



October infringements package: key decisions

Brussels, 30 October 2020

*This document was updated with additional contributions on 30 October 2020, at 15h30, which are marked with an asterisk **

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 216 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. Internal Market, Industry, Entrepreneurship and SMEs

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Letters of formal notice

Free movement of goods: Commission asks FRANCE to remove obstacles to parallel imports of veterinary medicinal products

The Commission decided today to send a letter of formal notice to **France** regarding obstacles to parallel import of veterinary medicinal products by farmers for their own livestock. Following the [Court's ruling in C-114/15 AUDACE](#), farmers are allowed to import veterinary medical products from other Member States, for use on their own livestock. The French measures, by conditioning such imports to very high administrative fees restrict *de facto* the possibility to import in parallel. This constitutes a violation of Articles 34 to 36 Treaty on the Functioning of the European Union ([TFEU](#)). France now has two months to reply to the concerns raised by the Commission; otherwise the Commission may decide to send a reasoned opinion.

Letters of formal notice and reasoned opinions

e-Invoicing: Commission calls on BULGARIA and HUNGARY to fully transpose new rules

The Commission decided today to send a letter of formal notice to **Bulgaria** and a reasoned opinion to **Hungary** regarding the transposition of the EU rules on e-Invoicing in public procurement ([Directive 2014/55/EU](#)). E-Invoicing aims to ensure the timely and automatic processing of companies' e-Invoices and payments, making it easier for companies to manage their contracts in any Member State. All Member States had to communicate the national transposition measures of the e-Invoicing Directive by 18 April 2019. On 21 May 2019, the Commission sent [letters to 12 Member States](#), for non-communication of these measures. Today, the Commission is taking action against Bulgaria and Hungary to ensure that transposed national measures cover the full scope of the e-Invoicing Directive. Both Member States now have two months to reply to the arguments put forward by the Commission; otherwise, the Commission may decide to send a reasoned opinion to Bulgaria, and refer Hungary to the Court of Justice of the European Union.

Free movement of goods and freedom of establishment: Commission asks BULGARIA to remove discriminatory measures obliging retailers to favour domestic food products

The Commission decided today to send a reasoned opinion to **Bulgaria** regarding discriminatory measures imposed on retailers, obliging them to favour domestic food products. Bulgarian law obliges retailers to offer distinct exposure and sale space for domestic food products, such as milk, fish, fresh meat and eggs, honey, fruits and vegetables. Such obligations undermine the free movement of goods, enshrined in Article 34 of the Treaty on the Functioning of the EU ([TFEU](#)), as it creates more advantageous and competitive marketing conditions for domestic food products, discriminating against similar imported products. It also hampers the freedom of establishment under Article 49 [TFEU](#), in restricting the freedom of retailers to decide on their assortment, on the layout of their sales surface, and to adapt their supply chain. Due to the extraordinary circumstances due to the coronavirus sanitary situation and the weakening of EU economies, it is an imperative to preserve the free movement of goods and the freedom of establishment in the spirit of European solidarity. In May, the Commission had already sent [a letter of formal notice](#) and is now following up with a reasoned opinion. Bulgaria has two months to respond to the arguments raised by the Commission; otherwise the Commission may decide to refer Bulgaria to the Court of Justice of the EU.

Reasoned opinions and Referrals to the Court of Justice of the European Union

Recognition of professional qualification: Commission asks CYPRUS, GERMANY, MALTA and SLOVAKIA to comply with EU rules

The Commission decided today to address **Cyprus, Germany, Malta** and **Slovakia** regarding their national rules implementing EU rules on the recognition of professional qualifications ([Directive 2005/36/EC](#) as amended by [Directive 2013/55/EU](#) as well as Articles 45 and 49 [TFEU](#)). These rules facilitate recognition of professional qualifications in EU countries, making it easier for professionals to provide services around Europe, while guaranteeing improved protection for consumers and citizens.

An additional letter of formal notice was sent to Cyprus, in which the Commission raises the non-conformity of certain national provisions of national legislation with Directive 2005/36/EC and with Article 49 TFEU with regard to engineering professions, and in particular architects. The Commission decided to send a reasoned opinion to Germany regarding its national law implementing EU rules on the recognition of professional qualifications. The Commission is raising concerns over compliance of regional rules in all *Länder* concerning the freedom to provide engineering services and the recognition of engineers for establishment purposes. Furthermore, the Commission has identified incorrect transposition of provisions of the Directive 2005/36/EC in sectoral legislation related to professions in health care, crafts and architecture. The Commission decided to send a reasoned opinion to Malta, in which it raises concerns over the incorrect or missing transposition of several provisions of Directive 2005/36/EC as amended by Directive 2013/55/EU, in particular as regards the provision of services, the freedom of establishment, minimum training requirements for certain sectoral professions, language requirements and acquired rights. The Commission has also identified violations of Directive 2005/36/EC as amended by Directive 2013/55/EU and of Articles 45 and 49 TFEU with respect to several document requirements. Cyprus, Germany and Malta now have two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to refer Germany and Malta to the Court of Justice. For Cyprus, the Commission may decide to send a reasoned opinion. Today, the Commission also decided to refer Slovakia to the Court of Justice of the European Union for not complying with the EU rules on the recognition of professional qualifications. Please find [here](#) a press release on the Commission's decision to refer Slovakia to the Court.

Trade secrets: Commission decides to refer CYPRUS to the Court of Justice for not transposing the Trade Secrets Directive

Today, the Commission decided to refer **Cyprus** to the Court of Justice and to request the Court to order the payment of financial penalties because it failed to notify transposition measures for the rules on the protection of undisclosed know-how and business information ([Directive 2016/943](#)). The Directive, also known as the Trade Secrets Directive, harmonises the legal protection of trade secrets across the EU and ensures a sufficient and consistent level of civil redress and compensation in the Single Market in the event of unlawful acquisition, use or disclosure of a trade secret. For more information, please refer to the full [press release](#).

2. Migration, Home Affairs and Security Union

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Letters of formal notice

Migration: Commission calls on HUNGARY to allow access to the asylum procedure in line with EU law

The Commission decided today to open infringement procedures by sending a letter of formal notice to **Hungary** on the incorrect application of EU asylum legislation. The Commission considers that new asylum procedures set out in the Hungarian Act and Decree introduced in response to the coronavirus pandemic are in breach of EU law, in particular the Asylum Procedures Directive ([Directive 2013/32/EU](#)) interpreted in light of the [Charter of Fundamental Rights of the European Union](#). According to the new procedures, before being able to apply for international protection in Hungary, non-EU nationals must first make a declaration of intent stating their wish to apply for asylum at a Hungarian Embassy outside the European Union and be issued with a special entry permit for that purpose. The Commission considers that this rule is an unlawful restriction to access to the asylum procedure that is contrary to the Asylum Procedures Directive, read in light of the Charter of Fundamental Rights, as it precludes persons who are on Hungary's territory, including at the border, from applying for international protection there. Hungary has 2 months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Schengen Borders Code: ESTONIA requested to remove additional conditions for crossing the external land borders to exit the EU

The Commission decided today to send an additional letter of formal notice to **Estonia** for introducing additional obligations on travellers crossing the external EU land border, which are in breach of the Schengen Borders Code ([Regulation \(EU\) 2016/399](#)). Currently, Estonia requires travellers who want to exit the EU to reserve a place in a border-crossing queue and to pay a fee for the reservation and for the use of the waiting area. The Schengen Borders Code sets out an exhaustive set of conditions for crossings and checks that need to take place when travellers are exiting the EU borders. The Code does not allow Member States to introduce any additional obligations, such as those at the border crossings in Estonia. The Commission sent a letter of formal notice to Estonia in May 2016, followed up by a reasoned opinion in January 2019. The reply received was not satisfactory and while the on-site visit by the Commission observed some changes in the practice at the border, the legal situation had not changed. The Commission is now following up with an additional letter of formal notice. Estonia has 2 months to notify the Commission of all measures taken to ensure the correct implementation of the relevant Schengen Borders Code provisions. Otherwise, the Commission may consider pursuing the infringement further.

