



May infringements' package: key decisions

Brussels, 26 May 2016

Overview by policy area

In its monthly package of infringement decisions, the European 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 (see Annex I and II), aim to ensure the proper application of EU law for the benefit of citizens and businesses.

The key decisions taken by the Commission (including 22 letters of formal notice, 11 reasoned opinions and 2 referrals to the Court of Justice of the European Union) are presented below and grouped by policy area. The Commission is also closing 74 cases where the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

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. Energy

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

A referral to the Court of Justice of the European Union

Commission refers POLAND to Court of Justice of the EU because of restrictions to some imported biofuels and biofuel raw materials

The European Commission decided today to refer **Poland** to the Court of Justice of the EU for establishing restrictions in Polish law against certain imported biofuels and raw materials for biofuel. Polish law is not fully in line with EU law. Firstly, fuels can only be marketed if specific fuel requirements are in place, but such requirements do not exist for hydrotreated vegetable oil (HVO), a biofuel that is imported to Poland. Secondly, preferential treatment is given to fuel operators who source at least 70% of their biofuels - liquid or gaseous fuel for transport produced from biomass - from Polish manufacturers and when the biofuels are produced predominantly from raw materials originating in certain countries. This preferential treatment discriminates against biofuels manufacturers and raw material producers in other countries. The Renewable Energy Directive ([Directive 2009/28/EC](#)) requires that all Member States must ensure that at least 10% of all energy consumed in transport come from [renewable sources](#) by 2020. [Biofuels](#) can be used to achieve this target, provided that they meet the Directive's [sustainability criteria](#). Member States also must treat sustainable biofuels and their raw materials equally regardless of their origin. This follows from the need to reconcile renewable energy objectives with a functioning and unrestricted market for biofuels. For more information, please refer to the full [press release](#).

2. Environment

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

Reasoned opinions

Habitats Directive: Commission calls on PORTUGAL to step up nature protection measures

The European Commission is urging **Portugal** to step up protection for indigenous habitats and species by introducing an appropriate level of protection for areas designated under the [Natura 2000](#) network. In line with the [Habitats Directive](#) ([Council Directive 92/43/EEC](#)), Member States have had six years to designate protected areas under their national law (technically, turning them from "[Sites of Community Interest](#)" (SCIs) into "[Special Areas of Conservation](#)" (SACs)), and to adopt the required measures for improving the status of habitats and species present on these sites. Portugal was required to designate seven SACs in the Atlantic region by 7 December 2010 and 54 SACs in the Mediterranean region by 19 July 2012. So far, none of them have been designated. In addition, the Portuguese authorities have not yet established the required conservation measures for all of the remaining sites. This significant

gap in compliance with the key obligations under the Habitats Directive prevents the sound protection and management of the sites and constitutes a major threat to the good functioning and coherence of the Natura 2000 network as a whole. Therefore, the Commission is sending a reasoned opinion. If Portugal fails to act within two months, the case may be referred to the Court of Justice of the EU.

Waste: Commission requests ROMANIA to adopt measures on waste management and waste prevention

The European Commission is urging **Romania** to draw up plans to prevent and manage waste in line with the objectives of EU waste legislation ([Directive 2008/98/EC](#)) and the [circular economy](#). [Waste management and prevention](#) plans are also a prerequisite for using EU funds. Such plans and programmes are intended to reduce the impact of waste on human health and the environment, and to improve resource efficiency across the EU. Romania had a waste management plan for 2003-2013, but it has not been revised, extended or replaced for the coming period. Romania is also lagging behind in waste prevention: plans to reduce waste generated at the source through improved manufacturing techniques or efforts to boost demand for greener products with less packaging should have been in place since December 2013. The Commission is therefore sending a reasoned opinion. If Romania fails to act within two months, the case may be referred to the Court of Justice of the EU.

