The Commission has today taken 127 decisions, including 27 reasoned opinions and 4 referrals to the European Union's Court of Justice. The Commission is also closing a certain number of cases where the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

Below is a summary of the main decisions. For more information on infringements procedure, see MEMO/12/12. For more details on all decisions please consult the infringement decisions register.

1. Referrals to the Court of Justice

Employment: Commission refers ESTONIA to Court over successive fixed-term employment in the academic sector

The European Commission is referring Estonia to the EU Court of Justice over its national law which does not provide sufficient protection against abuse arising from the use of successive fixed-term employment contracts or relationships in the academic sector.

Estonian law limits successive fixed-term employment to 5 years. If this limit is reached, the fixed-term employment is converted to a permanent contract. However, the limit only applies to fixed-term contracts concluded with less than 2 months between the contracts. In accordance with the case law of the Court, the specific context of the sector has to be taken into account in the assessment of whether a particular definition of 'successive' fixed-term employment provides effective protection as required by the Fixed-Term Work Directive (1999/70/EC). The academic sector is characterised by long closures over the summer period. In Estonia, the academic year ends in the first half of June and begins in September, meaning that it is possible for universities to employ teachers indefinitely on fixed-term contracts covering the academic year, by interrupting the employment contract over the summer closure period. This does not provide effective protection against abuse arising from successive fixed-term employment.

The Commission sent Estonia a reasoned opinion in October 2012, giving Estonia 2 months to comply with EU rules, but Estonia has not adapted its national law to guarantee sufficient protection against abuse arising from the use of successive fixed-term employment contracts or relationships in the academic sector. The Commission therefore decided to refer Estonia to the EU Court of Justice.

(For more information: IP/15/5052 - Christian Wigand – Tel.: +32 229 62253)

Environment: Commission refers GERMANY to Court for e-waste failings and proposes fines

Following the referrals of Slovenia and Poland to EU Court of Justice on similar grounds, the European Commission is now referring Germany to the EU's Court of Justice over its failure to transpose EU legislation on the recycling of waste electrical and electronic equipment (known also as WEEE Directive) and communicate the national transposition measures. The EU rules, which should have been enacted into national law by 14 February 2014, are intended to prevent or reduce negative environmental impacts from this fast-increasing waste stream. The rules are based on a revision of the previous WEEE Directive, and they incorporate a number of new or substantially modified provisions, none of which have yet been enacted by Germany. The Commission is therefore asking the Court, on the basis of the procedure set out in Article 260(3) TFEU, to impose a penalty payment on Germany in the amount of EUR 210 078 per day until the law is enacted.

(For more information: IP/15/5054- Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission refers ROMANIA to Court over failure to transpose legislation on end-of-life vehicles

May infringements package: main decisions
Brussels, 28 May 2015

In its monthly package of infringement decisions, the European Commission is pursuing several legal actions 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.

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(For more information: IP/15/5054- Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission refers ROMANIA to Court over failure to transpose legislation on end-of-life vehicles
The European Commission is referring Romania to the EU Court of Justice over its failure to transpose revised EU legislation on end-of-life vehicles into domestic law. The End-of-Life Vehicles Directive aims to make vehicle dismantling and recycling more environmentally friendly, prohibiting the use of certain hazardous substances in vehicles put on the market after 1 July 2003. The revised legislation prolongs one exemption from this prohibition, which concerns the use of lead in certain vehicle components.

Member States adopt the laws necessary to comply with this Directive by 22 August 2013. After missing that deadline, Romania received a letter of formal notice on 27 September 2013, followed by a reasoned opinion on 11 July 2014. Despite Romania's efforts, more than a year and a half after the deadline, the Directive is still not transposed into domestic legislation. The Commission has therefore decided to refer Romania to the EU Court of Justice.

