



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

Brussels, 17 May 2017

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

In addition to key decisions set out in Part 1 ([MEMO/17/1280](#)), the European Commission decided today to send letters of formal notice for the following types of EU law infringements:

#### 1. Energy

##### Third Energy Package: Commission calls on Estonia to implement two key Directives

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

#### 2. Environment

##### Commission calls on IRELAND to comply with reporting requirements under legislation on spatial data infrastructure ([Directive 2007/2/EC](#))

EU rules on establishing an infrastructure for Spatial Information in the European Community ('INSPIRE'; [Directive 2007/2/EC](#)) aims to facilitate the access and use of spatial data related to the environment. This data needs to be shared between public authorities for all their tasks related to the environment. The Directive covers a wide range of spatial data ranging from basic mapping information, such as transport networks, to key environmental information such as emissions, environmental quality and location of protected sites. As **Ireland** has failed to submit the annual reports for 2014 and 2015 and the triannual report (due by May 2016 as required under the Directive), the Commission has decided to send a warning to Irish authorities it to comply with its reporting obligations.

##### Air noise ([Directive 2002/49/EC](#)): Commission urges POLAND and PORTUGAL to adopt measures on environmental noise

The European Commission calls on **Poland** and **Portugal** to establish the strategic noise maps and action plans as required under the EU rules (the Noise Directive, [Directive 2002/49/EC](#)) to decrease noise pollution in the EU. Both Poland and Portugal still have to adopt their (reviewed) noise maps and noise action plans for several agglomerations as well as noise action plans for major roads and railways, and **Poland** for the Warsaw airport. The Commission has, therefore, decided to send a letter of formal notice.

##### Waste: Commission urges 14 Member States to comply with reporting obligations under waste rules

The European Commission has opened infringement proceedings against 14 Member States (**Cyprus, Romania, France, Italy, the United Kingdom, Spain, Malta, Ireland, the Netherlands, Greece, Sweden, Denmark, Slovenia** and **Luxembourg**) for their failure to report on the implementation of several EU waste rules. The proceedings opened today address missing reports on reaching targets on reuse, recycling and recovery under the Waste Framework Directive ([Directive 2008/98/EC](#)), the Waste Electrical and Electronic Equipment Directive ([Directive 2002/96/EC](#)), the Batteries Directive ([Directive 2006/66/EC](#)), the Packaging Directive ([European Parliament and Council Directive 94/62/EC](#)) and Directive on End-of-Life Vehicles ([Directive 2000/53/EC](#)), and under the Waste Shipments Regulation ([Regulation \(EC\) No 1013/2006](#)). The nature and type of the obligations vary from one Directive to another.

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

**Free movement of goods** (Articles 35 and 36 [TFEU](#)): The Commission decided today to send a letter of formal notice to **Belgium** regarding the restrictions on the commercial registration plates for vehicles. These are usually issued to an enterprise or person in order to export cars to another Member State. Belgian law, however, restricts the use of commercial plates for export and obliges exporters to temporarily register vehicles in Belgium. The Commission considers that these Belgian rules infringe on the free movement of goods (Articles 35 and 36 [TFEU](#)).

**Harmonised conditions** ([Regulation \(EU\) No 305/2011](#)): The European Commission decided today to send a letter of formal notice to the **Czech Republic** for imposing additional requirements in the framework of tendering procedures for road safety barriers that are already CE-marked. The Commission considers that the additional requirements breach EU law by not complying with the Construction Products Regulation (Regulation (EU) No 305/2011).

**Late payments** ([Directives 2000/35/EC](#) and [2011/7/EU](#)): **Commission urges GREECE to comply with EU rules**

The Commission decided today to send an additional letter of formal notice to **Greece** regarding their national rules on late payments, which the Commission considers breach EU Directives on combating late payments in commercial transactions ([Directive 2000/35/EC](#) as amended by [Directive 2011/7/EU](#)). The additional letter of formal notice takes into account recent jurisprudence regarding the right to seek judicial redress and rights to interest and compensation.

## 4. Taxation and Customs Union

**Inheritance: Commission urges BELGIUM to comply with EU law on inheritance tax on immovable property**

The Commission has decided to send a letter of formal notice to **Belgium** formally requesting a change to the rules on inheritance tax in Wallonia. The Inheritance Tax Code applicable to the Walloon Region provides for an exemption from inheritance tax when the deceased individual was residing in Belgium. On the contrary, such exemption is not granted where the deceased person was living in another country within the European Economic Area. The Commission considers that the absence of an exemption for inheritance tax on immovable property located in Belgium and passed on by a deceased person who did not live there is contrary to Articles 45, 49 and 63 [TFEU](#), given that such an exemption does indeed exist for a resident of Belgium.

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### For More Information

- On the key decisions in the May 2017 infringements package, see full [MEMO/17/1280](#).
- For FAQ's on infringements see [MEMO/12/12](#) and the [info graph](#).
- Click on the following link for the [EU infringements procedure](#).

MEMO/17/1281

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