



November infringements package: main decisions

Brussels, 26 November 2014

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 **205 decisions**, including **32 reasoned opinions** and **6 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](#).

	CLIMATE ACTION AND ENERGY	ENVIRONMENT, MARITIME AFFAIRS AND FISHERIES	MIGRATION, HOME AFFAIRS AND CITIZENSHIP	FINANCIAL AFFAIRS, TAXATION AND CUSTOMS	TRANSPORT	HEALTH AND FOOD SAFETY
AT		1			1	
BE		1				
BG	1	1			2	
CY		2			2	
DE		1			1	
EL	1	1		1		
ES		2		3		
FI			1			
FR				1		
HU	1	1				
IE				1		
IT		1				
LT					1	
LU					1	
LV				1		
NL						1
PL				1		
PT					1	1
RO	1			1		
SI					1	
SK		1				

1. Referrals to the Court of Justice

- **Rail transport: Commission takes AUSTRIA to Court for not ensuring financial transparency**

The European Commission has decided to take **Austria** to the Court of Justice for failing to comply with EU rules on financial transparency in the rail sector. Austria does not ensure that public funds paid as

public service obligations dedicated to passenger transport services are correctly shown in relevant accounts. For this reason, it cannot be excluded that public funds are used to cross subsidise other transport services. This could distort competition, potentially giving an unfair competitive advantage to those receiving the public subsidies. Such a situation would be contrary to existing EU rules, which aim at establishing an efficient, non-distorted and competitive EU internal market for rail.

(For more information: [IP/14/2132](#) - Jakub Adamowicz – Tel.: +32 229 50195)

- Taxation: Commission refers GREECE to the Court of Justice of the European Union on vehicle registration tax for leased or rented cars

The European Commission has decided to refer **Greece** to the Court of Justice of the European Union for its failure to amend registration tax rules for vehicles leased or rented to Greek residents by non-Greek lessors.

Under Greek law, if a customer resident in Greece leases or rents a vehicle from a lessor established in another Member State, registration tax needs to be paid in Greece in full. Greece has failed to address the issue of cross-border leasing or renting of cars in its legislation, thereby disregarding European Court of Justice case-law on this matter (see C-451/99 *Cura Anlagen* and C-91/10 *VAV Autovermietung*) that requires Member States, in the case of cross-border leasing or rent, to levy a tax proportionate to the duration of the use of the vehicle. This may act as a deterrent to cross-border activity, going against the principles of free movement of services set down in the Treaties.

(for more information: [IP/14/2134](#) - Daniel Rosario – Tel.: +32 229 56185)

- Taxation: Commission refers SPAIN to the Court of Justice of the European Union for discriminatory tax treatment applied to investments in certain foreign bonds

The European Commission has decided to refer **Spain** to the Court of Justice of the European Union to ensure that the Spanish legislation, the Inheritance and Gift Tax legislation of the *Territorio Histórico de Bizkaia*, complies with EU law.

Under the provisions of the Inheritance and Gift Tax legislation of the *Territorios Históricos de Alava y Bizkaia*, public debt issued by the local administrations (*la Comunidad Autónoma del País Vasco, the Diputaciones Forales or the Entidades Locales Territoriales de los tres Territorios Históricos*) benefits from a preferential inheritance tax treatment compared to that applied to other similar titles issued in other EU/EEA States. This difference in tax treatment discriminates against investments in public debt issued by other EU Member States or EEA States.

(for more information: [IP/14/2135](#) - Daniel Rosario – Tel.: +32 229 56185)

- Taxation: Commission decided to refer SPAIN to the Court of Justice of the European Union for discriminatory tax treatment applied to investments in non-resident companies

The European Commission has decided to refer **Spain** to the Court of Justice of the European Union to ensure that the Spanish legislation on taxation of investments in non-resident companies complies with EU law.

Under the Spanish provisions, the tax treatment for foreign-sourced dividends (i.e. dividends distributed by a non-resident company to a Spanish company) is more burdensome than the one applied to domestic-sourced dividends (i.e. dividends distributed by companies resident in Spain). As a result, a Spanish company which invests in a non-resident company must fulfil more conditions (e.g. volume of income, level of shareholder participation) than for a domestic investment if it wants to benefit from the tax advantage. In other cases, the tax advantage foreseen for domestic-sourced dividends is not available for foreign-sourced dividends.