3. 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

Financial services: Commission refers POLAND to the Court of Justice of the EU for failing to implement EU rules on Deposit Guarantee Schemes

The European Commission has decided to refer Poland to the Court of Justice of the European Union for failing to correctly implement the Deposit Guarantee Schemes Directive (DGSD, [Directive 2014/49/EU](#)). The Commission sent a reasoned opinion to Poland on [10 December 2015](#) requesting it to transpose the Directive. The deadline for the transposition of these rules into national law was 3 July 2015. As the legislative process in Poland is still ongoing and full transposition of the new rules has still not occurred, Poland is now being referred to the Court of Justice of the EU (the Court). This Directive, which replaces the previous [Directive 94/19/EC](#) of 1994, improves the protection of savers' deposits in banks. The timely implementation of the Directive by Member States is an important step to create a safer and sounder financial sector in the wake of the financial crisis. Failure to implement means that the comprehensive improvements to the funding and functioning of [deposit guarantee schemes](#) are not brought into force in those countries. Non-implementation may also undermine the level playing field in the EU banking sector as it means that an important part of the [Single Rulebook](#) is missing in the Member States which have not enacted the DGSD. The Single Rulebook consists of a set of legislative texts with which all financial institutions (including approximately 8,300 banks) in the EU must comply. The same minimum standards now apply across the EU, which means that consumers and banks do not have to comply with 28 different sets of rules. For more information, please refer to the full [press release](#).

Reasoned opinions

Financial services: Commission requests BULGARIA, HUNGARY, LATVIA, LITHUANIA and SLOVAKIA to comply with EU rules on the acquisition of agricultural land

The European Commission has formally requested **Bulgaria, Hungary, Latvia, Lithuania and Slovakia** to amend legislation on the acquisition of agricultural land on the grounds that it violates the free movement of capital and freedom of establishment. [The Treaty of Accession 2003](#) provided new Member States with a transitional period in which to bring their national rules on the acquisition of agricultural land into line with EU law. Following the expiration of these periods in 2014, Bulgaria, Hungary, Latvia, Lithuania and Slovakia adopted new laws regulating the acquisition of agricultural land. These new national rules contain several provisions which the Commission considers to be a restriction to the free movement of capital and freedom of establishment. This may in turn discourage cross-border investment. Some of the restrictions may be pursuing justifiable objectives as they aim to combat speculative purchases, or serve planning purposes and rural policy objectives; however, in order to be lawful, they must be proportionate and cannot be discriminatory towards other EU citizens. Today's request takes the form of a reasoned opinion. If Bulgaria, Hungary, Latvia, Lithuania and Slovakia fail to bring their national legislation into line with EU law within two months, the Commission may decide to refer these Member States to the Court of Justice of the EU. For more information,

please refer to the full [press release](#).

4. Internal Market, Industry, Entrepreneurship and SMEs

(For more information: Lucia Caudet – tel.: +32 229 56182, Heli Pietila – tel.: +32 229 64950)

Letters of formal notice

Public procurement: Commission requests 21 Member States to transpose new EU rules on public procurement and concessions

The Commission regularly sends letters of formal notice to those Member States that have failed to comply with their obligation to transpose EU directives into their national legal order in a timely manner. The European Commission has today requested 21 Member States to transpose in full one or more of the three directives on public procurement and concessions (Directives [2014/23/EC](#), [2014/24/EC](#), [2014/25/EC](#)) into national law. All Member States were obliged to notify the transposition of the new public procurement rules by 18 April 2016. The Commission's request takes the form of a letter of formal notice and it has been sent to **Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Cyprus, Estonia, Ireland, Greece, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Finland, Spain** and **Sweden**. The new directives make public procurement in Europe more efficient, with smarter rules and more electronic procedures. Authorities that have already made the transition to eProcurement report savings between 5 and 20%. With EU Member States spending yearly more than EUR 1,9 trillion for procurement each 5% saved could return almost EUR 100 billion to the public purse. The new rules make it easier and cheaper for small and medium enterprises to bid for public contracts and respect the EU's principles of transparency and competition. Increased transparency improves accountability and helps combat corruption. The rules also allow the authorities to use public procurement to work towards broader policy objectives, such as environmental and social goals and innovation. For [more information](#), see an [Overview of the new EU procurement and concession rules introduced on 18 April 2016](#).

