

KEY SECTORS IDENTIFIED BY THE GOVERNANCE COMMUNICATION

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1. SERVICES

1.1. List of legislative acts

The key sector “services” includes the following legislative acts:

Title	Transposition deadline	Actions proposed in the Governance Communication
Directive <u>2006/123/EC</u> of the European Parliament and of the Council of 12 December 2006 on services in the internal market	27/12/2009	The Commission deploys efforts on several fronts including bilateral meetings, peer review meetings in small groups of Member States and country specific recommendations.
Directive <u>2008/6/EC</u> of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services	31/12/2010 (31/12/2012: CZ-EL-CY-LV-LT-LU-HU-MT-PL-RO-SK)	7 Member States have not transposed the Postal Services Directive (transposition deadline end 2012). Most Member States have submitted draft pieces of legislation for informal checks. To ensure proper implementation of the Directive, the Commission is conducting systematic conformity checks of legislation adopted. In addition, the European Regulators Group for Postal Services (ERGP) will continue to exchange information and best practice on implementation issues.
Directive <u>2005/36/EC</u> of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications	20/10/2007	The Commission will continue to discuss the proper implementation and practical functioning of the Directive within the Group of National Co-ordinators, by fostering amongst other exchanges of best practice. The Group of National Coordinators will continue to monitor performance, including by following up on the results of the performance checks exercise.
Directive <u>2011/7/EU</u> of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions	16/03/2013	The Commission is providing enhanced assistance for voluntary transposition before the deadline of 16 March 2013. It has called twice on Member States to step up efforts to adopt national transposition measures. In addition a Late Payment Expert Group was set up and an information campaign will be launched throughout the Union.

1.2. State of play

Directives not fully transposed:	BE, CZ, CY, DE, LT, RO and UK have not transposed yet one directive.
Number of pending infringement cases for non-conformity:	IE, EL and AT have one infringement case for non-conformity with these directives; ES has two cases.
Average duration of pending infringement cases:	33.1 months. LV and SK have one infringement case each pending for 78.4 months.
Average duration since Court's judgements:	35.6 months. EL and NL still have to comply with Court's judgement. Especially worth mentioning EL case (54.3 months since ruling).
Transposition assistance:	The Commission services have put in place different systems to provide transposition assistance to Member States (workshops, bilateral contacts, expert groups...). For the Services Directive, this took place during the three-year long transposition period.
Conformity checks:	Conformity checks have taken or are taking place, with different results.
Submission of draft transposition measures:	All Member States submitted draft transposition measures for Directives 2006/123 and 2005/36; twelve Member States did it for Directive 2008/6.
On-line explanations:	These have been provided by all Member States in the case of Directive 2008/6.

2. FINANCIAL –INTERMEDIATION- SERVICES

2.1. List of legislative acts

The key sector “Financial services” includes, among other legal instruments, the following legislative acts:

Title	Transposition deadline	Actions proposed in the Governance Communication
Proposal for a Directive of the European Parliament and of the Council on the access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms (the 'Capital requirements directive') - COM(2011)453, 20.07.2011	Not yet adopted (16/04/2013 <i>first reading in EP</i>)	The Commission will promote active use of the Your Question on Legislation IT tool to assist Member States with transposition of the directive. Meetings will be held with Member States and the European Banking Authority to facilitate transposition. The Commission will also organise workshops and will conduct systematic conformity checks of the legislation.
Regulation (EU) <u>260/2012</u> of the European Parliament and the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euros and amending Regulation EC/924/2009 (the "SEPA end-date Regulation")	In force	Technical workshops take place in the ambit of the SEPA Council. The Commission will monitor Member States' accompanying actions (e.g. information campaigns) via the Payments Committee and through the Eurosystem, in close cooperation with the ECB. Technical issues will be discussed with market participants (e.g. at Payment Systems Market Expert Group). The take-up of new payment standards by public administrations will be measured yearly (and such measurement will be rendered public via internet).
Directive <u>2009/138/EC</u> of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II)	30/06/2013	The draft 'Omnibus Directive' (proposal COM(2012) 217 final of 16 May 2012) extended the deadline for transposition to 30 June 2013. The Commission is developing an IT tool to monitor the transposition of the Solvency II Directive by Member States and to follow-up its implementation. A seminar with Member States and EIOPA on the transposition of the Solvency II Directive by the Member States will be held in the second half of 2013.
Directive <u>2008/48/EC</u> of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers	11/06/2010	The Commission has developed guidelines which will enable Member States to use technical aspects of the Directive in a more harmonised way. The deadline for transposition was 12 May 2010 and the Commission is undertaking systematic transposition checks. An economic and a legal study is on-going to prepare the 2013 implementation report

2.2. State of play

Directives not fully transposed:	All Member States have transposed all directives.
Number of pending infringement cases for non-conformity:	There are no infringement proceedings open in this area.
Average duration of pending infringement cases:	Not applicable.
Average duration since Court's judgements:	Not applicable.
Transposition assistance:	IT-tool CIRCA has been put in place to provide assistance for Directive 2009/138.
Conformity checks:	Systematic conformity checks for Directive 2008/48.
Submission of draft transposition measures:	No data available.
On-line explanations:	No data available.