(For more information: IP/15/5055 - Enrico Brivio – Tel.: +32 229 56172)

Transport: Commission refers GERMANY to Court for inadequate monitoring of airport security controls

The European Commission is referring Germany to the EU Court of Justice for failing to regularly monitor all aviation security measures at some German airports, as required by EU legislation (Regulation (EU) No 300/2008). Security measures are in place to help prevent criminal acts and in particular are expected to protect airports and planes against terrorist attacks with arms or explosives. Inspections by the Commission have shown that Germany does not comply with the minimum frequency and the scope of controls required under EU legislation. Such controls are necessary to quickly detect and correct potential failures in the implementation of security measures and to make sure that airports, airlines and other entities are in line with common EU standards.

This referral does by no means imply that German airports did not take adequate security measures. The Commission's concerns relate to the way Germany exercises the controls required under EU legislation.

(For more information: IP/15/5056 - Jakub Adamowicz – Tel.: +32 229 50195)

2. Reasoned opinions

Copyright/Digital Agenda: The Commission requests BELGIUM, CYPRUS, LUXEMBOURG, POLAND, ROMANIA and SLOVENIA to implement EU rules on the use of Orphan works

The European Commission has requested Belgium, Cyprus, Luxembourg, Poland, Romania and Slovenia to implement the EU Directive 2012/28/EU on Orphan works. Orphan works are works like books, newspaper, magazine articles and films that are protected by copyright but whose authors or other right holders are not known or cannot be located or contacted in order to obtain their permissions to use the works.

Six Member States still have not communicated to the Commission the measures transposing the Directive into national law, which were supposed to be adopted by 29 October 2014. As a result, the Commission decided today to send reasoned opinions to those countries. They will have two months to notify the Commission of measures taken to bring national legislation in line with EU law. If they fail to act within two months, the Commission may decide to refer them to the EU Court of Justice and to propose financial sanctions.

At the same time, the Commission has closed infringement proceedings pending against Austria, Bulgaria, Lithuania and Latvia, as they have notified full transposition of the same Directive.

(For more information: Nathalie Vandystadt – Tel.: +32 22967083)

Employment: Commission requests SPAIN to respect the rights of night workers under the Working Time Directive

The European Commission has requested Spain to ensure the correct implementation of EU rules on working time. Under the Working Time Directive (Directive 2003/88/EC), night workers whose work involves special hazards or heavy physical or mental strain have the right not to work more than eight hours in any period of 24 hours during which they perform night work. Member States are also obliged to take the necessary measures to ensure that night workers suffering from health problems in connection to night work are transferred, whenever possible, to day work to which they are suited. Spain has not transposed the 8-hour absolute limit to night work involving special strain in its legal order. Furthermore, as regards the National Police Force, Spain does not provide night workers either with a sufficiently effective procedure to request transfer to daytime work for health reasons. Spanish law and practise is
Employment: Commission requests SPAIN to respect public sector workers’ right to carry over annual leave not taken due to illness and to be paid this outstanding leave upon termination of employment

The European Commission has requested Spain to ensure the correct implementation of EU rules on working time. Under the Working Time Directive (Directive 2003/88/EC), in particular Article 7(1) and (2), workers have the right to minimum paid annual leave of 4 weeks. Upon termination of employment, workers are entitled to an allowance instead of actual leave. The Court of Justice has held that workers who have not been able to take annual leave due to illness should be able to carry over their leave entitlement for a period of at least 15 months. In case the employment relationship is terminated, workers should receive this outstanding leave in the form of an allowance instead of actual leave. In Spain, public sector workers are not guaranteed these rights.

Today's reasoned opinion follows a letter of formal notice sent to Spain in October 2014. Spain has two months to notify the Commission of the measures taken to bring national legislation in line with EU law. Otherwise, the Commission may decide to refer this Member State to the EU Court of Justice.

