



EUROPEAN COMMISSION

MEMO

Brussels, 25 September 2014

September infringements package: main decisions

	EMPLOYMENT & SOCIAL AFFAIRS	ENERGY	ENVIRONMENT	HEALTH & CONSUMER POLICY	HOME AFFAIRS	INDUSTRY & ENTREPRENEURSHIP	INTERNAL MARKET & SERVICES	TAXATION & CUSTOMS UNION	TRANSPORT
AT									1
BE	1	1							1
BG			2				2		
CZ				1					
DE			1			1		1	
EE								1	1
EL			1		1			2	2
ES			1						1
FI			1						
FR	1								
HU									1
IT								2	1
LU		1							1
LV		1	1						
NL		1						1	1
PL									1
PT			1						
RO			1	2					
SI		1	1	1					
UK			1						

In its monthly package of infringement decisions, the European Commission is pursuing legal action against Member States for failing to comply properly with their obligations under EU law. These decisions covering many sectors aim to ensure proper application of EU law for the benefit of citizens and businesses.

The Commission has today taken **147 decisions**, including **39 reasoned opinions** and **4 referrals** to the European Union's Court of Justice. Below is a summary of the main decisions. For more information on infringements procedure, see [MEMO/12/12](#).

1. Referrals to the Court of Justice

- **Environment: European Commission asks Court to fine GREECE for inadequate management of hazardous waste**

The European Commission is referring **Greece** back to the European Court of Justice for poor treatment of hazardous waste. Five years after the first ruling, Greece is still failing to comply with EU standards. The Commission is therefore asking the Court to impose fines, proposing a lump sum of EUR 14 904 736 and a daily penalty payment of EUR 72 864 until the obligations are fulfilled.

(for more information: [IP/14/1037](#) - J. Hennon - Tel. +32 229 53593 - Mobile +32 498 95 3593)

- **Taxation: GERMANY referred to Court over its rules on VAT refunds for non-EU operators**

The European Commission has decided to refer **Germany** to the European Court of Justice regarding its rules on VAT refund applications which discriminate against non-EU operators.

Under German VAT legislation, taxable persons established outside the EU must personally sign the application form to be refunded the VAT charged on goods or services.

Operators established in Germany or in the EU, on the other hand, can authorise a third person to sign or submit their refund form to recover VAT.

The Commission sent a reasoned opinion to Germany in September 2012 asking for these rules to be amended (see [MEMO/2012/708](#)). However the German authorities did not bring their rules into conformity with EU law.

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- **Maritime security: the Commission takes SPAIN to court over the security of its ports**

The European Commission is taking action against **Spain** before the Court of Justice of the European Union, because 20 Spanish ports have yet to adopt and implement the port security plan.

The main objective of European port security policy is to provide protection for ships and port facilities, as part of the maritime link in the transport logistics chain, against the risk of attacks and terrorism. Directive [2005/65/EC](#) on enhancing port security aims to guarantee uniformly high levels of security in all European ports, in particular by implementing a port security plan which lays down the security measures to be taken.

(For more information: [IP/14/1039](#) - H. Kearns - Tel. +32 229 87638 - Mobile +32 498 98 7638)

- **Taxation: Commission refers THE NETHERLANDS to the Court over VAT exemption for water sport activities**

The European Commission has decided to refer **The Netherlands** to the European Court of Justice for failing to fully comply with EU rules on VAT exemptions for water sports activities.

Under the VAT Directive, the supply of sport or physical education services by non-profit making organisations is exempt from VAT.

However, The Netherlands only grants that exemption if the organisations in question do not employ workers to supply these services, but volunteers. The Commission considers that this additional condition is not allowed by the VAT Directive.

The Commission already sent a reasoned opinion formally requesting The Netherlands to comply with the VAT Directive, but the Dutch authorities refused to change the law.

