



September infringements package: key decisions

Brussels, 23 September 2021

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 153 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. Environment and fisheries

(For more information: Vivian Loonela – Tel.: +32 229 66712; Daniela Stoycheva – Tel.: +32 229 53664)

Environment

Letters of formal notice

Industrial emissions: Commission calls on AUSTRIA, CYPRUS, GREECE and FRANCE to update national law to limit air pollution

The Commission is urging **Austria, Cyprus, Greece and France** to incorporate the Directive on limiting emissions of certain pollutants into the air from medium combustion plants ([Directive \(EU\) 2015/2193](#)) into their national legislation. This Directive aims to reduce air pollution by setting emission limit values for medium combustion plants. These plants are used for a wide variety of applications including electricity generation, domestic or residential heating and cooling, and providing heat or steam for industrial processes. They are a significant source of air pollution of sulphur dioxide, nitrogen oxide and dust. The [European Green Deal](#), with its [zero pollution ambition](#), puts emphasis on cutting air pollution, which is among the key factors negatively affecting human health. Austria, Cyprus, Greece and France have not correctly transposed this Directive into their national legislation, and therefore the Commission has decided to send letters of formal notice to the four Member States. Each Member State concerned now has two months to respond to the letter and address the shortcomings raised by the Commission. Otherwise, the Commission may decide to issue a reasoned opinion.

Prevention of major accidents involving dangerous substances: Commission calls on SLOVAKIA to improve its national rules

The Commission is calling on **Slovakia** to bring its national legislation in line with [Directive 2012/18/EU](#) on the control of major-accident hazards involving dangerous substances (the Seveso III Directive). The Directive applies to over 12,000 industrial installations across the European Union and lays down rules to prevent major industrial accidents and minimise their harmful impacts on human health and the environment. Chemical and petrochemical industry, and the fuel wholesale and storage sectors are covered by its scope. Different safety regimes apply, depending on the

amount of dangerous substances present, with stricter legal requirements applying to installations handling high amounts. The [European Green Deal](#) and the [Zero Pollution Action Plan](#) set a zero pollution ambition for the EU, which benefits public health, the environment and climate neutrality. Slovakia has not correctly transposed certain provisions of the Seveso III Directive into its national law. These include provisions concerning drawing up a major accident prevention policy, obligations on the operator to produce a safety report, or on the rights of the public concerned to express comments and opinions to the competent authority before a decision is taken on a specific project. The Commission has therefore decided to send a letter of formal notice to Slovakia. Slovakia now has two months to respond to the letters and take the necessary measures, otherwise the Commission may issue a reasoned opinion.

Letter of formal notice, Art. 260 TFEU

Nature: Commission urges SPAIN to comply with EU nature legislation

The Commission is calling on **Spain** to fulfil its obligations under the Birds Directive ([Directive 2009/147/EC](#)), the Habitats Directive ([Directive 92/43/EEC](#)) and a previous ruling of the Court of Justice of the European Union ([C-461/14](#)). Compliance with EU nature legislation is crucial for the preservation and restoration of nature and biodiversity. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving our natural sites and restoring damaged ecosystems to good ecological status. On 24 November 2016, the Court of Justice of the European Union ruled that Spain had failed to take appropriate steps to avoid the deterioration of natural habitats and the disturbance of protected bird species caused by the construction of a railway line crossing through the special protection area 'Campiñas de Sevilla' in Andalusia. Spain has identified a number of mitigation and compensation measures to offset the damage caused and implement the Court judgment. However, almost 5 years after the judgment, Spain has not yet fully implemented those measures. The Commission has therefore decided to send a letter of formal notice to Spain for failing to comply with the Court ruling. This is an infringement procedure based on Article 260(2) TFEU, meaning that the Commission can refer the matter back to the Court of Justice of the European Union and ask for financial sanctions, after giving Spain the opportunity to respond to the letter and take the necessary measures.

Waste: Commission calls on CROATIA to comply with Court ruling on waste management

The Commission is calling on **Croatia** to comply with the Waste Framework Directive ([Directive 2008/98/EC](#)) and a previous ruling of the Court of Justice of the European Union ([C-250/18](#)). The Directive requires the Member States to take measures to ensure that waste is collected and treated in a way that protects both human health and the environment. The [European Green Deal](#) and the [Zero Pollution Action Plan](#) set a zero pollution ambition for the EU, which benefits public health, the environment and can help achieve climate neutrality. On 2 May 2019, the Court of Justice of the European Union ruled ([C-250/18](#)) that Croatia had wrongly qualified more than 140,000 tonnes of production residue of processing silicomanganese as 'by-product' and not as waste at the Biljane Donje site. Consequently, Croatia failed to manage this waste endangering thus human health and harming the environment. Croatia is at the early planning stage of executing this Court judgement, with no concrete timeframe or detailed plan for rehabilitating the site. The Commission has therefore decided to send a letter of formal notice to Croatia for failing to comply with the ruling of the Court of Justice of the European Union. This is an infringement procedure based on Article 260(2) TFEU, meaning that the Commission can refer the matter back to the Court of Justice of the European Union and ask for financial sanctions, after giving Croatia the opportunity to respond to the letter and take the necessary measures.