(for more information: [IP/14/2136](#) - Daniel Rosario – Tel.: +32 229 56185)

- Environment: Commission takes SPAIN to Court over waste water treatment presenting a risk to public health

The European Commission is taking **Spain** to Court over a failure to ensure that waste water is properly treated. In the EU, Member States need adequate collection and treatment systems for urban

waste water, as untreated water poses risks to human health, inland waters and the marine environment. Spain was first warned in 2003 about this particular case, which concerns areas with a [population equivalent](#) of more than 10 000. Although some problems have since been solved, the slow rate of progress has now led the Commission, on the recommendation of Environment, Maritime Affairs and Fisheries Commissioner Karmenu Vella, to refer the case to the Court of Justice of the European Union.

(For more information: [IP/14/2129](#)- Enrico Brivio – Tel.: +32 229 56172)

- Taxation: Commission refers IRELAND to the Court of Justice of the European Union for incorrect application of the rules on marked fuel

The European Commission has decided to refer **Ireland** to the Court of Justice of the European Union for not properly applying the rules on fiscal marking on fuel.

Under EU rules on fiscal marking for fuels, fuel that can benefit from a reduced tax rate has to be marked by coloured dye. Fishing vessels for example are allowed to benefit from fuel subject to a lower tax rate but private boats must use fuel subject to a standard rate. Currently, Ireland breaches EU law by allowing the use of marked fuel for the purposes of private pleasure craft. As a consequence, private leisure boats cannot only use fuel intended for fishing vessels but also risk heavy penalties if they travel to another Member State and the boat is inspected by the local authorities.

(for more information: [IP/14/2138](#) - Daniel Rosario – Tel.: +32 229 56185)

2. Reasoned opinions

- Environment: Commission asks BELGIUM, SPAIN, HUNGARY and CYPRUS to enact EU rules on sulphur emissions from ships

The European Commission is urging **Belgium, Spain, Hungary** and Cyprus to send details about how EU legislation on the sulphur content of marine fuels is being enacted in their domestic law, an obligation due to be fulfilled by 18 June 2014. Sulphur dioxide is one of the main factors behind the problem of acidification and can have adverse implications for human health. The [revised legislation](#) on the sulphur content of liquid fuels aims to reduce the emissions of this air pollutant by setting maximum sulphur content levels for heavy fuel oil and gas oil. It also incorporates new standards set by the International Maritime Organisation into EU law to ensure their proper and harmonised enforcement by all EU Member States. After missing the original deadline, Belgium, Spain, Hungary and Cyprus were sent letters of formal notice on 22 July 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.

(For more information: Enrico Brivio – Tel.: +32 229 56172)

- Road safety: Commission asks BULGARIA, CYPRUS, LUXEMBOURG and SLOVENIA to apply EU rules on exchange of information on traffic offences

The European Commission has today requested that **Bulgaria, Cyprus, Luxembourg** and **Slovenia** fully implement the Directive on the cross-border exchange of information on road safety related traffic offences.

[Directive 2011/82/EU](#), which covers offences such as speeding and drink driving, allows EU drivers to be identified and thus prosecuted for offences committed in a Member State other than the one where their vehicle is registered. It is for the Member State where the offence was committed to decide on the follow-up.

The deadline for transposing the Directive into national law was 7 November 2013. Failure to do so will lead to inconsistent application of the legislation across the EU, with consequent detrimental effects on road safety. Bulgaria, Cyprus and Luxembourg have so far not notified any implementing measures to the Commission, while Slovenia notified only partial implementation of the Directive. This is why the Commission is now sending a reasoned opinion, the second stage of the EU infringement procedures. If the measures are not notified within two months, the Commission may decide to refer Bulgaria, Cyprus, Luxembourg and Slovenia to the EU Court of Justice.

