



## July infringements package – Part 1: key decisions

Brussels, 13 July 2017

### Overview by policy area

In its monthly package of infringement decisions, the European Commission ('Commission') is pursuing 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 122 cases in which the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

In addition, today, the Commission decided to send a number of letters of formal notices. You will find the details in Part 2: [MEMO/17/1936](#).

For more information on the EU infringement procedure, see the full [MEMO/12/12](#). For more detail on all decisions taken, consult the [infringement decisions' register](#).

### 1. Agriculture and Rural Development

(For more information: Daniel Rosario - tel.: +32 229 56185, Clémence Robin – tel.: +32 229 52509)

*Reasoned opinions:*

#### **Commission calls on CYPRUS, ITALY and the UNITED KINGDOM to transpose measures on marketing standards for certain milk products**

The Commission decided to send reasoned opinions to **Cyprus, Italy and the United Kingdom** as they failed to communicate national transposition measures to the Commission on marketing standards for certain milk products, namely caseins and caseinates ([Directive \(EU\) 2015/2203](#)). The labelling rules laid out in this Directive aims at providing a high level of protection of health, aligning EU legislation on food with international standards and facilitating the free movement of these products by food business operators. Member States had to transpose the Directive into national legislation and inform the Commission of such measures by 22 December 2016. Caseins, which are found in milk and can be used independently in many industries as a binding agent, have a wide variety of uses, from being a major component of cheese, to use as a food additive. Caseinates provide important nutritional properties, contain all of the essential amino acids and are used notably in cheese-making, in protein supplements and in coffee creamer powders. The Commission's requests take the form of a reasoned opinion and follow letters of formal notice, which the Commission had sent in January 2017. The Member States have two months to comply with their obligations; otherwise, the Commission may decide to refer them to the Court of Justice of the EU.

### 2. Competition

(For more information: Ricardo Cardoso - tel.: +32 229 80100, Yizhou Ren – tel.: +32 229 94889)

*Reasoned opinions:*

#### **Commission requests BULGARIA, CYPRUS, the CZECH REPUBLIC, GREECE, LATVIA, MALTA and PORTUGAL to implement the Directive on antitrust damages actions**

The European Commission has requested **Bulgaria, Cyprus, the Czech Republic, Greece, Latvia, Malta and Portugal** to fully implement the Directive on antitrust damages actions ([Directive 2014/104/EU](#)) into national law. This Directive helps citizens and companies claim damages if they are victims of infringements of EU antitrust rules, such as cartels or abuses of dominant market positions. Among other things, it gives victims easier access to evidence they need to prove the damage suffered and more time to make their claims. The Directive on antitrust damages actions is therefore an essential part of EU competition law enforcement. Member States were under an obligation to implement it into national law by 27 December 2016. Today, the Commission is sending reasoned opinions to Bulgaria, Cyprus, the Czech Republic, Greece, Latvia, Malta and Portugal for failing to notify

the Commission of their national transposition measures. The 7 Member States now have two months to inform the Commission of measures taken to implement the Directive. In the absence of a satisfactory reply, the Commission may decide to refer them to the Court of Justice of the EU.

### **3. Economic and Financial Affairs**

*(For more information: Vanessa Mock – tel.: +32 229 56194, Barbara Ochotnicka – tel.: +32 229 13754)*

*A referral to the Court of Justice of the European Union*

#### **Commission refers SLOVENIA to the Court of Justice over transposition of budgetary rules**

The European Commission has decided to refer Slovenia to the Court of Justice of the EU for its failure to notify transposition measures related to a directive that sets requirements for Member States' budgets. The Directive on requirements for budgetary frameworks of the Member States ([Council Directive 2011/85/EU](#)) stipulates that Member States should transpose the provisions of that Directive into their national legal systems by 31 December 2013, and that they should communicate the text of those national laws to the Commission. Up to now, Slovenia has only submitted a partial notification of such measures. As a result, the Commission decided today to refer Slovenia to the Court of Justice of the EU for failing to fully notify its transposing measures. The Directive is one of the six legislative measures known as the "Six-Pack" that were adopted in 2011 to strengthen economic governance in the EU. It aims to make sure Member States conduct sound budgetary policies and to render their fiscal policy more robust. To do so, the Directive requires Member States to adopt a series of measures, such as the timely publication of reliable and detailed fiscal data, the introduction of national numerical fiscal rules, the reinforcement of medium-term budgetary planning and the improvement of the reliability and transparency of macroeconomic and budgetary forecasts. For more information, please refer to the full [press release](#).