Reasoned opinions

Environmental impact assessment: Commission calls on SLOVENIA and SPAIN to update national laws

The Commission is calling on **Slovenia** and **Spain** to bring their national legislation in line with the Directive on the assessment of the effects of certain public and private projects on the environment ([Directive 2011/92/EU](#)). The Directive ensures that the impact of public and private projects on the environment is assessed before such projects are authorised and significant harmful environmental

impacts are identified and addressed. The Directive was amended in April 2014 (by [Directive 2014/52/EU](#)) to reduce the administrative burden and improve the level of environmental protection, while making business decisions on public and private investments more sound, predictable and sustainable. Slovenia has not correctly reflected certain provisions of the amended Directive into national law including the Directive's requirements on transboundary environmental impact assessment procedures and those concerning the implementation of measures for the prevention, reduction or elimination of harmful effects on the environment in permits for some projects. Spain has not correctly reflected the Directive in its national legislation, as Spanish law does not require an impact assessment for certain projects with potentially significant environmental effects. This is the case in particular for installations for the extraction, processing and transformation of asbestos. Spain has also established various 'exclusion thresholds' that may exclude projects from the procedure regardless of their likely significant environmental effects. The Commission is therefore sending reasoned opinions to Slovenia and Spain. Both Member States now have two months to remedy the situation, otherwise, the Commission may decide to refer them to the Court of Justice of the European Union.

Nature: Commission calls on MALTA to take the necessary steps to ensure their Natura 2000 network is complete

The Commission is calling on **Malta** to take further scientific studies on its marine protected habitats beyond 25 nautical miles in view of identifying Sites of Community Importance (SCI) to be included in the Natura 2000 network to respect its obligations under the Habitats Directive ([Directive 92/43/EEC](#)). The requirement to establish and manage a complete and coherent Natura 2000 network is key to protect biodiversity across the EU. The [European Green Deal](#) and the [European Biodiversity Strategy for 2030](#) both stress the importance for the EU to halt its biodiversity loss by preserving natural sites and restoring damaged ecosystems to good ecological status. Malta has not proposed 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 sites. Therefore, the Commission has decided to send a reasoned opinion to Malta. Malta now has two months to reply and take the necessary measures, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Floods: Commission calls on BULGARIA to provide information on flood risk assessments

The Commission is calling on **Bulgaria** to comply with its reporting obligations under the Floods Directive ([Directive 2007/60/EC](#)). Under this Directive, Member States are required to provide information on the review of their preliminary flood risk assessments, and, if necessary, update them. The review and update are important so that both the public and the Commission are aware of new flood risk developments. The [European Green Deal](#) stresses the importance of Europe remaining on track to meet its environmental objectives. Bulgaria has failed to review and, if necessary, update the preliminary flood risk assessments and make these available to the Commission. Therefore, the Commission is sending a reasoned opinion to Bulgaria. Bulgaria now has two months to reply and take the necessary measures, otherwise the Commission may decide to refer the case to the Court of Justice of the European Union.

Water quality: Commission calls on IRELAND to improve its rules protecting surface waters against pollution

The Commission is calling on **Ireland** to correctly reflect all the elements of the Environmental Quality Standards Directive ([Directive 2008/105/EC](#), as amended by [Directive 2013/39/EU](#)), into its national law. The aim of the Environmental Quality Standards Directive is to ensure that chemical pollution of surface water does not present a threat to the aquatic environment or to human health. The [European Green Deal](#) and the [Zero Pollution Action Plan](#) set a zero pollution ambition for the EU to benefit public health, the environment and achieve climate neutrality. Whilst Ireland has correctly enacted most of the Directive's provisions into national legislation, certain aspects are still not completely transposed. These include the duty to set specific water quality standards for certain priority substances and the duty to have particular regard to certain specific priority substances when assessing trends of their potential accumulation in sediment or the flora and fauna. Ireland has also failed to correctly transpose the duty to include maps of emissions, discharges and losses of priority substances where available and to include information on their concentrations in sediment or the flora and fauna. Therefore, the Commission has decided to send a reasoned opinion to Ireland. Ireland now has two months to reply and take the necessary measures, otherwise the Commission

may refer the case to the Court of Justice of the European Union.

