



EUROPEAN COMMISSION

MEMO

Brussels, 10 July 2014

JULY INFRINGEMENTS PACKAGE: MAIN DECISIONS

	AGRICULTURAL & RURAL DEVELOPMENT	DIGITAL AGENDA	EMPLOYMENT & SOCIAL AFFAIRS	ENERGY	ENVIRONMENT	HEALTH & CONSUMER POLICY	INDUSTRY & ENTREPRENEURSHIP	INTERNAL MARKET & SERVICES	JUSTICE	MARITIME AFFAIRS & FISHERIES	TAXATION & CUSTOMS UNION	TRANSPORT
AT				1		1		2				1
BE						2						1
BG					1	1			1	1		1
CY											1	1
CZ							1					1
DE					1	1						
DK						1						
EE						1						
EL						1		1		1		1
ES					2				1	1		2
FI					3	1			1			
FR						1		1			4	
HR												1
HU								1				1
IE			1			2						2
IT	1	1			1					1		2
LT												2
LU						2						1
LV					1							
MT												1
PL				1		1		1				2
PT					1	1					1	3
RO					2		1	1				1
SE						1						
SI									1	1		2
SK												1
UK					3	1		1			1	2

In its monthly package of infringement decisions, the European Commission is pursuing legal action against Member States for failing to comply properly with their obligations

under EU law. These decisions covering many sectors aim to ensure proper application of EU law for the benefit of citizens and businesses.

The Commission has today taken **419 decisions**, including **63 reasoned opinions** and **14 referrals** to the European Union's Court of Justice. Below is a summary of the main decisions. For more information on infringements procedure, see [MEMO/12/12](#).

1. Major Cases involving Member States

- **Single European Sky: Commission urges eighteen Member States to make a decisive move towards common airspace management**

Today the Commission has formally requested **Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Greece, Hungary, Ireland, Italy, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain** and the **United Kingdom**, members of six different [Functional Airspace Blocks](#) (FABs) to improve their FABs, a common airspace arranged around traffic flows rather than state boundaries. FABs are a crucial step towards a more efficient, less costly and less polluting aviation system in Europe.

Commission Vice-President Siim Kallas, responsible for transport, said: "*We have to finally overcome national borders in the European airspace. FABs are a necessary, vital component of the Single European Sky. Right now these common airspaces exist only on paper; they are formally established but not yet functional. I urge Member States to step up their ambitions and push forward the implementation of the Single Sky*"

(For more information: [IP/14/818](#) - H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

2. Referrals to the Court of Justice

- **Energy efficiency in buildings: Commission refers AUSTRIA and POLAND to Court; requests daily penalty payments**

The European Commission has decided to refer **Austria** and **Poland** to the EU's Court of Justice for failing to fully implement the [Energy Performance of Buildings Directive](#) and has proposed that the Court imposes a daily penalty of €39,592.80 on Austria and €96,720 on Poland, to be paid from the date of the Court ruling until the Directive has been completely implemented. The level of penalties proposed takes into account the duration and gravity of the infringement. The final amount of the daily penalties will be decided by the Court. The Directive requires Member States to establish and apply minimum energy performance requirements for all buildings, ensure the certification of buildings' energy performance and ensure regular inspections of heating and air conditioning systems. In addition, the Directive requires Member States to ensure that by 2021 all new buildings are so-called nearly zero-energy buildings. Member States were due to implement the Directive into national law by 9 July 2012.

(For more information: [IP/14/813](#) - S. Berger - Tel. +32 229 92792 - Mobile +32 460 792 792)

- **Free movement of goods: Commission refers CZECH REPUBLIC to Court over jewellery hallmarking rules**

The European Commission has decided to refer the **Czech Republic** to the EU's Court of Justice due to its rules on the hallmarking of jewellery. The Czech Assay office requires that certain articles of jewellery imported from another EU country be stamped with an additional national hallmark, despite the fact that the articles in question were already

lawfully hallmarked and marketed in the EU. The Commission considers that this requirement is in breach of [EU Treaty rules on the free movement of goods](#) within the EU and so has asked the Court to rule on this case.

(For more information: [IP/14/785](#) - C. Corazza - Tel. +32 229 51752 - Mobile +32 498 99 2862)

- **Tobacco products: Commission refers DENMARK to the EU Court of Justice for not banning the sale of all forms of snus**

Today, the European Commission decided to refer **Denmark** to the EU Court of Justice (CJEU) for failure to amend its national legislation to ban all forms of snus.

As Denmark has not totally banned the sale of all forms of snus, the European Commission requested Denmark on 25 October 2012 to take all necessary steps to comply with Directive [2001/37/EC](#) and to inform the Commission about the adopted measures of national legislation within two months (see European Commission - [MEMO/12/794](#) - 24/10/2012).

Until now, Denmark has not notified any such measures to the Commission and continues to be in breach of EU law. For this reason, the Commission has decided to refer the case to the CJEU.

(For more information: [IP/14/812](#) - F. Vincent - Tel. +32 229 87166 - Mobile +32 498 98 7166)

- **Public procurement: Commission refers GREECE to Court for non-compliance with EU rules in construction sector**

The European Commission has today taken the decision to refer **Greece** to the Court of Justice of the EU for non-compliance with EU public procurement rules in the construction sector.