### **4. Digital Single Market**

*(For more information: Nathalie Vandystadt - tel.: +32 229 67083, Johannes Bahrke (+32 229 58615))*

*Referrals to the Court of Justice of the European Union*

#### **Broadband cost reduction: Commission decides to refer 3 Member States to the Court of Justice**

The European Commission adopted today a decision to refer **Belgium, Croatia and Slovakia** to the Court of Justice of the EU for delay in transposing the [Broadband Cost Reduction Directive \(Directive 2014/61/EU\)](#) today. Member States had to transpose the Directive into national legislation until 1 January 2016. The Commission will call on the Court to impose a daily penalty payment on those three Member States from the day of the judgement until the Directive is in force in national law. The infringement proceedings were opened against Belgium, Croatia and Slovakia in March 2016 and the reasoned opinions were sent in these proceedings in [September 2016](#). Since then, the countries have not yet notified the Commission on the adoption of all measures necessary in order to transpose the Directive. In the case of Croatia, the Commission received meanwhile reassurance that the last missing element of the transposition would be formally adopted on Friday. The Broadband Cost Reduction Directive can save up to 30% of high-speed internet roll-out costs. It includes rules, such as the reuse of existing physical infrastructure of utilities for high-speed internet. The Directive also covers the coordination of civil works across sectors, including telecom, energy, waste water, transport and other infrastructure industries. Those measures create the conditions for a more efficient deployment of new physical infrastructure so that the networks can be rolled out at lower cost. Civil engineering, such as the digging-up of roads to lay down high-speed broadband, accounts for up to 80% of the cost of deploying broadband networks. The rules were adopted so that more people in the EU would have access to high-speed internet. The implementation is also very important from an overall perspective of completing the EU's Digital Single Market and to increase connectivity. For more information, please refer to the full [press release](#).

### **5. Employment, Social Affairs and Inclusion**

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*Referrals to the Court of Justice of the European Union*

#### **Commission refers CROATIA to the Court for failing to communicate national measures**

## transposing EU rules to enforce the Posting of Workers Directive

The European Commission is referring **Croatia** to the Court of Justice of the EU over the failure to notify the measures adopted for the transposition in its national legislation of EU law **on the enforcement of the Posting of Workers Directive (Directive 2014/67/EU)**, almost one year after its transposition deadline. Directive 2014/67/EU, also known as the 'Enforcement Directive', provides key tools to fight circumvention and abuse of EU rules on posting of workers, and to improve administrative cooperation and exchange of information between Member States to this end. A correct and timely transposition of the Enforcement Directive is, therefore, essential in tackling fraud and abuse in the area of posting of workers, in the interest of all Member States, companies and workers. The Enforcement Directive had to be transposed in national law by 18 July 2016. Except for Croatia, all Member States have communicated their transposition measures to the Commission. On this basis, the Commission is assessing whether the Enforcement Directive has been correctly implemented. Although the Commission sent a letter of formal notice in September 2016 and a reasoned opinion in [February 2017](#) requesting Croatia to communicate its transposition measures, the Croatian authorities have not yet done so. Therefore, on the basis of the procedure set out in Article 260(3) of the Treaty on the Functioning of the European Union ([TFEU](#)), the Commission will request the Court of Justice to impose a daily penalty payment on Croatia until the Directive is fully transposed into national legislation. Member States that fail to communicate their transposition measures are pursued by the Commission as a matter of priority. This communication is also crucial for the Commission to assess the conformity of the transposition measures and, thus, to ensure the correct and uniform application of the Enforcement Directive. For more information, please refer to the full [press release](#).

## 6. Energy

(For more information: Anna-Kaisa Itkonen - tel.: +32 229 56186, Nicole Bockstaller - tel.: +32 229 52589)

*Reasoned opinions:*

### **Nuclear energy: Commission requests AUSTRIA, CROATIA, the CZECH REPUBLIC, ITALY and PORTUGAL to fully comply with the Radioactive Waste Directive**

The Commission has requested **Austria, Croatia, the Czech Republic, Italy and Portugal** to ensure the full compliance with the Radioactive Waste Directive ([Council Directive 2011/70/Euratom](#)) and, in particular, to notify the Commission of their national programmes for spent fuel and [radioactive waste](#) management. The Directive establishes a framework for ensuring responsible and safe management of spent fuel and radioactive waste to avoid imposing undue burdens on future generations. The Directive requires Member States to provide for appropriate national arrangements for a high level of safety in spent fuel and radioactive waste management. The aim is to protect workers and the general public from the dangers arising from ionising radiation. Radioactive waste is generated from the production of electricity in nuclear power plants or from the non-power-related use of radioactive materials for medical, research, industrial and agricultural purposes. This means that all EU countries generate radioactive waste. Member States were required to notify their national programmes by 23 August 2015. The Member States concerned have two months to comply with their obligations; otherwise, the Commission may decide to refer them to the Court of Justice of the EU.