Reasoned opinions

Asylum: Commission urges PORTUGAL to fully implement the Asylum Procedures Directive

The Commission decided today to send a reasoned opinion to **Portugal** for failing to fully transpose the recast Asylum Procedures Directive ([Directive 2013/32/EU](#)), which sets out common procedural safeguards for examining applications for international protection across the EU. While negotiations have started on the legislative proposals accompanying the [New Pact on Migration and Asylum](#) (including an [amended proposal for a regulation](#) establishing a common procedure for international protection in the Union), the full and correct transposition and implementation of the existing asylum rules continues to be a priority for the Commission. Today's reasoned opinion follows the letter of formal notice sent by the Commission in July 2019. Portugal now has 2 months to notify the Commission of the measures taken to ensure the full transposition of the Directive, after which time the Commission may refer the case to the Court of Justice of the EU.

EU Drugs policy: IRELAND urged to implement EU rules

The Commission decided today to address 2 reasoned opinions to **Ireland** for failing to notify the Commission of national measures taken to fully transpose [Directive \(EU\) 2017/2103](#) and [Commission Delegated Directive \(EU\) 2019/369](#). The aim of Directive (EU) 2017/2103 is to add new psychoactive substances to the definition of 'drug' in Council Framework Decision 2004/757/JHA. The Directive is part of the EU's legal framework to protect public health, combat drug trafficking and limit the supply and consumption of illegal drugs. Member States had until 23 November 2018 to transpose the Directive. Today's reasoned opinions follow the reasoned opinions sent by the Commission in July 2020 on the same matter to 4 other Member States. Ireland now has 2 months to notify the Commission of the measures taken to ensure the full implementation of the new rules, after which time the Commission may refer the case to the Court of Justice of the EU. The Commission closed similar infringements against **Latvia** following transposition of Directive (EU) 2017/2103 and against Portugal and Slovakia following transposition of Commission Delegated Directive (EU) 2019/369.

3. Financial Stability, Financial Services and Capital Markets Union

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Reasoned opinions

Intra-EU BITs: Commission calls on THE UNITED KINGDOM to terminate Bilateral Investment Treaties with EU Member States

The Commission decided today to send a reasoned opinion to **the United Kingdom** for failing to effectively remove from its legal order the Bilateral Investment Treaties (BITs) to which it is contracting party alongside EU Member States. It has been the Commission's long-standing position that BITs between EU Member States overlap and conflict with EU law. Following the judgment of the Court of Justice of the European Union in Achmea ([C-284/16](#)), all Member States, including the United Kingdom, committed – in their Declarations of 15 and 16 January 2019 – to terminate the BITs concluded between them in a coordinated manner by means of a plurilateral treaty, unless bilateral terminations were considered mutually more expedient. The Commission regrets that the United Kingdom did not sign the plurilateral treaty agreed between Member States and that it has failed to engage in any discussion with the Member States concerned to proceed with the bilateral termination of these BITs. The Commission urges the United Kingdom to take all necessary actions to imminently remove its BITs with EU Member States from its legal order. Without a satisfactory response from the United Kingdom within the next two months, the Commission may decide to refer the case to the Court of Justice of the European Union. Under the EU-UK Withdrawal Agreement, the United Kingdom is still bound by Union law during the transition period and the Commission is competent to launch an infringement procedure against it for any failure to fulfil an obligation under the EU Treaties that takes place before the end of that period (31 December 2020).

Anti-Money Laundering: Commission calls on CYPRUS to transpose the 5th Anti-Money Laundering Directive

The Commission decided today to send a reasoned opinion to **Cyprus** for failing to transpose the 5th Anti-Money Laundering Directive ([AMLD5](#)) into national law. The transposition deadline for this Directive elapsed on 10 January 2020 and, to date, the Cypriot authorities have not notified the Commission of any transposition measure. Legal gaps in one Member State have an impact on Europe as a whole. The fight against money laundering and terrorism financing is instrumental to ensure financial stability and security in Europe. Fighting money laundering is as relevant now as before the coronavirus pandemic. In fact, coronavirus-related crime and the laundering of its proceeds is on the rise, according to Europol and national law enforcement authorities. Ensuring timely and correct transposition of the existing AML rules is one of the actions envisaged by the Commission [in its six-point Action Plan](#) published on 7 May 2020. Without a satisfactory response from Cyprus within the next two months, the Commission may decide to refer the case to the Court of Justice of the European Union.

4. Mobility and Transport

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Letters of formal notice

Combined transport: Commission calls on SWEDEN to correctly apply EU legislation

The Commission decided today to send a letter of formal notice to **Sweden** for incorrectly applying EU rules on the combined transport of goods between Member States ([Council Directive 92/106/EEC](#)). The Directive provides for a special regime that encourages operators to transfer freight from road to rail or waterborne transport for a part of the journey. This so-called 'combined transport' helps to cut emissions from the transport sector and reduce other negative impacts of road transport. Sweden is limiting the definition of 'combined transport operations', preventing certain transport operations covered by the Directive from benefiting from the special regime. Sweden now has two months to reply to the arguments raised by the Commission; otherwise, the Commission may decide to send a reasoned opinion.

Road transport: Commission calls on ITALY to respect the rules on the use of tachograph information

The Commission decided today to send a letter of formal notice to **Italy** for failing to comply with EU law on tachographs in road transport (the Tachograph Regulation, [Regulation \(EU\) No 165/2014](#)). This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport. Italian legislation allows for information stored by the tachograph to be used to follow up on speeding offences, which is however not permitted under the Tachograph Regulation. Italy now has two months to address the Commission's concerns. Otherwise, the Commission may decide to send a reasoned opinion.

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

The Commission decided today to send letters of formal notice to **France** and **Lithuania**, to correctly transpose into national law the updated European rules regarding the maximum weights and dimensions of certain road vehicles ([Directive 2015/719/EU](#)). These rules, which concern international traffic, play an important role in 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 Directive had to be implemented by Member States by 7 May 2017. Both Member States now have two months to reply to the arguments raised by the Commission. Otherwise, the Commission may send a reasoned opinion.

Road Safety: Commission asks CZECHIA to correctly transpose into national legislation minimum standards of fitness for driving, notably on cardiovascular conditions

The Commission decided today to send a letter of formal notice to **Czechia** requesting it to be more detailed on the implementation of [Directive \(EU\) 2016/1106](#). This Directive amends Annex III of the EU Directive on Driving Licence ([Directive 2006/126/EC](#)), which set out the minimum standards of physical and mental fitness for driving a power-driven vehicle. To take into account the evolution of scientific knowledge on medical conditions which affect fitness to drive, and with a view to ensuring greater road safety, the section on cardiovascular diseases has been replaced by more detailed provisions clearly indicating in which conditions driving should be allowed, and in which situations driving licences should not be issued or renewed. The Commission considers that in its transposition, Czechia describes cardiovascular diseases in a way that is too generic to provide the certainty and clarity that are envisaged by the Directive. Czechia now has two months to respond to the concerns raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion to the Czech authorities.

Reasoned opinions

Roadworthiness Package: Commission urges THE NETHERLANDS to transpose new vehicle testing measures to increase road safety

The Commission decided today to send a reasoned opinion to **the Netherlands**, requesting that it fully transpose the 'Roadworthiness Package', adopted in 2014. The aim of the legislation proposed in the package is to improve vehicle testing in the EU, and therefore road safety. Member States were required to transpose the three Directives from the package by 20 May 2017. So far, the Netherlands has not communicated to the Commission all national measures transposing [Directive 2014/45/EU](#) concerning the periodical technical inspection of motor vehicles and their trailers. The Directive covers passenger cars, trucks, buses, heavy-trailers, motorcycles and speed tractors, and defines the items to be tested during the roadworthiness test, the test methods, and the defects and their assessment. The Directive also introduces minimum requirements for the testing facilities, the training of inspectors and the supervising bodies. The Commission sent the request in the form of a reasoned opinion. The Netherlands now has two months to reply, or the Commission may refer it to the Court of Justice of the EU.