The European Court of Justice ruled in May that the legal basis of [Directive 2011/82/EU](#) has to be

modified from police cooperation to transport. These rules will continue to apply to all EU Member States until the entry into force – within a reasonable period of time - of a new Directive with the corrected legal basis.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

- Environment: Commission asks AUSTRIA, GERMANY and SLOVAKIA to act on air pollution

Austria, Germany and Slovakia are failing to protect citizens from fine dust (PM10) pollution. These tiny particles can cause asthma, cardiovascular problems, lung cancer and premature death. They originate in emissions from industry, traffic and domestic heating. EU law requires the Member States to limit citizens' exposure to these particles by defining specific limit values to be observed in each air quality zone. The latest Member State reports demonstrate that some zones in these countries continue to be in exceedance of a daily limit value for PM10.

In Austria, the PM10 levels are too high in the zone of Graz, and in Germany, in the zones of Stuttgart and Leipzig. In Slovakia, six zones are in exceedance of the daily limit value for PM10: Bratislava, Banskobystrický kraj, Košice, Žilinský kraj, and Košický kraj. The Commission believes that the countries in question have failed to take necessary measures that should have been in place since 2005 to protect citizens' health, and is asking them to take forward-looking, speedy and effective action to keep the period of non-compliance as short as possible. Today's action, technically a reasoned opinion, follows additional letters of formal notice sent to Slovakia on 22 February 2013 and to Austria and Germany on 26 April 2013. If the Member States in question fail to act, the Commission may take the matter to the EU Court of Justice.

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- Regulatory standards for alternative investment fund managers: Commission urges LATVIA, POLAND and SPAIN to provide notice of full compliance with rules

Today, the European Commission sent formal requests to **Latvia, Poland and Spain** to provide notification of the measures taken to fully comply with the [Alternative Investment Fund Managers Directive \(2011/61/EU\)](#). This Directive sets out a comprehensive effective regulatory and supervisory framework for managers of alternative investment schemes that are addressed to professional investors. The harmonised European standards for alternative investment fund managers aim to enhance the transparency of the activities of AIFM and the funds they manage towards investors and public authorities. The Directive has been partially enacted by Latvia, however notifications for compliance with important measures concerning certain rules applicable to the authorisation of alternative investment funds managers, conflicts of interest, rules on depositaries and supervision have still not been received. To date, Poland and Spain have not fully turned this Directive into national law despite being required to do so by 22 July 2013. These countries now have two months to inform the Commission of the measures taken to fully comply with Directive [2011/61/EU](#). Failure to provide notification of adequate measures could lead the Commission to refer the cases to the EU Court of Justice.

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- Energy Efficiency: BULGARIA and HUNGARY are requested to fully transpose the EU legislation on energy efficiency

The Commission has today formally requested **Bulgaria and Hungary** to ensure the full transposition of the Energy Efficiency Directive ([Directive 2012/27/EU](#)). Under this Directive Member States must achieve certain energy savings over the period from 1 January 2014 till 31 December 2020. They have to do this by using energy efficiency obligations schemes or other targeted policy measures to drive energy efficiency improvements in households, industry and transport sectors. Other requirements include energy audits for big companies every four years, increased rights for consumers regarding metering and billing of their energy consumption, renovation of at least 3% of central government buildings annually and energy efficient public purchasing.

The Commission sent a reasoned opinion to Bulgaria and Hungary asking them to notify the Commission all their transposition measures for the Directive, which had to be transposed into national

law by 5 June 2014. If the Member States do not comply with their legal obligation within two months, the Commission may decide to refer them to the Court of Justice. In July 2014 the Commission started infringement procedures against 24 Member States (all except Cyprus, Italy, Malta and Sweden) that had not notified the Commission of all national measures transposing the directive into national law. More information here: http://ec.europa.eu/energy/efficiency/eed/eed_en.htm

(For more information: Anna-Kaisa Itkonen – Tel.: +32 229 56186)

- Patients' rights in cross-border healthcare: Commission urges THE NETHERLANDS and PORTUGAL to notify full transposition of cross-border healthcare rules

Today, the European Commission sent a formal request to **The Netherlands** and **Portugal** 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 Netherlands and Portugal.