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2. Reasoned opinions

- **Energy: BELGIUM, LUXEMBOURG, LATVIA, THE NETHERLANDS and SLOVENIA are called upon to comply with EU rules on minimum oil stocks**

Today the Commission has formally requested **Belgium, Luxembourg, Latvia, The Netherlands** and **Slovenia** to take action to ensure full compliance with their obligations under EU legislation on oil stocks. The Oil Stocks Directive ([2009/119/EC](#)) requires Member States to maintain stocks of crude oil and/or petroleum products equivalent to at least 90 days of average daily net imports or 61 days of average daily inland consumption, whichever of the two quantities is greater. The Directive had to be transposed by 31 December 2012. Given the importance of oil in the EU's energy mix, the EU's strong external dependence for supply of crude oil and petroleum products and the geopolitical uncertainty in many producer regions, it is vital that all EU countries comply with these rules in order to ensure consumers' access to petroleum products at all times.

The European Commission sent today a reasoned opinion to four Member States (Luxembourg, Latvia, The Netherlands, and Slovenia) which have only partially transposed the requirements of the Directive. Belgium had already received a reasoned opinion in June 2013. Since then Belgium has adopted legislation to comply with these EU rules but according to the Commission's assessment the transposition of the Directive is still partial. Therefore the Commission today also issued an additional reasoned opinion against Belgium.

If the Member States do not comply with their legal obligations within two months, the Commission may decide to refer them to the Court of Justice. Infringement procedures were opened in January 2013 against 17 Member States that had failed to comply with their transposition obligations. A letter of formal notice was sent to Belgium, Bulgaria, Cyprus, Czech Republic, Greece, Spain, Hungary, Lithuania, Luxembourg, Latvia, Malta, The Netherlands, Poland, Portugal, Romania, Slovenia and the United Kingdom. In June 2013, a reasoned opinion was sent to Belgium, Cyprus, Czech Republic, Portugal and Romania. The Commission is examining the situation in the other Member States against which infringement procedures were opened and the present action could be complemented with further reasoned opinions in the forthcoming infringement cycles. More information on the [secure supply of oil](#).

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- **Rail transport: Commission requests ESTONIA, GREECE and HUNGARY to fully transpose EU legislation on rail safety**

The European Commission has requested **Estonia, Greece and Hungary** to bring their national rules in line with Directive [2004/49/EC](#) on railway safety. In both Greece and Estonia, this concerns in particular the independence and status of the investigating body. Additionally, in Estonia safety certification and the reporting of accidents and incidents to the investigating body are affected. In Hungary, the Commission's request in particular concerns the independence of the national safety authority, the right of the national safety authority to request the technical assistance of infrastructure managers and railway undertakings or other qualified bodies, and the obligation of the national safety authority to report accidents and incidents to the investigating body.

The directive aims at developing a common European approach to railway safety, in particular at establishing safety requirements on the rail system, including safe management of infrastructure and traffic operation, roles and responsibilities of railway undertakings and infrastructure managers and their interaction, common safety regulatory framework, regulation, management, supervision of safety and independent investigation of accidents. The legislation should have been in place since 30 April 2006. It is important that EU legislation on railway safety is applied so that all EU rail networks demonstrate consistent high safety levels.

The Commission opened infringement proceedings against Estonia in May 2014, against Greece in April 2013 and against Hungary in February 2014. Reasoned opinions (the second stage in EU infringement proceedings) are now being sent. The three countries have two months to reply to the Commission. If Estonia, Greece and Hungary fail to react satisfactorily, the Commission may refer the matter to the EU Court of Justice.