## 7. Environment

(For more information: Enrico Brivio - tel.: +32 229 56172, Iris Petsa - tel.: +32 229 93321)

*A referral to the Court of Justice of the European Union*

### **Commission calls for immediate suspension of logging in POLAND's Białowieża Forest**

The European Commission has decided to refer **Poland** to the Court of Justice of the EU for increased logging in the Białowieża Forest, which is a protected Natura 2000 site. As logging operations have started on a significant scale, the Commission is also requesting the Court for interim measures compelling Poland to suspend the works immediately. On 25 March 2016, the Polish authorities adopted a decision allowing for a three-fold increase in logging operations in the Białowieża Forest district as well as for logging in areas so far excluded from any intervention. These measures - which include the removal of century old trees - pose a major threat to the integrity of this Natura 2000 site. The Natura 2000 site protects species and habitats that are dependent on old-growth forests, including the availability of dead wood. For some of these species, the Białowieża Forest is the most important or the last remaining site in Poland. The available evidence shows that these measures are not compatible with the conservation objectives of the site and exceed those necessary for ensuring the sustainable use of the forest. In addition, the decision was preceded by an inappropriate assessment of the

impacts of the measures on the Natura 2000 site. In [April 2017](#), the Commission issued a reasoned opinion urging Poland to refrain from large scale logging and giving Poland one month to comply. Nevertheless, in spite of this, Poland has begun to implement its plan. For more information, please refer to the full [press release](#).

*Reasoned opinions:*

### **Plastic bags: Commission calls on SPAIN to enact EU rules on lightweight plastic carrier bags**

The Commission is urging **Spain** to complete the enactment of EU waste legislation into its national laws. In view of tackling resource waste and littering, EU governments had until 27 November 2016 to adopt measures to cut the consumption of lightweight plastic carrier bags as required by the Plastic Bags Directive ([Directive \(EU\) 2015/720](#)). National governments can choose from among a list of measures to achieve the commonly agreed objectives. These include economic instruments, such as putting a price on lightweight plastic carrier bags. Another option is national reduction targets: Member States must ensure that no more than 90 of these bags are consumed per person a year by the end of 2019. By the end of 2025, that number should be down to no more than 40 bags per person. Both options may be achieved either through compulsory measures or agreements with economic sectors. It is also possible to ban bags provided those bans do not go beyond the limits established by the Directive in order to preserve free movement of goods within the European Single Market. The Commission verifies by way of priority whether the Member States have fulfilled the obligation to transpose this Directive. Following receipt of the reasoned opinion, Spain will have two months to comply with its obligations following which the Commission may decide to refer it to the Court of Justice of the EU.

### **Waste: Commission sends final warning to SPAIN over failure to establish and review waste management plans for several regions**

The Commission is urging **Spain** to establish waste management plans covering its entire territory in line with the objectives of EU waste legislation rules ([Directive 2008/98/EC](#)) and the circular economy. Waste management plans are a key instrument to reduce the adverse impacts of the generation and management of waste on human health and the environment and to improve resource efficiency. Member States have to re-evaluate their waste management plans at least every six years and revise them, as appropriate. Given the importance of those plans, the Commission has launched infringement proceedings against 7 Member States, including Spain. The Spanish national waste management plan was revised in 2015 to adapt it to the new requirements of the Waste Framework Directive. But as the regions - autonomous communities and cities - have the primary competence in the field of waste management, they have to adopt their own waste management plans under Spanish legislation. Since not all regions had adopted a valid waste management plan, the Commission sent a letter of formal notice in November 2016 calling on Spain to adopt the necessary waste documents. To date, waste management plans from the Autonomous Communities of the Balearic Islands, the Canary Islands, Madrid, and the Autonomous City of Ceuta are still missing. Moreover, the Autonomous Communities of Aragon and Catalonia should revise their waste management plans as they were adopted more than six years ago. The Commission is, therefore, sending a reasoned opinion. If Spain fails to act within two months, the case may be referred to the Court of Justice of the EU.