Greek legislation establishes a system of compulsory registration for all approved national construction companies, dividing them into classes, each class corresponding to a specific minimum and maximum budget range. When it comes to tender procedures, contracting authorities may admit only the companies that are registered in some of these classes, corresponding to the budget range foreseen for the contract envisaged. In this way, Greek legislation establishes a system that predetermines which economic operators may take part in each tender procedure. This system of compulsory registration results in the exclusion of companies that have the economic, financial, professional and technical capacity to perform a given contract from the tender, only because their financial capacity is different - usually greater - than the specific budget class which is allowed for a given procedure. Consequently, national provisions restrict market opportunities for enterprises and hinder competition amongst economic operators. The Commission considers that this restrictive legal regime is in breach of [Directive 2004/18/EC](#) and of the fundamental principles of equal treatment and non-discrimination, on which the EU public procurement rules are founded.

(For more information: [IP/14/807](#) - C. Hughes - Tel. +32 229 64450 - Mobile +32 498 96 4450)

- **Environment: Commission takes SPAIN to Court over non-compliant landfills and high-speed rail link**

The European Commission is taking **Spain** to Court for two (unrelated) breaches of [environment legislation](#). The first concerns poor waste management: despite earlier warnings from the Commission, numerous Spanish landfills are still operating in breach of EU landfill legislation. The second case contains a planned rail link between Seville and Almeria, for which no adequate environmental impact assessment was carried out. In an effort to urge Spain to rectify these matters, the Commission is taking Spain to the EU Court of Justice, on the recommendation of Environment Commissioner Janez Potočnik.

(For more information: [IP/14/814](#) - J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Commission refers FINLAND to the Court of Justice for not having a racial equality body for employment matters**

The European Commission has decided to refer **Finland** to the Court of Justice of the EU as its equality body cannot perform the necessary tasks related to racial equality in the field of employment.

Article 13 of the [Racial Equality Directive \(2000/43/EC\)](#) requires Member States to set up a national equality body and formally attribute specific tasks to it including: providing assistance to victims, conducting independent surveys, publishing independent reports and making recommendations in the area of discrimination. The Commission strictly monitors the correct implementation of the Directive as regards the equality bodies, since these bodies are the watchdogs for equality on the ground and thus play a core role in ensuring effective implementation and application of the Racial Equality Directive.

Despite extensive discussion with Finland following a Letter of Formal Notice and a [Reasoned Opinion](#), there has been no concrete progress.

(For more information: [IP/14/811](#) - J. Salsby Tel. +32 2 297 24 59)

- **Taxation: FRANCE referred to the Court regarding donations to foreign general-interest bodies**

The Commission has decided to refer France to the Court of Justice of the European Union regarding its tax system for donations made to bodies pursuing general-interest objectives and having their registered office in another EU or EEA Member State.

France exempts donations and bequests to public or public-interest bodies, including charities, from registration duties (taxes on transfers without consideration (droits de mutation à titre gratuit)) where such bodies are established in France. The organisations in question are public or public-interest bodies that exclusively allocate their resources to science, culture or art, or for cultural associations, etc., and which carry out their activities on French soil.

(For more information: [IP/14/808](#) - E. Traynor - Tel. +32 229 21548 - Mobile +32 498 98 3871)

- **Taxation: Commission refers PORTUGAL to Court of Justice over excise duty rules for cigarettes**

The European Commission has decided to refer **Portugal** to the Court of Justice for failing to change its excise duty rules related to the marketing of cigarettes. In Portugal, a time limit for the sale of cigarettes is set down, linked to the fiscal stamp on the packaging. The design of the tax markings in Portugal changes regularly and a new tax rate frequently

applies with the new marking. Cigarettes cannot be sold any later than 3 months after the end of the year that they are released for consumption.

Under EU law ([Directive 2008/118/EC](#)), excise duty on tobacco products must be charged at the rate applicable on the date on which they are released for consumption. There is no provision under EU legislation which allows Member States to add supplementary duty to this release-date tax rate, or to limit the distribution of tobacco products for fiscal reasons.

(For more information: [IP/14/809](#) - E. Traynor - Tel. +32 229 21548 - Mobile +32 498 98 3871)

- **Commission takes PORTUGAL to Court over waste water treatment**

The European Commission is taking **Portugal** to Court for its failure to ensure that waste water from small agglomerations is properly treated. The lack of adequate collection and treatment systems, required by [EU legislation for small agglomerations](#) since 2005, poses risks to human health and to inland waters and the marine environment. Despite good progress since the Commission sent a 'reasoned opinion' to Portugal on this matter in 2009, the current significant shortcomings have led the Commission, on the recommendation of Environment Commissioner Janez Potočnik, to refer the case to the Court of Justice of the European Union.

(For more information: [IP/14/815](#) - J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Taxation: Commission refers UK to Court of Justice for failure to comply with EU rules on marked fuel**

The European Commission has decided to refer the **United Kingdom** to the Court of Justice of the European Union for not properly applying the rules on fiscal marking on fuel.

Under [EU rules](#), fuel that can benefit from a reduced tax rate has to be marked by coloured dye. Fishing vessels, for example, are allowed to benefit from a lower taxed fuel but private leisure boats must use fuel subject to a standard rate.