Fisheries

Letters of formal notice

Fisheries: Commission calls on SPAIN and FRANCE to ensure compliance with obligations regarding control and enforcement of the landing obligation

The Commission is calling on **Spain** and **France** to ensure compliance with obligations regarding the control and enforcement of the landing obligation under the Common Fisheries Policy Regulation ([Regulation \(EU\) No 1380/2013](#)) and the Fisheries Control Regulation ([Council Regulation \(EC\) No 1224/2009](#)). This obligation was introduced during the last reform of the common fisheries policy in 2013 to end the wasteful and unsustainable practice of [discarding](#), when unwanted catches are returned to the sea. The issues at stake also concern the non-compliance by Spain and France with the obligations under the Regulation on illegal, unreported and unregulated fishing (IUU Regulation - [Council Regulation \(EC\) No 1005/2008](#)). In particular, Spain and France failed in ensuring the control and enforcement of the obligation that all catches of species subject to catch limits and, in the Mediterranean, species subject to minimum sizes, are brought and retained on board fishing vessels and then recorded, landed and counted against quotas, where applicable. Effective control and enforcement of fishing activities at sea and the accurate recording of catches and discarded quantities are essential for the implementation of the landing obligation and for supporting the long-term sustainability objectives of the Common Fisheries Policy. It is also important in order to prevent, deter and eliminate IUU fishing. The Commission considers that Spain and France have not taken the necessary steps to address the above-mentioned obligations. Therefore, the Commission decided to send letters of formal notice to Spain and France giving them two months to respond and address the shortcomings. Otherwise, the Commission may decide to issue a reasoned opinion.

2. Internal Market, Industry, Entrepreneurship and SMEs

(For more information: Sonya Gospodinova – Tel.: +32 229 66953; Federica Miccoli – Tel.: +32 229 58300; Célia Dejond – Tel.: +32 229 88199)

Letters of formal notice

Construction products: Commission asks HUNGARY to comply with EU rules on free movement of goods

Today, the Commission decided to send a letter of formal notice to Hungary, requesting it to comply with the provisions of the Treaty on the Functioning of the European Union (TFEU) on free movement of goods and the Single Market Transparency Directive ([Directive \(EU\) 2015/1535](#)). Hungary has introduced a prior control scheme at national level affecting sale or export of building materials abroad. According to the Commission, the Hungarian Government Decree No 402/2021 introduces a prior control scheme at national level affecting sale or export of building materials abroad. This represents a measure having equivalent effect to a quantitative restriction on exports within the Internal Market, in violation of Article 35 TFEU. It appears that the restriction imposed by this Decree is not substantiated by any valid overriding reasons in the public interest. Therefore, it could also infringe Article 36 TFEU. The Commission furthermore believes that Hungary breached its obligations under the Single Market Transparency Directive, which lays down notification and standstill obligations. In addition, as the restriction seems to apply also to the exportation from Hungary to third countries, the Decree regulates external trade and can be considered a measure falling within the common commercial policy, which is an area of Union exclusive competence. Hungary now has two months to address the concerns raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion to Hungary.

Public procurement: Commission urges ITALY and SPAIN to respect rules on motorway concession contracts

Today, the Commission decided to send a letter of formal notice to **Italy** and **Spain** to ensure the correct implementation of EU rules on public procurement and concession contracts. Italy and Spain have extended the duration of motorway concessions without prior launch of tender procedures. According to EU law, the extension of a concession contract is equivalent to a new concession, which can be awarded only by launching a competitive tender procedure. The Italian case was already object of a judgment issued in September 2019 ([Case C1526/17](#)), whereby the Court of Justice of the European Union found that, by extending the duration of the motorway concession to the 'Società Autostrada Tirrenica p.A.' without first launching a tender procedure, Italy has breached [Directive 2004/18/EC](#) on public procurement. Two years after that Court finding, it appears that Italy has not yet taken measures to ensure a timely implementation of the judgment. Similarly, Spain has extended the duration of the AP-9 motorway concession without first launching a public tender procedure. The Commission, therefore, considers that also Spain has failed to fulfil its obligations under EU public procurement rules, especially under Directive 93/37/EEC. Italy and Spain now have two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may decide to send a reasoned opinion to Spain and refer Italy to the Court of Justice of the European Union.

Public procurement: Commission asks PORTUGAL to provide additional information on its national public procurement and concessions rules

Today, the Commission decided to send an additional letter of formal notice to **Portugal** regarding the conformity of its national legislation with EU rules on Public Procurement and Concessions ([Directives 2014/24/EU](#), [2014/25/EU](#) and [2014/23/EU](#)). A first letter of formal notice was sent to Portugal in [October 2019](#) regarding compliance with EU rules. However, the examination of the national legislation as amended in May 2021, has revealed other issues as regards the use of direct award of contracts, accelerated procedures, local and regional preferences and the modification of contracts. Portugal now has two months to reply to the arguments put forward by the Commission. Otherwise, the Commission may decide to follow up with a reasoned opinion.