## **8. Financial Stability, Financial Services and Capital Markets Union**

*(For more information: Vanessa Mock – tel.: +32 229 56194, Letizia Lupini - tel.: +32 229 51958)*

*Referrals to the Court of Justice of the European Union*

### **Commission refers CROATIA to the Court for failing to amend the law on the privatisation of the energy company INA-Industrija Nafta, d.d. (INA)**

The European Commission has decided to refer **CROATIA** to the Court of Justice of the EU for failing to align the 2002 law on the privatisation of *INA-Industrija Nafta, d.d.* ('INA law') with EU rules on the free movement of capital and the freedom of establishment. *INA-Industrija Nafta, d.d.* (INA, d.d.) is the main Croatian energy company, partially owned by the Croatian Government. The INA law grants the State special powers in this company, including vetoing INA's decisions relating to the sale of shares or assets above a certain value. The State can also oppose important management decisions, such as a change in the company's activities, the granting of concessions or authorisations and the location of its registered office. The fact that the Croatian State can refuse to approve important decisions that would be in the company's interest may negatively impact company shares and reduce the INA's attractiveness to investors. The Commission considers that the State's special powers provided for in the INA law unduly restrict the free movement of capital and freedom of establishment.

It acknowledges that the objective of protecting the security of energy supply is a legitimate public interest shared by the EU and could justify restrictions to the freedoms listed in [TFEU](#). However, such restrictions must be proportionate. In the present case, the INA law empowers the Croatian State to oppose important company decisions without needing to justify their veto in terms of potential threats to security of supply or other public policy, or in the public interest. In the Commission's view, these unconditional veto powers go beyond what is necessary to protect security of energy supply and are therefore disproportionate. The Commission remains open to efforts by the Croatian authorities to find a solution to this case, notwithstanding today's decision. For more information, please refer to the [full press release](#).

### **Commission refers SPAIN to the Court of Justice for failure to implement EU rules on whistle-blowers**

The Commission decided today to refer **Spain** to the Court of Justice of the EU for failure to notify measures for fully implementing the EU [rules on whistle-blowers](#). In 2015, the Commission adopted an implementing Directive ([Commission Implementing Directive \(EU\) 2015/2392](#), so-called "Whistle-blowing" Directive) as regards the reporting to competent authorities of actual or potential infringements of the Market Abuse Regulation. This Directive is part of the Market Abuse rulebook and requires Member States to establish effective mechanisms to enable the reporting of infringements of the Market Abuse Regulation. It contains provisions to protect those who report such infringements and further specifies procedures to protect whistle-blowers and reported persons, including follow-up arrangements on reports by whistle-blowers and protection of personal data. Member States had to enact these rules into national law by 3 July 2016. Having missed this initial deadline, several Member States, including Spain, were requested to take action to ensure full compliance with the new whistleblowing rules in September 2016. Since then, the Commission has not been informed of a complete enactment of the rules into national law. Therefore, it is referring Spain to the Court of Justice of the EU. For more information, please refer to the full [press release](#).

*Letters of formal notice and reasoned opinions:*

### **Financial services: Commission requests CROATIA, the CZECH REPUBLIC, IRELAND and the NETHERLANDS to implement EU rules on insurance**

The Commission has decided to send reasoned opinions to the **Czech Republic, Ireland** and the **Netherlands** requesting them to fully implement the Solvency II Directive ([Directive 2009/138/EC](#)) and the Omnibus II Directive ([Directive 2014/51/EU](#)). These Directives – which replace the 14 insurance and reinsurance Directives that were previously known as "[Solvency I](#)" - aim to ensure the financial soundness of insurance companies during financially challenging periods. The Directives became fully applicable on 1 January 2016 and the deadline for their implementation in national law was 31 March 2015. However, the **Czech Republic, Ireland** and the **Netherlands** failed to notify the Commission of all measures necessary to fully implement these rules into their national law. The Commission's requests take the form of a reasoned opinion and follow letters of formal notice, which the Commission had sent in May 2015. Having considered their replies, the Commission is still of the view that transposition of the Directives is not yet complete in these Member States. If the Czech Republic, Ireland and the Netherlands do not act within the next two months, they may be referred to the Court of Justice of the EU. On the same matter, the Commission has also decided to send letters of formal notice to **Croatia** requesting their national authorities to fully enact the Solvency II Directive ([Directive 2009/138/EC](#)) and the Omnibus II Directive ([Directive 2014/51/EU](#)) into its national legislation. If **Croatia** does not act within the next two months, the Commission may send it reasoned opinions on this matter.