Maritime transport: Commission calls on CYPRUS and PORTUGAL to transpose EU rules on passenger ship safety

The Commission decided today to address reasoned opinions to **Cyprus** and **Portugal** for failing to communicate their national measures to transpose EU passenger ship safety rules (Directives (EU) [2017/2108](#), [2017/2109](#) and [2017/2110](#)). These three Directives improve and increase the level of passenger ship safety, by providing a common level of protection for maritime transport passengers. They concern ship safety rules and standards, the registration of persons sailing on-board the ships, as well as the inspection of regular passenger services. Member States needed to adopt the measures necessary to comply with EU legislation by 21 December 2019. Both countries now have two months to reply to the reasoned opinion, or the Commission may refer them to the Court of Justice of the EU.

5. Justice

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Letters of formal notice

Citizens' rights: Commission urges THE UNITED KINGDOM to ensure a comprehensive sickness insurance for EU citizens

The Commission decided today to send a complementary letter of formal notice to **the United Kingdom** for failing to transpose the [Free Movement Directive \(2004/38/EC\)](#) as regards the requirement for economically inactive EU citizens to have comprehensive sickness insurance when on UK territory. Under the Free Movement Directive, EU citizens who settle in another EU country but do not work in that country are required to have sufficient resources and sickness insurance. However, in the United Kingdom, EU citizens who are affiliated with the UK public healthcare scheme (NHS) and are entitled to get medical treatment provided by the NHS are not considered as having sufficient sickness insurance. The Commission considers that the UK's relevant rules are in breach of EU law. The United Kingdom has now two months to take the necessary measures and address the shortcomings identified by the Commission in the complementary letter of formal notice. In case the United Kingdom takes no appropriate action, the Commission may take the infringement procedure to the next stage sending a complementary reasoned opinion. EU law on free movement of persons continues to apply to and in the United Kingdom as if it were still an EU Member State during the transition period. Furthermore, the rights of EU citizens residing in the UK after the end of the transition period, as set out in the Withdrawal Agreement, are built on the rights that they currently enjoy in the United Kingdom under EU rules. The United Kingdom's shortcomings in implementing and transposing the EU free movement law also risks affecting the implementation of the citizens' rights under the Withdrawal Agreement after the end of the transition period.

European Arrest Warrant: Commission calls IRELAND to comply with the mandatory time limits

The Commission is calling on **Ireland** to comply with the requirements of the European Arrest Warrant ([Framework Decision 2002/584/JHA](#)) in particular the mandatory time limits. The European Arrest Warrant allows for a simplified cross-border judicial procedure used in prosecuting or executing a custodial sentence or detention order. A warrant issued by a judicial authority of a

Member State 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. Ireland has failed to comply with the mandatory time limits to execute a European Arrest Warrant. Moreover, Ireland has provided additional grounds for refusal of a European Arrest Warrant, which affect judicial cross-border co-operation in criminal matters. This is why the Commission decided today to send the letter of formal notice to Ireland, giving it two months to take the necessary measures to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to send a reasoned opinion. The Commission is continuing to assess the transposition of this Framework Decision also in other Member States and, if necessary, will not hesitate to start other infringement proceedings. More information on how the [European Arrest Warrant](#) works can be found online.

Equality: Commission calls LATVIA to comply with EU rules on equal access for men and women to goods and services

The Commission decided today to send a letter of formal notice to **Latvia** for incorrect implementation of EU rules on equal treatment between men and women in the access to and supply of goods and services (Council Directive [2004/113/EC](#)). The Directive bans discrimination in the access to and supply of goods or services. It prohibits any less favourable treatment of men or women because of their gender, any less favourable treatment of women due to pregnancy or maternity, and harassment, sexual harassment or any incitement to discriminate with regard to the offer or supply of goods or services. In particular, the Directive (Article 3(1)) prohibits gender discrimination by all providers of goods and services including professional and non-professional providers, for instance private individuals selling their apartments, cars etc. While the Latvian Consumer Rights Protection Law protects consumers against gender discrimination when it comes to professional providers, goods and services offered by non-professional providers, i.e. individual sellers, are not covered by the law, and thus in breach of the Directive. Latvia now has two months to respond to the Commission's concerns, otherwise the Commission may send a reasoned opinion. More information about [EU legislation on equality between women and men](#) is available online.

Combatting racism and xenophobia: The Commission calls on ESTONIA and ROMANIA to fully transpose EU law criminalising hate speech and hate crimes

The Commission decided today to send letters of formal notice to **Estonia** and **Romania** as their national laws do not fully and accurately transpose the EU rules on combating certain forms of expressions of racism and xenophobia by means of criminal law. Estonia has failed to transpose criminalisation of the specific forms of hate speech, namely the public condoning, denying or gross trivialisation of international crimes and the Holocaust, when such conduct aims at inciting violence or hatred. Additionally, Estonia has not correctly criminalised hate speech, by omitting the criminalisation of public incitement to violence or hatred when directed at groups and has not provided for adequate penalties. Finally, the Estonian criminal code does not ensure that the racist and xenophobic motivation of crimes are taken into account as aggravating circumstances so that such crimes are effectively and adequately prosecuted. Romania has not correctly defined hate speech, as it fails to criminalise hate speech inciting violence. Furthermore, Romania only criminalises hate speech inciting hatred, where this conduct is directed against a group of persons defined by reference to race, colour, religion, descent or national or ethnic origin, but not when addressed towards an individual member of such groups. Estonia and Romania have two months to reply to the points raised by the Commission; otherwise, the Commission may decide to send a reasoned opinion. The Framework Decision on combating racism and xenophobia by means of criminal law ([Framework Decision 2008/913/JHA](#)) aims to ensure that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties throughout the EU. The Commission is continuing to assess the transposition of this Framework Decision also in other Member States and, if necessary, will not hesitate to start other infringement proceedings.

Gender equality: Commission calls for BULGARIA to comply with EU rules on equal treatment for men and women in social security

The Commission decided today to send a letter of formal notice to **Bulgaria** for incorrect implementation of EU rules on equal treatment for men and women in matters of social security ([Council Directive 79/7/EEC](#)). The Directive bans discrimination in statutory social security schemes, when they provide protection against sickness, invalidity, old age, accidents at work and occupational diseases, or unemployment. In particular, the Article 4 of the Directive prohibits direct

and indirect discrimination based on sex, regarding for example the calculation of social security benefits. Bulgarian pension law indirectly discriminates against women. More precisely, to obtain a pension, the Bulgarian law requires a contribution of full-time worker during a given time period, whereas for a part-time worker, a pro rata principle applies. For example, part-time work for one year with a 4-hour working day, instead of the full 8-hour, only counts as a 6-month-period of contributory pensionable service. This affects unfairly part-time workers, most of whom are women, since their pension benefits are reduced because their salary is low and then, their length of service is again artificially reduced. The Court of Justice of the EU has already declared these types of provisions incompatible with the Directive on EU rules on equal treatment for men and women in matters of social security. Bulgaria now has two months to respond to the Commission's concerns, otherwise the Commission may, if appropriate, send a reasoned opinion. More information about [EU legislation on equality between women and men](#) is available online.

Reasoned opinions and/or Letters of formal notice

Fair Trial: Commission urges BULGARIA, CROATIA, CYPRUS and ROMANIA to fully transpose the EU rules on the presumption of innocence

The Commission is calling on **Bulgaria, Croatia, Cyprus** and **Romania** to fully implement the EU rules on strengthening the presumption of innocence and the right to be present at the trial in criminal proceedings ([Directive \(EU\) 2016/343](#)). The Directive is one of the key elements the EU's legal framework on common minimum standards for fair trial ensuring that the [rights of suspects and accused persons](#) are sufficiently protected. The Directive strengthens Member States' trust in each other's criminal justice systems and thus facilitates mutual recognition of decisions in criminal matters. The Commission considers that the national transposition measures notified by **Bulgaria, Croatia, Cyprus** and **Romania** constitute only a partial transposition of the Directive and that some provisions of the directive are missing. In particular, the Commission has identified shortcomings in relation to public references to guilt, for example, when public authorities refer to a person as being guilty in public statements, and the availability of appropriate measures if this happens. There are also gaps related to how suspects and accused persons can be presented, for example at court, using physical restraint measures, and to the right to be present at the trial. The Commission sent letters of formal notice to the four Member States in May 2018. Today, the Commission sent reasoned opinions to the four Member States giving them two months to respond; otherwise, the case may be referred to the Court of Justice of the EU. Today, the Commission is also closing infringement cases that were open against Greece, Luxembourg, Slovakia, and Sweden, because these countries have now adopted national rules transposing the Directive. More details about the Directive can be found in the [factsheet](#).