3. Migration, Home Affairs and Security Union

(For more information: Adalbert Jahnz – Tel.: +32 229 53156; Laura Bérard – Tel.: +32 229 55721; Ciara Bottomley – Tel.: +32 229 69971)

Letters of formal notice

Firearms: Commission calls on BELGIUM and MALTA to fulfil their obligations on alarm and signal weapons

The Commission has formally requested **Belgium** and **Malta** to report on how EU rules on alarm and signal weapons ([Implementing Directive \(EU\) 2019/69](#)) have been integrated into their national laws. Together with the Firearms Directive ([Directive \(EU\) 2021/555](#)), these rules aim to prevent the possibility of converting alarm and signal weapons, which only discharge blank ammunition or irritants, into lethal firearms. EU Member States agreed on technical specifications for alarm and signal weapons, including the procedure for checking compliance and the need to exchange information between authorities. EU Member States had to transpose into their national laws the rules on alarm and signal weapons by 17 January 2020. The Belgian and Maltese authorities communicated their transposing measures, but following an assessment of the texts received, the Commission found that some elements are missing. It has therefore decided today to open an infringement procedure by sending a letter of formal notice. Belgium and Malta now have two months to notify the Commission about the measures taken to ensure full transposition of the rules concerned. Otherwise, the Commission may send a reasoned opinion.

Fight against terrorism: Commission urges AUSTRIA, FINLAND, CROATIA and LUXEMBOURG to ensure correct transposition of EU rules on combating terrorism

The Commission decided today to open infringement procedures by sending letters of formal notice to **Austria**, **Finland**, **Croatia** and **Luxembourg** for failing to correctly transpose certain elements of the EU rules on combating terrorism ([Directive \(EU\) 2017/541](#)). The rules include provisions that criminalise and sanction terrorist-related offences such as travelling abroad to commit a terrorist

offence, returning to or travelling within the EU for such activities, training for terrorist purposes and financing terrorism. The rules also set up special provisions for victims of terrorism to ensure that they have access to reliable information, as well as professional and specialist support services, in the immediate aftermath of an attack and for as long as necessary. They are an important part of the EU's [Counter-Terrorism Agenda](#). Member States had to transpose them into national law by 8 September 2018. Austria, Finland, Croatia and Luxembourg now have two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may send a reasoned opinion.

Legal migration: Commission calls on BULGARIA and GERMANY to use new format for residence permit cards for non-EU nationals

The Commission is sending today letters of formal notice to **Bulgaria** for failing to implement and to **Germany** for not implementing correctly the new card format for residence permits for non-EU nationals ([Regulation \(EC\) 1030/2002](#)). To prevent falsifications, the Regulation was [amended in 2017](#) to introduce a new card format for residence permits with upgraded security features that rely on biometric data. Bulgaria is currently not issuing the new residence permits, which had to be in place by 10 July 2020. In certain cases, Germany is still issuing residence permits, EU Blue Cards and cards for intra-corporate transfers in sticker format, with unlimited validity for exceptional hardship cases. The sticker does not include facial or fingerprint biometrics, making it difficult to verify the identity of the holder. The Member States concerned have two months to respond to the arguments put forward by the Commission. Otherwise, the Commission may send a reasoned opinion.

Reasoned opinions

Firearms: Commission urges DENMARK, IRELAND and LUXEMBOURG to comply with EU rules on acquisition and possession of firearms

The Commission is sending today a reasoned opinion to **Denmark, Ireland and Luxembourg**, requesting them to transpose into their national laws the EU rules on the acquisition and possession of firearms. Under the Firearms Directive ([Directive \(EU\) 2021/555](#)), Member States had to establish 2 data-filling systems to regulate the activities of dealers and brokers and to record all types of firearms subject to the Directive by 14 December 2019. Denmark and Ireland notified partial transposition of this provision but neither of them communicated information about the data-filling system recording all firearms. Luxembourg has not communicated on either of the two data-filling systems. Today's reasoned opinion follows on the letters of formal notice sent by the Commission to all 3 Member States in January 2020. Denmark, Ireland and Luxembourg now have two months to notify the Commission about the measures taken to ensure full transposition. Otherwise, the Commission may refer them to the Court of Justice of the European Union.

Referrals to the Court of Justice

Firearms: Commission decides to refer LUXEMBOURG to the Court of Justice of the EU for failing to transpose EU rules on acquisition and possession of firearms

Today, the Commission decided to refer **Luxembourg** to the Court of Justice of the European Union for failing to notify the national measures necessary to transpose EU rules on the acquisition and possession of firearms. The Commission has also decided to request the Court of Justice of the EU to order the payment of financial penalties. The Firearms Directive ([Directive \(EU\) 2021/555](#)) sets common minimum standards on the acquisition, possession, and commercial exchange of civilian firearms, for example firearms used for sport shooting and hunting. The rules allow for the lawful use and movement of firearms while preventing firearms from falling into the wrong hands, therefore helping to break the business models of criminals and combat organised crime. Today's referral covers a set of provisions introduced in the 2017 revision of the Directive that Member States were required to transpose by 14 September 2018. These include notably new rules on the activities of dealers and brokers, changes to the rules on marking and stricter rules concerning the most dangerous firearms. These also include an update on the European Firearms Pass, rules affecting some alarm and signal weapons as well as salute and acoustic weapons which could easily be converted into lethal firearms, and new rules on deactivated firearms. The Commission launched this

infringement procedure against Luxembourg in November 2018 by sending a letter of formal notice and followed up with a [reasoned opinion](#) in July 2019. To date, Luxembourg still has not notified the Commission of the full transposition of the Directive into its national law. A press release is available [online](#).