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- **Commission asks GERMANY and SLOVENIA to enact EU rules on waste electrical and electronic equipment**

The European Commission is urging **Germany and Slovenia** to send details about how EU legislation on waste electrical and electronic equipment (WEEE) is being enacted in their domestic law, an obligation due to be fulfilled by 14 February 2014. The new [WEEE Directive](#) replaces and updates older rules on waste electrical and electronic equipment and seeks to prevent or reduce adverse impacts of the generation and management of WEEE on human health and the environment as well as to improve efficiency and overall impacts of resource use, thereby contributing to sustainable development. After missing the original deadline, Germany and Slovenia were sent letters of formal notice on 31 March 2014. The Commission is now sending reasoned opinions, and if the Member States in question fail to act within two months, the cases may be referred to the EU Court of Justice

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- **Patients' rights in cross-border healthcare: Commission urges THE CZECH REPUBLIC, ROMANIA and SLOVENIA to notify full transposition of the cross-border healthcare rules**

Today, the European Commission sent a formal request to **the Czech Republic, Romania and Slovenia** to notify full transposition of the cross-border healthcare Directive ([2011/24/EU](#)). This Directive lays down patients' rights to choose to receive healthcare in another Member State, and claim reimbursement for it at home. It also requires health

systems and healthcare providers to ensure patients are given the information they need to make an informed choice about their treatment. The Directive has been partially transposed by the Czech Republic, Romania and Slovenia.

However, to date, the above Member States have not fully turned this Directive into national law, despite being required to do so by 25 October 2013. These countries have two months to inform the Commission of the measures taken to fully transpose Directive [2011/24/EU](#). Failure to notify adequate measures could lead to the Commission referring the cases to the EU Court of Justice.

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- **Passenger rights: Commission requests GREECE and LUXEMBOURG to ensure enforcement of the rules for passengers travelling by bus and coaches**

The European Commission has requested **Greece** and **Luxembourg** to adopt the necessary measures for the correct application of the bus and coach passenger rights ([Regulation \(EU\) No 181/2011](#)). Luxembourg has not yet set up a penalty system to ensure that the Regulation is fully respected. In Greece the designated national authorities cannot enforce the rules, including penalties, regarding certain bus and coach services covered by the Regulation. The Regulation sets out the rights of passengers traveling by bus and coach in the EU and it became applicable on 1 March 2013, date by which all Member States were bound by law to fulfil the abovementioned requirements. The requests have been sent in the form of a reasoned opinion under the EU infringement procedures. Greece and Luxembourg have two months to notify the Commission of the measures taken to apply the regulation correctly, otherwise the Commission may decide to refer Greece and Luxembourg to the EU's Court of Justice.

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- **Road transport: Commission asks AUSTRIA to end unequal treatment in the tolling scheme on the Felbertauern crossing**

The European Commission has formally requested **Austria** to amend the tolling regime on the Felbertauern crossing in the Austrian Alps for it to be in line with the non-discrimination principle on grounds of nationality according to Article 18 [TFEU](#) and, as regards lorries, also with some provisions of the so-called 'Eurovignette' Directive [1999/62/EC](#). The currently applied tolling regime provides for different tariffs depending on the place of registration of a vehicle. The Commission considers that the level of differentiation is disproportionately high in the case of private cars and that the differentiation additionally distorts competition between operators in the case of commercial vehicles. The Commission's request takes the form of a 'reasoned opinion', the second stage of the infringement procedure. In the absence of a satisfactory response from Austria within two months, the Commission may refer Austria to the Court of Justice of the European Union.

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- **Social Security: Commission requests BELGIUM to accept workers' certificates of affiliation to another Member State's social security system**

The European Commission has requested **Belgium** to accept mobile workers' documents certifying that they pay into the social security system of another Member State. Current Belgian rules allow their authorities to not recognise such documents and to unilaterally subject such mobile workers to Belgian social security legislation in contravention of EU law.

The so-called "Portable Documents A1" are issued to workers temporarily posted to another Member State (for up to two years) and to people working in several countries at the same time, to prove that they pay their social security contributions in the issuing Member State. According to EU law, consistently confirmed by the EU's Court of Justice, other Member States are obliged to accept such documents as long as they have not been withdrawn or declared invalid by the issuing Member State.

