European telecoms rules must be effectively implemented contributing to the overall goals for growth and jobs. The Commission has the power to launch infringement proceedings against any Member State that fails to comply with EU telecoms laws and regulations, and, if necessary, may refer the case to the Court of Justice. In a majority of infringement cases, Member States comply with their obligations under EU law before they are referred to the Court.

Any person or organisation may send a complaint to the European Commission against a Member State, if they consider one or other State measure incompatible with EU law. The Commission first, tries to solve the issue with a Member State bilaterally. If the problem is not solved, the Commission can decide to open infringement proceedings.

Infringement proceedings can be started following Article 258 or Article 260 of the Treaty on the Functioning of the European Union (TFEU).

For non-conformity issues, the infringement proceedings consist of the following steps:

- It begins with a "Letter of Formal Notice" to the Member State concerned, which must generally be answered within two months.
- If the Commission is not satisfied with the response given by the Member State, the Commission can send a formal request to comply with EU Law (a "Reasoned Opinion"), calling on the Member State to inform the Commission of the measures taken to comply with the rules within two months.
- If a Member State fails to ensure compliance with EU law, the Commission may then decide to refer the Member State to the Court of Justice following Article 258 TFEU. The Court of Justice will then issue a judgment.
- If, despite the Court's judgment, a Member State still fails to act in order to comply with the judgement, the Commission may open a further infringement case with only one written warning before referring the Member State back to Court under Article 260 TFEU.
- If the Commission refers a Member State to Court for a second time it may propose financial penalties on the Member State concerned based on the duration and severity of the infringement and the Member State’s ability to pay (both lump sum depending on the time elapsed since the original Court ruling and a daily penalty payment for each day after a second ruling until the infringement ends).

Under article 260(3) TFEU, when a Member State fails to inform the European Commission of the new legislation transposing a directive, financial penalties are proposed already with the first referral to Court.

Judgments of the Court are binding on all EU Member States as well as on the EU institutions themselves.

The Secretariat General, which coordinates the Commission's work on the application of Community law, provides general details on infringement proceedings [1].

Rulings by the Court are binding on all EU Member States as well as on the EU institutions themselves.

- Overview of infringement procedures opened for non-communication of the 2009 revised telecoms rules [2]
- Overview of infringement procedures opened for incorrect implementation of the Regulatory Framework [3]
- **Guide to Case Law of the European Court of Justice in the field of telecommunications 2010**
  (1Mb) EN [4] FR [5] DE [6]

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