Rule of Law: European Commission takes next step in infringement procedure to safeguard the independence of judges in POLAND

Today, the European Commission moves forward with the infringement procedure opened [on 29 April 2020](#) against **Poland** by sending a reasoned opinion regarding the law on the judiciary of 20 December 2019, which entered into force on 14 February 2020. The Commission considered that the Polish law on the judiciary undermines the independence of Polish judges and is incompatible with the primacy of EU law. Moreover, the law prevents Polish courts from directly applying certain provisions of EU law protecting judicial independence, and from putting references for preliminary rulings on such questions to the Court of Justice of the European Union. The Polish government had two months to respond to the Commission's concerns included in the letter of formal notice of 29 April 2020. In its reply, the Polish Government contested the reasoning put forward by the Commission and requested the discontinuation of the infringement procedure. The Commission has analysed the reply of the Polish Government and considers that it does not address the concerns expressed in the letter of formal notice. The Polish Government has two months to take the necessary measures to comply with the reasoned opinion, otherwise the Commission may refer the case to the Court of Justice of the EU.

Package travel rights: Commission sends reasoned opinions to CROATIA, LITHUANIA and SLOVAKIA and a letter of formal notice to BULGARIA

The Commission decided today to send reasoned opinions to **Croatia, Lithuania**, and **Slovakia** and a letter of formal notice to **Bulgaria** for their national rules that infringe EU law on package travel rights. Due to the coronavirus pandemic, travel arrangements had to be cancelled. Under the [EU Package Travel Directive](#), travellers have the right to get reimbursement in money. However, during

the coronavirus pandemic, many Member States adopted national rules allowing organisers of package travel to issue mandatory vouchers, instead of reimbursement in money for cancelled trips, or to postpone reimbursement far beyond the 14-day period, as set in the Package Travel Directive. Those national rules breach the provisions of this EU Directive and weaken consumer rights. In May 2020, the Commission adopted a specific [Recommendation on vouchers](#) to support Member States in setting up attractive, reliable and flexible voucher schemes, reiterating that EU law must be respected and consumers must have an option to choose the type of compensation. In July, [the Commission launched infringements](#) against 10 Member States on this matter. Croatia, Lithuania and Slovakia have not corrected their legislation, and therefore the Commission proceeds to the next stage of infringements, a reasoned opinion. In Bulgaria, specific national rules on package travel came into application in August obliging travellers to accept a voucher or a refund within 12 months after the cancellation of their travel packages. Bulgaria, Lithuania, Slovakia and Croatia now have two months to reply and take the necessary measures to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to go to the next stage of infringement proceedings – a reasoned opinion for Bulgaria, or to the Court of Justice of the EU for the other three countries. At the same time, the Commission also decided to close the infringements that were open against Czechia, Greece, France, Italy, Poland, and Portugal since these countries have corrected their legislation, or the legislation they introduced has expired. Finally, the Commission also closed the infringement that was open against Cyprus as there was no evidence that the Cypriot legislation is not in conformity with the EU Package Travel Directive.

6. Environment and fisheries

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Letters of formal notice

Nature: Commission asks MALTA to take the necessary steps to ensure its marine Natura 2000 network is complete

The Commission is calling on **Malta** to provide an exhaustive list of sites, as required under the Habitats Directive ([Directive 92/43/EEC](#)). Under the 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 establish conservation objectives and measures to maintain or restore the protected species and habitats to a favourable conservation status, designating the SCIs as Special Areas of Conservation (SACs). These are key requirements to protect biodiversity across the EU. The [European Green Deal](#) and the [European Biodiversity Strategy](#) both indicate that it is crucial for the EU to halt its biodiversity loss by improving and restoring damaged ecosystems to good ecological status. Malta did not propose any Sites of Community Importance for the protection of its reefs and submerged or partially submerged sea caves in the marine area beyond 25 nautical miles. Neither has it provided sufficient scientific evidence to justify the absence of those habitats. The Commission is today sending a letter of formal notice to Malta. Malta now has two months to respond to the letter, otherwise the Commission may decide to issue a reasoned opinion.

Water: Commission reminds BULGARIA, CYPRUS, GREECE, LITHUANIA, MALTA and SPAIN of their obligation to provide information on their flood risk assessments, and SLOVENIA on its handling of priority substances

The Commission is asking **Bulgaria, Cyprus, Greece, Lithuania, Malta** and **Spain** to submit the relevant required reports under various EU laws related to water. Member States have reporting obligations related to, among others, the [Environmental Quality Standards Directive](#) (2008/105/EC) and the [Floods Directive](#) (2007/60/EC). Under the Floods Directive, Member States must provide information on the review of their preliminary flood risk assessments, and, if necessary, update them so that both the public and the Commission are aware of new flood risk developments. Furthermore, under the [Environmental Quality Standards Directive](#), Member States must provide information about their updated monitoring programme and preliminary programme of measures covering the new environmental quality standards, so that the Commission can judge its sufficiency. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. **Slovenia** has not yet provided the required information. Considering that environmental governance plays a key role in enabling the proper functioning of different sectoral environmental rules and the attainment of their objectives, the Commission has decided to send letters of formal notice to these Member States. They now have two months to respond to the letter, otherwise the

Commission may decide to issue a reasoned opinion.

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

The Commission is asking **Spain** 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). This 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. 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](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. Spain has not correctly transposed into national law the Directive's requirement to conduct transboundary consultations, where necessary, when drawing up, adopting and implementing the national air pollution control programme. Spain provides for the assessment of impacts in neighbouring Member States but does not specifically state the possibility to conduct transboundary consultations. For the reasons mentioned above, the Commission has decided to send a letter of formal notice to Spain. Spain now has two months to respond to the letter; otherwise, the Commission may decide to issue a reasoned opinion.

Bathing water: the Commission urges POLAND to bring its national law in conformity with EU law

The European Commission is urging **Poland** to bring its national legislation into line with the Bathing Water Directive ([Directive 2006/7/EC](#)). The Directive lays down rules for monitoring and classification of bathing waters for at least two parameters of (faecal) bacteria. In addition, Member States must inform the public about bathing water quality and beach management, through the so-called bathing water profiles. The Directive also requires competent authorities to take appropriate protective measures when bathing water quality poses risks for human health. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. Poland has not correctly transposed the Directive's requirements in relation to, among others, identification and designation of bathing water, setting out a proper monitoring calendar, and various duties of competent authorities in cases of pollution or identified risks to human health, as well as informing and consulting members of the public. 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; otherwise, the Commission may decide to issue a reasoned opinion.

Pollution: Commission calls on SLOVAKIA to improve domestic rules on pollution arising from industrial activities

The Commission is calling on **Slovakia** to bring its national legislation in line with [Directive 2010/75/EU](#) on industrial emissions. This Directive lays down rules, which include the prevention or reduction of emissions into air, water and soil and the prevention of waste generation. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. Slovakia has not correctly transposed certain provisions of the Directive. Among these, certain permit conditions are not correctly implemented, the scope of the definition of substantial change is narrower and the requirement that a competent natural person manages the plant is not transposed into national legislation. For the reasons mentioned above, the Commission has decided to send a letter of formal notice to Slovakia. Slovakia now has two months to respond to the letter, otherwise the Commission may decide to issue a reasoned opinion.