Currently, UK law does not require fuel distributors to have two separate fuel tanks to distinguish between the lower tax marked fuel and the fuel subject to the standard rate. As a result private leisure boat owners are often in a situation where they can only purchase marked fuel. As a consequence, private leisure boats may not pay the right amount of tax, as they purchase use fuel normally intended for fishing vessels. Not only does this go against EU excise rules, but it also puts private boats at risk of heavy penalties if they are checked by local authorities when they travel to another Member State.

(For more information: [IP/14/810](#) - E. Traynor - Tel. +32 229 21548 - Mobile +32 498 98 3871)

3. Reasoned opinions

- **Patients' rights in cross-border healthcare: Commission urges 12 Member States to notify full implementation of cross-border healthcare rules**

Today, the European Commission sent a formal request to **Austria, Belgium, Bulgaria, Germany, Estonia, Greece, Finland, France, Ireland, Luxembourg, Poland**, and the **United Kingdom** to notify full implementation of the cross-border healthcare Directive ([2011/24/EU](#)). This Directive clarifies patients' rights to choose to receive healthcare in

another Member State, and claim reimbursement for it at home. It also requires health systems and healthcare providers to ensure patients are given the information they need to make an informed choice about their treatment in another Member State. The Directive has been partially implemented by Belgium, Bulgaria, Germany, Estonia, Greece, France, Austria, Poland, Finland and the United Kingdom, but certain provisions of the Directive still appear to be missing. These range from clear implementation of the rules set down in the Directive for the reimbursement of healthcare received abroad, to an obligation for national contact points to help each other understand invoices. Ireland and Luxembourg have not notified any measures to implement the Directive.

To date, the above Member States have not or not fully turned this Directive into national law, despite being required to do so by 25 October 2013. These countries have two months to inform the Commission of measures taken to implement Directive [2011/24/EU](#). Failure to notify adequate measures could lead to the Commission referring the cases to the EU Court of Justice.

(For more information: F. Vincent - Tel. +32 229 87166 - Mobile +32 498 98 7166)

- **Medical prescriptions: Four Member States urged to notify implementation of rules on recognition of prescriptions issued in another Member State**

Today, the European Commission sent a formal request to **Belgium, Ireland, Luxembourg** and **Portugal** to ensure full implementation of a Directive laying down measures to facilitate the cross-border recognition of medical prescriptions ([2012/52/EU](#)). This Directive aims to increase the ability of pharmacists to understand and dispense prescriptions issued in another Member State to patients who are exercising their right to cross-border healthcare. It requires EU Member States to ensure that prescriptions to be used in another Member State contain a certain number of elements, which are set out in the Annex to the Directive.

To date, the above-mentioned Member States have not turned this Directive into national law, despite being required to do so by 25 October 2013. The countries have two months to inform the Commission of measures taken to implement Directive [2012/52/EU](#). Failure to notify adequate measures could lead to the Commission referring the cases to the Court of Justice of the European Union.

(For more information: F. Vincent - Tel. +32 229 87166 - Mobile +32 498 98 7166)

- **Commission requests BULGARIA, GREECE and SLOVENIA to ensure electronic exchange of fisheries information with other Member States**

The Commission has sent a formal request to **Bulgaria, Greece** and **Slovenia** to ensure full compliance with the [EU's Fisheries Control Regulation](#), in particular the obligations to ensure the direct electronic exchange of relevant fisheries information with other Member States.

Member States must set up the necessary systems allowing them to exchange electronically fisheries data. The absence of such a system might hinder vessels of other Member States from exercising their right to fish in these three countries' and land or sell fish on their territory. Likewise, fishing vessels flagged to Bulgaria, Greece or Slovenia might be prevented from fishing outside their own waters and from landing or selling fish in other EU countries.

The system should exchange information such as vessel monitoring system data, fishing logbook information, landing and other declarations. These requirements are mandatory since 1 January 2010 for all Member States. Full and correct application of EU Fisheries rules is a priority for the Commission and aims to ensure sustainable fisheries practices.

In the absence of a satisfactory response within two months, the Commission may refer these Member States to the Court of Justice of the European Union.

(For more information: H. Banner – Tel. +32 229 52407 - Mobile: +32 460 75 2407)

- **Copyright: Commission asks FRANCE, POLAND and ROMANIA to apply EU rules**

The European Commission has today requested that **France, Poland and Romania** fully implement [Directive 2011/77/EU](#) of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights. The Directive extends the term of protection for performers and sound recordings from 50 to 70 years and contains accompanying measures, e.g. the “use it or lose it” clauses which now have to be included in the contracts linking performers to their record companies. The deadline for the implementation of the Directive in national law was 1 November 2013. However, France, Poland and Romania have so far not notified implementing measures to the Commission. The Commission's request takes the form of a reasoned opinion, the second stage of the EU infringement procedures. If no measures are notified within two months, the Commission may decide to refer France, Poland and Romania to the EU Court of Justice. More information on [term of protection](#).