## **9. Internal Market, Industry, Entrepreneurship and SMEs**

*(For more information: Lucia Caudet – tel.: +32 229 56182, Mirna Talko – tel.: +32 229 87278)*

*A referral to the Court of Justice of the European Union:*

### **Services: Commission refers BELGIUM to the Court of Justice of the EU due to restrictions on accountants**

The European Commission has decided to refer **Belgium** to the Court of Justice of the EU on the grounds that its restrictions on accountants offering services in related disciplines are incompatible with the [Services Directive](#) ([Directive 2006/123/EC](#)). Belgian legislation does not allow an accountant to provide services as a real-estate agent or insurance broker, or to perform financial activities. The Commission considers that this prohibition is not in line with the Services Directive (Article 25 on multidisciplinary activities) and believes that there are less restrictive means to secure independence,

impartiality and professional ethics. The Commission previously raised its concerns in a reasoned opinion in [November 2016](#), requesting Belgium to remedy the breach of EU law. As the Belgian authorities maintained their position, the Commission decided to refer Belgium to the Court of Justice of the EU. For more information, please refer to the full [press release](#).

*Letters of formal notice:*

#### **Car emissions: Commission requests further legal clarification from 5 Member States**

The Commission decided today to send additional letters of formal notice to **Germany, Greece, Luxembourg, Spain** and the **United Kingdom** requesting further information on their application of EU vehicle type approval rules ([Directive 2007/46/EC](#)). Following a careful assessment of the responses by Germany, Luxembourg, Spain and the UK to the [letters of formal notice](#) sent in December 2016, the Commission is seeking additional clarity on why these Member States did not apply penalties to a car manufacturer that used defeat devices banned under EU law. The Commission is also requesting further information from **Greece** about the national system of penalties set up in accordance with EU type approval legislation. The Commission also closed today the case against **Lithuania**, considering that the penalty system put into place is compatible with EU legislation.

*Reasoned opinions:*

#### **HUNGARY: Commission takes second step in infringement procedure on Higher Education Law**

Today, the European Commission decided to send a reasoned opinion to **Hungary** as regards the compatibility of the Higher Education Law as amended on 4 April 2017 with EU law. The Commission has decided to send Hungary a reasoned opinion on the grounds that the law as amended is not compatible with the freedom for higher education institutions to provide services and establish themselves anywhere in the EU. In addition, the Commission also remains of the opinion that the new legislation runs counter to the right of academic freedom, the right to education and the freedom to conduct a business as provided by the Charter of Fundamental Rights of the European Union and the Union's legal obligations under international trade law. After a thorough analysis of Hungary's response to the Commission's letter of formal notice of 27 April, the Commission maintains the conclusions of the in-depth legal assessment and discussions by the College on 12 April and 26 April 2017 that led to initiating the infringement procedure. Hungary now has one month to notify the Commission of measures taken to remedy the situation. Otherwise, the Commission may decide to refer the case to the Court of Justice of the EU. For more information, please refer to the full [press release](#).

#### **Retail: Commission requests HUNGARY to remove restrictions on retailers**

The Commission decided today to send a reasoned opinion to **Hungary** requesting it to remove restrictions on loss-making enterprises in the retail sector. Hungarian legislation prohibits retailers selling rapid turnover goods, such as groceries to continue operations in Hungary if they operate at a loss for two consecutive years. The Commission considers that such a measure runs counter to the freedom of establishment and the principle of non-discrimination (Article 49 [TFEU](#)) and the free movement of capital (Article 63 [TFEU](#)) and cannot be justified by the overriding reasons of general interest. Hungary now has two months to inform the Commission of measures taken to remedy the situation. Otherwise, the Commission may decide to refer the case to the Court of Justice of the EU.