Waste: Commission calls on ROMANIA to close and rehabilitate illegal landfills

The Commission is calling on **Romania** to close, seal and ecologically restore 15 illegal landfills that benefitted from a transitional period according to its Accession Treaty. Under the [Waste Framework Directive \(2000/60/EC\)](#). Member States must recover and dispose of waste in a manner that does not endanger human health and the environment, prohibiting the abandonment, dumping or uncontrolled disposal of waste. Waste must be treated without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest. The [European Green Deal](#) and the [EU Circular Economy Action Plan](#) both aim to accelerate our transition towards a circular economy, based on a high

resource-efficiency, the reduction of waste and high recycling rates in all sectors. In Romania, 101 substandard landfills which benefitted from a transitional period, should have been closed by July 2019. According to the information received from Romania, 86 landfills are now closed and rehabilitated. The timeline for the closure and rehabilitation of the 15 remaining landfills is uncertain as for most of these landfills the closure works have not yet started. The Commission is therefore addressing a letter of formal notice to Romania. Romania now has two months to respond to the letter, otherwise the Commission may decide to issue a reasoned opinion.

Drinking water: Commission asks FRANCE to guarantee the cleanliness of water intended for human consumption

The Commission is calling on **France** to implement EU laws regarding the quality of drinking water. The Drinking Water Directive ([Directive 98/83/EC](#)) aims to protect health against the harmful effects of contamination of water intended for human consumption by ensuring its safety and cleanliness. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. For a long time, the drinking water supplied to tens of thousands of people in France has contained excessive amounts of nitrates. France has thus failed to fulfill its obligations under the Drinking Water Directive with regard to the levels of nitrates in drinking water. The Commission is today sending a letter of formal notice to France. France now has two months to respond to the letter; otherwise, the Commission may decide to issue a reasoned opinion.

Fisheries: Commission sends letter of formal notice to THE NETHERLANDS over weighing and registration of catches

The Commission decided today to send a letter of formal notice to **the Netherlands** over its failure to comply with, inter alia, the Fisheries Control Regulation ([Council Regulation \(EC\) No 1224/2009](#)), the NEAFC (North East Atlantic Fisheries Commission) Regulation ([Regulation \(EU\) No 1236/2010](#)) and the IUU (Illegal, Unreported and Unregulated Fisheries) Regulation ([Council Regulation \(EC\) No 1005/2008](#)). In particular, the Netherlands fails to implement an effective control, inspection and enforcement of essential aspects of weighing, transport, traceability and catch registration with respect to landings of frozen and fresh pelagic and demersal fisheries carried out by EU and third country fishing vessels in Dutch ports. As a consequence, the Commission considers that the Netherlands does not ensure a proper control of the landings in their ports, which may lead to overfishing and non-compliances with quotas. Therefore, the Commission decided to send a letter of formal notice to the Netherlands, giving the country two months to respond to the letter. Otherwise, the Commission may decide to issue a reasoned opinion.

Fisheries: Commission sends letter of formal notice to BELGIUM over weighing and registration of catches

The Commission decided today to send a letter of formal notice to **Belgium** over its failure to comply with, inter alia, the Fisheries Control Regulation ([Council Regulation \(EC\) No 1224/2009](#)). In particular, Belgium fails to implement an effective control, inspection and enforcement of essential aspects of weighing of fisheries products, the content and submission of catch registration documents by the Belgian fishing and processing sector, the traceability of fisheries products, and the catch recording. As a consequence, the Commission considers that Belgium does not ensure a proper control of the activities of the Belgian fishing fleet, which may lead to overfishing and non-compliances with quotas. Therefore, the Commission decided to send a letter of formal notice to Belgium, giving the country two months to respond to the letter. Otherwise, the Commission may decide to issue a reasoned opinion.

Nature: Commission calls on ROMANIA to ensure protection of habitats and species

The Commission is asking **Romania** to fully transpose into national law [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora. The Directive contributes to protecting biodiversity in the European Union. If its provisions are not correctly transposed, this can undermine its conservation objectives. The [European Green Deal](#) and the [European Biodiversity Strategy](#) both indicate that it is crucial for the EU to halt its biodiversity loss by improving and restoring damaged ecosystems to good ecological status. Among other problems, the Romanian legislation does not explicitly mention that conservation measures contained in management plans need to take into account the ecological requirements of the natural habitat types and species present on the sites.

This has a direct impact on the quality of the management plans as they may not contain the necessary measures to protect these habitat types and species. The national law also limits the scope of a key provision of the Directive to activities within Natura 2000 sites. This excludes all other potential causes of deterioration or disturbance originating outside the sites. Considering that the environmental governance plays a key role in enabling the proper functioning of different sectoral rules, the Commission has decided to send a letter of formal notice to Romania. The country now has two months to remedy the situation, otherwise, the Commission may decide to send a reasoned opinion.

Air quality: Commission calls on CROATIA and ITALY to protect their populations against air pollution from particulate matter * [Updated on 30-10-2020, at 15h30]

The Commission is calling on **Croatia** and **Italy** to comply with the requirements of [Directive 2008/50/EC](#) on ambient air quality and cleaner air for Europe with regard to particulate matter. When the limit values set by the Directive are exceeded, Member States are required to adopt plans relating to air quality and to ensure that these plans include appropriate measures to keep the duration of the exceedance period as short as possible. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. In Croatia, available data show that the limit values for particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}) are exceeded in several areas – the cities of Zagreb and Osijek as well as the industrial zone encompassing Slavonski Brod, while reports show that the measures taken to lower air pollution are not sufficient to keep exceedance periods as short as possible. In Italy, available data show that the limit value for PM_{2.5} has not been respected since 2015 in several cities in the Po Valley (including Venice, Padova and areas close to the city of Milan). In addition, the measures envisaged by Italy are not sufficient to keep exceedance periods as short as possible. PM₁₀ and PM_{2.5} are particularly dangerous to human health. Exposure to particulate matter can affect lung function and cause or aggravate cardiovascular and respiratory diseases, heart attacks and arrhythmias, affect the central nervous system, the reproductive system and cause cancer. In the European Union, each year almost 350.000 premature deaths are attributed to PM_{2.5} alone. The Commission is today sending letters of formal notice to Croatia and Italy. These Member States have two months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

Environmental impact assessment: Commission calls on AUSTRIA, to improve domestic rules* [Updated on 30-10-2020, at 15h30]

The Commission is calling on **Austria**, to bring its national legislation into line with the Environmental Impact Assessment Directive ([Directive 2011/92/EU](#)) which requires that the impact on the environment of public and private projects is assessed before they are authorised. EU Member States adopted new EU legislation in April 2014 ([Directive 2014/52/EU](#)), reducing the administrative burden and improving the level of environmental protection, while making business decisions on public and private investments more sound, predictable and sustainable. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. This case addresses a number of problematic aspects of the Austrian law transposing the amended Directive, in particular the obligation on the developer and the competent authority to take into account the results of other relevant assessments, the informing the public and some projects listed in Annexes I and II of the Directive. The Commission had previously sent a letter of formal notice to Austria on 11 October 2019. Further analysis of the conformity of the Austrian legislation has revealed a number of additional transposition problems. Considering that the environmental governance plays a key role in enabling the proper functioning of different sectoral rules, the Commission has decided to send an additional letter of formal notice to Austria. The country now has two months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Letters of formal notice Art. 260 TFEU

Water: Commission sends last warning to SPAIN to fully implement Court judgement on flood risk plans

The Commission is urging **Spain** to fully comply with the ruling delivered by the Court of Justice of the EU on 2 April 2020 in Case [C384/19](#). Although Spain has now executed the judgement as regards the River Basin district of La Gomera, it has not established, completed, published and

communicated the flood risk management plans that were due by 22 December 2015, corresponding to the river basin districts of Gran Canaria; Fuerteventura; Lanzarote; Tenerife; La Palma; and El Hierro. These are required under Articles 7 (1) and (5), and Article 15(1) of [Directive 2007/60/EC](#) on the assessment and management of flood risks. Spain expects to have these plans between November 2020 and March 2021. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. Considering that environmental governance plays a key role in enabling the proper functioning of different sectoral environmental rules and the attainment of their objectives, the Commission decided to send Spain a letter of formal notice under Article 260(1) of the TFEU. Spain has now 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 of the EU.