(For more information: C. Hughes - Tel. +32 2 296 44 50 - Mobile +32 498 964450)

- **Road transport: Commission requests IRELAND, PORTUGAL, SLOVENIA and the UK to implement EU rules for road charging for lorries**

The European Commission has requested **Ireland, Portugal, Slovenia and the United Kingdom** to adopt the necessary measures for the correct application of the so-called 'Eurovignette Directive' ([Directive \(EU\) No 2011/76](#)). This Directive extends the scope of the European directive on road charging from the roads that are part of the TEN-T network to all motorways across Europe. It also gives Member States the option to charge heavy lorries for causing "external costs" such as pollution and noise in addition to infrastructure costs (construction, maintenance and operation of the road infrastructure). Inconsistent implementation across the EU risks resulting in legal uncertainty for hauliers. The legislation should have been in place by 13 October 2013. If Ireland, Portugal, Slovenia and the United Kingdom fail to react satisfactorily, the Commission may refer the matter to the EU Court of Justice. The Commission opened infringement proceedings against Ireland, Portugal, Slovenia and the United Kingdom on the matter in November 2013, and a reasoned opinion (the second stage in EU infringement proceedings) is now being sent. Ireland, Portugal, Slovenia and the United Kingdom have two months to reply to the Commission.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Environment: Commission asks BULGARIA and LATVIA to act on air pollution**

The European Commission is asking **Bulgaria and Latvia** to improve protection for citizens from fine dust (PM10) pollution. These tiny particles can cause asthma, cardiovascular problems, lung cancer and premature death. The particles originate from emissions from industry, traffic and domestic heating. Under [EU law](#), Member States have to limit citizens' exposure to these particles. Citizens in all 6 zones and agglomerations in Bulgaria (AG Sofia, AG Plovdiv, AG Varna, North, South-West and South-East) have been exposed to excessive levels of PM10 since at least 2007. In Latvia, one zone is concerned: Riga, with breaches reaching back to 2007. The Commission is of the view that both

Member States have failed to take the necessary measures that should have been in place since 2007 to protect citizens' health, and is asking them to take forward-looking, speedy and effective action to comply as soon as possible. Today's action, a reasoned opinion, follows additional letters of formal notice sent to both Bulgaria and Latvia in January 2013 (see [IP/13/47](#)). If Bulgaria and Latvia fail to act, the Commission may take the matter to the Court of Justice of the European Union.

(For more information: J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Commission urges SPAIN and SLOVENIA to implement rules on the right to interpretation and translation in criminal proceedings**

The European Commission is concerned that **Spain** and **Slovenia** have not taken sufficient action to implement [Directive 2010/64/EU](#) on the right to interpretation and translation in criminal proceedings. Both countries were contacted in May this year to verify the status of texts in preparation. This Directive had to be implemented by 27 October 2013.

Although the adoption process is progressing, the draft law regarding the right to translation is still being discussed in both countries.

(For more information: J. Salsby Tel. +32 2 297 24 59)

- **Commission requests ITALY and SPAIN to adopt valid fisheries management plans in the Mediterranean Sea**

The Commission has sent a formal request to **Italy** and **Spain** to ensure compliance with EU rules on fishing in the Mediterranean. Under the '[Mediterranean Regulation](#)', Member States must adopt national management plans for fisheries conducted by trawl nets, boat seines, shores seines, surrounding nets and dredges within their territorial waters.

These management plans should have been adopted by 31 December 2007. Contrary to the requirements of the Regulation, Italy and Spain have still not adopted valid management plans for fisheries conducted by dredges. Required national plans are very important tools to ensure sustainable exploitation of fish resources in the Mediterranean, where traditionally the quota-based fisheries management does not apply.

In the absence of a satisfactory response within two months, the Commission may refer Italy and Spain to the Court of Justice of the European Union.

(For more information: H. Banner – Tel. +32 229 52407 - Mobile: +32 460 75 2407)

- **Bus and coach passenger rights: Commission requests ITALY and POLAND to ensure rules are enforced**

The European Commission has requested **Italy** and **Poland** to adopt the necessary measures for the correct application of the bus and coach passenger rights ([Regulation \(EU\) No 181/2011](#)). The national authorities designated by both countries to oversee the effective application of the rules are, as they stand now, unable to enforce them. The two MS did not set up a penalty system to ensure that the Regulation is fully respected. In addition, they did not send the list of bus terminals where passengers with disability and reduced mobility can receive adequate assistance. The Regulation sets out the rights of passengers traveling by bus and coach in the EU and it became applicable on 1 March 2013. Member States were bound by law to fulfil the abovementioned tasks. The requests have been sent in the form of a 'reasoned opinion' under EU infringement procedures. Italy and Poland have two months to notify the Commission of the measures taken to

apply the regulation correctly, otherwise the Commission may decide to refer Italy and Poland to the EU's Court of Justice.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Rail transport: Commission asks LUXEMBOURG and LITHUANIA to fully implement EU legislation on rail safety**

The European Commission has asked **Lithuania** and **Luxemburg** to bring all its national rules into line with [Directive 2004/49/EC](#) ensuring consistent high safety levels on all EU rail networks. In both Lithuania and Luxembourg this concerns in particular the independence of the investigating body. Additionally, in Luxembourg it concerns safety management systems, validity of safety certificates, independence, tasks and decision-making of the safety authority. The EU legislation aims at developing a common approach to railway safety, in particular by establishing safety requirements on the rail system, including: safe management of infrastructure and traffic operation, roles and responsibilities of railway undertakings and infrastructure managers and their interaction, common safety regulatory framework, regulation, management, supervision of safety and independent investigation of accidents. The legislation should have been in place since 30 April 2006. If Lithuania and Luxembourg fail to react satisfactorily, the Commission may refer the matter to the EU Court of Justice. The Commission opened infringement proceedings against Lithuania and Luxembourg on the matter in September 2013, and a reasoned opinion (the second stage in EU infringement proceedings) is now being sent. Both countries have two months to reply to the Commission.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Free movement: Commission asks AUSTRIA to respect EU rules for ski schools**