4. Justice

(For more information: Christian Wigand - Tel.: +32 229 62253; Katarzyna Kolanko - Tel.: +32 229 63444; Jördis Ferroli - Tel.: +32 229 92729)

Letters of formal notice

Rights in criminal proceedings: Commission calls on BELGIUM, CZECHIA, GERMANY, and FRANCE to ensure correct transposition of EU rules on the right of access to a lawyer

The Commission today decided to start infringement proceedings against **Belgium, Czechia, Germany, and France** by sending letters of formal notice for failing to transpose correctly EU rules on access to a lawyer and on the right to communicate upon arrest ([Directive \(EU\) 2013/48](#)). The Directive is part of the EU's legal framework on fair trials ensuring that the [rights of suspects and accused persons](#) are sufficiently protected. The Commission considers that certain national transposition measures notified by the four Member States fall short of the requirements of the Directive. In particular, the Commission has identified shortcomings in relation to possible derogations from the right of access to a lawyer as well as from the right to have a third person informed when being deprived of liberty. The Member States now have two months to reply and take the necessary measures to address the shortcomings identified by the Commission. Failing this, the Commission may decide to go to the next stage of infringement proceedings by sending a reasoned opinion. More details about the Directive can be found in this [factsheet](#).

Rights in criminal proceedings: Commission calls on BELGIUM, LATVIA, PORTUGAL, and SWEDEN to ensure correct transposition of EU rules on interpretation and translation

The Commission today decided to start infringement procedures against **Belgium, Latvia, Portugal, and Sweden** by sending letters of formal notice for failing to correctly transpose EU rules on the right to interpretation and translation in criminal proceedings ([Directive \(EU\) 2010/64](#)). The Directive guarantees that people who face criminal proceedings in the EU must be offered free of charge interpretation and translation into a language they understand. This is a fundamental procedural right, safeguarding the right to a fair trial. The Directive is part of the EU's legal framework on fair trials ensuring that the [rights of suspects and accused persons](#) are sufficiently protected. The Commission considers that the transposition measures notified by Belgium, Latvia, Portugal, and Sweden do not adequately transpose the Directive and some of those measures do not comply with the Directive. In particular, the Commission has identified shortcomings when it comes to the right to translation of essential documents and the right to interpretation of the communication between suspected or accused persons and their legal counsel. The four Member States have two months to respond to the letters of formal notice; otherwise, the Commission may decide to take the next step in the infringement procedure by sending reasoned opinions. More details about the Directive can be found in this [factsheet](#).

Rights in criminal proceedings: Commission calls on BULGARIA, IRELAND, LATVIA, and PORTUGAL to ensure correct transposition of EU rules on the right to information in criminal proceedings

The Commission today decided to open infringement proceedings against **Bulgaria, Ireland, Latvia, and Portugal** by sending letters of formal notice for non-conformity of their national legislations with EU rules on the right to information in criminal proceedings ([Directive \(EU\) 2012/13](#)). The Directive guarantees that people who face criminal proceedings in the EU are promptly informed of their rights in criminal proceedings, including accusations, access to lawyer or free legal advice. The Directive is part of the EU's legal framework on fair trials ensuring that the [rights of suspects and accused persons](#) are sufficiently protected. The Commission considers that some of the transposition measures notified by the four Member States do not adequately transpose the Directive and fall short of the requirements of the Directive. The Member States now have two months to reply and take the

necessary measures to address the shortcomings identified by the Commission. Failing this, the Commission may decide to go to the next stage of infringement proceedings by sending a reasoned opinion. More details about the Directive can be found in this [factsheet](#).

European Arrest Warrant: Commission calls on CROATIA and FINLAND to address shortcomings in transposition of EU rules