#### **Free movement of goods: Commission calls on SPAIN to ensure free movement of food supplements**

The Commission decided today to send a reasoned opinion to **Spain** urging it to remove the discriminatory practices affecting the marketing of food supplements. According to Spanish legislation, when placing a food supplement on the Spanish market for the first time, enterprises based in Spain must notify the local authorities while enterprises from other EU countries must apply to the Spanish Agency for Food Safety and Nutrition (AECOSAN), which leads to higher costs. The Commission thus considers that the Spanish requirements restrict the free movement of goods (Article 34 [TFEU](#)) as these discriminate against businesses based in another EU country. Spain now has two months to notify the Commission of measures taken to remedy the situation; otherwise, the Commission may decide to refer the case to the Court of Justice of the EU.

#### **Radio equipment: Commission request 3 Member States to transpose rules on radio equipment**

The Commission decided today to send reasoned opinions to **Cyprus, Greece** and the **United Kingdom** calling on them to transpose the Directive on radio equipment (RED, [Directive 2014/53/EU](#)). The RED Directive defines the essential requirements on health and safety, electromagnetic

compatibility and efficient use of radio spectrum and provides the basis for further regulation on emergency calls, interoperability and safeguards for the protection of privacy and personal data. It also sets out procedures to be applied and obligations to be met before radio equipment can be placed on the EU internal market and enhances market surveillance. Member States should have fully transposed the Directive into their national legislation by 12 June 2016. **Greece** and the **United Kingdom** have not yet communicated to the Commission the transposition of this Directive into their national law, whereas **Cyprus** has communicated only partial transposition. The 3 Member States now have two months to notify the Commission of the full transposition of the Directive. Otherwise, the European Commission may decide to refer them to the Court of Justice of the EU.

## 10. Justice, Consumers and Gender Equality

(For more information: Christian Wigand – tel.: +32 229 62253, Melanie Voin – tel.: +32 229 58659)

*A letter of formal notice:*

### **HUNGARY: Commission launches infringement procedure for law on foreign-funded NGOs**

Today, the European Commission decided to send a letter of formal notice to **Hungary** for its new law on foreign-funded NGOs adopted on 13 June. The Hungarian law introduces new obligations for certain categories of NGOs receiving annual foreign funding above HUF 7.2 million (approx. € 24,000) to register and label themselves in all their publications, websites and press material as "organisations supported from abroad", and to report specific information about the funding they receive from abroad to the Hungarian authorities. These organisations face sanctions if they fail to comply with the new reporting and transparency obligations. The European Commission concluded that this law does not comply with EU law for the following reasons: 1) The law interferes unduly with fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union, in particular the **right to freedom of association**. The new law could prevent NGOs from raising funds and would restrict their ability to carry out their work. 2) The law also introduces unjustified and disproportionate **restrictions to the free movement of capital**, as outlined in the Treaty on the Functioning of the European Union. The new registration, reporting and publicity requirements foreseen by the law are discriminatory and create an administrative and reputational burden for these organisations. These measures may have a dissuasive effect on the allocation of funding from abroad and make it difficult for the concerned NGOs to receive it. 3) The law also raises concerns as regards the respect of the **right to protection of private life and of personal data**. It does not strike a fair balance between transparency interests and the right of donors and beneficiaries to protect their personal data. This relates in particular to the requirement to provide the Hungarian authorities with the exact amounts of transactions and detailed information about donors, which are then made public by the authorities. The Commission has, therefore, concluded that Hungary is failing to fulfil its obligations under the EU Treaties and the Charter of Fundamental Rights of the European Union. As a consequence, the Commission decided to send a letter of formal notice to Hungary today, giving the Hungarian authorities one month to respond. The Commission stands ready to support and assist the Hungarian authorities in addressing this issue. For more information, please refer to the full [press release](#).

## 11. Maritime Affairs and Fisheries

(For more information: Enrico Brivio – tel.: +32 229 56172, Iris Petsa – tel.: +32 229 93321)

*Reasoned opinions:*

### **Maritime spatial planning: Commission calls on 5 Member States to communicate national measures transposing the Maritime Spatial Planning Directive**

The Commission decided today to send reasoned opinions to **Bulgaria, Croatia, Cyprus, Finland** and **Greece** for failure to notify complete transposition into their national legislation of the EU rules establishing a framework for maritime spatial planning (MSP; [Directive 2014/89/EU](#)). Member States had to transpose the Directive into national legislation and inform the Commission of such measures by 18 September 2016. Competition for maritime space – for renewable energy equipment, fishing and aquaculture, tourism, raw material extraction, sea transport routes and other uses – has highlighted the need to manage European waters more coherently. MSP works across borders and sectors to ensure human activities at sea take place in an efficient, safe and sustainable way as well as to meet various ecological, economic and social objectives. The Directive sets down EU countries' common approach and minimum requirements to the planning of maritime areas. The Member States concerned have two months to comply with their obligations following which the Commission may decide to refer them to the Court of Justice of the EU.