Additional letter of formal notice

Noise: Commission calls on GREECE to adopt strategic noise maps and action plans

The Commission decided to send an additional letter of formal notice to **Greece** for its failure to comply with EU rules on environmental noise. [Directive 2002/49/EC](#) defines a common approach intended to avoid, prevent or reduce harmful effects due to exposure to environmental noise. EU Member States must adopt noise maps and action plans and revise them on a periodic basis. Under the Directive, strategic noise mapping should be conducted in certain areas of interest. Action plans should address priorities in those areas of interest and should be drawn up by the competent authorities in consultation with the public. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. Greece has not adopted a number of action plans and strategic noise maps for various agglomerations, roads and for the airport of Athens. For others, the adopted plans and maps do not meet the minimum requirements set by the Directive and have been adopted without the public having been properly consulted. Greece also failed to verify whether a revision of existing action plans would be necessary. Noise caused by road, rail and airport traffic is the second main environmental cause of premature death in Europe, after air pollution. It is estimated by the European Environment Agency that noise contributes to 48,000 new cases of ischemic heart disease per year leading to premature death and 6,500,000 people have chronic high sleep disturbance. For the reasons mentioned above, the Commission is sending a letter of formal notice to Greece today. Greece now has two months to respond to the letter; otherwise, the Commission may decide to issue a reasoned opinion.

Water: Commission calls on ROMANIA to respect EU rules on urban waste water

The Commission decided today to send an additional letter of formal notice to **Romania** for its failure to comply with EU rules on urban waste water treatment ([Council Directive 91/271/EEC](#)) in large urban areas. Under the Directive, towns and cities are required to put in place the necessary infrastructure in order to collect and treat their urban waste water. Untreated waste water can put human health at risk and pollute lakes, rivers, soil and coastal and groundwater. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. According to the latest data provided by the Romanian authorities, while some large agglomerations have not ensured adequate collection of urban waste water, additional ones were found to be non-compliant. 188 large agglomerations still do not conform with the urban waste water collection obligations under EU law, while 192 large agglomerations do not comply with secondary treatment obligations, and 193 large agglomerations with the strictest treatment. The Commission is therefore sending a letter of formal notice to Romania today. This case is part of a horizontal action involving 12 Member States, which all benefited from temporary derogations under their respective Treaties of Accession. Romania now has two months to respond to the letter; otherwise, the Commission may decide to issue a reasoned opinion.

Environmental Impact Assessment: Commission calls on SPAIN to adapt its national law

The Commission is calling on **Spain** to adapt its national legislation in order to fully conform with EU law on environmental impact assessment. Under the Environmental Impact Assessment (EIA) Directive ([Directive 2014/52/EU](#)), Member States must adopt measures to ensure that, before consent is given, projects likely to have significant effects on the environment because of, among others, their nature, size or location, are made subject to a requirement for development consent and an assessment with regard to their effects. However, the Spanish law transposing the EIA Directive, establishes certain 'exclusion criteria' that exempt projects belonging to some of project categories

from an environmental impact assessment solely on account of the size of the projects. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. Considering that environmental governance plays a key role in enabling the proper functioning of different sectoral environmental rules and the attainment of their objectives, the Commission has decided to send an additional letter of formal notice to Spain. Spain now has two months to respond to the letter; otherwise, the Commission may decide to issue a reasoned opinion.

Reasoned opinions

Nature: Commission urges CYPRUS to complete its network of protected areas * [Updated on 30-10-2020, at 15h30]

The Commission is asking **Cyprus** to fully implement [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora and [Directive 2009/147/EC](#) on the protection of wild birds. According to the Directives, each Member State shall contribute to the creation of the Natura 2000 network by designating a sufficient number of Special Protection Areas (SPA) and of Sites of Community Importance (SCI) covering adequately all priority habitats and species present in the territory of the Member States. The [European Green Deal](#) and the [European Biodiversity Strategy](#) both indicate that it is crucial for the EU to halt its biodiversity loss by improving and restoring damaged ecosystems to good ecological status. Cyprus has not provided an exhaustive list of proposed Sites of Community Importance (SCI) and failed to provide all of the necessary information on each site. As a result, the Natura 2000 network does not adequately cover the various habitat types and species that need protection. The Commission is today sending a reasoned opinion to Cyprus. The country will have two months to remedy the situation, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Nature: Commission calls on GERMANY to step up protection of flower-rich grasslands in protected Natura 2000 sites

The Commission is calling on **Germany** to significantly step up protection of flower-rich grasslands in Natura 2000 sites, thereby respecting its obligations under the Habitats Directive ([Council Directive 92/43/EEC](#)). The Directive is one of Europe's primary tools for protecting biodiversity. Under this law, EU countries to protect and restore to favourable conservation status important habitat types and species. The [European Green Deal](#) and the [European Biodiversity Strategy](#) both indicate that it is crucial for the EU to halt its biodiversity loss by improving and restoring damaged ecosystems to good ecological status. Germany is failing to fulfil its obligation to prevent the deterioration, in particular, of two habitat types, notably low hay meadows and mountain hay meadows which are in an unfavourable conservation status in Germany. The two habitat types play a vital role for pollinating insects, bees and butterflies, and are protected as part of the Natura 2000 network. Largely due to unsustainable agricultural practices inside nature protection areas, these habitat types have significantly diminished in size or disappeared completely at various protected sites in recent years. Germany is also failing to provide adequate legal protection of these habitat types. The Commission is today sending a reasoned opinion to Germany. Germany now has two months to take appropriate action, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Water: Commission calls on IRELAND to correctly transpose the Water Framework Directive

The Commission has asked **Ireland** to comply with its obligations to fully and correctly transpose the Water Framework Directive [2000/60/EC](#) into national law. The purpose of the Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater, inter alia, by preventing their further deterioration, preventing pollution as well as protecting and enhancing water dependent ecosystems and water resources. The final deadline in the Water Framework Directive to achieve good water status is 2027. In this case, the Commission raises concerns about Ireland's failure to correctly transpose the Directive into national law. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. The key areas where Ireland's transposing law should provide for appropriate controls are: water abstraction, impoundment and activities causing hydromorphological changes such as dams, weirs and other interferences in natural water flow. The Commission is therefore today sending a reasoned opinion to Ireland. Ireland now has two months to take appropriate action; otherwise, the Commission may decide to refer the case to the Court of Justice of the European Union.

Air Quality: Commission calls on GREECE and ROMANIA to adopt National Air Pollution Control Programmes

The Commission is urging **Greece** and **Romania** to adopt their National Air Pollution Control Programmes as required under [Directive \(EU\) 2016/2284](#) on the reduction of national emissions of certain atmospheric pollutants. The Directive requires Member States to draw up, adopt and implement national air pollution control programmes in order to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment. The Directive establishes emission reduction commitments for the Member States' anthropogenic atmospheric emissions with regard to various substances (sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and fine particulate matter (PM_{2,5})). Emissions of those pollutants as well as their impacts, must be monitored and reported. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. For the reasons mentioned above, the Commission is today sending a reasoned opinion to the Member States concerned. Greece and Romania now have two months to take appropriate action; otherwise, the Commission may decide to refer the case to the Court of Justice of the European Union.

