



### June infringements' package: key decisions

Brussels, 16 June 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 proper application of EU law for the benefit of citizens and businesses.

The key decisions taken by the Commission (including 2 letters of formal notice, 11 reasoned opinions, and 5 referrals to the Court of Justice of the European Union) are presented below and grouped by policy area. The Commission is also closing 44 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. 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 proposes to fine SLOVAKIA in connection with landfill in Žilina

The European Commission is taking Slovakia back to the Court of Justice of the EU and is proposing a fine for its failure to comply with the Court's judgement of April 2013 to ensure that decisions on the operation of the landfill in Žilina–Považský Chlmec are taken in line with EU rules, thereby avoiding serious risks for human health and the environment. The Court of Justice of the EU ruled on 25 April 2013 ([Cp 331/11](#)) that Slovakia was violating EU law by authorising the operation of the existing landfill Žilina–Považský Chlmec without a site conditioning plan and by not having taken a final decision on the operation of the landfill on the basis of an approved site conditioning plan. Three years later, Slovakia has still not taken a definite decision regarding the status of the landfill. The Commission is asking the Court of Justice of the EU to impose the minimum lump sum of € 939,000, and a daily fine of € 6,793.80 which would be paid from the date of the Court's ruling until the Slovak authorities fully comply with EU law. These penalties, proposed by the Commission under the Lisbon Treaty, take into account the duration of the infringement, its gravity, and the size of the Member State. The final decision on the penalties rests with the Court. Under the [Landfill Directive \(Council Directive 1999/31/EC of 26\)](#), Member States had to close non-compliant existing landfills by 16 July 2009 unless they provided the appropriate 'site conditioning plans' – with planned measures to meet the requirements of the Directive – which would allow them to continue to accept waste for disposal. Although the Žilina landfill is no longer taking waste, there has been no real progress in the procedure for its closure in line with the Landfill Directive. The Commission has, therefore, decided to take Slovakia back to the Court of Justice of the EU and to propose fines. For more information, please refer to the full [press release](#).

*Reasoned opinions*

#### Water: Commission calls on AUSTRIA to enact EU rules on the chemical pollution of waters

The European Commission is urging **Austria** to enact the Directive on [priority substances](#) in the field of water policy ([Directive 2013/39/EU](#)) in their domestic law, an obligation which had to be fulfilled by 14 September 2015. Priority substances are chemicals which present a significant risk to or via the aquatic environment within the EU. This Directive aims to reduce such pollution of waters at the source by setting levels of concentration which are safe for the aquatic environment and for human health. The Directive takes into account new priority substances for the achievement of good surface water chemical status – which is defined in terms of compliance with all the quality standards established for

chemical substances at European level - with a focus on emerging pollutants. After the Austrian authorities missed the original deadline, the European Commission sent a letter of formal notice on 20 November 2015. As the domestic legislation for the enactment of the Directive is still at the consultation and assessment stage, the Commission is now sending a reasoned opinion. Austria now has two months to notify the Commission of measures taken to bring national legislation in line with EU law; otherwise, the Commission may decide to refer the Austrian authorities to the Court of Justice of the EU.

### **Birds Directive: Commission calls on FRANCE to protect wild birds**

The European Commission is requesting **France** to put an end to the illegal poaching and killing of [ortolan buntings](#) (*Emberiza hortulana*), a non-huntable migratory bird species strictly protected under the EU legislation on the conservation of wild birds. [The Birds Directive \(Directive 2009/147/EC\)](#) prohibits activities that directly threaten birds, such as their deliberate killing or capture, destruction of nests and removal of eggs, and associated activities, e.g., trading in live or dead birds, with special emphasis on the protection of habitats for endangered and migratory species. Although the French law prohibits this practice, ortolan buntings are poached along their migratory route in the southwest of France at the end of the summer, to be cooked and eaten, and this illegal practice is tolerated by law enforcement authorities. Between 1980 and 2012, the whole European population of this species has declined by 84%, while the poaching of ortolans in France is spoiling the conservation efforts undertaken by other Member States to reverse the decline of the species. The Commission sent a letter of formal notice in January 2013, urging the French authorities to refrain from illegal trapping. But as the practice continues, the Commission is now sending a reasoned opinion. France now has two months to notify the Commission of measures taken to bring national legislation in line with EU legislation; otherwise, the Commission may decide to refer the French authorities to the Court of Justice of the EU.