The Commission today decided to open infringement proceedings against **Croatia** and **Finland** by sending letters of formal notice for failing to transpose the Framework Decision on the European Arrest Warrant and the surrender procedures between Member States ([Framework Decision 2002/584/JHA](#)) fully in compliance with EU rules. The European Arrest Warrant provides for streamlined cross-border judicial surrender procedures: if a judge or magistrate of any Member State issues a warrant for the arrest and detention of a suspect who has committed a serious crime, this warrant is valid throughout the EU. Operational since 1 January 2004, the warrant has replaced the lengthy extradition procedures that used to exist between EU Member States. To ensure its proper functioning, it is essential that all Member States fully and correctly incorporate all provisions of the Framework Decision into their national law. The Commission considers that the national transposition measures notified by Croatia and Finland do not adequately transpose the Framework Decision. In particular, the Commission has identified shortcomings in relation to transposition of optional grounds for non-execution and mandatory time limits to take a decision whether to execute a European Arrest Warrant. The two Member States now have two months to take the necessary measures to ensure the correct transposition of the Framework Decision, failing which the Commission may decide to send them a reasoned opinion. The Commission sent letters of formal notice as regards this instrument to Austria, Czechia, Estonia, Ireland, Italy, Lithuania and Poland in October and December 2020, as well as to Cyprus, Germany and Sweden on 18 February 2021 and to Belgium, Greece, the Netherlands, Hungary and Spain in June 2021 and these cases remain open. The Commission continues to assess the transposition of this Framework Decision in other Member States. More details about the European Arrest Warrant are available [here](#) and the latest statistics can be found [here](#).

5. Energy and climate

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

Letters of formal notice

Offshore energy safety: Commission calls on POLAND and ROMANIA to correctly transpose, implement and apply EU rules on safety of offshore oil and gas operations

The Commission decided today to send letters of formal notice to **Poland** and **Romania** for not correctly incorporating certain aspects of the Offshore Safety Directive ([Directive 2013/30/EU](#)) into their legal systems. In this Directive, the EU put in place a set of rules to help prevent accidents and respond promptly and efficiently should such accidents occur. Member States must ensure that companies to which they grant a licence for exploration or production are well financed and have the necessary technical expertise, and that they keep resources available to put them into operation when necessary. An independent authority needs to be in place in order to ensure that safety requirements are respected, as well as an adequate system to handle compensation claims in case of accident. Companies are fully liable for environmental damages caused to protected species and natural habitats. The Member States concerned have two months to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

Reasoned opinions

Radioactive waste: Commission calls on GERMANY and LATVIA to adopt a national programme for radioactive waste management compliant with EU rules

Today, the Commission decided to send reasoned opinions to **Germany** and **Latvia** for adopting national programmes for radioactive waste management which are not entirely compliant with 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 the 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. The national programmes notified by Germany and Latvia were found to be non-compliant with certain requirements of the Directive. The Member States concerned have two months to address the shortcomings identified by the Commission. In the absence of a satisfactory response, the Commission may decide to refer the case to the Court of Justice of the European Union.

6. Taxation and Customs Union

(For more information: Daniel Ferrie – Tel.: +32 229 86500; Francesca Dalboni – Tel.: +32 229 88170)

Letters of formal notice

Taxation: Commission calls on CYPRUS to amend its legislation transposing EU anti-tax avoidance rules

The Commission has today decided to send a letter of formal notice to **Cyprus** on the grounds of incorrect transposition of the interest limitation rule of the Anti-Tax Avoidance Directive (Article 4 of the [Council Directive \(EU\) 2016/1164](#)). Cyprus makes use of the possibility to exempt financial undertakings from the interest limitation rules in the Anti-Tax Avoidance Directive. However, the respective domestic legislation goes beyond the allowed exemptions and provides unlimited deductibility of interest for the purpose of Corporate Income Tax for securitisation entities, which do not qualify as 'financial undertakings' under Art. 2(5) of the Directive. If Cyprus does not act within the next two months, the Commission may decide to send a reasoned opinion.

Taxation: Commission requests that CZECHIA communicate all measures to implement EU anti-tax avoidance rules

The Commission has today decided to send a letter of formal notice to **Czechia** for failure to communicate all required national measures fully implementing [Council Directive \(EU\) 2017/952](#) of 29 May 2017 amending [Directive 2016/1164](#) (ATAD1) as regards hybrid mismatches with third countries (ATAD2). The deadline for the communication of the measures was 31 December 2019. Czechia notified the relevant measures only partially and now has two months to act and take the further necessary measures. Otherwise, the Commission may issue a reasoned opinion.

Taxation: Commission takes action against GREECE for failure to comply with EU rules on car taxation

The Commission has today decided, under [Article 258 TFEU](#), to send a letter of formal notice to **Greece** for not applying properly EU rules on second-hand vehicles purchased in other EU Member States. The national tax registration procedure discourages second-hand vehicles being placed into circulation in Greece in favour of the sale of similar products available on the domestic market. In addition, Greece prohibits the registration of specific categories of second-hand vehicles purchased in other EU Member States. Greece has therefore failed to fulfil its obligations related to the free movement of goods and the prohibition to introduce discriminatory fiscal treatment for products (Articles 34, 36 and 110 [TFEU](#)). Greece has two months to reply to this letter of formal notice. If Greece does not act within the next two months, the Commission may decide to send a reasoned opinion.