(For more information: - Christian Wigand– Tel.: +32 229 62253)

Environment: Commission requests AUSTRIA to act on bird protection

The European Commission has requested Austria to bring its hunting legislation into line with EU legislation on the protection of wild birds. The Birds Directive (2009/147/EC) prohibits any hunting of migratory birds listed in Annex II during their period of reproduction or during their return to their rearing grounds. Member States may derogate from this requirement only in the absence of other satisfactory solutions and provided that the population of the species concerned is maintained at a satisfactory level. The Austrian provinces of Burgenland, Lower Austria and Salzburg are allowing a hunt for Woodcock (Scolopax rusticola) from 1 March until 15 April, and specifically for male Woodcock during their reproductive courtship flights. The Commission first raised its concerns in a letter of formal notice in March 2014. As the conditions for derogation have not been met and spring hunting of this species is in violation of the Birds Directive, the Commission is now sending a reasoned opinion. If Austria fails to act within two months, the case may be referred to the EU Court of Justice.

(For more information: Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission requests MALTA to end finch trapping

The European Commission has requested Malta to bring its hunting legislation into line with EU rules on the conservation of wild birds. The case concerns Malta's decision to apply a derogation to the EU Birds Directive (2009/147/EC), allowing the live capture (i.e. trapping) of seven species of wild finches as from 2014. Member States may derogate from the requirement of strict protection only in the absence of other satisfactory solutions, and provided that the population of the species concerned is maintained at a satisfactory level. As these conditions are not met in this case, the Commission sent a letter of formal notice in October 2014, urging Malta to refrain from finch trapping. Malta went ahead with the derogation as planned and does not agree with the Commission's position, so the Commission is now sending a reasoned opinion. If Malta fails to act within two months, the case may be referred to the EU Court of Justice.

(For more information: Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission requests the CZECH REPUBLIC to enact EU rules on groundwater protection

The European Commission has requested the Czech Republic to bring its national laws on the protection of groundwater against pollution and deterioration into line with the Groundwater Directive (2006/118/EC). Member States had to transpose the Directive into their national legislation by 16 January 2009. The Commission identified shortcomings in the Czech Republic's transposition of this legislation and sent a letter of formal notice on 20 June 2013. The Czech Republic subsequently amended its legislation, but a notable problem remains as regards the method of setting more stringent threshold
values in certain cases. The Commission is therefore sending a reasoned opinion. If the Czech Republic
fails to act within two months, the Commission may refer the Czech Republic to the EU Court of Justice.
(For more information: Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission requests POLAND to comply with the Floods Directive

The European Commission has requested Poland to bring its national laws on the assessment and
management of flood risks into line with the Floods Directive (2007/60/EC). The Directive aims to reduce
and manage the risks that floods pose to human health, the environment, economic activity and cultural
heritage. Under EU law, Member States have to perform flood risk assessments for their river basins, and
draw up emergency plans. The Commission identified shortcomings in Poland's transposition of this
legislation into its domestic law, and sent a letter of formal notice on 18 October 2013. Poland
subsequently notified the amended Water Act, but the transposition of the definition of 'flood' still
remains problematic as it restricts the scope of the Directive by excluding some sources of flooding,
which may have an impact on the implementation of the whole Directive in Poland. The Commission is
therefore sending a reasoned opinion. If Poland fails to act within two months, the Commission may refer
Poland the EU Court of Justice.
(For more information: Enrico Brivio – Tel.: +32 229 56172)

Environment: Commission requests SPAIN to put an end to illegal sand extraction in Galicia

The European Commission has requested Spain to comply with EU environmental rules and end the
illegal exploitation of an open-cast sand pit in Villar de Santos (Province of Ourense), Galicia. Under the
Environmental Impact Assessment Directive (2011/92/EC), before works commence for projects listed in
the Directive and if a project is likely to have significant effects on the environment, the competent
authorities must ensure that it undergoes an assessment of these effects. The Commission is asking
Spain to take appropriate action to stop what the Spanish authorities have themselves found to be long-
standing illegal sand extraction activities in the area, and carry out a screening procedure to determine
whether and in what conditions an Environmental Impact Assessment is necessary before the relevant
permits are granted. Today’s reasoned opinion follows a letter of formal notice sent on 31 March 2014. If
Spain fails to act within two months, the Commission may refer Spain to the EU Court of Justice.
(For more information: Enrico Brivio – Tel.: +32 229 56172)