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

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

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

### **Free movement of capital: Commission refers HUNGARY to the Court of Justice of the EU for failing to comply with EU rules on the rights of cross-border investors in agricultural land**

The Commission has decided to refer **Hungary** to the Court of Justice of the EU for failing to comply with EU rules on the rights of cross-border investors in agricultural land.

The European Commission sent a [letter of formal notice](#) in October 2014 and a [reasoned opinion](#) in June 2015 requesting the Hungarian authorities to bring their rules into line with EU law. As the Commission has not been notified of any measures taken to remedy the situation, Hungary is now being referred to the Court of Justice of the EU. In December 2013, the Hungarian parliament approved a law which terminated certain so-called "usufruct rights" - contracts giving the right to use a property and to profit from it - held by investors in Hungary. It deprived both foreign and domestic investors of their acquired rights and of the value of their investments without providing them with compensation. The original contracts were subject to a 20-year transitional period, which meant that such contracts were expected to end on 1 January 2033. The new law shortened this period to four and a half months, resulting in the investors' contracts being terminated, without compensation, on 1 May 2014. For more information, please refer to the full [press release](#).

*Reasoned opinions*

### **The Commission requests CYPRUS and IRELAND to enact EU rules on financial reporting**

The European Commission has requested **Cyprus** and **Ireland** to bring their legislation on financial reporting into line with EU law. The Accounting Directive ([Directive 2013/34/EU](#)) - which repeals the Council Directives ([Fourth Council Directive 78/660/EEC](#) and [Seventh Council Directive 83/349/EEC](#)) - aims to reduce the administrative burden for small companies and improve the quality and comparability of the information disclosed in financial reports. It sets out EU-wide rules on annual financial statements, consolidated financial statements and related reports of certain types of undertakings. Member States had to transpose these rules into national law by 20 July 2015. Having missed the original deadline, Cyprus and Ireland were sent letters of formal notice in September 2015. Today's request takes the form of a reasoned opinion. If Cyprus or Ireland fails to act within two

months, these Member States may be referred to the Court of Justice of the EU.

### 3. Mobility and Transport

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

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

#### **Rail transport: Commission refers GERMANY to the Court of Justice of the EU for failing to fulfil its duty of sincere cooperation**

Today, the European Commission decided to refer **Germany** to the Court of Justice of the EU owing to the conduct adopted by the German authorities at the 25th session of the Revision Committee of the Intergovernmental Organisation for International Carriage by Rail ([OTIF](#)) held in Bern, Switzerland, on 25-26 June 2014. Germany voted against two of the proposed amendments to the [Convention](#) concerning International Carriage by Rail (COTIF), contrary to the European Union's position as established by way of [Council Decision 2014/699/EU](#), and it openly distanced itself from the vote that had been cast in accordance with that decision. In one of the two cases, where that decision provided for the exercise of the voting right by the Union itself and where the Union had voted accordingly, Germany openly contested this exercise of the voting right by the Union. By adopting such conduct, Germany failed to fulfil its obligations under this Council Decision as well as under Article 4(3) of the [Treaty on EU](#), which establishes the principle of sincere cooperation. In so doing, Germany weakened the Union's position in its discussions with its international partners. For more information, please refer to the full [press release](#).