To guard against abuse or fraud, there are specific and clearly established EU rules to verify the validity of these documents. These rules fix deadlines for other Member States to respond to requests to verify the validity of these documents and provide a conciliation procedure in cases of disagreement. However, Belgium has chosen not to use this well-established procedure but rather to act unilaterally.

The Commission's request takes the form of a 'reasoned opinion' under EU infringement procedures. Belgium now has two months to notify the Commission of measures taken to remedy this situation. Otherwise, the Commission may decide to refer Belgium to the EU's Court of Justice.

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- **Transport: Commission asks BELGIUM to comply with EU law on airport charges**

The European Commission has requested **Belgium** to fully transpose [Directive 2009/12/EC](#) on airport charges into national legislation, which applies to the largest airport in each Member State and to all EU airports handling more than 5 million passengers per year. Airport charges are fees that airlines pay to airports for using their infrastructure. The Directive sets minimum standards for the calculation of airport charges in order to avoid discrimination and ensure fair competition among all airlines using EU airports. It takes into account the different airport charging systems that are imposed by national authorities, and builds on the policies on charges for airports and air navigation services drawn up by the International Civil Aviation Organization. All EU Members States were bound by law to fully implement it by March 2011.

To date Belgium has not correctly transposed certain requirements of the Directive into national legislation, specifically the provisions concerning the set-up of a system of consultation on charges between airports and airlines, and the setting up of an independent supervisory authority to settle disputes over charges between airports and airlines. The request was sent in the form of a 'reasoned opinion' under the EU infringement procedure. Belgium has two months to notify the Commission of the measures taken to fully transpose the Directive, otherwise the Commission may decide to refer Belgium the EU's Court of Justice.

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- **Freedom of establishment and freedom to provide services: Commission requests BULGARIA to respect EU rules**

Today, the European Commission has requested **Bulgaria** to respect EU rules on freedom of establishment and free movement of services (Articles 49 and 56 [Treaty on the Functioning of the EU](#) and Articles 15 and 16 of Directive [2006/123/EC](#) on services in the internal market). Bulgaria sets minimum tariffs for services provided by veterinarians which restrict freedom of establishment and freedom to provide services for foreign service providers. Under this Act, every year the Bulgarian authorities set the minimum prices for veterinary activities excluding activities on the control, eradication and prevention of animal diseases. If Bulgaria does not abolish the scale of minimum tariffs for

veterinarians, market access will continue to be significantly restricted as it prevents new operators entering the market from competing on the price of veterinary services. This eventually denies customers from acquiring services at another price. So far this tariff requirement has not been repealed and the Commission therefore requests Bulgaria, in the form of a reasoned opinion, to take action to fully comply with EU rules. If the Bulgarian authorities fail to act within two months, the Commission may refer the case to the EU Court of Justice.

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- **Environment: Commission asks BULGARIA to amend water legislation**

The European Commission is sending **Bulgaria** two reasoned opinions related to water legislation. The first concerns shortcomings in the enactment in national law of the [Water Framework Directive](#). The Commission carried out an analysis of Bulgarian legislation, which revealed a number of gaps, and then sent two letters of formal notice in November 2009 and in September 2013 on the matter. Although Bulgaria amended its legislation and acknowledged most of the deficiencies, it failed to adopt all measures to correct them and some technical details such as lack of certain standards for monitoring of quality elements still remain to be addressed properly.

The second reasoned opinion concerns a failure to bring domestic legislation into full compliance with the [Drinking Water Directive](#), which aims to protect human health from the adverse effects of any contamination of water intended for human consumption. Today's action follows two letters of formal notice sent to Bulgaria in November 2009 and September 2013. While many of the original issues have now been addressed, the Commission is now urging Bulgarian authorities to correct the remainder, including, for example, ensuring that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited, or its use restricted. If Bulgaria fails to act within two months, these cases may be referred to the EU Court of Justice.