Reasoned opinion

Taxation: Commission urges ITALY to transpose rules to improve the functioning of the current VAT system

The Commission has today decided to send a reasoned opinion to **Italy** for failing to notify measures for the transposition into national law of [Directive \(EU\) 2018/1910](#) (the VAT 'Quick Fixes' Directive). This Directive harmonises and improves certain Value Added Tax (VAT) rules. It provides clarifications and intends to 'quickly fix' certain situations that have been treated differently by Member States in order to avoid possible double taxation or non-taxation, and to enhance legal certainty for businesses. The new provisions simplify trade between Member States and are based on the principle of taxation in the Member State of destination. Member States were supposed to adopt and publish the necessary national provisions by 31 December 2019. If Italy does not act within the next two months, the Commission may decide to refer the case to the Court of Justice of the European Union.

7. Mobility and Transport

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

Letter of formal notice

Maritime transport: Commission calls on CYPRUS to comply with EU rules on marine equipment

The Commission today decided to send a letter of formal notice to **Cyprus** for failing to comply with EU rules on marine equipment (Directive [2014/90/EU](#)). The Marine Equipment Directive harmonises safety rules on equipment such as life jackets, sewage cleaning systems and radars on board EU-flagged ships. Cyprus is not ensuring that the marine equipment on board ships flying the Cypriot flag fully complies with the requirements of Directive 2014/90/EU when issuing, endorsing or renewing these ships' certificates. Nor is Cyprus conducting market surveillance on an adequate scale. Cyprus has two months to respond to the concerns raised by the Commission and to address the shortcomings identified; failing this, the Commission may decide to send a reasoned opinion.

8. Jobs and social rights

(For more information: Veerle Nuyts – Tel.: +32 229 96302; Flora Matthaes – Tel.: +32 229 83951)

Letters of formal notice

Labour mobility: Commission calls on ITALY to put an end to discrimination of foreign lecturers

The Commission decided today to send a letter of formal notice to **Italy** for failing to comply with EU rules on free movement of workers ([Regulation \(EU\) No 492/2011](#)). Under EU law, EU citizens who exercise their right to free movement must not be discriminated against because of their nationality as regards access to employment and working conditions. In its [ruling](#) in case C-119/04, the Court of Justice stated that a 2004 Italian law provides an acceptable framework for the so-called reconstruction of careers of foreign lecturers ('Lettori') in Italian universities. This means that the law allows for the adjustment of their salary, seniority and corresponding social security benefits to those of a researcher under a part-time contract, and it grants them the right to back payments as of the start of their employment. However, Italian law requires the signing of a collective agreement. The majority of universities did not sign such a collective agreement, the result being that most foreign lecturers have still not received the money to which they are entitled. Italy is still discriminating against foreign lecturers. Italy now has two months to address the shortcomings identified by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.

9. Financial Stability, Financial Services and Capital Markets Union

(For more information: Daniel Ferrie – Tel.: +32 229 86500; Aikaterini Apostola - Tel.: +32 229 87624)

Letters of formal notice

Deposit guarantee schemes: Commission urges CROATIA, MALTA and HUNGARY to amend their transposition of the Deposit Guarantee Scheme Directive

The Commission has today decided to send letters of formal notice to **Croatia, Malta and Hungary** on the grounds of incorrect transposition of the [Deposit Guarantee Scheme Directive](#) (2014/49/EU). This Directive is part of the regulatory framework that was put in place to create a safer and sounder financial sector in the wake of the 2008 financial crisis. Under EU rules, deposit guarantee schemes protect depositors' savings by guaranteeing deposits of up to €100,000 and help prevent the mass withdrawal of deposits in the case of bank failure, which can create financial instability. The deadline for the transposition of these rules into national law was 3 July 2015. The concerned Member States had notified a complete transposition of the Directive. Nevertheless, following an in-depth assessment of the notified measures, the Commission has concluded that some provisions of the Directive are not correctly transposed into national law. The incorrect transposition concerns the provisions of the Deposit Guarantee Scheme Directive related to the payment commitments and alternative funding arrangements (Malta), protection of absolutely entitled depositors and transfer of contributions between deposit guarantee schemes (Croatia) and set off of due liabilities (Hungary). Without a satisfactory response from these Member States within two months, the Commission may decide to address a reasoned opinion.

Bank recovery and resolution: Commission urges FINLAND and GREECE to amend their transposition of the Bank Recovery and Resolution Directive

The Commission has today decided to send letters of formal notice to **Finland and Greece** on the grounds of incorrect transposition of the [Bank Recovery and Resolution Directive](#) (BRRD, 2014/59/EU). This Directive is a centerpiece of the regulatory framework that was put in place to create a safer and sounder financial sector in the wake of the 2008 financial crisis. It is a milestone for the EU's Banking Union since the BRRD rules equip national authorities with the necessary tools and powers to mitigate and manage the distress or failure of banks in all EU Member States. The objective is to ensure that banks on the verge of insolvency can be restructured, without taxpayers having to pay for failing banks to safeguard financial stability. The deadline for the transposition of these rules into national law was 31 December 2014. These two Member States had notified a complete transposition of the Directive. Following an in-depth assessment of the notified measures, the Commission has concluded that some provisions of the Directive are not correctly transposed into national law. The incorrect transposition concerns the provisions of the bank recovery and resolution framework related to the conditions for precautionary recapitalisation (Finland), and the exclusions to bail-in (Greece). Without a satisfactory response from these Member States within two months, the Commission may decide to address a reasoned opinion.