## 12. Migration, Home Affairs and Citizenship

(For more information: *Natasha Bertaud* – tel.: +32 229 67456; *Tove Ernst* – tel.: +32 229 86764; *Markus Lammert* – tel.: +32 229 58602)

*A referral to the Court of Justice of the European Union*

### **Legal migration: Commission refers BELGIUM to the Court of Justice for failing to provide common rules for non-EU workers**

The European Commission decided today to refer **Belgium** to the Court of Justice of the EU for failing to fully implement the Single Permit Directive ([Directive 2011/98/EU](#)). Designed to facilitate legal migration, the Directive introduces simplified procedures and a common set of rights for non-EU workers. Belgium, having failed to meet the initial transposition deadline of 25 December 2013, has still not fully implemented the Directive. As a result, the Commission decided to refer Belgium to the Court of Justice of the EU today. Member States were required to transpose this Directive in full by 25 December 2013. By that date, Belgium had only partially transposed the new rules. As a result, the Commission sent a letter of formal notice to Belgium in March 2014 and, subsequently a reasoned opinion in [April 2015](#). In [November 2015](#), the Commission referred Belgium to the Court of Justice of the EU. The referral was put on hold in April 2016, after the Belgian authorities provided additional information. However, to date, Belgium has still not notified the Commission of the full transposition of the Directive into its national law. The Commission has, therefore, decided to refer the case again to the Court of Justice of the EU. In referring Belgium to the Court of Justice of the EU, the Commission proposes a daily penalty of €70.828,80. The amount of the penalty has been calculated taking into account the seriousness, the duration of the infringement and the deterrent effect reflected in the ability to pay of the Member State. For more information, please refer to the full [press release](#).

*Reasoned opinions and closures:*

### **Legal migration: Commission requests BELGIUM, CROATIA, FINLAND and SWEDEN to ensure full implementation of the Seasonal Workers Directive and closes cases against ESTONIA, LUXEMBOURG and ROMANIA**

The Commission is addressing today shortcomings in the transposition of the Seasonal Workers Directive ([Directive 2014/36/EU](#)). The Seasonal Workers Directive, adopted on 26 February 2014, determines the conditions of entry and stay of non-EU seasonal workers and defines the rights of those seasonal workers. Member States should have transposed the Directive into national law by 30 September 2016. Today, the European Commission has addressed reasoned opinions to **Croatia and Finland for non-communication of national measures taken to transpose the** Directive on conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. The Commission has also addressed reasoned opinions to **Belgium and Sweden** for the partial communication of national measures taken to transpose this Directive. On 24 November 2016, the Commission sent letters of formal notice to **Belgium, Croatia, Estonia, Finland, Luxembourg, Romania and Sweden** for failure to fully transpose the Seasonal Workers Directive. **Croatia and Finland** have still not notified of any measure transposing the Directive, and the Commission considers that the measures notified by **Belgium and Sweden** do not fully transpose all the provisions of the Directive into their national legislation. **Belgium, Croatia, Finland and Sweden** now have two months to notify the Commission of all measures taken to ensure full implementation of the Directive, following which the Commission may decide to refer these cases to the Court of Justice of the EU. After having examined the measures communicated by **Estonia, Luxembourg and Romania**, the Commission has decided to close the procedures against these Member States.

## 13. Mobility and Transport

(For more information: *Enrico Brivio* – tel.: +32 229 56172, *Alexis Perier* - tel.: +32 229 69143)

*A letter of formal notice and reasoned opinions:*

### **Sustainable transport: Commission urges 7 Member States to fully transpose rules on the deployment of alternative fuels infrastructure\***

The Commission today sent a reasoned opinion to **Greece, Ireland, Malta, Romania, Slovenia** and the **United Kingdom** requesting them to notify their national policy framework under EU rules on the deployment of alternative fuels infrastructure ([Directive 2014/94/EU](#)). The national policy framework is the main instrument provided by the Directive to ensure the build-up of sufficient alternative fuel infrastructures, including recharging points for electric vehicles and refuelling points for natural gas and



hydrogen, and to avoid a fragmentation of the internal market. Accelerating alternative fuel infrastructure deployment is indeed essential to deliver a clean and competitive mobility to all Europeans, as set out by the Commission in the "[Europe on the Move](#)" package adopted in May 2017. The 7 Member States now have two months to comply with their obligations under the Directive; otherwise, the Commission may decide to refer the case to the Court of Justice of the EU. In addition, the Commission also decided to send a letter of formal notice to **Sweden** for notifying a National Policy Framework that does not contain the minimum elements required by the Directive.