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- **Commission requests that GERMANY comply with Directive on cars air-conditioning**

The Commission sent today a formal request to **Germany** to take the necessary actions to apply the EU Directive on Mobile Air Conditioning (MAC) ([2006/40/EC](#)). The Directive stipulates a gradual ban on the use of fluorinated greenhouse gases - which have a high global warming potential - in cars' air-conditioning systems.

Germany has infringed EU law in so far as it allowed a German manufacturer to put on the EU market, between January and June 2013, vehicles that were not in conformity with the Directive and decided not to impose any remedial measures on this manufacturer. Furthermore, in May 2013, the German approval authorities accepted the request from the manufacturer to discontinue the use of current type approvals for those vehicles and to extend instead old vehicle approvals for these same vehicles. The Commission considers that in granting these extensions the German authorities have circumvented the application of the MAC Directive, depriving it of its intended effects.

The Commission is committed to ensuring that the climate objectives of the MAC Directive are fulfilled and that the law is uniformly applied throughout the EU internal market, so that fair competitive conditions are respected for all economic operators

Germany now has two months to take the necessary measures to comply with the Commission's request. If they fail to do so, the Commission may decide to refer the matter to the European Court of Justice.

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- **Taxation: Commission asks ESTONIA to change its legislation on the sale and marketing of cigarettes**

The European Commission has formally requested that **Estonia** change its excise duty legislation related to the marketing of cigarettes. In Estonia, a time limit for the sale of cigarettes is set down, linked to the fiscal stamp on the packaging. Three months after a new design of tax marking enters into force, cigarettes bearing the old marking are no longer allowed to be sold. Under the EU law excise duty on tobacco products must be charged at the rate applicable on the date on which they are released for consumption. There is no provision under EU legislation which allows Member States to limit the distribution of tobacco products already released for fiscal reasons. Therefore, this sale prohibition is not justified.

The Commission's request takes the form of a reasoned opinion (second step of EU infringement proceedings). If the rules are not brought into compliance within two months, the Commission may refer the matter to the European Court of Justice. (Ref.: 2012/2135)

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- **Taxation: Commission asks GREECE to amend legislation on duty free service stations on land borders**

The European Commission has formally requested **Greece** to modify its legislation which allows service stations at its land borders with Kipi (Turkey), Kakkayia (Albania) and Evzoni (FYROM) to sell fuel without excise duties. The Commission believes that when a vehicle is tanked, the fuel should be considered as having been sold for consumption, and therefore cannot remain under a duty suspension regime. Excise duties should therefore be charged on the sale of that fuel, in line with the European Directive on Excise Duties. The request is in the form of a Reasoned Opinion. In the absence of the necessary measures to comply within two months, the Commission may refer Greece to the EU's Court of Justice. (Ref.: 2013/2038)

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- **Taxation: Commission asks GREECE to stop discriminatory taxation for ships flying foreign flags**

The European Commission has officially asked **Greece** to amend its discriminatory taxation rules for foreign-flagged ships. Under Greek tax rules, Greek-flagged ships and certain vessels managed from Greece are exempt from income tax and instead subject to the simplified and lower special tonnage tax for maritime activities. Foreign-flagged ships, on the other hand, are subject to the less favourable income tax regime. Additionally, Greek legislation allows an income tax exemption for dividends from entities using Greek-flagged ships, but not for dividend from companies using foreign-flagged ships.

The Commission considers that such rules are contrary to EU rules on the freedom of establishment, the freedom to provide services and the free movement of capital. The Commission's request takes the form of a reasoned opinion. If Greece fails to comply

within two months, the Commission may refer the matter to the European Court of Justice. (Ref.: 2012/4155)

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- **Commission urges GREECE to implement rules on a Single Permit and a clear set of rights for legal migrant workers**

The European Commission is concerned that **Greece** has not taken sufficient action to implement [Directive 2011/98/EU](#). The Directive introduces a single application procedure for single permits for non-EU nationals to reside and work in the territory of an EU Member State, and a common set of rights for non-EU workers legally residing in a Member State. The so-called "Single Permit Directive" had to be implemented by 25 December 2013.