10. Digital economy

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

Reasoned opinions

EU Electronic Communications Code: Commission calls on Member States to fully transpose new telecom rules into national law

The Commission decided today to send a reasoned opinion to **Estonia, Spain, Croatia, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia** and **Sweden** for not having notified the Commission about the full transposition of the [European Electronic Communications Code](#). The new rules modernise the

European regulatory framework for electronic communications, enhancing consumers' choices and rights and incentivising operators to invest in very high capacity networks and rollout fibre and 5G. Member States should have transposed the rules into national laws by 21 December 2020. In February 2021, the [Commission sent letters to 24 Member States](#) for not having notified full transposition. The Commission is now taking the second step in the infringement procedure by sending a reasoned opinion to 18 Member States that have still not notified full transposition. The Member States have two months to reply to the Commission, or the Commission may refer the case to the Court of Justice of the European Union.

Audiovisual media: Commission calls on Member States to fully transpose EU rules on audiovisual content

The European Commission has decided today to send a reasoned opinion today to **Czechia, Estonia, Ireland, Spain, Croatia, Italy, Cyprus, Slovenia** and **Slovakia** for failing to provide information about the implementation of the EU [Audiovisual Media Services Directive](#) (AVMSD) into their national laws. The new rules apply on all audiovisual media, both traditional TV broadcasts and on-demand services, as well as video-sharing platforms. They aim to create a regulatory framework fit for the digital age, leading to a safer, fairer and more diverse audiovisual landscape. Member States had until 19 September 2020 to transpose the Directive and communicate their transposition measures to the Commission. In November 2020, the [Commission sent letters of formal notice](#) to 23 Member States for not having notified full transposition. The Commission is now taking the second step in the infringement procedure by sending a reasoned opinion to the afore-mentioned nine Member States that have still not notified full transposition. They now have two months to reply to the Commission, or the Commission may decide to refer their cases to the Court of Justice of the European Union.

Referrals to the Court of Justice

Commission refers POLAND to the Court of Justice of the European Union for undermining the independence of the national telecommunications regulator

Today, the Commission decided to refer **Poland** to the Court of Justice of the European Union for breaching EU law safeguarding the independence of the national regulatory authority (NRA), the [Office of Electronic Communications](#) (UKE). Using an urgent procedure in May 2020, Poland amended certain provisions of the Polish telecommunications law concerning the appointment and dismissal of the Heads of the Polish national regulatory authority, the Office of Electronic Communications. With the same amending legislation, the Polish government prematurely dismissed the Head of the Polish NRA as of May 2020, when his mandate should have lasted until September 2021. Under EU rules, the conditions that can result in an early dismissal of an NRA Head must be laid down before the start of the mandate. This is an important safeguard to guarantee the independence of the national regulatory authority from political pressure. A press release is available [online](#).

11. Public health

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

Reasoned opinions

Food safety: Commission urges CZECHIA to correctly apply EU rules on the performance of official controls

Today, the European Commission decided to send an additional reasoned opinion to **Czechia** for failing to comply with EU rules on official controls (Regulation (EU) 2017/625) by systematically requiring pre-notification of arrival of foodstuffs. The Commission considers that the obligation to report the arrival of goods from another Member State must not be systematic and limited to the extent strictly necessary for the organisation of the official controls. Since Czechia is continuously and systematically breaching EU rules on official controls [Regulation \(EU\) 2017/625](#), the Commission has decided to send a supplementary reasoned opinion. Czechia has now two months to take the necessary measures to comply with the supplementary reasoned opinion, otherwise the Commission

may, if appropriate, refer the case to the Court of Justice of the European Union.

Food safety: Commission urges BULGARIA to correctly apply EU rules on the marketing of natural mineral water and spring water

Today, the European Commission decided to send a reasoned opinion to **Bulgaria** for failing to comply with the EU rules on marketing requirements for natural mineral and spring waters as set up [Directive 2009/54/EC](#) on natural mineral waters. The Bulgarian legislation does not prohibit the marketing of natural mineral waters and spring waters originating from one and the same spring, under more than one trade description, as required by Directive 2009/54/EC. Moreover, contrary to that Directive, the Bulgarian legislation does not require the indication of the name of the spring on the labels of those foodstuffs. Directive 2009/54/EC was adopted to eliminate differences between Member States' laws governing natural mineral and spring waters to protect the health of consumers, to prevent consumers from being misled and to ensure fair trading. Bulgaria now has two months to take the necessary measures to comply with the reasoned opinion, otherwise the Commission may, if appropriate, refer the case to the Court of Justice of the European Union.

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