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 implement 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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- Environment: Commission asks BULGARIA to limit citizens' exposure to sulphur dioxide

The European Commission is urging **Bulgaria** to reduce ambient levels of sulphur dioxide (SO₂), an air pollutant from industrial installations that can cause respiratory problems and aggravate cardiovascular disease. The infringement concerns Bulgaria's breach of the [Air Quality Directive](#), which obliges Member States to observe both the hourly and daily limit values for exposure, as well as to establish air quality plans setting out appropriate measures to reduce SO₂ levels. Citizens in two zones, one in the south west and the other in the south east of the country, have been exposed to excessive levels of SO₂ since at least 2007. While the measures taken in zone South-West to meet limit values were efficient enough to achieve compliance with EU legislation in 2013, excessive levels of harmful pollutants persist in zone South-East, causing continued damage to human health.

With today's action, technically an additional reasoned opinion, the Commission is asking Bulgaria to take forward-looking, speedy and effective action to keep the period of non-compliance as short as possible. If Bulgaria fails to act within two months, the case may be referred to the EU Court of Justice.

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- Single European Sky: Commission requests BULGARIA to set up penalties against airlines breaching EU traffic management rules

The European Commission has officially requested **Bulgaria** to adopt the necessary rules to set up penalties in case of violation of Regulation (EU) No [255/2010](#). The Regulation establishes common rules for the management of air traffic flows in the EU. It specifically requires airlines to respect the flight plans and airport slots assigned to them, and Member States to establish penalties in case of violation. A national penalty system is necessary to combat the use of abusive or multiple flight plans, and the misuse of airport slots. These practices decrease the efficiency of the air traffic management with negative effects on operators (fuel costs, delays) and on the environment.

The national legislation had to be in place by September 2011, but Bulgaria has failed so far to do so. The request has been sent in the form of a reasoned opinion under the EU infringement procedures. Bulgaria has two months to notify the Commission of the measures taken to apply the Regulation; otherwise the Commission may decide to refer Bulgaria to the EU's Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

- Environment: Commission asks CYPRUS to enact EU rules on waste electrical and electronic equipment

The European Commission is urging **Cyprus** 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. It also seeks to improve efficiency and overall impacts of resource use, thereby contributing to sustainable development. After missing the original deadline, Cyprus was sent a letter of formal notice on 31 March 2014. The Commission is now sending a reasoned opinion, and if Cyprus fails to act within two months, the case may be referred to the EU Court of Justice.

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- Road Transport: Commission asks CYPRUS to connect its national register of road transport companies with the other EU countries

The Commission is urging the Republic of **Cyprus** to interconnect its national register of road transport companies with the registers of other Member States via the electronic European Register of Road Transport Undertakings (ERRU). The ERRU aims to facilitate the exchange of information on transport managers declared unfit, and on serious infringements committed by hauliers in Member States other than that of establishment. Member States were required by Regulation (EC) No [1071/2009](#) to ensure that their national electronic registers of road transport undertakings are interconnected and accessible throughout the Union by 31 December 2012, which Cyprus has failed to do up to date. The failure to interconnect the national register via ERRU compromises the functioning of the whole system and the achievement of its main objective of enhancing efficiency of enforcement of EU rules in road transport.

That is why the Commission decided today to address a 'reasoned opinion' to the Republic of Cyprus. The Cypriot authorities now have 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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- Aviation: Commission asks GERMANY to ensure adequate oversight of security controls at airports

The European Commission has formally requested **Germany** to ensure the regular monitoring of all aviation security measures at German airports. Regulation (EU) No [300/2008](#) establishes the minimum frequency and the scope of controls by the national authorities. This oversight is needed to allow for a swift detection and correction of potential failures in the application of security measures, and to make sure that airports, airlines and other entities are in line with common EU standards.

An inspection by the Commission revealed that some security measures were not adequately monitored by national authorities. The Commission's request takes the form of a 'reasoned opinion'. In the absence of a satisfactory response from Germany within two months, the Commission may refer Germany to the EU Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

- Environment: Commission asks GREECE to report on nature conservation measures

The European Commission is asking **Greece** to prepare the report on the implementation of the measures taken to maintain or restore natural habitats and wild species under the [Habitats Directive](#). The EU law required Member States to submit their respective reports by June 2013, enabling the Commission to have a complete picture of the situation across the whole EU before writing its own report. As Greece is the only Member State which has not prepared and communicated the report, a letter of formal notice was sent on 31 March 2014. According to Greece's reply, the report has still not been drafted, so the Commission is now sending a reasoned opinion. If Greece fails to act within two months, the case may be referred to the EU Court of Justice.

