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Non Sensitive Reports

Proposal for a draft document

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| Authors: | Luis JIMENEZ RUBIA |
| Revised by: | Sergiu Nicuta |
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# Findland *–* Lead DG: Failure to adopt and/or to communicate all measures for transposing Council Directive 2009/119/EC of 14 September 2009 imposing an obligatrion on member states to maintain minimum stocks of crude oil and/or petroleum products– 2015/2072

**Incriminated Fact:**

Failure to adopt and/or communicate all measures for transposing Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products

**Next decision step in the cycle:**

Reasoned opinion 258 (ex226) -

**Last formal step**

Notification on 23/10/2015 Reasoned opinion 258 (ex226)

**History of previous formal decisions**

Reasoned opinion 258 (ex226) Notification on 23/10/2015

**Context**

1.FACTS Failure to adopt and/ or to notify the national measures(MNE) transposing Council Directive 2009 / 119 / EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/ or petroleum products(OJ L 265, 9.10.2009, p. 9). Article 25(1) of the Directive provides that Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2012.By 9 / 09 / 2015, Finland had notified several measures transposing the Directive. Finland declared full transposition by 31 / 12 / 2012. 2.PROCEDURE 18 / 1 / 2013 notification MNEs(full transposition) 19 / 06 / 2015 LFN sent 17 / 08 / 2015 reply Finland(full transposition) 3.ANALYSIS After assessment of the measures notified by Finland, the Commission services considered that the following provisions of Directive 2009 / 119 / EC had not been transposed into the national legal order: Article 2(b) and(m), Article 5(1), first subparagra Article 5(1), second subparagraph, first sentence, Article 5(2), Article 8(1), second subparagraph, Article 16(1) and(2), Annexes I and III. In their reply, the Finnish authorities partially addressed the issues raised in the letter of formal notice.However, the Commission services consider that the following provisions have not been transposed: Article 2(m), Article 5(1), first subparagraph, Article 5(1), second subparagraph, first sentence, Annexes I and III. 4.CONCLUSION / PROPOSAL OF THE SERVICE In view of the above analysis, it is considered that Finland has not yet adopted and/ or notified all the measures necessary to fully transpose Directive 2009 / 119 / EC and therefore failed to fulfil its obligations under Art. 25(1) of this Directive.Consequently, it is proposed to issue a reasoned opinion in M - 10 / 15.

Contact: DG Handler  
Updated on: 30/12/2019