\* Updated on 14/07/2017 (removed incorrect reference to Poland).

*A reasoned opinion:*

### **Passenger rights: Commission calls on GREECE to fully apply the rules for passengers travelling by sea and inland waterways**

Today, the Commission requested **Greece** to fully apply EU rules on the rights of passengers travelling by sea and inland waterways in the EU ([Regulation 1177/2010](#)). Currently, the Greek national legislation prevents passengers to fully benefit from the rights granted by this Regulation when their maritime passenger service is cancelled or delayed. Greece now has two months to notify the Commission of the measures taken to correctly apply the Regulation; otherwise, the Commission may refer the case to the Court of Justice of the EU.

## **14. Health and Food Safety**

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*A reasoned opinion:*

### **Commission calls on Italy to implement actions needed to stop the spread of 'Xylella fastidiosa'**

The Commission is sending a reasoned opinion to **Italy** today as the authorities are failing to stop the progression of a harmful organism *xylella fastidiosa*. Following the outbreak of *xylella fastidiosa* in the Apulia region the Italian authorities had to fully comply with the EU rules on organisms harmful to plants or plant products and against their spread within the EU ([Commission Implementing Decision \(EU\) 2015/789](#) and [Council Directive 2000/29/EC](#)). This involved removal of infected plants on its territory immediately after the first confirmation of the presence of *xylella fastidiosa*. New outbreaks in Italy were, however, notified and the timetable communicated by Italy was ineffective to ensure the immediate removal of the infected trees as requested by EU legislation. *Xylella fastidiosa* is one of the most dangerous plant bacteria worldwide, causing a variety of diseases, with huge economic impact for agriculture. Member States have to take all necessary measures to eradicate *Xylella fastidiosa* and to ban its spreading within all Member States. The Commission's request takes the form of a reasoned opinion and follows a letter of formal notice, sent Commission in December 2015. Then, the Commission sent a supplementary letter of formal notice to the Italian authorities in [July 2016](#). Italy has two months now to comply with its obligations; otherwise, the Commission may decide to refer Italy to the Court of Justice of the EU.

## **15. Taxation and Customs Union**

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*A reasoned opinion:*

### **Taxation: Commission calls on FRANCE to end the unfavourable treatment for taxpayers who receive income from foreign sources**

The Commission has requested **France** to amend certain provisions on how it calculates personal income tax. Current rules in France state that taxpayers resident in France and earning part of their income in another Member State of the European Economic Area (EEA) cannot benefit from the same personal and family tax advantages as applied to income earned in France. Under French rules, the taxpayer is also unable to benefit from any refunds or deferrals of tax credits for income from foreign sources when the individual is in deficit. By retaining these provisions, France is in breach of its obligations under the Articles of the Treaty on the Functioning of the European Union (TFEU) and the Agreement on the EEA on the free movement of workers, the right of establishment and the free movement of capital. If the French authorities fail to act within two months, the case may be brought

before the Court of Justice of the EU.

*Reasoned opinions and closures:*

**Taxation: The Commission calls on BULGARIA, CYPRUS and PORTUGAL to transpose new transparency rules for the exchange of tax rulings**

The Commission has decided to send reasoned opinions to **Bulgaria, Cyprus** and **Portugal** as these Member States have failed to communicate the transposition of [new measures on the automatic exchange of tax rulings](#) between EU tax authorities ([Council Directive \(EU\) 2015/2376](#)). Member States were supposed to transpose these measures by 31 December 2016. The new rules are designed to help clamp down on cross-border tax avoidance, aggressive tax planning and harmful tax competition and the first exchange of information between all EU tax authorities is supposed to take place by this September. The Commission has set the 3 countries a deadline of two months to reply. In the absence of a satisfactory reply, the Commission may decide to refer the case to the Court of Justice of the EU. In the meantime, the Commission has also welcomed the transposition of the same measures by the **Czech Republic, Greece, Hungary** and **Poland** and decided today to close the respective infringement cases. In a second step, the Commission will assess whether the legislation of all Member States comply with all requirements of the new rules.

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