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- Energy Efficiency in Buildings: GREECE is requested to comply with its obligations under the EU legislation on energy efficiency in buildings

The Commission has today formally requested **Greece** to take action to fully comply with its obligations under the Energy Performance of Buildings Directive ([Directive 2010/31/EU](#)). Under this Directive Member States must define the minimum energy performance requirement for buildings and building elements, calculate the cost-optimal level how to get there and notify this information to the Commission. This is a crucial aspect of the Directive as it sets the minimum energy performance requirements that new and renovated buildings must meet. The original deadline of 30 June 2012 for notifying this report to the European Commission was extended to 21 March 2013 in order to take into account the publication of the Commission delegated [Regulation 244/2012](#) on the cost optimal methodology. The Commission's request takes the form of a reasoned opinion under the EU infringement procedure. If Greece does not comply with its legal obligations within two months, the Commission may decide to refer the Member State to the Court of Justice. More information here: http://ec.europa.eu/energy/efficiency/buildings/buildings_en.htm

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- Commission urges FINLAND to provide effective judicial remedy against a visa refusal/annulment/revocation.

The Commission sent today a formal request urging **Finland** to take the necessary actions to ensure that appeals against a decision to refuse, annul or revoke a visa include access to a judicial body.

The [Visa Code Regulation](#) sets out the procedures and conditions for issuing visas for the purpose of short stays and airport transit. It establishes the obligation for Member States to provide for a right of appeal against a visa refusal/annulment/revocation. In addition, the EU Treaty obliges Member States to provide remedies sufficient to ensure an effective legal protection in the fields covered by Union law and the EU Charter of Fundamental Rights grants individuals the right to an effective remedy before a tribunal, when rights and freedoms under Union law are violated.

National law in Finland only provides for the possibility for an appeal before non-judicial administrative authorities. The Commission considers however, that third-country nationals derive from the Visa Code the right to a non-arbitrary treatment of their visa application, and that this right is to be protected by a judicial appeal procedure.

That is why the Commission decided today to address a 'reasoned opinion' to Finland. The Finnish authorities now have 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. 'Reasoned opinions' were addressed last month to the [Czech Republic, Estonia, Poland and Slovakia](#) on the same grounds.

(for more information: Natasha Bertaud – Tel.: +32 229 67456)

- Commission asks FRANCE to end discrimination in respect of income derived from gainful activity

The European Commission has officially asked **France** to amend the rules that it applies to non-wage/-salary income derived from gainful activity. In France, the taxable amount of such income (which comes under a category that includes industrial and commercial profit, non-commercial profit and agricultural profit) is increased by 25%, except where the income is of French origin and the taxpayer enlists the services of an Approved Management Centre [*Centre de Gestion Agréé* (CGA)] or certified auditor [*expert-comptable conventionné*] established in France. Where the income originates in another EU Member State or a State that is party to the EEA Agreement, the increase is always applicable.

The Commission considers that the relevant French tax rules undermine the freedom of establishment provided for in Article 49 of the TFEU and Article 31 of the EEA Agreement. France is therefore called upon to amend its legislation.

The Commission's request takes the form of a reasoned opinion. If France does not comply within two months, the Commission may refer the matter to the Court of Justice of the European Union.

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- Environment: Commission asks ITALY to stop authorizing trapping of birds with nets for their use as live decoys

The European Commission is urging **Italy** to put an end to using non-selective methods for large-scale capturing of wild birds, such as the nets banned by the [Birds Directive](#). In some Italian regions, the capture of some bird species (*Columba palumbus*, *Turdus pilaris*, *Turdus philomelos*, *Turdus iliacus*, *Turdus merula*, *Vanellus vanellus*, *Alauda arvensis*), through the use of nets for their use as live decoys, has been authorized and carried out for many years. In February 2014, the Commission sent a letter of formal notice to Italy, urging it to stop this banned method for capturing birds and concluding that the conditions for derogations are not satisfied.