3. TRANSPORT

3.1. List of legislative acts

The key sector “transport” includes, among other legal instruments, the following legislative acts:

Title	Transposition deadline	Actions proposed in the Governance Communication
Directive <u>1999/62/EC</u> of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures as amended by Directive 2006/38/EC of 17 May 2006.	01/07/2000	Deployment of efforts ranging from bilateral meetings, peer reviews meeting in small groups of MS to enhance transposition assistance
Directive <u>2004/52/EC</u> of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community	20/11/2005	Exchange of best practice through expert groups and enhanced transposition assistance
Directive <u>2001/12/EC</u> of the European Parliament and of the Council of 26 February 2001 amending Council Directive 91/440/EEC on the developments of the Community's railways.	15/03/2003	The Commission will continues to hold meetings with all MS to explain how to implement the 1st railway package
Directive <u>2001/13/EC</u> of the European Parliament and of the Council of 26 February 2001 amending Council Directive 95/18/EC on the licensing of railway undertakings.	15/03/2003	Studies on the implementation of Reg. 1370/2007, in particular analysis of the impact on the market of the new rule imposing competitive tendering procedures for the award of railway public service contracts. Organisation of workshop(s) to promote the exchange of best practices Active infringements policy, i.e. launching ex-officio infringement cases to ensure a high level of compliance with the new rules of Reg. 1370/2007

Directive <u>2001/14/EC</u> of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification.	15/03/2003	<p>Conformity checks on a case by case basis</p> <p>Treatment of complaints</p> <p>Report in 2013 on the state of play of transposition in MS</p>
Directive <u>2012/34/EU</u> of the European Parliament and of the Council of 21 November 2012 establishing a single European Railway area.	16/05/2015	<p>Commission Recommendation on further actions aiming at improving the contribution to, and consistency with, the EU-wide performance targets.</p> <p>With the assistance if the independent Performance Review Body, monitoring, benchmarking and reviewing the performance of air navigation services and network functions.</p> <p>Commission recommendation on monitoring, giving guidance to MS on their monitoring obligation of the proper implementation of performance plans.</p> <p>Report by the Commission on the implementation of performance plans and targets.</p> <p>Setting of EU-wide targets for the second reference period (2015-2019).</p> <p>As foreseen in the performance regulation, the Commission (through Comitology procedure) will amend the performance and charging regulations to extend the performance scheme to cover the full gate-to-gate scope, with target setting in all four key performance areas (capacity, cost- efficiency, safety, environment) .</p>
Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure, COM(2013) 29 final, 30.1.2013.	Not yet adopted	<p>European coordinators to oversee corridor platforms activities and ensure effective coordination and cooperation. Corridor platforms to be composed of representatives of MS concerned and as appropriate, other public and private entities</p> <p>Exchange of good practice within TEN-T Days annual conferences; promotion and evaluation of policy implementation.</p>

Directive <u>2009/12/EC</u> of the European Parliament and of the Council of 11 March 2009 on Airport charges.	15/03/2011	Deployment of efforts ranging from bilateral meetings, peer reviews meeting in small groups of MS to enhance transposition assistance
Regulation (EU) No 691/2010 of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services	In force	<p>The Commission will adopt a Recommendation on the implementation of performance plans and targets in June 2012. Monitoring, benchmarking and reviewing the performance of air navigation services and network functions will be conducted with the assistance of the independent Performance Review Body.</p> <p>The Commission will adopt a Recommendation on monitoring in December 2012, giving guidance to Member States on their obligation to monitor the proper implementation of performance plans. The Commission will issue a report on the implementation of performance plans and targets in 2013.</p> <p>EU-wide targets for the second reference period (2015-2019) will be set in 2013.</p> <p>As envisaged in the performance regulation, the Commission (via a Comitology procedure) will amend the performance and charging regulations at the beginning of 2013 to extend the performance scheme to full 18 gate-to-gate coverage, with target setting in all four key performance areas (capacity, cost-efficiency, safety, environment).</p>
Directive <u>2010/65/EU</u> of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States.	19/05/2012	The Commission will continue to hold meetings with all MS to explain how to implement the 1st railway package
Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European network (recast)	In force	European Coordinators provide support to Member States for effective and timely implementation of Priority Projects. The TEN-T Days annual conferences provide an opportunity to exchange good practice (next conference expected in autumn 2012).
Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport	In force	The TEN-T Committee is set to adopt Annual and Multiannual Work Programmes setting financing priorities. Calls for proposals will be launched in 2012 and 2013, and a procedure will be launched for project selection to prepare the Connecting Europe Facility after 2013. In this context, the Commission intends to organise info day sessions and will provide monitoring and assistance to develop a project pipeline.

