



## July infringements package - Part 2: other letters of formal notice

Brussels, 13 July 2017

### July infringements package - Part 2: other letters of formal notice

In addition to key decisions set out in Part 1 ([MEMO/17/1935](#)), the European Commission decided today to send letters of formal notice for the following types of EU law infringements:

#### 1. Energy

The Commission has sent a letter of formal notice to **Croatia** formally requesting to ensure the correct implementation and application of the Electricity Directive ([Directive 2009/72/EC](#)), the Gas Directive ([Directive 2009/73/EC](#)) and the Gas Regulation ([Regulation \(EC\) N° 715/2009](#)). The Directives and Regulation are part of the Third Energy Package and contain key legal provisions which allow energy markets to function properly.

#### 2. Environment

##### **Air: Commission requests ROMANIA to tackle emissions from large combustion plants**

The [Industrial Emissions Directive](#) ([Directive 2010/75/EU](#)) seeks to prevent, reduce and, as far as possible, eliminate pollution arising from industrial activities. The Directive contains specific permitting requirements for large combustion plants with maximum emission limit values for pollutant emissions of sulphur dioxide, nitrogen oxide and dust. Four industrial plants, **Romania** still do not have a permit ensuring that their emissions into air do not exceed the emission limit values set by EU law. Therefore, the Commission is sending to the Romanian authorities an additional letter of formal notice.

##### **Extractive waste: Commission urges ROMANIA to ensure compliance with the Court of Justice of the EU ruling**

The Commission is sending a letter of formal notice to **Romania** over its failure to take any measures to comply with a Court of Justice of the EU's judgment on mining waste ([case C-104/15](#)). On 21 July 2016, the Court ruled in favour of the Commission and declared that Romania had failed to adopt appropriate measures to prevent the upheaval of dust from the surface of the Boşneag tailing pond. Especially during windy periods, this tailing pond is a major source of pollution and health threat for residents in nearby localities such as Moldova Nouă (Romania) or Veliko Gradište (Serbia). Under the [Directive 2006/21/EC](#), Member States have to ensure that extractive waste is managed without endangering human health or harming the environment. The Directive prohibits the abandonment of extractive waste. In addition, the operator has to take adequate measures to prevent or reduce dust and gas emissions. If Romania fails to act within two months, the Commission may refer Romania back to the Court of Justice of the EU, in which case Romania will face fines.

##### **Animal welfare: Commission calls on CZECH REPUBLIC and SLOVENIA to enact measures on the protection of lab animals**

The Commission is urging **the** Czech Republic and **Slovenia** to bring their national laws into full conformity with EU rules on the protection of animals used for scientific purposes ([Directive 2010/63/EU](#)). This Directive, which should have been enacted into national law by 10 November 2012, ensures a high level of animal welfare while safeguarding the proper functioning of the internal market. These EU rules also aim to minimise the number of animals used in experiments and requires alternatives to be used where possible. Both the Czech Republic and Slovenia need to address a number of points of non-conformity. On certain aspects, the **Slovenian** law remains below the animal welfare standards set out by the Directive, while the Member State invokes its allegedly higher standards on other issues. This can disturb the proper functioning of the EU internal market. The **Czech Republic** still needs to transpose correctly the key obligation to comply with the principle of replacement of the use of live animals in procedures and the principle of refinement of the breeding, accommodation, care and use of animals. For these reasons, the Commission is requesting these countries to bring their national law into conformity with EU rules on the protection of lab animals and giving two months to reply.

## **Waste water: Commission urges BULGARIA and CYPRUS to improve the collection and treatment of waste water**

The Commission is calling on **Bulgaria** and **Cyprus** to ensure that urban waste water is adequately collected and treated in 96 and, 41 agglomerations respectively, on their territory. Under EU law ([Directive 91/271/EEC](#)), towns and cities are required to put in place the necessary infrastructure in order to collect and treat their [urban waste water](#). Untreated waste water can put human health at risk and pollute lakes, rivers, soil and coastal and groundwater. To date, given that both Bulgaria and Cyprus do not properly apply several key provisions of the urban waste water treatment rules, the Commission is sending a letter of formal notice.

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

**Professional qualifications:** The Commission decided today to send a letter of formal notice to **France** regarding the national rules on access to and pursuit of the profession of 'psychomotricien'. The Commission considers that these rules restrict the right of establishment (Article 49 [TFEU](#)) and the freedom to provide services by professionals qualified in another Member State.