Waste: Commission calls on SLOVENIA to meet its obligations on end-of-life Vehicles

The Commission is asking **Slovenia** to deliver information on targets for reuse and recovery of end-of-life vehicles. The End-of-Life Vehicles Directive (ELV) ([Directive 2000/53/EC](#)) prescribes targets which Member States should achieve and an obligation to report on those targets. Reporting on the targets is regulated by [Commission Decision 2005/293/EC](#) which lays down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in the Directive. The [European Green Deal](#) and the [EU Circular Economy Action Plan](#) both aim to accelerate our transition towards a circular economy, based on a high resource-efficiency, the reduction of waste and high recycling rates in all sectors. Slovenia has not delivered the data on the set targets of reuse and recovery of end-of-life vehicles, together with an appropriate description of the data used. The Commission is therefore today sending a reasoned opinion to Slovenia. Slovenia now has two months to take appropriate action, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Access to justice: Commission calls on SLOVENIA to improve its legislation on access to justice in environmental matters

The Commission is calling on **Slovenia** to improve its legislation on access to justice in environmental matters under both the Environmental Impact Assessment Directive ([Directive 2011/92/EU](#)) and the Industrial Emissions Directive ([Directive 2010/75/EU](#)). Both Directives oblige Member States to guarantee public access to a review procedure on environmental decisions. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. The Slovenian legislation requires individuals and NGOs to participate in administrative procedures before having access to a competent administrative court, thus narrowing their right of access to justice. In addition, negative screening decisions in Environmental Impact Assessment procedures (i.e. a decision that an EIA is not needed) cannot be challenged by any natural or legal person except for the developer and qualified NGOs. This is contrary to the jurisprudence of the Court of Justice that the public concerned must be entitled to bring an action against an administrative decision not to carry out an Environmental Impact Assessment. This, along with other legal aggravations, makes it excessively difficult for individuals to exercise their right of access to justice. Considering that environmental governance plays a key role in enabling the proper functioning of different sectoral environmental rules, the Commission is today sending a reasoned opinion to Slovenia. Slovenia now has two months to take appropriate action, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Referral to the Court of Justice of the European Union

Air quality: Commission decides to refer FRANCE to the Court of Justice over failure to meet its obligation to protect citizens against poor air quality

The Commission decided today to bring **France** to the Court of Justice of the European Union regarding poor air quality due to high levels of particulate matter (PM₁₀). When the limit values set by the EU's ambient air quality legislation in [Directive 2008/50/EC](#) are exceeded, Member States are

required to adopt plans relating to air quality and to ensure that these plans include appropriate measures to keep the duration of the exceedance period as short as possible. The [European Green Deal](#) aims to steer the EU towards a zero pollution ambition, which benefits public health, the environment and climate neutrality. In the case of France the country has not respected the daily limit values applicable to PM₁₀ particles which have been legally binding since 2005. Data provided by France confirms the systematic failure to meet EU rules on PM₁₀ limit values in the zones of Paris and Martinique for twelve and fourteen years respectively since 2005. Therefore, the Commission is referring France to the Court of Justice of the EU. More information is available in the [press release](#).

7. Public health

(For more information: Stefan de Keersmaecker – Tel.: +32 229 84680, Darragh Cassidy - Tel.: +32 229 83978)

Letter of formal notice

Plant health: Commission requests THE UNITED KINGDOM to comply with EU rules on Xylella fastidiosa and Ceratocystis platani

The Commission decided today to send a letter of formal notice to **the United Kingdom** for failing to comply with the [EU rules](#) concerning the plant pests Xylella fastidiosa and Ceratocystis platani. On 21 April 2020, the UK introduced, and did not remove, amendments in the UK Statutory Instruments to the UK Official Controls Regulation 2019, which contain import restrictions regarding plant pests, including Xylella fastidiosa and Ceratocystis platani. While the EU has proportionate measures in place to protect plants from those plant pests, the UK protective measures are unjustifiably stricter than the EU requirements. The Commission therefore adopted [Decision \(EU\) 2020/758](#) requiring the UK to remove its measures by 20 June 2020. Since the UK has not complied with this Decision, and maintains in force national rules which are not compliant with EU rules, the Commission has sent a letter of formal notice. The UK now has two months to take the necessary measures to comply with this letter, otherwise the Commission may send a reasoned opinion.

8. Digital economy

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

Reasoned opinions

Cybersecurity: Commission urges BELGIUM, HUNGARY and ROMANIA to comply with their obligations regarding operators of essential services

The Commission decided today to send reasoned opinions to **Belgium, Hungary and Romania** regarding their failure to notify the Commission with information related to the identification of operators of essential services. The Commission, as set out in the Directive on security of network and information systems (NIS [Directive \(EU\) 2016/1148](#)) required this information to assess the consistency of approaches different Member States take when identifying operators of essential services. The deadline to submit the information was by 9 November 2018. Today's reasoned opinions follow the letters of formal notice sent by the Commission in July 2019 to all three countries. In the case of Belgium, the missing information includes the number of operators in several critical sectors such as energy, transport, health and drinking water supply and distribution, as well as information about existing thresholds to identify them (used in the identification process). Hungary needs to notify about the operators of essential services for the transport sector that are still missing, while Romania's authorities still need to notify about national measures allowing for the identification of operators, the number of operators of essential services and thresholds used in the identification process. Belgium, Hungary and Romania now have two months to take the necessary measures to comply; otherwise, the case may be referred to the Court of Justice of the EU.

9. Energy and climate

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

Letters of formal notice and/or Reasoned opinions

Radioactive waste: Commission calls on AUSTRIA, CROATIA and ITALY to adopt a national programme for radioactive waste management compliant with EU rules

The Commission decided today to send letters of formal notice to **Austria, Croatia** and **Italy** for failing to adopt a national programme for radioactive waste management compliant with the 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 non-power-related use of radioactive materials for medical, research, industrial and agricultural purposes. This means that all 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. In particular, it requires 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 reply to the Commission. Otherwise, in the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

Basic safety standards: Commission calls on ROMANIA, SLOVENIA, SLOVAKIA and SWEDEN to transpose EU radiation protection legislation

The Commission decided today to send letters of formal notice to **Romania, Slovenia** and **Slovakia**, and a reasoned opinion to **Sweden** requesting the complete transposition of the revised Basic Safety Standards Directive ([Council Directive 2013/59/Euratom](#)) into their national legislation. Member States were required to transpose the Directive by 6 February 2018, but the Commission considers that the abovementioned countries have failed to do so in a complete manner. The Directive, which modernises and consolidates EU radiation protection legislation, lays down basic safety standards to protect the general 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 reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send reasoned opinions to Romania, Slovenia and Slovakia, and to refer Sweden to the Court of Justice of the EU.

Reasoned opinion

Energy performance of buildings: Commission calls on PORTUGAL to comply with its obligations under the EU legislation on energy-efficient buildings

The Commission decided today to send a reasoned opinion to **Portugal** for failure to report on cost-optimal levels of minimum energy performance requirements, as required under the Energy Performance of Buildings Directive ([Directive 2010/31/EU](#)). In May 2010, Member States agreed to set minimum energy performance requirements for buildings, with a view to achieve the best combination between investments and savings, also known as 'cost-optimal levels'. Calculating these levels is key for Member States to fully exploit the energy efficiency and renewable energy potential of the national buildings stock and to avoid citizens spending more money than necessary on efficiency improvements to their housing and offices. Buildings are the largest end-use sector, consuming 40% of energy in the EU and making them more comfortable and efficient is an absolute priority. Portugal now has two months to comply with its legal obligations. Otherwise, the Commission may decide to refer the case to the Court of Justice of the EU.

10. Taxation and Customs Union

(For more information: Daniel Ferrie – Tel.: +32 229 86500, Nerea Artamendi Erro – Tel.: +32 229 90964)

Letters of formal notice

Taxation: Commission requests LUXEMBOURG to bring its rules on reduction of inheritance

tax into line with EU law

The Commission decided today to send a letter of formal notice to **Luxembourg** requesting that it amend its rules on taxation of inheritance comprising shares of companies. Inheritance tax is currently reduced for shares of companies established in Luxembourg, which are subject to subscription tax, but not for shares in comparable foreign companies. The Commission deems that these rules infringe the freedom of establishment (Articles 49 [TFEU](#) and 31 [EEA](#)) and the freedom of capital movements (Articles 63 [TFEU](#) and 40 [EEA](#)). In the absence of a satisfactory response within the next two months, the Commission may send a reasoned opinion.

Taxation: Commission requests BELGIUM to bring its rules on exemption of income from savings deposits in line with EU law

The Commission decided today to send a letter of formal notice to **Belgium** requesting it to amend its rules regarding the exemption of income from savings deposits. Under Belgian law, an amount of interest from savings deposits is exempt from personal income tax if the deposits satisfy certain criteria. The Court of Justice of the EU considered these criteria as contrary to Article 56 [TFEU](#) and Article 36 [EEA](#) in the [judgment C-580/15](#), Van der Weegen and Others. In the absence of a satisfactory response within the next two months, the Commission may send a reasoned opinion.