Since Italy failed to remedy the breaches of EU law entailed by unlawful authorisations by regions, which are still in force, the Commission decided to send a reasoned opinion. Italy has two months to take all the necessary measures to ensure compliance. If it fails to do so, the case may be referred to the EU Court of Justice.

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- Ports: Commission asks LITHUANIA to ensure EU rules on freedom of establishment are applied to port land lease contracts

The European Commission has officially requested **Lithuania** to make sure port land lease contracts comply with the EU rules on freedom of establishment. EU rules foresee the obligation to organise open, transparent and non-discriminatory procedures for the assignment of the contracts. However, current Lithuanian legislation foresees an exception to this rule when the land occupant (lessee) has acquired buildings or structures on the land. Lithuania is requested to dismiss such exception. Impeding an open attribution procedure prevents interested undertakings other than the current occupant of the land from establishing in Lithuanian ports.

The request was sent in the form of a reasoned opinion. Lithuania is required to inform the Commission within two months of measures taken to ensure full compliance with EU law, otherwise the Commission may decide to refer Lithuania to the EU's Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

- Passenger rights: Commission requests PORTUGAL to fully enforce the rules for passengers travelling by train

The European Commission has requested **Portugal** to adopt the necessary measures for the correct application of the rail passengers' rights and obligations Regulation (Regulation (EU) N° [1371/2007](#)). Portugal has not yet set up an adequate penalty system to ensure that the Regulation is fully respected. The Regulation sets out the rights of passengers traveling by train in the EU and it became applicable on 3 December 2009. Member States were legally required to do this by 3 June 2010. The request has been sent in the form of a reasoned opinion under the EU infringement procedures. Portugal has two months to notify the Commission of the measures taken to apply the regulation correctly; otherwise the Commission may decide to refer Portugal to the EU's Court of Justice.

(For more information: Jakub Adamowicz – Tel.: +32 229 50195)

- Taxation: Commission asks ROMANIA to stop the discriminatory tax treatment of non-resident individuals receiving income from Romania

The Commission has requested **Romania** to amend its rules on the taxation of income from independent activities of non-resident individuals. The European Commission considers that they constitute a restriction to the freedom to provide services and to the free movement of capital in the Internal Market. Currently, resident individuals deriving comparable income can deduct the business expenses connected to that income. This results in taxing only the net income. However, individuals established in another EU/EEA State and without a permanent establishment in Romania cannot benefit from such a deduction, and are taxed on the gross income obtained from Romania.

The Commission sees no valid justification for such a heavier taxation of the income of individuals established in another EU/EEA States, and considers it to be discriminatory and to constitute a

restriction to the freedom to provide services and to the free movement of capital, as interpreted by the Court of Justice (cases C-234/01 *Gerritse*, C-290/04 *FKP Scorpio* and C-345/04 *Centro Equestre*).

The Commission has therefore asked Romania to amend its rules in order to comply with EU law. The request takes the form of a reasoned opinion. In the absence of a satisfactory response within two months, the Commission may refer the matter to the Court of Justice of the European Union.

(for more information: Daniel Rosario – Tel.: +32 229 56185)

- Security of gas supply: ROMANIA is asked to comply with EU rules

The Commission has formally requested **Romania** to ensure full compliance with EU rules on security of gas supply. The EU Security of Gas Supply Regulation (EU) No [994/2010](#) aims to ensure that Member States are well prepared to deal with possible supply disruptions. To this end, Member States have to enable bi-directional gas flow across borders and prepare emergency and preventive action plans in advance. The European Commission sent today a reasoned opinion to Romania.

To date Romania has failed to notify to the Commission the adoption of a Preventive Action Plan and an Emergency Plan as requested under the Security of Gas Supply Regulation. Neither has it informed the Commission about its decisions on bi-directional gas flows. Respective authorities in the Member States had to adopt Preventive Action Plans and Emergency Plans already by 3 December 2012. The decisions on bi-directional gas flow had to be taken by 3 September 2012. Romania has two months to comply with its obligations as otherwise the Commission may decide to refer the case to the Court of Justice. More information in on the Energy Security Stress Tests here:

http://ec.europa.eu/energy/stress_tests_en.htm

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MEMO/14/2130

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