**Professional qualifications:** The Commission decided today to send a letter of formal notice to **Croatia** regarding national provisions affecting access to and pursuit of the profession of lawyer. The Commission considers that Croatian legislation restricts the establishment of law offices in Croatia by lawyers qualified in another Member States, which is contrary to the provisions of [Directive 98/5/EC](#).

**Freedom of establishment:** The Commission decided today to send a letter of formal notice to **Hungary** requesting compliance with the European Court of Justice judgment ([Cn 392/15](#)) which confirmed that the nationality requirement imposed on notaries in Hungary was contrary to rules on freedom of establishment (Article 49 [TFEU](#)). Hungary has not yet taken the necessary measures to comply with the judgment.

**Late payments:** The Commission decided today to send a letter of formal notice to **Italy** regarding a new national law which systematically extends the time for processing the payment of invoices in public works by 45 days. This provision appears to breach the Late Payment Directive ([Directive 2011/7/EU](#)) which requires public authorities to pay for the goods and services that they procure within 30 days, or exceptionally, within 60 days.

**Pressure equipment:** The Commission decided today to send a letter of formal notice to **Portugal** for imposing additional requirements on pressure equipment that is already CE marked. The Commission considers that the requirement for a hydrostatic pressure test before pressure equipment is allowed to be put into operation infringes the Pressure Equipment Directive ([Directive 2014/68/EU](#)) as this provides for such a test before the CE mark can be affixed and the products placed on the market.

**Public procurement:** The Commission decided today to send a letter of formal notice to **Portugal** regarding the award of a concession contract to manage and exploit the Free Zone of Madeira. The Commission considers that this award may infringe EU public procurement legislation ([Concessions Directive 2014/23/EU](#)) since the contract was directly awarded without a competitive procedure and that the national provision used as the award's legal basis is not in line with EU law.

### **4. Mobility and Transport**

#### **Rail transport: Commission requests HUNGARY to correctly transpose EU legislation on certification of train drivers**

The European Commission has sent a letter of formal notice to Hungary for failing to correctly transpose the European rules on certification of train drivers ([Directive 2007/59/EC](#)). The Commission has identified a number of shortcomings in the implementation of the Directive in Hungary, including the accreditation or recognition of medical doctors, the duration for the issuance of the licence and the tasks of the competent authority.

#### **Road safety: Commission calls on PORTUGAL to apply EU rules on exchange of information on traffic offences**

The Commission has decided to send a letter of formal notice to Portugal requesting it to transpose and implement the Cross-border Enforcement Directive ([Directive 2015/413/EU](#)). The Directive, which covers road traffic offences, such as speeding and drink driving, allows EU drivers to be identified and thus prosecuted for the offences committed in a Member State other than the one where their vehicle is registered. Failure to transpose and implement the Directive leads to inconsistent application of the rules across the EU, with consequent detrimental effects on road safety.

## **5. Better Regulation, Inter-institutional Affairs**

**European Citizens' Initiative:** The Commission decided today to send a letter of formal notice to **Italy** on the grounds that its national rules on the certification of online collection systems for [European citizens' initiatives](#) run against EU law ([Regulation \(EU\) No 211/2011](#)). The national rules oblige organisers of the European citizens' initiatives to obtain an additional ex ante evaluation of their online collection systems by an external body. Such a request is a prerequisite before demanding for [certification of the systems](#) to the competent national authority in Italy – the Agency for Digital Italy ("Agenzia per l'Italia Digitale", AgID). In addition, the Agency shall then assess the request for certification and issue a certificate within the period of one month as provided under the Regulation. Therefore, the Italian rules through the requirement of an ex ante evaluation by an external body artificially prolong the procedure which is in contrary to the EU Regulation. According to EU law, the national authorities in the Member States are responsible to carry out this certification of online collection systems within one month and without the need for organisers to obtain an additional ex ante evaluation by an external body other than the designated authorities.

The Member States usually have two months to respond to the arguments put forward by the European Commission. If the failure to notify national transposition measures persists, the Commission may bring the Member State concerned before the Court of Justice and request the imposition of financial sanctions under Article 260(3) of the Treaty on the Functioning of the European Union ([TFEU](#)).

*For more information, see following contact persons - Spokesperson or Press Officer - of a relevant EU policy area:*

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### **For More Information**

- On the key decisions in the July 2017 infringements package, see full [MEMO/17/1935](#).
- On the general infringements procedure, see [MEMO/12/12](#).
- On the [EU infringements procedure](#).

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