Taxation: Commission requests BELGIUM to stop taxing dividends on shares held by life insurance companies abroad more heavily than dividends received by Belgian insurance companies

The Commission decided today to send a letter of formal notice to **Belgium** requesting it to change its rules under which Belgian life insurance companies are effectively exempt or almost fully exempt from tax on income from dividends, interest and real estate, including capital gains. However, outbound dividends and interest or income paid to life insurance companies established in other EU/EEA countries is subject to withholding taxes generally ranging from 15% to 30%, and outbound income from real estate is subject to corporation tax. In analogy with cases [C-342/10](#) Commission vs. Finland and [C-641/17](#) College Pension Plan of British Columbia, the Commission deems the higher taxation of foreign insurance companies incompatible with the free movement of capital guaranteed by Articles 63 [TFEU](#) and 40 [EEA](#) Agreement. Belgium now has two months to provide a satisfactory response. Otherwise, the Commission may decide to send a reasoned opinion.

Taxation: Commission requests LUXEMBOURG to change its rules on the taxation of interest received by individuals

The Commission decided today to send a letter of formal notice to **Luxembourg** requesting it to change its tax legislation on interest received by individuals. According to these rules, non-resident individual taxpayers who opted to be treated like residents are taxed on their interest at the progressive rate of up to 42% while resident taxpayers can opt to be taxed on their interest in the form of a final withholding tax at the flat rate of 20%. The Commission deems that these rules could infringe the free movement of persons and the free movement of employed or independent workers (Articles 21, 45 and 49 [TFEU](#) - Articles 28 and 31 [EEA](#)). Luxembourg has two months to reply to the arguments raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Taxation: Commission requests FRANCE to amend its legislation on the taxation of capital gains made by foreign investment funds

The Commission decided today to send a letter of formal notice to **France** requesting it to adapt its legislation on the taxation of capital gains made by foreign investment funds. When a foreign investment fund sells its share in a French company, the capital gains are taxable, provided the share exceeded 25% of the company at any time over the last five years. However, capital gains by similar French investment funds are exempt from paying such a tax. This is discriminatory, and infringes EU law, (Article 49 [TFEU](#) on the right of establishment and Article 63 [TFEU](#) on the free movement of capital), as it dissuades foreign investment funds from investing in French companies. France should reply to the letter of formal notice with a satisfactory response within two months. If not, the Commission may send a reasoned opinion.

Taxation: Commission takes further action against THE UNITED KINGDOM for failure to comply with EU VAT rules for trade in financial instruments on certain terminal markets

The Commission decided today, under [Article 260 of TFEU](#), to send a letter of formal notice to **the United Kingdom** for not properly applying EU VAT rules for the trade in financial instruments on certain terminal markets and for not enforcing the judgment delivered by the Court of Justice of the EU on 14 May 2020 (Commission vs United Kingdom, [C-276/19](#)). In its judgment, the Court stated that the UK had failed to fulfil its obligations under EU VAT rules (Article 395(2) of [Council Directive 2006/112/EC](#)) by extending the scope of a VAT derogation, originally put in place in 1977, which applies a zero-rate to transactions carried out on certain terminal markets in the UK, without submitting an application to the European Commission with a view to seeking the authorisation of the Council of the European Union. As a result, the derogation is incorrectly applied by the United Kingdom to trading in commodities other than those originally covered. The exception to the normal requirement to keep VAT records has also been extended. The UK now has two months to reply to the letter of formal notice.

Reasoned opinion

Taxation: Commission urges SPAIN to transpose the Directive on anti-tax avoidance practices concerning hybrid mismatches

The Commission decided today to send a reasoned opinion reminding **Spain** that it should have transposed the Anti-Tax Avoidance Directive concerning hybrid mismatches into national law by 31 December 2019 ([Council Directive \(EU\) 2017/952](#) amending Directive (EU) 2016/1164, known as 'ATAD 2'). The purpose of that Directive is to ensure that multinational companies cannot artificially reduce their obligation to pay corporate tax by exploiting differences between the tax systems of Member States and those of non-EU countries (so-called 'hybrid mismatches'). If Spain does not act within the next two months, the Commission may refer the case to the Court of Justice and request it to impose sanctions for having failed to transpose the Directive into its national law in due time.

Referrals to the Court of Justice of the European Union

Taxation: European Commission decides to refer GREECE to the Court of Justice of the EU regarding its income tax rules for businesses with foreign branches

The Commission decided today to refer **Greece** to the Court of Justice of the European Union regarding its income tax legislation, which differentiates tax treatment between business losses incurred domestically and losses in another EU/EEA state. At the same time, both categories of business profits are subject to tax in Greece. This difference in tax treatment is contrary to Articles 49(1) [TFEU](#) (in conjunction with Article 54 TFEU) and 31(1) [EEA](#) Agreement (in conjunction with Article 34 [EEA](#) Agreement) and it constitutes a restriction to the right of establishment. The press release is available [online](#).

Taxation: European Commission decides to refer THE NETHERLANDS to the Court of Justice of the EU for its rules on the cross-border transfer of pension capital and cross-border provision of pensions

The Commission decided today to refer **the Netherlands** to the Court of Justice of the European Union for its rules on the cross-border provision of pensions and the transfer of pension capital. Today's referral concerns three different rules in the Dutch cross-border pension tax regime. According to the Commission, these conditions are restrictions to the free movement of citizens and workers, the freedom of establishment, the freedom to provide services and the free movement of capital. The press release is available [online](#).

Taxation: European Commission decides to refer BELGIUM to the Court of Justice of the EU regarding its rules on the tax deductibility of alimony payments for non-residents

The Commission decided today to refer **Belgium** to the Court of Justice of the European Union regarding its legislation on the deductibility of alimony payments from the taxable income of non-residents. Currently, Belgian legislation refuses the deduction of alimony payments from the taxable income of non-residents who earn less than 75% of their worldwide income in Belgium. This refusal penalises non-resident taxpayers. Therefore, the above legislation is contrary to Article 45 [TFEU](#) and Article 28 of the [EEA](#) Agreement. The press release is available [online](#).

Taxation: European Commission decides to refer POLAND to the Court of Justice of the EU for its rules depriving medicine producers of excise duty exemptions

The Commission decided today to refer **Poland** to the Court of Justice because of its failure to align with EU rules on the exemption of imported alcohol used in the production of medicines. EU excise duty rules provide for a mandatory exemption from excise duty for imports of ethyl alcohol used in the production of medicines. Polish national practices, however, do not grant this mandatory exemption. This practice runs against provisions of EU law on the matter and the principle of proportionality ([Directive 92/83/EEC](#)). The press release is available [online](#).

10. Economic and financial affairs

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Letter of formal notice

Euro counterfeiting: Commission calls on BELGIUM and GREECE to correctly apply EU rules on protecting currencies against counterfeiting

The Commission decided today to send letters of formal notice to **Belgium** and **Greece** for incorrectly applying EU rules relating to the protection of the euro and other currencies against counterfeiting. These rules, laid down in [Directive 2014/62/EU](#), are essential for reinforcing the EU framework for fighting against counterfeit notes and coins. Belgium has not correctly transposed the Directive's provision related to the criminalisation of issuing counterfeit currency and of the use of legal means or facilities for manufacturing counterfeit currency. Belgium also did not transpose correctly the Directive's provisions related to the liability of legal persons and to the obligation of national authorities to transmit counterfeit euro notes and coins for analysis by the National Analysis Centre during criminal proceedings. The Directive provides that the transmission of samples should be obligatory at the latest at the time of the final national Court decision in order to help detect and identify further counterfeit notes and coins. Greece -inter alia- has not correctly transposed the Directive's provisions related to the minimum level of the maximum term of imprisonment for the production and distribution of counterfeit currency, which should be eight and five years respectively. National legislation also does not provide that effective investigative tools, such as those used in organised crime or other serious crime cases, are available for the investigation and prosecution of offences under the Directive. These Member States now have two months to reply to the letter of formal notice. In the absence of a satisfactory response, the Commission may decide to send a reasoned opinion.

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