#### **Road transport: Commission refers DENMARK and FINLAND to the Court of Justice of the EU for failing to comply with cabotage rules**

The European Commission decided today to refer **Denmark** and **Finland** to the Court of Justice of the EU for failing to properly apply the "[cabotage](#)" rules, as laid down in the [Regulation \(EC\) No 1072/2009](#) on access to the international road haulage market. The Regulation allows hauliers with a Community licence to perform up to three national carriage operations in a Member State other than their own, following the unloading of an international transport, a practice known as "cabotage". There are no further restrictions under EU law. **Finnish** law, however, limits cabotage to ten operations in a three-month period. The Commission considers that this additional restriction is not warranted. Additionally, under the Regulation each cabotage operation may involve several loading and unloading points. However, Finnish law considers that each loading or unloading constitutes a cabotage operation. Under **Danish** law, a single cabotage operation can involve several loading 'or' unloading points, but not both. In the Commission's view, these further restrictions are also not warranted. The European Commission sent reasoned opinions to the Danish and Finnish authorities on 24 September 2015 and 29 April 2015, respectively. As Denmark and Finland have failed to bring their legislation in line with EU law, the European Commission has decided to refer both Member States to the Court of Justice of the EU. For more information, please refer to the full [press release](#).

*Letters of formal notice*

#### **Transport: Commission takes legal action against the systematic application of the FRENCH and GERMAN minimum wage legislation to the transport sector**

Today, the European Commission decided to take legal action against **France** and **Germany** owing to the consequences of the application of their respective minimum wage legislation to the road transport sector. While fully supporting the principle of a minimum wage, the Commission considers that the systematic application of the minimum wage legislation by France and Germany to all transport operations touching their respective territories restricts in a disproportionate manner the freedom to provide services and the free movement of goods. Following an exchange of information with the **French** authorities and a thorough legal assessment of the applicable French legislation, which will become applicable on 1 July 2016, the Commission has decided to send a letter of formal notice to France. This constitutes the first step in the infringement procedure. In addition, the Commission decided to send a supplementary letter of formal notice to the **German** authorities. This follows the launch of an infringement procedure [in May 2015](#) and subsequent extensive talks with the German authorities with a view to reaching an amicable solution. However, neither the reply of the German authorities to the letter of formal notice nor the subsequent discussions have dispelled the Commission's main concerns. The French and the German authorities now have two months to respond to the arguments put forward by the Commission. For more information, please refer to the full [press](#)

[release](#).

*Reasoned opinions*

**Road transport: Commission requests CROATIA, CYPRUS, DENMARK, LUXEMBOURG, THE NETHERLANDS, PORTUGAL and SWEDEN to correctly implement EU rules on driving licences**

The European Commission requested today to **Croatia, Cyprus, Denmark, Luxembourg, the Netherlands, Portugal** and **Sweden** to correctly transpose and implement the European rules on [driving licences](#), as contained in [Directive 2006/126/EC](#). The Commission has identified several shortcomings in the transposition of the Directive, including: the failure of **Cyprus** to ensure that all EU driving licences are equally mutually recognised; the failure of **Denmark** to correctly define several driving licence categories; the failure of **Luxembourg** to issue only harmonised driving entitlements which are provided by this Directive; the failure of the **Netherlands** and **Portugal** to correctly implement the harmonised administrative validity periods for licences; and the failure of **Sweden** to correctly transpose the requirements on medical fitness, especially for drivers who are dependent on alcohol. In addition, the Commission has requested **Croatia** to connect to the EU driving licences network ("RESPER"), which can help Member States to cooperate with each other and ensure that licences are issued in accordance with EU rules. These rules also help to reduce the possibility of fraud, guarantee the effective freedom of movement for EU drivers and reinforce safety on European roads. The Member States concerned now have two months to notify the Commission of measures taken to bring their national legislation in line with EU law; otherwise, the Commission may decide to refer these countries to the Court of Justice of the EU.

MEMO/16/2097

Press contacts:

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

[Uldis SALAJEVS](#) (+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](#)