Despite a letter of formal notice sent in January this year (the first step of an infringement procedure), the Greek authorities have not yet notified any measure of transposition.

That is why the Commission decided today to address a 'reasoned opinion' to Greece. Greece has two months to notify the Commission of measures taken to bring national legislation into line with EU law. Otherwise, the Commission may decide to refer Greece to the EU's Court of Justice.

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- **Environment: Commission asks SPAIN to close uncontrolled landfill sites**

The European Commission is urging **Spain** to act on a number of uncontrolled landfill sites which, although not in operation still require closure, sealing and restoration. Under EU law, waste needs to be recovered or disposed of under controlled conditions. By not taking all the necessary measures to ensure that waste management is carried out without endangering human health or harming the environment, Spain is breaching its obligations under the [Waste Framework Directive](#), Europe's main legislation in this area.

Spain still has 63 landfill sites across the country awaiting closure, sealing and restoration. Although Spain had previously agreed to complete the works by the end of 2011, the proposed finishing date has now been postponed until 2016, and the Commission is therefore sending a reasoned opinion. Today's letter follows a letter of formal notice sent to Spain in March 2007 and a first reasoned opinion sent in October 2008 (see [IP/08/1537](#)). If Spain fails to comply with the Directive, the case may be referred to the EU Court of Justice.

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- **Environment: Commission urges FINLAND to update water legislation**

The European Commission is asking **Finland** to bring its national laws into line with the [Water Framework Directive](#) (WFD) to improve the quality of surface water and groundwater. The infringement dates back a number of years, and while Finland adopted a new Water Act in 2011, technical shortcomings remain both on the mainland and on Åland. Under the Directive, to prevent water bodies from deteriorating, Member States must draw up programmes of measures that are to be updated in step with the River Basin Management Plans required by the legislation. The Commission finds that water status could suffer as a result of the timing proposed by Finland for such updates.

The Commission also considers that Åland needs to have the legislation in place in order to address deterioration from unforeseen events, such as floods. If Finland fails to reply within two months, the Commission may refer the case to the EU Court of Justice.

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- **Working Time: Commission requests FRANCE to respect rights of certain police officers to maximum working hours and minimum rest periods**

The European Commission has requested **France** to respect the rights of certain police officers to minimum rest periods and limits on their working hours, as required by the Working Time Directive ([2003/88/EC](#)). Under French law, several key rights contained in the Working Time Directive, such as the 48-hour limit to average weekly working time and the right to compensatory rest, are not guaranteed to certain police officers.

The Directive contains an exception from the right to a limit of working hours and minimum rest periods in the case of workers who can determine their own working time, such as managing executives. The French police officers in question, however, do not fall within this exception as they are not fully able to determine their working time themselves.

The request takes the form of a 'reasoned opinion' under EU infringement procedures. France now has two months to notify the Commission of the measures taken to bring national legislation in line with EU law. Otherwise, the Commission may decide to refer France to the European Court of Justice.

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- **Taxation: ITALY requested to amend discriminatory legislation on inheritance tax**

The Commission has requested **Italy** to amend its inheritance tax legislation, which discriminates against bequests to non-profit organisations in another EU Member State or EEA State. Under Italian law, legacies to non-profit organisations pursuing public and social goals are exempt from tax. However, similar legacies to non-profit bodies established elsewhere in the EU/EEA are only granted an exemption if there is reciprocity from that Member State (i.e. that the country in question gives an exemption to Italian non-profit organisations). If there is not this reciprocity, then the legacy is taxed at 8% of its value. As a result, the taxation of bequests to foreign non-profit entities is frequently higher than bequests to their Italian counterparts. In addition, Italian legislation excludes Italian bonds and public securities from the inheritance estate, while bonds and public securities issued by other EU and EEA States are not allowed this exclusion.