Reasoned opinions

Free movement of goods: Commission calls on PORTUGAL and SLOVAKIA to remove unjustified restrictions on the export of medicines

The European Commission is urging **Portugal** and **Slovakia** to remove unjustified and disproportionate notification requirements related to the export of medicinal products for human use to other Member States. The Commission believes that the rules in these Member States create obstacles to the free movement of goods within the EU single market (Articles 34–36 of [TFEU](#)). Parallel trade in medicines refers to instances where medicinal products are purchased in one Member State and then sold in other Member States. Parallel imports and exports of a medicinal product is a lawful form of trade within the single market; however, Member States can restrict exports of medicines to other countries when this is necessary for the protection of public health. In **Portugal**, wholesale distributors of medicinal products for human use have to notify their intention to export medicines considered “at risk of shortage” by the authorities, and to provide information on the export operations that have been carried out. Further to this, in **Slovakia**, wholesale distributors need to notify exports of all human medicines and also need to wait 30 days for a tacit clearance by the state authority. The Commission considers that these notification procedures do not set out clear and transparent criteria for determining the medicinal products that may be at risk of a potential shortage due to parallel trade. Furthermore, the procedures impose disproportionate reporting obligations on wholesalers, and in Slovakia, the duration of the notification is disproportionately long. The Commission requests Portugal and Slovakia to change their laws and consider less restrictive measures to intra-EU trade by sending two reasoned opinions. If they fail to react in two months, the Commission may decide to refer Portugal and Slovakia to the Court of Justice of the EU.

5. 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

Commission requests HUNGARY to put an end to the discrimination of Roma children in education

The European Commission is requesting **Hungary** to ensure that Roma children enjoy access to quality education on the same terms as all other children and urges the government to bring its national laws on equal treatment as well as on education and the practical implementation of its educational policies

into line with the Racial Equality Directive ([Council Directive 2000/43/EC](#)). This Directive prohibits discrimination on grounds of racial or ethnic origin in education. The Commission has a number of concerns in relation to both Hungarian legislation and administrative practices which lead to the result that Roma children are disproportionately over-represented in special schools for mentally disabled children and also subject to a considerable degree of segregated education in mainstream schools. The aim of the Commission's action is to ensure for Roma children an equal access to education which is a determining factor for employment opportunities and thus an indispensable component of working towards full Roma inclusion. The Commission has sent letters of formal notice to two other Member States, the Czech Republic and Slovakia, in relation to similar issues in the recent past. If Hungary fails to reply in a satisfactory manner within two months, the Commission may send to the Hungarian authorities a reasoned opinion.

6. Mobility and Transport

(For more information: Jakub Adamowicz – tel.: +32 229 50595, Alexis Perier - tel.: +32 229 69143)

Reasoned opinions

Transport safety: Commission urges BELGIUM and PORTUGAL to implement EU rules

The European Commission has requested **Belgium** and **Portugal** to implement certain EU rules on road safety and on the inland transport of dangerous goods. More specifically, the Commission has asked the **Belgian** authorities to implement at national and regional levels a [Commission Directive 2014/103/EU](#) on the inland transport of dangerous goods, in particular the provisions regarding the transport of explosive substances, and the annexes of the Directive concerning the transport of dangerous goods by road and inland waterways. The Commission also urged the **Portuguese** authorities to implement a [Commission Directive 2014/85/EU](#), which provides new rules on medical fitness for drivers with obstructive sleep apnoea syndrome (a prevalent chronic sleep-related disease in which breathing stops for short spells when a person is asleep, which is one of the highest risk factors for motor vehicle accidents), as well as rules for driving tests concerning safe driving in tunnels. Today's requests were sent in the form of a reasoned opinion. Belgium and Portugal now have two months to notify the Commission of measures taken to implement the respective legislation; otherwise, the Commission may decide to refer these Member States to the Court of Justice of the EU.

MEMO/16/1823

Press contacts:

[Alexander WINTERSTEIN](#) (+32 2 299 32 65)

[Uldis ŠALAJEVS](#) (+32 2 296 75 60)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)

Attachments

[Annex EN.pdf](#)