The European Commission has today requested that **Austria** respect EU rules concerning free movement of workers, freedom of establishment and freedom to provide services under Articles 45, 49 and 56 [Treaty on the Functioning of the European Union](#) (TFEU). Contrary to EU law, ski schools in the Austrian province of Tyrol can legally prohibit ski instructors from other Member States from teaching pupils from or already present in the Tyrol. They can only teach pupils coming from other Member States to learn to ski. In violation of EU law and jurisprudence of the EU Court of Justice, the regional legislation on ski schools in the province of Styria always requires comprehensive alpine ski instructor qualifications and thus does not grant holders of separate specialist qualifications such as "Telemark ski instructors", "adaptive ski instructors" or "Nordic ski instructors" from other EU Member States any separate recognition of their qualifications and thus any partial access to the profession in the province concerned. As Austria has not yet repealed these restrictions in the two provinces concerned, the Commission asks Austria, in the form of a reasoned opinion, to take action to fully comply with EU rules. If the Austrian authorities do not reply satisfactorily within two months, the Commission may refer the matter to the EU Court of Justice. More information:

http://ec.europa.eu/internal_market/qualifications/index_en.htm

(For more information: C. Hughes - Tel. +32 2 296 44 50 - Mobile +32 498 964450)

- **Public procurement: Commission asks AUSTRIA to apply EU rules**

The European Commission has today requested that **Austria** respect EU public procurement rules regarding the printing of a number of official documents. It has also asked Austria to modify, where applicable, its legal provisions obliging federal authorities

to directly award the Austrian Printing Office with the secure printing of certain documents. Since 2000, Austrian contracting authorities have directly awarded the printing of several official documents, including passports and driving licenses, to the Österreichische Staatsdruckerei, a private undertaking. They have not opened up these services to European-wide competition through a public procurement procedure. Austria has failed to provide sufficient reasons to justify why the printing of these documents should not follow the rules of European-wide competition – a competition aimed at ensuring that services are provided to Austrian citizens at the best value for money. The European Commission, therefore, considers that Austria has failed to fulfil its obligations under European public procurement rules, especially [Directive 2004/18/EC](#). The Commission's request takes the form of a reasoned opinion, the second stage of infringement procedures. If no measures to put an end to the violation of EU law are notified within two months, the Commission may decide to refer Austria to the EU Court of Justice. More information on [public procurement](#).

(For more information: C. Hughes - Tel. +32 2 296 44 50 - Mobile +32 498 964450)

- **Commission asks BELGIUM for more transparency in rail financing**

The European Commission formally requested **Belgium** to be fully transparent on the use of public funds for rail transport services, as required by [Directive 2012/34/EU](#). Keeping transparent accounts is the only way to identify how public money is spent and whether it is used for other purposes than the ones foreseen. With the current lack of transparency, it cannot be excluded that public funds paid as public service obligations for passenger transport services are used to cross-subsidise other transport services. This is conflicting with existing EU rules, which aim at establishing an efficient, non-distorted and competitive EU internal market for rail, with a level playing field for all transport service providers. In the absence of a satisfactory response within two months, the Commission may refer Belgium to the Court of Justice of the European Union.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Strengthening Consumer Rights: Commission calls on BULGARIA to implement new EU Directive**

The European Commission is concerned that **Bulgaria** still has not implemented the Consumer Rights Directive ([MEMO/13/1144](#)) into its national legislation. The deadline for implementing the Directive passed on 13 December 2013 and national laws should have started applying as of 13 June 2014. The [Consumer Rights Directive](#) contains a set of key rights that have boosted consumer protection across the EU. These include enhanced price transparency, a ban on surcharges for the use of credit cards and hotlines and on pre-ticked boxes on the internet (for example when you buy plane tickets), as well as an extension of the period (from 7 to 14 days) during which a consumer can pull out of a purchase (see consumer rights [factsheet](#)). These rights will however remain meaningless to consumers unless implemented by Member States in their national laws to give them effect. This is even more important in countries in which – according to the latest Consumer Scoreboard – awareness of consumer rights is low. Bulgaria is among eight EU countries in which this is the case which is why the Commission is currently running a Consumer Rights Campaign to improve consumers' awareness of their rights ([MEMO/14/191](#)).

(For more information: J. Salsby Tel. +32 2 297 24 59)

- **Taxation: Commission requests CYPRUS to adapt tax rules to reflect Croatia's accession to EU**

The Commission has formally requested that **Cyprus** implement adaptations of certain EU tax rules to take into account Croatia's accession to the EU. [Directive 2013/13/EU](#) adapts certain tax Directives to reflect Croatia's accession. The adapted legislation includes the Parent-Subsidiary Directive, the Mergers Directive and the Interest and Royalties Directive – all of which are intended to prevent double taxation within the Single Market. Member States were required to implement these changes by the time Croatia joined the EU on 1 July, 2013. However, Cyprus has not notified the Commission of any measures it has taken to this end. The request is in the form of a Reasoned Opinion. In the absence of a satisfactory response within two months, the Commission may refer Cyprus to the EU Court of Justice. (Ref: 2013/0346)

(For more information: E. Traynor - Tel. +32 229 21548 - Mobile +32 498 98 3871)

- **Environment: Commission urges GERMANY to take more action against nitrate pollution in water**

The European Commission is urging **Germany** to take stronger measures to combat water pollution caused by [nitrates](#). The latest figures submitted by Germany in 2012 showed worsening nitrates pollution problems in groundwater and surface waters, including eutrophication of coastal and marine waters, especially in the Baltic Sea. Despite the worsening trends, Germany has not taken sufficient additional measures to reduce and prevent nitrate pollution as required [under EU law](#). Nitrates are essential for plants to grow, and they are widely used as fertilisers, but excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae that chokes other life, a process known as eutrophication. Purifying excess nitrates from drinking water is also a very costly process. On the recommendation of Environment Commissioner Janez Potočnik, the Commission is sending a reasoned opinion to ask Germany to comply with EU law in this area. If they fail to do so within two months, the Commission may refer the case to the EU Court of Justice.