The Commission considers such provisions to be discriminatory and to constitute unjustified restrictions on the free movement of capital. The requests sent to Italy take the form of two reasoned opinions. If Italy does not comply within two months, the Commission may refer the case to the Court. (ref.:2012/2156 and 2012/2157)

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- **Passenger rights: Commission requests ITALY to fully implement the rules for passengers travelling by sea and inland waterways**

The European Commission has requested **Italy** to fully implement the [Passengers' rights Regulation](#) for sea and inland waterways services/cruises to and from Italian ports. Italy has not yet set up a national authority to handle complaints from passengers and to enforce the Regulation. Furthermore, Italy has failed to lay down rules on penalties in case of breaches of the Regulation.

The Regulation sets out the rights of passengers travelling by sea and inland waterways in the EU and it became applicable on 18 December 2012, date by which all Member States were bound by law to fulfil the above mentioned requirements. The request has been sent in the form of a 'reasoned opinion' under the EU infringement procedures. Italy has two months to notify the Commission of the measures taken to apply the regulation correctly, otherwise the Commission may decide to refer Italy to the EU's Court of Justice.

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- **Environment: Commission asks LATVIA to align its waste legislation**

A reasoned opinion is being sent to **Latvia** for its failure to correctly enact the [Waste Framework Directive](#) into its national legislation. The Commission sent a letter of formal notice on this matter on 18 October 2013, and while many of the initial issues have now been resolved, some shortcomings remain. These mainly concern partial or incorrect enactments of requirements for by-products, end-of-waste, and the management of hazardous waste. Although Latvia has recognised the shortcomings, corrective measures have not yet been adopted. The Commission is therefore sending a reasoned opinion, giving Latvia two months to act. If it fails to do so, the case may be referred to the EU Court of Justice.

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- **Rail transport: the Commission asks THE NETHERLANDS to fully transpose EU legislation on rail interoperability**

The Commission has asked **The Netherlands** to bring its national rules in line with Directive [2008/57/EC](#) on railway interoperability especially as regards vehicle authorisation. The directive aims at establishing the conditions for achieving interoperability i.e. the compatibility of infrastructure, rolling stock, signalling and other subsystems of the rail system, within the European rail transport system. EU legislation on railway interoperability needs to be applied in all Member States to allow rail operators to run services throughout Europe, thus enabling the rail sector to compete more effectively with other transport modes and to shift freight onto safer and environmentally friendly transport modes.

The legislation should have been in place since 19 July 2010. The Commission opened infringement proceedings against The Netherlands on the matter in April 2014, and a reasoned opinion (the second stage in EU infringement proceedings) is now being sent. The Netherlands has two months to reply to the Commission. If The Netherlands fails to react satisfactorily, the Commission may refer the matter to the EU Court of Justice.

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- **Aviation: Commission urges POLAND to adopt rules on Single European Sky**

Today, the Commission sent **Poland** a reasoned opinion for failure to adapt the existing Polish law to EU requirements for air traffic flow management (Commission Regulation (EU) No [255/2010](#)). The national rules should have been put in place by 2011 in order to optimise the available capacity in airspace. In practice the regulation requires aircraft operators to respect their flight plans and slots assigned to them, as well as to coordinate their operations with air traffic service providers and the central flow management unit. EU Member States are required to establish penalties in case of violation of these provisions and to take all necessary measures to ensure their implementation. The national rules on penalties need to be established to combat the use of abusive or multiple flight plans and the misuse of slots as these practises decrease the efficiency of air traffic

management. Poland has two months to notify the Commission of the measures taken to fully transpose the regulation, otherwise the Commission may decide to refer Poland to the EU's Court of Justice.

