) of the European Regulation on the reporting, analysis and follow-up of occurrences in civil aviation ([Regulation \(EU\) No 376/2014](#)). Member States are required to designate such an entity to ensure that anyone in civil aviation reporting safety-relevant incidents and accidents is not unduly penalised by their employer or by their Member State's authorities. The body is also responsible for reviewing the internal rules of civil aviation organisations setting out the implementation of just culture principles within the organisation. The Member States now have two 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.

Passenger rail transport: Commission calls on LUXEMBOURG to fully transpose new rules on contingency plans

The Commission today decided to send a reasoned opinion to **Luxembourg** regarding the transposition of [EU Directive 2016/2370](#) on the opening of the market for domestic passenger transport services by rail, and the governance of railway infrastructure. According to Article 13a(3) of this Directive, Member States shall require railway undertakings operating passenger services to put in place contingency plans, and shall ensure that these contingency plans are properly coordinated to provide assistance to passengers, in the sense of Article 18 of [Regulation \(EC\) 1371/2007](#), in the event of a major disruption to services. Luxembourg has not communicated national measures that transpose this Article. Today, the Commission is taking action against Luxembourg to ensure that transposed national measures cover the full scope of the Governance Directive. Luxembourg now has two months to reply. In the absence of a satisfactory response, the Commission may refer it to the Court of Justice.

Ports: Commission urges BELGIUM, CYPRUS and PORTUGAL to comply with notification obligations

The Commission today decided to send reasoned opinions to **Belgium, Cyprus and Portugal** for failing to fully comply with certain notification obligations under [Regulation \(EU\) 2017/352](#) (Port Services Regulation). The Regulation is intended to level the playing field in the port sector, provide port operators with legal certainty, and create a climate more conducive to efficient public and private investment. It requires Member States to foresee an effective procedure for handling complaints and ensuring that port users and stakeholders are informed as to which authority is in charge. Member States are also required to lay down rules on penalties in case of breaches of the Regulation. None of the three Member States have fully complied with their notification obligations. These Member States now have two months to respond to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission may decide to refer them to the Court of Justice.

Referrals to the Court of Justice

Commission refers DENMARK to the Court of Justice over its 25-hour limit on lorry parking

The Commission today decided to refer **Denmark** to the Court of Justice for failing to lift its restrictions on lorry parking. Denmark 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 EU obligations on driving and rest times. The Commission considers that the rule is not appropriate, necessary or proportionate to the objectives and therefore started an infringement procedure against Denmark, requesting it to lift its 25-hour limit. You can find more information in the [press release](#).

8. Jobs and social rights

(For more information: Marta Wieczorek – Tel.: +32 229 58197; Flora Matthaes – Tel.: +32 229 83951)

Letters of formal notice

Health and safety at work: The Commission asks for clarifications from GERMANY on its legislation transposing EU law to protect workers' health and safety on construction sites

The Commission decided today to open an infringement procedure by sending a letter of formal notice to **Germany**, asking for clarifications on its national rules transposing EU law to protect workers' safety and health on construction sites ([Council Directive 92/57/EEC](#)). This Directive lays down minimum safety and health requirements for workers at temporary or mobile construction sites. The current German legislation could reduce workers' protection in this high-risk sector by limiting the number of cases in which a safety and health plan is required. The German rules appear to demand such plans only when workers of several employers are present on a site, while the Directive imposes it in principle for all sites, independent of the number of employers. The Commission would also like to receive explanations of other conditions set by German legislation to draw up a safety and health plan. Germany has two months to reply to the concerns raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Reasoned opinions

Social policy: The Commission calls on CYPRUS to communicate national measures transposing EU rules on protection of workers in the sea fisheries sector

The Commission has requested **Cyprus** to communicate information about the transposition of the Council Directive implementing the Agreement concerning the implementation of the Work in Fishing Convention ([Directive \(EU\) 2017/159](#)) into its national law. The Directive ensures that fishermen have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation and food, occupational safety and health protection, medical care and social security. It implements the agreement negotiated by the European social partners concerning the implementation of the Work in Fishing Convention (2007) of the International Labour Organisation. Member States had to transpose this Directive and communicate national transposition measures to the Commission by 15 November 2019. The Cypriot authorities did not submit the required information by the deadline, nor following a letter of formal notice issued on 24 January 2020. Therefore, the Commission has decided to continue the infringement procedure by sending a reasoned opinion. In the absence of a satisfactory response within two months, the Commission may decide to refer the case to the Court of Justice.

Posting of Workers: Commission calls on AUSTRIA and SLOVENIA to comply with amended EU rules to improve the situation of posted workers and ensure a level playing field for employers

The Commission has decided to address reasoned opinions to **Austria** and **Slovenia** for failing to communicate information on the transposition of revised EU rules on the posting of workers into their national law. [Directive \(EU\) 2018/957](#) on posting of workers amends Directive 96/71/EC. It aims to guarantee the protection of posted workers and to ensure a level playing field for employers in the Single Market. Under the new rules, all the mandatory elements of remuneration provided for local workers, such as, but not limited to, minimum gross wage and overtime rates, also apply to posted workers. The Directive entered into force on 29 July 2018. Member States had to transpose the Directive and communicate national transposition measures to the Commission by 30 July 2020. Austria and Slovenia are yet to comply with their obligation to communicate national legislation fully transposing the Directive. They will have two months to reply to the reasoned opinions and take the necessary measures. Otherwise, the Commission may refer the cases to the Court of Justice.