3.2. State of play

Directives not fully transposed:	Only BE, EE and RO have still one directive to transpose.
Number of pending infringement cases for non-conformity:	Only DK, DE, EE, CY, MT, NL, AT, RO, SK, FI and SE have no infringements open for non-conformity with these directives. FR has three, LT, PL and SI have two.
Average duration of pending infringement cases:	14 months. LV has an open infringement case for 58.1 months.
Average duration since Court's judgements:	3.3 months. EL, ES, FR, HU and PT still have to comply with Court's judgement.
Transposition assistance:	Enhance assistance through bilateral and multilateral meetings.
Conformity checks:	On-going or already fully performed conformity checks.
Submission of draft transposition measures:	Only a few Member States have provided with draft transposition measures.
On-line explanations:	No data available.

4. DIGITAL SINGLE MARKET

4.1. List of legislative acts

The key sector “Digital Single Market” includes the following legislative acts:

Title	Transposition deadline	Actions proposed in the Governance Communication
Directive <u>2000/31/EC</u> of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of electronic commerce	17/01/2002	An in-depth evaluation study of the transposition and implementation of the Directive is planned. At the same time, work within the expert group of Member States established under the Directive will continue, so as to help develop the legal and cross-border offer of online products and services.
Directive <u>2011/83/EU</u> of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council	13/12/2013	Enhanced transposition assistance through meetings of Member States experts; development of guidelines to help enforcers correctly implement the information requirements set out in Directive 2011/83/EU in the digital area.

4.2. State of play

Directives not fully transposed:	All Member States have transposed the directive 2000/31 (transposition deadline for directive 2011/83 not expired yet).
Number of pending infringement cases for non-conformity:	Only IE has one infringement case for non-conformity with this directive.
Average duration of pending infringement cases:	38.5 months (FR has an open infringement case for bad application of Directive 2000/13 pending for more than 70 months).
Average duration since Court's judgements:	There are no open infringements in front of the Court of Justice in this area.
Transposition assistance:	The Commission services provided for individual assistance and comments on draft technical regulations.
Conformity checks:	Post-implementation conformity checks with external consultant as regards Directive 2000/13.
Submission of draft transposition measures:	No data available.
On-line explanations:	No data available.

5. ENERGY

5.1. List of legislative acts

The key sector “Energy” includes the following legislative acts:

Title	Transposition deadline	Actions proposed in the Governance Communication
Directive <u>2009/72/EC</u> of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC	03/03/2011	To date, 13 Member States have not yet fully transposed the Electricity Directive. The Commission will continue to discuss the proper implementation and practical functioning of the Directive with the national authorities, including the national regulatory authorities. In parallel, the Commission has started in September 2011 infringement procedures for the non-communication of full transposition measures. An in-depth analysis of already notified measures will be carried out over the next months.
Directive <u>2009/73/EC</u> of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC	03/03/2011	To date, 12 Member States have not yet fully transposed the Electricity Directive. The Commission will continue to discuss the proper implementation and practical functioning of the Directive with the national authorities, including the national regulatory authorities. In parallel, the Commission has started in September 2011 infringement procedures for the non-communication of full transposition measures. An in-depth analysis of already notified measures will be carried out over the next months.
Directive <u>2006/32/EC</u> of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC	17/05/2008	The Directive has been transposed in all Member States; however a significant number of complaints are currently examined and point to possible compliance issues. The implementation of the Directive is regularly discussed with Member States, both bilaterally and in the frame of Concerted Action. The Commission is preparing a report focussing mainly on the progress achieved by Member States in implementing their national indicative targets; however broader implementation issues will also be tackled. The often vague and open wording of the Directive makes the Commission's enforcement powers rather limited. The proposed Energy Efficiency Directive aims to remedy the weaknesses of Directive 2006/32/EC.
Directive <u>2010/31/EU</u> of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings	09/07/2012	There are currently five open infringement cases related to Directive 2002/91/EC for non-transposition or for incorrect transposition and a large number of complaints are under examination. The Commission regularly discuss implementation issues with Member States in the frame of Concerted Actions.

5.2. State of play

Directives not fully transposed:	Only CZ, DK, EL, CY, HU, MT, SK, SE and UK have transposed all directives in this sector. SI and FI have to transpose still three out of all four of them.
Number of pending infringement cases for non-conformity:	There are three infringement proceedings for incorrect transposition against BG, CZ and LT.
Average duration of pending infringement cases:	11.3 months (only DK and SE have no infringement cases, be it for non-communication, incorrect transposition or bad application).
Average duration since Court's judgements:	There are no open infringement proceedings in front of the Court of Justice.
Transposition assistance:	The Commission services have organised bilateral exchanges, published interpretative notes or guidelines to provide enhanced transposition assistance.
Conformity checks:	Conformity checks have taken place or are still taking place for all Directives in this area.
Submission of draft transposition measures:	Draft transposition measures have been analysed in bilateral meetings with Member States.
On-line explanations:	Data not available.