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- **Environment: Commission asks PORTUGAL to act on air pollution**

Portugal is failing to protect citizens from fine dust (PM10) pollution. PM10 particles originate in emissions from industry, traffic and domestic heating, and can cause asthma, cardiovascular problems, lung cancer and premature death. Under EU law, Member States have to limit citizens' exposure to these particles. Citizens in some districts of Lisbon, Porto, Aveiro/Ílhavo and Estareja have been continuously or almost continuously exposed to unhealthy levels of PM10 since 2005, according to the latest reports for 2012. The Commission believes that measures should have been in place since 2005 to protect citizens' health, and is asking Portugal to take forward-looking, speedy and effective action to keep the period of non-compliance as short as possible. Today's action, a reasoned opinion, follows a letter of formal notice sent in November 2013. The EU Court of Justice has previously ruled against Portugal in November 2012 for excessively high PM10 levels in Lisbon and Porto for the period 2005 until 2007. If Portugal fails to act, the Commission may take the matter to the EU Court of Justice for a second time, possibly asking for fines.

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- **Environment: Commission asks ROMANIA to act on air pollution**

Romania is failing to protect citizens from fine dust (PM10) pollution. These tiny particles originate in emissions from industry, traffic and domestic heating, and can cause asthma, cardiovascular problems, lung cancer and premature death. Under EU law, Member States have to limit citizens' exposure to these particles. Citizens in Bucharest, Brasov and Iasi have been almost continuously exposed to unhealthy levels of PM 10 since 2007, according to the latest reports for 2012. The Commission believes that Romania has not taken measures that should have been in place since 2007 to protect citizens' health, and is asking Romania to take forward-looking, speedy and effective action to keep the period of non-compliance as short as possible. Today's action, technically an additional reasoned opinion, follows an additional letter of formal notice sent in February 2013. If Romania fails to act, the Commission may take the matter to the EU Court of Justice.

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- **Medical prescriptions: Commission urges ROMANIA to notify full transposition of rules on recognition of prescriptions issued in another Member State**

Today, the European Commission sent a formal request to **Romania** to ensure full transposition of a Directive laying down measures to facilitate the cross-border recognition of medical prescriptions ([2012/52/EU](#)). This Directive aims to increase the ability of pharmacists to understand and dispense prescriptions issued in another EU country to patients who are exercising their right to cross-border healthcare. It requires Member States to ensure that prescriptions to be used in another Member State contain a certain number of elements, which are set out in the Annex to the Directive. The Directive has been partially transposed by Romania.

However, to date, Romania has not fully turned this Directive into national law, despite being required to do so by 25 October 2013. Romania has two months to inform the Commission of measures taken to transpose Directive [2012/52/EU](#). Failure to notify

adequate measures could lead to the Commission referring the case to the EU Court of Justice.

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- **Environment: Commission asks UNITED KINGDOM to update mercury legislation**

The European Commission is urging **the United Kingdom** to complete the enactment of an amendment to EU legislation on the storage of metallic mercury considered as waste in its domestic law ([Directive 2011/97/EU](#)). After examining amendments to the UK's Environmental Permitting regulations, and to Scotland's Landfill Regulations, the Commission is not convinced that this amendment to mercury storage legislation has been clearly and sufficiently enacted. The amendment concerns technical requirements for the temporary storage of metallic mercury, an element that is highly toxic to humans, ecosystems and wildlife element. A reasoned opinion is therefore being sent, and if the UK fails to act within two months, the case may be referred to the EU Court of Justice

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3. Letters of Formal Notice

- **Bank deposits: BULGARIA must allow bank customers to access their money**

The European Commission is opening infringement proceedings against the Republic of **Bulgaria** for its failure to correctly transpose Articles 1(3) and 10(1) of Directive [94/19/EC](#) (the Deposit Guarantee Scheme Directive) as well as its failure to comply with the principle of free movement of capital under Article 63 TFEU.

By opening these infringement proceedings, the Commission is exercising its responsibility to monitor compliance with EU law by Member States. The Commission expects that depositors will be given immediate access to the amount of bank deposits to which they are entitled.

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