Financial Services: Commission requests 11 Member States to apply EU rules on Bank
Recovery and Resolution

The European Commission has requested Bulgaria, the Czech Republic, France, Italy, Lithuania,
Luxembourg, the Netherlands, Malta, Poland, Romania and Sweden to fully implement the Bank
Recovery and Resolution Directive. This Directive (2014/59/EU) is a centre-piece of the new EU
regulatory framework to ensure a sound and stable banking sector, put in place in the wake of the
financial crisis. The Directive sets out the rules and procedures Member States must adopt to mitigate
and manage the distress or failure of a bank or investment firm. It provides the tools and powers
necessary to ensure that banks on the verge of insolvency can be restructured in order to avoid
taxpayers having to pay for failing banks and to safeguard financial stability. The deadline for the
implementation of the Directive in national law was 31 December 2014 (see IP/14/2862). However,
these 11 countries have failed to fully implement these rules into their national law. The Commission's
request takes the form of a reasoned opinion, the second stage of the EU infringement procedures. If
they don’t comply within two months, the Commission may decide to refer them to the EU Court of
Justice.
(For more information: IP/15/5057 - Vanessa Mock – Tel.: +32 460764687)

Home Affairs: Commission requests POLAND to comply with certain obligations under EU
document security legislation

By sending a reasoned opinion, the European Commission has requested Poland to ensure the
mandatory exchange of information under the EU document security legislation, as established in
Regulation (EC) 1030/2002. Three years after the deadline (20 May 2012), Poland has not yet set up a
Single Point of Contact to ensure a smooth implementation of security features' standards and
meaningful communication between Member States. The establishment of such contact points is
mandatory and should allow for the exchange of information necessary to access the fingerprint images
stored on the chip of documents (passports and residence permits). The Commission therefore requests
the Polish authorities to establish the Single Point of Contact. The Polish authorities now have two months to take the necessary measures to comply with the Commission’s requests. If they fail to do so, the Commission may decide to refer Poland to the EU Court of Justice.

(For more information: Natasha Bertaud – Tel.: +32 229 67456)

Transport: Commission requests GREECE to ensure that airport charges comply with EU law

The European Commission has requested GREECE to correctly apply EU rules on airport charges (Directive 2009/12/EC) and for the operation of air services (Regulation 1008/2008) at Athens International Airport. Currently, different airport charges are applied to domestic flights and flights to other destinations in the Schengen area. The Commission considers that this does not respect EU rules on non-discrimination, since there is no objective cost justification for the different level of charges. The request was sent in the form of reasoned opinion under the EU infringement procedure. Greece now has two months to notify the Commission of the measures taken to fully comply with the relevant EU rules, otherwise the Commission may decide to refer Greece to the EU’s Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

Transport: Commission requests GREECE to correctly apply EU rules on the interconnection of national registers for road transport

The European Commission has requested GREECE to correctly apply EU rules concerning the interconnection of national registers for road transport (Regulation (EC) No 1071/2009). EU legislation is necessary to ensure a uniform application by Member States of the criteria used to authorise access to the occupation of road haulage operator or road transport operator, and in this way favour the completion of an internal market in road transport with fair conditions of competition.

National registers and their mutual interconnection should have been in place since 31 December 2012. The request was sent in the form of reasoned opinion under the EU infringement procedure. Greece now has two months to notify the Commission of the measures taken to fully comply with the relevant EU rules, otherwise the Commission may decide to refer Greece to the EU Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

Annex: Overview by country

General public inquiries:

Europe Direct by phone 00 800 67 89 10 11 or by email

Attachments

annex_may infringements package table_by country.pdf