(For more information: J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Commission asks SPAIN to eliminate unequal treatment for providers of school transport in Castile and León**

The European Commission has formally requested **Spain** to amend the legislation of Castile and León for providing school bus transport. Under the existing legislation, operators that already provide general public bus services receive preferential treatment when tenders are organised for providing school transport. This advantage is clearly a violation of the principle of non-discrimination and equal treatment of all bidders participating in tendering procedures and runs contrary to [Directive 2004/18/EC on Public Procurement](#) and [Regulation \(EC\) n° 1370/07](#) on public service obligation in land transport. The criteria for awarding the contract are to take either the most economically advantageous bid or the lowest price, independent of other ongoing transport service contracts. If the legislation is not modified within two months, the Commission may refer Spain to the Court of Justice of the European Union.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Environment: Commission asks FINLAND to enact rules on restricting hazardous substances and on packaging waste, and to amend rules on bathing water**

The European Commission is sending **Finland** three reasoned opinions regarding environment legislation. The first urges Finland to send details about how EU legislation on the restriction of the use of certain hazardous substances in electrical and electronic equipment (the [RoHS Directive](#)) is being implemented in its domestic law. After Finland missed the original deadline of 2 January 2013, the Commission sent letters of formal notice on 21 March 2013. As the shortcomings have still not been corrected, the Commission is sending a reasoned opinion. The second reasoned opinion concerns [packaging](#) waste – Member States were to inform the Commission about steps they are taking to implement the revised Packaging Directive in national legislation by 13 September 2013. The revision widens the scope of the original directive, clarifying the borderline between what is packaging and what is not, with a view to reducing packaging waste throughout the EU. The third reasoned opinion concerns legislation on [bathing water](#). Finnish legislation primarily defines beaches on the basis of the number of bathers that visit a given site on any day, rather than using other criteria required by EU law such as available infrastructure. Under EU law, the number of bathers is one criterion, but it needs to be complemented by others, including, for example, available infrastructure. The Commission considers that Finland's legislation is not in line with the scope of the EU law in question, and risks denying citizens an adequate level of protection. The Commission is therefore asking Finland to bring its bathing legislation into line with European standards. If Finland fails to act within two months, the cases may be referred to the EU Court of Justice. Financial penalties may be imposed for the RoHS Directive.

(For more information: J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Taxation: VAT on sporting events in FRANCE**

The Commission has asked **France** to levy VAT on tickets for admission to matches and other sporting events which are not subject to entertainment tax.

Under the [VAT Directive](#), admission fees for sporting events should normally be subject to VAT. However, France grants a total VAT exemption to admission fees for sporting events.

Even though the [VAT Directive](#) aims to harmonise this tax in order to ensure the smooth functioning of the internal market, it allows Member States to retain, by way of derogation and for a transitional period, certain exemptions which existed on 1 January 1978, under the conditions which existed on that date. This is the case of the VAT exemption which France applied to the sporting events that were subject to entertainment tax. In the meantime France has made it possible for municipalities to exempt sporting events organised on their territory from entertainment tax, and some of them have made use of this possibility. The Commission takes the view that, in this case, the VAT exemption should no longer exist.

The request takes the form of a reasoned opinion. In the absence of a satisfactory response within two months, the Commission may refer France to the EU's Court of Justice. (Ref.: 2012/4194)

(for more information: E. Traynor - Tel. +32 229 21548 - Mobile +32 498 98 3871)

- **Services: Commission requests HUNGARY to respect EU rules as regards mobile payments**

The European Commission has today requested Hungary to respect EU rules on the freedom of establishment and free provision of services (Articles 49 and 56 TFEU and Articles 15 and 16 of Directive 2006/123/EC) as regards mobile payments. Pursuant to the Act of 2011 on national mobile payment organisation, the state-owned National Mobile Payment Ltd. was given the exclusive right to operate the national mobile payment

system, a platform that service providers will be obliged to use when providing mobile payment intermediation services in connection with some public services (e.g. public parking). This new exclusive right unnecessarily and significantly restricts access to a market that was previously fully open to competition, thereby harming existing investors and dissuading future investors with no appropriate justification. The Commission requests Hungary, in the form of a reasoned opinion – the second stage of the infringement procedure, to take action to fully comply with EU rules. If the Hungarian authorities do not reply satisfactorily within two months, the Commission may refer the matter to the EU Court of Justice.

(For more information: C. Hughes - Tel. +32 2 296 44 50 - Mobile +32 498 964450)

- **Social Security: Commission requests IRELAND to pay carer's allowance to people insured in Ireland even if they reside in another Member State**

The European Commission has requested **Ireland** to ensure that people who qualify for carer's allowance under Irish social security law can obtain it even if they reside in another Member State.

