

Infringements related to the Single Market



About infringement procedures

The European Commission has powers to take legal action – known as infringement procedures – against a Member State that is not respecting its obligations under EU law. These procedures consist of three steps. The first is that the Member State receives a 'letter of formal notice' and has two months to respond. In case the Member State does not entirely comply with EU legislation, the Commission can send a 'reasoned opinion'. Again the Member State has two months to reply. If there is no satisfactory reply, the Commission can refer the matter to the Court of Justice in Luxembourg. It can also request that the Court impose a fine on the country concerned if it does not comply with the Court's ruling.

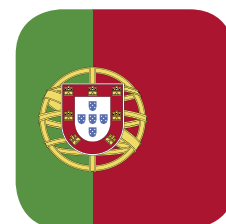


School bus services: Spain – reasoned opinion

In 2008, the Spanish autonomous community of Castilla-La Mancha awarded a number of contracts for the provision of school bus services in a way that was not compatible with EU public procurement rules. In particular, the contracts were not published in the EU Official Journal – meaning that bus service providers from all over the EU may have been denied the opportunity to bid. Also, the deadline for submission of tenders was only eight days – whereas under EU rules the required period is ordinarily 52 days. In addition, Spain has given preference to certain providers of regular bus services, against the principle of equal treatment.

Patent agents: Portugal – referral to Court of Justice

Portugal still has restrictive rules on patent agents, despite its stated intention to reform this area. Patent agents obtain and enforce intellectual property rights on behalf of either individual inventors or organisations. In particular, Portugal requires any patent agent established in another Member State, who wishes to be represented before the Portuguese trademarks and patent office as a temporary service provider, to be registered in advance with the Portuguese authorities. Also, registration is subject to a prior check on professional qualifications. These requirements breach EU rules on the freedom to provide services and the recognition of professional qualifications.

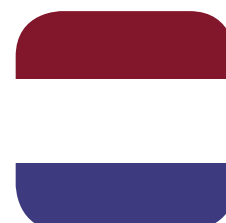


Temporary employment agencies: Belgium – referral to Court of Justice

According to EU principles, any company providing a service legally in a Member State has the right to provide the same service without restrictions in all other Member States. However, Belgium imposes a number of requirements on temporary employment agencies established in other Member States that wish to provide their services in Belgium. In particular, their scope is limited to activities related to human resources and they have to take on a specific legal form. These requirements have the effect of limiting competition in this field. This situation is also likely to disadvantage employers and Belgian workers who use the services of these companies.

Posting of workers: Netherlands – reasoned opinion

Under Dutch rules, businesses must obtain work permits for certain staff members before they can be temporarily posted to the Netherlands to perform services. This applies to staff members from Bulgaria and Romania, as well as to staff members from non-EU countries who live and work legally in the Member State of their employer. This work permit requirement breaches EU rules on the freedom to provide services. Its practical effect is that businesses established in other Member States can find it difficult to provide services in the Netherlands, while businesses established in the Netherlands are not free to choose between the various service providers on the European market and to obtain the best prices accordingly.



More information on infringement proceedings relating to the Single Market is available at:
http://ec.europa.eu/internal_market/infringements/index_en.htm

The latest information on infringement proceedings concerning all Member States is available at:
http://ec.europa.eu/community_law/index_en.htm