9. Financial Stability, Financial Services and Capital Markets Union

(For more information: Daniel Ferrie – Tel.: +32 229 86500, Aikaterini Apostola - Tel.: +32 229 87624)

Letters of formal notice

Mortgage Credit: Commission requests ITALY fully transpose the Mortgage Credit Directive and open up its market for credit intermediaries

The Commission has decided to send a letter of formal notice to **Italy** requesting to comply with the obligation to implement all provisions of the Mortgage Credit Directive ([Directive 2014/17/EU](#)). In particular, the Commission requests Italy to adopt and notify the provisions on the freedom of establishment and free movement of services of credit intermediaries, as well as on their supervision. The aim of the Mortgage Credit Directive is to increase consumer protection in mortgage lending and to foster competition by, amongst other aspects, opening national markets to credit intermediaries. Enhanced competition should benefit consumers through more choice and lower costs. Italy now has two months to reply to this letter. If national authorities do not reply satisfactorily within this timeframe, the Commission may decide to send a reasoned opinion to Italy.

Reasoned opinions

Corporate reporting: Commission calls on CYPRUS to ensure that companies' accounting documents are accessible in due time via the national business register

Today, the Commission decided to send a reasoned opinion to **Cyprus** for incorrectly transposing EU rules on the publication of limited liability companies' financial statements, management reports and audit reports ([Directive 2013/34/EU](#) "Accounting Directive", in conjunction with [Directive 2017/1132/EU](#) "Company Law Directive"). The reasoned opinion concerns the obligation that Cyprus has to ensure that limited liability companies' accounting documents are published in the national business register within a reasonable period (i.e. not exceeding 12 months after the end of their fiscal year). This is an important element of EU rules, since publication within this deadline grants the public timely access to companies' information. Cyprus has two months to remedy the issue identified by the Commission. If not, the Commission may decide to refer the case to the Court of Justice.

Anti-Money Laundering: Commission calls on HUNGARY, the NETHERLANDS and POLAND to complete the transposition of the 5th Anti-Money Laundering Directive

The Commission has sent reasoned opinions to **Hungary, the Netherlands, and Poland** for failing to transpose the [5th Anti-Money Laundering Directive](#) into national law. The Commission has found that the transposition by Hungary, the Netherlands, and Poland is incomplete. Hungary has failed to transpose certain EU rules related to, for example, anonymous accounts, effective sanctions, access to information on beneficial ownership, and conditions regulating the exchange of information between relevant authorities. The legal measures adopted by the Netherlands fail to cover anonymous accounts, rights to administrative review, necessary transparency as regards beneficial ownership of trusts or similar legal arrangements, or adequate access to information by the Financial Intelligence Units (FIU). Poland has failed to transpose rules related to, for example, the trade of works of art, the use of anonymous prepaid cards issued in third countries, enhanced customer due diligence measures to be applied with respect to business relationships or transactions involving high-risk third countries and rules regarding the required level of transparency in the beneficial ownership of trusts or similar legal arrangements. The effective fight against money laundering is one of the central points of the EU's approach to combating crime in Europe. The changes brought by the new Directive are important for the added transparency and rules aimed to ensure the integrity of the EU's financial system. That is why the Commission will maintain its firm enforcement approach to ensure that the rules are applied on time and correctly. The enforcement of the current rules remains, and will continue to remain, relevant also in the light of the forthcoming proposal on anti-money laundering and countering the financing of terrorism. All Member States had to implement the rules of the 5th Anti-Money Laundering Directive by 10 January 2020. If Hungary, the Netherlands and Poland fail to bring their national legislation into line with EU law within the next two months, the Commission may decide to refer the cases to the Court of Justice.

10. Digital economy

(For more information: Johannes Bahrke – Tel.: +32 229 58615, Charles Manoury - Tel.: +32 229 13391)

Letters of formal notice

Media freedom: Commission launches infringement procedure against HUNGARY for failing to comply with EU electronic communications rules

The Commission launched today an infringement procedure against **Hungary**, following the Hungarian Media Council's decisions to reject Klubradio's application on the use of radio spectrum on highly questionable grounds. The conditions attached to the use of radio spectrum and procedures to grant, prolong, renew or revoke those rights are subject to EU telecoms rules, set out in the [European Electronic Communications Code](#) (Directive (EU) 2018/1972). Key elements of these rules are the principles of proportionality and non-discrimination. The Commission believes that the decisions of the Hungarian Media Council to refuse renewal of Klubradio's rights were disproportionate and non-transparent and thus in breach of EU law. The Commission also considers that the Hungarian national media law has been applied in a discriminatory way in this particular case. As a result, the Commission decided to send a letter of formal notice to Hungary, which now has two months to reply to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission may decide to take the next steps in the infringement procedure and send a reasoned opinion.

11. Human resources

(For more information: Balazs Ujvari – Tel.: +32 229 54578, Claire Joawn - Tel.: +32 229 56859)

Letters of formal notice

European Schools: the Commission calls on DENMARK and GERMANY to draw up equivalence tables for the European Baccalaureate in line with the Convention on European Schools

The European Commission has decided to send a letter of formal notice to Denmark and Germany for applying a conversion method concerning European Baccalaureate grades that, according to the Commission's considerations, breaches the Convention on the European Schools. The current system places European Baccalaureate laureates seeking admission to Danish and German universities, respectively, in a less favourable position than holders of national school diplomas with equivalent qualifications. The Commission is calling on Denmark and Germany to take further measures to establish equivalence tables for the conversion of the European Baccalaureate marks to the national systems in line with Article 5 (2) of the [Convention defining the Statute of the European Schools](#). Member States are obliged to guarantee that holders of the European Baccalaureate enjoy all the benefits of the holders of the national diplomas and are entitled to seek admission to any university in the territory of any Member State on the same terms as nationals of that Member State with equivalent qualifications. Denmark and Germany have two months to reply to the concerns raised by the Commission.