Carer's allowance is a payment to people on low incomes who are looking after a person who needs support because of age, disability or illness (including mental illness). One of the requirements for entitlement is that the recipient is resident in Ireland. By refusing to provide this allowance to people who live in other Member States but pay their social security contributions in Ireland, Ireland is in breach of [EU rules on social security coordination](#).

The request takes the form of a 'reasoned opinion' under EU infringement procedures. Ireland now has two months to notify the Commission of measures taken to fully implement EU rules. Otherwise, the Commission may decide to refer Ireland to the EU's Court of Justice.

(For more information: J. Todd - Tel. +32 229 94107 - Mobile +32 498 99 4107)

- **Milk quotas: Commission requests Italy to recover levies owed by Italian milk producers**

The Commission has moved forward with legal action against **Italy** concerning the low level of recovery of levies owed by milk producers that exceeded their production quotas between 1995 and 2009 (see [IP/13/577](#)).

Of a total amount of EUR 2 265 billion, EUR 1 395 billion has still not been recovered. The size of the amounts that have not been recovered shows that the Italian authorities have not adopted or implemented sufficient measures to ensure that the sums due by the liable producers are paid.

Italy's inability to recover these levies compromises efforts at European level to stabilise the dairy products market and distorts competition with other European and Italian producers that respected the production quotas or paid the surplus levies in case of overrun. Moreover, this amount needs to be reimbursed to the Italian budget so that Italian taxpayers do not lose out.

After a letter of formal notice was sent on 20 June 2013, the second step in the infringement proceedings is to issue a reasoned opinion. In the absence of a satisfactory response from Italy within two months, the Commission may seek a declaration from the EU's Court of Justice that Italy has failed to fulfil its obligations.

(For more information: R. Waite - Tel. +32 229 61404 - Mobile +32 498 96 1404)

- **Telecoms: Commission tells ITALY to apply fair and transparent administrative charges to eliminate barriers to market entry for SMEs**

The Commission today has formally requested **Italy** to fully implement in national law the [Authorisation Directive](#) concerning administrative charges imposed on telecom operators. It concerns in particular the criteria for the application of administrative charges that may create barriers for entry into the market, as they disproportionately impact small network operators. Moreover, the Italian rules do not implement a transparency obligation to publish a yearly overview of administrative charges levied and the administrative costs borne by the Ministry of Economic Development. The Commission's request takes the form of a reasoned opinion, the second stage of the infringement procedure. If Italy does not provide a satisfactory reply within two months, the Commission may refer Italy to the EU Court of Justice.

(For more information: R. Heath - Tel. +32 229 61716 - Mobile +32 460 75 0221)

- **Rail transport: the Commission asks PORTUGAL to fully implement EU legislation on rail interoperability**

The European Commission has asked **Portugal** to bring its national rules in line with [Directive 2008/57/EC](#) on railway interoperability, especially as regards vehicles authorisation. The legislation aims at establishing the conditions for achieving interoperability within the European rail transport system and enabling the rail sector to compete more effectively with other transport modes. This will allow citizens to travel easily through Europa and goods to be transported on a more safe and environmental friendly transport mode. The legislation should have been in place since 19 July 2010. If Portugal fails to react satisfactorily, the Commission may refer the matter to the EU Court of Justice. The Commission opened infringement proceedings against Portugal on the matter in November 2013, and a reasoned opinion (the second stage in EU infringement proceedings) is now being sent. Portugal has two months to reply to the Commission.

(For more information: H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Environment: Commission asks ROMANIA to enact EU rules on packaging waste and end of life vehicles**

The European Commission is urging **Romania** to send details about how EU legislation in two different waste areas – [packaging waste](#) and [end-of-life vehicles](#) – is being implemented in its domestic law. The updated [Packaging Directive](#), which widens the scope of the original Directive, clarifying the borderline between what is packaging and what is not with a view to reducing packaging waste, had to be enacted in national legislation by 30 September 2013. Romania missed the deadline and was sent a letter of formal notice on 29 November 2013. Romania replied in January that a draft Government Decision was being drawn up, but as the Commission has not been notified of these measures, a Reasoned Opinion is being sent. The second reasoned opinion concerns an amendment to [EU standards for end-of-life vehicles](#), which had to be enacted in national legislation by 22 August 2013. As no notification was received, the Commission sent a letter of formal notice in September. Romania replied that it was working to adopt the appropriate legislation, but as no notification has been received, the Commission is sending a reasoned opinion. Romania has two months to reply, failing which it may be referred to the EU Court of Justice.

(For more information: J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Free movement of goods: Commission requests ROMANIA to remove barriers to exports of natural gas**

By obliging the producers in **Romania** to give priority to sales on the domestic market and by submitting gas transactions to prior control and approval, the Commission considers that the current Romanian legal framework creates unjustified barriers to exports of gas from Romania and has requested that the barriers be lifted.

The Commission considers that by creating barriers to the free movement of goods within the Single Market, Romania has failed to fulfil its obligations under Article 35 and 36 of the [Treaty on the Functioning of the European Union](#) and under Article 40(c) of the [Directive 2009/73/EC](#) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas.

The Commission's request to Romania takes the form of a reasoned opinion. In the absence of a satisfactory response within two months, the Commission may refer Romania to the EU Court of Justice.

(For more information: C. Corazza - Tel. +32 229 51752 - Mobile +32 498 99 2862)

- **Animal health: Commission urges SWEDEN to abandon paratuberculosis testing on bovines**

The European Commission today sent a formal request (reasoned opinion) to **Sweden**, asking them to abandon mandatory quarantine and testing for paratuberculosis on bovine animals. The harmonised animal health conditions for trade in bovine animals laid down in [Directive 64/432/EEC](#) do not foresee any health requirements for paratuberculosis. Furthermore, this mandatory post-arrival testing discourages Swedish farmers from introducing bovine animals from other EU Member States, which has the equivalent effect of quantitative restrictions. Therefore, it cannot be justified under Article 36 of the [Treaty on the Functioning of the EU](#) (TFEU), which regulates restrictions and prohibitions on imports. Paratuberculosis is a contagious infection in the small intestine of bovines, and also in sheep. It takes a long time for symptoms, if any, to appear and the lack of accurate diagnostic tests for the detection of infected animals explains the absence of EU additional health guarantees for paratuberculosis. If Sweden fails to inform the Commission, within two months of this formal request, that the testing has stopped, the Commission could refer the case to the EU Court of Justice.

(For more information: F. Vincent - Tel. +32 229 87166 - Mobile +32 498 98 7166)

- **Environment: Commission asks UK to act on Pembroke power station, urban waste water treatment, and update bathing water rules**

Today the Commission sent the **United Kingdom** three reasoned opinions on environmental matters. The first concerns Pembroke Power station, the largest gas-fired power station in Europe, where the power plant's cooling system has a damaging impact on the surrounding ecosystem, which is a Marine Special Area of Conservation (SAC) protected under EU law. Under the [Environmental Impact Assessment](#) Directive and the [Habitats](#) Directive, development consent should only be given after all the potential environmental impacts have been assessed. This does not appear to have been the case with the Pembrokeshire plant, where development and construction consents as well as a water abstraction licence and a permit for the dredging of the cooling system intake and outflow were granted before the full environmental assessments were completed. As a result, warm water with a heavy biocide load is currently being returned to the protected Milford Haven waterway. Many smaller fish, their eggs and other smaller organisms are affected by the cooling system, which passes large quantities of water from one end of the

SAC through the plant and out the other side. The Commission letter also raises concerns about the application of the [IPPC](#) Directive on the final permits issued, in particular accepting this cooling system as Best Available Technology in this sensitive location and allowing an Environmental Quality Standard to be breached as a result.

The second letter concerns [urban waste water](#) treatment. Reports from the UK show a number of agglomerations still in breach of EU standards. Today's reasoned opinion, which follows letters of formal notice sent in June 2009 and June 2013, covers excessive spills of wastewater in Llanelli and Gowerton, Wales, into the sensitive waters of Burry Inlet, which are happening even during normal weather conditions (i.e. as opposed to during heavy rains); failures to provide secondary treatment for waste water in 9 agglomerations including Gibraltar; and failures to provide more stringent treatment for waste water in 24 agglomerations classified as sensitive areas. The UK has two months to respond.

The third reasoned opinion is with regard to [bathing water](#) legislation. The Commission requested a number of amendments to the UK enactment of EU bathing water rules, and while most have now been made, information is still awaited for some remaining amendments promised for Gibraltar. A reasoned opinion is therefore being sent. The UK has two months to respond.

(For more information: J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Financial services: Commission asks the UNITED KINGDOM to apply EU rules**

The European Commission has today requested that the **United Kingdom** fully implement the so-called Omnibus I Directive ([Directive 2010/78/EC](#)) that modifies eleven financial services directives (Directives 98/26/CE, 2002/87/CE, 2003/6/CE, 2003/41/CE, 2003/71/CE, 2004/39/CE, 2004/109/CE, 2005/60/CE, 2006/48/CE, 2006/49/CE et 2009/65/CE) to reflect the consequences of the setting up of the new European supervisory authorities for banks (European Banking Authority), securities (European Securities and Markets Authority) and insurance and occupational pensions (European Insurance and Occupational Pensions Authority). The Omnibus I Directive had to be implemented in all EU Member States by 31 December 2011. However the United Kingdom has only put part of the required provisions in place. The Commission's request takes the form of a reasoned opinion, the second stage of the EU infringement procedure. If full implementing measures are not notified within two months, the Commission may decide to refer the United Kingdom to the EU Court of Justice. More information: http://ec.europa.eu/internal_market/finances/infringements/index_en.htm

(For more information: C. Hughes - Tel. +32 2 296 44 50 - Mobile +32 498 964450)

4. Letters of Formal Notice

- **Commission urges ITALY to ensure that water intended for human consumption is healthy and clean**

The European Commission is opening infringement proceedings against **Italy** for its failure to ensure that water intended for human consumption meets European standards. Water contamination from arsenic and fluoride is a long-standing problem in Italy and for the Latium Region in particular.

Under the [Drinking Water Directive](#), Member States have to monitor and test water used for human consumption using 48 microbiological, chemical and indicator parameters. If high levels of arsenic or other pollutants are found, Member States may derogate from the

thresholds established by the directive for a limited period of time, provided there is no potential danger to human health, and provided the supply for human consumption cannot be maintained by any other reasonable means.

(For more information: [IP/14/816](#) - J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)